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From Charleston, W. Va., to Doctortown, Ga. 2199
From Corpus Christi, Houston, and Velasco, Tex., Lake Charles and West Lake Charles, La., and Baldwin, Ark., to Natchez, Miss. 6014
From Hopewell, Va., to Foley, Fla. 8641
From Huntsville, Redstone Arsenal, and McIntosh, Ala., to Cincinnati, Ohio, and Louisville, Ky. 1403
From Memphis, Tenn.:
To Marshall, Ill. 5877
To points in southern territory 1430
From Perkins, W. Va., to specified points in Alabama, Florida, Mississippi, Memphis, Tenn., and Baton Rouge, La. 4516
From points in Ohio, Michigan, New York, and Virginia, to Cincinnati, Ohio 883
From points in Ohio, Michigan, New York, Virginia, and Maryland, to Louisville, Ky., and Cincinnati, Ohio 4287
From points in Ohio, Michigan, and West Virginia:
To East Port and Eastport Junction, Fla. 4870
To Port Wentworth, Ga. 4394
Chrome and manganese ore:
From Fairless, Pa., to Aliquippa, Clairton, Glassport, Homestead, McKeesport, McKees Rocks, Monaca, Monessen, Munhall, and South Duquesne, Pa. 3288
From Newport News, Va., to Knoxville, Tenn. 5120
Cigarettes and manufactured tobacco:
From Durham and Winston-Salem, N. C., to Louisville, Ky. 6073
From Richmond and Petersburg, Va., to Cincinnati, Ohio, and Louisville, Ky. 6318
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To Elberfield, Ind. 7469
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Citrus fruits:
From points in Florida, to points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, Minnesota 5924
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From points in Texas, to points in southwestern, western trunk-line and Illinois territories [illegible]
Clam or mussel shells; from points in southern territory, to Centerville, Columbus Jct., Guttenberg, Muscatine and Washington, Iowa, and Keithsburg, Ill. 3118
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From points in Georgia, North Carolina, South Carolina, Alabama, and Florida, to Summerdale, Ala., Lake Wales, Fla., Dunn, Pine Level, Rocky Mount, and Wilson, N. C. 1686
From points in southern territory, to Arkansas City and Hackney, Kans. 3207
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From Fulton County, Ill., to Dubuque, Iowa 4574
From Linton, Ind., to Elgin, Joliet, and Eastern Railway stations in Indiana 9431
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To Savannah and Port Wentworth, Ga. 2438
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Extract of, dry:
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Cotton:
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To Ardmore, Okla 4372
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From points in Kansas, New Mexico, Oklahoma, and Texas, to points in Missouri and Arkansas 523
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Cotton linters pulp; from Bloomington, Ill., to points in Connecticut, Delaware, and Pennsylvania 8761
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Cottonseed; from points in North and South Carolina, to points in Georgia, and North and South Carolina 6154
Cottonseed hulls, hull bran and peanut hulls; from Shreveport, La., to points in Texas 922
Cottonseed oil cake or meal:
From base points in Alabama, Florida, Georgia, and South Carolina, and points grouped therewith, to points in Florida 1784
From Memphis, Tenn., to Indianapolis, Ind 4098
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Creosote oil solution; from Good Hope, La., to Hattiesburg, Miss 2046, 2279
Cylinders and tanks; from Baton Rouge, La., to Cincinnati, Ohio, East St. Louis, Ill., Evansville, Ind., and St. Louis, Mo 781
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Electric motors; from Dayton and Shaker Crossing, Ohio, to Nashville and Glencliff, Tenn 7172
Electric wire insulators; from Carey, Ohio, to Atlanta, Ga 4517
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Electrodes, dry; from Fostoria, Ohio:
To Asheboro, N. C 8495
To Greenville, N. C 4394
Engines, steam or internal combustion; from Detroit, Mich., to Enterprise, Ala 6667
Ether, ethyl (sulphuric ether); from Longview, Texas, to Holston and Kingsport, Tenn 1259
Ethylene glycol:
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Feed, animal or poultry:
From Chicago, Ill., group and Rockford, Ill., to points in southern territory 2280
From Mason City, Illinois, to Meridian, Enterprise, Hattiesburg, Laurel, Lumberton, and Columbus, Miss., New Orleans, La., and Mobile, Ala 2046
From points in Florida, and Savannah and Port Wentworth, Ga.:
To Charlotte and Gastonia, N. C., and points grouped therewith 3449
To Maryville, Tenn 3450
To points in Florida 6543
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To points in Illinois, Iowa, Missouri and South Dakota 7314
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To points in Colorado, Iowa, Kansas, Missouri and Nebraska 3345
To points in Iowa, Minnesota, Missouri and South Dakota 3345
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From Emco, Ala., and Chattanooga, Tenn., to Buffalo, Depew, Dunkirk, Niagara Falls, and Suspension Bridge, N. Y., and points in Pennsylvania 2439
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From Battle Creek and Kalamazoo, Mich., and Rittman, Ohio, to Memphis, Tenn 5923
From Chicago, Ill., to points in southern territory 6842
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Fluorspar and gravelspar; from Boston, Mass., Switching District Stations, also Norfolk and Newport News, Va., to points in Pennsylvania and West Virginia 6598
Fly ash. *See* Ash.
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From Belle, W. Va., to Charlotte and Griffith, N. C 6389
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Fullers earth:
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Federal Register

FEDERAL REGISTER

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Washington, Friday, January 1, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10511

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE AKRON, CANTON AND YOUNGSTOWN RAILROAD COMPANY AND OTHER CARRIERS AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the Akron, Canton and Youngstown Railroad Company and other carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees, designated in list A attached hereto and made a part hereof, and certain of their employees represented by the fifteen co-operating (non-operating) railway labor organizations designated in list B attached hereto and made a part hereof; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service;

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said disputes. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Akron, Canton and Youngstown Railroad Company and other carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees or their employees in the conditions out of which the said disputes arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
December 28, 1953.

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  Baltimore & Ohio Chicago Terminal Railroad Co.
  Curtis Bay Railroad
  Dayton and Union Railroad
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Boston Terminal Co.
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Buffalo Creek Railroad Co.
Bush Terminal Railroad Company.
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  Champlain & St. Lawrence Railroad.
  Canadian National Railways—State of New York
  St. Clair Tunnel Company.
Central Railroad Co. of New Jersey.
Central Vermont Railway, Inc.
Chicago, Indianapolis & Louisville Railway.
Chicago Union Station Co.
Cincinnati Union Terminal Co.
Dayton Union Railway Company.
Delaware & Hudson Railroad Corporation.
Delaware, Lackawanna & Western Railroad Co.
Detroit & Toledo Shore Line Railroad.
Detroit Terminal Railroad Company.
Detroit, Toledo & Ironton Railroad.
Erie Railroad Company.
Grand Trunk Western Railroad Co.
Hudson & Manhattan Railroad Co.
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Pennsylvania Railroad Company:
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Pennsylvania-Reading Seashore Lines.
Pittsburgh & West Virginia Railway Co.
Pittsburgh, Chartiers & Youghiogheny Railway Co.
Railroad Perishable Inspection Agency.
Reading Company:
Philadelphia Reading & Pottsville Telegraph Co.
Beaver Creek Water Company.
River Terminal Railway Company.
Toledo Terminal Railroad Company.
Union Depot Co. (Columbus, Ohio).
Union Freight Railroad Co. (Boston).
Union Inland Freight Station.
Union Railroad Co. (Pittsburgh, Pa.).
Washington Terminal Company.
Youngstown & Northern Railway Co.

WESTERN REGION

Alton & Southern Railroad.
Atchison, Topeka & Santa Fe Railway:
Gulf, Colorado & Santa Fe Railway.
Panhandle & Santa Fe Railway.
Atchison Union Depot & Railroad Co.
Belt Railway Company of Chicago.
Chicago, Burlington & Quincy Railroad:
Colorado & Southern Railway Company.
Fort Worth and Denver Railway Co.
Camas Prairie Railroad Company.
Chicago & Eastern Illinois Railroad Co.
Chicago Heights Terminal Transfer Railroad Co.
Chicago & Illinois Midland Railway Co.
Chicago & North Western Railway:
Chicago, St. Paul, Minneapolis and Omaha Railway Co.
Chicago and Western Indiana Railroad Co.
Chicago Great Western Railway Co.
Chicago, Milwaukee, St. Paul & Pacific Railroad.
Chicago, Terre Haute & Southeastern Railway Co.
Chicago, Rock Island & Pacific Railroad Co.:
Peoria Terminal Co
Colorado & Wyoming Railroad.
Davenport, Rock Island & North Western Railway.
Denver & Rio Grande Western Railroad.
Denver Union Terminal Railway.
Des Moines Union Railway.
Duluth, South Shore & Atlantic Railroad Co.
Duluth Union Depot & Transfer Co.
Duluth, Winnipeg & Pacific Railway.
East St. Louis Junction Railroad Co.
Elgin, Joliet & Eastern Railway.
El Paso Union Passenger Depot Co.
Galveston, Houston & Henderson Railroad Co.
Great Northern Railway Co.
Green Bay & Western Railroad:
Kewaunee, Green Bay & Western Railroad Co.
Houston Belt & Terminal Railway.
Illinois Central Railroad Company.
Illinois Terminal Railroad Company.
Joplin Union Depot Co.
Kansas City Southern Railway:
Arkansas Western Railway.
Fort Smith & Van Buren Railway.
Louisiana & Arkansas Railway.
Kansas City Terminal Railway.
Lake Superior & Ishpeming Railroad Co.
Lake Superior Terminal & Transfer Railway.
Litchfield & Madison Railway Co.
Los Angeles Junction Railway Co.
Manufacturers Railway Co.
Midland Valley Railroad:
Kansas, Oklahoma & Gulf Railway.
Oklahoma City-Ada-Atoka Railway.
Minneapolis & St. Louis Railway Co.
Minneapolis, St. Paul & Sault Ste. Marie Railroad Co.

WESTERN REGION—continued

Minnesota Transfer Railway.
Missouri-Kansas-Texas Railroad Co.:
Missouri-Kansas-Texas Railroad Co. of Texas.
Missouri-Illinois Railroad Co.
Missouri Pacific Railroad Co.:
Missouri Pacific Lines in Texas & Louisiana.
Northern Pacific Terminal Co. of Oregon.
Northern Pacific Railway Co.:
Walla Walla Valley Railway Company.
Ogden Union Railway & Depot Co.
Oregon, California & Eastern Railway Co.
Pacific Coast Railroad Company.
Peoria and Pekin Union Railway Co.
Pueblo Union Depot and Railroad Co.
Railway Transfer Company of the City of Minneapolis.
St. Joseph Terminal Railroad Co.
St. Louis-San Francisco Railway Co.:
St. Louis, San Francisco and Texas Railway Co.
St Louis Southwestern Railway Co.
St. Louis Southwestern Railway Co. of Texas.
St. Paul Union Depot Co.
Sioux City Terminal Railway.
Southern Pacific Company:
Northwestern Pacific Railroad Co.
San Diego & Arizona Eastern Railway Co.
Texas and New Orleans Railroad Co.
South Omaha Terminal Railway Company.
Spokane International Railroad Company.
Spokane, Portland & Seattle Railway:
Oregon Electric Railway.
Oregon Trunk Railway.
Terminal Railroad Association of St. Louis.
Texas & Pacific Railway:
Abilene & Southern Railway.
Denison & Pacific Suburban Railway.
Fort Worth Belt Railway.
Texas-New Mexico Railway.
Texas Short Line Railway.
Weatherford Mineral Wells & Northwestern Railway.
Texas Mexican Railway Co.
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans.
Toledo, Peoria & Western Railroad.
Union Pacific Railroad Co.
Union Railway Company.
Union Terminal Company:
St. Joseph Belt Railway Co.
Wabash Railroad Company.
Western Pacific Railroad Co.:
Sacramento Northern Railway.
Tidewater Southern Railway.
Yakima Valley Transportation Company.

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Western Railway of Alabama.
Atlanta Joint Terminals.
Central of Georgia Railway.

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Chesapeake & Ohio Railway.
Clinchfield Railroad.
Florida East Coast Railway.
Georgia Railroad:
Augusta Union Station.
Gulf, Mobile & Ohio Railroad.
Jacksonville Terminal Co.
Kentucky & Indiana Terminal Railroad.
Louisville & Nashville Railroad.
Nashville, Chattanooga & St. Louis Railway.
Norfolk & Portsmouth Belt Line.
Norfolk & Western Railway.
Richmond, Fredericksburg & Potomac Railroad:
Richmond Terminal Railway Co.
Potomac Yard.
Seaboard Air Line Railway Co.
Southern Railway:
Alabama Great Southern Railway Co.
Cincinnati, New Orleans & Texas Pacific Railway.
Georgia Southern & Florida Railway.
Harriman & Northeastern Railroad Co.
New Orleans & Northeastern Railroad.
New Orleans Terminal Co.
St. Johns River Terminal Co.
Tennessee Central Railway Company.
Virginian Railway Company.

LIST B

1. International Association of Machinists.
2. International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America.
3. International Brotherhood of Blacksmiths, Drop Forgers and Helpers.
4. Sheet Metal Workers' International Association.
5. International Brotherhood of Electrical Workers.
6. Brotherhood Railway Carmen of America.
7. International Brotherhood of Firemen, Oilers, Helpers, Roundhouse and Railway Shop Laborers.
8. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes.
9. Brotherhood of Maintenance of Way Employes.
10. The Order of Railroad Telegraphers.
11. Brotherhood of Railroad Signalmen of America.
12. National Organization Masters, Mates and Pilots of America.
13. National Marine Engineers' Beneficial Association.
14. International Longshoremen's Association.
15. Hotel and Restaurant Employees and Bartenders International Union.

[F. R. Doc. 53-10906; Filed, Dec. 30, 1953; 12:16 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, §§ 6.103 (h) (2), 6.137 (d) and 6.144 (d) are amended as set out below:

§ 6.103 *Treasury Department.* * * *

(h) *Comptroller of the Currency.* * * *

(2) Until March 31, 1954, positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

§ 6.137 *Civil Aeronautics Board.* * * *

(d) Until March 31, 1954, the position of Secretary of the Board.

§ 6.144 *Selective Service System.* * * *

(d) Until July 1, 1955, the following positions in the National Advisory Committee on the Selection of Physicians, Dentists and Allied Specialists: One Executive Secretary; professional advisors in the field of medicine, dentistry, veterinary medicine, and related fields.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-10908; Filed, Dec. 31, 1953; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

Effective upon publication in the FEDERAL REGISTER, § 6.107 (b) (1) is amended to read as follows:

§ 6.107 *Department of the Air Force.* * * *

(b) *Office of the Inspector General.* (1) Until June 30, 1954, in order to provide civilian personnel complementary to military personnel, five Special Agent positions in the Office of Special Investigations, Office of the Inspector General, Headquarters, and 100 Special Agent positions in the District Offices of the Office of Special Investigations, United States Air Force, in grades GS–11 or higher.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633, E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53–10909; Filed, Dec. 31, 1953; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 2]

PART 722—COTTON

MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT FOR 1954 CROP OF UPLAND COTTON TO STATES, COUNTIES AND FARMS

Basis and purpose. The purposes of this amendment are (1) to revise the county acreage allotments for Ashley and Cross Counties, Arkansas; (2) to establish a county acreage allotment for St. Charles Parish, Louisiana; and (3) to set forth data for the administrative areas which have been established pursuant to section 344 (g) (2) of the Agricultural Adjustment Act of 1938, as amended, and § 722.516 (f) of the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Upland Cotton to States, Counties, and Farms (18 F. R. 7531). Notice of the proposed establishment of county acreage allotments and administrative areas was given on October 21, 1953 (18 F. R. 6661). Notice that data pertaining to the establishment of administrative areas are available for inspection at the office of the county committee was given on December 5, 1953 (18 F. R. 7837).

Section 722.516 (f) of the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Upland Cotton to States, Counties, and Farms, as amended (18 F. R. 7837), is hereby further amended (1) by revising the county acreage allotments for Ashley and Cross Counties, Arkansas, to equal the sum of the allotments established for the administrative areas in the county, and making corresponding adjustments in the State total of county acreage allotments and the total of the State acreage reserves for small farms and new farms; (2) by adding a county acreage allotment for St. Charles Parish, Louisiana, and making corresponding adjustments in the State total of county acreage allotments and the total of the State acreage reserves for small farms and new farms; and (3) by deleting county acreage allotments for the counties listed below and establishing in lieu thereof acreage allotments for administrative areas as follows:

ALABAMA

County	Acreage allotments
Escambia:	
Administrative Area I	3,178
Administrative Area II	6,305

ARKANSAS

Arkansas:	
Administrative Area I	2,026
Administrative Area II	8,080
Ashley:	
Administrative Area I	2,297
Administrative Area II	23,765
Clay:	
Administrative Area I	4,825
Administrative Area II	35,347
Conway:	
Administrative Area I	5,342
Administrative Area II	5,057
Craighead:	
Administrative Area I	9,708
Administrative Area II	71,646
Cross:	
Administrative Area I	1,845
Administrative Area II	264
Administrative Area III	11,846
Administrative Area IV	24,709
Drew:	
Administrative Area I	10,730
Administrative Area II	3,728
Faulkner:	
Administrative Area I	2,900
Administrative Area II	15,535
Greene:	
Administrative Area I	30,005
Administrative Area II	8,059
Jefferson:	
Administrative Area I	753
Administrative Area II	70,114
Johnson:	
Administrative Area I	1,095
Administrative Area II	247
Lafayette:	
Administrative Area I	11,643
Administrative Area II	4,364
Lawrence:	
Administrative Area I	20,344
Administrative Area II	2,081
Lincoln:	
Administrative Area I	33,003
Administrative Area II	2,519
Lonoke:	
Administrative Area I	6,910
Administrative Area II	47,015
Poinsett:	
Administrative Area I	77,924
Administrative Area II	8,486
Prairie:	
Administrative Area I	4,407
Administrative Area II	8,632
Pulaski:	
Administrative Area I	17,815
Administrative Area II	2,617
St. Francis:	
Administrative Area I	47,294
Administrative Area II	20,786
Yell:	
Administrative Area I	5,598
Administrative Area II	3,251
State total of county acreage allotments	1,492,300
State acreage reserve for small farms and new farms	70,384
State acreage allotment	1,562,684

CALIFORNIA

County	Acreage allotments
Fresno:	
Administrative Area I	86,239
Administrative Area II	97,602
Imperial:	
Administrative Area I	37,587
Administrative Area II	3,291
Riverside:	
Administrative Area I	12,888
Administrative Area II	4,942

KENTUCKY

Fulton:	
Administrative Area I	930
Administrative Area II	5,896

LOUISIANA

Parish	
Acadia:	
Administrative Area I	815
Administrative Area II	12,776
Caddo:	
Administrative Area I	6,193
Administrative Area II	33,083
Caldwell:	
Administrative Area I	5,886
Administrative Area II	315
Cameron:	
Administrative Area I	494
Administrative Area II	106
De Soto:	
Administrative Area I	10,336
Administrative Area II	2,412
La Salle:	
Administrative Area I	207
Administrative Area II	207
Natchitoches:	
Administrative Area I	3,239
Administrative Area II	23,572
Red River:	
Administrative Area I	4,834
Administrative Area II	9,208
St. Charles	7
West Baton Rouge:	
Administrative Area I	742
Administrative Area II	355
West Feliciana:	
Administrative Area I	314
Administrative Area II	2,060
State total of county acreage allotments	590,030
State acreage reserve for small farms and new farms	44,876
State acreage allotment	634,906

MISSISSIPPI

County	
Carroll:	
Administrative Area I	11,097
Administrative Area II	4,506
De Soto:	
Administrative Area I	34,924
Administrative Area II	9,291
Holmes:	
Administrative Area I	16,995
Administrative Area II	19,465
Panola:	
Administrative Area I	24,227
Administrative Area II	16,542
Tallahatchie:	
Administrative Area I	4,742
Administrative Area II	53,034
Warren:	
Administrative Area I	2,297
Administrative Area II	4,622
Yazoo:	
Administrative Area I	23,665
Administrative Area II	20,932

MISSOURI

Dunklin:	
Administrative Area I	65,189
Administrative Area II	3,850
Administrative Area III	3,743
Administrative Area IV	6,080
Ripley:	
Administrative Area I	1,385
Administrative Area II	1,046

MISSOURI—Continued

County	Acreage allotments
Scott:	
Administrative Area I	257
Administrative Area II	2,172
Administrative Area III	1,707
Administrative Area IV	11,516
Stoddard:	
Administrative Area I	3,685
Administrative Area II	35,445

NEW MEXICO

Luna:	
Administrative Area I	10,164
Administrative Area II	866
Otero:	
Administrative Area I	791
Administrative Area II	296

NORTH CAROLINA

Robeson:	
Administrative Area I	19,243
Administrative Area II	24,540

OKLAHOMA

Nowata:	
Administrative Area I	656
Administrative Area II	264

TENNESSEE

Giles:	
Administrative Area I	1,523
Administrative Area II	7,424
Hardin:	
Administrative Area I	3,764
Administrative Area II	5,483
Lincoln:	
Administrative Area I	740
Administrative Area II	1,750
Administrative Area III	9,414

TEXAS

Bastrop:	
Administrative Area I	4,791
Administrative Area II	7,870
Brazos:	
Administrative Area I	16,124
Administrative Area II	4,119
Briscoe:	
Administrative Area I	10,908
Administrative Area II	12,257
Burleson:	
Administrative Area I	11,519
Administrative Area II	16,396
Colorado:	
Administrative Area I	7,228
Administrative Area II	1,728
Administrative Area III	798
Fayette:	
Administrative Area I	8,337
Administrative Area II	17,551
Administrative Area III	2,045
Hays:	
Administrative Area I	328
Administrative Area II	8,374
Henderson:	
Administrative Area I	4,548
Administrative Area II	5,004
Hopkins:	
Administrative Area I	26,972
Administrative Area II	4,442
Houston:	
Administrative Area I	12,881
Administrative Area II	12,128
Johnson:	
Administrative Area I	30,085
Administrative Area II	9,363
Leon:	
Administrative Area I	3,731
Administrative Area II	7,425
Presidio:	
Administrative Area I	590
Administrative Area II	2,019
Rains:	
Administrative Area I	7,297
Administrative Area II	1,722
Robertson:	
Administrative Area I	8,840
Administrative Area II	4,264
Administrative Area III	19,920
Tarrant:	
Administrative Area I	6,159
Administrative Area II	4,667

TEXAS—Continued

County	Acreage allotments
Van Zandt:	
Administrative Area I	11,584
Administrative Area II	13,397
Wilson:	
Administrative Area I	6,244
Administrative Area II	379

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 344, 52 Stat. 57, as amended; 7 U. S. C. 1344)

Issued at Washington, D. C., this 29th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53–10889; Filed, Dec. 31; 1953; 8:49 a. m.]

PART 730—RICE

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTAS AND ACREAGE ALLOTMENTS ON 1954 CROP

Sec.
730.501 Basis and purpose.
730.502 Marketing quotas on 1954 crop of rice.
730.503 1954 acreage allotments for rice.

AUTHORITY: §§ 730.501 to 730.503 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 352, 354, 371, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1352, 1354, 1371.

§ 730.501 *Basis and purpose.* (a) Section 730.502 is issued under sections 301 and 354 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the total supply and normal supply of rice for the marketing year beginning August 1, 1953, and to proclaim that marketing quotas will not be applicable to the 1954 crop of rice. Section 730.503 is issued under section 371 (b) of the Agricultural Adjustment Act of 1938, as amended, to announce that no national, State, county, or farm acreage allotments will be determined for 1954. Section 352 of the act requires the Secretary of Agriculture each year to ascertain and proclaim the national acreage allotment of rice.

(b) Section 371 (b) of the act authorizes the Secretary to dispense with the national marketing quota or national acreage allotment for any basic agricultural commodity if he finds, after appropriate investigation, that such action is necessary to effectuate the declared policy of the act, or to meet a national emergency or increase in export demand for the commodity.

(c) The findings and determinations made in § 730.502, which are based on the latest available statistics of the Federal Government, show that marketing quotas for the 1954 crop of rice are not required. Accordingly § 730.502 states that marketing quotas will not be in effect for that crop.

(d) Pursuant to section 371 (b) of the act, an investigation has been made to determine whether acreage allotments should be in effect for the 1954 crop of rice. That investigation discloses that there is a materially increased export demand for rice. On the basis of such investigation, it is hereby found and determined that it is necessary, in order to effectuate the declared policy of the act and to meet a material increase in export demand for rice, to dispense with national, State, county, and farm acreage allotments for the 1954 crop of rice. That action is made effective by the issuance of § 730.503.

(e) Prior to taking the action herein, public notice was given (18 F. R. 8121), in accordance with the Administrative Procedure Act (5 U. S. C. 1003), that the Secretary was preparing to determine whether marketing quotas and acreage allotments are required for the 1954 crop of rice. All written submissions which were received within the period stated in the notice have been considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 730.502 *Marketing quotas on 1954 crop of rice.* The total supply of rice for the marketing year beginning August 1, 1953, is determined to be 54,556 thousand 100-lb. bags. The normal supply of rice for such marketing year is determined to be 56,918 thousand 100-lb. bags. Since the total supply of rice for the 1953–54 marketing year is smaller than the normal supply therefor, marketing quotas shall not be in effect on the 1954 crop of rice.

§ 730.503 *1954 acreage allotments for rice.* No national, State, county, or farm acreage allotments of rice will be determined for 1954.

Issued at Washington, D. C., this 29th day of December 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53–10888; Filed, Dec. 31, 1953; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 12]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.312 *Navel Orange Regulation 12*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 29, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., January 3, 1954, and ending at 12:01 a. m., P. s. t., January 10, 1954, is hereby fixed as follows:

(i) District 1: 900 carloads;
(ii) District 2: 73,023 boxes;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "carloads," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 8, 49 Stat. 753, as amended; 7 U. S. C. [illegible])

Done at Washington, D. C., this 30th day of December 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Jan. 3 to 12:01 a. m., P. s. t., Jan. 10, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	1.4725
A. F. G. Porterville	2.3398
Ivanhoe Cooperative Association	.6603
Anderson Packing Co	1.3590
Euclid Avenue Orange Association	.5093
Lindsay Mutual Groves	1.7071
Martin Ranch	1.3735
Orange Cove Orange Growers	2.7284
Woodlake Packing House	1.7636
Doffemyer & Son, W. Todd	.4872
Earlibest Orange Association	1.6830
Elderwood Citrus Association	.7549
Exeter Citrus Association	3.5037
Exeter Orange Growers Association	1.7038
Exeter Orchards Association	1.5000
Hillside Packing Association	1.3223
Ivanhoe Mutual Orange Association	1.2746
Klink Citrus Association	3.8971
Lemon Cove Citrus Association	1.1296
Lindsay Citrus Growers Association	2.2435
Lindsay Cooperative Association	1.3448
Lindsay Fruit Association	2.2377
Lindsay Orange Growers Association	.7706
Naranjo Packing House	1.3744
Orange Cove Citrus Association	4.0104
Orange Packing Co	1.0731
Orosi Foothill Citrus Association	1.4642
Paloma Citrus Fruit Association	.7631
Rocky Hill Citrus Association	1.6838
Sanger Citrus Association	3.5909
Sequoia Citrus Association	.9168
Stark Packing Co	2.8639
Visalia Citrus Association	2.2371
Waddell & Son	2.4667
Baird Neece Corp	1.8646
Beattie Association, D. A	.4694
Grand View Heights Citrus Association	3.0391
Magnolia Citrus Association	2.7074
Porterville Citrus Association, The	1.6066
Randolph Marketing Co	1.8580
Richgrove-Jasmine Citrus Association	1.2958
Strathmore Cooperative Citrus Association	.9483
Strathmore Distributors Orange Association	1.6392
Strathmore Packing House Co	2.1009
Sunflower Citrus Growers	2.8257
Sunland Packing House Co	2.7250
Terra Bella Citrus Association	1.2592
Tule River Citrus Association	.8677
Baker Ranch Packing House	.4309
Batkins, Jr., Fred A	.0561
California Citrus Groves, Inc., Ltd	3.1777
Darby, Fred J	.0233
Dubendorf, John	.1757
Evans Bros	.2160
Far West Produce Distributors	.0691
Foothill Packing Co	.3091
Friesen, Lawrence	.0077
Haas & Ferry	.1876
Harding & Leggett	1.9261
Independent Growers, Inc	1.2406
Lo Bue Bros	.6957
Maas, W. A	.1146
Marks, W. & M	.4811
Morin, Carl W	.0201
Nickel, Edward	.0034
Orange Belt Fruit Distributors Inc	.4508
Paramount Citrus Association, Inc	2.1924
Reimers, Don H	.5279
Riverside Fruit Co	.2646
Sequoia Cider Mill	.0165
Stephens & Cain	.2389
Zaninovich Bros., Inc	1.7595

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Corona	.5514
A. F. G. Fullerton	.0200
A. F. G. Orange	.0174
A. F. G. Riverside	1.3988
A. F. G. Santa Paula	.0460
Eadington Fruit Co	.7113
Signal Fruit Association	1.1870
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.4760
Chula Vista Mutual Lemon Association	.1078
Daniels, Inc., Ward	.3265
Euclid Avenue Orange Association	2.9460
Foothill Citrus Union, Inc	.3707
Garden Grove Citrus Association	.0103
Index Mutual Association	.0104
La Verne Cooperative Citrus Association	2.7001
Olive Hillside Groves, Inc	.0079
Redlands Foothill Groves	2.7730
Redlands Mutual Orange Association	1.3307
Azusa Citrus Association	.8117
Covina Citrus Association	1.8490
Glendora Citrus Association	1.5979
Valencia Heights Orchard Association	.2134
Gold Buckle Association	4.5163
La Verne Orange Association	4.5920
Anaheim Valencia Orange Association	.0117
Fullerton Mutual Orange Association	.2943
La Habra Citrus Association	.0840
Yorba Linda Citrus Association	.0787
El Cajon Valley Citrus Association	.1530
Escondido Orange Association	.6136
Citrus Fruit Growers	.5903
Cucamonga Mesa Growers	.8544
Etiwanda Citrus Fruit Association	.1310
Upland Citrus Association	3.2280
Consolidated Orange Growers	.0205
Garden Grove Citrus Association	.0199
Goldenwest Citrus Association	.1768
Olive Heights Citrus Association	.0583
Santiago Orange Growers Association	.1051
Villa Park Orchards Association	.0368
Bradford Bros., Inc	.1972
Placentia Mutual Orange Association	.1038
Placentia Orange Growers Association	.2205
Yorba Orange Growers Association	.0474
Corona Citrus Association	1.1303
Jameson Co	.5707
Orange Heights Orange Association	3.9368
Crafton Orange Growers Association	1.8200
East Highlands Citrus Association	.5292
Redlands Heights Groves	.9183
Redlands Orangedale Association	1.1501
Rialto Fontana Citrus Association	.2031
Bryn Mawr Fruit Growers Association	1.2408
Mission Citrus Association	.9212
Redlands Cooperative Fruit Association	2.1700
Redlands Orange Growers Association	1.5160
Redlands Select Groves	.5179
Rialto Orange Co	.4419
Southern Citrus Growers	1.1940
United Citrus Growers	.9963
Arlington Heights Citrus Co	1.7230
Blue Banner, Inc	2.4750
Brown Estate, L. V. W	2.2099
Gavilan Citrus Association	2.1173

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
McDermont Fruit Co	1.7938
Monte Vista Citrus Association	1.7940
National Orange Co	1.5704
Riverside Highgrove Citrus Association	1.9049
Victoria Avenue Citrus Association	3.2977
Claremont Citrus Association	.6283
College Heights Orange & Lemon Association	2.0881
Indian Hill Citrus Association	1.0406
Pomona Fruit Growers Exchange	1.2123
Walnut Fruit Growers	.6124
West Ontario Citrus Association	.8166
Escondido Cooperative Citrus Association	.1036
Camarillo Citrus Association	.0041
Fillmore Citrus Association	1.0472
Mupu Citrus Association	.0047
Ojai Orange Association	1.0044
Piru Citrus Association	1.1633
Rancho Sespe	.0013
San Fernando Fruit Growers Association	.4408
Santa Paula Orange Association	.0899
Ventura County Citrus Association	.0402
East Whittier Citrus Association	.0040
North Whittier Heights	.1285
Placentia Cooperative Orange Association	.2637
Sierra Madre-Lamanda Citrus Association	.0740
A. J. Packing Co	.1529
Babijuice Corp. of California	.0429
Cherokee Citrus Co., Inc	1.1261
Dunning, Vera Hueck	.1757
Evans Bros. Packing Co	1.3989
Far West Produce Distributors	.0474
Gold Banner Association	2.4267
Gold Seal Producers, Inc	.0703
Granada Packing House	.1311
Holland, M. J	.0211
Orange Belt Fruit Distributors	.7568
Panno Fruit Co., Carlo	.0527
Paramount Citrus Association	.1063
Placentia Orchards Association	.0773
Riverside Fruit Co	.4537
San Antonio Orchard Co	1.1645
Spire, Frank S	.0128
Wall, E. T	2.1137
Western Fruit Growers, Inc	5.1367

[F. R. Doc. 53-10904; Filed, Dec. 31, 1953; 8:53 a. m.]

PART 930—MILK IN THE TOLEDO, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 930.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, as amended, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Toledo, Ohio, on July 30 and 31, 1953, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than January 1, 1954, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Toledo, Ohio, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held July 30 and 31, 1953, and the decision having been executed by the Secretary on December 24, 1953. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Toledo, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (October 1953), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete paragraphs (a) and (b) of § 930.41 and substitute therefor the following:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form as milk, skim milk or buttermilk (except for livestock feed), flavored milk or flavored milk drinks, sweet or sour cream, any cream product in fluid form which contains less than the minimum butterfat required for fluid cream, or eggnog; (2) used to produce concentrated milk disposed of for fluid consumption; and (3) not accounted for as Class II milk.

2. Redesignate paragraph "(e)" of § 930.41 as paragraph "(b)", delete the phrase "Class III milk shall be", and substitute therefor the phrase "Class II milk shall be."

3. Amend § 930.42 to read as follows:

§ 930.42 *Interhandler and nonhandler transfers.* (a) Skim milk and butterfat disposed of by a handler to another handler as any item listed in paragraph (a) of § 930.41 shall be Class I milk unless Class II utilization is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month within which such transfer was made: *Provided*, That in no event shall the amount so classified as Class II be greater than the amount used in such class by the receiving handler.

(b) Skim milk and butterfat disposed of in the form of milk, skim milk or cream by a handler to a nonhandler's plant located less than 100 miles from the City Hall at Toledo, Ohio, by the shortest highway distance as determined by the market administrator, shall be Class I milk, unless (1) utilization in Class II is mutually indicated in writing to the market administrator by both the handler and nonhandler on or before the 5th day after the end of the month within which such transfer was made, and (2) the non-

handler maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization.

(c) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream by a handler to a nonhandler's plant located 100 miles or more from the City Hall at Toledo, by the shortest highway distance as determined by the market administrator, shall be Class I milk.

4. In § 930.44 delete the phrase "Class I milk, Class II milk, and Class III milk" and substitute therefor the phrase "Class I milk and Class II milk."

5. In § 930.45 delete from paragraphs (a) and (d) the phrase "Class III milk" and substitute therefor the phrase "Class II milk", and in paragraph (a) change the reference to "§ 930.41 (c) (2)" to read "§ 930.41 (b) (2)".

6. Amend the tabulation in § 930.50 (a) (1) to read as follows:

Delivery period:	*Amount*
April, May, and June	$0.75
February, March, and July	1.00
All others	1.40

7. In subdivision (1) of § 930.50 (a) (2) delete the phrase, "Class I and Class II milk," and substitute therefor the phrase, "Class I milk."

8. Delete paragraphs (b) and (c) of § 930.50 and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the average (computed to the nearest tenth of a cent) of the basic (or field) prices per hundredweight for milk for 3.5 percent butterfat content received from farmers during the month at the following locations for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month by the companies indicated below:

Company and Location

Pet Milk Co., Delta, Ohio.
Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Hudson, Mich.

9. Amend § 930.51 (b) to read as follows:

(b) The price per hundredweight computed as follows:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("Cheddars", f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department of Agriculture during the month;

(2) Add 0.902 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month; and

(3) Subtract 34.3 cents.

10. In § 930.52 (a) delete the figure "1.3" and substitute therefor "1.25."

11. Delete paragraphs (b) and (c) of § 930.52 and substitute therefor the following:

(b) *Class II milk.* Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, and divide the result by 10.

12. Amend § 930.71 to read as follows:

§ 930.71 *Partial payments.* On or before the last day of each month each handler shall pay each producer for milk received from him during the first fifteen days of each month at a rate computed as follows:

(a) Deduct 75 cents from the uniform price for such handler for the preceding month.

(b) Add or subtract any amount by which the Class I price differential for the current month is greater than or less than, respectively, the differential for the preceding month.

(c) Round off the result to the nearest multiple of 10 cents.

Provided, That in the event a producer discontinues shipping to the market during the month, such partial payments shall not be made and full payment for all milk received from such producer during the month shall be made pursuant to the provisions of § 930.70.

13. In § 930.73 delete the phrase "or Class II milk."

14. Amend § 930.75 to read as follows:

§ 930.75 *Cooperative association.* (a) Each association of producers which is actually performing the services described in § 930.74, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an undetermined membership contract with each producer authorizing the claimed deduction.

(b) In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted to the association within 15 days after the end of the month.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Filed at Washington, D. C., this 30th day of December 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary.

[F. R. Doc. 53-10907; Filed, Dec. 31, 1953; 8:53 a. m.]

[Grapefruit Reg. 191]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.655 *Grapefruit Regulation 191*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than January 4, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until January 4, 1954, the recommendation and supporting information for continued regulation subsequent to January 3, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 4, 1954, and ending at 12:01 a. m., e. s. t., January 18, 1954, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iv) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 2, U. S. No. 2 Bright, or U. S. No. 2 Russet which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(viii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1 Bright or U. S. Fancy which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 29th day of December 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-10892; Filed, Dec. 31, 1953; 8:50 a. m.]

[Orange Reg. 247]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.656 *Orange Regulation 247*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than January 4, 1954. Shipments of all oranges except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until January 4, 1954; the recommendation and supporting information for continued regulation subsequent to January 3, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 4, 1954, and ending at 12:01 a. m. e. s. t., January 18, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2^{10}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida oranges (§§ 51.1140 to 51.1186 of this title): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{10}/_{16}$ inches in diameter, such percent shall be based only on those oranges in such lot which are of a size $2^{14}/_{16}$ inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 29th day of December 1953.

[SEAL] S. R. SMITH.
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-10894; Filed, Dec. 31, 1953; 8:51 a. m.]

[Tangerine Reg. 143]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.657 *Tangerine Regulation 143*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such

effective time; and good cause exists for making the provisions of this section effective not later than January 4, 1954. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until January 4, 1954; the recommendation and supporting information for continued regulation subsequent to January 3, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 4, 1954, and ending at 12:01 a. m., e. s. t., January 11, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Russet; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than 2$\frac{2}{32}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines, smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 29th day of December 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-10891; Filed, Dec. 31, 1953; 8:50 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

FINDINGS AND DETERMINATIONS RELATIVE TO EXPENSES TO BE INCURRED AND FIXING OF RATE OF ASSESSMENT FOR 1953–1954 FISCAL YEAR

On December 9, 1953, notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 8102) regarding the expenses and the fixing of the rate of assessment for the 1953–1954 fiscal year pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals which were submitted by the Lemon Administrative Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 953.208 *Expenses and rate of assessment for the 1953–1954 fiscal year.* (a) The expenses necessary to be incurred by the Lemon Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal year ending October 31, 1954, will amount to $119,364.00; and the rate of assessment to be paid, in accordance with the amended marketing agreement and order, by each handler who first handles lemons shall be one and one-half cents ($0.015) per packed box of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during the said fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the rate of assessment is applicable to all lemons shipped during the 1953–54 season; (2) shipments of lemons in volume have been made since the start of the fiscal year on November 1, 1953; (3) the provisions hereof do not impose any obligation on a handler until such handler ships lemons; and (4) it is essential that the specifications of the assessment rate be issued immediately so that the aforesaid assessment may be collected and thereby enable the Lemon Administrative Committee to perform its duties and functions in accordance with the said amended marketing agreement and order.

(b) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 29th day of December 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-10893; Filed, Dec. 31, 1953; 8:51 a. m.]

[Lemon Reg. 518]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.625 *Lemon Regulation 518*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 28, 1953 such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 3, 1954, and ending at 12:01 a. m., P. s. t., January 10, 1954, is hereby fixed as follows:

(i) District 1: 45 carloads;

(ii) District 2: 215 carloads;

(iii) District 3: 15 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 517 (18 F. R. 8719) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 29th day of December 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-10895; Filed, Dec. 31, 1953; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

MOTOR CARRIER ANNUAL REPORT FORM A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of December A. D. 1953.

The matter of Annual Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Passengers being under consideration, and the changes in existing regulations to be effectuated by this order being only minor changes with respect to the data to be furnished, public rule-making procedures are unnecessary:

It is ordered, That the order of October 11, 1945, in the matter of Annual Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Passengers be, and it is hereby modified with respect to annual reports for the year ended December 31, 1953, and subsequent years, as follows:

§ 205.1 *Form prescribed for annual reports.* Each Class I Common and Contract Motor Carrier of Property and each Class I Common and Contract Motor Carrier of Passengers shall file under oath an annual report for the year ended December 31, 1953, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form A [1] (Class I Motor Carriers of Property and Passengers) which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Accounts, Cost Finding and Valuation, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

(49 Stat. 563, as amended; 49 U. S. C. 320)

NOTE: Budget Bureau No. 60-RO52.10.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-10886; Filed, Dec. 31, 1953; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

UNITED STATES STANDARDS FOR GREEN CORN [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Green Corn under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953) to supersede the existing United States Standards for Green Corn (15 F. R. 4242, as recodified in 18 F. R. 7100), effective August 3, 1950.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.
51.835 U. S. Fancy.
51.836 U. S. No. 1.
51.837 U. S. No. 2.

UNCLASSIFIED

51.838 Unclassified.

TOLERANCES

51.839 Tolerances.

COUNT

51.840 Requirements as to count.

APPLICATION OF TOLERANCES

51.841 Application of tolerances.

DEFINITIONS

51.842 Similar varietal characteristics.
51.843 Well trimmed.
51.844 Well delevoped.
51.845 Insect injury.
51.846 Injury.
51.847 Well filled.
51.848 Plump and milky.
51.849 Well covered.
51.850 Fresh.
51.851 Damage.
51.852 Fairly well filled.
51.853 Fairly well covered.
51.854 Properly clipped.
51.855 Fairly well trimmed.
51.856 Fairly well developed.
51.857 Serious damage.
51.858 Poorly filled.

GRADES

§ 51.835 *U. S. Fancy.* U. S. Fancy consists of ears of green corn of similar varietal characteristics which are well trimmed, well developed, and which are free from smut, decay, worms, or insect injury, and free from injury caused by rust, discoloration, birds, other disease or mechanical or other means. Cobs shall be well filled with plump and milky kernels and well covered with fresh husks. The length of each cob shall be not less than 6 inches and the ears shall not be clipped. (See § 51.839.)

§ 51.836 *U. S. No. 1.* U. S. No. 1 consists of ears of green corn of similar varietal characteristics which are well trimmed, well developed, and which are free from smut and decay and free from injury caused by rust and free from damage caused by discoloration, birds, worms, other insects, other disease or mechanical or other means. Cobs shall be fairly well filled with plump and milky kernels and fairly well covered with fresh husks. Each ear may be clipped but each clipped ear shall be properly clipped. Unless otherwise specified, the length of each cob, clipped or unclipped, shall be not less than 5 inches. (See § 51.839.)

§ 51.837 *U. S. No. 2.* U. S. No. 2 consists of ears of green corn of similar varietal characteristics which are fairly well trimmed, fairly well developed and

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[1] Filed as part of the original document.

which are free from smut and decay and free from serious damage caused by birds, worms, other insects, other disease or mechanical or other means. Cobs shall not be poorly filled and kernels shall be plump and milky and fairly well covered with fresh husks. Each ear may be clipped but each clipped ear shall be properly clipped. Unless otherwise specified, the length of each cob, clipped or unclipped, shall be not less than 4 inches. (See § 51.839.)

UNCLASSIFIED

§ 51.838 *Unclassified.* Unclassified consists of ears of green corn which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.839 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For defects.* 10 percent, by count, in any lot for ears of corn which fail to meet the requirements of the grade, including therein not more than 2 percent for decay; and,

(2) *For off-size.* 5 percent, by count, in any lot for ears of corn which fail to meet the requirements as to length of cob.

COUNT

§ 51.840 *Requirements as to count.* The number of ears of corn in any package may be specified by count or in terms of dozens or half dozens. Variation from the number specified shall be permitted as follows: *Provided*, That the average for the lot is not more than one ear less nor more than two ears greater than the number specified:

Specified number per package:	*Variation permitted in individual packages*
60 ears or less	3 ears under count, 5 ears over count.
More than 60 ears	4 ears under count, 6 ears over count.

APPLICATION OF TOLERANCES

§ 51.841 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

DEFINITIONS

§ 51.842 *Similar varietal characteristics.* "Similar varietal characteristics" means that the ears in any package have similar kernel color and character of growth. Ears of field corn and sweet corn, or white and yellow corn, shall not be mixed in the package.

§ 51.843 *Well trimmed.* "Well trimmed" means that the ears are practically free from loose husks and that the shank shall be not more than 6 inches in length and not extend more than one inch beyond the point of attachment of the outside husk.

§ 51.844 *Well developed.* "Well developed" means that the ears are fairly straight and are not stunted. Nubbins are not well developed ears.

§ 51.845 *Insect injury.* "Insect injury" means that insect frass is present, or there is visible evidence of insect injury.

§ 51.846 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the ear. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Rust when the aggregate area on the husk exceeds one square inch, or when the rust extends deeper than 2 layers of husks;

(b) Discoloration caused by frost or spray burn, or similar types of discoloration when affecting an aggregate area of more than 3 square inches on the husk, or when exceeding an aggregate area of 25 percent of the surface of all blades attached to the husk; and,

(c) Mechanical injury when more than 4 kernels are crushed or broken.

§ 51.847 *Well filled.* "Well filled" means that the edible quality or appearance is not affected to a greater extent than that of an ear 6 inches in length which has one inch at the tip end with undeveloped kernels or open spaces.

§ 51.848 *Plump and milky.* "Plump and milky" means that the kernels are well developed and the contents have a milky or creamy consistency.

§ 51.849 *Well covered.* "Well covered" means that the husk enclosing the ear is tight and undisturbed, except that a slight opening may have been made at the tip: *Provided*, That the disturbed part has been properly replaced so that the appearance of the ear is not more than slightly affected.

§ 51.850 *Fresh.* "Fresh" means that the husks have fairly good green color and are not badly wilted.

§ 51.851 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the ear. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Discoloration caused by frost or spray burn or similar types of discoloration when affecting an aggregate area of more than 5 square inches on the husk, or when exceeding an aggregate area of 50 percent of the surface of all blades attached to the husk;

(b) Worm injury on unclipped ears when extending more than 1½ inches from the tip on an ear 6 inches in length (proportionately greater or lesser amounts permitted on longer or shorter ears, respectively), or when affecting the kernals on other parts of the ear, or any worm injury on clipped ears; and,

(c) Mechanical damage when more than 8 kernals are crushed or broken.

§ 51.852 *Fairly well filled.* "Fairly well filled" means, on unclipped ears, that the edible quality or appearance is not affected to a greater extent than that of an ear 6 inches in length which has 1½ inches at the tip end and an aggregate area one inch square on other portions of the ear with undeveloped kernals or open spaces; and means, on clipped ears, that the edible quality or appearance is not affected to a greater extent than that of an ear 6 inches in length which has an aggregate area one inch square with undeveloped kernals or open spaces.

§ 51.853 *Fairly well covered.* "Fairly well covered" means that the husk enclosing the ear is fairly tight and undisturbed except that an opening may have been made at the tip: *Provided*, That the disturbed part has been properly replaced so that the appearance of the ear is not materially affected.

§ 51.854 *Properly clipped.* "Properly clipped" means that either the end of the cob, or the end of the cob and husk have been neatly removed approximately at a right angle to the longitudinal axis.

§ 51.855 *Fairly well trimmed.* "Fairly well trimmed" means that the appearance of the individual ear of corn is not seriously affected by loose husks and that the shank shall not be more than 6 inches in length and not extend more than 2 inches beyond the point of attachment of the outside husk.

§ 51.856 *Fairly well developed.* "Fairly well developed" means that the ears are not stunted to the extent that the appearance is seriously affected.

§ 51.857 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the ear. The following defect, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Worm injury on unclipped ears when extending more than 2 inches from the tip on an ear 6 inches in length (proportionately greater or lesser amounts permitted on longer or shorter ears, respectively), or when affecting more than 4 kernels on other parts of the cob, or any worm injury on clipped ears extending more than one-fourth inch from the tip.

§ 51.858 *Poorly filled.* "Poorly filled" means, on unclipped ears, that the edible quality or appearance is affected to a greater extent than that of an ear 6 inches in length which has one-third of the cob at the tip end and an aggregate area 1½ inches square on other portions of the ear with undeveloped kernels or open spaces; and means, on clipped ears, that the edible quality or appearance is affected to a greater extent than that of an ear 6 inches in length which has one inch at the tip end and an aggregate area 1½ inches square on other portions of the ear with undeveloped kernels or open spaces.

Done at Washington, D. C., this 28th day of December 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator Production and Marketing Administration.

[F. R. Doc. 53-10896; Filed, Dec. 31, 1953; 8:51 a. m.]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED PEAS[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Canned Peas, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953). This revision, if made effective, will be the sixth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revised standards should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

IDENTITY, TYPES, AND GRADES

Sec.
52.2281 Identity.
52.2282 Types of canned peas.
52.2283 Grades of canned peas.

FILL OF CONTAINER AND SIZES

52.2284 Fill of container.
52.2285 Sizes of peas.

FACTORS OF QUALITY

52.2286 Ascertaining the grade.
52.2287 Ascertaining the rating of each factor.
52.2288 Liquor.
52.2289 Color.
52.2290 Defects.
52.2291 Maturity and tenderness.

METHODS OF ANALYSES

52.2292 Methods of analyses.

LOT CERTIFICATION TOLERANCES

52.2293 Tolerances for certification of officially drawn samples.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Sec.
52.2294 Score sheet for canned peas.

IDENTITY, TYPES, AND GRADES

§ 52.2281 *Identity.* (a) "Canned peas", means the canned product prepared from clean, sound, shelled, succulent peas and as such product is defined in the Standards of Identity for Canned Peas (21 CFR 51.0) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2282 *Types of canned peas.* (a) "Early peas" means canned peas of Alaska or other smooth skin varieties.

(b) "Sweet peas" means canned peas of sweet, wrinkled varieties.

§ 52.2283 *Grades of canned peas.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned peas that possess similar varietal characteristics; that possess a good flavor; that possess a good liquor; that possess a good color; that are practically free from defects; that are very young and tender; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That the canned peas may possess a reasonably good liquor; and may possess a reasonably good color scoring not less than 17 points, if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned peas that possess similar varietal characteristics; that possess a good flavor; that possess a reasonably good liquor; that possess a reasonably good color; that are reasonably free from defects; that are young and reasonably tender; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of canned peas that possess similar varietal characteristics; that possess a fairly good flavor; that possess a fairly good liquor; that possess a fairly good color; that are fairly free from defects; that are nearly mature and fairly tender; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "Substandard" is the quality of canned peas that fail to meet the requirements of U. S. Grade C or U. S. Standard and that may or may not meet the Standard of Quality for Canned Peas issued pursuant to the Federal Food, Drug, and Cosmetic Act.

FILL OF CONTAINER AND SIZES

§ 52.2284 *The standard of fill of container.* The standard of fill of container for canned peas is not incorporated in the grade of the finished product, since fill of container, as such, is not a factor of quality for the purposes of these grades. Canned peas shall be considered standard in fill if they meet the standard of fill promulgated under the Federal Food, Drug, and Cosmetic Act (21 CFR 51.2). The standard is as follows: If the container is so filled that, when the peas and liquid are removed from the container and returned thereto, the leveled peas (irrespective of the quantity of the liquid) 15 seconds after they are so returned completely fill the container. A container with lid attached by double seam shall be considered to be completely filled when it is filled to the level 3/16 inch vertical distance below the top of the double seam; and a glass container shall be considered to be completely filled when it is filled to the level ½ inch vertical distance below the top of the container. Canned peas that do not meet this requirement are "Below Standard in Fill."

§ 52.2285 *Sizes of peas.* The size of peas is not a factor of quality of canned peas for the purposes of these grades. The diameter of the pea is the minimum diameter of the pea that will pass freely through a rigid ring of the same diameter without using pressure. The size of canned peas is determined by whether or not peas remain on or pass through the screen sizes designated in Table I of this section.

TABLE NO. I—DESIGNATED SIZES OF PEAS IN CANNED PEAS

Size designation	Screen sizes in inches	
	Retained on—	Passes through—
1		9/32
2	7	10/32
3	10	11
4	11	12/32
5	12/32	13/32
6	13/32	14/32
7	14/32	

(a) Canned peas are considered as a single size if 70 percent or more, by count, of all the peas are of a single size and of the balance no more than 3 percent, by count, of the peas may be of the second size larger and no more than 3 percent, by count, of the peas may be of the second size smaller than such predominating size.

(b) Canned peas are considered as a "mixture" or "blend" of two sizes if the two most predominant sizes compose 75 percent or more, by count, of all the peas in the mixture or blend: *Provided*, That no more than 10 percent, by count, of all the peas may be larger than the largest size in the two most predominating sizes, and no more than 15 percent, by count, of all the peas may be smaller than the smallest size of the two most predominating sizes.

(c) Canned peas are considered as a "mixture" or "blend" of three or more sizes: *Provided*, That no more than 5 percent, by count, of all the peas may be larger than the second largest size, and no more than 15 percent, by count, of all the peas may be smaller than the second smallest size.

FACTORS OF QUALITY

§ 52.2286 *Ascertaining the grade.* (a) The grade of canned peas is ascertained by considering the factors of similar varietal characteristic and flavor which are not scored and the respective ratings for the factors of liquor, color, defects, and maturity and tenderness which are scored.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Liquor	10
Color	20
Defects	30
Maturity and tenderness	40
Total score	100

(c) "Good flavor" means that the product, has a good characteristic normal flavor and odor, and is free from objectionable flavors and objectionable odors of any kind.

(d) "Fairly good flavor" means that the product, may be lacking in good characteristic normal flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.2287 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "27 to 30 points" means 27, 28, 29, or 30 points).

§ 52.2288 *Liquor*—(a) *(A) classification.* Canned peas that possess a good liquor may be given a score of 9 or 10 points. "Good liquor" means that the color of the liquor is typical, may possess a slight cloudiness or slight tint of green, that not more than a slight quantity of suspended material or sediment may be present, and that the liquor is not viscous.

(b) *(B) classification.* If the canned peas possess a reasonably good liquor, a score of 8 points may be given. "Reasonably good liquor" means that the liquor may be cloudy but not off-color; that not more than a moderate quantity of suspended material or sediment may be present and that the liquor may be not more than slightly viscous.

(c) *(C) classification.* If the canned peas possess a fairly good liquor, a score of 7 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly good liquor" means the liquor may be very cloudy, may possess a pronounced accumulation of sediment, may be dull but not off-color, and may be viscous but not so viscous that the liquor will not separate from the peas.

(d) *(SStd) classification.* Canned peas that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2289 *Color*—(a) *(A) classification.* Canned peas that possess a good color may be given a score of 18 to 20 points. "Good color" means that the canned peas possess a color typical of very young and tender peas of similar varietal characteristics, are bright, and the appearance of the product is not more than slightly affected by variations in color.

(b) *(B) classification.* If the canned peas possess a reasonably good color, a score of 16 or 17 points may be given. Canned peas that score 16 points in this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the canned peas possess a color typical of young and reasonably tender peas of similar varietal characteristics, are reasonably bright, and the appearance of the product is not materially affected by variations in color.

(c) *(C) classification.* Canned peas that possess a fairly good color may be given a score of 14 or 15 points. Canned peas that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned peas possess a color typical of nearly mature, fairly tender peas of similar varietal characteristics, the appearance of the product is not seriously affected by variations in color, and are not off-color.

(d) *(SStd) classification.* Canned peas that are artificially colored or fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and, in addition, when artificially colored, the canned peas are "Below Standard in Quality—Artificially Colored."

§ 52.2290 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous vegetable material, pieces of peas, minor discoloration, spotted or otherwise discolored peas, and other defects.

(1) "Harmless extraneous vegetable material" means leaves, pea pods, stems, thistle buds, and buds or seeds from other harmless plants.

(2) "Unbroken pea" means a pea held together by its skin, even though the cotyledons are cracked or partly crushed or the skin split.

(3) "Pieces of pea" means:

(i) A whole loose skin or portions of loose skin aggregating the equivalent of an average size whole skin; and

(ii) Loose cotyledon or pieces of loose cotyledons aggregating the equivalent of an average size cotyledon. Two loose cotyledons or their equivalent will be considered as one piece of pea.

(4) "Minor discoloration" means discoloration which slightly affects but does not materially affect the appearance or eating quality of the pea.

(5) "Spotted or otherwise discolored" means a pea spotted or otherwise discolored to an extent that the appearance or eating quality of the pea is materially affected, such as, vivid-green peas, or peas showing brown, yellow, or dark discolored areas. (Does not include the peas commonly referred to as "blond" or "cream colored" peas which are scored only under the factor of color.)

(b) *(A) classification.* Canned peas that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means:

(1) That for each 60 ounces of net contents there may be present one piece, or pieces, of harmless extraneous vegetable material having an aggregate area of $\frac{3}{16}$ square inch ($\frac{1}{2}'' \times \frac{3}{8}''$);

(2) That 6 percent, by count, of the peas may be pieces of peas in sizes No. 1 and No. 2 and not more than 4 percent, by count, may be pieces of peas in larger sizes or a combination of larger sizes; and

(3) That $\frac{1}{2}$ of 1 percent, by count, of the peas may be spotted or otherwise discolored: *Provided*, That harmless extraneous vegetable material, pieces of peas, minor discoloration, spotted or otherwise discolored peas, and other defects individually or collectively do not more than slightly affect the appearance or eating quality of the product.

(c) *(B) classification.* If the canned peas are reasonably free from defects, a score of 24 to 26 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means:

(1) That $\frac{1}{4}$ of 1 percent of the drained weight of the peas may be harmless extraneous vegetable material;

(2) That 8 percent, by count, of the peas may be pieces of peas; and

(3) That 2 percent, by count, of the peas may be spotted or otherwise discolored: *Provided*, That harmless extraneous vegetable material, pieces of peas, light discoloration, spotted or otherwise discolored peas, and other defects individually or collectively do not more than materially affect the appearance or eating quality of the product.

(d) *(C) classification.* If the canned peas are fairly free from defects a score of 21 to 23 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means:

(1) That $\frac{1}{2}$ of 1 percent of the drained weight of the peas may be harmless extraneous vegetable material;[1]

(2) That 10 percent of the drained weight of the peas may be pieces of peas; and[2]

(3) That 4 percent, by count, of the peas may be spotted or otherwise discolored: *Provided*, That harmless extraneous vegetable material, pieces of peas, light discoloration, spotted or otherwise discoloration peas, and other defects individually or collectively do not seriously affect the appearance or eating quality of the product.

(e) *(SStd) classification.* Canned peas that fail to meet the requirement of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be "Below Standard in Quality—Good Food—Not High Grade" for the following applicable reasons: "Excessive Foreign Material," "Excessive Broken Peas," "Excessive Discolored Peas."

[1] Determined as outlined in the Standard of Quality for Canned Peas (21 CFR 51.1) promulgated under the Federal Food, Drug, and Cosmetic Act.

§ 52.2291 *Maturity and tenderness*—(a) *General.* The determination of maturity and tenderness in the (A) classification is based on the brine flotation test as outlined herein. The determination of maturity and tenderness in the (B) classification is based on the brine flotation test outlined in this subpart, and the alcohol-insoluble solids test with respect to sweet type peas. The maturity and tenderness in the (C) classification is based on the brine flotation test outlined in this subpart, the alcohol-insoluble solids test and the tenderness test as outlined in the Standard of Quality for Canned Peas (21 CFR 51.1) promulgated under the Federal Food, Drug, and Cosmetic Act.

(b) *(A) classification.* Canned peas that are very young and tender may be given a score of 36 to 40 points. "Very young and tender" means that the peas comply with the requirements of Table No. II of this paragraph.

TABLE NO. II

Type	Size	Maximum number of peas that sink in 10 seconds (percent by count)	Percentage of salt in solution
Sweet	No. 5 and larger and blends containing more than 50 percent No. 5 size or larger.	15 1	11 13½
Sweet	No. 6 and smaller and blends containing 50 percent or less No. 5 size or larger and blends of sizes smaller than No. 5.	20 1	10 12½
Early	All sizes	15 3	11 13½

(c) *(B) classification.* If the canned peas are young and reasonably tender, a score of 32 to 35 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Young and reasonably tender" means:

(1) That the skins of not more than 5 percent, by count, of the peas may be ruptured to a width of $\frac{1}{16}$ inch or more; and

(2) That in the brine flotation test the peas comply with the requirements shown in Table No. III of this paragraph: *Provided*, With respect to sweet type peas, if the eating quality indicates that the peas are nearly mature, the alcohol-insoluble solids test shall be run, and shall not exceed 16.5 percent to score in the (B) classification.

TABLE NO. III

Type	Size	Maximum number of peas that sink in 10 seconds (percent by count)	Percentage of salt in solution
Sweet	No. 5 and larger and blends containing more than 50 percent, No. 5 size or larger.	20 3	13 15
Sweet	No. 6 and smaller and blends containing 50 percent or less No. 5 size or larger and blends of sizes smaller than No. 5.	20 3	12 15
Early	All sizes	20 3	12½ 15

(d) *(C) classification.* If the canned peas are nearly mature and fairly tender, a score of 28 to 31 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Nearly mature and fairly tender" means:

(1) That the skins of not more than 25 percent, by count, of the peas may be ruptured to a width of $\frac{1}{16}$ inch or more;[1]

(2) That not less than 90 percent, by count, of the peas are of such tenderness that they are not crushable by a weight of not more than 907.2 grams (2 pounds); and[1]

(3) That the alcohol-insoluble solids of early type peas are not more than 23.5 percent and of sweet type peas not more than 21 percent.[2] The following requirements shown in Table No. IV of this paragraph, with respect to the flotation test, provide a guide for scoring canned peas which are nearly mature and fairly tender:

TABLE NO. IV

Type	Size	Maximum number of peas that sink in 10 seconds (percent by count)	Percentage of salt in solution
Sweet	All sizes	10	15
Early	All sizes	10	16

(e) *(SStd) classification.* Canned peas that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule) and may also be "Below Standard in Quality—Good Food—Not High Grade," for the following applicable reasons: "Excessive Cracked Peas," "Not Tender," "Excessively Mealy."

METHODS OF ANALYSES

§ 52.2292 *Methods of analyses*—(a) *Brine flotation test.* The brine solution is based on the percentage of pure salt (NaCl) in solution. In making the test a 250 ml. glass beaker is filled with the brine solution to a depth of two inches. The temperature of the solution and peas tested should approximate 68 degrees Fahrenheit. Only peas that sink to the bottom of the receptacle within 10 seconds after immersion are counted as "peas that sink."

(b) *Alcohol-insoluble solids.* (1) Pour sample on 8-mesh screen, using 8-inch screen for containers of less than 3 pounds net weight, and 12-inch screen for larger quantities. Spread peas evenly and allow to drain. Transfer peas to white pan and remove any foreign material. Add volume of H_2O equal to double volume of original sample.

(2) Pour peas back on screen, spreading evenly; tilt screen as much as possible without shifting peas; and drain two minutes. With cloth wipe surplus moisture from lower surface of screen. Grind drained peas in food chopper until cotyledons are reduced to smooth homogenous paste, stir, and weigh 20 grams of ground material into 600 ml. beaker. Add 360 ml. or 8 percent alcohol, stir, cover beaker, and bring to boil. Simmer slowly 30 minutes.

(3) Fit into Buchner funnel filter paper of appropriate size (previously prepared by drying in flat-bottomed dish two hours at a temperature of boiling H_2O, covering with tight-fitting cover, cooling in desiccator, and weighing at once). Apply suction and transfer contents of beaker to the Buchner funnel in such manner as to avoid running over edge of paper. Suck dry and wash material on filter with 80 percent alcohol until washings are clear and colorless.

(4) Transfer filter paper and alcohol-insoluble solids to dish used in preparation of filter paper, dry uncovered two hours at temperature of boiling H_2O, place cover on dish, cool in desiccator, and weigh at once. From this weight deduct weight of dish, cover, and paper. Calculate percent by weight of alcohol-insoluble solids.

(c) *Tenderness test.* Remove the skin of a pea, placing one of its cotyledons, with flat surface down on the approximate center of the level, smooth surface of a rigid plate, lowering a horizontal disc to the highest point of the cotyledon, and measuring the height of the cotyledon. The disc must be of rigid material and affixed to a rod held vertically by a support through which the rod can freely move upward or downward. The lower face of the disc must be a smooth, plane surface horizontal to the vertical axis of the rod. A device to which weight may be added is affixed to the upper end of the rod. Before lowering the disc to the cotyledon, adjust the combined weight of disc, rod, and device to 100 grams. After measuring the height of the cotyledon, and shifting the plate, if necessary, so that the cotyledon is under the approximate center of the disc, add weight to the device at a uniform, continuous rate of 12 grams per second until the cotyledon is pressed to one-fourth its previously measured height, or until the combined weight of disc, rod, and device is 907.2 grams (2

[1] Determined as outlined in the Standard of Quality for Canned Peas (21 CFR 51.1) promulgated under the Federal Food, Drug, and Cosmetic Act.

pounds). A pea so tested shall be considered to be crushed when its cotyledon is pressed to one-fourth its original height.

LOT CERTIFICATION TOLERANCES

§ 52.2293 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned peas, and if all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2294 *Score sheet for canned peas.*

Size and kind of container .....
Container mark or identification .....
Label .....
Net weight (in ounces) .....
Vacuum readings (in inches) .....
Type .....
Size .....

Factors		Score points		Average score
Liquor	10	(A)	9-10	
		(B)	8	
		(C)	7	
		(SStd)	0- 6	
Color	20	(A)	18-20	
		(B)	16-17	
		(C)	14-15	
		(SStd)	0-13	
Defects	30	(A)	27-30	
		(B)	24-26	
		(C)	21-23	
		(SStd)	0-20	
Maturity and tenderness	40	(A)	36-40	
		(B)	32-35	
		(C)	28-31	
		(SStd)	0-27	
Total score	100			

Flavor and odor .....
Grade .....

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Done at Washington, D. C., this 28th day of December 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53-10897; Filed, Dec. 31, 1953; 8:52 a. m.]

[7 CFR Part 971]

[Docket No. AO-175-12]

HANDLING OF MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Shawnee Hotel, 102 East Main Street, Springfield, Ohio, beginning at 10:00 a. m., e. s. t., January 8, 1954.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Dayton-Springfield, Ohio, marketing area and to the proposed amendments to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area (7 CFR 971.0 et seq.) set forth herein below, or modifications thereof. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Miami Valley Milk Producers Association:

Proposal No. 1: Delete that portion of § 971.51 (a) prior to subparagraph (1) and substitute therefor the following:

(a) Add to the basic formula price $1.20 during each month of the year, and add or subtract a "supply-demand adjustment" computed as follows: *Provided*, That in no event shall the supply-demand adjustment computed pursuant to this paragraph exceed or be less than the supply-demand adjustment computed pursuant to § 965.51 (a) (1), (2) and (3) of the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area (Part 965 of this chapter) by more than 15 cents:

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2: Make such other changes as may be required to make the entire marketing agreement and order conform with any amendment(s) thereto that may result from this hearing.

Copies of this notice of hearing, the said order, as amended, and the said marketing agreement may be procured from the Market Administrator, 434 Third National Bank Building, Dayton, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: December 29, 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53-10899; Filed, Dec. 31, 1953; 8:52 a. m.]

[7 CFR Part 972]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

CONSIDERATION OF SUSPENSION OR TERMINATION OF CERTAIN PRICE PROVISIONS CONTAINED IN ORDER

Notice is hereby given that pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), consideration is being given to the suspension or termination of the provisions of § 972.41 (b) of the order, as amended, regulating the handling of milk in the Tri-State marketing area. Request for the suspension or termination of such provisions has been filed with the Dairy Division, Agricultural Marketing Service. It is alleged in such request that the provisions referred to will not tend to effectuate the declared policy of the act during the next few months in view of certain supply and marketing adjustments which have taken place since the order was last amended in respect of § 972.41 (b) on November 1, 1953.

In accordance with the Administrative Procedure Act (5 U. S. C. 1001 et seq.), all persons who desire to submit oral or written data, views, or arguments with respect to the necessity for the action under consideration will be given an opportunity to do so at a public meeting to be held at the office of the Market Administrator, 64 State Street, Gallipolis, Ohio, 10:00 a. m., e. s. t., January 4, 1954.

Issued at Washington, D. C., this 29th day of December 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-10900; Filed, Dec. 31, 1953; 8:53 a. m.]

[7 CFR Part 982]

[Docket No. AO 238-A3]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 222, Windsor Hotel, Abilene, Texas, beginning at 10:00 a. m., c. s. t., January 7, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Central West Texas marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Central West Texas marketing area were proposed, as enumerated below:

By Central West Texas Producers Association:

1. Delete § 982.9 (c) and insert in lieu thereof the following:

(c) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association: *Provided*, That such a cooperative association shall not be a handler for the purpose of the payment of the expenses of administration as provided in § 982.98.

2. Delete § 982.98 and insert in lieu thereof the following:

§ 982.98 *Expense of administration.* As his prorata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight or such amount as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, (b) milk from producers, including such handler's own production which is classified as Class I.

3. Amend § 982.51 as follows:

a. Following the reference to § 982.52 insert the following: "and except as provided in paragraph (c) of this section."

b. Add the following as paragraph (c):

(c) For the months of February through July of each year the minimum price for such milk used in the production of cheddar cheese shall be the average of the prices paid or to be paid for ungraded milk of 4.0 percent butterfat content received from dairy farmers at the plants of the Dairy Gold Creamery, Ballinger, Texas, Triangle Cheese Company, Stephenville, Texas, and the North Texas Producers Association, Muenster, Texas.

By Tennessee Dairies:

4. Amend § 982.51 by deleting the section in its entirety and substituting therefor the following:

§ 982.51 *Class II milk.* Subject to the provisions of § 982.52 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be the average of the prices paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers at the Dairy Gold Creamery, Ballinger, Texas, Triangle Cheese Company, Stephenville, Texas; and the Farmers Marketing Association, Inc., Muenster, Texas.

5. Amend § 982.50 so as to delete the words "plus 35 cents."

6. Amend § 982.53 so as to eliminate paragraph (b).

7. Amend § 982.7 so as to eliminate from paragraph (b) thereof the following words: "In an amount equal to 15 percent or more of the total disposition of Class I milk from such plant during the month."

By Gandy's Creameries, Inc.:

8. The establishment of a Class III price for surplus milk sold to condensaries or to cheese manufacturing plants.

By Gable's Dairyland Products:

9. The removal of Stanford and Anson, Jones County, from the cities comprising the marketing area.

By the Dairy Branch:

10. Make such other changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 6619 Denton Drive, Dallas 19, Tex., or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

Dated: December 29, 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53-10898; Filed, Dec. 31, 1953; 8:52 a. m.]

[7 CFR Part 993]

[Docket No. AO 201-A2]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, 1952 Rev., Part 900), a public hearing was held at San Francisco, California on April 14, 15, 16 and 17, 1953, upon proposed further amendments to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, 1952 Rev., Part 993), regulating the handling of dried prunes produced in California. Said amended marketing agreement and order are effective pursuant to the provisions of the act.

Upon the basis of the evidence adduced at the aforementioned hearing and record thereof, the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, on August 27, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Notice of such recommended decision, and opportunity to file written exceptions with respect thereto, was published in the FEDERAL REGISTER (18 F. R. 5304) on September 2, 1953.

Ruling on exceptions. An exception to the recommended decision was filed by Fred Onstott, President, and H. C. Reimer, Secretary, on behalf of the Northern California Prune Council, Colusa, California. This exception has been considered carefully and fully in conjunction with the record evidence pertaining thereto in arriving at the findings and conclusions set forth in this decision. A ruling on such exception is hereinafter set forth in connection with the findings and conclusions to which they refer. To any extent that the findings and conclusions of this decision are at variance with any exception not otherwise specifically ruled upon, such exception is overruled.

Findings and conclusions. The material issues and the findings and conclusions of the aforesaid recommended decision (R. R. Doc. 53-7645; 18 F. R. 5304) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except for the corrections which are set forth below, and except as they are modified by the findings and conclusions, including those in connection with the exception, as hereinafter set forth.

The corrections are as follows: In the issue numbered 1 (in the first line of the first column on page 5305) change the word "file" to "fill;" in the findings and conclusions on the issue numbered 8 (in the 33d line of the first full paragraph in the first column on page 5313), change the words "to sell direct such a foreign" to read "to sell direct to such a foreign;" in the findings and conclusions on the issue numbered 9 (in the first line of the second full paragraph in the third column on page 5313) correct the spelling of the second word to read "provisions;" in the discussion of the issue numbered 10 (in the 14th line of the first full paragraph in the second column on page 5314) correct the spelling of the second word to "quantity;" in the discussion of the issue numbered 14 (in the 11th line of the last paragraph beginning in the third column on page 5315) change the words "which the combined tolerance is now 10" to read "which the combined tolerance allowance is now 10;" in the discussion of the issue numbered 14 (in the 8th line from the bottom of the first full paragraph in the first column on page 5316) change the first "as" to read "at;" and, in the discussion of the issue numbered 14 (in the first line of the last paragraph beginning in the first column on page 5316) change the word "hearings" to read "hearing."

The exception, and the ruling thereon, is as follows:

(1) In the discussion of material issue numbered 10, it was concluded that § 993.63 (f) should be amended by the addition of provisions requiring that whenever a certificate of inspection applicable to prunes turned over to a handler unsorted by a producer or dehydrator to be held by the handler as substandard natural condition prunes for the account of the committee pursuant to the provisions of § 993.48 (e) (1) (iii) shows that such prunes fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A), when considered in terms of the entire lot, as they relate to the defects of mold, imbedded dirt, insect infestation, and decay, such prunes shall be sold or disposed of by the committee only to persons who are not handlers of prunes and only for disposition as animal feed, for distillation, or for any use other than for human

consumption. The amendment also would require that whenever a certificate of appraisal issued pursuant to the provisions of § 993.48 (e) (2) shows that if the quantity of substandard prunes to which such certificate applies were to have all offgrade prunes removed therefrom such offgrade prunes would fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) as they relate to the above-mentioned defects, a quantity of prunes equivalent to the weight of such offgrade prunes necessary to be removed from the total tonnage shown on the applicable certificate in order for the remainder to be standard prunes shall be sold or disposed of by the committee only to persons who are not handlers of prunes and only for disposition as animal feed, for distillation, or for any use other than for human consumption.

A brief, taking exception to this amendment and requesting its deletion from those proposed, was filed by the Northern California Prune Council, Colusa, California, a group of prune producers.

It is explained in the introduction of the brief that the Council is not opposed to the intent of the proposed amendment that the quantity of inedible prunes in prunes marketed for human consumption be reduced or eliminated, but that the Council feels the proposal would not accomplish this purpose and requests its deletion so that the industry, after more thorough study, may submit a more practical solution to the problem.

Five major objections to the proposed amendment are included in the Council's brief: (1) The amendment is impractical of operation; (2) the amendment discriminates between cooperative association members and independent producers; (3) the amendment discriminates as to districts; (4) the amendment appears to be contrary to the present provisions of the order in §§ 993.48 and 993.49 which require that, as near as practicable, the incoming and outgoing inspection provisions be comparable; and (5) the amendment might "short" the juice supply.

In support of the view that the amendment is impractical of operation, it is stated that inspectors would have difficulty in inspecting prunes to such a critical point as would be required; that the heavy responsibility that would be placed on inspectors would be unfair to packers, growers and the inspector; that the financial importance to the grower imposed by this amendment could mean his profit or loss for the year; and that a grower would hesitate to have an appraisal inspection, and as a result, would have to deliver the lot on a conditional receiving basis providing for later reconditioning, thus greatly increasing his expense as well as interfering with normal industry practice.

The term critical point as used above its understood to mean an exact, or specific, point or limit established by a tolerance figure for a defect or group of defects. On the basis of this definition, the inspection of prunes would be no more critical in respect to a determination under the amendment than in respect to other inspection determinations required under the order. The amendment, which in its application to prunes delivered under appraisal would necessitate a determination as to whether the offgrade prunes in the lot contained more than five percent of inedible defects, would simply emphasize one more critical point with which the inspector must concern himself. However, any inspection involves critical points, one of the necessary aspects of inspection. For example, a lot of prunes may contain one percent of prunes, by weight, affected by decay and be standard quality, but it would be substandard if it contained any quantity, however small, of such prunes in excess of one percent. The same principle would apply with respect to the tolerance of 8 percent for the so-called major defects. In any case, a few prunes more or less in the sample, affected by the defect or defects to which the tolerance applies, could determine whether the lot being inspected met the prescribed tolerances. Actually, the inspection routine would not be changed by the amendment, but merely the disposition of a portion of the lot inspected. The responsibilities of inspectors would be affected by the amendment only by adding one more determination to be made on the basis of the analyses of the samples. It appears that such determination would be similar to others required of inspectors under the respective quality regulations in the order, and could be made by qualified inspectors.

The extent to which a grower's financial returns might be reduced by the application of the provisions of the amendment to appraisal lots of prunes would depend upon the extent to which such grower failed to keep out of his deliveries prunes having the four worst defects (mold, imbedded dirt, insect infestation and decay), which prunes are unfit for human consumption. It is the intent of the amendment that producers take active steps to keep such defects to a minimum. According to the conditions on the individual ranch one or more of a number of steps may be taken to accomplish this, such as improved cultural, harvesting, dehydration and sorting practices.

The use of practices necessary to keep inedible prunes to a minimum should improve financial returns to producers in several respects. Since handlers would receive fewer inedible prunes, fewer would be included in their shipments to the trade, whether for human consumption as prunes or for manufacturing use, thereby increasing consumer acceptance and trade demand for prunes. Not only should producers' deliveries of prunes that are more free of the four inedible defects bring an increased return because of their better quality, but increased consumer acceptance and trade demand would reduce correspondingly the necessity for sacrificing edible prunes in low return outlets such as animal feed in years of heavy production. The expense to producers of cleaning up their deliveries should be offset by the fact that less sorting by handlers would be required and handlers should pay more for the cleaner fruit.

It was testified at the hearing that the use of the appraisal method of delivering prunes by producers to handlers had grown to a far greater extent than was originally intended. Such testimony was strikingly borne out by reports of the tonnages of prunes received as standard prunes, received as substandard, and received under appraisal in the 1952–53 crop year. One of the main purposes of the appraisal method was to avoid having the producer take his prunes back to his ranch for further sorting if the prunes failed to qualify as standard prunes by a slight margin. However, it has developed that prunes have been delivered under the appraisal method which contained defective prunes considerably in excess of the tolerances for standard prunes, and some producers and dehydrators have become careless with respect to the quality of prunes which they produce and deliver to handlers.

It was expected when the marketing agreement and order were put into effect in 1949 that a gradual improvement in the quality of producers' deliveries to handlers would take place. However, the reverse has been true. In an effort to improve the quality of prunes marketed, amendments affecting both handlers and producers have been proposed. Under one amendment handlers would contribute to the improvement of order operations affecting substandard prunes delivered on appraisal certificates in that the present tolerance of 20 prunes per pound with respect to sizes of prunes delivered by handlers to the committee on the equivalent quantity basis would be reduced to five prunes per pound. This should result in appreciably more sorting of appraisal lots by handlers in order to satisfy their equivalent quantity obligations to the committee with as many of the actual defective prunes in the appraisal lots as practicable. In view of the contribution that handlers would be making toward quality improvement, it is believed that the taking of effective measures by producers and dehydrators to keep out of their deliveries as many as practicable of the prunes affected by the four inedible defects would balance their efforts in the direction of quality improvement with those of the handlers. This does not appear too much to expect of a grower who is producing a food crop for human consumption. Should prune producers and dehydrators do this, deliveries on a conditional receiving basis would not be necessary.

In crop years in which a surplus pool is operated, it is contemplated that the Prune Administrative Committee will establish a lower rate of return to equity holders for prunes which are pooled pursuant to the provisions of the proposed amendment than for other surplus substandard prunes. In this way, even in years of heavy prune production, producers and dehydrators will be afforded a financial incentive to improve the quality of prunes produced and to keep out of their deliveries to handlers prunes which are offgrade due to the defects of mold, imbedded dirt, insect infestation and decay. In short crop years, when no surplus pool would be operated, the demand for edible substandard prunes for manufacturing should provide sufficient financial incentive for producers to keep their appraisal deliveries as free from the four inedible defects as practicable.

With respect to alleged discrimination between cooperative association members and independent producers, the brief states: "Under the program, rightfully, the association is considered as one grower, and therefore can take most of the year to recondition, grade and receive the fruit of its members before reporting its surplus obligation to the committee. The independent grower must make this decision at delivery time, before the industry or the grower knows whether edible offgrade fruit will be used for manufacturing purposes or will be diverted by the committee for stock feed."

Although the association has the authority to concentrate the tonnage of its members before applying the surplus tonnage provision of the order, deliveries of prunes to the association by individual members are required to be, and have been inspected at the time of such delivery and inspection certificates or appraisal certificates have been issued thereon at that time. With respect to operations under the provisions of the amendment, each delivery of substandard prunes by each member to the association would be inspected upon delivery and a certificate of inspection or a certificate of appraisal would be issued thereon. In such a situation, the equivalent quantity obligation of the association under the amendment with respect to the prunes delivered under appraisal certificates would be an aggregate quantity equal to the sum of the quantities which would have to be diverted to nonhuman uses as reflected on the applicable appraisal certificates.

The association is considered one equity holder with respect to surplus pool proceeds and any lower rate of return established by the committee for prunes which are pooled pursuant to the provisions of the proposed amendment would be reflected to the association just as to any other equity holder. The distribution of such surplus pool proceeds to its members would then be a matter of internal operation by the association. No reason has been found which is believed to support the view that the amendment would discriminate between cooperative association members and independent producers.

In explaining the view that the amendment would discriminate as to districts it is stated that in the northern area (Tehama, Butte, Colusa, Sutter, Yuba and Yolo Counties), prunes often crack due to weather and climatic conditions, with mold developing in some of the cracks in some years; that it is impractical for the grower at harvest and delivery time to sort out the inedible defects when it is not known whether the prunes will be used for cattle feed or whether part of the offgrades will later be released by the committee for manufacturing; and that by nature of the delivery problems between areas the amendment further discriminates between districts, as it is impossible for the grower to take the fruit back to the ranch for reconditioning, even if he were assured that the lot could then be sold for manufacturing purposes.

Data presently available are insufficient to show whether, over a period of years, a larger percentage of the prunes in the six counties referred to above are affected by the defects of mold, imbedded dirt, insect infestation and decay than in other producing areas in California. Such defects do occur in other producing areas, however, and the prevalence of such defects probably varies among areas in different crop years. Should it be true, however, that prunes in any one area are affected by those defects to a greater extent than the prunes in other areas, it appears that a greater need would exist to take remedial actions at the source of such fruit, before it is delivered to distant packing houses. It is recognized that the practice of returning prunes from a handler's plant to a producer's ranch for resorting or reconditioning is expensive even if possible, and that such return is impossible if the lot has been graded and commingled with other prunes. Such factors are inherent in the normal course of making deliveries of prunes, and in the event a lot should be returned to the ranch, many of the expenses would accrue regardless of the distance between the ranch and the packing house.

At prune harvesting time, producers usually are well informed as to the size of the crop and as to the regulations which will probably apply to the handling of it. In the light of such information a producer should be able to plan his harvesting and delivery operations so that his prunes will conform to the requirements of the applicable regulations as to handling, with the maximum possible returns to himself. Whether in years of heavy production or otherwise, it is expected, as stated hereinabove, that the committee will establish a lower rate of return for prunes pooled under the provisions of the proposed amendment than for other surplus substandard prunes. Producers who keep the prunes with inedible defects out of their deliveries would thus receive relatively more for their surplus substandard prunes than those who fail to do so, regardless of the ultimate disposition of the prunes.

Even though the provisions of the proposed amendment may apply to a larger percentage of the prunes in some producing areas than others, it appears that such differences would vary from year to year in their occurrence and their degree; also that such differences would result from conditions in the respective areas. It appears that any program for quality improvement in prunes would apply in different degrees to any areas among which differences in quality of prunes existed.

Reference is made in the brief to provisions in the order that the quality regulations applicable to the receipt and the disposition of prunes by handlers shall be comparable so far as practicable, and it is stated that the proposed amendment appears to be contrary to such provisions. In support of this view the following example is cited:

However, if a grower's lot is delivered on an appraisal certificate and contains 10 percent major defects, his tolerance for inedibles is limited to ½ of 1 percent in order that the edible sub-standards may be used for manufacturing purposes.

This same lot when delivered to a packer can be sorted down to 8 percent major defects, with the equipment which he normally uses in his operations, and can be packed out on a 5 percent inedible tolerance, as compared to the grower's ½ of 1 percent limitation.

The handler also has the added flexibility of blending this 10 percent lot with a lot containing less than maximum allowable percentage of major defects, thus enabling him to ship prunes without reconditioning.

In respect to the above example, the quality regulations applicable to the receipt and disposition of prunes would be more comparable than indicated by the Council. If by incoming inspection it were determined that the offgrade prunes in such lot exceeded the 5 percent tolerance for inedible defects, the handler, on the basis of the appraisal certificate, would be obligated to deliver to the committee for nonhuman uses a quantity of prunes equal to the quantity required to be removed from the lot for the remainder to be standard prunes. The 5 percent tolerance for inedible defects would then apply, in outgoing inspection of the remainder, to a smaller quantity of prunes than the total quantity originally comprising the lot received from the producer. Also, when a lot of prunes to be disposed of by a handler exceeds the 5 percent tolerance for inedible defects, the entire lot is ineligible for disposition for human consumption. In the case of incoming inspection under appraisal, however, the application of the provisions of this amendment would channel to nonhuman uses only a quantity of prunes equivalent to the quantity necessary to be removed from the lot for the remainder to be standard prunes; in the event the offgrade prunes in the lot exceeded the 5 percent tolerance for inedible defects.

Another aspect of comparability of quality regulations is the fact that in order to comply with a proposed tolerance of five prunes per pound in the average size count of prunes delivered to the committee on the equivalent quantity basis (compared with the present tolerance of 20 prunes per pound) handlers would be sorting from the prunes received on appraisal more of the offgrade prunes of poorest quality than heretofore. The efforts of producers and dehydrators to minimize the inedible defects in their appraisal deliveries, which would be expected to result from the adoption of the amendment in question, would complement the quality improvement effected by handlers by such sorting.

With respect to a handler's ability to blend a lot that exceeds the tolerance for major defects with a lot containing less than the maximum allowable percentage of such defects, two factors apparently would tend to reduce any practice of blending for the sole purpose of bringing the average within maximum tolerances. One is the increased sorting by handlers to meet the 5 point tolerance as to size count, in which normally the worst

prunes would be removed. The other is the sorting by the handler which would be required to meet any obligations with respect to appraisal lots under this amendment, in which process also it would be normal to remove the worst prunes. The fruit remaining in the handler's possession after sorting would be more free from defects, which should result in less blending for the purpose of coming within maximum tolerances. In view of the foregoing, it is concluded that the application of the quality regulations in the further amended order, including this amendment, to a producer's deliveries of prunes to a handler, would be comparable within the concept of the order with the application of the quality regulations to a handler's dispositions of prunes.

With respect to the possibility that the proposed amendment might cause a shortage in the supply of prunes for juice, it appears that this would be unlikely unless producers make little effort to clean up their deliveries under appraisal. In a short-crop year particularly, there should be ample incentive in the demand for edible substandard prunes for producers to take the necessary steps to see that the edible substandard prunes in their deliveries would be eligible for use in manufacturing outlets. The possibility of an inadequate supply of prunes for the juice trade in any crop year could also be taken into account by handlers who might compensate to some extent for any such contingency by modifying their policies regarding carryover of prunes.

It may be that the appraisal provision in the marketing agreement and order program is essential to practical operations thereunder. However, in the four crop years in which the program has been effective, the quality of prunes delivered under appraisal certificates has not improved but has declined, and it appears that if the program is to serve its purpose, effective action must be taken by producers and dehydrators to reverse this trend. The proposed amendment may not be the best possible way of accomplishing the result. It appears, however, that it does provide an opportunity for improving the quality of prunes delivered, assuming the cooperation of producers and dehydrators and the establishment by the committee of equity values for surplus substandard prunes which would provide an additional financial incentive.

In view of the foregoing, it is concluded that this amendment should be included in the proposed amended order.

(2) In the discussion of the material issue numbered 11, it was concluded that § 993.63 should be amended by adding a new paragraph (lettered (k)) which would authorize the committee to hypothecate binding written contracts for the sale of surplus prunes subject to the following restrictions, which should be set forth in, and be made a part of, each such loan agreement: (a) The recourse of the lender shall be confined to the particular sales contract or the proceeds which are derived therefrom; (b) neither the Secretary, the committee, nor any of the committee's members, alternate members, officers, or employees, shall be liable for the repayment of the particular loan; and (c) the lender waives any right which he might otherwise have, in case of default in repayment, to take any action to obtain either possession or control of the surplus prunes involved. It was contemplated that the inclusion of these restrictions in each such loan agreement would serve to confine the recourse of the lender either to the particular sale contract which had been hypothecated to him, or, if the sale proceeds had been received by the committee, to such proceeds so long as they were in its possession or under its control. The desirability for such a confinement of liability was stressed at the hearing, and the need for it is considered to be obvious.

A question has been raised with respect to the proposed restriction which is set forth under (b) above. The substance of that question is that the enumerated exemptions from liability should be expanded so as to include also "any distributee as such of the loan proceeds, its officers or employees." These distributees would normally be either so-called independent prune producers or the cooperative association of prune producers which operates in the production area, except that, in a relatively few instances, individual independent prune producers may have assigned their interests in these payments to other persons, as for instance, to prune handlers. The amount available for distribution from such a loan would usually be made as a progress payment, and such amount would presumably be reduced by the withholding by the committee therefrom of what it considered to be an adequate sum to cover the estimated expenses for operating the surplus pool. Thus, these distributions would be diffused through payments to large numbers of distributees, and, except in the case of the cooperative association, would be relatively small in each instance. Even in the case of the cooperative association, it is believed to be improbable that such a payment would exceed about 38 percent of the amount of the particular loan. In other words, such a recovery action by a lender against the distributees would apparently entail the bringing of it against such a large number of them, and for such relatively small amounts in each instance, that the possibility of the bringing of such a court action would be remote. However, the specific inclusion of these distributees in the exemption should cause no complications to arise, and it would be in accordance with the intent that they be free from any liability in the matter. In view of this, and since the express inclusion of them in the exemption is desired by the committee, it is concluded that such specific inclusion should be added.

In the original proposal (No. 19) which was set forth in the notice of hearing, the only language which would have operated, to any extent, to have included distributees specifically in the list of those exempted from liability is the following: "nor any organization represented by such member or alternate member." Such a manner of specification would obviously not have been adequate in any event. For instance, it would not have included independent prune producers who are not banded together into an organization. Further, it would seem to imply that such exemption would apply only to the particular organizations (i. e., business companies) of which they are officers or employees. Such differentiations in treatment would, of course, not have been justified. The proposed specified exemptions from liability of members and alternate members of the committee are intended to apply to them solely in their official capacities as such, and without reference to the organizations which they may be considered to represent.

In further regard to the above, the original proposed amendment in this connection which was set forth in the notice of the hearing and discussed at the hearing also specified the exemption from liability of any "agent of the committee." It is provided, in § 993.63 (1) (2) of the order, that the committee may make distribution of the net proceeds from the surplus pool and progress payments from that pool "either directly or through handlers as agents of the committee." Inasmuch as these handler-agents merely act for the committee as intermediaries in the distribution of the pool proceeds, it was originally considered that the exemption of the committee necessarily entailed the exemption of the committee's agents, who performed these ministerial actions of transmitting the money to the individual distributees pursuant to the committee's directions and supervision. However, it is now concluded that, in order to obviate the possibility that any question in this connection will arise in the future, such agents should likewise be included specifically in the list of those who are exempted from liability.

In line with the foregoing, the modifications set forth below are made in the discussion of this matter in the recommended decision and the recommended further amended order.

The first paragraph (see 18 F. R. 5314) of the discussion of the issue numbered 11 in the recommended decision is changed to read as follows:

Section 993.63 should be amended by adding at the end a new paragraph, lettered (k), which would authorize the committee to hypothecate binding written contracts for the sales of surplus prunes to any person, subject to the following restrictions, which restrictions should be set forth in, and form a part of, each such loan agreement: (a) The recourse of the lender shall be confined to the particular sale contract or the proceeds which are derived therefrom; (b) neither the Secretary, the committee, any of the committee's members, alternate members, officers, employees, and agents, nor any distributees as such (including their respective officers and employees) of the loan proceeds, shall be liable for the repayment, in whole or in part, of the particular loan; and (c) the lender waives any right which he might otherwise have, in case of default in repayment, to take any action to obtain either possession or control of the surplus prunes involved. It is intended that the inclusion of these restrictions in each such loan agreement will serve to confine the recourse of the lender either to the particular sale contract which had been hypothecated to him, or, if the sale proceeds have been received by the committee, to such proceeds so long as they remain in its possession or under its control. The desirability for such a confinement of liability was stressed at the hearing, and the need for it is considered to be obvious.

Also, proposed new § 993.63 (k) of the recommended further amended order (see 18 F. R. 5329) is changed to read as follows:

(k) *Hypothecation of binding written contracts for the sales of surplus prunes.* The committee may hypothecate binding written contracts for the sale of surplus prunes, for the purpose of obtaining funds for the distribution of proceeds of the sales of surplus tonnage prunes in accordance with the provisions of subparagraph (2) of paragraph (i) of this section: *Provided*, There are included in, and made a part of, the loan agreement in connection with each such loan the following terms and conditions: (1) The recourse of the lender shall be confined to the particular sale contract, or the proceeds which are derived therefrom; (2) neither the Secretary, the committee, any of the committee's members, alternate members, officers, employees, and agents, nor any distributees as such (including their respective officers and employees) of the loan proceeds, shall be liable for the repayment, either in whole or in part, of the particular loan; and (3) the lender waives any right which he might otherwise have, in case of default in repayment, to obtain either possession or control of the surplus prunes involved.

Marketing agreement and order. Annexed hereto, and made a part hereof, are two documents entitled, respectively, "Marketing Agreement, as amended, Regulating the Handling of Dried Prunes Produced in California" and "Order, as amended, Regulating the Handling of Dried Prunes Produced in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The marketing agreement, as amended, and the order, as amended, shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 28th day of December 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order, as Amended,[1] Regulating the Handling of Dried Prunes Produced in California

DEFINITIONS

Sec.
993.1 Secretary.
993.2 Act.
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993.4 Prunes.
993.5 Natural condition prunes.
993.6 Processed prunes.
993.7 Standard prunes.
993.8 Standard processed prunes.
993.9 Substandard prunes.
993.10 Handle.
993.11 Handler.
993.12 Dehydrator.
993.13 Producer.
993.14 Ton.
993.15 Grade.
993.16 Size.
993.17 Crop year.
993.18 Domestic.
993.19 Proper storage.
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PRUNE ADMINISTRATIVE COMMITTEE

993.24 Establishment of Prune Administrative Committee.
993.25 Term of office.
993.26 Selection.
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GRADE AND SIZE REGULATIONS

993.48 Receiving of natural condition prunes by handlers.
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993.50 Regulation of the handling of prunes during any crop year when the estimated seasonal average price is in excess of parity.

SALABLE AND SURPLUS TONNAGE REGULATIONS

993.59 Salable and surplus percentages.
993.60 Salable tonnage.
993.61 Surplus tonnage.
993.62 Diversion privileges.
993.63 Disposition of surplus tonnage.

REPORTS AND BOOKS AND OTHER RECORDS

993.71 Confidential information.
993.72 Reports of acquisitions, sales, uses, and shipments.
993.73 Reports of prices.
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993.75 Other reports.
993.76 Records.
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EXPENSES AND ASSESSMENTS

993.80 Expenses.
993.81 Assessments.
993.82 Funds.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing orders have been met.

MISCELLANEOUS PROVISIONS

Sec.
993.84 Personal liability.
993.85 Separability.
993.86 Derogation.
993.87 Duration of immunities.
993.88 Agents.
993.89 Effective time.
993.90 Termination or suspension.
993.91 Procedure upon termination
993.92 Effect of termination or amendment.
993.93 Amendments.
993.97 Exhibit A, minimum standards.

AUTHORITY: §§ 993.1 to 993.97 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 993.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* (1) The findings hereinafter set forth are supplementary and in addition to the findings and determinations which were made in connection with the original issuance (14 F. R. 5254) of the marketing agreement and order, as supplemented by the findings and determinations which were made in connection with the issuance (16 F. R. 8437) of the amendment of such marketing agreement and order which was issued on August 17, 1951, and all of said previous findings and determinations, except the finding as to the base period for the parity computation, are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein; (2) the amended order, as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act; (3) said amended order will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included, in the proposals upon which the amendment hearing has been held; and (4) there are no differences in the production and marketing of dried prunes in the production area covered by said amended order, which make necessary different terms applicable to different parts of such area.

Order relative to handling. It is, therefore, ordered, that the handling of dried prunes produced in California shall, from the effective time of this amended order, be in conformity to, and in compliance with, the terms and conditions of this amended order:

Sections 993.1 through 993.97 of the recommended marketing agreement, as amended, and order, as amended, set forth in the Assistant Administrator's recommended decision, published in the FEDERAL REGISTER on September 2, 1953 (18 F. R. 5304, F. R. Doc. 53-7645), except for the corrections which are set forth below, and except as they are modified by the findings and conclusions, including those in connection with the exceptions, as set forth herein.

The corrections are as follows: In § 993.28 (a) (1) (beginning in the last line of the second column, and continuing in the third column on page 5320), change the words "territory in Santa Clara west of a line" to read "territory in Santa Clara County west of a line"; in § 993.28 (b) (in the 32d line from the bottom of the first column on page 5321), change the word "handled" to read

"handler"; in § 993.28 (b) (in the 24th and 25th lines from the bottom of the first column on page 5321), correct the spelling of "indepenment" to read "independent"; in § 993.59 (a) (1) (in the tenth line from the bottom of the second column on page 5325), correct the spelling of "effectutae" to read "effectuate"; and in § 993.97 (Exhibit A) I B (5) (b) (in the 22d line of the first column on page 5331), change the period after "prunes" to a semicolon.

DEFINITIONS

§ 993.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary under the act.

§ 993.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 993.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 993.4 *Prunes.* "Prunes" means and includes all sun-dried or artificially dehydrated plums, of any type or variety, produced from plums grown in the State of California, except: (a) Sulfur-bleached prunes which are produced from yellow varieties of plums and are commonly known as silver prunes; (b) plums which have not been dried or dehydrated to a point where they are capable of being stored prior to packaging, without deterioration or spoilage, unless refrigeration or other artificial means of preservation are used, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California, for the specialty pack known as "high moisture content prunes," but this exception shall not apply if and when such plums are dried to the point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved; and (c) prunes as used in § 993.62.

§ 993.5 *Natural condition prunes.* "Natural condition prunes" means prunes which have not been processed.

§ 993.6 *Processed prunes.* "Processed prunes" means prunes which have been cleaned, or treated with water or steam: *Provided*, That prunes shall not become processed prunes at the time they are cleaned by a producer or a dehydrator in the course of preparing them for delivery to a producer, dehydrator, or handler.

§ 993.7 *Standard prunes.* "Standard prunes" means any lot of natural condition prunes meeting the applicable grade and size standards prescribed pursuant to § 993.48.

§ 993.8 *Standard processed prunes.* "Standard processed prunes" means any lot of processed prunes meeting the applicable grade and size standards prescribed pursuant to § 993.49.

§ 993.9 *Substandard prunes.* "Substandard prunes" means any lot of processed or natural condition prunes failing to meet the applicable grade and size standards prescribed pursuant to §§ 993.48 and 993.49.

§ 993.10 *Handle.* "Handle" means to receive, process, package, sell, consign, transport, or ship or in any other way to place prunes in the current of commerce (except as a carrier of prunes owned by another person), whatever may be the ultimate destination or end use of the prunes: *Provided*, That this term shall not include: (a) The selling or delivering of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the State of California; (b) the receiving of prunes by a producer or dehydrator from a producer or dehydrator; and (c) the buying, receiving, selling, or otherwise dealing by a person with prunes which have already been handled within the meaning of this definition by another person, but this exclusion shall be of no effect for the purpose of applying the applicable restrictions of § 993.49 or § 993.50 to the subsequent handling of prunes in the event a handler's prunes are excepted from restrictions in the manner specified in § 993.49 (e) (1) or § 993.50 (c).

§ 993.11 *Handler.* "Handler" means any person who handles prunes.

§ 993.12 *Dehydrator.* "Dehydrator" means any person who produces prunes by drying or dehydrating plums by means of sun-drying or artificial heat.

§ 993.13 *Producer.* "Producer" means any person who is engaged, in a proprietary capacity, in growing plums for drying or dehydrating into prunes.

§ 993.14 *Ton.* "Ton" means a short ton of 2,000 pounds.

§ 993.15 *Grade.* "Grade" means the classification of prunes for quality and condition according to the grading specifications established pursuant to the provisions of this subpart.

§ 993.16 *Size.* "Size" means the number of prunes contained in a pound or the classification of prunes into their various count groups in accordance with the usual practice of the industry.

§ 993.17 *Crop year.* "Crop year" means the 12-month period beginning August 1 of any year and ending July 31 of the following year.

§ 993.18 *Domestic.* "Domestic" means the continental United States, Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands, and Canada.

§ 993.19 *Proper storage.* "Proper storage" means storage of such character as will maintain prunes in the same condition as when received by the handler, except for normal and natural deterioration and shrinkage.

§ 993.20 *Part and subpart.* "Part" means the order regulating the handling of dried prunes produced in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of dried prunes produced in California shall be a "subpart" of such part.

PRUNE ADMINISTRATIVE COMMITTEE

§ 993.24 *Establishment of Prune Administrative Committee.* A Prune Administrative Committee (hereinafter referred to as the "committee"), consising of 21 members, with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom, with their respective alternates, 14 shall represent producers and 7 shall represent handlers.

§ 993.25 *Term of office.* The term of office of members, and their respective alternates, shall be two years, ending on May 31 of even numbered years, and any later date which may be necessary for the selection and qualification of their respective successors.

§ 993.26 *Selection.* Selection of members of the committee, and their respective alternates, shall be made by the Secretary, for the producer and handler groups from the nominations submitted for that purpose by the respective groups except as otherwise provided in § 993.32, or from among other qualified persons, in the discretion of the Secretary, but such selections shall be made by the Secretary from the classes within each group and in the proportions set forth in § 993.28.

§ 993.27 *Eligibility.* Each producer member and alternate member of the committee selected to represent a district described in § 993.28 (a) (1) shall be, at the time of his selection and during his term of office, a producer in the district for which he is selected, and shall not be engaged in the handling of prunes, either in a proprietary capacity or as a director, officer, or employee. Each producer member and alternate member of the committee selected to represent producers-at-large in the manner contemplated in §§ 993.26 and 993.28 (a) (3) may be, at the time of his selection and during his term of office, a producer in any district, but he shall not be engaged in the handling of prunes, either in a proprietary capacity or as a director, officer, or employee. Each handler member and alternate member of the committee shall be either a handler of prunes, or an employee, or agent of a handler of prunes, actually engaged in the handling of prunes while he is such member or alternate member.

§ 993.28 *Nomnees*—(a) *Producer nominees*—(1) *Independent producers.* Prior to March 1 of each election year, the committee shall cause to be held, in each of the seven election districts which are described below in this subparagraph, a meeting for the purpose of obtaining names of proposed candidates for nomination to the Secretary for selection as members and alternate members for the respective districts. Each such candidate must be a producer in the district for which he is proposed. Prior to March 15 of that election year, the committee shall prepare for each district and mail to each producer of record in that district who is not a member of a cooperative marketing association a ballot containing the names of such proposed candidates for that district, and the ballot shall also contain blank spaces for use by the voters in writing in the names of any other eligible producers for whom they may wish to vote in lieu of any of those listed. However, the committee may, if it should deem such action to be desirable, use such a ballot for two or more districts jointly: *Provided*, That the returns shall be considered in the light of the voting by each district separately, and subject to the terms and conditions specified herein which are applicable to voting in the individual districts. Each voter shall be entitled to cast only one vote for a member nominee and only one vote for an alternate member nominee in a district in which he is a producer, and no voter shall vote for candidates in more than one district. In case he is a producer in more than one district, he shall elect in which of such districts he will vote and notify the committee as to his choice. In order to be counted, such a mail ballot must be executed and returned to the committee postmarked not later than the following March 31. One nominee for member and one nominee for alternate member for each district shall be submitted to the Secretary by the committee on the basis of those receiving the plurality of the mail ballots cast for the respective positions in the particular district. The seven districts which are referred to above are described as follows:

District No. 1. The counties of Modoc, Lassen, Plumas, Sierra, Butte, Sutter, Yuba, Nevada, and Placer.

District No. 2. The counties of Napa and Solano.

District No. 3. The counties of Mendocino, Lake, Sonoma, Marin, Del Norte, and Humboldt.

District No. 4. The counties of San Francisco, San Mateo, and Santa Cruz, and all that portion of the territory in Santa Clara County west of a line described as follows: Beginning at the intersection of Alviso Road and San Francisco Bay in Alviso; thence south via Alviso Road to First Street in San Jose; thence south on said First Street to San Carlos Street in San Jose; thence west on San Carlos Street to Meridian Road; thence south on Meridian Road to Dry Creek Road; thence west on Dry Creek Road to the San Jose-Los Gatos Highway; thence southwesterly on the San Jose-Los Gatos Highway to Union Avenue, also known as Ware Avenue; thence south on Union Avenue, also known as Ware Avenue, along a straight line continuing to the Santa Cruz County line.

District No. 5. All of Alameda County and that part of Santa Clara County east and south of District No. 4, extending in a southerly direction to a straight line extending from along the main portion of the Cochran Road, northeasterly to the Stanislaus County line and southwesterly to the Santa Cruz County line.

District No. 6. The counties of San Benito, Monterey, and San Luis Obispo, and all of that portion of Santa Clara County not included in Districts No. 4 and No. 5.

District No. 7. All of the counties in the State of California not included in Districts No. 1 to No. 6, inclusive.

At any time the Secretary concludes that the respective areas covered by the aforementioned seven districts, as delineated above, no longer represent approximately equal segments from the standpoints of numbers of producers of prunes or productions of prune tonnages, he may change such areas with a view to reestablishing such equalization on the basis of the existing situations.

(2) *Cooperative producers.* Prior to March 1 of each election year, the committee shall report to the Secretary the total tonnage of prunes handled by all handlers as the first handlers thereof and the total tonnage of prunes handled by cooperative marketing associations as the first handlers thereof during the crop year preceding such election year. Prior to March 15 of each election year, the Secretary shall determine and announce the number of producer member nominees and producer alternate member nominees which shall be nominated by cooperative marketing associations handling prunes on behalf of their members. Such number of nominees shall bear, as far as practicable, the same percentage compared to the total of 14 producer members and their alternates as the prune tonnage handled by cooperative marketing associations as the first handlers thereof bears to the total tonnage handled by all handlers as the first handlers thereof during the crop year preceding such election year. Prior to March 31 of each election year the cooperative marketing associations handling prunes shall nominate to the Secretary on behalf of their members such number of producer nominees and their respective alternates.

(3) *Producers-at-large.* The number of nominees and their respective alternates then required to make up the total of 14 producer member nominees and their alternates shall be nominated to the Secretary by the seven independent producer nominees nominated for members on the committee pursuant to the provisions of this section. Such nominations shall be made prior to April 15 and shall be by majority vote.

(b) *Handler nominees.* Prior to March 15 of each election year, the Secretary shall determine and announce the number of handler member nominees and handler alternate member nominees which shall be nominated by cooperative marketing associations handling plunes, on the same basis as his determination of the number of cooperative producer nominees, as set forth in paragraph (a) (2) of this section, and at the same time he shall determine and announce, for those handlers who are not cooperative marketing associations (referred to in this subpart as "independent handlers"), the number of handler member nominees and handler alternate member nominees to be nominated by large handlers, the number to be nominated by medium handlers, and the number to be nominated by small handlers. Large handlers shall be deemed to be those who during the preceding crop year individually handled as the first handlers thereof, 17 or more percent of the total tonnage handled by independent handlers as the first handlers hereof; medium handlers, those who during the preceding crop year individually handled as the first handlers thereof, eight or more percent but less than 17 percent of the total tonnage handled by independent handlers as the first handlers thereof; and small handlers, those who during the preceding crop year individually handled as the first handlers thereof, less than eight percent of the total tonnage handled by independent handlers as the first handlers thereof. The Secretary shall, in his discretion and insofar as it is possible to do so, apportion 40 percent of the independent handler nominees to large handlers, 20 percent of the independent handler nominees to medium handlers, and 40 percent of the independent handler nominees to small handlers, but in the event that these proportions cannot be followed, there shall be at least one independent handler member nominee and handler alternate member nominee apportioned to each of the three classes of independent handlers, and the nominees for any remaining member positions, including the respective alternates, shall be apportioned to the size class or classes as determined at a general meeting of independent handlers which shall be called for that purpose by the committee, such determination to be made on the basis of a majority vote of all independent handlers who are present at such meeting and participate in the voting, and on the further basis of one vote for each such handler in each balloting. Prior to March 31 of each election year, the cooperative marketing associations handling prunes shall nominate to the Secretary such number of handler member nominees and their respective alternates as the Secretary has determined and announced for cooperative marketing associations. Prior to March 31, at a meeting called for that purpose by the committee, each class of independent handlers shall nominate the number of handler member nominees and their respective alternates as determined and announced by the Secretary for each class, respectively. At such meeting, nominations shall be made by each class of independent handlers for nominees of that class, on the basis of a majority vote of all handler members of that class present and participating in the voting and on the further basis of one vote for each handler in each class in each balloting for nominees of that class.

§ 993.29 *Alternates.* An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 993.30 *Failure to nominate.* In the event nominations for any positions on the committee are not received within the prescribed periods, the Secretary may select such members or their alternates, without regard to nominations, but each such selection shall be on the bases prescribed in § 993.28.

§ 993.31 *Acceptance.* Each person selected as a member or alternate member of the committee shall, prior to serving

on the committee, qualify by filing with the Secretary a written acceptance within 15 days after receiving notice of his selection.

§ 993.32 *Vacancies.* In the event of any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify, or, by the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated within 60 calendar days after such vacancy occurs. Such nomination shall be made in the manner provided for in this subpart, insofar as applicable, except that nominations for independent producer member and alternate member positions may, at the discretion of the committee, be made to the committee by the incumbents of the remaining independent producer member positions.

§ 993.33 *Obligations.* Upon the removal, resignation, disqualification, or expiration of the term of office of any member or alternate member of the committee, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary all property (including, but not limited to, all books and records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property, funds, and claims vested in such member or alternate member shall be vested in his successor or, until such successor has been selected and has qualified, in the committee.

§ 993.34 *Voting procedure and verbatim record.* Except as specifically otherwise provided in this section, all decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present. A quorum shall consist of at least 12 members of whom at least eight must be producer members and at least four must be handler members. Except in case of emergency, a minimum of five days' advance notice must be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption. Any recommendation submitted to the Secretary by the committee, pursuant to the requirements of §§ 993.41 through 993.45, §§ 993.48 through 993.50, or §§ 993.59 through 993.63, shall be on the basis of an affirmative vote by at least 75 percent of the members present (in case of fractional numbers, expressed in terms of the next highest whole number): *Provided*, That, at least 11 members vote affirmatively on any such recommendation. The committee shall file with the Secretary, along with recommendations submitted to the Secretary pursuant to the requirements of §§ 993.41 through 993.45, §§ 993.48 through 993.50, or §§ 993.59 through 993.61, a verbatim record of those portions of its meetings relative to such requirements. Whenever the committee votes on any matter involving a recommendation or proposal to the Secretary, it shall report promptly to the Secretary the individual votes cast in connection therewith, and, in addition, the committee shall report to the Secretary the individual votes cast in connection with any other matter on which there is a roll call.

§ 993.35 *Compensation and expenses.* The members of the committee, and their alternates when acting as members, shall receive $10.00 per day for each day devoted to performing their duties hereunder, plus their reasonably necessary expenses.

§ 993.36 *Powers.* The committee shall have the following powers:

(a) To administer the terms and provisions of this subpart;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 993.37 *Duties.* The committee shall have, among others, the following duties:

(a) To act as intermediary between the Secretary and any producer, dehydrator, or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(c) To make, subject to the prior approval of the Secretary, scientific and other studies, and assemble data on the producing, handling, shipping, and marketing conditions relative to prunes, which are necessary in connection with the performance of its official duties;

(d) To select, from among its members, a chairman and other appropriate officers, and to adopt such rules and regulations for the conduct of the business of the committee as it may deem advisable;

(e) To appoint or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of such persons;

(f) To submit to the Secretary not later than the fourth Tuesday of July of each year, a budget of its anticipated expenditures and the recommended rate of assessment for the ensuing crop year, and the supporting data therefor;

(g) To submit to the Secretary such available information with respect to prunes as the committee may deem appropriate, or as the Secretary may request;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee, exclusive of surplus tonnage operations, and to make such statements, together with the minutes of the meetings of said committee, available for inspection at the offices of the committee, by producers, dehydrators, and handlers;

(i) To prepare and submit to the Secretary annually, as soon as practicable after the end of each crop year and at such other times as the committee may deem appropriate or the Secretary may request, a statement of the financial operations of the committee with respect to the surplus tonnage for such crop year and to make such statement available at the offices of the committee, for inspection by producers, dehydrators, and handlers;

(j) To cause the books of the committee to be audited by a certified public accountant at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request. Such report shall show, among other things, the receipt and expenditures of funds. At least two copies of such audit report shall be submitted to the Secretary; a copy of each such report shall be available, at the offices of the committee, for inspection by producers, dehydrators, and handlers;

(k) To give the Secretary the same notice of meetings of the committee as is given to the members of the committee;

(l) To give producers, dehydrators, and handlers reasonable advance notice of meetings of the committee, and to maintain all such meetings open to such persons;

(m) To investigate compliance with the provisions of this subpart and with any rules and regulations established pursuant to such provisions; and

(n) To establish, with the approval of the Secretary, such rules and procedures relative to administration of this subpart as may be consistent with the provisions contained in this subpart and as may be necessary to accomplish the purposes of the act and the efficient administration of this subpart.

MARKETING POLICY

§ 993.41 *Report of marketing policy.* Prior to the beginning of each crop year, the committee shall prepare and submit to the Secretary a report setting forth its marketing policy for the regulation of the handling of prunes in such crop year, pursuant to §§ 993.48 through 993.63. Such report shall include the data and information used by the committee in the formulation of such marketing policy. In developing the marketing policy, the committee shall give consideration to the following factors:

(a) The estimated tonnage of prunes from preceding crop years held by handlers;

(b) The estimated tonnage of prunes from preceding crop years held by producers and dehydrators;

(c) The estimated production of prunes in such crop year;

(d) An appraisal of the quality and size of prunes of the crop to be produced in such crop year;

(e) The estimated tonnage of prunes marketed in recent crop years in domestic commerce, segregated by uses;

(f) The estimated tonnage of prunes marketed in recent crop years in foreign commerce, segregated by countries or groups of countries in such a way as to indicate the variables, if any, in the tonnages marketed in each such country or groups of countries under different pricing conditions;

(g) The current prices being received for prunes by producers, dehydrators, and handlers;

(h) The trend and level of consumer income;

(i) The estimated probable market requirements for prunes in such crop year in domestic commerce, segregated by uses;

(j) The estimated probable market requirements for prunes in such crop year in foreign commerce, segregated by countries or groups of countries in such a way as to reflect the apparent variables, if any, in such requirements under different pricing conditions;

(k) Such factors, in supplying foreign commerce, as may tend to directly affect, burden, and obstruct the normal channels of domestic commerce;

(l) Such other factors as may have a bearing on the marketing of prunes; and

(m) In the event that the committee contemplates that it will recommend to the Secretary that the salable and surplus percentages for a particular crop year should be established pursuant to the provisions of § 993.59 (b), it shall also consider, formulate, and include in its marketing policy its recommendations as to terms and conditions, including pricing formulae, for the sale of surplus tonnage that may be disposed of pursuant to the provisions of § 993.63 (b) (2), and a compensating payment calculated to move the desired quantity of prunes in export in accordance with said § 993.63 (b) (2).

§ 993.42 *Policy meeting.* The committee shall hold its initial policy meeting for the purpose of formulating and adopting the marketing policy for any crop year not later than the third Tuesday in June preceding the beginning of such crop year. It shall hold another meeting in this connection not later than the following July 12 (except that, if such date should fall on a legal holiday, a Saturday, or a Sunday, not later than the following work day) for the purpose of reconsidering its original marketing policy for the ensuing crop year, including the consideration of the Secretary's tentative views in respect thereto, submitted pursuant to § 993.43. The committee shall submit to the Secretary, as promptly as practicable after the conclusion of this second policy meeting, a report showing any revisions or changes it desires to make in its marketing policy for the ensuing crop year as formulated at its first meeting, together with the supporting data and reasons therefor. In the event the committee has recommended that the salable and surplus percentages for the ensuing crop year should be established pursuant to the provisions of § 993.59 (b), the Secretary shall have the right to disapprove any terms and conditions, including pricing formulae and compensating payment, submitted by the committee pursuant to the provisions of § 993.41 (m), within seven calendar days after he receives in Washington, D. C., the committee's policy report developed at said second marketing policy meeting.

§ 993.43 *Time of submission and Secretary's tentative views.* The original marketing policy report, together with any committee recommendation pursuant to § 993.41 (m), for any crop year shall be submitted to the Secretary within ten days after the policy meeting specified in § 993.42. The Secretary shall notify the committee of his tentative views in respect to the committee's marketing policy as soon as reasonably practicable after he receives the report thereon.

§ 993.44 *Subsequent modifications or changes.* In the event the committee subsequently determines that the marketing policy developed pursuant to § 993.42 should be modified or changed by reason of changes in economic or other conditions, it shall make such modification or change in the manner provided for above for the original formulation of a marketing policy, insofar as applicable, and shall submit promptly a report of such modified or changed marketing policy to the Secretary, along with the data which it considered in connection with the making of such modification or change: *Provided*, That, in case the salable and surplus percentages for the particular crop year were established pursuant to the provisions of § 993.59 (b), the Secretary shall notify the committee promptly of his views in regard to such modifications or changes, including any disapproval thereof.

§ 993.45 *Notice.* The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of the contents of each marketing policy report submitted to the Secretary and of each report modifying or changing a marketing policy. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. Copies of all such reports shall be maintained in the offices of the committee where they shall be available for examination by producers, dehydrators, and handlers.

GRADE AND SIZE REGULATIONS

§ 993.48 *Receiving of natural condition prunes by handlers*—(a) *General.* In order to effectuate the declared policy of the act, no handler shall receive prunes from producers or dehydrators, except in accordance with the terms and conditions with respect to grades and sizes set forth in this section: *Provided*, That no handler shall receive any prunes (either as standard prunes or as substandard prunes) from producers or dehydrators, unless such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. Any high moisture content prunes, as described in the exception in § 993.4 (b), in the possession of a handler, shall be held separate and apart from any surplus prunes (including both standard and substandard prunes) held by him. If, and so long as, a handler commingles his salable prunes with any surplus prunes, this prohibition as to storage shall apply to the entire mass. In the event such high moisture content prunes are dried or dehydrated to a point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved, they shall be deemed, at that time, to have been received by such handler as prunes, and to be subject to all of the conditions and restrictions of this subpart.

(b) *Regulation.* Continuing until such regulation is superseded by other regulations prescribed by the Secretary, no handler shall receive prunes from producers or dehydrators, other than as substandard prunes, unless they meet the minimum standards for natural condition prunes as set forth in § 993.97 (Exhibit A).

(c) *Superseding regulation.* In case the committee should recommend to the Secretary that the minimum standards as to grade, as provided for in paragraph (b) of this section, should be superseded by other minimum standards as to grades and sizes, it shall submit its recommendation to the Secretary, together with the data and information upon which it acted in making such recommendation, including information as to factors affecting the supply of, and demand for, prunes by grades and sizes, and such other information as the Secretary may request. The Secretary shall issue such superseding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any such superseding regulation, insofar as it applies to grades, shall not be below the applicable minimum standards for grades of natural condition prunes as set forth in § 993.97 (Exhibit A), and any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulations issued by the Secretary shall subsequently be modified, suspended, or terminated, in case he finds that the pertinent facts and circumstances so warrant; and the committee, in submitting any recommendation therefor to the Secretary, shall, in each instance, submit to him the information and data on the basis of which such recommendation is made. The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. In addition, the committee shall

give written notice by registered mail of each superseding regulation issued by the Secretary to all handlers of whom the committee has a record.

(d) *Inspection.* Each handler shall, at his own expense, cause an inspection to be made of prunes tendered to him by any producer or dehydrator. Prior to accepting any such tender of prunes as prunes meeting the applicable minimum standards for grades and sizes, each such handler shall obtain a certificate that the prunes meet the aforementioned requirements for standard prunes as established pursuant to the provisions of paragraphs (b) or (c) of this section, and said handler shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory. Any prunes so certified as meeting the applicable requirements shall be known and referred to as standard prunes.

(e) *Substandard natural condition prunes*—(1) *Producer's or dehydrator's options.* Any natural condition prunes tendered to a handler by a producer or dehydrator which fail to meet the applicable minimum standards as to grades and sizes, may: (i) At the producer's or dehydrator's option, be returned to such producer or dehydrator for sorting; or, (ii) by agreement between such producer and handler or dehydrator and handler, be received pursuant to the provisions of subparagraph (2) of this paragraph; or, (iii) be turned over to the handler unsorted to be held by him, as substandard natural condition prunes, for the account of the committee. Any such substandard prunes, except as otherwise specifically provided, shall be treated the same as, and be subject to, the same provisions respecting surplus prunes, as contained in §§ 993.59 through 993.63, and, except those referred to in subparagraph (2) of this paragraph, shall be held by a handler separate and apart from any standard prunes held by him.

(2) *Equivalent quantity basis.* In the event a producer or dehydrator should elect to arrange with a handler for the receiving of substandard prunes tendered by him to such handler for sorting or disposing of such prunes unsorted in conformity with the provisions of this subpart, the inspection agency designated to make inspections of prunes shall issue, at the handler's expense, a certificate of appraisal on such prunes so tendered, which shall show the percentage thereof comprising offgrade prunes necessary to be removed therefrom for the remainder to be standard prunes. A quantity of prunes equivalent to the weight of such offgrade prunes represented by the application of such percentage to the total tonnage so appraised and certified shall be treated as substandard prunes and held as such for the account of the committee: *Provided*, That any prunes so treated as substandard prunes shall be in conformity with the applicable requirements as set forth in subparagraph (3) of this paragraph and § 993.63 (f). No certificate of inspection on such substandard natural condition prunes so tendered shall be required pursuant to this section after a certificate of appraisal has been issued applicable to such prunes.

(3) *Comparable size requirement of prunes treated as surplus substandard prunes.* The weighted average size count of substandard prunes of a size count of 121 or less prunes per pound which are held for the account of the committee by a handler on the equivalent quantity basis prescribed in subparagraph (2) of this paragraph shall not exceed by more than five prunes per pound, when delivered to the committee the weighted average size count of such offgrade prunes in appraisal lots as shown on the applicable certificates of appraisal issued to the handler for that crop year. The weighted average size count of substandard prunes of a size count of 121 or less prunes per pound, which are turned over to a handler unsorted to be held by him as substandard prunes, for the account of the committee, shall be no greater when delivered to the committee than the weighted average size count of such offgrade prunes as shown on the applicable certificates of inspection issued to the handler for that crop year, except for such tolerance allowances in connection with shrinkage in weight as the committee may establish. Any substandard prunes of a size count of 122 or more prunes per pound, whether received as such or in appraisal lots, which are held for the account of the committee by a handler shall have no limitation with respect to the weighted average size count thereof when delivered to the committee: *Provided*, That such substandard prunes shall be treated as a size category separate and apart from any other substandard prunes held by the handler, and when delivered to the committee, the weighted average size count thereof shall not be averaged in with nor affect the weighted average size count of any other substandard prunes which the handler delivers to the committee.

§ 993.49 *Regulation of the handling of prunes subsequent to their receipt by handlers*—(a) *General.* In order to effectuate the declared policy of the act, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, except in accordance with the terms and conditions of this section.

(b) *Regulation.* Continuing until such regulation is superseded by other regulations prescribed by the Secretary, except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for standard prunes or standard processed prunes.

(c) *Superseding regulation.* In case the committee should recommend to the Secretary that the minimum standards as to grade, as provided for in paragraph (b) of this section, should be superseded by other minimum standards as to grades and sizes, it shall submit its recommendation to the Secretary together with the data and information upon which it acted in making such recommendation, including information as to factors affecting the supply of, and demand for, prunes by grades and sizes, and such other information as the Secretary may request. The Secretary shall issue such superseding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any such superseding regulation, insofar as it applies to grades, shall not be below the applicable minimum standards for grades of standard prunes or standard processed prunes, as set forth in § 993.97 (Exhibit A), and any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulation issued by the Secretary may subsequently be modified, suspended, or terminated in case he finds that the pertinent facts and circumstances so warrant, and the committee, in submitting any recommendation therefor to the Secretary shall, in each instance, submit to him the information and data on the basis of which such recommendation is made: *Provided*, That, at all times, the regulation shall be comparable so far as practicable, to the then current regulation in effect with respect to the receiving of natural condition prunes by handlers from producers or dehydrators. The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. In addition, the committee shall give written notice by registered mail of each superseding regulation issued by the Secretary to all handlers of whom the committee has a record.

(d) *Inspection.* Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, unless they are specifically excepted in this section, cause an inspection to be made of such prunes to determine whether they meet the then applicable grade and size standards for standard prunes or standard processed prunes. Each such handler shall not ship or otherwise make final disposition of such prunes, for any use unless they are specifically excepted in this section, if they do not meet such minimum standards. Such handler shall obtain a certificate that such prunes meet the aforementioned minimum standards and such handler shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory.

(e) *Exceptions to restrictions*—(1) *Inter-plant and inter-handler transfers.* Notwithstanding the restrictions contained in paragraphs (b) or (c) of this section, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California without having any inspection made as provided for in paragraph (d) of this section, and any handler may ship prunes from his plant to another handler's plant within the State of California without having an inspection made as provided for in paragraph (d) of this section. A report of such inter-handler transfer shall be made promptly by the transferring handler to the committee. The receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this section.

(2) *Defective prunes accumulated from standard prunes and prunes received by a handler for his own account which fail to meet the quality standards for disposition.* Any defective prunes which may be accumulated by a handler by removing them from his standard prunes and any prunes received by a handler for his own account which fail to meet the quality standards for the disposition of prunes, may be disposed of, or marketed for disposition, as animal feed, pitted prunes, or as other prune products in which they lose their form and character as prunes by conversion prior to consumption: *Provided*, That any such prunes which are disposed of, or marketed for disposition, for human consumption shall meet those minimum standards prescribed in § 993.97 (Exhibit A) as relate to the defects of mold, imbedded dirt, insect infestation, and decay. The committee shall issue any such rules and regulations as may be necessary to insure such uses. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes under this subparagraph, cause an inspection to be made of such prunes by the inspection agency. Such handler shall obtain from the inspection agency a certificate that such prunes meet the applicable conditions contained in this subparagraph, and submit it, or cause it to be submitted together with such other instruments and records as the committee may require, to the committee. Otherwise, such prunes may be shipped or disposed of for the purposes specified in this subparagraph without regard to the restrictions contained in paragraphs (b), (c), and (d) of this section.

§ 993.50 *Regulation of the handling of prunes during any crop year when the estimated seasonal average price is in excess of parity*—(a) *Determination.* If the Secretary should find that the estimated seasonal average price for prunes for any crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order in which such finding is set forth, and, in such order, he may provide that, for such crop year, the handling of prunes shall be in accordance with the provisions set forth in this section.

(b) *Receiving of prunes by handlers.* In lieu of the provisions set forth in § 993.48, a handler may receive any tender of prunes from a producer or dehydrator: *Provided*, That such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. For the assistance of the committee in its supervision of operations under this section, each handler shall, at his own expense, cause an inspection to be made by the inspection agency for the purpose of ascertaining the net weight of the delivery and the percentage of defective prunes in such delivery which is in excess of the maximum tolerances specified in § 993.97 (Exhibit A, paragraph C of subdivision I), and whether the prunes in the delivery meet the requirements of paragraph D of said subdivision I. In the case of each such inspection, the handler shall obtain from the inspection agency a certificate showing the results of the inspection including the percentage of such excess by defects or groups of defects, as the committee may require, and he shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee.

(c) *Disposition of prunes by handlers.* In lieu of the requirements set forth in § 993.49, no handler shall ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be. Also, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. Any handler may ship or otherwise make final disposition of any natural condition prunes or of any processed prunes, as the case may be, for any use other than those referred to in the two preceding sentences. Such disposition without regard to the quality of prunes shall include, but is not limited to, disposition for animal feed, botanicals, and distillation. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, cause an inspection to be made by the inspection agency to determine whether they meet the applicable grade standards, as set forth in this paragraph, and he shall obtain from the inspection agency a certificate that such prunes meet the aforementioned applicable minimum standards and submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Notwithstanding the aforesaid restrictions, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California, and any handler may ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and certificate issued. A report of each inter-handler transfer shall be made promptly by the transferring handler to the committee, and the receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this paragraph. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that prunes are disposed of for the respective uses for which they were intended, and that the prunes used for each particular purpose meet the applicable minimum grade standards prescribed in this paragraph.

(d) *Inspection agency.* The inspection agency referred to in this section shall be the same as the inspection agency which is provided for in §§ 993.48 and 993.49.

(e) *Assessments.* In lieu of the payment of assessments pursuant to the computation method prescribed in § 993.81 (a), each handler shall pay to the committee, upon demand, with respect to all prunes received by him as the first handler thereof, his pro rata share of such expenses which the Secretary finds will be incurred pursuant to the provisions of § 993.80 by the committee during such crop year. Also, in such an event, each handler's pro rata share of such expenses shall be equal to the ratio between the total tonnage received by him as the first handler thereof during such crop year and the total tonnage received by all handlers as the first handlers thereof during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all prunes received by handlers as the first handlers thereof during such crop year to obtain sufficient funds to cover any finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage during the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its authorized functions. In all other respects, the provisions of §§ 993.80 through 993.82 shall remain in full force and effect.

(f) *Effective provisions.* In any crop year while the provisions of this section are in effect, the provisions of §§ 993.1 through 993.45, §§ 993.71 through 993.77 and §§ 993.84 through 993.93 shall remain in full force and effect, except to the extent that they may be in conflict

to handlers for supplying the market requirements of a foreign country or group of foreign countries excluded from the estimates upon which the salable percentage for such crop year was based. The total amount of money distributed among handlers as compensating payments for such period shall be limited to the funds so withheld from the proceeds of the surplus standard prunes sold hereunder to handlers for such period. Such funds shall be allocated equitably among handlers in accordance with terms and conditions established by the committee. Handlers who have purchased their full shares of the surplus standard prunes offered for such period shall have priority in such allocation over handlers who shall have failed to purchase their full shares of such offer. No handler shall be compensated at a rate greater than that established as the compensating payment for such period. In the event the rate of such compensation to any handler is less than that established as the compensating payment for such period, the committee shall release to such handler, in lieu of money and for use as salable tonnage, a quantity of surplus standard prunes held by him for the account of the committee sufficient to rectify the deficiency in the rate paid to such handler, the value of the surplus standard prunes so released to be established on the basis of the price at which such prunes were offered during such period. The compensating payments, applicable to any prunes sold by any handler for shipment to or use in a foreign country or group of foreign countries excluded from the estimates upon which the salable percentage was based, shall not be made until satisfactory proof of the shipment of such prunes has been furnished to the committee. The committee shall establish for each period a final date before which the shipment of prunes so sold during such period shall be made in order for the handler making the sale thereof to qualify for the compensating payment applicable thereto: *Provided*, That the committee shall not establish any such date for any period during a crop year that will permit a handler to ship any such prunes later than July 31 of such crop year and to qualify for the compensating payment for such period. The maximum quantity of prunes for which a handler shall be entitled to receive compensating payments hereunder during any crop year shall be limited to the total quantity of surplus standard prunes, received from producers and dehydrators during such crop year and held by him for the account of the committee, uncommitted to anyone other than to him: *Provided*, That in the event that the committee shall have given such handler specific authority to sell, for shipment during such crop year to a foreign country or group of foreign countries excluded from the estimates upon which the salable percentage was based, a quantity of standard prunes, or standard processed prunes, in excess of such uncommitted surplus standard prunes so received and held by him, he shall be entitled to receive compensating payments applicable thereto after qualifying hereunder for such compensating payments.

(3) *Countries estimated to have no probable market requirements.* In case a handler, during any crop year, sells a quantity of prunes for shipment to and for use in a foreign country which, at the time the salable and surplus percentages for such crop year were recommended, the committee estimated would have no probable market requirement, the committee may, upon adequate proof of such sale, offer to sell, and sell, to such handler a quantity of surplus standard prunes, held by him for the account of the committee, and uncommitted, equivalent to the quantity so sold for use in such foreign country calculated on the basis of natural condition weight. Prior to making any offer, the committee shall determine the price at which the prunes included in such offer shall be sold, taking into consideration the price received for the quantity of salable tonnage prunes sold for use in such country by the handler, together with other factors and conditions affecting the marketing of prunes at the time of such offer. The committee may also sell direct to such a foreign market surplus standard prunes or surplus standard processed prunes for use in the foreign country in which such market develops if it determines that the sale cannot reasonably be made by handlers from salable tonnage. Any such direct sale by the committee may be made at a negotiated price.

(4) *Notice to Secretary of proposed sales for export.* The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell under either subparagraph (1) or subparagraph (3) of this paragraph, surplus standard prunes or surplus standard processed prunes pursuant to this paragraph, complete information with respect thereto, including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period the making of such an offer or any term or condition thereof. No such notice of individual offers under subparagraph (2) of this paragraph shall be required, but the committee shall keep the Secretary currently informed in respect thereto.

(c) *Sales for animal feed and certain manufacturing uses.* The committee may sell any surplus prunes for animal feed, botanicals, distillation, or for any manufacturing uses which were not provided for in estimating the salable quantity of standard prunes for the then current crop year. Such sales may be made at negotiated prices. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such prunes are disposed of for the respective uses for which they are sold.

(d) *Sales to handlers*—(1) *Authorization under specified supply conditions.* If the committee finds that total contracted sales by all handlers during the crop year exceeds 80 percent of the total salable tonnage received by all handlers plus 80 percent of the estimated tonnage held unsold by producers and dehydrators which would become salable tonnage; or, if the committee finds that more than 20 percent of the uncontracted salable tonnage is being held so tightly by relatively few handlers, dehydrators, or producers as seriously to restrict commerce in prunes, and if 75 percent of all handlers have made a written request therefor and such requesting handlers have purchased over 65 percent of the salable tonnage purchased from producers and dehydrators, the committee may, in either event, sell to handlers standard prunes from he surplus tonnage for use as salable tonnage, subject to the additional conditions set forth in subparagraphs (2), (3), (4), (5) and (6) of this paragraph.

(2) *Authorized commencement date.* No such sale shall be made prior to December 15 of the crop year.

(3) *Quantity limitation.* No single sales offer of surplus tonnage to handlers shall exceed 20 percent of the original estimated salable tonnage.

(4) *Prices.* If any such sale is made for manufacturing purposes in which the prunes will lose their form and character as prunes by conversion prior to consumption, it may be made by the committee at a negotiated price; otherwise, such sales shall not be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.73, plus accrued charges for receiving and storing of surplus tonnage.

(5) *Pro rata shares and termination of offers.* In any offer by the committee to sell surplus tonnage to handlers pursuant to this paragraph, each handler shall be given the first opportunity to purchase his share of the offer, which share shall be determined as the same proportion that the respective surplus tonnage held by him is of the surplus tonnage held by all handlers. In the event that any handler declines or fails to purchase any or all of his share of any such offer, the remaining portion thereof shall be re-offered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to their respective shares. Any balance remaining unsold after such re-offer shall be withdrawn from the particular offer. Any offer outstanding as of July 5 of any crop year shall be withdrawn and the committee shall not make any further offer to sell surplus tonnage to handlers after that date, except that if the committee determines, with the approval of the Secretary, that a major change in conditions has occurred, such as the involvement of the United States in war or a crop failure in the following year, or any other significant development, which indicates a shortage of supply, the said July 5 limitation shall no longer apply.

(6) *Notice to Secretary of proposed sales to handlers.* The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell surplus prunes pursuant to this paragraph, complete information with respect thereto, including the basis therefor. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(e) *Sales of standard prunes for manufacturing purposes*—(1) *Manufacturing outlets included in estimate of salable percentage.* In the event it appears that the total salable tonnage is not sufficient to meet the estimated domestic and foreign requirements due to the expansion of manufacturing outlets, which outlets were provided for in estimating the salable percentage, to a greater extent than was anticipated at the time of estimating the salable percentage, the committee may offer to sell, and sell, surplus standard prunes to handlers for resale or use for such manufacturing purposes in which such prunes will lose their form and character as prunes by conversion prior to consumption, in such quantities as are necessary to meet the increased demand. The quantity of prunes offered to individual handlers to meet such deficiency shall be in the proportion that the respective handler's sales or uses for manufacturing bears to sales or uses for manufacturing by all handlers. No such sale shall be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.73, plus accrued charges for receiving and storing of surplus tonnage.

(2) *Manufacturing outlets not included in estimate of salable percentage.* The committee may offer to sell, and sell, to any handler, a quantity of surplus standard prunes for any manufacturing use, which manufacturing use was not included in the estimates upon which the salable percentage was based either because it was considered to have no probable market requirement or because it was not considered in any way by the committee, in the event of proof of demand for such quantity for such purpose. Such sale may be made at a negotiated price. The committee shall require proof that any standard prunes so sold were used for the purpose for which they were sold.

(3) *Notice to Secretary of proposed sales of standard prunes for manufacturing purposes.* The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell under either subparagraph (1) or subparagraph (2) of this paragraph surplus standard prunes to handlers pursuant to this paragraph, complete information with respect thereto including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period, the making of such offer or any term or condition thereof.

(f) *Sales of substandard prunes for animal feed and for manufacturing purposes.* Except as provided in the next two succeeding sentences of this paragraph, the committee may sell direct, or sell to handlers for resale, substandard prunes for animal feed, and for any manufacturing purpose in which such prunes will lose their form and character as prunes by conversion prior to consumption: *Provided*, That any such prunes which are sold for disposition for manufacturing purposes for human consumption, either directly to handlers, or for resale by handlers, shall, at the time of such disposition or use, meet those minimum standards prescribed in § 993.97 (Exhibit A) as relate to the defects of mold, imbedded dirt, insect infestation, and decay, and any such prunes so sold by the committee to a person who is not a handler shall meet those quality standards at the time of disposition by the committee. Whenever a certificate of inspection applicable to prunes turned over to a handler unsorted by a producer or dehydrator to be held by such handler as substandard natural condition prunes for the account of the committee pursuant to the provisions of § 993.48 (e) (1) (iii) shows that such prunes fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A), when considered in terms of the entire lot, as they relate to the defects of mold, imbedded dirt, insect infestation, and decay, such prunes shall be sold or disposed of by the committee only to persons who are not handlers of prunes and only for disposition as animal feed, for distillation, or for any use other than for human consumption. Whenever a certificate of appraisal issued pursuant to the provisions of § 993.48 (e) (2) shows that if the quantity of substandard prunes to which such certificate applies were to have all offgrade prunes removed therefrom such offgrade prunes would fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) as they relate to the defects of mold, imbedded dirt, insect infestation, and decay, a quantity of prunes equivalent to the weight of such offgrade prunes necessary to be removed from the total tonnage shown on the applicable certificate in order for the remainder to be standard prunes shall be sold or disposed of by the committee only to persons who are not handlers of prunes and only for disposition as animal feed, for distillation, or for any use other than for human consumption. No sales of substandard prunes for manufacturing purposes for human consumption shall be made while standard prunes are available in the surplus tonnage. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that substandard prunes are disposed of for the respective uses for which they were sold. All such sales may be made at negotiated prices.

(g) *Donations of surplus prunes.* The committee may donate limited quantities of surplus prunes for use in research or promotional activities.

(h) *Unsold surplus tonnage.* The committee shall endeavor to sell all prunes in the surplus tonnage at a rate so as to achieve, as nearly as may be practicable, the complete disposition of the surplus tonnage not later than July 31 of the crop year. Any surplus tonnage remaining unsold as of July 31 shall be disposed of as soon as practicable for animal feed, distillation, or in any other outlets which are not competitive with the sale of prunes in normal marketing channels, not otherwise provided for in this paragraph, unless determination with respect to a shortage of supply has been made as provided for in paragraph (d) (5) of this section. The committee may dispose of unsold surplus prunes after July 31 at negotiated prices.

(i) *Proceeds of sales of surplus tonnage*—(1) *Charges against proceeds.* Expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of surplus tonnage shall be charged against the proceeds of sales of surplus tonnage.

(2) *Distribution of net proceeds.* Net proceeds from the disposition of surplus tonnage shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to persons in proportion to their contributions thereto, or to assignees of such interests, with appropriate grade and size differentials as established by the committee. Progress payments may be made by the committee in the same manner, as sufficient funds accumulate. Distribution of the proceeds in connection with the surplus tonnage contributed by a nonprofit cooperative agricultural marketing association which has authority to market prunes of its members and to allocate the proceeds therefrom to such members shall be made to such association, if it so requests. Prior to making any such distribution, the committee shall submit to the Secretary a report including all pertinent details with respect thereto.

(j) *Prohibition against the hypothecation of surplus.* In no event shall the committee hypothecate surplus tonnage.

(k) *Hypothecation of binding written contracts for the sales of surplus prunes.* The committee may hypothecate binding written contracts for the sale of surplus prunes, for the purpose of obtaining funds for the distribution of proceeds of the sales of surplus tonnage prunes in accordance with the provisions of subparagraph (2) of paragraph (i) of this section: *Provided*, There are included in, and made a part of, the loan agreement in connection with each such loan the following terms and conditions: (1) The recourse of the lender shall be confined to the particular sale contract, or the proceeds which are derived therefrom; (2) neither the Secretary, the committee, any of the committee's members, alternate members, officers, employees, and agents, nor any distributees as such (including their respective officers and employees) of the loan proceeds, shall be liable for the repayment, either in whole or in part, of the particular loan; and (3) the lender waives any right which he might otherwise have, in case of default in repayment, to obtain either possession or control of the surplus prunes involved.

REPORTS AND BOOKS AND OTHER RECORDS

§ 993.71 *Confidential information.* All reports and records furnished or submitted by handlers to the committee which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be

received by, and at all times kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this section, information may be disclosed to the committee when reasonably necessary to enable the committee to carry out its functions under this subpart.

§ 993.72 *Reports of acquisitions, sales, uses, and shipments.* Each handler shall file such reports of his acquisitions, sales, uses, and shipments of prunes, as may be requested by the committee.

§ 993.73 *Reports of prices.* Each handler shall file with the committee such price reports as may be requested by the committee, showing the weighted average price paid by such handlers to producers and dehydrators for each size of prunes and the quantity purchased at each such price, to enable the committee to determine the average price received by producers for the purposes set forth in § 993.63.

§ 993.74 *Reports of surplus tonnage.* Each handler shall file with the committee such reports of the total substandard prunes and other surplus tonnage by grade and size classifications thereof, held in his warehouses or under his control and the location thereof, as may be requested by the committee.

§ 993.75 *Other reports.* Upon the request of the committee, each handler shall furnish such other reports and information as are needed to enable the committee to perform its functions under this subpart.

§ 993.76 *Records.* Each handler shall maintain such records of prunes received, held, and disposed of by him as are prescribed by the committee and needed by it to perform its functions under this subpart.

§ 993.77 *Verification of reports.* For the purpose of checking and verifying reports filed by handlers or the operation of handlers under the provisions of this subpart, the committee, through its duly authorized agents, shall have access to any premises where prunes may be held by any handler and at any time during reasonable business hours, shall be permitted to inspect any prunes so held by such handler and any and all records of such handler with respect to the holding or disposition of all prunes which may be held or which may have been disposed of by him.

EXPENSES AND ASSESSMENTS

§ 993.80 *Expenses.* The committee is authorized to incur such expenses (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The recommendation of the committee as to these expenses and the recommended rate of assessment for each crop year, together with all data supporting such recommendations, shall be filed with the Secretary not later than the fourth Tuesday of July preceding the crop year in connection with which such recommendations are made.

§ 993.81 *Assessments—(a) Requirement for payment and rate of assessment.* The funds to cover the expenses of the committee (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) shall be acquired by levying assessments. Each handler shall pay to the committee, upon demand, with respect to all salable tonnage prunes handled by him as the first handler thereof and on all prunes sold to him from surplus tonnage for resale to other than Federal governmental agencies, his pro rata share of such expenses which the Secretary finds will be incurred as aforesaid, by the committee during each crop year. Each handler's pro rata share of such expenses shall be equal to the ratio between the total salable tonnage handled by him as the first handler thereof plus the tonnage sold to him from surplus tonnage for resale to other than Federal governmental agencies, during the applicable crop year, and the total salable tonnage prunes handled by all handlers as the first handlers thereof plus tonnage sold to such handlers from surplus tonnage for resale to other than Federal governmental agencies, during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all salable tonnage prunes handled by handlers as the first handlers thereof and on all tonnage sold to handlers from surplus tonnage for resale to others than Federal governmental agencies during such crop year to obtain sufficient funds to cover any finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage during the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its functions under this subpart.

(b) *Advance payments.* In order to provide funds to carry out the functions of the committee, the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against the respective handler.

(c) *Use and refund of excess funds from assessments.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations hereunder may be used and shall be refunded by the committee in accordance with the provisions hereof. Such excess funds may be used by the committee during the period of five months subsequent to such crop year in paying the expenses of the committee incurred in connection with the new crop year. The committee shall, however, from funds on hand, including assessments collected during the new crop year, distribute or otherwise make available, within six months after the beginning of the new crop year, the aforesaid excess, as verified by audit, to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said previous crop year. Any money collected from assessments hereunder and remaining unexpended in the possession of the committee upon the termination hereof shall be distributed in such manner as the Secretary may direct.

(d) *Suits for collection.* The committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, a suit against any handler for the collection of such handler's assessment.

§ 993.82 *Funds.* All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes authorized in this subpart and shall be accounted for in the manner provided for in this subpart. The Secretary may, at any time, require the committee or its members and alternate members to account for all receipts and disbursements.

MISCELLANEOUS PROVISIONS

§ 993.84 *Personal liability.* No member or alternate member of the committee, or any employee, representative, or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 993.85 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 993.86 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 993.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 993.88 *Agents—(a) Authorization by Secretary.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

(b) *Authorization by committee.* The committee may authorize any person or persons or agency to act as its agent or representative in connection with the provisions of this subpart.

§ 993.89 *Effective time.* The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated, or during suspension, in one of the ways specified in § 993.90.

§ 993.90 *Termination or suspension—(a) Failure to effectuate policy of act.* The Secretary may, at any time, terminate the provisions of this subpart, by giving at least one day's notice by means of a press release or in any other manner which he may determine. The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the fifteenth day of July of any crop year, to be effective at the end of such crop year, whenever he is required to do so by the provisions of section 8c (16) (B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, beginning with 1951, if the Secretary receives a recommendation, adopted by at least a majority vote of the producer members of the committee, requesting the holding of such a referendum, the Secretary shall hold such a referendum: *Provided*, That the Secretary shall not be required to hold such a referendum upon the basis of such a request more than once every two years.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ 993.91 *Procedure upon termination.* Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustee shall require the concurrence of a majority of the said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claim vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon said joint trustees.

§ 993.92 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendement to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter rise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 993.93 *Amendments.* Amendments to this subpart may be proposed from time to time, by any person or by the committee, and may be made a part of this subpart by the procedures provided under the act.

§ 993.97 *Exhibit A; minimum standards.*

I. Minimum standards for natural condition prunes:

A. *Defects.* Defects are: (1) Off-color; (2) inferior meat condition; (3) end cracks; (4) fermentation; (5) skin or flesh damage; (6) scab; (7) burned; (8) mold; (9) imbedded dirt; (10) insect infestation; (11) decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "End cracks" means callous growth cracks, at the blossom end of prunes, aggregating more than three-eighths of one inch (⅜") but not more than one-half of one inch (½") in length.

(4) "Fermentation" means damage to the flesh by fermentation to the exent that the characteristic appearance or flavor is substantially affected.

(5) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, except end cracks as defined in this section, aggregating more than three-eighths of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and affecting materially the normal appearance of the prunes.

(c) Any cracks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which materially affect appearance, edibility or keeping quality;

(e) Skin damage caused by rain or overdipping to the extent that the prunes cannot be processed normally without material aloughing of the skin.

(6) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths of one inch (⅜") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths of one inch (¾") in diameter.

(7) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(8) "Mold" means a characteristic fungus growth and is self-explanatory.

(9) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in, or adhering to, the prune that it cannot be removed in normal processing.

(10) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) The tolerance allowance for decay shall not exceed one percent (1%).

(2) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(3) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed eight percent (8%).

(4) The combined tolerance allowance for end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed ten percent (10%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(5) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed twenty percent (20%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(6) Prunes showing obvious live insect infestation shall be fumigated prior to acceptance.

D. Natural condition prunes must be properly dried and cured in original natural condition, without the addition of water, and free from active infestation, so that they are capable of being received, stored and packed without deterioration or spoilage.

II. Minimum standards for processed prunes:

A. *Defects.* Defects are: (1) Off-color; (2) inferior meat condition; (3) end cracks; (4) fermentation; (5) skin or flesh damage; (6) scab; (7) burned; (8) mold; (9) imbedded dirt; (10) insect infestation; (11) decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "End cracks" means callous growth cracks, at the blossom end of prunes, aggregating more than three-eighths of one inch (⅜") but not more than one-half of one inch (½") in length.

(4) "Fermentation" means damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(5) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, except end cracks as defined in this section, aggregating more than three-eights of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and materially affecting the normal appearance of French prunes; or markedly affecting the normal appearance of varieties other than the French variety;

(c) Any cracks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which

materially affect appearance, edibility or keeping quality.

(6) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths of one inch (⅜") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths of one inch (¾") in diameter.

(7) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(8) "Mold" means a characteristic fungus growth and is self-explanatory.

(9) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in, or adhering to, the prune that it cannot be readily removed in washing the fruit.

(10) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) There shall be no tolerance allowance for live insect infestation.

(2) The tolerance allowance for decay shall not exceed one percent (1%).

(3) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(4) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed eight percent (8%).

(5) The combined tolerance allowance for end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed ten percent (10%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(6) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed twenty percent (20%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

[F. R. Doc. 53-10875; Filed, Dec. 31, 1953; 8:47 a. m.]

[7 CFR Part 993]

[Docket No. AO 201-A2]

Handling of Dried Prunes Produced in California

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS OF PRUNE PLUMS IN CALIFORNIA FOR DRYING OR DEHYDRATING INTO DRIED PRUNES IN SAID STATE; DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINING THE REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1952 through July 31, 1953 (which is hereby determined to be a representative period for the purpose of this referendum), were engaged, in the State of California, in the growing of prune plums for the production, for market, of dried prunes to determine whether such producers approve or favor the issuance of a further amended order regulating the handling of dried prunes produced in California; said order, as proposed to be amended, being annexed to the decision of the Secretary of Agriculture filed [1] simultaneously herewith.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F. R. 5176).

W. Allmandinger, R. G. Rush, G. R. Eastman, and Hugh Ross, of the Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid amended order may be obtained or examined in: The Office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C.; the office of the Prune Administrative Committee, No. 2 Pine Street, San Francisco 11, California; the San Francisco Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, 1000 Geary Street, San Francisco 9, California; and the county Agricultural Stabilization and Conservation office in each of the prune producing counties in California.

Ballot forms for use in the referendum may be obtained from the San Francisco Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, 1000 Geary Street, San Francisco 9, California, and the county Agricultural Stabilization and Conservation office in each of the prune producing counties in California.

Done at Washington, D. C., this 28th day of December 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-10874; Filed, Dec. 31, 1953; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 1, Amdt. 4; Region II]

[Order No. 46, Amdt. 4; Region III]

[Order No. 9, Amdt. 4; Region IV]

[Order No. 24, Amdt. 4; Region V]

SPECIFIED CLASSES OF EMPLOYEES

REDELEGATIONS OF AUTHORITY

NOVEMBER 2, 1953.

Section 2.21 of each of the above mentioned orders is amended to read as follows:

SEC. 2.21 *Classification of lands.* The Regional Chief, Division of Lands, and the Managers of Land Offices when specifically designated by the Regional Administrator, may classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. 315f), or pursuant to other laws, as being suitable for any type of use or disposition which the Regional Administrator is empowered to authorize. Such designations must be published in the FEDERAL REGISTER.

EDWARD WOOZLEY,
Director.

Approved: December 24, 1953.

RALPH A. TUDOR,
Acting Secretary of the Interior.

[F. R. Doc. 53-10860; Filed, Dec. 31, 1953; 8:45 a. m.]

[Order No. 100, Amdt. 5; Region I]

SPECIFIED CLASSES OF EMPLOYEES

REDELEGATION OF AUTHORITY

NOVEMBER 2, 1953.

Section 2.21 is amended to read as follows:

SEC. 2.21 *Classification of lands.* The Regional Chief, Division of Lands and Minerals, and the Managers of Land Offices when specifically designated by the Regional Administrator, may classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. 315f), or pursuant to other laws, as being suitable for any type of use or disposition which the Regional Administrator is empowered to authorize. Such designations must be published in the FEDERAL REGISTER.

EDWARD WOOZLEY,
Director.

Approved: December 24, 1953.

RALPH A. TUDOR,
Acting Secretary of the Interior.

[F. R. Doc. 53-10861; Filed, Dec. 31, 1953; 8:45 a. m.]

Office of the Secretary

[Order No. 2508, Amdt. 6]

BUREAU OF INDIAN AFFAIRS

DELEGATIONS OF AUTHORITY

Order No. 2508, as amended (14 F. R. 258-260; 16 F. R. 473, 474; 16 F. R. 11620; 16 F. R. 11974; 17 F. R. 1570; and 17 F. R. 6418), is further amended as follows, to authorize the Commissioner of Indian Affairs to exercise the authority of the Secretary in relation to the classes of matters indicated.

1. Two new paragraphs (r) and (s) reading as follows, are added to section 11 *Funds and fiscal matters:*

(r) Expenditures from miscellaneous revenues for the benefit of tribes, agencies, and schools on whose behalf they are collected, pursuant to the act of May 17, 1926 (44 Stat. 560; 25 U. S. C., 1946 ed., sec. 155), as amended by the act of June 13, 1930 (46 Stat. 584; 25 U. S. C., 1946 ed., sec. 161b), and as extended by the act of February 20, 1942 (56 Stat. 95; 48 U. S. C., 1946 ed., sec. 50f).

(s) The acceptance of contributions or donations of funds or other property, real, personal, or mixed, which may be tendered to, or for the benefit of, Federal Indian schools, hospitals, or other institutions conducted for the benefit of Indians, or for the advancement of the Indian race, and to apply or dispose of such donations for the use and benefit of such school, hospital, or other institution or for the benefit of individual Indians, pursuant to the act of February 14, 1931 (46 Stat. 1106; 25 U. S. C., 1946 ed., sec. 451).

2. A new paragraph, numbered (w) and reading as follows, is added to section 13 *Lands and minerals:*

(w) The sale of houses, including outbuildings, for use in connection therewith, constructed pursuant to the act of March 28, 1908 (35 Stat. 51), as amended, which are no longer required for continuing operations on the Menominee Indian reservation pursuant to the said act.

RALPH A. TUDOR,
Acting Secretary of the Interior.

DECEMBER 24, 1953.

[F. R. Doc. 53-10863; Filed, Dec. 31, 1953; 8:45 a. m.]

[1] See F. R. Doc. 53-10875, *supra.*

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION AND DELEGATION OF AUTHORITY

The actions herein are pursuant to authority delegated to the Administrator, Agricultural Marketing Service, by the Secretary of Agriculture.

FUNCTIONS AND RESPONSIBILITIES

SECTION 1. *General.* The Agricultural Marketing Service, hereinafter referred to as "AMS," is responsible for the marketing and distribution functions of the Department. These consist of marketing research and related statistical and economic research, marketing services and regulatory activities, school lunch program, and food distribution activities, including those under section 32 (7 U. S. C. 612c) and the Defense Production Act.

SEC. 2. *The Office of the Administration*—(a) *The Administrator.* The Administrator is responsible for the general direction and supervision of AMS. He reports to the Assistant Secretary for Marketing and Foreign Agriculture.

(b) *Deputy Administrator, Marketing Research and Statistics.* The Deputy Administrator for Marketing Research and Statistics is responsible for

(1) Assisting the Administrator in the over-all planning and administration of all programs and activities of AMS, and

(2) Planning and administering a program for research and development relating to agricultural marketing and distribution, for analyses relating to farm prices, income and population, and demand for farm products, and for crop and livestock estimates.

(c) *Deputy Administrator, Marketing Services.* The Deputy Administrator for Marketing Services is responsible for

(1) Assisting the Administrator in the over-all planning and administration of all programs and activities of AMS, and

(2) Directing and coordinating the administration of marketing services (inspection, classing, grading, standardization and market news), regulatory activities, food distribution, surplus removal and related programs and activities, including those specifically assigned under section 5 hereof, and

(3) Administering the U. S. Warehouse Act, section 201 of the Agricultural Adjustment Act of 1938, and section 203 (j) of the Agricultural Marketing Act of 1946.

(d) *Assistant Administrator for Management.* The Assistant Administrator for Management is responsible for:

(1) Participating with the Administrator, Deputy Administrators, and other key staff members, in the over-all planning and administration of all programs and activities of AMS, with particular respect to the management aspects, and

(2) Formulating, directing, coordinating and integrating the over-all management, budget, fiscal, personnel, and administrative services activities to meet the requirements of the marketing and distribution programs of AMS.

SEC. 3. *Staff Assistants*—(a) *Liaison Office, Commissioners of Agriculture.* This office is responsible for

(1) Providing leadership and consulting services to assist States in the development of sound marketing service projects and coordinating similar lines of work between States,

(2) Reviewing and approving projects proposed by the State Departments of Agriculture and Bureaus of Markets under matching funds provisions of the Agricultural Marketing Act of 1946.

(b) *Chairman, Outlook and Situation Board.* The Chairman of the Outlook and Situation Board is responsible for

(1) Acting as Chairman of the Outlook and Situation Board, and

(2) Providing for the technical review and approval of all economic Outlook and Situation reports prepared within the Department.

(c) *Statistical Clearance Office.* The Statistical Clearance Office is responsible for

(1) Reviewing and clearing all forms, survey plans, and reporting requirements originating in the Department and requiring Bureau of the Budget approval,

(2) Providing liaison for coordination of statistical matters,

(3) Providing consultation services on statistical techniques,

(4) Evaluating the merits of alternative statistical methods, and developing new methods.

SEC. 4. *Marketing Research and Statistics.* The Agricultural Economics, Agricultural Estimates, and Marketing Research Divisions, under the supervision and direction of the Deputy Administrator for Research and Statistics, are responsible as follows:

(a) *Agricultural Estimates Division.* The Agricultural Estimates Division is responsible for

(1) Collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing economic and statistical data relating to agriculture and food (including the cold storage report),

(2) Computing the parity index and determining and publishing parity prices for agricultural commodities,

(3) Reporting monthly on farm employment and wage rates, and

(4) Administering the Peanut Statistics Act and the Turpentine and Rosin Statistics Act.

The Division Director will act as Chairman of the Crop Reporting Board.

(b) *Agricultural Economics Division.* The Agricultural Economics Division is responsible for

(1) Administering the broad aspects of an economic analysis program within the AMS, and

(2) Performing research and statistical analysis dealing with income and prices, demand, supply and consumption of farm products, farm population and rural life, and agricultural history.

(c) *Marketing Research Division.* The Marketing Research Division is responsible for planning and directing in cooperation with private, State, and other Federal agencies, a research program on marketing of agricultural products in order to maintain quality, reduce distribution costs, and expand outlets. These activities, including closely related development work, deal with the assembly, transportation, storage, handling, warehousing, packaging, distributing and pricing of farm products, and the structure and organization of domestic markets for them.

SEC. 5. *Marketing and Regulatory Services.* The Commodity and Food Distribution Divisions and the U. S. Warehouse Act and Freight Rate Services Branches, under the supervision and direction of the Deputy Administrator for Marketing Services, are responsible as follows:

(a) *Commodity Divisions.* The Commodity Divisions, consisting of Cotton Division, Dairy Division, Fruit and Vegetable Division, Grain Division, Livestock Division, Poultry Division, and Tobacco Division, shall have responsibility for

(1) Providing technical guidance to and initiating recommendations for the Deputy Administrator in the formulation of programs, policies, procedures, and modifications thereof, for final action by the Administrator, in connection with marketing, purchase, diversion, export,

and distribution programs, and assisting in the administration thereof;

(2) Conducting service and informational programs in connection with inspection, grades and standards, market news, and other programs to effect improvement in marketing of farm products;

(3) Administering agricultural marketing agreement and order programs and other regulatory acts as assigned;

(4) Administering, in addition to the general responsibilities assigned to the Commodity Divisions and such other functions as may be assigned to them by the Deputy Administrator, the following as specifically assigned:

Cotton Division. (i) Cotton Futures Act.

(ii) Cotton Standards Act.

(iii) Cotton Grade and Staple Statistics Act, including Amendatory Acts:

(a) Smith Doxey Act.

(b) Cotton Service Testing Act.

Dairy Division. (i) Federal Milk Marketing Orders under the Agricultural Marketing Agreement Act of 1937.

Fruit and Vegetable Division. (i) Standard Container Acts.

(ii) Produce Agency Act.

(iii) Perishable Agricultural Commodities Act.

(iv) Export Apple and Pear Act.

(v) Marketing Agreements and Orders under the Agricultural Marketing Agreement Act of 1937.

Grain Division. (i) U. S. Grain Standards Act.

(ii) Federal Seed Act.

Livestock Division. (i) Packers and Stockyards Act.

(ii) Wool Standards Act.

Tobacco Division. (i) Tobacco Stocks and Standards Act.

(ii) Tobacco Inspection Act.

(iii) Tobacco Seed and Plant Exportation Act.

(iv) Naval Stores Act.

(v) Marketing Agreements and Orders under the Agricultural Marketing Agreement Act of 1937.

(b) *Food Distribution Division.* The Food Distribution Division is responsible for:

(1) Administering the National School Lunch Program.

(2) Planning the distribution of commodities in connection with surplus removal programs, the National School Lunch Program, and section 416 of the Agricultural Act of 1949.

(3) Directing food preservation activities.

(4) Increasing the use of plentiful foods, and

(5) Acting as food claimant agent for U. S. civilians and liaison with Federal Civil Defense Administration on food distribution work.

(c) *U. S. Warehouse Act and Freight Rate Services Branches.* The U. S. Warehouse Act Branch shall have responsibility for administering the U. S. Warehouse Act, and the Freight Rate Services Branch shall have responsibility for administering section 201 of the Agricultural Adjustment Act of 1938 and section 203 (j) of the Agricultural Marketing Act of 1946, in addition to such other functions as may be assigned to them by the Deputy Administrator.

SEC. 6. *Management Services.* The Budget and Finance, Personnel, and Administrative Services Divisions, and the Area Administrative Offices, under the supervision and direction of the Assistant Administrator for Management, are responsible as follows:

(a) *Budget and Finance Division.* The Budget and Finance Division is responsible for

(1) Planning and administering a budgetary and fiscal program to meet the requirements of AMS activities, and

(2) Developing and assisting in establishing required controls with respect to apportionments, obligations and expenditures of available funds.

(b) *Personnel Division.* The Personnel Division is responsible for planning and administering the organization, classification, employment, employee relations, training, safety, and investigational phases of a personnel program to meet requirements of AMS activities.

(c) *Administrative Services Division.* The Administrative Services Division is responsible for

(1) Planning and administering procurement, property management, records management, real estate, space and equipment management activities to meet requirements of AMS programs.

(2) Approving, for administrative feasibility and for compliance with governing rules and regulations, contracts for research work under the Agricultural Marketing Act of 1946, and

(3) Administering a procedural issuance system, a forms control, and a reports and administrative analysis program.

(d) *Area Administrative Offices.* Area administrative offices are responsible for planning and conducting administrative services, personnel, and fiscal activities as assigned within the framework of broad delegated authority for AMS within assigned geographic or functional areas.

DELEGATION OF AUTHORITY

SEC. 7. *Deputy Administrators.* Under the supervision and direction of the Administrator, the Deputy Administrator, Marketing Research and Statistics, and the Deputy Administrator, Marketing Services, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers (including the power of redelegation) which are now, or which may hereafter be, vested in the Administrator. The authority herein conferred upon each Deputy Administrator shall be exercised by each of such officers in connection with the programs and activities of the Agricultural Marketing Service assigned to the respective Deputy Administrator's direction and supervision. The authority granted herein may also be exercised in the discharge of any additional functions which the Administrator may assign.

SEC. 8. *Assistant Administrator for Management.* Under the direction and supervision of the Administrator, the Assistant Administrator for Management is hereby delegated the authority to perform all the duties and to exercise all the functions and powers (including the power of redelegation) which are now, or which may hereafter be, vested in the Administrator, with respect to formulating, directing, coordinating, and integrating the over-all management, budget, fiscal, personnel, and administrative services activities to meet the requirements of AMS.

SEC. 9. *Staff Assistants.* Under the supervision and direction of the Administrator, and in connection with the respective functions herein assigned to each of them, the officers in charge of the Liaison and the Statistical Clearance Offices, and the Chairman, Outlook and Situation Board, are hereby delegated authority to perform all the duties and to exercise all the powers and functions of the Administrator.

SEC. 10. *Marketing Research and Statistics Divisions.* Under the supervision and direction of the Deputy Administrator, Marketing Research and Statistics, and in connection with the respective functions herein assigned to each of them, the Directors of the Marketing Research and Statistics Divisions are hereby authorized to perform all of the duties and to exercise all the powers and functions which the officials of the Bureau of Agricultural Economics, the Production and Marketing Administration, and the Agricultural Research Administration were authorized and empowered to perform in connection with said functions at the time of their transfer to AMS.

SEC. 11. *Marketing Services Divisions.* Under the supervision and direction of the Deputy Administrator, Marketing Services,

(a) The Directors of the Cotton Division, Dairy Division, Fruit and Vegetable Division, Grain Division, Livestock Division, Poultry Division, Tobacco Division, and Food Distribution Division are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all of the powers and functions which the respective Directors of the Cotton Branch, Dairy Branch, Fruit and Vegetable Branch, Grain Branch, Livestock Branch, Poultry Branch, Tobacco Branch, and Food Distribution Branch of the Production and Marketing Administration were authorized and empowered to perform in connection with said functions at the time of their transfer to AMS, and

(b) The Director of the Fruit and Vegetable Division is hereby delegated authority to perform all the duties and to exercise all the powers and functions which the Director of the Sugar Branch, Production and Marketing Administration, was authorized and empowered to perform in connection with market news and grades and standards at the time of the transfer of such functions to AMS.

SEC. 12. *Management Services Divisions.* Under the supervision and direction of the Assistant Administrator for Management and in connection with the respective functions herein assigned to each of them, the Directors of the Budget and Finance Division, Administrative Services Division, and the Personnel Management Division, are hereby delegated the authority to perform all the duties and to exercise all the functions and powers (including the power of redelegation) which are now, or which may hereafter be, vested in the Assistant Administrator for Management.

SEC. 13. *U. S. Warehouse Act and Freight Rate Services Branches.* Under the supervision and direction of the Deputy Administrator, Marketing Services, and in connection with the respective functions herein assigned to each of them, the Chiefs of the U. S. Warehouse Act Branch and the Freight Rate Services Branch are hereby delegated authority to perform all the duties and to exercise all of the powers and functions which the respective chiefs of the U. S. Warehouse Act Division and the Traffic Management Division of the Transportation and Warehousing Branch, Production and Marketing Administration, were authorized and empowered to perform in connection with said functions at the time of their transfer to AMS.

SEC. 14. *Concurrent authority and responsibility to the Administrator.* No delegation or authority prescribed herein shall preclude the Administrator, either Deputy Administrator, or the Assistant Administrator for Management, from exercising any of the powers or functions or from performing any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator and, in their respective fields, by either Deputy Administrator, or the Assistant Administrator for Management. The officers to whom authority is delegated herein shall keep the Administrator's Office advised with respect to major problems and developments and consult with it before taking actions which involve policy questions or major questions involving relationships with other Federal agencies, other agencies of the Department, other organizational divisions or branches of AMS, or State agencies.

SEC. 15. *Existing regulations and orders.* All regulations, orders, and similar instruments heretofore issued by any officer of the Department of Agriculture relating to the functions affected by this document shall continue in full force and effect, unless and until withdrawn or superseded by instruments of like authority.

Issued at Washington, D. C., this 29th day of December 1953 to become effective January 2, 1954.

[SEAL] O. V. WELLS,
Administrator.

[F. R. Doc. 53-10890; Filed, Dec. 31, 1953; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 168]

ERNST COHN ET AL.

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Ernst Cohn, Herbert James Philippi, N. V. Amsterdamsche Maatschappij voor Industrie en Handel—"Hydrocarbon", 384 Herengracht, Amsterdam, C. Netherlands; respondents; Case No. 168.

The respondents, Ernst Cohn, Herbert James Philippi, and N. V. Amsterdamsche Maatschappij voor Industrie en Handel—"Hydrocarbon", having been charged by the Director of the Investigation Staff, Bureau of Foreign Commerce (formerly the Office of International Trade), United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, and the regulations promulgated thereunder, in that, as alleged, they caused false representation as to ultimate consignees and destinations to be made in applications for export licenses filed with the Office of International Trade (now Bureau of Foreign Commerce) and thereafter transshipped commodities exported under such export licenses to other consignees and destinations, were duly served with the charging letter, acknowledged receipt thereof, and submitted their defenses and explanations thereto. At the same time that the charging letter was issued respondents were temporarily suspended from validated license privileges pending the determination of this proceeding. They were informed of their right to counsel and a formal hearing, if demanded. They did not demand a hearing. In accordance with the regulations, the evidence in this case together with the charges and all communications received from the respondents were submitted to the Compliance Commissioner for consideration, report, and recommendation by him.

The Compliance Commissioner has reported the facts with his recommendation and has transmitted the same together with the entire record to the undersigned Director, Office of Export Supply.

Now upon considering the facts of this case, after reviewing the entire record and the report of the Compliance Commissioner, I hereby make the following

Findings of fact. (1) At all times hereinafter mentioned Ernst Cohn and Herbert James Philippi were co-managers of N. V. Amsterdamsche Maatschappij voor Industrie en Handel, sometimes known as N. V. Hydrocarbon, engaged in the export-import and transit business in Amsterdam, Holland, at Herengracht 384, and all the acts hereinafter set forth were committed by said individuals on behalf of and in the name of their firm. They are all hereinafter referred to as respondents.

(2) In November and December 1950, and in January, February, and July 1951, respondents caused their agent in New York City to submit to the Office of International Trade, now the Bureau of Foreign Commerce, eight applications for export licenses to ship oils or wax to themselves or other consignees therein represented to be the ultimate consignees and, in the said applications, they represented that either Holland or West Germany was the country of ultimate destination.

(3) Respondents gave to their said agent the information of names of ultimate consignees and countries of ultimate destination with knowledge that such information so given was false in each instance and with the intention that the names of the true consignees and the true countries of ultimate destination be concealed from the then Office of International Trade.

(4) Export licenses were granted upon the applications filed by respondents' agent upon their instructions.

(5) Respondents' agent, upon being placed in funds by respondents, purchased the oil or wax so licensed to be exported and, under the authority of the licenses so granted, shipped oils and wax out of the United States. In each case, the oils or wax arrived in Europe and, upon arrival there, respondents, with knowledge that each such shipment had been made under an export license permitting its export from the United States for consumption by the consignee named in the license only in the country therein named as country of ultimate destination, diverted or caused to be diverted and transshipped oils or wax so shipped from the consignees and countries named in the licenses to other consignees and countries not authorized or permitted thereby. Although only Holland and West Germany had been named in the applications as countries of ultimate destination, respondents actually transshipped commodities exported thereunder to Poland, Switzerland, Rostock in East Germany, Hungary, France, and Austria.

And from the foregoing, I conclude (a) that respondents knowingly concealed from their agent in the United States and from the United States Government the identities of the true ultimate consignees and the true countries of ultimate destination for the oils and wax for which they caused their agent to apply for export licenses and they did further knowingly state falsely and knowingly misrepresent to their said agent and through it to the United States Government the names of ultimate consignees and countries of ultimate destination to be inserted in applications for export licenses, in violation of § 381.1 (b) (1), (2), and (3) (i) and (ii) of the Export Control Regulations; and (b) that respondents knowingly caused to and did divert and transship oils and wax exported from the United States under the authority of licenses granted for such export to named ultimate consignees and named countries of ultimate destination from such named persons and countries to other persons and other countries not permitted or authorized under said licenses and contrary to the terms thereof, in violation of §§ 381.1 (b) (3) (i), 381.4 (b) (3) and (d) (2) of the Export Control Regulations.

The Compliance Commissioner has recommended that respondents be suspended from export privileges for a period of five years or for the duration of export control legislation, whichever is the shorter, and has stated numerous reasons for such recommendation, primarily among them being "• • • that the very nature of respondents' business is such that it is more than likely that commodities received by them from the

United States will be distributed all over Europe, including Soviet-bloc countries * * *". I have carefully considered his report and recommendation and I have concluded that the terms of the recommended order are reasonable, necessary, and proper to achieve effective enforcement of the law and they are accordingly adopted.

Now, therefore, it is ordered as follows:

I. All outstanding validated export licenses in which the respondents, or any of them, are named, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be forthwith returned to the Bureau of Foreign Commerce for cancellation.

II. Respondents and each of them are hereby denied and declared ineligible for a period of five (5) years from the date hereof or for the duration of export control legislation, whichever is the shorter, to exercise the privilege of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall be deemed to include and prohibit respondants' participation (a) in the filing of any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving in any foreign country of any exportation from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

III. Such denial of export privileges shall extend not only to the named respondents, their successors or assigns, directors, officers, associates, partners, representatives, agents, and/or employees, but also to any person, firm, corporation or business organization with which they, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

IV. No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated or general licenses, or otherwise, to or for the named respondents or any of them, or any person, firm, corporation or other business organization within the scope of Part III above, without prior disclosure of such facts to, and specific authorization from, the Bureau of Foreign Commerce.

Dated: December 28, 1953.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 53-10870; Filed, Dec. 31, 1953; 8:47 a. m.]

Federal Maritime Board

POPE AND TALBOT, INC., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 7944 between Pope & Talbot, Inc., Pacific Argentine Brazil Line, Inc., and Daido Kaiun Kaisha, Ltd., covers the transportation of cargo under through bills of lading from Japan, Hong Kong and the Philippines to Puerto Rico, with transhipment at U. S. Pacific Coast ports.

(2) Agreement No. 7945 between Daido Kaiun Kaisha, Ltd., and Waterman Steamship Corporation covers the transportation of cargo under through bills of lading from Japan, Hong Kong and Philippine Islands to Puerto Rico, with transhipment at U. S. Pacific Coast Ports.

(3) Agreement No. 7946 between the carriers comprising Pacific Orient Express Line joint service and Waterman Steamship Corporation covers the transportation of cargo under through bills of lading from Japan, Hong Kong, and Philippine Islands to Puerto Rico, with transhipment at U. S. Pacific Coast Ports.

(4) Agreement No. 7947 between the carriers comprising the Pacific Orient Express Line joint service and Pope & Talbot, Inc., and Pacific Argentine Brazil Line, Inc., covers the transportation of cargo under through bills of lading from Japan, Hong Kong and Philippine Islands to Puerto Rico, with transhipment at U. S. Pacific Coast Ports.

(5) Agreements Nos.: 2743–C between the member lines of the Atlantic and Gulf West Coast of Central America and Mexico Conference; 3868–C between the member lines of the Atlantic and Gulf Panama Canal Zone, Colon and Panama City Conference; 4188–F between the member lines of the Gulf and South Atlantic Havana Steamship Conference; 4189–H between the member lines of the Havana Steamship Conference; 4610–B between the member lines of the U. S. Atlantic and Gulf Ports-Jamaica (B. W. I.) Steamship Conference; 7650–A between the member lines of the Santiago De Cuba Conference; 8120–A between the member lines of the United States Atlantic & Gulf-Haiti Conference; 8150–A between the member lines of the Gulf and South Atlantic-Cuban Outports Conference.

Each of these agreements supplement the basic agreement of the respective conferences by setting forth rules and regulations governing the payment of freight commissions to freight forwarders.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 29, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53-10901; Filed, Dec. 31, 1953; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

American Modes, Inc., Roodhouse, Ill., effective 12-22-53 to 12-21-54; 10 learners for normal labor turnover purposes (cotton dresses).

American Modes, Inc., White Hall, Ill., effective 12-22-53 to 12-21-54; 10 learners for normal labor turnover purposes (cotton dresses).

Armored Garments, Inc., Spruce Pine, N. C., effective 12-17-53 to 12-16-54; 10 learners for normal labor turnover purposes (dungarees).

Calhoun Garment Co., Calhoun City, Miss., effective 12-18-53 to 12-17-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys semidress pants).

Devil-Dog Manufacturing Co., Inc., Wendell, N. C., effective 12-29-53 to 12-28-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Dick's Dress Co., 25 Forest Street, Rutland, Vt., effective 12-17-53 to 12-16-54; 10 learners for normal labor turnover purposes (dresses).

Empire Manufacturing Co., Winder, Ga., effective 12-17-53 to 12-16-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants and shirts, and sport shirts).

Gateway Manufacturing Co., 215 West Church Street, Masontown, Pa., effective 12-20-53 to 12-19-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Hartsville Manufacturing Co., Hartsville, S. C., effective 12-18-53 to 5-3-54; 25 additional learners for expansion purposes (cotton dresses).

Hartwell Manufacturing Co., Inc., Hartwell, Ga., effective 12-17-53 to 6-16-54; 44 learners for expansion purposes (men's and boys' work pants).

Edward Hyman Co., Hazlehurst, Miss., effective 12-22-53 to 12-21-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, coveralls, shirts).

The H. D. Lee Co., Inc., 200 Third North, Minneapolis, Minn., effective 1-2-54 to 1-1-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (bib overalls, waistband overalls, work pants and jackets).

Leitchfield Manufacturing Co., Leitchfield, Ky., effective 12-28-53 to 12-27-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (single trousers).

A. Morganstern & Co., 900 William Street, Fredericksburg, Va., effective 12-18-53 to 12-17-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

N & W Industries, Inc., 736 South President Street, Jackson, Miss., effective 1-5-54 to 1-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (pants, shirts, overalls, coats and dungarees).

Nadine Fashions, 45 North Main Street, Carbondale, Pa., effective 12-17-53 to 12-16-54; 5 learners for normal labor turnover purposes (dresses).

Pike Garments Inc., 208-10 South Oak Street, Troy, Ala., effective 1-5-54 to 1-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pajamas).

The Roswell Co., Roswell, Ga., effective 1-14-54 to 1-13-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Salley Manufacturing Co., Salley, S. C., effective 12-17-53 to 12-16-54; 5 learners for normal labor turnover purposes (overalls).

Smith Bros. Manufacturing Co., Smith and High Streets, Neosho, Mo., effective 12-23-53 to 12-22-54, 10 percent of the total number of factory production workers for normal labor turnover purposes (pants, ladies jeans).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn., effective 1-2-54 to 1-1-55; 10 percent of the total number of factory production workers, for normal labor turnover purposes (work pants).

York Manufacturing Corp., Ferris Building, Swanton, Vt., effective 12-17-53 to 12-16-54; 5 learners for normal labor turnover purposes (children's blouses, baby dresses).

Yunker Manufacturing Co., 301 Ann Street, Parkersburg, W. Va., effective 12-28-53 to 12-27-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (infants' cotton wear).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F. R. 8633).

The S. Frieder & Sons Co., Greensboro, Fla., effective 1-1-54 to 12-31-54; 10 learners for normal labor turnover purposes in the occupations listed below: Cigar machine operating, 320 hours; machine stripping, 160 hours; packing (cigars retailing for 6 cents or less), 160 hours; each 65 cents an hour (replacement certificate).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Lambert Manufacturing Co., Plant No. 3, 1006 Washington Street, Chillicothe, Mo., effective 12-17-53 to 12-16-54; 10 learners for normal labor turnover purposes (leather work gloves).

Lambert Manufacturing Co., Plant No. 1, 501 Jackson Street, Chillicothe, Mo., effective 12-17-53 to 12-16-54; 10 learners for normal labor turnover purposes (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Black Mountain Hosiery Mills, Inc., Black Mountain, N. C., effective 12-17-53 to 12-16-54; 5 learners for normal labor turnover purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950, 15 F. R. 398).

Wabasha County Telephone Co., Plainview, Minn., effective 12-22-53 to 12-21-54.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Louis Gallet Knitting Mills, Inc., Penn-Craft, East Millsboro, Pa., effective 12-21-53 to 4-30-54; 40 learners for expansion purposes (ladies' and men's sweaters and cardigans).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1560).

Columbia Novelty Slipper Co., Hazleton, Pa., effective 12-22-53 to 12-21-54; 10 percent of the number of productive factory workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

P & E Inc., 122 North Dixie Highway, Momence, Ill., effective 12-23-53 to 6-22-54; 10 learners for normal labor turnover purposes: fly tyers, fish hook benders, fish hook brazers; each 320 hours at: at least 65 cents an hour for the first 160 hours and at least 70 cents an hour for the remaining 160 hours (fishing tackle).

Haspel Brothers, Inc., New Orleans, La., effective 1-8-54 to 1-7-55; 7 percent of the total number of factory production workers for normal labor turnover purposes; machine operators (except cutters), pressers, and hand sewers at 480 hours each at: at least 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the remaining 240 hours (men's and boys' summer clothing).

The following special learner certificate was issued to the school-operated industry listed below:

Oakwood College, Huntsville, Ala., effective 12-15-53 to 8-31-54; broom shop; broom maker, sorter, winder, stitcher and related skilled and semiskilled occupations; 60 learners; 150 hours at 60 cents per hour, 125 hours at 65 cents per hour and 125 hours at 70 cents per hour.

The following special learner certificates were issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of learning period and the learner wage rates are indicated, respectively.

Sylvania Electric of Puerto Rico, Inc., Rio Piedras, P. R., effective 12-15-53 to 4-14-54; 32 learners in the occupations of coil winding (machine), 160 hours at 34 cents an hour and 160 hours at 37 cents an hour; speaker assembling, 160 hours at 34 cents an hour; inspecting, 160 hours at 34 cents an hour (loud speakers for radio).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 22d day of December 1953.

MILTON BROOKE,
Authorized Representative
of the Administrator.

[F. R. Doc. 53-10864; Filed, Dec. 31, 1953; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10799, 10800, 10801]

HAMPTON ROADS BROADCASTING CORP. ET AL.

NOTICE OF PREHEARING CONFERENCE

In the matter of Hampton Roads Broadcasting Corp., Newport News, Virginia, Docket No. 10799, File No. BPCT-502; Beachview Broadcasting Corp., Norfolk, Virginia, Docket No. 10800, File No. BPCT-1605; Portsmouth Radio Corporation, Portsmouth, Virginia, Docket No. 10801, File No. BPCT-1750; construction permits for new commercial television broadcasting stations.

In accordance with § 1.813 of the Commission's rules, a pre-hearing conference of all counsel in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., beginning at 10:00 a. m., Monday, January 4, 1954.

Dated: December 23, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CHARLES J. FREDERICK,
Hearing Examiner.

[F. R. Doc. 53-10872; Filed, Dec. 31, 1953; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6538]

BLACK HILLS POWER & LIGHT CO.

NOTICE OF APPLICATION

DECEMBER 28, 1953.

Take notice that on December 21, 1953, an application was filed with the Federal

Power Commission, pursuant to section 204 of the Federal Power Act, by Black Hills Power & Light Company, a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota and Wyoming, with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of such number of shares of Comon Stock as will equal an aggregate offering price not in excess of $300,000, computed upon the market value of Applicant's Common Stock as determined from transactions or quotations in the over the counter market on a specified date within fifteen days prior to the date of filing with the Securities and Exchange Commission a letter of notification under Regulation A of the Securities Act of 1933. The securities proposed to be issued will be offered to holders of the presently outstanding Common Stock of Applicant pro rata according to their preemptive rights, with additional rights to such stockholders to subscribe for any shares not taken upon the exercise of the preemptive rights. The offering will not be underwritten. The Applicant, however, proposes to pay compensation of 25 cents per share to security dealers who are members of the National Association of Security Dealers, Inc. who assist stockholders in the exercise of their warrants and whose names are stamped on warrants that have been duly exercised. The net proceeds to Applicant from the issuance and sale of the Common Stock is estimated at $260,000 after deducting expenses and commissions; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the fifteenth day of January 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10865; Filed, Dec. 31, 1953; 8:46 a. m.]

[Docket No. E-6539]

OTTER TAIL POWER CO.

NOTICE OF APPLICATION

DECEMBER 28, 1953.

Take notice that on December 21, 1953, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by Otter Tail Power Company, a corporation organized under the laws of the State of Minnesota and doing business in the States of North Dakota, South Dakota and Minnesota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance and sale of $2,500,000 of its ten-year Convertible Debentures, bearing interest at the rate of 4 percent per year, to be issued in January or February 1954, to mature January 1, 1964. The application also seeks authority to issue an unspecified number of shares of Common Stock, par value $5.00 each, upon conversion of such Convertible Debentures (the exact number of shares to be issued upon conversion to be determined at the time of entering into the Underwriting Agreement referred to in the application). The proposed Debentures will be offered to common stockholders ratably in the proportion of $4.00 Debentures to each share of Common Stock outstanding, pursuant to the preemptive rights of the holders of Common Stock, and it is contemplated that the warrants by which the Convertible Debentures will be so offered to common stockholders will expire fourteen days from the date of issue. Applicant also seeks an order granting exemptions from the competitive bidding requirements of § 31.1 of the Commission's rules and regulations with respect to the underwriting of said Convertible Debentures; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the fifteenth day of January 1954, file with the Federal Power Commission, Washington 25, D. C., a petition in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10866; Filed, Dec. 31, 1953; 8:46 a. m.]

[Docket Nos. G-2332, G-2333]

ARKANSAS-OKLAHOMA GAS CO., AND FORT SMITH CORP.

NOTICE OF APPLICATIONS

DECEMBER 28, 1953.

In the matters of Arkansas-Oklahoma Gas Company, Docket No. G-2332; Fort Smith Gas Corporation, Docket No. G-2333.

Take notice that there have been filed with the Federal Power Commission by the persons and on the dates hereinafter designated several interdependent applications each for authorization pursuant to section 7 of the Natural Gas Act as hereinafter set forth, all as more fully described in the respective interdependent applications.

Arkansas-Oklahoma Gas Company (Arkansas-Oklahoma), a Delaware corporation, address 35 South Seventh Street, Fort Smith, Arkansas, filed on December 11, 1953, an application at Docket No. G-2332 pursuant to section 7 (b) of the Natural Gas Act for authority to sell and transfer its gathering, transmission and distribution facilities to the Fort Smith Gas Corporation (Fort Smith Gas), and to abandon the service rendered through such facilities.

A companion application at Docket No. G-2333 was filed on December 11, 1953, by Fort Smith Gas, an Arkansas corporation, address 35 South Seventh Street, Fort Smith, Arkansas, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of the facilities proposed to be sold by Arkansas.

The facilities proposed to be acquired by Fort Smith Gas include 61.2 miles of gathering lines, 236.9 miles of transmission lines, 231.6 miles of distribution mains, and 207,000 feet of customers' services. Following the acquisition of these facilities, Fort Smith Gas proposes to use such facilities in exactly the same manner as now employed by Arkansas-Oklahoma for the transmission and distribution of natural gas in Sebastian, Crawford and Franklin Counties in Arkansas, and LeFlore and Sequoyah Counties in Oklahoma.

The facilities are proposed to be purchased for the net book value as of the date of purchase. At September 1953 the net book value was $1,938,009.34.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of January 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10867; Filed, Dec. 31, 1953; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-196, 59-97, 70-2681, 70-3156]

MISSION OIL CO. ET AL.

ORDER REGARDING CONSOLIDATION OF PROPERTIES AND ELIMINATION OF HOLDING COMPANY, AND ORDER CONFORMING TO SUPPLEMENT R OF THE INTERNAL REVENUE CODE

DECEMBER 24, 1953.

In the matter of The Mission Oil Company, Southwestern Development Company and subsidiaries, and Sinclair Oil Corporation, File Nos. 54-196, 59-97; Albert R. Jones, et al., File No. 70-2681; Southwestern Development Company, Amarillo Gas Company, Amarillo Oil Company, Clayton Gas Company, Dalhart Gas Company, Red River Gas Company, West Texas Gas Company, File No. 70-3156.

An application-declaration having been filed with this Commission pursuant to sections 7, 10 and 12 of the Public Utility Holding Company Act of 1935 by Southwestern Development Company ("Southwestern"), a registered holding company, and by its wholly owned subsidiary companies, Amarillo Gas Company ("Amarillo Gas"), Amarillo Oil Company ("Amarillo Oil"), Clayton Gas Company ("Clayton"), Dalhart Gas Company ("Dalhart"), Red River Gas Company ("Red River"), and West Texas Gas Company ("West Texas"), regarding certain proposed transactions which are summarized as follows:

In brief, it is proposed that the Southwestern holding-company system, presently consisting of Southwestern which

is the parent holding company, and six subsidiaries thereof, will be changed so that there will continue in existence a single operating public-utility company—namely, Amarillo Gas, whose name will be changed to Pioneer Natural Gas Company ("Pioneer")—and a single non-utility company—Amarillo Oil, which will be a subsidiary of Pioneer. Southwestern will be liquidated and dissolved, and its stockholders will receive in place of their shares in Southwestern, a pro rata amount of the common stock of Pioneer. Sinclair Oil Corporation ("Sinclair"), a partially exempt registered holding company, which owns approximately 53 percent of the common stock of Southwestern, will receive in exchange therefor a like percentage of the common stock of Pioneer.

The steps in the program are as follows:

(a) Amarillo Oil will transfer its transmission line properties to West Texas in exchange for the latter's production properties (gasoline plant, gathering lines and any other production facilities). This exchange will be made on the basis of the respective book values of the properties, with Amarillo Oil paying West Texas in cash the excess of the book value of the West Texas properties over that of Amarillo Oil in the amount of approximately $142,300.00.

(b) Southwestern will make a contribution to the capital of West Texas by cancelling all indebtedness owing by West Texas to Southwestern.

(c) Under a plan of reorganization to be entered into between Southwestern, Amarillo Oil and Red River, Amarillo Oil will amend its charter to authorize an additional number of shares of its stock (approximately 87,000 shares) of a par value of $25 per share having an aggregate par value equal to the net book value of Red River's properties and the indebtedness of Amarillo Oil to Southwestern. Red River will subscribe for such part thereof as will equal the book value of all of its properties less its liabilities, which properties will be transferred by Red River to Amarillo Oil in payment for such stock, Amarillo Oil assuming Red River's liabilities. Southwestern will subscribe for the balance of such shares and pay therefor by cancelling the indebtedness owing by Amarillo to Southwestern. Red River will dissolve and distribute its holdings of Amarillo Oil stock to Southwestern in cancellation of Red River's stock held by Southwestern.

(d) Under a plan of reorganization to be entered into between Southwestern and Amarillo Gas, Amarillo Gas will amend its corporate charter so as to change its name to Pioneer, reclassify its capital stock, and make other provisions necessary to the consummation of the transactions involved in the program, as well as to provide additional protection for investors.

(e) Also pursuant to the plan of reorganization between Southwestern and Amarillo Gas, Southwestern will (1) surrender the presently outstanding 5,000 shares of capital stock of Amarillo Gas, par value $100 per share, owned by it for conversion into 66,666⅔ reclassified shares of the par value of $7.50 per share, and (2) cancel all indebtedness owing by Amarillo Gas to Southwestern and transfer to Amarillo Gas all of the assets and properties of Southwestern other than Amarillo Gas $7.50 par value capital stock held by it, including all of the outstanding capital stocks of Amarillo Oil, West Texas, Dalhart and Clayton, in payment for the unissued 1,388,847⅓ shares of the $7.50 par value capital stock of Amarillo Gas (including 66,666⅔ shares of reclassified treasury stock) which 1,388,847⅓ shares will be issued to Southwestern. As a part of the consideration for the transfer of these assets by Southwestern, Amarillo Gas will assume all of the liabilities of Southwestern including $9,450,000 principal amount of notes having varying maturities and interest rates from 2½ percent to 3¼ percent per annum.

(f) Immediately following the completion of the steps set forth in paragraph (e) above, West Texas, Dalhart and Clayton will transfer, in liquidation, all of their properties to Amarillo Gas subject to and upon the assumption of all of their liabilities by Amarillo Gas. West Texas, Dalhart and Clayton will then be dissolved.

(g) Upon the completion of the steps set forth above, a meeting of the stockholders of Southwestern will be held to authorize the distribution of Southwestern's assets to its stockholders and its dissolution.

(h) Southwestern will transfer to the holders of the 727,757 shares of its capital stock in exchange for the surrender for cancellation by such stockholders of the shares of $5.00 par value capital stock of Southwestern presently held by them, two shares of Pioneer $7.50 par value capital stock for each share of Southwestern stock so held.

(i) After consummation of all of the foregoing transactions, Southwestern will be dissolved.

It is stated that the right of Southwestern stockholders to receive Pioneer capital stock in exchange for the surrender for cancellation of their shares of Southwestern capital stock shall be without limitation as to time, and that Southwestern will, however, during a reasonable period following the beginning of such distribution and transfer make every reasonable effort from time to time to locate such Southwestern stockholders as are entitled to receive Pioneer capital stock but whose Southwestern stock has not been surrendered for exchange.

The declaration states that The New Mexico Public Service Commission has jurisdiction over the sale of the stock or properties of Clayton and that its approval has been obtained, and that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Southwestern has also requested an order of the Commission pursuant to section 5 (d) of the act to be issued upon the filing of a certificate of notification of consummation of the transactions as proposed in the application-declaration, which order shall direct that Southwestern has ceased to be a holding company under the act and that its registration under the act has ceased to be in effect.

Southwestern and Sinclair have applied, in certain proceedings captioned "In the Matter of The Mission Oil Company, Southwestern Development Company and Subsidiaries, and Sinclair Oil Corporation, File Nos. 54-196, 59-97, and in the Matter of Albert R. Jones, et al., File No. 70-2681", filed under section 11 (e) of the act, wherein the Commission approved a plan of reorganization by its Findings, Opinion and Order dated December 21, 1951 (Holding Company Act Release No. 10969) for a Supplemental Order containing recitals conforming to Supplement R and section 1808 (f) of the Internal Revenue Code with regard to certain of the transactions outlined above, and also with respect to the sale by Sinclair (within six months from the date of this order or within such longer time as the Commission may by further order direct) of the stock of Pioneer which Sinclair will receive in lieu of the Southwestern stock which it now holds and the investment of an amount equal to the proceeds of such sale in Sinclair Refining Company, a wholly owned subsidiary of Sinclair.

Southwestern has filed a notice of special meeting, proxy and letter of transmittal in connection with a special meeting which it proposes to hold to obtain authorization of certain of the transactions outlined above.

It is requested that the Commission's order entered herein become effective upon the issuance thereof.

Appropriate notice of said filing having been given pursuant to Rule U-23 and no hearing having been requested of or ordered by the Commission; and

The Commission finding (which findings will be contained in a memorandum opinion to be filed herein) that the proposed transactions satisfy the applicable provisions of the act and the rules promulgated thereunder; and deeming it appropriate in the public interest and in the interests of investors and consumers that the application be granted and that the Commission's order herein become effective forthwith:

It is ordered, That said application-declaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24 and to the following additional terms and conditions:

(1) That jurisdiction be and the same hereby is, reserved over all fees and expenses incurred or to be incurred in connection with the proposed transactions and the consummation thereof;

(2) That jurisdiction be and the same hereby is reserved to issue an order pursuant to section 5 (d) of the act with respect to Southwestern upon the filing of a certificate of notification of consummation of the transactions as proposed in the application-declaration as amended.

It is further ordered and recited, Supplementing and amending, to the extent necessary, the Commission's order of December 21, 1951, referred to above, that the steps and transactions itemized below are necessary or appropriate to the integration or simplification of the holding company system of which Sinclair, Southwestern, and the subsidiaries of

Southwestern are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and are hereby approved and authorized:

(1) The issuance by Amarillo Gas (Pioneer) to Southwestern of new certificates evidencing 1,388,847⅓ shares of the $7.50 par value capital stock of Amarillo Gas (Pioneer) (including 66,666⅔ shares of reclassified treasury stock) and the assumption by Amarillo Gas (Pioneer) of all liabilities of Southwestern, including the obligations of Southwestern to Guaranty Trust Company then outstanding under the presently outstanding loan agreement between Southwestern and Guaranty, in exchange for the transfer by Southwestern to Amarillo Gas (Pioneer) of all assets of Southwestern other than the 66,666⅔ reclassified shares of $7.50 par value capital stock held by Southwestern (including all the outstanding capital stocks of Amarillo Oil, West Texas, Dalhart and Clayton and notes of Amarillo Gas (Pioneer) held by Southwestern).

(2) The distribution and transfer by Southwestern to its shareholders, in exchange for the surrender of Southwestern stock, of 1,455,514 shares of the $7.50 par value capital stock of Amarillo Gas (Pioneer) to be received by Southwestern from Amarillo Gas (Pioneer).

(3) The sale, at public or private sale, by Sinclair of the 769,721.72 shares of the $7.50 par value capital stock of Amarillo Gas (Pioneer) to be received by it in exchange for the 384,860.86 shares of the $5.00 par value common stock of Southwestern now held by Sinclair.

(4) The investment by Sinclair of an amount equal to the proceeds of the above-mentioned sale by it of the $7.50 par value capital stock of Amarillo Gas (Pioneer) as a contribution to the capital of Sinclair Refining Company, a Maine corporation, and a wholly owned subsidiary of Sinclair.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10868; Filed Dec. 31, 1953; 8:46 a. m.]

[File No. 70-3162]

CENTRAL OHIO LIGHT & POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUANCE OF BANK LOAN NOTES TO BE OUTSTANDING AT ANY [redacted] TIME

DECEMBER 28, 1953.

Central Ohio Light & Power Company ("Central"), a public-utility subsidiary of American Gas and Electric Company, a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 (a) (2) thereunder regarding the following proposed transactions:

Central has established a line of credit with six banking institutions in the aggregate amount of $3,500,000, and proposes to borrow from time to time prior to December 31, 1954, up to but not to exceed $3,500,000 outstanding at any one time and to issue and deliver to said banks its notes as evidence of such borrowings. The notes to be issued by Central will in each case be dated as of the date of such borrowings, will bear interest from the dates thereof at the then prime interest rate, which is presently 3¼ percent per annum, and will mature not more than 270 days after the date of issuance. Central may prepay the notes from time to time, in whole or in part, without premium, and partial payments would be made ratably on all of the notes on the date or dates designated by Central.

The amount of not to exceed $3,500,000 outstanding at any one time proposed to be borrowed will be used by Central for the following purposes:

(a) The payment, simultaneously with the initial borrowing under such line of credit, on or before January 11, 1954, of

(1) All of Central's then outstanding 3½ percent Sinking Fund Debentures due 1963, in the face amount of $900,000, at the redemption price thereof of 102.25 percent of par together with accrued interest to the date of redemption;

(2) All of Central's presently outstanding notes payable, which mature on January 11, 1954, in the face amount of $1,600,000, at the face amount thereof, and

(3) All of Central's presently outstanding notes payable to banks, which mature on January 7, 1954, in the face amount of $400,000, at the face amount thereof; and

(b) To finance part of the costs of Central's construction program which it estimates at $964,000 for 1954.

Central agrees that provision will be made in its next permanent financing for the prepayment of all of the notes then outstanding and that, at such time, the authorization requested herein with respect to such notes shall terminate.

No finders' fees or commissions are to be paid by Central in connection with the proposed issuance of the notes. Expenses to be incurred by Central are estimated not to exceed $500.

Central requests that the Commission's order permitting its declaration to become effective be issued as soon as practicable pursuant to Rule U-23 promulgated under the act, waives the 30-day waiting period and requests that the Commission's order herein become effective upon issuance.

The Commission having examined Central's declaration and the statements contained therein and having found that the applicable provisions of the act and the rules thereunder are satisfied; and

Due notice of the filing of said declaration having been given and no hearing having been ordered by, or requested of, the Commission:

It is hereby ordered, That the declaration of Central, as amended, be, and the same hereby is, permitted to become effective, forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10869; Filed, Dec. 31, 1953; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28780]

PROPORTIONAL RATES ON GRAIN FROM KANSAS CITY, MO., TO PORT ARTHUR, TEX., FOR EXPORT

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to schedules listed below.

Commodities involved: Grain, grain products and related articles, carloads.

From: Kansas City, Mo.

To: Port Arthur, Texas, for export.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: St. Louis-San Francisco tariff I. C. C. No. A-532, supp. 1; St. Louis-San Francisco tariff I. C. C. No. A-478, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10877; Filed, Dec. 31, 1953; 8:47 a. m.]

[4th Sec. Application 28781]

LIME FROM CLEBURNE, TEX., TO NATCHEZ, MISS.

APPLICATION FOR RELIEF

DECEMBER 29, 1953

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul

provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Lime (calcium), viz.: common lime, including magnesium lime, hydrated, quick or slack, carloads.

From: Cleburne, Texas.

To: Natchez, Miss.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routing.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3986, supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10878; Filed, Dec. 31, 1953; 8:47 a. m.]

[4th Sec. Application 28782]

GRAIN, GRAIN PRODUCTS AND RELATED ARTICLES, CARLOADS, FROM SIOUX CITY, IOWA, TO STATIONS IN ILLINOIS

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for the Chicago & Eastern Illinois Railroad Company and Chicago and North Western Railway Company.

Commodities involved: Grain, grain products, seeds and related articles, carloads.

From: Sioux City, Iowa.

To: East St. Louis, Ill., and certain other points in Illinois.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3866, supp. 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10880; Filed, Dec. 31, 1953; 8:48 a. m.]

[4th Sec. Application 28783]

MOTOR-RAIL RATES ON MOULDING SAND FROM SANDALE, IND., TO THE SOUTHWEST

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Moulding sand, carloads.

From: Sandale, Ind.

To: Points in southwest.

Grounds for relief: Competition with rail carriers, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 3736, supp. 240.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10879; Filed, Dec. 31, 1953; 8:48 a. m.]

[4th Sec. Application 28784]

SULPHURIC ACID, FROM SAVANNAH AND PORT WENTWORTH, GA., TO VALDOSTA, GA.

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid in tank-car loads.

From: Savannah and Port Wentworth, Ga.

To: Valdosta, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, and to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1357, supp. No. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. D. Doc. 53-10881; Filed, Dec. 31, 1953; 8:48 a. m.]

[4th Sec. Application 28785]

SULPHURIC ACID FROM SOUTHERN TERRITORY TO EASTPORT JUNCTION, FLA.

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Specified points in southern territory.

To: Eastport Junction, Florida.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1357, supp. No. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10882; Filed, Dec. 31, 1953; 8:48 a. m.]

[4th Sec. Application 28786]

MOLDING SAND FROM LEXINGTON AND SAULSBURY, TENN., TO POMEROY, OHIO

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Molding sand, carloads.

From: Lexington and Saulsbury, Tenn.

To: Pomeroy, Ohio.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, Supp. No. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10883; Filed, Dec. 31, 1953; 8:48 a. m.]

[4th Sec. Application 28787]

CATALOGUES FROM CHICAGO, ILL., TO COUNCIL BLUFFS, IOWA, OMAHA, NEBR., ST. JOSEPH, MO., AND WICHITA, KANS.

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Catalogues, in packages, carloads.

From: Chicago, Ill., and points taking same rate.

To: Council Bluffs, Iowa, Omaha, Nebr., St. Joseph, Mo., and Wichita, Kans.

Grounds for relief: Rail competition, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3733, supp. 98; W. J. Prueter, Agent, I. C. C. No. A-3991, supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10884; Filed, Dec. 31, 1953; 8:48 a. m.]

[4th Sec. Application 28788]

SUPERPHOSPHATE FROM SOUTHERN TERRITORY TO FAIRBURY, NEBR., AND HATFIELD, MINN.

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate), carloads.

From: Points in southern territory

To: Fairbury, Nebr., and Hatfield, Minn.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1286, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10885; Filed, Dec. 31, 1953; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 2

Washington, Tuesday, January 5, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.207]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following January 2, 1954, paragraph (b) is amended by the deletion of the following posts:

India, all posts except Bangalore, Bhopal, Bokaro, Bombay, Cuddalore, Cuttack, Gwalior, Hirakud Dam, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Nabha, Nagpur, New Delhi, Nilokheri, Patiala, Patna, Poona, Simla and Trivandrum.

2. Effective as of the beginning of the first pay period following January 2, 1954, paragraph (d) is amended by the deletion of the following posts:

Seaborne Radio Bases.

3. Effective as of the beginning of the first pay period following November 22, 1952, paragraph (a) is amended by the addition of the following post:

Loikaw, Burma.

4. Effective as of the beginning of the first pay period following December 20, 1952, paragraph (a) is amended by the addition of the following post:

Myitkyina, Burma.

5. Effective as of the beginning of the first pay period following August 18, 1951, paragraph (a) is amended by the addition of the following post:

Taunggyi, Burma.

6. Effective as of the beginning of the first pay period following December 19, 1953, paragraph (a) is amended by the addition of the following posts:

Portoviejo, Ecuador.
Quevedo, Ecuador.

7. Effective as of the beginning of the first pay period following January 2, 1954, paragraph (a) is amended by the addition of the following post:

Hazaribagh, India.

8. Effective as of the beginning of the first pay period following January 2, 1954, paragraph (b) is amended by the addition of the following posts:

India, all posts except Bangalore, Bhopal, Bokaro, Bombay, Cuddalore, Cuttack, Gwalior, Hazaribagh, Hirakud Dam, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Nabha, Nagpur, New Delhi, Nilokheri, Patiala, Patna, Poona, Simla and Trivandrum.

9. Effective as of the beginning of the first pay period following January 2, 1954, paragraph (d) is amended by the addition of the following post:

Chillan, Chile.

For the Secretary of State.

DONOLD B. LOURIE, *Under Secretary for Administration.*

DECEMBER 23, 1953.

[F. R. Doc. 54-27; Filed, Jan. 4, 1954; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

FUTURE PAYMENT FUNDS

Part 10 of Title 6 of the Code of Federal Regulations (18 F. R. 4778) is hereby amended to include a new § 10.131a, as follows:

§ 10.131a *Future Payment Funds (effective January 1, 1954).* Future payment funds accepted prior to January 1, 1954, for subsequent credit upon indebtedness to the bank or the Corporation, shall continue to be held subject to the provisions of §§ 10.116 to 10.131, inclusive, and such terms and conditions as were agreed upon at the time of their acceptance. No future payment funds shall be accepted on or after January 1,

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FEDERAL REGISTER

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1954, for subsequent credit upon indebtedness to the Corporation. Future payment funds accepted on or after January 1, 1954, for subsequent credit upon indebtedness to the bank, shall be subject to such terms and conditions as may be agreed upon with the borrower at the time of their acceptance. The agreement with the borrower shall specify the rate of interest to be allowed on such funds, which rate may be as allowed on funds accepted before 1954 or as determined by the board of directors of the bank, and such agreement shall include and be consistent with the terms and conditions prescribed by statute for such funds (12 U. S. C. 781 Eighteenth). A bank may also deem it advisable to include terms and conditions similar to those contained in § 10.124 (c) and (d), as well as an express statement that future payment funds are not subject to withdrawal. The form of such agreement, its conformity with the terms and conditions prescribed by statute, and the procedure for making it effective with the borrower, shall have the approval of the district general counsel.

(Sec. 13, 39 Stat. 372, as amended, 12 U. S. C. 781 Eighteenth)

[SEAL] CARL COLVIN,
Acting Director, Land Bank Service.

[F. R. Doc. 54-29; Filed, Jan. 4, 1954; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATIONS OF SHIPMENTS

§ 959.310 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959) regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, and (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period January 6, 1954 to June 30, 1954, both dates inclusive, no handler shall ship any potatoes unless such potatoes meet the requirements of the U. S. No. 2 grade, and are of a size not smaller than 8 ounces minimum weight: *Provided,* That any such potatoes meeting the requirements of the U. S. No. 1 grade may be shipped if the potatoes are of a size smaller than 8 ounces minimum weight but not smaller than 2 inches minimum diameter or 4 ounces minimum weight: *And provided further,* That potatoes may be shipped for dehydration, or manufacture or conversion into starch, flour, or alcohol if such potatoes meet the requirements of the U. S. No. 2 grade and are at least 2 inches minimum diameter or 4 ounces minimum weight.

(2) Pursuant to § 959.54, each handler may ship not in excess of five hundredweight per week without regard to the limitations set forth in subparagraph (1) of this paragraph and §§ 959.41 and 959.60.

(3) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Grading or storing in the production area, (ii) seed, (iii) canning or freezing, (iv) charity, and (v) livestock feed within the production area.

(4) Each handler making shipments of potatoes for dehydration, or manufacture or conversion into starch, flour, or alcohol pursuant to subparagraph (1) of this paragraph and shipments of potatoes pursuant to subparagraph (3) of this paragraph shall (except for shipments of potatoes for grading or storing in the production area, and shipments of potatoes for livestock feed within the production area) (i) file an application with the committee pursuant to § 959.130 for permission to make such shipments, (ii) pay assessments on such shipments pursuant to § 959.41, and (iii) have such shipments (except shipments of seed potatoes) inspected pursuant to § 959.60, and for each shipment of potatoes for dehydration, or manufacture or conversion into starch, flour, or alcohol made pursuant to subparagraph (1) of this paragraph and for each shipment of potatoes made pursuant to subdivisions (iii) and (iv) of subparagraph (3) of this paragraph shall furnish a record of shipment applicable thereto to the committee: *Provided,* That each application to ship potatoes for dehydration, or manufacture or conversion into starch, flour, or alcohol pursuant to subparagraph (1) of this paragraph and to ship potatoes pursuant to subdivisions (iii) and (iv) of subparagraph (3) of this paragraph shall be accompanied by the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application: *And provided further,* That each handler agrees in his application to furnish a copy of the bill of lading on each such shipment and to bill each such shipment directly to the applicable processor.

(5) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59, as amended, and the aforementioned grades and sizes shall have the same meaning assigned those terms in the U. S. Standards for Potatoes (§§ 51.1540–51.1559 of this title), including the tolerances set forth therein.

(6) The provisions of § 959.309, *Limitation of Shipments,* effective September 7, 1953 (18 F. R. 5163), as from time to time amended, are hereby terminated as of the effective date of this paragraph (b).

The regulation limiting shipments of potatoes, pursuant to the amended marketing agreement and order, that was issued on August 26, 1953 (18 F. R. 5163), effective on September 7, 1953, has since had four amendments. In order to facilitate references to the respective amendments and to prescribe a modification of the terms thereof, § 959.309 is being terminated and superseded by this section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 31st day of December 1953, to become effective January 6, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 54-73; Filed, Jan. 4, 1954; 10:44 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 231—LISTS OF ALIENS AND CITIZEN PASSENGERS ARRIVING OR DEPARTING

DESIGNATION OF PORTS OF ENTRY

Correction

In F. R. Doc. 53-10038, appearing at page 7625 of the issue for Tuesday, December 1, 1953, the words "Class G ports" in item a. 1. should read "Class C ports".

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.208]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

VALIDITY OF NONIMMIGRANT VISA

The following amendment to Part 41, Chapter I, Title 22 of the Code of Federal Regulations, is hereby prescribed:

Paragraph (c) of § 41.15 *Validity of nonimmigrant visa* is amended to read as follows:

(c) A nonimmigrant visa may, in consideration of reciprocal treatment accorded nationals of the United States within a similar class by the government of the country of which the alien is a national, or in consideration of the alien's purpose in traveling to, or through, the United States, or for other valid reasons, be issued valid for (1) a period of validity which is less than the time specified in paragraph (b) of this section, (2) a limited number of applications for admission within the period of the validity of the visa, or (3) application for admission at a specified port or specified ports of entry in the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves foreign affairs functions of the United States.

Dated: December 24, 1953.

SCOTT MCLEOD,
Administrator, Bureau of Security, Consular Affairs, and Personnel.

[F. R. Doc. 54-28; Filed, Jan. 4, 1954; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Revision of Export Regs., Amdt. P. L. 65]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List. These commodities were formerly licensed by the Department of State. All outstanding licenses for these commodities issued by the Department of State prior to January 1, 1954, remain valid until they expire or are revoked.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Special-purpose vehicles, n. e. c.:				
791113	Amphibian combat vehicles or carriers, n. e. c. (new), single rear axle drive, except armored vehicles or carriers.	No.	TRAN	None	R
791113	Amphibian combat vehicles or carriers, n. e. c. (new), front and rear axle drive or multiple rear axle drive, except armored vehicles or carriers.[1]	No.	TRAN	None	RO
900238	High speed cameras, capable of recording at rates in excess of 250 frames per second.	No.	FILM	None	RO
900600	Parts, n. e. c., special fabricated for high speed cameras capable of recording at rates in excess of 250 frames per second.	----------	FILM	25	RO
918029	Photo-theodolites, and specially fabricated parts, n. e. c.	----------	SATE	25	RO
919010	Radiosondes.	No.	SATE	None	R

[1] These commodities are subject to the IC/DV requirements (see § 373.2).

2. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a single Schedule B number, the entry to be superseded is identified by a numerical reference enclosed in parentheses following the commodity description in the revised entry.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Radio and television apparatus:				
707815	Television picture receiving tubes (cathode ray) (specify by type number).[1 2]	No.	RARA 51	100	R
707820	Cathode-ray tubes, n. e. c. (formerly 709903) (report television cathode-ray tubes in 707812 and 707815).[2 3]	No.	RARA 51	25	RO
708410	Doppler equipment, and specially fabricated parts, n. e. c. (list).[4]	----------	RARA	None	RO
[illegible]	Carrier current equipment (high frequency wire transmitting and receiving apparatus), n. e. c., and specially fabricated parts, n. e. c. (includes telemetering equipment).[5]	----------	RARA 50	None	R
	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.:				
919080	Supersonic generators for operation at 17,000 cycles per second or over (15).[6]	No.	SATE	None	RO
919080	Parts, n. e. c., specially fabricated for supersonic generators for operation at 17,000 cycles per second or over (16).[6]	----------	SATE	25	RO

[1] The letter "A" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the IC/DV procedure. (See § 373.2.)

[2] All cathode-ray tubes, some of which were licensed by Department of State, are now licensed by Bureau of Foreign Commerce. All outstanding licenses for cathode-ray tubes issued by the Department of State prior to Jan. 1, 1954, remain valid until they expire or are revoked.

[3] The Schedule B No. is changed.

[4] Doppler equipment was licensed by the Department of State. Other electronic detection and navigational apparatus, some of which was licensed by Bureau of Foreign Commerce, is now licensed by Department of State. All outstanding licenses issued by the Department of State or Bureau of Foreign Commerce prior to Jan. 1, 1954, remain valid until they expire or are revoked.

[5] Telemetering equipment, formerly licensed by Department of State, is now licensed by Bureau of Foreign Commerce. All outstanding licenses for telemetering equipment issued by the Department of State prior to Jan. 1, 1954, remain valid until they expire or are revoked.

[6] All supersonic generators and parts, some of which were licensed by Department of State, are now licensed by Bureau of Foreign Commerce. All outstanding licenses for supersonic generators and parts issued by the Department of State prior to Jan. 1, 1954, remain valid until they expire or are revoked.

This amendment shall become effective as of 12:01 a. m., January 1, 1954.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945. 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

KARL L. ANDERSON,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 53-10910; Filed, Dec. 31, 1953; 12:12 p. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter C—Appeals and Hearings

PART 515—APPEALS

MISCELLANEOUS AMENDMENTS

1. Section 515.2 (c) (1) which appeared at 18 F. R. 7794, December 3, 1953, is corrected as follows:

The reference in the last line of § 515.2 (c) (1) to § 515.22 should have read § 515.33.

2. Section 515.5 (c) is amended to read as follows:

§ 515.5 *Appeal proceedings in general.* • • •

(c) Findings and conclusions of the Commission upon a decision of the Council on Appeals. (See Subpart D of this part.)

3. Section 515.6 is amended to read as follows:

§ 515.6 *Council on Appeals.* (a) The Council on Appeals shall consist of three members.

(b) The Council on Appeals shall consider appeals within the War Claims Commission and shall render decisions on appeals. (See Subpart D of this part.) The Director, Appeals and Hearings Service, shall serve as Chairman of the Council on Appeals.

4. Section 515.30 is amended to read as follows:

§ 515.30 *Council on Appeals to render decisions on appeals.* (a) After a hearing upon an appeal has been held, the Council on Appeals shall, as soon as practicable after receipt of the transcript of the hearing, consider all evidence presented by the appellant in connection with an appeal and shall render a decision on the appeal. (Subject to § 515.31)

(b) If no hearing is requested upon the appeal, the Council on Appeals, shall consider all additional evidence and shall render a decision on the appeal. (Subject to § 515.31)

5. Section 515.31 is amended to read as follows:

§ 515.31 *Decision of the Commission.* The decision of the Council on Appeals shall be the final action of the Commission, subject to the provisions of § 515.35: however, provided that in the case of appeals arising under section 7 (b) or (c) of the act, or where it is determined by the Council on Appeals that elements of Commission policy are involved, the decision shall be referred to the Commissioners and when approved by two Commissioners, shall become the final decision of the Commission.

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App. 2001)

WHITNEY GILLILLAND,
Chairman,
War Claims Commission.

[F. R. Doc. 54-30; Filed, Jan. 4, 1954; 8:51 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 2888 et al.]

SKYTRAIN AIRWAYS, INC.; REOPENED LATIN AMERICAN AIR FREIGHT CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the fitness, willingness, and ability of Skytrain Airways, Inc., properly to perform the air transportation encompassed within Docket No. 2888 and Docket No. 4473 and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is postponed from January 5, 1954, to February 16, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., December 30, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-31; Filed, Jan. 4, 1954; 8:51 a. m.]

[Docket No. 6432]

NORTH CENTRAL AIRLINES, INC.

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of an investigation instituted by the Board to determine whether the public convenience and necessity require that North Central's amended temporary certificate of public convenience and necessity for route No. 86, be altered, amended, or modified insofar as said certificate authorizes service by North Central over Segment 5 of said route.

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned for January 12 is hereby postponed to January 15, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., December 30, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-32; Filed, Jan. 4, 1954; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-295]

FIRE EXTINGUISHING APPLIANCE INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Fire Extinguishing Appliance Industry will be held by the Federal Trade Commission in the Drake Hotel, Chicago, Illinois, on January 19, 1954, commencing at 10 a. m., e. s. t.

The purpose of the conference is to afford industry members an opportunity to consider and propose for establishment, subject to the Commission's approval, a comprehensive set of trade practice rules for the industry in substitution for those promulgated by the Commission on November 13, 1935. Copies of "suggested" rules, as prepared by a member of the Commission's staff and distributed to industry members for their consideration at the conference, are available upon request.

Products of the industry consist of appliances which are represented as being capable of extinguishing fires, with the exception of sprinkler systems and automotive fire apparatuses. All persons, firms, corporations and organizations engaged in the manufacture, sale, or distribution of such industry products are cordially invited to attend and participate in the conference proceedings.

Issued: December 29, 1953.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-2; Filed, Jan. 4, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1319]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 29, 1953.

Notice is hereby given that on December 22, 1953, the Federal Power Commission issued its order adopted December 18, 1953, amending Opinion No. 259 and order of August 6, 1953 (18 F. R. 4896) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-17; Filed, Jan. 4, 1954; 8:48 a. m.]

[Docket No. G-2021]

PUBLIC SERVICE ELECTRIC AND GAS CO.

NOTICE OF EXTENSION OF TIME

DECEMBER 28, 1953.

Upon consideration of the petition of Public Service Electric and Gas Company filed December 17, 1953, for an extension of time for complying with paragraph (D), subparagraph (d) of the Commission's order issued October 6, 1952, in the above-designated matter;

Notice is hereby given that an extension of time is granted to and including March 15, 1954, within which Public Service Electric and Gas Company shall file a statement showing the actual cost of constructing said facilities by operating units, etc. Paragraph (D), subparagraph (d) of said order is amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-21; Filed, Jan. 4, 1954; 8:49 a. m.]

[Docket No. G-2055]

UNITED FUEL GAS CO.

NOTICE OF ORDER STAYING OPINION

DECEMBER 29, 1953.

Notice is hereby given that on December 22, 1953, the Federal Power Commission issued its order adopted December 18, 1953, in the above-entitled matter, staying Opinion No. 258-A and order of November 19, 1953 (18 F. R. 7572) pending further order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-18; Filed, Jan. 4, 1954; 8:48 a. m.]

[Docket Nos. G-2024, G-2097]

UNITED GAS PIPE LINE CO. AND MISSISSIPPI POWER FUEL CORP.

NOTICE OF OPINION NO. 265 AND ORDER

DECEMBER 29, 1953.

In the matter of United Gas Pipe Line Company, Docket No. G-2097; Mississippi River Fuel Corporation, Complainant, v. United Gas Pipe Line Company, Defendant, Docket No. G-2024.

Notice is hereby given that on December 23, 1953, the Federal Power Commission issued its opinion and order adopted December 22, 1953, affirming the intermediate decisions and orders of the Presiding Examiner in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-19; Filed, Jan. 4, 1954; 8:49 a. m.]

[Docket No. G-2173]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE FOR HEARING

On May 19, 1953, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation with its principal office in Shreveport, Louisiana, filed an application with the Federal Power Commission, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 4.5 miles of 6⅝-inch pipe line from a point at or near the Willow Springs Field in Gregg County, Texas, to a point of interconnection with Texas Eastern's existing 24-inch pipe line in Harrison County, Texas. The proposed facility is to be used for the transportation of natural gas to be purchased by Texas Eastern in the Willow Springs Field to augment its available gas reserves for service to existing markets. The application is on file and open to public inspection.

Temporary authorization for the construction and operation of the abovementioned facility was granted on June 4, 1953.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 6, 1953 (18 F. R. 3181).

The Commission orders:

(1) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on January 18, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(2) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: December 29, 1953.

Issued: December 29, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-26; Filed, Jan. 4, 1954; 8:50 a. m.]

[Docket No. G-2203]

SOUTHERN NATURAL GAS CO.

NOTICE OF FINAL DECISION

DECEMBER 28, 1953.

Notice is hereby given that the Presiding Examiner's Decision issuing a certificate of public convenience and necessity in the above-designated matter was issued and served upon all parties on November 25, 1953. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said Decision became effective on December 28, 1953, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-22; Filed, Jan. 4, 1954; 8:49 a. m.]

[Docket No. G-2204]

SOUTHERN NATURAL GAS CO.

NOTICE OF FINAL DECISION

DECEMBER 28, 1953.

Notice is hereby given that the Presiding Examiner's Decision issuing a certificate of public convenience and necessity in the above-designated matter was issued and served upon all parties on November 23, 1953. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said Decision became effective on December 24, 1953, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-23; Filed, Jan. 4, 1954; 8:49 a. m.]

[Docket No. G-2206]

EL PASO NATURAL GAS CO.

NOTICE OF EXTENSION OF TIME

DECEMBER 28, 1953.

Upon consideration of petition filed December 14, 1953, by El Paso Natural Gas Company for extension of time to commence construction of facilities authorized by the Commission's order issued September 18, 1953, in the above-entitled matter;

Notice is hereby given that an extension of time is granted to and including May 18, 1954, within which to commence the construction of the said facilities. Paragraph (C) (1) of said order is amended accordingly.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-24; Filed, Jan. 4, 1954; 8:49 a. m.]

[Docket Nos. G-2231, G-2232]

TOWN OF DEKALB, MISSISSIPPI, AND MISSISSIPPI VALLEY GAS CO.

NOTICE OF FINDINGS AND ORDER

DECEMBER 29, 1953.

Notice is hereby given that on December 23, 1953, the Federal Power Commission issued its order adopted December 22, 1953, in the above-entitled matters, issuing a certificate of public convenience and necessity to Mississippi Valley Gas Company, Docket No. G-2232, and directing Southern Natural Gas Company to establish a physical connection of its facilities with those of the Town of DeKalb, Mississippi, Docket No. G-2231.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-20; Filed, Jan. 4, 1954; 8:49 a. m.]

[Docket No. G-2274]

UNITED FUEL GAS CO.

NOTICE OF EXTENSION OF TIME

DECEMBER 28, 1953.

Upon consideration of the Motion of United Fuel Gas Company filed December 23, 1953, for an extension of time for serving copies of its testimony and exhibits to be offered at the hearings in the above-designated matter as required by the Commission's order issued October 13, 1953;

Notice is hereby given that an extension of time is granted to and including January 18, 1954, within which United Fuel Gas Company shall serve upon all parties copies of its testimony and exhibits proposed to be offered at the hearings in this matter. Paragraph (C) of said order is amended accordingly.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-25; Filed, Jan. 4, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28789]

SUPERPHOSPHATE FROM BREWSTER, FLA., GROUP TO SPECIFIED POINTS IN IOWA, KANSAS, AND MISSOURI

APPLICATION FOR RELIEF

DECEMBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate), carloads.

From: Brewster, Fla., and points grouped therewith.

To: Specified points in Iowa, Kansas and Missouri.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1286, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-9; Filed, Jan. 4, 1954; 8:47 a. m.]

[4th Sec. Application 28790]

PETROLEUM PRODUCTS IN KANSAS

APPLICATION FOR RELIEF

DECEMBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum and petroleum products, carloads.

From: Points in Kansas.

To: Leavenworth and Ft. Leavenworth, Kans.

Grounds for relief: Competition with rail carriers, circuitous routes, and to meet intrastate rates.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3578, supp. 83.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-10; Filed, Jan. 4, 1954; 8:47 a. m.]

[4th Sec. Application 28791]

MINE RUN SALT FROM LOUISIANA TO ANNISTON, ALA.

APPLICATION FOR RELIEF

DECEMBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt, mine run, carloads.

From: Anse La Butte, Avery Island, Carla, Jefferson Island, Weeks and Winnfield, La.

To: Anniston, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3903, supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-11; Filed, Jan. 4, 1954; 8:47 a. m.]

[4th Sec. Application 28792]

MINE RUN SALT FROM LOUISIANA TO ANNISTON, ALA.

APPLICATION FOR RELIEF

DECEMBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt, mine run, carloads.

From: Anse La Butte, Avery Island, Carla, Jefferson Island, Weeks and Winnfield, La.

To: Anniston, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3903, supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-12; Filed, Jan. 4, 1954; 8:47 a. m.]

[4th Sec. Application 28793]

MINE RUN SALT FROM GRAND SALINE, TEX., TO ANNISTON, ALA.

APPLICATION FOR RELIEF

DECEMBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt, mine run, carloads.

From: Grand Saline, Texas.

To: Anniston, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3903, supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-13; Filed, Jan. 4, 1954; 8:47 a. m.]

[4th Sec. Application 28794]

SCRAP IRON FROM SOUTHERN TERRITORY TO DAYTON AND SPRINGFIELD, OHIO

APPLICATION FOR RELIEF

DECEMBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap iron or steel, carloads.

From: Points in southern territory.

To: Dayton and Springfield, Ohio.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1329, supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-14; Filed, Jan. 4, 1954; 8:48 a. m.]

[4th Sec. Application 28795]

ASPHALT FROM WYOMING TO NEBRASKA AND SOUTH DAKOTA

APPLICATION FOR RELIEF

DECEMBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul

provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Asphalt (asphaltum), carloads.

From: Producing points in Wyoming.

To: Points in Nebraska and South Dakota.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Chicago & North Western Railway Company I. C. C. No. 11210, supp. 29; Chicago, Burlington & Quincy R. R. Co. I. C. C. No. 20366, supp. 24; Chicago, Burlington & Quincy Railroad Company, I. C. C. No. 20360, supp. 7; Union Pacific Railroad Company, I. C. C. No. 5356, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-15; Filed, Jan. 4, 1954; 8:48 a. m.]

[4th Sec. Application 28796]

IRON AND STEEL FROM CINCINNATI, OHIO, TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

DECEMBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1258, pursuant to fourth-section order No. 16101.

Commodities involved: Iron and steel articles, carloads.

From: Cincinnati, Ohio.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuity, and operation through higher-rated teritory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-16; Filed, Jan. 4, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-561]

TENNESSEE NATURAL GAS LINES, INC.

ORDER GRANTING APPLICATION FOR EXEMPTION

DECEMBER 28, 1953.

Tennessee Natural Gas Lines, Inc. ("Tennessee Lines"), having filed an application and amendments thereto requesting an exemption from the provisions of the Public Utility Holding Company Act of 1935 ("act") for itself and its subsidiary, Nashville Gas Company, a gas public-utility company; and

Due notice of the filing of said application having been given and no hearing thereon having been ordered by or requested of the Commission, and the Commission having examined the application, the amendments thereto, and the statements contained therein, and having found that the applicable standards of section 3 (a) (1) of the act are satisfied, and deeming it appropriate in the public interest and the interest of investors and consumers to grant said application:

It is ordered, That the application, as amended, of Tennessee Lines be, and it hereby is, granted.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-5; Filed, Jan. 4, 1954; 8:45 a. m.]

[File No. 54-207]

AMERICAN POWER & LIGHT CO.

ORDER RELEASING JURISDICTION OVER AND APPROVING FEES AND EXPENSES

DECEMBER 29, 1953.

The Commission, by order dated March 31, 1953, approved a plan for the dissolution of American Power & Light Company ("American"), a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"); and

Said order having reserved jurisdiction to pass upon the reasonableness of fees and expenses in connection with said plan; and

The record having been completed with respect to requests for fees and expenses which American is proposing to pay as follows:

Counsel fee of Reid & Priest, counsel for American	$17,500 00
Expenses of Reid & Priest	566 07
Counsel fee of McLean, Southard & Hunt, local counsel for American	500 00
Expenses of local counsel	88 72
Appeal Printing Co., Inc., New York, printing of plan and amended plan, notices, and letters	1,894.17
Dispatch Press, Inc., New York, printing of notice of court hearing, letters, and forms	409 10
Berlin & Jones Co., New York, envelopes	54 75
Commerce Photo-Print Corp., New York, reproducing findings and opinion and order approving plan	68 91
Registrar & Transfer Co., New York, addressing, enclosing and mailing notices and letters	407.25
Postage for above	1,294.27
Albert Frank-Guenther Law, Inc., New York, publication of notice of court hearing on plan and publication of notice of date for filing claims, in five newspapers	1,484.01
Ace Reporting Co., Washington, D. C., stenographic transcript of hearing on plan	51 16
Traveling and incidental expenses of officers and others	447.91
Sundry expenses not separately classified in the company's accounts, estimated not to exceed	250 00
Total	25,016.92

The Commission having examined the record herein and finding that the fees and expenses, as proposed, are reasonable, and that it is appropriate to release jurisdiction with respect thereto:

It is hereby ordered, That the fees and expenses listed above are reasonable and may be paid by American and that the jurisdiction heretofore reserved with respect to fees and expenses, to the extent specified herein, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-7; Filed, Jan. 4, 1954; 8:46 a. m.]

[File No. 70-3014]

JERSEY CENTRAL POWER & LIGHT CO. AND GENERAL PUBLIC UTILITIES CORP.

SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE AND SALE TO BANKS OF NOTES IN AN AGGREGATE AMOUNT

DECEMBER 28, 1953.

Jersey Central Power & Light Company ("Jersey Central"), a public-utility subsidiary of General Public Utilities Corporation, a registered holding company, having filed an application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding the proposal of Jersey Central, inter alia, to issue and sell to two banks, pursuant to the terms of a credit agreement between Jersey Central and the said banks, unsecured notes in an amount not to exceed $7,500,000 outstanding at any one time;

The Commission by order dated April 6, 1953 (Holding Company Act Release No. 11818) having granted and permitted to become effective the said amended application-declaration, subject, however, to a condition, among others, to the effect that Jersey Central shall not issue and sell any notes under the credit agreement if, after such issuance and sale, there would be more than $3,000,000 of such notes outstanding at any one time, unless and until an amendment to the application-declaration shall have been filed by Jersey Central and a further order shall have been issued, which order may contain such further conditions as may then be deemed appropriate; and that jurisdiction be reserved with respect to the issuance and sale by Jersey Central of any notes under the credit agreement as a result of which the aggregate principal amount of notes outstanding thereunder at any one time would exceed $3,000,000;

Jersey Central having filed a further amendment to its application-declaration stating that it has borrowed $3,000,000 under the credit agreement, that it is anticipated that it will be necessary for Jersey Central to borrow an additional $1,000,000 in the latter part of December 1953 and that it will be necessary for Jersey Central to effect additional borrowings in the early part of 1954 prior to the time of the financings which will supply it with the common stock and bond components of its 1954 financing program;

Jersey Central having, in said amendment, requested that the Commission amend its order of April 6, 1953 so as to remove the condition which limited the amount which Jersey Central may borrow under its credit agreement and have outstanding at any one time;

Jersey Central having estimated that the expenses to be incurred in connection with each closing involving the sale of its additional notes will not exceed $450 for legal fees and $500 for miscellaneous out-of-pocket expenses, which, if they do not exceed those amounts, do not appear unreasonable; and

The Commission finding with respect to said application-declaration, as further amended, that the applicable standards of the act and the rules thereunder are satisfied and that it is not necessary to impose any terms and conditions other than those set forth in Rule U-24, and deeming it appropriate that said application-declaration, as further amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as further amended, be, and the same hereby is, granted and permitted to become

effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and the jurisdiction reserved in the Commission's order of April 6, 1953 be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-3; Filed, Jan. 4, 1954; 8:45 a. m.]

[File No. 70-3032]

PENNSYLVANIA ELECTRIC CO.

SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE AND SALE TO BANKS OF NOTES IN AN AGGREGATE AMOUNT

DECEMBER 28, 1953.

Pennsylvania Electric Company ("Penelec"), a public-utility subsidiary of General Public Utilities Corporation, a registered holding company, having filed an application, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding the proposal of Penelec to issue and sell to three banks, pursuant to the terms of a credit agreement between Penelec and the said banks, unsecured notes in an amount not to exceed $10,000,000 outstanding at any one time;

The Commission by order dated May 4, 1953 (Holding Company Act Release No. 11889), having granted the said amended application, subject, however, to a condition to the effect that Penelec shall not issue and sell any notes under the credit agreement maturing by their terms subsequent to December 31, 1953, if after such issuance and sale there would be more than $5,400,000 of notes of such maturity outstanding at any one time, unless and until an amendment to the application shall have been filed by Penelec and a further order shall have been issued, which order may contain such further conditions as may then be deemed appropriate;

Penelec having filed a further amendment to its application stating that it has borrowed $5,000,000 under the credit agreement, that it appears that additional borrowings under the credit agreement may become necessary in December 1953, and that it will be necessary for Penelec to effect additional borrowings in the early part of 1954 prior to the time of the financings which will supply it with the common stock and bond components of its 1954 financing program;

Penelec having, in said amendment, requested that the Commission amend its order of May 4, 1953 so as to remove the condition which limited the amount which Penelec may borrow under its credit agreement and have outstanding at any one time.

Penelec having estimated that the expenses to be incurred in connection with each closing involving the sale of its additional notes will not exceed $450 for legal fees and $500 for miscellaneous out-of-pocket expenses, which if they do not exceed those amounts do not appear unreasonable; and

The Commission finding with respect to said application, as further amended, that the applicable standards of the act and the rules thereunder are satisfied and that it is not necessary to impose any terms and conditions other than those set forth in Rule U-24, and deeming it appropriate that said application, as further amended, be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as further amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24, and the jurisdiction reserved in the Commission's order of May 4, 1953, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-4; Filed, Jan. 4, 1954; 8:45 a. m.]

[File No. 70-3161]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND ALGONQUIN GAS TRANSMISSION CO.

ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE AND RESERVING JURISDICTION

DECEMBER 28, 1953.

New England Gas and Electric Association ("Negas"), a registered holding company, and its non-utility subsidiary, Algonquin Gas Transmission Company ("Algonquin"), having filed a joint application-declaration and amendments thereto, pursuant to sections 6 (a) (2), 6 (b), 7, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-23 thereunder, with respect to the following proposed transactions:

Algonquin proposes to incur a bank loan of $2,000,000 with interest at 4½ percent per annum, to be evidenced by an unsecured note maturing in 16 equal quarterly payments commencing January 1, 1955, and to issue and sell $5,150,000 principal amount of 25-year unsecured notes, at the principal amount thereof, which notes are to be issuable in denominations of not less than $500,000, will be dated December 30, 1953, and will bear cumulative interest at the rate of 6 percent per annum for the first five years and at the rate of 5 percent per annum thereafter, payable only if earned in accordance with a formula contained in certain agreements referred to in such notes. The proposed 25-year notes are to be subordinate to the outstanding bonds and to the proposed unsecured bank note to be issued by Algonquin and will be exchangeable for debentures bearing the same terms and conditions. Algonquin also proposes to amend its First Mortgage and Deed of Trust dated as of March 1, 1951, so as to defer the commencement of regular sinking fund payments from July 1, 1954, to July 1, 1955, and to eliminate the provisions for a contingent sinking fund of $3,000,000.

Negas proposes to acquire $1,787,050 principal amount of the 25-year notes to be issued by Algonquin and also pro-

poses to borrow $1,500,000 from banks, to be evidenced by 3¾ percent unsecured notes maturing October 21, 1955.

Due notice having been given of the filing of the joint application-declaration, a hearing not having been requested of or ordered by the Commission, and the Commission having considered the record and having filed its memorandum opinion this day with respect to this matter:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the joint application-declaration, as amended, be and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-6; Filed, Jan. 4, 1954; 8:46 a. m.]

[File No. 70-3168]

SOUTHERN CO. ET AL.

NOTICE OF FILING REGARDING ISSUANCE AND SALE BY HOLDING COMPANY OF PROMISSORY NOTES AND ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARIES TO PARENT COMPANY

DECEMBER 29, 1953.

In the matter of The Southern Company, Alabama Power Company, Georgia Power Company; File No. 70-3168.

Notice is hereby given that a joint application-declaration has been filed with this Commission by The Southern Company ("Southern"), a registered holding company, and two of its public-utility subsidiary companies, Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia"), pursuant to the Public Utility Holding Company Act of 1935 (the "act"). Applicants-declarants have designated sections 6 (b), 7, 10 and 12 (f) of the act and Rule U-43 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 14, 1954 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said joint application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission 425 Second Street NW., Washington 25, D. C. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Southern proposes to issue to forty-nine banks unsecured promissory notes in an aggregate principal amount of $15,000,000. Each of said notes will mature February 1, 1956, and will bear interest at the rate of 3½ percent per annum. The agreement under which it is proposed to issue such notes provides for the renewal thereof extending the maturity date to February 1, 1959. The proposed notes may be prepared in whole at any time or in part from time to time wtihout penalty or premium. The proceeds to be derived from the sale of the proposed notes, together with treasury funds, will be used by Southern to purchase the common stocks of Alabama and Georgia as described below.

Alabama and Georgia propose to issue and sell to Southern 80,000 and 100,000 shares, respectively, of their no par common stocks for an aggregate consideration of $8,000,000 in the case of Alabama and of $10,000,000 in the case of Georgia. The proceeds from the sale of such stock will be used by these companies to finance improvements, extensions and additions to their respective utility plants.

The joint application-declaration indicates that Southern requests authority to renew the proposed notes on February 1, 1956, and states that should the Commission prefer to withhold action at this time with respect to the renewal of such notes, Southern requests the Commission to reserve jurisdiction with respect thereto. The application-declaration further states that it is contemplated that the proposed notes will be paid at or before their maturity, or their exended maturity, through the issuance and sale by Southern of such securities as may be appropriate and approved by the Commission. Southern agrees that such securities will meet the requirements of section 7 (c) (1) of the act or that it will demonstrate that such securities are for necessary and urgent corporate purposes and that the requirements of section 7 (c) (1) would impose an unreasonable financial burden upon Southern and are not necessary or appropriate in the public interest or for the protection of investors or consumers.

The joint application-declaration further states that the proposed common stock sale by Alabama and Georgia are subject to the jurisdiction of the Alabama Public Service Commission and the Georgia Public Service Commission, respectively and that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses are estimated at $10,500 for Southern, $3,700 for Alabama and $3,900 for Georgia including legal fees of $6,500 in the case of Southern and $500 each for Alabama and Georgia.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-8; Filed, Jan. 4, 1954; 8:46 a. m.]

FEDERAL REGISTER

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Washington, Wednesday, January 6, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.209]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

MISCELLANEOUS AMENDMENTS

DECEMBER 28, 1953.

Effective the beginning of the first pay period following January 16, 1954, the following amendments to Part 325, Chapter III, Title 5 of the Code of Federal Regulations are hereby prescribed:

1. Section 325.1 (g) (1) (18 F. R. 2815) is amended to read as follows:

(1) The temporary assignment or temporary duty of an employee away from his permanent station not classified for differential to a post or area which is so classified, or away from his permanent station which is classified for differential to a post or area classified at a higher rate, when the period of such assignment or duty is actually 60 calendar days or more, or when the head of agency shall have determined by appropriate personnel documentation that the contemplated duration of temporary assignment or temporary duty is for a substantial period of time estimated at not less than 60 calendar days.

2. Section 325.5 (b) (18 F. R. 2817) is amended to read as follows:

(b) Payment for detail as defined in § 325.1 (g) shall be made at the rate established for the differential post or area of detail from the date of arrival to the close of business on the date of departure or the date differential is terminated under other provisions of this part; except that if, for unforeseen circumstances, the actual duration of detail as defined in § 325.1 (g) (1) is for a period of less than 60 calendar days, payment shall not be made in the absence of the required personnel documentation.

3. Delete the first sentence of § 325.9 (a) (18 F. R. 2818) and substitute therefor the following: "Within three months after first arrival of personnel at a post or in an area not classified for differential, agencies believing the post or area to involve extraordinarily difficult living conditions, excessive physical hardship, or notably unhealthful conditions, may submit Form DSP–36."

4. Section 325.9 (c) (1) (18 F. R. 2818) is amended to read as follows: "(1) an informal report stating that there have been no changes in conditions or".

5. Section 325.10 (18 F. R. 2818) is amended by the addition of the following sentence to the end of the section: "Rates of differential payment are subject to increase or decrease depending upon changed environmental conditions and/or changes in policy or standards of determination."

6. Part 325 is amended by the addition of the following §325.13:

§ 325.13 *Effective date of classifications and reclassifications.* (a) As a rule, the effective date of an initial classification will be the date of first arrival of employees assigned or detailed to the post or area, even though this date is prior to the date of approval of the classification. However, where these employees or their agency delay unduly in submitting the basic data prescribed in § 325.9, the effective date of any resulting classification will not necessarily be the date of arrival.

(b) Any reclassification of a post or area already classified in § 325.11 will be made currently effective.

(E. O. 10000, 13 F. R. 5456, 3 CFR, 1948 Supp.)

For the Secretary of State.

DONOLD B. LOURIE,
Under Secretary for Administration.

DECEMBER 28, 1953.

[F. R. Doc. 54–33; Filed, Jan. 5, 1954; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

CHANGES IN CODIFICATION

In order to conform Title 6 of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture, the following

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changes are made in the codification of this title:

1. Chapter IV is redesignated "Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture".

2. Subchapter B of Chapter IV and the regulations therein are transferred to a new chapter entitled "Chapter V—Agricultural Marketing Service, Department of Agriculture".

3. Subchapter C of Chapter IV is redesignated "Subchapter B—Loans, Purchases, and Other Operations", of that chapter and the regulations therein contained are renumbered as follows:

Present part No.:	New part No.
601	421
607	427
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624	434
638	438
643	443
646	446
664	464
668	468
672	472
674	474

Done at Washington, D. C., this 24th day of December 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–51; Filed, Jan. 5, 1954; 8:49 a. m.]

TITLE 7—AGRICULTURE

CHANGES IN CODIFICATION

In order to conform Title 7 of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture, the following changes are made in the codification of that title:

1. Chapter I is redesignated "Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture".

2. In Chapter I the headnote "Subchapter F—Insecticides" is deleted, and the regulations thereunder (Part 162) are transferred to Chapter III as Part 362 of that chapter.

3. Chapter II is redesignated "Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture".

4. Chapter III is redesignated "Chapter III—Agricultural Research Service, Department of Agriculture".

5. Chapter V is redesignated "Chapter V—Commodity Stabilization Service (Surplus Property), Department of Agriculture".

6. Chapter VII is redesignated "Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture".

7. Part 713 of Chapter VII is transferred to Subtitle A and redesignated "Part 7—Agricultural Stabilization and Conservation Committees" and the subpart is redesignated "Subpart—Regulations Relating to Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees".

8. Chapter VIII is redesignated "Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture".

9. Chapter IX is redesignated "Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture".

10. Chapter X is transferred to Subtitle A as Part 10 of that subtitle.

11. Chapter XI is redesignated "Chapter XI—Agricultural Conservation Program Service, Department of Agriculture".

Done at Washington, D. C., this 24th day of December 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–53; Filed, Jan. 5, 1954; 8:50 a. m.]

ALTERATIONS IN NOMENCLATURE WITHIN SUBTITLE A AND CHAPTERS I, III, AND IX

The provisions in Part 6 of Subtitle A and in Chapters I, III, and IX of Subtitle B, of Title 7, the provisions in Chapters I, II, and III of Title 9, and the provisions in Chapter XVI of Title 32A, Code of Federal Regulations, are hereby amended as follows, pursuant to Reorganization Plan No. 2 of 1953 (67 Stat. 633), section 161 of the Revised Statutes (5 U. S. C. 22), and the authorities under which such provisions were issued:

A. Title 7 of the Code of Federal Regulations is amended as follows:

1. Wherever, in Part 6, the designation "Production and Marketing Administration" appears, it is deleted and the designation "Foreign Agricultural Service" is substituted therefor.

2. In §§ 6.2, 6.6 and 6.7 the phrase "the Office of Foreign Agricultural Relations and" is deleted.

3. In § 6.8 the phrase "a representative of the Office of Foreign Agricultural Relations and" is deleted.

4. Wherever, in Parts 26 through 31, 33, 34, 37, 41, 43, 46, 47, 48, 51 through 55, 58, 61, 64, 65, 70, 101 through 114, 151, 201, and 900, the designations "Production and Marketing Administration" and "Administration" appear, they are deleted and the designations "Agricultural Marketing Service" and "Service", respectively, are substituted therefor.

5. The definition of the term "Secretary" appearing in Parts 26, 28, 29, 33, 34, 41, 46, 47, 48, 52, 53, 54, 55, 58, 64, 68, 70, 101 through 114, 160, 201, and 900 is amended to read:

Secretary. "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

6. Wherever, in Parts 26, 57, and 68, the designations "Grain Branch" and "Branch" appear, they are deleted and the designations "Grain Division" and "Division", respectively, are substituted therefor.

7. Section 28.912 (n) is amended by deleting the following phrase: "cooperating with the Bureau of Plant Industry, Soils and Agricultural Engineering of the United States Department of Agriculture."

8. Wherever, in Parts 29, 30, and 34, the designations "Tobacco Branch" and "Branch" appear, they are deleted and the designations "Tobacco Division" and "Division", respectively, are substituted therefor.

9. Wherever, in Part 29, the designations "Chief of the Standards and Technical Research Division", and "Agricultural Marketing Administration" appear, they are deleted and the designations "Chief of the Standards Branch", and "Agricultural Marketing Service", respectively, are substituted therefor.

10. Wherever, in Parts 33, 41, 46, and 47, the designations "Fruit and Vegetable Branch" and "Branch" appear, they are deleted and the designations "Fruit and Vegetable Division" and "Division", respectively, are substituted therefor.

11. Whenever, in Parts 46, 47, and 900, the designations "Assistant Administrator for Marketing" and "Assistant Administrator" appear, they are deleted and the designations "Deputy Administrator for Marketing Services" and "Deputy Administrator", respectively, are substituted therefor.

12. Wherever, in Parts 37 and 43, the designation "Dairy Branch, Production and Marketing Administration" appears, it is deleted and the designation "Dairy Division, Agricultural Marketing Service" is substituted therefor.

13. Wherever, in Part 55, the designation "Chief, or Acting Chief, of the Poultry Inspection and Grading Division" appears, it is deleted and the designation "Chief, or Acting Chief, of the Grading Branch" is substituted therefor.

14. Wherever, in Parts 57 and 68 (except in §§ 57.2 (b) (4), 68.102 (c), 68.202 (c), 68.252 (c), and 68.302 (c)), the designation "Production and Marketing Administration" appears, it is deleted and the designation "Agricultural Marketing Service" is substituted therefor; and in §§ 57.2 (b) (4), 68.102 (c), 68.202 (c), 68.252 (c), and 68.302 (c), the parenthetical phrase "(now Production and Marketing Administration)" is deleted.

15. Wherever, in Parts 58 and 70, the designation "PMA" appears, it is deleted and the designation "AMS" is substituted therefor.

16. The provisions in Part 67 are deleted.

17. Sections 162.1 through 162.117 of former Part 162 in Chapter I of Title 7, now Part 362 in Chapter III of Title 7, are redesignated, respectively, as §§ 362.1 through 362.117. All internal references in the redesignated sections are changed to reflect the redesignation.

18. Wherever, in said Part 362, the designation "Production and Marketing Administration" appears, it is deleted and the designation "Agricultural Research Service" is substituted therefor.

19. Wherever, in said Part 362, the designation "Livestock Branch" appears, it is deleted and the designation "Plant Pest Control Branch" is substituted therefor.

20. Wherever, in said Part 362, the designation "Director" appears, it is deleted and the designation "Chief" is substituted therefor.

21. In said §§ 362.10, 362.103, 362.106, 362.111, and 362.116 the designation "Insecticide Division" is deleted wherever it appears and the designation "Plant Pest Control Branch" is substituted therefor in §§ 362.10 (h) and (l), 362.103, the third sentence of § 362.106 (f) (1), (7), (h) (4), and § 362.116 (c) (3). Wherever, in said Part 362, the designation "Division" appears, it is deleted and the designation "Branch" is substituted therefor.

22. In footnote 4 at the end of Table 2 in § 201.58 the designation "Information Branch, PMA" is deleted and the designation "Grain Division, AMS" is substituted therefor.

23. In § 201.154 (j) the phrase "or by the Under Secretary or the Assistant Secretary, if designated by the Secretary to act in his stead" is deleted.

24. In § 201.154 (m) the designation "Agricultural Marketing Administration" is deleted and the designation "Agricultural Marketing Service" is substituted therefor.

25. Wherever, in the subparts "Black Stem Rust", "Gypsy Moth and Brown-

Tail Moth", "Japanese Beetle", "Pink Bollworm", "White-Pine Blister Rust", "Mexican Fruitfly", and "White-Fringed Beetle" of Part 301 and in Part 303, the designations "Bureau of Entomology and Plant Quarantine" and "Bureau" appear, they are deleted and the designations "Plant Pest Control Branch" and "Branch", respectively, are substituted therefor.

26. Wherever, in the subparts of Part 301 other than those referred to in paragraph 25, and in Parts 302, 319, 320, 321, 324, 351, 352, 353, and 354, the designations "Bureau of Entomology and Plant Quarantine" and "Bureau" appear, they are deleted and the designations "Plant Quarantine Branch" and "Branch", respectively, are substituted therefor.

27. In §§ 301.47–4, 319.8–18, and 319.37–23, the designation "Bureau of Plant Industry, Soils, and Agricultural Engineering" is deleted and the designation "Horticultural Crops Research Branch" is substituted therefor.

28. In § 302.6 the telephone number "RE 4142, Branch 2598" is deleted and the number "RE 7–4142, Extension 2598" is substituted therefor.

29. In footnote 1 in § 319.37–1 (l) the designation "Production and Marketing Administration" is deleted and the designation "Agricultural Marketing Service" is substituted therefor.

30. Section 319.37–16a is amended by deleting the third paragraph and substituting therefor the following:

Other regulations of this Department governing the entry of hay and straw packing material are contained in 9 CFR Part 95. Such material is restricted entry from countries where rinderpest or foot-and-mouth disease exists. Any such material offered for entry without having met the conditions of 9 CFR Part 95 is required by said part to be disinfected or burned. The provisions of Part 95 are not applicable to hay and straw mats, jackets, or casings.

31. In § 900.106 the designation "Chief" is deleted and the designation "Director" is substituted therefor.

B. Title 9 of the Code of Federal Regulations is amended as follows:

1. Sections 301.1 through 301.52 of former Part 301 in Chapter III of Title 9, now Part 171 in Chapter I of Title 9, are redesignated as §§ 171.1 through 171.53, consecutively. All internal references in the redesignated sections are changed to reflect the redesignation. A new "Subchapter I—Process or Renovated Butter" is established in said Chapter I to contain §§ 171.1 through 171.53.

2. Wherever, in Parts 1 through 29, 53, 76, 151, and 171, the designations "Agricultural Research Administration" and "Administration" appear, they are deleted and the designations "Agricultural Research Service" and "Service", respectively, are substituted therefor.

3. Wherever, in Parts 1 through 29, the designations "Meat Inspection Division" and "Division" appear, they are deleted and the designations "Meat Inspection Branch" and "Branch", respectively, are substituted therefor.

4. Wherever, in Parts 1 through 29, except in §§ 1.1 (f), 10.16, and 11.1, the designation "Bureau" appears, it is deleted and the designation "Branch" is substituted therefor.

5. In § 1.1 (f) the designation "Bureau of Animal Industry", is deleted.

6. In § 1.1 (h) the phrase "the director or" is deleted.

7. In § 10.16 the designations "Bureau of Animal Industry" and "Virus-Serum Control Division of the Bureau of Animal Industry" are deleted and the designation "Animal Disease Eradication Branch" is substituted therefor.

8. Section 11.1 (b) is amended to read:

(b) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues properly prepared and packaged should be sent for examination to one of the pathological laboratories of the Animal Disease and Parasites Research Branch of the Service.

9. Wherever, in Parts 51, 52, 53, 72 through 79, 81, and 132, the designations "Bureau of Animal Industry" and "Bureau" appear, they are deleted and the designations "Animal Disease Eradication Branch" and "Branch", respectively, are substituted therefor.

10. Section 52.1 is amended by adding thereto a new paragraph (d) to read:

(d) As used in this part, the term "Branch" means the Animal Disease Eradication Branch, Agricultural Research Service, U. S. Department of Agriculture.

11. Wherever, in Part 71, except in § 71.1 (b) and (c), the designation "Bureau" appears, it is deleted and the designation "Branch", is substituted therefor.

12. Section 71.1 (b) and (c) are amended to read respectively:

(b) *Branch.* As used in paragraph (j) of this section and in Parts 72 through 77 and 79 of this chapter, the term "Branch" means the Animal Disease Eradication Branch of the Service. As used elsewhere in this part and in Parts 78 and 81 of this chapter, the term "Branch" means the Animal Quarantine Branch of the Service.

(c) *Branch inspector.* An inspector of the Branch having responsibility for the performance of the function involved.

13. Wherever, in Parts 91, 92, 94, 95, 96, 97, and 151, the designations "Bureau of Animal Industry" and "Bureau" appear, they are deleted and the designations "Animal Quarantine Branch" and "Branch", respectively, are substituted therefor.

14. Wherever, in Parts 101 through 123, except in § 102.3 the designations "Bureau of Animal Industry" and "Bureau" appear, they are deleted and the designations "Animal Disease Eradication Branch" and "Branch" respectively, are substituted therefor.

15. Section 102.3 is amended by deleting the designation "Bureau of Animal Industry" and substituting therefor the designation "Animal Disease Eradication Branch, U. S. Department of Agriculture."

16. Sections 101.1 (k) and (l) and 123.1 (f) are deleted.

17. Wherever, in Parts 101 through 123, the designations "Division" and "Officer in Charge of the Division" appear, they are deleted and the designations "Branch" and "Chief", respectively, are substituted therefor.

18. Section 114.2 is amended by deleting from the eighth sentence in § 114.2 (b) the phrase "shall notify the Chief who".

19. Wherever, in Part 155, the designations "Animal Foods Inspection Division", "Division", and "Bureau of Animal Industry", appear, they are deleted and the designations "Meat Inspection Branch", "Branch", and "Agricultural Research Service", respectively, are substituted therefor.

20. Wherever, in Part 171, the designations "Bureau of Dairy Industry" and "Bureau" appear, they are deleted and the designations "Meat Inspection Branch" and "Branch", respectively, are substituted therefor.

21. Wherever, in Parts 201 and 202, the designations "Production and Marketing Administration" and "Administration" appear, they are deleted and the designations "Agricultural Marketing Service" and "Service", respectively, are substituted therefor.

22. Wherever, in Part 201, the designations "Assistant Administrator for Regulatory and Market Service Matters" and "Assistant Administrator" appear, they are deleted and the designations "Deputy Administrator for Marketing Services" and "Deputy Administrator", respectively, are substituted therefor.

23. Wherever, in Parts 201 and 202, the designation "Livestock Branch" appears, it is deleted and the designation "Livestock Division" is substituted therefor.

24. Wherever, in Parts 201 and 202, the designations "Packers and Stockyards Division" and "Division" appear, they are deleted and the designations "Packers and Stockyards Branch" and "Branch", respectively, are substituted therefor.

25. The definition of the term "Secretary" appearing in Parts 53, 101, 123, 132, 160, 171, 201 and 202 is amended to read:

Secretary. "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

C. Title 32A of the Code of Federal Regulations is amended as follows:

1. Wherever, in Defense Food Order 1 (DFO 1—Castor Oil), the designations "Production and Marketing Administration" and "Fats and Oils Branch" appear, they are deleted and the designations "Commodity Stabilization Service" and "Peanut and Oil Branch", respectively, are substituted therefor.

2. Wherever, in Defense Food Order 2 (DFO 2—Processed Fruits and Vegetables: Set Aside Requirements) and the sub-orders thereunder, the designations "Production and Marketing Administration" and "Fruit and Vegetable Branch" appear, they are deleted and the terms "Agricultural Marketing Service" and "Fruit and Vegetable Division", respectively, are substituted therefor.

3. Wherever, in Defense Food Order 4 (DFO 4—Regulations Governing filing of and Actions on Petitions for Relief from Hardship and Other Adjustments and Exceptions and Appeals), the designations "Production and Marketing Administration" and "PMA" appear, they are deleted and the designations "Agricultural Marketing Service or Commodity Stabilization Service (whichever is appropriate)" and "AMS", respectively, are substituted therefor; and wherever the designation "Office" appears in said DFO 4, it is deleted and the designation "Division" is substituted therefor.

4. Section 1 (d) of said DFO 4 is amended to read as follows:

(d) "Director" means the Director or Acting Director of a Division of AMS or the Chief or Acting Chief of a Branch of the Commodity Stabilization Service (whichever is appropriate).

5. Since the delegations of authority, pursuant to which Defense Food Order 5 (DFO 5—Procedures of the Production and Marketing Administration Pursuant to NPA Delegation 14 Governing Filing of and Actions on Applications for Authorized Construction Schedules, Allotments of Controlled Materials and DO Ratings for Other Materials and Equipment) was issued, are no longer in effect, said DFO 5 is terminated.

Effective date. The foregoing amendments shall be effective January 2, 1954.

The foregoing amendments relate primarily to matters of agency management and personnel and to this extent are excepted from the requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Such amendments also delete provisions no longer of any effect. It is found upon good cause under said section 4 that notice and other public rule making procedure with respect to such deletion is unnecessary and impracticable and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

(Reorg. Plan No. 2 of 1953, 67 Stat. 633, E. S. 161; 5 U. S. C. 22)

Done at Washington, D. C. this 24th day of December 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–55; Filed, Jan. 5, 1954; 8:50 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHANGES IN CODIFICATION

In order to conform Title 9 of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture, the following changes are made in the codification of that title:

1. Chapter I is redesignated "Chapter I—Agricultural Research Service, Department of Agriculture".

2. Chapter II is redesignated "Chapter II—Agricultural Marketing Service, Department of Agriculture".

3. Part 301 of Chapter III is transferred to Chapter I as Part 171 of that chapter.

4. A new headnote "Subchapter I—Process or Renovated Butter" is inserted in Chapter I preceding Part 171 as transferred to that chapter by item 3 above.

5. The headnote "Chapter III—Bureau of Dairy Industry, Department of Agriculture" is deleted.

Done at Washington, D. C. this 24th day of December, 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–54; Filed, Jan. 5, 1954; 8:50 a. m.]

ALTERATIONS IN NOMENCLATURE WITHIN CHAPTERS I, II AND III

CROSS REFERENCE: For alterations in nomenclature within Chapters I, II and III, of Title 9 of the Code of Federal Regulations, see F. R. Doc. 54–55, Title 7, *supra*.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 56]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

CIVIL USAGE OF MILITARY AERODROMES OR SEADROMES

Since military instrument approach procedures are not published in the Flight Information Manual, Airman's Guide, or FEDERAL REGISTER, it is necessary to provide some means by which civil aircraft can operate into military airports under instrument conditions. This amendment specifies the instrument approach procedures which apply to civil aircraft when operating into military aerodromes or seadromes. The amendment is adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable.

In § 609.3 a new paragraph (h) is added to read:

§ 609.3 *Introduction.* • • •

(h) *Civil usage of military aerodromes or seadromes.* An approach conducted into a military aerodrome or seadrome by a civil aircraft [1] shall be executed in accordance with the standard instrument approach procedure and the takeoff and landing minimums prescribed by the military agency having jurisdiction over the particular aerodrome or seadrome," unless another procedure or other minimums have been specifically prescribed by the Administrator.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective January 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–41; Filed, Jan. 5, 1954; 8:47 a. m.]

[1] A military aerodrome or seadrome is open to civil aircraft only in emergency or with prior permission of the Commanding Officer thereof.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5956]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATURAL FOODS INSTITUTE

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Individual or Private Business as Educational, Religious or Research Institution; § 3.20 *Comparative data or merits;* § 3.30 *Composition of goods;* § 3.135 *Nature:* Product or Service; § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* Subpart—*Using misleading name*—Goods: § 3.2315 *Nature;* § 3.2325 *Qualities or properties;* [Using misleading name]—Vendor: § 3.2410—*Individual or private business being educational, religious or research institution or organization.* I. In connection with the offering for sale, sale or distribution of respondents' various foods, drugs, and devices or any other products or devices of substantially similar composition or construction or possessing substantially similar properties, whether sold under the same name or any other names, disseminating, etc., any advertisements by means of the United States mails or by any means in commerce, or by any means to induce, etc., directly or indirectly, the purchase of said products in commerce, which advertisements represent, directly or by implication: (1) That respondents' Chic tablets are a reducing formula, or will reduce weight; (2) that their Garlic Capsules are odorless in use, or that said Garlic Capsules are a disinfectant of the intestinal canal; (3) that their Papain Tablets are an effective treatment for indigestion; (4) that mastitis can be contracted by humans; (5) that their Papaya Pulp does not contain sugar, or is a valuable food for diabetics; (6) that their Peppermint Tea is a tonic, or sweetens the intestinal tract; (7), that their Alfalfa Tea produces muscle, bone, or hair in human beings to any significant degree; (8) that Dr. Gaymont's Yogourt Culture is an effective

[1] Such procedures and minimums are shown on the current Approach and Landing chart published by the U. S. Coast and Geodetic Survey, the U. S. Air Force, or the U. S. Navy.

treatment for stomach ulcers or colitis; (9) that red beet juice will build red blood or red corpuscles of the blood or tone up the blood to any significant degree; (10) that dehydrated powdered vegetables are more digestible or nutritious than fresh vegetables; (11) that celery juice has any therapeutic value in the treatment of arthritis or rheumatic conditions; (12) that the use of the NFI Vibrator provides benefits in excess of those supplied by massage or stimulates or improves the circulation of the blood generally throughout the body; and (13) that the use of the Oster Stim-U-Lax Junior stimulates or improves the circulation of the blood generally throughout the body; and, II, in connection with the offering for sale, sale or distribution of respondents' various foods, drugs, devices, health books, juice extractors or expressors, kitchen equipment, or any other merchandise related to health problems, in commerce, (a) representing, directly or by implication: (1) that a deficiency of minerals and salts in the diet is the primary cause of nearly every sickness and disease; (2) that eating the various vegetable and fruit juices in the manner recommended in the book entitled "Raw Vegetable Juices" is a cure for arthritis, gall bladder trouble, anemia, tuberculosis, asthma, heart trouble, indigestion, colitis, boils, cancer, convulsions, diabetes, high blood pressure, miscarriage, rheumatism, eczema, goiter, liver trouble, kidney trouble, obesity, nervousness, prostate trouble, chicken pox, the common cold, hernia, or hives, or the common ailments suffered by mankind; (3) that by eating carrots and the other vegetables in the manner recommended in the book entitled "Health Via the Carrot and Other Vegetables" humans will remain healthy; (4) that eating carrots and the other vegetables in the manner recommended in the book entitled "Health Via the Carrot and Other Vegetables" is a cure for indigestion, glandular troubles, headaches, rheumatism, disorders of the blood stream, diabetes, asthma, diseases peculiar to woman, colds, influenza, arthritis, or cancer; (5) that eating carrots and other vegetables in the manner set out in the book "Health Via the Carrot and Other Vegetables" will cure a "tired feeling" unless such representation be expressly limited to such condition when due to a dietary deficiency of the type which can be corrected by eating carrots and other vegetables; (6) that the system or method of treatment outlined in the book entitled "The Grape Cure" will relieve or cure cancer; (7) that the system or method of treatment recommended in the book entitled "My Water Cure" is an effective cure for any curable disease; (8) that the consumption of raw fruits and vegetables prepared in the Vita-Mix results in better digestion, restful sleep, normal elimination, strong healthy teeth, or continued good eyesight; (9) that the consumption of raw fruits and vegetables prepared in the Vita-Mix is an effective treatment for digestive disturbances, insomnia, disorders or elimination, carious or otherwise diseased teeth, or impaired eyesight; (10) that the consumption of raw fruits and vegetables prepared in the Vita-Mix will result in good health; (11) that the consumption of vitamins and minerals increases the individual's resistance to most common ailments; (12) that nutritional deficiencies are increasing or that according to the U. S. Department of Agriculture, three out of every four meals in the U. S. are deficient in the minimum daily requirements of vitamins and minerals and other nutrients; (13) that the consumption of raw fruits and vegetables prepared in the Vita-Mix is an effective treatment for or a cure for diseases of the bowel; (14) that 90 percent or any substantial percentage of the rejections in the draft in World War II was because of malnutrition; (15) that cooked and peeled vegetables are so deficient in nutritional quantities that children's teeth or tonsils are adversely affected; (16) that Vitamin E is the antisterility vitamin; (17) that the ingestion of Vitamin A builds resistance against any infectious diseases; (18) that consumption of the entire cucumber is an effective treatment for nervous conditions in women; (19) that consumption of lettuce is an effective treatment for nervous conditions; (20) that the necessity for the removal of the tonsils of children arises from malnutrition; (21) that the consumption of fruit and vegetable juices prepared in the Juicex will assure health, vigor or charm; (22) that the consumption of expressed fruit and vegetable juices will regenerate or rebuild the system; (b) using the word "Institute" or any simulation thereof as a part of respondents' trade name, or otherwise representing, directly or by implication, that respondents' business is an organization for the promotion of research, experimentation, investigation and study; and (c) using the term "Sterilizer" or any other word of similar import, either alone or in conjunction with other words, in the trade name of respondents' kitchen implement "NFI Vegetable and Fruit Washer and Sterilizer", or otherwise representing, directly or by implication, that respondents' implement is a sterilizer or possesses germicidal properties or qualities; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, William G. Barnard, Sr., et al., t. a. Natural Foods Institute, Olmsted Falls, Ohio, Docket 5956, November 18, 1953]

In the Matter of William G. Barnard, Sr., and William G. Barnard, Jr., Copartners Trading as Natural Foods Institute

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on February 21, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the service of the said complaint, respondents filed their answer thereto admitting all of the material allegations of fact charged in the complaint to be true, waiving any and all hearings as to the facts and conclusions and consenting to the issuance of an order, reserving, however, the right to file objections to the form and contents of the order. Thereafter the proceeding regularly came on for final consideration by a hearing examiner of the Commission, duly designated by it and named in the "Notice" appended to the complaint at the time of its issuance, upon the said complaint and respondents' answer thereto, and said hearing examiner, on April 24, 1952, filed his initial decision.

Within the time permitted by the Commission's rules of practice, counsel for respondents filed with the Commission an appeal from said initial decision, and thereafter this proceeding regularly came on for consideration by the Commission upon the record herein, including briefs in support of and in opposition to said appeal, no oral argument having been requested.

The Commission on March 31, 1953, issued its order granting respondents' appeal. On the same day the Commission issued, and thereafter caused to be served, its order granting leave to respondents and to counsel supporting the complaint to file with the Commission objections to the order to cease and desist which the Commission proposed to issue as a part of its decision herein, after making appropriate findings as to the facts and conclusion consonant with the pleadings; under the terms of this order such objections were to be filed within twenty days after service thereof and the proposed order to cease and desist attached thereto.

No objections were filed by respondents. On April 23, 1953, counsel supporting the complaint filed objections to the proposed order to cease and desist, and also filed a motion for reconsideration by the Commission of its order granting respondents' appeal.

The Commission having entered its order denying the said motion and rejecting the objections to the proposed decision, the proceeding came on for final consideration by the Commission upon the record herein on review, and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner

1. *It is ordered*, That the respondents William G. Barnard, Sr., and William G. Barnard, Jr., individually or as copartners trading as Natural Foods Institute, or under any other trade name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their various foods, drugs and devices or any other products or devices of substantially similar composition or construction or possessing substantially similar properties, whether sold under the same name or any other names, do forthwith cease and desist from, directly or indirectly:

[1] Filed as part of original document.

(a) Disseminating or causing to be disseminated any advertisement concerning respondents' food and drug products and devices, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(1) That their Chic tablets are a reducing formula, or will reduce weight;

(2) That their Garlic Capsules are odorless in use, or that said Garlic Capsules are a disinfectant of the intestinal canal;

(3) That their Papain Tablets are an effective treatment for indigestion;

(4) That mastitis can be contracted by humans;

(5) That their Papaya Pulp does not contain sugar, or is a valuable food for diabetics;

(6) That their Peppermint Tea is a tonic, or sweetens the intestinal tract;

(7) That their Alfalfa Tea produces muscle, bone, or hair in human beings to any significant degree;

(8) That Dr. Gaymont's Yogourt Culture is an effective treatment for stomach ulcers or colitis;

(9) That red beet juice will build red blood or red corpuscles of the blood or tone up the blood to any significant degree;

(10) That dehydrated powdered vegetables are more digestible or nutritious than fresh vegetables;

(11) That celery juice has any therapeutic value in the treatment of arthritis or rheumatic conditions;

(12) That the use of the NFI Vibrator provides benefits in excess of those supplied by massage or stimulates or improves the circulation of the blood generally throughout the body;

(13) That the use of the Oster Stim-U-Lax Junior stimulates or improves the circulation of the blood generally throughout the body;

(b) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph (a) hereof.

2. *It is further ordered*, That the respondents William G. Barnard, Sr., and William G. Barnard, Jr., individually or as copartners trading as Natural Foods Institute, or under any other trade name, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their various foods, drugs, devices, health books, juice extractors or expressors, kitchen equipment, or any other merchandise related to health problems, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, directly or by implication:

(1) That a deficiency of minerals and salts in the diet is the primary cause of nearly every sickness and disease;

(2) That eating the various vegetable and fruit juices in the manner recommended in the book entitled "Raw Vegetable Juices" is a cure for arthritis, gall bladder trouble, anemia, tuberculosis, asthma, heart trouble, indigestion, colitis, boils, cancer, convulsions, diabetes, high blood pressure, miscarriage, rheumatism, eczema, goiter, liver trouble, kidney trouble, obesity, nervousness, prostate trouble, chicken pox, the common cold, hernia, or hives, or the common ailments suffered by mankind;

(3) That by eating carrots and the other vegetables in the manner recommended in the book entitled "Health Via the Carrot and Other Vegetables" humans will remain healthy;

(4) That eating carrots and the other vegetables in the manner recommended in the book entitled "Health Via the Carrot and Other Vegetables" is a cure for indigestion, glandular troubles, headaches, rheumatism, disorders of the blood stream, diabetes, asthma, diseases peculiar to women, colds, influenza, arthritis, or cancer;

(5) That eating carrots and other vegetables in the manner set out in the book "Health Via the Carrot and Other Vegetables" will cure a "tired feeling" unless such representation be expressly limited to such condition when due to a dietary deficiency of the type which can be corrected by eating carrots and other vegetables;

(6) That the system or method of treatment outlined in the book entitled "The Grape Cure" will relieve or cure cancer;

(7) That the system or method of treatment recommended in the book entitled "My Water Cure" is an effective cure for any curable disease;

(8) That the consumption of raw fruits and vegetables prepared in the Vita-Mix results in better digestion, restful sleep, normal elimination, strong healthy teeth, or continued good eyesight;

(9) That the consumption of raw fruits and vegetables prepared in the Vita-Mix is an effective treatment for digestive disturbances, insomnia, disorders of elimination, carious or otherwise diseased teeth, or impaired eyesight;

(10) That the consumption of raw fruits and vegetables prepared in the Vita-Mix will result in good health;

(11) That the consumption of vitamins and minerals increases the individual's resistance to most common ailments;

(12) That nutritional deficiencies are increasing or that according to the U. S. Department of Agriculture, three out of every four meals in the U. S. are deficient in the minimum daily requirements of vitamins and minerals and other nutrients;

(13) That the consumption of raw fruits and vegetables prepared in the Vita-Mix is an effective treatment for or a cure for diseases of the bowel;

(14) That 90 percent or any substantial percentage of the rejections in the draft in World War II was because of malnutrition;

(15) That cooked and peeled vegetables are so deficient in nutritional quantities that children's teeth or tonsils are adversely affected;

(16) That Vitamin E is the anti-sterility vitamin;

(17) That the ingestion of Vitamin A builds resistance against any infectious diseases;

(18) That consumption of the entire cucumber is an effective treatment for nervous conditions in women;

(19) That consumption of lettuce is an effective treatment for nervous conditions;

(20) That the necessity for the removal of the tonsils of children arises from malnutrition;

(21) That the consumption of fruit and vegetable juices prepared in the Juicex will assure health, vigor or charm;

(22) That the consumption of expressed fruit and vegetable juices will regenerate or rebuild the system.

(b) Using the word "Institute" or any simulation thereof as a part of respondents' trade name, or otherwise representing, directly or by implication, that respondents' business is an organization for the promotion of research, experimentation, investigation and study.

(c) Using the term "Sterilizer" or any other word of similar import, either alone or in conjunction with other words, in the trade name of respondents' kitchen implement "NFI Vegetable and Fruit Washer and Sterilizer," or otherwise representing, directly or by implication, that respondents' implement is a sterilizer or possesses germicidal properties or qualities.

3. *It is further ordered*, That, with respect to the issues raised by the complaint other than those to which this order relates, the complaint be, and the same hereby is, dismissed.

4. *It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.[2]

Issued: November 18, 1953.

[SEAL] ALEX. AKERMAN, JR., *Secretary.*

[F. R. Doc. 54-40; Filed, Jan. 5, 1954; 8:47 a. m.]

[Docket 5998]

PART 2—DIGEST OF CEASE AND DESIST ORDERS

MARLENE'S, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits:* § 3.85 *Government approval, action, connection or standards:* In general; § 3.170 *Qualities or properties of product or service;* § 3.280 *Unique nature or advantages.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 3.330 *Claiming or*

[2] Commissioner Mead concurs except for the finding regarding use of the word "free." (See Mead dissent in Walter J. Black, Inc., et al., Docket 5571.)

using indorsements or testimonials falsely or misleadingly. In connection with the offering for sale, sale, or distribution of respondents' preparation designated as "Mynex", or any other preparation containing substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent directly or by implication: (a) That respondents' weight-reducing plan is basically different from or superior to other weight-reducing plans requiring a low-calorie diet with a dietary supplement; (b) that Mynex tablets possess weight-reducing properties; (c) that Mynex tablets will prevent the development of a tired, weak, or rundown feeling except when such conditions result solely from vitamin or mineral deficiencies; (d) that specific or predetermined weight reduction will be achieved within a prescribed period of time through the use of respondents' plan; and (e) that respondents' preparation or plan has been approved for advertising by the Canadian government; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Marlene's, Inc., et al., Chicago, Ill., Docket 5998, November 19, 1953]

In the Matter of Marlene's, Inc., a Corporation, and R. J. Smasal, M. T. King, and James O. Webb, Individually and as Officers of Said Corporation; Edward H. Larson and Nelson J. McMahon, Individually and Doing Business as O'Neil, Larson & McMahon, a Partnership

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on June 4, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. Thereafter, counsel supporting the complaint and counsel for respondents, on December 31, 1952, entered into a stipulation as to the facts, which was subsequently amended by a supplemental stipulation as to the facts filed on January 14, 1953, wherein it was stipulated and agreed that the facts set forth therein might be taken as the facts in this proceeding in lieu of evidence in support of the charges stated in the complaint or in opposition thereto, and that the hearing examiner might, without any intervening procedure, issue his initial decision herein upon the basis of said stipulations. Thereafter, counsel for respondents filed a motion to dismiss the complaint and counsel supporting the complaint filed an answer in opposition thereto. After final consideration of the record, including said motion to dismiss and answer thereto, the hearing examiner, on February 13, 1953, filed his initial decision herein.

Within the time permitted by the Commission's rules of practice, counsel for respondents filed an appeal from said initial decision. The Commission having duly considered said appeal and briefs and oral argument of counsel in support of and in opposition thereto and being of the opinion that, for the reasons stated in the accompanying opinion of the Commission, the appeal is without merit:

It is ordered, That respondents' appeal from the initial decision of the hearing examiner be, and it hereby is, denied.

The Commission is of the further opinion, however, that the initial decision of the hearing examiner is inappropriate to dispose of this proceeding, for the reason that the stipulated facts and the hearing examiner's findings based thereon with respect to respondent James O. Webb do not warrant an order against him as an individual. Therefore, the Commission, being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondents, Marlene's, Inc., a corporation, its officers, and R. J. Smasal, individually and as an officer of said corporation, and respondents Edward H. Larson and Nelson J. McMahon, individually and doing business as O'Neil, Larson & McMahon, or under any other name, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondents' preparation designated as "Mynex", or any other preparation containing substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That respondents' weight-reducing plan is basically different from or superior to other weight-reducing plans requiring a low calorie diet with a dietary supplement;

(b) That Mynex tablets possess weight-reducing properties;

(c) That Mynex tablets will prevent the development of a tired, weak, or rundown feeling except when such conditions result solely from vitamin or mineral deficiencies;

(d) That specific or predetermined weight reduction will be achieved within a prescribed period of time through the use of respondents' plan;

(e) That respondents' preparation or plan has been approved for advertising by the Canadian government;

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' preparation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to Martin P. King and as to James O. Webb in his individual capacity but not in his capacity as an officer of the corporate respondent.

It is further ordered, That Marlene's, Inc., R. J. Smasal, Edward H. Larson, and Nelson J. McMahon shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 19, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-39; Filed, Jan. 5, 1954; 8:47 a. m.]

[Docket 5957]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

COUNTRY TWEEDS INC., AND MARCUS WEISMAN

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods.* Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition.* Subpart—*Using misleading name*—Goods: § 3.2280 *Composition.* In connection with the offering for sale, sale and distribution in commerce of respondents' coats designated Kashmoor coats, or any coats of substantially similar composition, using the word "Kashmoor" to designate, describe or refer to such coats, unless when such word is used, whether on labels or in advertising, other words are used which clearly and conspicuously disclose that such coats contain no cashmere; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Country Tweeds Incorporated et al., New York, N. Y., Docket 5957, November 25, 1953]

In the Matter of Country Tweeds Incorporated, a Corporation, and Marcus Weisman, Individually and as an Officer of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on February 21, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair methods of competition and unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the filing by respondents of their answer to the complaint, hearings were held at which testimony and other evi-

[1] Filed as part of original document.

dence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission, theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, the said hearing examiner, on April 17, 1953, filed his initial decision.

Within the time permitted by its rules of practice, the Commission, having reason to believe that said initial decision did not constitute an adequate disposition of the proceeding, issued an order placing this case on its docket for review, served on all parties its tentative decision herein and granted to them permission to file with the Commission any objections they might have to said tentative decision. None of the parties having filed any objections to said tentative decision, this proceeding regularly came on for final consideration before the Commission upon the aforesaid complaint and respondents' answer thereto; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and being of the opinion that the hearing examiner's initial decision does not constitute an adequate disposition of this proceeding, makes this its findings as to the facts,[1] conclusion[1] and order to cease and desist, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That respondent Country Tweeds Incorporated, a corporation, and its officers, and respondent Marcus Weisman, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' coats designated Kashmoor coats, or any coats of substantially similar composition, do forthwith cease and desist from using the word "Kashmoor" to designate, describe or refer to such coats, unless when such word is used, whether on labels or in advertising, other words are used which clearly and conspicuously disclose that such coats contain no cashmere.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 25, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-38; Filed, Jan. 5, 1954; 8:46 a. m.]

[1] Filed as part of original document

[Docket 6121]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PHILMOR CO.

Subpart—*Using, selling or supplying lottery devices:* § 3.2480 *In merchandising.* In connection with the offering for sale, sale and distribution in commerce, of watches, silverware, novelties or any other merchandise, (1) supplying to or placing in the hands of others punchboards, push cards or other lottery devices, either with other merchandise or separately, which punchboards, push cards or other lottery devices are designed or intended to be used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and (2) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Elliott Melvin Fisher et al. d. b. a. Philmor Company, Baltimore, Md., Docket 6121, December 8, 1953]

In the Matter of Elliott Melvin Fisher, Edward Shores, Irvin Katz (Also Known as Irwin Katz), Lucius D. Smith, Jr., Copartners, Doing Business as Philmor Company

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondents having filed no answer nor entered any appearance at a hearing held by said examiner, theretofore duly designated by the Commission, in accordance with the notice given in the complaint and supplemental notice issued by said examiner and duly served upon the respondents.

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint, and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on December 8, 1953.

Said order to cease and desist is as follows:

It is ordered, That the respondents, Elliott Melvin Fisher, Edward Shores, Irvin Katz (also known as Irwin Katz) and Lucius D. Smith, Jr., individually and as partners trading under the name Philmor Company, or any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of watches, silverware, novelties or any other merchandise do forthwith cease and desist from:

1. Supplying to or placing in the hands of others punchboards, push cards or other lottery devices, either with other merchandise or separately, which punchboards, push cards or other lottery devices are designed or intended to be used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6121, December 8, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 8, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-70; Filed, Jan. 5, 1954; 8:54 a. m.]

[Docket 6060]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SEYMOUR SALES CO. ET AL.

Subpart—*Using, selling or supplying lottery devices:* § 3.2480 *In merchandising.* In connection with the offering for sale, sale, or distribution of cameras, pens, or other articles of merchandising in commerce: (1) Supplying to or placing in the hands of others push cards, sales cards, punchboards, or other lottery devices, either with other merchandise or separately, which said push cards, sales cards, punchboards, or other lottery devices are designed or intended to be used in the sale or distribution of said merchandise to the public; and (2) selling or otherwise disposing of any merchandise by means of a game of change, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Seymour Sales Company et al., Chicago, Ill., Docket 6060, November 25, 1953]

In the Matter of Seymour Sales Company (Erroneously Named in the Complaint as Seymour Sales, Inc.), and Seymour Galter and Flavia Galter, Individually and as Officers of Seymour Sales Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal

Trade Commission, on November 18, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter the proceeding regularly came on for final consideration by said hearing examiner upon the complaint, answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel (oral argument not having been requested), and said hearing examiner, on July 30, 1953, filed his initial decision herein.

Within the time permitted by the Commission's rules of practice, respondents filed an appeal from said initial decision, and the Commission, after duly considering said appeal and the record herein, issued its order denying said appeal.

The Commission is of the opinion, however, that the initial decision of the hearing examiner is not appropriate in all respects to dispose of this proceeding, principally because the order therein is inconsistent with the form of order which the United States Court of Appeals for the District of Columbia has determined is appropriate in cases where the facts are essentially similar to those in this case. Hamilton Manufacturing Company v. Federal Trade Commission, 194 F. 2d 346; U. S. Printing & Novelty Co., Inc. v. Federal Trade Commission, 204 F. 2d 737. Therefore, the Commission, being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner:

It is ordered, That respondent Seymour Sales Company (incorrectly named in the complaint as Seymour Sales, Inc.), a corporation, and its officers, representatives, agents, and employees, and respondent Seymour Galter, individually and as an officer of said corporation, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of cameras, pens, or other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push cards, sales cards, punchboards, or other lottery devices, either with other merchandise or separately, which said push cards, sales cards, punchboards, or other lottery devices are designed or intended to be used in the sale or distribution of said merchandise to the public.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the complaint be, and it hereby is, dismissed as to the respondent Flavia Galter in her individual capacity but not as an officer of the corporate respondent.

It is further ordered, That respondents Seymour Sales Company and Seymour Galter shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 25, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, JR.,
Secretary.

[F. R. Doc. 54-71; Filed, Jan. 5, 1954; 8:54 a. m.]

[1] Filed as part of original document.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVI—Agricultural Marketing Service, Department of Agriculture

CHANGE IN CHAPTER HEADNOTE

In order to conform Chapter XVI of Title 32A of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture, the chapter headnote is changed to read as set forth above.

Done at Washington, D. C., this 24th day of December 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-52; Filed, Jan. 5, 1954; 8:50 a. m.]

ALTERATIONS IN NOMENCLATURE

CROSS REFERENCE: For alterations in nomenclature within this chapter, see F. R. Doc. 54-55, Title 7, *supra*.

TITLE 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

PART 310—VOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS

ADOPTION AND PROMULGATION OF REGULATIONS

Notice having been published in the FEDERAL REGISTER on December 18, 1953 (18 F. R. 8512), that the Director of the Bureau of Federal Credit Unions, with the approval of the Commissioner of Social Security and the Secretary of Health, Education, and Welfare, proposed to prescribe certain regulations in lieu of the §§ 301.7, 301.8, and Part 310 of the present regulations of the Bureau of Federal Credit Unions (45 CFR § 301.7, § 301.8, and Part 310) and that prior to the official adoption of the proposed regulations, consideration would be given to any data, views, or arguments pertaining thereto submitted to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington 25, D. C., within a period of 15 days from the date of publication of the notice in the FEDERAL REGISTER, and the regulations proposed to be adopted having been set forth in the FEDERAL REGISTER on page 8512 (18 F. R. 8512), and the 15-day period having elapsed and no data, views, or arguments pertaining to the proposed regulations having been submitted, the proposed regulations as printed in the FEDERAL REGISTER (18 F. R. 8512) are hereby adopted and promulgated effective thirty days after the date of publication of this document in the FEDERAL REGISTER.

Dated: January 4, 1954.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved: January 4, 1954.

JOHN W. TRAMBURG,
Commissioner of Social Security.

Approved: January 4, 1954.

NELSON W. ROCKEFELLER,
Acting Secretary of Health, Education, and Welfare.

In Part 301—Organization and Operation of Federal Credit Unions, §§ 301.7 and 301.8 are hereby amended to read as follows:

§ 301.7 *Fee for examination.* (a) Each Federal credit union shall pay the Bureau of Federal Credit Unions a fee for each examination in accordance with the schedule of fees fixed from time to time by the Director.

(b) In establishing such fees, the Director shall consider the anticipated aggregate cost of the examination program including supervision, salaries, travel and all other items which affect the cost of the examination program.

(c) The fee for examinations of Federal credit unions with assets of less than $25,000 shall not exceed 50 cents per hundred dollars of assets as of the effective date of the examination. The Director may establish a minimum fee for examination which shall not exceed $25.00. The Director may waive the fee for an examination within twelve months after the date a charter is approved if the payment would, in the opinion of the Director, cause a hardship.

(d) Each Federal credit union shall be notified at least 30 days prior to the effective date of any schedule of fees fixed pursuant to this section. Upon receipt of such notification interested persons may submit written data, views, or arguments for consideration by the Director, and the Director may, after consideration, make such revisions in the proposed schedule or such change in the effective date as he deems appropriate. Each Federal credit union shall be notified of such revision or change not less than 15 days prior to the final effective date.

(e) The check in payment of the examination fee shall be made payable to the Treasurer of the United States and the check shall be delivered to the examiner at the completion of the examination.

§ 301.8 *Fee for examination of Federal credit unions in liquidation.* Federal credit unions in liquidation may be examined prior to or following completion of liquidation. A fee assessed in accordance with the most recent schedule of examination fees prescribed by the Director of the Bureau of Federal Credit Unions as provided in § 301.7 shall be paid for each such examination.

(48 Stat. 1221, as amended; 12 U. S. C. 1766 and note)

Part 310—Voluntary Liquidation of Federal Credit Unions, is hereby amended to read as follows:

310.1 Approval of liquidation.
310.2 Notice of liquidation to Bureau of Federal Credit Unions.
310.3 Transaction of business during liquidation.
310.4 Notice of liquidation to members.
310.5 Notice of liquidation to creditors.
310.6 Report at commencement of liquidation.
310.7 Reports during period of liquidation.
310.8 Examinations of Federal credit unions in voluntary liquidation.
310.9 Responsibility for conduct of voluntary liquidations.
310.10 Completion of liquidation.
310.11 Distribution of assets.
310.12 Final report.
310.13 Retention of records.
310.14 Cancellation of charter.
310.15 Further instructions and information.

AUTHORITY: §§ 310.1 to 310.15 issued under 48 Stat. 1221, as amended; 12 U. S. C. 1766 and note.

§ 310.1 *Approval of liquidation.* A Federal credit union may go into voluntary liquidation on approval of a majority of its members in writing or by a vote in favor of such liquidation by a majority of the members of the credit union at a regular meeting of the members or at a special meeting called for that purpose. Where authorization for liquidation is to be obtained at a meeting of members, notice in writing shall be given to each member at least seven days before such meeting and the minutes of the meeting shall show the number of members present and the number that voted for and against liquidation. If approval by a majority of all members is not obtained at the meeting of members, authorization for voluntary liquidation shall be obtained by having a majority of members sign a statement in substantially the following form:

We the undersigned members of the ---- ---- Federal Credit Union, Charter No. ----, hereby request the dissolution of our credit union.

§ 310.2 *Notice to Bureau of Federal Credit Unions.* When the board of directors of a Federal credit union decides to submit the question of liquidation to the members, the president shall notify within 10 days the Regional Representative of the Bureau of Federal Credit Unions by letter in which the reasons for the proposed liquidation are set forth in detail. The president of the Federal credit union shall notify the Regional Representative of the Bureau of Federal Credit Unions within 10 days after the vote is taken as to whether the members approved or disapproved the proposed liquidation.

§ 310.3 *Transaction of business during liquidation.* Immediately on decision by the board of directors of a Federal credit union to seek approval of members for liquidation, payments on shares, withdrawal of shares, and granting of loans shall be suspended pending action by members on the proposal to liquidate, and on approval by members of such proposal, payments on shares, withdrawal of shares, and the making of loans shall be permanently discontinued.

§ 310.4 *Notice to members of liquidation.* When voluntary liquidation of a Federal credit union has been decided upon, a notice of such decision shall be handed to each member or mailed to his last known address together with a request that the member furnish his passbook or confirm in writing the shares held by him in the Federal credit union and the loans owed by him to the Federal credit union.

§ 310.5 *Notice of liquidation to creditors.* On approval of the members of a Federal credit union of a proposal to liquidate, the board of directors of the Federal credit union shall immediately cause to be prepared and mailed to all creditors a notice of liquidation and to present claims to the Federal credit union within ninety days.

§ 310.6 *Report at commencement of liquidation.* At the commencement of voluntary liquidation of a Federal credit union, the treasurer or agent conducting the liquidation shall file with the Regional Representative of the Bureau of Federal Credit Unions a financial and statistical report on form FCU 109 rev.

§ 310.7 *Reports during period of liquidation.* Federal credit unions in the process of voluntary liquidation shall forward to the Regional Representative of the Bureau of Federal Credit Unions a copy of the monthly financial and statistical report on form FCU 109 rev. for June 30 and December 31 within 10 days after the close of the month to which the reports apply. Additional reports, as determined by the Regional Representative of the Bureau of Federal Credit Unions to be necessary, shall be furnished promptly on request.

§ 310.8 *Examinations of Federal credit unions in voluntary liquidation.* When deemed advisable by the Regional Representative of the Bureau of Federal Credit Unions, an examination of the books and records of a Federal credit union may be made prior to, during, or following completion of voluntary liquidation. A fee for each such examination shall be assessed at the rate currently in effect for examinations of operating Federal credit unions.

§ 310.9 *Responsibility for conduct of voluntary liquidation.* The board of directors of a Federal credit union in voluntary liquidation shall be responsible for conserving the assets, for expediting the liquidation, and for equitably distributing the assets to members at the completion of liquidation. The board of directors shall determine that all persons handling or having access to funds of the Federal credit union are adequately covered by surety bond. The board of directors shall appoint a custodian for the Federal credit union's records that are to be retained for 5 years after the charter is canceled. The board of directors may appoint a liquidating agent and delegate part or all of these responsibilities to him and may authorize reasonable compensation for his services; any such liquidating agent shall be bonded for the faithful performance of his duties. The supervisory committee shall be responsible for making periodic audits of the credit union's records, at least quarterly, during the period of liquidation.

§ 310.10 *Completion of liquidation.* As soon as all assets of the Federal credit union have been converted to cash or found to be worthless and all loans and debts owing to it have been collected or found to be uncollectible and all obligations of the Federal credit union have been paid, with the exception of amounts due its members, the books shall be closed and the pro rata distribution to members computed. The amount of gain or loss shall be entered in each member's share account and should be entered in his passbook or statement of account.

§ 310.11 *Distribution of assets.* Checks shall then be drawn for the amounts to be distributed to each member who has surrendered his passbook or statement of account or has given a written confirmation of his balance. The checks shall be mailed to such members at their last known address or handed to them in person. The passbooks on hand shall be retained with the credit union records. The Regional Representative of the Bureau of Federal Credit Unions shall be notified promptly of the date final distribution of assets to the members is instituted.

§ 310.12 *Final report.* Within 120 days after the final distribution to members is instituted, the Federal credit union shall furnish to the regional office of the Bureau of Federal Credit Unions the following:

(a) A schedule of unpaid claims, if any, due members who failed to surrender their passbooks or confirm their balances in writing during liquidation or due members or creditors who failed to cash final distribution checks within the time limit which shall be prepared on form FCU 61d or its equivalent; this schedule shall be accompanied by a certified check or money order payable to the Treasurer of the United States in the exact amount of the total unpaid claims. The Bureau of Federal Credit Unions will deposit said funds in a special account with the Chief Disbursing Office of the Treasury of the United States where they will be held for the account of the Director of the Bureau of Federal Credit

Unions as trustee for the individuals named on said schedule. Such individuals, or any persons making claims on their behalf, may submit to the Bureau their claim in writing for such funds.

(b) A copy of a schedule showing the name, book number, share balance at the commencement of liquidation, pro rata share of gain or loss, and the amount distributed to each member.

(c) A summary report on liquidation in duplicate on form FCU 61f.

(d) The Certificate of Dissolution and Liquidation on form FCU 61e signed under oath by the board of directors or agent who conducted the liquidation and made the final distribution of assets to the members.

(e) The name and address of the custodian of the Federal credit union's records.

(f) The charter of the Federal credit union.

§ 310.13 *Retention of records.* All records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed shall be retained by a custodian appointed by the board of directors of said Federal credit union for a period of 5 years following the date of cancellation of the charter.

§ 310.14 *Cancellation of charter.* On proof that distribution of assets has been made to members and within one year after receipt of the Certificate of Dissolution and Liquidation (form FCU 61e), the Director of the Bureau of Federal Credit Unions shall cancel the charter of the Federal credit union concerned.

§ 310.15 *Further instructions and information.* Further detailed instructions and information pertaining to voluntary liquidations may be obtained from the Washington or regional offices of the Bureau of Federal Credit Unions.

[F. R. Doc. 54-83; Filed, Jan. 5, 1954; 8:55 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10724, 10725]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation in the Mississippi River system areas by coast stations and ship stations, on currently assignable frequencies for telephony within the band 4000 kc to 18,000 kc; and to include authority for operation by such stations on other frequencies for telephony within the same band, Docket No. 10724; modification of licenses of coast stations currently authorized to operate in the Mississippi River System areas on certain frequencies between 4000 and 18,000 kc, Docket No. 10725.

The Commission has instituted Docket proceedings in the above matters in connection with an earlier Docket 10377 which consisted of an overall plan of non-Government coast telephone and ship telephone assignments in the band 4000–18,000 kc. As a result of the comments received in Docket 10377 the Commission on May 6, 1953, issued a report and order which made final the assignments for marine telephony except for those involved in the Mississippi River and tributary system, hereinafter referred to as the "Rivers" and announced that the proposal with respect to the Rivers was withdrawn because of the objections received with reference to that portion of the plan.

On October 14, 1953, the Commission adopted a notice of proposed rule making which was a new plan of frequency assignments for the Rivers. This new proposal, identified as Docket 10724, was modified considerably from the Commission's original proposal and took into consideration the comments which had been filed in that regard. The last date for filing comments on this latter proposal was November 4, 1953, but upon receipt of a request for extension from the American Waterways Operators, Inc., this date was extended to November 18, 1953.

Also on October 14, 1953, the Commission issued an order in Docket 10725 to the licensees shown in the table below to show cause why their licenses should not be modified so as to delete the frequency 8840 kc now assigned for use on the Rivers. The dates for comments have now expired. Several comments were received in both dockets and are summarized in the following paragraphs.

The original plan, as proposed by the Commission, for use on the Rivers provided for operation on frequencies allotted to the U. S. in complete conformity with the Atlantic City Table of Frequency Allocations. If adopted, such a plan would have afforded all of the interference-free protection provided by the Table of Frequency Allocations and the Geneva Agreement (1951).

In view of the objections by various Rivers operators to specific frequencies and their desire to continue to use simplex rather than duplex operations, the Commission made alternate proposals in this proceeding. The frequencies which have been selected, while not in conformity with the International Frequency List evolved at the Extraordinary Administrative Radio Conference (Geneva, 1951), were in accordance with the Atlantic City Table of Frequency Allocations and appeared to be those most likely to provide interference-free operations for the Rivers system. In addition, it should be understood that the assignments might, in time, acquire an international registration status if no interference is caused to assignments which are in accordance with the International Frequency List.

In each case, the 4 and 8 Mc frequencies selected are within bands allocated to maritime telephony. This is a comparatively stable service, with planned communication channels adequately spaced both frequency-wise and geographically to afford a maximum of interference-free operation. Such a situation does not exist in the 6 Mc band in which there is no allocation for maritime telephony in the Atlantic City Radio Regulations and where all of the service allocations which are made would appear to be in conflict with any use of these frequencies by the Rivers. For instance, the band 5950–6200 kc is allocated to international broadcasting. The use of any frequency in this band by the Rivers would be subject to accepting any harmful interference from the transmission of broadcasting stations. The band 6200–6525 kc is allocated exclusively for maritime telegraphy hence the spacing between channels is narrow. In the passenger ship working band, 6200–6265.5 kc, the channel separation is 3.75 kc. The band 6265.5–6280 kc, assigned for ship telegraph calling purposes, has a channel separation of but 1.5 kc. Between 6280.5 and 6357 kc, the cargo ship working band, the spacing between channels is but 0.75 kc. The Rivers operations which use telephony require band widths considerably greater than those employed in the crowded radiotelegraph bands and thus would be likely to cause interference to more than one of the planned channels in the radiotelegraph service in the band 6200–6525 kc. In addition, the Rivers operations would also be vulnerable to receiving interference from one or several such planned radiotelegraph channels. The band 6357–6525 kc is allocated to coast telegraph stations with 3.5 kc separation between assigned frequencies. In all, there are 48 assignable frequencies in this band. Of this total, in addition to their planned use by various other countries, 27 are allocated to the United States, 12 to Canada and Mexico and the remaining 9 to the Caribbean and South American areas. Thus virtually all are capable of direct interference to the Rivers on any frequency between 6357 and 6525 kc. Even if direct interference were not received from one or more coast stations it is almost certain that the Rivers operation would cause interference to ships near the United States trying to receive coast stations of the United States and other countries.

The band 6525–6685 kc is allocated to the aeronautical mobile route service, which, being a safety service, cannot tolerate harmful interference. This is also true of the band 6685–6765 kc which is allocated to the aeronautical mobile off-route service.

The band 6765–7000 kc is allocated to the fixed service and is not channelled. As a practical matter, the fixed service is so pressed for spectrum space that any in-band fixed frequency capable of supporting voice operations on the Rivers in this frequency range has long since been put to use in the fixed service.

Comments received from Warner & Tamble Radio Service, Inc., state that Docket "No. 10377 says there are 70 telephony exclusive frequencies in the A. C. tables allotted to Marine Coast and ship use. Why they are not put into operation instead of borrowing frequencies is the prime question. In borrowing frequencies allotted elsewhere for use on the Rivers, it should be explained whether there are other frequencies that may be borrowed in the same way." The Commission points out that the above statement is incorrect due perhaps to some misunderstanding upon the part of the company. Nowhere can the Commission find such a statement in Docket No. 10377. In the entire world-wide marine telephony allotment plan there are forty channels in the 4 and 8 Mc ranges combined and none in the 6 Mc range. Of this figure, 20 channels are for coast telephony and 20 are for ship telephony. Of the total, exactly half were allotted for use in the continental U. S., giving us 6 coast and 6 ship telephone channels at 4 Mc and 4 coast and 4 ship telephone channels at 8 Mc. From the above it is obvious that those frequencies, from which one can "borrow", are very limited in number. Of those thus far selected, the respondent has, for the most part, rejected them as unsatisfactory.

Warner & Tamble Radio Service, Inc., further states that "the Commission washes its hands by direct expression of its opinion that the industry should devise and install a VHF system in substitution for the existing system. The impossibility of such undertaking in any practical way is widely known and understood. Why the Commission has its opinion may well be for further inquiry."

"The real and material question is whether the new frequency complement (sic) is subject to expansion and in what respects. It is not enough for it to be no more than the present system which is inadequate in available frequencies."

The respondent should be well aware of the difficulties thus far encountered in selecting acceptable replacement frequencies for use on the Rivers. The possibility of finding additional frequencies in the high frequency portion of the spectrum to accommodate an expanding Rivers system will become increasingly remote with time. As a practical matter, therefore, the only solution to the problem appears to be the ultimate adoption of a VHF system. Any long range planning so far as communications are concerned should certainly give serious consideration to the adoption of a VHF system by the Rivers interests. Rather than looking toward expanding the frequency complement of existing operations using high frequencies within the U. S., the Commission is presently faced with the serious problem of minimizing the short-distance use of such frequencies. This is brought about by the ever-growing requirements for international radio communications which can only be satisfied in the high frequency region of the spectrum. Therefore, as a practical matter, the Commission has found it in the public interest to plan the utilization of high frequencies by services which have international communication requirements.

The purpose of the proceedings in Docket No. 10724 and 10725 is related to the necessity of operating the Rivers system on an "in-band" basis. The Commission has not attempted, in those proceedings, to expand the Rivers high frequency system. Consequently, the comments of the interested persons relating to the expansion of this system through the allocation of additional frequencies are considered beyond the scope of these proceedings.

With respect to the 4 Mc frequencies proposed for use on the Rivers, the Commission has encountered unexpected difficulties in clearing 4372.4 kc for full-time use but has been able to clear 4067 kc for twenty-four hour use rather than for daytime only. Therefore, the amendments to the Commission's rules make 4067 kc available for use on a full-time basis as a replacement for 4162.5 kc. 4372.4 kc will be a replacement for 6455 kc and subject to the same limitations. This choice also is in agreement with the Radiomarine Corporation of America (RMCA) comments concerning the 4 Mc frequencies wherein the full-time use of 4067 kc as a replacement for existing use of 4162.5 kc was recommended. RMCA further notes that the frequency 4372.4 kc is only 5.4 kc removed from the RMCA coast telegraph station WNY, New York, which is assigned the frequency 4367 kc and that mutual interference may result. While this is a possibility, any interference which may arise is expected to be only intermittent and will not seriously impair the use of either frequency. It is believed that the geographical separation is such that any interference which may occur can be minimized by reasonable adjustment of existing equipment.

Comments filed with respect to the 6 Mc problem by RMCA, Warner & Tamble, American Waterways Operators, Inc., and the American Petroleum Institute unanimously object to the deletion of 6 Mc frequencies and request a hearing in the event the Commission decides to take such action. In general, the technical recommendations submitted by RMCA are supported by all of the interested parties.

The Commission believes that particularly for the benefit of boat owners, a complete discussion of this problem in this Report and Order is desirable and may result in a considerable over-all saving for most boat owners with respect to the cost of crystal replacements and with respect to the number of times it may be necessary for service trips to be made aboard the various vessels.

The RMCA comments state in part "• • • In our opinion, the absence of a 6 Mc frequency in the complement of frequencies allocated to the Mississippi River Valley system will so handicap the service as to reduce its efficiency by fifty percent • • •"

From the comments filed in this Docket and in Docket 10377 (the original proposal) and from many meetings of the Commission's staff with industry representatives, it is obvious that many of the Rivers interests share the view that the loss of the frequency 6455 kc will be a severe handicap to the Rivers communication system. The Commission's proposal to delete 6 Mc assignments was based upon engineering analysis which indicated that the substitution of a 4 Mc frequency would not jeopardize the efficiency of the system but in fact, with a few operational changes with respect to frequency usage, could even result in a more efficient system. As a practical matter and to determine what effect the loss of 6 Mc assignments might have, the Commission, through the cooperation of Rivers interests, conducted a two-week extended frequency utilization survey. This survey involved observations of radio operations on the Rivers for the purpose of determining which frequencies were utilized the most, over what distances each frequency was usable and what the pattern of use on the Rivers appeared to be. Over two thousand observations of "frequency vs. distance" were made during the two-week period covering a trip down the Rivers from Pittsburgh to Memphis. These observations were logged and analyzed. From the data obtained it was found that for the period September 3 through September 19, 1953, the following ratios and facts are applicable:

a. 4162.5 kc—16.5 contacts per hour were made on this frequency.

b. 6455 kc—11.8 contacts per hour were made on this frequency.

c. 8840 kc—Due to infrequent use of this frequency very little time was spent observing and contacts per hour are estimated on the basis of limited monitoring as 2 per hour.

d. 90 percent of the contacts made on 6455 kc were during the hours and over the distance which received coverage through the use of 4162.5 kc.

e. According to observed propagation conditions it is estimated that 100 percent of the 6 Mc contacts could have been made by a combination of 4 Mc and 8 Mc frequency usage.

From the above data it is to be expected that fully 90 percent of the traffic now conducted on the Rivers on 6455 kc could be handled during the same hours on a 4 Mc frequency and the remaining 10 percent on the 8 Mc frequency. This increased 4 Mc loading could be adequately handled by the additional 4 Mc frequency being made available for the Rivers.

In addition, to the above statistics, the special survey indicated:

a. The majority of schedules held today between coast and ship telephone stations on the Rivers are held on 2782 and 4162.5 kc.

b. The majority of river boats cover only one frequency at a time, generally 2738 kc, switching to the appropriate frequency to cover traffic schedules at the appointed times.

From the above, it appears unlikely that there will be any appreciable increase in the number of times that coast stations call ship stations without making contact if there is no 6 Mc frequency available. Therefore, the RMCA comment "• • • Added to the fact that the Mississippi River Valley maritime mobile radiotelephone service may be forced to consume twice the time and use its frequencies twice as much to communicate the same inteligence as it now communicates, if it loses all 6 Mc frequencies, is the fact that it will also be forced to

make a large number of unsuccessful attempts to reach vessels with which it can now make contact * * *" appears to be unduly pessimistic.

RMCA submits "that the best solution to the problem facing the Commission and the service is the allocation of two 6 Mc derogation frequencies, in addition to the two 4 Mc frequencies and the one 8 Mc frequency proposed by the Commission in this proceeding, to the Mississippi River Valley maritime mobile radiotelephone service. The fact that any 6 Mc frequency assigned to this service at this time will take second place to in-band assignments increases the likelihood of harmful interference by such assignments to Mississippi River Valley operations on such a frequency." It must be pointed out that this suggestion fails to indicate the probability of interference to the in-band user of the frequency which is being used in derogation by the Rivers.

As an example, should the Commission condone the continued use of 6455 kc in derogation, there would be no initial expense to current licensees as far as crystals are concerned. However, the frequency 6453 kc is to be activated in the near future by high-powered Government coast telegraph stations which, in all probability, will cause such harmful interference as to preclude the use of 6455 kc by the Rivers. Should the Rivers operations cause harmful interference to the coast stations, the Commission will have no alternative but to invoke the existing rule provisions under which 6240 and 6455 kc were originally assigned which read as follows:

§ 7.304 *Assignable frequencies.* * * *
(d) * * *
(8) The frequencies 6,240 and 6,455 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes), upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period from two hours after local sunset until two hours before local sunrise is prohibited.

In the event of interference, the Commission under the facts of this case would necessarily favor the operation which is in conformity with the Geneva Agreement (1951). The same principle would be applicable to the use of any other 6 Mc frequencies by the Rivers on a derogation basis.

If the Rivers operators received authorization to use another 6 Mc derogation frequency, there would be the matter of time and expense in securing crystals to activate it. Perhaps the new derogation frequency would be usable for a week, a month or six months before interference was again caused to an in-band user, who might not activate the frequency until after the Rivers activate it, and the Rivers operation would again be forced to move. In view of this fact the Commission can not accept the responsibility for the expense and unsettled position in which the Rivers system will be placed if the Rivers operators insist upon using 6 Mc frequencies on a derogation basis.

As a practical matter, it is to be expected that continued use of 6455 kc will result in interference to the U. S. coast telegraph use of 6453 kc and that it will be necessary for the Rivers to shift to 6240 kc, perhaps in a matter of a few months. However, it is expected that the reason which now makes the use of 6240 kc impractical, (it is now in the band used internationally for ship telegraph) will continue to make use of the frequency by the Rivers impractical. However, as previously mentioned, the Commission is unable to choose any other 6 Mc frequency which will not have similar problems associated with its activation by the Rivers and it is this sort of insecurity of the Rivers position with respect to the use of derogation frequencies which the Commission is striving to eliminate.

The Rivers interests have thus far recommended moving from one 6 Mc frequency to another 6 Mc frequency. The Commission is of the opinion that moving from one derogation frequency, 6455 kc, to another 6 Mc derogation frequency will be but the first of many such steps until finally, tiring of the expense of moving and the haphazard service resulting therefrom, the Rivers system will seek to move in-band to 4 Mc, if a frequency can be found at that time.

The Commission does not wish to take the responsibility for creating any such chaotic conditions with respect to the Rivers communications system. It is therefore making available an additional 4 Mc frequency now in lieu of the 6 Mc channels which, we are convinced, will eventually become unusable on the Rivers. The Commission is not making final the deletion of either of the 6 Mc frequencies presently assigned to the Rivers. However, as indicated above, continued use of either 6 Mc frequency, or any other 6 Mc frequency for which application might be made, can and will be authorized only in strict conformity with § 7.304 (d) (8) of the rules, which deals with the use of 6 Mc frequencies by the Rivers system. The Commission strongly urges ship owners to convert as rapidly as possible from operations on 6 Mc to the new 4 Mc frequencies. We are convinced that this will result in the least number of frequency changes which ship owners will be required to make and will preclude the possibility of loss of communications which would be incurred during shifts from one 6 Mc frequency to another 6 Mc frequency. The Commission believes that such 6 Mc shifts will become inevitable as more and more of the scheduled in-band assignments in the 6 Mc region are activated. It should also be noted that international protection to the use of the new 4 Mc frequencies, as previously mentioned, is contingent on actual use being made thereof.

With respect to the 8 Mc problem, comments from Warner and Tamble state, in part: "8440 and 8840 are deleted because A. C. does not allow allocation of a Geneva 8 kc (sic) radio telephone band for the simplex operation of both coast and ship stations, and, therefore the replacement is duplex operation in day use of the New York pair 8811.5–8262.3 kc although in disregard of their international allocation * * *" This is far from correct for several reasons. (1) 8440 kc is not now, nor has it ever been, either a subject of this proceeding or authorized for use on the Rivers. (2) The frequency in question, 8840 kc, must be deleted since its continued use would result in mutual interference with the assignment of 8837 kc to the aeronautical mobile route service in accordance with the Geneva Agreement. (3) The original proposal to substitute a duplex pair of frequencies, also assigned at New York, to replace 8840 kc was not made in "disregard of their international allotment." As previously stated in Docket 10377, such use of this pair in the Mississippi River area would not materially alter the international interference pattern contemplated by international allotment of the pair to the New York area and was therefore considered consistent with international obligations. (4) The Geneva Agreement makes provision for the activation of assignments in addition to those in the new International Frequency List, subject only to the protection of those that are in that list.

The RMCA comments received with respect to the Commission's selection of 8205.5 kc as a replacement for the presently authorized 8840 kc suggested that 8761.3 kc would be a better choice because of possible interference to 8205.5 kc by ships communicating by radiotelephone with Nicaragua or the Dominican Republic. The Commission considered several possible replacements for 8840 kc but because of various potential interference conflicts, both U. S. Government and foreign, 8205.5 kc is considered the best choice.

The date of deletion of authorized operation on 8840 kc was proposed to be December 1, 1953. The Aeronautical Mobile service plan for activating the frequency 8837 kc has been delayed unexpectedly for an estimated four months. Considering the comments of interested parties with respect to the length of time required for frequency changes to be made, it appears that for the Rivers, this delay is fortunate in helping to meet the changeover problem. The amendments to the Commission's rules revise the dates of deletions to May 1, 1954.

In view of the above, the Commission is amending its rules so as to provide the following frequency complement on the Rivers:

Present frequency	Date of deletion	Hours of use	Replacement frequency	Date available	Remarks
4[illegible]5	May 1, 1954	24	4067	May 1, 1945	Complete replacement for the present frequency.
6240	(1)	Day only (6 a. m.–5 p. m. C. S. T.).			Use of this frequency will be in accordance with the existing rule provisions.
6455	(1)	do	4372.4	May 1, 1954	Use of 6455 kc may be continued in accordance with existing rule provisions. Those ships and coast stations the licensees of which desire to utilize 4372.5 kc in lieu of 6455 kc may do so.
8840	May 1, 1954	do	8205.5	do	Complete replacement for the present frequency.

[1] Subject to existing provisions of § 7.304 (d) (8) of the Commission's rules. This frequency is in a band allocated to the maritime mobile (telegraphy) service and due to long range propagation characteristics it is expected that the use of the frequency on the Rivers will result in harmful interference to and from ship telegraph operations on 6240 kc and coast telegraph operations on 6453 kc which have priority over any derogation uses.

The rule amendments provide opportunity for a change-over period beginning January 1, 1954, and lasting until May 1, 1954. This period, which is common to all frequencies, will permit the frequencies on each vessel to be changed on one service trip aboard except for those vessels, the licensees of which, choose to continue 6 Mc service. Inasmuch as it may be impractical for all vessels to change frequencies on a predetermined date, it may be necessary for some, if not all, coast stations to provide service on the new frequencies, as well as the old frequencies during the changeover period. However, this is a matter which may be worked out by the Rivers interests.

It is suggested that efforts be made to activate the two 4 Mc frequencies and the replacement 8 Mc frequency as quickly as practicable. This is true because of the urgent requirement to clear 8837 kc for the aeronautical mobile route service and 6453 kc for the coast telegraph service.

Because of the necessity of permitting all shipowners to plan their frequency changes at the earliest practicable date, the usual thirty-day period between the adoption of this Report and Order and the effective date of the rule amendments is being reduced so as to make them effective on January 1, 1954. It is believed that this will assist the Rivers interests in making the necessary equipment adjustment; Therefore,

It is ordered, That effective January 1, 1954, Parts 7 and 8 of the Commission's rules are amended as set forth below.

It is further ordered, That, in view of the emergency which necessitates putting the above described channel shifts into effect as soon as possible and the infeasibility of securing new applications for frequencies from all ship station licensees now authorized to use frequencies on the Mississippi River system for radiotelephone communication with coast stations of this system, the licenses of such ship stations are modified effective January 1, 1954, so as to add the frequencies 4067 kc, 4372.4 kc and 8205.5 kc for a period not to exend beyond July 1, 1954; and

It is further ordered, That effective January 1, 1954, the licenses of coast stations shown below, are modified so as to add the frequency 8205.5 kc; and

It is further ordered, That effective May 1, 1954, the licenses of coast stations shown below, are modified so as to delete the frequency 8840 kc.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: December 28, 1953.

Released: December 30, 1953.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

1. Part 7 of the Commission's rules is amended in the following particulars:

a. Section 7.304 (a) is amended to change that portion of the table of frequencies above 2782 kc to read as follows:

4067 [4]
4162.5 [5]—Mississippi River system only.
4280
4282.5 [5]—Great Lakes only.
4287.5
4372.4 [4]
4406.9
4420.7 [4 6]
4434.5 [6 8a]
4752.5
6240—Mississippi River system only.
6455—Mississippi River system only.
6470 [5]—Great Lakes only.
8205.5 [4]—Mississippi River system only.
8550
8585 [5]—Great Lakes only.
[redacted]
8768.9
8797.3 [5 7]
8811.5
8840 [8]
13,157.5
13,172.9
13,180.6
13,196
17,317.5
17,340.6
17,356
22,677.5
22,692.9
22,716

[2] Not available after March 15, 1954.
[3] Not available after January 15, 1954.
[4] Available for Mississippi River system beginning January 1, 1954.
[5] Available beginning November 1, 1953.
[6] Available exclusively for test purposes in the Great Lakes area on condition that interference shall not be caused to any maritime mobile telephone service of the Great Lakes area conducted on 4422.5 kc; available for regular service in the Great Lakes area, without this limitation beginning March 15, 1954.
[7] Available exclusively for test purposes in the Great Lakes area on condition that interference shall not be caused to any maritime mobile telephone service of the Great Lakes area conducted on 8820 kc; available for regular service in the Great Lakes area without this limitation beginning January 15, 1954.
[8] Not available after May 1, 1954.
[8a] Available in the Great Lakes Area beginning December 1, 1953.

b. Section 7.306 (a) (2) is amended by deleting the following frequencies and footnote 1a from the table:

12810 [1a] 17090 [1a] 17120 [1a]

c. Section 7.304 (d) (5) is amended to read as follows:

(5) The frequencies 4067 kc and 4162.5 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes); such use of these frequencies is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

d. Section 7.304 (d) (8) is amended to read as follows:

(8) Use of the frequencies 6240 kc, 6455 kc, and 8840 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes), upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

e. Section 7.304 (d) (9) is amended to read as follows:

(9) Use of the frequencies 4372.4 kc and 8205.5 kc is authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes), upon the express condition that transmission on these frequencies during the period 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

f. Amend § 7.306 (c) to read, with respect to the specific frequencies set forth therein, as follows:

2782 kc
4162.5—Until May 1, 1954.
4067 kc, 4372.4 kc } Beginning January 1, 1954.
6240 kc
6455 kc
8840 kc—Until May 1, 1954.
8205.5 kc—Beginning January 1, 1954.

2. Part 8 of the Commission's rules is amended in the following particulars:

a. Section 8.351 (a) is amended to revise that portion of the table of frequencies above 2782 kc to read as follows:

4067 [4]
4087.7
4115.3 [5]
4129.1 [4]
4162.5 [1]—Mississippi River System only.
4372.4 [4]
4402.5
4422.5 [1]—Great Lakes only.
4457.5

6240—Mississippi River System only.
6455—Mississippi River System only.
8205.5 [5]—Mississippi River System only.
8219.7
8248.1 [6]
[illegible]
8820 [3]
8340 [7]
12,357.3
12,595.8
13,220
16 471.9
16,525.8
17,610
22,027.3
22,042.7
22,065.8

[1] Deleted.
[2] Deleted.
[3] Not available after January 15, 1954.
[4] Not available in any area after March 15, 1954.
[5] Available beginning November 1, 1953.
[6] Available for Mississippi River System beginning January 1, 1954.
[7] Not available for Mississippi River System after May 1, 1954.

b. Section 8.351 (d) (9) is amended to read as follows:

(9) Use of the frequencies 4162.5 kc and 4067 kc in the Mississippi River system is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

c. Section 8.351 (d) (11) is amended to read as follows:

(11) Use of the frequencies 6240 kc, 6455 kc, and 8840 kc is authorized in the Mississippi River system upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period from 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

d. Section 8.351 (d) (12) is amended to read as follows:

(12) The frequency 4372.4 kc may be used beyond July 1, 1954 by ship stations on the Mississippi River and connecting inland waters (except the Great Lakes) which are not licensed to transmit on 6240 kc and/or 6455 kc.

e. Section 8.351 (d) is amended by deleting subparagraph (13).

f. Section 8.351 (d) (14) is added to read as follows:

(14) The frequencies 4372.4 kc and 8205.5 kc are authorized for use on the Mississippi River and connecting inland waters (except the Great Lakes), upon the express condition that transmission on these frequencies during the period from 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

g. Amend § 8.354 (a) (2) to read, with respect to the specific frequencies set forth, therein, as follows:

2782 kc [4]
4162.5 kc [4] until May 1, 1954.
4067 kc
4372.4 kc [6] } Beginning January 1, 1954.

h. Amend § 8.355 (a) (3) to read, with respect to specific frequencies set forth therein, as follows:

6240 kc [6]
6455 kc [6]
8840 kc [4] until May 1, 1954.
8205.5 kc [6] beginning Jan. 1, 1954.

i. Delete paragraph (i) (1) and (2) of § 8.366.

Call	Location	Licensee
WAY	Lake Bluff, Ill.	Illinois Bell Telephone Co.
WFN	Louisville, Ky.	Warner & Tamble Radio Service.
WGK	St. Louis, Mo.	RMCA.
WCM	Pittsburgh, Pa.	RMCA.
WBN	Memphis, Tenn.	Warner & Tamble Radio Service.
WJG	do.	Do.

[F. R. Doc. 54-36; Filed, Jan. 5, 1954; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

ORDER PERMITTING KILLING OF WATERFOWL OR COOT IN AGRICULTURAL AREAS OF CALIFORNIA

Basis and purpose. It has been determined from investigations and information received that serious agricultural crop depredations are likely to occur in portions of the State of California and that these depredations may be alleviated and a large portion of the crops saved from serious injury or destruction by authorizing such waterfowl or coot to be taken in the affected areas.

Since the following order is an emergency measure, notice and public procedure thereon are impracticable (60 Stat. 237; 5 U. S. C. 1001, et seq.), and it shall become effective immediately.

Subject to the following conditions, restrictions, and requirements, such waterfowl or coot as are found damaging crops in agricultural areas of California may be killed by shooting with a shotgun only on or over such crops during the period or periods to be announced in accordance with this order: *Provided, however,* That no period of shooting shall extend beyond April 15, 1954. The facts as to the existence of an emergency condition in any particular community which requires the killing of one or more species of waterfowl or coot as contemplated herein, the extent of the area, and the period of time during which, and the conditions under which, such killing may be permitted, shall be ascertained by the Director of the Fish and Wildlife Service and announced by him by suitable publication in the area where the emergency exists, which finding and announcement shall be final. Any such period of time during which killing is permitted shall be shortened by similar announcement upon a finding that the particular emergency condition no longer exists.

Such birds as are killed under the provisions of this order may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed. They may be used as food for personal use within the State of California and they may be donated to hospitals and other charitable institutions within the State for use as food, but they may not be possessed by or served as food in any restaurant, club, or other public or private eating establishment. No carcasses of birds killed hereunder may be possessed under any circumstances beyond April 20, 1954

This order does not permit the killing of any waterfowl or coot in violation of any State law or regulation. The said order is an emergency measure designed to aid in relieving depredations and is not to be construed as a reopening or extension of the open hunting season prescribed for the State of California by regulations promulgated under the Migratory Bird Treaty Act (40 Stat. 755; 16 U. S. C. 704), which open hunting season will expire January 10, 1954 (18 F. R. 5175).

Dated: December 31, 1953.

RALPH A. TUDOR,
Acting Secretary of the Interior.

[F. R. Doc. 54-50; Filed, Jan. 5, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

FRESH PARSNIPS

UNITED STATES CONSUMER STANDARDS

Correction

In F. R. Doc. 53-10804, appearing in the issue for Wednesday, December 30, 1953, at page 8871, the signature appearing at the end of the document should read "George A. Dice, *Acting Assistant Administrator, Production and Marketing Administration.*"

[7 CFR Part 942]

[Docket No. AO 103-A13-RO1]

HANDLING OF MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the public hearing held May 7, 1953, New Orleans, Louisiana, on proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

The purpose of the reopened hearing is to afford interested parties opportunity to introduce additional evidence with respect to the amendments proposed at said hearing, and to receive evidence concerning the additional proposals for amendment hereinafter set forth, or appropriate modifications thereof. Neither the proposals set forth below nor those contained in the original notice of hearing have been approved by the Secretary of Agriculture.

The reopened hearing will be held in the L'Enfant's Boulevard Room, 5236 Canal Boulevard, New Orleans, Louisiana, beginning at 10:00 a. m., January 14, 1954.

The following additional amendments have been proposed by the Borden Company, Cloverland Dairy Products Corporation, Gold Seal Creamery, St. Charles Dairy, Inc., Estelle Dairy, Hayes Dairy Products, Inc., Roemer Dairies, and Brown's Velvet Dairy Products, Inc.

7. Delete § 942.41 (c) and substitute, therefor, the following:

(c) Class II milk shall be all skim milk and butterfat used to produce cheese other than Cheddar.

8. Delete § 942.41 (d) and substitute, therefor, the following:

(d) Class III milk shall be all skim milk and butterfat used to produce ice cream or ice cream mix.

9. After (d) in § 942.41, add a new paragraph (e) which shall read as follows:

(e) Class IV milk shall be (1) all skim milk and butterfat disposed of as any item other than those classified in paragraphs (a), (b), (c) and (d) of this section; (2) skim milk and butterfat disposed of for livestock feed; (3) skim milk dumped, and (4) skim milk and butterfat accounted for as actual plant shrinkage but not in excess of 2 percent of receipts of skim milk and butterfat, respectively, from producers.

10. Renumber § 942.54 to § 942.50.

11. After § 942.53, insert a new § 942.54 which shall read as follows:

§ 942.54 *Class IV prices.* The price for Class IV milk shall be computed in the same manner as the price for Class III milk, less a cooling and transportation charge of $0.35 a hundredweight.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, M. M. Truxillo, 3709 S. Carrollton Avenue, New Orleans, Louisiana, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

Dated December 31, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 54-60; Filed, Jan. 5, 1954; 8:51 a. m.]

[7 CFR Part 946]

[Docket No. AO-123-A17]

HANDLING OF MILK IN LOUISVILLE, KENTUCKY, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Seelbach Hotel, Louisville, Kentucky, beginning at 10:00 a. m., c. s. t., January 11, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area (7 CFR 946 et seq.). Those proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area were proposed as follows:

By the Louisville Milk Dealers Association:

1. In § 946.70 add a new paragraph to read as follows:

(e) Deduct for each pound of butterfat in producer milk which was allocated to Class II pursuant to § 946.46 and which was either used in the production of butter or American type cheeses or assigned to such products pursuant to § 946.44 an amount obtained by dividing by 3.8 that amount by which the Class II price exceeds the price calculated pursuant to § 946.51 (b) (1).

2. To § 946.44 (c) add the following proviso: *"Provided,* That such milk or skim milk if transferred or diverted during the months of March through September to a nonpool plant located 100 miles or more from the City Hall at Louisville, Kentucky, by the shortest hard surface highway distance as determined by the market administrator may be classified in Class II if the conditions set forth in paragraph (d), (1), (2) and (3) of this section are met."

By the Falls Cities Cooperative Milk Producers', Inc.:

3. Delete § 946.46 (a) (3) and renumber subparagraphs (4), (5), (6) and (7) of this section and all references to them wherever they appear in the order to read (3), (4), (5) and (6) respectively.

By the Dairy Division, Agricultural Marketing Service:

4. Delete § 946.44 (d) (1).

5. Add a new subparagraph in § 946.46 (a) to provide for the subtraction of skim milk contained in products other than milk, skim milk and cream received from pool plant from the class to which assigned pursuant to § 946.41.

6. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 565 Starks Building, Louisville 2, Kentucky, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated December 31, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 54-58; Filed, Jan. 5, 1954; 8:51 a. m.]

[7 CFR Part 949]

[Docket No. AO 232-A2]

HANDLING OF MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 215, U. S. Post Office and Court House, San Antonio, Texas, beginning at 10:00 a. m., c. s. t., January 11, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area were proposed, as enumerated below:

By Producers Association of San Antonio Inc.:

1. That § 949.51 (b), be deleted and the following substituted therefor:

(b) Adjust the price calculated pursuant to paragraph (a) of this section so that it does not exceed the price calculated pursuant to paragraph (d) of this section by less than $2.00 or more than $2.50 during the months of April, May, and June, and so it does not exceed the price calculated pursuant to paragraph

(d) of this section by less than $2.00 or more than $2.70 for all the other months.

2. That § 949.51 be amended by adding to paragraph (c) thereof the following: "The provisions of this paragraph shall operate only to the extent that the difference in Class I price under Order No. 43, as amended, regulating the handling of milk in the North Texas marketing area and that provided under this order shall not be greater than 50 cents."

3. That § 949.53 shall be amended as follows: Delete paragraph (a) therefrom and substitute the following:

(a) Multiply the simple average, as computed by the market administrator, of the daily wholesale selling price (use the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture, Washington, D. C., during the month by 4.0.

4. That § 949.54 shall be amended as follows:

a. Delete paragraph (b) therefrom and substitute the following:

(b) *Class II milk.* Multiply such price for the current month minus one cent by 0.100.

b. Add to § 949.54 the following paragraph:

(c) *Class III milk.* Multiply such price for the current month minus one cent by 0.100.

5. That § 949.41 shall be amended by adding thereto the following:

(c) Class III milk shall be all skim milk and butterfat used to produce cheese other than cottage cheese.

6. That the order, as amended, shall be further amended to include the following section:

§ 949.— *Class III price.* The Class III price shall be an amount calculated as follows:

The average or the basic or field price per hundredweight reported paid or to be paid for milk of 4 percent butterfat received from farmers during the current month at the following plants or places for which prices have been reported to the market administrator:

Fort Worth Poultry, Egg and Cheese Plant, Round Rock, Texas, Fort Worth Poultry, Egg and Cheese Plant, Alice, Texas.

By the Dairy Branch:

7. Make such other changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 1204 N. Main Avenue, San Antonio 2, Texas, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

Dated: December 31, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 54–59; Filed, Jan. 5, 1954; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 655, 703]

[Administrative Order 434]

PUERTO RICO; SPECIAL INDUSTRY COMMITTEE NO. 15

CHANGES AND ADDITIONS TO MEMBERSHIP

By Administrative Order No. 433, dated December 8, 1953, and published in the FEDERAL REGISTER December 11, 1953 (18 F. R. 8139–8140), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, appointed Special Industry Committee No. 15 for Puerto Rico and named certain members to serve thereon.

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the following changes and additions to the membership of such Committee are hereby made:

1. Sam Schweitzer of Mayaguez, Puerto Rico, and A. C. Bob Reuter of Mayaguez, Puerto Rico, previously appointed to this Committee as representatives of the employers by Administrative Order No. 433, shall serve as representatives of the employers for the Needlework and Fabricated Textile Products Industry only.

2. John J. Tucci of Santurce, Puerto Rico, and Eloy M. Ortiz off Mayaguez, Puerto Rico, are hereby appointed as members of said Committee to serve as representatives of the employers for the Corsets, Brassieres, and Allied Garments Industry only.

3. S. Manford Robinson of Mayaguez, Puerto Rico, and José Antonio Santisteban of Hato Rey, Puerto Rico, are hereby appointed as members of said Committee to serve as representatives of the employers for the Men's and Boys' Clothing and Related Products Industry only.

George Marlin of New York, New York, previously appointed to this Committee by Administrative Order No. 433, will serve as the third representative of the employers for the Needlework and Fabricated Textile Products Industry, the Corsets, Brassieres, and Allied Garments Industry, and the Men's and Boys' Clothing and Related Products Industry.

Signed at Washington, D. C., this 31st day of December 1953.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54–44; Filed, Jan. 5, 1954; 8:48 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 1, 4, 5, 131]

[Docket No. R–128]

MISCELLANEOUS AMENDMENTS TO CHAPTER

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

DECEMBER 22, 1953.

Amendment of Part 1, Rules of Practice and Procedure, and of Parts 4, 6, 9, 24 and 25 of Subchapter B, Regulations Under the Federal Power Act Relating to Applications for Licenses, Permits, and Amendments, Surrender or Termination of License, Transfer of License or Lease of Project Property, Declarations of Intention and Applications for Vacation of Withdrawal and for Determination Permitting Restoration to Entry.

1. Notice of proposed rule making was given in the above-entitled matter on November 5, 1953. Said notice was published in the FEDERAL REGISTER on November 17, 1953 (18 F. R. 7274), and provided in paragraph 7 for the submission by interested persons of data, views and comments by December 10, 1953.

2. The title set out above is amended so as to include a reference to Part 5, omitted in error from the original notice and to Part 131 of Subchapter D, Approved Forms, Federal Power Act, which Part is proposed to be amended in this supplemental notice.

3. In addition to the amendments to its rules of practice and procedure listed in paragraph 2 of that notice, the Commission proposes to prescribe new paragraph (c) § 1.34, to read as set forth below. This amendment is, in effect, an interpretation of the language in section 19 (a) of the Natural Gas Act and section 313 (a) of the Federal Power Act relating to applications for rehearing of Commission orders. Its adoption is made desirable by the decision of the United States Court of Appeals for the District of Columbia Circuit in Texas-Ohio Gas Company v. Federal Power Commission, No. 11,851, decided October 15, 1953.

4. Additional amendments are proposed to be made to Part 5 and also it is proposed to amend Subchapter D, Approved Forms, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations to prescribe therein (in lieu of existing sections) amended sections of Part 131 set forth below. The changes in Part 131 are necessary to bring these forms into conformity with the amendments proposed herein and in the original notice, referred to above.

5. The amendments to the Commission's general rules and regulations proposed herein and those accompanying the original notice are proposed to be issued under the authority granted the Federal Power Commission by the section 309 of the Federal Power Act, as amended, 49 Stat. 858, 16 U. S. C. 825 (h) and section 16 of the Natural Gas Act, as amended, 52 Stat. 830, 15 U. S. C. 717 o.

6. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., on or before January 25, 1954, data, views and comments in writing concerning the amendments proposed herein and those proposed in the original notice. The Commission will consider these written submittals before acting upon the proposed amendments An original and 9 copies should be filed of any such submittals.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

1. In § 1.34 add new paragraph (c) as follows:

§ 1.34 *Application for rehearing.* • • •

(c) *Action on.* Unless the Commission acts upon the application for rehearing within thirty days after it is filed, such application shall be deemed to have been denied.

2. In § 4.50 change "quadruplicate" in the first paragraph to read "sextuple". Also delete the sentence reading "Exhibits shall be certified in accordance with § 131.4."

3. In § 4.60 change "three copies" to read "five copies".

4. In § 4.70 change "quadruplicate" in the first paragraph to read "sextuple".

5. In § 5.1 change "quadruplicate" to read "sextuple". And change "the Commission's rules" to read "this chapter".

6. In § 131.2 delete the parenthetical instruction indicating the number of copies to be filed. Change item 9 in the form set out in the section to read as follows:

9. The proposed initial and ultimate scheme of development for the project is as follows: (See § 4.40 (b).)

7. In § 131.3 delete the parenthetical instruction indicating the number of copies to be filed.

8. In § 131.5 delete the parenthetical instruction indicating the number of copies to be filed. Change item 3 in the form set out in the section to read:

3. The transmission line will carry about _____ kwh of hydroelectric energy in an average water year from _____ the source of supply, to _____, the point of delivery; and _____ kwh of non-project energy in the same (the opposite) direction. The project energy will be used for the following purposes:

9. In § 131.6 delete the third sentence beginning with the word "Unless" in the parenthetical instruction paragraph in item (2). In item 4 (c) of the form delete the word "other".

10. Delete the Note, referring to Order No. 106, appended to § 131.6 and insert in lieu thereof the following:

NOTE: The following requirements for the project map to be filed as Exhibit K are prescribed:

There shall be submitted pursuant to §§ 4.60 and 131.6 with each application for license for a minor project having installed water-wheel capacity of 100 horsepower or less, a map, designated as Exhibit K, showing the portion of the stream developed, the location of all essential project works (dams, reservoirs, conduits, powerhouses, tailraces, access roads, and transmission lines), and the area occupied by all project works as limited by a project boundary, and indicating State, county, meridian, township, range, section, and the smallest legal subdivision or numbered lot or tract. The map shall show the ownership, whether Government or private, for each parcel of land affected by the project. The map shall also indicate whether or not the affected Government land is included in any reservation such as a national forest, Indian reservation, etc.

Exhibit K shall conform to the following specifications and shall show the following information:

(1) The exhibit shall be an ink drawing on tracing linen, not smaller than 8 inches by 10½ inches, accompanied by four prints thereof drawn to an appropriate scale of one inch equals not more than 1,000 feet.

(2) The project boundary shall be stated separately for each facility, and shown on the map. The number of feet on each side of the surveyed center lines of the conduits, roads, powerhouse unit, tailrace, and transmission lines shall be at least 10 feet. The distances of the project boundary from the survey center lines need not be identical on both sides of the center lines of the structures nor for all parts of the project, and, in the vicinity of the powerhouse, they shall be large enough to allow at least 10 feet on each side of the powerhouse and to include all appurtenant project structures. Unequal offsets or changes in offsets with points of change should be definitely described on the map. The project boundary inclosing the dam and reservoir should be a surveyed line with stated courses and distances, which line shall be not less than 20 feet horizontal measurement from the ends and from the axis on the downstream side of the dam and not less than 10 feet outside of a contour around the reservoir established by the highest point on the dam and abutment. The area of the enclosure in acres should be given. The project area and boundary at the powerhouse, dam, and reservoir should, if necessary for clarity, be shown in an insert sketch to a larger scale than that used for the rest of the project works.

(3) If practicable, there shall be shown one or more ties by distance and bearing from a definite point or points on the project boundary which point or points can be identified on the ground, to established corners of the public land survey or to a mineral monument or other fixed recognizable object if the land is unsurveyed.

(4) If the project affects unsurveyed Government lands, the protraction of township and section lines shall be shown; such protractions, whenever available, to be those recognized by the agency of the United States having jurisdiction over the lands.

(5) The map shall bear the following certificate dated and signed by the applicant: "This map is a part of the application for a license made by the undersigned this _____ day of _____, 19__."

_____
(Name of applicant)

11. In § 131.10 delete the parenthetical instruction indicating the number of copies to be filed. Change the parenthetical instruction included in item 8 of the form set out in the section to read:

(Here give a concise general description of the project and the proposed scheme of development including an estimate of the installed capacity and the average annual output.)

12. a. In § 131.20 change the words "authorized the giving of" in items (6) and (7) of the form to read "given". Change the words "approval of" in item (7) of the form to read "approval to". In footnote 5 to this section change the second sentence to read:

If the Commission acts favorably upon the application, it will issue to the applicants an order approving the transfer of the license.

b. In the same footnote 5 delete from the fifth sentence:

(e. g. acquisition of water rights under state laws from the transferor.

c. Also in the same footnote 5 delete the last sentence.

13. In § 131.30 delete the parenthetical instruction indicating the number of copies to be filed.

[F. R. Doc. 54–69; Filed, Jan. 5, 1954; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53408]

FURNITURE FROM CIUDAD VICTORIA, TAMAULIPAS, MEXICO

CONVICT LABOR GOODS

Upon evidence presented to me, I find, pursuant to the provisions of § 12.42 of the Customs Regulations (19 CFR 12.42), promulgated in accordance with the authority contained in section 307, Tariff Act of 1930 (19 U. S. C. 1307), that convict labor is used wholly or in part in the manufacture of furniture wholly or in chief value of wood in the State penitentiary at Ciudad Victoria, Tamaulipas, Mexico.

Accordingly, on and after the date of publication of this finding in the weekly Treasury decisions, collectors of customs shall prohibit, under the provisions of section 307, Tariff Act of 1930, the importation of furniture wholly or in chief value of wood manufactured in the State penitentiary at Ciudad Victoria, Tamaulipas, Mexico, unless the importer establishes by satisfactory evidence, as provided for in §§ 12.42 to 12.46, inclusive, of the Customs Regulations, that the merchandise was not manufactured wholly or in part by convict labor.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: December 28, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54–49; Filed, Jan. 5, 1954; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALABAMA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of December 18, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on November 28, 1953, pursuant to Public Law 875, 81st Congress:

ALABAMA

Fayette.	Marion.
Lamar.	Winston.

Done this 31st day of December 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-57; Filed, Jan. 5, 1954; 8:51 a. m.]

AGENCY HEADS ET AL.

DELEGATIONS OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

SECTION 100. *Authority.* The delegations in this document are made pursuant to authority vested in the Secretary of Agriculture by section 161, Revised Statutes (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, as well as all other statutes and prior Reorganization Plans vesting authority in the Secretary of Agriculture with regard to the functions of the Department of Agriculture.

SEC. 101. *General purpose.* The purpose of this document is to provide as nearly as may be a general and concise authority under which the agencies of this Department are vested with authorities adequate to the discharge of their responsibilities. As a result of the terms of Reorganization Plan No. 2 of 1953, the Secretary of Agriculture is enabled to provide the subordinate officers and units of the Department with such delegations and assignments as he finds are necessary or desirable in relation to the functions performed.

SEC. 102. *Relation to Office of the Secretary.* No delegation or authorization prescribed in this document shall preclude the Secretary from exercising any of the powers or functions or from performing any of the duties conferred herein and any such delegations or authorization is subject at all times to withdrawal or amendment by the Secretary. No delegation or authorization prescribed in this document shall preclude the exercise of any delegation or authorization otherwise provided to the Under Secretary, Assistant Secretaries, Administrative Assistant Secretary, or Assistant to the Secretary for Agricultural Credit, or to the Staff agencies as provided in section 112 hereof.

SEC. 103. *Responsibilities of Agency Heads—a. Responsibility to the Secretary.* The delegations contained in this document are made subject to the general responsibility of the Secretary to the President and to the Congress for the administration of the Department. The head of each agency (1) will maintain close working relationships with the officer to whom he reports, (2) will keep him advised with respect to major problems and developments, and (3) will discuss with him proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other agencies of this Department, other Federal agencies, or other governmental or private organizations or groups.

b. Responsibility for coordination of policies and operations. It is the responsibility of each agency to consult and cooperate with other Department agencies when its activities relate to, affect, or are affected by the work of these agencies and to see that its policies, programs, and operations are coordinated with theirs, to the end that the Department operates with maximum unity and effectiveness.

c. Responsibility for efficient operations. Agency heads, having broad authority to carry on the functions of their agencies, are responsible for seeing that the work of their agencies is efficiently administered and that the public obtains the fullest possible benefit for the funds expended. To accomplish these objectives and to insure that the maximum possible improvements in programs and operations are achieved, agency heads should see that periodic reviews are conducted as required by Executive Order 10072 and 5 U. S. C. 1151.

ORGANIZATION OF THE DEPARTMENT

SEC. 109. *Service agencies.* The Service agencies of the Department of Agriculture are grouped as follows:

a. Federal-States relations:

Agricultural Research Service.
Forest Service.
Soil Conservation Service.
Federal Extension Service.
Agricultural Conservation Program Service.
Farmer Cooperative Service.

b. Marketing and Foreign Agriculture:

Agricultural Marketing Service.
Foreign Agricultural Service.
Commodity Exchange Authority.

c. Agricultural Stabilization:

Commodity Stabilization Service (including Commodity Credit Corporation functions assigned in accordance with Commodity Credit Corporation by-laws).
Agricultural Stabilization and Conservation Committees.
Federal Crop Insurance Corporation.

d. Agricultural Credit:

Farmers Home Administration.
Rural Electrification Administration.

SEC. 110. *Staff Agencies.* The Staff agencies of the Department of Agriculture are as follows:

a. Office of the Solicitor.
b. Administrative Agencies:

Office of Budget and Finance.
Office of Hearing Examiners.
Office of Information.
Library.
Office of Personnel.
Office of Plant and Operations.

SEC. 111. The functions of the Staff agencies are prescribed particularly in the Department's Administrative Regulations and otherwise.

SEC. 112. Delegations and authorizations to Service agencies shall be subject to such delegations and authorizations as are granted to Staff agencies by the Administrative Regulations or otherwise.

GENERAL DELEGATION OF AUTHORITY

SEC. 116. *Delegations of authority to agency heads.* The head of each agency shall, under the general direction and supervision of the Secretary of Agriculture and the Under Secretary, and the Assistant Secretary, the Administrative Assistant Secretary, or the Assistant to the Secretary in charge of Agricultural Credit to whom is assigned the general direction and supervision of his agency, direct and supervise the activities of the employees of his agency. Subject to any reservation of authority contained in the assignment of functions to the individual agency, or otherwise reserved in the Administrative Regulations, the head of any agency is hereby delegated authority to take any action, including the authority to execute any document, authorize any expenditure, and promulgate any rule, regulation, order or instruction, required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to his agency. The head of any such agency may, consistent with and with due regard to his personal responsibility for the proper discharge of the functions assigned to his agency, delegate and provide for the redelegation of his authority to appropriate officers and employees. Reservations of authority to the Secretary are subject to the provisions otherwise made for the authority of the Under Secretary and Assistant Secretaries.

PRIOR AUTHORIZATIONS

SEC. 120. *Status of prior authorizations and delegations.* All delegations and authorizations of the Secretary affecting the subject matter of this document or in conflict with the provisions of section 116 are hereby rescinded except where reserved or otherwise expressly recognized by reference in this document. However, any regulation, order, authorization, or similar instrument, heretofore issued by the Secretary, shall remain in full force and effect, excepting that any delegations or authorizations contained therein shall be construed to conform to the assignments made in this document. Also, any regulation, order, authorization, or similar instrument including delegations of authority heretofore issued pursuant to any secretarial delegation or authorization by any other officer of the Department shall continue in full force and effect unless and until withdrawn or superseded pursuant to authority granted in this document. Nothing in this document shall be construed to disturb other regulations or instructions governing the general conduct of officers and employees of the Department or providing for the orderly handling of correspondence and communications.

FEDERAL–STATES RELATIONS; AGRICULTURAL RESEARCH SERVICE

ASSIGNMENT OF FUNCTIONS

SEC. 200. *Assignment of functions.* The following assignment of functions is hereby made to the Agricultural Research Service:

a. Coordination of all research activities of the Department, including examination and analysis of all such activities current and contemplated, review and approval of all projects or proposals prior to initiation, advice and consultation on planning with heads of agencies, and reports and recommendations to the Secretary.

b. The following research programs: Production and utilization (except forestry) research, including research under Title I of the Research and Marketing Act of 1946 (7 U. S. C. 427 et seq.); farm management and costs, land economics, and agricultural finance; production aspects of farm labor, ordinarily associated with farm management problems; soil conservation, except the national soil survey; grass, and control of undesirable plants; range management (except as otherwise assigned in this document); cotton ginning and processing; under section 7 (b) of the Strategic and Critical Materials Stock Piling Act (50 U. S. C. 98f); under the Housing Act of 1949 (42 U. S. C. 1471 et seq.).

c. The research, investigations, inspections, experimentations, demonstrations, development work, service and regulatory work, and control and eradication of insects, plant and animal pests and diseases provided for under the heading "Agricultural Research Administration" in the Department of Agriculture Appropriation Act of 1954 (except forest pests and diseases and research on off-farm handling, transportation and storage of agricultural products, including investigations of insect infestations of off-farm stored products), and inspection and certification service, and standardization incidental thereto, for foods for dogs, cats, and other carnivora.

d. Administration of the Federal Insecticide, Fungicide and Rodenticide Act (7 U. S. C. 135–135k).

e. The program of payments to States, Territories, and Puerto Rico under the Hatch Act of March 2, 1887 and supplemental and related acts, and payments to State Experiment Stations under section 204 (b) of the Agricultural Marketing Act of 1946 (7 U. S. C. 1623 (b)).

f. Eradication of foot-and-mouth and other contagious diseases of animals and poultry.

g. Hog Cholera Serum and Virus Marketing Agreement Act (7 U. S. C. 851–855).

h. Administration of Title III of the Research and Marketing Act (7 U. S. C. 1628–1629).

i. All administrative functions on behalf of the Secretary relating to the acquisition and administration of patent rights.

SEC. 201. *Reservations—a. Reservations to the Secretary.* (1) Final action on regulations under the Hog Cholera Serum and Virus Marketing Agreement Act, previously requiring approval of the President.

(2) The issuance, amendment, termination or suspension of any marketing agreement or order or any provision thereof.

(3) Designation of members of advisory committees under Title III of the Research and Marketing Act (7 U. S. C. 1628–1629).

(4) Determination as to the measure and character of cooperation with Mexico in the Foot and Mouth Disease Program pursuant to section 1 of the act of February 28, 1947 (21 U. S. C. 114b), the designation of members of advisory committees, and the appointment of Commissioners on any joint commission with the Government of Mexico set up under such Program.

(5) Approval of requests for apportionment of reserves for emergency outbreaks of insect pests and plant diseases.

(6) Determination of emergencies in connection with the eradication of foot and mouth disease and other contagious diseases of animals and poultry.

b. Reservations to the Judicial Officer. Final action in proceedings pursuant to sections 7 and 8 of the Administrative Procedure Act, except orders in rule-making proceedings under the Hog Cholera Serum and Virus Marketing Agreement Act.

FOREST SERVICE

ASSIGNMENT OF FUNCTIONS

SEC. 300. *Assignment of functions.* The following assignment of functions is hereby made to the Forest Service:

a. Over-all leadership in forest and forest range conservation, development, and utilization. (As used here and elsewhere in this Document the term "forest" includes woodlands, and brush covered wild lands in mountainous areas.)

b. The protection, management and administration of the national forests and lands acquired for or being administered in connection with national forest purposes.

c. The following research programs: forest management; range management on forest ranges and adjacent, integrated nonforest lands; forest fire control; forest production and utilization; watershed protection and other forest and forest range influences; and forest resources and economics.

d. The programs of cooperation in the protection, development, conservation, management and utilization of forest resources, except as otherwise assigned in this document.

e. Forest disease and pest research, control, and eradication.

f. Programs under section 23 of the Federal Highway Act (23 U. S. C. 23, 23a).

g. Naval stores conservation program authorized by sections 7–17 of the Soil Conservation and Domestic Allotment Act (16 U. S. C. 590g–590q).

h. The protection, management and administration under Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010–1012), of lands under the administration of this Department including the custodianship of lands under loan to States and local agencies.

i. The responsibility under such policies, principles, and procedures as may be established in cooperation with the Soil Conservation Service for the making of preliminary examinations and surveys, the installation of works of improvement under the Flood Control Act of 1936 as amended and supplemented, and the collection of data, necessary to the preparation of comprehensive river basin reports, on all national forests and other lands in the watershed or basin administered by the Forest Service, range areas adjacent to the national forests in the watershed or basin and used in conjunction with such forests, and other forest lands within the watershed or basin.

j. The responsibility under such policies, principles, and procedures, as may be established in cooperation with the Soil Conservation Service for conducting surveys and investigations and for carrying out preventive measures under the small watershed demonstration program (item for Watershed Protection in the Department of Agriculture Appropriation Act, 1954) on all national forests and other lands in the designated watersheds administered by the Forest Service, range areas adjacent to the national forests in such watersheds and used in conjunction with such forests, and other forest lands within such watersheds.

SEC. 301. *Reservations—a. Reservations to the Secretary.* (1) The authority to issue rules and regulations relating to the national forests and other lands administered for national forest purposes, to lands administered under Title III of the Bankhead-Jones Farm Tenant Act, and to the programs under section 23 of the Federal Highway Act.

(2) The authority as a member of the National Forest Reservation Commission (16 U. S. C. 513).

(3) The making of recommendations to the President with respect to the transfer of lands pursuant to the provisions of subsection (c) of section 32 of Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1011 (a)).

(4) The making of recommendations to the President for the establishing of national forests or parts thereof under the provisions of section 9 of the Act of June 7, 1924 (43 Stat. 655).

(5) Final approval of regulations under section 4 of the Soil Conservation and Domestic Allotment Act (16 U. S. C. 590d) relating to naval stores.

(6) Final approval and submission to the Congress of the results of preliminary examinations and survey reports under the Flood Control Act of 1936, as amended and supplemented.

(7) Approval of requests for apportionment of reserves under the Forest Pest Control Act.

SOIL CONSERVATION SERVICE

ASSIGNMENT OF FUNCTIONS

SEC. 400. *Assignment of functions.* The following assignment of functions is hereby made to the Soil Conservation Service:

a. The responsibility of acting as the technical service agency in the field of soil and water conservation and flood prevention.

b. Administration of the programs for soil and water conservation, including the Act of April 27, 1935 (16 U. S. C. 590a–f), except as otherwise assigned, and the national soil survey.

c. General responsibility for administration of the Flood Control Act of 1936, as amended and supplemented, and the administration of activities in connection with river basin investigations and preparation of reports thereon, with due recognition of the responsibilities otherwise assigned.

d. Administration of the acts relating to water conservation and utilization projects.

SEC. 401. *Reservations—a. Reservations to the Secretary.* (1) The execution of memoranda of understanding establishing the general basis for cooperation by the Department with Soil Conservation districts, wind erosion districts, and other districts organized for the conservation and utilization of soil and water resources within the several States, territories and possessions.

(2) Final approval and submission to the Congress of the results of preliminary examinations and survey reports under the Flood Control Act of 1936 as amended and supplemented, and of comprehensive river basin reports.

FEDERAL EXTENSION SERVICE

ASSIGNMENT OF FUNCTIONS

SEC. 500. *Assignment of functions.* The following assignment of functions is hereby made to the Federal Extension Service:

a. Primary responsibility for and leadership in all educational programs and activities including the administration of the Smith-Lever Act, as amended (P. L. 83—83d Congress), educational and demonstrational work in cooperative farm forestry conducted under section 5 of the act of June 7, 1924, as amended by the act of October 26, 1949 (16 U. S. C. 568), and all educational and demonstrational aspects of the Agricultural Marketing Act of 1946 (7 U. S. C. 1621–1627).

b. Coordination of all educational activities of the Department, including examination and analysis of all such activities current and contemplated, review and approval of all educational activities or proposals prior to initiation, advice and consultation on planning with heads of agencies, and reports and recommendations to the Secretary.

c. Rendering educational and technical assistance to persons not receiving financial assistance under Title 5 of the Housing Act of 1949, including extension demonstration.

d. Act as the liaison between the Department and officials of the Land-Grant Colleges and universities on all matters relating to cooperative extension work and educational activities relating thereto.

SEC. 501. *Reservations—a. Reservations to the Secretary.* (1) The final approval and submission to the Congress of the annual report required by section 7 of the Smith-Lever Act, as amended.

(2) Approval of selection of State Directors of Extension.

AGRICULTURAL CONSERVATION PROGRAM SERVICE

ASSIGNMENT OF FUNCTIONS

SEC. 600. *Assignment of functions.* The following assignment of functions is hereby made to the Agricultural Conservation Program Service:

a. The program authorized by sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590g, et seq.) except the naval stores conservation program.

SEC. 601. *Reservations—a. Reservations to the Secretary.* (1) Final approval of regulations under section 4 of the Soil Conservation and Domestic Allotment Act (16 U. S. C. 590d) and under section 8 (b) of such act (16 U. S. C. 590h (b)) relating to the selection and exercise of the functions of committees.

(2) Appointment of State ASC committeemen.

FARMERS COOPERATIVE SERVICE

ASSIGNMENT OF FUNCTIONS

SEC. 700. *Assignment of functions.* The following assignment of functions is hereby made to the Farmers Cooperative Service:

a. The programs authorized by the act of July 2, 1926 (7 U. S. C. 451–457) pertaining to cooperative marketing.

MARKETING AND FOREIGN AGRICULTURE; AGRICULTURAL MARKETING SERVICE

ASSIGNMENT OF FUNCTIONS

SEC. 800. *Assignment of functions.* The following assignment of functions is hereby made to the Agricultural Marketing Service:

a. Marketing research, related statistical and economic research, and payments to State Departments of Agriculture under section 204 (b) of the Agricultural Marketing Act of 1946 (7 U. S. C. 1623 (b)).

b. Transportation activities under section 201 of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1291) and section 203 (j) of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 (j)).

c. Research on off-farm handling, transportation and storage of agricultural products, including investigations of insect infestations of off-farm stored products.

d. Programs provided for in the Department of Agriculture Appropriation Act for 1954 under the heading "Marketing Services" and under the Agricultural Marketing Act of 1946 (7 U. S. C. 1621–1627), except as otherwise assigned in this document.

e. Marketing agreement and order programs except those relating to anti-hog-cholera-serum and hog-cholera-virus.

f. Programs provided for in the Department of Agriculture Appropriation Act for 1954 under the heading "Bureau of Agricultural Economics", except as otherwise assigned in this document.

g. Coordination of all statistical and related economic analysis work of the Department, including the reviewing and clearing of all forms, survey plans, and reporting requirements originating in the Department and requiring approval of the Bureau of the Budget.

h. Functions relating to food distribution including the school lunch program, administration of section 32 of the act of August 24, 1935 (7 U. S. C. 612c) as supplemented by Public Law 165, 75th Congress (15 U. S. C. 713c), the administration of section 416 of the Agricultural Act of 1949 (7 U. S. C. 1431), except the declaration and selection of commodities available for distribution, and working with the Federal Civil Defense Administration on problems of emergency food supply and distribution. In carrying out these functions, the Agricultural Marketing Service shall, to the extent practicable, use the commodity procurement, handling, payment and related services of the Commodity Stabilization Service.

i. The Perishable Agricultural Commodities Act (7 U. S. C. 499a–499r).

j. Export Apple and Pear Act (7 U. S. C. 581–589).

k. Produce Agency Act (7 U. S. C. 491–497).

SEC. 801. *Reservations—a. Reservations to the Secretary.* (1) Final action on regulations under the Agricultural Marketing Agreement Act previously requiring approval of the President.

(2) Issuance, amendment, termination or suspension of any marketing agreement or order or any provision thereof.

(3) Designation of marketing administrators and committees administering marketing agreement and order programs.

(4) Approval and issuance of the monthly crop report (7 U. S. C. 411a) and final action on rules and regulations for the Crop Reporting Board.

b. *Reservations to the Judicial Officer.* Final action in reparation proceedings, in section 5 cases under the Grain Standards Act, and in proceedings pursuant to sections 7 and 8 of the Administrative Procedure Act, except orders in rule-making under the Agricultural Marketing Agreement Act of 1937.

FOREIGN AGRICULTURAL SERVICE

ASSIGNMENT OF FUNCTIONS

SEC. 900. *Assignment of functions.* The following assignment of functions is hereby made to the Foreign Agricultural Service:

a. Primary responsibilities for matters pertaining to agricultural trade and relationships with foreign areas, including functions under 19 U. S. C. 1354, 22 U. S. C. 501, and sections 301 and 302 of the United States Informational and Educational Exchange Act of 1948 (22 U. S. C. 1451–1452).

b. Administration of section 22 of the Agricultural Adjustment Act (of 1933), as amended (7 U. S. C. 624), and import and export controls.

c. Coordination of relationship in the field of its primary responsibilities between the Department of Agriculture and the State Department, other departments and agencies of the Government, and the Food and Agriculture Organization of the United Nations.

d. Act as the liaison agency between the Department of Agriculture and the Department of State.

COMMODITY EXCHANGE AUTHORITY

ASSIGNMENT OF FUNCTIONS

SEC. 1000. *Assignment of functions.* The following assignment of functions is hereby made to the Commodity Exchange Authority:

a. Administration of the Commodity Exchange Act, as amended. (7 U. S. C. 1–17a).

SEC. 1001. *Reservations—a. Reservations to the Secretary.* (1) Designation of contract markets, promulgation of regulations, and issuance of complaints under the Commodity Exchange Act, as amended.

(2) Authority of the Chairman of the Commodity Exchange Commission.

b. *Reservations to the Judicial Officer.* Final action in disciplinary proceedings under the Commodity Exchange Act, as amended, which are subject to the provisions of sections 7 and 8 of the Administrative Procedure Act.

AGRICULTURAL STABILIZATION; COMMODITY STABILIZATION SERVICE

ASSIGNMENT OF FUNCTIONS

SEC. 1100. *Assignment of functions.* All functions heretofore assigned to the Production and Marketing Administration, which has been designated as the Commodity Stabilization Service, and not otherwise assigned in this Document, are hereby assigned to the Commodity Stabilization Service. These functions include the following:

a. Farm marketing quota and acreage allotment programs.

b. Administration of the Sugar Act (7 U. S. C. 1100–1183).

c. Foreign assistance commodity procurement and supply.

d. Emergency Livestock Feed programs under Public Law 875, 81st Congress, and Public Law 115, 83d Congress.

e. Administration of the International Wheat Agreement.

f. Price support programs, except the administration of section 32 of the Act of August 24, 1935 (7 U. S. C. 612c) as supplemented by Public Law 165, 75th Congress (15 U. S. C. 713c) as assigned to Agricultural Marketing Service.

g. Procurement, handling, payment, and related services for section 32 purchase and export payment programs and for purchases under section 6 of the National School Lunch Act for the Agricultural Marketing Service, to the extent practicable.

h. Commodity disposal programs.

i. Administrative supervision and direction of Agricultural Stabilization and Conservation State and County Offices.

j. Activities under the Strategic and Critical Materials Stockpiling Act (50 U. S. C. 98–98h), except as otherwise assigned in this Document.

k. Commodity Credit Corporation functions assigned in accordance with Commodity Credit Corporation by-laws.

SEC. 1101. *Reservations—a. Reservations to the Secretary.* (1) Approval of appointment of committees for review of farm marketing quotas (7 U. S. C. 1363).

(2) Prescribing of farm marketing quota, acreage allotment, and referendum regulations pursuant to section 375 of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1375 (b)).

(3) Prescribing of regulations pursuant to section 372 of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1372 (c)) for refund of marketing penalties erroneously, illegally, or wrongfully collected.

(4) Control of the revolving fund established under the Act of April 6, 1949 (12 U. S. C. 1148a–1—1148a–3).

(5) Appointment of State ASC Committeemen.

AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

ASSIGNMENT OF FUNCTIONS

SEC. 1200. *Assignment of functions.* The Agricultural Stabilization and Conservation Committees will carry out in the field such functions as designated by the Commodity Stabilization Service and the Agricultural Conservation Program Service, and such other designated functions as may be authorized by law to be performed by such committees.

SEC. 1201. *Reservations—a. Reservations to the Secretary.* (1) Final approval of regulations under section 4 of the Soil Conservation and Domestic Allotment Act (16 U. S. C. 590d) and under section 8 (b) of such act (16 U. S. C. 590h (b)) relating to the selection and exercise of the functions of committees.

(2) Appointment of State ASC committeemen.

FEDERAL CROP INSURANCE CORPORATION

ASSIGNMENT OF FUNCTIONS

SEC. 1300. *Assignment of functions.* The following assignment of functions is hereby made to the Federal Crop Insurance Corporation:

a. The Federal Crop Insurance programs.

In accordance with the provisions of the Federal Crop Insurance Act, as amended (7 U. S. C. 1505) and section 1 (b) of Reorganization Plan No. 2, 1953, this assignment is for record purposes only. The Corporation derives its functions from the act.

AGRICULTURAL CREDIT; FARMERS HOME ADMINISTRATION

ASSIGNMENT OF FUNCTIONS

SEC. 1400. *Assignment of functions.* The following assignment of functions is hereby made to the Farmers Home Administration:

a. The farm ownership program (7 U. S. C. 1001).

b. The production and subsistence loan program (7 U. S. C. 1007).

c. The water facilities loan program (16 U. S. C. 590r–z).

d. The production disaster and economic disaster loan programs (12 U. S. C. 1148a).

e. The special livestock loan program (P. L. 115, 83d Congress).

f. The fur loan program (12 U. S. C. 1148a; P. L. 255, 83d Congress).

g. The orchard loan program (12 U. S. C. 1148a).

h. The farm housing program of loans and grants (42 U. S. C. 1471).

i. The reserved minerals disposition program as to those mineral interests under the jurisdiction of the Farmers Home Administration (7 U. S. C. 1033).

j. The exercise of authorities, functions, powers and duties vested in the Secretary of Agriculture under the Rural Rehabilitation Corporation Trust Liquidation Act (40 U. S. C. 440).

k. Liquidation and collection functions under the Farmers Home Administration Act of 1946, and under the act of April 6, 1949, abolishing the Regional Agricultural Credit Corporation of Washington, D. C., and servicing and collection functions with respect to loans made under the item "Loans to Farmers, 1948 Flood Damage", in the Second Deficiency Appropriation Act, 1948, and under the item "Loans to Farmers, Property Damage", in the First Deficiency Appropriation Act, 1949.

l. The exercise of such compromise, adjustment and cancellation authorities, functions, powers and duties vested in the Secretary of Agriculture under the act of December 20, 1944 (12 U. S. C. 1150), as may have applicability to the programs enumerated herein.

m. The disposal of such surplus real property under the jurisdiction of the Farmers Home Administration as the Secretary may be authorized to dispose of by the Administrator of the General Services Administration.

SEC. 1401. *Reservations—a. Reservations to the Secretary.* (1) The control of the revolving fund established under the act of April 6, 1949, as amended (12 U. S. C. 1148a–1 to 1148a–3).

(2) The designation of areas where Production Disaster Loans may be made, except that credit may be extended by the Farmers Home Administration without further designation by the Secretary when a new production disaster occurs in an area previously designated as a disaster area by the Secretary, but only during the period within which initial applications for loans in such areas are authorized.

(3) The finding that an economic disaster has caused a need for agricultural credit that cannot be met for a temporary period from responsible private or other public sources.

(4) The appointment of Special Livestock Loan Committees.

(5) The approval of special livestock loans in excess of $50,000.

(6) The determination, under Public Law 760, 81st Congress, as to whether there is any active mineral development or leasing in any area.

(7) Requests to the Secretary of the Treasury for loans for the prosecution and administration of any of the programs enumerated herein.

RURAL ELECTRIFICATION ADMINISTRATION

ASSIGNMENT OF FUNCTIONS

SEC. 1500. *Assignment of functions.* The following assignment of functions is hereby made to the Rural Electrification Administration:

a. The rural electrification program.

b. The rural telephone program.

SEC. 1501. *Reservations—a. Reservations to the Secretary.* Requests and certifications to the Secretary of the Treasury in connection with loans to the Administrator of the Rural Electrification Administration for the rural electrification and rural telephone programs.

This document shall be effective January 2, 1954.

Done at Washington, D. C., this 24th day of December 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–56; Filed, Jan. 5, 1954; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6204]

NORTHEAST AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of an investigation to determine whether the certificate of public convenience and necessity for route No. 27 held by Northeast Airlines, Inc., should be altered, amended, or modified so as to eliminate therefrom authority to serve the intermediate point Provincetown, Massachusetts.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding assigned to be held on January 6, 1954 in Washington, D. C. is hereby postponed and reassigned to be held on February 23, 1954 at 10:00 a. m., e. s. t., in Room No. 5859, Commerce Building, Constitution Avenue between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 31, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-72; Filed, Jan. 5, 1954; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10559, 10560]

GULF COAST BROADCASTING CO., AND BAPTIST GENERAL CONVENTION OF TEXAS

ORDER AMENDING ISSUES AND SCHEDULING HEARING

In re applications of Gulf Coast Broadcasting Company, Corpus Christi, Texas, Docket No. 10559, File No. BPCT-723; Baptist General Convention of Texas, Corpus Christi, Texas, Docket No. 10560, File No. BPCT-906; for construction permits for new television broadcast stations.

There being under consideration a second petition to enlarge the issues filed by Baptist General Convention of Texas on December 3, 1953; an opposition filed by Gulf Coast Broadcasting Company on December 9, 1953; and a reply to the opposition filed by the Convention on December 14, 1953;

It appearing that the second petition of the Convention has stated sufficient facts as to the commitments and likely obligations of the Gulf Coast proposal in this proceeding which, when considered in conjunction with the sums shown as available in the Gulf Coast application, would cast a reasonable doubt upon the ultimate ability of Gulf Coast to effectuate its proposals; and

It further appearing that the opposition filed by Gulf Coast constitutes, for all practical purposes, a denial of the allegations made in the second petition with the result that certain areas of fact relating to the allocation of funds by Gulf Coast have been placed in dispute; and

It further appearing that the Commission on October 30, 1953, authorized the Hearing Examiner upon a proper showing to add the following issue to this proceeding: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in its application will be effectuated.

It further appearing that in its second petition the Convention has made sufficient allegations of fact to warrant the addition of this issue;

It is ordered, This 24th day of December 1953, that the second petition of Baptist General Convention of Texas filed December 3, 1953, is granted and that the issue above set forth is added to this proceedings; and

It is further ordered, That the hearing will reconvene at 10:00 a. m., January 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-37; Filed, Jan. 5, 1954; 8:46 a. m.]

[Docket Nos. 10746, 10107]

STANDARD BROADCAST, FM, TELEVISION, AND INTERNATIONAL STATIONS

ANNUAL FINANCIAL REPORT, BROADCAST LICENSEES AND PERMITTEES

In the matter of amendment of Annual Report Form 324 and deletion of Annual Report Form 324-A; applicable to Standard Broadcast, FM, Television and International Stations, Docket No. 10746; amendment of Schedules 10-A and 10-B (Employees and Their Compensation) of Annual Report Form 324; applicable to Standard Broadcast, FM, Television and International Stations, Docket No. 10107.

1. On November 5, 1953, the Commission adopted a notice of proposed rule making (18 F. R. 7250) in the above-entitled matter. The period in which interested parties were afforded an opportunity to submit written comments has expired. Numerous comments were received supporting the proposed revisions and deletions, and no comments were received opposing the changes. The Commission, therefore, is adopting the proposed revisions and excisions, with minor editorial changes.

2. *It is ordered, therefore*, That, effective 30 days after publication in the FEDERAL REGISTER, pursuant to authority under section 4 (i), 303 (r), and 308 (b) of the Communications Act of 1934, as amended, F. C. C. Form 324, Annual Financial Report of Networks and Licensees of Broadcast Stations, is amended accordingly. Sections 0.206 (c) is amended as set forth below.

3. *It is further ordered*, That Annual Financial Report Form 324-A, Summary Estimate of Station Broadcast Revenues and Expenses, is hereby deleted.

4. *It is further ordered*, That each network and licensee of broadcast stations and each permittee whose station was operated during 1953 shall prepare and file its annual financial report to the Commission for the year 1953 on or before April 1, 1954, and for each calendar year thereafter in the form and manner herein prescribed.

Adopted: December 16, 1953.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

Amend section 0.206 (c) to read, as follows:

(c) All applications and amendments thereto filed under Title II and Title III of the act, including all documents and exhibits filed with and made a part thereof, and all communications protesting or endorsing any such applications, authorizations, and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or findings of fact and conclusions; all minutes and orders of the Commission. The information filed under § 1.341 (47 CFR 1.341) and network and transcription contracts filed pursuant to § 1.342 (47 CFR 1.342) shall not be open to public inspection. The Commission may, however, either on its own motion, or on motion of an applicant, permittee or licensee, for good cause shown, designate any of the material in this subsection as confidential.

[F. R. Doc. 54-36; Filed, Jan. 5, 1954; 8:45 a. m.]

[Docket No. 10824]

COAST STATIONS IN MISSISSIPPI RIVER SYSTEM

ORDER TO SHOW CAUSE

In the matter of modification of license of coast stations currently authorized to operate in the Mississippi River System areas on certain frequencies between 4000 and 18,000 kc, Docket No. 10824.

At a session of the Federal Communications Commission held at its offices in Washington 25, D. C., on the 28th day of December 1953.

The Commission having under consideration the matter of modifying licenses of coast stations operating in the Mississippi River System areas on certain frequencies between 4000 and 18,000 kc pursuant to the Atlantic City Table of Frequency Allocations or the Geneva Agreement (1951).

It appearing, that on December 28, 1953, the Commisison adopted a report and order in Docket No. 10724 which amended Part 7 of the Commission's rules with reference to the availability of frequencies for use by coast stations in the Mississippi River System areas; and

It further appearing, that certain coast stations in the Mississippi River System area are currently operating on the frequency 4162.5 kc which is in the Atlantic City frequency band allocated for use by ship telegraph stations and that the continued use of this frequency by the subject coast stations will result in harmful mutual interference; and

It further appearing, that the Commission's report and order in Docket No. 10724 makes available for assignment the frequency 4067 kc as a replacement for 4162.5 kc and makes available additionally the frequency 4372.4 kc effective January 1, 1954; and

It further appearing, that the above report and order deletes the availability, for assignment to the subject coast stations, the frequency 4162.5 kc effective May 1, 1954.

It is ordered, That pursuant to section 316 of the Communications Act of 1934, as amended, that the licensees listed below are directed to show cause, on or before February 1, 1954, why their licenses should not be modified to delete, as of May 1, 1954, the frequency 4162.5 kc and to add, as of February 15, 1954, the frequencies 4067 and 4372.4 kc.

Released: December 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

Call	Location	Licenses
WAY	Lake Bluff, Ill.	Illinois Bell Telephone Co.
WFN	Louisville, Ky.	Warner & Tamble Radio Service.
WGK	St. Louis, Mo.	RMCA.
WOM	Pittsburgh, Pa.	RMCA.
WBN	Memphis, Tenn.	Warner & Tamble Radio Service.
WJG	do.	Do.

[F. R. Doc. 54-35; Filed, Jan. 5, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2005]

LONE STAR GAS CO.

NOTICE OF EXTENSION OF TIME

DECEMBER 28, 1953.

Upon consideration of the request of Lone Star Gas Company ("Applicant"), filed December 23, 1953, for a further extension of time within which construction operations are to be completed in the above-designated matter;

Notice is hereby given that a further extension of time is granted from December 1, 1953, to and including January 15, 1954, within which Applicant shall complete the construction of the facilities authorized by the Commission's order issued March 18, 1953, and place said facilities in actual operation. Paragraph (C) (2) of said order is amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-67; Filed, Jan. 5, 1954; 8:53 a. m.]

[Docket No. G-2075]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER APPROVING PROPOSED SETTLEMENT AND REQUIRING TARIFF REVISIONS TO BE FILED

This is a rate proceeding arising from rate increases filed by Transcontinental Gas Pipe Line Corporation (Transco).

The record herein has been certified to us for approval of a proposed settlement, as stated on the record by Commission Staff Counsel in open hearing and as agreed to by all parties to the proceeding on the record. Upon consideration of the record, we approve the terms of the proposed settlement, permitting the agreed upon rate increases to become effective subject to the terms and conditions, agreed to by the parties, as hereinafter set forth.

On September 17, 1952, Transco filed with the Commission proposed Second Revised Sheets Nos. 5, 9, 12, 17, 19, and 24; Third Revised Sheet No. 16; First Revised Sheets Nos. 39, 40, and 41; and Original Sheet No. 41-A to Transco's FPC Gas Tariff, Original Volume No. 1. By these filings Transco's proposed rate increases which would have resulted in increased revenues of approximately $9,819,394, based on estimated sales of 173,366,309 Mcf for the twelve months ending September 30, 1953.[1]

On October 15, 1952, pending a hearing and the Commission's decision upon the question of the lawfulness of the rates proposed by Transco, the Commission suspended the proposed tariff sheets until March 18, 1953, and until such further time thereafter as such proposed tariff sheets might be made effective in the manner prescribed by the Natural Gas Act.

Pursuant to Commission order, hearing was commenced with regard to the proposed rates on December 1, 1952. Following various recesses and continuances during which there were forty-three actual days of hearings, hearings were resumed on December 7, 1953. In the interim, by order issued on March 26, 1953, the suspended tariff sheets were permitted to become effective as of March 18, 1953, under bond and subject to refund, with interest, of the portion of the increased rates and charges which the Commission might find not justified.

At the conclusion of the hearing session on December 7, 1953, the hearing was recessed from day to day, pursuant to request by all parties, to permit the parties to confer respecting the possibility of agreement on or simplification of the issues involved in the proceedings. On December 17, 1953, final agreement was reached by the parties as to the rate increases to which Transco was entitled, the rates to be observed by Transco under its various rate schedules in the respective zones, and the terms and conditions to be attached to the settlement.

On the basis of an extensive field examination of the books, records and operations of Transco, the Commission's staff computed a net investment rate base for the twelve months ending September 30, 1954, of $242,505,207, with no allowance for working capital because of available Federal income tax accruals. Based upon a 6 percent rate of return upon this rate base, and estimated sales and transportation of 191,000,000 Mcf for the twelve months ending September 30, 1954, the staff developed an overall total cost of service of $60,901,800.

Transco contends that an amount of $5,372,025, less related accrued depreciation, representing financing costs associated with its 6 percent Interim Notes convertible into Preferred Stock on May 1, 1951, in the amount of $26,500,000, which were issued by Transco to finance in part the facilities authorized in Docket No. G-704, should be added to the above-described rate base of $242,505,207. On the basis of a 6 percent rate of return on Transco's computed rate base of $247,373,659, which includes the financing cost items less the related depreciation reserve, Transco's overall total cost of service would be $61,845,656, also based on estimated sales and transportation of 191,000,000 Mcf for the twelve months ending September 30, 1954. All parties to these proceedings have agreed that the issue with respect to the claimed financing costs shall be reserved for future disposition by the Commission.

These costs of service computations were presented to all parties to these proceedings in the conference, and it was agreed that Transco will, as soon as possible, file the following revisions to its FPC Gas Tariff, Original Volume No. 1, which will supersede the revised sheets which were placed under bond on March 18, 1953: Third Revised Sheets Nos. 5, 9, 12, 17, 19, and 24, and Fourth Revised Sheet No. 16. These revised sheets will contain the following rates:

Type of service	Rate schedule	Demand charge per Mcf	Commodity charge per Mcf
			Cents
Contract demand	CD-1	$1.89	20.5
	CD-2	2.37	25.7
	CD-3	2.95	32.0
General service	G-1	2.28	20.5
	G-2	2.79	25.1
	G-3	3.42	30.8

The demand components in the above rates include the following amounts reflecting the disputed rate base items which will be conditionally refundable pending final disposition by the Commission of such disputed items or of a Court of competent jurisdiction, if review is had:

Rate schedule:	*Monthly demand charge conditionally refundable per Mcf of billing demand*
CD-1	$0.09
CD-2	.12
CD-3	.15
G-1	.11
G-2	.14
G-3	.17

Where applicable the minimum annual bill amounts corresponding to the foregoing rates shall be included in the appropriate tariff sheets.

It was agreed that the application of the above-described rates to estimated jurisdictional sales under such rate schedules of 185,000,000 Mcf[2] for the twelve months ending September 30, 1954, is estimated to yield revenue of

[1] A comparison of the proposed increases under the settlement with the increases proposed September 17, 1952, appears in Appendix A hereto.

[2] Total sales and transportation of 191,000,000 Mcf, less 4,000,000 Mcf direct sales and 2,000,000 Mcf of transportation.

$60,269,161. Such sum plus estimated revenues from transportation of $440,000 (Schedule X–1) and estimated Direct Sales revenues of $1,136,000 compare with the cost of service of $61,845,656. Such rates are found to be just and reasonable provided that the portion of the demand charges associated with the disputed rate base items are continued in effect under bond, pending final determination by the Commission. The estimated revenue effect by rate schedules is shown in Appendix B hereto.

It was further agreed that the cost of service including the disputed rate base items of approximately $5,372,025 less the related depreciation reserve for the period from March 18 through November 30, 1953, is $42,455,960 and that refunds shall be computed as if the rates which are to be made effective as of December 1, 1953, were effective during the period from March 18, 1953, through November 30, 1953. Upon the basis of such rates, the amount presently refundable to Transco's customers is approximately $1,563,141. Transco agrees to refund to its customers entitled thereto within 30 days from the date of the issuance of this order the approximate amount of $1,563,141 together with interest at the rate of 6 percent per annum from the respective dates of receipt of the amounts making up said $1,563,141.

It was further agreed that on the basis of the above-described computation the amount remaining in Transco's hands for the period from March 18, 1953, through November 30, 1953, related to the rate base items less the related depreciation reserve is approximately $568,955. The refundability of any of the amount of $568,955 is to be dependent upon a final order of the Commission or a Court of competent jurisdiction if review is had.

The Commission finds:

(1) The proposed settlement of the rate proceedings on the basis heretofore described, subject to the terms and conditions hereinafter ordered, is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter provided and ordered.

(2) Transco should refund, within thirty days from the date of the issuance of this order, to its firm customers for the period extending from March 18, 1953, through November 30, 1953, the amount of approximately $1,563,141, plus 6 percent interest per annum from the respective dates of the receipt of the amounts of which the $1,563,141 is composed.

(3) Transco should maintain under the bond which was accepted by the Commission on April 10, 1953, the amount of approximately $568,955, relating to the increased charges associated with the disputed rate base items of $5,372,025, less the related depreciation reserve which amount has been collected by Transco from its customers during the period from March 18, 1953, through November 30, 1953. In addition, Transco should maintain under said bond all amounts associated with the disputed rate base items to be collected by Transco under the conditionally refundable demand charges hereinabove set forth for the period from and after December 1, 1953, and until such further time as is necessary pending the issuance of a Commission order disposing finally of the issues pertaining to the disputed rate base items.

(4) If the so-called Texas gathering tax is held to be invalid by the final judgment of a Court of competent jurisdiction, Transco, upon receipt of any refund of such tax which has been paid by it upon gas later sold in interstate commerce for resale, should distribute such amounts so refunded in respect to such gas among all its resale gas customers, without additional cost or liability to Transco, such distribution to be in proportion to the total volume of gas purchased from Transco during the period from and after March 18, 1953. Further, if such tax is invalidated, Transco should, in reference to its sales of natural gas subject to the jurisdiction of the Commission, within ninety days from the date of such invalidation, file a reduction in the commodity charges in its Rate Schedules G–1, G–2, G–3, CD–1, CD–2, and CD–3 equal to the savings resulting from such invalidation, such reduction to be retroactively effective to the date of such invalidation.

(5) In the event that the actual Federal income tax payable by Transco is fixed at either more or less than the rate of 52 percent during the period after December 1, 1953, and prior to December 31, 1954, Transco should within the time hereinafter specified file revised Rate Schedules CD and G which will reflect the increase or decrease in the Federal income taxes payable by reason of a change in the tax rate of 52 percent, such increase or decrease to be equitably apportioned among such rate schedules in the three zones on Transco's system.

(6) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that all the issues in these proceedings with the exception of those relating to the disputed rate base items of $5,372,025 and related depreciation reserve of $351,845 be disposed of at this time, and that such disputed items be and the same hereby are reserved for disposition by further order of the Commission.

(7) The terms and conditions relating to billing practices and payment of bills embodied in First Revised Sheets Nos. 39, 40, 41, and Original Sheet No. 41–A to Transco's FPC Gas Tariff, Original Volume No. 1, are appropriate and in the public interest in the circumstances of this case.

The Commission orders:

(A) The increase in rates and charges embodied in Transco's Second Revised Sheets Nos. 5, 9, 12, 17, 19, 24, and Third Revised Sheet No. 16 to Transco's FPC Gas Tariff Original Volume No. 1, with the exception of those amounts associated with the disputed rate base items and with the related depreciation reserve, be and the same are hereby disallowed. First Revised Sheets Nos. 39, 40, 41 and Original Sheet No. 41–A be and the same are hereby permitted to go into effect on December 1, 1953.

(B) Within thirty days from the date of issuance of this order, Transco shall file the following revised tariff sheets, Third Revised Sheets Nos. 5, 9, 12, 17, 19, and 24 and Fourth Revised Sheet No. 16 to its FPC Gas Tariff, Original Volume No. 1, bearing an effective date of December 1, 1953, reflecting the rates approved in the proposed settlement. Such tariff sheets shall be subject to the conditions described in Findings (2) through (6) above.

(C) Transco, over the signature of a responsible officer, shall file with the Commission within 10 days from the date of the issuance of this order, in writing and under oath, an original and four conformed copies of its acceptance of the terms and conditions of this order; and within 45 days from the date of issuance of this order, shall submit the details of its calculations resulting in the refund of approximately $1,563,141, together with interest at the rate of six per cent per annum, from the respective dates of receipt of the amounts making up said approximate amount of $1,563,141, ordered pursuant to Finding (2) and shall submit therewith copies of releases from its wholesale customers with respect to such refunds.

(D) Transco shall keep and maintain under the bond which was accepted by the Commission on April 10, 1953, the amount of approximately $568,955, relating to the increased charges associated with the disputed rate base items of $5,372,025 less the related depreciation reserve, which amount has been collected by Transco from its customers during the period from March 18, 1953, through November 30, 1953. In addition, Transco shall maintain under said bond all amounts associated with the disputed rate base items to be collected by Transco under the conditionally refundable demand charges hereinabove referred to for the period from and after December 1, 1953, and until such further time as is necessary pending the issuance of a Commission order disposing finally of the issues pertaining to the disputed rate base items.

(E) In the event that the Federal income tax rate during the period after December 1, 1953 and prior to December 31, 1954 is more or less than 52 percent Transco shall file within 30 days from the date of such change in the tax rate revised schedules of rates for Contract Demand (CD) and General Service (G) reflecting the increase or decrease in Federal income tax payments, such revised filings to be made effective with the effective date of such change in tax rates.

(F) The record in this proceeding shall remain open in accordance with the ruling of the Presiding Examiner as contained in the record, for such further hearings as shall be necessary to enable disposition of the disputed rate base items and related matters; and the hearings herein be and the same hereby are adjourned to reconvene on January 25, 1954, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C.

(G) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Transcontinental.

Adopted: December 29, 1953.

Issued: December 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

APPENDIX A—COMPARISON OF INCREASED REVENUES UNDER PROPOSED SETTLEMENT RATES WITH RATE INCREASE APPLICATION FILED SEPT. 17, 1952, BASED UPON ESTIMATED SALES FOR YEAR ENDING SEPT. 30, 1953

Purchaser	Revenue under rates superseded Mar. 18, 1953	Rate increase application proposed increase	Increase by proposed settlement rates	
			Commission staff basis	Effective Dec. 1, 1953
RATE SCHEDULE CD–2				
Consolidated Edison Co. of New York, Inc.	$14,971,000	$2,689,020	$2,009,695	$2,301,225
Brooklyn Union Gas Co.	8,350,185	1,466,940	1,164,038	1,318,363
Brooklyn Borough Gas Co.	872,011	185,761	125,287	141,267
Kings County Lighting Co.	741,316	123,116	111,134	132,714
Public Service Electric & Gas Co.	7,905,227	1,500,000	1,000,188	1,200,188
Philadelphia Electric Co.	4,740,000	921,000	646,125	716,725
South Jersey Gas Co.	2,253,582	479,112	309,466	141,267
Long Island Lighting Co.	1,977,270	241,540	199,450	222,950
The Philadelphia Gas Works Co.	2,117,151	233,176	226,138	252,138
Piedmont Natural Gas Co., Inc.	2,065,317	134,781	373,267	427,871
RATE SCHEDULE G–1				
Alexander City, Ala.	20,211	10,467	472	4,249
Winder, Ga.	21,276	2,284	840	840
Atlanta Gas Light Co.	166,725	28,721	1,662	3,701
Butler, Ala.	6,778	2,124	240	272
Athens, Ala.	8,253	3,177	120	272
Associated Gas Co.	6,811	1,647	575	575
Commerce, Ga.	4,196	2,133	131	131
Georgia Gas Co.	45,301	12,084	1,000	1,000
Thomaston, Ala.	17,171	6,193	245	1,133
Rome, Ga.	13,299	4,615	103	154
Monroe, Ga.	24,650	7,994	312	638
Chester, Ala.	1,405	762	22	963
Wadley, Ala.	9,102	2,873	126	72
Buford, Ga.	9,102	2,873	126	313
Sugar Hill, Ga.	3,057	921	35	104
Jefferson, Ga.	8,167	956	40	115
Lawrenceville, Ga.	8,811	2,862	111	345
RATE SCHEDULE G–2				
Bowman, Ga.	2,440	747	(100)	(100)
Elberton, Ga.	30,948	9,567	(2,220)	(1,200)
Clinton Newberry Nat. Gas Authority	20,673	5,193	1,796	2,752
Public Service of North Carolina, Inc.	73,473	23,313	4,604	6,496
Danville, Va.	277,107	84,558	13,092	17,577
Carolina Natural Gas Corp.	26,403	5,705	1,250	1,941
Frederick Gas Co., Inc.	30,331	10,110	7,252	8,446
Hartwell, Ga.	17,776	4,925	1,094	(1,094)
Thomson, Ga.	56,758	19,020	4,547	(3,126)
Laurens, S. C.	87,651	28,770	6,344	8,123
Kingsport, Ga.	26,351	15,044	2,778	(1,079)
North Carolina Gas Corp.	43,697	2,864	4,000	4,000
South Carolina Gas Co.	61,457	14,874	3,538	4,538
Southwestern Virginia Gas Co.	26,883	7,577	1,640	2,365
Total	49,304,179	9,819,394	6,626,331	7,327,107

[F. R. Doc. 54–61; Filed, Jan. 5, 1954; 8:52 a. m.]

Docket Nos. G–2222, G–2235, G–2243, G–2244, G–2271

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER

DECEMBER 30, 1953.

In the matters of Alabama-Tennessee Natural Gas Company, Docket No. G–2222; The Waterworks and Gas Board of the Town of Cherokee, Alabama, Docket No. G–2235; City of Russellville, Alabama, Docket No. G–2243; The Lawrence-Colbert Counties Gas District, Docket No. G–2244; Tennessee Gas Transmission Company, Docket No. G–2271.

Notice is hereby given that on December 23, 1953, the Federal Power Commission issued its order adopted December 22, 1953, in the above-entitled matters, issuing certificates of public convenience and necessity to Alabama-Tennessee Natural Gas Company, Docket No. G–2222; Tennessee Gas Transmission Company, Docket No. G–2271; and dismissing applications for orders pursuant to section 7 (a) of the Natural Gas Act filed by the City of Russellville, Alabama, Docket No. G–2243, and The Lawrence-Colbert Counties Gas District, Docket No. G–2244.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–65; Filed, Jan. 6, 1954; 8:53 a. m.]

[Docket No. G–1631]

EL PASO NATURAL GAS CO.

NOTICE OF ORDER GRANTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 30, 1953.

Notice is hereby given that on December 24, 1953, the Federal Power Commis-

sion issued its order adopted December 22, 1953, modifying order of June 23, 1952 (17 F. R. 5972), granting certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-63; Filed, Jan. 5, 1954; 8:52 a. m.]

[Docket No. G-2187]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

DECEMBER 30, 1953.

Notice is hereby given that on December 24, 1953, the Federal Power Commission issued its order adopted December 22, 1953, issuing a certificate of public convenience and necessity, and authorizing and approving abandonment of facilities and service in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-64; Filed, Jan. 5, 1954; 8:53 a. m.]

[Docket No. G-2271]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDER

DECEMBER 30, 1953.

Notice is hereby given that on December 23, 1953, the Federal Power Commission issued its order adopted December 22, 1953, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-65; Filed, Jan. 5, 1954; 8:53 a. m.]

[Docket No. G-2345]

TEXAS GAS TRANSMISSION CORP.

ORDER TO SHOW CAUSE

Texas Gas Transmission Corporation has filed its reclassification and original cost studies of its gas plant, in compliance with the requirements of Gas Plant Accounts Instruction 2-D of the uniform system of accounts prescribed for natural gas companies, and the Commission's Order No. 73 with respect thereto. Subsequently, the Commission's staff made a field examination of the original cost studies, after which conferences were held with company representatives concerning proposed adjustments to the plant accounts in the amount of $1,189,456.05, representing charges considered to be improper. Of this amount, agreement was reached as to $554,968.69 and Texas thereafter reduced its plant accounts accordingly. The remainder of the proposed adjustments, $634,487.36, arose from accounting entries reflecting the following:

Interest during construction. Interest during construction was capitalized in the aggregate amount of $2,060,221.74, for the period from September 1947 through December 1949, on funds expended in the construction of company facilities authorized by the Commission in the certificate issued March 30, 1949, at Docket No. G-859.

Such funds were derived from the company's equity funds, the issuance to banks of $7,750,000 of 2½ percent notes, and the sale of $60,000,000 of 3⅝ percent First Mortgage Bonds. The bonds were sold on December 23, 1948, but, in accordance with the terms of the indenture, the proceeds thereof were not available to Texas until the date of issuance of the certificate in Docket No. G-859. After issuance of the certificate, on March 30, 1949, Texas used a portion of the proceeds to retire the bank loans then outstanding.

After the conclusion of the field examination, Texas made a recalculation of the accruals of interest during construction which resulted in a reduction of the total amount by $7,148.20, or from $2,060,221.74 to $2,053,073.54, but the company has not made entries in the accounts giving effect to this revision.

The company's revised interest calculations show, in substance, the following claimed legitimate charges to its plant accounts:

Period	Interest on $7,750,000, 2½ percent bank loans	Interest and expense on $60,000,000 3⅝ percent bonds	Interest on equity funds at 6 percent per annum	Total
Sept. 1947 through Dec. 22, 1948	$32,918.36		[1] $138,970.48	$171,888.84
Dec. 23, 1948, through Mar. 1949	50,392.45	$423,853.00	41,512.11	515,757.56
Apr. 1949 through Dec. 1949		1,317,177.46	98,641.14	1,415,818.60
Total	83,310.81	1,741,031.45	279,123.73	2,103,465.99
Less: Interest on 2½ percent bank loan from Dec. 23, 1948, through Mar. 1949				50,392.45
Total				2,053,073.54

[1] Including period through Dec. 31, 1948.

As appears from the foregoing tabulation, Texas has deducted from the capitalized interest the amount of $50,392.45 attributable to the interest on bank loans between December 23, 1948 and April 1, 1949, notwithstanding the availability of such funds for construction purposes during that period. Included, however, is $423,853.99, representing the bond interest accruing during the period, although the bond proceeds were not available to the company for construction or any other purpose until after March 30, 1949.

It therefore appears that the company's plant accounts may be overstated in the amount of $380,609.74, determined as follows:

Item	Amount
Improper charges of bond interest, Dec. 23, 1948, through Mar. 30, 1949	$423,853.99
Excess of capitalized interest revealed by company's recalculation of charges	7,148.20
Total	431,002.19
Less: Interest on bank loans from Dec. 23, 1948, to Apr. 1, 1949, excluded by Texas	50,392.45
Net overstatement	380,609.74

Charges paid to affiliated company on steel plate purchases. During 1948 and 1949 Texas acquired 181,341.16 tons of steel plates for fabrication into pipe from Pittsburgh Coke and Chemical Company (Pittsburgh) at a cost of $15,799,138.83, and entered corresponding charges in its plant accounts. Of this amount, $253,877.62 was stated by Pittsburgh to represent "handling charges" assessed on the basis of $1.40 per ton of plate.

As disclosed by various reports filed with the Commission and with the Securities and Exchange Commission, the President of Texas, as of December 31, 1948, was one J. H. Hillman, Jr., who was also Chairman of the Board of Pittsburgh. Moreover, members of the Hillman family owned, directly or beneficially, the controlling interest in Pittsburgh as well as in three affiliated companies which, in turn, held 1,032,189 shares, or 46.8 percent, of the voting stock of Texas, in the following proportions:

Company	Shares
W. J. Rainey, Inc., Pittsburgh, Pa.	446,273
Hecla Coal & Coke Co., Pittsburgh, Pa.	296,399
Pennsylvania Industries, Inc., Pittsburgh, Pa.	289,517
	1,032,189

In view of these indications that Texas and Pittsburgh were under common direction and control at the time of these acquisitions of plate, the Commission's staff examined the books and records of Pittsburgh in order to ascertain the actual cost of the plate to Pittsburgh. These studies have shown that the billed cost to Texas did not exceed the actual legitimate cost to Pittsburgh, except for the aforementioned "handling charges" and certain discount items for which Texas has made voluntary adjustments.

It appears, however, that the "handling charges" of $253,877.62 may represent, in whole or in part, profits paid to an affiliate in contravention of the Commission's "no-profits-to-affiliates" rule. It further appears that the plant accounts of Texas may be overstated in the amount of $253,877.62 as a result of the above-described transactions.

The Commission orders:

(A) The aforementioned charges of $380,609.74 and $253,877.62, totaling $634,487.36, to the plant accounts of Texas, reflecting, respectively, capitalization of interest during construction, and the stated cost to Texas of steel plates acquired from Pittsburgh, are questioned.

(B) Texas shall present any justification there may be for its accounting for the foregoing items and shall show cause, if any there be, why it should not, by appropriate accounting entries, reduce its plant accounts by the amount of $634,487.36, such showing to be made in writing and under oath, within 30 days from the date of issuance hereof.

(C) A public hearing be held in the Commission's Hearing Room, 441 G Street NW., Washington, D. C., at a date and time to be hereafter fixed, with respect to the issues involved in the proceedings.

(D) Interested State Commissions may participate in the hearing ordered in paragraph (C), as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure, dated January 1, 1948 (18 CFR 1.8 and 1.37 (f)).

Adopted: December 29, 1953.

Issued: December 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-62; Filed, Jan. 5, 1954; 8:52 a. m.]

[Project No. 739]

APPALACHIAN ELECTRIC POWER CO.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

DECEMBER 29, 1953.

Notice is hereby given that the oral argument in the above-designated matter heretofore scheduled to be held on January 22, 1954, at 10:00 a. m., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C., will be held instead on January 21, 1954, at the same time and place.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-66; Filed, Jan. 5, 1954; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of December A. D. 1953.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1.00 par value common stock of Adolf Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder, for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on December 31, 1953, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-46; Filed, Jan. 5, 1954; 8:48 a. m.]

[File No. 70-3063]

AMERICAN NATURAL GAS CO. AND MICHIGAN CONSOLIDATED GAS CO.

NOTICE REGARDING PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

DECEMBER 29, 1953.

The Commission, by order dated June 2, 1953, granted and permitted to become effective an application-declaration filed by American Natural Gas Company, a registered holding company, and its public-utility subsidiary Michigan Consolidated Gas Company ("Michigan Consolidated") pursuant to the Public Utility Holding Company Act of 1935 ("act") regarding, among other things, the issuance and sale by Michigan Consolidated of $20,000,000 principal amount of First Mortgage Bonds ___ percent Series due 1978 ("New Bonds") subject to the condition that the issuance and sale of said bonds should not be consummated until the results of competitive bidding should have been made a matter of record in this proceeding.

Following publication of an Invitation for Bids, Michigan Consolidated received on June 15, 1953, at the time and place fixed for the opening of bids, only one bid for the aforesaid bonds. This bid was submitted by a group of bidders represented jointly by Halsey, Stuart & Co. Inc., Harriman, Ripley & Co., Incorporated, and Union Securities Corporation, and specified an interest rate of 5 percent and a price to Michigan Consolidated of 100.125 percent of the principal amount of the New Bonds. The bid was rejected by Michigan Consolidated.

In order to provide, on an interim basis, the urgently needed funds which sale of the bonds would have provided, Michigan Consolidated on July 2, 1953, filed an application with the Commission on Form U-1 (File No. 70-3103) requesting authority to enter into a credit agreement with a group of banks entitling the Company to borrow from time to time up to $20,00,000 on notes maturing July 30, 1954. On July 31, 1953, the Commission entered an order authorizing such borrowings, and as of October 31, 1953, Michigan Consolidated had borrowed $20,000,000 under the credit agreement. The Company desires, however, to proceed with its bond financing program as soon as practicable in order to refund such short term borrowings.

The procedure which Michigan Consolidated now proposes to follow in an effort to sell New Bonds on satisfactory terms is as follows:

1. The Registration Statement heretofore filed under the Securities Act of 1933 with respect to the New Bonds will be amended so as to reflect changes in the dating, maturity and other terms of the New Bonds, and to bring up to date information concerning Michigan Consolidated reflected therein.

2. When the Registration Statement as so amended has become effective, and necessary authority has been obtained in this proceeding under the act, the Company proposes to issue an invitation to investment banking firms to submit bids for the New Bonds, either on their own respective behalves or on behalf of groups represented by them respectively, such bids to be submitted on a date (within six weeks of the issuance of the invitation) to be fixed by the Company on not less than 45 hours prior notice by telegram to those so invited. The terms and conditions relating to bids so invited will provide that acceptance of any bid shall be subject to the further approval of the Commission. Except as aforesaid, the proposed procedure, terms and conditions relating to bids, and purchase contract provisions, will conform to those customarily followed by Michigan Consolidated when operating pursuant to the requirements of Rule U-50.

As a result of its earlier attempt to sell the New Bonds, Michigan Consolidated believes that most, if not all, of those potentially interested in bidding for the New Bonds (as a member of a group of bidders or otherwise) are already known to it. Those invited to bid will include the Representatives of the several groups which indicated an interest in the New Bonds when earlier offered for competitive bids. These groups in the aggregate included more than 125 investment banking firms located throughout the country. Should the Company be advised of other responsible prospective bidders, or of firms previously included in bidding groups who wish to bid under different arrangements, the invitation will be extended to them also.

Notice is hereby given that Michigan Consolidated has filed an amendment to its application-declaration proposing the issuance and sale of the New Bonds as set forth above requesting exemption from the competitive bidding require-

ments of Rule U-50 to the extent required by the proposed modified competitive bidding procedure outlined above, and asking that the Commission's order thereon be made effective upon issuance.

Notice is further given that any interested person may, not later than January 12, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said amendment which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application-declaration, as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-45; Filed, Jan. 5, 1954; 8:48 a. m.]

[File No. 70-3155]

OHIO EDISON CO.

ORDER AUTHORIZING SUBMISSION TO COMPETITIVE BIDDING OF BONDS AND UNDERWRITING OF COMMON STOCK TO BE SOLD PURSUANT TO RIGHTS OFFERING TO STOCKHOLDERS

DECEMBER 30, 1953.

Ohio Edison Company ("Ohio"), a registered holding company and a public-utility company, having filed an application-declaration and amendments thereto, pursuant to sections 7 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 thereunder, in respect of the following proposed transactions:

Ohio proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $30,000,000 principal amount of First Mortgage Bonds, __ percent Series of 1954 due 1984. The bonds will be issued under and secured by the existing Mortgage and Deed of Trust dated August 1, 1930, as previously supplemented and amended, and as to be further supplemented and amended by a supplemental indenture to be dated January 1, 1954. The price to be received by the company (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount) for said bonds and the rate of interest thereon (which shall be a multiple of ⅛ of 1 percent) will be determined by competitive bidding.

Ohio also proposes to issue and sell, pursuant to an underwritten rights offering to its common stockholders, 527,830 additional shares of authorized but unissued $12 par value common stock. Stockholders of record at the close of business on January 14, 1954, will be offered one additional share for each ten shares held, at a price to be fixed by the company prior to the offering. The stockholders will also have the privilege to subscribe, subject to allotment, for such additional number of unsubscribed shares as the stockholder may elect. The sale of unsubscribed shares will be underwritten, pursuant to the competitive bidding requirements of Rule U-50. The offering by the company will remain open until 3:30 p. m., e. s. t., January 29, 1954. The company may, for a period of two days prior to the time for submission of bids for the unsubscribed shares, purchase a maximum of 52,783 shares of its common stock through regular brokerage channels in order to stabilize the market for such stock and facilitate the offering of the shares. Prospective purchasers of the unsubscribed shares will be asked to state the compensation to be paid by the company to them for their services and agreement to purchase, at the subscription price, such number of shares of the new common stock as are not subscribed by the stockholders, plus such additional number of shares of Ohio's common stock as are purchased through stabilization transactions.

The net proceeds to be received from the proposed issue and sale of bonds and common stock will be used to finance property additions, and for other corporate purposes.

The filing discloses that the proposed transactions have been authorized by The Public Utilities Commission of Ohio subject to a reservation of jurisdiction as to selling price and interest rate of the bonds, and as to the subscription price of the common stock and the underwriters' compensation in connection with the issuance and sale thereof.

The application-declaration, as amended, stating that the estimated fees and expenses to be incurred and paid by applicant-declarant in connection with the proposed issue and sale of bonds and common stock amount to $239,364, as follows:

	Additional common stock	New bonds
Federal original issue tax	$10,000	$33,000
Filing fee—Securities and Exchange Commission	2,206	3,083
Printing of temporary bonds	----------	1,750
Engraving of bonds	----------	13,000
Engraving of stock certificates	4,000	----------
Printing of warrants	2,700	----------
Listing and registration of stock on New York and Midwest Stock Exchanges	1,575	----------
Printing and composition of Form U-1, registration statement, financial statements, prospectus, competitive bidding papers, etc.	27,000	23,000
Services of trustee	----------	17,500
Recording supplemental indenture	----------	1,100
Services of co-warrant agent	32,500	----------
Services of transfer agents and registrars	10,350	----------
Services of counsel:		
Winthrop, Stimson, Putnam & Roberts	10,000	15,000
Swaney & Whitmire	50	50
Services of accountants	3,250	3,250
Services, other than in connection with transfer agents, of Commonwealth Services, Inc.	7,500	7,500
Miscellaneous	5,000	5,000
Total	116,131	123,233

The application-declaration further stating that the estimated fees of counsel for the underwriters amount to $9,000 as to the bonds and $6,000 as to the common stock; and

The record being incomplete as to the fees and expenses of counsel, accountants, and Commonwealth Services Inc., and the other fees and expenses appearing not unreasonable, if they do not exceed the estimates, and it appearing appropriate to approve the payment of such other fees and expenses and to reserve jurisdiction over the fees of counsel, accountants and Commonwealth Services Inc. until the record is completed in respect thereof; and

Notice of the filing of said application-declaration having been given in the manner prescribed by Rule U-23 of the rules and regulations under the act, and a hearing in respect of the proposed transactions not having been requested of or ordered by the Commission within the time specified in said notice, or otherwise; and

The Commission finding in respect of the proposed transactions that the requirements of the applicable provisions of the act and of the rules thereunder are satisfied, and observing no basis for adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration as amended be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and rules thereunder, that said application-declaration as amended be, and it hereby is, granted and permitted to become effective forthwith, subject to the provisions of Rule U-24, and to the following terms and conditions:

(1) The proposed issuance and sale of bonds shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, in respect thereof, shall have been made a part of the record in this proceeding, and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may be deemed appropriate, for which purpose jurisdiction is hereby reserved.

(2) The proposed issuance and sale of additional common stock shall not be consummated until the subscription price per share and the results of competitive bidding, pursuant to Rule U-50, as to the compensation of the underwriters in connection with such issuance and sale of stock, shall have been made a matter of record in this proceeding and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may be deemed appropriate, for which purpose jurisdiction is hereby reserved.

It is further ordered, That jurisdiction also be, and it hereby is, reserved in respect of fees and expenses of counsel, accountants and Commonwealth Services Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-47; Filed, Jan. 5, 1954; 8:48 a. m.]

[File No. 70-3165]

APPALACHIAN ELECTRIC POWER CO.

ORDER AUTHORIZING SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

DECEMBER 30, 1953.

Appalachian Electric Power Company ("Appalachian"), a public-utility subsidiary of American Gas and Electric Company, a registered holding company, having filed an application, and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act") in which it designates section 6 (b) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the following proposed transactions:

Appalachian proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $20,000,000 principal amount of its first mortgage bonds, __ percent Series due 1983. The bonds are to be issued under an indenture dated as of December 1, 1940, as heretofore supplemented, between Appalachian and Bankers Trust Company as Trustee, and an indenture supplemental to said indenture to be dated as of December 1, 1953. The price of the bonds shall be not less than 100 percent or more than 102¾ percent of the principal amount thereof and the interest rate (which shall be a multiple of ⅛ of 1 percent) will be determined by competitive bidding.

The net proceeds from the sale of Appalachian's 1983 Series Bonds will be applied, in part, to the prepayment, without premium, of $19,000,000 aggregate principal amount of notes payable to banks, issued for construction purposes, and the balance will be used to pay part of the cost of extensions, additions and improvements to Appalachian's properties.

The issue and sale of Appalachian's bonds have been expressly approved by the Virginia State Corporation Commission, in which State Appalachian is organized and doing business, and the Tennessee Railroad and Public Utilities Commission, in which State Appalachian also does business.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission;

The Commission observing that it is unnecessary to determine whether the filing is an application under section 6 (b) or a declaration under section 7 of the act since the Commission finds that it is appropriate to grant such application, as amended, or permit such declaration, as amended, to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application or declaration, as amended, be, and the same hereby is, granted or permitted to become effective forthwith, subject to the further condition that the proposed sale of bonds shall not be consummated until the results of competitive bidding with respect thereto shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-48; Filed, Jan. 5, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 4

Washington, Thursday, January 7, 1954

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 15]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

MOVEMENT OF SWINE AND SWINE PRODUCTS FROM A NON-QUARATINED AREA

Pursuant to the authority conferred upon the Secretary of Agriculture by sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111, 120), § 76.30 of the regulations restricting the interstate movement of swine and certain swine products because of vesicular exanthema (9 CFR Supp., Part 76, Subpart B; 18 F. R. 3636, 3829, as amended) is hereby amended in the following respects:

1. Subparagraph (2) of paragraph (c) of § 76.30 is amended to read:

§ 76.30 *Movement of swine and swine products from a non-quarantined area.* * * *

(c) *Movement of swine fed raw garbage.* * * *

(2) During the period from January 1, 1954, to June 30, 1954, both dates inclusive, swine which have been fed raw garbage but which, for a period of 30 consecutive days just prior to the interstate movement, have been fed cooked garbage or other feeds to the exclusion of any raw garbage, which have been kept on a premise on which no raw garbage has been fed to swine during such 30-day period, and which have not come in contact with swine fed any raw garbage during such 30-day period, may be moved interstate under this subpart from a non-quarantined area, if accompanied by a certificate signed by an inspector of the Bureau, an inspector employed by the State of origin of the swine, or other inspector who may be approved by the Chief of Bureau for this purpose, stating that as far as he has been able to determine such swine have been fed cooked garbage or other feeds to the exclusion of any raw garbage for a period of 30 consecutive days just prior to the interstate movement and that a visual inspection of all swine on the premises of origin just prior to movement therefrom disclosed no indication of vesicular exanthema. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

2. Subparagraph (2) of paragraph (d) of § 76.30 is amended to read:

(d) *Movement of swine products derived from swine fed raw garbage.* * * *

(2) During the period from January 1, 1954, to June 30, 1954, both dates inclusive, swine products derived from swine which had been fed raw garbage but which, for a period of 30 consecutive days just prior to slaughter, had been fed cooked garbage or other feeds to the exclusion of any raw garbage, which had been kept on a premise on which no raw garbage had been fed to swine during such 30-day period, and which had not come in contact with swine fed any raw garbage during such 30-day period, may be moved interstate under this subpart from a non-quarantined area. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

The amendment is in the nature of a relief of restrictions in that it extends to June 30, 1954, the provisions contained in § 76.30 (c) (2) and (d) (2) of the regulations permitting the interstate movement, from a non-quarantined area for any purpose, of swine which have been fed raw garbage but which have been fed cooked garbage or other feeds to the exclusion of any raw garbage for 30 days prior to such movement and of swine products derived from swine which had been fed raw garbage but which had been fed cooked garbage or other feeds to the exclusion of any raw garbage for 30 days prior to slaughter, provided the other requirements of said provisions are complied with. The present provisions terminate December 31, 1953. The amendment should be made effective on January 1, 1954, in order to be of maximum benefit to affected persons. Accordingly, under section 4 of the Admin-

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FEDERAL REGISTER

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istrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective January 1, 1954.

(Secs. 1, 2, 32 Stat. 791–792, as amended; 21 U. S. C. 111, 120)

Done at Washington, D. C., this 31st day of December 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–78; Filed, Jan. 6, 1954; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System

[No. 6729]

PART 144—CHARTER AND BYLAWS

ADOPTION OF CHARTER N OR CHARTER K (REV.)

JANUARY 4, 1954.

Resolved, that pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), the heading and first sentence of § 144.3 of the rules and regulations for the Federal Savings and Loan System (24 CFR 144.3) are hereby amended, effective January 7, 1954, to read as follows:

§ 144.3 *Adoption of Charter N or Charter K (rev.).* A Federal association that has a Charter E or a Charter K may amend such charter in its entirety to read in the form of Charter N or Charter K (rev.), by majority vote of such association's members present at any duly called regular or special meeting of members and the members of a Charter N Federal association may similarly amend such association's charter in its entirety to read in the form of Charter K (rev.): *Provided*, That, in the case of a Federal association that has a Charter K or Charter N, the board of directors of such association shall first have proposed such amendment, and the provisions of this section shall be deemed to be the approval by the Board of such proposal.

Resolved further that, as the foregoing amendments are procedural in nature, notice and public procedure thereon are found unnecessary and, as they should take effect immediately in order to enable Federal savings and loan associations desiring to do so, to take advantage of the provisions thereof at their annual meetings of members to be held in January of 1954, it is determined that deferment of the effective date of these amendments would not be in the public interest and such amendments shall take effect upon publication in the FEDERAL REGISTER.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 54–94; Filed, Jan. 6, 1954; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. 77 [1]]

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 376—PERIODIC REQUIREMENTS LICENSE

PART 377—TIME LIMIT (TL) LICENSE

PART 379—EXPORT CLEARANCE

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 381—ENFORCEMENT PROVISIONS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE

MISCELLANEOUS AMENDMENTS

1. Section 368.1 *Import certificate and delivery verification on selected imports into the United States* is amended in the following particulars:

a. Paragraph (b) *Import certificate covering imports into United States* is amended to read as follows:

[1] This amendment was published in Current Export Bulletin No. 721, dated December 24, 1953, and in the reprint pages, dated December 24, 1953.

(b) *Import certificate covering imports into United States*—(1) *General.* Where a person in the United is purchasing or intending to receive, or receiving, commodities from a foreign country and is required by such country, in connection with the granting of an export license, to furnish an import certificate, such person shall apply for his certification by filling out and executing Form IT–826, in duplicate (in triplicate for "source material", or "facilities for the production of fissionable material", as defined and described in the Atomic Energy Act of 1946, and regulations of the Atomic Energy Commission).

(2) *Where to file.* (i) All requests for certification and validation of import certificates or requests for amendments of import certificates may be filed with the Bureau of Foreign Commerce, Operations Division, Washington 25, D. C., or with any of the following field offices of the Department of Commerce:

Boston.	Los Angeles.
Buffalo.	Miami.
Chicago.	New Orleans.
Cincinnati.	New York.
Cleveland.	Philadelphia.
[illegible]	Pittsburgh.
Detroit.	Portland.
El Paso.	San Francisco.
Houston.	Savannah.
Jacksonville.	Seattle.

(Blank forms are obtainable at the same offices or any other field office.)

(ii) The import certificate may be presented for validation either in person or by mail. The duly validated form will be returned to the United States importer and shall be dispatched by him to the foreign exporter or otherwise disposed of in accordance with the regulations of the exporting country.

(3) *"Cross reference card" (Form IT–827).* In submitting Form IT–826, the United States importer shall fill out and attach a "cross reference card", Form IT–827, showing his name and address. Form IT–826 will be returned without action unless accompanied by a cross-reference card.

(4) *Statements and representations* (i) All statements and representations made in an import certificate and any amendment thereto shall be deemed to be continuing in nature, until such time as the transaction described in the import certificate is completed and the goods are delivered into the economy of the importing country. Any change of fact or intention in regard to the transaction as set forth in the import certificate shall be promptly disclosed to the Department of Commerce by the United States importer. Such disclosure shall be by presentation of an amended import certificate which sets forth all changes of facts or intention, and shall be accompanied by the original import certificate bearing the certification of the Department of Commerce. In those cases where the original import certificate has been transmitted by the United States importer to his foreign exporter, the United States importer must, wherever possible, obtain the original import certificate prior to applying for an amendment of such certificate. Where the original import certificate is unobtainable because the foreign exporter has surrendered it to his government, or for any other valid reason, the United States importer must submit a written statement giving his reason or reasons for failure to submit the original certificate.

(ii) All the terms, conditions, provisions, and instructions, including the certification, contained in or issued in connection with such Form IT–826 are hereby incorporated as a part of this part with the same force and effect as if set forth in full in this part.

b. In paragraph (c) *Reexportation or transshipment of commodities covered by a U. S. import certificate* the words "the export regulations" are substituted for the words "Parts 370 to 399, inclusive".

This part of the amendment shall become effective as of December 24, 1953.

2. Section 370.1 *Definitions* is amended in the following particulars:

a. Paragraph (n) *Accepted order* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

b. Paragraph (o) *Export control document* is amended to read as follows:

(o) *Export control document.* (1) "Export control document" means a validated export license; an application for a validated export license, including any supporting documents; an ultimate consignee or purchaser statement; an import certificate and delivery verification, as specified in Parts 368 and 373 of this subchapter; a shipper's export declaration presented to a collector of customs or postmaster in connection with the clearance of any shipment for exportation to Canada or, under validated or general license, to any other foreign destination, whether or not authenticated by a collector of customs or postmaster; a dock receipt or bill of lading issued by any carrier in connection with any exportation subject to the regulations in this part; and any other document provided under the regulations in this part to be evidence of the existence of an export license for the purpose of loading onto an exporting carrier or otherwise facilitating or effecting an exportation from the United States of any commodity or commodities requiring an export license, or the reexportation of any such commodities.

(2) "Export control document" also means the following documents: Customs Form 3139, Application for Identification Card of Authorized Forwarding Agent or Exporter; Customs Form 3141, Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof; and Customs Form 7512, Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit when used for Transportation and Exportation (T. & E.) or an Immediate Exportation entry (I. E.).

This part of the amendment shall become effective as of January 23, 1954.

3. Section 370.2 *Prohibited exportations* is amended by the addition of the following paragraph (c):

(c) *Revocation of licenses.* All export licenses are subject to revision, suspension, or revocation without notice.

This part of the amendment shall become effective as of January 23, 1954.

4. Section 370.4 *Exportations authorized by Government agencies other than BFC* is amended in the following particulars:

a. Paragraph (a) *Arms, ammunition, and implements of war: Helium* is amended to read as follows:

(a) *Arms, ammunition, and implements of war: Helium.* Regulations promulgated by the Secretary of State under the authority of section 12 of the Joint Resolution of Congress approved November 4, 1939 (54 Stat. 11; 22 U. S. Code 452), and sections 3 and 4 of the Helium Act of September 1, 1937 (50 Stat. 886 and 887; 50 U. S. Code 165), shall continue to govern the exportation of arms, ammunition, and implements of war, and helium, except that no export license shall be issued where the proposed exportation would be contrary to the foreign policy of the United States.

NOTE: 1. *Arms, ammunition, and implements of war.* (a) Regulations concerning the exportation of arms, ammunition, and implements of war are published in the document "International Traffic in Arms." Copies of this publication are furnished by the Department of State upon request.

(b) An application to export any of the following articles, which are listed in Proclamation 3038, effective January 1, 1954, should be made on the license form obtainable from the Department of State.

(c) Any inquiries as to the applicability of Proclamation 3038 to certain articles or commodities, application forms and procedure, or other matters relative to arms, ammunition, and implements of war should be addressed to the Office of Munitions Control, Department of State, Washington 25, D. C.

CATEGORY I—SMALL ARMS AND MACHINE GUNS

Rifles, carbines, revolvers, pistols, machine pistols, and machine guns using ammunition of caliber .22 or over.

CATEGORY II—ARTILLERY AND PROJECTORS

Guns, howitzers, cannon, mortars, tank destroyers, rocket launchers, military flame throwers, military smoke projectors, and recoilless rifles.

CATEGORY III—AMMUNITION

Ammunition of caliber .22 or over for the arms enumerated in Categories I and II hereof.

CATEGORY IV—BOMBS, TORPEDOES, ROCKETS, AND [illegible]

(a) Bombs, torpedoes, grenades (including smoke grenades), smoke canisters, rockets, mines, guided missiles, depth charges, fire bombs, incendiary bombs.

(b) Apparatus and devices for the handling, control, activation, discharge, detonation, or detection of items enumerated in paragraph (a) of this category.

CATEGORY V—FIRE CONTROL EQUIPMENT AND [illegible]

Fire control, gun tracking, and infrared and other night-sighting equipment; range, position and height finders, and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights, gunsights, and periscopes for the arms, ammunition, and implements of war enumerated in this proclamation.

CATEGORY VI—TANKS AND ORDNANCE VEHICLES

Tanks, military type armed or armored vehicles, ammunition trailers, and amphibious vehicles (land vehicles capable of limited endurance in water), military half tracks, military type tank recovery vehicles, and gun carriers.

CATEGORY VII—TOXICOLOGICAL AGENTS

(a) Biological or chemical toxicological agents adapted for use in war to produce casualties or to damage crops.

(b) Equipment for the dissemination, detection, and identification of, and defense against, the items described in paragraph (a) of this category.

CATEGORY VIII—PROPELLANTS AND EXPLOSIVES

Propellants for the articles enumerated in Categories III, IV, and VII hereof; military high explosives.

CATEGORY IX—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships.

(b) Equipment for the laying, detection, detonation, and sweeping of mines.

(c) Submarine nets.

CATEGORY X—AIRCRAFT

Aircraft and airborne equipment.

CATEGORY XI—MISCELLANEOUS EQUIPMENT

(a) Radar of all types, including guidance systems and airborne or ground radio equipment therefor; electronic countermeasure and jamming equipment; underwater sound equipment; all other electronic equipment specially designed for military use; radio-communications equipment bearing a military designation; electronic navigation aids specially designed for military use such as radio direction finding equipment, radio distance measuring systems such as Shoran, and hyperbolic grid systems such as Raydist, Loran, and Decca.

(b) Aerial and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment.

(c) Armor plate, armored railway trains, military steel helmets, body armor, and flak suits.

CATEGORY XII—CLASSIFIED MATERIAL

All material not enumerated herein which is classified from the standpoint of military security.

The description of each category indicated above shall be construed to include such components, parts, accessories, attachments and related items as may be designated by the National Munitions Control Board. Exporters should also refer to the regulations issued by the Secretary of State.

2. Helium gas—(a) General regulations. Regulations governing the exportation of helium gas may be found in the document "International Traffic in Arms," published by the Department of State.

(b) Legislative authority. Helium gas is licensed for export under the authority of the act of September 1, 1937. Application blanks for the exportation of this commodity are also furnished by the Office of Munitions Control, Department of State.

b. In paragraph (b) *Gold* the words "the export regulations of the Department of Commerce" shall be subsituted for the words "Parts 370 to 399, inclusive".

c. In paragraph (c) *Narcotics* the words "The export regulations of the Department of Commerce" shall be subsituted for the words "The regulations contained in Parts 370 to 399, inclusive".

d. In paragraph (e) *Vessels* the words "Presidential Proclamation 3038" are substituted for the words "Presidential Proclamation 2776".

This part of the amendment shall become effective as of January 1, 1954.

5. Section 372.2 *Applications for licenses*, paragraph (a) *Who may apply*, is amended in the following particulars:

Subparagraph (3), beginning "The signature of the order holder • • •" is amended to read as follows:

(3) The signature of the order holder on the application constitutes a representation on the part of the order holder that (i) the application accurately and fully reflects all of the terms and conditions of the order; (ii) the order holder has no information concerning the export transaction that is inconsistent with or undisclosed by the application; (iii) all documents and records evidencing the order and other facts of the export transaction on which this application is based will be retained by the order holder for three years from the date of receipt by BFC of the application, and will be made available to the BFC upon demand; and (iv) the order holder will inform the BFC of any material or substantive changes in the terms of the export transaction, at the time these facts become known to him, whether before or after the license has been issued.

The remainder of paragraph (a) is unchanged.

This part of the amendment shall become effective as of Deeember 24, 1953.

6. Section 372.3 *How to file an application for export license* is amended in the following particulars:

Item 11 (d) of Note 2. *Preparation of Form IT-419 (Revised April 1952)* following paragraph (c) *Information required* is amended to read as follows:

Item 11 (d). Unit price should be shown except where a large variety of products within a single Schedule B classification makes such a breakdown extremely difficult. In such cases only total price need be shown. The applicant must show total price in the customary form of quotation such as f. o. b. (factory), f. a. s. (named port), c. i. f., or other form. The particular form of price quotation must be specified.

This part of the amendment shall become effective as of December 24, 1953.

7. Section 373.1 *Export licensing general policy* is amended in the following particulars:

a. The introductory text is amended to read as follows: "The following general, but not exclusive, policy for export licensing and related procedures are hereby established."

b. Paragraphs (a) *Price*, (b) *Accepted orders: evidence and certification*, and (h) *Commodities subject to this export licensing policy* are deleted.

This part of the amendment shall become effective as of December 24, 1953.

8. Section 373.6 *Export licensing policy for materials covered by NPA M (Materials) Orders* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

9. Section 373.24 *Applicability of multiple commodity group provisions to Commodity Group 3 commodities*, paragraph (a) *Export licensing general policy* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

10. Section 373.31 *Applicability of multiple commodity group provisions to Commodity Group 5 commodities*, paragraph (a) *Export licensing general policy* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

11. Section 373.39 *Applicability of multiple commodity group provisions to Commodity Group 6 commodities*, paragraph (a) *Export licensing general policy* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

12. Section 373.48 *Applicability of multiple commodity group provisions to Commodity Group 7 commodities*, paragraph (a) *Export licensing general policy* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

13. Section 373.51 *Insulated wire and cable* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

14. Section 373.54 *Applicability of multiple commodity group provisions to Commodity Group 8 commodities*, paragraph (a) *Export licensing general policy* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

15. Section 373.59 *Applicability of multiple commodity group provisions to Commodity Group 9 commodities*, paragraph (a) *Export licensing general policy* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

16. Section 376.1 *Periodic requirements license*, paragraph (d) *Waiver of order requirements* is amended by deleting the reference to "373.1 (b)" in the last sentence, which, as amended, reads as follows: "The provisions of § 372.1 (e) relating to export orders are, therefore, waived with respect to applications for Periodic Requirements (PRL) licenses."

This part of the amendment shall become effective as of December 24, 1953.

17. Section 377.3 *Consideration of applications*, paragraph (c) *Orders* is amended to read as follows:

(c) *Orders.* An applicant for a Time Limit (TL) license is not required to hold an export order from the foreign consignee or purchaser for the commodities subject to this procedure. The requirements of § 372.1 (e) of this subchapter relating to export orders are, therefore, waived with respect to applications for Time Limit (TL) licenses.

This part of the amendment shall become effective as of December 24, 1953.

18. Part 379 Export clearance is amended by adding thereto § 379.5 *Destination control* and § 379.6 *Return or unloading of cargo at direction of Department of Commerce or Collector of Customs.* These sections are presently numbered §§ 381.4 and 381.5, respectively. This amendment makes no substantive changes.

a. In the Interpretations following § 379.5, as renumbered, the references to "§ 381.4" are amended to read "§ 379.5".

b. In subparagraph (2) of § 379.6, as renumbered, paragraph (a) *Exporting carriers* the words "export regulations" are substituted for the words "export control regulations (Parts 370 through 399)".

c. In subparagraph (3) of § 379.6, as renumbered, paragraph (a) *Exporting carriers* the reference to "§ 381.4 (f)" is amended to read "§ 379.5 (f)".

This part of the amendment shall become effective as of January 23, 1954.

19. Section 380.2 *Amendments or alterations of licenses* is amended in the following particulars:

a. Subparagraph (3) of paragraph (e) *Changes which require neither amendment nor new license* is amended to read as follows:

(3) Other changes in price (see paragraph (i) (2) of this section).

b. Subdivision (i) of paragraph (g) *Procedure for submitting requests for amendments*, subparagraph (2) *Information required* is amended to read as follows:

(i) The reasons for the requested amendment must be clearly stated in answer to item 10. In requesting an amendment for change in the purchaser or ultimate consignee, the licensee must comply, where applicable, with the provisions of § 373.65 of this subchapter regarding a statement from the new ultimate consignee or purchaser if the shipment is destined to an R country or with the provisions of § 373.2(c) of this subchapter regarding the submission of an import certificate.

c. Subparagraph (2) *Necessary amendments to show price changes* of paragraph (i) *Price amendments* is amended to read as follows:

(2) *Necessary amendments to show price changes.* Except under the conditions described below, an export license shall be amended for: (i) Any upward change in unit price or total value shown on the license, if the commodity is licensed by dollar value (those commodities on the Positive List of Commodities (§ 399.1 of this subchapter) which do not show a specific unit of quantity are licensed by dollar value); or, (ii) an upward change in unit price or total value in excess of 25 percent beyond that shown on the license, if the commodity is licensed in units other than dollars.

(a) Where the licensee avails himself of permissible weight and volume tolerances. In such cases, the total value for the commodity shown on the shipper's export declaration may exceed the total value shown on the license. However, the unit value shown on the license may not be increased, except in accordance with subdivision (ii) of this subparagraph.

(b) Where price increases can be justified before the collector of customs on the basis of changes in point of delivery, port of exit, or as a result of transportation costs, drayage, port charges, warehousing, etc.

(c) Where unit or total price is not shown on the license but is based upon the market price at a specified date plus an exporter's mark-up, or like basis. In such cases, the unit or total price need only conform with the price statement on the license.

d. Subparagraph (3) *Price changes for which amendments are not required* of paragraph (i) *Price amendments* is amended to read as follows:

(3) *Additional price changes for which amendments are not required.* Export licenses need not be amended to show changes in unit or total value where the change involves a reduction in prices: *Provided*, That when commodities are licensed in quantities determined only by dollar value indicated on the license, the value shown on the shipper's export declaration shall not exceed the total value shown on the license. Shipments against such licenses will be charged in terms of dollars as shown on the shipper's export declarations.

The note following subparagraph (3) remains unchanged.

This part of the amendment shall become effective as of December 24, 1953.

20. Part 381—Enforcement Provisions, is amended to read as follows:

Sec.
- 381.1 Sanctions.
- 381.2 Causing, aiding, and abetting a violation.
- 381.3 Conspiracy, attempt, and solicitation to violate.
- 381.4 Acting with knowledge of a violation.
- 381.5 Misrepresentation and concealment of facts.
- 381.6 Diversion, reexportation, transshipment.
- 381.7 Licensee accountable for use of license.
- 381.8 Unauthorized use and alterations of export control documents.
- 381.9 Trafficking and advertising export control documents.
- 381.10 Applicability of export denial orders to parties other than those named therein.

AUTHORITY: §§ 381.1 to 381.10 issued under sec. 2, 63 Stat. 7, as amended; 50 U. S. C. App. Sup. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR 1948 Supp.

§ 381.1 *Sanctions.* (a) Any person who violates the export control law or any order, regulation, or license issued thereunder is punishable for each violation by a fine of not more than $10,000 or by imprisonment for not more than one year, or both. A violator is subject also to administrative action which may result in suspension, revocation, and denial of export privileges under the export control law, and to exclusion from practice before the Bureau of Foreign Commerce.

(b) The submission of false or misleading statements and the concealment of material facts are punishable also under other laws. In addition, commodities attempted to be, or being, or intended to be, or which have been, exported or shipped from or taken out of the United States in violation of the export control law or of any proclamation, order, rule, regulation, or license issued thereunder are subject to seizure and forfeiture, as are the vessels, vehicles, and aircraft carrying such commodities.

NOTE: See Part 382, Denial or Suspension of Export Privileges, and § 384.2, paragraph (a) *Activities of persons appearing before the Bureau of Foreign Commerce in connection with export control matters.*

§ 381.2 *Causing, aiding, and abetting a violation.* It is unlawful for any person knowingly to cause, or aid, abet, counsel, command, induce, procure, or permit the doing of any act prohibited by, or the omission of any act required by, the export control law or any proclamation, order, rule, regulation, or license issued thereunder.

§ 381.3 *Conspiracy, attempt, and solicitation to violate.* It is unlawful for any person knowingly to conspire or to act in concert with one or more persons in any manner or for any purpose to bring about, or to do any act which solicits the commission of or which constitutes an attempt to bring about, a violation of the export control law or any proclamation, order, rule, regulation or license issued thereunder; and any such act or conspiracy shall constitute a violation.

§ 381.4 *Acting with knowledge of a violation.* It is unlawful for any person, whether as principal or agent or otherwise, to buy, receive, conceal, store, sell, dispose of, transport, finance, forward, or otherwise service, in whole or in part, any exportation from the United States, knowing that with respect to the whole or any part of such exportation, a violation of the export control law or any proclamation, order, rule, regulation or license has occurred, is about to, or is intended to occur.

§ 381.5 *Misrepresentation and concealment of facts*—(a) *General.* All representations, statements, and certifications made, and material facts concealed, by any person, for the purpose of or in connection with effecting an exportation of any commodity from the United States, or the reexportation, transshipment or diversion of any commodity so exported, or in the course of an investigation or other action instituted under the authority provided in the Export Control Act of 1949, as amended, shall be deemed to constitute representations, statements and certifications made to, and material facts concealed from, the Bureau of Foreign Commerce and the Bureau of Customs with respect to matters within the jurisdiction of these agencies under the statutes, proclamations, Executive Orders, and regulations relating to export control and orders or licenses issued or established thereunder.

(b) *Persons liable.* It is unlawful under the export regulations and the export control law, in addition to the provisions of any other law, for any person, whether or not situated in the United States, knowingly to make any false or misleading representation, statement, or certification, or to falsify or conceal any material fact, whether directly to the Bureau of Foreign Commerce, any collector of customs, or an official of any other United States agency, or indirectly through any other person or foreign government agency or official:

(1) In the course of an investigation or other action instituted under the authority of the Export Control Act of 1949, as amended, or

(2) For the purpose of or in connection with an exportation from the United States, or the reexportation, transshipment or diversion of any such exportation, or the issuance, or maintenance in effect, of any document relating to export control.

(c) *Types of misrepresentation and concealment.* Without limitation of the foregoing or of any other provisions of the law or the export regulations no person shall, with respect to:

(1) *Country of destination.* Falsely state or conceal the country of ultimate or intermediate destination intended;

(2) *Consignee, purchaser, commodity.* Falsely describe or conceal the true commodity, or the true ultimate or intermediate consignee, purchaser, or any other party in interest to the transaction;

(3) *Orders.* Solicit or submit any order for the purchase or importation from the United States of any commodity, or state in writing any commitment to purchase or import the same, for the sole purpose of obtaining an export license with the intention not to abide by such order or commitment, or not to perform the terms thereof, whether or not the applicant or licensee is aware of such intention;

(4) *End use.* Falsely state or conceal the end use;

(5) *Ultimate consignee or purchaser statement.* Submit an ultimate consignee or purchaser statement which is false in any respect or which conceals any material fact; or

(6) *Import certificate, delivery verification.* Make any false statement or conceal any material fact in connection with an import certificate or delivery verification.

(d) *Representations to be continuing in effect; notification.* All representations, statements, and certifications made by any person are deemed to be continuing in effect. It is unlawful for any person who has made such representation, statement or certification to fail to notify in writing the Bureau of Foreign Commerce of any change of any material fact or intention from that previously represented, stated, or certified. Such notification shall be made immediately upon receipt of any information which would lead a reasonably prudent person to believe that a change of material fact or intention has occurred or may occur in the future.

§ 381.6 *Diversion, reexportation, transshipment.* Except as specifically authorized by the Bureau of Foreign Commerce, it is unlawful for any person knowingly to dispose of, divert, transship or reexport commodities to any person or destination or for any use in violation of or contrary to the terms, provisions, or conditions of any export control document, any prior representation, any form of notification of prohibition against such action, or any other provision of the export control law or any proclamation, order, rule, regulation or license issued thereunder.

§ 381.7 *Licensee accountable for use of license.* The applicant to whom the license is issued becomes the licensee and will be held strictly accountable for use of the license. It is unlawful, without prior written approval of the Bureau of Foreign Commerce, for the licensee to permit any other person to facilitate or effect the exportation of any commodity described in the license, except under the direction and responsibility of or as the true agent in fact for the licensee, regardless of the terms of sale or exportation or other agreement between the licensee or the order holder and the purchaser or ultimate consignee of such commodity.

§ 381.8 *Unauthorized use and alterations of export control documents.* Except as otherwise specifically authorized in the export regulations or in writing by the Bureau of Foreign Commerce, it is unlawful for any person, whether or not the licensee, to obtain, use, or alter, or to assist in or permit the use or alteration of, any export control document, for the purpose of or in connection with facilitating or effecting any exportation or reexportation other than that set forth in such document or except in accordance with all the terms, provisions and conditions thereof.

§ 381.9 *Trafficking and advertising export control documents*—(a) *Unlawful practices.* Without limitation of any provision of law or of the export regulations it is unlawful for any person, without prior written approval of the Bureau of Foreign Commerce, to do any of the following with respect to any exportation or reexportation under any export control document:

(1) *Transfers or changes of authority.* To effect any transfer of, or other change of the authority granted in, such document, whether by sale, grant, gift, loan or otherwise, to any person, or to permit any person to use the same otherwise than for the true account of and as true agent in fact for the licensee; or for any person not the licensee to receive or accept a transfer or other change of the authority granted in, or otherwise to use, an export control document, except for the true account of and as true agent in fact for the licensee.

(2) *Change in named parties.* To effect any change of, substitution for, or addition to, the parties named in an export control document; or to transfer, obtain, purchase, or create any interest or participation in the transaction described in any export control document.

(3) *Unlawful advertising or soliciting.* To offer or solicit by advertisement, circular, or other communication any transfer or change of an export control document or any interest therein hereinabove declared unlawful. Such communication shall be deemed unlawful:

(i) Even though coupled with a condition requiring approval by the Bureau of Foreign Commerce of a new consignor or consignee or other change in the export license, by way of transfer, amendment or otherwise;

(ii) Where, in offering or soliciting the sale for exportation of any commodities, the communication indicates that the proposed seller of such commodities holds or will furnish a license or other export control document for the exportation of such commodities;

(iii) Where, in offering or soliciting the purchase for exportation of any commodities, such communication is addressed by the proposed buyer directly or indirectly to any person on the condition that such person as a seller then holds or will furnish a license or other export control document for the exportation of such commodities.

INTERPRETATIVE STATEMENT

Sections 381.7, 381.8 and 381.9, among other things, make it unlawful for a licensee or other person holding an export control document to sell or to offer to sell, or for any person to purchase or to offer to purchase, the commodities described in such document with the understanding that the document may be used by or for the benefit of the purchaser to effect exportation of the said commodities; for any person to effect exportation thereof for the benefit of or for the "account" of any person other than the licensee, regardless of the device, means or fiction employed; for the licensee fictitiously to act as principal or agent of another person who actually is effecting the exportation, or for such other person fictitiously to act as the licensee's principal or agent for the same purpose; or for the named consignee to act "for the account" of a new unlicensed consignee. Where a licensed transaction has failed of accomplishment for any reason, the license may not, without special authorization of the Bureau of Foreign Commerce, be used for any other transaction. Changes of consignors and consignees will be permitted only under the strict provisions of the regulations.

(b) *Transfer of dock receipts, bills of lading, or liens.* (1) Paragraph (a) of this section is not to be construed to affect the transfer and other use of dock receipts, bills of lading, or other commercial documents necessary to complete a transaction authorized by the export license, or impair the validity of liens or other security titles or interests created in good faith with respect to commodities or documents in the course of financing, warehousing, forwarding, or transporting commodities.

(2) However, where the person entitled to the foreclosure of any lien or other security title or interest, or where the exercise of any rights by the holder of the lien or other security title or interest, contemplates an exportation under the license by someone other than the licensee, or to someone other than the purchaser or ultimate consignee designated in the license, such person must apply for a new license or for an amendment in accordance with the provisions of Part 380 of this subchapter.

§ 381.10 *Applicability of export denial orders to parties other than those named therein.* Without prior disclosure of the facts to, and specific authorization of the Bureau of Foreign Commerce, it is unlawful for any person, with knowledge that another person is then subject to an order suspending, revoking, or denying his export privileges or is then excluded from practice before the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity, (a) to apply for, obtain or use any license, shipper's export declaration, bill of lading or other export control document relating to an exportation or reexportation of commodities by, to, or for such suspended person, or (b) to order, receive, use, forward, transport, finance, or otherwise service or participate in, any exportation from the United States or a reexportation of any commodity exported from the United States, so that such suspended person will directly or indirectly obtain any benefit therefrom. For the purpose of this section the term "suspended person" is defined to include any person, firm, corporation, or other business organization whose export privileges are suspended, revoked, or denied by any order of the Bureau of Foreign Commerce or who is excluded by order from practice before the Bureau of Foreign Commerce; and any other person, firm, corporation, or other business organization also suspended or excluded from practice because of his or its relationship to such suspended person through ownership, control, position of responsibility or other like connection in the conduct of trade involving exports from the United States or services connected therewith during the period of such order, and whether or not named in such order.

NOTE: Orders of the Bureau of Foreign Commerce which suspend, revoke or deny the export privileges of any person or which exclude any person from practice before the Bureau of Foreign Commerce provide that the terms and prohibitions of such orders apply not only to the persons expressly named therein but also, for the purpose of preventing evasion, to any other person, firm, corporation, or other business organization with which such person may be then or thereafter (during the term of the order) related by ownership, control, position of responsibility or other such connection in the conduct of trade involving exports from the United States or services connected therewith. See §§ 382.1, 384.2, and 382.51, *Table of compliance orders currently in effect denying export privileges* of this subchapter. This table contains a list of persons whose export privileges are currently revoked, suspended or denied or who are currently excluded from practice before the Bureau of Foreign Commerce. This list contains the names and addresses of such persons, the effective and expiration dates of the orders, a brief summary of the export privileges affected, and the citations to the volumes and pages of the FEDERAL REGISTER where complete texts of the orders are published. The publication of such orders in the FEDERAL REGISTER constitutes legal notice of the terms thereof to all persons.

This part of the amendment shall become effective as of January 23, 1954.

21. Section 398.5 *DMS: Export allocations and procedures* is deleted.

This part of the amendment shall become effective as of December 24, 1953.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. Sup. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-64; Filed, Jan. 6, 1954; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 596—CONTRACT CLAUSES AND FORMS

PART 605—PROCUREMENT FORMS

PART 606—ARMY EMERGENCY FACILITIES DEPRECIATION BOARD

MISCELLANEOUS AMENDMENTS

1. Section 591.203 is rescinded and the following substituted therefor:

§ 591.203 *Maintenance and retention of records*—(a) *Preaward transaction file.* (1) Each purchasing office or installation which initiates or effects procurement by formal advertising will maintain a master file for each procurement initiated. This file will contain the original or a certified copy of each paper related to the procurement, beginning with the procurement directive or other paper initiating the procurement. The purpose of the file is to provide a complete résumé of the transaction prior to and including the award. This master file will be preserved in the office or installation which initiated the procurement for a period of 6 years following final payment on the contract or contracts entered into under the directive. Exceptions to this requirement will be made only if responsibility for the file is transferred to another office, or, if early retirement is authorized under pertinent special regulations.

(2) In the event the resulting contract or contracts are transferred to other offices or installations for administration, only those records that are necessary for the administration of the contract are required to be forwarded to the administering office or installation. The cover sheet for the contract administration file maintained by the office or installation administering the contract (paragraph (b) of this section) will identify the master file and give the name of the installation where the contract was initiated and where all records not transferred are maintained. Original or authenticated copies of correspondence pertinent to the contract and all required determinations and findings with supporting data such as are involved in awards to other than low bidders, mistake in bid cases, preawards surveys, invitations for bids and abstracts of bids, etc., pertaining to a particular contract will accompany such contract at all times.

(b) *Contract administration file.* Each purchasing office or installation which administers contracts awarded by formal advertising will maintain files which will provide a complete résumé of the administration of each contract. Unless these files are set up on an individual contract basis they must be so organized that they will provide an accurate and complete identification and cross-reference to related files. Upon

final payment all papers pertaining to the administration of a particular contract will be consolidated into a single file. This file will be preserved in such office or installation for a period of 6 years following the final payment on the contract unless retired under pertinent special regulations.

2. Section 592.308 is rescinded and the following substituted therefor:

§ 592.308 *Maintenance and retention of records*—(a) *Preaward transaction file.* (1) Each purchasing office or installation which initiates or effects procurement by negotiation will maintain a master file for each procurement initiated. This file will contain the original or a certified copy of each paper related to the procurement, beginning with the procurement directive or other paper initiating the procurement. The purpose of the file is to provide a complete résumé of the transaction prior to and including the award. This master file will be preserved in the office or installation which initiated the procurement for a period of 6 years following final payment on the contract or contracts entered into under the directive. As a minimum in negotiated procurements, a memorandum for record, signed by the Contracting Officer briefly setting forth facts, conclusions and actions regarding the transaction, will be included as part of the file. Exceptions to this requirement will be made only if responsibility for the file is transferred to another office, or, if early retirement is authorized under the provisions of pertinent special regulations.

(2) In the event the resulting contract or contracts are transferred to other offices or installations for administration, only those records that are necessary for the administration of the contract are required to be forwarded to the administering office or installation. The cover sheet for the contract administration file maintained by the office or installation administering the contract (paragraph (b) of this section) will identify the master file and give the name of the installation where the contract was initiated and where all records not transferred are maintained. Original or authenticated copies of correspondence pertinent to the contract and all required determinations and findings with supporting data, such as are involved in mistakes in proposals, preaward surveys, etc., pertaining to a particular contract will accompany such contract at all times.

(3) The file containing the records and documents of negotiations referred to in subparagraph (1) of this paragraph shall be identified by a cover sheet designated as "Summary of Negotiation and Contract Award Data." The Head of each Procuring Activity is authorized to publish an appropriate form of such designation and to delegate authority for local reproduction. The form so published shall include as a minimum a checklist and certification substantially as detailed below. Additional items and/or reductions of monetary limits separating Parts I and II of the form, determined by the Head of a Procuring Activity to be necessary or appropriate to its contract procedure or records thereof, may be included in the form promulgated by the Procuring Activity.

SUMMARY OF NEGOTIATION AND CONTRACT AWARD DATA

The purpose of this summary, pursuant to § 592.308, is to present a brief statement of basic data as to which complete detail in narrative or documentary form are contained in the assembled file underlying this cover sheet. Each pertinent item on this form is to be completed either by filling in blanks or by the insertion of data appropriate to the purpose of the item and as to which supporting papers are contained in the file.

Contract date _____ Contract No. _____
Name of Contractor _____

PART I. Items 1 to 8 below will be completed for all negotiated contracts, except those covering small purchase.

1. (Copy of procurement order, requisition, or document upon which procurement is based, or reference thereto.)
2. (Complete justification for negotiation.)
3. (Copy of request for proposals, including drawings and specifications or reference thereto.)
4. Number of requests for proposals distributed _____
   Date of distribution _____
   Number of proposals received _____
   Date of award _____
5. (Statement relative to contingent fees, signed by the Contractor.)
6. (Special contract provisions, or reference thereto.)
7. Small business _____ (Yes or No.)
8. Regular dealers _____ or manufacturer _____ (Yes or No.)

PART II. Items 9 to 14 below will be completed for negotiated contracts which are expected to exceed $25,000 (except that the Head of each Procuring Activity may reduce the dollar value if desired.)

9. Labor area classification _____
10. Amount of work to be subcontracted $_____ _____ percent.
11. (Explanation of any Government financial assistance required by the Contractor.)
12. (Detail of survey or other determination of Contractor's ability to consummate the contract.)
13. (Justification for this award, and determination if required.)
14. (Summary of proposal received, with comparative information on all factors entering into total cost.)

I certify that I have this date reviewed this contract file and that it contains papers in support of the above data and is otherwise considered to provide a clear and complete record of the negotiation and award of this contract.

(Signature) _____
Contracting officer, or Contracting officer's representative

(Date) _____

(b) *Contract administration file.* Each purchasing office or installation administering contracts awarded by negotiation will maintain files which will provide a complete résumé of the administration of each contract. Unless these files are set up on an individual contract basis they must be so organized that they will provide an accurate and complete identification and cross-reference to related files. Upon final payment all papers pertaining to the administration of a particular contract will be consolidated into a single file. This file will be preserved in such office or installation for a period of 6 years following the final payment on the contract unless retired under pertinent special regulations.

3. Section 596.566 is revoked and § 596.104–12a is amended to read as follows:

§ 596.104–12a *Military security requirements; research and development contracts.* The following clause is approved for use in research and development contracts with educational or nonprofit institutions, as a deviation from Armed Services Procurement Regulation (Subchapter A, Chapter IV of this title) pending inclusion in a future revision of Armed Services Procurement Regulation.

MILITARY SECURITY REQUIREMENTS—RESEARCH AND DEVELOPMENT CONTRACTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to security information classified "Top Secret," "Secret" or "Confidential."

(b) The Government shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254) and Appendage thereto (DD Form 254–1).

(c) To the extent the Government has indicated as of the date of this contract, or thereafter indicates, security classification under this contract as provided in paragraph (b) of this clause, the Contractor, except as otherwise provided in this clause, shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of (1) the Department of Defense Industrial Security Manual for Safeguarding Classified Security Information as in effect on the date of this contract, which Manual is hereby incorporated by reference and made a part of this contract, and (2) any amendments to said Manual required by the demands of national security as determined by the Government and made after the date of this contract, notice of which has been furnished to the Contractor by the Contracting Officer.

(d) Designated representatives of the Government responsible for inspection pertaining to industrial security shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the requirements of the terms and conditions of this clause. Should the Government, through its authorized representative, determine that the Contractor has not complied with such requirements, the Government shall inform the Contractor in writing of the proper actions to be taken in order to effect compliance with such requirements.

(e) In the event a change in security requirements, as provided in paragraphs (b) and (c) of this clause, results (1) in a change in the security classification of this contract or any element thereof from a nonclassified status to a classified status or from a lower classification to a higher classification, or (2) in more restrictive area controls than previously required, the Contractor shall exert every reasonable effort compatible with its established policies to continue the performance of work under the contract in compliance with such change in security classification or requirements. If, despite such reasonable efforts, the Contractor determines that the continuation of work under this contract is not practicable because of such change in security classification or requirements it shall so notify the Contracting Officer in writing.

(f) After receiving such written notification, the Contracting Officer shall explore the circumstances surrounding the proposed change in security classification or requirements and shall endeavor to work out a mutually satisfactory method whereby the Contractor can continue performance of the work under this contract.

(g) If, upon the expiration of fifteen (15) days after receipt of the notification by the Contracting Officer of the Contractor's stated inability to proceed, (1) the application to this contract of such change in security classification or requirements has not been withdrawn or (2) a mutually satisfactory method for continuing performance of work under this contract has not been agreed upon, the Contractor may request the Contracting Officer to terminate the contract in whole or in part. Thereupon, the Contracting Officer shall terminate the contract in whole or part, as may be appropriate, and such termination shall be deemed a termination under the provisions of the clause of this contract entitled "Termination for the Convenience of the Government."

(h) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified security information, provisions which shall conform substantially to the language of this clause, including this paragraph (h) but excluding paragraphs (e), (f) and (g) of this clause.

(i) The Contractor also agrees that it shall determine that any subcontractor proposed by it for the furnishing of supplies and services which will involve access to classified security information in the Contractor's custody has been granted an appropriate facility security clearance which is still in effect, prior to being accorded access to such classified security information.

§ 596.566 *Master Lump Sum Ship Repair Contract.* [Revoked.]

4. Part 605, Army Emergency Facilities Depreciation Board, is redesignated Part 606, Army Emergency Facilities Depreciation Board, and a new Part 605, Procurement Forms, is added as follows:

Sec.
605.009 Master Contract for Repair and Alteration of Vessels (DD Form 731).
605.009–1 Applicability.
605.009–2 Conditions on use.

§ 605.009 *Master Contract for Repair and Alteration of Vessels (DD Form 731).*

§ 605.009–1 *Applicability.* (a) DD Form 731 is prescribed for use in continental United States for contracting for the repair and alteration of vessels and other floating equipment, except for minor repairs accomplished while the vessel remains in the possession of the Government.

(b) DD Form 731 has been printed and copies may be requisitioned through normal publications supply channels.

§ 605.009–2 *Conditions on use.* (a) Provisions of this subchapter, such as those that are applicable to approval of awards, procurement action reporting, advertising, and authority to negotiate apply to the placement of individual job orders rather than to the master contract itself.

(b) The provisions of DD Form 731 relating to Government property do not conform to Part 412 of this title. Job Orders placed under DD Form 731 contracts are exempt from the requirements of Part 412 of this title and Appendix B following Part 413 of this title. However, provisions not in conflict with DD Form 731 may be included in individual job orders making Government property furnished under such job orders subject to specific requirements of Appendix B following Part 413 of this title.

(c) Clause 3 (b) of DD Form 731 is in substance a provision for the placement of letter orders for vessel repair work. Accordingly, all orders placed under Clause 3 (b) are subject to the provisions of this subchapter and Subchapter A of Chapter IV of this title relating to letter orders.

(d) For all contracts entered into by the Department of the Army on DD Form 731, all of Clause 8, paragraph (e) will be deleted except the last sentence.

(e) Clause 23 of DD Form 731 entitled "Walsh-Healey Public Contracts Act" is not applicable to contracts for the repair and alteration of vessels entered into by the Army. The Davis-Bacon Act is not applicable to the contracts for the repair or alteration of vessels when the work is placed through competitive bidding and the place of performance is not known at the time when bids are invited or to job orders of $2,000 or less in amount. The following additional clause shall be included in all contracts entered into by the Army on DD Form 731:

Clause 39. Alteration in contract. The following alterations have been made in the provisions of this contract:

(a) Clause 23 entitled "Walsh-Healey Public Contracts Act" is deleted.

(b) In each case where the Davis-Bacon Act is applicable to a job order issued under this contract, such job order will have attached thereto, and will incorporate by reference, the standard Davis-Bacon clause prescribed by the Armed Services Procurement Regulation together with the schedule of wage determinations made by the Secretary of Labor for the work covered by such job order.

(f) Contracts entered into on DD Form 731 will be numbered in accordance with § 590.603–4 of this subchapter. Each job order issued under such contract shall contain a reference to the number of the master contract under which it is issued. The job orders under a master contract shall be numbered in sequence beginning with the Arabic numeral 1. Change orders or supplemental agreements relating to a particular job order shall be numbered in sequence beginning with the Arabic numeral 1.

[Proc. Cir. 30, December 18, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54–80; Filed, Jan. 6, 1954; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

DELAWARE AND SCHUYLKILL RIVERS, N. J., AND PA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.227 is hereby amended to provide special regulations for the operation of the South Street drawbridge across the Schuylkill River in the City of Philadelphia, Pennsylvania, as follows:

§ 203.227 *Delaware and Schuylkill Rivers, N. J., and Pa. in vicinity of Philadelphia and Bristol; bridges.* • • •

(g) The general regulations contained in paragraphs (a) to (f), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraph (h) of this section.

(h) *Special regulations for South Street Bridge in Philadelphia.* (1) The owner of or agency controlling this drawbridge will not be required to keep draw tenders in constant attendance.

(2) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 8 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(3) Upon receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on proper signal at the time specified in the notice for the passage of the vessel.

(4) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in subparagraph (2) of this paragraph may be reached by telephone or otherwise.

(5) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

[Regs., December 15, 1953; 823 (Schuylkill River, Philadelphia, South Street)-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54–82; Filed, Jan. 6, 1954; 8:47 a. m.]

PART 204—DANGER ZONE REGULATIONS

MONTEREY BAY, CALIFORNIA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) and

Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.205 establishing and governing the use and navigation of danger zones in Monterey Bay, California, is hereby amended, as follows:

§ 204.205 *Monterey Bay, California*—(a) *Firing range, Fort Ord, California*—(1) *The danger zone.* • • •

(2) *The regulations.* (i) The 5,000 yard short range area is prohibited to all vessels and craft, except those authorized by the enforcing agency, each week, between dawn and midnight from Monday through Friday and between dawn and dusk on Saturday and Sunday.

• • • • • •

[Regs., December 16, 1953; 800.212 (Monterey Bay, Calif.)-ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-81; Filed, Jan. 6, 1954; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 8—POSTAGE STAMPS AND OTHER STAMPED PAPER AND SECURITIES

UNITED STATES SAVINGS BONDS AND TREASURY SAVINGS CERTIFICATES

In § 8.29 *United States savings bonds and Treasury savings certificates* amend paragraph (b) by the addition of a note to read as follows:

NOTE: Window sales of United States savings bonds at post offices was discontinued generally on December 31, 1953. Window sales of such bonds is permitted at post offices in communities having no local bank or other issuing agent, where warranted by local demand.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 6, 49 Stat. 21, as amended; 5 U. S. C. 22, 369, 31 U. S. C. 757c)

[SEAL] LOUIS J. DOYLE,
Acting Solicitor.

[F. R. Doc. 54-76; Filed, Jan. 6, 1954; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

GENERAL PURPOSE WATCHES

In the matter of petition of the American Merchant Marine Institute to exempt ocean going vessels using telegraphy from maintaining a radiotelephone watch on 2182 kc.

By the Commission: Commissioner Webster concurring except for paragraphs 3, 4, and 5; Commissioner Bartley dissenting and issuing a statement; Commissioner Hennock dissenting and concurring in the views of Commissioner Bartley.

1. The Commission has received a petition from the American Merchant Marine Institute (formerly the National Federation of American Shipping) for revision of § 8.223 so as to "exempt from the watch standing requirements of this section vessels which are required • • • to maintain a radiotelegraph watch for safety purposes".

Section 8.223 provides as follows: "Effective on and after January 1, 1954 • • • each ship station • • • licensed to transmit by telephony on one or more frequencies within the band 1600–3500 kc shall, during its hours of service for telephony, maintain an efficient watch for the reception of Class A3 emission on the radio channel of which 2182 kc is the assigned frequency, whenever such station is not being used for transmission on that channel or for communication on other radio channels. • • •"

This rule and other related rules were adopted by the Commission on April 23, 1952, following proposed rule making and oral argument in Docket No. 9797. The Commission's Report stated that the requirements of these rules were designed to implement "the view that a calling-working frequency method for the maritime radiotelephone service in the medium and very high frequency bands is highly desirable".

2. In view of the instant petition and a supporting statement filed by the Association of American Ship Owners, the Commission has again examined § 8.223 both with respect to its legal basis and its desirability.

3. The Communications Act of 1934, as amended, confers upon the Commission broad authority to promulgate rules and regulations with respect to the operation of licensed radio facilities in the public interest (National Broadcasting Co. v. United States, 319 U. S. 190), and further makes clear in the case of installations aboard ship, that the promotion of safety of life and property is of primary importance. (See section 1.) The duty to insure that licensed stations are operated in the public interest is supplemented in the case of ship radio installations and operations by additional provisions vesting substantial authority in the Commission over matters connected with radio equipment and its operation on shipboard.

4. Thus, in the case of shipboard radio installations, the Commission not only has its customary authority to classify stations (303 (a)), prescribe the nature of the service to be rendered (302 (b)), etc., and to make such regulations not inconsistent with law as it may deem necessary to carry out these provisions, but it is also given wide additional authority to protect life at sea. (See sections 320, 321, and 325 of the act). While it is true that the statute contains no specific provision authorizing the Commission to prescribe watches in connection with voluntarily installed radiotelephone installations, Congress did not attempt in the Communications Act, even with respect to mandatory equipment, to fill in all details or to delineate every aspect of the broad regulatory powers with which it was endowing the Commission. Nor has an examination of the legislative history of Part II of Title III disclosed any indication that Congress, in imposing the compulsory watch requirements of section 353(c), intended to preclude Commission action to require watches in cases not covered by that provision. Since the Commission has broad powers which, in the case of shipboard installations, are focused upon safety, the absence of specific language conferring authority does not vitiate these powers.

5. The rule in question clearly is not inconsistent with any provision of the Communications Act or treaty. It is complementary to existing statutory and treaty provisions. The furtherance of safety of life at sea is a cardinal purpose of the Communications Act (section 1), and as such is obviously within the concept of the public interest as applied to the operation of shipboard radiotelephone facilities. A rule which maintains the value of such facilities as instruments of safety is therefore an implementation of the statutory purpose. It is, therefore, our opinion that the adoption of § 8.223 was legally warranted under the authority conferred upon the Commission by the Communications Act.

6. Re-examination of the desirability of applying the requirements of § 8.223 to vessels compulsorily equipped with a radiotelegraph installation has, however, raised questions as to the value of the requirement with respect to such vessels.

7. There is no doubt, but, that in the absence of treaty or legislation which makes the wide-spread installation of radiotelephone equipment mandatory, an effective radiotelephone safety system must depend upon general voluntary installation of such equipment. Experience has shown that the effectiveness of search, aid and rescue operations utilizing radio is a function, among other matters, of the number of vessels (and coast stations) equipped with radio transmission and reception facilities. It appears, therefore, that it is incumbent upon the Commission to exercise its regulatory authority so as to encourage the voluntary installation of radiotelephone equipment upon a maximum number of vessels.

8. It appears that with respect to vessels compulsorily equipped with radiotelegraph installations for safety purposes and thereby required by law to maintain watch on the radiotelegraph calling and distress frequency 500 kc, the additional watch-standing requirement of § 8.223 may be unnecessarily burdensome. Thus, if such vessels did not maintain a radiotelephone watch, the gap between them and vessels fitted solely with radiotelephone equipment could in many instances be bridged by the utilization of coast radiotelegraph stations. This approach is in line with the regulatory policy reflected by the International Convention for the Safety of Life at Sea, London, 1948, wherein it is provided that certain ships shall, unless fitted with a prescribed radiotelegraph installation, be fitted with a prescribed radiotelephone installation and shall, while at sea, listen on the radiotelephone distress frequency during such periods as may be determined by the Administration. Further, statements made by the petitioner indicate that in the absence of relief from the 2182 kc watch requirement, some of the larger ocean-going vessels required by law to be fitted with radiotelegraph installations and voluntarily fitted with 2 Mc radiotelephone installations will either remove or not utilize such radiotelephone equipment. The elimination of radiotelephone installations on such vessels would tend to lessen over-all safety of life at sea.

9. We, therefore, conclude that pending the accumulation of further information and experience in this regard, vessels compulsorily fitted with radiotelegraph equipment should be excepted from the requirement of § 8.223.

10. Because the requirement here involved would otherwise become effective January 1, 1954, it is impracticable to comply with the public notice and procedure for rule making provided by section 4 of the Administrative Procedure Act. Accordingly; *It is ordered*, That effective January 1, 1954, § 8.223 (b) is amended to read as follows:

(b) Except as provided in paragraph (c) of this section and except for stations on board vessels required by law to be fitted with radiotelegraph equipment, each ship station (in addition to those ship stations specified in paragraph (a) of this section) licensed to transmit by telephony on one or more frequencies within the band 1600 to 3500 kc shall, during its hours of service for telephony, maintain an efficient watch for the reception of class A3 emission on the radiochannel of which 2182 kc is the assigned frequency, whenever such station is not being used for transmission on that channel or for communication on other radio-channels. When the ship station is in Region 1 or 3, such watch shall, insofar as is possible, be maintained at least twice each hour for three minutes commencing at x h 00 and x h 30, Greenwich mean time (G. M. T.).

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: December 30, 1953.

Released: December 31, 1953.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] WM. P. MASSING,
Acting Secretary.

DISSENTING STATEMENT OF COMMISSIONER BARTLEY

In my opinion the Communications Act, wholly apart from the compulsory telephony on one or more frequencies within the band 1600 to 3500 kc shall, during its hours of service for telephony, maintain an efficient watch for the reception of class A3 emission on the radiochannel of which 2182 kc is the assigned frequency, whenever such station is not being used for transmission on that channel or for communication on other radio-channels. When the ship station is in Region 1 or 3, such watch shall, insofar as is possible, be maintained at least twice each hour for three minutes commencing at x h 00 and x h 30, Greenwich mean time (G. M. T.).

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: December 30, 1953.

Released: December 31, 1953.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] WM. P. MASSING,
Acting Secretary.

DISSENTING STATEMENT OF COMMISSIONER BARTLEY

In my opinion the Communications Act, wholly apart from the compulsory radio installation provisions contained in Title 3, Part 2, thereof, clearly contemplates the close interdependence of radio stations aboard ships at sea. Section 322 of the act requires ship stations within their scope of normal operations to exchange radio communications or signals with any other station on shipboard. Section 321(b) of the act requires radio stations not only to refrain from interfering with radio distress signals and communications but also to "assist the vessel, in distress, so far as possible by complying with its instructions."

In my judgment, all those who desire the privilege of using a frequency for radiotelephone communications aboard ship should share in the responsibility of maintaining "an efficient watch," in the interest of promoting safety of life at sea for all users.

It seems to me that by allowing the exemption requested by the larger vessels, we weaken the entire program of encouraging the expansion of radiotelephone use and may well reduce its value on small boats which are primarily dependent upon radiotelephone.

[F. R. Doc. 54-88; Filed, Jan. 6, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 963]

[Docket No. AO-233-A1]

HANDLING OF MILK IN THE STARK COUNTY, OHIO, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Canton, Ohio, on September 24 and 25, 1953, pursuant to notice thereof which was issued on September 15, 1953 (18 F. R. 5629).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Assistant Administrator, Production and Marketing Administration, on December 8, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on December 12, 1953 (18 F. R. 8178).

The material issues and the findings and conclusions of the recommended decision (18 F. R. 8178; F. R. Doc. 53-10373) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following revision:

1. In the last paragraph beginning in column 3, page 8178, change the fifth sentence to read as follows: "The present schedule of standard utilization percentages is based upon the assumption that the supply of milk is normal in relation to sales during November, the usual month of lowest production, when the total utilization of Class I milk in the market is equal to 85 percent of the receipts of milk from producers."

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of October 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Stark County, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 31st day of December 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] *Amending the Order Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area*

§ 963.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the appplicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Canton, Ohio, on September 24 and 25, 1953, upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Stark County, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Stark County, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended as set forth below:

The provisions of the *"Recommended marketing agreement and order"* contained in the recommended decision issued by the Deputy Assistant Administrator, Production and Marketing Administration on December 8, 1953 and published in the FEDERAL REGISTER on December 12, 1953 (18 F. R. 8181; F. R. Doc. 53-10373) shall be and are the terms and provisions of this order as if set forth in full herein.

[F. R. Doc. 54-79; Filed, Jan. 6, 1954; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 43]

[Docket No. 10830]

REPORTS OF COMMUNICATION COMMON CARRIERS AND THEIR AFFILIATES

NOTICE OF PROPOSED RULE MAKING

In the matter of rescission of Statistical Circular No. 2, Annual Statistical Report for Small Communication Carriers (by Wire or Radio), and Statistical Circular No. 3 for Class C Telephone Carriers; Corresponding revision of Part 1 of the Commission's rules, Docket No. 10830.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Effective with the 1953 reporting year, it is proposed to rescind Statistical Circular No. 2 prescribed as an annual report for miscellaneous classes of small communication carriers (telephone, telegraph, and radio-telegraph carriers having annual operating revenues not exceeding $50,000) and Statistical Circular No. 3 prescribed as an annual report for Class C telephone carriers (those having annual operating revenues exceeding $50,000 but not more than $100,000). In lieu of requiring these annual reports, it is proposed to solicit through correspondence with individual carriers or groups of carriers, such information as may be required for the performance of the Commission's functions.

3. Consistent with the foregoing it is also proposed to revise § 1.544 (a) of the Commission's rules and regulations as follows: Delete subparagraphs (6) and (7) and change the number designation of present subparagraph (8) to (6).

4. Any interested party who is of the opinion that the above proposals should not be adopted or should not be adopted in the manner proposed herein, may file with the Commission, on or before January 22, 1954, a written statement or brief setting forth his comments. At the same time persons favoring the proposal may file statements in support thereof. Statements or briefs in reply to original comments may be filed within ten days from the last day for filing original comments. The Commission will consider all comments that are received before taking final action in the matter, and if comments are received which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished to the Commission.

Adopted: December 30, 1953.

Released: January 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-92; Filed, Jan. 6, 1954; 8:50 a. m.]

[47 CFR Parts 6, 21]

[Docket No. 10821]

DOMESTIC PUBLIC RADIO SERVICES

NOTICE OF PROPOSED RULE-MAKING

1. Notice is hereby given of proposed rule-making in the above entitled matter.

2. The purpose of this proceeding is to delete from present Part 6 of the rules those provisions which relate to domestic radio services (§ 6.101, et seq., to end of Part 6) and to transfer such provisions, with certain amendments and additions, to a new part designated as Part 21. This new part sets forth the rules and regulations applicable to all domestic public radio services other than Aeronautical, Maritime, and certain Alaskan and Special Emergency Services. Thus, the new part contains rules for the regular operation of such common carrier services as Land Mobile, and those heretofore described as Microwave Relay, Short Haul Toll, Rural Radiotelephone, TV Pickup and STL, Developmental, Domestic Control, Repeater, etc.

3. This notice of proposed rule-making is issued during the pendency of several proceedings involving proposals affecting the use of various frequency bands (Dockets Nos. 10315, 10345 and 10797) as more particularly indicated at appropriate places in the proposed rules. It is intended that final action in the instant proceeding will be coordinated with, and dependent upon, the final action taken in these proceedings. It should be particularly noted that any authorizations with respect to facilities utilizing frequencies in the 72-76 Mc. band will carry a condition that such authorizations may be modified or terminated at any time without hearing, upon notice to the grantee, as may be required by final disposition of the proceedings in Docket No. 10315.

4. The proposed rules, authority for which is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended are set forth below.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before February 26, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing original comments or briefs. The Commission will consider all such comments before taking action in this matter, and, if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 23, 1953.

Released: December 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

1. Delete from Part 6 of the Commission's rules, § 6.101, et seq., to end of part, and adopt new Part 21 as set forth below:

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Sec.
21.0 Basis and purpose.

SUBPART A—DEFINITIONS

21.1 Definitions (as used in this part).

SUBPART B—APPLICATIONS AND LICENSES

Sec.
21.10 Station authorization required.
21.11 General citizenship restrictions.
21.12 Place of filing applications and number of copies.
21.13 Subscription and verification of applications.
21.14 Informal applications.
21.15 Content of applications.
21.16 Additional statements.
21.17 Form of amendments to applications.
21.18 Amendments of applications ordered.
21.19 Application for special temporary license.
21.20 Defective applications.
21.21 Inconsistent and conflicting applications.
21.22 Repetitious applications.
21.23 Amendments of applications.
21.24 Dismissal of applications.
21.25 Partial grants.
21.26 Grants without a hearing.
21.27 Designation for hearing.
21.28 Transfer and assignment of station authorization.
21.29 Forms to be used.
21.30 Period of construction.
21.31 Forfeiture of station authorizations.
21.32 License period.

SUBPART C—TECHNICAL STANDARDS

21.100 Frequencies.
21.101 Frequency stability.
21.102 Frequency measuring or calibrating apparatus.
21.103 Types of emission.
21.104 Bandwidth of emission.
21.105 Emission limitations.
21.106 Transmitter power.
21.107 Directional antennas.
21.108 Antenna polarization.
21.109 Simultaneous use of common antenna structure.
21.110 Marking of antenna structures.
21.111 Description of station location.
21.112 Mobile station antenna height restrictions.
21.113 Method for determining average terrain elevation.
21.114 Topographical data.
21.115 Transmitter location.
21.116 Transmitter construction and installation.
21.117 Limitation on use of transmitters for other services.
21.118 Acceptability of transmitters for licensing below 500 Mc.

SUBPART D—TECHNICAL OPERATION

21.200 Station inspection.
21.201 Posting of station authorizations.
21.202 Transmitter identification card.
21.203 Posting of operator licenses.
21.204 FCC publications required for reference.
21.205 Operator requirements.
21.206 Inspection and maintenance of antenna structure obstruction marking and associated control equipment.
21.207 Transmitter measurements.
21.208 Station records.
21.209 Communications concerning safety of life and property.
21.210 Suspension of transmission.
21.211 Operation during emergency.
21.212 Equipment, service and maintenance tests.
21.213 Station identification.

SUBPART E—MISCELLANEOUS

21.300 Business records.
21.301 National defense; free service.
21.302 Answers to notices of violation.
21.303 Discontinuance, reduction or impairment of service.
21.304 Tariffs, reports and other material required to be submitted to the Commission.
21.305 Reports required concerning amendments to charters, by-laws, and partnership agreements.

SUBPART F—DEVELOPMENTAL AUTHORIZATIONS

21.400 Eligibility.
21.401 Scope of service.
21.402 Adherence to program of research and development.
21.403 Special procedure for the development of a new service or for the use of frequencies not in accordance with the table of frequency allocations.
21.404 Terms of grant; general limitations.
21.405 Supplementary showing required.
21.406 Developmental reports required.

SUBPART G—DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21.500 Eligibility.
21.501 Allocation of frequencies.
21.502 Classification of base stations.
21.503 Geographical separation of co-channel stations.
21.504 Service area of base station.
21.505 Antenna height limit for base stations.
21.506 Power limitation.
21.507 Types of emission.
21.508 Authorized bandwidth of emission.
21.509 Modulation requirements.
21.510 Permissible communications.
21.511 Base stations may be authorized only as part of integrated radio system.
21.512 Communication service to own mobile units.
21.513 Priorities for service to subscribers.
21.514 Location of message center.
21.515 Responsibility for operational control and maintenance of mobile units.
21.516 Changes in equipment.
21.517 Control points and dispatch points.

SUBPART H—RURAL RADIOTELEPHONE SERVICE

21.600 Eligibility.
21.601 Allocation of frequencies.
21.602 Transmitter power.
21.603 Types of emission.
21.604 Authorized bandwidth of emission.
21.605 Modulation requirements.
21.606 Permissible communications.
21.607 Priority of service.
21.608 Supplementary showing required with applications.
21.609 Rural subscriber and control exchange stations at temporary fixed locations.
21.610 Notification of station operation at temporary locations.

SUBPART I—INTERCITY RADIO SERVICE

21.700 Eligibility.
21.701 Allocation of frequencies.
21.702 Transmitter power.
21.703 Emission limitations.
21.704 Modulation requirements.
21.705 Permissible communications.
21.706 Supplementary showing required with applications.

SUBPART J—LOCAL TELEVISION PROGRAM TRANSMISSION SERVICE

21.800 Eligibility.
21.801 Allocation of frequencies.
21.802 Assignment of frequencies to mobile stations.
21.803 Transmitter power.
21.804 Emission limitations.
21.805 Modulation requirements.
21.806 Remote control operation of mobile television pickup stations.

§ 21.0 *Basis and purpose.* (a) The basis for the rules in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in Title II and III of the Communications Act of 1934, as amended, which vests authority in the Federal Communication Commission to regulate common carriers of interstate and foreign communications and to regulate radio transmissions and issue licenses for radio stations.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be made available for the use of radio for domestic common carrier operations which require transmitting facilities on land.

SUBPART A—DEFINITIONS

§ 21.1 *Definitions (as used in this part).*—(a) *Antenna power gain.* The square of the ratio of the root-mean-square free space field intensity produced at one mile in the horizonal plane, in millivolts per meter for one kilowatt antenna input power to 137.6 mv/m. This ratio should be expressed in decibels (db). (If specified for a particular direction, antenna power gain is based on the field strength in that direction only.)

(b) *Antenna structure.*[1] The term "antenna structure" includes the radiating system and its supporting structures.

(c) *Authorized frequency.* The frequency assigned to a station by the Commission and specified in the instrument of authorization.

(d) *Authorized power.* The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the Bureau of the International Telecommunications Union.

(e) *Auxiliary test station.* A land station used for test transmissions only, operating on mobile station frequencies from a specified fixed location, for the purpose of determining the performance of receiving equipment which is remotely located from the base station with which it is associated.

(f) *Base station.* A land station in the land mobile service carrying on a service with land mobile stations.

(g) *Carrier.* In a frequency stabilized system, the sinusoidal component of a modulated wave whose frequency is independent of the modulating wave; or the output of a transmitter when the modulating wave is made zero; or a wave generated at a point in the transmitting system and subsequently modulated by the signal; or a wave generated locally at the receiving terminal which when combined with the side bands in a suitable detector produces the modulating wave.

(h) *Carrier frequency.* The frequency of the carrier.

[1] For complete reference to rules and regulations pertaining to coordination of antenna structures and hazards to air navigation, see Part 17 of this subchapter.

(i) *Central exchange station.* A fixed station in the rural radiotelephone service used for transmitting communications to rural subscriber stations associated therewith.

(j) *Communication common carrier.* Any person engaged in rendering communication service for hire to the public.

(k) *Control point.* A control point is an operating position at which an operator responsible for the operation of the transmitter is stationed and which is under the control and supervision of the licensee.

(l) *Control station.* A fixed station used to control directly the operation of other fixed radio stations, or automatically to transmit to an alarm center telemetering information relative to the operation of such stations.

(m) *Dispatch communication.* Two-way voice communication, normally of not more than one minute's duration, between common carrier land mobile stations, or between a common carrier land mobile station and a land line telephone station not connected to a public message telephone system.

(n) *Dispatch point.* A dispatch point is a base station operating position, operated by a subscriber, which is under the control and supervision of the base station licensee.

(o) *Domestic fixed public service.* A fixed service, the stations of which are open to public correspondence, for radiocommunication between points all of which lie within: (1) the 48 states and the District of Columbia, or (2) within a single territory or possession of the United States.[1]

(p) *Domestic public land mobile radio service.* A public communication service for hire between land mobile stations wherever located and base stations which are located within the continental limits of the United States or its territories and possessions.

(q) *Domestic public radiocommunication services.* The land mobile and domestic fixed public services the station of which are open to public correspondence.[2]

(r) *Effective radiated power.* The product of the antenna input power and the antenna power gain. This product should be expressed in watts. (If specified for a particular direction, effective radiated power is based on the antenna power gain in that direction only.)

(s) *Facsimile.* A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

(t) *Fixed service.* A service of radiocommunication between specified fixed points.

(u) *Fixed station.* A station in the fixed service.

(v) *General communication.* Two-way voice communication, through a base station, between a common carrier land mobile station and a land line telephone station connected to a public message land line telephone system, or between two common carrier land mobile stations.

(w) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service.

(x) *Intercity radio service.* A domestic public radio service rendered on microwave frequencies by fixed stations between points which lie within the continental limits of the United States or between points in its territories and possessions or to points in nonoverseas foreign countries.

(y) *Intercity station.* A fixed station in the Intercity Radio Service, operating on microwave frequencies, which is used for the transmission for hire of public correspondence between points in the continental United States or between points in its territories and possessions or to points in non-overseas foreign countries.

(z) *Inter-exchange station.* A fixed station in the Rural Radiotelephone Service which is used exclusively for interconnection of public message telephone exchanges.

(aa) *Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging pasengers or cargo.

(bb) *Land mobile service.* A mobile service between base stations and land mobile stations, or between land mobile stations.

(cc) *Land mobile station.* A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

(dd) *Land station.* A station in the mobile service not intended for operation while in motion.

(ee) *Local television program transmission service.* A domestic public radio service for the transmission of television program material and related communications to television broadcasting stations or to television receiving apparatus associated in a "closed circuit" operation.

(ff) *Message center.* The point at which messages from members of the public are accepted by the carrier for transmission to the addressee.

(gg) *Microwave auxiliary station.* A mobile station used in connection with (1) the alignment of microwave transmitting and receiving antenna systems and equipment, (2) coordination of microwave radio survey operations, and (3) cue and contact control of television pickup station operations.

(hh) *Microwave frequencies.* As used in this part, this term refers to frequencies of the order of 890 Mc. and above.

(ii) *Mobile service.* A service of radiocommunication between mobile and land stations or between mobile stations.

(jj) *Mobile station.* A radio station in the mobile service intended to be used while in motion or during halts at unspecified points.

(kk) *Private line service.* A service whereby facilities for communication between two or more designated points are set aside for the exclusive use or availability for use of a particular customer and authorized users during stated periods of time.

(ll) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(mm) *Public message telephone exchange.* A wire center at which telephone subscriber lines are terminated, where manual or automatic switching facilities are provided for interconnecting the line of each subscriber to that of another subscriber or to a trunk circuit to another wire center in the same exchange area or to a toll circuit to a more distant exchange.

(nn) *Public message telephone service.* A service whereby telephone facilities are offered to the public for communication between all points served by a carrier or by interconnected carriers on a non-exclusive message by message basis, contemplating a separate connection for each occasion of use.

(oo) *Radiocommunication.* Any telecommunication by means of Hertzian waves.

(pp) *Radio station.* A separate transmitter or a group of transmitters including the accessory equipment required for carrying on a radiocommunication service.

(qq) *Rated power output.* The term "rated power output" of a transmitter means the normal radio frequency power output assessed to a transmitter by its manufacturer.

(rr) *Record communication.* Any transmission of intelligence which is reduced to visual record form at the point of reception.

(ss) *Repeater station.* A fixed station established for retransmitting automatically radiocommunications received from one or more land mobile stations and directed to a specified location.

(tt) *Rural radiotelephone service.* A domestic public radio service rendered by fixed stations used to provide (1) public message telephone service rendered through a central exchange station to fixed locations or regular subscriber stations in the same exchange area, in rural areas to which it is impracticable to extend service via land lines, or (2) public message telephone service between land line telephone exchanges which it is impracticable to interconnect by other means, or (3) private line telephone or telegraph service between 2 or more points to which it is impracticable to extend service via land line.

(uu) *Rural subscriber station.* A fixed station in the Rural Radiotelephone Service used for transmitting telephone messages from a subscriber's telephone instrument to a central exchange station.

(vv) *Signaling communication.* One-way communication from a base station to a mobile receiver for the purpose of actuating a signaling device in the mobile unit or for communicating information to the desired mobile unit.

(ww) *Standby transmitter.* The term "standby transmitter" means a transmitter maintained for use in lieu of the main transmitter only during periods when the main transmitter is out of service for maintenance or repair.

(xx) *Telegraphy.* A system of telecommunication for the transmission of written matter by the use of signal code.

(yy) *Telephony.* A system of telecommunication set up for the transmission of speech, or in some cases, other sounds.

(zz) *Television.* A system of telecommunication for the transmission of transient images of fixed or moving objects.

(aaa) *Television non-broadcast pickup station.* A land mobile station used for the transmission of television program material and related communications for non-broadcast purposes.

(bbb) *Television pickup station.* A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

(ccc) *Television STL station (studio transmitter link).* A fixed station used for the transmission of television program material and related communications from a studio to the transmitter of a television broadcast station.

SUBPART B—APPLICATIONS AND LICENSES

§ 21.10 *Station authorization required.* No radio transmitter shall be operated in the Domestic Public Radio Services except under and in accordance with a station authorization granted by the Federal Communications Commission.

§ 21.11 *General citizenship restrictions.* A station license may not be granted to or held by:

(a) Any alien or the representative of any alien.

(b) Any foreign government or the representative thereof.

(c) Any corporation organized under the laws of any foreign government.

(d) Any corporation of which any officer or director is an alien.

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign country.

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof; or any corporation organized under the laws of a foreign government—if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 21.12 *Place of filing applications and number of copies.* (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Domestic Public Radio Services are discussed within this subpart and may be obtained from the Secretary, Federal Communications Commission, Washington 25, D. C. or from any of the Commission's engineering field offices, the addresses of which are listed in section 0.40 of Part 0 of the Commission's rules.

(b) Every application for a radio station authorization, except applications for stations located in the Territory of Alaska, and all correspondence relating thereto shall be submitted to the Commission's office at Washington 25, D. C., attention of the Secretary.

(c) Applications for station authorizations in the Territory of Alaska shall be submitted to the Federal Communications Commission, Radio District No. 14, Room 801 Federal Office Building, Seattle 4, Washington, attention of the Engineer-in-Charge.

(d) Unless otherwise specified in a particular case, or for a particular form, each application, including exhibits and attachments thereto, shall be filed in duplicate.

(e) Each application, including exhibits and attachments thereto, for station authorization in the Territory of Alaska shall be filed with one copy more than the number of copies indicated in this part for stations located elsewhere.

§ 21.13 *Subscription and verification of applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant, if the applicant be an individual; by any one of the partners, if an applicant be a partnership; by an officer, if the applicant be a corporation; or by a member who is an officer, if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney-in-fact for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be signed by a person other than the applicant, such person must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Applications filed on behalf of eligible governmental entities such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction. Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed.

§ 21.14 *Informal applications.* An application not submitted on a standard form prescribed by the Commission is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and the original copy shall be subscribed and verified as provided in § 21.13. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 21.15 *Content of applications.* (a) Each application, unless otherwise authorized, shall be specific with regard to frequency or frequencies, power, hours of operation, equipment, antenna height, antenna gain and directivity, points or areas of communication, location of the station, full and complete disclosures with regard to the real party or parties in interest, and shall set forth all matters and things required to be disclosed or answered by the application forms and the Commission's rules.

(b) Each application for construction permit for new or additional radio facilities shall be accompanied by a showing of the applicant's legal, financial, technical and other qualifications to be a licensee in the Domestic Public Radio Services.

(c) Except in cases where such information is already on file with the Commission, applications in these services shall include a single copy of:

(1) The partnership agreement properly certified by each of the partners, if the applicant is a partnership.

(2) The by-laws and the acts or articles of incorporation (or charter) including any amendments thereto, if the applicant is a corporation, certified by an officer of the corporation.

(3) The by-laws and articles of association, including any amendments thereto, certified by an appropriate officer of the organization, if the applicant is an unincorporated association.

(d) Each application for construction permit for new or additional radio facilities shall include a showing that the applicant is financially qualified to construct and operate the proposed facilities. Relative thereto, a copy of the applicant's current balance sheet should be furnished. If a loan or other credit arrangement is to be consummated to finance the proposed operation, full particulars relative thereto should be disclosed, including the identity of the creditor.

(e) Each application for construction permit for new or additional radio facilities shall include a statement of the applicant's technical qualifications. Relative thereto, a showing should be made of the arrangements made to ensure the rendition of good public communication service. Among other things, applicant should disclose the particulars of arrangements to procure the necessary space and personnel for the proposed operations, as well as to show the specific arrangements made to obtain the requisite first or second class licensed radio operators for construction and technical maintenance of the radio installation.

(f) Each application for construction permit for a radio station situated at a

[1] In exceptional cases, facilities within the United States for communication with facilities in Canada or Mexico are also deemed to be in the domestic fixed public service.

[2] Parts 7 and 8 of this subchapter are applicable to Maritime services. Part 9 of this subchapter is applicable to Aeronautical services; and Part 14 of this subchapter is applicable to certain Alaskan services.

specified fixed location which involves new antenna construction or modification of existing antenna construction shall be accompanied by FCC Form 401–A (revised)[1] in triplicate in all cases when:

(1) The station operates upon frequencies below 890 Mc.; or

(2) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level (including any man-made structure on which it is to be mounted): *Provided, however,* That FCC Form 401–A is not required for stations operating above 890 Mc. when the antenna is mounted upon an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(3) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area: *Provided, however,* That FCC Form 401–A is not required for stations operating above 890 Mc. when the antenna is mounted upon an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(4) The antenna structure proposed to be modified is already required to be marked or lighted as a navigation hazard to aircraft.

(g) An application for mobile units to be licensed in the name of a person who is not the licensee of the base station with which the mobile units will be associated in the Domestic Public Land Mobile Radio Service shall be accompanied by the information indicated in paragraph (b) of this section together with an affirmative showing that:

(1) The mobile units for which authorization is sought are for the applicant's own use; and

(2) Definite arrangements have been made for the requested number of mobile units to obtain communication service, upon the frequencies requested, through the base stations specifically identified in the application; and

(3) Specific arrangements, the details of which should be set forth, have been made for installation and technical service and maintenance of the mobile units by licensed first or second class radio operators.

(h) Each application for construction permit for radio facilities which are to be used in rendering communication service for hire shall be accompanied by a statement showing the extent to which the applicant intends actively to participate in the day-to-day operation of the proposed facilities. In the event the applicant does not intend actively to participate in the day-to-day management and operation, he should state his reasons therefor and fully disclose the details of the proposed operations, including a showing of how control thereof will be retained by the applicant.

(i) Each application for construction permit for a developmental authorization shall be accompanied by pertinent supplemental information as required by § 21.405 in addition to such information as may be specifically required by this section.

(j) Each application for construction permit for a station intended to operate upon frequencies below 890 Mc. from a specified fixed location, which proposes to establish a new communication facility or make changes in the area of coverage of a station already authorized, shall be accompanied by technical engineering information with respect to:

(1) Type of antenna polarization used.

(2) Type of antenna used, including type number and manufacturer thereof.

(3) Antenna power gain with respect to a reference half-wave dipole antenna, expressed in decibels.

(4) Antenna radiation pattern (on letter size polar coordinate paper) showing the antenna power gain distribution in the horizontal plane with respect to a reference half-wave dipole antenna, expressed in decibels.

(5) Orientation of directional antenna array, expressed in degrees of azimuth, with respect to true north.

(6) Antenna height above average terrain (see also § 21.113).

(7) Antenna transmission line type, length, and radio frequency power transmission losses between the output of the transmitter and the antenna radiating system, expressed in decibels.

(8) Topographic maps (see also § 21.114) showing thereon:

(i) Exact station location.

(ii) Location of radials used in determining elevation of average terrain.

(iii) Location of the contour describing the limits of the area of reliable service[2] to be covered by the station, if the station is to be used in the Domestic Public Land Mobile Radio Service. If the station is to be used exclusively for the rendition of communication service between specified fixed points, the location of such contour need not be shown.

(k) In the Rural Radiotelephone Service and the Intercity Radio Service, each application for initial installation of a radio station, or for installation of additional transmitters, or for authority to communicate with new points, shall be accompanied by the showing required by §§ 21.608 and 21.706, respectively.

§ 21.16 *Additional statements.* The Commission may require an applicant to submit such documents and written statements of fact, under oath, as in its judgment may be necessary.

§ 21.17 *Form of amendments to applications.* Any amendment to an application shall be subscribed, verified, and submitted in the same manner, and with the same number of copies, as was the original application.

§ 21.18 *Amendments of applications ordered.* The Commission may, upon its own motion or upon the motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

§ 21.19 *Application for special temporary license.* (a) Special temporary license may be granted for the operation of a new or existing station in the Domestic Public Radio Services for a limited time, or in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor. Except as hereafter provided, no such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days prior to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request. A request for special temporary license may be submitted as an informal application in the manner set forth in § 21.14.

(b) In cases of emergency found by the Commission, involving danger to life or property or due to damage of equipment, or during a national emergency proclaimed by the President or declared by the Congress or during the continuance of any war in which the United States is engaged and when such action is necessary for the national defense or safety or otherwise in furtherance of the war effort, or in cases of emergency where the Commission finds that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, the Commission will grant construction permits and station licenses, or modifications or renewals thereof, during the emergency found by the Commission or during the continuance of any such national emergency of war, as Special Temporary Licenses, only for the period of emergency or war requiring such action, without the filing of formal applications.

§ 21.20 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to questions, execution or other matters of a formal character will not be received for filing by the Commission, unless the Commission shall otherwise permit, and will be returned to the applicant with a brief statement as to the omissions.

(b) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied by a request of the applicant for a waiver of, or an exception to, any rule, regulations or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(c) Applications tendered for filing are given a file number. The assignment of a file number to an application is for the administrative convenience of the Commission and does not indicate the acceptance of the application for filing and consideration.

§ 21.21 *Inconsistent or conflicting applications.* When an applicant has an application pending and undecided, no inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the benefit of said applicant, will be considered by the Commission.

§ 21.22 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity for a hearing with respect to a particular application for a new station, or for an extension or enlargement of service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this section.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 21.23 *Amendments of applications.* (a) Any application may be amended as a matter of right, prior to the designation of such application for hearing, merely by filing the appropriate number of copies of the amendments in question duly executed.

(b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown.

§ 21.24 *Dismissal of applications.* (a) Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing.

(b) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only before public notice of the issuance of a proposed decision proposing denial of the application, upon written petition properly served upon all parties of record, and will be granted only for good cause shown. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by the petitioner, directly or indirectly, in connection with the filing of such petition.

(c) An applicant not desiring to prosecute his application may request the dismissal of same without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 21.25 *Partial grants.* Where the Commission, without a hearing, grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to the station if a designated application or applications are subsequently granted, the applicant will be informed of the reasons for such action and the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, return the instrument of authorization and file with the Commission a written statement rejecting the grant as made and setting forth the reasons why the application should be granted as originally requested. Upon receipt of such statement, the Commission will vacate its original action upon the application and reconsider the same. Upon such reconsideration, it will either grant or set the application for hearing in the same manner as other applications are set for hearing.

§ 21.26 *Grants without a hearing.* (a) Where an application for radio facilities is proper upon its face and where it appears from an examination of the application and supporting data that (1) the applicant is legally, technically, financially and otherwise qualified; (2) a grant of the application would not cause harmful interference to an existing station or station for which a construction permit is outstanding within its service area; (3) a grant of the application would not preclude the grant of any pending application; and (4) a grant of the application would serve the public interest, convenience or necessity, the Commission will grant the application without a hearing.

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application as being mutually exclusive with the application under consideration unless such other application was tendered for filing with the Commission not later than the close of business one business day preceding the day on which the Commission takes action with respect to the application under consideration.

(c) When any instrument of authorization is granted without a hearing, such grant shall remain subject to protest for a period of 30 days. During such 30-day period, any party in interest may file a protest under oath directed to such grant and request a hearing on such application. Any protest so filed shall contain such allegations of fact as will show the protestant to be a party in interest and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Within 15 days from the date of filing of such protest, the Commission will make findings as to whether such protest meets the foregoing requirements and, if it so finds, the application involved will be set for hearing upon the issues set forth in such protest, together with such further specific issues, if any, as may be prescribed by the Commission. With respect to all issues set forth in the protest and specifically adopted by the Commission, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant.

(d) Pending the hearing described in paragraph (c) of this section, and the decision thereon, the effective date of the Commission's action to which protest is made will be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, in which event the Commission will authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

§ 21.27 *Designation for hearing.* (a) If, upon examination of any application, the Commission is unable to find that the public interest, convenience and necessity would be served by a grant thereof, it will forthwith notify the applicant and other known parties in interest of the grounds and reasons for its inability to make such finding. Such notice will advise the applicant and all other known parties in interest of the objections made to the application as well as the source and nature of such objections. The applicant will be given a period of 30 days from the date of such notice within which to reply thereto. If the Commission, after considering such reply, shall be unable to find that public interest, convenience, or necessity would be served by the grant of the application, it will designate the application for hearing on the grounds or reasons then obtaining and will notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor.

(b) The parties in interest, if any, who are notified by the Commission of its action with respect to a particular application may acquire the status of a party to the proceeding by filing a petition for intervention showing the basis for their interest at any time not less than 10 days prior to the date of hearing.

(c) At any hearing subsequently held, the applicant shall have both the burden of proceeding with the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues.

(d) Where a grant of the application would preclude the grant of an application or applications mutually exclusive with it, the Commission may, if public interest will be served thereby, make a conditional grant of one or more of such mutually exclusive applications for hearing. Such conditional grant will be made upon the express condition that it is subject to being withdrawn if, at the hearing, it is shown that public interest will be better served by a grant of one of the other applications. Such conditional grants will be issued only where it appears:

(1) That some or all of the applications were not filed in good faith but were filed for the purpose of delaying or hindering the grant of another application; or

(2) That public interest requires the prompt establishment of radio service in a particular community or area; or

(3) That a grant of one or more applications would be in the public interest

[1] For complete regulations relative to antenna clearance requirements, see Part 17 of this subchapter.

[2] Reference should also be made to § 21.504.

and that a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provision of an international agreement to the use of the frequency in question; or

(4) That a grant of one application would be in the public interest and that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, or of other statutes, or of the Commission's rules and regulations.

§ 21.28 *Transfer and assignment of station authorization.* A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such authorization, to any person, except upon application to the Commission and upon finding by the Commission that the public interest, convenience and necessity will be served thereby. Requests for authority of the type referred to herein shall be submitted on the forms prescribed by § 21.29 (h) and shall be accompanied by the further showing required by § 21.29 (h).

§ 21.29 *Forms to be used*—(a) *Application for construction permit for base stations and fixed stations.* A separate application for construction permit shall be submitted for each base station and each fixed station. Such applications shall be accompanied by the supplementary information set forth in § 21.15 as may be appropriate.

(b) *Application for construction permit for mobile stations.* A separate application on FCC Form 401 shall be submitted for a construction permit for the maximum number of mobile units expected to be placed in operation within the ensuing license period: *Provided, however,* In the Domestic Public Land Mobile Radio Service, an application for construction permit for land mobile units to be licensed in the name of the base station licensee may be combined on the same application form with an application for the base station with which the land mobile units will be associated. In the preparation of such blanket applications, care should be exercised that data furnished therein in all particulars is clearly differentiated between the land mobile and base station installations. Applications for mobile stations in the Domestic Public Land Mobile Radio Service which are submitted by persons who propose to become subscribers to a common carrier service for public correspondence shall be accompanied by the supplementary showing set forth in § 21.15 (g). In the case of mobile transmitters, including hand-carried or pack-carried units which are purchased as a complete packaged unit and used without modification, the application for license may be submitted simultaneously with the application for construction permit.

(c) *Application for modification of construction permit.* Under circumstances requiring deviation from the terms of a construction permit, before such deviations are begun, application for modification of construction permit shall be submitted on FCC Form 401. No changes shall be effected until authorized by the Commission through issuance of an appropriate modified construction permit.

(d) *Application for extension of expiration date of construction permit.* Application for extension of time within which to complete construction of a station shall be filed on FCC Form 701 at least 30 days prior to the expiration date of such permit, if the facts supporting such application for extension are known to applicant in time to permit such filing. In other cases, such applications will be accepted upon a showing, satisfactory to the Commission, of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension (see also § 21.31 (a)).

(e) *Application for station license.* Upon completion of construction or installation of a station in exact accordance with the terms and conditions set forth in the construction permit and upon satisfactory completion of equipment tests in accordance with § 21.212 (a) an application for license to operate the station may be filed on FCC Form 403 prior to the expiration date of the construction permit.

(f) *Renewal of station license.* Unless otherwise directed or permitted by the Commission, each application for renewal of license other than special temporary authorizations shall be submitted on FCC Form 405 not less than 30 days nor more than 60 days prior to the expiration date of the license sought to be renewed. Expiring developmental authorizations may be renewed only upon a factual showing of need beyond the expiration date of the authorization sought to be renewed.

(g) *Application for modification of station license.* An application for modification of any station license in these services may be filed at any time during the term of that license. Application for modification of a station license shall be made on FCC Form 403 and shall be submitted in duplicate not less than 60 days prior to the date contemplated for such modification, unless otherwise permitted.

(h) *Application for consent to assignment, or transfer of control of corporation holder of radio station construction permit or license.* An application on FCC Form 702 or FCC Form 703, as the circumstances require, shall be submitted to the Commission when a construction permit or license, or the control of a corporation holding such permit or license, is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a permit or station license, or by involuntary assignment of the physical property of the station pursuant to a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner. Applications filed on FCC Form 702 or FCC Form 703 shall be accompanied by a factual showing by the assignee of his legal, financial, technical and other qualifications to be the licensee of the radio facilities described in such application.

(i) *Applications for authority to operate mobile units of Canadian registry in the United States.*[5] Applications for authority to operate mobile units of Canadian registry within the United States shall be made upon FCC Form 410 which shall be filed with the Secretary, Federal Communications Commission, Washington 25, D. C. Forms may be obtained from the FCC Secretary or from the Controller of Telecommunications, Department of Transport, Ottawa, Canada.

§ 21.30 *Period of construction.* Each construction permit for a radio station in the Domestic Public Radio Services will specify a maximum of 60 days from the date of grant thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 21.31 *Forfeiture of station authorizations.* (a) A construction permit shall be automatically forfeited if construction has not been commenced within the time specified therein or if the station is not ready for operation within the term of the construction permit, or within such additional time as the Commission may have allowed upon a proper showing, upon FCC Form 701 filed prior to the date sought to be extended, that failure to commence or complete construction was due to causes not under the control of the permittee (see also § 21.29(d)).

(b) A license or special temporary authorization shall be automatically forfeited upon the expiration date specified therein unless prior thereto an application for renewal of such license or authorization shall have been filed with the Commission (see also § 21.29 (f)).

§ 21.32 *License period.* Licenses for stations in the Intercity Radio and Local Television Program Transmission Services will be issued for a period not to exceed five years; licenses for stations in the Domestic Public Land Mobile Radio and Rural Radiotelephone Services will be issued for a period not to exceed three years; except that licenses for developmental stations will be issued for a period not to exceed one year.[4]

[5] *Applications for authority to operate mobile units in Canada.* Applications for authority to operate mobile units, which have been licensed in this service by the Commission, shall be made upon proper form and be filed with the Controller of Telecommunications, Department of Transport, Ottawa, Canada, from whom the application forms are obtainable.

SUBPART C—TECHNICAL STANDARDS

§ 21.100 *Frequencies.* The frequencies available for use in the services covered by this part of the rules are listed in the applicable subparts of this part. Assignment of frequencies will be made only in such a manner as to facilitate the rendition of communication service on an interference-free basis in each service area. Unless otherwise indicated, each frequency available for use by stations in these services will be assigned exclusively to a single applicant in any service area. All applicants for, and licensees of, stations in these services shall cooperate in the selection and use of the frequencies assigned in order to minimize interference and thereby obtain the most effective use of the authorized facilities. In the event harmful interference occurs or appears likely to occur between two or more radio systems and such interference cannot be resolved between the licensees thereof, the Commission may specify a time sharing arrangement for the stations involved or may, after notice and opportunity for hearing, require the licensees to make such changes in operating techniques or equipment as it may deem necessary to avoid such interference.

§ 21.101 *Frequency stability.* (a) The carrier frequency of each transmitter authorized in these services shall be maintained within the following percentage of the assigned frequency, except as provided in paragraph (b) of this section:

Frequency range:	Frequency tolerance (percent)
Below 50 Mc	0.01
50–1,000 Mc	0.005
1,000–10,000 Mc	0.05
Above 10,000 Mc	(1)

[1] To be specified in the authorization.

(b) Hand or pack carried transmitters having a final stage plate power input of less than 3 watts shall maintain their carrier frequency within the following percentage of the assigned frequency:

Frequency range:	Frequency tolerance (percent)
Below 50 Mc	0.02
50–500 Mc	0.01

§ 21.102 *Frequency measuring or calibrating apparatus.* (a) The licensee of each station, other than a mobile station, regulated by the rules of this part shall operate at the transmitter a frequency measuring device independent of the frequency control of the transmitter.

(b) The frequency measuring device shall have an accuracy sufficient to determine that the operating frequency is within one-half of the allowed tolerance.

(c) Exception to the above provisions of this section may be made provided:

(1) The applicant makes a satisfactory showing that the nature of the proposed operations precludes compliance with the above provisions; and

(2) A satisfactory alternative method of maintaining the operating frequency within the allowed tolerance is employed.

§ 21.103 *Types of emission.* The types of emission which the various stations in the Domestic Public Radio Services may use are specified in the rules in this part governing the particular service. (See § 2.201 of this subchapter for information concerning the manner of designating various classes of emission.)[2]

§ 21.104 *Bandwidth of emission.* (a) The necessary bandwidth of an emission is the width of the frequency band which is necessary in the over-all system including both transmitter and receiver for the proper reproduction at the receiver of the desired information but does not necessarily indicate the interfering characteristics of the emission. The necessary bandwidth for an emission may be calculated using the formulas in § 2.202 of this subchapter.

(b) The occupied bandwidth is the band of frequencies comprising 99 percent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 percent of the total radiated power.

(c) The authorized bandwidth is the band of frequencies, normally centered around the assigned frequency, within which the authorized bandwidth is approximately equal to the occupied bandwidth modified to fall within the standard channeling scheme adopted by the Commission. The authorized bandwidth for stations in these services is specified in the rules relating to the particular service.

(d) Each authorization issued to a station under this part will show as a prefix to the emission classification, a figure specifying the bandwidth authorized to be used by the station. This figure does not necessarily indicate the bandwidth actually occupied by the emission at any instant.

§ 21.105 *Emission limitations.* (a) Any emission appearing on any frequency removed from the carrier frequency by at least 50 percent, but not more than 100 percent, of the maximum authorized bandwidth shall be attenuated not less than 25 db below the unmodulated carrier.

(b) Below 500 Mc., any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

Authorized power (watts input):	Attenuation (db)
3 watts or less	40
Over 3 watts up to and including 25 watts	50
Authorized power (watts input)—Continued	Attenuation (db)
Over 25 watts up to and including 150 watts	60
Over 150 watts up to and including 600 watts	70
Over 600	80

(c) Above 500 Mc., any spurious or harmonic emission appearing on any frequency removed from the carrier by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

Effective radiated power:	Attenuation (db)
5 watts or less	40
Over 5 watts and including 50 watts	50
Over 50 watts and including 100 watts	60
Over 100 watts	70

(d) When an unauthorized emission results in harmful interference, the Commission may require appropriate technical changes in equipment to alleviate the interference.

§ 21.106 *Transmitter power.* (a) The power which a station will be permitted to use in these services will be the minimum required for satisfactory technical operation commensurate with the size of the area to be served and local conditions which affect radio transmission and reception. In cases of harmful interference, the Commission may, after notice and opportunity for hearing, order a change in the effective radiated power of a station.

(b) The rated power output of a transmitter employed in these radio services shall not exceed the values shown in the following tabulation:

Frequency range:	Rated power output (average)
Below 30 Mc	50 watts.
30–50 Mc	250 watts.
50–76 Mc	50 watts.
76–500 Mc	250 watts.
500–10,000 Mc	100 watts.
Above 10,000 Mc	Unlimited.

(c) Transmitters in these radio services normally will not be authorized where the input parameters of current and voltage which are applied to the final radio frequency stage exceed the values recommended by the tube manufacturers.

(d) The operating power of each transmitter shall be maintained as near as practicable to the power specified in the instrument of station authorization: *Provided, further,* That the operating power of each base station transmitter shall not deviate by more than 10 percent above and 15 percent below the authorized power. In the event it becomes impossible to operate within such limits of the authorized power, the station may be operated with reduced power for a period of 10 days or less, provided the Commission and the Engineer-in-Charge of the radio district in which the station is located shall be notified in writing immediately thereafter and also upon the resumption of normal operating power.

(e) Below 500 Mc., the operating power of stations in these services shall be de-

[4] In the case of common carrier Television-STL and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered.

[2] The use of FO and AO emission in the 72–76 Mc. band will not be authorized, except for temporary or short periods necessary for testing incident to the construction or maintenance of a radio station.

termined by the indirect method. This is the product of the plate voltage (E_p) and the plate current (I_p) of the last radio stage, and an efficiency factor (F); that is:

$$\text{Operating power} = E_p \times I_p \times F$$

The efficiency factor, F, shall be that which is established by the transmitter manufacturer for each type of transmitter for which he requests FCC type acceptance, and shall be as shown in the instruction books generally supplied to the customer with each transmitter so approved. In the case of composite equipment, the factor F shall be furnished to the Commission by the applicant along with a statement of the basis used in determining such factor.

§ 21.107 *Directional antennas.* (a) Each station authorized under the rules of this part, other than stations operating in the Domestic Public Land Mobile Radio Service, shall employ a directional antenna oriented with the main lobe of radiation directed toward the receiving station with which it communicates, unless otherwise specifically provided by the rules of this part.

(b) Each station required by the rules of this part to operate with a directional antenna shall not exceed the following limits of beam width, measured in the horizonal plane at the half power points, for the main lobe of radiation:

Frequency range:	Maximum beam width
Below 500 Mc	80°
500–1,500 Mc	20°
1,500–5,000 Mc	12
5,000–10,000 Mc	8
Above 10,000 Mc	3

(c) Each directional antenna system required by this section shall be adjusted so that maximum radiation in any secondary lobe is suppressed below the maximum level of signal in the main lobe by at least the amount shown below:

Suppression of Maximum Signal in Any Secondary Lobe Below the Maximum Signal in the Main Lobe

Frequency:	
Below 500 Mc	10 db.
500 Mc. and above	20 db.

(d) In the event harmful interference is caused to the operation of other stations, the Commission may, after notice and opportunity for hearing, order a change in the directional pattern of the antenna.

(e) No change in omni-directional or directional antenna or the patterns thereof shall be effected without prior authorization from the Commission.

§ 21.108 *Antenna polarization.* (a) Unless otherwise authorized, stations operating in the 72–76 Mc. band and each base, mobile and auxiliary test station operating in the Domestic Public Land Mobile Radio Service shall employ an antenna which radiates a signal, the electrical component of which is vertically polarized.

(b) Unless otherwise authorized, each station operating on frequencies below 500 Mc. (other than base, mobile and auxiliary test stations in the Domestic Public Land Mobile Radio Service, and stations operating in the 72–76 Mc. band) shall employ an antenna which radiates a signal, the electrical component of which is horizontally polarized.

(c) Stations operating in the Domestic Public Radio Services above 890 Mc. are not limited as to the type of polarization of the radiated signal: *Provided, however,* That in the event harmful interference is caused to the operation of other stations, the Commission may, after notice and opportunity for hearing order the licensee to change the polarization of the radiated signal.

§ 21.109 *Simultaneous use of common antenna structure.* The simultaneous use of common antenna structures by more than one Domestic Public Radio station, or by one or more Domestic Public Radio stations and one or more stations of any other class or service, may be authorized provided complete responsibility for maintaining the structure and for painting and illuminating the structure, when required by the Commission, is assumed by one of the licensees. In each case involving the use of an antenna structure by more than one licensee, the applicant shall submit to the Commission, with his application, a signed and verified copy of the agreement setting forth which party has assumed the aforementioned responsibility.

§ 21.110 *Marking of antenna structures.* No permittee or licensee who has been required to paint or light an antenna structure shall discontinue the required painting or lighting without having obtained prior written authorization therefor from the Commission.

§ 21.111 *Description of station location.* The location of the transmitting antenna shall be considered to be the station location. Applications for stations at specified fixed locations shall describe the transmitting antenna site by its geographical coordinates accurate to the nearest second of latitude and longitude, and also by conventional reference to street number, landmark, etc. Such coordinates shall be specified in terms of degrees, minutes and seconds.

§ 21.112 *Mobile station antenna height restrictions.* The antenna heights employed by mobile stations in the Domestic Public Radio Services shall not exceed the height criteria set forth in § 17.3 of this subchapter unless, in each instance, authorization for use of a specific maximum antenna height for each location has been obtained from the Commission prior to erection of the antenna. Requests for such authorization shall show the inclusive dates of the proposed operation and shall be accompanied by FCC Form 401–A (revised) completed in triplicate. (Complete information as to rules concerning the construction, marking and lighting of antenna structures is contained in Part 17 of this subchapter.)

§ 21.113 *Method for determining average terrain elevation.* The average elevation above mean sea level of the terrain surrounding a transmitting antenna site shall be determined as follows: Profile graphs must be drawn for at least eight radials from the antenna site. These profiles should be prepared for each radial beginning at the antenna site and extending 10 miles therefrom. Normally, the radials are drawn for each 45° of azimuth; however, where feasible, the radials should be drawn for angles along which roads tend to follow. (The latter method may be helpful in obtaining topographical data where otherwise unavailable, and is particularly useful in connection with mobile field intensity measurements of the station and correlation of such measurements with predicted field intensities.) In each case, one or more radials must include the points or principal cities to be served, particularly in cases of rugged terrain, even though the point or city may be more than 10 miles from the antenna site. Additionally, where feasible, radials should be drawn in the direction of any co-channel stations which are authorized within 75 miles of the antenna site. The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200 or 400 foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map should be used, although only a relatively few points may be available. The profile graphs should accurately indicate the topography of each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. The average elevation of the 8 mile distance between 2 and 10 miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded for 50 percent of the distance) in sectors and averaging these values.

§ 21.114 *Topographical data.* In the preparation of the profile graphs described in § 21.113, and in determining the location and height above sea level of the antenna site, the elevation or contour intervals shall be taken from United States Geological Survey Topographic Quadrangle Maps, United States Army Corps of Engineers maps or Tennessee Valley Authority maps, whichever is the latest, for all areas for which such maps are available. If such maps are not published for the area in question, the next best topographic information should be used. Topographic data may sometimes be obtained from State and municipal agencies. Data from Sectional Aeronautical Charts (including bench marks) or railroad depot elevations and highway elevations from road maps may be used where no better information is available. In cases where limited topographic data is available, use may be made of an altimeter in a car driven along roads extending generally radially from the transmitter site. Ordinarily, the Commission will not require the submission of topographical maps for areas beyond 15 miles from the antenna site, but the maps must include the principal community to be served. If it appears necessary, additional data may be requested. United States Geological Survey Topographic Quadrangle Maps may be obtained from the Department of the Interior, Geological Survey, Washington 25, D. C. Sectional Aeronautical Charts are available from the Department of Commerce, Coast and Geodetic Survey, Washington 25, D. C.

§ 21.115 *Transmitter location.* (a) Where appropriate to the kind of service to be afforded, the transmitter location should be as near to the center of the proposed service area as possible, consistent with the applicant's ability to find a site with sufficient elevation to provide reliable service throughout the area.[3]

(b) The transmitting location of a base station should be selected so that the area of interference-free service encompasses the urban population within the area to be served.[4]

(c) The applicant shall determine, prior to filing an application for a radio station authorization, that the antenna site specified therein is adequate to render the service proposed.[4] In considering applications proposing the use of such locations, the Commission may require site tests to be made pursuant to a developmental authorization in the particular service concerned. Propagation tests should be conducted in accordance with recognized engineering methods and should be made with a transmitting antenna having a height as near as possible to the proposed antenna height, using a baloon or other support, if necessary and feasible. Full data obtained from such surveys and its analysis, including a description of the methods used and the name, address, and qualifications of the engineer making the survey, must be supplied to the Commission.

(d) Antenna structures should be so located and constructed as to avoid making them hazardous to air navigation.[5] The antenna shall be maintained in good structural condition, as well as any required painting or lighting, as a safeguard to life and property both on the ground and in the air.

§ 21.116 *Transmitter construction and installation.* (a) In general, each transmitter authorized to be used in the Domestic Public Radio Services shall be so constructed or installed that all controls thereon which might cause off-frequency operation or result in any unauthorized emission shall be protected from access by unauthorized personnel.

(b) In these services, each station will be provided with at least one control point. Prior authority from the Commission is required for the installation of any control point which is to be at an address different from that of the transmitter or where the transmitter is not within immediate reach of the operator on duty at the proposed control point.

(c) At each transmitter control point the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating, or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to activate the transmitter: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters.

(2) Facilities which will permit the operator to turn transmitter carrier on and off at will.

(d) Except for those stations which normally operate with continuous radiation, or stations which are continuously under the effective operational control of a radio operator 24 hours per day, the transmitter control circuits from any operating position which are not within immediate reach of the operator on duty shall be so installed that grounding of either side of the circuit or a short across the circuit will not cause the transmitter to radiate.

§ 21.117 *Limitation on use of transmitter for other services.* Transmitters licensed for operation for services governed by this part may not be concurrently licensed or used for non-common carrier communication purposes.

§ 21.118 *Acceptability of transmitters for licensing below 500 Mc.* (a) Each transmitter installed after the effective date of these rules, which is proposed to be licensed under these rules, must be of a type acceptable to the Commission, except as provided in paragraph (b) of this section.

(b) Transmitters authorized to the present licensee prior to April 1, 1954, may continue to be operated until April 1, 1958, except where the particular transmitter causes interference due to failure to comply with the technical standards contained in these rules.

(c) The majority of transmitters considered acceptable for licensing are included on a list compiled by the Commission entitled: "Transmitters Acceptable for Licensing". Applications for inclusion on such list may be submitted by the manufacturer of the transmitter following the procedure specified in Part 2 of this subchapter. Copies of this list are available for inspection at the Commission's office in Washington, D. C. and at each of its field offices.

(d) Non-listed transmitters will be considered acceptable for licensing if the applicant proposing to use such transmitters, or a qualified engineer acting on behalf of the applicant, can make a satisfactory showing that the subject transmitter is capable of complying with the technical standards contained in these rules. This showing shall follow the procedure specified in Part 2 of this subchapter.

(e) Acceptance for licensing is only to the effect that insofar as can be determined from the tests performed or the data submitted, the equipment complies with current technical standards of the service in which the equipment will be operated. Acceptance may be withdrawn upon subsequent inspection or operation showing the equipment is not as represented or does not comply with the applicable technical standards of the Commission. Acceptance shall not be construed to mean that the equipment will continue to be satisfactory as the state of the art progresses or as the Commission's technical standards may be changed in accordance therewith. Acceptance for licensing is limited to a determination that the equipment is capable of complying with the technical requirements of these rules and shall not be construed as a determination with respect to mechanical features nor of reliability under service conditions.

SUBPART D—TECHNICAL OPERATION

§ 21.200 *Station inspection.* The licensee of each station authorized in the Domestic Public Radio Services shall make the station and station records available for inspection by representatives of the Commission at any reasonable hour.

§ 21.201 *Posting of station authorizations.* (a) The station permit, license and any other instrument of authorization or order concerning the construction of a station at a specified fixed location or its manner of operation shall be posted so that all terms thereof are visible in a conspicuous place at the principal control point of the transmitter. At all other control points, a photocopy of such documents shall be posted in the aforementioned manner.

(b) If the station is authorized for mobile operation, the documents specified in paragraph (a) of this section

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[3] Location of the antenna at a high point of elevation is desirable to reduce to a minimum the transmission shadow effect due to hills, buildings or other obstructions which may reduce materially the intensity of the station's signals in a particular direction. The transmitting site should be selected consistent with the purpose of the station, i. e., whether it is intended to serve a small city, a metropolitan area, a large region, or specified fixed points of communication. In providing the best service to an area, it is usually preferable to use a high antenna rather than a lower antenna with higher power. The location should be so chosen that line-of-sight can be obtained from the antenna over the principal cities or specified fixed points of communication to be served. In no event should there be a major obstruction in this [illegible].

[4] It is recognized that topography, shape of the desired service area, and population distribution may make the choice of a transmitter location difficult. In such cases, consideration may be given to the use of a directional antenna system, although it is generally preferable to choose a site where a nondirectional antenna may be employed.

[4] In cases of questionable antenna locations, it is desirable to conduct propagation tests to indicate the field intensity which may be expected in the principal areas or at the fixed points of communication to be served, particularly where severe shadow problems may be expected.

[5] See Part 17 of this subchapter for provisions relating to antenna structures.

shall be retained as a permanent part of the station record, but need not be posted.

§ 21.202 *Transmitter identification card.* An executed transmitter identification card (FCC Form 452–C, Revised) or a metal tag with the same information shall be affixed to each transmitter. In vehicular installations, it is preferred that the identification card or metal tag be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card or metal tag by the permittee or licensee:

(1) Station call sign.

(2) Name of permittee or licensee.

(3) Location(s) of transmitter records.

(4) Frequency or frequencies on which the transmitter is adjusted to operate.

(5) Signature of the permittee, licensee, or responsible official thereof. (The signature may be omitted when a metal tag is used.)

§ 21.203 *Posting of operator licenses.* (a) Whenever a licensed radio operator is required for the operation of a radio station, the original license of each operator, other than an operator exclusively performing service and maintenance duties, shall be posted or kept immediately available at the place where he is on duty as an operator: *Provided, however,* That if an operator who is on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from such document of the diploma form) or holds a valid license verification card (FCC Form 758–F) attesting to the existence of any other valid commercial radio operator license, he may have such permit or verification card in his personal possession or otherwise immediately available at the place where he is on duty as an operator.

(b) The original license of every station operator who performs service and maintenance duties exclusively at that station shall be posted at the transmitter involved whenever the transmitter is in actual operation while service or maintenance work is being performed by him or under his immediate supervision and responsibility: *Provided,* That in lieu of posting his license, he may have on his person his license or a valid verification card.

§ 21.204 *FCC publications required for reference.* For reference purposes, the permittee or licensee of radio facilities in the Domestic Public Radio Services shall maintain and have available at its principal office in the city in which the facilities are located a current copy of this part (available at the Government Printing Office, Washington 25, D. C.).[2]

[2] It is suggested that the following additional documents be obtained from the Government Printing Office and maintained for reference:

(1) Communications Act of 1934, as amended.

(2) Part 1 of the Commission's rules "Rules Relating to Practice and Procedure".

(3) Part 2 of the Commission's rules "Rules Governing Frequency Allocations and Radio Treaty Matters; General Rules and Regulations".

(4) Part 13 of the Commission's rules "Rules Governing Commercial Radio Operators".

(5) Part 17 of the Commission's rules "Rules Concerning the Construction, Marking and Lighting of Antenna Structures".

(6) Part 45 of the Commission's rules "Preservation of Records of Telephone Carriers".

(7) Part 61 of the Commission's rules "Tariffs, Rules Governing the Construction, Filing and Posting of Schedules of Charges for Interstate and Foreign Communications Service".

(8) Part 63 of the Commission's rules "Extension of Lines and Discontinuance of Service by Carriers".

§ 21.205 *Operator requirements.* (a) Any radio operator (including the holder of a restricted radiotelephone permit) in charge of a radio station in these services, shall be competent to maintain proper radio logs and records relative to such operations where they are required.

(b) When a radio station is radiating, all adjustments or tests during or coincident with the installation and servicing or maintenance of the transmitter and its associated radio equipment which may affect the quality of transmission or possibly cause the station radiation to exceed the limits specified in its instrument of authorization or in the rules pertaining to such station shall be made by or under the immediate supervision and responsibility of a person holding a first or second class radio operator license (either radiotelephone or radiotelegraph, or both, as may be appropriate for the type of emission being used), who shall be responsible for the proper functioning of the radio facilities.

(c) When a radio station is not radiating, persons of appropriate technical skill, who are not licensed radio operators, may perform the above functions without direct supervision after having been authorized to do so by the responsible first or second class licensed radio operator under whose immediate supervision the facilities shall thereafter initially be placed in operation and be determined to be operating properly.

(d) In all cases, except where manual radiotelegraph keying is employed, the person responsible for the technical installation, servicing and maintenance of a radio station in these services shall hold a valid first or second class radiotelephone license issued by the Commission.

(e) Where manual radiotelegraph keying is employed exclusively, the person responsible for the technical installation, servicing and maintenance of a radio station in these services shall hold a valid first or second class radiotelegraph operator license issued by the Commission.

(f) In cases where manual radiotelegraph keying and other types of radio transmission are employed, the person responsible for the technical installation, servicing and maintenance of a radio station in these services shall hold a radiotelegraph operator license of first or second class.

(g) During the course of normal rendition of service, a station employing manual radiotelegraph keying shall be operated only by a person holding a valid radiotelegraph operator license or radiotelegraph operator permit issued by the Commission. Persons not holding such authorizations are forbidden to manipulate a manually operated telegraph key at such stations during periods of station operation.

(h) Any person may, after obtaining permission from the station licensee, operate the following types of stations during the course of normal rendition of service, under the circumstances set forth below:

(1) A mobile station, when communicating with or through a base station in the Domestic Public Land Mobile Radio Service.

(2) A base station, when operated from a dispatch point which is under the effective operational control of a licensed radio operator on duty at the transmitter control point.

(3) A rural subscriber or mobile station in the Rural Radiotelephone Service.

(i) Central exchange stations, Interexchange stations, Auxiliary test stations, and Base stations, including radio control stations which may be associated therewith, shall be operated during the course of normal rendition of service under the effective operational control of a person holding a valid restricted radiotelephone operator permit or higher class of commercial radio operator license issued by the Commission.

(j) TV–STL stations, TV Non-Broadcast Pickup stations, TV Pickup stations, Microwave Auxiliary stations, and Developmental stations shall be operated during the course of normal rendition of service under the effective operational control of a person holding a valid first or second class radiotelephone operator license issued by the Commission.

(k) Notwithstanding any other provisions of this section, unless the transmitter and its associated equipment is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used).

(l) Except under the circumstances specified in paragraphs (g) through (j) of this section, during the course of normal rendition of service, no person is required to be in attendance at a station installed at a specified fixed location when transmitting by self actuating means provided (1) licensed radio maintenance personnel responsible for the maintenance of the radio station are continuously available on call to perform expeditiously such technical servicing and maintenance as may be necessary, and (2) the quality of transmission over such station is constantly under the scrutiny of the licensee's responsible operating personnel for the radio system with which the unattended station is directly associated.

(m) The provisions of this section authorizing certain unlicensed persons to operate mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain effective operational control over the stations operating under their license (including all transmitter units thereof), or for the proper functioning of those stations in accordance with the terms of the instrument of station authorization and applicable rules and regulations.

(n) Any reference in this section to a commercial radio operator license or permit of any class issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

(o) A licensee of radio facilities in these services shall be required to have available on call at all times (either as an employee or through appropriate contractual arrangement with a person holding the requisite class of radio operator license) a licensed first or second class commercial radio operator (either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used) to perform necessary technical servicing and maintenance of the radio facilities expeditiously, including such measurements of frequency, power, modulation, bandwidth of emission, etc., as may be required.

§ 21.206 *Inspection and maintenance of antenna structure obstruction marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, or Part 17 of this subchapter, shall operate and maintain the structure marking and associated control equipment in accordance with the following:

(1) The required lighting of the antenna structure shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required, or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the lights and to provide indication of such failure to the licensee.

(2) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(3) All automatic or mechanical control devices, indicators and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months to insure that such apparatus is functioning properly.

(4) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(5) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(6) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

(7) Entries concerning the operation and maintenance of marked antenna structures shall be made in the technical log of the station as set forth in § 21.208 (g).

§ 21.207 *Transmitter measurements.* (a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter operating in these services is maintained within the tolerance prescribed in § 21.101 or in the instrument of station authorization. This determination shall be made, and the results thereof entered in the technical log of the station, in accordance with the following:

(1) When the transmitter is initially installed.

(2) When any change is made in the transmitting equipment which may affect the carrier frequency or the stability thereof.

(3) At intervals not to exceed six months, for transmitters employing crystal-controlled oscillators.

(4) At intervals not to exceed one month, for transmitters not employing crystal-controlled oscillators.

(b) The permittee or licensee of each station shall employ a suitable procedure to determine that the operating power of each transmitter which operates below 500 Mc. from a specified fixed location conforms to the requirements of § 21.106 (d). Where the transmitter is so constructed that a direct measurement of plate current in the final radio stage is not practicable, the operating power may be determined from a measurement of the cathode current in the final radio stage. When the operating power is determined from a measurement of the cathode current, the required record entry shall indicate clearly the quantities that were measured, the measured values thereof, and the method of determining the operating power from the measured values. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed.

(2) When any change is made in the transmitter which may cause the operating power to deviate by more than 10 percent above and 15 percent below the authorized power specified in the instrument of station authorization.

(3) At intervals not to exceed six months.

(c) The permittee or licensee of each station shall employ a suitable procedure to determine that the modulation characteristics of each transmitter and the signal radiated therefrom conform to the terms of the instrument of station authorization and to the applicable rules of this part. This determination shall be made, and the results thereof entered in the technical log of the station in accordance with the following:

(1) When the transmitter is initially installed.

(2) When any change is made in the transmitter which may affect the modulation characteristics.

(3) At intervals not to exceed six months.

(d) In the case of mobile transmitters, the determinations required by paragraphs (a) and (c) of this section may be made at a test or service bench: *Provided,* That the measurements are made under load conditions equivalent to actual operating conditions; *And provided further,* That after installation in the mobile unit, the transmitter is given a routine check to determine that it is capable of being received satisfactorily by an appropriate receiver.

(e) The determinations required by paragraphs (a), (b), and (c) of this section shall be made by a person holding a valid first or second class radio operator license who shall authenticate the accuracy of such entries by signing his name in the technical log of the station together with the class, serial number and expiration date of his license: *Provided, however,* That the licensee of the station may optionally have the required determinations made by any qualified engineering measurement service, in which case the required record entries shall show the name and address of the engineering measurement service as well as the name of the person making the measurements.

(f) Where automatic frequency monitors are employed which have an accuracy of at least one half of the required frequency tolerance of the transmitters with which they are associated, their use shall be deemed to meet the frequency checking requirements for the period during which they were so used. The use of a frequency monitor in lieu of frequency checks will be recorded in the station log in the same manner and at the same intervals as required in paragraph (a) (3) or (4) of this section.

§ 21.208 *Station records.* (a) Station records shall be kept in an orderly manner, and in such detail that the data required is readily available. Key letters, abbreviations or symbols may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the records of a station shall be signed by a person qualified to do so, having actual knowledge of the facts to be recorded.

(c) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made and indicate the date of correction.

(d) The records required by this part shall be retained for a period of at least one year: *Provided,* That:

(1) Records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.

(2) Records incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(e) For each station in these services the licensee shall maintain, in a permanently bound book, a technical log of the station operation showing:

(1) The results and dates of the transmitter measurements required by § 21.207, and the information concerning the identity of the person making such measurements as required by § 21.207 (e).

(2) Pertinent details concerning any servicing or maintenance performed on a transmitter which may affect its proper operation, including the date thereof, as well as the class, serial number and expiration date of the license of the responsible radio operator who shall authenticate the accuracy of such log by signing his name therein.

(3) The log entry concerning the class, serial number and expiration date of the radio operator license of the person responsible for the technical performance of a station, as required in the rules of this part, is not required to be repeated in the case of a person who is regularly employed as operator on a full-time basis at the station.

(f) For each station which is required to be operated by a licensed radio operator or by the holder of a restricted radiotelephone operator permit during the course of normal rendition of service, the person or persons responsible for the operation of the transmitting equipment each day shall sign his name in the station's technical log when entering upon duty, and again when leaving duty, at the station.

(g) For each station having an antenna structure which is required to be obstruction lighted, appropriate entries shall be made in the station's technical log as follows:

(1) The time the required obstruction lighting is turned on and off each day, if manually controlled.

(2) The time the daily check of the proper operation of the obstruction lights was made.

(3) In the event of any observed or otherwise known failure of an obstruction light:

(i) Nature of such failure.

(ii) Date and time the failure was observed or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon performance of the three-month periodic inspection required by § 21.206 (3):

(i) The date of the inspection and the condition of all obstruction lights and associated obstruction lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

(h) An operating log record of all transmissions shall be kept for all stations showing therein the time and duration of each transmission and the identity of the station to which the transmission was directed: *Provided*, That such log keeping requirements are waived for any station which is authorized to operate during the course of normal rendition of service without a licensed radio operator in attendance or where the station is operated as an integrated part of a land-line public communication system under conditions where no traffic tickets are customarily used. However, in lieu of the operating log which a station is required to keep, a chronological record of such essential information in the form of traffic tickets, or on a separate sheet, is permissible. When such records are kept in lieu of an operating log, the minimum retention period thereof shall be as prescribed in paragraph (d) of this section, provision for shorter retention periods in other parts of the Commission's rules notwithstanding.

(i) Each entry in the station log shall normally be made in ink or indelible pencil: *Provided, however*, That in any case where it is impracticable to make such entries in the logs immediately, rough logs may be kept in the form of notes or memoranda which shall be transcribed into the station log as soon as possible by the person qualified to do so who has actual knowledge of such facts being recorded.

§ 21.209 *Communications concerning safety of life and property.* (a) Handling and transmission of messages concerning the safety of life or property which is in imminent danger shall be afforded priority over other messages.

(b) No person shall knowingly cause to be transmitted any false fraudulent message concerning the safety of life or property, or refuse upon demand immediately to relinquish the use of a radio circuit to enable the transmission of messages concerning the safety of life or property which is in imminent danger, or knowingly interfere or otherwise obstruct the transmission of such messages.

§ 21.210 *Suspension of transmission.* Transmission shall be suspended immediately upon detection by the station or operator licensee or upon notification by the Commission of a deviation from the technical requirements of the station authorization and shall remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended immediately after the emergency is terminated.

§ 21.211 *Operation during emergency.* The licensee of any station in these services may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in a manner other than that specified in the instrument of authorization: *Provided*, (a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D. C., and to the Engineer-in-Charge of the radio district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) that the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and (c) that the Commission at Washington, D. C., and the Engineer-in-Charge shall be notified immediately when such special use of the station is terminated: *Provided further*, (d) That, in no event, shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further*, (e) That the Commission may, at any time order the discontinuance of any such emergency communication.

§ 21.212 *Equipment, service and maintenance tests.* (a) When construction and installation or modification of a station has been completed in accordance with the terms of a construction permit, the technical provisions of the application therefor and the applicable provisions of this part, the permittee is authorized to test the equipment for a period not to exceed 10 days: *Provided*, That:

(1) The Commission's Engineer-in-Charge of the radio district in which the station is located is notified 2 days in advance of the date on which the transmitter will first be tested in such manner as to produce radiation, giving the name of the permittee, station location, call sign, and frequencies on which tests are to be conducted.

(2) The Commission reserves the right to cancel, suspend, or change the date of beginning of such tests when such action may appear to be in the public interest, convenience or necessity

(3) All necessary precautions are taken to avoid interference to any other authorized station.

(4) No service to the public may be furnished over the facilities being tested during the equipment test period.

(b) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the other applicable provisions of this part, and after an application for station license has been filed with the Commission showing the station to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit until the application for station license is granted: *Provided*, That:

(1) The Commission's Engineer-in-Charge of the radio district in which the station is located is notified 2 days in advance of the beginning of the tests.

(2) The Commission reserves the right to cancel or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience or necessity by notifying the permittee.

(3) Service tests shall not commence after the expiration date of the construction permit.

(4) Charges for service furnished during the service test period may be made, pursuant to the provisions of legally applicable tariffs (see § 61.62 of this chapter governing the construction, filing and posting of charges for interstate and foreign communication service).

(c) When a construction permit and license, or a construction permit and modification of license are issued simultaneously for a mobile station, units of such station may be placed in operation without equipment and service test notification to the Commission's Engineer-in-Charge of the radio district in which the station is located, unless otherwise specifically required.

(d) The licensees of all stations in these services are authorized to make such routine tests as may be required for the proper maintenance of the station: *Provided*, That all necessary precautions are taken to avoid interference with other authorized services. The time taken for such tests shall be held to a minimum.

(e) The authorization for tests embodied in paragraphs (a) and (b) of this section shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 21.213 *Station identification.* (a) Each station in these services, except as hereinafter provided, shall identify itself by transmitting its assigned call sign in connection with each communication or exchange of communication. In the event of a prolonged series of communications, a station shall identify itself at least every half hour. However, stations continuously engaged in a public telephone message, radiophoto, or program transmission shall not be required to transmit identifying call signs when such identification would interrupt the continuity of the message, radiophoto or program that is being transmitted. In any such case, the identifying call sign shall be transmitted immediately following the conclusion of the message, radiophoto or program: *Provided*, That the requirement for transmission of station identification is waived for: (1) Fixed stations automatically transmitting or retransmitting by self-actuating means, and (2) fixed stations employing continuous radiation with multi-channel transmission.

(b) In lieu of the use of an official call sign, as prescribed in paragraph (a) of this section, a station may identify itself as follows:

(1) A mobile station in the Domestic Public Land Mobile Radio Service or Rural Radiotelephone Service may identify itself by (i) the special mobile unit designation assigned by the licensee or (ii) its assigned telephone number, provided adequate records are maintained by the licensee to permit ready identification of the mobile station.

(2) A rural subscriber station may identify itself by its assigned telephone number, provided adequate records are maintained by the licensee to permit ready identification of the rural subscriber station.

(3) A station at a specified fixed location may identify itself by the name of the city in which the station is located.

(c) Wherever it appears that the manner of identification used by a licensee in lieu of the official call sign is unsatisfactory, the Commission may require the licensee to change the method of station identification.

(d) Where transmission of station identification is required such transmission shall be capable of being received and understood at an appropriate receiver without the use of special channeling or transmission unscrambling devices: *Provided further*, That:

(1) Where telephone is employed, station identification shall be by aural transmission.

(2) Where telegraphy, radiophoto or facsimile transmission is employed, the station identification shall be transmitted in the International Morse Code as "QRA de" followed by the station call sign.

(3) Where television transmission is employed, station identification shall be transmitted either visually for a period of not less than 5 seconds, or via aural or telegraphic transmission.

SUBPART E—MISCELLANEOUS

§ 21.300 *Business records.* Each licensee of radio facilities authorized under the rules of this part and required to file FCC Form L shall keep complete records of all phases of such operations distinctly separate and apart from any other business or activity conducted by the licensee.

§ 21.301 *National defense; free service.* Any common carrier authorized under the rules of this part may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this rule, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for such communications had been collected at the published tariff rates.

§ 21.302 *Answers to notices of violation.* Any person receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any other Federal statute or Executive Order pertaining to radio or wire communications or any international radio or wire communications treaty or convention, or regulations annexed thereto to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given or, if a file number has not been assigned by the Commission, such identification as will permit ready reference thereto. If the notice of violation relates to inadequate maintenance resulting in improper operation of the transmitter, the name and license number of the operator performing the maintenance shall be given. If the notice of violation relates to some lack of attention to, or improper operation of, the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 21.303 *Discontinuance, reduction or impairment of service.* (a) If, for any reason beyond the control of the station licensee, the public communication service provided by a station in the Domestic Public Radio Services is involuntarily discontinued, reduced or impaired for a period exceeding 24 hours, the station licensee shall immediately give notification thereof in writing to the Commission at Washington 25, D. C., and the Commission's Engineer-in-Charge of the radio district in which the station is located. In such cases, the licensee shall furnish full particulars as to the reasons for such discontinuance, reduction or impairment of service, including a statement as to when normal service is expected to be resumed. When normal service is resumed, immediate notification thereof shall be given in writing to the Commission at Washington 25, D. C. and the Commission's Engineer-in-Charge of the radio district in which the station is located.

(b) No station which is subject to Title II of the Communications Act of 1934, as amended, shall voluntarily discontinue, reduce or impair any public communication service without obtaining prior authorization from the Commission pursuant to the procedures set forth in Part 63 of this chapter. In the event that permanent doscontinuance

of service is authorized by the Commission, the station licensee shall immediately give notification of the effective date thereof in writing to the Commission's Engineer-in-Charge of the radio district in which the station is located and shall promptly send the station license to the Commission at Washington 25, D. C. for cancellation.

§ 21.304 *Tariffs, reports, and other material required to be submitted to the Commission.* Part 1 of this chapter, beginning with § 1.541, contains a summary of certain material and reports, including, but not limited to schedules of charges and accounting and financial reports, which must be filed with or submitted to the Commission.

§ 21.305 *Reports required concerning amendments to charters, by-laws, and partnership agreements.* Any amendments to charters, articles of incorporation or association, or partnership agreements shall promptly be filed with the Secretary, Federal Communications Commission, Washington 25, D. C.

SUBPART F—DEVELOPMENTAL AUTHORIZATIONS

§ 21.400 *Eligibility.* Developmental authorizations for stations in the Domestic Public Radio Services will be issued only to persons who are legally, financially and otherwise qualified to conduct experimentation utilizing hertzian waves for the development of engineering or operational data, or techniques, directly related to a proposed Domestic Public Radio Service or to a regularly established radio service regulated by the rules of this part.

§ 21.401 *Scope of service.* Developmental authorizations may be issued for:

(a) Field strength surveys relative to and precedent to the filing of applications for construction permits, in connection with the selection of suitable locations for stations proposed to be established in any of the regularly established radio services regulated by the rules of this part; or

(b) Development of proposed Domestic Public Radio Services to be governed by the rules and regulations of this part.

§ 21.402 *Adherence to program of research and development.* The program of research and development, as stated by an applicant in the application for construction permit or license or in the instrument of station authorization, shall be substantially adhered to unless the licensee is otherwise authorized by the Commission.

§ 21.403 *Special procedure for the development of a new service or for the use of frequencies not in accordance with the table of frequency allocations.* (a) An authorization for the development of a new service or for the use of frequencies not in accordance with the Table of Frequency Allocations will be granted for a limited time only after the Commission has made a preliminary determination of the following factors, as the case may require:

(1) That the public interest, convenience or necessity warrants consideration of the establishment of the proposed service or the use of the proposed frequency;

(2) That the proposed operation appears to warrant consideration to effect a change in the Table of Frequency Allocations;

(3) That some operational data should be developed for consideration in any rule-making proceeding which may be initiated.

(b) Applications for construction permits for stations which are intended to be used in the development of a proposed service shall be accompanied by a petition to amend the Commission's rules with respect to frequencies and such other items as may be necessary to provide for the regular establishment of the proposed service.

§ 21.404 *Terms of grant; general limitations.* (a) Developmental authorization normally shall be issued for one year, or such shorter term as the Commission may deem appropriate in any particular case, and shall be subject to cancellation without hearing by the Commission at any time upon notice to the licensee.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission or by the rules of this part, the Commission may specify supplemental or additional requirements or conditions in each case as it may deem necessary in the public interest, convenience or necessity.

(c) Frequencies allocated to the service toward which such development is directed will be assigned for developmental operation on the basis that no interference will be caused to the regular services of stations operating in accordance with the Commission's Table of Frequency Allocations.

(d) The rendition of communication service for hire is not permitted under any developmental authorization unless specifically authorized by the Commission.

(e) The grant of a developmental authorization carries with it no assurance that the developmental program, if successful, will be authorized on a permanent basis either as to the service involved or the use of the frequencies assigned or any other frequencies.

§ 21.405 *Supplementary showing required.* (a) Authorizations for development of a proposed radio service in the Domestic Public Radio Services will be issued only upon a showing that the applicant has a definite program of research and development, the details of which shall be set forth, having reasonable promise of substantial contribution to these services within the term of such authorization. In addition to showing that the applicant is financially qualified or that adequate provision has been made to underwrite the costs of the proposed venture, a specific showing should be made as to the factors which the applicant believes qualify him technically to conduct the research and development program, including a description of the nature and extent of engineering facilities which applicant has available for such purpose.

(b) Expiring developmental authorizations may be renewed only upon the applicant's compliance with the applicable requirements of paragraphs (a) and (b) of § 21.406 relative to the authorization sought to be renewed and upon a factual showing that further progress in the program of research and development requires further radio transmission and that the public interest, convenience or necessity would be served by renewal of such authorization.

§ 21.406 *Developmental reports required.* (a) Upon completion of the program of research and development, or, in any event, upon the expiration of the instrument of station authorization under which such investigations were permitted, or at such other times during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the developmental program, the licensee shall submit, in duplicate, a comprehensive report on the following items, in the order designated:

(1) Report on the various phases of the project which were investigated.

(2) Total number of hours of operation on each frequency assigned.

(3) Copies of any publication on the project.

(4) A listing of any patents applied for, including copies of any patents issued as a consequence of the activities carried forth under the authorization.

(5) Detailed analysis of the result obtained.

(6) Any other pertinent information.

(b) In addition to the information included in paragraph (a) of this section, the developmental report of a station authorized for the development of a proposed radio service shall include comprehensive information on the following items:

(1) Probable public support and methods of its determination.

(2) Practicability of service operations.

(3) Interference encountered.

(4) Pertinent information relative to merits of the proposed service.

(5) Propagation characteristics of frequencies used, particularly with respect to the service objective.

(6) Frequencies believed to be more suitable and reasons therefor.

(7) Type of signals or communications employed in the experimental work.

(c) Normally, development reports will be made a part of the Commission's public records. However, an applicant may request that the Commission withhold from the public certain reports and associated material relative to the accomplishments achieved under developmental authorization, and, if it appears that such information should be withheld, the Commission will so direct.

SUBPART G—DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

§ 21.500 *Eligibility.* Authorizations for base stations and auxiliary test stations to be operated in this service will be issued to existing and proposed communication common carriers. Authorizations for mobile stations on land or on board vessels will be issued to communication common carriers or to individual users of the service. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience or necessity would be served by a grant thereof.

§ 21.501 *Allocation of frequencies.* The following frequencies are available to the Domestic Public Land Mobile Radio Service for the uses set forth below:

(a) For assignment, in accordance with the Zone Allocation Plan, to stations of communication common carriers which are also in the business of affording public landline message telephone service, for General and Dispatching Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatching service):

Geographical zone allocation	Base station frequencies (Mc.)	Mobile and auxiliary test station frequencies (Mc.)
Zone VII	35.26	43.26
Zone V	35.30	43.30
Zone II	35.34	43.34
Zone VI	35.38	43.38
Zone III	35.42	43.42
Zone VIII	35.50	43.50
Zone IV	35.54	43.54
Zone IX	35.62	43.62
Zone I	35.66	43.66

ZONE ALLOCATION PLAN, 35–44 MC. BAND

Zone I Base Station Frequency: 35.66 Mc., Mobile Station Frequency: 43.66 Mc.

Connecticut.	New Jersey.
Delaware.	New York.
District of Columbia.	Pennsylvania.
Lake Ontario.	Rhode Island.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	West Virginia.
New Hampshire.	

Zone II Base Station Frequency: 35.34 Mc., Mobile Station Frequency: 43.34 Mc.

Alabama.	Mississippi.
Florida.	North Carolina.
Georgia.	South Carolina.
Louisiana.	

Zone III Base Station Frequency: 35.42 Mc., Mobile Station Frequency: 43.42 Mc.

Illinois.	Lake St. Clair.
Indiana.	Lake Superior.
Kentucky.	Michigan.
Lake Erie.	Ohio.
Lake Huron.	Tennessee.
Lake Michigan.	Wisconsin.

Zone IV Base Station Frequency: 35.54 Mc., Mobile Station Frequency: 43.54 Mc.

Iowa.	North Dakota.
Minnesota.	South Dakota.
Montana.	Wyoming.
Nebraska.	

Zone V Base Station Frequency: 35.30 Mc., Mobile Station Frequency: 43.30 Mc.

Arkansas.	Oklahoma.
Kansas.	Texas.
Missouri.	

Zone VI Base Station Frequency: 35.38 Mc., Mobile Station Frequency: 43.38 Mc.

Arizona.	Nevada.
California.	New Mexico.
Colorado.	Utah.

Zone VII Base Station Frequency: 35.26 Mc., Mobile Station Frequency: 43.26 Mc.

Idaho.	Washington.
Oregon.	

Zone VIII Base Station Frequency: 35.50 Mc., Mobile Station Frequency: 43.50 Mc.

Indiana.	New York.
Lake St. Clair.	Ohio.
Michigan.	Pennsylvania.
New Jersey.	The Great Lakes.

Zone IX Base Station Frequency: 35.62 Mc., Mobile Station Frequency: 43.62 Mc.

Arkansas.	Oklahoma.	Texas.

The frequencies specified above may be used in adjoining zones within moderate distances of the respective zone boundaries to permit continuous service to mobile units transiting such zone boundaries.

(b) For assignment to stations of communication common carriers engaged also in the business of affording public landline message telephone service for General and Dispatching Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatching service):[3]

Bus station frequencies (Mc.)	*Mobile and auxiliary test station frequencies* (Mc.)
152.51	157.77
152.57	157.83
152.63	157.89
152.69	157.95
152.75	158.01
152.81	158.07
454.45	459.45
454.55	459.55
454.65	459.65
454.75	459.75
454.85	[illegible]
454.95	460.07

(c) For assignment to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service for General and Dispatching Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatching service):[3]

Base station frequencies (Mc.)	*Mobile and auxiliary test station frequencies* (Mc.)
152.03	158.49
152.09	158.55
152.15	158.61
152.21	158.67
454.05	[illegible]
454.15	459.15
454.25	459.25
454.35	459.35

[3] Domestic control stations which were authorized to use these frequencies on the effective date of these rules may be authorized to continue operation on such frequencies until the investment in such facilities has been amortized, but in no event beyond April 1, 1955, under the condition that harmful interference is not caused to stations in the Domestic Public Land Mobile Radio Service and the Rural Radiotelephone Service. In any case where use of these frequencies is required by an applicant in the Domestic Public Land Mobile Radio Service or the Rural Radiotelephone Service for the purpose of providing any of the basic services relating thereto (i. e., for stations other than developmental or control), continued operation of control stations thereon will not be authorized beyond the term of the then effective authorization therefor.

(d) For assignment to base stations of communication common carriers for use exclusively in providing a one-way signaling service to mobile receivers:

35.58 Mc. 43.58 Mc.

If an applicant for authorization to provide an exclusive one-way signaling service provides, or proposes also to provide, General or Dispatching service in accordance with paragraphs (a), (b) and (c) of this section, the application for a one-way facility should be supported with full information to show why the proposed signaling service could not be provided in connection with such General or Dispatching service.

(e) For assignment to stations using radio facsimile as an integral portion of common carrier message telegraph pick-up or delivery procedure:

Base, mobile and auxiliary test station frequencies (Mc.)
35.22
35.46
43.22
[illegible]

(f) Upon a satisfactory showing that it is impracticable to use wire lines, the following frequencies are available for assignment to control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service, on a shared basis with certain other radio services:[3]

72–76 Mc. Band[3]

(Mc.)	(Mc.)	(Mc.)	(Mc.)
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	[illegible]	74.06	75.66
[illegible]	73.30	74.10	75.70
72.54	73.34	74.14	75.74
[illegible]	[illegible]	74.18	75.78
72.62	[illegible]	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

[3] A repeater station normally will not be authorized unless the land mobile radio system with which it is associated is continuously open for public correspondence and the emissions of the repeater station are under the constant operational surveillance of the land mobile system's licensed operating personnel.

[3] Assignments made to stations on frequencies in this band are subject to the condition that no harmful interference will be caused to operational fixed stations of reception of television stations on channels 4 or 5. Pending promulgation of more definite engineering criteria setting forth the conditions under which assignments can be made to stations which are less than 80 miles from television station assignments on channels 4 or 5, assignments will be made only to stations located 80 miles or more from locations at which television assignments on channels 4 or 5 are listed in the Commission's television assignment plan. Any authorizations granted for use of these frequencies will carry a condition that they are subject to modification or termination at any time without hearing, upon notice to the grantee, as may be required by the final determination of the proceedings in Docket No. 10315.

(g) For assignment to control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service, on a shared basis with all other radio services:

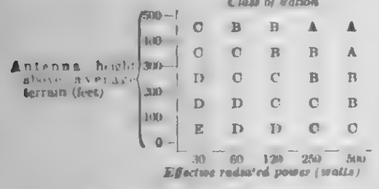
890–940 Mc. Band

(Subject to determination of Docket No. 10797)

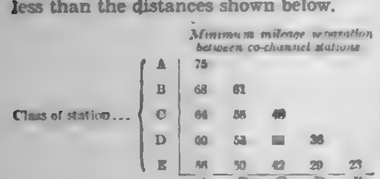
(Mc.)	(Mc.)	(Mc.)	(Mc.)
[illegible]	903.0	915.5	929.0
891.0	903.5	916.0	928.5
891.5	904.0	916.5	929.0
892.0	904.5	917.0	929.5
892.5	905.0	917.5	930.0
893.0	905.5	918.0	930.5
893.5	[illegible]	918.5	931.0
[illegible]	906.5	919.0	931.5
[illegible]	907.0	919.5	932.0
[illegible]	907.5	920.0	932.5
895.5	908.0	920.5	933.0
896.0	908.5	921.0	933.5
896.5	909.0	921.5	934.0
897.0	909.5	922.0	934.5
[illegible]	910.0	922.5	935.0
[illegible]	910.5	923.0	935.5
898.5	911.0	923.5	936.0
899.0	911.5	924.0	936.5
[illegible]	912.0	924.5	937.0
900.0	912.5	925.0	937.5
900.5	913.0	925.5	938.0
901.0	913.5	926.0	938.5
901.5	914.0	926.5	939.0
902.0	914.5	927.0	[illegible]
[illegible]	915.0	927.5	

Stations operating on these frequencies must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment in the 890–940 Mc. band.[4]

§ 21.502 *Classification of base stations.* Base stations in the Domestic Public Land Mobile Radio Service shall be classified, as set forth below, according to their transmitting antenna overall height above average terrain, and according to their effective radiated power in the horizontal plane of the antenna.



§ 21.503 *Geographical separation of co-channel stations.* Base stations operating on the same frequency in this service shall normally be separated by not less than the distances shown below.



[4] A repeater station normally will not be authorized unless the land mobile radio system with which it is associated is continuously open for public correspondence and the emissions of the repeater station are under the constant operational surveillance of the land mobile system's licensed operating personnel.

In any particular case, where it appears that unusual radio wave propagation conditions are involved, the Commission may require greater separation than indicated in the above table, or make assignments at lesser station spacing.

§ 21.504 *Service area of base station.* In this service, the limits of reliable service area of a base station are considered to be described by the contour within which the reliability of communication service is 90 percent, i. e., within the area circumscribed by such contour, nine out of every ten calls initiated by the base station can be satisfactorily received by the mobile unit on the first attempt to establish communication.

§ 21.505 *Antenna height limit for base stations.* In view of the fact that the predominant need for mobile communication service can usually be met by base stations within the classification set forth in § 21.502, and because widespread coverage is undesirable in areas where no substantial need exists for mobile communication service through a distant base station, base stations will not be authorized to employ transmitting antennas in excess of 500 feet above average terrain unless, upon an affirmative showing by the applicant, unusual and exceptional circumstances are established which warrant authorization of an antenna structure of greater elevation.

§ 21.506 *Power limitation.* Stations in this service shall not be permitted to exceed 500 watts effective radiated power and shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.106 (b). A base station standby transmitter having a rated power output in excess of that of the main transmitter of the base station, with which it is associated, will not be authorized.

§ 21.507 *Types of emission.*[5] (a) Stations in this service shall normally be authorized to use only type A3 or F3 emission for radiotelephony: *Provided,* That stations operating in accordance with the provisions of § 21.501 (e) shall also be authorized to employ type A4 or F4 emission. The authorization to use the aforementioned types of emission shall be construed to include the use of tone signals or signaling devices whose sole function is to establish and maintain communication between stations.

(b) Other types of emission not described in paragraph (a) of this section may be authorized upon a satisfactory showing of need therefor. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required.

§ 21.508 *Authorized bandwith of emission.* The maximum bandwidth of emission which will normally be authorized for the various types of emission used in this service are set forth below:

Type of emission	Authorized bandwidth (below 300 Mc.)	Authorized [illegible] Mc.
	Kilocycles	Kilocycles
A3	6	[illegible]
A4	10	[illegible]
F3	40	[illegible]
F4	36	[illegible]

§ 21.509 *Modulation requirements.* (a) The use of higher modulating frequencies than 3000 cycles per second is not authorized below 500 Mc.

(b) When amplitude modulation is used, the modulation percentage shall be sufficient to provide efficient communication and shall be normally maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) When phase or frequency modulation is used, the deviation arising from modulation shall not exceed plus or minus 15 kc from the unmodulated carrier below 500 Mc.

(d) Each transmitter authorized or installed after July 1, 1950 shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (b) and (c) of this section which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters having a rated power output of 2 watts or less.

§ 21.510 *Permissible communications.* (a) Mobile stations in this service are authorized to communicate with and through base stations only.

(b) Base stations in this service are normally authorized to communicate with associated land mobile stations in the same service: *Provided, however,* That base stations may also render service to properly licensed transient land mobile stations normally associated with another common carrier base station, including mobile units of Canadian registry. Under specific authorization from the Commission, service may be rendered to stations on board vessels. Authority to provide service to vessels may be granted upon a showing that the rendition of service to vessels will not degrade, by kind or extent of usage, the service which would be available, in the absence of service to vessels, to land vehicles receiving or subsequently requesting such services in the area: *Provided,* That any authorization to render service to vessels shall automatically terminate at the expiration of 60 days after inauguration of VHF public coastal service in the area involved, unless the Commission authorizes continuance of such service to vessels upon a satisfactory showing that there is some special need for continuance of such service in the public interest. Applications for authority to communicate with vessels shall be accompanied by a showing of the following:

(1) The total number of land mobile units being served through the base station.

[5] Further reference should be made to §§ 21.103 to 21.105, inclusive. The use of FO and AO emission in the 72–76 Mc. band will not be authorized, except for temporary or short periods necessary for testing incident to the construction or maintenance of a radio station.

(2) The total number of land mobile units to which it is reasonably expected that such service will be furnished at any time in the next 12 months.

(3) The total number of stations on board vessels proposed to be served through the base station.

(4) The total number of stations on board vessels to which it is reasonably expected that such service will be furnished at any time in the next 12 months.

(5) Other facilities available in the area providing service to mobile stations on board vessels.

(6) Such other information as may be deemed pertinent, showing that communication with vessels will not degrade or deny service to land vehicles receiving or requesting land vehicular communication service over the radio facilities of the base station, and that such service to vessels is necessary and desirable.

(c) Applications requesting renewal of authority to render service to vessels shall be accompanied by a current showing of information as required in paragraph (b) of this section.

(d) Mobile stations in this service may not be operated for the rendition of two-way communication service aboard aircraft.

(e) Base stations in this service may render one-way signaling service to receivers installed aboard vessels and aircraft, without special authorization from the Commission.

(f) Base stations in this service may be authorized to communicate with Rural Subscriber stations in the Rural Radiotelephone Service, where the use of wire lines is not practicable or feasible. Authorization for the rendition of such service may be granted upon a satisfactory showing that the rendition of such service will not degrade the mobile communication service rendered by the base station. Applications for authority to communicate with a Rural Subscriber station shall be accompanied by a supplementary showing as set forth in § 21.608.

(g) The base and mobile station facilities authorized in this service shall not be used in connection with any taxicab operations wherein the licensee is directly or indirectly interested through stock ownership or otherwise.

(h) Pursuant to the provisions of the "Convention Between the United States of America and Canada, Relating to Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country", United States licensed mobile units in this service which are in Canada may be authorized by the Canadian Government to communicate with or through Canadian licensed common carrier base stations in the land mobile radio service. Canadian licensed mobile units in the common carrier land mobile radio service which are in the United States may communicate with and through United States licensed base stations in this service provided authority for such communication has been granted by the Commission upon proper application therefor.[6]

(i) Unless otherwise prohibited by agreements, laws, rules, regulations, etc. of the foreign country concerned, base stations in this service are not prohibited from rendering trans-border communication service for hire to mobile units in that country which are properly licensed to operate in the common carrier land mobile service of either country.

(j) Simultaneous use of more than one base station transmitter for communicating with a single mobile unit or a single fixed point is prohibited. However, where more than one base station transmitter is authorized to enable a base station to serve an extended area, separate base station transmitters may be used simultaneously in communicating with two or more separate mobile units or fixed points, provided such use does not result in degradation of the quality of service which could be rendered in the absence of use of more than one base station transmitter.

(k) Auxiliary test stations in this service shall normally be operated upon mobile station frequencies only for the purpose of determining the performance of receiving equipment remotely located from the base station with which it is associated: *Provided, however,* That a transmitter used in an auxiliary test station may be used as a standby transmitter upon the frequency of the base station with which it is associated whenever such base station is out of service for maintenance or repair.

§ 21.511 *Base stations may be authorized only as part of integrated radio system.* Base stations will be authorized only as a part of an integrated communication system wherein mobile units associated therewith are also licensed to the base station licensee (see § 21.15 (g)).

§ 21.512 *Communication service to own mobile units.* Upon filing an application for renewal of station license for a base station in this service, the applicant shall show that, during the preceding license period, at least an average of 50 percent of the mobile units on any channel to which communication service has been rendered by a base station have been used by persons not directly or indirectly controlling or controlled by, or under direct or indirect common control with the applicant. If an applicant is unable to meet such criterion, he shall show what efforts have been made to achieve use of the service by the public and offer such further showing or explanation as he may deem appropriate.

§ 21.513 *Priorities for service to subscribers.* Subscriptions to mobile telephone service shall be afforded in the following order of precedence and in chronological order of filing of request for service within each of the following customer categories:

[6] Reference should be made to paragraph (1) of § 21.29 concerning applications of Canadian licensees for authority to operate mobile transmitters in the United States.

(a) *Category 1: Public Safety and Health.* Official federal, state, county and municipal government agencies protecting the public safety and health; private organizations and persons engaged primarily in protecting the public safety and health such as physicians, hospitals, ambulance services, volunteer fire departments, American Red Cross, licensed protective patrols and armored cars and similar agencies.

(b) *Category 2: Public Service.* Contract carriers, common carriers, and public utilities (exclusive of taxicab and livery service), for communications other than correspondence of the general public.

(c) *Category 3: Quasi Public Service.* Emergency repair organizations, not included in Category 1, protecting health and property; press associations, newspapers and broadcasting stations.

(d) *Category 4: Physically Handicapped.* Persons who because of physical handicaps, operate specifically equipped vehicles and are unable to leave such vehicles without assistance.

(e) *Category 5: Industrial.* Gas or oil producing or drilling operators; producers and distributors of fuel and lumber and other construction materials and equipment; food processing, distribution and storage organizations; producers of substantial quantities of food; business concerns engaged in construction of housing and industrial or public works; taxicabs and livery service.

(f) *Category 6: Traveling Public.* Trains and watercraft where service is made available to passengers.

(g) *Category 7: All others.*

After initial establishment of service in accordance with the foregoing table of priorities, when facilities in a given area are insufficient to furnish service to all who desire mobile radiotelephone service, applications for new or additional mobile units shall be ranked within the categories noted above in order of date of filing and service shall be afforded such applicants as facilities become available, in descending order of precedence.

§ 21.514 *Location of message center.* The message center shall be so located that the major portion of the local exchange landline telephone calls, on behalf of subscribers to the service, to and from the message center, shall cost no more than the local message rate.

§ 21.515 *Responsibility for operational control and maintenance of mobile units.* The licensee of a base station in this service shall be responsible for exercising effective operational control over all mobile units with which it communicates. The proper installation and maintenance of such mobile units shall be responsibility of the respective licensees thereof.

§ 21.516 *Changes in equipment.* The licensee of a station in this service may replace equipment without authorization from the Commission provided that the replacement equipment is identical to that specified in the current instrument of authorization and that it is a "packaged" unit. Requests for authority to make other changes in equipment

shall be submitted to the Commission in appropriate applications for construction permits or modifications thereof, as the case may require. No changes for which authorization is required shall be made without prior approval from the Commission.

§ 21.517 *Control points and dispatch points.*[1] (a) Dispatch points may be installed or removed without authorization. Dispatch point circuit facilities shall be installed in conformance with the requirements of paragraph (c) (2) of this section.

(b) To insure the maintenance of station control, means shall be provided whereby each dispatch point is maintained under the effective operational supervision of one or more control points.

(c) At each control point for a base station or fixed station in this service, the following facilities will be installed:

(1) Equipment to permit the responsible radio operator to monitor aurally, at such intervals as may be necessary to insure proper operation thereof, all transmissions originating at dispatch points under his supervision and of stations with which the radio station communicates.

(2) Facilities which will permit the responsible radio operator either to disconnect immediately the dispatch point circuits from the transmitter or immediately to render the transmitter inoperative from any dispatch point associated therewith.

SUBPART E—RURAL RADIOTELEPHONE [illegible]

§ 21.600 *Eligibility.* Authorizations for central exchange stations and inter-exchange stations will be issued to existing and proposed communication common carriers. Authorizations for rural subscriber stations will be issued to communication common carriers or to individual users of the service. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service and (c) the public interest, convenience or necessity would be served by a grant thereof.

§ 21.601 *Allocation of frequencies.*[1] (a) The following frequencies are available primarily to the Domestic Public Land Mobile Radio Service and, on a secondary basis, to stations in the Rural Radiotelephone Service, provided no harmful interference is caused to stations in the Domestic Public Land Mobile Radio Service:

Central exchange and inter-exchange station frequencies	*Rural subscriber and inter-exchange station frequencies*
(Mc.)	*(Mc.)*
152.03	[illegible]
[illegible]	158.55
152.15	158.61
152.21	158.67
152.51	157.77
152.57	157.83
152.63	157.89
[illegible]	157.95
152.75	158.01
152.81	158.07

Central exchange and inter-exchange station frequencies	*Rural subscriber and inter-exchange station frequencies*
(Mc.)	*(Mc.)*
454.05	459.05
454.15	459.15
454.25	459.25
454.35	459.35
454.45	459.45
454.55	459.55
454.65	459.65
454.75	459.75
454.85	459.85
454.95	459.95

(b) In the Territory of Hawaii, the following frequencies are available for assignment to Inter-Exchange stations:

76–108 Mc. Band

(Mc.)	*(Mc.)*	*(Mc.)*	*(Mc.)*
76.02	78.30	[illegible]	82.86
76.06	78.34	80.62	[illegible]
76.10	78.38	[illegible]	82.94
76.14	78.42	80.70	82.98
76.18	[illegible]	[illegible]	83.02
76.22	78.50	[illegible]	[illegible]
[illegible]	78.54	[illegible]	83.10
76.30	78.58	[illegible]	83.14
76.34	78.62	[illegible]	83.18
76.38	[illegible]	[illegible]	[illegible]
76.42	78.70	[illegible]	[illegible]
76.46	78.74	81.02	83.30
76.50	78.78	[illegible]	83.34
76.54	78.82	81.10	83.38
76.58	78.86	81.14	83.42
76.62	78.90	81.18	83.46
76.66	78.94	[illegible]	[illegible]
76.70	78.98	[illegible]	[illegible]
76.74	79.02	81.30	83.58
76.78	79.06	81.34	[illegible]
76.82	79.10	[illegible]	[illegible]
76.86	79.14	81.42	83.70
76.90	79.18	[illegible]	83.74
76.94	79.22	81.50	[illegible]
76.98	79.26	81.54	83.82
77.02	79.30	[illegible]	[illegible]
77.06	79.34	81.62	[illegible]
77.10	79.38	[illegible]	[illegible]
77.14	79.42	81.70	[illegible]
77.18	79.46	81.74	[illegible]
77.22	79.50	81.78	[illegible]
77.26	79.54	81.82	84.10
77.30	79.58	81.86	84.14
77.34	79.62	[illegible]	84.18
77.38	[illegible]	81.94	[illegible]
77.42	79.70	81.98	84.26
77.46	79.74	82.02	84.30
77.50	79.78	82.06	[illegible]
77.54	79.82	82.10	[illegible]
77.58	79.86	82.14	[illegible]
77.62	79.90	82.18	[illegible]
77.66	79.94	[illegible]	[illegible]
77.70	79.98	[illegible]	[illegible]
77.74	[illegible]	[illegible]	[illegible]
77.78	[illegible]	82.34	84.62
77.82	80.10	[illegible]	[illegible]
77.86	[illegible]	[illegible]	84.70
77.90	[illegible]	[illegible]	84.74
77.94	[illegible]	[illegible]	84.78
77.98	[illegible]	[illegible]	[illegible]
78.02	[illegible]	[illegible]	[illegible]
78.06	[illegible]	[illegible]	[illegible]
78.10	[illegible]	[illegible]	[illegible]
78.14	80.42	[illegible]	[illegible]
78.18	[illegible]	82.74	[illegible]
78.22	[illegible]	82.78	85.06
78.26	[illegible]	[illegible]	[illegible]

76–108 Mc. Band—Continued

(Mc.)	*(Mc.)*	*(Mc.)*	*(Mc.)*
85.14	98.34	101.58	104.82
[illegible]	[illegible]	101.62	104.86
[illegible]	98.46	101.66	104.90
[illegible]	[illegible]	101.70	104.94
[illegible]	[illegible]	101.74	[illegible]
[illegible]	[illegible]	101.78	105.02
[illegible]	[illegible]	101.82	105.06
[illegible]	[illegible]	101.86	105.10
[illegible]	[illegible]	101.90	105.14
[illegible]	98.74	101.94	105.18
[illegible]	[illegible]	101.98	105.22
[illegible]	[illegible]	102.02	105.26
[illegible]	[illegible]	102.06	105.30
[illegible]	[illegible]	102.10	105.34
85.70	[illegible]	102.14	105.38
85.74	[illegible]	102.18	105.42
85.78	[illegible]	102.22	105.46
85.82	[illegible]	102.26	105.50
[illegible]	99.10	102.30	105.54
[illegible]	99.14	102.34	105.58
[illegible]	99.18	102.38	105.62
[illegible]	[illegible]	102.42	105.66
[illegible]	[illegible]	102.46	105.70
[illegible]	[illegible]	102.50	105.74
[illegible]	[illegible]	102.54	105.78
86.10	99.34	[illegible]	105.82
86.14	[illegible]	102.62	105.86
[illegible]	99.42	102.66	105.90
[illegible]	99.46	102.70	105.94
[illegible]	99.50	102.74	105.98
[illegible]	99.54	102.78	106.02
86.34	[illegible]	102.82	106.06
[illegible]	[illegible]	102.86	106.10
86.42	[illegible]	102.90	106.14
[illegible]	[illegible]	102.94	106.18
[illegible]	99.74	102.98	106.22
86.54	[illegible]	103.02	[illegible]
[illegible]	[illegible]	[illegible]	106.30
[illegible]	[illegible]	103.10	106.34
[illegible]	[illegible]	103.14	106.38
[illegible]	[illegible]	103.18	106.42
[illegible]	[illegible]	103.22	[illegible]
[illegible]	100.02	103.26	106.50
[illegible]	[illegible]	103.30	106.54
[illegible]	100.10	103.34	106.58
[illegible]	100.14	103.38	106.62
[illegible]	100.18	103.42	106.66
[illegible]	100.22	103.46	106.70
87.02	100.26	103.50	106.74
87.06	100.30	103.54	106.78
87.10	100.34	103.58	106.82
87.14	100.38	103.62	106.86
87.18	100.42	103.66	106.90
87.22	100.46	103.70	106.94
87.26	100.50	103.74	106.98
[illegible]	100.54	103.78	107.02
87.34	100.58	103.82	107.06
[illegible]	100.62	103.86	107.10
87.42	100.66	103.90	107.14
87.46	100.70	103.94	107.18
87.50	100.74	103.98	107.22
87.54	100.78	104.02	107.26
87.58	100.82	104.06	107.30
87.62	100.86	104.10	107.34
87.66	100.90	104.14	107.38
87.70	100.94	104.18	107.42
87.74	100.98	104.22	107.46
87.78	101.02	104.26	107.50
[illegible]	101.06	104.30	107.54
87.86	101.10	104.34	107.58
87.90	101.14	104.38	107.62
87.94	101.18	104.42	107.66
[illegible]	101.22	104.46	107.70
[illegible]	101.26	104.50	107.74
[illegible]	101.30	104.54	107.78
98.10	101.34	104.58	107.82
98.14	101.38	104.62	107.86
[illegible]	101.42	104.66	[illegible]
[illegible]	101.46	104.70	107.94
98.26	101.50	104.74	107.98
98.30	101.54	104.78	

(c) Within the geographic areas in which the frequencies in paragraphs (a) and (b) of this section may be assigned, and under the same limitations of shared usage and reservations concerning interference set forth therein, such frequencies may also be assigned to radio relay stations in the Rural Radiotelephone

[1] Inter-island and intra-island point-to-point telephone and point-to-point telegraph stations which were licensed, on the effective date of these rules, in the Fixed Public Services outside the continental limits of the United States, shall be licensed in this service and may be authorized to continue the use of the previously authorized frequencies on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

[1] Reference should be made to paragraphs (c) and (d) of § 21.116 for additional control point requirements and also to § 21.205 concerning operator requirements.

Service upon a satisfactory showing as to why it is impracticable to achieve the requisite communication without the use of radio relay stations operating on such frequencies.

§ 21.602 *Transmitter power.* Stations in this service shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.106 (b) and a standby transmitter having a rated power output in excess of that of the main transmitter with which it is associated will not be authorized.

§ 21.603 *Types of emission.*[1] (a) Stations in this service within the continental limits of the United States normally shall be authorized to use only type A3 or F3 emission for radiotelephony. However, multi-channel type of amplitude or frequency modulated emission for radiotelephony may be authorized upon a satisfactory showing of need therefor and provided that the criteria concerning bandwith of emission set forth in § 21.604 (b) are satisfied.

(b) In addition to the types of emission which may be authorized under the provisions of paragraph (a) of this section, stations in this service outside the continental limits of the United States may be authorized to employ other types of amplitude and frequency modulated emission for telephony and facsimile upon a showing of need therefor.

(c) The authorization for use of the aforementioned types of emission shall be construed to include the use of tone signals or signaling devices whose sole function is to establish and maintain communication between stations.

§ 21.604 *Authorized bandwith of emission.* (a) The maximum bandwidth of emission which will normally be authorized for single channel operation in this service is set forth below:

Type of emission:	*Authorized bandwidth (kilocycles)*
A1	1
A2	3
A3	6
A4	10
F1	3
F2	9
F3	36
F4	36

(b) Bandwidths of emission greater than shown in paragraph (a) of this section may be authorized for multi-channel operation provided a showing is made that the efficiency of frequency utilization per derived communication channel is equivalent to or greater than on a single channel basis.

§ 21.605 *Modulation requirements.* (a) When amplitude modulation is used, the modulation percentage shall be sufficient to provide efficient communication and shall be normally maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(b) Each transmitted initially installed after the effective date of these rules shall be provided with a device which will automatically prevent modulation in excess of the maximum bandwidth of emission specified in the instrument of station authorization.

[1] Further reference should be made to §§ 21.103 to 21.105, inclusive.

§ 21.606 *Permissible communications.* (a) Rural Subscriber stations normally are authorized to communicate with and through the central exchange station with which they are associated. However, where the establishment of central exchange station facilities in this service is shown to be impracticable, Rural Subscriber stations may be authorized to communicate with and through a specified base station in the Domestic Public Land Mobile Radio Service pursuant to the provisions of § 21.510 (f).

(b) Central Exchange stations may communicate only with Rural Subscriber stations.

(c) Inter-Exchange stations may communicate only with other Inter-Exchange stations.

(d) The foregoing paragraphs of this section shall not be construed to prohibit stations in this service from communicating through radio relay stations authorized pursuant to the provisions of § 21.601 (c).

§ 21.607 *Priority of service.* Within the Rural Radiotelephone Service, the frequencies set forth in § 21.601 are intended primarily for use in rendition of public message telephone exchange service and to provide radio trunking facilities between public message telephone exchanges. However, the frequencies may also be used for the rendition of private leased line communication service provided that such usage will not reduce or impair the extent or quality of communication service which would be available, in the absence of private leased line service, to the general public receiving or subsequently requesting message telephone service over the public message telephone exchange and radio trunking facilities.

§ 21.608 *Supplementary showing required with applications.* (a) Each application for initial installation of a radio station in this service, or for installation of additional transmitters, or for authority to communicate with new points, shall be accompanied by a statement showing how the proposed construction, etc., will serve the public interest, convenience and necessity. Among other things, such statement should include information concerning:

(1) The number of communication cricuits (telephone, telegraph, etc.) to be derived initially from the radio facilities proposed to be established. In the case of a radio system involving one or more circuit branching points, indicate the number of such circuits to be derived in each section of the system.

(2) The availability, adequacy, and reliability of existing public communication facilities in the area proposed to be served by the proposed radio facilities, indicating:

(i) The type of each communication facility (open wire, cable, radio, etc.).

(ii) The number of communication circuits of each type, listed in subparagraph (1) of this paragraph, currently being derived from each of these facilities.

(iii) The number of communication circuits to be added in each category to meet current and anticipated future load demands.

(iv) Current traffic load trends, as indicated by periodic traffic load studies, including an estimate as to future circuit requirements.

(v) Where more than 24 circuits are to be derived from the proposed construction, list the circuit groups currently operated, the number of circuits in each group, and the estimated number of circuits required in each group to meet load demands for the ensuing one year, two year, or five year period, as may be appropriate in order to provide adequate justification for said increases.

(b) After an application for the initial establishment of a radio station or for the addition of transmitters on an existing system has been granted, and where the number of communication circuits (i. e., telephone, telegraph, etc.) is to be expanded without otherwise affecting the terms of the applicable radio station authorization, authority to install necessary channelizing equipment shall be secured by an application filed pursuant to section 214 (a) of the Communications Act of 1934, as amended, and Part 63 of this chapter, in those cases where the applicant is subject to the provisions of section 214.

§ 21.609 *Rural subscriber and central exchange stations at temporary fixed locations.* (a) Authorizations may be issued upon proper application for the use of frequencies listed in § 21.601 (a) by rural subscriber stations and central exchange stations for rendition of rural radiotelephone service to subscribers at temporary locations under the following conditions:

(1) Operation at any one location normally shall not exceed 6 months.

(2) The station shall be used only for rendition of communication service at a remote point where the provision of wire telephone facilities is not practicable.

(3) The antenna height employed at any location shall not exceed the criteria set forth in § 17.3 of this subchapter unless, in each instance, authorization for use of a specific maximum antenna height for each location has been obtained from the Commission prior to erection of the antenna. Requests for such authorization shall be accompanied by FCC Form 401–A (revised) completed in triplicate.

(b) Applications for authorizations to operate rural subscriber stations and central exchange stations at temporary locations under the provisions of this section shall be made upon FCC Form 401, and may be accompanied by completed FCC Form 403 for simultaneous consideration provided the equipment to be used is of "packaged" design. Blanket applications may be submitted for the required number of rural subscriber and central exchange transmitters.

§ 21.610 *Notification of station operation at temporary locations.* The licensee of stations which are authorized pursuant to the provisions of § 21.609 shall notify the Commission's Engineer-in-Charge of the radio district wherein

operation is to be conducted, at least two days prior to installation of the facilities, stating:

(a) The call sign and specific location of the transmitter.

(b) The identity and location of the station with which it will communicate.

(c) The exact frequency to be used.

(d) The commencement and termination dates of operation from each location. A copy of the foregoing notification shall be posted with the station license.

SUBPART I—INTERCITY RADIO SERVICE

§ 21.700 *Eligibility.* Authorizations for stations in this service will be issued to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience or necessity would be served by a grant thereof.

§ 21.701 *Allocation of frequencies.* (a) The following frequencies are available for assignment to Intercity stations in this service on a shared basis with stations in the Local Television Program Transmission Service:

3700–4200 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
3710	3840	3970	4100
[illegible]	3850	3980	4110
3730	[illegible]	3990	4120
3740	3870	[illegible]	4130
3750	3880	4010	4140
3760	[illegible]	[illegible]	4150
3770	3900	4030	4160
3780	3910	4040	4170
[illegible]	3920	4050	4180
[illegible]	3930	[illegible]	4190
3810	3940	4070	
3820	3950	[illegible]	
[illegible]	3960	4090	

5925–6425 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
5937.5	6062.5	6187.5	6312.5
[illegible]	6087.5	6212.5	6337.5
5987.5	6112.5	6237.5	6362.5
[illegible]	6137.5	6262.5	6387.5
6037.5	6162.5	6287.5	6412.5

10,700–11,700 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
10,725	10,975	11,225	11,475
10,775	11,025	11,275	11,525
10,825	11,075	11,325	11,575
10,875	11,125	11,375	11,625
10,925	11,175	11,425	11,675

(b) The following frequencies are available for assignment to Intercity stations in this service on a shared basis with all other radio services:

890–940 Mc. Band [1]

(Mc.)	(Mc.)	(Mc.)	(Mc.)
[illegible]	[illegible]	[illegible]	901.0
[illegible]	894.5	[illegible]	901.5
891.5	[illegible]	[illegible]	902.0
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	903.0
[illegible]	[illegible]	[illegible]	903.5
[illegible]	[illegible]	[illegible]	[illegible]

[1] Stations operating on these frequencies must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment within this frequency band. Subject to determination of Docket No. 10797.

890–940 Mc. Band[1]—Continued

(Mc.)	(Mc.)	(Mc.)	(Mc.)
904.5	913.5	922.5	931.5
[illegible]	914.0	923.0	932.0
[illegible]	914.5	923.5	932.5
[illegible]	915.0	924.0	933.0
[illegible]	915.5	924.5	933.5
907.0	916.0	925.0	934.0
907.5	916.5	925.5	934.5
[illegible]	917.0	926.0	935.0
908.5	917.5	926.5	935.5
909.0	918.0	927.0	936.0
[illegible]	918.5	927.5	936.5
910.0	919.0	928.0	937.0
910.5	919.5	928.5	937.5
911.0	920.0	929.0	938.0
911.5	920.5	929.5	938.5
912.0	921.0	930.0	939.0
912.5	921.5	930.5	939.5
913.0	922.0	931.0	

2450–2500 Mc. Band [2]

(Mc.)	(Mc.)	(Mc.)	(Mc.)	(Mc.)
2455	2465	2475	2485	2495

9800–9900 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)	(Mc.)
[illegible]	9830	9850	9870	9890

10,500–10,700 Mc. Band [3]

(Mc.)	(Mc.)	(Mc.)	(Mc.)
10,525	10,575	10,625	10,675

16,000–18,000 Mc. Band [4]

(Mc.)	(Mc.)	(Mc.)	(Mc.)
16,050	16,550	17,050	17,550
16,150	16,650	17,150	17,650
16,250	16,750	17,250	17,750
16,350	16,850	17,350	17,850
16,450	16,950	17,450	17,950

26,000–30,000 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
26,100	27,100	28,100	29,100
26,300	27,300	28,300	29,300
26,500	27,500	28,500	29,500
26,700	27,700	28,700	29,700
26,900	27,900	[illegible]	[illegible]

(c) The following frequencies are available for assignment to control stations in this service on a shared basis with certain other radio services, upon a satisfactory showing that it is impracticable to use wire lines:

72–76 Mc. Band [4]

(Mc.)	(Mc.)	(Mc.)	(Mc.)
72.02	72.62	73.22	73.82
72.06	72.66	73.26	73.86
72.10	72.70	73.30	73.90
72.14	72.74	73.34	73.94
72.18	72.78	73.38	73.98
72.22	72.82	73.42	74.02
72.26	72.86	73.46	74.06
72.30	72.90	73.50	74.10
72.34	72.94	73.54	74.14
72.38	72.98	73.58	74.18
72.42	73.02	73.62	74.22
72.46	73.06	73.66	74.26
72.50	73.10	73.70	74.30
72.54	73.14	73.74	74.34
72.58	73.18	73.78	74.38

[2] Stations operating on these frequencies must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating within this frequency band.

[3] Stations operating on frequencies between 17,850 Mc. and 18,000 Mc. must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating in the 17,850–18,150 Mc. band.

[4] Assignments made to stations on frequencies in this band are subject to the condition that no harmful interference will be caused to operational fixed stations or

72–76 Mc. Band[4]—Continued

(Mc.)	(Mc.)	(Mc.)	(Mc.)
74.42	75.42	75.62	75.82
74.46	75.46	75.66	75.86
74.50	75.50	75.70	75.90
74.54	75.54	75.74	75.94
74.58	75.58	75.78	75.98

(d) The following frequencies are available for assignment to microwave auxiliary stations in this service on a shared basis with other radio services:

27.23–27.38 Mc. Band

27.255 Mc.

Assignments to stations on frequencies in this band are subject to the condition that they must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating in the 26.96–27.28 Mc. band.

§ 21.702 *Transmitter power.* Stations in this service shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.106 (b) and a standby transmitter having a rated power output in excess of that of the main transmitter with which it is associated will not be authorized.

§ 21.703 *Emission limitations.*[5] (a) Stations in this service operating on frequencies in the 72–76 Mc. and 890–940 Mc. bands shall be authorized to employ only amplitude modulated or frequency modulated emission for radiotelegraphy, radiotelephony and facsimile.

(b) Stations in this service operating on frequencies in the 27.23–27.28 Mc. band shall be authorized to employ only amplitude modulated or frequency modulated emission for radiotelephony.

(c) Except as limited by paragraphs (a) and (b) of this section, stations operating in the frequency bands listed in § 21.701 may be authorized to use amplitude modulated, frequency modulated or pulse type of emission for radiotelegraphy, radiotelephony, facsimile and television.

(d) In addition to the aforementioned types of emission, use of unmodulated emission in other than the 27.23–27.28 Mc. and 72–76 Mc. bands may be authorized upon a sufficient showing of need therefor.

(e) The maximum bandwidth of emission normally authorized in this service

reception of television stations on channels 4 or 5. Pending promulgation of more definite engineering criteria setting forth the conditions under which assignments can be made to stations which are less than 80 miles from television station assignments on channels 4 or 5, assignments will be made only to stations located 80 miles or more from locations at which television assignments on channels 4 or 5 are listed in the Commission's television assignment plan. Any authorizations granted for use of these frequencies will carry a condition that they are subject to modification or termination at any time without hearing, upon notice to the grantee, as may be required by the final determination of the proceedings in Docket No. 10315.

[5] The use of FO and AO emission in the 72–76 Mc. band will not be authorized except for temporary or short periods necessary for testing incident to the construction or maintenance of a radio station.

shall not exceed the limits set forth below:

Frequency band:	Maximum bandwidth (kc.)
27.23–27.28 Mc	36
72–76 Mc	36
890–940 Mc	400
	(Mc.)
2450–2500 Mc	10
3700–4200 Mc	20
5925–6425 Mc	25
9800–9900 Mc	20
10,500–11,700 Mc	50
16,000–18,000 Mc	100
26,000–30,000 Mc	200

Above 890 Mc., bandwidths in excess of the above limits may be authorized upon a sufficient showing of need therefor. The maximum bandwidths set forth in this paragraph shall not be construed as authority to employ bandwidths of emission in excess of that specified in the instrument of station authorization.

§ 21.704 *Modulation requirements.* (a) When amplitude modulation is used, the modulation percentage shall be sufficient to provide efficient communication and shall normally be maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(b) Each transmitter operating on frequencies below 500 Mc. shall be provided with a device which will automatically prevent modulation in excess of the maximum bandwidth of emission specified in the instrument of station authorization.

§ 21.705 *Permissible communications.* Stations in this service are authorized to render any kind of communication service provided for in the legally applicable tariffs of the carrier, unless otherwise directed in the applicable instrument of authorization or limited by § 21.703.

§ 21.706 *Supplementary showing required with applications.* (a) Each application for initial installation of a radio station in this service, or for installation of additional transmitters, or for authority to communicate with new points, shall be accompanied by a statement showing how the proposed construction, etc. will serve the public interest, convenience and necessity. Such statement must include information concerning:

(1) The nature and classification of the communication services to be provided (e. g., telegraph, telephone, program transmission for radio, television broadcasting, or theatre television, etc.).

(2) The number of communication circuits (telephone, telegraph, etc.) to be derived initially from the radio facilities proposed to be established. In the case of a radio system involving one or more circuit branching points, indicate the number of such circuits to be derived in each section of the system.

(3) The availability, adequacy, and reliability of existing public communication facilities in the area proposed to be served by the proposed radio facilities, operated by the applicant or any other carrier, indicating:

(i) The type of each communication facility (open wire, cable, radio, etc.).

(ii) The number of communication circuits of each type, listed in subparagraph (1) of this paragraph, currently being derived from each of these facilities.

(iii) The number of communication circuits planned to be added in each category to meet current and anticipated future load demands.

(iv) Current traffic load trends, as indicated by periodic traffic load studies, including an estimate as to future circuit requirements.

(v) Where more than 24 circuits are to be derived from the proposed construction, list the circuit groups currently operated, the number of circuits in each group, and the estimated number of circuits required in each group to meet load demands for the ensuing one year, two year, or five year period, as may be appropriate in order to provide adequate justification for said increases.

(b) After an application for the initial establishment of a radio station or for the addition of transmitters on an existing system has been granted, and where the number of communication circuits (i. e., telephone, telegraph, etc.) is to be expanded without otherwise affecting the terms of the applicable radio station authorization, authority to install necessary channelizing equipment shall be secured by an application filed pursuant to section 214 (a) of the Communications Act of 1934, as amended, and Part 63 of this chapter in those cases where the applicant is subject to the provisions of section 214.

SUBPART J—LOCAL TELEVISION PROGRAM TRANSMISSION SERVICE

§ 21.800 *Eligibility.* Authorizations for stations in this service will be granted to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience or necessity would be served by a grant thereof.

§ 21.801 *Allocation of frequencies.* (a) The following frequencies are available for assignment to television pickup and television STL stations in this service: [1]

7050–7125 Mc. Band

(Mc.)
7062.5
7087.5
7113.5

12,700–12,875 Mc. Band

(Mc.)	(Mc.)
12,712.5	12,812.5
12,737.5	12,837.5
12,762.5	12,862.5
12,787.5	

(b) In the event a television broadcast station licensee engages a communication common carrier to provide a pickup or STL service, the frequencies available to the broadcast station licensee under the apportionment set forth in paragraphs (a) and (b) of § 4.602 of this subchapter pertaining to "Experimental and Auxiliary Broadcast Services" may be assigned to the communication common carrier for the purpose of providing such service to the broadcast station licensee.

(c) The frequencies available for assignment under the provisions of paragraphs (a) and (b) of this section shall be used only for the transmission of program material, or communications immediately related thereto, intended for use by stations in the Television Broadcast Service.

(d) On a shared basis with non-common carrier radio services, the following frequencies are available for assignment to television pickup and to television non-broadcast pickup stations in this service for transmission of television program material:

2450–2500 Mc. Band

(Mc.)
2455
2465
2475
2485
2495

Stations operating on frequencies in the 2450–2500 Mc. band must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating within this frequency band.

3500–3700 Mc. Band [2]

(Mc.)	(Mc.)	(Mc.)	(Mc.)
3510	3570	3630	3690
3530	3590	3650	
3550	3610	3670	

6425–6575 Mc. Band [2]

(Mc.)
6437.5
6462.5
6487.5
6512.5
6537.5
6562.5

11,700–12,200 Mc. Band [2]

(Mc.)
11,725
11,775
11,825
11,875
11,925
11,975
12,025
12,075
12,125
12,175

16,000–18,000 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
16,050	16,550	17,050	17,550
16,150	16,650	17,150	17,650
16,250	16,750	17,250	17,750
16,350	16,850	17,350	17,850
16,450	16,950	17,450	17,950

Stations operating on frequencies between 17,850 Mc. and 18,000 Mc. must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating in the 17,850–18,150 Mc. band.

26,000–30,000 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
26,100	27,100	28,100	29,100
26,300	27,300	28,300	29,300
26,500	27,500	28,500	29,500
26,700	27,700	28,700	29,700
26,900	27,900	28,900	29,900

(e) The following frequencies are available for assignment to television STL stations in this service on a shared

[1] The frequencies listed herein are subject to the final action taken in Docket No. 10345 (Amendment of Part 4 of this subchapter).

[2] Subject to determination in Docket No. 10797.

basis with stations in the Intercity Radio Service:

3700–4200 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
3710	3840	3970	4100
3720	3850	3980	4110
3730	3860	3990	4120
3740	3870	4000	4130
3750	3880	4010	4140
3760	3890	4020	4150
3770	3900	4030	4160
3780	3910	4040	4170
3790	3920	4050	4180
3800	3930	4060	4190
3810	3940	4070	
3820	3950	4080	
3830	3960	4090	

5925–6425 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
5937.5	6062.5	6187.5	6312.5
5962.5	6087.5	6212.5	6337.5
5987.5	6112.5	6237.5	6362.5
6012.5	6137.5	6262.5	6387.5
6037.5	6162.5	6287.5	6412.5

10,700–11,700 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)	(Mc.)
10,725	10,925	11,125	11,325	11,525
10,775	10,975	11,175	11,375	11,575
10,825	11,025	11,225	11,425	11,625
10,875	11,075	11,275	11,475	11,675

(f) The following frequencies are available for assignment to television STL stations in this service on a shared basis with non-common carrier radio services:

2450–2500 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)	(Mc.)
2455	2465	2475	2485	2495

Stations operating on frequencies in the 2450–2500 Mc. band must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating within this frequency band.

9800–9900 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)	(Mc.)
9810	9830	9850	9870	9890

10,500–10,700 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
10,525	10,575	10,625	10,675

Stations operating on frequencies in the 10,500–10,700 Mc. band must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating within this frequency band.

16,000–18,000 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)	(Mc.)
16,050	16,450	16,850	17,250	17,650
16,150	16,550	16,950	17,350	17,750
16,250	16,650	17,050	17,450	17,850
16,350	16,750	17,150	17,550	17,950

Stations operating on frequencies between 17,850 Mc. and 18,000 Mc. must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating in the 17,850–18,150 Mc. band.

26,000–30,000 Mc. Band

(Mc.)	(Mc.)	(Mc.)	(Mc.)
26,100	27,100	28,100	29,100
26,300	27,300	28,300	29,300
26,500	27,500	28,500	29,500
26,700	27,700	28,700	29,700
26,900	27,900	28,900	29,900

(g) The following frequencies are available for assignment to microwave auxiliary stations in this service on a shared basis with other radio services:

27.23–27.28 Mc. Band

27.255 Mc.

Assignments to stations on frequencies in this band are subject to the condition that they must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment operating in the 26.96–27.28 Mc. band.

§ 21.802 *Assignment of frequencies to mobile stations.* The assignment of frequencies to mobile stations in this service shall not be limited to a single licensee within any area. However, geographical limits within which mobile units may operate may be imposed by the Commission.

§ 21.803 *Transmitter power.* Stations in this service shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.106 (b) and a standby transmitter having a rated power output in excess of that of the main transmitter with which it is associated will not be authorized.

§ 21.804 *Emission limitations.* (a) Stations in this service operating on frequencies in the 27.23–27.28 Mc. band shall be authorized to employ only amplitude modulated or frequency modulated emission for radiotelephony.

(b) Except as limited by paragraph (a) of this section, stations operating in the frequency bands listed in § 21.801 may be authorized to use amplitude modulated, frequency modulated or pulse type of emission for radiotelephony and television. In addition to the aforementioned types of emission, use of unmodulated emission may be authorized upon a sufficient showing of need therefor.

(c) The maximum bandwidth of emission normally authorized in this service shall not exceed the limits set forth below:

Frequency band:	Maximum bandwidth (kc.)
27.23–27.28 Mc.	36
	(Mc.)
2450–2500 Mc.	10
3500–4200 Mc.	20
5925–7125 Mc.	[1] 25
9800–9900 Mc.	20
10,500–12,200 Mc.	50
12,700–13,200 Mc.	[1] 25
16,000–18,000 Mc.	100
26,000–30,000 Mc.	200

Above 2450 Mc., bandwidths in excess of the above limits may be authorized upon a sufficient showing of need therefor. The maximum bandwidths set forth in this paragraph shall not be construed as authority to employ bandwidths of emission in excess of that specified in the instrument of station authorization.

§ 21.805 *Modulation requirements.* (a) When amplitude modulation is used, the modulation percentage shall be sufficient to provide efficient communication and shall normally be maintained above 70 percent on peaks; but shall not exceed 100 percent on negative peaks.

(b) Each transmitter operating on frequencies below 500 Mc. shall be provided with a device which will automatically prevent modulation in excess of the maximum bandwidth of emission specified in the instrument of station authorization.

§ 21.806 *Remote control operation of mobile television pickup stations.*[1] (a) Mobile television pickup stations (including non-broadcast) may be operated by remote control from fixed locations for periods not to exceed 60 days, provided the Commission's Engineer-in-Charge of the radio district wherein operation is to be conducted shall be notified in writing by the licensee prior to operation of the facilities by remote control concerning:

(1) The call sign and specific location of the transmitter.

(2) The exact frequencies to be used.

(3) The location of the transmitter control point.

(4) The commencement and termination dates of operation from the specified location.

A copy of the foregoing notification shall be kept with the station license.

(b) The Commission may, upon adequate showing by the licensee as to why the television pickup operations should not be conducted under a fixed station authorization, renew the authority granted under the provisions of paragraph (a) of this section.

[F. R. Doc. 54-1; Filed, Jan. 6, 1954; 8:45 a. m.]

[1] The maximum bandwidth of emission listed herein in the frequency bands 6875–7065 Mc. and 12,950–13,200 Mc., shall be subject to the final action taken on Docket No. 10345 (Amendment of Part 4 of this subchapter).

[47 CFR Part 7]

[Docket No. 10831]

AUTHORIZED TRANSMITTER-POWER

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 7.134 (e) of the Commission's rules to permit public coast station use of the same power on 156.8 Mc. as licensed for use in the frequency band 161.85 to 162.05 Mc., Docket No. 10831.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has been requested by the Illinois Bell Telephone Company to amend § 7.134 (e) of the Commission's rules governing stations on land in the maritime services to permit public coast stations to use the same transmitter-power on 156.8 Mc. as licensed for use on the public correspondence frequencies 161.9 Mc. and 162.0 Mc. The Company has expressed the view that if a transmitter power in excess of 250 watts is necessary to provide satisfactory communication on the public correspondence frequencies, a comparable power should be permitted on the calling and safety frequency. The Company has further indicated that public coast station use of the same power on the calling and safety frequency 156.8 Mc. as licensed on the public correspondence frequencies would allow for similar station communication range on the frequencies and that the stations could then fully develop the potentialities of the calling and safety frequency for promoting safety and expediting contacts with vessels that cannot be called on the public correspondence channels.

3. The issue involved in this proceeding appears to concern the benefits to be derived from the use of the same transmitter-power (in excess of 250 watts) by public coast stations for operation on the safety and calling frequency 156.8 Mc as for operation on public correspondence working channels. To resolve this issue, it appears necessary, in part, to develop the effects which an increased power disparity among stations using 156.8 Mc, introduced by allowing public coast stations to use up to 1000 watts on the frequency, would have upon communications on the frequency; particularly intership communications. Under Parts 7 and 8 of the Commission's rules, public coast stations may be authorized a maximum transmitter-power of 250 watts on the frequency 156.8 Mc; ship and limited coast stations, 100 watts; and marine utility stations, 10 watts. On working channels in the band 161.85 to 162.05 Mc, public coast stations may employ a maximum transmitter-power of 1000 watts. Since the proceeding concerns the use of a frequency which is common for safety and calling purposes to coast and ship stations working in the 152–162 Mc band, the Commission wishes to obtain the views of all concerned in the matter.

4. Interested persons are requested to file with the Commission on or before March 2, 1954, a written statement or brief setting forth his comments. The Commission will consider all comments and briefs presented before taking further action with respect to the request for amendment of the rules.

5. The proposed rule making is issued under the authority of sections 303 (c), (e), (f), (h), and (r) of the Communications Act of 1934, as amended.

6. Fifteen copies of each brief or written report should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: December 30, 1953.

Released: December 31, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-93; Filed, Jan. 6, 1954; 8:50 a. m.]

[1] Reference should be made to § 21.112 concerning mobile station antenna height restrictions and to paragraphs (c) and (d) of § 21.116 concerning control points.

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

J. Freezer & Son, Inc., Rural Retreat, Va., effective 12-23-53 to 12-22-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress and sport shirts).

Huntington Manufacturing Co., Inc., "Blue Ridge" Factory, 629 Tenth Street, Huntington, W. Va., effective 12-28-53 to 12-27-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's dresses).

Edward Hyman Co., Prentiss Plant, Prentiss, Miss., effective 12-24-53 to 12-23-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work uniforms, pants, shirts, and coats).

F. Jacobson & Sons, Inc., Salisbury, Md., effective 12-31-53 to 12-30-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Jayson-York, Inc., East Street and Pennsylvania Avenue, York, Pa., effective 12-23-53 to 12-22-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

McAllisterville Shirt Factory, Box A, Juniata County, Fayette Township, McAllisterville, Pa., effective 12-23-53 to 12-22-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dress and sport shirts).

McKenzie Pajama Corp., Box 38, McKenzie, Tenn., effective 1-6-54 to 1-5-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas).

Madill Manufacturing Co., Madill, Okla., effective 12-22-53 to 6-21-54; 25 learners for expansion purposes (men's dress trousers).

Monleigh Garment Co., Yadkinville Highway, Mocksville, N. C., effective 1-5-54 to 1-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas).

The Morelle Manufacturing Co., 226-28 Center Street, Ashtabula, Ohio, effective 12-28-53 to 12-27-54; 10 learners for normal labor turnover purposes (dresses).

Rainfair, Inc., Wynne, Ark., effective 1-4-54 to 7-3-54; 50 learners for plant expansion purposes (dress pants).

Richfield Shirt Factory, Monroe Township, Juniata County, Richfield, Pa., effective 12-23-53 to 12-22-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts).

Salem Shirt Factory, Delaware Township, Mifflintown, Pa., effective 12-23-53 to 12-22-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts).

Troutman Shirt Co., Inc., Mooresville, N. C., effective 1-13-54 to 1-12-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Troutman Shirt Co., Inc., Mooresville, N. C., effective 1-13-54 to 7-12-54; 20 learners for expansion purposes (work shirts).

Waverly Garment Co., Waverly, Tenn., effective 12-26-53 to 12-25-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts and army clothing).

Wilmore Manufacturing Co., Wilmore, Ky., effective 12-23-53 to 12-22-54; 10 learners for normal labor turnover purposes (boys' and men's shirts).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Wonderknit Corp., 120 West Grayson Street, Calax, Va., effective 12-28-53 to 12-27-54; 50 learners for expansion purposes (sport shirts and polo shirts).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 29th day of December 1953.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F. R. Doc. 54-75; Filed, Jan. 6, 1954; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Announcement 16]

SOUTH-COLUMBIA BASIN IRRIGATION DISTRICT, COLUMBIA BASIN PROJECT, WASHINGTON

PUBLIC ANNOUNCEMENT OF THE SALE OF FULL-TIME FARM UNITS

LANDS COVERED

DECEMBER 14, 1953.

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the South-Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase farm units may be submitted beginning at 2:00 p. m., January 5, 1954.

The farm units hereby offered for sale by the United States are all in Block 16, Franklin County, Washington, and are described as follows:

Irrigation block No.	Farm unit No.	Total acreage	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
16	71	93.1	79.0	19.0	46.0	13.4	16.1	$3,631.40
	72	190.4	103.6	27.3	55.7	20.6	86.8	4,861.60
	73	164.1	93.6	27.2	37.2	29.4	70.5	3,462.10
	84	98.2	82.1	40.0	54.9	2.9	5,734.40	
	89	168.5	108.4	.....	23.9	84.5	60.1	1,912.80
	90	215.1	166.5	.....	51.2	54.3	109.6	3,378.00
	91	147.9	109.6	.....	80.2	29.4	38.3	1,910.90
	92	157.9	70.7	.....	49.6	21.1	87.2	1,872.20
	93	159.9	49.2	.....	4.2	45.0	110.7	1,808.10
	94	140.1	59.7	.....	43.0	16.7	101.4	2,094.50
	97	84.6	68.7	20.0	27.9	20.8	15.9	3,167.20
	98	74.7	58.0	22.0	18.2	17.8	16.7	1,551.40
	99	160.4	89.2	21.2	41.8	26.2	71.2	4,455.80
	103	107.6	82.5	.....	77.6	4.9	25.1	1,869.80
	104	107.6	85.0	.....	61.0	24.0	20.6	1,437.80
	105	133.3	109.5	.....	91.6	16.9	24.8	1,813.40
	106	106.3	102.8	.....	59.0	43.8	3.5	1,566.20
	107	106.4	90.1	.....	47.4	42.7	16.3	1,393.70
	108	158.5	80.9	.....	46.5	34.4	77.6	2,299.50
	109	109.9	84.5	.....	35.6	48.9	25.4	1,454.90
	116	120.3	102.0	.....	77.2	24.8	18.3	1,658.80
	117	160.3	117.7	.....	83.2	34.5	42.6	2,075.30
	118	172.9	76.2	.....	22.7	53.5	96.7	2,045.00
	119	161.2	89.5	.....	63.4	26.1	71.7	1,856.85
	120	222.3	131.0	.....	16.0	115.0	91.3	2,607.50
	123	175.7	106.8	.....	29.8	77.0	68.9	2,111.60
	124	108.2	80.8	.....	65.9	14.9	27.4	3,222.60
	126	137.2	83.4	.....	53.6	29.8	53.8	1,687.30
	127	159.6	97.5	.....	77.6	19.9	62.1	2,113.50
	128	187.4	99.6	.....	30.3	69.3	87.8	2,121.95
	129	159.1	93.0	.....	7.8	85.2	66.1	1,950.85
	130	159.9	87.6	.....	60.4	27.2	71.3	1,581.00
	138	198.5	95.8	.....	26.9	68.9	102.7	1,933.95
	141	113.7	103.4	.....	91.9	11.5	10.3	1,753.70
	142	181.6	101.9	.....	72.1	29.8	79.7	2,011.45
	143	132.7	94.6	.....	62.3	32.3	38.1	1,652.75
	144	146.4	95.2	.....	81.8	13.4	51.2	1,872.50
	146	88.3	79.6	12.6	60.0	7.0	8.7	3,380.80
	147	84.7	81.4	1.7	77.2	2.5	3.3	1,631.30
	148	78.1	71.6	30.5	35.1	6.0	6.5	2,896.70
	149	96.8	89.4	.6	73.5	15.3	7.4	3,569.70
	150	106.5	85.3	.....	34.8	50.5	21.2	3,907.00
	151	90.6	73.0	.....	55.8	17.2	17.6	1,288.00
	152	98.8	84.0	.....	60.9	23.1	14.8	1,338.70
	153	142.9	107.8	15.6	59.2	33.0	35.1	1,919.10
	154	162.7	110.9	.....	36.3	90.6	51.8	2,009.75
	155	179.9	122.0	.....	10.9	111.1	57.9	1,947.55
	156	159.6	88.7	.....	44.9	43.8	70.9	1,981.90
	157	171.9	108.9	.....	76.5	32.4	63.0	2,065.55
	158	128.2	94.0	4.7	45.9	43.4	34.2	1,599.90
	159	144.7	91.9	.....	38.1	53.8	52.8	1,399.95
	160	101.3	94.0	42.8	44.5	6.7	7.3	4,715.40
	161	83.3	76.4	57.6	18.8	.....	6.9	3,018.40
	162	[illegible]	84.7	31.5	42.6	10.6	9.2	3,251.00
	163	74.5	68.0	46.4	19.0	2.6	6.6	1,705.60
	164	101.3	97.0	18.0	71.8	7.2	4.3	1,944.20
	165	112.2	106.7	.....	91.0	15.7	5.5	2,139.50
	170	82.8	72.9	40.7	30.0	2.2	9.9	1,881.40
	171	113.3	81.5	38.4	[illegible]	3.8	31.8	1,478.40
	172	104.5	86.8	44.0	41.1	1.7	17.7	1,615.35
	173	125.0	99.1	23.1	42.4	[illegible]	[illegible]	1,627.45
	174	186.3	105.2	64.1	41.1	.....	81.1	2,091.35
	176	148.1	81.1	18.9	44.1	18.1	67.0	1,659.20
	180	118.9	94.6	.....	[illegible]	2.7	22.3	1,561.55
	181	114.8	85.7	12.1	70.8	2.8	29.1	1,464.75
	184	213.5	148.7	6.7	128.1	13.9	64.8	2,630.05
	185	162.0	85.8	.....	73.3	12.5	76.2	1,778.55
	186	146.8	109.4	.....	[illegible]	[illegible]	37.4	1,609.00
	187	151.7	122.8	.....	99.1	23.7	[illegible]	2,019.10
	188	160.1	110.2	.....	97.1	3.1	[illegible]	1,995.70
	191	123.1	106.6	.....	92.5	14.1	16.5	1,672.70
	193	145.4	90.8	15.8	75.0	.....	[illegible]	1,616.80
	194	95.3	72.2	50.8	12.9	8.5	23.1	1,406.20
	195	107.8	88.4	17.1	54.7	16.6	19.4	1,648.95
	196	138.8	102.5	.....	83.1	19.4	38.3	1,775.95
	205	159.3	103.5	.....	103.5	.....	[illegible]	1,644.00
	206	161.1	123.7	9.7	109.2	4.8	37.4	2,107.40
	207	122.3	105.6	7.2	[illegible]	[illegible]	16.7	1,634.90
	209	191.4	137.8	.....	[illegible]	[illegible]	54.1	2,081.70
	219	[illegible]	125.2	.....	[illegible]	[illegible]	13.1	1,808.00
	220	130.8	111.0	.....	8.6	101.2	[illegible]	1,465.15
	236	101.8	[illegible]	.....	30.7	30.7	40.4	1,189.55

The official plat of this irrigation block is on file in the office of the County Auditor, Franklin County, Pasco, Washington, and copies are on file in the office of the Bureau of Reclamation at Ephrata, Washington, and the Regional office at Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average-size family at a suitable level of living. The law provides that with certain minor exceptions not more than one farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the act of August 13, 1953 (67 Stat. 566), a preference right to purchase the farm units described above will be given to veterans (and in some cases to their husbands or wives or guardians of minor children) who submit application during a 45-day period beginning at 2 p. m., January 5, 1954, and ending at 2 p. m., February 19, 1954, and who, at the time of making application, are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940, and July 3, 1953, inclusive, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States during the period prescribed in subsection a. of this section regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 7. c. of this announcement regarding the provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds

received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a. of this section, or in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region I, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application, and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants must meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* An applicant must possess assets worth at least $4,500 in excess of liabilities. Assets must consist of cash, property readily convertible into cash, or property such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. Assets not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form before execution of a purchase contract.

SEC. 7. *Other qualifications required* Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, more than ten acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 8. *Filing application blanks.* Any person desiring to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 9. *Priority of applications.* All applications, except those received from qualified exchange applicants prior to 2 p. m., February 19, 1954, which shall be given prior preference, will be classified for priority purposes as follows:

a. *First Priority Group.* All complete applications filed prior to 2 p. m., February 19, 1954, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

b. *Second Priority Group.* All complete applications filed prior to 2 p. m., February 19, 1954, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

c. *Third Group.* All complete applications filed after 2 p. m., February 19, 1954. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 10. *Public drawing.* After the priority classification, the Board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9. a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the Board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 11. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification, showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his refer-

ences within the time period specified will subject his application to rejection.

SEC. 12. *Examination and interview.* After the information outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications together with the evidence of qualification submitted to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (a) Affording the Board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

SEC. 13. *Order of Selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the Board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the Board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the District Manager, Columbia River District, Bureau of Reclamation, may sell, lease or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

SEC. 14. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNITS

SEC. 15. *Execution of purchase contract.* When a farm unit is selected by an applicant as provided in section 13 of this announcement, the District Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execution and return. In that notice the District Manager will also inform the applicant of the amount of the irrigation charges assessed by the South-Columbia Basin Irrigation District or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the District Manager.

If the purchase is made subsequent to April 1 of any year following the first year of the development period, a deposit will be required to cover the payment of water charges for the next full irrigation season following the purchase.

SEC. 16. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of not less than 20 percent of the purchase price of the lands being purchased from the United States will be required. Larger proportions, or the entire amount of the price, may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; Interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years and the District Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the District Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below, and to maintain in crops thereafter, the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year)			
	2d year	3d year	4th year	5th year
10 to 40	75			
41 to 60	50	75		
61 to 80	50	65	75	
81 to 100	40	60	65	75
101 to 160	35	50	65	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract, or within one year from the date that water is available to the irrigation block in which the farm unit is located, whichever is later, to initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the purchase contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the District Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above. In extraordinary situations, the requirements under (1) and (2) above may be waived entirely upon the determination by the Regional Director, after recommendation by the District Manager, that such waiver will be in the interest of orderly development of the block. Any such waiver, however, shall be conditioned on the requirement that the purchaser reside close enough to his unit to permit him to develop it through his own efforts.

e. *Speculation and landholding limitations.* Purchase contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable land; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the project whether as lessee or as owner or both.

f. *Copies of contract form.* The terms listed above, and all other standard contract provisions, are contained in the purchase contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 17. *Water rental charges.* During the irrigation season of 1955, while some construction activities will be continuing and the system is being tested, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 18. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the South-Columbia Basin Irrigation District in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1956. During the development period, water rental charges will average an estimated $5.50 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year, by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (a) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water to be specified by the Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the Irrigation District will levy an additional charge to cover administrative costs and probable delinquencies in collections.

SEC. 19. *Construction period repayment charges*—a. *Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the South-Columbia Basin Irrigation District. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The contract between the United States and the South-Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed $280,782,180 as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

DECEMBER 14, 1953.

[F. R. Doc. 54-74; Filed, Jan. 6, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

BROADCAST BUREAU

ORDER REDEFINING FUNCTIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of December 1953;

It is ordered, Under the authority of the Communications Act of 1934, as amended, that:

A. The Broadcast Bureau shall consist of an Office of the Chief, a Broadcast Facilities Division, a Renewal and Transfer Division, a Hearing Division, a Rules and Standards Division, and a License Division.

The Bureau shall assist, advise, and make recommendations to the Commission with respect to the development of a regulatory program for the radio broadcast services except the international broadcast services and shall be responsible for the performance of any work, function, or activities to carry out that program in accordance with applicable statutes, international agreements, rules and regulations and policies of the Commission.

The Bureau shall perform the following functions:

1. Receive, examine, file, index and record applications in the radio broadcast services, issue authorizations in accordance with Commission instructions and directions, and make recommendations to the Commission thereon.

2. Participate in hearings involving applications, rule making and other matters which pertain to the radio broadcast services.

3. Make recommendations to the Commission concerning the promulgation of rules and standards in the radio broadcast services.

4. Participate in international conferences with respect to radio broadcast services.

5. Study frequency requirements in the radio broadcast services and make recommendations with respect to the allocation of frequencies and the drafting of frequency assignment plans in such services.

6. Confer with government and industry groups interested in the problems of radio broadcast services.

7. Study and establish technical requirements for equipment in the radio broadcast services in accordance with standards established by the Commission.

8. Perform all other functions or activities essential to carrying out the above duties and responsibilities.

9. Exercise such authority as may be assigned or referred by the Commission pursuant to section 5 (e) of the Communications Act of 1934, as amended.

B. The Bureau shall be under the direction of the Chief of the Bureau who, subject to the decisions and policy determinations of the Commission, shall plan, direct, and coordinate the radio broadcast services functions listed in paragraph A above.

C. The Broadcast Facilities Division shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for all functions indicated in the statement contained in A above, insofar as such functions pertain to standard (AM), FM, television and auxiliary broadcast services, excluding functions enumerated in D, E, F, and G below.

D. The Renewal and Transfer Division shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for all functions indicated in the statement contained in A above, insofar as such functions pertain to applications for renewals of licenses, transfer of control and assignment of licenses or construction permits, and shall exercise responsibility for maintaining the enforcement of applicable statutes, the rules and regulations and orders of the Commission insofar as they relate to radio broadcast stations.

E. The Hearing Division shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for all functions indicated in the statement contained in A above, insofar as such functions pertain to applications which have been designated for hearing and revocations of licenses or construction permits in the radio broadcast services.

F. The Rules and Standards Division shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for all functions indicated in the statement contained in A above, insofar as such functions relate to development or revision of rules and standards, international conferences, and special projects in the radio broadcast services.

G. The License Division shall be under the Direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for the receipt, initial examination, filing, indexing, recording and routing of all applications in the broadcast service, the clerical functions with respect to the issuance of broadcast authorizations, and for the maintenance of a public reference room in cooperation with the Docket Division of the Office of the Secretary where public information with respect to all broadcast matters and all docketed proceedings may be examined.

H. This order supersedes the Commission's order of February 14, 1952, Document No. FCC 52–149.

This order shall be effective immediately.

Released: January 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-89; Filed, Jan. 6, 1954; 8:49 a. m.]

[Docket No. 8777]

MACKAY RADIO AND TELEGRAPH CO., INC.

ORDER-CONTINUING ORAL ARGUMENT

In the matter of Mackay Radio and Telegraph Company, Inc., applications for radiotelegraph circuits between the United States and Finland, Portugal, Surinam, and The Netherlands; Docket No. 8777.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of December 1953:

The Commission having under consideration its order of December 3, 1953, herein, whereby oral argument in these proceedings was scheduled for January 22, 1954;

It appearing, that, because of the pressure of other matters, it will be impossible for the Commission to hear oral argument herein on January 22, 1954;

It is ordered, That the oral argument herein now scheduled for January 22, 1954, is postponed to the 2d day of February 1954.

Released: December 31, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-90; Filed, Jan. 6, 1954; 8:49 a. m.]

[Docket No. 10823]

SOUTHWESTERN BELL TELEPHONE CO. AND ALEDO TELEPHONE CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and property of J. B. McDuff, d/b as the Aledo Telephone Company; Docket No. 10823, File No. F–C–3370.

The Commission having under consideration an application filed by Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Southwestern Bell Telephone Company of the telephone plant and property of J. B. McDuff, d/b as the Aledo Telephone Company will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 31st day of December 1953, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10 a. m. on the 28th day of January, 1954, and that a copy of the order shall be served upon the Southwestern Bell Telephone Company, J. B. McDuff, d/b as the Aledo Telephone Company, the Governor of the State of Texas, and the Postmaster of Aledo, Texas;

It is further ordered, That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Aledo, Texas, and in Parker County, Texas, and shall furnish proof of such publication at the hearing herein.

Released: December 31, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54–91; Filed, Jan. 6, 1954; 8:50 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF FEDERAL RESERVE SYSTEM

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF INCOME AND DIVIDENDS

Pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, be it resolved that each insured mutual savings bank not a member of the Federal Reserve System, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Thursday, December 31, 1953, on Form 64 (Savings),[1] and a report of income and dividends for the calendar year 1953, on Form 73 (Savings).[1] Said report of condition and report of income and dividends shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)," dated June 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[1] Filed as part of original document.

[F. R. Doc. 54–85; Filed, Jan. 6, 1954; 8:48 a. m.]

INSURED STATE BANKS NOT MEMBERS OF FEDERAL RESERVE SYSTEM EXCEPT BANKS IN DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, be it resolved that each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Thursday, December 31, 1953, on Form 64—Call No. 40, and a report of earnings and dividends for the calendar year 1953, on Form 73.[1] Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64," dated June 1951, and said report of earnings and dividends shall be prepared in accordance with, "Instructions for the Preparation of Report of Earnings and Dividends on Form 73," dated December 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[1] Filed as part of original document.

[F. R. Doc. 54-86; Filed, Jan. 6, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-205, 59-95]

NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

SUPPLEMENTAL ORDER PURSUANT TO INTERNAL REVENUE CODE AND RELEASING CERTAIN JURISDICTION WITH RESPECT TO CONSUMMATION OF PLAN

DECEMBER 30, 1953.

In the matter of the North American Company, Union Electric Company of Missouri (File No. 54–205); the North American Company, (File No. 59–95).

The Commission having issued its findings and opinion and order on October 31, 1952, approving a plan for the liquidation and dissolution of the North American Company ("North American"), pursuant to section 11(e) of the act; said plan having been joined in to the extent necessary for its consummation by Union Electric Company of Missouri ("Union"); said plan, on December 11, 1952, having been ordered enforced by the United States District Court for the District of New Jersey; North American having on said date declared said plan to be effective as of January 20, 1953; said plan having become effective; North American having effected the initial partial liquidating distribution of shares of $10 par value common stock of Union to stockholders of North American on January 20, 1953, on the basis of one share of Union common stock with respect to each ten shares of North American common stock held of record on December 22, 1952;

It appearing that in connection with and as a part of the liquidation and dissolution of North American, as required by the plan, North American has proposed to make a second partial liquidating distribution of shares of $10 par value common stock of Union to stockholders of North American on January 21, 1954, on the basis of one share of Union common stock with respect to each ten shares of North American common stock held of record on December 21, 1953, and that in connection with such proposed distribution North American and Union have proposed that North American surrender for conversion 796,124 shares of no par value common stock of Union and receive 796,124 shares of $10 par value common stock of Union as part of the securities required for distribution on January 21, 1954, to the common stockholders of North American;

North American having requested the Commission to issue an appropriate order, with respect to said transactions, under Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended;

The Commission in said order of October 31, 1952, having reserved jurisdiction, inter alia, with respect to (i) the amount of cash to be paid by North American to its stockholders in lieu of fractional shares of such Union common stock which would otherwise be distributed to such stockholders, and (ii) the terms and provisions of the assistance to be provided by North American to its stockholders receiving four shares or less of such Union common stock, in interim distributions as proposed in said plan, to enable such stockholders to dispose of such shares without brokerage charges or commissions;

North American having advised the Commission that cash will be paid at the rate of $23.125 per share of $10 par value Union common stock in lieu of fractional shares of such Union common stock in connection with the second partial liquidating distribution to be effected by North American on January 21, 1954; and North American having further advised the Commission that arrangements have been made with the firm of Merrill Lynch, Pierce, Fenner & Beane which will ensure to stockholders receiving four shares or less of such Union common stock and who desire to sell the same, a price, barring unusual market conditions, approximating the closing sale price, but not less than the closing bid price, on January 20, 1954, of such Union common stock on the New York Stock Exchange;

The Commission deeming it appropriate and in the public interest to grant North American's request for an order pursuant to Supplement R and section 1808 (f) of the Internal Revenue Code, as amended; and

The Commission having considered the entire record and finding that the proposals respecting the cash to be paid in lieu of fractional shares of such Union common stock and the assistance to be rendered those stockholders of North American receiving four shares or less of such Union common stock who desire to sell the same, are fair and equitable and meet the other applicable standards of the act, and the jurisdiction heretofore reserved with respect to such matters should be released to the extent indicated below;

It is hereby ordered and recited and the Commission finds, That the proposed surrender by North American to Union of 796,124 shares of no par value common stock of Union, represented by certificates Nos. NC79 through NC83, for conversion and the proposed issue by Union and the receipt by North American in exchange therefor upon such conversion of 796,124 shares of $10 par value common stock of Union, represented by certificate No. TNB643, in connection with and as part of the liquidation and dissolution of North American and as authorized or permitted by the order of this Commission of October 31, 1952, and in obedience thereto, are necessary or appropriate to the integration or simplification required to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That in connection with the second partial liquidating distribution of shares of $10 par value common stock of Union, as proposed in the plan, jurisdiction be, and the same hereby is, released with respect to (a) the amount of cash to be paid to the holders of common stock of North American in lieu of fractional shares of such Union common stock and (b) the assistance to be rendered the North American stockholders receiving four shares or less of such Union common stock who desire to sell the same.

It is further ordered, That jurisdiction be, and hereby is, reserved to enter such other or further orders conforming to the requirements of Supplement R of Chapter I and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, and with respect to all other matters as to which jurisdiction has heretofore been reserved and not herewith specifically released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54–77; Filed, Jan. 6, 1954; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 12]

CALIFORNIA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about December 30, 1953, because of the disastrous effect of forest fires, damage resulted to residences and business property located in certain areas in the State of California; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that

1. Applications for disaster loans under the provisions of section 207(b) of the Small Business Act of 1953 may be received and considered by the SBA Branch Office below indicated from persons or firms whose property situated in the following county (hereinafter referred to as "the disaster area") suffered damage or other destruction as a result of the catastrophe above referred to:

County of Los Angeles: Small Business Administration, Branch Office, 117 West Ninth Street, Suite 711, Los Angeles 15, Calif.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster area will be accepted under the authority of this order subsequent to July 31, 1954.

Dated: January 4, 1954.

WENDELL B. BARNES,
Acting Administrator.

[F. R. Doc. 54-87; Filed, Jan. 6, 1954; 8:49 a. m.]

Room

FEDERAL REGISTER

VOLUME 19 NUMBER 5

Washington, Friday, January 8, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER paragraphs (n) and (o) are added to § 6.102.

§ 6.102 *State Department.* • • •

(n) *Office of Assistant Secretary for Inter-American Affairs.* (1) Executive Director.

(o) *Office of Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

2. Effective upon publication in the FEDERAL REGISTER, the headnote to § 6.302 (f) is amended and subparagraphs (2), (3), and (4) are added.

§ 6.302 *State Department.* • • •

(f) *Office of the Special Assistant—Intelligence.* • • •

(2) Special Assistant.

(3) Deputy Special Assistant.

(4) Private Secretary to the Deputy Special Assistant.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

3. Effective upon publication in the FEDERAL REGISTER, paragraph (b–1) of § 22.1 and paragraph (e) (2) of § 22.11 are revoked; subparagraph (1) of § 22.11 (e) is designated as paragraph (e); §§ 22.6, 22.7, 22.9 (a) and (e), 22.10 (a) and (c), and 22.11 (a) and (c) are amended; § 22.11 (f) is amended and is designated as § 22.10 (d). In the main these amendments are the result of the reorganization of the Commission in which the function of adjudicating veterans' appeals was transferred from the Chief Law Officer to the Chief, Appeals Examining Office.

§ 22.6 *Where appeals shall be filed.* (a) Appeals from Federal employees in the Metropolitan area of Washington, D. C., and outside the continental limits of the United States (except Alaska, Hawaii, Puerto Rico, and the Virgin Islands) and employees of the District of Columbia Government shall be submitted to the Chief, Appeals Examining Office, Bureau of Departmental Operations, United States Civil Service Commission, Washington 25, D. C.

(b) Appeals from all other employees shall be submitted to the director of the appropriate civil service region or manager of any branch regional office.

§ 22.7 *Preliminary consideration of appeals in the Commission.* When an appeal is received, it will be examined for the purpose of determining whether or not it is within the scope of the Veterans' Preference Act of 1944, as amended, and the regulations in this part. The decision in this respect will be made by the Chief, Appeals Examining Office or regional director, as appropriate. If it is determined that the appeal is not within the scope of section 14, the employee and his designated representative will be so advised and informed of the right to make a request for reconsideration and to submit evidence and representations in support thereof. If, upon reconsideration, it is again determined that the appeal is not within the scope of the law and regulations, the employee and his designated representative will be advised of the decision and the right of further appeal to the Commissioners as provided in § 22.11. Where the appeal is found to be within the scope of the law and regulations, it will be docketed for investigation and adjudication and the employee and his designated representative and the employing agency will be so advised.

§ 22.9 *Hearings*—(a) *Right to appear personally or by representative.* Appellants shall have the right to a hearing and to appear personally or through or accompanied by a designated representative in connection with their appeals to the Appeals Examining Office or the regional office as the case may be. Employing agencies shall also have the right to participate in such hearings. Both parties shall have the right to produce witnesses and to cross-examine witnesses in hearings. If an appellant has expressed a desire for a hearing, arrange-

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FEDERAL REGISTER

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the relevant portions of the testimony. At the conclusion of the hearing, these notes shall be summarized and, when agreed to in writing by all parties concerned, the summary shall constitute the report of the hearing. If the examiner and the parties cannot agree on the summary, the parties shall be permitted to submit, in writing, exceptions to any part of the summary that they question, and such exceptions shall be considered in connection with the making of the finding and recommendation. Hearings shall not be open to the general public or the press. Attendance shall be limited to persons having a direct connection with the appeal.

§ 22.10 *Decision in the Commission*—(a) *By whom made; contents.* (1) The decision on the appeal shall be made by the Chief, Appeals Examining Office or the regional director, as appropriate, in a finding consisting of an analysis of the evidence, the reasons for the conclusions reached, and the recommendation for action to be taken by the employing agency concerned.

(2) A recommendation may be made to the employing agency for corrective action, including restoration of the employee to duty retroactively to the effective date of the discharge, suspension for more than 30 days, furlough without pay, or reduction in rank or compensation, as the case may be.

* * * * *

(c) *Report by agencies to Commission of action taken or proposed to be taken on finding favorable to employee.* When the finding and recommendation is that the employee be restored to his position, or is otherwise favorable to the employee, the employing agency will, at the time the finding and recommendation is transmitted to it, be requested to report to the Chief, Appeals Examining Office or the regional office, as the case may be, within seven (7) days of the receipt of such finding and recommendation, regarding the action taken or proposed to be taken by the employing agency.

(d) *Finality of recommendation of Commission.* It shall be mandatory for administrative officers of employing agencies to take such corrective action as the Commission finally recommends on appeals. If the employing agency does not submit a further appeal to the Commissioners within seven (7) days after the date of receipt of a finding and recommendation of the Chief, Appeals Examining Office or regional office that are favorable to the employee, the recommendation shall become immediately operative and must be put into effect.

§ 22.11 *Further appeals to the Commissioners*—(a) *Time limit for filing.* An appeal may be made by the employee or the employing agency from a decision of the Chief, Appeals Examining Office or regional director to the Commissioners, U. S. Civil Service Commission, Washington 25, D. C. within seven (7) days of the date of receipt of notification of the decision. This time limit may be extended in the discretion of the Commission only upon a showing that circumstances beyond the control of the employee or the employing agency prevented the filing of a further appeal within the prescribed seven (7) days.

* * * * *

(c) *Board of Appeals and Review procedures.* The Board of Appeals and Review will review the entire record of such further appeals. In its discretion, the Board may afford the parties an opportunity to appear personally and present oral arguments and representations on the procedural aspects of the case and merits of the appeal, but no evidence will be considered by the Board which could have been submitted at the time of the original appeal to the Appeals Examining Office or regional office. If alleged new evidence is offered which was not available at the time of original appeal, the Board will consider whether the evidence is actually new and of such material consequence that the case should be remanded to the office of original jurisdiction. If the case is remanded, the appeal will begin anew in the office of original jurisdiction. In exceptional cases the Board may in its discretion receive and consider new evidence without remanding the case and may afford the parties an opportunity to produce witnesses and cross-examine witnesses.

* * * * *

(e) *Reopened appeals.* The Commissioners may in their discretion, when in their judgment such action appears warranted by the circumstances, reopen an appeal at the request of the appellant, or his designated representative, or the employing agency concerned and may grant both parties an opportunity for a personal appearance. In connection with such reopened appeals, both parties will be afforded an opportunity to submit briefs or written representations.

(Secs. 11 and 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-132; Filed, Jan. 7, 1954; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Tangerine Reg. 144]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.658 *Tangerine Regulation 144*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than January 8, 1954. Shipments of tangerines grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and, unless sooner terminated, will so continue until January 11, 1954; the recommendation and supporting information for regulation subsequent to January 7, 1954, and in the manner herein provided, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 5; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) Tangerine Regulation 143 (§ 933.657; 19 F. R. 9) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., January 8, 1954, and ending at 12:01 a. m., e. s. t., January 18, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than 2$\frac{4}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines, smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United

States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 6th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-142; Filed, Jan. 7, 1954; 8:55 a. m.]

PART 963—MILK IN STARK COUNTY, OHIO, MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

§ 963.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Stark County, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, effective not later than January 6, 1954. Any delay beyond that date in making this order amending the order effective will tend to disrupt the orderly marketing of milk in the Stark County, Ohio, marketing area. The changes effected by this order amending the order do not require persons affected to make substantial or extensive preparation prior to the effective date. Proposed amendments which would result in changes similar to those effected by this order amending the order were considered at a public hearing on September 24 and 25, 1953; a recommended decision in this proceeding, to which interested parties were given an opportunity to file written exceptions, was issued on December 8, 1953; and a decision in this proceeding was issued on December 31, 1953. Under these circumstances persons affected by this order amending the order have been afforded a reasonable time within which to prepare for its effective date. Therefore, good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1000) for making this order amending the order effective January 1, 1954.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations or producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order), of more than 50 percent of the volume of the milk covered by this order amending the order which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (October 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Stark County, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 963.41 (b) delete the word "or" at the end of subparagraph (4), substitute a semicolon for the period at the end of subparagraph (5) and add the word "or", and add a subparagraph (6) to read as follows:

(6) Disposed of in bulk as milk, skim milk, or cream during any of the months of March through August to a manufacturer of candy, soup, or bakery products who does not dispose of any milk in fluid form.

2. Change § 963.51 to read as follows:

§ 963.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in producer milk received by such handler during the month which is classified as Class I milk shall be computed by the market administrator as follows:

(a) Add to the basic formula price the following amount for the month indicated:

Month:	*Amount*
April, May, and June	$0.95
February, March, and July	1.40
All others	1.85

Provided, That in computing the price to be paid by any handler for butterfat and skim milk contained in producer milk which was received by such handler during the month at a pool plant for which the handler does not hold a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and which is classified as Class I milk, the amounts to be added to the basic formula price pursuant to this paragraph shall be 25 cents less in each month than the amounts indicated in this paragraph.

(b) Add or subtract from the result computed pursuant to paragraph (a) of this section a "supply-demand adjustment" computed as follows:

(1) Compute a "current utilization percentage" by dividing the combined total receipts of milk from producers during the first and second preceding months under this order and under Order No. 75 regulating the handling of milk in the Cleveland, Ohio, marketing area by the total combined utilization of milk in Class I by handlers regulated under the two orders, multiplying the result by 100, and rounding to the nearest whole number;

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage computed pursuant to subparagraph (1) of this paragraph the appropriate "standard utilization percentage" shown below:

Month for which the price is being computed:	*Standard utilization percentage*
January	117
February	121
March	125
April	131
May	141
June	157
July	165
August	149
September	133
October	129
November	123
December	121

(3) The amount of the supply-demand adjustment shall be as follows:

Net utilization percentage:	*Amount (cents)*
+13 or over	−25
+10 or +11	−19
+7 or +8	−13
+4 or +5	−7
+2 to −2	0
−4 or −5	+7
−7 or −8	+13
−10 or −11	+19
−13 or below	+25

When the net utilization percentage does not fall within one of the above tabulated brackets, the supply-demand adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

(c) The price per hundredweight of butterfat classified as Class I shall be determined by multiplying by 130 the price per pound of butter as described in § 963.50 (b) (1).

(d) From the price computed pursuant to paragraphs (a) and (b) of this section subtract an amount equal to the price per hundredweight of butterfat determined pursuant to paragraph (c) of this section multiplied by 0.035, and divide the remainder by 0.965. The result shall be the price per hundredweight of skim milk classified as Class I.

3. Change § 963.52 (a) to read as follows:

(a) Multiply the basic formula price computed pursuant to § 963.50 by a factor obtained by dividing the price computed pursuant to § 963.50 (c) into the amount computed pursuant to § 963.50 (c) (1).

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 5th day of January 1954 to be effective on and after the 6th day of January 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-134; Filed, Jan. 7, 1954; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 388, Revised, Amdt. 16]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

DESIGNATION OF AREAS IN WHICH SWINE ARE AFFECTED WITH VESICULAR EXANTHEMA

Pursuant to the authority conferred upon the Administrator of the Agricultural Research Administration by § 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), § 76.27a of said Subpart B (18 F. R. 3829, as amended) is hereby amended to read as follows:

§ 76.27a *Designation of areas in which swine are affected with vesicular exanthema.* The following areas are hereby designated as areas in which swine are affected with vesicular exanthema:

The State of California;

The Town of Manchester in Hartford County, in Connecticut;

The Town of Lewiston in Androscoggin County, that area consisting of the Towns of Portland, South Portland, Westbrook, Cape Elizabeth and Scarboro, in Cumberland County, and the Towns of Saco, Biddeford, Kennebunk, Alfred and Sanford in York County, that area consisting of the Towns of Cumberland and Yarmouth, in Cumberland County, and that area consisting of the Towns of Chelsea and Hallowell in Kennebec County, in Maine;

That area consisting of Hampden, Worcester, Middlesex, Essex, Suffolk, Norfolk, Bristol, and Plymouth Counties, in Massachusetts;

Eagle Township in Clinton County, Oneida and Roxand Townships in Eaton County, and Danby Township in Ionia County, in Michigan;

Atlantic, Bergen, Camden, Gloucester, Hudson, Hunterdon, and Morris Counties, that area consisting of Union, Middlesex, Monmouth, and Ocean Counties, that area in Lower Township in Cape May County lying east of U. S. Highway No. 9, that area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east and State Highway No. 550 on the north and west and State Highway Spur No. 550 on the west, and all of Burlington County except Delran, Washington, Shamong, Tabernacle, and Bass River Townships, in New Jersey;

The Town of Poland in Chautauqua County, the Town of Poughkeepsie in Dutchess County, and that area in the Town of Clarkstown lying north of New York State Route No. 59 in Rockland County, in New York;

Bucks and Delaware Counties, in Pennsylvania;

That area in Bell County lying north of U. S. Highway No. 190 and west of State Highways No. 36 and No. 317, in Texas.

Effective date. The foregoing amendment shall become effective upon issuance.

Section 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), quarantines the areas so designated.

The amendment designates the following as areas in which swine are affected with vesicular exanthema in addition to the areas heretofore designated:

Eagle Township in Clinton County, Oneida and Roxand Townships in Eaton County, and Danby Township, in Ionia County, in Michigan, and the Town of Poland in Chautauqua County, in New York.

Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), apply to these areas.

The amendment excludes from the areas heretofore designated as areas in which swine are affected with vesicular exanthema:

That area in Fulton County lying south and west of State Highways Nos. 139 and 154 and west of U. S. Highway No. 29 excluding Fort McPherson, in Georgia;

All of Androscoggin County except the Town of Lewiston, all of Cumberland County except the Towns of Cape Elizabeth, Cumberland, Portland, Scarboro, South Portland, Westbrook, and Yarmouth, all of Kennebec County except the Towns of Hallowell and Chelsea, and all of York County except the Towns of Alfred, Biddeford, Kennebunk, Saco, and Sanford, in Maine;

That area in Atascosa County lying west of State Highway No. 346 and north of State Highway No. 173, in Texas.

The Administrator of the Agricultural Research Administration has determined that swine in these areas are not now affected with the disease, and that the quarantine of such areas is no longer required to prevent the dissemination thereof. Accordingly, these areas are no longer quarantined under said § 76.27, and the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), no longer apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas contained in said Subpart B, as amended, apply thereto.

The effect of the amendment is to impose certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and to relieve certain restrictions presently imposed. The amendment must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111, 117, 120, 123, 125)

Done at Washington, D. C. this 31st day of December 1953.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 54-118; Filed, Jan. 7, 1954; 8:50 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

FORMS FOR PERIODIC ACCOUNTING REPORTS

On December 7, 1953, the Securities and Exchange Commission invited all interested persons to submit data, views and comments on a proposal to revise Form U-13-60 (§ 259.313), which is the annual reporting form for mutual and subsidiary service companies under the Public Utility Holding Company Act of

1935 (Holding Company Act Release No. 12235–X). The Commission has considered the data, views and comments submitted, all of which are favorable, and has adopted the revisions as proposed. This action has been taken pursuant to the provisions of sections 13, 14 and 20 (a) of the act.

Statement of purpose. The Commission is engaged in a comprehensive review of the rules, regulations, forms and procedures adopted under the various statutes administered by it. It is attempting to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors. The revision of Form U–13–60 is a part of this program and is designed to eliminate needless detail from the form and to avoid unnecessary duplication of information contained in the system annual report on Form U5S (§ 259.5s).

Text of revisions. Form U–13–60 (§ 259.313) is revised as follows:

(1) Items 7, 8, and 9 are deleted.

(2) Schedule 205 is amended by adding the following additional instruction: "Describe any changes made during the year in the bases used and principles and methods applied in the allocation of charges for service."

(3) Schedule 235 is deleted.

(4) Schedule 240 is deleted.

(5) Schedule 245 (and the reference therto in schedule 200) is deleted.

(6) Schedule 250 is amended by inserting after the first sentence of the instructions thereto the following sentences: "If the aggregate amount paid to any one vendee (other than an associate company or an affiliate) and included within one account is less than $2,000, only the aggregate number and amount of all such payments included within the account need be shown."

(7) Schedule 260 is amended by adding the following additional instruction: "The term 'principal items' is defined as items of $500 or more. However, the aggregate number and amount of all items of less than $500 should be reported."

(8) Schedule 265 is amended by adding the following additional instruction: "The aggregate number and amount of all items of less than $1,000 may be shown in lieu of details."

(9) The signature clause is amended to read as follows:

Pursuant to the requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations of the Securities and Exchange Commission issued thereunder, the undersigned company has duly caused this report to be signed on its behalf by the undersigned officer thereunto duly authorized.

(Name of company)

By: ---
(Signature and printed name and title of signing office)

Date: ---

(10) The second sentence of Instruction 6 is amended to read as follows: "Every such letter shall be stated to be signed by a duly authorized officer of the company."

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t)

The above revisions of Form U–13–60 shall be effective as to reports filed for the year 1953 and thereafter. Pending the preparation of new printed forms, reporting companies should note the revisions on the old forms in ink.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 30, 1953.

[F. R. Doc. 54–101; Filed, Jan. 7, 1954; 8:46 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 100—FLATHEAD, MISSION AND JOCKO VALLEY IRRIGATION DISTRICTS, MONTANA

WATER DELIVERY RATES

On September 23, 1953, there was published in the daily issue of the FEDERAL REGISTER (18 F. R. 5664) a notice of intention to amend § 100.1 of Title 25, Code of Federal Regulations. Interested parties were given opportunity to participate by submitting their views or arguments in writing to the Area Director of the Bureau of Indian Affairs at Billings, Montana, within thirty days from the date of the publication. Within the time allowed, the Billings Area Director submitted the views of himself and of the Flathead and Mission Irrigation Districts. The suggested word changes to the amendment published in the FEDERAL REGISTER do not appear to improve or affect the notice as published in the FEDERAL REGISTER. Section 100.1 is accordingly amended as heretofore published.

§ 100.1 *Water delivery rates.* For all water delivered to any farm unit, allotment, or tract of land in excess of one and one-half acre-feet of water per acre allowable under the minimum charge assessment fixed under § 100.6 for such allotment, farm unit, or tract, there shall be an additional per acre-foot charge fixed at the rate of two-thirds of the minimum charge, and this charge shall be added to the minimum advance levy for the following irrigation season: *Provided,* That the maximum charge per acre for water delivered to any farm unit, allotment, or tract, during any irrigation season, shall not exceed $4 per acre for the entire irrigable area of the farm unit, allotment, or tract.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 254 U. S. C. 385)

FRED G. AANDAHL, *Assistant Secretary of the Interior.*

JANUARY 4, 1954.

[F. R. Doc. 54–98; Filed, Jan. 7, 1954; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—EDUCATIONAL BENEFITS

RATES OF SUBSISTENCE ALLOWANCE

In § 21.133, paragraph (h) is amended to read as follows:

§ 21.133 *Rates of subsistence allowance.* • • •

(h) *Employability determined.* Upon determination of employability of a veteran who has pursued a course of training under Part VII, except under the conditions stated in § 21.281(c), a lump-sum payment of the 2 months' postrehabilitation pay will be authorized. The amount of such payment will be computed on the basis of the full rate of subsistence allowance applicable to the dependency status, type of training, and compensable disability rating in the individual veteran's case at the time employability was determined and without regard to the fact that the veteran pursuing on-the-job training may have been authorized less than the maximum subsistence allowance payable because of compensation for productive labor being received while in pursuit of training. Upon a subsequent determination of employability made in the case of a veteran who had previously been determined employable, who had been paid the 2 months' gratuity and who was reinducted for additional training, a lump-sum payment of the 2 months' postrehabilitation pay will be authorized in accordance with the principle stated in this paragraph.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 11 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective January 8, 1954.

[SEAL] H. V. STIRLING, *Deputy Administrator.*

[F. R. Doc. 54–133; Filed, Jan. 7, 1954; 8:54 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

STEAM RAILWAY ANNUAL REPORT FORM A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of December A. D. 1953.

The matter of annual reports from steam railway companies and switching and terminal companies of Class I and Class II being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished and that public rule-making procedures are unnecessary;

It is ordered, That the order dated January 22, 1953, In the matter of annual reports from steam railway companies and switching and terminal companies of Class I and Class II (49 CFR 120.11) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1953, and subsequent years, as follows:

§ 120.11 *Form prescribed for large and medium steam railways.* All steam railway companies and switching and terminal companies of Class I and Class II (§ 126.1 of this chapter) subject to the provisions of section 20, Part I, of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1953, and for each succeeding year until further order in accordance with Annual Report Form A (Large and Medium Steam Roads and Switching and Terminal Companies), which is hereby approved and made a part of this section.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31, of the year following the one to which it relates.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

NOTE: Budget Bureau No. 60–R098.10.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–114; Filed, Jan. 7, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 997]

[Docket No. AO 205–A1]

HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, 1952 Rev., Part 900), a public hearing was held at Portland, Oregon, August 4, 1953, on proposed amendments to the marketing agreement and order (7 CFR, 1952 Rev., Part 997) regulating the handling of filberts grown in Oregon and Washington. Said marketing agreement and order are effective pursuant to the provisions of the act.

Upon the basis of the evidence adduced at the aforementioned hearing, and the record thereof, the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, on November 20, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Notice of such recommended decision, and opportunity to file written exceptions with respect thereto, was published in the FEDERAL REGISTER of November 26, 1953 (18 F. R. 7556), as corrected in the FEDERAL REGISTER of December 11, 1953 (18 F. R. 8139). The last day for filing such written exceptions has expired, and no exceptions were filed during the prescribed period.

Findings and conclusions. The material issues and the findings and conclusions of the aforesaid recommended decision (F. R. Doc. 53–9964; 18 F. R. 7556, 8139) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except as they are modified by the findings and conclusions which are hereinafter set forth:

(1) In drafting that portion of the second sentence of § 997.31 (a) which precedes the colon (see 18 F. R. 7565, first column), there was inadvertently omitted an existing provision which permits the Secretary to select, if he should deem such action to be desirable, eligible members of a group other than the nominees submitted by that group. This deletion was not proposed or contended for at the hearing, and such provision should be retained. In order to accomplish this result, that portion of the second sentence of § 997.31 (a) which precedes the colon is hereby reworded so as to read as follows: "One member and one alternate member shall be selected from nominees submitted by each of the following groups, which nominees shall be eligible members of the respective groups which nominate them, or from among other eligible members of the respective groups:"

(2) The issue numbered (2) involved, in part, a discussion of a proposal to provide a new procedure for the nominations of independent grower representatives on the board. In the discussion of such proposal, it was stated that it was as follows: (a) Names of the candidates to accompany the ballots shall be submitted to the board prior to February 10 of each fiscal year on petitions signed by not less than 10 independent growers of whom it has a record; (b) each such grower may sign only as many petitions as there are positions to be filled; (c) ballots accompanied by the lists of candidates so submitted, together with instructions as to voting, shall be mailed to all independent growers of whom the board has a record; and (d) the qualified person receiving the highest number of votes for the position for which his name was placed on the ballots shall be nominated, except that, in case of a tie vote, the decision as to the nominee shall be made by lot. It was concluded that such proposal should be adopted, except for the proposed procedure for deciding by lot as to the nominee in case of a tie vote. (For discussion of these aspects, see 18 F. R. 7559 and 7560).

A reexamination of the notice of hearing and of the hearing record indicates that the proponent of this proposal, i. e., the Filbert Control Board, actually had in mind, in respect to the step set forth in (b) in the preceding paragraph, that each independent grower will be permitted to sign only as many petitions as there are member positions (rather than the aggregate number of member and alternate member positions) to be filled. Also that the proponent presumably had in mind that the candidates obtained by this petition method would be submitted, as a group list, to the voters along with the ballots from which they could make their choices, whereas our discussion was predicated on the basis that separate petitions would be submitted for each member position and each alternate member position which is to be filled and that the candidates for each such position would be specified in line with the petitions which had been received.

After further consideration, it is concluded that the way of handling this aspect intended by the proponent should be followed in general principle, except that: (a) The maximum number of petitions each independent grower is to be permitted to sign should be the aggregate of the member and alternate member positions to be filled, rather than be limited to the number of member positions to be filled; and (b) it should be specified that each ballot shall contain appropriate blank spaces for the voter to indicate his choice for each member position and for each alternate member position which is to be filled.

With respect to (a) above, it was developed at the hearing that past experience had demonstrated that relatively few independent growers had participated in the election of their nominees and it is very desirable that such interest be stimulated. It was argued that this stimulation would be promoted by giving them an opportunity to name the candidates, instead of relying on the list of the then incumbents of those positions plus names of other potential candidates submitted by such sources as independent handlers and county agents. The restricting of the signing of these positions to the number of the member positions which are to be filled would permit each independent grower to sign petitions for only one-half of the total number of positions which are to be filled. This, it is believed, would not stimulate such

[1] Filed as part of original document.

grower interest to the same extent as would accrue from permitting each grower to sign as many petitions as there are positions which are to be filled. For obvious reasons, such liberalization should not permit a small group of aggressive independent growers to dominate that aspect, or at least, affect the matter disproportionate to their relative numerical importance. However, it should afford a desirable greater freedom of choice.

With regard to (b) above, the proposal contended for by the proponents under the intended way of handling set forth in the third preceding paragraph would apparently not have established a clear and definite method for the election of nominees for the alternate member positions. In other words, such proposal involved only the naming, by the petition method, of candidates for the member positions, and it was specified therein that "the qualified person receiving the highest number of votes for the position for which his name was placed on the ballot shall be the nominee for that position." That is to say, the exact manner in which the nominees for the alternate member positions should be determined was not prescribed clearly. It is concluded that the nominees for both member positions and alternate member positions can be determined with certainty by the indicated modifications in that regard which are set forth under (b) in the second preceding paragraph.

Under the modified way of handling this aspect which is recommended herein for adoption, independent growers will be enabled to name potential candidates to represent them, but the choice as to which of such candidates they prefer to serve as members and which they prefer to serve as alternate members will be determined by the independent growers generally through the nomination election. This should tend to insure that such representatives are the actual choices of the majority of these growers for the respective positions for which they are nominated.

To effectuate the modification which it is concluded should be made in this connection, § 997.32 (b) is revised to read as follows:

(b) Nominations on behalf of growers who market their filberts through other than cooperative handlers shall be submitted after balloting by such growers conducted as follows: Names of the grower candidates to accompany the ballot shall be submitted to the control board prior to February 10 of each fiscal year on petitions signed by not less than 10 growers who market their filberts through other than cooperative handlers and who are of record with the control board; each grower may sign only as many petitions as there are persons to be nominated; ballots accompanied by the list of candidates submitted by petitions, together with instructions, shall be mailed to all growers who market their filberts through other than cooperative handlers and who are of record with the control board; each ballot shall contain appropriate blank spaces for the voter to indicate his choice for each member position and for each alternate member position which is to be filled; the qualified person receiving the highest number of votes for a particular position shall be the nominee for that position, except that, in case of a tie, the names of the tied candidates shall be submitted. If the Secretary determines that this procedure is unsatisfactory to the growers who market their filberts through other than cooperative handlers because it is too difficult or costly to administer, it does not result in the names of a sufficient number of qualified candidates being submitted with the ballots, or it should be changed for other reasons, he may change this procedure through the formulation and issuance of superseding regulations.

(3) In the heading and the body of § 997.51 (see 18 F. R. 7566, third column), relating to certifications as to quality, the references to "small size filberts for export" are preceded, in each instance, by the word "surplus." Attention has been called to the fact that the decision expressly recognizes that all small size filberts which are exported are surplus and that in other sections of the proposed amended order (see particularly §§ 997.50 (c), 997.76, and 997.91 (a)) relating to small size filberts which are exported the word "surplus" is not used in the references to them. It has been suggested that the use of the word "surplus" in § 997.51 may cause future argument that two types of small size filberts for export are covered, namely, one of which is surplus and the other of which is not surplus. No such differentiation is intended, but it is intended that all small size filberts which are exported shall be considered as surplus. Therefore, in order to eliminate any basis for an argument to the contrary as regards § 997.51, it is concluded that the word "surplus" should be deleted whenever it precedes the words "small size filberts for export" in the title and the body of said section.

Said § 997.51 now contains only provisions for the certification as to quality of "each lot of merchantable filberts handled or to be handled" by a handler. These provisions are being retained in the proposed amendment, and the only substantive change in such provisions which is proposed to be made is to apply the same requirements to small size filberts for export. In order to harmonize the language with respect to the two categories of filberts, it is concluded that the phrase "for each lot of small size filberts for export disposed of by him as agent for the control board" (appearing in the first sentence of said section, 18 F. R. 7566, third column) should be changed to read "for each lot of small size filberts for export disposed, or to be disposed, of by him as agent for the control board."

Marketing agreement and order. Annexed hereto, and made a part hereof, are two documents entitled, respectively, "Marketing Agreement, as amended, Regulating the Handling of Filberts Grown in Oregon and Washington" and "Order, as amended, Regulating the Handling of Filberts Grown in Oregon and Washington," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The marketing agreement, as amended, and the order, as amended, shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of said agreement, as amended, are identical with those contained in the attached order, as amended, which will be published with this decision.

Done at Washington, D. C., this 5th day of January 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary.

Order,[1] as Amended, Regulating the Handling of Filberts Grown in Oregon and Washington

DEFINITIONS

Sec.
997.1 Secretary.
997.2 Act.
997.3 Person.
997.4 Filberts.
997.5 Unshelled filberts.
997.6 Merchantable filberts.
997.7 Area of production.
997.8 Grower.
997.9 Handler.
997.10 Packer.
997.11 Distributor.
997.12 Cooperative handler.
997.13 Sheller.
997.14 Pack.
997.15 To pack.
997.16 To handle.
997.17 Federal-State Inspection Service.
997.18 Fiscal year.
997.19 Handler carryover.
997.20 Trade carryover.
997.21 Trade demand.
997.22 Control board.
997.23 Part and subpart.

FILBERT CONTROL BOARD

997.30 Establishment and membership.
997.31 Selection and term of office.
997.32 Nominations for members and alternates.
997.33 Qualification.
997.34 Alternates.
997.35 Temporary substitutes.
997.36 Vacancy.
997.37 Expenses.
997.38 Powers.
997.39 Duties.
997.40 Procedure.

CONTROL OF DISTRIBUTION

997.50 Pack specifications and minimum standards.
997.51 Certification of merchantable filberts and surplus small size filberts for export.
997.52 Copies of certificates.
997.53 Filberts for packing and shelling.

MERCHANTABLE SURPLUS CONTROL

997.60 Salable and surplus percentages for merchantable filberts.
997.61 Increase of salable percentage.
997.62 Estimated carryover, trade demand, and production.
997.63 Withholding percentage.
997.64 Withholding of merchantable surplus filberts.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing orders have been met.

997.65 Postponement of withholding merchantable surplus upon filing bond.
997.66 Disposition of sums collected through default on bonds.
997.67 Collection upon bonds.
997.68 Interhandler transfers for merchantable surplus.
997.69 Assistance of control board in accounting for merchantable surplus.
997.70 Application of merchantable salable, surplus, and withholding percentages, and bonding rates, after end of fiscal year.
997.71 Exchange of merchantable surplus filberts.
997.72 Adjustment upon increase of merchantable salable percentage.
997.73 Prohibition against handling of merchantable surplus.
997.74 Disposition of merchantable surplus by export.
997.75 Disposal of merchantable surplus for shelling.

CONTROL OF SMALL SIZE FILBERTS FOR EXPORT

997.76 Disposition of small size filberts by export.

997.80 Reports of handler carryover of merchantable filberts.
997.81 Reports of disposition of merchantable surplus.
997.82 Other reports.
997.83 Verification of reports.
997.84 Confidential information.

EXPENSES AND ASSESSMENTS

997.90 Expenses.
997.91 Assessments.

MISCELLANEOUS PROVISIONS

997.95 Personal liability.
997.96 Separability.
997.97 Derogation.
997.98 Duration of immunities.
997.99 Agents.
997.100 Effective time, termination or suspension.
997.101 Effect of termination or amendment.
997.102 Amendments.

AUTHORITY: §§ 997.1 through 997.102 issued under § 5, 48 Stat. 31, as amended; 7 U. S. C. and Sup. 608c.

§ 997.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* (1) The findings hereinafter set forth are supplementary and in addition to the findings and determinations (14 F. R. 5667 and 5694) which were made in connection with the original issuance of this marketing order, and all of such previous findings and determinations, other than the finding as to the base period for the parity computation, are hereby ratified and confirmed, except insofar as such previous findings and determinations may be in conflict with the findings set forth herein;

(2) The amended order, as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) Said amended order will be applicable only to persons in the respective classes of industrial and commercial activities specified, or necessarily included, in the proposals upon which the amendment hearing was held;

(4) There are no differences in the production and marketing of filberts in the production area to be covered by said amended order which make necessary different terms or provisions applicable to different parts of said area.

Order relative to handling. It is, therefore, ordered, that the handling of filberts grown in Oregon and Washington shall, from the effective time of this amended order, be in conformity to, and in compliance with the terms and conditions of this amended order:

DEFINITIONS

§ 997.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 997.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 63 Stat. 282).

§ 997.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 997.4 *Filberts.* "Filberts" means filberts or hazelnuts produced in the States of Oregon and Washington from trees of the genus Corylus.

§ 997.5 *Unshelled filberts.* "Unshelled filberts" means filberts the kernels of which are contained in the shell.

§ 997.6 *Merchantable filberts.* "Merchantable filberts" means all unshelled filberts meeting the pack specifications and minimum standards of quality prescribed pursuant to § 997.50 (b), or as such specifications and standards may be modified pursuant to § 997.50 (d).

§ 997.7 *Area of production.* "Area of production" means the States of Oregon and Washington.

§ 997.8 *Grower.* "Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity, in the commercial production of filberts.

§ 997.9 *Handler.* "Handler" means any packer or distributor of unshelled filberts handling not less than 250 pounds of filberts during any fiscal year.

§ 997.10 *Packer.* "Packer" means any person who packs and handles unshelled filberts.

§ 997.11 *Distributor.* "Distributor" means any person other than a packer who handles unshelled filberts which have not been subjected, in the hands of a previous holder, to compliance with the surplus-control provisions hereinafter contained.

§ 997.12 *Cooperative handler.* "Cooperative handler" means any handler which is a cooperative marketing association regardless of where or under what laws it may be organized.

§ 997.13 *Sheller.* "Sheller" means any person engaged in the business of shelling filberts for any commercial purpose.

§ 997.14 *Pack.* "Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition of filberts packed in accordance with any of the pack specifications prescribed pursuant to § 997.50.

§ 997.15 *To pack.* "To pack" means to bleach, clean, grade, or otherwise prepare filberts for market as unshelled filberts in any manner whatsoever.

§ 997.16 *To handle.* "To handle" means to sell, consign, transport or ship (except as a common carrier of filberts owned by another person), or in any other way to put into the channels of trade, either within the area of production or from such area to points outside thereof: *Provided*, That such sales or deliveries by growers to a packer for packing or a sheller for shelling or to a distributor within the production area, shall not be considered as handling.

§ 997.17 *Federal-State Inspecion Service.* "Federal-State Inspection Service" means that inspection service on filberts which is performed within the States of Oregon and Washington by the United States Department of Agriculture or by said Department under a cooperative arrangement with either of such States pursuant to authority contained in any act of Congress.

§ 997.18 *Fiscal year.* "Fiscal year" means the 12 months from August 1 to the following July 31, both inclusive.

§ 997.19 *Handler carryover.* "Handler carryover" as of any given date means all merchantable filberts (except merchantable filberts held as surplus) wherever located, then held by handlers or for their accounts (whether or not sold) including the estimated quantity of merchantable filberts in ungraded lots then held by handlers and intended for packing as merchantable filberts.

§ 997.20 *Trade carryover.* "Trade carryover" means all merchantable filberts theretofore delivered by handlers and then remaining in the possession or control of the wholesale or chain store or supermarket trade, exclusive of filberts in retail outlets, as of any given date.

§ 997.21 *Trade demand.* "Trade demand" means the quantity of merchantable filberts which the wholesale, chain store and supermarket trade will acquire from all handlers during a fiscal year for distribution in the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone; except that there may also be considered in the making of such computation such acquirements for distribution in Canada or Cuba, whenever the board is of the opinion that such distribution may be made to the particular country at prices to handlers approximating such prices on distribution in the Continental United States.

§ 997.22 *Control board.* "Control board" or "board" means the Filbert Control Board established pursuant to §§ 997.30 through 997.40.

§ 997.23 *Part and subpart.* "Part" means the order regulating the handling of filberts grown in Oregon and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of

filberts grown in Oregon and Washington shall be a "subpart" of such part.

FILBERT CONTOL BOARD

§ 997.30 *Establishment and membership.* A control board consisting of seven members, with an alternate member for each such member, is hereby established.

§ 997.31 *Selection and term of office.* (a) Members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning with the first Tuesday after the first Monday in April, and shall serve until their respective successors shall be selected and shall qualify. One member and one alternate member shall be selected from nominees submitted by each of the following groups, which nominees shall be eligible members of the respective groups which nominate them, or from among other eligible members of the respective groups:

(1) The cooperative handlers;

(2) All handlers, other than the cooperative handlers;

(3) The group of cooperative handlers or the group of other than cooperative handlers, whichever during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all handlers;

(4) Those growers of filberts who market their filberts through cooperative handlers;

(5) All other growers of filberts;

(6) Those growers whose filberts were marketed during the preceding fiscal year through the handler group specified in subparagraph (3) of this paragraph.

(b) The following additional restrictions shall apply to the growers who do not market their filberts through cooperative handlers: (1) Such a grower may not vote in a nomination election for a representative of his group if, during that portion of the fiscal year up to the time of such election, he handled any filberts which were produced by another grower, and such a grower shall not be selected to serve as a representative of that group, if, during the fiscal year in which the nomination election is held, he handled any filberts which were produced by another grower; and (2) such a grower who, at any time during the fiscal year in which the nomination election is held, was employed by a filbert handler shall not be selected to serve as such a representative, but he shall be entitled to vote in the nomination election.

(c) The seventh member and his alternate shall be selected after the selection of the first six members as provided for in this section, and after opportunity for such six members to nominate a seventh member and his alternate, who shall not be members of any of the six groups described in this section.

§ 997.32 *Nominations for members and alternates.* (a) Each of the six groups specified in § 997.31 may nominate one person as member and one person as alternate; and the six members first selected by the Secretary may nominate, by majority vote, one person as member and one person as alternate for that member. Nominations for each handler group shall be submitted on the basis of ballots to be mailed by the control board to all handlers in such group whose pack for the preceding fiscal year is on record with the control board. Nominations on behalf of growers who market their filberts through cooperative handlers shall be submitted on the basis of ballot cast by each cooperative handler for its grower patrons.

(b) Nominations on behalf of growers who market their filberts through other than cooperative handlers shall be submitted after balloting by such growers conducted as follows: Names of the grower candidates to accompany the ballot shall be submitted to the control board prior to February 10 of each fiscal year on petitions signed by not less than 10 growers who market their filberts through other than cooperative handlers and who are of record with the control board; each grower may sign only as many petitions as there are persons to be nominated; ballots accompanied by the list of candidates submitted by petitions, together with instructions, shall be mailed to all growers who market their filberts through other than cooperative handlers and who are of record with the control board; each ballot shall contain appropriate blank spaces for the voter to indicate his choice for each member position and for each alternate member position which is to be filled; the qualified person receiving the highest number of votes for a particular position shall be the nominee for that position, except that, in case of a tie, the names of the tied candidates shall be submitted. If the Secretary determines that this procedure is unsatisfactory to the growers who market their filberts through other than cooperative handlers because it is too difficult or costly to administer, it does not result in the names of a sufficient number of qualified candidates being submitted with the ballots, or it should be changed for other reasons, he may change this procedure through the formulation and issuance of superseding regulations.

(c) All votes cast by cooperative handlers, handlers other than cooperative handlers, or for cooperative growers, shall be weighted according to the tonnage of merchantable filberts (computed to the nearest whole ton in case of fractions) recorded by the control board as certified for handling by the handler or for the cooperative grower group during the preceding fiscal year, and if less than one ton is recorded for any such handler or grower group, its vote shall be weighted as one vote. All votes cast by individual growers shall be given equal weight. Nominations received in the foregoing manner by the control board shall be reported to the Secretary on or before March 20 of each fiscal year, together with a certificate of all necessary data and other information deemed by the board to be pertinent or requested by the Secretary. If such nominations of any group are not submitted as hereinbefore provided to the Secretary on or before that date, the Secretary may select the representatives of that group without nomination. If nominations for the seventh member or his alternate are not submitted on or before April 15 of any year, the Secretary may select such member or alternate without nomination.

§ 997.33 *Qualification.* Any person selected as a member or alternate of the control board shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate, who at the time of his selection, was a member of, or employed by a member of the group which nominated him and who thereafter ceases to be such a member or employee shall thereupon become disqualified to serve further and his position on the control board shall be deemed vacant. In the event any member or alternate member of the control board qualified and selected, in accordance with the provisions of §§ 997.31 and 997.32, to represent growers who market their filberts through other than cooperative handlers should, during his term of office, handle filberts produced by other growers, or become an employee of a handler, his position on the control board shall thereupon be deemed to be vacant: *Provided*, That these disqualification provisions shall not apply to any initial representative of such growers for the term which began in April 1953 in connection with the continuance, for the balance of such term, of either such prohibited handling or employment situation which existed when he was selected and qualified.

§ 997.34 *Alternates.* An alternate for a member of the control board shall act in the place and stead of such member (a) in his absence, or (b) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 997.35 *Temporary substitutes.* In the event any member of the control board and his alternate are both unable to attend a meeting of the control board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place and stead of the absent member and his alternate, or in the event such other alternate cannot attend, or there is no such other alternate, such member or, in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place and stead of such member. For the purposes of this section a cooperative handler group and a cooperative grower group shall be considered the same group.

§ 997.36 *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate of the control board, a successor for his unexpired term shall be selected in the manner provided in § 997.32, so far as applicable, within 30 days after such vacancy occurs.

§ 997.37 *Expenses.* The members of the control board shall serve without compensation, but shall be allowed their necessary expenses.

§ 997.38 *Powers.* The control board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(d) To recommend to the Secretary amendments to this subpart.

§ 997.39 *Duties.* The duties of the control board shall be among other things as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees;

(e) To cause the books of the control board to be audited by one or more competent public accountants at least once for each fiscal year and at such other times as the control board deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made; and

(f) To investigate the growing, shipping, and marketing conditions with respect to filberts and to assemble data in connection therewith.

§ 997.40 *Procedure—(a) Organization and rules.* The members of the control board shall select a chairman from their membership and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the control board as is given to members of the board.

(b) *Quorum.* All decisions of the control board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of five members shall be required to constitute a quorum.

(c) *Permissive method of voting.* The control board may vote by mail or telegram upon due notice to all members: *Provided*, That voting by mail or telegram shall not be permitted at any assembled meeting of the board. When any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption by that method.

(d) *Right of the Secretary.* The members of the control board (including successors, alternates, or other persons selected by the Secretary), and any agent or employee appointed or employed by the control board, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every order, regulation, decision, determination, or other act of the control board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

CONTROL OF DISTRIBUTION

§ 997.50 *Pack specifications and minimum standards—(a) General restrictions as to handling.* In order to effectuate the declared policy of the act, and except as otherwise provided in §§ 997.53 and 997.76, no handler shall handle any unshelled filberts except those which have been certified by the control board as merchantable filberts.

(b) *Merchantable filberts.* Unless and until modified by the Secretary, after consideration of the control board's recommendations and other available pertinent data, unshelled filberts shall be deemed to be merchantable if they meet the following requirements:

(1) As to pack specifications, such filberts shall be "U. S. No. 1, Jumbo," "U. S. No. 1, Large," or "U. S. No. 1, Medium," as now defined in the United States Standards for filberts in the shell (13 F. R. 4623), except that the portion of the tolerance provision in the U. S. No. 1 grade, for grade requirements, other than for type and size, reading "not more than five percent shall be allowed for blanks" shall not be applicable; and

(2) As to minimum standards of quality, shall be U. S. No. 1 grade as defined in the aforementioned standards, with the aforesaid modified tolerance as to blanks, and the lower limit of medium size as defined in such United States Standards for filberts in the shell.

(c) *Small size filberts for export.* Unless and until modified by the Secretary, after consideration of the control board's recommendations and other available pertinent data, unshelled filberts which are below the minimum requirements for merchantable filberts, as set forth in paragraph (b) of this section, only with respect to size may be exported pursuant to the provisions of § 997.76 if they meet the following size requirements: Round type filberts which will not pass through a round opening $^{40}/_{64}$ of an inch in diameter but will pass through a round opening $^{45}/_{64}$ of an inch in diameter, and long type filberts which will not pass through a round opening $^{35}/_{64}$ of an inch in diameter but will pass through a round opening $^{38}/_{64}$ of an inch in diameter: *Provided*, That 12 percent, by count, shall be allowed for those filberts which fail to meet these size requirements but not more than $^{5}/_{6}$ of this amount, or 10 percent, shall be allowed for filberts which pass through the smallest opening specified for the respective type.

(d) *Modifications.* The aforementioned pack specifications and minimum standards for unshelled filberts as prescribed in paragraphs (b) and (c) of this section may be modified, at any time that it appears that such action would tend to effectuate the declared policy of the act, in which event unshelled filberts desired to be certified must meet the applicable modified pack specifications and minimum standards in order to be considered as merchantable filberts or as small size filberts for export, as the case may be.

(e) *Above parity situations.* The provisions of this section relating to minimum standards of quality for merchantable unshelled filberts or small size filberts for export, as the case may be, and the applicable grading and inspection requirements pertaining thereto, within the meaning of section 2 (3) of the act, and any other provisions relating to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price for filberts is in excess of the parity level specified in section 2 (1) of the act.

§ 997.51 *Certification of merchantable filberts and small size filberts for export.* Each handler, at his own expense, shall obtain a certificate for each lot of merchantable filberts handled or to be handled by him, and for each lot of surplus merchantable filberts, and also for each lot of small size filberts for export disposed, or to be disposed, of by him as agent for the control board. Said certificates shall be obtained from the Federal-State Inspection Service. All such certificates shall show, in addition to such other information as the control board may specify, the identity of the handler, if for export, the country of destination, the quantity and pack of filberts in such lot, markings (if any) on the containers, including brands or labels, and that the filberts covered by such certificates conform to the pack specifications and minimum standards of quality prescribed pursuant to § 997.50 for merchantable filberts or for small size filberts for export, as the case may be. All lots so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the control board, or of the Federal-State Inspection Service.

§ 997.52 *Copies of certificates.* The inspector shall furnish to the control board as many copies of each such certificate as it may request.

§ 997.53 *Filberts for packing or shelling.* Nothing contained in this part shall be construed to prevent any person from selling or delivering, within the area of production, unshelled filberts, other than merchantable filberts, to any packer for packing or sheller for shelling.

MERCHANTABLE SURPLUS CONTROL

§ 997.60 *Salable and surplus percentages for merchantable filberts.* The salable and surplus percentages for merchantable filberts for each fiscal year shall be fixed by the Secretary at such amounts as in his judgment will most effectively tend to accomplish the purposes of the act. In fixing such salable and surplus percentages, the Secretary shall give consideration to the ratio of the estimated trade demand to the sum of the estimated production of merchantable filberts and the handler carryover (with appropriate adjustment

for such handler carryover as may have theretofore contributed to merchantable surplus), the recommendation submitted to him by the control board, and such other pertinent data as he deems appropriate. The total of the salable and surplus percentages as fixed each fiscal year shall equal 100 percent.

§ 997.61 *Increase of salable percentage.* At any time prior to February 15 of any fiscal year, the Secretary may, on request of the control board (or if the control board shall fail so to request, on request of two or more packers who have handled during the immediately preceding fiscal year at least ten percent of the total tonnage handled by all packers during such fiscal year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable filberts available for handling will not be sufficient to supply the trade demand, increase the salable percentage to conform to such new relation as may be found to exist between trade demand and available supply.

§ 997.62 *Estimated carryover, trade demand, and production.* (a) To aid the Secretary in fixing the salable and surplus percentages for merchantable filberts, the board shall furnish to the Secretary, not later than August 20 of each fiscal year, the following estimates and recommendation, each of which shall be adopted by at least a majority vote of the entire control board:

(1) Its estimate of the quantity of merchantable filberts to be produced and packed during such year;

(2) Its estimate of handler carryover as of August 1;

(3) Its estimate of trade carryover as of August 1;

(4) Its estimate of the total trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand consideration shall be given to the estimated trade carryover at the beginning and end of the fiscal year; and

(5) Its recommendation as to the salable and surplus percentages to be fixed for merchantable filberts.

(b) The board shall also furnish to the Secretary a complete report of the proceedings of the board meeting at which these recommended salable and surplus percentages to be fixed by the Secretary were adopted.

§ 997.63 *Withholding percentage.* The withholding percentage shall be the ratio (measured as a percentage) of the surplus percentage to the salable percentage for merchantable filberts. Such percentage shall be announced by the Secretary and, in its computation, may be adjusted by the Secretary to the nearest whole number.

§ 997.64 *Withholding of merchantable surplus filberts.* No handler shall handle merchantable unshelled filberts unless prior to or upon the shipment thereof (except as otherwise provided in § 997.65) he shall have withheld from handling a quantity of merchantable filberts equal to the withholding percentage, by weight of such quantity handled or certified for handling by him: *Provided,* That this requirement shall not apply to any lot of filberts for which the merchantable surplus obligation has been met by a previous holder. The quantity of filberts hereby required to be withheld shall constitute, and may be referred to as, the "merchantable surplus" or "surplus obligation" of a handler. The merchantable filberts handled by any handler in accordance with the provisions of this subpart shall be deemed to be that handler's quota fixed by the Secretary within the meaning of Section 8a (5) of the act.

§ 997.65 *Postponement of withholding merchantable surplus upon filing bond—*(a) *Privilege.* Compliance by any packer with the requirements of § 997.64 as to the time when merchantable surplus filberts shall be withheld shall be deferred to any date desired by the packer, but not later than December 31 of the fiscal year, upon the voluntary execution and delivery by such packer to the control board, before he handles any merchantable filberts of such fiscal year, of a written undertaking that on or prior to such date he will have fully satisfied his merchantable surplus obligation required by § 997.64.

(b) *Bonding requirement.* Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the control board, and with a surety or sureties acceptable to the control board, in the amount or amounts stated below conditioned upon full compliance with such undertaking. Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the packer's deferred merchantable surplus obligation. The bonding value shall be the deferred merchantable surplus obligation poundage bearing the lowest bonding rate or rates, which could have been selected from the packs handled or certified for handling, multiplied by the applicable bonding rate. The cost of such bond or bonds shall be borne by the packer filing same.

(c) *Bonding rate.* Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to packer f. o. b. shipping point which shall be computed at 95 percent of the opening price for such pack announced by the packer or packers who during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all packers. Such packer or packers shall be selected in order of volume handled in the preceding fiscal year, using the minimum number of packers to represent a volume of more than 50 percent of the total volume handled. If such opening prices involve different prices announced by two or more packers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding fiscal year by each such packer.

§ 997.66 *Disposition of sums collected through default on bonds—*(a) *Filbert purchases.* Any sums collected through default of a packer on his bond shall be used by the control board to purchase, from packers, as provided in this paragraph, a quantity of merchantable filberts not to exceed the total quantity represented by the sums collected. Purchases shall be made from the salable percentages with respect to which the merchantable surplus obligation has been met and at the bonding rate for each pack. The control board shall at all times purchase the lowest priced packs offered and the purchases shall be made from the various packers as nearly as practicable in proportion to the quantity of their respective offerings of the pack or packs to be purchased.

(b) *Unexpended sums.* Any unexpended sums, which have been collected by the control board through default of a packer on his bond, remaining in the possession of the control board at the end of a fiscal year shall be used to reimburse the board for its expenses, including administrative and other costs incurred in the collection of such sums, and in the purchase of merchantable filberts as provided in paragraph (a) of this section. Any balance remaining after reimbursement of such expenses shall be distributed among all handlers in proportion to the quantity of merchantable filberts handled or certified for handling by them during the fiscal year in which the default occurred.

(c) *Transfer of filbert purchases.* Filberts purchased as provided in this paragraph shall be turned over to those packers, who have defaulted on their bonds, for disposal by them as merchantable surplus. The quantity delivered to each packer shall be that quantity represented by the sums collected through default, and the different grades, if any, shall be apportioned among the various packers on the basis of the quantity of filberts to be delivered to each packer to the total quantity purchased by the control board with bonding funds.

§ 997.67 *Collection upon bonds.* Collection upon any bond or bonds filed pursuant to the provisions of § 997.65 shall be deemed a satisfaction of the merchantable surplus obligation represented by such collection: *Provided,* That the filberts purchased by the control board with funds collected under bonds and subsequently turned over to such packers are used only for the purposes provided in §§ 997.74 and 997.75.

§ 997.68 *Interhandler transfers for merchantable surplus.* For the purpose of meeting his merchantable surplus obligation, any handler may, upon notice to and under the supervision and direction of the control board, acquire from another handler merchantable filberts with respect to which the merchantable surplus has not been withheld and any merchantable surplus obligation with respect to any filberts so transferred shall be waived. If any such sales are made from filberts on which the merchantable surplus obligation has been met, the seller's merchantable surplus obligation shall be reduced accordingly upon proof satisfactory to the control board that the purchaser is withholding such filberts as merchantable surplus.

§ 997.69 *Assistance of control board in accounting for merchantable surplus.* The control board, on written request, may assist handlers in accounting for their merchantable surplus obligation and may aid any handler in acquiring merchantable filberts to meet any deficiency in a handler's merchantable surplus, or in accounting for and disposing of merchantable surplus filberts.

§ 997.70 *Application of merchantable salable, surplus, and withholding percentages, and bonding rates, after end of fiscal year.* (a) The merchantable salable, surplus, and withholding percentages established for any fiscal year shall continue in effect with respect to all merchantable filberts, for which the merchantable surplus obligation has not been previously met, which are handled or certified for handling as merchantable filberts by any handler after the end of such fiscal year and before merchantable salable, surplus, and withholding percentages are established for the succeeding fiscal year. After such percentages are established for the new fiscal year, the withholding requirements for all such filberts theretofore handled or certified for handling as merchantable filberts during that fiscal year shall be adjusted to the newly established percentages.

(b) The bonding rates established for any fiscal year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to § 997.65 before the bonding rates for the new fiscal year are established. After such bonding rates are established for the new fiscal year, the new rates shall be applicable and any bond or bonds theretofore given for that fiscal year shall be adjusted to the new rates.

§ 997.71 *Exchange of merchantable surplus filberts.* Any handler who has withheld merchantable surplus filberts pursuant to the requirements of § 997.64 and has had the same certified as merchantable surplus filberts may exchange therefor an equal quantity, by weight, of other merchantable filberts. Any such exchange shall be made under the supervision and direction of the control board with appropriate inspection and certification of the filberts involved.

§ 997.72 *Adjustment upon increase of merchantable salable percentage.* Upon any increase in the merchantable salable percentage and corresponding decrease in the merchantable surplus and withholding percentages, the merchantable surplus obligation of each handler with respect to the filberts handled by him for the entire fiscal year shall be recomputed in accordance with such revised merchantable salable, surplus, and withholding percentages. From the merchantable surplus filberts still held by a handler and from such merchantable surplus filberts that may have been delivered by him to the control board pursuant to § 997.74, and still held by the control board, the handler shall be permitted to select, under the supervision and direction of the control board, the particular merchantable surplus filberts to be restored to his salable percentage.

§ 997.73 *Prohibition against handling of merchantable surplus.* Except as provided in §§ 997.74 and 997.75, or for any use other than for distribution as unshelled filberts in established trade channels, merchantable surplus filberts withheld pursuant to the requirements of § 997.64 shall not be handled by any person as unshelled filberts.

§ 997.74 *Disposition of merchantable surplus by export.* Sales of merchantable surplus filberts for shipment or export to destinations outside the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only by the control board. Any handler desiring to export any part or all of his merchantable surplus filberts shall deliver to the control board his merchantable surplus to be exported, but the control board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any filberts so delivered for export which the control board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the control board only on execution of an agreement to prevent reimportation into the United States; and in case of export to Canada or Mexico, such filberts shall be sold only on the basis of a delivered price, duty paid. A handler may be permitted to act as agent of the control board, upon such terms and conditions as the control board may specify, in negotiating export sales; and when so acting shall be entitled to receive a selling commission of five percent of the export sales price, f. o. b. area of production. The proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose merchantable surplus filberts are so sold by the board.

§ 997.75 *Disposal of merchantable surplus for shelling.* (a) Any handler may shell his merchantable surplus filberts or deliver them for shelling to an authorized sheller. Any person who desires to become an authorized sheller in any fiscal year may submit an application to the control board. Such application shall be granted only upon condition that the applicant agrees:

(1) To use such merchantable surplus filberts as he may receive for no purpose other than shelling;

(2) To dispose of or deliver such merchantable surplus filberts, as unshelled filberts, to no one other than another authorized sheller;

(3) To comply fully with all laws and regulations applicable to the shelling of filberts;

(4) To report to the control board, immediately upon receipt of any lot of merchantable surplus filberts, the quantity and pack of the filberts so received and the identity of the person from whom received, and within 15 days after the disposition of such filberts, to report their disposition to the control board. All such reports shall be certified to the control board and to the Secretary as to their correctness and accuracy.

(b) The board, if it finds that such an application is made in good faith and if the applicant may be reasonably relied upon to fulfill and observe the conditions to which it has agreed, shall issue a letter of authority to such applicant to serve as an authorized sheller. Such letter of authority shall expire with the end of the fiscal year during which it is issued by the Board.

CONTROL OF SMALL SIZE FILBERTS FOR EXPORT

§ 997.76 *Disposition of small size filberts by export.* Sales of small size filberts meeting the pack specifications and minimum standards prescribed in § 997.50 (c), for shipment or export to destinations outside the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only by the control board. Any handler desiring to export any part, or all, of his small size filberts meeting these specifications shall deliver them to the control board to be exported, but the control board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any small size filberts so delivered for export which the control board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the control board only on execution of an agreement to prevent reimportation into the United States; and in case of export to Canada or Mexico, such small size filberts shall be sold only on the basis of a delivered price, duty paid. A handler may be permitted to act as agent of the control board, upon such terms and conditions as the control board may specify, in negotiating these export sales; and, when so acting, shall be entitled to receive a selling commission of five percent of the export sales price, f. o. b. area of production. The proceeds of all such export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose small size filberts are so sold by the board.

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§ 997.80 *Reports of handler carryover of merchantable filberts.* Each handler, on or before August 5 and January 15 of each fiscal year, shall file with the control board a written report, under oath, of all merchantable filberts (except filberts held as merchantable surplus) including the estimated quantity of merchantable filberts in ungraded lots intended for packing as merchantable filberts, by him held on the first day of August and the first day of January, respectively, showing the pack (if merchantable), and location thereof and the quantities;

(a) Which theretofore have been certified for handling, and on which the merchantable surplus obligation has previously been met;

(b) Which have been packed as merchantable filberts, but have not been certified; and

(c) Which are estimated as merchantable but have not been packed as merchantable filberts and are intended for packing as merchantable filberts.

§ 997.81 *Reports of disposition of merchantable surplus.* (a) Each han-

dler, before he disposes of any quantity of merchantable surplus filberts held by him, shall file with the control board a report of his intention to dispose of such quantity of merchantable surplus filberts. This report shall be filed not less than five days prior to the date on which the merchantable surplus filberts are disposed of unless the five-day period is expressly waived by the control board.

(b) Each handler, within 15 days after the disposition of any quantity of merchantable surplus filberts, shall file with the control board a report of the actual disposition of such quantity of merchantable surplus filberts. Such reports shall be certified to the control board and to the Secretary as to their correctness and accuracy.

(c) Each handler, from time to time, on demand of the control board, shall file with the board a report of his holdings of merchantable surplus filberts as of any date specified by the board. Such report, at the request of the control board, may be in the form of a confirmation of the records of the control board of such handler's holdings. Such report shall be certified to the control board and to the Secretary as to its correctness and accuracy.

(d) All reports required by this section shall show the quantity, pack, and location of the filberts covered by such reports and in the case of reports required by paragraphs (a) and (b) of this section, the applicable handler's storage lot and inspection certificate numbers, and the disposition of the merchantable surplus which is intended or which has been accomplished.

§ 997.82 *Other reports.* Upon request of the control board, made with the approval of the Secretary, every handler shall furnish to the board, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in this subpart), such other information as will enable the control board to perform its duties and to exercise its powers under this subpart.

§ 997.83 *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the control board through its duly authorized agents, shall have access to the handler's premises wherever filberts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any filberts so held by such handler and any and all records of the handler with respect to the holding or disposition of all filberts which may be held or which may have been disposed of by such handler. Every handler shall furnish all labor necessary to facilitate such inspections as the control board may make of such handler's holdings of any filberts. Every handler shall store merchantable surplus filberts in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to control board certificates of respective lots of all such filberts held or theretofore disposed of.

§ 997.84 *Confidential information.* All reports and records furnished or submitted by handlers to the board which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be received by and at all times kept in the custody and under the control of one or more employees of the board, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this section, information may be disclosed to the board when reasonably necessary to enable the board to carry out its functions under this part.

EXPENSES AND ASSESSMENTS

§ 997.90 *Expenses.* The control board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal year, for the maintenance and functioning of the control board and for such purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The recommendation of the control board as to the expenses for each such fiscal year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before August 20 of the fiscal year in connection with which such recommendation is made. The funds to cover such expenses shall be acquired by levying assessments as provided in § 997.91.

§ 997.91 *Assessments.* (a) Each handler shall pay to the control board on demand by the control board, from time to time, the sum of two-tenths of a cent for each pound of filberts certified for him, including those certified as merchantable filberts (including both salable and surplus) and those certified as small size filberts for export. At any time during or after a fiscal year, the Secretary may increase the rate of assessment to apply to all filberts so certified during such fiscal year, including those certified in said fiscal year prior to the date of such increase, to secure sufficient funds to cover the expenses authorized by § 997.90, or by any later finding by the Secretary relative to the expenses of the control board, and such additional assessments shall be paid by the handler on demand. At the end of any fiscal year for which the assessment rate may be increased by the Secretary, the rate shall revert to two-tenths of a cent a pound.

(b) Any money collected as assessments during any fiscal year and not expended in connection with the respective fiscal year's operations hereunder may be used and shall be refunded by the control board in accordance with the provisions of this subpart. Such excess funds may be used by the control board during the period of four months subsequent to such fiscal year in paying the expenses of the control board incurred in connection with the new fiscal year. The control board shall, however, from funds on hand, including assessments collected during the new fiscal year, distribute or make available, within five months after the beginning of the new fiscal year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said fiscal year.

(c) Any money collected from assessments under this subpart and remaining unexpended in the possession of the control board upon the termination of this subpart shall be distributed in such manner as the Secretary may direct.

MISCELLANEOUS PROVISIONS

§ 997.95 *Personal liability.* No member or alternate member of the control board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent or employee, except for acts of dishonesty.

§ 997.96 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 997.97 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 997.98 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 997.99 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 997.100 *Effective time, termination or suspension.*—(a) *Effective time.* The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in this section.

(b) *Suspension or termination.* (1) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of the producers of filberts who during the preceding fiscal year have been engaged in the production for market of filberts in the States of Oregon and Washington: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such filberts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current fiscal year.

(4) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them ceases to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this subpart, the members of the control board then functioning shall continue as joint trustees for the purpose of liquidating the affairs of the control board, of all funds and property then in the possession or under the control of the board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the control board and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the control board or the joint trustees pursuant to this subpart.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the control board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said board and upon said joint trustees.

§ 997.101 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any right or remedies of the Secretary or of any other person, with respect to any such violation.

§ 997.102 *Amendments.* Amendments to this subpart may be proposed, from time to time, by any person or by the control board.

[F. R. Doc. 54-135; Filed, Jan. 7, 1954; 8:55 a. m.]

[7 CFR Part 997]

[Docket No. AO 205-A1]

HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS OF FILBERTS IN OREGON AND WASHINGTON; DESIGNATING AGENTS TO CONDUCT REFERENDUM; AND DETERMINING THE REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1953, through December 31, 1953 (which is hereby determined to be the representative period for the purpose of this referendum), were engaged, in the States of Oregon and Washington, in the growing of filberts for market, to determine whether such producers approve or favor the issuance of an amended order regulating the handling of filberts grown in Oregon and Washington; said order, as proposed to be amended, is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.[1]

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F. R. 5176).

Robert H. Eaton and R. P. Callaway of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary to conduct said referendum jointly or severally.

Copies of the text of the aforesaid amended order may be obtained or examined in: the Office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C.; Western Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 515 SW. Tenth Avenue, Portland 5, Oregon.

Ballot forms for use in the referendum will be mailed to producers of record with the United States Department of Agriculture and such forms may also be obtained from the office in the production area listed in the preceding paragraph.

(Sec. 5, 48 Stat. 31, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 5th day of January 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary.

[F. R. Doc. 54-136; Filed, Jan. 7, 1954; 8:55 a. m.]

[1] Sec. F. R. Doc. 54-135, *supra*.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3, 4]

[Docket No. 10832]

FM BROADCAST STATIONS

SPECIFIED NON-BROADCAST ACTIVITIES ON SIMPLEX AND/OR MULTIPLEX BASIS

In the matter of amendment of Parts 2, 3, and 4 of the Commission's rules and regulations and the Standards of Good Engineering Practice Concerning FM Broadcast Stations to permit FM broadcast stations to engage in specified non-broadcast activities on a simplex and/or multiplex basis.

1. This notice of proposed rule making relates to certain services now being engaged in by several FM broadcast licensees. These operations, which are usually referred to by the term "functional music", consist of three types—the background music service, storecasting, and transitcasting.

2. The background music service consists of an arrangement whereby FM licensees undertake to supply programs of a background music nature[1] to commercial or industrial establishments such as banks, restaurants, barber shops, factories, etc. The rendition of this service involves the distribution of special receivers for the use of the subscribing establishments. Generally, before broadcasting spoken matter, the station transmits a supersonic signal (called a "beep" tone) which is inaudible to the human ear but which silences the receivers owned or rented by subscribers to the background music service. When the spoken material ends, the station removes the "beep" tone or transmits another signal which turns on the subscribers' receivers.

3. In the storecasting operation, programs originating at the studios of the FM stations in question are picked up by fixed frequency FM receivers with speakers installed in the ceilings of stores at spaced intervals over the aisles. The program format generally consists of continuous music of the background type, interspersed with short news roundups and weather reports, occasional recipes or household hints, and commercial announcements directed to shoppers concerning particular products in the store or stores involved. The inaudible supersonic signal or "beep" which by remote control activates the special receiver employed in this operation to increase the sound level of the spoken material in order to emphasize the commercials.

4. The transitcasting operation closely resembles storecasting except that its

[1] The purpose of such music is to create an atmosphere favorable to the conduct of activities to which the music is incidental, such as for example dining in restaurants. Therefore, either through selection or editing, the music tends to be devoid of striking or distracting qualities; extremes such as jazz or classical music are avoided and vocals appear to be seldom used. In short, as it is represented in the releases of the stations concerned, the music is selected and presented as "background."

programs are designed to reach transit passengers in public vehicles. This programming is also similar to that utilized in storecasting and may be generally characterized as consisting of background music interrupted at fairly regular intervals by short news or sportscasts, weather and time reports, and commercials. The special receivers installed in the transit vehicle are permanently "locked" to the FM station's frequency and contain circuits which are activated by the inaudible supersonic tone in such a way as to increase the volume, usually when spoken material is being broadcast.

5. The first of the functional music operations to make its appearance was transitcasting in 1948, which was then followed by storecasting and finally the background music service. In June 1950, inspection of Commission files revealed that 34 stations were engaged in these services; at the present time the number is believed to be lower. The licensees engaged in these operations have entered into contractual arrangements, usually with an intermediary, for the rendition of the service in question to the subscribing party. The contracts on file with the Commission present a fairly wide variety of provisions dealing with the program material to be furnished, the degree of control retained by the licensee, the duration of the contract, etc. Thus, with respect to the programming furnished, the contracts vary from provisions specifying "a planned music service with all voice eliminated by use of supersonic signal control daily from 8:00 a. m., to 3:00 a. m., the following morning", to those in which no specific requirement concerning programming is mentioned; similarly, the contractual term varies from one to three years.

6. After study of the program logs and agreements submitted by licensees engaged in functional music, the Commission dispatched letters to several background music licensees, requesting their comments on whether the operation violated specified provisions of the Communications Act and the Commission's rules and regulations. Upon receipt and study of the stations' comments, which took the position that the operations in question did not violate the act or rules, the Commission issued two public notices. In the public notice dated April 12, 1951 (Mimeo 6285), the Commission advised the stations involved that their operations were not in accordance with law and that they should take steps to bring themselves in compliance therewith: And in its public notice of May 4, 1951 (Mimeo 62347), the Commission requested that all stations engaged in the background music operation submit a statement to the Commission indicating how they intended to achieve compliance with "all lawful requirements." The Commission view, as set out in both notices, was that the "beep" operations were inconsistent with basic statutory duties incumbent upon licensees of broadcast facilities for three reasons: (1) The licensees had given away the power to alter their service to meet the changing needs of the public because they had entered into contracts "to provide subscribers with predominantly 'planned music' during the stipulated periods"; (2) "The remuneration received by [the licensee] for transmission of the 'planned music' in question under these agreements is based upon the payments therefor made by the individual subscribers concerned"; the licensees were therefore in error in not announcing and logging the programs as sponsored; (3) The elimination of sponsorship, station identification, and other announcements from reception by subscribers, although made to the general public, violates the law since the requirements of the act and the rules and regulations contemplate transmission of such information to the station's entire audience and not to the broadcasting of a tone which prevents a portion of the audience from hearing the announcements. The Commission then stated that it would issue its conclusions as to the other questions—including the question whether such operations constitute point-to-point communications not authorized by the broadcast rules—when it had completed its study of the problems common to all "supersonic" operations.

7. Following the issuance of these public notices, petitions were filed by various parties [1] requesting three alternative remedies: (1) Reconsideration by the Commission of the position taken in the public notices referred to, and a holding that "functional music" operations are not in conflict with the act and pertinent Commission rules; (2) institution by the Commission of rule making proceedings looking to the amendment of its rules to authorize such operations by FM broadcast stations; and (3) the issuance, pursuant to section 5 (d) of the Administrative Procedure Act, and after oral argument, of a declaratory order as to the legality of the functional operations "in order that the licensees may be apprised of their legal rights and obligations." Thereafter, in July 1952 the Commission granted renewals of licenses to those FM broadcast stations which had been on a temporary license basis because of their functional music operations. And the Commission continued its overall study of the basic policy and rule questions presented by such operations.

8. In addition to the foregoing petitions relating to functional music operations, three petitions have been filed seeking amendment of the Commission's rules and standards to authorize the transmission of multiplex signals by FM broadcast stations. On April 8, 1950, Raymond M. Wilmotte filed a petition seeking Commission authorization "to permit FM broadcast stations to use any means available to transmit an additional service without affecting the listeners of the present broadcast service." On September 27, 1950, Multiplex Development Corporation requested the Commission to amend its rules and standards "to permit the use of a system of multiple program transmission, known as multicasting, in order to provide a useful supplementary FM broadcast service to individuals and organizations having suitable multiplex receiving equipment and without restriction as to the hours of operation or nature of the supplementary service, provided that such multicasting transmissions do not in any manner cause interference with or degrade the quality of the normal public broadcast transmissions within the high fidelity audio range from 30 to 15,000 cycles, and provided that such multicast transmissions do not cause any increase in present band widths of FM broadcast stations or cause interference with other FM stations on the same or adjacent channels." On March 4, 1953, Mount Mitchell Broadcasters, Inc., licensee of Station WMIT–FM, Clingmans Peak, North Carolina, stated that in addition to its FM broadcast program "it desired to provide a useful supplementary and simultaneous FM service to individuals and organizations having suitable receiving equipment and to provide additional communication channels for [its] own use in improving its existing FM broadcast service." It asserts that equipment is now available, making it possible for FM broadcast stations to multiply the number of useful communication channels from a specific FM transmitter without causing any degradation of the quality of the normal public broadcast transmission within the audio range of 30 to 15,000 cycles, and without causing any increase in present band widths of FM broadcast stations or any interference with other FM stations on the same or adjacent channels.

9. After receipt of these petitions, the Commission continued its study of the legal and policy questions raised by the three services. The fundamental issue presented is whether functional music operations constitute "broadcasting" as defined in section 3 (o) of the Communications Act and may be properly transmitted by a station licensed to provide a broadcast service. On the basis of the data available to the Commission, it is our view that operations having the basic characteristics outlined above are not broadcasting within the meaning of section 3 (o) of the act [2] because they do not appear "intended to be received by the public." [3] Thus, in the background music service, the "beeped-out" or "voiceless" programs are intended solely for the subscribing commercial institution and therefore, would appear to be a non-broadcast operation. In fact, as to all three operations, it would appear that their programming, while capable of being received by the general public, is not so intended, and that essentially these operations are geared and directed to reception by the commercial institutions, stores, or transit audiences involved. [4] The program format utilized during functional music hours, apparently required by these operations, consists of background music interspersed with brief news, weather or time announcements. Accordingly, we are of the view that the services involved are of a non-broadcast nature, being mainly directed to specific establishments or points and the listeners contained therein and not to the general public. The parties engaged in the functional music operations, since they are licensed as broadcasters, are obligated to operate in accordance with all of the provisions of the Communications Act, applicable treaties [5] and the rules issued by the Commission governing the broadcast service. [6]

10. In the light of the foregoing a critical question is presented as to whether it would be in the public interest to authorize such non-broadcast operations in the FM band. In our study of FM we have been somewhat heartened by several factors such as the interest in FM in smaller communities (under 10,000 people), in the fact that some AM stations, particularly in the South, are turning to FM to extend their coverage, the loyal audience of "good music" listeners of the several FM "good music" stations, and the moderate but steady growth in the number of noncommercial educational FM stations. On the other hand, however, the available data indicates that on the whole, FM has not yet succeeded in developing a sound economic base. The approximately $3,000,000 in FM revenue reported in 1952 amounted to about ⅔ of 1% of the total broadcast revenues. Eighty-seven percent of the 616 FM stations on the air were operated by AM licensees, the large majority of which provided the FM service as a "bonus". Only 159 AM–FM stations reported preliminary FM revenues for 1952. These 159 stations aggregated $32.6 million in AM revenues and $1.7 million in FM revenues; thus, FM revenues represented only 5 percent of their combined business. Of the 53 independent FM stations reporting in 1952, only 6 reported a profit: 5 had net incomes before Federal income taxes of $2,000 or less, the highest income being $4,600. [7] These facts, we believe, demonstrate FM's financial difficulties. Indeed, as we have stated, the fact that several FM stations have turned to the functional music operation is an indication of the difficulties encountered by them in their efforts to compete in the general radio advertising market.

11. On the basis of our review of the FM picture, we believe it might be possible to provide for a more effective use of the frequency space now assigned for FM broadcasting—making possible the rendition of new and useful services—and enabling FM broadcast licensees to alleviate, in part, their financial difficulties. It should be emphasized, however, that our aim in this proceeding is not the conversion of the FM broadcast band to some new specialized non-broadcast service or services: On the contrary, authorization of such new ventures must be only as an adjunct to the FM broadcast operation, a subsidiary service so that the main undertaking—the broadcast service to the public—can draw financial sustenance from it. Moreover, a limitation on our proposal which is essential to the maintenance and development of the FM broadcast service is that it be accomplished without appreciable degradation of the superior quality of that service.

12. Accordingly, the Commission proposes to amend its rules and standards in order to provide for the following:

(a) The relaxation of provisions for the minimum hours of operation of FM broadcast stations so as to require FM broadcast stations to operate a minimum total of 36 hours a week during the hours of 6:00 a. m. to midnite. During this 36 hour period of broadcast operation the FM licensee will, of course, be required to render broadcast service intended to serve the public in accordance with the duties and responsibilities of broadcast licensees.

(b) The authorization of secondary or subsidiary licenses to FM broadcast licensees to engage in a limited type of non-broadcast services. The authorization which might aptly be called a Subsidiary Communications Authorization (SCA), would be to engage in services of a non-broadcast nature but involving a specialized programming service provided by the licensee. Such programming would consist of news, music, time, weather, etc. An example of an activity falling within such an authorization is the functional music operation, while one not encompassed within it is a taxicab dispatching service. The FM broadcast licensee would be required to provide the material transmitted under this special authorization and could not delegate or "lease" the authorization conferred by the SCA. But in this non-broadcast operation the licensee would not be subject to non-technical-broadcast requirements. It is proposed to permit operation under an SCA under the following conditions:

(1) FM broadcast stations would be permitted to engage in the specialized non-broadcast activities on a simplex basis during all times not devoted to the 36 hours required for FM aural broadcasting. The material transmitted during this specialized operation may be coded with a "beep" tone so as to maintain its commercial marketability, with the station utilizing appropriate decoding devices in connection with the subscribers' receivers.

(2) The FM broadcast station would be permitted to engage in the specialized non-broadcast activities on a multiplex basis during all regularly authorized broadcast hours.

14. The Commission is aware that the foregoing proposals with respect to a Subsidiary Communications Service might be broader and that the petitions set forth in paragraphs 7 and 8 look toward broader proposals. Experience might well indicate such a broadening to be desirable but we are of the view at this time that the type of limitation suggested herein is to be preferred in light of our objective, i. e., a fuller development of the FM broadcasting service.

15. The Commission desires comments with respect to the above proposals. Such comments may be directed to the views expressed in paragraph 9 concerning the nature of functional music operations. In addition, comments, and where appropriate full information, should be furnished for the following:

(a) Existing or proposed methods of functional music and multiplexing methods or systems.

(b) Technical data obtained in functional music and multiplexing tests and operations.

(c) Non-technical data obtained in functional music and multiplexing tests and operations relating particularly to the public demand for such services.

(d) The plans or proposals of interested persons looking toward the establishment of multiplexing and functional music operations on a commercial basis.

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[1] LeTourneau Radio Corporation, licensee of FM Broadcast Station KLTI-FM, Longview, Texas; Lincoln Broadcasting Company, licensee of FM Broadcast Station WLDM, Oak Park, Illinois; Majestic Broadcasting Company, construction permittee of FM Broadcast Station KCBC-FM, Des Moines, Iowa; Mercantile Broadcasting Company, licensee of FM Broadcast Station WLRD, Miami Beach, Florida; Orlando Daily Newspapers, Inc., licensee of FM Broadcast Station WHOO-FM, Orlando, Florida; Radio Broadcasters, Inc., licensee of FM Broadcast Station KRKD-FM, Los Angeles, California; Roy L. Albertson, licensee of FM Broadcast Station WBNY-FM, Buffalo, New York; The Capital Broadcasting Company, licensee of FM Broadcast Station WNAV-FM, Annapolis, Maryland; The Times Herald Company, licensee of FM Broadcast Station WITH-FM, Port Huron, Michigan; Tribune Publishing Company, licensee of FM Broadcast Station KTNT, Tacoma, Washington; WGHF, Inc., licensee of FM Broadcast Station WFMF, Chicago, Illinois; Wm. Penn Broadcasting Company, licensee of FM Broadcast Station WPEN-FM, Philadelphia, Pennsylvania; Field Enterprises, Inc., and Functional Music, Inc.; Capital Broadcasting Co., licensee of WWDC-FM, Washington, D. C.

[2] That section provides: "'Broadcasting' means the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations."

[3] We recognize that the functional music operator has no objection to and indeed, probably desires the reception by the general public of his transmissions, in addition to the special places primarily involved. But, as demonstrated by the format adopted and apparently the station's source of the revenues, the service directed to the special points or subscribers would clearly appear to be the key to the overall operation. For this reason we believe the operation must be described as predominantly non-broadcast in nature.

[4] While there are treaties affecting the allocation and utilization of frequencies, it is not believed that any of these treaties prohibit stations operating in the broadcast band from engaging in non-broadcast operations so long as no harmful interference is caused to foreign radio stations.

[5] In view of our conclusions that the type of operation under discussion here does not fall within the statutory definition of "broadcasting" we find it unnecessary to delineate the possible respects in which licensees engaged in such operations do not fulfill the obligations and responsibilities of broadcast licensees. For example, one respect in which a substantial question is raised is whether the functional music operator had retained the full measure of control of station operation required of a broadcast licensee. See Master Bcstg. Corp., 6 Pike and Fischer RR 621; Georgia School of Technology, 10 FCC 110.

[6] None of these stations was engaged in transitcasting or storecasting. At most, functional music operations produced $700,000 or about 25 percent of the $3,000,000 FM revenues reported in 1952. The revenues of stations engaged in functional music were higher than the average revenue of other stations reporting FM income in 1952. Thus, FM stations engaged in functional music reported average revenues of $40,000 while the 195 other FM stations which reported, had an average annual revenue of approximately $11,000.

(e) The extent, if any, of the degradation of the nature, quality or character of the primary broadcast service and interference to other stations operating on the same or adjacent channels which would result from proposed multiplexing and functional music operations. In this regard comments should include the effect, if any, on receivers in the hands of the public.

(f) Amendments of the Commission's rules required to accomplish the subject proposals for multiplexing and functional music operations on a commercial basis.

16. Written comments on the above matters may be filed with the Commission by any interested party on or before February 15, 1954. Replies to such comments may be filed within 10 days from the last date for filing original comments. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

17. This notice is issued pursuant to the authority of sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended.

18. Pending final action by the Commission on the subject proposals FM broadcast licensees presently engaged in functional music operations are authorized to continue such operations.

19. The Commission will specify in subsequent notices the time and nature of demonstrations and tests and such further proceedings as may be necessary.

Adopted: December 30, 1953.

Released: December 31, 1953.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] WM. P. MASSING,
Acting Secretary.

Dissent of Commissioner Hennock. The Commission has today adopted a notice of proposed rule making looking toward permitting FM broadcast stations for the first time to engage in non-broadcast activities on a simplex and multiplex basis. To this end, it is proposed (a) to cut down the required minimum hours of operation of FM broadcast stations from 42 to 36 hours a week; and (b) to permit FM licensees to obtain Subsidiary Communications Authorizations (SCA) to engage in point-to-point operations on a simplex basis during the time not devoted to the required minimum of 36 hours of FM broadcasting or on a multiplex basis at any time.

The notice (in paragraph 9) recognizes that functional music, storecasting and transitcasting, is not broadcasting within the meaning of section 3 (o) of the Communications Act. Authorization of non-broadcast operations in the FM band, as here proposed, will be therefore, tantamount to a decision that the frequencies heretofore exclusively allocated for FM broadcasting may henceforth be used for non-broadcast operations. This in my opinion is a reallocation of the FM band, and no amount of emphasis "that our aim here is not the conversion of the FM broadcast band to some new specialized non-broadcast service or services" will change this result.

If the spectrum space allocated to FM broadcasting is excessive, or not fully utilized by that service and capable of accommodating the services, all persons interested in radio communications should be given an opportunity to apply for the use of these frequencies. As it is, only FM licensees would be the beneficiaries of this proposal, for only they would be eligible for the proposed SCA to engage in non-broadcast operations. In my opinion, it has not been shown that it would be in the public interest so to restrict the scope of what essentially is a proposal for a new allocation of 20 megacycles of spectrum space.

A failure of the majority to recognize that this proposal constitutes, in effect, a reallocation of the FM band, contains far-reaching implications. Frequencies are allocated to the broadcast services on the theory that they will be used for "the dissemination of radio communications intended to be received by the public". (Sec. 3 (o) of the act). The very justification for allocating exclusively for broadcasting wide portions of the immensely valuable and scarce spectrum space, is the fact that it be used for broadcasting for the benefit of the general public.

Yet, here the Commission is proposing to convert the FM band to private non-broadcast use of FM licensees. This may, in effect, give them a wind-fall from the public domain for which the demand increases daily and the supply decreases constantly. For the uses to which the FM band can be placed through multiplexing may be virtually unlimited. While the Commission emphasizes that the primary use of the band is to remain FM broadcasting by the very nature of the manifold uses, e. g., multiplexing, functional music, storecasting, transitcasting and all other services lying between functional music operation and taxicab dispatching service, FM broadcasting may well be relegated to a subsidiary position. This is certainly a case of the tail wagging the dog.

Time does not permit me to translate these new uses of the FM broadcast band into their effect on the other broadcast services, as well as common carriers and special services.

Clearly a full public hearing is called for here to explore fully the above problems not only raised by the proposed reallocation of broadcast frequencies for non-broadcast uses, but also to study and define the uses of multiplexing, and those eligible for its use. I hope that the comments which will be forthcoming will shed further light on the above problems which I find so perplexing at this time.

[F. R. Doc. 54-120; Filed, Jan. 7, 1954; 8:51 a. m.]

[1] Commissioner Hennock dissenting and issuing a dissenting opinion.

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

WILHELMSENS DAMPSKIBSELSKAB ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. Section 814.

(1) Agreement No. 7615-1 between Wilhelmsens Dampskibselskab A/S Den Norske Afrika-OG Australielinie, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI (as one party only), and Aktiebolaget Svenska Amerika Linien (Swedish American Line), modifies their joint service agreement (No. 7615) by extending the geographical scope thereof to include the trade between United States Gulf and South Atlantic ports and ports in the Bordeaux/Hamburg range. Agreement No. 7615 presently covers the trades (a) between United States Gulf and South Atlantic ports and Scandinavian and Baltic ports, and (b) from Vera Cruz and Tampico, Mexico to New Orleans.

(2) Agreement No. 7949 between the member lines of the Transpacific Freight Conference (Hong Kong) and China Navigation Company, Ltd., China Siam Line, and Indo-China Steam Navigation Company, Ltd., covers the transportation of cargo under through bills of lading from Bangkok, Siam and Bangkok's outer harbor of Kohsichang, to United States and Canadian Pacific Coast ports and to Honolulu, Hawaii, with transhipment at Hong Kong. Agreement No. 7949 was filed to supersede and cancel Agreement No. 7851.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 4, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-119; Filed, Jan. 7, 1954; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CHIEF, REGULATORY BRANCH

DELEGATION OF AUTHORITY TO EXERCISE CERTAIN POWERS AND FUNCTIONS

1. By virtue of the authority vested in the Director of the Fruit and Vegetable Division of the Agricultural Marketing Service (hereinafter referred to as the "Director") by the applicable regulations and rules of practice (7 CFR Parts 33, 41, 46, 47, and 48) and delegation by the Administrator of the Agricultural Marketing Service dated December 29, 1953, the Chief of the Regulatory Branch of the Fruit and Vegetable Division is hereby authorized to exercise all powers and perform all functions which the Director is or may hereafter be authorized to exercise or perform in the administration of the Perishable Agricultural Commodities Act, 1930 (7 U. S. C. 499a et seq.), the Export Apple and Pear Act (7 U. S. C. 581-589), the Standard Containers Acts of 1916 (15 U. S. C. 251-256) and 1928 (15 U. S. C. 257-257i), and the Produce Agency Act (7 U. S. C. 491-497).

2. No delegation or authority prescribed herein shall preclude the Director from exercising any of the powers or functions or from performing any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Director.

To become effective January 2, 1954.

Done at Washington, D. C., this 31st day of December 1953.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 54-115; Filed, Jan. 7, 1954; 8:49 a. m.]

CHIEF, FRESH PRODUCTS STANDARDIZATION AND INSPECTION BRANCH

DELEGATION OF AUTHORITY TO EXERCISE CERTAIN POWERS AND FUNCTIONS

1. By virtue of the authority vested in the Director of the Fruit and Vegetable Division of the Agricultural Marketing Service (hereinafter referred to as the "Director") by the Administrator of the Agricultural Marketing Service on December 29, 1953, authority is hereby delegated to the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, to exercise the powers and functions set forth in §§ 51.1 to 51.51, inclusive, of Title 7 of the Code of Federal Regulations: *Provided, however,* No authority is delegated hereunder to enter into contracts pursuant to § 51.43 of the aforesaid regulations.

2. No delegation or authority prescribed herein shall preclude the Director from exercising any of the powers or functions or from performing any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Director.

To become effective January 2, 1954.

Done at Washington, D. C., this 31st day of December 1953.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 54-116; Filed, Jan. 7, 1954; 8:49 a. m.]

CHIEF, PROCESSED PRODUCTS STANDARDIZATION AND INSPECTION BRANCH

DELEGATION OF AUTHORITY TO EXERCISE CERTAIN POWERS AND FUNCTIONS

1. By virtue of the authority vested in the Director of the Fruit and Vegetable Division of the Agricultural Marketing Service (hereinafter referred to as the "Director") by the Administrator of the Agricultural Marketing Service on December 29, 1953, authority is hereby delegated to the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, to exercise the powers and functions set forth in §§ 52.1 to 52.87, inclusive, of Title 7 of the Code of Federal Regulations: *Provided, however,* No authority is delegated hereunder to enter into contracts with applicants to perform continuous inspection service pursuant to § 52.52 of the aforesaid regulations.

2. No delegation or authority prescribed herein shall preclude the Director from exercising any of the powers or functions or from any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Director.

To become effective January 2, 1954.

Done at Washington, D. C., this 31st day of December 1953.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 54-117; Filed, Jan. 7, 1954; 8:50 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO THE SECRETARY OF THE TREASURY

Pursuant to section 1603 (a) of the Internal Revenue Code as amended, the unemployment compensation laws of the following States have heretofore been approved:

Alabama.	Montana.
Alaska.	Nebraska.
Arizona.	Nevada.
Arkansas.	New Hampshire.
California.	New Jersey.
Colorado.	New Mexico.
Connecticut.	New York.
Delaware.	North Carolina.
District of Columbia.	North Dakota.
Florida.	Ohio.
Georgia.	Oklahoma.
Hawaii.	Oregon.
Idaho.	Pennsylvania.
Illinois.	Rhode Island.
Indiana.	South Carolina.
Iowa.	South Dakota.
Kansas.	Tennessee.
Kentucky.	Texas.
Louisiana.	Utah.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	Washington.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Mississippi.	Wyoming.
Missouri.	

In accordance with the provisions of section 1603 (c) of the Internal Revenue Code, and the President's Reorganization Plan No. 2, effective August 20, 1949, I, as Secretary of Labor, hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1953.

[SEAL] JAMES P. MITCHELL,
Secretary of Labor.

DECEMBER 31, 1953.

[F. R. Doc. 54-102; Filed, Jan. 7, 1954; 8:46 a. m.]

CERTIFICATION OF STATE LAWS TO THE SECRETARY OF THE TREASURY PURSUANT TO SECTION 1602 (b) (1) OF THE INTERNAL REVENUE CODE

Whereas, as Secretary of Labor, I have heretofore certified to the Secretary of the Treasury the unemployment compensation laws of the States hereinafter enumerated with respect to the taxable year 1953, as provided in section 1603 of the Internal Revenue Code, as amended; and

Whereas, reduced rates of contributions were allowable under the law of each of said States with respect to the taxable year 1953 only in accordance with the provisions of subsection (a) of section 1602 of said Code;

Now therefore, pursuant to section 1602 (b) (1) of said Code, and the President's Reorganization Plan No. 2, effective August 20, 1949, I, as Secretary of Labor, hereby certify to the Secretary of the Treasury the Unemployment Compensation Law of each of the following States for the taxable year 1953:

Alabama.	Montana.
Alaska.	Nebraska.
Arizona.	Nevada.
Arkansas.	New Hampshire.
California.	New Jersey.
Colorado.	New Mexico.
Connecticut.	New York.
Delaware.	North Carolina.
District of Columbia.	North Dakota.
Florida.	Ohio.
Georgia.	Oklahoma.
Hawaii.	Oregon.
Idaho.	Pennsylvania.
Illinois.	Rhode Island.
Indiana.	South Carolina.
Iowa.	South Dakota.
Kansas.	Tennessee.
Kentucky.	Texas.
Louisiana.	Utah.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	Washington.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Mississippi.	Wyoming.
Missouri.	

[SEAL] JAMES P. MITCHELL,
Secretary of Labor.

DECEMBER 31, 1953.

[F. R. Doc. 54-103; Filed, Jan. 7, 1954; 8:47 a. m.]

Wage and Hour Division

MILLING OF TUNG NUTS

NOTICE OF HEARING ON APPLICATION FOR FINDING THAT INDUSTRY IS OF A SEASONAL NATURE

An application has been filed by the American Tung Oil Association for a determination that the milling of tung nuts constitutes an industry or branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the regulations contained in this part.

Notice is hereby given pursuant to §§ 526.6 and 526.7 (29 CFR Part 526) of the regulations of a public hearing to be held in Room 308, Post Office Building, Tallahassee, Florida, on February 8, 1954, at 10:00 a. m. before an authorized representative of the Administrator, for

the purpose of receiving evidence and arguments on the questions:

1. Whether milling of tung nuts constitutes an industry or branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended, of the regulations issued thereunder.

2. What is the scope of the industry.

Any interested person may appear at the hearing to offer evidence, provided that not later than February 1, 1954, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Fourteenth Street and Constitution Avenue NW., Washington, D. C., a notice of intention to appear which should contain the following information:

1. The name and address of the person appearing.

2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. Whether he is appearing in support of or in opposition to the application for exemption.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the presiding officer at the hearing.

Signed at Washington, D. C., this 31st day of December 1953.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-96; Filed, Jan. 7, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8621, 10699]

TRAVELERS BROADCASTING SERVICE CORP. AND HARTFORD TELECASTING CO., INC.

ORDER RE ISSUES

In re applications of the Travelers Broadcasting Service Corporation, Hartford, Connecticut, Docket No. 8621, File No. BPCT-193; Hartford Telecasting Company, Inc., Hartford, Connecticut, Docket No. 10699, File No. BPCT-1540; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of December 1953;

The Commission having under consideration (1) a motion filed October 16, 1953 by Hartford Telecasting Company, Inc. (hereinafter Hartford) that the Commission (a) delete from its order of designation in this proceeding its findings with respect to the legal and financial qualifications of subject applicant, Travelers Broadcasting Service Corporation (hereinafter Broadcasting), and (b) enlarge its said order by including the issues of the legal and financial qualifications of Broadcasting, as well as of its parent company, Travelers Insurance Company (hereinafter Insurance), and (2) a motion filed October 22, 1953 by Broadcasting that the Commission enlarge its subject hearing order by authorizing the Examiner to add the issue of the sufficiency of each applicant's available funds to effectuate its proposals;

It appearing, that, in its order of designation released October 2, 1953 the Commission designated the subject applications for hearing on the comparative issue only; and

It further appearing, that (a) all of the outstanding stock of Broadcasting is held by insurance; (b) certain real and personal broadcast properties leased to Broadcasting are owned by Insurance; (c) the latter has agreed to advance to Broadcasting such sums of money as may be necessary to maintain and operate the leased property; (d) Insurance has agreed to lease Broadcasting additional real property with buildings, equipment, etc., thereafter to be erected or installed at Broadcasting's request; and (e) the total estimated cost of construction of the proposed television broadcast station in the amount of $1,042,560 is in excess of the funds available to Broadcasting in the absence of financial assistance from Insurance; and

It further appearing, that Hartford contends that Insurance lacks statutory authority to make the investments indicated in the paragraph above in the following manner:

(a) Approval of the action taken by its Finance Committee at the meeting of August 4, 1953 on a certain lease with Broadcasting was not unanimous as required by section 6166, Chapter 295, General Statutes of Connecticut;

(b) The proposed agreements between Insurance and Broadcasting do not constitute loans or investments permitted under sections 6168, 6170 and 6171, Chapter 295, General Statutes of Connecticut and under the applicable statutes of the State of New York where Insurance is also qualified to do business; and

(c) The ownership, operation and control of a television broadcast station through the device of a wholly-owned subsidiary is ultra vires and void under the laws of the State of Connecticut; and

It further appearing, that Broadcasting has submitted an affidavit of the custodian of record for Insurance, showing that at the meeting of its Finance Committee held August 4, 1953 all of the Committee members were present and voted unanimously; and

It further appearing, that (1) Broadcasting contends that, as permitted by section 6171 of Chapter 295, General Statutes of Connecticut, the commitments made to Broadcasting by its parent company did not exceed 8 percent of the total admitted assets of Insurance and (2) Hartford has not controverted said contention; and

It further appearing, that Broadcasting was licensed to broadcast by radio in 1925; that said license, with the approval of The Federal Radio Commission, was transferred to it in 1928 when it was wholly owned by Insurance; that since then its radio broadcast license has been renewed by the Commission regularly; and that Insurance has been examined periodically by representatives of the Insurance Commissioner of Connecticut, as required by section 6032 of its General Statutes, and that the legality of the insurance company's holding of stock in a company engaged in radio broadcasting has not been questioned; and

It further appearing, that (1) no facts have been submitted by Hartford which will support its allegations set forth above; (2) no judicial decisions have been cited substantiating the interpretation advanced by Hartford of sections 6166, 6168, 6170–71 of Chapter 295, General Statutes of Connecticut; (3) Hartford has not made any showing that the charter issued to Broadcasting by the Secretary of the State of Connecticut has been revoked; and (4) Article Three of the Certificate of Incorporation of Broadcasting, as amended January 20, 1953, specifically authorizes said corporation "to * * * maintain and operate anywhere in the United States of America * * * radio and television broadcast stations * * *"; and

It further appearing, that Hartford has raised no questions as to the financial qualifications of Insurance; and

It further appearing, upon careful consideration of the allegations of Hartford and the responses thereto by Broadcasting, that no substantial question has been raised regarding the legal and financial qualifications of Broadcasting and Insurance such as to warrant the inclusion in this proceeding of the issues requested by Hartford; and

It further appearing, that no objections have been raised by Hartford to a grant of the petition filed by Broadcasting; and

It further appearing, that subject petitions were timely filed under § 1.389 of the Commission's rules;

It is ordered, That the above described petition of Hartford is denied, and the above described petition of Broadcasting is granted insofar as it requests that the Hearing Examiner be given authority to enlarge the issues to permit inquiry into the adequacy of finances available to the applicants; and

It is further ordered, That the issues specified in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to each applicant will give reasonable assurance that the proposals set forth in the applications will be effectuated.

Released: December 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-121; Filed, Jan. 7, 1954; 8:51 a. m.]

[Docket Nos. 9321, 10825, 10826, 10827]

WKAT, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WKAT, Inc., Miami Beach, Florida, Docket No. 9321, File No. BPCT-399; L. B. Wilson, Inc., Miami, Florida, Docket No. 10825, File No. BPCT-1645; North Dade Video, Inc., North Miami, Florida, Docket No. 10826, File No. BPCT-1685; Public Service Television, Inc., Miami, Florida, Docket No. 10827, File No. BPCT-1792; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of December 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 10 in Miami, Florida; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 29th day of January 1954, in Washington, D. C., upon the following issue:

To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-123; Filed, Jan. 7, 1954; 8:52 a. m.]

[Docket Nos. 10442, 10644]

VERSLUIS RADIO AND TELEVISION, INC.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Versluis Radio and Television, Inc. (New), Muskegon, Michigan, Docket No. 10442, File No. BPCT-1208; Versluis Radio and Television, Inc. (WTVM), Muskegon, Michigan, Docket No. 10644, File No. BMPCT-1140; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of December 1953;

The Commission having under consideration the initial decision herein, the exceptions thereto, and the requests for oral argument;

It is ordered, That oral argument herein before the Commission en banc is scheduled for Monday, January 11, 1954, at 10:00 a. m. at the offices of the Commission in Washington, D. C.

Released: December 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-124; Filed, Jan. 7, 1954; 8:52 a. m.]

[Docket Nos. 10512, 10513, 10514]

SCRIPPS-HOWARD RADIO, INC., ET AL.

ORDER AMENDING ISSUES

In re applications of Scripps-Howard Radio, Inc., Knoxville, Tennessee, Docket No. 10512, File No. BPCT-630; Radio Station WBIR, Inc., Knoxville, Tennessee, Docket No. 10513, File No. BPCT-686; Tennessee Television, Inc., Knoxville, Tennessee, Docket No. 10514, File No. BPCT-1002; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of December 1953;

The Commission having under consideration a petition filed on December 4, 1953, by Scripp-Howard Radio, Inc., requesting that the November 13, 1953, order of the Commission, released November 16, 1953, denying Scripps-Howard Radio, Inc.'s request for enlargement of the issues in the above-entitled proceeding be amended or modified to permit enlargement of the issues to determine whether funds available will be sufficient to effectuate the proposals of the applicants; the above-described order of the Commission; and an answer filed on December 14, 1953, by Radio Station WBIR, Inc., to subject petition;

It appearing, that the petitioner requests the Commission to amend or modify its November 13, 1953, order, released November 16, 1953, in the above-entitled proceeding, to permit the Examiner on his own motion or on petition by a party to the proceeding to enlarge the issue so as to determine whether funds available to the applicants will be sufficient to effectuate their proposals in accordance with the procedures outlined in the Commission's memorandum opinion and order In re South Central Broadcasting Co., 9 RR 1035; and

It further appearing, that subsequent to the Commission's ruling in the South Central Broadcasting case the above-described issue has been included in the orders of the Commission designating for hearing competing applications for television facilities; and

It further appearing, that Radio Station WBIR, Inc., was the only party to this proceeding that filed an answer to subject petition, and it stated that it had no objection to a grant of the petitioner's request;

It is ordered, That the petition is granted, and that the Commission's order of November 13, 1953, released November 16, 1953, denying petitioner's request for enlargement of the issues is amended to include the following:

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or, on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-125; Filed, Jan. 7, 1954; 8:52 a. m.]

[Docket Nos. 10737, 10738]

PETERSBURG TELEVISION CORP. AND SOUTHSIDE VIRGINIA TELECASTING CORP.

ORDER CONTINUING HEARING

In re applications of Petersburg Television Corporation, Petersburg, Virginia, Docket No. 10737, File No. BPCT-1772; Southside Virginia Telecasting Corp., Petersburg, Virginia, Docket No. 10738, File No. BPCT-1773; for construction permits for new television stations.

Pursuant to the oral request of counsel for the Chief of the Broadcast Bureau,

concurred in by counsel for all applicants herein:

It is ordered, This 4th day of January 1954, that the time for the designation and exchange of points of reliance between applicants be extended from January 8, 1954, to January 11, 1954, and that the hearing scheduled for January 11, 1954, is continued to 10:00 a. m., January 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-126; Filed, Jan. 7, 1954; 8:52 a. m.]

[Docket No. 10739]

CARBON EMERY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of George G. Platis and Robert E. Hawley, d/b as Carbon Emery Broadcasting Company, Price, Utah, Docket No. 10739, File No. BP-8797; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of December 1953;

The Commission having under consideration the above-entitled application which was designated for hearing on October 28, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding:

It is ordered, That the hearing in the above-entitled proceeding is scheduled to be heard on Friday, January 29, 1954, at 10:00 a. m., in Washington, D. C.

Released: January 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-127; Filed, Jan. 7, 1954; 8:52 a. m.]

[Docket Nos. 10767, 10768, 10769, 10770]

TELEPHONE ANSWERING SERVICE ET AL.

ORDER AMENDING ORDER

In re applications of Mrs. Pearl Forester, d/b as Telephone Answering Service, Dallas, Texas, Docket No. 10767, File No. 180-C2-P-53; Radio Paging, Dallas, Texas, Docket No. 10768, File No. 363-C2-P-53; George A. Smith, Dallas, Texas, Docket No. 10769, File No. 607-C2-P-53; O. B. English, d/b as Radio Communications Co., Fort Worth, Texas, Docket No. 10770, File No. 927-C2-P-53; construction permits for one-way signaling base station in the Domestic Public Land Mobile Radio Service.

It is ordered, This 4th day of January 1954, that the words "and to take such action as is prescribed in § 1.841 of the rules" appearing in the second paragraph of an order dated December 21, 1953 (Mimeo. #99770) be and they hereby are deleted therefrom.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-128; Filed, Jan. 7, 1954; 8:53 a. m.]

[Docket Nos. 10773, 10775]

SEATTLE RADIOTELEPHONE SERVICE AND RADIOSIGNAL SERVICE

ORDER CONTINUING PRE-HEARING CONFERENCE AND HEARING

In re applications of Lewis Maxwell Kelley and R. E. Rogers, d/b as Seattle Radio Telephone Service, Seattle, Washington, Docket No. 10773, File No. 351-C2-P-53; Radio Dispatch, Inc., d/b as Radiosignal Service, Seattle, Washington, Docket No. 10775, File No. 421-C2-P-53; construction permits for one-way signaling base stations in the Domestic Public Land Mobile Radio Service.

It appearing that joint petition to remove their applications from the Hearing Docket and grant the pending applications has been filed by Seattle Radio Telephone Service and Radiosignal Service, the applicants above-named, which petition is now pending before the Commission; and

It appearing that the granting of said petition would render moot the issues now pending.

It is ordered, This 4th day of January 1954, that the pre-hearing conference scheduled for January 6, 1954, and the hearing scheduled for January 18, 1954, be and they hereby are continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-129; Filed, Jan. 7, 1954; 8:53 a. m.]

[Docket Nos. 10818, 10819]

RAY HERBERT GUNCKEL, JR., AND B. F. J. TIMM

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ray Herbert Gunckel, Jr. (new), Jacksonville, Florida, Docket No. 10818, File No. BP-8796, B. F. J. Timm (new), Jacksonville, Florida, Docket No. 10819, File No. BP-8859; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of December 1953;

The Commission having under consideration the above-entitled applications for construction permit each for a new standard broadcast station to operate on 1280 kilocycles, with a power of 1,000 watts, daytime only, at Jacksonville, Florida; and

It appearing, that Ray Herbert Gunckel, Jr., is legally, technically, financially and otherwise qualified; that B. F. J. Timm is legally, technically, financially and otherwise qualified except with respect to the matters discussed herein; that no interference would be caused by either proposal to any existing or proposed station, but that the operation of both stations as proposed would result in mutually prohibitive interference with each other and therefore it is necessary to designate the two applications for comparative hearing; and

It further appearing, that on June 10, 1953 Ray Herbert Gunckel, Jr., filed a petition requesting the dismissal of the Timm application or, in the alternative, a conditional grant of the Gunckel application in accordance with the provisions of § 1.385 (e) of the Commission's rules, which petition was based primarily on Gunckel's allegation that the Timm application had been filed to delay action on Gunckel's application to the economic advantage of E. D. Rivers, Sr., in his operation of Station WOBS, Jacksonville, Florida, by whom Gunckel was formerly employed and with whom Timm was associated in the ownership and operation of other radio stations; and

It further appearing, that on June 25, 1953, B. F. J. Timm filed an answer to the above petition in which he stated that he had severed all business relationships with E. D. Rivers, Sr., that the Timm application was not filed to delay action on the Gunckel application and that Timm is seriously prosecuting his application on his own behalf; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants were advised by letters dated October 7, 1953 that the above-entitled applications are mutually exclusive, that in the Commission's opinion Gunckel's petition of June 10, 1953 could not be granted because the uncontested facts were insufficient to support a finding that the Timm application was not filed in good faith; and

It further appearing, that Ray Herbert Gunckel, Jr., filed a reply on November 5, 1953 in which he reiterated the allegations he made against B. F. J. Timm in previous pleadings; and

It further appearing, that B. F. J. Timm filed a reply on November 5, 1953 in which he expressed his readiness for a hearing on the above applications; and

It further appearing, that upon due consideration of the above-entitled applications the various pleadings filed with respect thereto, and the replies to the above letters, the Commission finds that under section 309(b) of the Communications Act of 1934, as amended, a hearing is mandatory.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the application of B. F. J. Timm was filed for the purpose of impeding, obstructing, or delaying Commission action on the application of Ray Herbert Gunckel, Jr. (BP-8796) including a determination of the facts and circumstances surrounding the B. F. J. Timm-E. D. Rivers, Sr. 1953 stock transfers in Stations WGAA, Cedartown, Georgia, and WLBS, Birmingham, Alabama.

2. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

Released: December 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-130; Filed, Jan. 7, 1954; 8:53 a. m.]

[Docket No. 10820]

ESTHERVILLE BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Estherville Broadcasting Corporation, Estherville, Iowa, File No. BP-8828, Docket No. 10820; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of December 1953;

The Commission having under consideration the above-entitled application for a construction permit to increase the power of Station KLIL, Estherville, Iowa, from 100 watts to 250 watts, unlimited time, on 1340 kilocycles; and

It appearing, that the applicant is legally, financially, technically and otherwise qualified, but that the proposed operation would cause interference to Stations KFGT, Fremont, Nebraska; KWLM, Willmar, Minnesota; KROC, Rochester, Minnesota; and KIJV, Huron, South Dakota; and receive interference from Stations KWLM, KROC and KIJV; and

It further appearing, that in a letter dated May 19, 1953, the Southern Minnesota Broadcasting Company, licensee of Station KROC, requested that the subject application be designated for hearing; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated November 4, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the licensees of Stations KFGT and KWLM requested in letters dated November 18 and December 3, 1953, respectively, that the subject application be designated for hearing, at which they would appear; and

It further appearing, that the applicant, in a letter dated November 27, 1953, requested that its application be designated for hearing at the earliest possible date; and

It further appearing, that the Commission is still unable to conclude that a grant of the subject application would be in the public interest;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the proposed operation would involve objectionable interference to and from Stations KFGT, Fremont, Nebraska; KWLM, Willmar, Minnesota; KROC, Rochester, Minnesota; and KIJV, Huron, South Dakota; and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations, and the nature and character of the program service now being rendered to such areas and populations by Stations KFGT, KWLM, KROC and KIJV, respectively.

It is further ordered, That the Southern Minnesota Broadcasting Company, licensee of Station KROC, Rochester, Minnesota; Walker Radio, Incorporated, licensee of Station KFGT, Fremont, Nebraska; Lakeland Broadcasting Company, licensee of Station KWLM, Willmar, Minnesota; James Valley Broadcasting Company, licensee of Station KIJV, Huron, South Dakota are made parties to this proceeding.

Released: December 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-122; Filed, Jan. 7, 1954; 8:51 a. m.]

[Docket Nos. 10828, 10829]

PALM BEACH BROADCASTING CORP. AND WEAT-TV, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Palm Beach Broadcasting Corporation, West Palm Beach, Florida, Docket No. 10828, File No. BPCT-1237; WEAT-TV, Inc., West Palm Beach, Florida, Docket No. 10829, File No. BPCT-1803; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of December 1953:

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12 in West Palm Beach, Florida; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 29th day of January 1954 in Washington, D. C., upon the following issue:

To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set

forth in the application will be effectuated.

Released: January 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-131; Filed, Jan. 7, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2229]

NORTHWEST ALABAMA GAS DISTRICT

ORDER REOPENING PROCEEDINGS AND FIXING DATE OF HEARING

Northwest Alabama Gas District (Northwest Alabama), a public corporation organized and existing under the laws of the State of Alabama, with its principal place of business in Hamilton, Alabama, on August 14, 1953, filed an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Southern Natural Gas Company (Southern Natural) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Applicant for sale and delivery of natural gas for distribution in the communities of Guin, Hackleburg, Haleyville, Hamilton, Sulligent, Winfield, Bear Creek, and Boston, all in Alabama. Applicant also proposes to provide natural gas service to the City of Fayette, Alabama (Fayette), which has filed an application in Docket No. G-2188, pursuant to section 7 (a) of the Natural Gas Act for an order directing Southern Natural to serve it.

By order of the Commission issued on November 13, 1953, Fayette was permitted to intervene in Docket No. G-2229.

Pursuant to the order of the Commission issued on October 27, 1953, consolidated hearings in Docket No. G-2229 and related dockets were commenced on November 16, 1953, and concluded on November 18, 1953. By order of the Commission issued on December 4, 1953, the intermediate decision procedure was omitted and the matter is now before us for disposition. On December 23, 1953, Northwest Alabama filed a petition to reopen the proceedings in Docket No. G-2229 for the purpose of taking additional evidence and otherwise correcting deficiencies with respect to the following:

(1) Whether or not there is a firm agreement between Northwest Alabama and Fayette concerning joint construction, operation and maintenance of facilities from Southern Natural's facilities to the Fayette city gate.

(2) Whether the City of Fayette has or has not adopted or accepted evidence of Northwest Alabama in regard to the feasibility of the Fayette project assuming joint construction of facilities proposed by Northwest Alabama.

(3) Whether or not Fayette relies upon the record in Docket No. G-2229 for an allocation of gas to it.

(4) Whether or not the lateral from Guin to Hamilton is of adequate size to carry the estimated load requirements.

The Commission finds: The proceeding in Docket No. G-2229 should be reopened for the sole purpose of affording to Northwest Alabama and Fayette the opportunity to present further evidence with respect to the matters set forth in paragraphs (1) through (4) above.

The Commission orders:

(A) The proceeding in Docket No. G-2229 be, and the same hereby is, reopened for the sole purpose of affording to Northwest Alabama and Fayette the opportunity to present further evidence with respect to the matters set forth in paragraphs (1) through (4) above.

(B) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on Docket No. G-2229, commencing on January 18, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues set forth in paragraphs (1) through (4) above.

Adopted: December 29, 1953.

Issued: January 4, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-100; Filed, Jan. 7, 1954; 8:46 a. m.]

[Docket No. G-2317]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On November 18, 1953, El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal office in El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings: *Provided*, That no request to be heard, protest or petition is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 24, 1953 (18 F. R. 8707).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on January 20, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Adopted: December 30, 1953.

Issued: January 4, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-98; Filed, Jan. 7, 1954; 8:45 a. m.]

[Docket No. G-2335]

OLIN INTERSTATE CORP.

ORDER FIXING DATE OF HEARING

On December 14, 1953, Olin Interstate Corporation (Applicant), a Delaware corporation with executive offices at 570 Lexington Avenue, New York, New York, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition and operation of all of the facilities of Interstate Natural Gas Company, Incorporated (Interstate Natural), a Delaware corporation with its principal office in Monroe, Louisiana. Applicant, which is a wholly owned subsidiary of Olin Industries, Inc., proposes to acquire the facilities and properties of Interstate Natural by a corporate merger, with Applicant being the corporation surviving the merger and with its name being changed to "Olin Gas Transmission Corporation."

Applicant has requested that its application be heard under the shortened-procedure provided for in § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on December 23, 1953 (18 F. R. 8664).

The Commission finds:

(1) This proceeding, in the circumstances, is not a proper one for disposition under the provisions of the aforesaid § 1.32 (b) of its rules of practice and procedure.

(2) It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to hold a public hearing in the above-entitled proceeding, as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR, Chapter I), a public hearing be held, commencing on January 19, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application herein.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: December 30, 1953.

Issued: January 4, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-99; Filed, Jan. 7, 1954; 8:46 a. m.]

[Docket No. G-2337]

NEWBERN, TENNESSEE

NOTICE OF APPLICATION

JANUARY 4, 1954.

Take notice that the Town of Newbern (Applicant), a body politic and corporate and an existing municipality of the State of Tennesee, filed on December 17, 1953, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Trunkline Gas Company (Trunkline) to establish physical connection of its transportation facilities with the facilities of Applicant's proposed Natural gas distribution system, and to sell natural gas to Applicant for local distribution to the citizens of Newbern, Tennessee, and its environs.

Applicant proposes to interconnect its facilities with those of Trunkline at a proper place near Applicant's corporate limits.

The estimated maximum daily demand stated by Applicant is less than 2,000 Mcf during the first five-year period.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of January 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-97; Filed, Jan. 7, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28797]

SUGAR BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to schedules listed below.

Commodities involved: Sugar, in carloads.

From: North Atlantic ports and points taking the same rates, to destinations in central, Illinois and Northwest territories, also between points in trunkline and New England territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-848, supp. 305; C. W. Boin, Agent, I. C. C. No. A-874, supp. 28; I. N. Doe, Agent, I. C. C. No. 573, supp. 18; I. N. Doe, Agent, I. C. C. No. 593, supp. 136; Baltimore and Ohio Railroad Company, I. C. C. No. 24078, supp. 6; Boston and Maine Railroad, I. C. C. No. A-3180, supp. 77; New York Central Railroad Company, I. C. C. No. 1171, supp. 113; Pennsylvania Railroad Company, I. C. C. No. 3303, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-104; Filed, Jan. 7, 1954; 8:47 a. m.]

[4th Sec. Application 28798]

DEAD BURNED MAGNESITE FROM CURTIS BAY, MD. AND CAPE MAY, N. J., TO POINTS IN OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

JANUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to schedules listed below.

Commodities involved: Dead burned magnesite, in carloads.

From: Curtis Bay, Md., and Cape May, N. J.

To: Specified destinations in official and Illinois territories.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Baltimore and Ohio Railroad Company, I. C. C. No. 23966, supp. 47; Baltimore and Ohio Railroad Company, I. C. C. No. 24097, supp. 10; Pennsylvania Railroad Company, I. C. C. No. 3121, supp. 98; Pennsylvania Railroad Company, I. C. C. No. 3289, supp. 33; Pennsylvania Railroad Company, I. C. C. No. 3304, supp. 13; Reading Company, I. C. C. No. 2346, supp. 13; C. W. Boin, Agent, I. C. C. No. A-941, supp 82.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-105; Filed, Jan. 7, 1954; 8:47 a. m.]

[4th Sec. Application 28799]

PULPBOARD AND FIBERBOARD FROM PRYOR, OKLA., TO GRAND RAPIDS, MICH.

APPLICATION FOR RELIEF

JANUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Pulpboard and fiberboard, in carloads.

From: Pryor, Okla.

To: Grand Rapids, Mich.

Grounds for relief: Rail competition, circuity, market competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4075, supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of

an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-106; Filed, Jan. 7, 1954; 8:47 a. m.]

[4th Sec. Application 28800]

ALCOHOL AND RELATED ARTICLES FROM LOUISIANA TO PENNSYLVANIA, RHODE ISLAND, NEW JERSEY AND CONNECTICUT

APPLICATION FOR RELIEF

JANUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for and on behalf of carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 400, pursuant to fourth-section order No. 16101.

Commodities involved: Alcohol and related articles, in carloads.

From: Baton Rouge, North Baton Rouge, Chalmette, and New Orleans, La., and points in Louisiana taking New Orleans rates.

To: Emmaus, Pa., Greenbush, Mass., Natrona, Pa., Newport, R. I., Riverton, N. J., and Westbury, Conn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-107; Filed, Jan. 7, 1954; 8:47 a. m.]

[4th Sec. Application 28801]

MAHOGANY AND PHILIPPINE WOODS FROM HALLSBORO, N. C., TO POINTS IN OFFICIAL TERRITORY

APPLICATIONS FOR RELIEF

JANUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Lumber, logs, or flitches, of mahogany and Philippine woods, built-up woods, and veneer, carloads.

From: Hallsboro, N. C.

To: Points in official territory.

Grounds for relief: Rail competition, circuity, to maintain grouping and additional origin.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1214, supp. 85; C. A. Spaninger, Agent, I. C. C. No. 1238, supp. 39; C. A. Spaninger, Agent, I. C. C. No. 1230, supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-108; Filed, Jan. 7, 1954; 8:48 a. m.]

[4th Sec. Application 28802]

COMMODITY RATES BETWEEN MAXINE, ALA., AND POINTS IN THE UNITED STATES AND CANADA

APPLICATION FOR RELIEF

JANUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of the Louisville and Nashville Railroad Company and other carriers parties to the uniform freight classification.

Commodities involved: Commodity rates on articles other than coal and coke.

Between: Maxine, Ala., on the one hand, and points in the United States and Canada on the other.

Grounds for relief: Rail competition, circuity and new station.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-109; Filed, Jan. 7, 1954; 8:48 a. m.]

[4th Sec. Application No. 28803]

LIMESTONE FROM LOUISVILLE AND WEEPING WATER, NEBR., TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Limestone, ground, in closed cars, carloads.

From: Louisville and Weeping Water, Nebr.

To: Miami and Tampa, Fla., Murray, Ky., Goldsboro, N. C., Columbia, Lebanon, Murfreesboro, Nashville, and Shelbyville, Tenn., and Henry, Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3973, supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-110; Filed, Jan. 7, 1954; 8:48 a. m.]

[4th Sec. Application 28804]

CAUSTIC SODA FROM PERKINS, W. VA., TO POINTS IN TENNESSEE AND VIRGINIA

APPLICATION FOR RELIEF

JANUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4510.

Commodities involved: Sodium (soda), caustic (sodium hydroxide), in solution, in tank-car loads.

From: Perkins, W. Va.

To: Kingsport and Holston, Tenn., and Miller Yard and Speers Ferry, Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4510, supp. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-111; Filed, Jan. 7, 1954; 8:48 a. m.]

[4th Sec. Application 28805]

PLASTIC HOSE FROM BUCYRUS, OHIO, AND WILMINGTON, DEL., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedules listed below.

Commodities involved: Plastic hose, in straight or mixed carloads, or in mixed carloads with rubber hose.

From: Bucyrus, Ohio and Wilmington, Del.

To: Destinations in southern territory.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and additional commodity.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4510, supp. 36; C. W. Boin, Agent, I. C. C. No. A-968, supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-112; Filed, Jan. 7, 1954; 8:48 a. m.]

[4th Sec. Application 28806]

AGRICULTURAL IMPLEMENTS FROM HUMBOLDT, IOWA TO WESTERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Agricultural implements and parts, and related articles, carloads.

From: Humboldt, Iowa.

To: Destinations in Colorado, Idaho, Montana, New Mexico, Oregon, and Utah.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional origin.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3560, supp. 231.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-113; Filed, Jan. 7, 1954; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 6

Washington, Saturday, January 9, 1954

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 13]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.313 *Navel Orange Regulation 13*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on January 7, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., January 10, 1954, and ending at 12:01 a. m., P. s. t., January 17, 1954, is hereby fixed as follows:

(i) District 1: 381,150 boxes;

(ii) District 2: 115,180 boxes;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 8th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

(Continued on next page)

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PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Jan. 10 to 12:01 a. m., P. s. t., Jan. 17, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	1.5416
A. F. G. Porterville	2.2955
Ivanhoe Cooperative Association	.6566
Anderson Packing Co.	1.4883
Euclid Avenue Orange Association	[illegible]
Lindsay Mutual Groves	1.5847
Martin Ranch	1.3660
Orange Cove Orange Growers	2.7135
Woodlake Packing House	1.7891
Doffemyer & Son, W. Todd	.4846

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Earlibest Orange Association	1.6738
Elderwood Citrus Association	.7508
Exeter Citrus Association	3.4817
Exeter Orange Growers Association	1.4105
Exeter Orchards Growers Association	1.4919
Hillside Packing Association	1.3151
Ivanhoe Mutual Orange Association	1.1442
Klink Citrus Association	3.8758
Lemon Cove Citrus Association	1.1235
Lindsay Citrus Growers Association	2.2313
Lindsay Cooperative Association	1.6138
Lindsay Fruit Association	2.2255
Lindsay Orange Growers Association	1.0023
Naranjo Packing House Co.	1.2703
Orange Cove Citrus Association	4.5790
Orange Packing Co.	1.0548
Orosi Foothill Citrus Association	1.4561
Paloma Citrus Fruit Association	.7590
Rocky Hill Citrus Association	1.6476
Sanger Citrus Association	3.5663
Sequoia Citrus Association	.9118
Stark Packing Co.	2.6641
Visalia Citrus Association	2.2543
Waddell & Son	2.4316
Baird Neece Corp.	1.8545
Beattie Association, D. A.	.4669
Grand View Heights Citrus Association	3.0225
Magnolia Citrus Association	2.5091
Porterville Citrus Association, The	1.5979
Randolph Marketing Co.	1.8479
Richgrove-Jasmine Citrus Association	1.1983
Strathmore Cooperative Citrus Association	.9432
Strathmore District Orange Association	1.6302
Strathmore Packing House Co.	2.0895
Sunflower Citrus Growers	2.7033
Sunland Packing House Co.	2.7102
Terra Bella Citrus Association	1.2523
Tule River Citrus Association	.8630
Baker Ranch Packing House	.4285
Batkins Jr., Fred A.	.0558
California Citrus Groves, Inc., Ltd.	3.1605
Darby, Fred J.	.0231
Dubendorf, John	.1748
Evans Bros. Packing Co.	.2147
Far West Produce Distributors	.0599
Feltes, A. E.	.0439
Foothill Packing Co.	.3073
Friessen, Lawrence	.0000
Haas & Ferry	.1866
Harding & Leggett	1.9128
Independent Growers, Inc.	1.1958
Lo Bue Bros.	.6919
Maas, W. A.	.1140
Marks, W. & M.	.4785
Morin, Carl W.	.0200
Nickel, Edward	.0033
Orange Belt Fruit Distributors	.4958
Paramount Citrus Association	2.1772
Reimers, Don H.	.5694
Riverside Fruit Co.	.2385
Sequoia Cider Mill	.0164
Stephens & Cain	.2920
Zaninovich Bros., Inc.	1.7469

PRORATE DISTRICT NO. 2

Total	100.0000
A. F. G. Corona	.5482
A. F. G. Fullerton	.0200
A. F. G. Orange	.0172
A. F. G. Riverside	1.3909
A. F. G. Santa Paula	.0458
Badington Fruit Co.	.7071
Signal Fruit Association	1.1803
Bryn Mawr Mutual Orange Association	.4733

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Chula Vista Mutual Lemon Association	0.1032
Daniels, Inc., Ward	.3236
Euclid Avenue Orange Association	2.9293
Foothill Citrus Union, Inc.	.3696
Garden Grove Citrus Association	.0162
Index Mutual Association	.0104
La Verne Cooperative Citrus Association	2.7742
Olive Hillside Groves, Inc.	.0079
Redlands Foothill Groves	2.7573
Redlands Mutual Orange Association	1.3231
Azusa Citrus Association	.8101
Covina Citrus Association	1.8285
Glendora Citrus Association	1.5898
Valencia Heights Orchard Association	.2122
Gold Buckle Association	4.4907
La Verne Orange Association	4.5659
Anaheim Valencia Orange Association	.0117
Fullerton Mutual Orange Association	.2926
La Habra Citrus Association	.0835
Yorba Linda Citrus Association	.0782
El Cajon Valley Citrus Association	.1521
Escondido Orange Association	.6102
Citrus Fruit Growers	.6223
Cucamonga Mesa Growers	.8496
Etiwanda Citrus Fruit Association	.1303
Upland Citrus Association	3.2096
Consolidated Orange Growers	.0204
Garden Grove Citrus Association	.0198
Goldenwest Citrus Association	.1698
Olive Heights Citrus Association	.0580
Santiago Orange Growers Association	.1045
Villa Park Orchards Association	.0366
Bradford Bros., Inc.	.1960
Placentia Mutual Orange Association	.1599
Placentia Orange Growers Association	.2193
Yorba Orange Growers Association	.0471
Corona Citrus Association	1.1239
Jameson Co.	.5675
Orange Heights Orange Association	3.9144
Crafton Orange Growers Association	1.8097
East Highlands Citrus Association	.5202
Redlands Heights Groves	.9131
Redlands Orangedale Association	1.1237
Rialto Fontana Citrus Association	.2070
Bryn Mawr Fruit Growers Association	1.2337
Mission Citrus Association	.9159
Redlands Cooperative Fruit Association	2.1578
Redlands Orange Growers Association	1.5074
Redlands Select Groves	.5149
Rialto Orange Co.	.4414
Southern Citrus Growers	1.1852
United Citrus Growers	.9847
Arlington Heights Citrus Co.	1.6912
Blue Banner, Inc.	2.6372
Brown Estate, L. V. W.	2.2172
Gavilan Citrus Association	2.0913
McDermont Fruit Co.	1.7837
Monte Vista Citrus Association	1.7765
National Orange Co.	1.5615
Riverside Highgrove Citrus Association	1.8941
Victoria Avenue Citrus Association	3.2790
Claremont Citrus Association	.6247
College Heights Orange & Lemon Association	2.0762
Indian Hill Citrus Association	1.0347
Pomona Fruit Growers Exch.	1.2055
Walnut Fruit Growers	.6089
West Ontario Citrus Association	.8119
Escondido Cooperative Citrus Association	.1031
Camarillo Citrus Association	.0040

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Fillmore Citrus Association	1.0413
Mupu Citrus Association	.0047
Ojai Orange Association	.9987
Piru Citrus Association	1.1567
Rancho Sespe	.0012
San Fernando Fruit Growers Association	.4384
Santa Paula Orange Association	.0894
Ventura County Citrus Association	.0399
East Whittier Citrus Association	.0040
North Whittier Heights	.1277
Placentia Cooperative Orange Association	.2023
Sierra Madre-Lamanda Citrus Association	.0735
A. J. Packing Co.	.1521
Babijuice Corp. of California	.0427
Cherokee Citrus Co., Inc.	1.1196
Dunning, Vera Hueck	.1748
Evans Brothers Packing Co.	1.3739
Par West Produce Distributors	.0471
Gold Banner Association	2.4689
Gold Seal Producers, Inc.	.0700
Granada Packing House	.1335
Holland, M. J.	.0210
Orange Belt Fruit Distributors	.7525
Panno Fruit Co., Carlo	.0524
Paramount Citrus Association	.1057
Placentia Orchards Association	.0768
Riverside Fruit Co.	.4511
San Antonio Orchards Co.	1.1579
Spire, Frank S.	.0128
Stephens & Cain	.2447
Wall, E. T., Grower-Shipper	2.1017
Western Fruit Growers, Inc.	5.1075

[F. R. Doc. 54-203; Filed, Jan. 8, 1954; 11:09 a. m.]

[Lemon Reg. 519]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.626 *Lemon Regulation 519*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effec-

tive time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on January 6, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 10, 1954, and ending at 12:01 a. m., P. s. t., January 17, 1954, is hereby fixed as follows:

(i) District 1: 50 carloads;

(ii) District 2: 250 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. [illegible])

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[Storage Date: Jan. 3, 1954]

DISTRICT NO. 1

[12:01 a. m. Jan. 10, 1954, to 12:01 a. m. Jan. 24, 1954]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	31.389
Lemon Cove Association	18.679
Tulare County Lemon & Grapefruit Association	49.276

PRORATE BASE SCHEDULE—Continued

PRORATE DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Harding & Leggett	3.702
Paramount Citrus Association, Inc.	2.391
Zaninovich Bros. Inc.	1.563
DISTRICT NO. 2	
Total	100.000
American Fruit Growers, Inc., Corona	.474
American Fruit Growers, Inc., Fullerton	.572
American Fruit Growers, Inc., Upland	1.023
Buenaventura Lemon Co.	.870
Consolidated Lemon Co.	.621
Ventura Pacific Co.	2.378
Chula Vista Mutual Lemon Association	.401
Euclid Lemon Association	1.089
Index Mutual Association	.169
La Verne Cooperative Citrus Association	1.574
Ventura Coastal Lemon Co.	2.804
Ventura Processors	2.009
Glendora Lemon Growers Association	1.592
La Verne Lemon Association	.608
La Habra Citrus Association	.451
Yorba Linda Citrus Association	.279
Escondido Lemon Association	2.866
Cucamonga Mesa Growers	2.258
Etiwanda Citrus Fruit Association	1.258
San Dimas Lemon Association	.923
Upland Lemon Growers Association	1.097
Central Lemon Association	.391
Irvine Citrus Association, The	.432
Placentia Mutual Orange Association	.652
Corona Citrus Association	.323
Corona Foothill Lemon Co.	2.067
Jameson Co.	.957
Arlington Heights Citrus Association	.852
College Heights Orange & Lemon Association	1.062
Chula Vista Citrus Association, The	.514
Escondido Cooperative Citrus Association	.163
Fallbrook Citrus Association	1.639
Lemon Grove Citrus Association	.130
Carpinteria Lemon Association	3.139
Carpinteria Mutual Citrus Association	4.056
Goleta Lemon Association	4.159
Johnston Fruit Co.	5.326
Briggs Lemon Association	1.528
Fillmore Lemon Association	.893
Oxnard Citrus Association	4.562
Rancho Sespe	.307
San Fernando Heights Lemon Association	3.513
Santa Clara Lemon Association	4.435
Santa Paula Citrus Fruit Association	1.302
Saticoy Lemon Association	4.581
Seaboard Lemon Association	4.781
Somis Lemon Association	3.510
Ventura Citrus Association	1.072
Ventura County Citrus Association	.406
Limoneira Co.	2.148
Teague-McKevett Association	.551
East Whittier Citrus Association	.104
Murphy Ranch Co.	.208
North Whittier Heights Citrus Association	.226
Sierra Madre-Lamanda Citrus Association	.738
Dunning Ranch	.000
Far West Produce Distributors	.086
Huarte, Joseph D.	.000
Paramount Citrus Association, Inc.	3.674
Santa Rosa Lemon Co.	.099
York, M. C.	.000

[F. R. Doc. 54-169; Filed, Jan. 8, 1954; 8:54 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1954, Supp. S]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1954

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1954, and section 348 of the Agricultural Adjustment Act of 1938, as amended, the 1954 National Agricultural Conservation Program, issued August 3, 1953 (18 F. R. 4643), as amended August 3, 1953 (18 F. R. 4761), and November 4, 1953 (18 F. R. 7024), is further amended as follows:

1. Section 1101.518 is amended to read as follows:

§ 1101.518 *Practice A–3: Initial establishment on cropland of perennial or biennial legumes or perennial grasses, or mixtures of legumes and perennial grasses, to retard erosion and to improve soil structure, permeability, or water-holding capacity, as a part of a crop rotation.* This practice is applicable only in counties, or parts of a county, where it is determined that crop rotations for soil improvement which include perennial grasses, perennial and biennial legumes, or mixtures of such legumes and perennial grasses, are not now generally in use. Federal cost-sharing on the individual farm will be limited to cropland needing such plantings to retard erosion, for improvement of soil structure, permeability, or water-holding capacity and, on such land, to an acreage which, together with the acreage of all such plantings on cropland on the farm at the beginning of the 1954 program, which will not be plowed under in 1954 before any crop is harvested therefrom, will not exceed 35 percent of the cropland on the farm. Acreages of grasses and legumes on which cost-sharing is allowed under any other practice may not be considered in determining the increase in acreage eligible for cost-sharing under this practice. Minimum seeding rates, eligible seeds, and proportions of grass and legume seeds in eligible mixtures, the minimum requirement for cultural steps essential to successful establishment of the practice, and the minimum rotation period required for the plantings must be specified in the State or county handbook.

* * * * *

2. Section 1101.559 is amended by revising the second sentence to read as follows:

§ 1101.559 *Practice D–2: Initial establishment in the cropping system of summer annual legumes and adapted nonlegumes for summer protection from erosion.* * * * Vegetable and truck crops for sale, small grains, all soybeans (except in areas, as determined by the Administrator, ACPS, where soybeans are not normally grown commercially for feed or seed), mung beans, or peanuts and seedings (other than crotalaria) interplanted with row crops are not eligible. * * *

3. Section 1101.564 is amended by revising the first sentence to read as follows:

§ 1101.564 *Practice E–1: Initiation of stubble mulching into the farming system to improve soil permeability and to protect soil from wind and water erosion.* A stubble mulch must be maintained on the surface soil by performing tillage operations which will leave sufficient crop or weed residue on the surface to provide protection against wind and water erosion and incorporate the balance of the residue into the surface of the soil. * * *

4. Section 1101.566 is amended by revising the Maximum Federal cost-share to read as follows:

§ 1101.566 *Practice E–3: Wind erosion control operations in serious wind erosion areas.* * * *

Maximum Federal cost-share. 50 percent of the average cost of those required protective operations which are not primarily for crop production.

5. A new § 1101.590 is added as follows:

§ 1101.590 *Excess cotton acreage.* (a) Any person who makes application for payment of cost-shares with respect to any farm located in a county in which any kind of cotton is planted in 1954 shall file with such application a statement that he has not knowingly planted any kind of cotton or caused any kind of cotton to be planted during 1954 on any farm in which he has an interest in excess of the 1954 acreage allotment established for the farm for such kind of cotton under the Agricultural Adjustment Act of 1938, as amended.

(b) Any person who knowingly plants any kind of cotton or causes any kind of cotton to be planted on his farm in 1954 in excess of the 1954 acreage allotment for the farm for such kind of cotton under the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment of cost-shares whatsoever on that farm or on any other farm under 1954 programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. Cotton of any kind shall not be deemed to have been planted on any farm in excess of the farm acreage allotment for such kind of cotton if, after the acreage originally planted to such kind of cotton has been determined and notice thereof sent to the operator of the farm, the acreage planted to such kind of cotton is adjusted to the farm acreage allotment for such kind of cotton in the period allowed under the notice. If the operator is notified that the acreage allotment for any kind of cotton has been exceeded and the acreage planted to such kind of cotton is not adjusted to such acreage allotment in the period allowed under the notice, the acreage allotment for such kind of cotton shall be deemed to have been knowingly exceeded by all producers having an interest in such kind of cotton on the farm. Notice of overplanting to the operator of the farm shall be deemed to be notice to all persons sharing in the production of any kind of cotton on the farm.

(c) For the purposes of this section kind of "cotton" shall be upland cotton or extra long staple cotton.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended sec. 348 52 Stat. 59 as amended, Public Law 156, 83d Cong.; 7 U. S. C. 1348, 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 6th day of January 1954.

[SEAL] J. EARL COKE,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-162; Filed, Jan. 8, 1954; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.210]

PART 51—PASSPORTS

SUBPART B—REGULATIONS OF THE SECRETARY OF STATE

RULES OF THE BOARD OF PASSPORT APPEALS

Pursuant to the authority vested in the Board of Passport Appeals by the Regulations of the Secretary of State issued on August 28, 1952 (17 F. R. 8013; 22 CFR 51.139) and pursuant to the authority vested in the Secretary of State by paragraph 126 of Executive Order No. 7856, issued on March 31, 1948 (3 F. R. 681; 22 CFR 51.77), under authority of section 1 of the act of Congress approved July 3, 1926 (44 Stat. 887; 22 U. S. C. 211 (a)), the regulations issued on March 31, 1938 (Departmental Order 749) as amended (22 CFR 51.101 through 51.143) are hereby further amended by the addition of the following rules of the Board of Passport Appeals as adopted by the Board, and approved by the Secretary for incorporation as §§ 51.151 through 51.170 of Subpart B of Part 51 of 22 CFR:

Sec.

51.151 Organization of Board.
51.152 Decisions of the Board.
51.153 Counsel to the Board.
51.154 Examiner.
51.155 Chairman.
51.156 Prior administrative remedies.
51.157 Petition.
51.158 Delivery of papers.
51.159 Notice of hearing.
51.160 Appearance.
51.161 Applicant's attorney.
51.162 Supplementary information to applicant.
51.163 Hearings.
51.164 Admissibility.
51.165 Argumentation.
51.166 Privacy of hearings.
51.167 Misbehavior before Board.
51.168 Transcript of hearings.
51.169 Notice of decision.
51.170 Probative value of evidence.

AUTHORITY: §§ 51.151 to 51.170 issued under sec. 1, 44 Stat. 887; 22 U. S. C. 211a.

§ 51.151 *Organization of Board.* The Secretary of State shall appoint a Board of Passport Appeals consisting of three or more members, one of whom shall be designated by the Secretary as Chairman. The Chairman shall assure that there is assigned to hear the appeal of any applicant a panel of not less than three members including himself or his designee as presiding officer, which number shall constitute a quorum.

§ 51.152 *Decisions of the Board.* Decisions shall be by majority vote. Voting may be either in open or closed session on any question except recommendations under § 51.140, which shall be in closed session. Decisions under § 51.140 shall be in writing and shall be signed by all participating members of the Board.

§ 51.153 *Counsel to the Board.* A Counsel, to be designated by the Secretary of State, shall be responsible to the Board for the scheduling and presentation of cases, aid in legal and procedural matters, information to the applicant as to his procedural rights before the Board, maintenance of records and such other duties as the Board or the Chairman, on its behalf, may determine.

§ 51.154 *Examiner.* The Board may, within its discretion, appoint an examiner in any case, who may, with respect to such case, be vested with any or all authority vested in the Board or its presiding officer, subject to review and final decision by the Board, but, an applicant shall not be denied an opportunity for a hearing before the Board unless he expressly waives it.

§ 51.155 *Chairman.* The Chairman, or his designee, shall preside at all hearings of the Board, and shall be empowered in all respects to regulate the course of the hearings and pass upon all issues relating thereto. The Chairman, or his designee, shall be empowered to administer oaths and affirmations.

§ 51.156 *Prior administrative remedies.* It is required that prior to petitioning for an appeal, an applicant shall (a) exhaust the administrative remedies available in the Passport Office, as set out in § 51.137, and (b) comply with the provisions of § 51.142, as a part of his application, if deemed necessary by the Passport Office.

§ 51.157 *Petition.* An applicant desiring to take an appeal shall, within thirty calendar days after receipt of the advice of adverse decision by the Passport Office file with the Board a written petition under oath or affirmation which shall, in plain and concise language, refute or explain the reasons stated by the Passport Office for its decision.

§ 51.158 *Delivery of papers.* Petitions or other papers for the attention of the Board may be delivered personally, by registered mail, or by leaving a copy at the offices of the Board at the address to be stated in the advice of adverse action furnished applicant by the Passport Office.

§ 51.159 *Notice of hearing.* Applicant shall receive not less than five calendar days notice in writing of the

scheduled date and place of hearing which shall be set for a time as soon as possible after receipt by the Board of applicant's petition.

§ 51.160 *Appearance.* Any party to any proceedings before the Board may appear in person, or by or with his attorney, who must possess the requisite qualifications, as hereinafter set forth, to practice before the Board.

§ 51.161 *Applicant's attorney.* (a) Attorneys at law in good standing who are admitted to practice before the Federal courts or before the courts of any State or Territory of the United States may practice before the Board.

(b) No officer or employee of the Department of State whose official duties have, in fact, included participation in the investigation, preparation, presentation, decision or review of cases of the class within the competence of the Board of Passport Appeals shall, within two (2) years after the termination of such duties appear as attorney in behalf of an applicant in any case of such nature, nor shall any one appear as such attorney in a case of such class if in the course of prior government service he has dealt with any aspects of the applicant's activities relevant to a determination of that case.

§ 51.162 *Supplementary information to applicant.* The purpose of the hearing is to permit applicant to present all information relevant and material to the decision in his case. Applicant may, at the time of filing his petition, address a request in writing to the Board for such additional information or explanation as may be necessary to the preparation of his case. In conformity with the relevant laws and regulations, the Board shall pass promptly and finally upon all such requests and shall advise applicant of its decision. The Board shall take whatever action it deems necessary to insure the applicant of a full and fair consideration of his case.

§ 51.163 *Hearings.* The Passport file and any other pertinent Government files shall be considered as part of the evidence in each case without testimony or other formality as to admissibility. Such files may not be examined by the applicant, except the applicant may examine his application or any paper which he has submitted in connection with his application or appeal. The applicant may appear and testify in his own behalf, be represented by counsel subject to the provisions of § 51.161, present witnesses and offer other evidence in his own behalf. The applicant and all witnesses may be cross-examined by any member of the Board or its counsel. If any witness whom the applicant wishes to call is unable to appear personally, the Board may, in its discretion, accept an affidavit by him or order evidence to be taken by deposition. Such depositions may be taken before any person designated by the Board and such designee is hereby authorized to administer oaths or affirmations for the purpose of the depositions. The Board shall conduct the hearing proceedings in such manner as to protect from disclosure information affecting the national security or tending to disclose or compromise investigative sources or methods.

§ 51.164 *Admissibility.* The Board and the applicant may introduce such evidence as the Board deems proper. Formal rules of evidence shall not apply, but reasonable restrictions shall be imposed as to the relevancy, competency, and materiality of evidence presented to the Passport Office's stated reasons for its decision and/or to the application of § 51.135 or § 51.136 to applicant's case.

§ 51.165 *Argumentation.* All argumentation shall be directed to the application of the passport regulations to the facts of the particular case. The Board will permit no oral argument or motions relative to the legality or propriety of the hearing or other procedures of the Board. Submission of such argument or motions will be confined to the filing of written briefs, objections, or motions to be made a part of the record. The Board will not undertake to consider any such motion or contention.

§ 51.166 *Privacy of hearings.* Hearings shall be private. There shall be present at the hearing only the members of the Board, Board's Counsel, official stenographers, Departmental employees concerned, the applicant, his counsel, and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony.

§ 51.167 *Misbehavior before Board.* If, in the course of a hearing before the Board, an applicant or attorney is guilty of misbehavior, he may be excluded from further participation in the hearing. In addition, he may be excluded from participation in any other case before the Board.

§ 51.168 *Transcript of hearings.* A complete verbatim stenographic transcript shall be made of hearings by qualified reporters, and the transcript shall constitute a permanent part of the record. Upon request, the applicant and each witness shall have the right to inspect the transcript of his own testimony.

§ 51.169 *Notice of decision.* The Board shall communicate the action recommended under § 51.140 on all cases appealed to it, to the Secretary of State. The decision of the Secretary of State shall be notified in writing to the applicant. Such notice shall be given the applicant as promptly as possible after his hearing before the Board.

§ 51.170 *Probative value of evidence.* In determining whether there is a preponderance of evidence supporting the denial of a passport the Board shall consider the entire record, including the transcript of the hearing and such confidential information as it may have in its possession. The Board shall take into consideration the inability of the applicant to meet information of which he has not been advised, specifically or in detail, or to attack the creditability of confidential informants.

Adopted by the Board of Passport Appeals December 30, 1953.

Dated: January 4, 1954.

[SEAL] THRUSTON B. MORTON,
Chairman,
Board of Passport Appeals.
JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54-154; Filed, Jan. 8, 1954; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulation

PART 406—CONTRACT CLAUSES AND FORMS

SUSPENSION ORDER

1. The following clause will be substituted in lieu of the clause set forth in § 406.104–10 (a), in those contracts of the military departments for the procurement of supplies or services, entered into as of a date on or after January 1, 1954, and until further notice, to which the Renegotiation Act of 1951 (Pub. Law 9, 82d Cong.) would have applied if such contracts had been entered into prior to January 1, 1954:

RENEGOTIATION

(a) This contract shall be subject to any act of the Congress, whether heretofore or hereafter enacted and to the extent indicated therein, providing for the renegotiation of said contract and shall be deemed to contain all the provisions required by any such act without subsequent amendment of this contract specifically incorporating such provisions.

(b) The Contractor (which term, as used in this clause, means the party contracting to furnish the materials or perform the work required by this contract) agrees to insert the provisions of this clause, including this paragraph (b), in subcontracts, as defined in section 103 (g) of the Renegotiation Act of 1951 (Pub. Law 9, 82d Cong.), except any subcontracts of a class or type described in section 106 (a) of the Renegotiation Act of 1951.

(c) Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of the Congress, heretofore or hereafter enacted.

2. The above clause will not be inserted in those types of contracts which previously had been exempt from the Renegotiation Act of 1951 by virtue of the provisions of that act or by action of the Renegotiation Board (see § 406.104–10 (b) and (c)).

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 54-137; Filed, Jan. 8, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 57]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

I. F. R. STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Instrument approach procedures conducted in accordance with the following instrument approach procedures, unless an applicable clearance is received for a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Minimum altitude ▪, shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility, class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance (miles)	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Type aircraft: Condition	75 m. p. h. or less	More than 75 m. p. h.	Procedure turn (—) side of final approach course and any limiting directions; distance from facility	If visual contact not established at authorized landing minimums after passing facility, within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	11
CLEVELAND, OHIO Cleveland Hopkins, 789' RBRA/CLE Procedure No. 1 December 9, 1953	Elyria FM	9.0–11	1,400 (final)	S side W course 2500' outbound, 6000' inbound. 1,900' within 10 miles.	T-dn C-dn A-dn	300–1 500–1½ 800–2	300–1 500–1½ 800–2		Within 10 mile, climb to 2,900' on N side of E course of Cleveland I. F. R. CAUTION 1,939' tower 7 miles ESE of airport.
PORTLAND, OREG. Portland Airport, 23' RBRA-VDF VDX Procedure No. 1 December 31, 1953	Woodland FM	16.1–23.0	3,000	W side N course: 331 outbound. 151 inbound. 2,900' within 15 miles. 3,000' within 20 miles. 4,000' within 25 miles.	T-dn C-dn A-dn	300–1 600–1½ 800–2	300–1 700–1½ 800–2		With in 3.2 miles, climb to 3,000' on S course, climb to 3,000' within 10 miles of I. F. R.
	La center FM (final)	11.1–12.0	1,500						
	Skotosen FM	24.3–32.0	6,000						
	Washougal FM	24.3–1s	4,000						
RED BLUFF, CALIF. Bidwell Field, 344' RBRA-VDF RBL Procedure No. 1 December 31, 1953				E side S course 1.5 outbound. 2.5 inbound. 2,000' within 25 miles.	T-dn C-dn A-dn	300–1 500–1½ 800–2	300–1 500–1½ 800–2		Within 2.5 miles, turn right, climb to 2,000' on S course.
SACRAMENTO, CALIF. Sacramento, 21' SHARRAZ-DTV SAC Procedure No. 1 December 31, 1953	Int. N course SAC I.F.R. and 262° bearing to Mc Clellan Fld.	26.2–17.0	1,500	E side SW course: 105 outbound. 015 inbound. 1,200' within 10 miles. (NA beyond 10 miles.)	T-dn C-dn A-dn	300–1 500–1½ 800–2	300–1 600–1½ 800–2		Within 1.7 miles, climb to 2,400' on N.E. course within 20 miles. *Procedure turn beyond Chrisbarg FM not authorized.
	Int. SE course SAC I.F.R. and N course SCK I.F.R. (Lodi Int.)	30.7–15.0	1,200						
	Int. SW course SAC I.F.R. and S course Travis I.F.R. (Elko Int.).	31.8–26.0	1,200						
	Charksburg FM (final)	19–10.5	720						
SALINAS, CALIF. Salinas, 84' RBRA-DTV; SNS Placed in No. 1 December 31, 1953	(Initial approaches must be on top, with legs not above 5,500' MSL)			W side NW courses: 331 outbound. 151 inbound. 2,900' within 15 miles. 3,000' within 20 miles. 4,000' within 25 miles.	T-dn C-dn A-dn	300–1 500–2 1,000–2	300–1 500–2 1,000–2		Within 6.6 mile, climb to 5,000' on SE course within 7.5 miles. *Procedure turn limited to 4.0 miles on maneuvering side of final approach course due to Fort Ord (311' MSL) tower, 3.5 miles NW of airport. NOTE: ADF procedure not authorized.
					BCOH				

LFR STANDARD INSTRUMENT APPROACH PROCEDURE - Continued

City and State; airport name, elevation, facility class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
STOCKTON, CALIF. Stockton Airport, 28' BMRLZ-DTV SCK Procedure No. 1 December 31, 1953	Altamont Int	065—28.0	3,000	E side S course: 147 outbound. 327 inbound 1,500' within 25 miles.	800	285—3.2	T-dn C-dn A-dn	300-1 500-1 1,000-2 (BCOB)	300-1 600-1½ 1,000-2 (BCOB)	Within 3.2 miles, climb to 2,000' on N course within 25 miles. CAUTION: 340' MSL radio mast 1.5 miles N of airport. NOTE: ADF procedure not authorized.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SALEM, OREG. McNary Field (municipal), 207' LOM SL Procedure No. 1 May 1, 1950	PROCEDURE CANCELED EFFECTIVE DECEMBER 4, 1953									
YOUNGSTOWN, OHIO Municipal Airport, 1,196' LOM YN Procedure No. 1 June 20, 1953	PROCEDURE CANCELED EFFECTIVE DATE COMMISSIONING OF THE ILS.									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specific routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility; class and identification; procedure No., effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound altitudes, limiting distances	Minimum altitude at middle slope intercept inbound (ft.)	Altitude of glide slope intercept distance to runway end of runway at—: Outer marker	Altitude of glide slope intercept distance to runway end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized minimums or if landing not accomplished.
1	2	3	4	5	6	7	8	9	10	11	12	13
AKRON, OHIO Akron Canton, 1,228' ILS CAK LOM CA Procedure No. 1 Combination ILS and ADF December 8, 1953	Akron LFR	LOM	176—14	2,500	E side S course: 180° outbound. 000° inbound 2,500' within 10 miles.	ILS 2,400' ADF 2,600' 2,600' over LOM.	2,340—4.3	430—0.8	T-dn	300-1	300-1	4 miles after passing LOM (ADF), climb to 2,500' on track 45° to E course Akron LFR. Alternate missed approach (when required by ATC) make a right climbing turn and return to LOM at 2,500'.
	Berghuiz Rbn	LOM	314—93	2,500					C-dn	500-1	500-1½	
	Int. SW course Akron LFR and 90° bearing to LOM	LOM	90—14	2,500					S-dn 30 ILS	400-¾	400-¾	
	Int. E course Akron LFR and 245° bearing on LOM	LOM	235—14	2,500					ADF	500-1	500-1	
	Int. E course Akron LFR and N course ILS or bearing 186° on LOM.	LOM	186—12	2,500					A-dn	800-2	800-2	
AKRON, OHIO Akron-Canton, 1,228' ILS CAK Localizer back course Procedure No. 2 December 8, 1953	Akron LFR	Lakemore Int	111—2.5	2,500	E side N course ILS 090° outbound. 180° inbound, 2,500' within 10 miles—Lakemore Int.	#2,500 over Lakemore Int.	No G.S. slope from Lakemore Int.		T-dn C-dn S-dn ILS A-dn	300-1 500-1 400-1 800-2	300-1 500-1½ 400-1 800-2	Climb to 2,500' (or to a higher altitude when directed by ATC) on N course ILS to LOM. #Decrease airport minimums after passing Lakemore Int. *Fly E side Akron LFR and N course ILS. Procedure turn to E to avoid Akron traffic.
	Int. NE course Akron LFR and N course ILS (final).	Lakemore Int	180—3.5	#2,500								
	Int. E course Cleveland LFR and N course ILS.	Lakemore Int	180—24	2,500								
	Int 094° radial from Cleveland VOR and N course ILS	Lakemore Int	180—22	#2,500								
	Akron-Canton LOM	Lakemore Int.	000—12	2,500								
	Int 119° radial from Cleveland VOR and N course ILS (final)	Lakemore Int.	180—4	#2,500								
CLEVELAND, OHIO Cleveland-Hopkins, 789' ILS CLE LOM CL Procedure No. 1 Combination DnS and RDF December 8, 1953	Avon Lake FM	LOM	171—10	2,200	S side SW course 231° outbound. 051° inbound 2,200' within 10 miles.	ILS 2,200' ADF 1,700' over LOM.	2,070—4.5	1,020—0.7	T-dn	300-1	300-1	4.5 miles after passing LOM (ADF) climb to 2,000' on NW course Cleveland LFR. Alternate missed approach procedure when directed by ATC: Make a right climbing turn, proceed to LOM at 2,000', climb to 2,500' on NL course. When directed by ATC, proceed to Cleveland VOR.
	Cleveland LFR	LOM	224—4.5	2,200					C-dn	500-1	500-1½	
	North Royalton FM	LOM	303—11	2,400					S-dn ILS NL ADF	400-¾	400-¾	
	Elyria FM	LOM	145—8	2,200					5L and 5C	500-1	500-1	
	Int W course Akron LFR and SW course ILS	LOM	54—20	2,200					A-dn	800-2	800-2	
	Int Cleveland 147° radial and SW course ILS	LOM	054—10	2,200 (final)								
WINDSOR LOCKS, CONN Bradley Field, 173' ILS BDL LOM BD Procedure No. 1 December 10, 1953 Combination ILS and ADF	Int NW course HFD and SW course ILS or bearing 058	LOM	058—3.5	2,500	S side SW course 238 outbound. 058 inbound 2,300' within 10 miles.	ILS 2,300' ADF 1,700' over LOM	1,470—5.2	415—0.7	T-dn	300-1	300-1	When 3.5 miles after passing LOM (ADF) climb to 2,500' on NE course ILS or 058° bearing on LOM. Alternate missed approach procedure when directed by ATC: Make a climbing left turn to LOM at 2,500'. However, when directed by ATC make a climbing right turn to 2,500' on NE course ILS or 058° bearing on LOM.
	Int E course BAF and NE course ILS or bearing 238°	LOM	238—10.0	2,500					C-dn	700-1½	700-1½	
	Int. S course BAF and SW course ILS or bearing 058°	LOM	058—3.5	2,500					S-dn ILS ADF	500-1	500-1	
									A-dn	800-2	800-2	

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears advisable to discontinue the approach.

City and State, airport name, elevation, effective date	Radar terminal area: maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums						Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds, (b) directed by ground controller, (c) visual reference is not established upon descent to the authorized landing minimums, or (d) landing is not accomplished
		Runway No.	Condition	Precision approach (PAR)		Surveillance approach (ASR)		
				75 m. p. h. or less	More than 75 m. p. h.	75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9
COLD BAY, ALASKA Cold Bay, 89' November 1, 1950	CANCELED NOVEMBER 5, 1953.							

5. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
BRADFORD, PA. McKean County, 2,142' VORW 114.4 MCS BFD Procedure No. 1 December 5, 1953	----------	----------	----------	E side of course: 141 outbound. 321 inbound. 3,400' within 10 miles.	2,900	321—1.1	T–dn C–d C–n S–dn 32 A–dn	300–1 500–1 500–1½ 500–1 800–2	300–1 500–1½ 500–1½ 500–1 800–2	Within 1.1 miles, climb to 3,400' on course 321° within 25 miles of BFD VOR. *Descent to authorized field minimums authorized after passing BFD MH. If BFD MH not received, maintain 2,900' until over Bradford VOR Straight-in approach minimums premised on reception of Bedford "MH".
GOODING, IDAHO Municipal, 3,720' VOR GNG Procedure No. 1 June 27, 1952	PROCEDURE CANCELED EFFECTIVE DECEMBER 7, 1953.									

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-42; Filed, Jan. 8, 1954; 9:30 a. m.]

[Amdt. 56]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
LONE ROCK, WIS. CAA, 717' BMLZ-VDT-LNR Procedure No. 1 February 3, 1950	PROCEDURE CANCELED EFFECTIVE DECEMBER 11, 1953.									

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
BISMARCK, N. DAK. Municipal, 1,653' LOM-ADF Procedure No. 1 August 15, 1953	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED NOVEMBER 8, 1953.									
CHICAGO, ILL. O'Hare International, 657' LOM Procedure No. 1 October 28, 1952	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED OCTOBER 18, 1953.									
EVANSVILLE, IND. Dress Memorial 389' LOM-ADF Procedure No. 1 September 4 1953	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED OCTOBER 15, 1953.									

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility, class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
MADISON, WIS. Truax Field 859' LOM-ADF Procedure No. 1 August 1, 1950	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED NOVEMBER 8, 1953.									
MOLINE, ILL. Quad City Airport, 590' LOM-ADF Procedure No. 1 June 1, 1952	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED OCTOBER 1, 1953.									
ST. LOUIS, MO. Lambert Field, 558' LOM-SF Procedure No. 1 August 1, 1952	PROCEDURE CANCELED EFFECTIVE JANUARY 2, 1954.									
ST. LOUIS, MO. Lambert Field, 558' HW Facility Identification LAQ Procedure No. 2 November 20, 1953	PROCEDURE CANCELED EFFECTIVE JANUARY 2, 1954.									
SIOUX CITY, IOWA Sioux City, 1,097' LOM-ADF Procedure No. 1 February 15, 1952	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED OCTOBER 23, 1953.									
SOUTH BEND, IND. St. Joseph County, 778' LOM-ADF Procedure No. 1 Oct. 15, 1951	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED OCTOBER 22, 1953.									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course outbound and inbound; altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
DETROIT, MICH. Detroit Wayne Major, 639' ILS-IRML LOM RM Procedure No. 1 Combination ILS and ADF December 14, 1953	Detroit LFR	LOM	195—5.0	2,000	E side SW course: 215° outbound, 035° inbound, 2,000' within 25 miles.	ILS 1,900' ADF 1,500'	1,873—4.9	888—0.8	I-dn	300-1	300-1	Within 4.9 miles, make right climbing turn to 2,000' and return to LOM or as directed by ATC as follows: 1. Make left climbing turn to 2,300' proceed to RML-LFR. 2. Make left climbing turn to 2,300' proceed to Detroit VOR or FORD locator. 3. Make right climbing turn to 2,300' proceed to Flat Rock Int.
	Flat Rock Int	LOM	280—6.0	2,000					C-dn	500-1	500-1½	
	Int W course RML LFR and S course SVM VAR or 125° bearing to LOM.	LOM	123—7.0	2,000					S-dn 3L ILS ADF	 400-¾ 500-1	 400-¾ 500-1	
	Willow Run LOM	LOM	102—11.0	2,000					A-dn ILS	 600-2	 600-2	
	Ann Arbor FM	LOM	067—19.0	2,000								
	Int. SW course QG LFR and SW course ILS or 035° bearing to LOM.	LOM (final)	035—6.0	1,900					A-dn ADF	 800-2	 800-2	
	Detroit VOR	LOM	173—10.0	2,000								
	Int 099° course from RML VOR and NE course ILS or 215° bearing to LOM.	LOM	215—11.0	2,000								
	Int. 326 course to RML-VOR and 280 bearing to LOM.	LOM	280—7.0	2,000								
	Int. 013 course to RML VOR and SW course ILS or 035 bearing to LOM.	LOM (final)	035—9.0	2,000								
	Int. 051 course to RML VOR and 090 bearing to LOM.	LOM	090—14.0	2,000								
	Int. 080 course to RML VOR and 110 bearing to LOM.	LOM	110—21.0	2,200								
ST. LOUIS, MO. Lambert Field, 558' ILS-STL ADF LOM ST Procedure No. 1 Combination ILS and ADF January 2, 1954	St. Louis VOR	ILS LOM	109—12	1,800	N side NE course: 058 outbound, 238 inbound. ILS 1,800' within 5 miles. ADF 1,900' within 25 miles.	ILS 1,800' ADF M.a. Alt. over LOM on Final 1,300'.	1,817—4.2	750—.64	T-dn C-dn S-dn Rwy 24 ILS ADF A-dn	300-1 500-1 400-¾ 500-1 800-2	300-1 500-1½ 400-¾ 500-1 800-2	Within 4.2 miles, ILS climb to 2,000' on SW course of ILS within 25 miles. ADF climb to 2,000' on course of 238° within 25 miles. CAUTION: Tank 773' MSL 0.4 miles E of range station. Do not descend below 1,100' until passing abeam range station.
	Alton Int	ILS LOM	238—8	1,800								
	Beaufort Int via SW course, STL ILS.	ILS LOM	058—56	3,000								
	STL LFR	ILS NE course	035—1	1,800								
	Jerseyville intersection	ILS LOM	169—22	1,800								
	Woodriver Int	ILS NE course	287—3.5	1,800								
	Lake "H"	ILS LOM	058—10.0	2,000								

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

City and State; airport name, elevation, facility, class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—side of final approach course, outbound and inbound; altitudes, limiting distances	Minimum altitudes (height above touchdown)
	From—	To—	Course and distance	Minimum altitudes (ft.)		
1	2	3	4	5	6	7
ST. LOUIS, MO. Lambert Field, 536' LOC STL Lake HW Identification LAQ Procedure No. 2 Cancellation ILS AHF January 2, 1954	St. Louis LFR	Lake "H" or Creve Int.#	243—8.0	2,000	3rd-1 5th-1½	No glide slope
	St. Louis VOR	Lake "H" or Creve Int.#	165—10.0	2,000	500-1 800-2	
	ILS LOM	Lake "H" or Creve Int.#	236—10	2,000		
	St. Peters fan marker	Lake "H" or Creve Int.#	122—9.0	2,000		
	Maryland Int.	Lake "H" or Creve Int.#	058—8.0 final	1,500		
	Int. S course STL LFR and 316° bearing on Lake "H"	Lake "H" or Creve Int.#	315—15.0	2,100		
	Beaufort Int. via SW course ILS.	Lake "H" or Creve Int.#	058—45.0	3,000		

City and State; airport name, elevation, facility, class and identification; procedure No.; effective date	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums or if landing not accomplished
	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—side of final approach course, outbound and inbound; altitudes, limiting distances	
1	2	3	4	5	6
DES MOINES, IOWA. Des Moines Mun. VOR Identification DSM Procedure No. 1 January 11, 1954	Des Moines LFR	173—4.2	2,100	E side of course, 15° outbound, 345° inbound 2,100' within 15 miles.	Within 6.2 miles, immediately turn left, climb to 2,600' on outbound course, right within 25 miles or as directed by ATC make immediate left turn climb to 2,400' on outbound course of 263° then climb to 2,700' within 25 miles. Contact M-L TV tower located 3.2 miles S of apt. When TV tower not visible on take-off, climb to 2,100' M-L prior to turning toward tower.
	Martensdale FM (final)	009—5.0	1,600		

City and State; airport name, elevation, facility, class and identification; procedure No.; effective date	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing fixing point or distance specified, or if landing not accomplished
	Type aircraft		Condition		
	75 m. p. h. or less	More than 75 m. p. h.			
1	11	12	10	9	13
ST. LOUIS, MO. Lambert Field, 536' LOC STL Lake HW Identification LAQ Procedure No. 2 Cancellation ILS AHF January 2, 1954	300-1 500-1½	300-1 500-1 800-2	T-din C-din 8-din 61 A-din	No middle marker	Within 4.4 miles climb to 1,800' on course of 058° within 25 miles of Lake "H", or when directed by ATC climb to 2,100' on S course STL LFR within 25 miles or climb to 2,400' on course of 112° to STL VOR or make left turn climb to 2,000' on 238° course to Lake "H". (Circle Intersection authorized only when aircraft equipped to receive VOR and ILS simultaneously.
DES MOINES, IOWA. Des Moines Mun. VOR Identification DSM Procedure No. 1 January 11, 1954	300-1 500-1 800-2	300-1 500-1 800-2	T-din C-din 8-din A-din	No middle marker	Within 6.2 miles, immediately turn left, climb to 2,600' on outbound course, right within 25 miles or as directed by ATC make immediate left turn climb to 2,400' on outbound course of 263° then climb to 2,700' within 25 miles. Contact M-L TV tower located 3.2 miles S of apt. When TV tower not visible on take-off, climb to 2,100' M-L prior to turning toward tower.

4. The very high frequency omnirange procedures prescribed in § 609.15 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet above mean sea level. If a VOR instrument approach is conducted at the following airport, it shall be in accordance with the following instrument approach procedure, unless a different procedure is authorized by the Administrator for Civil Aeronautics for each airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility, class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—side of final approach course, outbound and inbound; altitudes, limiting distances	Minimum altitudes (height above touchdown)	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10
DES MOINES, IOWA. Des Moines Mun. VOR Identification DSM Procedure No. 1 January 11, 1954	Des Moines LFR	173—4.2	2,100	E side of course, 15° outbound, 345° inbound 2,100' within 15 miles.	3rd-1 5th-1½	T-din C-din 8-din A-din	300-1 500-1 800-2	300-1 500-1 800-2	Within 6.2 miles, immediately turn left, climb to 2,600' on outbound course, right within 25 miles or as directed by ATC make immediate left turn climb to 2,400' on outbound course of 263° then climb to 2,700' within 25 miles. Contact M-L TV tower located 3.2 miles S of apt. When TV tower not visible on take-off, climb to 2,100' M-L prior to turning toward tower.
	Martensdale FM (final)	009—5.0	1,600						

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-43; Filed, Jan. 8, 1954; 9:30 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and [redacted]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

SUBPART 10.05—PROFESSIONAL REQUIREMENTS FOR DECK OFFICERS' LICENSES (INSPECTED VESSELS)

EXAMINATION SUBJECTS FOR DECK OFFICERS OF OCEAN OR COASTWISE STEAM OR MOTOR VESSELS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR MOTORBOAT OPERATORS' LICENSES

Correction

In F. R. Doc. 53-10569, appearing at page 8620 of the issue for Tuesday, December 22, 1953, Subject 24 in Table 10.05-45 (b) should read: Seamanship.

Subchapter K—Marine Investigations and Suspension and Revocation Proceedings

[CGFR 53-57]

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

STATEMENTS OF POLICY AND REVIEW OF EXAMINER'S DECISION

A notice regarding proposed changes in the rules and regulations governing suspension and revocation was published in the FEDERAL REGISTER dated September 9, 1953, 18 F. R. 5434, as Items XV and XVI on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 29, 1953, in Washington, D. C. All comments submitted were considered and where practicable were incorporated into the rules and regulations.

The Commandant of the Coast Guard is required by R. S. 4403, as amended (46 U. S. C. 372), to superintend the administration of the steamboat inspection laws and produce a correct and uniform administration of the inspection laws, rules, and regulations. Section 3 (a) of the Administrative Procedure Act (5 U. S. C. 1002) provides that statements of general policy or interpretations formulated and adopted for the guidance of the public shall be published in the FEDERAL REGISTER. During recent months problems and questions have been raised regarding certain practices which the Coast Guard follows in conducting suspension and revocation proceedings. Therefore, the new regulations designated §§ 137.03-1 to 137.03-30, inclusive, and § 137.21-10 set forth statements of policy that the Coast Guard has followed and will follow in suspension and revocation proceedings affecting merchant mariners' licenses or certificates or documents. These rules cover offenses for which revocation of a license or a certificate or a document is mandatory; offenses for which revocation of a license or a certificate or a document is sought; maritime labor disputes; surrender of a license or a certificate or a document to avoid responding to charges; issuance of a new license or a certificate or a document in place of those surrendered or revoked; and a statement regarding evidence of wrongful possession of narcotics. These rules are based on Item XV of the agenda.

The amendment to § 137.09-75 (e) and the new regulations designated § 137.09-95 and §§ 137.12-1 to 137.12-15, inclusive, establish new procedures whereby the Commandant may initiate a review of suspension or revocation proceedings to correct those cases which present certain inequities against the persons charged. The existing regulations did not make any provision for a review of a Coast Guard examiner's initial decision in a case except when an appeal had been taken by the person charged; nor did they contain any requirement regarding the time within which the Commandant should direct the examiner's order to be reviewed. The revised regulations as set forth in this document establish procedures and authority whereby the Commandant may initiate a review of suspension and revocation proceedings. The use of a discretionary review by the Commandant will assist materially in obtaining uniformity of examiner's orders, as the facts of an individual case may admit, in such or similar types of cases which have been heard by different examiners in different parts of the country. The revised regulations are intended to permit the Commandant, upon his own motion or direction, to review those suspension and revocation proceedings in which the persons charged are found guilty and which are not appealed. These changes in the regulations are based on Item XVI of the agenda.

The rules designated §§ 137.03-1 to 137.03-30, inclusive, and § 137.21-10 are procedures and policies currently followed by the Coast Guard and shall be in effect on and after the date of publication of this document in the FEDERAL REGISTER. The other rules and regulations set forth in this document shall become effective thirty days after the date of publication of this document in the FEDERAL REGISTER.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate rules and regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed:

1. Part 137 is amended by adding a new Subpart 137.03, consisting of §§ 137.03-1 to 137.03-30, inclusive, reading as follows:

SUBPART 137.03—STATEMENTS OF POLICY

Sec.

137.03-1 Offenses for which revocation of licenses or documents is mandatory.
137.03-5 Offenses for which revocation of licenses or documents is sought.
137.03-10 Maritime labor disputes.
137.03-25 Surrender of license or document to avoid responding to charges.
137.03-30 Issuance of a new license or document in place of that revoked or surrendered.

AUTHORITY: §§ 137.03-1 to 137.03-30 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4450, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 239, 367, 50 U. S. C. App. 1275.

§ 137.03-1 *Offenses for which revocation of licenses or documents is mandatory.* Whenever the holder of a license, or certificate, or document is found guilty of misconduct by virtue of the possession, use, sale, or association with narcotic drugs, the examiner shall enter an order revoking all such licenses, certificates, or documents.

§ 137.03-5 *Offenses for which revocation of licenses or documents is sought.* It is the established policy of the Coast Guard to initiate administrative action looking to the revocation of licenses, or certificates, or documents of persons who are found guilty of offenses such as serious crimes of violence on shipboard or while ashore, sabotage, fraud in obtaining mariner's licenses or documents, smuggling of aliens into the United States, mutiny, malicious destruction of ship's property, serious cases of theft of ship's property or stores, criminal neglect of duty, misconduct resulting in loss of life or serious bodily injury, and other offenses involving moral turpitude. These are deemed offenses affecting the safety of life at sea, the welfare of seamen, and the protection of property aboard ship.

§ 137.03-10 *Maritime labor disputes.* Under no circumstances shall the statutory machinery of the Coast Guard be used for the purpose of favoring any party to a maritime, or other, labor controversy. However, if a situation is presented where a proper complaint in writing is lodged, the matter shall be thoroughly investigated and when a violation of existing statutes or regulations is indicated appropriate action shall be taken.

§ 137.03-25 *Surrender of license or document to avoid responding to charges.* When a mariner surrenders his license, or certificate, or document for the purpose of avoiding a hearing under R. S. 4450, as amended (46 U. S. C. 239), no authority will be given for reissuance of such license, or certificate, or document so surrendered. This policy shall not apply to those cases of voluntary surrender of licenses, or certificates, or documents by persons who have been mentally or physically incapacitated for other than drug or narcotic use, or addiction.

§ 137.03-30 *Issuance of a new license or document in place of that revoked or surrendered.* (a) Any person whose license, or certificate, or document has been revoked or surrendered for one or more of the offenses listed in or covered by § 137.03-1, § 137.03-5, or § 137.03-25 may, after three years from the date of such revocation or surrender file an application addressed to the Commandant (MVP), U. S. Coast Guard, Washington, D. C., requesting the issuance of a new license, or certificate, or document.

(b) Any person whose license, or certificate, or document has been revoked

or surrendered for an offense or offenses other than those listed in or covered by § 137.03–1, or § 137.03–5, may, after one year from the date of such revocation or surrender file an application addressed to the Commandant (MVP), U. S. Coast Guard, Washington, D. C., requesting the issuance of a new license, or certificate, or document.

(c) Every application submitted in accordance with paragraph (a) or (b) of this section will be referred to a special board appointed to consider such applications. This board will examine all the evidence submitted in support of the request and such other information, or evidence, as may, in the judgment of this board, be considered necessary. This board will submit its findings and recommendations to the Commandant for decision and final action.

(d) The decision and action of the Commandant on the application of any person requesting a new license, or certificate, or document shall be final.

2. Section 137.09–75 (e) is amended to read as follows:

§ 137.09–75 *Decision.* • • •

(e) In the absence of an appeal or review, as provided in Subparts 137.11 and 137.12, the decision of the examiner shall be final and binding on the person charged for all purposes.

3. Part 137 is amended by adding a new § 137.09–95 reading as follows:

§ 137.09–95 *Effect of decisions on appeal or review.* The decisions of the Commandant on appeals or review of examiners' decisions will be binding upon all examiners, and the principles and policies set forth in such decisions, where applicable, shall be followed by them.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4450, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 239, 367, 50 U. S. C. App. 1275)

4. Part 137 is amended by adding a new Subpart 137.12, consisting of §§ 137.12–1 to 137.12–15, inclusive, reading as follows:

SUBPART 137.12—REVIEW OF EXAMINERS' DECISIONS

Sec.
137.12–1 Review of examiners' decisions.
137.12–5 Record for decision on review.
137.12–10 Scope of review.
137.12–15 Commandant's order and decision.

AUTHORITY: §§ 137.12–1 to 137.12–15 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4450, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 239, 367, 50 U. S. C. App. 1275.

§ 137.12–1 *Review of examiners' decisions.* (a) Any decision of an examiner, in which there has been a guilty finding, may be called up for review by the Commandant on his own motion or direction, within sixty (60) days, after the decision is announced or has been made effective, whichever date is later. On occasion, such action may be taken upon recommendation of the District Commander within whose jurisdiction the decision of the examiner was announced. As used in the regulations in this part the phrase, "on his own motion" means by the Commandant's direction or order, without other procedural formality.

(b) The processes in effect with respect to the preparation and presentation of the record on appeals by merchant seamen, shall apply to the consideration of cases brought up on review by the Commandant.

§ 137.12–5 *Record for decision on review.* The transcript of testimony, together with all papers, exhibits, etc., filed in the proceedings before the examiner, shall constitute the exclusive record for consideration on review.

§ 137.12–10 *Scope of review.* (a) The review will be restricted to questions of law, fact, and policy.

(b) The Commandant may adopt in whole or in part the findings, conclusions, and basis therefor stated by the examiner, or he may make entirely new findings on the record. The Commandant may also remand the case to the examiner for further appropriate proceedings.

§ 137.12–15 *Commandant's order and decision.* (a) In no case will the review by the Commandant be followed by any order issued by him, or modification of any order of the examiner, having the effect of increasing the severity of the examiner's original order, nor will any other action be taken during or following such review which would place the person charged in any worse position than he would have been had no such review been made.

(b) The decision of the Commandant, on review, shall be final.

5. Part 137 is amended by adding a new § 137.21–10 reading as follows:

§ 137.21–10 *Evidence of wrongful possession of narcotics.* In a hearing held under the regulations in this part on a charge of misconduct involving narcotics, whenever the person charged is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize the revocation of his license, or certificate, or document, unless the person charged proves the possession not to be wrongful to the satisfaction of the examiner.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4450, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 239, 367, 50 U. S. C. App. 1275)

Dated: January 4, 1954.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 54–155; Filed, Jan. 8, 1954; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10751]

PART 1—PRACTICE AND PROCEDURE

PART 13—COMMERCIAL RADIO OPERATORS

DISCONTINUANCE OF ISSUANCE OF AIRCRAFT RADIOTELEPHONE OPERATOR AUTHORIZATION

In the matter of discontinuance of issuance of Aircraft Radiotelephone Operator Authorization and amendments of Parts 0, 1 and 13 of the Commission's rules; Docket No. 10751.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of December 1953;

The Commission having under consideration amendments of Parts 1 and 13 of the Commission's rules so as to discontinue the issuance of the Aircraft Radiotelephone Operator Authorization; and

It appearing, that the Commission, on November 12, 1953, adopted a notice of proposed rule-making which included this matter and which was published in the FEDERAL REGISTER on November 20, 1953, in accordance with section 4 (a) of the Administrative Procedures Act; and

It further appearing, that the period in which interested persons were afforded an opportunity to submit comments with respect thereto has now expired; and

It further appearing, that upon discontinuing the issuance of the Aircraft Radiotelephone Operator Authorization it will be necessary for persons desiring equivalent operating authority to obtain a Restricted Radiotelephone Operator Permit, and that such Permit is obtainable only from Commission Field Offices; and

It further appearing, that there was one comment to the effect that where the Restricted Radiotelephone Operator Permit has to be obtained by mail the resultant delay will discourage a student aircraft pilot who is ready for solo flight from continuing with instruction at a radio-controlled airport; and

It further appearing, that in view of the more expeditious procedure adopted for the issuance of the Restricted Radiotelephone Operator Permit such operator permit may normally be obtained during the course of instruction; that it is reasonable to expect candidates to file application for such permit a sufficient time in advance of the need therefor to avoid interruption of flight training; and

It further appearing, that the public interest, convenience and necessity will be served by the amendments herein ordered and that authority therefor is contained in sections 4 (i), 303 (l) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective February 1, 1954, Parts 1 and 13 of the Commission's rules are amended without further

proceedings in the particulars set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

1. Section 1.329 (a) is amended, effective February 1, 1954, to read as follows:

§ 1.329 *Application for radio operator license.* (a) Application for a new, renewed, replacement or duplicate commercial radio operator license or for an endorsement thereon, or for a verification card, shall be filed on FCC Form No. 756, entitled "Application for Commercial Radio Operator License or Permit": *Provided*, That application for a new restricted radiotelephone operator permit may be filed on FCC Form No. 753–1, entitled "Application for Restricted Radiotelephone Operator Permit by Declaration".

2. Section 13.2 (c) (ii) is amended, effective February 1, 1954, by adding the following footnote:

"By Commission order dated December 30, 1953, and effective February 1, 1954, issuance of the Aircraft Radiotelephone Operator Authorization was discontinued. Outstanding licenses of this class remain valid until expiration according to the respective terms thereof.

[F. R. Doc. 54–157; Filed, Jan. 8, 1954; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

ORDER PERMITTING THE KILLING OF WATERFOWL OR COOT IN AGRICULTURAL AREAS OF CALIFORNIA

Pursuant to the authority conferred upon me by the order of the Acting Secretary of the Interior dated December 31, 1953, I have determined that the numbers of coot and widgeon now present and likely to continue to be present in particular communities in California are such as to constitute a serious threat to agricultural crops through depredations by these species. Accordingly, an emergency is found to exist and, to protect crops which are threatened by such migratory birds, the killing of such coot and widgeon as are found damaging crops in the areas described below is hereby permitted, beginning January 11, 1954, and continuing until formally terminated but in any event not beyond April 15, 1954; such killing to be conducted in compliance with applicable State law and subject to the following terms, conditions, and restrictions:

1. Coot may be killed in the counties of Butte, Colusa, Contra Costa, Fresno, Glenn, Imperial, Kern, Kings, Madera, Marin, Los Angeles, Orange, Ventura, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, Tulare, Yolo, and Yuba.

2. Widgeon may be killed in Imperial County only.

3. Method of killing: Coot and widgeon may be taken by shooting with bow and arrow, or shotgun not larger than No. 10 gage fired from the shoulder.

4. Disposition of coot or widgeon taken: Such birds as are killed under the provisions of this order may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter. They may be used as food for personal use within the State of California and they may be donated to hospitals and other charitable institutions within the State for use as food, but they may not be possessed by or served as food in any restaurant, club, or other public or private eating establishment. No carcasses of birds killed hereunder may be possessed under any circumstances beyond April 20, 1954.

Dated: January 6, 1954.

JOHN L. FARLEY,
Director.

[F. R. Doc. 54–156; Filed, Jan. 8, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

FEDERAL POWER COMMISSION

[18 CFR Part 201]

[Docket No. R–130]

UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

GAS STORED UNDERGROUND

DECEMBER 29, 1953.

In the matter of amendment of § 201.134, Part 201, Uniform System of Accounts for Natural Gas Companies, of the Commission's general rules and regulations, relating to Accounting for Inventories of Natural Gas Stored Underground.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 201 of the Commission's general rules and regulations (18 CFR, Chapter I, Subchapter F, Part 201, § 201.134) entitled "Uniform System of Accounts for Natural Gas Companies" by substituting for the existing paragraph (b) and related Notes B–1 through B–5 of § 201.134 thereof the following amended paragraph (b), with Notes B–1 and B–2 relating thereto:

§ 201.134 *Gas stored underground.* • • •

(b) Gas utilized for storage during the year (commencing January 1, 1954) shall be priced at cost of purchase or production at the entry point of such gas into the utility's system, plus cost of transmission to the underground storage area and cost of storing the gas underground. Cost of transmitting gas to the storage area shall include applicable portions of transmission operation and maintenance expenses, depreciation, rents, ad valorem and other taxes except income taxes, attributable to the facilities utilized, but shall not include any amounts for return on investment or income taxes related to such return. Such transmission costs shall be determined monthly on the basis of the proportionate Mcf volumes of gas for storage and other purposes, transported through the facilities utilized in moving gas to the storage area. (As here used transmission cost includes cost of gathering where applicable.) Cost of storing gas underground shall include applicable portions of the storage project operations and maintenance expenses, depreciation, rents, ad valorem and other taxes except income taxes, attributable to the storage facilities, but shall not include any amounts for return on investment or income taxes related to such return. Such storage costs shall be determined monthly by allocation of total storage expenses on the basis of the proportionate Mcf volumes delivered to and withdrawn from storage during the month.

NOTE B–1. Where assumptions are necessary as to the source of gas delivered to underground storage, such assumptions shall be observed consistently from year to year in harmony with over-all system operations and the transmission costs attributed to such gas shall be consistent with the assumed source of the gas and its most direct routing to the storage area. If gas stored is from the utility's own production, or assumed to be, production costs attributable to gas stored shall be determined monthly by allocations based on Mcf volumes, for production and gathering operation and maintenance expenses, gas well royalties, rents, depreciation and depletion, ad valorem and other taxes except income taxes, of the particular production area, but shall not include any amounts for return on investment or income taxes related to such return.

NOTE B–2. The provisions of this instruction and the related footnotes shall not be construed as permitting or authorizing a restatement of amounts at which stored gas inventories are stated in the utility's accounts.

3. The change proposed in paragraph 2 above is for the purpose of modifying the existing instructions relative to the cost components to be included in the pricing of inventories of gas stored underground. The existing instructions require that transmission expenses incurred in moving gas to the storage area and the expenses of storage facilities shall not be included in the inventory of gas except as may be authorized by the Commission. The proposed amendment will eliminate the necessity for individual applications for such Commission authorization by directing that gas utilized for storage shall be priced at the cost of purchase or production at the entry point of such gas into the utility's system, plus the cost of transmission to the underground storage area and the cost of storing the gas underground. The proposed change is necessary to secure uniformity in the pricing of inven-

tories of gas stored underground, and will aid in the effective administration of the Natural Gas Act.

4. The amendment to the Commission's general rules and regulations as herein described is proposed to be issued under authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly section 8 (a) thereof (52 Stat. 833; 15 U. S. C. 717w).

5. Any interested person may submit, in writing, on or before the 5th day of February 1954, to the Federal Power Commission, Washington, D. C., data, views and comments concerning the proposed amendment. The Commission will consider these written submittals before acting upon the proposed amendment.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-151; Filed, Jan. 8, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72–74, 77, 78]

[Notice No. 13, Docket 3666]

REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

The Commission is in receipt of applications for early amendment of the above entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code and Part II of the Interstate Commerce Act.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix, hereof.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] GEORGE W. LAIRD, *Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F. R. 8263, 8264, 8265, 8267, 8268, 8269, 8270, 8271, 8272, 8273, Dec. 2, 1950) (18 F. R. 3133, June 2, 1953) (18 F. R. 6776, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail expr
Change				
*Aluminum, metallic, powdered	F. S.	73.153, 73.154	Yellow	100 pounds.
Aluminum nitrate	Oxy. M.	73.153, 73.182	do	Do.
*Aluminum scrap (borings, chunks, clippings, shavings, sheets, or turnings).	F. S.	73.153, 73.220	do	Do.
Ammonium nitrate	Oxy. M	73.153, 73.182	do	Do.
Ammonium nitrate (fertilizer grade)	Oxy. M.	73.153, 73.182	do	Do.
Barium nitrate	Oxy. M.	73.153, 73.182	do	Do.
Calcium nitrate	Oxy. M.	73.153, 73.182	do	Do.
@Carbon dioxide liquefied	Nonf. G.	73 302, 73.308	Green	300 pounds.
Guanidine nitrate	Oxy. M	73 314, 73.315	Yellow	100 pounds
Lead nitrate	Oxy. M.	73 153, 73 182	do	Do.
@Liquefied carbon dioxide. *See* Carbon dioxide, liquefied.		73.153, 73.182		
Magnesium nitrate	Oxy. M.	73.153, 73 182	do	Do
Nitrates, n. o. s	Oxy. M.	73.153, 73.182	do	Do.
Nitrate of ammonia fertilizer. *See* Ammonium nitrate (fertilizer grade).				
Nitrate of soda and potash	Oxy. M	73 153, 73.182	do	Do.
Nitro carbo nitrate	Oxy. M.	73.153, 73.182	do	Do.
Potassium nitrate	Oxy. M	73.153, 73.182	do	Do.
Potassium nitrate mixed (fused) with sodium nitrite.	Oxy. M.	73.153, 73.183		
Sodium nitrate	Oxy. M	73 153, 73 182	do	Do.
Sodium nitrite	Oxy. M	73 153, 73 154, 73.234	do	Do.
Sodium nitrite mixed (fused) with potassium nitrate.	Oxy. M	73.153, 73.183	do	Do.
Add				
Calcium ammonium nitrate	Oxy. M	73.153, 73.182	do	Do.
Calcium nitrate, limestone	Oxy. M	73.153, 73.182	do	Do.
4 Chloro-o-toluidine hydrochloride	Pois. B	No exemption, 73.362	Poison	1 quart.
Guided missiles with war heads. *See* Explosive projectiles				
Guided missiles without war heads. *See* Propellant explosive, class B.				
*Nitrate fertilizer mixture	Oxy. M	73.153, 73.182	Yellow	100 pounds.
Rocket heads. *See* Explosive projectiles				
Ship distress signals. *See* Special fireworks				
Silver nitrate	Oxy. M.	73.153, 73.182	do	Do.
War heads. *See* Explosive projectiles.				

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Add paragraph (e) to § 73.22 (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.22, 1950 Rev.) to read as follows:

§ 73.22 *Specification containers prescribed.* • • •

(e) Spec. 5G metal drums manufactured prior to (effective date of Ord. 13) may be continued in service until further order of the Commission.

2. Amend § 73.33 paragraphs (k) (3), (m) (6), and (o) (3) (15 F. R. 8281, 8282, Dec. 2, 1950) (17 F. R. 7280, Aug. 9, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.33) to read as follows:

§ 73.33 *Qualification, maintenance, and use of cargo tanks.* • • •

(k) • • •

(3) The tank shall be inspected for corroded areas, bad dents, or other conditions, including leakage under test pressure, which indicate weakness that might render the tank unsafe for transportation service, and shall be rejected if evidence of any such unsafe condition is discovered.

• • • • •

(m) • • •

(6) All piping, valves, and fittings on every tank motor vehicle shall be proved free from leaks at not less than the design working pressure for the tank. This condition will be considered to have been met when such piping, valves, and fittings have been tested for leakage with gas or air after installation and proved tight at not less than the design working pressure marked on the cargo tank with which they are used. In the event of replacement, all such piping, valves, or fittings so replaced shall be tested in accordance with the requirements of this section before the tank is returned to transportation service. The requirements of this section shall apply with equal force to all hose used on such tanks, except that such hose may be so tested either before or after installation on the tank.

• • • • •

(o) • • •

(3) Filling and discharge lines shall be provided with a shut-off valve located as close to the tank as is practicable, except where an automatic quick-closing internal valve or an automatic shut-off valve is used, in which case a manually operated shut-off valve shall be located anywhere in the line ahead of the hose connection.

NOTE 1: The use of so-called "Stop-Check" or excess flow valves to satisfy with one valve the requirements of this rule and paragraph (o) of this section is forbidden.

• • • • •

3. Amend § 73.34 introductory text of paragraph (k) (17 F. R. 4293, May 10, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.34) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* • • •

(k) The tests prescribed by paragraph (j) of this section must be (for exceptions see subparagraphs (1) to (12) of this paragraph):

• • • • •

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.53 paragraphs (g) and (k) (15 F. R. 8285, Dec. 2, 1950) (18 F. R. 6777, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.53) to read as follows:

§ 73.53 *Definition of class A explosives.* • • •

(g) *Type 7.* Blasting caps (see Note 5) are small tubes, usually made of an alloy of either copper or aluminum, or of molded plastic, closed at one end and loaded with a charge of initiating or priming explosives, class A—Type 4, either with or without other suitable explosives. The total weight of explosives per unit shall not exceed 150 grains. Blasting caps (see Note 5) which have been provided with a means for firing by an electric current, and sealed, are known as electric blasting caps.

• • • • •

(k) *Explosive projectiles.* Explosive projectiles are shells, projectiles, guided missiles with war heads, war heads, or rocket heads, loaded with explosives or bursting charges, with or without other materials, for use in cannons, guns, tubes, mortars or other firing or launching devices.

• • • • •

2. Amend § 73.55 paragraph (a) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.55 1950 Rev.) to read as follows:

§ 73.55 *Ammunition, nonexplosive.* (a) Nonexplosive ammunition is devices containing no explosives, or other dangerous article, such as cartridge cases, dummy or drill cartridges; empty, sand-loaded or solid projectiles with or without tracers (containing not in excess of 12 grams of tracer composition), empty mines, empty bombs, solid projectiles, or empty torpedoes, and is exempt from Parts 71–78 of this chapter. Rotating bands should be protected against deformation by method of packing or loading.

3. Amend § 73.88 paragraph (e) (1) (18 F. R. 6777, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.88) to read as follows:

§ 73.88 *Definition of class B explosives.* • • •

(e) • • •

(1) Igniters, jet thrust, are devices consisting of an electrically operated or remotely controlled igniting element and a fast-burning composition assembled in a unit for use in igniting the propelling charge of jet thrust units.

• • • • •

4. Amend § 73.93 heading and introductory text of paragraph (a); add paragraphs (a) (11) and (a) (12) (17 F. R. 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.93) to read as follows:

§ 73.93 *Propellant explosives for cannon, small arms, rockets, guided missiles, or other devices.* (a) Propellant explosives for cannon, small arms, rockets, guided missiles, or other devices, when offered for transportation by carriers by rail freight, highway, or water must be packed in containers complying with the following specifications (see paragraph (f) (1) and (f) (2) of this section and § 75.675 of this chapter for shipments by rail express):

• • • • •

(11) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes, not lined, authorized only for grains not less than 1-inch in diameter or 3 inches in length, provided such grains are tightly packed and are coated with a protective material. Gross weight not to exceed 200 pounds.

(12) Propellant explosives packed in any manner other than as specifically provided for in this paragraph must be in containers approved by the Bureau of Explosives.

• • • • •

5. Amend § 73.105 paragraphs (a) and (b) (15 F. R. 8296, Dec. 2, 1950) (49 CFR 73.105, 1950 Rev.) to read as follows:

§ 73.105 *Percussion, tracer, combination, time fuzes and tracers.* (a) Percussion, tracer, combination, time fuzes and tracers must be packed in strong, tight, outside wooden boxes or spec. 23F (§ 78.214 of this chapter) fiberboard boxes, with special provision for securing individual packages of fuzes or tracers against movement in the box.

(b) The gross weight of one outside wooden box must not exceed 150 pounds, and the gross weight of one outside fiberboard box must not exceed 65 pounds.

• • • • •

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.119 paragraphs (a) (2), (a) (8) and (m) (4) (15 F. R. 8298, 8300, Dec. 2, 1950) (18 F. R. 5271, 5272, Sept. 1, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.119) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* (a) • • •

(2) Spec. 5, 5A, 5B, 5C, or 5M (§§ 78.80, 78.81, 78 82, 78 83, or 78.90 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

• • • • •

(8) Spec. 15A, 15B, 15C, 16A, 19A, or 19B (§§ 78.168, 78.169, 78.170, 78.185, 78.190, or 78.191 of this chapter). Wooden boxes with inside containers which must be metal pails, kits, or cans, not over 10 gallons each or inside glass or earthenware containers not over 1 gallon each, except that glass or earthenware containers up to 3 gallons each are authorized when only one inside container is packed in each outside container.

• • • • •

(m) • • •

(4) Spec. 5, 5A, 5B, 5C, 17C (single-trip), or 17E (single-trip) (§§ 78.80, 78.81, 78 82, 78.83, 78.115, or 78.116 of this chapter). Metal barrels or drums not over 15 gallons capacity. Authorized only for materials which will not react dangerously with the drum metal, or be decomposed by contact with it.

2. Amend § 73.127 paragraph (a) (1) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.127, 1950 Rev.) to read as follows:

§ 73.127 *Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet; colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, wet.* (a) • • •

(1) Containers, except cargo tanks or tank cars, as prescribed in § 73.119.

• • • • •

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend § 73.153 paragraph (b) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(b) Liquid or solid organic peroxides, except hydrogen peroxide (see § 73.244 (a)), acetyl benzoyl peroxide, solid, and benzoyl peroxide in strong outside containers having not over 1 pint or 1 pound net weight of the material in any one such package, having inside containers securely packed and cushioned with incombustible cushioning, are exempt from specification packaging, marking, and labeling requirements, unless otherwise provided, for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

• • • • •

2. Amend § 73.163 paragraph (a) (7) (16 F. R. 9374, Sept. 15, 1951) (49 CFR 1950 Rev., 1953 Supp., 73.163) to read as follows:

§ 73.163 *Chlorate of soda, chlorate of potash, and other chlorates.* (a) • • •

(7) Chlorate of soda is authorized for shipment in tank cars, spec. 103 or 103W (§§ 78.265 or 78.280 of this chapter), or in tight sift-proof covered hopper cars. Cars must be thoroughly cleaned before loading.

3. Amend entire § 73.182 (15 F. R. 8307, 8308, Dec. 2, 1950) (49 CFR 73.182, 1950 Rev.) to read as follows:

§ 73.182 *Nitrates.* (a) Aluminum nitrate, ammonium nitrate, ammonium nitrate (fertilizer grade), barium nitrate, calcium ammonium nitrate, calcium nitrate, guanidine nitrate, lead nitrate, magnesium nitrate, nitrates, n. o. s., nitrate fertilizer mixture,[1] nitrate of soda and potash, nitro carbo nitrate, potassium nitrate, silver nitrate, and sodium nitrate, when offered for transportation by rail freight, rail express, highway, or carriers by water shall be packed in containers as follows:

(1) Wooden or fiberboard boxes with glass, metal, or other strong inside containers; in metal or fiber drums; in kegs or barrels; or in strong metal cans. When so packed, they are exempt from specification packaging and labeling requirements.

(b) Aluminum nitrate, ammonium nitrate, ammonium nitrate (fertilizer grade), barium nitrate, calcium ammonium nitrate, calcium nitrate, guanidine nitrate, nitrate fertilizer mixture,[1] nitrate of soda and potash, potassium nitrate, and sodium nitrate, when offered for transportation by rail freight, rail express, highway, or carriers by water, in addition to containers prescribed in paragraph (a) of this section, may be packed as follows:

[1] Applies only to materials classed as dangerous under definition in § 73.150.

(1) In bulk in tight closed freight cars which shall be free of loose boards, cracks, holes, or exposed decayed spots; interior of cars must be swept clean, doors of cars must have tight closure; journals and boxes must be in good condition; and ammonium nitrate, ammonium nitrate (fertilizer grade), or guanidine nitrate must not be shipped in all-metal cars.

(2) In bulk in siftproof closed or open type motor vehicles which must be swept clean.

(3) In bulk on cargo vessels subject to the Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146).

(4) In bags not exceeding 200 pounds net weight, moisture-proof, made tight against sifting, and of strength capable of withstanding at least 2 drops from a height of 4 feet so as to strike on a flat concrete surface without failure, when filled as for shipment. Calcium ammonium nitrate, calcium nitrate, sodium nitrate, or nitrate of soda and potash when so packed are exempt from labeling requirements. Rail shipments must be in clean closed cars which shall be free of loose boards, cracks, holes, or exposed decayed spots; interior of cars must be swept clean and be free of any projections capable of injuring bags; doors of cars must have tight closures; journals and boxes must be in good condition; and ammonium nitrate, ammonium nitrate (fertilizer grade), or guanidine nitrate must not be shipped in all-metal cars (see also § 74.541 (a) (1) of this chapter). Highway shipments must be in closed or open type motor vehicles which must be swept clean and be free of any projections capable of injuring bags; and when shipped in open type motor vehicles the lading shall be suitably covered (see also § 77.823 (a) (4) and (a) (5) of this chapter). Water shipments are also subject to Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146).

4. Amend entire § 73.183 (15 F. R. 8308, Dec. 2, 1950) (18 F. R. 3135, June 2, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.183) to read as follows:

§ 73.183 *Potassium nitrate mixed (fused) with sodium nitrite.* (a) Potassium nitrate mixed (fused) with sodium nitrite must be packed in containers as follows:

(1) In containers as prescribed in § 73.182 (a).

(2) Spec. 103–W (§ 78.280 of this chapter). Tank cars specially designed, equipped and approved for this service without bottom discharge outlet and with heavier plate thicknesses than the minimum prescribed for cars built under this specification. For specification 103–W tank cars made of plates having the minimum prescribed thicknesses, internal reinforcement of the upper sheets of tank in the region of the dome and reinforcing plates attached to the bottom sheet of the tank which rests on bolsters is required, and these tanks must be equipped with baffle plates. Heater pipes must be of welded construction designed for a test pressure of 500 pounds per square inch. A 1-inch woven asbestos lining must be placed between bolster slabbing and bottom of tank to prevent heat transmission. Safety vents of the frangible disc type may be used and if used the frangible discs must be perforated with ⅛ inch hole. If safety valves are used, a vacuum relief valve must be installed on the dome. Tanks must be stenciled on both sides "Fused Potassium Nitrate and Sodium Nitrite Only".

5. Amend § 73.201 heading and introductory text of paragraph (a), (a) (8) and amend entire paragraph (b) (16 F. R. 5324, June 6, 1951) (49 CFR 1950 Rev., 1953 Supp., 73.201) to read as follows:

§ 73.201 *Rubber scrap, rubber buffings, reclaimed rubber, or regenerated rubber.* (a) Rubber scrap, if ground, powdered, or pulverized, and the rubber content of which exceeds 45 percent, as determined by subtracting the sum of the percentage of ash and the percentage of acetone extract from 100; rubber buffings from any grade of rubber, irrespective of the percentage of rubber content; and reclaimed rubber or regenerated rubber, must be packed in specification containers as follows (see paragraph (b) of this section):

• • • • •

(8) Spec. 36A, 36B, 36C, 44B, or 44E (§§ 78.230, 78.233, 78.234, 78.236, or 78.239 of this chapter). Bags.

(b) Rubber scrap, reclaimed rubber, or regenerated rubber are not subject to Parts 71–78 of this chapter if shipped in the following forms:

(1) Rubber scrap, not ground or ground with cord or fabric insertion, or ground without cord or fabric insertion the particles of which pass over a screen of not less than 5-mesh.

(2) Reclaimed rubber or regenerated rubber when in the form of dense homogeneous nonporous sheets or rolls, the sheets of thickness of ⅛ inch or greater, packed flat or in rolls, or in pelletized form if not less than ¼ inch in diameter, or ground, the particles of which pass over a screen of not less than 5-mesh, all properly cooled before shipment.

(3) Rubber scrap, reclaimed rubber, or regenerated rubber in any form when shipped in covered steel hopper cars, tank cars, or tank or hopper trucks.

6. Amend § 73.206 heading and introductory text of paragraph (a) (18 F. R. 6778, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.206) to read as follows:

§ 73.206 *Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.* (a) Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride, must be packed in specification containers as follows:

• • • • •

7. Amend § 73.217 paragraph (b) (17 F. R. 1561, Feb. 20, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.217) to read as follows:

§ 73.217 *Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.* • • •

(b) Strong outside wooden or fiberboard packages containing inside containers of glass or metal not over five pounds capacity each, except that metal inside containers not over seven and one-half pounds capacity each are authorized for material in tablet form only, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway. When for transportation by water, strong wooden or fiberboard packages containing inside containers of metal not over five pounds capacity each are exempt from specification packaging only.

8. Add § 73.234 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.234, 1950 Rev.) to read as follows:

§ 73.234 *Sodium nitrite.* (a) Sodium nitrite must be packed in specification containers as follows:

(1) In containers as prescribed in § 73.154.

(2) Spec. 44C (§ 78.237 of this chapter). Multi-wall paper bags constructed of at least 5 thicknesses of heavy duty shipping sack Kraft paper, or equivalent, with a minimum total basis weight of 320 pounds including a polyethylene, or other suitable pliable plastic material, inner sheet having a minimum basis weight of 20 pounds. All closures must be of such design as to provide a moisture-resistant package when closed for shipment. Net weight not over 100 pounds each. Authorized for carload or truckload shipments only.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.244 paragraph (a) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.244, 1950 Rev.) to read as follows:

§ 73.244 *Exemptions for acids and other corrosive liquids.* (a) Acids and other corrosive liquids, except those enumerated in paragraph (c) of this section, in inside bottles having a capacity not over 1 pound or 16 ounces by volume each inclosed in a metal can in the outside container are exempt from specification packaging, marking, and labeling requirements unless otherwise provided, for transportation by rail freight or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements, unless otherwise provided.

• • • • •

2. Add paragraph (a) (14) to § 73.245 (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.245, 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • • •

(14) Spec. 17C, 17E, or 17F (§§ 78.115, 78.116, or 78.117 of this chapter). Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter.

3. Amend § 73.249 paragraphs (a) (4) and (b) (3) (15 F. R. 8314, Dec. 2, 1950) (18 F. R. 803, Feb. 7, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.249) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids.* (a) • • •

(4) Spec. 17H (§ 78.118 of this chapter). Metal drums (single-trip). Authorized only for liquid boiler compounds or liquid water treatment compounds.

• • • • •

(b) • • •

(3) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers not over 1 gallon each, or with metal cans not over 5 gallons each.

• • • • •

4. Amend § 73.276 paragraph (a) (3) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.276, 1950 Rev.) to read as follows:

§ 73.276 *Anhydrous hydrazine and hydrazine solution.* (a) • • •

(3) Spec. 5, 5A, 5C, or 17E (single-trip) (§§ 78.80, 78.81, 78.83, or 78.116 of this chapter). Metal barrels or drums which shall be of type 304 or 347 stainless steel, with openings not exceeding 2.3 inches in diameter.

5. Amend § 73.279 paragraph (a) (2) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.279, 1950 Rev.) to read as follows:

§ 73.379 *Anisoyl chloride.* (a) • • •

(2) Spec. 5 (§ 78.80 of this chapter). Metal barrels or drums of stainless steel only, with flanges for closures welded in place and having no openings exceeding 2.3 inches in diameter.

• • • • •

6. Amend § 73.289 paragraph (a) (6) (16 F. R. 11779, Nov. 21, 1951) (49 CFR 1950 Rev., 1953 Supp., 73.289) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(6) Spec. 5 (§ 78.80 of this chapter). Metal barrels or drums of stainless steel only, with flanges for closures welded in place and having no opening exceeding 2.3 inches in diameter.

• • • • •

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.302 paragraph (a) (5) (15 F. R. 8325, Dec. 2, 1950) (49 CFR 73.302, 1950 Rev.) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) • • •

(5) Foodstuffs or soaps in metal cans with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 105 pounds per square inch absolute at 70° F. or 140 pounds per square inch absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of contents at 70° F. or one and one-half times the pressure of the contents at 130° F., whichever is greater.

• • • • •

2. Amend § 73.304 Note 1 to paragraph (c) (15 F. R. 8325, Dec. 2, 1950) (49 CFR 73.304, 1950 Rev.) to read as follows:

§ 73.304 *Filling limits.* • • •

(c) • • •

NOTE 1: Because of the present emergency and until July 1, 1954, or until further order of the Commission, the requirements of paragraph (d) of this section are waived and ICC–3A and 3AA (§§ 78.36 and 78.37 of this chapter) cylinders may be charged with compressed gases, other than liquefied or dissolved gases, to a pressure 10 percent in excess of their marked service pressures.

• • • • •

3. Amend § 73.306 heading and introductory text of paragraph (a) and add paragraph (d) (15 F. R. 8325, 8326, Dec. 2, 1950) (49 CFR 73.306, 1950 Rev.) to read as follows:

§ 73.306 *Liquefied gases, except acetylene.* (a) Liquefied gases, except acetylene, for which charging requirements are not definitely prescribed in §§ 73.308 or 73.312, must be shipped subject to §§ 73.301 (a), (b), (c), (d), (e), (h), 73.303 (a), 73.304, 73.305, and 73.308 Note 12 in cylinders made under specification containers as follows:

• • • • •

(d) Mixtures containing compressed gas or gases which are nonpoisonous but which are flammable as determined by Bureau of Explosives' flammability test, as provided in § 73.300 (b) (2), (3), and (4), except that the material shall not have a flame flashback in the prescribed test, nor shall the flame be sustained at any degree of the valve opening, must be shipped in cylinders as prescribed in paragraph (a) of this section or in specification containers as follows:

Kind of gas	Maximum permitted filling density (see Note 12)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note and § 73.34 (a) to (c)
	Percent	
Anhydrous ammonia	54	ICC–4; ICC–3A480; ICC–3AA480; ICC–3A480X; ICC–4A480; ICC–4AA48; ICC–3.

• • • • • • •

5. Amend § 73.312 paragraph (c) (15 F. R. 8327, Dec. 2, 1950) (49 CFR 73.312, 1950 Rev.) to read as follows:

§ 73.312 *Liquefied petroleum gas.* • • •.

(c) Subject to § 73.304 (e), any filling density percentage prescribed in this section is authorized to be increased by 2 for liquefied petroleum gas in spec. 26 [1] or 3 [1] cylinders or in spec. 3A (§ 78.36 of this chapter) marked for 1800 pounds, or higher, service pressure.

6. In § 73.314 paragraph (a) Table, add the entry "Carbon dioxide, liquefied" and cancel the entry "Liquid carbon dioxide"; amend the entry "Liquid hydrocarbon gas" by inserting in its place the six related entries listed below. (17 F. R. 9838, Nov. 1, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.314) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
	Percent	
Carbon dioxide, liquefied	Note 10	ICC–105A500, 105A500W, 105A600, 105A600W, Note 11
Liquid hydrocarbon gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6	ICC–104A, 104A–W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 225 pounds per square inch at 105° F.).	do	ICC–105A300, 105A300W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 300 pounds per square inch at 105° F.).	do	ICC–105A400, 105A400W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 105° F.).	do	ICC–105A500, 105A500W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 130° F.).	do	ICC–106A500, 106A500X.
Liquid hydrocarbon gas (pressure not exceeding 450 pounds per square inch at 105° F.).	do	ICC–105A600, 105A600W, Note 9.

• • • • • •

7. In § 73.315 paragraph (a) (1) Table amend the entry "Carbon dioxide"; amend the entry "Anhydrous ammonia" in paragraph (h) Table; amend paragraph (i) (9) and paragraph (j) (1) (15 F. R. 8331, Dec. 2, 1950) (17 F. R. 9839, Nov. 1, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.315) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.*

(a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (psig)
Carbon dioxide, liquefied	See par. (e) of this section.	95	ICC-51, MC-330..	300; see Note 3.

• • • • • •

(h) • • •

Kind of gas	Permitted gauging device
Anhydrous ammonia.	Rotary tube; adjustable slip tube; fixed length dip tube.

• • • • • •

(i) • • •

(9) Additional restrictions as specified in Notes 1, 2, and 3 of this subparagraph apply to safety relief devices on tanks for carbon dioxide or nitrous oxide.

[No change in Notes 1, 2, and 3.]

• • • • • •

(j) • • •

(1) The containers shall comply with the construction requirements of one of the following pressure vessel codes and shall be marked to indicate compliance as specified in the code:

The 1952 Edition of the Unfired Pressure Vessel Code of the A. S. M. E., no revisions.
The 1950 Edition of the Unfired Pressure Vessel Code of the A. S. M. E., no revisions.
The 1949 Edition of the Unfired Pressure Vessel Code of the A. S. M. E.
The 1951 Edition of the joint Unfired Pressure Vessel Code of the A. P. I. and A. S. M. E., no revisions.
The 1943 Edition of the joint Unfired Pressure Vessel Code of the A. P. I. and A. S. M. E.

• • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.329 paragraph (b) (1) (16 F. R. 9378, Sept. 15, 1951) (49 CFR 1950 Rev., 1953 Supp., 73.329) to read as follows:

§ 73.329 *Bromacetone; chlorpicrin and methyl chloride mixtures.* • • •

(b) *Chlorpicrin and methyl chloride mixtures.* • • •

(1) Spec. 3A, 3AA, 3B, 3C, 3E, 4A, 4B, 4BA, or 4C (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.49, 78.50, 78.51, or 78.52 of this chapter) not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates (see § 73.25).

2. Amend § 73.345 introductory text of paragraph (a); amend paragraphs (b) (9), (b) (10), (b) (11), (b) (12) and (b) (13); add paragraph (b) (14) (15 F. R. 8334, Dec. 2, 1950) (16 F. R. 11779, Nov. 21, 1951) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.345) to read as follows:

§ 73.345 *Exemptions for poisonous liquids, class B.* (a) Poisonous liquids, class B, as defined in § 73.343, except those as enumerated in paragraph (b) of this section, or as provided for in § 73.359 (c), in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water are exempt from specification packaging, marking other than name of contents, and labeling requirements:

• • • • • •

(b) • • •

(9) Parathion and parathion mixtures containing more than 25 percent parathion by weight.

(10) Hexaethyl tetraphosphate and hexaethyl tetraphosphate mixtures containing more than 25 percent hexaethyl tetraphosphate by weight.

(11) Methyl parathion and methyl parathion mixtures containing more than 25 percent methyl parathion by weight.

(12) Tetraethyl dithio pyrophosphate and tetraethyl dithio pyrophosphate mixtures containing more than 25 percent tetraethyl dithio pyrophosphate by weight.

(13) Tetraethyl pyrophosphate and tetraethyl pyrophosphate mixtures containing more than 25 percent tetraethyl pyrophosphate by weight.

(14) Chloro-o-toluidine hydrochloride.

3. Add paragraph (a) (14) to § 73.346 (15 F. R. 8335, Dec. 2, 1950) (49 CFR 73.346, 1950 Rev.) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) • • •

(14) Spec. 12B (§278.205 of this chapter). Fiberboard boxes with not more than one inside glass container of not over 1 gallon capacity, securely cushioned. Completed package, with glass container filled with water, when closed for shipment, must be capable of withstanding six four-foot drops onto solid concrete in the order bottom, four sides, and top without breakage.

4. Add paragraph (a) (8) to § 73.358 (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.358) to read as follows:

§ 73.358 *Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.* (a) • • •

(8) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than one inside glass container of not over 1 gallon capacity, securely cushioned. Completed package, with glass container filled with water, when closed for shipment, must be capable of withstanding six four-foot drops onto solid concrete in the order bottom, four sides, and top without breakage.

5. Add paragraphs (a) (9) and (b) (7) to § 73.359 (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.359) to read as follows:

§ 73.359 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.* (a) • • •

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than one inside glass container of not over 1 gallon capacity, securely cushioned. Completed package, with glass container filled with water, when closed for shipment, must be capable of withstanding six four-foot drops onto solid concrete in the order bottom, four sides, and top without breakage.

(b) • • •

(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than one inside glass container of not over 1 gallon capacity securely cushioned. Completed package, with glass container filled with water, when closed for shipment, must be capable of withstanding six four-foot drops onto solid concrete in the order bottom, four sides, and top without breakage.

6. Add § 73.362 (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.362, 1950 Rev.) to read as follows:

§ 73.362 *4 Chloro-o-toluidine hydrochloride.* (a) 4 Chloro-o-toluidine hydrochloride must be shipped in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with glass polyethylene, or equally efficient inside containers not over 1 quart capacity each, securely packed in a tightly closed metal container.

(2) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with glass, polyethylene, or equally efficient inside containers not over 1 quart capacity each. Glass containers must be securely packed in tightly closed metal containers.

(3) Spec. 17C or 17H (§§ 78.115 or 78.118 of this chapter). Metal drums (single-trip).

(4) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

7. Amend 73.364 introductory text of paragraph (a) (18 F. R. 804, Feb. 7, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.364) to read as follows:

§ 73.364 *Exemptions for poisonous solids, class B.* (a) Poisonous solids, class B, except beryllium metal powder; cyanides, other than as specified in § 73.370 (b) and (d); hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, other than as specified in § 73.377 (e); in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

• • • • •

8. Amend § 73.377 paragraph (a) (1) (16 F. R. 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1953 Supp., 73.377) to read as follows:

§ 73.377 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.* (a) • • •

(1) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter). Fiberboard boxes, with inside containers which must be metal or fiber cans not over 12 pounds capacity each, or paper bags, spec. 2D (§ 78.23 of this chapter), not over 12 pounds capacity each. Inside containers and the completed package must be capable of withstanding the tests prescribed in paragraphs (b), (c), and (d) of this section.

• • • • •

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend entire § 73.426 (15 F. R. 8343, Dec. 2, 1950) (49 CFR 73.426, 1950 Rev.) to read as follows:

§ 73.426 *Cars containing lading which has been fumigated or treated with flammable liquids, flammable gases, poisonous liquids or solids, or poisonous gases.* (a) Delivery to carrier of cars containing lading fumigated or treated with flammable liquid or flammable gas is prohibited until 48 hours have elapsed after such fumigation or treatment.

(b) Cars containing lading which has been fumigated or treated with poisonous liquid, solid, or gas, such as carbolic acid, liquid or solid, chlorpicrin, hydrocyanic acid, methyl bromide, etc., must be placarded on each door or near thereto with placard reading as follows (for cleaning cars, see § 74.566 of this chapter):

(Reduced size)
(Red lettering on white cardboard)

8 inches — 10 inches

DANGER

The lading of this car has been FUMIGATED or TREATED with

(Name of poisonous liquid, solid, or gas)

BEFORE UNLOADING, open both doors and DO NOT ENTER until car is free of gas. REMOVE ALL POISONOUS MATERIAL before release of empty car.

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CAR; LOADING PACKAGES INTO CARS

1. Amend § 74.532 paragraph (k) (15 F. R. 8348, Dec. 2, 1950) (49 CFR 74.532, 1950 Rev.) to read as follows:

§ 74.532 *Loading other dangerous articles.* • • •

(k) Ammonium nitrate, ammonium nitrate (fertilizer grade), and guanidine nitrate: Ammonium nitrate, ammonium nitrate (fertilizer grade), and guanidine nitrate in bags must be loaded in all wood box cars, or wooden box cars with steel roofs, or steel box cars with wooden floors. Only clean cars must be used and must be free of any projections that would injure bags.

• • • • •

2. Amend § 74.533 paragraph (a) (18 F. R. 3138, June 2, 1953) (49 CFR 1950 Rev., 1953 Supp., 74.533) to read as follows:

§ 74.533 *Truck bodies or trailers on flat cars.* (a) Truck bodies or trailers containing explosives, class B, explosives, class C, or other dangerous articles as provided in Parts 71–78 of this chapter must be of such design and loaded so that they will not rupture or become permanently distorted under conditions normally incident to transportation and must be so braced and stayed on the flat car that they cannot change position during transit. Packages of explosives and dangerous articles contained therein must be loaded and braced as provided by §§ 74.529, 74.530, and 74.532. Placards must be applied when prescribed by §§ 74.541 and 74.542.

• • • • •

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend § 74.538 paragraph (a) Chart, item (b) and item (11) vertical and horizontal columns by inserting the footnote "e" at the respective intersections; add footnote "e" to paragraph (a) Chart (15 F. R. 8349, Dec. 2, 1950) (49 CFR 74.538, 1950 Rev.) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

• Does not include nitro carbo nitrate which may be loaded, transported or stored with high explosives.

• • • • •

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend § 77.848 paragraph (a) Chart, item (b) and item (11) vertical and horizontal columns by inserting the footnote "e" at the respective intersections; add footnote "e" to paragraph (a) Chart (15 F. R. 8369, Dec. 2, 1950) (49 CFR 77.848, 1950 Rev.) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

• Does not include nitro carbo nitrate which may be loaded, transported or stored with high explosives.

• • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

Add paragraph (d) to § 78.11–3 and add Note 1 to paragraph (a) in § 78.11–4 (18 F. R. 805, Feb. 7, 1953) (49 CFR 1950 Rev., 1953 Supp., 78.11–3, 78.11–4) to read as follows:

§ 78.11 *Specification 1G; polyethylene carboys in wooden or glued plywood boxes.*

• • • • •

§ 78.11–3 *Polyethylene carboys.* • • •

(d) Polyethylene carboys formed by blow-molded process must comply with the requirements of § 78.10–3 and are not required to be tested as prescribed in paragraph (c) of this section.

§ 78.11–4 *Outside containers.* (a) • • •

NOTE 1: Vertical openings not exceeding ¾ inch in width and extending to within 3 inches of top or bottom on 2 opposite sides of box is permitted.

• • • • •

SUBPART C—SPECIFICATIONS FOR CYLINDERS

Add § 78.56 (15 F. R. 8419, Dec. 2, 1950) (49 CFR 78.56, 1950 Rev.) to read as follows:

§ 78.56 *Specification 4AA480; welded steel cylinders made of definitely prescribed steels.*

§ 78.56–1 *Compliance.* (a) Required in all details.

§ 78.56–2 *Type, size, and service pressure.* (a) Must be welded type, having not over 278 pounds nominal water capacity. Closures welded by spinning process not permitted.

(b) Service pressure 480 pounds per square inch.

§ 78.56–3 *Inspection by whom and where.* (a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

§ 78.56–4 *Duties of inspector.* (a) Inspect all material and reject any not complying with requirements of this specification. For cylinders made by the billet piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided*, That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with specification requirements including: markings; condition of inside; tests; threads; heat treatment. Obtain samples for all tests; check chemical analyses; witness all tests; report volumetric capacity, tare weight (see report form), and minimum thickness of wall noted.

(d) Render complete report (§ 78.56–21) to purchaser, cylinder maker, and the Bureau of Explosives.

§ 78.56–5 *Steel.* (a) The limiting chemical composition of steel authorized by this specification shall be as shown in § 78.56–20, table I.

§ 78.56–6 *Identification of material.* (a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with the heat number.

§ 78.56–7 *Defects.* (a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

§ 78.56–8 *Manufacture.* (a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Exposed bottom welds on cylinders over 18 inches long must be protected by foot-rings. Minimum thickness of heads and bottoms shall be not less than 90 percent of the required thickness of the side wall. Seams must be made as follows:

(b) Circumferential seams: By welding. Brazing is not authorized.

(c) Longitudinal seams: Not permitted.

§ 78.56–9 *Welding.* (a) The attachment to the tops and bottoms only of cylinders by welding of neckrings, foot-rings, bosses, pads, and valve protection rings is authorized provided that such attachments are made of weldable steel, the carbon content of which does not exceed 0.25 percent.

§ 78.56–10 *Wall thickness.* (a) For outside diameters over 5 inches the minimum wall thickness shall be 0.078 inch. In any case the minimum wall thickness shall be such that the calculated wall stress at minimum test pressure (§ 78.56–14) shall not exceed the lesser value of either of the following:

(1) One-half of the minimum tensile strength of the material determined as required in § 78.56–15, or,

(2) 35,000 pounds per square inch.

(b) Calculation must be made by the formula:

$$S=\frac{P\ (1.3D^2+0.4d^2)}{D^2-d^2}$$

S=wall stress in pounds per square inch;
P=minimum test pressure prescribed for water jacket test;
D=outside diameter in inches;
d=inside diameter in inches.

(c) Cylinders with wall thickness less than 0.100 inch, the ratio of tangential length to outside diameter shall not exceed 4.0.

§ 78.56–11 *Heat treatment.* (a) Each cylinder must be uniformly and properly heat treated prior to test. Any suitable heat treatment in excess of 1100° F., is authorized, except that liquid quenching is not permitted. Heat treatment must be accomplished after all forming and welding operations.

(b) Heat treatment is not required after welding weldable low carbon parts to attachments of similar material which have been previously welded to the top or bottom of cylinders and properly heat treated, provided such subsequent welding does not produce a temperature in excess of 400° F., in any part of the top or bottom material.

§ 78.56–12 *Openings in cylinders.* (a) All openings must be in the heads or bases.

(b) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by welding or by threads. If threads are used they must comply with the following:

(1) Threads must be clean-cut, even, without checks and cut to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads having at least 6 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gasket required, adequate to prevent leakage.

(c) Closure of fitting, boss or pad must be adequate to prevent leakage.

§ 78.56–13 *Safety devices and protection for valves, safety devices, and other connections, if applied.* (a) Must be as required by the Interstate Commerce Commission's Regulations that apply (see §§ 73.34 (f), 73.124 (a), and 73.301 (i) of this chapter).

§ 78.56–14 *Hydrostatic test.* (a) By water jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy of either 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat treatment and previous to the official test must not exceed 90 percent of the test pressure.

(c) Permanent volumetric expansion must not exceed 10 percent of the total volumetric expansion at test pressure.

(d) Cylinders must be tested as follows:

(1) Each cylinder, to at least 2 times service pressure.

(2) Or, 1 cylinder out of each lot of 200 or less; to at least 3 times service pressure. Others must be examined under pressure of 2 times service pressure and show no defect.

§ 78.56–15 *Physical test.* (a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from one cylinder having passed the hydrostatic test, or part thereof heat-treated as required, taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches, provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within one inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–46

(2) In using the "extension under load" method, the total strain (or "Extension under load"), corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain reference shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ½ inch per minute during yield strength determination.

§ 78.56–16 *Elongation.* (a) Physical test specimens must show at least 40 percent for 2-inch gauge length or at least 20 percent in other cases, except that these elongation percentages may be reduced numerically by 2 for 2-inch specimens and by 1 in other cases for each 7,500 pounds per square inch increment of tensile strength above 50,000 pounds per square inch to a maximum of four such increments.

§ 78.56–17 *Weld tests*—(a) *Reduced section tensile test.* A specimen shall be cut from the cylinder used for the physical tests specified in § 78.56–15. Specimen shall be taken across the seam, edges shall be parallel for a distance of approximately 2 inches on either side of the weld. The specimen must be fractured in tension. The breaking stress calculated on the parent metal area must be at least equal to two (2) times the stress calculated under § 78.56–10 (b). Should this specimen fail to meet the requirements, specimen may be taken from two additional cylinders from the same lot and tested. If either of the latter specimens fails to meet requirements, the entire lot represented shall be rejected.

(b) *Guided bend test.* A bend test specimen shall be cut from the cylinder used for the physical tests specified in § 78.56–15. Specimen shall be taken across the seam, shall be 1½ inches wide, edges shall be parallel and rounded with a file, and back-up strip, if used, shall be removed by machining. The specimen shall be bent to refusal in the guided bend test jig illustrated in § 78.56–22. The root of the weld (inside surface of the cylinder), shall be located away from the ram of the jig. No specimen shall show a crack or other open defect exceeding ⅛ inch in any direction upon completion of the test. Should this specimen fail to meet the requirements, specimens may be taken from each of two additional cylinders from the same lot and tested. If either of the latter specimens fails to meet requirements, the entire lot represented shall be rejected.

(c) *Alternate guided bend test.* An alternate guided bend test jig, as illustrated in § 78.56–23 (a) and (b), may be used for testing the soundness of fillet welded lap joints and joggle butt joints. The test specimen shall be bent across the weld as illustrated in sketch A or B for fillet welded lap joints and as illustrated in sketch C or D for joggle butt joints. The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gauge lines—a to b, shall be at least 20 percent; except that this percentage may be reduced for steels having a tensile strength in excess of 50,000 pounds per square inch, as provided in § 78.56–16. No tested specimens shall show a crack, or other defect, as specified in paragraph (b) of this section. The gauge lines be lightly scribed before bending. The amount of elongation may be conveniently determined with a Brinell microscope or any other suitable method may be employed.

§ 78.56–18 *Rejected cylinders.* (a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair of welded seams by welding is authorized.

§ 78.56–19 *Marking.* (a) Marking on each cylinder stamped as follows:

(1) ICC 4AA480.

(2) A serial number and an identifying symbol, both to be of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives. Duplications unauthorized.

(3) Inspector's official mark.

(4) Date of test (such as 1–54 for January 1954).

(5) Additional markings are permitted.

(b) Sequence of marks. Number shall be just below the ICC marking; identifying symbol shall be just below the number; inspector's official mark shall be near the serial number. Date of test shall be so placed that dates of subsequent test can easily be added. Symbol in front of or following the number with space between, or symbol and serial number stamped into welded valve spud directly above the ICC mark located on head of cylinder are also authorized. Other variations in sequence of marks authorized only when necessitated by lack of space.

(c) Location of markings. Markings may be stamped plainly and permanently in the following locations on the cylinder:

(1) On shoulders and top heads not less than 0.087 inch thick.

(2) On neck, valve boss, valve protection sleeve, or similar part permanently attached to top end of cylinder.

(3) On a plate attached to the top of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must be at least 1/16 inch thick and must be attached by welding, or by brazing at a temperature of at least 1,100° F., throughout all edges of the plate.

(4) Variations in location of markings authorized only when necessitated by lack of space.

(d) Size of marks. Space permitting, at least ¼ inch high.

§ 78.56–20 *Authorized steel.* (a) Open hearth or electric steel of uniform quality and of the following chemical analyses is authorized (see footnote 1):

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent			
	1315 [2]	NAX [2]	SCX [2]	4017 [2]
Carbon	0.10/0.20	0.20 max	0.20 max	0.13/0.20.
Manganese	1.10/1.65	0.45/0.75	0.60/1.00	0.75/1.10.
Phosphorus	0.04 max	0.045 max	0.045 max	0.04 max.
Sulfur	0.05 max	0.05 max	0.045 max	0.04 max.
Silicon	0.15/0.35	0.50/0.90	0.15/0.30	0.25/0.35.
Chromium		0.45/0.70	0.15/0.50	
Molybdenum			0.15/0.35	0.25/0.35.
Zirconium		0.05/0.25		
Copper	0.40 max		0.20/0.50	

[1] Heat of steel made under the above specification, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, section 10, dated June 1945 are not exceeded or are approved by the Bureau of Explosives.

[2] Addition of other elements to obtain alloying effect not authorized.

[3] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.

§ 78.56–21 *Inspector's report.* (a) Required to be clear, legible and in following form:

(Place) _____
(Date) _____

Steel gas cylinders

Manufactured for _____
Location at _____
Manufactured by _____
Location at _____
Consigned to _____
Location at _____
Quantity _____ Size _____ inches outside diameter by _____ inches long.
Marks stamped into the _____
_____
(Location of marking)
of the cylinder are:
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks _____

These cylinders were made by process of _____

The material used was type _____ authorized in table I of Spec. No. 4AA480.

The material used was identified by the following _____
(Heat-purchase order)
numbers _____.

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
(Were—were not)
marked on the material.

All material was inspected and all that was accepted was found free from seams, cracks, laminations and other injurious defects.

The compliance of cylinders with specification requirements was verified including markings, condition of inside, tests, threads, etc. All cylinders with defects which might prove injurious were rejected. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, tensile tests of material, and other tests as prescribed in specification ICC 4AA480 were made in the presence of the inspector and all cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

Each cylinder _____ been equipped
(Has—has not)
with safety devices as follows: _____
_____

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4AA480 except as follows:

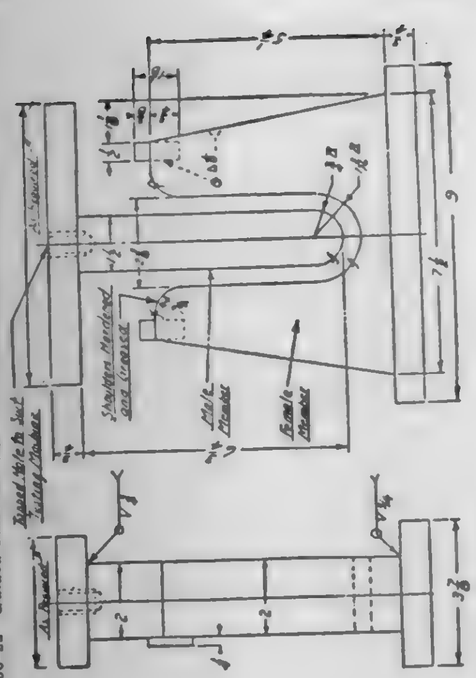
Exceptions _____
_____
(Manufacturer's name)
Signed _____
(Inspector)
By _____

(Place) _____
(Date) _____

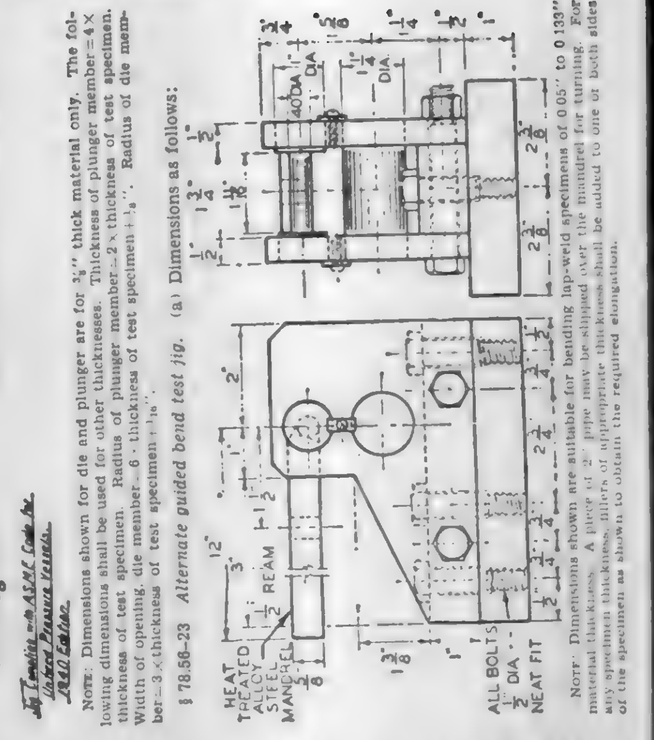
Record of Chemical Analysis of Steel for Cylinders

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

§ 78.56–22 *Guided bend test jig.* (a) Dimensions as follows:



(b) Dimensions as follows:



Note: Dimensions shown for die and plunger are for ⅜" thick material only. The following dimensions shall be used for other thicknesses. Thickness of plunger member = 4 × thickness of test specimen. Radius of plunger member = 2 × thickness of test specimen. Width of opening, die member = 6 × thickness of test specimen + 1/8". Radius of die member = 3 × thickness of test specimen + 1/16".

§ 78.56–23 *Alternate guided bend test jig.* (a) Dimensions as follows:

Note: Dimensions shown are suitable for bending lap-weld specimens of 0.05" to 0.133" material thickness. A piece of 2" pipe may be slipped over the mandrel for turning. For any specimen thickness, fillers of appropriate thickness shall be added to one or both sides of the specimen as shown to obtain the required elongation.

Chemical analysis[1]

Test No.	Heat No.	Check analysis No.	Cylinders represented (serial Nos.)	C	P	S	Si	Mn	Ni	Cr	Mo	Cu	Al	Zn
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Steel was manufactured by ---------- Company. The originals of the certified mill test reports are in the files of the manufacturer.

Note: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Chemical analyses were made by ----------

(Place) ----------

(Date) ----------

Record of Physical Tests of Material for Cylinders

Numbered ---------- to ---------- Inclusive.
Size ---------- inches outside diameter by ---------- inches long.
Made by ---------- Company
For ---------- Company

Test No.	Cylinders represented (serial Nos.)	Yield strength (pounds per square inch)	Tensile Strength (pounds per square inch)	Elongation (in 2 inches)	Reduction of area (percent)	Weld tensile test	Weld bend test
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....

(Signed) ----------

(Place) ----------

(Date) ----------

Record of Hydrostatic Tests on Cylinders

Numbered ---------- to ---------- Inclusive.
Size ---------- inches outside diameter by ---------- inches long
Made by ---------- Company
For ---------- Company

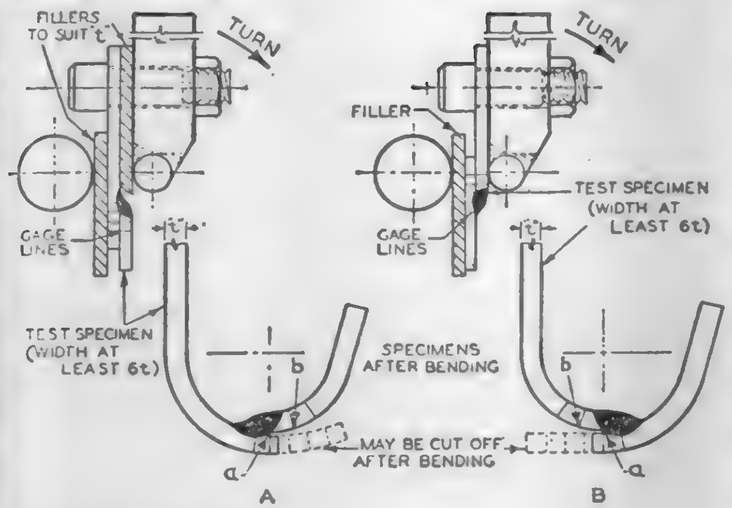
Serial Nos. of Cylinders tested arranged numerically	Actual test pressure (pounds per square inch)	Total expansion at test pressure (cubic centimeters)	Permanent expansion (cubic centimeters)	Permanent ratio of (preceding) expansion to total expansion	Tare weight (pounds)	Volumetric capacity[2]
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....

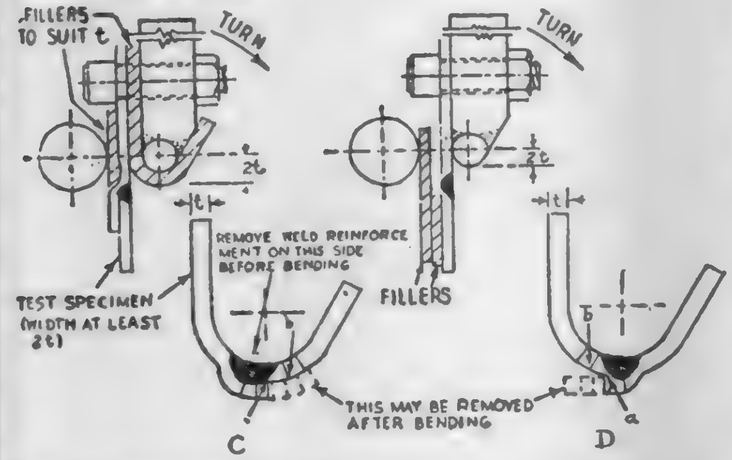
Note: When specifications require test for only 1 out of each lot of service cylinders, the check on them tests must be indicated by a notation hereon reading "Each cylinder was subjected to a pressure of ---------- pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the expansion data, with the calculations as made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed) ----------





SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Amend § 78.80–3 paragraph (a) and add paragraph (a) (3) to § 78.80–13 (15 F. R. 8432, 8433, Dec. 2, 1950) (49 CFR 78.80–3, 78.80–13, 1950 Rev.) to read as follows:

§ 78.80 *Specification 5; steel barrels or drums.*

• • • • •

§ 78.80–3 *Composition.* (a) Sheets for body and heads to be low carbon, open hearth or electric steel. Stainless steel, when used, must be, except for rolling hoops and chime reinforcement, an austenitic 18 and 8 chrome nickel alloy with carbon content not over 0.08 percent, or other equivalent grades.

§ 78.80–13 *Type tests.* (a) • • •

(3) Periodic drop and hydrostatic tests are not required when containers fabricated of stainless steel have satisfactorily withstood prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. In instances where manufacturers have suspended production for an interval of 12 months or more, drop and hydrostatic tests must be again conducted as prescribed in subparagraphs (1) and (2) as for original start of production.

2. Amend § 78.83–9 paragraph (d) (15 F. R. 8435, Dec. 2, 1950) (49 CFR 78.83–9, 1950 Rev.) to read as follows:

§ 78.83 *Specification 5C; steel barrels or drums.*

• • • • •

§ 78.83–9 *Closures.* • • •

(d) Openings over 2.3 inches not permitted. For containers over 15 gallons marked capacity, threads for plugs or caps exceeding ¾ inch standard pipe size must comply with the following:

(1) Eight (8) threads or less per inch, thread diameters and thread form must comply with the following drawing (other details on drawing are recommended), or

[Drawing remains unchanged.]

(2) Eleven and one-half (11½) threads per inch, standard pipe size.

3. Cancel entire § 78.86 (15 F. R. 8437, Dec. 2, 1950) (16 F. R. 9381, Sept. 15, 1951) (17 F. R. 7285, Aug. 9, 1952) (49 CFR 1950 Rev., 1953 Supp. 78.86).

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

Amend § 78.207–15 paragraphs (a) (1) and (a) (2) (15 F. R. 8478, Dec. 2, 1950) (49 CFR 78.207–15, 1950 Rev.) to read as follows:

§ 78.207 *Specification 12D; fiberboard boxes.*

• • • • •

§ 78.207–15 *Authorized gross weight and parts required.* (a) • • •

(1) For authorized gross weight not over 25 pounds, box must be constructed of at least 275-pound test corrugated fiberboard with liners and top and bottom pads, or a complete inner box, of same material.

(2) For authorized gross weight over 25 pounds but not exceeding 75 pounds, inside containers must be packed in boxes of at least 275-pound test corrugated fiberboard and these packages packed in an outside box of at least 350-pound test corrugated fiberboard.

SUBPART G—SPECIFICATIONS FOR BAGS, CLOTH, BURLAP OR PAPER

1. Add § 78.234 (15 F. R. 8482, Dec. 2, 1950) (49 CFR 78.234, 1950 Rev.) to read as follows:

§ 78.234 *Specification 36C; burlap bags, paper lined.*

§ 78.234–1 *Compliance.* (a) Required in all details.

§ 78.234–2 *Capacity.* (a) Not over 100 pounds, net.

§ 78.234–3 *Burlap.* (a) At least equal in quality and strength to 7½ ounce, 40 inch (7½/40) Calcutta A and/or B mill grade. Thread count at least 9 per 37/40 inch, porter, and 9 per inch, shot; this to be an average of 6 counts.

§ 78.234–4 *Paper.* (a) No. 1 Kraft, creped; at least 30 pounds per ream (480 sheets, 24" x 30") before creping.

NOTE 1: Because of the present emergency and until further order of the Commission, a ream may consist of 500 sheets.

§ 78.234–5 *Assembly.* (a) Burlap to be lined with 1 sheet of creped paper cemented to burlap.

(b) Adhesive between paper and burlap to be asphalt, any desirable type, at a minimum rate of 110 pounds per ream.

§ 78.234–6 *Stretch of paper lining.* (a) At least equal to that of burlap in direction of warp and fill and equal to 10 percent in diagonal direction.

§ 78.234–7 *Seams.* (a) By cementing or taping to give seam strength at least equal to that of bag material and prevent sifting.

§ 78.234–8 *Test.* (a) The finished container, filled and closed as for shipment, must be capable of withstanding drop test of 4 feet on the butt without sifting or rupture of burlap liners.

§ 78.234–9 *Marking.* (a) Marking on each container by marks at least 1" high as follows:

(1) ICC–36C: this mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of maker; located above or below the mark specified in subparagraph (1) of this paragraph; symbol (letters) authorized if registered with the Bureau of Explosives.

§ 78.234–10 *Closing for shipment.* (a) As specified for seams, § 78.234–7; or, by tying with 2 steel wires of at least No. 16 Birmingham wire gauge, or any other type of equal efficiency that will be sift-proof and insure equal strength to body of bag.

2. Add § 78.239 (15 F. R. 8483, Dec. 2, 1950) (49 CFR 78.239, 1950 Rev.) to read as follows:

§ 78.239 *Specification 44E; multiwall paper bags.*

§ 78.239–1 *Construction and capacity.* (a) Bags must be at least 3 thicknesses of paper; this must be heavy duty shipping sack Kraft paper No. 1, or equivalent, with a minimum total basis weight of 130 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water-resistant stock and at least 50 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of sewn and taped, cemented, taped, satchel bottom or other construction of equal efficiency to form a sift-proof and reasonably air-tight container. Authorized for not over 50 pounds net weight, except that bags having a minimum total basis weight of 160 pounds of paper (500 sheets, 24" x 36") with outer sheet of water-resistant stock and at least 60 pounds basis weight, inner sheets not less than 50 pounds basis weight, are authorized for not to exceed 100 pounds net weight of contents.

§ 78.239–2 *Mullen or Cady test.* (a) Mullen or Cady test of all Kraft paper used must be not less than 90 percent of basis weight. Laminated sheets of paper are to be considered as one thickness of paper.

§ 78.239–3 *Adhesive.* (a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

§ 78.239–4 *Closure.* (a) For all bags: Any closure for the top which is equal in efficiency to that of the bottom, is authorized.

§ 78.239–5 *Tests for shipment.* (a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

§ 78.239–6 *Marking.* (a) On each bag with letters and figures at least ½ inch high in rectangle as follows:

ICC–44E

(1) This mark shall be understood to certify bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in this paragraph; symbol (letters) authorized if registered with the Bureau of Explosives.

SUBPART H—SPECIFICATIONS FOR PORTABLE TANKS

Amend § 78.245–1 paragraph (a) (15 F. R. 8483, Dec. 2, 1950) (49 CFR 78.245–1, 1950 Rev.) to read as follows:

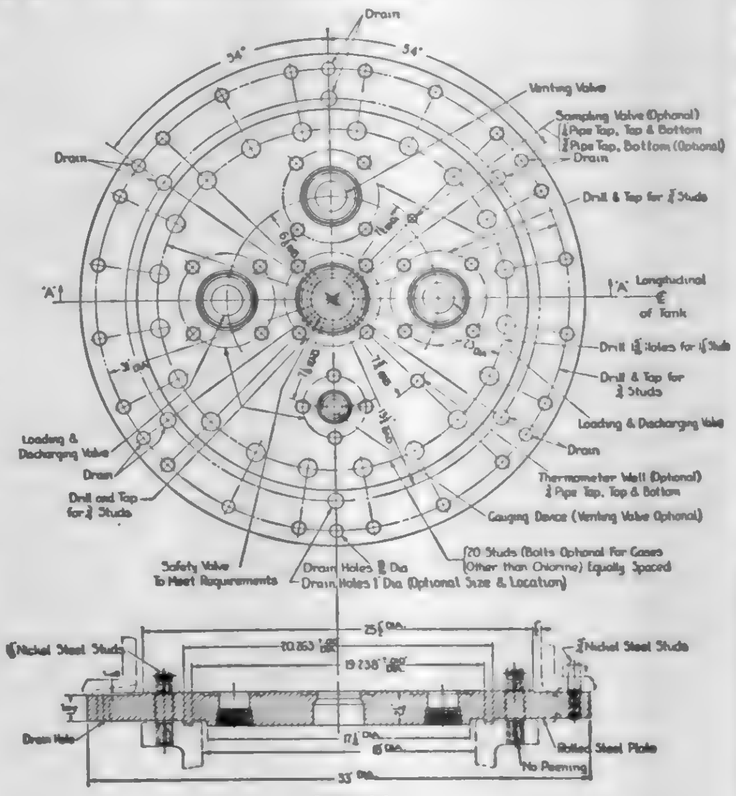
§ 78.245 *Specification 51; steel portable tanks.*

§ 78.245–1 *Requirements for design and construction.* (a) Tanks shall be of seamless or welded steel construction or combination of both and shall have in excess of 1,000 pounds water capacity. Fusion-welded tanks shall be fully radiographed and stress-relieved. Tanks shall be designed and constructed in accordance with and fulfill the requirements of (1) Par. U–68 or U–200 of Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1949 Edition; or (2) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1950 Edition; or (3) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1952 Edition; or (4) the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1943 Edition; or (5) the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1951 Edition; no revisions (any or all of which hereinafter referred to as "the Code").

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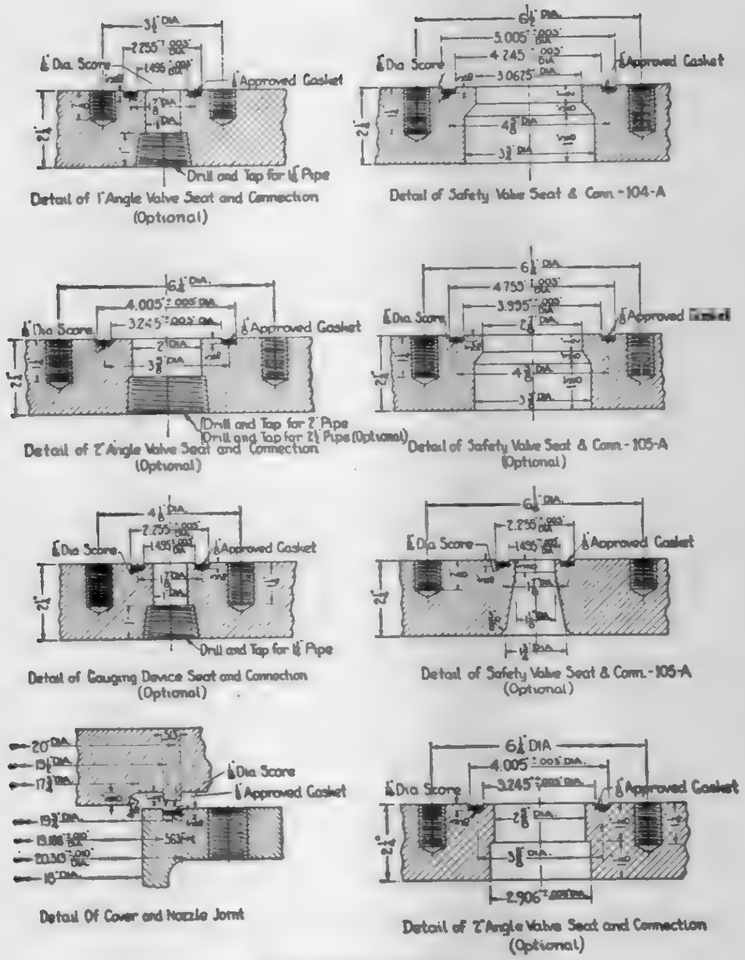
SUBPART I—SPECIFICATIONS FOR TANK CARS

Amend Figure 8 in Appendix C (15 F. R. 8533, 8534, Dec. 2, 1950) (49 CFR Figure 8, Appendix C, 1950 Rev.) as follows:



MANHOLE COVER FOR ICC 104A, ICC 104A-W, ICC-105-A SERIES AND ICC 105-A-W SERIES TANK CARS
Standard Dimensions and Tolerances

FIG-8 - REV. 1953



Detail of 1" Angle Valve Seat and Connection (Optional)

Detail of Safety Valve Seat & Conn - 104-A

Detail of 2" Angle Valve Seat and Connection (Optional)

Detail of Safety Valve Seat & Conn - 105-A (Optional)

Detail of Gauging Device Seat and Connection (Optional)

Detail of Safety Valve Seat & Conn. - 105-A (Optional)

Detail Of Cover and Nozzle Joint

Detail of 2" Angle Valve Seat and Connection (Optional)

STUD AND BOLT MATERIAL

MINIMUM PHYSICAL PROPERTIES

Tensile Strength---110,000psi Elongation in 2 inches---16 %
Yield Point -----100,000psi Reduction in Area-----50%

Impact Values at Minus 50°F:

Impact specimens shall be prepared and tested in accordance with ASTM Specification E-23 (current issue). The specimens a handling tongs shall be uniformly cooled to the test temperature for at least 30 minutes. The test shall be made within 8 seconds after removal from the cooling medium.

Charpy Keyhole Notch Test: Minimum impact value required for each one of set of three specimens----- 15 ft. lbs.

Section and paragraph	Reason for amendment
73.201, (a), (8) and (b)	To provide spec. 36C and 44E bags for the shipment of rubber scrap, rubber buffings, reclaimed rubber or regenerated rubber; to provide exemptions for the above commodities in certain forms.
73.206, (a)	To provide for the transportation of sodium potassium alloys.
73.317, (b)	To provide further exemption for calcium and lithium hypochlorite compounds, dry in tablet form.
73.234	To provide spec. 44C for the shipment of sodium nitrite.
73.244, (a)	To allow volumetric measures to be used.
73.245, (a) (14)	To provide certain single-trip containers for corrosive liquids.
73.249, (a) (4)	To restrict the use of spec. 17E drums.
73.249, (b) (3)	To provide for larger capacity inside containers.
73.276, (a) (3)	To delete spec. 5G as a container for anhydrous hydrazine and hydrazine solution.
73.279, (a) (2)	To replace spec. 5G with spec. 5 for the shipment of anisoyl chloride.
73.289, (a) (6)	To replace spec. 5G with spec. 5 for the shipment of formic acid.
73.302, (a) (5)	To exclude cosmetics as an exempted commodity.
73.304, (c) Note 1	To limit overcharging of cylinders beyond July 1, 1954.
73.306, (a)	To exclude acetylene from certain shipping requirements.
73.306, (d)	To provide packaging requirements for certain mixtures of compressed gases which are nonpoisonous but which are flammable.
73.308, (a) table	To provide for the shipment of anhydrous ammonia in ICC 4AA480 cylinders.
73.312, (c)	To correct a reference.
73.314, (a) table	To provide uniform reference to requirements governing the transportation of liquefied carbon dioxide and to specifically list tank cars authorized for the transportation of liquid hydrocarbon gas.
73.315, (a) (1) table	To provide uniform reference governing the transportation of liquefied carbon dioxide.
73.315, (b) table	To provide for the use of slip tube gauges on cargo and portable tanks used for anhydrous ammonia.
73.318, (l) (9)	Clarification.
73.318, (j) (1)	To provide use of newly adopted codes for construction of tanks.
73.329, (b) (1)	To provide spec. 4BA for the shipment of chlorpicrin and methyl chloride mixtures.
73.345, (a)	To clarify the regulations.
73.345, (b) (9), (10), (11), (12), (13) and (14).	To clarify application of regulations to certain poisons.
73.346, (a) (14)	To provide spec. 12B for the shipment of poisonous liquids
73.350, (a) (8)	To provide spec. 12B for the shipment of hexaethyltetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.
73.350, (a) (9) and (b) (7)	To provide spec. 12B for the mixtures of commodities contained in § 73.358.
73.362	To provide for the shipment of 4 chloro-o-toluidine hydrochloride.
73.364, (a)	To provide exemptions for mixtures referred to in sec. 73.359.
73.377, (a) (1)	To allow the use of larger inside containers.
73.426	To provide placards for cars which have been fumigated or present other hazards.
74.532, (k)	To permit calcium nitrate to be loaded in other than wooden cars.

SUBPART J—SPECIFICATION FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

Amend § 78.336-1 paragraph (a) (15 F. R. 8556, Dec. 2, 1950; 49 CFR 78.336-1, 1950 Rev.) to read as follows:

§ 78.336-1 *Requirements for design and construction.* (a) Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill the requirements of (1) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1949 Edition, except that construction under Par. U-70 is not authorized; or (2) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1950 Edition; or (3) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1952 Edition; or (4) the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1943 Edition; or (5) the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1951 Edition; no revisions (any of all of which hereinafter referred to as "the Code").

* * * * *

§ 78.338 *Specification MC 330; steel cargo tanks.*

APPENDIX

Section and paragraph	Reason for amendment
73.5, Commodity List	To clarify the classification of certain types of aluminum scrap; to provide proper classification for various nitrates; to provide for the transportation of new commodities.
73.22, (e)	To provide for the use of spec. 5G drums manufactured prior to effective date of Order No. 13.
73.33, (k) (3)	To clarify test requirements for tanks.
73.33, (m) (6)	To provide for the testing by gas or air of all piping, valves and fittings on tank motor vehicles.
73.33, (o) (3)	To provide for the use of an automatic control system on cargo tanks which use an automatic shut-off valve following an excess flow valve.
73.34, (k)	To provide for reference to exception 12 added to the regulations by Order No. 12.
73.53, (g)	To provide for the use of molded plastic as a tube for blasting caps.
73.53, (k)	To classify guided missiles with war heads, and war heads as explosive projectiles.
73.55, (a)	To classify empty sand-loaded or solid projectiles with or without tracers (containing not in excess of 12 grams of tracer composition) as non-explosive ammunition.
73.88, (c) (1)	To clarify the definition of jet thrust igniters.
73.93, (a)	To provide for the transportation of propellant explosives for rockets and guided missiles.
73.93, (a) (11)	To provide for the packaging of large propellant grains.
73.93, (a) (12)	Same as § 73.93 (a) (11).
73.105, (a) and (b)	To provide for the use of spec. 23F as an additional container.
73.119, (a) (2)	To delete spec. 5G as a shipping container.
73.119, (a) (8)	To clarify requirement that all containers must be packed within outside specification wooden boxes.
73.119, (m) (4)	To delete spec. 5G as a shipping container for flammable liquids.
73.127, (a) (1)	To prohibit the use of cargo tanks for nitrocellulose.
73.153, (b)	To provide a variety of inside containers for material named.
73.163, (a) (7)	To provide for the shipment of chlorate of soda in hopper cars.
73.182	To clarify shipping requirements for specific nitrates.
73.183	To clarify shipping requirements for fused nitrates.

Section and paragraph	Reason for amendment
74.533, (a)	To prevent use of overloaded or improperly designed trailers in so-called "piggy-back" service.
74.538, (a) chart	To clarify certain loading requirements for nitro carbonitrate.
77.848, (a) chart	Same as § 74.538.
78.11-3, (d)	To provide construction of polyethylene carboys formed by the blow-molded process.
78.11-4, (a) Note 1	To provide for visual inspection of carboy contents.
78.[illegible]6	To provide a new specification, ICC 4AA480 cylinder.
78.80-3, (a)	To provide for the use of stainless steel in the construction of spec. 5 barrels or drums.
78.80-13, (a) (3)	To provide an alternate method of test for spec. 5 barrels or drums.
78.83-9, (d)	To provide for the use of finer sized threads on plugs and caps.
78.86	Cancel entire spec. 5G. These requirements are incorporated in spec. 5.
78.207-15, (a) (1) and (a) (2)	To clarify manufacturing requirements.
78.[illegible]34	To provide a new specification for paper-lined burlap bags.
78.239	To provide a new specification for multi-wall paper bags.
78.245-1, (a)	To provide use of newly adopted codes for construction of tanks.
Part 78, Appen. C, Fig. 8	Revision of the manhole cover for ICC 104A, 104A-W, 105A series, 105A-W series tank cars.
78.336-1, (a)	To provide use of newly adopted codes for construction of tanks.

[F. R. Doc. 53-10751; Filed, Jan. 8, 1954; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 655, 703]

[Administrative Order 435]

SPECIAL INDUSTRY COMMITTEE NO. 15 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO COMMITTEE

Eloy M. Ortiz of Mayaguez, Puerto Rico, resigned as a member of Special Industry Committee No. 15 for Puerto Rico.

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby appoint Herbert S. McConnell of San Juan, Puerto Rico to serve on said Committee in his stead as a representative of the employers for the Corsets, Brassieres, and Allied Garments Industry only.

Signed at Washington, D. C., this 6th day of January 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-161; Filed, Jan. 8, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 15249, Amdt.]

FRIEDRICH WILHELM KOBER ET AL.

In re: Interest in real property and a claim owned by Friedrich Wilhelm Kober and others.

Vesting Order 15249, dated October 18, 1950, is hereby amended as follows and not otherwise:

By deleting the description of Parcel 4 as set forth in Exhibit A attached to and by reference made a part of Vesting Order 15249 and substituting therefor the following description:

Parcel 4:

All that tract or parcel of land and premises hereinafter particularly described, situated, lying and being in the Town of Phillipsburg, County of Warren, State of New Jersey, and more particularly described as follows:

Beginning at an iron pipe in the West property line of Irwin Street, the beginning is a common corner to Lots Numbers 11 and 12; thence,

(1) North twenty-five degrees thirty minutes (25° 30') West, along property recently conveyed to Edwin G. Shipman one hundred ten and sixty-six one-hundredths feet (110 66/100') to an iron pipe in the rear line of Lots recently conveyed to Harvey L. Stoney, Jacob H. Frick, et al. This corner is one foot six inches (1'-6") from a corner of a lot recently sold to Matthias C. Wagner; thence,

(2) South sixty-two degrees no minutes (62° 00') west, twenty-one feet (21') more or less; thence,

(3) South twenty-five degrees thirty minutes (25° 30') East, along property recently conveyed to Simon Lambert (said property being part of Lot No. 12) a distance of one hundred and ten feet (110') more or less to the West property line of Irwin Street; thence,

(4) North sixty-four degrees thirty minutes (64° 30') East along the West property line of Irwin Street twenty-one feet no inches (21'-0") to the point of beginning.

The above description covers a part of Lot No. 12 Block No. 2, adjoining Lot No. 11, as shown on Map of Phillipsburg Development Corporation property South of Morris Turnpike.

All other provisions of said Vesting Order 15249 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 6, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-160; Filed, Jan. 8, 1954; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 56958, 63327, 63325]

FLORIDA

SMALL TRACT CLASSIFICATION ORDER NO. 17

JANUARY 7, 1954.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, under section 2.21 of Order No. 427, approved by the Secretary of the Interior on August 16, 1950 (15 F. R. 5641), I hereby classify, under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended (59 Stat. 467; 43 U. S. C. sec. 682a), the following described public lands in Brevard County, Florida, embracing approximately 252 acres:

TALLAHASSEE MERIDIAN

For Combination Home and Business Sites

T. 22 S., R. 37 E.:	Per lot
Lots 4, 14, 15, 25, 67, 77, 78, 88, Sec. 19	$250
Lots 5, 16, 17, 28, Sec. 30	250
Lots 29, 38, 39, 48, Sec. 30	300
Lot 90, Sec. 19	100

For Home Sites Only

T. 22 S., R. 37 E.:	
Lots 1, 2, 3, 4, 5, 6, 7, 8, Sec. 20	60
Lots 9, 10, 11, 12, 13, 14, 15, 16, Sec. 20	70
Lots, 17, 18, 19, 20, 21, 22, 23, 24, Sec. 20	80
Lots 7, 11, 18, 22, 28, 32, 37, 52, 59, 63, 70, 74, 81, 85, Sec. 19; Lots 8, 13, 20, 25, 31, 36, 41, 46, Sec. 30	100
Lots 6, 12, 17, 23, 27, 33, 86, 53, 58, 64, 69, 75, 80, 86, Sec. 19; Lots 7, 14, 19, 26, 30, 37, 40, 47, Sec. 30	125
Lots 5, 13, 16, 24, 35, 54, 57, 65, 68, 76, 79, 87, Sec. 19; Lots 6, 15, 18, 27, Sec. 30	150
Lots 25, 26, 27, 28, 29, 30, 31, 32, Sec. 20; Lots 9, 12, 21, 24, 32, 35, 42, 45, Sec. 30	175
Lots 8, 10, 19, 21, 29, 31, 38, 51, 60, 62, 71, 73, 82, 84, Sec. 19; Lots 10, 11, 22, 23, 33, 34, 43, 44, Sec. 30	200
Lots 40, 41, 42, 43, 46, 47, 48, 49, Sec. 19	225
Lots 34, 44, 45, 55, 56, 66, Sec. 19	250
Lots 9, 20, 30, 39, 50, 61, 72, 83, Sec. 19	300

2. Area: The lots listed range in size as follows: Sec. 19, 0.74 acre to 5.49 acres; Sec. 20, all 1.28 acres; Sec. 30, 0.58 acre to 1.44 acres. Most of the lots measure 165 feet wide by 330 feet deep, with the long dimension running east to west.

3. Location: These lands are located in Brevard County, Florida, about 14 miles southeast of Titusville and 18 miles northwest of the town of Merritt Island, across the causeway from Cocoa, Florida.

They are located about center of Merritt Island and may be reached over the causeways from either Titusville or Cocoa. State Highway No. 3 extends along the east end of Sections 19 and 30. A canal and a secondary improved county road run through the center of Section 19 in an east-west direction. Another secondary improved county road extends along the west side of Sections 19 and 30. A secondary county road extends along the south end of Section 20 and may be reached from the town of Orsino.

4. Characteristics of Land: The lands are low in elevation averaging between three to ten feet. They are of a worn down sand dune nature, characteristic of one-time ocean beach dunes. Drainage of certain areas by ditch system is essential to make all of the lands usable and to reduce the prevalent mosquito problem.

Marshes are intemittently wet and dry during summer months. Water becomes deep during the wet seasons. Quite a number of fur-bearing marsh-type animals—the muskrat, mink, otter and rabbit, as well as numerous waterfowl, inhabit the areas. There may be a few alligators in the canal.

Upland areas are sandy in nature and support a heavy growth of palmetto, gallberry and scrub oak. Small growth of good pine, not of commercial value, cover portions of Sections 19 and 30.

The subdivided tracts are served by State Highway No. 3 (asphalt surfaced) connecting the towns of Titusville, 14 miles northwest, and Merritt Island, about 18 miles southwest. A rural electrification line extends along Highway No. 3. There are four or five homes along Highway No. 3 between Titusville and Orsino.

Potable water is available by shallow wells with deep wells furnishing better quality water.

5. Filings: A multiplicity of filings by those persons entitled to claim veteran's preference for service in World War II is anticipated during the simultaneous filing period. Therefore, in accordance with the provisions of 43 CFR 257.8, Circ. 1764, containing small tract regulations approved September 11, 1950, the special procedure and drawing outlined therein will be used. This special procedure and the drawing do not apply to veterans of other wars of the United States.

(a) The lands in Sections 19, 20 and 30, above township and range, were placed under consideration for small tract classification on July 11, 1952, and May 12, 1952, respectively. Four preference right applications were regularly filed for Lots 44 and 49, Sec. 19; Lot 32, Sec. 20; and Lot 47, Sec. 30, covering the type of site for which these lands are classified, and this order shall become effective as to such applications upon the date it is signed.

(b) As to lands not covered by applications referred to above, this order shall not become effective to change the status of the lands until 10:00 a. m. on the 35th day after the date of this order.

(c) Commencing at 10:00 a. m. on the date of this order and for a period of 35 days thereafter, the lands described herein shall be subject to the filing of drawing entry cards only by those persons entitled to claim World War II veteran's preference under the act of September 27, 1944 (58 Stat. 748; 43 U. S. C. secs. 279–284), as amended. Such veterans desiring to participate in the drawing may apply to the Regional Administrator, Region VI, Bureau of Land Management, U. S. Department of the Interior, Washington 25, D. C., for a drawing entry card, Form 4–775, upon which the veteran will print clearly his name, post office address and sign his full name in the space provided on the card, certifying that he is a citizen of the United States, over 21 years of age or the head of a family, and entitled to veteran's preference based upon service in World War II and honorable discharge or separation under honorable conditions from such service. Only one drawing entry card may be filed by an entrant. No filing fee or additional papers should accompany the drawing entry cards. All drawing entry cards, when completed as indicated, shall be mailed to the above-mentioned Regional Administrator and must be forwarded in time to reach him not later than 10:00 a. m. on the 35th day from the date of this order. All cards of qualified entrants received not later than the hour and date mentioned will be placed in a drawing receptacle in the Interior Building at Washington, D. C., at 1 p. m. on the second business day following such 35th day and thoroughly mixed in the presence of such persons as may desire to be present. The cards will then be drawn one at a time, by disinterested parties, and numbered in the order drawn to establish an adequate list of eligibles and of alternates to whom the available tracts will be allocated in consecutive order. The numbers assigned in the drawing will fix the order in which the tracts will be allocated to the successful entrants, beginning with Lot 4, Sec. 19, T. 22 S., R. 37 E., and continuing in numerical sequence through Lot 90, excepting Lot 26 which is reserved for recreational use by the public and Lots 44 and 49, which are covered by preference right applications; and Lot 89 which is part of State Highway No. 3; thence beginning with Lot 1 of Sec. 20, above township and range and continuing through Lot 31, Lot 32 being omitted since it is covered by a preference right application; thence beginning with Lot 5, Sec. 30, above township and range, and continuing through Lot 48, excepting Lot 47 which is covered by a preference right application.

6. Awards: Each successful entrant to whom a tract is awarded will be sent by registered mail a decision making appropriate requirements, with an "Offer to Lease and Lease Under Small Tract Act," Form 4–776, in duplicate, bearing the description of the tract. The forms must be completely filled out, signed and returned by the successful entrant within the time allowed, accompanied by a $10.00 filing fee, and in addition, $15.00 representing rental for a 3-year period for home site leases; or a $10.00 filing fee, and in addition, $100 representing rental for a 5-year period for business site leases; also a complete photostat, or other copy (both sides) of his certificate of honorable discharge, or of an official document of the Branch of Service which shows clearly his honorable discharge, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. An award to a successful entrant who was not qualified to enter the drawing, or who for any reason falls within the time allowed to comply with the requirements of the decision accompanying the lease forms, will be canceled upon the records, and the lot will become available to the alternate next in line as determined by the drawing. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as explained at the bottom of the front page of lease form. Occupation of the land may begin on the effective date of the lease shown at the bottom of the form. As a minimum construction requirement, each lessee before he exercises his option to purchase, must build a habitable house of substantial construction which will withstand the elements of the area, provide adequate water for culinary use, and meet the sanitation requirements of Brevard County. Three photographs of completed improvements must be submitted when lessee makes application to purchase.

7. Rights-of-way: A 33-foot right-of-way for roads and public utilities will be reserved as follows for the lots in Section 19: North side of Lots 4 to 9, inclusive; West side of Lots 5, 7, 11, 13, 16, 18, 22, 24, 26, 28, 32, 35, 37, 41, 43, 46, 48, 52, 54, 57, 59, 63, 65, 68, 70, 74, 76, 79, 81, 85 and 87; East side of Lots 6, 8, 10, 12, 17, 19, 21, 23, 27, 29, 31, 33, 36, 38, 40, 42, 47, 49, 51, 53, 58, 60, 62, 64, 69, 71, 73, 75, 80, 82, 84 and 86; South side of Lots 83 to 88, inclusive. The East side of Lots 4, 14, 15, 25, 26, 34, 44, 45, 55, 56, 66, 67, 77, 78 and 88; West side of Lots 9, 20, 30, 39, 50, 61, 72 and 83; the North side of Lots 45 to 50, inclusive; and the South side of Lots 39 to 44, inclusive, are subject to the existing State or County road rights-of-way.

(a) A 33-foot right-of-way for roads and public utilities will be reserved as follows for the lots in Section 20: North side of Lots 1 to 8, inclusive, and Lots 17 to 24, inclusive; South side of Lots 9 to 16, inclusive; East side of Lots 1, 16, 17 and 32; West side of Lots 8, 9, 24 and 25. The South side of Lots 25 to 32, inclusive, are subject to the existing County road right-of-way.

(b) A 33-foot right-of-way for roads and public utilities will be reserved as follows for the lots in Section 30: North side of Lots 5 to 10, inclusive; South side of Lots 44 to 48, inclusive; East side of Lots 7, 9, 12, 14, 19, 21, 24, 26, 30, 32, 35, 37, 40, 42, 45 and 47; West side of Lots 6, 8, 13, 15, 18, 20, 25, 27, 29, 31, 36, 38, 39, 41, 46 and 48. The East side of Lots 5, 16, 17, 28, 29, 38, 39 and 48, and the West side of Lots 10, 11, 22, 23, 33, 34, 43 and 44 are subject to the existing State and County road rights-of-way.

8. Unsuccessful entrants: Each entrant to whom no lot is allocated will be informed thereof by the return of the drawing entry card filed by him immediately after the drawing is held.

9. Unleased lots: The lots, if any, which are not leased as a result of the drawing, will not become subject to application by veterans who do not participate in the drawing or by the general public until a further order has been issued granting veterans of World War II a preference right of application for a period of 90 days.

H. S. PRICE,
Regional Administrator,
Region VI.

[F. R. Doc. 54–141; Filed, Jan. 8, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH WINTER PEARS

NOTICE OF PURCHASE PROGRAM, UMP 388

In order to encourage the consumption of fresh Winter pears by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, fresh Winter pears will be purchased during the period January 4, 1954, to and including February 20, 1954, in instances where surpluses have created serious marketing problems, and subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. Grades and other specifications are contained in purchase announcements issued by the Department of Agriculture. Information as to this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 6th day of January 1954.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–163; Filed, Jan. 8, 1954; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

CERTAIN COMMODITY AREAS OF MANUFACTURING

ANNUAL SURVEYS OF SPECIFIED MANUFACTURED PRODUCTS

In conformity with the act of Congress approved June 19, 1948, 62 Stat. 478, and due notice of consideration having been published (18 F. R. 7827, December 4, 1953) pursuant to said act, I have determined that annual data relating to the industries listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from non-governmental or other governmental sources.

The industries listed below are significant in the lumber, steel, glass and machinery areas of manufacturing. The establishments in these industries directly employ more than a million persons and, indirectly through their demands upon other industries for materials, machinery, and services, provide jobs for several times that number. Information on the output of these industries is necessary to an adequate measurement of total industrial production. Government agencies need current data on the production and shipments of the products of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have also requested such data in the interest of business efficiency and stability.

Information will be collected annually covering each preceding calendar year from all establishments engaged in the production of the products listed below with the exception of the lumber survey, which will be conducted on a sample basis, and the glass containers survey where establishments that file the monthly report on glass containers will not need to submit an annual report on those products.

Lumber.
Glass containers.
Steel mill products.
Power cranes and shovels.

The report forms will require information on shipments and/or production. In addition, data on manufacturers' stocks will be required for lumber and glass containers and data on receipts and consumption will be required for steel mill products. Blank copies of the forms to be used are available to the producers of the listed commodities on request to the Director of the Census, Washington 25, D. C.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: January 5, 1954.

[SEAL] ROBERT W. BURGESS,
Director.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54–152; Filed, Jan. 8, 1954; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6376 et al.]

COMPANIA CUBANA DE AVIACION, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Compania Cubana de Aviacion, S. A., for modification of its existing foreign air carrier permit authorizing it to engage in foreign air transportation of persons, property, and mail, between the terminal point Havana, Cuba, and the terminal point New York, New York and the application of Compania Cubana de Aviacion, S. A., for approval of interlocking relationships involving Erwin Balluder, Pan American World Airways, Inc., and Compania Cubana de Aviacion, S. A.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on January 18, 1954, at 10:00 a. m., e. s. t., in Room 2070, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., January 5, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54–153; Filed, Jan. 8, 1954; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1630]

EL PASO NATURAL GAS CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 5, 1954.

Notice is hereby given that on December 31, 1953, the Federal Power Commission issued its order adopted December 29, 1953, amending order of June 23, 1952 (17 F. R. 5972), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–148; Filed, Jan. 8, 1954; 8:47 a. m.]

[Docket Nos. G–1787, G–1850, G–1893, G–1905, G–1911, G–1931, G–1936, G–1943, G–1952, G–2059, G–2062, G–2192, G–2193, G–2194, G–2285, G–2286, G–2287, G–2288, G–2289]

ATLANTIC SEABOARD CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS, RECONVENING HEARING, AND FIXING DATE FOR FURTHER HEARING

In the matters of Atlantic Seaboard Corporation, Docket No. G–1850; Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation, Docket Nos. G–2062 and G–2286; the Ohio Fuel Gas Company, Docket Nos. G–1787, G–1911, G–1931, G–1936, G–1943, G–2193, and G–2288; the Manufacturers Light and Heat Company, Natural Gas Company of West Virginia, and Home Gas Company, Docket No. G–1893; the Manufacturers Light and Heat Company, Natural Gas Company of West Virginia, Cumberland and Allegheny Gas Company, and Home Gas Company, Docket No. G–2059; Central Kentucky Natural Gas Company, Docket No. G–1905; United Fuel Gas Company, Docket Nos. G–1952 and G–2285; the Manufacturers Light and Heat Company, Docket Nos. G–2192 and G–2289; United Fuel Gas Company and Central Kentucky Natural Gas Company, Docket No. G–2194; Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation, Docket No. G–2286; Home Gas Company, Docket No. G–2287.

On October 21, 1953, the Commission issued an order in the consolidated proceedings in Docket Nos. G–1850, G–2062, G–1787, G–1911, G–1931, G–1936, G–1943, G–1893, G–2059, G–1905, and G–1952, granting a motion by counsel for the Columbia Companies, applicants herein, that the hearings in the aforesaid proceedings be adjourned to a later date to be set by the Commission. Said order also granted the request of counsel for the Columbia Companies that the reception of evidence with respect to the issues of limitations upon transportation and deliveries of natural gas by the Columbia Companies be deferred to such adjourned hearing, and that the limitations upon maximum volumes of natural gas which may be transported or delivered by the Columbia Companies be stayed pending the completion of hearings and the making of a final determination herein with respect to such issues.

In said order issued on October 21, 1953, the Commission concluded that the record at that time showed that the estimated gas supply of the Columbia Companies will be adequate to enable them to meet the anticipated full peak-day requirements of all domestic, commercial and resale customers of said companies during the 1953–1954 winter season, but that additional substantial volumes of natural gas will be required from sources not presently known or determined if increasing annual deficiencies are to be avoided during the years 1954 through 1957. The Commission further stated: "Should the evidence adduced upon resumption of hearings in these matters be of such portent regarding allocation of volumes available or diversion of further deficiencies that affirmative action is required, we shall at that time take appropriate action to assure an equitable allocation of natural gas available to the Columbia System among the respective companies according to their respective requirements."

On June 18, 1953, applications were filed in Docket No. G–2192 by the Manufacturers Light and Heat Company, in Docket No. G–2193 by the Ohio Fuel Gas Company, and in Docket No. G–2194 by United Fuel Gas Company and Central Kentucky Natural Gas Company, jointly, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural-gas transmission facilities, all as fully described in said applications, to enable said applicants to receive and utilize increased volumes of natural gas to be delivered from the facilities of Gulf Interstate Gas Co. pursuant to the authorization granted in Docket No. G–2058, wherein Gulf Interstate Gas Co. was authorized to transport natural gas for the account of United Fuel Gas Company. Delivery of said increased volumes of natural gas is expected to commence on November 1, 1954, and it is anticipated that such deliveries will provide up to 375,000 Mcf per day and up to 109,500,000 Mcf per year of additional gas to the pooled gas supply of the Columbia Companies. Said applications were filed in compliance with the condition attached to the issuance of the certificate granted in Docket No. G–2058 requiring United Fuel Gas Company and any other Columbia System Company which will require additional facilities to receive and transport the volumes of natural gas to be made available from the facilities of Gulf Interstate Gas Co. to file proper certificate applications therefor with the Commission.

On October 21, 1953, additional applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of facilities to provide increased capacity for the receipt, transportation and delivery of additional gas to become available to the pooled gas supply of the Columbia Companies, were filed in Docket No. G–2285 by United Fuel Gas Company, in Docket No. G–2286 by Atlantic Seaboard Corporation, and Virginia Gas Transmission Corporation, jointly, in Docket No. G–2287 by Home Gas Company, in Docket No. G–2288 by the Ohio Fuel Gas Company, and in Docket No. G–2289 by The Manufacturers Light and Heat Company.

It appears that each of the foregoing applications for authorization to construct and operate facilities to provide increased capacity for the receipt, transportation and delivery of additional volumes of natural gas to become available to the Columbia Companies involves common questions of law and fact with respect to the pooled supply of natural gas available to the various operating subsidiaries of The Columbia Gas System, Inc., to meet their gas requirements and with respect to the appropriate allocation thereof or diversion of deficiencies in such gas supply.

The Commission finds:

(1) It is necessary and appropriate for carrying out the provisions of the Natural Gas Act that the public hearing in the proceedings in Docket Nos. G–1850, G–2062, G–1787, G–1911, G–1931, G–1936, G–1943, G–1893, G–2059, G–1905, and G–1952 be reconvened at the time and place hereinafter ordered.

(2) It is appropriate for carrying out the provisions of the Natural Gas Act, and good cause exists for consolidating the proceedings in Docket Nos. G–2192, G–2193, G–2194, G–2285, G–2286, G–2287, G–2288, and G–2289 with the proceedings hereinbefore designated in paragraph (1), above, for purpose of hearing upon the matters involved and the issues presented by the applications and any supplements or amendments thereto in the aforesaid proceedings.

(3) It is necessary and appropriate for carrying out the provisions of the Natural Gas Act, particularly sections 4, 5, and 7 thereof, that such further hearings shall, in addition to the purposes set forth in paragraph (2) above, be held for the purpose of determining whether the gas supplies available to the Columbia Companies during the winter of 1954–1955, and thereafter, will be adequate to satisfy all the requirements of customers dependent in whole or in part upon the pooled gas supply of such companies for their supply of natural gas, and the just and reasonable limitations upon transportation and deliveries of natural gas by means of the authorized facilities of each of the Columbia Companies, as well as the just and reasonable service rules and regulations, which should be made applicable to such transportation and deliveries in the event the evidence discloses that the gas supplies of the Columbia Companies will be inadequate to satisfy such requirements.

The Commission orders:

(A) The aforesaid proceedings in Docket Nos. G–2192, G–2193, G–2194, G–2285, G–2286, G–2287, G–2288, and G–2289 be and the same hereby are consolidated with the proceedings in Docket Nos. G–1850, G–2062, G–1787, G–1911, G–1931, G–1936, G–1943, G–1893, G–2059, G–1905, and G–1952, for purpose of hearing.

(B) The public hearing in the above consolidated proceedings hereby is reconvened commencing January 18, 1954, at 10:00 a. m. e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Adopted: December 29, 1953.

Issued: January 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–138; Filed, Jan. 8, 1954; 8:45 a. m.]

[Docket No. G–2191]

ARKANSAS-OKLAHOMA GAS CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 5, 1954.

Notice is hereby given that on December 31, 1953, the Federal Power Commission issued its order adopted December 29, 1953, amending order of November 2, 1953 (18 F. R. 7046), issuing certificate of public convenience and necessity and permitting abandonment of certain facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–149; Filed, Jan. 8, 1954; 8:47 a. m.]

[Docket Nos. IT–5971, IT–6056, E 6337, E 6340, E–6370]

DEPARTMENT OF THE INTERIOR, SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF ORDER EXTENDING PERIOD OF CONFIRMATION AND APPROVAL OF RATE SCHEDULES

JANUARY 5, 1954.

Notice is hereby given that on December 30, 1953, the Federal Power Commission issued its order adopted December 29, 1953, in the above-entitled matter, extending to June 30, 1954, the period of confirmation and approval of rate schedules.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–54–150; Filed, Jan. 8, 1954; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10505]

DONZE ENTERPRISES, INC. (KSGM)

ORDER CONTINUING HEARING

In re application of Donze Enterprises, Inc. (KSGM), Ste. Genevieve, Missouri, for construction permit; Docket No. 10505, File No. BP–8488.

The Commission having under consideration a petition filed January 4, 1954 by Donze Enterprises, Inc., applicant in the above-entitled proceeding, requesting continuance to February 8, 1954 of the hearing presently scheduled to commence January 5, 1954; and

It appearing, that as a result of conferences between counsel for Donze Enterprises, Inc. and Midland Broadcasting Company, party respondent herein, an agreement has been reached whereby Donze Enterprises, Inc. will amend its application and Midland Broadcasting Company will withdraw its protest; and that these matters have been informally discussed with the staff of the Federal Communications Commission; and

It further appearing, that counsel for Midland Broadcasting Company and counsel for the Broadcast Bureau have consented to an immediate consideration and grant of such petition;

It is ordered, This 4th day of January, 1954, that the petition be and it is hereby granted; and the hearing on the above-entitled application now scheduled for January 5, 1954, be and it is hereby continued to February 8, 1954, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 54–159; Filed, Jan. 8, 1954; 8:49 a. m.]

[Docket No. 10751]

AIRCRAFT RADIOTELEPHONE OPERATOR AUTHORIZATIONS

DISCONTINUANCE OF ISSUANCE THROUGH FLIGHT EXAMINERS

In the matter of discontinuance of issuance of aircraft radiotelephone operator authorization and amendments of Parts 0, 1 and 13 of the Commission's rules; Docket No. 10751.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 30th day of December 1953:

The Commission having under consideration amendment of Part 0 of the Commission's rules so as to delete authority for issuance of Aircraft Radiotelephone Operator Authorizations through certain flight examiners; and

It appearing, that the Commission, on November 12, 1953, adopted a notice of proposed rule making which included this matter and which was published in the FEDERAL REGISTER on November 20, 1953 in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing, that the period in which interested persons were afforded an opportunity to submit comments with respect thereto has now expired; and

It further appearing, that upon discontinuing the issuance of the Aircraft Radiotelephone Operator Authorization through flight examiners it will be necessary for persons desiring equivalent operating authority to obtain such authority from a Commission Field Office; and

It further appearing, that there was one comment to the effect that where the Restricted Radiotelephone Operator Permit, which includes operating authority equivalent to the Aircraft Radiotelephone Operator Authorization, has to be obtained by mail from a Commission Field Office the resultant delay will discourage a student aircraft pilot who is otherwise ready for solo flight from continuing with instruction at a radio-controlled airport; and

It further appearing, that in view of the more expeditious procedure adopted for the issuance of the Restricted Radiotelephone Operator Permit such operator permit may normally be obtained during the course of instruction; that it is reasonable to expect candidates to file application for such permit a sufficient time in advance of the need therefor to avoid interruption of flight training; and

It further appearing, that the public interest, convenience and necessity will be served by the amendments herein ordered and that authority therefor is contained in sections 4 (i), 303 (l) and 303 (r) of the Communications Act of 1934, as amended:

It is ordered, That, effective February 1, 1954, Part 0 of the Commission's rules is amended by deleting section 0.213 (d) thereof.

Released: January 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 54–158; Filed, Jan. 8, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–859]

PORTSMOUTH STEEL CORP.

NOTICE OF APPLICATION FOR ORDER GRANTING DELAY IN MAILING ANNUAL REPORT TO STOCKHOLDERS

DECEMBER 31, 1953.

Notice is hereby given that Portsmouth Steel Corporation ("Portsmouth") has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 (the "act") for an order of the Commission granting an exemption from Rule N–30D–1 (a) of the rules and regulations promulgated under the act.

On January 26, 1953, the Commission issued an order pursuant to section 6 (c) of the act exempting Portsmouth from the provisions of section 7 (a) of the act with respect to those acts and practices which, if done or performed by a registered investment company, would not violate or contravene any of the provisions of the act. Pursuant to section 6 (e) of the act, however, the exemption order provided that certain sections of the act should apply to Portsmouth and to other persons in their transactions and relations to Portsmouth as though Portsmouth were a registered investment company. Among the sections of the act upon which the exemption was conditioned is section 30 (d), except that section 30 (d) was made applicable only to the extent that reports are to be transmitted to stockholders annually rather than semi-annually.

Rule N–30D–1 (a), promulgated under section 30 (d) of the act, among other things, requires that such reports be mailed to stockholders within 30 days after the date as of which the report is made. The instant application of Portsmouth requests an order of the Commission permitting it to mail such reports within 100 days after the date as of which the report is made.

A substantial part of the assets of Portsmouth consist of its holdings of over 24 percent of the common stock of Detroit Steel Corporation and over 14 percent of the common stock of Cleveland-Cliffs Iron Company. In the recent past, Portsmouth has included, as part of its annual report to stockholders, the consolidated balance sheets as well as other pertinent excerpts from the annual reports of these two companies. This practice was inaugurated and continued in the interest of furnishing complete information to the stockholders of Portsmouth; however, in the past it has been approximately three months after the end of the year before this material was available from the above-named companies. Since this is the first year that Portsmouth is subject to the provision of Rule N–30D–1 (a) under the act requiring the mailing to stockholders of its annual report within 30 days after the date as of which the report is made, Portsmouth has requested that it be permitted to mail such report within 100 days after such date, so as to permit it to include the financial data mentioned above of Detroit Steel Corporation and Cleveland-Cliffs Iron Company in its report to its stockholders as heretofore.

Section 6 (c) of the act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than January 14, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order

a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-139; Filed, Jan. 8, 1954; 8:45 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request 3]

LOUIS F. DOW CO. ET AL.

ACCEPTING REQUEST TO PARTICIPATE IN OPERATIONS OF FEDERATED FACILITIES, INC.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies, which have accepted the request to participate in the operations of Federated Facilities, Inc., are herewith published. The original list of companies accepting such request was published on September 24, 1953, in 18 F. R. 5697.

Louis F. Dow Co., 2242 University Avenue, St. Paul, Minn.

Federal Aircraft Works, 3456 Washington Avenue North, Minneapolis, Minn.

Getchel Steel Treating Co., 1106 Tenth Avenue SW., Minneapolis, Minn.

Mid-Continent Engineering, Inc., 1712 Marshall Street NE., Minneapolis, Minn.

Newell T. Miner Company, 570 North Prior Avenue, St. Paul, Minn.

Minnesota Fence & Iron Works, Inc., 240 University Avenue, St. Paul, Minn.

Protection Equipment Co., Inc., Lake Street Branch, Box 96, Minneapolis, Minn.

St. Paul Brass Foundry Co., 451 East Sixth Street, St. Paul, Minn.

Unit Manufacturing Co., 1229 Harmon Place, Minneapolis, Minn.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, October 16, 1953, 18 F. R. 6583)

Dated: January 5, 1954.

WENDELL B. BARNES, *Acting Administrator.*

[F. R. Doc. 54-140; Filed, Jan. 8, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28807]

PAPER ARTICLES FROM KRANNERT, GA., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

JANUARY 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Pulpboard and fibreboard, also boxes, fibreboard, pulpboard or strawboard and related articles, carloads.

From: Krannert, Ga.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1349, supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-143; Filed, Jan. 8, 1954; 8:46 a. m.]

[4th Sec. Application 28809]

ANHYDROUS AMMONIA FROM SOUTH POINT, OHIO, TO MAROA, ILL.

APPLICATION FOR RELIEF

JANUARY 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, carloads and in tank-car loads.

From: South Point, Ohio.

To: Maroa, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Norfolk and Western Railway Company, I. C. C. No. 9515, supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-145; Filed, Jan. 8, 1954; 8:46 a. m.]

[4th Sec. Application 28811]

VARIOUS COMMODITIES FROM ALABAMA, FLORIDA, LOUISIANA AND MISSISSIPPI TO OFFICIAL AND WESTERN TRUNKLINE TERRITORIES

APPLICATION FOR RELIEF

JANUARY 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Missouri-Illinois Railroad Company for itself and on behalf of other carriers parties to Agent W. P. Emerson, Jr.'s, tariff I. C. C. No. 417.

Commodities involved: Various commodities.

From: Points in Alabama, Florida, Louisiana and Mississippi.

To: Points in official and western trunkline territories.

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-147; Filed, Jan. 8, 1954; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 7

Washington, Tuesday, January 12, 1954

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

QUARANTINE

§ 301.13 *Notice of quarantine.* (a) Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161) and having given public hearing as required thereunder, the Secretary of Agriculture has determined that it is necessary to quarantine the Territory of Hawaii to prevent the spread to other parts of the United States of dangerous plant diseases and insect infestations, including the Mediterranean fruit fly (Ceratitis capitata (Wied.)), the melon fly (Dacus cucurbitae Coq.), the oriental fruit fly (Dacus dorsalis Hendl.), citrus canker (Xanthomonas citri (Hasse) Dowson), green coffee scale (Coccus viridis (Green)), the bean pod borer (Maruca testulalis (Geyer)), the bean butterfly (Lampides boeticus (L.)), the Asiatic rice borer (Chilo simplex (Butl.)), the mango weevil (Cryptorhynchus mangiferae (F.)), and the Chinese rose beetle (Adoretus sinicus Burm.), which are new to or not widely prevalent or distributed within and throughout the United States, and said Secretary has quarantined the Territory of Hawaii because of such diseases and insect infestations.

(b) No fruits or vegetables, in the raw or unprocessed state; peel of fruits of any genus, species, or variety of the subfamily Aurantioideae, Rutoideae, or Toddalioideae of the botanical family Rutaceae; cut flowers; rice straw; or mango seeds shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, tansported, moved, or allowed to be moved by any person from the Territory of Hawaii into or through the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, in manner or method or under conditions other than those prescribed in the regulations hereinafter made or amendments thereto: *Provided*, That whenever the Chief of the Plant Quarantine Branch shall find that existing conditions as to the pest risk involved in the movement of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which

(Continued on next page)

QUARANTINE

Sec.
301.13 Notice of quarantine.

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301.13-14 Shipments for experimental or scientific purposes.

AUTHORITY: §§ 301.13 to 301.13-14 issued under sec. 3, 33 Stat. 1270; secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 143, 161, 162.

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FEDERAL REGISTER

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the regulations should be made less stringent, whereupon such modification shall become effective.

(c) This section leaves in full force and effect § 301.30 which restricts the movement from Hawaii, Puerto Rico, and the Virgin Islands of the United States into any of the States or certain Territories or Districts of the United States of all varieties of sweetpotatoes (Ipomoea batatas Poir.).

RULES AND REGULATIONS

§ 301.13–1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Plant pests.* The injurious insects and plant diseases referred to in § 301.13, in any stage of development.

(b) *Fruits and vegetables.* The more or less succulent portions of food plants, and parts thereof, in the raw or unprocessed state, such as bananas, coconuts, pineapples, potatoes, ginger root, tomatoes, peppers, melons, citrus, mangoes, etc.

(c) *Cut flowers.* Cut blooms of gardenia and mauna loa or leis made thereof.

(d) *Mango seeds.* Seeds of the fruit of mango (Mangifera spp.), fresh or dried.

(e) *Rice straw.* Stems or straw of rice (Oryza sativa), when used as packing material or for other purposes.

(f) *Inspector.* An inspector of the United States Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act.

(g) *Certificate.* A document signed by an inspector certifying that a particular ship, vessel, other surface craft, or aircraft, or any specified lot or shipment of fruits or vegetables or other plant materials, via baggage, parcel post, express, freight or other mode of transportation, has been inspected and found apparently free from articles the movement of which is prohibited by the quarantine and regulations in this subpart, and from the plant pests referred to in said quarantine; or that the lot or shipment is of such a nature that no danger of infestation or infection is involved; or that it has been treated in a manner to eliminate infestation. A certificate covering treated products must state the treatment applied.

(h) *Person.* This term shall be construed to include both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations.

(i) *Moved (move and movement).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, directly or indirectly, from the Territory of Hawaii into or through the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States. Local, interisland movement is in no way affected by the regulations in this subpart. ("Move" and "movement" shall be construed accordingly.)

(j) *Disinfection (disinfect and disinfected).* The application to parts or all of a ship, vessel, other surface craft, or aircraft of a treatment that may be designated by the inspector as effective against such plant pests as may be present. ("Disinfect" and "disinfected" shall be construed accordingly.)

§ 301.13–2 *Regulated articles—(a) Prohibited movement.* (1) The movement of insects of the species designated in § 301.13 or other notoriously injurious insects in a live state from the Territory of Hawaii into or through the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, either independently or in connection with any other article, is prohibited, except as provided in § 301.13–14 (b).

(2) Fruits, vegetables, and other products specified in § 301.13, and not eligible for inspection and certification under § 301.13–4 or otherwise expressly authorized movement either in the regulations in this subpart or in administrative instructions issued by the Chief of the Plant Quarantine Branch are prohibited movement.

(b) *Regulated movement.* The movement of the following fruits and vegetables from the Territory of Hawaii is allowed throughout the year upon compliance with the regulations in this subpart:

Arrowhead (Sagittaria sagittifolia).
Arrowroot (Maranta arundinacea).
Asparagus (Asparagus officinalis).
Bean sprouts, soy (Glycine hispida).
Bean sprouts, mungo (Phaseolus aureus).
Burdock, great (Arctium lappa, Lappa major, L. edulis).
Butterbur (Petasites japonicus).
Cabbage (Brassica oleracea),
Cabbage, Chinese (Brassica pekinensis, B. chinensis).
Cabbage, swamp (Ipomoea reptans).
Carrot (Daucus carota sativa).
Cassava (Manihot sp.).
Celery (Apium graveolens).
Chinese spinach (Amaranthus gangeticus).
Chives (Allium schoenoprasum).
Chrysanthemum, garland (Chrysanthemum coronarium).
Coconuts (Cocos nucifera).
Coriander (Coriandrum sativum).
Dandelion (Taraxacum officinale).
Dropwort, water (Oenanthe stolonifera).
Garlic (Allium sativum).
Ginger bracts (Zingiber mioga).
Ginger root (Zingiber officinale).
Honewort (Cryptotaenia canadensis).
Jesuit's nut (Trapa bicornis, T. natans).
Kudzu (Pueraria thunbergiana).
Leek (Allium porrum).
Lettuce (Lactuca sativa).
Lily root (Nelumbium nucifera).
Mugwort (Artemisia vulgaris).
Nightshade, Malabar (Basella rubra).
Onion, green (Allium fistulosum).
Parsley (Petroselinum hortense).
Perilla (Perilla frutescens).
Pineapples (Ananas sativa), smooth Cayenne.
Potato (Solanum tuberosum).
Radish greens (Raphanus sativus longipinnatus).
Radish, oriental (Raphanus sativus longipinnatus).
Shallot (Allium ascalonicum).
Spinach (Spinacia oleracea).
Sweet corn (Zea mays).
Taro root, shoots and stalks (Colocasia antiquorum esculentum).
Watercress (Nasturtium officinale).
Waternut (waterchestnut) (Eleocharis dulcis (E. tuberosa) (Scirpus tuberosus)).
Yam bean root (Pachyrhizus erosus).
Yams Dioscorea (spp.).

Provided, That additions of other fruits and vegetables may be made to the foregoing list of regulated articles by the Chief of the Plant Quarantine Branch when he determines that such fruits or vegetables, either as ordinarily packed and shipped or after treatment, do not involve risk of spreading any of the plant pests designated in the foregoing quarantine, and when such findings have been made known in administrative instructions of the Chief of the Plant Quarantine Branch.

§ 301.13–3 *Conditions of movement—(a) Certification.* Regulated articles shall not be moved from the Territory of Hawaii unless accompanied by a valid certificate issued by an inspector, except that coconuts (husked or unhusked), free from wrapping or packing materials, may be moved through the mails without certification.

(b) *Segregation of certified articles.* Articles certified after treatment in accordance with § 301.13–4 (b), taken aboard any ship, vessel, other surface craft, or aircraft in the Territory of Hawaii must be segregated and protected in a manner as required by the inspector.

§ 301.13–4 *Conditions governing the issuance of certificates.* Certificates may be issued for the movement of articles permitted movement in accordance with the regulations in this subpart under either of the following conditions:

(a) Fruits and vegetables designated in § 301.13–2 (b) may be certified when they have been inspected by an inspector and found apparently free from infestation.

(b) Fruits, vegetables, and other products designated in § 301.13 (except those listed in § 301.13–2 (b)) for which treatments may be approved by the Chief of the Plant Quarantine Branch may be certified after such treatments have been applied under the observation of an inspector in accordance with administratively approved procedure. Any treatment that may be approved must be applied at the expense of the shipper, owner, or person in charge of such fruits and vegetables, except that no charge will be made for services performed by the inspector in the supervision of such treatments. The Department of Agriculture or its inspector will not be responsible for loss or damage resulting from any treatment prescribed or supervised.

§ 301.13–5 *Application for inspection.* Persons intending to move any fruits or vegetables that may be certified in accordance with the provisions of § 301.13–4 shall make application for inspection or treatment on forms provided for this purpose as far as possible in advance of the contemplated date of shipment. They will also be required to prepare, handle, and safeguard such articles from infestation or reinfestation, and to assemble them at such points as the inspector may designate, placing them so that inspection may be readily made. All costs, including storage, transportation, and labor incident to inspection, other than the services of the inspector shall be paid by the shipper. Blank forms[1] for use in making applications for inspections will be furnished free upon request to the United States Department of Agriculture, Plant Quarantine Branch, Honolulu, T. H.

§ 301.13–6 *Marking, certification and type of container.* Each container of articles required to be certified under the regulations in this subpart shall be plainly marked for identification purposes as required by the inspector, and shall be accompanied by a certificate issued in compliance with the regulations in this subpart. In the case of lot shipments, either in containers or in bulk, a certificate covering the lot shall be attached to the waybill, manifest or bill of lading. Containers or wrappers shall be new or of materials approved by an inspector.

[1] Form EQ–170.

§ 301.13–7 *Uncertified fruits, vegetables, and cut flowers taken aboard ships, vessels, other surface craft, or aircraft—(a) In the possession of passengers or crew members.* Small quantities of fruits, vegetables, and cut flowers, subject to the quarantine and regulations in this subpart, when loose and free of packing materials, may be taken aboard any ship, vessel, other surface craft, or aircraft by passengers or members of the crew without inspection and certification in the Territory of Hawaii. However, if such articles so taken aboard, are not eligible for inspection and certification under § 301.13–4 (a), they must be entirely consumed or disposed of before arrival within the territorial waters of the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States: *Provided*, That no such uncertified articles may be taken aboard any aircraft as baggage or otherwise, when such aircraft is to be inspected and certified before its departure from the Territory of Hawaii in the manner set forth in § 301.13–10 of the regulations in this subpart.

(b) *As ship's stores or decorations.* Fruits, vegetables, and cut flowers subject to the quarantine and regulations in this subpart may be taken aboard ship, vessel, or other surface craft, or aircraft in the Territory of Hawaii without inspection or certification. However, such fruits, vegetables, and cut flowers not eligible for inspection and certification under § 301.13–4 (a) must be entirely consumed or removed from the ship, vessel, other surface craft, or aircraft before arrival within the territorial waters of the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States: *Provided*, That no such uncertified articles may be taken aboard any aircraft as stores or otherwise, when such aircraft is to be inspected and certified before its departure from the Territory of Hawaii in the manner set forth in § 301.13–10.

§ 301.13–8 *Inspection of vessels.* All ships, vessels, and other surface craft from Hawaii, upon coming within the territorial waters of the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, shall be subject to examination by inspectors for the purpose of ascertaining by inspection whether any of the articles or insects prohibited movement by the quarantine and regulations in this subpart are contained in such ships, vessels, or other surface craft, or whether there remains any infestation from such articles. Such inspection will be made at the discretion of the inspector, either in the stream or at a pier, wharf, or mole within the confines of any port in the United States, other than in the Territory of Hawaii. If inspection is made in the stream, the ship, vessel, or other surface craft shall remain in the quarantine or inspection area until the inspector has notified the master or other responsible ship's officer, in writing, that further detention in quarantine for inspection purposes is not required. If inspection is made at a pier, wharf, or mole, the master or other responsible ship's officer shall not permit the unloading of any cargo, stores, baggage, or other personal belongings of the passengers and crew until he receives the written notification referred to above from the inspector. This inspection shall be made only between the hours of sunrise and sunset, and any ship, vessel, or other surface craft arriving after sunset shall remain at anchor in the quarantine or inspection area until inspection can be made on the following morning. *Provided;* That inspection between the hours of sunset and sunrise may be made when the inspector has been furnished advance information of the approximate hour of arrival, and the number of passengers carried, if any, and when facilities satisfactory to the inspector are provided both aboard the ship, vessel, or other surface craft and on the pier for adequate lighting and availability of stores, quarters, and baggage for inspection, as well as transportation to and from the ship, vessel, or other surface craft in the quarantine or inspection area, if necessary.

§ 301.13–9 *Disinfection of vessels.* Any ship, vessel, or other surface craft arriving from the Territory of Hawaii at a port in the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, which is found upon inspection to contain articles subject to the quarantine and regulations in this subpart infected or infested with any of the plant pests designated in the quarantine or to be contaminated with any article or injurious insect prohibited movement by said quarantine and regulations, shall be immediately disinfected by the person in charge or possession of such ship, vessel, or other surface craft under the supervision of an inspector and in the manner prescribed by him.

§ 301.13–10 *Inspection of aircraft.* All aircraft arriving from the Territory of Hawaii at a port within the territorial limits of the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States shall be subject to examination by inspectors for the purpose of ascertaining by inspection if any article or injurious insect the movement of which is prohibited by the quarantine and regulations in this subpart is contained in any such aircraft, or if any infestation from such prohibited articles remains. Except in the case of forced landings, all aircraft moving between the Territory of Hawaii and the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, shall, upon coming within the territorial limits of the continental United States, Alaska, Puerto Rico, or said Virgin Islands, land at an airport of entry, unless permission to land elsewhere than at an airport of entry is first granted by the Commissioner of Customs, Washington, D. C., with concurrence of the Plant Quarantine Branch, and shall remain there until inspected and released by the inspector. No baggage, cargo, or other articles shall be removed from the aircraft until such removal has been authorized by an inspector: *Provided*, That in the case of forced landings by such aircraft, the aircraft commander or operator shall not allow any baggage, cargo, or other articles to be removed therefrom, unless such removal is necessary for purposes of safety or the preservation of life or property. As soon as practicable, the aircraft commander, or a member of the crew in charge, or the owner of the aircraft shall communicate with the nearest plant quarantine officer and make a full report of the circumstances of the flight and of the forced landing: *Provided further*, That aircraft proceeding from the Territory of Hawaii to or through the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States may, at the discretion of an inspector, be inspected immediately prior to the departure of such aircraft from the Territory of Hawaii in lieu of inspection at the port of arrival, and when such aircraft, its cargo, stores, and baggage and other personal effects of passengers and crew members have been inspected and found free of articles or insects, the movement of which is prohibited by the quarantine and regulations in this subpart, the inspector shall issue a certificate to that effect for delivery to the pilot or person in charge of the aircraft as evidence for later presentation at the port of arrival that such inspection has been made.

§ 301.13–11 *Disinfection of aircraft.* Any aircraft arriving from the Territory of Hawaii at a port in the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, which is found upon inspection to contain articles subject to the quarantine and regulations in this subpart infested or infected with any of the plant pests designated in § 301.13 or which is found to be contaminated with any articles or injurious insects prohibited movement by said quarantine and regulations shall be immediately disinfected by or at the direction of the person in charge or possession of such aircraft, under the supervision of an inspector and in the manner prescribed by him; and any aircraft found upon inspection pursuant to the second provision in § 301.13–10 prior to its departure from the Territory of Hawaii for a port in the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, to contain or to be contaminated with any articles or injurious insects as aforesaid, shall be disinfected by the person in charge or in possession of such aircraft, under the supervision of an inspector and in a manner prescribed by him, before it will qualify for the certificate referred to in the said second proviso, in § 301.13–10.

§ 301.13–12 *Inspection of baggage and cargo.* (a) All baggage and other personal effects of passengers and members of crews on ships, vessels, other surface craft or aircraft moving from the Territory of Hawaii shall be subject to examination by an inspector to ascertain if they contain any of the articles prohibited movement by the quarantine and regulations in this subpart. Such baggage inspection shall be made, at the discretion of the inspector, on the dock or on the ship, vessel, other surface craft or aircraft while in a quarantine or inspection area, either at the port of departure in the Territory of Hawaii or at the first or any subsequent port of arrival in the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, and no baggage or other personal effects of passengers or crew members from the Territory of Hawaii shall be released until said effects have been inspected and passed. Baggage inspections will not be performed until the person in charge or possession of the carrier ship, vessel, other surface craft, or aircraft provides sufficient space and adequate facilities thereon, or on piers or landing fields for such inspection.

(b) Inspectors may require that any box, bale, crate, bundle, package, trunk, bag, suitcase, or other container, carried as ships' stores, cargo, or otherwise, by any ship, vessel, other surface craft, or aircraft moving between the Territory of Hawaii and the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, be opened for inspection to determine whether any article prohibited movement by the quarantine and regulations in this subpart is present. If any such prohibited article, including any injurious insect or any fruit or vegetable infested with plant pests, is found, the inspector may order the return of the article to the place of origin under safeguards satisfactory to him, seize and destroy it, or otherwise dispose of it or such part thereof as in his judgment is necessary to comply with the quarantine and regulations in this subpart.

(c) No cargo shall be loaded on or unloaded from any ship, vessel, other surface craft, or aircraft arriving from the Territory of Hawaii at a port in the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, either at the first or any subsequent port of arrival where passengers are disembarked, without authorization of the inspector in charge of the inspection of passengers' baggage.

§ 301.13–13 *Posting of warning notice and distribution of baggage declarations.* (a) Before any ship, vessel, other surface craft, or aircraft from Hawaii arrives within the boundaries of the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, the master, or other responsible officer thereof, shall cause to be distributed to each adult passenger thereon a baggage declaration[3] to be furnished by the United States Department of Agriculture, calling attention to the provisions of the Plant Quarantine Act, and the quarantine and regulations in this subpart. These baggage declarations shall be executed and signed by the passengers and shall be collected and delivered by the master or other responsible officer of the ship, vessel, other surface craft, or aircraft, to the inspector on arrival at the quarantine or inspection area: *Provided*, That in the case of aircraft inspected and certified as set forth in the second proviso of § 301.13–10 no baggage declarations will be required.

(b) Every person owning or controlling any dock, harbor, or landing field in Hawaii from which ships, vessels, other surface craft, or aircraft leave for ports in the continental United States, Alaska, or the Virgin Islands of the United States shall post, and keep posted at all times, in one or more conspicuous places in passenger waiting rooms on or in said dock, harbor, or landing field a warning notice directing attention to the quarantine and regulations in this subpart.[3] Every master, or other responsible officer of any ship, vessel, other surface craft, or aircraft leaving Hawaii destined to a port in the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States shall similarly post, and keep posted at all times, such a warning notice in the ship, vessel, other surface craft, or aircraft under his charge.

§ 301.13–14 *Shipments for experimental or scientific purposes—(a) Articles for experimental or scientific purposes.* Regulated articles, other than live insects of the species designated in § 301.13 or other notoriously injurious insects in a live state, may be moved by the United States Department of Agriculture for experimental or scientific purposes on such conditions as may be prescribed by the Chief of the Plant Quarantine Branch. The container of articles so moved shall bear an identifying tag from the Plant Quarantine Branch.

(b) *Insects for scientific purposes.* Live insects of the species designated in § 301.13 or other notoriously injurious insects in a live state, in any stage of development, may be mailed, shipped, transported, delivered, or removed from the Territory of Hawaii to the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, for scientific purposes only under conditions prescribed by the Chief of the Plant Quarantine Branch. The container of live insects so moved shall bear an identifying tag from the Chief of the Plant Quarantine Branch.

This amendment of the quarantine and regulations shall be effective on and after February 12, 1954, and shall supersede the quarantine and regulations effective June 24, 1948, as amended effective July 17, 1950, June 27, 1953, and July 20, 1953. Administrative instructions issued by the Chief of the former Bureau of Entomology and Plant Quarantine under the regulations, effective March 9, 1950 and February 18, 1953 (B. E. P. Q. 585 and B. E. P. Q. 592, 7 CFR Supp. 301.13–4a, 301.13–4b) are unaffected by this amendment.

This amendment makes the Hawaiian Fruits and Vegetables Quarantine and regulations thereunder applicable to the movement, of the products and insects regulated thereby, from Hawaii to the Virgin Islands of the United States and specifies the continental United States, Alaska, and Puerto Rico as the other areas to which such movement is regulated by the quarantine and regulations. Certain other formal changes are made in the quarantine and regulations for clarity and consistency.

[3] Form No. EQ–132.

[3] An acceptable warning notice appears on Form EQ–132.

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54–190; Filed, Jan. 11, 1954; 8:50 a. m.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SUGARCANE

NOTICE OF QUARANTINE

On March 29, 1951, pursuant to a notice published in the FEDERAL REGISTER on February 8, 1951 (16 F. R. 1204), a public hearing was held with respect to proposed changes in the Sugarcane Quarantine (7 CFR 301.16) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161). On September 30, 1953, notice of rule making was published in the FEDERAL REGISTER (18 F. R. 6244) concerning the proposed amendment of the said quarantine. After due consideration of all relevant matters presented at the public hearing or pursuant to the notice of rule making and under the authority of sections 8 and 9 of said Plant Quarantine Act, the Sugarcane Quarantine (7 CFR 301.16) is hereby amended to read as follows:

§ 301.16 *Notice of quarantine.* (a) The Secretary of Agriculture, having previously quarantined Hawaii and Puerto Rico to prevent the spread to other parts of the United States of certain dangerous plant diseases and insect infestations of sugarcane, now determines that it is necessary also to quarantine the Virgin Islands of the United States to prevent the spread of dangerous plant diseases and insect infestations of sugarcane found in said Virgin Islands and new to and not widely prevalent or distributed within and throughout the United States, including the sugarcane root borer, Diaprepes abbreviatus (L.), and the gummosis disease, Xanthomonas vasculorum (Cobb) Dowson.

(b) Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having given public hearing as required thereunder, the Secretary of Agriculture hereby quarantines Hawaii, Puerto Rico, and the Virgin Islands of the United States to prevent the spread of said dangerous plant diseases and insect infestations of sugarcane.

(c) No canes of sugarcane, or cuttings or parts thereof, or sugarcane leaves, or bagasse, shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State, Territory, or District of the United States: *Provided*, That the prohibitions of this section shall not apply to the movement of such products from the Virgin Islands of the United States to Puerto Rico; nor prohibit the movement of such products

by the United States Department of Agriculture for scientific or experimental purposes; nor prohibit the movement of specific products which the Department may authorize under permit, on condition that they are to be so treated, processed, or manufactured and so handled in connection with such treatment, processing, or manufacture, that, in the judgment of the Department their movement will involve no pest risk, or under certificate issued by the Department that they have been thus treated, processed, or manufactured; *Provided, further,* That whenever the Chief of the Plant Quarantine Branch shall find that facts exist as to pest risk involved in the movement of one or more of the products to which this subpart applies, making it safe to modify, by making less stringent, the requirements contained therein, he shall set forth and publish such finding in administrative instructions specifying the manner in which the subpart should be made less stringent, whereupon such modification shall become effective. As used in this section, the term "State, Territory, or District of the United States" means "Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States."

This amendment shall be effective on and after February 12, 1954, and shall supersede the quarantine effective January 1, 1935.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

The foregoing amendment of the Sugarcane Quarantine is issued to protect against the spread of certain pests of sugarcane occurring in the Virgin Islands of the United States to other parts of the United States and to protect the Virgin Islands from such pests occurring in Hawaii and Puerto Rico. The amendment also authorizes the issuance of administrative instructions making the requirements of the Quarantine less stringent under certain circumstances.

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54-193; Filed, Jan. 11, 1954; 8:51 a. m.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SWEETPOTATOES

NOTICE OF QUARANTINE

On March 29, 1951, pursuant to a notice published in the FEDERAL REGISTER on February 8, 1951 (16 F. R. 1204), a public hearing was held with respect to proposed changes in the Sweetpotato Quarantine (7 CFR 301.30) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161). On September 30, 1953, notice of rule making was published in the FEDERAL REGISTER (18 F. R. 6244) concerning the proposed amendment of the said quarantine. After due consideration of all relevant matters presented at the public hearing or pursuant to the notice of rule making and under the authority of sections 8 and 9 of said Plant Quarantine Act, the Sweetpotato Quarantine (7 CFR Supp. 301.30) is hereby amended to read as follows:

§ 301.30 *Notice of quarantine.* (a) The Secretary of Agriculture, having previously quarantined Hawaii and Puerto Rico to prevent the spread to other parts of the United States of the sweetpotato scarabee (Euscepes postfasciatus Fairm.) and the sweetpotato stem borer (Omphisa anastomosalis Guen.), dangerous insect infestations new to and not widely prevalent or distributed within or throughout the United States, now determines that it is necessary also to quarantine the Virgin Islands of the United States to prevent the spread of the sweetpotato scarabee from said Virgin Islands.

(b) Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having given public hearing as required thereunder, the Secretary of Agriculture hereby quarantines Hawaii, Puerto Rico, and the Virgin Islands of the United States to prevent the spread of the sweetpotato scarabee (Euscepes postfasciatus Fairm.) and the sweetpotato stem borer (Omphisa anastomosalis Guen.).

(c) No variety of sweetpotatoes (Ipomoea batatas Poir.) shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State, Territory, or District of the United States: *Provided,* That the prohibitions of this section shall not apply to the movement of sweetpotatoes in either direction between Puerto Rico and the Virgin Islands of the United States; nor prohibit the movement of sweetpotatoes by the United States Department of Agriculture for scientific or experimental purposes; nor prohibit the movement from Puerto Rico or the Virgin Islands of the United States of sweetpotatoes which the Chief of the Plant Quarantine Branch may authorize under permit or certificate to such northern ports of the United States as he may designate in such permit or certificate, conditioned upon the fumigation of such sweetpotatoes under the supervision of an inspector of said Branch either in Puerto Rico or the Virgin Islands of the United States or at the designated port of arrival, in a manner approved by the said Chief: *Provided further,* That whenever the Chief of the Plant Quarantine Branch shall find that facts exist as to pest risk involved in the movement of sweetpotatoes or any classification thereof to which this subpart applies, making it safe to modify, by making less stringent, the requirements contained therein, he shall set forth and publish such finding in administrative instructions specifying the manner in which the subpart should be made less stringent, whereupon such modification shall become effective. As used in this section, the term "State, Territory, or District of the United States" means "Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States."

This amendment shall be effective February 12, 1954, and shall supersede the quarantine effective October 10, 1934.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

The foregoing amendment of the Sweetpotato Quarantine is issued to protect against the spread of certain pests of sweetpotatoes occurring in the Virgin Islands of the United States to other parts of the United States and to protect the Virgin Islands against such pests occurring in Hawaii. The amendment also authorizes the issuance of administrative instructions making the requirements of the Quarantine less stringent under certain circumstances.

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54-191; Filed, Jan. 11, 1954; 8:50 a. m.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES FROM PUERTO RICO OR VIRGIN ISLANDS

On March 29, 1951, pursuant to a notice published in the FEDERAL REGISTER on February 8, 1951 (16 F. R. 1204), a public hearing was held with respect to proposed changes in the quarantine and regulations relating to fruits and vegetables from Puerto Rico (7 CFR Supp. 301.58, 301.58–1 et seq.) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161). On September 30, 1953, notice of rule making was published in the FEDERAL REGISTER (18 F. R. 6244) concerning the proposed amendment of said quarantine and regulations to include the Virgin Islands of the United States and to make other changes and the redesignation of the Subpart "Puerto Rican Fruits and Vegetables" in 7 CFR Part 301, containing said quarantine and regulations, as Subpart "Fruits and Vegetables from Puerto Rico or Virgin Islands." After due consideration of all relevant matters presented at the public hearing or pursuant to the notice of rule making and under the authority of sections 8 and 9 of said Plant Quarantine Act, the Subpart "Puerto Rican Fruits and Vegetables" is hereby redesignated as Subpart "Fruits and Vegetables from Puerto Rico or Virgin Islands" and the aforesaid quarantine and regulations are amended to read, respectively, as follows:

QUARANTINE

Sec.
301.58 Notice of quarantine.

RULES AND REGULATIONS

301.58–1 Definitions.
301.58–2 Fruits and vegetables the movement of which is prohibited.
301.58–3 Fruits and vegetables the movement of which is authorized.
301.58–4 Application for inspection.
301.58–5 Certification of shipments.
301.58–6 Marking of containers.
301.58–7 Fruits and vegetables as ships' stores or in the possession of passengers and crew.
301.58–8 Inspection of vessels.
301.58–9 Disinfection of vessels.
301.58–10 Inspection of cargo.
301.58–11 Inspection of personal belongings.
301.58–12 Parcel post inspection.
301.58–13 Movement by the Department of Agriculture.
301.58–14 Special provisions for preflight inspection in Puerto Rico or the Virgin Islands of aircraft, cargo, etc.

AUTHORITY: §§ 301.58 to 301.58–14 issued under secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162. Interpret or apply sec. 1, 33 Stat. 1269; 7 U. S. C. 141.

QUARANTINE

§ 301.58 *Notice of quarantine.* (a) The Secretary of Agriculture having previously quarantined Puerto Rico to prevent the spread to other parts of the United States of certain dangerous insect infestations, including the fruit flies, Anastrepha suspensa (Loew) and A. mombinpraeoptans Sein, and the bean pod borer, Maruca testulalis (Geyer), not heretofore widely prevalent or distributed within and throughout the United States, now determines that it is necessary also to quarantine the Virgin Islands of the United States to prevent the spread of such dangerous insects from said Virgin Islands.

(b) Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having given public hearing as required thereunder, the Secretary of Agriculture hereby quarantines Puerto Rico and the Virgin Islands of the United States to prevent the spread of said dangerous insect infestations.

(c) No fruits or vegetables, in the raw or unprocessed state, shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Puerto Rico or the Virgin Islands of the United States into or through Alaska, Hawaii, or the continental United States, in manner or method or under conditions other than those prescribed in the regulations hereinafter made or amendments thereto: *Provided,* That whenever the Chief of the Plant Quarantine Branch shall find that facts exist as to pest risk involved in the movement of one or more of the products to which this subpart applies, making it safe to modify, by making less stringent, the requirements contained therein, he shall set forth and publish such finding in administrative instructions specifying the manner in which the subpart should be made less stringent, whereupon such modification shall become effective.

(d) No restrictions are placed hereby on the movement of fruits or vegetables in either direction between Puerto Rico and the Virgin Islands of the United States.

(e) This section leaves in full force and effect § 301.30 which restricts the movement from Hawaii, Puerto Rico, and the Virgin Islands of the United States into any of the States or certain Territories or Districts of the United States of all varieties of sweetpotatoes (Ipomoea batatas Poir.).

RULES AND REGULATIONS

§ 301.58–1 *Definitions—(a) Fruits and vegetables.* The edible, more or less succulent, portions of food plants in the raw or unprocessed state, such as bananas, oranges, grapefruit, pineapples, tomatoes, peppers, lettuce, etc.

(b) *Plant litter.* Leaves, twigs, or other portions of plants, or plant remains or rubbish as distinguished from clean fruits and vegetables, or other commercial articles.

(c) *Inspector.* An inspector of the Plant Quarantine Branch, United States Department of Agriculture.

(d) *Moved (movement and move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Puerto Rico or the Virgin Islands of the United States into or through Alaska, Hawaii, or the continental United States. ("Movement" and "move" shall be construed accordingly.)

§ 301.58–2 *Fruits and vegetables the movement of which is prohibited.* Movement of fruits of mango (Mangifera spp.), jobo (Spondias spp.), guava (Psidium guajava), and pomarrosa or rose apple (Eugenia jambos), and all other fruits and vegetables for which movement is not authorized in § 301.58–3, is prohibited: *Provided,* That any fruit or vegetable the movement of which is thus prohibited may be removed from a prohibited status and included in the list for which movement is authorized in § 301.58–3, by administrative instructions issued by the Chief of the Plant Quarantine Branch when evidence satisfactory to him is obtained that the movement of the product in question, either subject to a specified treatment, or as packed and shipped, will not result in the dissemination of injurious insects.

§ 301.58–3 *Fruits and vegetables the movement of which is authorized.*[1] (a) Subject to the conditions and limitations noted herein, and to such treatment as is herein or may hereafter be prescribed by the Chief of the Plant Quarantine Branch, the following fruits and vegetables may be moved when such fruits or vegetables are free from plant litter, are marked in compliance with § 301.58–6, and have been inspected by an inspector and certified by him to be free from injurious insect infestation, including the West Indian fruitfly and the bean pod borer, or to have been given prescribed treatment:

String beans, lima beans, faba beans, and pigeonpeas, in the pod, will be certified for movement only when they have been treated as prescribed by the Chief of the Plant Quarantine Branch and under the supervision of an inspector, except that movement of these articles to Baltimore, Maryland, and Atlantic Coast ports north thereof will be allowed under certification but without such treatment.

Citrus fruits (orange, grapefruit, lemon, citron, and lime).
Corn (sweet corn on cob).
Peppers.

(b) The following fruits and vegetables are subject to inspection, either in the field or when presented for shipment, as the inspector may require, but unless found by him to be infested shall be free to move without certification, marking, treatment, or other requirements of this subpart, except that they must be free from plant litter and soil: *Provided,* That if the inspector shall find any field, grove, lot, shipment, or container of such fruits and vegetables infested with injurious insects, he shall notify the owner or person in charge, in writing, of the existence of the infestation and the extent thereof, and thereafter movement of the fruit or vegetable so specified shall be prohibited while the infestation persists, unless in the judgment of the inspector movement may be safely allowed subject to certification after having been given an approved treatment, or after sorting, conditioning, or other effective safeguard measures:

Algarroba pods (Hymenaea courbaril).
Allium spp. (onion, chive, garlic, leek, scallion, shallot).
Anise (Pimpinella anisum).
Apio, celery root (Arracacia xanthorrhiza).
Arrowroot (Maranta arundinacea).
Artichoke, Jerusalem (Helianthus tuberosus).
Asparagus.
Avocado.
Balsamapple, balsam-pear (Momordica balsamina; M. charantia).
Banana and plantain (fruit).
Banana leaves (fresh, without stalks or midrib).
Beans (fresh shelled lima and faba beans).
Beet, including Swiss chard.
Brassica oleracea (cabbage, cauliflower, Brussels sprouts, broccoli, collard, kale, kohlrabi, Savoy).
Breadfruit, jackfruit (Artocarpus spp.).
Cacao bean (Theobroma cacao).
Carrot.
Celery.
Chayote (Sechium edule).
Chicory, endive (Cichorium intybus).
Citrus fruit (citron, grapefruit, lemon, lime, and orange) destined for ports on the Atlantic seaboard north of and including Baltimore.
Cucumbers, including Angola cucumber (Sicania odorata).
Culantro, coriander (Eryngium foetidum; Coriandrum sativum).
Dasheen, malanga, taro (Colocasia and Caladium spp.).
Eggplant.
Fennel.
Ginger root (Zingiber officinale).
Horseradish (Armoracia).
Kudzu (Pueraria thunbergiana).
Lerens, sweet corn root (Calathea allouia).
Lettuce.
Mangosteen (Garcinia mangostana).
Mustard greens.
Palm hearts.
Papaya, lechosa (Carica papaya).
Parsley.
Parsnip.
Peas (in pod) (Pisum sativum).
Pigeonpea (fresh shelled).
Pineapple.
Potato.

[1] The following are not considered raw or unprocessed fruits and vegetables within the meaning of § 301.58 (B. E. P. Q.—Q. 58, revised): Coconuts, breadnuts, dried peas and beans, dried seeds, dried or cured medicinal plants and herbs, anatto seeds (achiote), gourd (higuero), cannon-ball fruit (Couroupita guianensis), and cut flowers.

Quenepa (Melicocca bijuga).
Radish.
Rhubarb.
Rutabaga.
Spinach.
Squash, pumpkin, watermelon, vegetable marrow, cantaloup, calabaza.
Strawberry.
Tamarind beanpod (Tamarindus indica).
Tomato.
Turnip.
Watercress.
Waterlily root, lotus root (Nelumbium nelumbo).
Yam, fiame (Dioscorea spp.).
Yautia, tanier (Xanthosoma spp.).
Yuca, cassava (Manihot esculenta).

§ 301.58–4 *Application for inspection.* Persons intending to move any of the fruits or vegetables for which certification is required under § 301.58–3 shall make application for inspection thereof as far as possible in advance of the probable date of shipment. The application shall show the quantity of the fruits or vegetables which it is proposed to move, their identifying marks and numbers, their exact location, and the contemplated date of shipment. Forms on which to make application for inspection will be furnished, upon request, by the United States Department of Agriculture, Plant Quarantine Branch.

§ 301.58–5 *Certification of shipments.* (a) Fruits and vegetables for which certification is required under § 301.58–3 shall not be moved by ship, vessel, aircraft, or otherwise, unless each shipment is accompanied by a certificate issued by an inspector showing that such fruits or vegetables have been inspected and pronounced free from injurious insect infestation, including the West Indian fruitfly and the bean pod borer, or that the required treatment has been given. Copies of inspection certificates shall accompany the manifests, memoranda, or bills of lading pertaining to such shipments.

(b) No charge will be made for the inspector's service in inspection and certification, but all costs for labor, cartage, storage, packing and unpacking, and other expenses incidental to inspection shall be borne by the shipper. Applicants for inspection shall place the fruits or vegetables to be inspected so that they can be readily examined; if not so placed, inspection will be refused.

§ 301.58–6 *Marking of containers.* No fruits or vegetables for which certification is required under § 301.58–3 shall be moved unless the crate, box, bale, or other container thereof is so marked with the marks and numbers given on the application that it may be identified at the port of first arrival.

§ 301.58–7 *Fruits and vegetables as ships' stores or in the possession of passengers and crew.* The movement of fruits and vegetables is permitted from Puerto Rico or the Virgin Islands of the United States as ships' stores or in the possession of passengers and crew on ships, vessels, or aircraft plying between Puerto Rico or the Virgin Islands of the United States and any other State, Territory, or District of the United States: *Provided*, That all such products shall upon arrival in Hawaii, Alaska, or the continental United States be submitted for inspection and disposition as provided in §§ 301.58–8 and 301.58–11, and (a) they must be free from infestation with injurious insects; (b) those fruits and vegetables not listed in § 301.58–3 shall not be landed; (c) prohibited fruits and vegetables retained aboard shall be subject to the safeguards provided in § 352.8 of this chapter.

§ 301.58–8 *Inspection of vessels.* Inspectors are authorized to enter upon ships, vessels, and aircraft from Puerto Rico or the Virgin Islands of the United States at any time after they come within the territory or territorial waters of any other State, Territory, or District of the United States, whether in the stream or at the dock, wharf, mole, or landing field for the purpose of ascertaining by inspection whether any of the fruits and vegetables covered by this subpart are contained in such ships, vessels, or aircraft as cargo or ships' stores, or whether there remains any infestation from such fruits or vegetables.

§ 301.58–9 *Disinfection of vessels.* Disinfection under the direction of and in the manner prescribed by the inspector of any ship, vessel, or aircraft plying between Puerto Rico or the Virgin Islands of the United States and any other State, Territory, or District of the United States upon arrival at the dock, wharf, mole, or landing field may be required if the ship, vessel, or aircraft is found to contain or to be contaminated with any of the fruits or vegetables infested with injurious insects. Such disinfection shall be performed by the person having charge or possession of the ship, vessel, or aircraft and at a place satisfactory to the inspector. When such ship, vessel, or aircraft has been disinfected in a manner satisfactory to such inspector, he shall immediately issue and deliver to the person having charge or possession thereof a certificate to that effect.

§ 301.58–10 *Inspection of cargo.* Inspectors are authorized to ascertain by inspection of the cargo of any ship, vessel, or aircraft plying between Puerto Rico or the Virgin Islands of the United States and any other State, Territory, or District of the United States at the port of first arrival, that each lot or shipment moving under certification agrees in nature and amount with the certificate, and that all shipments of fruits and vegetables for which a certificate is required are duly certified; to determine, in the case of fruits and vegetables the movement of which is not authorized, if infestation is present; and to require for such unauthorized shipments safeguards, treatment, return, or destruction, as may be necessary to prevent the dissemination of injurious insects.

§ 301.58–11 *Inspection of personal belongings.* Inspectors are authorized to inspect the baggage and other personal belongings of passengers and members of the crew on ships, vessels, or aircraft plying between Puerto Rico or the Virgin Islands of the United States and any other State, Territory, or District of the United States, in order to determine whether they contain products prohibited or restricted movement by this subpart, and if infested or unauthorized products are found, to require such safeguarding, treatment, or destruction as in the judgment of the inspector may be necessary. For the purpose of such inspection an inspector is authorized to open any box, bale, crate, bundle, or other package, including trunks, which may contain or be liable to contain any of the fruits or vegetables covered by the § 301.58. The inspector shall designate whether such inspection shall be made at the port of departure in Puerto Rico or the Virgin Islands of the United States or at the port of debarkation within any other State, Territory, or District of the United States and no such baggage or personal belongings of passengers or crew shall be removed from the dock, airport, or landing field at the port where the inspection is to be made until the same have been inspected and passed by an inspector. The inspection provisions of this section are not applicable to the personal belongings of passengers and crews moving only in either direction between Puerto Rico and the Virgin Islands of the United States.

§ 301.58–12 *Parcel post inspection.* Inspectors are authorized to inspect, with the cooperation of the United States Post Office Department, parcel post packages placed in the mails in Puerto Rico or the Virgin Islands of the United States, to determine whether such packages contain fruits or vegetables the movement of which is not authorized under this subpart, to examine fruits and vegetables so found for insect infestation, and to notify the postmaster in writing of any violation of this subpart in connection therewith.

§ 301.58–13 *Movement by the Department of Agriculture.* The quarantine and regulations in this subpart shall not apply to movement of fruits and vegetables from Puerto Rico or the Virgin Islands of the United States by the United States Department of Agriculture for experimental or scientific purposes.

§ 301.58–14 *Special provisions for preflight inspection in Puerto Rico or the Virgin Island of aircraft, cargo, etc.* Notwithstanding any other provisions in the regulations in this subpart, any aircraft proceeding from Puerto Rico or the Virgin Islands of the United States to or through Alaska, Hawaii, or the continental United States, and its cargo and stores, and the baggage and other personal belongings of its passengers and crew members, may at the discretion of an inspector, be inspected as provided in this section immediately prior to the departure of such aircraft from Puerto Rico or the Virgin Islands of the United States, in lieu of inspection at port of debarkation, and the provisions of §§ 301.58–4 and 301.58–6 through 301.58–11 shall not apply to such aircraft, cargo, stores, baggage, and personal belongings which are so inspected. When such aircraft, cargo, stores, baggage, and personal belongings have been so inspected and found free of dangerous insects and products, the movement of which is prohibited by § 301.58 and the regulations in this subpart, the inspector shall issue a certificate to that effect, for delivery to the aircraft commander, as evidence, for later presentation at the port of debarkation, that such inspection has been made. Any aircraft found upon such preflight inspection to contain or to be contaminated with any such insects or products shall be disinfected by the person in charge or in possession of such aircraft, under the supervision of an inspector and in manner prescribed by him, before it will qualify for such a certificate. When, for any other reason, in the judgment of the inspector a hazard of spread of dangerous insects is presented in the movement of aircraft to be given preflight inspection, disinfection of such aircraft, by the inspector or, under his supervision, by the person in charge or possession of the aircraft, may be required by the inspector before the aircraft will qualify for such a certificate. Products authorized movement in § 301.58–3 must be inspected and certified, or otherwise approved by the inspector for movement, before being taken aboard any aircraft as cargo, stores, baggage, or otherwise, when such aircraft is to be given preflight inspection, and must in other respects comply with the requirements of §§ 301.58–3 and 301.58–5 except insofar as contrary provision is made in this section. The inspection provisions of this section are not applicable to the movement of aircraft, cargo, stores, and personal belongings of passengers and crews moving in either direction only between Puerto Rico and the Virgin Islands of the United States.

This amendment shall be effective February 12, 1954, and shall supersede the quarantine and regulations effective January 22, 1941, as amended effective January 26, 1949 and December 7, 1949.

The foregoing amendment is issued to protect against the spread of certain pests of fruits and vegetables occurring in the Virgin Islands of the United States to other parts of the United States. The amendment also relieves certain restrictions on the movement to Baltimore, Maryland, and certain north Atlantic ports of string beans, lima beans, faba beans, and pigeonpeas, and adds horseradish to the list of products free to move without certification unless found upon inspection to be infested. Minor changes for clarity and consistency are also made by the amendment.

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54–195; Filed, Jan. 11, 1954; 8:51 a. m.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SAND, SOIL, OR EARTH, WITH PLANTS FROM TERRITORIES AND INSULAR POSSESSIONS

NOTICE OF QUARANTINE

On March 29, 1951, pursuant to a notice published in the FEDERAL REGISTER on February 8, 1951 (16 F. R. 1204), a public hearing was held with respect to proposed changes in the quarantine covering sand, soil, or earth, with plants from Hawaii and Puerto Rico (7 CFR 301.60) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161). On September 30, 1953, notice of rule making was published in the FEDERAL REGISTER (18 F. R. 6245) concerning the proposed amendment of the said quarantine to include the Virgin Islands of the United States and to make other changes and the redesignation of the subpart "Sand, Soil, or Earth, with Plants from Hawaii and Puerto Rico" in 7 CFR Part 301, containing said quarantine, as "Sand, Soil, or Earth, with Plants from Territories and Insular Possessions." After due consideration of all relevant matters presented at the public hearing or pursuant to the notice of rule making, and under the authority of sections 8 and 9 of said Plant Quarantine Act, the subpart "Sand, Soil, or Earth, with Plants from Hawaii and Puerto Rico" is hereby redesignated as subpart "Sand, Soil, or Earth, with Plants from Territories and Insular Possessions" and the aforesaid quarantine is amended to read as follows:

§ 301.60 *Notice of quarantine.* (a) The Secretary of Agriculture, having previously quarantined Hawaii and Puerto Rico to prevent the spread to other parts of the United States, by means of sand, soil, or earth about the roots of plants, of immature stages of certain dangerous insects, including Phyllophaga spp. (White grubs), Phytalus sp., and Adoretus sp., and of several species of termites or white ants, new to and not heretofore widely prevalent or distributed within and throughout the United States, now determines that it is necessary also to quarantine the Virgin Islands of the United States to prevent the spread of such dangerous insects from said Virgin Islands.

(b) Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having given public hearing as required thereunder, the Secretary of Agriculture hereby quarantines Hawaii, Puerto Rico, and the Virgin Islands of the United States to prevent the spread of said dangerous insects.

(c) Sand (other than clean ocean sand), soil, or earth around the roots of plants shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State, Territory, or District of the United States: *Provided*, That the prohibitions of this section shall not apply to the movement of such products in either direction between Puerto Rico and the Virgin Islands of the United States: *Provided further*, That such prohibitions shall not prohibit the movement of such products by the United States Department of Agriculture for scientific or experimental purposes, nor prohibit the movement of sand, soil, or earth around the roots of plants which are carried, for ornamental purposes, on vessels into mainland ports of the United States and which are not intended to be landed thereat, when evidence is presented satisfactory to the inspector of the Plant Quarantine Branch of the Department of Agriculture that such sand, soil, or earth has been so processed or is of such nature that no pest risk is involved, or that the plants with sand, soil, or earth around them are maintained on board under such safeguards as will preclude pest escape: *And provided further*, That such prohibitions shall not prohibit the movement of plant cuttings or plants that have been (1) freed from sand, soil, and earth, (2) subsequently potted and established in sphagnum moss, or other packing material approved under § 319.37–16 that had been stored under shelter and had not been previously used for growing or packing plants, (3) grown thereafter in a manner satisfactory to an inspector of the Plant Quarantine Branch to prevent infestation through contact with sand, soil, or earth, and (4) certified by an inspector of the Plant Quarantine Branch as meeting the requirements of subparagraphs (1), (2), and (3) of this paragraph.

(d) As used in this section, the term "State, Territory, or District of the United States" means "Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States."

This amendment shall be effective February 12, 1954, and shall supersede the quarantine effective September 1, 1936.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

The foregoing amendment is issued to protect against the spread of certain plant pests occurring in the Virgin Islands to other parts of the United States and to protect the Virgin Islands against such pests occurring in Hawaii. It also relieves requirements by authorizing the certification for movement of plant cuttings or plants that have been handled and grown under specified conditions.

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54–194; Filed, Jan. 11, 1954; 8:51 a. m.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—CITRUS CANKER DISEASE FROM HAWAII

NOTICE OF QUARANTINE

On March 29, 1951, pursuant to a notice published in the FEDERAL REGISTER on February 8, 1951 (16 F. R. 1204), a public hearing was held with respect to proposed changes in the Hawaiian Citrus Nursery Stock Quarantine contained in the Subpart "Citrus Canker Disease From Hawaii" (7 CFR 301.75) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161). On September 30, 1953, notice of rule making was published in the FEDERAL REGISTER (18 F. R. 6246) concerning the

proposed amendment of said quarantine. After due consideration of all relevant matters presented at the public hearing or pursuant to the notice of rule making and under the authority of sections 8 and 9 of said Plant Quarantine Act, said Subpart "Citrus Canker Disease From Hawaii" is hereby amended to read as follows:

§ 301.75 *Notice of quarantine.* (a) Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having given public hearing as required thereunder, the Secretary of Agriculture has determined that it is necessary to quarantine Hawaii to prevent the spread to other parts of the United States of a dangerous plant disease (Xanthomonas citri (Hasse) Dowson), and other dangerous citrus plant diseases, new to and not widely prevalent or distributed within and throughout the United States, and said Secretary has quarantined Hawaii because of said diseases.

(b) No plants or any plant parts, except fruits and seeds, of any genus, species, or variety of the subfamilies Aurantioideae, Toddalioideae, or Rutoideae of the botanical family Rutaceae shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Hawaii into or through the continental United States, Alaska, Puerto Rico, or the Virgin Islands of the United States, except that this subpart shall not prohibit the movement of such plants or plant parts for experimental or scientific purposes by the United States Department of Agriculture, upon such conditions and under such requirements as may be prescribed by the Chief of the Plant Quarantine Branch.

This amendment shall be effective February 12, 1954, and shall supersede the quarantine effective September 15, 1947.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

The foregoing amendment is issued to protect the Virgin Islands of the United States against certain citrus pests occurring in Hawaii.

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54-192; Filed, Jan. 11, 1954; 8:50 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

PROCLAMATION APPORTIONING NATIONAL MARKETING QUOTAS FOR 1954-55 MARKETING YEAR AMONG THE SEVERAL STATES

The purpose of this proclamation is to apportion among the several States the national marketing quotas for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1954-55 marketing year proclaimed on November 27, 1953 (18 F. R. 7653). The findings and determinations contained herein have been made on the basis of the latest available statistics of the Federal Government and after due consideration of the data, views, and recommendations received from fire-cured, dark air-cured, and Virginia sun-cured tobacco producers and others as provided in a notice (18 F. R. 6592) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

Since fire-cured, dark air-cured, and Virginia sun-cured tobacco growers are now purchasing fertilizer and otherwise planning their 1954 farm operations, it is imperative that they be notified as soon as possible of their 1954 farm acreage allotment and farm marketing quotas. Therefore, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest, and that the amendments made herein shall become effective upon the date of their publication in the FEDERAL REGISTER.

1. Section 726.502 is hereby amended by adding the following new paragraph:

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Kentucky	19,468
Tennessee	21,110
Virginia	9,581
Reserve [1]	252

[1] Acreage reserved for establishing allotments for farms upon which no fire-cured tobacco has been grown during the past five years.

2. Section 726.503 is hereby amended by adding the following new paragraph:

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313(a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Kentucky	17,682
Tennessee	2,830
Indiana	78
Missouri	1
Reserve [1]	103

[1] Acreage reserved for establishing allotments for farms upon which no dark air-cured tobacco has been grown during the past five years.

3. Section 726.504 is hereby amended by adding the following new paragraph:

(e) *Apportionment of the quota.* Since Virginia sun-cured tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota proclaimed in paragraph (d) of this section, less 31,000 pounds reserved for establishing allotments for farms upon which no Virginia sun-cured tobacco has been grown within the past five years, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313 (g) of the act into a State acreage allotment of 6,104 acres. Likewise, the reserve of 31,000 pounds for establishing allotments for farms upon which no Virginia sun-cured tobacco has been grown within the past five years is hereby converted into 30 acres.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 7th day of January 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] ROSS RIZLEY,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-188; Filed, Jan. 11, 1954; 8:50 a. m.]

PART 728—WHEAT

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AUTHORITY: §§ 728.450 to 728.496 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 331-339, 362-368, 372-376, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1331-1339, 1362-1368, 1372-1376.

GENERAL

§ 728.450 *Basis and purpose.* The regulations contained in §§ 728.450 to 728.496, inclusive, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of marketings of wheat as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the postponement or avoidance of penalty on excess wheat by storage, by delivery to the Secretary of Agriculture, or, in a subsequent year, by underplanting the allotment or producing a less than normal crop; the records and reports required to be made by wheat producers and handlers; and special provisions and exemptions applicable to farms on which 15 acres or less of wheat is planted, to farms on which the normal production of the acreage planted is less than 200 bushels, and to wheat produced by publicly-owned experiment stations. Prior to preparing §§ 728.450 to 728.496, inclusive, public notice (18 F. R. 6711) of the Secretary's intention to formulate and issue the regulations was given in accordance with the Administrative Procedure Act (60 Stat. 237), and a draft of the regulations which were being considered for issuance were set out in full in the notice. The data, views, and recommendations submitted by persons interested in the regulations in this subpart have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 728.451 *Definitions.* As used in this subpart and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Department" means the United States Department of Agriculture.

(b) "Act" means the Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(c) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(d) "Director" means the Director of the Grain Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committee" means the several committees defined as follows:

(1) "State Committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation Committee of the Commodity Stabilization Service.

(2) "County Committee" means the persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(3) "Community Committee" means the persons elected within a community as a community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(4) "Review committee" means the committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in section 363 of the act.

(f) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(g) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(h) "Landlord or owner" means a person who owns land.

(i) "Tenant" means a person other than a sharecropper who rents land from another person, whether or not he rents such land or part thereof to another person.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Producer or farmer" means a person who as owner, landlord, tenant, or sharecropper is entitled to all or a share of the 1954 wheat crop or of the proceeds thereof.

(m) "Buyer" means a person who buys wheat.

(n) "Transferee" means a person who acquires wheat from a producer or any other person by barter, exchange or gift.

(o) "Intermediate buyer" means any buyer or transferee who purchases or acquires any wheat prior to the time the wheat so purchased or acquired has been marketed either (1) to a warehouseman, elevator operator, feeder, or processor, or (2) to any other grain dealer who the county or State committee finds conducts his business in a manner substantially the same as a warehouseman or elevator operator.

(p) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, determines is operated by the same person as part of the same unit in producing range livestock, or with respect to the rotation of crops and with workstock, farm machinery, and labor, substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(q) "Farm acreage allotment" means that wheat acreage allotment established for the farm under §§ 728.410 to 728.424 as published in the FEDERAL REGISTER under date of June 3, 1953 (18 F. R. 3161).

(r) (1) "Wheat acreage" means (i) any acreage seeded to wheat, excluding any acreage (a) seeded to a wheat mixture in wheat mixture counties approved by the Director, or (b) used as green manure, cover crop or hay in green manure, cover crop, and hay counties approved by the Director or in counties designated in June 1953 and thereafter by the President as drought disaster counties under Public Law 875, 81st Congress, and (ii) any acreage of volunteer (self-seeded) wheat which reaches maturity.

(2) Acreage seeded to wheat will not be considered as an acreage of wheat for the farm to the extent that (i) it has been totally destroyed by any cause beyond the control of the producer and cannot be reseeded, and (ii) an additional acreage of wheat, subsequently seeded with prior approval of the county

committee, or an acreage of volunteer wheat, with approval of the county committee, or both, is substituted for the destroyed acreage.

(s) "Green manure, cover crop, and hay" wheat means wheat seeded which does not reach maturity because it is, while still green, turned under, pastured off, or cut for hay or silage.

(t) "Wheat mixture" means a mixture of wheat and other small grains (excluding vetch, Austrian winter peas, Rough peas, and flax) containing, when seeded, less than 50 percent by weight of wheat and which when harvested produced less than 50 percent of wheat by weight. An acreage will not be considered as having been devoted to a wheat mixture if the crops other than wheat fail to reach maturity and the wheat is permitted to reach maturity.

(u) "Excess wheat acreage" means the acreage of wheat determined for the farm which is in excess of the farm acreage allotment, except that there shall be no excess wheat acreage for any farm on which (1) the wheat acreage does not exceed 15 acres, (2) the normal yield times the wheat acreage is less than 200 bushels, or (3) the wheat is grown for experimental purposes only by a publicly owned experiment station.

(v) "Normal yield" means the number of bushels of wheat established as the normal yield per acre for the farm under § 728.453.

(w) "Actual yield" means the number of bushels of wheat determined by dividing the number of bushels of wheat produced on the farm in 1954 by the 1954 wheat acreage on the farm.

(x) "Normal production" of any number of acres means the normal yield of wheat for the farm times such number of acres.

(y) "Actual production" of any number of acres means the actual yield of wheat per acre for the farm times such number of acres.

(z) "Farm marketing quota" means the wheat marketing quota established under the act for the farm for the 1954 crop.

(aa) "Farm marketing excess" means the amount of wheat determined for any farm under § 728.459 or § 728.461, whichever is applicable.

(bb) "Marketing year" means the period beginning July 1, 1954, and ending June 30, 1955, both dates inclusive.

(cc) "Market" means to dispose of wheat, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift, or by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or are to be so disposed of.

(1) The term "sale" means any transfer of title to wheat by a producer by any means other than barter, exchange, or gift.

(2) The terms "barter" and "exchange" mean transfer of title to wheat by a producer in return for wheat or any other commodity, service, or property, in cases where the value of the wheat or such other commodity, service, or property is not considered in terms of money, or the transfer of title to wheat by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of wheat in lieu of a cash charge for harvesting or milling wheat (commonly called "toll wheat").

(3) The term "gift" means any transfer of title to wheat accompanied by delivery of the wheat by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(4) "Marketed", "marketing", and "for market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(dd) "Penalty" means the penalty provided in paragraph (2) of Public Law No. 74, 77th Congress, as amended by section 3 of Public Law No. 117, 83d Congress.

(ee) "Treasurer of the county committee" means the county office manager or the person designated by him to act as treasurer of the ASC county committee.

§ 728.452 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment Commodity Stabilization Service.

§ 728.453 *Normal yields*—(a) *Farms for which normal yields will be determined.* The Secretary, through the county committee, will determine a normal yield for each farm for which a farm marketing excess is determined for the 1954 crop or for which a request is made to the county committee by the operator prior to seeding.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield per acre for all of the ten calendar years immediately preceding the calendar year in which the yield is determined are presented by the farmer or are available to the county committee, the normal yield per acre of wheat for the farm shall be determined to be the average of such yields, adjusted for abnormal weather conditions and trends in yields.

(c) *Appraised yields.* If for any year of such 10-year period records of the actual average yield are not available, or there was no actual yield, the normal yield per acre of wheat for the farm shall be appraised by the county committee, taking into consideration abnormal weather conditions, the normal yield for the county, and the yields in years for which data were available. Where the normal yield for the county is not considered representative of the normal yield for the farm, the county committee in appraising the normal yield for the farm shall take into consideration in lieu thereof the yields obtained on farms in the same locality which are similar with respect to type of soil, typography, and farming practices associated with the production of wheat.

IDENTIFICATION AND MEASUREMENTS OF FARMS

§ 728.454 *Identification of farms.* Each farm as operated for the 1954 crop of wheat shall be identified by a farm serial number, assigned by the county committee, which shall not be changed, and all records pertaining to marketing quotas for the 1954 crop of wheat shall be identified by the farm serial number.

§ 728.455 *Measurements of farms.* The county committee shall provide for measuring each wheat farm in the county in accordance with the procedure approved for use by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 728.456 *Reports and records of farm measurements.* A record shall be kept in the ASC county office of the measurements made on all farms. There shall be filed with the ASC State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of the operator, (c) the total acreage in cultivation, (d) the farm acreage allotment, and (e) the wheat acreage.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 728.457 *Marketing quotas in effect.* Marketing quotas for the 1954 crop of wheat shall be applicable to any wheat of that crop notwithstanding that it may be available for market prior to the beginning of the marketing year or subsequent to the end of the marketing year.

§ 728.458 *Farm marketing quota.* The farm marketing quota for any farm for the 1954 crop of wheat shall be that number of bushels of wheat produced less the amount of the farm marketing excess for the farm.

§ 728.459 *Farm marketing excess*—(a) *Where measurements are made.* The farm marketing excess for the 1954 crop of wheat for any farm shall be the normal production of the wheat acreage on the farm in excess of the farm acreage allotment therefor. The farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat acreage allotment if the producer establishes such actual production to the satisfaction of the Secretary.

(b) *Where measurements cannot be made.* Whenever the determination of the wheat acreage in excess of the allotment for any farm is prevented by the producer, the farm marketing excess shall be the total number of bushels produced in 1954 on the farm. In the event the producer establishes, in accordance with § 728.461, the total number of bushels of wheat produced in 1954 on the farm, the farm marketing excess shall be the number of bushels of wheat produced in 1954 on the farm in excess of the normal production of the farm acreage allotment therefor.

§ 728.460 *Notice of farm marketing excess.* Written notice of the farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the 1954 wheat crop produced or to be produced on the farm. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the ASC county office and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1954 on the farm for which the notice is given. Each notice shall be on a form prescribed by the Director and shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 728.461 *Farm marketing excess adjustment*—(a) *Adjustment in the amount of the farm marketing excess.* Any producer having an interest in the wheat produced in 1954 on any farm for which there is a farm marketing excess may, within 60 days after the threshing of wheat is normally substantially completed in the county in which the farm is situated, apply to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of wheat produced in 1954 on the farm. The date on which the threshing of wheat is normally substantially completed in the county shall be determined by the State committee taking into consideration recommendations which the county committee may make and, unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess wheat acreage for the farm shall be final as to the producers on the farm. The county office shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production of any farm shall be determined in view of the relevant facts, including the past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing, and sales of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of wheat on the farm and in the locality in which the farm is situated. In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the questions of fact, and (3) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A notice showing the result of the determination made as aforesaid shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

§ 728.462 *Publication of the farm acreage allotments, marketing quotas, and marketing excesses.* A record of the farm acreage allotments, farm marketing quotas, and farm marketing excesses established for farms in the county shall be made and kept freely available for public inspection in the ASC county office.

§ 728.463 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 728.464 *Successors in interest.* Any person who succeeds to the interest of a producer in a farm or in a wheat crop produced on a farm, for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of wheat.

§ 728.465 *Review of quotas*—(a) *Right to review by review committee.* Any producer who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him, apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (Form MQ–51) as issued by the Secretary (Part 711 of this chapter).

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS AND MARKETING CERTIFICATES

§ 728.466 *Issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* The operator and all other producers on a farm shall be eligible to receive a marketing card (MQ–76—Wheat (1954)) if (1) no farm marketing excess is determined for the farm, (2) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 728.477 or § 728.478, (3) the farm marketing excess is stored, as provided in § 728.482, or (4) the amount of the farm marketing excess has been delivered to the Secretary, as provided in § 728.483. Each marketing card shall be serially numbered and shall show the names of the State and county and code number thereof and the serial number of the farm, the signature of the county office manager or his designee, the name and address of the producer to whom issued, and the countersignature of the producer to whom the card is issued, or his duly authorized agent, or a statement by the county office manager or his designee giving an explanation of the reason for which the countersignature cannot be made.

(b) *Multiple farm producers eligible to receive marketing cards.* Any producer who is a wheat producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. However, only one wheat marketing card need be issued to a producer who has an interest in the wheat crop on more than one farm in the county, provided the farm serial numbers of all such farms are entered on the marketing card and the producer is eligible to receive a marketing card or marketing certificate on each farm in the county in which he has an interest in the wheat crop. The other producers on a farm for which the multiple farm pro-

ducer would otherwise be eligible to receive a marketing card shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of wheat in more than one county (in the same State or in two or more States), the regulations outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties so decide, or if the State committee has reason to believe that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of wheat, together with any other information deemed necessary to enforce the act.

§ 728.467 *Issuance of marketing certificates.* The county office manager or his designee shall, upon request, issue a marketing certificate, Form MQ–94—Wheat (1954), to any producer (a) who is eligible to receive a marketing card and who desires to market wheat by telegraph, telephone, mail, or by any means or method other than directly to and in the presence of the buyer or transferee, or (b) whose liability has been reduced to a proportionate share of the entire penalty and such liability discharged in accordance with the provisions of § 728.477 (c). Each marketing certificate shall show the name and address of the producer to whom issued, the names of the State and county and the code number thereof and the serial number for the farm, the serial number of the marketing card assigned to the producer for the farm, the signature of the county office manager or his designee, the name of the buyer or transferee, the number of bushels of wheat involved in the transaction, and the signature of the producer. The original of the marketing certificate shall be issued to the producer for delivery to the buyer or transferee and the duplicate copy shall be retained in the ASC county office.

§ 728.468 *Lost, destroyed, or stolen marketing cards or marketing certificates*—(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able immediately notify the ASC county office of the following: (1) The name of the operator of the farm for which such marketing card or marketing certificate was issued; (2) the name of the producer to whom the marketing card or marketing certificate was issued, if someone other than the operator; (3) the serial number of the marketing card or marketing certificate; and (4) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card or marketing certificate was in fact lost, destroyed, or stolen, it shall cause to be canceled such marketing card or marketing certificate and instruct the county office manager to give notice to the producer to whom the marketing card or marketing certificate was issued that it is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last-known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion in connection therewith on the part of the producer to or for whom the marketing card or marketing certificate was issued, it shall cause to be issued to or for him a marketing card or marketing certificate to replace the lost, destroyed or stolen marketing card or marketing certificate. Each marketing card or marketing certificate issued under this section shall bear across its face in bold letters the word "Duplicate". In case a marketing card or marketing certificate is canceled, as provided in this section, the county office manager or his designee shall immediately notify the buyers, elevator operators, or warehousemen who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is canceled and of the issuance of any duplicate. Any person coming into possession of a canceled marketing card or marketing certificate shall immediately return it to the ASC county office from which it was issued.

§ 728.469 *Cancellation of marketing cards and marketing certificates issued in error.* Any marketing card or marketing certificate erroneously issued shall, immediately upon discovery of the error, be canceled by the county office manager. The producer to whom such marketing card or marketing certificate was issued shall be notified in the manner prescribed in § 728.468 (b) that the marketing card or marketing certificate is void and of no effect and that it shall be returned to the ASC county office. Upon the return of such marketing card or marketing certificate, the county office manager shall cause to be endorsed thereon the notation "Canceled." In the event that such marketing card or marketing certificate is not returned immediately, the county office manager shall immediately notify the elevator operators, warehousemen, and buyers who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is canceled. A copy of each notice provided for in this section, containing a notation thereon of the date of mailing, shall be kept among the records of the ASC county office.

IDENTIFICATION OF WHEAT

§ 728.470 *Time and manner of identification.* Each producer of wheat and each intermediate buyer shall, at the time he markets any wheat, identify the wheat to the buyer or transferee, in the manner hereinafter provided, as being subject to or not subject to the penalty and the lien for the penalty.

§ 728.471 *Identification by marketing card.* A marketing card (MQ–76—Wheat (1954)) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the wheat for which the marketing card was issued may be purchased without the payment of any penalty by him and that such wheat is not subject to the lien for penalty.

§ 728.472 *Identification by marketing certificate.* A marketing certificate (MQ–94—Wheat (1954)), properly executed by the county office manager or his designee and the producer to whom it is issued, shall, when delivered to the buyer by the producer, be evidence that the amount of wheat shown thereon may be purchased without the payment of any penalty by him and that such wheat is not subject to the lien for penalty.

§ 728.473 *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (MQ–95—Wheat (1954)), properly executed by the first intermediate buyer and the producer of the wheat and any subsequent buyer in the manner outlined in §§ 728.486 (d) and 728.487, shall be evidence to any buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (a) the MQ–95—Wheat (1954) shows the serial number of the marketing card or marketing certificate by which the wheat was identified and the signatures of the producer and intermediate buyer, or (b) the original MQ–95—Wheat (1954) bears the endorsement "Penalty satisfied" and the signature and title of a treasurer of a county committee and the date thereof.

§ 728.474 *Wheat identified as subject to the penalty and lien for the penalty.* All wheat marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in §§ 728.471, 728.472 or 728.473 shall be taken by the buyer thereof as wheat subject to penalty and the lien for the penalty and the buyer of such wheat shall pay the penalty thereon at the rate prescribed in § 728.475.

PENALTY

§ 728.475 *Rate of penalty.* The rate of penalty shall be 45 percent of the parity price of wheat as of May 1, 1954.

§ 728.476 *Lien for penalty.* The entire amount of wheat produced in 1954 on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the producers on the farm, in accordance with §§ 728.482, 728.483, 728.477, or 728.478, store the farm marketing excess or deliver it to the Secretary or until the amount of the penalty is paid.

§ 728.477 *Payment of penalties by producers*—(a) *Producers liable for payment of penalties.* Each producer having an interest in the wheat produced in 1954 on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of wheat produced on the farm.

(b) *Time when penalties become due.* The farm marketing excess for any farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any wheat produced on the farm is harvested. The amount of the penalty on the farm marketing excess for any farm shall be remitted not later than 60 calendar days after the date on which the threshing of wheat is normally substantially completed in the county in which the farm is situated, as determined by the State committee in accordance with § 728.461 (a): *Provided, however,* That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 728.483 shall not be remitted: *And provided further,* That the penalty on that amount of the farm marketing excess which is stored pursuant to § 728.482 shall not be remitted until the time, and to the extent, of any depletion in the amount of wheat so stored not authorized as provided in § 728.482 (g).

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for the remittance of the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes the facts that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess or for the disposition of the farm marketing excess in accordance with § 728.482 or § 728.483, that his share of the wheat crop produced on the farm is marketed or disposed of by him separately and that he exercises no control over the marketing or disposition of the shares of the other producers in the wheat crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the wheat produced in 1954 on the farm bears to the total amount of wheat produced in 1954 on the farm. When the producer pays his proportionate share of the penalty, or, in accordance with § 728.482 or § 728.483, stores or delivers to the Secretary the number of bushels required to postpone or avoid the payment of the penalty on his proportionate share, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates, issued in accordance with § 728.467, to be used by him only in the marketing of his proportionate share of the wheat crop produced in 1954 on the farm.

§ 728.478 *Payment of penalties by buyer*—(a) *Buyers liable for payment of penalties.* Each person within the United States who buys from the producer any wheat subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Wheat shall be taken as subject to the lien for the penalty unless the producer presents to the buyer a marketing card (MQ–76—Wheat (1954)) or a marketing certificate (MQ–94—Wheat (1954)) as prescribed in §§ 728.471 and 728.472.

(b) *Payment of penalties on account of the lien for the penalty.* Each person within the United States who buys wheat which is subject to the lien for the penalty shall pay the amount of the penalty on each bushel thereof in satisfaction of the lien thereon. Wheat purchased from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale, the intermediate buyer delivers to the purchaser the original and a copy of an intermediate buyer's record and report, MQ–95—Wheat (1954), properly executed by the producer of the wheat and the first intermediate buyer, which show (1) the serial number of marketing card or marketing certificate by which the wheat covered thereby was identified when marketed, or (2) on the reverse side the statement "Penalty satisfied" and the signature and title of a treasurer of a county committee and the date thereof.

(c) *Time when penalties become due.* The penalty to be paid by any buyer pursuant to paragraph (a) or (b) of this section shall be due at the time the wheat is purchased and shall be remitted not later than 15 calendar days thereafter.

(d) *Manner of deducting penalties and issuance of receipts.* The buyer may deduct from the price paid for any wheat an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraph (a) or (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the wheat was purchased a receipt for the amount so deducted which shall be, in the case of wheat purchased from the producer by an intermediate buyer, on MQ–95—Wheat (1954), and, in all other cases, on MQ–81—Wheat (1954).

§ 728.479 *Remittance of penalties to the treasurer of the county committee.* The treasurer of any county committee, for and on behalf of the Secretary, shall receive the penalty and issue to the person remitting the penalty a receipt therefor. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, and money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par, and the receipt, Form MQ–82—Wheat (1954), issued in connection therewith shall bear a notation to that effect and a description of the check, draft, or money order. If the penalty is remitted by an intermediate buyer, the treasurer of the county committee shall, in addition to issuing a receipt therefor on Form MQ–82—Wheat (1954), show that the penalty is paid by entering on the reverse side of the original and first copy of the intermediate buyer's record and report, MQ–95—Wheat (1954), the statement "Penalty satisfied" and his signature and title and the date thereof.

§ 728.480 *Deposit of funds.* All funds received by the treasurer of the county committee in connection with penalties for wheat shall be scheduled and transmitted by him on the day received or not later than the next succeeding business day, to the State committee, which shall cause such funds to be deposited to the credit of a special deposit account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (herein referred to as "special deposit account") to be held in escrow. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such funds in the ASC county association bank account and issue a check in the amount thereof, payable to the order of the Treasurer of the United States. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the wheat in connection with which the funds were remitted.

§ 728.481 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee upon their own motion or upon the request of any interested person shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess wheat and the penalty due. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance, or security of the penalty on the farm marketing excess or (2) the amount which is in excess of the security required for stored excess wheat and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer or transferee of any amount which he collected from the producer or another, deducted from the price or consideration paid for the wheat, or for which he was liable.

(b) *Certification of refunds.* The county office manager or the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the

Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been remitted to the treasurer of the county committee and transmitted by him to the State committee but has not been covered into the general fund of the Treasury of the United States.

§ 728.482 *Stored farm marketing excess*—(a) *Amount of wheat to be stored.* The number of bushels of wheat in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined, at the time of storage, under § 728.459 or § 728.461, whichever is applicable.

(b) *Storage of excess wheat.* Stored excess wheat shall be kept in a place adapted to the storage of wheat. The wheat so stored shall be subject to the condition that it may be inspected at any time by officers or employees of the United States Department of Agriculture or members, officers, or employees of the State or county committees.

(c) *Deposit of warehouse receipts in escrow.* The storage of wheat in an elevator or warehouse in order to postpone the payment of the penalty or with a view to avoiding such penalty shall, except as provided in paragraph (d) or (e) of this section, be effective when a warehouse receipt covering the amount of wheat so stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be a negotiable receipt or a nonnegotiable receipt as to which the warehouseman or elevator operator is notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the wheat covered thereby is to be made under the terms of its deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the wheat is stored shall be and shall remain liable for all charges incident to the storage of the wheat and that the county committee and the United States in no way be responsible for or pay any such charges. Whenever the penalty with respect to wheat covered by warehouse receipt is paid or satisfied from any cause, the warehouse receipt shall be returned to the person who deposited it.

(d) *Bond of indemnity.* The storage of excess wheat in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when a good and sufficient bond of indemnity on a form prescribed for this purpose is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored. Each bond given pursuant to this paragraph shall be executed as principal by the producer storing the wheat and either (1) as sureties by two persons who are not producers on the farm each owning real property situated within the county with an unencumbered value of double the principal sum of the bond, or (2) as surety by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds in favor of the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (g) of this section and that if at any time any producers on the farm prevent the inspection of any wheat so stored the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced from any cause, the treasurer of the county committee shall furnish the principal and the sureties with a written statement to that effect. A bond shall not otherwise be cancelled or released.

(e) *Deposit of funds in escrow.* The storage of wheat in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when an amount of money not less than the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty. The treasurer of the county committee shall issue a receipt to the person who tenders such funds which shall be received subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (g) of this section and that if at any time any producer on the farm prevents inspection of any wheat so stored, the penalty on the entire amount stored shall be paid forthwith.

(f) *Time of storage.* Storage of wheat in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b) and (c), (d), or (e) of this section are complied with prior to the expiration of the period allowed, in accordance with § 728.477 (b), for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess wheat.* The penalty on the amount of excess wheat stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of wheat stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess wheat exceeds the farm marketing excess for the farm as determined in accordance with § 728.459 or § 728.461, (2) the amount by which the stored excess wheat exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee, and (3) the amount of any wheat destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him.

(h) *Underplanting the farm acreage allotment for a subsequent crop.* Whenever the wheat acreage on any farm for the 1955 or subsequent crop of wheat is less than the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any wheat so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to wheat is less than the farm acreage allotment. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to wheat or in accordance with their agreement as to the apportionment to be made. A producer shall not be entitled to remove wheat from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the wheat is stored and owned by the producer and, at the end of the wheat seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the wheat crop which was or could have been planted on the farm. The acreage planted to wheat for the purpose of this paragraph shall be the acreage planted to wheat, plus the acreage of volunteer wheat, classified as wheat acreage for the crop in accordance with the instructions of the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

(i) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Whenever the actual production of wheat in 1955 or any subsequent year on any farm is less than the normal production of the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the ASC county office, be entitled to remove from storage, without penalty, any wheat so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm acreage allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section, exceeds the amount of wheat produced on the farm in that year. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat to the extent of their need therefor in accordance with their proportionate shares in the wheat crop planted on the farm or in accordance with their agreement as to the apportionment to be made. The determination of the amount of wheat produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove wheat from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the wheat is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the wheat crop planted on the farm.

§ 728.483 *Delivery of the farm marketing excess to the Secretary*—(a) *Amount of wheat to be delivered.* The amount of wheat delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined, at the time of delivery, in accordance with § 728.459 or § 728.461, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the treasurer of the county committee for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any wheat tendered to avoid the payment of the penalty. The delivery of the wheat for this purpose shall be effective only when the producers having an interest in the wheat to be so delivered convey to the Secretary all right, title, and interest in and to the wheat by executing a form provided for this purpose in accordance with instructions issued by Deputy Administrator for Production Adjustment, Commodity Stabilization Service, and (1) deliver the wheat to a wheat elevator or warehouse and tender to the treasurer of the county committee the elevator or warehouse receipts for the amount of the wheat, or (2) where the producer shows to the satisfaction of the county committee that it is impracticable to deliver the wheat to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the wheat at a point within the county or nearby and within such time or times as may be designated by the county office manager in accordance with instructions issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service. None of the wheat so delivered shall be returned to the producer. Insofar as practicable, the wheat so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any wheat which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State or county or municipal relief organization, or Federal or State wildlife refuge project.

§ 728.484 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within two calendar years after payment to him of the penalty collected from any person, pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, and the claimant bore the burden of such penalty, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 728.485 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county committee to report in writing to the State committee each case of failure or refusal to pay the penalty or to remit the same as provided in this subpart when collected. It shall be the duty of the State committee to report each such case in writing to the Director with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 728.486 *Records to be kept and reports to be made by warehousemen, elevator operators, feeders, or processors, and buyers other than intermediate buyers*—(a) *Necessity for records and reports.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, who buys, acquires, or receives wheat from the producer or intermediate buyer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act.

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ–76—Wheat (1954)), or marketing certificate (MQ–94—Wheat (1954)), or intermediate buyer's record and report (MQ–95—Wheat (1954)), by which the wheat was identified, or the report and penalty receipt (MQ–81—Wheat (1954)), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made shall be kept available for examination by the Secretary or his authorized representatives, and by members of the State or county committees or their officers or employees, for two calendar years beyond the calendar year in which the marketing year ends. The records shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 728.450 to 728.496, or of obtaining the information required to be furnished in any report pursuant to §§ 728.450 to 728.496 but not so furnished. The county office manager shall furnish, without cost, blank copies of MQ–97—Wheat (1954) which may be used for the purpose of keeping the record required under this section.

(c) *Records and reports in connection with wheat subject to penalty or the lien for the penalty.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer who purchases any wheat from the producer or intermediate buyer thereof which is not identified at the time the wheat is purchased in the manner provided in §§ 728.471, 728.472, and 728.473, shall, with respect to each such transaction, execute the report and penalty receipt on MQ–81—Wheat (1954) and report to the treasurer of the county committee the following information: (1) The name and address of the producer or intermediate buyer from whom the wheat was purchased or acquired, (2) the date of the transaction, (3) the amount of the wheat, and (4) the amount of the penalty incurred in connection with the transaction, and whether an amount equivalent to the penalty was deducted from the price or consideration paid for the wheat. Each record and report on MQ–81—Wheat (1954) shall be executed in triplicate. The person who executes MQ–81—Wheat (1954) shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, which shall be the receipt to him for the amount of the penalty in connection with wheat, and mail or deliver the remaining copy to the treasurer of the county committee. It shall be presumed that wheat was not identified by MQ–76—Wheat (1954) as provided in § 728.471, or MQ–94—Wheat (1954) as provided in § 728.472, or MQ–95—Wheat (1954) as provided in § 728.473, if the serial number of the marketing card or marketing certificate or intermediate buyer's record and report does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with wheat identified by intermediate buyer's records and reports.* Whenever wheat is identified by the intermediate buyer's record and report (MQ–95—Wheat (1954), executed in accordance with § 728.487, the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, who purchases or acquires the wheat covered thereby shall retain the first copy as a record of the transaction and forward the original to the treasurer of the county committee as a report on the transaction in every case where he purchases or acquires all or the remainder of the wheat covered by the record and report. In all other cases, where the warehouseman, elevator operator, feeder or processor, or the buyer other than an intermediate buyer, purchases or acquires only a portion of the wheat covered by the intermediate buyer's record and report, he shall make a record and report of the transaction by endorsing on the reverse side of both the original and first copy his name and signature, the amount of wheat purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the wheat.

(e) *Records in connection with wheat identified by marketing certificates.* Whenever wheat is identified by a marketing certificate (MQ–94—Wheat (1954)), the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, who purchases the wheat so identified shall retain the marketing certificate as a record of the transaction.

(f) *Time and place of submitting reports.* Each report required by this section shall be submitted, not later than 15 calendar days next succeeding the day on which the wheat was marketed to a warehouseman, elevator operator, feeder, or processor, or a buyer other than an intermediate buyer, to the treasurer of the county committee for the county in which the wheat was produced

§ 728.487 *Records to be kept and reports to be made by intermediate buyers*—(a) *Necessity for records and reports.* Each intermediate buyer shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to wheat, the provisions of the act.

(b) *Form of record and report in connection with wheat purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any wheat from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (MQ–95—Wheat (1954)) of the following information: (1) The name and address of the producer from whom the wheat was purchased or acquired, (2) the names of the county and State in which the wheat was produced, (3) the date of the transaction, (4) the number of bushels of wheat, and (5) the serial number of the marketing card or marketing certificate by which the producer identified the wheat at the time it was marketed, or if the wheat is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the wheat. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the MQ–95—Wheat (1954. One copy of MQ–95—Wheat (1954) so executed shall be retained by the producer as a record of the transaction and as a receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the wheat. One copy of MQ–95—Wheat (1954) so executed shall be retained by the intermediate buyer as his record in connection with the transaction. Whenever wheat is identified by a marketing certificate (MQ–94—Wheat (1954)), the intermediate buyer shall attach the original of the marketing certificate to the first copy of MQ–95—Wheat (1954) to be delivered to the warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer, who finally acquires the wheat covered by MQ–95—Wheat (1954) and marketing certificate MQ–94—Wheat (1954). Whenever the intermediate buyer markets or delivers a portion of the wheat covered by a single MQ–95—Wheat (1954) to another and retains a portion of the wheat, the intermediate buyer shall obtain from the person to whom the portion of the wheat is marketed or delivered an endorsement on the reverse side of both the original and first copy of MQ–95—Wheat (1954) showing the name and signature of the person, the number of bushels of wheat marketed or delivered to him, and the date of the transaction.

(c) *Manner of making reports.* The intermediate buyer shall deliver the original and copy of the intermediate buyer's record and report (MQ–95—Wheat (1954)) to the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, to whom all of the remainder of the wheat covered thereby is marketed. When wheat is marketed or delivered by one intermediate buyer to another intermediate buyer, the original and first copy of MQ–95—Wheat (1954) shall be transmitted by one intermediate buyer to another and the last intermediate buyer shall deliver them to the warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer. If all or the remainder of the wheat is not marketed or delivered to a warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer, the last intermediate buyer shall within 15 days mail or deliver the original and first copy of the intermediate buyer's record and report to the treasurer of the county committee.

(d) *Reports to the treasurer of the county committee.* Each intermediate buyer shall, within 15 days after all Forms MQ–95—Wheat (1954) contained in a book have been executed or on December 31, 1954, whichever is the earlier, mail or deliver to the treasurer of the county committee from whom the book was obtained the executed copies and unexecuted sets of Form MQ–95—Wheat (1954) which were retained by him.

§ 728.488 *Buyer's special reports.* In the event that the county committee or State committee has reason to believe that any buyer has failed or refused to comply with this subpart, the buyer shall within 15 days after a written request therefor made by the county committee or State committee and deposited in the United States mails, registered and addressed to him at his last-known address, make a report, verified as true and correct by affidavit, on MQ–97—Wheat (1954) to such committee with respect to all wheat purchased or acquired by him during the period of time as specified in the request. The report shall include the following information for each lot of wheat purchased or acquired from the persons specified or during the period specified: (a) The name and address of the producer of the wheat, (b) the date of the transaction, (c) the amount of the wheat, (d) the serial number of the marketing card (MQ–76—Wheat (1954)), marketing certificate (MQ–94—Wheat (1954)), or intermediate buyer's record and report (MQ–95—Wheat (1954)), or the report and penalty receipt (MQ–81—Wheat (1954)), and (e) the amount of the lien for the penalty or the amount of penalty incurred in connection with the wheat purchased or acquired.

§ 728.489 *Penalty for failure or refusal to keep records and make reports.* Any person required to keep the records or make the reports specified in §§ 728.486, 728.487, or 728.488 and who fails to keep any such record or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 728.490 *Records to be kept and reports to be made by producers.* Each person who in 1954 harvests wheat which is subject to the provisions of these regulations shall, in conformity with section 373 (b) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act. The operator of the farm in connection with which a farm marketing excess is determined and in connection with which producers are ineligible to receive marketing cards or marketing certificates under § 728.466 or § 728.467 shall file with the treasurer of the county committee for the county in which the farm is situated a farm operator's report on MQ–98—Wheat (1954) showing for the farm the following information: (a) The total number of bushels of wheat produced thereon in 1954, (b) the name and address of each buyer or transferee of any wheat, (c) the amount of the wheat marketed to each buyer, (d) the amount equivalent to the penalty which was deducted from the price or consideration for the wheat, (e) the amount of unmarketed wheat of the 1954 crop on hand, and (f) wheat acreage for 1954. The report in connection with any such farm shall be made not later than 60 days after the date, as determined by the county committee and the State committee, in accordance with § 728.461 (a), on which the threshing of the wheat is normally substantially completed for the county in which the farm is situated. Upon the request of the county committee or county office manager the operator of any other farm shall make a similar report within 15 days after the request therefor is made.

§ 728.491 *Data to be kept confidential.* Except as otherwise provided herein, all data reported to or acquired by the Secretary pursuant to and in the manner provided in this subpart shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any wheat, farm, or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under Title III of the act.

§ 728.492 *Enforcement.* It shall be the duty of the county committee to report or arrange for the county office manager to report in writing to the State committee forthwith each case of failure or refusal to make any report or keep any record as required by this subpart and each case of making any false report or record. It shall be the duty of the State committee to report each such case in writing to the Director with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of Title III of the act.

SPECIAL PROVISIONS AND EXEMPTIONS

§ 728.493 *Farms on which the acreage planted is not in excess of 15 acres*—(a) *Conditions of exception.* A farm marketing quota for wheat for the 1954 crop shall not be applicable to any farm on which the wheat acreage for the 1954 crop is not in excess of 15 acres.

(b) *Issuing marketing cards.* The county office manager or his designee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 728.466 to 728.469, inclusive.

§ 728.494 *Farms on which the normal production of the wheat acreage is less than 200 bushels*—(a) *Conditions of exemption.* A farm marketing quota for wheat of the 1954 crop shall not be applicable to any farm on which the normal production of the 1954 wheat acreage is less than 200 bushels.

(b) *Issuing marketing cards.* The county office manager or his designee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 728.466 to 728.469, inclusive.

§ 728.495 *Experimental wheat farms*—(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any wheat of the 1954 crop grown for experimental purposes only on land owned or leased by any publicly owned agricultural experiment station, and is produced at public expense by employees of the experiment station, or to wheat produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the wheat and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(b) *Issuing marketing cards.* The county office manager shall, upon the written application of a responsible executive officer of any publicly-owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 728.466 to 728.469, inclusive.

§ 728.496 *Redelegation of authority.* Any authority delegated to the State committee by this subpart may be redelegated by the State committee.

Issued this 7th day of January 1954.

[SEAL] ROSS RIZLEY,
Assistant Secretary of Agriculture.

[F. R. Doc. 54–196; Filed, Jan. 11, 1954; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53412]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

PROBABLE UNPAID DUTIES OR TAXES; RELEASE OF PACKAGES

The purpose of the following amendment is to provide the importer with a prompt notice of proposed disagreement with the entered rate or value and to afford him a reasonable opportunity to present objections should he desire to do so. The practice of furnishing this information on the permit to release is discontinued, as this form must be surrendered to obtain delivery of the examination packages and is frequently not seen by the importer of record.

The information will be furnished whether or not a specific request for value information has been filed under the provisions of § 14.4 of these regulations. Appraising officers will continue to furnish information in their possession prior to entry in response to such specific requests, but in order to avoid unduly burdening examiners with routine inquiries importers should limit requests to those instances in which appraising officers may reasonably be expected to be in possession of information not readily available to the importer.

Section 8.29 (c) is amended to read as follows:

(c) If the examiner believes that the entered rate or value of any merchandise in the shipment is too low, or if he finds that the quantity imported exceeds the entered quantity, and the estimated aggregate of the increase in duties exceeds $15, he shall promptly notify the importer of record, on such form as may be appropriate at the port, as to the value or rate believed to be applicable or as to the excess quantity found. If the correct rate, value or quantity cannot be immediately determined or if the information is too voluminous to be set forth in detail, the notice shall specify the nature of the difference by means of an explanatory notation such as "Rate Advance," "Value Advance," or "Excess," and shall advise the importer to call at the examiner's office for additional information. The notice shall be furnished at the time the examination packages are released or as soon thereafter as the information is received by the examiner, whether the merchandise has been examined at the appraiser's stores or elsewhere. The importer shall be afforded a reasonable opportunity to present objections to proposed advances in rate or value prior to completion of action with respect to advisory classification or appraisement.

(R. S. 161, sec. 499, 46 Stat. 728, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1499, 1624)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: January 5, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54–177; Filed, Jan. 11, 1954; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR–356A]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

SPECIAL CIVIL AIR REGULATIONS; LANDING WEIGHTS FOR NONTRANSPORT CATEGORY AIRPLANES IN SCHEDULED OVERSEAS AND FOREIGN PASSENGER OPERATION

Correction

In Federal Register Document 53–10786, published at page 8745 of the issue for Tuesday, December 29, 1953, the following changes should be made:

1. In the fourth paragraph, "25,000 pounds" should read "25,200 pounds."

2. In footnote 1 the last sentence should read: "Furthermore, corresponding military versions of the DC–3 have been operated at maximum weights in excess of 30,000 pounds."

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 55]

Part 609—Standard Instrument Approach Procedures

Alterations

Correction

In F. R. Doc. 53-10604, appearing in the issue for Wednesday, December 23, 1953, at page 8636, Procedures TVOR-15 and TVOR-21 under Washington, D. C., were inadvertently omitted. They should appear as set forth below:

WASHINGTON, D. C. Washington National Airport, 16 TVOR-1 TXV 1½2 mc. DCA Procedure No. TVOR-15 Effective date. August 24, 1953	Springfield Rbn	072—120	1,800	600°	130—4.1	T-dn C-dn.* 8-dn.* 15 A-dn*	200–1 600–1 600–1 800–2	Make right climbing turn to 1,500' on course of 182° within 10 miles of TVOR *Industrial landing ceiling minimums applicable only if Airport Surveillance Radar monitors entire approach. If radar not employed, after passing lower than 900' on final, proceed direct to Georgetown Rbn at 1,500' or above. If Georgetown Rbn not identified on final, descent below 1,300' not authorized CAUTION: 596' monument, 1.8 miles N of airport.
	Herndon VOR	124—25.0	1,800					
	Annapolis LFR	327—15.0	1,800					
	Washington LFR	002—6.0	1,800					
	Abeam Riverdale Rbn	234—6.0	1,600					
	Georgetown Rbn—Final (Identified by either ADF or radar).	117—4.0	600*					
	Radar terminal area transition altitude.	All directions (within 25 miles).	1,800					
	Radar terminal area transition altitude (final).	147 (within 10 miles).	1,300*					
Procedure No. TVOR-21 Effective date. August 24, 1953	Springfield Rbn	072—120	1,800	700°	213—1.0	T-dn C-dn.* 8-dn.* 21 A-dn*	200–1 700–1 700–1 800–2	Make left climbing turn, climb to 1,500' on course of 043° within 10 miles of TVOR, or to Riverdale Rbn *In limited landing ceiling minimums applicable only if Airport Surveillance Radar monitors entire approach. If radar not employed, after passing lower than 900' on final, proceed direct to Riverdale Rbn at 1,500' or above. If Riverdale Rbn not identified on final, descent below 1,000' not authorized. #Procedure turn to E to avoid prohibited area. ##May be intercepted on final from Riverdale holding pattern via 210° course from Riverdale Rbn. CAUTION: 596' monument, 1.8 miles N of airport.
	Herndon VOR	124—25.0	1,800					
	Andrews LFR	327—15.0	1,800					
	Washington LFR	002—6.0	1,800					
	Abeam Riverdale Rbn	234—6.0	1,600					
	Abeam Riverdale Rbn—Final (Identified by either ADF or radar).	234—6.0	700*					
	Radar terminal area transition altitude.	All directions (within 25 miles).	1,800					
	Radar terminal area transition altitude (final).	234 (within 10 miles).	1,000*					

	Springfield Rbn	072—120	1,800	600°	130—4.1	T-dn C-dn.* 8-dn.* 15 A-dn*	200–1 600–1 600–1 800–2	Make right climbing turn to 1,500' on course of 182° within 10 miles of TVOR *Industrial landing ceiling minimums applicable only if Airport Surveillance Radar monitors entire approach. If radar not employed, after passing lower than 900' on final, proceed direct to Georgetown Rbn at 1,500' or above. If Georgetown Rbn not identified on final, descent below 1,300' not authorized. CAUTION: 596' monument, 1.8 miles N of airport.
	Herndon VOR	124—25.0	1,800					
	Annapolis LFR	327—15.0	1,800					
	Washington LFR	002—6.0	1,800					
	Abeam Riverdale Rbn	234—6.0	1,600					
	Georgetown Rbn—Final (Identified by either ADF or radar).	117—4.0	600*					
	Radar terminal area transition altitude.	All directions (within 25 miles).	1,800					
	Radar terminal area transition altitude (final).	147 (within 10 miles).	1,300*					
Procedure No. TVOR-21 Effective date. August 24, 1953	Springfield Rbn	072—120	1,800	700°	213—1.0	T-dn C-dn.* 8-dn.* 21 A-dn*	200–1 700–1 700–1 800–2	Make left climbing turn, climb to 1,500' on course of 043° within 10 miles of TVOR, or to Riverdale Rbn *In limited landing ceiling minimums applicable only if Airport Surveillance Radar monitors entire approach. If radar not employed, after passing lower than 900' on final, proceed direct to Riverdale Rbn at 1,500' or above. If Riverdale Rbn not identified on final, descent below 1,000' not authorized. #Procedure turn to E to avoid prohibited area. ##May be intercepted on final from Riverdale holding pattern via 210° course from Riverdale Rbn. CAUTION: 596' monument, 1.8 miles N of airport.
	Herndon VOR	124—25.0	1,800					
	Andrews LFR	327—15.0	1,800					
	Washington LFR	002—6.0	1,800					
	Abeam Riverdale Rbn	234—6.0	1,600					
	Abeam Riverdale Rbn—Final (Identified by either ADF or radar).	234—6.0	700*					
	Radar terminal area transition altitude.	All directions (within 25 miles).	1,800					
	Radar terminal area transition altitude (final).	234 (within 10 miles).	1,000*					

[Amdt. 54]

Part 610—Minimum en Route IFR Altitudes

Miscellaneous Amendments

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.12 *Green civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Mullan Pass, Mont. (LFR)	Missoula, Mont. (LFR)	9,000

2. Section 610.107 *Amber civil airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Miami, Fla. (LFR)	W. Palm Beach, Fla. (LFR)	1,500

3. Section 610.231 *Red civil airway No. 31* is amended to eliminate:

From—	To—	Minimum altitude
Stanton, Minn. (LF/RBN)	Red Wing (INT), Minn.	2,400

4. Section 610.306 *Red civil airway No. 106* is amended to eliminate:

From—	To—	Minimum altitude
Scottsbluff, Nebr. (LFR)	North Platte, Nebr. (LFR)	5,800

5. Section 610.306 *Red civil airway No. 106* is amended to read:

From—	To—	Minimum altitude
Scottsbluff, Nebr. (LFR)	Chappell (INT), Nebr	5,800

6. Section 610.621 *Blue civil airway No. 21* is amended to read in part:

From—	To—	Minimum altitude
Columbiana (INT), Ohio.	Youngstown, Ohio (LFR).	3,000

7. Section 610.6001 *VOR civil airway No. 1* is amended to read in part:

From—	To—	Minimum altitude
Atlantic City, N. J. (VAR).	Colts Neck, N. J. (VOR).	1,500

8. Section 610.6003 *VOR civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Miami, Fla. (VOR)	N. Bay Shore (INT), Fla.[1]	1,500
N. Bay Shore (INT), Fla.	West Palm Beach, Fla. (VOR)	[2] 2,100

[1] 2,100'—Minimum reception altitude.
[2] 1,500'—Minimum terrain clearance altitude.

9. Section 610.6004 *VOR civil airway No. 4* is amended by adding:

From—	To—	Minimum altitude
Herndon, Va. (VOR).	Kensington (INT), Md.	1,800

10. Section 610.6006 *VOR civil airway No. 6* is amended by adding:

From—	To—	Minimum altitude
Allentown, Pa. (VOR)	Newark, N. J. (ILS/LOM).	2,500

11. Section 610.6006 *VOR civil airway No. 6* is amended to eliminate:

From—	To—	Minimum altitude
Youngstown, Ohio (VOR) via N. alter. Hallton (INT), Pa.,[1] via N. alter.	Hallton (INT), Pa.,[1] via N. alter. Philipsburg, Pa. (VOR) via N. alter.	[2] 6,000 [2] 5,000

[1] 8,000'—Minimum reception altitude.
[2] 4,000'—Minimum terrain clearance altitude.

12. Section 610.6006 *VOR civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Cleveland, Ohio (VOR), via N. alter. Lake Shore (INT), Ohio,[1] via N. alter.	Lake Shore (INT), Ohio,[1] via N. alter. Youngstown, Ohio (VOR), via N. alter.	2,600 2,600

[1] 3,000'—Minimum reception altitude.

13. Section 610.6010 *VOR civil airway No. 10* is amended by adding:

From—	To—	Minimum altitude
Allentown, Pa. (VOR)	Belle Mead (INT), N. J.	2,500
Belle Mead (INT), N. J.	New Brunswick (INT), N. J.	2,000
New Brunswick (INT), N. J.	Colts Neck, N. J. (VOR).	1,500

14. Section 610.6014 *VOR civil airway No. 14* is amended to read in part:

From—	To—	Minimum altitude
Cleveland, Ohio (VOR).	Lake Shore (INT), Ohio[1]	2,500
Lake Shore (INT), Ohio[1]	Perry (INT), Ohio	2,500
Perry (INT), Ohio	Kingsville (INT), Pa	2,300
Kingsville (INT), Pa.	Erie, Pa. (VOR)	2,000
Cleveland, Ohio (VOR), via N. alter.	Erie, Pa. (VOR), via N. alter.	2,500

[1] 3,000'—Minimum reception altitude.

15. Section 610.6016 *VOR civil airway No. 16* is amended by adding:

From—	To—	Minimum altitude
Gordonsville, Va. (VOR).	Locustgrove (INT), Va.[1]	3,000
Locustgrove (INT), Va.[1]	Andrews, Md. (LFR)	1,500
Andrews, Md. (LFR)	Dover, Del. (VOR)	1,500
Colts Neck, N. J. (VOR)	Woolf (INT), N. J.	1,500
Woolf (INT), N. J.	Riverhead, N. Y. (VOR)	[2] 2,000
Riverhead, N. Y. (VOR).	Salem (INT), Conn.	1,800

[1] 2,000'—Minimum reception altitude.
[2] 1,500'—Minimum terrain clearance altitude.

16. Section 610.6029 *VOR civil airway No. 29* is amended by adding:

From—	To—	Minimum altitude
Salisbury, Md. (VOR) Dover, Del. (VOR)	Dover, Del. (VOR) Int. W crs. Philadelphia, Pa., ILS Localizer and 358° M. rad. Dover, Del. (VOR)	1,500 1,500
Int. W crs. Philadelphia, Pa., ILS Localizer and 358° M. rad. Dover, Del. (VOR).	West Chester, Pa. (VOR).	1,600

17. Section 610.6030 *VOR civil airway No. 30* is amended by adding:

From—	To—	Minimum altitude
Allentown, Pa. (VOR)	Newark, N. J. (ILS/LOM).	2,500

18. Section 610.6036 *VOR civil airway No. 30* is amended to eliminate:

From—	To—	Minimum altitude
Youngstown, Ohio (VOR), via N. alter	Hallton (INT), Pa., [1] via N. alter.	[1] 8,000
Hallton (INT), Pa., [1] via N. alter.	Phillipsburg, Pa. (VOR), via N. alter.	[2] 5,000

[1] 8,000'—Minimum reception altitude
[2] 4,000'—Minimum terrain clearance altitude.

19. Section 610.6036 *VOR civil airway No. 36* is amended by adding:

From—	To—	Minimum altitude
Branchville (INT), N.J.	Hackensack (INT), N. J.	3,000

20. Section 610.6041 *VOR civil airway No. 41* is amended to read:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR)	Woodworth (INT), Ohio	2,500
Woodworth (INT), Ohio.	Youngstown, Ohio Ohio.	3,000

21. Section 610.6043 *VOR civil airway No. 43* is amended to read in part:

From—	To—	Minimum altitude
Fredericksburg (INT), Ohio.	Marchand (INT), Ohio	[1] 5,000
Marchand (INT), Ohio.	Youngstown, Ohio (VOR).	2,500

[1] 2,500'—Minimum terrain clearance altitude.

22. Section 610.6044 *VOR civil airway No. 44* is amended by adding:

From—	To—	Minimum altitude
Baltimore, Md. (VOR)	Englside (INT), Md	1,500

23. Section 610.6046 *VOR civil airway No. 46* is added to read:

From—	To—	Minimum altitude
Riverhead, N. Y. (VOR).	Glen Cove (INT), N. Y.	1,700

24. Section 610.6058 *VOR civil airway No. 58* is amended by adding:

From—	To—	Minimum altitude
Salem (INT), Conn....	Hartford, Conn. (VOR).	2,000

25. Section 610.6072 *VOR civil airway No. 72* is amended by adding:

From—	To—	Minimum altitude
Youngstown, Ohio (VOR)	Hadley (INT), Pa [1]	2,500
Hadley (INT), Pa.....	Bradford, Pa. (VOR)	4,000

[1] 4,000'—Minimum reception altitude.

26. Section 610.6091 *VOR civil airway No. 91* is amended by adding:

From—	To—	Minimum altitude
Wilton, Conn. (VOR)	Glen Cove (INT), N. Y.	1,600

27. Section 610.6119 *VOR civil airway No. 119* is amended by adding:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR)	Brookville (INT), Pa [1]	3,000
Brookville (INT), Pa	Bradford, Pa. (VOR)	4,000

[1] 4,000'—Minimum reception altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective January 12, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-197; Filed, Jan. 11, 1954; 8:53 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

Subchapter D—Approved Forms, Federal Power Act

[Docket No. R-132; Order 168]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

ELECTRIC UTILITIES AND LICENSEES (CLASSES A AND B)

The Commission has under consideration in this proceeding the amendment of § 141.1 of its general rules and regulations (18 CFR Part 141) by revising six schedules of the Annual Report, FPC Form No. 1, required of Class A and B electric utilities and licensees.

The proposed amendments, developed in cooperation with the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners, are designed to simplify and clarify certain previously prescribed schedules of FPC Form No. 1.

The Commission finds:

(1) The proposed amendments represent matters of practice and procedure which do not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendments are necessary and appropriate for the purposes of administration of the Federal Power Act.

(3) Good cause exists that these amendments become effective as hereinafter ordered.

The Commission, acting pursuant to authority granted by the Federal Power Act, as amended, and particularly sections 3 (13), 4 (a) through (c), 301 (a), 304 (a), 309, and 311 thereof (49 Stat. 838, 839, 854, 855, 858, 859; 16 U. S. C. 796 (13), 797 (a) through (c), 825 (a), 825 c (a), 825 h, 825 j), orders:

(A) Section 141.1, entitled "Annual Report, Form No. 1, electric utilities and licensees (Classes A and B)" of Part 141 of the Commission's general rules and regulations (18 CFR, Part 141) is hereby amended in the following respects:

1. Instruction 4 to the schedule entitled "Other Physical Property" page 22, is amended to read as follows:

4. List separately any property previously devoted to public service which has a book value of $50,000 or more and give date of transfer to Account 110, Other Physical Property, in addition to date acquired as called for by column (b). Other items of property previously devoted to public service may be grouped.

2. Add the following sentence to Instruction 3 of the schedule entitled "Investments" page 23: "Investments included in Account 123, Temporary Cash Investments, also may be grouped by classes."

3. Delete the words "size of coal and" from Instruction 3 of the schedule entitled "Production and Fuel Oil Stocks" page 30.

4. Substitute the following for the heading of column (c): "Estimated Additional Cost of Project" of the schedule entitled "Construction Work in Progress" page 64.

5. Substitute "$25,000 or more" for "$10,000 or more" where the latter appears in the instructions as the amount of each annual rent to be reported by Class A utilities in the schedule entitled "Rents Charged to Electric Operating Expenses" page 82.

6. In the schedule entitled "Transmission Lines Added During the Year" page 104, add the following sentence to Instruction 1: "It is not necessary, however, to report minor revisions of lines."

and delete the second and third sentences of Instruction 2 and substitute the following: "If actual costs of completed construction are not readily available for reporting in columns (l) to (n), it is permissible to report in these columns, the estimated final completion costs. Designate, however, if estimated amounts are reported."

(B) This order, and the amendments to the Annual Report FPC Form No. 1 herein prescribed, shall become effective December 31, 1953, for the filing of annual reports on FPC Form No. 1 by Class A and B electric utilities and licensees for the year 1953 and thereafter until further order of the Commission.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 309, 49 Stat. 858; 16 U. S. C. 825h)

Adopted: January 4, 1954.

Issued: January 6, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-180; Filed, Jan. 11, 1954; 8:48 a. m.]

Subchapter G—Approved Forms, Natural Gas Act

[Docket No. R-131; Order 167]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

FORMS AND SCHEDULES REQUIRED OF CLASS A AND B NATURAL GAS COMPANIES

The Commission has under consideration in this proceeding the amendment of § 260.1 of its general rules and regulations (18 CFR Part 260) by revising five schedules of the Annual Report, FPC Form No. 2, required of Natural Gas companies (Classes A and B).

The proposed amendments, developed in cooperation with the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners, are designed to simplify and clarify certain previously prescribed schedules of FPC Form No. 2.

The Commission finds:

(1) The proposed amendments represent matters of practice and procedure which do not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendments are necessary and appropriate for the purposes of administration of the Natural Gas Act.

(3) Good cause exists that these amendments become effective as hereinafter ordered.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, and particularly sections 8, 10, and 16 thereof (52 Stat. 821, 825, 826 and 830; 15 U. S. C. 717, 717g, 717l, 717o), orders:

(A) Section 260.1, entitled "Form No. 2, Annual Reports for Natural Gas Companies (Classes A and B)" of Part 260 of the Commission's general rules and regulations (18 CFR, Part 260) is hereby amended in the following respects:

1. Instruction 4 to the schedule entitled "Other Physical Property" page 22, is amended to read as follows:

4. List separately any property previously devoted to public service which has a book value of $50,000 or more and give date of transfer to Account 110, Other Physical Property, in addition to date acquired as called for by column (b). Other items of property previously devoted to public service may be grouped.

2. Add the following sentence to Instruction 3 of the schedule entitled "Investments" page 23: "Investments included in Account 123, Temporary Cash Investments, also may be grouped by classes."

3. Delete the words "size of coal and" from Instruction 3 of the schedule entitled "Production and Fuel Oil Stocks" page 30.

4. Substitute the following for the heading of column (c): "Estimated Additional Cost of Project" of the schedule entitled "Construction Work in Progress" page 65.

5. Substitute "$25,000 or more" for "$10,000 or more" where the latter appears in the instructions as the amount of each annual rent to be reported by Class A Natural Gas Companies in the schedule entitled "Rents Charged to Gas Operating Expenses" page 92.

(B) This order, and the amendments to the Annual Report Form No. 2 herein prescribed, shall become effective December 31, 1953, for the filing of annual reports on FPC Form No. 2 by Class A and B Natural Gas Companies for the year 1953 and thereafter until further order of the Commission.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

Adopted: January 4, 1954.

Issued: January 6, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-179; Filed, Jan. 11, 1954; 8:48 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, as amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950——)

COORDINATION OF RAILROAD RETIREMENT PROGRAM WITH OLD-AGE AND SURVIVORS INSURANCE PROGRAM; BENEFITS IN CASE OF VETERANS

Correction

In Federal Register Document 53-10667, appearing at page 8692 of the issue for Thursday, December 24, 1953, the reference in § 404.1412 to the Railroad Retirement Act should read "section 5 (l) (4) of the Railroad Retirement Act."

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 51]

PART 1606—GENERAL ADMINISTRATION

PROTECTION OF RECORDS AND DISCLOSING INFORMATION THEREFROM

The Selective Service Regulations are hereby amended as follows:

1. Section 1606.22 is amended to read as follows:

§ 1606.22 *Protection of records.* Selective service offices shall take all possible care to keep records from being lost or destroyed. Under no circumstances shall a record be entrusted to any person not authorized to have it in his custody. When the person charged with the custody of a record transmits or delivers it to another, he shall place a notation showing the person or agency to which it is transmitted or delivered in his files in the place from which the record was withdrawn. When cover sheets of registrants are transmitted by mail a strict accounting shall be maintained of the dispatch and receipt thereof.

2. The following new section is added to Part 1606 immediately following § 1606.41:

§ 1606.42 *Disclosing information to former employers.* A State Director of Selective Service may disclose to the former employer of a registrant who is serving in, or who has been discharged from, the armed forces whether the registrant has or has not been discharged and, if discharged, the date thereof, upon reasonable proof that the registrant left a position in the employ of the person requesting such information in order to serve in the armed forces.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460, E. O. 9979, 13 F. R. 4177, 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director of Selective Service.

JANUARY 6, 1954.

[F. R. Doc. 54-170; Filed, Jan. 11, 1954; 8:46 a. m.]

[Amdt. 52]

PART 1670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS

SUPPLYING INFORMATION FROM RECORDS

The Selective Service Regulations are hereby amended as follows:

1. Paragraph (a) of § 1670.4 is amended to read as follows:

§ 1670.4 *Protection of records.* (a) Records of or in the physical custody of the Federal record depots of the Selective Service System shall not be loaned, transmitted, or delivered into the physical custody of any person or agency other than an official or office of the Selective Service System without the approval of the Director of Selective Service. When records are transmitted between offices of the Selective Service System in different States, they shall be channeled through State Headquarters for Selective Service. When cover sheets of registrants are transmitted by mail between Federal record depots and other offices of the Selective Service System strict accounting shall be maintained of the dispatch and receipt thereof.

2. a. Subparagraphs (7), (8), (21), and (22) of paragraph (b) of § 1670.31 are revoked.

b. Paragraph (b) of § 1670.31 is amended by redesignating subparagraph

(9 as subparagraph (7), subparagraph (10 as subparagraph (8), subparagraph (11) as subparagraph (9), subparagraph (12) as subparagraph (10), subparagraph (13) as subparagraph (11), subparagraph (14) as subparagraph (12), subparagraph (15) as subparagraph (13), subparagraph (16) as subparagraph (14), subparagraph (17) as subparagraph (15), subparagraph (18) as subparagraph (16), subparagraph (19) as subparagraph (17), subparagraph (20) as subparagraph (18), and subparagraph (23) as subparagraph (19).

c. Subparagraph (7), as redesignated, of paragraph (b) of § 1670.31 is amended to read as follows:

§ 1670.31 *Supplying information to Federal agencies and officials.* • • •

(b) • • •

(7) *Department of State.* The Department of State may obtain such information upon the request of (i) the Secretary of State, (ii) the Under Secretary of State for Administration, (iii) the Director, Office of Personnel, (iv) the Director of the Bureau of Security and Consular Affairs, (v) the Director or a Special Agent of the Office of Security, (vi) the Director of the Visa Office, (vii) the Director of the Passport Office, (viii) the Director of the Office of Protective Services, (ix) the Assistant Legal Adviser for European Affairs, or (x) a Consul or a Vice Consul United States Foreign Service.

3. Subparagraphs (2), (6), (22), (23), (37), and (44) of paragraph (b) of § 1670.32 are amended to read as follows:

§ 1670.32 *Supplying information to officials and agencies of States, the District of Columbia, Territories and possessions of the United States.* • • •

(b) • • •

(2) *Territory of Alaska.* The officials of the Territory of Alaska authorized to obtain such information are (i) the Adjutant General, (ii) the Acting Adjutant General, (iii) the Director, Department of Public Welfare, (iv) the Executive Director, Unemployment Compensation Commission, (v) the Commissioner of Veterans' Affairs, (vi) the Administrative Assistant to the Commissioner of Veterans' Affairs, and (vii) the Director of Vital Statistics, Department of Health.

• • • • •

(6) *State of Colorado.* The officials of the State of Colorado authorized to obtain such information are (i) the Adjutant General, (ii) the Executive Director, State Employment Office, (iii) the Warden, State Reformatory, (iv) the Director, State Mental Hospital, (v) the General Secretary, State Prison Board, (vi) the Secretary and the General Counselor of the Legal Aid Society, (vii) the Secretary, Civil Service Commission, (viii) the Director, Department of Public Welfare, (ix) the District Attorney of the Second Judicial District, (x) the Executive Director and the Assistant Directors, State Department of Parole, and (xi) the Director, Department of Veterans' Affairs.

• • • • •

(22) *State of Massachusetts.* The officials of the State of Massacshusetts authorized to obtain such information are (i) the Adjutant General, (ii) the Director and the Manager of the Division of Employment Security, (iii) the State Treasurer, (iv) the Deputy State Treasurer for the Commonwealth of Massachusetts Bonus Division, (v) the Commissioner and the Agents, Veterans' Service Departments and Information Centers, (vi) the Commissioner and the Agents, Bureau of Old Age Assistance and Public Welfare, and (vii) the Commissioner of Correction.

(23) *State of Michigan.* The officials of the State of Michigan authorized to obtain such information are (i) the Adjutant General, (ii) the Executive Director, Employment Security Commission, (iii) the Director, State Office of Veterans' Affairs, (iv) the Director, Department of Social Welfare, (v) the Commissioner of State Police, (vi) the Chairman, Social Welfare Commission, (vii) the Director of the Bureau of Pardons and Paroles, (viii) the Executive Secretary of the Board of Trustees, Michigan Veterans' Trust Fund, (ix) the Chairman of the Legal Aid Committee, Bureau of Legal Aid, (x) the Executive Officer of the State Board of Control for Vocational Education, (xi) the Commissioner, State Health Department, (xii) the Director of Corrections Commission, Bureau of Corrections, (xiii) the Secretary of State, and (xiv) the Attorney General.

• • • • •

(37) *State of Oklahoma.* The officials of the State of Oklahoma authorized to obtain such information are (i) the Adjutant General, (ii) the Executive Director, Employment Security Commission, (iii) the Director, the Supervisor of the Division of Public Assistance, and Directors of County Departments, Department of Public Welfare, and (iv) the Warden, Oklahoma State Penitentiary.

• • • • •

(44) *State of Tennessee.* The officials of the State of Tennessee authorized to obtain such information are (i) the Adjutant General, (ii) the Commissioner, Department of Employment Security, (iii) the Director, Department of Veterans' Affairs, and (iv) the Commissioner, Department of Public Health.

(Secs. 6, 7, 61 Stat. 32, sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 326, 327, 460)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JANUARY 6, 1954.

[F. R. Doc. 54-171; Filed, Jan. 11, 1954; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Rev. Commissioner's Reorganization Order 2, Amdt. 1]

CERTAIN APPELLATE OFFICERS

REDELEGATION OF AUTHORITY WITH RESPECT TO INCREASE IN SCOPE OF SETTLEMENT

1. Paragraph 7 (a) of Commissioner's Reorganization Order No. 2 (Revised July 1, 1953) as modified by Commissioner's Reorganization Order No. 17, dated July 7, 1953, is amended to read as follows:

(a) Subject to the exceptions set forth in subparagraph (c) of this paragraph, the Regional Commissioner will exclusively represent the Commissioner in the determination of Federal income, profits, estate, and gift tax liability (whether before or after the issuance of a statutory notice of deficiency) and in the determination of Federal excise and employment tax liability, as defined in paragraph 15, in all cases originating in the office of any District Director of Internal Revenue situated within the Region, in which the taxpayers have protested the determination of liability made by that officer: *Provided*, That the Regional Commissioner may delegate to the Chief of the Appellate Division or to any Associate Chief of the Appellate Division his authority to represent the Commissioner in the determination of tax liability in any case in his jurisdiction, and may delegate to any Assistant Chief of the Appellate Division or to any Special Assistant to the Chief, with respect to cases assigned to the technical advisors under their supervision, his authority to represent the Commissioner in the settlement of any such case in which the net deficiency or net overassessment determined by the District Director does not exceed $50,000 and the basis of settlement does not involve a net overassessment in excess of $50,000.

2. Paragraph 7 (b) of Commissioner's Reorganization Order No. 2 (Revised July 1, 1953) as modified by Commissioner's Reorganization Order No. 17, dated July 7, 1953, is amended to read as follows:

(b) Subject to the exceptions set forth in subparagraph (c) of this paragraph, the Regional Commissioner will also have exclusive authority to settle (1) all cases docketed in the Tax Court of the United States and placed on a calendar for hearing at any place within the territory comprising the Region and (2) all cases originating in the office of any District Director situated within the Region which are placed on the Washington, D. C., calendar of the Tax Court: *Provided*, That the Regional Commissioner may delegate to the Chief of the Appellate Division or to any Associate Chief of the Appellate Division his authority to settle any such docketed case, and may delegate to any Assistant Chief of the Appellate Division or to any Special Assistant to the Chief, with respect to cases assigned to the technical advisors under their supervision, his authority to settle any such docketed case in which the deficiency (or deficiencies) determined in the statutory notice does not exceed $50,000 and the basis of settlement does not involve a net overassessment in excess of $50,000.

3. Paragraph 8 (b) of Commissioner's Reorganization Order No. 2 (Revised July 1, 1953) as modified by Commissioner's Reorganization Order No. 17, dated July 7, 1953, is amended to read as follows:

(b) The Assistant Appellate Counsel at any office will have authority to concur with the authorized representative of the Appellate Division in a settlement of any docketed case in which the deficiency (or deficiencies) determined in the statutory notice does not exceed $50,000 and the basis of settlement does not involve a net overassessment in excess of $50,000. This limitation on authority to concur in settlement does not apply to Associate Appellate Counsel.

4. This order shall be effective January 6, 1954.

[SEAL] T. COLEMAN ANDREWS,
Commissioner.

Approved: January 5, 1954.

ELBERT P. TUTTLE,
General Counsel for the Treasury Department.

Approved: January 6, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-178; Filed, Jan. 11, 1954; 8:47 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEPUTY SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO ACT FOR AND EXERCISE POWERS OF THE SECRETARY ON ANY AND ALL MATTERS

In accordance with the provisions of subsection 202 (f), and subsection 203 (a) of the National Security Act, as amended, (61 Stat. 495; 5 U. S. C. 171a), and section 5 of Reorganization Plan Number 6 of 1953 (67 Stat. 638), I hereby delegate to Deputy Secretary of Defense Roger M. Kyes full power and authority to act for an in the name of the Secretary of Defense and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law.

The authority delegated herein may not be redelegated.

C. E. WILSON,
Secretary of Defense.

[F. R. Doc. 54-183; Filed, Jan. 11, 1954; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MRS. WILLIAM ASPENWALL BRADLEY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Mrs. William Aspenwall Bradley (Mrs. Jenny Serruys Bradley), 18, Quai de Bethune, Paris 4°, France, Claim No. 41371; $99.14 in the Treasury of the United States. All right, title and interest and claim of whatsoever nature arising out of an agency interest in a publication contract dated September 7, 1923, between Barnard Grasset and D. Appleton & Company, covering royalties on the work, Ariel Ob La Via De Shelley, by Andre Maurois, and a supplementary letter dated July 10, 1925 from Grasset to Appleton, and instructions from the author to Appleton on April 29, 1941, defining and affirming the agency interest of W. A. Bradley, to the extent owned by Mrs. William A. Bradley immediately prior to the vesting thereof by Vesting Order No. 3918, effective July 19, 1944.

Executed at Washington, D. C., on January 6, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-185; Filed, Jan. 11, 1954; 8:49 a. m.]

RENE MICHEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rene Michel, 67 Boulevard Lannes, Paris, 16e, France, Claim No. 61610; $6,659.00 in the Treasury of the United States.

Executed at Washington, D. C., on January 6, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-186; Filed, Jan. 11, 1954; 8:49 a. m.]

ANGELA FISCHER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Angela Fischer, Geismar, Germany, Claim No. 3994; $5,593.16 in the Treasury of the United States.

Executed at Washington, D. C., on January 6, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-187; Filed, Jan. 11, 1954; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Amory Garment Co., Inc., South Main and Third Streets, Amory, Miss., effective 1-7-54 to 1-6-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Big Dad Manufacturing Co., Inc., Starke, Fla., effective 1-14-54 to 1-13-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees; work pants, etc.).

Elk Brand Shirt & Overall Co., Hopkinsville, Ky., effective 1-12-54 to 1-11-55; 10

learners for normal labor turnover purposes (overalls, work pants, work shirts).

F. Jacobson & Sons, Inc., 127 Arch Street, Albany, N. Y., effective 1-14-54 to 1-13-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts and pajamas).

F. Jacobson & Sons, Inc., Smith and Cornell Street, Kingston, N. Y., effective 12-31-53 to 12-30-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts).

L. & H. Shirt Co., Cochran, Ga., effective 1-5-54 to 1-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Lancaster-Walker Manufacturing Co., Inc., Columbia, Ky., effective 1-4-54 to 7-3-54; 30 learners for expansion purposes (sport shirts).

The H. D. Lee Co., Inc., 600 East State Street, Trenton, N. J., effective 1-9-54 to 1-8-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work clothing).

Lee Ray Sportswear Co., 82 North Main Street, Dover, Pa., effective 12-31-53 to 12-30-54; 5 learners for normal labor turnover purposes (sport jackets).

Little River Garment Co., Cadiz, Ky., effective 2-5-54 to 2-4-55; 5 learners for normal labor turnover purposes (dungarees and coveralls).

Lykens Dress Co., Inc., Williamstown Plant, Williamstown, Pa., effective 1-7-54 to 1-6-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Morgan Shirt Co., Inc., Morgantown, W. Va., effective 12-31-53 to 5-4-54; 10 percent of the total number of factory production workers engaged in the production of ladies' shirts and dresses for normal labor turnover purposes (shirts and dresses).

Publix Shirt Corp., Gallitzin, Pa., effective 1-4-54 to 1-3-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Reliance Manufacturing Co., "Capitol" Factory, Mitchell, Ind., effective 12-31-53 to 12-30-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pants, dungarees, etc.).

Salant & Salant Inc., First Street, Lawrenceburg, Tenn., effective 1-20-54 to 1-19-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Knoxville Glove Co., 819 McGhee Street, Knoxville, Tenn., effective 12-31-53 to 12-30-54; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951; 16 F. R. 10733).

James Hosiery Mills, Inc., Greeneville, Tenn., effective 1-25-54 to 1-24-55; 5 learners for normal labor turnover purposes.

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

St. Clair Shoe Manufacturing Corp., St. Clair, Mo., effective 1-15-54 to 1-14-55; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Proctor Manufacturing Corp., State Road No. 3 KM 3.1, Rio Piedras, P. R., effective 1-1-54 to 4-30-54; 65, learners; machine assembly, final assembly, surface grind, metal polish and buff, inspection and testing, machining, special molding; each 160 hours at 34 cents an hour (assembly of electric appliances (flat irons)).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 4th day of January 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-184; Filed, Jan. 11, 1954; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2254]

LAKE SHORE PIPE LINE CO.

NOTICE OF EXTENSION OF TIME

JANUARY 5, 1954.

Upon consideration of the request of Lake Shore Pipe Line Company, filed January 4, 1954, for an extension of time within which to serve copies of its testimony and exhibits which it proposes to offer at the hearings scheduled to commence on February 15, 1954, in the above-designated matter;

Notice is hereby given that an extension of time is granted to and including February 1, 1954, within which Lake Shore Pipe Line Company shall serve upon all parties copies of the testimony and exhibits it proposes to offer at said hearings. Paragraph (D) of the Commission's order issued September 24, 1953, is amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-181; Filed, Jan. 11, 1954; 8:48 a. m.]

[Docket Nos. 2310, 2330, 2331]

IROQUOIS GAS CORP. ET AL.

NOTICE OF APPLICATIONS

JANUARY 6, 1954.

In the matters of Iroquois Gas Corporation and Tennessee Gas Transmission Company, Docket No. G-2310; New York State Natural Gas Corporation and Tennessee Gas Transmission Company, Docket No. G-2330; Tennessee Gas Transmission Company, Docket No. G-2331.

Take notice that there have been filed with the Federal Power Commission by the persons and on the dates hereinafter designated several interrelated applications, each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the individual applicants to construct, acquire and operate certain natural gas facilities hereinafter described, all as more fully described in the respective applications.

Iroquois Gas Corporation (Iroquois), a New York corporation with its principal place of business in Buffalo, New York, and Tennessee Gas Transmission Company (Tennessee), a Delaware corporation with its principal place of business in Houston, Texas, on November 10, 1953, filed as joint applicants in Docket No. G-2310 an application for a certificate of public convenience and necessity for the construction, acquisition and joint operation of certain underground natural gas storage facilities. The proposed storage facilities, including connecting pipe lines and compressor equipment, will be located principally in the Towns of Aurora, Colden, Boston, Concord, North Collins, Wales, and Eden, Erie County, New York, and will include Iroquois' Aurora Storage Pool authorized in Docket No. G-2129.

The application contemplates a joint storage development between Iroquois and Tennessee to be known as the Colden Storage Field, with an estimated capacity of approximately 10 billion cubic feet of active gas. When completed the facilities, including those authorized in Docket No. G-2129, will contain approximately 120 new wells, 53 reconditioned wells, and 30 reclaimed wells; approximately 17 miles of 16-inch delivery line, along with approximately 62 miles of 12-inch, 8-inch, 6-inch, and 4-inch gathering and well lines, providing connection into the existing systems of both Iroquois and Tennessee.

In order to effectuate the joint undertaking, Tennessee requests authority to acquire from Iroquois an undivided one-half interest in and to the facilities constructed and to be constructed in said Colden Storage Field, as well as authority to construct additional 4,000 H. P. compressor station facilities at its existing Station No. 229, one decissicant type and one glycol type dehydration plant, and two twin 10-inch tube metering stations at the point of connection between Tennessee's existing transmission line and the storage field.

The proposed project is to be used to provide Iroquois with storage facilities to handle additional gas supplies including those authorized in Docket No. G-1969, and to enable Tennessee to store gas for its customers.

Iroquois estimates that the total cost to it of the proposed facilities, including those authorized in Docket No. G-2129, is $2,672,000, which it proposes to finance by issuing to its parent corporation, National Fuel Gas Company, long-term notes or stock, or both. The estimated total cost of acquisition and construction, including base storage gas to Tennessee is $7,982,974, which it proposes to finance as a part of its overall financing program by the issuance of mortgage bonds, preferred stock and debentures, and common stock and retained earnings.

New York State Natural Gas Corporation (New York Natural), a New York corporation with its principal place of business in Pittsburgh, Pennsylvania, and Tennessee, on December 11, 1953, filed as joint applicants in Docket No. G-2330 an application for a certificate of public convenience and necessity authorizing the acquisition, development and joint operation of certain underground storage facilities in northern Pennsylvania and southern New York.

The requested authority is proposed to cover (1) acquisition by Tennessee from New York Natural of an undivided one-half interest in and to certain properties of New York Natural known generally as the "Harrison Pool," the "Ellisburg Pool," and the "State Line Pool," and joint operation thereof; (2) the immediate joint development and operation of the full top storage capacity of 19,680,000 Mcf of the Harrison Pool, including the drilling of new wells, redrilling of abandoned wells, construction of pipe lines, measuring equipment, and an 11,000 H.P. compressor station; and (3) the sale of gas by Tennessee to New York Natural for storage by New York Natural in these pools.

The requested facilities are proposed to be used to balance the gas supplies of the two companies against increasing and varying demands.

New York Natural's share of the estimated total cost of the project is $3,682,866 for construction of facilities in the Harrison Pool and $2,192,860 for base storage cost or a total of $5,875,726 which amounts are to be secured from its parent company, Consolidated Natural Gas Company, in accordance with the methods explained in the testimony given by the company officers in Docket No. G-1391. The estimated total cost of acquisition, construction and base storage gas to Tennessee is $6,844,997, including $180,750, the cost of acquisition of the one-half interest in the Ellisburg and State Line Pools, which total amount it proposes to finance as a part of its overall financing program.

Tennessee, joint applicant in Dockets No. G-2310 and G-2330, on December 11, 1953, filed its interdependent application (dependent upon its joint applications with Iroquois in Docket No. G-2310 and with New York Natural in Docket No. G-2330) for a certificate of public convenience and necessity authorizing: (1) The construction and operation of 243 miles of 24-inch new line from Tennessee's existing Compressor Station No. 313 in Potter County, Pennsylvania in the Hebron Storage Field, eastwardly across the States of Pennsylvania, New Jersey, and New York to a point of connection with Northeastern Gas Transmission Company (Northeastern) on the New York-Connecticut line near Greenwich, Connecticut, with a 28 mile 24-inch spur line extending south from the main line in New Jersey to a point near Newark, New Jersey, there connecting with facilities of the Public Service Electric and Gas Company of New Jersey; (2) the construction of approximately 18 miles of 24-inch new line connecting Tennessee's existing Compressor Station No. 313 in the Hebron Field in Potter County, Pennsylvania, with the Harrison storage field facilities; and (3) the utilization of thirty-five billion cubic feet of underground top storage capacity, twenty billion cubic feet of which is available from Tennessee's previously authorized development of the Hebron storage field and the remaining fifteen billion cubic feet available from the proposed Colden storage area (Docket No. G-2310) and Harrison storage field (Docket No. G-2330); together with necessary measuring and metering facilities. The new 24-inch line will also connect with existing facilities of Consolidated Edison Co. of New York at a point near New York City.

Tennessee intends, after receipt of authorization requested in the above applications, to apply for modification of the certificate issued in Docket No. G-1573 by relinquishing authorization to construct the 263 mile 24-inch line which would connect Tennessee's Hebron field with Northeastern at a point on the New York-Massachusetts state line. This 263-mile line has not yet been built.

The requested facilities are in compliance with conditions contained in the Commission's order issued September 1, 1953, in Docket No. G-1969, and are proposed to be used to provide additional firm contracted demand service to Tennessee's present customers, as follows:

	Mcf per day
New York State Natural Gas Corp.	20,000
Iroquois Gas Corp.	10,000
Pennsylvania Gas Co.	5,000
Inland Gas Corp.	3,000
Louisville Gas & Electric Co.	1,000
Total	39,000

and to the following new customers at points of delivery near Newark, New Jersey, and White Plains, New York:

	Mcf per day
Consolidated Edison Co. of New York, Inc.	30,000
Public Service Electric & Gas Co. of New Jersey	30,000
The Brooklyn Union Gas Co.	25,000
Long Island Lighting Co.	5,000
Total	90,000

with storage service options to these new customers. In addition, the proposed facilities will provide Northeastern Gas Transmission Company, one of Tennessee's existing customers, with a new delivery point near Greenwich, Connecticut.

The estimated cost of construction is stated by Tennessee to be approximately $33,677,000, which it proposes to finance as a part of its overall financing program.

Protests or petitions to intervene in any of the above designated matters may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of January 1954.

The foregoing applications are on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-182; Filed, Jan. 11, 1954; 8:48 a. m.]

[Docket No. G-2334]

NORTHERN NATURAL GAS CO., AND INDEPENDENT NATURAL GAS CO.

NOTICE OF APPLICATION

JANUARY 5, 1954.

Take notice that on December 14, 1953, Northern Natural Gas Company (Northern) and Independent Natural Gas Company (Independent), both Delaware corporations having their principal places of business at Omaha, Nebraska, filed a joint application, pursuant to the provisions of section 7 of the Natural Gas Act, wherein Independent, a wholly owned subsidiary of Northern, requests permission and approval to abandon by sale to Northern all of its facilities now owned and operated by it, and Northern seeks a certificate of public convenience and necessity authorizing it to acquire and operate such facilities.

The facilities involved include the Grayco Compressor Station in Gray County, Texas, approximately 21 miles of 20-inch pipeline extending from said compressor station northwesterly to a point of interconnection with facilities of Northern in Carson County, Texas, and appurtenant facilities. Through such facilities, Independent presently compresses, transports and sells to Northern an average of approximately 36,000 Mcf per day, and in addition compresses and transports for the account of Northern approximately 10,000 Mcf per day being purchased by Northern from Phillips Petroleum Company. Applicants state that the proposed acquisition will result in elimination of duplicating items of expense with consequent savings to Northern and its customers. Applicants further state that upon approval by the Commission of the proposed sale and acquisition Northern will assume all of the outstanding liabilities of Independent, outstanding common stock of Independent will be surrendered and cancelled, and Independent will be dissolved.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of January 1954. The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-185; Filed, Jan. 11, 1954; 8:45 a. m.]

[Docket No. G-2338]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION

JANUARY 5, 1954.

Take notice that Algonquin Gas Transmission Company (Applicant), a Delaware corporation, with its principal place of business in Boston, Massachusetts, filed, on December 17, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas facilities:

(1) 100 feet of 4-inch lateral line connecting its existing transmission system with the proposed metering and regulating station at Peekskill, New York;

(2) One 4-inch main line tap;

(3) One 4-inch orifice measuring and regulating station;

(4) One secondary regulating station and connecting facilities;

(5) One gas scrubber.

The facilities are proposed to be used to sell and deliver to Consolidated Edison Company of New York, Inc. (Consolidated), a maximum of 10,000 Mcf per day of natural gas on an emergency basis, thus providing an alternate supply to Consolidated, thereby providing emergency stand-by and improving the reliability of service to Consolidated's customers.

The estimated over-all cost of the proposed facilities is $29,570, which Applicant proposes to finance out of current funds with Consolidated reimbursing Applicant for expenses incurred, relative to the measuring station, up to $30,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of January 1954.

Applicant requests that this matter be considered under the shortened hearing procedure provided for in § 1.32 of the rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-166; Filed, Jan. 11, 1954; 8:45 a. m.]

[Docket No. G-2339]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JANUARY 5, 1954.

Take notice that on December 21, 1953, El Paso Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business at El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities as hereinafter described.

The facilities which Applicant proposes to construct and operate are as follows:

(1) Approximately 13.3 miles of 12¾" O. D. pipeline extending from the section side of Applicant's existing Tucson main line compressor station located on the 26" and 30" California system in Pima County, Arizona, and continuing in a generally northeastwardly direction to a point in Pinal County, Arizona.

(2) Approximately 5.5 miles of an 8⅝" O. D. pipeline extending from the termination of the 12¾" line designated in item (1) above, in a northwestwardly direction to a point of delivery to the proposed Saguaro power plant located in Pinal County, Arizona.

(3) A sales meter station for the purpose of metering gas delivered to the proposed Saguaro power plant to be located at the terminus of the facility mentioned in item (2) above.

The proposed facilities will be utilized for the delivery and sale of natural gas to the Arizona Public Service Company for use by the company in the steam-generating plant, which is known as the Saguaro power plant and is located in Pinal County, Arizona.

The estimated annual requirements (stated in Mcf at 14.73 psia) and estimated peak day requirements for the first 3 full years of operation expected to be made to Arizona Public Service Company for use in its Saguaro power plant are as follows:

	Estimated requirements	Peak day requirements	
		Summer	Winter
April through December 1954	3,774,172	24,075	12,037
January through March 1955	918,584		12,037
April through December 1955	9,445,077	50,577	24,075
Calendar year 1956	11,414,115	50,577	24,075
Calendar year 1957	12,340,800	50,577	24,075

The total estimated cost of the proposed facilities is approximately $479,879, which Applicant proposes to temporarily finance out of its current working funds.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of January 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-167; Filed, Jan. 11, 1954; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3163]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF INSTALLMENT NOTES BY SUBSIDIARY TO HOLDING COMPANY

JANUARY 6, 1954.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary Cumberland and Allegheny Gas Company ("Cumberland" having filed a joint application with the Commission pursuant to sections 6 (b), 9, and 10 of the Public Utility Holding Company Act of 1935 ("the act") with respect to the following proposed transactions:

Cumberland, a West Virginia corporation, is a gas utility company operating in the States of West Virginia and Maryland. In order to provide additional cash required for its construction program, Cumberland proposes to issue and sell at par from time to time, but not later than March 31, 1954, and Columbia proposes to buy, $1,450,000 principal amount of Cumberland's __ Percent Installment Promissory Notes. Said Notes will become due in equal annual installments on February 15 of each of the years 1955 to 1979 inclusive. Interest on the unpaid principal will be payable semiannually on February 15 and August 15 at the rate of 4 percent per annum or such lower rate, being a multiple of ⅛th of 1 percent, as shall be not less than the cost of money to Columbia in its next sale of Debentures. Any Notes issued prior to the sale of Debentures by Columbia will bear interest at 4 percent per annum, subject to change as set forth above.

The issuance and sale of the proposed notes has been approved by the Public Service Commission of West Virginia, in which state Cumberland is organized and doing business.

The expenses of applicants in connection with the proposed transactions are estimated at $1,895 for Cumberland and $150 for Columbia.

It is requested that the Commission's order be expedited and made effective upon issuance.

Due notice having been given of the filing of the joint application, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application be granted forthwith, without the imposition of terms and conditions other than those prescribed in Rule U-24:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application be granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-168; Filed, Jan. 11, 1954; 8:45 a. m.]

[File No. 70-3171]

COMMONWEALTH EDISON CO.

NOTICE OF FILING OF APPLICATION FOR ACQUISITION OF SECURITIES BY AN EXEMPT HOLDING COMPANY AND FOR AN ORDER CONTINUING EXEMPTION HERETOFORE GRANTED APPLICANT

JANUARY 6, 1954.

Notice is hereby given that Commonwealth Edison Company ("Edison"), an exempt holding company and an electric and gas public utility company, has filed with the Commission an application pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), regarding (a) the acquisition by Edison of certain shares of stock to be issued by Northern Illinois Gas Company ("Northern Illinois"), a corporation formed for the purpose of acquiring and operating the gas utility and heating properties of Edison, and (b) the issuance of an order continuing thereafter the exemption set forth in the Commission's order dated June 30, 1948, granting Edison an exemption from the provisions of the act. Applicant has designated sections 9 (a) (2) and 3 (a) (1) of the act and Rule U-23, promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 18, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 18, 1954, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Edison, an Illinois corporation, is primarily engaged in the electric utility business supplying electric service in the city of Chicago, Illinois and in the northern part of Illinois. In addition, Edison is engaged in the distribution at retail of gas outside of the city of Chicago and in the northern part of Illinois. Edison also provides heating service to a limited number of customers outside the city of Chicago, Illinois. As of July 31, 1953, Edison's gas utility properties represented, on a consolidated basis, approximately 11 percent of its gross plant and accounted for approximately 14 percent of its total operating revenues for the 12 months ended on that date. It has two subsidiary companies, Sterling Hydraulic Company, an Illinois corporation, which presently holds title to a dam and certain water rights, but conducts no operations and Chicago District Electric Generating Corporation ("Chicago District"), an Indiana corporation and a public utility company, which owns and operates an electric generating station located in Indiana on the shore of Lake Michigan at the Illinois-Indiana State line. Edison purchases the major portion of Chicago District's output of electric energy and the remainder thereof is sold to Northern Indiana Public Service Company, a non-affiliated company operating in Indiana.

Edison proposes to separate its gas and heating properties from its electric facilities by the transfer of all of the gas and heating properties to a new corporation, Northern Illinois, formed under the laws of the State of Illinois for the purpose of acquiring and operating such gas and heating properties. Northern Illinois upon acquiring such properties will become a gas utility company under the act. The transfer of such properties will be made pursuant to the provisions of a Separation Agreement proposed to be entered into between Edison and Northern Illinois. Under the terms and conditions of the Separation Agreement the following transactions are proposed:

Edison agrees, (a) to procure from the Trustee under its Mortgage Indenture dated July 1, 1923, as supplemented, the release from the lien of said mortgage of all of its gas properties and heating properties, together with certain franchises and inventories related thereto; (b) to subject the gas properties (with certain exceptions) to the lien of a new Indenture, dated January 1, 1954, with the Continental Illinois National Bank and Trust Company of Chicago, as Trustee, providing for the issuance as the initial series, of $60,000,000 principal amount of Edison's Gas Divisional Lien Bonds; (c) to issue and sell said bonds to underwriters to be selected by Edison and to deposit the entire purchase price derived from such sale with the Trustee under Edison's existing mortgage; and (d) to transfer and convey to Northern Illinois the gas properties, subject to the lien of the new Indenture securing its Gas Divisional Lien Bonds, together with the heating properties, and certain franchises and inventories related to said properties, in exchange for 5,500,000 shares of common stock, par value $5 per share, of Northern Illinois, representing all of the common stock of Northern Illinois to be initially issued, plus an additional number of shares of said common stock (to be determined as hereinafter set forth as soon as practicable after such initial issuance). In addition Edison proposes, in order to provide Northern Illinois with working capital, to purchase from Northern Illinois 100,000 shares of its 5 percent Convertible Preferred Stock, par value $100 per share, proposed to be issued by Northern Illinois, for a consideration of $10,000,000.

Northern Illinois, as consideration for the transfer and conveyance to it of the aforesaid gas and heating properties, agrees, (1) to adopt as its own the Indenture dated January 1, 1954, securing the aforesaid Gas Divisional Lien Bonds proposed to be issued by Edison and to assume the payment thereof as the sole obligor under said Indenture; (2) to assume certain other liabilities of Edison; and (3) to issue and deliver to Edison the aforesaid 5,500,000 shares of its common stock, par value $5 per share, representing all of its common stock to be initially outstanding, plus an additional number of shares to be determined as hereinafter set out; and (4) to issue and sell to Edison the aforesaid 100,000 shares of its 5 percent Convertible Preferred Stock for a consideration of $10,000,000.

The additional number of shares of common stock of Northern Illinois to be issued and delivered to Edison in excess of the aforesaid 5,500,000 shares of common stock to be issued to Edison will be determined as follows:

There will be deducted from the book value of the gas utility and heating assets as determined by Edison from its books at the close of business on a day to be determined, the total of (1) the sum of the amounts of accrued depreciation allocable to the gas utility assets and the heating assets, respectively, (2) the aggregate principal amount of Edison's Gas Divisional Lien Bonds assumed by Northern Illinois, (3) the aggregate amount of certain other undetermined liabilities assumed by Northern Illinois, and (4) the amount of $55,000,000; and by dividing the remainder by $10, the resulting quotient (dropping any fractions) being the number of such additional shares of common stock of Northern Illinois to be issued to Edison.

Applicant states that of the 5,500,000 shares of common stock of Northern Illinois to be issued, 100 shares will be issued against incorporators' subscriptions assigned to Edison and will be deemed to have been paid for by a $1,000 undivided portion, in net book value, of the gas and heating assets transferred to Northern Illinois.

Northern Illinois' authorized capital stock will consist of 250,000 shares of preferred stock, par value $100 per share and 12,500,000 shares of common stock, par value $5 per share. Upon completion of the transfer of the gas and heating properties of Edison to Northern Illinois, the outstanding securities of Northern Illinois will initially consist of $60,000,000 principal amount of bonds, $10,000,000 of 5 percent convertible preferred stock, par value $100 per share, (each share convertible into 10 shares of common stock after January 31, 1957) and $27,500,000 of common stock of the par value of $5 per share, plus the par value of any additional shares issued as heretofore indicated.

Edison is subject to the jurisdiction of the Illinois Commerce Commission and Northern Illinois upon consummation of the proposed transactions will be subject to the jurisdiction of that Commission. The proposed transactions, including the

proposed acquisition of securities by Edison, are subject to approval of the Illinois Commerce Commission.

Edison, in support of its proposal to acquire the securities of Northern Illinois and of its request for the continuance of its exemption under section 3 (a) (1) of the act, represents, among other things, that the corporate structure of the Edison system has been materially simplified since 1948; that the proposed separation of its electric and gas operations will be a desirable objective under the act; that the gas operations of Edison will be benefited by their transfer to a new company concentrating on their development; and that the operating effectiveness of Edison as an electric utility will also be enhanced. With respect to its application for the continuance of its exemption Edison states that no material part of its income is derived from its subsidiary, Chicago District, and that upon consummation of the proposed transactions Northern Illinois will be a public utility company organized and operating wholly within Illinois.

Edison requests that the Commission's order herein issue pursuant to Rule U-23 on or before January 19, 1954, and that such order become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-169; Filed, Jan. 11, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28808]

CEMENT FROM SOUTHERN TERRITORY TO FLORIDA

APPLICATION FOR RELIEF

JANUARY 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cement and related articles, carloads.

From: Points in southern territory.

To: West Palm Beach, Fort Lauderdale, Miami and Homestead, Fla., and points grouped therewith.

Grounds for relief: Rail competition, circuity, competition with water carriers, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1392, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-146; Filed, Jan. 8, 1954; 8:46 a. m.]

[4th Sec. Application 28812]

SILICA GEL OR SILICA GEL CATALYST FROM CINCINNATI, OHIO, TO POINTS IN TEXAS

APPLICATION FOR RELIEF

JANUARY 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent for carriers parties to schedule listed below.

Commodities involved: Silica gel or silica gel catalyst, in bags, barrels, boxes, carloads.

From: Cincinnati, Ohio.

To: Baytown, Houston, Port Arthur, and Texas City, Tex.

Grounds for relief: Rail competition, circuity, and competition with motor-water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3899, supp. 178.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-172; Filed, Jan. 11, 1954; 8:46 a. m.]

[4th Sec. Application 28813]

CLAY BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Clay, kaolin, or pyrophyllite, carloads.

Between: Specified points in southern territory.

Grounds for relief: Rail competition, circuity, to maintain grouping, additional origins, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1323, supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-173; Filed, Jan. 11, 1954; 8:46 a. m.]

[4th Sec. Application 28814]

POTASH FROM CARLSBAD AND LOVING, N. MEX., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

JANUARY 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Atchison, Topeka and Santa Fe Railway, Agent, for carriers parties to its tariff I. C. C. No. 14478.

Commodities involved: Potassium (potash) and guano, carloads.

From: Carlsbad and Loving, N. Mex.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Atchison, Topeka and Santa Fe Railway Company, I. C. C. No. 14478, supp. 75.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-174; Filed, Jan. 11, 1954; 8:47 a. m.]

[4th Sec. Application 28815]

VARIOUS COMMODITIES FROM AND TO THE SOUTHWEST

APPLICATION FOR RELIEF

JANUARY 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 4064, 3945, 3967, and 3908, pursuant to fourth-section order No. 17220.

Commodities involved: Ethylene glycol, pulpboard or fibreboard, ammunition boxes, etc., carloads.

Between: Points in the Southwest on the one hand and points in southern territory and Kansas, on the other.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-175; Filed, Jan. 11, 1954; 8:47 a. m.]

[No. 31375]

NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO.

MOVEMENT OF HIGHWAY TRAILERS BY RAIL

JANUARY 6, 1954.

The Commission has assigned to Division 3 for administrative handling the petition of the New York, New Haven & Hartford Railroad Company for a declaratory order, under section 5 (d) of the Administrative Procedure Act, to remove a number of uncertainties concerning the legal relations, limitations, and obligations incident to the transportation of highway trailers on railroad flat cars. Under section 5 (d) the Commission may issue a declaratory order "to terminate a controversy or remove uncertainty."

The New Haven petition seeks to ascertain from the Commission whether its trailer-on-flat-car service lawfully may be confined to the transportation of motor common carrier trailers, to those of motor common carriers and private carriers, or to a limited number of motor common carriers and private carriers; whether it may refuse such service to contract carriers; private carriers, or freight forwarders; whether, in this service, through-route and joint-rate arrangements may be established with motor common and contract carriers and freight forwarders; what tariff-publishing requirements are applicable and must be observed; and it seeks answers to several other questions arising from these operations.

The Commission has also taken note of the widespread carrier and public interest in the movement of highway trailers on flat cars. This transportation development has been the subject of widespread press comment, both news and editorial, which reflects anxiety and uncertainty in culminating business arrangements relating thereto on the part of carriers and shippers. It has also been the subject of resolutions adopted by carrier and labor groups of national scope. A matter currently of much interest among carriers is the question whether a railroad may transport its own freight in trailers on flat cars without holding therefor a motor carrier certificate issued under part II of the Interstate Commerce Act. In sum, the widespread interest in this matter by carriers, shippers, and the public generally requires more than ordinary attention on the part of the Commission.

Division 3 has therefore been authorized by the Commission to proceed under section 4 of the Administrative Procedure Act, the end result of which will be somewhat broader than the requested proceeding under section 5 (d) of that act. The Division proposes, under the foregoing docket number and title, to construct proposed rules governing this area of transportation, after consultation with the various bureaus of the Commission that are involved, and after studying other available data bearing on the subject, particularly the petition filed by the New Haven and any others that may be filed as this matter progresses. Such proposed rules will be published at an early date, as contemplated by section 4 (a) of the Administrative Procedure Act. Thereafter a conference probably will be held with interested parties, looking toward a hearing before Division 3 or its Chairman, and/or oral argument before the Commission all to the end of formulating rules that will enable this type of transportation to develop, if it is otherwise destined to do so, with a minimum of legal controversy and uncertainty.

The Division also invites and will receive suggestions from interested parties for formulation of the proposed rules on or before February 15, 1954, and expresses the hope that this matter progress to an early conclusion.

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-176; Filed, Jan. 11, 1954; 8:47 a. m.]

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 31—WOOL STANDARDS

OFFICIAL STANDARDS OF UNITED STATES FOR GRADES OF WOOL TOP; DISTRIBUTION OF PRACTICAL FORMS OF STANDARDS AND METHODS FOR DETERMINATION OF CONFORMITY WITH OFFICIAL STANDARDS

On July 23, 1953, a notice was published in the FEDERAL REGISTER (18 F. R. 4293) regarding a proposal to amend the official standards of the United States for grades of wool top (§§ 31.101–31.113) and the regulations governing the distribution of practical forms of wool top standards and methods for the determination of conformity of wool top with the official standards (§§ 31.151–31.154).

After due consideration of all relevant material presented in connection with the notice and pursuant to the authority vested by law in the Secretary of Agriculture (sec. 19, 39 Stat. 489, sec. 19, 42 Stat. 1284, secs. 1, 2, 3, 45 Stat. 593, 594, sec. 401 (a), 58 Stat. 738; 7 U. S. C. 257, 415b–415e), the official standards of the United States for grades of wool top (§§ 31.101–31.113) and the regulations governing the distribution of practical forms of wool top standards and methods for the determination of conformity of wool top with the official standards (§§ 31.151–31.154) are hereby amended to read as follows:

OFFICIAL STANDARDS OF THE UNITED STATES FOR GRADES OF WOOL TOP

Sec.

31.101 Grade 80's wool top.
31.102 Grade 70's wool top.
31.103 Grade 64's wool top.
31.104 Grade 62's wool top.
31.105 Grade 60's wool top.
31.106 Grade 58's wool top.
31.107 Grade 56's wool top.
31.108 Grade 54's wool top.
31.109 Grade 50's wool top.
31.110 Grade 48's wool top.
31.111 Grade 46's wool top.
31.112 Grade 44's wool top.
31.113 Grade 40's wool top.
31.114 Grade 36's wool top.

DISTRIBUTION OF PRACTICAL FORMS OF WOOL TOP STANDARDS AND METHODS FOR THE DETERMINATION OF CONFORMITY OF WOOL TOP WITH THE OFFICIAL STANDARDS

Sec.

31.151 Practical forms; method of obtaining; conditions.
31.152 Cost of practical forms.
31.153 Loaning of practical forms.
31.154 Determination of conformity.

AUTHORITY: §§ 31.101 to 31.154 issued under sec. 19, 39 Stat. 489, sec. 19, 42 Stat. 1284, sec. 1, 2, 3, 45 Stat. 593, 594, sec. 401 (a), 58 Stat. 738; 7 U. S. C. 257, 415b–415e.

§ 31.101 *Grade 80's wool top.* Wool top of grade 80's shall be top the average fiber diameter of which is within the range of 18.1 microns to 19.5 microns, inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 25 microns, inclusive: Not less than 91 percent.
25.1 microns and over: Not more than 9 percent.
30.1 microns and over: Not more than 1 percent.

§ 31.102 *Grade 70's wool top.* Wool top of grade 70's shall be top the average fiber diameter of which is within the range of 19.6 microns to 21.0 microns, inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 25 microns, inclusive: Not less than 83 percent.
25.1 microns and over: Not more than 17 percent.
30.1 microns and over: Not more than 3 percent.

§ 31.103 *Grade 64's wool top.* Wool top of grade 64's shall be top the average fiber diameter of which is within the range of 21.1 microns to 22.5 microns, inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 30 microns, inclusive: Not less than 92 percent.
30.1 microns and over: Not more than 8 percent.
40.1 microns and over: Not more than 1 percent.

§ 31.104 *Grade 62's wool top.* Wool top of grade 62's shall be top the average fiber diameter of which is within the range of 22.6 microns to 24.0 microns,

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FEDERAL REGISTER

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inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 30 microns, inclusive: Not less than 86 percent.
30.1 microns and over: Not more than 14 percent.
40.1 microns and over: Not more than 1 percent.

§ 31.105 *Grade 60's wool top.* Wool top of grade 60's shall be top the average fiber diameter of which is within the range of 24.1 microns to 25.5 microns, inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 30 microns, inclusive: Not less than 80 percent.
30.1 microns and over: Not more than 20 percent.
40.1 microns and over: Not more than 2 percent.

§ 31.106 *Grade 58's wool top.* Wool top of grade 58's shall be top the average fiber diameter of which is within the range of 25.6 microns to 27.0 microns, inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 30 microns, inclusive: Not less than 72 percent.
30.1 microns and over: Not more than 28 percent.
50.1 microns and over: Not more than 1 percent.

§ 31.107 *Grade 56's wool top.* Wool top of grade 56's shall be top the average fiber diameter of which is within the range of 27.1 microns to 28.5 microns, inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 30 microns, inclusive: Not less than 62 percent.
30.1 microns and over: Not more than 38 percent.
50.1 microns and over: Not more than 1 percent.

§ 31.108 *Grade 54's wool top.* Wool top of grade 54's shall be top the average fiber diameter of which is within the range of 28.6 microns to 30.0 microns, inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 30 microns, inclusive: Not less than 54 percent.

30.1 microns and over: Not more than 46 percent.
50.1 microns and over: Not more than 2 percent.

§ 31.109 *Grade 50's wool top.* Wool top of grade 50's shall be top the average fiber diameter of which is within the range of 30.1 microns to 31.7 microns, inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 30 microns, inclusive: Not less than 44 percent.
30.1 microns and over: Not more than 56 percent.
50.1 microns and over: Not more than 2 percent.

§ 31.110 *Grade 48's wool top.* Wool top of grade 48's shall be top the average fiber diameter of which is within the range of 31.8 microns to 33.4 microns, inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 40 microns, inclusive: Not less than 75 percent.
40.1 microns and over: Not more than 25 percent.
60.1 microns and over: Not more than 1 percent.

§ 31.111 *Grade 46's wood top.* Wool top of grade 46's shall be top the average fiber diameter of which is within the range of 33.5 microns to 35.1 microns, inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 40 microns, inclusive: Not less than 68 percent.
40.1 microns and over: Not more than 32 percent.
60.1 microns and over: Not more than 1 percent.

§ 31.112 *Grade 44's wool top.* Wool top of grade 44's shall be top the average fiber diameter of which is within the range of 35.2 microns to 37.0 microns, inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 40 microns, inclusive: Not less than 62 percent.
40.1 microns and over: Not more than 38 percent.
60.1 microns and over: Not more than 2 percent.

§ 31.113 *Grade 40's wool top.* Wool top of grade 40's shall be top the average fiber diameter of which is within the range of 37.1 microns to 38.9 microns, inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 40 microns, inclusive: Not less than 54 percent.
40.1 microns and over: Not more than 46 percent.
60.1 microns and over: Not more than 3 percent.

§ 31.114 *Grade 36's wool top.* Wool top of grade 36's shall be top the average fiber diameter of which is within the range of 39.0 microns to 41.2 microns, inclusive, and the fiber diameter dispersion of which shall meet the following requirements:

10.0 microns to 40 microns, inclusive: Not less than 44 percent.
40.1 microns and over: Not more than 56 percent.
60.1 microns and over: Not more than 4 percent.

§ 31.151 *Practical forms; method of obtaining; conditions.* (a) Practical forms of the official standards of the United States for grades of wool top, namely:

Sets: Grades 80's to 36's, inclusive, complete series, mounted specimens;
Demonstrator types: Grades 80's to 36's, inclusive, individually packaged;
Balls: 80's to 58's, inclusive, individual, approximately 10 pounds in weight, when available;

certified under the signature of the Administrator of the Agricultural Marketing Service or other official duly authorized by him, will be furnished, subject to the other conditions of this section, upon filing of an approved application and prepayment of costs thereof as fixed by § 31.152.

(b) Each application for practical forms of the official wool top standards shall be upon a blank furnished or approved by the Agricultural Marketing Service, shall be signed by the applicant, and shall be accompanied by certified check, draft, post office money order, or express money order, payable to the "Treasurer of the United States," in an amount to cover the cost of the forms requested, and shall incorporate the following conditions:

(1) That no practical form of the official wool top standards shall be considered or used as representing such standards after cancellation in accordance with this section, or after any subsequent revision of such standards.

(2) That the said practical forms shall be subject to inspection on any business day, between the hours of 9 a. m. and 4 p. m., by the Secretary or by any duly authorized officer or agent of the Department of Agriculture.

(3) That the certificate covering any practical form may be revoked and canceled if it is found upon such inspection that the said practical form is not representative of the official standards.

§ 31.152 *Cost of practical forms.*—(a) *Sets.* $20.00 each, f. o. b. shipping point.

(b) *Demonstrator types.* $2.00 each, delivered to destination within the continental United States.

(c) *Balls.* $40.00 each, f. o. b. shipping point.

§ 31.153 *Loaning of practical forms.* In the discretion of the Administrator of the Agricultural Marketing Service, limited numbers of the practical forms of the official standards of the United States for grades of wool tops, or samples or exhibits illustrating such standards, may be loaned to governmental agencies or to educational and other institutions or organizations for demonstration purposes.

§ 31.154 *Determination of conformity.* The determination of conformity of wool top with the official standards of the United States for grades of wool top shall be made in accordance with methods prescribed by the Administrator of the Agricultural Marketing Service, copies of which may be obtained from the Administrator on request.

The foregoing amendments provide specifications in terms of microns for the five grades, 48's to 36's, inclusive, standards for which were previously expressed by visually classified physical samples only. The changes also provide for the addition of a new grade designated as 54's and for minor revisions in fiber distribution requirements for grades 80's to 50's, previously defined on a micron basis.

These amendments shall become effective on the first day of January 1955.

Done at Washington, D. C., this 7th day of January 1954.

[SEAL] ORIS V. WELLS,
Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-223; Filed, Jan. 12, 1954; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, paragraphs (c), (f), and (g) of § 6.124 are revoked, and the positions listed below are added to §§ 6.112 and 6.312.

§ 6.112 *Department of Commerce.*
• • •
(k) *Maritime Administration.* (1) Public Information Officer.
(2) One Private Secretary to the Public Information Officer.
(3) Chief, Program Planning Office.
(4) One Private Secretary to the Chief, Program Planning Office.

§ 6.312 *Department of Commerce.*
• • •
(l) *Federal Maritime Board.* (1) Two Confidential Assistants to the Chairman.
(2) One Confidential Assistant to each Member of the Board (other than the Chairman).
(m) *Maritime Administration.* (1) General Counsel.
(2) Two Confidential Assistants to the Administrator.
(3) One Confidential Assistant to the Administrator (Labor Policy).
(4) One Director, Office of National Shipping Authority and Government Aid.
(5) One Private Secretary to the Administrator.
(6) One Private Secretary to the General Counsel.
(7) One Private Secretary to each of the Confidential Assistants to the Administrator.
(8) One Private Secretary to the Director, Office of National Shipping Authority and Government Aid.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-229; Filed, Jan. 12, 1954; 8:51 a. m.]

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

MISCELLANEOUS AMENDMENTS

1. Effective January 1, 1954, the following items are added to § 27.1:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* • • •

Social Worker Intern (Student Social Worker), U. S. Public Health Service.
Student Pharmacist, U. S. Public Health Service.

2. Effective January 1, 1954, the maximum stipend for positions of pharmaceutical interns, U. S. Public Health Service, is amended and maximum stipends are prescribed for the positions of Social Worker Intern (Student Social Worker), U. S. Public Health Service, and Student Pharmacist, U. S. Public Health Service:

§ 27.2 *Maximum stipends prescribed.* • • •

Pharmaceutical Interns, U. S. Public Health Service: One year approved postgraduate training	$2,000
• • • • •	
Social Worker Interns (Student Social Workers), U. S. Public Health Service. Part-time approved postgraduate training during program for the Master of Science degree, per month	$87.50
Student Pharmacists, U. S. Public Health Service. Part-time approved training after a minimum of three years college level training, per month	$22.50

(61 Stat. 727; U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-228; Filed, Jan. 12, 1954; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 36—SHELLFISH; DEFINITIONS AND STANDARDS OF IDENTITY; FILL OF CONTAINER

PACIFIC OYSTERS

In the matter of amending the definitions and standards of identity for Pacific oysters, raw Pacific oysters, shucked Pacific oysters:

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371; 67 Stat. 18), and upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on September 18, 1953, no exceptions having been filed to the proposed order published in the FEDERAL REGISTER on November 19, 1953 (18 F. R. 7323), the following order is hereby promulgated:

Findings of fact.[1] 1. The existing definitions and standards of identity for raw Pacific oysters were promulgated on evidence received at a public hearing held in 1945. At that time a substantial volume of the production of raw Pacific oysters was packed for sale on contract to the armed services. The basis of bids for Government orders required that the size of raw Pacific oysters be indicated by count per pound or pint. Raw Pacific oysters packed for the civilian market were packed in pint jars, and there was no general usage of containers smaller than pints. The standards promulgated upon the basis of evidence received at the hearing held in 1945 specified names for the various sizes of raw Pacific oysters as follows: "Pacific oysters size ____ per pint," "Raw Pacific oysters size ____ per pint," or "Shucked Pacific oysters size ____ per pint," the blank in each instance being filled in with "5 to 8," "8 to 10," "10 to 12," "12 to 15," "15 to 18," or "over 18," depending upon the size of the oysters in the container. Beginning in September 1952, packers of raw Pacific oysters began to pack their product in 12-fluidounce jars. Within a short time only a small portion of the production of raw Pacific oysters was packed in pint jars, while approximately 80 percent of the production was distributed in 12-fluidounce jars. The labeling of raw Pacific oysters packed in 12-fluidounce jars, with the names showing the count per pint as specified in the standard, proved to be confusing and misleading to consumers. (R. 20-30, 32-35, 41, 71-72, 75-77, 79-81, 83-84, 86, 91, 99-101; Ex. 2-3, 5-7, 9-12, 19, 22, 27, 30)

2. Although existing definitions and standards of identity applicable to raw Pacific oysters provide for six size categories, based upon count per pint, producers of raw Pacific oysters do not customarily pack their product in more than three or four size categories. In displaying offerings of raw Pacific oysters in retail outlets, retailers have employed the terms "large," "medium," "small," and "extra small" to describe the sizes of Pacific oysters available. Retail dealers have also used these terms in their advertisements. Designation of the size of raw Pacific oysters by the terms "large," "medium," "small," and "extra small" is suitable not only for pints but is equally suitable for containers of other sizes. Recipes for oysters in most cookbooks recite cooking times based on the time required to cook raw oysters that come from the Atlantic and Gulf Coasts. Pacific oysters are significantly larger than oysters harvested on the Atlantic and Gulf Coasts and require slower and longer cooking to be rendered palatable. Housewives need recipes that give directions for cooking Pacific oysters. Amending the existing standards to provide for using the size designations "large," "medium," "small," and "extra small" will facilitate writing such recipes for distribution to housewives. (R. 21, 36, 39-40, 56, 62-63, 65, 70, 74, 78, 81, 83, 96-97; Ex. 6, 8, 14, 20-22, 25, 27, 30)

3. Evidence was adduced that the division of raw Pacific oysters into six size categories, as provided for in the existing standards, results in considerable overlapping of sizes to the disadvantage of consumer purchasers. Reduction of the number of size categories to four would reduce such overlapping. (R. 56, 62, 70, 82, 85, 95; Ex. 13, 16-17, 23, 26, 28, 30)

4. The term "large," as applied to raw Pacific oysters, applies to oysters of such size that a gallon contains not more than 64 such oysters. The term "medium," as applied to raw Pacific oysters, applies to oysters of such size that a gallon contains more than 64 and not more than 96 such oysters. The term "small," as applied to raw Pacific oysters, applies to oysters of such size that a gallon contains more than 96 and not more than 144 such oysters. The term "extra small," as applied to raw Pacific oysters, applies to oysters of such size that a gallon contains more than 144 such oysters. The oysters in each of the above size categories are of such uniform size that the largest oyster in the container is not more than twice the weight of the smallest oyster therein. (R. 88-89; Ex. 1)

It is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity applicable to raw Pacific oysters by revoking §§ 36.17 to 36.22, inclusive (21 CFR 36.17-36.22, inclusive), and by promulgating new sections to read as follows:

§ 36.17 *Large Pacific oysters, large raw Pacific oysters, large shucked Pacific oysters; identity.* Large Pacific oysters, large raw Pacific oysters, large shucked Pacific oysters, are of the species Ostrea gigas and conform to the definitions and standards of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains not more than 64 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.18 *Medium Pacific oysters, medium raw Pacific oysters, medium shucked Pacific oysters; identity.* Medium Pacific oysters, medium raw Pacific oysters, medium shucked Pacific oysters, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains more than 64 oysters and not more than 96 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.19 *Small Pacific oysters, small raw Pacific oysters, small shucked Pacific oysters; identity.* Small Pacific oysters, small raw Pacific oysters, small shucked Pacific oysters, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains more than 96 oysters and not more than 144 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.20 *Extra small Pacific oysters, extra small raw Pacific oysters, extra small shucked Pacific oysters; identity.* Extra small Pacific oysters, extra small raw Pacific oysters, extra small shucked Pacific oysters, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains more than 144 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

Effective date. This order shall become effective on the nintieth day following the date of publication of this order in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U. S. C. 341)

Dated: January 6, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-226; Filed, Jan. 12, 1954; 8:50 a. m.]

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 1952 Supp., Part 141; 18 F. R. 5366, 6318, 7309) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 3832, 3930) are amended as indicated below:

1. Section 141.201 (b) is amended to read:

§ 141.201 *Chlortetracycline hydrochloride.* • • •

(b) *Sterility.* Using 40 milligrams from each container tested, proceed as directed in § 141.2, except that neither penicillinase nor the control tube is used in the test for bacteria.

2. In § 141.204 *Chlortetracycline capsules; tetracycline capsules,* paragraph (a) *Potency* is amended by changing the words "Using 1 capsule of 250 milligrams or 5 capsules of 50 milligrams" to read: "Using 3 capsules of 250 milligrams or 5 capsules of 100 milligrams or 50 milligrams".

3. In § 146.28 *Crystalline penicillin G oral suspension* • • •, paragraph (a) *Standards of identity* • • •, the first sentence is amended to read: "Crystalline penicillin G oral suspension is crystalline penicillin G sodium or potassium penicillin G and one or more suitable and harmless suspending or dispersing agents and preservatives, with or without one or more suitable sulfonamides and suitable and harmless buffer substances, colorings, and flavorings, suspended in a suitable and harmless vehicle."

4. Section 146.108 *Streptomycin syrup* • • • is amended as follows:

a. Paragraph (a) *Standards of identity* • • • is amended by deleting the period at the end of the second sentence and adding the words "or bismuth glycolylarsanilate."

b. Paragraph (c) (1) (v) is amended to read:

(c) *Labeling.* • • •
(1) • • •
(v) If it contains pectin, kaolin, or bismuth glycolylarsanilate, the quantity of each such ingredient used and the name of the gel base.

c. Paragraph (c) is further amended by renumbering subparagraph (3) as (4) and adding the following new subparagraph (3):

(3) On the label and labeling, if it contains bismuth glycolylarsanilate, after the name "Streptomycin and kaolin in gel" or "Dihydrostreptomycin and kaolin in gel," wherever it appears, the words "with bismuth glycolylarsanilate," in juxtaposition with such name.

5. Section 146.201 *Chlortetracycline hydrochloride* • • • is amended as follows:

a. Paragraph (d) (2) and (3) is amended to read:

(d) *Request for certification, check tests and assays; samples.* • • •

(2) If such batch is packaged for dispensing, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 1 immediate container for each 5,000 immediate containers in such batch, but in no case less than 8 or more than 15 immediate containers.

(ii) For sterility testing; 10 immediate containers.

Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 5 packages, each containing approximately 0.5 gram.

(ii) For sterility testing; 10 packages, each containing approximately 40 milligrams.

Each such package shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. Paragraph (e) (1) is amended to read:

(e) *Fees.* • • •

(1) $10.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) (i), (3) (i), and (4) of this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: January 7, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-227; Filed, Jan. 12, 1954; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 571—RECRUITING AND ENLISTMENTS

MISCELLANEOUS AMENDMENTS

1. In § 571.1 (b), a new subparagraph (3) is added as follows:

§ 571.1 *General.* • • •
(b) *Definitions.* • • •
(3) The period "3 months" commences on the day following that of discharge or separation and ends with the day of the month 3 months later which corresponds to the date of discharge or separation.

• • • • •

2. In § 571.2, paragraphs (a) (1) (v), (2) (iv), (e) and (h) (8) (iii) are amended and paragraph (g) is revoked as follows:

§ 571.2 *Qualifications for enlistment*—(a) *Age*—(1) *Male.* • • •
(v) Men last separated from the Regular Army with an honorable or general discharge and commissioned officers or warrant officers relieved from active duty in the Army under honorable conditions may be enlisted in the Regular Army within 3 months after date of such discharge or relief from active duty, without regard to the maximum age restrictions prescribed above.
(2) *Female.* • • •
(iv) Women last separated from the Regular Army with an honorable discharge and female commissioned officers or warrant officers relieved from active duty in the Army under honorable conditions may be enlisted in the Regular Army within 3 months after date of such discharge or relief from active duty, without regard to the maximum age restrictions prescribed in this subparagraph.

• • • • •

(e) *Police clearance, all applicants.* Prior to enlistment of applicants, except those who enlist within 3 months from date of discharge from any of the Armed Forces, recruiting installations will communicate with the police in each town where such applicant has resided for a period of 6 months or more in the previous 3 year period. When reply from police is not received within 21 days, applicant may be enlisted provided the individual is the type desired by the Army and every effort has been made to check character through local sources.

* * * * *

(g) *Enlistment restrictions for persons last discharged below grades E–3 and E–2.* [Revoked.]

* * * * *

(h) *Classes ineligible for enlistment.*

* * *

(8) *Applicants with records of other offenses.* * * *

(iii) *Minor offenses.* Male applicants with records of minor offenses may be granted waivers for enlistment by recruiting main station commanders, if as a result of an investigation, it is determined that applicant will be an asset to the service and is otherwise qualified. These offenses include minor traffic violations and single cases of drunkeness, vagrancy, truancy, peace disturbance, etc., for which no type of civil restraint is imposed. Notation of waivers granted will be recorded as prescribed in subdivision (ii) of this subparagraph. No waivers will be granted for WAC applicants, except for minor traffic violations.

* * * * *

3. In § 571.3 (a) paragraph (4) is amended as follows:

§ 571.3 *Periods and grades*—(a) *Periods of enlistment.* * * *

(4) In addition to the options authorized in subparagraph (2) of this paragraph, the reenlistment of individuals who were discharged from the Regular Army and who reenlist in permanent grade E–7, E–6, or E–5 within 3 months after date of last discharge are authorized to reenlist in the Regular Army for an unspecified period of time on a career basis. Regular Army enlisted persons serving in permanent grade E–7, E–6, or E–5 who have less than 1 year remaining in their current enlistment may be discharged for the convenience of the Government for the purpose of reenlisting for an unspecified period of time, provided enlistment is accomplished the day following discharge. Discharge prior to expiration of term of service (ETS) for the purpose of reenlisting for an unspecified period of time is not mandatory, and responsible commanders will approve such discharges only when it is determined that such action will serve the best interest of the Army. An individual whose last period of active Federal service in the Army was in the status of a commissioned officer or warrant officer is eligible for enlistment under this paragraph, provided such individual was serving on Federal active duty in grade E–7, E–6, or E–5 immediately prior to entry on active duty as a commissioned officer or warrant officer; such commissioned or warrant officer service has been continuous since entry thereon; and enlistment is accomplished in grade E–7, E–6, or E–5 within 3 months from date of relief from active duty. The following are special conditions governing reenlistment for an unspecified period of time:

* * * * *

[C5, SR 615–105–1, 30 July 1953, and C6, SR 615–105–1, 22 December 1953] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54–212; Filed, Jan. 12, 1954; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 119—INDEMNITY

MISCELLANEOUS AMENDMENTS

In Part 119—Indemnity: Regular (Postal Union) Mail, make the following changes:

1. Amend the caption to read "Indemnity."

2. Amend § 119.1 *Limits of indemnity for lost foreign registered matter* to read as follows:

§ 119.1 *Limits of indemnity for lost foreign registered matter*—(a) *Postmasters authorized to pay claims.* Postmasters at Chicago, Illinois; New Orleans, Louisiana; New York, New York, and San Francisco, California, are authorized to pay indemnity claims arising from the loss, rifling, or damage of international registered (Postal Union and Parcel Post) and insured mail and Americo-Spanish ordinary parcel post.

(b) *Forms to be used.* Form 565 shall be used in claiming indemnity for loss, rifling or damage of international registered mail and for loss of registered c. o. d. mail (Mexico only). Form 2855 shall be used in the case of loss, rifling, or damage of international insured and Americo-Spanish registered or ordinary parcel post and for shortage of nonreceipt of c. o. d. charges on international c. o. d. mail. No c. o. d. service is available to any country except to Mexico. The registered c. o. d. mail service to Mexico will be discontinued effective February 1, 1954.

(c) *Source of receipt of claims.* Under existing regulations all preliminary investigations of complaints of loss, rifling or damage of international registered or ordinary mail and all inquiries concerning the disposal of international insured mail are undertaken by the Bureau of the Chief Post Office Inspector and at certain designated post offices (Brooklyn, Chicago, Detroit, Los Angeles, New York, Philadelphia, and San Francisco). Therefore, completed Forms 565 and 2855 and supporting papers will be received from Post Office Inspectors in Charge and those seven post offices. Forms 2855 will invariably relate to Americo-Spanish ordinary parcel post and to some cases of international insured parcels only where an inquiry concerning disposal developed into a case of loss. Completed Forms 2855 and supporting papers relating to international insured mail will be received principally from post offices and from Canadian Post Office Inspectors in case of insured mail to Canada.

(d) *Limits of indemnity; principal exceptions.* The limits of indemnity payable, the extent of the application of the indemnity feature to international mail, and the principal exceptions to the payment of indemnity are set forth in §§ 127.161 to 127.169 of this chapter. Additional exceptions are contained in the country items in §§ 127.201 to 127.383 of this chapter.

(e) *Responsibility.* The country of origin shall be responsible for the loss, rifling or damage of insured mail exchanged with Canada and undertake the payment of indemnity in accordance with its domestic laws and regulations. Therefore, this Country alone is responsible in the case of insured mail originating therein and addressed for delivery in Canada. In the case of insured parcels exchanged with countries other than Canada, and registered parcels to other countries except Americo-Spanish, responsibility of the country of origin or destination (or intermediation where provided for) is determined in accordance with the provisions of the individual or bilateral parcel post convention under which the parcel was accepted. The Madrid Convention and parcel post agreement of the Postal Union of Americas and Spain apply to registered Postal Union mail and to registered and ordinary parcel post, respectively, for countries of that Union. The Universal Postal Union Convention of Brussels, which became effective on July 1, 1953, governs the question of responsibility for loss (contents and wrapper) of registered Postal Union mail exchanged with other countries. In general, responsibility, in the case of insured mail (except Canada) and Americo-Spanish registered or ordinary parcel post, rests with the country whose exchange office of first receipt failed to issue a bulletin of verification promptly reporting the loss, rifling or damage. Responsibility for the loss of Postal Union registered mail is, until the contrary is proved, incumbent upon the Administration which, having received the article without making any observation, and having been furnished all the required particulars for making an investigation, cannot establish either delivery to the addressee or regular transmission to the next Administration, as the case may be. In any instance (including cases involving bulkbilled mail) in which it is not possible to establish where the loss, rifling or damage occurred, responsibility is assumed in equal shares by the Administrations concerned. Bulkbilling of Postal Union registered articles of nominal value (air and surface) is in effect with Australia, Denmark, Germany (British, American and French Zones), Great Britain, Hong Kong, New Zealand, Norway, Poland, Spain, Sweden, Switzerland and Yugoslavia. The bulkbilling of registered Postal Union mail to Argentina is limited to AO articles. Ordinary parcels are bulkbilled to Peru and Argentina.

(f) *When payment shall be made.* (1) Upon receipt of completed Forms 565 and 2855 and supporting papers showing loss, rifling or damage in this country or accompanied with acknowledgement by the other country of loss in its service of Postal Union registered article of United States origin, or loss, rifling or damage of Americo-Spanish registered or ordinary parcel post of United States origin and with authority to indemnify the sender on its behalf, paying exchange offices shall pay indemnity by check, using the same accounting forms prescribed for reporting domestic indemnity payments. The full particulars such as the date, reference number, and complete title and address borne by the letter authorizing payment shall be recorded on Form 2870. If no authorization to pay accompanies the acknowledgement of loss, a letter shall be sent referring to the acknowledgement and stating that payment of indemnity within the prescribed conventional limits is being undertaken and that credit will be claimed in a future Postal Account in anticipation of the concurrence of the other Postal Administration. The same action shall be taken upon the receipt of completed Forms 565 and 2855 and supporting papers for consideration of the indemnity feature, due to failure of the other country to reply to official communications, except that a reminder (Form 2830–a) shall first be sent and a reasonable time allowed for reply. A longer period may be allowed distant countries, but not exceeding sixty days at most. If no reply is received within the conventional period of six months Form 2830 shall be written in triplicate and sent stating that payment has been made and that credit will be claimed in a future Postal Account. A copy of the letter of authorization (or notice of payment) or Form 2830 (in duplicate) with full particulars of the check issued, shall be forwarded to the Controller, Bureau of the Controller, Division of Accounting, Washington 25, D. C., for appropriate attention. The jacket shall be endorsed "Failure to Reply" where applicable and reference made to the specific conventional provisions under which payment was made due to failure to reply.

(2) Claims covering loss, rifling or damage of insured mail to and from Canada will continue to be made the subject of correspondence with the proper Canadian District Post Office Inspector as outlined in § 127.227 of this chapter. However, claims covering loss, rifling or damage of insured mail to countries other than Canada shall be made the subject of inquiry by the paying exchange office of the country of destination in the following manner:

If a case of loss is involved, Form 2803–a (if full particulars of dispatch can be furnished) shall be used. If no particulars of dispatch can be furnished, the claim shall be paid and the relative papers and jacket endorsed "U. S. Responsible," provided that the sender furnishes the report from the addressee on which the claim is based. If no report from the addressee can be furnished the claimant shall be informed that the claim must necessarily be held in abeyance pending receipt thereof. In loss cases, the report must allow a reasonable time for dispatching conditions and customs formalities. Letters shall be written in cases of damage or rifling, where it can be stated that the parcel was dispatched in good condition (sealed in rifling cases) and that no bulletin of verification was received. Complete mailing and dispatching particulars with a full description of the contents (including value) and the method of packing shall be furnished. It shall be pointed out that the weight of evidence indicates that the rifling or damage occurred subsequent to opening for customs purposes and that responsibility rests with the other country by reason of its failure to issue a bulletin of verification. Request shall be made that advice be furnished concerning the outcome of the investigation which will doubtless be made and its views on the question of indemnity. Upon receipt of reply acknowledging responsibility for loss, rifling, or damage indemnity shall be paid as previously outlined for Postal Union registered mail and registered or ordinary Americo-Spanish parcel post.

(g) *Indemnity may be paid specially.* (1) Pending the outcome of the investigation of the other country, indemnity may be paid specially in cases of loss of insured or registered mail where the indemnity claimed is $50.00 or less, provided that the submitted report of nonreceipt from the addressee is dated a reasonable time after the mail would have been delivered in regular course.

(2) If the case was paid specially and the other country acknowledges responsibility or suggests that the countries involved assume responsibility in equal shares on the ground that it has not been possible to establish where the mistreatment occurred, the reply shall be forwarded to the Regional Accounting Office for inclusion with the original papers, furnishing particulars of approval. At the same time, a copy of the correspondence shall be forwarded to the Controller, Bureau of the Controller, Division of Accounting, Washington 25, D. C., for appropriate attention, including cases where the suggestion covering equal responsibility is rejected. The same procedure shall be followed if the reply relates to a case of loss already paid specially and establishes that responsibility rests with this Service by reason of the issuance of a bulletin of verification, except that no correspondence shall be forwarded to the Controller.

(3) If it develops from the reply of the other country that the indemnity is no longer properly payable, the payee shall be informed of the tenor of the reply and requested to refund the indemnity paid specially. The amount recovered shall be scheduled on the reverse side of Form 3841–R.

(4) If no reply is received from the other country within the period (usually nine months) specified in the bilateral parcel post convention with the other country concerned, payment shall be made under the conditions previously outlined for Postal Union registered mail and Americo-Spanish registered or ordinary parcel post.

(h) *When responsibility rests with the United States; disposition of claim papers.* (1) In the event that completed Forms 565 or 2855 and supporting papers received show that responsibility rests with this country for the loss of Postal Union registered mail and for loss, rifling or damage of Americo-Spanish registered or ordinary parcel post, the country of origin (including Canada if registered Postal Union mail is involved) shall be notified accordingly and authorized to indemnify the sender on behalf of this Postal Administration within the limits prescribed by the convention applicable. Form 2804–c shall be used (Form 2804–b if arrangements have been made under which indemnity reimbursements are settled quarterly). Such arrangements are in effect with Austria, Canada, Czechoslovakia, Germany (Western Zone), Great Britain and Northern Ireland and Poland.

(2) In any case in which authority is granted to pay indemnity either in full or in equal shares, the jacket shall be endorsed "CR" in the upper left-hand corner and all related papers forwarded to the Controller, Bureau of the Controller, Division of Accounting, Washington 25, D. C., for appropriate attention, including cases involving quarterly settlement countries.

(i) *Complaints concerning insured mail from countries other than Canada.* Complaints of loss, rifling or damage made by the sender of insured mail originating in countries other than Canada will be received by the selected paying exchange offices through the Bureau of Transportation, Division of International Service, in the inverse order of the receipt of claims relating to outgoing insured mail destined to the same countries, except that such complaints made by addressees will be received from postmasters in this Country. Forms 2843 or 2843–b (if another exchange office is involved) shall be used by paying exchange offices where necessary in having the claim papers (Form 2855) completed. Form 2804–b (in the case of quarterly settlement countries) shall be sent if responsibility for the loss rests with this Country. Form 2804–c shall be sent to other countries. If there is no record of delivery and the addressee furnished a written statement of non-receipt and it is established that no bulletin of verification was issued reporting nonreceipt of the insured parcel involved, the United States Postal Service is responsible. Forms 2804–b or 2804–c shall also be sent in cases where it is found that responsibility for rifling or damage rests with this Country. If it is established that the seals of the parcel, upon receipt by the addressee, were broken (presumably for customs examination), but the parcel did not contain the usual customs rifling or damage notice, or, if received in bad condition by the post office of delivery it shall be concluded that the rifling or damage occurred subsequent to opening for customs purposes and that the United States Postal Service is responsible. If, however, it is established that the seals were not broken and the parcel was in good outward condition on delivery, a letter shall be written to the other Postal

Administration stating that fact and that the rifling or damage was discovered only upon opening by the addressee and suggest that responsibility be assumed in equal shares by the two Postal Administrations on the ground that it cannot be determined where the rifling or damage occurred. The letter shall conclude by stating that in the event that the proposal is accepted, credit for one-half of the amount paid may be claimed in a future Postal Account or in the usual manner (quarterly settlement country only).

(j) *Claimants to be informed of decision.* Paying exchange offices shall notify claimants where the amount claimed is not allowed or the claim is disallowed, stating the reason for the amount allowed or for the rejection of the claim.

(k) *Deficient insurance fees.* If the insurance fee is deficient and the fee is less than the minimum insurance fee authorized the amount of the deficiency may be deducted from the indemnity payable and appropriate explanation furnished the payee. The minimum insurance only may be paid under such circumstances. The same procedure shall be followed where full coverage was requested at the time of mailing but the fee collected was unauthorized, and indemnity paid for full value.

(l) *Restriction in payee.* Payment of indemnity is restricted to the sender under the two Postal Union Conventions and the Americo-Spanish Parcel Post Agreement. However, the sender of insured mail may waive his prior right to indemnity in favor of the addressee or owner.

(m) *"Force majeure" (causes beyond control).* All cases requiring a decision as to whether the loss, rifling, or damage was due to "force majeure" shall be submitted to the Assistant Postmaster General, Bureau of Transportation, Division of International Service, Washington 25, D. C.

(n) *Time limit.* Except in case of insured mail to Canada, first complaint (oral or written) shall be made within one year counting from the day following the date of mailing. In the case of insured mail to Canada, the complaint shall be made within six months from the date of mailing unless it is satisfactorily shown that the delay was unavoidable and due to no fault of the claimant. In this event, the time limit may be waived and the claim papers certified accordingly.

(o) *Refund of customs duty.* According to the Commissioner of Customs, who has jurisdiction over the matter of refund of Customs duty, merchandise imported by mail is dutiable in the condition in which received (found by examining Customs Officer) and the Treasury Department is without authority to refund or reduce duty as a result of loss or damage to merchandise after it has passed from Customs custody.

(p) *Commercial insurance.* Pursuant to the provisions of section 381a of title 39, United States Code, all claims for indemnity involving registered mail, or insured mail, or c. o. d. mail, which is also insured with commercial insurance companies or other insuring agencies, shall be adjusted by the Post Office Department on a pro rata basis as a coinsurer with the commercial insurance companies or other insuring agencies. This provision equally applies to claims for indemnity involving ordinary parcel post packages mailed under the Americo-Spanish Agreement relative to parcel post. Therefore, a Declaration of Insurance Company (Form 2828) shall be completed in each instance in order to pay indemnity on a pro rata basis. Payment to the commercial insurance company of the share of the Postal Service as coinsurer under the principle of subrogation shall be made only where the company has compensated the sender in full.

(q) *Declared value on customs declaration. Postal Administrations assume no liability for the correctness of Customs Declarations.* Therefore, indemnity may not be paid in excess of the value declared in the relative Customs Declaration, if known, although the parcel may have been insured for a greater amount.

(r) *Proof of value: extent of damage.* Valuations and the nature and extent of damage stated in claim papers shall be given close attention. Valuations of $25.00 or less which appear reasonable or those quoted by reliable business concerns may be accepted without question.

(s) *Signatures of sender and addressee.* It is especially important that the signatures of the sender and addressee on the applications for indemnity and their names as stated in the Declaration correspond exactly. (Example: If the full name is shown as "John Albert Smith," each name shall be signed in full; not simply "J. A. Smith" or "John A. Smith".)

(t) *Delivery of mail.* Responsibility of the Postal Service ceases upon delivery of registered or insured mail in accordance with the domestic regulations of the country of destination for articles of the same nature.

(u) *Waiver of declaration of addressee.* In case of insured mail to Canada or other insured mail where responsibility rests with this Country, the Declaration of Addressee may be waived under the conditions set forth in section 18.23 of the Postal Laws and Regulations of 1948, particularly in the case of gifts.

(v) *Insured letters and boxes via air carrier.* In case of loss of insured letters and boxes while in transit through this Country or while in the custody of United States flag air carriers enroute to another country, responsibility will be assumed up to the limit for Postal Union registered mail.

(w) *Unusual and major cases.* Unusual and major cases shall be submitted to the Assistant Postmaster General, Bureau of Transportation, Division of International Service, Washington 25, D. C. for decision. However, the general information and instructions in Part 127 of this chapter, as well as the special provisions therein for each service mentioned, shall be consulted before the submission of any case.

3. Rescind §§ 119.2, 119.3, 119.4, and the note following § 119.4.

(R. S. 161, 396 secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] LOUIS J. DOYLE, *Acting Solicitor.*

[F. R. Doc. 54-200; Filed, Jan. 12, 1954; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127—International Postal Service: Postage Rates, Service Available and Instructions for Mailing, 39 CFR Part 127, make the following changes:

a. In § 127.10 *Small packets* make the following changes:

1. Insert "Tristan da Cunha" in alphabetical order in the list of countries shown in paragraph (g).

2. In paragraph (h) delete "Tristan da Cunha."

b. In § 127.74 *Sealing* insert the following in alphabetical order in the list of countries shown in paragraph (a): "Persian Gulf Ports (insured)."

c. In § 127.140 *Service available* insert "Morocco, Tangier (British Post Office only)" in alphabetical order in the list of countries shown therein; insert also "Persian Gulf Ports."

d. In § 127.228 *Cape Verde Islands* make the following changes:

1. In the tabulated information appearing under the table of rates in subdivision (i) of paragraph (b) (1) change the registration fee from 40 cents to 55 cents.

2. In paragraph (b) (4), amend subdivision (i) by striking out "40 cents" and inserting in lieu thereof "55 cents."

e. In § 127.308 *Morocco, Tangier (International Zone)* make the following changes:

1. In the tabulated information appearing after the table of rates in subdivision (ii) of paragraph (b) (1) strike out "Insurance: No." and insert in lieu thereof "Insurance: Yes, for British Post Office only."

2. Amend paragraph (b) (2) to read as follows:

(2) *Indemnity.* See subparagraph (4) of this paragraph.

3. In paragraph (b) redesignate subparagraphs (4) and (5) as (5) and (6), respectively, and insert new subparagraph (4) to read as follows:

(4) *Insurance.* (i) Parcel post packages for the British Post Office in Tangier may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fee mentioned hereunder:

Limit of indemnity:	Fee, cents
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in United States currency, in arabic figures and in roman letters spelled out in full, as per the following example:

Insured Value
$76.75
Seventy-six Dollars and Seventy-five Cents

(iii) Every parcel containing coins, bullion, precious stones, and any article of gold, silver, or platinum must be insured. Parcels containing jewelry must not have a value exceeding $100.

(iv) The final decision on all questions of compensation rests with the country in whose service the loss, rifling, or damage took place.

(v) For further information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

4. Add the following to paragraph (b) (5) *Observations:* "In order to be acceptable for insurance, parcels must be addressed for delivery through the British Post Office in Tangier."

f. In § 127.328 *Persian Gulf Ports—(British Postal Agencies at Bahrain, Kuwait, Doha (Qatar), Dubai (including Sharja), and Muscat)* make the following changes:

1. In the tabulated information appearing under the table of rates in subdivision (ii) of paragraph (b) (1) change "Sealing: Optional." to read

"Sealing: Insured parcels must, and ordinary parcels may, be sealed."; and change "Insurance: No." to read "Insurance: Yes."

2. Amend paragraph (b) (2) to read as follows:

(2) *Indemnity.* See subparagraph (4) of this paragraph.

3. In paragraph (b), redesignate subparagraph (4) as subparagraph (5), and insert new subparagraph (4) to read as follows:

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fee mentioned hereunder:

Limit of indemnity:	Fee, cents
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in United States currency, in arabic figures and in roman letters spelled out in full, as per the following example:

Insured Value
$76.75
Seventy-six Dollars and Seventy-five Cents

(iii) Every parcel containing coins, bullion, precious stones, and any article of gold, silver, or platinum must be insured. Parcels containing jewelry must not have a value exceeding $100.

(iv) The final decision on all questions of compensation rests with the country in whose service the loss, rifling, or damage took place.

(v) For further information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] LOUIS J. DOYLE, *Acting Solicitor.*

[F. R. Doc. 54-201; Filed, Jan. 12, 1954; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

REVOCATION OF LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of January 1954;

The Commission having under consideration § 1.402 of its rules providing for the procedure to be followed in the case of revocation and cease and desist procedures, and

It appearing, that provisions should be made in such rules for expediting action in such proceedings subsequent to the issuance of initial decisions in circumstances where immediate or early action is essential; and

It appearing, that such an amendment to § 1.402 of the Commission's rules is authorized by sections 4 (i), 303 (r), 312 and 409 of the Communications Act of 1934, as amended; and

It further appearing, that since such an amendment is procedural in nature notice of proposed rule making under the provisions of section 4 (a) of the Administrative Procedure Act, is not required, and the amendment may be made effective immediately.

It is hereby ordered, That § 1.402 (d) of the Commission's rules is amended, effective immediately, to read as follows:

(d) Hearings on the matters specified in the order to show cause and the practice and procedure in connection therewith shall accord with the provisions of Subparts F and G of this part, except that in all such hearings the burden of proceeding with the introduction of evidence and burden of proof shall be upon the Commission, and except that the Commission may, where the circumstances of the proceeding require expedition, specify in the show cause order, or authorize the hearing examiner to specify by subsequent order, times within which the initial decision in such proceedings shall become effective, within which exceptions to such initial decision or replies thereto may be filed, and within which parties may file notice of intent to seek and participate in oral argument, less than those specified in §§ 1.853 and 1.854.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 312, 409, 48 Stat. 1082, as amended, 1086, 1096; 47 U. S. C. 303, 312, 409)

Released: January 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 54-213; Filed, Jan. 12, 1954; 8:48 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Bar Order 12]

PETER W. BESENBRUCH

ORDER EXTENDING TIME FIXED FOR FILING CLAIMS

In accordance with section 34 (b) of the Trading with the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order No. 9788, the time fixed by Bar Order No. 12 (17 F. R. 339) for the filing of debt claims in respect of Peter W. Besenbruch is hereby extended from July 1, 1952 to March 15, 1954.

(40 Stat. 411, 55 Stat. 839, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. App. 1, 50 U. S. C. App. Sup. 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., January 6, 1954.

For the Attorney General,

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54-222; Filed, Jan. 12, 1954; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

VIRGINIA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to the Secretary of Agriculture by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional county is determined

as of December 29, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 26, 1953, pursuant to Public Law 875, 81st Congress:

VIRGINIA

Prince Edward.

Done this 8th day of January 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-224; Filed, Jan. 12, 1954; 8:50 a. m.]

KENTUCKY

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to the Secretary of Agriculture by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of December 29, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 16, 1953, pursuant to Public Law 875, 81st Congress:

KENTUCKY

Boone.
Bullitt.
Monroe.

Done this 8th day of January 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-225; Filed, Jan. 12, 1954; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Coast and Geodetic Survey

[Dept. Order No. 87 (amended), Amdt. 1]

ORGANIZATION AND FUNCTIONS

Item a. of paragraph 1, Section II (18 F. R. 4222) is hereby amended to read as follows:

SEC. 2. *Organization.* .01 The Coast and Geodetic Survey, a primary organization unit of the Department of Commerce, shall be under the authority and supervision of the Under Secretary of Commerce and shall be headed by a Director who shall report and be responsible to the Under Secretary of Commerce.

.02 The Coast and Geodetic Survey consists of:

1. Office of the Director, including:
(1) The Assistant Director.
(2) The Assistant Director for Administration.

2. Scientific and technical divisions, which include:
(1) Coastal Surveys Division.
(2) Geodesy Division.
(3) Geophysics Division.
(4) Photogrammetry Division.
(5) Tides and Currents Division.
(6) Charts Division.

3. Administrative divisions, which include:
(1) Instruments Division.
(2) Administrative Services Division.
(3) Budget and Fiscal Services Division.
(4) Personnel and Management Division; and

4. A field organization composed of:
(1) District offices.
(2) Field offices, computing offices, photogrammetric offices, and processing offices.
(3) Observatories.
(4) Field parties engaged in the following surveys:
(a) Hydrography (ships, launches, and shore based).
(b) Geodetic.
(c) Magnetic.
(d) Seismological.
(e) Gravity.
(f) Photogrammetric.
(g) Tides.
(h) Flight check.
(i) Coast pilot.

This amendment amends Department Order No. 128 (amended) of February 13, 1953 (18 F. R. 1216).

Effective date: December 2, 1953.

WALTER WILLIAMS,
Acting Secretary of Commerce.

[F. R. Doc. 54-198; Filed, Jan. 12, 1954; 8:45 a. m.]

National Bureau of Standards

[Dept. Order No. 90 (amended)]

ORGANIZATION AND FUNCTIONS

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the National Bureau of Standards.

SEC. 2. *Organization.* .01 The National Bureau of Standards, a primary organization unit of the Department of Commerce, established by the act of May 3, 1901 (31 Stat. 1449; 15 U. S. C. 271) shall be under the authority and supervision of the Under Secretary of Commerce and shall be headed by a Director who shall report and be responsible to the Under Secretary of Commerce.

.02 The National Bureau of Standards shall consist of:

1. The Office of the Director which includes the:
(1) Immediate Office of the Director, Associate Directors, Assistant to the Director, and Security Officer.
(2) Office of Scientific Publications.
(3) Office of Weights and Measures, and
(4) Office of Basic Instrumentation.

2. The scientific and technical divisions which are designated by number and name are as follows:
(1) Electricity Division.
(2) Optics and Metrology Division.
(3) Heat and Power Division.
(4) Atomic and Radiation Physics Division.
(5) Chemistry Division.
(6) Mechanics Division.
(7) Organic and Fibrous Materials Division.
(8) Metallurgy Division.
(9) Mineral Products Division.
(10) Building Technology Division.
(11) Applied Mathematics Division.
(12) Electronics Division.
(14) Central Radio Propagation Laboratory.

3. The field operations which include:
(1) Domestic field stations, and
(2) Foreign field stations.

SEC. 3. *General functions.* .01 The basic functions of the National Bureau of Standards are (a) the provision of means for accurate and adequate measurements in commerce, science and industry, and (b) the determination of physical data such as constants of nature and properties of materials.

.02 In performing these functions the Bureau maintains custody of the national standards of physical measurement in terms of which all working standards in research laboratories and industry are calibrated; carries on research leading to improvement in such standards and methods of measurements; conducts basic research in physics, mathematics, chemistry, and engineering; develops improved methods for testing materials, mechanisms, and structures; determines physical constants and properties of materials; tests and calibrates standard measuring apparatus and reference standards; and studies technical processes. The Bureau also participates in the development, preparation, revision and amendment of specifications for, and the testing of materials, supplies (other than food and drugs), and equipment for the Federal Government; invents and develops devices to serve the special needs of the Government; renders advisory service to, and performs specialized functions for, other Government agencies on scientific and technical problems; advises and assists State and local authorities responsible for the administration of laws and regulations relating to weights and measures; and extends cooperation to States, industries and national organizations in the development of standard specifications and of standard engineering and safety codes.

SEC. 4. *Office of the Director.* .01 The Director is responsible for the development and coordination of Bureau policies and for administering the affairs of the Bureau. The Associate Directors assist and advise the Director in the performance of his duties; exercise direct supervision over segments of the technical or administrative program as assigned by the Director; and actively aid the Director in management of the Bureau by assisting him in program planning, in coordinating the work among the technical and administrative divisions, and in insuring that the Bureau's operations are properly related to the requirements of industry, science, commerce, and Government. There are four Associate Directors:

1. The Associate Director for Chemistry is responsible for assisting the Director in the planning and coordination of Bureau operations in which chemical specialties tend to predominate. This coordination activity includes reviews of accomplishments in research projects, the review and appraisal of proposed program changes and determination of the relative emphasis among the research projects in the various technical fields. The responsibility extends to all technical divisions but applies particularly to the following: Optics and Metrology, Chemistry, Organic and Fibrous Materials, Metallurgy, Mineral Products, and Building Technology. In addition the Associate Director for Chemistry is responsible for handling matters related to the Bureau's foreign scientific visitors and the relationships which the Bureau maintains with various international bodies and organizations concerned with the units and methods of measurement. The Associate Director for Chemistry also supervises the Bureau's internal educational activities and, in particular, the operations of the NBS graduate school;

2. The Associate Director for Physics is responsible for assisting the Director in the planning and coordination of Bureau operations in which physics, mathematics or engineering tend to predominate. This coordination activity includes reviews of accomplishments in research projects, the review and appraisal of proposed program changes and determination of the relative emphasis among the research projects in the various technical fields. The responsibility extends to all technical divisions but applies particularly to the following: Electricity, Heat and Power, Atomic and Radiation Physics, Mechanics, Applied Mathematics, Electronics, and Central Radio Propagation. In addition the Associate Director for Physics supervises the Office of Basic Instrumentation;

3. The Associate Director for Testing is responsible for assisting the Director in the coordination of the Bureau's activities in the fields of commodity testing, standardization and specifications as well as certain aspects of the Bureau's development program. This coordination involves reviews of accomplishments in testing projects, the review and appraisal of proposed program changes and determination of the relative emphasis among the testing projects in the various technical fields. In addition the Associate Director for Testing is responsible for supervising the activities of the Office of Weights and Measures, the Bureau's relationships with national organizations concerned with standardization and testing and with Federal agencies having important testing needs such as the General Services Administration;

4. The Associate Director for Administration serves as staff assistant to the Director on program management matters, and carries full responsibility for the planning and administrative functions in support of technical programs, including supervision of the Accounting, Personnel, Administrative Services, Shops, Supply and Plant Divisions, and the Management Planning and Budget Staffs.

.02 In the absence of the Director, the Acting Director is automatically the first Associate available in the sequence listed above.

.03 The Security Officer acts for the Director in establishing and effectuating personal and physical security regulations.

.04 The Office of Scientific Publications, the Chief of which is also Assistant to the Director, is responsible for the dissemination of scientific and technical information of the Bureau and, under the guidance of the Director and within the framework of Department Order No. 146 concerning publications management in the Department of Commerce, establishes the policy governing the publications of all material; maintains a library of scientific and technical reference books and periodicals; edits and publishes all manuscripts prepared by Bureau personnel; and acts as consultant on matters pertaining to press releases, speeches, public statements, radio programs and motion pictures.

.05 The Office of Weights and Measures promotes uniformity in laws, rules, regulations, and general administrative procedures of State and local weights and measures jurisdictions, and in the specifications, tolerances, and testing methods for commercial weighing and measuring devices. As a part of this activity, the Office of Weights and Measures conducts an annual National Conference on Weights and Measures.

.06 The Office of Basic Instrumentation analyzes methods and devices for measurements of physical magnitude in order to increase precision and reliability through subsequent laboratory solutions of specific problems; coordinates Bureau projects in basic instrumentation; surveys all work in progress at the Bureau with regard to its applicability to existing or proposed instrumentation projects; arranges for the testing and evaluation of new instrument developments on a continuing basis; stimulates and directs experimental studies of original ideas for improved means of measurements; and, in cooperation with the Library of Congress, arranges for preparation and dissemination of articles relating to instrumentation.

.07 The administrative divisions, under the general supervision of the Associate Director for Administration, are assigned full responsibility and authority for the Director in the execution of their respective staff functions.

1. The Accounting Division administers the official system of central fiscal records, reports, and audits, and provides staff assistance on accounting and related matters;

2. The Administrative Services Division administers custodial functions; facilitates local transportation, duplicating service, mail and wire communications, and records management; and provides other Bureau-wide services at Washington;

3. The Budget Staff advises on financial management and provides staff assistance in the preparation of estimates and the utilization of funds;

4. The Management Planning Staff advises on all aspects of management not otherwise assigned, and provides staff assistance on the maintenance and improvement of organization and methods;

5. The Personnel Division administers recruitment, placement, classification, training, utilization, employee welfare services, and assists operating officials on other aspects of personnel management:

6. The Plant Division maintains the physical plant at Washington, including light, power and other utilities, and performs staff work in planning and providing grounds, buildings and improvements at all Bureau locations;

7. The Shops Division designs, constructs, and repairs precision scientific instruments and auxiliary equipment;

8. The Supply Division performs or facilities procurement and distribution of material; keeps records and promotes effective utilization of property; and acts as the contracting office for all research and other contracts entered into by the Bureau.

SEC. 5. *Scientific and Technical Divisions.* .01 Generally speaking, each scientific and technical division of the Bureau is engaged in activities categorized as follows:

1. Research, involving fundamental physical phenomena and basic properties of matter and also the application of basic knowledge to development of new scientific and technological processes and materials, the determination of the physical characteristics of industrial materials, structures and equipment, and the investigation of physical phenomena in connection with the development of technical devices;

2. Development, involving instruments, instrumentation techniques, standards of measurement, commodity testing techniques, materials and technological processes; design, construction or technical evaluation of special devices important to national welfare and defense;

3. Testing, calibration and specifications, involving calibration of instruments, analysis and preparation of standard samples for physical measurement; formulation of purchase standards and specifications; acceptance testing of commodities used by the Federal Government; and related technical and advisory services to governmental agencies; and

4. General services, involving compilation and dissemination of the scientific and technical data of the Bureau; production of special materials for the specific needs of the Federal Government; operation of special technical installations and performance of special consultative services.

.02 The fields of activity or specialized functions of the scientific and technical divisions include the following:

1. *Electricity Division.* Establishment, maintenance and dissemination of units and standards for measurement in electricity and magnetism; determination of fundamental constants of nature; testing electrical apparatus and supplies purchased by the Government; furnishing consulting service in these fields to Government agencies; devising new types of electrical apparatus; making available to the public technical information in these fields;

2. *Optics and Metrology Division.* Establishment, maintenance, and dissemination of units and standards for light, color, and length; conducting research,

devising test methods and making calibrations to make these standards more available for Government and public use; determination of fundamental properties of materials such as refractive index and thermal expansion; calibration and testing of optical apparatus and materials, photographic materials, length standards, and gages purchased by the Government; development of new types of optical and photometric apparatus for military and civilian purposes; furnishing consulting service to other Government agencies; and making technical information available to the public;

3. *Heat and Power Division.* Maintenance and improvement of the International Temperature Scale; calibration of temperature measuring instruments; determination of thermal data on engineering, structural and scientific materials; preparation and evaluation of new fuels for internal combustion engines; testing automotive and aircraft fuels, lubricants, engines and accessories;

4. *Atomic and Radiation Physics Division.* Fundamental and applied research in atomic and molecular physics, classification of spectra, standards and constants of radiation and absorption, and development of instruments therefor; physics of the electron in the free state and its interactions with solids; atomic and molecular structure; determination of isotope concentration; precise determination of atomic masses and other important atomic and nuclear constants; study of radioactive materials and processes, standard sources, radiation measurements, research in nuclear physics; high-energy particle physics, particle accelerators, X-ray generation, dosage measurement, and development of measurement techniques; radiation protection development and standardization; coordination of AEC projects at NBS;

5. *Chemistry Division.* Investigation of the chemical composition and purity of materials; development of methods of chemical analysis; establishment of standards for gas service; determination of the energies of chemical reactions; development of processes of electro-deposition; preparation, maintenance, and standardization of standard samples of composition; development of methods of test, drawing up Federal specifications for material purchased by the Government and testing deliveries for conformance to specifications;

6. *Mechanics Division.* Establishment, maintenance and calibration of standards of measurement, development of instruments, and advancement of knowledge in mechanics; including the fields of sound, mechanical instruments, aerodynamic engineering mechanics, hydraulics, mass determination, capacity, density, viscosity research and combustion controls; acceptance testing of engineering and structural materials, mechanical appliances, instruments, and structures and calibration of instuments;

7. *Organic and Fibrous Materials Division.* Conducting fundamental research on the constants, properties, constitution, and structure of organic high polymers, including particularly rubber, textiles, paper, leather, and plastics; evaluation of the performance of products made from such materials and investigation of structure of tooth enamel; participation in the development of specifications by the Government and national standardizing organizations; solving specific technological problems of importance to Government agencies and the public;

8. *Metallurgy Division.* Development of effective utilization of metals; determination of physical constants of metals and alloys; development of improved methods of measurement in the field of physical metallurgy; investigation of failures of metal parts of transportation equipment, etc.; testing metals and metal products for conformance to specifications;

9. *Mineral Products Division.* Research and testing on glass, concrete, masonry construction, building stone, lime and plaster, porcelain, enameled metals, and other non-metallic products;

10. *Building Technology Division.* Determination of physical constants and properties of building materials and structural elements; development of methods for testing materials, mechanisms and structures; conducting research in chemistry, engineering and physics to obtain basic data on properties and performance of building materials and equipment; investigation of the fire resistance and fire-hazard properties of materials and constructions and the effectiveness of appliances and methods for fire prevention; participation in improvement, standardization, and safe and effective use of building materials, structural elements and equipment; provision of information on technical problems relating to building;

11. *Applied Mathematics Division.* Research in various fields of mathematics important in the physical and engineering sciences with special emphasis on research in statistical and numerical analysis; provision of consulting services in applied mathematics, including applied mathematical statistics; development and construction of tools (such as mathematical tables and automatic computers) for mathematical work; provision of extensive, expert computing services; conducting training in disciplines related to these functions;

12. *Electronics Division.* Research on the application of electronic methods and devices for establishment of or comparison to standards of weight and measure, determination of physical constants and properties of materials, testing of materials, supplies and equipments, including those for Government purchase; research and development to provide special purpose electronic devices as required by other laboratories of NBS and other Government agencies; advisory and consulting services to other Government agencies on scientific and technical problems in the field of applied electronics; research and development on systems, designs, components and fabrication processes necessary to the achievement and maintenance of functional adequacy in electronic equipments;

14. *Central Radio Propagation Laboratory.* Collection, correlation and analysis of data on radio propagation; radio propagation predictions; research on radio propagation, measurement methods and standards; maintenance and improvement of radio standards; maintenance of liaisons with other agencies concerned in these fields; dissemination of information on radio propagation, measurement methods and standards.

SEC. 6. *Field operations.* .01 The domestic field stations of the Bureau include the following:

National Bureau of Standards, Boulder, Colo.

Master Railway Track Scale Depot, Clearing, Ill.—Division 6.

Lamp Inspector, Brookline 46, Mass.—Division 2.

Cryogenic Engineering Section, Boulder, Colo.—Division 3.

Materials Testing Laboratory, Allentown, Pa.—Division 9.

Materials Testing Laboratory, Denver, Colo.—Division 9.

Materials Testing Laboratory, San Francisco, Calif.—Division 9.

Materials Testing Laboratory, Seattle, Wash.—Division 9.

Institute for Numerical Analysis, Los Angeles, Calif.—Division 11.

Standard Frequency Transmitter WWV, Beltsville, Md.—Division 14.

Radio Propagation Field Station, Sterling, Va.—Division 14.

Cheyenne Mt. Field Station, Colorado Springs, Colo.—Division 14.

Radio Field Station, Ft. Belvoir, Va.—Division 14.

Temporary or associated field facilities are organized from time to time to facilitate the conduct of NBS operations.

.02 The field stations outside of the continental United States, all of which are operated by Division 14, include the following:

Radio Propagation Field Station, Anchorage, Alaska.

Radio Propagation Field Station, Panama Canal Zone.

Radio Propagation Field Station, Guam.

Radio Propagation Field Station, Narsarssuak, Greenland.

Radio Propagation Field Station, Pt. Barrow, Alaska.

Radio Propagation Field Station, Puerto Rico.

Radio Propagation Field Station, Puuena, Maui, T. H.

SEC. 7. *Effect on other orders.* This order supersedes Sections I and III of the material appearing at 18 F. R. 518-520. Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby amended or superseded accordingly.

Effective date: December 2, 1953.

WALTER WILLIAMS,
Acting Secretary of Commerce.

[F. R. Doc. 54-199; Filed, Jan. 12, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CHIEF, COMMON CARRIER BUREAU

DELEGATION OF AUTHORITY TO ACT ON PETITIONS OR REQUESTS FOR WAIVER OF RULES IN CONFLICT WITH APPLICATION

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of January 1954,

The Commission, having under consideration the means of expediting the processing of applications; and

It appearing, that under the rules of the Commission applications for privileges which conflict with the terms or requirements of rules will be accepted in the Commission when accompanied by a petition or request for waiver of or exception to the rules; and

It further appearing, that a number of such requests are received seeking temporary authority to operate in the common carrier radio services for limited periods of time in a manner inconsistent with the Commission's rules and that expeditious handling of such requests can best be achieved by delegating the consideration and action upon such requests to the staff;

It is ordered, That under the authority contained in section 5 (d) (1) of the Communications Act of 1934, as amended, effective immediately, authority is delegated to the Chief, Common Carrier Bureau, to act upon petitions or requests seeking waiver of or exception to any rule, regulation or requirement relating to the services under his jurisdiction and to act upon petitions or requests relating to the assignment of frequencies to common carrier operations but requiring action under § 2.103 of the rules, when he finds that the operation for which permission is sought (1) is of a non-recurring nature and does not warrant a rule-making proceeding with a view to establishing it on regular basis, (2) will not exceed 90 days, and (3) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation shall not apply to requests for renewals of any authority to operate granted hereunder.

Released: January 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-220; Filed, Jan. 12, 1954; 8:49 a. m.]

[Docket No. 10215]

ARTHUR WESTLUND

ORDER CONTINUING HEARING

In re application of Arthur Westlund, Walnut Creek, California, Docket No. 10215, File No. BP-8321; for construction permit.

The Commission having under consideration a petition filed by the applicant Arthur Westlund requesting a continuance for a period of sixty days of the hearing scheduled to begin in Washington, D. C., on January 12, 1954, in the above entitled proceeding;

It appearing that counsel for the respondent Pinley Broadcasting Company, licensee of Radio Station KSRO, Santa Rosa, California, has no objection to said postponement;

It is ordered, This 6th day of January 1954 that the petition for continuance is granted and that the hearing scheduled to begin in this proceeding on January 12, 1954, is postponed to March 16, 1954, at 10 o'clock a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-215; Filed, Jan. 12, 1954; 8:49 a. m.]

[Docket No. 10376]

BUCCANEER LINE, INC.

ORDER SCHEDULING HEARING

In the matter of Buccaneer Line, Inc., Jacksonville, Florida, Docket No. 10376, File No. 1286-C3-P-52; construction permit for new pt pt radiotelephone station (Points of Communication: Colonia, Yucatan, Mexico; Zoh Leguna, Campeche, Mexico; Sac Xaan, Quintana Roo, Mexico).

Having under consideration the matter of designating a date for further hearing in this proceeding;

It appearing that on March 31, 1953, the hearing was continued indefinitely by order of the Hearing Examiner; and

It further appearing that the applicant and American Telephone and Telegraph Company have heretofore requested that a hearing on the application be delayed pending the establishment of overland telephone communications between Jacksonville, Florida, and certain points on the Yucatan peninsula in Mexico; and

It further appearing that the American Telephone and Telegraph Company has now reported the inauguration of message toll telephone service between the points above named and has filed its tariffs with this Commission, effective December 1, 1953; and

It further appearing that there is no need for additional delay in proceeding with the hearing;

It is ordered, This 5th day of January 1954, that the hearing will reconvene on February 5, 1954, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-214; Filed, Jan. 12, 1954; 8:48 a. m.]

[Docket Nos. 10573, 10574]

MONTGOMERY BROADCASTING CO., INC., AND ALABAMA TELEVISION CO.

ORDER CONTINUING ORAL ARGUMENT

In re applications of Montgomery Brodacasting Co., Inc., Montgomery, Alabama, Docket No. 10573, File No. BPCT-670; William E. Benns, Jr., d b as Alabama Television Company, Montgomery, Alabama, Docket No. 10574, File No. BPCT-1055; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of January 1954;

The Commission having under consideration its order of December 24, 1953 (released December 28, 1953) designating the above-entitled proceeding for oral argument before the Commission en banc on January 11, 1954; and a motion to continue oral argument filed by William E. Benns, Jr., on December 31, 1953, requesting that the argument be continued until after January 20, 1954;

It appearing, that no opposition to said petition has been filed and that petitioner has stated good cause for the requested continuance;

It is ordered, That the oral argument herein, heretofore scheduled for January 11, 1954, is postponed to January 25, 1954, at 10:00 a. m. at the offices of the Commission in Washington, D. C.

Released: January 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-216; Filed, Jan. 12, 1954; 8:49 a. m.]

[Docket Nos. 10610, 10611]

ARKANSAS TELEVISION CO. AND ARKANSAS TELECASTERS, INC.

ORDER CONTINUING HEARING

In re applications of Arkansas Television Company, Little Rock, Arkansas, Docket No. 10610, File No. BPCT-1057; Arkansas Telecasters, Inc., North Little Rock, Arkansas, Docket No. 10611, File No. BPCT-1740; for construction permits for new television stations.

The Commission having before it a petition filed January 4, 1954, by Arkansas Telecasters, Inc., North Little Rock, Arkansas, requesting a continuance from January 15, 1954, the present scheduled date for the presentation of written direct testimony by the above-entitled applicants, until after a decision is reached by the Commission on the several petitions now pending before it for enlargement of issues and other matters; and

It appearing that the basis for said request for continuance is that there are now pending before the Commission several petitions requesting enlargement of issues and other matters and that until said petitions are disposed of and the questions raised thereby resolved by the Commission, it will be exceedingly difficult, if not impossible, for the applicants effectively to present their direct cases; that the hearing may be shortened if all of the evidence is presented at one time rather than on a piecemeal basis from time to time; and that under these circumstances a grant of the requested continuance would conduce to the dis-

patch of the Commission's business and to the ends of justice; and

It further appearing that Arkansas Television Company has consented to a grant of this petition and counsel for the Broadcast Bureau of the Commission has no objection to a grant thereof;

Therefore, it is ordered, This 6th day of January 1954, that the petition of Arkansas Telecasters, Inc. is granted; and the time for presentation of direct written testimony in the above-entitled matter is continued from January 15, 1954, to Monday, February 15, 1954, at 2 o'clock p. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-217; Filed, Jan. 12, 1954; 8:49 a. m.]

[Docket Nos. 10833, 10834, 10835]

CITY OF JACKSONVILLE, FLA., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of City of Jacksonville, Jacksonville, Florida, Docket No. 10833, File No. BPCT-749; Florida-Georgia Television Company, Inc., Jacksonville, Florida, Docket No. 10834, File No. BPCT-1624; Jacksonville Broadcasting Corporation, Jacksonville, Florida, Docket No. 10835, File No. BPCT-1625; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of January 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12 in Jacksonville, Florida; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It further appearing, that on December 14, 1953, Florida-Georgia Television Company, Inc., filed an amendment to its application which specified alternative engineering proposals; that Florida-Georgia Television Company, Inc., requested that in the event alternative proposals were not acceptable, that the proposal which it designated as its basic request be accepted and the alternative proposal be returned; and that on December 21, 1953, the Commission returned the alternative proposal as not acceptable; and

It further appearing, that City of Jacksonville and Jacksonville Broadcasting Corp. each filed a petition on December 22, 1953, requesting that the application of Florida-Georgia Television Company, Inc., be dismissed and alleging that the filing of alternative proposals was contrary to the provisions of § 1.304 of the Commission's rules; that Jacksonville Broadcasting Corp. further alleged that Table II of section II of the Florida-Georgia Television Company application was violative of § 1.304 in that it lists as subscribers persons who have agreements to purchase stock from present stockholders in the event of a grant of the application; and that on December 29, 1953, Florida-Georgia Television Company, Inc., filed a "Motion to Dismiss Petitions For Dismissal Of Application;" and

It further appearing, that the Commission's action of December 21, 1953, in returning the alternative proposal of Florida-Georgia Television Company renders the questions raised by the petitions moot; and that the listing of the stockholders in Table II of section II of the application form in the manner alleged does not warrant a dismissal of the application;

It is ordered, That in light of the foregoing, the petitions filed by City of Jacksonville and Jacksonville Broadcasting Corp. are hereby denied.

It is further ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m., on the 5th day of February 1954 in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-218; Filed, Jan. 12, 1954; 8:49 a. m.]

[Docket Nos. 10842, 10843]

TULSA TELEVISION CO. AND ARTHUR R. OLSON

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Tulsa Television Company, Tulsa, Oklahoma, Docket No. 10842, File No. BPCT-1394; Arthur R. Olson, Tulsa, Oklahoma, Docket No. 10843, File No. BPCT-1628; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of January 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 17 in Tulsa, Oklahoma; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 5th day of February 1954, in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-219; Filed, Jan. 12, 1954; 8:49 a. m.]

[Docket No. 10473]

WDEF BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of WDEF Broadcasting Company, Chattanooga, Tennessee, for construction permit for new television station; Docket No. 10473, File No. BPCT-989.

The commission having under consideration a request for hearing date filed by the applicant on December 23, 1953, and

It appearing, that counsel for the Broadcast Bureau and for the applicant have informally expressed their agreement that the motion should be granted as hereinafter ordered and that this action will conduce to the orderly dispatch of the Commission's business;

Now therefore, it is ordered, This 7th day of January 1954 that the hearing on the above-entitled application shall be commenced at the office of the undersigned Hearing Examiner at 9:00 o'clock a. m. on Wednesday, January 13, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-250; Filed, Jan. 12, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6351]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

JANUARY 7, 1954.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act, 16 U. S. C. 824 (a), California Electric Power Company (Applicant), on January 4, 1954, filed with the Federal Power Commission an application for authorization to transmit from the United States to Mexico to Industrial Electrica Mexicana, S. A., a wholly owned subsidiary, electric energy in the amounts and at the places hereinafter set forth:

Year	3 points in or near Calexico		1 point near Andrade		1 point near Gadsden	
	M Kwh	Kw	M Kwh	Kw	M Kwh	Kw
1954	82,000	19,000	8,400	2,850	8,000	2,000
1955	92,500	21,500	11,000	3,000	9,000	2,200
1956	103,000	24,000	13,000	3,500	10,000	2,400
1957	112,500	26,000	14,500	3,700	10,000	2,600
1958	122,000	28,000	14,500	3,800	10,000	2,600

all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the application should, on or before January 27, 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-209; Filed, Jan. 12, 1954; 8:48 a. m.]

[Docket No. G-2018]

EL PASO NATURAL GAS CO.

ORDER POSTPONING DATE OF HEARING

On December 30, 1953, Commission Staff Counsel filed a motion requesting that the hearing in this matter now set to be reconvened on January 12, 1954, be postponed to February 9, 1954. Pursuant to the provisions of § 1.27 (b) (8) of the Commission's rules of practice and procedure, the Chief Examiner has certified such motion to the Commission for its consideration and disposition.

Counsel for El Paso Natural Gas Company has advised the Commission that the company has no objection to the postponement requested. However, said counsel did propose that the hearing be reconvened on February 8, 1954, rather than a day later as contemplated by said motion.

The Commission orders: The hearing in this matter now fixed to be reconvened on January 12, 1954, be and it is hereby postponed to February 8, 1954, at the same hour and place as heretofore ordered.

Adopted: January 6, 1954.

Issued: January 7, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-210; Filed, Jan. 12, 1954; 8:48 a. m.]

[Docket No. G-2264]

NORTHEASTERN GAS TRANSMISSION CO.

ORDER FIXING DATE FOR HEARING

Northeastern Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business in Springfield, Massachusetts, filed on October 1, 1953, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale and delivery of additional volumes of natural gas to the Derby Gas and Electric Company, the Danbury and Bethel Gas and Electric Light Company, and Wallingford Gas Company, all as more fully described in said application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 29, 1953 (18 F. R. 6838).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on January 25, 1954, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 6, 1954.

Issued: January 7, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-211; Filed, Jan. 12, 1954; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DEFENSE HOUSING PROGRAMS IN CRITICAL DEFENSE HOUSING AREAS

MISCELLANEOUS AMENDMENTS

Appearing below are additional defense housing programs published herein as amendments to Part II (Defense Housing Programs) initially published in the FEDERAL REGISTER, October 27, 1951 (16 F. R. 10963).

Applications relating to the construction of such defense housing may be filed with the local FHA office serving the particular critical defense housing area in which the proposed defense housing is located under appropriate regulations of the FHA; and in connection with such

housing, the aids authorized by the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong.) are available. These aids include the more liberal form of Federal Housing Administration mortgage insurance under title IX of the National Housing Act, as amended, and the special benefits provided in title III of that act in connection with commitments by the Federal National Mortgage Association for the purchase of mortgages covering defense housing programmed by the Housing and Home Finance Administrator. To be eligible for these special aids all applicable requirements, conditions and restrictions imposed by or pursuant to said title III or title IX of the National Housing Act, as amended, must be complied with. Information concerning such requirements, conditions and restrictions may be obtained from the local FHA and FNMA offices.

The critical defense housing areas listed in Part II hereof indicate the areas in connection with which defense housing has been programmed. In order to be eligible for the special aids authorized, the housing must be located within the designated critical defense housing area.

PART II—DEFENSE HOUSING PROGRAMS

AMENDMENTS TO DEFENSE HOUSING PROGRAMS PREVIOUSLY PUBLISHED ADDING NEW DEFENSE HOUSING PROGRAM AND SUPPLEMENTAL DEFENSE HOUSING PROGRAM

227. Edenton, N. C.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	10	$65 00			10
3 or more bedrooms	20	75 00			20
Total	30				30

LIST OF DEFENSE ACTIVITIES

Marine Corps Auxiliary Air Station.

CRITICAL DEFENSE HOUSING AREA

Chowan County.

150 A. Del Rio, Texas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	20	$47 00			20
3 or more bedrooms	10	55 00			10
Total	30				[1] 30

[1] This quota is in addition to the quota of 200 units in Program No. 140 approved March 12, 1952.

CRITICAL DEFENSE HOUSING AREA

Justice Precinct One in Val Verde County.

ALBERT M. COLE,
Housing and Home Finance Administrator.

JANUARY 13, 1954.

[F. R. Doc. 54-221; Filed, Jan. 12, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 30-212 and 59-77]

KOPPERS COMPANY, INC.

NOTICE OF FILING OF APPLICATION FOR AN ORDER REVOKING OR MODIFYING ORDER UNDER SECTION 11 (b) (1) AND DECLARING THAT APPLICANT HAS CEASED TO BE A HOLDING COMPANY

JANUARY 6, 1954.

Notice is hereby given that Koppers Company, Inc. ("Koppers"), a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("Act") requesting an order (a) revoking or modifying an order dated June 26, 1945, issued by this Commission pursuant to section 11 (b) (1) of the act, and (b) declaring that Koppers has ceased to be a holding company.

On November 27, 1944, Koppers filed a Notification of Registration under section 5 (a) of the act with respect to sections 4, 5 (other than 5 (b)), and 11 (b) (1) and to the extent necessary to implement compliance with section 11 (b) (1), and only to that extent, section 11 (c), (d) and (e). On May 14, 1945, this Commission instituted proceedings with respect to Koppers under section 11 (b) (1) of the act. (See Holding Company Act Release No. 5793.) At that time Koppers was a public-utility holding company by reason of its holdings of approximately 78 percent of the then outstanding Common Stock and approximately 13 percent of the then outstanding 6 percent Preferred Stock of its then subsidiary public-utility holding company, Eastern Gas and Fuel Associates ("Eastern"). The Commission's order dated May 14, 1945, alleged, among other things, that it appeared to the Commission that the holding company system of Koppers was not confined in its operations to a single integrated public-utility system, within the meaning of the act, or to a single integrated public-utility system, together with such additional integrated public-utility systems as would meet the requirements of section 11 (b) (1), and to such other businesses as were reasonably incidental or economically necessary or appropriate to the operations of an integrated public-utility system or systems. Koppers admitted these allegations and consented to the entry by the Commission of its order dated June 26, 1945, requiring the divestment by Koppers of its Eastern security holdings. (See Holding Company Act Release No. 5888.)

Subsequently, Eastern was recapitalized pursuant to a plan filed under section 11 (e) of the act, which plan was approved by the Commission on February 3, 1950. (See Holding Company Act Release No. 9633.) Pursuant to the plan Koppers' holdings of Eastern's securities were exchanged for 563,347 shares (21 percent) of Eastern's new Common Stock. From time to time thereafter, Koppers disposed of 550,347 of these shares, leaving a balance of 13,000 shares constituting approximately ½ of 1 percent of Eastern's outstanding Common Stock.

Koppers now requests the entry of an order, (a) pursuant to section 11 (b) of the act, revoking or modifying the aforesaid order dated June 26, 1945, and alleges that the conditions upon which such order was predicated do not exist and (b) pursuant to section 5 (d) of the act, declaring that Koppers has ceased to be a holding company.

Notice is further given that any interested person may, not later than 12:30 p. m., January 22, 1954, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-202; Filed, Jan. 12, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28816]

MERCHANDISE IN MIXED CARLOADS FROM DETROIT, MICH., AND CLEVELAND, OHIO, TO CHAMBLEE, DORAVILLE AND ROSELAND, GA.

APPLICATION FOR RELIEF

JANUARY 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Freight, all kinds, in mixed carloads.

From: Detroit, Mich., and Cleveland, Ohio.

To: Chamblee, Doraville, and Roseland, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes and competition with motor carriers, and additional destinations.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4590, supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-204; Filed, Jan. 12, 1954; 8:46 a. m.]

[4th Sec. Application 28817]

CEMENT FROM LEEDS AND RAGLAND TO FLORENCE, ALA.

APPLICATION FOR RELIEF

JANUARY 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Central of Georgia Railway Company, The Louisville and Nashville Railroad Company, and the Seaboard Air Line Railroad Company.

Commodities involved: Cement and related articles, carloads.

From: Leeds and Ragland, Ala.

To: Florence, Ala., and points grouped therewith.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-205; Filed, Jan. 12, 1954; 8:47 a. m.]

[4th Sec. Application 28818]

ANHYDROUS AMMONIA FROM ARKANSAS, LOUISIANA, AND TEXAS, TO GREEN BAY, WIS.

APPLICATION FOR RELIEF

JANUARY 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, in tankcar loads.

From: El Dorado, Ark., Sterling, Lake Charles, Boutte, and Luling, La., Velasco, Etter, and Houston, Tex.

To: Green Bay, Wis.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 136.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-206; Filed, Jan. 12, 1954; 8:47 a. m.]

[4th Sec. Application 28819]

ASBESTOS CEMENT FROM GOOSE LAKE, ILL., TO CEDAR RAPIDS, IOWA

APPLICATION FOR RELIEF

JANUARY 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Asbestos cement, carloads

From: Goose Lake, Ill.

To: Cedar Rapids, Iowa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3794, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-207; Filed, Jan. 12, 1954; 8:47 a. m.]

[No. 9200]

ATLANTA AND WEST POINT RAIL ROAD CO. AND BUFFABO CREEK & GAULEY RAILROAD

RAILWAY MAIL PAY

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 5th day of January A. D. 1954.

It appearing, that the Commission, by order entered July 17, 1953, reopened the above-entitled proceeding for hearing upon petition filed June 24, 1953, by certain railroads, some 121 in number, as listed in said petition;

It further appearing, that the Atlanta and West Point Rail Road Company and

Buffalo Creek & Gauley Railroad, common carriers by railroad, by a joint petition filed December 21, 1953, requests permission to join in and become parties to the said petition filed in this proceeding on June 24, 1953.

Upon consideration of the record and of the reply of the Postmaster General, and good cause appearing:

It is ordered, That the Atlanta and West Point Rail Road Company and Buffalo Creek & Gauley Railroad, be and they are hereby, permitted to join in and become parties to this proceeding as of December 21, 1953, for the purpose of participating in any further proceedings herein and as of that date to join in and become parties to the said petition of the other applicant railroads filed June 24, 1953, subject to the record as heretofore constituted; and that the said proceeding be and it is reopened for further hearing, at the time and place set for hearing in the said petition of June 24, 1953, with respect to compensation and rates of pay for the transportation of the mails and the service connected therewith by such additional railroads:

It is further ordered, That a copy of this order be served upon the Postmaster General and each of such additional railroads, and that notice of this action be given to the public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register, Washington, D. C.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-208; Filed, Jan. 12, 1954; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 9

Washington, Thursday, January 14, 1954

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—RADIOISOTOPE DISTRIBUTION

MISCELLANEOUS AMENDMENTS

Pursuant to the Atomic Energy Act of 1946, as amended (Pub. Law 585, 79th Cong.; 60 Stat. 755 ff) and section 4 (a) of the Administrative Procedure Act of 1946, as amended (Pub. Law 404, 79th Cong.), additional amendments to Title 10, Chapter I, Part 30, Code of Federal Regulations, entitled "Radioisotope Distribution", promulgated April 9, 1951, and published in Volume 16, Pages 3251 et seq. of the FEDERAL REGISTER, are set forth hereunder to be effective January 15, 1954.

1. Amend § 30.2 to read as follows:

§ 30.2 *Definitions.* As used in this part:

(a) *Commission.* "Commission" means the United States Atomic Energy Commission created by the Atomic Energy Act of 1946, or its duly authorized representative.

(b) *Distributor.* "Distributor" means any person to the extent that such person is engaged in operating Commission-owned laboratories, plants or other facilities under a contract with the Commission and is engaged in the distribution of radioisotopes for the Commission.

(c) *Fissionable material.* "Fissionable material" means fissionable material as defined in section 5 (a) (1) of the Atomic Energy Act of 1946 and in the regulations contained in Part 70 of this chapter.

(d) *General authorization.* "General authorization" means an authorization that is issued for the procurement of any quantity of any radioisotope of atomic number 3 to 83 for the use or uses designated therein.

(e) *Human use.* "Human use" means the internal or external administration of radioisotopes, or the radiation therefrom, to human beings.

(f) *One millicurie.* "One millicurie" means that amount of radioactive material which disintegrates at the rate of 37 million atoms per second.

(g) *Person.* "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, the United States or any agency thereof, any government other than the United States, any political subdivision of any such government, and any legal successor, representative, agent, or agency of the foregoing, or other entity, but shall not include the Commission or officers or employees of the Commission in the exercise of duly authorized functions.

(h) *Radioisotope.* "Radioisotope" means any radioactive material yielded in or made radioactive by exposure to the radiation incident to the processes of producing or utilizing fissionable material. Radioisotope also means any other radioactive material.

(i) *Research and development.* "Research and development" means theoretical analysis, exploration, and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes. "Research and development" as used in this part does not include the internal or external administration of radioisotopes, or the radiation therefrom, to human beings.

(j) *Roentgen (= r).* "Roentgen" (= r) means that quantity of X or gamma radiation such that the associated corpuscular emission per 0.001293 gram of air produces, in air, ions carrying 1 electrostatic unit of electricity of either sign.

(k) *Roentgen - equivalent - man (= rem).* "Roentgen-equivalent-man" (= rem) means that quantity of radiation that, when absorbed by mammalian tissue, produces an effect equivalent to the absorption by this tissue of one roentgen of X or gamma radiation.

(l) *Roentgen-equivalent-physical (= rep).* "Roentgen-equivalent-physical" (=rep) means that dose of ionizing radiation that is capable of producing energy absorption of 93 ergs per gram of tissue.

(m) *Service irradiation.* "Service irradiation" means the exposure of materials of any kind to radiation in accordance with instructions and at the request of some person.

(n) *Source material.* "Source material" means source material as defined in section 5 (b) (1) of the Atomic Energy Act of 1946 and in the regulations contained in Part 40 of this chapter.

(Continued on next page)

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FEDERAL REGISTER

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2. Amend § 30.13 by deleting paragraph (a) and substituting therefor the following new paragraph:

§ 30.13 *Items and quantities.* (a) Sections 30.20 through 30.53, inclusive, do not apply to any item listed in § 30.70 *Schedule A*, nor to any quantity listed in § 30.71 *Schedule B: Provided*, That no person shall, except as otherwise permitted by the regulations contained in this part, effect an increase in the radioactivity of said scheduled items or quantities by adding other radioactive material thereto, by combining the radioisotopes from two or more such items or quantities, or by altering them in any other manner so as to increase thereby the rate of radiation exposure of himself or others above the original rate therefrom: *Provided further*, That no person shall administer externally or internally, or direct the administration of, said scheduled items or quantities to a human being for any purpose, including but not limited to diagnostic, therapeutic, and research purposes, except as permitted by a valid authorization.

3. Amend § 30.21 to read as follows:

§ 30.21 *Requirements for the approval of applications—(a) Requirements of general applicability.* A domestic application for radioisotopes procurement will not be approved unless:

(1) The radioisotope is requested for one or more of the following purposes: Research or development, human use (including medical therapy), industrial uses, processing or making of compounds, or such other useful applications as may be developed;

(2) The applicant has suitable equipment and facilities for the protection of health and safety (such as handling devices, work areas, shields, measuring and monitoring instruments); and

(3) The applicant has suitably trained and experienced personnel and is otherwise qualified to use radioisotopes for the requested purpose.

(b) *Special requirements applicable to human uses by institutions.* An application by an institution for authorization to procure radioisotopes, other than sealed sources, for human use will not be approved unless:

(1) The applicant satisfies the general requirements specified in paragraph (a) of this section;

(2) The institution has appointed a medical isotopes committee of at least three members to evaluate all proposals for research, diagnosis, and therapeutic use of radioisotopes within that institution. Membership of the committee should include physicians expert in internal medicine, hematology, therapeutic radiology, and a person experienced in assay of radioisotopes and protection against ionizing radiations;

(3) The institution possesses adequate facilities for the clinical care of patients;

(4) The physician designated on the application as the individual user is licensed by a state or territory of the United States or the District of Columbia to dispense drugs in the practice of medicine, and has substantial experience in the proposed use, the handling and administration of radioisotopes and where applicable, the clinical management of radioactive patients; and

(5) The applicant, if the application is for a general authorization, has also (i) previously received a reasonable number of authorizations for radioisotope procurement for a variety of radioisotopes for a variety of human uses; (ii) appointed a radiological safety officer who will advise on or be available for advice and assistance on radiological safety problems; and (iii) appointed a medical isotope committee (see subparagraph (2) of this paragraph) which will review and approve, in advance of purchase of radioisotopes, proposals for human uses.

(c) *Special requirements applicable to human uses by individual physicians.* An application by a physician for authorization to procure radioisotopes, other than sealed sources, for human use will not be approved unless:

(1) The applicant satisfies the general requirements specified in paragraph (a) of this section;

(2) The applicant is a physician licensed by a state or territory of the United States or the District of Columbia to dispense drugs in the practice of medicine;

(3) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable; and

(4) The applicant has extensive experience in the proposed use, the handling and administration of radioisotopes, and where applicable, the clinical management of radioactive patients. (The physician shall furnish suitable evidence of such experience with his application. A statement from the medical isotope committee in the institution where he acquired his experience, indicating its amount and nature, may be submitted as evidence of such experience.)

(d) *Special requirements applicable to human use of sealed sources.* An application for authorization to procure radioisotopes in sealed sources for human use will not be approved unless:

(1) The applicant satisfies the general requirements specified in paragraph (a) of this section; and

(2) The applicant or, if the application is made by an institution, the individual user (i) has specialized training in the therapeutic use of the radioactive device considered (teletherapy unit, beta applicator, etc.) or has experience equivalent to such training; and (ii) is a physician licensed by a state or territory of the United States or the District of Columbia to dispense drugs in the practice of medicine.

(e) *Special requirements applicable to general authorizations for use in research and development.* An application for a general authorization to procure radioisotopes for use in research and development will not be approved unless:

(1) The applicant satisfies the general requirements specified in paragraph (a) of this section;

(2) The applicant has received a reasonable number of authorizations for radioisotopes procurement for a variety of radioisotopes for a variety of research and development uses;

(3) The applicant has established an isotope committee (composed of such persons as a radiological safety officer, a representative of the business office, and one or more persons trained or experienced in the safe use of radioactive materials) which will review and approve, in advance of purchase of radioisotopes, proposals for such uses; and

(4) The applicant has appointed a radiological safety officer who will advise on or be available for advice and assistance on radiological safety problems.

(f) *Special requirements applicable to general authorizations for processing.* An application for a general authorization to procure radioisotopes for use in processing for distribution to other authorized persons will not be approved unless:

(1) The applicant satisfies the general requirements specified in paragraph (a) of this section;

(2) The applicant has received a reasonable number of authorizations for radioisotope procurement for processing, resale, and distribution of a variety of radioisotopes; and

(3) The applicant has appointed a radiological safety officer who will advise on or be available for advice and assistance on radiological safety problems.

4. Amend § 30.30 to read as follows:

§ 30.30 *Issuance of authorizations.* Upon approval of an application, the Commission will issue an Authorization for Radioisotope Procurement, Form AEC–374. The authorization shall be the only valid approval for procurement, and its issuance shall be based upon the representations made in the application and shall be subject to and in accordance with the regulation in this part and the terms and conditions stated in the application. Authorizations are issued for the procurement only of the radioisotope or radioisotopes specified in the authorization in the quantity or quantities specified and for the use or uses designated therein.

5. Amend § 30.32 to read as follows:

§ 30.32 *Expiration.* An authorization shall expire at the end of the period stated therein without the necessity of notice or warning from the Commission. The holder thereof shall neither order nor receive radioisotopes after the expiration of such authorization and no person shall transfer radioisotopes to another person after the expiration date of the transferee's authorization. Expiration of a holder's authorization does not affect his authority to retain possession of previously acquired radioisotopes for the use or uses specified in the authorization and subject to all the conditions and limitations incorporated therein, or otherwise imposed by this part.

6. Amend § 30.54 to read as follows:

§ 30.54 *Inspections and tests.* Each person who possesses or uses radioisotopes shall permit the Commission, at all reasonable times, to make such inspections and tests as the Commission deems appropriate or necessary for enforcement of the regulations in this part, including, but not limited to, inspections and tests of (a) radioisotopes being used, (b) facilities wherein radioisotopes are used or stored, (c) radiation detection and monitoring instruments, (d) equipment or devices utilizing radioisotopes or used in connection with the utilization of radioisotopes, and (e) radioisotopes waste disposal methods.

(60 Stat. 755–775, as amended; 42 U. S. C. 1801–1819)

Dated at Washington, D. C., this 7th day of January 1954.

K. D. NICHOLS,
General Manager.

[F. R. Doc. 54-230; Filed, Jan. 13, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 55]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

OPERATION PROCEDURES OVER MOUNTAINOUS TERRAIN AND ALONG PARTICULAR ROUTES

The purpose of this amendment is to modify Part 610, Regulations of the Administrator, § 610.3 (c), concerning operation procedures over mountainous terrain and along particular routes, to permit flights at the published minimum terrain clearance altitude within 25 miles of a VOR station even though a higher IFR altitude is prescribed for the route segment. The amendment is adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable.

Section 610.3 (c) is revised to read:

§ 610.3 *Operation procedures over mountainous terrain and along particular routes.* • • •

(c) *Minimum terrain clearance altitudes.* At certain locations VOR reception may not be adequate under normal operating conditions at the minimum terrain clearance altitude along a route segment. Where it is necessary to fly at an altitude higher than the minimum terrain clearance altitude to assure acceptable VOR reception, the higher altitude will be published as the minimum en route IFR altitude for that route segment. However, flights may be conducted at the minimum terrain clearance altitude when within 25 miles of a VOR station based on a reasonable estimate of that distance. At points where the minimum en route IFR altitude is higher than the minimum en route ter-

rain clearance altitude, the altitude specified will be denoted by footnote, and the minimum terrain clearance altitude will be shown as advisory information and for utilization as noted above.

Example:
Roswell, N. Mex.–Hobbs, N. Mex.–[1]17,000'

[1] 15,000'—Minimum terrain clearance altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective January 25, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-231; Filed, Jan. 13, 1954; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

SOLICITATION OF PROXIES

On October 9, 1953, the Commission announced (in Securities Exchange Act Release No. 4950) that it had under consideration proposed amendments to its proxy rules under the Securities Exchange Act of 1934, and invited all interested persons to submit views and comments in writing with respect to the proposals. Subsequently, on December 4, 1953, the Commission gave notice (in Securities Exchange Act Release No. 4971) that a public hearing would be held at which interested persons would have an opportunity to present their views on the proposed amendments, and such a hearing was held on December 16, 1953.

The Commission has considered all of the comments and suggestions received in writing and at the public hearing, and has determined that the amendments set forth below should be adopted. The principal changes made are described below.

I. Sections 240.14a–3 and 240.14a–6 (Rules X-14A–3 and X-14A–6): In order to make available at the Commission an adequate number of copies of definitive proxy statements and annual reports, §§ 240.14a–3 and 240.14a–6 are amended to require the furnishing to the Commission of four copies of such material, instead of the three copies now required. In addition, the amendment to § 240.14a–6 provides that copies of definitive proxy material be filed with each exchange upon which any security of the issuer is listed and registered. The existing requirement in § 240.14a–6 that three copies of preliminary material be filed with the Commission is not changed.

II. Section 240.14a–8 (Rule X-14A–8): This rule now provides that any stockholder proposal submitted with respect to an annual meeting more than 30 days in advance of the corresponding date on which proxy material was released for the last annual meeting shall prima facie be deemed to have been submitted within a reasonable time. The rule is amended to extend this period from 30 days to 60 days, so as to give more time for the consideration of security holder proposals.

The Commission has determined not to adopt the proposed amendment which would have authorized the omission from the management's proxy material of the name and address of a security holder submitting a proposal for action at the meeting of security holders.

The present rule provides for submission of proposals which are proper subjects for action by security holders but does not specifically provide that State law is the standard for determining what is a proper subject for such action. In a prior release, however, the Commission has so stated. (Securities Exchange Act Release No. 3638, January 3, 1945). To clarify this point, the amended rule specifically provides that a security holder's proposal may be omitted from the management proxy material if it is one which, under the laws of the issuer's domicile, is not a proper subject for action by security holders. The amended rule thus specifically provides that State law is to be the standard of eligibility of a proposal under the rule. The Commission wishes to make it clear that it considers this standard consistent with the decision of the Court of Appeals in the case of S. E. C. v. Transamerica Corporation (163 F. 2d 511, C. A. 3, 1947). Under the provisions of the amended Rule X-14A–8 (c) (5), management would also be permitted to omit from its proxy material a proposal which is a recommendation or request with respect to the conduct of the ordinary business operations of the issuer.

The rule places the burden of proof upon the management to show that a particular security holder's proposal is not a proper one for inclusion in management's proxy material. Where management contends that a proposal may be omitted because it is not proper under State law, it will be incumbent upon management to refer to the applicable statute or case law and furnish a supporting opinion of counsel.

Under the present rule where the management contests the propriety of a security holder's proposal, it is required to furnish the Commission with a copy of the proposal together with a statement of the reasons why it believes the proposal may be omitted from its proxy material. This information at present must be furnished not later than the date preliminary copies of the proxy material are filed with the Commission. So that the Commission will have more time to consider the problems involved in such cases and the security holder will have an opportunity to consider the management's position and take such action as may be appropriate, the amended rule provides that a copy of the proposal and a statement of reasons for its omission must be furnished to the Commission and the security holder not later than 20 days prior to the date of filing the management's preliminary proxy material. However, the Commission may authorize a shorter period where it is shown that there is good cause for failure to comply with the 20-day requirement.

Under the present rules a proposal must be repeated in the management's proxy material if it received 3 percent of the total number of votes cast at the last annual or subsequent special meeting. This has resulted in the repetition year after year of proposals which have evoked very modest stockholder interest. The rule is now amended to provide that a proposal may be omitted for a period of three years from the last previous submission if it was submitted within the previous five years and received less than 3 percent in the case of a single submission, less than 6 percent upon a second submission or less than 10 percent upon a third or subsequent submission during such five year period.

III. Items 6, 7 and 8 of Schedule 14A: Item 6 calls for information with respect to the nominees for election as directors of the issuer. The amended item requires information also with respect to directors whose terms of office continue beyond the date of the meeting. The purpose of this requirement is to give to security holders information with respect to the board of directors as a whole as it will exist after the meeting.

Item 7 calls for information with respect to remuneration and other transactions with management and other persons. Since the previous revisions of the item, certain interpretative and reporting difficulties have arisen. The amendments to this item are intended to eliminate these difficulties.

The requirements relating to pension and retirement benefits are separated from those relating to other deferred remuneration payments. This should aid in distinguishing between the two types of payments and result in a simplification of the applicable instructions. For the same reason the requirements regarding disclosure with respect to options are separated from those with respect to other transactions with insiders. Also, a new instruction has been added which permits the omission of information where the aggregate market value of securities covered by options granted or exercised is not more than $10,000 for any one person or $30,000 for officers and directors as a group.

The instructions to the paragraph relating to indebtedness of insiders have been amended to provide that information need not be given where the aggregate indebtedness of any one person does not exceed $10,000 or 1 percent of the issuer's total assets, whichever is less, at any time during the period specified. At present, indebtedness must be described if it exceeded $1,000 during the period.

The scope of the paragraph relating to transactions with insiders has been limited by revising the instructions thereto to permit the omission of information in certain cases. The revision also presents a more precise statement of the requirements relating to such transactions.

Where action is to be taken at the meeting with respect to the selection of auditors, Item 8 requires a brief description of any material relationship between such auditors or any of their associates and the issuer or any of its affiliates. This item has been amended to make it consistent with the requirements of Regulation S–X relative to the independence of accountants.

Statutory basis. The action herein described is taken pursuant to the Securities Exchange Act of 1934, particularly sections 14 (a) and 23 (a) thereof.

Text of amendments. 1. Section 240.14a–3 (c) (Rule X–14A–3 (c)) is amended by changing the word "Three" in the first sentence to "Four."

2. Section 240.14a–6 (c) (Rule X-14A–6 (c)) is amended to read as follows:

(c) Four definitive copies of the proxy statement, form of proxy and all other soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Commission not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to each national securities exchange upon which any security of the issuer is listed and registered.

3. Section 240.14a–8 (Rule X-14A–8) is amended to read as follows:

§ 240.14a–8 *Proposals of security holders.* (a) If any security holder entitled to vote at a meeting of security holders of the issuer shall submit to the management of the issuer a reasonable time before the solicitation is made a proposal which is accompanied by notice of his intention to present the proposal for action at the meeting, the management shall set forth the proposal in its proxy statement and shall identify the proposal in its form of proxy and provide means by which security holders can make the specification provided for by § 240.14a–4 (b). A proposal so submitted with respect to an annual meeting more than 60 days in advance of a day corresponding to the first date on which management proxy soliciting material was released to security holders in connection with the last annual meeting of security holders shall prima facie be deemed to have been submitted a reasonable time before the solicitation. This section shall not apply, however, to elections to office.

(b) If the management opposes the proposal, it shall also, at the request of the security holder, include in its proxy statement the name and address of the security holder and a statement of the security holder in not more than 100 words in support of the proposal. The statement and request of the security holder shall be furnished to the management at the same time that the proposal is furnished. Neither the management nor the issuer shall be responsible for such statement.

(c) Notwithstanding the foregoing, the management may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under any of the following circumstances:

(1) If the proposal as submitted is, under the laws of the issuer's domicile, not a proper subject for action by security holders; or

(2) If it clearly appears that the proposal is submitted by the security holder primarily for the purpose of enforcing a personal claim or redressing a personal grievance against the issuer or its management, or primarily for the purpose of promoting general economic, political, racial, religious, social or similar causes; or

(3) If the management has at the security holder's request included a proposal in its proxy statement and form of proxy relating to either of the last two annual meetings of security holders or any special meeting held subsequent to the earlier of such two annual meetings and such security holder has failed without good cause to present the proposal, in person or by proxy, for action at the meeting; or

(4) If substantially the same proposal has previously been submitted to security holders, in the management's proxy statement and form of proxy, relating to any annual or special meeting of security holders held within the preceding five calendar years, it may be omitted from the management's proxy material relating to any meeting of security holders held within the three calendar years after the latest such previous submission: *Provided*, That:

(i) If the proposal was submitted at only one meeting during such preceding period, it received less than 3 percent of the total number of votes cast in regard thereto; or

(ii) If the proposal was submitted at only two meetings during such preceding period, it received at the time of its second submission less than 6 percent of the total number of votes cast in regard thereto; or

(iii) If the proposal was submitted at three or more meetings during such preceding period, it received at the time of its latest submission less than 10 percent of the total number of votes cast in regard thereto.

(5) If the proposal consists of a recommendation or request that the management take action with respect to a matter relating to the conduct of the ordinary business operations of the issuer.

(d) Whenever the management asserts that a proposal and any statement in support thereof may properly be omitted from its proxy statement and form of proxy, it shall file with the Commission, not later than 20 days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to § 240.14a–6 (a), or such shorter period prior to such date as the Commission may permit, a copy of the proposal and any statement in support thereof as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case, and, where such reasons are based on matters of law, a supporting opinion of counsel. The management shall at the same time, if it has not already done so, notify the security holder submitting the proposal of its intention to omit the proposal from its proxy statement and form of proxy and shall forward to him a copy of the statement of the reasons why the management deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel.

4. Items 6, 7, and 8 of Schedule 14A are amended to read as follows:

Item 6. Nominees and directors. (a) If action is to be taken with respect to the election of directors, furnish the following information, in tabular form to the extent practicable, with respect to each person nominated for election as a director and each other person whose term of office as a director will continue after the meeting:

(1) Name each such person, state when his term of office or the term of office for which he is a nominee will expire, and all other positions and offices with the issuer presently held by him, and indicate which persons are nominees for election as directors at that meeting.

(2) State his present principal occupation or employment and give the name and principal business of any corporation or other organization in which such employment is carried on. Furnish similar information as to all of his principal occupations or employments during the last five years, unless he is now a director and was elected to his present term of office by a vote of security holders at a meeting for which proxies were solicited under this regulation.

(3) If he is or has previously been a director of the issuer state the period or periods during which he has served as such.

(4) State, as of the most recent practicable date, the approximate amount of each class of equity securities of the issuer or any of its parents or subsidiaries, other than directors' qualifying shares, beneficially owned directly or indirectly by him. If he is not the beneficial owner of any such securities, make a statement to that effect.

(5) If more than 10 percent of any class of securities of the issuer or any of its parents or subsidiaries are beneficially owned by him and his associates, state the approximate amount of each class of such securities beneficially owned by such associates, naming each associate whose holdings are substantial.

(b) If any nominee for election as a director is proposed to be elected pursuant to any arrangement or understanding between the nominee and any other person or persons, except the directors and officers of the issuer acting solely in that capacity, name such other person or persons and describe briefly such arrangement or understanding.

Item 7. Remuneration and other transactions with management and others. Furnish the information called for by this item if action is to be taken with respect to (i) the election of directors, (ii) any bonus, profit sharing or other remuneration plan, contract or arrangement in which any director, nominee for election as a director, or officer of the issuer will participate, (iii) any pension or retirement plan in which any such person will participate or (iv) the granting or extension to any such person of any options, warrants or rights to purchase any securities, other than warrants or rights issued to security holders, as such, on a pro-rata basis. However, if the solicitation is made on behalf of persons other than the management, the information required need be furnished only as to nominees for election as directors and as to their associates.

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the issuer and its subsidiaries during the issuer's last fiscal year to the following persons for services in all capacities:

(1) Each director, and each of the three highest paid officers, of the issuer whose

direct aggregate remuneration exceeded $30,000, naming each such person.

(2) All directors and officers of the issuer as a group, without naming them.

(A) Name of individual or identity of group	(B) Capacities in which remuneration was received	(C) Aggregate remuneration

Instructions. 1. This item applies to any person who was a director or officer of the issuer at any time during the period specified. However, information need not be given for any portion of the period during which such person was not a director or officer of the issuer.

2. The information is to be given on an accrual basis if practicable. The tables required by this paragraph and paragraph (b) may be combined if the issuer so desires.

3. Do not include remuneration paid to a partnership in which any director or officer was a partner, but see paragraph (f) below.

(b) Furnish the following information, in substantially the tabular form indicated, as to all pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the issuer or any of its subsidiaries to each director or officer named in answer to paragraph (a) (1):

(A) Name of individual or identity of group	(B) Amount set aside or accrued during issuer's last fiscal year	(C) Estimated annual benefits upon retirement

Instructions. 1. The term "plan" in this paragraph and in paragraph (c) includes all plans, contracts, authorizations or arrangements, whether or not set forth in any formal document.

2. Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

3. The information called for by Column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

4. In the case of any plan (other than those specified in instruction 2) where the amount set aside each year depends upon the amount of earnings of the issuer or its subsidiaries for such year or a prior year, or where it is otherwise impracticable to state the estimated annual benefits upon retirement, there shall be set forth, in lieu of the information called for by Column (C), the aggregate amount set aside or accrued to date, unless it is impracticable to do so, in which case there shall be stated the method of computing such benefits.

(c) Describe briefly all remuneration payments (other than direct remuneration for services and pension or retirement benefits) proposed to be made in the future directly or indirectly by the issuer or any of its subsidiaries pursuant to any existing plan or arrangement to (i) each director or officer named in answer to paragraph (a) (1), naming each such person, and (ii) all directors and officers of the issuer as a group, without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from group life or accident insurance, group hospitalization or similar group payments or benefits.

(d) Furnish the following information as to all options to purchase securities, from the issuer or any of its subsidiaries, which were granted to or exercised by the following persons since the beginning of the issuer's last fiscal year: (i) Each director or officer named in answer to paragraph (a) (1), naming each such person; and (ii) all directors and officers of the issuer as a group, without naming them:

(1) As to options granted, state (i) the title and amount of securities called for; (ii) the prices, expiration dates and other material provisions; (iii) the consideration received for the granting thereof; and (iv) the market value of the securities called for on the granting date.

(2) As to options exercised, state (i) the title and amount of securities purchased; (ii) the purchase price; and (iii) the market value of the securities purchased on the date of purchase.

Instructions. 1. The term "options" as used in this paragraph (d) includes all options, warrants or rights other than those issued to security holders as such on a pro rata basis.

2. The extension of options shall be deemed the granting of options within the meaning of this paragraph.

3. (i) Where the total market value on the granting dates of the securities called for by all options granted during the period specified does not exceed $10,000 for any officer or director named in answer to paragraph (a) (1), or $30,000 for all officers and directors as a group, this item need not be answered with respect to options granted to such person or group. (ii) Where the total market value on the dates of purchase of all securities purchased through the exercise of options during the period specified does not exceed $10,000 for any such person or $30,000 for such group, this item need not be answered with respect to options exercised by such person or group.

4. The information for all directors and officers as a group regarding market value of the securities on the granting date of the options and on the purchase date, may be given in the form of price ranges for each calendar quarter during which options were granted or exercised.

(e) State as to each of the following persons who was indebted to the issuer or its subsidiaries at any time since the beginning of the last fiscal year of the issuer, (i) the largest aggregate amount of indebtedness outstanding at any time during such period, (ii) the nature of the indebtedness and of the transaction in which it was incurred, (iii) the amount thereof outstanding as of the latest practicable date, and (iv) the rate of interest paid or charged thereon:

(1) Each director or officer of the issuer;

(2) Each nominee for election as a director; and,

(3) Each associate of any such director, officer or nominee.

Instructions. 1. See instruction 1 to paragraph (a). Include the name of each person whose indebtedness is described and the nature of the relationship by reason of which the information is required to be given.

2. This paragraph does not apply to any person whose aggregate indebtedness did not exceed $10,000 or 1 percent of the issuer's total assets, whichever is less, at any time during the period specified. Exclude in the determination of the amount of indebtedness all amounts due from the particular person for purchases subject to usual trade terms, for ordinary travel and expense advances and for other transactions in the ordinary course of business.

(f) Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any material transactions since the beginning of the issuer's last fiscal year, or in any material proposed transactions, to which the issuer or any of its subsidiaries was or is to be a party:

(1) Any director or officer of the issuer;

(2) Any nominee for election as a director;

(3) Any security holder named in answer to item 5 (d); or

(4) Any associate of any of the foregoing persons.

Instructions. 1. See instruction 1 to paragraph (a). Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

2. As to any transaction involving the purchase or sale of assets by or to the issuer or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within two years prior to the transaction.

3. The instruction to item 4 shall apply to this item.

4. No information need be given under this paragraph as to any remuneration or other transaction reported in response to (a), (b), (c), (d) or (e) of this item.

5. No information need be given under this paragraph as to any transaction or any interest therein where:

(i) The rates or charges involved in the transaction are fixed by law or determined by competitive bids;

(ii) The interest of the specified person in the transaction is solely that of a director of another corporation which is a party to the transaction;

(iii) The transaction involves services as a bank depositary of funds, transfer agent, registrar, trustee under a trust indenture, or other similar services;

(iv) The interest of the specified person does not exceed $30,000; or

(v) The transaction does not involve remuneration for services, directly or indirectly, and (A) the interest of the specified persons arises from the ownership individually and in the aggregate of less than 10 percent of any class of equity securities of another corporation which is a party to the transaction, (B) the transaction is in the ordinary course of business of the issuer or its subsidiaries, and (C) the amount of such transaction or series of transactions is less than 10 percent of the total sales or purchases, as the case may be, of the issuer and its subsidiaries.

6. Information shall be furnished under this paragraph with respect to transactions not excluded above which involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership individually and in the aggregate of less than 10 percent of any class of equity securities of another corporation furnishing the services to the issuer or its subsidiaries.

7. This paragraph (f) does not require the disclosure of any interest in any transaction unless such interest and transaction are material.

Item 8. Selection of auditors. If action is to be taken with respect to the selection or approval of auditors, or if it is proposed that particular auditors shall be recommended by any committee to select auditors for whom votes are to be cast, name the auditors and describe briefly any direct financial interest or any material indirect financial interest in the issuer or any of its parents or subsidiaries or any connection during the past three years with the issuer or any of its parents or subsidiaries in the capacity of promoter, underwriter, voting trustee, director, officer or employee.

These amendments shall be effective as to any solicitation of proxies commenced on or after February 6, 1954, except that the amendment to the second sentence of Rule X-14A-8 (a) (§ 240.14a-8 (a)) shall be effective only as to a solicitation commenced on or after March 6, 1954. However, the amendments to Schedule 14A may be made effective at the option of an issuer as to any proxy solicitation commenced on or after January 6, 1954.

(Sec. 23 (a), 48 Stat. 901 as amended; 15 U. S. C. 78w. Interprets or applies sec. 14, 48 Stat. 895 as amended; 15 U. S. C. 78n)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 5, 1954.

[F. R. Doc. 54-239; Filed, Jan. 13, 1954; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Regs. 118; T. D. 6059]

PART 39—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

MISCELLANEOUS AMENDMENTS

Regulations 118 (26 CFR, Part 39) are amended as follows:

PARAGRAPH 1. Section 39.23 (m)-1 (e) (4) is amended by striking the first sentence thereof.

PAR. 2. Section 39.53-3 is amended to read as follows:

§ 39.53-3 *Extensions of time in the case of foreign organizations, certain domestic corporations, and citizens of United States residing or traveling abroad.* An extension of time for filing returns of income is hereby granted up to and including the fifteenth day of the sixth month following the close of the taxable year in the case of:

(a) Foreign partnerships, regardless of whether they maintain an office or place of business within the United States;

(b) Foreign corporations which maintain an office or place of business within the United States;

(c) Domestic corporations which transact their business and keep their records and books of account abroad;

(d) Domestic corporations whose principal income is from sources within the possessions of the United States; and

(e) American citizens residing or traveling abroad, including persons in military or naval service on duty outside the United States.

In all such cases a statement must be attached to the return showing that the person for whom the return is made is a person described in this section. Taxpayers who take advantage of this extension of time will be charged with interest at the rate of 6 percent per annum on the first installment of tax, if any, from the original due date until paid.

PAR. 3. Section 39.44-5 is amended by inserting immediately after the second sentence of paragraph (c) thereof the following new sentence: "On and after September 1, 1953, the functions of the Commissioner with respect to such bonds shall be performed by the district director of internal revenue for the internal revenue district in which the last return of the decedent is filed, and any bond filed on or after such date shall be filed with such district director."

PAR. 4. Section 39.112 (b) (6)-3 is amended as follows:

(A) By striking from the first sentence of paragraph (a) (2) thereof the words "for transmittal to the Commissioner".

(B) By striking the first sentence of paragraph (a) (3) thereof and inserting in lieu of such sentence the following: "For each of the taxable years which falls wholly or partly within the period of liquidation, the recipient corporation may be required to file a bond, the amount of which shall be fixed by the district director of internal revenue."

(C) By inserting at the end of paragraph (a) (3) thereof the following sentence: "On and after September 1, 1953, the functions of the Commissioner with respect to such bonds shall be performed by the district director of internal revenue for the internal revenue district in which the return was filed, and any bond filed on or after such date shall be filed with such district director."

PAR. 5. Section 39.112 (f)-1 (c) (3) is hereby amended by striking the part which follows the first sentence and inserting in lieu thereof the following: "Such application shall be made prior to the expiration of the one year after the close of the first taxable year in which any part of the gain from the conversion is realized, and shall contain all of the details in connection with the involuntary conversion. Such application, if made before September 1, 1953, shall be made to the Commissioner, or, if made on or after September 1, 1953, shall be made to the district director of internal revenue for the internal revenue district in which the return is filed for the first taxable year in which any of the gain from the involuntary conversion is realized. No extension of time shall be granted pursuant to such application unless the taxpayer can show reasonable cause for not being able to replace the converted property within the required period of time."

PAR. 6. Section 39.131 (c)-2 is amended by inserting after the last sentence thereof the following new sentence: "On and after September 1, 1953, the functions of the Commissioner with respect to such bonds shall be performed by the district director of internal revenue, and any bond filed on or after such date shall be filed with the district director."

PAR. 7. Section 39.143-7 (b) is amended by striking the last sentence thereof.

Because this Treasury decision merely amends Regulations 118 to incorporate therein the changes made to Regulations 111 (26 CFR Part 29) by Treasury Decision 6041 (18 F. R. 5515), approved September 9, 1953, and to correct certain clerical errors, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS, *Commissioner of Internal Revenue.*

Approved: January 8, 1954.

M. B. FOLSOM, *Acting Secretary of the Treasury.*

[F. R. Doc. 54-237; Filed, Jan. 13, 1954; 8:46 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter C—Explosives and Related Articles; Tests for Permissibility and Suitability

PART 17—BLASTING DEVICES (SCHEDULE 26)

MISCELLANEOUS AMENDMENTS

The Bureau of Mines has determined that certain phases of its testing schedule as set forth in Part 17 (Schedule 26) require alteration. Since the following changes or amendments tend to decrease and clarify the present requirements, it is determined that the notices and procedures prescribed by section 4 of the Administrative Procedures Act (60 Stat. 237; 5 U. S. C. 1003) are impractical, unnecessary, and the rules and regulations shall become effective as of the date of filing in the FEDERAL REGISTER.

The following revisions are made in Part 17 of this title, heretofore promulgated (18 F. R. 1003): 1. Paragraphs (g) and (h) of § 17.11 are deleted and new paragraphs (g), (h) and (i) are substituted as follows:

§ 17.11 *Conditions under which blasting devices are to be used.* • • •

(g) A misfired device may not be opened in the mine unless an exception to this section is included as part of the approval for each specific device. The conditions which constitute a misfire will be specified in the original approval.

(h) A waiting period of 15 minutes shall be required before any personnel are allowed to return to the face after a misfire has occurred.

(i) Other conditions which will be set down by the Bureau as appropriate to the particular device tested.

2. Subparagraph (2) of § 17.15 (a) is deleted and a new subparagraph (2) is substituted as follows:

§ 17.15 *Tolerances as applied to field samples.* • • •

(a) *Chemical analysis of field samples.* • • •

(2) *Other ingredients.* For ingredients in quantities of 60 percent or more, the tolerance shall be ±3 percent of the total. For ingredients in quantities not exceeding 60 percent, the tolerances shall be in accordance with those shown

in table 2, except for carbonaceous combustible material, where the tolerance shall be ±3 percent of the total.

(Sec. 5, 36 Stat. 370, as amended; 30 U. S. C. 7. Interpret or apply sec. 3, 36 Stat. 370, as amended; 30 U. S. C. 5)

DOUGLAS MCKAY,
Secretary of the Interior.

JANUARY 7, 1954.

[F. R. Doc. 54-236; Filed, Jan. 13, 1954; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 10724, 10725]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

Correction

In Federal Register Document 54-36, appearing at page 66 of the issue for Wednesday, January 6, 1954, item 2g should read as follows:

g. Amend § 8.354 (a) (2) to read with respect to the specific frequencies set forth, therein, as follows:

2782 kc ⁴ / 4162.5 kc ⁴ } until May 1, 1954.

4067 kc ⁴ / 4372.4 kc ⁴ } beginning January 1, 1954.

PART 10—PUBLIC SAFETY RADIO SERVICES

ERRATA

In the matter of revision of Part 10, Public Safety Radio Services.

The Commission's order in the above-entitled matter, dated December 14, 1953, published in the FEDERAL REGISTER December 18, 1953 (18 F. R. 8491) is corrected as follows:

1. In the table of contents, change title of § 10.103 to read *"Types of emission."*

2. In § 10.102, delete paragraph (b) and redesignate paragraph (c) as (b).

3. In § 10.255 (g) insert limitation note 4 opposite the frequency band 159.51 to 161.79 Mc. in the table.

4. In § 10.355 (d) delete limitation notes 7, 9, and 10, opposite the frequency 31.02 Mc. in the table.

5. In § 10.461 (b) delete reference to limitation note 10 and substitute limitation note 9 therefor.

6. In § 10.462 (e) change the first three entries in the frequency table to read as follows:

Frequency or band (kc.)	Classes of station(s)	Limitation
2000 to 3000	Fixed	9
2726	Base and mobile	10
3300	do	

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-252; Filed, Jan. 13, 1954; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

ELECTRIC RAILWAY ANNUAL REPORT FORM G

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 17th day of December A. D. 1953.

The matter of annual reports from electric railway companies being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished, and that public rule-making procedures are unnecessary:

It is ordered, That the order dated December 10, 1952, in the matter of annual reports from electric railways (49 CFR 120.21) be, and it is hereby, modified with respect to annual reports for the year ended December 31, 1953, and subsequent years, as follows:

§ 120.21 *Form prescribed for electric railways.* All electric railway companies subject to the provisions of section 20, Part I of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1953, and for each succeeding year until further order, in accordance with Annual Report Form G (Electric Railways),[1] which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 12, 24 Stat. 386, as amended; 49 U. S. C. 20, 913)

NOTE: Budget Bureau No. 60-R102.10.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-249; Filed, Jan. 13, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[E: 60005; Grp. 273]

ARIZONA

NOTICE OF FILING OF PLAT OF SURVEY

JANUARY 6, 1954.

Notice is given that the plat of original survey of the following described lands, accepted October 13, 1953, will be officially filed in the Land and Survey Office, Phoenix, Arizona, effective at 10:30 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 2 N., R. 20 W.,
Lots 1, 2, 3, 4, S½N½, S½ (all), Sec. 1.
Lots 1, 2, 3, 4, S½N½, S½ (all), Sec. 2.
Lots 1, 2, 3, 4, 5, S½N½, SE¼, E½SW¼, NW¼SW¼ (all), Sec. 3.
Lots 1, 2, 3, 4, 5, 6, S½N½, N½SE¼, SW¼ (all), Sec. 4.
Lots 1, 2, 3, 4, S½N½, S½ (all), Sec. 5.
Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (all), Sec. 6.
Lots 1, 2, 3, 4, E½W½, E½ (all), Sec. 7.
All Sec. 8.
Lot 1, NW¼NE¼, S½NE¼, SE¼, W½ (all), Sec. 9.
Lots 1, 2, 3, 4, 5, NE¼NW¼, NE¼, NE¼SE¼, S½SE¼, NW¼SW¼, S½SW¼ (all), Sec. 10.
All Secs. 11, 12, 13, 14, 15, 16 and 17 inclusive.
Lots 1, 2, 3, 4, E½W½, E½ (all), Sec. 18.
Lots 1, 2, 3, 4, E½W½, E½ (all), Sec. 19.
All Secs. 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29 inclusive.
Lots 1, 2, 3, 4, E½W½, E½ (all), Sec. 30.
Lots 1, 2, 3, 4, E½W½, E½ (all), Sec. 31.
All secs. 32, 33, 34, 35 and 36 inclusive.

The area described aggregates 22,920.97 acres.

Public Land Order No. 848, of July 1, 1952, withdrew this entire township from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved it for the use of the Department of the Army in connection with the Yuma Test Station.

In view thereof, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of this plat.

THOS. F. BRITT,
Manager.

[F. R. Doc. 54-251; Filed, Jan. 13, 1954; 8:49 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JANUARY 7, 1954.

1. Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles land district, embracing approximately 155 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 395

For lease and sale for homesite purposes only:

T. 1 S., R. 7 E., S. B. M.,
Sec. 18, N½NE¼, E½NW¼SW¼NE¼, NE¼NW¼, N½NW¼NW¼, E½NW¼SE¼NW¼, W½NE¼SE¼NW¼.

The lands are located in San Bernardino County, California, approximately 4 miles southeasterly from the Town of Joshua Tree. Access to the lands can be had by a graded road passing through the Joshua Tree National Monument from the Town of Joshua Tree. The topography is from hilly to gentle slopes, and vegetation is a desert shrub association. Water for domestic purposes will probably have to be hauled in.

2. As to applications regularly filed prior to 9:30 a. m., December 14, 1953, which describe tracts in accordance with the provisions contained herein, this order shall be effective upon the date of this order.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres with approximate dimensions of 660 feet north and south and 330 feet east and west, each tract forming an aliquot part of the official survey of the section.

6. Preference right leases referred to in paragraph 2 will be issued only if the tract applied for conforms to or is amended to conform to the area, dimensions and orientation specified in paragraph 5.

7. Leases will be issued for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $100.00 per tract. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

8. Tracts will be subject to all existing rights-of-way and to rights-of-way 33 feet in width along the boundaries thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

9. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

E. I. ROWLAND,
Regional Chief,
Division of Lands.

[F. R. Doc. 54-232; Filed, Jan. 13, 1954; 8:45 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JANUARY 7, 1954.

1. Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Sacramento land district, embracing approximately 140 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 397

For lease and sale for homesite purposes only:

T. 20 N., R. 6 E., M. D. M.,
Sec. 31, E½NE¼NE¼, W½SW¼NE¼, N½NE¼SW¼NE¼, N½SE¼NE¼, N½NW¼NE¼NW¼, SE¼NE¼NW¼, SE¼NW¼.

For lease and sale for business and homesite purposes only:

T. 20 N., R. 6 E., M. D. M.,
Sec. 31, S½NE¼SW¼NE¼.

The lands are located in Butte County, California, about two miles northeast of Enterprise and seven miles southwest of Feather Falls. The lands are accessible from a paved road which crosses the area. The topography is hilly with a vegetative cover of scattered yellow pine and incense cedar and an understory of brush.

2. As to applications regularly filed prior to 9:00 a. m., December 31, 1953, which describe tracts in accordance with the provisions contained herein, this order shall be effective upon the date of this order.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in rectangular tracts of approximately 660

[1] Filed as part of original document.

feet by 330 feet containing approximately 5 acres. Each tract must be described as an aliquot part of a legal subdivision established by the official survey of the section. All tracts will be oriented with the longer dimension extending north and south except that no amendment will be required in the case of the preference right leases referred to in paragraph 2. Where such preference right leases were filed with the longer dimension extending east and west the remaining tract in the ten acre subdivision will also be leased with the longer dimension extending east and west.

6. Leases will be issued for a period of three years at an annual rental of $5.00 payable in advance for the entire lease period in advance of issuance of the lease as to all lands classified for homesite purposes only. Leases on land classified for business and homesite purposes will be issued for a period of three years at a minimum annual rental of $20.00 payable in advance for the entire lease period and subject to increase in accordance with the schedule of rentals contained in the lease. Leases will contain an option to purchase clause at the following appraised values:

E½NE¼NE¼, N½S½NE¼, SW¼SW¼NE¼, E½SE¼NW¼, SW¼SE¼NW¼ Sec. 31, $40.00 per acre.

NW¼SE¼NW¼ Sec. 31, $30.00 per acre.

N½NW¼NE¼NW¼, SE¼NE¼NW¼ Sec. 31, $25.00 per acre.

Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

7. Tracts will be subject to all existing rights-of-way and to rights-of-way 33 feet in width along the boundaries thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

8. All inquiries relating to these lands should be addressed to the Manager, Land Office, Sacramento, California.

E. I. Rowland,
Regional Chief,
Division of Lands.

[F. R. Doc. 54-233; Filed, Jan. 13, 1954; 8:45 a. m.]

NEVADA

CLASSIFICATION ORDER

JANUARY 7, 1954.

1. Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Nevada land district, embracing approximately 80 acres,

NEVADA SMALL TRACT CLASSIFICATION No. 97

For lease and sale for homesite purposes only:

T. 18 N., R. 20 E., M. D. M.,
Sec. 34, E½SW¼.

This land is located twelve miles south of Reno, Nevada, and is one-half mile south of paved State Highway No. 17. The land is accessible by unimproved road. The topography ranges from gentle slopes to hilly. Vegetation is a sagebrush-juniper type. Water for domestic use will probably be obtainable in wells of moderate depth.

2. As to applications regularly filed prior to 1:00 p. m., September 26, 1952, and are for the type of site for which the lands are classified, this order shall become effective upon the date of this order.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts containing approximately 5 acres with dimensions of 660 feet north and south and 330 feet east and west which form aliquot parts of the existing official survey.

6. Preference right leases referred to in paragraph 2 will be issued only if the lands described in the application conforms to or is amended to conform to the area and dimensions specified in paragraph 5.

7. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $250.00 per tract in the E½E½SW¼ and E½W½SE¼SW¼ Section 34 and $150.00 per tract in the W½NE¼SW¼ and W½W½SE¼SW¼ Section 34. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

8. Tracts will be subject to all existing rights-of-way and to rights-of-way 33 feet in width on or as near as practicable to the boundaries thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

9. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

E. I. Rowland,
Regional Chief,
Division of Lands.

[F. R. Doc. 54-234; Filed, Jan. 13, 1954; 8:46 a. m.]

Office of the Secretary

[Order No. 2743]

FISH AND WILDLIFE SERVICE

DESIGNATION, FUNCTIONS AND DUTIES OF ACTING DIRECTOR

JANUARY 7, 1954.

SECTION 1. *Succession.* (a) The Assistant Director shall perform the duties of the Director, Fish and Wildlife Service, in the event of the absence, sickness, resignation or death of the Director.

(b) Albert M. Day, Assistant to the Director, shall perform the duties of the Director, in the event of the absence, sickness, resignation or death of the Director and the Assistant Director.

(c) Clarence Cottam, Assistant to the Director, shall perform the duties of the Director in the event of the absence, sickness, resignation or death of the Director, the Assistant Director, and Albert M. Day.

(d) The Chief, Division of Administration shall perform the duties of the Director in the event of the absence, sickness, resignation or death of the Director, the Assistant Director, Albert M. Day, and Clarence Cottam.

SEC. 2. *Title.* The officer performing under authority of section 1 of this order shall sign documents under the title "Acting Director."

SEC. 3. *Revocation.* Order No. 2723, dated June 4, 1953 (18 F. R. 3351), is hereby revoked.

(Reorg. Plan No. 3 of 1950, 16 F. R. 3174)

Douglas McKay,
Secretary of the Interior.

[F. R. Doc. 54-235; Filed, Jan. 13, 1954; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10365, 10366]

PEOPLES BROADCASTING CO. AND WGAL, INC. (WGAL-TV)

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Peoples Broadcasting Company, Lancaster, Pennsylvania, Docket No. 10365, File No. BPCT-654; WGAL, Inc. (WGAL-TV), Lancaster, Pennsylvania, Docket No. 10366, File No. BPCT-910; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of January 1954;

The Commission having under consideration the Initial Decision herein, the exceptions thereto, and the request for oral argument;

It is ordered, that oral argument herein, before the Comission en banc is scheduled for Tuesday, January 26, 1954, at 2:30 p. m. at the offices of the Commission in Washington, D. C.

Released: January 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-253; Filed, Jan. 13, 1954; 8:50 a. m.]

[Docket No. 10804]

NIAGARA FRONTIER AMUSEMENT CORP.

ORDER CONTINUING HEARING

In re application of Niagara Frontier Amusement Corporation, Buffalo, New York, for a construction permit for new television station; Docket No. 10804, File No. BPCT-1746.

Hearing in this matter having commenced on January 8, 1954; and counsel for applicant Niagara Frontier Amusement Corporation and the Chief of the Broadcast Bureau of this Commission having appeared, and during this Hearing having represented that pursuant to the provisions of § 1.841 of the Commission rules much of the evidence can be reduced to Stipulations between the said parties; and that expeditious preparation, exchange of such proposed Stipulations, and conferences between said parties relative to final agreement thereon requires the same; and both counsel for Niagara Frontier Amusement Corporation and the Chief of the Broadcast Bureau having requested such continuance for such purpose;

It is ordered, This 8th day of January 1954, that this hearing be continued to 10:00 a. m., January 15, 1954. It is understood that this date may be advanced upon further application and consent of the said parties.

Released: January 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-254; Filed, Jan. 13, 1954; 8:50 a. m.]

[Docket Nos. 10836—10838]

TULSA BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Tulsa Broadcasting Company, Muskogee, Oklahoma, Docket No. 10836, File No. BPCT-1261; Oklahoma Press Publishing Company, Muskogee, Oklahoma, Docket No. 10837, File No. BPCT-1326; Ashley L. Robison, Muskogee, Oklahoma, Docket No. 10838, File No. BPCT-1810; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of January 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 8 in Muskogee, Oklahoma; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Tulsa Broadcasting Company and Oklahoma Press Publishing Company are legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Ashley L. Robison is legally so qualified and is technically so qualified except as to the matter referred to in issue "2" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 5th day of February 1954 in Washington, D. C., upon the following issues:

(1) To determine whether Ashley L. Robison is financially qualified to construct, own and operate his proposed television station.

(2) To determine whether the installation of the station proposed by Ashley L. Robison in his above-entitled application would constitute a hazard to air navigation.

(3) To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to Tulsa Broadcasting Company and Oklahoma Press Publishing Company give reasonable assurance that the proposals set forth in their respective applications will be effectuated.

Released: January 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-255; Filed, Jan. 13, 1954; 8:50 a. m.]

[Docket Nos. 10839—10841]

CENTRAL PLAINS ENTERPRISES, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Central Plains Enterprises, Inc., Tulsa Oklahoma, Docket No. 10839, File No. BPCT-1581; R. J. Fryer, R. C. Hanson, Roland J. Fryer and Everett R. Jones, Jr., d b a Fryer Television Company, Tulsa, Oklahoma, Docket No. 10840, File No. BPCT-1629. The Oil Capital Television Corporation, Tulsa, Oklahoma, Docket No. 10841, File No. BPCT-1630; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of January 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 2 in Tulsa, Oklahoma; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Central Plains Enterprises, Inc., and The Oil Capital Television Corporation are legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Fryer Television Company is legally and technically so qualified;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 5th day of February 1954 in Washington, D. C., upon the following issues:

1. To determine whether Fryer Television Company is financially qualified to construct, own and operate its proposed television station.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to Central Plains Enterprises, Inc. and The Oil Capital Television Corporation give reasonable assurance that the proposals set forth in their respective applications will be effectuated.

Released: January 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-256; Filed, Jan. 13, 1954; 8:50 a. m.]

[Docket Nos. 10844-10845]

RADIO ASSOCIATES, INC., AND WLOX BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Associates, Inc., Biloxi, Mississippi, Docket No. 10844, File No. BPCT-1150; WLOX Broadcasting Company, Biloxi, Mississippi, Docket No. 10845, File No. BPCT-1157; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of January 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Biloxi, Mississippi; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 5th day of February 1954, in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the applications will be effectuated.

Released: January 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-257; Filed, Jan. 13, 1954; 8:50 a. m.]

CANADIAN-U. S. A. TELEVISION AGREEMENT

RECAPITULATION OF CANADIAN TV NOTIFICATIONS

Recapitulation of notifications received from the Canadian Government authorizing construction of television broadcast stations in accordance with Part B of the Canadian-U. S. A. Television Agreement.

St. John, New Brunswick — CHSJ TV Ch-4
New Brunswick Broadcasting Co., Ltd.
27.8 kw 14.5 dbk 1200T 40G
45-28-40N 66-13-55W

Sydney, Nova Scotia — CJCB TV Ch-4
Cape Breton Broadcasters, Ltd.
24 kw 13.8 dbk 299T 280G
46-10-50N 60-11-30W

Hamilton, Ontario — DA Ch 11
Niagara TV, Ltd
80.6 kw 19.1 dbk 442T 311G
43-12-15N 79-46-05W

London, Ontario — CFPL TV Ch 10
London Free Press Printing Co., Ltd.
117 kw 20.7 dbk 576T 544G
42-57-15N 81-15-58W

Sudbury, Ontario — CKSO TV Ch 5
CKSO Radio, Ltd.
1.25 kw .9 dbk 205T 207G
46-29-38N 81-00-00W

Toronto, Ontario — CBLT Ch 9
Canadian Broadcasting Corp.
26.65 kw 14.1 dbk 382T 481G
43-39-43N 79-22-42W

Windsor, Ontario — CKLW-TV Ch-9
Western Ontario Broadcasting Co., Ltd.
103 kw 20.1 dbk 620T 615G
42-18-59N 83-02-58W

Montreal, Quebec — CBFT Ch 2
Canadian Broadcasting Corp.
15.7 kw 12.0 dbk 912T 259G
45-30-20N 73-35-32W

Quebec City, Quebec — Ch 4
Television de Quebec, Ltd.
.923 kw .2 dbk 457T 480G
46-52-40N 71-16-20W

Rimouski, Quebec — Ch-3
Lower St. Lawrence Radio, Inc.
32.5 kw 15.1 dbk 1100T 225G
48-19-40N 68-30-09W

Regina, Saskatchewan — CKCK-TV Ch-2
Transcanada Communications, Ltd.
20 kw 13 dbk 326T 288G
50-28-46N 104-34-16W

CODE

T—Antenna height above average terrain.
G—Antenna height above ground.
DA—Directional antenna.
01-02-03N 01-02-03W—Latitude and longitude.
00.0 kw 00.0 dbk—Effective radiated power (visual).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-258; Filed, Jan. 13, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2292]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal office in El Paso, Texas, on October 26, 1953, filed application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of two taps and meter stations on its authorized 30-inch Permian-San Juan crossover line near the villages of Grants and Tatum, New Mexico, for the transportation and sale of natural gas subject to the jurisdiction of the Commission, as described in the application on file with the Commission, and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 13, 1953 (18 F. R. 7211).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on January 26, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 7, 1954.

Issued: January 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-238; Filed, Jan. 13, 1954; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 25—DPAV-33 (b)]

SCOVILL MANUFACTURING CO. ET AL.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON CARTRIDGE CASES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are herewith published the names of the following companies which have accepted the request to participate in the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Cartridge Cases," dated September 4, 1951, which request and original list of companies accepting such request were published on May 6, 1952, in 17 F. R. 4184. An additional list of companies accepting such request was published on January 15, 1953, in 18 F. R. 335.

Scovill Manufacturing Company, Waterbury, Conn.
The Kilby Steel Company, Anniston, Ala.
Motor Wheel Corporation, Lansing, Mich.
Skagit Steel & Iron Works, Sedro-Woolley, Wash.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, August 14, 1953, 18 F. R. 4939.)

Dated: January 12, 1954.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-271; Filed, Jan. 13, 1954; 8:51 a. m.]

[ODM (DPA) Request No. 46—DPAV-44 (b)]

CATTLE BROTHERS STEEL AND INDUSTRIAL STORAGE CO.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN ACTIVITIES OF DEFENSE WAREHOUSEMEN'S ASSOCIATION OF PHILADELPHIA

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is herewith published the name of the following company which has accepted the request to participate in the activities of the Defense Warehousemen's Association of Philadelphia in accordance with the voluntary agreement entitled, "Defense Warehousemen's Association of Philadelphia," which request and original list of companies accepting such request was published in 17 F. R. 8965 on October 7, 1952.

Cattle Brothers Steel and Industrial Storage Company, Southwest Corner Gaul and Letterly Streets, Philadelphia 25, Pa.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158, E. O. 10480, August 14, 1953, 18 F. R. 4939.)

Dated: January 12, 1954.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-272; Filed, Jan. 13, 1954; 8:51 a. m.]

[ODM (DPA) Request No. 50—DPAV-50 (b)]

WEATHERHEAD CO. AND HUNTER DOUGLAS CORP.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN ACTIVITIES OF ORDNANCE CORPS INTEGRATION COMMITTEE ON BURSTER CASINGS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are herewith published the names of the following companies which have accepted the request to participate in the activities of the Ordnance Corps Integration Committee on Burster Casings in accordance with the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Burster Casings," dated March 31, 1953, which request and original list of companies accepting such request were published in 18 F. R. 5576 on September 17, 1953.

The Weatherhead Company, 300 East 131st Street, Cleveland 8, Ohio.
Hunter Douglas Corporation, 3016 Kansas Avenue, Riverside, Calif.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, August 14, 1953, 18 F. R. 4939.)

Dated: January 12, 1954.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-273; Filed, Jan. 13, 1954; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 8th day of January A. D. 1954.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1.00 par value common stock of Adolf Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such se-

curity on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder, for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on January 11, 1954, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-242; Filed, Jan. 13, 1954; 8:48 a. m.]

[File Nos. 54-196, 59-97, 70-2681]

MISSION OIL CO. ET AL.

NOTICE OF FILING OF APPLICATION FOR FURTHER EXTENSION OF TIME FOR DISPOSITION BY SINCLAIR OIL CORP. OF CERTAIN COMMON STOCK OF SUBSIDIARY

JANUARY 7, 1954.

In the matter of The Mission Oil Company, Southwestern Development Company and subsidiaries and Sinclair Oil Corporation, File Nos. 54-196, 59-97, Albert R. Jones, et al., File No. 70-2681.

Notice is hereby given that Sinclair Oil Corporation ("Sinclair"), a registered holding company which is exempt from the provisions of the Public Utility Holding Company Act of 1935 ("act"), other than sections 9 (a) (2) and 11 (b), (c) and (e) thereof, has filed with this Commission, pursuant to said act, an application requesting the Commission to extend for a further period of six months from December 21, 1953, the time within which to effect a disposition of its holdings of the common stock of Westpan Hydrocarbon Company ("Westpan"), which was provided for in a plan approved by the Commission, pursuant to section 11 (e) of the act, by order dated December 21, 1951.

Notice is further given that any interested person may, not later than January 20, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on said application, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 20, 1954, said application, as filed or as amended, may be granted, or the Commission may take such other action as it deems necessary or appropriate.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the request for a further extension of time and the reasons given for such request.

The plan provided, among other things, for the disposition by Sinclair, within one year from December 21, 1951 "or such longer time as the Commission may by further order grant", of the reclassified common stock of Southwestern Development Company ("Southwestern"), a registered holding company, and the common stocks of Colorado Interstate Gas Company ("Colorado") and Westpan, non-utility subsidiaries of Southwestern, received by Sinclair under the provisions of the plan. Sinclair disposed of the common stock of Colorado and the Commission, by orders dated December 24, 1952 and July 1, 1953, extended to December 21, 1953 the time within which Sinclair should effect a disposition of the common stocks of Southwestern and Westpan.

On December 24, 1953, the Commission issued its order granting and permitting to become effective an application-declaration regarding, inter alia, (1) the merger of all of Southwestern's public-utility subsidiaries into a single surviving company, Amarillo Gas Company, whose name will be changed to Pioneer Natural Gas Company ("Pioneer"), which will acquire the capital stock of Amarillo Oil Company, a non-utility subsidiary of Southwestern; (2) the liquidation and dissolution of Southwestern; (3) the acquisition by Sinclair of the shares of capital stock of Pioneer which it will receive in lieu of the stock of Southwestern; and (4) the sale by Sinclair (within six months from the date of the Commission's order or within such longer time as the Commission may by further order direct) of the stock of Pioneer which it will receive.

In support of the application for a further extension of time, Sinclair states that it has been unable in the exercise of due diligence to dispose of the common stock of Westpan.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-240; Filed, Jan. 13, 1954; 8:47 a. m.]

[File No. 70-3172]

MYSTIC VALLEY GAS CO.

NOTICE OF FILING REGARDING SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

JANUARY 7, 1954.

Notice is hereby given that Mystic Valley Gas Company ("Mystic"), a public-utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicant has designated section 6 (b) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Mystic proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $5,500,000 principal amount of its First Mortgage Bonds, Series A, due 1974. The price of the bonds which shall be not less than the principal amount nor more than 102¾ percent thereof and the interest rate which shall be a multiple of ⅛ of 1 percent and not in excess of 5 percent will be determined by competitive bidding. Bids will be received up to 12 00 noon on a date fixed by Mystic by giving notice at least 42 hours in advance thereof. Mystic requests that the period for inviting bids be shortened to not less than six days.

The proceeds (exclusive of accrued interest) derived from the sale of the bonds will be used by Mystic to pay an equal principal amount of its promissory notes. Mystic presently has outstanding $5,550,000 principal amount of 3¼ percent notes payable to a bank maturing March 1, 1954.

Mystic is organized and doing business in The Commonwealth of Massachusetts and represents that the sale of its bonds will be expressly authorized by the Department of Public Utilities of that State.

The expenses to be incurred in connection with the issue and sale of the bonds, including expenses for services, at cost, by New England Power Service Company, an affiliated service company, are estimated by Mystic to amount to $58,000.

Mystic requests that the Commission's order become effective upon issuance

Notice is further given that any interested person may, not later than January 27, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-241; Filed, Jan. 13, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28820]

IRON AND STEEL FROM ST. LOUIS, MO., AND EAST ST. LOUIS AND BELLEVILLE, ILL., TO OWENSBORO, KY.

APPLICATION FOR RELIEF

JANUARY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Illinois Central Railroad Company.

Commodities involved: Iron and steel, carloads.

From: St. Louis, Mo., East St. Louis and Belleville, Ill.

To: Owensboro, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1329, supp. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-244; Filed, Jan. 13, 1954; 8:48 a. m.]

[4th Sec. Application 28821]

INGOT MOLDS FROM CLEVELAND, OHIO, TO WORCESTER, MASS.

APPLICATION FOR RELIEF

JANUARY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4350.

Commodities involved: Ingot molds, ingot mold sprue plates and ingot mold stools, carloads.

From: Cleveland, Ohio.

To: Worcester, Mass.

Grounds for relief: Competition with rail carriers, circuity, and competition with water, or water-rail carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-245; Filed, Jan. 13, 1954; 8:48 a. m.]

[4th Sec. Application 28822]

SAND FROM LARSEN, WIS., TO CADILLAC, GRAND HAVEN AND GRAND RAPIDS, MICH.

APPLICATION FOR RELIEF

JANUARY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Sand, in carloads.

From: Larsen, Wis.

To: Cadillac, Grand Haven, and Grand Rapids, Mich.

Grounds for relief: Rail Competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3718, supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-246; Filed, Jan. 13, 1954; 8:48 a. m.]

[4th Sec. Application 28823]

DENSE SODA ASH FROM OHIO, MICHIGAN, NEW YORK, AND VIRGINIA TO OKLAHOMA AND FORT SMITH, ARK.

APPLICATION FOR RELIEF

JANUARY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Dense soda ash, carloads.

From: Specified points in Ohio, Michigan, New York and Virginia.

To: Fort Smith, Ark., Ada, Blackwell, Muskogee and other points in Oklahoma.

Grounds for relief: Competition with rail carriers, circuitous routes and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3919, supp. 204; F. C. Kratzmeir, Agent, I. C. C. No. 4053, supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-247; Filed, Jan. 13, 1954; 8:49 a. m.]

[4th Sec. Application 28824]

COMMODITY RATES BETWEEN COLORADO POINTS AND THE SOUTHWEST

APPLICATION FOR RELIEF

JANUARY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3886 and 4046.

Involving: Commodity rates.

Between: Ralston, Leyden Junction, Plastic and Rocky, Colo., on the one hand, and points in the Southwest, on the other.

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commis-

sion in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-248; Filed, Jan. 13, 1954; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request 4]

JAMES P. NEWCOMB CO., INC.

WITHDRAWAL FROM MEMBERSHIP IN ENGRAVERS PRODUCTION GROUP OF NEW YORK

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following company, which has withdrawn from participation in the operations of the Engravers Production Group of New York, is herewith published.

The acceptance of this company appeared in 18 F. R. 482, on January 22, 1953.

James P. Newcomb Company, Inc., 345 Hudson Street, New York, N. Y.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, October 16, 1953, 18 F. R. 6583)

Dated: January 8, 1954.

WENDELL B. BARNES, *Acting Administrator.*

[F. R. Doc. 54-243; Filed, Jan. 13, 1954; 8:48 a. m.]

[Declaration of Disaster Area 13]

OREGON

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the week commencing January 4, 1954 and thereafter, because of the disastrous effect of landslides, damage resulted and further damage is expected to result to residences and business property located in certain areas of the State of Oregon; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now therefore, as Acting Administrator of the Small Business Administration, I hereby determine that

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be submitted to the SBA Office below indicated from persons or firms whose property situated in the following county (hereinafter referred to as "the disaster area") suffers or suffered damage or other destruction as a result of the catastrophe above referred to:

County: Clapsop—Small Business Administration Branch Office, 519 South West Park Avenue, Portland, Oreg.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster area will be accepted under the authority of this order subsequent to July 31, 1954.

Dated: January 12, 1954.

WENDELL B. BARNES, *Acting Administrator.*

[F. R. Doc. 54-275; Filed, Jan. 13, 1954; 8:51 a. m.]

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VOLUME 19 NUMBER 10

Washington, Friday, January 15, 1954

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 722—COTTON

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM FOR 1954 CROP OF UPLAND COTTON

§ 722.504 *Basis and purpose.* The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1954 crop of upland cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 9, 1953, proclaimed a national marketing quota for the 1954 crop of upland cotton (18 F. R. 6556), and on November 20, 1953, announced that a referendum would be held on December 15, 1953, to determine whether cotton farmers were in favor of or opposed to such quota (18 F. R. 7519). Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 722.505 *Proclamation of results of the marketing quota referendum for the 1954 crop of upland cotton.* In a referendum held on December 15, 1953, of farmers engaged in the production of the 1953 crop of upland cotton, 487,453 farmers voted. Of those voting, 458,382, or 94.0 percent, favored the national marketing quota proclaimed by the Secretary of Agriculture for the 1954 crop of upland cotton, and 29,071, or 6.0 percent, opposed such quota. Therefore, the national marketing quota of 10,000,000 bales proclaimed by the Secretary of Agriculture on October 9, 1953, for the 1954 crop of upland cotton shall continue in effect.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 342-345, 52 Stat. 56-58, as amended; 7 U. S. C. 1342-1345)

Done at Washington, D. C., this 13th day of January 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 54-315; Filed, Jan. 14, 1954; 8:53 a. m.]

PART 722—COTTON

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM FOR 1954 CROP OF EXTRA LONG STAPLE COTTON

§ 722.1104 *Basis and purpose.* The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1954 crop of extra long staple cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 9, 1953, proclaimed a national marketing quota for the 1954 crop of extra long staple cotton (18 F. R. 6557), and on November 20, 1953, announced that a referendum would be held on December 15, 1953, to determine whether cotton farmers were in favor of or opposed to such quota (18 F. R. 7519). Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 722.1105 *Proclamation of results of the marketing quota referendum for the 1954 crop of extra long staple cotton.* In a referendum held on December 15, 1953, of farmers engaged in the production of the 1953 crop of extra long staple cotton, 1,643 farmers voted. Of those voting, 1,467, or 89.3 percent, favored the national marketing quota proclaimed by the Secretary of Agriculture for the 1954 crop of extra long staple cotton, and 176, or 10.7 percent, opposed such quota. Therefore, the national marketing quota of 30,000 bales proclaimed by the Secretary of Agriculture on October 9, 1953, for the 1954 crop of extra long staple cotton shall continue in effect.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 342-345, 347, 52 Stat. 56-59, as amended; 7 U. S. C. 1342-1345, 1347)

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FEDERAL REGISTER

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Done at Washington, D. C., this 13th day of January 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-316; Filed, Jan. 14, 1954; 8:53 a. m.]

PART 729—PEANUTS

PROCLAMATION OF RESULTS OF REFERENDUM ON MARKETING QUOTAS FOR PEANUTS FOR THE YEARS 1954, 1955 AND 1956

§ 729.504 *Basis and purpose.* This document is issued to announce the results of the referendum held December 15, 1953, pursuant to section 358 (b) of the Agricultural Adjustment Act of 1938, as amended, to determine whether farmers favor or oppose marketing quotas for peanuts produced in the three calendar years beginning with 1954. The act requires the results of any peanut marketing quota referendum to be proclaimed within thirty days after the date on which it is held. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to this proclamation, application of the notice and public procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and unnecessary.

§ 729.505 *Proclamation of the results of the marketing quota referendum for peanuts for the crops produced in the three calendar years beginning with the calendar year 1954.* In a referendum of farmers engaged in the production of the 1953 crop of peanuts held on December 15, 1953, 66,433 farmers voted. Of those voting 62,637 farmers, or 94.3 percent, favored quotas for peanuts produced in the three calendar years beginning with 1954, and 3,796 farmers, or 5.7 percent, were opposed to having quotas in effect for the crops produced in the three calendar years beginning with the calendar year 1954. Since more than two-thirds of the farmers voting favored quotas, the national marketing quota proclaimed by the Secretary of Agriculture for peanuts produced in the calendar year 1954 (18 F. R. 6352) shall be in effect, and national marketing quotas hereafter proclaimed for peanuts for the calendar years 1955 and 1956 shall be effective.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 358, 55 Stat. 88; 7 U. S. C. 1358)

Done at Washington, D. C., this 13th day of January 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-308; Filed, Jan. 14, 1954; 8:53 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System

[No. 6704]

PART 144—CHARTER AND BYLAWS

Correction

In Federal Register Document 53-10722, appearing at page 8727 of the issue for Friday, December 25, 1953, the third paragraph of paragraph 6 of Charter K (Rev.) (§ 144.1 (b)) is changed by correcting the word "and" in the fifth line to read "the".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN MIXED VEGETABLES[1]

U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Frozen Mixed Vegetables (7 CFR Part 52, 18 F. R. 8070) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, KINDS, STYLES, PROPORTIONS, AND GRADES

Sec.
52.2131 Product description.
52.2132 Kinds and styles of basic vegetables.
52.2133 Proportion of ingredients.
52.2134 Grades of frozen mixed vegetables.

FACTORS OF QUALITY

52.2135 Ascertaining the grade.
52.2136 Ascertaining the rating for the factors which are scored.
52.2137 Color.
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52.2139 Character.

EXPLANATIONS AND METHODS OF ANALYSES

52.2140 Explanation of terms and analyses.

LOT CERTIFICATION TOLERANCES

52.2141 Tolerances for certification of officially drawn samples.

[illegible]

52.2142 Score sheet for frozen mixed vegetables.

AUTHORITY: §§ 52.2131 to 52.2142 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624; Pub. Law 156, 83rd Cong.

PRODUCT DESCRIPTION, KINDS, STYLES, PROPORTIONS, AND GRADES

§ 52.2131 *Product description.* Frozen mixed vegetables consist of three or more succulent vegetables, properly prepared and properly blanched; may contain vegetables (such as, small pieces of sweet red peppers or sweet green peppers) added as garnish; and are frozen and maintained at temperatures necessary for the preservation of the product.

§ 52.2132 *Kinds and styles of basic vegetables.* It is recommended that frozen mixed vegetables, other than small pieces of vegetables added as garnish, consist of the following kinds and styles of vegetables as basic vegetables:

(a) Beans, green or wax: Cut styles, predominantly of ½ inch to 1½ inch cuts;

(b) Beans, lima: Any single varietal type;

(c) Carrots: Diced style, predominantly of ⅜ inch to ½ inch cubes;

(d) Corn, sweet: Golden (or Yellow) in whole kernel style;

(e) Peas: Early type or sweet type.

§ 52.2133 *Recommended proportions of ingredients.* It is recommended that frozen mixed vegetables consist of three, four, or five basic vegetables in the following proportions:

(a) *Three vegetables.* A mixture of three basic vegetables in which any one vegetable is not more than 40 percent by weight of all the frozen mixed vegetables.

(b) *Four vegetables.* A mixture of four basic vegetables in which none of the vegetables is less than 8 percent by weight nor more than 35 percent by weight of all the frozen mixed vegetables.

(c) *Five vegetables.* A mixture of five basic vegetables in which none of the vegetables is less than 8 percent by weight nor more than 30 percent by weight of all the frozen mixed vegetables.

§ 52.2134 *Grades of frozen mixed vegetables.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a good color, are practically free from defects, possess a good character, possess a good flavor and odor; and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a reasonably good color, are reasonably free from defects, possess a reasonably good character; possess a good flavor and odor; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a fairly good color, are fairly free from defects, possess a fairly good character, possess a fairly good flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of frozen mixed vegetables that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FACTORS OF QUALITY

§ 52.2135 *Ascertaining the grade.* (a) The grade of frozen mixed vegetables is ascertained by considering the factors of similar varietal characteristics and flavor and odor which are not scored and the respective ratings for the factors of color, absence of defects, and character which are scored.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Absence of defects	40
Character	40
Total score	100

(c) The scores for the factors of color, absence of defects, and character (with respect to each individual vegetable prior to cooking) are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units, and representative samples of the product are cooked to ascertain tenderness of the frozen mixed vegetables, collectively, before final evaluation of the score for character. Flavor and odor are also ascertained on the cooked product.

(d) "Good flavor and odor" means that the product and each basic vegetable after cooking has a good, characteristic normal flavor and odor, free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.2136 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2137 *Color*—(a) *General.* The factor of color refers to the general brightness of all the combined vegetables and to the colors of lima beans, if a component in the mixture, as follows:

(1) "Green" with respect to thin-seeded types (with skins removed), such as Henderson Bush and Thorogreen varieties, and with respect to thick-seeded types (with skins on), such as Fordhook variety, means that the color of not less than 50 percent of the surface area of the individual lima bean possesses as much or more green color as Plate 18, K-5, illustrated in the First Edition of Maerz and Paul's Dictionary of Color.

(2) "Green" with respect to thick-seeded Baby Potato type (with skins on), such as Baby Potato, Baby Fordhook,

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

and Evergreen varieties, means that the color of not less than 50 percent of the surface area of the individual lima bean possesses as much or more green color as Plate 18, J–3, illustrated in the First Edition of Maerz and Paul's Dictionary of Color.

(3) "White" for the respective varietal types (with skins removed or with skins on, as the case may be) means that more than 50 percent of the surface area of the individual lima bean possesses less green color than Plate 18, E–1, as illustrated in the First Edition of Maerz and Paul's Dictionary of Color.

(b) *(A) classification.* Frozen mixed vegetables which possess a good color may be given a score of 18 to 20 points. "Good color" means that the combined basic vegetables as a mass and the individual basic vegetables are bright and characteristic of young or tender vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish are reasonably bright; and that lima beans, if present, possess a bright typical color for the varietal type and meet the following additional color requirements for the respective types:

(1) *Thin-seeded type (with skins removed): Thick-seeded Baby Potato type (with skins on).* 90 percent or more, by count, of all the lima beans are "green"; and the balance may be lighter in color or may be white or combinations thereof.

(2) *Thick-seeded type (with skins on).* 85 percent or more, by count, of all the lima beans are "green"; and the balance may be lighter in color but not more than 5 percent, by count, of all the lima beans may be white.

(c) *(B) classification.* If the frozen mixed vegetables possess a reasonably good color, a score of 16 or 17 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the combined basic vegetables as a mass and the individual basic vegetables are reasonably bright and characteristic of reasonably young or reasonably tender mixed vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish may be only fairly bright but are not off color for any reason; and that lima beans, if present, possess a reasonably bright typical color for the varietal type and meet the following additional color requirements for the respective types:

(1) *Thin-seeded type (with skins removed): Thick-seeded Baby Potato type (with skins on).* 65 percent or more, by count, of all the lima beans are "green"; and the balance may be lighter in color or may be white or combinations thereof.

(2) *Thick-seeded type (with skins on).* 60 percent or more, by count, of all the lima beans are "green"; and the balance may be lighter in color but not more than 5 percent, by count, of all the lima beans may be white.

(d) *(C) classification.* If the frozen mixed vegetables possess a fairly good color, a score of 14 or 15 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the combined basic vegetables as a mass and the individual basic vegetables are fairly bright and characteristic of mixed vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish may be only fairly bright but are not off color for any reason; and that lima beans, if present, possess a fairly bright typical color for the varietal type and meet the following additional color requirements for the respective types:

(1) *Thin seeded type (with skins removed): Thick-seeded Baby Potato type (with skins on).* More than 35 percent, by count, of all the lima beans are lighter than "green" including lima beans that may be white.

(2) *Thick-seeded type (with skins on).* More than 40 percent, by count, of all the beans are lighter than "green" but no more than 20 percent, by count, of all the lima beans may be white.

(e) *(SStd) classification.* If the frozen mixed vegetables fail to meet the requirements of paragraph (d) of this section, a score of 0 to 13 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2138 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous vegetable materials, slightly damaged units, moderately damaged units, seriously damaged units, and any other defects which detract from the appearance or edibility of the product.

(1) "Harmless extraneous vegetable material" means any vegetable substance other than from any of the basic vegetables or garnish and any portions of the basic vegetables which are normally removed in preparation for processing. Such materials include, but are not limited to, "small pieces" and "large pieces" as follows:

(i) A "small piece of harmless extraneous vegetable material" is any piece or unit of such material similar in shape and the equivalent in size or smaller than 7/16 square inch of leafy material or loose pieces of pods from peas or lima beans, tough or woody stems of any size other than unstemmed units of green or wax beans, ¼-inch cube of corn cob material, ½ square inch of corn husk, and 3/8-inch diameter thistle buds;

(ii) A "large piece of harmless extraneous vegetable material" is any piece or unit of such material similar in shape and larger in size than the equivalent of an applicable kind of "small piece of harmless extraneous vegetable material."

(2) "Slightly damaged unit" means any unit of the basic vegetable or garnish that is affected by slight blemishes, slight discoloration, or similar injury that are noticeable but do not materially affect the appearance or edibility of the unit, and includes, but is not limited to, light discoloration of the hilum of lima beans or other light discoloration of the skin which does not penetrate into the cotyledon of lima beans.

(3) "Moderately damaged unit" means any unit of a basic vegetable or garnish that is affected by blemishes, discoloration, or any other similar injury that materially affects the appearance or edibility of the unit and has the following specific meanings for the respective vegetables:

(i) *Beans, green or wax.* Any unit blemished by scars, by pathological injury, by insect injury, or by other means which in the aggregate exceeds the area of a circle ⅛ inch in diameter.

(ii) *Beans, lima.* A bean or portion thereof that is spotted or otherwise definitely discolored or that is blemished by pathological injury, by insect injury, or by other means other than light discoloration.

(iii) *Carrots.* Any unit possessing an unpeeled area greater than the area of a circle ⅛ inch in diameter; and any unit blemished by internal or external discoloration, by sunburn or green color, by pathological injury, by insect injury, or by other means.

(iv) *Corn.* Any kernel or portion thereof that possesses serious brown or black discoloration.

(v) *Peas.* Any spotted pea or any off-colored pea (such as brown, gray, cream, or yellow-white) that is abnormally defective and that definitely lacks any tinge of green color.

(vi) *Garnish.* Any piece blemished by discoloration, by pathological injury, by insect injury, or by other means which in the aggregate exceeds the area of a circle ⅛ inch in diameter.

(4) "Seriously damaged unit" means any unit of the basic vegetable or garnish, other than damaged corn kernels, that is damaged to the extent that the appearance and edibility of the unit is seriously affected and includes, but is not limited to, "shriveled" lima beans that are materially wrinkled and not of normal plumpness; "sprouted" lima beans that show an external shoot protruding beyond the cotyledon or skin; and any unit with brown or very black or very dark spots and serious insect injury regardless of the area affected.

(5) "Other defects" means any defects not specifically mentioned that affect the appearance or edibility of the product, and include, but are not limited to the following:

(i) *Beans, green or wax.* Loose seeds and portions thereof; and pod sections with very ragged edges that are partially cut or split into two parts, or that are markedly shorter or longer than the predominating lengths of the cut units;

(ii) *Beans, lima.* Mashed beans, broken beans, loose cotyledons, loose skins, and any portions thereof;

(iii) *Carrots.* Crushed, broken, cracked, or irregularly shaped units; units with excessively frayed edges and surfaces; and units markedly smaller than one-half the volume of, or markedly larger than, the predominating size of cubes;

(iv) *Corn.* Crushed kernels, ragged kernels, loose skins, and dark and objectionable pieces of silk more than ½ inch in length; and

(v) *Peas.* Mashed peas, broken peas, loose cotyledons, loose skins, and any portions thereof.

(b) *(A) classification.* Frozen mixed vegetables that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that there may be present no more than the following defects within the limits stated:

(1) No large pieces of harmless extraneous vegetable material, but 1 small piece of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided,* That the combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

(2) A total of 3 moderately damaged units and seriously damaged units for each 3 ounces of frozen mixed vegetables of which 1 unit for each 4 ounces of frozen mixed vegetables may be seriously damaged: *Provided,* That slightly damaged, moderately damaged, and seriously damaged units, either singly or in combination, do not affect materially the appearance or edibility of the frozen mixed vegetables; and

(3) Other defects, individually or collectively, do not affect materially the appearance or edibility of the frozen mixed vegetables.

(c) *(B) classification.* If the frozen mixed vegetables are reasonably free from defects, a score of 32 to 35 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present no more than the following defects within the limits stated:

(1) 1 large piece of harmless extraneous vegetable material and 2 small pieces of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided,* That the combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

(2) A total of 4 moderately damaged units and seriously damaged units for each 3 ounces of frozen mixed vegetables of which 1 unit for each 3 ounces of frozen mixed vegetables may be seriously damaged: *Provided,* That slightly damaged, moderately damaged, and seriously damaged units, either singly or in combination, do not affect materially the appearance or edibility of the frozen mixed vegetables; and

(3) Other defects, individually or collectively, do not affect materially the appearance of the frozen mixed vegetables.

(d) *(C) classification.* If the frozen mixed vegetables are fairly free from defects, a score of 28 to 31 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present no more than the following defects within the limits stated:

(1) 1 large piece of harmless extraneous vegetable material and 2 small pieces of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided,* That the combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

(2) A total of 5 moderately damaged units and seriously damaged units for each 3 ounces of frozen mixed vegetables of which 1 unit for each 2 ounces of frozen mixed vegetables may be seriously damaged: *Provided,* That slightly damaged, moderately damaged, and seriously damaged units; either singly or in combination, do not seriously affect the appearance or edibility of the frozen mixed vegetables; and

(3) Other defects, individually or collectively, do not seriously affect the appearance of the frozen mixed vegetables.

(e) *(SStd) classification.* If the frozen mixed vegetables fail to meet the requirements of paragraph (d) of this section, a score of 0 to 27 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2139 *Character*—(a) *General.* The factor of character refers to the texture, the maturity, and the degree of development of the pods and seeds in green beans or wax beans; the tenderness of lima beans; the tenderness and the degree of freedom from stringy or coarse fibers in carrots; the tenderness and maturity or starchiness of the corn; the tenderness or maturity of the peas; and to the tenderness of the combined frozen mixed vegetables after cooking.

(b) *Interpretation of terms.* Unless indicated otherwise, the interpretation of the terms with respect to tenderness, texture, maturity, and development of the individual vegetables prior to cooking are the same as those in the applicable United States Standards for Grades of the frozen product.

(c) *(A) classification.* Frozen mixed vegetables which collectively and individually possess a good character may be given a score of 36 to 40 points. "Good character" means that the combined vegetables after cooking are tender and that the individual vegetables prior to cooking meet the following requirements:

(1) *Beans, green or wax.* The bean pods and seeds possess a good character.

(2) *Beans, lima.* The lima beans, exclusive of white beans, are tender; and any white beans that may be present are tender or reasonably tender.

(3) *Carrots.* The units possess a tender texture.

(4) *Corn.* The kernels are no more advanced than the cream stage of maturity, have a reasonably tender texture, and are the equivalent of frozen whole-grain corn that would score not less than 43 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Whole Kernel (or Whole Grain) Corn."

(5) *Peas.* The peas are reasonably tender and are the equivalent of frozen peas that would score not less than 34 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(d) *(B) classification.* If the frozen mixed vegetables, collectively and individually, possess a reasonably good character, a score of 32 to 35 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the combined vegetables after cooking are reasonably tender and practically free from tough fibers and that the individual vegetables prior to cooking meet the following requirements:

(1) *Beans, green or wax.* The bean pods and seeds possess a reasonably good character.

(2) *Beans, lima.* The lima beans, including white beans that may be present, are reasonably tender.

(3) *Carrots.* The units possess a tender texture.

(4) *Corn.* The kernels are reasonably tender and are the equivalent of frozen whole-grain corn that would score not less than 40 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Whole Kernel (or Whole Grain) Corn."

(5) *Peas.* The peas are reasonably tender and are the equivalent of frozen peas that would score not less than 32 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(e) *(C) classification.* If the frozen mixed vegetables, collectively and individually, possess a fairly good character, a score of 28 to 31 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the combined vegetables after cooking are fairly tender and reasonably free from tough fibers and that the individual

vegetables prior to cooking meet the following requirements:

(1) *Beans, green or wax.* The bean pods and seeds possess a fairly good character.

(2) *Beans, lima.* The lima beans, including white beans that may be present, are fairly tender.

(3) *Carrots.* The units possess a reasonably tender texture.

(4) *Corn.* The kernels are fairly tender.

(5) *Peas.* The peas are fairly tender.

(f) *(SStd) classification.* If the frozen mixed vegetables, collectively or individually, fail to meet the requirements of paragraph (e) of this section, a score of 0 to 27 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2140 *Explanation of terms and analyses.* (a) The "proportion of ingredients" are determined on the thawed vegetables by the following procedure:

(1) Separate and assemble from all the containers in the sample each of the basic vegetables;

(2) Weigh each basic vegetable thus composited to obtain the "aggregate weight" of each basic vegetable from all the containers in the sample;

(3) Add the aggregate weights of all the basic vegetables to obtain the "grand total weight" of all the basic vegetables from all containers in the sample; and then

(4) Calculate the percentage of each basic vegetable in the sample by dividing the "aggregate weight" of each basic vegetable by the "grand total weight" of all the basic vegetables.

LOT CERTIFICATION TOLERANCES

§ 52.2141 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen mixed vegetables the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2142 *Score sheet for frozen mixed vegetables.*

Size and kind of container			
Container mark or identification	Packages		
	Cases		
Label (list of ingredients, etc.)			
Net weight (ounces)			

Kinds, styles of ingredients	Aggregate weight each ingredient	Proportion of ingredients
Garnish.		
Beans—Cut: ( ) green; ( ) wax... (... " to ...") ( ) round; ( ) flat	... oz.	... %
Lima beans	... oz.	... %
Carrots: Diced (approx. ... " cubes	... oz.	... %
Corn: Whole kernel—golden	... oz.	... %
Peas: ( ) sweet; ( ) early	... oz.	... %
Grand total weight	... oz.	100 %

( ) Meets proportions; ( ) fails proportions.

Factors		Score	
I. Color	20	(A)	18-20
		(B)	16-17
		(C)	14-15
		(SStd)	0-13
II. Absence of defects	40	(A)	[illegible]
		(B)	32-35
		(C)	28-31
		(SStd)	0-27
III. Character	40	(A)	[illegible]
		(B)	32-35
		(C)	28-31
		(SStd)	0-27

All vegetables after cooking: ( ) Tender; ( ) reasonably tender; ( ) fairly tender.
Flavor and odor (after cooking): ( ) Good; ( ) fairly good; ( ) off.
Total score
Grade

[1] Indicates limiting rule.

Done at Washington, D. C., this 11th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-282; Filed, Jan. 14, 1954; 8:49 a. m.]

[7 CFR Part 903]

[Docket No. AO 10-A18-RO1]

HANDLING OF MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

REOPENING OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the public hearing held at St. Louis, Missouri, October 12, 1953, on proposed amendments, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. The Assistant Secretary's decision of October 26, 1953 dealt with the material issues of an emergency increase in the Class I price differential through March 1954 and establishment of the supply-demand adjustment on a more current basis. In his decision the Assistant Secretary stated that "Final action on these two issues is reserved pending further study of the hearing record and the receipt of further evidence thereon at a hearing to be convened January 19, 1954, at St. Louis, Missouri."

The reopened hearing will be held at the Chase Hotel, St. Louis, Missouri, beginning at 10:00 a. m., January 19, 1954.

The purpose of the reopened hearing is to afford interested parties opportunity to introduce additional evidence on the two issues mentioned above and to receive evidence concerning the additional proposals for amendment hereinafter set forth, or appropriate modifications thereof. None of the proposals to be considered at the hearing has received the approval of the Secretary of Agriculture.

The following additional amendments have been proposed:

By Sanitary Milk Producers:

1. Insert in § 903.51 (a) the following:

§ 903.51 *Class prices.* • • •

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding delivery period, plus the following amounts.

(1) Add the following amounts for each delivery period as indicated below:

January	$1.30	July	$1.15
February	1.15	August	1.55
March	1.15	September	1.55
April	.75	October	1.55
May	.75	November	1.55
June	.75	December	1.30

(2) If the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds 120 subtract, or if it is less than the 120 add, an amount calculated by multiplying the difference between such percentage figure and 120 by 3 cents, except that nothing shall be added for the delivery periods of April, May or June.

(3) For each delivery period calculate a utilization percentage by dividing the total pounds of Class I milk (including the Class I milk in pool plants, except sales of non-Grade A milk outside the marketing area allocated to other source milk, plus the Class I milk sold in the marketing area from non-pool plants), for the 12-month period ending with the beginning of the month preceding each delivery period, into the total pounds of producer milk during such 12-month period, multiplying by 100, and rounding the resultant figure to the nearest whole percentage point.

2. Review the factors used in establishing the level of prices for Class II milk in § 903.51 (b).

3. Delete § 903.80 and insert in lieu thereof the following:

§ 903.80 *Payments.* (a) On or before the 20th day of each month each handler shall pay to the Market Administrator a sum of money equal to the value of milk received by him from producers during the first 15 days of such month at not less than the Class II price for the preceding delivery period.

(b) On or before the 12th day of each month each handler shall pay to the Market Administrator an amount equal to such handler's net obligation for the previous delivery period as determined pursuant to § 903.70 less payments made pursuant to paragraph (a) of this section and less proper deductions authorized in writing by producers from whom such handlers received milk. The Market Administrator shall maintain a producer-settlement fund in which he shall deposit all payments of handlers received pursuant to this section and out of it he shall make payments pursuant to paragraph (c) of this section.

(c) On or before the 15th day after the end of each delivery period the Market Administrator shall make payment to each producer for milk received by a handler from such producer during the delivery period at not less than the uniform price computed pursuant to § 903.71, subject to the following adjustments:

(1) The butterfat differential pursuant to § 903.81,

(2) Less marketing service deductions pursuant to § 903.88,

(3) Less proper deductions authorized in writing by the producer, and

(4) Adjustment for any error in calculating payment to such individual producer.

Provided, That if the Market Administrator has not received full payment from any handler for such delivery period pursuant to paragraph (a) of this section, he shall reduce uniformly per hundredweight payment to producers delivering to such handler an equal amount of money: *Provided further,* That the Market Administrator shall make such balance of payments to such producer on or before the date for making payments pursuant to this paragraph next following, after such balance of payment is received from such handler.

(d) In making payments to producers pursuant to paragraph (c) of this section the Market Administrator shall pay, on or before the second day prior to the date payments are due to individual producers to cooperative associations authorized to collect payment for milk of members and from which a request for such payment has been received a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to this section.

4. Add of § 903.22 the following:

(k) On or before the 15th day after the end of each delivery period, report to each cooperative association of producers the percentage in each class of the producer milk caused to be delivered by the cooperative association or by its members to each handler during the delivery period. For the purpose of this report the milk so received shall be allocated in each class for each handler in the same ratio as milk received from all producers by such handler during the delivery period.

5. Amend "Producer" definition (§ 903.7) to include any Grade A producer delivering milk to a pool plant.

6. Add to § 903.43 (a) the following sentence: "Provided if either plant receives other source milk, the milk shall be classified and allocated to result in the maximum utilization of producer milk in Class I."

7. In § 903.41 (b) (3) (ii) eliminate shrinkage on products other than fluid milk received as other source milk.

8. In the proviso of § 903.52 delete the words "0.05 times the producer milk" and substitute therefor "0.05 times the approved milk."

By Producers Creamery Company of Cabool, Missouri:

9. Consider the adjustment of the shipping provisions contained in § 903.10 and the calculation of the reserve supply credits contained in § 903.11 required to qualify a country plant shipping to a city plant as a pool plant.

10. Consider the relationship between the Class I price under the provisions of Federal Order No. 3 and the Class I price under the provisions of Order No. 41, regulating the handling of milk in the Chicago Marketing Area in relationship to the shipping provisions required to qualify a country plant as a pool plant.

By Square Deal Milk Producers Association and Cooperative Milk Producers of Missouri:

11. Eliminate from the order all so-called supply and demand adjustments, both regular and emergency, and have the prices determined by a base formula and seasonal premiums.

12. Reinstate all seasonal premiums as they were prior to March, 1953, hearing except that the premium for April, May and June be raised from 75 cents per hundredweight to 90 cents per hundredweight.

By Edwardsville Creamery Company, Edwardsville, Illinois:

13. Change § 903.10 (a) by striking from said paragraph the phrase "20 percent" and inserting in lieu thereof "30 percent".

14. Add the following subparagraph to § 903.45 (a):

(1a) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk in ungraded milk received as other source milk and disposed of as Class I milk outside the marketing area;

15. Make any other changes, additions or deletions throughout the Order necessitated by the adoption of the above two proposals.

By Dairy Division, Agricultural Marketing Service:

16. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

One additional proposal received which is not included in this notice of hearing would provide for an individual handler pool. The Acting Secretary's decision of July 10, 1953 (18 F. R. 4123) provided for marketwide pooling of producer payments. There has been no showing by proponents that conditions have changed or that any additional information is now available concerning this subject which was not fully considered in arriving at the findings of said decision.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: January 11, 1954, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-270; Filed, Jan. 14, 1954; 8:47 a. m.]

[7 CFR Part 927]

MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

NOTICE OF MEETING FOR CONSIDERATION OF RULES AND REGULATIONS CONCERNING COOPERATIVE PAYMENTS

Pursuant to provisions of § 927.76 of the order, as amended (7 CFR, Part 927; 18 F. R. 7224, 7581), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), notice is hereby given of a meeting to be held on January 21, 1954, at 10:00 a. m., e. s. t., at Onondaga County War Memorial Auditorium, Syracuse, New York, for consideration of rules and regulations proposed to be issued pursuant to said § 927.76 of the order. Interested persons will be afforded an opportunity at the meeting to be heard through the submission of data, views, or arguments orally or in writing. All material presented in writing should be in quintuplicate. Copies of the said proposed rules and regulations as hereinafter set forth may be procured from the Market Administrator, 205 East Forty-second Street, New York 17, New York.

The proposed rules and regulations to be considered at said meeting are as follows:

I. *Regulations with respect to application.*

By the Market Administrator:

Any applicant for cooperative payments pursuant to § 927.76 shall supply the following information to the Market Administrator on forms provided by the Market Administrator:

1. The name and address of the applicant.

2. The type payments applied for.

(a) Cooperative or federation.

(b) Not less than 4,000 members or not less than 6,000 members.

(c) Operating or non-operating.

3. Its organization.

(a) When, where, and under what laws it is incorporated.

(b) Copy of charter and by-laws.

(c) Names and addresses of directors and officers.

4. With respect to a cooperative the following additional information:

(a) Specimen copy of contract or other document denoting producer membership.

(b) Percentage of business with nonmembers.
(c) The number of members.
(d) The names of pool plants to which the members are delivering milk.
(e) Amount per hundredweight received from members and method of collection.

5. With respect to a federation the following additional information:
(a) When, where, and under what law each of its federated cooperatives is incorporated.
(b) The names an addresses of directors and officers of each of the federated cooperatives.
(c) Copy of the charter, by-laws, and specimen of documents denoting producer membership.
(d) A copy of the contract between the federation and each of its federated cooperatives.
(e) The amount per hundredweight each federated cooperative received from members and method of collection.
(f) The percentage of business which each of the federated cooperatives does with nonmembers.
(g) Number of members of each federated cooperative.
(h) The names of the pool plants to which the members of each federated cooperative are delivering milk.
(i) The names and addresses of any affiliated organization which is not a federated cooperative and the nature of such affiliation.

6. Any cooperative or federation which applies for payment on the basis of operating facilities shall report the following:
(a) The location of plants operated by the cooperative or by its federated cooperative.
(b) Percentage of milk handled in plants operated by the cooperative or by its federated cooperatives.

7. Each applicant shall specify its program for the performance of market-wide services with respect to:
(a) Analyzing milk marketing problems and their solution, conducting market research and maintaining current information as to all market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data;
(b) Determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions;
(c) Participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating, by voting or otherwise, in the referenda relative to amendments;
(d) Participating in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; and
(e) Conducting a comprehensive educational program among producers—i. e., members and nonmembers of cooperatives—and keeping such producers well informed for participating in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publication to members and, on the same subscription basis, to nonmembers who request it, and holding meetings at which members and nonmembers may attend.

8. With respect to its ability to perform the market-wide services, each cooperative or federation shall supply the following information concerning personnel:
(a) The numbers of hired personnel listed according to the type of jobs performed and showing for each whether employment is full time or part time.
(b) Contemplated changes in personnel.
(c) Training of specialized personnel to qualify them for performing their duties.

By the Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.:

Applications should be in writing and verified. They should also be submitted in a sufficient number of counterparts as will meet administrative needs (number to be specified).

It should be recognized upon initial application that applicants may not have complete staff and office facilities. The creation of financial obligations and the complete staffing of personnel should not be expected without the security of knowledge that the applicant will be approved for payment for market-wide service.

Demonstration of ability to perform market-wide service shall be made by an applicant cooperative or federation of cooperatives in its verified application to the market administrator which application shall state that it has the minimum number of members required by the order, giving the name and plant of such members as of the first of the month next preceding the date of application. In addition the application shall state:

In the case of a cooperative:
(a) The date and place of its incorporation and attach a copy of its by-laws with all amendments to date.
(b) A statement of compliance with § 927.76 (b) (4).

In the case of a federation:
(c) The date and place of its incorporation, and attach a copy of its certificate of incorporation and a copy of its by-laws with all amendments to date. A copy of the certificate of incorporation of each of its federated cooperatives together with a copy of the by-laws of each such cooperative with all amendments to date. A copy of the contract with each federated corporation.
(d) A statement from each federated cooperative as to the manner in which it has complied with § 927.76 (b) (4).

In the case of both a cooperative and a federation:
(e) That it has engaged or will engage the services of each of the following personnel whose qualifications meet with the standards set forth in these rules as shown by the experience record tendered with the application:
(i) Economist;
(ii) Field Supervisor;
(iii) Editor;
(iv) Counsel;
(v) Field men.
(f) That it has or will procure an office with sufficient assistants and clerical personnel.
(g) A comprehensive plan for the performance of each of the services set forth in § 927.76 (e) of the order.

By the Eastern Milk Producers Cooperative Association, Inc.:

Procedure to be followed by cooperative to apply for obtaining cooperative payments; an application must be submitted to the market administrator which contains such information that the cooperative meets the following requirements:

1. The applicant submits a bonafide list of the active producer members and such list shall not contain less than the minimum number of active producer members required to qualify the cooperative under § 927.76 (b) (1) of Federal Order No. 27 and State Order No. 126.
2. The applicant submits a budget.

II. *Regulations with respect to qualification.*

By the Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.:

The terms used in the rules and regulations should have the same meaning as defined in the order, and in addition for the purposes of clarification the meanings hereinafter set forth:

1. "Full authority in the sale of its members' milk" shall be deemed to exist, when:
(a) With respect to a cooperative which is also a handler the milk of members is delivered to it at a pool plant operated by the cooperative; and
(b) With respect to a handling cooperative some of whose members deliver milk to another handler, and with respect to a cooperative which does not operate a pool plant, each member so served shall have executed a written contract exclusively authorizing the cooperative to bargain for the sale of his or her milk, and the cooperative has caused the milk to be delivered to such hander.
2. "Federation." In addition to the requirements set forth in § 927.76 with respect to a federation, such federation shall also be incorporated under the Cooperative Corporation Laws of one of the states in the milkshed.
3. "Member." In addition to the specifications in § 927.76 (a) (4) a producer shall be deemed to be a 'member' when he delivers milk to a pool plant operated by a cooperative, or when he delivers milk to another handler and has a contract in writing with a cooperative which exclusively authorizes the cooperative to bargain for the sale of his milk to the receiving handler, and such cooperative has caused the milk to be delivered to such handler.

Proper and effective performance of market-wide service will depend in a large measure upon the competence and integrity of key and supervisory personnel. Rules on qualification should therefore be written with a view to the performance of market-wide service under the direction of none but highly trained personnel whose education and experience indicate an ability to undertake their tasks uninhibited by a desire for local or political preferences.

Each qualified cooperative or federation should have a minimum technical staff consisting of an economist, field supervisor, editor, and legal counsel. There should also be field men whose number may vary in accordance with the size of the organization. The minimum number should be in the ratio of not less than one to each fifteen hundred members. In addition each qualified organization should have such assistants to the technicians and clerical help as the full performance of their program may require.

The economist should have at least a Master's degree in agricultural economics from an accredited college or university, or education and experience equivalent to the requirements of the United States Civil Service Commission for the position of Senior Agricultural Economist. Academic training short of that level should be considered inadequate supervised training and experience in this field. In addition an economist should have at least five year's professional experience as an economist in the field of marketing milk or dairy products.

The field supervisor should have a minimum academic background and training at least equivalent to a county agent of the Department of Agriculture extension service, and in addition thereto shall have had at least five year's experience as an instructor of agricultural subjects or field work in agricultural matters.

Field men shall have an academic background, at least equivalent to county agents: *Provided however*, That nothing contained in these rules shall prohibit the employment of field men lacking in this academic background on a temporary basis to perform a specified task, nor upon a permanent basis in accordance with a plan, of on-the-job-training, established by one of the land grant colleges in the milkshed.

Legal Counsel shall be a member of the bar in good standing in one of the states of the milkshed. He may be engaged on a full time or retainer basis. If on the latter basis, his retainer should require that he gives priority attention to the affairs of the cooperative or federation.

Supervision and coordination of the technical staff must be provided. This may be accomplished by, but not limited to, the designation of one of the technicians to be in charge of the program of market-wide service, as described in § 927.76 (e) of the order, under the immediate direction of the Board of Directors, Executive Committee, Delegate Body or other producer groups, however named, which directs the affairs of the cooperative or federation.

The location, size and personnel of the head office should be a matter within the sole discretion of the cooperative or federation, except that in the interest of economy field men should be stationed within areas of concentration of producers.

It is proposed that no rule be made at this time which would require a federated cooperative to pay anything to the federation. If any services are performed by a federation of a non-market-wide nature, the expense of such services shall be promptly billed to the member cooperatives and promptly paid.

An arrangement between a cooperative and its buying dealer or handler under the provisions of which the cooperative may direct its milk to higher utilization upon the demand of the market administrator shall be deemed to be a compliance with § 927.76 (b) (4). Such arrangement may provide for the payment to the original handler of reasonable handling charges.

By B. J. H. Rickert:

Clarify the meaning of "and has full authority in the sale of its members' milk"—particularly as to the following:
1. Length of time of authority in the sale of members' milk.
2. Length of time of contracts committing sales of milk to handlers in classes lower than fluid.

Requirements of the rules and regulations should clarify the following thoughts:
1. Cooperative contracts with its members should grant to the cooperative full authority for the sale of its members' milk for at least a period of twelve consecutive months.
2. The by-laws of both the federation and the federated cooperative should provide for majority rule with the right for minority reports.
3. The by-laws of the federation should give full authority to the Board of Directors, or delegate body of the federation, for the management and operation of the federation. Each federated cooperative shall be entitled to one director or delegate on the governing body of the federation who shall be elected by the federated cooperative. Each federated cooperative should have one vote regardless of size. The governing body of the federation shall employ the manager of the federation and all other employees subject to the employment and dismissal of the manager.
4. The rules and regulations should at least in a general way outline a uniform program, the minimum of facilities, and at least the different departments of work which each federation will be required to maintain.

A specific portion of the one cent to be deducted from the federated cooperative members should be paid to the federation. I suggest not less than 25 percent.

By the Eastern Milk Producers Cooperative Association, Inc.:

1. The term "member" as used herein shall be an individual, partnership, corporation, association, or any other business unit, who has made application for membership and has executed a marketing contract with the cooperative, who is engaged in the production of milk and milk products marketed through the cooperative, and agrees to market through the cooperative all milk produced on all farms owned by him covered by his membership contract.
2. The term "producer member" as used herein shall be a member who delivers milk direct from farm to pool plant.
3. The term "active producer member" as used herein shall be a producer member who has delivered to a pool plant within ninety days.
4. The term "inactive producer member" as used herein shall be a producer member who has not submitted a written cancellation of his membership contract with the cooperative.
5. The term "producer-member marketing contract" as used herein shall be a written instrument between the member and the cooperative which gives the cooperative the authority to market the members' milk and the member agrees to pay the cooperative a minimum of one cent per hundredweight for membership dues, which contract cannot be cancelled less than thirty days after a notice of cancellation is submitted in writing by either party.
6. The term "economist" as used herein shall be an employee of a cooperative who has had equivalent training in milk marketing to that of an extension milk marketing specialist.
7. The term "field representative" as used herein shall be an employee of a cooperative who has knowledge of dairy farming, dairy manufacture, plant operation, and who possesses a milk testing license, and whose activities are principally devoted to the education of producer members.
8. The term "applicant" as used herein shall be a group of producers, either consisting of one cooperative or more than one, who have submitted a form to the market administrator for approval to receive cooperative payments.
9. The term "budget" as used herein shall be all the prospective yearly revenue and expenditures which shall include the following items:
(a) Directors—salaries and travel;
(b) Field organizations;
(c) Publications and membership meetings;
(d) Legal services;
(e) Economist and statistical services;
(f) Administrative;
(g) Contingency fund;
(h) Reserve fund to implement and improve guaranteeing producers a market for their milk.
10. The term "local unit" as used herein shall be a group of producer members in a cooperative who elect their own officers annually and hold not less than two meetings annually, and are comparable to that of a cooperative within a federation.

The applicant performs the following market-wide services:

1. *Analyze supply and demand conditions.* Employ an economist who shall compile and maintain sufficient data to furnish to the cooperative an analysis of supply and demand conditions in the milkshed and the United States, and relate this information to its effect upon the price of all classes of milk. This will require a constant study of competitive prices of milk in other markets and the prospective market for milk products in this country and abroad. This ma-

terial must be prepared and assembled in such a manner that it is available and put to use by the cooperative among its members through the publication of the cooperative, meetings of the cooperative, field representatives, and the entire educational program conducted by the cooperative.

2. *Formulate proposed amendments.* Formulate proposed amendments to the order, supported by the material prepared by the economist, which is essential to the order and for the benefit of all producers.

3. *Participate in proceedings.* Participate and take an active part in the preparation of proposals for amendments and in the presentation of facts in support of such proposals and actively oppose proposals which in the judgment of the cooperative are not for the benefit of all producers.

4. *Participate in meetings.* Attend and participate in meetings or conferences called by the market administrator or the Dairy Branch which are for the purpose of more orderly and efficient administration of the order and take an active part in support of matters which in the judgment of the cooperative are for the benefit of all producers in the market.

5. *Educate producers.* Obtain all necessary facts relating to marketing milk in the New York milkshed and disseminate these facts to producers in terms they can understand. It shall be the determination of the cooperative to relate to the producers the truth. The facilities for accomplishing these purposes will include:

(a) An official publication by the cooperative: This publication shall be published not less often than monthly and shall contain as much as possible of the facts used in the educational program including a summary of all the material presented at hearings.

(b) The cooperative will conduct not less than two meetings annually at the local units of the cooperative, all of which meetings shall include non-members to whom invitations may be extended. The cooperative will also conduct annually two regional conference meetings or local district officers meetings.

(c) The cooperative will employ one field representative for approximately no less than 500 active producer members and no more than 1050 active producer members who will assist in keeping producers informed on current organizational and milk marketing facts. Each field representative will make written periodic reports to the cooperative employing him and these reports shall in general reveal his daily activities.

(d) Guarantee market: Develop a program guaranteeing producer members a market for their milk and show progress in the development of such a [illegible]

III. *Regulations with respect to performance after qualification.*

By the Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.:

Proper performance of market-wide services specified in § 927.76 (e) (2) shall include collaboration with other producer groups.

In the event that the market administrator shall withhold payment of any funds because of the duel membership of any producer the market administrator shall notify both cooperatives in which such producer's dual membership exists.

The word "furnish" as used in § 927.76 (g) (1) (ii) means make available during usual business hours at the office of the cooperative or federation.

Each qualified cooperative and federation shall report its market-wide activity annually to the administrator and make such additional reports as in the discretion of the administrator are necessary. The annual report shall contain a summary statement of the work performed by the cooperative or federation in the performance of its market-wide service. The report shall also contain a summary of the total expenditures for each function. (A detailed list of expenditures should not be required.) The report shall also contain a statement on the maintenance of the staff necessary to perform the services required.

Nothing contained herein shall prevent a federation from contracting with one or more of its federated cooperatives for the performance of such federated cooperative of all or any part of the market-wide services which need to be performed by the federation as a condition to its qualification: *Provided, however,* That in the performance of such services the federated cooperative engages the services of personnel having the qualifications hereinafter provided.

By B. J. H. Rikert:

That the cooperative at no time enters into any contract for the sale of the milk it has under its control which would prevent it from selling its milk for use in a higher utilization.

By the Eastern Milk Producers Cooperative Association, Inc.:

Procedure for continuance. Procedure followed by a cooperative for continued qualification—the cooperative shall report in writing to the market administrator each year, following the first date of qualification, proof of performance that it is fulfilling the requirements listed during the year. The proof of performance shall contain the following:

1. Number of active producer members within 90 days of the filing of the report.
2. Budget.
3. List of employees, including management, office staff, field representatives, and technicians.
4. Facts prepared by the cooperative which in the judgment of the cooperative are for the benefit of all producers in the market.
5. List of the meetings conducted by the cooperative as well as meetings to which the cooperative contributed active participation.
6. Copy of the official publications of the cooperative and other material relevant to market-wide service published by the cooperative.

Reports and records. A qualified cooperative or federation and any federated cooperative in a qualified federation shall make such records to the market administrator as may be requested by him for the administration of the provisions of this section, and shall maintain and make available to the market administrator or his representative such records as will enable the market administrator to verify such reports.

The following records shall be made available to the market administrator or his representative at the central office of the cooperative ten days following such request:

1. Contracts between cooperative and handler.
2. Utilization of cooperative's members' milk.
3. Accountant's annual audit report.
4. Minutes and records of all meetings within the cooperative.
5. Marketing contracts between cooperative and its members.
6. Signed cancellations of marketing contracts.
7. Records showing transfer in points of delivery of members' milk.

IV. *Regulations with respect to suspension and disqualification.*

By the Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.:

In the interest of concentrating all study and effort in the direction of procuring immediate performance of market-wide service and necessary rules and regulations to bring that about, we urge the administrator to adopt the same rules heretofore adopted by the Production and Marketing Administration on September 30, 1952, subject however to such changes as are necessary to adapt such rules to the functioning of the administrator's office.

By the Eastern Milk Producers Cooperative Association, Inc.:

Disqualification. A cooperative shall not be disqualified if it has failed promptly after demand by the market administrator to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification: *Provided,* That the cooperative has pursued a line of conduct in the preparation of proposals and the presentation of evidence at hearings held during the year which would discourage the use of milk for manufacture. However, the cooperative shall make every effort to move milk under its control whenever the market administrator has notified the cooperative in writing or otherwise confirmed in writing, the specific shortage of Class I–A or Class II milk in the market.

V. *General.*

By the Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.:

In the performance of his duties under § 927.76 the market administrator will act with all reasonable dispatch.

By B. J. H. Rikert:

The rules and regulations should state who votes on referendums—the federation or the federated cooperative.

By the Eastern Milk Producers Cooperative Association, Inc.:

The market administrator shall make available to the cooperative such reports and information that are necessary to the cooperative to carry out its requirements to be qualified. Before a handler is informed by the market administrator that a producer is not a member of a cooperative, the cooperative should first be requested by the market administrator to verify the membership status of the producer. The verification shall be returned to the market administrator within 30 days.

Issued at New York, New York, this 11th day of January 1954.

[SEAL] C. J. BLANFORD,
Market Administrator.

[F. R. Doc. 54-280; Filed, Jan. 14, 1954; 8:49 a. m.]

[7 CFR Part 928]

[Docket No. AO-227-A3]

HANDLING OF MILK IN THE NEOSHO VALLEY MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER, AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Neosho Valley marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business of the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the following findings and conclusions were formulated, was conducted at Pittsburg, Kansas, on September 1–4, 1953, pursuant to notices thereof which were issued on August 18, 1953, and August 21, 1953 (18 F. R. 4995, 5122).

The material issues of record related to:

(1) The pricing of Class I milk through March 1954;

(2) Pooling provisions of the order;

(3) The months for which bases should be used in computing payments to producers;

(4) Provisions applicable to handlers subject to other orders who distribute Class I milk in the marketing area;

(5) The rate of deduction for marketing services;

(6) The definition of "producer-handler", "approved plant", "handler" and "producer"; and

(7) Administrative features of the order.

By decision of the Secretary of Agriculture issued October 21, 1953 (18 F. R. 6786), and subsequent amendment of the order effective November 1, 1953, action has been taken on the basis of the record of this hearing with respect to the pricing of Class I milk through March 1954. In this decision evidence with respect to other issues is considered.

Findings and conclusions. The following findings and conclusions are based on the evidence introduced at the hearing and the record thereof:

1. Returns to producers should continue to be pooled for the market, rather than by individual handlers; the period for which returns to producers are made under the base-excess plan should be extended to include the months of March, July, and August in addition to the months of April, May, and June.

Under the present provisions of the order all producers supplying the market share in the utilization of all milk in the market. It was proposed that the order provide for uniform distribution of the utilization of each handler among the producers supplying milk to such handler, commonly known as individual-handler pooling.

In support of the proposal for handler pooling it was shown that approximately 70 percent of producers supplying the market would have received higher average blend prices for the first seven months of 1953 under handler pools than under the present market-wide pool, had the same pattern of distribution of receipts and sales of milk prevailed. For July the increases in blend prices for this group of producers under handler pools would have ranged from 6 cents to 51 cents per hundredweight. Approximately 2 percent of the producers would have received the same price and the remainder would have had their blend price reduced by amounts ranging from 27 to 99 cents per hundredweight. Thus some producers could have received prices $1.50 per hundredweight more than those of certain other producers. Utilization of producer receipts as Class I milk in July was reported as 100 percent in the plant of one handler and as 99 percent in the plant of another, each with only a limited number of producers. On the other hand a cooperative association with no plant facilities of its own reported no Class I utilization for some 32 producers whose milk was diverted to unapproved plants for the account of the association.

The record indicates that differences in utilization of handlers are not due to differences in availability of producer supplies at various locations in the extensive Neosho Valley marketing area. Plants with relatively high utilization and those with lower utilization are both widely distributed throughout the area. It appears that differences in facilities for handling milk in excess of Class I needs is the primary cause for much of the difference in utilization. Many handlers under the Neosho Valley order are not equipped to process surplus or reserve milk in their plants. Such plants are primarily designed for the distribution of fluid milk and the operators depend either upon supplemental milk from other handlers to fill their needs in the short season or upon disposition of surplus milk in the flush production season to unapproved plants or to the plants of handlers with manufacturing facilities.

Receipts of producer milk in the Neosho Valley market have increased substantially in the past year. The major portion of this increase has occurred from increased production per farm rather than increased numbers of producers. Subsequently, a number of producers lost their market and all of these would have been deprived of any share of the Class I sales of the market had not a cooperative association accepted the responsibility for marketing the milk of its members and pooled milk under the present provisions of the order. These increased supplies in the market also affected the operations of another cooperative association which operates facilities of its own both for fluid distribution and for manufacturing. In addition to distribution on its own routes this association supplies a number of handlers with their needs for Class I milk above their receipts from producers, and this demand from January through August 1953 was only about a third that of the same period of 1952. The association plant also takes surplus milk from other handlers and this volume increased six-fold. It is apparent that with increased supplies of milk responsibility for handling a greater proportion of the seasonal surplus of milk fell upon cooperative associations of producers.

A bargaining cooperative without plant facilities is a proponent of handler pooling. It proposed that handler pooling be modified to provide some equalization of returns when diversions for the account of a cooperative resulted in a proprietary handler purchasing less of his Class I milk from member producers in the flush production months than in the preceding short production months. It also indicated the probability that it would be necessary to reblend the proceeds due its members so that all would receive a single association pool price. Since this cooperative represents approximately two-thirds of the producers supplying the market, and supplies milk to practically all proprietary handlers, it would expect such association pool prices to be somewhat higher than the uniform market price presently computed. Under such a system of operation and with present distribution of supplies the handler pool price of the operating association with plant facilities would presumably be a lower price, and the uniform prices of independent producers would vary with the utilization of the handler supplied.

Handler pooling performs a valuable function when supplies in a market are short in relation to demand by providing an incentive to producers to move their milk of those handlers having the greatest need for milk for Class I use. In a market fully supplied, or in a surplus situation, however, a handler pool provides for equitable sharing among producers of the lower returns of the supply of reserve milk only if all handlers have facilities for accepting a proportion of such reserve supply. Producer milk sup-

piles in the Neosho Valley market are presently adequate, and there are no significant amounts of other source milk allocated to Class I use despite the differences in utilization of individual handlers.

The recent experience of the market does not indicate that under handler pooling handlers with high utilization would increase their supplies under present conditions. The proposal of the proponents for a modified form of equalizing returns indicates the necessity for cooperative associations to engage in handling surplus milk, and for producers whose milk may not be needed at the moment for Class I use to share in the Class I sales of the market.

Proponents base their case for handler pooling primarily upon the fact that under market-wide pooling there is no incentive for a handler to keep his supply related to his Class I needs or those of the market. There is evidence that one handler has increased numbers of producers much faster than the average of the market at a time when this handler's total Class I sales (including those to other handlers) were decreasing. Under handler pooling there would be considerable pressure for low utilization handlers to increase their blend prices, which could be accomplished only by aggressive sales policies or by curtailing receipts and leaving some producers without a market. Either course could conceivably result in considerable instability in the market.

It is concluded that under present conditions in the market individual-handler pooling should not be adopted. The record indicates the possibility that the present qualifications for pool plant participation could be revised to avoid plants being able to increase receipts substantially beyond those for which there is prospective need in the market, but fails to provide a basis for a definite action in this respect.

A proposal that payments to producers be made by the market administrator was closely associated with the proposal for modified equalization under handler pooling. There appears to be no need for such a provision under a market-wide pool in this market.

2. Payments to producers should be computed on the base-excess plan of the order for the months of March through August rather than for the months of April, May, and June only. Under the Neosho Valley order producers establish bases by their average deliveries in the four months of September through December. Deliveries of milk within producers' established bases have prior claim to Class I sales in the period for which bases are used. The use of these bases in determining returns to individual producers for a longer period will provide greater incentive for a more uniform production throughout the year. Such incentive is needed as there is a wide seasonal variation in production in the Neosho Valley market.

3. Payments necessary to equalize prices should continue to be required from handlers subject to another order who distribute Class I milk in the Neosho Valley marketing area; but such payments should be adjusted for contra differences in prices in preceding months, and the payments should be distributed to producers in the market in which such milk is priced and pooled.

Under the Neosho Valley order a handler subject to a Federal order for another milk marketing area who distributes Class I milk in the Neosho Valley marketing area is required to pay to the Neosho Valley pool any amount by which the value of such milk as priced under the other order is less than its value at the Class I price of the Neosho Valley order. Handlers subject to the orders for the Springfield, Missouri, and Tulsa-Muskogee, Oklahoma, milk marketing areas operate routes in the Neosho Valley marketing area on which Class I milk priced under such orders is sold.

A Springfield handler offered testimony at the hearing to the effect that no such payments should be required on milk priced as Class I milk under another Federal order. It was contended that when transportation costs are considered such payments are not necessary to equalize prices as between handlers regulated by different orders if class prices are in proper alignment. It was further contended that the pricing of any commodity must be based upon a reasonable price in a heavy producing area, plus transportation costs to the consuming area, and that the Class I prices of Federal order markets generally reflected such basis of pricing.

The alignment of Class I prices between Federal order markets is generally such that transportation costs on milk moved between such markets equal or exceed any difference between the Class I prices. In the case of the Neosho Valley and Springfield markets however there are particularly difficult problems of alignment of prices, and of the transportation costs, to be considered.

The geographic location of the Neosho Valley market requires that Neosho Valley prices be aligned as well as possible not only with those of the Springfield market but also with those of the Kansas City, Topeka, Wichita, and Tulsa-Muskogee markets. The presence of supply plants for the St. Louis market in the Springfield production area requires close alignment of Springfield prices with those of the St. Louis market applicable in the Springfield area. Orders for all of these surrounding markets have been in operation for longer periods than have the orders for the Springfield and Neosho Valley markets. Prices in each of these other markets have been developed on the basis of conditions prevailing in the market, and in the case of St. Louis, Kansas City (which also establishes the Topeka price), and Tulsa-Muskogee, are subject to automatic adjustment on the basis of supply-demand conditions in the market. Even though the prices for such markets may generally be in reasonable alignment with each other it does not follow that the intervening Neosho Valley and Springfield markets can be constantly kept in precise alignment with each of these markets or with each other.

Since the Neosho Valley price is generally lower than that of any of these markets except Springfield the applicability of the present payment provisions of the Neosho Valley order have almost exclusively been to the operations of Springfield handlers. On an annual average the Neosho Valley Class I price for 3.5 percent milk has exceeded the Springfield price by 20 cents per hundredweight in 1952 and 18 cents per hundredweight in 1953. Differences in the seasonal pattern of prices in the two markets cause the differences in prices to be greatest in the months of April, May and June and least in the months of July through December. At times the Springfield price has exceeded the Neosho Valley price. The maximum difference in any month of this two year period has been 51.9 cents.

Two figures were given as transportation costs to which consideration should be given in the determination of whether any payments were needed to equalize prices. Fifteen cents per hundredweight, represents the cost of movement of bulk milk in truck loads from Springfield to Joplin, a distance of 72 miles. 26.2 cents per hundredweight of milk was represented as the cost of movement of packaged milk from Lebanon, Missouri, to Joplin, a distance of 129 miles. Lebanon, Missouri, is the point at which the Springfield handler proposing elimination of the payment provisions has his bottling plant. Another Springfield handler who distributes Class I milk in the Neosho Valley area has a bottling plant in Springfield. Under the Springfield order the Class I prices applicable at Springfield and Lebanon are identical.

These transportation costs would appear to approximately equalize the prices of the two orders between a Springfield handler who distributes milk in Joplin and a Neosho Valley handler distributing milk in Joplin whose plant is also located in that city. The Neosho Valley marketing area, however extends approximately 100 miles from east to west and 75 miles from north to south. Handlers with plants located within the area dispose of Class I milk at points in the area at considerable distances from their plants in competition with handlers whose plants are located at or near such points of disposition. In Joplin and Nevada, two points to which Springfield handlers move milk, milk is also disposed of as Class I milk from plants in Parsons and Pittsburg at distances of from 56 to 92 miles, and is also sold by other Neosho Valley handlers with plants in these towns. The extensive movements of milk and the competition between handlers with plants at various locations was a primary consideration in the determination of the boundaries of the Neosho Valley area. With no dominant center of population in the area to which it is necessary to attract the principal volume of producer milk, no location adjustments within the area are provided. Thus fully regulated handlers for many of their sales pay the Class I price of the Neosho Valley order and in addition incur costs for movement of milk within the marketing area comparable to those incurred by Springfield handlers on movements to the marketing area.

The obvious impracticability of pricing and pooling milk under two separate regulations is the only reason why handlers subject to other orders are not treated in all aspects the same as the fully regulated Neosho Valley handlers. If such handlers were fully regulated Neosho Valley handlers, their costs for Class I milk disposed of in the Neosho Valley area would be no less than when payments are required under the present provisions.

It is concluded that the payment provisions should be retained in the Neosho Valley order but that the provisions should be modified so that over a year's time they will reflect the annual difference between the price levels of the two orders without being distorted by differences which relate strictly to the seasonal pattern of prices. This may be accomplished by allowing credit against the payments presently computed for any amounts by which the value, when computed at the other order price, of milk distributed in the Neosho Valley market during the preceding eleven months, exceeded its value at the Neosho Valley price. Such credit can of course be used only once as a set-off.

In view of the close relationship between markets in this region it appears appropriate to make provision that the value of the payment may be distributed to producers in the market from which the milk originates if the order for such market provides for receipt and distribution of such amounts. The principal objective of the payment is to provide uniformity in pricing milk to handlers rather than to increase returns to Neosho Valley producers. Accordingly it is provided that, if the other order provides for receipt and distribution to producers of such funds, payments received by the market administrator pursuant to the provision shall be transferred to the market administrator of the market to which the handler is subject. Otherwise such funds will be deposited in the Neosho Valley producer-settlement fund as presently provided.

4. The rate of deduction for performing marketing services for producers who are not members of a cooperative association which performs such services for its members should be increased to 6 cents per hundredweight. The present deduction of 5 cents in effect since the inception of the order, has not been adequate to render proper service to producers delivering milk to the widely scattered plants of the Neosho Valley area. Six cents is the maximum rate for such services now included in any Federal milk marketing order and it is concluded that this amount should be included in the Neosho Valley order rather than the rate of seven cents proposed at the hearing.

5. *Definitions.* (a) The definition of "producer-handler" should be modified by including approval of a health authority of the marketing area as a means of identification of those persons to be defined as producer-handlers. The chief need for such identification is in the designation of producers whose milk is priced and pooled. Producer-handlers are excluded from the persons defined as producers. The present designation makes anyone who sells any Class I milk of his own production in the marketing area but receives no milk from producers, a producer-handler. It is impracticable for the market administrator to detect all incidental farm sales of milk in the Neosho Valley area which contains extensive rural areas for which health authority approval for such sales is not required. Health authority approval as an identification of producer-handlers will provide a practical method of administration, without providing undue opportunity for a producer to attain a preferred position by making any volume of direct Class I sales and also sharing the Class I sales of the market on milk delivered to a handler. The base rating plan of the order and the opportunity for handlers to discontinue receiving the milk of producers who make direct sales of Class I milk provide additional safeguards in this respect.

(b) "Approved plant", "handler" and "producer". Changes proposed with respect to these definitions were to the effect that (1) the language of the order be clarified so that there be no doubt that the status of plants and plant operators are in nowise altered when routes on which Class I milk is disposed of in the marketing area are operated by vendors who purchase milk in packaged form from processing plants, and (2) the required health authority approval be specified as "any" rather than "the appropriate" health authority having jurisdiction in the marketing area.

No objection was raised to clarification of language with reference to milk disposed of on routes operated by vendors. The present order language has been interpreted to require what the proposal seeks to make explicit. This result may best be accomplished by a slight modification of the language of the definitions of "approved plant" and "handler."

There was testimony that to delete "the appropriate" and substitute "any" in referring to health authorities having jurisdiction in the marketing area would facilitate movements of milk within the area but the record fails to indicate how this would result. In a marketing area in which different health authorities have jurisdiction in separate portions of the area an appropriate health authority to approve a plant or producer is obviously that for any portion of the area for which such plant or producer supplies milk. It is not to be expected that approvals will be issued unless the plant or producer has some connection with the area over which a health authority has jurisdiction.

6. *Administrative provisions.* (a) The mandatory dates for announcement of the uniform price by the market administrator and for making final payments to producers should each be established one day later than those presently provided in the order. Presently the date by which the uniform price must be announced is the 11th day of the month and final payments are required by the 16th day of the month. Handler's reports are filed on the 7th day of the month. More time is required from date for receipt of such reports and computation of the uniform price. Handlers require the time presently intervening between announcement of the uniform price and date of payment in order to compute and issue payments. The date for announcement of the uniform price should be established as the 12th day of the month and the required date for final payments as the 17th day of the month. The date of a report by the market administrator to a cooperative association should also be changed from the 11th to the 12th of the month to be consistent with the date for announcement of the uniform price.

(b) The market administrator should be authorized to announce the name of any handler who has failed to make required reports or payments without waiting until 10 days have elapsed. The order presently authorizes announcement of the names of those who have not made reports or payments within 10 days of the required date. The 10 day delay in announcing non-compliance prevents the market administrator from disclosing at the announcement of the uniform price the names of any handlers whose receipts and uses are not included in the computation because their reports were not filed in accordance with the order. It is important that handlers and producers be advised when the uniform price is announced whether the price is determined on the basis of reports received from all regulated handlers.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as hereby proposed to be amended. The briefs contained suggested findings of fact, conclusions, and arguments with resepct to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which effect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order.

1. In § 928.7 delete the parenthetical phrase "(including plant stores)" and substitute therefor the parenthetical phrase "(including routes operated by vendors and disposition at plant stores)".

2. In § 928.8 delete the parenthetical phrase "(including plant stores)" and substitute therefor the parenthetical phrase "(including routes operated by vendors and disposition at plant stores)".

3. Delete § 928.10 and substitute therefor the following:

§ 928.10 *Producer-handler.* "Producer-handler" means any person who, with the approval of any health authority having jurisdiction in the marketing area, processes milk from his own farm production and, disposes of all or a portion of such milk as Class I milk within the marketing area, but who receives no milk from producers.

4. In § 928.22 (h) delete the words "within 10 days".

5. In § 928.22 (i) delete "11th day" and substitute therefor "12th day".

6. In § 928.22 (j) (2) delete "11th day" and substitute therefor "12th day".

7. Delete § 928.61 and substitute therefor the following:

§ 928.61 *Handlers subject to other orders.* In the case of any handler (as defined herein) who the Secretary determines disposed of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, or who otherwise is determined pursuant to the provisions of another milk marketing agreement or order to be subject to the pricing and payment provisions of such agreement or order, the provisions of the order shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator pursuant to § 928.33.

(b) If the value of skim milk and butterfat disposed of as Class I milk on routes in the marketing area, as determined under the other order to which such handler is subject, is less than its value as computed pursuant to this order, such handler shall pay the difference to the market administrator. The amount of the payment so computed shall be reduced by the amount of any contra differences in the values of Class I milk so disposed of in the immediately preceding eleven delivery periods which have not served to reduce the payment for any intervening delivery period.

(c) On or before the 14th day after the end of the delivery period payment of the net amount computed pursuant to paragraph (b) of this section shall be made to the market administrator who shall:

(1) Transfer the amount of such payment to the market administrator of the order to which the handler is subject, if such order provides for receipt of such funds and their distribution to producers whose milk is priced under such order; or

(2) Otherwise deposit such amount in the producer-settlement fund.

8. In § 928.71 delete "July through March" and substitute therefor "September through February".

9. In § 928.72 delete "April through June" and substitute therefor "March through August".

10. In § 928.80 delete "April through June" as such words first appear in such section, and substitute therefor "March through August", and also delete the proviso appearing at the end of such section.

11. In § 928.90 (b) delete "16th day" and substitute therefor "17th day".

12. In § 928.92 delete "928.61 (b)" and substitute therefor "928.61 (c) (2)".

13. In § 928.96 (a) delete "5 cents" and substitute therefor "6 cents".

Filed at Washington, D. C., this 11th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-281; Filed, Jan. 14, 1954; 8:49 a. m.]

[7 CFR Part 942]

HANDLING OF MILK IN NEW ORLEANS, LA., MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Correction

In Federal Register Document 54-60, appearing at page 70 of the issue for Wednesday, January 6, 1954, paragraph 10 should read as follows:

10. Renumber § 942.54 to § 942.55.

[7 CFR Part 943]

[Docket No. AO 231-A4]

HANDLING OF MILK IN NORTH TEXAS MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Dallas Hotel, formerly "Jefferson" 312 South Houston Street, Dallas, Texas, beginning at 10:00 a. m., c. s. t., January 26, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the North Texas marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the North Texas marketing area were proposed, as enumerated below:

By North Texas Producers Association:

1. Amend § 943.51 (b) by adding the following: "That the price for milk used in the production of Cheddar cheese during the months of February through July 1954 shall be the average price paid, or to be paid, for ungraded milk of 4.0 percent butterfat content received from dairy farmers at the plants of Dairy Gold Creamery, Ballinger, Texas, Triangle Cheese Company, Stephenville, Texas and the North Texas Producers Association, Muenster, Texas."

2. Amend § 943.97 by adding the following: "*Provided*, That this section shall not apply to milk from producers diverted by a handler to an unapproved plant."

By Vandervoort's, Inc.:

3. Amend the order so as to provide that the price of Class II milk be governed by the price being paid producers for manufacturing milk in the area.

By Capell's, Inc. and Tennessee Dairies:

4. Amend § 943.51 so that paragraph (b) thereof shall read as follows:

(b) Class II milk. The price computed pursuant to § 943.50 (c) for the current month.

By Lamar Creamery Company:

5. Immediately following § 943.44 (e) (3) (iii) add: "As Class II milk if transferred or diverted in the form of milk or skim milk from ungraded dairy farmers to a plant which manufactures oleomargarine or mellorine but which does not dispose of Class I milk for fluid consumption."

6. Add to § 943.50 the following plants:

Bennet Creamery Co., Ottawa, Kans.
Epples Creamery Co., Tulsa, Okla.
Sugar Creek Creamery, Russellville, Ark.

7. Delete § 943.51 (b) and substitute therefor "the prices computed pursuant to § 943.50 (c)."

By Producers Creamery Company:

8. Amend § 943.51 (b) to provide for a butter-powder formula that recognizes values established at Central markets and provides for an equitable manufacturing allowance.

By the Dairy Division:

9. Make such other changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 6619 Denton Drive, Dallas 19, Texas, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

Dated: January 11, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-269; Filed, Jan. 14, 1954; 8:47 a. m.]

[7 CFR Part 961]

[Docket No. AO-160-A-15-RO1]

HANDLING OF MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the public hearing held March 23, 1953, at Philadelphia, Pennsylvania, pursuant to notice issued March 9, 1953 (18 F. R. 1452), such reopened hearing to be held concurrently with a hearing by the Pennsylvania Milk Control Commission in the United States Court House, Ninth and Chestnut Streets, Philadelphia, Pennsylvania, beginning at 10:00 a. m., e. s. t., January 21, 1954, for the purpose of receiving additional evidence with respect to a proposal, set forth in the original notice of hearing, to amend the tentative marketing agreement heretofore approved by the Secretary of Agriculture and the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, and receiving evidence with respect to the additional proposal set forth herein, or appropriate modifications of such proposals. These proposed amendments have not received the approval of the Secretary of Agriculture.

Evidence adduced at the hearing will be considered in determining whether the suspension of any of the Class II pricing provisions of the order, as amended, is warranted pending the issuance of any amendment to said order as a result of the hearing.

The additional proposal to amend the order, as amended, for the Philadelphia, Pennsylvania, marketing area, has been proposed as follows:

By the Milk Distributors Association of the Philadelphia Area, Inc.:

Re-examine the level of prices under § 961.40 (b) so as to encourage the flow of milk to available fluid cream and manufacturing outlets at all times in a method that results in orderly marketing, and adjust downward the prices of Class II milk in order that products made from it may be in a more competitive position.

Copies of this notice of hearing, the said order, as amended, and the said tentative marketing agreement may be procured from the Market Administrator, 1612 Market Street, Philadelphia, Pennsylvania, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: January 11, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-268; Filed, Jan. 14, 1954; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Miscellaneous No. 6]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JANUARY 8, 1954.

Pursuant to exchanges made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

T. 8 N., R. 33 E., B. M.
Sec. 2, SE¼.
Sec. 4, Lots 1 & 2, S½NE¼.
Sec. 6, Lots 1, 2, 3, 4 & 5, S½NE¼, SE¼NW¼.
Sec. 7, Lots 1 & 2, SE¼NW¼.
Sec. 8, SE¼.
Sec. 19, E½.
Sec. 28, W½SW¼.
T. 7 N., R. 33 E., B. M.
Sec. 6, Lots 3, 4, 5, 6 & 7, SE¼NW¼, E½SW¼.
Sec. 7, Lot 1, NE¼NW¼.
Sec. 9, NE¼.
Sec. 17, SE¼.

The areas described aggregate 1880.53 acres.

The SE¼ of Section 2, T. 8 N., R. 33 E., B. M. is a part of the terminus of a stock driveway used for trailing livestock, and it has been determined that this tract should be retained in public ownership to facilitate proper management of public grazing lands under the administration of the Bureau of Land Management.

The remaining lands described are practically level and have an elevation of approximately 4,800 feet. The soil is deep silt loam and is suitable for the production of agricultural crops under irrigation.

The State Reclamation Engineer does not consider the lands to be in a critical area as concerns ground water. The lands from the standpoint of soil, topography and water conditions are desert in character, and it has been determined from local existing wells in the area that an adequate supply of water for irrigation purposes may be developed economically. The lands are classified as desert in character and subject to entry and development under the desert land laws.

While any application that is filed will be considered on its merits, it is unlikely that any part of the lands will be classified for any use or disposal other than that shown above.

No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws unless the lands have been classified as valuable or suitable for such type of classification or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day, shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Land Office, Boise, Idaho.

W. G. GUERNSEY,
Regional Administrator.

[F. R. Doc. 54-259; Filed, Jan. 14, 1954; 8:45 a. m.]

Office of the Secretary

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS OF WISCONSIN

ADOPTION OF ORDINANCE RELATING TO FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Bad River Reservation was duly adopted by the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1156, 1154, 3113, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Bad River Band of Chippewas. Provided, that such introduction, sale or possession is in conformity with the laws of the state of Wisconsin.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ORME LEWIS,
Assistant Secretary of the Interior.

JANUARY 11, 1954.

[F. R. Doc. 54-260; Filed, Jan. 14, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

JANUARY 1954 DOMESTIC AND EXPORT PRICE LISTS

Pursuant to the pricing policy of Commodity Credit Corporation issued March 22, 1950, as amended January 9, 1953 (15 F. R. 1593, 18 F. R. 176), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

JANUARY 1954 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Cottonseed oil, refined, 805,000,000 pounds.[1]	Bid basis f. o. b. tankcars or tankwagons at points of storage locations. Available New Orleans CSS Commodity Office. (Recent sales have been made by CCC to new export outlets at 12.5 cents per pound, basis p. b. a. y. ex tank at storage location.)
Cottonseed oil, crude, 20,000,000 pounds.[1]	Bid basis f. o. b. tankcars or tankwagons at producers' mills. Available New Orleans CSS Commodity Office.
Linseed oil, raw, 108,600,000 pounds.[1]	Bid basis f. o. b. tankcars at points of storage locations. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis CSS Commodity Offices. (Recent sales have been made by CCC at 8.25 cents per pound, basis ex tank at storage location.)
Olive oil, edible, 203,000 gallons [1]	Bid basis in 50/55 gallon drums f. o. b. points of storage locations. Available Portland CSS Commodity Office.
Peanuts, shelled, bagged (for crushing).	Bid basis, f. a. s. vessel at specified ports, subject to terms and conditions of USDA Announcement FO-29/53. Peanuts may be 1953 crop peanuts acquired by calling loans, as well as CCC stocks from previous crops. (These peanuts are also available as farmer's stock for export on bid basis, f. o. b. points of storage locations subject to the terms and conditions of USDA Announcements CCC Peanut Forms 34 and 40.) Available Oils and Peanut Division, CSS, USDA, Washington 25, D. C., and New Orleans CSS Commodity Office.
Wheat, bulk	Sales made for export pursuant to announcement CR 261 and 262.
Corn, bulk, 50,000,000 bushels [1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

[1] These same lots also are available from the domestic sales price list announced today.

JANUARY 1954 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Nonfat dry milk solids, in carload lots only; 350,000,000 pounds, spray; 75,000,000 pounds, roller.	Spray process, U. S. Extra Grade, 17 cents per pound. Roller process, U. S. Extra Grade, 15 cents per pound. Prices apply "in store" at location of stocks in any State. ("In store" means at the processor's plant or in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer.)
Salted creamery butter (in carload lots only), 250,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 68.75 cents per pound; New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico, 69.50 cents per pound; California, Oregon, and Washington, 69.75 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Prices apply "in store" at location of stocks in those States where butter is stored. ("In store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.)
Cheddar cheese, cheddars, flats, twins and rindless blocks (standard moisture basis, in carload lots only), 250,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 39 cents per pound. New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico, 40 cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. Prices apply "in store" at location of stocks in those States where cheese is stored. All prices are subject to usual adjustment for moisture content. ("In store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.)
Cottonseed oil, refined, 805,000,000 pounds.[1]	Market price but not less than the minimum crude price, with appropriate adjustments for refining, location and quality f. o. b. tankcars or tankwagons at points of storage locations. Available New Orleans CSS Commodity Office. Price will not be reduced during period ending Aug. 31, 1954.
Cottonseed oil, crude, 20,000,000 pounds.[1]	Market price but not less than 15 cents per pound, prime, Valley basis, f. o. b. tankcars or tankwagons at producer's mills subject to premiums or discounts comparable to Bulletin 3 of the 1953 crop cottonseed price support program. Available New Orleans CSS Commodity Office. Price will not be reduced during period ending Aug. 31, 1954.
Linseed oil, raw, 108,600,000 pounds.[1]	Market price on date of sale, but not less than equivalent of the 1953 price support for flaxseed. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis CSS Commodity Offices.
Olive oil, edible, 203,000 gallons [1]	Bid basis in 50/55 gallon drums, f. o. b. points of storage locations. Available Portland CSS Commodity Office.
Peanuts—Farmer's stock: Virginia type, bagged, 1951 crop, 3,500 tons;[2] 1952 crop, 3,500 tons.[1] Spanish: 1952 crop, 3,000 tons.[1] Runners: 1952 crop, 19,000 tons.[1]	Bid basis, f. o. b. points of storage locations, subject to the terms and conditions of Announcement CCC Peanut Form 40. In addition, farmer's stock peanuts from CCC stocks including any 1953 crop peanuts acquired by calling loans, may be offered under separate announcement for domestic crushing subject to the terms and conditions of CCC Peanut Form 34. Available New Orleans CSS Commodity Office.

[2] These same lots are also available at export sales prices announced today.

JANUARY 1954 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Alfalfa seed, certified, bagged, 30,000 hundredweight.	30 per 100 pounds, f. o. b. area of production, plus any paid-in freight as applicable based current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland, Dallas, Kansas City, and Chicago CSS Commodity Offices.
Alfalfa seed, southern, bagged, 750 hundredweight.	$22 per 100 pounds, f. o. b. area of production, plus any paid-in freight as applicable based current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Dallas CSS Commodity Office.
Alfalfa seed (certified), bagged, Ranger, 38,245 hundredweight, Ladak, 9,214 hundredweight, Grimm, 7,004 hundredweight, Buffalo, 43,328 hundredweight, Atlantic, 6,158 hundredweight.	$18 per 100 pounds, f. o. b. area of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. All available in Portland and Kansas City, all but Buffalo and Atlantic in Minneapolis, and only Buffalo and Atlantic in Dallas CSS Commodity Offices.
Tall fescue seed (common), bagged, 104,720 hundredweight.	$21.50 per 100 pounds, f. o. b. area of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland and Minneapolis CSS Commodity Offices.
Tall fescue seed (certified), bagged, 80,500 hundredweight.	$20 per 100 pounds, f. o. b. area of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland and Minneapolis CSS Commodity Offices.
Corn, bulk, 50,000,000 bushels [1].....	At points of production, basis in store, the market price but not less than the applicable 1953 county loan rate for No. 3 yellow plus 10.21 cents per bushel if removed by truck, or 7.21 cents per bushel if removed by rail or barge. At other locations, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 yellow, $1.95; St. Louis, No. 3 yellow, $1.97; Minneapolis, No. 3 yellow, $1.90; Omaha, No. 3 yellow, $1.85; Kansas City, No. 3 yellow, $1.85. For other classes, grades and quality, inquire CSS Commodity Offices with spot. Small lots available Minneapolis, Dallas, and Kansas City CSS Commodity Offices. Similar lots available Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices. Market prices for feed, basis in store. Small lots available Minneapolis CSS Commodity Office.
Grain sorghums, bulk (for feed only), 35,000 hundredweight.	Market price on date of sale, basis in store. Available Minneapolis CSS Commodity Office. No domestic forward from the 1953 crop acquired by CCC will be sold at less than the 1953 support price during the period ending July 31, 1954.
Barley, bulk (for feed only), 400,000 bushels.	Commercial sales of wool will be made at prices reflecting the higher or either of the market value or the 1954 price support applicable to the grade. The market value will be determined by reference to prices paid for comparable wools at recent sales conducted by the Boston CSS Commodity Office. Sales will be conducted at locations where the wool is stored. Available Boston CSS Commodity office.
Rye, bulk (for feed only), 115,000 bushels.	
Flaxseed, bulk (for crushing only), 25,000 bushels, largely 1-L lots.	
Wool, shorn and pulled grease (including some scoured), 90,000,000 pounds.	

[1] These same lots are also available at export sales prices announced today.

The above prices will not be applicable to sales made in connection with drought relief programs carried out in designated areas.

(Sec. 407, 63 Stat 1051)

Issued: January 11, 1954.

[SEAL]

HOWARD H. GORDON,
President,
Commodity Credit Corporation.

[F. R. Doc. 54-283; Filed, Jan. 14, 1954; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS FOR PERSONAL OR PROFESSIONAL SERVICES BY BUREAU OF INDIAN AFFAIRS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended (hereinafter referred to as the "act"), I hereby authorize the Secretary of the Interior to negotiate short term contracts, without advertising, for specialized or technical personal or professional services, subject to the conditions herein stated.

2. This authority is subject to all the provisions and requirements of Title III of the said act, but shall, however, be

no greater than that conferred on the Administrator by section 208 of the act.

3. The authority herein delegated may be redelegated to any officer or employee of the Department of the Interior: *Provided*, That a copy of this delegation and of any redelegations thereunder shall be supplied by the Department to the General Accounting Office.

4. There shall be submitted to this Administration quarterly reports summarizing the categories of contracts made pursuant to this delegation.

5. This delegation shall be effective immediately.

Dated: January 11, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54-308; Filed, Jan. 14, 1954; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6489]

SEABOARD AND WESTERN AIRLINES, INC. AND TRANSOCEAN AIR LINES; ARMY POST OFFICE AND FLEET POST OFFICE MAIL TARIFF INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of rejection of tariffs naming rates on Army Post Office and Fleet Post Office mail proposed by Seaboard & Western Airlines, Inc., and Transocean Air Lines.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on January 25, 1954, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., January 12, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-276; Filed, Jan. 14, 1954; 8:48 a. m.]

[Docket Nos. 6457, 6464]

CONTINENTAL-PIONEER MERGER CASE; CONTINENTAL-BRANIFF MERGER INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceedings is assigned to be held on January 28, 1954, at 10:00 a. m., e. s. t., in the Foyer of the Auditorium, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated at Washington, D. C., January 12, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-277; Filed, Jan. 14, 1954; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 31]

ALSIKE CLOVER SEED

NOTICE OF HEARING

The United States Tariff Commission announces a public hearing, to begin at 10 a. m. on February 16, 1954, in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., in connection with Investigation No. 31 under section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted December 2, 1953, with respect to alsike clover seed provided for in paragraph 763 of the Tariff Act of 1930. Public notice of the investigation has previously been given (18 F. R. 8106).

Request to appear at hearing. Parties interested will be given opportunity to be present, to produce evidence, and to be heard at the above-mentioned hearing. Such parties desiring to appear at the hearing should notify the Secretary of the Commission, in writing, in advance of the date of hearing.

I certify that the above hearing was ordered by the Tariff Commission on the 11th day of January 1954.

Issued: January 12, 1954.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 54-278; Filed, Jan. 14, 1954; 8:48 a. m.]

[List No. D 7-9]

MODERN FAUCET CO. AND SPHINX MANUFACTURING CO.

COMPLAINT DISMISSED

JANUARY 11, 1954.

Complaint as listed below heretofore filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930 has been dismissed.

Name of article	Purpose of request	Date received	Name and address of complainants
Combination spray and spout promoting fixtures.	Exclusion from entry.	Sept. 4, 1953	Modern Faucet Co., 1700 East 56th Pl., Los Angeles, Calif. Sphinx Manufacturing Co., 2401 East 103d St., Los Angeles, Calif.

Notice of the receipt of the above complaint was published in 18 F. R. 5673.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 54-279; Filed, Jan. 14, 1954; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PRINCIPAL PROGRAMS

This section supersedes section I, section II paragraph a and the list of Field Offices, the headquarters and jurisdictions in paragraph d, and section III paragraph a.

I. *Description of agency and principal programs—A. Creation and purpose.* The Public Housing Administration (PHA) was created as a constituent agency of the Housing and Home Finance Agency by the President's Reorganization Plan 3 of 1947, effective July 27, 1947. The PHA is headed by a Public Housing Commissioner appointed by the President by and with the advice and consent of the Senate. Of the two major programs administered by the PHA, one, the low-rent public housing program, is a direct responsibility of the Public Housing Commissioner, while the other, the public war housing program, is a responsibility delegated to the Public Housing Commissioner by the Housing and Home Finance Administrator. Historically, the PHA is a successor agency to the United States Housing Authority, which was created by the United States Housing Act of 1937 (50 Stat. 888; 42 U. S. C. 1401) to administer the low-rent public housing program established by that act. In 1942 the name of the agency was changed to the Federal Public Housing Authority. It continued under that name until 1947 when it was changed to the PHA.

B. *Low-rent public housing.* The low-rent public housing program was originally authorized by the United States Housing Act of 1937, which authorized Federal financial assistance to local communities "to remedy the unsafe and insanitary housing conditions and the acute shortage of decent, safe and sanitary dwellings for families of low income. * * *" This law was amended by title III of the Housing Act of 1949 (63 Stat. 422) to perfect its details and to increase the amount of Federal assistance available. Also included in this program are certain projects not constructed under the Housing Act of 1937, as amended, but subsequently transferred to the low-rent public housing program: projects developed by the Public Works Administration before the passage of the act, and Farm Labor Camps and permanent war housing projects transferred under the terms of the Housing Act of 1950 (64 Stat. 73; 42 U. S. C. 1412 (f)).

C. *Public war housing.* The other principal program administered by the PHA is the public war housing program, which originally consisted of permanent and temporary housing accommodations built under the terms of the Lanham Act (54 Stat. 1125; 42 U. S. C. 1521) to provide housing for war workers and military personnel during World War II. Also included in this program are projects developed under Title III of the Defense Housing and Community Facilities and Services Act of 1951 (65 Stat. 303; 42 U. S. C. 1591). This title provided temporary or mobile housing for immigrant defense workers and military personnel required in connection with national defense activities in critical defense areas. The PHA is responsible for the management of the housing included in the public war housing program, either by direct operation or through local agencies, and for the orderly disposition of such housing under the terms of the Housing Act of 1950.

D. *Central Office Organization.* 1. The Commissioner is responsible for the administration of all programs of the PHA and is assisted by an Executive Staff which includes the officials listed below.

2. The Deputy Commissioner is responsible for assisting the Commissioner in the administration of all programs of the PHA and serves as Acting Commissioner in the absence of the Commissioner.

3. The Assistant Commissioner is responsible for directing all activities relating to the financing of low-rent housing projects and for special assignments made to him by the Commissioner, particularly in the fields of housing legislation and PHA policy.

4. The Special Assistant to the Commissioner (Liaison) is responsible for directing Congressional liaison and for activities relating to public relations and information. His office prepares press releases, speeches, reports, etc., about the PHA's housing programs; is the PHA contact point with members of the Congress, representatives of the press, radio, and periodicals; takes care of Congressional correspondence and general inquiries from organizations and individuals relating to the agency's programs; and coordinates the preparation of the PHA's Annual Report to the Congress.

5. The Special Assistant to the Commissioner (Racial Relations) is responsible for activities relating to racial minority groups with respect to all programs administered by the PHA. His office assists the Commissioner in the formulation of policy with respect to minority group participation in the programs administered by the PHA; examines field operations for compliance with PHA racial policies; maintains contacts with national organizations concerned with racial relations aspects of public housing programs and assists in resolving problems advanced by such groups; and collaborates with the Labor Relations Branch to insure compliance with regulations directing nondiscrimination in employment of labor in the construction of public housing projects.

6. The Director of Labor Relations heads the Labor Relations Branch, which provides staff assistance on all matters pertaining to problems concerning labor implications of the PHA's programs; determines prevailing salaries or wages for architects, technical engineers, draftsmen, and technicians, employed in the development of low-rent projects and for maintenance laborers and mechanics employed in the administration of low-rent projects; makes sure that wages prevailing in the locality, as predetermined by the Secretary of Labor, are paid to all laborers and mechanics employed in the development of low-rent projects; examines proposed contracts before they are entered into by local authorities to insure that they conform to labor provisions of the law and to PHA standards; secures wage rate and labor classification decisions from the Secretary of Labor for PHA Federal construction, alteration, or repair; and determines sources of labor supply.

7. The General Counsel is the PHA's principal attorney. He heads the Legal Division and, with the assistance of a Deputy General Counsel, supervises the activities of an Opinions and Legislation Branch, a Programs Branch, and a Bond Counsel.

8. The Assistant Commissioner for Administration heads the Administration Division and is responsible for activities relating to the administrative management and fiscal operatons of the PHA. He supervises the activities of the following Branches:

a. Administrative Planning Branch.
b. Audit Branch.
c. Budget Branch.
d. Fiscal Branch.
e. Personnel Branch.
f. Property and Services Branch.

In addition, the Assistant Commissioner for Administration is administratively responsible for the activities of the Personnel Security Officer, who performs duties relating to the PHA Security Program.

9. The Assistant Commissioner for Programs heads the Programs Division and is responsible for the formulation of policies and procedures governing the development, management, and disposition of public housing projects, for evaluating the effectiveness of such policies and procedures, and for providing technical assistance to operating officials, including the Field Offices, through the facilities of the several Branches of the Programs Division. He is assisted by a Deputy Assistant Commissioner for Programs and supervises the activities of the following Branches:

a. Appraisal Branch.
b. Architecture and Engineering Branch.
c. Construction Branch.
d. Disposition Branch.
e. Management Branch.
f. Mortgage Servicing Branch.

10. The Assistant Commissioner for Operations is responsible for the supervision of Field Office activities and for substantially all operating functions of a program nature which are performed in the Central Office. He supervises the activities of a coordinator in each of the three fields of development, management, and disposition, and in addition the activities of a Production and Document Control Branch.

11. The Chief Economist heads the Economics and Statistics Division and is responsible for activities relating to the economic and statistical aspects of the program of the PHA. He supervises the activities of an Economics Branch and a Statistics Branch.

E. Central Office Address. The Central Office address of the PHA is Public Housing Administration, Longfellow Building, Washington 25, D. C.

F. *Field office organization.* The Commissioner, in administering the programs of the PHA, has established a decentralized organization, vesting primary responsibility for operating phases of the program in the Field Offices wherever possible. Each Field Office is headed by a Field Office Director who is responsible to the Assistant Commissioner for Operations for the administration of all PHA activities in his area of jurisdiction. He is assisted by an Assistant to the Field Office Director, who is responsible for activities relating to public relations and information, and by the following officials,[1] each of whom is responsible for the activities indicated in his title: Field Office Attorney, Assistant Director for Development, Assistant Director for Management, Assistant Director for Disposition, Field Office Economist, Racial Relations Officer, Production Control Assistant, Chief of Office Services.

G. *Field office addresses.* The Field Offices are located at the addresses, and have the geographical jurisdictions, shown below:

1. *Atlanta Field Office:* Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. Public Housing Administration, Peachtree-Seventh Street Building, 50 Seventh Street NE., Room 358, Atlanta 5, Georgia.

2. *Chicago Field Office:* Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. Public Housing Administration, Room 2201, 185 North Wabash Avenue, Chicago 1, Illinois.

3. *Fort Worth Field Office:* Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, and Texas. Public Housing Administration, Room 2000, 300 West Vickery Boulevard, Fort Worth 4, Texas.

4. *New York Field Office:* Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Public Housing Administration, 346 Broadway, New York 13, New York.

5. *Puerto Rico Field Office:* Puerto Rico and the Virgin Islands. Public Housing Administration, P. O. Box 9197, Santurce, Puerto Rico.

6. *San Francisco Field Office:* Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and the Territory of Alaska, and the Territory of Hawaii. Public Housing Administration, 1360 Mission Street, San Francisco 3, California.

7. *Washington Field Office:* Delaware, Maryland, Virginia, and West Virginia, and the District of Columbia. Washington Field Office, Public Housing Administration, Longfellow Building, Washington 25, D. C.

H. *Other field establishments.* Numerous project and rental offices operate under the direct supervision of the Field

[1] These officials will be found in a typical Field Office. However, the organization of a Field Office may vary according to its workload.

Offices. Because of the large number of such offices located throughout the country, it is impractical to list them here. Request for information concerning them should be addressed to the oppropriate Field Office.

This order is effective January 18, 1954.

Date approved: January 8, 1954.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 54-267; Filed, Jan. 14, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1693, G-1473, G-1649, G-1727, G-1737]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF ORDER FURTHER AMENDING ORDER AUTHORIZING EXTENSION OF PERIOD OF RESERVATION OF GAS

JANUARY 11, 1954.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-1693; Alabama-Tennessee Natural Gas Company, Docket No. G-1473; Tennessee Gas Company, Docket No. G-1649; Shippensburg Gas Company, Docket No. G-1727; Consumers Gas Company, Docket No. G-1737.

Notice is hereby given that on December 30, 1953, the Federal Power Commission issued its order adopted December 29, 1953, in the above-entitled matters, further amending order of December 29, 1952 (18 F. R. 122-123) authorizing Texas Eastern Transmission Corporation, Docket No. G-1693, to extend to and including June 29, 1954, the period of reservation of gas for the Cities of Jasper and Huntingburg, Indiana.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-261; Filed, Jan. 14, 1954; 8:45 a. m.]

[Docket No. G-2242]

CITY OF VILLA RICA, GA.

NOTICE OF FINDINGS AND ORDER

JANUARY 11, 1954.

Notice is hereby given that on January 4, 1954, the Federal Power Commission issued its order adopted December 29, 1953, in the above-entitled matter, directing Southern Natural Gas Company to establish physical connection of its facilities with those of the City of Villa Rica, Georgia, for sale of natural gas to said City.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-262; Filed, Jan. 14, 1954; 8:45 a. m.]

[Docket Nos. G-2258, G-2259]

UNITED GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER

JANUARY 11, 1954.

Notice is hereby given that on December 30, 1953, the Federal Power Commission issued its order adopted December 29, 1953, issuing a certificate of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-263; Filed, Jan. 14, 1954; 8:45 a. m.]

[Docket No. G-2295]

ROCKLAND LIGHT AND POWER CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 11, 1954.

Notice is hereby given that on January 4, 1954, the Federal Power Commission issued its order adopted December 29, 1953, permitting withdrawal of application for certification of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-264; Filed, Jan. 14, 1954; 8:46 a. m.]

[Docket No. G-2302]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF ORDER AMENDING ORDER SUSPENDING PROPOSED CHANGES IN RATE SCHEDULES

JANUARY 11, 1954.

Notice is hereby given that on December 30, 1953, the Federal Power Commission issued its order adopted December 29, 1953, amending paragraph (B) and (C) of the order of November 6, 1953 (18 F. R. 7212-13), suspending proposed changes in rate schedules in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-265; Filed, Jan. 14, 1954; 8:46 a. m.]

[Docket Nos. ID-1205, ID-1206, ID-1207]

CLARENCE F. NAGLE ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

JANUARY 11, 1954.

In the matters of Clarence F. Nagle, Docket No. ID-1205; Howard K. Crabtree, Docket No. ID-1206; William V. Drake, Docket No. ID-1207.

Notice is hereby given that on January 4, 1954, the Federal Power Commission issued its orders adopted December 29, 1953, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-266; Filed, Jan. 14, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

CITIES SERVICE CO. ET AL.

NOTICE OF HEARING

JANUARY 12, 1954.

In the matter of Cities Service Company, The Gas Service Company, Gas Advisers, Inc. (File No. 70-3167). Supplemental notice of filing and notice of and order for hearing regarding sale by parent of subsidiary's common stock, request for exemption from competitive bidding and request for recitals required by supplement R and section 1808 (f) of the Internal Revenue Code.

The Commission having on December 14, 1953, issued its Notice of Filing regarding an application-declaration filed by Cities Service Company ("Cities"), a registered holding company, The Gas Service Company ("Gas Service"), a wholly-owned public utility subsidiary of Cities, and Gas Advisers, Inc. ("Gas Advisers"), a mutual service company jointly owned by various subsidiaries in the Cities system, pursuant to section 11 (b), 12 (c), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-42, U-43, U-44, and U-50 promulgated thereunder, wherein, among other things, Cities proposed to sell 1,500,000 shares of the common stock of Gas Service, being all of the common stock of that company outstanding, to selected underwriters for public offering and requested that in connection with such sale Cities be granted exemption from the competitive bidding requirements of Rule U-50; and

The Public Service Commission of the State of Missouri having requested that it be notified of any hearing herein, and for leave to intervene if a hearing should be held, and the cities of Kansas City, Independence, Joplin, and St. Joseph, Missouri, having requested that a hearing be held; and

Cities, Gas Service, and Gas Advisers having on January 8, 1954, filed an amendment amending and supplementing their original application-declaration, and setting forth additional facts and developments which are summarized as follows:

The amendment states that on December 10, 1953, Cities issued written invitations to four groups of underwriters who had indicated that they would be interested in purchasing the common stock of Gas Service for public offering; that on December 23, 1953, Cities received proposals from three of such underwriting groups and also received a written offer from the Missouri Public Service Company ("Missouri"), a non-affiliated public-utility company operating in the State of Missouri, to purchase the common stock of Gas Service for a purchase price of $32,000,000, subject to approval of its acquisition by the Public Service Commission of the State of Missouri. Said amendment further states that such offer by Missouri was substantially in excess of the best proposal received from the three groups of underwriters mentioned above, that it is the judgment of Cities' management that such offer represents the highest price obtainable for the common stock of Gas Service under existing conditions, and that on December 29, 1953, Cities accepted the offer of Missouri subject to obtaining the approval of this Commission of the sale by it.

It is stated no State or Federal Commission, other than this Commission, has jurisdiction over the sale by Cities, but that the Public Service Commission of the State of Missouri has jurisdiction over the acquisition by Missouri.

Cities has submitted, with the request that it be filed as a part of the record in these proceedings, a memorandum from Missouri as to the latter's future program, if the sale by Cities be approved. It is stated in said memorandum that Missouri proposes to provide funds for the purchase of the Gas Service shares, to the extent of $14,000,000 by the sale of additional shares of its common stock, and to the extent of $18,000,000 from bank loans due six months after the date of lending, that the shares of Missouri's common stock will be offered to Missouri's stockholders pursuant to transferable subscription rights, and that the unsubscribed shares will be purchased by underwriters.

It is further stated that it is Missouri's plant to combine the properties of Missouri and Gas Service by merging Missouri into Gas Service as soon as practicable after completion of the acquisition of the stock of Gas Service; and that this Commission and the Public Service Commissions of the States of Missouri, Kansas and Nebraska will have jurisdiction over various aspects of the merger and accompanying financing.

It is further stated that at or prior to the merger it is proposed to refund the $18,000,000 bank loan by the issuance of approximately $9,000,000 principal amount of mortgage bonds, $2,500,000 principal amount of additional debentures and $6,500,000 in par value of additional preferred stock, all of which will become securities of the surviving company.

Since upon the acquisition of the Gas Service stock, Missouri will become a holding company under the act, it is stated that Missouri proposes to file a Notification of Registration and that upon consummation of the merger, it will be Missouri's intention to apply for an Order of this Commission under section 5 (d) declaring that it is no longer a holding company.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions for the purpose of affording an opportunity to all interested persons to present evidence and to be heard with respect to the proposed transactions set forth in said application-declaration, as amended:

It is ordered, That a hearing be held on said matters on January 26, 1954, at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk will advise as to the room in which such hearing will be held. Any person (other than the Public Service Commission of the State of Missouri, and the four municipalities named above) desiring to be heard in connection with these proceedings or proposing to intervene, shall file with the Secretary of this Commission on or before January 25, 1954, a written request relative thereto, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's Rules of Practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration, as amended, and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed sale by Cities meets the requirements of section 12 (d) of the act and Rule U-44 thereunder;

(2) Whether the consideration to be received by Cities for the common stock of Gas Service is reasonable;

(3) Whether compliance with paragraphs (b) and (c) of Rule U-50 with respect to such sale is necessary or appropriate in the public interest or for the protection of investors or consumers to assure the maintenance of competitive conditions, the receipt of adequate consideration or the reasonableness of any fees or commissions to be paid with respect to such sale;

(4) Whether the accounting treatment proposed in connection with the consummation of the sale is appropriate;

(5) Whether, and to what extent, it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions;

(6) Whether the program of Missouri, either as outlined above or as amended or supplemented by evidence adduced at the hearing, is such as to cause the sale by Cities to Missouri to result in conditions, facts, or practices violative of the provisions or standards of the act, particularly sections 6, 7, 9, 10, and 11 thereof; and whether such program will impair the effectiveness of State regulation;

(7) Generally, whether the proposed transactions of Cities and Missouri are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements and standards of the act and the rules thereunder;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice by registered mail upon Cities, Gas Service, Gas Advisers, Missouri, the Public Service Commission of the State of Missouri, the State Corporation Commission of the State of Kansas, the Nebraska State Railway Commission, the Corporation Commission of the State of Oklahoma, and the Cities of Kansas City, Independence, Joplin, and St. Joseph, Missouri, and that notice be given to all other persons by publication of this notice in the FEDERAL REGISTER and by general release of the Commission, distributed to the press and mailed to the mailing list for releases under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-297; Filed, Jan. 14, 1954; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SYLVIA CALDERON ZEBADUA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Sylvia Calderon Zebadua, Guatemala City, Guatemala; Claim No. 4782; $25,941.09 in the Treasury of the United States.

Executed at Washington, D. C., on January 8, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-274; Filed, Jan. 14, 1954; 8:47 a. m.]

...nce Room

FEDERAL REGISTER

VOLUME 19 NUMBER 11

Washington, Saturday, January 16, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

[FHA Instruction 445.1]

PART 381—DISASTER LOAN PROGRAM

CHANGE IN LOAN APPROVAL LIMITATIONS

Section 381.10 (a), Title 6, Code of Federal Regulations (16 F. R. 3971; 18 F. R. 125) is revised to extend loan approval authorities to include economic disaster loans as well as production disaster loans, and to read as follows:

§ 381.10 *Loan approval authority.* (a) Subject to the policies and procedures contained in §§ 381.2 to 381.9, State Directors are authorized to approve disaster loans in amounts which will not cause the total outstanding principal balance on loans made pursuant to §§ 381.1 to 381.9 and 385.1 to 385.5 of this subchapter, or any combination of such loans, to exceed $12,000 for any one borrower. State Directors may redelegate to State Field Representatives and County Supervisors authority to approve Disaster loans subject to the following limitations:

(1) State Field Representatives may be authorized to approve Disaster loans in amounts which will not cause the total outstanding principal balance on loans made pursuant to §§ 381.1 to 381.9 and 385.1 to 385.5 of this subchapter, or any combination of such loans, to exceed $7,000 for any one borrower.

(2) County Supervisors may be authorized to approve Disaster loans in amounts which will not cause the total outstanding principal balance on loans made pursuant to §§ 381.1 to 381.9 and 385.1 to 385.5 of this subchapter, or any combination of such loans, to exceed $5,000 for any one borrower.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2, 63 Stat. 44; 12 U. S. C. 1148a–2)

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

JANUARY 7, 1954.

[F. R. Doc. 54–301; Filed, Jan. 15, 1954; 8:48 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture.

[Amdt. 2]

PART 464—TOBACCO

SUBPART—1953 TOBACCO LOAN PROGRAM

DARK AIR-CURED TOBACCO, TYPES 35 AND 36, ADVANCE SCHEDULE

Section 464.528 (formerly published as § 664.528) published November 14, 1953 (18 F. R. 7219), is amended as follows:

1. Add the following at the end of the advance schedule for dark air-cured tobacco, types 35 and 36:

N2L	6
N2R	6
N2G	6
NK	6

2. Add at the end of the third sentence of footnote 1 the following phrase: "and in the case of Types 35 and 36, N2L, N2R, N2G, and NK will be accepted."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C., 1441, 1421)

Issued this 12th day of January 1954.

[SEAL] HOWARD H. GORDON,
President,
Commodity Credit Corporation.

[F. R. Doc. 54–317; Filed, Jan. 15, 1954; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 14]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.314 *Navel Orange Regulation 14*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable

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FEDERAL REGISTER

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provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on January 14, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., January 17, 1954, and ending at 12:01 a. m., P. s. t., January 24, 1954, is hereby fixed as follows:

(i) District 1: 300,300 boxes;

(ii) District 2: 115,500 boxes;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 14th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Jan. 17 to 12:01 a. m., P. s. t., Jan. 24, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Lindsay	1.6039
A. F. G. Porterville	1.6435
Ivanhoe Cooperative Association	.6752
Anderson Packing Co	1.4001
Euclid Avenue Orange Association	.9189
Lindsay Mutual Groves	1.3300
Martin Ranch	1.4047
Orange Cove Orange Growers	2.8122
Woodlake Packing House	1.9354
Doffemyer & Son, W. Todd	.4983
Earlibest Orange Association	1.7211
Elderwood Citrus Association	.8831
Exeter Citrus Association	3.9996
Exeter Orange Growers Association	1.4630
Exeter Orchards Growers Association	1.4468
Hillside Packing Association	1.3523
Ivanhoe Mutual Orange Association	1.1822
Klink Citrus Association	3.9853
Lemon Cove Citrus Association	1.1277
Lindsay Citrus Growers Association	1.8454
Lindsay Cooperative Association	1.6594
Lindsay Fruit Association	2.2883
Lindsay Orange Growers Association	1.0306
Naranjo Packing House Co	1.3106
Orange Cove Citrus Association	4.4895
Orange Packing Co	.9638
Orosi Foothill Citrus Association	1.5595
Paloma Citrus Fruit Association	.7604
Rocky Hill Citrus Association	1.6687
Sanger Citrus Association	3.6882
Sequoia Citrus Association	.8593
Stark Packing Co	2.7475
Visalia Citrus Association	2.3179
Waddell & Son	2.5003
Baird Neece Corp	1.9069
Beattie Association, D A	.4801
Grand View Heights Citrus Association	3.1078
Magnolia Citrus Association	2.5883
Porterville Citrus Association, The	1.6430
Randolph Marketing Co	1.1890
Richgrove-Jasmine Citrus Association	1.3743
Strathmore Cooperative Citrus Association	.9974
Strathmore District Orange Association	1.6762
Strathmore Packing House	2.1485
Sunflower Citrus Growers	2.7843
Sunland Packing House Co	2.7867
Terra Bella Citrus Association	1.2877
Tule River Citrus Association	.8836
Adams, Thomas	.0068
Baker Ranch Packing House	.4406
Batkins, Jr., Fred A	.0574
California Citrus Groves, Inc., Ltd.	3.2016
Darby, Fred J	.0238
Dubendorf, John	.1492
Evans Bros. Packing Co	.2208
Far West Produce Distributors	.0615
Feltes, A. E	.0224
Foothill Packing Co	.0367
Haas & Ferry	.1919
Harding & Leggett	1.8454
Independent Growers, Inc	1.0241
Lo Bue Bros	.7114
Maas, W. A	.1171
Marks, W. & M	.4073
Morin, Carl W	.0206
Nickel, Edward	.0000
Orange Belt Fruit Distributors	.6143
Paramount Citrus Association	2.1345
Reimers, Don H	.5806
Riverside Fruit Co	.2201
Sequoia Cider Mill	.0169
Stephens & Cain	.3002
Zaninovich Bros., Inc	1.6483

PRORATE DISTRICT NO. 2

Total	100.0000
A. N. F. Corona	.5472
A. N. F. Fullerton	.0199
A. N. F. Orange	.0172
A. N. F. Riverside	1.3884
A. N. F. Santa Paula	.0456
Eadington Fruit Co	.7469
Signal Fruit Association	1.2100
Bryn Mawr Mutual Orange Association	.4724
Chula Vista Mutual Lemon Association	.1030
Daniels, Inc., Ward	.3230
Euclid Avenue Orange Association	2.9612
Foothill Citrus Union, Inc	.3679
Garden Grove Citrus Association	.0000
Index Mutual Association	0.0104
La Verne Cooperative Citrus Association	2.7691
Olive Hillside Groves, Inc	.0078
Orange Cooperative Citrus Association	.0205
Redlands Foothill Groves	2.7521
Redlands Mutual Orange Association	1.3206
Azusa Citrus Association	.8086
Covina Citrus Association	1.8492
Glendora Citrus Association	1.5858
Valencia Heights Orchard Association	.2118
Gold Buckle Association	4.4823
La Verne Orange Association	4.5574
Anaheim Valencia Orange Association	.0117
Fullerton Mutual Orange Association	.2920
La Habra Citrus Association	.0834
Yorba Linda Citrus Association	.0781
El Cajon Valley Citrus Association	.1518
Escondido Orange Association	.6035
Citrus Fruit Growers	.6670
Cucamonga Mesa Growers	.8480
Etiwanda Citrus Fruit Association	.1300
Upland Citrus Association	3.2037
Consolidated Orange Growers	.0204
Garden Grove Citrus Association	.0197
Goldenwest Citrus Association	.1695
Olive Heights Citrus Association	.0579
Santiago Orange Growers Association	.1043
Villa Park Orchards Association	.0366
Bradford Brothers, Incorporated	.1957
Placentia Mutual Orange Association	.1595
Placentia Orange Growers Association	.2189
Yorba Orange Growers Association	.0471
Corona Citrus Association	1.1217
Jameson Company	.5665
Orange Heights Orange Association	3.9071
Crafton Orange Growers Association	1.8063
East Highlands Citrus Association	.5193
Redlands Heights Groves	.9113
Redlands Orangedale Association	1.1246
Rialto Fontana Citrus Association	.2066
Bryn Mawr Fruit Growers Association	1.2315
Mission Citrus Association	.9142
Redlands Cooperative Fruit Association	2.1537
Redlands Orange Growers Association	1.5046
Redlands Select Groves	.5140
Rialto Orange Co	.4405
Southern Citrus Growers	1.1830
United Citrus Growers	.9829
Arlington Heights Citrus Co	1.6880
Blue Banner, Inc	2.6323
Brown Estate, L. V. W	2.2131
Gavilan Citrus Association	2.0874
McDermont Fruit Co	1.7803
Monte Vista Citrus Association	1.7733
National Orange Co	1.5585
Riverside Highgrove Citrus Association	1.8906
Victoria Avenue Citrus Association	3.2729
Claremont Citrus Association	.6326
College Heights Orange & Lemon Association	2.0724
Indian Hill Citrus Association	1.0328
Pomona Fruit Growers Exchange	1.2032
Walnut Fruit Growers	.6077
West Ontario Citrus Association	.8105
Escondido Cooperative Citrus Association	.1029
Camarillo Citrus Association	.0040
Fillmore Citrus Association	1.0294
Mupu Citrus Association	.0047
Ojai Orange Association	.9999

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Piru Citrus Association	1.1545
Rancho Bespe	.0012
San Fernando Fruit Growers Association	.4376
Santa Paula Orange Association	.0892
Ventura County Citrus Association	.0398
East Whittier Citrus Association	.0040
North Whittier Heights	.1275
Placentia Cooperative Orange Association	.2618
Sierra Madre-Lamanda Citrus Association	.0734
A. J. Packing Co.	.1518
Babijuice Corp. of California	.0426
Cherokee Citrus Co., Inc.	1.1175
Dunning, Vera Hueck	.1745
Evans Bros. Packing Co.	1.3713
Far West Produce Distributors	.0471
Gold Banner Association	2.4642
Gold Seal Producers, Inc.	.0699
Granada Packing House	.1332
Holland, M. J.	.0210
Orange Belt Fruit Distributors	.7511
Panno Fruit Co., Carlo	.0523
Paramount Citrus Association	.1055
Placentia Orchards Association	.0787
Riverside Fruit Co.	.4503
San Antonio Orchards Co.	1.1557
Smallwood, Luella L.	.0083
Spire, Frank S.	.0128
Stephens & Cain	.2442
Wall, E. T., Grower-Shipper	2.0978
Western Fruit Growers, Inc.	5.0980

[F. R. Doc. 54-370; Filed, Jan. 15, 1954; 11:36 a. m.]

[Grapefruit Reg. 192]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.659 *Grapefruit Regulation 192*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than January 18, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until January 18, 1954, the recommendation and supporting information for continued regulation subsequent to January 17, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 18, 1954, and ending at 12:01 a. m., e. s. t., February 1, 1954, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iii) Any white seeded grapefruit, grown in the State of Florida, that grade U. S. No. 2 or U. S. No. 2 Bright, which are of a size smaller than a size that will pack 54 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any white seeded grapefruit, grown in the State of Florida, that grade U. S. No. 1 Russet, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1, U. S. No. 1 Bright or U. S. Fancy, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 2, U. S. No. 2 Bright, or U. S. No. 2 Russet which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(viii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1 Bright or U. S. Fancy which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 13th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-321; Filed, Jan. 15, 1954; 8:51 a. m.]

[Orange Reg. 248]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.660 *Orange Regulation 248*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than January 18, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until January 18, 1954; the recommendation and supporting information for continued regulation subsequent to January 17, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 18, 1954, and ending at 12:01 a. m., e. s. t., February 1, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in the State of Florida, which are of a size smaller than $2^{10}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida oranges (§§ 51.1140 to 51.1186 of this title): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{10}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{14}/_{16}$ inches in diameter and smaller; or

(iii) Any Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia Type, grown in the State of Florida, that are of a size smaller than $3^{10}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of such oranges smaller than such minimum size shall be permitted, which tolerange shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

(2) As used in this section, the terms "handler," "ship," "Temple oranges," "Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia Type" and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 13th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-320; Filed, Jan. 15, 1954; 8:51 a. m.]

[Tangerine Reg. 145]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.661 *Tangerine Regulation 145*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines, grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order; and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than January 18, 1954. Shipments of tangerines grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until January 18, 1954; the recommendation and supporting information for continued regulation subsequent to January 17, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 18, 1954, and ending at 12:01 a. m., e. s. t., February 1, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than $2^{5}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines, smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 13th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-322; Filed, Jan. 15, 1954; 8:52 a. m.]

[Lemon Reg. 520]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.627 *Lemon Regulation 520*—(a) *Findings.* (1) Pursuant to the mar-

keting agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on January 13, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 17, 1954, and ending at 12:01 a. m., P. s. t., January 24, 1954, is hereby fixed as follows:

(i) District 1: 45 carloads;

(ii) District 2: 230 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 519 (19 F. R. 159) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 14th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-354; Filed, Jan. 15, 1954; 10:03 a. m.]

PART 949—MILK IN THE SAN ANTONIO, TEXAS, MARKETING AREA

SUBPART—ORDER REGULATING HANDLING

§ 949.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to a tentative marketing agreement and to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than February 1, 1954, so as to reflect current marketing conditions. Any delay in the effective date of this order would seriously threaten the orderly marketing of milk in the San Antonio, Texas, marketing area. The provisions of the said order are known to handlers, the public hearing having been held on August 26, 1952, November 5, 1952 and May 21, 1953 (18 F. R. 2860), the recommended decision having been published in the FEDERAL REGISTER on August 26, 1953 (18 F. R. 5088) and the final decision having been published in the FEDERAL REGISTER December 19, 1953 (18 F. R. 8585). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order, amending the order, as amended, effective February 1, 1954 and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the San Antonio, Texas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the determined representative period (September 1953), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of this order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended, as set forth below:

Sec.
949.0 Findings and determinations.

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AUTHORITY: §§ 949.1 to 949.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

DEFINITIONS

§ 949.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 949.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 949.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 949.4 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association (a) to have its entire activities under the control of its members, (b) to have full authority in the sale of milk of its members, and (c) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

§ 949.5 *San Antonio, Texas, marketing area.* "San Antonio, Texas, marketing area" hereinafter called the "marketing area" means all the territory including all municipal corporations and all Federal military reservations, facilities and installations located within the boundaries of Bexar County, Texas.

§ 949.6 *Approved plant.* "Approved plant" means any milk plant (a) which is approved by the appropriate health authority of the marketing area for the processing of Grade A milk and from which Class I milk is delivered (including delivery by a vendor, or sale from a plant or plant store) in the marketing area other than to any milk processing plant, or (b) which is supplying Class I milk to a federal institution or base in the marketing area.

§ 949.7 *Pool plant.* "Pool plant" means an approved plant from which the volume of skim milk and butterfat distributed as Class I milk to retail or wholesale outlets (including sales through plant stores) in the marketing area during the delivery period is 15 percent or more of the receipts of milk at such plant during the month from pool plants and from dairy farmers conforming to the requirements of § 949.10 (a) or (b): *Provided*, That, in any event, a plant which was an approved plant during the month of May 1953 shall, upon written application to the market administrator on or before the 10th day after the effective date of this subpart, be designated as a pool plant during each month of the six month period following the effective date hereof, in which Class I milk is disposed of from such plant to retail or wholesale outlets in the marketing area, and such plant has been a pool plant in each of the preceding month(s) of such period.

§ 949.8 *Non-pool plant.* "Non-pool plant" means any milk receiving, manufacturing, or distributing plant other than a pool plant.

§ 949.9 *Handler.* "Handler" means a person in his capacity as the operator of an approved plant(s), or a cooperative association with respect to producer milk diverted for the account of such association pursuant to § 949.10. Milk so diverted shall be deemed to have been received at a pool plant.

§ 949.10 *Producer.* "Producer" means any person who produces milk received directly from the farm at a pool plant or diverted from a pool plant to a non-pool plant for the account of a cooperative association, which milk is (a) produced under a permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by the appropriate health authority having jurisdiction in the marketing area, or by another health authority whose certification is accepted by such health authority, or (b) is acceptable to an agency of the Federal Government for fluid consumption in its institutions or bases. This definition shall not include any such person with respect to milk received by a handler partially exempt from this subpart pursuant to § 949.60.

§ 949.11 *Producer milk.* "Producer milk" means any skim milk or butterfat contained in milk received directly at the pool plant from producers, or diverted by a cooperative association in accordance with the provisions of § 949.10.

§ 949.12 *Other source milk.* "Other source milk" means all receipts of skim milk or butterfat other than that contained in (a) producer milk, (b) receipts from pool plants, or (c) Class II products disposed of in the form in which received without further processing or packaging by the handler.

MARKET ADMINISTRATOR

§ 949.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of, the Secretary.

§ 949.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 949.22 *Duties.* The market administrator shall:

(a) Within 30 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 949.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 949.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts has not:

(1) Made reports pursuant to §§ 949.30 to 949.31 inclusive, or

(2) Made payments pursuant to §§ 949.60, 949.61 and §§ 949.80 to 949.87, inclusive.

(i) On or before the twelfth day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be assigned to each class in the proportion that the total producer milk in each class is of the total receipts of producer milk by such handler.

(j) Notify handlers and make announcement by such other means as he deems appropriate of prices as follows:

(1) On or before the tenth day of each month the Class I price for such month computed pursuant to § 949.51 and the Class I butterfat differential computed pursuant to § 949.54;

(2) On or before the fifth day of each month the Class II price for the preceding month computed pursuant to § 949.53 and the Class II butterfat differential computed pursuant to § 949.54; and

(3) On or before the twelfth day of each month for the preceding month the uniform price computed pursuant to § 949.71, and the butterfat differential to producers computed pursuant to § 949.81.

(k) Prepare and publish such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 949.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants as follows:

(a) The quantities of skim milk and butterfat contained in producer milk;

(b) The quantities of skim milk and butterfat contained in (or represented by) receipts from pool plants;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The quantities of skim milk and butterfat contained in receipts of Class II products disposed of in the form in which received without further processing or packaging by the handler;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to the receipt and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 949.31 *Reports of payments to producers.* On or before the 20th day after the end of each month, each handler who received milk from producers shall submit to the market administrator his producer payroll for the month, which shall show for each producer;

(a) His total deliveries of milk.

(b) The average butterfat content of such milk, and

(c) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 949.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat received from any source;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and other milk products on hand at the beginning and end of each month.

§ 949.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon determination of the litigation or where the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 949.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at a pool plant in the form of producer milk, other source milk, or receipts from other pool plants shall be classified by the market administrator pursuant to the provisions of §§ 949.41 to 949.46, inclusive.

§ 949.41 *Classes of utilization.* Subject to the conditions set forth in §§ 949.43 and 949.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk; (2) contained in inventories of products designated as Class I pursuant to subparagraph (1) of this paragraph on hand at the end of the month, and (3) all other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In shrinkage up to 2 percent of receipts from producers; and

(4) In shrinkage of other source milk.

§ 949.42 *Shrinkage.* The market administrator shall allocate shrinkage to a handler's receipts at pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and other source milk.

§ 949.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of (whether in original or other form) as Class I milk.

§ 949.44 *Transfers.* Skim milk or butterfat transferred from a pool plant in the form of milk, skim milk, or cream shall be classified:

(a) As Class I milk, if transferred to the pool plant of another handler, unless utilization as Class II milk is mutually reported in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transfer occurred, and the amount of skim milk or butterfat so assigned to Class II does not exceed the amount of skim milk or butterfat, respectively, remaining in Class II utilization by the transferee handler after the subtraction of other source milk pursuant to § 949.46: *Provided*, That the skim milk and butterfat so transferred shall be classified so as to result in a maximum assignment of producer milk to Class I milk.

(b) As Class I milk, if transferred or diverted to a non-pool plant except as:

(1) The transferring or diverting handler claims utilization as Class II milk;

(2) The operator of the non-pool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and

(3) The Class I utilization of skim milk and butterfat respectively at such plant is less than the total of skim milk and butterfat so transferred plus receipts at such plant of skim milk and butterfat in milk from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such non-pool plant.

(c) As Class II milk if transferred subject to verification by the market administrator to a wholesale food manufacturing establishment which has no Class I disposition of skim milk or butterfat.

§ 949.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 949.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for each handler for each month shall be the pounds of skim milk in such class allocated to producer milk received by such handler during such month.

(1) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in Class I products which were on hand at the beginning of the month;

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk received from pool plants of other handlers in a form other than milk, skim milk, or cream according to its classification pursuant to § 949.41;

(3) Subtract from the pounds of skim milk remaining in Class II milk the plant shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 949.41 (b) (3);

(4) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received from a non-pool plant in the form of packaged fluid milk which is not in excess of the volume of skim milk transferred in the form of bulk milk to such plant by such handler and classified as Class I milk;

(5) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which were not subject to the Class I pricing provisions of another order issued pursuant to the act, less the skim milk subtracted pursuant to subparagraph 4 of this paragraph: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I;

(6) Subtract from the pounds of skim milk remaining in Class II the pounds of skim milk in other source milk which were subject to the Class I pricing provisions of another order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I;

(7) Subtract the pounds of skim milk in milk, skim milk, or cream received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 949.44 (a);

(8) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph and if the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with the lowest price class.

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content in Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 949.50 *Minimum prices.* Subject to the appropriate butterfat differential computed pursuant to § 949.54 each handler shall pay in the manner set forth in §§ 949.70 through 949.85 for milk received at his pool plant from producers at no less than the prices per hundredweight set forth in §§ 949.51 and 949.53.

§ 949.51 *Class I milk.* The Class I price shall be an amount calculated as follows:

(a) Multiply the formula index computed pursuant to § 949.52 by $5.99, and divide by 100.

(b) Adjust the price calculated pursuant to paragraph (a) of this section so that it does not exceed the price calculated pursuant to paragraph (e) of this section by less than $2.00 or more than $3.00.

(c) For the months of April through June subtract and for the months of September through November add 50 cents.

(d) To the foregoing price add 3 cents for each percentage point which the utilization percentage calculated pursuant to paragraph (f) of this section is less than 100 or subtract 3 cents for each percentage point which such utilization percentage is more than 110 provided that in no case shall more than 60 cents be added to or subtracted from the price because of the provisions of this paragraph. The resulting amount rounded to the nearest full cent shall be the Class I price.

(e) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the preceding month at the following plants or places for which prices have been reported to the market administrator or to the United States Department of Agriculture, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(f) The percentage calculated from receipts and utilization for the first and second preceding months as follows shall be known as the utilization percentage;

(1) From the total gross pounds of Class I milk determined pursuant to § 949.40 for all pool plants subtract the following:

(i) Inventories as defined in § 949.41 (a) (2);

(ii) The pounds of skim milk and butterfat subtracted pursuant to § 949.46 (a) (4) and the corresponding step of (b);

(iii) The pounds of skim milk and butterfat subtracted pursuant to § 949.46 (a) (7) and the corresponding step of (b);

(2) Add the Class I milk disposed of in the marketing area by non-pool plants, except those partially exempted from the provisions of this part pursuant to § 949.60.

(3) Divide the total pounds of producer milk received during such period by the total net Class I sales determined pursuant to this paragraph and multiply by 100. Round the result to the nearest whole percentage point.

§ 949.52 *Formula index.* Based on the latest data published not later than the 5th day of each month, the market administrator shall calculate a formula index for the current month as follows:

(a) Divide the monthly wholesale price index for all commodities as announced by the Bureau of Labor Statistics, U. S. Department of Labor, by the average of such index for the years 1948 through 1950 and multiply by 100.

(b) Divide by 3.586 the average of the three latest monthly indexes of retail sales of non-durable goods as announced by the Department of Business of the University of Texas, Austin, Texas.

(c) Compute a labor-feed index as follows:

(1) Divide by 0.0485 the daily farm wage rate without board or room for the State of Texas as reported by the U. S. Department of Agriculture and multiply by 0.3;

(2) Divide by 0.03971 the average price paid per hundredweight for all mixed dairy feed in the State of Texas as reported by the U. S. Department of Agriculture and multiply by 0.7;

(3) Add together the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Add the amounts determined pursuant to paragraphs (a), (b), and (c) of this section, divide by 3 and round to the nearest one-tenth.

§ 949.53 *Class II milk.* The prices for Class II milk shall be determined according to the following computations:

(a) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0;

(b) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray process, f. o. b. manufacturing plants in the Chicago area as reported by the U. S. Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the current month, subtract 5 cents, multiply by 8.16; and

(c) Add together the amounts computed pursuant to paragraphs (a) and (b) of this section and round to the nearest full cent.

§ 949.54 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 949.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to §§ 949.51 and 949.53 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the appropriate month by the applicable factor listed below:

(a) *Class I milk.* Multiply such price for the preceding month by 0.125;

(b) *Class II milk.* Multiply such price for the current month by 0.120.

§ 949.55 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate, specified in this part for use in computing class prices and for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate, determined by the Secretary to be equivalent to or comparable with the factor specified.

APPLICATION OF PROVISIONS

§ 949.60 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by a milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to the total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) The handler shall pay on or before the 13th day after the end of the month to the market administrator for deposit into the producer-settlement fund an amount determined as follows:

(1) Compute the total skim milk and butterfat disposed of by such handler during the month as Class I milk on retail or wholesale routes (including sales through vendors) in the marketing area;

(2) From such handler's total Class I sales, pursuant to the order regulating the pricing of milk at such handler's plant, subtract the total quantity of skim milk and butterfat received from producers pursuant to such order and allocated to Class I milk;

(3) Multiply the hundredweight computed pursuant to subparagraph (1) or (2) of this paragraph, whichever is less, by the rate determined pursuant to § 949.65.

§ 949.61 *Handlers operating non-pool plants.* None of the provisions from §§ 949.44 through 949.55, inclusive, or from §§ 949.70 through 949.84, inclusive, shall apply in the case of a handler in his capacity as the operator of a non-pool plant, except that such handler shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund pursuant to § 949.82 an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 949.65.

UNPRICED MILK

§ 949.65 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced Class I milk shall be any plus amount calculated as follows:

(a) During the months of February through July:

(1) Subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential;

(2) From such difference subtract 10 cents and an amount calculated by multiplying 0.16 cent by the miles (shortest highway distance) from the edge of the marketing area to the plant at which the unpriced milk originates.

(b) During the months of January and August, subtract from the Class I price, adjusted by the Class I butterfat differential, the uniform price to producers, adjusted by the Class I differential.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 949.70 *Computation of value of milk for each handler.* For each month the market administrator shall compute the value of milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 949.46 by the applicable Class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 949.46 (a) (3) and (b) by the applicable class price, and

(c) For the months of January through August add an amount computed by multiplying the hundredweight of other source skim milk and butterfat subtracted from Class I milk pursuant to § 949.46 (a) (5) and (b) by the rate computed pursuant to § 949.65, applicable at the nearest plants from which an equivalent amount of such other source milk was received.

§ 949.71 *Computation of uniform price for pool milk.* For each month the market administrator shall compute the uniform price for all milk received from producers as follows:

(a) Combine into one total the amounts computed pursuant to § 949.70 (a) and (b) for all handlers who made the reports prescribed in § 949.30 and who are not in default of payments required pursuant to §§ 949.80 and 949.83;

(b) Add an amount representing not less than one-half of the unobligated cash balance in the producer-settlement fund account pursuant to § 949.82 (a);

(c) Add during each of the months of September through December an amount equivalent to one-fourth of the total in payments to the producer-settlement fund for the immediately preceding months of January through August pursuant to § 949.82 (b);

(d) Subtract if the average butterfat content of the producer milk of handlers included in the computations pursuant to paragraph (a) of this section is greater than 4.0 percent, or add if such average is less than 4 percent, an amount computed by multiplying the amount by which such average butterfat content varies from 4.0 percent by the butterfat differential computed pursuant to § 949.81 and multiply the resulting amount by the hundredweight of such milk;

(e) Divide by the total hundredweight of producer milk of handlers included in the computation pursuant to paragraph (a) of this section;

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers.

PAYMENT FOR MILK

§ 949.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the last day of each month to each producer for milk received during the first 15 days of such month at not less than the price per hundredweight for Class II milk for the preceding month.

(b) On or before the 15th day after the end of the month during which the milk was received, to each producer at not less than the uniform price per hundredweight computed for such month pursuant to § 949.71 subject to the following adjustments: (1) The butterfat differential pursuant to § 949.81, (2) the payment made pursuant to paragraph (a) of this section, (3) marketing service deductions pursuant to § 949.86, and (4) proper deductions authorized by the producers: *Provided*, That if by such date such handler has not received full payment pursuant to § 949.84, he may reduce his total payment to all producers pro rata by not more than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance due from the market administrator.

(c) In making the payments to producers pursuant to paragraph (b) of this section each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month for which payment is made and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to such producer.

§ 949.81 *Producer butterfat differential.* In making payments pursuant to § 949.80 there shall be added to the uniform price for each one-tenth of one percent that the average butterfat content of such milk is above 4.0 percent not less than, or there may be deducted from the uniform price for each one-tenth of one percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply by 1.1 the simple average computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month, divide the result by 10 and round to the nearest one-tenth of a cent.

§ 949.82 *Producer-settlement fund.* The market administrator shall establish a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers, pursuant to §§ 949.60, 949.61, 949.83, and 949.85 and out of which he shall make all payments, pursuant to §§ 949.84 and 949.85. This fund shall be maintained by the market administrator in two separate accounts as follows:

(a) Payments made by handlers pursuant to §§ 949.83 and 949.85 less the amounts determined pursuant to § 949.70 (c).

(b) The payments required pursuant to §§ 949.60, 949.61, and the amounts determined pursuant to § 949.70 (c).

§ 949.83 *Payments to the producer-settlement funds.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount of money if any, by which the value of the milk received by such handler from producers as determined pursuant to § 949.70 is greater than the value of such milk calculated at the uniform price adjusted by the producer butterfat differential.

§ 949.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 949.70 is less than the value of such milk calculated at the uniform price adjusted by the producer butterfat differential. During each of the months of September through December one-fourth of the amount established pursuant to § 949.82 (b) for the immediately preceding months of January through August shall be applied by the market administrators to such payments.

§ 949.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's books, reports, records, or accounts discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 949.86 *Marketing services*—(a) *Marketing service deduction.* Except as set forth in paragraph (b) of this section each handler, in making payments to producers (other than himself) shall make a deduction of six cents per hundredweight of milk or such lesser deduction as the Secretary from time to time may prescribe. Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for verification of weights and tests of milk received from such producers and in providing market information to such producers.

(b) *Marketing service deduction with respect to producers who are members of or are marketing through a cooperative association.* In the case of each producer who is a member of, or who has given written authorization for the rendering of marketing services and the taking of a deduction therefor to a cooperative association, which the Secretary as determined is performing the services described in paragraph (a) of this section, such handler, in lieu of the deduction specified under paragraph (a) of this section, shall deduct from the payments to such producer the amount per hundredweight specified by such association which is not in excess of the rate authorized by such producer and shall pay such deduction to the cooperative association entitled to receive it on or before the 15th day after the end of the month during which such milk was received.

§ 949.87 *Payment of administration expense.* As his pro rata share of the expense of administration of this part each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to skim milk and butterfat (a) received from producers, (b) received at a pool plant as other source milk and allocated to Class I milk, or (c) distributed as Class I milk in the marketing area from a non-pool plant.

§ 949.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The delivery period during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such pro-

ducer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the agreement (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 949.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 949.91.

§ 949.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 949.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 949.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 949.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 949.101 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the applications of such provisions and the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D. C., this 12th day of January 1954, to be effective on and after the 1st day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-318; Filed, Jan. 15, 1954; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 69]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.15, the Parker, Colorado, area (D-195), published on July 16, 1949, in 14 F. R. 4289, and amended on December 13, 1952, in 17 F. R. 11256, and on October 15, 1953, in 18 F. R. 6559, is further amended by changing the "Designated Altitudes" column to read: "Surface to 22,000 feet MSL", and by changing the "Using Agency" column to read: "Lowry AFB, Colorado".

2. In § 608.24, the Osage City, Kansas, area (D-405), published on May 3, 1952, in 17 F. R. 4104, is deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on January 6, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-286; Filed, Jan. 15, 1954; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53417]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

ENTRY FOR REWAREHOUSE; PROCEDURE

In view of the amendment of section 484 (a), Tariff Act of 1930, by section 16 (b), Customs Simplification Act of 1953, to extend from 48 hours to 5 days after arrival at the port of destination the time for making entry for imported merchandise, § 8.33 (a), Customs Regulations, is amended by substituting "5 days" for "48 hours" in the last sentence.

(R. S. 161, 251, secs. 484, 624, 46 Stat. 722, as amended, 759; 5 U. S. C. 22, 19 U. S. C. 66, 1484, 1624)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: January 7, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-305; Filed, Jan. 15, 1954; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Reg. 118; T. D. 6060]

PART 39—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

REQUIREMENTS FOR FILING AND APPROVING APPLICATIONS FOR EXEMPTION FROM INCOME TAX; ANNUAL RETURNS BY FARMERS' COOPERATIVE MARKETING AND PURCHASING ASSOCIATIONS

In order to authorize certain changes in the processing of applications for exemption from income tax under section 101 of the Internal Revenue Code and to prescribe rules respecting annual returns in the case of farmers' cooperative marketing and purchasing associations exempt under section 101 (12) of the Code, Regulations 118 (26 CFR Part 39) are hereby amended as follows:

Section 39.101-1 is amended as follows:

(A) By striking "(4), except a bona fide credit union," from the third sentence of paragraph (a) thereof.

(B) By striking "under section 101 (4), except bona fide credit unions, Form 1027;" from the fourth sentence of paragraph (a) thereof.

(C) By striking ", including bona fide credit unions," from the fifth sentence of paragraph (a) thereof.

(D) By revising (c) thereof to read as follows:

(c) *Duties of district director with respect to proof of exemption.* The district director of internal revenue shall take steps to insure that the application and other papers are complete and in order and shall take such other action as may be prescribed leading to a determination whether the organization is exempt under section 101.

(E) By inserting immediately following the second sentence of (e) thereof, which sentence ends with the words "with the requirements of this section and of § 39.153-1", the following new sentence: "In the case of a farmers' cooperative marketing and purchasing association exempt under section 101 (12), such association shall file annually Form 990-C in lieu of Form 990."

(F) By striking the words "Forms 990 and 990-A" from the third sentence of paragraph (e) thereof, and inserting in lieu thereof "Forms 990, 990-A, and 990-C".

(G) By striking the words "Form 990 or Form 990-A" from the last sentence of paragraph (e) thereof, and inserting in lieu thereof "Form 990, Form 990-A, or Form 990-C".

(H) By inserting immediately preceding the first sentence of paragraph (f) thereof the following new sentence: "The provisions of this paragraph shall be inapplicable in the case of a farmers' cooperative marketing and purchasing association exempt under section 101 (12)."

(I) By adding immediately after the last sentence of paragraph (g) thereof the following new sentence: "However, Form 990-C, applicable under paragraph (e) of this section, to a farmers' cooperative marketing and purchasing association, shall be filed in accordance with the provisions of section 53 and the regulations prescribed thereunder."

(J) By striking the words "Form 990 or Form 990-A" from paragraph (i) thereof, and inserting in lieu thereof "Form 990, Form 990-A, or Form 990-C".

Because this Treasury decision establishes a rule of Department practice and makes further amendments of a technical nature only, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: January 12, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-306; Filed, Jan. 15, 1954; 8:49 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1954 Dept. Circ. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING JANUARY 1, 1954

JANUARY 1, 1954.

§ 129.17 *Calendar year, 1954—(a) Quarter beginning January 1, 1954.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning January 1, 1954, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Colombia	Peso	$0.5125	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.59687 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.156267 fine gram gold established by decree law effective Mar. 22, 1937.
Denmark	Krone	.1937	Conversion of notes into gold suspended Sept. 29, 1931
Dominican Republic	Peso	1.0000	By monetary law No. 1528 effective October 9, 1947, gold content of peso [illegible] fine.
Ethiopia	Dollar	.4025	New [illegible] by Proclamation of the Emperor on May 25, 1945, effective [illegible]
Finland	Markka	.0226	Conversion [illegible]
Guatemala	Quetzal	1.0000	Decree No. 2[illegible] [illegible] gold [illegible] fine. Mar. 6, 1948.
Haiti	Gourde	.2000	National bank [illegible] suspended May 18, 1932; exchange control
Peru	Sol	.4740	Conversion [illegible] g to the Central Bank Act approved June 15, 1948. [illegible]
Phillippines	Peso	.5000	Inconvertible [illegible]
Sweden	Krona	.1937	Conversion [illegible]
Uruguay	Peso	.6583	Present gold [illegible] by law of Jan. 10, 1935. Conv[illegible] Aug. 2, 1914; exchange control establ[illegible]
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 25, 28 Stat. 552, sec. 403, 42 Stat. 17, sec. 522, 42 Stat. 974, sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-307; Filed, Jan. 15, 1954; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

APPOINTMENT OF REGULAR NURSE, WOMEN MEDICAL SPECIALISTS, VETERINARY, OR MEDICAL SERVICE OFFICERS FROM THE AIR FORCE RESERVE

Sections 861.151 to 861.156 supersede §§ 861.151 to 861.158 (15 F. R. 2056–58):

Sec.
861.151 Purpose.
861.152 Definitions.
861.153 Testing and selection of applicants.
861.154 Eligibility.
861.155 Grade determination.
861.156 Instructions.

AUTHORITY: §§ 861.151 to 861.156 issued under secs. 101, 102, 61 Stat. 41, as amended; secs. 502, 506, 61 Stat. 883, 890; 10 U. S. C. 166, 166a, 506, 506c. Interpret or apply sec. 307, 65 Stat. 330; 10 U. S. C. 1837.

DERIVATION: AFR 36–31.

§ 861.151 *Purpose.* Sections 861.151 to 861.156 establish the eligibility requirements and the procedurg for officers in a Reserve component of the Air Force to apply for appointment in the Regular Air Force with a view to designation for the performance of nurse, women medical specialist, veterinary, or medical service duties. Sections 861.151 to 861.156 apply to all Air Force activities.

§ 861.152 *Definitions.* For the purpose of §§ 861.151 to 861.156, the following terms will apply:

(a) *Immediate superior.* The officer to whom an applicant is immediately responsible for the performance of his assigned duty and who is responsible for the preparation of the applicant's AF Form 77, "USAF Officer Effectiveness Report."

(b) *Organization commander.* The commander responsible for the operation and administration of the organization to which the applicant is actually assigned.

(c) *Commander of major air command.* The commander responsible for the operation and administration of any organization designated a major air command who reports directly to the Chief of Staff, United States Air Force, and under whose command jurisdiction the applicant's organization of assignment falls.

(d) *Professional experience*—(1) *Nurses.* Professional experience gained subsequent to graduation from a nursing school offering either a diploma or degree program.

(2) *Women medical specialists.* Professional experience gained in medical institutions subsequent to completion of a hospital dietetic internship, occupational therapy clinical affiliation, or physical therapy training course.

§ 861.153 *Testing and selection of applicants.* The testing and selection of applicants will normally be conducted to appoint two groups of Regular officers each year.

(a) *Application and testing periods.* Applications may be submitted during the period January 1 to February 28 and July 1 to August 31 each year. Applications received by the Director of Personnel Procurement and Training, Headquarters United States Air Force, other than during these periods will be returned without action. Field testing will commence 30 days after the opening date of each application period, and will continue for approximately 60 days.

(b) *Reapplicants.* A person who is unsuccessful in his application for Regular Air Force appointment under §§ 861.151 to 861.156 (or previous issues thereof) may reapply within established application periods not sooner than 1 year after date of previous application provided that all eligibility requirements are met at that time. Only one reapplication may be submitted. Waivers of this requirement will not be granted. Failure to meet eligibility criteria is not considered as an unsuccessful application, and those persons previously having been disqualified administratively, but now eligible under §§ 861.151 to 861.156, may reapply during any application period.

(c) *Processing and consideration.* After field action is completed, applications will be processed in Headquarters United States Air Force. Processing will include obtaining records to complete applicants' files and computing applicants' composite scores based on the results of tests and performance reports. Completed files on applicants will then be referred to the Surgeon General, United States Air Force, for review and recommendation for the selection or nonselection of the applicants. Applications will then be submitted with the recommendations of the Surgeon General, United States Air Force, to the Secretary of the Air Force Personnel Council for final consideration. Applicants will be either selected for appointment, deferred for consideration, or rejected. Only those persons considered to be best qualified will be selected. Due consideration will be given practical experience, academic achievement, qualification in a particularly desired Air Force Specialty, manner of performance, and being graduated as a "distinguished graduate" from the Air Force Reserve Officers' Training Corps or United States Air Force Officer Candidate School.

(d) *Notification of appointment, deferral, or rejection.* Applicants selected for appointment will be recommended to the President for nomination to and confirmation by the Senate. When confirmed, applicants will be tendered appointments in the Regular Air Force in the appropriate grade in accordance with § 861.155. Concurrently, deferred and rejected applicants will be notified of action taken on their applications.

(e) *Delay of appointment.* To prevent loss of seniority among new Regular officers and to eliminate a delay in promoting Regular officers already on the promotion list, the appointment of all officers who are within 6 months of becoming eligible for appointment in the next higher grade at time of selection will be deferred until the date on which they complete the necessary years of service for promotion as described in § 861.155. Officers whose appointments are temporarily delayed and whose current service statements will expire before appointments can be tendered will be permitted to sign indefinite service statements with the proviso that they will be released from active duty without delay in the event their appointments fail to materialize for any reason and they express a desire for release in writing.

§ 861.154 *Eligibility*—(a) *Requirements common to all applicants.* A person submitting application for appointment in the Regular Air Force for service as a nurse, women medical specialist, veterinary officer, or medical service officer must:

(1) Have reached his/her 21st birthday.

(2) Hold a valid appointment as a Reserve officer of the Air Force and be serving as a commissioned officer in the active military service, and currently designated to perform medical service, veterinary, nurse, or women medical specialist duties pursuant to sec. 307, 65 Stat. 330; 10 U. S. C. 1837.

(3) Have served on active duty as a commissioned officer under such designation, as outlined in subparagraph (2) of this paragraph, for not less than 6 months immediately prior to date of application.

(4) Be a citizen of the United States. An applicant who is not a citizen of the United States by birth must furnish a certificate by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original Certificate of Citizenship Number _____ (or certified copy of court order establishing citizenship) stating that _____ was admitted to
(Full name)
United States citizenship by the _____ Court of _____, _____
(District or County) (State)
on _____. The following person was
(Date)
named in the certificate as a minor child: _____; age _____
(Full name)

NOTE: Facsimiles or copies, photographic or otherwise, will not be made of naturalization certificates under any circumstances. Act 25 June 1948 (62 Stat. 767; 18 U. S. C. 1426 (h) provides that whoever, without lawful authority, prints, photographs, makes or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(5) Be medically qualified for appointment in the Regular Air Force.

(6) If a female applicant, be unmarried. If divorced, a female applicant must submit documentary evidence of final divorce decree.

(7) If a female applicant, not have any legal or other responsibility for the custody, control, care, maintenance, or support of a dependent under 18 years of age. A woman having a stepchild or foster child under 18 years of age and such child is within her household for a period of more than 30 days each year or who otherwise stands in relationship of parent to such child may not be appointed.

(b) *Specific requirements*—(1) *Nurse.* Each applicant for duty as a nurse must:

(i) Be a female registered nurse.

(ii) Not exceed the age limitation described below on opening date of period for submission of applications:

(a) Applicants with less than 2½ years of professional experience on opening date of application period may not exceed the age of 27 years; however, the age of 27 may be increased by the period of active Federal commissioned service performed after December 31, 1947, but not to exceed 4 years 6 months.

(b) Applicants with more than 2½ years of professional experience on opening data of application period may not exceed the age of 30 years; however, the age of 30 may be increased by the period of active Federal commissioned service performed after December 31, 1947, but not to exceed 4 years 6 months.

(c) On date of nomination by the President, a successful applicant may not exceed the age of 27 or 30 as prescribed in (a) and (b) of this subdivision, by a period greater than the number of years, months, and days (not to exceed 5 years) of active Federal commissioned service performed after December 31, 1947.

(d) Be a graduate of a nursing school acceptable to the Surgeon General, United States Air Force.

(2) *Women medical specialist.* Each applicant for duty as a women medical specialist must:

(i) Be a female.

(ii) Meet the criteria specified in subparagraph (1) (ii) of this paragraph.

(iii) Meet the following educational requirements:

(a) Dietitians must have a baccalaureate degree from an approved college or university, with a major either in foods and nutrition or in institution management, and have completed a hospital dietetic internship acceptable to the Surgeon General, United States Air Force.

(b) Occupational therapists must have a baccalaureate degree from an approved school or university and be a graduate of a training course in occupational therapy acceptable to the Surgeon General, United States Air Force.

(c) Physical therapists must have a baccalaureate degree in physical therapy from an approved school of physical therapy or a baccalaureate degree from an approved college or university with major emphasis in physical education or biological science plus a physical therapy training course acceptable to the Surgeon General, United States Air Force.

(3) *Veterinary officer.* Each applicant for duty as a veterinary officer must:

(i) Not have passed his 32d birthday on the opening date of period for submission of application; however, an applicant may exceed the age of 32 by the number of years, months, and days of active Federal commissioned service performed after December 31, 1947 in the Army or Air Force, but not to exceed 4 years 6 months. At the time of appointment, a successful applicant may not exceed the age of 32 years by more than the number of years, months, and days (not to exceed 5 years) of active Federal commissioned service performed by him since December 31, 1947, with the Army of the United States or the Air Force.

(ii) Be a graduate of a veterinary college acceptable to the Surgeon General, United States Air Force.

(4) *Medical service officer.* Each applicant for duty as a medical service officer must:

(i) Not have passed his 30th birthday on the opening date of period for submission of application; however, an applicant may exceed the age of 30 by the number of years, months, and days of active Federal commissioned service performed after December 31, 1947 in the Army or Air Force but not to exceed 4 years 6 months. At the time of appointment, a successful applicant may not exceed the age of 30 years by more than the number of years, months, and days (not to exceed 5 years) of active Federal commissioned service performed by him since December 31, 1947, with the Army of the United States or the Air Force.

(ii) Have completed a minimum of 60 semester or 90 quarter hour credits toward a baccalaureate degree from a college or university accredited by a national or regional accrediting association or have successfully completed the General Educational Development Test (college level) administered by the United States Armed Forces Institute. A transcript of all college and/or university credits or the military test report from United States Armed Forces Institute indicating scores attained in the General Educational Development Test (college level) must be attached to the application. The passing scores for the General Educational Development Test (college level), for the purpose of §§ 861.151 to 861.156 only are:

(a) Test I	61
(b) Test II	70
(c) Test III	72
(d) Test IV	68

§ 861.155 *Grade determination*—(a) *Permanent grades.* Appointments will be made in permanent grades as follows:

(1) Regular Air Force appointments with a view to designation for performance of duty as nurses and women medical specialists will be made in the grade of second lieutenant if the selectee has less than 3 years of professional experience or first lieutenant if the selectee has 3 or more years of professional experience acceptable to the Surgeon General, United States Air Force, on date of nomination by the President.

(2) On the basis of service credit as provided in paragraph (b) (2) of this section, the commissioned officer grade in which a person is appointed with a view to designation for the performance of duty as a veterinary officer or medical service officer will be determined as follows:

(i) Persons who are credited with less than 3 years' service will be appointed in the grade of second lieutenant.

(ii) Persons who are credited with 3 or more years' but less than 7 years' service will be appointed in the grade of first lieutenant.

(iii) Persons who are credited with 7 or more years' service will be appointed in the grade of captain.

The names of persons so appointed will be placed upon the applicable promotion list immediately below those officers of the same grade having the same or next greater period of service.

(b) *Service credit (Veterinary and medical service officers only).* (1) For the purpose of determining grade, position on the promotion list, permanent grade seniority, and eligibility for promotion, each person initially appointed with a view to designation for performance of duty as a veterinary officer or medical service officer in the Regular Air Force will, at the time of appointment, be credited with all active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army or the Air Force after December 31, 1947, up to a maximum of 5 years of such service.

(2) In addition to subparagraph (1) of this paragraph and for the same purposes, each person appointed with a view to designation for performance of duty as a veterinary officer in the Regular Air Force will, at the time of appointment, be credited with an amount of service equal to 2 years. Each person appointed with a view to designation for performance of duty as a medical service officer in the Regular Air Force who at the time of appointment holds a degree of doctor of philosophy or comparable degree recognized by the Surgeon General, United States Air Force, in a science allied to medicine, will be credited at the time of appointment with an amount of service equal to 3 years.

(c) *Temporary grades.* Acceptance of appointment in the Regular Air Force will not affect a higher temporary grade in which an officer is serving at the time.

§ 861.156 *Instructions*—(a) *Applicant.* Any person who is eligible under § 861.154 may be considered for Regular appointment by complying with these instructions. Failure to comply with subparagraph (1) of this paragraph in all respects will preclude an applicant from being considered for appointment.

(1) *Submitting application.* Proper application must be submitted during the periods indicated in § 861.153 (a) to the applicant's immediate superior. A proper application consists of the following documents:

(i) AF Form 17, "Application for Appointment in the United States Air Force," completed in duplicate. Each applicant will plainly mark, at the top of AF Form 17, the duty designation in the medical service for which application is submitted.

(ii) AF Form 17A, "Supplement to Application for Commission in the United States Air Force (Medical Service)," in duplicate (submitted by nurses and women medical specialists only).

(iii) One copy of DD Form 98, "Loyalty Certificate for Personnel of the

Armed Forces," and one copy of DD Form 98a, "Consolidated List of Organizations Designated by the Attorney General on October 30, 1950, Pursuant to Executive Order 9835."

(iv) Certificates from at least three reputable persons based upon personal acquaintance regarding the character, habits, and evidence of professional attainment of the applicant.

(v) Originals or photostatic copies of diplomas and/or certificates evidencing graduation or completion of courses at veterinary, nursing, or other professional schools.

(vi) Originals or photostatic copies of properly authenticated transcripts of all college credits or the military test report from the United States Armed Forces Institute indicating scores attained in the General Educational Development Test (college level) (submitted only by applicants for appointment as medical service officers).

(vii) Certificate from an officer verifying citizenship by naturalization as required in § 861.154 (a) (4), if applicable.

(viii) Standard Form 88, "Report of Medical Examination" (in duplicate) and Standard Form 89, "Report of Medical History."

(ix) A recent photograph of the applicant, head-and-shoulders type, not less than 3 by 5 inches. The applicant's name will appear on the reverse.

(2) *Completing AF Form 17.* For the purpose of §§ 861.151 to 861.156, instructions on completing AF Form 17, August 23, 1949, are revised and supplemented as follows (these instructions do not apply to AF Form 17, September 1, 1952):

(i) *Item 11, section I.* Below the heading "Other Schools," enter all military schools attended and indicate the period of attendance, title of course, whether successfully completed, and final grade or class standing if known.

(ii) *Item 17, section I.* Enter all supplementary schooling completed or in process such as extension or correspondence courses, examinations for credit, or home study without supervision, and indicate type of study, titles of courses, and credit granted or expected to be granted.

(iii) *Item 12, section II.* Enter names and other required information of all immediate superior officers under whom the applicant has served directly as a commissioned officer for periods of 90 or more days during the 3-year period immediately preceding application, except the immediate superior to whom application is submitted.

(iv) *Item 13, section II.* Enter names and other required information of superior officers (other than those listed in item 12) who have either exercised supervision of the applicant or have closely observed the applicant in the performance of duty for a period of 90 or more days during the 3-year period immediately preceding application.

(3) *Service statement.* The service statement of the person to include date of expiration will be indicated in paragraph 14, section II, AF Form 17, August 23, 1949, or the remarks paragraph of AF Form 17, September 1, 1952. Persons who submit valid applications and are subsequently relieved from active duty will be considered for Regular commissions. Applicants in this category, who are selected, will be tendered appointments provided that they are medically qualified and do not exceed the maximum statutory age for initial appointment as specified in § 861.154.

(4) *Change of address.* The military address furnished on the AF Form 17 will be used for the purpose of contacting an applicant with regard to his application. The applicant is responsible for giving immediate notice to the Director of Personnel Procurement and Training, Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C., of any change of address, permanent or temporary (if for 15 days or more), between submission of application and notification of final action. If such a change of address occurs prior to completion of field testing, notification will be made by electrical means.

(5) *Reporting for testing.* An applicant will report for testing at the designated time and place or make prior arrangements satisfactory to the appropriate base commander. Applicants who have been scheduled for testing and who proceed on temporary duty, permanent change of station, or leave prior to being tested, will report to the nearest base with testing facilities to be scheduled for testing. To be tested, such applicants must present copy of letter from Headquarters United States Air Force acknowledging receipt of application and containing authority for being tested to any commander of a base where testing facilities are available.

(6) *Replying to communications.* Applicants who do not promptly reply to and or comply with all communications and instructions regarding their applications and testing will be considered as being no longer interested in a Regular commission and their applications may be considered to have been abandoned by Headquarters United States Air Force.

(7) *Compromising test questions.* Applicants are directed not to discuss the contents of the "USAF Officer Aptitude Test" after its completion. Since officers are selected for Regular appointments on a competitive basis, any applicants who have advance information concerning test questions will be at a decided advantage over all other applicants.

(b) *Immediate superior.* The immediate superior will review the application for completeness and correctness and forward the application within 3 working days of receipt to the applicant's organization commander. The forwarding indorsement will contain a statement regarding the applicant's suitability for appointment in the Regular Air Force. The officer evaluation report referred to on AF Form 17 will not be prepared by the immediate superior at time application is indorsed to the organization commander.

(c) *Organization commander.* After receipt of the application, the organization commander will:

(1) Determine if applicant meets the eligibility requirements for applying, and if application has been supported with the necessary documents. Section 861.154 and paragraphs (a) (1) of this section will be used as a checklist for this purpose.

(2) Return incomplete applications by indorsement directly to the applicants with reasons therefor not later than 3 working days after receipt. Information copies of all indorsements returning applications will be furnished the Director of Personnel Procurement and Training, Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C.

(3) Indorse completed applications directly to the Director of Personnel Procurement and Training, Headquarters, United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C., within 3 working days after receipt. Applications from organizations located overseas will be forwarded by airmail. Indorsements will contain a statement to the effect that the applicant's records have been examined carefully, the applicant is eligible under §§ 861.151 to 861.156, the application is complete, and nothing was found in the applicant's file of a sufficient derogatory nature to preclude further consideration of the application.

(4) Furnish sufficient explanation of the circumstances in the event of derogatory information or questionable findings.

(5) Advise the Director of Personnel Procurement and Training, Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C., if, between date of application and final action by Headquarters United States Air Force, any matter comes to his attention with regard to an applicant under his command which would materially affect (favorably or unfavorably) the applicant's qualifications for Regular Air Force appointment.

(6) Upon receipt of notification of testing appointment for any member of his organization, issue necessary instructions directing travel where necessary and specifying time and place applicant must report for testing. If the applicant will not be available at the specified time, advise the base commander responsible for testing that it is not feasible for applicant to report and request that another date and/or testing point be designated.

(d) *Commander of major air command.* The commander of a major air command will monitor and coordinate the testing of applicants by base commanders and determine the appropriate base for testing.

(1) *Testing authority.* Authority to test applicants will be forwarded by the Director of Personnel Procurement and Training, Headquarters United States Air Force, directly to the commanders of the major air commands or on occasion directly to the appropriate base commanders. Persons will be tested only upon receipt of this specific authority or upon presentation by applicants of acknowledgment letters from Headquarters United States Air Force indicating receipt of their applications. Testing authority will be transmitted either by letter or electrical communication. Upon receipt of testing authority, commanders of major air commands will relay instructions for testing to their base commanders for completion of testing.

(2) *Inability to accomplish testing.* Upon notification by a base commander that testing cannot be accomplished, the commander of a major air command will take the following action:

(i) If testing cannot be accomplished because applicant is located in an area normally serviced by another base but still under the jurisdiction of the same major air commander, testing authority will be transferred to the appropriate base. This authority may be delegated to base commanders for automatic implementation.

(ii) If the applicant is located outside the jurisdiction of the commander of a major air command, testing authority will be transferred to the appropriate major air commander for action. Information copies of all communications either written or electrical transferring testing authority between commanders of major air commands will be furnished to the Director of Personnel Procurement and Training, Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C.

(iii) If a base commander is unable to accomplish testing for reasons other than the applicant's absence from the base area, the commander of the major air command will make every effort to resolve the problem and arrange for testing. If a solution does not appear feasible, the commander of the major air command will promptly advise the Director of Personnel Procurement and Training, Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C., with a brief statement of the circumstances.

(e) *Base commander.* Immediately upon receipt of testing authority from Headquarters United States Air Force, a commander of a major air command, or upon presentation by an applicant of a letter from Headquarters United States Air Force acknowledging receipt of his application, base commanders will make arrangements to test applicants. Applicants will be scheduled for testing during one of the testing periods set forth in § 861.153 (a). Priority will be given to applicants who may be under orders for change of station or who are not in the active military service. In conjunction with their notifications, applicants will be advised regarding any documents or records which they may be required to furnish for completion of their application. In order to test applicants, the base commanders will:

(1) Request organization commanders of applicants on active duty to issue necessary instructions, directing travel where necessary, and specifying the time and place of testing.

(2) Furnish written notification to applicants who are not in the active military service, specifying the time and place for testing and informing them that cost of travel, quarters, and subsistence will be at no expense to the Government. Every effort will be made to schedule such applicants at times convenient to them.

(3) Give applicants upon arrival for testing, a brief orientation to consist of:

(i) A brief welcome, an explanation of how applicants will be scheduled and rules of the testing center, including a description of messing, billeting, and other facilities.

(ii) Direction not to discuss test questions with any other applicants for the reason stated in paragraph (a) (7) of this section.

(4) If the responsible test control officer is an applicant for a Regular Air Force commission, appoint a Regular Air Force officer to administer the test to the test control officer.

(f) *Director of Personnel Procurement and Training.* Upon receipt of the applications, the Director of Personnel Procurement and Training, Headquarters United States Air Force, will:

(1) Set up application file for applicants and obtain other pertinent military records.

(2) Forward instructions to test qualified applicants to the appropriate commanders of major air commands or base commanders approximately 30 days after opening date of application period.

(3) Take necessary action to obtain AF PRT 422a, "USAF Performance Reports Integration Form."

(4) Upon receipt of testing instruments, process each case and forward it to the Surgeon General, United States Air Force, for recommendation of selection or non-selection.

(5) Transmit the complete file of each applicant, with the recommendations of the Surgeon General, United States Air Force, to the Secretary of the Air Force Personnel Council for final consideration.

(6) Notify applicants of their selection, deferral, or rejection.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-284; Filed, Jan. 15, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 923]

[Docket No. AO-251]

HANDLING OF MILK IN APPALACHIAN MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Bristol Hotel, Bristol, Virginia, beginning at 10:00 a. m., February 1, 1954.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Appalachian marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposed marketing agreement and order provisions set forth below have not received the approval of the Secretary of Agriculture. At the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof.

Marketing agreement and order proposed by the Tri-State Milk Producers Association, Inc. and East Tennessee Milk Producers Association, Inc.:

DEFINITIONS

§ 923.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 923.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 923.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 923.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 923.5 *Appalachian Marketing Area.* "Appalachian Marketing Area," hereinafter called the "marketing area," means all the territory within the counties of Sullivan, Washington, and Greene in Tennessee, Washington, Smythe and Wise in Virginia, and Harlan in Kentucky.

§ 923.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18th, 1922, as amended, known as the "Capper-Volstead Act," and is authorized by its members to make collective sales or to market milk or its products for the members of such cooperative.

§ 923.7 *Producer-handler.* "Producer-handler" means any person who produces milk under a dairy farm inspection permit issued by the appropriate health authority in the marketing area and who processes milk from his own production, distributing all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from producers.

§ 923.8 *Delivery period.* "Delivery period" means a calendar month, or the portion thereof during which this part is in effect.

§ 923.9 *Fluid milk plant.* "Fluid milk plant" means (a) any milk plant, except a plant at which the handling of milk is regulated by another milk marketing agreement or order issued pursuant to the act, used during the month for the processing and packaging of milk all or a portion of which was disposed of as Class I milk to wholesale or retail outlets (including the delivery by a vendor or sale from a plant store) in the marketing area; or (b) any plant which in any delivery period delivers a total of 20,000 pounds or more of milk to one or more plants which are fluid milk plants pursuant to paragraph (a) of this section: *Provided*, That a plant shall not be a fluid milk plant pursuant to this paragraph during any of the delivery periods of September through February in which milk is delivered from such plant to one or more fluid milk plants pursuant to paragraph (a) of this section on less than one day of each week ending within such delivery period.

§ 923.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk and whose milk is: (a) Received at a fluid milk plant, or (b) diverted during the months of April through July by a handler from a fluid milk plant to a nonfluid plant.

§ 923.11 *Handler.* "Handler" means (a) any person in his capacity as operator of a fluid milk plant, (b) a producer-handler, or (c) any cooperative association with respect to milk of producers diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such cooperative association.

§ 923.12 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 923.13 *Other source milk.* "Other source milk" means all skim milk (including reconstituted skim milk) and butterfat not received from a producer, or from a fluid milk plant, but: (a) Contained in milk, skim milk, or cream, or (b) used to produce any milk product.

§ 923.14 *Producer milk.* "Producer milk" means milk produced by one or more producers.

§ 923.15 *Base milk.* "Base milk" means milk received by a handler from a producer during any of the months of April through August which is not in excess of such producer's daily average base computed pursuant to § 923.60 multiplied by the number of days in such month.

§ 923.16 *Excess milk.* "Excess milk" means milk received by a handler from a producer during any of the months of April through August which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from a producer from whom no daily average base can be computed pursuant to § 923.60.

MARKET ADMINISTRATOR

§ 923.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 923.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 923.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 923.84 (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses except those incurred under § 923.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose at his discretion to handlers and producers, unless otherwise directed by the Secretary, the name of any person who does not perform such acts: (1) Reports pursuant to § 923.30 or (2) payments pursuant to §§ 923.80, 923.81 and 923.82;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce and notify each handler in writing on or before: (1) The 6th day of each delivery period the minimum prices for Class I milk pursuant to § 923.51 (a) and the Class I butterfat differential pursuant to § 923.52 (a), both for the current delivery period; and the minimum price for Class II milk pursuant to § 923.51 (b) and the Class II butterfat differential pursuant to § 923.52 (b), both for the preceding delivery period; and (2) the 8th day after the end of each delivery period, the uniform price pursuant to §§ 923.71 and 923.72 and the butterfat differentials to be paid pursuant to § 923.82.

REPORTS, RECORDS, AND FACILITIES

§ 923.30 *Reports of receipts and utilization.* On or before the 4th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in (1) all receipts at his fluid milk plant(s) within such delivery period of (i) producer milk, and for the months of April through August the aggregate quantities of base and excess, (ii) skim milk and butterfat in any form from other handlers, and (iii) other source milk; and (2) milk diverted pursuant to § 923.10 (b);

(b) The utilization of all skim milk and butterfat required to be reported under paragraph (a) of this section; and

(c) Such other reports concerning receipts and utilization as the market administrator may require.

§ 923.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request:

(a) On or before the 20th day after the end of the delivery period his producer payroll for such delivery period which shall show: (1) The total pounds of milk received from each producer or cooperative association, including for the delivery periods of April through August the total deliveries of base milk and excess milk by each producer; (2) the number of days deliveries are made and if less than a full calendar month, the date of first and last delivery; (3) the average butterfat content of such milk; and (4) the net amount of such handler's payment to each producer or a cooperative association, together with the prices paid, deductions and charges involved.

§ 923.32 *Records and facilities.* Each handler shall keep adequate daily records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weight, sample, and test for butterfat content all milk and milk products handled; (c) verify payment to producers; and (d) make such examinations of operations, equipment, products and facilities, as are necessary and essential to the proper administration of this part or any amendments thereto.

§ 923.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 923.40 *Basis of classification.* All skim milk and butterfat contained in (a) receipts at a fluid milk plant(s) within such delivery period of (1) producer milk, (2) skim milk and butterfat in any form from other handlers, and (3) other source milk; and (b) milk diverted pursuant to § 923.10 (b) shall be classified by the market administrator in the classes set forth in § 923.41.

§ 923.41 *Classes of utilization.* Subject to the conditions set forth in §§ 923.42 through 923.45 the classes of utilization shall be as follows:

(a) Class I shall be all skim milk and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream and any cream products, or any mixtures of these products in fluid form, except frozen cream and ice cream mix; (2) in inventory variation; and (3) not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat used to produce any item other than those designated as Class I milk in paragraph (a) of this section.

§ 923.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk, unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified in Class II.

(b) Any skim milk or butterfat classified in Class II shall be reclassified Class I if used or reused by such handler or by another handler in that class.

§ 923.43 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a fluid milk plant of another handler, unless utilization in Class II is reported by the transferor handler in his regular monthly utilization report to the market administrator, but in no event shall the amount classified in any class exceed the total use in such class by the transferee-handler: *Provided*, That if either or both handlers have received other source milk, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a plant other than a fluid plant, except that of a producer-handler, unless the handler reports utilization in Class II in his monthly report to the market administrator; and provided that the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such statement: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I: *Provided further*, That if such plant disposes of fluid cream to another nonfluid milk plant which conforms with the requirements of this paragraph, such cream shall be classified as Class II milk.

§ 923.44 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 923.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for each handler for each delivery period shall be the pounds in such class allocated to producer milk received by such handler.

(1) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest price Class II milk, the pounds of skim milk in other source milk;

(2) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other handlers and assigned to such class pursuant to § 923.43 (a);

(3) If all the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class, in series beginning with Class II.

(b) Allocate the pounds of butterfat in each class to producer milk in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 923.50 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest cent) to be used in determining the price for Class I milk of 4.0 percent butterfat content shall be the highest of the prices computed pursuant to paragraphs (a), (b), or (c) of this section.

(a) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the delivery period by the companies listed below:

Company and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the butterfat differential computed pursuant to § 923.52 (a) by 5;

(b) The price computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at New York, as reported by the United States Department of Agriculture, during the delivery period;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids,

for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the United States Department of Agriculture:

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 68 cents; and

(4) Add an amount computed by multiplying the butterfat differential computed pursuant to § 923.52 (a) by 5; or

(c) The price intended to be reflected to producers for manufacturing milk, as announced for the current marketing year by the Secretary of Agriculture under the government price support program, adjusted to 4.0 percent butterfat equivalent in accordance with the butterfat differential provided in § 923.52 (a).

§ 923.51 *Class prices.* Subject to the provisions of § 923.52 each handler shall pay producers, at the time and in the manner set forth in §§ 923.80 through 923.83, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 923.45:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the immediately preceding delivery period, plus $2.25 per hundredweight.

(b) *Class II milk.* The price for Class II milk shall be the higher of the prices computed pursuant to § 923.50 (b) or the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the delivery period by the companies indicated below:

Company and Location

Southern Dairies, Christianburg, Va.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greeneville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.
Carnation Co., Galax, Va.

§ 923.52 *Butterfat differentials to handlers.* If the average butterfat test of Class I milk or Class II milk is more or less than 4.0 percent, there shall be added to or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of 1 percent that such average butterfat test is above or below 4.0 percent, a butterfat differential calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 0.120 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at New York City, as reported by the Department of Agriculture during the immediately preceding delivery period, and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply by 0.110 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at New York City as reported by the Department of Agriculture during the delivery period, and round to the nearest one-tenth cent.

DETERMINATION OF BASE

§ 923.60 *Computation of daily average base for each producer.* For the months of April through August of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 923.61.

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through February immediately preceding by the number of days from the first day of delivery by such producer during such months to the last day of February, inclusive, but not less than 120 days.

§ 923.61 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(3) If a baseholder ceases to deliver Grade A milk to any handler, base may be transferred in whole to one designated by baseholder.

§ 923.62 *Announcement of established bases.* On or before April 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer the daily base established by such producer.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 923.70 *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price, (b) add together the resulting amounts, and (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the appropriate class price.

§ 923.71 *Computation of the uniform price for each handler.* For each month of September through February, the market administrator shall compute for each handler the uniform price for milk received from producers as follows:

(a) To the amount computed pursuant to § 923.70 add if the average butterfat content of milk received from producers by such handler is less than 4.0 percent, or subtract if such average butterfat content is more than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers computed pursuant to § 923.82, and multiply the result by the total hundredweight of such milk;

(b) Add the amount represented by any deductions made pursuant to paragraph (c) of this section for fractions of a cent in computing the uniform price for the preceding month;

(c) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat, f. o. b. fluid milk plant.

§ 923.72 *Computation of the uniform price for base milk and for excess milk for each handler.* For each of the months of April through August, the market administrator shall compute for each handler the uniform price for base milk and for excess milk received from producers as follows:

(a) To the amount computed pursuant to § 923.70 add if the average butterfat content of milk received from producers by such handler is less than 4.0 percent, or subtract if such average butterfat content is more than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers computed pursuant to § 923.82 and multiply the result by the total hundredweight of such milk;

(b) Add the amount represented by any deductions made pursuant to § 923.71 (c) or paragraphs (e) and (f) of this section for fractions of a cent in computing such uniform prices for the preceding month;

(c) Subject to the condition set forth in paragraph (d) of this section, compute the value of excess milk by multiplying the quantity of such milk by the Class II price;

(d) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (c) of this section from the value obtained pursuant to paragraph (b) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of base milk delivered by producers by the Class I price computed pursuant to § 923.51, such value in excess thereof shall be added to the value computed pursuant to paragraph (c) of this section to the extent that the excess price shall not exceed the base price as calculated in this subpart. Any additional value remaining shall be prorated on a volume basis between excess and base milk;

(e) Divide the result obtained in paragraph (d) of this section by the quantity of base milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price per hundredweight for such handler for "base milk" of 4.0 percent butterfat content; and

(f) Divide the result obtained in paragraph (c) of this section by the quantity of excess milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price per hundredweight for such handler for "excess milk" of 4.0 percent butterfat content.

§ 923.73 *Notification of handlers.* On or before the 8th day after the end of each delivery period, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of April through August the amounts and value of his base and excess milk, respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 923.71 and 923.72 and the butterfat differential computed pursuant to § 923.82; and

(d) The amounts to be paid by such handler pursuant to §§ 923.80, 923.81, 923.82, 923.84 and 923.85.

PAYMENTS

§ 923.80 *Time and method of payment for producer milk.* (a) On or before the last day of each delivery period each handler shall make payment to each producer for milk received from him during the first effective days of such delivery period at not less than the Class II price per hundredweight for the preceding delivery period: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association on or before the 2d day before the end of each delivery period an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) On or before the 15th day after the end of each delivery period each handler shall make payment to each producer for milk which was received from him during the delivery period at not less than the uniform price computed pursuant to § 923.71, if such delivery period is any of the months of September through March, or at not less than the uniform price for base milk computed pursuant to § 923.72 with respect to base milk received from such producer and at not less than the uniform price for excess milk computed pursuant to § 923.72 with respect to excess milk received from such producer, if such delivery period is any of the months of April through August, subject to the following adjustment: (1) The butterfat differential pursuant to § 923.82, (2) less payment made pursuant to paragraph (a) of this section, (3) less marketing service deductions pursuant to § 923.85, (4) less deductions authorized in writing by the producer, and (5) adjusted for any error in calculating payment to such individual producer for past delivery periods: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association, on or before the 13th day after the end of each delivery period, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

§ 923.81 *Adjustment of errors in payment.* Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 923.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 923.82 *Butterfat differential to producers.* In making payments to each producer there shall be added to the uniform price(s) for each one-tenth of 1 percent that the average butterfat content of such milk delivered by such producer is above 4.0 percent not less than, or there may be deducted from the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply the simple average computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at New York City as reported by the United States Department of Agriculture during the month, by 0.110 and round to the nearest one-tenth of a cent.

§ 923.83 *Statement to producers.* In making payments required by § 923.80, each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producers is required under the provisions of §§ 923.80 and 923.82;

(d) The rate which is used in making the payment if such rate is other than the applicable minimum;

(e) The amount of the rate per hundredweight of each deduction claimed by the handler, including any deduction made pursuant to § 923.85, together with a description of the respective deductions; and

(f) The net amount of payment to the producer or cooperative association.

§ 923.84 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts during the delivery period, of (a) milk from producers (including such handler's own production), and (b) other source milk received at a fluid milk plant.

§ 923.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 923.80 (b) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers, excepting such handler's own farm production, during the delivery period, and shall pay such deductions to the market administrator not later than the 15th day after the end of the delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the delivery period and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a), of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 923.86 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted prior to the issuance of this order, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If the handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 923.90 *Producer-handlers.* Sections 923.40 through 923.45, 923.50 through 923.52, 923.60 through 923.62, 923.70 through 923.73, 923.80 through 923.86 shall not apply to a producer-handler.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 923.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 923.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 923.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 923.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 923.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this act, to other persons or circumstances shall not be affected thereby.

§ 923.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: January 12, 1954, Washington, D. C.

[SEAL] GEORGE A. DICE
Acting Deputy Administrator.

[F. R. Doc. 54-300; Filed, Jan. 15, 1954; 8:48 a. m.]

[7 CFR Part 951]

TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

FINDINGS AND DETERMINATIONS WITH RESPECT TO CONTINUATION IN EFFECT OF AMENDED MARKETING AGREEMENT AND

Pursuant to the applicable provisions of Marketing Agreement No. 93, as amended, and Order No. 51, as amended (7 CFR Part 951), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), notice was given in the FEDERAL REGISTER on November 25, 1953 (18 F. R. 7520), that a referendum would be conducted among the growers who, during the period beginning April 1, 1953, and ending November 1, 1953, both dates inclusive (which period was determined to be a representative period for the purpose of such referendum), had been engaged, within San Joaquin and Sacramento Counties in California, in the production of Tokay grapes for market, to cast their ballots relative to the termination of said amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period November 28 to December 5, 1953, both dates inclusive, it is hereby found and determined that the termination of the said marketing agreement and order is not favored by the requisite majority of such growers.

Done at Washington, D. C., this 12th day of January 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-319; Filed, Jan. 15, 1954; 8:51 a. m.]

[7 CFR Part 974]

[Docket AO-176-A10]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Marketing Services, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Columbus, Ohio, on June 8, 9, and 15, 1953, pursuant to notice thereof which was issued on May 28, 1953 (18 F. R. 3174).

The material issues of record relate to:

1. The classification and pricing of milk used in the manufacture of ice cream and related products;

2. The classification of other source milk received under a written permit issued by the appropriate health authorities in the marketing area;

3. The classification of milk disposed of in the form of cream;

4. The supply-demand adjustment to the Class I price;

5. Seasonal variation in returns to producers.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

Milk for ice cream. The price for milk used to produce frozen cream, condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans), ice cream, ice cream mix, ice cream novelties, ice sherbets, or imitation ice cream should be reduced approximately 50 cents per hundredweight for each of the months of April, May, June, and July. To facilitate this price change milk used in such manner should be designated as Class III milk and the present Class III milk should be redesignated as Class IV milk. Since January 1, 1950, milk which would become the new Class III milk has been classified and priced the same as milk disposed of in the form of cream (Class II).

In June 1952 the Columbus Board of Health took action to permit ice cream or ice cream ingredients which are under the Cleveland, Ohio, Health Department inspection to be used in Columbus. In recent months substantial volumes of such ice cream or ice cream ingredients have been brought into Columbus. Milk used to produce such ice cream or ice cream ingredients is not subject to the pricing provisions of the Columbus milk marketing order and may not necessarily be subject to the Cleveland milk marketing order. Prices for such milk under the Cleveland order in 1952 averaged 62.5 cents per hundredweight (of milk containing 3.5 percent of butterfat) below comparable prices under the Columbus order. The cost of ice cream or ice cream ingredients from these Cleveland sources made from milk not subject to the Cleveland order is calculated to be relatively the same as the cost of such items made from milk which is subject to the Cleveland order. Additional handling and transportation costs involved in delivering these Cleveland products to Columbus would be expected to represent only a portion of this price difference, so it appears that Columbus ice cream distributors obtaining ice cream or ice cream ingredients from Cleveland sources are enjoying competitive advantages over their competitors who use producer milk for their ice cream. These competitive advantages have been exemplified to some extent in lower wholesale and retail prices for ice cream. Unless the competitive disadvantages to ice cream distributors using producer milk are removed by changing the applicable order provisions, the ice cream distributors suffering such disadvantages may attempt to remove it themselves by seeking ice cream or ice cream ingredients from lower cost sources.

Prior to this June 1952 action of the Columbus Board of Health all ice cream and ice cream ingredients for Columbus were required to be made from milk produced under supervision of the Columbus Board of Health—the same quality of milk that was required for use in bottled milk or cream. On the basis of this quality requirement and the accompanying limited source of supplies of such milk, milk for use in ice cream was priced under the order at the same price as milk for use in bottled cream. The June 1952 action of the Board of Health has opened up a new large lower priced source of supply of ice cream or ice cream ingredients for Columbus.

Handlers have historically stored frozen cream and condensed products in the spring and summer, notably in May and June, for use in the following August or September through February or March. These stored products are used largely for ice cream. About 85 percent of the frozen cream stored during 1950–52 was used for ice cream and most of the remainder was reclassified to Class III. Of the condensed products stored during this period, about 60 percent was used for ice cream, about 25 percent was disposed of to persons other than handlers, and most of the remainder was reclassified, over three-fourth to Class I. To the extent that storage for use in ice cream is practiced, the need for currently produced producer milk for ice cream requirements in the fall and winter is accordingly reduced. In the last three Novembers when both milk production and ice cream sales were at or near their seasonal low point, the utilization of skim milk for ice cream and ice cream ingredients (frozen cream and condensed products) ranged from 4.0 to 5.1 percent of the skim milk contained in producer milk. The comparable range for butterfat was 7.2 to 10.1. In the last three Mays for which data are shown in the record, when milk production was at its seasonal peak and ice cream sales were rapidly increasing seasonally, the utilization of skim milk and butterfat for ice cream and ice cream ingredients ranged from 18.9 to 23.7 percent and from 26.1 to 32.9 percent, respectively, of the respective supplies of skim milk and butterfat in producer milk. In one month (November 1951) almost half of the butterfat used by handlers in ice cream was obtained from stored frozen cream, and in each of the months of November 1950 and November 1952 about one-fourth of the butterfat so used came from stored cream.

The above data show that market requirements for producer milk for ice cream vary seasonally in a pattern somewhat similar to the seasonality of supplies of producer milk, and that with the storage practice which has been followed a much larger proportion of producer milk is used for ice cream (current needs plus storage) during the spring and summer months than during the fall and winter months.

The reduction in the price of milk for ice cream during April, May, June, and July, resulting in a lower level of prices of milk for ice cream and a wider seasonal variation in these prices, should offer some further incentive for increased ice cream outlets and for storing products during those months for later use.

The proposal that for skim milk manufactured into condensed skim milk during April-July, placed in storage, and sold during the following January-March to a person other than a handler, a handler should be credited with the difference between the present Class II price (new Class III price) and the present Class III price (new Class IV price), making the net cost of such milk the present Class III price (new Class IV price) should not be adopted. Handlers testified that this proposal is of little or no consequence in providing outlets for surplus skim milk because of the high storage costs experienced.

It was proposed at the hearing that milk used in aerated products (Reddi-Whip, Instant Whip, and similar products) be classified and priced the same as milk for ice cream. Evidence in the record indicates that the quality requirements and the available sources of supplies of milk for these products remain the same as for bottled cream; accordingly, this proposal is denied.

The question of whether the new Class III price (milk for ice cream and related uses) should be subject to the supply-demand adjustment arises. Since the revisions concluded above to be necessary are designed to price milk used during April, May, June, and July for ice cream or ice cream ingredients in closer relationship to the cost of Cleveland approved ice cream or ice cream ingredients, the supply-demand adjustment should not apply during these months. During the remaining months of the year the price of milk used for ice cream should be subject to the supply-demand adjustment—when supplies are short less milk will be available for use in ice cream and the price should be higher to reflect this condition; and

when supplies are long a lower price for milk for ice cream would be desirable.

A proposal that the proposed reduction in the price of milk for ice cream be accompanied by an increase in the Class I price sufficient to prevent any resulting decline in returns to producers should be denied. Such an increase in the Class I price would be appropriate only for the purpose of retaining supplies of producer milk for ice cream at no less than the present level.

A comparison of the price of milk for ice cream (Class II price) and the uniform price during recent years indicates that in all fall and winter months and in some of the spring and summer months the uniform price has been higher than the Class II price. This indicates that in most months returns from milk for ice cream have had a depressing influence on the uniform price. Thus it is not in the producers' interest that producer milk supplies be maintained at a high level to meet ice cream requirements and neither is it in the public interest as long as other sources of supply of ice cream or ice cream ingredients are available. At present and proposed levels of the price of milk for ice cream, ice cream is a desirable outlet only for seasonal reserve milk supplies.

Producer representatives proposed that in lieu of a price reduction to meet the competition of these new lower priced sources of ice cream and ice cream ingredients provisions for collecting an amount sufficient to remove the price advantages of these sources should be prescribed. This would involve the extension of the regulatory provisions of the order to a number of persons not presently regulated thereunder. Adoption of this proposal would not be appropriate unless a conclusion is reached (expressed or implied) that supplies of producer milk should be sufficient to meet ice cream requirements—or that all milk for ice cream should be subject to the pricing provisions of the order.

One condition under the present producer definition is "a dairy farm permit issued by the appropriate health authorities in the marketing area." It appears that this condition would prevent dairy farmers who supply Cleveland approved milk which is disposed of as ice cream or ice cream ingredients in the Columbus marketing area from being producers under the Cleveland order—thus the proposal would assess a charge with respect to milk or milk products which health authorities permit to be used for ice cream but which could not be producer milk under the order.

The proposal involves revision of the fluid milk plant definition so that any plant from which ice cream or other frozen desserts or ice cream mix are distributed in the marketing area would become a fluid milk plant. It would be possible in such an event that the milk of all dairy farmers whose milk would be only of incidental use in the market could be fully subject to the pricing and payment provisions of the order and share proportionately with the milk of other producers, primarily supplying the market for Class I utilization.

Other source milk received under a written permit. Proposals that skim milk and butterfat received in other source milk pursuant to a written permit issued by appropriate health authorities be classified on the basis of the actual use of such skim milk and butterfat should be denied. At the present time any such other source milk received at a plant pursuant to emergency permits issued by health authorities is classified in the same classes and proportions as producer milk at that plant and all remaining other source milk is classified in the lowest valued class of utilization at the plant. Proponents pointed out that local health authorities have never issued emergency permits, so all other source milk has been classified in the lowest valued class of utilization at the plant. They claimed that since local health authorities will now allow ice cream or ice cream ingredients to be obtained from Cleveland approved sources, any products obtained under this permission should be classified on the basis of their actual use.

The price reduction concluded above to be necessary for milk for ice cream is designed to remove the competitive disadvantages now experienced by handlers using producer milk for ice cream. Under such conditions the only apparent need for handlers to rely on supplies of other source milk for use in ice cream would arise when a handler's producer milk supplies are not sufficient for his Class I and Class II requirements and under these circumstances any other source milk obtained for use in ice cream would be classified under the present order provisions on the basis of its use in ice cream. Adoption of this proposal would mean that handlers at their own discretion could have producer milk classified on the basis of its use in butter at a time when they were obtaining other source milk for use in ice cream.

Verification by the market administrator of the actual use of other source milk at a plant is not feasible because it could be effected only by complete and continuous observation of all operations at the plant. Therefore, classification of other source milk on the basis of its actual utilization cannot be adopted.

Classification of cream. Milk disposed of in the form of cream should continue to be classified (as Class II) and priced in the same manner as at present. Supporting evidence on the proposal to include milk for cream as Class I milk indicated that the proposal was submitted mainly for the purpose of increasing returns to producers to offset lower returns which might accrue to producers if the handlers' proposals on pricing of milk for ice cream and classifying other source milk were adopted.

An important consideration in the pricing of milk for use as bottled cream is the relationship between market supplies and market requirements of butterfat. Analysis of data showing this relationship indicates that market supplies of butterfat are larger than market supplies of skim milk in relation to market requirements for butterfat and skim milk, respectively. Increasing the price of milk used for cream would tend to reduce consumption of cream and would thus result in further unbalance in supplies and requirements of butterfat as compared with supplies and requirements of skim milk.

Supply-demand adjustment. Handlers' proposals in the hearing notice would eliminate the supply-demand adjustment; but at the hearing a modified supply-demand adjustment based on the relationship between market supplies and requirements during the most recent 12 months was presented.

The supply-demand adjustment is applied for the purpose of promptly effecting limited adjustments in the Class I price differential in response to changed market conditions. Thus the supply-demand adjustment is useful primarily as an immediate reflector of changes in market conditions. These changes can occur in either market demand or market supplies. In the last year (for which data is shown in the record) Class I utilization increased about 10 percent, and most of that increase occurred in the last 6 or 7 months. Market supplies can change quickly as a result of extremely favorable or unfavorable production conditions.

Under the handlers' proposed supply-demand adjustment any changed condition would have to be in existence several months before appreciably affecting prices, and the full affect would not be experienced until the changed condition had been effective for 12 months. Thus it appears that the lag between changed market conditions and resulting price changes under the handlers' proposal would be such that the primary use of the supply-demand adjustment to quickly reflect changes in market conditions would be impaired.

Handlers also testified that market requirements for Class II milk have declined in relation to Class I requirements in the last three or four years and that this decline has made the present standard utilization percentages contained in the supply-demand adjustment (calculated on sales of Class I milk in relation to supplies) inappropriate. (To the extent that this objection is valid, it also applies to the supply-demand adjustment proposed by handlers.) It would be concluded from this that these standards are now too low (or reflect larger than necessary supplies) and should be increased. A review of supplies in relation to Class I and Class II requirements last November and December shows that only 2.3 and 4.6 percent, respectively, of producer milk supplies were classified as Class III milk during those months. The supply-demand adjustment for December was based on these two months and was zero. It does not appear reasonable to conclude that supplies were excessive during these months.

Handlers also express dissatisfaction with the present supply-demand adjustment because it did not occasion a minus adjustment in the early months of 1953 when supplies of producer milk were at record high levels; however, they expressly avoided the conclusion that the resultant Class I prices were too high. The larger supplies were reflected in the supply-demand adjustment which declined from a plus 26 cents for November to zero for December. As was mentioned in the foregoing Class I requirements during these months were about 10 percent higher than a year earlier—a record high level of Class I requirements.

With the increased scope of supplies of milk for ice cream and the reduction in April-July of order prices for such milk the question arises of whether the desirable relationship between market supplies and requirements as reflected in the standard utilization percentages contained in the supply-demand adjustment should be revised. It was indicated above that the effect which the revised pricing of milk for ice cream during April-July will have on requirements for producer milk for ice cream cannot yet established. Under these circumstances no change should be made at this time.

The proposal made by handlers to limit or prohibit Class I and Class II price increases during April, May, June, and July and declines during October, November, and December should be denied. Such limitations or prohibitions might unduly delay needed price changes to reflect a change in the basic value of milk or in the relationship between supplies and requirements. The decline of 26 cents in the supply-demand adjustment from November to December 1952 in response to greatly increased supplies of producer milk would have been delayed under this proposal.

Handlers claimed that the form of supply-demand adjustment contained in the order conflicts with the program to reduce seasonal variation in supplies because as production becomes more even seasonally supplies during the spring and summer months will not be as great in relation to requirements and as a result the supply-demand adjustment will increase spring and summer prices. It is true that this result is likely unless positive action is taken to prevent it; however, the seasonal correction of supplies can be expected to occur gradually and with close surveillance this undesirable result can readily be foreseen and prevented.

Proposals offered at the hearing to change the basic formula price and the Class III (new Class IV) skim milk price cannot be considered because other interested persons were not given adequate notice that such proposals would be considered.

Seasonal variation in returns to producers. The proposal that the seasonal variation in returns to producers be increased somewhat by making the deduction of 35 cents per hundredweight during April-July applicable to all producer milk (it is presently applicable to Class I and Class II producer milk) should be adopted. Wide seasonal variation still exists in the market supply of producer milk. Only a year of experience under the present program of encouraging more even production of milk seasonally by holding a portion of the money paid by handlers for milk during April, May, June, and July in reserve and paying it to producers in October, November, and December is shown in the record. Additional experience is necessary before the effectiveness of this program can be appraised; however, the adoption of this proposal should provide additional incentives for the program to accomplish its intended purposes.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of handlers, The Central Ohio Co-Operative Milk Producers, Inc., and Telling Ice Cream Company.

The briefs contained proposed findings and conclusions and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Amend § 974.22 (i) (1) by changing the reference "§§ 974.51, 974.52 and 974.53" appearing therein to read "§§ 974.51 through 974.54".

2. Amend § 974.22 (k) by changing the terms "Class I milk, Class II milk, and Class III milk" appearing therein to read "Class I milk, Class II milk, Class III milk, and Class IV milk".

3. Amend § 974.41 (a) (3) by changing the terms "Class II milk or Class III milk" appearing therein to read "Class II milk, Class III milk, or Class IV milk,"

4. Amend § 974.41 (b) (1) and (2) to read as follows:

(1) Disposed of in fluid form for consumption as sweet or sour cream or any mixture of cream and milk (or skim milk), including eggnog, containing more than 6 percent of butterfat;

(2) Used to produce aerated products containing milk, cream, or any combination thereof (such as "Reddi-Wip", "Instant Whip", etc.); and

5. Delete that portion of § 974.41 (c) preceding subparagraph (2) thereof and substitute therefor the following:

(c) Class III milk shall be all skim milk and butterfat used to produce frozen cream, condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans), ice cream, ice cream mix, ice cream novelties, ice sherberts, or imitation ice cream.

(d) Class IV milk shall be all skim milk and butterfat specifically accounted for as:

(1) Having been used to produce any milk product other than as specified in paragraphs (a) (1) or (2), (b), or (c) of this section;

6. Amend § 974.43 (a) (3) by changing the terms "Class II milk or Class III milk" appearing therein to read "Class II milk, Class III milk, or Class IV milk".

7. Amend § 974.43 (b) (3) by changing the terms "Class I milk or Class III milk" appearing therein to read "Class I milk, Class III milk, or Class IV milk".

8. Amend § 974.44 by changing the terms "Class I milk, Class II milk and Class III milk" appearing therein to read "Class I milk, Class II milk, Class III milk, and Class IV milk".

9. Amend § 974.44 (d) (2) and (e) (3) by changing the terms "Class II milk or Class III milk" appearing therein to read "Class II milk, Class III milk, or Class IV milk".

10. Amend § 974.44 (h) to read as follows:

(h) Determine the total pounds of butterfat in Class III milk by computing the aggregate amount of butterfat used to produce each of the several items of Class III milk;

11. Delete § 974.44 (i) (2) and (3) and substitute therefor the following:

(2) Subtracting the result obtained in paragraph (h) of this section;

(j) Determine the total pounds of butterfat in Class IV milk by:

(1) Computing the aggregate amount of butterfat used to produce each of the several items of Class IV milk; and

(2) Adding actual plant shrinkage of butterfat referred to in § 974.41 (d) (3) and (4); and

(k) Determine the total pounds of skim milk in Class IV milk by:

(1) Computing the aggregate amount of skim milk and butterfat (in whatever form) used to produce each of the several items of Class IV milk;

(2) Subtracting the result obtained in paragraph (j) (1) of this section; and

(3) Adding actual plant shrinkage of skim milk referred to in § 974.41 (d) (3) and (4).

12. Amend § 974.45 by changing the terms "Class I milk Class II milk and Class III milk" appearing therein to read "Class I milk, Class II milk, Class III milk, and Class IV milk".

13. Amend § 974.45 (a) to read as follows:

(a) Subtracting from Class IV milk (other than butterfat used in butter making) the actual plant shrinkage of skim milk and butterfat, respectively, allowed pursuant to § 974.41 (d) (3) and (4);

14. Amend § 974.45 (d) by changing the term "Class III milk" appearing therein to read "Class IV milk".

15. Amend § 974.45 (f) to read as follows:

(f) Subtracting from the remaining pounds of skim milk and butterfat in each class (not including plant shrinkage on producer milk in Class IV milk), the total pounds of skim milk and butterfat, respectively, received from other handlers (except those referred to in paragraph (c) of this section) and stated by the transferring handler and receiver to have been used in such class, to the extent of the amounts of skim milk and butterfat remaining in such class after making the computation pursuant to paragraphs (b) and (c) of this section: *Provided*, That skim milk or butterfat allocated by such statements to Class II milk, Class III milk, or Class IV milk in excess of amounts subtracted above pursuant to this paragraph shall be subtracted from Class I milk; and

16. Amend §§ 974.51 and 974.52 by changing the reference "§ 974.54" appearing therein to read "§ 974.55".

17. Amend § 974.52 (b) by changing the reference "paragraph (b) of § 974.53" appearing therein to read "§ 974.54 (b)".

18. Insert immediately before paragraph (a) of § 974.53 the following:

(a) For each of the months of August through March the prices for skim milk and butterfat shall be those computed pursuant to § 974.52; and

(b) For each of the months of April through July the prices for skim milk and butterfat shall be computed as follows:

(1) Add 20 cents to the basic formula price;

(2) Multiply the price computed in subparagraph (1) of this paragraph by the percentage computed in § 974.51 (b) and then divide by 0.035, and the resulting amount shall be the Class III butterfat price per hundredweight: *Provided*, That in no event shall the price of Class III butterfat be less than the price computed pursuant to § 974.54 (b) prior to the proviso; and

(3) Subtract from the price computed pursuant to subparagraph (1) of this paragraph the amount computed pursuant to subparagraph (2) of this subparagraph times 0.035, and divide the result by 0.965, and the resulting amount shall be the Class III skim milk price per hundredweight.

§ 974.54 *Class IV milk prices.* The respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class IV milk shall be as follows, as computed by the market administrator:

19. Renumber § 974.54 as § 974.55.

20. Amend § 974.60 by changing the terms "Class II and Class III prices" appearing in the last proviso thereof to read "Class III and Class IV prices"; and by changing the terms "Class I milk or Class II milk" appearing in the last proviso thereof to read "Class I milk, Class II milk, or Class III milk".

21. Amend § 974.63 (e) to read as follows:

(e) Deducting for each of the months of April, May, June, and July an amount computed by multiplying the hundredweight of milk which was received from producers during each such month by 35 cents;

22. Amend § 974.91 to read as follows:

§ 974.91 *Producer-handlers.* Sections 974.50 through 974.62 and 974.70 through 974.78 shall not apply to a handler who handles only milk from his own farm production or received from other handlers.

Filed at Washington, D. C., this 12th day of January 1954.

[SEAL] GEORGE A. DICE,
Acting Deputy Administrator.

[F. R. Doc. 54-299; Filed, Jan. 15, 1954; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 53-62]

COAST GUARD PORT SECURITY CARDS

The United States Coast Guard is authorized to issue Coast Guard Port Security Cards as one means of identification of persons regularly employed on vessels or on waterfront facilities or of persons having regular public or private business connected with the operation, maintenance, or administration of vessels, their cargoes, or waterfront facilities. The practice is to limit the validity of these Coast Guard Port Security Cards to two years from date of issuance. It is not deemed appropriate or necessary to require the rescreening of holders of Coast Guard Port Security Cards and the reissuance of such cards at this time.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by 33 CFR 6.10-7 in Executive Order 10173, as amended by Executive Orders 10277 and 10352 (15 F. R. 7005, 7007, 7008, 16 F. R. 7537, 7538, 17 F. R. 4607), notice is given to holders of Coast Guard Port Security Cards (Form CG-2514) that the period of validity of such cards, unless sooner surrendered or canceled by proper authority, will be for a period of six years from the date of issuance thereof instead of the period of two years as indicated on the reverse of the card.

This document supersedes Coast Guard document CGFR 52-47 entitled "Coast Guard Port Security Cards," dated October 7, 1952, and published October 11, 1952 (17 F. R. 9084).

Dated: January 11, 1954.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 54-304; Filed, Jan. 15, 1954; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

ALASKA PUBLIC SALE ACT; CLASSIFICATION NO. 13

DECEMBER 29, 1953.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679, 43 U. S. C. 364a-364e) as hereinafter indicated:

T. 1 S., R. 1 W., Fairbanks Meridian,
Section 24: N½N½NW¼SW¼; W½NW¼, that portion south of the right-of-way of the Richardson Highway.

Containing approximately 58.5 acres. Classified for industrial and commercial purposes.

U. S. Survey 3148: Lots 109-186, inclusive.

Containing approximately 46.06 acres. Classified for industrial and commercial purposes.

U. S. Survey 2774: Lots 1-4, inclusive.

Containing approximately 5.20 acres. Classified for industrial, commercial and housing purposes.

Proposed U. S. Survey 3292:
Tract A: Lots 1, 2, 2A and 3

Containing approximately 3.99 acres. Classified for industrial, commercial and housing purposes.

Proposed U. S. Survey 3292:
Tract B: Lots 7-14, inclusive;
Tract F: Lots 72-76, inclusive;
Tract F: Lots 78-85, inclusive.

Containing approximately 10.10 acres. Classified for industrial and commercial purposes.

The above land will be offered for sale in accordance with regulations contained in 43 CFR 75.32. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 54-302; Filed, Jan. 15, 1954; 8:49 a. m.]

Bureau of Reclamation

[No. 11]

YUMA MESA DIVISION, GILA IRRIGATION PROJECT, ARIZONA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

DECEMBER 30, 1953.

1. *Water rental.* Irrigation water will be furnished during calendar year 1954 under approved applications for water service during development period to the public land, public land entered, state land and private land described in section 1 of Public Notice Nos. 4 and 9 dated December 10, 1947, amended January 8, 1951, and January 21, 1952, respectively, both entitled "Public Notice Announcing Availability of Water for Public, State and Private Lands and Opening of Public Lands to Entry", to the desert land entries and private land described in paragraph 1 of Public Notice No. 7 dated January 7, 1950, entitled "Public Notice Announcing Availability of Water for Certain Desert Land Entries and Private Lands", and, when available and where the progress of construction contemplated herein will permit, upon a rental basis under approved applications for temporary water service, to those public lands in the Yuma Mesa Unit of the Yuma Mesa Division which are not described in either of said notices, and to those private lands in said unit listed below:

GILA AND SALT RIVER MERIDIAN, ARIZONA

Private lands:

T. 8 S., R. 23 W.,
Sec. 34 NW¼SE¼ lying S. of S. P. R. R.,
T. 9 S., R. 22 W.,
Sec. 31 S½SW¼,
T. 9 S., R. 23 W.,
Sec. 2 E½SE¼SW¼,
Sec. 10 N½N½NE¼NE¼,
T. 10 S., R. 22 W.,
Sec. 6 W½NW¼.

2. *Charges and terms of payment.* Water rental charges shall be payable in advance of the delivery of water at rates as follows:

(a) (i) For lands irrigated hereunder by gravity before July 1, 1954, and under irrigation prior to July 1, 1953, the minimum charge shall be $9.45 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to an allotment of 9 acre-feet of water per acre. Additional water will be furnished at the rate of $1.30 per acre-foot.

(ii) For lands irrigated hereunder by gravity before July 1, 1954, and not under irrigation prior to July 1, 1953, the minimum charge shall be $7.20 per acre for each acre of land for which water service is requested during 1954, payment of which will entitle the applicant to an allotment of 12 acre-feet of water per acre for the establishment of a new crop on raw land. Additional water will be furnished at the rate of $1.00 per acre-foot.

(iii) For lands irrigated hereunder by sprinkler the minimum charge shall be $5.25 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to an allotment of 5 acre-feet of water per acre. Additional water will be furnished at the rate of $1.30 per acre-foot.

(iv) If applicant so requests, one-half of said minimum charge may be paid on January 1, 1954, or at such time prior to July 1, 1954, as the water-service application may be filed, which upon approval, shall entitle the applicant to one-half of the allotment of water as set forth in paragraphs 2 (a) (i), 2 (a) (ii) or 2 (a) (iii) above. The balance of said minimum charge shall be paid on July 1, 1954, or at such time as applicant requires more than one-half of such allotment of water, whichever is sooner, and payment thereof shall entitle the applicant to the remaining one-half of such allotment.

(b) For the remaining lands mentioned in paragraph 1 not irrigated at any time theretofore, but receiving water after July 1, 1954, there will be a charge of $0.60 per acre-foot for the first 6 acre-feet of water ordered during calendar year 1954 and a charge of $1.00 per acre-foot for all additional water ordered during that year.

3. The presently constructed distribution system for lands in the Yuma Mesa Unit of the Yuma Mesa Division generally provides single turnout facilities for legal subdivisions of private lands comprising approximately 80 gross acres. Under present plans the Bureau contemplates the construction of additional water-service facilities upon application therefor, subject to the conditions stated below, for units lacking individual water-service facilities which constitute portions of such subdivisions and which comprised not less than approximately 40 gross acres as of December 31, 1947, according to records of the County Recorder of Yuma County, Arizona. Each request for the construction of such facilities shall be accompanied by a deposit of the minimum per-acre charge mentioned in paragraph 2 (a) above and by evidence satisfactory to the Chief, Operations Division, Lower Colorado River District, that the applicant will proceed as expeditiously as practicable with the agricultural development of the unit. Such construction will be limited to the extent deemed by the Bureau to be practicable and prosecution thereof will be subject to the availability of funds therefor; such construction will be scheduled for completion within six months from the approval of such request. Upon approval of such request, the above-mentioned deposit shall be credited to the applicant's account and thereafter applied against charges made pursuant to paragraphs 2 (a) (i), 2 (a) (ii), 2 (a) (iii) or 2 (b) above in connection with water delivered to said unit.

4. Except as otherwise provided in the Reclamation Law (act of June 17, 1902, 32 Stat. 388, as amended or supplemented) no water will be delivered hereunder to any lands which constitute "excess lands" within the meaning of said laws.

5. No application for water service to isolated tracts will be approved where such service, in the opinion of the Chief, Operations Division, Lower Colorado River District, would require excessive expenditures for maintenance.

6. Applications for temporary water service may be made by the landowner or by anyone who presents evidence satisfactory to the Chief, Operations Division, Lower Colorado River District, that he is the tenant or lessee of the land for which water is requested, or that he has been authorized by the owner to make a water rental application for such land.

7. Water-service applications and the payments required thereunder will be received at the office of the Chief, Operations Division, Lower Colorado River District, Yuma, Arizona.

E. G. NIELSEN,
Regional Director.

[F. R. Doc. 54-287; Filed, Jan. 15, 1954; 8:45 a. m.]

[No. 12]

WELLTON-MOHAWK DIVISION, GILA IRRIGATION PROJECT, ARIZONA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

DECEMBER 31, 1953.

1. *Water rental.* Irrigation water will be furnished during calendar year 1954 under approved Applications for Water Service During Development Period to the lands included in Irrigation Block No. 1, established by Assistant Secretary Aandahl's letter of October 28, 1953, to Mr. R. H. McElhaney, President, Board of Directors, Wellton-Mohawk Irrigation and Drainage District, which fixed a development period of ten (10) years from and including October 28, 1953, pursuant and subject to the provisions of the contract between the United States and said District, dated March 4, 1952, and in addition, to applicants for irrigation water for lands in the Wellton-Mohawk Division which are not included in said irrigation block, following approval by the District Manager, Lower Colorado River District, of Applications for Irrigation Water.

2. *Charges and terms of payment.* Water rental charges shall be payable in advance of the delivery and/or taking of water at rates as follows:

(a) (i) For lands irrigated hereunder before July 1, 1954, and under irrigation prior to January 1, 1954, the minimum charge shall be $11.50 per acre for each acre of land for which water is requested during 1954, payment of which will entitle the applicant to an allotment of 4 acre-feet of water per acre. Additional water will be furnished at the rate of

$3.00 per acre-foot for those lands designated as "Valley" lands on Drawing No. 50-303-5071 on file in the office of the Chief, Operations Division, Lower Colorado River District, and for those lands designated as "Mesa" lands on said drawing, at the rate of $1.00 per acre-foot for the first six (6) acre-feet of additional water, and thereafter at the rate of $3.00 per acre-foot.

(ii) For lands irrigated hereunder before July 1, 1954, and not under irrigation prior to January 1, 1954, the minimum charge shall be $11.50 per acre for each acre of land for which water is requested during 1954, payment of which will entitle the applicant to an allotment of 5 acre-feet of water per acre for the establishment of a new crop on raw land. Additional water will be furnished at the rates for additional water set out in subparagraph (a) (i) above.

(iii) If applicant so requests, one-half of said minimum charge may be paid on January 1, 1954, or at such time prior to July 1, 1954, as the water-service application may be filed, which upon approval, shall entitle the applicant to one-half of the allotment of water as set forth in subparagraphs 2 (a) (i) or 2 (a) (ii) above. The balance of said minimum charge shall be paid on July 1, 1954, or at such time as applicant requires more than one-half of such allotment of water, whichever is sooner, and payment thereof shall entitle the applicant to the remaining one-half of such allotment.

(b) (i) For those lands mentioned in Paragraph 1 for which water is requested after July 1, 1954, but prior to November 1, 1954, the minimum charges shall be one-half of those specified in subparagraphs 2 (a) (i) and 2 (a) (ii) above, payment of which will entitle the applicants to one-half of the allotments provided for in said subparagraphs. Additional water will be furnished at the same rates therefor as provided in subparagraph 2 (a) (i).

(ii) For the remaining lands mentioned in Paragraph 1 for which water is requested on or after November 1, 1954, there will be a charge of $3.00 per acre-foot for all water ordered during calendar year 1954.

3. Applications for either water service during development period or for irrigation water may be made by the landowner or purchaser or by anyone who presents evidence satisfactory to the Chief, Operations Division, Lower Colorado River District, that he is the tenant or lessee of the land for which water is requested, or that he has been authorized by the owner or purchaser to make a water application for such land.

4. Water applications and the payments required thereunder will be received at the office of the Chief, Operations Division, Lower Colorado River District, Yuma, Arizona.

E. G. NIELSEN,
Regional Director.

[F. R. Doc. 54-288; Filed, Jan. 15, 1954; 8:46 a. m.]

[No. 12, Amdt.]

WELLTON-MOHAWK DIVISION, GILA IRRIGATION PROJECT, ARIZONA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

JANUARY 5, 1954.

Paragraph 2 of Public Notice No. 12, entitled Public Notice of Annual Water Rental Charges, issued December 31, 1953, for the Wellton-Mohawk Division, Gila Irrigation Project, Arizona, is hereby amended by the addition of subdivision (c), reading as follows:

(c) Applicants for water for lands designated as Class 4 on Drawing No. 50-303-5071, referred to in paragraph 2 (a) (i), which have not heretofore been planted in crops, may receive up to 4 acre-feet of leaching water per acre on payment in advance of $1.00 per acre-foot of water in addition to the payment of all other charges provided hereinabove.

E. G. NIELSEN,
Regional Director.

[F. R. Doc. 54-289; Filed, Jan. 15, 1954; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 436]

ADMINISTRATOR'S ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

APPOINTMENTS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint the following named persons as Members of the Administrator's Advisory Committee on Sheltered Workshops:

1. Mr. Willis C. Gorthy, Institute for the Crippled and Disabled, New York, New York, to serve in place of Colonel John N. Smith, Jr., deceased;

2. Dr. Henry H. Kessler or (serving as an alternate) Miss Florence Stattel, The Kessler Institute for Rehabilitation, West Orange, New Jersey.

Signed at Washington, D. C., this 12th day of January 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-290; Filed, Jan. 15, 1954; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 2622, 2720, 4843, 4724]

BRANIFF AIRWAYS, INC., ET AL.

NOTICE OF PREHEARING CONFERENCE

Braniff Airways, Inc., Docket No. 2622; Pan American World Airways, Inc., Docket Nos. 2720 and 4843; Delta-C & S Air Lines, Docket No. 4724.

Notice is hereby given that a prehearing conference on the above-entitled applications proposing direct service to Rio de Janeiro and Buenos Aires via Manaos is assigned to be held on January 25, 1954, at 10:00 a. m., e. s. t., in Room 1205, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola. Consideration will be given at this conference to consolidation for hearing and decision of applications proposing service to Rio de Janeiro and Buenos Aires, Dockets Nos. 2174, Trans-Caribbean Air Cargo Lines, 2535, Riddle Airlines, Inc., and 2878, Trans-Caribbean Air Cargo Lines.

Dated at Washington, D. C., January 12, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-323; Filed, Jan. 15, 1954; 8:52 a. m.]

[Docket No. 6207]

CITY OF NEWPORT, VT.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on February 1, 1954, at 10:00 a. m., e. s. t., in the Foyer of the Commerce Auditorium, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., January 13, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-324; Filed, Jan. 15, 1954; 8:52 a. m.]

[Docket No. 4770]

SLICK AIRWAYS CERTIFICATE RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on February 9, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick. Consideration will be given at this conference to consolidation for hearing and decision of the following applications pending on the Board's docket: 2358, Knowles Vans, Inc.; 2458, Standard Airlines, Inc.; 2793, Mercury Airlines, Inc.; 2891, Trans-Caribbean Air Cargo Lines, Inc.; 4382, U. S. Airlines, Inc.; 5016, Riddle Airlines, Inc.; 5551, Slick Airways, Inc.; 5552, U. S. Airlines, Inc.; 5553, Flying Tiger Line, Inc.; 6088, Riddle Airlines, Inc.; 845, W. J. Dillner Transfer Co.; 903, Great Lakes Storage and Moving Company.

Dated at Washington, D. C., January 13, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-325; Filed, Jan. 15, 1954; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Nos. 30416, 30660]

CLASS RATES

MOUNTAIN PACIFIC TERRITORY AND TRANSCONTINENTAL RAIL, 1950

JANUARY 6, 1954.

Class rates, Mountain Pacific Territory, No. 30416; Class rates, Transcontinental Rail, 1950 No. 30660.

The above-entitled cases are set for further hearing before Examiner Witters and one or more members of Division 2, according to the following schedule:

April 19, 1954, at Salt Lake City, Utah, U. S. Court Room.
April 22, 1954, at Los Angeles, Calif., Federal Building.
April 28, 1954, at San Francisco, Calif., Federal Office Building, Civic Center.
May 6, 1954, at Seattle, Wash., U. S. Court House, Room 400, Fifth and Madison Streets.

All hearings will begin at 9:30 o'clock a. m. United States standard time.

Verified statements (affidavits). Pursuant to request of the parties and in order to expedite the proceeding, Division 2 hereby directs that verified statements (affidavits), with exhibits attached, may be received in evidence in this proceeding. Shippers and organizations representing shippers will be allowed to file verified statements with the Commission in Washington, D. C., on or before March 15, 1954. Each verified statement will be assigned a serial number and will be open to inspection promptly upon filing at the office of the Commission in Washington, D. C. Verified statements which have been filed on or before March 15, 1954 and assigned a number will be offered and received in evidence at any of the above-scheduled regional hearings, subject to any valid objection which might be made to any evidence offered in the proceeding. Objections to the receipt of any verified statement should be made at the time such verified statement is offered in evidence. Witnesses filing verified statements must be prepared to appear at one of the above-scheduled regional hearings if timely request is made for cross-examination by any party to the proceeding. Requests for appearance of any such witness filing a verified statement for cross-examination must be made by telegram addressed to the party filing the verified statement, or his attorney, within 10 days prior to the date of the hearing at which cross-examination is desired. All requests for cross-examination must specify the particular hearing at which attendance of the witness is desired. Verified statements should contain only matters which are the proper subject of evidence. All verified statements, with exhibit attached, received in evidence will be made a part of the record.

Copies of verified statements. The following copies of verified statements should be furnished: 10 copies to the Commission in Washington, D. C., one of which should be a signed original; 40 copies to H. C. Barron, 310 Union Station, Chicago, Ill., for the western railroads; 40 copies to Edwin A. Lucas, 1740 Suburban Station Building, Pennsylvania Railroad, Philadelphia, Pa., for the eastern railroads, and 20 copies to Joseph Marks, c/o Southern Railway System, Fifteenth and K Streets NW., Washington 13, D. C., for the southern railroads. Copies should be furnished to any party upon request therefor, and 50 copies should be furnished for distribution to parties at the hearing at which the verified statement is offered in evidence.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-298; Filed, Jan. 15, 1954; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10757]

UNITED BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of United Broadcasting Company, Ogden, Utah, Docket No. 10757, File No. BPCT-1687; for construction permit for a new television station.

The above-entitled proceeding was scheduled for hearing at 10:00 a. m. January 11, 1954 at the Commission's offices in Washington, D. C. At that time and place no appearance was made by the applicant. However, on the night of January 10th a severe snow storm struck Washington and large portions of the nation. As a result fo the storm traffic has been seriously impaired. Under such conditions to hold the applicant in default appears unduly harsh. Counsel for the Broadcast Bureau has indicated no objection to a brief continuance. The Examiner is engaged for the remainder of the week in other hearing matters.

Accordingly it is ordered, This 11th day of January 1954, on the Examiner's own motion, that hearing in the above-entitled proceeding is continued to 10:00 a. m., January 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-309; Filed, Jan. 15, 1954; 8:50 a. m.]

[Docket No. 10771, 10772]

RADIO PAGING AND JOHN R. SUTHERLAND

ORDER CONTINUING HEARING WITHOUT DATE

In re applications of Radio Paging, St. Louis, Missouri, Docket No. 10771, File No. 580-C2-P-53; John R. Sutherland, St. Louis, Missouri, Docket No. 10772, File No. 868-C2-P-53; construction permits for one-way signaling base stations in the Domestic Public Land Mobile Radio Service.

It appearing that John R. Sutherland, one of the applicants above named, has petitioned the Commission for permission to dismiss without prejudice his application herein; and

Whereas the effect of the granting of said petition would be to render the issues herein moot:

It is ordered, This 11th day of January 1954, that the hearing herein scheduled for January 12, 1954, be, and it hereby is continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-310; Filed, Jan. 15, 1954; 8:50 a. m.]

[Docket No. 10804]

NIAGARA FRONTIER AMUSEMENT CORP.

ORDER CONTINUING HEARING

In re application of Niagara Frontier Amusement Corporation, Buffalo, New York, Docket No. 10804, File No. BPCT-1746; for a construction permit for new television station.

Upon oral motion and consent of counsel for applicant Niagara Frontier Amusement Corporation and the Chief of the Broadcast Bureau of this Commission, and the consent of both said parties, the date of January 15, 1954, set by order of January 8, 1954, is hereby rescinded; as to hearing, and

It is ordered, This 11th day of January 1954, that this hearing be continued to and resumed at 10:00 a. m., January 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-311; Filed, Jan. 15, 1954; 8:50 a. m.]

[Docket Nos. 10833, 10834, 10835]

CITY OF JACKSONVILLE, FLA., ET AL.

NOTICE OF PREHEARING CONFERENCE

In the matter of City of Jacksonville, Jacksonville, Florida, Docket No. 10833, File No. BPCT-749; Florida-Georgia Television Company, Inc., Jacksonville, Florida, Docket No. 10834, File No. BPCT-1624; Jacksonville Broadcasting Corporation, Jacksonville, Florida, Docket No. 10835, File No. BPCT-1625; for construction permits for new television stations.

On request of the parties, a pre-hearing conference in the above-entitled proceeding, as provided under § 1.813 of the Commission's rules, will be held in the offices of the Commission, Washington, D. C., beginning at 9:00 a. m., Friday, January 15, 1954.

Released: January 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-312; Filed, Jan. 15, 1954; 8:50 a. m.]

Mexico—Continued

Call letters	Location	Power (kw)	Schedule	Class	Probable date of commencement operation
XEQZ.....	Ciudad Lerdo, Durango (now 670 kcs.)	250	U	IV	June 15, 1954
XEPM.....	Ocampo, Tulancingo, Hidalgo (Vilde new assignment to 1560 kcs.)	250	U	IV	June 15, 1954
New.....	Manzanillo, Colima	1kw	U	IV	June 15, 1954
XEFA.....	Zitacuaro, Michoacan (delete, vacate 1060 kcs.)	500 kilocycles	D	II	Dec. 10, 1953
New.....	Villahermosa, Tabasco	850 kilocycles 1.	D	II	May 10, 1954
New.....	Culiacan Sinaloa	970 kilocycles 1 kw N 1 kw DA N	U	III-A	May 10, 1954
XEDM.....	Tijuana, Baja California (change in daytime power)	890 kilocycles 5 kw D 1 kw N 2.5 kw DA N	U	III-A	Mar. 10, 1954
New.....	Los Mochis, Sinaloa	970 kilocycles 1 kw N 1 kw DA N	D	III-A	May 10, 1954
XERN.....	Nuevo Rosita, Coahuila	940 kilocycles 1 kw D 500 w N	U	III-B	May 10, 1954
XEFA.....	Zitacuaro, Michoacan	1500 kilocycles 500 w N 250 w N	U	II	May 10, 1954
XEJP.....	Mexico, D. F. (now in operation)	1150 kilocycles 10 kw DA N	U	III-B	Sept. 1, 1953
New.....	Ensenada, Baja California	1280 kilocycles 100	U	IV	May 10, 1954
XEJTQ.....	Orizaba Veracruz (reduction in power)	1570 kilocycles 250	D	IV	Dec. 15, 1953
New.....	Rosario, Sinaloa (change in classification)	1.0 kilocycles 250	U	IV	Dec. 15, 1953

FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[SEAL]

[F. R. Doc. 54-314; Filed, Jan. 15, 1954; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6524]

NIAGARA MOHAWK POWER CORP. AND ST. LAWRENCE RIVER POWER CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY FROM U. S. TO CANADA

JANUARY 12, 1954.

Notice is hereby given that on January 8, 1954, the Federal Power Commission issued its order adopted January 6, 1954, in the above-entitled matter, authorizing transmission of electric energy from the United States to Canada.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-291; Filed, Jan. 15, 1954; 8:46 a. m.]

[Docket No. G-1445, G-1680]

MIDSOUTH GAS CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 12, 1954.

Notice is hereby given that on January 7, 1954, the Federal Power Commission issued its order adopted January 6, 1954, in the above-entitled matter, modifying order of September 18, 1952 (17 F. R. 8598), issuing certificate of public convenience and necessity in Docket No. G-1445.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-292; Filed, Jan. 15, 1954; 8:46 a. m.]

[Change List No. 9]

CUBAN BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS, CHANGES, MODIFICATIONS AND DELETIONS

NOVEMBER 30, 1953.

Notification of new Cuban Radio Stations, and of changes, modification and deletions of existing stations, in accordance with Part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

REPUBLIC OF CUBA

Call letters	Location	Power (kw.)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
CMDA.....	Santiago de Cuba, Oriente (see 1320 kcs.)	860 kilocycles 1.0	ND	U	II	Deleted.
CMDD.....	Mayari, Oriente (new).....	1600 kilocycles 0.25	ND	D	II	May 30, 1954.
CMKE.....	Victoria de las Tunas, Oriente (previously 1430 kcs.).	1240 kilocycles 0.25	ND	D	IV	Now in operation on this frequency.
CMKE.....	Victoria de las Tunas, Oriente (see 1240 kcs.)	1580 kilocycles 0.25	ND	D	IV	Deleted.
CMDA.....	Santiago de Cuba, Oriente.....	1.0	ND	U	III	Now in operation on this frequency.

FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[SEAL]

[F. R. Doc. 54-313; Filed, Jan. 15, 1954; 8:50 a. m.]

[Change List 164]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

DECEMBER 15, 1953.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power (kw)	Schedule	Class	Probable date of commencement operation
XEFP.....	Santiago Ixtiuela, Nayarit (delete assignment)	860 kilocycles Same (1 250 w N 1 kw D 250 w N	U	IV	Dec. 10, 1953
XEEF.....	Tepic, Nayarit		U	IV	Apr. 20, 1954
XEFT.....	[illegible]	[illegible]	[illegible]	II	Apr. 20, 1954
XEJT.....	[illegible]	[illegible]	[illegible]	II	June 15, 1954
XEJT.....	[illegible]	[illegible]	[illegible]	II	June 15, 1954
New.....	Tuxtepec, Oaxaca (see 1500 kcs.)	1 kw	U	II	Dec. 10, 1953

[Docket Nos. G-1899, G-2012]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

NOTICE OF ORDER EXTENDING TIME WITHIN WHICH TO FILE ACCEPTANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 12, 1954.

Notice is hereby given that on January 7, 1954, the Federal Power Commission issued its order adopted January 6, 1954, extending time to and including November 25, 1953, within which to file acceptance of certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-293; Filed, Jan. 15, 1954; 8:47 a. m.]

[Docket No. G-2272]

BLACKSTONE VALLEY GAS AND ELECTRIC CO.

NOTICE OF FINDINGS AND ORDER

JANUARY 12, 1954.

Notice is hereby given that on January 7, 1954, the Federal Power Commission issued its order adopted January 6, 1954, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-294; Filed, Jan. 15, 1954; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3165]

APPALACHIAN ELECTRIC POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF COMPETITIVE BIDDING AND FEES AND EXPENSES IN SALE OF FIRST MORTGAGE BONDS

JANUARY 12, 1954.

The Commission, by order dated December 30, 1953 (Holding Company Act Release No. 12290) having granted or permitted to become effective the application or declaration, as amended, of Appalachian Electric Power Company ("Appalachian"), a public-utility subsidiary of American Gas and Electric Company, a registered holding company, regarding, among other things, the issuance and sale by Appalachian of $20,000,000 of its First Mortgage Bonds, --- percent Series due 1983, subject to reservations of jurisdiction with respect to the results of competitive bidding under Rule U-50 and the fees and expenses to be incurred in connection with the proposed transaction;

Appalachian having on January 11, 1954, filed a further amendment to its application or declaration herein setting forth the action taken by it to comply with the requirements of Rule U-50, and stating that, pursuant to the invitation for competitive bids, the following bids have been received:

Group headed by—	Annual interest rate (percent)	Price to company (percent of principal amount)	Annual cost to company (percent)
Union Securities Corp.-----[illegible]	3.50	102.321	3.3764
Kuhn, Loeb & Co.-----[illegible]	3.50	101.95	3.[illegible]
Halsey, Stuart & Co., Inc.	3.50	101.895	3.[illegible]
The First Boston Corp.----	3.50	101.8[illegible]	3.[illegible]
Harriman Ripley & Co., Inc.	3.50	101.6099	3.4139

The amendment having further stated that Appalachian has accepted the bid of the group headed by Union Securities Corporation and Kuhn, Loeb & Co. set forth above, and that the bonds will be reoffered to the public at a price of 102.824 percent of their principal amount, representing an underwriting spread of 0.503 percent;

The record having been completed with respect to the fees and expenses incurred or to be incurred in connection with the proposed transactions which are stated to be as follows:

Simpson Thacher & Bartlett, New York, counsel to Appalachian----	$12,500
Hunton, Williams, Anderson, Gay & Moore, Virginia counsel to Appalachian ----------	4,000
Penn, Hunter, Smith & Davis, Tennessee counsel to Appalachian...	1,750
Campbell, McClintic, James & Wise, West Virginia counsel to Appalachian ----------	2,000
Four Virginia counsel engaged to examine titles----------	3,000
Niles and Niles, accountants for Appalachian ----------	5,500
Winthrop, Stimson, Putnam & Roberts, independent counsel for underwriters ----------	7,500
Bankers Trust Co., trustee (including counsel fee of $1,000)-------	14,000
Registration fee----------	2,065
Federal stamp taxes----------	22,000
State taxes and fees----------	11,750
Printing and engraving----------	34,000
Miscellaneous expenses----------	4,850
Total ----------	124,915

The Commission having examined the amendment and having considered the record herein and observing no basis for imposing terms and conditions with respect to the price to be received for said bonds, the interest rate and the underwriter's spread, or otherwise; it appearing that the fees and expenses incurred and to be incurred are not unreasonable; and it appearing to the Commission that jurisdiction heretofore reserved over the results of competitive bidding and the fees and expenses with respect to the issuance and sale of the bonds be released:

It is ordered, That the application or declaration, as further amended, be, and the same hereby is granted or permitted to become effective forthwith, and that the jurisdiction heretofore reserved over the results of competitive bidding with respect to the aforesaid sale of bonds be, and the same hereby is, released, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to the fees and expenses to be incurred in connection with the proposed sale of bonds be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-296; Filed, Jan. 15, 1954; 8:47 a. m.]

[File No. 70-3175]

MISSISSIPPI POWER & LIGHT CO.

NOTICE OF FILING REGARDING SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING

JANUARY 11, 1954.

Notice is hereby given that a declaration has been filed with this Commission by Mississippi Power & Light Company ("Mississippi"), a public utility subsidiary of Middle South Utilities, Inc., a registered holding company. The declarant has designated sections 6 (a) and 7 of the act and Rule U-50, promulgated thereunder, as applicable to the proposed transactions, which are summarized as follows:

The declarant proposes to issue and sell to the public 60,000 shares of a new class of Preferred Stock ($100 par value), to provide funds for its 1954 construction program and other corporate purposes.

Mississippi contemplates expenditures of approximately $7,000,000 in the year 1954 in connection with its program for the construction of new facilities and the extension and improvement of its present facilities to provide electric service to its customers. The company desires to obtain a portion of the funds with which to carry forward such program and funds for other corporate purposes through the issuance and sale of preferred stock and believes that it is desirable to obtain said funds by such means. The company's charter now authorizes 100,000 shares of $6 preferred stock, of which 44,476 shares are issued and outstanding. Mississippi intends to amend its charter by appropriate corporate action, to authorize 60,000 shares of a new class of preferred stock and establish its characteristics, and to authorize the issuance and sale of said 60,000 shares to the public.

The dividend rate, to be a multiple of 1/20 of 1 percent, and the price of the New Preferred Stock to be paid the Company, to be not less than $100 nor more than $102.75 per share plus accrued dividends will be fixed by proposals to be invited by the Company pursuant to the requirements of the Commission's Rule U-50 and the Company will reserve the right to reject any or all proposals at or after the opening thereof. Declarant has requested that the Commission's order herein be issued on January 26, 1954, and that the 10-day period for publication as provided by Rule U-50 be shortened in order to permit opening of bids on February 2, 1954.

Notice is further given that any interested person may, not later than January 25, 1954, at 5:30 p. m., request the Commission in writing that a hear-

ing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 25, 1954, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-295; Filed, Jan. 15, 1954; 8:47 a. m.]

Reference Rules

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 19 NUMBER 12

Washington, Tuesday, January 19, 1954

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

TRADING IN GERMAN SECURITIES

On December 8, 1941, following the attack on Pearl Harbor, the national securities exchanges suspended dealings in securities of German, Italian, Japanese and other Axis origin; and the Commission, having consulted with the State and Treasury Departments, requested the cooperation of brokers and dealers in refraining from effecting transactions in all securities of such origins. Trading was restored in Italian securities in December 1947 and in Japanese securities in November 1950.

In March, 1951 following the announcement by the Government of the Federal Republic of Germany (West Germany) of its recognition of pre-war external debts of the German Reich, the Commission, having consulted with the State Department, advised that it did not intend to withdraw its request that brokers and dealers refrain from effecting transactions in German securities until full assurances could be given to investors, through validation proceedings, that only securities which constitute "good delivery" would be afforded a market in the United States. This action was necessary because of the large volume of German securities, particularly foreign currency bonds, reacquired by the Germans and held in negotiable form in Berlin, which were lost or looted after the occupation of Berlin in 1945 by the Soviet armed forces. In September, 1952 and April, 1953, the Commission again requested brokers and dealers to refrain from effecting transactions in German securities pending the establishment of appropriate validation procedures.

The Federal Republic of Germany has enacted legislation requiring the validation of foreign currency bonds and certain internal securities, and procedures for validation have been or are being established. The Agreement on German External Debts signed in London on February 27, 1953, provided that the Federal Republic would permit the settlement of certain debts, including German foreign currency securities, and would provide the necessary foreign exchange to permit payments on debts which are settled. Validation is a necessary step before a bondholder may participate in a settlement which may be offered pursuant to the Agreement of February 27, 1953. An exchange offer has been made by the Federal Republic with respect to certain issues of the German Reich and the Free State of Prussia, and an issue of the Conversion Office for German Foreign Debts. It is understood that further exchange offers are being negotiated. Negotiations in the case of dollar bonds issued or guaranteed by West German states or municipalities are being conducted by the Foreign Bondholders Protective Council, Inc., 90 Broad Street, New York 4, New York, and negotiations in the case of other German dollar bonds are being conducted by the United States Committee for German Corporate Dollar Bonds, 910, Seventeenth Street NW., Washington 6, D. C. Inquiries concerning these matters should be addressed to the Foreign Bondholders Protective Council or to the Committee for German Corporate Dollar Bonds, whichever is appropriate.

The procedures for validation are not identical for all securities. Under an Agreement dated February 27, 1953, entered into between the United States Government and the Federal Republic of Germany, a joint German and American board has been established in this country to validate German dollar bonds, and registration of such securities for validation began in September 1953. In addition, under the provisions of a Treaty between the Federal Republic and the United States signed on April 1, 1953, no German dollar bond subject to the validation laws of the Federal Republic is enforceable unless and until it has been validated.

In addition to the problem of validation, the Commission has been concerned with obtaining for investors recent information about the various issuers of German dollar securities. Such information is considered desirable in connection with the resumption of trading in such securities. In November 1952 the

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FEDERAL REGISTER

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Commission initiated steps through the Government of the Federal Republic looking to the furnishing of current information by the German issuers. Such information about the Federal Republic is now available in a circular dated October 6, 1953, which relates to the exchange offer which it is now making. Copies of the circular may be obtained from the exchange agents: J. P. Morgan & Co. Incorporated, 23 Wall Street, New York 8, New York and Dillon, Read & Co., 48 Wall Street, New York 5, New York. Since information about the other German issuers had not been furnished, the Commission in November 1953, after consultation with the Department of State, sent direct requests to sixty-three issuers of German dollar obligations, and again requested the assistance of the Government of the Federal Republic. As a result of such efforts, thirteen German issuers[1] have transmitted to the Commission copies (in the German language) of their annual reports, but the remaining fifty issuers have so far failed to send information. The annual reports on hand are available for public inspection in the Commission's Washington office, and where sufficient copies have been received, are also available for public inspection at the Commission's regional offices in New York, Chicago and San Francisco. Reports received from other German issuers will likewise be made available for public inspection as rapidly as they are received.

On November 20, 1953, the Securities and Exchange Commission announced that it had under consideration a proposal to adopt a rule under section 15 (c) (2) of the Securities Exchange Act of 1934 to prohibit brokers and dealers from trading in the over-the-counter market in German securities which are required to be and have not been validated pursuant to the validation laws of the Federal Republic of Germany. The Commission has considered all of the comments and suggestions received and has adopted § 240.15c2–3 (Rule X-15C2–3) in the form stated below.

[1] City of Cologne: City of Frankfurt am Main; City of Munich; Dortmunder Stadtwerke A. G. (Dortmund Municipal Utilities); Electrowerke A. G. zu Berlin (Electric Power Corporation of Berlin); Energie-Versorgung Schwaben A. G. (Consolidated Hydro-Electric Works of Upper Wurttemberg); Feldmuehle Papier & Zellstoffwerke, A. G. (Feldmuehle Paper & Cellulose Works Corp.); Hamburger Hochbahn A. G. (Hamburg Elevated, Underground & Street Railways Co.); Hamburgische Electricitaets-Werke A. G. (Hamburg Electric Company and Unterelbe Power & Light Co.); Rudolph Karstadt A. G.; Rhein-Main-Donau A. G. (Rhine-Main-Danube Corporation); Energie-Versorgung Ostbayern A. G. (Oberpfals Electric Power Corporation); Harpener Bergbau—A. G. (Harpen Mining Corp.).

This new rule makes it a "fraudulent, deceptive or manipulative act or practice", as used in section 15 (c) (2) of the act, for any broker or dealer to effect any transaction in, or to induce the purchase or sale of, any German security required to be validated under applicable validation laws of the Federal Republic of Germany unless it has been duly validated. If such security is a dollar security, it must have attached to it a document of the Validation Board for German Dollar Bonds certifying to the validation of such security. The Commission has been informed by representatives of the various exchanges upon which German securities have been traded that securities which have not been validated will not be considered "good delivery" against sales made on these exchanges.

The Commission has been informed that, where the authenticity of an outstanding dollar security has been established, the Validation Board will attach to each such dollar security a document certifying to its validation. Consequently, § 240.15c2–3 provides that a German dollar security required to be validated cannot be traded unless this document is attached to it. Since the Commission has no assurance that a validated security other than a dollar security will have any document certifying to its validation attached to it, a broker or dealer proposing to effect a transaction in such a security will have to be certain that it has been duly validated; if he should effect a transaction in a security not validated as required he would be violating § 240.15c2–3 if the mails or other jurisdictional elements are involved.

Persons wishing information regarding the validation of German dollar securities should communicate with the Validation Board for German Dollar Bonds, 30 Broad Street, New York 4, New York. Information concerning the validation of securities other than dollar securities may be obtained from the Foreign Representative of the German Federal Republic, 30 Broad Street, New York 4, New York.

In view of the above, the Commission feels that it is appropriate to withdraw its request that brokers and dealers refrain from effecting transactions in West German securities to the extent that such trading is not prohibited under the provisions of its new Rule X-15C2–3. The Commission's action, of course, should not be construed to mean that it has in any way passed upon the merits of any of the securities which are permitted to be traded.

The Commission has no information when validation procedures will be established for dollar securities of issuers in that part of Germany under the control of the Soviet or Polish Governments. Therefore, the Commission, after consultation with the Department of State, requests that brokers and dealers continue to abstain from any activities which would tend to create a public market in these securities. While the Commission has been advised that negotiations are under way to establish validation procedures for Austrian dollar securities, the Commission requests that the securities industry also refrain from trading these securities until further notice after the establishment of validation procedures. The Commission is not in possession of any information which it feels would justify it in withdrawing its earlier request that brokers and dealers refrain from trading in securities issued by Bulgaria, Hungary, and Roumania, and by issuers in any of these countries.

Statutory basis. Section 240.15c2–3 (Rule X-15C2–3) is adopted pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 15 (c) (2) and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it under the act. In accordance with the provisions of section 4 (c) of the Administrative Procedure Act, the Commission finds that there is good cause for making this rule effective before the expiration of thirty days after its publication because brokers and dealers subject to the rule have been refraining from effecting transactions in the securities covered by the rule at the request of the Commission, and it is necessary in the public interest and for the protection of investors that the rule be made effective before the expiration of said thirty-day period.

§ 240.15c2–3 *Prohibiting trading in German securities unless validated.* The term "fraudulent, deceptive, or manipulative act or practice," as used in section 15 (c) (2) of the act, is hereby defined to include any act of any broker or dealer designed to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security required to be validated under any applicable validation law of the Federal Republic of Germany unless (a) such security has been duly validated, and (b) if such security is a dollar security, there is attached a document of the Validation Board for German Dollar Bonds certifying to the validation of such security.

The foregoing shall become effective January 12, 1954.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 8, 1954.

[F. R. Doc. 54-348; Filed, Jan. 18, 1954; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PENICILLIN-STREPTOMYCIN (DIHYDRO-STREPTOMYCIN) POWDER

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 61 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146) are amended by adding the following new sections:

§ 141.71 *Penicillin-streptomycin powder, penicillin-dihydrostreptomycin powder*—(a) *Potency*—(1) *Penicillin content.* Use an accurately weighed sample of approximately 1 gram and proceed as directed in § 141.1, except paragraph (i) of that section. The penicillin content of the powder is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Use an accurately weighed sample of approximately 1 gram and proceed as directed in § 141.36 (a) (2). The streptomycin content of the powder is satisfactory if it contains not less than 85 percent of the number of milligrams of activity that it is represented to contain.

(3) *Dihydrostreptomycin content.* Use an accurately weighed sample of approximately 1 gram and proceed as directed in § 141.36 (a) (3). The dihydrostreptomycin content of the powder is satisfactory if it contains not less than 85 percent of the number of milligrams of activity that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

§ 146.93 *Penicillin-streptomycin powder, penicillin-dihydrostreptomycin powder.* Penicillin-streptomycin powder and penicillin-dihydrostreptomycin powder conform to all the requirements and are subject to all procedures prescribed by § 146.88 for penicillin-streptomycin tablets and penicillin-dihydrostreptomycin tablets, except that:

(a) Each gram contains not less than 100,000 units of penicillin and not less than 10 milligrams of streptomycin or dihydrostreptomycin.

(b) In lieu of the labeling prescribed by § 146.88 (a) (2), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each gram and the statement "Expiration date _____."

the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(c) In lieu of the minimum number of tablets prescribed by § 146.88 (a) (3), a person who requests certification of a batch shall submit with his request a sample of the batch consisting of 1 immediate container for each 5,000 immediate containers but in no case less than 6 or more than 12 immediate containers. Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(d) The fee for the services rendered with respect to each immediate container in the sample submitted in accordance with the requirements prescribed by paragraph (c) of this section shall be $4.00.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371; Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: January 13, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-340; Filed, Jan. 18, 1954; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 36—UNMAILABLE MATTER

OBSCENE MATTER; USE OF MAILS, MONEY ORDERS, OR POSTAL NOTES

In Part 36—Unmailable Matter, insert between § 36.2 *Obscene matter unmailable; scope and penalty* and § 36.3 *Threat to harm the President* new § 36.2a to read as follows:

§ 36.2a *Obscene matter; use of mails, money orders, or postal notes.* Upon evidence satisfactory to the Postmaster General that any person, firm, corporation, company, partnership, or association is obtaining, or attempting to obtain, remittances of money or property of any kind through the mails for any obscene, lewd, lascivious, indecent, filthy, or vile article, matter, thing, device, or substance, or is depositing or is causing to be deposited in the United States mails information as to where, how, or from whom the same may be obtained, the Postmaster General may:

(a) Instruct postmasters at any post office at which registered letters or any other letters or mail matter arrive directed to any such person, firm, corporation, company, partnership, or association, or to the agent or representative of such person, firm, corporation, company, partnership, or association, to return all such mail matter to the postmaster at the office at which it was originally mailed, with the word "Unlawful" plainly written or stamped upon the outside thereof, and all such mail matter so returned to such postmasters shall be by them returned to the senders thereof, under such regulations as the Postmaster General may prescribe; and

(b) Forbid the payment by any postmaster to any such person, firm, corporation, company, partnership, or association, or to the agent or representative of such person, firm, corporation, company, partnership, or association, of any money order or postal note drawn to the order of such person, firm, corporation, company, partnership, or association, or to the agent or representative of such person, firm, corporation, company, partnership, or association, and the Postmaster General may provide by regulation for the return to the remitters of the sums named in such money orders or postal notes.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 64 Stat. 451; 5 U. S. C. 22, 369, 39 U. S. C. 259a)

[SEAL] LOUIS J. DOYLE, *Acting Solicitor.*

[F. R. Doc. 54-328; Filed, Jan. 18, 1954; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127—International Postal Service: Postage Rates, Service Available, and Instructions for Mailing, 39 CFR Part 127, make the following changes:

a. In § 127.14 *International reply coupons* amend paragraph (a) by striking out the words "except Korea," appearing in the second sentence.

b. In § 127.294 *Libya (United Kingdom of), (Tripolitania and Cyrenaica)* amend the table of rates in subdivision (i) of paragraph (b) (1) to read as follows:

Pounds	Rate	Pounds	Rate
1	$0.68	12	$3.47
2	.90	13	[illegible]
3	1.17	14	3.91
4	1.39	15	4.13
[illegible]	1.61	16	4.35
6	1.83	17	4.57
7	2.05	18	4.79
8	2.33	19	5.01
9	2.55	20	5.23
10	2.77	21	5.45
11	[illegible]	22	5.67

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] LOUIS J. DOYLE, *Acting Solicitor.*

[F. R. Doc. 54-331; Filed, Jan. 18, 1954; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127—International Postal Service: Postage Rates, Service Available, and Instructions for Mailing, 39 CFR Part 127, make the following changes:

a. In § 127.81 *Certificates of mailing* amend paragraph (a) by striking out "1 cent" and inserting in lieu thereof "3 cents."

The foregoing amendment is effective February 1, 1954.

b. In § 127.159 *Special provisions applicable to ordinary Americo-Spanish parcel post* amend paragraph (b) by striking out "1 cent" and inserting in lieu thereof "3 cents."

The foregoing amendment is effective February 1, 1954.

c. In § 127.345 *Salvador (El)* amend the table of rates in subdivision (i) of paragraph (b) (1) to read as follows:

Pounds:	Rate	Pounds:	Rate
1	$1.19	23	$7 17
2	1.41	24	7 39
3	1.72	25	7.61
4	1.94	26	7.83
5	2.16	27	[illegible]
6	2.38	28	[illegible]
7	[illegible]	29	[illegible]
8	[illegible]	30	8.71
9	3.11	31	[illegible]
10	3.33	32	9.15
11	[illegible]	33	9 37
12	4.10	34	[illegible]
13	4.32	35	10 14
14	4.54	36	10 36
15	4.76	37	[illegible]
16	4.98	38	[illegible]
17	5.20	39	11.02
18	5.42	40	11.24
19	5.64	41	11.46
20	[illegible]	42	11.68
21	[illegible]	43	11.90
22	6.30	44	12.12

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] LOUIS J. DOYLE, *Acting Solicitor.*

[F. R. Doc. 54-329; Filed, Jan. 18, 1954; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

INTERNATIONAL C. O. D. SERVICE AVAILABLE

In § 127.149 *Service available* make the following changes:

1. Rescind present paragraph (a).

2. Redesignate paragraph (b) as paragraph (a) and amend same to read as follows:

(a) The c. o. d. service to Colombia is temporarily suspended. The c. o. d. service from Colombia applies to insured parcel post packages only.

3. Rescind paragraph (c).

The foregoing amendments are effective February 1, 1954.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] LOUIS J. DOYLE, *Acting Solicitor.*

[F. R. Doc. 54-330; Filed, Jan. 18, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 60]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet above airport elevation. Ceilings are in feet above airport elevation. If LFR instrument approach procedure for the below named airport is conducted in accordance with the following procedure, it is authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified route or fix. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth herein.

City and State; airport name, elevation, facility class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (initial and intermediate altitudes, limiting distances	Ceiling and visibility minimums: Type aircraft: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9
ABILENE, TEX. Municipal, 1,758' Procedure No. 1 February 1, 1952	PROCEDURE CANCELED EFFECTIVE DECEMBER 21, 1953.							
ABILENE, TEX. Municipal (Dyess), 1,778' ABILENE VOR Procedure No. 1 December 21, 1953	Phantom Hill FM (final)..... Abilene VOR.....	180—9 001—11	2,520 3,100	W side N course: 3600 outbound. 2500 inbound. 3,000' within 25 miles.	T—dn C—dn E—dn A—dn	300—1 500—1 800—1 800—2	300—1 500—1 800—1 800—2	Climb to 3,800' on S course within 10 miles. CAUTION: Radio tower 2,734', 10 miles S of airport.
COLUMBUS, MISS. Industrial (Key Field), 324' SERVICE DIV CUS Procedure No. 1 January 19, 1954	CUS VOR.....	000—1.0	6,500	N side E course: 025 outbound. 205 inbound. 6,000' within 25 miles.	T—dn C—dn E—dn A—dn	1,000—2 1,000—3 1,000—2 1,000—3 1,500—3 1,500—4		Within 1.9 miles climb to 6,000' on W course.
HUNTINGTON, W. VA. Tri-State Airport, 827' HUNTZ-DTW HTW Procedure No. 1 June 9, 1953	PROCEDURE CANCELED EFFECTIVE DECEMBER 8, 1953.							
JOPLIN, MO. Joplin, 980' HARLAND INT JLN Procedure No. 1 January 8, 1954	Int. N course JLN LFR and E course, CNU LFR (final).	178—7.5	1,600	W side N course: 358 outbound. 178 inbound. 2,200' within 25 miles.	T—dn C—dn E—dn A—dn	300—1 500—1 500—1½ 800—1½ 800—2		Within 6.2 miles, climb to 2,900' on S course within 25 miles. ADF procedure not authorized.
ROCK SPRINGS, WYO. Municipal, 6,765' SHEAR/DIV RKS Procedure No. 1 January 16, 1954	Point of Rocks FM (final)..... ILS outer marker (final).....	246—15.0 270—1.7	8,700 *8,200	N side E course: 040 outbound. 240 inbound. 9,200' within 25 miles.	T—dn C—d C—n A—dn	300—1 500—1½ 500—2 800—2		Within 2.9 miles, climb to 10,000' on W course within 25 miles. NOTE: *Descent to 8,200' authorized if ILS outer marker aural and visual signal received.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility class and identification procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
WILLIAMSPORT, PA. Williamsport Airport, 528' BRLZ-DTV IPT Procedure No 1 January 6, 1954	----------	----------	----------	S side E course:* 100° outbound. 280° inbound. 3,000' within 10 miles.	2,500	285—6.9	T-dn C-d C-n A-d A-n	800-1 1,500-1 1,500-2 1,500-2 1,500-3	800-1 1,500-1 1,500-2 1,500-2 1,500-3	Within 2.0 miles, make right climbing turn, climb to 4,000' on E course Williamsport LFR within 10 miles. *Procedure turn conducted S to avoid obstructions to N. CAUTION Airport minimums do not provide clearance over 2,000' ridge approximately 2 miles S of airport. ADF procedure not authorized.
Procedure No. 2 Using IPT LFR and Hughesville FM MHW HVL January 6, 1954	Int S course Williamsport LFR and bearing 056° to HVL MHW.	056—10	3,600	S side E course:* 100° outbound. 280° inbound. 3,600' within 10 miles of HVL FM MHW.	3,000' over HVL, 1,600'# over IPT LFR.	HVL FM-MHW to IPT LFR, 280—5.9.	T-dn C-d C-n A-dn	800-1 1,000-1½ 1,000-2 1,500-2	800-1 1,000-1½ 1,000-2 1,500-2	Within 1 mile after passing IPT LFR, make right climbing turn to 4,000' on E course of IPT LFR within 10 miles. #Descent to authorized minimums within 1 mile after passing LFR. CAUTION: Williamsport LFR must be monitored during entire approach. *Procedure turn conducted S to avoid obstructions to N.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
AKRON, OHIO Akron-Canton Airport, 1,228'. ILS-LOM CA Procedure No. 1 April 8, 1953	PROCEDURE CANCELED EFFECTIVE DECEMBER 8, 1953.									
BUTLER, PA. Graham Airport, 1,248' HW-BTP Procedure No 1 December 31, 1953	----------	----------	----------	E side course: 185° outbound. 005° inbound. 3,000' within 25 miles.	2,400	005—4.6	T-dn C-d C-n A-dn	300-1 600-1 600-1½ 1000-2 (BCOB)	300-1 600-1 600-1½ 1000-2 (BCOB)	Within 4.6 miles after passing BTP, climb to 2,600' on track of 356° within 10 miles of BTP. CAUTION: Unlighted tower 1,491' 1 mile ESE runway 25.
PITTSBURGH, PA. Greater Pittsburgh Airport, 1,108' LOM PI Procedure No. 1 February 1, 1953	PROCEDURE CANCELED EFFECTIVE NOVEMBER 4, 1953.									
PITTSBURGH, PA. Greater Pittsburgh Airport, 1,1[illegible] RBN-GRP Procedure No. 2 October 25, 1952	PROCEDURE CANCELED EFFECTIVE NOVEMBER 4, 1953.									

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SAVANNAH, GA. Travis Field, 50' LOM-SA Procedure No. 1 December 17, 1953	SAV-LFR..... NE course of SAV-LFR	324—12.0 270—18	1,300 1,400	N side course: 285 outbound. 105 inbound. 1,200' within 15 miles. Beyond 15 miles not authorized.	700	090—5.52	T-dn C-dn S-dn 9 A-dn	300-1 500-1 500-1 1,000-2 BCOB	300-1 500-1½ 500-1 1,000-2 BCOB	Make immediate left turn, climb to 1,200' on NW course of SAV-LFR, or 321° from the LOM, within 25 miles. CAUTION. Danger area to the S side of final approach course.
WHEELING, W. VA. Ohio County Airport, 1,195' ILS-LOM HL Procedure No. 1 October 1, 1952	PROCEDURE CANCELED EFFECTIVE NOVEMBER 27, 1953.									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No., effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (— side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
JOPLIN, MO. Joplin, 980' ILS JLN Procedure No. 1 ADF and ILS combination December 25, 1953	JLN LFR	ILS LOM...	231—4.4	2,100	N side NW course, 300 outbound, 180 inbound, 2,200' within 5 miles. ADF 2,200' within 25 miles ILS LOM.	ILS 2,100 ADF 2,100 over LOM	2,124—4.6	1,153—0.66	T-dn C-d C-n S-d S-n (ADF) S-d S-n 13 A-dn	300-1 500-1 500-1½ 400-¾ 400-1 800-1 800-1½ 800-2	300-1 500-1½ 500-1½ 400-¾ 400-1 800-1 800-1½ 800-2	Within 4.6 miles, ILS, climb to 2,500' on SE course ILS within 25 miles or when directed by ATC ADF, climb to 2,500' on course of 192° within 25 miles or when directed by ATC, make left turn climbing to 2,100' to ILS LOM.
	Int. NW course ILS and E course CNU LFR via NW course ILS	ILS LOM...	130—25.0	2,100								
	Int. SE course ILS and SW course SGF LFR via SE and NW ILS course.	ILS LOM...	310—26.0	2,500								
	Neosho VOR via 336° radial.	ILS LOM....	336—27	2,500								
	Int. E course CNU LFR and N course ILN LFR.	ILS LOM....	107—11.0	2,100								
	Int. SE course ILS and 232° outbound course from SGF VOR via SE and NW ILS course.	ILS LOM....	310—26.0	2,500								
	SGF VOR via 251° radial from SGF VOR.	ILS LOM....	254—68.0	2,700								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility; class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at— Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m.p.h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
JOPLIN, MO. Joplin, 980' ILS JLN Procedure No. 2** December 25, 1953	Int. SE course ILS and SW course SGF LFR.	#Int.**	310—16.0	1,800 (final)	E side SE course: 130° outbound. 310° inbound. 2,300' within 25 miles.	No glide slope.	No outer marker.	No middle marker.	T-dn	300-1	300-1	Within 3.5 miles, climb to 2,100' on NW course ILS within 25 miles. #Int. SE course ILS and 351° course from EOS VOR. **Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
	Int. SE course ILS and 232° course from SGF VOR.	#Int.**	310—16.0	1,800 (final)					C-d	500-1	500-1½	
									C-n	500-1½	500-1½	
									B-dn 31	800-1	800-1	
	ILS LOM	#Int.**	130—16.0	2,500		Alt. over Int.#	Alt. over and miles from Int #		A-dn	800-2	800-2	
	Int. NW course ILS and E course CNU LFR via NW and SE ILS course.	#Int.**	130—35.0	2,500		1,800	1,800—4.0					
	JLN LFR	NW ILS course	172—8.0	2,500								
NEWARK, N. J. Newark Airport, 18' ILS EWR LOM EW Procedure No. 1 Combination ILS and ADF. January 4, 1954	New Brunswick Int	Woodbridge Int #	074—15	1,500	E side SW course ILS: 217° outbound. 037° inbound. 1,500' within 10 miles of LOM.	ILS 1,500 ADF 1,000 over LOM.	1,525—5.6	250—0.7	T-dn	300-1	300-1	Climb to 1,000' on NE course ILS or 037° track from LOM, make left climbing turn to 2,000' direct to Paterson Rbn, or when directed by ATC, (1) make climbing left turn to 2,000' direct to Chatham Rbn, (2) make a right climbing turn to 1,500', proceed to LOM. #Straight-in approach authorized from Woodbridge Int. (Int. 352° course from Colts Neck VOR and SW course ILS or 037° bearing to LOM.)
	Colts Neck VOR	Woodbridge Int #	352—17	1,500					C-dn	600-1	600-1½	
	Flatbush Rbn	LOM	276—11	1,500					S-dn 4 ILS	400-¾	400-¾	
	Newark, LFR	LOM	207—5	1,500					ADF	600-1	600-1	
	Chatham Rbn	LOM	140—14	2,000					A-dn	800-2	800-2	
	Radar transition altitudes S quadrant of Newark LFR.		Within 15 miles.	1,500								
	All other directions		Within 20 miles.	2,500								
NEW YORK, N. Y. International 12' ILS IDL OM Cont. Dashes (OM at IDL LFR site) Procedure No. 1 January 4, 1954	Scotland Int. (final)	OM	042—11	1,000	S side SW course ILS 222° outbound. 042° inbound. 1,200' within 10 miles of OM.	1,000	770—2.9	230—0.6	T-dn	300-1	300-1	Climb to 500' on NE course ILS, make a climbing right turn to 132° intersecting SW course Mitchel LFR. Continue climb to 1,500' (or at a higher altitude when requested by ATC) outbound on SW course Mitchel LFR. CAUTION: 278' stack 1.7 miles SSE of runway 1R.
	Colts Neck VOR	ILS SW course	063—16	1,400					C-dn	500-1	600-1½	
	Radar terminal area transitions all directions E of NE/SW course LGA LFR		Within 25 miles.	2,500					S-dn 4	400-¾	400-¾	
			Within 15 miles.	1,500					A-dn	800-2	800-2	
Procedure No. 2 Premised on use of back course ILS and Elmont FM January 4, 1954	Glen Cove Rbn (Final)	Elmont FM	222—11	1,500 1,000	E side NE course ILS* 042° outbound. 222° inbound. 1,500' within 10 miles.	1,000' over Elmont FM on final.	No glide path 4.0 miles from Elmont FM.		T-dn	300-1	300-1	Climb to 1,200' (or higher altitude when requested by ATC) on SW course ILS. *Procedure turn conducted E to avoid La Guardia traffic.
	Idlewild LFR	Elmont FM	042—9	1,500					C-dn	500-1	600-1½	
	Radar terminal area transitions all directions E of NE/SW course LGA LFR.		Within 25 miles.	2,500					S-dn 22	500-1	500-1	
			Within 15 miles.	1,500					A-dn	800-2	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility; class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at— Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m.p.h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
NEW YORK, N. Y. La Guardia, 20' ILS LGA LOM LG Procedure No. 1 Combination ILS and ADF. January 4, 1954	La Guardia LFR	LOM	223—9	2,500	S side SW course: 223° outbound. 043° inbound. 1,500' within 10 miles.	ILS 1,500 ADF 1,200	1,310—4.5	205—0.8	T-dn	300-1	300-1	4.5 miles after passing LOM, climb to 1,500' (or at a higher altitude when requested by ATC) on NE course La Guardia ILS or LFR. La Guardia LFR must be monitored during ADF approach.
	Glen Cove Int	LOM	251—17	2,500					C-dn	600-1	600-1½	
	Ridgewood Int	LOM	139—17	2,500					S-dn 4 ILS	400-1	400-1	
	Flatbush Rbn (final)	LOM	043—7	1,500					ADF	600-1	600-1	
	Colts Neck VOR	Flatbush Rbn	032—23	1,500					A-dn	800-2	800-2	
Procedure No. 2 Combination ILS and ADF (Using back course LaGuardia ILS and New Rochelle MHW RWC) January 4, 1954	Port Chester Int	RWC MHW	225—14	1,500	W side NE course: 043° outbound. 224° inbound. 1,500' within 10 miles.	No glide slope Final approach altitudes and distances to R/W 22 RWC MHW 1,000' 8.0 miles LGA LFR 800' 3.2 miles.			T-dn	300-1	300-1	3.2 miles after passing LGA LFR, climb to 1,500' (or at a higher altitude when requested by ATC) on SW course LGA ILS or LFR. LaGuardia LFR must be monitored during ADF approach.
	Ridgewood Int	RWC MHW	169—16	1,900					C-dn	600-1	600-1½	
	LaGuardia LFR	RWC MHW	043—6	1,500					S-dn 22 ILS	500-1	500-1	
	Port Chester FM (final)	RWC MHW	223—10	1,000					ADF	600-1	600-1½	
	Glen Cove Int	RWC MHW	305—8	1,500					A-dn	800-2	800-2	

These procedures and airport minimums do not provide standard clearance over the following obstructions: 422' tank 2 miles N of airport, 968' building 4 miles W of LOM, 299' tower 1.7 miles SW of airport, 350' bridge towers 2 miles W of airport, 930' broadcast tower 10 miles NW of range station, Empire State Building 3.8 miles W of LOM, 576' building 3 miles SW of LOM, 388' bridge towers 2.2 miles NE of airport, 252' stack 1.3 miles E of airport.

City and State; airport name, elevation, facility; class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at— Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m.p.h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
ROCHESTER, N. Y. Monroe County Airport, 558' ILS ROC LOM RO LMM OC Procedure No. 1 Combination ILS and ADF January 1, 1954	Rochester IFR	LOM	76—4	2,000	N side E course: 097° outbound. 277° inbound. 2,000' within 10 miles of LOM.	ILS 2,000' ADF 1,500' over LOM	2,100—5.1	793—0.6[7]	T-dn	300-1	300-1	Within 5.1 miles after passing LOM, climb to 2,000' on W course of ROC LFR. [7] Minimum altitude over LMM when executing ADF approach 1,800' *CAUTION: Glide path provides approximately 207' clearance over smoke stack 712' located 3.5 miles W of the LOM.
	Rochester VOR	LOM	95—6	2,000					C-dn	500-1	600-1½	
	Int S course ROC and E course BUF.	LOM	47—8	2,000					S-dn 28 ILS*	400-¾	400-¾	
	Int E course ROC and W course SYR.	LOM	313—10	2,000					ADF[7]	500-1	600-1½	
									A-dn	800-2	800-2	
ROCK SPRINGS, WYO. Municipal, 6,732' ILS RKS Procedure No. 1 January 18, 1954	RKS LFR	Outer marker	090—1.5	9,200	N side E course: 074° outbound. 254° inbound. 9,200' within 5 miles OM.	8,700	7,850—4.5	6,950—0.7	T-dn	300-1	300-1	Climb to 10,000' on W course RKS LFR. NOTE: *When glide slope or approach lights are inoperative, circling approach minimums apply.
	Int E course ILS and W course RKS LFR.	Outer marker	074—4.5	9,200					C-dn	500-1	500-1½	
									S-dn RWY 25	500-2 *400-¾	500-2 400-¾	
	Point of Rocks FM	E course ILS	235—7.0	9,200					A-dn	800-2	800-2	
	RKS VOR	E course ILS	092—2.5	9,200								

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnet C. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State, airport name, elevation, effective date	Radar terminal area maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums						Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds, (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished.
		Runway No.	Condition	Precision approach (PAR)		Surveillance approach (ASR)		
				75 m. p. h. or less	More than 75 m. p. h.	75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9
NEWARK, N. J. Newark Airport, 18' Procedure No. 1 January 4, 1954	2,500' NE sector (58–90°). All other sectors 2,000' within 25 miles. Within the S quadrant of the Newark LFR 1,500' within 15 miles.	4	T–dn	300–1	300–1	300–1	300–1	Climb to 1,000' on NE course Newark LFR, make a left climbing turn, proceed to Paterson Rbn at 2,000'. Alternate missed approach procedure when requested by ATC: 1. Climb to 3,000' on 298° course and proceed to Chatham, 2. make right climbing turn to 1,500' and proceed to LOM.
			C–dn	600–1	600–1½	600–1	600–1½	
			S–dn	400–1¼	400–1¼	600–1	600–1	
			A–dn	800–2	800–2	800–2	800–2	
		29	T–dn	.....	.....	300–1	300–1	
			C–dn	.....	.....	600–1	600–1½	
			S–dn	.....	.....	600–1	600–1	
			A–dn	.....	.....	800–2	800–2	
		22	T–dn	.....	.....	500–1	500–1	
			C–dn	.....	.....	900–1	900–1½	
			S–dn	.....	.....	900–1	900–1	
			A–dn	.....	.....	1,000–2	1,000–2	

5. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility class and identification procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
ROCK SPRINGS, WYO. Municipal, 6,752' BVOR RKS Procedure No. 1 January 18, 1954	RKS LFR	203—1.0	9,200	N side course: 081° outbound, 261° inbound. 9,200' within 25 miles.	8,700	261—2.4	T–dn C–dn C–n A–dn	300–1 1,000–1 1,000–2 1,000–2	300–1 1,000–1½ 1,000–2 1,000–2	Within 2.4 miles, climb to 10,000' on course of 261° within 25 miles of VOR.
ABILENE, TEX. Municipal, 1,778' VOR ABI Procedure No. 1 April 16, 1951	PROCEDURE CANCELED EFFECTIVE DECEMBER 21, 1953.									
ABILENE, TEX. Municipal (new) 1,778' BVOR ABI Procedure No. 1 December 21, 1953	Abilene LFR	261—11	3,100	S. side of course: 281° outbound. 101° inbound. 3,100' within 10 miles, 3,500 within 25 miles.	2,600	101—10.7	T–dn C–dn A–dn	300–1 800–2 1,000–2	300–1 800–2 1,000–2	Climb to 3,000' on course of 101° within 25 miles of VOR.

6. The very high frequency omnirange procedures prescribed in § 609.15 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility, class and identification; Procedure No. (TVOR), effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums			If visual contact not established at TVOR, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
ROCHESTER, N. Y. Monroe County Airport 560' BVOR-DTV TVOR-1 ROC January 15, 1954	Rochester LFR	301—2.8	1,900	E. side course: 180° outbound. 360° inbound. 1,900' within 10 miles.	1,200	007—0.4	T–dn C–dn S–dn 1 A–dn	300–1 600–1 600–1 800–2	300–1 600–1½ 600–1 800–2	Climb to 2,000' on course of 360° within 25 miles of ROC VOR.
TVOR-10 January 15, 1954	Rochester LFR	301—2.8	1,900	S side course 287° outbound. 107° inbound. 1,900' within 10 miles.	1,100	096—0.4	T–dn C–dn S–dn 10 A–dn	300–1 600–1 800–1 800–2	300–1 600–1½ 800–1 800–2	Climb to 2,000' on course of 107° within 25 miles of ROC VOR.
TOLEDO, OHIO Toledo Airport, 6[illegible] LVOR TOL TVOR 4 January 15, 1954	Genoa Rbn	316—5	1,800	E side course 215° outbound. 035° inbound. 1,900' with n 10 miles.	1,100#	041—0.8 Int. 35° course to TOL LVOR and 125° bearing to TOL LFR 035—4.0	T–dn C–d C–n S–dn 4# A–dn	300–1 800–1 800–1½ 800–1 800–2	300–1 800–1½ 800–1½ 800–1 800–2	Make right climbing turn to 1,800' (or higher altitude when directed by ATC) on course of 142° within 10 miles of LVOR. #Straight in landing minimums apply if 125° bearing on Toledo LFR received.
	Waterville VOR	049—11	1,900							
	Int. W course Toledo LFR or Waterville VOR 90° radial and 035° course to Toledo LVOR (final).	035—9	1,100#							
TVOR 14 January 15, 1954	Maumee Int.# (final)	129—4.6	1,200#	W side course: 309° outbound. 129° inbound. 2,100' within 10 miles.	1,200#	136—0.8	T–dn C–dn A–dn	300–1 600–1 600–2	300–1 600–1½ 800–2	Climb to 1,800' (or higher altitude when directed by ATC) on course 142° within 10 miles of LVOR. #Maintain 1,800' until after passing Maumee Int. (Int. 262° course to Waterville VOR and 129° bearing to TOL LVOR.)
TVOR 32 January 15, 1954	Int. E course TOL LFR or Waterville VOR radial 68.5° and 322° course to TOL LVOR (final).	322—11	1,100#	E side course: 142° outbound. 322° inbound. 1,500' within 10 miles.	1,100#	316—0.3 From Genoa Rbn 316—4.3	T–dn C–d C–n S–dn 32# A–dn	300–1 500–1 500–1½ 500–1 800–2	300–1 500–1½ 500–1½ 500–1 800–2	Climb to 2,100' (or higher altitude when directed by ATC) on course 309° within 10 miles of LVOR. #Maintain 1,300' until after passing Genoa Rbn.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–164; Filed, Jan. 18, 1954; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

[Amdt. 2]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—ORANGE AND GRAPEFRUIT EXPORT PAYMENT PROGRAM UMX 135A (FISCAL YEAR 1954)

ELIGIBLE COUNTRIES

1. Chapter V of Title 6 is hereby divided into two subchapters, as follows:

Subchapter A—Reserved.

Subchapter B—Export and Domestic Consumption Programs (This subchapter includes Parts 500–599).

2. Part 517 of Subchapter B of Chapter V is hereby amended as follows:

Section 517.421 is hereby amended to read as follows:

§ 517.421 *Eligible Countries.* An eligible country is any country or area specifically named in this section.

Austria.	Iceland.
Belgium.	Ireland.
Denmark.	Luxembourg.
Finland.	Netherlands, The.
France.	Norway.
Germany, Federal Republic of.	Sweden.
Greenland.	Switzerland.
	United Kingdom.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., January 18, 1954.

Dated this 13th day of January 1954.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 54-350; Filed, Jan. 18, 1954; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED GRAPEFRUIT [1]

MISCELLANEOUS AMENDMENTS

Pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83rd. Cong., approved July 28, 1953) and by virtue of the authority vested in me by the Secretary of Agriculture, the United States Standards for Grades of Canned Grapefruit (7 CFR Part 52; 18 F. R. 7987) are amended as hereinafter set forth.

The amendment provides a minimum drained weight for U. S. Grade A (or U. S. Fancy) of not less than 58 percent of the capacity of the container, regardless of container size.

It is hereby found that it is impractical, unnecessary, and contrary to the public interest to engage in rule making procedures and to postpone the effective date of this amendment for 30 days after publication in the FEDERAL REGISTER for the reasons that:

(1) The packing season for canned grapefruit is now in progress;

(2) New methods of processing to attain better quality packs in some respects result in slightly lower drained weights than had heretofore been accomplished;

(3) An emergency exists in this respect, retarding the proper marketing of canned grapefruit in larger-sized containers; and

(4) Additional time is not required in order for the industry to make preparation for compliance with this amendment.

The following amendment is promulgated to become effective upon publication in the FEDERAL REGISTER:

1. Footnote 1 to the subpart title is amended by deleting the period and adding the following: "or with applicable state laws and requirements."

2. Paragraph (a) of § 52.1142 is amended to read:

§ 52.1142 *Grades of canned grapefruit.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned grapefruit that possesses a drained weight or average drained weight, as the case may be, of not less than 58 percent of the capacity of the container; that consists of not less than 75 percent by weight of the drained grapefruit which is in whole segments or almost whole segments; that possesses a good color; that is practically free from defects; that possesses a good character; that possesses a good flavor and odor; and that scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

* * * * *

3. Paragraphs (b) and (c) of § 52.1147 are amended to read:

§ 52.1147 *Drained weight*—* * *

(b) (*A*) *classification.* Canned grapefruit that possesses a drained weight of not less than 58 percent of the capacity of the container may be given a score of 18 to 20 points for the respective containers as outlined in Table I and Table II. Whenever more than 1 container of the product is being graded, the score for the drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 18 to 20 points (in accordance with Table I or II) such score will be assigned to each container: *Provided,* That the drained weight of no individual container indicates a score of less than 16 points. However, if any individual container scores less than 16 points, each container will be assigned the score for its own drained weight.

(c) (*B*) *classification.* If the drained weight of the canned grapefruit is less than 58 percent of the capacity of the container, but is not less than 55 percent of the capacity of the container, a score of 16 or 17 points may be given for the respective containers as outlined in Table I or II. Whenever more than 1 container of the product is being graded, the score for the drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 16 or 17 points (in accordance with Table I or II) such score will be assigned to each container: *Provided,* That the drained weight of no individual container indicates a score of less than 14 points. However, if any individual container scores less than 14 points, each container will be assigned the score for its own drained weight. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

4. Table II is amended in its entirety to read:

TABLE II—SCORE FOR DRAINED WEIGHTS OF CANNED GRAPEFRUIT

Grade classification	Score points	Percentage that drained weight is of capacity of container	Drained weight on basis of container designation and size		
			No. 2 (3⅞ x 4⅝ inches)	No. 3 cylinder (4⅝ x 7 inches)	No. 5 (5⅜ x 5⅝ inches)
			Ounces	*Ounces*	*Ounces*
U. S. Grade A	20	61 percent or more	12.81 or more	31.81 or more	36.06 or more.
	19	59½ percent to 61 percent.	12.20 to 12.50 inclusive.	30.74 to 31.50 inclusive.	35.17 to 36.05 inclusive.
U. S. Fancy	18	58 percent to 59½ percent.	11.89 to 12.19 inclusive.	29.96 to 30.73 inclusive.	34.28 to 35.16 inclusive.
U. S. Grade B or U. S. Choice	17	56½ percent to 58 percent.	11.59 to 11.88 inclusive.	29.19 to 29.95 inclusive.	33.40 to 34.27 inclusive.
	16	55 percent to 56½ percent.	11.28 to 11.58 inclusive.	28.41 to 29.18 inclusive.	32.51 to 33.39 inclusive.
U. S. Broken	15	52½ percent to 55 percent.	10.77 to 11.27 inclusive.	27.12 to 28.40 inclusive.	31.03 to 32.50 inclusive.
Substandard	14	50 percent to 52½ percent.	10.25 to 10.76 inclusive.	25.83 to 27.11 inclusive.	29.55 to 31.02 inclusive.
	13 or less	Less than 50 percent.	Less than foregoing drained weights.		

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and requirements.

(Sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 13th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 54-349; Filed, Jan. 18, 1954; 8:49 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[D. P. Q. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

ADMINISTRATIVE INSTRUCTIONS AUTHORIZING TREATMENT OF GIN WASTE FOR MOVEMENT FROM LIGHTLY INFESTED AREAS

Pursuant to the authority conferred by the second proviso of Pink Bollworm Quarantine No. 52 (7 CFR 301.52, 18 F. R. 6348), issued under sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161, 162) and section 3 of the Insect Pest Act of March 3, 1905 (7 U. S. C. 143), the Chief of the Plant Pest Control Branch hereby issues administrative instructions to appear as § 301.52b in Title 7, Code of Federal Regulations (7 CFR Supp. 301.52b) as follows:

§ 301.52b *Administrative instructions authorizing movement from lightly infested areas of gin waste given prescribed treatment.* (a) Section 301.52–3 prohibits the movement of gin waste (all forms of unmanufactured waste cotton fiber, including gin motes, resulting from the ginning of seed cotton) from the pink bollworm regulated areas, except as authorized in §§ 301.52–5 (b) and 301.52–6 (b) with respect to baled gin waste and § 301.52–14 with respect to shipments for scientific purposes.

(b) The Chief of the Plant Pest Control Branch hereby finds that facts exist as to the pest risk involved in the movement of gin waste to which § 301.52–3 applies, making it safe to modify by making less stringent the requirements of § 301.52–3. Hereafter, in addition to movement authorized under §§ 301.52–5 (b), 301.52–6 (b) and 301.52–14, gin waste (including burrs) may be moved from any lightly infested pink bollworm area to any destination under certificate to be issued when, under the supervision of an inspector, the gin waste has been ground in a hammer mill, passed through a screen of no greater than ⅜-inch mesh, then bagged in clean, porous sacks (such sacks to be sewn or tied to prevent spillage), and fumigated in the sacks with methyl bromide in an approved manner, and the gin waste has been subsequently protected from contamination.

The purpose of these instructions is to make less stringent the requirements for movement of gin waste from the lightly infested areas described in the regulations under the Pink Bollworm Quarantine, since it has been determined that the pest risk involved in such movement does not require the continuation of the present requirements. In order to be of maximum benefit to producers and shippers of gin waste in the areas involved, the instructions should be made effective as soon as possible. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure concerning these instructions are impracticable and unnecessary and since the instructions relieve restrictions they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318, 7 U. S. C. 141, 143, 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These instructions shall become effective Jan. 19, 1954.

Done at Washington, D. C., this 11th day of January, 1954.

[SEAL] W. L. POPHAM,
Chief, Plant Pest Control Branch.

[F. R. Doc. 54-353; Filed, Jan. 18, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 39]

INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62, 124B, and 3791 of the Internal Revenue Code (53 Stat. 32; 67 Stat. 620; 53 Stat. 467; 26 U. S. C. 62, 124B, 3791).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

In order to conform Regulations 118 (26 CFR Part 39) to section 206 of the Technical Changes Act of 1953, approved August 15, 1953, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding section 23 (u) the following:

SEC. 206. AMORTIZATION DEDUCTION FOR GRAIN STORAGE FACILITIES (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 15, 1953).

* * * * *

(b) *Technical amendments.* (1) Section 23 (t) is hereby amended to read as follows:

(t) *Amortization deduction.* The deduction for amortization provided in sections 124, 124A, and 124B.

* * * * *

(c) *Effective date.* The amendments made by subsections (a) and (b) shall apply only with respect to taxable years ending after the date of the enactment of this Act.

PAR. 2. There is inserted immediately following § 39.124A (i)–1 the following:

§ 39.124B *Statutory provisions; amortization deduction for grain storage facilities; allowance of deduction; election of amortization; termination of amortization; definition of grain storage facility; determination of adjusted basis.*

SEC. 206. AMORTIZATION DEDUCTION FOR GRAIN STORAGE FACILITIES (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 15, 1953).

(a) *Allowance of deduction.* Supplement B of subchapter C of chapter 1 is hereby amended by inserting after section 124A the following new section:

SEC. 124B. *Amortization deduction for grain storage facilities*—(a) *Allowance of deduction*—(1) *Original owner.* Any person who constructs, reconstructs, or erects a grain storage facility (as defined in subsection (d)) shall, at his election, be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of such facility based on a period of sixty months. The sixty-month period shall begin as to any such facility, at the election of the taxpayer, with the month following the month in which the facility was completed, or with the succeeding taxable year.

(2) *Subsequent owners.* Any person who acquires a grain storage facility from a taxpayer who—

(A) Elected under subsection (b) to take the amortization deduction provided by this subsection with respect to such facility, and

(B) Did not discontinue the amortization deduction pursuant to subsection (c) shall, at his election, be entitled to a deduction with respect to the adjusted basis (determined under subsection (e) (2)) of such facility based on the period, if any, remaining (at the time of acquisition) in the sixty-month period elected under subsection (b) by the person who constructed, reconstructed, or erected such facility.

(3) *Amount of deduction.* The amortization deduction provided in paragraphs (1) and (2) shall be an amount, with respect to each month of the amortization period within the taxable year, equal to the adjusted basis of the facility at the end of such month, divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction above provided with respect to any month shall be in lieu of the deduction with respect to such facility for such month provided by section 23 (l) (relating to exhaustion, wear and tear, and obsolescence).

(b) *Election of amortization.* The election of the taxpayer under subsection (a) (1) to take the amortization deduction and to begin the sixty-month period with the month following the month in which the facility was completed shall be made only by a statement to that effect in the return for the taxable year in which the facility was completed. The election of the taxpayer under subsection (a) (1) to take the amortization deduction and to begin such period with the taxable year succeeding such year shall be made only by a statement to that effect in the return for such succeeding taxable year. The election of the taxpayer under subsection (a) (2) to take the amortization deduction shall be made only by a statement to that effect in the return for the taxable year in which the facility was acquired. Notwithstanding the preceding three sentences, the election of the taxpayer under subsection (a) (1) or (2) may be made, under such regulations as the Secretary may prescribe, before the time prescribed in the applicable sentence.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary before the beginning of such month. The deduction provided under section 23 (l) shall be allowed, beginning with the first month as to which the amortization deduction is not applicable, and the taxpayer shall not be entitled to any further amortization deduction with respect to such facility.

(d) *Definition of grain storage facility.* For the purposes of this section, the term "grain storage facility" means—

(1) Any corn crib, grain bin, or grain elevator, or any similar structure suitable primarily for the storage of grain, which crib, bin, elevator, or structure is intended by the taxpayer at the time of his election to be used for the storage of grain produced by him (or, if the election is made by a partnership, produced by the members thereof);

(2) Any public grain warehouse permanently equipped for receiving, elevating, conditioning, and loading out grain,

the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956. If any structure described in clause (1) or (2) of the preceding sentence is altered or remodeled so as to increase its capacity for the storage of grain, or if any structure is converted, through alteration or remodeling, into a structure so described, and if such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, such alteration or remodeling shall be treated as the construction of a grain storage facility. The term "grain storage facility" shall include only property of a character which is subject to the allowance for depreciation provided in section 23 (l). The term "grain storage facility" shall not include any facility any part of which is an emergency facility within the meaning of section 124A.

(e) *Determination of adjusted basis*—(1) *Original owners.* For the purpose of subsection (a) (1)—

(A) In determining the adjusted basis of any grain storage facility, the construction, reconstruction, or erection of which was begun before January 1, 1953, there shall be included only so much of the amount of the adjusted basis (computed without regard to this subsection) as is properly attributable to such construction, reconstruction, or erection after December 31, 1952, and

(B) In determining the adjusted basis of any facility which is a grain storage facility within the meaning of the second sentence of subsection (d), there shall be included only so much of the amount otherwise included in such basis as is properly attributable to the alteration or remodeling.

If any existing grain storage facility as defined in the first sentence of subsection (d) is altered or remodeled as provided in the second sentence of subsection (d), the expenditures for such remodeling or alteration shall not be applied in adjustment of the basis of such existing facility but a separate basis shall be computed in respect of such facility as if the part altered or remodeled were a new and separate grain storage facility.

(2) *Subsequent owners.* For the purpose of subsection (a) (2), the adjusted basis of any grain storage facility shall be whichever of the following amounts is the smaller: (A) The basis (unadjusted) of such facility for the purposes of this section in the hands of the transferor, donor, or grantor, adjusted as if such facility in the hands of the taxpayer had a substitute basis within the meaning of section 113 (b) (2) (A), or (B) so much of the adjusted basis (for determining gain) of the facility in the hands of the taxpayer (as computed without regard to this subsection) as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(f) *Depreciation deduction.* If the adjusted basis of the grain storage facility (computed without regard to subsection (e)) exceeds the adjusted basis computed under subsection (e), the deduction provided by section 23 (l) shall, despite the provisions of subsection (a) (3) of this section, be allowed with respect to such grain storage facility as if the adjusted basis for the purpose of such deduction were an amount equal to the amount of such excess.

(g) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the amortization deduction provided in subsection (a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant.

* * * * *

(c) *Effective date.* The amendments made by subsections (a) and (b) shall apply only with respect to taxable years ending after the date of the enactment of this Act.

§ 39.124B–1 *Introductory*—(a) *General.* Sections 39.124B–2 to 39.124B–8, inclusive, are applicable only with respect to taxable years ending after August 15, 1953 (the date of the enactment of the Technical Changes Act of 1953). These sections comprise the regulations under section 124B of the Internal Revenue Code, relating to the amortization of grain storage facilities. These regulations are to be distinguished from the regulations under section 124A of the Code (§§ 39.124A (a) to 39.124A (i)–1, inclusive) relating to amortization of emergency facilities.

(b) *General scope of section 124B.* Section 124B of the Code provides for the amortization of grain storage facilities, as defined therein, over a period of 60 months. The amortization deduction is allowable at the election of the taxpayer and subject to the provisions of section 124B. The amortization deduction is not only allowable to the original owner of a grain storage facility, but may be allowable to any subsequent owner who acquires the facility from another person who elected to take the amortization deduction and had not discontinued such deduction under the statute. In the case of the original owner of a grain storage facility the amortization period is a period of 60 months. For a subsequent owner the amortization period is the period, if any, remaining at the time of his acquisition in the 60-month period elected by the person who completed construction, reconstruction, or erection of the grain storage facility.

(c) *Cross-references.* For the right of estates and trusts to amortize grain storage facilities, see section 172 and § 39.172–1. For the allowance of the amortization deduction in the case of grain storage facilities of partnerships, see section 190 and § 39.190–1.

§ 39.124B–2 *Definition of grain storage facility*—(a) *General.* For the purpose of section 124B the term "grain storage facility" means—

(1) Any corn crib, grain bin, or grain elevator, or any similar structure suitable primarily for the storage of grain, but only if the taxpayer at the time of his election to take the amortization deduction allowed under section 124B (a) intends such crib, bin, elevator, or structure to be used for the storage of grain produced by him, or in case the election to take the amortization deduction is made by a partnership only if such crib, bin, elevator, or structure is intended by the partnership at the time of its election to be used for the storage of grain produced by members of the partnership; and

(2) Any public grain warehouse or elevator permanently equipped for receiving, elevating, conditioning, and loading out grain,

the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956. The term "grain" includes all products commonly classed as grain, such as wheat, corn, oats, barley, rye, rice, soybeans, grain sorghums, flaxseed and dry edible beans.

(b) *Private grain storage facilities.* In the case of any structure described in subparagraph (1) of paragraph (a) of this section, the construction, reconstruction, or erection of which was completed after December 31, 1952, and on or before December 31, 1956, the taxpayer at the time of his election to take the amortization deduction with respect to the structure must intend to use the facility for the storage of grain produced or to be produced by him. If the election is made by a partnership, the structure must be intended at the time of the election to be used for the storage of grain produced by members of the partnership. The statute does not require that the facility be actually used at the time of the election for the storage of grain. The intent required by the statute at the time of the taxpayer's election to take the amortization deduction is applicable not only to the original owner who completed the construction, reconstruction, or erection of the facility, but to any subsequent owner of the facility. The existence of the requisite intent is a question of fact to be ascertained from the circumstances of each particular case. The lack of the required intent with respect to the use of the facility by a subsequent owner does not affect the allowance of the amortization deduction to a preceding owner for the period during which the facility was owned by him. However, the absence of the required intent as to the use of the facility on the part of either the original owner or any intervening owner precludes any subsequent owner from taking the amortization deduction with respect to the facility. A structure is not suitable primarily for the storage of grain if it is of a type customarily used for other purposes, even though it may actually be used for storing grain. For example, no part of a residential dwelling may qualify as a grain storage facility. Nor is a structure suitable primarily for the storage of grain unless it is so constructed as to be especially adapted to efficient storage of grain. Thus, a general utility type of building does not qualify under the statute as a grain storage facility, even though it may be actually used for storing grain. However, structures not suitable primarily for the storage of grain may through alteration or remodeling qualify as grain storage facilities (see paragraph (d) of this section). On the other hand a structure which is suitable primarily for the storage of grain is not disqualified under the statute merely because it may at times be used for other purposes. The structures described in subparagraph (1) of paragraph (a) of this section may include trackside grain storage facilities.

(c) *Public grain storage facilities.* The term "public grain warehouse" as used in section 124B (d) includes only a grain warehouse or elevator transacting business with members of the general public. The amortization deduction, however, is not available to a person who stores only grain purchased for consumption in his business, such as a milling company which constructs storage facilities for purchased grain held for processing. The statute also requires that the grain warehouse or elevator must be equipped for receiving, elevating, conditioning, and loading out grain, and that the equipment used for these purposes must be permanently installed. Such equipment is considered a part of the grain warehouse or elevator for the purpose of section 124B. A grain warehouse or elevator using portable equipment for receiving, elevating, conditioning or loading out grain cannot qualify as a "grain storage facility" for the purposes of section 124B. The term "conditioning" as used in section 124B (d) includes turning, drying, aerating, fumigating, or other processing of grain. While it is not essential for qualification as a grain storage facility that a public grain warehouse or elevator be permanently equipped to render all services embraced within the meaning of "conditioning", the grain warehouse or elevator must be permanently equipped for turning, drying, or similar processing of grain.

(d) *Alteration or remodeling.* (1) If any structure described in subparagraph (1) or (2) of paragraph (a) of this section is altered or remodeled so that its capacity for the storage of grain is increased, and such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, for the purpose of section 124B such alteration or remodeling is treated as the construction of a grain storage facility. Such alteration or remodeling may qualify as a grain storage facility, whether or not the original structure constituted a grain storage facility as defined in section 124B (d). If the original structure did qualify as a grain storage facility for the purpose of section 124B, the amortization deduction allowable under section 124B (a) may be taken with respect to such alteration or remodeling, whether or not the taxpayer or any preceding owner elected to take the amortization deduction allowable with respect to the original structure.

(2) Likewise, if any structure not described in subparagraph (1) or (2) of paragraph (a) of this section is converted through alteration or remodeling into a structure so described, and such alteration or remodeling was completed after December 31, 1952, and on or before December 31, 1956, for the purpose of section 124B such alteration or remodeling is treated as the construction of a grain storage facility.

(3) For election to take the amortization deduction with respect to alteration or remodeling described in subparagraphs (1) and (2) of this paragraph, see § 39.124B–4. For determination of adjusted basis for the purpose of the amortization deduction with respect to a grain storage facility attributable to such alteration or remodeling, see § 39.124B–6.

(e) *Excluded property*—(1) *Nondepreciable property.* The term "grain storage facility" includes only property of a character which is subject to the allowance for depreciation provided in section 23 (l). Thus, "grain storage facility" does not include the land on which a structure defined in paragraph (a) of this section is erected.

(2) *Emergency facilities.* (i) The term "grain storage facility" does not include any facility any part of which is considered an emergency facility within the meaning of section 124A. For the definition of "emergency facility" for the purpose of section 124A, see § 39.124A (d)–1 (b).

(ii) If all or any part of the adjusted basis (computed under section 113 (b)) of a structure described in paragraph (a) of this section is certified as an "emergency facility" under section 124A (e), such structure cannot qualify as a "grain storage facility" for the purposes of section 124B. However, if prior to the making of any election to take the amortization deduction allowable under section 124A (a) with respect to such structure, the certificate made under section 124A (e) is cancelled by the certifying authority, such structure will be considered a "grain storage facility" for the purposes of section 124B.

(iii) In the case of any alteration or remodeling described in subparagraph (1) or (2) of paragraph (d) of this section, if all or any part of the adjusted basis (computed under section 113 (b)) of the original structure is certified as an "emergency facility" under section 124A (e), such alteration or remodeling may, nevertheless, qualify as a "grain storage facility" for the purposes of section 124B, provided the following conditions are met:

(a) None of the expenditures attributable to such alteration or remodeling represents construction, reconstruction, erection, installation, or acquisition included in the certificate made under section 124A (e) with respect to the original structure, and

(b) A separate certificate is not made under section 124A (e) with respect to such alteration or remodeling as a new and separate emergency facility, or if a separate certificate was made, such certificate, prior to the making of any election to take the amortization deduction allowable under section 124A (a) with respect to such alteration or remodeling, is canceled by the certifying authority.

§ 39.124B–3 *Amortization deduction*—(a) *Original owner.* Any person who constructs, reconstructs, or erects a grain storage facility as defined in section 124B (d) is entitled at his election to a deduction with respect to the amortization of the adjusted basis (for determining gain) of such facility based on a period of 60 months. As to the adjusted basis of a grain storage facility, see § 39.124B–6. The taxpayer may, with respect to a grain storage facility, elect to begin the 60-month amortization period with (1) the month following the month in which such facility was completed, or (2) the taxable year succeeding that in which such facility was completed (see § 39.124B–4). The date on which, or the month within which, an emergency facility is completed is to be determined upon the facts in the particular case. A statement of the date ascertained by the taxpayer, together with a statement of the pertinent facts relied upon, should be filed with the taxpayer's election to take amortization deductions with respect to such facility.

(b) *Subsequent owner.* Any person who acquires a grain storage facility from a taxpayer who elected to take the amortization deduction provided by section 124B (a) with respect to such facility and who prior to the acquisition by such person had not discontinued the amortization deduction pursuant to section 124B (c) is entitled at his election to a deduction with respect to the amortization of the adjusted basis (determined under section 124B (e) (2)) of such facility based on the period, if any, remaining at the time of his acquisition in the 60-month period elected by the original owner of such facility. For the determination of the adjusted basis of a grain storage facility in the hands of a subsequent owner for the purpose of the amortization deduction, see § 39.124B–6.

(c) *Amount of deduction.* (1) In general, with respect to each month of the 60-month period which falls within the taxable year, the amortization deduction is an amount equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the particular month for which the deduction is computed) re-

maining in the 60-month period. If a grain storage facility is held successively by two or more persons during a single month, the amortization deduction, if any, allowable to each of such persons in respect of that month shall be only that portion of the amount to which each such person would be entitled for a full month which the number of days in such month during which the facility was held by him bears to the total number of days in such month. The adjusted basis of the grain storage facility at the end of any month shall be computed without regard to the amortization deduction with respect to such facility for such month. The total amortization deduction with respect to a grain storage facility for a particular taxable year is the sum of the amortization deductions allowable with respect to such facility for each month of the 60-month period which falls within such taxable year.

(2) The amortization deduction with respect to a grain storage facility for any month is in lieu of the deduction for depreciation which would otherwise be allowable under section 23 (l) with respect to the facility for that month. If the original owner of a grain storage facility elects to begin the 60-month amortization period with the taxable year succeeding that in which the facility was completed, the deduction for depreciation provided in section 23 (l) is allowable with respect to the facility for the period intervening between the completion of the facility and the beginning of the 60-month period. However, if the original owner elects to begin the 60-month amortization period with the month following that in which the facility was completed, no deduction under section 23 (l) is allowable in respect of the month in which the facility was completed. For depreciation allowable with respect to any amount not subject to amortization see § 39.124B–7.

(d) *Examples.* This section may be illustrated by the following examples:

Example (1). On July 1, 1953, A, who makes his income tax return on a calendar year basis, begins the construction of a grain storage facility which is completed on September 30, 1953, at a cost of $24,000, not including the cost of the land on which the facility is erected. A elects to take the amortization deduction with respect to the facility and to begin the 60-month amortization period with October 1953, the month following its completion. The adjusted basis of the facility at the end of October is $24,000. The allowable amortization deduction with respect to such facility for the taxable year 1953 is $1,200, computed as follows:

Monthly amortization deductions:	
October: $24,000 divided by 60	$400
November: $23,600 ($24,000 minus $400) divided by 59	400
December: $23,200 ($23,600 minus $400) divided by 58	400
Total amortization deduction for 1953	1,200

Example (2). The X Corporation, which makes its income tax return on the calendar year basis, begins the construction of a grain storage facility on June 15, 1953. The facility is completed on August 2, 1953. The X Corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with September 1953, the month following its completion. At the end of the first month of the amortization period the adjusted basis of the facility is $30,000. In October 1953, the facility is damaged by fire, as the result of which the adjusted basis is properly reduced by $2,537. The allowable amortization deduction with respect to the facility for the calendar year 1953 is $1,871, computed as follows:

Monthly amortization deductions:	
September: $30,000 divided by 60	$500
October: $26,963 ($30,000 minus $500 and $2,537) divided by 59	457
November: $26,506 ($26,963 minus $457) divided by 58	457
December: $26,049 ($26,506 minus $457) divided by 57	457
Total amortization deduction for 1953	1,871

For illustration in the case of a subsequent owner of a grain storage facility, see Example (2) in § 39.124B–6 (f).

§ 39.124B–4 *Election of amortization—*(a) *General rule—*(1) *Original owner.* The election by a taxpayer who constructs, reconstructs, or erects a grain storage facility to take amortization deductions with respect to the facility and to begin the 60-month amortization period, either with the month following the month in which the facility was completed or with the taxable year succeeding the taxable year in which such facility was completed, shall be made by a statement to that effect in the taxpayer's return for the taxable year in which falls the first month of the 60-month amortization period so elected. Such statement shall include the following information:

(i) A description clearly identifying each grain storage facility for which an amortization deduction is claimed.

(ii) The date on which the construction, reconstruction, or erection of each such facility was complete.

(iii) The total costs and expenditures paid or incurred in the construction, reconstruction, or erection of any such facility, excluding the cost of any land.

(iv) If the construction, reconstruction, or erection of any such facility was begun before January 1, 1953, the amount of the costs and expenditures properly attributable to such construction, reconstruction, or erection after December 31, 1952.

(2) *Subsequent owner.* The election by a subsequent owner (that is, a person who acquires a grain storage facility from a taxpayer who elected to take the amortization deduction with respect to the facility and who prior to the acquisition by the subsequent owner had not discontinued the amortization deduction under section 124B (c)) to take amortization deductions with respect to the facility shall be made by a statement to that effect in the taxpayer's return for the taxable year in which falls the month in which the facility was acquired. Such statement shall include the following information:

(i) The name and address of the preceding owner.

(ii) The date and the manner of the acquisition of the grain storage facility from such preceding owner.

(iii) A statement of the basis (unadjusted) of the facility in the hands of the preceding owner for amortization purposes, adjusted to the date of acquisition by the taxpayer.

(iv) A statement of the adjusted basis of the facility in the hands of the taxpayer for amortization purposes, computed as of the date of acquisition by the taxpayer.

(b) *Special rules for making election prior to filing of return.* If, prior to the time prescribed in paragraph (a) of this section for making the election to take amortization deductions with respect to a grain storage facility, such facility is acquired by a subsequent owner, the preceding owner of the facility may make such election within 60 days after the date of acquisition of such facility by the subsequent owner. In the event that the preceding owner dies or ceases to exist prior to making an election, the election may be made within such time by the duly authorized representatives of the preceding owner. Unless the election to take amortization deductions with respect to the facility is made by the preceding owner or on his behalf, the subsequent owner of the facility shall not be entitled to take the amortization deductions allowable under section 124B (a) with respect to such facility. A statement of election under this paragraph shall be filed with the district director of internal revenue (for the internal revenue district determined under section 53 (b) as if such election were a return required to be filed by the taxpayer), and shall contain the same information required with respect to a statement of election under paragraph (a) of this section. If the preceding owner of the facility was the original owner, the statement of election must specify the beginning of the 60-month amortization period. Unless the grain storage facility is acquired from the original owner after the beginning of his taxable year succeeding the taxable year in which such facility was completed, an election made under this paragraph must begin the 60-month amortization period with the month following the month in which the facility was completed.

(c) *Election not made at the time or in the manner prescribed by this section.* (1) The Commissioner has no authority to extend the time prescribed in section 124B (b) and paragraph (a) of this section for making an election to take amortization deductions allowable under section 124B (a). However, the Commissioner in his discretion may, for good cause shown, grant a reasonable extension of time for the making of an election under paragraph (b) of this section (see § 39.6000–1).

(2) Except as provided in the preceding subparagraph, if a statement of election under paragraph (a) or (b) of this section does not comply with the requirements prescribed therein, it may, in the discretion of the Commissioner and for good cause shown, be made in such manner and form as may be approved by him.

(3) No method of making the election to take the amortization deductions with respect to a grain storage facility other than those prescribed in this section shall be permitted. A taxpayer who fails to elect to take amortization deductions with respect to such a facility shall not be entitled to amortization deductions with respect to such facility.

(d) *Alteration or remodeling of existing grain storage facility.* If an existing grain storage facility, as defined in section 124B (d), is altered or remodeled and such alteration or remodeling is treated under section 124B (d) as the construction of a grain storage facility (see §§ 39.124B–2 (d) and 39.124B–6 (e)), the part of the facility altered or remodeled is treated as a new and separate grain storage facility. In such case unless the taxpayer who completes such alteration or remodeling makes a separate election, in the manner and within the time provided in this section, to take amortization deductions and to begin a new 60-month period with respect to such alteration or remodeling, he shall not be entitled to amortization deductions with respect to such alteration or remodeling. Such alteration or remodeling is also treated as a separate grain storage facility in the hands of a subsequent owner.

§ 39.124B–5 *Termination of amortization deduction.* (a) If a taxpayer has elected to take amortization deductions with respect to a grain storage facility, he may, prior to the expiration of the 60-month amortization period and prior to the acquisition of such facility by another person, discontinue the amortization deductions with respect to such facility for the remainder of the 60-month period. An election to discontinue the amortization deductions shall be made by notice in writing filed with the district director of internal revenue (for the internal revenue district determined under section 53 (b) as if such notice were a return required to be filed by the taxpayer), specifying the month as of the beginning of which the taxpayer elects to discontinue such deductions. Such notice shall be filed before the beginning of the month specified therein, and should contain a description clearly identifying the grain storage facility with respect to which the taxpayer elects to discontinue the amortization deductions. If the taxpayer elects in the manner provided herein to discontinue the amortization deductions with respect to a grain storage facility, he shall not be entitled to any further amortization deductions with respect to such facility.

(b) A taxpayer who elects to discontinue amortization deductions with respect to a grain storage facility is entitled to a deduction for depreciation under section 23 (l) with respect to such facility. The deduction for depreciation shall begin with the first month as to which the amortization deduction is not applicable and shall be computed on the adjusted basis of the property as of the beginning of such month (see section 113 (b) and the regulations thereunder).

(c) This section may be illustrated by the following example:

Example. On February 1, 1953, the Y Corporation, which makes its income tax returns on the calendar year basis, begins the construction of a grain storage facility. The facility is completed on June 30, 1953, at a cost of $306,000 of which $60,000 is allocable to the land and $246,000 to the facility. The corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with July 1953, the month following its completion. On March 25, 1954, the corporation files notice with the district director of its election to discontinue the amortization deductions beginning with the month of April 1954. The adjusted basis of the facility on July 31, 1953, is $246,000. The amortization deductions for the taxable year 1953 and the months of January, February, and March 1954, amount to $36,900, or $4,100 per month for nine months. Accordingly, the adjusted basis of the facility as of April 1, 1954 is $209,100. Beginning as of that date the deduction for depreciation under section 23 (l) is allowable with respect to the property. Such deduction shall be computed on the adjusted basis ($209,100) of the property as of April 1, 1954.

§ 39.124B–6 *Adjusted basis of grain storage facility—*(a) *General.* Section 124B (e) provides rules which apply in the determination of the adjusted basis of a grain storage facility for the purpose of computing the amortization deductions allowable under section 124B (a). Section 124B (e) does not purport to provide an all-inclusive formula for the computation of adjusted basis for amortization purposes, but only prescribes certain modifications in the amount which would otherwise constitute the adjusted basis of the facility. As a result of these modifications the adjusted basis for the purpose of computing the amortization deductions allowable with respect to the facility will differ in some cases from the adjusted basis of the facility determined under section 113 without regard to section 124B (e). The adjusted basis for amortization purposes may also differ from the adjusted basis of the facility for other purposes in that it shall be the adjusted basis for determining gain (see section 113). The adjusted basis for amortization purposes is derived from the unadjusted basis of the grain storage facility determined under section 113. The special rules provided in section 124B (e) are applicable in translating the unadjusted basis determined under section 113 into the unadjusted basis for amortization purposes under section 124B. The unadjusted basis for amortization purposes, less the adjustments properly allocable thereto, becomes the adjusted basis for amortization purposes. These adjustments are those specified in section 113 (b). However, adjustments which increase the adjusted basis under section 113 (b) are not to be taken into account in determining the adjusted basis for amortization purposes (see paragraph (d) of this section).

(b) *Original owners.* Section 124B (e) (1) provides rules which apply in the determination of the adjusted basis for amortization purposes of a grain storage facility in the hands of an original owner (see § 39.124B–3 (a)). As the result of the application of the rules stated in subparagraphs (1) and (2) of this paragraph, the adjusted basis of the facility for amortization purposes will be smaller than the amount which would otherwise constitute the adjusted basis of the facility. The rules are the following:

(1) If the construction, reconstruction, or erection of the facility was begun before January 1, 1953, there is to be included only so much of the entire unadjusted basis of the facility as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(2) If a structure which is not an existing grain storage facility as defined in section 124B (d) is altered or remodeled and such alteration or remodeling is treated under section 124B (d) as the construction of a grain storage facility (see § 39.124B–2 (d)), there is to be included only so much of the entire unadjusted basis of such structure as is properly attributable to such alteration or remodeling as was completed after December 31, 1952, and on or before December 31, 1956. In the case of alteration or remodeling of an existing grain storage facility, see paragraph (e) of this section.

(c) *Subsequent owners.* A special rule is provided in section 124B (e) (2) for the determination of the adjusted basis for amortization purposes of a grain storage facility in the hands of a subsequent owner (see § 39.124B–3 (b)). Such adjusted basis is the smaller of the following amounts:

(1) The adjusted basis determined by including an amount in respect of unadjusted basis equal to the adjusted basis of the facility for amortization purposes in the hands of the preceding owner, determined as of the date of acquisition of the facility by the taxpayer. For the purpose of this paragraph in determining the adjusted basis of the facility for amortization purposes in the hands of the preceding owner, the adjustments required under section 113 (b) shall include an adjustment in respect of the amount of the amortization deduction allowable to the preceding owner for the month in which the facility was acquired by the taxpayer. See § 39.124B–3 (c). For the rule excluding capital additions from the adjusted basis of a grain storage facility for amortization purposes, see paragraph (d) of this section.

(2) The adjusted basis (computed under section 113 for determining gain) of the facility in the hands of the taxpayer. If the construction, reconstruction, or erection of the facility was begun before January 1, 1953, in determining such adjusted basis there is to be included only so much of the entire unadjusted basis of the facility (in the hands of the taxpayer) as is properly attributable to construction, reconstruction, or erection after December 31, 1952.

(d) *Capital additions.* If after the completion or acquisition of a grain storage facility further expenditures are made for construction, reconstruction, or erection, such expenditures shall not be added to the adjusted basis of the facility for amortization purposes. If such expenditures result in alteration or remodeling which under section 124B (d) is treated as the construction of a grain storage facility, see paragraph (e) of this section.

(e) *Alteration or remodeling of existing grain storage facility.* If an existing grain storage facility as defined in section 124B (d) is altered or re-

modeled and such alteration or remodeling is treated under section 124B (d) as the construction of a grain storage facility (see § 39.124B–2 (d)), the expenditures for such alteration or remodeling shall not be applied in adjustment of the basis of the existing facility, but a separate basis shall be computed by reference to such expenditures as if such alteration or remodeling represented a new and separate grain storage facility. A structure which was not an existing grain storage facility prior to alteration or remodeling which is treated under section 124B (d) as the construction of a grain storage facility becomes an existing grain storage facility for the purposes of this subparagraph. Thus, if a structure which is an existing grain storage facility by reason of such alteration or remodeling is again altered or remodeled and such alteration or remodeling is treated under section 124B (d) as the construction of a grain storage facility, the provisions of this paragraph are also applicable to such later alteration or remodeling.

(f) *Examples.* The computation of the adjusted basis of a grain storage facility for amortization purposes may be illustrated in the following examples:

Example (1). On February 28, 1953, A completes the construction of a grain storage facility as defined in section 124B (d) at a cost of $2,000 for the land and $6,000 for the construction. Only $3,000 of the total cost of the facility is properly attributable to construction after December 31, 1952. A elects to claim the amortization deduction and to begin the 60-month period on March 1, 1953. Under section 124B (e) the adjusted basis of the facility for the purpose of section 124B (a) as of that date is only $3,000, the amount attributable to construction after December 31, 1952. In determining the adjusted basis of the facility as of any subsequent date for the purpose of computing the amortization deduction, the amortization deductions allowable in respect of the period prior to such date must, of course, be taken into account. See section 113 (b) of the Code. Thus, the adjusted basis of the facility for the purpose of computing the amount of the amortization deduction allowable for the month of January 1954, is $2,500 ($3,000 minus $500, the amortization deductions allowable prior to January 1, 1954).

Example (2). A began on January 1, 1953, and completed on June 30, 1953, the construction of a grain storage facility as defined in section 124B (d) at a cost of $5,000 for the land and $30,000 for the construction. A elects to claim the amortization deduction and to begin the 60-month period on July 1, 1953. On May 1, 1954, A sells the grain storage facility to B for a price of $34,000 of which $6,000 is allocable to the land. B elects to claim the amortization deduction on the basis of the 50 months remaining in the amortization period. B, in determining the adjusted basis of the facility in his hands, must start with the unadjusted basis of the facility in the hands of A ($30,000) and adjust such basis under section 113 (b) (1) (B) in respect of amortization claimed by A during his ownership of the facility ($5,000). Since this amount ($25,000) is smaller than the adjusted basis (for determining gain) of the facility in B's hands as of May 1, 1954, ($28,000, that is $34,000 less $6,000 allocable to land), the adjusted basis of the facility for the purpose of section 124B (a) in B's hands as of May 1, 1954, is $25,000. B, therefore, may include only $25,000 in determining the adjusted basis of the facility in his hands as of May 1, 1954, the date of the purchase. The amortization deductions claimed by B must, of course, be applied in reduction of such adjusted basis in determining the adjusted basis of the facility as of any subsequent date for the purpose of his amortization deduction under section 124B (a). The amount by which the purchase price paid by B and allocable to depreciable property ($28,000) exceeds the adjusted basis determined under section 124B (e) for such property ($25,000)—or $3,000— is treated as the adjusted basis (as of May 1, 1954) for the purpose of the depreciation deduction allowable under section 23 (l). See § 39.124B–7.

§ 39.124B–7 *Depreciation of portion of grain storage facility not subject to amortization.* The rule set forth in section 124B (a) (see § 39.124B–3), that the amortization deduction with respect to a grain storage facility is in lieu of any deduction for depreciation which would otherwise be allowable under section 23 (l) with respect to the facility, is subject to an exception provided in section 124B (f). Under this exception if the adjusted basis of the facility as computed under section 113 (b) for purposes other than the amortization deductions (see § 39.113 (b) (1)–1) is in excess of the adjusted basis computed under section 124B (e) for the purpose of the amortization deductions (see § 39.124B–6), any excess shall be charged off over the useful life of the facility and recovered through depreciation deductions allowable under section 23 (l). Thus, if the construction of a grain storage facility was begun before January 1, 1953, no amortization deductions are allowable with respect to the amount attributable to such construction before such date (see § 39.124B–6). However, the depreciation deduction provided by section 23 (l) and the regulations thereunder is allowable with respect to the amount attributable to construction before January 1, 1953. Similarly, in the case of a subsequent owner the adjusted basis of a grain storage facility computed under section 113 (b) for purposes other than the amortization deductions (see § 39.113 (b) (1)–1) may exceed the adjusted basis of the facility computed under section 124B (e) for amortization purposes. In such case the excess will be subject to the allowance for depreciation provided by section 23 (l). For illustration of the treatment of the portion of a grain storage facility which is subject to the allowance for depreciation, see Example (2) in § 39.124B–6 (f).

§ 39.124B–8 *Life tenant and remainderman.* In the case of a grain storage facility held by one person for life with the remainder to another person, the amortization deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant during his life.

PAR. 3. There is inserted immediately preceding § 39.172–1, the following:

SEC. 206. AMORTIZATION DEDUCTION FOR GRAIN STORAGE FACILITIES (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 16, 1953).

* * * * *

(b) *Technical amendments.*

* * * * *

(2) Section 172 is hereby amended by striking out "of emergency facilities".

* * * * *

(c) *Effective date.* The amendments made by subsections (a) and (b) shall apply only with respect to taxable years ending after the date of the enactment of this Act.

PAR. 4. Section 39.172–1 is amended by striking out the second and third sentences and inserting in lieu thereof the following: "The same rule is applicable in the case of a grain storage facility, as defined in section 124B (d). See sections 23 (l), 124A, and 124B and the regulations thereunder. The principles governing the apportionment of depreciation in the case of property held in trust are applicable with respect to the amortization of an emergency facility or of a grain storage facility of an estate or trust."

PAR. 5. There is inserted immediately preceding § 39.190–1 the following:

SEC. 208. AMORTIZATION DEDUCTIONS FOR GRAIN STORAGE FACILITIES (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 16, 1953).

* * * * *

(b) *Technical amendments.*

* * * * *

(3) Section 190 is hereby amended by inserting after "emergency facilities" the following: "or grain storage facilities".

(c) *Effective date.* The amendments made by subsections (a) and (b) shall apply only with respect to taxable years ending after the date of the enactment of this Act.

PAR. 6. Section 39.190–1 is amended by striking out the last two sentences and inserting in lieu thereof the following: "The same rule is applicable in the case of a grain storage facility, as defined in section 124B (d). See sections 23 (l), 124A, and 124B and the regulations thereunder. Amortization deductions with respect to an emergency facility or a grain storage facility of a partnership are not allowed to the members of the partnership."

[F. R. Doc. 54-341; Filed, Jan. 18, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN GREEN BEANS AND FROZEN WAX BEANS

UNITED STATES STANDARDS FOR GRADES[1]

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953). This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, GRADES, AND TYPES

Sec.
52.2321 Product description.
52.2322 Styles of frozen beans.
52.2323 Grades of frozen beans.
52.2324 Types of frozen beans.

FACTORS OF QUALITY

52.2325 Ascertaining the grade.
52.2326 Ascertaining the rating for the factors which are scored.
52.2327 Color.
52.2328 Defects.
52.2329 Character.

LOT CERTIFICATION TOLERANCES

52.2330 Tolerances for certification of officially drawn samples.

[illegible]

52.2331 Score sheet for frozen green beans and frozen wax beans.

AUTHORITY: §§ 52.2321 to 52.2331 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624, Pub. Law 156, 83d Cong.

PRODUCT DESCRIPTION, STYLES, GRADES, AND TYPES

§ 52.2321 *Product description.* (a) "Frozen green beans" and "frozen wax beans," hereinafter called "frozen beans," means the frozen product prepared from the clean, sound, succulent pods of the bean plant by stemming, washing, blanching, sorting, and properly draining and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

(b) "Unit" means an individual green bean or wax bean or portion of either in frozen beans.

§ 52.2322 *Styles of frozen beans.* (a) "Whole" means frozen beans consisting of whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length.

(b) "Sliced Lengthwise" or "French" style means frozen beans consisting of pods that are sliced lengthwise.

(c) "Cut" means frozen beans consisting of pods that are cut transversely into pieces less than 2¾ inches, but not less than ¾ inch in length, and may contain shorter end pieces which result from cutting.

(d) "Short Cut" means frozen beans consisting of pods that are cut transversely into pieces of which 75 percent, by count, or more are less than ¾ inch in length and not more than 1 percent, by count, are more than 1¼ inches in length.

(e) "Mixed" means a mixture of two or more of the following forms of frozen beans: "Whole," "Cut," or "Short Cut."

§ 52.2323 *Grades of frozen beans.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen beans that possess similar varietal characteristics; that possess a good flavor; that possess a good character; that are practically free from defects; that possess a good color; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided,* That the frozen beans may possess a reasonably good color, and may possess a reasonably good character, scoring not less than 34 points, except that sliced lengthwise style may possess a reasonably good character, if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen beans that possess similar varietal characteristics; that possess a reasonably good flavor; that possess a reasonably good color; and that for those factors which are scored in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points: *Provided,* That the frozen beans may possess a fairly good color, if the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen beans that possess similar varietal characteristics; that possess a fairly good flavor; that possess a fairly good character; that are fairly free from defects; that possess a fairly good color; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of frozen beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

§ 52.2324 *Types of frozen beans.* (a) The type of frozen beans is not incorporated in the grades of the finished product, since type of frozen beans is not a factor of quality for the purpose of these grades. The type of frozen beans is described as round type or flat type.

(b) "Round type" means frozen beans consisting of round type beans having a width not greater than 1½ times the thickness of the beans.

(c) "Flat type" means frozen beans consisting of flat type beans having a width greater than 1½ times the thickness of the bean.

FACTORS OF QUALITY

§ 52.2325 *Ascertaining the grade.* (a) The grade of frozen beans is ascertained by considering the requirements with respect to varietal characteristics and flavor, which are not scored, and the factors of color, defects, and character, which are scored.

(b) The relative importance of each factor which is scored is expressed numerically on a scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	20
Defects	40
Character	40
Total score	100

(c) The scores for the factors of color and defects are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The evaluation of the factors of character and flavor is ascertained immediately after thawing the product and after cooking a representative sample.

(d) "Good flavor" means that the product, after cooking, has a good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.2326 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor is inclusive. For example, the range 18 to 20 means 18, 19, or 20 points.

§ 52.2327 *Color*—(a) *(A) classification.* Frozen beans that possess a good color may be given a score of 18 to 20 points. "Good color" means that the frozen beans possess a color that is typical of very young and tender beans of similar varietal characteristics, are bright, and that the appearance of the product is not more than slightly affected by variations in color.

(b) *(B) classification.* If the frozen beans possess a reasonably uniform typical color, a score of 16 or 17 points may be given. "Reasonably good color" means that the frozen beans possess a color that is typical of young and reasonably tender beans of similar varietal characteristics, are reasonably bright, and that the appearance is not materially affected by variations in color.

(c) *(C) classification.* Frozen beans that possess a fairly good color may be given a score of 14 or 15 points. Frozen beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the frozen beans possess a color typical of nearly mature and fairly tender beans of similar varietal characteristics, the appearance of the product is not seriously affected by variations in color, and are not off color.

(d) *(SStd.) classification.* Frozen beans that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2328 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from extraneous vegetable material, loose seeds and pieces of seeds, unstemmed units, small pieces, damaged units, or units that are blemished or seriously blemished.

(1) "Blemished" means any unit which is blemished by discoloration or blemished by other means to the extent that the appearance or eating quality of the product is materially affected.

(2) "Seriously blemished" means any unit blemished to such an extent that

the appearance or eating quality of the product is seriously affected.

(3) "Extraneous vegetable matter" means leaves, detached stems, and other similar vegetable matter.

(4) "Small pieces" means pieces of pods less than ½ inch in length, except in "Short Cut" style.

(5) "Damaged unit" means any unit that is broken or split or that has very ragged edges, or is damaged by other similar means to such an extent that the appearance or eating quality of the unit is seriously affected.

(b) *(A) classification.* Frozen beans that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that extraneous vegetable material, loose seeds and pieces of seeds, small pieces, and damaged units may be present that do not more than slightly affect the appearance and eating quality of the product, and that:

(1) For each 10 ounces, net weight, of units there may be present not more than 2 unstemmed units;

(2) With respect to whole beans, not more than 4 percent, by count, of blemished units, and of such 4 percent not more than ½ thereof or 2 percent, by count, of all the units may be seriously blemished;

(3) Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than ½ thereof or 1 percent, by count, of all the units may be seriously blemished;

(4) With respect to sliced lengthwise style, not more than 2 percent, by weight, of blemished units, and of such 2 percent not more than ½ thereof or 1 percent, by weight, of all the units may be seriously blemished; and that

(5) With respect to sliced lengthwise style, the pods are reasonably well sliced.

(c) *(B) classification.* If the frozen beans are reasonably free from defects, a score of 32 to 35 points may be given. Frozen beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that extraneous vegetable material, loose seeds and pieces of seeds, small pieces, and damaged units may be present that do not materially affect the appearance or eating quality of the product, and that:

(1) For each 10 ounces, net weight, of units there may be present not more than 4 unstemmed units;

(2) With respect to whole beans, not more than 6 percent, by count, of blemished units, and of such 6 percent not more than ⅓ thereof or 3 percent, by count, of all the units may be seriously blemished;

(3) With respect to cut, short cut, and mixed styles, not more than 4 percent, by count, of blemished units, and of such 4 percent not more than ½ thereof or 2 percent, by count, of all the units may be seriously blemished;

(4) With respect to sliced lengthwise style, not more than 2 percent, by weight, of blemished units, and of such 2 percent not more than ½ thereof or 1 percent, by weight, of all the units may be seriously blemished; and that

(5) With respect to sliced lengthwise style, the pods are reasonably well sliced.

(d) *(C) classification.* If the frozen beans are fairly free from defects, a score of 28 to 31 points may be given. Frozen beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that extraneous vegetable material, loose seeds and pieces of seeds, small pieces, and damaged units may be present that do not seriously affect the appearance or eating quality of the product, and that:

(1) For each 10 ounces, net weight, of units there may be present not more than 5 unstemmed units;

(2) With respect to whole beans, not more than 10 percent, by count, of blemished units, and of such 10 percent not more than ½ thereof or 5 percent, by count, of all the units may be seriously blemished;

(3) With respect to cut, short cut, and mixed styles, not more than 8 percent, by count, of blemished units, and of such 8 percent not more than ½ thereof or 4 percent, by count, of all the units may be seriously blemished;

(4) With respect to sliced lengthwise style, not more than 8 percent, by weight, of blemished units, and of such 8 percent not more than ½ thereof or 4 percent, by weight, of all the units may be seriously blemished; and that

(5) With respect to sliced lengthwise style, the pods are fairly well sliced.

(e) *(SStd.) classification.* Frozen beans that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2329 *Character—(a) General.* The factor of character refers to the maturity as reflected in the development of the seed and pod, to the tenderness of the pods, the freedom from tough strings, and the appearance of the pods with respect to sloughing. "Tough strings" means strings or pieces of string at least ½ inch in length removed from the cooked frozen bean which will support a ½ pound weight for not less than 5 seconds.

(b) *(A) classification.* Frozen beans that possess a good character may be given a score of 36 to 40 points. "Good character" means that the seeds are in the early stage of maturity, the units are not more than slightly affected by sloughing, are tender, the pods are full fleshed for the variety, and that:

(1) With respect to whole, cut, short cut, and mixed styles, not more than 2 percent, by count, of all the units may possess tough strings, and that

(2) With respect to sliced lengthwise style, not more than 2 percent, by weight, of all the units may possess tough strings.

(c) *(B) classification.* If the frozen beans possess a reasonably good character, a score of 32 to 35 points may be given. Frozen (whole, cut, short cut, and mixed styles) beans that fall into this classification, scoring less than 34 points, shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a partial limiting rule which does not apply to sliced lengthwise style). "Reasonably good character" means that the seeds may have passed the early stage of maturity and have not reached the late stage of maturity, the units are not materially affected by sloughing, are reasonably tender, the pods may have lost to some extent their fleshy structure, and that:

(1) With respect to whole, cut, short cut, and mixed styles, not more than 4 percent, by count, of all the units may possess tough strings, and that

(2) With respect to sliced lengthwise style, not more than 4 percent, by weight, of all the units may possess tough strings, and that

(d) *(C) classification.* If the frozen beans possess a fairly good character, a score of 28 to 31 points may be given. Frozen beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the seeds may be nearly mature, that the units are not seriously affecting by sloughing, are fairly tender, the pods may have lost to a considerable extent their fleshy structure, and that:

(1) With respect to whole, cut, short cut and mixed styles, not more than 6 percent, by count, of all the units may possess tough strings, and that

(2) With respect to sliced lengthwise style, not more than 8 percent, by weight, of all the units may possess tough strings.

(e) *(SStd.) classification.* Frozen beans that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.2330 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen beans, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to the containers comprising the sample:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of such total scores; and

(5) All containers meet all applicable standards of quality promulgated by the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.2331 *Score sheet for frozen green beans and frozen wax beans.*

Size and kind of container	---
Container marks or identification	---
Label	---
Net weight (ounces)	---
Type (round or flat)	---
Color (green or wax)	---
Style	---

Factors		Score points
Color	20	(A) 18–20 (B) 16–17 (C) [1] 14–15 (SStd.) [1] 0–13
Defects	40	(A) 36–40 (B) [2] 32–35 (C) [2] 28–31 (SStd.) [1] 0–27
Character	40	(A) 36–40 (B) [2] 33–35 (C) [2] 28–31 (SStd.) [1] 0–27
Total score	100	

Grade	---
Flavor and odor	---

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Done at Washington, D. C., this 13th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54–351; Filed, Jan. 18, 1954; 8:49 a. m.]

[7 CFR Parts 904, 934, 947, 996, 999]

[Docket Nos. AO–14–A22; AO–83–A18; AO–203–A4; AO–204–A4; AO–113–A15]

MILK IN THE GREATER BOSTON, LOWELL-LAWRENCE, SPRINGFIELD, WORCESTER, AND FALL RIVER, MASSACHUSETTS, MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTION THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING THE ORDERS, AS NOW IN EFFECT, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed marketing agreements and proposed amendments to the orders, as now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreements and the proposed orders were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of petitions filed on behalf of the majority of producers and by several handlers in the five markets. The public hearing was held in Worcester, Massachusetts, on September 30; and Boston, Massachusetts, on October 1 and 2, 1953 pursuant to a notice duly published in the FEDERAL REGISTER (18 F. R. 5652).

The material issues considered at the hearing were concerned with the following:

1. The definition of "receiving plant"
2. The level and basis of pricing Class II milk
3. The allocation and pricing of milk from other Federal order markets and from unregulated sources
4. The nearby location differential
[redacted]
5. Marketing service assessment under the Boston order
6. Extension of the exempt milk definition
7. A base excess price plan for the Fall River market
8. Administrative changes

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing:

1. *Definition of receiving station.* The present receiving plant definitions of the Greater Boston, Lowell-Lawrence, Worcester, and Springfield orders should be expanded to include a plant where milk is received in bulk from tank trucks which pick-up such milk from the bulk farm tanks of individual dairy farmers. The present receiving plant is restricted by definition to a plant, where among other things, milk is received in cans direct from dairy farms.

At the present time considerable attention is being focused on the installation of bulk farm tanks into which the individual farmer places his milk, immediately after milking, for cooling and holding, and from which the hauler transfers the milk to a tank truck for delivery to the milk plant. This type of handling, commonly called "bulk tank pickup", is in its initial phases of development in the New England area and while it is a subject of great interest, it is impossible at this stage of development to envision its ultimate impact on the handling and processing operations of the fluid milk industry. Many problems, particularly with reference to hauling rates and diversions, will undoubtedly be precipitated as application of the method develops. At this time the form and extent of the problems which may arise are speculative and it is unwise to make anticipatory changes in the order language based on conjecture. Such a cause of action could result in strangulation of the process or unduly promote it. It is concluded, therefore, that a decision on these matters should be deferred until a later date when experience will indicate the necessary order revisions. In the meantime, however, in order that producers of such milk disposed of to plants associated with the fluid milk operation of the Boston and three secondary markets may continue to be producers under the terms of their respective orders with the privilege of sharing in the equalization pools, and the plants may continue as pool plants, the receiving plant definition in each of these orders should be extended to include a plant where the commingled milk of individual dairy farmers is received in bulk tank trucks direct from the dairy farmers' farms.

Under a bulk tank type of pickup, milk of individual producers is commingled in the bulk tank truck at the time the milk is drawn from the farm tank. Once the milk leaves the farm tank it loses its individual identity. Hence any verification program with reference to weights and tests must begin at the farm tank itself. In order that the market administrator can effectively carry out his responsibilities in this regard he must be advised promptly whenever a producer installs a farm tank and initiates bulk tank shipments. The reporting provisions should, therefore, be amended to place the responsibility of notification on the individual handler to whom the producer disposes of his milk.

2. *Class II prices.* The provisions of the orders which establish floor prices for Class II milk should be amended to provide a floor at the level of prices being paid at all manufacturing plants in the United States on a month to month basis. Although the long time floor price feature presently contained in the several New England orders tends to maintain prices for Class II milk in the Boston area in line with the United States manufacturing milk price, it is possible for the month to month prices in the Boston area to become seriously out of line with the national average. These differences are largely a result of variable cream price quotations when very little cream is being purchased for the Boston market from sources outside the pool.

The record shows that in periods of several months' duration the Boston Class II price has dropped below the level of prices paid at manufacturing plants, even after allowance is made for the different seasonality of the two price series. The floor price factor based on a 12-month average has failed to reflect the divergence of the Boston Class II price at the time the price dropped below the manufacturing plant price to producers.

At the time the present floor price feature was considered for the Boston order in 1951, the series of United States manufacturing milk prices had been available only for a limited period, and there was some uncertainty concerning the short time relationship between this price series and the Boston price. We now have data for seven full years to compare the Class II price with this price series for manufacturing milk purchased at plants throughout the

United States. With the data now available it is possible to calculate the normal difference in the seasonal pattern of the Boston Class II prices and the prices paid at manufacturing plants in the United States. By applying this normal seasonal adjustment factor to current prices it is possible to judge whether the level of the Class II price has fallen below the average of prices paid at these manufacturing plants.

The adoption of a floor price related to the current level of prices paid at manufacturing plants rather than a 12-month average should not affect the price level over a period of time. In periods of declining prices the current floor price would be lower than the 12-month average and in periods of rising prices the floor price based on a current relationship of prices would be higher. The floor price feature based on current prices would establish a minimum price for Class II milk in the Boston market in line with current prices for milk used in manufacturing in the country as a whole.

A floor pricing mechanism based on current conditions is needed also to establish Class II prices for New England markets in those periods when cream purchases are insufficient upon which to rely for pricing the large quantity of surplus milk available in the region.

Certain proponents of revisions in the floor price provisions relating to the Class II price asked that the floor be established at the level of price established for milk utilized to make salted butter and cheddar cheese during the period April through July. Others requested that the floor be established at the level of prices paid at a selected group of evaporated milk plants in the midwestern dairy region. Either of these proposals if adopted would raise the price of Class II milk primarily in the season of flush milk production without affecting the price materially in other periods of the year. The evidence in this record supports the need for a year around floor under the Class II price rather than a reduction in the seasonal variable by raising only the flush season prices. It would be possible to apply a seasonal adjustment factor to either the prices paid at plants which, manufacture evaporated milk, butter and creamery by-products, or American cheese. However, the price series presently used to compute floor prices reflects the prices paid at all of these types of plants. The record fails to show any need for relating the floor price to prices paid at only certain types of manufacturing plants. It appears therefore, that the floor price should continue to be computed on the basis of the price series reflecting several types of milk manufacturing operations.

One difficulty in utilizing this price series on a current basis is the fact that the price does not become available until nearly the end of the month in which the milk was purchased from farmers. However, it is possible to compute the relationship between gross market values of butter and powder as related to this pay price to producers during the preceding delivery period. By making such a comparison for the latest two months for which data are available a moving allowance can be constructed which may be applied to the gross market values of butter and powder based on the current month's operation. In making the comparison with Boston prices the different seasonal pattern of the Boston Class II price and the United States manufacturing milk price should be taken into account.

A comparison of the simple average of the difference between the prices for Class II milk under the Boston order and the United States manufacturing milk price, adusted by direct ratio to a 3.7 percent butterfat test, for the years 1949 through 1952 shows the Boston price deviated by months by the following amounts:

	Cents		*Cents*
January	+11	July	+6
February	+10	August	+15
March	−7	September	+12
April	−11	October	+14
May	−14	November	+15
June	−13	December	+15

This variable pattern of Class II prices encourages handlers to accept milk in excess of Class I requirements during the months when seasonally excessive supplies normally exist. On the other hand as supplies relative to Class I sales decline seasonally the Class II prices are normally higher than the United States average for manufacturing milk. This difference in the seasonal pattern of prices should be applied to the calculated allowance.

Although a simple comparison of these seasonal adjustment factors appears to indicate a higher Boston Class II price than the United States manufacturing milk prices, the seasonal pattern of prices in the Boston market results in a lower weighted average figure for all milk going into regular Class II uses as compared to a weighted average of all milk for manufacturing in United States plants, which is handled on a less seasonal basis. We do not have information in this record on which to establish the exact pattern of seasonal deliveries to manufacturing plants in the United States. It may be assumed that such deliveries would more nearly resemble the pattern of all deliveries by producers to Boston pool plants than the pattern of Class II milk. On that assumption, by weighting the seasonal adjustment factors recommended herein by the difference in the seasonal variation of the United States manufacturing milk volumes and the Boston Class II milk utilization, the recommended factors would have raised the annual price level approximately 2½ cents in 1952. Accordingly a factor of minus 3 cents should apply to this floor price formula.

A simple comparison of the Class II price with the United States average furthermore does not take into account the fact that the level of the annual return for Class II milk in recent years has been reduced from ½ cent to 2 cents per hundredweight as a result of the lower prices established for milk which is utilized in salted butter and cheddar type cheeses during certain months in the Boston market.

The formula proposed herein could be estimated in advance by the use of market quotations for butter and nonfat dry milk solids. The nonfat dry milk solids price used in the floor formula is the same quotation presently used in the Class II pricing formula. The current adjustment for butterfat price changes would be determined on the basis of 92 score butter on the Chicago wholesale market. Since handlers indicated that cream is generally purchased at a differential based on that quotation, this factor is well known by handlers and is constantly referred to in price quotations. By using the gross allowance to handlers indicated by the United States average manufacturing milk price for the first preceding month as well as the current month, the erratic variations in this factor are reduced and handlers by knowing the previous months' factor have a good basis for predicting the price in advance of its announcement. There is some lag in the adjustment of the formula price to the level of the manufacturing plant prices because of the use of the previous month gross allowance along with the current month allowance. The disadvantages of this lag are offset, however, by the greater certainty obtained in predicting the price.

The proposed floor would have established slightly higher prices for Class II milk during the months October 1949 through June 1950, a period in which the cream purchases on which the Boston weighted average price is computed were relatively small. Cream purchases moved up substantially in the last half of 1950 and in those months the Boston Class II price exceeded the proposed floor. Cream purchases were low in 1951 until November and in that year the floor price would have established the Class II price at slightly higher levels in each month from January through September except the month of June. The indicated adjustment in this period varied from 0.8 cent to 7.6 cents.

The most important change in the price in recent years would have resulted under the proposed formula during the period November 1952 through March 1953. The adjustments in each of those months would have increased the price 2.9 cents in November, 9.5 cents in December, 11.3 cents in January, 13 1 cents in February and 4.7 cents in March. This was a period in which cream receipts were exceptionally low for the period of the year. In both January and February there were less than 7,000 cans of cream purchased from nonpool sources by Boston cream buyers.

The recommended formula for establishing a floor price should be used also to determine the Class II price whenever the Boston weighted average cream price is not reported. As heretofore stated the floor price feature is needed particularly when cream purchases are below normal and it is reasonable therefore to use it directly when the market is too thin to warrant a quotation.

In the absence of a cream quotation the butterfat differential should be computed by multiplying the average price for the period of 92 score butter sold wholesale at Chicago by 1.25 to determine a value per pound of butterfat. This factor will approximate the butterfat differential computed at present price levels on the cream price quotation.

The recommended changes in the Boston Class II price and butterfat differential should be adopted also in the similar provisions of the orders regulating the handling of milk in the Fall River, Lowell - Lawrence, Springfield and Worcester markets.

No other changes should be made at this time in these secondary market Class II prices. At the present time the secondary market city plant Class II prices are established at the Boston country plant level, plus the cost of shipping cream to the market. A producer cooperative association proposed that the secondary market Class II city plant prices be increased to the level of the Boston city plant price which is 38.1 cents above the 201–210 mile zone country plant price.

Since most of the milk supply in the secondary markets is received directly at the city plants the problem of disposing of surplus milk at city plants is essentially the same as that at Boston country plants. Butterfat is sold as fluid cream or is frozen and stored for later disposition while skim milk is primarily disposed of as nonfat dry milk powder in competition with products manufactured at Boston country plants or in other surplus production areas. Accordingly it is concluded that the Class II price for secondary market city plants should be maintained in its present relationship with Boston country plant prices.

A handler operating under the Fall River order proposed that in the computation of his uniform price the price actually received for Class II milk disposed of through a producers' association be used in lieu of the specified order price. He contended that he does not realize the full Class II price from the sale of such milk and, accordingly he should not be so charged. The evidence presented in connection with proposals involving the level of Class II price, and discussed elsewhere in this decision, support a strengthening of this price. Accordingly the proposal is denied.

3. *Classification and pricing of milk from nonproducer sources.* The assignment provisions of the Boston, Lowell-Lawrence, Springfield and Worcester orders should be amended to permit the assignment of receipts from New York order pool plants to Class I only to the extent of their classification and actual pricing as pool milk in Class I–A or I–B at the New York order plant. The assignment provisions of the New York order are so constructed that milk may be classified without actually being priced. As a result milk classified as I–A or I–B, but actually unpriced under the New York order passes through New York pool plants and into pool plants under the New England orders. Milk so handled replaces regular producer milk in Class I under the New England orders and may be obtained at considerable saving in cost to the handler.

Only that milk classified as I-A or I-B for which the market administrator is furnished documentary proof of actual pricing in such class should be assigned to Class I under the New England orders. Since proof of pricing can be furnished only by the handler subject to the New York order such receipts from New York order plants should be considered as receipts of outside milk on which the receiving handler must pay the difference between the Class I and the Class II price, unless he obtains from the New York handler satisfactory evidence of the fact that the milk has been priced under the New York order. If such proof is not furnished at the time of the transaction and the milk is treated as outside milk, a subsequent audit adjustment credit would be given the handler for the amount of reimbursement due when satisfactory proof of actual pricing as Class I-A or I-B under the New York order is furnished.

The provisions of the Boston order should be revised to permit sales of Class I milk direct to consumers in the Boston marketing area by Worcester handlers without payment to the Boston pool. The Boston and Worcester marketing areas are so near one to the other that there is considerable overlapping of retail routes of Boston handlers and Worcester handlers. Under the present provisions of the two orders Worcester handlers must pay to the Boston pool the difference between the Class I and Class II prices on all sales of Class I milk which they make within the Boston area while at the same time all Class I sales by Boston handlers in the Worcester market also accrue to the Boston pool. Boston producers thus receive the benefit of all Class I sales in the Boston market irrespective of plant or origin and at the same time receive credit for all Class I sales made by Boston handlers in the Worcester market.

Competition for consumer sales should not be discouraged by Federal regulation. If Worcester handlers extend their sales direct to consumers in the Boston area such sales are a part of the regular fluid market which Worcester producers may expect to supply. This does not extend to all dispositions of packaged Class I milk products since packaging of special products is sometimes accomplished in one plant for more than one market and would therefore not identify the area of a handler's regular business. The Worcester pool should therefore receive credit only for Class I sales direct to consumers in the Boston area.

No change should be made in the present Boston order assignment provision to permit the crediting of a Worcester handler with Class I sales resulting from packaged receipts from the Boston pool plant of the same handler. Proponents of a change asked that the Worcester market be credited with such sales up to the amount of bulk milk moved from the secondary market plant to the Boston plant of such handler. They contended that their proposal is merely an extension of the exempt milk provision as presently applied between Boston handlers and nonfederal unregulated plants.

While the transfer of milk between Worcester and Boston may have some aspects of the practices permitted under the exempt milk provision the situation is fundamentally different. Some Boston handlers who also operate Worcester pool plants regularly supply the Worcester requirements for special types and packages of milk from their Boston plant. Whenever their Worcester receipts exceed their requirements for other fluid sales not regularly supplied from Boston, such excess milk is transferred or diverted to the Boston plant. Accordingly, while receipts from Boston are continuing, regular operations, diversions to Boston are varying and intermittent, occurring usually as surplus milk accumulates in the Worcester market. The problem is one of determining what producers should receive credit for sales made by Boston handlers through their secondary market plant. A revision in the present scheme of allocation to credit such sales to secondary markets would represent a basic departure from the principles under which the present order relationships were established. Insufficient evidence was adduced in this hearing to consider such a fundamental revision at this time.

The present outside milk provisions of the Boston order should be revised to provide that compensatory payments on outside milk be computed at the difference between the zone Class I price and the lowest price for which such milk might logically be obtained at the plant of origin.

The present order provisions provide for a compensatory payment on outside milk received at Boston City plants computed on the basis of the difference between the Boston city plant Class I and Class II prices. The city plant Class II price is the 201–210 mile zone price plus the milk freight to Boston. Under the present scheme of pricing outside milk Boston handlers have been able to receive both unregulated milk and milk regulated under other Federal orders at their city plants at substantial savings in cost over the order prices for such milk. Milk regulated under the Worcester order has been regularly diverted to a Boston city plant and such milk is priced approximately 32 cents under the Boston city plant price. In the case of unregulated milk the primary source of supply has been nonpool milk from plants located in the State of Maine. As a result of a low price for surplus milk in local Maine markets certain Boston handlers have regularly shipped nonpool milk to Boston in increasing volumes. Although other provisions of the Boston order require an additional payment of approximately 13.9 cents on each hundredweight of milk so received, handlers have been able to secure a substantial competitive advantage as a result of the saving in cost of such milk used for fluid sales in the marketing area.

If outside milk is regularly received in the market because of a monetary advantage which accrues to the handler it is obvious that producers of such milk are deprived of the actual use value of their milk. As regular suppliers of the market they should enjoy the same pooling privilege as other producers under the order. Unless handlers are required to pay prices equivalent to actual order prices for outside milk it is likely that

a greater and greater proportion of the market supply will come from such nonpool sources.

In the absence of any competitive or regulatory force which compels all handlers to pay producers for milk used in fluid outlets at a rate commensurate with its value for such use, the position of any handler who pays Class I prices is insecure, if not untenable, whenever cheaper milk is available to the market.

A classified pricing program under regulation cannot hope to be successful in the long run in insuring returns to producers at rates contemplated by the act if it is possible for some handlers to purchase outside milk at less than the Class I producer price and sell it for Class I use. Any handler who finds himself in a situation where his competitors pay less for fluid milk than he pays will be compelled to resort to the same methods, if possible. A price advantage in using outside milk is a compelling force in promoting its greater use and as a result it is probable that regular sources of regulated milk would eventually be abandoned by handlers, thus creating insecurity for themselves, producers, and consumers alike.

Sale of lower priced milk and consequent displacement of producer milk can occur under the order if plants distributing milk in the marketing area simply shift their purchases of milk to unregulated sources. By restricting or discontinuing purchases of milk from regulated sources, a handler could distribute such lower priced milk as Class I. Alternative supplies of milk for the purpose might be obtained from any unregulated source which was acceptable to the appropriate health authority in the marketing area. Such sources would not become regulated unless they met the pooling requirements for supply plants and the handler had not requested a nonpool plant status.

Producer milk might also be displaced to the extent that handlers not qualified under the performance standards of the order distributed milk directly to consumers in the marketing area. This would be possible to some extent, under the provisions of the order, since a distributing plant must sell certain minimum percentages of its milk in the marketing area in order to qualify for pooling.

It is concluded, therefore, that the compensation provisions of the order are necessary to insure against the displacement of producer milk for the purpose of cost advantage. This is essential to preserve uniformity of pricing to all handlers under the classified pricing program of the order. If intermittent supplies are not to be subject to the full regulation of the order, there is no choice as to what type of provision can be used for this purpose since minimum class prices may not be set under the order for handlers who do not participate in market-wide equalization. The only alternative is to levy a charge against unpriced milk to the extent necessary for the removal of any advantage there may be in using unregulated milk in Class I instead of regulated producer milk.

Several methods might be suggested for determining what rate of compensation payment would be appropriate. One of these is to ascertain the actual cost to the regulated handler of milk which he purchases from unregulated plants and charge as a compensation payment any amount by which the Class I price exceeded the cost of the unregulated milk used in Class I. Such a scheme is not sound from the standpoint of administrative feasibility and it would not necessarily remove the advantage in using unregulated milk even though it were feasible. Billing prices between dealers may not represent actual cost. In the case of a firm which owns or controls pool plants under the Boston order as well as unregulated plants, the rate of payment from one plant to another if any were made would have little or no significance. If such a provision were to be adopted, the billing rate might be deliberately set in each instance at a level which would avoid any payments without regard to the value of the milk.

A handler having no unregulated plants would no doubt find it possible to arrange a billing price on purchased milk which would avoid any compensatory payments. If a handler had the choice of paying money to the market-wide pool or to a person from whom he was buying milk, he would probably choose the latter. A kick-back arrangement or offsetting purchase and sale might readily be arranged, perhaps through a third party. Since the billing price for milk would be a selfserving figure for both parties to the transaction, it would be virtually impossible to ascertain that it represented true cost to the purchaser.

If the stated purchase price were a true cost, it would still not fulfill the purpose of removing the advantage to unregulated milk to base compensation payments on the difference between such price and the Class I price. The record discloses that sales of priced milk between regulated handlers ordinarily take place at the class price plus a handling charge. This handling charge may vary according to circumstances, but represents a payment to the receiver of the milk to offset his purchasing and handling costs, such as receiving, weighing, testing and cooling the milk, paying the producers, profit margin, and so on. The cost of receiving the milk in bulk form is somewhat less than receiving it from producers. Thus, in order to remove the advantage to unregulated milk, it would be necessary to provide that the cost of bulk unregulated milk be somewhat more than the Class I price. It would be exceedingly difficult to determine what this excess rate should be.

Another method is to determine the price actually paid dairy farmers by the unregulated milk dealer who first received the milk, and base the compensation payment thereon. This method has several shortcomings. The various payment plans which might be and are used in paying farmers for milk would make the determination of pay rates to each farmer an extremely complicated task. For example, unregulated milk dealers may use varying rates of butterfat differentials, different types of base rating plans, various premium payments, and so on. These various schemes used by dealers for paying farmers could make it impossible to determine the actual rate of payment. Stated prices can be an illusion since actual cost of milk may be modified by items such as hauling subsidies or overcharges, and all kinds of supplies and services which might be overpriced or underpriced to the farmer. Whatever payment plan an unregulated milk dealer may use is a matter of his own choice. Determination of pay rates to farmers by unregulated dealers is handicapped also by the lack of verification of butterfat tests and weights. In the case of cooperatives, part of the proceeds from the sale of milk is often distributed at the end of a fiscal year.

Another possible method for determining the rate of compensation payments would be to base the rate of payment on the difference between blend prices prevailing in an area and the Class I price. This would presume that unregulated handlers will be forced by competition to pay farmers approximately average blend prices. While this may be true in many instances, it is not necessarily always true, and a payment based on the difference between such prices could not be expected to insure that unregulated milk would not be used to displace regulated milk for cost reasons at all times throughout the year. Unregulated plants, as well as regulated plants, have some surplus milk at all times and particularly during the seasons of flush production. As a result, prices paid farmers are, in fact, blend prices made up of returns from the sale of milk in Class I outlets, as well as sales to the surplus market. If an unregulated plant were in a position to sell its surplus milk for Class I use in the marketing area and maintain its own Class I outlets, it would have a competitive advantage over unregulated handlers who found it necessary to dispose of part of their milk as surplus.

In the absence of a compensation payment, the unregulated plant might sell its milk for Class I use in other markets at substantial handling charges whenever fluid milk tended to be in short supply, and then dispose of milk for Class I use in the regulated market to maintain its blend price during the season of flush production when Class I sales elsewhere were difficult to make. A plant which could thus keep its disposition of milk largely as Class I and avoid qualification as a pool plant would be in a position to pay its farmers at a higher rate than that received by producers under the order, or it could retain the extra money as profits. In either case, however, pool milk would be at a disadvantage relative to unregulated milk.

Since none of these suggestions presents an acceptable approach to the problem of compensation payments, it is necessary to resort to a different procedure. The only sound method of dealing with this problem seems to be one based on a recognition of the economics involved as they affect producers and handlers. This approach resolves itself primarily into a question of market values for milk.

Handlers under the order seeking to purchase unregulated milk will naturally resort to the lowest cost source from which suitable milk is available. In fixing the rate of compensation payment, it is necessary, therefore, to determine what the lowest cost source may be and to base the payment on the difference between the cost of such milk and the cost of milk for Class I use as priced under the order.

For the most part milk produced in the New England area and not regulated under Federal orders is regulated by the individual states. In general the alignment as between State and Federal minimum prices has been reasonably close, most of the states following the Boston order prices. Under usual circumstances fixing the compensatory payment rate at the difference between the Boston Class I and Class II price in the mileage zone in which the originating plant is located would accomplish the desired pricing. Accordingly it is concluded that in the case of outside receipts at Boston city plants from points other than Maine or the nearby area of Rhode Island, Massachusetts and Connecticut the compensatory payment should be the difference between the Boston Class I and Class II price in the zone in which the originating plant is located.

In the case of the nearby area of Massachusetts, Rhode Island, and Connecticut, location with respect to centers of distribution has a direct and positive effect on prevailing prices with the result that the city plant prices established under Federal regulation represent prevailing prices at the point of origin. Consequently, for convenience of administration it is concluded that for receipts of outside milk from within the State of Massachusetts and from nearby States of Rhode Island and Connecticut the compensatory payment rate should be the difference between the secondary market city plant Class I and Class II prices.

Outside milk receipts from points within the State of Maine must be accorded somewhat different treatment since on the basis of the record surplus prices are established under the Maine State Milk Commission lower than the surplus prices prevailing in other parts of New England. Maine has a very high potential as a continuing source of supply in substantial and increasing volume. Under the present pricing scheme in effect under the Maine State order the Class II or surplus price is based solely on the weighted average cream price at Boston and includes no value for skim. During the months of April, May and June the price for surplus in excess of 15 percent is established 35 cents below "cream value." Since milk would logically move from the cheapest available source it is from these prices which we must compute our compensatory payment. Accordingly, it is concluded that on all outside milk received at Boston plants direct from plants located within the State of Maine the compensatory payment should be the difference between the Class I price established under the Boston order for the zone in which the originating plant is located and the Boston order Class II price for such zone or, in the event the Maine State order surplus price is below the Boston order Class II price, the lowest price for Class II milk established for the month under the provisions of such Maine State order.

Such payments are necessary to sustain the classification and pricing of milk according to its use in the market. In the current economic circumstances they will remove any unfair competitive advantage of outside, unpriced milk in relation to priced milk and thereby will avoid displacement of producer milk. However, if experience proves that milk is available to handlers at any time of the year at prices lower than those anticipated, the rates of compensation payments should be reviewed on the base of such experience.

The implementation of the recommended method of computing compensatory payment charges requires some revision of the method of determining the quantities of Class I milk of producers which should be allocated to each of a handler's plants. Such changes are provided in the recommended amendment set forth in this decision.

4. *Location differential areas.* No change should be made at this time in the boundaries of the nearby differential areas as set forth under the provisions of the Boston, Springfield, Worcester and Lowell-Lawrence orders.

Springfield producers operating in Berkshire County proposed that the nearby differential area boundary which presently terminates at the Berkshire County line be extended to include the County of Berkshire. They contended that their exclusion from the area deprives them of an additional 46 cents per hundredweight which their neighbors across the county line enjoy. Producers in the easternmost tier of towns in Berkshire County are included in the intermediate area and receive a differential of 23 cents per hundredweight. Producers in the remainder of the county receive the basic blended price.

The record indicates that Berkshire producers have access to only limited outlets for their milk. With the exception of a New York order pool plant located at Great Barrington, there is no practical outlet for present Springfield producers in this area. As a result virtually all of the milk produced in the upper two thirds of the county, except that disposed of in limited local markets, moves to Springfield. There is no evidence that present prices have resulted in any shift of these producers away from the Springfield market.

The present scheme of pricing under the Springfield order is designed to provide prices generally in line with Boston and New York order prices at competing points. Blended prices which Springfield producers located in Berkshire County have actually received have consistently exceeded the Great Barrington plant prices. Any change in the pricing structure which would increase the disparity between Springfield and New York blend producer prices would tend to promote shifts of producers away from the New York market and would tend to disrupt the orderly marketing of milk in both the Springfield and New York markets.

One handler asserted that the areas to which the nearby location differentials apply under the Boston, Springfield, Lowell-Lawrence and Worcester orders should be revised. These differentials have been established on the records of previous hearings with respect to these several orders and no new evidence was presented on the record of this hearing which would alter the earlier conclusions.

5. *Marketing service under the Boston order.* Order provisions requiring that marketing services be rendered to producers who are not members of cooperative associations should not be incorporated into the Boston order at this time. Under the present order provisions a limited check testing program and market information program is carried on with administrative funds. Certain cooperative associations proposed that a marketing service assessment be established under the Boston order and a comprehensive marketing service program be initiated for nonmember producers.

The act is specific with reference to a marketing service deduction. The language is permissive rather than mandatory. Most of the Federal milk marketing orders now in effect do make provision for a marketing service program financed through a marketing service assessment. Each of the New England secondary market orders now has such a provision for a marketing service program.

The evidence on the record suggests the need for a more comprehensive marketing service program under the Boston order. However, evidence is incomplete concerning the scope of the program now in effect, the type of program desirable under the Boston order, and the extent of personnel and funds which would be necessary to carry it out. The question should be further explored at a future hearing with particular attention as to the details on type and extent of program needed and the estimated cost thereof. It is concluded that no action should be taken on this issue on the basis of this record.

The reporting provisions of the Boston order should be amended to require that a handler promptly report to a cooperative association of producers the date on which any member producer, for whom the handler has had prior notification of association membership, begins or terminates his deliveries of milk to such handler.

If an association of producers is to effectively consumate its marketing obligations under its membership contracts it is essential that it have up to date knowledge as to the plant to which the milk of its members is disposed of. In a market the size of Boston shifts of producers from one handler to another are a common occurrence. Unless some formal procedure for notification is followed, an association cannot effectively follow the disposition of its members' milk for purpose of checking weights and tests.

Furthermore, since the order presently provides that authorized deductions be made by the handler and turned

over to the association it is desirable that a more effective procedure be devised for following producer changes as between handlers. A positive system for following producer changes gives a cooperative association greater assurance of collecting authorized operating revenues while, at the same time, providing member producers greater assurance of the performance of effective marketing services by their association.

Since information on "starts and stops" are now required to be reported to the market administrator the job of notifying the several cooperative associations of changing status of their producer members might be considerably simplified if it were made a permissive task of the market administrator on specific authorization by the handler. Accordingly it is provided that the handler may discharge his responsibility by authorizing the market administrator to furnish the several associations such information with reference to its membership.

6. *Definition of exempt milk.* No revision should be made in the Springfield order provisions which would alter the procedure for computing charges presently assessed against a handler doing only a minor portion of his business within the marketing area.

Under the present order provisions a handler's plant is required to pool if at least 10 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk within the marketing area. The operator of a plant not qualifying for pooling must either purchase pool milk in a volume equivalent to his sales of Class I milk in the marketing area, or pay on the volume of milk so disposed of, the difference between the Class I and Class II price.

A handler presently doing only a minor portion of his business in the marketing area asked that the order be amended to provide that a handler operating a nonpool plant and disposing of less than 10 percent of his Class I business, but not more than 200 quarts of milk daily, to consumers within the marketing area be exempted from any pool payment if he purchased an equivalent volume of milk from a dairy farmer located within the marketing area. He maintained that small handlers operating in the area immediately adjacent to the marketing area are severely penalized as a result of any minor sales made within the marketing area. They must either buy pool milk to cover the volume of such sales in which case they are charged premiums over the Class I price, or they must pay the difference between the Class I and Class II price in event they buy no pool milk. In either case their milk costs are in excess of the Class I price.

The problem of fringe area sales exists whenever marketing area boundaries are established. Handlers within the regulated area normally have some sales outside the area and outside handlers normally have or desire sales on routes extending into the area.

The present order provisions are written to assure producers regularly supplying the market priority in the Class I sales of the market, and an equal share in the distribution of the pool. A handler operating only nominally within the marketing area has the alternative of increasing his market area business to meet minimum pooling requirements, withdrawing entirely from the area of regulation, or buying pool milk to cover his market area Class I sales. If his within-area sales are sought as an outlet for milk surplus to his regular sales he should be required to make retribution to the pool. Since the pool does not share in his regular Class I sales, it is not reasonable that his excess milk should replace producer milk in Class I sales of the market.

7. *Base excess price plan for Fall River market.* The proposal for the inclusion of a base-rating plan in the Fall River order should not be adopted at this time. The proposal was made by a handler operating under the order with the view of promoting a more desirable pattern of milk production among his several producers. A base rating plan is a price plan employed in fluid milk markets to promote a pattern of production compatible with market requirements. A base rating plan does not affect the handlers' costs of milk but is a method of distributing monies as between producers. Such a plan should have general producer support to be considered. The record fails to show that producers were consulted or would support a base rating plan.

8. *Administrative changes.* Other order changes herein recommended for adoption are of an administrative nature, largely nonsubstantive in effect, and their adoption was not contested by either producers or handlers. These changes would correct the references to the New England Joint Tariff rates, delete volume and city plant location differentials as set forth under the Boston order, correlate the numbering scheme under the Boston and secondary market orders, provide a uniform monthly rate for adjustment payments due to and from the market administrator, change the due date of market service assessments in the secondary markets to conform with the due date of other payments to the market administrator, and substitute the name "Merrimack Valley" in place of "Lowell-Lawrence" as the marketing area defined by Order No. 34.

The "other differentials" set forth in Section 65 of the Boston order provide permissive deductions in the case of city plants located outside the marketing area and in the case of small country plants. No handlers have taken advantage of these permissive differentials in recent years and very few handlers have operations which would permit them to qualify in any event. It is unlikely that competition would enable any handler to take advantage of this permission. The differential rates set forth were established early in the period of regulation in the market and there is no reason to expect that they would be appropriate at the present time. It is concluded therefore that the provision should be deleted.

Changing the name of the marketing area under order No. 34 to the "Merrimack Valley" provides a more appropriate name for the area now covered by the order. Ever since the addition of Haverhill as a part of the marketing area, considerable confusion has occurred locally because of the restricted nature of the name Lowell-Lawrence. "Merrimack Valley" is the name by which the area actually regulated is usually referred to and its use is more appropriate under the circumstances.

General findings. (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable only to, persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and in the orders, now in effect, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested persons. The briefs contained suggested findings of facts, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreements and orders. The following amendments to the respective orders are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as amended, and as herein proposed to be further amended.

BOSTON

1. In §§ 904.2 (e) and 904.48 (b) (1), delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley."

2. Delete § 904.3 (d) and substitute therefor the following:

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

3. In § 904.4 (f) (3) insert after the comma following the words "unregulated plant" the words "except a Worcester regulated plant."

4. In § 904.27 insert following the words "which are classified" the words "and priced."

5. In § 904.29 (a) delete the word "All" at the beginning of the sentence and substitute therefor the following: "Subject to the provisions of §§ 904.47 and 904.65, all".

6. In § 904.32 (a) delete the word "or" following the words "from one farm to another," as it appears in the first sentence and add following the words "to any of a handler's pool plants," the words "or starts delivering his milk to the handler's plant by tank truck,".

7. In § 904.32 add a new paragraph (e) as follows:

(e) Each handler who is not an association of producers shall, upon request from any such association, promptly furnish it with information with respect to each of its producer members who starts, resumes, or stops deliveries to any of the handler's pool plants. Such information shall include the date on which the change took place, the producer member's post office address and farm location, and, if known, the plant to which he previously delivered, or the reason for his failure to continue deliveries. In lieu of his providing the information directly to the association, the handler may authorize the market administrator to furnish the association with such information, derived from the handler's reports and records.

8. Delete all of the language of § 904.41 (a) following the first sentence thereof.

8a. In § 904.41 (c) delete the words ", adjusted pursuant to paragraph (d) of this section. The" and substitute therefor the following: ". Subject to paragraph (d) of this section, the".

9. Delete § 904.41 (d) and substitute therefor the following:

(d) For each month in which no cream price, as described in paragraph (a) of this section, is reported, or for which the amount determined pursuant to this paragraph is greater, by more than 3 cents, than the amount computed pursuant to paragraph (c) of this section, the amount determined pursuant to this paragraph, less 3 cents, shall be the Class II price per hundredweight of milk received from producers at plants located in the 201–210 railroad freight mileage zone.

(1) Adjust, to a 3.7 percent butterfat basis by direct ratio, the average prices reported by the United States Department of Agriculture for the current and the preceding month for milk for manufacturing purposes, f. o. b. plant United States;

(2) Compute a gross butter-powder value for the current and the preceding month by adding together for the respective months the results obtained in subdivisions (i) and (ii) of this subparagraph:

(i) Compute the simple average of daily prices, using the midpoint of any range as one price, for Grade A (92 score) butter at wholesale in the Chicago market, as reported for the month by the United States Department of Agriculture, multiply by 3.7 and then by 1.22.

(ii) Multiply by 7.86 the simple average of the price per pound of roller process and spray process nonfat dry milk solids for human consumption in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month for which the computation is being made.

(3) Subtract from the results obtained in subparagraph (2) of this paragraph for the current and the preceding month, the amount computed pursuant to subparagraph (1) of this paragraph for the respective month; add the resulting figures, divide by 2, and adjust by the amount shown below for the applicable month:

Month:	Amount (cents)
January	−11
February	−10
March	+7
April	+11
May	+14
June	+13
July	−6
August	−15
September	−12
October	−14
November	−15
December	−15

(4) Subtract from the gross butter-powder value computed pursuant to subparagraph (2) of this paragraph for the current month, the amount computed pursuant to subparagraph (3) of this paragraph.

10. In the first sentence of § 904.43 change the reference "New England Joint Tariff—M No. 6" to "New England Joint Tariff—M No. 7."

10a. In § 904.44 (b) insert a new sentence immediately following the first sentence as follows: "If the Class II price is determined pursuant to § 904.41 (d), subtract the amount determined pursuant to paragraph (a) of this section from the simple average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market, as reported for the month by the United States Department of Agriculture multiplied by 1.22."

11. Delete § 904.47 and substitute therefor the following:

§ 904.47 *Allocation of Class I milk to plants.* For the purpose of determing the respective quantities of Class I milk subject to the applicable zone prices, each pool handler's Class I milk during the month, after excluding receipts assigned to Class I pursuant to §§ 904.25 through 904.28, shall be allocated to plants as follows:

(a) His Class I milk first shall be allocated to receipts at his city plants of milk from producers' farms; and then to the receipts of outside milk at his city plants from unregulated plants located in Connecticut, Massachusetts, or Rhode Island.

(b) Thereafter, his Class I milk shall be allocated to other plants in the order of the nearness of the plants to Boston by railroad freight mileage distance. The quantity allocated to any of his pool plants shall be equal to its shipments of fluid milk products, other than cream, to the limit of its receipts from producers' farms. The quantity allocated to any unregulated plant shall be equal to its shipments of outside milk to the handler's regulated plants. However, shipments to plants located in the States of Maine, New Hampshire, Vermont, or New York, with respect to which utilization as Class II is established shall not be allocated to Class I milk.

(c) For the purpose of this section, a handler's receipts of outside milk from dairy farmers for other markets shall be considered as shipped from the unregulated plant to which such farmers most recently delivered.

12. In § 904.51 renumber the present paragraphs (e) and (f) as paragraph (d) and (e), respectively, and change in paragraphs (a) and (b) the reference "§ 904.66" to "§ 904.65."

13. Delete § 904.62 and substitute therefor the following:

§ 904.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 904.61 (b) and 904.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23rd day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 904.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

14. In § 904.63 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the price of Grade A (92 score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture and dividing the result by 10."

15. Delete §§ 904.65 and 904.66 and substitute therefor a new § 904.65 as follows:

§ 904.65 *Payments on outside milk.* Within 23 days after the end of each month, each handler who handles outside milk shall make such payment thereon to producers, through the market administrator, as is required by the applicable provisions of this section.

(a) Each pool handler who receives outside milk which is allocated to Class I milk in accordance with § 904.47, and each buyer-handler or producer-handler whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such allocated quantity or excess quantity as follows:

(1) Except as provided in subparagraph (2), (3), and (4) of this paragraph, the payment shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the freight mileage zone of the plant at which the handler received the outside milk.

(2) On outside milk received from an unregulated plant located in Maine, the payment shall be at the difference between the price pursuant to § 904.40 applicable at the freight mileage zone of the plant, and the lesser of the following:

(i) The simple average for the month of the lowest minimum semimonthly prices for Class II milk containing 3.7 percent butterfat which are established by the Maine Milk Commission for the market in which such unregulated plant is located; or

(ii) The price pursuant to § 904.41 applicable at the freight mileage zone of that plant.

(3) On outside milk received at a regulated city plant from an unregulated plant located in Connecticut, Massachusetts, or Rhode Island, the payment shall be at the difference between the Class I price applicable to milk received from producers at city plants and the Class II price applicable to milk received from producers at plants located in the 201–210 freight mileage zone plus 5.8 cents.

(4) On outside milk received at a regulated city plant from an unregulated plant located in States other than Connecticut, Maine, Massachusetts, and Rhode Island, the payment shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the location or freight mileage zone of the unregulated plant.

(5) For the purposes of this paragraph, outside milk received from dairy farmers for other markets shall be considered as received from the unregulated plant to which they most recently delivered.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the location or freight mileage zone of the handler's plant.

16. Renumber § 904.75 as § 904.66.

17. In § 904.67 change the reference "§ 904.66" to "§ 904.65".

18. In § 904.68(e), delete the reference "§§ 904.65 and 904.75," and substitute therefor "§ 904.66".

19. Renumber §§ 904.77 and 904.78 as §§ 904.72 and 904.73, respectively.

20. In § 904.12(c), change the reference "§ 904.77" to "§ 904.72".

LOWELL-LAWRENCE

1. In § 934.1 (b) and (c), delete the words "Lowell-Lawrence, Massachusetts, marketing area" and substitute therefor the words "Merrimack Valley, Massachusetts marketing area".

2. Delete § 934.3 (b) and substitute therefor the following:

(b) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank trucks; and at which are are currently maintained weight sheets or other records of the individual farmers' deliveries.

3. In § 934.12 (b), change the reference "§ 934.71" to "§ 934.72".

4. In § 934.27 (c) insert following the word "classified" the words "and priced".

5. In § 934.32 (a) delete the word "or" following the words "from one farm to another," as it appears in the first sentence and add following the words "to any of a handler's pool plants," the words "or starts delivering his milk to the handler's plant by tank truck,".

6. In §§ 934.40 and 934.43 delete the reference "New England Joint Tariff M No. 6" and substitute therefor the reference "New England Joint Tariff M No. 7".

7. Delete § 934.41 and substitute therefor the following:

§ 934.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be determined by adding to the Class II price determined for the month pursuant to § 904.41 of the order regulating the handling of milk in the Greater Boston marketing area (exclusive of any adjustment pursuant to § 904.44 of such order) for Class II milk received from producers at plants located in the 201–210 freight mileage zone under such order, the amount of 5.8 cents: *Provided,* That the factor 5.8 cents shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof. The adjusted rate shall be computed by dividing such cream freight rate by 9.05, then multiplying by 1.03 and adjusting the result to the nearest one-tenth cent. Any such adjusted rate shall become effective in the first complete month in which such increase or decrease in the tariff applies.

8. In § 934.48 (b) (1) delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley".

9. In § 934.50 (g) delete the reference "§ 904.66 (b)" and substitute therefor "§ 904.65 (b)".

10. Delete § 934.62 and substitute therefor the following:

§ 934.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 934.61 (b), 634.65, and 934.66, the market administrator shall promptly issue to the handler a charge bill or credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 934.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

11. In § 934.63 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the price of Grade A (92 score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the United States Department of Agriculture, and then dividing by 10."

12. In § 934.68 (e), delete the reference "§§ 934.69 and 934.70," and substitute therefor "§§ 934.70 and 934.71,".

13. In the first sentence of § 934.69 delete the words "25th day" and substitute therefor the words "23rd day".

14. Renumber §§ 934.69 through 934.72 as "§§ 934.70 through 934.73," respectively.

FALL RIVER

1. In §§ 947.50 and 947.53 delete the reference "New England Joint Tariff M No. 6" and substitute therefor the reference "New England Joint Tariff M No. 7."

2. Delete § 947.51 and substitute therefor the following:

§ 947.51 *Class II prices.* Each handler shall pay producers or cooperative associations for Class II milk containing 3.7 percent butterfat delivered by them to plants located within 100 miles of the City Hall in Fall River, not less than the Class II price determined for the month pursuant to § 904.41 of the order regulating the handling of milk in the Greater Boston marketing area (exclusive of any adjustment pursant to § 904.44 of such order) for Class II milk received from producers at plants located in the 201–210 freight mileage zone under such order, the amount of 5.8 cents: *Provided,* That the factor 5.8 cents shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof. The adjusted rate shall be computed by dividing such cream freight rate by 9.05, then multiplying by 1.03 and adjusting the result to the nearest one-tenth cent. Any such adjusted rate shall become effective in the first complete month in which such increase or decrease in the tariff applies.

3. In § 947.54 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the price of Grade A (92 score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the United States Department of Agriculture, and then dividing by 10."

4. In § 947.48 (b) (1) delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley."

SPRINGFIELD

1. Delete § 996.3 (b) and substitute therefor the following:

(b) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

2. In § 996.27 (c) insert following the word "classified" the words "and priced".

3. In § 996.32 (a) delete the word "or" following the words "from one farm to another," as it appears in the first sentence and add following the words "to any of a handler's pool plants," the words "or starts delivering his milk to the handler's plant by tank truck,".

4. In § 996.40 and § 996.43 delete the reference "New England Joint Tariff M No. 6" and substitute therefor the reference "New England Joint Tariff M No. 7".

5. Delete § 996.41 and substitute therefor the following:

§ 996.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be determined by adding to the Class II price determined for the month pursuant to § 904.41 of the order regulating the handling of milk in the Greater Boston marketing area (exclusive of any adjustment pursuant to § 904.44 of such order) for Class II milk received from producers at plants located in the 201–210 freight mileage zone under such order, the amount of 5.8 cents: *Provided,* That the factor 5.8 cents shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof. The adjusted rate shall be computed by dividing such cream freight rate by 9.05, then multiplying by 1.03 and adjusting the result to the nearest one-tenth cent. Any such adjusted rate shall become effective in the first complete month in which such increase or decrease in the tariff applies.

6. In §§ 996.2 (e); 996.4 (f) (2); 996.16 (c), (d), and (e); 996.20 (c); 996.27 (b); 996.48 (b) (1); and 996.66, delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley."

7. Delete § 996.62 and substitute therefor the following:

§ 996.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator or reports of payments of any handler discloses an error in payments made pursuant to §§ 996.61 (b), 996.65, and 996.66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 996.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

8. In § 996.63 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the price of Grade A (92 score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the United States Department of Agriculture, and then dividing by 10."

9. In the first sentence of § 996.70 delete the words "25th day" and substitute therefor the words "23d day".

WORCESTER

1. Delete § 999.3 (b) and substitute therefor the following:

(b) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

2. In §§ 999.2 (e); 999.4 (f) (2); 999.16 (c), (d), and (e); 999.20 (c); 999.27 (b); 999.48 (b) (1); and 999.66, delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley".

3. In § 999.27 (c) insert following the word "classified" the words "and priced".

4. In § 999.32 (a) delete the word "or" following the words "from one farm to another," as it appears in the first sentence and add following the words "to any of a handler's pool plants," the words "or starts delivering his milk to the handler's plant by tank truck,".

5. In §§ 999.40 and 999.43 delete the reference "New England Joint Tariff M No. 6" and substitute therefor the reference "New England Joint Tariff M No. 7".

6. Delete § 999.41 and substitute therefor the following:

§ 999.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be determined by adding to the Class II price determined for the month pursuant to § 904.41 of the order regulating the handling of milk in the Greater Boston marketing area (exclusive of any adjustment pursuant to § 904.44 of such order) for Class II milk received from producers at plants located in the 201–210 freight mileage zone under such order, the amount of 5.8 cents: *Provided,* That the factor 5.8 cents shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof. The adjusted rate shall be computed by dividing such cream freight rate by 9.05, then multiplying by 1.03 and adjusting the result to the nearest one-tenth cent. Any such adjusted rate shall become effective in the first complete month in which such increase or decrease in the tariff applies.

7. Delete § 999.50 (g).

8. Delete § 999.62 and substitute therefor the following:

§ 999.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 999.61 (b), 999.65, and 999.66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23rd day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on

or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 999.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

9. In § 999.63 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the price of Grade A (92 score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the United States Department of Agriculture, and then dividing by 10."

10. In the first sentence of § 999.70 delete the words "25th day" and substitute therefor the words "23d day".

Issued at Washington, D. C., this 13th day of January 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-352; Filed, Jan. 18, 1954; 8:49 a. m.]

NOTICES

POST OFFICE DEPARTMENT

CHIEF POST OFFICE INSPECTOR AND ASSISTANT POSTMASTER GENERAL OF THE BUREAU OF TRANSPORTATION

DELEGATIONS OF AUTHORITY WITH RESPECT TO ISSUANCE OF AIR AND SURFACE TRAVEL [illegible]

The following is the text of Order No. 55503, dated January 7, 1954, delegating certain authority to the Assistant Postmaster General, Bureau of Transportation, and to the Chief Post Office Inspector, with respect to the issuance of air and surface travel commissions:

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), authority is hereby delegated as follows:

(1) To the Chief Post Office Inspector (including any person acting as such), to issue, in his own name, commissions necessary to authorize officers and employees of the Department to travel by surface transportation in the performance of their official duties;

(2) To the Assistant Postmaster General, Bureau of Transportation (including any person acting as such), to issue, in his own name, commission necessary to authorize officers and employees of the Department to travel by air in the performance of their official duties.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] LOUIS J. DOYLE, *Acting Solicitor.*

[F. R. Doc. 54-327; Filed, Jan. 18, 1954; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-205, 59-95]

NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

SUPPLEMENTAL ORDER PURSUANT TO INTERNAL REVENUE CODE

JANUARY 13, 1954.

In the matter of the North American Company, Union Electric Company of Missouri, File No. 54-205; the North American Company, File No. 59-95.

The Commission having issued its findings and opinion and order on October 31, 1952, approving a plan for the liquidation and dissolution of the North American Company ("North American"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"); said plan having been joined in to the extent necessary for its consummation by Union Electric Company of Missouri ("Union"); said plan, on December 11, 1952, having been ordered enforced by the United States District Court for the District of New Jersey; North American having on said date declared said plan to be effective as of January 20, 1953; said plan having become effective; North American having effected the initial partial liquidating distribution of shares of $10 par value common stock of Union to stockholders of North American on January 20, 1953, on the basis of one share of Union common stock with respect to each ten shares of North American common stock held of record on December 22, 1952;

It appearing that in connection with and as a part of the liquidation and dissolution of North American, as required by the plan, North American has proposed to make a second partial liquidating distribution of shares of $10 par value common stock of Union to stockholders of North American on January 21, 1954 on the basis of one share of Union common stock with respect to each ten shares of North American common stock held of record on December 21, 1953, and to pay cash in lieu of fractional shares of Union common stock at the rate of $23.125 per share of Union common stock;

It further appearing that in connection with such proposed distribution North American has surrendered to Union for conversion 796,124 shares of no par value common stock of Union and Union has issued and North American has received 796,124 shares of $10 par value common stock of Union upon such conversion as part of the securities required for distribution on January 21, 1954 to the common stockholders of North American;

It further appearing that the number of shares of $10 par value common stock of Union which will be required for distribution on January 21, 1954 has been determined to be 849,006; that an additional 52,882 shares of no par value common stock of Union must be presented by North American to Union for conversion into 52,882 shares of $10 par value common stock of Union; and that on January 21, 1954, pursuant to the plan, North American will distribute to the holders of its common stock of record on December 21, 1953, 849,006 shares of $10 par value common stock of Union and will pay cash in lieu of fractional shares of Union common stock aggregating 8,256.4 shares at the rate of $23.125 per share, such cash payments totaling $190,934.44 (after rounding fractions of a cent);

North American having requested the Commission to issue an appropriate order, with respect to said transactions, under Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended; and the Commission deeming it appropriate and in the public interest to grant such request;

It is hereby ordered and recited and the commission finds, That: (a) The proposed surrender by North American to Union of 52,882 shares of no par value common stock of Union, represented by certificate No. NC84, for conversion and the proposed issue by Union and the receipt by North American in exchange therefor upon such conversion of 52,882 shares of $10 par value common stock of Union, represented by certificate No. TNB644; and

(b) The proposed transfer and distribution to the holders of common stock of North American of record on December 21, 1953, by North American, of 849,006 shares of $10 par value common stock of Union represented by certificates Nos. TNB643 and TNB644, together with cash in lieu of fractional shares of Union common stock aggregating 8,256.4 shares, at the rate of $23.125 per share, such cash payments totaling $190,934.44 (after rounding fractions of a cent);

All in connection with and as part of the liquidation and dissolution of North American and as authorized or permitted by the order of this Commission of October 31, 1952, and, in obedience thereto, be executed and are necessary or appropriate to the integration or simplification required to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That jurisdiction be, and hereby is, reserved to enter such other or further orders conforming to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-342; Filed, Jan. 18, 1954; 8:48 a. m.]

[File No. 70-2066]

NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

ORDER EXTENDING TIME FOR DISPOSITION OF CERTAIN INTERESTS

JANUARY 13, 1954.

Order extending time for disposition by Union Electric Company of Missouri of its interest in water properties and business of Missouri Power & Light Company.

The North American Company ("North American"), a registered holding company, and its public utility subsidiary, Union Electric Company of Missouri ("Union"), also a registered holding company, having filed a joint application-declaration and amendments thereto, pursuant to sections 6, 7, 9 (a), 10, 11 (b) (1) and 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-23, U-43, U-44 and U-50 promulgated thereunder, with respect to the transfer by North American to Union of all of the outstanding common stock of Missouri Power & Light Company ("Missouri"), then a public utility subsidiary of North American;

The Commission, by order dated December 28, 1950, having granted and permitted to become effective said application-declaration, as amended, subject, among other things, to the following condition:

(1) That within six months after the receipt by Union of the Missouri common stock, or such further time as the Commission may grant upon good cause shown, Union shall cause the disposition of its interest in Missouri's water and ice properties and businesses and Missouri's electric properties located at Clinton, Missouri; and that North American shall cause Union to take such action;

The Commission having heretofore extended until December 31, 1953, the time for compliance with the aforesaid condition;

It appearing that Missouri has disposed of its ice properties located at Mexico, Missouri, and its electric properties located at Clinton, Missouri, and Union and Missouri, by letter dated December 11, 1953, having stated that they have been unable in the exercise of due diligence to dispose of Missouri's water properties at Excelsior Springs, Missouri, and Mexico, Missouri, and having represented that diligent efforts are being made to dispose of such properties and having requested the Commission to extend for an additional period, to June 30, 1954, the time in which to comply with the Commission's order of December 28, 1950; and

The Commission having considered such request and the reasons advanced in support thereof and deeming that the public interest and the interests of investors and consumers will not be affected adversely by granting such request;

It is ordered, That the time prescribed for compliance by Union and North American with the above-recited condition relating to the water properties and business of Missouri be, and hereby is, extended to June 30, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-343; Filed, Jan. 18, 1954; 8:48 a. m.]

[File No. 70-3063]

AMERICAN NATURAL GAS CO. AND MICHIGAN CONSOLIDATED GAS CO.

ORDER REGARDING PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

JANUARY 13, 1954.

The Commission, by order dated June 2, 1953, granted and permitted to become effective an application-declaration filed by American Natural Gas Company, a registered holding company, and its public-utility subsidiary Michigan Consolidated Gas Company ("Michigan Consolidated") pursuant to the Public Utility Holding Company Act of 1935 ("act") regarding, among other things, the issuance and sale by Michigan Consolidated of $20,000,000 principal amount of First Mortgage Bonds __ Percent Series due 1978 ("new bonds") subject to the condition that the issuance and sale of said bonds should not be consummated until the results of competitive bidding should have been made a matter of record in this proceeding.

Following publication of an Invitation for Bids, Michigan Consolidated received on June 15, 1953, at the time and place fixed for the opening of bids, only one bid for the aforesaid bonds. This bid was submitted by a group of bidders represented jointly by Halsey, Stuart & Co., Inc., Harriman, Ripley & Co., Incorporated, and Union Securities Corporation, and specified an interest rate of 5% and a price to Michigan Consolidated of 100.125% of the principal amount of the new bonds. The bid was rejected by Michigan Consolidated.

Michigan Consolidated having filed an amendment to its application-declaration in which it proposes to issue and sell new bonds as follows:

1. The Registration Statement heretofore filed under the Securities Act of 1933 with respect to the new bonds will be amended so as to reflect changes in the dating, maturity and other terms of the new bonds, and to bring up to date information concerning Michigan Consolidated reflected therein.

2. When the Registration Statement as so amended has become effective, and necessary authority has been obtained in this proceeding under the act, the Company proposes to issue an invitation to investment banking firms to submit bids for the new bonds, either on their own respective behalves or on behalf of groups represented by them respectively, such bids to be submitted on a date (within six weeks of the issuance of the invitation) to be fixed by the Company on not less than 45 hours prior notice by telegram to those so invited. Those invited to bid will include the representatives of the several groups which indicated an interest in the new bonds when earlier offered for competitive bids. Should the company be advised of other responsible prospective bidders, or of firms previously included in bidding groups who wish to bid under different arrangements, the invitation will be extended to them also. The terms and conditions relating to bids so invited will provide that acceptance of any bid shall be subject to the further approval of the Commission. Except as aforesaid, the proposed procedure, terms and conditions relating to bids, and purchase contract provisions, will conform to those customarily followed by Michigan Consolidated when operating pursuant to the requirements of Rule U-50.

Estimated fees and expenses aggregate $167,500 as follows:

SEC registration fee	$2,100
Federal revenue stamps	25,311
Michigan Public Service Commission fee	23,010
Printing and engraving	47,500
Trustee: Authentication and delivery fees and expenses	9,500
Accounting fee of Arthur Andersen & Co.	10,000
Fee of Ralph E. Davis, petroleum and natural gas engineer	5,000
Counsel fees:	
Dyer, Angell & Neek	13,000
Clare J. Hall	1,500
Clifford B. Langley	500
James W. Williams	500
Sidley, Austin, Burgess & Smith	17,500
Mortgage recording fees and title expense	2,500
Miscellaneous	9,579
Total	167,500

In addition, fees of Chadbourne, Hunt, Jaeckel & Brown, counsel for the prospective purchasers are estimated at $13,750.

Due notice having been given of the filing of the application-declaration and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective, forthwith, without the imposition of terms and conditions, other than those specified below, and finding that the fees and expenses as estimated, are not unreasonable:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, including the modified bidding procedure, be, and it hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-344; Filed, Jan. 18, 1954; 8:48 a. m.]

[File No. 70-3174]

PUBLIC SERVICE CO. OF OKLAHOMA

NOTICE OF FILING REGARDING SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

JANUARY 13, 1954.

Notice is hereby given that an application has been filed with this Commission by Public Service Company of Oklahoma ("Oklahoma"), a public-utility subsidiary of Central and South West Corporation, a registered holding company. The applicant has designated section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Oklahoma proposes to issues and sell, at competitive biddings pursuant to Rule U-50 of the general rules and regulations of the Commission under the act, $12,500,000 in principal amount of its First Mortgage Bonds, Series E, __ percent, to be dated February 1, 1954, to mature February 1, 1984, and to be issued under and secured by the Indenture of Mortgage dated July 1, 1945, between the applicant and the First National Bank and Trust Company of Tulsa, as Trustee, as amended by the indentures supplemental thereto heretofore executed and by a proposed Supplemental Indenture to be dated February 1, 1954. The proposed Supplemental Indenture states the terms, provisions and characteristics of the bonds of Series E and supplements and amends said Indenture in certain related respects, and will confirm the lien of said Indenture on certain "after-acquired property" constructed or acquired by Oklahoma on or subsequent to March 1, 1953, and described therein.

The net proceeds (exclusive of accrued interest) to be received by applicant from the sale of the $12,500,000 principal amount of Series E Bonds proposed to be issued, will be used in payment or reimbursement of a part of the cost of additions, extensions and improvements made or to be made to its electric utility properties.

The filing states that the issuance and sale of the proposed bonds are subject to the jurisdiction of the Corporation Commission of Oklahoma, the State commission of the State in which Oklahoma is organized and doing business.

Applicant requests that this Commission's order to be entered herein become effective forthwith upon its issuance.

Notice is further given that any interested person may, not later than January 28, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 28, 1954, said application, as filed or as amended, may be granted as provided in Rules U-23 and U-50 of the rules and regulations promulgated under the act or the Commission may except such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-345; Filed, Jan. 18, 1954; 8:49 a. m.]

[File No. 24NY-3576]

APARTMENT OWNERS, INC.

NOTICE OF OPPORTUNITY FOR HEARING

JANUARY 13, 1954.

For the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder, Apartment Owners, Inc. (hereinafter referred to as the "corporation") filed with the Commission, on December 29, 1953, a notification on Form 1-A relating to a proposed offering of 2,920 shares of its 5 percent cumulative preferred stock of the par value of $100.00 per share and 2,920 shares of its common stock of the par value of $1.00 per share to be sold in units consisting of one share of such preferred stock and one share of such common stock at an offering price of $101.00 per unit; and

The Commission having reasonable cause to believe that the terms and conditions of said Regulation A have not been complied with, in that the notification on Form 1-A and the offering circular omit to state material facts necessary to make the statements made, in the light of the circumstances under which they are made, not misleading; and

The use of the offering circular as filed with the Commission in connection with any offering of the shares to which the notification relates would operate as a fraud or deceit upon the offerees thereof;

Notice is hereby given that the Commission has this day, pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, issued its order that the conditional exemption under Regulation A be denied.

Notice is further given that, upon receipt of a written request by any person having any interest therein, the Commission will set the matter down for hearing within twenty days after receipt of such request, at a place to be designated by the Commission, for the purpose of determining whether said order of denial shall be vacated, and that notice of the time and place for such hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-346; Filed, Jan. 18, 1954; 8:49 a. m.]

[File No. 812-861]

DIVERSIFIED FUNDS, INC.

NOTICE OF APPLICATION REQUESTING EXEMPTION REGARDING APPROVAL OF INVESTMENT ADVISORY CONTRACT, ELECTION OF DIRECTORS, AND ACQUISITION OF STOCK OF INVESTMENT COMPANY

Notice is hereby given that Diversified Funds, Inc., Elizabeth, New Jersey, a registered, open-end, diversified investment company, has filed an application pursuant to section 6 (c) of the act seeking an order exempting certain of the following proposed transactions from the provisions of sections 12 (d) (1), 15 (a) and 16 (a) of the act.

The Applicant's authorized capital consists of 15,001,000 shares of the par value of $1 per share, of which 1,000 shares are common stock and 15,000,000 are Special Stock issuable in series as established by resolutions of the board of directors. The receipts from the sale or issuance of each series of Special Stock, the securities in which these receipts are invested, and the income, profits and proceeds of these investments (called collectively the "underlying assets" of the series) are segregated on the books of the company, and the holders of shares in any series have no interest in the assets or income of any other series.

All the 1,000 shares of authorized common stock are outstanding and are held by the Applicant's principal underwriter and investment adviser, Hugh W. Long and Company, Incorporated, which purchased such shares at a price of $1 per share. The common stock is not offered for sale to the public. The common stock is not redeemable; the Special Stock is redeemable.

The designations of each series of Special Stock which is now issued by Applicant, the number of shares outstanding, and the aggregate net asset value of each such series as of November 30, 1953 are as follows:

Series designation	Number outstanding	Net asset value
Diversified investment fund	5,084,694	$37,107,954
Diversified common stock fund	1,081,770	8,029,432
Diversified growth stock fund	1,252,748	8,918,883

The Applicant has proposed a readjustment program pursuant to which Diversified Growth Stock Fund will operate as a new corporation with a single class of stock and Diversified Investment Fund and Diversified Common Stock Fund will be combined so that Applicant will have outstanding only a single class of stock. Under this readjustment program, which will require approval of the Applicant's shareholders, (1) the underlying assets of the series designated Diversified Growth Stock Fund will be transferred by Applicant to a new open-end investment company, Diversified Growth Stock Fund, Inc. ("New Company"), in exchange for shares of stock of New Company equal in number and net asset value to that of the shares of Diversified Growth Stock Fund outstanding on the date of exchange; (2) this stock of New Company will then be delivered by Applicant to the shareholders of Diversified Growth Stock Fund series on a share for share basis, in cancellation and redemption of that entire series; (3) the shares of Applicant's common stock and of its two series designated Diversified Investment Fund and Diversified Common Stock Fund will be reclassified, by an appropriate exchange of shares, upon the basis of relative net asset value, into a single class of new common stock with a par value of $1 per share; and (4) Applicant's name will be changed from Diversified Funds, Inc. to Diversified Investment Fund, Inc.

Under the proposal Hugh W. Long and Company, Incorporated, the present investment adviser and principal underwriter for the Applicant, will continue to act as principal underwriter for the Applicant following the change of its name to Diversified Investment Fund, Inc. and also will become principal underwriter for New Company. It will be proposed to the shareholders that each of these companies retain Investors Management Company, Inc. as investment adviser beginning April 1, 1954, the projected effective date of the proposals. It is also proposed that the same persons be elected as directors of New Company as will on the date of the election be directors of Applicant.

During the brief period when the Applicant will be the sole stockholder of New Company, Applicant intends to vote to approve the proposed investment advisory contract for New Company and to elect the board of directors proposed for it. Such voting action will be taken by Applicant only if it is authorized by a majority vote of the beneficial owners of the capital stock of New Company. Accordingly, the form of proxy to be submitted to the holders of Diversified Growth Stock Fund, in connection with the meeting of Applicant's shareholders at which action will be taken on the proposed readjustment, will provide means for giving such shareholders an opportunity to vote for or against granting the indicated authority with respect to the investment advisory contract and the election of directors.

The Applicant states that the present series structure unduly complicates the company's prospectus and its reporting, accounting and tax problems, and that it is expensive to maintain; and that, in its opinion, savings could be made and services to investors improved if the assets relating to each series were represented by a single class of stock of a separate company.

Section 12 (d) (1) of the act prohibits the acquisition by a registered investment company of more than 5 percent of the total outstanding voting stock of any other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries, or more than 3 percent of such stock if the policy is not so to concentrate. Applicant indicates that certain exceptions to this prohibition contained in this section may not be applicable to its proposed readjustment program. Section 15 (a) of the act prohibits any person from acting as investment adviser of a registered investment company, except pursuant to a written contract which contains certain provisions and has been approved by the vote of a majority of the outstanding voting securities of such company. Section 16 (a) of the act, with certain exceptions not pertinent here, prohibits any person from serving as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company, at an annual or special meeting duly called for that purpose.

Notice is further given that any interested person may, not later than January 21, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-347; Filed, Jan. 18, 1954; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6534, E-6535]

MISSOURI PUBLIC SERVICE CO. AND EMPIRE DISTRICT ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING DISPOSITION, AND ACQUISITION AND MERGER OR CONSOLIDATION OF FACILITIES

JANUARY 13, 1954.

In the matters of Missouri Public Service Company, Docket No. E-6534, the Empire District Electric Company, Docket No. E-6535.

Notice is hereby given that on January 8, 1954, the Federal Power Commission issued its order adopted January 6, 1954, in the above-entitled matters, authorizing the disposition of certain of the facilities of The Empire District Electric Company, Docket No. E-6535, and the acquisition and merger or consolidation of said facilities by Missouri Public Service Company, Docket No. E-6534.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-326; Filed, Jan. 18, 1954; 8:45 a. m.]

[Docket Nos. G-2253 and G-2336]

ALABAMA-TENNESSEE NATURAL GAS CO.

ORDER PERMITTING INTERVENTION AND GRANTING JOINT MOTION FOR CONSOLIDATION OF PROCEEDINGS AND POSTPONEMENT OF HEARING

On December 31, 1953, the Cities of Athens, Decatur, Florence, Hartselle, Huntsville, Sheffield, and Tuscumbia, Alabama, Corinth and Iuka, Mississippi, and Selmer, Tennessee, filed joint petitions seeking leave to intervene in the proceedings in Docket No. G-2253 and Docket No. G-2336.

On the same date said cities filed a joint motion to consolidate the proceedings in Docket No. G-2336 with the proceeding in Docket No. G-2253 for the purpose of hearing.

The Commission, by order issued September 24, 1953, at Docket No. G-2253, suspended and deferred the use of certain tariff sheets filed by Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) proposing an increase in rates and charges to its wholesale customers, and ordered a public hearing to be held on February 24, 1954.

By order issued December 17, 1953, the Commission, at Docket No. G-2336, suspended and deferred the use of certain tariff sheets filed by Alabama-Tennessee proposing to change its general service rate schedules by instituting penalty charges for unauthorized overruns of the contracted maximum daily delivery obligations.

The aforesaid cities purchase their entire natural gas requirements from Alabama-Tennessee. They allege in their motion, among other things, that the two proceedings involve the common question of law concerning the lawfulness of the rates and charges proposed by Alabama-Tennessee as they may be reflected in the cost of gas purchased by the cities. It is also alleged that since they intend to participate actively in the hearings the convenience of the cities will be greatly served by consolidation of the proceedings for hearing.

By telegram dated January 5, 1954, Alabama-Tennessee advised the Commission of its concurrence in the joint motion for consolidation of the proceedings and postponement of the hearing date in Docket No. G-2336.

The Commission finds:

(1) The participation of the above-named cities in the proceedings in Docket Nos. G-2253 and G-2336 may be in the public interest.

(2) Good cause exists for consolidating the proceedings involved in Docket No. G-2336 with those involved in Docket No. G-2253 for purposes of hearing and decision thereof, and for postponement of the hearing in Docket No. G-2336 to the date presently fixed for Docket No. G-2253, as hereinafter ordered.

The Commission orders:

(A) The above-named cities be and the same hereby are permitted to become interveners in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in the joint petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(B) The proceedings involved in Docket Nos. G–2253 and G–2336 be and they hereby are consolidated for purpose of hearing and the public hearing in the consolidated proceedings shall be held on February 24, 1954, at the same time and place designated in the order of the Commission issued September 24, 1953, at docket No. G–2253.

(C) In all other respects the orders issued September 24 and December 17, 1953, at Docket Nos. G–2253 and G–2336, respectively, shall remain in full force and effect.

Adopted: January 13, 1954.

Issued: January 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–338; Filed, Jan. 18, 1954; 8:47 a. m.]

[Docket No. G–2279]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On October 15, 1953, El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at El Paso, Texas, filed an application and a supplement thereto on November 19, 1953, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipe-line facilities, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 3, 1953 (18 F. R. 6949).

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on January 25, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented by the application herein: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 13, 1954.

Issued: January 13, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–339; Filed, Jan. 18, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28825]

VARIOUS COMMODITIES BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

JANUARY 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to schedule listed below:

Commodities involved: Coffee, extract of, sewer pipe and fittings, castor pomace, etc., carloads.

Between: Points in Texas.

Grounds for relief: Rail competition, circuity, and to meet intrastate rates.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 807, supp. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–332; Filed, Jan. 18, 1954; 8:46 a. m.]

[4th Sec. Application 28826]

CANNED GOODS FROM TEXAS TO LOUISIANA

APPLICATION FOR RELIEF

JANUARY 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to schedule listed below.

Commodities involved: Canned goods, carloads.

From: Points in Texas.

To: Points in Louisiana.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula and additional destinations.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 802, supp. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–333; Filed, Jan. 18, 1954; 8:46 a. m.]

[4th Sec. Application 28827]

PETROLEUM PRODUCTS BETWEEN POINTS IN LOUISIANA

APPLICATION FOR RELIEF

JANUARY 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 779.

Commodities involved: Petroleum products, in carloads.

Between: Points in Louisiana.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–334; Filed, Jan. 18, 1954; 8:46 a. m.]

[4th Sec. Application 28828]

LIQUEFIED CHLORINE GAS FROM BATON ROUGE, LA., MEMPHIS, TENN., AND CALVERT, KY., TO CINCINNATI, OHIO, AND LOUISVILLE, KY.

APPLICATION FOR RELIEF

JANUARY 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to schedules listed below.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Baton Rouge, La., Memphis, Tenn., and Calvert, Ky.

To: Cincinnati, Ohio, and Louisville, Ky.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1351, supp. 45; W. P. Emerson, Agent, I. C. C. No. 417, supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–335; Filed, Jan. 18, 1954; 8:46 a. m.]

[4th Sec. Application 28829]

LIQUID WOOD PRESERVATIVES FROM SOUTHERN, ILLINOIS, SOUTHWESTERN AND WESTERN TRUNK-LINE TERRITORIES AND WESTERN CANADA TO PACIFIC COAST TERRITORY

APPLICATION FOR RELIEF

JANUARY 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Wood preservatives, liquid, (with chlorinated phenal base or petroleum base), carloads and less-than-carload.

From: Points in southern, Illinois, southwestern and western trunk-line territories, and western Canada.

To: Pacific Coast territory.

Ground for relief: Rail competition, circuity, competition with motor carriers, and to maintain grouping.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. 1559, supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–336; Filed, Jan. 18, 1954; 8:46 a. m.]

[4th Sec. Application 28830]

PAPER AND PAPER ARTICLES FROM SOUTHWEST TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

JANUARY 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Specified points in Arkansas, Louisiana, Oklahoma, and Texas.

To: Points in western trunk-line territory.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4038, supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–337; Filed, Jan. 18, 1954; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 13

Washington, Wednesday, January 20, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

VETERANS' ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) is amended and subparagraph (3) is added to § 6.322 (a).

§ 6.322 *Veterans' Administration*—(a) *Office of the Administrator.* (1) Two Special Assistants to the Administrator.

* * * * * *

(3) One Confidential Administrative Assistant to the Administrator.

(R. S. 1753, sec. 2m 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-379; Filed, Jan. 19, 1954; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON STANDARDS

CHANGES IN COTTON CLASSIFICATION SERVICES

Pursuant to authority contained in section 10 of the United States Cotton Standards Act (42 Stat. 1519; 7 U. S. C. 61), section 205 (b) of the Agricultural Marketing Act of 1946 (60 Stat. 1090; 7 U. S. C. 1624 (b), and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953), Part 28 is hereby amended to provide (1) revisions of certain sections of Subpart A relating to cotton classification services and cotton standards, (2) a new Subpart B with regulations for the classification of foreign growth cotton, and (3) redesignation of the present Subparts B and C.

The amendments to Subpart A provide for cotton classification and the issuance of Form A cotton classification memoranda on samples freshly drawn and submitted direct from a public warehouse at the request of the owner of the cotton or his agent. They also provide a new Form D classification service for samples submitted direct from the owner of the cotton or his agent. Requests for Form A determinations must be filed with the board of cotton examiners serving the territory in which the cotton is located but requests for Form D determinations may be filed with the board serving the territory in which the samples are located. Not more than one request for a Form A or Form D determination on the same cotton, except a request for a review of a Form A determination, may be filed by the same owner within any 30-day period. Form D determinations will not be subject to review. Requests for reviews of Form A determinations must be filed within 30 days after the issuance of the original Form A classification memorandum. Requests for original Form A or Form D determinations may not be filed with the Appeal Board of Review Examiners at Washington, D. C., or the Memphis Committee of the Appeal Board since boards of cotton examiners are located at both Washington and Memphis to handle such requests. In addition, the amendment clarifies the language of certain sections and provides for disposal of the original and reserve sets of official cotton standards after specified periods.

The new Subpart B provides regulations for the classification and issuance of classification memoranda on samples from cotton produced outside the continental United States. Such samples will be classed according to the universal standards for American cotton or other official cotton standards of the United States.

It is hereby found that it would be impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking

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procedures in respect to the amendment or delay the effective date thereof for the reasons that (1) it does not require any preparation on the part of applicants for the service, (2) it is largely a matter of administration of the services provided under the cotton classification program, (3) all cotton classification services heretofore rendered will be continued and additional classification service is provided, including a new classing service for samples from foreign growth cotton, and (4) requests for the new services are currently in demand and delay in establishing the services would serve no useful purpose. The amendment hereinafter set forth is to become effective upon publication in the FEDERAL REGISTER.

1. Section 28.12 is amended to read:

§ 28.12 *Classification and comparison; requests.* For each lot or mark of cotton which the applicant desires classified or compared separately he shall make a written request specifying which one of the following four forms of service is desired:

(a) *Form A determination.* The classification or comparison of samples freshly drawn and submitted to a board of cotton examiners direct from a public warehouse, at the request of the owner of the cotton or his agent. Such classification or comparison shall be evidenced by a Form A memorandum which shall be subject to review as provided in § 28.58.

(b) *Form B determination.* The classification or comparison of samples submitted by mutual agreement of two or more parties to a dispute. The classification or comparison in such cases shall be evidenced by a Form B certificate which shall be subject to review as provided in § 28.58.

(c) *Form C determination.* The classification of bales of cotton, to be sampled under the supervision of a supervisor of inspection. The classification in such cases shall be evidenced by a Form C certificate which shall be subject to review as provided in § 28.58.

(d) *Form D determination.* The classification or comparison of samples submitted by the owner of the cotton or his agent. Such classification or comparison shall be evidenced by a Form D memorandum which shall not be subject to review.

2. Section 28.15 is amended to read:

§ 28.15 *Filing of requests for classification or comparison.* All requests for classification or comparison leading to Form A memoranda, Form D memoranda, and Form B certificates shall be filed with the secretary of the board which serves the territory in which the cotton is located: *Provided*, That (a) requests for Form B determinations may, where desired, be filed directly with the Appeal Board of Review Examiners located at Washington, D. C., or with any committee of such Appeal Board, and (b) requests for Form D determinations may be filed with the secretary of the board which serves the territory in which the samples are located. Samples which are submitted to any board for classification or comparison may be referred by such board to another board for classification or comparison.

3. Section 28.18 is amended to read:

§ 28.18 *One request only for classification.* Not more than one request for the classification and/or comparison of the same cotton, except a request for a review determination, shall be filed by the same owner within any 30-day period. Any subsequent request shall be accompanied by redrawn samples and the chairman of the board may require that any Form A or Form D memoranda previously issued with respect to samples purporting to represent the same cotton shall be returned before such redrawn samples are classed.

4. The undesignated center head immediately preceding § 28.20 is amended to read "Submission and Disposition of Samples for Form A, Form B, and Form D Determinations".

5. Section 28.20 is amended to read:

§ 28.20 *Submission of samples.* Samples of cotton submitted to a board of cotton examiners for classification and/or comparison shall be drawn from both sides of the bale and shall be delivered to the secretary of the Board with which the request was filed, as soon as possible after the filing of such request. Samples submitted for classification and/or comparison leading to a Form A memorandum shall be drawn under the supervision of a public warehouseman and shall be delivered immediately to the secretary of the Board by such warehouseman. All transportation charges incident to the submission of samples for Form A, Form B, and Form D determinations shall be prepaid by the party making the request or his agent.

6. Section 28.23 is amended to read:

§ 28.23 *Disposal of samples.* When so stipulated in the classification request for a Form A or Form D determination, the samples submitted shall be returned to the person making the request, at his expense, at the time the memorandum is issued or when the request for classification is withdrawn or rejected. Samples not returned shall be disposed of in accordance with § 28.25.

7. Section 28.26 is amended to read:

§ 28.26 *Cotton; method of submitting to Secretary.* All bales of cotton submitted to the Secretary or to his duly authorized reperesentatives for the purpose of classification or certification in accordance with section 4 of the act (42 Stat. 1517; 7 U. S. C. 54) and the issuance of a Form C certificate shall be submitted in accordance with §§ 28.26 to 28.37.

8. Section 28.39 is amended to read:

§ 28.39 *Order of classification.* All samples for which classification requests are pending shall be classified, as far as practicable, in the order in which the samples are delivered for classification. When in the opinion of the chairman of the board an emergency exists, he shall designate which samples will be given priority in classification.

9. Section 28.51 is amended to read:

§ 2851 *Issuance of memoranda and certificates.* As soon as practicable after the classification of cotton has been completed by a board of cotton examiners, there shall be issued a cotton class memorandum or certificate of the appropriate kind showing the results of such classification.

10. Section 28.52 is amended to read:

§ 28.52 *Form A and Form D memoranda.* (a) When a classification and/or comparison has been made of any samples submitted to a board of cotton examiners direct from a public warehouse, the results of such classification and/or comparison may be stated in a Form A memorandum.

(b) When a classification and/or comparison has been made of any samples submitted by the owner of the cotton or his agent, the results of such classification and/or comparison may be stated in a Form D memorandum.

(c) Form A and Form D memoranda shall not be deemed to be final certificates within the meaning of section 4 of the act (42 Stat. 1517; 7 U. S. C. 54).

11. Section 28.55 is amended to read:

§ 28.55 *New memorandum or certificate; issuance.* Upon the written request of a holder of a cotton class memorandum or certificate issued under this subpart, a new memorandum or certificate shall be issued, without the reclassification of the cotton, to take the place of the former memorandum or certificate for any cotton covered thereby, when necessary on account of the breaking or splitting of a lot or otherwise for the business convenience of such holder: *Provided*, That in any case where a part of a lot of cotton for which a Form C certificate has been issued is removed from the certificated stock of any market the chairman of the board of cotton examiners or the supervisor of inspection may upon request cancel from said certificate the bales so removed. In any case where a new memorandum or certificate is requested in accordance with this section the former memorandum or certificate shall be surrendered for cancellation, and such new memorandum or certificate shall bear a new number and the date of its issuance and the date of original classification and shall otherwise comply with this subpart.

12. Section 28.56 is amended to read:

§ 28.56 *Lost memorandum or certificate may be replaced by duplicate.* Upon the written request of the last holder of a valid Form A or Form D memorandum, Form B certificate, or Form C certificate and a showing to the satisfaction of the chairman of the board which issued such memorandum or certificate that it has been lost or destroyed and, if lost, that diligent effort has been made to find it without success, a new memorandum or certificate shall be issued without the reclassification of the cotton. Such new memorandum or certificate shall bear the same number and date of issuance as the lost or destroyed memorandum or certificate and shall include a statement to the effect that it is a duplicate issued in lieu of the lost or destroyed original, as the case may be.

13. Section 28.57 is amended to read:

§ 28.57 *Surrender of memoranda or certificates.* For good cause any memorandum or certificate issued under §§ 28.51 to 28.56 shall be surrendered to the chairman of the board which issued it, upon his request or upon the request of the Administrator. A new memorandum or certificate complying with this subpart may be issued in substitution therefor. If such memorandum or certificate be not surrendered upon such request, it shall nevertheless be invalid for the purposes of the act and this subpart.

14. Section 28.58 is amended by adding the following sentence at the end of the section: "Classifications or comparisons represented by Form D memoranda shall not be subject to review."

15. Section 28.59 is amended to read:

§ 28.59 *Form A memorandum; review.* A review of any Form A determination may be requested by the owner or custodian of the cotton from which the sample was drawn within 30 days after the issuance of the original memorandum. Such request may be filed with, and the review made by, the board which issued such memorandum or the Appeal

Board of Review Examiners. Redrawn samples shall be required except in cases where the original samples have remained, identity preserved, in the custody of the aforesaid board or Appeal Board. When redrawn samples are necessary, they shall be drawn and submitted in accordance with § 28.20. As evidence of a review determination, a Form A memorandum appropriately marked to indicate that it represents a review determination shall be issued to the applicant requesting the review. The applicant may be required by the board or Appeal Board issuing such review determination to surrender the original classification memorandum.

16. Section 28.64 is amended to read:

§ 28.64 *Change of classification, only for error.* The classification of any bale shown by the original cotton class memorandum or certificate shall be changed only when it shall appear that such classification was clearly erroneous.

17. Section 28.117 (a) is amended by adding the following sentence immediately after the second sentence: "Such containers shall remain in the custody of the Administrator until the original standards contained therein are superseded by new or revised standards."

18. The last three sentences of § 28.117 (c) are amended to read as follows: "The first reserve set of the preceding 3-year period shall then be again sealed and shall remain in the custody of the Administrator. If, upon the opening and examination of the first reserve set as herein provided, it shall appear that such set has undergone any substantial change, the second reserve set shall, for the purposes of this paragraph, be used in its stead. The first and second reserve sets of each 3-year period shall be retained by the Administration until the original standards which they represent have been superseded by new or revised standards."

19. Section 28.119 (c) is amended by deleting the last sentence.

20. The headnote and first sentence of § 28.120 is amended to read:

§ 28.120 *Fee for new memorandum or certificate.* For each new memorandum or certificate issued in substitution for a prior memorandum or certificate at the request of the holder thereof, on account of the breaking or splitting of the lot of cotton covered thereby or otherwise for his business convenience, the person requesting such substitution shall pay a fee of 25 cents when the number of bales covered by the new memorandum or certificate is 10 or less, or a fee of 50 cents when the number of bales covered by such memorandum or certificate is more than 10.

(Sec. 10, 42 Stat. 1519; 7 U. S. C. 61)

21. Redesignate the present Subpart B as Subpart C, redesignate the present Subpart C as Subpart D, and insert a new Subpart B to read as follows:

SUBPART B—COTTON CLASSIFICATION FOR FOREIGN GROWTH COTTON

Sec.
28.175 Administrative and general.
28.176 Requests for classification and comparison.
28.177 Submission of samples.
28.178 Methods of classification and comparison.
28.179 Issuance of classification memoranda.
28.180 Review of classification.
28.181 Surrender of memoranda.
28.182 Fees and costs; payment.

AUTHORITY: §§ 28.175 to 28.182 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624.

§ 28.175 *Administrative and general.* Insofar as applicable, and not inconsistent with §§ 28.175 to 28.182, the provisions of subpart A of this part relating to the organization and functions of boards of cotton examiners; requests for classification and comparison; submission and disposition of samples in Form A and Form B determinations; classification; sample and type comparison; certificates and memoranda; reviews; and fees and costs, shall likewise apply to the classification and comparison of cotton produced outside the continental United States: *Provided*, That the classification of such cotton shall be according to the universal standards or other official cotton standards of the United States in effect at the time of such classification.

§ 28.176 *Requests for classification and comparison.* The applicant shall make a separate written request, on a form supplied by the Administration, for each lot or mark of cotton which he desires classified or compared separately. The same applicant shall not file more than one request for the classification or comparison of the same cotton within any 30-day period except for a review classification or comparison as provided in § 28.180. All requests for classification or comparison in the United States shall be filed with the Board of Cotton Examiners which serves the territory in which the samples are located. The chairman of such board may refer any request and the samples submitted to another board or to the Appeal Board of Review Examiners for classification or comparison.

§ 28.177 *Submission of samples.* Samples of cotton submitted to a board of cotton examiners for classification and/or comparison shall be drawn from both sides of the bale and shall be delivered to the secretary of the board with which the request was filed, as soon as possible after the filing of such request. All such samples shall be inclosed in one or more wrappers, which shall be labeled or marked, or both, in such manner as to show the name and address of the owner, the lot number or marks, if any, the number of bales represented by the samples in each wrapper, and such other information as may be necessary in accordance with the instructions of the chairman of the board. All transportation charges incident to the submission of samples shall be prepaid by the party making the request or his agent.

§ 28.178 *Methods of classification and comparison.* The classification of samples from cotton produced outside the continental United States shall be according to the universal standards or other official cotton standards of the United States in effect at the time. When a comparison of such cotton samples with other actual samples or with a type is requested, the procedure and methods shall be as outlined in §§ 28.45 to 28.50 of this chapter.

§ 28.179 *Issuance of classification memoranda.* As soon as practicable after the classification or comparison of cotton has been completed by a board of cotton examiners, there shall be issued a cotton classification memorandum which shall embody within its written or printed terms:

(a) The results of the classification or comparison.

(b) The name of the country in which the cotton was produced.

(c) The source from which the samples were received for classification.

(d) A statement that any classification made has been according to the universal standards or other official cotton standards of the United States in effect at the time of such classification.

(e) The signature of the Chairman of the Board, the location of the Board, and the date of issuance of the memorandum.

§ 28.180 *Review of classification.* A review of any classification or comparison made pursuant to § 28.179 may be requested by the owner or custodian of the cotton from which the sample was drawn within 30 days after the issuance of the original memorandum. Such request, accompanied by the original memorandum, may be filed with either the board which issued the original memorandum or the Appeal Board of Review Examiners. Redrawn samples shall be required except in cases where the original samples have remained, identity preserved, in the custody of the board which issued the original memorandum. As evidence of any review determination, a classification memorandum marked to indicate that it represents a review determination shall be issued to the applicant requesting the review.

§ 28.181 *Surrender of memoranda.* For good cause any memorandum issued under §§ 28.179 to 28.180 shall be surrendered to the chairman of the board which issued it, upon his request or upon the request of the Administrator, and a new memorandum complying with this subpart issued in substitution therefor If the memorandum be not surrendered upon such request, it shall nevertheless be invalid for the purposes of this subpart.

§ 28.182 *Fees and costs; payment.* The provisions of §§ 28.118 to 28.128 relating to fees, costs, and method of payment shall apply to services performed with respect to cotton produced outside the continental United States.

Done at Washington, D. C., this 15th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-382; Filed, Jan. 19, 1954; 8:50 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 17]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

DESIGNATION OF AREAS IN WHICH SWINE ARE AFFECTED WITH VESICULAR EXANTHEMA

Pursuant to the authority conferred upon the Administrator of the Agricultural Research Service by § 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), § 76.27a of said Subpart B (18 F. R. 3829, as amended) is hereby amended to read as follows:

§ 76.27a *Designation of areas in which swine are affected with vesicular exanthema.* The following areas are hereby designated as areas in which swine are affected with vesicular exanthema:

The State of California;

The Town of Manchester in Hartford County, in Connecticut;

The Town of Lewiston in Androscoggin County, that area consisting of the Towns of Portland, South Portland, Westbrook, Cape Elizabeth and Scarboro, in Cumberland County, and the Towns of Saco, Biddeford, Kennebunk, Alfred and Sanford in York County, that area consisting of the Towns of Cumberland and Yarmouth, in Cumberland County, and that area consisting of the Towns of Chelsea and Hallowell in Kennebec County, in Maine;

That area consisting of Hampden, Worcester, Middlesex, Essex, Suffolk, Norfolk, Bristol, and Plymouth Counties, in Massachusetts;

Atlantic, Bergen, Camden, Gloucester, Hudson, Hunterdon, and Morris Counties, that area consisting of Union, Middlesex, Monmouth, and Ocean Counties, that area in Lower Township in Cape May County lying east of U. S. Highway No. 9, that area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east and State Highway No. 550 on the north and west and State Highway Spur No. 550 on the west, and all of Burlington County except Delran, Washington, Shamong, Tabernacle, and Bass River Townships, in New Jersey;

The Town of Poland in Chautauqua County, the Town of Poughkeepsie in Dutchess County, and that area in the Town of Clarkstown lying north of New York State Route No. 59 in Rockland County, in New York;

Bucks and Delaware Counties, in Pennsylvania.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes from the areas heretofore designated as areas in which swine are affected with vesicular exanthema:

Eagle Township in Clinton County, Oneida and Roxand Townships in Eaton County, and Danby Township in Ionia County, in Michigan;

That area in Bell County lying north of U. S. Highway No. 190 and west of State Highways No. 36 and No. 317, in Texas.

The Administrator of the Agricultural Research Service has determined that swine in these areas are not now affected with the disease, and that the quarantine of such areas is no longer required to prevent the dissemination thereof. Accordingly, these areas are no longer quarantined under said § 76.27, and the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR Part 76, Subpart B, as amended (18 F. R. 3636, as amended), no longer apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas contained in said Subpart B, as amended, apply thereto.

The effect of the amendment is to relieve certain restrictions presently imposed. The amendment must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended; sec 2, 32 Stat. 792, as amended; secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 128, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 15th day of January 1954.

[SEAL] M. R. CLARKSON,
Agricultural Research Service.

[F. R. Doc. 54-384; Filed, Jan. 19, 1954; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 5]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

NEW EFFECTIVE DATE FOR CAA RULES, INTERPRETATIONS, AND POLICIES

In Civil Air Regulations Amendment 40-2, published on December 30, 1953, in 18 F. R. 8865, the Civil Aeronautics Board changed the effective date of revised Part 40 from January 1, 1954, to April 1, 1954.

In Special Regulation 393B, published on December 30, 1953, in 18 F. R. 8866, the Civil Aeronautics Board provided that the Administrator of Civil Aeronautics may, upon application, amend the operations specifications of an air carrier coming under the provisions of § 40.1 of revised Part 40, to authorize such air carrier to operate, prior to April 1, 1954, in compliance with selected provisions of revised Part 40 in lieu of the equivalent provisions of presently effective Parts 40 and 61.

Therefore, the concluding paragraphs of Supplement 1 to revised Part 40, published on October 17, 1953, in 18 F. R. 6622, Supplement 2 to revised Part 40, published on November 11, 1953, in 18 F. R. 7164, Supplement 3 to revised Part 40, published on December 24, 1953, in 18 F. R. 8684, and Supplement 4 to revised Part 40, published on December 22, 1953, in 18 F. R. 8612, are amended to read:

This supplement shall become effective April 1, 1954. However, under Special Regulation 393B, published on December 30, 1953, in 18 F. R. 8866, the Administrator may, upon application, amend the operations specifications of an air carrier coming under the provisions of Part 40 effective April 15, 1954, to authorize such air carrier to operate prior to April 1, 1954, in compliance with selected provisions of Part 40 effective April 1, 1954, in lieu of the equivalent provisions of presently effective Parts 40 and 61.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-355; Filed, Jan. 19, 1954; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 36—UNMAILABLE MATTER

MAILING OF PISTOLS, REVOLVERS, AND OTHER FIREARMS

In § 36.12 *Mailing of pistols, revolvers, and other firearms,* amend paragraph (i) to read as follows:

(i) *For manufacturers and dealers—(1) Between manufacturers and dealers.* Parcels containing unloaded firearms properly prepared for mailing may be conveyed in the mails to manufacturers of firearms or bona fide dealers therein in customary trade shipments, including such articles for repairs or replacement of parts, from one to the other. At the time such parcels are presented for mailing there shall be filed with the postmaster a statement signed by the sender that he is a manufacturer of firearms or that he is a bona fide dealer therein and that the parcels are customary trade shipments or contain such articles for repairs or replacement of parts and that to the best of his knowledge and belief the addressees are manufacturers of firearms or bona fide dealers therein. If satisfied that the sender is a manufacturer of firearms or a bona fide dealer therein, the postmaster shall accept the parcel for mailing.

(2) *To manufacturers and dealers, by others.* Parcels containing unloaded firearms properly prepared for mailing may be conveyed in the mails to manufacturers of firearms or bona fide dealers therein for purposes of repair, replacement of parts, or other trade adjustment, when sent by persons entitled to receive such firearms under the provisions of paragraphs (d), (e), and (f) of

this section: *Provided*, That the use of the firearms by sender is as required by those paragraphs. At the time such parcels are prepared for mailing there shall be filed with the postmaster, by the senders or their agents, statements and affidavits of the same character as required by the aforementioned paragraphs of this section to be furnished in connection with firearms mailings to such senders, respectively, the statement also to be made to the postmaster that the firearms are being sent for repair, replacement of parts, or other trade adjustment, and that to the best of the senders' knowledge and belief, the addressees are manufacturers of firearms or bona fide dealers therein.

(3) Before making delivery of any parcels mailed under subparagraphs (1) and (2) of this paragraph, the postmaster at the office of address shall satisfy himself that the addressee is a manufacturer of firearms or a bona fide dealer therein.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1715)

[SEAL] LOUIS J. DOYLE,
Acting Solicitor.

[F. R. Doc. 54-365; Filed, Jan. 19, 1954; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

ORDER AMENDING ORDER PERMITTING THE KILLING OF WATERFOWL OR COOT IN AGRICULTURAL AREAS OF CALIFORNIA

Paragraphs numbered 1 *Coot* and 3 *Method of killing* of the order permitting the killing of waterfowl or coot in agricultural areas of California, dated January 6, 1954 (19 F. R. 173), are hereby amended to read as follows:

1. Coot may be killed in the counties of Alameda, Butte, Colusa, Contra Costa, Fresno, Glenn, Imperial, Kern, Kings, Los Angeles, Madera, Marin, Merced, Monterey, Orange, Placer, Sacramento, San Diego, San Joaquin, Solano, Stanislaus, Sutter, Tulare, Ventura, Yolo, and Yuba.

* * * * *

3. Method of killing: Coot and widgeon may be taken only by shooting with a shotgun not larger than No. 10 gage fired from the shoulder.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704)

Dated: January 12, 1954.

JOHN L. FARLEY,
Director.

[F. R. Doc. 54-403; Filed, Jan. 19, 1954; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

GREEN ASPARAGUS

UNITED STATES STANDARDS FOR CANNING OR FREEZING [1]

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Green Asparagus for Canning or Freezing under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953) to supersede the existing United States Standards for Green Asparagus for Canning or Freezing effective December 22, 1937.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.
51.2335 U. S. No. 1.
51.2336 U. S. No. 2.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetics Act.

CULLS

Sec.
51.2337 Culls.

BUTTS

51.2338 Butts.

DIAMETER CLASSIFICATIONS

51.2339 Diameter classifications.

DEFINITIONS

51.2340 Fresh.
51.2341 Fairly well formed.
51.2342 Damage.
51.2343 Diameter.
51.2344 Green color.
51.2345 Badly deformed.
51.2346 Serious damage.

GRADES

§ 51.2335 *U. S. No. 1.* U. S. No. 1 consists of spears of asparagus which are fresh, fairly well formed, and which are free from decay and free from damage caused by broken tips, spreading tips, dirt, discoloration, doubles, freezing, hail, scars, disease, beetles or other insects, or mechanical or other means.

(a) Unless otherwise specified, each spear shall be not less than three-eights inch in diameter, the length shall not exceed 7 inches, and the spear shall have a green color extending at least 5 inches below the extreme tip. (See §§ 51.2338 and 51.2339.)

§ 51.2336 *U. S. No. 2.* U. S. No. 2 consists of spears of asparagus which are fresh, not badly deformed, and which are free from decay and free from damage caused by dirt, and free from serious damage caused by broken tips, spreading tips, discoloration, freezing, scars, disease, beetles or other insects, or mechanical or other means.

(a) Unless otherwise specified, each spear shall be not less than three-eighths inch in diameter, the length shall not exceed 7 inches, and the spear shall have a green color extending at least 3 inches below the extreme tip. (See §§ 51.2338 and 51.2339.)

CULLS

§ 51.2337 *Culls.* Culls consist of spears of asparagus which do not meet the requirements of either of the foregoing grades.

BUTTS

§ 51.2338 *Butts.* That portion of the spear that is in excess of the maximum length specified shall be classified as a butt; and if a contract between processor and grower restricts the amount of white on a spear, the white in excess of the amount specified shall also be classified as a butt; and in either case the remaining portion of the spear shall be considered as meeting the grade requirements in regard to these factors.

DIAMETER CLASSIFICATIONS

§ 51.2339 *Diameter classifications.* (a) The following terms are provided for describing the diameter of the spears:

Small—¼ inch to less than ⅜ inch in diameter.
Medium—⅜ inch to less than ⅝ inch in diameter.
Large—⅝ inch and larger in diameter.

(b) Other sizes may be specified by agreement between the grower and processor in terms of minimum diameter, or in terms of minimum and maximum diameters expressed in fractions of an inch.

DEFINITIONS

§ 51.2340 *Fresh.* "Fresh" means that the spear is not badly wilted, limp or flabby.

§ 51.2341 *Fairly well formed.* "Fairly well formed" means that the spear is not badly flattened, crooked, or otherwise so badly deformed that its canning or freezing quality is materially affected.

§ 51.2342 *Damage.* "Damage" means any defect which more than slightly affects the canning or freezing quality of the upper 5 inches of the spear, or which materially affects the canning or freezing quality of the remaining portion of the spear, exclusive of the butt. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Broken tips when two or more branchlets are broken or missing from the tip, or when the shape or general appearance of the spear is more than slightly affected by the absence of the extreme tip branchlet;

(b) Spreading tips when so spread or branched that the appearance is more than slightly affected, or the tips have a "seedy" appearance which more than slightly affects the canning or freezing quality;

(c) Dirt or sand which is so imbedded in the tip or under the bracts on the upper 5 inches of the spear that it cannot be removed in the ordinary process of washing. Dirt or sand which occurs on the remaining portion of the spear shall not be considered as damage;

(d) Discoloration when more than 4 bracts are discolored, or when more than 2 bracts on the upper 5 inches of the spear are discolored;

(e) Doubles when the appearance of the upper 5 inches of the spear is more than slightly affected, or when there is a hollow opening in the center portion greater in area than that of a circle one-eighth inch in diameter measured 5 inches from the extreme tip. Doubles which occur on the remaining portion of the spear shall not be considered as damage;

(f) Scars which are not shallow, or shallow scars on the upper 5 inches of the spear which have an aggregate area exceeding that of a circle one-eighth inch in diameter, or scars on the remaining portion of the spear not classed as a butt which have an aggregate area exceeding that of a circle one-fourth inch in diameter; and,

(g) Insect holes or beetle eggs when present on the upper 5 inches of the spear, or when more than 3 are present on the remaining portion of the spear not classed as a butt.

§ 51.2343 *Diameter.* "Diameter" means the greatest thickness of the spear measured at a point 5 inches from the extreme tip, or at the base of the spear for spears less than 5 inches in length, or at any other point specified in the contract between the grower and processor.

§ 51.2344 *Green color.* "Green color" means any shade of green color or that shade of purple which will blanch green. The extent of green or purple color on the spear shall be determined by measuring the distance from the extreme tip to the lowest point at which the entire circumference of the spear is of a green or acceptable purple color.

§ 51.2345 *Badly deformed.* "Badly deformed" means that the spear is so severely flattened, crooked or curled that the canning or freezing quality of the upper 5 inches of the spear is seriously affected.

§ 51.2346 *Serious damage.* "Serious damage" means any defect which materially affects the canning or freezing quality of the upper 5 inches of the spear, or which seriously affects the canning or freezing quality of the remaining portion of the spear, exclusive of the butt. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Broken tips when more than two branchlets are missing from the tip, or when the extreme tip is missing and not fairly well covered with lower bracts, or when the general shape of the head is not retained;

(b) Spreading tips when tip branches exceed three-fourths inch in length, exclusive of the head, or when spread out from the spear;

(c) Discoloration when more than 4 bracts on the upper 5 inches of the spear are discolored;

(d) Scars occurring on the upper 5 inches of the spear which are not shallow, or which are shallow and have an aggregate area exceeding that of a circle one-fourth inch in diameter, or scars on the remaining portion of the spear not classed as a butt which have an aggregate area exceeding that of a circle one-half inch in diameter; and,

(e) Beetle eggs when there are more than 6 eggs on the spear, or when there are more than 3 eggs on the upper 5 inches of the spear.

Done at Washington, D. C., this 15th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-381; Filed, Jan. 19, 1954; 8:50 a. m.]

Agricultural Research Service

[9 CFR Part 155]

INSPECTION OF ANIMAL FOODS

NOTICE OF PROPOSED AMENDMENTS

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Department of Agriculture, pursuant to the provisions of section 203 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622), and provisions contained in the item for Marketing Services in the Department of Agriculture Appropriation Act, 1954 (7 U. S. C. Sup. 414), is considering proposed amendments of the regulations governing the inspection, certification and identification as to class, quality, quantity and condition of foods for dogs, cats and other carnivora (9 CFR Part 155, as amended) as follows:

1. Section 155.2(m) would be amended to read:

(m) "Mule meat" means the clean, sound, healthful, wholesome muscle tissue derived from mules as determined by antemortem and postmortem inspection by an inspector in accordance with § 155.41. It includes muscle tissue which is found in the tongue, in the diaphragm, in the heart or in the esophagus, with or without the accompanying and overlying fat and the portions of sinews, nerves, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing.

2. Section 155.2 would be amended by adding paragraphs (n) and (o):

(n) "Mule meat by-product" means the clean, sound, healthful, wholesome part, other than mule meat, derived from mules as determined by antemortem and postmortem inspection by an inspector in accordance with § 155.41.

(o) "Bone" means the U. S. inspected and passed and so identified clean, wholesome bone which has been derived from cattle, sheep, swine, goats or horses, or bone derived from mules slaughtered and passed under Branch inspection in accordance with § 155.41.

3. Section 155.1 (b) would be amended to read:

(b) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles including carcasses, parts of carcasses and other materials, shall be provided.

4. Section 155.28 would be amended by inserting, at the beginning of the first sentence therein, the phrase "Subject to § 155.41," and by decapitalizing the word "Any" in said sentence.

5. Section 155.29 (b) would be amended to read:

(b) Not less than 30 percent of meat or meat by-product or both, or of horse meat or horse meat by-product or both, or of mule meat or mule meat by-product or both, shall be used in the preparation of canned certified maintenance food. Upon specific approval of the Chief of the Branch, combinations of the above-specified ingredients may be used. The uncooked weight of the meat or meat by-product or both, or of the horse meat or horse meat by-product or both, or of the mule meat or mule meat by-product or both, or combinations thereof, shall be used in the calculation, and the percentage shall be obtained by relating this weight to the total weight of the certified maintenance food.

6. Section 155.30 (a) would be amended to read:

(a) Certified 32 percent component shall contain not less than 95 percent of meat or meat by-product or both, or of horse meat or horse meat by-product or both, or of mule meat or mule meat by-product or both. Upon specific approval of the Chief of the Branch, combinations of the above-specified ingredients may be used.

7. Part 155 would be amended by adding a new § 155.41 to read as follows:

§ 155.41 *Antemortem and postmortem inspection for mules.* (a) (1) An antemortem examination and inspection shall be made of all mules about to be

slaughtered for use in the preparation of products under this part, before their slaughter shall be allowed for such use. Such inspection shall be made on the day of slaughter.

(2) Mules found on such inspection to show symptoms of disease shall be set apart and slaughtered separately. Those found to be affected with strangles, purpura hemorrhagia, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), infectious anemia (swamp fever), dourine, acute influenza, generalized osteoporosis, glanders, farcy, or other malignant disorder, acute inflammatory lameness or extensive fistula, shall be condemned and destroyed. Any mule which is suspected on antemortem inspection of being infected with glanders shall be tested with mallein, and any mule which on physical examination is suspected of being affected with dourine shall be held for further examination or for such test as the Chief of the Branch may prescribe.

(b) (1) A careful postmortem examination and inspection shall be made of all carcasses and parts thereof of all mules inspected under this section, at the time of slaughter. All carcasses and parts of mules found to be affected with any disease listed under paragraph (a) of this section shall be condemned and destroyed.

(2) Other carcasses and parts of mules found abnormal or diseased upon inspection under this section shall be disposed of in accordance with such provisions of the Meat Inspection Regulations (Title 9, Chapter I, Subchapter A, Code of Federal Regulations, as amended) as are deemed applicable by the Chief of the Branch.

8. Section 156.42 *Marking of mule meat and mule meat by-product.* All mule meat and mule meat by-product inspected under this part shall be marked and identified as the Chief of the Branch may require in any particular case.

Any interested person who wishes to submit written data, views, or arguments on the proposed amendments may do so by filing them with the Chief of the Meat Inspection Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., not less than 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 15th day of January 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-383; Filed, Jan. 19, 1954; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 655, 703]

[Administrative Order 437]

PUERTO RICO; SPECIAL INDUSTRY COMMITTEE NO. 15

NOTICE OF RESIGNATION AND APPOINTMENT

On January 14, 1954, immediately following the hearing for the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico, David Dubinsky of New York, New York resigned as a member of Special Industry Committee No. 15.

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby appoint Lazare Teper of New York, New York to serve on said Committee as a representative of the employees for the Needlework and Fabricated Textile Products Industry and the Men's and Boys' Clothing and Related Products Industry.

Signed at Washington, D. C., this 14th day of January 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-387; Filed, Jan. 19, 1954; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 1, 4a, 4b]

SPECIAL CIVIL AIR REGULATION; BASIS FOR APPROVAL OF MODIFICATION OF AIRPLANE TYPES DOUGLAS DC-3 AND LOCKHEED L-18

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of a Special Civil Air Regulation which will provide additional bases for approval by the Administrator of modifications and new maximum certificated weights for Douglas DC-3 and Lockheed L-18 airplanes.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by February 20, 1954. Copies of such communications will be available after February 23, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On October 7, 1953, the Civil Aeronautics Board adopted Special Civil Air Regulation SR-398, effective November 11, 1953 (18 F. R. 6448), which provided a basis for approval of modifications of DC-3 and L-18 airplanes, but limited the scope of that regulation to increases in engine take-off power limitation up to 1,350 horsepower per engine, to installation of engines of not more than 1,830 cubic inches displacement, and to the establishment of new maximum certificated weights not in excess of 26,900 pounds for the DC-3 and 19,500 pounds for the L-18. This notice of proposed rule making proposes expansion of the substance of SR-398 to permit approval of additional modifications and maximum certificated weights for DC-3 and L-18 airplanes. In order that the additional provisions proposed by this notice may be considered in context with SR-398, this notice embodies the provisions of SR-398 in addition to the changes proposed herein.

The Douglas DC-3 and the Lockheed L-18 airplane types were originally designed and certificated on the basis of airworthiness standards in effect prior to 1940. These were contained in Bulletin 7-A promulgated by the former Bureau of Air Commerce and in the initial Part 04 of the Civil Air Regulations which was basically a recodification of Bulletin 7-A. Subsequently the Civil Aeronautics Board has promulgated and kept up to date newer airworthiness requirements contained in Parts 3, 4a, and 4b of the Civil Air Regulations, the latter two parts containing rules for transport category airplanes. The DC-3 and the L-18 are the only large airplane types now in general use in the United States which retain the old standards as a basis for their certification.

For a number of years after the initial certification of these two airplane types relatively few important design changes were introduced, and the airplane specifications regarding maximum certificated weights remained practically unchanged. More recently, however, several operators have made significant design changes in DC-3 and L-18 airplanes and it has become apparent that with the continued use of these airplanes, more operators are considering design changes, such as the installation of higher-powered engines and increases in maximum certificated weights. Although the basis for certification of these airplanes remains unchanged, the Administrator of Civil Aeronautics in some instances has made changes to the pertinent aircraft specifications by applying certain provisions of Part 4a of the Civil Air Regulations. The Board in adopting SR-398 indicated that it did not consider Bulletin 7-A and the early versions of Part 04 adequate regulatory basis upon which further modifications to these airplane types can be approved by the Administrator. Additional rules are proposed herein which are considered necessary for uniform application of all future design changes to the DC-3 and L-18.

The provisions of Special Civil Air Regulation SR-398 and the changes proposed herein would provide the basis for approval by the Administrator of future modifications of individual DC-3 and L-18 airplanes. The provision in section 1 of SR-398 permitting the Administrator to waive the requirements of the regulation when it was shown that a particular airplane was in the process of modification at the time that regulation became effective, has been omitted from this proposed rule because SR-398 will have been in effect for sufficient time to eliminate the need for waiver authority by the Administrator.

In general, SR-398 requires that modifications of DC-3 and L-18 airplanes be accomplished in accordance with the provisions of either Part 4a or Part 4b of

the Civil Air Regulations applicable to the modification being made, and which were in effect on September 1, 1953, unless the applicant elects to make the modification in accordance with Part 4b as in effect on the date of modification. The regulation requires, however, that in electing to perform a modification under either Part 4a or Part 4b, each specific modification must be accomplished in accordance with all of the provisions of either Part 4a or Part 4b related to the particular modification. It does not permit selection of certain provisions of Part 4a and other provisions of Part 4b. For example, if it were desired to make a modification of the landing gear, it could be made under either Part 4a or Part 4b, but not partially under Part 4a and partially under Part 4b. This also applies when the applicant elects to make a modification in accordance with the provisions of Part 4b in effect on the date of modification in lieu of Part 4a or Part 4b as in effect on September 1, 1953.

In addition to the general provisions for modification, SR-398 and the additional rules proposed herein provide specific requirements with respect to approval of increases in take-off power limitation and the installation of new type engines in DC-3 and L-18 airplanes. The intent of these specific requirements is to insure that such changes will not result in a decrease in safety. This is in general consistent with the policy followed by the Administrator in approving changes made prior to the adoption of SR-398.

In the case of an increase in the take-off power limitation beyond 1,200 horsepower per engine, but not to exceed 1,350 horsepower per engine, SR-398 requires that the increase in power shall not adversely affect the flight characteristics of the airplane. The intent of this provision is to permit increases in take-off power only if the applicant can show that the use of the increased power does not result in deterioration of the flight characteristics of the airplane when compared to its previous characteristics. It is believed, however, that increases in take-off power limitation above 1,350 horsepower per engine may result in changes in the engine installation and the airplane's flight characteristics to such an extent that the basis for approval of increases in horsepower provided in SR-398 is no longer appropriate. Since Part 4b represents the most recent design practices, it is proposed that the take-off power limitation may be increased beyond 1,350 horsepower if compliance is shown with Part 4b at the increased power with respect to the engine installation provisions, the flight characteristics, and the ground handling requirements.

SR-398 also establishes either Part 4a or Part 4b as the basis for approving the installation of engines not exceeding 1,830 cubic inches displacement which necessitates major modification or redesign, on the condition that there is no decrease in engine fire prevention and protection when compared to the prior engine installation. Since the use of engines with more than 1,830 cubic inches displacement will necessitate extensive modification of the entire engine installation, it appears necessary that such an installation be accomplished in accordance with the most recent airworthiness provisions of the regulations. This notice, therefore, proposes that the installation of these larger engines be accomplished in accordance with the requirements of Part 4b of the Civil Air Regulations.

SR-398 also permits the establishment of new maximum certificated weights not to exceed 26,900 pounds for the DC-3 and 19,500 pounds for the L-18. Where new maximum weights are desired, SR-398 provides that the airworthiness certificate be amended and that maximum weights be established in accordance with the transport category performance requirements of either Part 4a or Part 4b, subject to the structural limitations of the airplane. With respect to maximum weights in excess of 26,900 pounds for the DC-3 and 19,500 pounds for the L-18, it is considered that such increases in weight may seriously affect not only the structural limitations, but also the flight and ground handling characteristics of the airplane. This notice proposes that weights in excess of 26,900 pounds for the DC-3 and 19,500 pounds for the L-18 may be established in accordance with the performance, structural, flight characteristics, and ground handling requirements of Part 4b.

SR-398 also requires, as a basis for approval of new maximum certificated weights, that the applicant provide flight manual material containing information which will enable the application of the transport category performance operating limitations in the operation of the airplane. In view of the fact that an applicant for new maximum certificated weights has such weights established in accordance with the transport category performance requirements of either Part 4a or Part 4b, an airplane having such newly established weights should be considered a transport category airplane in applying the operating rules of the Civil Air Regulations. As a result, therefore, such airplanes when used in air carrier passenger service must be operated in accordance with the transport category performance operating limitations, but when used in other types of services the transport category performance operating limitations are not applicable at present. However, consideration is being given to the problem of making the transport category performance operating limitations applicable to all types of operations conducted in transport category airplanes. If such rules are established, then all DC-3 and L-18 airplanes, having certificated weights increased in accordance with this regulation, would have to comply with these rules also. In the meantime, it is recommended that operators, whose airplanes are approved for increased weights by reason of SR-398, make use of this information to aid in assuring safety in their operations.

Accordingly, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to provide in substance as follows:

1. *Applicability.* Contrary provisions of the Civil Air Regulations regarding certification notwithstanding,[1] this regulation shall provide the basis for approval by the Administrator of modifications of individual Douglas DC-3 and Lockheed L-18 airplanes subsequent to the effective date of this regulation.

2. *General modifications.* Except as modified in sections 3 and 4 of this regulation, an applicant for approval of modifications to a DC-3 or L-18 airplane which result in changes in design or in changes to approved limitations shall show that the modifications were accomplished in accordance with the rules of either Part 4a or Part 4b in effect on September 1, 1953, which are applicable to the modification being made: *Provided*, That the applicant may elect to accomplish a modification in accordance with the rules of Part 4b in effect on the date of application for the modification in lieu of Part 4a or Part 4b as in effect on September 1, 1953: *And provided further*, That each specific modification must be accomplished in accordance with all of the provisions contained in the elected rules relating to the particular modification.

3. *Specific conditions for approval.* An applicant for any approval of the following specific changes shall comply with section 2 of this regulation as modified by the applicable provisions of this section.

(a) *Increase in take-off power limitation—1,200 to 1,350 horsepower.* The engine take-off power limitation may be increased to more than 1,200 horsepower but not more than 1,350 horsepower per engine if the increase in power does not adversely affect the flight characteristics of the airplane.

(b) *Increase in take-off power limitations to more than 1,350 horsepower.* The engine take-off power limitation may be increased to more than 1,350 horsepower per engine if compliance is shown with the engine installation, flight characteristics, and ground handling requirements of Part 4b.

(c) *Installation of engines of not more than 1,830 cubic inches displacement.* Engines of not more than 1,830 cubic inches displacement which necessitate a major modification or redesign of the engine installation may be installed, if the engine fire prevention and fire protection is equivalent to that on the prior engine installation.

(d) *Installation of engines of more than 1,830 cubic inches displacement.* Engines of more than 1,830 cubic inches displacement may be installed if compliance is shown with the engine installation requirements of Part 4b.

4. *Establishment of new maximum certificated weights.* An applicant for approval of new maximum certificated weights shall apply for an amendment of the airworthiness certificate of the airplane and shall show that the weights

[1] It is not intended to waive compliance with such airworthiness requirements as are included in the operating parts of the Civil Air Regulations for specific types of operation.

sought have been established, and the appropriate manual material obtained, as provided in this section.

NOTE: Transport category performance requirements result in the establishment of maximum certificated weights for various altitudes.

(a) *Weights, 25,200 to 26,900 for the DC-3 and 18,500 to 19,500 for the L-18.* New maximum certificated weights of more than 25,200 but not more than 26,900 pounds for the DC-3 and more than 18,500 but not more than 19,500 pounds for the L-18 airplanes may be established in accordance with the transport category performance requirements of either Part 4a or Part 4b, if the airplane at the new maximum weights can meet the structural requirements of either Part 4a or Part 4b.

(b) *Weights of more than 26,900 for the DC-3 and 19,500 for the L-18.* New maximum certificated weights of more than 26,900 pounds for the DC-3 and 19,500 pounds for the L-18 airplanes shall be established in accordance with the performance, structural, flight characteristics, and ground handling requirements of Part 4b.

(c) *Airplane flight manual; performance operating information.* An approved airplane flight manual shall be provided for each DC-3 and L-18 airplane which has had new maximum certificated weights established under this section. The airplane flight manual shall contain the applicable performance information prescribed in that part of the regulations under which the new certificated weights were established and such additional information as may be necessary to enable the application of the take-off, en route, and landing limitations prescribed for transport category airplanes in the operating parts of the Civil Air Regulations.

(d) *Performance operating limitations.* Each airplane for which new maximum certificated weights are established in accordance with paragraphs (a) or (b) of this section shall be considered a transport category airplane for the purpose of complying with the performance operating limitations applicable to the operations in which it is utilized.

5. *Reference.* Unless otherwise provided, all references in this regulation to Parts 4a and 4b are those parts of the Civil Air Regulations in effect on September 1, 1953.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Dated: January 8, 1954, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 54-386; Filed, Jan. 19, 1954; 8:51 a. m.]

[14 CFR Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, 51]

[Draft Release No. 54-2]

CITIZENSHIP REQUIREMENTS FOR ISSUANCE OF AIRMAN CERTIFICATES

NOTICE OF PROPOSED RULEMAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments of Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, and 51 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by February 20, 1954. Copies of such communications will be available after February 23, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Currently effective Civil Air Regulations provide that an applicant for a student, private, or free balloon pilot certificate may be a citizen of any country or a person without nationality but that an applicant for those classes of airman certificates which can be used for remuneration or hire who is not a United States citizen or an individual who has been admitted to the United States for permanent residence must be a citizen of a country whose government grants or has undertaken to grant to citizens of the United States airman privileges and employment rights equivalent to those which such government grants to its own citizens. However, with regard to the latter classes of certificates certain exceptions have been included for those which involve "ground duties" when the holder uses the certificate outside the United States and renders service thereunder which would be of benefit to the operations of United States aircraft. Provision is also made for the issuance to a citizen of a foreign government of a Limited Pilot Certificate appropriate to his pilot time and aeronautical experience upon a showing that he holds a currently effective certificate or license issued by his foreign government. The issuance of this certificate does not require the existence of equivalent privileges or employment rights. Current regulations further prescribe that an airman certificate issued to other than a United States citizen shall remain in effect no longer than 12 months after the date of issuance.

The Administrator of Civil Aeronautics has now advised that since the citizenship requirements were last amended in May of 1953, he has experienced the utmost difficulty in their implementation and administration. He has found that some of the provisions are in some cases impossible of determination and that in all cases inquiries are required, some of which it is estimated may take as long as two years for completion. Moreover, since he has found that the current regulations are not serving the best interests of the United States in the manner originally contemplated and that the administrative detail of their implementation has seriously increased the time demands upon his staff, he has requested that the rules be amended so that an applicant, regardless of citizenship, may receive any of our airman certificates upon passing the required technical examination.

In view of the foregoing, notice is hereby given that it is proposed to amend the citizenship requirements of Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, and 51 of the Civil Air Regulations to prescribe that an applicant may be a citizen of any country or a person without nationality.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. These proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560; 62 Stat. 1216)

Dated: January 14, 1954, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 54-385; Filed, Jan. 19, 1954; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 10848]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Paris, Tenn.	----	308
Nashville, Tenn.	248	----

3. The purpose of the proposed amendment is to provide a Class B channel in Paris, Tennessee, thereby facilitating consideration of a pending application requesting a Class B assignment there.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before February 15, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: January 13, 1954.

Released: January 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-372; Filed, Jan. 19, 1954; 8:48 a. m.]

[47 CFR Part 8]

[Docket No. 10853]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

GRANTING OF INTERIM RADIOTELEPHONE SHIP STATION LICENSES BY FIELD ENGINEERING OFFICES OF THE COMMISSION

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The proposed amendments to the rules are intended to provide a method of expediting the issuance of authorizations for the immediate use and operation of radiotelephone ship stations operating in the 2 Mc band and installed on vessels other than those required by treaty or statute to be fitted with a radiotelephone installation. Engineers in Charge of the Commission's field offices would be authorized to act upon requests for interim ship station licenses when made in person by the applicant or his agent and when accompanied by a duly related and properly executed formal application for regular license which is to be forwarded to the Commission's Washington, D. C. office.

3. The proposed amendments to the rules are set forth below. They are issued pursuant to sections 5 (d) (1), 308 and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal, may file with the Commission on or before February 15, 1954, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing original comments. The Commission will consider all comments and briefs presented before taking final action in the matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: January 13, 1954.

Released: January 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

1. Subpart B of part 8 is amended as follows:

a. Amend § 8.24 to read:

§ 8.24 *Application precedent to authorization.* (a) Except as otherwise provided by §§ 8.26, 8.41, and 8.42, no authorization will be granted for use or operation of any radio station on board ship in any service governed by this part unless formal written application therefor in proper form[1] first is filed with the Commission at its offices in Washington 25, D. C., or pursuant to § 8.35 at a Field Engineering Office of the Commission.

(b) Except as otherwise provided by §§ 8.35, 8.41, and 8.42, an application in writing should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission, in order that action therein may be taken by that date.

(c) Each application shall be specific and complete with regard to the information requested in the application form, or otherwise specifically requested by the Commission. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only.

b. Amend paragraph (c) of § 8.27 to read:

(c) When an application in written form is considered to be incomplete or defective, the Secretary of the Commission or, in the case of an application for regular ship station license or modification of license filed at a Field Engineering Office of the Commission accompanied by a request for interim ship station license, either the Secretary of the Commission or the Engineer-in-Charge of the particular Engineering Field Office, will return it to the applicant unless the Commission should otherwise direct. The reason for return of the application will be indicated, and, if appropriate, necessary additions or corrections may be suggested.

c. Amend § 8.29 by inserting in the text thereof the following words in parentheses after the ninth word "application" and before the tenth word "in": "(other than a grant of an interim ship station license)"

d. Amend § 8.33 by inserting in the text thereof the following words in parentheses after the eighth word "license", and before the ninth word "any": "(other than an interim ship station license)"

and by inserting "8.35, 8.41 and" after the words "except as otherwise provided by sections" and before the section number "8.42".

e. Insert a new § 8.35 to read:

§ 8.35 *Request for interim ship station license.* (a) A formal application for ship station license, or for modification of existing license including modification to cover replacement of radiotelephone transmitting apparatus (but not including renewal of station license), to authorize the use of telephony only on board a vessel not required by any statute or international agreement to be fitted with a radiotelephone installation, when accompanied by a request for an interim ship station license, shall be filed in accordance with § 8.36 and presented in person by the applicant or his agent at the nearest Field Engineering Office of the Commission.

(b) Such application as prescribed in paragraph (a) of this section may be filed, without regard to the filing time specified in §§ 8.24 (b) and 8.33 whenever need arises for necessary authority to use a ship station for telephony under the limitations of an interim ship station license on board any vessel (not required by any statute or international agreement to be fitted with a radiotelephone installation) pending action by the Commission at Washington, D. C., on the related formal application for regular license or modification of license.

(c) In the event the use of a ship station under the limitations of an interim license would not meet the requirements of an applicant or when an application for renewal of station license is involved, the applicant may, subject to and in accordance with the conditions set forth in § 8.41 or § 8.42, whichever is applicable, apply to the Commission at Washington, D. C., for special temporary station authorization or for license or modification or renewal of license in an emergency.

f. Amend paragraph (a) of § 8.37 by inserting in the text thereof the following words in parentheses after the ninth word "license" and before the tenth word "covering": "(other than an interim ship station license)".

g. Amend § 8.42 as follows: In the text of paragraph (a), after the sixteenth word "equipment" and before the seventeenth word "applications", insert "wherein the grant of an interim ship station license as provided by § 8.35 is not possible under the provisions thereof or wherein such grant would not satisfy the requirements of the emergency,".

2. Subpart C of Part 8 is amended as follows:

a. Amend § 8.63 to read:

§ 8.63 *Effective license periods.* (a) Except as hereinafter provided in other paragraphs of this section, the period of time during which a license is valid

[1] Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington, D. C. or from any of its field offices.

for a station on board ship in the maritime mobile or maritime radiolocation service normally shall begin at 3:00 a. m., e. s. t., and normally shall be:

(1) For an initial license, from one to five years from the date on which it becomes effective, the term varying as may be necessary to permit the orderly scheduling of renewal applications;

(2) For a renewal license, four years from the date on which the renewal license becomes effective.

(b) Unless otherwise directed by the Commission, each license, modification of license or renewal of license issued solely on the basis of an application filed in accordance with § 8.42 shall become effective at the time when granted by the Commission and shall expire at a time not beyond the period of the emergency found by the Commission as provided by that section: *Provided*, That each renewal license granted under the provisions of that section prior to expiration of the license which it will renew, shall become effective only upon expiration of the latter license.

(c) A permit for the operation of a station on board a ship at sea, issued by cable, telegraph, or radio, as the result of an application therefor filed under the provisions of § 8.42 shall become effective at the time when granted by the Commission and shall be effective, in lieu of a station license until such ship first arrives at a port of the continental United States subsequent to the time of issuance of such permit.

(d) A license for a developmental station on board ship shall be issued specifically upon a temporary basis for a period beginning at 3.00 a. m., e. s. t., and not exceeding one year from the date on which it becomes effective.

(e) Each special temporary authorization granted on the basis of an application filed under the provisions of § 8.41 shall be issued specifically upon a temporary basis for a specified period of time designated in such authorization and not extending beyond expiration of the outstanding license of the particular station to which it applies or otherwise not exceeding the normal license term of stations of the particular class and in the particular service designated in such special temporary authorization.

(f) An interim ship station license granted under the provisions of § 8.64 shall become effective when issued at the respective Field Engineering Office of the Commission and shall expire at 3:00 a. m., e. s. t., on a date three months from the date of grant, unless terminated earlier by the Commission pursuant to the provisions of § 8.64.

b. Delete existing § 8.64 and substitute a new § 8.64 to read:

§ 8.64 *Interim ship station license.* Upon request made in accordance with § 8.35, an interim ship station license may be granted by the Commission at any of its Engineering Field Offices to authorize solely the use of a ship station for telephony in conformity with the conditions and limitations of § 8.369, on board a vessel not required by any statute or international agreement to be fitted with a radio-telephone installation, for an interim period of three months pending action by the Commission at Washington, D. C. on the related formal application for regular ship station license or modification of license filed at such Engineering Field Office as prescribed by §§ 8.35 and 8.36. Unless otherwise directed by the Commission in exceptional circumstances, an interim ship station license shall not be renewed and the authority conferred by such license may be terminated, without hearing, at any time prior to its normal expiration date if in the discretion of the Commission the need for such action arises.

3. Subpart O of Part 8 is amended as follows:

a. Add a new § 8.369 to read:

§ 8.369 *Operation under interim ship station license.* (a) The use and operation of a station on board ship under the authority conferred by an interim ship station license shall be subject to and in accordance with all applicable rules of the Commission; *Provided*, That the class of station, the use of frequencies, the class of emission, and the transmitting equipment shall be limited at all times under such license to the authorization hereinafter designated:

(1) Class of ship station:

(i) Public: If equipped to operate on one or more of the frequencies designated by this section for transmission to public coast stations;

(ii) Limited: If not equipped to operate as prescribed in subdivision (i) of this subparagraph;

(2) Authorized carrier frequencies in kilocycles:

(i) 2182 for calling and distress;

(ii) 2638 and 2738 for ship-to-ship communication only; not authorized for use on the Great Lakes;

(iii) 2003 for ship-to-ship communication only; for use on the Great Lakes exclusively;

(iv) The frequencies below 3500 kc which are authorized by § 8.354 for transmission from ship stations to public coast stations in designated geographic areas as set forth in that section;

(3) Authorized classes of emission: A3; and for brief operating signals A2;

(4) Equipment: The particular equipment which is described in the related formal application filed for regular ship station license or modification of license, and which is capable of being operated with class A3 emission in accordance with all applicable rules and regulations on one or more radio-channels of which the authorized carrier frequencies are designated by this section.

PROPOSED INTERIM SHIP STATION LICENSE

(Actual size will be 8 by 3¼ inches)

FCC Form 552

UNITED STATES OF AMERICA

FEDERAL COMMUNICATIONS COMMISSION

INTERIM SHIP STATION LICENSE (TELEPHONY ONLY)

Name of vessel | Vessel No.

Class of Station: Public or Limited

Nature of Service: Maritime Mobile

Licensee and P. O. Address

.....

.....

.....

This License Expires 3 a. m. E. S. T., ... (3 months from date of issuance)

Issuing Officer .....

Signature of licensee .....

(This license is issued subject to the conditions shown on the reverse side.)

[SEAL] .....

Secretary

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts, treaties, and all rules, and regulations heretofore and hereafter made by this Commission and further subject to the terms and conditions set forth in this authorization, the licensee named herein is granted an *interim ship station license* for the use and operation of a ship station (telephony only) on board the vessel herein named as prescribed in particular by section 8.369 of the rules of the Commission.

This license, when signed by an issuing officer of the Commission and countersigned by the licensee, is valid until the expiration date shown on the face hereof, Provided, That the authority herein conferred may be terminated without hearing at any time prior to expiration if in the discretion of the Commission the need for such action shall arise.

This authorization shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the authorization beyond the term hereof, nor in any other manner than authorized herein. Neither the authorization nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. This authorization is subject to the right of use or control by the Government of the United States conferred by section 606 of the Communications Act of 1934, as amended.

It is prohibited to receive radio correspondence other than that which the station is authorized to receive, but, in case such correspondence is received involuntarily, it must neither be reproduced nor communicated to third persons nor used for any purpose whatever, and the very existence thereof must not be revealed.

[F. R. Doc. 54-373; Filed, Jan. 19, 1954; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53420]

PUERTO PLATA, DOMINICAN REPUBLIC

ADDITION TO "NO CONSUL" LIST

JANUARY 15, 1954.

In accordance with a recommendation from the Department of State, Puerto Plata, Dominican Republic, is hereby added to the "No consul" list (1950), T. D. 52407, as amended.

Under the provisions of section 482 (f), Tariff Act of 1930 (19 U. S. C. 1482 (f)), an invoice for merchandise from the above-named place on foreign service Form 138, or in lieu thereof, a commercial invoice containing the information required by section 481, Tariff Act of 1930 (19 U. S. C. 1481), may be accepted if certified by a consular officer of a nation at the time in amity with the United States. If no such consular officer is available, the invoice shall be executed before a notary public or other officer having an official seal.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 54-380; Filed, Jan. 19, 1954; 8:50 a. m.]

POST OFFICE DEPARTMENT

DEPUTY POSTMASTER GENERAL AND ADMINISTRATIVE ASSISTANT TO DEPUTY POSTMASTER GENERAL

DELEGATIONS OF AUTHORITY

The following orders affecting the organization of the Post Office Department, and relating to delegations of final authority with respect to matters affecting the public are published in compliance with section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002):

[Order No. 55507]

DELEGATION OF AUTHORITY TO THE DEPUTY POSTMASTER GENERAL

JANUARY 13, 1954.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), authority is hereby delegated to the Deputy Postmaster General to execute and perform in his own name all powers, functions and duties conferred by law upon the Postmaster General, including authority to modify, suspend, or rescind orders, instructions, and regulations which have heretofore, or which may hereafter be issued in the name of the Postmaster General, except that I do hereby reserve to the Postmaster General exclusive authority to modify, suspend, or rescind all or any part of the authority delegated to the Deputy Postmaster General by this order.

The Deputy Postmaster General is hereby authorized to delegate to any officer, employee, or agency of the Post Office Department designated by him such of the powers, functions and duties delegated to him by this order as he deems appropriate.

All prior delegations made by me are to remain in full force and effect until changed by order of the Postmaster General or the Deputy Postmaster General.

[Order No. 55510]

ORGANIZATION OF THE ADMINISTRATIVE ASSISTANT TO THE DEPUTY POSTMASTER GENERAL

JANUARY 14, 1954.

Pursuant to the authority of sections 1 (a) and 1 (b) of Reorganization Plan No. 3 of 1949, and Postmaster General Order No. 55507 of January 13, 1954, the following changes in the organization of the Post Office Department are made.

1. The Administrative Assistant to the Deputy Postmaster General is authorized to issue in his name and revoke when revocation is warranted the orders which the Postmaster General is authorized to issue by sections 255, 259, 259a and 732 of title 39, U. S. Code, in the following circumstances and conditions:

(a) When the order to be issued involves and concerns persons residing outside the United States its Territories and possessions and for whom an agency hearing under the Administrative Procedure Act (5 U. S. C. 1001 et seq.) is not available.

(b) When the order to be issued involves and concerns residents in the United States its Territories and Possessions who, having been offered opportunity for agency hearing, have failed to file answer as provided by the Post Office Department Rules of Practice in Proceedings under the Administrative Procedure Act (5 U. S. C. 1001 et seq.).

2. There is hereby created under the jurisdiction of the Administrative Assistant to the Deputy Postmaster General a Division of Hearing Examiners. Such division shall be headed by a Chief Hearing Examiner. The Chief Hearing Examiner and all hearing examiners shall exercise and execute in their names all power and authority vested in them by law and by the Rules of Practice promulgated by the Postmaster General. In the absence of the Chief Hearing Examiner the hearing examiners in the order of their standing shall act in his stead.

3. The Docket Clerk heretofore assigned to the Office of Hearing Examiners is reassigned to the Administrative Assistant to the Deputy Postmaster General.

4. The "Office of Hearing Examiners" as an organizational unit is hereby abolished. * * *.

NOTE: The omitted provisions of Order No. 55510, dated January 14, 1951, cover amendments to the Department's rules of procedures (§§ 150.400 to 150.426 of 39 CFR, Chapter I). Said amendments are being included in a complete revision of the cited sections, and will be published in a subsequent issue of the FEDERAL REGISTER.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] LOUIS J. DOYLE,
Acting Solicitor.

[F. R. Doc. 54-404; Filed, Jan. 19, 1954; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 78

JANUARY 8, 1954.

1. Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. Sec. 682a), as amended, the following described public lands in the Fairbanks Alaska District:

SOUTH FAIRBANKS AREA

[illegible]

For Home Sites

U. S. Survey 3148:
Lots 1-57, inclusive;
Lots 61-108, inclusive.

Comprising 105 tracts aggregating approximately 64.93 acres.

2. These lands were formerly embraced in a military withdrawal and were restored on January 25, 1952, subject only to disposition under the Small Tract regulations. The tracts are located south of the City of Fairbanks and are accessible by a graveled road. The generally flat terrain is covered by a thick stand of birch reproduction interspersed with open patches of scrub birch, and at least part of the area is underlain by permafrost. The climate features short warm summers, long cold winters, and low annual precipitation. Sewage disposal on these tracts can be accomplished through the use of cesspools and septic tanks. Churches, schools, business establishments, and other community facilities are available in the City of Fairbanks.

3. This classification order shall not otherwise become effective to change the status of any lands described herein or to permit the leasing of any such lands under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on February 24, 1954. At that time the lands described below shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection, as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on February 24, 1954, to close of business on May 25, 1954, inclusive, preference will be given, as set forth above, to:

(1) Applications under the Small Tract Act of June 1, 1938, (52 Stat. 609;

43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, (58 Stat. 747; 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and

(2) Applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by veterans and other qualified persons under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph.

(b) *Advance period for simultaneous preference right filings.* All applications filed by such veterans and other qualified persons, or by persons claiming preference rights superior to those of such veterans filed under the preceding paragraph (a) on February 3, 1954 or thereafter, up to and including 10:00 a. m. on February 24, 1954, shall be treated as simultaneously filed. All applications filed under the preceding paragraph (a) after 10:00 a. m. on February 24, 1954, shall be considered in the order of filing.

(c) *Date for non-preference right filings.* Commencing at 10:00 a. m. on May 26, 1954, any lands remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on May 5, 1954, or thereafter, up to and including 10:00 a. m. on May 26, 1954, shall be treated as simultaneously filed. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy, (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or which constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be made on Form 4–776 and shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938 shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938 will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, under the circumstances, are substantial, and are appropriate for the use for which the lease is issued. Leases will be issued for a period of two years, at an annual rental of $5 for homesites, payable in advance for the entire lease period. Applications for extension for an additional period of one year shall be considered in appropriate cases. Every lease for land classified for lease and sale will contain an option to purchase clause and every such lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts varying in size from approximately 0.47 acre to approximately 0.95 acre, in accordance with the classification maps on file in the Land Office, Fairbanks, Alaska. These tracts are appraised at prices ranging from $215 to $760.

8. Lessees must locate any wells or sewage disposal facilities in accordance with the laws and regulations of the Territory of Alaska.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, as specified in the Classification and Appaisal Report on file in the Land Office, Fairbanks, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, County, or Municipality, or by any agency thereof. In the discretion of the authorized officer of the Bureau of Land Management, these rights-of-way may be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 54–371; Filed, Jan. 19, 1954; 8:48 a. m.]

[No. 21 (R–IV)]

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JANUARY 11, 1954.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 7 S., R. 6 W.
Sec. 25, S½SW¼, NW¼SW¼.
Sec. 26, S½SW¼, E½SE¼, SW¼SE¼.
Sec. 36, W½, NE¼, S½SE¼, NE¼SE¼, S½NW¼SE¼.
T. 8 S., R. 6 W.
Sec. 3, Lot 1, SE¼NE¼.
Sec. 21, W½SW¼.
T. 21 S., R. 7 E.
Sec. 3, NE¼, S½NW¼, S½.
Sec. 4, S½NE¼, SW¼SW¼, E½SW¼, N½SE¼, SE¼SE¼.
Sec. 8, S½N½, S½SE¼.
Sec. 9, SW¼NW¼.

The area described contains 2,261.24 acres.

These tracts are primarily valuable for grazing, and it is unlikely that any will be classified for disposal under the homestead, desert-land, or small tract laws.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official

document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, 312 Federal Building, Salt Lake City, Utah.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54–357; Filed, Jan. 19, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8809, 10788, 10789, 10790]

ST. LOUIS TELECAST, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of St. Louis Telecast, Inc., St. Louis, Missouri, Docket No. 8809, File No. BPCT–294; St. Louis Amusement Company, St. Louis, Missouri, Docket No. 10788, File No. BPCT–745; Columbia Broadcasting System, Inc., St. Louis, Missouri, Docket No. 10789, File No. BPCT–1565; 220 Television, Inc., St. Louis, Missouri, Docket No. 10790, File No. BPCT–1778; for construction permits for new television stations.

On January 8, 1954, the United States Circuit Court of Appeals for the District of Columbia Circuit in the case of Broadcast House, Inc. v. Federal Communications Commission, et al, No. 12040, issued a stay order which reads in pertinent part:

> Ordered by the Court that appellee Federal Communications Commission and its agents and examiners be, and they are hereby, restrained during the pendency of this appeal from conducting any hearing or other proceeding or taking any final action relative to the granting to any applicant therefor of a license to operate on, or a permit to construct facilities for operation on, television chanel 11 assigned to St. Louis, Missouri; • • •

Accordingly, it is ordered, This 12th day of January 1954, that the hearing in the above-entitled proceeding, presently scheduled to commence at 10:00 a. m., January 14, 1954, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54–374; Filed, Jan. 19, 1954; 8:49 a. m.]

[Docket Nos. 8837, 10846, 10847]

RADIO STATION WSOC, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Station WSOC, Incorporated, Charlotte, North Carolina, Docket No. 8837, File No. BPCT–304; Piedmont Electronics and Fixture Corporation, Charlotte, North Carolina, Docket No. 10846, File No. BPCT–1621; Carolinas' Television Corporation, Charlotte, North Carolina, Docket No. 10847, File No. BPCT–1817; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of January 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9 in Charlotte, North Carolina; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 12th day of February 1954 in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54–375; Filed, Jan. 19, 1954; 8:49 a. m.]

[Docket No. 10785]

LA PORTE COUNTY BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In the matter of La Porte County Broadcasting Co., Inc., La Porte, Indiana, Docket No. 10785; revocation of License of Station WLOI.

The Commission having under consideration a petition filed by La Porte County Broadcasting Company on January 6, 1954, requesting that the hearing in this proceeding be continued until after its Petition for Reconsideration, filed January 4, 1954, has been acted upon;

It appearing, that a hearing may not be necessary if the Petition for Reconsideration is granted;

It further appearing, that no opposition to a grant of the above-requested continuance has been filed to date;

It is ordered, This 12th day of January 1954, that the hearing now scheduled for January 18, 1954 is continued without date pending action by the Commission upon the applicant's Petition for Reconsideration.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54–376; Filed, Jan. 19, 1954; 8:49 a. m.]

[Docket Nos. 10450, 10852]

BELLEVILLE BROADCASTING CO., INC., AND FRANKLIN COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Belleville Broadcasting Company, Inc., Belleville, Illinois (WIBV), Docket No. 10852, File No. BP-

6480; Leslie P. Ware d/b as Franklin County Broadcasting Company, Washington, Missouri, Docket No. 10450, File No. BP-8241; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of January 1954;

The Commission having under consideration the above-entitled application of the Belleville Broadcasting Company, Inc. for a construction permit to change the facilities of Station WIBV, Belleville, Illinois, from 1060 kc, 250 w, Day, to 1260 kc, 1000 watts, Day; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WIBV as proposed, but that the operation would result in mutually prohibitive interference with the operation proposed by the above-entitled application of the Franklin County Broadcasting Company; and

It further appearing, that the above-entitled application of the Franklin County Broadcasting Company and an application of the Edwardsville Broadcasting Company for a new station on 1260 kc, 1 kw, Day at Edwardsville, Illinois (BP-8663), were mutually exclusive and set for comparative hearing to be held on November 30, 1953, Docket Nos. 10450 and 10451, respectively, and on November 25, 1953, the Edwardsville application was dismissed and a continuance of the said hearing granted pending action on the instant application; and

It further appearing, that in a 309 (b) letter dated December 2, 1953, the Commission advised the subject applicant that its proposed operation was mutually exclusive with the above-entitled application of the Franklin County Broadcasting Company; and

It further appearing, that counsel for the subject applicant, in a letter dated December 22, 1953, stated that it could not remove the obstacle to its grant without a hearing;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing in a consolidated proceeding with Docket No. 10450, on January 21, 1954, upon the following issues:

1. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of those applicants would provide the more fair, efficient and equitable distribution of radio service.

2. To determine, on a comparative basis, which of the operations proposed in the above-entitled aplications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issue and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate the proposed stations.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above-mentioned applications.

Released: January 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-377; Filed, Jan. 19, 1954; 8:49 a. m.]

OWNERS AND OPERATING PERSONNEL OF SHIPS SUBJECT TO UNITED STATES-CANADA AGREEMENT FOR SAFETY PROMOTION ON GREAT LAKES BY MEANS OF RADIO

RADIOTELEPHONE INSTALLATIONS AND [illegible]

JANUARY 14, 1954.

The agreement between the United States and Canada for promotion of safety on the Great Lakes, which was ratified in November 1952, will go into effect on November 13, 1954. As a result of this agreement, radiotelephone installations and certified radiotelephone operators will become mandatory for safety purposes on board certain classes of ships on the Great Lakes, and it is expected that several hundred ships will be affected on and after that date. Among the several classes of vessels to come under the agreement are vessels of 500 gross tons or over and passenger carrying vessels over 65 feet in length.

Persons wishing to operate the radiotelephone equipment required by the agreement on and after November 13, 1954, should arrange to meet the new requirements.

Under Article 7 of the above-mentioned agreement, the United States Government is required to certify the qualifications of radiotelephone operators for vessels of the United States. The Commission expects to carry out this obligation through its operator licensing process.

The qualifications which candidates for certification must possess are set forth in the regulations (Regulation No. 3) annexed to the agreement. The Commission's present Radiotelephone Third-Class Operator Permit may be accepted as proof of these qualifications and persons wishing to be certified in the immediate future should obtain that class of permit. The Restricted Radiotelephone Operator Permits presently held by a number of officers of Great Lakes ships will not meet the requirements of the agreement.

The Commission's Radiotelephone Third-Class Operator Permit may be obtained by eligible persons at any of 30 Field offices located in the continental United States, its territories and possessions. A written examination in Element No. 1 and Element No. 2 of the Commission's Commercial Operator examination is required for this class of permit.

Field offices at which the examination may be taken in the Great Lakes area are located in Chicago, Ill.; Detroit, Mich.; Buffalo, N. Y.; and St. Paul, Minn. Examinations for operator licenses and permits are also given periodically at other points. More detailed information in regard to operator examinations may be obtained by communicating with the Commission in Washington, D. C., or with its Field offices.

Adopted: January 13, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-378; Filed, Jan. 19, 1954; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2170, G-2201]

TEXAS GAS TRANSMISSION CORP. AND SHELBYVILLE GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Texas Gas Transmission Corporation, Docket No. G-2170, Shelbyville Gas Company, Docket No. G-2201.

Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation having its principal place of business in Owensboro, Kentucky, filed on May 11, 1953, an application, as supplemented August 7, 1953, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a metering station and appurtenant equipment on its 26-inch pipe line at a point near Middletown, Kentucky, for the purpose of selling gas to Shelbyville Gas Company (Shelbyville) for resale in maximum daily volumes of 1,058 Mcf

Shelbyville, a Delaware corporation having its principal place of business in Shelbyville, Kentucky, filed on June 25, 1953, an application, as supplemented August 17, September 14, and October 19, 1953, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 4-inch pipe line, approximately 15 miles in length, from a point of connection with the metering station proposed by Texas Gas in Docket No. G-2170 to the City of Shelbyville, Kentucky, for the purpose of transporting gas purchased from Texas Gas for sale at retail in Shelbyville and along the route of its proposed pipe line.

Both Applicants have requested that their applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Due notice of the filing of both applications has been given, including publication in the FEDERAL REGISTER on July 15, 1953 (18 F. R. 4148). No request to be heard, protest, or petition has been filed with respect to the application by Shelbyville, but a petition seeking leave to intervene in Docket No. G-2170 was filed by Memphis Light, Gas & Water Division, City of Memphis, Tennessee (Memphis), on July 27, 1953, and Memphis was permitted to intervene by order issued August 27, 1953. Although Memphis has not formally withdrawn its intervention in Docket No. G-2170, it has indicated

through letters filed in In the Matter of Texas Gas Transmission Corporation, Docket No. G-2225, order issued November 30, 1953, that it has no objection to expeditious disposition of the instant proceeding. Memphis has the opportunity to object if its attitude has been misunderstood.

The Commission finds:

(1) Good cause exists for consolidation of the proceedings in Docket Nos. G-2170 and G-2201 on the ground that the applications therein are interdependent.

(2) The above-entitled proceedings may be proper ones for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The proceedings in Docket No. G-2170 and G-2201 be and they are hereby consolidated for purposes of hearing and disposition.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 4, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 13, 1954.

Issued: January 14, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-359; Filed, Jan. 19, 1954; 8:45 a. m.]

[Docket No. G-2275]

ATLANTIC SEABOARD CORP.

ORDER PERMITTING SUBSTITUTION OF REVISED SHEETS IN SUSPENDED TARIFF AND SUSPENDING SUCH REVISED SHEETS

On December 14, 1953, Atlantic Seaboard Corporation (Atlantic Seaboard) submitted for filing First Revised Sheets Nos. 13 and 16 to its FPC Gas Tariff, Fifth Revised Volume No. 1.

On September 14, 1953, Atlantic Seaboard filed certain revised sheets to its FPC Gas Tariff, Fifth Revised Volume No. 1, which were suspended by orders of the Commission issued October 13, and 26, 1953, until March 1, 1954 and until such further time thereafter as such revised tariff sheets might be made effective in the manner prescribed by the Natural Gas Act. The proposed First Revised Sheets Nos. 13 and 16 provide for a change in the heat content adjustment clause under the CDS-2 and GS-1 rate schedules from an adjustment based on a band of 1025 to 1075 Btu per cubic foot to an adjustment based on 1150 Btu per cubic foot.

By First Revised Sheets Nos. 13 and 16, referred to above, Atlantic Seaboard proposes to conform the Btu adjustment clause in the CDS-2 and GS-1 rate schedules with that contained in the other rate schedules of Fifth Revised Volume No. 1. Atlantic Seaboard states that the supporting material submitted on September 14, 1953, was based upon uniform application of the 1150 Btu heat content adjustment clause under all of the rate schedules, but through inadvertence the clause was omitted from Rate Schedules CDS-2 and GS-1.

Atlantic Seaboard requests special permission pursuant to § 154.66 of the Commission's rules to file the proposed revised tariff sheets, and that, as its filing of September 14, 1953, is under suspension until March 1, 1954, the suspension period for the proposed sheets likewise terminate on March 1, 1954.

The Commission finds: Good cause exists to permit the substitution of First Revised Sheets Nos. 13 and 16 in Atlantic Seaboard's FPC Gas Tariff, Fifth Revised Volume No. 1, for corresponding original sheets.

The Commission orders:

(A) First Revised Sheets Nos. 13 and 16 filed December 14, 1953, be and they hereby are substituted for the corresponding original sheets in Atlantic Seaboard's FPC Gas Tariff, Fifth Revised Volume No. 1.

(B) The hearing heretofore scheduled by order of the Commission issued October 13, 1953, will concern the lawfulness of the rates, charges, classifications and services, subject to the jurisdiction of the Commission, contained in Atlantic Seaboard's FPC Gas Tariff, Fifth Revised Volume No. 1, as amended by its filing of September 14, 1953, and as now further amended by First Revised Sheets Nos. 13 and 16.

(C) Pending such hearing and decision thereon, First Revised Sheets Nos. 13 and 16, be and the same hereby are suspended and the use thereof is deferred until March 1, 1954, and until such further time as such tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(D) The terms and conditions of the Commission's order issued October 13, 1953, as modified by the order issued October 26, 1953, in this proceeding, shall apply to the matters stated in paragraph (B) above.

Adopted: January 13, 1954.

Issued: January 14, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-360; Filed, Jan. 19, 1954; 8:45 a. m.]

[Docket No. G-2294]

ALGONQUIN GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

Algonquin Gas Transmission Company (Applicant), a Delaware corporation, with its principal place of business in Boston, Massachusetts, on October 26, 1953, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, and on December 7, 1953, filed an amendment to such application, requesting authorization for the construction and operation of 2,500 feet of 4-inch lateral pipe connecting its existing transmission line with a proposed metering station at Suffern, New York, together with regulating and measuring facilities at Suffern, New York, for the delivery of a contract quantity of 5,000 Mcf of gas per day to Rockland Light and Power Company, as described in the application and amendment on file with the Commission, and open to public inspection.

Due notice of the filing of the application and of the amendment has been given, including publication in the FEDERAL REGISTER on November 13, 1953 (18 F. R. 7211-7212), and December 24, 1953 (18 F. R. 8707), respectively.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings: *Provided, however*, That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 5, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 13, 1954.

Issued: January 14, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-361; Filed, Jan. 19, 1954; 8:46 a. m.]

[Docket No. G-2305]

IROQUOIS GAS CORP.

ORDER FIXING DATE OF HEARING

Iroquois Gas Corporation (Applicant), a New York corporation with its principal place of business in Buffalo, New York, filed an application with the Commission on November 9, 1953, and an amendment

thereto on December 14, 1953, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of metering facilities, subject to the jurisdiction of the Commission, at two points of connection on its system with Republic Light, Heat and Power Company, Inc. (Republic), in Niagara and Erie Counties, New York, for the sale of mixed and/or natural gas to Republic for resale in Republic's Niagara District.

Temporary authorization to construct and operate facilities requested, and to sell gas to Republic, as described in the amended application filed December 14, 1953, was granted by the Commission on December 24, 1953.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened-procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 26, 1953 (18 F. R. 7573).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 10, 1954, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application and amendment, filed thereto: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 13, 1954.

Issued: January 14, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-362; Filed, Jan. 19, 1954; 8:46 a. m.]

[Docket No. G-2326]

PENNSYLVANIA GAS CO.

ORDER FIXING DATE OF HEARING

Pennsylvania Gas Company (Applicant), a Pennsylvania corporation with its principal place of business in the Borough of Warren, Pennsylvania, filed, on December 7, 1953, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of 12.5 miles of 6-inch transmission line from a point on its existing transmission line near Phillipsville, Pennsylvania, to North East, Pennsylvania, and four new 440 H. P. gas engine-driven compressor units to replace two 1,200 H. P. steam-driven units at Applicant's Roystone Compressor Station, for the purpose of augmenting present and supplying future demands of Applicant's customers and to maintain service during a period of highway construction, all as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 24, 1953 (18 F. R. 8707-8708).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 5, 1954, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 13, 1954.

Issued: January 14, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-363; Filed, Jan. 19, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1580]

GENERAL TELEPHONE CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of January A. D. 1954.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $20 Par Value, of General Telephone Corporation, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to January 26, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-366; Filed, Jan. 19, 1954; 8:47 a. m.]

[File No. 7-1581]

INTERNATIONAL BUSINESS MACHINES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of January A. D. 1954.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of International Business Machines Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to January 21, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-367; Filed, Jan. 19, 1954; 8:47 a. m.]

[File No. 54-169]

MARKET STREET RAILWAY CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEE FOR LEGAL SERVICES TO BE PAID BY FORMER PARENT COMPANY

JANUARY 13, 1954.

The Commission having heretofore approved a plan of reorganization filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Market Street Railway Company ("Market Street"), a former subsidiary of Standard Gas and Electric Company ("Standard Gas") and Standard Power and Light Corporation, both registered holding companies;

The Commission having reserved jurisdiction to determine the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred for services rendered in connection with said plan and the transactions incident thereto;

Standard Gas having advised the Commission that it proposes to pay the law firm of Brobeck, Phleger & Harrison of San Francisco, California, the sum of $7,000 in full settlement of that firm's claim for legal services rendered Standard Gas in connection with certain court proceedings instituted by Standard Gas against Market Street for the collection of an open-account indebtedness, which indebtedness was later compromised in the aforesaid plan;

The record having been completed with respect to the services rendered by Brobeck, Phleger & Harrison; and it appearing to the Commission that the fee proposed to be paid is not unreasonable, and the Commission deeming it appropriate to release the jurisdiction heretofore reserved with respect to such fee:

It is ordered, That the jurisdiction heretofore reserved herein with respect to the fee of Brobeck, Phleger & Harrison for legal services rendered to Standard Gas in connection with the reorganization of Market Street be, and the same hereby is released.

It is further ordered, That the jurisdiction reserved by the Commission in its orders dated May 3, 1950, October 24, 1950, and May 12, 1953, over fees and expenses be, and the same hereby is, continued, except to the extent heretofore or herein specifically released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-368; Filed, Jan. 19, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28831]

COAL FROM MINES SERVED BY NASHVILLE, CHATTANOOGA AND ST. LOUIS RAILWAY TO AUGUSTA, GA.

APPLICATION FOR RELIEF

JANUARY 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Southern Railway Company for itself and on behalf of the Nashville, Chattanooga & St. Louis Railway.

Commodities involved: Coal, in carloads.

From: Mines served by the Nashville, Chattanooga and St. Louis Railway.

To: Augusta, Ga.

Grounds for relief: Rail competition, circuity, market competition, to maintain grouping, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1403.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-369; Filed, Jan. 19, 1954; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

DELEGATION OF AUTHORITY TO ADMINISTER CONTRACT FOR PROCESSING AND DISTRIBUTION OF MOTION PICTURE AND FILM STRIPS

1. Pursuant to the authority vested in me by section 205 (d) of the Federal Property and Administrative Services Act of 1949, as amended, authority is hereby delegated to the Secretary of Health, Education, and Welfare, to act as contracting officer on Contract No. GS-03S-11529, covering the period January 1, 1954, through December 31, 1955, and in such capacity to make all decisions necessary under the terms of said contract.

2. Appeals from decisions of said contracting officer shall be taken to the Administrator of General Services.

3. Amendments to said contract shall be made only with the approval of the Administrator of General Services or his authorized representative.

4. This authority may be redelegated to any official or employee of the Department of Health, Education, and Welfare, and shall be exercised in accordance with such policies, procedures, and controls prescribed by the General Services Administration.

5. This delegation of authority shall be effective as of January 1, 1954.

Dated: January 13, 1954.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 54-364; Filed, Jan. 19, 1954; 8:46 a. m.]

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10512

REVOCATION OF EXECUTIVE ORDER NO. 9047,[1] EXEMPTING CERTAIN OFFICERS AND EMPLOYEES OF THE GOVERNMENT FROM AUTOMATIC SEPARATION FROM THE SERVICE

WHEREAS by Executive Order No. 9047 of January 30, 1942, certain officers and employees in the executive branch of the Government were exempted from automatic separation from the service under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, for an indefinite period of time not extending beyond the duration of their appointment or term of service; and

WHEREAS, in my judgment, the public interest no longer requires the exemption of any of such officer or employee from automatic separation from the service:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 382, 404, and as President of the United States, it is ordered that the said Executive Order No. 9047 be, and it is hereby, revoked.

This order shall become effective at the close of business on March 31, 1954.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 19, 1954.

[F. R. Doc. 54-461; Filed, Jan. 20, 1954; 10:29 a. m.]

EXECUTIVE ORDER 10513

DESIGNATING CERTAIN OFFICERS TO ACT AS SECRETARY OF LABOR

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6) and section 301 of title 3 of the United States Code, it is ordered as follows:

I hereby authorize and direct the Assistant Secretaries of Labor and the Solicitor of Labor, in the order designated as hereinafter provided, to perform the duties of the office of the Secretary of Labor in case of the absence, sickness, resignation, or death of both the Secretary of Labor and the Under Secretary of Labor.

The Assistant Secretaries of Labor and the Solicitor of Labor shall act as Secretary of Labor as herein provided (1) in such order as the Secretary of Labor (or the Under Secretary when acting as Secretary) may by order designate from time to time, or (2) if no such designation order is in effect at the time, in the order of the respective dates of their commissions, or in the event that two or more of their commissions bear the same date, in the order in which they shall have taken their oath of office.

This order supersedes Executive Order No. 9968 of June 17, 1948, entitled "Designation of Certain Officers To Act as Secretary of Labor."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 19, 1954.

[F. R. Doc. 54-462; Filed, Jan. 20, 1954; 10:29 a. m.]

[1] 7 F. R. 629; 3 CFR, 1943 Cum. Supp.

EXECUTIVE ORDER 10514

REVOCATION OF EXECUTIVE ORDER NO. 2414 OF JUNE 30, 1916

By virtue of and pursuant to the authority vested in me by the act of March 12, 1914, 38 Stat. 305, and as President of the United States, and upon the recommendation of the Secretary of the Interior, it is ordered that Executive Order No. 2414 of June 30, 1916, prescribing regulations for hospital service in connection with the construction and operation of the Government railway in Alaska, now the Alaska Railroad, be, and it is hereby, revoked.

This order shall become effective at the close of business on December 31, 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 19, 1954.

[F. R. Doc. 54-463; Filed, Jan. 20, 1954; 10:29 a. m.]

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[Amdt. 61]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility, class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude over facility on final approach course (ft.)	Course and distance (flt. time, facility to airport)	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances
1	2	3	4	5	6	7	8	9
COLLEGE STATION, TEX. Easterwood, 297 SAMRZ (D) FV-BVT Procedure No. 1 December 29, 1953.	CLLAYOR NDA, all directions.	117—9.0	1,400	W side of NW course. 13½ outbound. 1,500 within 23 miles.	T–dn C–ln A–dn	300–1 700–2 800–2	300–1 700–2 800–2	11
					If visual contact not established at authorized landing minimums after passing facility, within distance specified, or if landing not accomplished			
					Within 11½ miles climb to 1,500' on SE course within 23 miles or as directed by ATC.			

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility, class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.
1	2	3	4	5	6	7	8
DUNKIRK, N. Y. Municipal Airport, 692' Ibm DKK Procedure No. 1 February 1, 1953	PROCEDURE CANCELED EFFECTIVE DECEMBER 31, 1953.						
LANCASTER, PA. Municipal 403' MRW LRP Procedure No. 1 January 21, 1954	Int HAR VOR radial 132° and 046° bearing to LRP Rbn (final)	039—10	1,300	S side course. 294° outbound. 084° inbound. 1,900 within 10 miles.		300–1 600–1½	300–1 800–1 1,000–2 BCOB
					If visual contact not established at authorized landing minimums after passing facility, within distance specified, or if landing not accomplished		
					Within 4.6 miles, make a climbing left turn and return to LRP Rbn at 2,000'.		

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach fix facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LANSING, MICH. Capital City, 858' LOM-LA Procedure No. 1 December 30, 1953	Lansing VOR	071—11.0	2,300	N side of course. 091 outbound. 271 inbound. 2,300' within 25 miles.	1,760	273—4.3	T-dn	300–1	300–1	Within 4.3 miles, climb to 2,200' on W course LAN-LFR or on 280° course from LOM within 25 miles, or if directed by ATC make right climbing turn, climb to 2,000' and proceed NW on track of 340° within 25 miles of LOM. *Inbound do not descend below 1,620' until passing 180° bearing to Lansing LFR. Tower 1,345' MSL 2.5 miles S of inbound course.
	Lansing LFR	081—2.0	2,300				C-dn	500–1	500–1½	
							S-dn 27	500–1	500–1	
							A-dn	800–2	800–2	
NEW YORK, N. Y. LaGuardia, 20' Rbn RWC Procedure No. 1 February 1, 1953	PROCEDURE CANCELED EFFECTIVE JANUARY 4, 1954.									
NEW YORK, N. Y. LaGuardia, 20' LOM LG Procedure No. 2 February 1, 1953	PROCEDURE CANCELED EFFECTIVE JANUARY 4, 1954.									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specific routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
MINNEAPOLIS, MINN. Minneapolis-St. Paul International, 840' ILS MSP Back Course ILS Procedure No. 2 December 30, 1953	Radar terminal area transition altitude.	Back course ILS	All directions within 20 miles.	2,600	S side NW course: 295 outbound. 115 inbound. 2,600' within 20 miles.	No glide slope.	No outer marker.	No middle marker	T-dn	300–1	300–1	On final approach within 3 miles after passing 3 mile radar fix, make right climbing turn, climb to 2,200' on SW course MSP LFR. This procedure not authorized when ASR inoperative. *CAUTION: Do not descend below 1,700' MSL until radar controller has advised passing 1,085' tower 3 miles from approach end runway 11R.
									C-dn	500–1	500–1½	
									S-dn 11R	500–1	500–1	
									A-dn	800–2	800–2	
	Radar terminal area transition altitude at radar fix indicated (final).	Approach end runway 11R	115—6	2,600								
	Radar terminal area transition altitude at radar fix indicated (final).	Approach end runway 11R	115—5	2,300								
	Radar terminal area transition altitude at radar fix indicated (final).	Approach end runway 11R	115—4	*1,700								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
TULSA, OKLA. Municipal, 674' ILS-TUL. LOM-TU Procedure No. 1 Combination ILS-ADF December 29, 1953	Int. SE course TUL and 250° bearing to LOM.	LOM	250—9	2,400	E side S course: 174° outbound. 354° inbound. 2,400' within 25 miles.	2,400	2,350—6.1	880—0.63	T-dn	300–1	300–1	Climb to 2,000' on NE course of TUL-LFR or course 056° from TUL-VOR. NOTE: No approach lights. *Tower 1,100' MSL 2.3 miles NW of LOM.
									C-dn	500–1	500–1½	
	Verdigris River FM	LOM	209—16.0	2,400					*S-dn 35R ILS			
	Skiatook FM	LOM	140—23	2,400					ILS	400–¾	400–¾	
	Red Fork FM	LOM	078—9.0	2,400					ADF	500–1	500–1	
	TUL-VOR	LOM	165—13.0	2,400					A-dn ILS	800–2	800–2	
	TUL-LFR	LOM	183—8.0	2,400					ADF	1,000–2 BCOB	1000–2 BCOB	
WILKES-BARRE, PA. Wilkes-Barre Scranton Airport, 956' ILS AVP Crystal Lake MHW–CYE Procedure No. 1 January 21, 1954	Wilkes-Barre-Scranton VOR.	CYE Rbn	234—25	3,500	E side of SW course: 222 outbound. 042 inbound. 3,500' within 10 miles of Crystal Lake MHW.	*3,300	2,250—4.6	1,180—0.7	#T-dn	600–1	600–1	Make a climbing left turn and climb to 4,000' on SW course Wilkes-Barre-Scranton radio Range. *Minimum altitude over Crystal Lake Rbn 3,500'. This procedure is predicated on the reception of the Crystal Lake Rbn and ILS glide path. #Take-off minimums for Runway 10 and 16, Day 600–2, Night 800–2. NOTE: High terrain to E, SE and S of airport within 3 miles.
	Int. E course AVP LFR and SW course ILS.	CYE Rbn	222—11	3,500					C-dn	980–1½	1,000–2	
									C-n	1,300–2	1,300–2	
	Wilkes-Barre-Scranton LFR.	CYE Rbn	199—8	3,500					S-dn 4	600–2	600–2	
									A-dn	1,200–2	1,200–2	
	Int. E course IPT LFR and SW course AVP LFR.	CYE Rbn	100—10	3,500					A-n	1,600–3	1,600–3	

4. The very high frequency omnirange procedures prescribed in § 609.15 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
FORT WAYNE, IND. Baer Field, 801' BVOR-FWA Procedure No. 1 January 14, 1954	Fort Wayne LFR	332—7.0	2,200	W side of course: 317 outbound. 137 inbound. 2,200' within 10 miles. 2,100' within 25 miles.	1,500	137—4.9	T-dn	300–1	300–1	Within 4.9 miles, climb to 2,200' on course of 137° magnetic within 25 miles, or if directed by ATC, make right climbing turn, climb to 2,200' and return to Fort Wayne VOR. CAUTION: Tower 1,598' MSL located 7 miles NW of airport. Tower 1,170' MSL located 7½ miles W of airport. Sectional maps list other towers in vicinity.
	Int. NW course FWA LFR and 137° course to FWA-VOR.	137—23.0	1,600				C-dn	500–1	500–1½	
							S-dn 13	500–1	500–1	
							A-dn	800–2	800–2	
	Int. NE course FWA LFR and 245° course to FWA-VOR.	245—25.0	2,600							
LANSING, MICH. Capital City, 858' BVOR-LAN Procedure No. 1 January 21, 1954	Lansing LFR	247—9.0	2,300	S side of course: 234 outbound. 054 inbound. 2,000' within 25 miles.	1,500	054—6.0	T-dn	300–1	300–1	Within 6.0 miles, climb to 2,000' on outbound course of 031° within 25 miles LAN VOR, or when directed by ATC make right climbing turn to 2,900' and proceed to Lansing LFR.
							C-dn	500–1	500–1½	
							S-dn 6	500–1	500–1	
							A-dn	800–2	800–2	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-409; Filed, July 20, 1954; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL TRADE COMMISSION

Effective upon publication in the FEDERAL REGISTER, the position listed below is added to § 6.330.

§ 6.330 *Federal Trade Commission.*

• • •

(h) One Secretary of the Federal Trade Commission.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-416; Filed, Jan. 20, 1954; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1103—AGRICULTURAL CONSERVATION; VIRGIN ISLANDS

SUBPART—1954

Foreword. Productive land is the main source of the food, clothing, and shelter for the American people. The conservation and improvement of this resource for sustained, productive use is an undertaking of vital concern to citizens of all walks of life.

The Agricultural Conservation Program is an important part, but only a part, of a coordinated effort to help landowners and operators attain soil conservation objectives. The total effort includes research, education, technical assistance, cost-sharing, and such indirect aids as credit.

The fundamental purpose of the Agricultural Conservation Program is to provide a means by which the public can share with landowners and operators the cost of carrying out needed conservation work over and above that which they would do with only their own resources. It is our sincere hope that the Agricultural Conservation Program will be carried out in such a manner that it will make a marked contribution toward attainment of conservation objectives.

General program principles. The 1954 Agricultural Conservation Program for the Virgin Islands has been developed and is to be carried out on the basis of the following general principles:

1. The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

2. The program is designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1954 on the lands where they are to be applied.

3. Costs will be shared with a farmer only on satisfactorily performed conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

4. Costs should be shared only on practices which it is believed farmers would not carry out to the needed extent without program assistance. Generally, practices that have become a part of regular farming operations on a particular farm should not be eligible for cost-sharing.

5. The rates of cost-sharing are the minimum required to result in substantially increased performance of needed practices.

6. The purpose of the program is to help achieve additional conservation on the land. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

7. If the Federal Government shares the cost of the initial application of conservation practices which farmers otherwise would not perform but which are essential to the national interest, the farmers should assume responsibility for the upkeep and maintenance of those practices.

INTRODUCTION

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1103.300 Introduction.

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CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

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1103.314 Practice 4: Construction of permanent cross fences to obtain better distribution and control of livestock grazing and to promote proper grassland management for protection of the established forage resources.
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1103.317 Practice 7: Constructing concrete or rubble masonry watersheds (catchments) and/or storage tanks to collect rainwater or for accumulating water from wells or springs for livestock or for irrigation purposes
1103.318 Practice 8: Constructing rock barriers to form bench terraces or to obtain or control the flow of water and check erosion on sloping land.
1103.319 Practice 9: Planting adapted trees on farmland for farm woodlots, erosion control, or for forestry purposes.
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1103.351 Persons eligible to file application.
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AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

1103.371 Authority.
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AUTHORITY: §§ 1103.300 to 1103.373 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, sec. 348, 52 Stat. 59, as amended, Public Law 156, 83d Cong.; 7 U. S. C. 1348, 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1103.300 *Introduction.* Through the 1954 Agricultural Conservation Program for the Virgin Islands (referred to in this subpart as the 1954 program), administered by the Department of Agriculture, the Federal Government will share with farmers of the Virgin Islands the cost of carrying out approved conservation practices in accordance with the provisions contained herein, and such modifications thereof, as may hereafter be made. Approved practices will be deemed to have been carried out during the program year if started after the beginning of the program year and the ASC State Office determines that they were substantially completed by the end of the program year. However, no practice will be eligible for Federal cost-sharing until it has been completed in accordance with all applicable specifications and program provisions. The 1954 program was developed by the ASC State Office, the Director of the Soil Conservation Service for the Caribbean Area, the Forest Service official having jurisdiction of farm forestry in the Virgin Islands, and representatives of the Agricultural Extension Service.

CONTROL OF FUNDS

§ 1103.301 *Maximum Federal cost-share.* The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices.

§ 1103.302 *Adjustments.* If the total estimated earnings under the program exceed the total funds available, the Federal cost-shares will be reduced equitably.

§ 1103.303 *Allocation.* The amount of funds available for conservation practices under this program is $9,000. This amount does not include the amount set aside for administrative expenses and the amount required for increase in small Federal cost-shares in § 1103.332.

SELECTION OF PRACTICES AND RESPONSIBILITY FOR TECHNICAL PHASES

§ 1103.306 *Selection of practices.* (a) This subpart contains a general description of the conservation practices in the 1954 program, the applicable specifications, and the rates of Federal cost-sharing for each practice. The practices included herein are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that the bearing by the Federal Government of a share of the cost is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

(b) Each farm operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm. Costs will be shared only for those practices for which cost-sharing is requested before performance of the practice is started. Any person who wishes to participate in the 1954 program must file a Cert. Form No. 39–54–V. I., Declaration of Intention, Request for Inspection and Certification of Conservation Needs, on or before September 15, 1954. In cases of hardship, such date may be extended by the ASC State Office. These forms may be obtained and filed at any of the offices of the Soil Conservation Service (SCS), offices of the Extension Service and Farmers Home Administration. Prior approval of the ASC State Office is required for all practices. Such approval shall be conditioned upon carrying out the practices under the supervision of persons who have been designated to be responsible for the practices and must be obtained before performance of the practice is started unless otherwise approved by the ASC State Office.

§ 1103.307 *Responsibility for technical phases.* (a) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1103.315–1103.318 and 1103.321. This responsibility shall include (1) a finding that the practice is needed and practical on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance (or application of the practice to the land).

(b) The Forest Service is responsible for the technical phases of the practices contained in §§ 1103.319 and 1103.320. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for forestry practices, and (3) working through the ASC State Office, determining compliance in meeting these specifications.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1103.311 *Practice 1: Initial establishment of permanent pasture for erosion control by seeding, sodding, or sprigging perennial grasses, or other approved forage plants.* Federal cost-sharing will be allowed for planting any of the following grasses, or similar approved grasses or forage plants: Guinea Grass, Molasses Grass, Para Grass, Barbados Sour Grass, Bermuda Grass, St. Augustine Grass, Sour Paspalum Grass, Merker Grass, Pangola Grass, and Carpet Grass. The varieties of grasses must be well adapted to conditions of the particular area to be planted. The land must be properly prepared by plowing, and harrowing if necessary, and furrowing along contour lines, and sufficient quantities of slips, cuttings, or seeds used to assure a good ground cover at maturity. Where pasture is established by using seed, the rate of seeding should be not less than 12 pounds per acre. Where pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope the planting and cultivating must be as near as practicable along contour lines.

Maximum Federal cost-share. $4.50 per [illegible].

§ 1103.312 *Practice 2: Initial eradication of shrubs or trees for establishing new permanent pasture for erosion control.* (a) Federal cost-sharing will be allowed for eradicating any of the following shrubs or trees: Acacia, Soap Brush, Kanappy (Kennep), Sage, Guava, Logwood, Marigold, Tan Tan, Wild Cedar, Ginger Thomas, all varieties of Cactus, and Thibet (Tebit). All shrubs or trees, except such as can be used for timber or shade, must be thoroughly uprooted either by hand labor or mechanical implements, and all shrubs, trees and roots must be removed from the land or may be burned thereon. Permanent pasture of the varieties specified under practice 1 (§ 1103.311) must be established as soon as practicable. Temporary use of the land for other crops may be permitted where the ASC State Office determines this is essential to establishing the grasses. Farmers must obtain prior approval from the ASC State Office of the area and acreage to be cleared before starting the practice.

(b) No Federal cost-sharing will be allowed for this practice on any area on which cost-sharing for this practice has been allowed under a previous program. Federal cost-sharing for carrying out this practice is limited to not more than 20 acres on any farm, as defined in § 1103.366. This practice is applicable only to St. Thomas and St. John Islands. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Corporation shared in the cost under any other program.

Maximum Federal cost-share. (1) $4.00 per acre on land with light growth where the shrubs or trees cover up to 30 percent of the area.

(2) $7.00 per acre on land with medium growth where the shrubs or trees cover more than 30 percent and up to 60 percent of the area.

(3) $10.00 per acre on land with heavy growth where the shrubs or trees cover more than 60 percent of the area.

§ 1103.313 *Practice 3: Initial eradication of hurricane grass for establishing permanent pasture for erosion control.* The eradication must be carried out by plowing or disking the whole area to a depth of at least 6 inches and double cuttings with heavy disk harrow at least twice at 30-day intervals. Permanent pasture of the varieties specified under practice 1 (§ 1103.311) must be established as soon as practicable after the hurricane grass has been eradicated. No Federal cost-sharing will be allowed for carrying out this practice on any acreage for which Federal cost-sharing for eradicating hurricane grass was allowed under a previous program.

Maximum Federal cost-share. $3.00 per acre.

§ 1103.314 *Practice 4: Construction of permanent cross fences to obtain better distribution and control of livestock grazing and to promote proper grassland management for protection of the established forage resources.* Federal cost-sharing will be allowed for new fences constructed entirely of new materials. Hardwood or living tree posts shall be used. Posts must be spaced not more than 6 feet apart with corner posts adequately braced. Four strands of No. 12½ standard gage or heavier barbed wire must be used and tightly stretched. Federal cost-sharing will not be allowed for boundary fences, fences between pasture and other land, and the repair, replacement, or maintenance of existing fences.

Maximum Federal cost-share. $2.20 per 100 linear feet.

§ 1103.315 *Practice 5: Constructing wells for livestock water to obtain proper distribution of livestock, and encourage rotation grazing and better grassland management, as a means of protecting established vegetative cover.* The wells should be constructed or drilled in an area of the farm where the providing of water will contribute to a better distribution of grazing. The necessary pumping equipment must be installed, except in conection with artesian wells. Adequate drinking troughs for animals also must be installed. Dug wells must have a minimum diameter of not less than 8 feet, including the stone lining which must have a thickness of not less than 12 inches. No Federal cost-sharing will be allowed for wells constructed or drilled at or for use at farm headquarters nor unless water is obtained.

Maximum Federal cost-share. (1) Constructing dug wells lined with stone, $3.25 per cubic yard of well dug.

(2) Drilling wells:

(a) $1.00 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

(b) $2.00 per linear foot of well for wells having a bore taking a casing of 4 inches or more but less than 6 inches in diameter, excluding artesian wells.

(c) $3.00 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

§ 1103.316 *Practice 6: Installing pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* Federal cost-sharing will be allowed when the pipeline carries water to areas where no other water supply for livestock is available and proper drinking troughs for livestock have been provided. No Federal cost-sharing will be allowed for this practice if the cost is shared by the Virgin Islands Corporation under any other program.

Maximum Federal cost-share. (1) $0.12 per linear foot when pipes of 1 inch diameter are used.

(2) $0.18 per linear foot when pipes of 1¼ inches diameter are used.

(3) $0.25 per linear foot when pipes of 2 inches or more diameter are used.

§ 1103.317 *Practice 7: Constructing concrete or rubble masonry watersheds (catchments) and/or storage tanks to collect rain water or for accumulating water from wells or springs for livestock or for irrigation purposes.* Adequate pumping equipment and drinking troughs for animals must be installed. No Federal cost-sharing will be allowed for maintaining an existing structure.

Maximum Federal cost-share. (1) $12.00 per cubic yard of concrete structure.

(2) $7.00 per cubic yard of rubble masonry structure.

§ 1103.318 *Practice 8: Constructing rock barriers to form bench terraces or to obtain or control the flow of water and check erosion on sloping land.* The height of the barriers must not exceed 5 feet. The location and the distance between the barriers shall be in accordance with the recommendations of the Soil Conservation Service.

Maximum Federal cost-share. $1.50 per cubic yard of rock used.

§ 1103.319 *Practice 9: Planting adapted trees on farmland for farm woodlots, erosion control, or for forestry purposes.* The trees must be planted, regardless of the slope of the land, in rows not less than 10 feet apart, with a distance of not less than 10 feet within the row, and must have been planted at least one year and only those living will be counted. All plantings must be protected from fire and grazing. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Corporation shared in the cost under any other program.

Maximum Federal cost-share. $5.00 per 100 trees.

§ 1103.320 *Practice 10: Planting adapted trees on strips which have been cleared in areas of heavy brush, for erosion control and forestry purposes.* All brush on the strips must be uprooted and the brush removed from the spaces where trees are to be planted. The trees must be planted on the strips cleared in this manner, and spaced not more than 10 feet apart. All plantings must be protected from fire and grazing. Necessary erosion preventive measures must be carried out. Federal cost-sharing will be allowed only for well-established trees, approximately 1 foot high and living at the time of inspection, and for not more than 200 trees per acre. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Corporation shared in the cost under any other program.

Maximum Federal cost-share. (1) For clearing strips 2 feet wide at intervals of 20 feet, $3.00 per acre.

(2) Planting trees such as mahogany or varieties suitable for timber, recommended by the Forest Service, $0.05 per tree.

§ 1103.321 *Practice 11: Planting fruit trees for erosion control in gullies.* Trees must be planted on the contour and protected from fire and grazing. A permanent cover of grass, legumes, or mulch must be obtained under the trees. Federal cost-sharing will be allowed for not more than 200 trees on a farm. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Corporation shared in the cost under any other program.

Maximum Federal cost-share. $0.10 per tree.

FEDERAL COST-SHARES

§ 1103.331 *Division of Federal cost-shares.*—(a) *Federal cost-shares.* Federal cost-shares shall be credited to the person who carried out the practices by which such Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment or material contributed by each person toward the carrying out of each practice on a particular acreage and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1103.332 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may in such manner and at such time as is consistent with such legislation discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	$13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.

[2] No increase.

§ 1103.333 *Federal cost-shares limited to $1,500.* (a) The total of all Federal cost-shares under the 1954 program to any person with respect to farms, ranching units, and turpentine places in United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $1,500.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1954 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1103.336 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1954 program will be subject to the condition that the person with whom the costs are shared will maintain such practices in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1103.337 *Practices defeating purposes of programs.* If the ASC State Office finds that any person has adopted or participated in any practice which tends to defeat the purpose of the 1954 or any previous program, including, but not limited to, failure to maintain in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1954 program.

§ 1103.338 *Depriving others of Federal cost-share.* If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1954 program.

§ 1103.339 *Filing of false claims.* If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-sharing under the program and shall refund all amounts that may have been paid to him under the program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1103.340 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1103.341, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1103.341 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1954 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1954. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70–Insular Region.

§ 1103.342 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1954 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

§ 1103.344 *Practices carried out with State or Federal aid.* The Federal share of the cost for any practice shall not be reduced because it is carried out with materials or services furnished through the program or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total Federal cost-share computed on the basis of the total number of units of the practice performed shall be reduced by the value of the aid, as determined by the ASC State Office, in computing the amount of the Federal cost-share to be paid for performance of the practice. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1103.345 *Excess cotton acreage.* (a) Any person who makes application for payment of cost-shares with respect to any farm located in a county in which any kind of cotton is planted in 1954 shall file with such application a statement that he has not knowingly planted any kind of cotton or caused any kind of cotton to be planted during 1954 on any farm in which he has an interest in excess of the 1954 acreage allotment established for the farm for such kind of cotton under the Agricultural Adjustment Act of 1938, as amended.

(b) Any person who knowlingly plants any kind of cotton or causes any kind of cotton to be planted on his farm in 1954 in excess of the 1954 acreage allotment for the farm for such kind of cotton under the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment of cost-shares whatsoever on that farm or on any other farm under 1954 programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. Cotton of any kind shall not be deemed to have been planted on any farm in excess of the farm acreage allotment for such kind of cotton if, after the acreage originally planted to such kind of cotton has been determined and notice thereof sent to the operator of the farm, the acreage planted to such kind of cotton is adjusted to the farm acreage allotment for such kind of cotton in the period allowed under the notice. If the operator is notified that the acreage allotment for any kind of cotton has been exceeded and the acreage planted to such kind of cotton is not adjusted to such acreage allotment in the period allowed under the notice, the acreage allotment for such kind of cotton shall be deemed to have been knowingly exceeded by all producers having an interest in such kind of cotton on the farm. Notice of overplanting to the operator of the farm shall be deemed to be notice to all persons sharing in the production of any kind of cotton on the farm.

(c) For the purposes of this section "kind of cotton" shall be upland cotton or extra long staple cotton.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1103.351 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1103.352 *Time and manner of filing application and information required.* Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the offices of the Soil Conservation Service Work Unit at St. Thomas or St. Croix not later than February 28, 1955, except that the ASC State Office may accept an application filed after February 28, 1955, but not later than December 31, 1955, in any case where the failure to timely file was not the fault of the applicant. If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he

does so on or before December 31, 1955. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any form which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the ASC State Office within the time fixed by the Administrator, ACPS, which time shall be not later than December 31, 1955. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible, to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the SCS Work Unit offices and making copies available to the press.

APPEALS

§ 1103.356 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

BULLETINS, INSTRUCTIONS, AND FORMS

§ 1103.361 *Bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1954 program as it applies to the Virgin Islands, and forms will be available in the State and district ASC offices. Producers wishing to participate in the program should obtain all information needed from the offices mentioned herein.

DEFINITIONS

§ 1103.366 *Definitions.* For the purposes of the 1954 program:

(a) "Secretary" means the Secretary of the United States Department of Agriculture or the officer of the Department acting in his stead pursuant to delegated authority.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Virgin Islands.

(d) "ASC State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(f) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the ASC State Office, in accordance with instructions issued by the Administrator, ACPS, determines is operated by the same person as part of the same unit in producing livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the municipality in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(g) "Cropland" means farmland which in 1953 was tilled or was in regular crop rotation, excluding (1) bearing orchards (except the acreage of cropland therein), and (2) plowable noncrop open pasture.

(h) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Rangeland" means nonirrigated land growing, without cultivation, native perennial grasses and forage plants primarily, and used for grazing by domestic livestock.

(k) "Program Year" means the period from January 1, 1954, through December 31, 1954.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1103.371 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture Appropriation Act, 1954.

§ 1103.372 *Availability of funds.* (a) The provisions of the 1954 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1954 program will not be available for paying Federal cost-shares for which applications are filed in the SCS Work Unit Offices after December 31, 1955.

§ 1103.373 *Applicability.* (a) The provisions of the 1954 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act), or the Fish and Wildlife Service of the United States Department of the Interior; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS, and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 18th day of January 1954.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54–399; Filed, Jan. 20, 1954; 8:48 a. m.]

PART 1106—NAVAL STORES CONSERVATION PROGRAM

SUBPART—1954

EXCESS COTTON ACREAGE

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act and section 348 of the Agricultural Adjustment Act of 1938, as amended, the 1954 Naval Stores Conservation Program, issued August 15 1953 (18 F. R. 4885) is amended by adding a new § 1106.527 a to read as follows:

§ 1106.527a *Excess cotton acreage.* (a) Any person who makes application for payment of cost-shares with respect to any farm located in a county in which any kind of cotton is planted in 1954 shall file with such application a statement that he has not knowingly planted any kind of cotton or caused any kind of cotton to be planted during 1954 on any farm in which he has an interest in excess of the 1954 acreage allotment established for the farm for such kind of cotton under the Agricultural Adjustment Act of 1938, as amended.

(b) Any person who knowingly plants any kind of cotton or causes any kind of cotton to be planted on his farm in 1954 in excess of the 1954 acreage allotment for the farm for such kind of cotton under the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment of cost-shares whatsoever on that farm or on any other farm under 1954 programs authorized by sections 7–17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. Cotton of any kind shall not be deemed to have been planted on any farm in excess of the farm acreage allotment for such kind of cotton if, after the acreage originaly planted to such kind of cotton has been determined and notice thereof sent to the operator of the farm, the acreage planted to such kind of cotton is adjusted to the farm acreage allotment for such kind of cotton in the period allowed under the notice. If the operator is notified that the acreage allotment for any kind of cotton has been exceeded and the acreage planted to such kind of cotton is not adjusted to such acreage allotment in the period allowed under the notice, the acreage allotment for such kind of cotton shall be deemed to have been knowingly exceeded by all producers having an interest in such kind of cotton on the farm. Notice of overplanting to the operator of the farm shall be deemed to be notice to all person sharing in the production of any kind of cotton on the farm.

(c) For the purposes of this section "kind of cotton" shall be upland cotton or extra long staple cotton.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, sec. 348, 52 Stat. 59, as amended, Public Law 156, 83d Cong.; 7 U. S. C. 1348, 16 U. S. C. 590g–590q)

Done at Washington, D. C. this 18th day of January 1954.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54–421; Filed, Jan. 20, 1954; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Sections 536.31 and 536.32 are rescinded and the following substituted therefor:

§ 536.31 *Policy.* (a) Persons or agencies apprehending and detaining or delivering absentees or deserters to military control will be rewarded or reimbursed by:

(1) Payment of a reward of $15 for the apprehension and detention of absentees, deserters, or escaped military prisoners until the military authorities take them under control;

(2) Payment of a reward of $25 for the apprehension and delivery to military control of absentees, deserters, or escaped military prisoners; or

(3) Reimbursement for actual expenses incurred incident to apprehension and detention or delivery not to exceed $25 under circumstances when rewards are not payable.

(b) The amount of reward or reimbursement for actual expenses incurred incident to apprehension and detention or delivery will be charged against the absentee, deserter, or escaped military prisoner including a prisoner sentenced to discharge, whose discharge has not been executed.

(c) The costs of reward or reimbursement will not be charged against an absentee, deserter, or escaped military prisoner who was mentally irresponsible at the time of commencement of absence.

§ 536.32 *Definitions.* For the purpose of §§ 536.31 to 536.35, the following definitions apply:

(a) *Service member.* A commissioned officer, warrant officer, or enlisted member of the Army.

(b) *Absent without leave.* The status of a service member subject to military law who, without proper authority, fails to go to an appointed place of duty at the time prescribed, or goes from that place, or absents himself, or remains absent from his unit, organization, or other place of duty at which he is required to be at the time prescribed.

(c) *Absentee.* A service member who is absent without leave.

(d) *Desertion.* Absence without leave accompanied with the intention not to return, or to avoid hazardous duty, or to shirk important service.

(e) *Military prisoner.* A prisoner, whether detained, arraigned, or sentenced, or unsentenced.

(f) *Return to military control.* The physical turn-over or delivery of an absentee, deserter, or escaped military prisoner to the military authorities authorized to receive such persons.

§ 536.33 *Payment of reward.* Persons or agencies (except any salaried officer or employee of the Federal government or service member) may be paid a reward for the apprehension and detention or delivery of absentees, deserters, or escaped military prisoners under the following circumstances, provided that the persons or agencies are in receipt of DD Form 553 (Absentee Wanted By The Armed Forces), or have been notified by military authorities, or Federal law enforcement officers that the person was absent and that his return to military control is desired. Payment of the reward will be made to the person or agency who turns over or delivers to military control an absentee, deserter, or an escaped military prisoner. Such payments will be in full satisfaction of all expenses of apprehending, keeping and delivering the absentee, deserter, or escaped military prisoner. If two or more persons join in performing these services, payment will be made only to the person or agency recognized and designated by the military authority, at the time the service member is received, as having returned the member to military control. Payment of reward will be made when absentees, deserters, or escaped military prisoners voluntarily surrender to persons or agencies, other than salaried officers or employees of the Federal government or service members, and such persons or agencies take them into custody and detain or deliver them to military control. However, payment of a reward will not be made to an attorney on whose advice the absentee, deserter, or escaped military prisoner surrenders himself. Payment will not be made merely for information leading to an apprehension, or for an apprehension not followed by the return to military control of the service member apprehended.

(a) A reward of $15 may be paid for the apprehension and detention of absentees, deserters, or escaped military prisoners until the military authorities take them under control. The person or agency must notify the proper military authorities and detain the absentee, deserter, or escaped military prisoner until the military authorities physically take over control.

(b) A reward of $25 may be paid for the apprehension and delivery to military control of absentees, deserters, or escaped military prisoners. The delivery must be to a military installation where actual physical control may be assumed by military authorities.

(c) One reward only may be paid for any particular apprehension and detention or delivery. The reward may be divided by the payee among several participants in the apprehension and detention or delivery. However, payment will be made only to one person or agency.

(d) In the event the apprehension and detention or delivery is effected jointly by a salaried officer or employee of the Federal Government or service member and a person or agency qualified to receive a reward, payment of the full reward will be made to the person or agency so qualified.

§ 536.34 *Reimbursement for actual expenses.* (a) Reimbursement for actual expenses incurred may be made not to exceed $25 in those cases when the absentee, deserter, or escaped military prisoner has been physically turned over to military control and when no reward has been offered or when conditions for payment of a reward cannot otherwise be met. Reimbursement of actual expenses may be made to a person or agency ineligible to receive rewards, a salaried officer or employee of the Federal Government, a service member, or an attorney on whose advice the absentee, deserter, or escaped military prisoner surrenders himself to military authorities. Reasonable expenses for which reimbursement may be made include the following:

(1) Travel performed by privately owned conveyance at the rate of 7 cents

a mile, on a round trip basis, from either place of apprehension or civil police headquarters to place of return to military control.

(2) Actual and necessary expenses including taxicab fare or bus fare when necessary for travel performed by the person or agency representative and prisoner.

(3) Cost of all necessary meals consumed by the prisoner, provided the cost was actually incurred by the apprehending, detaining, or delivering person or agency representative.

(4) Telephone and telegraph communication costs in connection with the apprehension or detention or delivery of the prisoner to military authority.

(5) Damages to the apprehending, detaining, or delivering persons or agencies property whenever such damages are caused directly by the prisoner.

(6) Any other reasonable expenses incurred in the actual apprehension or detention or delivery of the prisoner as may be deemed justifiable and reimbursable by the certifying officer.

(b) Reimbursement may be made to more than one person or agency listed in paragraph (a) of this section for the expenses incurred by each in apprehending, detaining, or delivering the absentee, deserter, or escaped military prisoner when more than one person or agency is involved in the actual return of the individual to military control, provided the total reimbursement does not exceed $25 for the return of any individual. However, the absentee, deserter, or escaped military prisoner must actually be returned to military control before reimbursement may be made to any of the persons or agencies involved in the apprehending, detaining, or delivering of the individual.

(c) Reimbursement will not be made for transportation performed by official vehicles or for personal services of delivering person or agency representative.

(d) Both reward and reimbursement may not be paid for the same apprehension and detention or delivery.

§ 536.35 *Cost of confinement of military prisoners in nonmilitary facilities.*

(a) Civil authorities may be reimbursed for the cost of confinement of absentees, deserters, or escaped military prisoners detained for safekeeping at the request of the appropriate military authority after the member has been turned over to military control, provided the military authority has authorized such further detention.

(b) When the use of nonmilitary confinement facilities is contracted for by the appropriate military authority for the reason that military confinement facilities are not available at the military installation for prisoners, civil authorities may be paid for the costs of such confinement.

[AR 35-1570, May 14, 1953, and C2, AR 35-1570, December 30, 1953] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-406; Filed, Jan. 20, 1954; 8:50 a. m.]

Subchapter E—Organized Reserves

PART 561—ARMY RESERVE

MISCELLANEOUS AMENDMENTS

1. In § 561.31, paragraph (g) is rescinded and the following substituted therefor:

§ 561.31 *Eligibility.* • • •

(g) *Dependents.* Male applicants having dependents are eligible for enlistment if otherwise qualified, only if entitled to enlist in grade E-4 or higher, or or in circumstances equivalent to those prescribed in §§ 571.1 to 571.5 of this chapter governing enlistment in the Regular Army of male applicants with dependents, including enlistment of Selective Service registrants classified 1A, except that applicants without prior active service who have four or more dependents are not eligible for enlistment. Applicants for immediate reenlistment who have dependents and who have had not less than 3 years' service may be reenlisted (without regard to grade) but, if in grade lower than E-4, will be required to sign a waiver, as shown below, of any deferment from active duty.

State of ---------- ss:
City, town, or military post ----------
I, ----------, applicant for enlistment as a reservist of the Army, understanding that if enlisted I am subject to being ordered to active duty, do hereby waive any right I might have to deferment from active duty.

(Signature)

Sworn to and subscribed before me this ---- day of ---------, 19---

---
(Signature (Army Reserve recruiting officer or offier administering oath))

• • • • • •

2. In § 561.32, paragraph (a) is rescinded and the following substituted therefor:

§ 561.32 *Ineligibility.* • • •

(a) Any person who has been ordered to report for preinduction physical and mental examinations under the Universal Military Training and Service Act, as amended, except for immediate reenlistment and concurrent order to active duty and except for those instances where deferment from induction has been granted and is of such length or character that the training which the enlistee could reasonably be expected to undergo would be of advantage to the individual and to the Army. A registrant currently classified 1-A-P is not eligible.

• • • • • •

3. In § 561.33 a new paragraph (a-1) is added as follows:

§ 561.33 *Grade.* • • •

(a-1) Former noncommissioned officers of the Army last discharged from active duty in grades E-7, E-6, or E-5 who apply for enlistment after 180 days but within 12 months from date of discharge will be enlisted in a grade one grade lower than that in which discharged. Those who apply for enlistment within the period from 12 to 24 months after date of discharge will be enlisted in a grade two grades lower than that in which discharged. Those enlisting after the expiration of 24 months may be enlisted in grade as authorized in pertinent special regulations.

• • • • • •

4. Section 561.36 is rescinded and the following substituted therefor:

§ 561.36 *Report of separation from the Armed Forces of the United States required for enlistment or reenlistment.* Persons applying for enlistment or reenlistment as reservists of the Army for service in the Army Reserve who have had prior military service will present their last Report of Separation from the Armed Forces of the United States (DD Form 214) to the recruiting officer who will enter thereon the date, place, and period of the new enlistment. In the event that the applicant has lost or misplaced his last report of separation or when otherwise necessary, verification of his Army service will be obtained by the recruiting officer from The Adjutant General, or from the station or organization from which discharge is claimed, prior to accomplishing enlistment or reenlistment. For duty other than in the Army, verification will be obtained by the recruiting officer from proper officials of the service concerned prior to accomplishing enlistment or reenlistment.

[C2, SR 140-107-1, December 24, 1953] (68 Stat. 481)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-407; Filed, Jan. 20, 1954; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VI-3]

DMO VI-3—ESTABLISHMENT OF AN INDUSTRIAL DEFENSE COMMITTEE

By virtue of the authority vested in me by Executive Order 10461 of June 17, 1953 and Reorganization Plan No 3 of June 12, 1953, and in order to facilitate the development and insure the coordination and effectiveness of Federal policies, programs and activities for reducing and overcoming the effects of attack damage on the Continental United States, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the Industrial Defense Committee which shall consist of a representative of the Office of Defense Mobilization who is hereby designated as Chairman, and a representative designated by the head of each of the following agencies:

Department of the Treasury.
Department of Defense.
Department of the Interior.
Department of Agriculture.
Department of Commerce.
Department of Labor.
Department of Health, Education and Welfare
Federal Civil Defense Administration
Federal Reserve System.
General Services Administration
Housing and Home Finance Agency
Small Business Administration.

and such other agencies as the Director of the Office of Defense Mobilization may from time to time designate.

2. The Committee shall advise the Assistant Director for Non-Military Defense on policies, plans, programs, problems and activities related to reducing and overcoming the effects of attack damage on the continental United States which come within his jurisdiction.

3. The Central Task Force on Post-Attack Industrial Rehabilitation is hereby terminated. Each person who is now a member of the Central Task Force may continue as a member of the Industrial Defense Committee without the necessity of redesignation by reason of this order.

4. This order shall become effective immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-411; Filed, Jan. 20, 1954; 8:51 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

MISCELLANEOUS AMENDMENTS

The Secretary of the Army having determined that the use of the John Martin Reservoir Area, including Lake Hasty, Arkansas River, Colorado, by the general public for boating, swimming, bathing, fishing and other recreation purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purposes, hereby prescribes rules and regulations for the public use of the John Martin Reservoir Area, including Lake Hasty, Colorado, pursuant to the provisions of section 4 of the Flood Control Act of 1946 (60 Stat. 643) as follows:

A new paragraph (xx) is added to § 311.1 and a new subparagraph (27) is added to paragraph (a) of § 311.4, as follows:

§ 311.1 *Areas covered.* • • •

(xx) John Martin Reservoir Area, including Lake Hasty, Arkansas River, Colorado.

§ 311.4 *Houseboats.* (a) A permit shall be obtained from the District Engineer for placing any houseboats on the water of any reservoir area listed in § 311.1, except for the following reservoir areas on which houseboats are prohibited:

• • • • • •

(27) John Martin Reservoir Area, including Lake Hasty, Arkansas River, Colorado.

• • • • • •

[Regs., Dec. 7, 1953—ENGWO] (60 Stat. 643; 16 U. S. C. 460d)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-406; Filed, Jan. 20, 1954; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order No. 2744]

PART 8—JOINT POLICY FOR LAND ACQUISITION ON RESERVOIR PROJECTS; DEPARTMENT OF THE INTERIOR-DEPARTMENT OF THE ARMY

JANUARY 13, 1954.

Sec.
8.1 Lands to be acquired in fee.
8.2 Lands for which easements are to be acquired.
8.3 Blocking out.
8.4 Mineral rights.
8.5 Buildings.
8.6 Acquisition of lands for collateral purposes.
8.7 Application of policy.

AUTHORITY: §§ 8.1 to 8.7 issued under sec. 7, 32 Stat. 389, sec. 14, 53 Stat. 1197; 43 U. S. C. 421, 389.

§ 8.1 *Lands to be acquired in fee.* The fee title will be acquired to the following lands:

(a) Lands necessary for permanent structures.

(b) Lands below the top of the pool elevation for storing water for navigation, power, irrigation and other conservation purposes.

(c) Fee title in general will be acquired to all land 300 feet horizontally from the edge of the conservation pool described in paragraph (b) of this section. In those projects where the topography is precipitous, or where the topography is unusually flat, and where such discretionary action is desirable, fee title may be acquired to those lands which are included in the five-year flood frequency rather than 300 feet horizontally.

(d) Additional lands which may be needed to provide for limited public use and reasonable access in accordance with applicable laws, or for operation and maintenance of the project.

(e) Lands covered by the exception noted in § 8.2 (f).

§ 8.2 *Lands for which easements are to be acquired.* Easements will be acquired to the following lands:

(a) Additional reservoir lands needed for flowage in reservoir areas above those described in § 8.1 (c).

(b) Lands in reservoir areas of navigation only projects.

(c) Lands in reservoir areas of flood control only projects which do not provide conservation pools.

(d) Lands required for a relatively short time for temporary structures or for use during the construction period only.

(e) Easements may be acquired for lands in the zone as defined in § 8.1 (c) above the conservation pool, and which are in remote areas of the reservoir or which had previously been subject to frequent inundation, where it is determined that fee title is not required.

(f) Fee title may be taken as necessary where it is to the financial advantage of the Government to acquire fee rather than easement, and in special cases to prevent hardship.

§ 8.3 *Blocking out.* In land acquired in fee, blocking out will be accomplished in accordance with sound real estate practices, for example, on minor sectional subdivision lines; and, normally, land will not be acquired to avoid severance damage if the owner will waive such damage. For lands acquired in easement, close tangents may be used in the upper limit of the easement-held lands; the final easement taking line thereof should generally follow the upper flood line when elevation differences are not significant. Tangents will not be refined to the point they are economically disadvantageous. If more economical, easements may be secured on the basis of the right to flood to a prescribed elevation rather than to block out the upper flood line.

§ 8.4 *Mineral rights.* Mineral, oil and gas rights will not be acquired where the owner objects or where a substantial additional cost would be involved, except where mineral development would interfere with operation of the project or except where required by the provisions of the Atomic Energy Act. Mineral rights not acquired will be subordinated to the Government's right to regulate their development in a manner that will not interfere with the primary purposes.

§ 8.5 *Buildings.* Buildings for human occupancy as well as other structures which would interfere with the operation of the project for its primary purposes would be prohibited in the reservoir areas on lands for which an easement is acquired.

§ 8.6 *Acquisition of lands for collateral purposes.* Except as authorized by law, no title to land will be acquired for purposes of preservation of wildlife or forests, restoration or replacement of such values destroyed by reservoirs or for creating additional values of like nature, or for recreational purposes.

§ 8.7 *Application of policy.* The policy set forth in this part will govern the determination as to acquisition of any tract on which title to the United States has not been vested or a final judgment in condemnation has not been entered except for projects on which the land acquisition program has progressed to the point where application of the policy would be unreasonable or to the distinct disadvantage of the United States or to the general public. The application of the principles and criteria outlined above to lands already acquired for reservoir projects by disposal of fee title to former owners will require Federal legislation. Flowage easements will be retained where necessary. All other lands rendered surplus by this policy will continue to be dis-

posed of in accordance with existing laws.

RALPH A. TUDOR,
Acting Secretary of the Interior.

[F. R. Doc. 54-358; Filed, Jan. 20, 1954; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

OWNERSHIP REPORTS, BROADCAST LICENSEES AND PERMITTEES

1. The Commission has before it for consideration § 1.343 of its rules and regulations relating to the filing of Ownership Reports (FCC Form 323) by licensees and permittees of broadcast stations.

2. Under paragraph (a) of the existing rule licensees and permittees of each broadcast station (standard, FM, television and international) are required to file on or before April 1 of each year an Ownership Report (FCC Form 323) giving certain information as of December 31 of the preceding calendar year. Under paragraph (b) of the existing rule licensees and permittees of broadcast stations are required to file a supplemental Ownership Report (FCC Form 323) within 30 days after any change occurs in the information required in the ownership report (the application or construction permit in the case of a permittee who has not filed an Ownership Report).

3. On the basis of its past experience, the Commission is now of the view that compliance by licensees and permittees with paragraph (b) of § 1.343 of the rules provides the Commission with sufficient ownership data as to warrant elimination of the requirement of annual ownership reporting. The Commission is, however, of the opinion that the public interest does require that licensees file a full and complete ownership report at the time of application for renewal of license.

4. The amendment adopted herein is procedural in nature and prior notice of rule making in this case is not required. The amendment adopted herein represents a relaxation of the requirements of the present rule since it provides that licensees of broadcast stations file ownership reports at the time an application for renewal of license is filed rather than annually. Accordingly, the amendment adopted herein may be made effective immediately.

5. In view of the foregoing: *It is ordered*, That, effective immediately, § 1.343 of the Commission's rules and regulations is amended as follows:

a. Amend paragraph (a) to read as follows:

(a) The licensee of each broadcast station (standard, FM, television and international) shall file an Ownership Report (FCC Form 323) at the time the application for renewal of station license is required to be filed by § 1.320 (a), giving the following information as of the date of filing:

(1) In the case of an individual, the name of such individual.

(2) In the case of a partnership, the names of the partners and the interests of each partner.*

(3) In the case of a corporation or association: (i) Capitalization, with a description of the classes and voting power of stock authorized and the shares of each class issued and outstanding; (ii) the name, residence, citizenship, and stockholdings of officers and directors, and stockholders; (iii) full information with respect to the interest and identity of any person whether or not a stockholder of record, having any interest direct or indirect, in the licensee or any of its stock;

For example:

(a) Where A is the beneficial owner or votes stock held by B, the same information should be furnished for A as is required for B.

(b) Where X corporation controls the licensee, or holds 25 percent or more of the stock of the licensee, the same information should be furnished with respect to X corporation (its capitalization, officers, directors, and stockholders and the amount of stock in X held by each) as is required in the case of the licensee, together with full information as to the identity and citizenship of the person authorized to vote licensee's stock.

(c) The same information should be furnished as to Y corporation if it controls X corporation or holds 25 percent or more of the stock of X, and as to Z corporation if it controls Y corporation or holds 25 percent or more of the stock of Y and so on back to natural persons.

(iv) Full information as to family relationship or business association between two or more officials and/or stockholders.

(4) In the case of all licensees (i) a list of all contracts still in effect required to be filed with the Commission by § 1.342 showing the date of execution and expiration of each contract; (ii) any interest which the licensee may have in any other broadcast station.

b. In paragraph (b), after the words "any change" add footnote numbers 6 and 7.

c. At the end of footnote 7 add "and § 1.321".

6. *It is further ordered*, That, the present Ownership Report (FCC Form 323) dated June 1953 be amended by deleting the word "annually" in the last line of the note on Page 3, Paragraph 8 and as amended, is hereby adopted and designated as the form to be used in reporting required ownership information.

7. *It is further ordered*, That, because of the instant amendment of § 1.343 of the rules herein adopted no annual Ownership Report for the calendar year ending December 31, 1953, need be filed.

8. *It is further ordered*, That, licensees of broadcast stations required to file an application for renewal of station license on and after February 1, 1954, under § 1.320 (a) of the Commission's rules, for station licenses expiring on May 1, 1954 and after, shall also file an Ownership Report (FCC Form 323) under § 1.343 (a) as herein amended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: January 13, 1954.

Released: January 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-419; Filed, Jan. 20, 1954; 8:53 a. m.]

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

The Commission desires to make changes in Part 3—Radio Broadcast Services (revised to June 30, 1953) to correct certain typographical errors contained in §§ 3.25, 3.165, section 2A of Appendix to Subpart B and Table III of Appendix II to Subpart E.

The amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately.

The amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's order defining the functions and establishing the organizational structure of the Office of the Secretary, dated February 14, 1952, as amended.

It is ordered, This 18th day of January 1954, that, effective immediately, Part 3 of the Commission's rules and regulations is revised as set forth below:

I. Section 3.25 (c) is amended to read as follows:

(c) For Class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point on the Canadian border and provided that such stations operating nighttime (i. e., sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest Canadian border, 540,[1] 690, 740, 860, 990, 1010,[2] and 1580 kilocycles.

II. The last word in § 3.165 (b) (4) is changed from "ommissions" to "emissions."

III. Section 2 A of Appendix to Subpart B—Standards of Good Engineering Practice Concerning FM Broadcast Stations is amended to read as follows:

A. Sections 3.202 to 3.205 inclusive of the rules and regulations describe the basis for allocation of FM broadcast stations, including the division of the United States into Areas I and II.

IV. Table III of Appendix II to Subpart E is amended as follows: Change the statute mile figure for 40° 18'' to read 52.830 instead of 53.830.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Released: January 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-420; Filed, Jan. 20, 1954; 8:53 a. m.]

* Any change in partners or in their rights will require prior consent of the Commission upon an application for consent to assignment of license or permit. If such change involves less than a controlling interest, the application for Commission consent to such change may be made upon FCC Form No. 316 (Short Form).

[1] See § 2.104 (a) of this chapter.

[2] A station on 1010 kilocycles shall also protect a Class I-B station at Havana, Cuba.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 40]

EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62) and in sections 433 (b) (19) and 457 (c) of the Internal Revenue Code, as added by sections 4 and 1, respectively, of Public Law 594, 82d Congress, approved July 21, 1952.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 130 (26 CFR Part 40) to sections 1, 2, 3, and 4 of Public Law 594, 82d Congress, approved July 21, 1952, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 40.433 (b)-1 the following:

PUBLIC LAW 594—82D CONGRESS APPROVED JULY 21, 1952

* * * * *

SEC. 4. Effective with respect to taxable years ending after June 30, 1950, section 433 (b) of the Internal Revenue Code (relating to the computation of average base period net income) is hereby amended by inserting at the end thereof two new paragraphs reading as follows:

(18) *Adjustment for base period losses from branch operations.* In the case of a taxpayer which during two or more such taxable years operated a branch at a loss, the excess profits net income for each such taxable year (determined without regard to this paragraph) shall be increased by the amount of the excess of such loss above the loss, if any, incurred by such branch during the taxable year for which the tax under this subchapter is being computed. As used in this paragraph, the term 'branch' means a unit or subdivision of the taxpayer's business which was operated in a separate place from its other business and differed substantially from its other business with respect to character of products or services. A unit or subdivision of the taxpayer's business shall not be considered to differ substantially from the taxpayer's other business unless it is of a type classifiable by the Standard Industrial Classification Manual in a different major industry group or in a different subgroup of the taxpayer's major industry group than that in which its other business is so classifiable: *Provided, however*, That this paragraph shall not apply unless the sum of the net losses of such branch during the base period exceeded 15 per centum of the aggregate excess profits net income of the taxpayer during the base period. For the purposes of this paragraph, the aggregate excess profits net income of the taxpayer during the base period shall be the sum of its excess profits net income for all years in the base period, increased by the sum of the net losses of such branch during the base period.

(19) *Rules for application of paragraph (18).* For the purposes of paragraph (18):

(A) A branch shall be deemed to have been operated at a loss during a taxable year if the portion of the deductions under section 23 for such year which is determined, under regulations prescribed by the Secretary, to be the portion thereof properly allocable to the operation of such branch exceeds the portion of the gross income during the taxable year which is determined under such regulations to be the portion thereof properly allocable to the operation of such branch; and the amount of the loss shall be an amount equal to such excess.

(B) If the portion of the gross income determined to be properly allocable to the operation of the branch is a minus quantity, the amount of such excess shall be the sum of the deductions under section 23 determined to be properly allocable to the operation of the branch plus an amount equal to such minus quantity.

* * * * *

PAR. 2. There is inserted immediately after § 40.433 (b)-3 the following new section:

§ 40.433 (b)-4 *Base period losses from branch operations*—(a) *In general.* In the case of a taxpayer which during two or more taxable years in the base period operated a branch at a loss, section 433 (b) (18) provides an adjustment in computing the excess profits net income of the taxpayer for each taxable year in the base period during which such branch was operated at a loss. The excess profits net income of the taxpayer for any such taxable year in the base period (determined without regard to section 433 (b) (18)) shall be increased by the amount of the excess, if any, of (1) the loss incurred by the branch during the taxable year in the base period, over (2) the loss, if any, incurred by such branch during the taxable year for which the excess profits tax is being computed. The adjustment under section 433 (b) (18) shall not be made, however, unless the sum of the net losses of such branch during the base period, as determined under paragraph (c) (3) of this section, exceeded 15 percent of the aggregate excess profits net income of the taxpayer during the base period. For the purposes of section 433 (b) (18) and this section, the aggregate excess profits net income of the taxpayer during the base period shall be the sum of its excess profits net income for all taxable years in the base period, increased by the sum of the net losses of such branch during the base period.

(b) *Definition of "branch"*—(1) *In general.* The term "branch", as used in section 433 (b) (18) and this section, means a unit or subdivision of the taxpayer's business which (i) was operated in a separate place from its other business and (ii) differed substantially from its other business with respect to the character of products or services.

(2) *Separate location.* A unit or subdivision of the taxpayer's business shall be considered as having been operated in a separate place from its other business only if there was a distinct and complete physical separation between the unit or subdivision and the taxpayer's other business.

(3) *Different products or services.* A unit or subdivision of the taxpayer's business shall not be considered to differ substantially from the taxpayer's other business with respect to the character of products or services unless the unit or subdivision is of a type properly classifiable by the Standard Industrial Classification Manual prepared by the Division of Statistical Standards of the Bureau of the Budget in a different major industry group or in a different subgroup of the taxpayer's major industry group than that in which its other business is so classifiable. A difference in classification by the Manual shall not necessarily constitute a substantial difference with respect to the character of products or services. Whether a unit or subdivision differs substantially from the taxpayer's other business with respect to the character of products or services is to be determined upon the particular facts in each case.

(c) *Computation of loss and sum of the net losses*—(1) *Allocation of gross income and deductions.* Items of gross income and deductions shall be allocated to the branch and to the taxpayer's other business in such manner as will clearly reflect the gross income and deductions properly attributable to such branch and to such other business.

(2) *Computation of loss.* The amount of the loss sustained by the branch during any taxable year shall be the excess, if any, of:

(i) The portion of the deductions under section 23 (not including the net operating loss deduction provided in section 23 (s)) for such year which is allocable to the branch under subparagraph (1) of this paragraph, taking into account any applicable adjustments under section 433 (a) or (b), over

(ii) The portion of the gross income for such year which is allocable to the branch under subparagraph (1) of this

paragraph, taking into account any applicable adjustments under section 433 (a) or (b).

If the amount under subdivision (ii) of this subparagraph is a minus quantity, the amount of the loss shall be the sum of the amount under subdivision (i) of this subparagraph plus an amount equal to such minus quantity. If the amount under subdivision (i) of this subparagraph does not exceed the amount under subdivision (ii) of this subparagraph, then the amount by which the amount under subdivision (ii) of this subparagraph exceeds the amount under subdivision (i) of this subparagraph shall be considered the profits realized by the branch during the taxable year.

(3) *Computation of sum of the net losses.* The sum of the net losses of the branch during the entire base period shall be an amount equal to (i) the aggregate losses sustained by the branch during the base period minus (ii) the aggregate profits realized by the branch during the base period, computed as provided in subparagraphs (1) and (2) of this paragraph.

(d) *Statement required.* A taxpayer claiming the benefits of section 433 (b) (18) shall attach to its income tax return or claim for refund a statement setting forth fully all pertinent information necessary for the establishment of its eligibility and for the computation of the adjustment under such section.

PAR. 3. There is inserted immediately preceding § 40.457–1 the following:

PUBLIC LAW 594—82D CONGRESS APPROVED JULY 21, 1952

[SECTION 1.] • • • effective with respect to taxable years ending after June 30, 1950, section 457 of the Internal Revenue Code, as added by section 101 of the Excess Profits Tax Act of 1950, is hereby amended by changing its heading to read "Corporations Completing Contracts or Making Deposits Under Merchant Marine Act" and by adding to said section 457 the following new subsection:

(c) *Base period earnings credit for deposits under Merchant Marine Act, 1936.* The excess profits net income computed under section 433 (b) for any base period year shall be increased by the amount, if any, by which (1) the taxpayer's tax-deferred deposits of earnings, made in or accrued to reserve funds under section 607 of the Merchant Marine Act, 1936, in respect of such base period year, exceeds (2) the amount of such deposits of earnings for the taxable year. The Secretary shall provide, by regulation, for proper adjustment of the deposits made in or accrued to the reserve funds for any taxable year so as to exclude therefrom any amount payable for such year as reimbursement of operating-differential subsidy.

• • • • •

PAR. 4. Section 40.457–1 is amended by striking "457" in the first sentence of paragraph (a) and of paragraph (c) and in the first and second sentences of paragraph (d) and of paragraph (e) and by inserting in each case in lieu thereof "457 (a) and (b)".

PAR. 5. There is inserted immediately after § 40.457–1 the following new section:

§ 40.457–2 *Corporations making deposits under Merchant Marine Act of 1936*—(a) *In general.* Section 457 (c) is applicable to a taxpayer which has entered into a contract with the Federal Maritime Board or its predecessor, the United States Maritime Commission, pursuant to the Merchant Marine Act, 1936, as amended (hereinafter referred to as the act), which makes provision for the payment of an operating-differential subsidy to the taxpayer. Section 457 (c) provides that the excess profits net income of the taxpayer for any taxable year in the base period, computed under section 433 (b), shall be increased by the excess, if any, of (1) the taxpayer's tax-deferred deposits of earnings (as defined in paragraph (b) of this section) made in or accrued to the reserve funds under section 607 of the act in respect of such taxable year in the base period, over (2) the taxpayer's tax-deferred deposits of earnings (as defined in paragraph (b) of this section) made in or accrued to the reserve funds under such section 607 in respect of the taxable year for which the excess profits tax is being computed.

(b) *Tax-deferred deposits.* The term "tax-deferred deposits of earnings", for the purposes of section 457 (c) and this section, means the excess, if any, of (1) the amounts of ordinary income for any taxable year deposited by the taxpayer in either the capital reserve fund or the special reserve fund under section 607 of the act, to the extent that such amounts are treated as "tax-deferred" in a closing agreement entered into under section 3760 between the taxpayer and the Commissioner, over (2) the amount payable for such year by the taxpayer as reimbursement of operating-differentiation subsidy, as computed under paragraph (c) of this section. Ordinary income deposited in such reserve funds consists of the following items: (i) Mandatory deposits of the earnings from the operations of subsidized vessels and services incident thereto, including the excess of (a) the amounts which the United States Maritime Commission or the Maritime Administration requires the taxpayer to deposit for depreciation over (b) the amounts allowable as depreciation under section 23 (l), computed on the adjusted basis provided in section 113 (b); (ii) voluntary deposits of earnings; and (iii) interest earned on tax-deferred amounts in the capital reserve and special reserve funds. Excessive profits which the taxpayer is excused from depositing, to the extent such profits are withheld from the payment of operating-differential subsidy by the United States Maritime Commission or the Maritime Administration (as provided by Public Law 862, 80th Congress, 62 Stat. 1196, or any corresponding provisions of law subsequently enacted), shall be treated as if they were deposited in the special reserve fund. The deposit of amounts received from the United States Maritime Commission or the Maritime Administration which had previously been withheld from payment of operating-differential subsidy under the provisions of Public Law 862, 80th Congress, 62 Stat. 1196, or under any corresponding provisions of law subsequently enacted, shall be considered a deposit of earnings with respect to the taxable year in which actually deposited in the reserve fund. Tax-deferred deposits of earnings do not include amounts which would constitute capital gains under section 117, or would be treated as capital gains under section 117 (j), if currently taxable, even though such amounts are deposited in the reserve funds.

(c) *Adjustment for amounts payable as reimbursement of operating-differential subsidy.* (1) For the purpose of the adjustment of tax-deferred deposits referred to in paragraph (b) (2) of this section, the amount payable for any taxable year as reimbursement of operating-differential subsidy shall be the amount of excessive profits accruing for such year to the United States Maritime Commission or the Maritime Administration under sections 606 and 607 of the Act. The amount of excessive profits so accruing for any taxable year shall be determined by reference to the recapturable profits account as properly recorded on the corporate books of account, taking into account the excess, if any, of (i) the balance of such account as of the close of such year, over (ii) the balance of such account as of the close of the preceding taxable year.

(2) In computing the excess under subparagraph (1) of this paragraph, the respective balances of the recapturable profits account shall be determined as of the close of the taxable year without regard to any events which happen after the close of such year and shall be further adjusted to eliminate any part of such balances attributable to any recapture period prior to the recapture period in which the taxable year falls.

(3) The recapturable profits account referred to in subparagraphs (1) and (2) of this paragraph is the "Recapturable Profits—Maritime Administration" account prescribed by the Maritime Administrator in the "Uniform System of Accounts for Maritime Carriers" (General Order No. 22, revised October 16, 1950) and, for the period prior to January 1, 1951, the "Recapture Profits—U. S. Maritime Commission" account prescribed by the United States Maritime Commission in the "Uniform System of Accounts for Operating-Differential Subsidy Contractors" (General Order No. 22, adopted February 4, 1938).

(4) The term "recapture period", as used in subparagraph (2) of this paragraph, means the period referred to in section 606 (5) of the act.

(d) *Statement required.* A taxpayer claiming the benefits of section 457 (c) shall attach to its income tax return or claim for refund a statement showing a complete computation of the amount of the adjustment under such section, including an itemized list of all deposits into the capital reserve fund and into the special reserve fund and a complete computation showing the amount payable as reimbursement of operating-differential subsidy.

PAR. 6. There is inserted immediately after § 40.459 (e)–1 the following:

PUBLIC LAW 594—82D CONGRESS APPROVED JULY 21, 1952

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SEC. 2. Section 459 of the Internal Revenue Code (miscellaneous provisions relating to the computation of average base period net income) is hereby amended by adding at the end thereof the following new subsection:

(f) *Companies preserving defense capacity and increasing capacity for manufacturing peacetime products from certain strategic and critical metals—(1) Eligibility requirement.* In the case of a taxpayer which commenced business on or prior to January 1, 1936, and since such date has been primarily engaged in manufacturing, if—

(A) The percentage of the taxpayer's purchases of raw materials which were strategic and critical metals (as defined in paragraph (3)) was 80 per centum or more for each of the taxable years beginning with or within the taxpayer's base period;

(B) The taxpayer's average monthly excess profits net income (computed in the manner provided in section 443 (e)) for the period comprising all taxable years ending with or within the first twenty-four months of its base period was 250 per centum or more of the average monthly excess profits net income (so computed) of the taxpayer for the period comprising all taxable years ending with or within the last twenty-four months of its base period;

(C) The adjusted basis of the taxpayer's total facilities (as defined in section 444 (d)) as of the beginning of its base period (when added to the total facilities at such time of all corporations with which the taxpayer has the privilege under section 141 of filing a consolidated return for its first taxable year under this subchapter) did not exceed $10,000,000; and

(D) The adjusted basis of the taxpayer's total facilities (as defined in section 444 (d)) on the last day of its base period was 180 per centum or more of the adjusted basis of its total facilities on the first day of its base period.

the taxpayer's average base period net income determined under this subsection shall be the amount computed under paragraph (2).

(2) *Computation.* The average base period net income determined under this subsection for a taxpayer entitled to the benefits of this subsection shall be the amount computed under section 435 (e) (2) (E) and (F) except that there shall be substituted for the aggregate of the excess profits net income for each of the six months in the period beginning July 1, 1949, and ending December 31, 1949, an amount computed by multiplying the aggregate of the excess profits net income for each of the six months in the period beginning July 1, 1946 and ending December 31, 1946, by the per centum determined by dividing the adjusted basis of taxpayer's total facilities (as defined in section 444 (d)) on December 31, 1948, by the adjusted basis of its total facilities on the first day of its base period. The average base period net income computed under the preceding sentence shall not exceed 80 per centum of the excess profits tax net income for the taxpayer's first taxable year under this subchapter.

(3) *Definition of strategic and critical metals.* As used in this subsection, the term "strategic and critical metals" means copper and zinc which on January 1, 1945, had been determined by proper authority to be strategic and critical under the provisions of the Strategic and Critical Stock Piling Act and shall include scrap containing such metals.

SEC. 3. The amendment made by section 2 shall be applicable with respect to all taxable years ending after June 30, 1950.

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§ 40.459 (f)–1 *Companies preserving defense capacity and increasing capacity for manufacturing peacetime products from certain strategic and critical metals*—(a) *In general.* A corporation which commenced business on or before January 1, 1936, which has been primarily engaged in manufacturing since January 1, 1936, and which satisfies all the requirements provided in subparagraphs (A) through (D) of section 459 (f) (1) may compute its average base period net income, for the purpose of computing its excess profits tax for any taxable year ending after June 30, 1950, under the provisions of section 459 (f) (2) and of (b) of this section instead of under any other applicable provision of the Code and regulations. The average base period net income computed under section 459 (f) (2), in the case of a taxpayer which meets the eligibility requirements provided in section 459 (f) (1), shall be used in computing the taxpayer's excess profits tax for any excess profits tax taxable year if the use of such average base period net income computed under section 459 (f) results in a lesser excess profits tax for such taxable year than would result from any other allowable computation of such tax. If the taxpayer computes its average base period net income under section 459 (f), the base period capital addition provided in section 435 (f) shall not be allowed in computing its excess profits credit. Thus, for example, if the use of the amount computed under section 435 (d) as the average base period net income together with the base period capital addition would result in a lesser excess profits tax for a taxable year than would result from the use of the amount computed under section 459 (f) as the average base period net income but without the base period capital addition, then in determining the excess profits tax for such taxable year the average base period net income shall be the amount computed under section 435 (d) and not the amount computed under section 459 (f) without regard to which of such amounts is the greater.

(b) *Computation of average base period net income under section 459 (f).* If a taxpayer may compute its average base period net income under section 459 (f), its average base period net income as computed under section 459 (f) (2) shall be the amount computed under section 435 (e) (2) (E) and (F) and under § 40.435–5 (a) (5) and (6) and § 40.435–5 (b), except that there shall be substituted for the aggregate of the excess profits net income for each of the six months in the period beginning July 1, 1949, and ending December 31, 1949, an amount computed by multiplying the aggregate of the excess profits net income for each of the six months in the period beginning July 1, 1946, and ending December 31, 1946, by the percent determined by dividing the adjusted basis of the taxpayer's total facilities (as defined in section 444 (d)) on December 31, 1948, by the adjusted basis of its total facilities on the first day of its base period. In no event, however, shall the average base period net income computed under section 459 (f) (2) exceed 80 percent of the taxpayer's excess profits net income for its first excess profits tax taxable year (that is, for its first taxable year ending after June 30, 1950).

(c) *Definition of strategic and critical metals.* The term "strategic and critical metals", for the purposes of section 459 (f) and of this section, means copper and zinc which on January 1, 1945, had been determined by proper authority to be strategic and critical under the provisions of the Strategic and Critical Stock Piling Act and shall also include scrap containing such metals, if such metals constitute a substantial portion of such scrap.

(d) *Date the taxpayer commenced business.* The date the taxpayer commenced business shall be determined, for the purposes of section 459 (f) and of this section, under the rules provided in the regulations promulgated under section 445, relating to the computation of average base period net income in the case of new corporations. See § 40.445–1 (a) (2).

[F. R. Doc. 54–412; Filed, Jan. 20, 1954; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10765]

RADIO BROADCAST SERVICES

NOTICE OF EXTENSION OF TIME FOR FILING

In re amendment of § 3.25 (a) of the Commission rules, Docket No. 10765.

1. On November 24, 1953 the Commission issued a notice of proposed rule making (FCC 53–1531) in the above entitled matter which specified that comments were to be filed on or before January 15, 1954. National Broadcasting Company, Inc. (NBC) and Clear Channel Broadcasting Service (CCBS) have requested the time for filing comments be extended until March 8, 1954 in order that engineering studies may be concluded.

2. In view of the above requests notice is hereby given that the time for filing comments in the above entitled matter is extended to March 8, 1954. Replies to such comments may be filed on or before March 23, 1954.

Adopted: January 14, 1954.

Released: January 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-418; Filed, Jan. 20, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

Pictures, iron.
Plum sauce.
Sandalwood fans.
Soy bean sauce.
Trays, brass.
Wheat starch.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 54-406; Filed, Jan. 20, 1954; 8:49 a. m.]

HAIR OF CERTAIN ANIMALS, AND COTTON AND SILK WASTE; IMPORTATION FROM COUNTRIES NOT IN AUTHORIZED TRADE TERRITORY

APPLICATIONS FOR LICENSES

Notice is hereby given that the Treasury Department is now prepared to consider applications for licenses under the Foreign Assets Control Regulations (31 CFR 500.101-500.808) to purchase and import any of the following commodities from countries not in the authorized trade territory (other than Communist China and North Korea):

Badger hair.
Camel hair.
Cotton waste.
Goat hair.
Horse mane hair, horse tail hair and other horse hair.
Silk waste.
Yak hair.

Applications will now be considered from persons who have previously imported such a commodity from any part of the world, including Communist China and North Korea. Up to the present time Foreign Assets Control licenses were granted only to persons who had previously imported such a commodity from a country not in the authorized trade territory, other than Communist China and North Korea.

Any person wanting to import during 1954 one or more of the aforementioned commodities from any country not in the authorized trade territory (other than Communist China or North Korea) should file an application for this purpose on Form TFAC-1. The application should be filed in duplicate with the Federal Reserve Bank of New York no later than February 23, 1954. Each application should describe and state the quantity and value of each commodity the applicant desires to import during 1954, its country of origin and the names and addresses of all persons who it is contemplated will be involved as suppliers, agents, shippers or intermediaries of any sort. The application should also set forth for each commodity desired to be imported the record of the importations effected for applicant's own account and risk for each of the years 1946 through 1951. The record should show for each such importation the description of the merchandise as per the contract or invoice, the date of the invoice, the country of origin of the merchandise, the name and address of the supplier, the quantity and value of the merchandise actually imported, and the date, port and number of the covering entry. No importation, whether made in the name of the applicant or another person, should be listed unless the importation was for the account and at the risk of the applicant. In all cases where importations were in the name of persons other than the applicant, the basis on which they are listed as importations by the applicant should be fully explained.

Attention is directed to the fact that the term "authorized trade territory" is defined in § 500.322 of the Foreign Assets Control Regulations and that the term "countries not in the authorized trade territory" as used herein includes Albania, Bulgaria, Czechoslovakia, the Eastern Zone of Germany, the Eastern Sector of Berlin, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, Poland, Rumania, and the Union of Soviet Socialist Republics.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 54-428; Filed, Jan. 20, 1954; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 60935]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM COLORADO RIVER STORAGE PROJECT

JANUARY 15, 1954.

An order of the Bureau of Reclamation dated April 2, 1951, concurred in by the Assistant Director, Bureau of Land Management, May 7, 1951, revoked the departmental order of October 16, 1931, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described land in connection with the Colorado River Storage Project, Arizona, and provided that such revocation should not affect any other orders withdrawing or reserving the lands described:

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 19 W.,
Sec. 4.

The area described contains 639.76 acres.

The lands lie in a rough, broken area, about 15 miles from the nearest highway, and are almost inaccessible by automobile. Vegetation consists of black brush, burro brush, mesquite, scattered grasses and weeds. They are usable mainly for grazing. They are primarily suitable for disposition by private exchange. It is not likely that they will be classified for any other disposition, but any application that is filed will be considered on its merits.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Phoenix, Arizona.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 54-388; Filed, Jan. 20, 1954; 8:45 a. m.]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 15, 1954.

An application, serial number Misc. 63087, for the withdrawal from all forms of appropriation under the public land laws, except the mineral leasing laws of the lands described below was filed on April 7, 1952, by Fish and Wildlife Service, U. S. Department of the Interior. The purposes of the proposed withdrawal: Gila River Water Fowl Area Acquisition, Arizona.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region V, Bureau of Land Management, Department of the Interior at Box 1695, Albuquerque, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 1 W.
Sec. 34: N½SE¼.
Sec. 35: S½.
T. 1 N., R. 2 W.
Sec. 34: SE¼SE¼.
T. 1 S., R. 2 W.
Sec. 3: N½NE¼, S½SW¼, SW¼SE¼.
Sec. 4: SW¼NE¼, SE¼NW¼, SE¼.
Sec. 8: N½SW¼.
Sec. 9: NE¼, S½NW¼, S½.
T. 1 S., R. 3 W.
Sec. 10: SE¼SW¼, S½SE¼.
Sec. 11: NE¼SW¼, S½SW¼.
Sec. 12: SW¼NE¼, S½NW¼.
Sec. 15: N½NE¼, SW¼, S½SE¼.
Sec. 17: S½NE¼, SE¼.
Sec. 18: N½S½, S½SW¼, SW¼SE¼.
Sec. 19: SE¼NE¼, NE¼SW¼, S½SW¼, SE¼.
T. 1 S., R. 4 W.
Sec. 19: S½SE¼.
Sec. 20: S½S½.
Sec. 21: S½NE¼, SE¼NW¼, N½S½, S½SW¼.
Sec. 22: NE¼, NE¼NW¼, S½NW¼, N½SW¼, NW¼SE¼.
Sec. 23: N½NE¼, NW¼.
Sec. 27: SW¼.
Sec. 28: NW¼, S½.
Sec. 29: N½N½, SE¼NE¼, SE¼.
Sec. 30: N½N½, SE¼SE¼.
T. 1 S., R. 5 W.
Sec. 25: N½SW¼.
Sec. 26: S½.
Sec. 34: NW¼NE¼, NW¼, W½SW¼.
T. 2 S., R. 5 W.
Sec. 4: W½E½.
Sec. 9: NW¼NE¼, S½NE¼, SE¼.
Sec. 21: E½, SE¼NW¼, E½SW¼.

The area described aggregates 7,009.37 acres.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-398; Filed, Jan. 20, 1954; 8:48 a. m.]

ALASKA

RESTORATION ORDER NO. 3, UNDER FEDERAL POWER ACT

JANUARY 14, 1954.

Pursuant to the following-listed determination of the Federal Power Commission, and in accordance with section 2.22 (a) (4) of Order No. 427, approved by the Secretary of the Interior August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights, the lands in Alaska, hereinafter described, so far as they are withdrawn for power purposes, are hereby opened to disposition under the public land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

Determination No.	Dates and types of withdrawals	Type of restoration
DA-2 Alaska	Power Site Reserve No. 676 of Jan. 23, 1918; Power Site Classification No. 107 of June 12, 1925; Power Site Classification No. 369 of Mar. 29, 1950.	Under the applicable public land laws.

LAND DESCRIPTION, SEWARD MERIDIAN

T. 14 N., R. 1 E., all unsurveyed lands located within ¼ mile of Peters Creek.
T. 15 N., R. 1 E., all unsurveyed lands located within ¼ mile of Peters Creek.
T. 15 N., R. 1 W., all unsurveyed land therein lying within ¼ mile of Peters Creek

This order shall not become effective until 10:00 a. m. on the 35th day after the date of this order. At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead, home or headquarters site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 54-410; Filed, Jan. 20, 1954; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

CUNARD STEAM SHIP CO., LTD., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. Section 814.

(1) Agreement No. 7926 between the Cunard Steam Ship Company, Limited and Alcoa Steamship Company, Inc., covers the transportation of general cargo on through bills of lading from the loading ports of the Cunard Steam Ship Company, Limited in the United Kingdom of Great Britain and Northern Ireland to Puerto Rico, with transhipment at New York.

(2) Agreement No. 7927, between Alcoa Steamship Company, Inc., and Moore-McCormack Lines, Inc., covers the transportation of general cargo under through bills of lading from Brazil, Argentina and Uruguay to Puerto Rico, with transhipment at Baltimore and New York.

(3) Agreement No. 7938, between the carriers comprising the Kokusai Line joint service and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Japan and the Philippines to Puerto Rico, with transshipment at New York.

(4) Agreement No. 7939, between the carriers comprising the Kokusai Line joint service and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Japan and the Philippines to the Virgin Islands, with transhipment at New York.

(5) Agreement No. 7948, between United States Lines Company and Alcoa Steamship Company, Inc., covers transportation of general cargo under through bills of lading from United Kingdom of Great Britain, Northern Ireland, the Irish Free State, and in the Vigo/Hamburg range of Continental Europe to Puerto Rico, with transhipment at New York.

(6) Agreement No. 7952, between Companhia De Navegacao Carregadores Acoreanos and Alcoa Steamship Company, Inc., covers transportation of general cargo under through bills of lading from specified Portuguese ports to Puerto Rico, with transhipment at New York.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 18, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 54-422; Filed, Jan. 20, 1954; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

American Modes, Inc., Winchester, Ill., effective 2-5-54 to 2-4-55; 10 learners for normal labor turnover purposes (dresses).

Big Smith Manufacturing Co., Bonham, Tex., effective 1-11-54 to 1-10-55; 10 learners for normal labor turnover purposes (blue jeans).

Big Smith Manufacturing Co., Bonham, Tex., effective 1-11-54 to 7-10-54; 15 learners for plant expansion purposes (blue jeans).

Brookfield Manufacturing Co., 145 West Pine Street, Warrensburg, Mo., effective 1-7-54 to 1-6-55; 10 learners for normal labor turnover purposes (work pants, work shirts, etc.).

Samuel Cooperman & Sons, Inc., 970 Ridge Avenue, Scranton, Pa., effective 1-7-54 to 1-6-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Dunhill Shirt Co., Lexington, Mo., effective 1-12-54 to 1-11-55; 10 percent of the total number of production workers for normal labor turnover purposes (shirts).

Dunhill Shirt Co., Holden, Mo., effective 1-8-54 to 1-7-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

M. Fine & Sons Manufacturing Co., Inc., New Albany, Ind., effective 1-23-54 to 1-22-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Forest City Manufacturing Co., Staunton, Ill., effective 1-19-54 to 1-18-55; 10 learners for normal labor turnover purposes (dresses).

Forest City Manufacturing Co., Virden, Ill., effective 1-19-54 to 1-18-55; 10 learners for normal labor turnover purposes (dresses).

Hamlin Manufacturing Co., Poteau, Okla., effective 1-15-54 to 7-14-54; 25 learners for plant expansion purposes (children's single pants, overall jackets, etc.).

Hollywood-Maxwell Co., 437 South Pleasant Street, Princeton, Ill., effective 1-23-54 to 1-22-55; 10 learners for normal labor turnover purposes (brassieres).

Hollywood Maxwell Co., 302 North Walnut Street, Cameron, Mo., effective 1-23-54 to 1-22-55; 10 learners for normal labor turnover purposes (brassieres).

Iva Manufacturing Co., Iva, S. C., effective 1-12-54 to 1-11-55; 4 learners for normal labor turnover purposes (blouses).

F. Jacobson & Sons, Inc., Jay and River Streets, Troy, N. Y., effective 1-11-54 to 1-10-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts and pajamas).

Linden Manufacturing Co., Linden, Ala., effective 1-15-54 to 7-14-54; 40 learners for plant expansion purposes (dresses).

Metro Pants Co., Harrisonburg, Va., effective 1-11-54 to 7-10-54; 25 learners for plant expansion purposes (men's and boys' trousers).

Metro Pants Co., Harrisonburg, Va., effective 1-11-54 to 1-10-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

Myles Manufacturing Co., Pennsboro, W. Va., effective 1-12-54 to 1-11-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's pajamas and blouses).

Oshkosh B'Gosh Inc., 33 Otter Street, Oshkosh, Wis., effective 1-11-54 to 1-10-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls, dungarees, etc.).

Paulsboro Dress Co., Inc., Delaware and Gill Streets, Paulsboro, N. J., effective 1-5-54 to 1-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Publix Shirt Corp., Hazleton, Pa., effective 1-23-54 to 1-22-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Rice Stix Factory No. 20, Slater, Mo., effective 1-26-54 to 1-25-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

The Salisbury Co., Salisbury, Mo., effective 1-12-54 to 1-11-55; 10 percent of the total number of factory production workers, for normal labor turnover purposes (men's dress trousers and slacks).

Sharon Manufacturing Co., New Sharon, Iowa, effective 1-11-54 to 1-10-55; 6 learners for normal labor turnover purposes (children's cotton clothing and men's work clothing.

Soperton Manufacturing Co., Soperton, Ga., effective 1-11-54 to 1-10-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

The Warner Brothers Co., Malone, N. Y., effective 1-25-54 to 1-24-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (corsets and brassieres).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Barber Hosiery Mills, Inc., Mount Airy, N. C., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Belmont Hosiery Mills, Inc., Belmont, N. C., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Belmont Knitting Co., Belmont, N. C., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Chattooga Mills, Inc., Summerville, Ga., effective 1-25-54 to 9-24-54; 10 learners for expansion purposes.

Chattooga Mills, Inc., Summerville, Ga., effective 1-25-54 to 1-24-55; 5 learners for normal labor turnover purposes.

Drexel Knitting Mills Co., Drexel, N. C., effective 1-8-54 to 9-7-54; 35 learners for expansion purposes.

Durham Hosiery Mills, 109 South Corcoran Street, Durham, N. C., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Lingerie, Inc., Lenoir Road, Morganton, N. C., effective 1-8-54 to 1-7-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips, pettiskirts, bedjackets, etc.).

Stone Manufacturing Co., 3424 Main Street, Eau Claire Columbia, S. C., effective 1-11-54 to 1-10-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven undershorts).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Atlas Products Corp., Toa Alta, P. R., effective 1-4-54 to 7-3-54; 35 learners; machine sewing of leather gloves, 240 hours at 39 cents an hour, 240 hours at 44 cents an hour (leather gloves).

Porto Rico Telephone Co., Arecibo, P. R., effective 1-7-54 to 1-6-55; 10 learners; telephone operators, 240 hours at 53 cents an hour, 240 hours at 58 cents an hour; installers and repairmen, framemen, testmen, switchmen; each 320 hours at 53 cents an hour, 320 hours at 58 cents an hour, 320 hours at 63 cents an hour (telephone industry).

Porto Rico Telephone Co., Hato Rey, P. R., effective 1-7-54 to 1-6-55; 10 learners; telephone operators, 240 hours at 53 cents an hour, 240 hours at 58 cents an hour (telephone industry).

Porto Rico Telephone Co., Mayaguez, P. R., effective 1-7-54 to 1-6-55; 15 learners; telephone operators, 240 hours at 53 cents an hour, 240 hours at 58 cents an hour; installers and repairmen, framemen, testmen, switchmen; each 320 hours at 53 cents an hour, 320 hours at 58 cents an hour, 320 hours at 63 cents an hour (telephone industry).

Porto Rico Telephone Co., Ponce, P. R., effective 1-7-54 to 1-6-55; 15 learners; telephone operators, 240 hours at 53 cents an hour, 240 hours at 58 cents an hour; installers and repairmen, framemen, testmen, switchmen; each 320 hours at 53 cents an hour, 320 hours at 58 cents an hour, 320 hours at 63 cents an hour (telephone industry).

Porto Rico Telephone Co., Rio Piedras, P. R., effective 1-7-54 to 1-6-55; 10 learners; telephone operators, 240 hours at 53 cents an hour, 240 hours at 58 cents an hour, (telephone industry).

Porto Rico Telephone Co., Santurce, P. R., effective 1-7-54 to 1-6-55; 95 learners; telephone operators, 240 hours at 53 cents an hour, 240 hours at 58 cents an hour; installers and repairmen, splicers, framemen, apparatus repairmen, testmen, switchmen; each 320 hours at 53 cents an hour, 320 hours at 58 cents an hour, 320 hours at 63 cents an hour (telephone industry).

Weston Puerto Rico, Inc., Ponce, P. R., effective 1-7-54 to 5-6-54; 30 learners; coil winding, 160 hours at 34 cents an hour, 160 hours at 37 cents an hour; assemblers, adjusters, inspectors, each 160 hours at 34 cents an hour (assembly of electrical indicating instruments).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 13th day of January 1954.

MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 54-390; Filed, Jan. 20, 1954; 8:46 a. m.]

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214, as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops, wage rates and the effective and expiration dates of the certificates are set forth below. In each case, the wage rates are established at rates not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or at wage rates stipulated in the certificate, whichever is higher.

Sheltered Shop; Rehabilitation Center for the Physically Handicapped, Inc., 20 Wall Street, Stamford, Connecticut; at a rate of not less than 5 cents per hour for a training period of 40 hours and 15 cents thereafter. Certificate is effective November 1, 1953, and expires October 31, 1954.

Buffalo Association for the Blind, 864 Delaware Avenue, Buffalo 9, New York; at a rate of not less than 30 cents per hour for a training period of 80 hours and 50 cents thereafter in the Contract Shop and at a rate of not less than 30 cents per hour in The Rehabilitation Center. Certificate is effective December 1, 1953, and expires November 30, 1954.

Buffalo Association for the Blind, 180 Goodell Street, Buffalo, New York; at a rate of not less than 35 cents per hour for a training period of 320 hours and 50 cents thereafter. Certificate is effective December 1, 1953, and expires November 30, 1954.

Elmira Association for the Blind, Inc., 717 Lake Street, Elmira, New York; at a rate of not less than 50 cents per hour for a training period of 160 hours and 60 cents thereafter. Certificate is effective December 1, 1953, and expires November 30, 1954.

Federation of the Handicapped, Inc., 211 West 14th Street, New York 11, New York; at a rate of not less than 40 cents per hour. Certificate is effective November 5, 1953, and expires October 31, 1954.

Goodwill Home and Rescue Mission, 28-44 Eagles Street, Newark, New Jersey; at a rate of not less than 40 cents per hour for a training period of 120 hours and 55 cents thereafter for Paper Balers and at a rate of not less than 40 cents per hour for Truck Helpers. Certificate is effective January 1, 1954, and expires December 31, 1954.

Mobility, Inc., Mobility Workshop, 13 North Central Avenue, Elmsford, New York; at a rate of not less than 50 cents per hour. Certificate is effective December 4, 1953, and expires November 30, 1954.

The New York Association for the Blind, Occupational Department, 111 East 59th Street, New York 22, New York; at a rate of not less than 10 cents per hour. Certificate is effective January 1, 1954, and expires November 30, 1954.

New York Guild for the Jewish Blind, 1880 Broadway, New York 23, New York; at a rate of not less than 20 cents per hour. Certificate is effective November 25, 1953, and expires February 28, 1954.

Veterans of Foreign Wars of the United States, Buddy Poppy Department, Home for Disabled Soldiers, Menlo Park, New Jersey; at a rate of not less than 10 cents per hour for a training period of 80 hours and 15 cents thereafter. Certificate is effective November 1, 1953, and expires October 31, 1954.

Veterans of Foreign Wars of the United States, Buddy Poppy Department, New Jersey Memorial Home, Vineland, New Jersey; at a rate of not less than 10 cents per hour for a training period of 80 hours and 15 cents thereafter. Certificate is effective November 1, 1953, and expires October 31, 1954.

Veterans of Foreign Wars of the United States, Buddy Poppy Department, Veterans' Camp, Mt. McGregor, New York; at a rate of not less than 10 cents per hour for a training period of 80 hours and 15 cents thereafter. Certificate is effective November 1, 1953, and expires October 31, 1954.

Baltimore Goodwill Industries, 201 South Broadway, Baltimore, Maryland; at a rate of not less than 40 cents per hour. Certificate is effective January 1, 1954, and expires December 31, 1954.

Pennsylvania Association for the Blind, Lancaster County Branch, 506 West Walnut Street, Lancaster, Pennsylvania; at a rate of not less than 40 cents per hour. Certificate is effective January 1, 1954, and expires December 31, 1954.

Pennsylvania Association for the Blind, Inc., Washington County Branch, 254 North Main Street, Washington, Pennsylvania; at a rate of not less than 50 cents per hour. Certificate is effective November 25, 1953, and expires November 30, 1954.

Volunteers of America, 724 Diamond Street, Pittsburgh, Pennsylvania; at a rate of not less than 57 cents per hour. Certificate is effective December 1, 1953, and expires November 30, 1954.

Mississippi Industries for the Blind, 2501 North West Street, Jackson, Mississippi; at a rate of not less than 50 cents per hour. Certificate is effective December 1, 1953, and expires November 30, 1954.

Jackson Goodwill Industries, 217 North Jackson Street, Jackson, Michigan; at a rate of not less than 40 cents per hour for a training period of 40 hours and 60 cents thereafter. Certificate is effective December 14, 1953, and expires November 30, 1954.

The Lott Day School, 255 Heffner at Kelsey, Toledo 5, Ohio; at a rate of not less than 10 cents per hour. Certificate is effective November 9, 1953, and expires October 31, 1954.

The Montefiore Home, 3151 Mayfield Road, Cleveland Heights 18, Ohio; at a rate of not less than 5 cents per hour for a training period of 80 hours and 8 cents thereafter. Certificate is effective December 7, 1953, and expires November 30, 1954.

The Chicago Lighthouse for the Blind, 3323 West Cermak Road, Chicago 23, Illinois; at a rate of not less than 30 cents per hour for a training period of 160 hours and 40 cents thereafter. Certificate is effective December 1, 1953, and expires November 30, 1954.

Goodwill Industries of Chicago and Cook County, Illinois, 1500 West Monroe Street, Chicago 7, Illinois; at a rate of

not less than 40 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective December 1, 1953, and expires November 30, 1954.

Indianapolis Goodwill Industries, Inc., 215 South Senate Avenue, Indianapolis 25, Indiana; at a rate of not less than 45 cents per hour for a training period of 160 hours and 50 cents thereafter in the Shoe Repair Division and at a rate of 50 cents per hour for a training period of 160 hours and 55 cents thereafter in all other Divisions. Certificate is effective November 1, 1953, and expires October 31, 1954.

Industrial Workshop, a division of the Jewish Vocational Service, 311 Hamm Building, St. Paul 2, Minnesota; at a rate of not less than 30 cents per hour. Certificate is effective November 4, 1953, and expires April 30, 1954.

Marion County Society for Crippled Children and Adults, Inc., 3001 North New Jersey Street, Indianapolis 5, Indiana; at a rate of not less than 25 cents per hour for assembling, sorting, and stuffing mail; at a rate of not less than 50 cents per hour for a training period of 160 hours and 55 cents thereafter for typing, mimeographing, and alphabetizing; at a rate of not less than 45 cents per hour for a training period of 160 hours and 50 cents thereafter for multigraphing; and at a rate of not less than 50 cents per hour for a training period of 160 hours and 60 cents thereafter for other contract work. Certificate is effective December 1, 1953, and expires November 30, 1954.

Dallas County Association for the Blind, 2729 Hatcher Street, Dallas, Texas; at a rate of not less than 25 cents per hour for a training period of 480 hours and 40 cents thereafter. Certificate is effective October 1, 1953, and expires September 30, 1954.

Goodwill Industries of El Paso, El Paso, Texas; at a rate of not less than 50 cents per hour. Certificate is effective January 1, 1954, and expires December 31, 1954.

Goodwill Industries and Gospel Mission, 13 West Salem Avenue, Roanoke, Virginia; at a rate of not less than 45 cents per hour in the Store and at a rate of not less than 50 cents per hour in all other Divisions. Certificate is effective January 1, 1954, and expires December 31, 1954.

Norfolk Goodwill Industries, 316 Bank Street, Norfolk, Virginia; at a rate of not less than 55 cents per hour. Certificate is effective December 1, 1953, and expires November 30, 1954.

Upper East Tennessee Workshop for the Blind, 600 East Maple, Johnson City, Tennessee; at a rate of not less than 40 cents per hour for a training period of 320 hours and 50 cents thereafter. Certificate is effective November 16, 1953, and expires October 31, 1954.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 12th day of January 1954.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 54-389; Filed, Jan. 20, 1954; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6489]

SEABOARD & WESTERN AIRLINES, INC., AND TRANSOCEAN AIR LINES; ARMY POST OFFICE AND FLEET POST OFFICE MAIL TARIFF INVESTIGATION

NOTICE OF POSTPONEMENT OF TIME

In the matter of rejection of tariff naming rates on Army Post Office and Fleet Post Office Mail proposed by Seaboard & Western Airlines, Inc., and Transocean Air Lines.

Notice is hereby given that the prehearing conference in the above-entitled investigation now assigned for 10:00 a. m., e. s. t., is hereby postponed to 2:00 p. m., e. s. t. The conference will be held on January 25, 1954, in Room 5855, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., January 18, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-413; Filed, Jan. 20, 1954; 8:51 a. m.]

[Docket No. 6200]

WESTERN AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 9, 1954, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 18, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-415; Filed, Jan. 20, 1954; 8:52 a. m.]

[Docket No. 1789 et al.]

REOPENED MILWAUKEE-CHICAGO-NEW YORK-RESTRICTION CASE (CLEVELAND-NEW YORK NONSTOP SERVICE)

NOTICE OF ORAL ARGUMENT

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 4, 1954, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 18, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-414; Filed, Jan. 20, 1954; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10851]

AKRON BROADCASTING CORP. (WCUE)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Akron Broadcasting Corporation (WCUE), Akron, Ohio, Docket No. 10851, File No. BP-8478; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of January 1954;

The Commission having under consideration the above-entitled application of the Akron Broadcasting Corporation, licensee of Radio Station WCUE, for a construction permit to change hours of operation from daytime only to unlimited time, with power of 500 watts night and one kilowatt day, employing directional antenna both day and night (DA-2), and installation of a new transmitter; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WCUE as proposed but that the proposed operation may not comply with the Standards of Good Engineering Practice; particularly with reference to coverage of the city and metropolitan district of Akron, Ohio, and the excessive number of persons residing between the normally protected and actual nighttime limitation contours; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the Commission notified the applicant of the foregoing deficiencies, by letter dated February 25, 1953, since the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that in a reply dated December 7, 1953, the applicant reiterated essentially the same reasons in support of his request as were contained in the original application; and

It further appearing, that after consideration of the reply, the Commission is still unable to find that a grant would be in the public interest;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to service to the city and metropolitan district of Akron and excessive population residing between the normally protected and actual nighttime limitation contours.

Released: January 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-417; Filed, Jan. 20, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1785]

SOUTHEASTERN ILLINOIS GAS CO. AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER TERMINATING PROCEEDINGS

JANUARY 15, 1954.

In the matter of Southeastern Illinois Gas Company, complainant, vs. Texas Eastern Transmission Corporation, defendant, Docket No. G-1785.

Notice is hereby given that on January 14, 1954, the Federal Power Commission issued its order adopted January 13, 1954, terminating proceeding in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-396; Filed, Jan. 20, 1954; 8:47 a. m.]

[Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, G-2073, G-2091, G-2301, G-2349]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER SUSPENDING NOTICE OF CANCELLATION OF RATE SCHEDULES, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, G-2073, G-2301, G-2349, and Panhandle Eastern Pipe Line Company, Southeastern Michigan Gas Company, Citizens Gas Fuel Company, Citizens Gas Company, Michigan Gas Utilities Company, Docket No. G-2091.

Panhandle Eastern Pipe Line Company (Panhandle) on December 15 and 28, 1953 filed pursuant to § 154.64 of the Commission's general rules and regulations, First Revised Sheets Nos. 1, 27, 41, and 43-E to its FPC Gas Tariff Original Volume No. 1, proposing to cancel as of January 18, 1954, its Interruptible Rate Schedules I-1, I-2, and I-3, the term of service provision and the form of service agreement applicable thereto.

Panhandle cites as reasons for the proposed cancellation of its interruptible rate schedules the interference of service under such schedules with the orderly operation of its pipe line, its inability to physically control interruptible gas deliveries to its general service customers, undue discrimination of interruptible service against direct sale customers, and failure of such service to permit flexible pipe line operations.

The interruptible rate schedules are a part of the form of tariff under which Panhandle operates as a result of the following condition in the Commission's July 13, 1951 order accompanying Opinion No. 214, as modified by its August 23, 1951 order accompanying Opinion No. 214-A:

(A) The order of May 4, 1950, issued in these proceedings, and the certificate of public convenience and necessity issued thereby, be further conditioned so as to require Panhandle to operate its pipe line under the form of tariff, Appendix A, hereto, which is hereby approved.

No application has been made by Panhandle for appropriate modification of the Commission's order of July 13, 1951, or the form of tariff upon which operation of Panhandle's pipe line was conditioned.

The consolidated proceedings at Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2073, G-2301, and G-2091 are concerned, among other matters, with whether Panhandle is to be required to render interruptible service to certain of its resale customers, as well as whether changes are to be permitted in Panhandle's interruptible rate schedules. These proceedings are to a large measure related to the existence of interruptible rate schedules.

Letters requesting comment from all of Panhandle's customers on the proposed cancellation were sent out by the Secretary on December 18, 1953. There have been received among the responses several which have objected to the cancellation of the interruptible rate schedules.

Upon consideration of the aforesaid notice of cancellation, the data tendered in support thereof, the comments and objections filed with respect thereto, the nature of the proceedings in Docket No. G-2035 et al., and the failure of Panhandle to apply for concomitant modification of its outstanding certificate authorization, it appears that the tariff changes in Panhandle's tendered filing have not been shown to be justified and may be unjust, unreasonable, and otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest, to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, as hereinafter ordered, pursuant to the authority contained in section 4 of the act with respect to the lawfulness of First Revised Sheets Nos. 1, 27, 41, and 43-E to Panhandle's FPC Gas Tariff, Original Volume No. 1, and that said revised tariff sheets may be unjust, unreasonable, unduly discriminatory, or preferential, and should be suspended and the use thereof deferred, as hereinafter ordered.

(2) Good cause exists for consolidating for purpose of hearing the proceedings referred to in paragraph (1) above at Docket No. G-2349 with proceedings at Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, G-2073, G-2301 and G-2091.

(3) Panhandle may not change, amend, modify, or cancel the form of its tariff upon which its operations were conditioned by order of July 13, 1951, without prior order of the Commission authorizing such changes, amendment, modification or cancellation.

The Commission orders:

(A) The proceedings at Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, G-2073, G-2301, G-2091 and G-2349, be and the same are hereby consolidated for the purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including sections 4, 5, 7, 14, 15, and 16, and the Commission's general rules and regulations, a public hearing be held commencing February 23, 1954, at 10:00 a. m. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the consolidated proceedings, including the lawfulness of First Revised Sheets Nos. 1, 27, 41, and 43-E to Panhandle's FPC Gas Tariff, Original Volume No. 1.

(C) Pending such hearing and decision thereon, First Revised Sheets Nos. 1, 27, 41, and 43-E to Panhandle's FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof deferred, unless otherwise ordered by the Commission, until such time as said revised tariff sheets may be made effective in the manner prescribed by the Natural Gas Act and Panhandle may be authorized to operate in the fashion contemplated by such revised tariff sheets.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: January 13, 1954.

Issued: January 15, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-395; Filed, Jan. 20, 1954; 8:47 a. m.]

Docket No. G-2212

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 15, 1954.

Notice is hereby given that on January 14, 1954, the Federal Power Commission issued its order adopted January 13, 1954, amending order issued October 9, 1953 (18 F. R. 203), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-397; Filed, Jan. 20, 1954; 8:48 a. m.]

[Docket Nos. G-2340, G-2341, G-2342]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF APPLICATIONS

JANUARY 15, 1954.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-2340; Texas Eastern Penn-Jersey Transmission Corporation, Docket No. G-2341; Transcontinental Gas Pipe Line Corporation, Docket No. G-2342.

Take notice that on December 23, 1953, Texas Eastern Transmission Corporation (Texas Eastern), Texas Eastern Penn-Jersey Transmission Corporation (Penn-Jersey), and Transcontinental Gas Pipe Line Corporation (Transcontinental), each a Delaware corporation, filed applications, as designated above, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of facilities as hereafter described. Texas Eastern and Penn-Jersey have their respective principal places of business at Shreveport, Louisiana, and Transcontinental's principal place of business at Houston, Texas.

In Docket No. G-2340, Texas Eastern seeks authority (a) to increase peak-day deliveries to the Philadelphia Gas Works Division of the United Gas Improvement Company (Philadelphia Gas) from 83,642 Mcf to 113,072 Mcf, effective September 1, 1954; (b) to increase daily deliverable volumes of gas to the Manufacturers Light and Heat Company and the Ohio Fuel Gas Company from 60,386 Mcf to 102,003 Mcf; (c) to "loan" from its Oakford Storage Field to Transcontinental up to 136,174 Mcf of gas per day during the period November 16 through April 15 of each year, and to receive back from Transcontinental during the period April 16 through November 15 of each year, equivalent volumes of gas for storage in the Oakford Storage Field; and (d) to lease and operate a pipeline system to be constructed and owned by Penn-Jersey, extending from the Oakford Storage Field, Westmoreland County, Pennsylvania, to Texas Eastern's Compressor Station No. 26, near Lambertville, New Jersey, for the purpose of enabling the additional deliveries described in (a), (b), and (c) to be made. Texas Eastern states that such increased daily deliveries will be required by the companies named above, to enable such companies to meet their increased market demands in the winter of 1954-1955, and that the deliveries to Transcontinental will enable Transcontinental and its customers to store their off-peak summer gas.

In Docket No. G-2341, Penn-Jersey seeks authority (a) to construct a new 24-inch pipeline and appurtenant facilities approximately 265 miles in length, extending from the Oakford Storage Field in Westmoreland County, Pennsylvania, eastwardly to Texas Eastern's Lambertville, New Jersey, Compressor Station No. 26; (b) to install a 3,300 hp reciprocating compressor station on said line near the terminus of the line in Oakford Storage Field; and (c) to lease such facilities to Texas Eastern for operation as described above. Estimated cost of the proposed facilities is $30,755,300, to be raised through the sale of debts securities in the amount of 75 percent of Penn-Jersey's requirements, and the sale of equity securities for the remainder.

In Docket No. G-2342, Transcontinental seeks authority to increase its maximum daily delivery volumes to certain of its existing customers, as designated in its application, in the total of 136,452 Mcf. To accomplish such increased deliveries, Transcontinental will "borrow" gas from Texas Eastern and return an equivalent volume of gas at one or more of three delivery points, as described in its application, or by deliveries at its existing marketing stations, for Texas Eastern's account, to customers common to both Transcontinental and Texas Eastern. The total cost of the three proposed metering and gas interchange facilities is estimated to be $131,628, to be defrayed from funds on hand.

Protests or petitions to intervene in all or any of the proceedings may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 4th day of February 1954. The applications are on file with the Commission and open for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-391; Filed, Jan. 20, 1954; 8:46 a. m.]

[Docket No. G-2343]

TOWN OF TROY, TENN.

NOTICE OF APPLICATION

JANUARY 15, 1954.

Take notice that the Town of Troy (Applicant), a body politic and corporate and an existing municipality of the State of Tennessee, filed on December 24, 1953, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Trunkline Gas Company (Trunkline) to establish physical connection of its transportation facilities with the facilities of Applicant's proposed natural gas distribution system, and to sell natural gas to Applicant for local distribution to the citizens of Troy, Tennessee, and its environs.

Applicant proposes to interconnect its facilities with those of Trunkline at a proper place near Applicant's corporate limits.

The estimated maximum daily demand stated by Applicant is 275.8 Mcf the first year, 351.1 Mcf the third year, and 386.8 Mcf the fifth year.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 4th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-392; Filed, Jan. 20, 1954; 8:46 a. m.]

[Docket No. G-2346]

TOWN OF TRIMBLE, TENN.

NOTICE OF APPLICATION

JANUARY 15, 1954.

Take notice that the Town of Trimble (Applicant), a body politic and corporate and an existing municipality of the State of Tennessee, filed on December 30, 1953, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Trunkline Gas Company (Trunkline) to establish physical connection of its transportation facilities with the facilities of Applicant's proposed natural gas distribution system, and to sell natural gas to Applicant for local distribution to the citizens of Trimble, Tennessee, and its environs.

Applicant proposes to interconnect its facilities with those of Trunkline at a proper place near Applicant's corporate limits.

The estimated maximum daily demand stated by Applicant is 260.2 Mcf the first year, 326.7 Mcf the third year, and 354.8 Mcf the fifth year.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 4th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-393; Filed, Jan. 20, 1954; 8:47 a. m.]

[Project No. 2137]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR LICENSE

JANUARY 15, 1954.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed Project No. 2137 to be located on the Pit River in Shasta County, California, and affecting lands of the United States in Shasta National Forest. The proposed project would consist of a concrete gravity dam in Pit River, to be known as Pit No. 7 Project; a reservoir, formed by the dam and extending upstream to Applicant's proposed Pit No. 6 powerhouse of Project No. 2104, with a gross capacity of about 15,500 acre-feet; a low, slotted, afterbay dam below proposed Pit No. 7 powerhouse; two steel penstocks extending through the dam to power plant; Pit No. 7 powerhouse; two steel penstocks extending through the dam to power plant; Pit No. 7 powerhouse; a substation and switchyard; and two 220-kv transmission lines. The project would have a capacity of 75,500 horsepower and would produce 60,000 kva. The power generated would be distributed through the Applicant's electric system and sold to the public in the central and northern parts of California.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with rules practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before March 4, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-394; Filed, Jan. 20, 1954; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3155]

OHIO EDISON CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF COMPETITIVE BIDDING FOR UNDERWRITING COMMON STOCK RIGHTS OFFERING AND OVER SUBSCRIPTION PRICE FOR COMMON STOCK

JANUARY 14, 1954.

Ohio Edison Company ("Ohio Edison"), a registered holding company and a public-utility company, having filed an application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), proposing, among other things, to offer to its common stockholders rights to subscribe for the purpose of 527,830 shares of its $12 par value common stock on the basis of one additional share for each 10 shares held at the close of business on January 14, 1954, and the privilege, subject to allotment, of subscribing for any unsubscribed shares; and also proposing to offer to underwriters, pursuant to the competitive bidding requirements of Rule U-50, at the subscription price, all of such shares as are not subcribed for by the stockholders, plus such number of shares, not exceeding 52,783, of the company's outstanding common stock as are purchased by it through stabilization transactions in connection with such stock offering; and

Ohio Edison having further proposed to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $30,000,000 of bonds; and

The Commission by order dated December 30, 1953, having granted and permitted to become effective said application-declaration, as amended, subject to the condition that the proposed issuance and sale of bonds and of common stock not be consummated until the subscription price of the stock and the results of competitive bidding for the bonds and common stock, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order or orders issued, for which purpose jurisdiction was expressly reserved; and

Ohio Edison, on January 14, 1954, having filed a further amendment to said application-declaration stating that the company has fixed $35.75 per share as the subscription price for such additional shares of its common stock, has invited bids, pursuant to Rule U-50, with respect to the compensation to be paid the underwriters for their services and their agreement to purchase the shares of common stock not subscribed for by the stockholders plus such additional shares of the outstanding common stock as are purchased by the company through stabilization transactions in connection with such stock offering, and has received the following bids:

Bidding group headed by—	Amount of compensation		Aggregate net proceeds to company [1]
	Per share	Aggregate	
White, Weld & Co...	$0.119	$62,811.77	$18,807,110.73
Lehman Bros...	.13307	69,711.39	18,800,211.37
Bear, Stearns & Co. Merrill Lynch, Pierce, Fenner & Beane Kidder, Peabody & Co	.14337	75,675.00	18,794,247.80
Morgan Stanley & Co	.148	78,119.00	18,791,803.50
The First Boston Corp	.164399	86,775.00	18,783,147.50

[1] After deducting amount of compensation per bid.

The amendment further stating that Ohio Edison has accepted the bid of White, Weld & Co. as set forth above; and

The Commission having examined said amendment and having considered the record herein, and finding that the applicable provisions of the act and the rules thereunder have been satisfied, and observing no basis for adverse findings or imposing terms and conditions in respect of the price to be received by the company for said common stock or the compensation to be paid the underwriters of the stock offering:

It is ordered, That the application-declaration, as further amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and subject, further, to the continuance of the Commission's jurisdiction heretofore reserved in the aforesaid order, dated December 30, 1953, with respect to the proposed sale of bonds and with respect to the fees and expenses of counsel, accountants, and Commonwealth Services, Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-356; Filed, Jan. 20, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28832]

VARIOUS COMMODITIES BETWEEN PACIFIC COAST TERRITORY AND TRANSCONTINENTAL TERRITORY AND WESTERN CANADA

APPLICATION FOR RELIEF

JANUARY 18, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariffs I. C. C. Nos. 1559, 1552 and 1555.

Commodities involved: Various commodities in carloads and less-than-carload.

Between: Pacific Coast territory on the one hand and points in Transcontinental territory taking Group F, F-1, G, or H in western-trunk line and southwestern territory, and western Canada, on the other.

Grounds for relief: Rail competition, circuity, to maintain grouping, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-400; Filed, Jan. 20, 1954; 8:48 a. m.]

[4th Sec. Application 28833]

WOODPULP FROM SOUTHWEST TO FLORIDA, NORTH CAROLINA AND TENNESSEE

APPLICATION FOR RELIEF

JANUARY 18, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, carloads.

From: Specified points in Arkansas, Louisiana, and Texas.

To: Miami and Fernandina, Fla., Kingsport and Holston, Tenn., and Rockingham, N. C.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3780, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-401; Filed, Jan. 20, 1954; 8:49 a. m.]

[4th Sec. Application 28834]

GROUND LIMESTONE FROM MARBLE CITY, OKLA., TO JACKSON, MISS.

APPLICATION FOR RELIEF

JANUARY 18, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Limestone, ground, carloads.

From: Marble City, Okla.

To: Jackson, Miss.

Grounds for relief: Rail competition, circuity.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3736, supp. 243.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-402; Filed, Jan. 20, 1954; 8:49 a. m.]

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

MISCELLANEOUS AMENDMENTS

The provisions contained in Part 7 of Subtitle A, Chapter VII, Chapter VIII and Chapter XI, Title 7 of the Code of Federal Regulations (including Volume 18 of the FEDERAL REGISTER) are hereby amended as follows pursuant to Reorganization Plan No. 2 of 1953 (67 Stat. 633), section 161 of the Revised Statutes (5 U. S. C. 22) and the authorities under which such provisions were issued:

1. In Part 7 the subpart designation "Selection and Functions of Production and Marketing Administration County and Community Committees" is deleted and the designation "Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees" is substituted therefor.

2. Wherever in Part 7 the designations "Production and Marketing Community Committee" and "Production and Marketing County Committee" appear they are deleted and the designations "Agricultural Stabilization and Conservation Community Committee" and "Agricultural Stabilization and Conservation County Committee", respectively, are substituted therefor.

3. Wherever in Part 7 the designations "State Production and Marketing Administration Committee" or "State PMA Committee" appear they are deleted and the designation "State Agricultural Stabilization and Conservation Committee" is substituted therefor.

4. Wherever in Part 7 the designations "Assistant Administrator for Production of the Production and Marketing Administration", "Assistant Administrator" and "PMA Administrator" appear they are deleted and the designations "Deputy Administrator for Production Adjustment of the Commodity Stabilization Service", "Deputy Administrator" and "Administrator, Commodity Stabilization Service", respectively, are substituted therefor.

5. Wherever in Part 7 the language "property of the Production and Marketing Administration" appears it is deleted and the language "property of the Department of Agriculture" is substituted therefor.

6. The definition of the term "Secretary" appearing in Parts 711, 714, 717, 722, 723, 725, 726, 727, 728, 729, 1101, 1102, 1103, 1104, 1105, and 1107 is amended to read:

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

7. Wherever in Parts 711, 717, 721, 722, 723, 725, 726, 727, 728, 729, 855, 857, 873, 874, and 1109 the designations "Assistant Administrator for Production of the Production and Marketing Administration" and "Assistant Administrator" appear they are deleted and the designations "Deputy Administrator for Production Adjustment of the Commodity Stabilization Service" and "Deputy Administrator", respectively, are substituted therefor.

8. Wherever in Parts 721, 722, 723, 725, 726, 727, 728, 729, 855, 873, and 874 the designations "Production and Marketing Administration county and community committees", "State and county Production and Marketing Administration Committees" and "State committee of the Production and Marketing Administration" appear they are deleted and the designations "Agricultural Stabilization and Conservation county and community committees", "Agricultural Stabilization and Conservation State and county committees" and "Agricultural Stabilization and Conservation State committee", respectively, are substituted therefor.

9. Wherever in Parts 721, 723, 725, 726, 727, 728, and 729 the designations "County PMA office" and "State PMA office" appear they are deleted and the designations "ASC county office" and "ASC State office", respectively, are substituted therefor.

10. The definitions of the term "State committee" appearing in Parts 714 and 717 are amended to read:

"State committee" means the group of persons designated within any State to act as the Agricultural Stabilization and Conservation State Committee.

11. Wherever in Parts 711 and 717 the designations "Production and Marketing Administration Caribbean Area

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FEDERAL REGISTER

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Committee", "PMA" and "Caribbean Area Office, Production and Marketing Administration" appear they are deleted and the designations "Caribbean Area Agricultural Stabilization and Conservation Committee", "ASC" and "Caribbean Area Agricultural Stabilization and Conservation Office", respectively, are substituted therefor.

12. Wherever in Part 722 the designation "PMA Caribbean Area Committee" appears it is deleted and the designation "Caribbean Area ASC Committee" is substituted therefor.

13. Wherever in Parts 714 and 722 the designations "Cotton Branch PMA" and "Cotton Branch, Production and Marketing Administration" appear they are deleted and the designation "Cotton Division, Commodity Stabilization Service" is substituted therefor.

14. Wherever in Parts 714, 723, 725, 726, and 727 the designation "Tobacco Branch, Production and Marketing Administration" appears it is deleted and the designation "Tobacco Division, Commodity Stabilization Service" is substituted therefor.

15. Wherever in Parts 721 and 728 the designation "Grain Branch, Production and Marketing Administration" appears it is deleted and the designation "Grain Division, Commodity Stabilization Service" is substituted therefor.

16. Wherever in Part 729 the designation "Fats and Oils Branch of the Production and Marketing Administration" appears it is deleted and the designation "Oils and Peanuts Division, Commodity Stabilization Service" is substituted therefor.

17. Wherever in Parts 801, 814, 816, 817, 818, 819, 831, 841, 855, 857, 861, 862, 863, 864, 866, 867, 868, 873, 874, 877, and 878 the designation "Sugar Branch, Production and Marketing Administration" appears it is deleted and the designation "Sugar Division, Commodity Stabilization Service" is substituted therefor

18. Wherever in Parts 816, 817, 818 and 819 the designation "Quota and Allotment Division" appears it is deleted and the designation "Quota and Allotment Branch" is substituted therefor.

19. In Parts 841, 845, 850, 855, 861, 862, 863, and 864:

(a) Wherever the designations "County PMA Committee" or "County Production and Marketing Administration Committee" appear they are deleted and the designation "ASC County Committee" is substituted therefor;

(b) Wherever the designations "State PMA Committee" or "State Production and Marketing Administration Committee", appear they are deleted and the designation "ASC State Committee" is substituted therefor; and

(c) Wherever the designation "PMA Committee" appears it is deleted and the designation "ASC Committee" is substituted therefor.

20. Wherever in Parts 814, 847, 848, 857, 867, 868, 877 and 878 the designations "Caribbean Area Office, Production and Marketing Administration" and "Caribbean Area PMA Committee" appear they are deleted and the designations "Caribbean Area Agricultural Stabilization and Production Office" and "Caribbean Area ASC Committee", respectively, are substituted therefor.

21. Wherever in Part 816 the designations "Director or Acting Director, Caribbean Area, Production and Marketing Administration" and "Office of the Production and Marketing Administration" appear they are deleted and the designations "Director or Acting Director, Caribbean Area Stabilization and Conservation Office" and "Agricultural Stabilization and Conservation Office", respectively, are substituted therefor.

22. Wherever in Parts 842 and 845 the designation "County Agricultural Conservation Committee" appears it is deleted and the designation "Agricultural Stabilization and Conservation County Committee" is substituted therefor.

23. Wherever in Parts 846, 866, and 876 the designations "Hawaiian Area Office of the Production and Marketing Administration" and "Area Office of PMA" appear they are deleted and the designation "Hawaiian Area Stabilization and Conservation Office" and "ASC Area Office", respectively, are substituted therefor.

24. Wherever in Part 850 the designations "Area Office of the Production and Marketing Administration" and "Area Office of PMA" appear they are deleted and the designations "Area Stabilization and Conservation Office" and "ASC Area Office", respectively, are substituted therefor.

25. Subject to the amendments heretofore specified, wherever in Parts 722, 723, 801, 833, 845, and 855 the designation "Production and Marketing Administration" appear it is deleted and the designation "Commodity Stabilization Service" is substituted therefor.

26. Under the heading "Redesignation of Regulations" Chapter XI, Title 7, Code of Federal Regulations (18 F. R. 3635), the first paragraph of enumerated paragraph 1 is amended to read:

1. The regulations pertaining to the Agricultural Conservation Program Service are removed from Chapter VII of Title 7, Code of Federal Regulations, and redesignated Chapter XI which shall be entitled "Agricultural Conservation Program Service, Department of Agriculture",

and enumerated paragraph 2 is amended to read:

2. Wherever the term "Director of Agricultural Conservation Programs Branch, Production and Marketing Administration" or "Director of ACP Branch" appears in these regulations it shall mean the "Administrator of the Agricultural Conservation Program Service."

27. In Part 1101:

(a) Wherever the designations "Chief Agricultural Conservation Program" and "Chief ACP" appear they are deleted and the designations "Administrator, Agricultural Conservation Program Service" and "Administrator ACPS", respectively, are substituted therefor;

(b) Wherever the designations "Production and Marketing Administration county and community committees", "PMA" and "Production and Marketing Administration" appear they are deleted and the designations "Agricultural Stabilization and Conservation county and community committees", "ASC" and "Agricultural Conservation Program Service", respectively, are substituted therefor; and

(c) The definition of the term "State Committee" is amended to read " 'State Committee' means the persons in the State designated by the Secretary as the Agricultural Stabilization and Conservation State Committees."

28. Wherever in Parts 1102, 1103, 1104 and 1105 the designations "Director" and "ACP Branch" appear they are deleted and the designations "Administrator" and "ACPS", respectively, are substituted therefor; and the definitions of the terms "Director" and "ACP Branch" appearing in said parts are deleted and the following definitions are substituted, respectively, therefor:

"Administrator" means the Administrator of the Agricultural Conservation Program Service.

"ACPS" means the Agricultural Conservation Program Service.

29. In Parts 1102 and 1103:

(a) Wherever the designation "PMA State Office", apears it is deleted and the designation "ACS State Office" is substituted therefor;

(b) Wherever the designations "Production and Marketing Administration District Offices" or "District Offices of the Production and Marketing Administration" appear they are deleted and the designation "Agricultural Stabilization and Conservation District Offices" is substituted therefor;

(c) Wherever the designation "PMA Inspector" appears it is deleted and the designation "Agricultural Conservation Program Service Inspector" is substituted therefor; and

(d) The definitions of the term "PMA State Office" appearing in said parts are amended to read " 'ASC State Office' means the Caribbean Area Agricultural Stabilization and Conservation Office."

30. Wherever in Part 1104 the designation "ACP Committee" appears it is deleted and the designation "Agricultural Stabilization and Conservation Committee" is substituted therefor.

31. In Part 1105:

(a) Wherever the designation "PMA Farm Checkers" appears it is deleted and the designation "Agricultural Conservation Program Service Farm Checkers" is substituted therefor;

(b) Wherever the designations "PMA Area Office" and "Office of the Production and Marketing Administration" appear they are deleted and the designations "Agricultural Stabilization and Conservation Area Office" and "Agricultural Stabilization and Conservation Office", respectively, are substituted therefor;

(c) Wherever the designation "Production and Marketing Administration" appears it is deleted and the designation "Agricultural Conservation Program Service" is substituted therefor; and

(d) The definition of the term "State Office" appearing in said part is amended to read " 'State Office' means the Agricultural Stabilization and Conservation Office in Honolulu, Territory of Hawaii."

32. In Part 1107:

(a) Wherever the designations "Agricultural Conservation Programs Branch", "ACP Branch" and "Director" appear they are deleted and the designations "Agricultural Conservation Program Service", "ACPS" and "Administrator", respectively, are substituted therefor, and the definition of the term "Director" appearing in said part is deleted and the following definition is substituted therefor, " 'Administrator' means the Administrator of the Agricultural Conservation Program Service."

33. Wherever in Part 1108 the designation "Production and Marketing Administration" appears it is deleted and the designation "Agricultural Conservation Program Service" is substituted therefor.

34. In Part 1109:

(a) Paragraph (d) of § 1109.1 is amended to read:

(d) A person is indebted to the Commodity Stabilization Service, or to any other agency of the Department of Agriculture by reason of any payments certified on vouchers or on sight-drafts by the Agricultural Stabilization and Conservation State Offices or by the County Agricultural Conservation Association, or is indebted for an unpaid marketing quota penalty.

(b) Wherever in §§ 1109.2 and 1109.3 the designation "Production and Marketing Administration" appears it is deleted and the designation "Commodity Stabilization Service" is substituted therefor.

Effective date. The foregoing amendments shall be effective upon publication in the FEDERAL REGISTER.

The foregoing amendments relate solely to matters of agency management and personnel, and therefore are excepted from the requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

Done at Washington this 19th day of January 1954. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-465; Filed, Jan. 21, 1954; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN THE GREATER BOSTON MARKETING AREA

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

PART 947—MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

PART 996—MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

PART 999—MILK IN THE WORCESTER, MASSACHUSETTS, MARKETING AREA

DETERMINATION OF EQUIVALENT FEED PRICES

The simple average of the four latest weekly retail prices per ton of dairy

ration reported by the United States Department of Agriculture for the Boston milkshed are used pursuant to section 48 (a) (3) of the respective orders in the computation of a New England Basic Class I price. The publication of these specified feed prices has been discontinued by the United States Department of Agriculture.

The respective orders provide that if a feed price, specified by those orders for use in computing class prices, is not reported or published in the manner described in the respective orders, the market administrator shall use a feed price determined by the Secretary to be equivalent to or comparable with the feed price which is specified (§§ 904.45, 934.44, 996.44, 999.44, and 947.55 of the respective orders).

Pursuant to the applicable provisions of the respective orders and on the basis of available information it is hereby found and determined that the feed price equivalent to or comparable with the simple average of the four latest weekly average retail prices per ton of dairy ration for the Boston milkshed shall be determined as follows:

Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month.

In accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), it is hereby found and determined that notice and public procedure with respect to this determination, and the postponement of the effective date of this determination until 30 days after publication thereof in the FEDERAL REGISTER are impractical, unnecessary, and contrary to public interest in that the equivalent feed price must become effective as soon as possible in order to facilitate, promote, and maintain orderly marketing of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River marketing areas. The changes effected by this determination do not require any preparation by the persons affected prior to the effective date.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 18th day of January 1954, to become effective immediately.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-429; Filed, Jan. 21, 1954; 8:46 a. m.]

[Grapefruit Reg. 94]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA, AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.355 *Grapefruit Regulation 94*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than January 24, 1954. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 18, 1953, and will so continue until January 24, 1954; the recommendation and supporting information for continued regulation subsequent to January 23, 1954, was promptly submitted to the Department after an open meeting of the Administrative Committee on January 14; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., January 24, 1954, and ending at 12:01 a. m., P. s. t., February 28, 1954, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (a) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{11}/_{16}$ inches in diameter, or (b) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{9}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 2" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C.)

Done at Washington, D. C., this 19th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-440; Filed, Jan. 21, 1954; 8:48 a. m.]

PART 972—MILK IN THE TRI-STATE MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Tri-State marketing area, hereinafter referred to as the "order," it is hereby found and determined that all provisions appearing in § 972.41 (b) of such order do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions thereof for the month of February 1954.

Request for the temporary suspension of the provisions of § 972.41 (b) was recently filed with the Department by associations representing a majority of the producers supplying milk to the Tri-State marketing area whose milk is priced pursuant to such regulation. Following this request a public meeting was held on January 4, 1954, at Gallipolis, Ohio, to consider whether the suspension, or possible termination of the said provisions would be appropriate. This meeting was attended by a number of handlers regulated under the order, counsel for other handlers, representatives of cooperative associations having members who are producers as defined in the order, government representatives, and others.

The provisions of § 972.41 (b) are intended to result in automatic Class I and Class II price adjustments as market supplies of producer milk change in relation to the quantity of Class I milk sold. As a measure of changes in the "supply-demand ratio" from a norm the percentage of supplies to sales in a recent two-month period is compared with a "standard utilization percentage." Certain revisions in other provisions of the order, including the introduction on November 1, 1953, of "individual-handler" pools to replace the former "market-wide" pool, and expansion of the marketing area, and the adoption of a revised definition of "fluid milk plant" to take effect May 1, 1954, were adopted following a public hearing held in May 1953. At least in part as the result of such changes in the regulatory program certain supply and marketing adjustments are taking place within both the Tri-State milkshed and Tri-State marketing area. In the circumstances prevailing the standard utilization percentages now effective under § 972.41 (b) do not perform to accurately measure supply changes in relation to market demand and at present have an adverse effect on producer prices even though other source milk still is being received in substantial quantities in portions of the marketing area for use as Class I and Class II milk. It is found and determined therefore that the issuance of this order to suspend the application of such provisions for February 1954 is necessary to reflect current marketing conditions and to facilitate, promote, and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date. Any further action to alter the effects of such provisions of the order should be determined from subsequent consideration. A public hearing for this purpose will be convened at Gallipolis, Ohio, on February 18, 1954.

It is therefore ordered, That the provisions of the order (No. 72), as amended, regulating the handling of milk in the Tri-State marketing area which appear in § 972.41 (b) be and they are hereby suspended in their entirety for the month of February 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 19th day of January 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-441; Filed, Jan. 21, 1954; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

REGULATION C—REGISTRATION

On November 10, 1953, the Securities and Exchange Commission invited all interested persons to submit data, views and comments on a proposal to adopt § 230.415 (Rule 415) relating to competitive bidding registration statements, to adopt related amendments to certain other rules, and to rescind § 230.460 (Rule 460) (see Securities Act of 1933 Release No. 3491-Z). The Commission has considered all the data, views and comments submitted and has adopted the proposals with certain modifications set forth below. This action has been taken pursuant to the provisions of sections 7, 8, 10, and 19 (a) of the Securities Act of 1933, the Commission deeming such action necessary and apropriate to carry out the provisions of the act and necessary and appropriate in the public interest and for the protection of investors.

The Commission is engaged in a comprehensive review of the rules, regulations, forms and procedures adopted under the various statutes administered by it. It is attempting to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors. The action stated in this release is a part of this program, as is the parallel simplification of competitive bidding procedures under the Public Utility Holding Company Act of 1935.

The current practice where securities are offered at competitive bidding requires that the registration statement become effective prior to the invitation for bids, and that a post-effective amendment be filed at the time bids are opened, to reflect the results of the bidding. An order of the Commission is issued declaring the registration statement effective and an order is subsequently issued declaring the post-effective amendment effective. In most cases, the post-effective amendment makes no change in the effective registration statement except to reflect the results of the bidding.

Rule 415 modifies the procedure by providing that if specified conditions are met the amendment reflecting the results of the bidding will become effective without further order on filing with the Commission or a regional or branch office. In addition, the amended Rule 471 permits the amendment to be signed by the agent for service and the amended Rule 472 requires only the filing of changed pages of the prospectus, without the usual simultaneous filing of five complete copies of the amended prospectus, and does not require the refiling of exhibits solely to insert interest rate, redemption prices, etc. It should be noted that Rule 403 does not require that the amendment itself be printed. It may, for instance, be typed or mimeographed, and the Commission will continue to accept appropriate inked insertions provided they are legible.

Rule 415 codifies the practice of requiring that the registration statement in all competitive bidding cases contain an undertaking to file an amendment to reflect the results of the bidding. Under the new filing procedure, it will not be possible for the Commission to consider the adequacy of the distribution of bidding prospectuses, as it has in the past (see Release No. 3453, part IV). The rule, therefore, requires an additional undertaking intended to insure a minimum distribution as a condition to the use of the new filing procedure.

Paragraph (c) of the rule has principally a clarifying effect. The Commission's position is that when a registration statement becomes initially effective, the prohibitions of section 5 (a) of the act cease to apply in the absence of a stop order; that the bidding prospectus meets the requirements of section 10 of the act prior to the acceptance of a bid; and that after the acceptance of a bid, the prospectus does not meet the requirements of section 10 of the act unless it reflects the results of the bidding and otherwise complies with the applicable form and regulations. The Commission, moreover, construes section 5 (b) (2) of the act to require that the delivered prospectus meet the requirements of section 10 at the time the security is carried or caused to be carried through the mails or in interstate commerce and similarly construes section 2 (10) (a) of the act to require that the delivered prospectus meet the requirements of section 10 of the act at the time of making the other communication referred to in section 2 (10) (a) of the act.

Some issuers have, on occasion, combined in one registration statement securities to be offered at competitive bidding and other securities to be offered noncompetitively. Since the provisions of paragraphs (b) and (c) of Rule 415 have been drafted with specific reference to competitive bidding procedures, paragraph (d) of the rule limits the use of such joint registration statements to cases where all price and other required data for the non-competitive issue are available prior to the invitation for bids. An appropriate composite prospectus is permitted in any event.

The rule should simplify the registration procedure in competitive bidding cases to a substantial degree, as well as clarify the status of the registration statement and the prospectuses under section 5 of the act. By eliminating the present practice of requiring an order declaring a post-effective amendment effective, the rule should avoid the delay and attendant uncertainty which now occur between the filing and effectiveness of the amendment. Further, by permitting a filing in a regional or branch office, the rule should permit a more rapid filing and effectiveness. The Commission may administratively request that it be advised informally, as at present, of the results of the bidding, as promptly as practicable.

Rule 455 has been amended to make its filing requirements consistent with those set forth in Rule 415.

The Commission has (a) amended Rule 424 to provide for the filing of 25, instead of 20, copies of a prospectus, to make it clear that bidding prospectuses need not usually be filed under the rule, and to permit a revised prospectus to be used if it is filed or mailed for filing prior to its use and (b) similarly amended Rule 427 (c).

The Commission has also rescinded § 230.460 (Rule 460).

The text of § 230.415 (Rule 415) and of the amendments to §§ 230.424, 230.427, 230.455, 230.471, and 230.472 (Rules 424, 427, 455, 471 and 472) as adopted by the Commission are as follows:

§ 230.415 *Competitive bidding registration statements.* (a) A registration statement covering securities to be offered at competitive bidding, the terms of which require that each bid be for the purchase or underwriting of the entire amount of one or more of the issues registered, shall contain undertakings by the registrant (1) to file an amendment to the registration statement reflecting the results of the bidding, the terms of reoffering, and related matters to the extent required by the applicable form, not later than the first use, authorized by the registrant, after the opening of bids, of a prospectus relating to the securities offered at competitive bidding, unless no further public offering of such securities by the registrant and no reoffering of such securities by the purchasers is proposed to be made, and (2) to use its best efforts to distribute, as soon as practicable after the registration statement has become effective and prior to the opening of bids, to prospective bidders, underwriters, and dealers, a reasonable number of copies of the prospectus relating to the securities offered at competitive bidding contained in the effective registration statement, together with any supplements thereto. Any order declaring the registration statement effective shall be deemed to declare an amendment to the registration statement filed pursuant to the first such undertaking effective in accordance with paragraph (b) of this section.

(b) An amendment to such a registration statement filed pursuant to the undertaking referred to in paragraph (a) (1) of this section (which may make such other changes in the registration statement as the registrant deems appropriate) shall become effective at the time such amendment is filed with the Commission at its principal office or any regional or branch office, unless the Commission has notified the registrant that it has instituted proceedings under section 8 of the act. The amendment shall be accompanied by the consent of a managing underwriter, acting on behalf of all principal underwriters of the securities offered at competitive bidding, to the filing thereof.

(c) When such a registration statement becomes effective the prohibitions of section 5 (a) of the act shall cease to apply to the securities registered unless a stop order is issued under section 8 of the act. A prospectus relating to the securities offered at competitive bidding, when used prior to the opening of bids, need not contain information dependent upon the determination of the offering price of such securities or the acceptance of the bid, in order to meet the requirements of section 10 of the act. A prospectus relating to such securities, when used after the opening of bids, shall not be deemed to meet the requirements of section 10 of the act unless (1) an amendment to the registration statement has been filed pursuant to the undertaking referred to in paragraph (a) (1) of this section, if required, and (2) such prospectus reflects the information contained in the registration statement, as amended, to the extent required by the applicable form.

(d) A registrant may register securities to be offered at competitive bidding and securities not to be so offered pursuant to a single joint registration statement only if all information (including offering data, etc.) required by the applicable form with respect to the securities not to be so offered is included in the registration statement prior to the initial effectiveness thereof. If such information is not so included, the Commission will not accelerate such effectiveness unless an amendment to the registration statement is first filed so as to make it cover only the securities to be offered at competitive bidding. The registrant may, however, either initially or after such amendment, register the securities not to be offered at competitive bidding pursuant to a separate registration statement. An appropriate composite form of prospectus may in any event be used for all securities registered.

§ 230.424 *Filing of prospectuses; number of copies.* * * *

(b) Within 5 days after the commencement of a public offering, 25 copies of each form of prospectus used in connection with such offering shall be filed with the Commission in the exact form in which it was used: *Provided, however,* That this paragraph shall not apply in respect of a form of prospectus contained in a registration statement and relating solely to securities offered at competitive bidding which prospectus is intended for use prior to the opening of bids.

(c) No prospectus which purports to comply with section 10 of the act and which varies from any form of prospectus filed pursuant to paragraph (b) of this section shall be used until 25 copies thereof have been filed with, or mailed for filing to, the Commission, together with 5 copies of a cross reference sheet similar to that previously filed, if changed; provided however, that this paragraph shall not apply in respect of a form of prospectus contained in a registration statement and relating solely to securities offered at competitive bidding which prospectus is intended for use prior to the opening of bids.

§ 230.427 *Contents of prospectuses used after 13 months.* * * *

(c) Twenty-five copies of every prospectus used more than 13 months after the effective date of the registration statement shall be filed with the Commission pursuant to § 230.424 (c).

§ 230.455 *Place of filing.* All registration statements and other papers filed with the Commission shall be filed at its principal office, except as otherwise provided in § 230.415. Such material may be filed by delivery to the Commission through the mails or otherwise.

§ 230.471 *Signatures to amendments.* (a) Except as provided in paragraph (b) of this section and § 230.478, every amendment to a registration statement shall be signed by the persons specified in section 6 (a) of the act. At least one copy of every amendment filed with the Commission shall be signed. If the amendment is typewritten, the original "ribbon" copy shall be signed. Unsigned copies shall be conformed.

(b) A registration statement filed in connection with the registration of securities to be offered at competitive bidding may expressly confer authorization upon the agent for service named in the registration statement to amend the registration statement in accordance with the undertaking required by § 230.415 (a) (1). The authorization shall be substantially in the following form:

> Each person whose signature appears below hereby authorizes the agent for service named in the registration statement to execute in the name of each such person, and to file an amendment to the registration statement pursuant to the above undertaking, which amendment may make such other changes in the registration statement as the registrant deems appropriate.

§ 230.472 *Filing of amendment; number of copies.* (a) Three copies of every amendment, other than telegraphic amendments pursuant to § 230.473, shall be filed with the Commission. If an amendment relates to the prospectus a copy of the amended prospectus and of the cross reference sheet required by § 230.404 (c), if amended, shall be included in each copy of the amendment filed; except that only the changed pages of the prospectus and the cross reference sheet, if amended, need be included in an amendment filed pursuant to the undertaking referred to in § 230.415 (a) (1).

(b) Where an amendment relates to the prospectus, five copies of the amended prospectus and of the cross reference sheet, if amended, shall be filed in addition to the three copies required by paragraph (a) of this section. This paragraph shall not apply to amendments filed pursuant to the undertaking referred to in § 230.415 (a) (1).

(c) If an exhibit to a registration statement (other than an opinion or a consent), filed in preliminary form, has been changed only (1) to insert information as to interest, dividend or conversion rates, redemption or conversion prices, purchase or offering prices, underwriters' or dealers' commissions, names, addresses or participations of underwriters or similar matters, which information appears elsewhere in an amendment to the registration statement, or (2) to correct typographical errors, insert signatures or make other similar immaterial changes, then, notwithstanding any contrary requirement of any rule or form, the registrant need not refile such exhibit as so amended; provided the registrant states in the amendment the basis provided in this section for not refiling such exhibit. Any such incomplete exhibit may not, however, be incorporated by reference in any subsequent filing under any act administered by the Commission.

Since the adoption of § 230.415 and the amendment to §§ 230.424, 230.427, 230.455, 230.471 and 230.472 are designed primarily to simplify and clarify competitive bidding procedures, they have been made effective immediately, January 13, 1954; except that such adoption and amendments shall not be effective as to any registration statement which theretofore became effective or, if the registrant so elects, as to any registration statement filed prior to February 13, 1954. Since the rescission of § 230.460 relieves a restriction, it has been made effective immediately, January 13, 1954.

(Secs. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s. Interprets or applies secs. 7, 8, 10, 48 Stat. 78, 79, 81; 15 U. S. C. 77g, 77h, 77j)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 12, 1954.

[F. R. Doc. 54-424; Filed, Jan. 21, 1954; 8:45 a. m.]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

REGULATION D—EXEMPTION FOR CANADIAN SECURITIES

Purpose of amendment. The Securities and Exchange Commission has amended § 230.501 (b) (6) (ii) (Rule 501 (b) (6) (ii) of Regulation D under the Securities Act of 1933.

Regulation D provides a conditional exemption from registration under the act for offerings not exceeding $300,000 in any one year made by Canadian issuers or by domestic issuers having their principal place of business in Canada. The promulgation of this regulation, on March 6, 1953, followed the amendment of the extradition agreements between the United States and Canada. It is part of a comprehensive program designed to achieve advantages for investors by remedying certain abuses which existed in this area in years past. The steps which have been taken under this program are noted in Securities Exchange Act Release No. 4937 (September 14, 1953).

The original Rule 501 (b) (6) (ii) of the regulation automatically renders the exemption unavailable if the issuer, its management, the underwriters or certain other persons are subject to certain securities injunctions. In certain instances, injunctions of a technical nature, not based on fraud, have resulted in disqualification under the rule and have prevented registered Canadian brokers from underwriting an issue, although this result might not be required in the public interest in the particular case.

In a similar context, the Commission, in considering applications by Canadian firms under section 15 (b) of the Securities Exchange Act of 1934 has, under the public interest standard there provided, granted registration where the injunctions existing against the applicant were only of a technical nature as distinguished from decrees based upon fraud or overreaching of investors. (See Matter of Dennis, Securities Exchange Act Release No. 4769.)

The present amendment of Regulation D will permit the same considerations to govern under that regulation in the absence of fraud or overreaching.

Statutory basis. The action is taken pursuant to the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act.

Text of amendment. Section 230.501 (b) (6) is amended to read as follows:

§ 230.501 *Securities exempted.* * * *

(b) No exemption under this regulation shall be available for any of the following securities:

* * * * *

(6) Securities of any issuer if such issuer or any of its directors, officers, affiliates or predecessors, any of its promoters presently connected with it in any capacity, or any underwriter of the securities to be offered under this section:

(i) Has been convicted within five years preceding the filing of the notification required by § 230.503 of any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer;

(ii) Is subject to any order, judgment or decree of any court entered within five years prior to the date of such filing, enjoining or restraining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer, unless cause be shown as to why it is not necessary or appropriate in the public interest or for the protection of investors that the exemption be denied on the basis of such order, judgment or decree in the particular case; or

(iii) Is subject to a United States Post Office fraud order.

The Commission finds that as the foregoing amendment is exemptive in character and reserves to the Commission full right to deny the exemption, if appropriate in the public interest, notice and procedure in accordance with section 4 of the Administrative Procedure Act with respect thereto is not necessary.

The amendment is therefore, effective immediately upon publication January 13, 1954.

(Sec. 19, 48 Stat. 85 as amended; 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 12, 1954.

[F. R. Doc. 54-426; Filed, Jan. 21, 1954; 8:46 a. m.]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

REGULATION AND EXEMPTION OF VARIOUS FINANCIAL TRANSACTIONS

Statutory basis. On November 10, 1953, the Securities and Exchange Commission invited all interested persons to submit data, views and comments on a proposal to amend § 250.50 (Rule U-50) to eliminate supplemental bidding orders under certain circumstances (Holding Company Act Release No. 12206-Y). The Commission has considered all the data, views and comments submitted and has adopted the amendments to Rule U-50, as proposed, with certain modifications set forth below. This action has been taken pursuant to the provisions of sections 6 (b), 7, 12 (d) and 20 (a) of the Public Utility Holding Company Act of 1935, the Commission deeming such action necessary and appropriate to carry out the provisions of the act.

Statement of purpose. The Commission is engaged in a comprehensive review of the rules, regulations, forms and procedures adopted under the various statutes administered by it. It is attempting to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors. The amendment of Rule U-50 is a part of this program, as is the parallel simplification of competitive bidding procedures under the Securities Act of 1933.

Rule U-50 requires, except in the cases specified in paragraph (a), that the issue or sale of securities by registered holding companies and subsidiary companies be at competitive bidding. Paragraph (c) of the rule formerly required that the results of competitive bidding be submitted to the Commission by amendment of the application or declaration for final clearance.

The principal change in the rule consists of an amendment to paragraph (c) which makes unnecessary an amendment to the application or declaration and a supplemental order of the Commission with respect to the results of the competitive bidding if at least two bids are submitted. The new paragraph (d) of the rule will, however, keep the Commission informed as to bidding results. If only one bid is received, however, a further order of the Commission authorizing the issuance or sale must be obtained, as in the past. As the Commission stated in Holding Company Act Release No. 12206-Y (November 10, 1953) it is anticipated that the amendment of paragraph (c) will result in a considerable saving of time and expense

to issuers and sellers and to the Commission itself without, in practice, adversely affecting the interest of investors or consumers.

Paragraph (b) of the rule has been amended to shorten the required bidding period from 10 to 6 days.

The amendments to Rule U-50 are in the nature of an experiment by the Commission. If, after a reasonable period, the rule does not produce the expected results, the Commission reserves the right to modify or rescind the amendments.

The amendments of Rule U-50 will, of course, not affect the Commission's policies as to the terms of securities issued. The necessary information as to such matters is available to the Commission before it authorizes the invitation for bids.

Pending revision of Form U-1 (17 CFR 259.101), the amendments to Rule U-50 supersede any contrary instructions in that form.

Text of rule. The text of paragraphs (b), (c), and (d) of § 250.50 as amended read as follows:

§ 250.50 *Requirement of public invitation of proposals for the purchase or underwriting of securities.* • • •

(b) *Public invitation of proposals.* The Commission will not grant or permit to become effective any application or declaration subject to this rule unless the application or declaration states that the applicant or declarant, at least six days prior to entering into any contract or agreement for the issuance or sale of the securities therein proposed, will publicly invite sealed written proposals for the purchase or underwriting of such securities. Such proposals as may be received in response to such invitation shall not be opened at any time or place other than as specified in the invitation. The duly authorized representative of any person making any such proposal shall be entitled to be present at the opening of such proposals and to examine each proposal submitted.

(c) *Sale of securities.* If, pursuant to the public invitation, at least two independent proposals for the purchase or underwriting of the securities are received, the applicant or declarant may, without further order of or filing with the Commission, issue or sell the securities in accordance with the terms and conditions contained in the application, if granted or in the declaration, if effective; and the applicant or declarant shall be exempt from the provisions of § 250.24 (c) (3) (i) (Rule U-24 (c) (3) (A)) with respect to the issuance or sale. In any other event the applicant or declarant shall, as promptly as practicable after the opening of the proposals, file an amendment which shall include the applicable information or documents specified in paragraph (d) of this section; and the proposed issuance or sale of the securities shall not be consummated until a further order of the Commission authorizing such issuance or sale has been entered.

(d) *Reports.* If the issuance or sale is consummated without further order of the Commission pursuant to paragraph (c) of this section, the applicant or declarant shall include as part of the certificate filed pursuant to Rule U-24 (a), the names of the purchasers or underwriters, the terms of the several proposals received, the names of the persons (or in the case of a proposal by a group, of the manager of the group) submitting the proposals, the prospectus being used in connection with the issuance or sale, the underwriting agreement with respect thereto, any State Commission order authorizing the issuance or sale not previously filed, and the indenture or certificate setting forth the definitive terms of the securities. Unless requested by the Commission or required to complete the record as to any matter as to which jurisdiction has been specifically reserved, no further filing with respect to the issuance or sale shall be required.

Since the amendments to Rule U-50 simplify procedures in cases subject to that rule, they have been made effective immediately, January 13, 1954, except that the amendments shall not be effective as to any issuance or sale with respect to which the Commission has heretofore specifically reserved jurisdiction over the results of competitive bidding.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t. Interprets or applies secs. 6, 7, 12, 49 Stat. 814, 815, 823; 15 U. S. C. 79f, 79g, 79l)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 12, 1954.

[F. R. Doc. 54-425; Filed, Jan. 21, 1954; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 596—CONTRACT CLAUSES AND FORMS

PART 597—TERMINATION OF CONTRACTS

PART 602—GOVERNMENT PROPERTY

PART 605—PROCUREMENT FORMS

MISCELLANEOUS AMENDMENTS

1. Section 590.302–3 is revoked and § 590.455 is amended to read as follows:

§ 590.302–3 *Small business concerns.* [Revoked.]

§ 590.455 *Standards of conduct.* In all procurements and related functions, stress shall be placed upon the importance of protection of the interests of the Government and the avoidance of any acts which may tend to compromise both the Department of the Army and the individual member of the Army Establishment, thus impairing public confidence in the integrity of business relations between the Department of the Army and industry.

(a) *Policy.* The Department of the Army policy is contained in the following publications:

(1) AR 600–205 (Standards of Conduct of Personnel Assigned to Procurement and related activities).

(2) AR 600–10 (Military Discipline).

(b) *Responsibility of all personnel.* All individuals concerned, either directly or indirectly, with any phase of procurement, inspection, and contract administration will read and initial a copy of AR 600–205. Such initialed copy shall be retained in the files of the office involved and shall be subject to inspection at all times. Likewise, each such individual shall be furnished a copy of AR 600–205. Further, those individuals referenced in § 590.454 and subject to military laws shall be fully cognizant of the provisions of AR 600–10.

2. Section 596.104–10 is revoked and in § 596.536–1, Clause 16 is amended to read as follows:

§ 596.104–10 *Renegotiation Act of 1951.* [Revoked.]

§ 596.536–1 *Sample of form.*

• • • • •

16. *Covenant against contingent fees.* The Lessee warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Lessee for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this lease without liability or in its discretion to require the Lessee to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

• • • • •

3. A new Subpart F, including §§ 597.603 and 597.603–3, is added to Part 597 as follows:

SUBPART F—TERMINATION INVENTORY

§ 597.603 *Inventory schedules.*

§ 597.603–3 *Inventory descriptions.* All reportable Contractor inventory shall be listed on separate inventory schedules. These schedules plainly marked with the letter "Q", will be forwarded to the Department of Defense screening agency. In order to expedite the disposal of this property, it shall be screened concurrently with the Department of Defense screening agency and with General Services Administration on a regional basis only. Automatic release date will be 75 days after the issue date of the excess listing prepared by the Department of Defense screening agency from the inventory schedule and will be specifically set forth therein. The release date will be furnished the holding activity by the Department of Defense screening agency.

4. In § 602.805, the heading and paragraph (g) are amended and a new paragraph (i) is added as follows:

§ 602.805 *General (301, Appendix B, and 207.1, Appendix C of Part 413 of this title).* • • •

(g) Accounting for identical items of plant equipment valued at $500 or less on individual stock record cards or historical record forms in accordance with paragraph 304.3 of the Manual is not required. Individual item accounting is not required for identical items of furniture, office, medical, and cafeteria equipment, regardless of price.

• • • • •

(i) Individual item accounting is required for those items which are included in a standard departmental registration numbering system as indicated in § 602.811–1 (a) (2) regardless of price.

5. Section 602.807–3 is rescinded and the following substituted therefor:

§ 602.807–3 *Records of plant equipment.* The form of property records to be maintained for plant equipment shall be prescribed by the respective technical service. In addition to the exceptions provided for in paragraph 304.3 (a) and (b) of the Manual, the following exception also is applicable:

(a) *Records of plant equipment priced at $500 or under with the exception provided for in § 602.805 (g).* Items of plant equipment of identical nomenclature and operating performance for which individual item accounting is not required may be recorded on a single record. In the event such items of property listed on a single record have serial numbers and/or manufacturer's number, these numbers will be listed on the appropriate record or on a single supporting list. [304.3]

6. Section 602.808 is rescinded and the following substituted therefor:

§ 602.808 *Numbering property accounts.* Property account serial numbers need not be obtained from Army commanders for accounts established under contracts to which Appendix B or Appendix C of Part 413 of this title, are applicable, but rather the property account will be identified by the contract number and the appropriate regional office of the Army Audit Agency will be advised as specified in § 590.606–8 (c) of this subchapter. For the purpose of paragraph 401.1 of the Manual, the digits which designate the army, technical service, and procurement center in the property identification number specified in paragraphs (a) and (b) of this section will be accepted.

(a) *Technical service code.* The two-digit technical service code symbol will designate the owning technical service. The two-digit code symbol is as follows:

DEPARTMENT OF THE ARMY

Field Force elements	00
Ordnance Corps	01
Quartermaster Corps	02
Corps of Engineers	03
Transportation Corps	04
Signal Corps	05
Chemical Corps	06
Army Medical Service	07

(b) A two-digit procurement center code symbol established for each of the procurement centers or installations having nation-wide procurement responsibilities within the technical service will designate the center having jurisdiction over the item. For example, the Ordnance Ammunition Center may be designated "01" and the Ordnance Tank Automotive Center may be designated "02," etc. In the case of Corps of Engineers' construction activities, division engineer offices may be designated as procurement centers and assigned procurement center code symbols in accordance with this procedure. [305]

7. New §§ 602.811 and 602.811–1 are added to Subpart H of Part 602 as follows:

§ 602.811 *Identification of Government property.* Effective immediately, procurement center code symbols will be assigned and all Government property acquired hereafter for Department of the Army account for Contractor use will be identified as prescribed in this part. This identification shall be accomplished prior to delivery as part of the purchase agreement, by the Contractor, or by the procuring service, as applicable. Government property on hand or on order will be identified as prescribed in this part when the equipment is prepared for storage, reactivated, or at any other convenient occasion. [401 and 307]

§ 602.811–1 *Identification marking of Government property.* (a) The identification marking of Government property will be physically affixed to the item in accordance with paragraph 401 of the Manual. The identification markings shall consist of the following as may be applicable for the particular item being identified:

(1) *United States ownership; "U. S."* This identification symbol is applicable to all Government property except as may be exempted in accordance with paragraph 401.1 of the Manual. The letters "U. S." will be permanently affixed to the item to indicate Government ownership. For those items not requiring a registration number or United States Government tag number, the owning technical service code symbol, as prescribed in § 602.808 (a), will be permanently affixed immediately following the letters "U. S.," for example, "US–01," etc.

(2) *Registration number.* This number is applicable to those items included within a standard military registration numbering system such as motor vehicles (602.450 (a)), materials handling equipment, railroad equipment, and any other applicable items. For these items, application for registration number will be made to the appropriate technical service. Assigned registration numbers will be physically affixed to the item in accordance with applicable instructions.

(3) *Government tag number.* This number is applicable to those items for which individual item accounting is required as stipulated in §§ 602.805 (g) and 602.807–3, except those items having a registration number as prescribed in subparagraph (2) of this paragraph. This number shall be the Government property identification number assigned in accordance with paragraph 401.1 (c) of the Manual, which is as follows for the Department of the Army:

(i) The first part shall be the letters "U. S." to indicate Government ownership as prescribed in subparagraph (1) of this paragraph.

(ii) The second part shall consist of the code symbols which designate the technical service and procurement center involved. The two-digit code which indicates technical service ownership is given in § 602.808 (a). The two-digit code which indicates procurement center jurisdiction is given in § 602.808 (b).

(iii) The third part shall consist of a six-digit serial number. The assignment of serial numbers shall be in numerical sequence beginning with 000.001. Each procurement center having a code symbol as prescribed in § 602.808 (b) will be assigned six digits beginning with 000.001 or a total of 999.999 numbers for property control purposes.

(4) *Standard Commodity Classification Code.* This code number is applicable to metalworking machinery (SCC codes 3411 through 3419 and 3441 through 3449) included in or subject to inclusion in the Department of Defense publication "The Directory of Metalworking Machinery." This identification marking shall be the expanded 10-digit Standard Commodity Classification Code.

(b) Based upon the identification marking system mentioned in paragraph (a) of this section, a vertical milling machine purchased from the Government funds for production of medium tanks on a procurement program assigned to the Ordnance Tank Automotive Center could have the following identification marking:

US–01–02–000.001
SCC–3417–23–40–42

8. A new § 605.008 is added to Part 605, Procurement Forms, as follows:

§ 605.008 *Order and Voucher for Purchase of Supplies and Services (DD Form 738).* Authority is granted in effecting procurement outside the United States, its territories, and possessions to deviate from DD Form 738 to the extent indicated.

(a) *Clause 1—Disputes.* Substitute "disputes" clause prescribed in § 596.103–12 (c) of this subchapter.

(b) *Clause 2—Convict labor.* Delete clause.

(c) *Clause 3—Nondiscrimination in employment.* Delete clause. See § 596.–001 (b) (1) (iv) of this subchapter.

[Proc. Cir. 31, Dec. 29, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 54-427; Filed, Jan. 21, 1954; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

NEW MEXICO

NOTICE OF POSTPONEMENT OF DATE FOR DRAWING UNDER PUBLIC LAND ORDER NO. [illegible]

The drawing provided in the last paragraph of Public Land Order No. 933 dated December 24, 1953, and published in 18 F. R. 8899, is postponed from 10 a. m., m. s. t., January 22, 1954, the date

specified in the order, to 10 a. m., m. s. t., February 23, 1954. The simultaneous filing period is extended to February 15, 1954, for the purpose of enabling those applicants who have hitherto filed under this order on unavailable land to refile on other land listed in this order.

ORME LEWIS,
Assistant Secretary of the Interior.

JANUARY 21, 1954.

[F. R. Doc. 54-509; Filed, Jan. 21, 1954; 11:26 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 53-60]

LIFESAVING APPLIANCES AND FIRE PROTECTION EQUIPMENT

A notice regarding proposed miscellaneous changes in the rules and regulations governing inspection of vessels in connection with lifesaving appliances and fire protection equipment was published in the FEDERAL REGISTER dated September 9, 1953, 18 F. R. 5432, 5433, as Items VII and VIII on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 29, 1953, at Washington, D. C. All comments, views, and data submitted were considered and where practicable were incorporated into the regulations.

The amendments to 46 CFR 33.05-2 (c), 33.15-3, and 33.20-1 (c) (3) revised certain requirements regarding lifeboats, portable radio telegraph apparatus, and deck illumination for tank vessels engaged in international voyages. These changes bring the requirements for tank vessels into agreement with similar requirements presently applicable to inspected dry cargo vessels, and implement the 1948 Convention for the Safety of Life at Sea. These amendments are based on Item VIII of the agenda.

The amendments to 46 CFR 34.10-25 (b), 34.10-30 (f), 76.10-10 (1), and 95.10-10 (1) revise the requirements regarding the number of threads used in fire hose couplings on board all types of inspected vessels. The revised regulations establish a standard of 9 threads per inch for 1½-inch fire hose couplings in lieu of the 11½ threads per inch standard presently in use and will apply only to new construction. This revision is in accord with the recommendations of the National Fire Protection Association and many other leading fire safety organizations and is an effort to secure standardization of couplings for fire hoses in order to facilitate using shore based fire-fighting facilities to deal with fires which may occur on board ships in port. This action is also based on Recommendation 8 of the International Convention for the Safety of Life at Sea, 1948. These amendments are based on Item VII of the agenda.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER, except as otherwise indicated in the regulations:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

SUBPART 33.05—LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS REQUIRED

1. Section 33.05-2 (c) is amended to read as follows:

§ 33.05-2 *Lifeboats for tank ships: ocean; construction or conversion of which was started on or after November 19, 1952—T/O.* • • •

(c) All tank ships of 1,600 gross tons and over on an international voyage shall carry at least one motor-propelled or hand-propelled lifeboat.

SUBPART 33.15—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, OR BUOYANT APPARATUS

2. Section 33.15-3 is amended to read as follows:

§ 33.15-3 *Portable radiotelegraph apparatus—T/OC.* All tank ships of 500 gross tons and over on an international voyage shall be provided with a portable radiotelegraph apparatus complying with the requirements of the Federal Communications Commission. The apparatus shall be kept in the radio room, or the chart room, or other suitable location and shall be immediately available for placement in one of the lifeboats.

SUBPART 33.20—STOWAGE OF LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

3. Section 33.20-1 (c) (3) is amended to read as follows:

§ 33.20-1 *Davits and launching devices—T/B/ALL.* • • •

(c) • • •

(3) On tank ships on an international voyage, suitable means shall be provided for illuminating the launching gear and the lifeboats during the process of launching the lifeboats from the stowed position until they are waterborne.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 34—FIRE-FIGHTING EQUIPMENT

SUBPART 34.10—FIRE PUMPS, MAINS, HYDRANTS, AND FIRE HOSE FOR TANK SHIPS

1. Section 34.10-25 (b) is amended to read as follows:

§ 34.10-25 *Fire hydrants—T/ALL.* • • •

(b) Hose connections shall be brass, bronze, or other equivalent metal. For installations on tank ships, the construction or conversion of which is started on or after July 1, 1954, National Standard fire hose coupling threads shall be used for the 1½-inch and 2½-inch sizes, i. e., 9 threads per inch for 1½-inch hose and 7½ threads per inch for 2½-inch hose.

2. Section 34.10-30 is amended by adding a new paragraph (f), reading as follows:

§ 34.10-30 *Fire hose—T/ALL.* • • •

(f) Couplings shall conform to the requirements of § 34.10-25 (b).

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Subchapter H—Passenger Vessels

PART 76—FIRE PROTECTION EQUIPMENT

SUBPART 76.10—FIRE MAIN SYSTEM, DETAILS

Section 76.10-10 (1) (1) is amended to read as follows:

§ 76.10-10 *Fire hydrants and hose.* • • •

(1) • • •

(1) Couplings shall be of brass, bronze, or other equivalent metal. For installations on vessels contracted for on or after July 1, 1954, National Standard fire hose coupling threads shall be used for the 1½-inch and 2½-inch sizes, i. e., 9 threads per inch for 1½-inch hose and 7½ threads per inch for 2½-inch hose.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, 4483, as amended, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Subchapter I—Cargo Vessels

PART 95—FIRE PROTECTION EQUIPMENT

SUBPART 95.10—FIRE MAIN SYSTEM, DETAILS

Section 95.10-10 (1) (1) is amended to read as follows:

§ 95.10-10 *Fire hydrants and hose.* • • •

(1) • • •

(1) Couplings shall be of brass, bronze, or other equivalent metal. For installations on vessels contracted for on or after July 1, 1954, National Standard fire hose coupling threads shall be used for the 1½-inch and 2½-inch sizes, i. e., 9 threads per inch for 1½-inch hose and 7½ threads per inch for 2½-inch hose.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: January 15, 1954.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 54-444; Filed, Jan. 21, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

The amended Statement of Organization and Delegations of Final Authority (18 F. R. 7895) is hereby amended as follows and not otherwise:

1. By deleting from the introductory paragraph thereof the citation "(16 F. R. 6895)" and substituting therefor the citation "(16 F. R. 7879)," and

2. By deleting the period at the end of subparagraph 4 (b) (2) (iii) thereof and substituting therefor a semicolon and by adding a new subparagraph 4 (b) (2) (iv) readings:

(iv) To execute powers of attorney and sign all papers for the necessary conduct of the business of the Office of Alien Property before the United States Patent Office.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925, 64 Stat. 1079, 50 U. S. C. App. and Sup. 1-40; 60 Stat. 418, 64 Stat. 1116, 22 U. S. C. and Sup. 1182, E. O. 8389, Apr. 10, 1940, 5 F. R. 1400, as amended, 3 CFR, 1943 Cum. Supp.; E. O. 9142, Apr. 21, 1942, 7 F. R. 2985, 3 CFR, 1943 Cum. Supp.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 9818, Jan. 1, 1947, 12 F. R. 133, 3 CFR, 1947 Supp.; E. O. 9921, Jan. 10, 1948, 13 F. R. 171, 3 CFR, 1948 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4981, 3 CFR, 1948 Supp.; Proc. 2914, Dec. 16, 1950, 15 F. R. 9029, 3 CFR, 1950 Supp.; E. O. 10244, May 17, 1951, 16 F. R. 4639, 3 CFR, 1951 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10348, Apr. 26, 1952, 17 F. R. 3769, 3 CFR, 1952 Supp.)

Executed at Washington, D. C., on January 18, 1954.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 54-439; Filed, Jan. 21, 1954; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF WESTERN HEMISPHERE PASSENGER CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. Section 814.

Agreement No. 8030-4 between the Member Lines of the Western Hemisphere Passenger Conference modifies the provision of the basic agreement of that conference (No. 8030) requiring members to furnish the Conference Chairman reports of passengers to whom free or reduced transportation has been granted. The purpose of the modification is to provide that such reports will be required only where the free or reduced transportation granted is below the minimum rates.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 19, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-443; Filed, Jan. 21, 1954; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3041 et al.]

TRANSATLANTIC CARGO CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications filed under section 401 of the Civil Aeronautics Act, as amended, for certificates of public convenience and necessity to provide scheduled air transportation of property between areas and/or points in the continental United States and areas and/or points in Europe and the Middle East.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 16, 1954, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 19, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-442; Filed, Jan 21, 1954; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10559, 10560]

GULF COAST BROADCASTING CO. AND BAPTIST GENERAL CONVENTION OF TEXAS

ORDER CONTINUING HEARING

In re applications of Gulf Coast Broadcasting Company, Corpus Christi, Texas, Docket No. 10559, File No. BPCT-723; Baptist General Convention of Texas, Corpus Christi, Texas, Docket No. 10560, File No. BPCT-906; for construction permits for new television broadcast stations.

The Hearing Examiner having been informally advised that counsel for the applicants in this proceeding have been prevented by illness from preparing the necessary data which was to be used in the further hearing now scheduled for January 18, 1954;

It is ordered, This 15th day of January 1954, that the hearing in this proceeding is continued to Thursday, January 28, 1954, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-435; Filed, Jan. 21, 1954; 8:47 a. m.]

[Docket Nos. 10800, 10801]

BEACHVIEW BROADCASTING CORP. AND PORTSMOUTH RADIO CORP.

ORDER CONTINUING HEARING

In the matter of Beachview Broadcasting Corp., Norfolk, Virginia, Docket No. 10800, File No. BPCT-1605; Portsmouth Radio Corp., Portsmouth, Virginia, Docket No. 10801, File No. BPCT-1750; for television construction permits.

Because of the sudden illness of counsel for one of the applicants in the above-entitled matter: *It is ordered*, This 18th day of January 1954 that the further hearing conference heretofore scheduled pursuant to § 1.841 for January 19, 1954, be, and it hereby is, postponed indefinitely.

Released: January 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-436; Filed, Jan. 21, 1954; 8:47 a. m.]

[Docket Nos. 10833, 10834, 10835]

CITY OF JACKSONVILLE ET AL.

ORDER CONTINUING HEARING CONFERENCE

In the matter of City of Jacksonville, Jacksonville, Florida, Docket No. 10833, File No. BPCT-749; Florida-Georgia Television Company, Inc., Jacksonville, Florida, Docket No. 10834, File No. BPCT-1624; Jacksonville Broadcasting Corporation, Jacksonville, Florida, Docket No. 10835, File No. BPCT-1625; for construction permits for new television stations.

Hearing Conference in the above-entitled matter having heretofore been scheduled for February 5, 1954; and

Counsel for the parties having unanimously requested, with the concurrence of counsel for the Broadcast Bureau, a continuance of the matter from February 5, 1954, to February 15, 1954; and

It appearing, that good and sufficient reasons exist for such request,

It is therefore ordered, This 18th day of January 1954 that the hearing conference pursuant to § 1.841, heretofore scheduled for February 5, 1954, be continued to February 15, 1954.

Released: January 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-437; Filed, Jan. 21, 1954; 8:47 a. m.]

[Docket Nos. 10849, 10850]

CENTRAL CITY-GREENVILLE BROADCASTING CO. AND MUHLENBERG-OHIO-McLEAN BROADCASTERS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of L. L. Stone, A. E. Stone and R. G. Utley, a partnership d/b as Central City-Greenville Broadcasting Company, Central City Kentucky, Docket No. 10849, File No. BP-8951; Hugh O. Potter and Cliffordean H. Potter, a partnership d/b as Muhlenberg-Ohio-McLean Broadcasters, Central City, Kentucky, Docket No. 10850, File No. BP-8789; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of January 1954:

The Commission having under consideration the above-entitled applications for construction permit for a new standard broadcast station to operate on 1380 kc, 500 watts, daytime only, at Central City, Kentucky; and

It appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated October 21, 1953, that operation of both stations as proposed would result in mutually prohibitive interference with each other; that insufficient information was submitted with the application of the Muhlenberg-Ohio-McLean Broadcasters to determine whether it was financially qualified; and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that the Muhlenberg-Ohio-McLean Broadcasters filed a reply dated October 28, 1953, in which it submitted information sufficient to determine that it is financially qualified; and

It further appearing, that the Central City-Greenville Broadcasting Company filed a reply dated November 20, 1953, in which it stated that it would appear if the subject applications were designated for hearing; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is mandatory:

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate the proposed stations.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above-mentioned applications.

Released: January 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-438; Filed, Jan. 21, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3168]

SOUTHERN CO. ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE BY HOLDING COMPANY OF PROMISSORY NOTES AND ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARIES TO PARENT COMPANY

JANUARY 15, 1954.

In the matter of The Southern Company, Alabama Power Company, Georgia Power Company; File No. 70-3168.

The Southern Company ("Southern"), a registered holding company, and two of its public-utility subsidiary companies, Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia"), having filed with this Commission a joint application-declaration, pursuant to sections 6 (b), 7, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 thereunder, with respect to the following proposed transactions:

Southern proposes to issue to forty-nine banks unsecured promissory notes in an aggregate principal amount of $15,000,000. Each of said notes will mature February 1, 1956, and will bear interest at the rate of 3½ percent per annum. The agreement under which it is proposed to issue such notes provides for the renewal thereof extending the maturity date to February 1, 1959. The proposed notes may be prepaid in whole at any time or in part from time to time without penalty or premium. The proceeds to be derived from the sale of the proposed notes, together with treasury funds, will be used by Southern to purchase the common stocks of Alabama and Georgia as described below.

Alabama and Georgia propose to issue and sell to Southern 80,000 and 100,000 shares, respectively, of their no par common stocks for an aggregate consideration of $8,000,000 in the case of Alabama and of $10,000,000 in the case of Georgia. The proceeds from the sale of such stock will be used by these companies to finance improvements, extensions and additions to their respective utility plants.

The joint application-declaration indicates that Southern requests authority to renew the proposed notes on February 1, 1956, and states that should the Commission prefer to withhold action at this time with respect to the renewal of such notes, Southern requests the Commission to reserve jurisdiction with respect thereto. The application-declaration further states that it is contemplated that the proposed notes will be paid at or before their maturity, or their extended maturity, through the issuance and sale by Southern of such securities as may be appropriate and approved by the Commission. Southern agrees that such securities will meet the requirements of section 7 (c) (1) of the act or that it will demonstrate that such securities are for necessary and urgent corporate purposes and that the requirements of section 7 (c) (1) would impose an unreasonable financial burden upon Southern and are not necessary or appropriate in the public interest or for the protection of investors or consumers.

The proposed common stock sale by Alabama and Georgia have been expressly authorized by the Alabama Public Service Commission and the Georgia Public Service Commission, respectively, and according to the joint application-declaration no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses are estimated at $10,500 for Southern, $3,700 for Alabama and $3,900 for Georgia including legal fees of $6,500 in the case of Southern and $500 each for Alabama and Georgia.

Due notice having been given of the filing of the joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective forthwith, except that jurisdiction should be reserved over the renewal of the notes maturing February 1, 1956, as alternatively proposed in the joint application-declaration and over the fees and expenses of counsel as to which the record has not been completed:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the reservations of jurisdiction hereinafter set forth; and

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the renewal of the notes maturing February 1, 1956, as alternatively proposed in the joint application-declaration, and with respect to the fees and expenses of counsel.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-423; Filed, Jan. 21, 1954; 8:45 a. m.]

[File Nos. 70-3167, 70-3181]

CITIES SERVICE CO. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING REGARDING ACQUISITION OF SECURITIES OF PUBLIC UTILITY COMPANY, ISSUANCE AND SALE OF NOTES AND COMMON STOCK, AND PLEDGE OF SECURITIES, AND ORDER CONSOLIDATING PROCEEDINGS

JANUARY 19, 1954.

In the matter of Cities Service Company, The Gas Service Company, Gas Advisers, Inc., File No. 70-3167; Missouri Public Service Company, File No. 70-3181.

The Commission having on January 12, 1954, issued its supplemental notice of filing and notice of and order for hearing directing that a hearing be held on January 26, 1954, upon the application-declaration of Cities Service Company ("Cities"), The Gas Service Company ("Gas Service") and Gas Advisers, Inc. ("Gas Advisers") (File No. 70-3167), regarding, among other things, the sale by Cities of 1,500,000 shares of the common stock of Gas Service to Missouri Public Service Company ("Missouri"); and

Missouri having now filed a Notification of Registration, as a person purposing to become a holding company, pursuant to section 5 (a) of the Public Utility Holding Company Act of 1935, and having filed an application-declaration (File No. 70-3181) pursuant to sections 6, 7, 10, and 12 of said act and Rules U-44, U-50, and U-62 promulgated thereunder, regarding the acquisition by Missouri from Cities of the 1,500,000 shares of the common stock of Gas Service, the borrowing of $18,000,000 from banks, such indebtedness to be evidenced by six-months promissory notes bearing interest at the rate of 4 percent per annum, the increase of the authorized number of shares of its common stock from 530,000 to 1,060,000, the issuance and sale of 527,865 shares of its common stock without par value, without competitive bidding, to a group of underwriters headed by Kidder, Peabody & Co., for resale to the public, subject to a preemptive offering to its present stockholders on the basis of one share for each existing share, and the pledge of all of the shares of the Gas Service common stock to secure said $18,000,000 bank loans; and having requested exemption of the issue and sale of its common stock from the competitive bidding requirements of Rule U-50; and having also filed proxy material in connection with a special meeting of stockholders to be held to vote upon the increase in the number of authorized shares of its common stock and to ratify the action of the management in contracting to purchase the common stock of Gas Service; and

It appearing to the Commission that said application-declaration of Missouri in File No. 70-3181 presents common questions of law and fact with the application-declaration of Cities et al. in File No. 70-3167 and should be consolidated for hearing with the proceeding last named; and

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the transactions proposed in the application-declaration of Missouri for the purpose of affording an opportunity to all interested persons to present evidence and to be heard with respect to the proposed transactions set forth in said application-declaration;

It is ordered, That the application-declaration of Missouri be, and the same hereby is, consolidated for hearing with the application-declaration of Cities et al. and that the hearing on both matters be held on January 26, 1954, at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk will advise as to the room in which such hearing will be held. Any person (other than the Public Service Commission of the State of Missouri and the cities of Kansas City, Independence, Joplin, and St. Joseph, Missouri), desiring to be heard in connection with these proceedings or proposing to intervene, shall file with the Secretary of this Commission on or before January 25, 1954, a written request relative thereto, as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose shall preside at said consolidated hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration of Missouri and that upon the basis thereof the following matters and questions are presented for consideration in addition to those matters and questions presented in connection with the application-declaration of Cities et al., without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the acquisition by Missouri of the Gas Service stock meets the requirements of section 10 of the act;

(2) Whether the issuance and sale by Missouri of notes and common stock meet the requirements of section 7 of the act;

(3) Whether Missouri is entitled to exemption from the provisions of Rule U-50 with respect to the sale of its common stock;

(4) Whether the pledge of the Gas Service stock meets the requirements of section 12 (d) and Rule U-44 promulgated thereunder;

(5) Whether the accounting treatment proposed in connection with the consummation of the transactions proposed by Missouri is appropriate;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions, in addition to those matters and questions heretofore specified in the Commission's order of January 12, 1954.

It is further ordered, That jurisdiction be, and hereby is, reserved to separate either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may hereafter arise, or to consolidate these proceedings with other proceedings, or to take such other action as may appear to be necessary for the orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That in lieu of the notice specified in Rule III-(c) of the Commission's rules of practice, notice of the public hearing on the application-declaration of Missouri and the consolidation thereof with the application-declaration of Cities et al. be given by confirmed telegram and by mailing by registered mail of a copy of this notice of and order for hearing to Cities, Gas Service, Gas Advisers, Missouri, The Public Service Commission of the State of Missouri, The State Corporation Commission of the State of Kansas, The Nebraska State Railway Commission, The Corporation Commission of the State of Oklahoma, and the Cities of Kansas City, Independence, Joplin, and St. Joseph, Missouri; and that a copy of this notice of and order for hearing shall also be published in the FEDERAL REGISTER, and be made the subject of a general release of the Commission, distributed to the press and mailed to the mailing list for releases under the act, but that any lack of timeliness in such publication or general release shall not be deemed to effect the validity of the notice given in the manner specified above.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-458; Filed, Jan. 21, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28835]

WOOD REFUSE OR WASTE FROM NASHVILLE, TENN., TO PHILO, OHIO

APPLICATION FOR RELIEF

JANUARY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Wood refuse or waste, viz: Block, chips, cores, scrap or waste, carloads.

From: Nashville, Tenn.

To: Philo, Ohio.

Grounds for relief: Rail competition, circuity.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 708, supp. 201.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-430; Filed, Jan. 21, 1954; 8:46 a. m.]

[4th Sec. Application 28836]

BARIUM SULPHATE FROM NORTH ATLANTIC PORTS TO CHARLESTON, W. VA.

APPLICATION FOR RELIEF

JANUARY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and Frank Van Ummersen, Agents, for carriers parties to schedules listed below.

Commodities involved: Crude barium sulphate (barytes ore), carloads.

From: North Atlantic ports.

To: Charleston and South Charleston, W. Va.

Grounds for relief: Competition, circuity, and to maintain port rate relations.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-941, supp. 85; C. W. Boin, Agent, I. C. C. No. A-914, supp. 62; Frank Van Ummersen, Alternate Agent, I. C. C. No. 591, supp. 113; R. B. LeGrande, Agent, I. C. C. No. 253, supp. 72; R. B. LeGrande, Agent, I. C. C. No. 238, supp. 129.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-431; Filed, Jan. 21, 1954; 8:46 a. m.]

[4th Sec. Application 28837]

METHANOL (METHYL ALCOHOL) FROM POINTS IN WEST VIRGINIA TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

JANUARY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedules listed below.

Commodities involved: Methanol (methyl alcohol) in tank-car loads.

From: Points in the Charleston, W. Va., industrial district, and Morgantown, W. Va.

To: Cincinnati, Ohio.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: Baltimore and Ohio Railroad Company, I. C. C. No. 24126, supp. 31; Chesapeake & Ohio Railway Company, I. C. C. No. 13168, supp. 143; New York Central Railroad Company, I. C. C. No. 1123, supp. 216; Pennsylvania Railroad Company, I. C. C. No. 3305, supp. 33; Pittsburgh & Lake Erie Railroad Company, I. C. C. No. 3481, supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-432; Filed, Jan. 21, 1954; 8:47 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 32]

NASHVILLE, CHATTANOOGA AND ST. LOUIS RAILWAY

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Nashville, Chattanooga and St. Louis Railway, because of high water, is unable to transport traffic routed over its lines between Hobbs Island and Guntersville: *It is ordered*, That:

(a) Rerouting NC&StL traffic: The Nashville, Chattanooga and St. Louis Railway is hereby authorized to reroute or divert traffic moving on its lines, routed via its car ferry, over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a. m., January 19, 1954.

(g) Expiration date: This order shall expire at 11:59 p. m., February 2, 1954, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., January 18, 1954.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 54-433; Filed, Jan. 21, 1954; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 16

Washington, Saturday, January 23, 1954

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Reg. 130; T. D. 6061]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

ASCERTAINMENT OF AMOUNT OF ADJUSTMENT; INTEREST

Regulations 130 amended to correct the example in § 40.452–4 (f), relating to adjustment in case of position inconsistent with prior income tax liability.

Regulations 130 (26 CFR Part 40) are hereby amended as follows:

PARAGRAPH 1. Section 40.452–4 (f), which contains an example illustrating the computation of an adjustment in the case of a position inconsistent with prior income tax liability, is amended as follows:

(A) By striking out the computation following the colon in the third undesignated paragraph of paragraph (f) and inserting in lieu thereof the following:

Tax previously determined for 1946	$28,500
Normal-tax net income ($75,000) and surtax net income ($75,000) on which tax previously determined was based	75,000
Plus: Ordinary loss previously allowed under section 117 (j) (excess of $25,000 loss on exchange with Y Corporation over $10,000 gain on sale of other depreciable business property)	15,000
Ordinary normal-tax net income	90,000
Ordinary surtax net income	90,000
Tax as recomputed (38 percent of $90,000 plus 25 percent of $10,000 gain from sale of depreciable business property)	36,700
Tax previously determined	28,500
Increase in tax	8,200
Interest on increase in tax	1,968
Total increase for 1946	10,168

(B) By striking out the computation following the colon in the last undesignated paragraph of paragraph (f) and inserting in lieu thereof the following:

Increase for 1946 (X Corporation)	$10,168
Less: Decrease for 1946 (Y Corporation)	589
Net increase (amount of adjustment authorized)	9,579

PAR. 2. Section 40.452–5 (b), relating to the deductibility of the portion of the adjustment under section 452 which represents interest, is amended by substituting "$1,854" for "$942" and "$1,968" for "$1,056".

Because this Treasury decision merely corrects an erroneous computation in the regulations, it is found to be unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: January 19, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54–473; Filed, Jan. 22, 1954; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 721—CORN

PROCLAMATION OF ACREAGE ALLOTMENT FOR 1954 IN THE COMMERCIAL CORN-PRODUCING AREA

Sec.
721.505 Basis and purpose.
721.506 1954 acreage allotment for corn.

AUTHORITY: §§ 721.505 and 721.506 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 328, 52 Stat. 38, 52; 7 U. S. C. 1301, 1328.

§ 721.505 *Basis and purpose.* Section 721.506 is issued under sections 301 and 328 of the Agricultural Adjustment Act of 1938, as amended. Its purpose is to announce the acreage allotment for 1954 for the commercial corn-producing area.

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FEDERAL REGISTER

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The findings and determination made by the Secretary in § 721.506 have been made on the basis of the latest available statistics of the Federal Government and after due consideration within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, of data, views, and recommendations received pursuant to public notice (18 F. R. 6456) given in accordance with the Administrative Procedure Act.

§ 721.506 *1954 acreage allotment for corn.* The acreage allotment for corn for 1954 for the commercial corn-producing area is 46,995,504 acres.

Issued at Washington, D. C., this 20th day of January 1954.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 54-484; Filed, Jan. 22, 1954; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 15]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.315 *Navel Orange Regulation 15*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on January 21, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., January 24, 1954, and ending at 12:01 a. m., P. s. t., January 31, 1954, is hereby fixed as follows:

(i) District 1: 288,750 boxes;
(ii) District 2: 150,150 boxes;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 22d day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Jan. 24 to 12:01 a. m., P. s. t., Jan. 31, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

Handler	*Prorate base (percent)*
Total	100.0000
A. N. F. Lindsay	1.4713
A. N. F. Porterville	1.6559
Ivanhoe Cooperative Association	.6803
Anderson Packing Co	1.0069
Euclid Avenue Orange Association	.5444
Lindsay Mutual Groves	.9255
Martin Ranch	1.4152
Orange Cove Orange Growers	2.7274
Woodlake Packing House	1.9500
Dofflemyer & Son, W. Todd	.5021
Earlibest Orange Association	1.7340
Elderwood Citrus Association	.8461
Exeter Citrus Association	3.8737
Exeter Orange Growers Association	1.4741
Exeter Orchards Association	1.4503
Hillside Packing Association	1.9013
Ivanhoe Mutual Orange Association	1.1912
Klink Citrus Association	4.0153
Lemon Cove Citrus Association	.9825
Lindsay Citrus Growers Association	1.8593
Lindsay Cooperative Association	1.6719
Lindsay Fruit Association	2.3056
Lindsay Orange Growers Association	1.0384
Naranjo Packing House Co	1.4381
Orange Cove Citrus Association	4.6517
Orange Packing Co	.9710
Orosi Foothill Citrus Association	1.5713
Paloma Citrus Fruit Association	.7863
Rocky Hill Citrus Association	1.6683
Sanger Citrus Association	3.8084
Sequoia Citrus Association	.8594
Stark Packing Co	2.6613
Visalia Citrus Association	2.3355
Waddell & Son	2.5192
Baird Neece Corp	1.9211
Beattie Association, D. A	.6960
Grand View Heights Citrus Association	3.1313
Magnolia Citrus Association	2.7757
Porterville Citrus Association	1.6554
Randolph Marketing Co	1.1980
Richgrove-Jasmine Citrus Association	1.3846
Strathmore Cooperative Citrus Association	1.0050
Strathmore District Orange Association	1.6889
Strathmore Packing House	2.1647
Sunflower Citrus Growers	2.8053
Sunland Packing House Co	2.8078
Terra Bella Citrus Association	1.2974
Tule River Citrus Association	1.1160
Adams, Thomas	.0069
Baker Ranch Packing House	.4439
Batkins, Fred A., Jr	.0212
California Citrus Groves, Inc., Ltd	3.2853
Darby, Fred J	.0249
Dubendorf, John	.1503
Evans Bros. Packing Co	.4237
Far West Produce Distributors	.0020
Feltes, A. E	.0226
Foothill Packing Co	.0370
Haas & Ferry	.1933
Harding & Leggett	1.8459
Independent Growers, Inc	.9150
Lo Bue Bros	.5380
Maas, W. A	.1286
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Morin, Carl W	.0207
Orange Belt Fruit Distributors	.6190
Paramount Citrus Association	1.8047
Reimers, Don H	.5999
Riverside Fruit Co	.2218
Sequoia Cider Mill	.0170
Stephens & Cain	.3025
Zaninovich Bros., Inc	1.6442

PRORATE DISTRICT NO. 2

Total	100.0000
A. N. F. Corona	.5217
A. N. F. Fullerton	.0205
A. N. F. Orange	.0178
A. N. F. Riverside	1.4444
A. N. F. Santa Paula	.1267
Eadington Fruit Co	.8057
Signal Fruit Association	1.1990
Bryn Mawr Mutual Orange Association	.4731
Chula Vista Mutual Lemon Association	.1064
Daniels, Inc., Ward	.3335
Euclid Avenue Orange Association	2.6984
Foothill Citrus Union, Inc	.3060
Garden Grove Citrus Association	.0000
Index Mutual Association	.0107
La Verne Cooperative Citrus Association	2.7312
Olive Hillside Groves, Inc	.0031
Orange Cooperative Citrus Association	.0211
Redlands Foothill Groves	2.6510
Redlands Mutual Orange Association	1.3104
Azusa Citrus Association	.8348
Covina Citrus Association	1.9099
Glendora Citrus Association	1.6371
Valencia Heights Orchard Association	.3619
Gold Buckle Association	4.4017
La Verne Orange Association	4.6481
Anaheim Valencia Orange Association	.0121
Fullerton Mutual Orange Association	.2900
La Habra Citrus Association	.0861
Yorba Linda Citrus Association	.0606
El Cajon Valley Citrus Association	.1567

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Escondido Orange Association	0.6231
Citrus Fruit Growers	.6347
Cucamonga Mesa Growers	.9189
Etiwanda Citrus Fruit Association	.1343
Upland Citrus Association	3.3074
Consolidated Orange Growers	.0210
Garden Grove Citrus Association	.0204
Goldenwest Citrus Association	.1749
Olive Heights Citrus Association	.0599
Santiago Orange Growers Association	.1076
Villa Park Orchards Association	.0377
Bradford Bros., Inc	.2020
Placentia Mutual Orange Association	.1648
Placentia Orange Growers Association	.2376
Yorba Orange Growers Association	.0486
Corona Citrus Association	1.1024
Jameson Co	.5622
Orange Heights Orange Association	3.9943
Crafton Orange Growers Association	1.8136
East Highlands Citrus Association	.5240
Redlands Heights Groves	.8602
Redlands Orangedale Association	1.1112
Rialto-Fontana Citrus Association	.1913
Bryn Mawr Fruit Growers Association	1.2361
Mission Citrus Association	.8928
Redlands Cooperative Fruit Association	2.1873
Redlands Orange Growers Association	1.5197
Redlands Select Groves	.4997
Rialto Orange Co	.4576
Southern Citrus Growers	1.1783
United Citrus Growers	.9800
Arlington Heights Citrus Co	1.5949
Blue Banner, Inc	2.6703
Brown Estate, L. V. W	2.2493
Gavilan Citrus Association	2.1479
McDermont Fruit Co	1.6910
Monte Vista Citrus Association	1.7614
National Orange Co	1.5692
Riverside-Highgrove Citrus Association	1.9367
Victoria Avenue Citrus Association	3.1804
Claremont Citrus Association	.6441
College Heights Orange and Lemon Association	2.1589
Indian Hill Citrus Association	1.0335
Pomona Fruit Growers Exchange	1.2094
Walnut Fruit Growers	.6275
West Ontario Citrus Association	.8367
Escondido Cooperative Citrus Association	.1062
Camarillo Citrus Association	.0041
Fillmore Citrus Association	1.0730
Mupu Citrus Association	.0043
Ojai Orange Association	1.0292
Piru Citrus Association	1.2061
Rancho Sespe	.0013
San Fernando Fruit Growers Association	.4517
Santa Paula Orange Association	.0459
Ventura County Citrus Association	.0412
East Whittier Citrus Association	.0041
North Whittier Heights	.1316
Placentia Cooperative Orange Association	.2703
Sierra Madre-Lamanda Citrus Association	.0727
A. J. Packing Co	.1567
Babijuice Corp. of California	.0440
Cherokee Citrus Co., Inc	1.0717
Dunning, Vera Hueck	.1801
Evans Brothers Packing Co	1.1226
Far West Produce Distributors	.0358
Gold Banner Association	2.4275

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Gold Seal Producers, Inc	0.0747
Granada Packing House	.1376
Holland, M. J	.0216
Orange Belt Fruit Distributors	.7001
Panno Fruit Co., Carlo	.0540
Paramount Citrus Association	.1021
Placentia Orchards Association	.0000
Riverside Fruit Co	.3819
San Antonio Orchards Co	1.1931
Smallwood, Luella L	.0086
Spire, Frank S	.0097
Stephens & Cain	.2521
Wall, E. T., Grower-Shipper	2.1090
Western Fruit Growers, Inc	5.0614

[F. R. Doc. 54-533; Filed, Jan. 22, 1954; 11:46 a. m.]

[Lemon Reg. 531]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.628 *Lemon Regulation 521*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on January 20, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 24, 1954, and ending at 12:01 a. m., P. s. t., January 31, 1954, is hereby fixed as follows:

(i) District 1: 40 carloads;

(ii) District 2: 210 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 21st day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[Storage Date: Jan. 17, 1954]

DISTRICT NO. 1

[12:01 a. m. Jan. 24, 1954, to 12:01 a. m. Feb. 7, 1954]

Handler	Prorate base (percent)
Total	100 000
Klink Citrus Association	33 955
Lemon Cove Association	16 702
Tulare County Lemon & Grapefruit Association	41 061
California Citrus Groves, Inc., Ltd	.003
Harding & Leggett	4 244
Paramount Citrus Association, Inc	2 084
Santa Rosa Lemon Co	.417
Zaninovich Bros., Inc	1.554

DISTRICT NO. 2

Total	100 000
American National Foods, Inc., Corona	.480
American National Foods, Inc., Fullerton	.639
American National Foods, Inc., Upland	1.114
Buenaventura Lemon Co	.674
Consolidated Lemon Co	.911
Ventura Pacific Co	2 048
Chula Vista Mutual Lemon Association	.331
Euclid Lemon Association	1.518

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Index Mutual Association	0.241
La Verne Cooperative Citrus Association	2.033
Ventura Coastal Lemon Co	2.260
Ventura Processors	1.727
Glendora Lemon Growers Association	2.010
La Verne Lemon Association	.891
La Habra Citrus Association	.581
Yorba Linda Citrus Association	.329
Escondido Lemon Association	3.072
Cucamonga Mesa Growers	2.706
Etiwanda Citrus Fruit Association	1.406
San Dimas Lemon Association	1.083
Upland Lemon Growers Association	9.667
Central Lemon Association	.407
Irvine Citrus Association, The	.443
Placentia Mutual Orange Association	.768
Corona Citrus Association	.429
Corona Foothill Lemon Co	2.455
Jameson Co	1.068
Arlington Heights Citrus Association	1.424
College Heights Orange & Lemon Association	5.822
Chula Vista Citrus Association, The	.897
Escondido Cooperative Citrus Association	.169
Fallbrook Citrus Association	1.855
Lemon Grove Citrus Association	.169
Carpinteria Lemon Association	2.390
Carpinteria Mutual Citrus Association	3.473
Goleta Lemon Association	2.953
Johnston Fruit Co	3.846
Briggs Lemon Association	1.102
Fillmore Lemon Association	1.194
Oxnard Citrus Association	4.221
Rancho Sespe	.433
San Fernando Heights Lemon Association	4.597
Santa Clara Lemon Association	3.960
Santa Paula Citrus Fruit Association	1.285
Saticoy Lemon Association	3.822
Seaboard Lemon Association	4.098
Somis Lemon Association	3.210
Ventura Citrus Association	.689
Ventura County Citrus Association	.361
Limoneira Co	1.506
Teague-McKevett Association	.545
East Whittier Citrus Association	.124
Murphy Ranch Co	.390
North Whittier Heights Citrus Association	.346
Sierra Madre-Lamanda Citrus Association	1.358
Dunning Ranch	.000
Far West Produce Distributors	.087
Huarte, Joseph D	.025
Paramount Citrus Association	2.793
Santa Rosa Lemon Co	.054
York, M. C	.000

[F. R. Doc. 54-519; Filed, Jan. 22, 1954; 10:20 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2]

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

MECHANICAL EXPERIENCE

The purpose of this supplement is to outline the CAA interpretation of the experience requirements of § 24.31. A new § 24.31-1 is hereby adopted to read as follows:

§ 24.31-1 *Mechanical experience (CAA interpretations which apply to § 24.31).* The 18 months of experience required by § 24.31 is interpreted to mean that an applicant for either an airframe or a powerplant rating must have 18 months of exclusive experience for the particular rating. For example, an applicant lists 18 months of airframe experience acquired from January 1, 1951, through July 1952, while employed as a mechanic at Repair Station X. Subsequently, he applies for a powerplant rating and states on the application that he was employed as an engine mechanic at Repair Station X from January 1, 1951, through July 1952. Obviously, he does not meet the experience requirements for a powerplant rating, since § 24.31 requires him to have 18 months for each rating, or under these circumstances, 30 months if the experience has been obtained concurrently for both ratings.

(Sec. 205, 52 Stat. 984, as amended: 49 U. S. C. 425. Interpret or apply secs. 602, 608, 52 Stat. 1008, 1011, as amended; 49 U. S. C. 552, 558)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-477; Filed, Jan. 22, 1954; 8:52 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

Subchapter E—Extension of the Longshoremen's and Harbor Workers' Compensation Act to Persons Engaged in Employment Outside Continental United States

PART 51—GENERAL ADMINISTRATIVE PROVISIONS

ESTABLISHMENT OF COMPENSATION DISTRICTS

Pursuant to the authority conferred by section 39 of the Longshoremen's and Harbor Workers' Compensation Act (act of March 4, 1927, 44 Stat. 1442; 33 U. S. C. 939), as extended to employments at military, air and naval bases, and other places outside the United States by the act of August 16, 1941, as amended (55 Stat. 622, as amended by 56 Stat. 1035; 42 U. S. C. 1651), § 51.2 (20 CFR 51.2) is hereby amended, effective February 1, 1954, so as to redefine the geographic limits of the compensation district established as Pacific District, and to abolish a compensation district under said act now known as Western Pacific District. The new designation for the Pacific District in § 51.2 of said regulations shall read as follows:

§ 51.2 *Establishment of compensation districts.* (a) • • •

(2) *Pacific District.* This district comprises all land and water areas outside the continents of North and South America which are south of the 45th degree north latitude and westward from the 110th degree west longitude to the 90th degree east longitude, except areas in the North Atlantic Ocean and contiguous waters, with headquarters at Honolulu, T. H.

• • • • • •

(8) *Western Pacific District.* [Revoked.]

(Sec. 39, 44 Stat. 1442; 33 U. S. C. 939)

Signed at Washington, D. C., this 18th day of January 1954.

WM. MCCAULEY,
Director, Bureau of Employees' Compensation.

[F. R. Doc. 54-478; Filed, Jan. 22, 1954; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 532—PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT PERSONNEL

RETIRED AND RETIREMENT PAY

In § 532.2, paragraph (i) is revised to read as follows:

§ 532.2 *Retired and retirement pay.*

• • •

(i) *Payment to mentally incompetent retired members.* Payment of retired pay to mentally incompetent Army members receiving retired pay when located in the continental United States, or in any place other than Panama, Puerto Rico, Hawaii, and the Philippine Islands, will be made by the Finance Center, U. S. Army, Indianapolis 49, Indiana. Where mentally incompetent members reside in Panama, Puerto Rico, Hawaii, and the Philippine Islands, payment will be made by the disbursing officer designated to make payments of retired pay in the area. No designation of person or persons to receive payments under this section will be made for or on behalf of mentally incompetent retired members residing outside the continental limits of the United States; payments to such members will be made only to a legal committee, guardian, or other legal representative appointed by a court of competent jurisdiction.

[AR 35-1360, January 6, 1954] (Sec. 3, 64 Stat. 249; 37 U. S. C. 353)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 54-459; Filed, Jan. 22, 1954; 8:48 a. m.]

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 601—LABOR

MISCELLANEOUS AMENDMENTS

1. In § 590.606-8, a new subparagraph (5) is added to paragraph (a) as follows:

§ 590.606-8 *Distribution to the Army Audit Agency of procurement contracts and other documents.* (a) • • •

(5) When a contract supplement reflecting (i) redetermined prices under a price redetermination type contract or (ii) a termination settlement is forwarded to a regional office of the Army Audit Agency in accordance with the requirements of subparagraph (1), (2), (3), or (4) of this paragraph, one copy of the record of negotiations will be attached to the supplement. This record will be an extra copy of summary of negotiations necessary for proper documentation in the contract file, or for review by a board of awards (if appropriate). No special record is required to be prepared to meet the requirements of this section.

* * * * *

2. In Part 601, §§ 601.403, 601.450, 601.451, 601.502 and 601.503 are revoked.

§ 601.403 *Department of Labor regulations.* [Revoked.]

§ 601.450 *Predeterminations of prevailing wage rates.* [Revoked.]

§ 601.451 *List of ineligible contractors and disqualified bidders.* [Revoked.]

§ 601.502 *Applicability.* [Revoked.]

§ 601.503 *Department of Labor regulations.* [Revoked.]

[Proc. Cir. 32, December 31, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, 41 U. S. C. 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-460; Filed, Jan. 22, 1954; 8:48 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 105—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR THE FREE PUBLIC EDUCATION OF CERTAIN CHILDREN RESIDING ON FEDERAL PROPERTY

FINAL DATE FOR FILING APPLICATIONS FOR FINANCIAL ASSISTANCE

Part 105, 45 CFR 105.5, as amended in 18 F. R. 6703, issued pursuant to Public Law 874, 81st Congress (64 Stat. 1100) as amended, is amended to extend the date for filing applications. The section as amended reads as follows:

§ 105.5 *Final date for filing applications for financial assistance from funds appropriated for the fiscal year 1954, and thereafter.* (a) The final date for filing applications for financial assistance under sections 2, 3 or 4 of the act, or under any subsection thereof, and this part, out of funds appropriated for any fiscal year shall be March 31st of such fiscal year for all applicants. An application must be received by the Commissioner, or under cover postmarked, on or before the final filing date after transmittal through and certification by the State educational agency. The applicant is responsible for obtaining the certification of the State educational agency and for securing transmittal of the application to the Commissioner of Education by the final filing date. The applicant, in order to give the State educational agency time in which it may process the application, should file its application with the State educational agency by March 1 of the fiscal year. The final date for filing the application with the Commissioner is subject to the following exceptions:

(1) With respect to an applicant whose eligibility for financial assistance under this act is established by an activity of the United States initiated or reactivated, or by the acquisition of Federal property, during the fiscal year, the filing date shall be extended 60 days beyond the date of such occurrence establishing eligibility, but not beyond the last day of the fiscal year; or

(2) With respect to an applicant whose eligibility for financial assistance is established under or pursuant to an amendment to the act adopted during the fiscal year, the filing date shall be extended 60 days beyond the date of such amendment, but not beyond the last day of the fiscal year: *Provided*, That where an application is filed directly with the Commissioner within the applicable filing date, and a copy is filed within such time with the State educational agency, the application, for good cause shown, will be considered to be timely filed if within fifteen days after the applicable filing date and within the fiscal year the applicant obtains and files with the Commissioner approval, verification and certification of the application by the State educational agency: *And provided, further*, That an application timely filed may be amended to obtain additional or alternative financial assistance based upon a Federal activity which has been initiated or reactivated, or upon property which has been acquired by the United States after the application was filed, or upon an amendment to the act enacted after the application was filed, or upon a determination of the Commissioner first communicated to the applicant that property is or is not "Federal property" under the act, if such amendment is made within the fiscal year and within 60 days of the occurrence or communication of the Commissioner's ruling to the applicant.

(b) After the applicable filing date an application cannot be amended or modified to assert a basis for financial assistance not clearly stated and supported by data in the application.

(Sec. 7, 64 Stat. 1107; 20 U. S. C. 242. Interprets or applies sec. 5, 64 Stat. 1106; 20 U. S. C. 240)

Dated: Jan. 12, 1954.

[SEAL] S. M. BROWNELL,
United States Commissioner of Education.

Approved: January 19, 1954.

OVETA CULP HOBBY,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 54-479; Filed, Jan. 22, 1954; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

[Docket No. AO-166-A18 RO 1]

MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF REOPENING OF HEARING; PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the public hearing held October 16, 1953, at Cincinnati, Ohio, pursuant to notice issued October 8, 1953 (18 F. R. 6468), such reopened hearing to be held at the Sinton Hotel, Fourth and Vine Streets, Cincinnati, Ohio, beginning at 10:00 a. m., e. s. t., January 28, 1954, for the purposes of receiving additional evidence with respect to proposal No. 1 below, set forth in the original notice of hearing, to amend the tentative marketing agreement heretofore approved by the Secretary of Agriculture and the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area, and of receiving evidence with respect to the additional amendment proposals set forth herein, or appropriate modifications of any of such proposals. These proposed amendments have not received the approval of the Secretary of Agriculture.

Consideration will be given also to the question of whether economic and marketing conditions which relate to the handling of milk for the said marketing area require emergency action with respect to any or all amendments deemed necessary as the result of the hearing.

Proposed by the K. I. O. Milk Producers Association, the Milk Producers Union, the Cincinnati Milk Sales Association, and the Cooperative Pure Milk Association:

Proposal No. 1: Amend § 965.51 (a) (5) by deleting the following phrase "the month of July shall not be more than such adjusted differential for the immediately preceding month of June and for each of the months of August and September the Class I differential adjusted pursuant to this subparagraph shall not be more than such adjusted differential for the immediately preceding month of June plus 30 cents" and substituting therefor the following: "the months of May, June, and July shall not be more than such adjusted differential for the immediately preceding month of April;"

Proposal No. 2: Amend § 965.60 to read as follows:

§ 965.60 *Computation of value of milk for each handler.* The value of milk received from producers during each month by each handler shall be a sum of money computed by the market administrator by multiplying the hundredweight of milk in each class by the applicable class prices, subject to the butterfat differential provided in § 965.52 and adding an amount resulting from the following computations: (1) Multiply the pounds of butterfat subtracted pursuant to § 965.46 (g) by the price for the applicable class adjusted by the applicable butterfat differential, and (2) multiply the pounds of milk and butterfat subtracted from Class I and/or Class II pursuant to § 965.46 (d) by the difference between the price of milk and/or butterfat of the class from which subtracted and the Class III price for milk and/or butterfat.

Proposal No. 3: Amend § 965.7 (c) by changing the phrase "not less than one percent" to "not less than two and one-half percent".

Proposal No. 4: Amend § 965.8 by changing the period at the end of the paragraph to a colon and adding the following proviso: *"Provided further*, That this definition shall not be deemed to include for the months of March, April, May, and June of any year any such person whose milk was not received at a pool plant on 15 or more days during each of the preceding months of October through February, except that for March, April, May, and June 1954 any such person shall not be deemed to be a producer if he fails to deliver milk to a pool plant on 15 days or more during the month of February 1954."

Proposal No. 5: Amend § 965.64 by adding thereto appropriate language which would provide for a location differential to apply to all receiving stations or milk plants selling milk in the Cincinnati market located thirty (30) miles or more from the Court House in Cincinnati, such differential to be based upon the evidence adduced in relation thereto.

Proposal No. 6: Amend § 965.9 by adding the following paragraph:

(c) Any local cooperative milk marketing association in respect to milk which has been diverted to it in shippers cans or in bulk by any person described in paragraph (a) of this section.

Proposal No. 7: Amend § 965.41 by adding thereto the following paragraph:

(e) Class V milk shall be all distress milk diverted to a local co-operative milk marketing association whenever the total receipts of milk from producers as described in this order exceeds one hundred and fifty percent of the gross Class I and II utilization.

Proposal No. 8: Amend § 965.51 by adding thereto the following paragraph:

(e) The price for Class V milk shall be the price received by a local co-operative milk marketing association for distress milk diverted to such association pursuant to § 965.9 (c).

Proposed by the Matthews-Frechtling Dairy Company:

Proposal No. 9: Amend the introductory language of § 965.51 (c) to read as follows: "The price for Class III milk shall be the lower of the prices computed to subparagraphs (1) and (2) of this paragraph, during the months of March, April, May, June, July, and August of each year, and the price for Class III milk shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph plus thirty cents, during the months of September, October, November, December, January, and February."

Proposal No. 10: Amend § 965.41 (d) by adding the words "or Cheddar cheese" after the word "butter" and amend § 965.41 (c) by adding the words "except Cheddar cheese" after the words "all cheese".

Proposal No. 11: Add the following as § 965.43 (c):

(c) Any handler may transfer milk in producer's cans between handlers subject to approval of the milk market administrator.

Proposed by the J. Weber Dairy Company et al.:

Proposal No. 12: Amend that portion of § 965.51 (c) which precedes subparagraph (1) thereof to read as follows:

(c) The price for Class III milk during each of the months of March through August shall be the price computed pursuant to subparagraph (2) of this paragraph; and the price for Class III milk during each of the months of September through February, shall be the higher of the prices computed pursuant to subparagraph (1) and (2) of this paragraph. * * *

Proposal No. 13: Amend § 965.7 (c) by inserting the following provisos immediately following the schedule contained in said paragraph and immediately preceding the proviso presently contained therein: "*Provided*, That the requirements of this paragraph shall not disqualify any plant from its status as a 'pool plant' if said plant has been qualified as a 'pool plant' for the preceding five years: *And provided*, That the requirements of this paragraph shall not disqualify any plant from its status as a 'pool plant' if said plant has been qualified as a 'pool plant', and if said plant receives from pool plants distress surplus milk or skim milk during the months of February through July, and further"

Proposal No. 14: Amend § 965.7 (c) by adding the words "and skim milk" in line 5 of this section, immediately after the word "milk."

Proposal No. 15: Amend the last eight lines of § 965.43 (b) by changing the colon at the end of the eighth last line to a period and deleting the last seven lines of this section, beginning with the words: "*And provided further, etc.*"

Proposal No. 16: Amend § 965.41 (c) (1) by deleting the word "candy", and inserting in its place the words "food products".

Proposed by the H. Miller Dairy Company:

Proposal No. 17: Amend § 965.41 (c) (1) by adding at the end thereof the following phrase: "cream used in the manufacture of sour cultured cream;"

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 18: Make such other changes as may be required to make the entire marketing agreement and order conform with any amendment(s) thereto that may result from this hearing.

Copies of this notice of hearing and of the aforesaid tentative marketing agreement and order may be procured from the market administrator, Room 202, Southern Ohio Bank Bld., 519 Main St., Cincinnati, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: January 20, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-483; Filed, Jan. 22, 1954; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 148]

POSTING FREIGHT OR PASSENGER TARIFFS AT STATIONS

NOTICE OF PROPOSED RULE MAKING

JANUARY 18, 1954.

Under authority of section 6 of the Interstate Commerce Act, the Commission, by orders dated October 12, 1915, and later, and by Rule 6 of Tariff Circulars 22 and 23, modified the requirements of sections 6 and 306 with respect to the posting of freight and passenger tariffs at stations.

It appears that there is need for a revision of the regulations prescribed in those orders. The Railroads' Tariff Research Group has asked that they be changed in certain respects and has submitted proposed amendments and explanations in support thereof. The proposed revised regulations are set forth below. The petition of the Railroads' Tariff Research Group is attached.[1] Interested parties may obtain copies of the petition of the Railroads' Tariff Research Group by writing Mr. Chas. S. Baxter, Chairman, Railroads' Tariff Research Group, Transportation Building, Washington 6, D. C.

While in the main the proposed revision is a restatement of the current posting regulations, it will change them in the following respects:

1. The present regulations require each carrier to file with the Commission in the form of a tariff, and to keep current, lists of the tariffs which are to be found in the files at each station or office where tariffs are required to be posted. This would be eliminated in the proposed revision. Instead each carrier would be required to furnish the agent or employe in charge of each tariff file, at least once a year, a list of the tariffs which should be in that file. Upon receipt of the list the responsible employe would be re-

[1] Filed as part of the original document.

quired immediately to check it against the tariffs actually on hand and report back any deficiencies.

2. The present regulations designate by name the points on many (not all) railroads at which the carrier must maintain a complete file of its tariffs for public inspection. The proposed regulations would merely fix the minimum number of such places, based on the size of the railroad (the number of miles of main-line track operated), and would permit the carrier to select the places. The Commission, however, would retain the authority, upon reasonable investigation to require any carrier to maintain public tariff files at other places, in addition to or in substitution of those selected by the carrier.

3. The present requirement that each carrier shall make an annual inspection of the tariff files at each station, by traveling auditors or inspectors, would be eliminated, and a general admonition substituted which would allow the carriers' latitude to place in effect a system of continuous control and supervision looking towards the maintenance of tariff files in complete and readily accessible form.

4. The present regulations do not specifically cover the posting of tariffs of pipeline companies. The proposed regulations provide for the posting of such tariffs at the principal office of each pipeline company.

Anyone interested may, on or before April 18, 1954, advise the Commission in writing (an original and six copies) of any cause or reason why the Commission should not hereafter prescribe the regulations set forth below. No formal hearing with respect to the matter is contemplated, but informal conference with members of the staff of the Commission's Bureau of Traffic may be had.

Notice to the public will be given by depositing a copy of this notice, with its two appendices, in the office of the Secretary of the Commission for inspection, and by filing a copy with the Director, Division of Federal Register.

[SEAL] GEORGE W. LAIRD,
Secretary.

The following material, if approved by the Commission, will be published as Rule 32 of Tariff Circular 20, Rule 82 of Tariff Circular 18–A and Rule 6 of Tariff Circulars 22 and 23 (cancels order of October 12, 1915, "In the Matter of Modification of the Provisions of Section Six" and all subsequent amendments thereof).

§ 148.1 *Definitions.* The term "post" as used herein means the maintenance of a file of tariffs in the custody of an agent of the carrier in a complete, accessible and usable form, and keeping such file of tariffs available to the public upon request during ordinary business hours. The term "tariffs" includes tariff supplements or amendments.

§ 148.2 *Posting of tariffs.* Each railroad, sleeping-car company and pipeline company subject to the provisions of section 6 of the act, and each common carrier by water subject to the provisions of section 306 of the act, shall post its tariffs (including those filed for it by tariff-publishing agents or by other carriers with its concurrence) as provided in paragraphs (a) and (b) of this section, except that paragraph (a) shall not apply to pipeline companies:

(a) (1) At each station from which freight or passengers are transported, and at which an agent is employed, all tariffs which contain rates or fares applying from that station, or terminal or other charges applicable at that station, together with all other tariffs needful to determine the application of such rates, fares or charges, excepting tariffs which show only the marked capacities, lengths, dimensions and cubical capacities of cars. There shall also be posted at each such station an index of the carrier's freight tariffs, in form as provided in Rule 11 of Tariff Circular No. 20 and an index of its passenger tariffs in form as provided in Rule 39 of Tariff Circular 18–A.

(2) If any tariff so posted (other than a tariff index) has not been used for a substantial length of time the posting of that tariff, including reissues thereof, may be discontinued at that station until such time as a request is made to the carrier's agent to have it reposted. It will then be reposted within ten days and thereafter kept posted.

(3) Freight tariffs and indexes need not be posted at exclusively passenger stations, nor passenger tariffs and indexes at exclusively freight stations.

(b) (1) In addition each common carrier by water, sleeping-car company and pipeline company shall post at its principal office a complete set of all tariffs which it issues or to which it is a party, together with an index or indexes thereto, and each rail carrier shall post at not less than the number of places indicated below a complete set of all freight tariffs which it issues or to which it is a party, and a complete set of all passenger tariffs containing fares from points on its lines, together with indexes thereto:

If number of main-line miles of railroad operated in the United States is:	*Number of posting places*
Less than 500	1
500 or more but less than 2,000	2
2,000 or more but less than 8,000	3
More than 8,000	4

In determining the number of miles of main-line railroad operated family lines may be considered as a unit and subsidiary carriers as a part of the controlling carrier.

(2) Railroads will select those posting places which in their judgment will best serve and promote the convenience of the public in using the tariffs. The places selected shall be cities directly served by the railroad. Each railroad will advise the Commission by letter of the posting places selected and of any changes thereafter made. The Commission may, after reasonable investigation and without formal hearing, designate posting places additional to or in substitution of those chosen by the carrier.

§ 148.3 *Time of posting.* Each tariff must be posted at least thirty days before its effective date, excepting those as to which the Commission has authorized a shorter period of notice to the public. Each carrier shall require every station or office at which tariffs are posted to write or stamp on each tariff, as received, the date on which it was posted.

§ 148.4 *Tariff files to be accessible to the public.* (a) Each file of tariffs shall be in charge of an agent of the carrier. Each carrier shall require and instruct such agent to afford inquirers an opportunity to examine any of such tariffs without asking the inquirer to assign any reason therefor, and, upon request, to lend asistance to seekers of information therefrom, with all promptness possible and consistent with proper performance of other duties.

(b) Each carrier shall also cause to be displayed continuously in a conspicuous public place at each station or office at which tariffs are required to be posted by § 148.2 (a), a notice printed in large type reading as follows:

> With only such exceptions as have been authorized by the Interstate Commerce Commission, all tariffs which contain rates or fares applying from or at this station are on file in this office, together with an index of all of this company's tariffs. The tariffs and index may be inspected by any person upon application and without the assignment of any reason for such desire. The agent or other employee on duty in this office will lend any assistance desired in securing information therefrom.
>
> In addition a complete file (complete files) of all of this company's tariffs, with indexes thereto, is (are) maintained and kept freely available for public inspection at:
>
> (Here indicate the place or places where complete tariff files are maintained, including the street address and where appropriate the room number.)

(c) At exclusive freight or exclusive passenger stations the foregoing notice should be altered by deleting either the word "rates" or the word "fares" from the first sentence, and by inserting before the word "tariffs" (last word in first sentence) either the word "freight" or the word "passenger", as appropriate.

§ 148.5 *Check up on files of tariffs.* Each carrier shall place in effect a system of supervision that will insure the continued maintenance in proper and readily accessible form of tariff files required at each station and also at each office where complete files are maintained. Such stations and offices must be furnished at least once a year with a list of all of the tariffs which should be in their files. Upon receipt of the list the agent or employee in charge will immediately check the tariffs on hand against the list, and report any deficiencies. Evidence of improper maintenance of files at any station or office may necessitate the prescription of detailed instructions to the carrier by the Commission necessary to insure compliance with the regulations in this part.

[F. R. Doc. 54–471; Filed, Jan. 22, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[426.53]

BRASS PINION RODS

TARIFF CLASSIFICATION

JANUARY 19, 1954.

The Bureau by its letter to the collector of customs at New York, New York, dated January 19, 1954, ruled that brass pinion rods are properly classifiable as articles or wares, not specially provided for, composed wholly or in chief value of brass under the provisions of paragraph 397, Tariff Act of 1930, rather than as brass rods under the provisions of paragraph 381 of the tariff act.

As this ruling will result in the assessment of duty at a higher rate than has heretofore been assessed under an established and uniform practice, it shall be applied to such or similar merchandise only when entered, or withdrawn from warehouse, for consumption after 90 days from the date of publication of an abstract of this decision in a forthcoming issue of the weekly Treasury Decisions.

D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 54–472; Filed, Jan. 22, 1954; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 14654, Amdt.]

HENRY PETER RONKENDORF

In re: Estate of Henry Peter Ronkendorf, dec'd., File No. D–28–11310; E. T. sec. 16103.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, Vesting Order 14654 is hereby amended to read as follows:

1. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of the following person: Anna Margaretha Holst, widowed Baumguertel, nee Schlueter, including but not limited to Hinrich Amandus Holst, also known as Amandus Holst, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them in and to the Estate of Henry Peter Ronkendorf, deceased, is property which is, and prior to January 1, 1947, was, within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Sue H. Clowdsley as administratrix of the Estate of Henry Peter Ronkendorf, acting under the judicial supervision of the Superior Court of the State of California in and for the County of San Joaquin;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as persons who are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C., on January 18, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54–480; Filed, Jan. 22, 1954; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEY OF SALES, CREDIT BUSINESS, BAD DEBT LOSSES, AND OPERATING EXPENSES OF WHOLESALERS

NOTICE OF DETERMINATION

In conformity with the act of Congress approved June 19, 1948, 62 Stat. 478, and due notice of consideration having been published (18 F. R. 7827, December 4, 1953) pursuant to said act, I have determined that certain annual data, including that relating to annual sales figures, sales-expense ratios, sales-receivables ratios, credit-bad debt loss ratios, and notes and accounts receivable at the end of the year, of merchant wholesale trade establishments are needed to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from non-governmental or other governmental sources.

Merchant wholesalers serve as a connecting link in the flow of goods from factories, mines, farms, and other producers to industrial users, to retailers, to institutions, and to similar end users. Hence they are of strategic importance in the economy of this country and information such as the amount of merchandise inventories on hand, sales-inventory ratios by kind of business, the amount of credit outstanding at the end of the year, bad debt losses, and operating expenses are basic to an analysis of the functioning of the economy. Such agencies as the Office of Business Economics and the Council of Economic Advisors require inventory data and the amount of outstanding credit in appraising the business outlook. Data on the amount and trend of wholesalers' inventories, together with figures on other major elements of business investment, are needed for the measurement of the gross national product.

Business and industry also are interested in inventory, credit, bad debt loss, and operating expenses measures as indicators of the outlook for business activity and as tools for the promotion of business efficiency and stability. Wholesalers use sales-inventory ratios, credit-bad debt loss ratios, and operating expense ratios derived from the survey as benchmarks to which their own operation can be related.

The annual survey will collect information from a sample of all merchant wholesalers, as defined in the Standard Industrial Classification Manual published by the Bureau of the Budget, in the United States. Information will be collected annually covering the preceding calendar year, commencing with the year of 1954 and covering the year of 1953. Report forms will be furnished to firms covered by the survey. Additional copies of the form are available on request to the Director of the Census, Washington 25, D. C.

I have therefore directed that an annual survey be conducted for the purpose of collecting these data.

Dated: January 20, 1954.

[SEAL] ROBERT W. BURGESS,
Director,
Bureau of the Census.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54–481; Filed, Jan. 22, 1954; 8:53 a. m.]

RECEIPTS OF SERVICE ESTABLISHMENTS WITH CERTAIN SUPPLEMENTARY DATA FOR MOTION PICTURE THEATERS, HOTELS, MOTELS AND TOURIST COURTS, AND LAUNDRY AND CLEANING ESTABLISHMENTS

NOTICE OF DETERMINATION

In conformity with the act of Congress approved June 19, 1948, 62 Stat. 478, and

due notice of consideration having been published (18 F. R. 7827, December 4, 1953) pursuant to said act, I have determined that certain annual data relating to, and including annual receipts of selected service trade establishments, with supplementary information for certain of these trades including the number of admissions for motion picture theaters, seating capacity, receipts from admissions, amount of admission taxes; and other receipts for hotels and motels, number of rental units, percentage of occupancy, number of rooms for transients and residential guests, receipts for room rentals, sales of meals and alcoholic beverages; for laundry and cleaning establishments, receipts from cash and carry and from delivered work, type and capacity of cleaning equipment, are needed to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from non-governmental or other governmental sources.

Service Trades are basic users of the products of industry and agriculture and supply some of the skills most important to the functioning of the economy. Information to be collected in this survey will permit publication of data such as consumer expenditures for laundry and cleaning, receipts of automobile repair shops, number of admissions and federal taxes of motion picture theaters, percentage of occupancy of hotels, and number of motel rental units. It will be especially useful when compared to the same data as collected in the 1948 Census of Business. This information is of great importance both to governmental agencies such as the Business and Defense Services Administration, the Budget Bureau, the Treasury Department, and to Business interests especially as represented by trade associations, and market research organizations, as well as to individual business establishments or individuals planning to go into business.

This survey will be confined to the following groups as described in the Standard Industrial Classification Manual issued by the Technical Committee on Industrial Classification, Division of Statistical Standards, Bureau of the Budget:

Major group or industry No.:	Title:
701	Hotels.
7031	Auto courts, etc. (part).
72	Personal services.
75	Automobile repair service and garages.
76	Miscellaneous repair services.
7831	Motion picture theaters.

Not all establishments engaged in the kinds of service mentioned above will be required to file reports. A probability sample has been designed which will provide the type of information outlined above and which will produce results, the accuracy or sampling variability of which can be measured. Reports will be requested from establishments selected in accordance with the sample design on the basis of their volume of receipts and location in Census Sample Areas. Reports will also be requested from some service firms which operate establishments outside Census Sample Areas but whose headquarters are located therein. Information will be collected annually covering the preceding calendar year commencing with the year of 1954, covering the year of 1953.

Report forms will be furnished to firms included in the sample. Additional copies of the forms are available on request to the Director of the Census, Washington 25, D. C.

I have therefore directed that an annual survey be conducted for the purpose of collecting these data.

Dated: January 20, 1954.

[SEAL] ROBERT W. BURGESS,
Director,
Bureau of the Census.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54-482; Filed, Jan. 22, 1954; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9030, 10758, 10759]

QUEEN CITY BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Queen City Broadcasting Company, Seattle, Washington, Docket No. 9030, File No. BPCT-453; KXA, Inc., Seattle, Washington, Docket No. 10758, File No. BPCT-902; Puget Sound Broadcasting Company, Inc., Seattle, Washington, Docket No. 10759, File No. BPCT-1592; for construction permits for new television stations.

On motion of all parties to this proceeding filed today and with the consent of counsel for the Chief of the Broadcast Bureau to both the grant of the motion and waiver of the Commission's four-day rule, hearing in the above-entitled proceeding is continued from 10:00 a. m., January 15, 1954, to 10:00 a. m., January 26, 1954.

Dated: January 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-476; Filed, Jan. 22, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1678, G-1996]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

On May 25, 1953, during the course of the hearing in these consolidated proceedings, Commission Staff Counsel moved orally for the omission of the intermediate decision procedure. Said motion was concurred in by all parties, the record of these proceedings has been certified to the Commission, and briefs have been filed by the parties and Commission Staff Counsel.

The Commission finds: It is appropriate and in the public interest to hear oral argument concerning the matters involved and issues presented in these proceedings.

The Commission orders:

(A) Oral argument be had before the Commission on February 18, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and issues presented in these proceedings.

(B) Each party, including Staff counsel, on or before February 10, 1954, shall notify the Secretary of the Commission, in writing, as to whether such party will participate in the oral argument, and the amount of time desired for presentation of argument.

Adopted: January 13, 1954.

Issued: January 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-450; Filed, Jan. 22, 1954; 8:46 a. m.]

[Docket No. G-2213]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

On July 15, 1953, Michigan-Wisconsin Pipe Line Company (Applicant), a Delaware corporation, with its principal place of business at Detroit, Michigan, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the operation of a spare compressor unit at its compressor station No. 5, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 8, 1953 (18 F. R. 4735).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 4, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application herein: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 15, 1954.

Issued: January 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-452; Filed, Jan. 22, 1954; 8:46 a. m.]

[Docket No. G-2274]

UNITED FUEL GAS CO.

NOTICE OF EXTENSION OF TIME AND POSTPONEMENT OF HEARING

JANUARY 18, 1954.

Upon consideration of the request of Counsel for the Columbia Gas System Corporation, filed January 15, 1954, for an extension of time for serving copies of the testimony and exhibits proposed to be offered at the hearing now scheduled to commence on January 25, 1954, and for postponement of said hearing;

Notice is hereby given that a further extension of time to and including February 23, 1954, is granted within which United Fuel Gas Company shall serve upon all parties copies of the testimony and exhibits proposed to be offered at the hearing in this matter, and that said hearing now scheduled for January 25, 1954 is hereby postponed to March 2, 1954. Paragraphs (A) and (C) of the Commission's order issued October 13, 1953, are amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-445; Filed, Jan. 22, 1954; 8:45 a. m.]

[Docket No. G-2275]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF EXTENSION OF TIME AND POSTPONEMENT OF HEARING

JANUARY 18, 1954.

Upon consideration of the request of Counsel for the Columbia Gas System Corporation, filed January 15, 1954, for an extension of time for serving copies of the testimony and exhibits proposed to be offered at the hearing now scheduled to commence on February 24, 1954, and for postponement of said hearing;

Notice is hereby given that a further extension of time to and including February 23, 1954, is granted within which Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation shall serve upon all parties copies of the testimony and exhibits proposed to be offered at the hearing in this matter, and that said hearing now scheduled for February 24, 1954, is hereby postponed to March 2, 1954. Paragraphs (A) and (D) of the Commission's order issued October 13, 1953, are amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-446; Filed, Jan. 22, 1954; 8:45 a. m.]

[Docket No. G-2276]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF EXTENSION OF TIME

JANUARY 18, 1954.

Upon consideration of the motion by Central Kentucky Natural Gas Company, filed January 12, 1954, for an extension of time for serving copies of the testimony and exhibits proposed to be offered at the hearing scheduled to commence on March 2, 1954, in the above-designated matter;

Notice is hereby given that an extension of time to and including February 23, 1954, is granted within which Central Kentucky Natural Gas Company shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the hearing in this matter. Paragraph (D) of the Commission's order issued October 13, 1953, is amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-447; Filed, Jan. 22, 1954; 8:45 a. m.]

[Docket No. G-2281]

OHIO FUEL GAS CO.

NOTICE OF EXTENSION OF TIME AND POSTPONEMENT OF HEARING

JANUARY 18, 1954.

Upon consideration of the request of Counsel for the Columbia Gas System Corporation, filed January 15, 1954, for an extension of time for serving copies of the testimony and exhibits proposed to be offered at the hearing in the above-designated matter, now scheduled to commence on February 24, 1954, and for postponement of said hearing;

Notice is hereby given that an extension of time to and including February 23, 1954, is granted within which The Ohio Fuel Gas Company shall serve upon all parties copies of the testimony and exhibits proposed to be offered at the hearing in this matter, and that said hearing now scheduled for February 24, 1954, is hereby postponed to March 2, 1954. Paragraphs (A) and (C) of the Commission's order issued October 16, 1953, are amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-448; Filed, Jan. 22, 1954; 8:45 a. m.]

[Docket No. G-2347]

ARKANSAS-LOUISIANA GAS CO.

NOTICE OF APPLICATION

JANUARY 19, 1954.

Take notice that on January 4, 1954, Arkansas-Louisiana Gas Company (Applicant), a Delaware corporation, with its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 2,275 ft. of 4-inch pipeline, together with a check meter installation, and the withdrawal from interstate commerce and the transfer from its pipeline transmission account to its distribution account of approximately 12,100 ft. of its 12-inch line "D", all of said facilities being in the immediate vicinity of Shreveport, Louisiana.

The proposed facilities will allow Applicant to reduce pressures on its system in the vicinity of Shreveport so that it may use that portion of its Line D east of Station 425+92 for rendering service to customers adjacent thereto.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-449; Filed, Jan. 22, 1954; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-504]

LUDWIG BAUMANN & CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JANUARY 19, 1954.

In the matter of Ludwig Baumann & Company, Common Stock, Par Value $1.00, File No. 1-504.

The American Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Common Stock, Par Value $1.00, of Ludwig Baumann & Company.

The application alleges that the reasons for striking this security from listing and registration on this exchange are:

(1) From time to time one Spear & Company has been purchasing shares of the above security until, as of December 28, 1953, it owned approximately 147,000 shares, leaving approximately 4,500 other shares outstanding in the hands of about 125 public shareholders.

(2) The number of shares remaining outstanding in the hands of the public has become so reduced as to make further Exchange trading in this security inadvisable.

Upon receipt of a request, prior to February 16, 1954, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-454; Filed, Jan. 22, 1954; 8:47 a. m.]

[File No. 54-211]

CENTRAL PUBLIC UTILITY CORP.

NOTICE AND ORDER GIVING OPPORTUNITY FOR HEARING REGARDING APPLICATION TO RELEASE JURISDICTION OVER PROCEDURE FOR SELECTION OF FORMER SUBSIDIARY'S BOARD OF DIRECTORS AND COMPOSITION THEREOF

JANUARY 19, 1954.

On December 4, 1953, the Commission approved a plan of Central Public Utility Corporation ("Cenpuc"), a registered holding company, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the "act"). See Holding Company Act Release No. 12236. The plan proposed, among other things, the distribution by Cenpuc to its stockholders, on a pro rata basis, of the reclassified stock of its then only remaining domestic public-utility subsidiary company, Central Indiana Gas Company ("Central Indiana"). According to the plan, as soon as practicable and in any event within thirty days after the transfer of the Central Indiana stock to the distribution agent, which occurred on December 28, 1953, Central Indiana's Board of Directors would be reconstituted in such manner as may be, and would be composed only of such persons who are, satisfactory to the Commission. In its order approving the plan, the Commission reserved jurisdiction over, among other things, all aspects of the procedure with respect to the selection of Central Indiana's reconstituted Board of Directors and the composition thereof.

In connection with the proceedings on the plan, Central Indiana agreed that, without prior approval by this Commission, it will not have as an officer or director any person who is at the same time an officer or director of Cenpuc or any other company which is or has been in the Cenpuc holding company system. Cenpuc has now filed an application proposing that the reconstituted Central Indiana Board be composed of the individuals hereinafter named and Cenpuc has requested (a) that Christopher H. Coughlin, an officer and director of Cenpuc and certain of its subsidiaries, be approved as a member of the Central Indiana reconstituted Board, (b) that the jurisdiction heretofore reserved by the Commission with respect to the Central Indiana's Board be released, and (c) that, if necessary, the Commission permit and approve the amendment of the plan so as to extend the time by which the reconstituted Board of Central Indiana is to take office to such date as shall be practicable after the Commission has released jurisdiction with respect to such Board.

In support of its reconstituted Board for Central Indiana, Cenpuc states that the laws of Indiana require that a majority of Central Indiana's directors be residents of Indiana and that the proposed members were selected after consultation with a number of Cenpuc's largest stockholders.

A brief description of the proposed Board follows:

Christopher H. Coughlin, Jamaica, New York, is President of Central Indiana and Chairman of its Board of Directors and President and a Director of Cenpuc. He owns 14,644 shares of Central Indiana's stock and, according to the application, is that company's largest individual stockholder of record. Coughlin has submitted his resignation as Central Indiana's President and Chairman of the Board. It is represented that such resignation will be accepted at, or prior to, the meeting at which that company's board is to be reconstituted. The filing states that Coughlin has extensive knowledge of Central Indiana's history, business and affairs and his continuance as a director of Central Indiana would be beneficial to Central Indiana. It is further stated that Coughlin is acquainted with only two of the proposed new directors, namely, C. M. Cullison and Percival E. Jackson, that Coughlin owns less than 1½ percent of Central Indiana's stock and that except for C. M. Cullison none of the other proposed directors have, or ever have had, any connection as a director, officer or employee of Cenpuc or any of its present or former subsidiaries.

C. M. Cullison, Muncie, Indiana, has been employed by Central Indiana since 1929 and now is Executive Vice President and Manager of that company. According to the application it is contemplated that he will be its future President. He is not a stockholder of Central Indiana.

J. Wilson Barber, Anderson, Indiana, has been since 1943, and now is, President and General Manager of Barber Manufacturing Company of Anderson, Indiana, which manufactures springs for upholstered furniture. He is also a director of the Citizens Banking Company, a commercial bank in Anderson. He is not a stockholder of Central Indiana.

Walter E. Burt, Muncie, Indiana, has been since 1940, and now is, Vice President and General Manager of the Indiana Bridge Company of Muncie which engineers, fabricates and erects structural steel, fabricated steel and factory equipment. He is not a stockholder of Central Indiana.

Kenneth P. Valentine, Indianapolis, Indiana, is President of Pitman-Moore Co., a wholly-owned subsidiary of Allied Laboratories, Inc. The latter corporation and its subsidiaries are manufacturers of pharmaceuticals. He is not a stockholder of Central Indiana but is sponsored by the holders of in excess of 50,000 shares of Central Indiana stock.

Harry L. Wells, Evanston, Illinois, is Vice President and Business Manager of Northwestern University, Evanston, Illinois. He owns 1,000 shares of Central Indiana stock and is sponsored by the holders of in excess of 100,000 shares of such stock.

Percival E. Jackson, Sea Cliff, New York, is a lawyer practicing in the City of New York. He owns 7,500 shares of Central Indiana stock and is sponsored by the holders of in excess of 100,000 shares of such stock.

Notice is hereby given that any person may, not later than February 10, 1954 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on the aforementioned application stating therein the reasons for such request and the nature of his interest, and the issues of law or fact raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 10, 1954, said application, as filed or as amended, may be granted.

It is ordered, That the Secretary of the Commission shall mail a copy of this notice and order by registered mail to Cenpuc, Central Indiana, and the Public Service Commission of the State of Indiana and that notice be given to all other interested persons by general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Cenpuc on or before January 25, 1954, shall mail a copy of this notice and order to all of Central Indiana's shareholders of record on January 19, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-456; Filed, Jan. 22, 1954; 8:47 a. m.]

[File No. 70-3171]

COMMONWEALTH EDISON CO.

ORDER GRANTING APPLICATION FOR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY COMPANY AND FOR EXEMPTION PURSUANT TO SECTION 3 (a) (1)

JANUARY 19, 1954.

Commonwealth Edison Company ("Edison"), an exempt holding company and a public-utility company, has filed with the Commission an application and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly sections 3, 9 and 10 of the act regarding the following proposed transactions:

Edison, an Illinois corporation, is primarily engaged in the electric utility business supplying electric service in the city of Chicago, Illinois, and in the northern part of Illinois. In addition, Edison is engaged in the distribution of gas at retail outside of Chicago and in the northern part of Illinois. Edison also provides heating service to a limited number of customers outside of Chicago. As of July 31, 1953, Edison's gas utility properties represented, on a consolidated basis, approximately 11 percent of its gross plant and accounted for approximately 14 percent of its total operating revenues for the 12 months ended on that date.

Edison has two public utility subsidiary companies, Sterling Hydraulic Company, an Illinois corporation, which presently holds title to a dam and certain water rights but which conducts no operations, and Chicago District Electric Generating Corporation ("Chicago District"), an Indiana corporation, which owns and operates an electric generating station located in Indiana on the shore of Lake Michigan at the Illinois-Indiana state line. Edison purchases the major portion of Chicago District's output of electric energy and the remainder thereof is sold to Northern Indiana Public Service Company, a non-affiliated company operating in Indiana. For the twelve months ended July 31, 1953, the revenues of Chicago District, exclusive of sales to Edison, amounted to 1.8 percent of the gross operating revenues of the Edison system for that period. Edison is exempt as a holding company by reason of the Commission's order dated June 30, 1948, issued pursuant to section 3 (a) (1) of the act.

Edison proposes to separate its gas and heating properties from its electric facilities by the transfer of all of the gas and heating properties to a new corporation, Northern Illinois Gas Company ("Northern Illinois"), formed under the laws of Illinois for the purpose of acquiring and operating such gas and heating properties. The transfer of such properties will be made pursuant to the provisions of a Separation Agreement proposed to be entered into between Edison and Northern Illinois.

Under the terms and conditions of the Separation Agreement the following transactions are proposed:

Edison agrees (a) to procure from the Trustee under its Mortgage Indenture dated July 1, 1923, as supplemented, the release from the lien of said mortgage of all of its gas and heating properties, together with certain franchises and inventories related thereto; (b) to subject the gas properties (with certain exceptions) to the lien of a new Indenture, dated January 1, 1954, with the Continental Illinois National Bank and Trust Company of Chicago, as Trustee, providing for the issuance, as the initial series, of $60,000,000 principal amount of Edison's Gas Divisional Lien Bonds; (c) to issue and sell such bonds to underwriters selected by Edison and to deposit the proceeds from such sale with the Trustee under Edison's existing mortgage; and (d) to transfer and convey to Northern Illinois the gas properties, subject to the lien of the new Indenture securing its Gas Divisional Lien Bonds, together with the heating properties, and certain franchises and inventories related to said properties, in exchange for 5,500,000 shares of common stock, par value $5 per share, of Northern Illinois, representing all of the common stock of Northern Illinois to be initially issued, plus an additional number of shares of such common stock (to be determined as hereinafter set forth as soon as practicable after such initial issuance). In addition, Edison proposes, in order to provide Northern Illinois with working capital, to purchase from Northern Illinois 100,000 shares of its 5 percent Convertible Preferred Stock, par value $100 per share, proposed to be issued by Northern Illinois, for a consideration of $10,000,000.

Northern Illinois, as consideration for the transfer and conveyance to it of the aforesaid gas and heating properties, agrees (a) to adopt as its own the Indenture dated January 1, 1954, securing the aforesaid Gas Divisional Lien Bonds proposed to be issued by Edison and to assume the payment thereof as the sole obligor under said Indenture; (b) to assume certain other liabilities of Edison; (c) to issue and deliver to Edison the aforesaid 5,500,000 shares of its common stock, plus an additional number of shares to be determined as hereinafter set forth; and (d) to issue and sell to Edison the aforesaid 100,000 shares of its preferred stock for a consideration of $10,000,000.

The additional number of shares of common stock of Northern Illinois to be issued and delivered to Edison in excess of the aforesaid 5,500,000 shares of common stock will be determined as follows:

There will be deducted from the book value of the gas utility and heating assets, as ascertained by Edison from its books at the close of business on a day to be determined, the total of (1) the sum of the amounts of accrued depreciation allocable to the gas utility assets and the heating assets, respectively, (2) the aggregate principal amount of Edison's Gas Divisional Lien Bonds assumed by Northern Illinois, (3) the aggregate amount of certain other undetermined liabilities assumed by Northern Illinois, and (4) the amount of $55,000,000; and by dividing the remainder by $10, the resulting quotient (dropping any fractions) being the number of such additional shares of common stock of Northern Illinois to be issued to Edison.

Edison represents that of the aforesaid 5,500,000 shares of common stock of Northern Illinois to be issued, 100 shares will be issued against incorporators' subscriptions assigned to Edison and will be deemed to have been paid for by a $1,000 undivided portion, in net book value, of the gas and heating properties transferred to Northern Illinois.

Northern Illinois' authorized capital stock will consist of 250,000 shares of preferred stock, par value $100 per share, and 12,500,000 shares of common stock, par value $5 per share. Upon completion of the transfer of the gas and heating properties of Edison to Northern Illinois, the outstanding securities of Northern Illinois will initially consist of $60,000,000 principal amount of bonds, $10,000,000 of 5 Percent Convertible Preferred Stock, par value $100 per share (each share convertible into 10 shares of common stock after January 31, 1957), and $27,500,000 of common stock of the par value of $5 per share, plus the par value of any additional shares issued as heretofore indicated.

The filing indicates that upon consummation of the proposed acquisition by Edison of the securities of Northern Illinois, Edison will also be a holding company with respect to Northern Illinois, whose operations will be confined to the State of Illinois. Edison requests that this Commission issue an order pursuant to section 3 (a) (1) of the act continuing Edison's present exemption after acquisition of the securities of Northern Illinois.

Edison estimates that the fees and expenses to be incurred in connection with the proposed acquisition of securities of Northern Illinois will amount to $105,000, as follows:

Federal tax on original issue	$44,000
Fee payable to State of Illinois in connection with authorization by Illinois Commerce Commission of issuance of preferred and common stock of Northern Illinois Gas Co.	20,000
License fees payable to State of Illinois	35,000
Attorneys' fees and expenses (payable to Isham, Lincoln & Beale)	4,000
Miscellaneous expenses, including printing, preparation of stock certificates, travel, telephone and telegraph, postage costs, etc.	2,000
Total	105,000

Edison, in support of its application represents, among other things, that the proposed separation of its electric and gas operations is a desirable objective under the act; that the gas operations of Edison will be benefited by their transfer to a new company concentrating on their development; and that the operating effectiveness of Edison as an electric utility will also be enhanced. In addition, Edison represents that although all of the stock of Northern Illinois to be initially issued will be acquired by and held by Edison, it is contemplated that ultimately the complete separation of Edison and Northern Illinois will be accomplished.

Edison is subject to the jurisdiction of the Illinois Commerce Commission and Northern Illinois upon consummation of the proposed transactions will be subject to the jurisdiction of that Commission which has approved such transactions.

Applicant requests that the order to be entered herein become effective forthwith upon issuance.

Due notice having been given of the filing of the application and a hearing not having been requested of or ordered by the Commission; the Commission finding that the applicable standards of sections 3 (a) (1) and 10 of the act are satisfied; and the Commission deeming it in the public interest and in the interest of investors and consumers to grant the application, as amended, effective forthwith:

It is ordered, Pursuant to Rule U-23 that the application, as amended, filed pursuant to section 10 of the act be, and hereby is, granted, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the application for exemption, as amended, filed pursuant to section 3 (a) (1) of the act be, and hereby is, granted.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-455; Filed, Jan. 22, 1954; 8:47 a. m.]

[File No. 70-3173]

ESSEX COUNTY ELECTRIC CO.

NOTICE OF FILING REGARDING SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

JANUARY 19, 1954.

Notice is hereby given that Essex County Electric Company ("Essex"), a public-utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicant has designated section 6 (b) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Essex proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $5,000,000 principal amount of its First Mortgage Bonds, Series A, due 1984. The price of the bonds which shall be not less than the principal amount nor more than 102¾ percent thereof and the interest rate which shall be a multiple of ⅛ of 1 percent and not in excess of 4½ percent will be determined by competitive bidding. Essex requests that the period for inviting bids be shortened to not less than six days. Bids will be received up to 12:00 Noon on a date fixed by Essex by giving notice at least 42 hours in advance thereof.

The proceeds (exclusive of accrued interest) derived from the sale of the bonds will be applied by Essex to the payment of short-term promissory notes payable to NEES and to a bank and the balance, if any, will be used by Essex to pay for capitalized expenditures or to reimburse its treasury therefor. Essex presently has outstanding $4,750,000 of such note indebtedness.

Essex is organized and doing business in The Commonwealth of Massachusetts and represents that the sale of its bonds will be expressly authorized by the Department of Public Utilities of that State.

The expenses to be incurred in connection with the issue and sale of the bonds, including expenses for services, at cost, by New England Power Service Company, an affiliated service company, are estimated by Essex to amount to $58,000.

Essex requests that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than February 5, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-457; Filed, Jan. 22, 1954; 8:47 a. m.]

[File No. 812-854]

EQUITY CORP. ET AL.

NOTICE OF FILING OF APPLICATION REQUESTING ORDER EXEMPTING CERTAIN TRANSACTIONS BETWEEN AFFILIATES

JANUARY 18, 1954

In the matter of The Equity Corporation, Bell Aircraft Corporation, American Wheelabrator & Equipment Corporation, et al., File No. 812-854.

Notice is hereby given that The Equity Corporation ("Equity"), a Delaware corporation, a registered closed-end, nondiversified management investment company, and Bell Aircraft Corporation ("Bell"), a New York corporation, an affiliate of Equity, on behalf of themselves and also of American Wheelabrator & Equipment Corporation ("Wheelabrator"), a Nebraska corporation, also an affiliate of Equity, and of affiliated individual Wheelabrator stockholders, have filed an application under section 17 (b) of the Investment Company Act of 1940 ("act"), for an order exempting from the provisions of the act certain proposed transactions through which Bell would acquire common stock of Wheelabrator in exchange for its own common stock.

Bell's only outstanding stock consists of 884,278 shares of common stock, all of which is voting stock. Of this common stock Equity owns 427,876 shares, being 48.4 percent of the total. An additional 11,400 shares of Bell common stock are owned by a subsidiary and an affiliate of Equity, and these shares and the shares owned by Equity directly together constitute 49.7 percent of the voting power of Bell. Equity also owns 28,500 shares (100 percent) of the Class A voting common stock, and 300,000 shares (89.3 percent) of the Class B voting common stock of Wheelabrator, said holdings together representing 90.1 percent of the voting power of Wheelabrator. The balance of the outstanding Class B common stock of Wheelabrator (35,958 shares) is held in varied amounts by four officers of Wheelabrator and two of their wives. Under the definitions contained in section 2 (a) (3) of the act, the four individual stockholders who are officers of Wheelabrator are affiliated persons of Wheelabrator, which in turn is an affiliated person of Equity. Bell and Wheelabrator are presumptively controlled by Equity under the provisions of section 2 (a) (9) of the act.

Bell is an aircraft company principally engaged in research and development work in the fields of electronics, rocket motors and guided missiles, the development and manufacture of helicopters, and the production of bomber components for other aircraft manufacturers. Wheelabrator is a manufacturing company principally engaged in the production and sale of abrasive blasting equipment, dust and fume control equipment and abrasives. Bell proposes to acquire Wheelabrator as a step in its postwar program to diversify its operations.

Bell and Equity have entered into a Plan and Agreement of Reorganization which, as amended, provides that Equity will exchange all of the Class B common stock of Wheelabrator which it owns for common stock of Bell on the basis of eight shares (to the nearest full share) of Bell common stock for each seven shares of Wheelabrator Class B common stock and that Bell will make an offer to the individual Wheelabrator stockholders to exchange their shares on the same basis. The agreement also provides, as a condition to the exchange of the common stock, that Wheelabrator shall redeem all of its Class A stock, namely the 28,500 shares owned by Equity, at the redemption price of $5 a share, or an aggregate of $142,500, and application has also been made for an order exempting the redemption of the Class A stock from section 17 (a) of the act.

The Plan and Agreement of Reorganization also provides that Bell will cause its certificate of incorporation to be amended so as to permit Bell to issue its stock for stock of other corporations and to increase the authorized number of shares of its common stock from 1,250,000 to not less than 1,750,000. No application is made with respect to this amendment, which does not require Commission approval, but the amendment will require authorization by the holders of Bell's outstanding stock and a meeting is to be called for this purpose promptly after the requested exemption order is obtained from the Commission.

In support of the fairness of the proposed transactions, the applicants have submitted three reports prepared by Ebasco Services Incorporated ("Ebasco"), one a study of Bell, the second of Wheelabrator, and the third recommending a fair basis of exchange of Bell common stock for Wheelabrator Class B common stock. Ebasco, which was retained by Bell to make these studies, is an independent research organization which has prepared numerous valuation studies in connection with mergers, acquisitions, sales and purchases of corporate enterprises in the industrial and utility fields.

In the three and one-half year period from January 1, 1950, through June 30, 1953, average annual earnings applicable to the Wheelabrator Class B common stock were $3.24 per share and average annual dividends paid were $1.82 per share. In the same period, average annual earnings applicable to the Bell common stock were $2.71 per share and average annual dividends paid were $1.22 per share. For valuation purposes, Ebasco estimated that annual earnings applicable to the Wheelabrator Class B common stock would be $3.57 per share and annual dividends paid would be not less than $2.00 per share, and it estimated that annual earnings applicable to the Bell common stock would be $4.00 per share and annual dividends paid would be not less than $1.75 per share. Based on a study of the market history of comparable stocks in recent years, Ebasco determined that in valuing these stocks it was appropriate to apply a price earnings ratio of 6¾ times to its estimate of earnings for the Wheelabrator Class B common stock, and of 5¼ times to its estimate of earnings for the Bell common stock. Ebasco thus concluded that, for the purposes of the exchange, the Wheelabrator Class B common stock should be valued at approximately $24.10 per share and the Bell common stock at $21 a share. No market exists for the Wheelabrator Class B common stock. The Bell common stock, which is traded on the New York Stock Exchange, ranged in market price during 1952 from a low of 17¾ to a high of 26⅞ and the closing price for the year was 23⅝.

Section 17 (a) of the act makes it unlawful, subject to certain exceptions not relevant to the present application, for an affiliated person of a registered investment company, or an affiliate of such a person, to sell to or purchase from such registered company, or any company controlled by such registered company, any security or other property. However, under section 17 (b) of the act, the Commission upon application shall grant an exemption from the provisions of section 17 (a) of the act if it finds that the terms of the proposed transaction, including the consideration, are reasonable and fair and do not involve overreaching on the part of anyone concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and with the general purposes of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than February 10, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-453; Filed, Jan. 22, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28838]

LIQUID CAUSTIC SODA FROM HUNTSVILLE AND REDSTONE ARSENAL, ALA., TO JACKSONVILLE, ILL.

APPLICATION FOR RELIEF

JANUARY 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Jacksonville, Ill.

Grounds for relief: Rail competition, circuity and market competition.

Schedules filed containing proposed rates; O. A. Spaninger, Agent, I. C. C. No. 1351, supp. No. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-466; Filed, Jan. 22, 1954; 8:49 a. m.]

[4th Sec. Application 28839]

LIQUID CAUSTIC SODA FROM HUNTSVILLE AND REDSTONE ARSENAL, ALA., TO TUSCOLA, ALA.

APPLICATION FOR RELIEF

JANUARY 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Tuscola, Ala.

Grounds for relief: Rail competition, circuity and market competition.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1351, supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-467; Filed, Jan. 22, 1954; 8:49 a. m.]

[4th Sec. Application 28840]

PIPE, STEEL AND WROUGHT IRON AND RELATED ARTICLES FROM MANHATTAN, ILL., TO POINTS IN SOUTHWEST

APPLICATION FOR RELIEF

JANUARY 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Pipe, steel or wrought iron, and related articles, carloads.

From: Manhattan, Ill.

To: Destinations in the Southwest.

Grounds for relief: Rail competition, circuity and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3982, supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-468; Filed, Jan. 22, 1954; 8:49 a. m.]

[4th Sec. Application 28841]

SULPHURIC ACID FROM POINTS IN OKLAHOMA, TEXAS, ARKANSAS, AND LOUISIANA TO GONZALEZ, FLA.

APPLICATION FOR RELIEF

JANUARY 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Specified points in Oklahoma, Texas, Arkansas, and Louisiana.

To: Gonzalez, Fla.

Grounds for relief: Competition with rail carriers, circuity, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3919, supp. 206; F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 303; F. C. Kratzmeir, Agent, I. C. C. No. 3908, supp. 172; F. C. Kratzmeir, Agent, I. C. C. No. 4087, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-469; Filed, Jan. 22, 1954; 8:49 a. m.]

[4th Sec. Application 28842]

ASPHALT FROM TEXAS TO CINCINNATI, OHIO, LOUISVILLE, KY., AND NEW ALBANY, IND.

APPLICATION FOR RELIEF

JANUARY 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Asphalt, (asphaltum), natural, by-product or petroleum, liquid, carload.

From: Texas points.

To: Cincinnati, Ohio, Louisville, Ky., and New Albany, Ind.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3725, supp. 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-470; Filed, Jan. 22, 1954; 8:49 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 103-53]

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER, v. INTERNATIONAL WORKERS ORDER, INC., RESPONDENT

Respondent having failed to appear at a hearing accorded it by the Board under and pursuant to the provisions of section 13 of the Subversive Activities Control Act of 1950, the Board, acting pursuant to section 13 (d) (2), issued on January 14, 1954, and caused to be served on the Parties, its Report in writing and caused to be served on the Parties an order reading as follows:

The Board having this day issued its report herein in which it finds and determines that the International Workers Order, Inc., respondent herein, has, within the meaning of section 13 (d) (2) of the Subversive Activities Control Act of 1950, hereinafter called the act, twice failed to appear at a hearing accorded it under and pursuant to the provisions of said section 13 of the act; and that accordingly petitioner's motion for an order pursuant to section 13 (d) (2) of the act requiring respondent to register as a Communist-front organization should be granted

It is ordered, That the said respondent, the International Workers Order, Inc., shall register as a Communist-front organization under and pursuant to section 7 of the act.

By the Board:

(Signed) Thomas J. Herbert, Chairman (Signed) Kathryn McHale, Member, (Signed) David J. Coddaire, Member, (Signed) Watson B. Miller, Member, (Signed) Harry P. Cain, Member.

Washington, D. C.
January 14, 1954.

[SEAL] THOMAS J. HERBERT, *Chairman.*

JANUARY 19, 1954.

[F. R. Doc. 54-464; Filed, Jan. 22, 1954; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 17

Washington, Tuesday, January 26, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10515

AMENDMENT OF EXECUTIVE ORDER NO. 10379[1] OF AUGUST 2, 1952, SUSPENDING THE OPERATION OF CERTAIN PROVISIONS OF THE OFFICER PERSONNEL ACT OF 1947 APPLICABLE TO THE RETIREMENT OF COLONELS OF THE REGULAR ARMY AND THE REGULAR AIR FORCE

By virtue of the authority vested in me by subsection (f) of section 514 of the Officer Personnel Act of 1947 (61 Stat. 906), as amended (10 U. S. C. 941a), and as President of the United States, it is ordered as follows:

Executive Order No. 10379 of August 2, 1952, entitled "Suspension of the Operation of Certain Provisions of the Officer Personnel Act of 1947 Applicable to the Retirement of Colonels of the Regular Army and the Regular Air Force", is hereby amended by substituting for the words "or until June 30, 1957, whichever is earlier" the words "or until September 30, 1954, whichever is earlier (except that the Secretary of the Army may in his discretion retain not more than twenty of those officers selected for retention under the authority hereof until June 30, 1957, or such earlier dates as he may deem appropriate)".

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 22, 1954.

[F. R. Doc. 54-567; Filed, Jan. 25, 1954; 10:16 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

CHANGES IN REPRESENTATION OF CERTAIN DISTRICTS ON PLUM COMMODITY COMMITTEE

Notice was published in the FEDERAL REGISTER issue of December 30, 1953 (18 F. R. 8873), that the Department was giving consideration to the proposed amendment of the rules and regulations (7 CFR 936.100 et seq.; Subpart—Rules and Regulations; 18 F. R. 712, 2839) currently in effect pursuant to the amended marketing agreement and Order No. 36 (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found and determined that the changed representation on the Plum Commodity Committee is based, so far as practicable, upon the proportionate quantity of plums shipped from the respective districts during the preceding three seasons. The approval of the amendment, as hereinafter set forth, of said rules and regulations is in accordance with the provisions of said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

Amend the provisions of § 936.118 to read:

§ 936.118 *Changes in the representation of certain districts on Plum Commodity Committee.* The representation or membership on the Plum Commodity Committee is changed to provide for:

(a) Three (3) members to represent the area included in the Fresno District and Tulare District;

(b) One (1) member to represent the area included in the Kern District and Southern California District;

(c) Two (2) members to represent the area included in the Placer District and Colfax District; and

(d) One (1) member to represent all of the territory in California not included in the foregoing districts.

(Continued on next page)

[1] 17 F. R. 7107; 3 CFR 1952 Supp.

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tively to perform its duties in accordance with said amended marketing agreement and order; (3) handlers have been notified of the adoption, and recommendation to the Secretary, by said committee of the aforesaid amendment and were afforded the opportunity to submit written data, views, or arguments with respect thereto; and (4) the changes effectuated by the aforesaid amendment do not require of handlers any special preparation therefor which cannot be completed by the effective time hereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 20th day of January 1954, to be effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-518; Filed, Jan. 25, 1954; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amendt. 56]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.12 *Green civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Seattle,[1] Wash. (LFR)	Ellensburg, Wash. (LFR).	8,000

[1] 4,000'—Minimum crossing altitude at Seattle (LFR), eastbound.

2. Section 610.13 *Green civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Reno,[1] Nev. (LFR)	Lovelock, Nev. (LFR).	10,000
New Brunswick [2], N. J.	Flatbush (INT), N. Y.	1,500
Flatbush (INT), N. Y.	LaGuardia, N. Y. (LFR).	2,500

[1] 10,500'—Minimum crossing altitude at Reno (LFR), westbound.

3. Section 610.101 *Amber civil airway No. 1* is amended to read in part:

From—	To—	Minimum altitude
Red Bluff, Calif. (LFR).	Delta (INT), Calif.	8,000
Delta (INT), Calif.	Redding, Calif. (FM) (southbound only).	7,000
Redding, Calif. (FM).	Red Bluff, Calif. (LFR) (southbound only).	3,000
Delta (INT), Calif.	Fort Jones, Calif. (LFR).	10,000

4. Section 610.108 *Amber civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Richmond (INT), Calif.	Travis AFB,[1] Calif. (LFR).	3,000

[1] 3,000'—Minimum crossing altitude at Travis (LFR) southwestbound.

5. Section 610.109 *Amber civil airway No. 9* is amended to eliminate:

From—	To—	Minimum altitude
Norfolk, Va. (LFR)	Salisbury, Md. (VAR).	1,500
Salisbury, Md. (VAR)	Atlantic City, N. J. (VAR).	1,500
Atlantic City, N. J. (VAR).	Matawan, N. J. (VAR).	1,500

6. Section 610.201 *Red civil airway No. 1* is amended to read in part:

From—	To—	Minimum altitude
Pendleton,[1] Oreg. (LFR).	Baker, Oreg. (LFR).	10,000
La Grande, Oreg. (FM)	Pendleton, Oreg. (LFR) (northwest-bound only).	7,000
Mountain Home, Idaho (FM).	Boise, Idaho (LFR) (northwest-bound only).	7,000
Burley,[2] Idaho (LFR)	Malad City, Idaho (LFR).	11,000

[1] 4,500'—Minimum crossing altitude at Pendleton (LFR), southeastbound.
[2] 7,500'—Minimum crossing altitude at Burley, eastbound.

7. Section 610.260 *Red civil airway No. 60* is amended to read in part:

From—	To—	Minimum altitude
Oakland, Calif. (LFR)	Altamont (INT), Calif.	5,000
Altamont (INT), Calif.	Stockton, Calif. (LFR):	
	Westbound	4,000
	Eastbound	3,000

8. Section 610.610 *Blue civil airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Fresno, Calif. (LFR)	Los Banos (INT), Calif.	3,000
Los Banos (INT), Calif.	Evergreen, Calif. (LFR,RBN).	6,000

9. Section 610.1001 *Direct route, United States* is amended to read in part:

From—	To—	Minimum altitude
San Francisco, Calif. (LFR).	Newark, Calif. (LFR, RBN).	4,000

10. Section 610.1001 *Direct route, United States* is amended by adding:

From—	To—	Minimum altitude
Fort Worth, Tex. (VOR).	Oklahoma City, Okla. (VOR).	[1] 6,300

[1] 2,400'—Minimum terrain clearance altitude.

11. Section 610.6002 *VOR civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Seattle,[1] Wash. (VOR)	Ellensburg, Wash. (VOR).	8,000

[1] 4,000'—Minimum crossing altitude at Seattle (VOR), eastbound.

12. Section 610.6004 *VOR civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Seattle,[1] Wash. (VOR).	Ellensburg, Wash. (VOR).	8,000
Pendleton,[2] Oreg. (VOR).	Baker, Oreg. (VOR).	10,000

[1] 4,000'—Minimum crossing altitude at Seattle (VOR) eastbound.
[2] 4,000' Minimum crossing altitude at Pendleton (VOR), southeastbound.

13. Section 610.6004 *VOR civil airway No. 4* is amended by adding:

From—	To—	Minimum altitude
Lexington, Ky. (VOR)	Charleston, W. Va. (VOR).	[1] 4,000

[1] 2,500'—Minimum terrain clearance altitude.

14. Section 610.6006 *VOR civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Cleveland, Ohio (VOR) via N. alter.	Youngstown, Ohio (VOR) via N. alter.	2,600

15. Section 610.6014 *VOR civil airway No. 14* is amended to read in part:

From—	To—	Minimum altitude
Hobart, Okla. (VOR).	Oklahoma City, Okla. (VOR).	2,600
Oklahoma City, Okla. (VOR) via N. alter.	Tulsa, Okla. (VOR) via N. alter.	{ 3,100 3,200

16. Section 610.6016 *VOR civil airway No. 16* is amended by adding:

From—	To—	Minimum altitude
Tri-City, Tenn. (VOR).	Pulaski, Va. (VOR)...	7,700
Montebello, Va. (VOR)	Gordonsville, Va. (VOR).	6,000
Salem (INT), Conn....	Norwich, Conn. (VOR)	1,800
Norwich, Conn. (VOR)	Boston, Mass. (VOR)	1,800

17. Section 610.6017 *VOR civil airway No. 17* is amended to read in part:

From—	To—	Minimum altitude
Oklahoma City, Okla. (VOR	Gage, Okla. (VOR)...	13,000
Ardmore, Okla. (VOR), via E. alter.	Oklahoma City, Okla. (VOR), via E. alter.	{ 2,400 2,700

[1] 3,600'—Minimum terrain clearance altitude.

18. Section 610.6023 *VOR civil airway No. 23* is amended to read in part:

From—	To—	Minimum altitude
Red Bluff, Calif. (VOR)	Delta (INT), Calif....	8,000
Delta (INT), Calif	Redding, Calif. (FM) (southbound only).	7,000
Redding, Calif. (FM)..	Red Bluff, Calif. (VOR)(southbound only).	3,000
Delta (INT), Calif.....	Fort Jones, Calif. (VOR).	10,000

19. Section 610.6034 *VOR civil airway No. 34* is amended by adding:

From—	To—	Minimum altitude
Wilton, Conn. (VOR)	Saybrook (INT), Conn.	2,000

20. Section 610.6035 *VOR civil airway No. 35* is amended by adding:

From—	To—	Minimum altitude
Tri-City, Tenn. (VOR).	Paynesville, W. Va. (LF/RBN).	6,600
Paynesville, W. Va. (LF/RBN).	Charleston, W. Va. (VOR).	4,500

21. Section 610.6046 *VOR civil airway No. 46* is amended by adding:

From—	To—	Minimum altitude
Riverhead, N. Y. (VOR).	Nantucket, Mass. (VOR).	1,500

22. Section 610.6077 *VOR civil airway No. 77* is amended to read in part:

From—	To—	Minimum altitude
Wichita Falls, Tex. (VOR), via E. alter.	Oklahoma City, Okla. (VOR), via E. alter.	{ 2,500 [1] 2,900

[1] 2,500'—Minimum terrain clearance altitude.

23. Section 610.6103 *VOR civil airway No. 103* is amended to read in part:

From—	To—	Minimum altitude
Spokane, Wash. (VOR).	Pendleton, Oreg. (VOR).	5,000

24. Section 610.6119 *VOR civil airway No. 119* is amended by adding:

From—	To—	Minimum altitude
Huntington, W. Va. (LF/RBN).	Parkersburg, W. Va. (VOR).	2,500
Wheeling, W. Va. (VOR).	Pittsburg, Pa. (VOR)	2,500

25. Section 610.6130 *VOR civil airway No. 130* is added to read:

From—	To—	Minimum altitude
Hartford, Conn. (VOR)	Norwich, Conn. (VOR).	2,000
Norwich, Conn. (VOR)	Lafayette (INT), R. I	1,700

26. Section 610.6139 *VOR civil airway No. 139* is added to read:

From—	To—	Minimum altitude
Norwich, Conn. (VOR)	Lafayette (INT), R. I	1,600
Lafayette (INT), R. I	Boston, Mass. (ILS Localizer).	1,700

27. Section 610.6143 *VOR civil airway No. 143* is added to read:

From—	To—	Minimum altitude
Montebello, Va. (VOR)	Stanley (INT), Va. --	[illegible]
Stanley (INT), Va.....	Front Royal, Va. (VOR).	[illegible]

28. Section 610.277 *Red civil airway No. 77* is amended to read in part:

From—	To—	Minimum altitude
Tappahannock, Va. (LFR)	Dover, Del. (VOR)..	1,500
Dover, Del. (VOR)....	Atlantic City, N. J. (LFR).	1,500

29. Section 610.620 *Blue civil airway No. 20* is amended to read in part:

From—	To—	Minimum altitude
Port Norris (INT), N. J.	Millville, N. J. (LFR)	1,500
Millville, N. J. (LFR)	Philadelphia, Pa. (LFR).	1,500

30. Section 610.620 *Blue civil airway No. 20* is amended to eliminate:

From—	To—	Minimum altitude
Atlantic City, N. J. (LFR).	Millville, N. J. (LFR)	1,500

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective February 2, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-434; Filed, Jan. 25, 1954; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-208]

PART 94—LIVE POULTRY INDUSTRY, NEW YORK AND VICINITY

ORDER RESCINDING RULES

Whereas, on May 27, 1933, the Commission promulgated trade practice rules for the Live Poultry Industry, New York City and Vicinity, codified in the Code of Federal Regulations (Title 16, Part 94); and,

Whereas, by virtue of an act of Congress approved August 14, 1935 (Public No. 272, 74th Congress) entitled "An Act to Amend the Packers and Stockyards Act," and an order of the Secretary of Agriculture issued pursuant thereto which became effective November 25, 1935, certain trade practices of live poultry dealers in the cities of New York, New York, and Jersey City, New Jersey, were subjected to the jurisdiction of the Secretary of Agriculture; and,

Whereas, the Commission as a result of said act and order having been deprived of jurisdiction over the matters and things covered by the said trade practice rules for the Live Poultry Industry, New York City and Vicinity:

It is ordered, That the said rules be and the same are hereby rescinded.

Issued: January 21, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, JR.,
Secretary.

[F. R. Doc. 54-511; Filed, Jan. 25, 1954; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PROCEDURE WHEN CASE IS DESIGNATED FOR HEARING

The Commission desires to revise § 1.387 so as to make clear that a written appearance must be filed or the applicant will be found to have waived his hearing rights.

Accordingly, it is ordered, this 20th day of January 1954, that pursuant to the authority of sections 4 (i), (j) and 303 (r) of the Communications Act of 1934, as amended, § 1.387 (a) and (b) (4) of the Commission's rules and regulations are amended to read as follows:

§ 1.387 *Procedure when case is designated for hearing.* (a) When an application has been designated for hearing, the Secretary of the Commission will mail a written notice to applicant setting forth the action of the Commission designating the application for hearing, together with such statement of the Commission's reasons therefor as shall be appropriate to the nature of the application. In addition, notice of hearing involving matters under Part I of Title III of the act will be given by publishing the notice of hearing in the FEDERAL REGISTER. The Commission will attempt, when possible, to give at least 30 days advance notice of a hearing. In order to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, within 20 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission, in triplicate, a written appearance stating that he will appear and present evidence on the issues specified in the statement of reasons furnished by the Commission on such date as may be fixed for the hearing. Where an applicant fails to file such a written statement within the time specified, and has not filed prior to the expiration of that time period a petition to dismiss without prejudice pursuant to § 1.366, his application shall be dismissed with prejudice for failure to prosecute. In cases involving applications for facilities other than AM broadcast, FM broadcast, international broadcast, or television, the applicant shall submit with his appearance an additional copy of his application and supporting documents.

(b) * * *

(4) In order to avail himself of the opportunity to be heard, any person named as a party pursuant to this subsection shall, within 20 days of the mailing of the notice of his designation as a party, file with the Commission, in person or by attorney, a written appearance in triplicate stating that he will appear and present evidence on the issues specified in the notice of hearing. Any person so named who fails to file this written statement within the time specified, shall, unless good cause for such failure is shown, forfeit his hearing rights.

In view of the fact that § 1.387 of the Commission's rules is procedural, notice of proposed rule making in accordance with section 4 of the Administrative Procedure Act is unnecessary and this amendment shall be effective immediately.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, 50 Stat. 191, 47 U. S. C. 303)

Released: January 21, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary

[F. R. Doc. 54-514; Filed, Jan. 25, 1954; 8:52 a. m.]

[Docket No. 10619]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments* rules governing television broadcast stations, Docket No. 10619.

1. The Commission has under consideration its notice of proposed rule making (FCC 53-973) issued in this proceeding on July 31, 1953 and published in the FEDERAL REGISTER on August 7, 1953 (18 F. R. 4682) proposing to amend the Table of Assignments so as to assign Channel 10 to Parma or Onondaga or Parma-Onondaga, Michigan. The time for filing comments in this proceeding expired on September 18, 1953.

2. The assignment of Channel 10 may be made in conformance with the Commission's rules in a relatively small triangular area formed by arcs drawn at the minimum required co-channel spacings from the appropriate reference points in Columbus, Ohio, Milwaukee, Wisconsin, and London, Ontario, Canada, without any other changes in the Table of Assignments. This area in the south central portion of Michigan is west of Jackson and south of Lansing. It includes Parma, Michigan, a community of 630 people and Onondaga, Michigan, a community of 400 people. Parma is approximately 9½ miles from Jackson and Onondaga is approximately 15½ miles from that city. Parma and Onondaga are approximately 13 miles apart. Both are in the Jackson trading area.

3. Jackson Broadcasting and Television Corp., Jackson, Michigan proposed the assignment of Channel 10 to Jackson, Michigan; Jackson Broadcasting conceded that Channel 10 could not be assigned to Jackson under the present rules but urged that § 3.611 (a) (2) of the Commission's rules be amended so as to provide a 5 mile flexibility in making assignments in communities wherein the spacings to existing transmitter sites in other communities were below the minimum required spacings by no more than 5 miles. In a memorandum opinion and order issued on December 29, 1953 (FCC 53-1718) the Commission denied this and other proposals which sought to revise the Commission's rules governing assignment spacings. In view of this action, the request for the assignment of Channel 10 to Jackson must be denied.

4. Twin Valley Broadcasters, Inc., Coldwater, Michigan opposed the assignment of Channel 10 to Parma or Onondaga and urged instead that this assignment be made to Coldwater, Michigan. Twin Valley concedes that that separation between Coldwater and Milwaukee, to which Channel 10 has also been assigned is only 168 miles whereas the minimum co-channel spacing in this Zone is 170 miles but urges that the midpoint between these cities falls out in Lake Michigan and thereby the effect of greater spacing is obtained. The Commission in the Sixth Report and Order gave careful consideration to the problem of minimum assignment spacings and rejected all proposals which resulted in assignment spacings below the adopted minimums. We have not since deviated from this policy nor has Twin Valley presented any evidence to convince us that we should so deviate at this time. Accordingly, the request to assign Channel 10 to Coldwater must be denied.

5. Sparton Broadcasting Company, Jackson, Michigan urged that the assignment of Channel 10 be made to Parma rather than to Onondaga or to Parma and Onondaga jointly on the grounds that the assignment of this channel to the southernmost portion of the triangle in which the assignment is technically feasible confines the potential applications for cities south of Onondaga and furnishes the incentive to "apply for facilities in a community closer to the center of a compact and contiguous market area wherein people with common interests reside." Sparton further urges that there is a better chance to obtain economic support when the station in this area is located more nearly to the center (Jackson) of such an important trading area and finally that there would thereby be an incentive to serve the underserved areas to the south of Jackson.

6. Triad Television Association supported the assignment of Channel 10 to either Onondaga or Parma-Onondaga. In support of the assignment of this

channel to the two communities in combination Triad urged that these communities have very similar rural interests, are both in the Jackson trading area in close proximity to that city, have sufficient community interest between them so as to justify the joint allocation, and that a VHF station in either community would render service to most of the Jackson-Battle Creek-Lansing area as well as the Parma-Onondaga area.

7. Logansport Broadcasting Corporation, Logansport, Indiana opposed the assignment of Channel 10 to Parma and Onondaga, on the grounds that these communities were less than the required minimum spacings from Logansport, Indiana and would prejudice the assignment of this channel to Logansport which is the subject of a Petition for Review with the United States Court of Appeals for the District of Columbia (Case No. 11601). Logansport urged that in view of the conflict involved, that in the event an assignment is made on Channel 10 as proposed that it be expressly conditioned upon the termination of the Logansport litigation.

8. In view of our decision to deny the requests for the assignment of Channel 10 to Jackson and Coldwater, there remains for consideration the assignment of this channel to Parma or Onondaga or Parma-Onondaga. First, we are of the view that the assignment of this channel in this area would conform with the requirements of the rules and other principles of allocation and would be in the public interest. With respect to a choice of the communities involved, there is little basis to warrant a preference of one over the other. In view of the small size of the communities, their proximity to the city of Jackson and to each other, it appears that a station in either one would serve the other and provide the Jackson trading area with another warranted service. We are of the view therefore that the Channel 10 assignment should be made to the two communities in combination.

9. In view of the foregoing, the requests of Jackson Broadcasting and Television Corporation and Twin Valley Broadcasters, Inc., are denied; and the petition of Sparton Broadcasting Company, insofar as it requests the assignment of Channel 10 to Parma alone, is denied, and the petition of Triad Television association is granted.

10. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

11. *Accordingly, it is ordered*, That effective 30 days from publication in the FEDERAL REGISTER, the Table of Assignments, contained in § 3.606, rules governing television broadcast stations, is amended as follows:

Add to the table under the State of Michigan

City	*Channel No.*
Parma-Onondaga **	10—

** This assignment is made subject to such action as the Commission may take in the light of the final decision of the courts on the Petition for Review filed by the Logansport Broadcasting Company (C. A. D. C. Case No. 11601).

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 301, 48 Stat. 1081, 47 U. S. C. 301; sec. 303, 48 Stat. 1082, 50 Stat. 191, 47 U. S. C. 303; sec. 307, 48 Stat. 1084, 47 U. S. C. 307)

Adopted: January 20, 1954.

Released: January 21, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-515; Filed, Jan. 25, 1954; 8:52 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 786—MISCELLANEOUS EXEMPTIONS

SUBPART E—TAXICAB OPERATORS

ENFORCEMENT POLICY CONCERNING PERFORMANCE OF NON-EXEMPT WORK

Part 786 is hereby amended by adding a new Subpart E and § 786.2 thereunder to read as follows:

§ 786.2 *Enforcement policy concerning performance of non-exempt work.* The Division has taken the position that the exemption provided by section 13 (a) (12) of the Fair Labor Standards Act will be deemed applicable even though some non-exempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such non-exempt work is substantial. For enforcement purposes, the amount of non-exempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

(52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.)

Signed at Washington, D. C., this 20th day of January 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-494; Filed, Jan. 25, 1954; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 934]

SOUTH DAKOTA

CORRECTING PUBLIC LAND ORDER NO. 932 OF NOVEMBER 30, 1953

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The penultimate paragraph of Public Land Order No. 932 of November 30, 1953, partially revoking Public Land Order No. 85 of January 29, 1943, is hereby corrected to read:

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

ORME LEWIS,
Assistant Secretary of the Interior.

JANUARY 20, 1954.

[F. R. Doc. 54-489; Filed, Jan. 25, 1954; 8:46 a. m.]

[Public Land Order 935]

ARIZONA

PARTIALLY REVOKING EXECUTIVE ORDERS OF JANUARY 13, 1915 AND AUGUST 28, 1918 WHICH CREATED PUBLIC WATER RESERVE NO. 24, ARIZONA NO. 3, AND PUBLIC WATER RESERVE NO. 55, ARIZONA NO. 9, RESPECTIVELY

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of January 13, 1915, creating Public Water Reserve No. 24, Arizona No. 3, is hereby revoked so far as it affects the following-described public land:

GILA AND SALT RIVER MERIDIAN

T. 31 N., R. 4 W.,
Sec. 13, NE¼.

The tract described contains 160 acres.

2. The Executive order of August 28, 1918, creating Public Water Reserve No. 55, Arizona No. 9, is hereby revoked so far as it affects the following-described public land:

GILA AND SALT RIVER MERIDIAN

T. 31 N., R. 3 W.,
Sec. 18, NE¼SE¼.

The tract described contains 40 acres.

3. The lands are situated on a high plateau where water is very scarce. Their best use is for grazing. They are chiefly suitable for disposal by public sale or exchange. It is not likely that they will be classified for any other disposition but any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provision of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans of World War II and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Inquiries concerning the land shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Phoenix, Arizona.

ORME LEWIS,
Assistant Secretary of the Interior.

JANUARY 20, 1954.

[F. R. Doc. 54-488; Filed, Jan. 25, 1954; 8:46 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 402—SALE OF LANDS IN FEDERAL RECLAMATION PROJECTS

SUBPART B—SMALL TRACTS; PUBLIC AND ACQUIRED LANDS; GILA PROJECT, ARIZONA

Subpart B, comprising §§ 402.21 to 402.23, is added to Part 402.

Sec.
402.21 Purpose of this subpart.
402.22 Provisions of Subpart A applicable.
402.23 Special provisions.

AUTHORITY: §§ 402.21 to 402.23 issued under sec. 15, 53 Stat. 1198, sec. 7, 61 Stat. 630; 43 U. S. C. 485l, 43 U. S. C. Sup. 613e. Interpret or apply secs. 3–4, 61 Stat. 629; 43 U. S. C. Sup. 613b–613c.

§ 402.21 *Purpose of this subpart.* The regulations in this subpart apply to the sale of small tracts of public and acquired lands on the Gila Project, Arizona, that are subject to the reclamation laws and that may be sold to actual settlers or farmers under the act of July 30, 1947 (61 Stat. 628; 43 U. S. C. Sup. 613–613e).

§ 402.22 *Provisions of Subpart A applicable.* The regulations in Subpart A of this part relative to the sale of public lands under the act of March 31, 1950 (64 Stat. 39; 43 U. S. C., Sup. 375b–375f) shall be applicable to all sales proposed to be made under this subpart, except that the provisions of § 402.23 (b) relative to deeds shall apply in lieu of the provisions of § 402.10 relative to patents.

§ 402.23 *Special provisions.* (a) After disposition of any lands under this subpart by contract of sale and during the time such contract shall remain in effect, said lands shall be (1) subject to the provisions of the laws of the State of Arizona relating to the organization, government, and regulation of irrigation, electrical power, and other similar districts, and (2) subject to legal assessment or taxation by any such district and by said State or political subdivisions thereof, and to liens for such assessments and taxes and to all proceedings for the enforcement thereof, in the same manner and to the same extent as privately-owned lands; *Provided*, however, That the United States shall not assume any obligation for amounts so assessed or taxed: *And provided further*, That any proceedings to enforce said assessments or taxes shall be subject to any title then remaining in the United States, to any prior lien reserved to the United States for unpaid installments under contracts of sale made under this subpart, and to any obligation for any other charges, accrued or unaccrued, for special improvements, construction, or operation and maintenance costs of the Gila Project. Any such lands situate within the Wellton-Mohawk Division of said project shall also be subject to the provisions of the Contract Between the United States and Wellton-Mohawk Irrigation and Drainage District for Construction of Works and for Delivery of Water, dated March 4, 1952, including but not limited to the provisions of subdivisions (b) and (c) of Article 22.

(b) When a purchaser has complied fully with the provisions of his contract and with the applicable provisions of law, including the regulations in this subpart, the Commissioner shall issue a deed to the purchaser. The deed shall recite the reservations described in the contract of sale.

RALPH A. TUDOR,
Acting Secretary of the Interior.

JANUARY 15, 1954.

[F. R. Doc. 54-487; Filed, Jan. 25, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

INDUSTRIES OF SEASONAL NATURE

RECEIVING OF SOYBEANS FOR STORAGE IN COTTONSEED CRUSHING MILLS; NOTICE OF PRELIMINARY DETERMINATION

On October 5, 1950, it was found that the receiving of soybeans for storage in cottonseed crushing mills is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act (15 F. R. 6696). It now appears that cottonseed crushing mills also receive soybeans that are not stored but are handled and shipped out immediately after receipt. Such handling and shipping is not within the scope of the industry as defined in the determination referred to above. For that reason the exemption is defeated in some workweeks even though these handling and shipping operations, and the periods during which they are performed, are only slightly different from those prevailing for receiving for storage.

According to the information available to the Administrator, some soybeans that are not stored may be received earlier in the season than those which are received for storage. The period during which soybeans are received by cottonseed crushing mills is not, however, extended to any substantial extent by these receipts. It appears that cottonseed crushing mills engaged in handling and storing soybeans receive and handle more than 50 percent of the annual volume in a period or periods amounting in the aggregate to not more than 14 workweeks.

Upon consideration of the foregoing facts, and pursuant to § 526.5 (b) of the regulations, the Administrator finds that a prima facie case exists for amending the aforesaid determination to include the handling of soybeans. As amended, the determination will apply to the unloading, weighing, placing into storage, storing, and handling of soybeans in cottonseed crushing mills and any operations or services necessary or incident to the foregoing, including incidental selling and shipping, during the period or periods when soybeans are being received for storage or handling.

If no objection and request for hearing is received within 15 days following the publication of this preliminary determination, the Administrator pursuant to § 526.5 (b) of the regulations will make a finding upon the prima facie case. Objections and requests for hearing from any interested person should be submitted in writing to the Wage & Hour & Public Contracts Divisions, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C.

Signed at Washington, D. C., this 19th day of January 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-495; Filed, Jan. 25, 1954; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 3

JANUARY 18, 1954.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 2.22 (2) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights, the tract of land referred to as Farewell Landing lying in the 4th Judicial Division Territory of Alaska, on the east bank of the Kuskokwim River, 23 miles by air and 52 miles by river in an Easterly direction from McGrath, Alaska and located at approximately longitude 154° 51' and latitude 62° 59' and more particularly described as follows:

From the Northwest corner of the 20' x 50' CAA building used as a mess hall and garage Bo N. 75°30', W. 11 feet to a ½" iron pipe in line with the North side of said building, thence N. 4°38', E. 415 feet to a ½" iron pipe and the point of beginning, thence East 500 feet to Corner No. 1, thence South 965 feet to Corner No. 2, thence West 500 feet to a point marked by a 2" square hub, thence West 76 feet to a point on the East bank of the Kuskokwim River, thence on a meander line in a Northerly direction along said East bank to a point from which the point of beginning bears due East, thence East 30 feet to the point of beginning containing in all 12.25 acres of land more or less. All bearings are true.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

LOWELL M. PUCKETT,
Regional Administrator,
Region VII, Alaska.

[F. R. Doc. 54-485; Filed, Jan. 25, 1954; 8:45 a. m.]

Bureau of Reclamation

[Commissioner's Order 27]

GILA PROJECT; REGIONAL DIRECTOR, REGION 3, AND DISTRICT MANAGER; LOWER COLORADO RIVER DISTRICT

REDELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

NOVEMBER 17, 1953.

SECTION 1. *Redelegation.* In connection with the administration of the Gila Project, the Regional Director, Region 3, and the District Manager, Lower Colorado River District, severally, may:

(a) Effect sales of small tracts of public or acquired lands too small to be classed as farm units.

(b) Execute in the name of the Secretary the requisite deeds of conveyances.

(c) Perform all other acts necessary to effect such sales.

SEC. 2. *Regulations.* All sales shall be in accordance with the regulations prescribed by the Secretary.

SEC. 3. *Legal review.* There shall be legal review of all matters and transactions handled pursuant to the authority delegated herein which involve legal phases, and such review shall be the responsibility of the Regional Counsel, Region 3.

SEC. 4. *Authority.* This order is issued pursuant to Departmental Order No. 2018 (10 F. R. 259), as amended by Departmental Orders Nos. 2179 (11 F. R. 3483) and 2377 (14 F. R. 1088) and Departmental Order No. 2018, Amendment No. 3 (18 F. R. 3155).

W. A. DEXHEIMER,
Commissioner.

Approved: January 15, 1954.

RALPH A. TUDOR,
Acting Secretary of the Interior.

[F. R. Doc. 54-486; Filed, Jan. 25, 1954; 8:45 a. m.]

HAMMOND PROJECT, NEW MEXICO

ORDER OF REVOCATION

SEPTEMBER 28, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of October 11, 1944, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 29 North, Range 11 West, Section 31: lots 3 and 4 and $E\frac{1}{2}SW\frac{1}{4}$.
Township 29 North, Range 12 West, Section 28: $SE\frac{1}{4}SW\frac{1}{4}$.

The above areas aggregate 199.60 acres.

H. F. MCPHAIL,
Acting Commissioner.

[Misc. 2003130]

JANUARY 18, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands in T. 29 N., R. 12 W., are included in a withdrawal for power purposes made by Executive Order of July 2, 1910.

The remaining lands released from withdrawal by this order aggregating 159.60 acres, are composed of reasonably good soil, sandy to sandy clay in texture, flat enough for cultivation. They appear suitable for agricultural development under applicable laws. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Inquiries regarding the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Santa Fe, New Mexico.

WILLIAM PINCUS,
Assistant Director.
Bureau of Land Management.

[F. R. Doc. 54-516; Filed, Jan. 25, 1954; 8:52 a. m.]

Office of the Secretary

GUIDIVILLE BAND OF POMO TRIBE OF CALIFORNIA

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Guidiville Reservation was duly adopted by the Guidiville Band of the Pomo Tribe of California which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Guidiville Band: *Provided*, That such introduction, sale or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ORME LEWIS,
Assistant Secretary of the Interior.

JANUARY 20, 1954.

[F. R. Doc. 54-490; Filed, Jan. 25, 1954; 8:46 a. m.]

[Order No. 2509, Amdt. 18]

HEADS OF BUREAUS

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS AND LEASES

JANUARY 19, 1954.

Order No. 2509, as amended (17 F. R. 6793, 8635), is further amended as follows:

1. Paragraph (d) of section 50 *Contracts: Bureaus* is amended to read:

(d) The head of a bureau may, in writing, redelegate to officers and employees of the bureau the authority granted in this section, and he may authorize written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

2. Paragraph (e) of section 52 *Leases* is amended to read:

(e) The head of a bureau may, in writing, redelegate to officers and employees of the bureau the authority granted in this section, and he may authorize written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

(Sec. 2, Reorg. Plan No. 3 of 1950; 5 U. S. C. 1946 ed., Sup. V, sec. 133z-15, note)

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-491; Filed, Jan. 25, 1954; 8:47 a. m.]

[Order No. 2642, Amdt. 1]

HEAD OF BUREAU

REDELEGATIONS OF AUTHORITY TO DISPOSE OF AND TO TRANSFER PERSONAL PROPERTY

JANUARY 19, 1954.

Paragraph (b) of section 1 of Order No. 2642 (16 F. R. 6318) is amended to read as follows:

(b) The head of a bureau or office may, in writing, redelegate to officers and employees of the bureau or office the authority granted in paragraph (a), and he may authorize written redelegations of such authority.

(41 U. S. C., 1946 ed., Supp. III, sec. 201 et seq.; Reorg. Plan No. 3 of 1950, 15 F. R. 3174, 5 U. S. C., 1946 ed., sec. 22)

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-492; Filed, Jan. 25, 1954; 8:47 a. m.]

[Order No. 2696, Amdt. 2]

HEAD OF BUREAU

REDELEGATION OF AUTHORITY TO TRANSFER, DONATE, OR DISPOSE OF EXCESS OR SURPLUS PROPERTY

JANUARY 19, 1954.

Paragraph (b) of section 4 of Order No. 2696, as amended (17 F. R. 6795; 18 F. R. 366) is amended to read as follows:

(b) The head of each bureau or agency may, in writing, redelegate to officers and employees of the bureau or agency the authority granted in paragraph (a) of this section, and he may authorize written redelegations of such authority.

(5 U. S. C., 1946 ed., sec. 22; 41 U. S. C. 1946 ed., Supp. IV, sec. 201 et seq.; Reorg. Plan No. 3 of 1950, 15 F. R. 3174)

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-493; Filed, Jan. 25, 1954; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

DIRECTOR OF THE FOREIGN TRADE PROGRAMS DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO THE ADMINISTRATION OF IMPORT REGULATION 1, AS AMENDED

There is hereby delegated to the Director of the Foreign Trade Programs Division, Foreign Agricultural Service, all of the authority vested in the Administrator, Foreign Agricultural Service, by Import Regulation 1 (7 CFR 6.20) as from time to time amended (in particular the amendments of January 6, 1954, 19 F. R. 57, in paragraphs A1, 2 and 3), except

(a) The authority to revoke import licenses pursuant to § 6.28 of such regulations; and

(b) The authority to review, upon appeal, action taken by the Director on petitions for relief from hardship filed pursuant to § 6.29.

As used herein, "Director" means the Director of the Foreign Trade Programs Division, Foreign Agricultural Service, and any other officer or employee of the Service authorized to act in his stead. All other terms shall have the same meaning as when used in Import Regulation 1, as from time to time amended.

This document shall become effective upon publication in the FEDERAL REGISTER. Done at Washington, D. C., this 21st day of January 1954.

[SEAL] CLAYTON E. WHIPPLE,
Administrator, Foreign Agricultural Service.

[F. R. Doc. 54-510; Filed, Jan. 25, 1954; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Carole Industries, Inc., Rutherfordton, N. C., effective 1-13-54 to 1-12-55; 10 learners for normal labor turnover purposes (ladies' and misses' pajamas).

Champion Garment Co., Ltd., 100½ West Second Avenue, Rome, Ga., effective 1-15-54 to 1-14-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' slacks).

Chetopa Manufacturing Co., Inc., Chetopa, Kans., effective 1-16-54 to 1-15-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, waistband overalls).

Essex Lanufacturing Co., Inc., 21 West Center Street, Winooski, Vt., effective 1-13-54 to 1-12-55; 5 learners for normal labor turnover purposes (children's blouses and baby dresses).

The Garment Manufacturing Co., Inc., Hicks Street, Lawrenceville, Va., effective 1-14-54 to 1-13-55; 5 learners for normal labor turnover purposes (children's apparel).

Greer Shirt Corp., P. O. Box 390, Greer, S. C., effective 1-14-54 to 1-13-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport and dress shirts).

Hanover Shirt Co., Inc., Ashland, Va., effective 1-27-54 to 1-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Hollywood Corset Co., 301 Mulberry Street, Eastland, Tex., effective 1-21-54 to 1-20-55; 10 learners for normal labor turnover purposes (brassieres).

Hollywood Maxwell Co., East Union Street, Minden, La., effective 1-25-54 to 1-24-55; 10 learners for normal labor turnover purposes (brassieres).

Jermyn Manufacturing Co., Inc., 505 Washington Avenue, Jermyn, Pa., effective 1-14-54 to 1-13-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Lee-Mar Shirt Co., Pulaski, Tenn., effective 1-18-54 to 7-17-54; 20 learners for expansion purposes (sport shirts).

Lerner-Slone Clothing Corp., Forrest City, Ark., effective 1-15-54 to 1-14-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers).

Marja Brassiere Co., Inc., 210-12 East Commerce Street, Jacksonville, Texas, effective 2-2-54 to 2-1-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Oberman Manufacturing Co., Arkadelphia, Ark., effective 1-16-54 to 1-15-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' single pants).

Red Lion Manufacturing Co., 224-236 First Avenue, Red Lion, Pa., effective 1-27-54 to 1-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' dresses, pajamas, etc.).

Seneca Sportswear Manufacturing Co., 1234 Bryn Mawr Street, Scranton, Pa., effective 2-1-54 to 1-31-55; 10 learners for normal

labor turnover purposes (boys' and girls' outerwear).

Walhalla Garment Co., Inc., Walhalla, S. C., effective 1-14-54 to 1-13-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's house dresses and housecoats).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Adams-Millis Corp., 400 English Street, 710 Grimes Street, Gaylord Street, High Point, N. C., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Adams-Millis Corp., Bodenheimer Street, Kernersville, N. C., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Adams-Millis Corp., Tryon, N. C., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Amos Hosiery Mills, Inc., 328 Mangum Avenue, High Point, N. C., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Amos and Smith Hosiery Co., Pilot Mountain, N. C., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Baker-Cammack Hosiery Mills, Inc., Burlington, N. C., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Baker-Mebane Hosiery Mills, Inc., Mebane, N. C., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Charles H. Bacon Co., Lenoir City, Tenn., effective 2-13-54 to 2-12-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Charles H. Bacon Co., Loudon, Tenn., effective 2-13-54 to 2-12-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Graysville Hosiery Mills, Inc., 125 East Main Street, Dayton, Tenn., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Great American Knitting Mills, Inc., Bechtelsville and Bally, Pa., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Grenada Industries, Inc., Grenada, Miss., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

O. E. Kearns & Son, Inc., High Point, N. C., effective 1-18-54 to 1-17-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Windy City Knitting Mills, Inc., Hickory, N. C., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Porter Mills, Inc., Second and Elizabeth Streets, Cullman, Ala., effective 1-12-54 to 1-11-55; 5 learners for normal labor turnover purposes (children's panties, men's and boys' briefs, etc.).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 18th day of January 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-496; Filed, Jan. 25, 1954; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10660, 10661]

BOOTH RADIO & TELEVISION STATIONS, INC., AND WOODWARD BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Booth Radio & Television Stations, Inc., Detroit, Michigan; Docket No. 10660, File No. BPCT-724; Woodward Broadcasting Company, Detroit, Michigan, Docket No. 10661, File No. BPCT-1418; for construction permits for new television stations.

The Commission has before it a petition filed January 20, 1954, by Woodward Broadcasting Company in which it is requested (1) that the exchange of further information shall be on or before February 3, 1954, instead of January 21, 1954, as was ordered by the Commission's memorandum opinion and order of January 11, 1954, and (2) that the further hearing herein to be held pursuant to § 1.841 of the Commission's rules now scheduled for January 29, 1954, by the Commission's order of January 8, 1954, be rescheduled for February 12, 1954. The requests have been concurred in by counsel for Booth Radio and Television Stations, Inc., as well as by counsel for the Chief, Broadcast Bureau:

Wherefore it is ordered, This 20th day of January 1954, (1) that the information referred to in the foregoing memorandum opinion and order shall be furnished on or before February 3, 1954, and (2) that the further hearing herein to be held pursuant to § 1.841 of the Commission's rules now scheduled for January 29, 1954, is rescheduled for 10 a. m., February 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-512; Filed, Jan. 25, 1954; 8:51 a. m.]

[Docket Nos. 10844, 10845]

RADIO ASSOCIATES, INC., AND WLOX BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Radio Associates, Inc., Biloxi, Mississippi, Docket No. 10844, File No. BPCT-1150; WLOX Broadcasting Company, Biloxi, Mississippi, Docket No. 10845, File No. BPCT-1157; for construction permits.

The applicants herein, WLOX Broadcasting Company and Radio Associates Inc., having appeared by counsel and having filed a motion for a continuance of the commencement date of the hearing in the above entitled consolidated proceeding to be re-scheduled from February 5 to February 18, 1954; and

It appearing, that conflicting previous engagements of both of said counsel for said applicants make it impossible for either of them to represent their respective parties at any hearing of this matter on February 5, 1954; and for other good cause shown: *It is ordered*, This 20th day of January 1954 that the above entitled request for continuance is granted and that the hearing now scheduled for February 5, 1954 will commence at the offices of the Commission at 10:00 a. m. on February 18, 1954.

Released: January 20, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM P. MASSING,
Acting Secretary

[F. R. Doc. 54-513; Filed, Jan. 25, 1954; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section IV, *Special delegations of authority*, is amended as follows:

Paragraph l is added as follows:

Effective December 11, 1953, Faye W. Hartman, Special Field Representative at San Diego, California, is hereby authorized to exercise all powers delegated in Section III paragraph e and Section IV paragraph f.

Date approved: January 14, 1954.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 54-497; Filed, Jan. 25, 1954; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. IT-5891, IT-5932, E-6199]

BUREAU OF RECLAMATION, DEPARTMENT OF INTERIOR, FORT PECK PROJECT, MONTANA

NOTICE OF ORDER CONFIRMING AND APPROVING RATE SCHEDULES FOR SALE OF ELECTRIC ENERGY

JANUARY 20, 1954.

Notice is hereby given that on January 15, 1954, the Federal Power Commission issued its order adopted January 13, 1954, in the above-entitled matter, confirming and approving rate schedules for sale of electric energy to Montana-Dakota Utilities Company to become effective as of February 1, 1954.

[SEAL] LEON M. FUQUAY,
Secretary

[F. R. Doc. 54-505; Filed, Jan. 25, 1954; 8:50 a. m.]

[Projects Nos. 1198, 1861]

JACKSON HOLE LIGHT & POWER CO. AND LOWER VALLEY POWER AND LIGHT, INC.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSES (MAJOR)

JANUARY 20, 1954.

Notice is hereby given that on August 21, 1953, the Federal Power Commission issued its order adopted August 19, 1953, approving transfer of licenses (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-506; Filed, Jan. 25, 1954; 8:50 a. m.]

[Project No. 1651]

STAR VALLEY POWER AND LIGHT CO. AND LOWER VALLEY POWER AND LIGHT, INC.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MAJOR)

JANUARY 20, 1954.

Notice is hereby given that on August 21, 1953, the Federal Power Commission issued its order adopted August 19, 1953, approving transfer of license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-507; Filed, Jan. 25, 1954; 8:50 a. m.]

[Project No. 2129]

GRANT LAKE ELECTRIC POWER CO., INC.

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

JANUARY 20, 1954.

Notice is hereby given that on January 15, 1954, the Federal Power Commission issued its order adapoted January 13, 1954, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-508; Filed, Jan. 25, 1954; 8:50 a. m.]

[Docket No. G-2075]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER POSTPONING DATE OF HEARING

By order issued December 30, 1953, the Commission fixed January 25, 1954, as a date for further hearings in the above-entitled proceedings.

On January 19, 1954, Transcontinental Gas Pipe Line Corporation filed a request for postponement of the date of hearing until February 8, 1954, for reason of a prior important commitment of its officers and counsel.

The Commission finds: Good cause exists to postpone the date of further hearings in the above-entitled proceedings from January 25, 1954, to February 9, 1954.

The Commission orders: The date of further hearings in the above-entitled proceedings be and the same is hereby postponed from January 25, 1954, to February 9, 1954.

Adopted: January 20, 1954.

Issued: January 20, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-517; Filed, Jan. 25, 1954; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-460]

WHOLESALE PLUMBING AND HEATING INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Wholesale Plumbing and Heating Industry will be held by the Federal Trade Commission in the Palmer House, Chicago, Illinois, on February 19, 1954, commencing at 10 a. m., c. s. t.

The purpose of the conference is to afford industry members an opportunity to consider and propose for establishment, subject to the Commission's approval, a comprehensive set of trade practice rules for the industry in substitution for those re-promulgated by the Commission on August 17, 1932. Copies of "suggested" rules, as prepared by the industry's Trade Practice Rules Committee and distributed to the members for their consideration at the conference, are available upon request.

The term "industry products" is defined in such draft of the rules as plumbing equipment and supplies, heating equipment and supplies, permanently installed, and connected air-conditioning equipment, pipe, valves and fittings. All persons, firms, corporations, and organizations engaged in the wholesale distribution or sale of such industry products are cordially invited to attend and participate in the scheduled trade practice conference.

Issued: January 22, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, JR.,
Secretary.

[F. R. Doc. 54-544; Filed, Jan. 25, 1954; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of January A. D. 1954.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1.00 par value common stock of Adolf Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder, for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on January 21, 1954, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-504; Filed, Jan. 25, 1954; 8:50 a. m.]

OHIO EDISON CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF COMPETITIVE BIDDING FOR BONDS AND OVER FEES AND EXPENSES

JANUARY 20, 1954.

Ohio Edison Company ("Ohio Edison"), a registered holding company and a public-utility company, having filed an application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), proposing, among other things, the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of $30,000,000 principal amount of First Mortgage Bonds, __ percent Series of 1954 due 1984; and

Ohio Edison having also proposed to issue and sell, pursuant to an underwritten rights offering, 527,830 shares of its $12 par value common stock; and

The Commission by order dated December 30, 1953, having granted and permitted to become effective said application-declaration as amended, subject to the condition that the issuance and sale of the bonds and common stock not be consummated until the results of competitive bidding, pursuant to Rule U-50, and the subscription price of the common stock shall have been made a matter of record in this proceeding and a further order or orders issued, for which purpose jurisdiction was expressly reserved,

and subject further to a reservation of jurisdiction over the fees and expenses of counsel, accountants, and Commonwealth Services Inc.; and the Commission by order dated January 14, 1954, having released jurisdiction with respect to the issuance and sale of the common stock and having continued the jurisdiction reserved in the order of December 30, 1953, over the fees and expenses of counsel, accountants, and Commonwealth Services Inc.; and

Ohio Edison on January 20, 1954, having filed a further amendment to said application-declaration stating that it has invited bids, pursuant to said order of December 30, 1953, and Rule U-50, for the bonds, and has received the following bids:

Bidder	Annual interest rate (percent)	Price to Company [1] (percent of principal)	Annual cost to company (percent)
Halsey, Stuart & Co. Inc.; Clore, Forgan & Co.; Union Securities Corp. and	3¼	101.34	3.1883
White, Weld & Co	3¼	101.05	3.1963
Morgan Stanley & Co	3¼	[illegible]	3.[illegible]
The First Boston Corp	3¼	100.9889	3.1965

[1] Exclusive of accrued interest from Jan. 1, 1954.

The amendment further stating that Ohio Edison has accepted the bid of Halsey, Stuart & Co. Inc., as set forth above, and that the bonds will be offered for sale to the public at a price of 101.93 percent of the principal amount, plus accrued interest from January 1, 1954, resulting in an underwriters' spread of 0.59 percent of the principal amount of the bonds, or an aggregate spread of $177,000; and

The amendment further stating that the estimated fees to be paid to counsel, accountants and Commonwealth Services, Inc., and the allocation therof, as between the stock and bond transactions, are as follows:

	Stock	Bonds	Total
Company counsel:			
Winthrop, Stimson, Putnam & Roberts	$[illegible]	$[illegible]	$21,000
Fuller & Wharton	[illegible]	[illegible]	100
Underwriters' counsel:			
Simpson, Thacher & Bartlett	5,000	7,500	12,500
Total counsel fees	[illegible]	[illegible]	33,600
Accountants:			
Arthur Andersen & Co	[illegible]	[illegible]	5,475
Arthur Young & Co	[illegible]	[illegible]	100
Total accountants' fees	2,787	2,788	5,475
Commonwealth Services Inc. (other than in connection with transfer agents)	8,000	8,000	16,000

The amendment also stating that in addition to the above fees the estimated out-of-pocket expenses of counsel, accountants, and Commonwealth Services Inc., aggregate $4,300; and

The Commission having examined said amendment and having considered the record herein, and finding that the applicable provisions of the act and the rules thereunder have been satisfied, and observing no basis for adverse findings or imposing terms and conditions in respect of the price to be received by the company for the bonds or the underwriters' compensation; and it appearing that the estimated fees and expenses of counsel, accountants, and Commonwealth Services Inc., are not unreasonable:

It is ordered, That the application-declaration, as further amended, be and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions specified in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over the fees and expenses of counsel, accountants and Commonwealth Services Inc., be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-502; Filed, Jan. 25, 1954; 8:49 a. m.]

[File No. 70-3178]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING REGARDING INCREASE IN AUTHORIZED COMMON STOCK

JANUARY 20, 1954.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 (a), 7 and 12 (e) thereof and Rules U-62 and U-65 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Subject to the obtaining of favorable action by its stockholders at the annual meeting of stockholders of GPU to be held on April 5, 1954, GPU proposes to increase the number of shares of its authorized common stock from 9,893,000 shares to 12,500,000 shares. The purpose of such increase in the authorized common stock of GPU is to make provision for the obtaining, as needed from time to time, of the common stock equity component of the capital requirements of the GPU holding company system. The number of shares of GPU common stock issued and outstanding in the hands of the public at the close of business on October 31, 1953 was 9,098,640, including 2,752 shares then held by the Exchange Agent under the Plan of Reorganization of Associated Gas and Electric Company and Associated Gas and Electric Corporation. At that date 76,479 shares of common stock of GPU were held in its treasury. Upon the completion of GPU's projected 1954 common stock financing program, GPU's presently authorized but unissued common stock will be substantially exhausted.

Notice is further given that any interested person may, not later than February, 8, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of law and fact raised by said declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 8, 1954, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file with the Commission for a full statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-503; Filed, Jan. 25, 1954; 8:49 a. m.]

MARION J. STANKO

NOTICE OF APPLICATION FOR CONTINUANCE OF MEMBERSHIP IN THE NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., AND OF OPPORTUNITY FOR FILING REQUEST FOR HEARING

In the matter of the application of National Association of Securities Dealers, Inc., on behalf of a member firm for approval of the member firm's continuance in membership in the association with Marion J. Stanko, as a controlled person.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 19th day of January 1954.

The National Association of Securities Dealers, Inc., a registered securities association (hereinafter referred to as the Association), has filed with this Commission, on behalf of a member, an application for approval of the member's continuance in membership in the Association with Marion J. Stanko as an employee and controlled person thereof, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934.

The application and exhibits attached thereto set forth, in substance, the following information:

1. Marion J. Stanko has been employed since April 1952 by said member, a registered broker-dealer and a member of the Association in District No. 8, having its principal office in Grand Rapids, Michigan.

2. The Commission, by order dated March 25, 1953, revoked the broker-dealer registration of Charles E. Bailey & Company pursuant to section 15 (b) of the Securities Exchange Act of 1934 and found that Marion J. Stanko was a cause of such order.

3. The District Committee for District No. 8 and the Board of Governors of the Association have considered this application and have reviewed the proceedings relating to Marion J. Stanko. Upon consideration of all the facts, including the representations as to the type of activity to be engaged in by Marion J. Stanko as an employee and controlled person of said member and the extent of the supervision which said member will exercise over his activities, they have concluded that Marion J. Stanko should be permitted to engage in the securities business as an employee and controlled person of said member and that said member should be continued in membership in the Association. They are of the belief that the continuace of said member in membership in the Association with Marion J. Stanko as an employee and registered representative thereof would be consonant with the stated purposes and policies of section 15A of the Securities Exchange Act of 1934 and have recommended approval of this application.

Under the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934 and section 2 of Article I of the Association's By-Laws, said member may not be continued in membership in the Association so long as Marion J. Stanko is employed by said member, except with the approval or at the direction of the Securities and Exchange Commission based upon a finding that such approval or direction is appropriate in the public interest.

Any interested person desiring to be given leave to be heard may file with the Secretary of the Commission on or before February 16, 1954, a written request to that effect setting forth the nature and extent of his interest in the matter pursuant to Rule XVII of the rules of practice. In the absence of such a request by any person having a bona fide interest in the matter, the Commission will either set the matter down for hearing on its own motion after appropriate notice or, if it should appear appropriate so to do, will determine the application on the basis of the record and without hearing.

This notice shall be served on said member and the National Association of Securities Dealers, Inc., forthwith and published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-498; Filed, Jan. 25, 1954; 8:48 a. m.]

KARL G. HAUCH

NOTICE OF APPLICATION FOR CONTINUANCE OF MEMBERSHIP IN THE NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., AND OF OPPORTUNITY FOR FILING REQUEST FOR HEARING

In the matter of the application of National Association of Securities Dealers, Inc., on behalf of a member firm for approval of the member firm's continuance in membership in the association with Karl G. Hauch, as a controlled person.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of January 1954.

The National Association of Securities Dealers, Inc., a registered securities association (hereinafter referred to as the Association), has filed with this Commission, on behalf of a member, an application for approval of the member's continuance in membership in the Association with Karl G. Hauch as an employee and controlled person thereof, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934.

The application and exhibits attached thereto set forth, in substance, the following information:

1. Karl G. Hauch has been employed since June 1953 by said member, a registered broker-dealer and a member of the Association in District No. 8, having its principal office in Chicago, Illinois.

2. The Commission, by order dated April 28, 1953, revoked the broker-dealer registration of Mason, Moran & Company pursuant to section 15 (b) of the Securities Exchange Act of 1934, and found that Karl G. Hauch was a cause of such order.

3. The District Committee for District No. 8 and the Board of Governors of the Association have considered this application and have reviewed the proceedings relating to Karl G. Hauch. Upon consideration of all the facts, including the representations as to the type of activity to be engaged in by Karl G. Hauch as an employee and controlled person of said member and the extent of the supervision which said member will exercise over his activities, they have concluded that Karl G. Hauch should be permitted to engage in the securities business as an employee and controlled person of said member and that said member should be continued in membership in the Association. They are of the belief that the continuance of said member in membership in the Association with Karl G. Hauch as an employee and registered representative thereof would be consonant with the stated purposes and policies of section 15A of the Securities Exchange Act of 1934 and have recommended approval of this application.

Under the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934 and section 2 of Article I of the Association's By-Laws, said member may not be continued in membership in the Association so long as Karl G. Hauch is employed by said member, except with the approval or at the direction of the Securities and Exchange Commission based upon a finding that such approval or direction is appropriate in the public interest.

Any interested person desiring to be given leave to be heard may file with the Secretary of the Commission on or before February 16, 1954, a written request to that effect setting forth the nature and extent of his interest in the matter pursuant to Rule XVII of the rules of practice. In the absence of such a request by any person having a bona fide interest in the matter, the Commission will either set the matter down for hearing on its own motion after appropriate notice or, if it should appear appropriate so to do, will determine the application on the basis of the record and without hearing.

This notice shall be served on said member and the National Association of Securities Dealers, Inc., forthwith and published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-499; Filed, Jan. 25, 1954; 8:48 a. m.]

CHARLES E. BAILEY AND GORDON W. KIRK

NOTICE OF APPLICATION FOR CONTINUANCE OF MEMBERSHIP IN THE NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., AND OF OPPORTUNITY FOR FILING REQUEST FOR HEARING

In the matter of the application of National Association of Securities Dealers, Inc., on behalf of a member firm for approval of the member firm's continuance in membership in the association with Charles E. Bailey and Gordon W. Kirk, as controlled persons.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of January 1954.

The National Association of Securities Dealers, Inc., a registered securities association (hereinafter referred to as the Association), has filed with this Commission, on behalf of a member, an application for approval of the member's continuance in membership in the Association with Charles E. Bailey and Gordon W. Kirk as employees and controlled persons thereof, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934.

The application and exhibits attached thereto set forth, in substance, the following information:

1. Charles E. Bailey and Gordon W. Kirk have been employed since November 1952 and June 1952, respectively, by said member, a registered broker-dealer and a member of the Association in District No. 8, having its principal office in Detroit, Michigan.

2. The Commission, by order dated March 25, 1953, revoked the broker-dealer registration of Charles E. Bailey & Company, pursuant to section 15 (b) of the Securities Exchange Act of 1934 and found that Charles E. Bailey and Gordon W. Kirk were each a cause of such order.

3. The District Committee for District No. 8 and the Board of Governors of the Association have considered this application and have reviewed the proceedings relating to Charles E. Bailey and Gordon W. Kirk. Upon consideration of all the facts, including the representations as to the type of activity to be engaged in by Charles E. Bailey and Gordon W. Kirk as employees and controlled persons of said member and the extent of the supervision which said member will exercise over their activities, they have concluded that Charles E. Bailey and Gordon W. Kirk should be permitted to engage in the

securities business as employees and controlled persons of said member and that said member should be continued in membership in the Association. They are of the belief that the continuance of said member in membership in the Association with Charles E. Bailey and Gordon W. Kirk as employees and registered representatives thereof would be consonant with the stated purposes and policies of section 15A of the Securities Exchange Act of 1934 and have recommended approval of this application.

Under the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934 and section 2 of Article I of the Association's By-Laws, said member may not be continued in membership in the Association so long as Charles E. Bailey and Gordon W. Kirk are employed by said member, except with the approval or at the direction of the Securities and Exchange Commission based upon a finding that such approval or direction is appropriate in the public interest.

Any interested person desiring to be given leave to be heard may file with the Secretary of the Commission on or before February 16, 1954, a written request to that effect setting forth the nature and extent of his interest in the matter pursuant to Rule XVII of the rules of practice. In the absence of such a request by any person having a bona fide interest in the matter, the Commission will either set the matter down for hearing on its own motion after appropriate notice or, if it should appear appropriate so to do, will determine the application on the basis of the record and without hearing.

This notice shall be served on said member and the National Association of Securities Dealers, Inc., forthwith and published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-500; Filed, Jan. 25, 1954; 8:49 a. m.]

LEE D. WALKER

NOTICE OF APPLICATION FOR CONTINUANCE OF MEMBERSHIP IN THE NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., AND OF OPPORTUNITY FOR FILING REQUEST FOR HEARING

In the matter of the application of National Association of Securities Dealers, Inc., on behalf of a member firm for approval of the member firm's continuance in membership in the association with Lee D. Walker, as a controlled person.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of January 1954.

The National Association of Securities Dealers, Inc., a registered securities association (hereinafter referred to as the Association), has filed with this Commission, on behalf of a member, an application for approval of the member's continuance in membership in the Association with Lee D. Walker as an employee and controlled person thereof, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934.

The application and exhibits attached thereto set forth, in substance, the following information:

1. Lee D. Walker has been employed since June 1952 by said member, a registered broker and dealer and a member of the Association in District No. 8, having its principal office in Detroit, Michigan.

2. The Commission, by order dated March 25, 1953, revoked the broker-dealer registration of Charles E. Bailey & Company pursuant to section 15 (b) of the Securities Exchange Act of 1934 and found that Lee D. Walker was a cause of such order.

3. The District Committee for District No. 8 and the Board of Governors of the Association have considered this application and have reviewed the proceedings relating to Lee D. Walker. Upon consideration of all the facts, including the representations as to the type of activity to be engaged in by Lee D. Walker as an employee and controlled person of said member and the extent of the supervision which said member will exercise over his activities, they have concluded that Lee D. Walker should be permitted to engage in the securities business as an employee and controlled person of said member and that said member should be continued in membership in the Association. They are of the belief that the continuance of said member in membership in the Association with Lee D. Walker as an employee and registered representative thereof would be consonant with the stated purposes and policies of Section 15A of the Securities Exchange Act of 1934 and have recommended approval of this application.

Under the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934 and section 2 of Article I of the Association's By-Laws, said member may not be continued in membership in the Association so long as Lee D. Walker is employed by said member, except with the approval or at the direction of the Securities and Exchange Commission based upon a finding that such approval or direction is appropriate in the public interest.

Any interested person desiring to be given leave to be heard may file with the Secretary of the Commission on or before February 16, 1954, a written request to that effect setting forth the nature and extent of his interest in the matter pursuant to Rule XVII of the rules of practice. In the absence of such a request by any person having a bona fide interest in the matter, the Commission will either set the matter down for hearing on its own motion after appropriate notice or, if it should appear appropriate so to do, will determine the application on the basis of the record and without hearing.

This notice shall be served on said member and the National Association of Securities Dealers, Inc., forthwith and published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-501; Filed, Jan. 25, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 18

Washington, Wednesday, January 27, 1954

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 2]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

SUBPART—REGULATIONS RELATING TO SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, the following amendments to the regulations in this subpart are prescribed, to be effective as of January 1, 1954:

1. Section 7.3 is amended by deleting the words "the Federal Crop Insurance Act," appearing therein.

2. Section 7.5 is amended by inserting at the end of paragraph (b) following the semicolon the word "or", inserting in paragraph (c) a period in lieu of the semicolon after the word "program" deleting the word "or" at the end of paragraph (c), and deleting paragraph (d) in its entirety.

3. Section 7.18 is amended by deleting the words "the crop insurance programs," appearing therein.

4. Section 7.34 is amended by changing the period at the end thereof to a comma and adding the words: "except that such space and facilities may be used, on a reimbursable basis, by the county crop insurance agent designated by the Federal Crop Insurance Corporation in the performance of his duties as such agent."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret on apply 49 Stat. 1148, as amended; 16 U. S. C. 590h)

Done at Washington, D. C., this 22d day of January 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-540; Filed, Jan. 26, 1954; 8:51 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 721—CORN

PART 728—WHEAT

REDESIGNATIONS

1. In F. R. Doc. 53-10698, appearing at pages 8715, 8717, and 8718 of the issue of Friday, December 25, 1953, §§ 721.501 and 721.502 are redesignated §§ 721.503 and 721.504. Sections 721.501 and 721.502 appearing at 18 F. R. 6863 remain in effect.

2. In F. R. Doc. 53-10905, appearing at pages 8885 and 8886 of the issue for Thursday, December 31, 1953, § 728.409 is redesignated § 728.409a. Section 728.409 appearing at 18 F. R. 5707 remains in effect.

Issued this 22d day of January 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-547; Filed, Jan. 26, 1954; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. 78 [1]]

PART 371—GENERAL LICENSES

MISCELLANEOUS AMENDMENTS

Section 371.23 *General License GHK* is amended to read as follows:

§ 371.23 *General License GHK.* A general license, GHK, is hereby estab-

[1] This amendment was published in Current Export Bulletin No. 722, dated January 14, 1954, and in the reprint pages, dated January 14, 1954.

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FEDERAL REGISTER

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lished authorizing the exportation to Hong Kong of commodities listed below:

Schedule B No.	Commodity
001000–001900	Animals, edible.
002000–004998	Meat and meat products.
005000–005900	Animal oil and fats, edible.
006000–006998	Dairy products.
007000–007998	Fish and fish products.
008000–008998	Other edible animal products.
009002–009004	Hides and skins, raw, except furs:
	Sheep skins, dry and wet.
009008	Lamb skins, dry and wet.
009098	Other hides and skins, raw, except cattle, calf and kip skins.
030710–030900	Leather:
030910–035900	Upper leather except cattle and kip side upper and calf and whole kip.
	Other leather and tanned skins, except sole leather (bends, backs, and side), boot and shoe cut stock, belting leathers for industrial belts, and sole, welting, and belting leather offal.
	Leather manufactures:
064000–065900	Boots, shoes, and other footwear, except men's footwear (new) with leather uppers.
065910–065990	Leather gloves and mittens.
066000–066900	Harness, saddlery, and whips.
069510–069590	Handbags, pocketbooks, purses, cardcases, wallets, and similar articles, all materials.
069600	Luggage and related articles, all materials.
069710–069790	Belts worn on the person, all materials.
069900	Other leather manufactures, except leather wearing apparel (other than belts and gloves).
071300–075900	Furs and manufactures
099000–099400	Other inedible animals and animal products:
	Animals.
099498	Glue of animal origin.
099500	Casein, inedible.
099600	Shells unmanufactured.
099700	Pearl essence.
099900	Fish, shellfish, and other marine animal products, inedible, n. e. e.
099998	Other animal products, inedible, n. e. e., except feathers, manufactures of feathers, and sorted, bunched, or prepared bristles.
099998	Grains and preparations:
101300	Barley malt.
102100	Buckwheat.
103210–103500	Corn meal, corn flour, corn grits and hominy.
103700	Corn cereal foods, ready to eat.
104300–104400	Oatmeal, groats, and rolled oats.
107700	Macaroni and macaroni products.
107810	Bakery products.
107900	Prepared flour mixes.
108000–108500	Breakfast cereal foods, durum wheat flour and semolina.
109000	Grains and preparations, n. e. e.
110100–110900	Fodders and feeds, n. e. e.
120710–125000	Vegetables and preparations:
	Vegetables, fresh, frozen and dehydrated.
124100	Soups, dehydrated.
124700	Vegetables and juices, canned.
125000–125099	Vegetable preparations.
130100–132000	Fruits and preparations:
	Fruits, fresh.
132300	Fruits, dried and evaporated:
132500	Pears.
132700	Apples, apricots and peaches.
133100	Figs.
133900	Other fruits, except raisins, currants, prunes and mixed fruits.
134000	Dates, fresh, dried or otherwise prepared.
135100	Olives, green and ripe.
135900	Fruits, canned.
136700	Preserves, jellies, jams, and fruit butters.
136900	Fruit juices, canned and frozen.
137000	Fruit preparations, n. e. e.
137400	Nuts and preparations.
140000	Vegetable oils, fats, and waxes, refined.
150000	Cocoa, coffee, tea, and substitutes.
161000	Spices:
161100	Capsicum; cinnamon; cassia; cloves; and nutmegs (ground or unground).
161200	Vanilla beans (ground or unground).
161900	Spices, n. e. e., except pepper.
163000	Sugar and related products
163100	Sirup for table use, and edible molasses.
163200	Honey.
163300	Candy.
163410	Chewing gum.
163500	Confections and desserts.
170000	Beverages and related products.
178000	Rubber (natural, allied gums, and synthetics) and manufactures:
200000	Balata, gutta-percha, and other crude allied gums.
204010	Rubber toys, balls, and novelty balloons, except dolls, golf and tennis balls
204090	Hard rubber goods, not specially fabricated for particular machines or equipment, except electrical hard rubber goods.
207000	Solid tires, except truck and industrial.
208400	Rubber tiling and flooring
220000	Drugs, herbs, leaves, and roots, crude:
220500	Cinchona bark.
220600	Ginseng.
220900	Other crude drugs, herbs, leaves and roots, except cinchona bark, pyrethrum (insect flowers), and rotenone-bearing roots.
221000	Vegetable oils, fats, and waxes, crude:
221100	Vegetable oils (except essential) and fats, crude
224000	Peppermint, spearmint and other mint oils.
225000	Citrus oils.
226000	Vegetable waxes, crude.
240000	Seeds, except oilseeds, grass and field seeds.
250000	Nursery and floral stock.
260000	Miscellaneous vegetable products, inedible.
300000	Cotton semimanufactures:
300100	Cotton rags, old or used, and used civilian clothing.
300200	Cotton manufactures:
300210	Sewing thread, crochet, darning, and embroidery cotton.
300220	Unbleached (gray) cloth:
300230	Carded goods, except fine carded.
300240	Finished cloth, bleached, dyed, printed, stiffened, or otherwise converted, and colored yarn fabrics.
300250	Other cotton fabrics, except tire fabrics and unbleached cotton duck.
300400	Cotton wearing apparel.
315000	Laces, embroideries, and articles thereof, n. e. e.
316000	Cotton narrow fabrics, nonelastic, not over 12 inches wide, except industrial belts and belting.
317000	Cotton house furnishings.
319000	Fabricated products of cotton, n. e. e.
320000	Vegetable fibers and manufactures:
320100	Hemp, unmanufactured.
320200	Other unmanufactured vegetable fibers, except jute, manila or abaca, sisal or henequen.
320300	Handkerchiefs, linen.
350000	Wool, unmanufactured.
360000	Wool semimanufactures.
360200	Wool manufactures.
360300	Hair and manufactures, n. e. e.
370000	Silk and manufactures:
371000	Raw silk.
371100	Tram, organzine, and hard twists.
371900	Spun silk and noil yarns, single and plied
372000	Sewing, embroidery, and crochet silk.
372098	Broad woven silk fabrics, except parachute cloth.
373100–374100	Wearing apparel, including hosiery.
379900	Silk manufactures, n. e. e.
380000	Man-made (synthetic) fibers and manufactures:
384027	Glass fibers for weaving, knitting and braiding.
384064–384098	Rags and clips of rayon or other man-made (synthetic) fibers, and used civilian clothing, including hosiery.
384600–384660	Broad woven goods, wholly or chiefly of man made (synthetic) fibers by weight:
384921	Pile fabrics.
384929–384931	Other upholstery and drapery fabrics, wider than 42 inches, woven.
384950–384972	Woven filament yarn fabrics, wholly of rayon or acetate, n. e. c., gray (unfinished) and printed only.
384981	Woven spun yarn fabrics, wholly of rayon or acetate, n. e. e.
384985	Broad woven fabrics of mixed or blended fibers, chiefly rayon or acetate, n. e. c.
384992	Vinyl (saran) broad woven fabrics.
384998	Knit fabric in the piece.
385201–385720	Ribbons, woven with fast selvages.
385890	Wearing apparel.
390100	House furnishings.
390300	Miscellaneous textile products:
391100	Linoleum and felt-base floor coverings.
391400	Oilcloth for shelf, table, and wall.
391410–391420	Window-shade cloth (all types).
392100	Book cloth.
392800	Corsets, brassieres, and girdles, except rubber and rubberized.
393000	Neckties, cravats, mufflers, and scarves (all fibers)
394000–395000	Hat brands, hat bodies, and hats, caps and berets.
396300	Artificial or ornamental flowers, fruits, vegetables, grasses, grains, leaves, stems, or parts thereof (all materials).
397000	Mattresses, cotton kapok, moss, and hair.
398000	Absorbent cotton, sterilized gauze, and sterilized bandages.
398800	Elastic webbing, woven, knit, or braided.
399400	Garters, arm bands, suspenders, and braces of all materials
399900	Textile manufactures, n. e. e.
403500	Wood, manufactured:
416000–421000	Rattan, reed, cane, bamboo, and osier (raw or semimanufactured).
421401–421499	Wood manufactures:
421710	Wood containers and shooks, cooperage and cooperage stock.
422300	Veneers.
422500	Softwood plywood, interior type.
423000	Shingles.
424050	Millwork.
424070	Prefabricated and ready-cut houses, including lumber or plywood components, chief value wood.
424090	Wood pipe, conduit, vats, tanks, and wood components for cooling towers.
424300–424500	Furniture and specially fabricated parts, n. e. c., chief value rattan, reed, cane, willow, grass, fiber, wood, or upholstery and wood.
427000	Shoe lasts.
428400–429400	Handles (including pulls, knobs, belves hafts, grips, and backs).
429430	Tenrel slats.
429900	Used or salvaged building and construction materials of wood, except fuel wood.
429950	Woodenware
430000–430900	Cork and manufactures.
460000–460500	Paper base stocks, except rags and pulp.
480100	Paper, related products and manufactures:
480200	Paper, except building paper:
480400	Newsprint (standard and super-standard.
480500	Groundwood paper, printing and converting.
480700	Book paper, printing and converting.
480900	Fine paper:
481000	Writing paper.
481100	Bristols.
481400–482200	Cover paper.
482900	Coarse paper.
483000	Tissue paper.
483100	Absorbent paper and products, n. e. e.
483400–484750	Paperboard.
384900	Paper, related products and manufactures—Continued
485000–485600	Other manufactures of paper and board.
500000–500400	Converted paper and board products.
510000–512700	Coal and related fuels, except coke.
514000	Stone, hydraulic cement and lime:
517200	Building and monumental stone, and manufactures.
517400	Standard Portland cement.
517700	Concrete and cement manufactures.
521210–521400	Lime.
521800–522000	Glass and products:
523150	Flat glass:
523710–524018	Plate glass, and sheet and window glass, except colored and laminated.
525000–526100	Flat glass and products, n. e. e., except laminated glass and manufactures.
526300–526400	Glass bricks and blocks
526600–526900	Unfilled glass containers, new and used.
527000	Table and kitchen glassware.
529018	Lamp chimneys, lantern globes, and globes and shades for lighting fixtures.
529300–529400	Clay and products:
529600	Clays, except fire clay.
529800–530000	Pottery:
532010–532050	Table and kitchen articles and utensils for use in cooking, preparing, serving and storing food and drink.
532210–532400	Sanitary articles.
533800	Other pottery, except chemical and industrial.
534900–535000	Structural clay products (except pottery and refractories).
540000	Other nonmetallic minerals (precious included):
541520	Abrasives:
542000	Grindstones and pulpstones, natural
547100	Pulpstones of manufactured abrasives.
548350–548700	Asphalt tiles.
549010	Manufactures of natural asphalt and bitumen.
552400	Gypsum and manufactures.
556000	Rock wool, glass wool and other semiricid and "Fill" mineral insulating materials, n. e. e.
558958	Salt, crude and refined.
559000	Gravel.
559200	Stone, crushed, ground, or broken.
559400	Precious, semiprecious, synthetic, and imitation stones, except diamonds, jewel bearings, rubies (genuine and synthetic), sapphires (genuine and synthetic), and diamond bearings.
611200–611300	Metal manufactures:
611410	Safety razors and blades (except electric).
611600	Scissors, shears, clippers, and snips, n. e. e.
611800	Butchers' and kitchen knives, forks, cleavers and steels.
611920	Other cutlery and specially fabricated parts except table flatware and machine knives and blades.
611950	Table flatware and specially fabricated parts, n. e. e.:
611960	Silver-plated.
612000	Metals, except precious.
612355	Hollow ware, n. e. e., solid or plated, and specially fabricated parts, n. e. e.:
612358	Metal ...
612360	Cooking, kitchen, and hospital utensils, and specially fabricated parts, n. e. e.
612370	Kitchen appliances and tools, hand-operated, and specially fabricated parts, n. e. e.
612910	Vitreous enameled products, n. e. e., and specially fabricated parts, n. e. e.
613010	Tinware and other sheet metal ware, n. e. e. (including galvanized), and specially fabricated parts, n. e. e.
613110–613500	Metal partitions, shelving and lockers and specially fabricated parts, n. e. e.
614000	Metal cases, cabinets, counters, and other fixtures, n. e. e., and specially fabricated parts, n. e. e.
614360	Metal office equipment.
617910–618110	Metal household furniture and specially fabricated parts, n. e. e.
618150	Domestic cooking stoves and ranges.
618400	Hardware:
618440	Locks (all metals).
618840	Hinges and butts (all metals).
	Furniture hardware and specially fabricated parts, n. e. c.
	Hardware, n. e. c., metals other than iron, steel, or copper-base alloys.

Schedule B No.	Commodity
	Metal manufactures—Continued
618851–618859	Metal plumbing fixtures and fittings and specially fabricated parts, n. e. c.
	Construction materials
618983–618985	Sash, sections, and frames, door, and window.
618991	Venetian blinds (including slats and strip)
618993	and specially fabricated parts, n. e. c.
619951	Metal signs, except electric.
619955	
	Silver-plated manufactures, n. e. c.
707396	Electrical machinery and apparatus:
	Electric commercial cooking and food service equipment, n. e. c., and specially fabricated parts, n. e. c.
	Construction, excavating, mining, and related machinery:
722045	Clay spades and water sprinkler tanks.
723110	Overhead hoists (pendant type).
724050	Elevators and moving stairways, n. e. c., and specially fabricated parts, n. e. c.
	Other industrial machines and parts:
760020	Baking machines, n. e. c., and specially fabricated parts, n. e. c.
761100	Sugar-mill machines, n. e. c., and specially fabricated parts, n. e. c.
761310–761320	Bottling, bottle-washing, and bottle-labeling machines, and specially fabricated parts, n. e. c.
761510	Meat and other food cutting, chopping and slicing, power-driven machines, n. e. c., and specially fabricated parts, n. e. c.
762000	Cigarette and cigar-making, and tobacco processing machines, n. e. c., and specially fabricated parts, n. e. c.
726700–762810	Paper-converting machines, and specially fabricated parts, n. e. c.
773810–773850	Commercial laundry and dry cleaning equipment (including power-driven machines) and parts.
774340–774370	Scales and balances, except industrial and commercial, and specially fabricated parts, except lead scale weights.
	Office machines and parts:
776400–776710	Cash registers and parts.
777000–	Typewriters, standard and portable, new, used and rebuilt.
777600	Parts, and accessories, n. e. c., specially fabricated for typewriters.
777710	Staplers, for office use.
777925	Check-handling machines, and specially fabricated parts, n. e. c.
	Other vehicles and parts
797100–797105	Bicycles, and specially fabricated parts and accessories, n. e. c.
797130	Farm wagons, drays, and trailers.
799095	Vehicles, n. e. c., and specially fabricated parts, n. e. c., except logging wagons, motor scooters, sno-cats, and sno-cat trailers.
	Coal-tar products:
805909	Coal-tar dyes and stains, n. e. c., the following only, in small packages of 2 ounces or less: dye tablets; Easter egg colors, except of vegetable origin; food coloring, except of vegetable origin; hair tints and dyes; and household tints and dyes.
	Medicinal and pharmaceutical preparations:
813520	Menthol, bulk.
814800	Mouth washes, gargles, and personal antiseptics.
	Chemical specialties:
820600	Household and industrial insecticides, fungicides, exterminators, and repellents, liquid, paste, powder or solid form, except aerosol bombs, bug bombs, moth balls, and naphthalene balls and flakes.
820800	Household and industrial disinfectants, deodorants, germicides and similar preparations, n. e. c.
823000	Baking powder.
827000	Regenerated cellulose, including printed (except rayon), in rolls, and sheets.
827400	Cementing preparations for repairing, sealing, and adhesive use, the following only: automobile top sealer; floor cement; linoleum cement, except rubber; linoleum paste, except rubber; roofing cement; and running board cement.
828870	Detergents, all types.
828950	Specialty cleaning and washing compounds, n. e. c., except rifle cleaning compounds.
	Polishes:
829000	Metal and stove polishes.
829100	Shoe polishes and shoe cleaners.
829300	Floor wax, wood and furniture polishes.
829400	Automobile polishes.

Schedule B No.	Commodity
	Chemical specialties—Continued
829530	Aromatic chemicals of synthetic origin.
829540	Aromatic compounds containing natural and/or synthetic essential oils and/or aromatic chemicals of natural and synthetic origin for perfumery use.
829555–829595	Flavors and flavoring extracts, natural and synthetic.
829600	Pectin and preparations.
829900	Chemical specialty compounds, n. e. c., the following only: brewers' findings; brewers' sugar; chemical compounds, for manufacturing ice cream; chill proofing compound; clarifier for beer or ale; clarifying powder, for wines; hot finishing powder; ink eradicators; laundry sour; lipstick bases; lipstick waxes; marble polish; meat curing compound; rosin size; shaving cream base, concentrated; silk-stocking savers, in tablet form; and yeast food (dough conditioner).
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.):
831510	Ethyl alcohol.
837000	Cream of tartar (synthetic included).
839700	Sodium bicarbonate or baking soda.
	Pigments, paints and varnishes:
840100	Iron oxides pigments, dry, synthetic and natural (mineral earth pigments).
840500	Extender pigments, dry, the following only: barytes, ground; calcium sulfate; and gypsum, ground.
843110	Artists' colors.
843190	Paste and semipaste paint colors in oil, putty and paste wood fillers, n. e. c., except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (Teflon), polytrifluorochloroethylene (Kel-F), and silicones.
843210–843250	Water thinned paints (all types).
843800	Ready-mixed paints, stains, and enamels, except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (Teflon), polytrifluorochloroethylene (Kel-F), and silicones.
844210	Varnishes (oil or spirit), natural or synthetic, n. e. c., except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (Teflon), polytrifluorochloroethylene (Kel-F), and silicones.
	Soap and toilet preparations.
871100–877000	Photographic and projection goods:
	Motion-picture films, exposed or developed:
912170	Negative:
912180	Newsreels.
912190	Trailers, inserts, and replacements.
912200	Negative 8 mm film.
912300–912400	Sound track.
912700	Positive.
	Dry plates.
	Scientific and professional instruments, apparatus and supplies, n. e. c.:
	Optical goods:
914200	Ophthalmic lenses.
914350–914380	Sun glasses, sun goggles, ophthalmic spectacles, and specially fabricated parts, n. e. c.
915200	Teeth, dentures, and bridges.
921100–921200	Musical instruments, parts, and accessories:
922000	Pianos.
923200	Pipe organs.
924700–924900	Phonograph records and blanks.
	Other musical instruments, and specially fabricated parts and accessories, n. e. c., except electric and electronic organs, and phonographs and parts.
930310–930800	Miscellaneous office supplies.
940000–941900	Toys, athletic and sporting goods.
951000–952300, 955300–	Books, maps, pictures and other printed matter, n. e. c., except photographs, blueprints and technical data.
957100	Miscellaneous commodities, n. e. c.:
958000–968300	1-day alarm clocks.
	Watches and watch movements.

Schedule B No.	Commodity
961000	Miscellaneous commodities, n. e. c.—Con.
962100–962900	Paintings, etchings, engravings, statuary (except religious) and antiques.
963500	Jewelry and other personal ornaments, all materials, except solid gold, platinum and platinum allied metals.
	Jewelry findings, and specially fabricated parts, n. e. c.
	Bottle and container closures (including secondary closures), accessories, and specially fabricated parts, n. e. c., except cork.
971100–971900	Buttons and parts.
972200–979000	Lamps and illuminating devices, and parts, except incandescent mantles and electric lamps.
980000	Matches.
981510	Plastic kitchen and tableware.
982110	Synthetic sponges.
982120	Natural sponges, animal.
982200–982600	Brushes.
982695	Brooms.
982700	Combs, except wholly of rubber.
982900–982930	Smokers' articles, n. e. c., and specially fabricated parts, n. e. c.
983100–983150	Umbrellas and parasols, and specially fabricated parts, n. e. c.
983200	Candles, except pyrotechnic.
983300	Religious articles, n. e. c., and specially fabricated parts, n. e. c.
983400	Beads and bead articles, n. e. c.
983695	Snap fasteners.
984015	Zippers (including slide fasteners), and specially fabricated parts, n. e. c.
984098	Notions, novelties, specialties, and specially fabricated parts, n. e. c.
984200	Ice refrigerators, household and commercial types.
984600	Soda fountain and bar equipment, and specially fabricated parts, n. e. c.
984700	Barber and beauty shop equipment, n. e. c., and specially fabricated parts, n. e. c.
985300	Shoe findings, n. e. c.
987100–987200	Coin-operated machines, n. e. c.

This amendment shall become effective as of January 14, 1954.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. Sup. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-474; Filed, Jan. 26, 1954; 8:51 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 66 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Export Control Schedule B No.	Commodity	Unit	Processing code and commodity group	GLV and Validated license limits	Validated license required
618976	Buildings, prefabricated and knockdown, with or without appurtenances: Iron and steel buildings, having a single unsupported span of more than 40 feet, suitable for portable aircraft hangars.	No. and Lb.	STEB	1,000	S
618977	Other metal buildings, having a single unsupported span of more than 40 feet, suitable for portable aircraft hangars.	No. and Lb.	BLDG	1,000	S
	Other industrial chemicals:				
839000	Thiophorus oxychloride [2]	Lb.	SALT	100	RO
839040	Phosphorus trichloride [2]	Lb.	SALT	100	RO

[1] These commodities may be exported under the Positive Requirements licensing procedure (see Part 370 of this chapter) or the Limited Distribution licensing procedure (see Part 373 of this chapter).

This part of the amendment shall become effective as of 12:01 a. m., January 21, 1954.

2. The following commodities are deleted from the Positive List.

Export Control Schedule B No.	Commodity
092300	Feathers, crude, not dressed.
092900	Furskins, tanned or dressed, whole, with or without heads, tails, paws or other trimmings, but not manufactured in any way.
206625	Rubber, crude, latex, including concentrated latex (dry or liquid latex) and allied gums.
209800	Cordage, rope and twine (including fishing nets), of vegetable fibers (report low separators to one square inch).
303000	Cotton cloth, duck, and tire fabric (including mixed fabrics, cotton chief weight).
304000	Cotton specialty compounds, n. e. c.:
304050	Mixtures of chlorinated diphenyl oxides (Thermex).
304070	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder, not plasticized (except those containing plasticizers).
320400	Cellulose nitrate sheets, rods, tubes, and shapes, n. e. c. (specify by name).
320500	Cellulose nitrate waste or scrap, not plasticized.
320900	Cellulose nitrate plastic materials, n. e. c. (specify by name).
322000	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), not plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
322500	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
323000	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other than primary forms).
323500	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report primary forms).
323600	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other unfinished forms, including scrap (report other unfinished forms as 323500).
323630	Alkyd resins, unmodified and modified (in all unfinished forms, except laminated):
323650	Phthalic anhydride type.
323670	Other alkyd resins, including polyester type resins (specify type).
323700	Cellulose plastic materials, including polyester type resins (specify type):
323710	Cellulose acetate and cellulose acetate-butyrate plastic sheets, rods, tubes and shapes.
323720	All other cellulose plastic materials, including waste or scrap (report low separators to one square inch).
326605	Specialty cleaning and washing compounds, n. e. c. (except those in Sch. B-325600, comps. in Sch. B-328650), (specify by name) (report organic surface-active agents in Sch. B-325600).
328000	Rubber manufactures, n. e. c.:
328050	Chemical specialty compounds, n. e. c.:
328060	Mixtures of chlorinated diphenyl oxides (Thermex).
328070	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder, not plasticized (except those containing plasticizers).
328080	Cellulose nitrate sheets, rods, tubes, and shapes, n. e. c. (specify by name).
328090	Cellulose nitrate waste or scrap, not plasticized.
328095	Cellulose nitrate plastic materials, n. e. c. (specify by name).
328500	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), not plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
328510	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
328520	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other than primary forms).
328530	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report primary forms).
328600	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other unfinished forms, including scrap (report other unfinished forms as 328530).
328630	Alkyd resins, unmodified and modified (in all unfinished forms, except laminated):
328650	Phthalic anhydride type.
328670	Other alkyd resins, including polyester type resins (specify type).
328700	Cellulose plastic materials, including polyester type resins (specify type):
328710	Cellulose acetate and cellulose acetate-butyrate plastic sheets, rods, tubes and shapes.
328720	All other cellulose plastic materials, including waste or scrap (report low separators to one square inch).
328905	Specialty cleaning and washing compounds, n. e. c. (except those in Sch. B-325600, comps. in Sch. B-328650), (specify by name) (report organic surface-active agents in Sch. B-328650).
329000	Rubber manufactures, n. e. c.:
329050	Chemical specialty compounds, n. e. c.:
329060	Mixtures of chlorinated diphenyl oxides (Thermex).
329070	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder.
329080	Cellulose nitrate sheets, rods, tubes, and shapes, n. e. c. (specify by name).
329090	Cellulose nitrate waste or scrap, not plasticized.
329095	Cellulose nitrate plastic materials, n. e. c. (specify by name).
329500	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), not plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
329510	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
329520	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other than primary forms).
329530	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report primary forms).
329600	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other unfinished forms, including scrap (report other unfinished forms as 329530).
329630	Alkyd resins, unmodified and modified (in all unfinished forms, except laminated):
329650	Phthalic anhydride type.
329670	Other alkyd resins, including polyester type resins (specify type).
329700	Cellulose plastic materials, including polyester type resins (specify type):
329710	Cellulose acetate and cellulose acetate-butyrate plastic sheets, rods, tubes and shapes.
329720	All other cellulose plastic materials, including waste or scrap (report low separators to one square inch).
329905	Specialty cleaning and washing compounds, n. e. c. (except those in Sch. B-325600, comps. in Sch. B-328650), (specify by name) (report organic surface-active agents in Sch. B-329650).
330000	Rubber manufactures, n. e. c.:
330050	Chemical specialty compounds, n. e. c.:
330060	Mixtures of chlorinated diphenyl oxides (Thermex).
330070	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder.
330080	Cellulose nitrate sheets, rods, tubes, and shapes, n. e. c. (specify by name).
330090	Cellulose nitrate waste or scrap, not plasticized.
330095	Cellulose nitrate plastic materials, n. e. c. (specify by name).
330500	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), not plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
330510	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
330520	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other than primary forms).
330530	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report primary forms).
330600	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other unfinished forms, including scrap (report other unfinished forms as 330530).
330630	Alkyd resins, unmodified and modified (in all unfinished forms, except laminated):
330650	Phthalic anhydride type.
330670	Other alkyd resins, including polyester type resins (specify type).
330700	Cellulose plastic materials, including polyester type resins (specify type):
330710	Cellulose acetate and cellulose acetate-butyrate plastic sheets, rods, tubes and shapes.
330720	All other cellulose plastic materials, including waste or scrap (report low separators to one square inch).
330905	Specialty cleaning and washing compounds, n. e. c. (except those in Sch. B-325600, comps. in Sch. B-328650), (specify by name) (report organic surface-active agents in Sch. B-330650).
331000	Rubber manufactures, n. e. c.:
331050	Chemical specialty compounds, n. e. c.:
331060	Mixtures of chlorinated diphenyl oxides (Thermex).
331070	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder.
331080	Cellulose nitrate sheets, rods, tubes, and shapes, n. e. c. (specify by name).
331090	Cellulose nitrate waste or scrap, not plasticized.
331095	Cellulose nitrate plastic materials, n. e. c. (specify by name).
331500	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), not plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
331510	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
331520	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other than primary forms).
331530	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report primary forms).
331600	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other unfinished forms, including scrap (report other unfinished forms as 331530).
331630	Alkyd resins, unmodified and modified (in all unfinished forms, except laminated):
331650	Phthalic anhydride type.
331670	Other alkyd resins, including polyester type resins (specify type).
331700	Cellulose plastic materials, including polyester type resins (specify type):
331710	Cellulose acetate and cellulose acetate-butyrate plastic sheets, rods, tubes and shapes.
331720	All other cellulose plastic materials, including waste or scrap (report low separators to one square inch).
331905	Specialty cleaning and washing compounds, n. e. c. (except those in Sch. B-325600, comps. in Sch. B-328650), (specify by name) (report organic surface-active agents in Sch. B-331650).
332000	Rubber manufactures, n. e. c.:
332050	Chemical specialty compounds, n. e. c.:
332060	Mixtures of chlorinated diphenyl oxides (Thermex).
332070	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder.
332080	Cellulose nitrate sheets, rods, tubes, and shapes, n. e. c. (specify by name).
332090	Cellulose nitrate waste or scrap, not plasticized.
332095	Cellulose nitrate plastic materials, n. e. c. (specify by name).
332500	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), not plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
332510	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
332520	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other than primary forms).
332530	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report primary forms).
332600	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other unfinished forms, including scrap (report other unfinished forms as 332530).
332630	Alkyd resins, unmodified and modified (in all unfinished forms, except laminated):
332650	Phthalic anhydride type.
332670	Other alkyd resins, including polyester type resins (specify type).
332700	Cellulose plastic materials, including polyester type resins (specify type):
332710	Cellulose acetate and cellulose acetate-butyrate plastic sheets, rods, tubes and shapes.
332720	All other cellulose plastic materials, including waste or scrap (report low separators to one square inch).
332905	Specialty cleaning and washing compounds, n. e. c. (except those in Sch. B-325600, comps. in Sch. B-328650), (specify by name) (report organic surface-active agents in Sch. B-332650).
333000	Rubber manufactures, n. e. c.:
333050	Chemical specialty compounds, n. e. c.:
333060	Mixtures of chlorinated diphenyl oxides (Thermex).
333070	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder.
333080	Cellulose nitrate sheets, rods, tubes, and shapes, n. e. c. (specify by name).
333090	Cellulose nitrate waste or scrap, not plasticized.
333095	Cellulose nitrate plastic materials, n. e. c. (specify by name).
333500	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), not plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
333510	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
333520	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other than primary forms).
333530	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report primary forms).
333600	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other unfinished forms, including scrap (report other unfinished forms as 333530).
333630	Alkyd resins, unmodified and modified (in all unfinished forms, except laminated):
333650	Phthalic anhydride type.
333670	Other alkyd resins, including polyester type resins (specify type).
333700	Cellulose plastic materials, including polyester type resins (specify type):
333710	Cellulose acetate and cellulose acetate-butyrate plastic sheets, rods, tubes and shapes.
333720	All other cellulose plastic materials, including waste or scrap (report low separators to one square inch).
333905	Specialty cleaning and washing compounds, n. e. c. (except those in Sch. B-325600, comps. in Sch. B-328650), (specify by name) (report organic surface-active agents in Sch. B-333650).
334000	Rubber manufactures, n. e. c.:
334050	Chemical specialty compounds, n. e. c.:
334060	Mixtures of chlorinated diphenyl oxides (Thermex).
334070	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder.
334080	Cellulose nitrate sheets, rods, tubes, and shapes, n. e. c. (specify by name).
334090	Cellulose nitrate waste or scrap, not plasticized.
334095	Cellulose nitrate plastic materials, n. e. c. (specify by name).
334500	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), not plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
334510	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
334520	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other than primary forms).
334530	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report primary forms).
334600	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other unfinished forms, including scrap (report other unfinished forms as 334530).
334630	Alkyd resins, unmodified and modified (in all unfinished forms, except laminated):
334650	Phthalic anhydride type.
334670	Other alkyd resins, including polyester type resins (specify type).
334700	Cellulose plastic materials, including polyester type resins (specify type):
334710	Cellulose acetate and cellulose acetate-butyrate plastic sheets, rods, tubes and shapes.
334720	All other cellulose plastic materials, including waste or scrap (report low separators to one square inch).
334905	Specialty cleaning and washing compounds, n. e. c. (except those in Sch. B-325600, comps. in Sch. B-328650), (specify by name) (report organic surface-active agents in Sch. B-334650).
335000	Rubber manufactures, n. e. c.:
335050	Chemical specialty compounds, n. e. c.:
335060	Mixtures of chlorinated diphenyl oxides (Thermex).
335070	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder.
335080	Cellulose nitrate sheets, rods, tubes, and shapes, n. e. c. (specify by name).
335090	Cellulose nitrate waste or scrap, not plasticized.
335095	Cellulose nitrate plastic materials, n. e. c. (specify by name).
335500	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), not plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
335510	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
335520	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other than primary forms).
335530	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report primary forms).
335600	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other unfinished forms, including scrap (report other unfinished forms as 335530).
335630	Alkyd resins, unmodified and modified (in all unfinished forms, except laminated):
335650	Phthalic anhydride type.
335670	Other alkyd resins, including polyester type resins (specify type).
335700	Cellulose plastic materials, including polyester type resins (specify type):
335710	Cellulose acetate and cellulose acetate-butyrate plastic sheets, rods, tubes and shapes.
335720	All other cellulose plastic materials, including waste or scrap (report low separators to one square inch).
335905	Specialty cleaning and washing compounds, n. e. c. (except those in Sch. B-325600, comps. in Sch. B-328650), (specify by name) (report organic surface-active agents in Sch. B-335650).
336000	Rubber manufactures, n. e. c.:
336050	Chemical specialty compounds, n. e. c.:
336060	Mixtures of chlorinated diphenyl oxides (Thermex).
336070	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder.
336080	Cellulose nitrate sheets, rods, tubes, and shapes, n. e. c. (specify by name).
336090	Cellulose nitrate waste or scrap, not plasticized.
336095	Cellulose nitrate plastic materials, n. e. c. (specify by name).
336500	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), not plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
336510	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
336520	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other than primary forms).
336530	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report primary forms).
336600	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other unfinished forms, including scrap (report other unfinished forms as 336530).
336630	Alkyd resins, unmodified and modified (in all unfinished forms, except laminated):
336650	Phthalic anhydride type.
336670	Other alkyd resins, including polyester type resins (specify type).
336700	Cellulose plastic materials, including polyester type resins (specify type):
336710	Cellulose acetate and cellulose acetate-butyrate plastic sheets, rods, tubes and shapes.
336720	All other cellulose plastic materials, including waste or scrap (report low separators to one square inch).
336905	Specialty cleaning and washing compounds, n. e. c. (except those in Sch. B-325600, comps. in Sch. B-328650), (specify by name) (report organic surface-active agents in Sch. B-336650).
337000	Rubber manufactures, n. e. c.:
337050	Chemical specialty compounds, n. e. c.:
337060	Mixtures of chlorinated diphenyl oxides (Thermex).
337070	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder.
337080	Cellulose nitrate sheets, rods, tubes, and shapes, n. e. c. (specify by name).
337090	Cellulose nitrate waste or scrap, not plasticized.
337095	Cellulose nitrate plastic materials, n. e. c. (specify by name).
337500	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), not plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
337510	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
337520	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other than primary forms).
337530	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report primary forms).
337600	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other unfinished forms, including scrap (report other unfinished forms as 337530).
337630	Alkyd resins, unmodified and modified (in all unfinished forms, except laminated):
337650	Phthalic anhydride type.
337670	Other alkyd resins, including polyester type resins (specify type).
337700	Cellulose plastic materials, including polyester type resins (specify type):
337710	Cellulose acetate and cellulose acetate-butyrate plastic sheets, rods, tubes and shapes.
337720	All other cellulose plastic materials, including waste or scrap (report low separators to one square inch).
337905	Specialty cleaning and washing compounds, n. e. c. (except those in Sch. B-325600, comps. in Sch. B-328650), (specify by name) (report organic surface-active agents in Sch. B-337650).
338000	Rubber manufactures, n. e. c.:
338050	Chemical specialty compounds, n. e. c.:
338060	Mixtures of chlorinated diphenyl oxides (Thermex).
338070	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder.
338080	Cellulose nitrate sheets, rods, tubes, and shapes, n. e. c. (specify by name).
338090	Cellulose nitrate waste or scrap, not plasticized.
338095	Cellulose nitrate plastic materials, n. e. c. (specify by name).
338500	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), not plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
338510	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
338520	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other than primary forms).
338530	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report primary forms).
338600	Synthetic resin and resin compounds, n. e. c. (except those in sheets, rods, tubes, and shapes) (report other unfinished forms, including scrap (report other unfinished forms as 338530).
338630	Alkyd resins, unmodified and modified (in all unfinished forms, except laminated):
338650	Phthalic anhydride type.
338670	Other alkyd resins, including polyester type resins (specify type).
338700	Cellulose plastic materials, including polyester type resins (specify type):
338710	Cellulose acetate and cellulose acetate-butyrate plastic sheets, rods, tubes and shapes.
338720	All other cellulose plastic materials, including waste or scrap (report low separators to one square inch).
338905	Specialty cleaning and washing compounds, n. e. c. (except those in Sch. B-325600, comps. in Sch. B-328650), (specify by name) (report organic surface-active agents in Sch. B-338650).
339000	Rubber manufactures, n. e. c.:
339050	Chemical specialty compounds, n. e. c.:
339060	Mixtures of chlorinated diphenyl oxides (Thermex).
339070	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder.
339080	Cellulose nitrate sheets, rods, tubes, and shapes, n. e. c. (specify by name).
339090	Cellulose nitrate waste or scrap, not plasticized.
339095	Cellulose nitrate plastic materials, n. e. c. (specify by name).
339500	Synthetic resins, n. e. c. (except those in primary forms), and synthetic resin compounds, n. e. c. (except those in primary forms), not plasticized, not finished or fabricated (except those in sheets, rods, tubes, and shapes).
339510	Synthetic resins, n. e. c. (except

3. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a single Schedule B number, the entry to be superseded is identified by a numerical reference enclosed in parentheses following the commodity description in the revised entry.

Dept of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Cordage, except of cotton or jute (report cotton in 301900 or jute in 324400):				
341100	Binder twine, hand and soft fiber (report baler twine in 341200, 341400, and 341800) [24]	Lb.	TEXT 1	1,000	RO
501360	Unfin. fuel oils (for further refining; charged as of 42 gallons) (formerly 501350 and 501360) [9 10]	Bbl.	PETR 1	1,000	RO
	Refined oils:				
	Motor fuel and gasoline (report octane rating):				
801400	Blending agents of petroleum origin, specify by name (report natural gasoline in 520500) [9]	Gal.	PETR 1	100	RO
801800	Jet fuels, all types (barrels of 42 gallons) (formerly 520600) [9]	Bbl.	PETR 1	25	RO
801900	Naphthas in containers over 4 ounces, mineral spirits, solvents, and other finished light products (barrels of 42 gallons) (1, 2, and 4) [9]	Bbl.	PETR 1	[9] 25	RO
	Lubricating oils, except hydraulic (report hydraulic oils of petroleum origin in 520500, hydraulic oils, except of petroleum origin in 520810):				
802800	Industrial, except cutting oils (report cutting oils in 504100)	Gal	PETR 3	25	RO
803700	Insulating or transformer oils [9]	L. ton	PETR	100	RO
805900	Petroleum products, n. e. c., specify by name (report finished petroleum spirits in 520500 and specified fuels in 520600; motor additives, including those of petroleum origin in 520915) [9]	Lb. or Gal.	PETR	25	RO
	Abrasives:				
841140	Boron carbide [11]	Lb.	MINL 1	100	RO
	Asbestos:				
	Manufactures:				
845920	Brake lining in rolls	Lin. ft.	TRAN 6	500	R
845931	Woven (formerly 845900) [9 20 21]	Lin. ft.	TRAN 6	500	R
845940	Brake lining in sets, molded, semimolded, and woven, except brake blocks (formerly 845900 and 845910) [9 21]	Set	TRAN 6	500	R
847000	Carbon or graphite products (natural and artificial): Specified products (carbon bodies [suffix 5] 847500) [9 22]	Lb.	FILM	25	RO
853600	Magnesium silicate (talc, steatite and soapstone, crude and ground, except packaged extender pigments) [12]	L. ton	MINL	100	RO
	Steel ingots, blooms, billets, slabs, sheet bars and tinplate bars:				
	Alloy steel (including stainless):				
601702	Ingots, nickel-bearing stainless steel (2) [9]	S. ton	STEE	100	RO
601702	Other alloy steel ingots, and billets non-nickel-bearing stainless steel (1 and 3) [9]	S. ton	STEE	100	RO
601708	Billets, blooms, slabs, and sheet bars, nickel-bearing stainless steel [9]	S. ton	STEE	100	RO
601708	Other alloy steel billets (except product-ready and shell steel), blooms, slabs, sheet bars, and tinplate bars (includes non-nickel-bearing stainless steel) (1 and 3) [9]	S. ton	STEE	100	RO
601810	Semifinished material for seamless pipe and tubing, nickel-bearing stainless steel [9]	S. ton	STEE	100	RO
601810	Semifinished material for seamless pipe and tubing, other alloy steel (includes non-nickel-bearing stainless steel) (1 and 3) [9]	S. ton	STEE	100	RO
601910	Wire rods, other alloy steel (includes non-nickel-bearing stainless steel) (1 and 3) [9]	Lb.	STEE	100	RO
601950	Skelp, nickel-bearing stainless steel. (2) [9]	Lb.	STEE	1,000	RO
601950	Skelp, other alloy steel (includes non-nickel-bearing stainless steel) (1 and 3) [9]	Lb.	STEE	1,000	RO
	Steel plates, including boiler plate (hot or cold-rolled), not further processed:				
603125	Carbon steel	Lb.	STEE 5	1,000	RO
603150	Stainless, alloy steel and tool steel: Nickel-bearing stainless steel. (1) [9]	S. ton	STEE	1,000	RO

[9] See footnotes at end of table.

Dept of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
605110	Rails, trackwork and track accessories: Standard tee rails (over 60 pounds per yard) (specify whether carbon or alloy steel; if alloy, give analysis) (1 and 2) [9]	S. ton	STEE 18	1,000	RO
605230	Rails, except standard tee rails (report relaying rails in 602800): Alloy steel, including stainless [9]	S. ton	STEE 18	1,000	RO
605430	Rail joints and splice bars: Alloy steel, including stainless [9]	Lb.	STEE 14	100	RO
605530	Switches, frogs, and crossings: Alloy steel, including stainless [9]	Lb.	STEE	100	RO
605710	Pipe, tubes, and tubing, n. e. c., new and used (except scrap) (report pipe assemblies specially fabricated for particular machines or equipment as parts of such machines or equipment): Oil country pipe, including drill pipe, casing and tubing (see § 399.2 of this chapter, Int. 1): Seamless, carbon steel [9]	Lb.	STEE 15	100	RO
605730	Seamless, alloy steel, except stainless [9]	Lb.	STEE 15	100	RO
606210	Welded, carbon steel [9]	Lb.	STEE 16	100	RO
606260	Welded, alloy steel, except stainless [9]	Lb.	STEE 16	100	RO
606270	Line pipe, carbon and alloy steel, except stainless (if alloy, specify and give analysis (see § 399.2 of this chapter, Int. 1): Seamless (1 and 2) [9]	Lb.	STEE 15	100	RO
606280	Welded (1 and 2) [9]	Lb.	STEE 16	100	RO
	Steel wire, n. e. c., alloy and, except as provided in 709810-709898, electrical insulated wire and cable (report electrical insulated wire and cable in 709810-709898):				
606450	Unmounted wire, nickel bearing stainless steel (1) [9]	Lb.	STEE	100	RO
606210	Coated wire, except galvanized, all steel grades: Nickel bearing stainless steel (2) [9]	Lb.	STEE	100	RO
606210	Other alloy steel, including non-nickel-bearing stainless steel (1, 2 and 4) [9]	Lb.	STEE	100	RO
	Castings, iron and steel, rough and semi-finished:				
610491	Alloy steel castings, except stainless, (1 and 2) [9]	Lb.	STEE	100	RO
710002	Stainless steel grinding balls (1) [9]	Lb.	STEE	100	RO
610492	Other castings, nickel bearing stainless steel. (2) [9]	Lb.	STEE	100	RO
	Forgings, rough as forged or finished:				
610495	Alloy steel grinding balls, rough or polished, including stainless (1) [9]	Lb.	STEE 1	100	RO
610495	Other nickel-bearing stainless steel forgings (2) [9]	Lb.	STEE	100	RO
	Wheels without axles, and axles, specify and give analysis (report finished mounted wheels in 610500):				
610516	Railway car wheels, including trolley (1, 2 and 3) [9]	Lb.	STEE 13	100	RO
610518	Locomotive wheels (1 and 2) [9]	Lb.	STEE	500	RO
	Axles, without wheels (unless specify and give analysis):				
610528	Railway car axles, including trolley (1 and 2) [9]	Lb.	STEE 13	100	RO
	Locomotive axles (1 and 2) [9]	Lb.	STEE	500	RO
	Wheels and axles, mounted (if alloy, specify and give analysis):				
610535	Railway car mounted wheels and axles, including trolley (1 and 2) [9]	Lb.	STEE 13	100	RO
610538	Locomotive mounted wheels and axles (1 and 2) [9]	Lb.	STEE	500	RO
	Tool bit blanks and dies, and inserts for tools and rock drill bits:				
617903	Tool bit blanks and dies (1) [9 13]	.....	TOOL	50	RO
617905★	Tungsten carbide inserts for rock drill bits (2) [9 13]	.....	MINE	50	RO
617905★	Tungsten carbide inserts for other tools including die inserts (2) [9]	.....	TOOL	50	RO
617905	Molybdenum tool bit blanks [9 13]	.....	TOOL	50	RO
	Pipe fittings not specially fabricated for particular machines or equipment:				
618951	Steel pipe fittings, stainless or alloy (specify by name and analysis of steel)	Lb.	STEE	100	RO
	Fabricated tube products:				
618963	Plate, fabricated, punched or shaped, n. e. c., except pallets for concrete blocks [9]	Lb.	STEE	100	RO
618967	Storage tanks, unlined (all steel grades) (specify types) except tanks used as shipping containers in 619011 (1 and 2) [9]	Lb.	STEE	1,000	RO
	Welding rods and wires, including brazing rods:				
619031	Other iron and steel, electrode, except carbon steel. (2) [9]	Lb.	STEE	100	RO
619040	Aluminum and aluminum-base alloys (formerly 619030) [9]	Lb.	NONF	100	RO
619040	Containing 15 percent or more cobalt by weight (formerly 619030) [9 13]	Lb.	MINL	None	RO

Dept of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Welding rods and wires, including brazing rods—Con.				
619040	Copper, formerly 619030 [9 13]	Lb.	NONF 4	100	RO
619040	Molybdenum (formerly 619030) [9 13]	Lb.	MINL	None	RO
619040	Nickel and nickel alloy, specify by name and metal content (formerly 619039) [9 13]	Lb.	NONF	100	RO
619040	Tungsten, including tungsten carbide (formerly 619039) [9 13]	Lb.	MINL	None	RO
619040	Other welding rods and wires, except precious (specify type of metal) (report welding rods and wires of precious metals in 692600-692610, (formerly 619039) [9 13]	Lb.	NONF	100	RO
	Solders, except precious:				
619043	Lead solder (report solder of less than 50 percent lead by weight under 619045) (formerly 619039 and 851200) [9 13]	Lb.	NONF 6	800	RO
619045	Tin (formerly 619039) [9 13]	Lb.	NONF 1	100	RO
619045	Zinc (formerly 619039) [9 13]	Lb.	NONF	100	RO
619045	Other solders, except precious (specify type of metal) (formerly 619039) [9 13]	Lb.	NONF	100	RO
	Metal powders:				
619140	Other copper and copper base alloys (specify type of metal and copper content) (2, 3, 4 and 5) [9]	Lb.	NONF	100	RO
	Metal manufactures, n. e. c., and parts, n. e. c.:				
619910	Iron and steel (specify by name): Packing, nickel bearing stainless steel. (1) [9]	Lb.	STEE	100	RO
619980★	Other metals, except precious (specify by name and type of metal): Copper and copper base alloy perforated plates and perforated sheets (formerly 642500 and 642600) [9 13]	Lb.	NONF 15	100	RO
619950	Nickel catalysts. (6) [9]	Lb.	NONF	100	RO
619950	Tin shot (9) [9]	Lb.	NONF 1	100	RO
619990	Manufactures of other metals, n. e. c., except antifriction manufactures, bimetallic brake linings, clutch facings and friction material, tenplate, and manufactures of aluminum and aluminum base alloys, Babbitt metal, beryllium and beryllium alloys, brass or bronze, copper (other than perforated plates and sheets), invar metal, magnesium, tin (other than shot), and zinc (report iron and steel manufactures in 619910, precious metal manufactures in 692600-692610) [9]	Lb.	CDGS	25	RO
	Aluminum ores and concentrates:				
630010	Bauxite concentrates, alumina included, except causticized bauxite [9]	S. ton	NONF	800	RO
630050★	Aluminum scrap (new and old) [9]	Lb.	NONF	500	RO
630070	Aluminum slugs (formerly 619030) [9 13 19]	Lb.	NONF	300	RO
630070★	Other aluminum metal and alloys in crude form (including ingots, pigs, blooms, and plates) [9]	Lb.	NONF	100	RO
640100★	Copper ore and concentrates (copper content). (2) [9]	C. lb	NONF	1,000	RO
	Copper scrap (new and old):				
641300★	Slag (formerly 640100) [9 13 19]	Lb.	NONF 13	1,000	RO
641300★	Other copper scrap [13]	Lb.	NONF 13	1,000	RO
642200★	Copper tube and tubes (except flexible tubing, except electrical, in 642650), flexible electrical conduit in 709420) [13 24]	Lb.	NONF 15	100	RO
642000★	Copper semifabricated forms, n.e.c. (specify by name) (1 and 2) [13]	Lb.	NONF	100	RO
644100★	Beryllium-copper ingots (1) [7]	Lb.	NONF	300	RO
644100★	Other copper base alloy crude forms (formerly 644000) [9 13]	Lb.	NONF 15	100	RO
644900★	Copper-base alloy bars, rods, and other shapes, extruded, rolled and drawn. (1, 2, 3 and 4) [24]	Lb.	NONF 15	100	RO
645000★	Other copper-base alloy plates, sheets, and strips. (3, 4, 5 and 6) [13]	Lb.	NONF 15	100	RO
645300★	Copper-base alloy pipes and tubes (including pipe coils) (report flexible tubing, except electrical in 642650; and flexible electrical conduit in 709420). (1, 2, 3, 4 and 5) [13 24]	Lb.	NONF 15	100	RO
647013★	Other copper-base alloy castings and forgings, rough and semi finished (specify copper content) (2 and 3) [13]	Lb.	NONF	100	RO
647050★	Copper-base alloy semi fabricated forms, n.e.c. (specify by name). (1 and 2) [13]	Lb.	NONF	100	RO
650750	Lead slugs (formerly 619030) [9 13 19]	Lb.	NONF	100	RO
654702	Nickel slugs (formerly 619030) [9 13]	Lb.	NONF	100	RO
654702★	Other nickel metal in ingots, bars, rods and other crude forms, and scrap (formerly 654505) [9 13]	Lb.	NONF	None	RO
654702★	Nickel alloy metals in ingots, bars, rods and other crude forms, and scrap (formerly 654507) [9 13]	Lb.	NONF	100	RO
654504★	Nickel, metal sheets, plates, and strips (formerly 654503) [9 13]	Lb.	NONF	None	RO
654504★	Nickel alloy metal sheets, plates, and strips (formerly 654507) (report nickel silver in 644000 or 644900) [9 13]	Lb.	NONF	100	RO
656507	Titanium ore concentrates (formerly 656500) [9 13]	Lb.	NONF 7	100	RO
656507	Titanium ingots, pigs, bars, blanks, anodes, cathodes, slabs, and other crude forms (includes titanium sponge, formerly 656500) [9]	Lb.	NONF 8	100	RO
664504★	Cadmium metal alloys, dross, flue dust, residues, and scrap (including metallic shapes. (1, 2 and 3) [9]	Lb.	NONF 11	100	RO
	Manganese:				
664841	Manganese copper in crude form, and scrap. (1) [9]	Lb.	NONF	25	RO
664841	Other manganese metal and alloys in crude form, and scrap containing 10 percent or more manganese. (2) [9]	Lb.	MINL	None	RO
	Tungsten:				
664581★	Metal and alloys in crude form, and scrap (specify by name and tungsten content) (include alloy steel scrap containing one percent or more tungsten by weight) [9]	Lb.	MINL	None	RO
	Welding sets (report parts in 709000, 709100 and 709998, accessories in 709898, and protective equipment in 709898):				
709012	Direct current type [9 28]	No.	ELME 4	None	R
709022	Alternating current type [9 28]	No.	ELME 4	None	R
703020★	Electrical quantity and characteristic measuring and testing instruments, and parts (report automotive type electrical testing instruments in 703815): Electric meters, except student type (formerly 703900) [9 25]	No.	ELME 3	None	RO
703020	Other electrical quantity indicating instruments, non-recording, n. e. c., except battery testers, battery hydrometers and cell testers (specify by name) [9]	No.	ELME 3	25	RO
703850★	Parts, n. e. c., specially fabricated for electrometers, except nickel type (formerly 703900) [9]	.....	ELME 3	25	RO
703850	Other parts, n. e. c., specially fabricated for integrating meters (except watt hour), electrical quantity indicating and recording instruments, and electrical testing instruments (specify by name (report potentiometers, x-ray thickness meters, and specially fabricated parts and accessories, n. e. c., in 709000) [9]	.....	ELME 3	25	RO
	Electronic components:				
707803	Electron tubes (report X-ray tubes in 707505 and 707507): Receiving type tubes (specify by name) (formerly 707800) (report television picture tubes in 707815) [9 25]	No.	RARA 51	25	R
707830	Transmitting tubes (formerly 709007) [9 25 26]	No.	RARA 51	25	R
707830	Radio and television receiving type tubes (specify by name (formerly 707810) (report television camera tubes in 707815) [9]	No.	RARA 51	50	RO
707830	Other electron tubes, n. e. c. (specify by name) (formerly 707807) [9]	No.	RARA 51	25	RO
707840	Getters (formerly 709000) [9 25]	.....	RARA 51	25	RO
707840	Tantalum slugs, for radio transmitter and radio receiver tubes (formerly 709000) [9]	.....	MINL	None	RO
707840	Other parts, n. e. c., specially fabricated for radio and television receiving tubes (specify by name) (formerly 709000) [9]	.....	RARA 51	100	RO
707840	Other parts, n. e. c., specially fabricated for electron tubes, specify by name (formerly 709000) (report glass bulb and tube blanks in 709400) [9 25]	.....	RARA 51	100	RO
707850	Crystal diodes and rectifiers (semiconductors), n. e. c. (formerly 707800) [9 25]	No.	RARA 51	25	R
708010	Parts, n. e. c., specially fabricated for capacitors (condensers), resistors, inductors, transformers, and coils (formerly 707900) [9 25]	.....	RARA 52	100	R
708820	Amplifiers, n. e. c., and specially fabricated parts, n. e. c. (formerly 708800) [9 25]	.....	RARA 52	200	R
708850	Magnetic recorders, except tape and wire recorders having a tape path speed of 7½ inches per second or less and specially fabricated parts and accessories, n. e. c., except recording wire and tape [9]	.....	RARA 50	100	R
	Power boilers, and parts:				
713200	Fire tube, having a capacity to generate 15,000 pounds or more of steam per hour at any pressure greater than 15 psig, specify boiler horsepower, steaming capacity and designed operating pressure. [19]	Lbs. per hr. and sq. ft.	GIEQ 23	None	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Power boilers, and parts—Continued				
711300	Water tube, having a capacity to generate 15,000 pounds or more of steam per hour at any pressure greater than 15 psig (specify continuous steaming capacity and designed operating pressure) [14]	.....	GIEQ 23	None	RO
711920	Parts, n. e. c., specially fabricated for power boilers (report boiler tubes shipped as spares or replacements under tubular products according to material) [4]	.....	GIEQ 23	250	RO
711980	Internal combustion engines, n. e. c., and parts, n. e. c.: Engines and parts, n. e. c., for internal combustion engines n. e. c., except aircraft, diesel and semi-diesel motors under 50 horsepower capacity, locomotive, or gasoline (report finished engines or parts in 7099[illegible], 709220, 889[illegible], and 7[illegible]) [1, 2 and 6] [4]	.....	TRAN	250	RO
	Power excavators and dredging machines, and parts:				
720117	Excavator type power cranes and shovels, new (report used in 720[illegible]): Crawler or wheel mounted, full revolving, convertible, over 1 cubic yard clipper capacity, new [1]	No.	CONS 1	None	RO
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for power cranes and shovels designed for airborne transport [1] [10]	.....	CONS	None	RO
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for other full-revolving power cranes and shovels of 2 cubic yard clipper capacity and over [2 and 5] [10]	.....	CONS 1	1,000	RO
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for other full-revolving, new power cranes and shovels of less than 2 cubic yard clipper capacity [3 and 6] [4]	.....	CONS 1	1,000	RO
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for other full-revolving power cranes and shovels [4 and 7] [10]	.....	CONS 1	1,000	R
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for trenchers, ditchers, and excavating loaders [8] [4]	.....	CONS 1	1,000	R
	Crushers, pulverizing and screening machines (mobile, portable, and semi-portable), and parts:				
720315	Crushers, construction and mining types (formerly 7[illegible]) [2] [3]	No.	MINP	None	RO
720315	Other crushers (formerly 7[illegible]) [2] [3]	No.	GIEQ 20	100	R
720355	Crushers, pulverizers, and granulators, construction and mining types (formerly [illegible]) [2] [3]	No.	MINE	None	RO
720355	Other crushers, pulverizers, and granulators (formerly [illegible]) [2] [3]	No.	GIEQ 20	100	R
720395	Screening machines, construction and mining types (formerly 7[illegible]) [2] [3]	No.	MINE	None	RO
720495	Parts, attachments, and accessories, n. e. c., specially fabricated for construction and mining types of crushers, pulverizers, grinders, and other screening machines, and crushing, screening, portable bottom-dump [illegible] [2] [3]	.....	MINE	100	RO
720495	Specially fabricated parts, n. e. c., for crushers and grinders other than construction and mining types (formerly 7[illegible]) [2] [3]	.....	GIEQ 20	100	R

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Earth and rock drilling machines, n. e. c., and parts n. e. c.:				
730870	Rock drill bits, core drill bits, and reamers (including well drilling machine bits and reamers): Rock drill bits, percussion types, containing tungsten carbide [4]	No.	MINE	25	RO
730870	Other bits and reamers containing tungsten carbide [4]	No.	MINE	25	RO
744316	Power driven metalworking machine tools (non-portable), and parts: Riveting and rivet working machines. (1 and 2) [4]	No.	TOOL	250	RO
744383	Accessories and attachments, n. e. c., for power-driven hand portable machine tools, n. e. c.: Accessories and attachments, n. e. c., for machine tools and specially fabricated parts, n. e. c.: Jigs and fixtures, n. e. c., military type, and specially fabricated parts therefor (report assembling jigs and fixtures and accessories therefor in 775998). (2 and 3) [4]	.....	TOOL	None	RO
744383	Other accessories and attachments for use on types of machine tools machinery included on the Positive List under Schedule B numbers 740005 through 744379, except benchcenters; parallels; vee blocks; tool holders (other than screw machine); miscellaneous centers; drill pads and crotch centers; work driving dogs; tee bolts; clamps, and mandrels (4) [4]	.....	TOOL	250	RO
744410	Sheet and plate metalworking presses, except handpowered, and specially fabricated parts, n. e. c. (specify capacity in tons) [4] [24]	.....	TOOL	500	RO
769100	Ball bearings, including all components, and specially fabricated parts except separate balls (report separate balls in 769[illegible], (see § 399.2 of this chapter, Int. 3)). (1 and 2) [4] [9]	.....	GIEQ 3	100	RO
769200	Roller bearings, including all components, and specially fabricated parts except separate rollers (report separate rollers in 769315 (see § 399.2 of this chapter, Int. 3). (1 and 2) [4] [9]	.....	GIEQ 3	100	RO
769310	Balls for bearings (see § 399.2 of this chapter, Int. 3). (1 and 2) [4] [9]	.....	GIEQ 3	100	RO
769315	Rollers for bearings (see § 399.2 of this chapter, Int. 3). (1 and 2) [4] [9]	.....	GIEQ 3	100	RO
770730	Cottrell precipitators (formerly 7[illegible]) [4] [9]	No.	ELME 1	None	R
770790	Parts, n. e. c., specially fabricated for Cottrell precipitators (formerly 7[illegible]) [4] [21]	.....	ELME 1	100	RO
770790★	Other electric precipitators, for air and gas cleaning and purification, and specially fabricated parts, n. e. c. (2) [4]	.....	GIEQ 18	None	RO
771120	Jet ejectors, and specially fabricated parts, n. e. c. (specify type) (1 and 2) [4]	.....	GIEQ 22	None	RO
791113	Amphibian vehicles or carriers, n. e. c. (new), front and rear axle drive or multiple rear axle drive, except armored vehicles or armored carriers [4]	No.	TRAN	None	RO
792720	Vibrators, and specially fabricated parts and accessories, n. e. c. (formerly 709[illegible]) [2] [4]	.....	TRAN 6	500	RO
792730	Parts and accessories, n. e. c., for military automobiles, trucks, busses and tractors [2]	.....	TRAN	100	R
800600	Benzol or benzene (all grades) [4] [23]	Gal.	COTA	500	RO
801100	Toluene or toluol (all grades) [4] [23]	Lb.	COTA	100	RO

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
802581	Coal-tar intermediates, except coal-tar acids: Phthalic anhydride [17]	Lb.	COTA	100	RO
	Plastic and resin materials:				
825200	Synthetic resins in all unfinished and semi-finished forms, except laminated, and except film and sheeting (report laminated plastics in 826010 and 826050, film and sheeting in 0613[illegible] 881500; monofilaments for weaving into fabrics in 584050-584052, and woven fabrics in 5849[illegible]) [4]				
825200	Polychlorostyrene moulding and extrusion compositions (formerly 825210) [4] [24]	Lb.	RESN	250	RO
825200	Other unfinished forms of polydichlorostyrene (dry weight) (formerly 825220) [4] [24] [25]	Lb.	RESN	100	RO
825422	Vinyl chloride, vinylidene chloride, and copolymers thereof, uncompounded (formerly 825421) [4] [24]	Lb.	RESN 66	100	R
825422	Other vinyl and vinyl copolymer resins, uncompounded, formerly 825[illegible]) [4] [24]	Lb.	RESN 66	100	R
825424	Vinyl chloride, vinyl lene chloride, and copolymers thereof, compounded (formerly 825423) [4] [24]	Lb.	RESN 66	100	R
825424	Other vinyl and vinyl copolymer resins, compounded (formerly 825465) [4] [24]	Lb.	RESN 66	100	R
825427	Vinyl and vinyl copolymer resins in semi-finished forms (specify form) [4] [24]	Lb.	RESN 66	100	R
	Synthetic resins, n. e. c., in all unfinished and semi-finished forms, including scrap, except laminated and except film and sheeting:				
825920	Plastic-type nylon (specify manufacturer's type number (formerly 825910) [4] [24]	Lb.	RESN	100	RO
825920★	Tetrafluoroethylene (Teflon) (formerly 825910 and 825950) [4] [24]	Lb.	RESN	1	RO
825920★	Polytrifluorochlorethylene (Kel-F) (formerly 825910 and 825950) [4] [24]	Lb.	RESN	1	RO
825920	Polyethylene (specify whether virgin or scrap) (formerly 825910 and 825950) [4] [24]	Lb.	RESN 68	100	RO
825920	Polyacrylic (formerly 825910 and 825950) [4] [24]	Lb.	RESN 66	100	R
825920	Other synthetic resins, except para coumarone and silicon molding compositions, resins and adhesives (formerly 825910 and 825950) [4] [24]	Lb.	RESN 66	100	R
	Plastic film and sheeting, including printed, embossed, plan shed, or otherwise treated surface:				
825980	Vinyl or vinylidene chloride and copolymers thereof (formerly 825425) [4] [24]	Lb.	RESN 66	250	R
825980	Other vinyl resins (formerly 825465) [4] [24] [25]	Lb.	RESN ■	100	R
825980★	Tetrafluoroethylene (Teflon) (formerly 825950) [4] [24]	Lb.	RESN	1	RO
825980★	Polytrifluorochloroethylene (Kel-F) (formerly 825[illegible]) [4] [24]	Lb.	RESN	1	RO
825980	Polyethylene (specify whether virgin or scrap) (formerly 825[illegible]) [4] [24]	Lb.	RESN 68	100	RO
825980	Polyacrylic (formerly 825950) [4] [24] [25]	Lb.	RESN 66	100	R
825980	Plastic film and sheeting of other resins, except styrene polymer and copolymer resins, alkad resins; tar-acid resins urea-formaldehyde, melamine formaldehyde, and other amine resins (formerly 825950) [4] [24]	Lb.	RESN 66	100	RO
829915	Additives for lubricating and fuel oils (including all agents added to motor oils, fuel oils, engine oil, and greases to increase their effectiveness) (formerly 509900 and 529900) [4] [26] [27] [28]	Lb. or Gal.	PETR	25	RO
	Acids and anhydrides:				
830300	Adipic acid (formerly 802400) [4] [24] [25] [26]	Lb.	COTA 60	100	R
862985★	Organo fluorine compounds (specify by name) (formerly 529[illegible] and 529[illegible]) [4] [24] [25]	Lb.	SALT 1	100	RO
834400	Other bromine, bromides, and bromates, except thallium bromide [4] [24]	Lb.	SALT	100	R
834600	Iodine, iodides and iodates, except red mercury iodide, yellow mercury iodide, and thallium iodide [4]	Lb.	SALT	100	RO
839610	Antimony compounds, except sodium meta-antimonate. (1, 2 and 3) [4]	Lb.	SALT	100	RO
	Metal salts of organic compounds, except paint and varnish driers (specify by name) (report paint and varnish driers in 8[illegible]):				
839730	Cadmium salts (organic compounds. (2 and 3) [4] [24]	Lb.	SALT	25	RO
	Other industrial chemicals:				
839900	Platinum salts and compounds, except chloroplatinic acid (platinic chloride [4] [9]	.....	SALT 62	25	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commerce	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
843900★	Tetrafluoroethylene (Teflon) finishes and enamels. (2) [4] [24]	Gal.	PLAT	1	RO
	Explosives:				
860700	Mercury (mercuric) fulminate (formerly 839000) [4] [24] [25]	Lb.	SALT 64	25	RO
860700	Jet perforators and oil well bullets (formerly 7[illegible]) [4] [24] [25]	Lb.	MINE 4	100	RO
860700	Other explosives, n. s. p. f. (including blasting agents) (specify by name) [4] [9]	Lb.	ORGN	None	RO
919060★	Spectrophotometers, except glossmeters and reflectometers (includes spectroscopes, and spectrometers, including X-ray types) [4] [9]	No.	SATE	None	RO
919060★	Parts, n. e. c., specially fabricated for spectrophotometers, except parts for glossmeters and reflectometers (including diffraction gratings (primary standards), and infrared absorption meters) [4] [9]	.....	SATE	25	RO
919080★	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.: Parts, n. e. c., specially fabricated for densitometers, and laboratory substance particle-size analyzers. (1) [4]	.....	SATE	25	RO
948160	Components and parts, n. e. c., manufactured of brass or bronze, for small arms ammunition (specify by name). (1, 2, and 3) [4]	.....	NONF	100	RO
948250	Components and parts, n. e. c., specially fabricated for artillery, naval gun and mortar ammunition: Components and parts, n. e. c., manufactured of brass or bronze, for artillery, naval gun and mortar ammunition. (1 and 2) (specify by name) [4]	.....	NONF	100	RO

[1] The GLV dollar value is increased.
[2] The GLV dollar value limit is decreased, effective January 21, 1954.
[3] The processing code is changed or related commodity group number is changed (see § 372.2 (b) and (c)).
[4] The letter "A" is added in the column headed "Commodity Lists," indicating that the commodity is subject to the IC/DV procedure (see § 372.2), effective March 1, 1954.
[5] The letter "A" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the IC/DV procedure (see § 372.2).
[6] The letter "B" is added in the column headed "Commodity Lists," indicating that the commodity is subject to DL restrictions (see § 374.2), and is excepted from the Time Limit licensing procedure (see Part 377), effective February 13, 1954.
[7] The letter "B" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to DL restrictions (see § 374.2), and is no longer excepted from the Time Limit licensing procedure (see Part 377).
[8] The letter "D" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to evidence of availability requirements (see § 373.3).
[9] The letter "E" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under the Periodic Requirements licensing procedure (see Part 376).
[10] The letter "E" is deleted in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the Periodic Requirements licensing procedure (see Part 376), effective February 13, 1954.
[11] The letter "F" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under the Foreign Distribution licensing procedure (see Part 378).
[12] The commodity description is revised without substantive change.
[13] The unit of quantity is changed.
[14] Revised to conform with revisions in Schedule B, Statistical Classifications of Domestic and Foreign Commodities Exported from the United States as announced in P. B. B. 6, issued December 11, 1953, by Bureau of the Census.
[15] The Schedule B number is changed.
[16] All commodities presently classified under this Schedule B number are included in this entry. Accordingly, nonpetroleum formerly classified under Schedule B No. 504900 are added, effective January 21, 1954, and are subject to footnotes 4, 6, 12 and 23; isooctane formerly included in Schedule B No. 501900 is subject to footnotes 6 and 24; and isobutanes and isohexanes formerly included in Schedule B No. 501900 are subject to footnotes 1 (R and O country destinations other than Mexico), 2 (Mexico only), 4, 6, 11 and 24.
[17] The entry as revised includes: (1) the commodities formerly listed in the first, second and fourth entries on the Positive List under this Schedule B number; (2) amylenes, normal hexanes, octylens, pentanes and pentenes formerly included under Schedule B No. 501400; and (3) heptanes, hexenes, and pentanes formerly included under Schedule B No. 505000. The GLV dollar value limit for cyclohexane formerly included under the first entry for Schedule B No. 541900 and for the commodities formerly included under Schedule B No. 501400 is reduced from $100 to $25 for R and O destinations with the exception of Mexico, effective January 21, 1954; the GLV dollar-value limit for shipments to Mexico of all commodities in this entry is now $1,000. The commodities included in this revised entry may be exported under both the Periodic Requirements and the Foreign Distribution licensing procedure. (See Parts 376 and 377).
[18] The GLV dollar-value limit for shipment to Mexico is $1,000.

[24] Polybutene, formerly classified under Schedule B No. 200998, is included in this entry, effective January 21, 1954, and is subject to footnotes 4, 10, 12 and 24.

[25] Petro resin (petroleum residue), formerly classified under Schedule B No. 505900, is included in this entry, and is subject to footnotes 1, 10 and 24.

[26] All manufactured abrasives classified under Schedule B No. 541140, other than boron carbide, deleted from the Positive List.

[27] Packaged extender pigments were formerly classified under Schedule B No. 840500.

[28] The requirement to specify grade of steel is added.

[29] Nickel slugs are now included under Schedule B No. 654502.

[30] Tin slugs are now included under Schedule B No. 656507.

[31] Effective 12:01 a. m., January 1, 1954, all cathode-ray tubes, some of which were formerly licensed by Department of State, are now licensed by Bureau of Foreign Commerce. All outstanding licenses for cathode ray tubes issued by the Department of State prior to January 1, 1954, remain valid until they expire or are revoked.

[32] Effective 12:01 a. m., January 1, 1954. Doppler equipment was formerly licensed by the Department of State. Other electronic detection and navigational apparatus, some of which was formerly licensed by Bureau of Foreign Commerce, is now licensed by Department of State. All outstanding licenses issued by the Department of State or Bureau of Foreign Commerce prior to January 1, 1954, remain valid until they expire or are revoked.

[33] Effective 12:01 a. m., January 1, 1954, telemetering equipment, formerly licensed by Department of State, is now licensed by Bureau of Foreign Commerce. All outstanding licenses for telemetering equipment issued by the Department of State prior to January 1, 1954, remain valid until they expire or are revoked.

[34] Tape and wire recorders having a transport speed of 7½ inches per second or less, specially fabricated parts and accessories therefor, and all recording wire and tape are deleted.

[35] The steaming capacity of the boilers is changed from 9,000 pounds to 15,000 pounds.

[36] Steam specialties classified under this Schedule B number are deleted.

[37] Phthalic acid, formerly classified under Schedule B No. 8092490, is included in this entry, effective January 21, 1954, and is subject to footnotes 4, 10 and 12.

[38] Unfinished forms of styrene copolymers, formerly included under Schedule B No. 825250, are deleted from the Positive List.

[39] Additives not of petroleum origin, formerly Schedule B No. 829990, are also subject to footnotes 2, 3, 10 and 19.

[40] "Fluorinated aliphatic and alicyclic hydrocarbons or halocarbons," formerly 832990, are subject to footnotes 1, 3 and 4; "Other chlorodifluoromethanes" and "Other organofluorine compounds," formerly 839100, are subject to footnote 1.

[41] Thallium bromide was formerly classified under Schedule B No. 839900.

[42] Red mercury iodide, yellow mercury iodide, and thallium iodide were formerly classified under Schedule B No. 839990.

[43] Chloroplatinic acid (platinic chloride) was formerly classified under Schedule B No. 839980.

[44] Glassmeters and specially fabricated parts were formerly classified under Schedule B No. 919066.

[45] Effective 12:01 a. m., January 1, 1954, all supersonic generators and parts, some of which were formerly licensed by Department of State, are now licensed by Bureau of Foreign Commerce. All outstanding licenses for supersonic generators and parts issued by the Department of State prior to January 1, 1954, remain valid until they expire or are revoked.

★ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License *GIT*. See § 371.9 (c) of this chapter.

This part of the amendment shall become effective as of January 14, 1954, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 3 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., January 21, 1954, may be exported under the previous general license provisions up to and including February 13, 1954. Any such shipment not laden aboard the exporting carrier on or before February 13, 1954, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. Sup. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-475; Filed, Jan. 26, 1954; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6097]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HUBER HOGE AND SONS ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety;* § 3.205 *Scientific or other relevant facts.* In connection with the offering for sale, sale, or distribution of the book entitled "TV Owner's Guide to Operation and Repair", whether sold under the same or any other name, or any book of substantially the same contents, in commerce: (1) Representing that ownership of and compliance with the instructions set forth in the "TV Owner's Guide to Operation and Repair" will enable a television set owner to maintain his set in perfect operating condition or prevent major breakdowns; (a) trace the source of all troubles; (b) make all needed repairs; (c) locate or replace all worn-out parts; (d) convert television sets to color; (e) save any stated amount in service charges; (f) obtain a discount upon purchase of a television set; (2) representing that said book gives an effective method of detecting defective tubes; (3) representing that, by following the instructions in said book, repairs or replacements may be made without danger; and (4) misrepresenting the distance from transmitting stations at which television sets, maintained in accordance with the instructions in said book, will give sharp and distinct reception; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Huber Hoge and Sons et al., New York, N. Y., Docket 6097, December 16, 1953]

In the Matter of Cecil C. Hoge, Hamilton Hoge, John Hoge, Sidney C. Hoge and Barbara Obolensky, Individuals and Copartners Doing Business as Huber Hoge & Sons; Harry Schneiderman, an Individual Doing Business as Bedford Company; and Louis Linetsky, an Individual also known as Louis Linett

This proceeding was instituted by complaint which charged respondents with unfair and deceptive acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated December 17, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on December 16, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

It is ordered, That respondents Cecil C. Hoge, Hamilton Hoge, John Hoge, Sidney C. Hoge and Barbara Obolensky, individually and as copartners doing business under the name of Huber Hoge and Sons, or under any other name, and respondent Harry Schneiderman, doing business under the name of Bedford Company or under any other name, and respondent Louis Linetsky, also known as Louis Linett, and the respective respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the book entitled "TV Owner's Guide to Operation and Repair," whether sold under the same or any other name, or any book of substantially the same contents, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that ownership of and compliance with the instructions set forth in the "TV Owner's Guide to Operation and Repair" will enable a television set owner to maintain his set in perfect operating condition or prevent major breakdowns;

(a) Trace the source of all troubles;

(b) Make all needed repairs;

(c) Locate or replace all worn-out parts;

(d) Convert television sets to color;

(e) Save any stated amount in service charges;

(f) Obtain a discount upon purchase of a television set.

2. Representing that said book gives an effective method of detecting defective tubes.

3. Representing that, by following the instructions in said book, repairs or replacements may be made without danger.

4. Misrepresenting the distance from transmitting stations at which television sets, maintained in accordance with the instructions in said book, will give sharp and distinct reception.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 17, 1953.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-545; Filed, Jan. 26, 1954; 8:51 a. m.]

[1] Filed as part of the original document.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

[Hearing Docket CE P 9]

PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

LIMITS ON POSITION AND DAILY TRADING IN COTTONSEED OIL FOR FUTURE DELIVERY

Findings of fact. Pursuant to the provisions of section 4a of the Commodity Exchange Act (7 U. S. C. 6a), the Commodity Exchange Commission, after investigation and full consideration of the record made at a public hearing held in Washington, D. C., on May 25, and in Chicago, Ill., on July 13 and 14, 1953, of which due public notice had been given and at which all persons were given opportunity to hear, present, refute, and comment on the evidence in the premises, and after reconsideration of the record in Hearing Docket CE–P 8, and of the findings, conclusions, and order applicable to cottonseed oil issued by the Commission on January 16, 1953 (18 F. R. 443), finds:

(a) Except as specifically modified herein, the findings set forth in the order applicable to cottonseed oil, issued by the Commission on January 16, 1953 (Hearing Docket CE–P 8), are hereby confirmed;

(b) The record in Hearing Docket CE–P 9, the factual testimony of persons engaged in processing cottonseed oil, and the experience of the Commodity Exchange Authority in the enforcement of the order issued January 16, 1953 (Hearing Docket CE–P 8), indicate the existence of problems in the hedging use of edible fat and oil futures and in inventory accounting and management, which are peculiar to edible fats and oils and are not generally present in the enforcement of trading and position limits heretofore fixed by the Commission in respect to other commodities;

(c) Processors and merchandisers of and dealers in edible fats and oils under existing conditions do not always find their best opportunity to hedge in the futures of the particular fat or oil they desire to hedge and, therefore, find it necessary at times to hedge one fat or oil in the futures of a different fat or oil. Such transactions do not qualify as bona fide hedging transactions under the provisions of section 4a (3) of the Commodity Exchange Act. However, the Commodity Exchange Commission has wide discretion in fixing trading and position limits for different kinds of transactions and may exempt certain transactions from such limits;

(d) There is justification for the sale of, and a net short position in, cottonseed oil for future delivery on or subject to the rules of a contract market, by a processor of edible oil-bearing seeds or similar oil-bearing raw materials, to the extent that such sale, or net short position, is offset in quantity by the oil content of such edible oil-bearing seeds or similar oil-bearing raw materials owned or purchased by such processor, provided the price risk incident to such ownership or purchase is not otherwise offset;

(e) The limits on position and daily trading in cottonseed oil for future delivery proclaimed and fixed by the order of the Commission issued January 16, 1953, effective on and after April 1, 1953 (Hearing Docket CE–P 8), do not purport and are not required to be in amounts which precisely fit every situation at all times and under all conditions. Such limits are necessarily fitted to average conditions and normal expectancies, based on past experience, extent of market activity, and relationships between total open contracts and the portions thereof considered excessive for any person to hold or control; and

(f) Open contracts in cottonseed oil futures have declined steadily during the period beginning with February 1952 (14 months before the order became effective) through November 1953, and during most of this period speculative activity also declined markedly. The decline in open contracts and speculative activity is a reflection in part of a large increase in stocks of cottonseed oil held under the price support program and a decrease in commercial stocks. As of November 1953, open contracts were far below the levels regarded as normal at the time the limits on trading and position were considered in Hearing Docket CE–P 8. A decrease in open contracts does not warrant an increase in the size of speculative trading and position limits, but in view of these recent patterns of trading and levels of speculative activity, such limits may appropriately be held in abeyance until such time as shall be fixed hereafter by the Commission pursuant to notice published in the FEDERAL REGISTER.

Conclusions. Upon the foregoing facts, it is concluded that the order issued by the Commodity Exchange Commission on January 16, 1953, effective April 1, 1953, in the matter of limits on position and daily trading in cottonseed oil for future delivery (Hearing Docket CE–P 8; 18 F. R. 443), should be and is hereby amended to read as follows:

§ 150.6 *Limits on position and daily trading in cottonseed oil for future delivery.* The following limits on the amount of trading under contracts of sale of cottonseed oil for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in cottonseed oil on or subject to the rules of any one contract market is 3,600,000 pounds in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of cottonseed oil which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 3,600,000 pounds in any one future or in all futures combined.

(c) *Exemptions.* The foregoing limits upon position and upon daily trading shall not be construed to apply to:

(1) Bona fide hedging transactions, as defined in section 4a (3) of the Commodity Exchange Act (7 U. S. C. 6a (3));

(2) Transactions or net positions in cottonseed oil futures by a processor or merchandiser of or dealer in an edible fat or oil other than cottonseed oil, to the extent that the bona fide purpose and the reasonable effect of such transactions or positions are to offset the price risk incident to the ownership, purchase, or sale of such edible fat or oil, provided such price risk is not otherwise offset; nor

(3) Sales or net short positions (or the closing out thereof) by a processor of edible oil-bearing seeds or similar oil-bearing raw materials, to the extent that such sales or net short positions are offset in quantity by the oil content of such edible oil-bearing seeds or similar oil-bearing raw materials owned or purchased by such processor, provided the price risk incident to such ownership or purchase is not otherwise offset.

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5 (d) of the Commodity Exchange Act (7 U. S. C. 7 (d)) to prevent manipulation and corners.

(e) *Definition.* As used in this section the word "person" includes individuals, associations, partnerships, corporations, and trusts.

(f) *Effective date.* The position and daily trading limits proclaimed and fixed in this section shall be in full force and effect on and after such date as shall hereafter be announced by the Commodity Exchange Commission, by notice published in the FEDERAL REGISTER at least 30 days prior to such effective date.

(Sec. 4a, 49 Stat. 1492; 7 U. S. C. 6a)

This amendment shall become effective January 22, 1954.

The effect of this amendment is to exempt additional transactions and positions from the limits on position and daily trading in cottonseed oil for future delivery and to suspend such limits until such date as shall hereafter be fixed by the Commission. Since the amendment will operate to relieve or liberalize existing restrictions and will not adversely affect the public, it is hereby found upon good cause, in accordance with section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)), that the amendment should be made effective

within less than 30 days after publication in the FEDERAL REGISTER.

Issued this 22d day of January 1954.

COMMODITY EXCHANGE COMMISSION,
[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture, Chairman.
SINCLAIR WEEKS,
Secretary of Commerce.
HERBERT BROWNELL, JR.,
Attorney General.

[F. R. Doc. 54-539; Filed, Jan. 26, 1954; 8:49 a. m.]

[Hearing Docket CE-P 9]

PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

LIMITS ON POSITION AND DAILY TRADING IN SOYBEAN OIL FOR FUTURE DELIVERY

Findings of fact. Pursuant to the provisions of section 4a of the Commodity Exchange Act (7 U. S. C. 6a), the Commodity Exchange Commission, after investigation and full consideration of the record made at a public hearing held in Washington, D. C., on May 25, and in Chicago, Ill., on July 13 and 14, 1953, of which due public notice had been given and at which all persons were given opportunity to hear, present, refute, and comment on the evidence in the premises, and after reconsideration of the record in Hearing Docket CE-P 8, and of the findings, conclusions, and order applicable to soybean oil issued by the Commission on January 16, 1953 (18 F. R. 444), finds:

(a) Except as specifically modified herein, the findings set forth in the order applicable to soybean oil, issued by the Commission on January 16, 1953 (Hearing Docket CE-P 8), are hereby confirmed;

(b) The record in Hearing Docket CE-P 9, the factual testimony of persons engaged in processing soybean oil, and the experience of the Commodity Exchange Authority in the enforcement of the order issued January 16, 1953 (Hearing Docket CE-P 8), indicate the existence of problems in the hedging use of edible fat and oil futures and in inventory accounting and management, which are peculiar to edible fats and oils and are not generally present in the enforcement of trading and position limits heretofore fixed by the Commission in respect to other commodities;

(c) Processors and merchandisers of and dealers in edible fats and oils under existing conditions do not always find their best opportunity to hedge in the futures of the particular fat or oil they desire to hedge and, therefore, find it necessary at times to hedge one fat or oil in the futures of a different fat or oil. Such transactions do not qualify as bona fide hedging transactions under the provisions of section 4a (3) of the Commodity Exchange Act. However, the Commodity Exchange Commission has wide discretion in fixing trading and position limits for different kinds of transactions and may exempt certain transactions from such limits;

(d) There is justification for the sale of, and a net short position in, soybean oil for future delivery on or subject to the rules of a contract market, by a processor of edible oil-bearing seeds or similar oil-bearing raw materials, to the extent that such sale, or net short position, is offset in quantity by the oil content of such edible oil-bearing seeds of similar oil-bearing raw materials owned or purchased by such processor, provided the price risk incident to such ownership or purchase is not otherwise offset;

(e) The limits on position and daily trading in soybean oil for future delivery proclaimed and fixed by the order of the Commission issued January 16, 1953, effective on and after April 1, 1953 (Hearing Docket CE-P 8), do not purport and are not required to be in amounts which precisely fit every situation at all times and under all conditions. Such limits are necessarily fitted to average conditions and normal expectancies, based on past experience, extent of market activity, and relationships between total open contracts and the portions thereof considered excessive for any one person to hold or control; and

(f) Open contracts in soybean oil futures on the two contract markets declined markedly during the period beginning with December 1952 (four months before the order became effective) through August 1953, and during this period speculative activity also showed a downward tendency. Open contracts have increased since August 1953, but as of November 1953 open contracts on both markets combined were appreciably below the levels in November of the three prior years, and on the Chicago Board of Trade were much below the levels which (with due allowance for a new and growing market) were regarded as normal at the time the limits on trading and position were considered in Hearing Docket CE-P 8. A decrease in open contracts does not warrant an increase in the size of speculative trading and position limits, but in view of these recent patterns of trading and levels of speculative activity, such limits may appropriately be held in abeyance until such time as shall be fixed hereafter by the Commission pursuant to notice published in the FEDERAL REGISTER.

Conclusions. Upon the foregoing facts, it is concluded that the order issued by the Commodity Exchange Commission on January 16, 1953, effective April 1, 1953, in the matter of limits on position and daily trading in soybean oil for future delivery (Hearing Docket CE-P 8; 18 F. R. 444), should be and is hereby amended to read as follows:

§ 150.7 *Limits on position and daily trading in soybean oil for future delivery.* The following limits on the amount of trading under contracts of sale of soybean oil for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in soybean oil on or subject to the rules of any one contract market is 3,000,000 pounds in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of soybean oil which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 3,000,000 pounds in any one future or in all futures combined.

(c) *Exemptions.* The foregoing limits upon position and upon daily trading shall not be construed to apply to:

(1) Bona fide hedging transactions, as defined in section 4a (3) of the Commodity Exchange Act (7 U. S. C. 6a (3));

(2) Transactions or net positions in soybean oil futures by a processor or merchandiser of or dealer in an edible fat or oil other than soybean oil, to the extent that the bona fide purpose and the reasonable effect of such transactions or positions are to offset the price risk incident to the ownership, purchase, or sale of such edible fat or oil, provided such price risk is not otherwise offset; nor

(3) Sales or net short positions (or the closing out thereof) by a processor of edible oil-bearing seeds or similar oil-bearing raw materials, to the extent that such sales or net short positions are offset in quantity by the oil content of such edible oil-bearing seeds or similar oil-bearing raw materials owned or purchased by such processor, provided the price risk incident to such ownership or purchase is not otherwise offset.

(d) *Manipulation corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5 (d) of the Commodity Exchange Act (7 U. S. C. 7 (d)) to prevent manipulation and corners.

(e) *Definition.* As used in this section the word "person" includes individuals, associations, partnerships, corporations, and trusts.

(f) *Effective date.* The position and daily trading limits proclaimed and fixed in this section shall be in full force and effect on and after such date as shall hereafter be announced by the Commodity Exchange Commission, by notice published in the FEDERAL REGISTER at least 30 days prior to such effective date.

(Sec. 4a, 49 Stat. 1492; 7 U. S. C. 6a)

This amendment shall become effective January 22, 1954.

The effect of this amendment is to exempt additional transactions and positions from the limits on position and daily trading in soybean oil for future delivery and to suspend such limits until such date as shall hereafter be fixed by the Commission. Since the amendment will operate to relieve or liberalize existing restrictions and will not adversely affect the public, it is hereby found upon good cause, in accordance with section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)), that the amendment should be made effective within less

than 30 days after publication in the FEDERAL REGISTER.

Issued this 22d day of January 1954.

COMMODITY EXCHANGE COMMISSION,
[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture, Chairman.
SINCLAIR WEEKS,
Secretary of Commerce.
HERBERT BROWNELL, JR.,
Attorney General.

[F. R. Doc. 54-537; Filed, Jan. 26, 1954; 8:48 a. m.]

[Hearing Docket CE-P 9]

PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

LIMITS ON POSITION AND DAILY TRADING IN LARD FOR FUTURE DELIVERY

Findings of fact. Pursuant to the provisions of section 4a of the Commodity Exchange Act (7 U. S. C. 6a), the Commodity Exchange Commission, after investigation and full consideration of the record made at a public hearing held in Washington, D. C., on May 25, and in Chicago, Ill., on July 13 and 14, 1953, of which due public notice had been given and at which all persons were given opportunity to hear, present, refute, and comment on the evidence in the premises, and after reconsideration of the record in Hearing Docket CE-P 8, and of the findings, conclusions, and order applicable to lard issued by the Commission on January 16, 1953 (18 F. R. 444), finds:

(a) Except as specifically modified herein, the findings set forth in the order applicable to lard, issued by the Commission on January 16, 1953 (Hearing Docket CE-P 8), are hereby confirmed;

(b) The record in Hearing Docket CE-P 9, the factual testimony of persons engaged in processing lard, and the experience of the Commodity Exchange Authority in the enforcement of the order issued January 16, 1953 (Hearing Docket CE-P 8), indicate the existence of problems in the hedging use of edible fat and oil futures and in inventory accounting and management, which are peculiar to edible fats and oils and are not generally present in the enforcement of trading and position limits heretofore fixed by the Commission in respect to other commodities;

(c) Processors and merchandisers of and dealers in edible fats and oils under existing conditions do not always find their best opportunity to hedge in the futures of the particular fat or oil they desire to hedge and, therefore, find it necessary at times to hedge one fat or oil in the futures of a different fat or oil. Such transactions do not qualify as bona fide hedging transactions under the provisions of section 4a (3) of the Commodity Exchange Act. However, the Commodity Exchange Commission has wide discretion in fixing trading and position limits for different kinds of transactions and may exempt certain transactions from such limits;

(d) There is justification for the sale of, and a net short position in, lard for future delivery on or subject to the rules of a contract market, by a packer or processor of lard to the extent that such sale, or net short position, is offset in quantity by the lard yield of live or dressed hogs owned or purchased by such packer or processor, provided the price risk incident to such ownership or purchase is not otherwise offset;

(e) The limits on position and daily trading in lard for future delivery proclaimed and fixed by the order of the Commission issued January 16, 1953, effective on and after April 1, 1953, (Hearing Docket CE-P 8), do not purport and are not required to be in amounts which precisely fit every situation at all times and under all conditions. Such limits are necessarily fitted to average conditions and normal expectancies, based on past experience, extent of market activity, and relationships between total open contracts and the portions thereof considered excessive for any person to hold or control; and

(f) Open contracts in lard futures have shown a downward tendency during the period beginning with September 1952 (seven months before the order became effective) through November 1953, and during most of this period speculative activity was also reduced. As of November 1953, open contracts were far below the levels regarded as normal at the time the limits on trading and position were considered in Hearing Docket CE-P 8. A decrease in open contracts does not warrant an increase in the size of speculative trading and position limits, but in view of these recent patterns of trading and levels of speculative activity such limits may appropriately be held in abeyance until such time as shall be fixed hereafter by the Commission pursuant to notice published in the FEDERAL REGISTER.

Conclusions. Upon the foregoing facts, it is concluded that the order issued by the Commodity Exchange Commission on January 16, 1953, effective April 1, 1953, in the matter of limits on position and daily trading in lard for future delivery (Hearing Docket CE-P 8; 18 F. R. 444), should be and is hereby amended to read as follows:

§ 150.8 *Limits on position and daily trading in lard for future delivery.* The following limits on the amount of trading under contracts of sale of lard for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in lard on or subject to the rules of any one contract market is 1,600,000 pounds in any one future or in all futures combined.

(b) *Daily trading limit.* The limit on the maximum amount of lard which any person may buy, and on the maximum amount which any person may sell, on or subject to the rules of any one contract market during any one business day is 1,600,000 pounds in any one future or in all futures combined.

(c) *Exemptions.* The foregoing limits upon position and upon daily trading shall not be construed to apply to:

(1) Bona fide hedging transactions, as defined in section 4a (3) of the Commodity Exchange Act (7 U. S. C. 6a (3));

(2) Transactions or net positions in lard futures by a processor or merchandiser of or dealer in an edible fat or oil other than lard, to the extent that the bona fide purpose and the reasonable effect of such transactions or positions are to offset the price risk incident to the ownership, purchase, or sale of such edible fat or oil, provided such price risk is not otherwise offset; nor

(3) Sales or net short positions (or the closing out thereof) by a packer or processor of lard to the extent that such sales or net short positions are offset in quantity by the lard yield of live or dressed hogs owned or purchased by such packer or processor, provided the price risk incident to such ownership or purchase is not otherwise offset.

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained in this section shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5 (d) of the Commodity Exchange Act (7 U. S. C. 7 (d)) to prevent manipulation and corners.

(e) *Definition.* As used in this section the word "person" includes individuals, associations, partnerships, corporations, and trusts.

(f) *Effective date.* The position and daily trading limits proclaimed and fixed in this section shall be in full force and effect on and after such date as shall hereafter be announced by the Commodity Exchange Commission, by notice published in the FEDERAL REGISTER at least 30 days prior to such effective date.

(Sec. 4a, 49 Stat. 1492; 7 U. S. C. 6a)

This amendment shall become effective January 22, 1954.

The effect of this amendment is to exempt certain transactions and positions from the limits on position and daily trading in lard for future delivery and to suspend such limits until such date as shall hereafter be fixed by the Commission. Since the amendment will operate to relieve or liberalize existing restrictions and will not adversely affect the public, it is hereby found upon good cause, in accordance with section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)), that the amendment should be made effective within less than 30 days after publication in the FEDERAL REGISTER.

Issued this 22d day of January, 1954.

COMMODITY EXCHANGE COMMISSION,
[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture, Chairman.
SINCLAIR WEEKS,
Secretary of Commerce.
HERBERT BROWNELL, JR.,
Attorney General.

[F. R. Doc. 54-538; Filed, Jan. 26, 1954; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

DEFERMENT FROM INDUCTION FOR AIR FORCE ROTC STUDENTS UNDER THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT

Sections 862.76 to 862.88 (32 CFR 862.76 to 862.88) are revoked and the following new sections are issued in lieu thereof:

Sec.
862.76 Purpose.
862.77 Policy.
862.78 Definitions.
862.79 General information.
862.80 Deferment quotas.
862.81 Selection of students for deferment.
862.82 Obligation of students.
862.83 Period of deferment.
862.84 Preparation of AF Form 1041.
862.85 Cancellation of deferment.
862.86 Notification of local boards.
862.87 Concurrent membership in the Reserve of the Armed Forces and the Air Force ROTC.

AUTHORITY: §§ 862.76 to 862.87 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 3, 6, 12, 62 Stat. 605, 609, 622, as amended; 50 U. S. C. App., 453, 456, 462.

SOURCE: AFR 45–52.

§ 862.76 *Purpose.* Sections 862.76 to 862.87 prescribe the procedure by which certain members of the Air Force Reserve Officers' Training Corps (ROTC) may be deferred from induction under the Universal Military Training and Service Act (62 Stat. 604, as amended, 50 U. S. C. App., 451–470).

§ 862.77 *Policy.* The Air Force ROTC deferment procedure is designed solely to enable selected members of the Air Force ROTC to qualify for appointment as commissioned officers of a component of the Air Force through uninterrupted completion of academic and military courses. The Air Force will not select for deferment a student who cannot ultimately qualify for a commissioned appointment through enrollment and training afforded by the Air Force ROTC, or who evidences lack of desire to become an officer of the Air Force.

§ 862.78 *Definitions.* Except where specifically stated otherwise, the following definitions will apply:

(a) *Advanced course.* Includes the Air Force ROTC camp prescribed by the law.

(b) *In good standing.* Refers to student status which meets or exceeds minimum institutional retention standards. A student is "in good standing" if he is so certified by the registrar of the institution in which he is enrolled.

(c) *PAST.* Professor of air science and tactics.

(d) *Authorized periods of nonattendance.* Refers to:

(1) Regularly scheduled vacation periods.

(2) Periods of sick leave authorized by the PAST.

(3) Periods of leave from the military course of instruction when authorized by the Commandant, Air Force ROTC.

(4) Periods of regularly scheduled on-the-job training under a cooperative plan.

(5) Periods of nonattendance between completion of the Air Force ROTC program and completion of the academic course, when authorized by the Commandant, Air Force ROTC.

(e) *Commandant, Air Force ROTC.* A commander subordinate to the Commander, Air University, responsible for the field activities of the Air Force ROTC program.

(f) *Between the ages of 18 and 26.* Refers to persons who have attained the 18th anniversary of the date of their birth, and who have not attained the 26th anniversary of the date of their birth.

(g) *Deferment.* Deferment from induction and does not include or imply a delay in reporting for active military service pursuant to orders or call to such service where the student is concurrently a member of a Reserve component of the Air Force (Air National Guard of the United States or Air Force Reserve). Enrollment in the Air Force ROTC or deferment from induction under §§ 862.76 to 862.87 do not in themselves establish status as a member of a component of the Air Force.

§ 862.79 *General information.* (a) To be deferred from induction, Air Force ROTC students selected for enrollment or continuance in the ROTC program within numbers prescribed by the Secretary of Defense must agree in writing to accept a commission, if tendered, and subsequent to receipt of such commission, to serve, subject to the order of the Secretary of the Air Force, for not less than 2 years on active duty, and to remain a member of a Regular or Reserve component until the eighth anniversary of the receipt of commission.

(b) Students enrolled in the Air Force ROTC who desire to execute a deferment agreement will have explained to them by the professor of air science and tactics or designated officer representative the obligations which they will incur under the Universal Military Training and Service Act.

(c) Air Force ROTC students granted deferment from induction by the Selective Service System will be required to register under section 3 of the Universal Military Training and Service Act (sec. 3, 62 Stat. 605, as amended; 50 U. S. C. App., 453), if between the ages of 18 and 26, on the day or days proclaimed by the President.

§ 862.80 *Deferment quotas.* Air Force ROTC students may be selected for deferment by the PAST within the limiting numbers specified by the Department of the Air Force in accordance with instructions issued for that purpose. Specific deferment quotas will be allotted by Headquarters Air Force ROTC.

§ 862.81 *Selection of students for deferment.* (a) *By PAST.* To be deferred from induction under section 6 (d) (1) of the Universal Military Training and Service Act (sec. 6 (d) (1), 62 Stat. 611, as amended; 50 U. S. C. App., 456), the student must be selected for deferment by the PAST.

(b) *Establishment of boards.* The PAST, in conjunction with the institutional authorities, will establish a board or boards which will recommend to the PAST students for deferment. Each board will be composed of not less than three members and will include representatives of the Air Force and academic faculties. The academic faulty will not constitute a majority of the board.

(c) *Air Science I enrollees.* Air Science I fall enrollees will not be deferred prior to February 16. Midyear Air Science I enrollees will not be deferred until after the completion of one academic semester or quarter at the institution, and only after the PAST has verified the students' academic and Air Force ROTC grades to determine that they meet the acceptable standards.

(d) *Redeferments.* Students who were deferred and whose deferments were subsequently canceled are not again eligible for deferment under §§ 862.76 to 862.87 without the approval of the Commandant, Air Force ROTC, in each individual instance. In submitting requests for redeferment authorization, PASTs will provide a transcript of the applicant's academic and military course record, letters attesting to the status of the applicant in the institution and the Air Force ROTC program, and a chronological brief of his academic, Air Force ROTC, and Selective Service relationships.

§ 862.82 *Obligation of student.* (a) All students accepted for formal enrollment in the Air Force ROTC course are required to execute AF Form 1041, "Deferment Agreement," prior to signing an advanced course contract, unless, because of prior active military service, they are not liable for induction under the Universal Military Training and Service Act.

(b) Students who sign AF Form 1041 agree to:

(1) Complete the basic course, if enrolled therein, and at the proper time enroll in and complete the advanced course, if accepted therefor.

(2) Accept appointment as a commissioned officer in a component of the Air Force, if tendered.

(3) Serve on active duty for a period of not less than 2 years after receipt of commission, if so ordered by the Secretary of the Air Force.

(4) Remain a member of a Regular or Reserve component of the Air Force of which he becomes a member until the eighth anniversary of receipt of commission.

(c) A student, otherwise currently liable for induction under existing law, who voluntarily signs AF Form 1041, is bound by the provisions of the deferment agreement and, upon failure or refusal to fulfill the terms of that agreement, may be subject to prosecution as prescribed in section 12 of the Universal Military Training and Service Act (sec. 12, 62 Stat. 622, 50 U. S. C. App., 462).

(d) Students permitted to pursue Air Force ROTC training as informally enrolled students are not eligible for deferment under section 6 (d) (1) of the Universal Military Training and Service Act (sec. 6 (d) (1), 62 Stat. 611, as amended; 50 U. S. C. App., 456).

§ 862.83 *Period of deferment.* (a) Students selected for deferment may be deferred from induction for training and service under the Universal Military Training and Service Act until completion of the unfinished portion of both the Air Force ROTC course and the academic course required for a commission, provided that they remain in good standing in academic courses, satisfy Air Force ROTC standards, and their attendance is continuous except for authorized periods of nonattendance as outlined in § 862.78 (d).

(b) Students who complete Air Science IV (including Air Force ROTC camp training) prior to completion of the educational course will continue to be deferred from induction pending completion of the educational course, provided that they meet the requirements of paragraph (a) of this section. When a student is permitted to transfer to a new academic course, and when such transfer will result in the extension of the period of instruction beyond the normal date of completion of the original course, his deferment may be extended, at the discretion of the Commandant, Air Force ROTC, for not more than one year beyond the normal date of completion of the original course. Students in both of these categories will be charged against the quota allocated the unit.

(c) Students who have been authorized by the Commandant, Air Force ROTC to postpone attendance of the Air Force ROTC camp will be deferred from induction pending completion of camp training. Postponement of Air Force ROTC camp attendance beyond the summer following completion of academic work will not be authorized and the deferment of students who cannot complete camp during the specified period will be canceled.

(d) PASTs will maintain strict control over deferments. All allocated deferment spaces will, at the end of each semester or quarter, be reviewed to ascertain whether each student is entitled to continuance of his deferment.

§ 862.84 *Preparation of AF Form 1041.* (a) AF Form 1041 will be prepared in triplicate and distributed as follows:

(1) The original and first carbon will be retained by the PAST. Final disposition of the original will be made as indicated in paragraph (b) of this section.

(2) The second carbon will be furnished the student concerned.

(b) The PAST will retain the original until the student makes application for appointment as a commissioned officer, or until his status as a member of the Air Force ROTC is terminated. If the student successfully completes all requirements for appointment, the original of the agreement will be attached to AF Form 24, "Application for Appointment in the Air Force Reserve," at the time the application is forwarded to Headquarters Air Force ROTC. If the status of the student as a member of the Air Force ROTC is terminated, the original of the agreement will be retained as part of the student's file at the institution AF Form 1041 will not be forwarded to Selective Service System boards.

(c) The student will sign the agreement in ink, and fill in the local board number and address with pencil. The PAST will insure that the current number and address of the local board is on the agreement at the time the original copy is attached to AF Form 24.

(d) Locally reproduced forms that have been previously accomplished will continue in force.

§ 862.85 *Cancellation of deferment.* (a) The deferment granted any student under section 6 (d) (1) of the Universal Military Training and Service Act (sec. 6 (d) (1), 62 Stat. 611, as amended; 50 U. S. C. App., 456) will be canceled, and he will immediately become subject to induction (unless exempted or deferred under the Universal Military Training and Service Act) if the student:

(1) Ceases to be a formally enrolled student of the Air Force ROTC.

(2) Fails to remain in good standing in his academic courses and to satisfy the Air Force ROTC standards.

(3) Fails to demonstrate that further instruction will qualify him for a commissioned appointment.

(4) Declines or fails to accept a commissioned appointment as a Reserve of the Air Force, if and at the time tendered.

(5) Is not tendered a commissioned appointment as a Reserve of the Air Force upon graduation because of limitations on appointments prescribed by current regulations and directives. The deferment will be canceled not later than 60 days after the date of graduation.

(b) PASTs will, in addition to action directed in § 862.88 (b), inform any student whose deferment is canceled under paragraph (a) of this section, of the provisions of section 6 (h) of the Universal Military Training and Service Act (sec. 6 (h), 62 Stat. 611, as amended; 50 U. S. C. App., 456). That reference provides that registrants who, on June 19, 1951, were then or thereafter deferred under section 6 of the Universal Military Training and Service Act (62 Stat. 609, as amended; 50 U. S. C. App., 456) will remain liable for training and service in the Armed Forces until the 35th anniversary of the date of birth.

§ 862.86 *Notification of local boards.* (a) When a student has signed a deferment agreement, the PAST will immediately furnish the local Selective Service System board concerned a statement of the student's deferment status. Paragraph 6 of DD Form 44, "Military Status of Individual," will be used for this purpose, and copies will be distributed as follows:

(1) Original to the appropriate local board.

(2) Duplicate to the student concerned.

(3) Triplicate to be retained in the Air Force ROTC unit file.

(4) Quadruplicate, when applicable, to the unit commander or the custodian of the person's records when the person concerned is concurrently a member of a Reserve component.

(b) Change of status of a student, after submission of original status notification, will be reported by the PAST to the local Selective Service System board concerned, within 72 hours, following the distribution procedure used for the original report. Paragraphs 8 and 9, DD Form 44, will be used for reporting changes of status when a student becomes ineligible for an Air Force ROTC deferment. Paragraphs 8 and 10, DD Form 44, will be used to report the appointment of an Air Force ROTC graduate as a commissioned officer. The "Remarks" section will be used when necessary for clarification of change of status.

(c) It is the responsibility of the Air Force ROTC student who is deferred under §§ 862.76 to 862.87 to inform the PAST of the number and address of his local Selective Service System board, and to inform the board concerned of his Air Force ROTC deferment status.

(d) If a local board fails or refuses to honor DD Form 44 for any member of the Air Force ROTC, The Director of Personnel Procurement and Training, Headquarters USAF, Washington 25, D. C., will be advised of all pertinent facts of the case.

(e) When a formally enrolled Air Force ROTC student transfers to another institution having an Air Force ROTC unit, the following procedures will apply:

(1) The student will notify the PAST of the losing institution of his intention to transfer.

(2) As soon as the student has registered at the gaining institution and has been regularly enrolled in the appropriate air science course, the gaining PAST will notify the losing PAST that:

(i) The student is regularly enrolled in the Air Force ROTC.

(ii) The new DD Form 44 has been sent to the student's local Selective Service System board.

(3) The losing PAST will then drop the student from accountability.

(4) The losing PAST will cancel the deferment of all nonenrolled students at his institution not later than October 15 after the fall enrollment and March 15 after the spring enrollment.

§ 862.87 *Concurrent membership in the Reserve of the Armed Forces and the Air Force ROTC.* (a) Enlisted members and warrant officers of the National Guard of the United States, Air National Guard of the United States, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve, who are otherwise qualified and who are not in the active military service, may be enrolled in the basic course of the Air Force ROTC and may be selected for deferment on the same basis as any other eligible member of the student body. Such persons are not exempt, however, from call or order to active military service as members of a Reserve component under other provisions of applicable law.

(b) Members of Reserve components of other services may be selected for enrollment in the advanced course, Air Force ROTC, but may not be formally enrolled, or selected for deferment, under §§ 862.76 to 862.87 until they have been discharged from such membership or transferred to the Air Force Reserve.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54–520; Filed, Jan. 26, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

WATERMELONS

U. S. STANDARDS [1]

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Watermelons under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953) to supersede the existing United States Standards for Watermelons (16 F. R. 10331, as recodified in 18 F. R. 7146), effective February 12, 1945.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t. on the thirtieth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

Sec.

51.1970 U. S. No. 1.
51.1971 U. S. Commercial.
51.1972 U. S. No. 2.

UNCLASSIFIED

51.1973 Unclassified.

APPLICATION OF TOLERANCES

51.1974 Application of tolerances.

51.1975 Size.

DEFINITIONS

51.1976 Mature.
51.1977 Fairly well formed.
51.1978 Damage.
51.1979 Free from damage by anthracnose.
51.1980 Not badly misshapen.
51.1981 Serious damage.

GRADES

§ 51.1970 *U. S. No. 1.* U. S. No. 1 consists of watermelons of similar varietal characteristics which are mature but not overripe, fairly well formed, and which are free from anthracnose, decay, sunscald and free from damage caused by other diseases, sunburn, hail, scars, insects, hollow heart, whiteheart or mechanical or other means. (See §§ 51.1974 and 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the watermelons in any lot may fail to meet the requirements of this grade: *Provided*, That not more than one-half of this amount, or 5 percent, may be badly misshapen, or seriously damaged by any means, including therein not more than 1 percent for decay.

§ 51.1971 *U. S. Commercial.* U. S. Commercial consists of watermelons which meet all the requirements of U. S. No. 1 grade except for anthracnose spots. In this grade each watermelon shall be free from damage by anthracnose. (See §§ 51.1974 and 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the watermelons in any lot may fail to meet the requirements of this grade: *Provided*, That not more than one-half of this amount, or 5 percent, may be badly misshapen or seriously damaged by any means, including therein not more than 1 percent for decay.

§ 51.1972 *U. S. No. 2.* U. S. No. 2 consists of watermelons of similar varietal characteristics which are mature but not overripe; which are not badly misshapen and which are free from decay, sunscald and free from serious damage caused by anthracnose, other diseases, sunburn, hail, scars, insects, hollow heart, whiteheart or mechanical or other means. (See §§ 51.1974 and 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the watermelons in any lot may fail to meet the requirements of this grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for decay.

UNCLASSIFIED

§ 51.1973 *Unclassified.* Unclassified consists of watermelons which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1974 *Application of tolerances.* (a) When packed in crates or other types of containers the contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one specimen which does not meet the requirements shall be allowed in any package.

SIZE

§ 51.1975 *Size.* (a) Where the size of watermelons is stated in terms of average weight, unless otherwise specified, the melons in any lot averaging less than 30 pounds shall not vary more than 4 pounds below the stated average, and the melons in any lot averaging 30 pounds or more shall not vary more than 6 pounds below the stated average. Size may also be stated in terms of minimum weight, or minimum and maximum weights.

TABLE OF WEIGHTS

Average weight	Minimum weight [2] (unless otherwise specified)	Tolerance permitted for melons below the minimum weight
Pounds	*Pounds*	*Percent*
20	16	5
22	18	5
24	20	5
26	22	5
28	24	5
30	26	5
32	28	5
34	30	5
36	32	5
40	34	5
42	36	5

(b) In order to allow for variations, incident to proper sizing, not more than 5 percent, by count, of the watermelons in any lot may be below the minimum size requirements: *Provided*, That when minimum and maximum weights are specified, not more than 5 percent, by count, may be below the specified minimum weight and not more than 5 percent, by count, may be above the specified maximum weight.

DEFINITIONS

§ 51.1976 *Mature.* "Mature" means that the melon has reached the stage of development at which the flesh is at least fairly sweet and shows characteristic color of a mature melon for the variety.

§ 51.1977 *Fairly well formed.* "Fairly well formed" means having the characteristic shape but not necessarily the perfect type of the variety.

§ 51.1978 *Damage.* "Damage" means any defect which materially affects the appearance or the edible or shipping quality of the melon. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Sunburn when affecting the appearance to a greater extent than 9 square inches of greenish-yellow sunburn on a 30-pound melon.

(b) Hail, scars and other external defects, except anthracnose, when affecting the appearance to a greater extent than 9 square inches of greenish-yellow sunburn on a 30-pound melon; and,

(c) Hollow heart when the internal appearance is affected to a greater extent than that of a 30-pound, long type melon having cracks which aggregate three-fourths inch in width, or that of a 30-pound, round type melon having cracks which aggregate 1¼ inches in width.

§ 51.1979 *Free from damage by anthracnose.* "Free from damage by anthracnose" means that each melon may have not more than 5 anthracnose spots which are not cracked or sunken below the contour of the surface of the melon.

§ 51.1980 *Not badly misshapen.* "Not badly misshapen" means that the melons are not bottlenecks or gourdnecks, but may be tapered at the ends or slightly constricted.

§ 51.1981 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance or the edible quality of the melon. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Anthracnose when there are more than 15 anthracnose spots, or when any spot is cracked or sunken below the contour of the surface of the melon;

(b) Sunburn when affecting the appearance to a greater extent than 20 square inches of greenish-yellow sunburn on a 30-pound melon;

(c) Hail, scars and other external defects, except anthracnose, when affecting the appearance to a greater extent than 20 square inches of greenish-yellow sunburn on a 30-pound melon; and,

(d) Hollow heart when the internal appearance is affected to a greater extent than that of a 30-pound, long type melon having cracks which aggregate 1½ inches in width, or that of a 30-pound, round type melon having cracks which aggregate 2½ inches in width.

Done at Washington, D. C., this 20th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-534; Filed, Jan. 26, 1954; 8:47 a. m.]

[7 CFR Part 51]

FRUITS, VEGETABLES AND OTHER PRODUCTS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of existing regulations (18 F. R. 7065) governing the inspection and certification of fresh fruits and vegetables and other products issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act of 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed revision should file same in duplicate, with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revisions are as follows:

1. Delete § 51.37 *Basis for charges* and insert in lieu thereof the following:

§ 51.37 *Basis for charges.* (a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department of Agriculture, except for peanuts, pecans and other nuts, shall be on the following basis:

For an inspection covering quality and condition $12.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and $8.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for any carload not exceeding the customary size which contains more than one kind of a product shall be $24.00. For an inspection covering condition only, $10.00 when the quantity involved is more than one-half of carload of the customary size for such products in the area from which shipped but not more than a full carload, and $6.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition only inspection of any carload not exceeding the customary size which contains more than one kind of a product shall be $20.00.

(b) For each lot of peanuts, pecans, or other nuts inspected, except pursuant to the provisions in § 51.19, the fee shall be $15.00 when the quantity involved is not more than a full carload; *Provided*, That the different grades and varieties of peanuts shall be considered separate lots and the fee for farmers' stock peanuts (unshelled) shall be $1.50 per ton.

(c) When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and carload rates aforesaid applied: *Provided*, That said fractions shall be calculated in terms of fourths or next higher fourths. When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $4 per hour, or the charges may be based upon the number of pounds or number of containers in the lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

2. Delete § 51.40 *Fees for appeal inspections* and insert in lieu thereof the following:

§ 51.40 *Fees for appeal inspections.* Fees for appeal inspections on all products shall be double those for original inspections, except that when it is found that there was a material error in the determination based upon the original inspection no fee will be charged, and except that appeal inspection for Government agencies shall be on the hourly basis prescribed in § 51.37, plus traveling and other expenses authorized to be charged by the provisions in § 51.41. The maximum fee for the appeal inspection of a single car shall not exceed $30.00.

3. Delete § 51.42 *Fees for additional copies of inspection certificates*, and insert thereof, the following:

§ 51.42 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 51.21, may be supplied to any interested party upon payment of a fee of $2.00 for each set of 3 or less copies.

Done at Washington, D. C., this 22d day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-535; Filed, Jan. 26, 1954; 8:48 a. m.]

[7 CFR Part 52]

PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of existing regulations (18 F. R. 7904) governing the inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.), and the Department of Agriculture Appropriation Act of 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed revision should file same in duplicate, with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revisions in the regulations are as follows:

1. Delete paragraph (o) of § 52.3 *Terms defined* and insert in lieu thereof the following:

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[1] Among such other products are the following: Raw nuts; Christmas trees and greens, flowers and flower bulbs; and onion sets.

[1] Among such other processed food products are the following: Honey; molasses, except for stock feed; nuts and nut products, except oil; sugar (cane, beet and maple); sirups (blended), sirups, except from grain; marine food products, except oil.

(o) "Lot" has the following meanings:

(1) For the purpose of charging fees and issuing certificates, "Lot" means any number of containers of the same size and type which contain a processed product of the same type and style located in the same or adjacent warehouses and which are available for inspection at any one time: *Provided*, That:

(i) Processed products in separate piles which differ from each other as to grade or other factors may be deemed to be separate lots;

(ii) Containers in a pile bearing an identification mark different from other containers of such processed product in that pile, if determined to be of lower grade or deficient in other factors, may be deemed to be a separate lot; and

(iii) If the applicant requests more than one inspection certificate covering different portions of such processed product, the quantity of the product covered by each certificate shall be deemed to be a separate lot.

(2) For the purpose of sampling, "Lot" means each pile of containers of the same size and type containing a processed product of the same type and style which is separated from other piles in the same warehouse, but containers in the same pile bearing an identification mark different from other containers in that pile may be deemed to be a separate lot.

2. Delete paragraph (n) of § 52.3 *Terms defined* and insert in lieu thereof the following:

(n) "Licensed sampler" means any person who is authorized by the Secretary to draw samples of processed products for inspection service, to inspect for identification and condition of containers in a lot, and may, when authorized by the Administrator, perform related services under the act and the regulations in this part.

3. Delete § 52.6 *How to make application* and insert in lieu thereof the following:

§ 52.6 *How to make application.* An application for inspection service may be made to the office of inspection or to any inspector, at or nearest the place where the service is desired. An up-to-date list of the Inspection Field Offices of the Department may be obtained upon request to the Administrator. Satisfactory proof that the applicant is an interested party shall be furnished.

4. Delete § 52.29 *Who may become licensed sampler* and insert in lieu thereof the following:

§ 52.29 *Who may become licensed sampler.* Any person deemed to have the necessary qualifications may be licensed as a licensed sampler to draw samples for the purpose of inspection under the regulations in this part. Such a license shall bear the printed signature of the Secretary, and shall be countersigned by an authorized employee of the Department. Licensed samplers shall have no authority to inspect processed products under the regulations in this part except as to identification and condition of the containers in a lot. A licensed sampler shall perform his duties pursuant to the regulations in this part as directed by the Administrator.

5. Delete § 52.30 *Application to become a licensed sampler* and insert in lieu thereof the following:

§ 52.30 *Application to become a licensed sampler.* Application to become a licensed sampler shall be made to the Administrator on forms furnished for that purpose. Each such application shall be signed by the applicant in his own handwriting, and the information contained therein shall be certified by him to be true, complete, and correct to the best of his knowledge and belief, and the application shall contain or be accompanied by:

(a) A statement showing his present and previous occupations, together with names of all employers for whom he has worked, with periods of service, during the ten years previous to the date of his application;

(b) A statement that, in his capacity as a licensed sampler, he will not draw samples from any lot of processed products with respect to which he or his employer is an interested party;

(c) A statement that he agrees to comply with all terms and conditions of the regulations in this part relating to duties of licensed samplers; and

(d) Such other information as may be requested.

5. Delete Tables No. 1 and No. III of § 52.38 *Sampling rates for officially drawn samples* and insert in lieu thereof the following:

TABLE I—CANNED FRUITS AND VEGETABLES AND CANNED FRUIT AND VEGETABLE PRODUCTS, INCLUDING TOMATO PRODUCTS AND SUCH PRODUCTS AS PEANUT BUTTER, PICKLES, RELISHES, MARMALADES, HONEY,[1] MAPLE SYRUP, FRUIT PULPS AND JAMS, EXCEPT SINGLE-STRENGTH AND CONCENTRATED CITRUS JUICES AND GRAPE JUICES AND FRUIT JELLIES AND VINEGAR

Size and type of container	Minimum rate of sampling, from lots containing—				
	1 to 600 dozen	601 to 2,000 dozen	2,001 to 4,000 dozen	4,001 to 8,000 dozen	Exceeding 8,000 dozen
Any type of container of less volume than a No. 300 size can (300 x 407).	1 container for each 1,200 cans or fraction thereof but not less than 2.	1 container for each 2,400 cans or fraction thereof but not less than 6.	1 container for each 4,000 containers or fraction thereof but not less than 10.	1 container for each 4,800 containers or fraction thereof but not less than 12.	1 container for each 6,000 containers or fraction thereof but not less than 30.
	1 to 100 cases	101 to 200 cases	201 to 500 cases	501 to 2,000 cases	2,001 to 5,000 cases	Exceeding 5,000 cases
Any type of container of a volume equal to that of a No. 300 size can (300 x 407) or greater, but not exceeding that of a No. 3 cylinder size can (401 x 700).	2	4	6	1 container for each 2,000 containers or fraction thereof but not less than 6.	1 container for each 2,400 containers or fraction thereof.[2]	1 container for each 3,000 containers or fraction thereof.[2]
Any type of container of a volume exceeding that of a No. 3 cylinder size can (404 x 700) but not exceeding that of a No. 12 size can (603 x 812).	2	3	4	1 container for each 1,000 containers or fraction thereof but not less than 6.	1 container for each 1,200 containers or fraction thereof.[2]	1 container for each 1,500 containers or fraction thereof.[2]
	1 to 100 containers	101 to 200 containers	201 to 500 containers	Exceeding 500 containers		
Any type of container of a volume exceeding that of a No. 12 size can (603 x 812) but not containing more than 5 gallons of the product.	1 sample from each of 6 percent of the containers but in no case less than 2 samples.	1 sample from each of 4 percent of the containers but in no case less than 6.	1 sample from each of 3 percent of the containers but in no case less than 8.	1 sample from each of 2 percent of the containers but in no case less than 12.		
	1 to 20 containers	21 to 100 containers	101 to 200 containers	Exceeding 200 containers		
Any type of container containing more than 5 gallons of the product.	1 sample from each of 25 percent of the containers but in no case less than 2 samples.	1 sample from each of 10 percent of the containers but in no case less than 6.	1 sample from each of 8 percent of the containers but in no case less than 10.	1 sample from each of 6 percent of the containers but in no case less than 16.		

[1] Except when packed in containers larger than a No. 12 (603 x 812) size can.

[2] In no case shall the number of samples be less than the maximum number specified for the immediately preceding smaller group of containers.

TABLE III—FROZEN FRUITS AND VEGETABLES AND FROZEN FRUIT AND VEGETABLE PRODUCTS, EXCEPT FROZEN SINGLE-STRENGTH AND CONCENTRATED CITRUS JUICES AND GRAPE JUICES

Size and type of container	Minimum rate of sampling,[1] from lots containing—				
	1,000 pounds or less	1,001–5,000 pounds	5,001–10,000 pounds	10,001 to 50,000 pounds	Exceeding 50,000 pounds
Any type of container of 1 pound or less net weight.	2	4	6	1 container for each 2,400 containers or fraction thereof but not less than 6.	1 container for each 3,000 containers or fraction thereof.[2]
Any type of container over 1 pound but less than 4 pounds, net weight.	2	3	4	1 container for each 1,600 containers or fraction thereof but not less than 4.	1 container for each 2,000 containers or fraction thereof.[2]
Any type of container over 4 pounds but not over 10 pounds, net weight.	2	2	3	1 container for each 1,200 containers or fraction thereof but not less than 3.	1 container for each 1,500 containers or fraction thereof.[2]
Frozen vegetables only: Any type of container over 10 pounds, net weight.	One 2-pound sample (approximate weight) for each 3,000 pounds of the first 18,000 pounds, plus one additional 2-pound sample for each additional 5,000 pounds, or fraction thereof, in excess of 18,000 pounds, but in no case less than 2 samples.				
Frozen fruits only: Any type of container over 10 pounds.	One 3-pound sample (approximate weight) for each 3,000 pounds of the first 18,000 pounds, plus one additional 3-pound sample for each additional 5,000 pounds, or fraction thereof, in excess of 18,000 pounds, but in no case less than 2 samples. When determined by the inspector that 3-pound samples do not reflect the quality of the product in the container one or more entire containers may be substituted for any one or more sub-samples.				

[1] In no case shall the number of samples be less than the maximum specified for the immediately preceding smaller group of containers.

6. Add to § 52.38 *Sampling rates for officially drawn samples* the following new Table No. VII:

TABLE VII—HONEY WHEN PACKED IN CONTAINERS OF A VOLUME EXCEEDING THAT OF A NO. 12 SIZE CAN (603 X 812) BUT NOT CONTAINING MORE THAN 70 GALLONS OF THE PRODUCT

Minimum rate of sampling—Size of lot				
10 containers or less	11 to 100 containers	101 to 200 containers	201 to 500 containers	Exceeding 500 containers
1 sample from each 50 percent of the containers.	1 sample from each of 5 containers and in addition one sample from each 5 percent of the containers.	1 sample from each of at least 10 containers and in addition one sample from each of 3 percent of the containers.	1 sample from each of at least 15 containers and in addition 1 sample from each of 1 percent of the containers.	1 sample from each of 3 percent of the containers but in no case less than 20 samples.

7. Delete § 52.42 *Schedule of fees* and insert in lieu thereof the following:

§ 52.42 *Schedule of fees.* (a) Unless otherwise provided in a written agreement between the applicant and the Administrator, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of $4.00 per hour.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section.[1]

(1) *Canned fruits and vegetables and canned fruit and vegetable products, including pickles, relishes, jams, jellies, marmalades, and concentrate; and other canned processed food products, such as peanut butter, honey, and maple sirup.*

OFFICIALLY DRAWN SAMPLES

For each lot packed in containers of a volume not exceeding that of a No. 12 size can (603 x 812) except canned pineapple and canned pineapple juice inspected in Puerto Rico:

Minimum fee for 600 cases or less[2]	$8.00
For each additional 100 cases, or fraction thereof, in excess of 600 cases but not in excess of 10,000 cases	.90
For each additional 100 cases, or fraction thereof, in excess of 10,000 cases	.80

For each lot of canned pineapple and canned pineapple juice inspected in Puerto Rico:

The fee for each case of 24 containers or less	$0.015
The fee for each case of more than 24 containers	.020
The minimum fee for any lot	6.00

For each lot of honey packed in containers of a volume exceeding that of a No. 12 size can (603 x 812), the fee for sampling and inspecting the samples shall be in accordance with the following schedule:

(a) For sampling the honey, including travel time, per hour	$4.00
(b) For inspection—each sample	.75
(c) For liquefying crystallized or partially crystallized honey for any one applicant at any one time—each group of 15 samples or fraction thereof	4.00
(d) Minimum fee for any lot	8.00

UNOFFICIALLY DRAWN SAMPLES

For containers of a volume not exceeding that of a No. 3 size can (404 x 414):

Minimum fee for 4 containers or less	$4.00
For each additional container in excess of 4 containers	1.00

For containers of a volume exceeding that of a No. 3 size can (404 x 414), but not exceeding that of a No. 12 size can (603 x 812):

Minimum fee for 2 containers or less	$4.00
For each additional container in excess of 2 containers	2.00

(2) *Frozen fruits and vegetables and frozen fruit and vegetable products.*

OFFICIALLY DRAWN SAMPLES

For each lot other than frozen corn-on-the-cob or when inspected in Puerto Rico:

Minimum fee for 10,000 pounds or less	[1] $8.00
For each additional 5,000 pounds or fraction thereof, in excess of 10,000 pounds but not in excess of 100,000 pounds	[1] 2.25
For each additional 5,000 pounds, or fraction thereof, in excess of 100,000 pounds	[1] 2.00

For each lot inspected in Puerto Rico:

Minimum fee for 10,000 pounds or less	$7.20
For each additional 5,000 pounds, or fraction thereof, in excess of 10,000 pounds	2.40

For each lot of frozen corn-on-the-cob:

Minimum fee for 1,500 dozen ears or less	[1] $8.00
For each additional 1,000 dozen ears, or fraction thereof, in excess of 1,500 dozen ears but not exceeding 15,000 dozen ears	[1] 2.25
For each additional 1,000 dozen ears, or fraction thereof, in excess of 15,000 dozen ears	[1] 2.00

UNOFFICIALLY DRAWN SAMPLES

Minimum fee for 2 samples or less of any type or weight	$4.00
For each additional sample in excess of 2 samples	2.00

(3) *Dried fruits other than figs and dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:

Minimum fee for 12,000 pounds or less	$8.00
For each additional 2,000 pounds, or fraction thereof, in excess of 12,000 pounds	.60

UNOFFICIALLY DRAWN SAMPLES

Each sample	$4.00

(4) *Dried figs and dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:

Minimum fee for 8,000 pounds or less	$8.00
For each additional 2,000 pounds, or fraction thereof, in excess of 8,000 pounds	1.75

[1] The fees specified herein are exclusive of charges for such micro, chemical and certain other special analyses, other than salt and acidity by direct titration, soluble solids (by refractometer) or total solids (by refractometer), which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

[2] However, the fee for any additional lots of 200 cases or less which are offered for inspection by the same applicant at the same time and which are available for inspection at the same time and place shall be $6.00.

[1] However, the fee for any additional lots of 1,500 pounds or less which are offered for inspection by the same applicant at the same time and which are available for inspection at the same time and place shall be $6.00.

[2] However, the fee for any additional lots of 250 dozen or less which are offered for inspection by the same applicant at the same time and which are available for inspection at the same time and place shall be $6.00.

UNOFFICIALLY DRAWN SAMPLES

Each sample..... $4.00

(5) *Edible sugarcane, molasses, sugarcane sirup, and refiners sirup.*

OFFICIALLY AND UNOFFICIALLY DRAWN [illegible]

The total fee for sampling and inspection of samples shall be in accordance with the following schedule:

(a) For sampling the product, including travel time, per hour..... $4.00
(b) For inspecting—each sample..... 3.00
(c) For complete chemical analyses required to determine grade,
First analysis..... 25.00
Each additional analysis for one applicant at one time..... 12.00

(6) *Other processed food products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraphs (1), (2), (3), (4), and (5) of this paragraph shall be at the rate of $4.00 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided*, That, fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

8. Delete § 52.44 *Inspection fees when charges for sampling have been collected by a licensed sampler* and insert in lieu thereof the following:

§ 52.44 *Inspection fees when charges for sampling have been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee provided in this part applicable to the respective processed product: *Provided*, That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of $4.00 per hour prescribed in this part.

9. Delete § 52.45 *Inspection fees when charges for sampling have not been collected by a licensed sampler* and insert in lieu thereof the following:

§ 52.45 *Inspection fees when charges for sampling have not been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Administrator: *Provided*, That, if the fee charged is based on the hourly rate, the fee shall be at the rate of $4.00 per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Administrator.

10. Delete § 52.47 *Charges for micro, chemical, and certain other special analyses* and insert in lieu thereof the following:

§ 52.47 *Charges for micro, chemical, and certain other special analyses.* (a) The following charges shall be made for micro, chemical, and certain other special analyses which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product: [2]

Type of analysis	For first analysis	For each additional analysis
Mold count	$1.50	$1.50
Worm larvae and insect fragment count	3.00	3.00
Fly egg and maggot count	3.00	3.00
Alcohol insoluble solids	4.00	2.00
Alcohol (distillation and specific gravity)	6.00	4.00
Ascorbic acid (vitamin C)	8.00	2.00
Total ash (carbonated or sulfated)	4.00	2.00
Ash, acid insoluble	5.00	3.00
Ash, water soluble or water insoluble	5.00	3.00
Ash, NaCl free (approximate method—total ash less NaCl)	6.00	3.00
Ash, NaCl free ($P_2O_5 \times 2$)	12.00	6.00
Catalase test	2.00	1.00
Crude fiber	10.00	5.00
Diastase test for honey (AOAC method)	4.00	2.00
Ether extract (crude fat)	8.00	4.00
Fat (acid hydrolysis)	8.00	6.00
Fiber (green and wax bean)	4.00	2.00
Iodine number	8.00	4.00
Moisture (air oven method)	2.00	2.00
Moisture (vacuum oven method)	2.00	2.00
Nitrogen or crude protein	6.00	3.00
Non-volatile ether extract	8.00	4.00
Oil of lemon and orange extract (precipitation method)	4.00	3.00
Oil of lemon with oil base (distillation method)	4.00	4.00
Phosphorous pentoxide (P_2O_5)	12.00	6.00
Potash (K_2O)	12.00	6.00
Phosphorous pentoxide (P_2O_5) and aluminum trioxide (Al_2O_3)	16.00	12.00
Recoverable oil	2.00	2.00
Peroxidase test (frozen vegetables)	2.00	2.00
Reducing sugars	12.00	6.00
Reducing sugars plus sucrose	18.00	12.00
Sucrose (direct polarization)	4.00	2.00
Sucrose (chemical methods)	18.00	12.00
Starch or carbohydrates (direct hydrolysis)	16.00	[illegible]
Sulphur dioxide (direct titration)	4.00	2.00
Sulphur dioxide (distillation method)	6.00	4.00
Total solids (drying method)	2.00	2.00
Vanillin and coumarin	10.00	8.00
Volatile and non-volatile ether extract	10.00	6.00
Water extract	4.00	4.00
Water-insoluble-inorganic-residue (peanut butter)	8.00	4.00
Water-insoluble-inorganic-residue, filth analysis, and particle count (peanut butter)	12.00	8.00

(b) The following charges shall be made for analyses which are requested by an applicant and are not in connection with an inspection to determine the quality or condition of the product: [3]

Type of analysis	For first analysis	For each additional analysis
Brix readings (refractometric or spindle)	$2.00	$1.00
Brix readings (double dilution)	3.00	1.00
Total acidity (direct titration)	2.00	1.00
Free fatty acids	4.00	2.00
Salt (NaCl)—direct titration	4.00	2.00
Soluble solids (refractometric method)	2.00	1.00
Total solids (refractometric method)	2.00	1.00
Color determination of extracted honey	2.00	1.00
Color determination of sugarcane molasses or sugarcane sirup	4.00	2.00

11. Delete § 52.48 *When charges are to be based on hourly rate not otherwise provided for in this part* and insert in lieu thereof the following:

§ 52.48 *When charges are to be based on hourly rate not otherwise provided for in this part.* When inspection is for condition only or when inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of $4.00 per hour.

12. Delete § 52.50 *Fees for additional copies of inspection certificates* and insert in lieu thereof the following:

§ 52.50 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 52.21, may be supplied to any interested party upon payment of a fee of $2.00 for each set of five (5) or fewer copies.

13. Delete § 52.51 *Travel and other expenses*, and insert in lieu thereof the following:

§ 52.51 *Travel and other expenses.* Charges may be made to cover the cost of travel and other expenses incurred in connection with the performance of any inspection service, including appeal inspections; *Provided*, That, if charges for sampling or inspection are based on an hourly rate, an additional hourly charge may be made for travel time including time spent waiting for transportation as well as time spent traveling, but not to exceed eight hours of travel time for any one person for any one day: *And provided further*, That, if travel is by common carrier, no hourly charge may be made for travel time outside the employee's official work hours.

Done at Washington, D. C., this 22d day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-536; Filed, Jan. 26, 1954; 8:48 a. m.]

[2] When any of these analyses are made at the request of an applicant and are not in connection with an inspection to determine the quality or condition of the product, the listed fees shall be increased by 30 percent.

[3] When these analyses are made in connection with an inspection to determine the quality or condition of the product no fee shall be charged for the analyses.

[7 CFR Part 54]

GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the U. S. Department of Agriculture is considering the issuance as hereinafter proposed of an amendment to the regulations governing the grading and inspection of domestic rabbits and edible products thereof and United States specifications for classes, standards, and grades with respect thereto (7 CFR Part 54) issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953). The amendment provides for an increase in the charge for performing grading service. The hourly charge would be raised from $3.60 to $4.00 and the fee schedules for grading service would be raised 15 to 30 percent and in some few instances by a greater amount. The financial status of the grading service indicates that these increases are needed to cover the costs of performing the service.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same in triplicate with the Chief of the Marketing Services Branch, Poultry Division, Agricultural Marketing Service, U. S. Department of Agriculture, Room 2099, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change paragraph (b) of § 54.101 *Grading service on a fee basis* to read as follows:

(b) In the event the aforesaid applicable rates specified in § 54.103 are deemed by the Administrator to be inadequate fully to reimburse the Service for all costs and other items paid or incurred by the Service in connection with such grading service the fees for such service shall not be based on the rates specified in § 54.103, but shall be based on the time required to perform such grading service and the travel of each grader at the rate of $4.00 per hour for the time actually required.

2 Change § 54.103 *Domestic rabbits grading fees* to read as follows:

§ 54.103 *Domestic rabbits grading fees.* For each grading of any lot of domestic rabbits, whether live or ready-to-cook, the following fees shall be applicable:

For 500 pounds or less	$1.80
For 501 to 1,500 pounds, inclusive	3.00
For 1,501 to 3,000 pounds, inclusive	4.00
For 3,001 to 6,000 pounds, inclusive	5.50
For 6,001 to 10,000 pounds, inclusive	8.50
For 10,001 to 15,000 pounds, inclusive	11.50
For 15,001 to 20,000 pounds, inclusive	14.00
For 20,001 to 25,000 pounds, inclusive	17.50
For 25,001 to 30,000 pounds, inclusive	20.00
For each additional 5,000 pounds, or fraction thereof, in excess of 30,000 pounds	2.00

3. Change § 54.104 *Inspection service on a fee basis* to read as follows:

§ 54.104 *Inspection service on a fee basis.* Fees to be charged and collected for inspection services furnished on a fee basis shall be based on the time required to render such services including, but not being limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of $4.00 per hour for each inspector for the time actually required.

4. Change § 54.105 *Fees for additional copies of grading certificates and inspection certificates* to read as follows:

§ 54.105 *Fees for additional copies of grading certificates and inspection certificates.* Additional copies, other than those provided for in §§ 54.141 and 54.171, of any grading certificates or inspection certificates, may be supplied to any interested party upon payment of a fee of $1.50 for each set of five or fewer copies.

5. Change § 54.106 *Traveling expenses and other charges* to read as follows:

§ 54.106 *Travel expenses and other charges.* Charges may be made to cover the cost of travel and other expenses incurred by the Service in connection with the performance of any grading service. Such charges shall include: (a) A charge of $0.50 for each grading made on a fee basis within the metropolitan area of the grader's official station, or (b) charges to cover the cost of travel (common carrier or automobile mileage) and per diem for each grading made on a fee basis outside the metropolitan area of the grader's official station, plus a charge of 10 percent of the amount charged for said per diem and travel costs.

(60 Stat. 1090; 7 U. S. C. 1621 et seq.; Pub. Law 156, 83d Cong., approved July 28, 1953)

Issued at Washington, D. C., this 25th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-598; Filed, Jan. 26, 1954; 8:55 a. m.]

[7 CFR Part 55]

SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF EGGS AND EGG PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the U. S. Department of Agriculture is considering the issuance as hereinafter proposed of an amendment to the regulations governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products (7 CFR Part 55) issued pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953). The amendment provides for an increase in the charges for performing grading and inspection service. The hourly charge will be raised from $3.60 to $4.00, and the fee schedules for grading service on a package or lot basis will also be increased. These increased fees, which will result in an increase in total collections of about 11 percent, are needed to cover the full costs of performing grading and inspection service which legislation requires to be financed by the collection of fees for services rendered.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same in triplicate with the Chief of the Marketing Services Branch, Poultry Division, Agricultural Marketing Service, U. S. Department of Agriculture, Room 2099 South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change paragraph (b) of § 55.39 *On a fee basis* to read as follows:

(b) In the event the aforesaid applicable rates are deemed by the Administrator to be inadequate fully to reimburse the Service for all costs and other items paid or incurred by the Service in connection with such grading service, the fees for such service shall not be based on the rates specified in §§ 55.43 to 55.45, both inclusive, but shall be based on the time required to perform such service and the travel of each sampler, grader, inspector, and supervisor of packaging at the rate of $4.00 per hour for the time actually required.

2. Change § 55.42 *Traveling expenses and other charges* to read as follows:

§ 55.42 *Travel expenses and other charges.* Charges may be made to cover the cost of travel and other expenses incurred by the Service in connection with the performance of any grading service. Such charges shall include: (a) A charge of $0.50 for each grading made on a fee basis within the metropolitan area of the grader's official station, or (b) charges to cover the cost of travel (common carrier or automobile mileage) and per diem for each grading made on a fee basis outside the metropolitan area of the grader's official station, plus a charge of 10 percent of the amount charged for said per diem and travel costs.

3. Change § 55.43 *Egg grading and inspection fees* to read as follows:

§ 55.43 *Egg grading and inspection fees.* For each grading, or regrading pursuant to § 55.30 (b), of any lot of eggs, the following fees shall be applicable and shall be computed on the basis of the number of packages in such lot:

(a) *Shell eggs.*

	Fee
For 10 packages or less	$1.80
For 11 to 25 packages, inclusive	3.00
For 26 to 50 packages, inclusive	4.00
For 51 to 100 packages, inclusive	5.50
For 101 to 200 packages, inclusive	8.50
For 201 to 300 packages, inclusive	11.50
For 301 to 400 packages, inclusive	13.50
For 401 to 500 packages, inclusive	15.50
For 501 to 600 packages, inclusive	17.50
For each additional 35 packages, or fraction thereof, in excess of 600 packages	1.00

(b) *Frozen eggs*—(1) *Inspection for condition only.*

	Fee
For 50 packages or less	$2.00
For 51 to 100 packages, inclusive	3.00
For each additional 100 packages, or fraction thereof, in excess of 100 packages	1.00
When each individual package in any lot is inspected for condition only, the fee for each package inspected shall be	.20

(2) *Inspection for condition and sampling for laboratory analysis.*

	Fee
For 50 packages or less	$4.00
For 51 to 100 packages, inclusive	5.00
For each additional 100 packages, or fraction thereof, in excess of 100 packages	1.00

4. Change § 55.49 *Approval of official identification* to read as follows:

§ 55.49 *Approval of official identification.* Any grade label, inspection mark or packaging material which is to be used as official identification shall be used only in such manner as the Administrator may prescribe; and such label, inspection mark, and packaging material shall be of such form and contain such information as the Administrator may require. No grade label, inspection mark, or packaging material may be used in the identification of any graded or inspected product unless finished copies or samples of such grade label, inspection mark, and packaging material have been approved by the Service.

(Pub. Law 156, 83rd Cong., approved July 28, 1953)

Issued at Washington, D. C., this 25th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-597; Filed, Jan. 26, 1954; 8:55 a. m.]

[7 CFR Part 70]

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the U. S. Department of Agriculture is considering the issuance as hereinafter proposed of an amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70) issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953). The amendment provides for an increase in the charge for performing grading service. The hourly charge would be raised from $3.60 to $4.00 and the fee schedules for grading service would be raised 15 to 30 percent and in some few instances by a greater amount. The charge for performing inspection service on an hourly basis would also be increased from $3.60 to $4.00 per hour. An analysis of the financial status of the grading service indicates that these amendments are needed to cover the costs of the service. Legislation requires that fees charged shall cover the costs of the service.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same in triplicate with the Chief of the Marketing Services Branch, Poultry Division, Agricultural Marketing Service, U. S. Department of Agriculture, Room 2099 South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change paragraph (b) of § 70.131 *Grading service on a fee basis* to read as follows:

(b) In the event the aforesaid applicable rates specified in § 70.133 are deemed by the Administrator to be inadequate fully to reimburse the Service for all costs and other items paid or incurred by the Service in connection with such grading service the fees for such service shall not be based on the rates specified in § 70.133, but shall be based on the time required to perform such grading service and the travel of each grader at the rate of $4.00 per hour for the time actually required.

2. Change § 70.133 *Poultry grading fees* to read as follows:

§ 70.133 *Poultry grading fees.* For each grading of any lot of poultry whether live, dressed, or ready-to-cook, the following fees shall be applicable:

For 500 pounds or less	$1.80
For 501 to 1,500 pounds, inclusive	3.00
For 1501 to 3,000 pounds, inclusive	4.00
For 3,001 to 6,000 pounds, inclusive	5.50
For 6,001 to 10,000 pounds, inclusive	8.50
For 10,001 to 15,000 pounds, inclusive	11.50
For 15,001 to 20,000 pounds, inclusive	14.00
For 20,001 to 25,000 pounds, inclusive	17.50
For 25,001 to 30,000 pounds, inclusive	20.00
For each additional 5,000 pounds, or fraction thereof in excess of 30,000 pounds	2.00

3. Change § 70.134 *Inspection service on a fee basis* to read as follows:

§ 70.134 *Inspection service on a fee basis.* Fees to be charged and collected for inspection services furnished on a fee basis shall be based on the time required to render such service including, but not being limited to, the time required for the travel of the inspector, or inspectors, in connection therewith, at the rate of $4.00 per hour for each inspector for the time actually required.

4. Change § 70.135 *Fees for additional copies of grading certificates and inspection certificates* to read as follows:

§ 70.35 *Fees for additional copies of grading certificates and inspection certificates.* Additional copies, other than those provided for in § 70.171 to 70.173, 70.201 and 70.211, of any grading certificates or inspection certificates may be supplied to any interested party upon payment of a fee of $1.50 for each set of five or fewer copies.

5. Change § 70.136 *Traveling expenses and other charges* to read as follows:

§ 70.136 *Travel expenses and other charges.* Charges may be made to cover the cost of travel and other expenses incurred by the Service in connection with the performance of any grading service. Such charges shall include: (a) A charge of $0.50 for each grading made on a fee basis within the metropolitan area of the grader's official station, or (b) charges to cover the cost of travel (common carrier or automobile mileage) and per diem for each grading made on a fee basis outside the metropolitan area of the grader's official station, plus a charge of 10 percent of the amount charged for said per diem and travel costs.

6. Delete § 70.410 *Application for grading service with respect* to live poultry, dressed poultry, and ready-to-cook poultry.

7. Delete the center heading "Application for grading service" immediately preceding § 70.410.

(60 Stat. 1090; 7 U. S. C. 1621 et seq.; Pub. Law 156, 83d Cong., approved July 28, 1953)

Issued at Washington, D. C., this 25th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-596; Filed, Jan. 26, 1954; 8:55 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10843]

ARTHUR R. OLSON

ORDER ADVANCING HEARING

In re application of Arthur R. Olson, Tulsa, Oklahoma, Docket No. 10843, File No. BPCT-1628; for construction permit for new television station.

The Commission having under consideration a petition filed January 21, 1954, by Arthur R. Olson requesting that the hearing on the above-entitled application be advanced from February 5, 1954, to January 28, 1954, and that the requirement of furnishing the supplemental information called for by the so-called "McFarland" letter, dated November 5, 1953, be waived;

It appearing, that counsel for the Chief of the Commission's Broadcast Bureau has consented to immediate consideration and grant of the petition;

It is ordered, This 22d day of January 1954, that the above petition is granted, and the hearing conference pursuant to § 1.841 and hearing previously scheduled for February 5, 1954, are advanced to 10:00 a. m., January 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-590; Filed, Jan. 26, 1954; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

MINIDOKA PROJECT, IDAHO

ORDER OF REVOCATION

SEPTEMBER 28, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of November 17, 1902, January 27, 1904, March 21, 1907, December 20, 1907, and September 29, 1919, in so far as said orders affect the following-described land: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 8 S., R. 26 E.,
Sec. 25, SE¼SW¼ and S½SE¼.
Sec. 26, W½NE¼, NW¼NW¼SW¼ and N½SE¼.
Sec. 27, E½NE¼, NE¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, NW¼NE¼NW¼, S½NE¼NW¼, NW¼NW¼, S½NW¼, N½SW¼, SW¼SW¼ and N½SE¼.
Sec. 28, All.
Sec. 29, All.
Sec. 30, All.
Sec. 31, Lots 1 and 2, NE¼NW¼.
Sec. 32, N½NE¼ and N½NW¼.
Sec. 33, N½NE¼, SW¼NE¼ and N½NW¼.
T. 8 S., R. 27 E.,
Sec. 31, Lot 1, S½NE¼, E½NW¼, NE¼SE¼, NW¼SE¼SE¼ and S½SE¼SE¼.
T. 9 S., R. 27 E.,
Sec. 05, Lot 1, SE¼NE¼ and E½SE¼.
Sec. 08, E½NE¼ and E½SE¼.
T. 9 S., R. 29 E.,
Sec. 06, S½NE¼, S½NW¼, SW¼ and NW¼SE¼.
Sec. 10, S½NE¼, NE¼SW¼ and NW¼SE¼.
Sec. 17, S½NE¼ and N½SW¼.
Sec. 18, Lot 4, SE¼SW¼ and S½SE¼.

The above areas aggregate 4,816.17 acres.

H. F. MCPHAIL,
Acting Commissioner.

[Misc. 869558]

[Misc. 64650]

JANUARY 15, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The following-described lands released from withdrawal by this order were included in the Minidoka National Wildlife Refuge by Executive Order No. 7417 of July 17, 1936, as changed by Executive Order No. 8600 of November 20, 1940:

BOISE MERIDIAN

T. 8 S., R. 26 E.,
Sec. 25, SE¼SW¼, S½SE¼.
Sec. 26, NW¼SW¼, N½SE¼.
Sec. 27, N½SW¼, SW¼SW¼, N½SE¼.
Sec. 31, lots 1 and 2, NE¼NW¼.
Sec. 32, N½NE¼, N½NW¼.
Sec. 33, N½NE¼, SW¼NE¼, N½NW¼.
T. 9 S., R. 27 E.,
Sec. 5, lot 1, SE¼NE¼, E½SE¼.
Sec. 8, E½NE¼, E½SE¼.
T. 9 S., R. 29 E.,
Sec. 8, S½NE¼, S½NW¼, SW¼, NW¼SE¼.

The remaining lands released from withdrawal by this order are in a blow sand area. They have a sparse vegetative cover and are primarily suitable for grazing.

Any application that is filed for the lands restored to disposition by this order will be considered on its merits. However, the lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 447; 43 U. S. C. 279-284), as amended.

Inquiries concerning the lands should be directed to the Manager, Land and Survey Office, Bureau of Land Management, Boise, Idaho.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 54-540; Filed, Jan. 26, 1954; 8:49 a. m.]

MINIDOKA PROJECT, IDAHO

ORDER OF REVOCATION

JULY 29, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of November 17, 1902, March 18, 1908 (two orders), October 7, 1908, and September 29, 1919, in so far as said orders affect the following-described land: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described.

BOISE MERIDIAN, IDAHO

T. 8 S., R. 21 E.,
Sec. 22, N½ NE¼, N½NW¼, SW¼NW¼ and W½SW¼.
Sec. 23, N½NE¼, SW¼NE¼ and NW¼.
Sec. 24, N½NW¼.
Sec. 33, N½SW¼.
T. 9 S., R. 21 E.,
Sec. 5, S½.
Sec. 7, W½NE¼ and W½SE¼.
Sec. 13, N½.
Sec. 14, N½.
Sec. 15, N½ and SE¼.
Sec. 17, NE¼NE¼, S½NE¼ and S½NW¼.
Sec. 18, NW¼NE¼ and S½NE¼.
Sec. 20, E½NE¼ and SE¼.
Sec. 21, S½SW¼ and S½SE¼.
Sec. 22, E½NE¼, S½SW¼ and SE¼.
Sec. 24, W½NE¼, W½SE¼ and SE¼SE¼.
Sec. 25, SW¼NW¼ and NW¼SW¼.
Sec. 26, N½SW¼ and N½SE¼.
Sec. 33, NE¼.
Sec. 34, N½NE¼ and N½NW¼.
T. 8 S., R. 22 E.,
Sec. 30, NE¼NW¼.
Sec. 34, N½SW¼, SW¼SW¼ and N½SE¼.
Sec. 35, NW¼.
T. 9 S., R. 22 E.,
Sec. 3, Lot 4.
Sec. 4, Lots 1, 2, 3 and 4, S½NW¼ and NW¼SW¼.
Sec. 5, N½SW¼ and N½SE¼.
Sec. 7, Lots 1, 2, 3 and 4, W½NE¼, E½NW¼ and E½EW¼.
Sec. 18, Lots 1 and 2 and E½NW¼.
Sec. 19, Lot 4 and SE¼SW¼.
Sec. 30, Lot 1 and NE¼NW¼.
T. 8 S., R. 23 E.,
Sec. 6, Lots 1, 2, 3, 4 and 5.
Sec. 18, Lots 3 and 4 and E½SE¼.
Sec. 19, Lots 1 and 2 and E½NE¼.
T. 7 S., R. 24 E.,
Sec. 13, All.
Sec. 14, All.
Sec. 24, All.
Sec. 25, All.
T. 8 S., R. 25 E.,
Sec. 2, Lot 9, W½SW¼ and SE¼SE¼.
Sec. 24, SE¼NE¼, SE¼SW¼ and SE¼.
Sec. 26, S½NE¼ and S½NW¼.
Sec. 27, S½NE¼.

The above areas aggregate 9,485 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 869558]

[Misc. 64650]

JANUARY 15, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The following-described lands released from withdrawal by this order vary in terrain from level to slightly rolling. They are broken by solid rock outcrops but have sufficient tillable areas to comply with the minimum requirements of the desert-land laws:

BOISE MERIDIAN

T. 9 S., R. 21 E.,
Sec. 5, E½SW¼, W½SE¼, SE¼SE¼.
Sec. 7, SW¼NE¼, W½SE¼.
Sec. 14, W½NW¼, NE¼NW¼.
Sec. 15, SE¼NE¼, NE¼SE¼, S½SE¼.
Sec. 17, NE¼NE¼, S½NE¼ and S½NW¼.
Sec. 18, W½NE¼.
Sec. 20, E½NE¼, N½SE¼.
Sec. 21, SE¼SE¼.
Sec. 22, SW¼SW¼.
Sec. 24, NW¼NE¼.
Sec. 26, N½SW¼.
Sec. 34, N½NW¼.
T. 8 S., R. 25 E.,
Sec. 2, lot 9, W½SW¼ and SE¼SE¼.

The following-described lands released from withdrawal by this order are subject to the provisions of Private Law 838, 82d Congress, Ch. 685, 2d Session, authorizing their sale and conveyance to the Idaho Ranch for Youth Inc.:

T. 7 S., R. 24 E.,
Secs. 13, 14, 24, and 25.

The following-described lands released from withdrawal by this order are in a blow sand area where wind erosion is severe. They have a sparse vegetative cover and are primarily suitable for grazing:

T. 8 S., R. 25 E.,
Sec. 24, SE¼NE¼, SE¼SW¼, and SE¼.
Sec. 26, S½NE¼ and S½NW¼.
Sec. 27, S½NE¼.

The remaining lands released from withdrawal by this order are rough and rocky and unsuitable for cultivation.

Any application that is filed for the lands restored to disposition by this order will be considered on its merits. However, the lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 447; 43 U. S. C. 279–284), as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Boise, Idaho.

[SEAL] EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 54-541; Filed, Jan. 26, 1954; 8:49 a. m.]

MINIDOKA PROJECT, IDAHO

ORDER OF REVOCATION

JUNE 19, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of November 17, 1902, March 21, 1907, December 20, 1907, March 18, 1908 (two orders), October 7, 1908, and September 29, 1919, in so far as said orders affect the following-described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 9 S., R. 20 E.,
Sec. 01, Lots 1, 2, 3 and 4, S½NE¼, S½NW¼, N½SW¼, SE¼SW¼ and SE¼, S½NW¼, SW¼, NW¼NE¼SE¼, S½NE¼SE¼, NW¼SE¼ and S½SE¼.
Sec. 02, All.
Sec. 03, Lots. 1, 2, 3 and 4, S½NE¼, S½NW¼, N½SW¼, SE¼SW¼ and SE¼.
Sec. 10, N½NE¼.
Sec. 12, All.
Sec. 13, N½.
Sec. 14, NE¼NE¼.
T. 8 S., R. 21 E.,
Sec. 14, SW¼.
Sec. 15, S½.
Sec. 21, NE¼ and S½.
Sec. 24, E½.
Sec. 28, All.
Sec. 29, SE¼.
Sec. 31, Lots 3 and 4, E½SW¼ and SE¼.
Sec. 32, All.
Sec. 33, N½.
T. 9 S., R. 21 E.,
Sec. 05, Lots 1, 2, 3 and 4, S½NE¼ and S½NW¼.
Sec. 06, All.
Sec. 07, Lots 1, 2, 3 and 4, E½NW¼ and E½SW¼.
Sec. 17, N½SW¼, SE¼SW¼ and SE¼.
Sec. 18, Lots 1, 2, and 3, E½NW¼, E½SW¼, N½SE¼ and SW¼SE¼.
Sec. 23, All.
Sec. 24, W½.
Sec. 25, N½NE¼ and N½NW¼.
Sec. 26, N½.
Sec. 27, All.
Sec. 28, All.
Sec. 29, E½NE¼ and SE¼.
Sec. 32, N½NE¼.
Sec. 33, N½NW¼, SE¼NW¼ and E½SW¼.
T. 8 S., R. 22 E.,
Sec. 31, Lots 3 and 4, E½NW¼, NE¼SW¼, N½SE¼SW¼ and SW¼SE¼SW¼.
Sec. 33, SE¼.
T. 9 S., R. 22 E.,
Sec. 05, Lots 1, 2, 3 and 4, S½NE¼ and S½NW¼.
Sec. 06, All.
T. 8 S., R. 23 E.,
Sec. 07, Lots 1, 2, 3 and 4, E½NE¼ and E½SE¼.
Sec. 18, Lots 1 and 2 and E½NE¼.
T. 7 S., R. 24 E.,
Sec. 02, SW¼NE¼, N½SE¼NE¼, SW¼SE¼NE¼ and S½NW¼.
Sec. 03, SE¼NE¼ and E½SE¼.
Sec. 11, All.
Sec. 12, All.
T. 7 S., R. 25 E.,
Sec. 19, Lots 1, 2, 3 and 4, W½NE¼NW¼, SE¼NE¼NW¼, SE¼NW¼ and E½SW¼.
Sec. 35, N½SW¼, N½SW¼SW¼, SE¼SW¼SW¼ and SE¼.
T. 8 S., R. 25 E.,
Sec. 01, Lots 1, 2, 3 and 4, S½NE¼, SE¼NW¼, E½SW¼ and SE¼.
Sec. 02, Lots 1, 2, 3 and 4, SW¼NE¼ and S½NW¼.
Sec. 25, All.
Sec. 26, S½.
Sec. 27, S½.
T. 7 S., R. 26 E.,
Sec. 31, NE¼SW¼.
T. 8 S., R. 26 E.,
Sec. 04, SW¼SW¼.
Sec. 05, NW¼SW¼, S½SW¼ and S½SE¼.
Sec. 06, Lots 1 and 6, SE¼NE¼, SE¼SW¼, and E½SE¼.
Sec. 07, Lot 1 and NE¼NE¼.
Sec. 09, SE¼NW¼, E½SW¼ and S½SE¼.
Sec. 10, S½SW¼.
Sec. 14, SW¼ and W½SE¼.
Sec. 15, S½.
Sec. 17, W½NW¼ and S½SW¼.
Sec. 18, Lot 4.
Sec. 19, Lots 1, 2, 3 and 4, NE¼, SE¼NW¼, E½SW¼ and SE¼.
Sec. 20, All.
Sec. 21, All.
Sec. 22, All.
Sec. 23, W½NE¼, W½ and W½SE¼.

The above area aggregates 22,924.34 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 869558]

[Misc. 64650]

JANUARY 15, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The following-described lands released from withdrawal by this order vary in terrain from level to slightly rolling. They are broken by solid rock outcrops, but have sufficient tillable areas to comply with the minimum requirements of the desert-land laws:

BOISE MERIDIAN

T. 9 S., R. 20 E.,
Sec. 1, lots 1, 2, 3, and 4, S½NE¼, S½NW¼, SW¼, NW¼NE¼SE¼, S½NE¼SE¼, and S½SE¼.
Sec. 2, E½.
Sec. 12.
Sec. 13, N½.
Sec. 14, NE¼NE¼.
T. 8 S., R. 21 E.,
Sec. 28.
Sec. 29, SE¼.
Sec. 31, lots 3 and 4, E½SW¼, SE¼.
Sec. 32.
T. 9 S., R. 21 E.,
Sec. 5, lots 3 and 4, S½NW¼.
Sec. 6, W½.
Sec. 7, E½SW¼.
Sec. 13, SE¼SW¼, W½SE¼, SE¼SE¼.
Sec. 14, W½SW¼.
Sec. 17, SE¼.
Sec. 18, E½W½, N½SE¼, SW¼SE¼.
Sec. 23, SW¼, E½SE¼.
Sec. 24, N½NW¼, NW¼SW¼.
Sec. 26, S½N½, NW¼NW¼.
Sec. 27, NE¼NE¼, S½N½, S½.
Sec. 28, S½N½, S½.
T. 7 S., R. 24 E.,
Secs. 11 and 12.
T. 7 S., R. 25 E.,
Sec. 19, lots 1, 2, 3, and 4, W½NE¼NW¼, SE¼NE¼NW¼, SE¼NW¼, E½SW¼.
Sec. 35, N½SW¼, N½SW¼SW¼, SE¼SW¼SW¼, SE¼SW¼, SE¼.
T. 8 S., R. 25 E.,
Sec. 1 lots 1, 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼.
Sec. 2, lots 1, 2, 3, and 4, SW¼NE¼, S½NW¼.

The following-described lands released from withdrawal by this order are in a blow sand area where wind erosion is severe. They have a sparse vegetative cover and are primarily suitable for grazing:

BOISE MERIDIAN

T. 8 S., R. 25 E.,
Sec. 25.
Sec. 26, S½.
Sec. 27, S½.
T. 8 S., R. 26 E.,
Sec. 14, SW¼, W½SE¼.
Sec. 15, S½.
Sec. 17, S½SW¼.
Sec. 18, lot 4.
Sec. 19, lots 1, 2, 3, and 4 NE¼, SE¼NW¼, E½SW¼, SE¼.
Secs. 20, 21 and 22.
Sec. 23, W½NE¼, W½, W½SE¼.

The remaining lands released from withdrawal by this order are rough and rocky and unsuitable for cultivation.

Any application that is filed for the lands restored to disposition by this order will be considered on its merits. However, the lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Boise, Idaho.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 54-542; Filed, Jan. 26, 1954; 8:50 a. m.]

MINIDOKA PROJECT, IDAHO

ORDER OF REVOCATION

APRIL 21, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of October 7, 1908, October 22, 1925 and July 23, 1927, in so far as said orders affect the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 7 S., R. 18 E.,
Sec. 2, Lot 2, SW¼NE¼, SW¼ and W½SE¼.
Secs. 8 to 10 incl., All.
Sec. 11, W½NE¼, NW¼, W½SW¼, SE¼SW¼, NE¼SE¼ and S½SE¼.
Sec. 12, S½.
Secs. 13 to 15 incl., All.
Sec. 17, All.
Sec. 20, NE¼, E½NW¼, SW¼NW¼ and S½.
Secs. 21 to 29 incl., All.
Sec. 30, S½NE¼, SE¼NW¼, E½SW¼ and SE¼.
Sec. 31, Lot 4, NE¼, E½NW¼, E½SW¼ and SE¼.
Secs. 32 to 35 incl., All.
T. 8 S., R. 18 E.,
Secs. 1 to 4 incl., All.
Secs. 10 to 15 incl., All.
Secs. 22 to 26 incl., All.
T. 7 S., R. 19 E.,
Sec. 7, Lots 5 to 8 incl., E½SW¼ and W½SE¼.
Sec. 18, Lots 1 to 8 incl., E½W½ and W½E½.
Sec. 19, Lots 1 to 8 incl., NW¼NE¼, S½NE¼, E½W½ and SE¼.
Sec. 30, Lots 1 to 8 incl., NW¼NE¼ and E½W½.
Sec. 31, Lots 1 to 8 incl., and E½W½.
T. 8 S., R. 19 E.,
Sec. 4, S½N½.
Sec. 5, Lots 1 and 4, S½NW¼, SW¼, NW¼SE¼ and S½SE¼.
Secs. 6 to 8 incl., All.
Sec. 9, NE¼NE¼, S½NE¼, W½ and SE¼.
Sec. 10, W½.
Secs. 17 to 21 incl., All,
Sec. 30, All.
Sec. 31, Lot 1, NE¼ and NE¼NW¼.
T. 9 S., R. 20 E.,
Sec. 35, W½NW¼.

The above area aggregates 34,379.14 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 869558]

[Misc. 64650]

JANUARY 15, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The following-described lands released from withdrawal by this order vary in terrain from level to slightly rolling. They are broken by solid rock outcrops, but have sufficient tillable areas to comply with the minimum requirements of the desert-land laws:

BOISE MERIDIAN

T. 7 S., R. 18 E.,
Sec. 2, W½SE¼.
Sec. 10, E½NE¼, SW¼NE¼.
Sec. 11, W½NE¼, NW¼.
Sec. 21, E½SW¼ and SE¼.
Sec. 32, SW¼, S½SE¼.
Sec. 33, W½, SE¼SE¼.
Sec. 34, N½, SE¼.
T. 8 S., R. 18 E.,
Sec. 2,
Sec. 3, S½NE¼, SE¼NW¼, S½SW¼.
Sec. 4, S½NW¼, S½.
Secs. 22 to 26, inclusive.
T. 8 S., R. 19 E.,
Sec. 7, NE¼.
Sec. 8, NW¼.
Secs. 30, E½SW¼.

The remaining lands released from withdrawal by this order are rough and rocky and are not suitable for cultivation.

Any application that is filed for the lands restored to disposition by this order will be considered on its merits. However, the lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 447; 43 U. S. C. 279–284), as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Boise, Idaho.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 54-543; Filed, Jan. 26, 1954; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6489]

SEABOARD & WESTERN AIRLINES, INC., AND TRANSOCEAN AIR LINES; ARMY POST OFFICE AND FLEET POST OFFICE MAIL TARIFF INVESTIGATION

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of rejection of tariff naming rates on Army Post Office and Fleet Post Office Mail proposed by Seaboard & Western Airlines, Inc., and Transocean Air Lines.

Notice is hereby given that the prehearing conference in the above-entitled investigation now assigned for January 25 is hereby postponed to February 8, 1954. The conference will be held at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., January 22, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-553; Filed, Jan. 26, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2055]

UNITED FUEL GAS CO.

ORDER REOPENING RECORD AND FIXING DATE OF HEARING

On November 19, 1953, the Commission issued its Opinion No. 258–A in this proceeding prescribing rates to be observed by United Fuel Gas Company (United Fuel) after February 15, 1953. On December 15, 1953, United Fuel filed application for a stay of the Commission's order and for the reopening of the record for the purpose of adducing additional evidence. By Commission order issued December 22, 1953, the Commission stayed its order of November 19, 1953, pending consideration of the matter alleged in the application.

United Fuel has pending under suspension, at Docket No. G–2274, a proposed rate increase which it may place in effect, under bond, on March 1, 1954. United Fuel requests opportunity to present evidence in the instant proceeding as to costs and sales revenues for calendar year 1953 and the 12 months ending February 28, 1954.

The Commission finds: It is reasonable and good cause exists to reopen the record in this proceeding to afford United Fuel opportunity to adduce evidence of operations for the year 1953 and the 12 months ending February 28, 1954.

The Commission orders:

(A) The record in this proceeding be and it hereby is reopened for the purpose of receiving evidence with regard to operations for the year 1953 and the 12 months ending February 28, 1954.

(B) A public hearing be held commencing on January 28, 1954, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., for the purpose specified in paragraph (A).

Adopted: January 20, 1954.

Issued: January 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-521; Filed, Jan. 26, 1954; 8:45 a. m.]

[Docket No. G-2313]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed November 12, 1953, pursuant to section 7 of the Natural Gas Act, to abandon certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for nonconested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including

publication in the FEDERAL REGISTER on December 30, 1953 (18 F. R. 8880).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 15, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 20, 1954.

Issued: January 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-522; Filed, Jan. 26, 1954; 8:45 a. m.]

[Docket No. G-2314]

MANUFACTURERS LIGHT AND HEAT CO.

ORDER FIXING DATE OF HEARING

On November 16, 1953, The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation having its principal place of business at Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 15, 1953 (18 F. R. 8212-8213).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 10, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 20, 1954.

Issued: January 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-523; Filed, Jan. 26, 1954; 8:46 a. m.]

[Docket No. G-2322]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

Lone Star Gas Company (Applicant) filed, on December 2, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing construction and operation of 3.43 miles of 3-inch lateral transmission pipe line looping its existing 2-inch lateral line G 3-4 serving Phillips Petroleum Company and four other direct industrial customers near Muenster, Texas, some fifty miles north of Ft. Worth, Texas.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 30, 1953 (18 F. R. 8880).

The Commission orders:

(1) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing be held on February 11, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(2) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 20, 1954.

Issued: January 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-524; Filed, Jan. 26, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28843]

VARIOUS COMMODITIES BETWEEN POINTS IN SOUTHERN TERRITORY AND FROM SOUTHERN TERRITORY TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

Between: Specified points in southern territory, and from points in that territory to points in official territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-525; Filed, Jan. 26, 1954; 8:46 a. m.]

[4th Sec. Application 28844]

REFINED PETROLEUM PRODUCTS FROM ALFORD AND WRENSHALL, MINN., TO OTHER POINTS IN MINNESOTA

APPLICATION FOR RELIEF

JANUARY 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Great Northern Railway Company and Northern Pacific Railway Company for and on behalf of themselves and carriers parties to schedules listed below.

Commodities involved: Blended gasolines, petroleum distillate fuel, gasoline, except natural gasoline, naphtha and refined oil.

From: Alford and Wrenshall, Minn.

To: Points in Minnesota.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Great Northern Railway Company tariff I. C. C. No. A-8163, supp. 78; Northern Pacific Railway Company tariff I. C. C. No. 9635, supp. 102.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-526; Filed, Jan. 26, 1954; 8:46 a. m.]

[4th Sec. Application 28845]

PHOSPHATE ROCK FROM FLORIDA TO GEIGER, PANOLA, DANCY AND COCHRANE, ALA.

APPLICATION FOR RELIEF

JANUARY 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: Geiger, Panola, Dancy and Cochrane, Ala.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad tariff I. C. C. B-3232, supp. 95.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-527; Filed, Jan. 26, 1954; 8:46 a. m.]

[4th Sec. Application 28846]

PHOSPHATE ROCK FROM FLORIDA MINES TO ELDORADO SPRINGS AND NEVADA, MO., AND VINITA, OKLA.

APPLICATION FOR RELIEF

JANUARY 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, carloads.

From: Florida Mines.

To: Eldorado Springs, and Nevada, Mo., and Vinita, Okla.

Grounds for relief: Competition with rail carriers, circuitous routes and market competition.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company tariff I. C. C. No. B-3232, supp. 95; Seaboard Air Line Railroad Company tariff I. C. C. No. A-8153, supp. 88.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-528; Filed, Jan. 26, 1954; 8:47 a. m.]

[4th Sec. Application 28847]

PHOSPHATE ROCK FROM FLORIDA MINES TO STEUBEN, IOWA

APPLICATION FOR RELIEF

JANUARY 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, carloads.

From: Florida Mines.

To: Steuben, Iowa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad I. C. C. No. B-3232, supp. 95; Seaboard Air Line Railroad I. C. C. No. A-8153, supp. 88.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-529; Filed, Jan. 26, 1954; 8:47 a. m.]

[4th Sec. Application 28848]

SCRAP IRON OR STEEL FROM NORFOLK AND PORTSMOUTH TO RICHMOND, VA.

APPLICATION FOR RELIEF

JANUARY 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Atlantic Coast Line Railroad Company.

Commodities involved: Scrap iron or steel, carloads.

From: Norfolk and Portsmouth, Va.

To: Richmond, Va.

Grounds for relief: Competition with rail carriers, circuity and to meet intrastate rates.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad I. C. C. No. B-3254, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-530; Filed, Jan. 26, 1954; 8:47 a. m.]

[4th Sec. Application 28849]

SULPHATE OF ALUMINA FROM MOBILE, ALA., GROUP TO PANAMA CITY, FLA.

APPLICATION FOR RELIEF

JANUARY 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Alumina, sulphate of, in solution (liquid alum), in tank-car loads.

From: Mobile, Ala., and points grouped therewith.

To: Panama City, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes and competition with water carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1295, supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-531; Filed, Jan. 26, 1954; 8:47 a. m.]

[4th Sec. Application 28850]

CAUSTIC SODA FROM NEW JERSEY, VIRGINIA AND NEW YORK TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

JANUARY 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedules listed below.

Commodities involved: Caustic soda, in tank-car loads.

From: Carteret and Newark, N. J., Saltville, Va., Solvay and Syracuse, N. Y.

To: Cincinnati, Ohio.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-941, supp. 85; R. B. Le Grande, Agent, I. C. C. No. 253, supp. 73.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-532; Filed, Jan. 26, 1954; 8:47 a. m.]

Reference Room

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — 1934

VOLUME 19 NUMBER 19

Washington, Thursday, January 28, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10516

TRANSFERRING CERTAIN LANDS TO THE SECRETARY OF AGRICULTURE FOR USE, ADMINISTRATION, AND DISPOSITION UNDER TITLE III OF THE BANKHEAD-JONES FARM TENANT ACT

WHEREAS I find suitable for the purposes of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 7 U. S. C. 1010 *et seq.*), and the related provisions of Title IV thereof, certain lands of the United States under the supervision of the Secretary of Agriculture which are being administered by the Department of Agriculture as tree and grass nurseries for the production of woody and herbaceous planting stock, such nurseries being designated and described as follows:

Nursery	County	State	Acreage
Clanton	Chilton	Alabama	181.20
Tucson	Pima	Arizona	45.88
Pleasonton	Alameda	California	60.00
Americus	Sumter	Georgia	340.70
Manhattan	Riley	Kansas	181.45
Elsberry	Lincoln	Missouri	112.987
Two Rivers	Douglas	Nebraska	200.44
Big Flats	Chemung	New York	212.88
Mandan	Morton-Burleigh	North Dakota	595.20
Zanesville	Muskingum	Ohio	202.69
Howard	Centre	Pennsylvania	76.924
San Antonio	Hexar	Texas	3.00
Pullman	Whitman	Washington	160.26
Bellingham	Whatcom	Washington	72.214

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 45 of the said Bankhead-Jones Farm Tenant Act, it is ordered that all the right, title, and interest of the United States in and to the above-described lands be, and they are hereby, transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the said act and the related provisions of Title IV thereof.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 26, 1954.

[F. R. Doc. 54-632; Filed, Jan. 26, 1954; 4:59 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 427.1]

PART 327—TITLE CLEARANCE

ARRANGEMENT WITH TITLE INSURERS

Section 327.4 (b) (5), Title 6, Code of Federal Regulations (13 F. R. 9409), is revised to modify the requirements with respect to owners' policies of title insurance and as revised reads as follows:

§ 327.4 *Arrangements with title insurers.* • • •

(b) *Standard proposals: acceptance by State Director.* • • •

(5) Rates for owners' policies are set forth in the manner indicated by part II, section 1 (if combination policies are offered there may be supplied in part I, section 1, an additional column showing rates, based on amount of insurance, applicable to combination policies), and such rates are found by the State Director to be reasonable and the lowest rates which can be secured by negotiation. If the insurer offers to issue owners' policies in the same amount as the mortgage insurance in Farm Enlargement and Farm Development cases, the proviso following the semicolon in the first paragraph of part II, section 1, should be stricken. Because each borrower has the option of electing whether to obtain an owner's policy, the State Director may delete part II, "Owners' Policies," or may approve any provisions satisfactory to him relating to owners' policies contained in the proposal, including the form of owner's policy offered.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 12 (a), 44 (b), 60 Stat. 1074, 1076, 1069; 7 U. S. C. 1003 (a), 1005b (a), 1018 (b))

Dated: January 20, 1954.

[SEAL] R. B. MCLEAISH, *Administrator, Farmers Home Administration.*

[F. R. Doc. 54-579; Filed, Jan. 27, 1954; 8:51 a. m.]

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FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 1]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1954 AND SUCCEEDING CROP YEARS

ELIGIBILITY FOR INSURANCE

The above identified regulations (18 F. R. 5703), are hereby amended, effective beginning with the 1954 crop year, by adding a § 417.9 to read as follows:

§ 417.9 *Eligibility for insurance.* Notwithstanding the provisions of section 20 (b) of the policy as shown in § 417.8, insurance may be provided in any crop year to any person who canceled his contract for that crop year and who as owner-operator or tenant-operator files an application for insurance after the cancellation date and by the applicable closing date preceding such crop year, provided the interest(s) covered by such application for insurance is not limited to the identical interest(s) which was insured under the canceled contract.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507–1509)

Adopted by the Board of Directors on January 15, 1954.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on January 22, 1954.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-584; Filed, Jan. 27, 1954; 8:52 a. m.]

[Amdt. 5]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above identified regulations, as amended (16 F. R. 9628, 11565; 17 F. R. 189, 10537; 18 F. R. 439, 3632, 6990, 7222), are hereby amended for all counties, effective beginning with the 1955 crop year, as follows:

1. The table following paragraph (a) of § 418.204 (formerly designated § 418.154) is amended by changing the closing date for all counties in Idaho, Oregon, and Washington to October 31, and establishing a closing date of August 31 for Bennett County, South Dakota.

2. Section 2, as amended, of the policy shown in § 418.210 (formerly designated § 418.160) is amended to read as follows:

2. *Insurable acreage.* For each crop year of the contract any acreage is insurable only if a coverage for such acreage is shown on the county actuarial table for that crop year, provided, however, in any county where a coverage(s) is established by a farming practice(s) any acreage is insurable only if a coverage is established for the farming practice followed on such acreage.

3. Section 6 of the policy shown in § 418.210 is amended to read as follows:

6. *Coverage per acre.* The coverage per acre established for the area in which the insured acreage is located shall be shown, by practice(s) where applicable, on the county actuarial table on file in the county office. The coverage per acre is progressive depending upon whether the acreage is (a) First Stage—released and seeded to a substitute crop, (b) Second Stage—not harvested and not seeded to a substitute crop or (c) Third Stage—harvested.

4. Subsections (a) and (d) of section 9, as amended, of the policy shown in § 418.210 are amended to read as follows:

(a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the applicable cancellation date preceding the crop year for which the cancellation is to become effective: *Provided, however,* That (1) if by the March 31 following such cancellation date for all counties with a December 31 cancellation date any amount of premium remains unpaid or (2) if by such cancellation date for all other counties any amount of premium, except the premium due on the crop harvested or to be harvested in the calendar year in which the cancellation date occurs, remains unpaid, the contract shall terminate as if canceled by the Corporation prior to such cancellation date. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and mailing shall constitute notice to the insured.

• • • • •

(d) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

5. Section 12, as amended, of the policy shown in § 418.210 is amended to read as follows:

12. *Amount of annual premium.* (a) The premium rate per acre will be established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown, by practice(s), where applicable, on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of wheat, (2) the applicable premium rate(s) and (3) the insured interest(s) in the crop at the time of seeding. There will be a reduction in the annual premium for each insurance unit of 4 percent for the first full 200 acres of insured acreage on the unit and an additional 2 percent reduction for each additional full 100 acres, provided, however, that the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract, and with respect to any insured acreage shall be earned and payable when the wheat on such acreage is seeded.

(b) The premium rate(s) shown on the county actuarial table is based on prompt payment and any amount of the premium which remains unpaid on the day following the discount date (the discount date shall be the November 30 following the time the wheat crop is normally harvested) will be increased by 10 percent, which increased amount shall be the premium balance. Thereafter, at the end of each 12 months' period, 6 percent simple interest shall attach to any amount of the premium balance remaining unpaid. Interest shall not be charged on premiums earned in the 1955 and succeeding crop years except as specified in this section.

(c) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured wheat crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. Whether or not the insured is eligible for the above premium reduction, his annual premium may be reduced in lieu of the above in any year by not to exceed 50 percent if it is determined by the Corporation that the accumulated balance of premiums over indemnities on consecutively insured wheat crops exceeds his total coverage (computed on a harvested acreage basis). Nothing in this paragraph shall create in the insured any right to a reduced premium.

(d) Notwithstanding any other provision of the contract, if in any year a premium is earned and totals less than $10.00 the amount shall be increased to $10.00.

6. Subsection (b) of section 13, as amended, of the policy shown in § 418.210 is amended to read as follows:

(b) Any unpaid amount of any premium or any other amount owed the Corporation by the insured may be deducted from any indemnity payable by the Corporation or from any loan or any payment made to the insured under any act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

7. Section 18 of the policy shown in § 418.210 is amended to read as follows:

18. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 19 (b). An insurance unit consists of (a) all the insurable acreage of wheat in the county in which the insured has 100 percent interest in the crop at the time of seeding, or (b) all the insurable acreage of wheat in the county owned by one person which is operated by the insured as a share tenant, or (c) all the insurable acreage of wheat in the county which is owned by the insured and is rented to one share tenant at the time of seeding. For any crop year of the contract, acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

8. Item 4 of the "Production Schedule" contained in section 19, as amended, of the policy shown in § 418.210 is amended to read as follows:

Acreage classification	Basis of coverage to be used	Production to be [illegible]
4. Acreage from which threshed wheat as determined by the Corporation (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight.	T II I III D	The number of bushels obtained by (1) multiplying the bushels of such threshed wheat by the value per bushel as determined by the Corporation, and (2) dividing the result thus obtained by the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight.

9. Subsection (a) of section 30, as amended, of the policy shown in § 418.210 is deleted.

10. Subsection (d) of section 30, as amended, of the policy shown in § 418.210 is amended to read as follows:

(d) "County office" means the Corporation's office for the county, shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

11. Section 30, as amended, of the policy shown in § 418.210 is further amended by adding a subsection (k) to read as follows:

(k) "County" means the area shown on the county actuarial table which may include farms located in a local producing area(s) bordering on the county.

12. Section 32, as amended, of the policy shown in § 418.210 is amended by deleting the maturity dates and changing the discount date to November 30 for all counties.

13. Section 32, as amended, of the policy shown in § 418.210 is further amended by establishing a cancellation date of April 30, and a discount date of November 30 for Bennett County, South Dakota.

(Secs. 509, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507–1509)

Adopted by the Board of Directors on January 15, 1954.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on January 22, 1954.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-582; Filed, Jan. 27, 1954; 8:52 a. m.]

[Amdt. 6]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1952 AND SUCCEEDING CROP YEARS

ELIGIBILITY FOR INSURANCE

The above identified regulations, as amended (16 F. R. 7975, 11565; 17 F. R. 2110, 5633, 8206, 8471; 18 F. R. 440, 3633, 3994, 6990), are hereby amended, effective beginning with the 1954 crop year, by adding a § 419.14 to read as follows:

§ 419.14 *Eligibility for insurance.* Notwithstanding the provisions of section 8 (b), as amended, of the policy as shown in § 419.13, insurance may be provided in any crop year to any person who canceled his contract for that crop year and who as owner-operator or tenant-operator files an application for insurance after the cancellation date and by the applicable closing date preceding such crop year, provided the interest(s) covered by such application for insurance is not limited to the identical interest(s) which was insured under the canceled contract.

(Sec. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong., 7 U. S. C. 1507–1509)

Adopted by the Board of Directors on January 15, 1954.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on January 22, 1954.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-583; Filed, Jan. 27, 1954; 8:52 a. m.]

[Amdt. 14]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

SINGLE CROP SETTLEMENT

The above identified regulations, as amended (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271; 16 F. R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671, 5082, 5933, 8206, 10537, 11257, 11379; 18 F. R. 151, 440, 3634, 4418, 6282, 6992, 7222, 8080, 8530), are hereby amended, effective beginning with the 1954 crop year, as follows:

1. The following section is added:

§ 420.36 *Single crop settlement.* Notwithstanding any other provisions of this subpart to the contrary, the Manager of the Corporation is authorized, in counties designated by him, in any case the insured so elects, to compute premium(s) and indemnity(ies) as though each crop insured were the only crop insured under the contract. For the first crop year in which such election is authorized in a county and for the first crop year of any contract, the election must be made before the closing date for filing applications for insurance. Thereafter, any election or change therein shall be in writing and filed in the county office prior to the cancellation date for the crop year the change is to become effective. The combination of insurance units provided for in section 13 of the policy shall not be permitted in counties designated under this section.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507–1509)

Adopted by the Board of Directors on January 15, 1954.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on January 22, 1954.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-581; Filed, Jan. 27, 1954; 8:52 a. m.]

PART 422—CITRUS CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1954 AND SUCCEEDING CROP YEARS

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, the "Regulations for the 1953 and Succeeding Crop Years" (18 F. R. 440), which shall continue in full force and effect for the 1953 crop year, are hereby amended for the 1954 and succeeding crop years to read as set forth below. The provisions of this subpart shall apply, until amended or superseded, to all citrus contracts as they relate to the 1954 and succeeding crop years.

Sec.
422.21 Availability of citrus crop insurance.
422.22 Coverages per acre.
422.23 Premium.
422.24 Application for insurance.
422.25 Public notice of indemnities paid.
422.26 Creditors.
422.27 Changes in continuous contracts covering the 1953 and succeeding crop years.
422.28 The policy.

AUTHORITY: §§ 422.21 through 422.28 issued under secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507–1509.

§ 422.21 *Availability of citrus crop insurance.* Citrus crop insurance will be provided in Orange and Polk Counties, Florida, except that insurance will not be provided in a county for any crop year unless the minimum participation requirement prescribed by the Federal Crop Insurance Act, as amended, is met before the June 1 following the beginning of such crop year. For this purpose an insurance unit shall be counted as one farm.

§ 422.22 *Coverages per acre.* The Corporation shall establish coverages per acre by areas which shall not be in excess of the maximum limitations prescribed by the Federal Crop Insurance Act, as amended. Coverages so established shall be shown on the county actuarial table which shall be on file in the county office and may be revised from year to year.

§ 422.23 *Premium.* (a) The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for citrus crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table which shall be on file in the county office and may be revised from year to year.

(b) The premium for each crop year shall be paid before the beginning of the insurance period for such crop year except that payment may be deferred upon the insured making arrangements satisfactory to the Corporation for the payment of the premium. The Corporation may charge interest at not to exceed 6 percent per annum on deferred payments.

§ 422.24 *Application for insurance.* Application for insurance on a form approved by the Corporation may be made by any person to cover his interest as landlord, owner-operator, or tenant in a citrus crop. A supplemental application may be submitted to cover any interest in citrus acreage acquired after the date of premium payment for any crop year. For any crop year, applications and supplemental applications may be submitted to the county office until such time as the Manager of the Corporation terminates the sale of citrus insurance for such crop year.

§ 422.25 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses in the county.

§ 422.26 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle any holder of any such interest to any benefits under the contract.

§ 422.27 *Changes in continuous contracts covering the 1953 and succeeding crop years.* Continuous citrus insurance contracts in effect for the 1953 and succeeding crop years shall be amended for 1954 and succeeding crop years so that the terms and conditions of such contracts will conform with the terms and conditions of the policy set forth in this subpart.

§ 422.28 *The policy.* The provisions of the policy for the 1954 and succeeding crop years are as follows:

Pursuant to the provisions of the application upon which this policy is issued, which application together with this policy shall constitute the contract, and subject to the terms and conditions set forth herein, the Federal Crop Insurance Corporation (herein called the "Corporation") does insure _____ (Name) _____ (Policy No.) _____, _____, Florida (herein called the "insured"), against unavoidable loss on his citrus crops due to freeze, hail, hurricane, or tornado.
(Address) (County)

In witness whereof, the Corporation has caused this policy to be issued this _____ day of _____, 195__.

FEDERAL CROP INSURANCE CORPORATION,
By _____
(State Crop Insurance Director)

TERMS AND CONDITIONS

1. *Citrus crops insured.* (a) The kinds of citrus insured shall be all varieties of oranges, grapefruit, and tangerines.

(b) Insurance for each crop year of the contract shall cover only citrus fruit that normally matures within such crop year and shall not cover any fruit on the trees which matures before August 1 of such crop year.

2. *Insurable acreage.* For each crop year of the contract, any acreage is insurable only if a coverage for such acreage is shown on the county actuarial table for that crop year. Acreage having a potential production for any crop year of less than 100 standard field boxes per acre is uninsurable for that crop year.

3. *Responsibility of insured to report acreage and interest.* For the initial crop year of the contract, the insured shall specify on his application all the insurable acres of citrus in the county in which he has an interest on the date of premium payment for such crop year and his interest in each such acreage. These data shall be revised by the insured on or before the date of premium payment for each succeeding crop year provided that the data on the application or latest revision are incorrect, to show the actual insurable acreage of citrus in which he has an interest on such date and his interest therein. If such data are not so revised for any crop year, the data on the latest revision or the application if there has been no revision, shall constitute the insured's report of his citrus acreage and his interest therein on the date of premium payment for such crop year.

4. *Insured acreage.* For each crop year of the contract the insured acreage with respect to each insurance unit shall be the insurable acreage of citrus in which the insured has an interest on the date of premium payment, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided, however,* That the insured acreage shall not include acreage in which the insured does not have an interest on the date insurance attaches.

5. *Insured interest.* For each crop year of the contract the insured interest in the citrus crops covered by the contract shall be the insured's interest on the date of premium payment, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided, however,* That such insured interest shall not exceed the insured's interest on the date insurance attaches. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of damage.

6. *Coverage per acre.* (a) The coverage(s) per acre shall be the number of dollars established by the Corporation for the area in which the insured acreage is located, and will be shown on the county actuarial table on file in the county office.

(b) Where more than one coverage per acre is established for a county and shown on the county actuarial table, the amount of coverage elected by the insured shall be specified on the application for insurance. However, the insured may elect to change from one coverage to the other by so advising the Corporation in writing at the county office on or before the date of premium payment for the crop year the change is to become effective.

7. *Insurance period.* For any insured acreage insurance shall attach, subject to the provisions of section 20, on the first April 1 of each crop year or 10 days after the date of premium payment (see section 25 (e)) for such acreage for such crop year, whichever is later. Insurance shall cease with respect to any portion of a citrus crop covered by the contract upon harvest but in no event shall the insurance remain in effect after June 30 of the calendar year following the year in which the insurance period begins, unless such time is extended in writing by the Corporation.

8. *Causes of loss not insured against.* The contract shall not cover loss caused by (a) failure to follow recognized good grove practices, (b) failure properly and without unreasonable delay to care for, harvest, salvage, or market the insured citrus crops, (c) failure of a marketing agency or buyer to accept delivery of marketable fruit, (d) drought, (e) flood, (f) lightning, (g) fire, (h) excessive rain, (i) wildlife, (j) insect infestation, (k) plant disease, (l) normal dropping of fruit, (m) neglect or malfeasance of the insured or of any person in his household or employment or connected with the grove as caretaker, tenant or wage hand, or (n) any cause of loss other than freeze, hail, hurricane, or tornado; nor shall it cover damage to blossoms.

9. *Amount of annual premium.* (a) The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage, (2) the applicable premium rate(s), and (3) the insured interest(s) in the citrus crop(s) on the date of premium payment for each crop year. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned on the beginning of the insurance period of each crop year.

(b) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured citrus crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. Nothing in this paragraph shall create in the insured any right to a reduced premium.

10. *Manner of payment of premium.* (a) Payment on any premium shall be made by means of cash or by check, money order, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and no payment shall be regarded as paid unless collection is made.

(b) There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

11. *Notice of loss or damage.* (a) Notice in writing shall be given the Corporation at the county office within 7 days after each material damage to the insured crop on any insurance unit from an insured cause. Such notice shall state the cause and date of damage and the insured's estimate of the percentage of damage.

(b) In the case of freeze or hail, if the extent of damage cannot be determined until after the damaged fruit is harvested, an additional notice in writing, stating the date that harvest of the damaged fruit was completed for the insurance unit, shall be given the Corporation at the county office within 15 days of such date.

(c) If notice(s) is not given as required by this section, the Corporation reserves the right to reject any claim for indemnity.

12. *No abandonment.* There shall be no liability under the contract on any citrus crop or part thereof which is abandoned by the insured without a release by the Corporation. There will be no abandonment of any crop or portion thereof to the Corporation.

13. *Proof of loss.* For each insurance unit on which a loss is claimed, the insured shall submit to the Corporation, on a form approved by the Corporation, such information regarding the manner and extent of the loss as may be required by the Corporation. This form containing such information shall be executed and submitted for each loss claimed, within (a) 90 days after the time

of damage in the case of hurricane or tornado or (b) 60 days after the completion of harvesting the damaged fruit in the case of freeze or hail, but in no event later than July 31 following the crop year in which the loss occurred, unless additional time is granted in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made, and that such loss is not due to uninsured causes and has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which loss is claimed.

14. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 15 (e). An insurance unit consists of (a) all the insurable acreage of citrus in the county in which the insured has 100 percent interest on the date of premium payment for the crop year, that is located on contiguous land under the same ownership, or (b) all such insurable acreage in the county in which two or more persons have 100 percent interest on the date of premium payment for the crop year, that is located on contiguous land under the same ownership, excluding any other acreage of citrus in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous. For any crop year of the contract acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table.

15. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by multiplying the coverage for such unit by the weighted average percent of damage for all citrus crops on such unit, except that no loss shall be payable if the weighted average percent of damage for the unit on the insured crop during the insurance period is less than 10 percent.

(b) The amount of coverage with respect to any insurance unit shall be determined by multiplying the insured acreage of citrus on such unit by the insured interest and the result by the coverage per acre.

(c) The weighted average percent of damage for all citrus crops on any insurance unit shall be based upon the percent of damage to each kind of fruit on the unit and the insurable acreage in each such kind.

(d) The percent of damage for each kind of fruit on any insurance unit shall be the ratio of the number of standard field boxes of fruit lost from an insured cause(s) to the total number of standard field boxes of such kind of fruit which was or would have been produced, as determined by the Corporation. In the case of partial damage by freeze or hail, the number of standard field boxes of partially damaged fruit lost will be determined by the Corporation on the basis of 85 pounds per box for grapefruit, 90 pounds per box for oranges, and 95 pounds per box for tangerines. The number of boxes of each kind of fruit which was or would have been produced shall include (1) fruit picked before the insured damage occurs, (2) fruit remaining on the trees after the damage occurs, (3) fruit lost from the insured cause(s) of damage, and (4) any other fruit not included in items (1) through (3), including fruit lost from causes not insured against. Fruit lost shall include any fruit which is unmarketable as fruit or for juice due to an insured cause(s) and the destroyed portion (based on weight) of any fruit which is partially damaged by freeze or hail, as determined by the Corporation.

(e) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate either the commingled production or the amount of loss or both between the acreage involved in such manner as it determines appropriate.

16. *Payment of indemnity.* (a) Any indemnity will be payable by check within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason the Corporation shall not be liable for interest or damage on account of such delay.

(b) If the insured dies, is judicially declared incompetent or disappears during an insurance period any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit, the determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid and shall be a bar to recovery by any other person(s).

17. *Transfer of interest.* (a) If the insured transfers all or a part of his insured interest in a citrus crop before the end of the insurance period the transferee upon written request made by the transferor will be entitled to the benefits of the contract, and subject to its terms and conditions, accruing after the transfer with respect to the interest so transferred. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 18. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

(b) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

18. *Collateral assignment.* The original insured may assign his right to an indemnity for any year under the contract by executing a collateral assignment on a form prescribed by the Corporation and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms required by the contract if the insured neglects or refuses to take such action.

19. *Records and access to grove.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep, or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition of all citrus produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. As often as may be reasonably required, any person(s) designated by the Corporation shall have access to such records and the grove(s) for purposes related to the contract.

20. *Life of contract, termination or cancellation thereof.* The contract shall be in effect for the first crop year specified on the application subject to the provisions of subsections (c) and (d) of this section, and shall continue in effect for each succeeding crop year subject to the provisions of subsections (a), (b), (c) and (d) of this section.

(a) The contract shall terminate if for any crop year the premium, computed on the basis of the insured's latest report of his citrus acreage, is not paid before the June 1 following the beginning of such crop year, such termination to become effective beginning with the crop year for which such premium is not paid. For the purpose of this section, any premium for which the insured has made arrangements for payment satisfactory to the Corporation shall be deemed paid.

(b) Cancellation may be made by either party giving written notice to the other party on or before the cancellation date which shall be the day preceding the beginning of the insurance period for the crop year for which the cancellation is to become effective. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and the mailing of such notice shall constitute notice to the insured.

(c) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year before the June 1 following the beginning of such crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

(d) The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of the insurance period in any crop year but before the end of the insurance period for such year, the contract shall terminate at the end of the latest insurance period for which insurance attached.

21. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s), and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured or placed on file in the county office by the March 1 preceding the beginning of the crop year for which such changes are to become effective and such mailing or filing shall constitute notice to the insured. Failure of the insured to cancel the contract as provided in section 20 shall constitute his acceptance of any such changes. If no notice is given, the terms and provisions of the contract for the prior year shall continue in force.

22. *Voidance of contract.* The Corporation may void the contract and declare the premium(s) forfeited without waiving any right or remedy including the right to collect any unpaid premium(s) if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact (including his insurable acreage or his interest therein) or committed any fraud relating to the contract, or (b) the insured fails to give any notice or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed.

23. *Modification of contract.* No notice to any representative of the Corporation or knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or a change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized representative of the Corporation; nor shall any provision or condition of this contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder.

24. *Forms.* Copies of the forms referred to in this policy are available at the county office.

25. *Meaning of terms.* For purposes of the citrus insurance program the terms:

(a) "County" means the area shown on the county acturial table which may include groves located in local producing area(s) bordering on the county.

(b) "County actuarial table" means the form(s) and related materials (including the crop insurance maps) which are approved annually by the Corporation and show the coverages per acre and the premium rates per acre applicable in the county.

(c) "County office" means the Corporation's office for the county, shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

(d) "Crop year" means the period beginning April 1 and extending through June 30 of the following calendar year and shall be designated by reference to the calendar year in which the insurance period begins.

(e) "Date of premium payment" means the date an official receipt is issued to the insured by an authorized representative of the Corporation acknowledging that premium payment has been received in the county office or that satisfactory arrangements for the payment of the premium have been approved by the county office.

(f) "Harvest" means (i) any severance of the fruit from the tree either by pulling or clipping or (ii) picking the marketable fruit from the ground.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

NOTE: The reporting and/or record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on January 15, 1954.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on January 22, 1954.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-580; Filed, Jan. 27, 1954; 8:51 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 214k—ADMISSION OF NONIMMIGRANTS: UNILATERAL ADMISSION OF MEXICAN AGRICULTURAL WORKERS

Chapter I of Title 8 of the Code of Federal Regulations is amended by adding thereto Part 214k as follows:

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214k.1 Definitions.
214k.2 Conditions of admission.
214k.3 Admission; period; revocation.

Sec.
214k.4 Persons ineligible to employ agricultural workers; report on worker's leave of employment.
214k.5 Extension of stay; conditions.
214k.6 Readmission after temporary visits to Mexico.
214k.7 Previous removal, deportation; consent to reapply.
214k.8 Failure to maintain nonimmigrant status; arrest and further proceedings.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

214k.21 Conveyance of aliens to reception centers.
214k.22 Immigration inspection at reception centers; authority to admit.
214k.23 Reemployment in the United States.
214k.24 Duplicate identification cards.
214k.51 Extension of period of admission.

AUTHORITY: §§ 214k.1 to 214k.51 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply Title V, 65 Stat. 119, secs. 214, 241, 242, 264, 405, 66 Stat. 189, 204, 208, 224, 281; 7 U. S. C. 1461-1468, 8 U. S. C. 1184, 1251, 1252, 1304, 1101 note.

SUBPART—SUBSTANTIVE PROVISIONS

§ 214k.1 *Definitions.* As used in this part:

(a) The term "agricultural worker" means a native-born citizen of Mexico at least 18 years of age who is a bona fide resident of Mexico and who seeks to enter the United States temporarily for the sole purpose of engaging in agricultural employment as defined in this section, and who is legally admitted to the United States for such purpose.

(b) The term "agricultural employment" means employment in connection with:

(1) Cultivation and tillage of the soil, planting, production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, and any operations (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in connection with such activities, including the raising, shearing, feeding, caring for, training and management of livestock, preparations for market, delivery to storage, or to market, or to a carrier for transportation to market, and cotton ginning; or

(2) The maintenance of a farm and its tools and equipment, or salvaging of timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm; or

(3) The maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit and used exclusively for supplying or storing water for farming purposes; or

(4) The handling, drying, packing, packaging, processing, freezing, grading, or storing, in its unmanufactured state of any agricultural or horticultural commodity for the operator of a farm; but only if such operator shall have produced more than one-half of the commodity with respect to which the service is performed; or

(5) Any of the activities described in subparagraph (4) of this paragraph for a group of operators of farms, but only if such operators shall have produced the commodities with respect to which such activities are performed: *Provided,* that the provisions of this subparagraph and subparagraph (4) of this paragraph shall not be applicable to services performed in connection with commercial canning or commercial freezing, or in connection with any agricultural or horticultural commodities after their delivery to a terminal market for distribution or consumption.

(c) The term "employer" means:

(1) The operator of agricultural property who is engaged in agricultural employment and who has not been disapproved by the Commissioner of Immigration and Naturalization or an immigration officer acting for him; or

(2) A processor, shipper, or marketer of agricultural products who employs agricultural workers for work on crops purchased by him and who has not been disapproved by the Commissioner of Immigration and Naturalization or an immigration officer acting for him; or

(3) An association or other group of employers as defined in subparagraph (1) or (2) of this paragraph which has not been disapproved by the Commissioner of Immigration and Naturalization or an immigration officer acting for him, but only if those of its members for whom agricultural workers are being obtained are bound, in the event of its default, to carry out the obligations undertaken by it, unless the Secretary of Labor determines that such individual liability is not necessary to assure performance of such obligations.

(d) The term "certification" means the finding and determination by the Secretary of Labor that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which agricultural workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

(e) The term "work agreement" means the contract entered into by the Secretary of Labor on behalf of the United States, the employer, and the agricultural worker with respect to the terms and conditions of employment.

(f) The term "reception center" means any place established by the Secretary of Labor within the United States to which workers are brought to be employed by employers and to which the workers will return upon termination of the work agreement.

(g) The term "Secretary of Labor" means the Secretary of Labor of the United States or his duly authorized representative.

§ 214k.2 *Conditions of admission.* A Mexican alien who applies for admission to the United States as an agricultural worker shall, as conditions of admission:

(a) Establish that he is in all respects admissible under the provisions of the immigration laws;

(b) Have been selected by an employer;

(c) Establish to the satisfaction of the examining immigration officer that, if admitted, he will comply with all of the conditions of such admission; and

(d) Have been selected by the Secretary of Labor as a qualified agricultural worker.

§ 214k.3 *Admission; period; revocation.* A Mexican alien found admissible under § 214k.2 may be admitted to the United States as an agricultural worker, provided:

(a) That the initial period of admission shall be that specified in the certification of the Secretary of Labor, but shall not exceed six months; and

(b) That the period of temporary admission shall be subject to immediate revocation, without notice, by the district director of the district having jurisdiction over the place of the worker's employment upon (1) failure of the worker to maintain his status as an agricultural worker by accepting any employment or engaging in any activities not specifically authorized, or violation by the employer or worker of the work agreement or of any condition under which the importation of such worker shall have been authorized or under which he is permitted to remain in the United States; or (2) withdrawal by the Secretary of Labor of the certification furnished the employer; or (3) determination and notification by the Secretary of Labor that sufficient domestic workers who are able, willing, and qualified are available at the time and place needed to perform the work for which such workers are employed, or that the employment of agricultural workers is adversely affecting the wages and working conditions of domestic agricultural workers similarly employed, or that reasonable efforts have not been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

§ 214k.4 *Persons ineligible to employ agricultural workers; report on worker's leave of employment.* (a) No agricultural workers shall be made available to, nor shall any such workers made available be permitted to remain in the employ of, any person (1) who has in his employ any Mexican alien when such person knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such Mexican alien is not lawfully within the United States, or (2) who has not received a certification from, or whose certification is withdrawn by, the Secretary of Labor, or (3) who the Secretary of Labor determines has wilfully violated the individual work agreement. Whenever it shall appear that a Mexican alien not lawfully in the United States is employed by such a person, an investigation shall be made and a report submitted to the district director having jurisdiction over the place of the alien's employment. The temporary admission of all agricultural workers employed by such a person may be revoked in the manner provided in § 214k.3.

(b) If an agricultural worker leaves his employment without proper authorization, or dies (from either natural or accidental causes), or becomes seriously ill or injured, the employer shall submit an appropriate report within five days to the district director having jurisdiction over the reception center at which the worker was admitted. Such report shall contain (1) the worker's name, as shown in the employer's copy of the work agreement; (2) the worker's Form I–100a number; (3) the location of the reception center at which the worker was originally employed; and (4) the date the employment of the worker ceased. Upon failure of an employer to furnish the report required by this paragraph, his authorization to import and employ agricultural workers may be revoked.

§ 214k.5 *Extension of stay; conditions.* An alien admitted to the United States as an agricultural worker may be granted an extension or extensions of the period for which he was originally admitted by the district director or the officer in charge having jurisdiction over the place of the alien's employment: *Provided*, That any such extension shall be subject to the same conditions as those imposed upon his original admission: *And provided further*, That no extension shall be granted which would permit such alien to remain in the United States in excess of three years from the date of his original admission.

§ 214k.6 *Readmission after temporary visits to Mexico.* (a) An agricultural worker who has been admitted to the United States under this part may be readmitted after temporary visits to Mexico on presentation of Form I–100a, Alien Laborer's Permit and Identification Card, if he still maintains the status of an agricultural worker in the United States.

(b) An agricultural worker who is granted a furlough shall be furnished a letter by his employer indicating the time for which the furlough is granted and stating that all contractual obligations will be reassumed upon the alien's return to his employment after the furlough. The letter shall be appropriately noted by a representative of the United States Employment Service to show approval of the furlough.

§ 214k.7 *Previous removal, deportation; consent to reapply.* An alien who establishes that he is in all respects entitled to admission as an agricultural worker except that he has been previously removed at Government expense pursuant to section 242 (b) of the Immigration and Nationality Act, or has been excluded or arrested and deported, on not more than one occasion solely because of illegal entry or lack of required documents, is hereby granted consent to reapply for admission to the United States as an agricultural worker.

§ 214k.8 *Failure to maintain nonimmigrant status; arrest and further proceedings.* (a) An alien admitted to the United States as an agricultural worker shall be deemed to have failed to maintain his nonimmigrant status within the meaning of section 241 (a) (9) of the Immigration and Nationality Act if:

(1) He remains in the United States after the expiration of the time for which he is temporarily admitted or after the expiration of any authorized extension of such period; or

(2) He violates or fails to fulfill any of the other conditions of his admission to, or extended stay in, the United States; or

(3) He evidences orally or in writing or by conduct an intention to violate or to fail to fulfill any of the conditions of his temporary admission to, or extended stay in, the United States; or

(4) He remains in the United States after the period of his temporary admission or extended stay is revoked.

(b) Any alien admitted under this part who fails to maintain his nonimmigrant status shall be subject to being taken into custody and to being made the subject of further proceedings under the applicable provisions of the immigration laws and regulations.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 214k.21 *Conveyance of aliens to reception centers.* If the immigration officer at the port of entry determines that an alien is a bona fide agricultural worker and is admissible as such upon selection by an employer, he shall permit the alien to proceed to the reception center in the custody of a representative of the Secretary of Labor. Such permission shall not be construed as a guarantee that the alien will be admitted to the United States, nor shall the alien be entitled to accept employment in the United States unless and until he has been issued Form I–100a. Such aliens shall be conveyed directly from the port of entry to the reception center at or near a port of entry, under the supervision of representatives of the Secretary of Labor, for completion of immigration inspection. The conveyance of an agricultural worker to a reception center shall not constitute an admission to the United States. Such alien shall be considered to have been admitted to the United States only after he has been inspected and issued Form I–100a.

§ 214k.22 *Immigration inspection at reception centers; authority to admit.* (a) An alien conveyed to a reception center who is found to be admissible as an agricultural worker may be so admitted by the examining immigration officer, at which time such officer shall fingerprint the alien:

(1) By placing the rolled impression of the right index finger on the Form I–100a, Alien Laborer's Permit and Identification Card, which shall be prepared in duplicate in each such case; and

(2) By placing complete fingerprints of both hands on one copy of Form AR–4.

(b) The examining immigration officer shall execute the obverse of Form AR–4 and shall place thereon the serial number of Form I–100a and a stamped notation reading "Admitted as agricultural worker"; and shall mail the executed form direct to the Federal Bureau of Investigation, Washington 25, D. C.

(c) The alien shall be given the Form I–100a bearing his photograph and stating his name, place of birth, and citizenship. Such form shall be duly noted by an immigration officer to show the date, place, and period of the alien's admission to the United States and shall be signed by such officer across the bottom of the photograph, partly on the photograph and partly on the card. Such noted card shall be the sole document required for admission to the United States as an agricultural worker.

§ 214k.23 *Reemployment in the United States.* During the period for which he is admitted, or any authorized extension thereof, an agricultural worker may, with the approval of the district director having jurisdiction over the place of the worker's employment and the appropriate representative of the United States Employment Service, be reemployed by the same or another employer. When an agricultural worker is so reemployed, his Form I–100a shall be appropriately noted, and the officer in charge having administrative jurisdiction over the port of the worker's entry shall be notified.

§ 214k.24 *Duplicate identification cards.* A duplicate of Form I–100a may be issued to an agricultural worker in the discretion of the district director or the officer in charge having jurisdiction over the place of the worker's employment if the original has been lost, mutilated, or destroyed. The officer in charge having administrative jurisdiction over the port of the worker's entry shall be notified of the issuance of such duplicate Form I–100a.

§ 214k.51 *Extension of period of admission.* Extension of the temporary admission of an alien admitted to the United States as an agricultural worker may be granted by the district director or the officer in charge having jurisdiction over the place of the alien's employment only upon determination and certification by the Secretary of Labor that:

(a) Sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed;

(b) The employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and

(c) Reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

This order shall become effective on January 16, 1954. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is impracticable and contrary to the public interest in this instance, since such compliance would unduly delay and impede the entry to the United States of needed agricultural workers.

Dated: January 21, 1954.

HERBERT BROWNELL, JR.,
Attorney General.

Recommended: January 8, 1954.

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 54–589; Filed, Jan. 27, 1954; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 22 to Revision of May 10, 1949]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PROJECT COSTS

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the regulations of the Civil Aeronautics Administration as follows:

Section 550.4 (c) (1) is hereby amended to read as follows:

§ 550.4 *Project costs.* * * *

(c) *United States share of project costs.* * * *

(1) *Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways.* The United States share of the project costs (other than costs of installation of high intensity lighting on runways designated instrument landing runways) of an approved project for the development of an airport, regardless of the size or location of the airport to be developed, shall be 50 percent of the allowable project costs of the project (other than costs of installation of high intensity lighting on runways designated instrument landing runways), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act and except that the United States share shall be 75 percent in the case of the Territory of Alaska and the Virgin Islands, all as set forth in the following table:

UNITED STATES' PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

Arizona	60.97
California	54.21
Colorado	53.22
Idaho	56.23
Montana	53.46
Nevada	62.50
New Mexico	56.53
Oklahoma	51.37
Oregon	55.99
South Dakota	52.99
Utah	62.30
Washington	51.76
Wyoming	57.25

NOTE: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States share of allowable project costs other than costs of installing high intensity runway lighting on runways designated as instrument landing runways.

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U. S. C. and Sup., 1101–1114)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–550; Filed, Jan. 27, 1954; 8:45 a. m.]

[Amdt. 25]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.)* is amended between the "Fort Worth, Tex., radio range station" and the "Tulsa, Okla., radio range station" to read: "Fort Worth, Tex., radio range station; Oklahoma City, Okla., radio range station; the intersection of the southeast course of the Oklahoma City, Okla., radio range and the southwest course of the Tulsa, Okla., radio range; Tulsa, Okla., radio range station;".

2. Section 600.235 is amended to read:

§ 600.235 *Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).* From the Pueblo, Colo., radio range station via the La Junta, Colo., radio range station; Garden City, Kans., radio range station; Hutchinson, Kans., radio range station; the intersection of the east course of the Hutchinson, Kans., radio range and the southwest course of the Forbes AFB, Kans., radio range; Forbes AFB, Kans., radio range station to the intersection of the northeast course of the Forbes AFB, Kans., radio range and the south course of the St. Joseph, Mo., radio range.

3. Section 600.277 is amended to read:

§ 600.277 *Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).* From the Greensboro, N. C., radio range station via the Lynchburg, Va., radio range station; Richmond, Va.,

radio range station; Tappahannock, Va., radio range station; Dover, Del., AFB radio range station to the Atlantic City, N. J. (Navy) radio range station, excluding the portion below 6,000 feet which lies over Patuxent Danger Area No. 71 and excluding the portion which lies over Patuxent danger area No. 43.

4. Section 600.605 *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.)* is amended by deleting the portion which reads: "Dallas, Tex., radio range station to the intersection of the northwest course of the Dallas, Tex., radio range and the north course of the Fort Worth, Tex., radio range." and by adding the following in lieu thereof: "Dallas, Tex., radio range station; Ardmore, Okla., nondirectional radio beacon to the intersection of the south course of the Tinker AFB, Okla., radio range and the southeast course of the Oklahoma City, Okla., radio range."

5. Section 600.620 is amended to read:

§ 600.620 *Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).* From the intersection of the southwest course of the Atlantic City, N. J., (Navy) radio range and the southeast course of the Millville, N. J., radio range via the intersection of the southeast course of the Millville, N. J., radio range and the southeast course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; a point at latitude 40°15'00", longitude 75°22'45", to the Allentown, Pa., radio range station.

6. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended after the Louisville, Ky., omnirange station to read: "Louisville, Ky., omnirange station, including a north alternate from the Evansville, Ind., omnirange station to the Louisville omnirange station; Lexington, Ky., omnirange station; Charleston, W. Va., omnirange station; Elkins, W. Va., omnirange station; Front Royal, Va., omnirange station; Herndon, Va., omnirange station to the point of intersection of the Herndon omnirange 089° True and the Washington, D. C., terminal omnirange 351° True radials."

7. Section 600.6016 is amended by changing the caption to read: *"VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)"*, and by changing the portions after "to the Nashville, Tenn., omnirange station." to read: "From the Tri-City, Tenn., omnirange station via the Pulaski, Va., omnirange station; Montebello, Va., omnirange station; Gordonsville, Va., omnirange station; Andrews, Md., radio range station via the Gordonsville omnirange 056° True radial; a point at latitude 38°51'00" north, longitude 76°30'00" west bearing 062° True from the Andrews, Md., radio range station; Dover, Del., omnirange station via the Dover omnirange 244° True radial; Atlantic City, N. J., VAR station via the Dover omnirange 070° True radial; intersection of the Atlantic City VAR northeast course and the Colts Neck omnirange 204° True radial; Colts Neck, N. J., omnirange station; intersection of the Colts Neck omnirange 103° True and the Riverhead omnirange 222° True radials; Riverhead, N. Y., omnirange station; intersection of the Riverhead omnirange 042° True and the Norwich omnirange 224° True radials; Norwich, Conn., omnirange station to the Boston, Mass., omnirange station. Those portions of this airway between the Atlantic City, N. J., VAR station and the Colts Neck, N. J., omnirange station more than 3 miles either side of the center line are excluded."

8. Section 600.6034 is amended to read:

§ 600.6034 *VOR civil airway No. 34 (Rochester, N. Y., to Wilton, Conn.).* From the Rochester, N. Y., omnirange station via the Binghamton, N. Y., omnirange station; intersection of the Binghamton omnirange 110° True and the Wilton omnirange 300° True radials; Wilton, Conn., omnirange station to the point of intersection of the Wilton omnirange 090° True and the Norwich, Conn., omnirange 224° True radials.

9. Section 600.6035 is amended to read:

§ 600.6035 *VOR civil airway No. 35 (Tri-City, Tenn., to Syracuse, N. Y.).* From the Tri-City, Tenn., omnirange station via the intersection of the Tri-City omnirange 012° True and the Charleston omnirange 185° True radials; Charleston, W. Va., omnirange station; Parkersburg, W. Va., omnirange station; intersection of the Parkersburg omnirange 060° True and the Pittsburgh omnirange 223° True radials; Pittsburgh, Pa., omnirange station; Philipsburg, Pa., omnirange station; Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station.

10. Section 600.6036 is amended to read:

§ 600.6036 *VOR civil airway No. 36 (Buffalo, N. Y., to New York, N. Y.).* From the Buffalo, N. Y., omnirange station via the Elmira, N. Y., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station to the intersection of the Wilkes-Barre-Scranton omnirange 117° True and the Wilton, Conn., omnirange 233° True radials.

11. Section 600.6046 is amended to read:

§ 600.6046 *VOR civil airway No. 46 (New York, N. Y., to Nantucket, Mass.).* From the point of intersection of the Riverhead, N. Y., omnirange 262° True and the Wilton, Conn., omnirange 198° True radials via the Riverhead, N. Y., omnirange station; intersection of the Riverhead omnirange 085° True and the Nantucket omnirange 255° True radials to the Nantucket, Mass., omnirange station.

12. Section 600.6113 is amended to read:

§ 600.6113 *VOR civil airway No. 113 (Paso Robles, Calif., to Reno, Nev.).* From the Paso Robles, Calif., omnirange station via the intersection of the Paso Robles omnirange 352° True and the Modesto omnirange 176° True radials; Modesto, Calif., omnirange station to the Reno, Nev., omnirange station.

13. Section 600.6119 is amended to read:

§ 600.6119 *VOR civil airway No. 119 (Huntington, W. Va., to Bradford, Pa.).* From the Huntington, W. Va., nondirectional radio beacon via the Parkersburg, W. Va., omnirange station; Wheeling, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; intersection of the Pittsburgh omnirange 040° True and the Bradford omnirange 210° True radials to the Bradford, Pa., omnirange station.

14. Section 600.6130 is added to read:

§ 600.6130 *VOR civil airway No. 130 (Hartford, Conn., to Providence, R. I.).* From the Hartford, Conn., omnirange station via the Norwich, Conn., omnirange station to the point of intersection of the Norwich omnirange 090° True radial and the Providence, R. I., ILS localizer course (Wyoming, R. I., fan marker).

15. Section 600.6138 is added to read:

§ 600.6138 *VOR civil airway No. 138.* [Unassigned.]

16. Section 600.6139 is added to read:

§ 600.6139 *VOR civil airway No. 139 (Norwich, Conn., to Boston, Mass.).* From the Norwich, Conn., omnirange station via the intersection of the Norwich omnirange 090° True radial and the Providence, R. I., ILS localizer course at the Wyoming, R. I., fan marker; Providence, R. I., ILS localizer; intersection of the Providence ILS localizer course and the Boston ILS localizer course at the Easton, Mass., fan marker to the Boston, Mass., localizer.

17. Section 600.6140 is added to read:

§ 600.6140 *VOR civil airway No. 140.* [Unassigned.]

18. Section 600.6141 is added to read:

§ 600.6141 *VOR civil airway No. 141 (Nantucket, Mass., to Boston, Mass.).* From the Nantucket, Mass., omnirange station via the intersection of the Nantucket omnirange 331° True and the Boston omnirange 137° True radials to the Boston, Mass., omnirange station.

19. Section 600.6142 is added to read:

§ 600.6142 *VOR civil airway No. 142.* [Unassigned.]

20. Section 600.6143 is added to read:

§ 600.6143 *VOR civil airway No. 143 (Montebello, Va., to Front Royal, Va.).* From the Montebello, Va., omnirange station to the Front Royal, Va., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., February 2, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-551; Filed, Jan. 27, 1954; 8:45 a. m.]

[Amdt. 25]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.277 is amended to read:

§ 601.277 *Red civil airway No. 77 control areas (Greensboro, N. C., to Atlantic City, N. J.).* All of Red civil airway No. 77.

2. Section 601.620 is amended to read:

§ 601.620 *Blue civil airway No. 20 control areas (Millville, N. J., to Allentown, Pa.).* All of Blue civil airway No. 20.

3. Section 601.1130 is amended to read:

§ 601.1130 *Control area extension (Spokane, Wash.).* Within 5 miles either side of the north course of the Spokane radio range extending from the radio range station to a point 25 miles north, within 5 miles either side of the 22° and 322° True radials of the Spokane omnirange extending from the omnirange station to points 25 miles northeast and northwest; that airspace southwest of Spokane bounded on the north by Green civil airway No. 2, on the east by VOR civil airway No. 103 and on the southwest by a line 5 miles southwest of and parallel to a direct line between the Pine City and Harrington, Wash., fan markers; that airspace southeast of Spokane bounded on the north by VOR civil airway No. 2, on the west by Blue civil airway No. 1 and on the southeast by a line 5 miles southeast of and parallel to a direct line between the Pine City, Wash., fan marker and the intersection of the east course of the Spokane radio range and the south course of the Coeur d'Alene, Idaho radio range, and that airspace east of Spokane bounded on the south by Green civil airway No. 2 and on the northwest and northeast by Red civil airway No. 48.

4. Section 601.1150 *Control area extension (Wilmington, N. C.)* is amended by changing the last portion to read: "excluding that portion below 2,000 feet which lies outside the continental limits of the United States."

5. Section 601.1167 is added to read:

§ 601.1167 *Control area extension (Ontario, Oreg.).* That airspace within an 8½-mile radius of the Ontario, Oreg., airport including the airspace southeast of Ontario bounded on the northeast by Red civil airway No. 1, on the south by the Boise, Idaho, control area extension and on the southwest by a line 12 miles southwest of and parallel to Red civil airway No. 1.

6. Section 601.1284 is amended to read:

§ 601.1284 *Control area extension (Oklahoma City, Okla.).* All that airspace within a 25-mile radius of the Oklahoma City, Okla., radio range station, including the airspace east of Oklahoma City bounded on the northwest by VOR civil airway No. 14 and on the south and southeast by Amber civil airway No. 4, and the airspace northeast of Oklahoma City bounded on the north by a line extending through points at latitude 36°01'45", longitude 97°20'25" and latitude 36°05'00", longitude 97°01'10", on the southeast by VOR civil airway No. 14N and on the west by VOR civil airway No. 77.

7. Section 601.1286 is amended to read:

§ 601.1286 *Control area extension (Fort Worth, Tex.).* All that airspace between Waco, Tex., Fort Worth-Dallas, Tex., and Oklahoma City, Okla., bounded on the southeast and east by Blue civil airway No. 5, on the southwest and west by Amber civil airway No. 4 and on the north by the Oklahoma City, Okla., control area extension; all that airspace between Waco, Tex., Fort Worth, Tex., Wichita Falls, Tex., and Abilene, Tex., bounded on the east by Amber civil airway No. 4, on the northeast by Red civil airway No. 10, on the northwest by Blue civil airway No. 6, on the south by Green civil airway No. 5 to Mineral Wells, Tex., thence on the west and southwest by Blue civil airway No. 70.

8. Section 601.1983 *Three mile radius zones* is amended by deleting the following airports:

Salem, Oreg.: Salem-McNary Airport.
Spokane, Wash.: Fairchild AFB.

9. Section 601.1984 *Five mile radius zones,* is amended by deleting the following airport:

Spokane, Wash.: Geiger Municipal Airport.

10. Section 601.2264 *Dunkirk, N. Y., control zone* is revoked.

11. Section 601.2264 is added to read:

§ 601.2264 *Spokane, Wash., control zone.* Within a 5-mile radius of Geiger Field and within a 3-mile radius of Fairchild AFB including the airspace within 2 miles either side of the southwest course of the Geiger Field ILS localizer extending from Geiger Field to a point 10 miles southwest of the ILS outer marker.

12. Section 601.4277 is amended to read:

§ 601.4277 *Red civil airway No. 77 (Greensboro, N. C., to Atlantic City, N. J.).* No reporting point designation.

13. Section 601.4620 is amended to read:

§ 601.4620 *Blue civil airway No. 20 (Millville, N. J., to Allentown, Pa.).* No reporting point designation.

14. Section 601.5001 *Other reporting points* is amended by adding the following reporting point:

Parallon Island, Calif., non-directional radio beacon.

15. Section 601.6016 is amended to read:

§ 601.6016 *VOR civil airway No. 16 control areas (Los Angeles, Calif., to Boston, Mass.).* All of VOR civil airway No. 16, including north and south alternates.

16. Section 601.6034 is amended to read:

§ 601.6034 *VOR civil airway No. 34 control areas (Rochester, N. Y., to Wilton, Conn.).* All of VOR civil airway No. 34.

17. Section 601.6035 is amended to read:

§ 601.6035 *VOR civil airway No. 35 control areas (Tri-City, Tenn., to Syracuse, N. Y.).* All of VOR civil airway No. 35.

18. Section 601.6046 is amended to read:

§ 601.6046 *VOR civil airway No. 46 control areas (New York, N. Y., to Nantucket, Mass.).* All of VOR civil airway No. 46.

19. Section 601.6113 is amended to read:

§ 601.6113 *VOR civil airway No. 113 control areas (Paso Robles, Calif., to Reno, Nev.).* All of VOR civil airway No. 113.

20. Section 601.6119 is amended to read:

§ 601.6119 *VOR civil airway No. 119 control areas (Huntington, W. Va., to Bradford, Pa.).* All of VOR civil airway No. 119.

21. Section 601.6130 is added to read:

§ 601.6130 *VOR civil airway No. 130 control areas (Hartford, Conn., to Providence, R. I.).* All of VOR civil airway No. 130.

22. Section 601.6138 is added to read:

§ 601.6138 *VOR civil airway No. 138 control areas.* [Unassigned.]

23. Section 601.6139 is added to read:

§ 601.6139 *VOR civil airway No. 139 control areas (Norwich, Conn., to Boston, Mass.).* All of VOR civil airway No. 139.

24. Section 601.6140 is added to read:

§ 601.6140 *VOR civil airway No. 140 control areas.* [Unassigned.]

25. Section 601.6141 is added to read:

§ 601.6141 *VOR civil airway No. 141 control areas (Nantucket, Mass., to Boston, Mass.).* All of VOR civil airway No. 141.

26. Section 601.6142 is added to read:

§ 601.6142 *VOR civil airway No. 142 control areas.* [Unassigned.]

27. Section 601.6143 is added to read:

§ 601.6143 *VOR civil airway No. 143 control areas (Montebello, Va., to Front Royal, Va.).* All of VOR civil airway No. 143.

28. Section 601.7001 *Domestic VOR reporting points* is amended by deleting the following reporting point:

Caldwell, N. J., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551).

This amendment shall become effective 0001 e. s. t. February 2, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-552; Filed, Jan. 27, 1954; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 369; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 3533, 18 F. R. 1207) are amended as indicated below:

1. In § 141.1 *Sodium penicillin* • • • amend paragraph (e) *Preparation of plates* by inserting between the eighteenth and nineteenth sentences the following: "(In the preparation of the suspensions of the test organism on agar slants and Roux bottles, the 24-hour storage periods at room temperature may be omitted if the suspensions will permit 20-percent light transmission through a filter at 6,500 angstrom units in a photoelectric colorimeter.)"

2. In § 146.101 *Streptomycin sulfate* • • • paragraph (c) (3) (iii) is amended to read:

(c) *Labeling.* • • •

(3) • • •

(iii) The conditions under which such solutions should be stored, including the statement "Sterile solutions may be stored at room temperature for 4 weeks without significant loss of potency."

3. In § 146.414 *Bacitracin-neomycin with vasoconstrictor* • • • the first sentence of paragraph (a) (2) is amended by changing the period at the end thereof to a comma and adding the following new clause: "except that the blank may be filled in with the date which is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: January 21, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-594; Filed, Jan. 27, 1954; 8:54 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

CHESAPEAKE BAY AREA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.42 governing the use and navigation of waters of Chesapeake Bay from Point Lookout to Cedar Point, Maryland, comprising an aerial gunnery range and target areas, is hereby amended to include an additional target area, as follows:

§ 204.42 *Chesapeake Bay, Point Lookout to Cedar Point; aerial gunnery range and target areas, U. S. Naval Air Station, Patuxent River, Md.*—(a) *Aerial gunnery range*—(1) *The danger zone.* The waters of Chesapeake Bay within an area described as follows: Beginning at the easternmost extremity of Cedar Point; thence easterly to the southern tip of Barren Island; thence southeasterly to latitude 38°01'15", longitude 76°05'33"; thence southwesterly to Kedges Strait Middle Ground Buoy 14 (approximately latitude 37°59'36", longitude 76°10'30"); thence northwesterly to Fish Net Buoy 20 W (approximately latitude 38°02'20", longitude 76°17'-26");thence northerly to Point No Point Light; thence northwesterly to the shore at latitude 38°15'45"; thence northeasterly along the shore to the point of beginning. Aerial machine gun practice will be conducted in this area throughout the year.

(2) *The regulations.* (i) Through navigation of surface craft will be permitted at all times outside the target areas. Such vessels shall proceed on their normal course and shall not delay their progress.

(ii) Advance notice will be given of the date on which firing practice is to begin, and such notice will be published in "Notice to Mariners". The range will be used throughout the year, and no further notice that firing is continuing will be given.

(iii) Prior to firing practice the gunnery range will be patrolled by surface craft or naval aircraft to warn any watercraft likely to be endangered by such firing by means of signals that firing is to take place. Surface craft so used will display a square flag. Naval aircraft will employ a method of warning consisting of repeated shallow dives to a low altitude in the area following each dive with a sharp pull-up.

(iv) Any watercraft under way or at anchor, upon being so warned, shall immediately vacate the area and shall remain outside the area until conclusion of firing practice.

(v) Military and naval vessels will conduct gunnery and training exercises in the aerial gunnery range. When there is apparent conflict between surface craft with attendant planes and planes operating under the control of the Naval Test Center, Patuxent River, Maryland, planes from the Naval Test Center are expected to keep clear.

(vi) Nothing in this section shall prevent oystering or the setting of fishing structures within the range outside the target areas in accordance with approved Federal and State regulations: Provided, that no permanent or semipermanent fishing structures or oyster ground marker shall be placed on the western side of Chesapeake Bay between Point No Point and Cedar Point, without prior written approval of the Commanding Officer, U. S. Naval Air Station, Patuxent River, Maryland.

(vii) When operations are being conducted in the target areas, all projectiles, bombs, and other missiles will be released to fall within the areas, but naval authorities will not be responsible for damage by such missiles or by Naval or Coast Guard vessels to fishing structures or fishing equipment which may be located adjacent to the target areas.

(b) *Target areas*—(1) *Prohibited areas.* (i) A circular area with a radius of 400 yards having its center at latitude 38°16'54", longitude 76°22'00" (bearing approximately 176° true, 1,870 yards from Cedar Point Light).

(ii) A circular area with a radius of 600 yards having its center at latitude 38°13'00", longitude 76°19'00" (bearing approximately 153° true, 11,130 yards from Cedar Point Light).

(2) *Restricted area.* A circular area with a radius of 600 yards having its center at latitude 38°02'18", longitude 76°09'26" (bearing approximately 237° 50' true, 7,000 yards from Holland Island Bar Light).

(3) *The regulations.* (i) Nonexplosive aerial projectiles will be dropped at infrequent intervals in the areas described in subparagraph (1) (i) and (ii) of this paragraph. The areas shall be closed to navigation at all times except for vessels engaged in operational and maintenance operations as directed by the Commanding Officer, U. S. Naval Air Station, Patuxent River, Maryland. The areas will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the areas. Vessels which have inadvertently entered the danger zones upon being so warned shall leave the areas immediately.

(ii) Nonexplosive aerial projectiles will be dropped and aerial machine gun firing will be conducted in the area described in subparagraph (2) of this paragraph. Operations will be conducted throughout the year from sunrise to sunset daily and no vessel or other craft shall enter or remain in the area during daylight hours, except on prior written approval of the Commanding Officer, U. S. Naval Station, Patuxent River, Maryland. The area will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the area. Vessels which have inadvertently entered the danger zone upon being so warned shall leave the area immediately.

(c) The regulations in this section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

(Regs., Dec. 30, 1953; 800.2121 (Chesapeake Bay)-ENGWO) (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-549; Filed, Jan. 27, 1954; 8:45 a. m.]

PART 204—DANGER ZONE REGULATIONS

ALBEMARLE SOUND, PAMLICO SOUND, AND ADJACENT WATERS, NORTH CAROLINA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), section 204.54 establishing and governing the use and navigation of danger zones for naval aircraft operations in Albemarle Sound, Pamlico Sound, and adjacent waters, North Carolina, is hereby amended, changing paragraphs (a) and (d) (1) to include an additional target area in the waters of North Landing River, as follows:

§ 204.54 *Albemarle Sound, Pamlico Sound, and adjacent waters, N. C.; danger zones for naval aircraft operations*—(a) *Target areas*—(1) *North Landing River (Currituck Sound).* The waters of North Landing River within a radius of 1,000 yards from a target located at latitude 36°31'00", longitude 76°01'40".

(2) *Northern part of Currituck Sound.* Beginning at a point bearing 65° 30', 1,025 yards, from Currituck Sound Light 69; thence 86°, 6,000 yards; thence 193°, 4,425 yards; thence 267° 30', 2,775 yards; and thence to the point of beginning. The target is located at latitude 36 27'16", longitude 75°56'30".

(3) *North of Currituck Beach Light.* The waters of Currituck Sound and the Atlantic Ocean within a radius of 1,000 yards from a target located at latitude 36°25'24", longitude 75°50'09".

(4) *South of Caffey Inlet Coast Guard Station.* The waters of Currituck Sound and the Atlantic Ocean within a radius of 1,000 yards from a target located at latitude 36°12'15", longitude 75°45'57".

(5) *Southeast of Caffey Inlet Coast Guard Station.* The waters of Currituck Sound and the Atlantic Ocean within an area described as follows: Beginning at a point bearing 170°, 5,900 yards, from Caffey Inlet Coast Guard Station; thence 55° 30', 7,650 yards; thence 177°, 8,700 yards; and thence to the point of beginning. The target is located at latitude 36°10'28", longitude 75°45'04".

NOTE: All bearings in this section are referred to true meridian.

• • • • •

(d) *The regulations*—(1) *Target areas.* The area described in subparagraph (1) of paragraph (a) of this section will be used as a dive bombing target by naval aircraft. In peacetime, munitions will be limited to miniature bombs which contain only small explosive charges for producing smoke puffs to mark points of impact. All operations will be conducted during daylight hours, and the area will be open to navigation at night. No vessel shall enter this area during the hours of daylight without special permission from the enforcing agency. The area will be patrolled and vessels will be warned not to enter. "Buzzing" by plane will warn vessels that they are in a danger zone, and upon being so warned they shall immediately leave the area. The areas described in subparagraphs (2), (3), (4) and (5) of paragraph (a) of this section will be used as target areas by naval aircraft. The areas shall be closed to navigtion at all times, except for vessels engaged in operational and maintenance work as directed by the enforcing agency. Prior to the conduct of operations the areas will be patrolled by naval aircraft. "Buzzing" by plane will warn vessels that they are in a danger zone, and upon being so warned vessels which have inadvertently entered one of the areas shall immediately leave the area or areas.

• • • • • •

[Regs., Dec. 29, 1953, 800.2121-ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-548; Filed, Jan. 27, 1954; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

INSTRUCTIONS FOR CONDUCT OF DOMESTIC TELEGRAPH SPEED OF SERVICE STUDIES AND SUBMISSION OF REPORTS THEREOF

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954:

The Commission, having under consideration a letter dated December 15, 1953, from the Western Union Telegraph Company requesting that § 64.221 of Subpart B of Part 64 of the Commission's rules and regulations governing domestic telegraph speed of service studies be amended, effective February 1, 1954, to delete Charlotte, North Carolina, from the cities listed therein at which Western Union is required to conduct monthly speed of service studies, and to substitute, in lieu thereof, Milwaukee, Wisconsin;

It appearing, that the major portion of the relay traffic load has been removed from Charlotte and placed in the Richmond, Virginia, reperforator office, thereby leaving very little traffic in the Charlotte office to be tallied for speed of service purposes; and that Western Union's manually-operated message center at Milwaukee, Wisconsin, currently handles the largest volume of domestic telegraph traffic of any office not now listed in § 64.221 of the rules;

It further appearing, that notice of proposed rule-making pursuant to section 4 (a) of the Administrative Procedure Act may be omitted as unnecessary because the proposed amendment involves only a minor change in the Commission's rules;

It further appearing, that such rule change may be made effective on less than 30 days notice inasmuch as Western Union is the only person affected by the change and it has requested that the amendment be made effective February 1, 1954;

It further appearing, that authority for the proposed amendment is contained in sections 4 (i) and 218 of the Communications Act of 1934, as amended;

It is ordered, That, effective February 1, 1954, § 64.221 of Subpart B of Part 64 of the Commission's rules and regulations governing domestic telegraph speed of service studies is amended by deleting "Charlotte, N. C." from the list of cities therein and adding "Milwaukee, Wis." immediately following "Los Angeles Calif."

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 218, 48 Stat. 1077; 47 U. S. C. 218)

Released: January 21, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-560; Filed, Jan. 27, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN STRAWBERRIES[1]

U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Frozen Strawberries pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq.; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953). The proposal provides three grades for the product above Substandard instead of only two grades as in the present standards (7 CFR Part 52; 18 F. R. 8059). This revision, if made effective, will be the fifth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, SIZES AND GRADES

Sec.
52.1981 Product description.
52.1982 Styles of frozen strawberries.
52.1983 Sizes of whole frozen strawberries.
52.1984 Grades of frozen strawberries.

FACTORS OF QUALITY

52.1985 Ascertaining the score and grade for frozen strawberries.
52.1986 Ascertaining the score of each factor for frozen strawberries.
52.1987 Color.
52.1988 Defects.
52.1989 Character.

LOT CERTIFICATION TOLERANCE

52.1990 Tolerances for certification of officially drawn samples.

[Reserved]

52.1991 Score sheet for frozen strawberries.

AUTHORITY: §§ 52.1981 to 52.1991 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624; Pub. Law 156, 83d Cong.

PRODUCT, DESCRIPTION, STYLES, SIZES AND GRADES

§ 52.1981 *Product description.* Frozen strawberries means the frozen product prepared from sound, properly ripened fresh fruit of the strawberry plant by stemming, proper washing, sorting, and properly draining, may be packed with or without packing media, and are then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.1982 *Styles of frozen strawberries.* (a) "Whole."

(b) "Sliced."

§ 52.1983 *Sizes of whole frozen strawberries.* Except with respect to U. S. Grade A or U. S. Fancy grade, the size of the whole frozen strawberry is not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purpose of these grades. When used in connection with the following sizes of whole frozen strawberries, the term "diameter" means the greatest dimension measured at right angles to a straight line running from the stem to the apex:

(a) Small size means whole frozen strawberries that measure less than ¾ inch in diameter.

(b) Medium size means whole frozen strawberries that measure ¾ inch to one inch, inclusive, in diameter.

(c) Large size means whole frozen strawberries that measure more than one inch in diameter.

§ 52.1984 *Grades of frozen strawberries.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen strawberries that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically free from defects; that possess a good character; that score not less than 90 points when scored in accordance with the scoring system outlined in this section and that with respect to whole style contain not more than 5 percent, by count, of whole strawberries that are small size.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen strawberries that possess similar varietal characteristics; that possess a good flavor; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good character; and that score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen strawberries that possess similar varietal characteristics; that possess a fairly good flavor; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(d) "Substandard" is the quality of frozen strawberries that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

FACTORS OF QUALITY

§ 52.1985 *Ascertaining the score and grade for frozen strawberries.* (a) The grade of frozen strawberries is determined immediately after thawing to the extent that the units may be separated easily. The grade of frozen strawberries is ascertained by considering with respect to varietal characteristics, flavor and odor, and size relative to U. S. Grade A or U. S. Fancy which are not scored and the requirements and the factors of color, defects, and character, which are scored.

(b) The relative importance of each factor has been expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

Factors:	Points
Color	40
Defects	40
Character	20
Total score	100

(c) "Good flavor" means that the product has a good characteristic, normal flavor and odor, and is free from objectionable flavors or objectionable odors of any kind.

(d) "Fairly good flavor" means that the product may be lacking in good characteristic normal flavor and odor but is free from objectionable flavors or objectionable odors of any kind.

§ 52.1986 *Ascertaining the score of each factor for frozen strawberries.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor is inclusive. For example, the range "36 to 40 points" means 36, 37, 38, 39, or 40 points.

§ 52.1987 *Color*—(a) *(A) classification.* Frozen strawberries that possess a good color may be given a score of 36 to 40 points. "Good color" means that the frozen strawberries possess a good red or good pink color characteristic of similar varieties, which is not more than slightly affected by a dull, grey, or reddish-brown cast, and that:

(1) With respect to whole style 85 percent or more by count, of the strawberries have practically the entire surface red or pink characteristic color, but of the balance not more than 5 percent, by count, of all the strawberries may have less than ⅘ of the surface area of a characteristic red or pink color, and that:

(2) With respect to sliced style 85 percent or more, by weight, of the strawberries have practically the entire outer surface (not including cut surfaces) of the slice red or pink characteristics color, but of the balance not more than 5 percent by weight, of all the slices may have less than ⅘ of the outer surface of the slice (not including cut surfaces) red or pink characteristic color.

(b) *(B) classification.* If the frozen strawberries possess a reasonably good color, a score of 32 to 35 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen strawberries possess a reasonably good red or reasonably good pink color characteristic of similar varieties, which is not materially affected by a dull, grey, or reddish-brown cast, and that:

(1) With respect to the whole style 75 percent or more, by count, of the strawberries have practically the entire surface red or pink characteristic color, but of the balance not more than 10 percent, by count, of all the strawberries may have less than ⅘ of the surface area of a characteristic red or pink color, and that:

(2) With respect to sliced style 75 percent or more, by weight, of the strawberries have practically the entire outer surface (not including cut surfaces) of the slice red or pink characteristic color, but of the balance not more than 10 percent, by weight, of all the slices may have less than ⅘ of the outer surface of the slice (not including cut surfaces) red or pink characteristic color.

(c) *(C) classification.* If the frozen strawberries possess a fairly good color, a score of 28 to 31 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the frozen strawberries possess a fairly good red or fairly good pink color characteristic of similar varieties, that may show a dull, grey, or reddish-brown cast, but not to the extent that the appearance or eating quality is seriously affected, and that:

(1) With respect to whole style not more than 25 percent, by count, of the strawberries may have less than ⅘ of the surface area of a characteristic red or pink color, and that:

(2) With respect to sliced style not more than 25 percent, by weight, of the slices may have less than ⅘ of the outer surface of the slice (not including cut surfaces) red or pink characteristic color.

(d) *(SStd) classification.* Frozen strawberries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1988 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from grit, sand, or silt, from harmless extraneous material, caps and portions thereof, sepal-like bracts and portions thereof, stems, short stems, and damaged strawberries.

(1) "Harmless extraneous material" means vegetable substances such as weeds, grass, and leaves and any portions thereof that are harmless.

(2) "Grit, sand, or silt" means any particles of earthy material.

(3) A "cap" means a loose or attached full cap or portion of a cap to which at least one sepal-like bract or a portion thereof is attached. A "short stem" that is attached to the cap is considered a part of the cap. A "stem" that is attached to the cap is considered a separate defect.

(4) A "stem" means a stem, either loose or attached, that is longer than one-eighth inch.

(5) A "short stem" means a stem that is one-eighth inch or less in length and which may include the center portion of a cap to which no sepal-like bract or portion thereof is attached.

(6) A "damaged strawberry" means a strawberry or a portion of a strawberry that is damaged by bruises or by other injury or possesses a hard, seedy, or deformed end or that possesses deformed or damaged areas which materially affect either the appearance or edibility of the product. Minute, insignificant injuries are not considered as damage.

(7) "Area" means the aggregate surface covered by the material stated when such material or portions thereof are placed in a contiguous position with no intervening spaces.

(b) *(A) classification.* Frozen strawberries that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" has the following meanings with respect to the following styles of frozen strawberries:

(1) *Whole.* No grit, sand, or silt may be present that affects the appearance or eating quality of the product and for each 16 ounces of net weight there may be present an area of not more than one-fourth square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than two stems, including not more than one stem which may exceed one-half inch in length, or one piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 16 short stems; and there may be present not more than a total of 5 percent, by weight, that are damaged strawberries.

(2) *Sliced.* No grit, sand, or silt may be present that affects the appearance or eating quality of the product and for each 16 ounces of net weight there may be present an area of not more than one-fourth square inch comprising harmless extraneous material (such as leaves and portions thereof); caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than one stem which may exceed one-half inch in length, or one piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 16 short stems; and there may be present not more than a total of 2½ percent, by weight, that are damaged portions of strawberries.

(c) *(B) classification.* If the frozen strawberries are reasonably free from defects, a score of 32 to 35 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meanings with respect to the following styles of frozen strawberries.

(1) *Whole.* No grit, sand, or silt may be present that affects the appearance or eating quality of the product and for each 16 ounces of net weight there may be present an area of not more than one-half square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than four stems, including not more than one stem which may exceed one-half inch in length, or one piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 32 short stems; and there may be present not more than a total of 10 percent, by weight, that are damaged strawberries.

(2) *Sliced.* No grit, sand, or silt may be present that affects the appearance or eating quality of the product and for each 16 ounces of net weight there may be present an area of not more than ½ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps, and portions thereof, and loose sepal-like bracts and portions thereof; not more than four stems, including not more than one stem which may exceed ½ inch in length or one piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 32 short stems; and there may be present not more than a total of 5 percent, by weight, that are damaged portions of strawberries.

(d) *(C) classification.* If the frozen strawberries are fairly free from defects, a score of 28 to 31 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles of frozen strawberries:

(1) *Whole.* A trace of grit, sand, or silt may be present that does not materially affect the appearance or eating quality of the product and for each 16 ounces of net weight, there may be present an area of not more than ¾ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than 6 stems, including not more than one stem which may exceed ½ inch in length, or one piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and there may be present not more than a total of 20 percent, by weight, that are damaged strawberries.

(2) *Sliced.* A trace of grit, sand, or silt may be present that does not materially affect the appearance or eating quality of the product and for each 16 ounces of net weight, there may be present an area of not more than ¾ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than 6 stems, includ-

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

ing not more than one stem which may exceed ½ inch in length, or one piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and there may be present not more than a total of 10 percent, by weight, that are damaged portions of strawberries.

(e) *(SStd) classification.* Frozen strawberries that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1989 *Character—(a) General.* The factor of character refers to the texture and the degree of wholeness, degree of disintegration as evidenced by partial strawberries and mushy strawberries.

(1) A "partial strawberry" in whole style means that less than ¾ of the apparent whole strawberry remains intact.

(2) "Mushy strawberries" in whole and sliced styles are strawberries that are so soft that they are a pulpy mass and with respect to sliced style also includes badly disintegated slices.

(b) *(A) classification.* Frozen strawberries that possess a good character may be given a score of 18 to 20 points. "Good character" means that the strawberries are fleshy, reasonably firm, that the appearance and eating quality of the product are not materially affected by disintegration or seediness and that:

(1) Not more than 10 percent, by weight, of strawberries in whole style may be partial strawberries and mushy strawberries; and

(2) Not more than 15 percent, by weight, of strawberries in sliced style may be mushy strawberries.

(c) *(B) classification.* If the frozen strawberries have a reasonably good character, a score of 16 or 17 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the strawberries are reasonably fleshy, fairly firm, that the appearance and eating quality of the product are not seriously affected by seediness or disintegration, and that:

(1) Not more than 20 percent, by weight, of strawberries in whole style may be partial strawberries and mushy strawberries; and

(2) Not more than 25 percent, by weight, of strawberries in sliced style may be mushy strawberries.

(d) *(C) classification.* If the frozen strawberries have a fairly good character, a score of 14 or 15 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the strawberries are fairly fleshy, fairly firm and that:

(1) Not more than 25 percent, by count, of strawberries in whole style may be partial strawberries and mushy strawberries; and

(2) Not more than 30 percent, by weight, of strawberries may be mushy strawberries.

(e) *(SStd) classification.* Frozen strawberries that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1990 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen strawberries, the grade for such lot, if all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, will be determined by averaging the total scores of all containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of such containers fails to meet the grade indicated by the average of such total scores:

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of the total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(4) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1991 *Score sheet for frozen strawberries.*

Number, size, and kind of container			
Label: Style or pack; Fruit-sugar ratio (if shown).			
Container mark or identification	Containers or sample: Cases		Average
Net weight (ounces)			
Style			
Size or sizes (whole)			
Under 5/8" (percent by count)			

Factors		Score points	
I. Color	40	(A)	36-40
		(B)	32-35
		(C)	28-31
		(SStd.)	0-27
II. Absence of defects	40	(A)	36-40
		(B)	32-35
		(C)	28-31
		(SStd.)	0-27
III. Character	20	(A)	18-20
		(B)	16-17
		(C)	14-15
		(SStd.)	0-13
Total score	100		

Normal flavor and odor	
Grade	

[1] Indicates limiting rule within classification.

Done at Washington, D. C., this 25th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-595; Filed, Jan. 27, 1954; 8:54 a. m.]

[7 CFR Part 905]

HANDLING OF MILK IN OKLAHOMA CITY, OKLAHOMA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposal to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Oklahome City, Oklahoma, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the following findings and conclusions were formulated, was conducted at Oklahoma City, Oklahoma, on October 19–21, 1953, pursuant to notice thereof which was issued on September 29, 1953 (18 F. R. 6339).

The material issues of record are concerned with:

1. The level and supply-demand adjustment of the Class I price;

2. The method of determining the Class II price;

3. Proposals for the classification and allocation of milk relating to:

(a) Classification of milk transferred to unapproved plants;

(b) Aerated products;

(c) Emergency milk;

(d) Shrinkage and dumped skim milk; and

(e) Inventories.

4. Payments to producers:

(a) The base payment period; and

(b) Partial payments.

5. Definitions of producer and producer-handler; and

6. The date of announcement of the Class I price.

Findings and conclusions. The following findings and conclusions are based upon the testimony received at the hearing and the record thereof:

1. *The pricing of Class I milk.* The following three proposals were made to change pricing provisions with respect to Class I milk:

(a) To amend the supply-demand adjustment,

(b) To make the basic formula price the same as the Class II price, and

(c) To reduce the Class I differential by 25 cents.

The Class I price of the Oklahoma City order is presently determined by adding a Class I differential $1.90 ($1.70 for April, May and June) to a basic formula price which is the higher of the paying prices of midwest condenseries or a butter-powder formula price. The price so determined is adjusted on the basis of the ratio of producer receipts to Class I sales in the immediately preceding two month period.

Producers proposed that the supply-demand adjustment provisions be modified by (1) changing the representative ratio or norm now incorporated in the order by an average of approximately 11 percentage points, (2) providing that price adjustments apply only for deviations from the norm that exceed 10 percentage points instead of 2 percentage points, and (3) limiting the total adjustment to 30 cents instead of 50 cents.

The present supply-demand adjustment became effective July 1, 1952. Except for July, when there was no adjustment, upward adjustments resulted in the remaining months of 1952. For 1953 however there has been some downward adjustment of the price each month. For January, February, and March the amount was only 3 cents, but from April on the decrease has ranged from 21 to 50 cents, averaging 34 cents. Producers contend that these adjustments, coupled with decreases in the basic formula price, have resulted in prices that are too low to assure a continued supply for the market.

Supply-demand adjustments provide an automatic means whereby prices may be adjusted to changing conditions more rapidly than by the procedure of public hearing and order amendment. They are designed to increase prices when current conditions indicate the need for greater price incentive to bring more milk to the market and to avoid the incentive for more milk to come to the market when current conditions indicate that supplies will be more than ample.

Milk supplies in the Oklahoma City market have increased substantially in 1953 over those for 1952. While there has been some increase in Class I sales this has been at a lesser rate than the increase in production. As a result the ratio of producer receipts to Class I sales for the first 9 months of 1953 averaged 135 as contrasted with an average of 116 for the same months of 1952. While receipts in September 1952 were only 101 percent of sales, in September 1953 they were 128 percent. For August the comparable figures were 111 and 148 respectively.

In general the proposed changes in the supply-demand formula would provide increases in price approximating those of the present provision and would have eliminated practically all the decreases that have occurred. The wide range of utilization, 20 percentage points (10 each above and below the proposed norm) within which no adjustment was proposed, would make such a provision relatively ineffective in reflecting changes in supply and sales relationships in the Class I price.

The Oklahoma City market has not been adequately supplied with milk during fall months in any year prior to 1953 since the effective date of the order. The representative ratios or norm presently provided in the order reflects this experience to a limited extent. A ratio of 107 percent of Class I sales is presently the norm for the lowest two-month period October-November. Testimony in this record indicates that 110 percent of Class I sales is a base minimum supply with which a handler can operate over a 60 day accounting period. Now that the market is fully supplied it is considered appropriate that the norm be raised to represent this base minimum supply in the short season, but not to the extent proposed by producers. The present norm appears well adjusted seasonally. Addition of 3 percentage points uniformly to each two-month ratio will provide adjustment to an adequate supply level in the short season without distorting the seasonal adjustment. The effect of such adjustment on the present level of prices will be minor, it will prevent however the possibility of downward adjustments at times when the market may be slightly undersupplied in the short season.

No change should be made in the other features of the supply-demand adjustment. The present range of no adjustment provides sensitivity which should be retained. The maximum adjustment of 50 cents in either direction should also be retained rather than limiting the movement of prices to 30 cents. Such a limit is of necessity arbitrary, and is a means of limiting action under conditions of extreme shortage or surplus until such time as other pricing features can be considered in a public hearing. These considerations do not require that the range of price change be limited narrowly.

Handler proposals for changes in basic formula prices and Class I differentials should not be adopted. Testimony in support of these proposals indicates that the proponents are principally interested in offsetting the increase in the price that might have resulted from adoption of producer proposals for revision of the supply-demand formula. Use of the Class II price as the basic formula price would not produce price changes in the Oklahoma City market consistent with those in nearby markets which currently use a basic formula price identical with that of the Oklahoma City order. It is argued that with a sensitive supply-demand adjustment the actual Class I price could be the same even though the basic formula price plus Class I differential might be lower. Even though such a result is conceivable after a long period of operation, no solution is offered as to how such a result might be achieved in a transition period from one method of pricing to another. Even though milk supplies have increased substantially in the Oklahoma City market during the past year there is no evidence that over a long period present prices and differentials are excessive. From mid 1950 through 1952 prices at approximately these levels did not fully supply the market.

2. *The Class II price.* It was proposed that two plants in the group of the manufacturing plants used to determine the Class II paying price be deleted and two other plants be substituted. The effect of the substitution of the proposed plants on the Class II price can not be determined from the record. The Class II price should be at such levels as will permit market outlets for necessary reserve supplies and at the same time not encourage handlers to retain or increase producer receipts primarily for Class II use. The testimony fails to show that the substitution of the proposed plants would reflect a price which is more representative of competitive prices for milk for manufacturing uses in this area. The record shows that the producers association is willing to handle, for its members, all milk in excess of the handler's Class I requirements which they do not desire to receive at order prices. It is concluded that the present basis of establishing Class II prices should not be changed.

3. *Classification and allocation of milk.* a. The provisions of the order pertaining to the classification of milk transferred or diverted to unapproved milk plants should be modified to apply the same classification rules to all milk and skim milk transferred to unapproved plants regardless of the type of operation conducted at such plants.

The present order language provides, in part, for the classification of transferred milk from an approved plant to an unapproved plant on the basis of location and the character of operation at the unapproved plant. If the movement of such milk is more than 200 miles from the approved plant, the milk is classified as Class I. If the movement is less than 200 miles from the approved plant, the classification then becomes dependent on whether or not the unapproved plant receiving such transferred milk operates wholesale and retail routes. Transfers to plants which do not operate routes are classified automatically as Class II milk. The classification of milk transferred to unapproved plants having routes is dependent on:

(a) Utilization of milk at the unapproved plant after first giving priority to receipts from the plant's regular dairy farmers; and

(b) The availability of books and records for audit by the market administrator.

The record indicates that all milk or skim milk transferred to unapproved plants within the 200 miles radius of the market should be classified on a uniform basis. Classification procedure based on whether or not the unapproved plant operates retail or wholesale routes is not a satisfactory criteria for classification under present conditions. The rules which now apply to transfers to processing plants operating routes should be applied to all unapproved plants.

The record shows that some unapproved plants may be engaged in receiving and cooling milk for shipment to other outlets with little or no milk processed in the plant to which the milk is first transferred or diverted. In order to achieve uniformity in the classification procedure, provision should be made to classify such transfers or diversions from the approved plant on the basis of the utilization in the plant which processes or manufactures such milk. The proposed change will enable the market administrator to follow the utilization of the milk beyond the first unapproved plant to determine its classification. This will clarify the intent of the transfer provisions and eliminate the possibility of transferring or diverting, as Class II milk, producer milk through non-processing plants for use in other unapproved plants for Class I usage.

Under the present order fluid cream transferred under Grade A certification to an unapproved plant located beyond a 200 mile radius from the approved plant is classified as Class I milk and as Class II milk if moved without such certification. Cream transferred to unapproved plants within the 200 mile radius is Class II if transferred to a plant but does not operate retail or wholesale routes. Cream transferred to plants operating routes is classified on the same basis as milk or skim milk.

The order should be changed to provide that cream transferred to an unapproved plant shall be Class I milk unless the handler (a) claims classification as Class II milk, (b) establishes that such cream was transferred without Grade A certification, and (c) labels or tags each container to indicate that the contents are for manufacturing use only. This proposed change will provide a uniform method for establishing the classification of cream transferred to an unapproved plant regardless of the type of operation or location of the unapproved plant.

It was proposed by handlers that milk transferred to unapproved plants within the 200 mile radius be classified by the market administrator on the basis of certification by the handler as to the use of the milk. It is essential that the market administrator be permitted to verify the utilization of transferred milk at unapproved plants in the same manner that verification is made of receipts and utilization in the plants of handlers.

b. Aerated products containing milk or cream should be classified as Class II milk rather than Class I milk as presently provided. Such products are permitted by health authorities to be disposed of in the Oklahoma City area without being from locally inspected sources. No handler in the market produces such products. The present provision places handlers at a competitive disadvantage with wholesale grocers, in importing aerated products processed elsewhere for distribution in the market.

c. Proposed definition and allocation of emergency milk: It was proposed that during the months of October through January certain other source milk imported under emergency health department permits be defined as "emergency milk" and allocated separately. The notice of hearing indicated a different method of establishing the maximum volume to be defined as emergency milk and provided allocation for such milk which would have produced no change from that resulting under the present order in the classification of producer milk. Evidence at the hearing indicated that the intent was that the volume of such milk to be defined as emergency milk should be that by which 115 percent of Class I sales exceeded producer receipts and that such emergency milk should have prior claim over producer milk for Class I sales. The net result of such a system would be that regardless of market supplies in relation to sales, producers would be paid at Class II prices for a volume of milk equal to 15 percent of the handler's Class I sales. In periods of extreme shortage, the shorter the supply of producer milk the lower would be the uniform price to producers.

Emergency milk provisions should not be included in the order on the basis of this record. Presently producer milk supplies appear to be adequate to supply the needs of the market so that supplementary supplies are not required.

d. Handlers proposed that skim milk and butterfat not specifically accounted for as Class II milk no longer be defined as Class I milk, that the shrinkage allowance be increased during the flush production months and that dumped milk be classified as Class II milk. Discussion of the proposals resulted in the abandonment by the handlers of support of that part of the proposal relating to an increase in the shrinkage allowance. Skim milk and butterfat not specifically accounted for as Class II milk should be classified as Class I milk if there is to be any limit on the shrinkage allowance. The Oklahoma City order provides that skim milk and butterfat used to produce any product not specifically named as a Class I product shall be Class II milk, but if a handler fails to account for the use of his receipts they are classified as Class I milk other than for the shrinkage allowance. At present, inasmuch as there is no specific classification for skim milk which may be required to be dumped, it is automatically classified as Class I milk when its volume exceeds the shrinkage allowance. Occasions may arise however when handlers are unable to process or otherwise dispose of skim milk in excess of their needs. At such times the only practical outlet may be processed skim milk to be disposed of by dumping. Both producers and handlers favored the adoption of the proposal to handle dumped skim milk as Class II milk. It is recognized that a handler will use reasonable precautions with respect to dumping milk inasmuch as such disposition does not afford him any return while remaining responsible for settlement for such milk at the Class II price. Provision should be made however, for handlers to notify the market administrator in order to afford him an opportunity to verify such proposed dumping and the volumes of such disposition.

e. The procedure employed in classifying and allocating skim milk and butterfat in inventory should be modified and specific provision should be made for the reclassification of skim milk and butterfat in inventory, which is initially classified as Class II milk and later used as Class I milk.

The inventory account should include all bulk milk, skim milk and fluid cream, and items specifically mentioned as Class I milk on hand at the beginning or end of each month. Class I products are classified on the basis of the form in which disposition is made. It is necessary therefore to account for bulk milk and such Class I products which are on hand and not disposed of at the end of a delivery period. Class II products are accounted for primarily on the basis of the milk used to produce specified products. It is therefore unnecessary to include Class II products on hand at the end of the month in the handler's monthly report of receipts and utilization. The handler will be required to keep stock records on holdings of such products to facilitate the auditing of current receipts and utilization. Products manufactured from stocks on hand and used by the handler should be considered as a receipt of other source milk in the month of such usage.

At present, plus or minus variations in inventory between the beginning and end of the month are classified as Class II milk. The classification of inventory variations in Class II milk will result in negative Class II utilization figures in any month that a handler's decrease in inventory exceeds other Class II utilization. Such negative figures are confusing and under such conditions result in a complicated problem of determining whether or not reclassification charges should apply to the inventory milk disposed of as Class I milk.

The allocation provisions of the order are based on the principle that producer milk is to be given priority over current receipts of other source milk for use in Class I milk. The classification of inventory variations in Class II milk does not follow this principle. Producer milk in beginning inventory is, in effect, assigned to Class II usage prior to current receipts of other source milk. For these reasons the monthly accounting procedure for the classification of inventory should be modified and specifically set forth in the order.

Closing inventory should be classified as Class II milk. Opening inventory should be treated as a receipt. Provision should be made so as to give the handler credit for beginning inventory by subtracting such inventories from his current utilization in series beginning with Class II milk after first subtracting receipts of other source milk and allowable producer shrinkage. Any inventory allocated to Class I milk represents a current use in Class I for milk which was classified temporarily as Class II in the previous month. Such inventory milk should be subject to a reclassification charge if it was derived from producer milk. This may be determined by the amount of producer milk classified in Class II milk in the previous month. Thus the quantity of inventory milk which is allocated to Class I milk in the current month and on which a reclassification charge is to be made should be limited to the amount of producer milk classified as Class II milk the previous month. This procedure conforms to the principles of assigning fluid milk from producers to the highest priced available utilizations and eliminates the possibility of reclassification charge on inventory derived from other source milk.

Provision should be made in the order for establishing the rates for reclassification charges on inventory milk used in Class I. This rate should be the difference between the Class I price and the Class II price in the month of utilization. In this manner handlers are required to pay, and producers receive, the same differential over the current months' Class II price for producer milk derived from inventory, as current receipts of producer milk.

4. *Payments to producers*—a. *Extension of base operating period.* Producers should be paid for base milk during the months of February through July. At present, a producer's base is formed during the months of September, October, November and December, while producers are paid under the base and excess plan, during April through June. Dairy farmers who are regularly associated with the market, as determined by their delivery of milk to handlers during the short period of production, receive the necessary incentive to produce milk during the short production season through the operation of the base and excess plan. To such regular producers, this serves as a means of getting a high utilization price during the flush production season. The returns to producers during the flush season is commensurate therefore with their deliveries during the short season. The record shows that both handlers and producers are in favor of extending the base operating period since the months of April, May and June appears to be too short a period to provide sufficient incentive to the producers to furnish the milk required during the short production season. Since new producers may form a full base with deliveries for ninety days of the base-forming period, the months of August and September will provide a sufficient period of time for new producers to enter the market following operating period before deliveries are required in order to establish a full base.

b. *Partial payments.* A partial payment with respect to milk received from a producer during the first 15 days of each month should not be required if the producer has discontinued delivery to the handler, and the minimum rate of such payment should be specified as the Class II price of the preceding month for 4 percent milk, without adjustment for butterfat test or deduction for hauling. Such partial payments are merely advances deductible from the payment computed for deliveries for the entire month. The provisions stated above will avoid any possibility that the required advance may exceed the final settlement and provide for simplicity of computing the minimum advance. The record indicates the desirability of specific mention that authorized deductions (such as for hauling) may be made from the final payments.

5. *Definition of producer and producer-handler.* A proposal that producers whose milk was to be priced and pooled deliver all of their production to an approved plant and file sworn statements that they do not and will not engage in Class I sales was abandoned by its proponents because of administrative difficulties. A comparison proposal to redefine producer-handler would appear to involve administrative difficulties in identifying the persons as defined, inasmuch as neither health department approval nor Class I sales in the marketing area would be a prerequisite to producer-handler status. Reports from former distributors with no connection with the marketing area would also be required under such a definition. No change in the definition of producers or producer-handlers should be adopted on the basis of this record.

6. The order requirement for the announcements of the Class I price on the 10th day of the month should be changed to 12th day of the month.

Handlers reports of receipts and utilization for the preceding month, which are used in the supply-demand adjustment of the Class I price for the current month, are required to be forwarded by handlers not later than the 7th day of the month. With the intervention of a week end or holiday, the market administrator has insufficient time to summarize handlers reports to determine the supply-demand adjustment for the announcement of the Class I price by the 10th day of the month. The proposed revision will not preclude the market administrator from announcing the Class I price at the earliest possible date as has been his practice in the past. No objection was raised to the proposed change.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Central Oklahoma Milk Producers Association and handlers subject to the order.

The briefs contained proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and order. The following order, amending the order, as amended, is recommended as the detailed and appropriate means whereby the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as hereby proposed to be amended.

1. In § 905.22 (j) (1) delete "10th" and substitute therefor "12th".

2. In § 905.41 (a) delete the words "aerated products containing milk or cream".

3. In § 905.41 delete paragraph (b) and substitute therefor the following:

(b) Class II milk shall be all skim milk and butterfat, (1) used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in frozen cream placed in storage; (4) in skim milk dumped, after prior notification to and opportunity for verification by the market administrator; (5) in shrinkage up to 2 percent of receipts from producers; (6) in shrinkage of other source milk; and (7) in inventory at the end of the month in the forms specified in paragraph (a) (1) and (2) of this section.

4. Delete § 905.43 (b) and substitute therefor the following:

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II milk in the previous month pursuant to § 905.41 (b) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 905.46 (a) (4).

5. Delete paragraphs (d), (e), and (f) of § 905.44 and substitute therefor the following:

(d) As Class I milk if transferred in the form of cream to an unapproved plant, unless the handler (1) claims classification as Class II milk, (2) establishes that such cream was transferred without Grade A certification, and (3) labels or tags each container "for manufacturing use only" and so invoices the shipment.

(e) As Class I milk if transferred or diverted in the form of bulk milk or bulk skim milk to an unapproved plant located not more than 200 miles from the approved plant unless the following conditions are met:

(1) The handler claims classification as Class II milk;

(2) The operator of the unapproved plant maintains books and records, showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification;

(3) If the above conditions are met, the classification reported by the handler shall be subject to verification by the market administrator as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant and,

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting, in series beginning with Class I milk, the skim milk and butterfat in milk received at the unapproved plant from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant.

(iii) If the unapproved plant makes bulk shipments of milk or cream and the skim milk and butterfat transferred to such plant exceeds the amounts remaining in the transferee plant after subtracting receipts from dairy farmers pursuant to subdivision (ii) of this subparagraph, the excess shall be classified according to its utilization determined at the second unapproved plant pursuant to subdivision (ii) of this subparagraph.

6. In § 905.46 (a) insert as subparagraph (4) the following and renumber subparagraphs "(4)" "(5)" and "(6)" as "(5) "(6)" and "(7)" respectively:

(4) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II, the pounds of skim milk in inventory specified in § 905.41 (b) (7) at the beginning of the month;

7. In § 905.51 (a) (2) change the tabulated schedule of standard utilization percentages to read as follows:

Month for which price applies	Months used in computation	Standard utilization percentage
January	November-December	113
February	December-January	117
March	January-February	121
April	February-March	123
May	March-April	127
June	April-May	130
July	May-June	135
August	June-July	134
September	July-August	130
October	August-September	119
November	September-October	111
December	October-November	110

8. Delete § 905.70 and substitute therefor the following:

§ 905.70 *Computation of value of milk.* The value of milk received during each month from each handler from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class by the applicable class prices; and

(c) Add a reclassification charge computed at a rate equal to the difference between the Class I and Class II prices for the current month for skim milk and butterfat in inventory which is subtracted from Class I pursuant to § 905.46 (a) (4) and the corresponding step of § 906.46 (b) which is not in excess of the skim milk and butterfat, respectively, remaining in Class II milk in the previous month pursuant to § 905.46 (a) (4).

9. In § 905.65 delete "April through June" where such words first appear in such sections and substitute therefor "February through July", and also delete the proviso appearing in paragraph (a) of such section.

10. In § 905.72 delete "April through June" and substitute therefor "February through July".

11. In § 905.66 (b) delete "April through June" and substitute therefor "February through July".

12. Delete § 905.80 and substitute therefor the following:

§ 905.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 905.71 or § 905.72, adjusted by the butterfat differential computed pursuant to § 905.81, less the amount of the payment made pursuant to paragraph (b) of this section and deductions authorized by the producer.

(b) On or before the last day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section and (2) who has not discontinued delivery of milk to such handler, an advance payment with respect to milk received from such producer during the first 15 days of such month computed at the Class II price for 4 percent milk for the preceding month, without deduction for hauling;

(c) On or before the 13th and 27th days of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section, to a cooperative association, which so requests, with respect to producers for whose milk such cooperative associations is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers.

Filed at Washington, D. C., this 22d day of January 1954."

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-575; Filed, Jan. 27, 1954; 8:50 a. m.]

[7 CFR Part 925]

[Docket No. A 226-A3]

MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Seattle, Washington, on August 10-11, 1953.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on December 3, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on December 9, 1953 (18 F. R. 8090). Following the issuance of the recommended decision proponents of proposals 3 and 8 as set forth in the notice of hearing issued July 23, 1953, requested that a final decision be withheld on these proposals pending a reopening of the public hearing for the reconsideration of such proposals and any closely related matters in relation to recent developments in economic and marketing conditions on which additional evidence would be offered. In light of this request a final decision on such issues is withheld at this time. Accordingly, the following findings and conclusions contained in the recommended decision are not included as a part of this decision:

(a) The second, third and fourth paragraphs beginning in column 2 and all paragraphs beginning in column 3, 18 F. R. 8093 (F. R. Doc. 53-10265), in their entirety;

(b) The first 23 lines in column 1, 18 F. R. 8094 (F. R. Doc. 53-10265), and the entire first paragraph beginning in such column;

(c) The words "provisions relating to the diversion of producer milk to nonpool plants should be modified; the" contained in the third paragraph beginning in column 1, 18 F. R. 8095 (F. R. Doc. 53-10265); also the fourth and fifth paragraphs beginning in column 1 and the first paragraph beginning in column 2, 18 F. R. 8095 (F. R. Doc. 53-10265) in their entirety.

Except as referred to in the preceding paragraph, the material issues and the findings and conclusions of the recommended decision (F. R. Doc. 53-10265 18 F. R. 8090) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following revisions made in consideration of the exceptions filed and certain changes for clarification:

1. Delete the third paragraph beginning in column 3, 18 F. R. 8090 (F. R. Doc. 53-10265) and substitute therefor the following:

(1) The provisions relating to producer bases should be revised as to the number of months during the year bases are applied in distributing to producers the proceeds from the sale of milk and to modify the conditions for the transfer of base between producers.

2. Delete the last paragraph beginning in column 2, 18 F. R. 8091 (F. R. Doc. 53-10265) in its entirety and substitute therefor the following:

In establishing percentages for determining the bases of new producers under a 12-month plan, particular consideration has been given to seasonal levels of deliveries for the market as a whole. The seasonal levels of production in relation to the need for Class I milk indicates that the percentages of new producer deliveries to be priced as base milk should be relatively higher in the fall and winter months to encourage the delivery of milk by new producers in such months and to minimize the incentive to enter the market during months when supplies are seasonally large. On the other hand such percentages should not be set at levels which would result in a price advantage for new producers over established producers. The latter condition would not be in keeping with the basic concepts of this method of distributing producer returns and inevitably would induce established producers with bases earned in the regular manner to abandon them and seek the more favorable opportunity afforded by the new producer base. The widespread relinquishment of earned bases would disrupt the effectiveness of the plan. The following percentages of deliveries for the additional months the plan will be in effect should provide a situation in which returns to established producers are not unduly reduced by the entry of new producers in the fall months and yet in which no serious deterrent to market expansion through the addition of new producers is introduced: August, 65; September and October, 75; November and December, 80; and January, 75. The present record indicates that the percentages currently established by the order with respect to new producer deliveries for the months of February through July have operated satisfactorily and do not require revision. The above-stated percentages will establish for the added months a relationship of new producer returns to those of regular producers similar to that currently provided by the order for February through July. In view of the foregoing it is concluded that the base and excess plan of payment should be made effective for all months of the year.

3. Delete the second and third paragraphs beginning in column 3, 18 F. R. 8091 (F. R. Doc. 53-10265) in their entirety and substitute therefor the following:

The ability of the producer, as a farm manager, to produce even supplies of milk should be the most significant underlying consideration to the establishment of base. However, the transfer of base should be allowed where the producer transfers his farm and herd as a going operation to another producer who continues the production of milk on the same farm. There is little likelihood that the curve of production established for the farm will alter or become greatly more seasonal in the short run, and if the production pattern prevailing at the time of transfer is not maintained the transferee producer's base will be adjusted automatically to his own performance within a period not exceeding twelve months. In the meantime the herd should produce generally in accordance with the pattern resulting from the manner in which the transferor bred his animals. This revision in the base transfer rules will assist a transferor producer to realize full value from the effort and management expended in achieving a desirable production pattern without significantly affecting the returns of other producers.

4. Add the following immediately following the last paragraph beginning in column 3, 18 F. R. 8096 (F. R. Doc. 53-10265):

It is contended in the exceptions filed that the provision adopted differs from that proposed by the Secretary at the time of the hearing, and that if the original proposal is not the correct solution then no action should be taken until the provision recommended can be submitted for further hearing when interested parties will have an opportunity to address their testimony directly to it. The original proposal was based upon an interpretation of the order which had been put into effect by the market administrator. It is clear in the record that the market administrator desired advice as to a proper method of accounting for the volume of milk to be priced as fortified skim milk or skim milk drinks as the result of the addition of nonfat dry milk solids. The testimony discloses that the interpretation applied does not result in the uniform pricing of milk based on its use, as required by the statute. In order to meet the standards of classification and pricing required by the act, the provision herein adopted is considered necessary.

As a corollary change for the purpose of implementing the accounting for such products, a revision of language in the definition of other source milk has been made.

Rulings on exceptions. Exceptions relating to the findings, conclusions and amendment action recommended by the Assistant Administrator were filed by the Arden Farms Co. and ten cooperative associations of producers jointly through the United Dairymen's Association. In arriving at the findings, conclusions and amendment action decided in this decision, each of these exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. Some revisions of the recommended decision have resulted therefrom. To the extent that the findings, conclusions, and amendment action decided upon herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of October 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Pudget Sound, Washington, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively, "marketing agreement regulating the handling of milk in the Puget Sound, Washington, marketing area," and "order amending the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of §900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, as amended, which will be published with this decision.

This decision filed at Washington, D. C., this 22d day of January 1954.

Dated: January 22, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area*

§ 925.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the following terms and conditions:

1. Delete § 925.14 and substitute therefor the following:

§ 925.14 *Other source milk.* "Other source milk" means (a) all skim milk and butterfat received from a producer-handler (or the plant of a producer-handler) in any form (including bottled products), and (b) all other skim milk and butterfat other than in (1) producer milk, and (2) milk and milk products in any of the forms specified in § 925.41 (a) (1) received from fluid milk plants and country plants.

2. Delete § 925.18 and substitute therefor the following:

§ 925.18 *Base milk.* "Base milk" means milk delivered by a producer during the month which is not in excess of (a) his daily base computed pursuant to § 925.60 (a) multiplied by the number of days of delivery in such month, or (b) his base computed pursuant to § 925.60 (b): *Provided,* That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant, the days of non-delivery shall be considered as days of delivery for the purposes of this section and of § 925.60 (a).

3. Delete the language of § 925.30 preceding paragraph (a) of such section and substitute therefor the following:

§ 925.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15 (a), except a producer-handler, shall submit to the market administrator a separate report for each of such handler's fluid milk plants, country plants, and plants where milk or milk products subject to payments required under § 925.70 (b) were handled, and each cooperative association which is a handler pursuant to § 925.15 (b) shall submit to the market administrator a report with respect to milk diverted on its account, containing the following information for the preceding month.

3a. Add the following as § 925.44 (a) (5):

(5) Notwithstanding the prior provisions of this paragraph any such skim milk and butterfat caused to be moved in bulk by a handler during any month from any fluid milk plant or country plant either by transfer or without being received therein to a fluid milk plant in which facilities are maintained and used during the same month to receive milk or milk products required by applicable health authority regulations to be kept physically separate from milk qualified as described in § 925.12 shall be deemed to have been transferred by such handler to a country plant and shall be classified in accordance with the provisions of paragraph (b) of this section.

4. Delete § 925.44 (a) (4) and substitute therefor the following:

(4) If at a fluid milk plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1 or in the counties of Kitsap or Mason are assigned to Class II milk, they shall be allocated to the uses stated in § 925.54 (a) insofar as such uses are available at the transferee plant after allocating to such uses the other source milk at such plant; and

4a. Delete § 925.44 (b) (1) and substitute therefor the following:

(1) The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction pursuant to § 925.45 (b) (2) of other source milk at such plant and after the subtraction of producer shrinkage classified as Class II milk pursuant to § 925.41 (b) (4), and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk;

5. Delete § 925.44 (b) (4) and substitute therefor the following:

(4) If at a country plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1 or in the counties of Kitsap and Mason are assigned to Class II milk, they shall be allocated to the uses stated in § 925.54 (a) insofar as such uses are available at the transferee plant after allocating to such uses the other source milk at such plant; and

5a. Add the following as § 925.44 (b) (5):

(5) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat caused to be moved in bulk by a handler during any month from any fluid milk plant or country plant without being received therein to a country plant in which facilities are maintained and used during the same month to receive milk or milk products required by applicable health authority regulations to be kept physically separate from milk qualified as described in § 925.12 shall be deemed to have been transferred by such handler to a country plant and shall be classified in accordance with the provisions of this paragraph.

5b. Delete § 925.44 (c) (2) and substitute therefor the following:

(2) As Class II milk if the transfer is to a nonpool plant located in the marketing area or within any of the counties of Clallam, Jefferson, Grays Harbor, Island, Kitsap and Mason, in the State of Washington, which is not engaged in the distribution of milk for consumption in fluid form: *Provided,* That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 925.41 (a) (1) to any other nonpool plant distributing milk in fluid form which is not located in the marketing area, such disposition up to the quantity of producer milk transferred to the first nonpool plant shall be classified as Class I milk: *Provided further,* That if the preceding proviso does not apply the transferred quantity shall be allocated to uses other than those covered by § 925.54 (a) (1) to the extent that such other Class II milk uses are available at such nonpool plant: *And provided also,* That if the market administrator is not permitted to audit the records of such nonpool plant for the purpose of use verification, the entire transfer shall be classified as Class I milk.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

6. Delete § 925.45 (a) and substitute therefor the following:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: *Provided,* That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from skim milk, are utilized by such handler either (1) to fortify (or as an additive to) fluid milk, flavored milk, skim milk or any other milk product, or (2) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

7. Delete in § 925.52 (a) the figure "1.25" and substitute therefor the figure "1.2."

8. Delete § 925.54 (a) and substitute therefor the following:

(a) Compute the sum (in pounds) of: (1) The total utilization at such plant (including any disposition of skim milk and butterfat from such plant for similar uses at nonpool plants) of skim milk and butterfat, respectively, in evaporated milk in hermetically sealed cans, butter, nonfat dry milk solids, powdered whole milk, all cheeses except "baker's," "pot," cottage (including that creamed), cream and neufchatel, and shrinkage allowable as Class II milk pursuant to § 925.41 (b) (4) and (5), and (2) the total quantity of skim milk and butterfat transferred to other fluid milk plants and country plants located in District No. 1 or in the counties of Kitsap and Mason and allocated to the uses specified in subparagraph (1) of this paragraph (as provided in § 925.44 (a) (4) and (b) (4));

9. Delete § 925.60 (a) and (b) and substitute therefor the following:

(a) The daily base of each producer whose milk was received by a handler(s) on not less than one hundred twenty (120) days during the months of August through December, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered in such five-month period by the number of days from the date of his first delivery to the end of such five-month period. The base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have, beginning with February 1954, a monthly base computed by multiplying his deliveries to a handler(s) during the month by the appropriate monthly percentage in the following table:

January	75	July	55
February	70	August	65
March	65	September	75
April	55	October	75
May	45	November	80
June	[illegible]	December	80

10. Delete § 925.61 and substitute therefor the following:

§ 925.61 *Base rules.* The following rules shall be observed in determination of bases:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but under the following circumstances only: If a producer sells, leases, or otherwise conveys his herd to another producer, the latter may receive the transferor's base, unless earned under § 925.60 (b), pursuant to the conveyance and utilize such base until February 1 next following the date of conveyance, subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee producer from the same farm only;

(2) If such conveyance takes place subsequent to August 1 of any year, all milk delivered to a handler(s) between August 1 and December 31, inclusive, from the same farm (whether by the transferor or transferee producer) shall be utilized, pursuant to § 925.60 (a), in computing the base of the transferee producer to become effective the next February 1; and

(3) It is established to the satisfaction of the market administrator that the conveyance of the herd was bona-fide and not for the purpose of evading any provision of this subpart.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a) to begin the next February 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 925.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the next February 1 such producer's base shall be computed in the manner provided by § 925.60 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 925.12 may establish or earn a base pursuant to the provisions of § 925.60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

11. Delete that portion of § 925.70 (a) prior to subparagraph (1) of such paragraph and substitute therefor the following:

(a) Except as provided in paragraph (b) of this section, the total value of milk received during any month at each plant by each handler, including a cooperative association, shall be a sum of money computed by the market administrator as follows:

12. Delete § 925.70 (a) (6) and (b) and substitute therefor the following:

(6) Add, with respect to other source milk (including overage allocated to other source milk) received at each fluid milk plant and country plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District No. 1, or in the counties of Kitsap or Mason, such difference shall be reduced as follows: 50 cents at any such plant located in Clallam County or Jefferson County; and 40 cents at any other plant not located in District No. 1 or in the counties of Kitsap or Mason.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was only within Districts Nos. 2 or 3, such difference shall be reduced by 40 cents per hundredweight.

13. Delete § 925.80 (b) and substitute therefor the following:

(b) On or before the 17th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price taking into account any location adjustment, as provided by §§ 925.53 and 925.54, applicable at the plant at which payment for such skim milk and butterfat is required under the provisions of § 925.70.

14. Delete § 925.81 (b) and substitute therefor the following:

(b) 25 cents per hundredweight shall be added to the uniform price for excess milk received from producers at plants located in District No. 1 or in the counties of Kitsap and Mason.

15. Delete § 925.87 (a) and substitute therefor the following:

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

[F. R. Doc. 54-577; Filed, Jan. 27, 1954; 8:50 a. m.]

[7 CFR Part 925]

Milk in Puget Sound, Washington, Marketing Area

Order of Secretary Directing That Referendum Be Conducted Among Producers Supplying Milk and Designation of Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area) who, during the month of October 1953 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.[1]

[1] See F. R. Doc. 54-577 *supra*.

Nicholas L. Keyock is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the Federal Register on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 22d day of January 1954.

[SEAL] John H. Davis,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-576; Filed, Jan. 27, 1954; 8:50 a. m.]

[7 CFR Part 962]

[Docket No. AO 162-A4]

Handling of Fresh Peaches Grown in Georgia

Notice of Recommended Decision and Opportunity to File Written Exceptions With Respect to Proposed Amendments to Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR Part 962; 18 F. R. 3013), hereinafter referred to as "marketing agreement" and "order," respectively, regulating the handling of fresh peaches grown in the State of Georgia, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., not later than the close of business on the tenth day after publication thereof in the Federal Register. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Production and Marketing Administration as a result of proposals received from the Industry Committee, hereinafter referred to as the "committee," established pursuant to the marketing agreement and order as the agency to administer the terms and provisions thereof. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that a public hearing would be held in Macon, Georgia, beginning on December 17, 1953, to consider the proposed amendments was published in the Federal Register (18 F. R. 7895) on December 8, 1953.

Material issue. The material issue presented on the record of the hearing was concerned with amending the marketing agreement and order to:

(1) Provide that no assessments shall be levied against peaches which are exempt from inspection.

Findings and conclusions. The findings and conclusions on the material issue are based upon the evidence adduced at the hearing and the record thereof and are as follows:

(1) The marketing agreement and order should be amended to provide that no assessments shall be levied against peaches which are exempt from inspection.

The marketing agreement and order were amended, effective May 26, 1953, to authorize the committee to recommend, and the Secretary to prescribe, that the inspection requirements of the marketing agreement and order shall be not applicable to any peaches in bulk shipped to the adjacent markets (the States of Florida, Alabama, Tennessee, North Carolina, South Carolina, Mississippi, and that portion of Louisiana which is east of the Mississippi River). This provision authorized the exemption of such shipments from only the inspection requirements, but such shipments were required to comply in all other respects with the provisions of the program. Inspection was not required on peaches shipped in bulk to adjacent markets under this provision during the 1953 season, and shipments to the adjacent markets during 1953 reported to the committee constituted only a small percentage (4 percent) of the total shipments of fresh peaches from the State of Georgia. Total shipments to adjacent markets during the 1951 and 1952 seasons were also rather small in relation to other out-of-State shipments, totaling 13 percent and 11 percent, respectively, of the total out-of-State shipments.

Assessments to defray the cost of administering and operating the marketing agreement and order have been collected from shippers of fresh peaches by the Federal-State Inspection Service under a cooperative agreement between such service and the committee since the inception of the marketing agreement program. Experience has shown that, inasmuch as inspectors of this service are present in the packinghouses of shippers in order to inspect peaches, and since this service collects a fee for the inspection performed, marketing agreement program assessments can be collected by such inspectors at considerable savings over the costs which would be involved in collecting these assessments if the collections were made by the committee. Bulk shipments to adjacent markets may originate either at a packinghouse of a shipper or at an orchard, whereas packed peaches originate only at packinghouses. Since inspection is not now required on peaches shipped in bulk to the adjacent markets under the circumstances stated above, inspectors would not be required at the packinghouses and orchards of shippers who ship only bulk peaches to adjacent markets if assessments on such peaches were not required under the marketing agreement and order. The collection of assessments on such peaches could be accomplished under the present provisions of the program by either (1) an increase in inspection personnel for the specific purpose of collecting such assessments, or (2) an increase in personnel employed by the committee. Reports indicate that the equivalent of 182 carloads of fresh peaches were shipped in bulk to adjacent markets during 1953. At the assessment rate in effect during the 1953 season, revenue from such shipments amounted to only $704.34. During the 1953 season the Inspection Service maintained a larger force than would have been necessary for inspection purposes, for the purpose of collecting assessments on bulk shipments to adjacent markets, and the expenses incurred were greater than the sum collected. The expenses of collecting assessments on such peaches in future years, unless such adjacent market peaches were required to be inspected, would be in excess of the sum collected regardless of whether collection was accomplished by personnel of the Inspection Service or by employees of the committee. During those periods, if any, when inspection is required on bulk shipments of fresh peaches to adjacent markets, however, shippers should be required to pay assessments on such peaches, because under such circumstances the sum of the assessments so collected would exceed the expenses incurred in such collection.

Rulings on findings and conclusions. The period ending January 4, 1954, was fixed for the filing of briefs, proposed findings, or conclusions. No such documents were filed within the prescribed time.

General findings. (1) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, regulate the handling of peaches grown in the State of Georgia in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act; and

(4) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended prescribe such different terms applicable to different marketing areas, as are necessary to give due recognition to such differences in the marketing of such peaches.

Effective November 15, 1953, the parity price for fresh peaches grown in the production area was $2.80 per bushel on the tree. On the basis of information now available, the seasonal average farm price for the 1954 crop of peaches grown in the production area will not exceed the parity price level for the 1954 season.

Recommended amendment to the marketing agreement and order. The following amendment to the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Delete the proviso in the first sentence of § 962.41 and insert in lieu thereof the following: "*Provided*, That no assessment shall be levied against peaches that are exempt from regulation pursuant to § 962.71 or against peaches that are exempt from inspection pursuant to § 962.64."

Filed at Washington, D. C., this 22d day of January 1954.

[SEAL] F. R. Burke,
Acting Deputy Administrator.

[F. R. Doc. 54-578; Filed, Jan. 27, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Nebraska National Forest

Notice of Proposed Withdrawal and Reservation of Lands

An application, serial No. 59154, for the withdrawal from all forms of appropriation under the public land laws, except of the lands described below was filed on November 10, 1952, by the U. S. Forest Service.

The purposes of the proposed withdrawal: Land to be added to and made a part of the Nebraska National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region III, Bureau of Land Management, Department of the Interior at Billings, Montana. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the Federal Register, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 22 N., R. 26 W., 6th P. M., Nebraska.

Beginning at a point on the west boundary of Sec. 2 from which the south sixteenth section corner between Secs. 2 and 3 bears S. 0° 28' E., 0.75 chains; thence N. 0° 28' W. along section line approximately 19.70 chains to the south boundary of 100 foot right of way to C. B. and Q. R. R.; thence southeasterly along south boundary of said right of way to a point on meridianal center section line of Sec. 2; thence S. 0° 21' E., 10.30 chains, along said center section line to south center sixteenth section corner; thence S. 89° 46' W., 23.34 chains, approximately along south latitudinal sixteenth section line; thence N. 81° 48' W., 13.66 chains; thence S. 66° 56' W., 3.29 chains to point of beginning.

The area described aggregates approximately 54.4 acres.

M. B. Wallace,
Regional Administrator.

[F. R. Doc. 54-587; Filed, Jan. 27, 1954; 8:53 a. m.]

Alaska

Filing of Plat of Survey Canceled

January 15, 1954.

Notice is given that the plat or original survey of the following described lands published in the Federal Register December 17, 1953, on page 8462 which was amended and published in the Federal Register December 29, 1953, on page 8811 is hereby canceled on advice from the Division of Engineering, Bureau of Land Management, to the effect that a new plat has been authorized.

The land affected lies in T. 18 N., R. 13 E., C. R. M. Sections 18, 19 and 20.

Alfred P. Steger,
Manager.

[F. R. Doc. 54-557; Filed, Jan. 27, 1954; 8:47 a. m.]

Alaska

Shorespace Restoration Order No. 505

January 22, 1954.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 91-day preference right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43

U. S. C. 279–284), as amended, the 80-rod shorespace reserved created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order.

ANCHORAGE LAND DISTRICT

A tract of land situated on Lake Nancy, Alaska, more particularly described as follows:

Beginning at the section corner common to Sections 33 and 34, T. 19 N., R. 4 W., and Section 3, T. 18 N., R. 4 W., Seward Meridian; thence, south 11.55 chains; thence, northwesterly along the shore 13.00 chains; thence, east 5.57 chains to the point of beginning, containing approximately 4.5 acres (Petition for Shorespace Restoration of Kenneth V. Preston, Anchorage 016865).

A tract of land situated on Seldovia Bay, Alaska, identified as Lot 3, Section 6, T. 9 S., R. 14 W., Seward Meridian, containing approximately 15.29 acres (Homesite Application of Orland P. Rees, Anchorage 017576).

A tract of land situated on Naknek River, Alaska, more particularly described as follows:

Beginning at corner No. 3, U. S. Survey 2870; thence, N 18° 50' W 400 feet; thence, easterly 500 feet; thence, southerly 400 feet; thence, westerly along the right limit of Naknek River 500 feet to the point of beginning (Homesite Application of Alex Alvarez, Anchorage 018268).

A tract of land situated on Iliamna Lake, Alaska, identified U. S. Survey 3195, containing approximately 4.91 acres (Homesite Application of Charles St. Cyr, Anchorage 018468).

A tract of land situated on Naknek River, Alaska, more particularly described as follows:

Beginning at corner No. 4, U. S. Survey 544; thence, easterly along the right limit of the Naknek River 4.33 chains; thence N 16° 50' W 5.10 chains; thence, westerly along Red Salmon Company Road 4.40 chains; thence, S 16° 45' E 4.85 chains along line 3–4 of U. S. Survey 544 to the point of beginning, containing approximately 2.0 acres (Trade and Manufacturing Application of John W. Maggitt, Anchorage 018911).

A tract of land situated on Orca Inlet, Alaska, identified as Lot 4, U. S. Survey 2764, containing approximately 0.70 acres (Homesite Application of Max Wolf, Anchorage 019943).

A tract of land situated on Fritz Cove, Alaska, identified as Lot 2, proposed U. S. Survey 3281, containing approximately 0.15 acres (Homesite Application of J. W. Monagle, Anchorage 021789).

A tract of land situated on Auke Bay, Alaska, identified as Lot A, U. S. Survey 2389, containing approximately 4.72 acres (Homesite Application of Lyle A. Bowman, Anchorage 023178).

A tract of land situated on Lisianski Inlet, Alaska, identified as Lot 25, U. S. Survey 2913, containing approximately 4.76 acres (Homesite Application of John W. Breseman, Anchorage 024295).

A tract of land situated on Point Baker Anchorage, Alaska, identified as Lot 40, U. S. Survey 2829, containing approximately 1.73 acres (Homesite Application of Monk D. Lewis, Anchorage 024491).

A tract of land situated on Turnagain Arm, Alaska, identified as Lot 8, U. S. Survey 2757, containing approximately 4.48 acres (Homesite Application of George L. Adney, Anchorage 024492).

A tract of land situated on Point Baker Anchorage, Alaska, identified as Lot 23, U. S. Survey 2828, containing approximately 0.97 acres (Homesite Application of Elof Hanning, Anchorage 024493).

A tract of land situated on Point Baker, Anchorage, Alaska, identified as Lot 38, U. S. Survey 2829, containing approximately 0.93 acres (Homesite Application of Herbert Zeiske, Anchorage 024505).

A tract of land situated on Kenai Lake, Alaska, identified as Lot G, U. S. Survey 2520, containing approximately 3.97 acres (Homesite Application of Russell W. Lamoreaux, Anchorage 024534).

A tract of land situated on Turnagain Arm, Alaska, identified as Lot 10, U. S. Survey 2757, containing approximately 4.48 acres (Homesite Application of James W. Carter, Anchorage 024579).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 41, U. S. Survey 2951, containing approximately 1.31 acres (Homesite Application of Arthur H. Alexander, Anchorage 024588).

A tract of land situated on Point Baker Anchorage, Alaska identified as Lot 12, U. S. Survey 2827, containing approximately 1.26 acres (Homesite Application of Delman Kamp, Anchorage 024602).

A tract of land situated on Auke Lake, Alaska, identified as Lot K, U. S. Survey 2386, containing approximately 1.92 acres (Homesite Application of Rudy LaBraah, Anchorage 024624).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 6, proposed U. S. Survey 2946, containing approximately 0.27 acres (Homesite Application of Lucille F. Peterson, Anchorage 024854).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 16, proposed U. S. Survey 2947, containing approximately 0.73 acres (Homesite Application of Karl O. Strom, Anchorage 024882).

A tract of land situated on Kenai Lake, Alaska, identified as Lot 2, U. S. Survey 2523, containing approximately 1.87 acres (Homesite Application of John E. Coppock, Anchorage 025136).

A tract of land situated on Kenai Lake, Alaska, identified as Lot G, U. S. Survey 2529, containing approximately 4.55 acres (Homesite Application of James W. Dyer, Anchorage 025137).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 11, proposed U. S Survey 2946, containing approximately 0.27 acres (Homesite Application of Roy B. Elliot, Anchorage 025163).

A tract of land situated on Turnagain Arm, Alaska, identified as Lot 2, U. S. Survey 2757, containing approximately 2.99 acres (Homesite Application of Lawrence Stainbrook, Anchorage 025164).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 13, proposed U. S. Survey 2946, containing approximately 0.22 acres (Homesite Application of Ernest O. Swanson, Anchorage 025175).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 20, proposed U. S. Survey 2947, containing approximately 0.78 acres (Homesite Application of Hazel Wimer, Anchorage 025179).

A tract of land situated on Kenai Lake, Alaska, identified as Lot C, U. S. Survey 2531, containing approximately 4.97 acres (Homesite Application of Roy M. Malutin, Anchorage 025258).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 30, proposed U. S. Survey 2948, containing approximately 0.98 acres (Homesite Application of Roy C. Clements, Anchorage 025285).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 9, proposed U. S. Survey 2946, containing approximately 1.00 acres (Headquarters Site Application of John M. Steear, Anchorage 025489).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 31, proposed U. S. Survey 2949, containing approximately 1.50 acres (Homesite Application of Iva H. Lingard, Anchorage 025510).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 58, U. S. Survey 2953, containing approximately 0.68 acre (Homesite Application of Karl Wollarth, Anchorage 025559).

A tract of land situated on Tongass Narrows, Alaska, identified as Lot 59, U. S. Survey 2402, containing approximately 1.33 acres (Homesite Application of Roland Fisher, Anchorage 025618).

A tract of land situated on Elfin Cove, Alaska, identified as Lot 17, proposed U. S Survey 2947, containing approximately 0.47 acre (Petition for Small Tract Classification of Hugh A. Tennison, Anchorage 025623).

A tract of land situated on Wrangell Narrows, Alaska, identified as Lot D, U. S. Survey 2461, containing approximately 4.86 acres (Homesite Application of Raymond Brady, Anchorage 022651).

A tract of land situated on Boswell Bay, Alaska, identified as Homesite 74, U. S. Survey 2679, containing approximately 4.64 acres (Homesite Application of W. W. Tschoeppl, Anchorage 025822).

A tract of land situated on Kenai Lake, Alaska, identified as Lot 1, U. S. Survey 2528, containing approximately 4.78 acres (Homesite Application of Harvey Ainsworth, Anchorage 026036).

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 54–559; Filed, Jan. 27, 1954; 8:47 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 307

JANUARY 22, 1954.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 91-day preference right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284), as amended, the 80-rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order.

ANCHORAGE LAND DISTRICT

All vacant and unappropriated public lands abutting or lying within 80 rods of the shore of Tongass Narrows, Alaska, between Corner No. 1 and Corner No. 12, U. S. Survey 1761, containing approximately 1,140 acres.

All vacant and unappropriated public lands abutting or lying within 80 rods of the shore of Gastineau Channel, Alaska, between U. S. Land Monument No. 3 and Corner No. 7, U. S. Survey 1762, containing approximately 840 acres.

All lands abutting or lying within 80 rods of the south bank of Knik River, Alaska, in unsurveyed sections 5 and 6, T. 16 N., R. 3 E., Seward Meridian, containing approximately 450 acres.

SEWARD MERIDIAN

T. 26 N., R. 5 W.,
Section 13: Lot 6.

Containing approximately 38.07 acres.

A tract of land situated on Tongass Narrows, Alaska more particularly described as follows:

Beginning at Corner No. 1, U. S. Survey 3094; thence, southeasterly 20 chains along the shore of Tongass Narrows; thence, S 40° 58' W 20 chains; thence, northwesterly 20 chains; thence, N 40° 58' E 20 chains to the point of beginning, containing approximately 40 acres.

Proposed U. S. Survey 2946: Lots 2, 4, 7, 8, 10, 12, 13A, 14, and 15. Containing approximately 3.03 acres.

Proposed U. S. Survey 2947: Lots 18, 19, 21, 22, and 23. Containing approximately 3.83 acres.

Proposed U. S. Survey 2948: Lots 24–29, inclusive. Containing approximately 3.81 acres.

Proposed U. S. Survey 2949: Lots 32–36, inclusive. Containing approximately 3.13 acres.

Proposed U. S. Survey 2950: All. Containing approximately 2.65 acres.

Proposed U. S. Survey 2951: Lots 42, 42A, 43, 44, and 45A. Containing approximately 11.93 acres.

U. S. Survey 2952: Lots 45, 46, 47, 48, 49, 75, and 76. Containing approximately 8.18 acres.

U. S. Survey 2953: Lots 51, 52, 53, 54, 56, and 74. Containing approximately 6.04 acres.

U. S. Survey 2954: Lots 57, 58, 59, 59A, 60, 72, and 73. Containing approximately 9.28 acres.

U. S. Survey 2955: Lots 61, 62, 63, 64, and 71. Containing approximately 4.18 acres.

U. S. Survey 2956: Lots 65, 66, 67, 68, 68A, 69, and 69A. Containing approximately 6.00 acres.

U. S. Survey 3175: All. Containing approximately 2.50 acres.

U. S. Survey 2829: Lot 33. Containing approximately 1.05 acres.

U. S. Survey 2616: Lots 1, 4, 12, 14, and 15. Containing approximately 9.48 acres.

U. S. Survey 2613: Lots 29 and 36. Containing approximately 7.09 acres.

U. S. Survey 2612: Lot 22. Containing approximately 4.31 acres.

U. S. Survey 2327: Lot J. Containing approximately 0.61 acres.

U. S. Survey 2615: Lot 2. Containing approximately 1.90 acres.

U. S. Survey 2475: Lot L. Containing approximately 4.18 acres.

U. S. Survey 2450: Lot 1. Containing approximately 4.02 acres.

U. S. Survey 2451: Lot 6. Containing approximately 4.99 acres.

U. S. Survey 2452: Lot 15. Containing approximately 3.74 acres.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 54–558; Filed, Jan. 27, 1954; 8:47 a. m.]

ARIZONA

SMALL TRACT CLASSIFICATION ORDER NO. 26

JANUARY 20, 1954.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, under section 2.21 of Order No. 427, approved by the Secretary of the Interior on August 16, 1950 (15 F. R. 5641), I hereby classify, under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467; 43 U. S. C. 682a), as hereinafter indicated, for lease and sale, the following described lands in the Arizona Land District, embracing approximately 701.02 acres:

GILA AND SALT RIVER MERIDIAN

T. 11 S., R. 6 W.,
Sec. 34, lots 1 to 32, inclusive (W½SE¼, E½SW¼).
T. 12 S., R. 6 W.,
Sec. 3, lots 5 to 69, inclusive (W½E½, E½W½),
Sec. 10, lots 1 to 46, inclusive (NW¼NE¼, NE¼NW¼, W½SE¼NW¼, W½E½SE¼NW¼, W½NE¼SW¼, S½SW¼).

(a) For home or business sites:

T. 11 S., R. 6 W.,
Sec. 34, lots 2, 3, 7, 8, 10, 11, 15, 16, 18, 19, 23, 24, 26, 27, 31, 32.
T. 12 S., R. 6 W.,
Sec. 3, lots 6, 7, 11, 12, 14, 15, 19, 20, 22, 23, 27, 28, 30, 31, 35, 36, 38, 39, 43, 44, 46, 47, 51, 52, 54, 55, 59, 60, 62, 63, 67, 68.
T. 12 S., R. 6 W.,
Sec. 10, lots 2, 3, 7, 8, 11, 12, 16, 17.

(b) For home sites only:

T. 11 S., R. 6 W.,
Sec. 34, lots 1, 4, 5, 6, 9, 12, 13, 14, 17, 20, 21, 22, 25, 28, 29, 30.
T. 12 S., R. 6 W.,
Sec. 3, lots 5, 8, 9, 10, 13, 16, 17, 18, 21, 24, 25, 26, 29, 32, 33, 34, 37, 40, 41, 42, 45, 48, 49, 50, 53, 56, 57, 58, 61, 64, 65, 66, 69.
T. 12 S., R. 6 W.,
Sec. 10, lots 1, 4, 5, 6, 9, 10, 13, 14, 15, 18 to 46, inclusive.

2. The lands in Sec. 34, T. 11 S., R. 6 W. described above were placed under consideration for small tract classification at 9:30 a. m. on September 29, 1952. The lands in Secs. 3 and 10, T. 12 S., R. 6 W. described above were placed under consideration for small tract classification at 10:30 a. m. on July 28, 1952.

3. The lands affected by this order are in Pima County, Arizona and adjoin the northern outskirts of the Ajo community, extending northward for a distance of approximately 2½ miles on State Highway No. 85. The general topography of the area varies from flat to broken. Sec. 34, T. 11 S., R. 6 W. has a flat even surface. The same is true for Sec. 3, T. 12 S., R. 6 W. In Sec. 10, T. 12 S., R. 6 W. the surface is quite uneven and cut up by numerous washes. The soil is of a rocky to coarse gravel type with some small areas of fine sand. Vegetation is typical of the southwestern desert.

4. As to applications filed on lands described in Sec. 34, T. 11 S., R. 6 W. prior to 9:30 a. m. on September 29, 1952, and on lands in Secs. 3 and 10, T. 12 S., R. 6 W. prior to 10:30 a. m. on July 28, 1952, this order shall become effective upon the date it is signed, provided the applications are made to conform to the land descriptions and types of use specified in this order.

5. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) Ninety-one day period for preference-right filings. For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to applications under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph after the lands were placed under consideration as stated in paragraph (2) above, and either at or before 10:00 a. m. on the 35th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 35th day. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) Date for non-preference-right filings. Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed after the lands were placed under consideration as stated in paragraph (2) above, and either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

6. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

7. Each of the lots described in this order will be leased as one tract. Lots 62, 63, 67 and 68 in Sec. 3, and lots 2, 3, 7, 8, 11, 12, 16 and 17 in Sec. 10, T. 12 S., R. 6 W. contain approximately 3¾ acres. All remaining lots contain approximately 5 acres.

8. Leases will be for a period of three years at annual rentals of $5.00 for home sites or a minimum of $20.00 for business sites, payable for the entire lease period in advance of the issuance of the lease. The lessee for a business site shall be obligated to pay any additional rental at the rate fixed by the schedule of rentals in effect at the date of the approval of the lease.

9. Leases will contain an option to purchase clause at appraised values as follows:

In Sec. 34, T. 11 S., R. 6 W., lots 2, 3, 7, 8, 10, 11, 15, 16, 18, 19, 23, 24, 26, 27, 31, and 32 are appraised at $75.00 per lot; lots 1, 4, 5, 6, 9, 12, 13, 14, 17, 20, 21, 22, 25, 28, 29, and 30 are appraised at $50.00 per lot.

In Sec. 2, T. 12 S., R. 6 W., lots 6, 7, 11, 12, 14, 15, 19, 20, 22, 23, 27, 28, 30, 31, 35, 36, 37, 40, 41, 42, 45, 48, 49, 50, 53, 56, 57, 58, 61, 64, 65, 66, and 69 are appraised at $100.00 per lot; lots 38, 39, 43, 44, 46, 47, 51, 52, 54, 55, 59, 60, 62, 63, 67, and 68 are appraised at $115.00 per lot; lots 5, 8, 9, 10, 13, 16, 17, 18, 21, 24, 25, 26, 29, 32, 33, and 34 are appraised at $75.00 per lot.

In Sec. 10, T. 12 S., R. 6 W., lots 1, 4, 5, 8, 9, 10, 13, 14, 15, and 18 are appraised at $115.00 per lot; lots 2, 3, 7, 8, 11, 12, 16, 17, and 19 to 24, inclusive, are appraised at $125.00 per lot; lots 25 to 30, inclusive, and lots 33, 34, 35, 36, 41, 42, 43, and 44 are appraised at $135.00 per lot; lots 31, 32, 37, 38, 39, 40, 45, and 46 are appraised at $150.00 per lot.

(a) Applications to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease, provided minimum improvements shall have been constructed prior to the date of application to purchase. For home sites the minimum improvements shall consist of a habitable house of at least two rooms, containing a minimum floor area of 500 square feet, and adequate water and sanitary facilities. For business sites the minimum improvements shall be those improvements suitable for the purpose for which the tract is leased.

(b) Notwithstanding the minimum requirements set forth in (a) above, all improvements on the lands covered by this order must comply with the zoning regulations of the Pima County Planning and Zoning Commission and with the requirements of the Pima County Health Department with regard to building specifications, set-backs, and sanitation facilities.

(c) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as specified in (a) and (b) above shall have been constructed.

(d) Leases for lands upon which the improvements mentioned above have not been constructed prior to the expiration thereof shall not be renewed.

10. Tracts will be subject to all existing rights-of-way and to rights-of-way, thirty-three feet in width, for road purposes and public utilities, as follows:

In Sec. 34, T. 11 S., R. 6 W., along north line of lots 1, 2, 3, 4, 5, 17, 18, 19, 20, 21; along south line of lots 9, 13, 14, 15, 16, 25, 29, 30, 31, 32; along east line of lots 1, 5, 9, 13, 17, 21, 25, 29; along west line of lots 4, 6, 12, 14, 20, 22, 28, 30.

In Sec. 3, T. 12 S., R. 6 W., along north line of lots 5, 6, 7, 8, 9, 21, 22, 23, 24, 25, 37, 38, 39, 40, 41, 53, 54, 55, 56, 57; along south line of lots 13, 17, 18, 19, 20, 29, 33, 34, 35, 36, 45, 49, 50, 51, 52, 65, 66, 67, 68, 69; along east line of lots 5, 9, 13, 17, 21, 25, 29, 33, 37, 41, 45, 49, 53, 57, 61, 65, 69; along west line of lots 8, 10, 16, 18, 24, 26, 32, 34, 40, 42, 48, 50, 56, 58, 64, 66.

In Sec. 10, T. 12 S., R. 6 W. along north line of lots 1, 2, 3, 4, 5, 19, 20, 25, 26, 31, 32, 33, 34; along south line of lots 14, 15, 16, 17, 18, 23, 24, 29, 30, 43, 44, 45, 46; along east line of lots 1, 5, 9, 10, 14, 18, 20, 23, 26, 29, 32, 34, 35, 37, 40, 42, 43, 45; along west line of lots 4, 6, 13, 15, 19, 21, 22, 34, 25, 27, 28, 30, 31, 33, 36, 38, 39, 41, 44, 46.

Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-555; Filed, Jan. 27, 1954; 8:46 a. m.]

ARIZONA

CLASSIFICATION ORDER

JANUARY 22, 1954.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, 15 F. R. 5639, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Arizona land district, embracing approximately 440 acres:

ARIZONA SMALL TRACT CLASSIFICATION NO. 27

For lease and sale for homesites only:

T. 5 S., R. 10 E., G. & S. R. M.,
Sec. 34, NW¼, N½SW¼, SE¼SW¼, SE¼.

The land is located just north of U. S. Highway 80–89, a distance of approximately 7 miles southeast of Florence, Arizona. A good graded road leading from Highway 80–89 traverses the north boundary of the section. The soil is of a deep sandy loam type with a heavy growth of typical southwestern desert vegetation. Water for domestic purposes in the area is obtained from drilled wells. A privately owned water system located north of this area could be extended to supply some of these lands. Electric power is available from the electric power system of the San Carlos Irrigation Project. Natural gas service is not available.

2. As to applications filed on these lands prior to 12:03 p. m. on April 25, 1949, this order shall become effective upon the date it is signed, provided the applications conform to or are made to conform to the provisions of this order.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) Ninety-one day period for preference-right filings. For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject to applications under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) Date for non-preference-right filings. Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. The lands will be leased in tracts of approximately 5 acres, 660 feet by 330 feet, the longer dimension extending north and south. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

6. Leases will contain an option to purchase clause at the appraised values as follows:

Tracts in the N½N½NW¼ are appraised at $100.00 per tract.

Tracts in the S½N½NW¼, S½NW¼, N½SW¼ and SE¼SW¼ are appraised at $75.00 per tract.

Tracts in the SE¼ are appraised at $50.00 per tract.

(a) Applications for purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease, provided minimum improvements consisting of a habitable house of at least two rooms, containing a minimum floor area of 500 square feet, and adequate water and sanitary facilities shall have been constructed prior to the date of application to purchase.

(b) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as mentioned in (a) shall have been completed.

(c) Leases for lands upon which the improvements mentioned above shall not have been constructed at or before the expiration thereof shall not be renewed.

7. Lessees and/or their successors in interest shall comply with all Federal, State, county and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

8. Tracts will be subject to all existing rights-of-way and to rights-of-way for road purposes and public utilities as follows:

33 feet along the north and south boundaries of the N½NW¼, S½NW¼, N½SW¼, SE¼SW¼, N½SE¼, S½SE¼.

33 feet along the east and west boundaries of the W½NW¼, E½NW¼, NW¼SW¼, E½SW¼, W½SE¼, E½SE¼.

The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of patent. If not so located, they may be subject to location after patent is issued. All rights-of-way herein mentioned and reserved may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof.

9. All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-554; Filed, Jan. 27, 1954; 8:46 a. m.]

[No. 22 (R–IV)]

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JANUARY 19, 1954.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 35 S., R. 26 E.,
Sec. 9, E½NE¼, NE¼SE¼,
Sec. 15, NE¼.

The area described contains 280 acres.

The land in section 9 is primarily valuable for grazing, and it is unlikely that it will be classified as suitable for disposal under the homestead, desert-land, or small tract laws. The NE¼ section 15 may have agricultural possibilities.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

H. BYRON MOCK,
Regional Administrator.

[F. R. Doc. 54-556; Filed, Jan. 27, 1954; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Patent Office

[Dept. Order No. 89 (amended)]

ORGANIZATION AND FUNCTIONS

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the Patent Office.

SEC. 2. *Organization.* .01 The Patent Office, a primary organization unit of the Department of Commerce, shall be under the direction and supervision of the Under Secretary of Commerce. The Patent Office shall be headed by a Commissioner of Patents who shall report and be responsible to the Under Secretary of Commerce.

.02 The Patent Office shall consist of the following organization units:

1. Office of the Commissioner of Patents.
2. Board of Appeals.
3. Office of the Solicitor.
4. Office of Interferences.
5. Executive Office, including:
(1) Executive Officer.
(2) Budget and Finance Division.
(3) Administrative Management Division.
(4) Personnel Division.
(5) General Services Division.
(6) Scientific Library.
6. Patent Examining Operation, including:
(1) Patent Examining Groups.
(2) Classification Group.
7. Trade-Mark Examining Operation, including:
(1) Trade-Mark Examining Group.
(2) Trade-Mark Classification Division.

SEC. 3. *Delegation of authority.* .01 Reorganization Plan No. 5 of 1950 transferred all functions of all officers, agencies and employees of the Department, including the Patent Office, to the Secretary of Commerce; also, pursuant to the authority conferred on the Secretary of Commerce in section 3 of Title 35, United States Code, there were vested in the Secretary of Commerce by Amendment No. 1 of Department Order No. 89 (Amended), effective January 1, 1953 (18 F. R. 87), the functions of the Patent Office and its officers and employees specified in Title 35.

.02 Pursuant to the same authority, the Patent Office and its officers and employees were authorized to continue to perform the functions of the Patent Office and the several officers and em-

ployees thereof theretofore performed and as specified in said Title 35.

.03 Pursuant to the same authority the Patent Office and its officers and employees shall continue to exercise the same authority and functions in accordance with the provisions of this order.

SEC. 4. *General functions.* The basic function of the Patent Office is the administration of patent and trade-mark laws as they relate to the granting of patents for inventions and the registration of trade-marks.

SEC. 5. *Office of the Commissioner of Patents.* .01. The Office of the Commissioner includes the Commissioner of Patents, the First Assistant Commissioner, and two Assistant Commissioners.

.02 The Office of the Commissioner of Patents shall be responsible for formulating the policies, developing and coordinating the programs and directing all operations and administrative functions of the Patent Office.

.03 The First Assistant Commissioner and the Assistant Commissioners perform such duties pertaining to the Office of Commissioner as may be assigned them by the Commissioner. By statutory designation, they are members of the Board of Appeals.

SEC. 6. *Board of Appeals.* The Board of Appeals consists of the Commissioner, the Assistant Commissioners, nine examiners-in-chief, and such pro tempore members as may be assigned by the Commissioner under the authority contained in Title 35, U. S. Code, section 7. The Board shall hear and decide appeals from final rejections by the patent examining divisions denying the patentability of inventions claimed in patent applications.

SEC. 7. *Office of the Solicitor.* The Office of the Solicitor includes the Solicitor and the Law Examiners, who comprise the legal staff of the Commissioner. This office shall have charge of litigation in which the Patent Office is a party; investigate legal and legislative matters for the Commissioner, and render opinions and decisions on legal questions.

SEC. 8. *Office of Interferences.* The Office of Interferences consists of the Board of Patent Interferences and the Examiners of Trade-Mark Interferences, who function under the direction of the Chief Examiner of Interferences.

1. The Board of Patent Interferences shall make final determinations in the Patent Office of the question of priority of invention in proceedings involving rival claimants for patents for the same patentable invention; and

2. The Examiners of Trade-Mark Interferences shall determine the respective rights to trade-mark registration among rival claimants to the same mark. Determinations shall also be made as to the rights of parties involved in oppositions to registration, applications to register as a lawful concurrent user, and applications to cancel registrations.

SEC. 9. *Executive Office.* The Executive Office comprises the following major organizational units:

1. The Executive Officer, who is responsible to the Commissioner of Patents for the conduct of administrative and service functions of the Patent Office;

2. The Budget and Finance Division, which provides assistance to the Executive Officer in developing sound budgetary and fiscal policies and practices. It prepares budget estimates and aids in their justification; administers and controls the approved expenditures program; and provides accounting services and administers payroll and leave functions;

3. The Administrative Management Division, which maintains a continual appraisal of operations to identify conditions requiring management improvement and conducts required analysis, research and planning to effect the indicated improvement. It collects, analyzes and distributes internally workload and performance data for the Office and provides a continuing review of administrative printing and duplicating including the administration of a forms development and control operation. It is also responsible for records management and the development of administrative manuals;

4. The Personnel Division, which formulates personnel policies and programs; recruits and places personnel; effects proper position classification; recommends actions to improve working conditions and employee morale; develops and administers employee training programs; maintains records of all personnel actions; and administers the performance rating system;

5. The General Services Division, which reviews new patent applications for compliance with requirements as to form prior to consideration by patent examiners; inspects drawings submitted in applications to insure conformance with requirements as to formal execution; prepares allowed applications for printing and issues patent grants and trade-mark registration certificates; records assignments transferring property rights in patents and trade-marks and furnishes abstracts of title; procures, stores and sells printed copies of patents and trade-marks; answers correspondence of a general nature; and provides the routine service and supply needs of the Office; and

6. The Scientific Library, which maintains a search room for the benefit of the public in searching and examining the United States patents. It also maintains a library of scientific publications and a comprehensive file of foreign patents, for use by Patent Office examiners and the public. In addition, it maintains a register of patents dedicated to public use and those available for license or sale.

SEC. 10. *Patent Examining Operation.* The Patent Examining Operation is under the direction of the Executive Examiner (Patents), who is responsible to the Commissioner of Patents for the operation of the patent examining and patent classification functions of the Patent Office. The Executive Examiner formulates and directs the execution of basic examining policies and practices; applies provisions of law relating to the security of applications; renders decisions on procedural and substantive matters; and exercises overall responsibility for the professional competence and productive efficiency of the examining corps. The major organizational components of the Patent Examining Operation comprise a number of Patent Examining Groups and a Classification Group.

1. Each Patent Examining Group comprises a Supervisory Patent Examiner, as its head, and a number of patent examining divisions. The Supervisory Patent Examiner is responsible for ensuring the fullest effectiveness of operation in the various examining divisions within his cognizance and maintaining relative uniformity of practice among them. He also fosters quantitative and qualitative improvements in the examining process; passes upon certain actions proposed to be taken by examiners; and acts for the Commissioner in deciding petitions filed by applicants on matters not appealable to the Board of Appeals. Each patent examining division comprises a primary examiner and a number of assistant examiners and has jurisdiction of applications in assigned fields of inventions. The functions of the divisions are to determine the patentability of claimed invention based on search of prior art and application of statutory provisions; allow or reject the claims in applications on the basis of their findings; make holdings of abandonment; institute interference proceedings to determine priority of invention; rule on certain motions in connection with interferences; and perform related duties; and

2. The Classification Group develops and maintains a system for the classification of the useful arts to provide a basic frame of reference for the guidance of patent examiners and the general public in making searches for novelty, interference, or infringement of inventions. The Group also insures the effective use of this system in the classification of issued patents and reviews the work of the examining divisions for uniform application of prescribed practice governing the restriction of patent applications to a single invention. These functions are divided among five classification divisions.

SEC. 11. *Trade-Mark Examining Operation.* The Trade-Mark Examining Operation is under the supervision of an Executive Examiner (Trade-Marks). The Executive Examiner plans, directs, and coordinates the trade-mark classification, examination, and service activities; formulates and directs the execution of basic examining and classification policies and practices relating to the registration of marks; insures that such policies comply with statutory and regulatory provisions, court decisions, and decisions of the Commissioner; effects standards of performance for individuals and groups; and, in general, exercises overall responsibility for the effectiveness of trade-mark operations. The principal organizational units within the Trade-Mark operation are:

1. The Trade-Mark Examining Group, consisting of four trade-mark examining divisions, a service branch, and a search room, which performs trade-mark examining functions; furnishes necessary clerical processing and recording services connected with these functions; and maintains a digest of published and registered marks, classified according to the characteristics of the marks, to facilitate reference searches by examiners and the public. Each of the trade-mark examining divisions, under the supervision of a primary examiner, examines applications for the registration of trade-marks within assigned class of goods or services. The divisions develop the formal sufficiency of applications; determine the registrable merits of marks through search of the prior art and application of references, precedent decisions, established rules and procedures, and statutory requirements; allow or reject applications on the basis of their findings; make holdings of abandonment; institute interference proceedings to determine priority of use of marks and rule on certain motions in connection therewith; and perform related duties; and

2. The Trade-Mark Classification Division, which develops and maintains a system for the classification of goods and services to which trade-marks may be applied, and insures the effective application of the system in the examination of trade-mark applications and the registration of marks.

SEC. 12. *Effect on other orders.* This order supersedes Department Order No. 89 (amended) of May 5, 1948 (13 F. R. 2568–2569). This order also supersedes Department Order No. 89 (amended), Amendment 1, effective January 1, 1953 (18 F. R. 87), inasmuch as the provisions of that amendment are incorporated herein. This order also supersedes paragraphs 1, 2, and 14 through 27 of the material appearing at 12 F. R. 5874. This order shall not affect any existing delegations or authorizations issued by the Secretary relating to specific functions or officials of the Patent Office. Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby amended or superseded accordingly.

Effective date: December 30, 1953.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54–588; Filed, Jan. 27, 1954; 8:53 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

DIRECTOR OF DIVISION OF SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS, ET AL.

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

Pursuant to section 105 (a) of Public Law 815, 81st Congress (act of September 23, 1950, 64 Stat. 967), as amended, and section 8 (a), Public Law 874, 81st Congress (act of September 30, 1950, 64 Stat. 1100), as amended, the Director or Associate Director of the Division of School Assistance in Federally Affected Areas, or in the event of their concurrent absence the Director of the Field Operations Branch, Division of School Assistance in Federally Affected Areas, are hereby authorized and empowered to exercise all authority vested in the Commissioner of Education by Titles II, III, and IV of Public Law 815, 81st Congress, as amended, and Public Law 874, 81st Congress, as amended, including the certification of payments, subject to applicable regulations, except:

1. The authority to make regulations;

2. The authority with respect to the holding of hearings as provided in Part 106, Chapter I, 45 CFR, as amended, or as it may be amended;

3. The authority to delegate functions to officers or employees of the Office of Education as set forth in section 105 (a) of Public Law 815, 81st Congress, as amended, and section 8 (a) of Public Law 874, 81st Congress, as amended; and

4. The responsibility for making an annual report to the Congress as set forth in section 208 (c) of Public Law 815, 81st Congress, as amended, and section 7 (c) of Public Law 874, 81st Congress, as amended.

Dated: January 18, 1954.

[SEAL] S. M. BROWNELL,
Commissioner of Education.

Approved: January 21, 1954.

OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54–593; Filed, Jan. 27, 1954; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10828, 10829]

PALM BEACH BROADCASTING CORP. AND WEAT–TV, INC.

ORDER CONTINUING HEARING

In re applications of Palm Beach Broadcasting Corporation, West Palm Beach, Florida, Docket No. 10828, File No. BPCT–1237; WEAT–TV, Inc., West Palm Beach, Florida, Docket No. 10829, File No. BPCT–1803; for construction permits for new television stations.

In view of the order issued on January 19, 1954, granting an extension of time through January 25, 1954, to both applicants in the above-entitled proceeding, for the filing of certain supplementary information required by the Commission's McFarland letters of November 30, 1953: *It is hereby ordered*, This 22d day of January, 1954, that the hearing in said proceeding, heretofore scheduled to commence on January 29, 1954, is continued to February 5, 1954, at 10:00 a. m. at Washington, D. C.

The hearing will commence at the rescheduled time stated above with a conference pursuant to § 1.841 of the Commission's rules and regulations for the purpose of discussing the various matters and for taking such action as is prescribed in said section.

Counsel for the applicants have informally agreed to exchange their proposed points of reliance, and to furnish counsel for the Broadcast Bureau with copies thereof, on February 3, 1954.

Released: January 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54–591; Filed, Jan. 27, 1954; 8:53 a. m.]

[Docket Nos. 10859, 10860]

SOUTHERN BROADCASTING CO., INC., AND CHARLESTON BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southern Broadcasting Company, Inc., Charleston, South Carolina, Docket No. 10859, File No. BPCT–693; Charleston Broadcasting Company, Charleston, South Carolina, Docket No. 10860, File No. BPCT–1110; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 2 in Charleston, South Carolina; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Southern Broadcasting Company, Inc., is legally, technically and financially qualified to construct, own and operate a television broadcast station; that Charleston Broadcasting Company is legally qualified to construct, own and operate a television broadcast station and is technically so qualified except as to the matters referred to in issues "2", "3" and "4" below; and

It further appearing, that Charleston Broadcasting Company proposes an antenna location in the immediate vicinity of the antennas of standard broadcast stations WHAN and WPAL; that no determination has been made as to the feasibility of such proposed operation and as to the effects of such proximate operation upon the operation of stations WHAN and WPAL, particularly with respect to the effects of such operation upon the ability of stations WHAN and

WPAL to operate in accordance with the terms of their licenses; and that if the proposed operation is determined to be feasible and the application is granted after the hearing herein, such grant shall be subject to a condition as follows:

The construction authorized shall not adversely affect the ability of standard broadcast stations WHAN and WPAL to operate in accordance with the terms of their licenses, particularly with respect to their antenna systems, and that sufficient field intensity measurements of stations WHAN and WPAL shall be made before and after such construction to prove that no material effect thereon has resulted.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 19th day of February 1954 in Washington, D. C., upon the following issues:

(1) To determine whether Charleston Broadcasting Company is financially qualified to construct, own and operate the proposed television broadcast station.

(2) To determine what effects, if any, the installation of the television antenna as proposed in the above-entitled application of Charleston Broadcasting Company would have on the operation of standard broadcast stations WHAN and WPAL; whether corrective measures for such effects are possible and feasible; and what proof should be submitted to show that such corrective measures have been taken after installation and operation of the said proposed antenna.

(3) To determine whether the engineering data contained in the above-entitled application of Charleston Broadcasting Company is in accordance with the requirements of § 3.684 of the Commission's rules.

(4) To determine the antenna gain rating, aural transmitter output rating and transmission line losses proposed by Charleston Broadcasting Company, and the effect thereof on the calculated effective radiated power.

(5) To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 22, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-592; Filed, Jan. 27, 1954; 8:53 a. m.]

[Docket Nos. 10854-10858]

BISCAYNE TELEVISION CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Biscayne Television Corporation, Miami, Florida, Docket No. 10854, File No. BPCT-1453; Mel Foster-Harold Hoersch, Miami, Florida, Docket No. 10855, File No. BPCT-1611; East Coast Television Corp., Miami, Florida, Docket No. 10856, File No. BPCT-1612; South Florida Television Corporation, Miami, Florida, Docket No. 10857, File No. BPCT-1806; Sunbeam Television Corporation, Miami, Florida, Docket No. 10858, File No. BPCT-1816; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954:

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Miami, Florida; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that East Coast Television Corp., South Florida Television Corporation and Sunbeam Television Corporation are legally, financially and technically qualified to construct, own and operate a television broadcast station; that Biscayne Television Corporation is so qualified but that its application, considered in the light of the provisions of §§ 3.35 and 3.240 of the Commission's rules and established policy, raises a serious question as to whether a grant thereof would result in a lessening of competition between radio stations WQAM and WIOD and between radio stations WQAM-FM and WIOD-FM; that Mel Foster-Harold Hoersch are legally and financially so qualified and are technically so qualified except as to the matters raised in issues "2" and "3" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 19th day of February 1954 in Washington, D. C., upon the following issues:

1. To determine, in the light of the provisions of §§ 3.35 and 3.240 of the Commission's rules and the Commission's policy with respect to complete divorcement of management, ownership and other interests between stations of the same class in the same community or serving substantially the same area, what special circumstances, if any, exist which might justify the grant of the above-entitled application of Biscayne Television Corporation.

2. To determine whether the installation and operation of the station proposed by Mel Foster-Harold Hoersch in their above-entitled application would constitute a hazard to air navigation

3. To determine the loss of the diplexer and the power gain of the antenna system proposed by Mel Foster-Harold Hoersch, and the effect thereof on the calculated effective radiated power.

4. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 22, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-562; Filed, Jan. 27, 1954; 8:48 a. m.]

[Docket Nos. 10861, 10862]

WPTF RADIO CO. AND CAPITOL BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WPTF Radio Company, Raleigh, North Carolina, Docket No. 10861, File No. BPCT-511; Capitol Broadcasting Company, Incorporated, Raleigh, North Carolina, Docket No. 10862, File No. BPCT-824; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 5 in Raleigh, North Carolina; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It further appearing, that WPTF Radio Company and Capitol Broadcasting Company, Incorporated were notified, by letters dated January 7 and 11, 1954, respectively, that in the event of a grant of either of their applications, such grant would be conditioned so as to require the installation and maintenance of special hazard markers; that both applicants have replied to said letters and have indicated their willingness to accept such conditions; and that any grant made to either of the above applicants shall be subject to the following conditions:

The outer limits of the hazard area in which the tower will be situated shall be marked by symbols consisting of the letters "HAZ" located so that at least one symbol will be visible from aircraft at any normal angle of approach. The marking symbols shall be located immediately beyond the ground connection of the outer guy wires. The letters of such symbols shall be installed in a manner to be legible in clear air at an altitude of 3000 feet at a distance of two miles. Moreover the symbols shall consist of uniform block letters having a height of at least thirty feet and a width equal to two-thirds of the height. The width of each stroke shall be approximately one-seventh of the height of the letters. In addition, the letters shall be painted aviation surface orange.

The symbols shall be cleaned and repainted as often as necessary to maintain good visibility. If the strokes of the letters are constructed of wood or metal panels such construction shall be designed to prevent an accumulation of snow.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 19th day of February 1954 in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 22, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-563; Filed, Jan. 27, 1954; 8:48 a. m.]

[Docket Nos. 10863-10865]

GREATER HUNTINGTON RADIO CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Greater Huntington Radio Corporation, Huntington, West Virginia, Docket No. 10863, File No. BPCT-773; The Ashland Broadcasting Company, Huntington, West Virginia, Docket No. 10864, File No. BPCT-1639; Huntington Broadcasting Corporation, Huntington, West Virginia, Docket No. 10865, File No. BPCT-1762; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Huntington, West Virginia; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 19th day of February 1954, in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 22, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-564; Filed, Jan. 27, 1954; 8:48 a. m.]

[Docket Nos. 10866, 10867]

CHICK CAPITOL BROADCASTERS, INC., AND RADIO STATION KAMO

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Chick Capitol Broadcasters, Inc., Rogers, Arkansas, Docket No. 10866, File No. BP-8552; G. Don Thompson and Leon McAuliffe, a partnership d/b as Radio Station KAMO, Rogers, Arkansas, Docket No. 10867, File No. BP-8923; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954;

The Commission having under consideration the above-entitled applications of Chick Capitol Broadcasters, Inc., and Radio Station KAMO for a construction permit to operate a new standard broadcast station in Rogers, Arkansas, on 1390 and 1370 kilocycles, respectively, with a power of 1000 watts, daytime only;

It appearing, that each applicant is legally, technically, financially and otherwise qualified to operate the station proposed; that no interference would be caused to any existing or proposed station, but that the operation of both stations as proposed would result in mutually prohibitive interference with each other; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated September 2, 1953, of the fact that both proposals were mutually exclusive with a proposal of the Ozark Playground Broadcasters to operate a new standard broadcast station on 1390 kilocycles, with a power of 500 watts, daytime only, at Neosho, Missouri (File No. BP-8880); that neither of the subject proposals contained sufficient information from which to determine whether the applicant was financially qualified to construct and operate the station proposed; that the Chick Capitol Broadcasters proposal presented a question as to whether a grant thereof would give David M. Segal interests in excess of seven standard broadcast stations; and that the Commission was unable to conclude that a grant of any one of the applications would be in the public interest; and

It further appearing, that on October 21, 1953, the Ozark Playground Broadcasters amended its application to request a different frequency; and

It further appearing, that Chick Capitol Broadcasters, in a reply dated September 30, 1953, submitted sufficient information from which to determine that it is financially qualified to construct and operate the station proposed, and stated that David M. Segal has divested himself of any interest in Station KDAS, thereby leaving him with interests in six standard broadcast stations; and

It further appearing, that G. Don Thompson filed an amendment on September 28, 1953, changing the applicant from an individual to a partnership, which is financially qualified to construct and operate the station proposed; and

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: January 22, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-565; Filed, Jan. 27, 1954; 8:49 a. m.]

[Docket No. 10868]

CAVALIER BROADCASTING CORP. AND LARUS & BROTHER CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Cavalier Broadcasting Corporation (Assignor), Larus & Brother Company, Inc. (Assignee), for assignment of the broadcast license for Station WCAV, Norfolk, Virginia; Docket No. 10868, File No. BAL-1564.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954;

The Commission having under consideration the above-entitled application requesting consent to the assignment of the license for Station WCAV, Norfolk, Virginia, from Cavalier Broadcasting Corporation to Larus & Brother Company, Inc., assignees; and

It appearing, that there is a substantial overlap between Station WCAV and Station WRVA, Richmond, Virginia, which is also owned by the assignee; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applicants were advised by letter dated November 5, 1953, that the Commission was unable to find at that time that a grant of their application would serve the public interest, convenience, and necessity, because of the possible violation of § 3.35 of the Commission's rules and regulations, and of its established policy with respect to a substantial overlap of the primary service areas of these stations; and

It further appearing, that, the application, considered in the light of § 3.35 of our rules, and our established policy, raises a serious question as to whether grant of the instant application would result in a serious overlap between Stations WCAV and WRVA;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a date to be determined, in Washington, D. C., upon the following issues:

1. To determine the degree of overlap between Stations WCAV, Norfolk, Virginia; and WRVA, Richmond, Virginia.

2. To determine if the overlap, as manifested by Issue No. 1, is so substantial as to violate § 3.35 of the Commission's rules and regulations.

3. To determine, in light of the evidence adduced under the above issues, whether grant of the above-entitled application would serve the public interest, convenience, and necessity.

Released: January 21, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-566; Filed, Jan. 27, 1954; 8:49 a. m.]

CHIEF ENGINEER

DELEGATION OF AUTHORITY TO EXEMPT BROADCAST STATIONS FROM CERTAIN REQUIREMENTS OF CONELRAD PROGRAM

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of January 1954;

The Commission having under consideration a proposal to amend Part 0 of its rules to delegate authority to its Chief Engineer to exempt standard, FM and TV broadcast stations from the requirements of installing and keeping in adequate condition radio receivers for receiving the Radio Alerts and Radio All Clears as provided for by § 3.931 of the Commission's rules concerning the CONELRAD program; and

It appearing, that the Chief Engineer is in a position to determine in which instances standard, FM and TV broadcast stations may properly be specifically exempted from the requirements of § 3.931 of the rules; and

It further appearing, that it would be in the public interest to delegate appropriate authority to the Chief Engineer to make such determinations; and

It further appearing, that such delegation of authority relates to Commission's internal procedure and is not substantive in nature, and therefore compliance with the public notice and procedure provided for in section 4 of the Administrative Procedure Act is unnecessary, and for the same reason, this order may be made effective immediately; and

It further appearing, that the authority for the amendment of Part 0 of the Commission's rules is contained in sections 4 (i) and 5 (e) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, Part 0 of the rules be and it is hereby amended as shown below.

Released: January 21, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

Insert the following new subparagraph to section 0.121:

(s) (1) The Commission's Chief Engineer is authorized to exempt standard, FM and TV broadcast stations, including Basic Key and Relay Key stations, from the requirements of installing the necessary equipment to receive notification of Radio Alerts or Radio All Clears by means of reception of radio broadcast messages, and to maintain this equipment in a state of readiness for reception, including arrangements for human listening watch or automatic alarm devices or both. (Section 3.931 of the rules.)

(2) The Commission's Chief Engineer is authorized, when the public interest so requires, to revoke all exemptions granted by him in accordance with section (a) of this section, and also all exemptions which the Commission has granted in connection with § 3.931 before January 20, 1954. Any such revocation shall be effective as soon as the licensee is notified.

[F. R. Doc. 54-561; Filed, Jan. 27, 1954; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6539]

OTTER TAIL POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JANUARY 22, 1954.

Notice is hereby given that on January 20, 1954, the Federal Power Commission issued its order adopted January 19, 1954, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-585; Filed, Jan. 27, 1954; 8:52 a. m.]

[Docket Nos. G-2173, G-2230]

TEXAS EASTERN TRANSMISSION CORP. AND UNITED NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS

JANUARY 22, 1954.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-2173; United Natural Gas Company, Docket No. G-2230.

Notice is hereby given that on January 21, 1954, the Federal Power Commission issued its orders adopted January 20, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-586; Filed, Jan. 27, 1954; 8:53 a. m.]

[Docket No. G-2284]

CENTRAL KENTUCKY NATURAL GAS CO.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation having its principal place of business in Charleston, West Virginia, filed an application with the Federal Power Commission on October 20, 1953, for an order disclaiming jurisdiction with respect to certain sales of natural gas to Kentucky Creosoting Company, or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the operation of facilities and the sale of natural gas subject to the jurisdiction of the Commission, as fully described in the application, on file with the Commission and open to public inspection.

Applicant has requested that its application be disposed of pursuant to the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on December 5, 1953 (18 F. R. 7878). Although no formal protest to the application has been filed, the Commission has received a letter dated December 24, 1953 from Kentucky Creosoting Company in which it is alleged, among other things, that Kentucky Creosoting Company has refused to sign a service agreement with Applicant for the sale of natural gas herein involved. Said letter has been designated as an informal complaint by Kentucky Creosoting Company and assigned Docket No. IN-863. In these circumstances, the Commission deems it appropriate to provide opportunity for presentation by Kentucky Creosoting Company of any facts or matters pertinent to the issues presented by the application herein.

The Commission finds: This proceeding is not a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The request that the proceeding be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure be and the same hereby is denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on February 23, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(C) Protests or petitions seeking leave to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of February 1954.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 20, 1954.

Issued: January 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-568; Filed, Jan. 27, 1954; 8:49 a. m.]

[Docket No. E-6541]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JANUARY 19, 1954.

Take notice that on January 18, 1954, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Community Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the State of New Mexico and Texas, with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of $3,000,000 principal amount of promissory notes dated or to be dated during the first six months of 1954 representing short-term loans obtained or to be obtained from banking institutions. Applicant proposes to renew short-term promissory notes in the aggregate principal amount of $2,200,000 now outstanding, and to borrow on an additional short-term promissory note or notes the aggregate maximum sum of $800,000 by June 30, 1954; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 12th day of February 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-569; Filed, Jan. 27, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3125]

UNION ELECTRIC CO. OF MISSOURI

ORDER MAKING EFFECTIVE POST-AMENDMENT REGARDING EXTENSION OF TIME FOR ACCEPTANCE OF EXCHANGE OFFER

JANUARY 21, 1954.

The Commission having on December 15, 1953, granted and permitted to become effective the application-declaration of Union Electric Company of Missouri ("Union"), a registered holding company and also a subsidiary of The North American Company, likewise a registered holding company, regarding the acquisition of shares of common stock of Missouri Edison Company

("Missouri Edison"), pursuant to an offer of exchange, and the issuance of additional shares of common stock by Union to effectuate such exchange; and

One of the conditions of the exchange offer being that the holders of at least 85 percent of the shares of Missouri Edison common stock should accept such offer; and

Union having now filed a post-amendment stating that Union on December 18, 1953, mailed such exchange offer to all common stockholders of record of Missouri Edison, such offer to be open through the close of business on January 21, 1954; that as of January 18, 1954, more than 85 percent of such shares of Missouri Edison common stock had been deposited for exchange and that Union proposes, shortly after the initial closing of the exchange offer (January 21, 1954), to consummate the initial exchange upon the fulfillment of the other conditions thereto, but that Union believes that it would be advisable, in the interest of the stockholders of Missouri Edison who may not have had sufficient time to obtain their certificates or to respond to the offer, as well as in the interests of Union and Missouri Edison, to extend the exchange offer on the same terms as those contained in the initial offer for a period of sixty days from January 21, 1954; and

The Commission having considered said post-amendment, and finding that such post-amendment regarding such extension of time should be made effective forthwith;

It is ordered, That said post-amendment regarding such extension of time be and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-570; Filed, Jan. 27, 1954; 8:49 a. m.]

[File Nos. 70-3167, 70-3181]

CITIES SERVICE CO. ET AL.

ORDER CONCERNING MOTION FOR POSTPONEMENT OF HEARING

JANUARY 22, 1954.

In the matter of Cities Service Company, the Gas Service Company, Gas Advisers, Inc., File No. 70-3167; Missouri Public Service Company, File No. 70-3181.

The Commission having, on January 12, 1954, issued a Supplemental Notice of Filing and Notice of and Order for Hearing directing that a hearing be held on January 26, 1954, upon the application-declaration of Cities Service Company ("Cities"), the Gas Service Company ("Gas Service"), and Gas Advisers, Inc. ("Gas Advisers") (File No. 70-3167), regarding, among other things, the sale by Cities of 1,500,000 shares of the common stock of Gas Service to Missouri Public Service Company ("Missouri"); and

The Commission having, on January 19, 1954, issued a Notice of Filing and Notice of and Order for Hearing and Order Consolidating Proceedings with respect to an application-declaration filed by Missouri regarding, among other things, the acquisition by Missouri from Cities of the 1,500,000 shares of the common stock of Gas Service (File No. 70-3181) wherein the Commission ordered that the hearing with respect to the application-declaration filed by Cities and the application-declaration filed by Missouri be consolidated for hearing and that the hearing on both matters be held on January 26, 1954; and

It appearing that, on January 21, 1954 the State Corporation Commission of the State of Kansas ("Kansas Commission") filed (1) a motion that it be admitted as a party in the consolidated proceeding and (2) a motion that the hearing scheduled to be held on January 26, 1954 be postponed for a period of 30 days or for as long a period as the Commission can under the circumstances grant; and

It appearing that the Kansas Commission is a "State Commission" as defined by section 2 (a) (26) of the act and, pursuant to section 19 of the act and Rule XVII of the Commission's rules of practice is entitled to be admitted as a party; and

The Commission having considered the request of the motion of the Kansas Commission for an order postponing the hearing,

It is ordered, That (1) Kansas Commission be and hereby is admitted as a party in the above captioned proceedings, (2) the motion of the Kansas Commission for an order postponing the hearing is denied, and (3) after the conclusion of the taking of testimony at the hearing to commence on January 26, 1954, the hearing be adjourned until February 2, 1954, at 10:00 a. m., e. s. t., and that, at the adjourned hearing, the Kansas Commission be permitted to examine or cross-examine any witness who has testified earlier and to offer such further evidence as it may wish to present.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-573; Filed, Jan. 27, 1954; 8:49 a. m.]

[File Nos. 54-196, 59-97, 70-2681]

MISSION OIL CO. ET AL.

ORDER GRANTING FURTHER EXTENSION OF TIME FOR DISPOSITION BY SINCLAIR OIL COMPANY OF CERTAIN COMMON STOCK OF SUBSIDIARIES

JANUARY 22, 1954.

In the matter of The Mission Oil Company, Southwestern Development Company, and subsidiaries and Sinclair Oil Corporation, File Nos. 54-196; 59-97; Albert R. Jones, et al., File No. 70-2681.

Sinclair Oil Corporation ("Sinclair"), a registered holding company which is exempt from the provisions of the Public Utility Holding Company Act of 1935 ("act"), other than sections 9 (a) (2) and 11 (b), (c) and (e) thereof, having filed an application requesting the Commission to extend for a further period of six months from December 21, 1953, the time within which to effect a disposition of its holdings of the common stock of Westpan Hydrocarbon Company ("Westpan"), which was provided for in a plan approved by the Commission, pursuant to section 11 (e) of the act, by order dated December 21, 1951;

Sinclair having set forth in its application that it has been unable in the exercise of due diligence to dispose of the common stock of Westpan;

Due notice of the filing of said application having been given and no hearing having been requested of, or ordered by the Commission; and

The Commission having examined said application and having considered the reasons submitted in support thereof, and deeming it appropriate to grant said application for a further extension of time:

It is ordered, That the time within which Sinclair shall effect the disposition of the common stock of Westpan be, and it hereby is, extended for a further period of six months from December 21, 1953.

It is further ordered, That the Commission's order herein of July 1, 1953, shall in all other respects remain in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-574; Filed, Jan. 27, 1954; 8:49 a. m.]

[File Nos. 70-3167, 70-3181]

CITIES SERVICE CO. ET AL.

ORDER DECLARING DECLARATION EFFECTIVE

JANUARY 22, 1954.

In the matter of Cities Service Company, The Gas Service Company, Gas Advisers, Inc., File No. 70-3167; Missouri Public Service Company, File No. 70-3181.

Missouri Public Service Company, a registered holding company, having filed, among other things, a declaration and an amendment thereto pursuant to section 12 (e) of the Public Utility Holding Company Act of 1935 and Rule U-62 thereunder regarding proxy material to be sent to its stockholders of record in connection with a special meeting of stockholders to be held to vote on the increase in the number of authorized shares of its common stock and to ratify the action of the management in contracting to purchase the common stock of The Gas Service Company; and

The Commission having examined such material, as amended, observing no basis for making adverse findings with respect thereto, and finding that such declaration with respect to such solicitation material should become effective forthwith;

It is ordered, That such declaration be and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-572; Filed, Jan. 27, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 20

Washington, Friday, January 29, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3042

ARMED FORCES DAY, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the members of the armed forces of the United States have constantly demonstrated their loyalty and devotion to the service of their country; and

WHEREAS the men and women of the armed forces are actively engaged, at home and overseas, in upholding and defending our democratic way of life as opposed to ideologies which seek to destroy the basic principles of freedom cherished by this Nation; and

WHEREAS it is appropriate that on a special day each year our armed forces demonstrate to the people of the United States and our friends overseas their increased teamwork and efficiency and their technological advances; and

WHEREAS it is fitting and proper that all our citizens devote one day each year to paying special tribute to our fighting forces as the protectors and defenders of our Nation:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby proclaim Saturday, May 15, 1954, as Armed Forces Day; and I direct the Secretary of Defense and the Secretaries of the Army, the Navy, and the Air Force, as well as the Secretary of the Treasury on behalf of the Coast Guard, to mark that day with appropriate ceremonies and to cooperate with civil authorities in suitable observances.

I invite the Governors of the States, Territories, and possessions of the United States to provide for the celebration of the day in such manner as will pay suitable honor to the members of the armed forces.

I also call upon my fellow citizens not only to display the flag of the United States on Armed Forces Day, but also to manifest their recognition of the sacrifice and devotion to duty of the men and women of the armed forces by attending and participating in the local observances of the day conducted by the armed forces and the civil authorities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of January in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

WALTER B. SMITH, *Acting Secretary of State.*

[F. R. Doc. 54-648; Filed, Jan. 27, 1954; 2:49 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 8—PROMOTION, DEMOTION, REASSIGNMENT, AND TRANSFER OF PERMANENT EMPLOYEES

MISCELLANEOUS AMENDMENTS

1. Paragraphs (a), (b), and (c) of § 8.107 are amended and paragraph (e) is added. As amended § 8.107 reads as set out below.

§ 8.107 *Promotions, demotions, reassignments, and transfers without reemployment rights.* (a) (1) All promotions to military or defense-transfer vacancies shall be indefinite.

(2) All other promotions after September 1, 1950, shall be indefinite except that:

(i) An agency may promote an employee permanently to a position if such promotion will not increase the number of employees holding permanent positions in the grade of such position in such agency above the number in such grade in such agency prior to September 1, 1950.

(ii) Permanent promotions may be made to positions in a category for which the Civil Service Commission authorizes permanent appointments.

(b) (1) All reassignments on and after December 1, 1950, to positions above the grade (or level) which the employee last occupied on a permanent basis shall be indefinite, unless he is made permanent

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at that grade (or level) under one of the exceptions in paragraph (a) of this section.

(2) Any reassignment to a military or defense-transfer vacancy shall be indefinite unless made through reduction in force of an employee who, prior to September 1, 1950, permanently held a grade (or level) equal to or higher than the grade (or level) of such vacancy. In the latter case, the reassignment shall be permanent.

(3) Any reassignment to the position last held on a permanent basis shall be permanent, except as provided in subparagraph (2) of this paragraph; all other reassignments within an employee's latest permanent grade (or level) may be either permanent or indefinite in the discretion of the head of the agency.

(c) (1) All demotions on and after December 1, 1950, to positions above the grade (or level) which the employee last occupied on a permanent basis shall be indefinite, unless he is made permanent at that grade (or level) under one of the exceptions in paragraph (a) of this section.

(2) Any demotion to a military or defense-transfer vacancy shall be indefinite except that the demotion of an employee who, prior to September 1, 1950, permanently held a grade (or level) equal to or higher than the grade (or level) of such vacancy shall be permanent.

(3) Any demotion to the position last held on a permanent basis shall be permanent except as provided in subparagraph (2) of this section; all other demotions within the employee's latest permanent grade (or level) may be either permanent or indefinite in the discretion of the head of the agency.

(4) Any demotion to a position below the employee's permanent grade (or level) shall be permanent.

(d) The transfer of a permanent employee from one agency to another shall be permanent. However, when such transfer is to a position above the grade (or level) the employee last occupied on a permanent basis, his occupancy of the higher grade position shall be on an indefinite basis, unless the promotion is made permanent under one of the exceptions in paragraph (a) of this section.

(e) "Military or defense transfer vacancy," as used in this part, means a position vacated by a permanent employee with restoration rights after service in the armed forces or with reemployment rights after service in a defense agency.

These amendments are effective September 2, 1950. However, agencies are not required to correct reduction in force actions or restoration or reemployment actions which have taken place prior to the date of these changes unless so ordered in connection with an appeal granted by the Civil Service Commission.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (a) (3) of § 8.108, § 8.201, paragraph (a) (1) of § 8.204, and § 8.206 are amended to read as follows:

§ 8.108 *Agency authority for promotion, demotion, reassignment, or transfer without reemployment rights.* (a) • • •

(3) To transfer without reemployment rights (i) any permanent employee having a competitive status and serving in a competitive position (or in an excepted position to which he was appointed in accordance with the Commission's regulations for the competitive service), and (ii) any employee serving under an excepted appointment which he received (without a break in service of a full work day) after service in a position with a competitive status, provided he had completed at least 6 months of the probationary period before receiving the excepted appointment: *Provided*, That this authority shall not be used in the case of any transfer from a nondefense to a defense activity which can be effected with reemployment rights under § 8.204: *Provided further*, That this authority shall not be used to fill a military or defense-transfer vacancy.

§ 8.201 *Reemployment rights defined.* Any permanent employee granted reemployment rights under this subpart shall be entitled to be reemployed within thirty days after his application, by the original agency in which he was granted reemployment rights in the occupational field and at the same grade or level and in the same geographical area as the position which he last held in that agency: *Provided*, That, if his reemployment would cause the separation or demotion of another employee, he shall then be considered an employee for the purpose of applying Retention Preference Regulations to determine what, if any, position he is entitled to: *Provided further*, That, upon reemployment, he shall have the status of a permanent employee at the grade (or level) he last held on a permanent basis and, if reemployed at a higher level, shall occupy that position on an indefinite basis unless the promotion is made permanent under one of the exceptions in § 8.107 (a): *Provided further*, That upon reemployment in the Postal Service he shall be given the seniority he would have attained had he remained in the Postal Service.

§ 8.204 *Agency authority and general requirements for transfer or appointment with reemployment rights.* (a) • • •

(1) By transfer, (i) any permanent employee having a competitive status and serving in a competitive position (or in an excepted position to which he was appointed in accordance with the Commission's regulations for the competitive service), and (ii) any employee serving under an excepted appointment which he received (without a break in service of a full work day) after service in a position with a competitive status, provided he had completed at least 6 months of the probationary period before receiving the excepted appointment: *Provided*, That this authority shall not be used to fill a military or defense-transfer vacancy. The indefinite appointment with reemployment rights of any permanent employee having a competitive status and serving in a competitive position (or in an excepted position to which he was appointed in accordance with the Commission's regulations for the competitive service) which was made on or after November 1, 1951, under former § 8.115 (a) without a break in service of one work day, is hereby converted to a transfer with reemployment rights under this section.

§ 8.206 *Conditions under which employees may apply for reemployment.* (a) An employee shall be entitled to reemployment by the original agency in which he was granted reemployment rights when he is:

(1) Involuntarily separated without cause such as would reflect on his suitability for reemployment; or

(2) Reduced to a grade or level below his latest grade or level in his original agency.

(b) The right to reemployment in accordance with this subpart shall expire unless the employee makes application for reemployment not later than 40 days after he is separated, or within 40 days after he is notified by the agency he left to enter military service that it is unable to restore him in accordance with § 35.5 of this chapter. The employee shall lose his reemployment rights if he applies for reemployment after notice of reduction in grade or level and then declines an offer of reemployment in accordance with his rights under § 8.201 at or above his last grade or level in his original agency. His right shall likewise expire when the agency in which he has reemployment rights (or the Commission, upon appeal) takes final action on his application for reemployment following notice of separation.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-619; Filed, Jan. 28, 1954; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter G—Federal Farm Mortgage Corporation

PART 91—DISPOSAL OF MINERAL INTERESTS

TRANSFER OF FEDERAL FARM MORTGAGE CORPORATION TO FARM CREDIT ADMINISTRATION

Part 91 of Title 6 of the Code of Federal Regulations (1952 Supp.), concerning the disposal of mineral interests by the Federal Farm Mortgage Corporation, is being amended as hereinafter provided, in order to reflect that, effective December 4, 1953, the Federal Farm Mortgage Corporation and its functions and activities were transferred from the Department of Agriculture to the Farm Credit Administration which was then reestablished as as independent agency in the executive branch of the Government.

1. The second sentence of § 91.1 of Title 6 of the Code of Federal Regula-

tions (1952 Supp.) is hereby amended to delete therefrom "by the Secretary of Agriculture".

2. Section 91.2 of Title 6 of the Code of Federal Regulations (1952 Supp.) is hereby amended by deleting the heading thereof, all of paragraph (a) thereof and the designation "(b)", so that such § 91.2 shall consist only of the heading and text of the present paragraph (b) thereof.

3. Section 91.3 (a) of Title 6 of the Code of Federal Regulations (1952 Supp.) is hereby amended to read as follows:

§ 91.3 *Area determinations*—(a) *Adoption of existing determinations and time when changes are effective.* The Federal Farm Mortgage Corporation hereby adopts as its own the determination heretofore or hereafter made by the Secretary of Agriculture, pursuant to Public Law 760, 81st Congress, as to areas in which mineral interests are to be sold for their fair market value and as to areas in which mineral interests covered by a single application are to be sold for a consideration of $1.00, although the Federal Farm Mortgage Corporation may make different or additional area determinations if occasion therefor arises. Any change in area designation from inactive, in which mineral interests covered by a single application are to be sold for a consideration of $1.00, to active, in which mineral interests are to be sold for their fair market value, shall be deemed effective from the time active mineral development or leasing began in the area as to mineral interests remaining unsold. Each district office will be advised of such area determinations.

4. Section 91.10 of Title 6 of the Code of Federal Regulations (1952 Supp.) is hereby amended to delete from the uniform recital set forth therein, the following: "the order of the Secretary of Agriculture, dated October 16, 1950 (15 F. R. 6998), made".

(Sec. 6, 64 Stat. 770; 7 U. S. C. 1038. Interpret or apply sec. 7, 67 Stat. 393)

[SEAL] E. C. JOHNSON,
Executive Vice President,
Federal Farm Mortgage Corporation.

Approved: January 21, 1954.

CARL COLVIN,
Acting Governor,
Farm Credit Administration.

[F. R. Doc. 54-620; Filed, Jan. 28, 1954; [illegible] a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture.

PART 464—TOBACCO

SUBPART—1953 TOBACCO LOAN PROGRAM

PUERTO RICO

Set forth below is the schedule of advance rates, by grades, for the 1953 crop of type 46 tobacco under the 1953 Tobacco Loan Program published May 14, 1953 (18 F. R. 2779).

§ 464.531 *1953 crop; Puerto Rican Tobacco, Type 46, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade		Advance rate
C1F, C1P, C1M, C2F, C2P, C3F, C3P, C3M, C3T, C3S	Price Block I	45
X1F, X1P, X2F, X2P, X2PT, X3F, X3P, X3S	Price Block II	30
X4, Y1	Price Block III	25

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 26th day of January 1954.

[SEAL] HOWARD H. GORDON,
President,
Commodity Credit Corporation.

[F. R. Doc. 54-635; Filed, Jan. 28, 1954; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WHITE-FRINGED BEETLE

EXTENSION OF REGULATED AREAS

Pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), § 301.72-2 of the regulations supplemental to notice of quarantine No. 72 relating to the white-fringed beetle (7 CFR Supp. 301.72-2, as amended; 18 F. R. 6227), is hereby amended to read as follows:

§ 301.72-2 *Regulated areas.* The following counties, parishes, cities, and towns, or parts thereof, as described, are designated by the Administrator of the Agricultural Research Service as regulated areas:

ALABAMA

Baldwin County. T. 7 S., R. 6 E.; S½ T. 7 S., Rs. 4 and 5 E.; secs. 6 and 7, T. 8 S., R. 4 E.; secs. 1, 2, 11, and 12, T. 8 S., R. 3 E.; E½ T. 7 S., R. 3 E., except secs. 1 and 2; secs. 4, 5, 6, 7, 8, and 9, T. 6 S., R. 4 E.; N½ T. 6 S., R. 3 E.; T. 5 S., R. 3 E.; S½ T. 4 S., R. 3 E.; NE¼, T. 5 S., R. 2 E.; secs. 25, 26, 27, 34, 35, and 36, T. 4 S., R. 2 E.; and secs. 28, 29, 30, 31, 32, and 33, T. 5 S., R. 4 E.

Clarke County. N½ T. 8 N., R. 9 E., and S½ T. 9 N., R. 3 E., including all of the town of Grove Hill; and all that area lying within the corporate limits of the town of Jackson.

Coffee County. That part of the county lying south of the south line of T. 5 N.; and T 5 N., R. 21 E.

Conecuh County. T. 5 N., Rs. 9, 10, 11, 12, 13, and 14 E.; T. 6 N., Rs. 10, 11, 12, and 13 E.; and those parts of T. 4 N., R. 7 E., T. 5 N., Rs. 7 and 8 E., T. 6 N., Rs. 8 and 9 E., and Tps. 7 and 8 N., R. 9 E., lying in Conecuh County.

Covington County. All of Covington County.

Crenshaw County. Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 N., R. 18 E., and secs. 3, 4, 5, and 6, T. 8 N., R. 18 E., including all of the town of Luverne.

Dallas County. Tps. 13, 14, 15, 16, and 17 N., Rs. 10 and 11 E.; the N½ of T. 15 N., Rs. 6, 7, 8, and 9 E.; T. 16 N., Rs. 7, 8, and 9 E.

Escambia County. Tps. 1, 2, and 3 N., Rs 6, 7, and 8 E.; secs. 33, 34, 35, and 36, T 1 N., R. 10 E., and all area south thereof to the Alabama State line.

Geneva County. That part of the county lying west of the east line of R. 22 E.

Houston County. W½ T. 3 N., R. 27 E., except secs. 3, 4, 5, and 6; W½ T. 2 N., R. 27 E., except secs. 31, 32, 33, and 34; N½ T. 2 N., R. 26 E.; and the S½ T. 3 N., R. 26 E.

Jefferson County. Secs. 17, 18, 19, and 20, T. 18 S., R. 3 W., and that area included within the corporate limits of the city of Birmingham.

Lowndes County. All of T. 14 N., R. 12 E.

Mobile County. All that area south of township line which separates T. 1 S. from T. 2 S.

Monroe County. All of Monroe County.

Montgomery County. Tps. 16 and 17 N., Rs. 17, 18, and 19 E.; and that part of T. 18 N., R. 18 E., lying in Montgomery County.

Wilcox County. N½ T. 10 N., Rs. 6, 7, 8, 9, 10, and 11 E.; T. 11 N., R. 9 E.; sec. 36, T. 12 N., R. 8 E.; S½ T. 12 N., R. 9 E.; Tps. 11 and 12 N., R. 10 E.; E½ T. 11 N., R. 8 E.

FLORIDA

Escambia County. All of Escambia County.

Holmes County. S½ T. 6 N., R. 15 W., except secs. 18, 19, 30, and 31; NE¼ and secs. 22, 23, and 24, T. 5 N., R. 15 W., including all of the town of Smyrna; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 5 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 14 W.; and E½ of Tps. 4, 5, 6, and 7 N., R. 18 W.

Jackson County. T. 4 N., Rs. 8 and 9 W.; T. 5 N., R. 8 W.; and that part of T. 4 N., R. 10 W., lying east of Chipola River.

Okaloosa County. That part of the county lying north of the south line of T. 2 N

Santa Rosa County. All of Santa Rosa County.

Walton County. That part of the county lying north of the south line of T. 3 N.

GEORGIA

Baldwin County. That area included within the corporate limits of the city of Milledgeville.

Ben Hill County. That area included within a circle having a 2-mile radius and center at the Ben Hill County Courthouse in Fitzgerald, including all of the city of Fitzgerald.

Berrien County. That area included within the corporate limits of the city of Nashville.

Bibb County. That area included within the Georgia Militia Districts of East Macon, Godfrey, Vineville, Hazzard, and Howard; and that portion of the Georgia Militia District of Rutland lying east of a line beginning at the point where U. S. Highway No. 41 crosses the north boundary of said militia district (Tobesofkee Creek) and running southward along said highway to its junction with Hartley Bridge Road and thence southwestward along said road to the west boundary line of said militia district.

Bleckley County. That area included within the corporate limits of the city of Cochran; and that portion of the Georgia Militia District of Manning included within a boundary beginning at the intersection of Georgia State Highway 112 and the Bleckley-Twiggs County line, thence northeast along said county line to the intersection of the Bleckley, Twiggs, Wilkinson, and Laurens County lines, thence southeast for a distance of 1 mile along the Bleckley-Laurens County line, and thence northwest to the point of beginning.

Bulloch County. That area included within a circle having a 2-mile radius and center at the Bulloch County Courthouse in Statesboro, including all of the city of Statesboro; and that area included within a circle having a 1-mile radius and center at the Georgia and Florida Railroad depot in Portal, including all of the town of Portal.

Burke County. That area, comprising parts of Georgia Militia Districts numbers 60 and 62, bounded on the east by Fitz Branch, on the south by a line beginning at the intersection of Georgia State Highway 56 and the Hephzibah Road and extending due east to its intersection with Fitz Branch, on the west by Hephzibah Road, and on the north by Brier Creek, including all of the city of Waynesboro.

Candler County. That area included within a circle having a 1½-mile radius and center at the intersection in Metter of Georgia State Highways 23 and 46, including all of the city of Metter.

Coffee County. That area included within the corporate limits of the city of Douglas; an area 2 miles wide beginning at the north corporate limits of the city of Douglas and extending northward along U. S. Highway No. 441 with said highway as a centerline to and bounded on the north by Seventeen Mile Creek; that area included within a circle having a 2-mile radius and center at the Atlanta, Birmingham and Coast Railroad depot in Ambrose, including all of the town of Ambrose; and an area 3 miles wide beginning at a line projected due east and due west from a point on the Georgia and Florida Railroad 1 mile northwest of the railroad depot in Broxton, and extending northwesterly with said railroad as a centerline to and bounded on the north by Georgia State Highway 107.

Crawford County. That area included within a circle having a 1½-mile radius and center at the intersection in Roberta of U. S. Highway No. 80 and Georgia State Highway 7, including all of the city of Roberta and the town of Knoxville.

Crisp County. That area included with the corporate limits of the city of Cordele.

Dodge County. That area included within land lots numbers 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 36, 37, 38, 39, 40, 41, and 42 in the Fifteenth Land District, and land lots numbers 278, 279, 280, 281, 282, 289, 290, 291, 292, 293, 294, 295, 306, 307, 308, 309, 310, 311, and 312 in the Sixteenth Land District, including all of the city of Eastman; and all that area included within the corporate limits of the town of Chester.

Emanuel County. That area included within a circle having a 1½-mile radius and center at the Union Grove Methodist Church in Georgia Militia District No. 49.

Fulton County. That area included within the corporate limits of the city of East Point.

Greene County. That area included within the corporate limits of the city of Greensboro.

Houston County. That area included within the lower Fifth Georgia Militia District, including all of the city of Warner Robins and all of Robins Air Force Base; an area 3 miles wide beginning north of Perry and bounded on the north by Mossy Creek and extending southward along U. S. Highway No. 41 with said highway as a center line to and bounded on the south by Georgia State Highway 26, including all of the city of Perry; and an area 2 miles wide beginning north of Clinchfield and bounded on the north by Big Indian Creek and extending southwesterly along the Southern Railway with said railway as a center line to and bounded on the south by Burnham Branch southwest of Grovania, including all of the communities of Clinchfield and Grovania.

Irwin County. That area included within a circle having a ½-mile radius and center at the intersection in Irwinville of Georgia State Highway 32 and the Jefferson Davis Memorial State Park Road; that area included within a circle having a 2-mile radius and center at the Irwin County Courthouse at Ocilla, including all of the city of Ocilla; an area 1 mile wide bounded on the south and east by the Irwin-Coffee County line and extending northwesterly along the Atlanta, Birmingham and Coast Railroad with said railroad as a center line for a distance of 1¼ miles beyond the Atlanta, Birmingham and Coast Railroad depot in Wray; and an area 2 miles wide beginning at the Atlanta, Birmingham and Coast Railroad in Georgia Militia District No. 1661 and extending southeasterly along Georgia State Highway 32 with said highway as a center line to the east boundary of said militia district.

Jasper County. That area included within Georgia Militia Districts numbers 262, 289, and 295; and that portion of Georgia Militia Districts numbers 288 and 291 lying south of Whiteoak and Murder Creeks.

Jefferson County. That area included within the corporate limits of the city of Louisville; and that area included within a circle having a 1-mile radius and center at the Central of Georgia Railway depot in Bartow, including all of the town of Bartow.

Johnson County. That area included within the corporate limits of the city of Wrightsville; and an area 1 mile wide beginning at the west corporate limits of Wrightsville and extending southwesterly along Georgia State Highway 15 with said highway as a center line to the Ohoopee River.

Laurens County. Those portions of the Georgia Militia Districts of Dublin, Dudley, and Harvard included within an area 2 miles wide beginning at the west corporate limits of Dublin and extending northwesterly along the Macon, Dublin and Savannah Railroad with said railroad as a center line to the Laurens-Wilkinson and Laurens-Bleckley County lines, including all of the towns of Dudley and Montrose and that portion of Allentown lying in Laurens County; that area included within the corporate limits of the city of Dublin; an area 2 miles wide beginning at the north corporate limits of Dublin and extending northward along Georgia State Highway 29 with said highway as a center line for a distance of 3 miles; and that portion of the Georgia Militia District of Smith lying north of the Macon, Dublin and Savannah Railroad and east of Shaddock Creek.

Macon County. That area lying east of Flint River including the cities of Marshallville and Montezuma; and that area included within the corporate limits of Oglethorpe.

Monroe County. That area included within the corporate limits of the city of Forsyth.

Montgomery County. That area bounded on the east by the Montgomery-Toombs County line, on the south by Rocky Creek, on the west by Georgia State Highway 29, and on the north by Swift Creek; and those areas included within the corporate limits of the city of Mount Vernon and the town of Alley.

Newton County. That area included within a circle having a 1-mile radius and center at the Porterdale High School, including all of the town of Porterdale.

Peach County. That area included within the Georgia Militia District of Fort Valley, including all of the city of Fort Valley; and that area included within the corporate limits of the town of Byron.

Putnam County. That area included within the Georgia Militia District of Ashbank.

Richmond County. That portion of the Georgia Militia District of Forest Hills bounded on the south by Raes Creek and Lake Olmsted and on the west by the Berkman Road and a line extended due north from the point of intersection of the Berkman and Washington Roads.

Screven County. That area included within a circle having a 2-mile radius and center at the Screven County Courthouse in Sylvania, including all of the city of Sylvania.

Sumter County. That area included within the corporate limits of the city of Americus; and an area 1 mile wide beginning at the east corporate limits of Americus and extending along U. S. Highway No. 280 with said highway as a center line to Mill Creek.

Taylor County. That area included in the Georgia Militia District of Reynolds, including all of the town of Reynolds; and that area included within a circle having a 2½-mile radius and center at Taylor County Courthouse in Butler, including all of the town of Butler.

Toombs County. That area bounded on the east by the east boundaries of the Georgia Militia Districts of Vidalia and Center, on the south by Rocky Creek, on the west by the Toombs-Montgomery County line, and on the north by Swift Creek, including all of the city of Vidalia

Treutlen County. That area included within the corporate limits of the city of Soperton; and an area 1 mile wide beginning at the south corporate limits of Soperton and extending southeasterly along Georgia State Highway 29 with said highway as a center line to the Treutlen-Montgomery County line.

Turner County. That area bounded on the east by a line parallel to and ½ mile east of the Sycamore town limits, on the south by a line parallel to and ½ mile south of the Sycamore town limits, on the west by a line parallel to and ½ mile west of the Sycamore town limits, on the north by a line parallel to and ½ mile north of the Sycamore town limits, and the projections of such lines to their intersections, including all of the town of Sycamore; and that part of the Georgia Militia District of Clements included within a circle having a ¾-mile radius and center at the Bethel School.

Twiggs County. That portion of the Georgia Militia District of Higgsville bounded on the east by the Twiggs-Wilkinson County line, on the south by the Twiggs-Bleckley County line, on the north by a line parallel to and 3½ miles north of the Twiggs-Bleckley County line, on the west by a line parallel to and 1 mile west of the Twiggs-Wilkinson County line, and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Twiggs County.

Washington County. That area included within a circle having a 5-mile radius and center at the Washington County Courthouse in Sandersville, including all of the city of Sandersville and the city of Tennille.

Wheeler County. That area included within land lots numbers 40, 41, 42, 43, 48, 49, 50, 51, 70, 71, 72, 73, 78, 79, 80, 81, 100, 101, 102, and 103, in the Eleventh Land District, including all of the town of Alamo.

Wilkinson County. That portion of the Georgia Militia District of Turkey Creek bounded on the west by the Wilkinson-Twiggs County line, on the south by the Wilkinson-Laurens County line, on the east by a line parallel to and 1¾ miles east of the Wilkinson-Twiggs County line, on the north by a line parallel to and 3½ miles north of the Wilkinson-Laurens County line, and the projections of such lines to their intersections, including all of those portions

[1] The organizations acting for growers in handling the loans are authorized to deduct $1.00 per hundred pounds from the advances to growers to apply against overhead and handling costs. Tobacco can be placed under loan only by the original producer. No advance is authorized for tobacco found to be in unsafe keeping order, unsound, or damaged.

of the towns of Allentown and Danville lying in Wilkinson County.

LOUISIANA

East Baton Rouge Parish. T. 7 S., Rs. 1 and 2 E.

Iberia Parish. Secs. 24, 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E.; and secs. 46, 55, 56, 57, 58, 59, and 60, T. 13 S., R. 6 E.

Jefferson Parish. That part lying north of the township line between Tps. 14 and 15 S.

Orleans Parish. All of Orleans Parish, including the city of New Orleans.

Plaquemines Parish. That part lying north of the township lines between Tps. 15 and 16 S.

Saint Bernard Parish. All of Saint Bernard Parish.

Saint Tammany Parish. Secs. 38, 39, and 40, T. 7 S., R. 11 E.; secs. 40 and 41, T. 8 S., R. 11 E.; and that area lying south of the north line of T. 10 N.

Tangipahoa Parish. Secs. 32, 33, and 50, T. 3 S., R. 7 E., and secs. 4, 5, 8, 9, 10, 50, and 54, T. 4 S., R. 7 E., including all of the town of Amite.

Washington Parish. E½ T. 3 S., R. 13 E.; that part of T. 3 S., R. 14 E., west of Pearl River in Washington Parish, including all of the town of Bogalusa; secs. 23, 24, 25, 34, 36, 44, 45, 46, 47, 48, 51, 52, 53, and 54, T. 2 S., R. 10 E.; secs. 3, 10, 14, 15, 39, 40, 41, 42, 43, 46, 48, 49, 50, and 51, T. 3 S., R. 10 E.; secs. 19, 20, 29, 30, 31, 32, 33, and 39, T. 2 S., R. 11 E.; secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 37, 38, 39, 40, 41, 43, 49, and 50, T. 3 S., R. 11 E.

MISSISSIPPI

Attala County. Secs. 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, T. 14 N., R. 7 E.; secs. 19, 30, and 31, T. 14 N., R. 8 E.; sec. 6, T. 13 N., R. 8 E.; secs. 1 and 2, T. 13 N., R. 7 E.

Clarke County. Secs. 4, 5, 6, 7, 8, and 9, T. 2 N., R. 14 E.; secs. 4, 5, 8, and 9, T. 4 N., R. 15 E.; secs. 6, 7, and 18, T. 2 N., R. 16 E.; sec. 31, T. 3 N., R. 16 E.; secs. 34, 35, and 36, T. 3 N., R. 15 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15, T. 2 N., R. 15 E.

Covington County. All of Covington County.

Forrest County. All of Forrest County.

George County. Secs. 27, 28, 29, 32, 33, 34, 35, and 36, T. 1 S., R. 6 W., including all of the town of Lucedale; N½ T. 2 S., R. 6 W., except secs. 6, 7, and 18; secs. 5, 6, 7, 8, 17, and 18, T. 2 S., R. 5 W.; and that part of secs. 31 and 32, T. 1 S., R. 5 W., lying south of Mississippi State Highway 15.

Greene County. Secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 2 N., R. 8 W.

Hancock County. All of Hancock County.

Harrison County. All of Harrison County.

Hinds County. Secs. 2, 3, 4, 9, 10, and 11, T. 7 N., R. 1 W.; E½ T. 6 N., R. 3 W.; and W½ T. 6 N., R. 2 W.

Jackson County. All of Jackson County.

Jasper County. Secs. 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, T. 2 N., R. 10 E.; secs. 3, 4, 5, and 6, T. 1 N., R. 10 E.; secs. 32, 33, and 34, T. 1 N., R. 10 E.; secs. 1, 2, and 3 N., T. 10 N., R. 13 W

Jefferson Davis County. All of Jefferson Davis County.

Jones County. All of Jones County.

Lamar County. All of Lamar County.

Lauderdale County. Secs. 1, 12, 13, 14, 22, 23, 24, 26, 27, 34, and 35, T. 6 N., R. 15 E.; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 6 N., R. 16 E.; sec. 31, T. 7 N., R. 16 E.; and sec. 36, T. 7 N., R. 15 E., including all of the town of Meridian.

Lawrence County. That part lying east of Pearl River.

Leake County. Secs. 31 and 32, T. 11 N., R. 6 E.; secs. 34, 35, and 36, T. 11 N., R. 7 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15, T. 10 N., R. 7 E.; secs. 5, 6, 7, 8, 17, and 18, T. 10 N., R. 8 E

Marion County. That area included within a boundary beginning where the north line of sec. 36, T. 4 N., R. 19 W., intersects Pearl River, thence downstream along Pearl River to a point where Pearl River intersects the north line of sec. 18, T. 3 N., R. 18 W., thence east along said section line to the SE. corner sec. 11, T. 3 N., R. 18 W., then north to the NE. corner sec. 35, T. 4 N., R. 18 W., and thence west along said section line to the point of beginning.

Pearl River County. All of Pearl River County.

Perry County. S½ T. 3 N., Rs. 9, 10, and 11 W.; T. 2 N., R. 9 W.; secs. 5 and 6, T. 4 N., R. 9 W.; secs. 1 and 2, T. 4 N., R. 10 W.; secs. 25, 26, 35, and 36, T. 5 N., R. 10 W.; secs. 29, 30, 31, and 32, T. 5 N., R. 9 W.

Rankin County. T. 3 N., Rs. 2 and 3 E.; T. 4 N., Rs. 1 and 2 E.; Tps. 5 and 6 N., Rs. 1 and 2 E.

Simpson County. Tps. 9 and 10 N., Rs. 17, 18, and 19 W.; T. 1 N., Rs. 4, 5, and 6 E.; T. 2 N., Rs. 3, 4, and 5 E.

Stone County. All of Stone County.

Warren County. All that area lying within the corporate limits of the city of Vicksburg, and that area included within a boundary beginning at a point where Halls Ferry Road intersects the corporate limits of the city of Vicksburg, thence southeast along said road to the point of its intersection with the range line between Rs. 3 and 4 E., thence south along the range line to the SE. corner sec. 42, T. 15 N., R. 3 E., thence west along the section line to the Mississippi River, thence north along the east bank of the Mississippi River to said corporate limits, and thence along the south corporate limits to the point of beginning.

Wayne County. Secs. 19, 20, 29, 30, 31, and 32, T. 7 N., R. 5 W.; secs. 24, 25, and 36, T. 7 N., R. 6 W.; secs. 6, 7, and 18, T. 6 N., R. 6 W.; secs. 1, 2, 11, 12, 13, and 14, T. 6 N., R. 7 W.

NORTH CAROLINA

Anson County. An area 2 miles wide beginning at the Anson-Union County line and extending easterly along the Seaboard Air Line Railroad with said railroad as a center line to a due north-south line projected through the point of intersection of said railroad with the east corporate limits of Polkton, including all of the towns of Peachland and Polkton.

Brunswick County. All of Eagles Island.

Cumberland County. That area included within a circle having a 4½-mile radius and center at the Atlantic Coast Line Railroad depot in Hope Mills, including all of the town of Hope Mills and all of the communities of Cumberland and Roslin.

Duplin County. That area included within the corporate limits of the town of Warsaw; and an area 2 miles wide beginning at a line projected northeast and southwest along and beyond the north corporate limits of Warsaw and extending northwesterly along U. S. Highway No. 117 with said highway as a center line for a distance of 3 miles.

Edgecombe County. That portion of the city of Rocky Mount lying in Edgecombe County.

Harnett County. An area 4 miles wide bounded on the north by the Harnett-Wake County line and extending along U. S. Highway No. 15-A with said highway as a center line for a distance of 5 miles.

Jones County. An area 2 miles wide beginning at a line projected due east and due west at the Atlantic Coast Line siding at Ravenswood, approximately 1½ miles south of the Atlantic Coast Line Railroad depot in Pollocksville, and extending southerly with said railroad as a center line for a distance of 3 miles.

New Hanover County. That area included within the corporate limits of the city of Wilmington; all of Cape Fear Township; all that part of Harnett Township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and all that part of Masonboro Township lying north of the Sunset Park-Winter Park Road.

Nash County. That portion of the city of Rocky Mount lying in Nash County.

Onslow County. That area 3½ miles wide extending along U. S. Highway 17 with said highway as a center line from Southwest Creek on the south to Starky Creek on the north, including all of the city of Jacksonville; and all of that portion of Onslow County included within the boundaries of the Camp Lejeune Marine Base.

Pender County. All of that portion of Pender County lying west of a line parallel to and 8 miles west of the Pender-Onslow County line.

Union County. An area 2 miles wide beginning at a line projected due north and due south from a point where the west corporate limits of Marshville intersect the Seaboard Air Line Railroad and extending easterly with said railroad as a center line to the Union-Anson County line, including all of the town of Marshville.

Wake County. An area 4 miles wide bounded on the east by a line projected due north and due south for 2 miles on each side of the point of intersection of U. S. Highway No. 15-A and the Norfolk Southern Railway, approximately 1½ miles east of the Norfolk Southern Railway depot in Fuquay Springs, and extending westerly and southwesterly along U. S. Highway No. 15-A with said highway as a center line to the Wake-Harnett County line, including all of the town of Fuquay Springs.

Wayne County. All of Goldsboro Township, including all of the city of Goldsboro; an area 2 miles wide beginning at the west boundary of Goldsboro Township and extending northwesterly along U. S. Highway No. 70 with said highway as a center line to the Wayne-Johnston County line; an area 2 miles wide beginning at the north boundary of Goldsboro Township and extending northerly along the Atlantic Coast Line Railroad with said railroad as a center line to the Wayne-Wilson County line, including all of the towns of Pikeville and Fremont; and an area bounded on the north by the Atlantic and East Carolina Railway, on the west by Stony Creek, on the south by the Neuse River, and on the east by a line beginning at the junction of U. S. Highway No. 70 and North Carolina State Highway 111 and extended due north and due south to its intersections with the north and south boundaries, including all of Seymour Johnson Field.

SOUTH CAROLINA

Beaufort County. That area bounded on the east by Wimbee Creek and Bull River, on the south by Whale Branch and the Coosaw River, on the west by Haulover Creek, and on the north by an imaginary line parallel to and one-half mile north of the Seaboard Air Line Railroad between Wimbee and Haulover Creeks.

Fairfield County. That area included within a circle having a 2-mile radius and center at the intersection of South Carolina State Highways 22 and 227, approximately 5½ miles northwest of the city of Winnsboro.

TENNESSEE

Hamilton County. That area included within a circle having a ½-mile radius and center at the office of the Shell Oil Corporation bulk plant located on Jersey Pike Road.

Shelby County. All that area included within a boundary beginning at the confluence of Wolf River with the Mississippi River, thence upstream along Wolf River to a point where it is crossed by the Nashville, Chattanooga and St. Louis Railway, thence west along said railway to its intersection with White Station Road, thence south along White Station Road to its intersection with U. S. Highway No. 72, thence west along U. S. Highway No. 72 to the point where it is intersected by Mount Moriah Road, thence south and east along Mount Moriah Road to the point where it intersects Nonconnah Creek, thence downstream along Nonconnah Creek to its confluence with the Tennessee Chute, and thence north along the Tennessee Chute and the Mississippi River to the point of beginning; that area included within a circle having a 1-mile radius and center at the intersection of the Memphis-Arlington and Pea Point Roads; and that area included within a circle having a 2-mile radius and center at the junction of the Macon Road with the Germantown Road, excluding that part of such area lying in the Shelby County Penal Farm.

Tipton County. That area within the corporate limits of the town of Mason.

This amendment makes additions to the regulated areas in Baldwin, Coffee, Geneva, Houston, and Monroe Counties, Alabama; Jackson County, Florida; Macon County, Georgia; Attala, Clarke, Jasper, Leake, and Perry Counties, Mississippi; Onslow County, North Carolina; and Beaufort County, South Carolina. Portions of Houston County, Alabama; Attala, Clarke, Jasper, and Leake Counties, Mississippi; and Beaufort County, South Carolina, are included in the regulated area for the first time.

It is necessary to take immediate action with respect to the newly regulated areas in order to control the movement therefrom of articles that might spread the white-fringed beetle. Accordingly, pursuant to section 4 (a) and (c) of the Administrative Procedure Act (5 U. S. C. 1003 (a), (c)), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for the issuance of this amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 141, 143, 161, 162)

This amendment shall be effective February 1, 1954.

Done at Washington, D. C., this 25th day of January 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-634; Filed, Jan. 28, 1954; 8:52 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

Correction

In Federal Register Document 53-10262, appearing at page 8530 of the issue for Saturday, December 19, 1953, the following changes are made:

1. In the list of counties on page 8531, Steuben County, New York, should carry a footnote 1 reference.

2. In § 420.63-1 the 13th line of paragraph 6 of the rider should read "so determined shall be reduced if the premi-".

3. In § 420.82-1, paragraph 6 of the rider, the 10th line of the second column on page 8545 should read "on the insurance unit shall include all pro-".

4. In § 420.82-3, paragraph 3 of the rider, the fourth line of the third column on page 8546 should read "harvest period for such crop or (ii) October".

5. In the production schedule for the rider in § 420.90-4, the entry in the second column for item 6 should read: "Acreage put to another use without the consent of the Corporation."

6. In § 420.90-8 the headnote for paragraph 4 of the rider should read: "*Protection against loss of quality.*"

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Reg. No. SR-400]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; ISSUANCE OF AIR CARRIER OPERATING CERTIFICATES FOR HELICOPTER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of January 1954.

Parts 40 and 61 of the Civil Air Regulations currently prescribe the certification and operation rules for scheduled air carriers. These parts apply primarily to air carriers operating airplanes, but also apply to the certification and operation of helicopters by air carriers. However, Special Civil Air Regulation SR-369 authorizes the Administrator to issue an air carrier operating certificate, or amendments thereto, under conditions which do not fully meet the requirements of Parts 40 and 61 to an air carrier holding a temporary certificate of public convenience and necessity issued by the Board. Because all scheduled helicopter air carrier operations are currently being conducted under temporary certificates of public convenience and necessity and, since Parts 40 and 61 were not designed particularly for such operations, the Administrator has used SR-369 as a basis for regulating helicopter air carrier operations.

Revised Part 40 which will become effective April 1, 1954, provides certification and operation rules for scheduled domestic air carriers using airplanes, the scope of which was previously covered by Parts 40 and 61. It is not applicable, however, to the operation of other aircraft such as helicopters.

At present, the Board is in the process of formulating rules governing air carrier helicopter operations. In view of this and the fact that revised Part 40 does not provide a regulatory basis for helicopter operations, this regulation continues and enlarges in scope the authority contained in SR-369 for two years. Since it appears that air carriers other than those holding temporary certificates of public convenience and necessity are considering initiation of helicopter operations, this regulation provides authority for the Administrator to issue air carrier operating certificates and to permit deviations from Parts 40 and 61 for helicopter operations for all air carriers. Since presently effective Parts 40 and 61 will be rescinded on April 1, 1954, this regulation incorporates by reference Parts 40 and 61 as in effect on December 31, 1953.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective January 25, 1954:

An air carrier operating certificate, or amendments thereto, may be issued by the Administrator to an air carrier for the purpose of engaging in helicopter operations in accordance with the certification requirements of Part 40 of the Civil Air Regulations. Such helicopter operations shall be conducted in accordance with the operation requirements of Part 61 of the Civil Air Regulations. If the Administrator finds that any of the requirements of Parts 40 and 61 can be omitted or modified without adversely affecting safety, the Administrator may approve such omissions or modifications and they shall be listed in the air carrier operations specifications. The Administrator shall promptly notify the Board of the omissions or modifications approved by him and the reasons therefor.

All references herein to Parts 40 and 61 are to those Parts as in effect on December 31, 1953.

This Special Civil Air Regulation supersedes Special Civil Air Regulation SR-369 and shall terminate January 25, 1956, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-635; Filed, Jan. 28, 1954; 8:53 a. m.]

Subchapter B—Economic Regulations

[Reg. No. ER-195]

PART 221—PREPARATION OF TARIFFS OF AIR CARRIERS

LIABILITY RULES FOR PERSONAL INJURY AND DEATH; CLARIFICATION OF ECONOMIC REGULATIONS TO INDICATE FILING OF SUCH RULES NOT REQUIRED

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of January 1954.

By notice dated July 22, 1953, (Economic Regulations Draft Release No. 62) published in the FEDERAL REGISTER on

July 25, 1953 (18 F. R. 4386), the Board gave notice that it had under consideration an amendment to Part 221 of the Economic Regulations (14 CFR Part 221) to make clear that after the effective date thereof its regulations will not require the filing by air carriers or foreign air carriers of tariff liability rules for personal injury and death. Oral argument was heard thereon on December 1, 1953.

Since the enactment of the Civil Aeronautics Act in 1938, there has been no express requirement in the Board regulations that carrier tariff liability rules of the nature herein dealt with shall be filed by carriers subject to the Board's jurisdiction. However, until relatively recently, it has been the widespread practice of air carriers and foreign air carriers to file such rules tariffs, and the Board has not rejected them. In Continental Charters, Inc.—Complaint of Mary Battista, et al., (Docket No. 5573), the Board, without deciding whether such tariff rules were required to be filed, held that a carrier requirement of written notification of claim within 30 days after the occurrence giving rise thereto was unjust, unreasonable, unjustly discriminatory, and therefore unlawful. In view of the practice of the air carriers and the course of administrative dealing with these rules, it cannot be definitely stated that the filing of tariff liability rules has not been required by Board regulations.

The purpose of the regulation hereby adopted is to make it absolutely clear that from and after the effective date of this amendment the Board's regulations will not require the filing of such tariff rules. In so doing, the Board is not passing upon the reasonableness of any such rule, nor of the legality of any such practice. Neither is this regulation an interpretation of the Board's earlier regulations, and any rights which have accrued prior to the effective date hereof will be governed by the law and regulations as they existed prior to the effective date hereof.

Under section 403 (a) of the Civil Aeronautics Act every air carrier and every foreign air carrier is required to file tariffs with the Board showing all rates and charges for air transportation in which it engages. In addition, such carriers are required to file all classifications, rules, regulations, practices, and services in connection with such air transportation "to the extent required by regulations of the Board". Section 403 (b) requires such carriers to abide by their filed tariffs, including those matters "required by the Board to be specified in such tariffs". Taken together, the effect of these two sections is to regulate, as an exercise of the Congressional power over interstate and foreign commerce, the fares, rates and practices of air carriers. Within the limited authority granted it under section 403 (a), the Board may vary the extent of the Federal occupation of this field by requiring or not requiring carrier rules and practices to be filed as tariffs by the carriers. Filing of matter appropriately required to be filed by the Board and otherwise in conformance with the provisions of the Act makes the practices covered therein lawful even though, in certain instances, the practice or regulation might be contrary to the public policy or the laws of one or more of the states. Filing of material not so required to be filed by the Board or the act does not grant any such Federal protection, however.

The Board is of the opinion that the rules herein dealt with are clearly carrier rules, regulations and practices in connection with air transportation and, as such, could be required by the Board to be filed under section 403 (a). Consequently, the Board by specific requirement could give effect to rules of this character, provided they were reasonable and non-discriminatory. That the Board is not doing so, but on the contrary, is making it clear that no personal injury liability rules are required to be filed is because of its concern with two factors in particular:

(a) While the Board recognizes that certain advantages to the air carriers might result if a uniform federal rule of this nature were prescribed, the Board believes that in the present state of the art and the widespread public acceptance of aviation the public interest requires a different type of uniformity—that is, uniformity of rules regulating the bringing of suits for personal injury and death within the local jurisdiction governing the claim. The traveling public and their lawyers do not tend to think of aviation in terms of special rules in respect of negligence actions which require procedures, notification of claims, and special limitations of actions differing from those applicable to other negligence actions. Weighing the relative advantages to air carriers of uniformity throughout the country against the advantages of uniformity of treatment within each local jurisdiction to the users of air transportation, the Board believes that conformity with state practice is the more desirable result at the present state of development of air transportation.

(b) Even if federal regulation in this precise field were considered desirable, the Board does not believe that arriving at such result through the medium of tariff regulations, in the instance of these particular rules, is in the public interest, because actual notice of the rules is seldom brought home to passengers or their representatives. Legal actions against private persons in respect of personal injury or death are generally governed by statute; and passengers and general practitioners are not accustomed to thinking of such matters as being limited or otherwise adversely affected by tariff publications. Consequently, in the absence of positive notification of their presence and effect, these rules tend to become traps for the unwary.

The contention has been raised in this proceeding that the issuance of this regulation is improper because it constitutes a prejudgment of the issues in the Board's pending Investigation of Personal Injury Tariff Rules (Docket No. 6149). The issues in that case include the question of whether or not the existing regulations of the Board require the filing of tariff rules of this nature, whether the tariff rules that are now on file are reasonable and, if not, what tariff rules should be prescribed. As indicated above, the only issue in the rule-making proceeding is the purely legislative one of whether for the future the federal government should occupy the field covered by these rules to the exclusion of state law. The Board is of the opinion that this issue is one which is exclusively legislative in nature and in no way prejudges any of the issues in the investigation case.

After the effective date of this amendment carrier tariffs, to the extent they contain matter dealing with limitations on or conditions relating to carrier liability for personal injury or death, will be mere surplusage and of no effect as tariffs.

This regulation is applicable to tariff rules of United States air carriers and foreign air carriers alike in respect of air transportation within the meaning of the Civil Aeronautics Act. No distinction is made as to whether the carrier engages in interstate or overseas air transportation on the one hand, or in foreign air transportation on the other.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all matter submitted and all arguments presented, both written and oral.

In consideration of the foregoing, the Board hereby amends Part 221 of the Economic Regulations as follows, effective March 2, 1954:

1. By amending § 221.4 (g) by adding at the end thereof the following sentences: "No provision of the Board's Regulations issued under this Part or elsewhere shall be construed to require on and after March 2, 1954, the filing of any tariff rules stating any limitation on, or condition relating to, the carrier's liability for personal injury or death. No subsequent regulation issued by the Board shall be construed to supersede or modify this rule of construction except to the extent that such regulation shall do so in express terms."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 403, 52 Stat. 992; 49 U. S. C. 483)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-637; Filed, Jan. 28, 1954; 8:53 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 59]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

LIMITATIONS ON DESCENT BELOW AUTHORIZED IFR LANDING MINIMUMS

This amendment prohibits descent (1) below the prescribed IFR landing minimums, and (2) thereafter to more than 50 feet below the prescribed IFR landing minimums—except when certain specified conditions exist. The amendment is adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable.

In § 609.3 a new paragraph (i) is added to read:

§ 609.3 *Introduction.* • • •

(i) *Descent below authorized IFR landing minimums.* Except when landing minimums equal to or better than 1000–2 are authorized, no aircraft, after reaching an altitude equal to the minimum altitude for landings specified in these regulations, will descend below such altitude unless it is clear of clouds, and thereafter the aircraft will not descend more than 50 feet below such altitude, unless (1) it has arrived at a position from which a normal approach can be made to the runway of intended landing, and (2) either the approach threshold of such runway or the approach lights or other markings identifiable with such runway are clearly visible to the pilot. If, at any time, after descent below the clouds, the pilot cannot maintain visual reference to the ground or lights, he will immediately execute the appropriate missed approach procedure prescribed in the regulations in this part.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective January 30, 1954.

[SEAL] F. B. LEE, *Administrator of Civil Aeronautics.*

[F. R. Doc. 54-629; Filed, Jan. 28, 1954; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6102]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CHARLES ANTELL CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.30 *Composition of goods;* § 3.155 Prices—Usual as Reduced, Special, etc.; § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* I. In connection with the offering for sale, sale, or distribution of Charles Antell Formula No. 9 and Charles Antell Shampoo, or any products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or any other names, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, of either of said products, which advertisements represent, directly or through inference (a) with respect to Charles Antell Formula No. 9: (1) That the main ingredient in said product is lanolin; (2) that lanolin is the only natural oil, or grease that is absorbed by the hair or scalp or that the lanolin in said product is absorbed by the scalp to the extent that it will reach the roots of the hair; (3) that the lanolin in said product will cleanse the hair; (4) that its use will loosen the scalp or constitute an effective treatment for dandruff or infected scalp; (5) that it will remedy the cause of cracked or split hair or will remedy the damage caused by improper dyeing of the hair, permanents, burning or other harmful practices having to do with the hair; (6) that the use of said product, as directed or otherwise, will promote the growth of the hair; (7) that the use of said product will give the hair health or vitality, except to the extent that brushing, pulling, and massaging of the hair and scalp with said product regularly serves as a stimulant to circulation around the hair roots and thereby helps maintain normal scalp and hair health; (8) that the use of said products will not change the color of the hair or will not leave grease on the hair, unless such representation is limited to cases where said product is used in moderate amounts as directed; (9) that its use will cause the hair to curl; and (10) that its use will prevent the loss of hair or baldness; and (b) with respect to Charles Antell Shampoo: that the hormones present in said product will have any cleansing action on the hair; and, II, in connection with the offering for sale, sale or distribution in commerce of the product known as Hexachlorophene Soap, or any other soap or product of substantially similar properties, whether sold under the same name or any other name: (1) misrepresenting, directly or by implication, the effectiveness of said soap as a cleansing agent; and, (2) representing, directly or by implication, that the use of said soap will prevent impetigo or cradle cap in case of babies or prevent the development of pimples, boils, blackheads, or other skin blemishes generally; and, III, in connection with the offering for sale, sale, or distribution in commerce, of any article of merchandise, representing directly or by implication: that it is being sold at a reduced price when such price is the price at which the article is usually and regularly sold; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Charles Antell Co., Inc., et al., Baltimore, Md., Docket 6102, December 19, 1953]

In the Matter of Charles Antell Co., Inc., a Corporation, T. A. A. Inc., a Corporation, and Charles D. Kasher, Julius J. Rosen and Leonard L. Rosen, Individually

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, respondents' answer, and hearings before said examiner, therefore duly designated by the Commission, at which counsel for respondents and counsel supporting the complaint entered into a stipulation as to the facts in the proceeding in lieu of oral testimony and other evidence in support of or in opposition to the allegations of the complaint.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, answer, and stipulation which had been spread upon the record at said hearings and duly filed in the office of the Commission, counsel having elected not to file proposed findings and conclusions for consideration by said examiner and oral argument not having been requested; and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on December 19, 1953.

Said order to cease and desist is as follows:

It is ordered, That the respondent Charles Antell, Inc., a corporation, and its officers, and respondents Charles D. Kasher, Leonard L. Rosen and Julius J. Rosen, individually, and respondent T. A. A., Inc., a corporation, and its officers, and respondents' respective agents, representatives and employees, directly or through any cooperate or other device, in connection with the offering for sale, sale or distribution of Charles Antell Formula No. 9 and Charles Antell Shampoo, or any products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or any other names, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, (a) With respect to Charles Antell Formula No. 9:

(1) That the main ingredient in said product is lanolin;

(2) That lanolin is the only natural oil or grease that is absorbed by the hair or scalp or that the lanolin in said product is absorbed by the scalp to the extent that it will reach the roots of the hair;

(3) That the lanolin in said product will cleanse the hair;

(4) That its use will loosen the scalp or constitute an effective treatment for dandruff or infected scalp;

(5) That it will remedy the cause of cracked or split hair or will remedy the damage caused by improper dyeing of the hair, permanents, burning or other harmful practices having to do with the hair;

(6) That the use of said product, as directed or otherwise, will promote the growth of the hair;

(7) That the use of said product will give the hair health or vitality, except to the extent that brushing, pulling and

[1] Filed as part of original document.

massaging of the hair and scalp with said product regularly serves as a stimulant to circulation around the hair roots and thereby helps maintain normal scalp and hair health;

(8) That the use of said products will not change the color of the hair or will not leave grease on the hair, unless such representation is limited to cases where said product is used in moderate amounts as directed;

(9) That its use will cause the hair to curl;

(10) That its use will prevent the loss of hair or baldness.

(b) With respect to Charles Antell Shampoo: That the hormones present in said product will have any cleansing action on the hair.

2. Disseminating, or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of either of said products, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

It is further ordered, That respondents Charles Antell, Inc., a corporation, and its officers, and respondents Charles D. Kasher, Leonard L. Rosen and Julius J. Rosen, individually, and respondent T. A. A., Inc., a corporation, and its officers, and respondents' respective agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce as "commerce" is defined in the Federal Trade Commission Act, of the product known as Hexachlorophene Soap, or any other soap or product of substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

1. Misrepresenting, directly or by implication, the effectiveness of said soap as a cleansing agent.

2. Representing, directly or by implication, that the use of said soap will prevent impetigo or cradle cap in case of babies or prevent the development of pimples, boils, blackheads, or other skin blemishes generally.

It is further ordered, That respondents Charles Antell, Inc., a corporation, and its officers, and respondents Charles D. Kasher, Leonard L. Rosen, and Julius J. Rosen, individually, and respondent T. A. A., Inc., a corporation, and its officers, and respondents' respective agents, representatives and emloyees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any article of merchandise do forthwith cease and desist from representing, directly or by implication:

That it is being sold at a reduced price when such price is the price at which the article is usually and regularly sold.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6102, December 18, 1953, which decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 18, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-630; Filed, Jan. 28, 1954; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53425]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

MISCELLANEOUS AMENDMENTS

The changes made below in the customs regulations (1) require declarations of crew members on customs Form 5123 to be prepared at the first port of arrival in the United States for all articles acquired abroad by them and intended to be unladen in the United States; (2) prescribe a more effective and extended use by customs officers of the manifests of crews' purchases which accompany vessels from port to port in the United States; and (3) eliminate the filing with comptrollers of customs of reports on customs Form 3253. Hereafter, under the regulations a comptroller will receive from every vessel required to enter, a copy of the manifest covering cargo for discharge in his district and a copy of the manifest of the crews' purchases and vessel stores filed with the collector at the first port of entry in the comptroller district.

1. Section 4.7 (e) is amended by deleting the words "at that port" from the last sentence and substituting therefor "in the United States".

(Secs. 431, 581 (a), 583, 624, 46 Stat. 710, as amended, 747, as amended, 748, 759; 19 U. S. C. 1431, 1581 (a), 1583, 1624)

2. Section 4.81 is amended as follows:

a. Paragraph (e) is redesignated as paragraph (f) and amended by inserting the following sentence after the second sentence: "The traveling crew purchase manifest (curio list) shall be placed in a sealed envelope addressed to the customs boarding officer at the next domestic port of call and returned to the master for delivery."

and by deleting the words "and the document of the vessel" from the last sentence and substituting therefor: "a list in duplicate of all unentered articles acquired abroad by the officers and members of the crew of the vessel which are still on board and of the stores remaining on board, and the document of the vessel. Immediately upon arrival at the first port in a comptroller district and before entry of the vessel, the master shall mail or deliver to the comptroller for the district a copy of such list of all unentered crew's purchases and stores on board. The traveling crew purchase manifest (curio list) returned by the prior port of call to the master shall be delivered by him to the boarding officer."

b. A new paragraph (e) is inserted reading as follows:

(e) The traveling crew purchase manifest (curio list) referred to in § 4.85 (b), (c), and (e) shall be deposited with the collector upon arrival at each port in the United States and finally surrendered to the boarding officer or collector at the port where the vessel first departs directly for a foreign port.

c. The citation of authority for § 4.81 is amended to read as follows:

(R. S. 161, 251, secs. 423, 439, 442, 443, 444, 486, 624, 46 Stat. 711, 712, as amended, 713, 725, as amended, 759, sec. 2, 23 Stat. 118, as amended, R. S. 4132, as amended, R. S. 4311, as amended, R. S. 4367, 4368, sec. 27, 41 Stat. 999, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1433, 1439, 1442, 1443, 1444, 1486, 1624, 46 U. S. C. 2, 11, 251, 313, 314, 883)

3. Section 4.85 is amended as follows:

a. Paragraph (b) is amended by adding the following sentence: "The part of the traveling manifest, which covers articles acquired abroad by the officers and members of the crew (curio list), together with the unused crew declarations prepared for such articles, shall be placed in a sealed envelope addressed to the customs boarding officer at the next port of call and given to the master of the vessel for delivery."

b. Paragraph (c) is amended by changing the period at the end of the third sentence to a comma and adding thereafter: "each such list to show the port where and the date the vessel first entered in that comptroller district. The traveling crew purchase manifest (curio list), together with the crew declarations, furnished by the prior port of call to the master shall be delivered by him to the boarding officer."

c. Paragraph (e) is amended by adding the following sentence: "The traveling crew purchase manifest (curio list) shall be finally surrendered to the boarding officer or collector at the port where the vessel first departs directly for a foreign port."

d. Paragraph (f) is deleted and paragraph (g) is redesignated paragraph (f) and amended to read:

(f) If a vessel proceeds to another comptroller district where it is to enter, immediately upon arrival at the first port in the district and before entry of the vessel, the master shall mail or deliver to the comptroller for the district a manifest of any foreign cargo remaining on board manifested for discharge in that comptroller district and of all unentered articles acquired abroad by the officers or crew of the vessel and of the stores on board.

(R. S. 161, 251, secs. 439, 442, 443, 444, 624, 46 Stat. 712, 713, 759, sec. 2, 23 Stat. 118, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1439, 1442, 1443, 1444, 1624, 46 U. S. C. 2)

4. Section 4.87 is amended as follows:

a. Paragraph (c) is amended by adding the following sentence: "The traveling crew purchase manifest (curio list), together with any unused crew declarations, shall be placed in a sealed envelope addressed to the customs boarding officer at the next domestic port of call and returned to the master of the vessel for delivery."

b. Paragraph (d) is amended by changing the period at the end of the second sentence to a comma and adding thereafter: "each such list to show the port where and the date the vessel first entered in that comptroller district. Immediately upon arrival at the first port in a comptroller district and before entry of the vessel, the master shall mail or deliver to the comptroller for the district a copy of such list of unentered crew's purchases and stores on board."

and by adding the following sentence at the end thereof: "The traveling crew purchase manifest (curio list) together with any unused crew declarations returned by the prior port of call to the master shall be delivered by him to the boarding officer."

c. The citation of authority for § 4.87 is amended to read as follows:

(R. S. 161, 251, secs. 433, 435, 437, 439, 442, 443, 444, 624, 46 Stat. 711, 712, as amended, 713, 759, sec. 2, 23, Stat. 118, as amended, R. S. 4197, as amended, R. S. 4200, as amended, R. S. 4367, R. S. 4368; 5 U. S. C. 22, 19 U. S. C. 66, 1433, 1435, 1437, 1439, 1442, 1443, 1444, 1624, 46 U. S. C. 2, 91, 92, 313, 314)

5. Section 10.22 (b) is hereby amended to read:

(b) Articles on board a vessel in the possession of or owned by any officer or member of the crew of the vessel, which are to be landed in the United States and for which written declaration and entry are required, shall be described and declared on a Declaration and Entry of Crew Member for Imported Articles, customs Form 5123, or other form approved by the Commissioner of Customs, upon the arrival of the vessel in the United States. Articles in the possession of or owned by officers or members of the crew and of a character for which entry must be made when they are brought into the United States shall be entered only at the port where the articles are to be landed, except that if any officer or crew member remains on a vessel which is to proceed on a movement described in (2) of paragraph (a), entry shall be made at the port where such movement begins. Any duties and taxes found due shall be collected as in the case of arriving passengers. Articles belonging to an officer or seaman may be transferred from one vessel to another in the foreign trade under the supervision of customs officers, by a bonded cartman if necessary, without entry, declaration, or assessment of duty.

(Secs. 498, 624, 46 Stat. 728, as amended, 759; 19 U. S. C. 1498, 1624)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: January 21, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-624; Filed, Jan. 28, 1954; 8:50 a. m.]

[T. D. 53423]

PART 25—CUSTOMS BONDS

BONDS APPROVED BY COLLECTORS

In view of the repeal of the act of June 8, 1896 (19 U. S. C. 472-475), by section 16 (f) of the Customs Simplification Act of 1953 (67 Stat. 517), the bond described in § 25.4 (a) (28) is no longer required. Section 25.4 (a) is, therefore, amended by deleting subparagraph (28) and by renumbering subparagraphs 29 through 31 as 28 through 30, respectively.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: January 18, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-623; Filed, Jan. 28, 1954; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

GERMANY

In § 127.261 *Germany* make the following changes:

1. Amend paragraph (a) (8) to read as follows:

(8) *Prohibitions*—(i) Invisible ink. Illegible or incomprehensible designs.

(ii) Arms and war materials of all kinds, including parts of airplanes and military vehicles; communication, electronic and fire-control instruments; cryptographic equipment and cipher codes; trigonometric and cartographic equipment; military maps, plans, instruction manuals and models; training films and other instruction aids, and research material on military subjects.

(iii) Postcards and envelopes bearing illustrations constituting pro-Fascist or subversive propaganda.

(iv) German banknotes and coins.

(v) Paper values of German issue, unless the article is addressed to a German bank.

2. In paragraph (b) (5), amend (*a*) and (*b*) of subdivision (ii) to read as follows:

(*a*) Addressees of gift parcels may receive duty free each month up to 33 pounds of foodstuffs, which may include 1 pound 1½ ounces of coffee, 2 pounds 3 ounces of powdered cocoa, and 2 pounds 3 ounces of chocolate. However, the coffee, cocoa, chocolate, or any combination thereof must comprise the lesser part of the total weight of the parcel, and less than two-thirds of the value of the duty-free contents.

(*b*) Articles other than foodstuffs are duty-free when sent as gifts if the kind and quantity are in accord with the actual needs of the addressee and members of his household. However, duty is always charged on tea; lobster, caviar, and oysters; jewelry, precious stones, and articles made from precious metals; new garments made from or trimmed with fur if over 800 marks in value; expensive carpets and floor coverings; new articles made from reptile skin; radios; photographic apparatus; expensive perfumes and cosmetics; and any other articles subject to special levies.

3. In paragraph (b) (6), add subdivision (iii) to read as follows:

(iii) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] LOUIS J. DOYLE,
Acting Solicitor.

[F. R. Doc. 54-621; Filed, Jan. 28, 1954; 8:49 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

PARCEL POST; PARAGUAY

In § 127.327 *Paraguay* as amended (18 F. R. 8401), add a note to subdivision (i) of paragraph (b) (1) to read as follows:

NOTE: In accordance with request from the Postal Administration of Paraguay, effective at once and continuing until further notice, parcel post service to that country is temporarily suspended, except for parcels containing medical and pharmaceutical products and parcels addressed to the Government of Paraguay or to members of the diplomatic corps in care of their respective embassies or legations in Paraguay.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] LOUIS J. DOYLE,
Acting Solicitor.

[F. R. Doc. 54-617; Filed, Jan. 28, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 39]

INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

In order to conform Regulations 118 (26 CFR Part 39) to section 203 of the Technical Changes Act of 1953, approved August 15, 1953, such regulations are amended as follows:

PARAGRAPH 1. Section 39.113 (a) (5) is amended by inserting at the end thereof the following:

SEC. 203. BASIS OF CERTAIN PROPERTY TRANSFERRED IN TRUST (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 15, 1953).

(a) *Amendment of section 113 (a) (5).* The second sentence of section 113 (a) (5) (relating to the basis of property transmitted at death) is hereby amended by inserting immediately after the words "revoke the trust" the following: "or to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust".

(b) *Effective date.* The amendment made by subsection (a) shall apply (1) only in the case of property transferred by grantors dying after December 31, 1951, and (2) only with respect to taxable years ending after December 31, 1951.

PAR. 2. Section 39.113 (a) (5)-1 is amended by inserting immediately at the end thereof the following:

(h) *Property acquired by certain transfers in trust.* Property shall, for the purposes of section 113 (a) (5) and of this section, be considered as property passing under an instrument which is treated as though it were a will executed on the day of the grantor's death if:

(1) The property was transferred in trust to pay the income for life to or upon the order or direction of the grantor, with the right reserved to the grantor at all times prior to his death to revoke the trust, or

(2) The property was transferred in trust by a grantor dying after December 31, 1951, to pay the income for life to or upon the order or direction of the grantor, with the right reserved to the grantor at all times prior to his death to revoke the trust or to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust.

[F. R. Doc. 54-625; Filed, Jan. 28, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

FEES FOR LICENSING AND RELATED ACTIVITIES

Notice is hereby given that in compliance with the provisions of Title V of the Independent Offices Appropriation Act, 1952 (5 U. S. C. 140) providing for recovering to the extent possible the cost of Federal services rendered including the issuance of various types of permits, the Secretary of the Army is considering the following schedule of fees for the purpose of recovering the cost of issuing permits for work in navigable waters of the United States under the provisions of sections 9, 10, and 14 of the River and Harbor Act of March 3, 1899 (33 U. S. C. 401, 403, 408) and the General Bridge Act of 1946 (33 U. S. C. 525–533).

FEE SCHEDULE

Group	Classification	Estimated cost of work	Fee
1	Noncommercial structures or facilities for recreational craft; protective structures such as revetments, retaining walls, bulkheads, groins, jetties including breaking and filling relating thereto, and dredging of channels, slips, berthing areas, with dumping in designated disposal areas.	Under $5,000	$25
		$5,000 to $25,000	75
		Over $25,000	150
2	Commercial structures used in waterborne commerce and navigation including piers, wharves, landing bulkheads and related structures or work.	Under $25,000	75
		$25,000 and over	150
3	Structures not used in waterborne commerce and navigation such as oil wells, water intakes, sewer outfalls and related structures; and dredging for commercial shell, sand and gravel.	Under $25,000	100
		25,000 and over	175
4	Dumping of materials in designated disposal areas or at sea	$20 per dump trip	
5	Fish traps and pounds	Gill nets	25
		Traps and pounds	50
		Under $50,000	100
6	Bridges, dams and tunnels	$50,000 to $500,000	300
		Over $500,000	500
7	Revised plans and extensions of time	50 percent of original fee (maximum).	100

Charitable nonprofit organizations are exempt from payment of fees.

Any interested party may present such written comments and suggestions, in duplicate, as to the level and form of the proposed fees as he may desire to the Chief of Engineers, Corps of Engineers, U. S. Army, Building T–7, Washington 25, D. C., Attention: ENGWO, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-622; Filed, Jan. 28, 1954; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

NOTICE OF ORGANIZATION, FUNCTIONS AND AUTHORITIES

I. *Purpose.* This memorandum outlines the functions, authorities and basic organizational structure of the Agricultural Research Service (ARS) established under Secretary's order of December 24, 1953 (19 F. R. 74), which assigns responsibilities, and delegates related authorities. Provisions of this memorandum become effective January 2, 1954.

* * * * *

III. *Functions of the Agricultural Research Service—A. Assignment of functions.* The Agricultural Research Service is responsible for:

1. Coordination of all research activities of the Department, including examination and analysis of all such activities current and contemplated, review and approval of all projects or proposals prior to initiation, advice and consultation on planning with heads of Services, and reports and recommendations to the Secretary.

2. The following research programs: Production and utilization (except forestry) research, including research under Title I of the Research and Marketing Act of 1946; farm management and cost, land economics, and agricultural finance; production aspects of farm labor ordinarily associated with farm management problems; soil conservation except national soil survey; grass and control of undesirable plants; range management except on forest and related ranges (the term "forest" includes woodlands, and brush covered wildlands in mountainous areas); cotton ginning and processing; under section 7 (b) of the Strategic and Critical Materials Stock Piling Act; under the Housing Act of 1949.

3. The research, investigations, inspections, experimentations, demonstrations, development work, service and regulatory work, and control and eradication of insects, plant and animal pests and diseases provided for under the heading "Agricultural Research Administration" in the Department of Agriculture Appropriation Act of 1954 (except forest pests and diseases, and research on off-farm handling, transportation and storage of agricultural products, including investigations of insect infestations of off-farm stored products), and inspection and certification service, and standardization incidental thereto, for foods for dogs, cats and other Carnivora.

4. Administration of the Federal Insecticide, Fungicide and Rodenticide Act (7 U. S. C. 135–135k).

5. The program of payments to States, Territories and Puerto Rico under the Hatch Act of March 2, 1887, and supplemental and related acts, and payments to State Experiment Stations under section 204 (b) of the Agricultural Marketing Act of 1946 (7 U. S. C. 1623 (b)).

6. Eradication of foot-and-mouth and other contagious diseases of animals and poultry.

7. Hog Cholera Serum and Virus Marketing Agreement Act.

8. Administration of Title III, Research and Marketing Act.

9. All administrative functions on behalf of the Secretary relating to the acquisition and administration of patent rights.

B. *Reservations.* Final actions in proceedings pursuant to sections 7 and 8 of the Administrative Procedure Act, except orders in rule-making proceedings under the Hog Cholera Serum and Virus Marketing Agreement Act, are reserved to the Judicial Officer. The following are reserved to the Secretary:

1. Final action on regulations under the Hog Cholera Serum and Virus Marketing Agreement Act, previously requiring approval of the President.

2. The issuance, amendment, termination or suspension of any marketing agreement or order or any provision thereof.

3. Designation of members of advisory committees under Title III of the Research and Marketing Act (7 U. S. C. 1628–1629).

4. Determinations as to the measure and character of cooperation with Mexico in the foot-and-mouth disease program pursuant to section 1 of the Act of February 28, 1947 (21 U. S. C. 114b), the designation of members of advisory committees, and the appointment of commissioners on any joint commission with the Government of Mexico set up under such program.

5. Approval of requests for apportionment of reserves for emergency outbreaks of insect pests and plant diseases.

6. Determination of emergencies in connection with the eradication of foot-and-mouth disease and other contagious diseases of animals and poultry.

IV. *Assignment of functions, responsibilities and authorities—A. The Office of the Administrator—1. Functions and responsibilities of the Administrator.* The Administrator is responsible for the programs and activities of ARS. He reports to the Assistant Secretary for Federal-State Relations.

2. *Authorities of the Administrator.* Subject to the reservations of authority contained in III B above, authority has been delegated to the Administrator to take any action including the authority to execute any document, authorize any expenditure, and promulgate any rule, regulation, order or instruction, required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to the Agricultural Research Service, and to delegate and provide for the redelegation of his authority to appropriate officers and employees consistent with and with due regard to his personal responsibilities for the proper discharge of the functions assigned to the Service.

3. *Redelegation of authorities.* There are hereby redelegated to Deputy and Assistant Administrators, Directors and Branch Chiefs the authorities not specifically reserved herein which are necessary to the discharge of the responsibilities as assigned below. This redelegation does not apply to the functions which are assigned to Administrative Divisions and Program Branches directly by action of a departmental staff officer or otherwise. No redelegation herein shall preclude the Administrator from exercising any of the powers or functions or from performing any of the duties herein and any such redelegation is subject at all times to withdrawal or amendment.

4. *Reservations.* There are hereby reserved to the Administrator or Acting Administrator the following authorities and/or responsibilities:

a. The coordination of all research activities identified in III A 1 above.

b. Initiating, changing or discontinuing major areas of research and control or regulatory activities conducted by ARS.

c. The issuance of regulations pursuant to law.

d. The transfer of functions, funds, property or personnel between divisions and or branches.

e. All administrative functions on behalf of the Secretary relating to the acquisition and administration of patent rights.

f. The execution of research contracts and cooperative agreements.

g. The approval of organization changes.

h. Authority to establish, consolidate, change the location, or abolish (1) any field office (other than temporary), and (2) any regional or other administrative area that includes two or more States or that cuts across a State line.

i. Authority to authorize payment of travel and transportation expenses incident to transfers of official stations for permanent duty.

j. Authorizing attendance at national and international meetings.

k. Authorizing foreign travel.

l. The assignment of personnel to positions in grade GS–14 and above.

5. *General responsibilities of Deputy and Assistant Administrators, Directors and Branch Chiefs.* The Deputy and Assistant Administrators, and through them the Directors and Branch Chiefs have the following general responsibilities:

a. *Responsibility to the Administrator.* Keeping the Administrator advised with respect to major problems and developments and consulting with him or, in his absence, the Acting Administrator before taking actions which involve policy questions or major questions involving relationships with other Federal agencies, other agencies of this Department or State agencies.

b. *Responsibility for coordination of policies and operations.* Consulting and cooperating with other appropriate officials when their activities relate to, affect or are affected by the work of other organizational units of the Service and of seeing that their policies, program and operations are coordinated with such other activities to the end that the Service operates with maximum unity and effectiveness.

c. *Responsibility for efficient operation.* Seeing that the work assigned to them is efficiently administered and that the public obtains the fullest possible benefit for the funds expended. To this end they shall see that programs and operations are reviewed periodically as required by Executive Order 10072 and 5 U. S. C. 1151.

(1) *Deputy Administrator, Research.* The Deputy Administrator for Research is responsible for:

(a) Assisting and acting for and as the Administrator in the overall planning and administration of all programs and activities of ARS, and

(b) Directing and coordinating the administration of all research programs of ARS including committee functions pursuant to Title III, Research and Marketing Act.

(2) *Deputy Administrator, Regulatory Programs.* The Deputy Administrator for Regulatory Programs is responsible for:

(a) Assisting and acting for and as the Administrator in the overall planning and administration of all programs and activities of ARS, and

(b) Directing and coordinating the administration of all control and regulatory programs of ARS.

(3) *Assistant Administrator, Office of Experiment Stations.* The Assistant Administrator for the Office of Experiment Stations is responsible for participating with the Administrator, Deputy Administrators and other key staff members in the overall planning and administration of all programs and activities of ARS and for directing all activities of the Office of Experiment Stations.

(4) *Assistant Administrator for Management.* The Assistant Administrator for Management is responsible for participating with the Administrator, Deputy Administrators, and other key staff

members, in the over-all planning and administration of all programs and activities of ARS; for formulating, directing, coordinating and integrating the over-all management, budget, fiscal, personnel and administrative services activities to meet requirements of ARS programs, and for acting as and for the Administrator in connection with these functions.

(5) *Programs inspection and evaluation.* The programs inspection and evaluation staff is responsible for inspecting, evaluating and reporting to the Administrator upon all aspects of the Service's programs and administrative operations.

(6) *Central Project Office.* The Central Project Office is responsible for:

(a) Developing the project inventory to meet the needs of planning and coordination within the Department, and integrating it with similar systems in the States and in the Office of Experiment Stations to serve as a means of coordination and cooperation with the States.

(b) Reviewing projects to determine existing or potential relationships requiring coordination of planning and the carrying on of cooperative research.

(c) Analyzing the Department's research programs as a basis for development or modification of policy.

B. *Research programs.* The Directors of Crops, Farm and Land Management, Livestock, Human Nutrition and Home Economics, and Utilization Research are responsible for participating with the Administrator, Deputy Administrators, and other key staff members, in the over-all planning and administration of all programs and activities of ARS. Under the general supervision of the Deputy Administrator for Research, and when appropriate, in cooperation with other Federal, State and other public and private agencies, they have the following additional responsibilities relating to ARS programs:

1. *Director, Crops Research.* Formulates policies, provides leadership, coordinates and directs national programs of research on field crops, horticultural crops and entomology.

a. *Field Crops Research Branch.* Under the general supervision of the Director of Crops Research, plans, organizes and directs a national program of research on field crops including the production, improvement and disease control of cereal crops, cotton and other fiber crops, forage crops and range plants, rubber plants, sugar plants, tobacco, medicinal and special crops, and the control of brush and weeds in cultivated crops, pastures and rangelands through the use of herbicides, cultivation, competitive crops, pasturage and other means.

b. *Horticultural Crops Research Branch.* Under the general supervision of the Director of Crops Research, plans, organizes and directs a national program of research on horticultural crops, including the production, improvement and disease control of deciduous and subtropical fruits and nuts, truck crops, vegetables, potatoes, sweetpotatoes, peanuts, landscaping and ornamental trees and shrubs and flower crops. Introduces and tests promising seeds and plants from foreign countries for possible domestic use. Identifies plants and plant disease organisms. Maintains herbarium materials and a reference collection of plant-disease organisms. Collects and disseminates current information on principal plant diseases in the United States. Conducts research on plant parasitic soil inhabiting and insect-infesting nematodes, and methods of control. Directs hormone, photoperiodism and spectrographic studies relating to plant growth. Directs activities of the National Arboretum.

c. *Entomology Research Branch.* Under the general supervision of the Director of Crops Research, plans, organizes and directs national programs of research on insects affecting fruits, grapes, nuts, trees, shrubs, truck and garden crops, cereal, forage and range crops, cotton and other fiber crops, tobacco, sugar and other plants and agricultural products, household possessions, man and animals, and on the bee culture and apiary management. Classifies and identifies insects. Conducts investigations on the introduction of natural enemies of injurious insects, related pests and noxious weeds for the exchange with other countries of useful and beneficial insects and other arthropods. Develops methods, equipment, and apparatus to aid in enforcing plant quarantines and in the eradication and control of insect pests and plant diseases. Investigates insecticides, including methods of synthesis, formulation, use and analysis. Determines the existence and extent of residues in plant or animal products and in soils resulting from the use of insecticides. Determines the effects of pesticides on beneficial insects.

2. *Director, Farm and Land Management Research.* Formulates policies, provides leadership, coordinates and directs national programs of research on soil and water conservation, agricultural engineering, and production economics, including finance.

a. *Soil and Water Conservation Research Branch.* Under the general supervision of the Director of Farm and Land Management Research, plans, organizes and directs a national research program on soil and water conservation including soil management, irrigation and drainage, salinity control, plant soil relationships, fertilizer technology and use, soil chemistry and physics, soil fertility, soil microbiology, watershed hydrology, stream and reservoir sedimentation and the design and hydraulics of conservation structures.

b. *Agricultural Engineering Research Branch.* Under the general supervision of the Director of Farm and Land Management Research, plans, organizes and directs a national program of agricultural engineering research including the determination and application of basic principles governing the efficient performance of machinery and mechanical power on the farm, the application of electric power to rural and farm problems, the development and improvement of machinery and methods for the primary processing of farm products and the determination and application of basic engineering principles governing the design, construction, utilization and operation of farm buildings.

c. *Production Economics Research Branch.* Under the general supervision of the Director of Farm and Land Management Research, plans, organizes and directs a national program of research, statistics, and service work in economics of agricultural production including research on economic utilization of resources in farming, adjustments in production to prospective demands, farm labor requirements, distribution and productivity, costs and returns from farming and from individual farming practices, problems relating to farm credit, investment, taxation, insurance, and other financial phases of agriculture, and economic problems relating to land and water use and development, land values, land tenure, and special land problems.

3. *Director, Livestock Research.* Formulates policies, provides leadership, coordinates, and directs national programs of research on animal diseases and parasites, dairy husbandry and animal and poultry husbandry.

a. *Animal Disease and Parasite Research Branch.* Under the general supervision of the Director of Livestock Research, plans, organizes and directs national programs of research on animal and poultry diseases and parasites and develops measures for their control or eradication. Produces and standardizes diagnostic and immunological agents and other biological and chemical products for use in disease and parasite control and eradications programs.

b. *Dairy Husbandry Research Branch.* Under the general supervision of the Director of Livestock Research, plans, organizes and directs national programs of research on the breeding, feeding, nutrition and management of dairy cattle and in the physiology of milk secretion and of reproduction to improve dairy herds.

c. *Animal and Poultry Husbandry Research Branch.* Under the general supervision of the Director of Livestock Research, plans, organizes and directs national programs of research on nutritional, physiological, genetic, biochemical and other factors involved in the improvement of livestock, poultry, and domestically raised fur bearing animal production. Administers regulations regarding Alaska fur-farming and for the improvement of poultry and turkeys in cooperation with State authorities and in compliance with the National Poultry and Turkey Improvement Plans.

4. *Director, Human Nutrition and Home Economics Research.* Formulates policies, provides leadership, coordinates and directs national programs of research relating to human nutrition and home economics.

a. *Human Nutrition Research Branch.* Under the general supervision of the Director of Human Nutrition and Home Economics Research, plans, organizes and directs a national research program on human nutritional requirements, including nutritional effects of diets and interrelationships of nutrients and of foods, composition, nutritive value and availability of nutrients of foods, principles of utility underlying consumer selection, preparation and preservation of foods of different qualities, and appraisal of food supplies and diets in terms of nutritive content. Cooperates with other Federal and State agencies in the coordination of nutrition programs.

b. *Home Economics Research Branch.* Under the general supervision of the Director of Human Nutrition and Home Economics Research, plans, organizes and directs a national research program on family practices in the purchase, home production, use and care of consumer goods and the level of living achieved thereby, the utility and economy of agricultural products for clothing and household purposes to bring about their most effective utilization and contribution to the welfare of the consumer, housing and household equipment to meet family requirements, home management practices to simplify household procedures and improve time and money management in the home, and such other investigations as have for their purpose the development and improvement of the home and family life.

5. *Director, Utilization Research.* Formulates policies, provides leadership, coordinates and directs national programs of research to develop new, wider, and more effective uses for agricultural products.

a. *Northern Utilization Research Branch.* Under the general supervision of the Director, Utilization Research, plans, organizes, coordinates and directs fundamental and applied research to develop new and improved uses for the agricultural products and by-products of the Northern producing area and to extend their existing uses.

b. *Southern Utilization Research Branch.* Under the general supervision of the Director of Utilization Research, plans, organizes, coordinates and directs fundamental and applied research to develop new and improved uses for the agricultural products and by-products of the Southern producing area and to extend their existing uses.

c. *Eastern Utilization Research Branch.* Under the general supervision of the Director of Utilization Research, plans, organizes, coordinates and directs fundamental and applied research to develop new and improved uses for the agricultural products and by-products of the Eastern producing area and to extend their existing uses.

d. *Western Utilization Research Branch.* Under the general supervision of the Director of Utilization Research, plans, organizes, coordinates and directs fundamental and applied research to develop new and improved uses for the agricultural products and by-products of the Western producing area and to extend their existing uses.

e. *Washington Utilization Research Branch.* Under the general supervision of the Director of Utilization Research, plans, organizes, coordinates and directs fundamental and applied research designed to develop new dairy and meat products, to improve the quality of dairy and meat products, and to reduce the cost of their manufacture; conducts fundamental and applied research on the chemistry and immunology of allergenic components in substances of agricultural origin.

C. *Regulatory programs.* The Directors of Crops and Livestock Regulatory Programs are responsible for participating with the Administrator, Deputy Administrators, and other key staff members, in the over-all planning and administration of all programs and activities of ARS. Under the general supervision of the Deputy Administrator for Regulatory Programs, they have the following additional responsibilities relating to ARS programs:

1. *Director, Crops Regulatory Programs.* Formulates policies, provides leadership, coordinates and directs national programs of plant pest control and plant quarantine.

a. *Plant Pest Control Branch.* Under the general supervision of the Director of Crops Regulatory Programs and pursuant to general and special authorization and in cooperation with other Federal, State and other public and private agencies, as appropriate, conducts programs to eradicate, suppress or control insect pests and plant diseases, including new introductions which may have become established in limited areas within the United States. Combats insects or plant diseases which occur in emergency outbreaks and require organized control effort over wide areas. Provides leadership for a Nation-wide insect survey to furnish a basis for forecasting insect outbreaks and advising industry and farmers as to the kind and extent of controls needed. Administers the Insecticide, Fungicide and Rodenticide Act of 1947.

b. *Plant Quarantine Branch.* Under the general supervision of the Director of Crops Regulatory Programs, administers statutory authorities and related regulations and in cooperation with the States, and other Federal agencies as appropriate, conducts a national program of plant quarantine to prevent the spread of injurious plant pests through the enforcement of quarantines affecting the entry into the United States of plants and plant products from foreign countries, the movement of such products between United States possessions and the mainland, the interstate shipment of products restricted by domestic plant quarantines and the inspection and certification of plants and plant products for export to meet plant quarantine import requirements of countries of destination.

2. *Director, Livestock Regulatory Programs.* Formulates policies, provides leadership, coordinates and directs national programs of animal disease eradication, animal quarantine and meat inspection.

a. *Animal Disease Eradication Branch.* Under the general supervision of the Director of Livestock Regulatory Programs, administers statutory authorities and related regulations, and in cooperation with the States and other Federal agencies, as appropriate, conducts Nation-wide programs for the control and eradication of diseases of livestock and poultry. Administers the Virus-Serum Toxin Act and the Hog Cholera Serum and Virus Marketing Agreement Act. As authorized, furnishes technical assistance to and cooperates with foreign governments in livestock disease control and eradication measures.

b. *Animal Quarantine Branch.* Under the general supervision of the Director of Livestock Regulatory Programs, administers statutory authorities and related regulations governing the inspection, humane treatment and safe transport of animals for exportation and laws and regulations designed to prevent the introduction and dissemination of livestock and poultry diseases of foreign origin and the certification for free entry of pure-bred livestock for breeding purposes. Administers the acts and regulations governing the interstate movement of livestock and poultry to prevent the spread of communicable animal diseases, and the enforcement of the 28-hour law.

c. *Meat Inspection Branch.* Under the general supervision of the Director of Livestock Regulatory Programs, administers the Meat Inspection Act, the Horse Meat Act and the Imported Meat Act. Enforces regulations issued pursuant to law relating to the manufacture, sale, and exportation of process or renovated butter. Directs the inspection, certification and identification of canned, wet maintenance dog food and canned or fresh frozen food component for dog food pursuant to the Agricultural Marketing Act of 1946.

D. *Experiment station programs.* The Directors of the State and Territorial Experiment Station Divisions, under the general supervision of the Assistant Administrator, Office of Experiment Stations, are responsible as follows:

1. *State Experiment Stations Division.* a. Administers Federal-grant funds for research at State and Territorial agricultural experiment stations.

b. Gives advice and assistance on and participates in the planning and coordination of cooperative regional agricultural research conducted at State agricultural experiment stations and coordinates research between States and between States and the Department.

c. Maintains liaison between Department and State and Territorial Agricultural Experiment Stations.

d. Disseminates informational materials to facilitate research and research coordination within the area of responsibility.

2. *Territorial Experiment Stations Division.* a. Supervises the Federal experiment stations in Puerto Rico and Alaska and the agricultural research and extension programs in the Virgin Islands.

b. Maintains liaison between Department and other agencies and Federal Territorial Agricultural Experiment Stations.

c. Disseminates informational materials to facilitate research and research coordination within the area of responsibility.

E. *Management programs.* The Directors of the Administrative Services, Budget and Finance, and Personnel Divisions, and the Superintendent of the Agricultural Research Center, under the general supervision of the Assistant Administrator for Management, are responsible as follows:

1. *Administrative Services Division.* a. Plans and administers procurement, property management, records management, real estate, space and equipment management activities to meet requirements of ARS programs.

b. Approves, for administrative feasibility and for compliance with governing rules and regulations, contracts for research work under the Research and Marketing Act, and documents providing for cooperation with other Federal, State and other public and private agencies.

2. *Budget and Finance Division.* a. Plans and administers a budgetary and fiscal program to meet the requirements of ARS activities.

b. Develops and assists in establishing required controls with respect to apportionments, obligations and expenditures of available funds.

3. *Personnel Division.* Plans and administers the classification, employment, employee relations, training, safety, and investigational phases of a personnel program and organization and methods functions to meet requirements of ARS activities.

4. *Agricultural Research Center.* Provides engineering, maintenance, shop, farming, space and related services and facilities required for the utilization and development of the Agricultural Research Center.

* * * * *

This document shall be effective January 2, 1954.

Done at Washington, D. C., this 28th day of December 1953.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54-633; Filed, Jan. 28, 1954; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5818]

PAN AMERICAN WORLD AIRWAYS, INC.; SOUTH ATLANTIC RENEWAL CASE

NOTICE OF HEARING

In the matter of the application of Pan American World Airways, Inc. for the renewal of its South Africa certificate of public convenience and necessity.

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on February 8, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

For further details of the issues involved in this proceeding, interested persons are referred to the application and other documents entered in the proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record and intervenors of record desiring to be heard in this proceeding may file with the Board on or before February 8, 1954, a statement setting forth the issues of fact and of law raised by this proceeding which he desires to controvert, and such person may appear and participate in the hearing in accordance with § 302.14 of the Procedural Regulations under Title X of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., January 25, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-615; Filed, Jan. 28, 1954; 8:47 a. m.]

[Docket No. 6200]

WESTERN AIR LINES, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned to be held on February 9 is postponed to February 11, 1954. The argument will be at 10:00 a. m. e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 25, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-616; Filed, Jan. 28, 1954; 8:48 a. m.]

[Public Notice PN 6]

DELEGATIONS OF AUTHORITY BY THE CIVIL AERONAUTICS BOARD TO THE STAFF

JANUARY 19, 1954.

Recent changes in the internal organization of the staff of the Civil Aeronautics Board and revisions in the delegations of authority by the Board to the staff require that Public Notice PN 4 and amendments 1, 2, 3, and 4 thereto be revoked and that the following statements of delegations of authority be promulgated as Public Notice PN 6.

Sec.
1. Officers and employees.
2. Presiding officers and hearing examiners.
3. Chief Examiner.
4. Director, Bureau of Air Operations.
5. Director, Alaska Office.
6. Chief, Office of Carrier Accounts and Statistics.
7. Director, Bureau of Safety Regulation.
8. Director, Bureau of Safety Investigation.
9. Chief, Office of Compliance.
10. General Counsel.
11. The Secretary.

SECTION 1. *Officers and employees.* All officers and employees of the Board are authorized to request such information from, or make such contact with, the public or agencies of Government as may be necessary to the proper discharge of assigned duties.

SEC. 2. *Presiding officers and hearing examiners.* Presiding officers, hearing examiners, individual members of the Board or any other representative assigned to hold a hearing in a proceeding is authorized to:

.01 Give notice concerning and hold hearings.

.02 Administer oaths and affirmations.

.03 Examine witnesses.

.04 Issue subpenas and take or cause depositions to be taken.

.05 Rule upon offers of proof and receive relevant evidence.

.06 Regulate the course and conduct of the hearing.

.07 Hold conferences, before or during the hearing, for the settlement or simplification of issues.

.08 Rule on motions and dispose of procedural requests or similar matters.

.09 Within his discretion, or upon the direction of the Board, certify any question to the Board for its consideration and disposition.

.10 Issue initial decisions in proceedings for the suspension or revocation of airman or other safety certificates and for the review of the Administrator's refusal to issue an airman certificate.

.11 Render an initial decision orally on the record, or in writing if, before the close of the hearing any party so requests in cases relating to rates, fares or charges, classification rules or regulations or practices affecting such matters or value of service, or mail compensation.

.12 Render a recommended decision orally on the record or in writing in cases where the action of the Board is subject to the approval of the President pursuant to section 801 of the Civil Aeronautics Act of 1938, as amended.

.13 Render an initial decision orally on the record or in writing in cases relating to economic proceedings other than those covered by subsections 2.11 and 2.12 above.

SEC. 3. *Chief Examiner.* The Chief Examiner is authorized to:

.01 Approve or disapprove requests for changes in procedural requirements in economic and safety enforcement cases for good cause shown, providing that an extension of time for filing documents shall not be granted within three days of the date originally set for the filing except in cases involving unusual hardship on the requesting party or parties.

.02 Consolidate, upon recommendation of the Director, Bureau of Air Operations, into one proceeding, cases involving the investigation of a tariff or of complaints concerned with related tariffs.

SEC. 4. *Director, Bureau of Air Operations.* .01 *Delegations with respect to route and carrier relations matters.* The Director, Bureau of Air Operations, is authorized to:

A. Approve applications for a Letter of Registration filed pursuant to Parts 296 and 297 of the Economic Regulations, when such approval does not involve novel or substantial questions of policy.

B. Approve relationships prohibited by §§ 296.11 and 297.13 of the Economic Regulations, when such approval does not involve novel or substantial questions of policy.

C. Dismiss, by letter, applications for such Letters of Registration, provided that each such applicant is given notice that his application will be dismissed if, in appropriate cases he does not, within 30 days, file information necessary to complete the processing of his application, or file a tariff.

D. Cancel a Letter of Registration upon the filing by a Domestic or International Air Freight Forwarder of a written notice with the Board indicating the discontinuance of common carrier activities.

E. Issue revised Letters of Registration and Exemption Orders when revisions thereof are made necessary due to a change in name of the carrier specified in the document, provided that no issue of substance concerning the operating authority of a carrier is involved.

F. Issue the permits provided for in § 190.46 of the Civil Air Regulations if he finds that applications for such permits are in order and meet the requirements of § 190.46. If disapproval of any application for such a permit is deemed appropriate the Director will advise the applicant that he may request the Board to review the matter.

G. Approve Airport Notices which indicate an intention to serve regularly a point through any airport not regularly used by a holder of a certificate of public convenience and necessity; and approve the issuance of an order granting or denying requests for an effective date earlier than thirty days subsequent to filing such Airport Notice, if no new and substantial question of policy is involved and issuance of the order is not found to be adverse to the public interest.

H. Approve Nonstop Notices which indicate an intention to inaugurate a scheduled nonstop service between any two points not consecutively named in the certificate of public convenience and necessity.

I. Dispose, without action, of contracts and agreements which, prior to review thereof, have expired, been terminated or been superseded.

J. Approve or disapprove applications of air carriers for exemptions permitting a carrier to serve a point certificated on one segment of its route in place of a point certificated on another segment of a route whenever no substantial competition to other lines will result or when no new policy is involved.

K. Approve interchange schedules which appear to conform to the service plan contemplated by the Board's orders approving the basic interchange agreements.

.02 *Delegations with respect to rate and tariff matters.* The Director, Bureau of Air Operations, is authorized to:

A. Reject any tariff, supplement, or revised page which is filed by any air carrier other than an Alaskan Air Carrier, or by any foreign air carrier, and which is subject to rejection under section 403 (a) of the Civil Aeronautics Act of 1938, as amended, because it is not consistent with section 403 of the act or with Parts 221 and 222 of the Economic Regulations, as amended.

B. Approve or disapprove any application for permission to make tariff changes upon less than statutory notice, filed pursuant to § 222.3 (k) of the Economic Regulations which (a) has as its only purpose the correction of mechanical, clerical, or administrative errors; or (b) does not involve new or substantial questions of policy.

C. Permit cancellation of a tariff in instances when an investigation of a tariff is pending, or the tariff is under suspension, or where a complaint requesting investigation or suspension of a tariff has been filed.

D. Approve or disapprove methods for indicating cancellation of existing rate or rule in the publication stating the new rate or rule, in a manner other than that specifically required by § 221.8 (c) of the Economic Regulations.

E. Determine the form and manner in which a supplement is to be prepared whenever the operation of any provision of a tariff, supplement, or looseleaf page is suspended by the Board, in accordance with § 222.5 of the Economic Regulations.

F. Authorize the issuance of supplements to looseleaf tariffs in accordance with § 221.10 (g) of the Economic Regulations.

G. Approve or disapprove applications for waiver of the provisions of Parts 221 and 222 of the Economic Regulations in accordance with § 222.3 (g).

H. Approve or disapprove applications filed under section 403 (b) of the act and § 223.8 of the Economic Regulations for permission to furnish free or reduced rate overseas or foreign air transportation, when such applications do not involve new and substantial questions of policy. In the event the disapproval of any such application is deemed appropriate, the Director will advise the applicants that the staff is unable to recommend approval of the free or reduced rate transportation, giving the applicant's an opportunity of requesting Board review of the matter.

I. Effectuate issuance of final orders establishing temporary mail rates whenever he finds that all the procedural steps required prior to final decision have been completed and that no substantive changes have been made in the temporary mail rates to be established as compared with the rates as proposed in the order to show cause.

J. Waive or modify the requirements of paragraph 2 (a) of Order No. E-6390 with respect to any document covered thereby for such period as he deems proper, and revoke any such waiver or modification. The Director shall advise the United States members of International Air Transport Association of such waiver, modification or revocation, and of their right to appeal his action to the Board within 15 days.

SEC. 5. *Director, Alaska Office.* The Director, Alaska Office, is authorized to:

.01 Require any person filing documents with the Alaska Office to file additional copies thereof.

.02 Require any person filing a formal or informal application, complaint, petition or other document that, in his opinion, does not sufficiently set forth the material required to be set forth by the applicable regulation, order or rule of the Board, or is otherwise insufficient, to supply additional information.

.03 Require, if he deems an answer desirable, a reply to formal complaints and petitions.

.04 Conduct prehearing conferences in accordance with § 302.23 of the Procedural Regulations.

.05 Assign such hearings and conferences, and serve all interested persons with procedural notices (other than notice of oral argument before the Board) and Examiners' reports relating thereto; hear oral argument upon exceptions to an Examiner's report: *Provided,* That upon completion of oral argument a transcript thereof shall be sent to the Board; and make service upon persons other than those specified in the pertinent regulation, order, or rule of the Board, if he finds such requirements necessary in the public interest or in the interest of efficiency and expedition in the work of the Board.

.06 Prepare and publish for comment by Alaskan Air Carriers a draft of proposed Economic Regulations affecting air transportation within Alaska or of proposed amendments or modifications of such regulations, provided that such notice shall indicate clearly that the proposals are those of the Director and have not been approved by the Board.

.07 Grant or deny, upon good cause shown, individual requests for extensions of time for filing any document required to be filed with the Alaska Office pursuant to Part 292 of the Economic Regulations, or for waiver of the form or content of such document to conform to the particular operations of the individual requesting such waiver.

.08 Reject, on behalf of the Board, any tariff, supplement, or revised page which is filed by any Alaskan Air Carrier and which is subject to rejection under section 403 (a) of the Civil Aeronautics Act of 1938, as amended, because it is not consistent with section 403 of the act or with Parts 221 and 222 of the Economic Regulations.

.09 Approve or disapprove any application for permission to make tariff changes upon less than statutory notice, filed by an Alaskan Air Carrier pursuant to § 222.3 (k) of the Economic Regulations which (a) has as its only purpose the correction of mechanical, clerical, or administrative errors, or (b) does not involve new or substantial questions of policy.

.10 Approve, in whole or in part, or deny, any application for a Letter of Registration filed pursuant to Part 292 of the Economic Regulations. Pursuant to such approval, such Letter of Registration will be issued by the Director, Alaska Office, on behalf of the Secretary of the Board.

SEC. 6. *Chief, Office of Carrier Accounts and Statistics.* The Chief, Office of Carrier Accounts and Statistics, is authorized to:

.01 Waive, modify or interpret any of the accounting and reporting requirements of Parts 241, 242, 243 and 244 of the Economic Regulations and establish detailed uniform practices in connection with the submission of the reports required therein; provided, that upon ap-

plication by any air carrier affected by such action, the Chief shall submit any waiver, modification, interpretation or established practice to the Board for review.

.02 Authorize air carriers to substitute photographic reproductions for specified categories of records; and approve or disapprove an "application for substitution" filed by an air carrier pursuant to § 249.1 (d) of the Economic Regulations.

.03 Grant or deny, upon good cause shown, individual requests for extension of time for filing reports or for waiver of the form or content of such reports to conform to the particular operation of the individual requesting such waiver.

SEC. 7. *Director, Bureau of Safety Regulation.* The Director, Bureau of Safety Regulation, is authorized to:

.01 Publish notice of proposed changes in the Civil Air Regulations. Such notice shall indicate clearly that the proposed changes are those of the Bureau and have not been approved by the Board.

.02 Approve, with the concurrence of the General Counsel on legal aspects, requests for waiver of the citizenship requirements of the Civil Air Regulations regarding the issuance of airman certificates, in cases where the files of the Federal Bureau of Investigation and the Central Intelligence Agency do not contain any information showing, or tending to show, that the persons submitting such requests owe or might owe allegiance to an unfriendly foreign government and thus may, in some way, take improper advantage of the privileges of the airman certificates requested.

.03 Approve, with the concurrence of the General Counsel on legal aspects, requests for waiver of specific requirements of the Civil Air Regulations as he may deem necessary or desirable where he finds that the granting of the request will be in the interest of the national defense and that it will not create a hazard to air safety. No waiver granted under this authority shall be for a period longer than six months.

.04 Approve, with the concurrence of the General Counsel on legal aspects, applications for waivers of the Civil Air Regulations where he finds that no new policy question is involved. Applications not hereby authorized to be approved by the staff, or which the staff does not approve, will be referred to the Board with a recommendation as to appropriate action.

SEC. 8. *Director, Bureau of Safety Investigation.* The Director, Bureau of Safety Investigation, is authorized to:

.01 Order an inquiry into the facts, conditions, circumstances and probable cause of an accident involving aircraft whenever he deems it necessary in the public interest; and designate, in writing, a presiding officer to conduct the inquiry and appoint additional persons, who, together with the presiding officer and the Investigator-in-Charge of the field investigation, constitute the Board of Inquiry.

.02 Order a special investigation and designate one or more hearing officials to make such investigation with authority to sign and issue subpenas, administer oaths and affirmations, and take or cause depositions to be taken.

.03 Participate fully in the consideration and disposition of individual cases coming before the Airspace Subcommittee and the Regional Airspace Subcommittees of the Air Co-ordinating Committee where no new or significant Board policy issue is involved.

SEC. 9. *Chief, Office of Compliance.* The Chief, Office of Compliance, is authorized to institute and prosecute in the proper court, as agent of the Board, all necessary proceedings for the enforcement of subpenas and for the enforcement of the provisions of the act or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, and for the punishment of all violations thereof.

SEC. 10. *General Counsel.* The General Counsel is authorized to:

.01 Issue revised certificates of public convenience and necessity and foreign air permits when revisions thereof are made necessary due to a change in name of the carrier or of points specified in the certificate or permit, provided that no issue of substance concerning the operating authority of a carrier is involved.

.02 Approve, disapprove, or request further information concerning, in accordance with the provisions of Part 311 of the Board's Procedural Regulations, requests for testimony of Board employees, with respect to their participation in the investigation of aircraft accidents.

SEC. 11. *The Secretary.* The Secretary is authorized to certify, as true and correct copies, transcripts of records required by section 1006 (c) of the Civil Aeronautics Act to be filed with the Appellate Court.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-636; Filed, Jan. 28, 1954; 8:52 a. m.]

SEC. 2. *Authority.* This order is issued pursuant to Departmental Order No. 2740 (18 F. R. 7663).

H. F. MCPHAIL,
Acting Commissioner.

[F. R. Doc. 54-599; Filed, Jan. 28, 1954; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Commissioner's Order No. 28]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY REGARDING EXCHANGE OF FARM UNITS

JANUARY 22, 1954.

SECTION 1. *Delegation.* Regional Directors, in accordance with the Act of August 13, 1953 (67 Stat. 566), and the regulations prescribed in 43 CFR Part 406 (18 F. R. 7656), may approve the exchange of unpatented farm units on Federal irrigation projects or farm units of resident owners of private land who may receive the benefits of the above act, and Regional Directors and officials in charge of projects may perform all other acts necessary to effect the exchange of such units.

FEDERAL COMMUNICATIONS COMMISSION

RADIO PAGING AND JOHN R. SUTHERLAND

ORDER AMENDING ORDER CONTINUING HEARING

In re applications of Radio Paging, St. Louis, Missouri, Docket No. 10771, File No. 580-C2-P-53; John R. Sutherland, St. Louis, Missouri, Docket No. 10772, File No. 868-C2-P-53; for construction permits for one-way signaling base stations in the Domestic Public Land Mobile Radio Service.

Ordered, This 21st day of January 1954, that the order issued January 11, 1954, be and it hereby is amended by inserting the prefix "pre" after the words "that the" and the word "conference" after the word "hearing" appearing in the first line of the ordering clause thereof so that the same shall read:

Ordered, This 11th day of January 1954, that the pre-hearing conference herein scheduled for January 12, 1954, be, and it hereby is continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-628; Filed, Jan. 28, 1954; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6539]

OTTER TAIL POWER CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

JANUARY 25, 1954.

Notice is hereby given that on January 22, 1954, the Federal Power Commission issued its order adopted January 22, 1954, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-600; Filed, Jan. 28, 1954; 8:45 a. m.]

[Docket No. G-2360]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

JANUARY 25, 1954.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business in Birmingham, Alabama, filed on January 13, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of metering and regulating facilities and approximately 9 miles of 4½-inch transmission pipeline extending generally eastward from the present terminus of Applicant's main 16-inch South Line near Aiken, South Carolina, subject to the jurisdiction of the Commission to three kaolin plants in Aiken County, South Carolina, for the sale and delivery of natural gas on an interruptible basis to plants of the National Kaolin Products Company, the Southeastern Clay Company and the United Clay Mines Corporation.

The application recites that the following maximum day volumes will be delivered 558.4 Mcf to National Kaolin Products Company; 437 Mcf to Southeastern Clay Company and 161.8 Mcf to United Clay Mines Corporation; and will be utilized in the direct application of heat in the drying of kaolin. The addition of 1157.2 Mcf per day, the total non-coincidental requirements of the proposed customers, will increase the total non-coincidental requirements east of Bass Junction to 134,522.2 Mcf daily.

The estimated cost of the proposed construction is $171,450, and will be defrayed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-601; Filed, Jan. 28, 1954; 8:45 a. m.]

[Project No. 2147]

MONTANA POWER CO. ET AL.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JANUARY 25, 1954.

In the matter of The Montana Power Company, The Washington Water Power Company, Pacific Power & Light Company, Portland General Electric Company, Mountain States Power Company, Project No. 2147.

Public notice is hereby given that The Montana Power Company, Butte, Montana; The Washington Water Power Company, Spokane, Washington; Pacific Power & Light Company, Portland, Oregon; Portland General Electric Company, Portland, Oregon; and Mountain States Power Company, Albany, Oregon, have filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed Project No. 2147 to be located on the North Fork Clearwater River and Middlefork Clearwater River in Clearwater and Idaho Counties, Idaho, and affecting lands of the United States within the St. Joe, Clearwater and Nezperce National Forests. The proposed project would consist of two developments described as follows: (1) Bruces Eddy development encompassing a rock-fill dam in North Fork Clearwater River at river mile 2, a reservoir about 49 miles long with about 2,460,000 acre-feet of storage of which 1,430,000 acre-feet would be usuable storage, a powerhouse with provisions for an installed generating capacity of 244,000 kilowatts, and appurtenant facilities; and (2) Penny Cliffs development consisting of a rock-fill dam in Middle Fork Clearwater River at river mile 79, a reservoir extending about 48 miles up the Middle Fork Clearwater and Selway Rivers and 20 miles up the Lochsa River and containing 3,430,000 acre-feet of storage of which 2,300,000 acre-feet would be usable storage, a powerhouse to have an installed generating capacity of 292,000 kilowatts, and appurtenant facilities. The power generated would be used for public utility purposes.

The application is on file with the Commission for public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before March 9, 1954.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-602; Filed, Jan. 28, 1954; 8:45 a. m.]

[Project No. 2148]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JANUARY 25, 1954.

Public notice is hereby given that Puget Sound Power & Light Company, of Seattle, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed Project No. 2148 to be located on the Columbia River in Chelan, Douglas, and Okanogan Counties, Washington, and effecting public lands of the United States. The proposed project would consist of a concrete dam at the Wells site; a non-overflow spillway; a powerhouse intake section; a pool extending upstream about 29 miles to the tailrace of Chief Joseph Dam, now under construction by the United States; a powerhouse; and appurtenant facilities. Applicant's proposal is essentially the plan of the U. S. Army, Corps of Engineers, for development of the Wells damsite. The project would have an initial installation of eight generators of 49,000 kilowatts each with provisions for an ultimate installation of twelve units totaling 588,000 kilowatts capacity. The power generated would be distributed through the Applicant's electric system to its customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before March 9, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-603; Filed, Jan. 28, 1954; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ASSISTANT REGIONAL REPRESENTATIVE, REGION II, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO PERFORM FUNCTIONS IN CONNECTION WITH DEFENSE HOUSING AUTHORIZED UNDER HHFA REGULATION CR 2

The Assistant Regional Representative, Region II, is hereby authorized, within the area under his jurisdiction, to take any action which it is necessary or appropriate for the Housing and Home Finance Administrator to take in the administration of Housing and Home Finance Agency Regulation CR 2, as amended February 27, 1952 (17 F. R. 1721), with any subsequent amendments thereto with respect to releasing applicants or their successors from their obligations under CR 2:

(a) To hold for rent structures containing one-family or two-family dwelling units, and

(b) To exclusively offer dwelling units to eligible defense workers.

(Delegation of authority, effective Dec. 29, 1953, 18 F. R. 8813)

Effective as of the 11th day of January 1954.

[SEAL] J. H. DUPUY,
Regional Representative, Region II.

[F. R. Doc. 54-618; Filed, Jan. 28, 1954; 8:48 a. m.]

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section I *Description of Agency and principal programs* is amended as follows:

1. Paragraph D 1 is amended to add the following sentence: "Under section 502 (b) of Public Law 901, 80th Congress, the Commissioner is authorized to delegate any of his functions and powers to such officers, agents, or employees of the PHA as he may designate."

2. Paragraph D 7 is amended to read as follows:

7. The General Counsel is the PHA's principal attorney. He heads the Legal Division and, with the assistance of a Deputy General Counsel, supervises the activities of an Opinions and Legislation Branch, a Programs Branch, and an Office of Finance Counsel.

Date approved: January 25, 1954.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 54-604; Filed, Jan. 28, 1954; 8:46 a. m.]

CENTRAL OFFICE

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II *Central Office organization and final delegation of authority to Central Office officials* is amended as follows:

Paragraph b 1 (a), including subparagraphs (1) through (8), delegating authority to the Assistant Commissioner for Management in connection with the Greentowns Program, is hereby revoked.

In paragraph j 3, the semicolon at the end of the first clause is changed to a period, and the second clause (delegating to the Deputy Assistant Commissioner for Management and the Assistant Commissioner for War Emergency Housing authority to exercise the powers delegated to the Assistant Commissioner for Management in paragraph b 1 (a)) is hereby revoked.

Paragraph g *Designation of Acting Commissioner* is hereby revoked.

Paragraph l *Central Office address* is hereby revoked.

Date approved: January 25, 1954.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 54-605; Filed, Jan. 28, 1954; 8:46 a. m.]

CENTRAL OFFICE; FIELD ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II *Central Office organization and final delegations of authority to Central Office Officials* is amended as follows:

Subparagraph j 9, delegating authority to the Assistant Commissioner for Development and the Deputy Assistant Commissioner for Development in accordance with Revised CMP Regulation No. 6, is hereby revoked.

Section III *Field organization and final delegations of authority* is amended as follows:

Subparagraph e 1 (h), delegating authority to general housing managers, housing managers, and their assistants and management aides to assign defense order ratings, is hereby revoked.

Date approved: January 25, 1954.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 54-606; Filed, Jan. 28, 1954; 8:46 a. m.]

SPECIAL DELEGATIONS OF AUTHORITY

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section IV *Special delegations of authority*, is amended as follows:

1. Paragraph j is added as follows:

j. The powers of the Commissioner under the provisions of Public Resolution No. 11, 74th Congress, section 43 of the Bankhead-Jones Farm Tenant Act (50 Stat. 530), section 2 (a) (3) of Public Law 731, 79th Congress, and section 4 of the Reorganization Plan No. 3 of 1947 (12 F. R. 4981), with respect to the Greentowns Program, are hereby delegated to the Director of the Washington Field Office and the Assistant Director for Management and Disposition, Washington Field Office.

2. Paragraphs (c), (d), and (e), delegating authority to certain PHA officials in connection with projects SR-WI-1, SR-MD-6, and MD-18111, are hereby revoked.

Date approved: January 25, 1954.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 54-607; Filed, Jan. 28, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28839, Correction]

LIQUID CAUSTIC SODA FROM HUNTSVILLE AND REDSTONE ARSENAL, ALA., TO TUSCOLA, ILL.

APPLICATION FOR RELIEF; CORRECTED NOTICE

JANUARY 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to schedule listed below.

Commodities involved: Liquid caustic soda, tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Tuscola, Ill.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: Agent C. A. Spaninger's tariff I. C. C. No. 1351, supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-631; Filed, Jan. 28, 1954; 8:51 a. m.]

[4th Sec. Application 28851]

SUPERPHOSPHATE FROM BARTOW, FLA., AND OTHER SOUTHERN POINTS TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

JANUARY 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers defendants in docket 30946 et al., and other carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated or defluorinated, carloads.

Territory: (a) from Bartow (Armour), Fla., to points in western trunk-line territory and (b) from Bartow (Armour), Agricola and East Tampa, Fla., Valdosta, Ga., and Sheffield, Ala., to Grand Forks, N. Dak.

Grounds for relief: Rail competition, circuity, market competition, to maintain grouping, operation through higher-rated territory, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1286, supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-608; Filed, Jan. 28, 1954; 8:46 a. m.]

[4th Sec. Application 28852]

WHOLE CORN FROM KANSAS AND NEBRASKA TO SOUTHERN MISSOURI

APPLICATION FOR RELIEF

JANUARY 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Whole corn, carloads.

From: Points in Kansas and Nebraska.

To: Points in Missouri.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and reinstatement of rates.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3938, supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-609; Filed, Jan. 28, 1954; 8:47 a. m.]

[4th Sec. Application 28853]

SUGAR FROM PENSACOLA, FLA., TO MEMPHIS, TENN., GROUP

APPLICATION FOR RELIEF

JANUARY 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sugar, carloads.

From: Pensacola, Fla.

To: Memphis, Tenn., and points grouped therewith.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 380, supp. 197.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-610; Filed, Jan. 28, 1954; 8:47 a. m.]

[4th Sec. Application 28854]

SUGAR FROM POINTS IN VIRGINIA TO NORTH CAROLINA, TENNESSEE AND VIRGINIA

APPLICATION FOR RELIEF

JANUARY 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sugar, carloads.

From: Richmond, Newport News, Norfolk, Pinners Point, and Portsmouth, Va.

To: Specified points in Tennessee, Virginia, and North Carolina.

Grounds for relief: Rail competition, circuity, market competition and to maintain grouping.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 380, supp. 196.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-611; Filed, Jan. 28, 1954; 8:47 a. m.]

[4th Sec. Application 28855]

PHOSPHATE ROCK FROM FLORIDA TO DECATUR, ALA., AND DOUGLAS, GA.

APPLICATION FOR RELIEF

JANUARY 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate Rock, carloads.

From: Points in Florida.

To: Decatur, Ala., and Douglas, Ga.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company, I. C. C. No. B-3232, supp. 97; Seaboard Air Lines Railroad Company, I. C. C. No. A-8153, supp. 89.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-612; Filed, Jan. 28, 1954; 8:47 a. m.]

[4th Sec. Application 28856]

COTTON FROM MIDWEST AND SOUTHWEST TO ARKANSAS AND MISSOURI

APPLICATION FOR RELIEF

JANUARY 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Cotton, carloads.

From: Points in Kansas, New Mexico, Oklahoma, and Texas.

To: Points in Missouri and Arkansas.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4014, supp. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-613; Filed, Jan. 28, 1954; 8:47 a. m.]

[4th Sec. Application 28857]

COTTONSEED-OIL CAKE OR MEAL FROM SOUTHWEST TO COLORADO AND CHEYENNE, WYO.

APPLICATION FOR RELIEF

JANUARY 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Cottonseed-oil cake or meal and related articles, carloads.

From: Points in Arkansas, New Mexico, Oklahoma, and Texas.

To: Points in Colorado north of Denver, also Cheyenne, Wyo.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3972, supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-614; Filed, Jan. 28, 1954; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-77, 30-212, 31-531]

KOPPERS CO., INC.

ORDER MODIFYING ORDER, DECLARING THAT APPLICANT HAS CEASED TO BE A HOLDING COMPANY, AND DISMISSING APPLICATION

JANUARY 22, 1954.

Koppers Company, Inc. ("Koppers"), a registered holding company, has filed an application pursuant to sections 5 (d) and 11 (b) of the Public Utility Holding Company Act of 1935 ("act") requesting that the Commission issue an order (a) modifying its order dated June 26, 1945, issued under section 11 (b) (1) of the act, and (b) declaring that Koppers has ceased to be a holding company.

On November 27, 1944, Koppers filed a Notification of Registration under section 5 (a) of the act with respect to sections 4, 5 (other than 5 (b)), and 11 (b) (1) and to the extent necessary to implement compliance with section 11 (b) (1), and only to that extent, section 11 (c), (d) and (e). On May 14, 1945, this Commission instituted proceedings with respect to Koppers under section 11 (b) (1) of the act. (See Holding Company Act Release No. 5793). At that time Koppers was a public-utility holding company by reason of its holdings of approximately 78 percent of the then outstanding Common Stock and approximately 13 percent of the then outstanding 6 percent Preferred Stock of its then subsidiary public-utility holding company, Eastern Gas and Fuel Associates ("Eastern"). The Commission's order, dated May 14, 1945, alleged, among other things, that it appeared to the Commission that the holding company system of Koppers was not confined in its operations to a single integrated public-utility system, within the meaning of the act, or to a single integrated public-utility system together with such additional integrated public-utility systems as would meet the requirements of section 11 (b) (1), and to such other businesses as were reasonably incidental or economically necessary or appropriate to the operations of an integrated public-utility system or systems. Koppers admitted these allegations and consented to the entry by the Commission of its order, dated June 26, 1945, requiring the divestment by Koppers of its Eastern security holdings. (See Holding Company Act Release No. 5888.)

Subsequently, Eastern was recapitalized pursuant to a plan filed under section 11 (e) of the act, which plan was approved by the Commission on February 3, 1950. (See Holding Company Act Release No. 9633.) Pursuant to the plan Koppers' holdings of Eastern's securities were exchanged for 563,347 shares (21 percent) of Eastern's new Common Stock. From time to time thereafter, Koppers disposed of 550,347 of these shares, leaving a balance of 13,000 shares constituting approximately ½ of 1 percent of Eastern's outstanding Common Stock.

Koppers now requests the entry of an order (File No. 59-77) revoking or modifying the aforesaid order dated June 26, 1945, and alleges that the conditions upon which such order was predicated do not exist and (File No. 30-212) declaring that Koppers has ceased to be a holding company.

Koppers has requested that the Commission's order herein become effective upon issuance.

Due notice of the filing of said application having been given and no hearing having been ordered by or requested of the Commission and the Commission having examined the said application and its official files in connection therewith and finding that the conditions upon which said order of June 26, 1945, was predicated do not exist and that Koppers has ceased to be a holding company; and

It appearing to the Commission that there is pending an application filed by Koppers pursuant to section 3 (a) of the act (File No. 31-531), requesting an exemption from certain provisions of the act, and that in view of the order to be entered herein declaring that Koppers has ceased to be a holding company such application is moot and that it is appropriate that such application be dismissed:

It is ordered, Pursuant to section 11 (b) of the act, that the Commission's order dated June 26, 1945, under section 11 (b) (1) of the act be, and the same hereby is, modified so that Koppers may continue to hold 13,000 shares of the present Common Stock of Eastern.

It is further ordered and declared, Pursuant to section 5 (d) of the act, that Koppers has ceased to be a holding company and that its registration under the act is no longer in effect.

It is further ordered, That the application filed by Koppers pursuant to section 3 (a) of the act be, and the same hereby is, dismissed.

It is further ordered, That this order shall become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-571; Filed, Jan. 27, 1954; 8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 33]

GROUND CHICORY

INVESTIGATION AND PUBLIC HEARING

Investigation instituted. Upon application of E. B. Muller & Company, Port Huron, Michigan, and others, received January 19, 1954, the United States Tariff Commission, on the 25th day of January 1954, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether chicory, ground or otherwise prepared, provided for in paragraph 776 of the Tariff Act of 1930, is, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Hearing ordered. A public hearing in this investigation was ordered by the Tariff Commission to begin at 10 a. m. on April 27, 1954, in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., at which hearing all interested parties will be given opportunity to be present, to produce evidence, and to be heard.

Requests to appear at hearing. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, in advance of the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted and the above hearing was ordered by the Tariff Commission on the 25th day of January 1954.

Issued: January 26, 1954.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 54-626; Filed, Jan. 28, 1954; 8:50 a. m.]

[Investigation 32]

SPRING CLOTHESPINS

INVESTIGATION AND PUBLIC HEARING

Investigation instituted. Upon application of the Clothespin Manufacturers of America, Washington, D. C., received January 7, 1954, the United States Tariff Commission, on the 25th day of January 1954, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether spring clothespins, provided for in paragraph 412 of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Hearing ordered. A public hearing in this investigation was ordered by the Tariff Commission to begin at 10 a. m. on April 20, 1954, in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., at which hearing all interested parties will be given opportunity to be present, to produce evidence, and to be heard.

Requests to appear at hearing. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, in advance of the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted and the above hearing was ordered by the Tariff Commission on the 25th day of January 1954.

Issued: January 26, 1954.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 54-627; Filed, Jan. 28, 1954; 8:50 a. m.]

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 16]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.316 *Navel Orange Regulation 16*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on January 28, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., January 31, 1954, and ending at 12:01 a. m., P. s. t., February 7, 1954, is hereby fixed as follows:

(i) District 1: 277,200 boxes;

(ii) District 2: 184,800 boxes;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 29th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

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FEDERAL REGISTER

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PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Jan. 31 to 12:01 a. m., P. s. t., Feb. 7, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

Handler	Prorate base (percent)
Total	100.0000
A. N. F. Lindsay	1.5318
A. N. F. Porterville	1.5489
Ivanhoe Cooperative Association	.6963
Anderson Packing Co	1.0367
Euclid Avenue Orange Association	.7010
Lindsay Mutual Groves	.8851
Martin Ranch	1.4485
Orange Cove Orange Growers	2.7674
Woodlake Packing House	2.0152
Doffemyer & Son, W. Todd	.5139
Earlibest Orange Association	1.7748
Elderwood Citrus Association	.9128
Exeter Citrus Association	4.0885
Exeter Orange Growers Association	1.5088
Exeter Orchards Association	1.4844
Hillside Packing Association	1.9161
Ivanhoe Mutual Orange Association	1.3583
Klink Citrus Association	4.1099
Lemon Cove Association	.9742
Lindsay Citrus Growers Association	1.8119
Lindsay Cooperative Citrus Association	1.6171
Lindsay Fruit Association	2.3598
Lindsay Orange Growers Association	.8795
Naranjo Packing House Co	1.4719
Orange Cove Citrus Association	4.1418
Orange Packing Co	.9693
Orosi Foothill Citrus Association	1.6281
Paloma Citrus Fruit Association	.8048
Rocky Hill Citrus Association	1.7252
Sanger Citrus Association	3.5130
Sequoia Citrus Association	.8796
Stark Packing Co	2.7240
Visalia Citrus Association	2.3903
Waddell & Son	2.5785
Baird-Neece Corp	1.9664
Beattie Association, D. A	.7123
Grand View Heights Citrus Association	3.2050
Magnolia Citrus Association	2.8410
Porterville Citrus Association	1.6943
Randolph Marketing Co	.8713
Richgrove-Jasmine Citrus Association	1.4416
Strathmore Cooperative Citrus Association	1.0286
Strathmore District Orange Association	1.7286
Strathmore Packing House	2.2157
Sunflower Citrus Growers	2.8713
Sunland Packing House Co	2.8738
Terra Bella Citrus Association	1.3279
Tule River Citrus Association	1.1423
Adams, Thomas	.0070
Baker Ranch Packing House	.1703
Batkins Jr., Fred A	.0216
California Citrus Groves, Inc., Ltd.	2.9766
Darby, Fred J	.0245
Dubendorf, John	.1538
Evans Bros. Packing Co	.4337
Far West Produce Distributors	.0635
Feltes, A. E	.0204
Foothill Packing Co	.0379
Haas & Ferry	.1979
Harding & Leggett	1.8892
Independent Growers, Inc	.9119
Lo Bue Bros	.5507
Maas, W. A	.1316
Marks, W. & M	.4710
Morin, Carl W	.0212
Orange Belt Fruit Distributors	.6335
Paramount Citrus Association	1.8472
Reimers, Don H	.5523
Riverside Fruit Co	.2270
Sequoia Cider Mill	.0174
Stephens & Cain	.3096
Zaninovich Bros., Inc	1.6829

PRORATE DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.0000
A. N. F. Corona	.5196
A. N. F. Fullerton	.0205
A. N. F. Orange	.0177
A. N. F. Riverside	1.4388
A. N. F. Santa Paula	.1269
Eadington Fruit Co	.8006
Signal Fruit Association	1.1943
Bryn Mawr Mutual Orange Association	.4713
Chula Vista Mutual Lemon Association	.1059
Daniels Inc., Ward	.3322
Euclid Avenue Orange Association	2.6879
Foothill Citrus Union, Inc	.2691
Garden Grove Citrus Association	.0000
Index Mutual Association	.0106
La Verne Cooperative Citrus Association	3.0085
Olive Hillside Groves, Inc	.0081
Orange Cooperative Citrus Association	.0210
Redlands Foothill Groves	2.6436

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Redlands Mutual Orange Association	1.3053
Azusa Citrus Association	.8315
Covina Citrus Association	1.9016
Glendora Citrus Association	1.6308
Valencia Heights-Orchard Association	.3605
Gold Buckle Association	4.3846
La Verne Orange Association	4.6312
Anaheim Valencia Orange Association	.0120
Fullerton Mutual Orange Association	.2839
La Habra Citrus Association	.0857
Yorba Linda Citrus Association	.0803
El Cajon Valley Citrus Association	.1561
Escondido Orange Association	.6207
Citrus Fruit Growers	.6322
Cucamonga Mesa Growers	.9154
Etiwanda Citrus Fruit Association	.1337
Upland Citrus Association	3.2945
Consolidated Orange Growers	.0210
Garden Grove Citrus Association	.0202
Goldenwest Citrus Association	.1743
Olive Heights Citrus Association	.0596
Santiago Orange Growers Association	.1072
Villa Park Orchards Association	.0376
Bradford Bros., Inc	.2012
Placentia Mutual Orange Association	.1548
Placentia Orange Growers Association	.2367
Yorba Orange Growers Association	.0484
Corona Citrus Association	1.0981
Jameson Co	.5601
Orange Heights Orange Association	4.0343
Crafton Orange Growers Association	1.8066
East Highlands Citrus Association	.5218
Redlands Heights Groves	.8569
Redlands Orangedale Association	1.1069
Rialto-Fontana Citrus Association	.1991
Bryn Mawr Fruit Growers Association	1.2313
Mission Citrus Association	.8541
Redlands Cooperative Fruit Association	2.1788
Redlands Orange Growers Association	1.5138
Redlands Select Groves	.4977
Rialto Orange Co	.4558
Southern Citrus Growers	1.1737
United Citrus Growers	.9762
Arlington Heights Citrus Co	1.6242
Blue Banner, Inc	2.6598
Brown Estate, L. V. W	2.2590
Gavilan Citrus Association	2.1389
McDermont Fruit Co	1.6845
Monte Vista Citrus Association	1.7396
National Orange Co	1.6863
Riverside-Highgrove Citrus Association	1.8393
Victoria Avenue Citrus Association	3.1740
Claremont Citrus Association	.6416
College Heights Orange & Lemon Association	2.1506
Indian Hill Citrus Association	1.0294
Pomona Fruit Growers Exchange	1.2047
Walnut Fruit Growers	.6250
West Ontario Citrus Association	.8335
Escondido Cooperative Citrus Association	.1058
Camarillo Citrus Association	.0041
Fillmore Citrus Association	1.0688
Mupu Citrus Association	.0043
Ojai Orange Association	1.0251
Piru Citrus Association	1.2911
Rancho Sespe	.0014
San Fernando Fruit Growers Association	.4499
Santa Paula Orange Association	0.0457
Ventura County Citrus Association	.0410
East Whittier Citrus Association	.0041
North Whittier Heights	.1311
Placentia Cooperative Orange Association	.2204
Sierra Madre-Lamanda Citrus Association	.0724
A. J. Packing Co	.1561
Babijuice Corp. of California	.0438
Cherokee Citrus Co., Inc	1.0675
Dunning, Vera Hueck	.1794
Evans Brothers Packing Co	1.1377
Far West Produce Distributors	.0356
Gold Banner Association	2.4222
Gold Seal Producers, Inc	.0745
Granada Packing House	.1370
Holland, M. J	.0216
Orange Belt Fruit Distributors	.7132
Panno Fruit Co., Carlo	.0538
Paramount Citrus Association	.1017
Placentia Orchards Association	.0000
Riverside Fruit Co	.3696
San Antonio Orchards Co	1.1685
Smallwood, Luella L	.0086
Spire, Frank S	.0096
Stephens & Cain	.2512
Wall, E. T., Grower-Shipper	2.1086
Western Fruit Growers, Inc	5.0781

[F. R. Doc. 54-688; Filed, Jan. 29, 1954; 11:24 a. m.]

[Grapefruit Reg. 193]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.662 *Grapefruit Regulation 193*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 1, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 1, 1954, the recommendation and supporting information for continued regulation subsequent to January 31, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 1, 1954, and ending at 12:01 a. m., e. s. t., February 15, 1954, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iii) Any white seeded grapefruit, grown in the State of Florida, that grade U. S. No. 2 or U. S. No. 2 Bright, which are of a size smaller than a size that will pack 54 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any white seeded grapefruit, grown in the State of Florida, that grade U. S. No. 1 Russet, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1, U. S. No. 1 Bright or U. S. Fancy, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 2, U. S. No. 2 Bright, or U. S. No. 2 Russet which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(viii) Any white seedless grapefruit, grown in the State of Florida, that grade

U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1 Bright or U. S. Fancy which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. [illegible])

Done at Washington, D. C., this 27th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-657; Filed, Jan. 29, 1954; 8:49 a. m.]

[Orange Reg. 249]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.663 *Orange Regulation 249*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 1, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 1, 1954; the recommendation and supporting information for continued regulation subsequent to January 31, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 1, 1954, and ending at 12:01 a. m., e. s. t., February 22, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box; or

(iii) Any Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," "Temple oranges," "Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type" and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 27th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-655; Filed, Jan. 29, 1954; 8:48 a. m.]

[Tangerine Reg. 146]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.664 *Tangerine Regulation 146*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 1, 1954. Shipments of tangerines grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 1, 1954; the recommendation and supporting information for continued regulation subsequent to January 31, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 1, 1954, and ending at 12:01 a. m., e. s. t., July 31, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2," and "standard pack," shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 27th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-656; Filed, Jan. 29, 1954; 8:49 a. m.]

[Lemon Reg. 522]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.629 *Lemon Regulation 522*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 1, 1954. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on January 27, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 31, 1954, and ending at 12:01 a. m., P. s. t., February 7, 1954, is hereby fixed as follows:

(i) District 1: 35 carloads;

(ii) District 2: 190 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 521 (19 F. R. 412) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 28th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-683; Filed, Jan. 29, 1954; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6094]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MERCANTILE STORES CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1255 *Manufacture or preparation;* § 3.1290 *Qualities or properties.* Subpart—*Using misleading name*—Goods: § 3.2310 *Manufacture or preparation;* § 3.2325 *Qualities or properties.* In connection with the offering for sale, sale, and distribution in commerce of shoes now designated as "Health-Flex", or any other shoe of substantially the same constitution, (1) using the name "Health-Flex" or any name in which the word "Health" appears as a trade or brand name therefor; and (2) representing, directly or by implication, that the said shoes are constructed in such a manner that their use will prevent or correct abnormalities, deformities, or ailments of the feet or will keep the feet healthy; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Mercantile Stores Company, Inc., et al., Wilmington, Del., Docket 6094, December 21, 1953]

In the Matter of Mercantile Stores Company, Inc., a Corporation, and Mercantile Stores Company, Inc. (N. Y.), a Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on April 24, 1953, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. The respondents filed a joint answer admitting all of the material allegations of the complaint and waiving all intervening procedure and further hearing as to the said facts, but reserving the right to withdraw said answer if the Commission failed to grant respondents' request for an extension of the effective date of any order to cease and desist which might be entered to a date specified by respondents. On July 24, 1953, the hearing examiner filed his initial decision.

The Commission, having reason to believe that said initial decision did not constitute an adequate and appropriate disposition of this matter, subsequently placed this case on its own docket for review. On October 5, 1953, the respondents filed their consent to the withdrawal of the portion of their admission answer relating to the effective date of the order to cease and desist which might be entered, and the Commission, on November 9, 1953, issued, and thereafter served upon the parties, its order setting time within which objections to a tentative decision of the Commission attached to said order, and reply thereto, might be filed. No objections having been filed

within the time permitted, the proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondents, Mercantile Stores Company, Inc., a corporation, and Mercantile Stores Company, Inc. (N. Y.), a corporation, their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of shoes now designated as "Health-Flex," or any other shoe of substantially the same constitution, do cease and desist from:

1. Using the name "Health-Flex" or any name in which the word "Health" appears as a trade or brand name therefor.

2. Representing, directly or by implication, that the said shoes are constructed in such a manner that their use will prevent or correct abnormalities, deformities, or ailments of the feet or will keep the feet healthy.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 21, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, JR., *Secretary.*

[F. R. Doc. 54-864; Filed, Jan. 29, 1954; 8:48 a. m.]

[1] Filed as part of original document.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

MISCELLANEOUS AMENDMENTS

In Part 35, Provisions Applicable to the Several Classes of Mail Matter, make the following changes:

a. In § 35.14 *Inflammable substances* add new paragraph (h) to read as follows:

(h) *Safety matches, deodorizing (strike-only-on-the-box variety).* (1) Deodorizing matches with ignition temperature of not less than 338° F. dipped in incense composition extending not over five-eighths of an inch along the stem which will burn with progressive low sparkling ignition are acceptable in good quality paperboard boxes (not less than 18 point) with quantity restriction of not to exceed 40 regular size match sticks in one box and not to exceed 12 boxes in one aluminum-foil or asbestos-lined shipping carton of approved manufacture, provided that when more than 3 boxes are contained in a shipping carton the boxes in units of not more than 3 shall be in sleeves of good quality paperboard.

(2) Shipping cartons shall comply with paragraph (f) (2) (i) and (ii) as to construction, wall strength and taped flaps.

(R. S. 161, 396, sec. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250)

b. In § 35.16 *Motion-picture films* redesignate paragraphs (l) and (m) as paragraphs (m) and (n), respectively, and insert new paragraph (l) to read as follows:

(l) *Sacking of parcels bearing yellow-caution labels.* Parcels bearing yellow caution labels shall be sacked when the weight of an individual parcel does not exceed 35 pounds and there are two or more parcels available for dispatch in the sack. Parcels which would not be damaged by the metal cans of film or which would not cause damage to other parcels in the sack may be sacked with motion-picture film or with other parcels bearing yellow caution labels.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 62 Stat. 781, as amended; 5 U. S. C. 22, 369; 18 U. S. C. 1716)

c. In § 35.19 *Perishable articles* delete present paragraph (e), and redesignate paragraph (f) as paragraph (e).

(R. S. 161, 396, sec. 24, 20 Stat. 361; secs. 304, 309, 42 Stat. 24, 25; 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 8 U. S. C. 1716; 39 U. S. C. 250)

d. In § 35.29 *Containers, packing, closures, labeling and endorsements; general requirements* amend paragraph (d) to read as follows:

(d) *Matter for dispatch outside of mail bags; (air parcel post not included in these instructions)*—(1) *Acceptance and endorsement.* Parcels properly prepared for mailing which require handling outside of mail bags are those which by reason of their size, weight, nature, or condition, cannot be safely handled inside of mail sacks without damaging them or other mail matter. Such parcels shall be plainly marked by individual mailers or labeled by firm mailers, when necessary, as to contents. Such parcels from individual mailers shall be stamped "Outside Mail" by the accepting employee as provided in § 35.11a. Firm mailers shall provide labels in accordance with subparagraphs (3) and (4) of this paragraph. The dispatch of parcels outside of mail bags due to inadequate packing is not permissible.

(2) *Dispatch.* Parcels which should be dispatched and transported outside of mail bags are listed in the following paragraphs. The "Outside Mail" label or endorsement is not required unless its use is indicated by footnote reference.

(i) *Size.* (a) *Parcels which would* completely fill a sack or are too large to go in a sack.

(b) Parcels exceeding 34 inches in length, except in the case of nonfragile lightweight bar-shaped articles such as mailing tubes, levels, umbrellas, curtain rollers, venetian blinds and small trees, when length shall exceed 38 inches.

(c) Parcels containing pipes or bars or similar articles of heavy metal over 25 inches in length. (When weight is over 8 pounds see subdivision (ii) (d) of this subparagraph.)[1]

(d) Fluorescent tubes, narrow glass shelves, candles, and similar shaped fragile articles over 25 inches in length.[1]

(e) Window or picture glass, or mirrors, or similar articles with wide expanse of glass measuring over 12 x 16 inches (192 square inches).[1]

(f) Fragile phonograph records with 16 inch diameter or larger, and flexible phonograph records with 21 inch diameter or larger.[1]

(ii) *Weight.* (a) Parcels weighing over 35 pounds.[1]

(b) Small, heavy parcels, weighing over 15 pounds containing roller bearings, nuts, bolts, wrenches, pipes, machinery parts, castings, or other articles of similar weight per cubic foot.[1]

(c) Small, heavy wooden boxes weighing over 8 pounds, with sharp corners which might damage other sacked mail.

(d) Matter such as heavy metal boxes, heavy castings or machinery parts, weighing over 8 pounds which is not wrapped or boxed.

NOTE: Such matter of lesser weight and under 25 inches in length shall be properly padded in a strong shipping container in order that it may be sacked without damage to other sacked mail.

(iii) *Liquids.* Parcels containing mailable nonhazardous liquids with total content in excess of 24 fluid ounces in glass container or containers, or 1 gallon or more in metal container or containers.[2]

(iv) *Perishable.* (a) Eggs, day-old fowl, cut flowers, honey bees in cages, queen bees when 24 or more individual cages are fastened together to form one parcel, soft crabs, shellfish, soft fruits such as tree ripened peaches, tree ripened nectarines or tree ripened plums; or soft berries such as raspberries or strawberries.[2]

(b) Alligators, frogs, baby turtles, chameleons and other mailable harmless live creatures during period from April 1 to October 31 of each year.[2]

(v) *Hazardous.* Parcels required to have a red caution label.

NOTE: Parcels with yellow caution labels are sacked in accordance with § 36.16 (l).

(vi) *Miscellaneous.* Matter which is not wrapped or boxed such as bicycle wheels or rolls of wire.

(3) *Approved labels.* Parcels from firm mailers, and mentioned in subparagraph (2) of this paragraph as requiring handling outside of mail bags, may be accepted if an approved label is securely attached thereto adjacent to the address. The label shall be rectangular in shape, approximately 1½ x 2½ inches in size, and the background shall be of dull red color (color similar to red caution label). It shall bear in black print the inscription "Outside Mail" and, in a space provided under these words, shall bear an approved endorsement as to contents. The colors specified in this label (black print on a red background) shall not be used on labels on matter which is not classed as outside matter under the regulations. The stamp "Outside Mail" mentioned in subparagraph (2) of this paragraph shall not be used by either firm or individual mailers as its use is restricted to postal employees.

(4) *Examples of labels*—(i) *General.* Labels to be used by firm mailers on matter shown in subparagraph (2) of this paragraph are: "Outside Mail—Weight over 35 pounds"; "Outside Mail—Weight over 15 pounds (heavy metal parts)"; "Outside Mail—Soft Fruits or Berries"; "Outside Mail—Fragile—Phonograph Records—Diameter 16 inches or larger"; "Outside Mail—Fragile—Mirror or Glass—Dimensions larger than 12 x 16 inches"; "Outside Mail—Heavy Metal Bar-Shaped Items—Over 25 inches long." An endorsement on a label such as "Contents meet the requirements for handling outside of mail bags" is not permitted. The "Outside Mail" label does not eliminate need for the "Perishable" or "Fragile" endorsement unless such endorsement is incorporated on the label. The label "This Side Up" may be used in conjunction with the label "Outside Mail," if desired by mailers, on parcels containing liquids or other matter which would present less of a hazard to other mails if carried in a certain position.

(ii) *Liquids.* (a) Parcels containing mailable liquids (nonflammable and nontoxic) with total content exceeding 24 fluid ounces in glass container or containers, or 1 gallon or more in metal container or containers, may be labeled "Outside Mail—Fragile—Liquid—Over 24 ounces in glass container or 1 gallon or more in metal container." However, concerns mailing only liquids in glass should use a label showing the type of container. If preferred, the actual liquid content and type of container may be stated in addition to "Outside Mail—Fragile—Liquid."

(b) Parcels containing mailable liquids (nonflammable and nontoxic) with total content less than that noted in (a) of this subdivision may be labeled "Fragile—Liquid—Not over 24 ounces in glass container or less than 1 gallon in metal container." If preferred, the actual liquid content and type of container may be stated. The use of a separate label for this quantity of liquid is not required when the desired information is incorporated on the address label. When not more than 8 ounces of liquid are contained in a small parcel of corresponding size, the endorsement "Fragile—Liquid" is considered sufficient. Parcels from individual mailers containing liquids in quantities which are to be sacked, may be stamped "Fragile—Liquid" by the accepting clerk. A red label with black print, as mentioned in subparagraph (3) of this paragraph must not be used on parcels containing this quantity of liquid.

(5) *Labels or markings.* Labels or markings printed on cartons, on gummed tape, or on the wrappers of parcels are not permitted in lieu of the required label shown in subparagraph (3) of this paragraph or in lieu of the red or yellow caution label mentioned in subparagraph (2) (v) of this paragraph.

(6) *Acceptance.* Parcels improperly marked or labeled for handling outside of mail bags are not acceptable. Periodic checks are made on firm mailings to insure proper labeling thereof. Improper markings or labeling must be obliterated by the mailer before the parcel may be accepted or dispatched from the office of origin if detected after acceptance.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716)

[SEAL] LOUIS J. DOYLE, *Acting Solicitor.*

[F. R. Doc. 54-643; Filed, Jan. 29, 1954; 8:46 a. m.]

[1] "Outside Mail" label or endorsement required if of sackable size.

[2] "Outside Mail" label or endorsement required.

[3] "Outside Mail" label or endorsement required if nature of contents is not plainly evident.

PART 97—STAR, STEAMSHIP, AND STEAMBOAT ROUTES, AND VEHICLE SERVICE IN CITIES

CONTRACTS FOR VEHICLE SERVICE

In Part 97, Star, Steamship, and Steamboat Routes, and Vehicle Service in Cities, insert between § 97.11 *Transportation of mails by screen-vehicle service*, and § 97.12 *Four contract sections of United States* new § 97.11a to read as follows:

§ 97.11a *Contracts for vehicle service*—(a) *Hourly rate contracts.* (1) No obligations or expenditures for vehicle service on an hourly rate basis may be incurred wtihout the prior approval of the Bureau of Facilities, Division of Vehicles, and not until the necessary funds for the class of service involved, shall have been granted.

(2) Contracts for the hire of vehicles for mail service shall be entered into only after bids have been invited by public advertisement on Form VS–68, properly completed. (See § 137.28, of this chapter.) Each advertisement must be posted on the bulletin board at the post office, stations and branches. Diligent effort must be made to secure the widest possible competition from eligible postal employees, persons, and firms not connected with the Postal Service, and as the result of publicity as a news item but only without cost to the Department. All hourly rate contracts will be for a period of not exceeding 1 year, terminable by the Department or the postmaster acting in its behalf, upon 1 day's notice and by the contractor at any time after giving the postmaster 30 days' notice. Contracts may not be terminated by contractors until they have been in operation 30 days or longer.

(3) The advertisement should indicate the estimated number of hours the equipment will be required daily, including loading time, but excluding standing and swing time. In determining the number of hours of vehicle service required daily under the contract for each class of service, consideration should be given to utilization to the fullest possible extent of Government-owned trucks of suitable capacity and vehicles under annual rate contracts if available for extra service.

(4) Bids must be prepared in triplicate, signed in ink, and the lowest bid received accepted by the postmaster as contracting officer for the Department, provided the rate is satisfactory for the service to be performed. If a proposal at a reasonable rate cannot be obtained, a full statement of the facts should be presented to the Bureau of Facilities, Division of Vehicles, before actually consummating the contract. Erasures in proposals must bear a statement on the margin of the proposal signed by the bidder as follows: "I hereby certify that the correction(s) was made by me before the proposal was submitted in response to the advertisement."

(5) Each proposal must be enclosed in a sealed envelope with the notation on the envelop "Proposal for Vehicle Service, City of ------", and addressed to the postmaster. Each envelope must be stamped to show the date and time of receipt. All proposals received shall be kept under lock and key until the date and hour stated in the advertisement for the receipt of bids and thereafter the bids shall be opened by a committee of three supervisors (or three disinterested employees if supervisors are not available), to be designated by the postmaster. The committee as a whole shall open the bids, initial, number, and abstract them, and submit recommendations to the postmaster for award of contract. After the bids have been opened, each envelope must be attached to the bid contained therein. If bids are mailed, they must bear proper postage.

(6) A copy of the advertisement, Form VS–68, and a copy of the abstract, Form VS–66, should be forwarded to the Bureau of Facilities, Division of Vehicles, at the time of the submission of estimates or when a contract is terminated and a new contract awarded. It is not necessary to forward Form VS–67 to the Department for approval since the postmaster is the contracting officer and is authorized to incur expenditures if funds are available. The original of the accepted bid with Form 1036 for each advertisement, must be submitted immediately to the regional accounting office, the duplicate retained in the office file and the triplicate given the successful bidder. Qualified bids and bids received after the expiration of the advertisement may not be considered. No contract may be awarded for the furnishing of a vehicle with driver, neither may the proposal Form VS–67 be modified in any respect.

(7) If, for any reason, a contract is canceled in accordance with the terms thereof, another advertisement should be issued immediately and a new contract awarded. In that case, every effort should be made to secure replacement equipment at the same or lower hourly rate. However, if that is not possible a supplemental estimate of the additional

funds required should be submitted promptly on Form VS–69. Forms VS–66 and VS–68, explaining the reason for further advertising, should also be submitted to the Bureau of Facilities, Division of Vehicles.

(8) A current record shall be maintained by various contract rates (not individual contractors) on Forms 1804 and 1805 of all contract vehicles used in the city delivery. There shall also be kept currently on Form 1805 an accurate record of vehicles secured under equipment maintenance allowance for special delivery. A memorandum shall be kept on the back of Form 1805 of all vehicle delays because of mechanical or other failures, in order that consideration may be given to deducting the time the vehicle was inoperable from the contract pay or to cancellation of the contract due to failure to keep the vehicle in good condition, as required under the terms of the contract.

(9) If there is any evidence of collusion in bidding, price fixing, or abuse of contract equipment, a special report should be submitted to the inspector in charge and to the Bureau of Facilities, Division of Vehicles.

(b) *Annual rate contracts.* (1) Whenever a contract for furnishing a vehicle on an annual rate basis is about to expire or notice of intention to terminate is received, the postmaster shall notify the Bureau of Facilities, Division of Vehicles, in order that the necessary forms and instructions may be issued for readvertising.

(2) Annual rate contracts with automatic yearly renewal clauses are not permitted to remain in effect for a longer period than 4 years, except when held by postal employees below the grade of supervisor. It is the responsibility of the postmaster to see that contracts subject to limitation are readvertised 60 days prior to expiration.

(3) Annual rate contracts may be terminated by either party after 6 months' operation and 30 days' notice of intention to terminate. Where service requirements have changed or there is indication that economy would accrue by readvertising the service, appropriate recommendation should be made to the Division of Vehicles.

(4) Advertisements must be posted on the bulletin board at the main post office and at stations and branches, inviting bids for service required. Invitations to bid should be sent to persons, firms, and individuals in a position to furnish the required vehicles. Newspaper publicity should be given only if obtainable without cost as a news item. The Division of Vehicles will furnish the necessary forms for soliciation of proposals and consummation of contracts.

(5) The advertisement should indicate the minimum number of hours each day the equipment shall be furnished, including loading time but excluding standing and swing time. If the advertisement specifies vehicle hire in excess of 7 hours daily, an explanation must accompany each proposal recommended for acceptance, accounting in full for the operator's time during the whole period of a normal day's assignment.

(6) No advertisement should be issued for bids for service to begin prior to the time and date set for the opening of the bids. In each instance the advertisement must be posted so that bids may be received in ample time to allow the Department at least 2 weeks to process the papers and to notify the postmaster of approval or disapproval in advance of the effective date.

(7) Each proposal must be enclosed in a sealed envelope with the notation on the envelope "Proposal for Vehicle Service, City of _____" and addressed to the postmaster. Each envelope must be stamped to show the date and time of receipt. All proposals received are to be kept under lock and key until the date and hour stated in the advertisement for the receipt of bids and thereafter the bids shall be opened by a committee of three supervisors (or three disinterested employees if supervisors are not available), to be designated by the postmaster. The committee as a whole shall open the bids, initial, number, and abstract them, and submit recommendations to the postmaster for award of contract. After the bids have been opened, each envelope must be attached to the bid contained therein. If bids are mailed, they must bear proper postage.

(8) Erasures in proposals must bear a statement on the margin of the proposal signed by the bidder as follows: "I hereby certify that the correction was made by me before the proposal was submitted in response to the advertisement."

(9) All bids must be prepared in triplicate and transmitted to the Bureau of Facilities, Division of Vehicles, with the advertisement that was posted on the bulletin board, bearing certification that the advertisement was posted on the bulletin board during the period indicated thereon; together with the abstract of bidders and bids and recommendation for acceptanve of the lowest bid. The advertisement posted on the bulletin board must contain all of the information contemplated by the blank spaces, including the hour of the day the advertisement will expire. Qualified bids and bids received after the expiration time and date indicated in the advertisement may not be considered. No contracts will be awarded for the furnishing of vehicles with drivers in response to such advertisements. Form 1036 must be completed for each advertisement with an appropriate statement as to whom the award was made. The contract, in duplicate, and a Form 1036 will be returned to the postmaster, the original and Form 1036 for transmittal immediately to the designated regional accounting office and the duplicate for the postmaster's file. Each successful bidder shall be notified promptly by the postmaster and a copy of the contract furnished him upon request.

(10) If it becomes necessary, service may be maintained at the lowest hourly rate determined by competitive bidding pending the consummation of an annual rate contract, but in that event it is the responsibility of the postmaster to see that the necessary funds are available for temporary vehicle hire.

(11) Claims for overtime use of a vehicle will not be allowed unless filed with the postmaster within 30 days after the end of the calendar quarter in which the service was performed upon proper authorization of the postmaster or of a supervisor to whom such authority shall have been delegated.

(12) A current record shall be maintained by various contract rates (not individual contractors) on Forms 1804 and 1805 of all contract vehicles used in the city delivery. There shall also be kept currently on Form 1805 an accurate record of vehicles secured under equipment maintenance allowance for special delivery. A memorandum shall be kept on the back of Form 1805 of delays of each vehicle daily because of mechanical failure for determination as to whether the vehicle is in proper condition for continued service and if the circumstances are such that would warrant deduction from the contract pay because of failure to furnish the vehicle the full time called for by the contract.

(13) If there is any evidence of collusion in bidding, price fixing, or abuse of contract equipment, a special report should be submitted to the inspector in charge and to the Bureau of Facilities, Division of Vehicles.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] LOUIS J. DOYLE,
Acting Solicitor.

[F. R. Doc. 54–642; Filed, Jan. 29, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 932]

[Docket No. AO–33–A21]

HANDLING OF MILK IN FORT WAYNE, INDIANA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that a public hearing will be held in the Van Orman Hotel, 128 West Berry Street, Fort Wayne, Indiana, beginning at 10:00 a. m., c. s. t., on February 15, 1954, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendments which are set forth below, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. These proposed amendments have not been approved by the Secretary of Agriculture.

Proposed by Wayne Cooperative Milk Producers, Inc.:

1. Delete § 932.41 (a) (3) and substitute therefor the following, to be designated paragraph (a) (3):

(3) Not specifically accounted for as any product specified in subparagraphs (1) and (2) of this paragraph, as Class II milk, or as Class III milk.

2. Delete § 932.41 (b) (1) and substitute therefor the following, to be designated paragraph (b) (1):

(1) Used to produce a milk product other than those specified in paragraphs (a) (1) and (2) or (c) of this section.

3. Add to § 932.41 the following paragraph, to be designated (c):

(c) Class III milk shall be all skim milk and butterfat used during April, May, June, and July to produce butter.

4. Establish a Class III price, to be designated as § 932.53, which shall read as follows:

§ 932.53 *Class III milk prices.* Subject to the provisions of §§ 932.54 and 932.55, the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler for producer milk received and classified as Class III milk shall be computed by the following formula:

(a) Multiply by 120 percent the average daily wholesale price per pound of 92 score butter in the Chicago market as reported by the Department during the delivery period, subtract 5 cents therefrom, and then multiply by 4.0; and

(b) Add thereto an amount computed as follows: From the arithmetical average of car lot prices per pound for nonfat dry buttermilk solids (animal) in the Chicago area as published by the Department during the delivery period deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

5. Renumber § 932.53 to read 932.54, and add thereto the following paragraph to be designated (c):

(c) *Class III milk.* Multiply by 1.10 the average daily wholesale price per pound of 92 score butter in the Chicago market as reported by the Department during the delivery period, and divide the result by 10.

6. Renumber § 932.54 to read 932.55.

Proposed by Allen Dairy Products, Inc.:

7. Delete § 932.6 in its entirety and substitute therefor the following:

§ 932.6 *Fort Wayne, Indiana, Marketing Area.* "Fort Wayne, Indiana, Marketing Area," hereinafter called the "Marketing Area," means all territory within the corporate limits of Fort Wayne, Indiana, and all territory within five miles of the corporate limits of Fort Wayne, Indiana, and including all territory within the corporate limits of New Haven, Indiana.

Proposed by Central Dairy, Inc.:

8. Add item (d) to § 932.12, "the percentage requirements regarding a pool plant do not apply in the case of a handler's plant located within the marketing area."

9. Replace § 932.41 (b) (3) (4) with "Disposed of to any manufacturer of butter, ice cream, candy, soup, or bakery products".

10. In § 932.84 (c) change to "Such milk computed at the blend price and butterfat differential" instead of "Class II price and butterfat differential".

11. Make such changes as the above proposals would make necessary to clarify and correct the order.

Proposed by Chris. Bullerman & Sons:

12. Amend § 932.12 (a) of Order No. 32 to read as follows:

(a) During any delivery period within which the total combined amount of skim milk and butterfat disposed of as Class I milk on a route (or routes) operated wholly or partially in the marketing area from such plant is equal to 10 percent or more of the total volume of milk received at such plant during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk;

Proposed by Tonne Dairy:

13. It is proposed to amend § 932.51 (a) to read as follows:

(a) Add (1) $0.60 during each of the delivery periods of April, May and June; (2) $1.15 during each of the delivery periods of October, November and December; and (3) $1.00 during each of the other delivery periods.

Proposed by the Dairy Division, Agricultural Marketing Service:

14. Change subparagraph (1) of § 932.44 (c) to read as follows: "(1) the handler claims Class II on the basis of a utilization indicated in writing to the market administrator;"

15. Make such other changes as may be required to make the marketing agreements and order in their entirety conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area, may be obtained from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or from the Market Administrator, 407 Strauss Building, Fort Wayne 2, Indiana, or may be inspected there.

Issued at Washington, D. C., this 27th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54–659; Filed, Jan. 29, 1954; 8:49 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

WOOLEN AND WORSTED INDUSTRY

NOTICE OF PROPOSED AMENDMENT TO DETERMINATION OF PREVAILING MINIMUM WAGE WOOLEN AND WORSTED INDUSTRY

This matter is before the Department pursuant to the act of June 30, 1936, as amended (49 Stat. 2036; 41 U. S. C. sec. 35 et seq.), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," and known as the Walsh-Healey Public Contracts Act.

The Secretary of Labor, in a minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act and effective May 14, 1949 (14 F. R. 1793), determined the minimum wage prevailing for persons employed in the Woolen and Worsted Industry in the performance of contracts with agencies of the United States Government subject to the act, to be not less than $1.05 per hour. This determination also authorized employment of learners and beginners at rates not less than 90 cents an hour for a learning period no longer than 320 hours. This determination is currently in effect as editorially revised and published in the FEDERAL REGISTER on July 20, 1950 (15 F. R. 4634).

The Textile Workers Union of America, CIO (hereinafter referred to as the TWUA), submitted a petition to the Secretary of Labor dated November 16, 1951, for determination of a prevailing minimum wage of $1.265 an hour in the

Woolen and Worsted Industry with a provision for a wage escalator quarterly adjustment of one cent for each 1.18 rise in the Bureau of Labor Statistics Consumer Price Index (Old Series) beginning with February 15, 1951, and fringe benefits of vacations with pay, paid holidays, and shift premiums as provided in its collective agreements. Retention of the currently effective definition of the Industry also was urged.

The United Textile Workers of America, A. F. of L. (hereinafter referred to as the UTWA), submitted a petition to the Secretary under date of February 29, 1952, seeking determination of a prevailing minimum wage of $1.30 an hour in the Industry, with a wage escalator clause and shift premiums, vacations with pay, paid holidays and health and welfare plan benefits. Retention of the currently effective definition of the Industry also was proposed.

Averments in these petitions respecting minimum wage rates established by collective bargaining agreements, and other wage data concerning woolen and worsted manufacturing establishments and associations, impugned the prevailing status of the $1.05 per hour minimum wage promulgated and currently effective since May 14, 1949, for the Woolen and Worsted Industry. This proceeding was, therefore, initiated for the purpose of determining the minimum wages prevailing in the Industry, and amendment of the outstanding determination, if requisite.

As a preliminary to public hearing, a conference of representatives of the Department of Labor, of management and of labor was noticed, and subsequently held on January 15, 1952. Industry representatives consisted of the National Association of Wool Manufacturers (hereinafter referred to as the NAWM) and several individual woolen and worsted companies, and representatives of TWUA and UTWA for labor. Issues and matters germane to this proceeding were discussed, including definition of the Industry, and information on wages necessary for a determination of prevailing minimum wages in the Industry.

Notice of a hearing in this matter to be held on May 15, 1952, was duly published in the FEDERAL REGISTER on March 25, 1952 (17 F. R. 2576). Copies of the Notice and a press release announcing the hearing were mailed to trade associations, unions, and to individual companies in the Industry. In addition, the press release was distributed to newspapers and trade publications.

This notice and release informed interested persons of the rule making proceeding and of the time and place at which they could appear and offer testimony as to: (1) The prevailing minimum wages in the Woolen and Worsted Industry; (2) whether there should be included in any amended determination for the Industry provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to learning period, and the number or proportion in relation to total employment of such subminimum rate employees; and (3) the propriety of the outstanding definition of the Industry set forth in full in the notice of hearing. The notice particularly invited information with respect to the subject matter of testimony or statements of each witness as to: (1) The number of workers covered in the presentation; (2) the number and location of establishments; (3) the number of looms and spindles operated in each establishment; (4) minimum wages paid at the end of a probationary or learner period, the number of workers receiving such wages, and the occupations in which these employees are found; (5) the entrance rate for learners, beginners or probationary workers, the length of such learning or probationary period, and the number of workers paid such entrance rates; and (6) the product or products. The notice further stated that, "To the extent possible, data should be submitted in such a manner as to permit evaluation thereof on a plant by plant basis."

Pursuant to the notice, a hearing was held on May 15, 1952, at 10 a. m. in Conference Room A of the Interdepartmental Auditorium in Washington, D. C. Representatives of employees and employers appeared and testified at the hearing, and the record was kept open until June 16, 1952, for the submission of additional written data and briefs.

At the hearing, management appearances included representatives of NAWM and of several woolen and worsted companies. Labor appearances included representatives of TWUA and UTWA. Other appearances at the hearing included Governor Paul H. Dever of Massachusetts and Professor Seymour E. Harris, Chairman, Governors' Committee on the New England Textile Industry. In addition, letters, statements and briefs were filed by interested parties at and after the hearing, and were made a part of the record.

The former Secretary of Labor's Proposed Amendment to the Determination of the Prevailing Minimum Wage for the Woolen and Worsted Industry dated January 19, 1953, was published in the FEDERAL REGISTER on January 27, 1953 (18 F. R. 575), and granted a period of 30 days for the filing of exceptions and objections. The NAWM requested additional time for such filing and the period was extended to March 13, 1953. Notice of the extension to all parties was duly published (18 F. R. 807). Under date of March 3, 1953, attorneys for the NAWM and 105 woolen and worsted companies filed motions to vacate and withdraw the proposed amendment, or to reopen the hearing for examination of witnesses and introduction of additional evidence and further to extend the time for filing exceptions. The motion to reopen was granted to the extent stated in the Notice of Supplemental Hearing to be held on April 22, 1953, duly published in the FEDERAL REGISTER on March 30, 1953 (18 F. R. 1603). This notice together with a press release was given the same distribution as the notice for the original hearing. Pursuant thereto, the supplemental hearing was held on April 22, 23, and 24, 1953, in the Department of Labor Building, Washington, D. C.

Participating in the hearing on behalf of the Industry were representatives of The NAWM and counsel appearing jointly for it and 105 woolen and worsted companies. Labor was represented by The TWUA and UTWA. There also appeared and participated Senator John F. Kennedy of Massachusetts, and Government representatives from the Bureau of Labor Statistics, the Armed Services Textile and Apparel Procurement Agency, the Office of the Quartermaster General and the Bureau of the Census. All parties consenting, the record of the proceedings was closed by the Examiner as of April 24, 1953.

Procedural motions and objections. The exceptions and objections to the proposed Amendment filed by counsel for the NAWM on its behalf and on behalf of certain woolen and worsted companies are of three types: Those questioning the authority and discretion exercised by the Secretary in the proposed amendment to the wage determination; objections to the sufficiency, or the competency of evidence; and procedural objections bottomed on the requirements of the Administrative Procedure Act. At appropriate places in subsequent pages the subject matter basic to these objections together with the objections themselves are considered.

Both in their exceptions and objections to the proposed Amendment, and in their motions to vacate the proposed Amendment, or to reopen the hearing for additional evidence, NAWM counsel have urged invalidity of the proposed Amendment for failure to comply with the requirements of provisions of the Administrative Procedure Act applicable to these proceedings. Counsel by letter to the Secretary dated March 25, 1953, also objected that the Notice of Supplemental Hearing, as well as the notice for the earlier May 1952 hearing, fail to inform interested parties of the matters of fact and law and the subjects and issues to be considered and determined at the supplemental hearing. This alleged failure is averred to have deprived parties of requisite opportunity to prepare therefor. On this ground, counsel for NAWM moved at the conclusion of the supplemental hearing that the proceeding be terminated and dismissed.

The NAWM exceptions and motions urge alleged inadequacy of the hearing notices and consequent lack of opportunity to prepare for hearing. The provisions of section 4 (a) (3) of the Administrative Procedure Act require the notice of hearing in rule making proceedings to include,

> either the terms or substance of the proposed rule or a description of the subjects and issues involved.

The Attorney General's Manual on the Administrative Procedure Act, at page 30, construes this provision to require that,

> the notice should be sufficiently informative to assure interested persons an opportunity by participate intelligently in the rule making process.

The provisions of the first Notice of Hearing on Proposed Amendment, commented on above, were responsive to the pre-hearing conference understanding on issues and subjects to be heard, and refer and were directed to amendment of a duly promulgated, effective wage determination and met the letter and spirit of the statutory requirement of notice. The Notice of Supplemental Hearing, no less so, accords with the statutory requirement. It invited further submission on the subjects and issues included in the notice of the May 1952 hearing, and specifically notified "all interested parties" to "appear in opposition to, or in support of the proposed amendment (of January 19, 1953), and offer supplemental evidence and otherwise participate."

Attorneys for NAWM were also informed as follows by the former Secretary's letter of April 3, 1953, well antedating the hearing:

> I am satisfied that the Notice of Hearing on Proposed Amendment, published March 25, 1952 (17 F. R. 2576) and the Notice of Supplemental Hearing, published March 20, 1953 (18 F. R. 1603) adequately describe the subjects and issues involved in this proceeding conformably with section 4 (a) (3) of the Administrative Procedure Act. This puts in issue the question of what minimum wages prevail in the industry, whether subminimum rates should be authorized for learners and apprentices and the propriety of the present industry definition.
>
> All interested persons have full opportunity to appear and to submit whatever supplemental data, views and arguments they wish the Secretary to consider in making the determinations required by these proceedings.
>
> It is the intention of the Department to introduce evidence material to this proceeding, including the wage data prepared by the Bureau of Labor Statistics. You, of course, may exercise rights to examine witnesses in accordance with the provisions of the Administrative Procedure Act.
>
> Neither the scope of the definition of the industry, or of any branch or branches thereof, nor the geographical basis on which prevailing minimum wages are to be considered, nor for that matter any other of the issues, can be determined prior to consideration of the complete record. Guidance with respect to the Department's interpretations and practices relating to determinations under section 1 (b) of the Public Contracts Act is afforded by the amended determination for the Textile Industry and the proposed amendment for the Woolen and Worsted Industry, as well as by other existing proposals or determinations. Accordingly, you should be prepared to submit any and all data, views and arguments that you believe pertinent to the issues. You are, of course, aware that the Secretary has not construed the act as requiring determinations for cities, towns or villages.

At the hearing in April 1953, granted in response to the NAWM petition, the Association representative and Counsel declined to state in what respects they had been unable to prepare, and also declined to introduce any evidence of specific wages actually paid and to make any recommendation as to a proper wage determination under the Act. NAWM counsel characterized its motion for dismissal because of inadequacy of the notices as "made for the record."

I am satisfied the Examiner properly denied the motion, and that the exceptions in this respect are not well founded.

The prevailing minimum wage standard. The proposed amendment to the Determination of the prevailing minimum wage for the Woolen and Worsted Industry, as promulgated on January 19, 1953, found that the locality in which the products of the Industry are manufactured or furnished under Government contracts is co-extensive with the entire area in which the Industry operates. For this reason, and because the proposed amended Determination was restricted to that Industry and the occupations in it, no geographic division of the Industry was proposed. This accords with the interpretation of the Act which has been applied by the Department throughout its administration, and accords with the evidence presented in both hearings, and the Determination heretofore made in establishing the original minimum wage of $1.05 per hour for the Woolen and Worsted Industry by this Department in 1949.

This construction of the provisions of the Act has not been wholly free from doubt, however, and the pertinent statutory provision has been variously interpreted by parties interested in these prevailing minimum wage determinations. Congress inquired into the problem in 1952, and made provision for its solution. After considering the interpretation applied by the Department over the last 16 years and specific language proposed to require a change, Congress disposed of this question by granting to the parties adversely affected by the Secretary's determinations the right to take the question to court for ultimate judicial resolution. This right to judicial review did not exist before. Congress did not deem it advisable to exercise its power either to reverse or affirm the past practices of the Department. It left the matter to resolution of the courts through the usual processes available to aggrieved parties.

Two proceedings under the Public Contracts Act have been conducted pursuant to the provisions of the Administrative Procedure Act, made applicable by the 1952 Fulbright Amendment to the Defense Production Act of 1950. The public hearing on petitions for amendment of the prevailing minimum wage determination for the Woolen and Worsted Industry initially took place on May 15, 1952. The hearing subsequently was reopened on April 22, 23, and 24, 1953, and was concluded. Prior thereto, upon petitions for amendment to the prevailing minimum wage determination for the Textile Industry (cotton, silk, synthetic fibers, etc.), a public hearing was held on September 4, 1952, and a final determination became effective February 21, 1953. The standards and statistical criteria hereinafter applied to the instant determination are not less than the standards and statistical criteria relied upon in the Textile Industry amendment, and applied by the Department for many years to wage determinations of the kind here involved.

After fully considering the 1952 Fulbright Amendment to the Act and its legislative history, I have concluded that it does not authorize or justify delay in the administrative disposition of this matter which has been fully heard since the Fulbright Amendment, and has been pending but undecided in the Department from 1951 to the present time.

In view of the history and adjustments in the Act's procedures, I am in this matter continuing to follow the applicable departmental practice in making this prevailing minimum wage determination without provisions for geographic differentials. I do, therefore, approve and issue my amendment to the Determination of the prevailing minimum wages in the Woolen and Worsted Industry as herein set out.

Definition. The notice of the May 15, 1952, hearing published in the FEDERAL REGISTER March 25, 1952, contained the text of the currently effective definition of the Industry and placed in issue its propriety and continued adequacy. The definition reads as follows:

> (1) The manufacturing or processing of all yarns (other than carpet yarns) spun entirely from wool or animal fiber (other than silk); and all processes preparatory thereto;
>
> (2) The manufacturing, dyeing or other finishing of fabrics and blankets (other than carpets, rugs, and pile fabrics) woven from yarns spun entirely of wool or animal fiber (other than silk);
>
> (3) The manufacturing, dyeing, or other finishing of fulled suitings, coatings, topcoatings, and overcoatings knit from yarns spun entirely of wool or animal fiber (other than silk);
>
> (4) The picking of rags and clips made entirely from wool or animal fiber (other than silk) and the garnetting of wool or animal fiber (other than silk) from rags, clips, or mill waste; and other processes related thereto;
>
> (5) The manufacturing of batting, wadding, or filling made entirely of wool or animal fiber (other than silk);
>
> (6) The manufacturing or processing of all yarns (other than carpet yarns), spun from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute, or any synthetic fiber; except the manufacturing or processing on systems other than the woolen system of yarns containing not more than 45 percent by weight of wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber;
>
> (7) The manufacturing, dyeing, or other finishing of the products enumerated in clauses (2), (3), (4), and (5) from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except products containing not more than 25 percent by weight of wool or animal fiber (other than silk) with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

The National Association of Wool Manufacturers proposed at the pre-hearing panel conference, at the May 15, 1952, hearing, and in a post-hearing statement that the definition of the Industry be modified on the ground that rising competition from new man-made fibers, or wool mixtures therewith, would place woolen and worsted mills at a competitive disadvantage. The NAWM proposed a definition to read as follows:

> I. Cloths woven from yarns wholly or in part spun.
>
> A. From wool, reprocessed wool or re-used wool.
>
> B. From staple, waste or tow of man-made fibers other than rayon or acetate.
>
> 2. Cloths knit from yarns wholly or in part spun.
>
> A. From wool, reprocessed wool or re-used wool.
>
> B. From staple, waste or tow of man-made fibers other than rayon or acetate.

C. And procured by the yard or square yard.

3. Blankets woven or knit from yarns wholly or in part spun

A. From wool, reprocessed wool or re-used wool.

B. From staple, waste or tow of man-made fibers other than rayon or acetate.

4. Yarns wholly or in part spun

A. From wool, reprocessed wool or re-used wool.

B. From staple, waste or tow of man-made fibers other than rayon or acetate.

5. Tops processed from wool or man-made fibers.

At the April 1953 hearing, the NAWM offered a revised definition to read as follows:

> The manufacture, as a prime contractor or substitute manufacturer, of the products enumerated below when wholly or in part of wool, reprocessed wool, or reused wool; or wholly or in chief part by weight of staple, waste or tow of man-made fibers other than acetate or rayon:—
>
> I. Woven cloths, except pile constructions.
>
> II. Pulled knit suitings, coatings, topcoatings and overcoatings.
>
> III. Woven or knit blankets.
>
> IV. Yarns.
>
> V. Tops.

The 1952 and 1953 definitions suggested by NAWM are designed to encompass within the Woolen and Worsted Industry existing or prospective products resulting from recent developments in the field of man-made fibers. The principal effect of the most recent NAWM definition would be to include yarns and fabrics containing proportions of wool less than those indicated in paragraphs (6) and (7) of the present definition, or containing no wool, but consisting by weight, either wholly or in chief part, of staple, waste, or tow of man-made fibers, other than acetate or rayon.

Both the TWUA and UTWA opposed the definitional suggestions of the NAWM primarily on the ground that such changes would vitiate lines of demarcation with related industries, and would bring within the definition of the Industry many products not properly of the Industry, or manufactured in woolen and worsted mills.

The testimony of the representative of the NAWM largely validates this basis of objection. He testified that, with respect to types of products purchased by the Government, the suggested modification of the definition did not reflect current practices or production of the Industry, but would have future application on the basis of hoped for future production developments. He could identify only one woolen and worsted plant producing cloth primarily made from man-made fibers, other than rayon or acetate.

The problem of overlaps between the various textile industries is not a new one. Most products of the Textile Industry and the Woolen and Worsted Industry are clearly identifiable, and constitute no problem with respect to industry classification. Since the problem as to borderline areas arises out of inter-industry competition, it is not surprising that the contentions of the manufacturers in these overlapping industries may not coincide. Several Government agencies have drawn necessary lines of demarcation for the borderline areas between these related industries, to provide authoritative guides for the Government and the public.

Representatives of three Government agencies dealing continuously with Industry members testified at the hearing. Testimony of officials of the Bureau of the Census, subpoenaed by the NAWM, reveals that this agency generally follows the Industry classifications set forth in the authoritative Standard Industrial Classification Manual, issued by the Bureau of the Budget. The Bureau of the Census has never classified as woolen and worsted products any fabrics containing less than 25 percent by weight of wool or animal fiber other than silk, nor any yarn spun on systems other than woolen and worsted systems containing less than 45 percent by weight of such fibers. Since 1951, the Bureau of the Census has classified, as woolen and worsted fabrics, only those products which are 50 percent or more by weight of wool, re-used wool or reprocessed wool, or are mixtures and blends in which the chief fiber content is wool, although it has continued to collect and report data in the 25 to 50 percent wool content classification. None of the interested parties proposed exclusion from the definition of these fabrics and yarns currently included.

The Bureau of Labor Statistics representative testified that this agency generally also follows the Bureau of the Budget classifications in defining industries for survey purposes, such as the wage survey made by the Bureau, in evidence as Exhibits 10–A and 10–B, which utilize a definition in accord with the definition hereinafter given of the Broad-Woven Fabric, Yarn and Thread Branch of the Woolen and Worsted Industry.

The NAWM itself, as recently as 1952, has utilized the 25 percent fabric demarcation line in its Bulletin, Volume LXXXI for the year 1951, which contains a number of statistical tables and charts for the Industry. None of the statistical tables or charts for these products include data for any fabrics with less than 25 percent by weight of wool, reprocessed wool, or re-used wool. The data included in these tables and charts were obtained from Government sources, and from records of the NAWM.

Testimony concerning the procurement experience of the Government's largest purchaser of textiles is also significant. Representatives of the Armed Services Textile and Apparel Procurement Agency and of the Quartermaster testifying at the April 1953, hearing, stated that the Agency seldom purchases fabrics containing woolen and worsted fibers that have a wool content of less than 80 percent. It was testified that the Agency had bought fabrics with as little as 25 percent of wool in only one instance. Abstracts of individual procurements of products of the Woolen and Worsted Industry by the Armed Services Textile and Apparel Procurement Agency and the Quartermaster Corps, were introduced into the record. There is no evidence in the record that the Government purchases fabrics of wool mixtures which contain less than 25 percent wool.

It is essential that industry definitions under the Act be formulated in accordance with actual industry practices. Industry changes, as here not mere indications of nascent trends, can and will be recognized by definition changes when they have occurred. Clauses (6) and (7) of the currently effective definition with respect to yarn mixtures and to fabric mixtures respectively, accurately reflect existing industry practice, and their retention is the only sound determination on the record before me, and requires denial of the definition suggested by the NAWM.

It has been the consistent administrative interpretation since 1943 that pressed wool felt is included in the definition of this Industry. The NAWM has noted disagreement with this position. The record discloses, however, that The Felt Association, and some individual companies producing pressed wool felt, have not questioned that pressed wool felt is within the scope of the Woolen and Worsted Industry.

Woven and pressed wool felt are clearly products of the Woolen and Worsted Industry. Woven wool felt is provided for by Clause (2) of the Industry definition. To remove any possibility of misunderstanding, current paragraphs (6) and (7) shall be renumbered as (7) and (8) respectively, and there shall be inserted a new paragraph (6) to read as follows:

> The manufacturing of pressed felt made entirely of wool or animal fiber (other than silk);

In addition, the paragraph renumbered (8), shall be further amended to add to the enumeration of clauses therein contained, enumeration of the new paragraph (6).

No other suggestions with respect to amendment of the definition were made, and both petitioners urge the present definition of the Woolen and Worsted Industry is proper, and recommend it be retained. I find that the currently effective definition (41 CFR 202.47 (a)), as above amended, properly and accurately defines the Industry as presently constituted.

Origin and nature of evidence on wages. Evidence in the record concerning wages in the Woolen and Worsted Industry consists principally of the following: (1) The Bureau of Labor Statistics (BLS) wage survey; (2) The NAWM wage survey, and (3) separate TWUA and UTWA wage listings by establishments. In the Proposed Amendment to the Determination of the Prevailing Minimum Wage for the Woolen and Worsted Industry issued January 19, 1953, the former Secretary placed primary reliance on the BLS survey in determining the prevailing minimum wage. I am similarly persuaded, after examination of all the evidence on wages.

In exceptions and objections to the proposed amendment, filed before the supplemental hearing, the NAWM questioned reliance on the BLS data in determining the prevailing minimum wage for this Industry. Its objections are directed to statistical procedures utilized, and to whether such survey adhered to the Industry definition. The NAWM argues that the matters excepted to would necessarily result in a margin of error in the ultimate BLS figures, the exact extent of which, however, it was unable to state. The supplemental hearing adduced additional evidence concerning BLS methods, data and conclusions which deprive the NAWM exceptions and objections of substantiality.

The BLS survey was undertaken as part of the Bureau's regular program of conducting wage surveys in important industries. The results of this survey, not available at the original hearing, were introduced in evidence at the supplemental hearing as Exhibit 10–A consisting of Tables 1 through 9 contained in a preliminary release issued by the BLS, and Tables 10 through 17 subsequently prepared by the BLS, all of which tabulate data for the entire United States as well as for certain specific portions thereof; Exhibit 10–B consisting of separate releases for Rhode Island, Massachusetts, Northern New England, New York-New Jersey, and Philadelphia, Pennsylvania-Camden, New Jersey, identified as Tables 18 through 22; and Exhibit 11 entitled "Wage Structure, Woolen and Worsted Textiles, April–May 1952; Series 2, Number 90", which is the final survey report issued by the BLS in October 1952.

The scope, source materials, statistical procedures, and accuracy of the BLS wage data, including methods of obtaining the basic data, its responsiveness to the Industry definition, and preparation of the several tabulations were subjects of testimony by BLS officials. The BLS survey includes wage and other data for establishments in the following categories: Broad-Woven fabric mills primarily engaged in weaving woolen and worsted fabrics over 12 inches in width; yarn and thread mills primarily engaged in spinning, twisting, winding or spooling yarn and thread from wool fibers. The data include the workers in such establishments engaged in producing the above-named products, as well as employees engaged in producing blankets and other fabricated woolen and worsted products and in scouring, combing, dyeing and finishing operations. Data with respect to the number and size of establishments in the above and other Industry categories, and the percentage of each category's production to total industry production are available in the 1947 Census of Manufactures, and aid in evaluating the adequacy of the BLS survey for wage determination purposes.[1]

[1] Some differences in classification nomenclature without resulting difference in content may be shown between the BLS survey and the Census of Manufactures. For example, yarn mill classifications of the two, though differently expressed are basically similar and yield the same context. The definitions of woven fabrics in both studies are identical. In part they were interpreted at variance as to wool content without significant variance as to results, or impairing the essentially comparable BLS and Census coverage of mills encompassed by the Branch definition. The BLS survey did not cover independent scouring, combing or finishing establishments. The BLS survey did cover all mill employees so engaged. The testimony reveals that commercial finishing is the exception and that most wool is scoured and combed and wool yarns and fabrics are dyed by the producing mills themselves.

The BLS representative also testified that workers employed in spinning and weaving establishments engaged in producing blankets and other fabricated woolen and worsted textile products were similarly included in the survey, and Exhibit 60 shows on page 115 that blankets and other specified household supplies are usually fabricated at the weaving mills.

The NAWM voices objection that since the BLS survey omitted plants with less than 21 workers, it is not representative of the Industry as defined. Evidence of record shows that such plants accounted for less than one percent of the total employees. The absence of data for one percent of the total employees constitutes minute and harmless error without perceptible effect on the Survey.

Similarly, NAWM contends that the data obtained from the 205 plants in the sample, when adjusted by statistical methods, reflect hypothetical data for the entire 462 plants. The BLS in making this survey and the tabulations, followed generally accepted statistical practices and principles. The last paragraph of Exhibit 11 explains in part the method of sampling as follows:

> In sampling, relatively large proportions of establishments concentrated in the major regions as well as of major establishments in terms of size were included to permit presentation of separate data by region and size of establishment. The effect of varying proportions in terms of employment was offset by weighting. Thus, each region and size-group of establishment was given only its appropriate influence in the data.

The NAWM also has filed objection that the BLS survey was limited to plants primarily engaged in spinning yarn or thread and related operations, or in weaving broad-woven fabrics, whereas the proposed determination applies to plants engaged in the operations covered by the definition whether or not they are the primary activities in such plants. This objection also is without requisite support in the record. Exhibit 12, page 5, shows that in the year 1947, the latest year for which such information is available, the total value of woolen and worsted fabrics produced amounted to $1,238,609,000 of which $1,194,379,000 worth, or 96 percent, were manufactured in plants primarily engaged in the production of such fabrics or of woolen and worsted yarns (except carpet yarn). The total value of yarns spun on wool systems (except carpet yarn) by plants primarily engaged in the production either of such yarn, or of woolen and worsted fabrics during that year was $323,117,000, or 94 percent of $343,076,000 the total value of such yarns produced in that year. The record further discloses that whatever the primary activities of the plants included in the survey, all of the operations as to which an amended wage is proposed, are performed in plants included in the survey.

The wage data introduced in evidence by the two textile unions, and by the NAWM, relate generally to the same types of establishments as are included in the BLS survey. The NAWM survey, received in evidence as Exhibit C and D at the May 1952, hearing, was made by mail questionnaire covering a large number of firms manufacturing woolen and worsted textiles and related products. It focuses on the rate of $1.265 per hour urged for determination in the TWUA's petition, without attempting otherwise to probe for specific prevailing minimum wage rates. Based on its survey, the NAWM offered tabulations for the record showing the number of establishments, and the estimated number of workers employed in establishments, having minimum hiring rates (excluding learners) of $1.265 or more an hour, or of less than $1.265 an hour. The NAWM made no attempt to obtain data on other specific minimum rates, or the extent to which such "hiring" rates were actually being received by employees on any given date.

The tabulations presented by the NAWM also evidence a breakdown of major products of the mills included in its survey, identification of the number of mills therein also included in the unions' listings, number of employees and minimum wages as of March 1952, and the number and location by geographical region of establishments reporting a minimum hiring wage (excluding learners) of less than $1.265 an hour.

The TWUA and UTWA lists, received as Exhibits D and E at the May 1952, hearing and reproduced in the transcript thereof, evidence the names and locations of plants in the Industry, the type of products manufactured, number of employees and minimum wages paid. These lists include both union and non-union establishments and cover a large proportion of the Industry. In addition, both unions submitted copies of a number of collective bargaining agreements with the Industry.

In the Proposed Amendment dated January 19, 1953, the former Secretary noted that the employment figures reported by the NAWM and by the unions do not relate to any specific date, but are estimates by the reporting firms or by the unions of the number of production workers employed when the establishment is operating on its regular schedule. Further, both the NAWM and unions included data for all plants within the Industry for which information was available, without regard to the possible relative over-representation of certain segments of the Industry and the possible relative under-representation of other segments. He also observed that the NAWM survey, includes a number of establishments which do not appear to be within the definition of the Woolen and Worsted Industry; that, on the other hand, the NAWM at the May 15, 1952, hearing had questioned the accuracy of the minimum rates shown for a number of establishments included in the unions' listings, and that some listed establishments were no longer operating. On the basis of the above-mentioned limitations of the data submitted by NAWM and the

petitioning unions, the Secretary concluded that primary reliance for purposes of the Proposed Amendment of January 1953, must be placed upon the survey by the Bureau of Labor Statistics with the Association and the Union data serving as supplemental data. I share and affirm his conclusion.

As stated earlier, it is patent that the evidence of record provides a sound evidentiary base for the amended determination hereinafter proposed. Administrative responsibility in a matter of this import, would welcome submission of exhaustive pay roll data for the entire Industry. Anything less, renders possible objections as to adequacy of wage data advanced by the NAWM. Reasoning from less than complete data can never be demonstrated to be free from at least trace of error. The NAWM fails to show, however, that such errors are prejudicial, or otherwise impugn the factual validity of the BLS survey of wages. My confidence in the BLS survey springs from the fact that it has collected and collated in accordance with published methods and after consultation with representatives of employers and employees, data of wages actually paid to 67,724 employees, approximately two-thirds of the total in weaving and spinning plants, during a representative pay roll period. These factors, coupled with application of recognized statistical procedures to this very large sample including application of recognized formulas for correction of error, persuades that high accuracy and reliability have been achieved in the ultimate data reported.

Adequate wage data are available in this proceeding only for the Broad-Woven Goods, Yarn and Thread Branch of the Woolen and Worsted Industry and for Pressed Felt. I am proposing at this time a redetermination only of the prevailing minimum wage for this Branch, defined at the conclusion of this proposed determination, and for pressed felt. The prevailing minimum wage for persons employed in the manufacturing or furnishing of the products of the Woolen and Worsted Industry, as hereinbefore defined, other than the products of the Broad-Woven Goods, Yarn and Thread Branch of the Industry, and pressed wool felt, remains as previously determined effective May 14, 1949, and revised July 20, 1950.[1]

The statutory directive to determine "prevailing minimum wages" for a particular industry is framed in the plural as respects the word "wages." Clearly, more than one prevailing minimum wage may be determined. This record discloses functionally separate and constituent parts of the Woolen and Worsted Industry, as to which I have the authority and discretion to determine a prevailing minimum wage, different from that prevailing as to the balance of the Industry.

Analysis of wage data. In its survey of the Woolen and Worsted Textile Industry, the Bureau of Labor Statistics covered plants with 21 or more employees. The Bureau's report did not indicate the percentage of employees thus excluded, but it may be determined by reference to the Census of Manufactures for 1947, the latest available period. Such census developed data for plants employing 20 or more employees, or only one employee less than the standard used in the Bureau's survey. Such data shows that plants of the category surveyed by the Bureau, having 20 or more employees, employed 99.3 percent, and plants having 50 or more employed 97.5 percent of the total production workers employed in such plants. Interpolation of this Census data indicates that the number of employees thus excluded by the Bureau's survey does not exceed one percent.

The Bureau of Labor Statistics survey tabulated returns from 205 establishments employing 67,724 employees. This sample represents 44.4 percent of the establishments and 60.2 percent of all workers in the category surveyed. The Bureau of Labor Statistics weighted these returns in accord with well-accepted statistical procedures to determine wage data for production employees employed in the 462 weaving and yarn plants, employing 21 or more employees.

Table 13 of Exhibit 10–A contains the most significant evidence for determining the prevailing minimum wage, because it is based on wages actually paid, rather than entrance or plant rates, which are frequently only partially observed. This table is also appropriate in that it ignores special rates paid to individuals because they are learners or handicapped workers. These should be ignored in the basic determination because provision for payment of subminimum wages to them is made as a tolerance under Section 6 of the Act. It appears from this table that 44.8 percent of the establishments employing 61 percent of the workers pay no more than 1 percent of their employees less than $1.20 per hour, and 49.3 percent of the establishments employing 65.5 percent of the workers pay no more than 3 percent of their employees less than $1.20 per hour. As the table also shows, the number of workers in these plants actually receiving less than $1.20 per hour is negligible. This is probably occasioned by the fact that the tables include watchmen and certain custodial employees commonly paid less than other workers, who should be excluded from consideration here because the Act, and hence this Determination, does not apply to them.

Table 11 tends to corroborate the evidence contained in table 13. Table 11 shows the rates reported as the established minimum job rates for all production workers, exclusive of custodial employees, learners, and handicapped workers. According to this table, 52.2 percent of the establishments employing 62 percent of all the production workers in the survey having established minimum job rates, reported a rate of $1.20 an hour, or more.

In view of this preponderance of the Branch of the Industry which actually confines its wage structure for employees here considered to rates of $1.20 per hour and higher, I find that the prevailing minimum wage in the Broad-Woven Goods, Yarn and Thread Branch of the Woolen and Worsted Industry, is $1.20 per hour.

The union wage data contained considerable evidence on minimum wages in plants producing pressed felt and included information with respect to in excess of 3,400 production employees out of a total of 4,167 reported by the 1947 Census of Manufactures in plants making felt goods, including pressed felt. At the April 1953 hearing, the TWUA representative stated that most of the employees in pressed felt plants are organized under the TWUA, and minimum wage rates as high as or higher than $1.20 per hour are established.

On the record before me, I find that the prevailing minimum wage in the manufacturing or furnishing of pressed felt is $1.20 per hour.

In application of the "similar work" standard, the BLS data point particularly to four occupations, namely, janitors, battery hands, hand truckers and spinning frame doffers. The job descriptions applicable thereto were developed as a result of the Bureau's extensive experience in making surveys in the Industry and in consultation with labor and management representatives from the Industry.

The four occupations are defined by the Bureau as follows:

Janitor, excluding machinery cleaners (day porter, sweeper; charwoman; janitress): Cleans and keeps in an orderly condition factory working areas and wash rooms, or premises of an office, apartment house, or commercial or other establishment. Duties involve a combination of the following: sweeping, mopping and/or scrubbing, and polishing floors; removing chips, trash and other refuse; dusting equipment, furniture, or fixtures; polishing metal fixtures or trimming; providing supplies and minor maintenance services; cleaning lavatories, showers, and rest rooms. Workers who specialize in window washing are excluded.

Battery hand: Transfers or loads quills or bobbins of filling to the battery or loading hopper of automatic looms. May convey filling to looms by means of a hand truck.

Trucker, hand (including bobbin boy): Pushes or pulls hand trucks, cars or wheelbarrows used for transporting goods and materials of all kinds about a warehouse, manufacturing plant, or other establishment, and usually loads or unloads hand trucks or wheelbarrows. May stack materials in storage bins, etc., and may keep records of materials moved.

Doffer, spinning frame: Removes full bobbins of yarn from spindles of ring or cap spinning frames, replaces with empty ones and starts yarn on empty bobbins. May help piece-up broken ends of yarn.

Table 3 reveals the average hourly earnings for 21 occupations in this Industry. These were selected as fairly representative of the whole Industry from the highest to the lowest. It is apparent from this table that janitors, battery hands, hand truckers, and spinning frame doffers are the lowest paid occupations. This comports with the oral testimony. It is apparent from table 15 of exhibit 10–A that 83 percent of the establishments employ workers to perform these tasks under these designations. As this work is generally necessary to the operation of woolen and worsted mills, it is assumed that it is performed in other plants but under other designations. By reason of this fact, precise wage data as to this type of work in the other plants is unavailable, but table 16, indicates that the minimum job rate prevailing in those plants does not vary significantly from that prevailing for this work in the plants which employ this nomenclature. It appears from table 15 that 68.6 percent of the workers in these categories are employed in plants paying none of such workers less than $1.20 per hour. Such plants comprise 52.8 percent of the 462 establishments in the BLS survey, which plants employ 68.7 percent of the total production workers.

In view of this preponderance of this Branch of the Industry which actually confines its wage structure for this work to rates of $1.20 per hour and higher, I find that the prevailing minimum wage for battery hands, hand truckers, janitors, and spinning frame doffers, in the Broad-Woven Goods, Yarn and Thread Branch of the Woolen and Worsted Industry is $1.20 per hour. As these are the lowest paid occupations in this Branch of the Industry, this finding corroborates the finding that $1.20 is the prevailing minimum wage in this Branch of the Industry as a whole. By necessary implication, the prevailing minimum wages for all other occupations of this Branch are not less than $1.20 per hour.

Learners and apprentices. Though table 12 of exhibit 10–A shows that recognition of a subminimum rate for inexperienced workers is not the prevailing practice in the Industry, it would be inequitable to ignore the practice as to the substantial portion of the Industry in which it does exist because the subminimum rates actually paid such workers have been ignored in the determination that $1.20 is the prevailing minimum wage. This causes no difficulty, as provision for a tolerance of this type is authorized by section 6 of the act without reference to prevailing practice in the Industry. Nevertheless, I will be guided by prevailing practice in the establishments which recognize such a differential in determining its scope. The majority of such establishments employing the majority of the workers in such establishments observe a difference of 15 cents per hour or less. It is also apparent from table 10 that the $1.05 rate for the inexperienced worker thus suggested is not unreasonable as 56.3 percent of the plants employing 70.2 percent of the workers have established minimum entrance rates of $1.05 or more.

Evidence as to the length of the learning period was introduced only by UTWA and TWUA. Both reported a 320 hour learning period provided in their collective bergaining agreements. The evidence reflected utilization of an additional 30 day probationary period at submininum rates in some mills, but it appears that this practice is neither uniform nor sufficiently widespread to be recognized in this tolerance, at this time.

I conclude, therefore, that employment of learners and beginners, as such terms are hereinafter defined, at subminimum rates should be authorized, and a wage rate of $1.05 an hour is an appropriate and reasonable subminimum rate for learners and beginners in the Broad-Woven Goods, Yarn, and Thread Branch of the Woolen and Worsted Industry and in the production of pressed wool felt.

As the present determination does not make any provision for the employment of apprentices at subminimum rates, and no testimony was introduced at the hearing regarding a need for a subminimum rate in the employment of apprentices, the employment of apprentices at a subminimum rate is not authorized.

Handicapped workers. The general regulations presently permit employment of handicapped workers at subminimum rates on contract work under the act, and this authorization was not an issue in the proceedings. It appears advisable, however, to include in the determination specific authorization for such employment.

Fringe benefits. The Textile Workers Union of America and the United Textile Workers of America recommended that a cost-of-living provision be included in the determination reflecting that provided for in their collective bargaining agreements and, in addition, fringe benefits covered in their contracts. The National Association of Wool Manufacturers vigorously opposed the inclusion of such provisions in any determination.

No determination issued under the Act provides for cost-of-living increases, shift differentials, paid vacations or holidays, insurance or pension plans or any other similar benefits. Such cost-of-living increases as were currently effective as of the time of the BLS survey are necessarily reflected in the data of actual wages paid collected by the Bureau, and necessarily are reflected in the prevailing minimum wages herein found and determined. Shift differentials are increments to the basic wage rates of employees for work performed at hours or under conditions departing from normal. Self-evidently, such differentials may not be accorded weight in the determination of a prevailing minimum wage, which in and of itself does not have the effect of foreclosing employees from receiving the increment of shift differentials if they meet the conditions for their payment. Paid holidays, insurance or pension plans are related to conditions of employment rather than to wages. This is equally true of other so-called fringe benefits. No other conclusion is justified by the record before me, in a proceeding for the determination of prevailing minimum wages in the Woolen and Worsted Industry. For these reasons, I find that the determination should not contain provisions separately relating to fringe benefits, or based upon them.

Proposed amendment of determination. Notice is hereby given that, upon the findings and conclusions made and stated herein, I propose to issue an amendment in this matter as set forth below. Interested parties may submit exceptions thereto within 30 days from publication of this proposed amendment in the FEDERAL REGISTER.

The minimum wage determination for the Woolen and Worsted Industry contained in Section 202.47 (41 Code of Federal Regulations, Part 202), hereby is amended as follows:

1. Section 202.47 (a) is amended to renumber paragraphs (6) and (7) as (7) and (8), respectively; to delete the word "and" before the word "(5)"; to add the words "and (6)" to the enumeration of clauses in renumbered paragraph (8), and to add a new paragraph (6) to read as follows:

(6) The manufacturing of pressed felt made entirely of wool or animal fiber (other than silk);

2. Section 202.47 (b) is amended to read as follows:

(b) *Minimum wage.* (1) The minimum wage for persons employed in the manufacturing or furnishing of the products of the Broad-Woven Goods, Yarn, and Tread Branch of the Woolen and Worsted Industry and Pressed Felt under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.20 an hour arrived at either on a time or piece rate basis. The Broad-Woven Goods, Yarn, and Thread Branch includes the manufacturing, processing (including all preparatory processing), dyeing or other finishing of any of the following items which are within the scope of the Woolen and Worsted Industry, as defined herein: Broad-Woven fabrics (fabrics over 12 inches in width), yarn, thread, blankets.

(2) The minimum wage for persons employed in the manufacturing or furnishing of the products of the Woolen and Worsted Industry, other than the products of the Broad-Woven Goods, Yarn, and Thread Branch of the Industry and Pressed Felt, under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.05 an hour, arrived at either on a time or piece rate basis.

(3) Section 202.47 (c) is amended to read as follows:

(c) *Subminimum wages authorized.* (1) Learners and beginners may be employed subject to the following terms and conditions:

(i) In the performance of contracts for the products of the Broad-Woven Goods, Yarn and Thread Branch of the Woolen and Worsted Industry and for Pressed Felt, learners and beginners may be paid a subminimum rate of $1.05 an hour, unless experienced workers in the same plant are paid on a piece rate basis, in which case learners and beginners must be paid the same piece rates paid to experienced workers, and earnings based upon these piece rates if such earnings are in excess of $1.05 per hour. In the performance of contracts for products of the Woolen and Worsted Industry, other than the products of the Broad-Woven Goods, Yarn and Thread Branch of the Industry and Pressed Felt, learners and beginners may be paid a subminimum

[1] Production of the Industry, other than by mills in the Broad-Woven Goods Branch and by pressed felt plants, is relatively small, particularly as respects Government contractual procurement. The Industry was awarded 696 contracts from May 1951 through March 1953, having a total value of $516,023,000. Only one contract totaling $36,000 is identifiable as not within the Broad-Woven Goods Branch, or for pressed wool felt. On the basis of the record, redetermination is not administratively justified, desirable, or necessary at this time, for the small balance of the Industry.

rate of 90 cents an hour unless experienced workers in the same plant are paid on a piece rate basis, in which case learners and beginners must be paid the same piece rates paid to experienced workers and earnings based upon these piece rates, if such earnings are in excess of 90 cents an hour;

(ii) The permitted length of the learning period for learners and beginners shall be 320 hours unless the learner or beginner has had previous experience in the Industry, in which case the number of hours of such experience must be deducted from the 320-hour learning period;

(iii) A learner or beginner for the purpose of this determination is a person who has had less than 320 hours' experience in the Industry.

(2) Handicapped workers may be employed at wages below the applicable minimum wages specified herein upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR, Parts 524 and 525), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

Filed at Washington, D. C., this 27th day of January 1954.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 54-678; Filed, Jan. 29, 1954; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 110]

DESTRUCTION OF RECORDS

NOTICE OF PROPOSED RULE MAKING

JANUARY 14, 1954.

Having under consideration the matter of "Regulations to Govern the Destruction of Records of Steam Railroads, Issue of 1945," as amended, the Commission by Division 1 has approved changes in the description of records to be retained, and prescribed periods of retention, to bring the regulations governing purchases and stores records into line with those prescribed for similar records in other departments, and to eliminate the requirement that certain records be retained for undue periods of time.

The following modifications have been approved:

In § 110.12 *List of accounts, records, and memoranda, and periods of retention* make the following changes:

1. In item 110, Material ledgers, change the period of retention from 6 years to 4 years in "(a) Records of material and supplies on hand."

2. In item 111, Purchases and sales, cancel the text and period of retention for "(b)", and substitute:

(b) Invoices for materials and supplies purchased whether attached to voucher or filed separately (see items 55c and 111-1), and records and reports of such invoices—10 years.

3. In item 111, Purchases and sales, cancel the text and period of retention for "(1)", and substitute:

(1) Price records of purchases, original file copies of invoices (see item 111-b)—10 years.

4. In item 114, Materials and supplies issued, change period of retention from "Permanent" to 4 years in "(d) Price records of materials and supplies issued, free copies."

5. In item 118, Company fuel, in (b), (c), (d), and (f), change word "coaling" to read "fueling."

Any interested person may on or before April 1, 1954, file with the Commission written views or arguments to be considered in this connection. Unless otherwise decided after consideration of representations so received, an order will be entered making the said changes effective June 1, 1954.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-647; Filed, Jan. 29, 1954; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 10, 11, 16, 18]

[Docket No. 10798]

EQUIPMENT ACCEPTABLE FOR LICENSING; WITHDRAWAL OF CERTIFICATE OF TYPE APPROVAL

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of Part 2 of the Commission's rules to establish a program for the certification of equipment acceptable for licensing; amendment of Parts 10, 11, and 16 of the Commission's rules to require type acceptance of equipment; amendment of § 18.16 of the Commission's rules to clarify the procedure for withdrawal of type approval.

The Commission having under consideration the petition dated January 21, 1954, filed by the Radio-Electronics-Television Manufacturers Association in the above-entitled proceeding, requesting an extension of time in which to file comments directed to the Commission's notice of proposed rule making in this docket;

It appearing, that good and sufficient reasons have been advanced by the Radio-Electronics-Television Manufacturers Association in its petition for an extension of time in which to file comments in this proceeding, and that the public interest would be served by an extension until April 1, 1954;

It is ordered, That the time for filing comments in the above-entitled proceeding is hereby extended from February 1, 1954, to April 1, 1954.

Adopted: January 26, 1954.

Released: January 26, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-653; Filed, Jan. 29, 1954; 8:48 a. m.]

[47 CFR Parts 2, 6, 10, 11]

[Docket No. 10777]

PUBLIC SAFETY AND INDUSTRIAL RADIO SERVICES

ORDER EXTENDING TIME FOR REPLYING TO COMMENTS

In the matter of amendment of Parts 10 and 11 of the Commission's rules governing Public Safety and Industrial Radio Services, respectively, to permit Operational Fixed Stations licensed to a State to provide coordinated service to State agencies for the handling of public safety, administrative and agricultural information traffic on a non-common carrier basis.

The Commision having under consideration the petition dated January 19, 1954, filed by the State of California in the above-entitled proceeding, requesting an extension of time in which to file a reply to the original comments directed to the Commission's notice of proposed rule making in this docket;

It appearing, that good and sufficient reasons have been advanced by the State of California in its petition for an extension of time in which to file a reply to the original comments in this proceeding, and that the public interest would be served by an extension until February 15, 1954; and

It is ordered, That the time for filing replies to the original comments in the above-entitled proceeding is hereby extended from January 25, 1954, to February 15, 1954.

Adopted: January 21, 1954.

Released: January 26, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-652; Filed, Jan. 29, 1954; 8:47 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CANNED CRANBERRY SAUCE

NOTICE OF PURCHASE PROGRAM, UMP 1818

In order to encourage the consumption of cranberries by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, canned cranberry sauce will be purchased during the period January 25, 1954, to and including February 27, 1954, in instances where surpluses have created serious marketing problems, and subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. Information as to this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 27th day of January 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division Agricultural Marketing Service.

[F. R. Doc. 54-658; Filed, Jan. 29, 1954; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6498]

EMPIRE HOUSEHOLD COMPANY OF NEW YORK, INC. AND EMPIRE FOREIGN AIR FORWARDERS, INC.

NOTICE OF HEARING

In the matter of the application of Angelo F. Carbone, Alan D. Gould, Mary A. Carbone, Lola R. Gould, Empire Household Company of New York, Inc., and Empire Foreign Air Forwarders, Inc., for an approval pursuant to or an exemption from Section 408 of the Civil Aeronautics Act of 1938, as amended, and an approval of Certain Interlocking Relationships pursuant to Section 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 4, 1954 at 9:00 a. m., e. s. t., in Room 1205, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., January 27, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-664; Filed, Jan. 29, 1954; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6536]

ENERGY ACCUMULATION AND EXCHANGE CORP.

NOTICE OF DECLARATION OF INTENTION

JANUARY 26, 1954.

Public notice is hereby given that Energy Accumulation and Exchange Corporation, of New York, New York, has filed a declaration of intention pursuant to section 23 (b) of the Federal Power Act (16 U. S. C. 817) to construct a hydroelectric development (Docket No. E-6536), to be known as the Accumex Project, on the shore of Lake Erie near the village of Brocton in Chautauqua County, New York, consisting of an initial installation of 5 "specially" designed pump-turbines serving as motors and generators having combined capacity of 400,000 kw and an ultimate installation of 24 units having a total installed capacity of 1,920,000 kw operating under a head of 800 feet with an hydraulic capacity of 1500 cfs per unit connected by means of 10-foot or possibly 12-foot diameter penstocks about 4 miles long to a reservoir formed by two natural slopes and two artificial dams closing a valley called either Bear Lake Valley or Stockton Valley, the reservoir having an area of some 7,000 acres and a maximum total and usable storage capacity of 500,000 acre feet at Elevation 1390 within a draw-down level of 70 to 75 feet. The South Dam would be of a gravity type rock-fill and earth design about 100 feet high and about 7,200 feet long. The North Dam located near the escarpment on the Lake Erie side would be about 60 to 90 feet high and 6,000 feet long and would comprise the valve gallery and auxiliaries. Aggregate and earth for construction needs are near the site. Plans for construction of transmission lines will be determined later.

The Commission will investigate the proposed construction and determine whether a license under the Federal Power Act is required or whether the project may be constructed merely upon compliance with State law.

Any communication from persons interested in this matter may be submitted within 30 days from publication of this notice to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-639; Filed, Jan. 29, 1954; 8:45 a. m.]

[Docket No. G-1952]

UNITED FUEL GAS CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 26, 1954.

Notice is hereby given that on January 21, 1954, the Federal Power Commission issued its order adopted January 20, 1954, amending order issued May 1, 1953 (18 F. R. 2674) issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-640; Filed, Jan. 29, 1954; 8:45 a. m.]

[Docket No. G-2356]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 26, 1954.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in El Paso, Texas, filed, on January 18, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities, subject to the jurisdiction of the Commission, and described as follows:

(1) Approximately 32.5 miles of 10¾-inch OD transmission pipeline, extending from the downstream side of Barnhart's gasoline plant in Reagan County, Texas, to a point of connection on Applicant's 20-inch Upton County line, in Section 47 Block Y of G. C. & S. F. Railroad Company Survey, Upton County, Texas.

(2) A metering station to be known as Barnhart Purchase Meter Station for metering of gas purchased from Barnhart gasoline plant referred to in (1) above.

The application recites the described facilities are necessary for the purpose of purchasing and acquiring 20,000 Mcf of natural gas daily from Barnhart Hydrocarbon Corporation in Reagan County, Texas. The estimated cost of the proposed facilities is $798,603.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-641; Filed, Jan. 29, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10512, 10513, 10514]

SCRIPPS-HOWARD RADIO, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Scripps-Howard Radio, Inc., Knoxville, Tennessee, Docket No. 10512, File No. BPCT-630; Radio Station WBIR, Inc., Knoxville, Tennes-

see, Docket No. 10513, File No. BPCT-686; Tennessee Television, Inc., Knoxville, Tennessee, Docket No. 10514, File No. BPCT-1002; for television construction permits (channel 10).

The further hearing tentatively scheduled for February 1, 1954, at 2:00 p. m. (Transcript 3306) is now scheduled for Thursday, February 4, 1954, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Dated: January 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-650; Filed, Jan. 29, 1954; 8:47 a. m.]

[Docket Nos. 10559, 10560]

GULF COAST BROADCASTING CO. AND BAPTIST GENERAL CONVENTION OF TEXAS

ORDER CONTINUING HEARING

In re applications of Gulf Coast Broadcasting Company, Corpus Christi, Texas, Docket No. 10559, File No. BPCT-723; Baptist General Convention of Texas, Corpus Christi, Texas, Docket No. 10560, File No. BPCT-906; for construction permits for new television broadcast stations.

Having under consideration an oral motion for continuance of the further hearing now scheduled for January 28, 1954;

It appearing that due to unusual circumstances the applicants have been unable to assemble the data necessary for hearing upon the issue which was added by order of the Examiner on December 24, 1953; and

It further appearing that all parties have joined in the request for a continuance;

It is ordered, This 25th day of January 1954, that the hearing is continued from January 28, 1954, to February 9, 1954, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-651; Filed, Jan. 29, 1954; 8:47 a. m.]

[Docket Nos. 10800, 10801]

BEACHVIEW BROADCASTING CORP. AND PORTSMOUTH RADIO CORP.

ORDER SCHEDULING HEARING

In re applications of Beachview Broadcasting Corporation, Norfolk, Virginia; Docket No. 10800, File No. BPCT-1605; Portsmouth Radio Corporation, Portsmouth, Virginia; Docket No. 10801, File No. BPCT-1750; for construction permits for new television stations.

It is hereby ordered, This 25th day of January 1954, that the hearing conference pursuant to § 1.841 in the above-entitled matter, heretofore postponed indefinitely, be resumed at 1 p. m., e. s. t., January 29, 1954, in the Commission's offices in Washington, D. C.

Released: January 26, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-649; Filed, Jan. 29, 1954; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3175]

MISSISSIPPI POWER & LIGHT CO.

ORDER REGARDING SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING

JANUARY 26, 1954.

A declaration having been filed with this Commission by Mississippi Power & Light Company ("Mississippi"), a public utility subsidiary of Middle South Utilities, Inc., a registered holding company, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-50, promulgated thereunder, with respect to transactions, which are summarized as follows:

The declarant proposes to issue and sell to the public 60,000 shares of a new class of Preferred Stock ($100 par value), to provide funds for its 1954 construction program and other corporate purposes.

Mississippi contemplates expenditures of approximately $7,000,000 in the year 1954 in connection with its program for the construction of new facilities and the extension and improvement of its present facilities to provide electric service to its customers. The company desires to obtain a portion of the funds with which to carry forward such program and funds for other corporate purposes through the issuance and sale of prefererd stock and believes that it is desirable to obtain said funds by such means. The company's charter now authorizes 100,000 shares of $6 Preferred Stock, of which 44,476 shares are issued and outstanding. Mississippi intends to amend its charter by appropriate corporate action, to authorize 60,000 shares of a new class of preferred stock and establish its characteristics, and to authorize the issuance and sale of said 60,000 shares to the public.

The dividend rate, to be a multiple of 1/20 of 1 percent and the price of the New Preferred Stock to be paid the company, to be not less than $100 nor more than $102.75 per share plus accrued dividends, will be fixed by proposals to be invited by the company pursuant to the requirements of the Commission's Rule U-50 and the company will reserve the right to reject any or all proposals at or after the opening thereof. Declarant has requested that the Commission's order herein be issued on January 26, 1954.

Fees and expenses to be paid by the company, other than underwriters' commissions, are estimated as follows:

Federal stamp tax	$6,600.00
Filing fee Securities and Exchange Commission	616.50
Fees of transfer agent and registrar	1,500.00
Fees of company's counsel:	
Green, Green and Cheney	84,250.00
Reid & Priest	8,500.00
Auditors' fees	2,500.00
Printing, including Form S-1, prospectus, etc.	16,000.00
Printing and engraving securities	600.00
Miscellaneous expense	7,433.50
Total expenses	48,000.00

It further appearing that the proposed fee of Winthrop, Stimson, Putnam & Roberts, counsel for the underwriters, which is to be paid by the successful bidders, is $4,500.00;

Due notice having been given of the filing of the declaration and a hearing not having been requested of, or ordered by, the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, that no adverse findings are necessary, and that the fees and expenses, as estimated, are not unreasonable, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-645; Filed, Jan. 29, 1954; 8:46 a. m.]

[File No. 70-3180]

CAMBRIDGE ELECTRIC LIGHT CO.

NOTICE OF PROPOSED BANK LOAN

JANUARY 25, 1954.

Notice is hereby given that Cambridge Electric Light Company ("Applicant"), an electric utility subsidiary of New England Gas and Electric Association, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) of the act as applicable to the proposed transaction, which is summarized as follows:

Applicant proposes to borrow, from time to time on notes payable to The First National Bank of Boston, funds not exceeding in the aggregate $2,750,000, the notes to mature more than one year after date thereof but not later than June 30, 1955, and to bear interest at the prime Boston rate for commercial paper plus ¼ of 1 percent, with a maximum of 3½ percent and a minimum of 3 percent, the interest rate to be adjusted every ninety days in the event of a change in the prime rate.

The purpose of said borrowing is to repay notes payable, aggregating $500,000, to The First National Bank of Boston, due December 31, 1954, bearing interest at the rate of 3¼ percent per annum, incurred for the purpose of temporarily financing additions to Applicant's property, plant and equipment. The balance of the borrowing, $2,250,000, will be used to partially reimburse the Plant Replacement Fund for expenditures made therefrom to finance extensions, additions and improvements to property, plant and equipment.

Applicant's expenses are estimated at $800, including $150 for legal services.

The proposed borrowing has been approved and authorized by order issued on January 11, 1954, by the Department of Public Utilities of Massachusetts, in which State the Applicant is organized and doing business.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than February 12, 1954, at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-644; Filed, Jan. 29, 1954; 8:46 a. m.]

[File No. 70-3182]

SUBURBAN ELECTRIC CO.

NOTICE OF FILING REGARDING SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

JANUARY 26, 1954.

Notice is hereby given that Suburban Electric Company ("Suburban"), a public-utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicant has designated Section 6 (b) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Suburban proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $4,000,000 principal amount of its First Mortgage Bonds, Series A, due 1984. The price of the bonds which shall be not less than the principal amount nor more than 102¾ percent thereof and the interest rate which shall be a multiple of ⅛ of 1 percent and not in excess of 4½ percent will be determined by competitive bidding.

The proceeds from the sale of the bonds will be applied to the payment of short-term note indebtedness, and the balance, if any, will be used to pay for capitalizable expenditures or to reimburse the treasury therefor. Suburban presently has outstanding $3,800,000 principal amount of short-term notes of which $1,300,000 principal amount is payable to banks and $2,500,000 principal amount is payable to NEES.

Suburban is organized and doing business in The Commonwealth of Massachusetts and represents that the sale of its bonds is subject to the approval of the Department of Public Utilities of that State.

The expenses to be incurred in connection with the issue and sale of the bonds are estimated by Suburban to amount to $56,000, including $20,000 for services, at cost, of New England Power Service Company, an affiliated service company, and $5,000 for accounting services.

Suburban requests that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than February 15, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-646; Filed, Jan. 29, 1954; 8:46 a. m.]

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Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 17]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

OXYGEN

This supplement establishes CAA interpretations and policies on providing oxygen for, and administering oxygen to, crew members and passengers in pressurized and nonpressurized cabin aircraft at various operating altitudes.

The following policies and interpretations are hereby adopted:

§ 41.24–1 *Supplemental oxygen for crew members (CAA interpretations which apply to § 41.24 (a) (1).* The phrase, "during the portion of flight in excess of 30 minutes within this range of altitudes" applies to all crew members including the flight crew members on flight deck duty. Thus, oxygen is required to be provided for, and used by, each member of the flight crew on flight deck duty only during the portion of the flight in excess of 30 minutes within this range of altitudes.

§ 41.24–2 *Oxygen requirements for stand-by crew members (CAA interpretations which apply to § 41.24 (a)).* Stand-by crew members who are on call or are definitely going to have flight deck duty prior to the completion of a flight must be provided with the same amount of supplemental oxygen as that provided for crew members on duty other than on flight deck duty. However, if the stand-by crew members are not on call and will not be on flight deck duty during the remainder of the flight, they must be considered as passengers with regard to supplemental oxygen.

§ 41.24–3 *Operating instructions (CAA policies which apply to § 41.24).* Operating instructions appropriate to the type of system and masks installed should be provided for the flight crew in the appropriate air carrier manual. These operating instructions should contain a graph or a table which will show the duration of the oxygen supply for the various bottle pressures and pressure altitudes.

§ 41.24–4 *Oxygen requirements for jump seat occupant (CAA policies which apply to § 41.24).* When the jump seat is occupied by a check pilot, a crew member, or a flight crew member, as defined by § 41.137 (h), (j) and (i) respectively, oxygen should be provided in accordance with the requirements of § 41.24. The provision of oxygen at the jump seat location may be accomplished either by a portable oxygen unit or an outlet in a fixed system.

§ 41.24–5 *Oxygen requirements for infants-in-arms (CAA policies which apply to § 41.24 (b)).* Provisions should be made for administering oxygen to infants-in-arms and additional oxygen should be carried whenever an unusually large number of infants is carried. This additional oxygen is needed only when there is a passenger or infant for each seat position and the number of infants not provided for exceeds 50 percent of the seat positions. Acceptable methods of administering the oxygen to infants and now used by many operators are: (a) A disposable plastic mask which can be fitted to the face; (b) an infant size BLB oronasal mask and (c) semi-rigid paper cups, specifically reserved for the purpose, which can be fitted over the infant's nose and mouth, with a hole punched through the bottom through which an oxygen tube or a Y-connector can be inserted. Any other acceptable method may also be used.

§ 41.24–6 *Oxygen requirements for clinical purposes (CAA policies which apply to § 41.24 (b)).* The regulations do not require that oxygen be provided for clinical purposes; hence, if the air carrier believes that such oxygen is to be desired, he should provide oxygen for this purpose. It is suggested that portable units of any size the air carrier desires be used for this purpose in order that the minimum supply required for supplementary breathing purposes will be preserved. If, however, the operator wishes to use a common source of supply for the oxygen required by the regulations and for clinical purposes, he may

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do so if he provides an amount of oxygen sufficiently greater than that required by the regulations. A quantity of 300 liters STPD would probably be considered as satisfying reasonable needs.

§ 41.24a–1 *Computation of supply for crew members in pressurized cabin aircraft (CAA policies which apply to § 41.24a (a))*—(a) *Cabin altitudes less than 10,000 feet.* When a pressurized cabin aircraft is certificated to fly with a cabin pressure altitude no greater than 10,000 feet, only the supply of oxygen stipulated by § 41.24a (a) need be provided for crew members. In determining this supply the following policies should be considered:

(1) The supply of oxygen which should be provided for all crew members for the duration of the flight should be computed on the basis of the cabin pressure altitude which would exist after cabin depressurization has occurred and the aircraft has descended to the altitude which would permit safe flight with respect to terrain clearance. (See § 41.24a (c).)

(2) The operator may use the supply furnished for protective breathing purposes (see § 41.24c) for compliance with the two hour requirement for supplementary breathing oxygen. For example, the 300 liter STPD supply per flight crew member which is the protective breathing supply when demand (or diluter-demand) systems are used, will provide a two-hour supplementary breathing supply for one flight crew member at 20,000 feet, so that both the minimum two hour supplementary breathing requirement and the protective breathing requirement would be fulfilled under most emergency conditions resulting from loss of cabin pressure or from contamination of cabin air with smoke or poisonous gases.

(b) *Cabin altitudes greater than 10,000 feet.* When operating a pressurized cabin aircraft which is certificated to fly with a cabin pressure altitude greater than 10,000 feet, a supply of oxygen for crew members computed on the basis of the requirements of § 41.24 (a) should be provided.

(1) The oxygen supply required for protective breathing purposes, as defined in § 41.24c, should be provided in addition to the above supply for the flight crew members on flight deck duty. This emergency supply may be used in the event of cabin pressurization failure. In the event that operations occur over terrain which require flights of such duration and altitude as to use up the emergency oxygen supplied either for protective breathing purposes or for the two hour supply following pressurization failure, the supply should be increased to provide for this difference, computing it for crew members on the basis of § 41.24a (a).

(2) To provide oxygen for crew members other than the flight crew members on flight deck duty in the event of cabin pressurization failure, a supply of oxygen in addition to the supplies mentioned above should be provided in accordance with the requirements of § 41.24a (a) except that the total supply for these other crew members need not exceed that provided on the basis of § 41.24 (a) for cabin pressure altitudes in excess of 10,000 feet plus an additional supply necessary to satisfy the increased oxygen flow which might be needed following a pressurization failure; this supplement to the § 41.24 (a) supply should be based on the duration of flight at the altitudes which would permit safe flight with respect to terrain clearance.

(3) During normal operation at cabin pressure altitudes above 10,000 feet oxygen should be used by each member of the flight crew on flight deck duty for the duration of the flight in excess of 30 minutes at the cabin pressure altitudes between 10,000 and 12,000 feet and for the duration of the flight at cabin pressure altitudes in excess of 12,000 feet. In the event of the loss of cabin pressurization, oxygen should continue to be used by the flight crew members on flight deck duty for the duration of flight at cabin pressure altitudes greater than 10,000 feet. All other crew members may use oxygen according to their individual needs.

§ 41.24a–2 *Computation of supply for passengers in pressurized cabin aircraft (CAA policies which apply to § 41.24a (b))*—(a) *Cabin altitudes less than 10,000 feet.* When a pressurized cabin aircraft is certificated to fly with a cabin pressure altitude no greater than 10,000 feet, only the supply of oxygen stipulated by § 41.24 (b) need be provided for passengers. In determining this supply the following policies should be considered:

(1) The altitude which should be used in computing the supply of oxygen required by this section should be the altitude to which the aircraft would descend following a cabin pressurization failure, considering terrain clearance and operation limitations.

(2) Relative to § 41.24a (b) (1) and (2), no oxygen need be provided for the first four minutes following a cabin pressurization failure.

(b) *Cabin altitudes greater than 10,000 feet.* When a pressurized cabin aircraft is certificated to fly with a cabin pressure altitude greater than 10,000 feet, the following policies should be considered: When the cabin pressure altitude is above 10,000 feet to and including 14,000 feet, sufficient oxygen shall be provided for 10 percent of the number of passengers for the duration of flight between such cabin pressure altitudes. When the cabin pressure altitude is above 14,000 feet to and including 15,000 feet, sufficient oxygen shall be provided for 30 percent of the number of passengers for the duration of flight between such cabin pressure altitudes. When the cabin pressure altitude is above 15,000 feet, sufficient oxygen shall be provided for each passenger for the duration of flight above such a cabin pressure altitude. In addition to the above supply of oxygen, in order to provide for loss of cabin pressure, the supplementary oxygen required by whatever portions of § 41.24a (b) are applicable, shall be provided except that in no case will it be necessary to furnish a supply of oxygen in excess of that necessary to supply oxygen to 100 percent of the passengers for the maximum possible duration of flight at the maximum cabin altitude which could be attained under either of the normal operating or emergency conditions whichever is greater.

§ 41.24a–3 *Oxygen requirements for clinical purposes (CAA policies which apply to § 41.24a (b)).* The regulations do not require that oxygen be provided for clinical purposes; hence, if the air carrier believes that such oxygen is to be desired, he should provide oxygen for this purpose. It is suggested that portable units of any size the air carrier desires be used for this purpose in order that the minimum supply required for supplementary breathing purposes will be preserved. If, however, the operator wishes to use a common source of supply for the oxygen required by the regulations and for clinical purposes, he may do so if he provides an amount of oxygen sufficiently greater than that required by the regulations. It is suggested that a quantity of 300 liters may be considered as satisfying reasonable needs.

§ 41.24a–4 *Oxygen requirements for infants-in-arms (CAA policies which apply to § 41.24a (b)).* Provisions should be made for administering oxygen to infants-in-arms, and additional oxygen over that required by § 41.24a (b) should be carried whenever an unusually large number of infants is carried. This additional oxygen is needed only when there is a passenger or infant for each seat position and the number of infants not provided for exceeds 50 percent of the seat positions. Acceptable methods of administering the oxygen to infants and now used by many operators are: (a) A disposable plastic mask which can be fitted to the face; (b) an infant size BLB oro-nasal mask and (c) semi-rigid paper cups, specifically reserved for the purpose, which can be fitted over the infant's nose and mouth, with a hole punched through the bottom through which an oxygen tube or Y-connector can be inserted. Any other acceptable method may also be used.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective February 15, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-662; Filed, Feb. 1, 1954; 8:45 a. m.]

[Supp. 20]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

OXYGEN

This supplement establishes CAA interpretations and policies on providing oxygen for, and administering oxygen to, crew members and passengers in pressurized and nonpressurized cabin aircraft at various operating altitudes.

The following policies and interpretations are hereby adopted:

§ 42.26–1 *Supplemental oxygen for crew members (CAA interpretations which apply to § 42.26 (a) (1)).* See § 41.24–1 of this subchapter.

§ 42.26–2 *Oxygen requirements for stand-by crew members (CAA interpretations which apply to § 42.26 (a)).* See § 41.24–2 of this subchapter.

§ 42.26–3 *Operating instructions (CAA policies which apply to § 42.26).* See § 41.24–3 of this subchapter.

§ 42.26–4 *Oxygen requirements for jump seat occupant (CAA policies which apply to § 42.26).* See § 41.24–4 of this subchapter.

§ 42.26–5 *Oxygen requirements for infants-in-arms (CAA policies which apply to § 42.26 (b)).* See § 41.24–5 of this subchapter.

§ 42.26–6 *Oxygen requirements for clinical purposes (CAA policies which apply to § 42.26 (b)).* See § 41.24–6 of this subchapter.

§ 42.27–1 *Computation of supply for crew members in pressurized cabin aircraft (CAA policies which apply to § 42.27 (a)).* See § 41.24a–1 of this subchapter.

§ 42.27–2 *Computation of supply for passengers in pressurized cabin aircraft (CAA policies which apply to § 42.27 (b)).* See § 41.24a–2 of his subchapter.

§ 42.27–3 *Oxygen requirements for clinical purposes (CAA policies which apply to § 42.27 (b)).* See § 41.24a–3 of this subchapter.

§ 42.27–4 *Oxygen requirements for infants-in-arms (CAA policies which apply to § 42.27 (b)).* See § 41.24a–4 of this subchapter.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective February 15, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-663; Filed, Feb. 1, 1954; 8:46 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 71]

PART 608—DANGER AREAS

CAMP CLAIBORNE, LA.

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.26, a Camp Claiborne, Louisiana, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP CLAIBORNE (D-4311) (Beaumont Chart).	SE corner: lat. 31°05'10" N, long. 92°30'40" W; SW corner: lat. 31°01'53" N, long. 92°34'17" W; NW corner: lat. 31°07'30" N, long. 92°40'45" W; NE corner: lat. 31°11'07" N, long. 92°36'35" W.	Surface to unlimited.	Continuous during VFR weather conditions	Alexandria, La. AFB.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on February 12, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-661; Filed, Feb. 1, 1954; 8:45 a. m.]

[Amdt. 62]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility, class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DETROIT, MICH. Detroit City, 629' SBRAZ T Windsor LFR "QO" Procedure No. 2 January 30, 1954	From Detroit VOR to Warren Int # From Pontiac Int. to Warren Int. # (final).	060—23.0 149—11.0	2,700 2,000	W side of NW course: 32° outbound. 149° inbound. 2,700' within 25 miles of Warren Int #.	Minimum altitude over Warren Int # 2,000'.	From Warren Int # to airport 149—5.2.	T-dn* C-dn A-dn	500-1 700-1 800-2	500-1 700-1½ 800-2	Within 5.2 miles after passing Warren Int # climb straight ahead to 2,300' to Windsor LFR or if directed by ATC make left climbing turn, climb to 2,300' and proceed out NW course Windsor LFR to Warren Int #. *Take-off 300—1 runway 33 only. #Warren Int.—Int NW course Windsor LFR and E course Sillem VAR or 60 course from RML-VOR.
KANSAS CITY, KANS. Fairfax, 746' SBRAZ-VDTX-MKC Procedure No. 1 February 1, 1954	Kansas City VOR..... Linkville FM (final).....	184—8.0 148—11.5	2,400 1,600	E side NW course: 328° outbound. 148° inbound. 2,400' within 10 miles. Not authorized beyond 10 miles.	1,600	134—1.0	T-dn# C-dn A-dn	300-1 500-1 800-2	300-1 700-1½ 800-2	Within 1.0 mile, immediately turn right climb to 2,200' on SW course within 25 miles or when directed by ATC immediately turn right, climb to 2,500' and intercept 310° ADF track to Farley Rbn and hold. #Take-offs to S and SW when weather is below 1,000-3 will intercept a 210° ADF track from ILS-LMM or 180° outbound course MKC-VOR as soon as practical after take-off and maintain this track or course until reaching 2,500' MSL prior to making left turn. CAUTION: TV tower 1,670' MSL 4.5 miles S of airport, congested buildings 1,425' MSL 3 miles SE, and cracking plant 911' MSL and stack 883' MSL ESE approach end runway 35.
LANSING, MICH. Capital City, 858' SBMRAZ VOR-LAN Procedure No. 1 January 21, 1954	Lansing VOR.....	067—9.0	2,300	N side E course: 107° outbound. 287° inbound. 2,900' within 25 miles.	2,400	280—2.6	T-dn C-dn S-dn 27 A-dn	300-1 800-1 800-1 800-2	300-1 800-1½ 800-1 800-2	Within 2.6 miles climb to 2,300' on W course within 25 miles or when directed by ATC make right climbing turn to 2,900' on NW course LAN LFR within 25 miles.
NEW YORK, N. Y. International, 12' SMRA IDL Procedure No. 1 February 1, 1954	Scotland Int. or MHW (final)	042—11	700	E side SW course: 220° outbound. 042° inbound. 1,200' within 15 miles.	700	040—2.9	T-dn C-dn S-dn 4 A-dn	300-1 500-1 500-1 800-2	300-1 600-1½ 500-1 800-2	Within 2.9 miles climb to at least 500' on NE course, make a climbing right turn to 130° intersecting SW course of the Mitchel LFR. Continue climb to 1,500' (or higher altitude when requested by ATC) outbound on SW course Mitchel LFR. CAUTION: Straight-in landing minimums do not provide standard clearance over 278' stack 1.7 miles SSE of runway 1R.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility, class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
NEW YORK, N. Y. Procedure No. 2 SMRA IDL Elmont FM February 1, 1954	Glen Cove Int. to Elmont FM (final)	218—1.0	1,000	*E side NE course: 038° outbound. 218° inbound. 1,500' within 10 miles of Elmont FM.	Elmont FM 1,000	218—4.6	T-dn C-dn S-dn 22 A-dn	300-1 500-1 500-1 800-2	300-1 600-1½ 800-1 800-2	Within 4.6 miles after passing Elmont FM, climb to 1,200' or higher altitude when requested by ATC) on SW course within 10 miles. *Procedure turn conducted E to avoid Laguardia traffic.
PITTSBURGH, PA. Allegheny County Airport, 1,232' SBRAZ-DTV PIT Procedure No. 1 February 1, 1954	Old Concord Int. (Int. SW course Pittsburgh LFR and NW course Morgantown LFR).	044—29	2,700	S side of SW course: 224° outbound. 044° inbound. 2,500' within 10 miles. NA beyond 10 miles.	2,000	035—2.3	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 2.3 miles, climb to 3,000' on SE course withing 10 miles.
POCATELLO, IDAHO Phillips Field, 4,445' BMRLZ-VDT PIH Procedure No. 1 January 29, 1954				N side of W course: 236° outbound. 056° inbound. 6,500' within 25 miles of PIH LFR. Procedure turn N for more favorable terrain.	*4,900	326—0.3	T-dn C-d C-n A-dn	300-1 500-1 500-2 800-2	300-1 600-1½ 600-2 800-2	Within 0.0 mile, execute climbing left turn, climb to 6,500' on W course within 25 miles of PIH LFR. ADF procedure not authorized. CAUTION: High terrain located S of final approach course. Standard criteria not followed in item 6 due to 5,950' terrain located approximately 5 miles SSE and 5,000' terrain located approximately 9½ miles SW of PIH LFR and 4,600' terrain 2½ miles SSW of PIH LFR 1¾ miles S of the W course. *Position must be maintained N of W course when descending below 5,100'.
ROSWELL, N. MEX. Roswell Airport, 3,621' SBMRAZ ROW Procedure No. 1 January 29, 1954				E side SE course. 122° outbound. 302° inbound. 5,000' within 25 miles.	4,500	311—9.1	T-dn C-dn A-dn	300-1 500-2 800-2	300-1 500-2 800-2	Within 9.1 miles, climb to 12,000' on NW course.
SANTA ANA, CALIF. Orange County, 53' SMRLZ-V NZJ Procedure No. 1 February 8, 1954	Int. SE course LGB LFR and S course NZJ LFR. Int. SE course LGB LFR and W course NZJ LFR.	340—12.0 070—10.0	On top not below 2,500' On top not below 2,500'	W side N course: 340° outbound. 160° inbound. 2,500' within 10 miles, beyond 10 miles NA.	1,800	215—3.7	T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1½ 800-2	Within 3.7 miles, climb to on top on an ADF track of 215° from the NZJ LFR. NOTE: This procedure NA with tops above 2,500'. CAUTION: 207' water tank 1 mile WSW of airport and high terrain 4 miles SE of airport.
SCOTTSBLUFF, NEBR. Scottsbluff, 3,965' SBMRLZ BTV SCT Procedure No. 1 February 8, 1954.				E side SE course: 121 outbound. 301 inbound. 5,600' within 10 miles. (NA beyond 10 miles account high terrain.)	5,100	301—3.2	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 3.2 miles climb to 6,000' on NW course within 25 miles. Lights on request.
SEATTLE, WASH. Boeing Field, 17' SBRAZ VDTXP SEA Procedure No. 1 February 5, 1954	Monroe INT..... Hobart FM ..... Kitsap Int..... Harbor Island FM ..... TCM LFR ..... TCM-LFR to SEA-LOM SEA-LOM (final).....	166—26 269—15 117—22 117—8 356—29 356—25 356—4.0	3,000 4,000 2,000 2,000 3,000 2,000 1,200	E side of S course. 2,000' within 15 miles of SEA-LFR. 20 and 25 miles NA.	*1,800	290—2.4	T-dn C-dn A-dn	300-1 800-2 800-2	300-1 800-2 800-2	Within 2.4 miles, climb to 2,000' on NW course SEA LFR within 25 miles. *Descent to 1,200' (final) authorized after passing SEA LOM, if SEA LOM not received, maintain 1,800' over SEA LFR. CAUTION: Radio Tower 606' 7 miles SW and 1,787' 5 miles E of SEA-LFR.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SEATTLE, WASH. Boeing Field, 17' SBRAZ-VDTXP SEA (Harbor Island FM-approach) Procedure No. 2 February 8, 1954	Kitsap Int	117—22.0	2,000	W side of NW course: 297° outbound. 117° inbound. 2,000 feet within 10 miles of Harbor Island FM. 15, 20, and 25 miles NA	Harbor Island FM 1,500	117—3.7	T-dn C-dn A-dn	300–1 800–2 800–2	300–1 800–2 800–2	Within 3.7 miles past Harbor Island FM, climb to 2,000' on S course of SEA-LFR within 15 miles. CAUTION Radio towers 606' 7 miles SW and 787' 5 miles E of SEA-LFR.
	Hobart FM	269—15.0	4,000							
SHERIDAN, WYO. Sheridan County, 4,021' SBRAZ-DTV SHR Procedure No. 1 January 28, 1954	U cross FM	298—17	5,500	E side SE course: 118° outbound. 298° inbound. 6,000' within 25 miles.	*5,500	298—1.6	T-dn T-dn C-dn C-dn A-dn	500–1 500–2 800–1½ 800–2 800–2	500–1 500–2 800–1½ 800–2 800–2	Within 1.6 miles, climb to 8,000' on NW course within 25 miles. *If both visual and aural signals are received over Sheridan FM, minimum altitude over LFR will be 5,900'. CAUTION High terrain to SE and SW.
	Sheridan FM (final)*	298–2	5,000							
	Sheridan VOR	121–9	6,000							
TRUTH OR CONSEQUENCES, N. MEX. Truth or Consequences Airport 4,849' SBRAZ—DTV TCS Procedure No. 1 January 20, 1954	Truth or Consequences VOR	090—18.0	8,000	E side N course: 356° outbound. 176° inbound. 8,000 feet within 10 miles NA beyond 10 miles.	6,300	258—16.7	T-dn C-dn A-dn	500–1 1,500–1 2,000–3	500–1 1,500–1½ 2,000–3	Within 0.0 miles, turn right, return to LFR via W course, then climb to 10,000' on S course Procedure turn to E due to high terrain to W.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
MASON CITY, IOWA Mason City, 1,216' BH TV MCW Procedure No. 1 February 8, 1954	Mason City VOR	349—4.0	2,200	E side of course: 180 outbnd. 360 inbound. 2,200' within 25 miles.	1,700	On airport	T-dn C-dn A-dn	300–1 500–1 800–2	300–1 500–1½ 800–2	Within 0 mile climb to 2,500' on ADF track of 360° magnetic within 25 miles.
NEWARK, N. J. Newark Airport, 18' ILS LOW EW Procedure No. 1 November 15, 1952	CANCELLED EFFECTIVE JANUARY 4, 1954.									
SAULT STE. MARIE, MICH. Kinross AFB LOM-IN Procedure No. 1 February 24, 1953	PROCEDURE CANCELLED EFFECTIVE JANUARY 30, 1954.									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation, facility; class and identification; procedure No., effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound) altitudes, limiting distances	Minimum altitude of glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at: Outer marker	Altitude of glide slope and distance to approach end of runway at: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established when descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
DENVER, COLO. Stapleton Airfield, 5,331' ILS DEN Procedure No. 1 February 8, 1954	Denver LFR	LOM	098—9.0	7,000	N side E course 7,000' within miles 076° outbound. 256° inbound.	7,000	6,997—6.3	5,571—0.7	T-dn C-dn S-dn 26L A-dn	300–1 500–1 400–1 800–2	300–1 500–1½ 400–1 800–2	Turn right, climb to 6,300' on N course Den LFR within 20 miles. CAUTION 5,098' MSL radio tower 4.7 miles ESE airport. 5,879' MSL tank 0.9 miles SE MM.
	Denver VOR	LOM	162—7.0	7,000								
	Aurora "H"	LOM	050—9.0	7,000								
	Dupont INT	LOM	122—11.0	7,000								
	Watkins FM	E course ILS	192—3.0	7,000								
	Int E course ILS and S course Denver LFR	LOM	076—8.0	7,000								
SAULT STE. MARIE, MICH. Kinross AFB, 799' ILS-INR LOM-IN LMM NR Procedure No. 1 January 30, 1954 Combination ILS-ADF procedure	Sault Ste. Marie LFR	LOM	236—13.0	2,300	W side of course 337° outbound. 157° inbound. 2,300 within 25 miles.	ILS 2,300 ADF 1,800	2,211	971	T-dn C-dn S-dn 15 ILS ADF A-dn	300–1 500–1 400–¾ 500–1 800–2	300–1 800–1¾ 400–¾ 500–1 800–2	Climb to 2,500' on SE course of the ILS within 25 miles. NOTE for Item #3—Outer and middle markers and middle marker compass locator not monitored. Outer marker compass locator only monitored.
	Int W course Sault Ste. Marie LFR and NW course ILS	LOM	155—13.0	2,400								
	Int SW course Sault Ste. Marie LFR and SE course ILS.	LOM	345—9.0	2,300								
SEATTLE, WASH. Seattle-Tacoma International, 416' ILS SEA LOM SE Procedure No. 1 Combination ILS and ADF January 29, 1954	Seattle LFR	LOM	175—9.0	2,000	E side of S course 178° outbound 358° inbound 2,000' within 9 miles 10, 15, 20, and 25 miles NA.	ILS 1,700 ADF 1,600	1,590—4.7	785—0.6	T-dn C-dn S-dn 34 ILS ADF A-dn	300–1 500–1 400–¾ 500–1 800–2	300–1 800–1¾ 400–¾ 500–1 800–2	Within 4.7 miles after passing LOM (ADF) climb to 2,000' on NW course SEA LFR or on 338° outbound course from SEA VOR within 25 miles of respective stations CAUTION Terrain and trees 800' MSL located immediately N of airport. 720' tower located 9½ miles S of LOM.
	Seattle VOR	LOM	156—8.0	2,000								
	Vashon Int	LOM	098—9.0	2,000								
	Hobart FM	LOM	237—17.0	4,000								
	TCM LFR	LOM	356—25.0	2,000								
	TCM LFR to Int. S course ILS (338° bearing to LOM for ADF) and 065° outbound bearing from TCM LFR.		065—17.0	2,000								
	Int. S course ILS (338° bearing to LOM for ADF) and 065° outbound bearing from TCM LFR (final).	LOM	335—9.0	ILS 1,700 ADF 1,600								

4. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
KANSAS CITY, MO. Municipal, 758' BVOR MKC Procedure No 1 February 1, 1954	Kansas City LFR	004—8.0	2,500	W side of course: 351 outbound. 171 inbound 2,500' within 25 miles.	2,500	171—10	#T-dn C-dn A-dn	300–1 1,000–3 1,000–3	300–1 1,000–3 1,000–3	Within 10 miles, immediately turn right climb to 2,500' on track of 224° within 25 miles of MKC VOR #Take offs S and SW when weather is below 1,000 3 will take up a heading of 210° as soon as practicable after take-off and maintain heading until reaching 2,500' prior to making left turn TV tower 1,670' MSL 2.9 miles S of airport. Congested building 1,423' MSL, cracking plant 911' MSL and stack 853' MSL within 1 mile S and SE.
MASON CITY, IOWA Mason City, 1,218' BVOR MCW Procedure No 1 February 8, 1954	Mason City "H"	168—4.0	2,200	E side of course. 175 outbound. 355 inbound. 2,200' within 25 miles.	1,700	355—3 W	T-dn C-dn S-dn 35 A-dn	300–1 500–1 300–1 800–2	300–1 500–1½ 500–1 800–2	Within 3.9 miles climb to 2,600' on course 355° outbound within 25 miles.
TOPEKA, KANS. Philip Billard, 880' BVOR STC TOP Procedure No. 1 February 8, 1954	TOP MHW at ILS OM	071—7	2,300	W side of course: 270 outbound. 207 inbound. 2,300' within 25 miles.	1,800	207—5.8	T-dn C-dn S-dn 22 A-dn	300–1 600–1 600–1 800–2	300–1 600–1½ 600–1 800–2	Within 5.7 miles climb to 2400' on outbound course 102° magnetic within 25 miles, or when directed by ATC turn left climb to 2,400' on SE course of Topeka ILS within 15 miles.

5. The very high frequency omnirange procedures prescribed in § 609.15 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility class and identification; Procedure No. (TVOR), effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
TWIN FALLS, IDAHO Joslin, 4,148' BVOR-TWF TVOR Runway 7 On date of commissioning	King Hill Int	113—55	6,300	*N side of course: 261° outbound, 081° inbound, 5,900' within 10 miles, 15, 20, and 25 miles NA.	4,900	073—0.3	T-dn C-dn S-dn Runway 7 A-dn	300–1 800–1 800–1 800–2	300–1 800–2 800–1 800–2	Turn left, climb to 6,000' on 065° outbound course from TWF VOR within 25 miles. *Procedure turn on S side NA due to high terrain.
	GNG RH	137—33	6,300							
	Int. 110° outbound course from BOI VOR and 274° outbound course from BYI VOR.	112—59	6,300							
	BYI VOR	242—32	6,700							
	BYI LFR	243—39	6,700							

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility; class and identification; Procedure No. (TVOR), effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
TWIN FALLS, IDAHO Joslin, 4,148' BVOR—TWF TVOR-Runway 25 On date of commissioning.	King Hill Int	113—55	6,300	N side of course: 168° outbound. 348° inbound 7,500' within 10 miles 15, 20, and 25 miles NA.	4,600	253—0.3	T-dn C-dn S-dn Runway 25 A-dn	300–1 500–1 800–1 800–2	300–1 500–1½ 800–1 800–2	Turn right, climb to 6,000' on 250° outbound course from TWF-VOR within 25 miles.
	GNG RH	137—33	6,300							
	Int. 110° outbound course from BOI-VOR and 274° outbound course from BYI-VOR.	112—59	6,300							
	BYI-VOR	242—32	6,700							
	BYI-LFR	243—39	6,700							
WASHINGTON, D. C. National Airport, 16' TVOR DCA TVOR-15 January 18, 1954	Springfield Rbn	071—12	1,800	S side of course: 325 outbound. 145 inbound 1,800' within 10 miles of GTN RBn	#600	150—4.1	T-dn C-dn S-dn 15 A-dn	300–1 600–1 600–1 800–2	300–1 600–1¼ 600–1 800–2	Make a right climbing turn to 1,500' on 152 course from Washington TVOR within limits. #Maintain 1,300' until after passing Georgetown Rbn.
	Herndon VOR	123—25	1,800							
	Andrews LFR	327—15	1,500							
	Washington LFR	002—0	1,500							
	Georgetown Rbn (final	147—4	#600							
TVOR-21 January 18, 1954	Abeam Riverdale Rbn (final approach course may be intercepted from 219° track from Riverdale Rbn).	231—6	#700	E side of course: 054 outbound. 234 inbound 1,600' within 10 miles of RVD Rbn.	#700	213—1.0	T-dn C-dn S-dn 21 A-dn	700–1 700–1 800–2	300–1 700–1½ 700–1 800–2	Make a left climbing turn to 150° on course 054° from Washington TVOR within 10 miles to Riverdale Rbn. #Maintain 1,000' until after passing Riverdale Rbn.
TVOR-33 January 18, 1954	Int. NE course Washington LFR (final).	340—4	#600	*W side of course: 160 outbound 340 inbound 1,600' within 10 miles.	#600	330—0.7	T-dn C-dn S-dn 33 A-dn	300–1 600–1 600–1 800–2	300–1 600–1½ 600–1 800–2	Climb to 1,800' on 327° course from Washington TVOR. #Maintain 700' until after passing Int. NE course Washington LFR.
TVOR-36 January 18, 1954	Int NW course Washington LFR (final).	007—6	#500	*W side of course: 187 outbound. 007 inbound 1,500' within 10 miles of Washington LFR.	#500	003—0.5	T-dn C-dn S-dn 36 A-dn	300–1 600–1 500–1 800–2	300–1 600–1½ 800–1 800–2	Make a left climbing turn to 1,800' on 327° course from Washington TVOR within 10 miles. #Maintain 800' until after passing Int. NW course Washington LFR.

NOTES: Transition s from Springfield Rbn, Herndon VOR, Andrews LFR and Washington LFR authorized for all procedures.
Radar transition altitudes 1,700' in the E, W, and S quadrants of the Washington LFR and 1,800' in the N quadrant within 25 miles of the Washington National Airport, 2,500' in all quadrants within 10 miles exclusive of danger and prohibited areas. Radar fixes may be substituted for fixes listed under item 2.
*Procedure turn conducted W to avoid Andrews AFB traffic.
CAUTION: Ceiling and visibility minimums do not provide standard clearance over 596' monument 1.8 mile N of airport and 422' monument 1.7 mile W of the final approach course.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-660; Filed, Feb. 1, 1954; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-71-A-24]

PART 927—MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, as amended, effective on February 1, 1954. Otherwise, the administrative impracticability of an effective date other than as of the first day of a month would require a minimum deferment of one full month in its effective date. Such further delay in the effective date of this order, as amended, would seriously threaten the orderly marketing of milk in the New York metropolitan milk marketing area. The provisions of the said order are well known to handlers, the recommended decision having been published in the FEDERAL REGISTER on September 18, 1953 (18 F. R. 5595), and the final decision having been published in the FEDERAL REGISTER on December 17, 1953 (18 F. R. 8444). Under the circumstances, adequate and reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order, as amended, effective on February 1, 1954, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the New York metropolitan milk marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1953), were engaged in the production of milk for sale in the said marketing area and who participated in a referendum on the question of approval of its issuance.

It is therefore ordered, That on and after February 1, 1954, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as heretofore amended and as hereby further amended as follows:

1. Amend § 927.8 by deleting the words "pursuant to § 927.18 (j)."

2. Amend § 927.18 (j) to read as follows:

(j) Promptly notify a handler, upon receipt of the handler's written request therefor, of his determination: as to whether one or more plants exist at a specified location, as to whether any specified item constitutes a part of the handler's plant, or as to which plant a specified item is a part in the event that the particular premises in question constitutes more than one plant: *Provided,* That, if the request of the handler is for revision or affirmation of a previous determination, there is set forth in the request a statement of what the handler believes to be the changed conditions which make a new determination necessary. If a handler has been notified in writing of a determination with respect to an establishment operated by him, any revision of such determination shall not be effective prior to the date on which such handler is notified of the revised determination.

3. Amend § 927.24 (a) by adding the following immediately preceding the first proviso: "and in addition, the designation shall be cancelled effective either on the first day of February or on the first day of March 1954 upon application submitted by the handler to the market administrator prior to the requested effective date of cancellation."

4. Amend § 927.31 by changing the last sentence thereof to read: "The burden rests upon the handler who receives in the marketing area or at a pool plant, or distributes in the marketing area, milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, fluid cream products, or fluid skim milk to establish the source of all of his milk and milk products, and in the absence of such proof such milk and the milk equivalent of such enumerated products shall be subject to the provisions of § 927.79."

5. Amend § 927.35 by renumbering paragraph (c) as paragraph (e) and by substituting for paragraph (b) the following:

(b) After the assignments prescribed in paragraph (a) of this section, the remaining whole milk received at a plant from producers or from pool plants and in like form from dairy farmers not producers or from non-pool plants shall be assigned pro rata to the total classification of all milk on hand at or leaving such plant as whole milk.

(c) After the assignments prescribed in paragraphs (a) and (b) of this section, the then remaining milk or cream received from producers or from pool plants and the milk or cream received from dairy farmers not producers or from non-pool plants shall be assigned pro rata to the total remaining classification of such products received in like form.

(d) After the assignment of skim milk prescribed in paragraph (a) of this section, skim milk received from non-pool plants shall be assigned to the remaining skim milk subject to the fluid skim differential.

6. Amend § 927.37 (b) to read as follows:

(b) Class I–B milk shall be all milk, except as provided in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or of cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser outside of the State of New York and outside of Northern New Jersey, but which at no time (1) is received, other than directly from producers, at a plant in the marketing area, or (2) otherwise enters the marketing area except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided,* That use aboard a ship or other carrier shall not constitute such delivery.

7. Amend § 927.37 (c) to read as follows:

(c) Class I–C milk shall be all milk, except as provided in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser in the State of New York or Northern New Jersey, but which at no time (1) is received, other than directly from producers, at a plant in the marketing area, or (2) otherwise enters the marketing area except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided,* That use aboard a ship or other carrier shall not constitute such delivery.

8. Amend § 927.42 by changing (1) that portion preceding the schedule to read as follows:

§ 927.42 *Transportation differentials.* The market administrator shall determine and publicly announce a freight zone for each pool plant and he shall determine the freight zone for each plant at which milk or milk products subject to the provisions of § 927.78 or § 927.79 is received from dairy farmers or is first found. Such freight zone shall be based on the shorter of (a) the railroad mileage distances from the railroad shipping point nearest the plant to New York City railroad terminals, and (b) the shortest highway mileage from the plant to Columbus Circle, New York City, as computed (without using supplements issued thereto, from Mileage Guide No. 6 issued on July 20, 1949, effective August 21, 1949, by the Household Goods Carrier's Bureau, Agent, Washington, D. C. The freight zone for plants located in the marketing area shall be the 1–10 mile zone. The class prices set forth in § 927.40 and the fluid skim differential set forth in § 927.44 shall be plus or minus the amount set forth in the following schedule:

and (2) by changing the last freight zone in the schedule from "491–500" to "491 and over."

9. Amend § 927.50 as follows:

a. Add references to "§ 927.79" wherever reference is now made to "§ 927.78."

b. Delete from paragraph (c) the following: "such disposition to be covered by a signed statement of the plant operator if such other plant is not a pool plant."

10. Amend § 927.46 to change the time for announcing the average of prices paid in the preceding month by Midwestern condenseries from not later than the 25th day of each month to the 5th day of each month by making subparagraph (8) of paragraph (a) subparagraph (10) of paragraph (b) and renumbering subparagraph (9) in (a) to (8).

11. Amend § 927.54 by adding in paragraph (d) thereof a reference to "§ 927.32", and by adding a new paragraph (e) as follows:

(e) Make inspection of buildings and their surroundings, facilities, and equipment for verification purposes and to ascertain what constitutes a plant.

12. Amend § 927.61 by adding to paragraph (c) thereof "and § 927.79."

13. Amend § 927.77 by changing the title thereof to "Cream payments" and by adding a new paragraph (c) as follows:

(c) With respect to Class II milk the butterfat from which is on hand at the plant in the form of cream, or having left the plant in the form of cream had not been delivered to a plant or purchaser by the end of the period for establishing classification, but subsequent to the end of the period for establishing classification such cream is so handled that it would have been classified at a plant outside the marketing area in Class III pursuant to § 927.37 (e) (1) (3) (5) or (6) had such handling occurred during the period for establishing classification, the handler who received the milk from producers may claim a refund by filing a report giving the facts with respect to such handling. On the basis of verification of such report, the market administrator shall make payment out of the producer settlement fund to such handler or issue credit against any balance due from such handler to the producer settlement fund in an amount equal to the difference between the Class II and Class III prices applicable for the month when the milk was received from producers.

14. Delete § 927.78 and substitute in lieu thereof the following:

§ 927.78 *Payments on milk received from dairy farmers at non-pool plants.* Payments shall be made by handlers to producers, through the producer settlement fund, for milk and milk products under conditions, in amounts and by the handler pursuant to paragraphs (a) through (d) of this section: *Provided,* That for any month in which the volume of Class III milk used in the computation of the uniform price is less than 15 percent of the combined volume of the Class I–A and Class II milk used in such computation, the payments set forth in this section shall not be required.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, fluid cream products, and skim milk, which milk or milk product meets each of the following conditions:

(1) It was derived from milk received at a non-pool plant from dairy farmers other than the plant operator.

(2) It was shipped to, received in or distributed in the marketing area, or was received at a pool plant outside the marketing area.

(3) The milk or milk equivalent of the butterfat is classified as Class I–A or Class II, or the skim milk would be subject to the fluid skim differential if it were derived from pool milk.

(b) The amounts of payment for the products set forth in paragraph (a) of this section shall be as follows:

(1) If the milk or the milk equivalent of the butterfat, or the skim milk is classified and paid for under another order issued pursuant to the act, the amount of payment on such products, except skim milk, shall be any plus amount obtained by subtracting the value of the milk or the milk equivalent of the butterfat at the class price or prices under such order from the value computed in accordance with the classification and pricing set forth in this subpart: *Provided,* That the payment shall be at the rates set forth in subparagraph (2) of this paragraph if the other order permits the deduction of such payment from the amount otherwise due for such milk pursuant to such other order. The amount of payments on skim milk shall be an amount computed pursuant to § 927.44 adjusted for the location of the plant.

(2) If the milk or milk product is derived from milk received from dairy farmers at a non-pool plant in the 421–425 mile zone, or in some other zone nearer the marketing area, the handling of which is not regulated by an order issued pursuant to the act or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payment, except as otherwise specified in subparagraph (4) of this paragraph, shall be the difference between its classified value at the Class I–A or the Class II price, depending upon its classification, and its value at the Class III price, such class prices to be adjusted for butterfat test and the location of the plant at which the non-pool milk was originally received from farmers: *Provided,* That for concentrated fluid milk, cream, fluid cream products, and cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent butterfat, the payment shall be computed on the milk equivalent thereof as so classified. The amount of the payment on skim milk (either as skim milk or in cultured milk drinks) shall be the amount computed pursuant to § 927.44 as similarly adjusted for location.

(3) If the milk or milk product is derived from milk received from dairy farmers at a non-pool plant farther from the marketing area than the 421–425 mile zone, the handling of which is not regulated by another order issued pursuant to the act, or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payments shall be the difference between the value of its milk equivalent at the Class I–A or Class II price, depending upon its classification, and the value of such milk at the Midwestern condensery price announced pursuant to § 927.46 (6) (10), such class prices to be adjusted for the location of the plant at which the non-pool milk was originally received from dairy farmers: *Provided,* That for milk, fluid milk products and cultured or flavored milk drinks containing 3.0 percent or more

but not more than 5.0 percent of butterfat, the payment shall be the difference between the value of such milk or milk product at the Class I–A price for milk containing 3.5 percent butterfat, adjusted for location of the plant, and the condensery price. The amount of the payment on skim milk (either as skim milk or in cultured milk drinks) shall be the amount computed pursuant to § 927.44 similarly adjusted for location.

(4) For any month in which the volume of milk subject to the butter-cheese adjustment used in the computation of the uniform price is more than 15 percent of the combined volume of the Class I–A and Class II milk used in such computation, the payment required by subparagraph (2) of this paragraph shall be increased by the value of the milk or milk equivalent at the rate of the butter-cheese adjustment at the plant where the milk was received from dairy farmers.

(5) In computing the milk equivalent value of milk or milk products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk product pursuant to this section shall be made, on behalf of the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in subparagraphs (1) through (3) of this paragraph: *Provided*, That if the milk is received from a handler under another order issued pursuant to the act, which order provides that the payment to the producer settlement fund may be deducted from the handler's obligation under the other order, the payment shall be made by the handler subject to the other order regardless of the provisions of subparagraphs (1) through (3) of this paragraph:

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler operating the plant where the milk or milk product is first received in the marketing area if the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler operating the plant from which the milk or milk product was moved into the marketing area if such milk or milk product is neither received at a pool plant outside the marketing area nor at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to § 927.50, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with § 927.75.

15. Add a new § 927.79 as follows:

§ 927.79 *Payments on milk or milk products the source of which is not established.* Payments shall be made by handlers to producers through the producer settlement fund, for milk and milk products under conditions, in amounts and by the handler pursuant to paragraphs (a) through (d) of this section.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, fluid cream products, and skim milk which milk or milk product meets each of the following conditions:

(1) It was derived from milk for which the farm source is not established.

(2) It was shipped to, received in or distributed in the marketing area, or was received at a pool plant.

(3) If first found at a non-pool plant, the milk or milk equivalent of the butterfat is classified as Class I–A or Class II, or the skim milk is subject to the fluid skim differential.

(b) The amounts of payment for the product set forth in paragraph (a) of this section shall be as follows:

(1) For milk, concentrated fluid milk, fluid milk products, or cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, the value of such milk, fluid milk products, cultured or flavored milk drinks or the milk equivalent of such concentrated fluid milk at the class price at the plant where first found.

(2) For cream, fluid cream products, or cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, the value of the milk equivalent of such product at a rate per hundredweight computed pursuant to § 927.40 (e) (1) adjusted by the differentials set forth in column C in the table in § 927.42 for the zone of the plant at which first found.

(3) For skim milk in a form subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: Divide the amount computed pursuant to § 927.40 (e) (2) by 0.9125, add an amount computed pursuant to § 927.44 and adjust the result by the differentials set forth in column B in the table in § 927.42 for the zone of the plant where first found.

(4) For skim milk in a form not subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: Divide the amount computed pursuant to § 927.40 (e) (2) by 0.9125.

(5) In computing the milk equivalent value of products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk product pursuant to this section shall be made, on behalf of the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in subparagraphs (1) through (3) of this paragraph:

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler operating the plant where the milk or milk product is first received in the marketing area if the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler operating the plant from which the milk or milk product was moved into the marketing area if such milk or milk product is neither received at a pool plant outside the marketing area nor at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to § 927.50, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with § 927.75.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 28th day of January 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54–673; Filed, Feb. 1, 1954; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 50—CITY DELIVERY

PART 135—GENERAL

PRIVATE MAIL RECEPTACLES; BONDS OF CARRIERS IN RURAL DELIVERY SERVICE

1. In § 50.23 *Private mail receptacles* amend paragraph (b) to read as follows:

(b) *Apartment-house mail receptacles.* Approved apartment-house mail receptacles, one for each apartment, conforming to the regulations in § 50.25, should be provided in apartment houses, family hotels, and flats containing three or more apartments, except where the management has arranged that mail for the tenants be delivered at the office or desk for distribution by its employees. Registered, insured, c. o. d., special delivery and parcel post mail must be delivered to the addressee or his authorized agent without regard to the floor on which his office or apartment is located. Where available, telephone or speaking tubes should be used to call patrons to whom such matter is addressed before distributing ordinary mail to the receptacles. When telephones or speaking tubes are not available, or when preferable, someone should be designated to receive such mail on the first floor for all the patrons in the building. In such cases the written order of each patron must be obtained. Directory boards showing the names of all persons receiving mail should be provided in apartment houses where there are 25 or more receptacles. Copies of the apartment house mail receptacles regulations pamphlet and amendments may be secured upon application to the Bureau of Post Office Operations, Division of Post Office Services.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

2. In § 135.15 *Bonds of carriers in the rural delivery service,* amend the second sentence of paragraph (e) to read as follows: "Such bonds may be disposed of in accordance with the provisions of § 6.21 of this chapter, six years after the termination of the bond."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] LOUIS J. DOYLE,
Acting Solicitor.

[F. R. Doc. 54–669; Filed, Feb. 1, 1954; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 407—REGULATIONS GOVERNING LEASES OF RESERVED LANDS OF THE UNITED STATES IN BOULDER CITY, NEVADA

Chapter II, Title 43, Code of Federal Regulations, is amended to add a new part, numbered 407, and reading as indicated below. Part 407 supersedes the "Regulations to Govern Issuance of Residential Leases and Establishing Rental Rates for Reserved Lands of the United States in Boulder City, Nevada" (5 F. R. 4146).

Sec.
407.1 Applicability of regulations in this part.
407.2 Term of leases.
407.3 Qualifications of lessees.
407.4 References.
407.5 Renewals.
407.6 Rates.

AUTHORITY: §§ 407.1 to 407.6 issued under sec. 1, 54 Stat. 437; 43 U. S. C. 617u.

§ 407.1 *Applicability of regulations in this part.* Lands within the exterior boundaries of Boulder City, Nevada, comprise public lands of the United States withdrawn for reclamation purposes pursuant to section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416). These lands may be leased for residential, commercial, and industrial purposes in accordance with the regulations in this part.

§ 407.2 *Term of leases.* Leases shall be for periods of not to exceed fifty-three (53) years, and they shall be in accordance with the terms and conditions and in the form approved on January 15, 1954, and subject to the terms of the regulations of this part unless otherwise provided by the Secretary of the Interior.

§ 407.3 *Qualifications of lessees.* No application for a lease hereunder shall be approved until the applicant therefor has satisfied the City Manager of Boulder City that (a) he is a citizen of the United States; (b) he is a person of good moral character; (c) he does not intend to use the area for which the lease is requested for speculative purposes; (d) he is financially responsible so as to warrant the belief that, if granted a lease, he will be able to meet all the conditions and obligations of such a lease.

§ 407.4 *References.* If requested by the City Manager, each applicant will furnish a letter, or letters, signed by the applicant, addressed to and authorizing banking and other institutions or persons to supply to the City Manager any information he may require in regard to the matters set forth in § 407.3. Refusal of an applicant to furnish such authority, or his failure so to do within a period considered reasonable by the City Manager, shall be sufficient reason for rejecting his application.

§ 407.5 *Renewals.* No lease shall be renewed or extended if the lessee has failed, or refused, to make such reasonable improvements, alterations, or repairs in and on the building or buildings on the leased premises as have been requested in writing by the City Manager.

§ 407.6 *Rates.* All leases shall be made at full fair market values, with recourse in determination of such values to appraisals by one or more competent professional real estate appraisers.

RALPH A. TUDOR,
Acting Secretary of the Interior.

JANUARY 15, 1954.

[F. R. Doc. 54–667; Filed, Feb. 1, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN APPLES

U. S. STANDARDS FOR GRADES[1]

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Frozen Apples (7 CFR Part 52; 18 F. R. 7923), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq.; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953). This revision, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.361 Product description.
52.362 Styles of frozen apples.
52.363 Grades of frozen apples.

FACTORS OF QUALITY

52.364 Ascertaining the grade.
52.365 Ascertaining the rating for the factors which are scored.
52.366 Color.
52.367 Size.
52.368 Defects.
52.369 Character.

LOT CERTIFICATION TOLERANCES

52.370 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.371 Score sheet for frozen apples.

AUTHORITY: §§ 52.361 to 52.371 issued under sec. 205, 60 Stat. 1090; 7 U. C. C. 1624; Pub. Law 156, 83d Cong.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.361 *Product description.* Frozen apples are prepared from sound, properly ripened fruit of Malus sylvestris (Pyrus malus); are peeled, cored, trimmed, sliced, sorted, and washed; are properly drained before filling into containers; may be packed with or without the addition of a nutritive sweetening ingredient and any other ingredient permissible under the provisions of the Federal Food, Drug, and Cosmetic Act; and are frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.362 *Styles of frozen apples.* (a) "Slices" means frozen apples consisting of slices of apples cut longitudinally and radially from the core axis.

(b) "Rings" means frozen apples consisting of slices cut transversely to the core axis.

§ 52.363 *Grades of frozen apples.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen apples that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically uniform in size; that are practically free from defects; that possess a good character; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart: *Provided*, That the frozen apples may be only fairly uniform in size, if the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of frozen apples that process similar varietal characteristics; that possess a fairly good flavor; that possess a fairly good color; that are fairly uniform in size; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen apples that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FACTORS OF QUALITY

§ 52.364 *Ascertaining the grade.* (a) The grade of frozen apples is ascertained by considering the requirements with respect to varietal characteristics, which are not scored, and the factors of color, size, defects, and character, which are scored.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

Factors:	Points
Color	20
Size	20
Defects	20
Character	40
Total score	100

(c) The scores for the factors of color, size, defects, and character are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units.

(d) "Good flavor" means that the product has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor" means that the product may be lacking in good flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

§ 52.365 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.366 *Color*—(a) *(A) classification.* Frozen apples that possess a good color may be given a score of 17 to 20 points. "Good color" means that the frozen apples, internally and externally, possess a reasonably uniform bright color, characteristic of apples of similar varieties.

(b) *(C) classification.* Frozen apples that possess a fairly good color may be given a score of 14 to 16 points. Frozen apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the frozen apples possess a color that is typical of apples of similar varietal characteristics, that may be variable, and that the product may possess a slight but not markedly brown or gray cast and shall be practically free from internal discoloration.

(c) *(SStd.) classification.* Frozen apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.367 *Size*—(a) *General.* The factor of size refers to the degree of wholeness and to the uniformity of thickness of the units.

(1) "Practically whole slice" means that the slice may be cut or broken but at least ¾ of the original slice remains.

(2) "Practically whole ring" means that the ring may be cut or broken on one side but at least ¾ of the ring is present.

(b) *(A) classification.* Frozen apples that are practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" has the following meanings with respect to the various styles of frozen apples:

(1) *Slices.* At least 90 percent, by weight, of the product consists of whole or practically whole slices of 1¼ inches in length or longer, and that of the 90 percent, by weight, of the product consisting of units of the most uniform thickness, the thickness of the slices does not vary more than ¼ inch.

(2) *Rings.* At least 75 percent, by weight, of the product consists of whole or practically whole rings, and of the 90 percent, by weight, of the product consisting of units of the most uniform thickness, the thickness of the rings does not vary more than ⅛ inch.

(c) *(C) classification.* Frozen apples that are fairly uniform in size may be given a score of 14 to 16 points. "Fairly uniform in size" has the following meanings with respect to the various styles of frozen apples:

(1) *Slices.* At least 75 percent, by weight, of the product consists of whole or practically whole slices of 1¼ inches in length or longer.

(2) *Rings.* At least 50 percent, by weight, of the product consists of whole or practically whole rings.

(d) *(SStd.) classification.* Frozen apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.368 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous matter, from damaged or seriously damaged units, and from carpel tissue.

(1) "Harmless extraneous matter" means any vegetable substance (including, but not being limited to, a leaf, stem, or portions thereof, cores and portions of cores, and seeds), that is harmless.

(2) "Damaged unit" means any unit possessing green peel that exceeds in the aggregate an area of a circle ½ inch in diameter, or red peel that exceeds in the aggregate an area of a circle ¼ inch in diameter, light brown bruise that exceeds the area of a circle ½ inch in diameter or which is more than ¼ inch deep, and any unit in which the appearance or eating quality is materially affected by blossom and material, dark brown bruise, or other internal or external discoloration, pathological injury, insect injury, or by any other means.

(3) "Seriously damaged unit" means any unit damaged to such an extent that the appearance or eating quality is seriously affected.

(4) "Practically free from carpel tissue" means that for each 16 ounces of the product, the carpel tissue present does not exceed in the aggregate an area equal to ¾ square inch.

(5) "Fairly free from carpel tissue" means that for each 16 ounces of the product the carpel tissue present does not exceed an area equal to 1½ square inches.

(b) *(A) classification.* Frozen apples that are practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that extraneous matter may be present that does not materially affect the appearance or eating quality of the product; that the product is practically free from carpel tissue; and that not more than a total of 5 percent, by weight, of the units may be damaged, of which not more than 1 percent, by weight, of all the units may be seriously damaged: *Provided*, That extraneous matter, damaged and seriously damaged units, singly or in combination, do not materially affect the appearance or eating quality of the product.

(c) *(C) classification.* Frozen apples that are fairly free from defects may be given a score of 14 to 16 points. Frozen apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that extraneous matter may be present that does not seriously affect the appearance or eating quality of the product; that the product is fairly free from carpel tissue; and that not more than a total of 15 percent, by weight, of the units may be damaged, of which not more than 3 percent, by weight, of all the units may be seriously damaged: *Provided*, That extraneous matter, damaged and seriously damaged units, singly or in combination, do not seriously affect the appearance or eating quality of the product.

(d) *(SStd.) classification.* Frozen apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.369 *Character*—(a) *General.* The factor of character refers to the texture of the units and to the tendency to retain their conformation without material softening or disintegration.

(1) "Mushy apples" means slices or units or portions thereof that are a pulpy mass and of a consistency approximating applesauce.

(b) *(A) classification.* Frozen apples that possess a good character may be given a score of 34 to 40 points. "Good character" means that the units possess a reasonably uniform texture, are firm but not hard, with not more than 3 percent of the weight of the product consisting of mushy apples.

(c) *(C) classification.* Frozen apples that possess a fairly good character may be given a score of 28 to 33 points. Frozen apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the slices may be variable in texture, with not more than 12 percent of the weight of the product consisting of units that are markedly hard, markedly soft, or mushy.

(d) *(SStd.) classification.* Frozen apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.370 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen apples, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to the containers comprising the sample:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of such total scores; and

(5) All containers meet all applicable standards of quality promulgated by the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.371 *Score sheet for frozen apples.*

Size and kind of container	...
Container mark or identification	...
Label	...
Net weight (ounces)	...
Style	...
Ratio of fruit-sugar	...
Style of pack (sugar or syrup)	...
Syrup density (degrees Brix)	...

Factors		Score points	
Color	20	(A)	17-20
		(C)	[1] 14-16
		(SStd.)	[1] 0-13
Size	20	(A)	17-20
		(C)	14-16
		(SStd.)	[1] 0-13
Defects	20	(A)	17-20
		(C)	[1] 14-16
		(SStd.)	[1] 0-13
Character	40	(A)	34-40
		(C)	[1] 28-33
		(SStd.)	[1] 0-27
Total score	100		

Good flavor	...
Fairly good flavor	...
Grade	...

[1] Indicates limiting rule.

Done at Washington, D. C., this 28th day of January 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-682; Filed, Feb. 1, 1954; 8:51 a. m.]

[7 CFR Parts 904, 934, 947, 996, 999]

[Docket Nos. AO-14-A22; AO-83-A18; AO-203-A4; AO-204-A4; AO-113-A15]

MILK IN THE GREATER BOSTON, LOWELL-LAWRENCE, SPRINGFIELD, WORCESTER, AND FALL RIVER, MASSACHUSETTS, MARKETING AREAS

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING ORDERS, AS NOW IN EFFECT, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed marketing agreements and proposed orders amending the orders, as now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas, which was issued January 13, 1954 (19 F. R. 333), is hereby extended to February 20, 1954.

Dated: January 28, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-672; Filed, Feb. 1, 1954; 8:47 a. m.]

[7 CFR Part 949]

MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at San Antonio, Texas, on January 11 and 12, 1954, pursuant to notice thereof which was issued on January 6, 1954 (19 F. R. 71) upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area.

Preliminary statement. The proposed amendments upon which the hearing was held were submitted by the Producers Association of San Antonio, Incorporated. The material issues of record were concerned with:

1. The pricing of Class I milk,

2. The classification and pricing of milk presently classified as Class II milk, and

3. The need for expeditious action in effecting the conclusions herein concluded to be appropriate and necessary.

This decision treats only the issues numbered 1 and 3 above and that portion of the issue numbered 2 which relates to the pricing of milk disposed of for the manufacture of cheddar cheese. The remaining issues will be treated in a recommended decision to be issued at a later date. Further consideration of the issues herein considered should also be given in that recommended decision in order to permit appropriate coordination of the conclusions with respect to these issues with the conclusions later reached concerning the remaining issues.

Findings and conclusions—Pricing of Class I milk. The San Antonio Class I price should not be permitted to exceed the Class I price under the North Texas milk marketing order by more than $0.50 per hundredweight.

During the last six months of 1953 the San Antonio Class I price averaged about 97 cents higher per hundredweight than the North Texas Class I price. For the same months of 1952 the average difference was only about 31 cents. Thus, in the intervening time, the San Antonio Class I price increased about 66 cents in relation to the North Texas Class I price. Most of this changed relationship accrued because the formula index reduced the San Antonio Class I price only 11 cents while the basic formula reduced the North Texas price about 64 cents.

The milk requirements of a number of military installations located within the marketing area comprise a considerable proportion of the total market requirements for milk. Contracts for supplying this milk are awarded every few months. In the past, any handler under the North Texas order who was awarded one of these contracts was required to pay the North Texas Class I price or the San Antonio Class I price minus 60 cents, whichever was higher, for North Texas producer milk supplied under these contracts. Effective February 1, 1954, a North Texas handler will be required to pay only the North Texas Class I price for such milk. With the recent wide difference in prices described above, it appears that North Texas handlers would have some competitive advantage after February 1 in supplying these outlets. In fact, one large military milk supply contract has recently been awarded to a North Texas handler. San Antonio handlers, to some extent, could avail themselves of a similar competitive advantage by purchasing North Texas producer milk from North Texas handlers. Certain San Antonio handlers have business connections with North Texas handlers which would appear to make such transfers of milk feasible. Unless these competitive advantages are removed, North Texas producer milk can be expected to continue to displace San Antonio producer milk, the production of which has been increased to supply the local market, including military contracts. This competitive advantage which North Texas producer milk now has can and should be removed by reducing the San Antonio Class I price so that it cannot exceed the North Texas Class I price by more than the cost of transporting North Texas producer milk to San Antonio,

which is about 50 cents per hundredweight of milk.

Prior to the fall and winter of 1953, supplies of North Texas producer milk had not been great enough on a year round basis in relation to North Texas market requirements so that any significant volumes could be made available regularly for the San Antonio market. However, such supplies have increased in recent months to the extent that North Texas milk may now be regularly available.

Substantially the same alignment of Class I prices in the San Antonio and North Texas markets as is herein concluded to be necessary could be achieved by the adoption of a basic formula price for San Antonio similar to the North Texas basic formula price, but this alternative method of alignment was not thoroughly considered at the hearing. Consideration of this method at a later hearing may be desirable.

Milk for cheddar cheese. The price for milk (containing 4 percent of butterfat) disposed of from use in cheese other than cottage cheese should be the average of the prices paid dairy farmers for milk at cheese plants located at Alice and Round Rock, Texas. The present Class II butterfat differential should apply to such milk.

From December 1952 to December 1953 the total volume of Class II milk at all approved plants increased to a point where handlers refused to accept milk from producers and transferred the burden of finding outlets to the producers or their cooperative association. Outlets to unapproved plants are extremely limited, and as receipts increase seasonally, it appears likely that from February or March through June or July 1954 considerable volumes of milk will have to be disposed of to the two cheese plants mentioned above, which are about the most accessible outlets for excess milk. The price which can be obtained for this milk from the cheese plants can be expected to be somewhat less than the present Class II price. With respect to milk which handlers will not accept and for which producers or their cooperative association must assume the responsibility of finding outlets, the amount by which the value of such milk at the Class II price exceeds the return from such milk from the available outlets, likely cheese plants, will be a loss to such producers or their cooperative association. The returns for milk to such producers or their cooperative association will be therefore somewhat less than to other producers. Establishment of the price for milk used for cheddar cheese at the level herein concluded to be appropriate should contribute to the orderly marketing of milk.

The two cheese plants at which prices paid farmers for milk are proposed as a basis for establishing the price for milk for use in cheese are engaged almost exclusively in the manufacture of cheese. Their primary source of milk supply is from farmers. Under these conditions the prices paid farmers for milk at these plants should be representative of the value of milk for cheese and should provide a reasonable basis for pricing Class II producer milk used for cheese.

Since the pricing of all Class II milk is to be considered in a later recommended decision, the pricing of milk for cheese herein concluded to be necessary should apply only through July 1954. As was noted above, the conditions necessitating this pricing of milk for cheese are seasonal and are not expected to be present this year after July.

The need for expeditious action. The large increase during the last year in the volume of Class II milk referred to hereinbefore appears to be a result of (1) a general increase in supplies of producer milk (although producer milk supplies are still not adequate to meet market requirements), and (2) somewhat earlier than normal seasonal increase in supplies of producer milk. This latter condition has developed very recently. These conditions, already present to some extent and becoming more intensified as production increases seasonally, make it imperative that any changes in the order to effect the conclusions reached in this decision should be made at the earliest possible date. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity for filing exceptions thereto, with respect to the issues decided herein, was indicated on the record by interested parties. It is therefore concluded that good cause exists for eliminating the recommended decision in this proceeding with respect to the issues treated in this decision and that the due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator of Agricultural Marketing Service and the opportunity for exceptions therein on issues herein considered.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers (who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended). The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1953, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order as amended, regulating the handling of milk in the San Antonio, Texas, marketing area in the manner set forth in the attached amending order, as amended, is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 28th day of January 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area

§ 949.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended effective February 1, 1954, and as hereby further amended, as follows:

1. Amend § 949.51 (b) to read as follows:

(b) Adjust the price calculated pursuant to paragraph (a) of this section so that it does not exceed the price calculated pursuant to paragraph (e) of this section by less than $2.00 for each month or more than $2.50 for each of the months of April, May, and June and $2.70 for each of the other months.

2. Delete § 949.51 (c).

3. Amend § 949.51 (d) by adding thereto the following: "The provisions of this paragraph shall operate only to the extent that the difference between the Class I price pursuant to the order, as amended, regulating the handling of milk in the North Texas marketing area (Part 943 of this chapter) and the Class I price pursuant to this section shall not be greater than $0.50."

4. Amend § 949.53 by inserting immediately preceding paragraph (a) thereof the following proviso: "*Provided,* That from the effective date of this proviso through July 1954 the price for Class II milk disposed of for use in cheese other than cottage cheese shall be the simple average of the prices paid dairy farmers for milk containing 4 percent of butterfat delivered during the month for which prices are being computed to cheese plants located at Alice and Round Rock, Texas, and operated by the Fort Worth Poultry and Egg Company."

[F. R. Doc. 54-674; Filed, Feb. 1, 1954; 8:48 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 982]

[Docket No. AO-238-A-3]

MILK IN CENTRAL WEST TEXAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Abilene, Texas, on January 7-8, 1954, pursuant to notice thereof which was issued on December 29, 1953, and published in the FEDERAL REGISTER on January 1, 1954 (19 F. R. 16) upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Central West Texas marketing area.

Preliminary statement. The proposed amendments upon which the hearing was held were submitted by the Central West Texas Producers Association and several handlers. The material issues presented in this proceeding relate to:

1. The pricing of Class I milk,
2. The classification and pricing of milk presently classified as Class II milk,
3. The extent to which the rate of expense of administration should apply to producer milk presently classified as Class II,
4. The extent to which a plant engaged in distributing milk outside of the marketing area may distribute milk within the marketing area without becoming fully subject to the pricing and payment provisions of the order,
5. The extent of the marketing area, and
6. The need for expeditious action in effecting the conclusions herein concluded to be appropriate and necessary.

This decision treats only the issue numbered 6 above and that portion of the issue numbered 2 which relates to the pricing of milk disposed of for the manufacture of cheddar cheese. The remaining issues will be treated in a recommended decision to be issued at a later date. Further consideration of the issues herein considered should also be given in that recommended decision in order to permit appropriate coordination of the conclusions with respect to these issues with the conclusions later reached concerning the remaining issues.

Findings and conclusions—Milk for cheddar cheese. The price for milk (containing 4 percent of butterfat) disposed of for use in cheddar cheese should be computed by multiplying the simple monthly average of the daily prices paid for Wisconsin State Brand Cheddars, f. o. b. Wisconsin assembly points, by 8.0. The present Class II butterfat differential should apply to such milk.

From December 1952 to December 1953 the volume of Class II milk at all approved plants increased about 68 percent. Facilities for utilization of Class II milk at approved plants are not adequate at all times and handlers have sought enlarged outlets at unapproved plants. Outlets to unapproved plants are extremely limited, and except in a few months when receipts were seasonally low, considerable volumes of milk have been disposed of to cheese plants. The price obtained for this milk from the cheese plants has usually been somewhat less than the Class II price. A large portion of the milk which has been disposed of to cheese plants was milk which handlers would not accept and for which the cooperative association assumed the responsibility of finding outlets. Pursuant to the order the cooperative association is responsible to the producer settlement fund for such milk, and accordingly the amount by which the value of such milk at the Class II price exceeded the return from such milk from the cheese plant has represented a loss to the cooperative association. Thus the net returns for milk to members of the cooperative association were probably somewhat less than to other producers. Current market conditions indicate that this problem is likely to continue. Establishment of the price for milk used for cheddar cheese at the level herein concluded to be appropriate should contribute to the orderly marketing of milk.

A proposal considered at the hearing would base the price of milk for cheddar cheese on the simple average of prices paid dairy farms of milk by three plants in or near the milkshed which are engaged in the manufacture of cheese. Only one of these three plants is expected to be an outlet for any significant volume of producer milk during the next several months. At one of these cheese

plants milk from approved plants constitutes the major source of milk for making cheese. Use of prices paid dairy farmers for milk at this plant as a basis for pricing producer milk used for cheese would avail the operator of this cheese plant of the opportunity to exercise some downward influence over the order price of milk for cheese by reducing the price he pays for a minor portion of his supply. In view of these conditions the future establishment of the price of milk for cheese on the basis of prices paid dairy farmers for milk at these three plants does not appear to be appropriate.

The value to a cheese plant of milk for making cheese has a close relationship to the price of cheese. In 1953 substantial amounts of producer milk were disposed of to the cheese plants mentioned above and from April 14 through July 31 such milk was priced on the basis of prices paid dairy farmers at these three cheese plants. A comparison of prices paid at other cheese plants and other manufacturing plants with prices paid at these three plants shows that the potential danger of downward influence described above did not materialize in 1953. Prices received during 1953 when producer milk was disposed of for use in cheddar cheese in any quantity showed the price to be about 8.0 times the average monthly price of cheese at Wisconsin primary markets, and no prospective changes in this relationship are apparent. Use of this relationship to establish the price of producer milk used for cheddar cheese is appropriate.

Since the pricing of all Class II milk is to be considered in a later recommended decision, the pricing of milk for cheese herein concluded to be necessary should extend only until action is completed on this issue. Such action should be completed and effected by not later than August 1, 1954, so the pricing herein proposed need not extend beyond July 1954.

The need for expeditious action. The large increase during the last year in the volume of Class II milk referred to hereinbefore appears to be result of (1) a general increase in the volume of both market requirements and market supplies with the increase in supplies of producer milk being somewhat larger than the increase in market requirements, and (2) somewhat earlier than normal seasonal increase in supplies of producer milk. This latter condition has developed very recently. In the latter part of December 1953 considerable volumes of producer milk were disposed of to cheese plants. These conditions make it imperative that any changes in the order to effect the conclusions reached in this decision should be made at the earliest possible date. Representatives of both producers and handlers testified to the need for early action in this matter. It is therefore concluded that good cause exists for eliminating the recommended decision in this proceeding with respect to the issues treated in this decision and that the due and timely execution of the function of the Secretary under the Act, imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator of Agricultural Marketing Service and the opportunity for exceptions thereto on issues herein considered.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers (who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended). The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The tentative marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of a demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order as amended, regulating the handling of milk in the Central West Texas, marketing area in the manner set forth in the attached amending order, as amended, is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Central West Texas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Central West Texas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 28th day of January 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Central West Texas Marketing Area

§ 982.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Central West Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Amend § 982.51 by inserting immediately preceding paragraph (a) thereof the following: "*Provided,* That from the effective date of this proviso through July 1954 the minimum price per hundredweight for Class II milk disposed of for use in cheddar cheese shall be computed by multiplying the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembly points, as reported by the Department for the trading days during the month for which prices are being computed by 8.0."

[F. R. Doc. 54-675; Filed, Feb. 1, 1954; 8:49 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

PRODUCERS STOCKYARDS, CHILLICOTHE, OHIO

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Producers Stockyards, Chillicothe, Ohio, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 28th day of January 1954.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 54-684; Filed, Feb. 1, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Commissioner's Order No. 29]

REGIONAL DIRECTOR, REGION 3

DELEGATION OF AUTHORITY WITH RESPECT TO LEASES IN BOULDER CITY, NEVADA

JANUARY 26, 1954.

SECTION 1. *Delegation of authority.* The Regional Director, Region 3, may:

(a) Establish and revise rental rates heretofore or hereafter established for, and lease improved and unimproved land in, the Boulder City Federal Reservation for commercial, industrial, and residential purposes; and

(b) Consent to the assignment and subletting of such leases.

SEC. 2. *Redelegation.* The Regional Director may, in writing, redelegate to subordinate officers and employees of Region 3, the authority granted in section 1 of this order. Any such redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Authority.* This order is issued pursuant to Departmental Order No. 2745, dated January 15, 1954.

W. A. DEXHEIMER,
Commissioner.

[F. R. Doc. 54-666; Filed, Feb. 1, 1954; 8:46 a. m.]

Office of the Secretary

[Order No. 2745]

COMMISSIONER OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO LEASES IN BOULDER CITY, NEVADA

JANUARY 15, 1954.

SECTION 1. *Delegation of authority.* The Commissioner of Reclamation may:

(a) Establish and revise rental rates heretofore or hereafter established for, and lease improved and unimproved lands in, the Boulder City Federal Reservation for commercial, industrial, and residential purposes, and

(b) Consent to the assignment and subletting of such leases.

SEC. 2. *Redelegation.* The Commissioner may, in writing, redelegate to officers and employees of the Bureau of Reclamation the authority granted in section 1 of this order, and he may authorize written redelegations of such authority.

SEC. 3. *Revocation.* This order supersedes Order No. 2717, dated March 14, 1953 (18 F. R. 1638).

(43 U. S. C. 1946 ed., sec. 617u; Reorganization Plan No. 3 of 1950, 15 F. R. 3174)

RALPH A. TUDOR,
Acting Secretary of the Interior.

[F. R. Doc. 54-665; Filed, Feb. 1, 1954; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 171]

WILLIAM RUDOLPH LESCHITZ

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of William Rudolph Leschitz, 1875 Harman Street, Brooklyn, New York, Respondent, Case No. 171.

This administrative proceeding was commenced on September 30, 1953 by the transmission of a charging letter issued to the above-named respondent by the Director of the Investigation Staff of the Office of International Trade (now the Bureau of Foreign Commerce), United States Department of Commerce. The respondent was therein charged with knowingly misusing validated export licenses, making false representations and certifications on shipper's export declarations, undervaluing shipments, misusing general license GLV, and submitting to the United States Collector of Customs at New York for authentication a spurious shipper's export declaration intended to replace a declaration previously refused authentication by the Collector, in violation of the export control law and regulations.

Prior to the formulation and transmission of the foregoing charges by the Office of International Trade, and while an official investigation was then under way, the respondent submitted to the investigating officer a voluntary sworn statement dated November 18, 1952, in which he admitted having committed the violations above charged, and other violations which are not embodied in the charges. After receiving the aforesaid charging letter respondent submitted a written request that said statement of November 18, 1952 be presented to the Compliance Commissioner in lieu of his appearance at a hearing.

A hearing on notice was duly held before the Compliance Commissioner at Washington, D. C., on December 16, 1953, the Investigation Staff being represented by counsel but respondent not appearing in person or by counsel. The aforesaid statement of November 18, 1952 was presented to the Compliance Commissioner in behalf of the respondent by counsel for the Government, and the Government likewise presented its evidence in support of the charges. The Compliance Commissioner received the aforesaid statement and the Government's evidence, and after due consideration thereof and of the entire record, filed his report in the matter.

It appears from said report that two New York freight forwarding concerns, one of which employed the respondent, are, and for many years have been, retained by a third concern (herein called the Principal) to prepare and file with the United States Collector of Customs

shipper's export declarations covering the exportations of the Principal; each of such freight forwarding concerns being assigned the preparation of declarations for export shipments destined for different areas. By mutual arrangement in effect at the time of the instant violations, employees of these concerns, including respondent, occupied office space on the premises of the Principal in connection with the services being rendered to the Principal. Respondent's duties in which he had been engaged since January 1946, entailed supervision of employees of the respective freight forwarding concerns responsible for the preparation of shipper's export declarations either in the name of his employer, or of the other freight forwarding concern, as agents of the Principal. Such declarations were prepared in accord with precise written instructions covering each proposed export shipment furnished by the Traffic Section of the Principal and given to respondent for implementation.

During the period from October 1951 through September 1952 while acting in the aforedescribed capacity, and wholly without the knowledge, consent, or acquiescence of either of the freight forwarding concerns, or of the Principal, respondent, of his own volition and in contravention of express written instructions of the Principal, knowingly and deliberately committed the following violations of the export control law and regulations: (a) Misused 2 validated export licenses issued to and held by the Principal to effect unauthorized shipments of roller bearings to a consignee in Manila, P. I., accomplishing such exportations by falsely representing and certifying on 8 shipper's export declarations that the exportations were charged to said licenses, whereas said licenses covered the same commodity and destination, but for another consignee; and also undervalued the dollar value of said materials on each declaration, except two; (b) made false representations of undervaluation on 2 shipper's export declarations covering shipments of roller bearings to a consignee in Manila; (c) misused general license GLV to effect a shipment of roller bearings to Manila, falsely representing and certifying on the shipper's export declaration covering such shipment that the value of the material was $23 whereas its actual value was $231; (d) by devious means obtained the authentication by the U. S. Collector of Customs at New York of a shipper's export declaration previously refused authentication by the Collector, and in that connection prepared and misused another declaration ostensibly for the benefit of the Principal, but actually without the latter's knowledge; and (e) misused a validated export license issued to and held by the Principal to make shipments of steel commodities to a consignee in Australia by misdescribing the materials and the value on 6 shipper's export declarations, in contravention of the Principal's written instructions that 4 licenses for such consignee be used to effect the required exportations.

The report of the Compliance Commissioner shows further that in addition to the violations described above, respondent is known to have committed numerous similar violations during the period under consideration, and, in fact, has admitted, in his statement of November 18, 1952, to have prepared approximately 50 to 75 additional falsified shipper's export declarations which involved misuse of the Principal's validated export licenses, undervaluations of commodities shipped, and improper usage of general license GLV.

In purported explanation of these acts of violation, the respondent has ascribed as the reason therefor his voluntary compulsion to expedite the clearance of shipments for which he was responsible during a period of great pressure immediately following a shipping strike in New York in October 1951 which caused such shipments to be seriously retarded; and for the further reason that he did not understand the seriousness of such acts at the time of commission.

The Compliance Commissioner has evaluated respondent's explanation as unworthy of weight, pointing out in his report that even if respondent was impelled originally to perpetrate the violations because of the alleged pressure following the shipping strike, such excuse did not apply to other irregularities which, in point of time, were completely divorced from the strike, nor could it explain the fraud practised upon the Collector of Customs or the other violations committed at later dates.

The Compliance Commissioner has concluded that respondent's acts constituted an indefensible attack upon the export control system which cannot be excused as the mere over-zealous acts of a misguided but well intentioned employee, in view of respondent's years of experience in export trade, and the obviously wilful character, as well as the large number, of violations committed without apparent motivation. He has concluded further that the violations are wholly those of respondent and cannot be attributed to the Principal, or to his employer or the other freight forwarder for whom he rendered services, as the latter were clearly without knowledge of his defections and did not acquiesce in or consent thereto.

The Compliance Commissioner points out that respondent's improprieties were discovered and investigated by the Principal, and that upon determining the extent and nature of the violations respondent was relieved of his position by his employer; that all three concerns involved have taken prompt measures to revise their operations and have established internal procedures designed to safeguard against recurrences of irregularities such as these here shown.

The Compliance Commissioner has accordingly found the respondent guilty of the charges and has recommended that respondent be insulated against further opportunity to indulge his propensity for irregularity, at least until he has evidenced a more mature and responsible attitude towards the integrity of export controls.

The report of the Compliance Commissioner, the findings and recommendations contained therein, the evidence, and respondent's sworn statement of November 18, 1952, as well as the entire record in this proceeding, have been carefully considered, and it appears therefrom that such findings are in accordance with the evidence and that such recommendations are fair and reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses held by or issued in the name of respondent William Rudolph Leschitz, or any person, firm, corporation, or other business organization with which he is now related by ownership, control, position of responsibility, or other connection, in the conduct of trade involving exports from the United States or services connected therewith, are revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(2) The above named respondent is hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly, in any manner or capacity, in the exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit respondent's participation (a) as a party or as a representative of a party to any validated export license application, (b) in the preparing, obtaining, or using of any validated or general export license or other export control document, (c) in the receiving in any foreign country of any exportation of commodities from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall extend not only to the name respondent, but also to any person, firm, corporation, or other business organization with which he may be now or during the period of this order related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(4) This order shall extend for a period of 30 months from the date of issuance, or for the duration of export controls, whichever expires earlier: *Provided, however,* That during the last 18 months of said period the export privileges which are denied by the terms of this order shall be restored to respondent subject to the prior written approval of the Bureau of Foreign Commerce and upon such terms and conditions as the Bureau of Foreign Commerce may impose to assure compliance with and adherence to the export control law and regulations. In the event that respondent or the persons or firms covered by paragraph (3) above shall knowingly violate the terms of this order or any laws or regulations related to export control during the entire period of the order, the Bureau of Foreign Commerce may summarily and without notice to respondent or such persons or firms responsible for such violations, at such time as it shall determine that such violation occurred, issue a supplemental order which shall deny to respondent or such persons or firms all export privileges for the said period of the order which has been held in abeyance with respect to him or them, and shall revoke all validated export licenses then outstanding and as to which respondent or such persons or firms may be a party, without thereby limiting the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted.

(5) No person, firm, corporation, or other business organization shall knowingly apply for, prepare, or obtain any export license, shipper's export declaration, bill of lading, or other export control document relating to any exportation or proposed exportation of commodities from the United States under validated or general export licenses, or finance, service, transport, forward, or receive any commodities thereunder, to or for the respondent or any persons or firms covered by paragraph (3) above, without prior disclosure of such facts to, and specific authorization from, the Bureau of Foreign Commerce.

Dated: January 28, 1954.

JOHN C. BORTON,
Director, Office of Export Supply.

[F. R. Doc. 54-681; Filed, Feb. 1, 1954; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CENTRAL OFFICE

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II *Central Office organization and final delegations of authority to Central Office officials* is amended as follows:

Paragraph g is added as follows:

g. In the absence of both the Commissioner and the Deputy Commissioner, one of the following officials shall serve as Acting Commissioner: *Provided,* That he shall so serve only in the absence of all the officials above him:

Assistant Commissioner
Assistant Commissioner for Operations
Assistant Commissioner for Programs
General Counsel
Assistant Commissioner for Administration

The Acting Commissioner is authorized to exercise all the powers, duties, and functions, while so acting, that are vested in the Commissioner.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 54-668; Filed, Feb. 1, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1757]

GARLAND HOT MINERAL SPRINGS

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

JANUARY 27, 1954.

Notice is hereby given that on May 28, 1953, the Federal Power Commission issued its order adopted May 26, 1953, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-676; Filed, Feb. 1, 1954; 8:49 a. m.]

[Docket No. G-2312]

EAST TENNESSEE NATURAL GAS CO.

ORDER GRANTING POSTPONEMENT OF HEARING

On January 19, 1954, East Tennessee Natural Gas Company (East Tenn) filed a motion requesting a postponement of the hearing from February 1, 1954, to March 1, 1954, on the ground that it wishes to serve on the parties new exhibits on February 1, 1954.

By order issued November 13, 1953, the Commission suspended until April 15, 1954, the proposed rate increase filing tendered on October 14, 1953, and fixed the date for hearing to commence on February 1, 1954. The order also provided that East Tenn serve on all parties on or before January 4, 1954, copies of all exhibits proposed to be offered by it at the hearing. Such exhibits have been served on all parties and are based on the actual operations of the company for the twelve-month period ending October 31, 1953. The proposed new exhibits are designed to bring the operations of the company forward for two months to cover the year ending December 31, 1953. East Tenn proposes to serve such new exhibits on all parties on February 1, 1954.

By telegram of January 25, 1954, East Tenn has agreed that it would not move to place the proposed rate increase filing into effect for the number of days by which the hearing is postponed.

The Commission finds: It would be in the public interest and it is necessary and appropriate to carry out the provisions of the Natural Gas Act to grant the postponement of the hearing as hereinafter ordered and conditioned.

The Commission orders:

(A) On motion filed by East Tennessee Natural Gas Company on January 19, 1954, the hearing in the above-entitled proceeding is postponed from February 1, 1954, to March 3, 1954.

(B) The above postponement is granted on the express understanding and undertaking on behalf of East Tenn that it will not move to place the proposed tariff sheets (First Revised Sheets Nos. 4, 5, 7, and 8 of East Tenn's Gas Tariff, Second Revised Volume No. 1) into effect prior to May 15, 1954, or until such further time as said tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) East Tenn, on or before February 1, 1954, shall serve upon all parties, copies of all exhibits proposed to be offered by it at the hearing, including five (5) copies upon Commission Staff Counsel.

(D) In all other respects, the order suspending the revised tariff sheets in this proceeding, issued November 13, 1953, shall remain in full force and effect.

Adopted: January 27, 1954.

Issued: January 27, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-677; Filed, Feb. 1, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3183]

PENNSYLVANIA GAS CO.

NOTICE OF FILING REGARDING INCREASE IN AUTHORIZED CAPITAL STOCK AND AUTHORIZED INDEBTEDNESS AND ORDER MAKING EFFECTIVE DECLARATION REGARDING PROXY MATERIAL

JANUARY 27, 1954.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to sections 7 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-62 promulgated thereunder, by Pennsylvania Gas Company ("Pa. Gas"), a subsidiary public-utility company of National Fuel Gas Company ("National Fuel"), a registered holding company.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pa. Gas proposes, at a special meeting of its stockholders to be held February 23, 1954, to (a) increase its authorized no par value capital stock from 576,000 shares to 700,000 shares, and (b) to increase its authorized indebtedness from $6,000,000 to $8,000,000. Proposed proxy solicitation material for said meeting has been filed pursuant to Rule U-62 and Pa. Gas proposes to mail the same promptly after the Commission enters its order so authorizing. All of said 576,000 shares of stock are presently outstanding and National Fuel owns 356,931 shares (61.97 percent) thereof. Pa. Gas' outstanding long-term indebtedness amounts to $5,450,000 all of which is held by National Fuel. If the proposed increases in authorized capital stock and authorized indebtedness are approved by the stockholders, Pa. Gas intends, during 1954 and subject to the approval of the various regulatory bodies having jurisdiction, (a) to issue, pursuant to the preemptive rights of the stockholders, an amount not exceeding 48,000 shares of the 124,000 newly authorized shares of stock, and (b) to issue and sell to National Fuel installment promissory notes not to exceed an aggregate principal amount of $1,500,000. It is stated that National Fuel will agree to exercise its preemptive right and will agree to purchase, at the original subscription price, any shares not purchased by the other stockholders after their subscription rights have expired. The issuance and sale of such additional stock and notes will be the subject of future filings with this Commission.

Pa. Gas requests that the Commission's order or orders to be entered herein become effective upon issuance and Pa. Gas further requests that the Commission accelerate the effectiveness of its declaration under Rule U-62 so that the solicitation material may be transmitted to stockholders by January 28, 1954.

Notice is further given that any interested person may, not later than February 16, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held in connection with the proposed increase in the authorized stock and indebtedness, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said proposals which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 16, 1954, the declaration with respect to such proposals, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt the transactions as provided in Rules U-20 (a) and U-100 thereof.

It appearing to the Commission that Pa. Gas' request for acceleration of the effectiveness of its declaration under Rule U-62 should be granted:

It is ordered, That the declaration regarding the proxy solicitation material, filed pursuant to Rule U-62, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-670; Filed, Feb. 1, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 31438]

NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO.

INCREASED COMMUTATION FARES

JANUARY 27, 1954.

By petition dated December 30, 1953, The New York, New Haven and Hartford Railroad Company requests this Commission to authorize it to establish and maintain, interstate between points on its lines in the States of New York, Connecticut, Rhode Island, and Massachusetts, and intrastate between points on its lines in the State of New York, in lieu of the present 60-ride unrestricted and 46-ride restricted monthly commutation fares, unrestricted and restricted (not good on Saturdays, Sundays, or holidays) calendar month commutation fares, made 33⅓ percent higher than the present fares, all such fares advanced to end in 0 or 5.

The Commission is further asked to modify its order of September 5, 1947, in Docket No. 29678, Increased Passenger Fares—New Haven Railroad, 269 I. C. C. 87, in its order of October 9, 1950, in No. 30010, New York State Commutation Fares, New Haven Railroad, 279 I. C. C. 151, sufficiently to permit the establishment and maintenance of the proposed increased fares.

The petition above described has been docketed as No. 31438, Increased Commutation Fares—New Haven Railroad, and will be assigned for hearing at times and places to be hereafter fixed.

In the meantime, in accordance with Rule 68 of the general rules of practice, a prehearing conference will be held before Commissioner Arpaia and Examiner Fuller on March 3, 1954, at 9:30 o'clock a. m., U. S. s. t., at the offices of the Public Service Commission, 233 Broadway, New York, N. Y., for the purpose of considering:

(1) The simplification of issues;

(2) The possibility of making admissions of certain averments of fact or stipulations concerning the use by the parties of matters of public record, such as annual reports and the like, to the end of avoiding the unnecessary introduction of proof;

(3) The procedure at the hearings and their times and places;

(4) The limitation of the number of witnesses;

(5) The propriety of prior mutual exchange among the parties of prepared testimony and exhibits;

(6) The nature and scope of any cost evidence to be presented;

(7) A traffic survey, by station and type of ticket, showing the effect of prior increases on the commutation travel; and

(8) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

A copy of this notice has, on the date hereof, been sent by regular mail to the said petitioner, the Governors and the rate regulatory authorities of the States of New York, Connecticut, Rhode Island, and Massachusetts, and parties of record to Dockets Nos. 29678 and 30010, and other parties who have expressed an interest in this matter, and at the same time copies have also been posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-671; Filed, Feb. 1, 1954; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 15898, Amdt.]

N. V. GEBROEDERS PAPPENHEIM'S TABAKSHANDEL

In re: Bank accounts, stock and bonds owned by N. V. Gebroeders Pappenheim's Tabakshandel; F-49-1332.

Vesting Order 15898, dated November 21, 1950, is hereby amended as follows and not otherwise:

By deleting subparagraph 3g from said Vesting Order 15898 and substituting therefor the following subparagraph:

One (1) share of $25.00 par value capital stock of Standard Oil Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, in an account entitled Rotterdamsche Bank, Amsterdam, Holland, Blocked General Ruling No. 11A, together with all declared and unpaid dividends thereon and any and all rights in, to and under said certificate.

All other provisions of said Vesting Order 15898 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 27, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54-679; Filed, Feb. 1, 1954; 8:50 a. m.]

FREDERICK KLAEBER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Frederick Klaeber, a/k/a John Frederick Klaeber, Bad-Koesen, Germany, Claim No. 59147, Vesting Orders Nos. 14965, 14759, 17010 17075 (as amended) and 18762; $42,223.14 in the Treasury of the United States.

United States Savings Bonds Series G 2½ percent due May 1, 1956, No. C6179326G for $100 and No. D3626753G for $500.

All right, title and interest acquired by the Attorney General pursuant to Vesting Order No. 17010 in and to the following:

That certain debt or other obligation owing to the claimant by the University of Minnesota in the amount of $708.30, as of February 6, 1946.

That certain debt or other obligation, evidenced by an unsecured note in the amount of $2,000 bearing interest at 4 percent, issued by Arthur C. Barsness.

That certain debt or other obligation, evidenced by an unsecured note in the amount of $1,000 at 4 percent interest, issued by Earl C. Ware.

That certain debt or other obligation of David C. Bell Investment Co., Minneapolis, Minnesota, arising by reason of a cash account maintained by said company, appearing on its books and records as an account for the benefit of Frederick and Charlotte Klaeber.

All right, title and interest of the Attorney General in and to the net proceeds due or to become due under contracts of insurance evidenced by Policy No. 1616755, 1643962 and 1684820, issued by The Travelers Insurance Co., Hartford, Conn., to Frederick Klaeber and Emma Agnes Charlotte Klaeber.

All right, title and interest of the Attorney General in and to the net proceeds due or to become due under a contract of insurance evidenced by Policy No. L26083, issued by The Mutual Life Insurance Company of New York to John F. Klaeber, also known as Frederick Klaeber, and Emma A. C. Klaeber, also known as Charlotte Klaeber.

All right, title and interest of the Attorney General in and to the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1A-169 issued by the Teachers Insurance and Annuity Association of America, New York City, to Frederick Klaeber.

Real property situated in the County of Ramsey, State of Minnesota, known as Lot 6, Block 4, College Place, Taylor's Division, subject to real estate contract between Security Land and Investment Company and Willard F. Sammon and Mary V. Sammon, dated August 29, 1950.

All right, title and interest acquired by the Attorney General pursuant to Vesting Order No. 17075, as amended, in and to the following:

A mortgage executed on July 18, 1947, by Raymond D. Black and Barbara B. Black on property at 4810 Thomas Avenue, South Minneapolis, Minn., which was recorded on July 24, 1947, in the office of the Registrar of Titles of Hennepin County, Minn., in Vol. 387, Page 118979, as Document No. 245623.

A mortgage executed on November 7, 1947, by Alvin P. Anfenson and Helen Anfenson on property at Bohns Point, Lake Minnetonka, Minn., recorded on November 19, 1947, in the office of the Registrar of Titles of Hennepin County, Minn., in Vol. 404, Page 124291, as Document No. 253648.

A mortgage executed on April 6, 1949, by Emory C. Ensign and Julia von Kuster Ensign on property at 219 Homedale Avenue, Minneapolis, Minn., recorded on April 11, 1949 in the office of the Registrar of Titles of Hennepin County, Minn., in Vol. 210, Page 65963, as Document No. 282228.

A mortgage executed on August 19, 1949, by Delos A. Dreher and Helen T. Dreher on property on County Road 72, Hennepin County, Minn., recorded on September 19, 1949 in the office of the Registrar of Hennepin County, Minn., in Vol. 476, Page 145747, as Document No. 292585.

A mortgage executed on May 17, 1950, by Norman John Thompson and Dorothy Priscilla Thompson on property in Deephaven, Hennepin County, Minn., recorded on June 6, 1950 in the office of the Register of Deeds of Hennepin County, Minn., in Book 2491 of Mortgages, Page 239 etc., as Document No. 2629666.

Executed at Washington, D. C., on January 27, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-680; Filed, Feb. 1, 1954; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 23

Washington, Wednesday, February 3, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraphs (c) and (q) of § 6.302 are amended by the addition of the positions listed below.

§ 6.302 *Department of State.* • • •

(c) *Office of the Assistant Secretary for Congressional Relations.* • • •

(6) One Executive Assistant.

(7) Three Legislative Management Officers.

(q) *Office of the Assistant Secretary for Administration.* • • •

(2) One Private Secretary to the Assistant Secretary.

(3) One Private Secretary to the Deputy Assistant Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-731; Filed, Feb. 2, 1954; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO226-A3]

PART 925—MILK IN THE PUGET SOUND, WASHINGTON, MILK MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 925.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this amendatory order effective February 1, 1954. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the orderly marketing of available milk supplies. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk in the Puget Sound, Washington, marketing area. The provisions of the said amendatory order are well known to handlers and producers the public hearing having been held on August 10-11, 1953 and a

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FEDERAL REGISTER

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final decision on the amendment provisions having been issued January 22, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendatory order for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who during the determined representative period (October 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 925.14 and substitute therefor the following:

§ 925.14 *Other source milk.* "Other source milk" means (a) all skim milk and butterfat received from a producer-handler (or the plant of a producer-handler) in any form (including bottled products), and (b) all other skim milk and butterfat other than in (1) producer milk, and (2) milk and milk products in any of the forms specified in § 925.41 (a) (1) received from fluid milk plants and country plants.

2. Delete § 925.18 and substitute therefor the following:

§ 925.18 *Base milk.* "Base milk" means milk delivered by a producer during the month which is not in excess of (a) his daily base computed pursuant to § 925.60 (a) multiplied by the number of days of delivery in such month, or (b) his base computed pursuant to § 925.60 (b): *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant, the days of non-delivery shall be considered as days of delivery for the purposes of this section and of § 925.60 (a).

3. Delete the language of § 925.30 preceding paragraph (a) of such section and substitute therefor the following:

§ 925.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15 (a), except a producer-handler, shall submit to the market administrator a separate report for each of such handler's fluid milk plants, country plants, and plants where milk or milk products subject to payments required under § 925.70 (b) were handled, and each cooperative association which is a handler pursuant to § 925.15 (b) shall submit to the market administrator a report with respect to milk diverted on its account, containing the following information for the preceding month.

3a. Add the following as § 925.44 (a) (5):

(5) Notwithstanding the prior provisions of this paragraph any such skim milk and butterfat caused to be moved in bulk by a handler during any month from any fluid milk plant or country plant either by transfer or without being received therein to a fluid milk plant in which facilities are maintained and used during the same month to receive milk or milk products required by applicable health authority regulations to be kept physically separate from milk qualified as described in § 925.12 shall be deemed to have been transferred by such handler to a country plant and shall be classified in accordance with the provisions of paragraph (b) of this section.

4. Delete § 925.44 (a) (4) and substitute therefor the following:

(4) If at a fluid milk plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1 or in the counties of Kitsap or Mason are assigned to Class II milk, they shall be allocated to the uses stated in § 925.54 (a) insofar as such uses are available at the transferee plant after allocating to such uses the other source milk at such plant; and

4a. Delete § 925.44 (b) (1) and substitute therefor the following:

(1) The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction pursuant to § 925.45 (b) (2) of other source milk at such plant and after the subtraction of producer shrinkage classified as Class II milk pursuant to § 925.41 (b) (4), and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk;

5. Delete § 925.44 (b) (4) and substitute therefor the following:

(4) If at a country plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1 or in the counties of Kitsap and Mason are assigned to Class II milk, they shall be allocated to the uses stated in § 925.54 (a) insofar as such uses are available at the transferee plant after allocating to such uses the other source milk at such plant; and

5a. Add the following as § 925.44 (b) (5):

(5) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat caused to be moved in bulk by a handler during any month from any fluid milk plant or country plant without being received therein to a country plant in which facilities are maintained and used during the same month to receive milk or milk products required by applicable health authority regulations to be kept physically separate from milk qualified as described in § 925.12 shall be deemed to have been transferred by such handler to a country plant and shall be classified in accordance with the provisions of this paragraph.

5b. Delete § 925.44 (c) (2) and substitute therefor the following:

(2) As Class II milk if the transfer is to a nonpool plant located in the marketing area or within any of the counties of Clallam, Jefferson, Grays Harbor, Island, Kitsap and Mason, in the State of Washington, which is not engaged in the distribution of milk for consumption in fluid form: *Provided*, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 925.41 (a) (1) to any other nonpool plant distributing milk in fluid form which is not located in the marketing area, such disposition up to the quantity of producer milk transferred to the first nonpool plant shall be classified as Class I milk: *Provided further*, That if the preceding proviso does not apply the transferred quantity shall be allocated to uses other than those covered by § 925.54 (a) (1) to the extent that such other Class II milk uses are available at such nonpool plant: *And provided also*, That if the market administrator is not permitted to audit the records of such nonpool plant for the purpose of use verification, the entire transfer shall be classified as Class I milk.

6. Delete § 925.45 (a) and substitute therefor the following:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: *Provided*, That when

nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from skim milk, are utilized by such handler either (1) to fortify (or as an additive to) fluid milk, flavored milk, skim milk or any other milk product, or (2) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

7. Delete in § 925.52 (a) the figure "1.25" and substitute therefor the figure "1.2."

8. Delete § 925.54 (a) and substitute therefor the following:

(a) Compute the sum (in pounds) of: (1) The total utilization at such plant (including any disposition of skim milk and butterfat from such plant for similar uses at nonpool plants) of skim milk and butterfat, respectively, in evaporated milk in hermetically sealed cans, butter, nonfat dry milk solids, powdered whole milk, all cheeses except "baker's," "pot," cottage (including that creamed), cream and neufchatel, and shrinkage allowable as Class II milk pursuant to § 925.41 (b) (4) and (5), and (2) the total quantity of skim milk and butterfat transferred to other fluid milk plants and country plants located in District No. 1 or in the counties of Kitsap and Mason and allocated to the uses specified in subparagraph (1) of this paragraph (as provided in § 925.44 (a) (4) and (b) (4));

9. Delete § 925.60 (a) and (b) and substitute therefor the following:

(a) The daily base of each producer whose milk was received by a handler(s) on not less than one hundred twenty (120) days during the months of August through December, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered in such five-month period by the number of days from the date of his first delivery to the end of such five-month period. The base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have, beginning with February 1954, a monthly base computed by multiplying his deliveries to a handler(s) during the month by the appropriate monthly percentage in the following table:

January	75	July	55
February	70	August	65
March	65	September	75
April	55	October	75
May	45	November	80
June	50	December	80

10. Delete § 925.61 and substitute therefor the following:

§ 925.61 *Base rules.* The following rules shall be observed in determination of bases:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but under the following circumstances only: If a producer sells, leases, or otherwise conveys his herd to another producer, the latter may receive the transferor's base, unless earned under § 925.60 (b), pursuant to the conveyance and utilize such base until February 1 next following the date of conveyance, subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee producer from the same farm only;

(2) If such conveyance takes place subsequent to August 1 of any year, all milk delivered to a handler(s) between August 1 and December 31, inclusive, from the same farm (whether by the transferor or transferee producer) shall be utilized, pursuant to § 925.60 (a), in computing the base of the transferee producer to become effective the next February 1; and

(3) It is established to the satisfaction of the market administrator that the conveyance of the herd was bona-fide and not for the purpose of evading any provision of this subpart.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a) to begin the next February 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 925.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the next February 1 such producer's base shall be computed in the manner provided by § 925.60 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 925.12 may establish or earn a base pursuant to the provisions of § 925.60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

11. Delete that portion of § 925.70 (a) prior to subparagraph (1) of such paragraph and substitute therefor the following:

(a) Except as provided in paragraph (b) of this section, the total value of milk received during any month at each plant by each handler, including a cooperative association, shall be a sum of money computed by the market administrator as follows:

12. Delete § 925.70 (a) (6) and (b) and substitute therefor the following:

(6) Add, with respect to other source milk (including overage allocated to other source milk) received at each fluid milk plant and country plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District No. 1, or in the counties of Kitsap or Mason, such difference shall be reduced as follows: 50 cents at any such plant located in Clallam County or Jefferson County; and 40 cents at any other plant not located in District No. 1 or in the counties of Kitsap or Mason.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was only within Districts Nos 2 or 3, such difference shall be reduced by 40 cents per hundredweight.

13. Delete § 925.80 (b) and substitute therefor the following:

(b) On or before the 17th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price taking into account any location adjustment, as provided by §§ 925.53 and 925.54, applicable at the plant at which payment for such skim milk and butterfat is required under the provisions of § 925.70.

14. Delete § 925.81 (b) and substitute therefor the following:

(b) 25 cents per hundredweight shall be added to the uniform price for excess milk received from producers at plants located in District No. 1 or in the counties of Kitsap and Mason.

15. Delete § 925.87 (a) and substitute therefor the following:

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 29th day of January 1954, to be effective on and after the 1st day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-735; Filed, Feb. 2, 1954; 8:54 a. m.]

PART 941—MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISION

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended regulating the handling of milk in the Chicago, Illinois, marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

For the month of February 1954, the provision "and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period" in § 941.51 (b), does not tend to effectuate the declared policy of the act.

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; and (3) this suspension action is necessary to avoid a level of the uniform price in certain parts of the milkshed below the Class IV price. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, That the following provision of the order is hereby suspended for the month of February 1954:

In § 941.51 (b) the provision "and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 29th day of January 1954, to be effective February 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-733; Filed, Feb. 2, 1954; 8:53 a. m.]

PART 949—MILK IN THE SAN ANTONIO, TEXAS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 949.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective at the earliest possible date. Any delay in the effective date of this order would result in disorder in the marketing of milk. Because of the excessive disparity in the Class I prices as between the North Texas and San Antonio marketing areas, milk from the North Texas market threatens to displace producer milk in San Antonio. Provision must be made therefore, at the earliest possible time, for limiting the difference between the Class I price to 50 cents per hundredweight which approximates the transportation costs between the markets. Most handlers in the San Antonio, Texas, market are unable to process milk in excess of that required to carry on their fluid milk operations. Unless provision is made for lower prices on milk that must be transferred to outlets for manufacture into cheddar cheese, handlers may refuse to accept substantial quantities from producers as production increases seasonally. The producers' cooperative association has no facilities for handling milk. In order to provide an outlet for this milk and stabilize the market, it is necessary to make this amendment effective at once.

Since this order reduces prices handlers are required to pay for milk disposed of for use in cheddar cheese, it tends to relieve restrictions imposed upon handlers with respect to such milk. Thus, changes effected by this order should not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective February 1, 1954. (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the San Antonio, Texas marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1953), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended effective February 1, 1954, and as hereby further amended, as follows:

1. Amend § 949.51 (b) to read as follows:

(b) Adjust the price calculated pursuant to paragraph (a) of this section so that it does not exceed the price calculated pursuant to paragraph (e) of this section by less than $2.00 for each month or more than $2.50 for each of the months of April, May, and June and $2.70 for each of the other months.

2. Delete § 949.51 (c).

3. Amend § 949.51 (d) by adding thereto the following: "The provisions of this paragraph shall operate only to the extent that the difference between the Class I price pursuant to the order, as amended, regulating the handling of milk in the North Texas marketing area (Part 943 of this chapter) and the Class I price pursuant to this section shall not be greater than $0.50."

4. Amend § 949.53 by inserting immediately preceding paragraph (a) thereof the following proviso: "*Provided*, That from the effective date of this proviso through July 1954 the price for Class II milk disposed of for use in cheese other than cottage cheese shall be the simple average of the prices paid dairy farmers for milk containing 4 percent of butterfat delivered during the month for which prices are being computed to cheese plants located at Alice and Round Rock, Texas, and operated by the Fort Worth Poultry and Egg Company."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. [illegible])

Issued at Washington, D. C., this 29th day of January 1954, to be effective on and after February 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-736; Filed, Feb. 2, 1954; 8:54 a. m.]

PART 967—MILK IN THE SOUTH BEND-LA PORTE, INDIANA, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISION

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the South Bend-LaPorte, Indiana, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

For the month of February 1954, the provision "and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period" in § 967.51 (d) (2), does not tend to effectuate the declared policy of the act.

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for said marketing area, and (3) this suspension is necessary in connection with a similar suspension order affecting the order regulating the handling of milk in the Chicago, Illinois, marketing area, so as to preserve existing price relationships in the two markets.

The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, That the following provision of the order is hereby suspended for the month of February 1954:

In § 967.51 (d) (2) the provision "and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. [illegible])

Done at Washington, D. C., this 29th day of January 1954 to be effective February 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-737; Filed, Feb. 2, 1954; 8:55 a. m.]

PART 982—MILK IN THE CENTRAL WEST TEXAS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 982.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective at the earliest possible date. Any delay in the effective date of this order would result in disorder in the marketing of milk. Most handlers in the Central West Texas market are unable to process milk in excess of that required to carry on their fluid milk operations. Unless provision is made for lower prices on milk that must be transferred to outlets for manufacture into cheddar cheese, handlers may refuse to accept substantial quantities from producers as production increases seasonally. The producers' cooperative association has no facilities for handling milk. In order to provide an outlet for this milk and stabilize the market, it is necessary to make this amendment effective at once.

Since this order reduces prices handlers are required to pay for milk disposed of for use in cheddar cheese, it tends to relieve restrictions imposed upon handlers with respect to such milk. Thus, changes effected by this order should not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective February 1, 1954. (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Central West Texas marketing area of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1953), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Amend § 982.51 by inserting immediately preceeding paragraph (a) thereof the following: "*Provided*, That from the effective date of this proviso through July 1954, the minimum price per hundredweight for Class II milk disposed of for use in cheddar cheese shall be computed by multiplying the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand Cheddar in cars or truckloads, f. o. b. Wisconsin assembly points, as reported by the Department for the trading days during the month for which prices are being computed, by 8.0."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 29th day of January 1954, to be effective on and after February 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-732; Filed, Feb. 2, 1954; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-385C]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; DELEGATION OF AUTHORITY TO THE ADMINISTRATOR TO PERMIT AIR CARRIERS UNDER CONTRACT TO THE MILITARY SERVICES TO DEVIATE FROM CERTAIN CIVIL AIR REGULATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of January 1954.

Special Civil Air Regulation SR-385B currently delegates to the Administrator authority to permit deviations from certain parts of the Civil Air Regulations to air carriers under contract to the military services. This regulation became effective October 1, 1953, extending until February 1, 1954, the same authority that had been previously granted to the Administrator. The extension granted by SR-385B was for the purpose of permitting a re-evaluation of the problem involved.

On November 5, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 6998) in which it was proposed to continue the authority as was previously delegated to the Administrator and to permit such authority also to apply to an emergency necessitating the transportation of persons or supplies for the protection of life or property. The proposed rule, however, also provided for a review by the Board of any deviations that continued in effect for more than 90 days. Some comment received in response to this proposed rule felt that there was at present permanent need for this deviation authority and that the deviations granted should not be subject to review. Other comment indicated that the urgency for this deviation authority necessitated by the Korean airlift has passed and that there was no further need for this regulation. The Department of Defense, however, has stated that there is a continuing need for this deviation authority.

The Board feels that although the demand for the proposed deviation authority is not as great as during the most active periods of the Korean airlift, there is still a need for delegating deviation authority to the Administrator. While this deviation authority is perhaps not as widely used now as previously, it is difficult to predetermine the time at which an emergency may arise for which immediate action becomes necessary. In such an event, it would then be necessary that the Administrator be able to permit deviations from the Civil Air Regulations without any delay. For these reasons, this regulation continues the deviation authority currently delegated to the Administrator. To allay the fears, however, of those who feel that there is no current need for such authority or that the authority may be abused, this regulation also provides that no deviation authority may continue in effect for more than 90 days unless notice is transmitted to the Board. If this notice is transmitted to the Board, however, the deviation authority may continue for more than the 90-day period unless otherwise changed by the Board. Thus, any prolonged deviation will be reviewed by the Board.

In addition to the foregoing deviation authority, this regulation also delegates to the Administrator authority to grant deviations from the Civil Air Regulations in the event of any emergency or disaster requiring the transportation of persons or supplies. This delegation of authority is considered desirable. In such instances, immediate action may be required which necessitates a deviation from the Civil Air Regulations, it is considered that permission to deviate in such cases can best be handled by the Administrator.

This regulation shall continue in effect for one year, at the end of which time these problems and the effectiveness of the procedures provided in this regulation will be re-examined for the purpose of considering the incorporation of the substance of these rules in the operating parts of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective February 1, 1954:

1. Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may, upon application by an air carrier, authorize an air carrier under contract to the military services, or an air carrier furnishing civil aircraft or flight crews to another air carrier for use in operations conducted pursuant to a contract with the military services, or an air carrier proposing to conduct operations under conditions of an emergency necessitating the transportation of persons or supplies for the protection of life or property, to deviate from the applicable provisions of Parts 40 (including revised Part 40), 41, 42, 45, and 61 to the extent that he finds upon investigation a deviation from those regulations is necessary for the expeditious conduct of such operations.

2. Any deviation authority granted by the Administrator pursuant to this regu-

lation shall be limited to those operations conducted pursuant to military contracts or an emergency as determined by the Administrator and shall not be applicable to any other type of operation.

3. The Administrator shall, in any authorization granted pursuant to this regulation, specify the terms, conditions, and limitations of the authorization of deviation and each carrier shall, in the conduct of operations pursuant to military contracts or a declared emergency, comply with such terms, conditions, and limitations.

4. Grants of deviation authority hereunder for periods of 90 days or less will not be reviewed by the Board. Grants of deviation authority for a term in excess of 90 days or which in the aggregate will exceed a term of 90 days shall be subject to review by the Board, and the Administrator shall give notice of the issuance thereof to the Board as soon as it becomes apparent that the authorization is to be for more than 90 days in the aggregate. Any such long-term authorization, unless sooner revoked or rescinded by the Administrator, shall continue in effect for 90 days, and thereafter unless and until the Board or the Administrator determines that such deviation authority should not be continued. Authorizations for deviations in existence on the effective date of this regulation, if they are to be continued in effect for a period of more than 90 days after the effective date hereof, shall be subject to Board review in the same manner and with like effect as in the case of an authorization of more than 90 days issued hereunder.

This regulation supersedes Special Civil Air Regulation SR–385B and shall terminate February 1, 1955, unless sooner superseded or rescinded.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601, 604; 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54–730; Filed, Feb. 2, 1954; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6140]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GEORGE'S RADIO AND TELEVISION COMPANY, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.55 *Demand, business or other opportunities;* § 3.90 *History of product or offering;* § 3.155 *Prices:* Exaggerated as regular and customary; savings and discounts subsidized; usual as reduced, special, etc.; § 3.200 *Sample, offer or order conformance;* § 3.205 *Scientific or other relevant facts.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2015 *Opportunities in product or service;* § 3.2060 *Sample, offer or order conformance;* § 3.2063 *Scientific or other relevant facts.* In connection with the offering for sale, sale or distribution of home freezers and television sets in commerce, representing directly or by implication: (1) That participants in a food purchasing plan can buy food at wholesale prices or from a wholesaler, contrary to the fact; (2) that over-all monetary savings can be effected through the general use of frozen foods in place of corresponding foods in other forms; (3) that substantial over-all reductions in food costs will be effected through participation in a food purchasing plan; (4) that net monetary savings, however expressed, can be effected through the use of freezers purchased from respondents, unless the costs of operation, maintenance and depreciation and, in the event that the freezer is purchased on credit, the costs of such credit, are taken into account; (5) that television sets which are not of the current year's model are new, through the use of such terms as "Brand-New" or any other terms which describe said sets as new, unless the year in which said sets were current models is disclosed; (6) as the usual price of television sets, any price or value which is in excess of the price at which said sets were customarily offered for sale and sold by respondents in the recent regular course of their business; (7) that the price at which respondents' television sets are offered is lower by 50 percent or any other designated percentage, than the usual price at which said sets were customarily offered for sale and sold by respondents in the recent regular course of their business; and (8) that television sets are being offered for sale when such offer is not a genuine and bona fide offer to sell the sets so offered; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, George's Radio and Television Company, Inc., et al., Washington, D. C., Docket 6140, December 22, 1953.]

In the Matter of George's Radio and Television Company, Inc., a Corporation, and George Wasserman, Leopold Freudberg, Solomon Grossberg, and Phillip Keller, Individually

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated December 28, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on December 22, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

It is ordered, That respondents, George's Radio and Television Company, Inc., a corporation, and its officers, and George Wasserman and Phillip Keller, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of home freezers and television sets in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

1. That participants in a food purchasing plan can buy food at wholesale prices or from a wholesaler, contrary to the fact.

2. That over-all monetary savings can be effected through the general use of frozen foods in place of corresponding foods in other forms.

3. That substantial over-all reductions in food costs will be effected through participation in a food purchasing plan.

4. That net monetary savings, however expressed, can be effected through the use of freezers purchased from respondents, unless the costs of operation, maintenance and depreciation and, in the event that the freezer is purchased on credit, the costs of such credit, are taken into account.

5. That television sets which are not of the current year's model are new, through the use of such terms as "Brand-New" or any other terms which describe said sets as new, unless the year in which said sets were current models is disclosed.

6. As the usual price of television sets, any price or value which is in excess of the price at which said sets were customarily offered for sale and sold by respondents in the recent regular course of their business.

7. That the price at which respondents' television sets are offered is lower by 50 percent or any other designated percentage, than the usual price at which said sets were customarily offered for sale and sold by respondents in the recent regular course of their business.

8. That television sets are being offered for sale when such offer is not a genuine and bona fide offer to sell the sets so offered.

It is further ordered, That respondents, George's Radio and Television Company, Inc., and George Wasserman and Phillip Keller, individually, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied therewith.

It is further ordered, That the complaint be, and it hereby is, dismissed as to the respondents Leopold Freudberg and Solomon Grossberg, individually.

[1] Filed as part of original document.

Issued: December 28, 1953.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 54–693; Filed, Feb. 2, 1954; 8:47 a. m.]

[Docket No. 4878]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ORDER DISPOSING OF MOTIONS FOR MODIFICATION OR SETTING ASIDE OF FINDINGS AS TO THE FACTS, CONCLUSION, AND ORDER TO CEASE AND DESIST; MODIFYING ORDER TO CEASE AND DESIST AND DISMISSING COMPLAINT AS TO RESPONDENT, FRANK A. BOND

In the matter of Chain Institute, Inc., an incorporated trade association, its directors, officers, and members; et al.

This matter came on to be heard by the Commission upon the application and motion, with supporting affidavits and memorandum, for modification or setting aside of the findings as to the facts, conclusion, and order to cease and desist, filed by respondents Chain Institute, Inc., American Chain & Cable Company, Inc., The Bridgeport Chain & Manufacturing Company, The McKay Company, Hodell Chain Company, St. Pierre Chain Corporation, S. G. Taylor Chain Company, Cleveland Chain & Manufacturing Company, Campbell Chain Company, Nixdorff-Krein Manufacturing Company, Peerless Chain Company, Round California Chain Company, The John M. Russell Manufacturing Company, Inc., Seattle Chain & Mfg. Company, Turner & Seymour Manufacturing Company, Western Chain Products Company, Woodhouse Chain Works, Dennis A. Merriman, Wm. D. Kirkpatrick, and George J. Campbell, Jr.; the motion, with supporting affidavit, to vacate or modify the findings as to the facts, conclusion, and order to cease and desist, filed by respondent Columbus McKinnon Chain Corporation; answer to said motions filed by counsel supporting the complaint; and reply to said answer filed by certain of the respondents.

The Commission having duly considered the motions filed by certain of the respondents herein for the setting aside or modification of the findings as to the facts, conclusion, and order to cease and desist, and the requests for permission to file briefs and to be heard in oral argument on such motions, answer of counsel supporting the complaint, reply by certain of the respondents, and pertinent portions of the record, and being of the opinion, for the reasons appearing in the accompanying opinion of the Commission, that said motions and requests are without merit except for the request that the complaint be dismissed as to respondent Frank A. Bond:

It is ordered, That the application and motion for modification or setting aside of the findings as to the facts, conclusion, and order to cease and desist, filed by respondents Chain Institute, Inc., American Chain & Cable Company, Inc., The Bridgeport Chain & Manufacturing Company, The McKay Company, Hodell Chain Company, St. Pierre Chain Corporation, S. G. Taylor Chain Company, Cleveland Chain & Manufacturing Company, Campbell Chain Company, Nixdorff-Krein Manufacturing Company, Peerless Chain Company, Round California Chain Company, The John M. Russell Manufacturing Company, Inc., Seattle Chain & Mfg. Company, Turner & Seymour Manufacturing Company, Western Chain Products Company, Woodhouse Chain Works, Dennis A. Merriman, Wm. D. Kirkpatrick, and George J. Campbell, Jr., and the motion to vacate or modify the findings as to the facts, conclusion, and order to cease and desist, filed by respondent Columbus McKinnon Chain Corporation, and the requests for permission to file briefs and to be heard in oral argument on said motions, be, and they hereby are, denied except for the request that the complaint be dismissed as to respondent Frank A. Bond.

It is further ordered, That the order to cease and desist heretofore entered in this matter be, and it hereby is, modified by striking therefrom Frank A. Bond as a respondent against whom said order was directed.

It is further ordered, That the amended complaint herein be, and it hereby is, dismissed as to respondent Frank A. Bond.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45)

Issued: December 28, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

Chairman Howrey delivered the opinion of the Commission.

This is one of a number of motions, filed in recent months, to reopen and reconsider matters, previously adjudicated, upon the ground that there have been changes in the membership of the Commission.

This particular case was decided during February 1953, when the Commission was comprised of Commissioners Mead, Mason, Carson, Spingarn and Carretta, and is now pending before the United States Court of Appeals for the Eighth Circuit. Of the present Commission, Commissioner Mead is the only member who voted with the majority when the case was adjudicated on the merits. Commissioner Mason dissented. Commissioner Carretta did not participate for the reason that oral argument was heard before he became a member. Chairman Howrey and Commissioner Gwynne have not, of course, participated in any phase of the proceeding.[1]

The complaint was issued on December 22, 1942. Lengthy hearings were held before a hearing examiner and concluded in August 1948. The examiner issued a recommended decision on September 25, 1948, and an amended decision at a later date. Thereafter, an appeal was taken to the full Commission, and oral argument was heard on April 7, 1949. The case was re-argued before the Commission on September 24, 1950.

On April 20, 1953, respondents filed their petition for review with the court of appeals. However, prior to the time the record was certified to that court and following the aforementioned changes in the membership of the Commission, respondents filed the present motion asking us to reopen and reconsider a number of enumerated questions.

It appears to us that the controlling ground offered by respondents in support of the motion is this change in membership.

We are not disposed to grant a motion predicated principally upon such a ground. The Commission is an independent and continuing statutory body. The terms of its members were arranged by Congress in a manner to prevent any abrupt dislocations in the discharge of its responsibilities.

More importantly, the Commission, like the courts, operates prospectively, not retroactively. This principle is fundamental, we believe, to our system of law, both administrative and judicial. While the views of individual commissioners may differ, each is like a member of the judiciary in the sense that he customarily makes decisions on upcoming issues on a case-by-case basis. A judge appointed to fill a vacancy on the bench does not set about to reopen and retry previously adjudicated cases simply because he is a new member.

The machinery of the quasi-judicial agency, like the courts, contemplates a continuing process; it looks to current litigation, not past litigation. If our procedures were otherwise, delay and inaction would surround enforcement of the statutes committed to the Commission's jurisdiction. To grant the present motion would be to require a third review of a voluminous record made many years ago.

The principal question presented by the motion, as we see it, is whether the Commission, in prescribing a remedy in a conspiracy case, can require respondents not only to cease and desist their alleged conspiratorial activity but also to stop the individual use of certain delivered pricing methods. This is an important question and if it were not for the overriding considerations already stated, the motion might be well grounded. However, since the question of the remedy is one of law, the respondents will not be prejudiced. They will, we are certain, receive a full hearing on this question in the court of appeals.

Commissioner Mead has filed a separate opinion.[2]

Commissioner Carretta has filed a separate opinion dissenting in part and concurring in part.[2]

[F. R. Doc. 54–694; Filed, Feb. 2, 1954; 8:47 a. m.]

[1] Chairman Howrey became a member of the Commission on April 1, 1953, and Commissioner Gwynne on September 27, 1953.

[2] Filed as part of the original document.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter J—Procurement

[CGFR–53–48]

PART 116—PROCEDURES FOR PURCHASING

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AUTHORITY: §§ 116.01–1 to 116.04–25 issued under 62 Stat. 21; 41 U. S. C. 151–161.

SUBPART 116.01—GENERAL PROVISIONS

PROCUREMENT AUTHORITY AND LIMITATIONS

§ 116.01–1 *Procurement authority.* The basic authority for the procurement of supplies and services for the Coast Guard is contained in the Armed Services Procurement Act of 1947 (41 U. S. C. 151–161), hereinafter referred to as "the act."

§ 116.01–2 *Supplies and services defined.* The term "supplies" as used in this part means all property except land or interests in land. It includes by way of description and without limitation, materials, supplies, equipment, public works, buildings, facilities, ships, floating equipment, vessels of every character, type, and description, aircraft, tools, and parts and accessories for such items, and the alteration or installation of any of the foregoing. The term "services" includes by way of description and without limitation, personal or professional services of individuals or organizations; nonpersonal services; educational or training services; architectural or engineering services; maintenance or repair services; transportation; utility services; experimental, developmental, or research work; and construction work.

§ 116.01–3 *General limitations upon the use of negotiation.* No contract shall be entered into as a result of negotiation unless the contemplated procurement comes within the circumstances permitting negotiation as stated in the act and as set forth in Subpart 116.03.

§ 116.01–4 *Certain negotiations restricted to Headquarters.* The negotiation of contracts under certain circumstances require special determinations and findings by the Commandant or by the Comptroller. Accordingly, the authority to negotiate contracts under such circumstances is restricted to Headquarters as set forth in Subpart 116.03. The negotiation of such contracts shall be in accordance with the requirements of the act, and shall be governed, insofar as practicable, by the procedures established by the Armed Services Procurement Regulations.

§ 116.01–5 *Approval of work projects.* The Commandant's approval of the project or work is required prior to the execution of a contract or the work by a field unit under the following conditions:

(a) When the proposed contract involves major overhaul of aircraft and/or aircraft engines.

(b) Under the conditions prescribed by current Engineering directives.

(c) A change in or establishment of an aid to navigation.

(d) New construction or Special Fund Projects.

§ 116.01–6 *Monetary limitations.* (a) Contracts for construction projects which have previously been approved by the Commandant and contracts for emergency repairs may be executed by District Offices and Headquarters units subject only to the availability of allotted funds and without limitation on amount.

(b) Other contracts executed shall be limited to those with a value not exceeding the amounts set forth hereinafter. If in excess of such amounts, the contract shall be referred to the Commandant (FS) for execution at Headquarters or for subsequent execution by the District Offices and Headquarters units in accordance with the specific directions

from Headquarters. The District Commander may authorize other field units to execute a specific contract costing between $1,000 and $75,000 providing all requirements are met.

(c) The maximum value of each contract which District Offices, Headquarters units and other Field units may execute is as follows:

(1) Offices of District Commanders, $75,000.

(2) Coast Guard Yard, $75,000.

(3) Coast Guard Supply Centers, $75,000.

(4) Aircraft Repair and Supply Base, $100,000.

(5) Coast Guard Academy, $10,000.

(6) Coast Guard Training Station, Groton, Conn., $10,000.

(7) Coast Guard Receiving Center, Cape May, N. J., $10,000.

(8) All other Headquarters units, $2,000.

(9) All other Field units, $1,000.

§ 116.01–7 *Contract requirements.* Contracting officers attached to field units are authorized to execute contracts and effect purchase of supplies and services required for their units subject to the limitations set forth above, and subject to the following requirements:

(a) Availability of allotted funds.

(b) When the items are not readily available from Coast Guard, Navy or other Government sources of supply.

(c) When the items are not prohibited for the use intended.

(d) When the items are not in excess of authorized allowances.

§ 116.01–8 *Referral to Headquarters.* All questions relative to contract procedure and requests to depart from standard contract provisions shall be referred to the Commandant (FS–1).

§ 116.01–9 *Commercial procurement by vessels and stations.* Commercial procurement of supplies and services by vessels and stations shall be confined to the following:

(a) Procurement under existing contracts.

(b) When time will not permit the referral of the purchase requirement to a District Office, Supply Depot or Supply Center.

§ 116.01–10 *Procurement against defaulting contractors.* (a) When a contractor fails, or it becomes apparent that he will fail, to perform the terms and conditions of a contract, a complete report of all circumstances, including the contract number and the recommendations of the contracting officer, shall be forwarded to the Commandant (FS–1) for determination of the action to be taken. If the Commandant determines that the contract should be terminated for default, any supplies or services still required after such termination may be purchased against the contractor's account, in the open market or otherwise.

(b) For procedure to be followed in default of contractors on orders placed under contracts of the Federal Supply Service, General Services Administration, see instructions contained in the "Index and Guide to Government Sources of Supply" under the section headed "Performance and Default," published by the Federal Supply Service, General Services Administration.

§ 116.01–11 *Procurement of supplies and services for the CG Auxiliary—(a) Authority.* 14 U. S. C. 830 provides for the payment from CG appropriations of actual necessary expenses incurred in the operation of any privately-owned motorboat, yacht, aircraft, or radio station when assigned to Coast Guard for its use. "Actual necessary expenses" as used herein includes: payment for fuel, oil, power, water, supplies, provisions, replacement or repair of equipment, repair of any damaged Auxiliary facility and for the constructive or actual loss of any Auxiliary facility where it is determined, under applicable regulations, that responsibility for the loss or damage necessitating such replacement or repair of equipment or for the constructive or actual loss of such motorboat, yacht, aircraft, or radio station rests with the Coast Guard.

(b) *Providing supplies and services.* Whenever practicable, all supplies and services required for the operation of an Auxiliary facility by Coast Guard will be furnished by Coast Guard sources of supply or obtained in the same manner as other supplies and services are procured. Likewise, upon return of an Auxiliary facility to its owner, any damage sustained by the facility or its equipment shall, whenever practicable, be repaired by the Coast Guard in the same manner as repairs are effected to Coast Guard facilities and their equipment.

(c) *Supplies and repairs furnished by an Auxiliary member.* Where an Auxiliary member furnishes supplies necessary in the operation of an Auxiliary facility in the performance of Coast Guard duties, or accomplishes or has accomplished repair or replacement of damaged equipment or damages to the facility itself, reimbursement for such supplies or repair will be made to the Auxiliary member.

(d) *Sale of clothing, flags, and pennants.* Items such as clothing, flags and pennants, not considered as actual necessary expenses of operation, may be sold to Auxiliary members.

DELEGATION OF AUTHORITY

§ 116.01–20 *Procurement responsibility.* The Commandant, having been designated as the "agency head" under the act, is responsible for the procurement policies and activities of the Coast Guard.

§ 116.01–21 *Chief Officer Responsible for Procurement.* The administration of procurement policies and activities as determined by the Commandant as "agency head" is hereby delegated to the Comptroller who is hereby designated as the "Chief Officer Responsible for Procurement' in accordance with the act.

§ 116.01–22 *Contracting authority.* In accordance with the authority contained in the act, and subject to the limitations set forth through this section, designated Coast Guard Contracting Officers are authorized to enter into contracts on behalf of the Government and in the name of the United States of America, by formal advertising, or by negotiation, or by procurement within the Government as hereinafter provided, for supplies and services required for the Coast Guard.

§ 116.01–23 *Contracting officer at Headquarters.* At Coast Guard Headquarters, all procurement activities shall be administered by the Supply Division. The Chief of the Procurement Section, Supply Division, shall be the contracting officer. In the absence of the Chief of the Procurement Section, the Chief of the Supply Division shall act as contracting officer.

§ 116.01–24 *Contracting officers of field units—(a) Delegation of authority by Commandant.* Subject to the limitations set forth herein, the Commandant hereby delegates authority to procure supplies and services to the following Coast Guard officers:

(1) District Commanders.

(2) The Superintendent of the Coast Guard Academy.

(3) The Commanding Officer of the Coast Guard Yard.

(4) The Commanding Officer of the Coast Guard Aircraft Repair and Supply Base.

(5) Commanding Officers of Coast Guard Supply Centers.

(6) Commanding Officers of Coast Guard Supply Depots.

(7) Commanding Officers of Coast Guard Training Stations.

(8) Commanding Officers (not Officers in Charge) of other Field and Headquarters Units.

(b) *Designation of contracting officer.* The officers listed above may designate an officer assigned to finance and supply duty as contracting officer. The Commanding Officer, CG Yard also may designate a qualified civilian employee as contracting officer. Designations of contracting officers shall be made in writing.

(c) *Limitation of authority to act as contracting officer.* The delegation of authority to act as "contracting officer" is limited strictly to those officers listed in paragraphs (a) and (b) of this section, and no other officers shall exercise such authority without the prior approval of the Commandant (F).

§ 116.01–25 *Authorized representatives of contracting officers.* Contracting officers may designate an officer or civilian official to act as their representative whenever necessary in connection with the performance of contracts executed by them. Such designation may be instructions referring to the particular contractual instrument, or classes of instruments, and may to the extent not specifically prohibited by the terms of the contract involved, empower the representative to take any or all action thereunder which could lawfully be taken by the contracting officer. In no event, however, shall a representative, by virtue of his designation only, be empowered to execute any contract or supplementary agreement, or change any conditions of the contract. The delegation and designation for such authority shall be contained in a letter signed by the contracting officer and addressed to the contractor, with copies to the officer so designated.

§ 116.01–26 *Conduct of procurement personnel.* In accordance with restrictions imposed on Government officers and agents by applicable sections of the Criminal Code (especially 18 U. S. Code 434, 283, 216, and 281), and in accordance with the general policy aaginst conflicting private interests of Government officers and employees, every person charged with the administration and expenditure of Government funds must refrain from such conduct as would interfere with the full, proper and impartial discharge of his official duties, or as would give rise to a reasonable suspicion that his conduct was motivated by self interest rather than by the best interests of the Government.

METHODS OF PROCUREMENT

§ 116.01–30 *Methods of procurement defined.* Procurement within the Coast Guard shall be made in accordance with the provisions of the Act and in compliance with the instructions contained in this section. The two principal methods of procurement are by means of formal advertising and by means of negotiation. Procurement shall generally be effected by advertising for bids and thereafter awarding a contract to the lowest responsible bidder. Procurement by means of negotiation may be effected, however, when authorized by and conducted in accordance with the detailed requirements and procedures set forth. Procurement may also be effected by placing orders with any Government agency or Government-owned establishment, or by means of joint- or single-department procurement.

§ 116.01–31 *Methods of commercial purchase employed by Coast Guard.* Three methods of commercial purchase by Coast Guard units are authorized:

(a) Purchases made under existing contracts.

(b) Purchases made by advertising.

(c) Purchases made by negotiation.

SOURCES OF SUPPLY

§ 116.01–40 *Government sources of supply.* It is the policy of the Coast Guard to procure supplies and services from the following sources whenever available:

(a) Within the command.

(b) Coast Guard Supply Depots and Centers and other Supply activities.

(c) Federal Supply Service.

(d) Navy Department.

(e) Other Government Agency Supply Units.

(f) Existing Coast Guard contracts.

(g) Federal Supply Service contracts.

(h) Other Government Agency contracts.

§ 116.01–41 *Mandatory sources of supply.* Certain supplies and services must be obtained from the sources designated in this Subpart. A "Federal Supply Schedule Index (including Index to the Stock Catalog and Other Government Sources of Supply)" shall be maintained in each district office. Headquarters unit, and other units to which a supply officer is regularly assigned. Copies will be obtained in the manner prescribed in § 116.01–42.

§ 116.01–42 *Federal supply service contracts.* (a) Pursuant to chapter 4 of Title 41 U. S. C., the supplies and services listed below, when not available from Government sources, shall be procured only under Federal Supply Service contracts, except when required for immediate use and the time of delivery specified in the contract will not meet the actual necessity of the service. In such cases, procurement from other sources may be made of such quantity as may be immediately required. A statement of the necessity for such action will be made on the public voucher. A wide range of items fall within the class listings below which are furnished as a guide only. Specific items, descriptions and prices are listed in Federal Supply Schedules. Supply Officers shall frequently examine Federal Supply Schedules and Check Lists issued in connection therewith to determine any additions to the list of mandatory classes or items, or modifications thereon. Nonmandatory items listed on schedules, should be considered when effecting procurement, to take advantage of prices which may be lower in many instances than can be secured in certain localities.

Class	Item
4	Caps, blasting; dynamite; plugs, blasting; powder, blasting; primer and booster charges.
7, 14	Gasoline, fuel oil and kerosene when included in Federal Supply Schedules and bulletins; provided they are not included in Navy contract.
8	Motor vehicle accessories and parts. Tires and tubes. Tire chains.
17	Lamps, electric and photographic flash.
[1] 26	Office furniture, steel and wood, including chairs, lockers, filing sections, desks, tables, etc.
[1] 26	Household and quarters furniture.
27	Floor and window coverings.
35	Books.
[1] 40	Machines, floor polishing and scrubbing, cylindrical type, electric, with accessories.
40	Machine tools, small machinery and accessories.
40	Pads, floor polishing and scrubbing machine, steel wool, disk type.
53	Binders, loose leaf.
53	Cups, drinking, paper.
54	Office equipment; purchase, rental, repair, and maintenance.
83	Airplane tires and tubes.
106	Recording and transcription service except instantaneous recordings.

(b) Necessary files of current Federal Supply Schedules (all mandatory classes and other classes as selected by the unit concerned) shall be maintained at each district office, Headquarters unit, and other unit to which a supply officer is regularly assigned. Each unit desiring Federal Supply Schedules and Catalogs shall submit its requirements on GSA Form 457 to the General Services Administration Regional Office for the area in which the ordering office is located. The required forms may be obtained direct from the Federal Supply Service or its regional warehouses. Subordinate units of a district shall request schedules and price lists from the district office.

[1] When available from Federal Prison Industries, Inc., clearance is required prior to effecting purchase under Federal Supply service contracts.

(c) Clearances: The term "clearance," as it pertains to Federal Supply Schedules, is defined as a written statement furnished by an authorized Federal Supply Service official at the request of an ordering agency to the effect that a contemplated purchase is not covered by a Federal Supply Schedule Contract mandatory upon the purchaser. In addition to the primary objective of assuring that the mandatory features of Federal Supply Schedule Contracts are properly observed, requests for clearance also serve the purpose of providing data to the General Services Administration for use in determining the adequacy of coverage of the Federal Supply Schedules. It is not necessary that agencies covered by mandatory provisions request clearance for purchases of items where similar items are not on Federal Supply Schedules. Also, clearance shall not be requested when agencies covered by mandatory provisions find it necessary to make an open market purchase to meet a justifiable emergency.

(d) Federal Supply Schedule Check Lists: Federal Supply Schedule Check Lists are issued quarterly to Federal agencies by the General Services Administration to furnish current data on the Federal Supply Schedules. These listings show the status of all Federal Supply Schedules in effect and amendments thereto, as of the date stated, with information as to the mandatory coverage and other pertinent remarks. Additional information desired concerning any particular schedule may be obtained by writing to the General Services Administration regional office executing the contract or by telephoning the number indicated in each schedule.

§ 116.01–43 *Federal Supply Service Warehouses.* Certain supplies when not available from Coast Guard or Navy sources shall be procured from Federal Supply Service regional warehouses. Warehouses are located at Washington, D. C.; Boston, Mass.; New York, N. Y.; Cleveland, Ohio; Chicago, Ill.; Atlanta, Ga.; Forth Worth, Tex.; Kansas City, Mo.; Denver, Colo.; San Francisco, Calif.; and Seattle, Wash. Supplies carried in stock are listed in the Federal Supply Service Stock Catalog. Copy of this publication shall be maintained at each district office, Headquarters unit, and other units to which a supply officer is regularly assigned. Purchase orders shall be submitted to the nearest regional warehouse on original and one copy of Form CG–2557, and shall be routed through the district office to permit review and utilization of Coast Guard facilities in effecting delivery.

§ 116.01–44 *Federal Prison Industries, Inc.* (a) Under the provisions of 18 U. S. C. 4124, certain supplies and services must be procured from the Federal Prison Industries, Inc., or a clearance obtained, before they can be procured from commercial sources. The General Accounting Office will disallow all payments unless clearance has been granted in advance of purchase from commercial sources. A wide range of items fall within the class listings below which are furnished as a guide only. Specific items, descriptions and prices

are listed in the publication "Schedule of Products Made in Federal Penal and Correctional Institutions," copies of which may be obtained by letter request to the Commandant (FS–1). Copies of the schedules shall be maintained at each district office, Headquarters unit, and other units to which a supply officer is regularly assigned.

Class	Item
9	Boats: wooden, less than 70 feet long, for delivery west of the Mississippi River.
38	Brooms: corn.
29, 38	Brushes; various types.
40	Brushes, polishing and scrubbing machines.
21	Cargo nets.
	All classes Castings; gray iron, various types.
24	Canvas goods; various articles.
	COTTON TEXTILES:
24	Cloth; awning.
24	Duck; cotton.
27	Drills.
27	Ticking, mattress and pillow.
	Dry cleaning service (dry cleaning service required by units within 100 miles of the U. S. Penitentiary, Alcatraz, Calif.).
	[illegible]
26	Fiber; various articles.
26	Wood; various articles.
26, 54, 57, 63	Furniture and specialities; metal, various articles.
37	Gloves and mittens; various types.
41	Handles; striking tool.
68	Laboratory animals.
	Laundry services.
27	Mattresses; cotton felt.
53	Paper weights; gray iron, leather covered.
	Printing.
37, 72	Shoes; various types.
26	Steel storage shelving; all types.

(b) Clearance C–27650 authorizes purchase from commercial sources when (1) immediate delivery or performance is required by public exigency which will not admit of delay in procurement, and (2) suitable second-hand property can be procured. Requests for clearances shall be forwarded to the Commandant (FS–1) together with a detailed statement as to the necessity for procurement from commercial sources. Purchases covered by this clearance will make reference to the applicable clearance on the pertinent public voucher. When procurement has been made in the open market under the authority of a clearance, the original or a copy of the applicable specific clearance will accompany the public voucher to which it pertains. When more than one public voucher is issued for items covered by one clearance, subsequent public vouchers will bear reference to the public voucher with which the clearance was filed.

§ 116.01–45 *Post Office Department.* Envelopes shall be purchased only under contracts executed by the Post Office Department. A publication "Award of Contracts for Envelopes" is issued periodically and lists all available types of envelopes, as well as necessary contract information. Copies of this contract bulletin are available through Headquarters. Orders placed for envelopes shall be forwarded direct to the contractor and need not be forwarded via Headquarters.

§ 116.01–46 *Committee on Purchase of Blind-Made Products.* Under the requirements of the act of June 25, 1938 (52 Stat. 1196) (41 U. S. C. 46–48), supplies available from the Committee on Purchase of Blind-Made Products shall be procured from that source when not available from Government Sources. A listing of items available from this source is included in the General Services Administration Store Stock Catalog under a separate section. This listing will distinguish between those blind-made products carried in stock by the Federal Supply Service and those available direct from the National Industries for the Blind. Procurement procedures for obtaining these items from the two sources are outlined in §§ 116.01–47—116.01–48. A clearance dated March 27, 1942, effective until rescinded, grants authority to procure supplies listed as a Blind-made Product from commercial sources when (a) military necessity may require delivery within a period of 2 weeks, (b) less than a single unit is required, or (c) for use outside continental United States. When an item is obtained from commercial sources under authority of this clearance, reference to the clearance shall be made on the payment voucher.

§ 116.01–47 *Purchase of blind-made products through Federal Supply Service.* Purchase Orders (Form CG–2557) shall be submitted to the supporting Federal Supply Service Supply Center for blind-made products regardless of whether or not that facility actually stocks the item, except as noted in § 116.01–48.

§ 116.01–48 *Purchase of blind-made products from the National Industries for the Blind.* Purchase Orders (Form CG–2557) shall be submitted to the National Industries for the Blind, 15 West 16th Street, New York 11, N. Y., when the purchase meets the following requirements: (a) Items require overseas packaging or packing; (b) instances where the ordering activity is so located that it would be more practical and economical to purchase direct rather than through a Federal Supply Service Supply Center; and (c) Items required in carload lots or over.

§ 116.01–49 *Surplus property.* To the extent possible, supplies shall be obtained from surplus property in the hands of disposal agencies, or from surplus or excess stocks in the hands of other Government agencies. Coast Guard units shall obtain prior authority from the Commandant (FS) for the acquisition of property under Title 14, U. S. C., sec. 640.

Procurement of Domestic and Foreign Materials and Products

§ 116.01–60 *Statutory authority.* Subject to the exceptions authorized therein, the "Buy American Act," approved March 3, 1933 (47 Stat. 1520) (41 U. S. C. 10a–d), prohibits the acquisition for public use by any department, or for use in connection with the performance of any department contract for the construction, alteration, or repair of any public building or public work, of (a) unmanufactured supplies unless mined or produced in the United States, and (b) manufactured supplies unless manufactured in the United States substantially all from supplies mined, produced, or manufactured in the United States.

§ 116.01–61 *Policy regarding purchases from sources within Soviet-controlled countries or areas.* (a) It is the policy of the Coast Guard not to procure supplies or manufactured products originating from sources within Soviet-controlled countries or areas. The authorizations and exceptions to the "Buy American Act" set forth in subsequent paragraphs shall not be construed so as to permit exceptions to this policy. In cases of doubt, questions as to whether a specific country or area is Soviet-controlled will be referred to the Commandant (FS).

(b) Exceptions to this policy will be made only after specific approval by the Commandant (FS).

§ 116.01–62 *Terminology.* (a) The term "United States," when used in a geographical sense, includes the United States and any place subject to the jurisdiction of the United States.

(b) The term "public use," "public buildings," and "public work" shall mean use by, public buildings of, and public work of, the United States, the District of Columbia, Hawaii, Alaska, Puerto Rico, American Samoa, the Canal Zone, and the Virgin Islands.

(c) Supplies shall be considered to be manufactured "substantially all" from United States supplies whenever the cost of foreign supplies used in such manufacture constitutes 25 percent or less of the cost of all supplies used in such manufacture.

§ 116.01–63 *Action required by noncompliance by contractors.* (a) Where it is determined that the contractor performing a construction contract has not complied with the provisions of the act, the contracting officer will submit a report to the Commandant (FS) setting forth complete details relative to the use of foreign materials and supplies.

(b) The Commandant (FS) will review such reports for accuracy and completeness, verifying pertinent portions as necessary, and forward the reports to the Secretary of the Treasury.

§ 116.01–64 *Findings and action by the Secretary of the Treasury.* The Secretary of the Treasury, upon finding that in the performance of a construction contract there has been a failure to comply with the "Buy American Act" provision, shall make public his findings (including therein the name of the contractor obligated under such contract) and no other contract for the construction, alteration, or repair of any public building or public work in the United States or elsewhere shall be awarded to such contractor, subcontractor, materialmen, or suppliers with which such contractor is associated or affiliated, within a period of three years after such finding is made public.

§ 116.01–65 *Exceptions that may be authorized by the Secretary.* The Secretary of the Treasury is authorized by the "Buy American Act" to grant exceptions thereto when application of the act would cause any one of the situations enumerated below:

(a) Would be inconsistent with the public interest.

(b) Would unreasonably increase the cost.

(c) Would be impracticable in connection with construction or repair work.

However, exceptions granted under this authority must be incorporated into the contract specifications prior to solicitation of bids and a public record made of the supporting findings.

§ 116.01–66 *Determination of unreasonable cost.* (a) In accordance with regulations of the General Services Administration, Title I, Personal Property Management, the cost of supplies would be unreasonable and, therefore, the "Buy American Act" will not apply when the lowest cost of domestic supplies exceeds the lowest cost of foreign supplies by 25 percent or more of the foreign bid (100 percent when the cost of foreign supplies is $100 or less. However, when the base cost of foreign supplies is enhanced by duty paid the United States, the differential of 25 percent or 100 percent shall be applied only to the base cost with the duty then added to the sum of the differential. Accordingly, the cost of domestic supplies is considered unreasonable when it exceeds the cost of foreign supplies, plus the amount of the differential and, when applicable, plus the amount of duty. Examples of application are as follows:

Example No. 1—Foreign bid would be accepted

Domestic bid	$12,400.00
Foreign bid (duty included)	10,000.00
Minus duty	1,000.00
Cost excluding duty	9,000.00
Percent of differential	.25
Differential	2,250.00
Plus cost excluding duty	9,000.00
Plus duty	1,000.00
Total cost	12,250.00

Example No. 2—Domestic bid would be accepted

Domestic bid	$12,400.00
Foreign bid (no duty involved)	10,000.00
Percent of differential	.25
Differential	2,500.00
Plus cost	10,000.00
Total cost	12,500.00

(b) The contracting officer shall submit to the Commandant (FS) for consideration and approval any case where the differential is less than 25 percent but the amount of the differential exceeds $5,000. Cases where the differential is less than 25 percent but the amount of the differential does not exceed $5,000 may be forwarded for consideration if the contracting officer considers the amount of the differential to be unreasonable.

§ 116.01–67 *Exception of printed matter.* In accordance with § 116.–65, the Secretary of the Treasury, by letter dated 24 August 1953, determined that purchase of the following supplies, as required by the Coast Guard is in the public interest and such purchase is authorized: trade, text, technical, and scientific books, newspapers, magazines, periodicals and printed briefs, charts and maps, which are not printed in the United States and for which domestic editions are not available.

§ 116.01–68 *Exceptions due to availability.* (a) The "Buy American Act" does not apply to the following materials:

(1) Supplies which are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(2) Such materials, from which the supplies to be used are manufactured, as are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(b) Accordingly, the supplies listed below may be procured without regard to country of origin except as restricted by § 116.01–61.

SUPPLIES AUTHORIZED TO BE PROCURED FOR PUBLIC USE

Agar.
Aluminum.
Antimony.
Argols, tartar and wine lees.
Asbestos.
Bananas.
Bauxite.
Beef extract.
Beryl.
Bismuth.
Brazil nuts.
Cadmium.
Calcium cyanamide.
Capers.
Cashew nuts.
Castor beans.
Celestite.
Chalk, English.
Chicle.
Chrome ore or chromite.
Cinchona bark.
Cobalt (ore and metals).
Cocoa beans.
Coconut.
Coffee.
Columbite.
Copper.
Copra.
Cork.
Corundum.
Cryolite, natural.
Damar gum.
Derris cube and timbo roots.
Diamonds, industrial and abrasive.
Ergot.
Fiber, coir, abaca and agave.
Goat and kid skins.
Graphite.
Hyoscine.
Iodine.
Ipecac and emetine.
Jute and jute burlaps.
Kuarigum.
Kyanite.
Lac and shellac.
Lead.
Logs, veneer, and lumber from balsa, greenheart, lignum vitae, mahogany and teak.
Manganese.
Menthol, natural.
Mercury.
Mica.
Monazite.
Nickel.
Nitroguanidine.
Nux vomica.
Oiticica oil.
Olive oil.
Olives, green and stuffed.
Opium.
Palm oil.
Crude petroleum, petroleum fuels, and petroleum lubricants.
Platinum and related group metals.
Pulp for paper production.
Pyrethrum flowers.
Quartz crystals.
Radium salts.
Rubber, crude and latex.
Rutile.
Santonin.
Sardines.
Silk.
Sperm oil.
Spices.
Talc, steatite.
Tantalite.
Tapioca.
Tea.
Tin.
Tungsten.
Vanilla beans.
Wax carnauba.
Zinc.
Zirconium.

SUPPLIES AUTHORIZED TO BE USED IN THE CONSTRUCTION, ALTERATION, OR REPAIR OF ANY PUBLIC BUILDING OR PUBLIC WORK

Aluminum.
Antimony.
Asbestos.
Bauxite.
Chrome ore or chromite.
Copper.
Damar gum.
Jute and jute burlaps.
Kaurigum.
Lac and shellac.
Lead.
Mercury.
Mica.
Nickel.
Platinum and related group metals.
Rubber, crude and latex.
Timber, balsa, greenheart, lignum vitae, mahogany and teak.
Tin.
Tungsten.
Zinc.

Policy Toward and Assistance To Small Business Concerns

§ 116.01–70 *Definition of small business concerns.* It shall be the policy of the Coast Guard to place with small business concerns (herein considered to be any concern which employs fewer than 500 persons) a fair proportion of the total procurement of supplies and services. As a means of carrying out this policy, and when not clearly to the disadvantage of the Coast Guard, the supplies or services to be procured shall be procured in reasonably small lots so as to enable and encourage small business concerns to make bids or quotations thereon. Each contracting office shall, in effecting procurement, obtain necessary information to determine whether or not the supplier is a small business concern. To obtain this information the following clause shall be inserted in the bid or quotation portion of every invitation for proposals: "This organization, including affiliates (corporate, partnership, or joint venture), employs (500 or more) (less than 500) persons. (Strike out inapplicable words.)"

§ 116.01–71 *Applicability of these instructions.* These instructions are ap-

plicable to Coast Guard Headquarters, all districts, Headquarters' Units and Supply Depots.

§ 116.01–72 *Policy.* It is the policy of the Coast Guard that all unclassified negotiated and advertised procurement exceeding $10,000, made in the Continental United States will be publicized when such procurements are scheduled to be opened 18 days or more from date of issue. Unclassified United States procurements exceeding $10,000, will be scheduled to be opened 18 days or more from date of issue unless circumstances make an earlier opening essential. In such case a statement of fact supporting such action must be filed in the contract folder.

§ 116.01–73 *Setting opening of bid dates.* Except in cases of urgency, contracting officers should insure that opening dates for invitations and/or requests involving the purchase of special material requiring plans, blueprints, or special specifications are set so as to allow a minimum of 30 calendar days after date of mailing. It is believed that a minimum of 21 to 25 days will be sufficient in the purchase of standard items (such as hand tools) that do not require special analysis by the bidder. Reasonable requests for postponement of the time set for the opening of bids shall be referred to the requisitioning activity if unusual delay is involved; otherwise, decision should be made by the contracting officer. It is felt that permitting adequate bid time before the opening of bids and/or requests will decrease the number of requests by contractors for postponement of openings.

§ 116.01–74 *Daily synopsis of purchases required.* A daily synopsis of proposed purchases by negotiation and advertising will be prepared and transmitted by teletype to Bonstetter, Department of Commerce, Chicago, Illinois, in the manner hereinafter described. Such synopsis will include quantities and will consist of a minimum general description of the items procured and will include, when appropriate, commonly used names of supply items, basic materials from which fabricated, general size or dimensions, etc. Whenever procurement offices believe it advisable for security reasons, quantities may be published as "more than ____". The synopsis should include proposed purchases on the same day that the requirements become known. Do not withhold this information pending the preparation of formal documentation. Proposed procurement for the construction, alteration or repair of buildings, bridges, roads or other kinds of real property are included in the above policy. Proposed procurement for the repairs to vessels need not be included in synopsis.

§ 116.01–75 *Confirmation copy of procurement required.* One copy of each Invitation to Bid and/or Request for Quotation which includes items previously listed in a synopsis shall, when issued, be forwarded to Chief, Small Business Division, Office of Industry and Commerce, Room 6427, Department of Commerce, Washington 25, D.C.

§ 116.01–76 *Preparation of synopsis.* (a) The daily synposis shall be prepared in strict accordance with the sample format below. Each daily synopsis message shall be delivered to the nearest Coast Guard Communications Center for transmission via NTX. Delivery from the originating unit to the Communication Center should be effected in each case by the means currently employed for other messages transmitted via NTX. A copy of this format shall be delivered to the Communications Center by the originator prior to delivery of the first message to insure transmission in the prescribed form. The routing indicator and heading required for NTX transmission will be added at the Communication Center.

(b) There follows a list of standard typewriter keyboard characters which cannot be reproduced or which are used for special purposes on teletype facilities. When one of these characters would ordinarily be used in a message, the alternate symbol shown must be used in lieu thereof:

Standard typewriter keyboard character:	*Alternate symbol*
⅛ or ½	⅛ or ½.
¢	cts.
#	no.
■	and.
%	pct.
@	at.
*	(No alternate, do *not* use).
:	- (hyphen).
?	/qm/.
()	/ / (slant bars).

(c) Columns 1, 2, 3, and 4 of format. Columnar heading shall not be typed on the message. These headings will be supplied by the Chicago Commerce Office. Entries in each column must be limited to the number of elite typewriter spaces indicated on the sample format and accidental "run-over" from one column to another must be corrected. Single space all lines of description covering an item or items included in the same proposed purchase. When item descriptions require more than one line, indent second and succeeding lines one space. Single space between each proposed purchase listed.

(1) In column 1, enter the briefest possible description which will adequately identify the items. The basic noun(s) of the description should not be abbreviated but other abbreviations may be used if they are in general commercial usage.

(2) In column 2, enter the specific quantity to be purchased and the unit. If necessary, because of space restriction, enter the unit directly below the quantity. Estimates should be shown if definite quantities cannot be ascertained.

(3) In column 3, enter invitation or such other number as shall serve to identify the purchase transaction when inquiries are received from interested suppliers. Invitations for bid numbers will be followed by the letter "B". Request for proposals or quotations will be indicated in this column by the letter "Q" or, if numbered, the number will be followed by the letter "Q".

(4) In column 4, enter the approximate date for opening of formal bids and requests for quotations.

(d) Upon receipt of the teletype synopses, the Chicago office of the Department of Commerce will consolidate the synopses of proposed purchases received from our purchasing offices with those received from purchasing offices of other agencies. In order to achieve speedy reproduction and distribution of the consolidated bid synopses on the same day the information is received, the Chicago Commerce Office has arranged to cut the necessary mimeograph stencils automatically on its receiving teletype printer. It is therefore essential that the instructions contained herein for the preparation and transmission of teletype messages be strictly adhered to.

FORMAT FOR TELETYPE MESSAGES TRANSMITTING SYNOPSES OF PROPOSED PURCHASES TO CHICAGO COMMERCE OFFICE
(Use Elite Type)

Bonstetter, Commerce Dept., Chicago.
Synopsis No. ____.
Contracting Officer
(enter appropriate address).

(31 elite spaces)	(10 spaces)	(16 spaces)	(13 spaces)
Remover, paint, 1-gallon can	600	01-1045-51	7-15-50
Paint, oil, flat, 5-gallon can	300 cans	01-1045-51	7-15-50
Enamel, phenolic, lusterless, outside, olive drab	600 gallons	01-1045-51	7-15-50
Torches—Welding	10 each	01-1046-51	7-17-50
Valve—Relief oil cooler	50 each	01-1047-51	7-18-50
Counter—Time interval	5 each	01-1048-51	7-20-50

§ 116.01–77 *Effect on procurement.* Consideration of awarding contracts in accordance with the above is set forth in Subpart 116.02 of this chapter.

CONTRACT PLACEMENT IN DISTRESSED EMPLOYMENT AREAS

§ 116.01–80 *Classification of labor areas.* The Department of Labor, Bureau of Employment Security, publishes bimonthly a summary of Labor Market Developments in Major Areas which gives a comparable measure of the related adequacy of the local labor supply among the major areas of the United States. Contracting Officers who are not receiving this publication should request that all future publications be furnished from the Bureau of Employment Security, United States Department of Labor, Washington 25, D. C. The publication classifies the various areas as follows:

Group I—Areas of labor shortage. Areas in which labor shortages exist or are expected to occur in the near future which will impede "essential activities."

Group II—Areas of balanced labor supply. Areas in which current and prospective labor demand and supply are approximately in balance.

Group III—Areas of moderate labor surplus. Areas in which current and prospective labor supply *moderately* exceeds labor requirements.

Group IV—Areas of substantial labor surplus. Areas in which the current and the prospective labor supply substantially exceeds labor requirements.

§ 116.01–81 *Effect on procurement.* To the extent possible, procurement should be avoided in labor market areas where manpower is in short supply or in approximate balance (areas classified in Group I or Group II by the U. S. Department of Labor); and should be placed in labor market areas having surplus manpower (areas classified in Group III or Group IV). Consideration of awarding contracts in accordance with the above is set forth in Subpart 116.02.

REPORTS ON PROCUREMENT

§ 116.01–83 *Compilation of statistics as to small business concerns and negotiated contracts.* The Coast Guard is required under the act to maintain a record of the number and total value of all contracts and purchases placed with (a) small business concerns and (b) negotiated contracts; and to submit an annual report thereof at the close of the fiscal year to the President and Congress. The annual report will be prepared by the Commandant (FS) on the basis of quarterly reports submitted by District Commanders and Commanding Officers of Headquarters Units. The information necessary for the report will be compiled by reporting officers, essentially as enumerated below, throughout the fiscal year and submitted as a quarterly report to the Commandant (FS) not later than the 15th of the month following the end of the quarter. In the case of districts, reports from suballotment units shall be consolidated into the district report.

§ 116.01–84 *Outline of form of report and basis of information.* The report required shall be assembled on the basis of orders placed or contracts awarded for all types of commercial procurement, and shall be essentially in the following form:

(a) Total number and value of purchases made from concerns employing less than 500 persons (SBC–1) ____ $____
(b) Total number and value of purchases made from concerns employing 500 or more persons (SBC–2) ____ $____
(c) Total number and value of purchases placed on contracts of other Government agencies (including Navy and Federal Supply Service) (SBC–3) ____ $____
(d) Total number and value of purchases made under pars. (a) through (c) above ____ $____
(e) Total number and value of purchases made by advertising (CG–10) ____ $____
(f) Total number and value of purchases made by negotiation for the national emergency (CG–20) ____ $____
(g) Total number and value of purchases made by negotiation for the Public Exigency (CG–21) ____ $____
(h) Total number and value of purchases made by negotiation not in excess of $1,000 (CG–22) ____ $____
(i) Total number and value of purchases made by negotiation outside of the United States (CG–25) ____ $____
(j) Total number and value of purchases made by negotiation when it is impracticable to Secure Competition by Formal Advertising (CG–29) ____ $____
(k) Total number and value of purchases made under Navy Contracts (CG–50) ____ $____
(l) Total number and value of purchases made under Federal Supply Service Contracts (CG–51) ____ $____
(m) Total number and value of purchases made under contracts of other Government agencies (CG–52) ____ $____
(n) Total number and value of purchases made by negotiation by authority other than above listed (indicate appropriate CG–number (CG–)) ____ $____
(o) Total number and value of purchases made under pars. (e) through (n) above. (This total must agree with the total indicated in par. (d)) ____ $____

§ 116.01–85 *Statistics to be reported.* These statistics shall not include procurement from other Government agencies but shall include purchases made from commercial concerns under the contracts of other Government Agencies, such as the Quarterly Provisions Contracts of the Navy or FS contracts. The criterion is that the Coast Guard furnishes statistics covering purchases which constitute the original acquisition of materials by the Government. Purchases made under contracts of other Government agencies should be reported under par. 3 of report (SBC–3) as regards the small business statistics portion, and without regard to number of persons employed by contractor, inasmuch as contract bulletins of other agencies do not generally identify the contract as to the number of persons employed.

§ 116.01–86 *Method of compiling statistics.* The following method of compiling the required statistics will be used: Two (2) copies of each order and/or change order will be maintained, one copy to be filed under the appropriate SBC number and the other copy to be filed under the appropriate Coast Guard number. Care will be exercised with the assignment of Coast Guard numbers so that they are in strict accord with Subpart 118.02 of this chapter and further, that the total equals the SBC numbers total. The records as maintained will be summarized at least monthly using an individual recapitulation sheet similar to that described below:

SBC OR CG NUMBER

Month and year:	*Number of orders and/or change orders*	*Amount*
July 19__	____	$____
August 19__	____	____
September 19__	____	____
Etc.	____	____

EXCHANGE OF MATERIAL

§ 116.01–90 *Trade-in allowance.* The exchange of material as full or part payment for new or reconditioned material is permitted only when authorized by law and only when the "trade-in" allowance equals or exceeds the amounts which would have been realized by the outright sale of the items. Cash sale proposals shall be solicited for all items authorized for exchange, and the bids or quotations shall be compared with the amounts offered for "trade-in" or exchange. When the cash sale bid exceeds the "trade-in" or exchange offer, the items will be sold under the bids rather than exchanged.

§ 116.01–91 *Applying proceeds of sale to purchase of replacement.* The proceeds from the sale of the old equipment may be applied toward payment or partial payment of the replacements under certain conditions. In such cases, sufficient evidence must be furnished to permit a determination that the old and new equipment are sufficiently similar so as to fall within the provisions of the applicable statute, and there must be some action toward the purchase, by issuance of an order or requisition, if not the actual consummation of the purchase, before the proceeds of the sale may be applied.

§ 116.01–92 *Availability of funds.* The proceeds from the sale of equipment in accordance with § 116.01–91 may be used in acquiring similar equipment, provided a replacement purchase is made or an obligation for the purchase of the replacement property is incurred by the end of the fiscal year following the fiscal year in which the sale was made.

TAXES AND TAX EXEMPTION CERTIFICATES

§ 116.01–104 *Federal taxes.* The United States Government is exempt from the payment of tax on the following items only: (a) Transportation of persons on Government transportation requests. When transportation requests are not used the tax must be paid and exemption will not be allowed. (b) Transportation of property under Government bill of lading. Converted commercial bills are included, and (c) Telephone, telegraph, cable, radio, and leased wire service or facilities furnished directly to the Government.

§ 116.01–105 *State and local taxes.* The United States Government is generally exempt from the payment of State and local taxes.

§ 116.01–106 *Tax exemption certificate forms.* Only one form of tax exemption certificate—Standard Form 1094 is issued by Government officers to vendors with respect to Federal taxes. Form 1094 will be issued by the cognizant contracting officer only when required by the contract to furnish proof of exemption with respect to those taxes which have been excluded from the contract price. Standard Form 1094 will be used for State and local taxes, except when a different form is required by the State or local taxing authority. The certificate will be issued to the vendor only when the price paid is exclusive of Federal, State, or local tax.

§116.01–107 *Refund of taxes paid.* If the vendor refuses to sell at a price exclusive of State or local tax, the certif-

icate will be used by the Government as the basis for billing the taxing authority for refund. The certificate, supported by a memorandum copy of the payment voucher and a copy of the vendor's invoice or delivery ticket showing point of delivery, will be forwarded to the Commandant (FA–1).

§ 116.01–108 *Authority to issue.* Only those officers who have received the United States Government tax exemption identification card (Form 1094C) may issue certificates. The tax identification card contains a number which must be inserted on every certificate issued by the authorized officer.

§ 116.01–109 *How to obtain certificates and identification card.* District Commanders and commanding officers of Headquarters units may obtain certificates and identification cards by letter request to the Commandant (CHS). Units within a command may obtain certificates and identification cards by request to District Commanders. A record, listing the serial numbers of all certificates and identification cards received and the names of the person to whom issued shall be maintained. A receipt shall be taken for all certificates and identification cards issued. Certificates and identification cards shall be recalled when no longer required by the holder or when the holder is transferred outside the command. Certificates may be reissued; identification cards shall be destroyed.

§ 116.01–110 *Restrictions on issue of tax exemption certificates.* Tax exemption certificates will not be issued for (a) merchandise purchased which is subject only to the Federal tax and such tax is included in the price paid, (b) items of subsistence expense when an official or employee of the Federal Government is traveling on official business under a per diem allowance, (c) items of travel expense when an official or employee of the Federal Government is traveling on official business in his personally owned motor vehicle and is granted a mileage allowance, and (d) by individuals in official travel status, unless payment is actually made at the time of purchase.

§ 116.01–111 *Use of a single certificate.* A single certificate may be issued where purchases are made under contract providing for deliveries extending over a period of time. Orders placed under such contracts will bear the serial number of the blanket certificate.

§ 116.01–112 *Certificate for gas or oil.* When a certificate is used in connection with the purchase of gasoline or oil delivered into the fuel tank or crankcase of a motor vehicle, the license plate number or other official vehicle designation will be shown in the space provided on the certificate.

§ 116.01–113 *Separate certificate for each tax.* A separate certificate shall be used for each class of tax involved (Federal, State, or local). Care must be exercised by the purchaser to fill in the blocks provided for showing on each certificate the separate amounts or rates of taxes involved so that the certificate may be used only for the purpose intended. If the space provided for showing the quantity, price, etc., of the articles purchased is not sufficient, a separate statement may be attached to the form. Blocks other than the one representing the tax involved shall be blanked out by inserting three X's. In addition to the signature and title, the identification card number of the purchaser must always be shown in the space provided therefor.

§ 116.01–114 *Payment voucher noted.* The serial number of each certificate prepared shall be shown on the payment voucher.

§ 116.01–115 *Care and safekeeping requirements.* The pertinent data as to issuance of certificates shall be listed on the tabulation sheet contained in the book of certificates. When all certificates in a book have been used the cover and tabulation sheet shall be forwarded to the issuing unit for further transmittal to the Commandant (CHS). Certificates and identification cards shall be properly safeguarded to prevent loss or unauthorized use.

Specifications

§ 116.01–120 *Specifications in general.* Supplies and services required shall be specified with sufficient definiteness to insure intelligent submission of proposals but not in such terms as to preclude competition. The governing factor with respect to the minimum quality shall be service requirements and the specification shall be drawn on that basis. Each unit making commercial purchases shall maintain a current file of specifications applicable to items so purchased. A formal specification in one of the numbered series shall be used whenever available.

§ 116.01–121 *Government specifications.* Invitations for bids which refer to Government specifications (Federal, Military, etc.) shall contain for the information of the prospective bidders a list of the sources of supply and current procurement instructions for the specification(s) used. This may be accomplished by including the following clause in the invitations:

> Copies of the following specification(s) referred to herein (list by name and symbol or number) may be obtained from (full name and address of the Government agency from which the specification(s) may be procured). Requests for specifications should include both the title and the symbol or number of each specification desired.

§ 116.01–122 *Commercial designations.* When difficulty is experienced in the preparation of invitations in describing or specifying the nature of the purchase and a commercial make or type is known which embodies the minimum requirements, the article may be mentioned in the specification by the trade name, qualified by the words "or equal." The use of the trade name in this manner without the words "or equal," in the absence of showing that no other make will serve the purpose of the Government, is not permitted. Should articles be offered under brand names, catalog or model numbers, they must signify that the articles so offered meet the specifications used in the invitation.

§ 116.01–123 *Patented articles.* Invitations for replacement parts of patented articles which already exist as the property of the Government shall contain the following specification:

> Repair parts for (Name of Patented Article), equal to and interchangeable with parts manufactured by (Name of Manufacturer) as follows: Reference to part numbers appearing in the catalog or blueprints of the manufacturer shall be cited if known.

§ 116.01–124 *Commercial terms to be used.* The unit of weight, measure, or enumeration used in the preparation of invitations shall conform to the usual commercial practice, such as dozen, gross, ton (long, short, net, gross), hundred (C), thousand (M), etc. In certain instances the pricing unit will differ from the quantity unit, as for example in the purchase of wire, cable, rope, etc., wherein a specified lineal measurement is required and expressed in feet, yards, or fathoms, and the pricing factor is based on the weight. Under these conditions, the requirement shall be to obtain a specified length of material to be charged at a specified rate per lb. Both the length requirement and the unit price factor shall be clearly shown. The usual practice is to state the required length, estimate the weight, and show the price per unit of weight. Under these conditions the contractor is entitled to reimbursement based on the weight of the material furnished under the contract.

§ 116.01–125 *Specific dimensions.* The extension of each item must be the product of the quantity and the unit price. If the article is to meet specific dimensions but the cost is to be determined by the weight (as in the case of structural iron), units which will be used to compute the cost shall be shown in the specifications and a notation shall be entered to the effect that the price must be submitted on that basis. The bidders shall be required to submit an estimate of the weight, which will be subject to correction upon delivery.

§ 116.01–126 *Quantity required to be shown on invitation.* Definite quantities shall be shown on invitations wherever practicable. If the exact quantity cannot be determined, as in the case of term contracts, an estimated quantity shall be stated. In estimating the approximate quantities, the greatest care shall be exercised to obtain as close an estimate as possible. Where the quantity can be determined within a reasonable variance, a contract clause substantially as follows should be inserted in the invitation:

> The approximation furnished is solely for the information of the bidder. The Government reserves the right to purchase only such quantities as are actually required and to exceed the estimated amount by a reasonable variance not to exceed 20 per centum.

§ 116.01–127 *Quantity required not known.* Where it is not possible to determine the quantity within a reasonable limit, a contract clause substantially as follows should be inserted in the invitations:

> The uncertain and varying needs of the Coast Guard make it impossible to determine the quantity or quantities of the articles and materials described herein that may be required during the contemplated period of the contract. Estimated quantities are stated for information only. It is mutually understood and agreed that the Government will order and the contractor will deliver the quantities of the kinds of articles or materials described in the specifications that in the judgment of the ordering officer may be required during the contract period, except as may be otherwise indicated. These supplies will be ordered from time to time during the life of the contract in such quantities for delivery in such forms and to such places provided for by the contract as the needs of the Coast Guard require. Proposals made with the proviso that the total deliveries will not exceed a certain specified quantity will be considered, but the right is reserved to reject any proposal which provides that the Government shall guarantee to take any definite quantity.

§ 116.01–128 *Fresh water.* The unit of quantity for fresh water in bulk should conform to the usual commercial practice in the locality where proposals are solicited. Where schedule of rates for water provide for a charge for meters in accordance with size, the size of the meters shall be indicated in the contract and on the payment invoices.

§ 116.01–129 *Fuel oil.* The unit of quantity for fuel oil will be the barrel of 42 gallons of 231 cubic inches at a standard temperature of 60° F. Corrections for variations in temperature will be made in accordance with table No. 2, circular No. 3–410 of the National Bureau of Standards.

§ 116.01–130 *Gasoline and kerosene.* The unit of quantity for gasoline and kerosene, and similar petroleum products, is the gallon.

§ 116.01–131 *Liquids.* In the case of liquids in bulk containers, such as barrels, drums, casks, etc., the unit shall be specified in gallons or quarts, etc., and the approximate quantity shall be shown, which shall be subject to adjustment upon delivery.

§ 116.01–132 *Lumber.* (a) The unit for the purchase of lumber is the board foot. Where it is the commercial practice to specify linear feet, as in the case of molding, beading, etc., the invitation shall be formulated accordingly, and the required dimensions and the number of pieces shall be accurately stated, except where random lengths are contemplated. Each item shall show clearly whether the board foot or the linear foot is the unit and whether the proposal is desired per thousand feet (per M), per hundred feet (per C), or per single foot (per foot).

(b) The term "pinus ponderosa" shall be used in lieu of "California White Pine" to describe ponderosa lumber.

§ 116.01–133 *Wood.* The unit for wood is the standard cord of 128 cubic feet, but in localities where the so-called single cord (42⅔ cubic feet) is recognized in the trade, invitations shall clearly show which is intended.

§ 116.01–134 *Coal.* The unit of quantity for coal is the ton of 2,000 pounds. The size of coal shall be specified by screen size rather than by name. In stipulating screen sizes consideration should be given to the sizes available at each point of delivery and the smallest or cheapest size shown by experience and trial to be effective shall be specified.

§ 116.01–135 *Return or retention of containers.* Invitations and contracts which involve the delivery of items in containers such as drums, carboys, cylinders, reels, etc., must contain a clause setting forth the ownership of the containers, and the applicable provisions for either the purchase or return of containers which are involved in the purchase. If the containers are the property of the Government that fact shall be clearly set forth in the contractual papers. If the containers are originally the property of the supplier, two alternatives are available: either to pay for the containers as a part of the purchase price, subject to allowance for the later return to the contractor; or to exclude the cost of the containers from the purchase price and arrange for later payment in the event the containers are not returned.

§ 116.01–136 *Containers to remain the property of the contractor.* When the purchase involves the use of containers which can be returned to the contractor within a reasonable length of time after delivery, and which the contractor desires to have returned, a clause substantially as follows shall be inserted in the invitation and in the contract:

> *Returnable containers.* Containers (drums, carboys, cylinders, reels, tanks, etc.) incident to the delivery of the items shall be furnished by the contractor without cost to the Government and will be returned to him at point of delivery in good condition within ------ days after date of delivery. If the containers are not returned within that period, the contractor will accept settlement in full from the Government at the rate of $---- each, and the containers shall then become the property of the Government. The contractor further agrees to accept containers in good condition which have been paid for by the Government and which are returned within 12 months after the date of delivery at the expense of the Government, and to allow a credit of $---- for each container returned.

§ 116.01–137 *Containers to become the property of the Government.* When the purchase involves the furnishing of containers, the cost of which is to be included in the purchase price of the items furnished, the contract must provide a clause setting forth the fact that the containers were purchased by the Government and if a refund is payable for the later return of the containers, the conditions shall be set forth in the invitation and in the contract. A clause substantially as follows may be used:

> *Cost of containers.* Containers (drums, carboys, cylinders, reels, tanks, etc.) incident to the delivery of the items shall be included in the cost of the items and the containers shall remain the property of the Government. If the containers are returned to the contractor's plant at Government expense, and in good condition within 12 months after the date of delivery to the Government, it is agreed that the contractor will allow the Government a credit of $---- for each container so returned. Empty cylinders shall be delivered to: Name of contractor ----------. Address of contractor's plant: ----------.

§ 116.01–138 *Place of delivery*—(a) *General.* Normally, contracts covering deliveries to known destinations shall require delivery f. o. b. destination (shipment to be made at the contractor's expense). However, when shipment involves one or more carload lots, information shall be requested from the Commandant (FS–2), prior to contracting, whether any special freight rate agreements are in effect which would make delivery f. o. b. contractor's shipping point beneficial to the Government. Supply contracts covering delivery of material to destination which cannot be determined at the time the contract is executed shall require delivery f. o. b. contractor's shipping point (shipment to destination at Government expense). Supply contracts covering delivery of material required to repair or replace Government property for which reimbursement has been obtained from persons responsible for the damage shall require delivery on an f. o. b. destination basis only. Where the invitation stipulates delivery at more than one place, the quantity shall be stated for each such point of delivery. Delivery and shipment clauses shall be inserted in the invitations and purchase documents.

(1) *Shipment at Government expense.* When the shipment is to be rail or freight transportation and the contractor is to bear the cost of placing supplies on board the cars or trucks at the shipping point nearest the contractor's plant, the following clause will be used:

> Supplies shall be delivered f. o. b. contractor's shipping point for shipment on Government bill of lading to ----------.

(2) *Shipment at contractor's expense.* When shipment is to be made to destination at the expense of the contractor, the following clause will be used:

> Supplies shall be delivered, all transportation charges paid, to destination.

(b) *Standard contract conditions.* Form CG–2557A–1, Additional General Provisions (Supply Contract), contains standard contract delivery conditions and shall be made a part of all supply contracts.

§ 116.01–139 *Time of delivery.* One of the following provisions covering time of delivery or performance will be included in invitations and purchase documents immediately following the reference as to required place and method of delivery:

> (a) Not later than ----------
> (b) At the rate ------ per ------ beginning ------ and continuing at the rate of ------ until deliveries are completed.
> (c) Within ------ after date of contract.
> (d) Beginning ------ and completed by ------.
> (e) Within the periods shown in the specifications.
> (f) The contractor shall commence work within ------ calendar days after date of receipt of notice to proceed and complete the work within ------ calendar days after the date of receipt of notice to proceed.

§ 116.01–140 *Where time is a controlling element; liquidated damages*—(a)

General. Discretion must be used in setting the time for delivery or completion on a realistic basis considering possible delays in obtaining material or unexpected difficulties encountered in prosecuting the work due to weather or the site. Too short a time for performance causes disputes and poor contractual relations especially when a number of extensions are later requested for reasons which might have been foreseen and when a longer time would have well served the original need.

(b) *Supply contracts.* Where time of delivery or performance is to be a controlling element in the acceptance or rejection of proposals, the fact shall be stated in the invitations in order that all bidders may have an equal opportunity to offer the items or services within the time so specified. Where it is not so stated, this element cannot be considered in the making of awards. The following clause may be used. The scale in paragraph (c) (2) below will be used in determining the daily rate of liquidated damages for supply contracts.

Time required for delivery (completion) is important and will be considered when making award. Delivery (completion) is required not later than (Insert Required Date). A liquidated damage clause assessing (Insert Rate per Day and Unit of Assessment) for each calendar day of delay in delivery (completion) will be included in the contract.

(c) *Construction contracts* (SF–23)—(1) *Repairs to vessels.* A liquidated damage clause shall be inserted in all contracts for repairs to vessels. The clause applicable to vessel repair contracts is contained in Article 4 of Form CG–2557B, Conditions Applicable to Contracts for Repairs to Vessels, which shall be made a part of the invitation for bids and the resulting contract.

(2) *Other construction contracts.* A liquidated damage clause shall be inserted in all contracts for the construction and repair of real property in the form indicated in § 118.03–5 (k). In order to provide an equitable rate of liquidated damages to be incorporated in such contracts to protect the Government in the assessment thereof when necessary, the following scale is suggested. The assessment of liquidated damages at the rates suggested is left to the discretion of the contracting officer. However, higher rates of liquidated damages may be set for projects requiring early completion dates.

Amount of contract:	*Liquidated damages*
$2,000 to $10,000	$10 per day.
$10,000 to $15,000	$10 to $15 per day.
$15,000 to $30,000	$15 to $20 per day.
$30,000 to $45,000	$20 to $25 per day.
$45,000 to $70,000	$25 to $35 per day.
$70,000 to $100,000	$35 to $40 per day.
$100,000 to $150,000	$40 to $45 per day.
$150,000 to $200,000	$45 to $50 per day.
$200,000 to $300,000	$50 to $60 per day.
$300,000 to $400,000	$60 to $65 per day.
$400,000 to $550,000	$65 to $80 per day.
$550,000 to $750,000	$80 to $100 per day.
$750,000 and over	$100 per day and over.

(3) *Extension of time.* Clause 5 (c) of Standard Form 23a, General Provisions (Construction Contracts) prescribes the acceptable causes for delay in contract completion. Any such delay beyond the contractor's performance time must be incorporated in a Change Order (Form CG–3473) immediately after the incident occurs in accordance with the provisions of Clause 5 (c), Standard Form 23a. Change orders granting an extension of time must be fully justified and the extenuating circumstances described in detail. In interpreting the word "unforeseeable" as used in the above clause, the Comptroller General of the United States, in his decision (B–73902), 27 Comp. Gen. 621, ruled:

> It is to be understood at the outset that the application of excusable causes enumerated in the contract provision in question is dependent upon the factual situation present in a given case. That is to say, it is well established that the mere happening of an event or cause enumerated in the contract may not be regarded, *ipso facto*, as excusing the contractor, but there is first for consideration whether such event or cause was so abnormal, extraordinary or unusual, as to render it unforeseeable.

§ 116.01–141 *Item-by-item versus all-or-none award.* Where the invitation for bids covers a group of items, awards are to be made item by item unless otherwise specified or unless it is clearly to the advantage of the Government to accept the lowest aggregate bid.

§ 116.01–142 *Repairs to vessels; lay days.* Invitations and contracts covering drydocking or hauling out of the water of vessels incident to repair work shall include an item for the cost of "Lay Days."

§ 116.01–143 *Use of nickel and nickel bearing alloys*—(a) *General.* The supply of nickel and nickel bearing alloys is controlled by direct allocation from the National Production Authority to manufacturers producing products requiring the use of nickel. Due to the critical supply of this material, its use is extremely restricted and allocations will be governed by the end use for which the items are required. National Production Authority Order M–14 prohibits the use of nickel for certain items except those manufactured for use on board vessels operated by the armed forces of the United States, including the Coast Guard.

(b) *Statement required in contracts and purchase orders.* Contracts awarded and purchase orders placed for items requiring the use of nickel should contain or be accompanied by a statement substantially as follows:

> As the items being procured by this order require the use of nickel, the Coast Guard purchase order number and date, together with the end use specified below should be included in any order placed by your firm, or by your subcontractors, in obtaining material and supplies to complete this Coast Guard order.
>
> *The end use is as follows:* Transmitters (or other item) for military use on board a Coast Guard cutter.

§ 116.01–144 *Construction and repair specifications*—(a) *General.* Since construction and repair contracts embrace the furnishing of labor, materials and/or equipment, specifications shall be written in a complete and clear manner. In addition to the provisions of Forms CG–2557B (Conditions Applicable to Contracts for Repairs to Vessels), CG–2557C (General Conditions Applicable to Contracts for Construction and/or Repairs to Shore Structures), and SF–23a (General Provisions—Construction Contracts), the outline should include, but is not restricted to, the following:

(1) Designation of contracting officer and requirement for his written authorization of all changes to contract terms. (See §§ 116.01–24 and 116.01–25.)

(2) Scope of the work—

(i) Complete description of vessel or real property covered by contract and work to be done;

(ii) Designated inspecting officer and inspection instructions;

(iii) Requirement for written authorization(s) to proceed with work;

(iv) Requirement for contractor to make written request(s) for extension(s) of time for completion;

(v) Special instructions.

(3) Standard and special contract clauses.

(4) Itemization of labor, materials and/or equipment to be furnished by contractor.

(5) Statement of materials and/or equipment to be furnished by Government.

(6) Detailed itemization of work to be performed—

(i) Definite items;

(ii) Indefinite items.

(7) Temporary services to be provided by the contractor, such as light and power, water, steam, garbage disposal, telephone service, etc.

(8) Drawings, plans, sketches, etc.

(9) Bonding requirements.

(b) *Terms, conditions, and provisions in recurring invitations.* Where a large volume of invitations are issued on similar, recurring contracts, standing terms, conditions, etc., not contained in regular printed forms should be set up on locally prepared forms in quantities peculiar to the requirements of each contracting office in order to eliminate unnecessary paper work and to expedite processing invitations and/or contracts. However, terms, conditions, and provisions inconsistent with those prescribed herein or in current supplementary directives may not be used unless authorized by the Commandant (FS–1).

§ 116.01–145 *Burial contracts*—(a) *General.* It shall be the policy of the Coast Guard to utilize burial contracts of the Department of Defense, or other Government departments or agencies, wherever practicable. When such contracts are not available, procurement of burial services (including materials other than uniform clothing and funeral flags) will be made by competitive bidding or negotiation, as circumstances warrant. Uniform clothing for burial purposes shall be obtained from Coast Guard clothing officers or procured from Navy clothing stores, unless otherwise authorized by the Commandant; funeral flags will be obtained in accordance with § 116.01–164.

(b) *Specifications*—(1) *Materials and services.* The following items apply to standard burial contracts. Items not required shall be omitted from the materials and services listed on SF–33 (Invitation, Bid and Award) or Form CG–2982 (Request for Quotation). Additional items required may be added to the above forms, provided procurement is authorized. The specifications indicated are contained in the Department of Defense Specifications for Uniform Burial Contract. (See subparagraph (2) of this paragraph.)

(i) For complete embalming service as per Specification 1.

(ii) Funeral service as per Specification 2.

(iii) For Type I Casket, burial, metal, with inner-seal as per Specification 3.

(iv) For Type II Casket, burial, metal, without inner-seal as per Specification 3.

(v) For shipping case of proper size to contain Type I or Type II Casket, metal, burial as per Specification 4.

(vi) For transportation of remains in contractor's hearse to any local cemetery within a radius of _____ miles of the _____

_____

(Name of installation)

(vii) For delivery of remains in contractor's hearse, ambulance or other suitable closed conveyance to common carrier terminal within a radius of _____ miles of the _____

_____

(Name of installation)

(viii) For passenger car for members of immediate family, where required, to a local cemetery for interment, or to common carrier terminal when remains are to be shipped to final destination.

(2) *Department of Defense specifications for uniform burial contract.* These specifications shall be used by Coast Guard contracting officers in the procurement of burial materials and services.

SPECIAL PROCUREMENT INSTRUCTIONS

§ 116.01–155 *Procurement of office labor-saving devices.* (a) Direct procurement of office labor-saving devices from any commercial source without prior approval of the Commandant (FS) is prohibited.

(b) Field units requiring office labor-saving devices, other than replacement typewriters and adding and calculating machines, will submit to the Commandant (FB), via official channels, a requisition (Form CG–2556) fully describing the equipment desired and utilizing the stock numbers as contained in the current Federal Supply Schedule, if available.

(c) Replacement of typewriters and adding and calculating machines will be in accordance with regulations prescribed by the General Services Administration.

(d) Procedures covering the exchange of material are set forth in §§ 116.01–90 through 116.01–92 and § 118.02–19 of this chapter.

(e) Requisitions covering replacement equipment will describe fully the equipment to be replaced. Requisitions covering additional equipment will be supported by a letter justifying the need for the additional equipment.

(f) Requests for electric typewriters must be accompanied by a complete and detailed justification.

(g) Upon receipt of the newly procured devices, the Commandant (FS) shall be furnished with a complete description thereof and the unit to which they will be assigned.

§ 116.01–156 *Procurement of electric fans.* (a) Until such time as term contracts are executed for electric fans (meaning any propeller type fan designed for desk, pedestal, wall bracket, ceiling, or portable window mounting electric fan) under Federal Supply Schedules, the Federal Supply Service, General Services Administration will procure all new electric fans required by the Coast Guard, except those for shipboard use.

(b) District offices and Headquarters units are authorized to submit purchase orders (Form CG–2557) for electric fans, if not in excess of authorized allowances, directly to the Federal Supply Service, General Services Administration, 7th and D Streets SW., Washington 25, D. C.

§ 116.01–157 *Procurement of refrigerators.* (a) The Federal Supply Service, General Services Administration will procure all new refrigerators required for use by the Coast Guard, except refrigerators for shipboard use or "walk-in" or "reefer" type refrigerators. Refrigerators to be procured shall include all portable commercial and household refrigerators and low temperature storage cabinets, with self-contained electric or gas units, in conformance with General Services Administration Specification No. 811, dated 28 April 1950, or to applicable specification developed by the requisitioning activity.

(b) District offices and Headquarters units are authorized to submit purchase orders (Form CG–2557) for refrigerators, if not in excess of authorized allowances, directly to the Federal Supply Service, General Services Administration, 219 South Clark Street, U. S. Court House, Room 528, Chicago 28, Illinois.

§ 116.01–158 *Procurement of electric water coolers.* (a) The Federal Supply Service, General Services Administration will procure all new electric water coolers required by the Coast Guard, except those for shipboard use. Water coolers to be procured shall include the following types and sizes listed in Federal Specification 00–C–566B dated 31 July 1947:

Bubbler style (type I, air-cooled condenser; type II, water-cooled condenser), sizes 5, 10, and 20.

Cafeteria style (type III, air-cooled condenser; type IV, water-cooled condenser), sizes 20 and 30.

Remote style (type V, water-cooled condenser), sizes 10 and 20.

Bottle style (type VI, air-cooled condenser, size 3.

(b) District offices and Headquarters units are authorized to submit purchase orders (Form CG–2557) for electric water coolers, if not in excess of authorized allowances, directly to the Federal Supply Service, General Services Administration, 219 South Clark Street, U. S. Court House, Room 528, Chicago 28, Illinois.

§ 116.01–159 *Substitution of wood for steel.* During any period in which steel is in short supply, all requests for procurement of such items as desks, filing cabinets, tables, etc., shall be screened for possible substitution of wood in lieu of steel.

§ 116.01–160 *Purchase of gasoline and lubricating oil by credit cards.* (a) District Commanders may authorize the purchase of gasoline and lubricating oil for service station delivery. Further, such purchases may be accomplished through the use of a credit card as provided for in the Federal Supply Schedule under "General Provision for Service Station Deliveries" Classes 7 through 14, applicable to the GSA region in which the district is located.

(b) The issue of credit cards by District Commanders will be restricted to:

(1) Units where Coast Guard refueling is not available for vehicles in their usual operations.

(2) Units which have vehicles that operate away from unit in areas where Coast Guard refueling is not available.

(c) In using credit cards the following important directions must be followed:

(1) When buying gasoline, procure "regular" gasoline only.

(2) Make sure vehicle Standard Identification Tag (license plate) number is entered on sales slip.

(3) After signing sales slip, obtain a copy from the supplier and mail this copy of the sales slip to the District Commander (f). For prolonged trips, it is suggested that addressed envelopes be provided for this purpose.

(d) The Commanding Officer, Officer in Charge, or individual to whom credit cards are issued is responsible for the proper use of these cards. Some credit cards have a block or space provided for insertion of the license plate number. On transfer of a vehicle, cards of this type will be transferred with the vehicle, while cards without license plate numbers will be retained for use with the replacement vehicle.

(e) If at any time conditions change to the extent that any Commanding Officer or Officer in Charge believes he should have credit cards for effective operation of his unit, he may request the credit cards from the District Commander (f), stating the number of cards desired, the oil companies preferred, and the details as to why the cards are necessary. Likewise any Commanding Officer or Officer in Charge who has excessive cards at any time may return them to the District Commander (f).

(f) Group Commanders, who do not need credit cards for operations described above in paragraph (b) (1) and (2) of this section may hold reserve credit cards for disaster relief or other emergency work which may require the

use of vehicles away from the Group area. Group Commanders who have credit cards for regular vehicle operations may use these in connection with any vehicle in the group dispatched in subject emergency work.

(g) If Purchase-Invoices (Form CG–2974) are used as a medium to post cost data for "Report of Operation of Vehicle" (CG–2956), this use of the invoice book may be continued.

(h) Tax Exemption Certificates, Standard Form 1094, will be issued by the paying officer when contractor's invoices are processed for payment, as prescribed in §§ 116.01–104 through 116.01–114.

§ 116.01–161 *Procurement of paint.* The procurement of paint shall be restricted to regular Coast Guard or Navy activities where thorough inspection is assured. Except as otherwise authorized by the Commandant (FS), commercial procurement of paint items peculiar to Coast Guard shall be initiated only by the Supply Center, Jersey City, N. J. With the exception of those items covered by the Paint and Color Manual (CG–263) requiring Headquarters' approval, the procurement of all paints made commercially must be supported by a statement of the necessity therefor or a reference to the authority for the procurement and a copy of the procurement document shall be forwarded to the Commandant (FS).

§ 116.01–162 *Procurement of manila rope.* All Coast Guard units, including vessels with supply officers attached, shall requisition their requirements for manila rope ¾" circumference and larger from Coast Guard supply units. Commercial procurement of manila rope ¾" circumference and larger shall be initiated by the Supply Centers in accordance with current Coast Guard specifications. Procurement of manila rope ¾" and larger from other sources, except to meet an immediate requirement that cannot be satisfied from Coast Guard supply units, is prohibited. When procurement action from other than Coast Guard supply units is necessary, a copy of the purchase document shall be forwarded to the Commandant (FS) endorsed by the procurement officer to indicate the nature of the requirement and the fact that procurement could not be made from Coast Guard supply sources within the time required.

§ 116.01–163 *Procurement of morale and recreation equipment*—(a) *Allotment of funds.* Funds will be allotted to Districts and individual Headquarters' units under subhead 55 to the maximum extent possible for the procurement of morale and recreation equipment. Funds for the procurement of morale and recreation equipment for field units will not be maintained at Headquarters except as necessary to procure the items listed in paragraph (b) of this section.

(b) *Procurement restricted to headquarters.* The following items may be requisitioned from the Commandant (PS) without charge to field allotments:

(1) Shotgun shells.
(2) Motion picture projectors.
(3) Pool tables.
(4) Libraries.

(c) *Procurement procedure.* The items listed in paragraph (b) of this section, except shotgun ammunition, should be requested from the Commandant (PS) as needs of the field units indicate. Prior to 1 June each year, District Commanders and Commanding Officers of Headquarters units shall furnish the following information to the Commandant (PS) in letter form:

(1) Estimated amount of shotgun ammunition required by the District or Headquarters unit for the following fiscal year indicating amount of each gauge and shot size desired.

(2) Unit to which shipment is to be made for storage pending distribution.

Shotgun shells required will be procured by Headquarters, insofar as available funds will permit, as soon as practicable after the beginning of the fiscal year for which estimates are submitted and shipped to designated units.

§ 116.01–164 *Funeral flags.* Commanding officers and officers in charge are authorized to issue the national flag (U. S. National Ensign #8, cotton) to accompany all bodies of Coast Guard personnel forwarded or delivered to the next of kin or relatives for interment. Procurement of such flags shall be made from regular sources of supply where practicable. Specific procurement of funeral flags shall be charged to Subhead 40 (Administrative Maintenance) of the appropriation "Operating Expenses, Coast Guard."

SUBPART 116.02—PROCUREMENT BY FORMAL ADVERTISING

General

§ 116.02–1 *Meaning of formal advertising.* As used in this part, formal advertising means that method of procurement following the procedures prescribed with respect to competitive bids and awards, which involves the use of standard invitation for bid forms containing specifications and conditions applicable to the proposed contract, instructions to bidders, and requires the submission of sealed bids for public opening at a given time and date.

§ 116.02–2 *Use of formal advertising.* (a) In accordance with the basic policies set forth in the act, procurement of supplies and services shall generally be effected by formal advertising. Bids shall be solicited from such sources as are deemed necessary by the contracting officer to assure full and free competition consistent with the procurement of the required supplies or services.

(b) Current lists of bidders shall be maintained. Requests for inclusion on such lists shall receive prompt and courteous attention.

(c) Procurements classified as confidential or higher shall not be effected by formal advertising, except when the Commandant determines this method to be in the interest of the Government.

§ 116.02–3 *General requirements for formal advertising.* No contract shall be entered into as a result of formal advertising unless and until all of the following requirements have been satisfied:

(a) Bids have been solicited as prescribed herein.

(b) Bids have been submitted in accordance with the requirements herein.

(c) All applicable requirements of law, of the Comptroller Manual, and current supplementary directives affecting the proposed procurement have been met.

(d) Any clearance or approval prescribed by the Comptroller Manual, and or current supplementary directives affecting the proposed procurement have been obtained.

(e) Award has been made to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered.

Forms and Form Preparation

§ 116.02–10 *Preparation of invitation for bid forms.* Every invitation for bids should contain substantially the following information and any other information required by supplemental directives current at the time of the proposed procurement:

(a) Invitation number (by fiscal year).

(b) Name and address of issuing activity.

(c) Date of issuance.

(d) Date, hour, and place of opening.

(e) No. of pages and an adequate description of schedules, drawings, etc., making up the invitation.

(f) Purchase authority, appropriation, and accounting data.

(g) Discount provisions.

(h) Quantity of supplies or services to be furnished under each item, and any provisions for quantity variation.

(i) Description of supplies or services to be furnished under each item, complete with adequate specifications.

(j) Whenever specifications require prior testing and qualification of products, the right to reject bids offering products which do not meet this requirement must be expressly reserved.

(k) Time, place, and method of delivery.

(l) Requirement that bids shall be on an F. O. B. destination basis except where the total weight of shipment or partial shipment exceeds 20,000 pounds or requires the use of one or more freight cars, unless circumstances justify deviation from this policy.

(m) Permission, if any, to submit telegraphic bids.

(n) Permission, if any, to submit alternative bids, including alternative materials or designs.

(o) Requirement, in the case of advertising for construction of vessels, that the bidder file with his bid the estimates on which the bid is based.

(p) Preservation, packaging, packing, and marking requirements, if any.

(q) Place, method, and conditions of inspection.

(r) Bond and surety requirements, if any.

(s) Special provisions relating to such matters as Government-furnished property, progress payments, patent licenses, liquidated damages, profit limitations, etc., provided that any such special provisions are authorized.

(t) A statement to the effect that the successful bidder will be notified of contract award within ____ calendar days after date of opening of bids. (See § 116.02–113.)

(u) General contract provisions or conditions required by law.

§ 116.02–11 *Prescribed invitation for bid forms.* (a) Standard Form 33, Standard Form 33 (Invitation, Bid and Award), and Standard Form 36 (Continuation Sheet), shall be used to solicit bids for:

(1) Supplies or services.

(2) Minor construction and repair of real property (as defined in § 118.03–3 (a) of this chapter and vessels, provided the contract does not exceed $2,000 and does not require bonds.

(3) Construction and repair of aircraft.

(4) Construction and repair of aids to navigation (as distinguished from real property and vessels).

(5) Acquisition of land, buildings, etc.

(6) Leases of real property.

(b) *Standard Form 20.* Standard Form 20 (Invitation for Bids—Construction Contract), accompanied by Standard Form 21 (Bid Form—Construction Contract), shall be used to solicit bids for construction and repairs to the following for amounts of $2,000 or more, or a lesser amount which requires the use of bonds.

(1) Vessels.

(2) Shore structures.

§ 116.02–12 *Conditions applicable to invitations for bids*—(a) *General.* Invitations for bids shall specify all conditions which will subsequently form part of the contract. The applicable conditions shall form part of the schedule or be incorporated by appropriate reference (i. e., "Subject to the conditions of Form ____ [or, Articles _____ of Form ____] attached hereto and forming a part of this invitation."). The following forms are available for this purpose:

(1) Standard Form 22, Instructions to Bidders (Construction Contract).
(2) Standard Form 23a, General Provisions (Construction Contracts).
(3) Standard Form 32, General Provisions (Supply Contract).
(4) Standard Form 42, Standard Government Instructions to Bidders (Coal).
(5) Standard Form 43, Standard Government Purchase Conditions (Coal).
(6) Form CG–2557A, Additional General Provisions (Supply Contract).
(7) Form CG–2557A–1, Additional General Provisions (Supply Contract).
(8) Form CG–2557B, Conditions Applicable to Contracts for Repairs to Vessels.
(9) Form CG–2557C, General Conditions Applicable to Contracts for Construction and or Repair of Shore Facilities.
(10) Form CG–2557C–1, Additional Contract Conditions—Construction Contract ("Kickback" Regulations).

(b) *When execution of separate contract required.* Invitations for bids which require the successful bidder to execute a separate award type (or "long form") contract shall contain a statement as follows:

The successful bidder will be required to execute a contract on Standard Form No. ____, a copy of which is appended hereto for information.

§ 116.02–13 *Eliminating unnecessary distribution of conditions.* (a) To facilitate bidding by concerns regularly doing business with the Coast Guard, and to eliminate unnecessary distribution of the contract condition forms listed in Sec. 116.02–12, the forms may be incorporated by reference in the invitation rather than attached thereto upon each new procurement. This may be done by the use of the following clause in the schedule or continuation sheet:

Standard Form(s) _____ and Coast Guard Form(s) _____ are incorporated herein by reference and made a part hereof. Copies of these forms have been furnished previously; additional copies are available on request. Failure to obtain the contract conditions referred to herein will not relieve the successful bidder of any contractual obligation.

(b) In following the foregoing procedure, it is necessary that the contracting officer (1) distribute copies of the forms to all prospective bidders on the mailing list requesting that they be retained for future reference, (2) provide additional copies promptly to such bidders upon request, and (3) strike out the word "Attached" under the heading "Invitation for Bids" on Standard Form 33.

(c) Where it is desired that the contract condition forms accompany the invitation when it is mailed to prospective bidders, a single copy of each contract condition form should be provided for the bidder in lieu of attaching several copies with the basic invitation. Appropriate reference to the pertinent conditions shall be made in the schedule or continuation sheet.

§ 116.02–14 *Copies of proposed construction contracts required by headquarters.* Two copies of all invitations for bids involving construction contracts to be executed on Standard Form 23 (Construction Contract) and two copies of the proposed contract, complete with plans and specifications, shall be forwarded to the Commandant (FS–1) at the time the invitations for bids are distributed.

§ 116.02–15 *Methods of soliciting bids.* (a) Manufacturers and regular dealers, who can establish or have established their fitness and ability to fulfill contract requirements, will be placed on mailing lists for bids or notices in advance of bids. Bids shall be solicited by the methods prescribed in subparagraphs (1) and (2) of this paragraph and by the methods prescribed in subparagraphs (3) and (4) of this paragraph to the extent deemed necessary by the contracting officer in order to assure full and free competition. Synopses of invitations for bids shall be prepared and distributed as prescribed by § 116.01–74.

(1) Mailing or delivering to prospective bidders.

(2) Displaying in a public place, such as a post office, a purchasing office, or some other appropriate public place.

(3) Free publication in trade journals or magazines whose subscribers are manufacturers of or dealers in the supplies or services being procured.

(4) Free publication in newspapers.

(b) No paid advertisement for bids shall be inserted in any newspaper, trade journal, or other publication without the prior approval of the Commandant (FS).

§ 116.02–16 *Establishing competition.* (a) Bids shall be solicited from three or more responsible bidders when practicable to do so. In addition, a copy of the invitation, or a description thereof, shall be posted in a public place, inviting a general participation in the competition.

(b) The solicitation of bids is not restricted to the immediate locality. If, after consideration of time and cost of transportation, a more advantageous price may be obtained elsewhere, invitations should be distributed accordingly. Invitations should be posted and circulated not only at the place of solicitation and at the site of the proposed work, but should be given wide circulation generally in order that the Government may obtain the most economical procurement available.

(c) Competition shall not be defeated by grouping diverse items on the same invitation, resulting in the receipt of a limited number of bids.

(d) Invitations for bids shall allow sufficient time for interested bidders to prepare and submit their bids. (See § 116.03–73.)

(e) An invitation sent to one bidder and a notice posted in one public place does not constitute sufficient advertising for supplies or services in the absence of facts justifying the limited distribution.

(f) The fact that an article is patented, copyrighted, manufactured or distributed exclusively by a limited number of sources is not an acceptable reason for omitting advertising.

(g) Competition shall not be dispensed with to match equipment on hand, inasmuch as numerous firms may be in a position to furnish the required item or a satisfactory substitute.

§ 116.02–17 *Retention of records.* Each procurement transaction file shall be complete and copies of all documents, properly authenticated, will be included therein. Procurement transaction files will be maintained in such a manner as to present a complete résumé of the transaction for historical record or such other purpose as may be required. Invitations for bids and abstracts of bids will be retained for at least six years after date of award, unless retired sooner under proper disposal authority.

§ 116.02–18 *Amendments to invitations for bids.* (a) Amendments to invitations for bids must be distributed to all recipients of the invitation, and such amendments shall provide that bidders are to sign and return the amendments prior to the opening of the bids. The date set for opening the bids shall be postponed when necessary to afford bidders sufficient time to return the amendments.

(b) Amendments, if issued, will refer to the number, date of issue, and opening date of the original invitation, will clearly indicate the nature of the changes made therein, and will be numbered serially as issued.

Distribution of Bids

§ 116.02–40 *General.* The advertisement for bids shall be a sufficient time previous to the purchase or contract, and specifications and invitations for bids shall permit such full and free competi-

tion as is consistent with the procurement of types of supplies and services necessary to meet the requirements specified in this manual. The invitations may not contain restrictions or conditions, not required in the public interest, which tend to limit competition. Invitations and specifications must be such as to permit competitors to compete on a common basis.

§ 116.02–41 *Manner of solicitation.* Normally, the statutory requirements as to advertising are satisfied by posting a copy of the notice in an appropriate public place and by mailing or delivering invitations for bids to a fairly representative selection of prospective bidders. Care must be exercised to provide adequate advertisement to insure full and free competition by sending invitations to a sufficient number of prospective bidders. Advertisements posted in public places should always conform with the invitation circulated among prospective bidders. The methods of solicitation of bids are detailed in § 116.02–15.

§ 116.02–42 *Qualification of bidders.* The question of a bidder's qualification to do the work, or to furnish supplies advertised for in the invitation for bids, is primarily for consideration in making the award, but also may arise in connection with the solicitation of bids. For projects of a special nature, the invitation may state certain minimum qualifications which a bidder must possess in order to be considered in making the award, although a showing of such qualifications may not be made a condition of his right to submit a bid. Except for bidders officially debarred because of the violation of certain statutes, it is improper to limit competition to bidders approved in advance.

§ 116.02–43 *Restrictions or conditions in invitations.* Invitations to prospective bidders should not impose conditions or restrictions which tend to limit competition unless required by statute or otherwise permitted in the public interest.

§ 116.02–44 *Definition of product.* As a general rule, the specifications must define the product to be contracted for in terms sufficiently definite to assure that every bid made in compliance therewith will be for substantially the same product. This is necessary to enable all bidders to compete on a common basis and to assure the Government the lowest price obtainable. This rule does not preclude a request in the invitation for bids that alternate bids be submitted on the bases of several different qualities of material. Specifications should be drawn with regard to the actual needs of the service, and should not reflect the preference of a purchasing officer or contracting officer for a particular make or type of article. See Subpart 116.01 for detailed instructions in the use of specifications.

§ 116.02–45 *Contractors indebted to the Government.* (a) Each department of the Government has a continuing responsibility for the collection of debts due the United States of which it has knowledge regardless of the department or agency within which the indebtedness arises. To facilitate the execution of this policy, the Department of the Army prepares for all departments and agencies a list of indebted contractors entitled "Hold-Up List." Authorized certifying officers settling vouchers in payment of Coast Guard contracts will maintain an up-to-date copy of the above list and shall afford full cooperation in the collection of amounts due the United States.

(b) When an authorized certifying officer has knowledge that a debtor contractor (other than a common carrier) has a contract with another agency, request will be made upon such agency, via the Commandant (FS), to withhold from the contractor and remit to the requesting officer the amount sufficient to cover the indebtedness. Upon failure to effect collection within a reasonable period, the indebtedness, consistent with existing procedures but not less than $25, will be promptly reported to the General Accounting Office, via the Commandant (FS), with a complete statement of the facts involved. The Commandant (FS) will furnish the name of the indebted contractor to the Department of the Army for inclusion on the "Hold-Up List," together with information that the indebtedness has been referred to the General Accounting Office.

(c) When the name of the indebted contractor has been placed on the "Hold-Up List," all checks drawn to liquidate the indebtedness will be transmitted through the Office Chief of Finance, Department of the Army, Gravelly Point, Washington, D. C., to the department to which the amount is due or to the General Accounting Office if report of the indebtedness has been made pursuant to paragraph (b) of this section. Copies of the transmittal letters shall be furnished the Commandant (FS). All such checks shall be drawn payable to the "Payee or Treasurer of the United States" and shall be accompanied by a statement sufficient to identify the indebtedness against which it is to be applied. If the set-off is to cover the indebtedness of more than one department or agency, separate checks will be drawn to cover each such indebtedness, or in the event the vouchers presented exceed the amount of the debt an additional check will be drawn in favor of the payee for the balance due to be forwarded directly to the payee. Advice of such collection action will be furnished the contractor-debtor by the officer making the deduction.

§ 116.02–46 *Bidders' mailing lists.* (a) *General.*—(1) *When required.* The contracting officer will establish and maintain a bidders' mailing list, as described below, at those units where procurement or sales transactions are solicited by advertising. This list may be utilized for soliciting negotiated transactions when the contracting officer deems that the number of prospective suppliers is sufficient to guarantee procurement by competitive negotiation.

(2) *Format of list.* The list will be comprised of two files set up in the following manner:

(i) *Bidders' index file.* An alphabetical arrangement, according to bidder's name, of all Bidder's Mailing List Applications (Standard Form 129) received from prospective suppliers under paragraph 2 below.

(ii) *Commodity index file.* An arrangement of 4 x 6" or 5 x 8" cards (with one-third cut) in alphabetical order according to tabs, to commodity group. On the card will be listed items usually included on the same invitation for the commodity group appearing on the tab. When appropriate for larger groups, such as electrical, hardware, and machinery supplies, untabbed index cards listing subdivisions of the commodity group will be prepared and filed behind the tabbed card. The name and address of every prospective supplier included in the bidders index file will appear on the commodity index card listing items in which the supplier has indicated interest.

(b) *Method of compiling lists.*—(1) *General.* The establishment of new bidders' mailing lists shall be accomplished by soliciting applications on SF–129 (Bidder's Mailing List Application) from suppliers believed qualified to fill Coast Guard requirements. Procurement officers will furnish prospective bidders such additional instructions for the preparation and transmittal of SF–129 as may be required to insure its proper completion and filing and, where practicable, a list of items or groups of items normally procured on a recurring basis. All suppliers who appear from the bidders' mailing list applications (SF–129), or other available information, to be qualified and eligible to fill the unit's procurement needs will be placed on the bidders' mailing list.

(2) *Procurement of application forms.* Supplies of SF–129 (Bidder's Mailing List Application) may be obtained from the appropriate regional office of the General Services Administration.

(c) *Removal of names from bidders' mailing list.*—(1) *Failure to respond to invitation for bids.* Where a supplier fails to respond to two consecutive invitations for bids (or pre-invitation notices), his name shall be removed from the bidders' mailing list without notice to the supplier, but only for the item or items involved in the invitation (or pre-invitation notice), except that, in individual cases only, bidders thus failing to respond may be retained on a bidders' mailing list if such retention is determined to be in the best interests of the Government. For the purpose of this subparagraph, a response to an invitation for bids (or pre-invitation notice) shall be understood to include both actual bids and written requests from non-bidding suppliers for retention on the bidders' mailing list.

(2) *Debarred contractors.* The names of suppliers who have been debarred from entering into Government contracts, or otherwise determined to be ineligible to receive an award of a Government contract, shall be removed from the bidders' mailing list of the unit to the extent required by such debarment or determination of ineligibility.

(3) *Periodic review.* Procurement officers shall provide for a periodic review of bidders' mailing lists to insure conformance with subparagraphs (1) and (2) of this paragraph.

(4) *Reinstatement of suppliers on bidders' mailing lists.* Suppliers whose names have been removed from bidders' mailing lists may be reinstated upon their request and, where required, by filing a new application on SF–129, in accordance with the procedures of the unit; provided that no supplier who has been debarred shall be reinstated until after termination of the period of his debarment.

(d) *Utilization of bidders' mailing lists.*—(1) *General.* The degree of use of the entire mailing list in any procurement shall be as broad as is compatible with efficiency and economy in securing adequate competition, as required by law. In addition to the operation of bidders' mailing lists, the available facilities of the Department of Commerce for the dissemination of synopses of proposed purchases, as covered by § 116.01–74, shall be utilized to make more widely available to all business enterprises (particularly small business concerns and concerns in surplus labor areas) public notice of procurement information sufficiently in advance of bid closing date to insure the broadest participation of qualified suppliers.

(2) *Economy of operation.* The administrative cost of each purchase in relation to the dollar value of the articles or services being procured should be considered in order to achieve maximum economy in procurement. For example, on items having local supply characteristics (such as sand and gravel), bids should be solicited only in the geographic area where performance can be expected.

(3) *Excessively long bidders' mailing lists.* When the number of names on a bidders' mailing list is deemed to be excessive in relation to a specific procurement, the following methods, in addition to such others as the unit concerned may determine to be advantageous in this respect, may be employed to provide a reduced list of names for use in making the specific procurement:

(i) *Rotation of mailing lists.* Bidders' mailing lists may be rotated; that is, if there is an excessive number of names on the list for a specific article or service, the procurement officer may mail invitations to the first 20 percent of names on the list. When the same item is needed again, invitations may be sent to the second 20 percent, etc. This system will require considerable judgment on the part of the purchasing officer as to the size of transactions where rotation is justifiable, the interests of small business concerns, the existence of surplus labor areas, the adequacy of the curtailed list, and the best interests of the Government. This system does not preclude consideration of bids received from bidders other than those to whom invitations were originally sent.

(ii) *Pre-invitation notice.* In lieu of forwarding complete bid sets in the first instance, a postcard or other suitable notice containing a condensation of essential information from the invitation for bids approved for issuance, and instructions for obtaining bid sets, may be mailed to suppliers on the established list. Upon receipt of the reply to such notice within the specified time, bid sets should be forwarded to those persons or concerns showing an interest in the proposals. Such notices must (*a*) be sufficiently informative to provide the supplier an intelligent basis for judging whether he has an interest in the procurement, and (*b*) provide the means for indicating the suppliers' desire to be retained on the bidders' mailing list. Also, it is of utmost importance that the closing date for receipt of bids be sufficiently subsequent to the mailing of such notice to assure adequate time for submission of bids. This device is particularly adaptable to major purchasing units where lengthy invitations for bids and long bidders' mailing lists are common.

§ 116.02–47 *Debarment of bidders.*—(a) *General.*—(1) *Scope.* This paragraph prescribes policies and procedures relating to the debarment of bidders for any cause and ineligibility of bidders under Section 1 (a) of the Walsh-Healey Public Contracts Act (41 U. S. C. 35a). It is applicable to both advertised and negotiated procurement.

(2) *Security classification.* Correspondence relating to debarred or ineligible firms or individuals and lists of such firms or individuals shall be classified.

(3) *Administrative and Buy American Act debarments.* When the public interests warrant the administrative debarment of a firm or individual for any of the causes listed in paragraph (e) of this section, or for violation of section 3 (a) of the Buy American Act (Public Law 428, 72d Congress, 47 Stat. 1520; 41 U. S. C. 10 b (b)), a detailed report shall be submitted to the Commandant (FS). The Commandant will review the evidence submitted, make the necessary debarment determination, and advise all Coast Guard contracting officers and other agencies concerned of any debarment made as a result of such determination.

(b) *Lists of debarred or ineligible bidders.*—(1) *Interchange of debarment information.*—(i) *General Services Administration.* The General Services Administration is charged by GSA Regulation 1–II–207.07 with compiling from notifications of debarments furnished by the military departments and executive agencies a combined list of such debarments, including the basis of action, and distributing a copy of such lists to all executive agencies including the military departments. In general application, this listing, known as the General Services Administration Refer List, will be for information only and is not intended to take the place of, or be in addition to, the lists maintained by the various agencies. The Commandant (FS) will notify the General Services Administration of debarment actions taken by the Coast Guard.

(ii) *Department of Labor.* The Wage and Hour and Public Contract Divisions of the Department of Labor disseminate listings of ineligible bidders under section 1 (a) of the Walsh-Healey Public Contracts Act. Listings of ineligible bidders under section 1 (a) of the above act and the extent of ineligibility are published to contracting and purchasing offices of the federal government by the Department of Labor in the form of circular letters and supplements thereto.

(iii) *Navy.* The Chief of Naval Material, in behalf of the Department of the Navy, exchanges listings of debarred bidders with the Departments of the Army and Air Force and the General Services Administration and, to the extent deemed appropriate, periodically publishes listings received from such agencies, together with lists promulgated by the Department of Labor. The publication NAVEXOS P–1205, Consolidated List of Debarred, Ineligible and Suspended Contractors, contains the names of firms and individuals who have been debarred, declared ineligible, or suspended and the extent of the restriction imposed with respect to awarding contracts to such firms or individuals.

(iv) *Coast Guard.* The Chief, Procurement Section at Headquarters, in behalf of the Commandant, maintains a master file of all firms or individuals debarred by the Coast Guard. Notification of such debarments will be made to the General Services Administration by the Commandant (FS) pursuant to GSA Regulation 1–II–207.06. Likewise, replies to direct inquiries from other agencies concerning any debarment case processed by the Coast Guard will be made by the Commandant (FS).

(2) *Lists to be maintained.*—(i) *General.* Due to its extensive coverage, Navy publication NAVEXOS P–1205 shall be used as the official list of debarred, ineligible and suspended contractors by Coast Guard contracting officers. Supplemental lists will be promulgated by the Commandant, when necessary, to furnish information regarding firms or individuals debarred by the Coast Guard and debarments made by other agencies which are not included in NAVEXOS P–1205, but which are to be observed by Coast Guard contracting officers. In using NAVEXOS P–1205, requests for administrative determinations shall be addressed to the Commandant (FS) in lieu of the Chief of Naval Material. (See § 116.02–46 (c) (2) regarding the use of debarred bidders' lists in connection with bidders' mailing lists.)

(ii) *Headquarters.* The following lists of debarred and ineligible bidders shall be maintained by the Chief, Procurement Section at Headquarters. Requests for information concerning these lists originated by field and Headquarters' units shall be addressed to the Commandant (FS).

A. NAVEXOS P–1205.
B. GSA Refer List.
C. Department of Labor circular letters.
D. Master file of Coast Guard debarment actions.

(iii) *Other units.* The following lists of debarred and ineligible bidders shall be maintained by contracting officers at those units listed in § 116.01–6 (c) (1) through (7), inclusive.

A. NAVEXOS P–1205.
B. Coast Guard supplements to NAVEXOS P–1205 (see subparagraph (2) (i) above).

(c) *Bases for debarment and ineligible list entry.* Firms or individuals are entered on the debarment and ineligible

lists indicated in paragraph (b) of this section on the following bases:

(1) *Section 3, Walsh-Healey Public Contracts Act.* Those listed by the Comptroller General in accordance with the provisions of section 3 of the Walsh-Healey Public Contracts Act (41 U. S. C. 37), which have been found by the Secretary of Labor to have violated any of the agreements or representations required by that act.

(2) *Section 3, Davis-Bacon Act.* Those listed by the Comptroller General in accordance with the provisions of section 3 of the Davis-Bacon Act (40 U. S. C. 276a–2 (a)), as found by the Comptroller General to have violated said act.

(3) *Administrative debarments.* Those an executive agency, including the Coast Guard, determines to debar administratively for any of the causes and under all of the appropriate conditions listed in paragraph (e) of this section.

(4) *Section 3 (b), Buy American Act.* Those determined by an executive agency, including the Coast Guard, in accordance with section 3 (b) of the Buy American Act (Public Law 428, 72d Congress; 47 Stat. 1520; 41 U. S. C. 10b (b)), to have failed to comply with the provisions of section 3 (a) of that act under any contract containing the specific provision required by said section 3 (a) and made by the agency for construction, alteration, or repair of any public building or public work.

(5) *Section 1 (a), Walsh-Healey Public Contracts Act.* Those found by the Secretary of Labor ineligible to be awarded contracts for the reason that they do not qualify as "manufacturers" or "regular dealers" within the meaning of section 1 (a) of the Walsh-Healey Public Contracts Act (Public Law 846, 74th Congress; 49 Stat. 2036; 41 U. S. C. 35 (a)).

(d) *Treatment to be accorded firms or individuals in debarred or ineligible status.* Firms or individuals listed as debarred or ineligible shall be treated as follows:

(1) *Total restrictions.* Contracts shall not be awarded to firms or individuals that are listed on the basis of paragraph (c) (1), (2), or (3) of this section, nor shall bids or proposals be solicited therefrom: *Provided, however,* That when it is determined essential in the public interest by the Commandant (FS), an exception may be made with respect to a particular procurement action even when a firm or individual is listed as debarred on the basis of paragraph (c) (3) of this section.

(2) *Buy American Act restrictions.* As specified in the Buy American Act (41 U. S. C. 10b (b)), contracts shall not be awarded for construction, alteration, or repair of public buildings or public works in the continental United States or elsewhere to firms or individuals listed on the basis of paragraph (c) (4) of this section, nor shall bids or proposals therefor be solicited therefrom. However, firms or individuals listed on this basis may be awarded contracts and may be solicited for bids or proposals for other than construction, alteration, or repair of public buildings or public works in the continental United States or elsewhere.

(3) *Ineligibility restrictions of the Walsh-Healey Act.* Contracts shall not be awarded to firms or individuals in any amount exceeding $10,000 for those materials, supplies, articles, or equipment with respect to which the firm or individual has been found to be ineligible to be awarded a contract by the Secretary of Labor, as provided in paragraph (c) (5) of this section. However, firms or individuals listed on this basis may, in the discretion of the Commandant (FS), be awarded contracts and may be solicited by bids or proposals for: (i) such materials, supplies, articles, or equipment when the amount does not exceed $10,000; (ii) services regardless of amount; and (iii) commodities in which not declared ineligible regardless of amount.

(e) *Causes and conditions applicable to determination of debarment.* Each executive agency, including the Coast Guard, is authorized to debar in the public interest a firm or individual for any of the causes and under all appropriate conditions listed below. (See paragraph (a) (3) of this section.)

(1) *Causes.* (i) Conviction for commission of fraud in the obtaining of contracts or in the performance thereof;

(ii) Conviction under the Federal Anti-trust Statutes arising out of the submission of bids or proposals;

(iii) Conviction for commission of a criminal offense as an incident to obtaining a contract or in an attempt to obtain a contract;

(iv) Violation of contract provisions, as set forth in (a)–(c), of a character which is regarded by the agency involved to be so serious as to justify debarment action.

(a) Willful failure to deliver in accordance with the specifications or within the times of delivery provided in the contract.

(b) A history of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that the previous failure by the contractor is within a reasonable period of time preceding the determination to debar. However, failures to perform caused by acts beyond the control of the contractor shall not be considered.

(c) Violation of the contractual provision against contingent fees.

(v) Debarment by some other executive agency.

(2) *Conditions.* (i) Debarment for any of the above causes shall be made only upon approval of the head of the executive agency (the Commandant in the case of the Coast Guard) or his duly authorized representative.

(ii) Causes (i), (ii), and (iii) shall have been established by criminal conviction by a court of competent jurisdiction. In the event appeal taken from such conviction results in reversal of conviction, the debarment shall be removed if the bidder so requests. (Note, however, that criminal conviction for the above mentioned offenses does not necessarily require that the firm or individual be debarred, and that the decision to debar is still within the discretion of the executive agency concerned. The seriousness of the offense, the civil satisfaction received by the Government or available to the Government, and all mitigating factors should be considered in making the determination to debar.)

(iii) Cause (iv) shall be established by evidence which the executive agency determines to be clear and convincing.

(iv) Debarment for Cause (v) shall be made on the same bases as provided for whichever of Causes (i) to (iv) is appropriate, and may be based entirely upon the record of facts obtained by the original debarring agency, or upon a combination of additional facts with the record of facts of the original debarring agency.

(v) The debarment shall be for a reasonable, definitely stated period of time commensurate with the seriousness of the offense.

(vi) The firm or individual shall be given written notice of the debarment. The notice shall state as a minimum the period of debarment including effective dates, the reasons for debarment including a statement of the specific instances of dereliction, and shall provide reasonable opportunity for the contractor to present information for consideration upon his behalf.

RECEIPT AND OPENING OF BIDS

§ 116.02–55 *What constitutes a bid.* The submission of a bid on Standard Forms 21 or 33, or a letter embodying the specifications and conditions, signed by the bidder, constitutes a bid in connection with procurement by advertising.

§ 116.02–56 *Public opening of bids mandatory.* (a) All bids must be opened in public, by or in the presence of an officer or civilian administrative assistant designated by the contracting officer.

(b) Whenever bids have been solicited, the parties responding to such solicitations shall be duly notified of the time and place of opening of the bids, and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made.

§ 116.02–57 *Bids to be opened at the appointed time.* Bids shall not be opened in advance of the appointed time, which shall be stated on the invitation for bids.

§ 116.02–58 *Premature information forbidden.* No information relating to competitive projects which might affect competition shall be disclosed to anyone until the bids are publicly opened.

§ 116.02–59 *All bids to be preserved and recorded.* A copy of each bid received shall be preserved and recorded and retained in the permanent files of the contracting office. (See § 116.02–71.)

§ 116.02–60 *Failure of bidder to sign bid papers.* When a bidder fails to sign his bid and the bid is accompanied by a letter proposal properly signed, his bid is entitled to the same consideration as a properly signed bid.

§ 116.02–61 *Withdrawal of bids prior to opening.* Bids may be withdrawn at any time prior to the opening of the bids.

§ 116.02–62 *Withdrawal of bids prohibited after opening.* Except as limited by an option, a bid cannot after an opening be withdrawn before a reasonably sufficient time has elapsed for the proper examination of all bids received. In the case of bids submitted under a guaranty the bidder, if he attempts a withdrawal or an evasion after award, is held by the bond of agreement to execute a contract. Where no guaranty is required with the bid the bidder cannot be forced to execute a contract, recourse being to purchase against his account and collect the excess cost. Headquarters approval shall be requested prior to making a purchase against a contractor's account in the event of default.

§ 116.02–63 *Late bids received by mail.* Bids received in the mails after the hour of opening, which show by their respective postmarks that they were not mailed in proper time or manner to have been received by the specified hour of opening shall not be opened, but shall be returned to the bidder with a letter stating the time and place of mailing as shown by the postmark. When necessary to open the envelope to ascertain the name and address of the bidder, or to obtain any other identifying information, the circumstances of the opening shall be stated in the letter to the bidder.

§ 116.02–64 *Bids delayed in the mail.* Bids received after the hour fixed for the opening due to delays in the mail, but before award is made, will be considered provided the envelope containing the bid bears evidence of its mailing in time for arrival before the hour of opening. The following will be accepted as satisfactory evidence of its mailing in time for arrival before the hour of opening:

(a) When the envelope containing the bid bears a post office cancellation mark showing clearly that the bid was mailed in proper time and manner to have been received in the ordinary course of mail before the time fixed for the opening of bids.

(b) When the envelope containing the bid bears a metering device indicium and (1) the indicium includes the hour in addition to the city, state, and date, the indicium will be given the same recognition as a post office postmark and the rule in paragraph (a) of this section applies; or (2) the date only is shown in the indicium, and that date is such that the bid if mailed as late as the last hour of that day, would have arrived in the normal course of the mail at or before the time stated for the opening of the bid; or (3) the date only is shown in the indicium, and that date is such that the bid if mailed at some hour before the end of that day, would have arrived in the normal course of the mail at or before the time set for the opening, provided that before any award is made to the bidder concerned, an affidavit secured from him setting forth the actual hour of mailing shows that the bid was mailed on or before the hour which would have permitted the bid to have been received in the ordinary course of the mail at or before the time of opening of bids.

§ 116.02–65 *Attempt to gain advantage by late bids.* Evidence of an attempt on the part of the bidder to secure an advantage in the late mailing of a bid will be reported to the Commandant (FS). Frequency of late bids by the same bidder may be prima facie evidence requiring investigation.

§ 116.02–66 *Records of late bids.* All bids received in the mails after the time fixed for the opening shall be entered in the permanent record showing for each the time and place of mailing as indicated by the postmark. The witnessing officer shall initial the entry for each bid which, having been mailed in time, must be considered in deciding the awards. The envelopes for those particular bids shall be retained for at least one month after the opening of bids, available for inspection by bidders.

§ 116.02–67 *Late bids presented by hand.* A bid presented by hand after time of opening specified in the advertisement is a late bid and shall not be received.

§ 116.02–68 *Telephonic bids.* Telephonic bids may be solicited in cases of emergency. An adequate number of bona fide bids must be obtained, and all the procedure must harmonize as nearly as possible with the regular purchase procedure.

§ 116.02–69 *Telegraphic bids.* When bids are requested by purchasing officers to be submitted by telegram, the request for such bids will be worded as follows: "Telegraphic bids requested, to be received in (office concerned) by (hour and date fixed)."

§ 116.02–70 *Bid improperly identified.* No responsibility will be attached to an officer for the premature opening of a bid not properly addressed and identified.

§ 116.02–71 *Recording of bids.* The names of the bidders and the prices bid shall be recorded in a permanent record of the purchase transaction. When the items are too numerous to warrant recording of bids completely as in the case of periodical provisions contracts, an entry shall be made of the opening date, general description of the material, and the total number of bids received. The permanent record of bid results shall be maintained in ink or typewriter on Abstract of Bids, Form CG–3477, and Continuation Sheet, Form CG–3477A.

§ 116.02–72 *Availability of bids and records.* The permanent record and the bids will be available for public inspection. The original bids shall not be allowed to pass out of the hands of an official of the Government, except when the duplicate cannot be made available for public inspection and then only under the immediate supervision on an official of the Government under conditions which preclude the possibility of a substitution, addition, deletion, or alteration in the bid.

§ 116.02–73 *Reading bids aloud.* When bids are received they will be placed under lock and key where they will remain until advertised time of opening, when they will be removed and opened concurrently and publicly under the supervision of an officer or civilian administrative assistant. All bids will be read aloud in the presence of bidders, press representatives, and representatives of bonding companies, and immediately recorded. After bids have been read and recorded, copies may be examined by all interested parties.

ACCEPTANCE OF BIDS

§ 116.02–85 *Award to the lowest bidder.* The lowest eligible bidder offering to furnish the required supplies or services in accordance with the requirements is entitled to the award, in the absence of specific laws and regulations to the contrary.

§ 116.02–86 *Where time is a controlling element.* Where time is a controlling element, the bids must clearly show the time required for performance, and must include a liquidated damages clause for the protection of the Government. In such cases, all bids offering delivery within the required time limit shall be considered for award, and award shall be made to the lowest satisfactory bidder within the group of bidders complying with the time requirements.

§ 116.02–87 *Liquidated damages, computation of time.* Where a contract provides for liquidated damages for delay at a specific rate for each and every day or per calendar day, such damages shall be computed on the basis of calendar days rather than working days.

§ 116.02–88 *Tie bids.* (a) When two or more low bids are equal in all respects (taking into consideration cost of transportation, cash discounts, and all other factors properly to be considered), award shall be made by a drawing by lot which shall be witnessed by at least three persons and which may be attended by the bidders or their representatives, *Provided:*

(1) Subject to subparagraphs (2), (3) and (4) of this paragraph, (i) in the case of equal low bids, one of which is submitted by a small business concern, as defined in § 116.01–70, award shall be made to the small business concern, and (ii) in the case of equal low bids, two or more of which are submitted by small business concerns, award shall be made by a drawing by lot limited to the small business concerns.

(2) Where two or more equal low bids are received from small business concerns, one of which is submitted by a bidder who will perform the contract in a distressed employment area, designated as such by or on behalf of the President, award shall be made to the small business concern who will perform the contract in the distressed employment area.

(3) In the case of equal low bids, two or more of which are submitted by small business concerns who will perform the contract in a distressed employment area, award shall be made by drawing by lot limited to the small business concerns in the distressed employment area.

(4) Where two or more equal low bids are received, one bid being from a business concern (whether small or not) not in a distressed employment area and the other being from a bidder who, although not a small business concern, will perform the contract in a distressed employment area, award shall be made to the latter.

(5) The phrase "distressed employment areas" as used herein shall be in-

terpreted to mean Group III or Group IV as classified in the latest summary of Labor Market Developments in Major Areas published by the Department of Labor.

(b) When award is to be made by lot and the information available shows that the product of a particular manufacturer is offered by more than one bidder, a preliminary drawing by lot shall be made to ascertain which of the bidders offering the product of a particular manufacturer will be included in the final drawing to determine the award.

§ 116.02–89 *Unit prices govern.* In case of error in the extension of prices quoted on a bid, the unit price shall govern unless the quoted unit price is so obviously in error as to be immediately apparent to both parties involved.

§ 116.02–90 *Interest charges in bids.* No bids shall be accepted on which a bidder insists that a provision for interest charges on overdue accounts from due date to date of payment be in and made a part of the contract. Such a bidder may be permitted to withdraw his stipulation for interest even after the opening of bids. In the absence of specific authority, no contracting officer can obligate the Government to pay interest on the amount of invoices not paid within a specified time.

§ 116.02–91 *Inexperience of bidder.* Inexperience alone of the lowest bidder does not justify the acceptance of a higher bid.

§ 116.02–92 *Alleged incompetency of bidder.* Incompetency of a bidder must be clearly shown before his bid can be rejected and a higher bid accepted. The question of competency should be carefully considered before inviting a firm to bid.

§ 116.02–93 *Unknown trade name or makes.* Acceptance of other than the lowest bid is not authorized when the lowest bid is rejected simply because the maker of the instrument or article named is unknown and there is a possibility of its becoming unserviceable. Acceptance of other than the lowest bid for the reason of previous use of a patented article is not alone sufficient. Purchase of a particular item without advertising simply because it has been found satisfactory in previous use is not authorized.

§ 116.02–94 *Splitting of award.* The splitting of an award between the lowest and a higher bidder for the alleged purpose of encouraging continued competition is not authorized. The lowest satisfactory bidder is entitled to award.

§ 116.02–95 *Absence of competition.* Absence of competition is a good reason for rejecting all bids and asking for new ones.

§ 116.02–96 *Only one bid received.* When an effort has been made to obtain competition and only one bid is received and, in the judgment of the contracting officer, it is considered reasonable, it may be accepted.

§ 116.02–97 *Acceptance of one bid is rejection of all others.* The acceptance of one bid is a rejection of all other bids for the same item, and one of the bids so rejected cannot be accepted at a later date. All bidders should be advised of the action taken on their bids, by notice of acceptance in the case of the bidder to whom award is made, and by notice of rejection to bidders whose bids were not accepted.

§ 116.02–98 *Fraudulent bids.* The United States may reject a bid in case of fraud: For example, when the lowest bidder is in collusion with other bidders or with the representatives of the United States to impose a high price upon the Government, etc. In such cases, the bids of all bidders involved in the fraud shall be rejected and the case immediately referred to the Commandant (FS).

§ 116.02–99 *Rubber stamp signature acceptable.* Rubber stamp signatures on a bid are acceptable provided the responsible officer is satisfied that it was placed on the bid by authority of the bidder.

§ 116.02–100 *Alternative bills.* Alternative bids will not be considered unless called for in the invitation.

§ 116.02–101 *Bids offering modified specifications.* If only the essential requirements are stated in the invitation for bids, all bids however modified or qualified should be considered although no bid can be accepted for material lacking in any of the essentials. Bids will not ordinarily be considered for any other quantity or description of supplies than specified but the right is reserved to accept any modification made by a bidder in the conditions therein stipulated. A bid modified to such an extent that its acceptance would be unfair to competing bidders will not be accepted.

§ 116.02–102 *Descriptive matter and samples.* Specifications, plans, illustrations, samples, or other descriptive matter, when required by the Government to be furnished by the bidder must accompany the bid. In connection with the furnishing of samples, the Comptroller General has held that failure of a bidder to submit samples as required bars consideration of his bid.

§ 116.02–103 *Bidder's option.* A bidder may specify a maximum quantity which will be furnished at the price quoted, and likewise a time limit for acceptance or delivery. If a proposal containing conditions of this kind is accepted, the contract is binding.

§ 116.02–104 *Corrections to be explained.* Corrections, erasures, or other changes in a bid must be explained or noted over the signature of the bidder.

§ 116.02–105 *More than one bid submitted by the same bidder.* If more than one bid be offered by any one party, by or in the name of his or their clerk, partner, or other person, all such bids may be rejected. This will not prevent a bidder from submitting modified or alternate bids quoting different prices on different qualities of materials or different conditions of delivery. A manufacturer who has quoted prices to one of the bidders is not thereby disqualified from himself submitting a direct bid for the same article.

§ 116.02–106 *Modification by bidder not permitted.* After bids have been publicly opened at the time set, no changes, corrections, or alterations can be made therein by the bidder.

§ 116.02–107 *Modification by Government not permitted.* In awarding the contract to the lowest bidder the contracting officer cannot modify the terms of his bid in regard to time of delivery or any other of its material elements. While the Government may not force the bidder to accept award under terms different from those contained in his bid, modifications may, after award, be made with the bidder's consent, and the changes mutually agreed upon may be embodied in the contract. No modification of the bids shall be permitted after the opening which modifies or changes the bids so as to affect the award.

§ 116.02–108 *Modification of bids; telegram.* A bidder under an advertisement for sealed bids may, previous to the opening of the bids, modify his bid by telegram, and the modified bid, if authentic, would upon acceptance before withdrawal, bind the bidder. Telegrams modifying sealed bids which are received before the hour of opening shall immediately be placed in sealed envelopes and shall publicly be opened at the appointed hour with the original bids from the senders. However, since telegrams, unlike letters, are revocable until delivered, the official time of receipt shall be the hour at which the telegram is received by the Government (which shall be stamped or written on the telegram); the hour at which sent by the bidder shall not govern.

§ 116.02–109 *Mistakes in bids.* The United States is not responsible for mistakes in prices made by a bidder, and an accepted bid is binding unless the prices are so disproportionate as to put the contracting officer on notice and enforcement would be unconscionable. When it appears that a bid is in error, the bidder should be requested to verify such bid prior to award. If award has not been made, the bidder may be permitted to withdraw his bid and the award should then be made to the next qualified bidder. After award the discretion vested in the contracting officer ceases, and requests received from contractors for release on contracts based on bids in error will be forwarded to the Commandant (FS) accompanied by full data, comment, and recommendation for decision and action. The Commandant can only refer the case to the General Accounting Office for decision.

§ 116.02–110 *Bidder alleges mistake.* Where a bid to furnish stipulated quantities of supplies is accepted, the supplies delivered, and the contract prices paid, and it is subsequently established that at the time of the opening of the bids the contracting officer was put upon notice that the contractor had made a mistake in submitting his bid, such mistake being apparent from an examination of the bid itself and from a comparison thereof with other bids submitted, the contractor is entitled to submit a claim for the difference between the contract price and the prices intended to have been submitted for such supplies provided that the intended bid of the contractor is lower than any other bid received thereon. Any such claim must be forwarded to the Commandant (FS) accompanied by all papers or certified copies thereof pertaining to the transaction for submission to the General Accounting Office for decision.

§ 116.02–111 *Maximum prices quoted.* (a) A proposal that quotes a maximum price with a provision for a reduction in the event the current market price is reduced, without a provision for increases above the quoted maximum, is a valid basis for a contract. In such case the bidder shall state the current market price at the date of the bid and each voucher must be supported by a statement of the market price at the date of delivery. This certificate is required irrespective of whether or not any changes have been made in the price.

(b) Except as shown in paragraph (a) of this section, a fixed price, effective during the entire period covered by the contract must be shown.

(c) A proposal that quotes a current price, subject to market fluctuation, does not constitute the basis for a contract and shall not be considered.

§ 116.02–112 *Discounts; determination of award.* The determination of award when discounts are offered in bids is a matter for decision by the contracting officer. If, by reason of the offered discount, a bid is low and there appears reasonable certainty that the performance of the necessary administrative duties in connection with receipt, inspection, and payment is practicable of accomplishment, the bid should be accepted; if not, the bid should not be regarded as low. The fact that discount was considered shall be noted on Standard Form 1036.

§ 116.02–113 *Time limit for award.* An obligation lies upon the Government to make an award within a reasonable length of time after an opening of bids. An award should be made at the earliest practicable moment after the opening of bids and in no event later than 60 days from the date of opening. After a 60 day period, the bidder cannot be held to his offer. A bid qualified as to acceptance time must be accepted accordingly or rejected as not being responsive to the invitation. A bidder cannot withdraw his bid after notice of acceptance thereof by the Government.

§ 116.02–114 *Acceptance of bids in writing.* When bidders' proposals are submitted in writing, the contracting officer will endorse over his signature the word or words "Accepted" or "Accepted as to items Nos. _____" on the proposal covering the award. Acceptance shall always be in writing.

§ 116.02–115 *Forms of award.* When an award is made to a bidder, it will be embodied either on Standard Form 23 (Construction Contract) or acceptance on Standard Form 33 (Invitation, Bid and Award).

§ 116.02–116 *Error in award.* If an award is made to a higher bidder in error and the contractor has proceeded with manufacture and delivery before the error has been discovered, the contract should be considered completed with deliveries already made, and payment shall be made not in excess of the lowest satisfactory bid which was received at the original opening. The contractor should then be advised that he may submit a claim to the General Accounting Office for the difference between his price and the price quoted by the lowest satisfactory bidder. He may also submit a claim to the General Accounting Office for any damages which he may have sustained through the suspension of deliveries under his contract.

§ 116.02–117 *Readvertisement.* A readvertisement is equivalent to a rejection of all bids previously received.

CERTIFICATES OF AWARD

§ 116.02–140 *When certificates of award are required.* Every contract and purchase agreement (except purchase orders issued under existing contracts) made as the result of advertising, shall be supported by a Statement and Certificate of Award (Standard Form 1036, Revised), signed by the contracting officer to show the method and extent of advertising; and the basis of award. If other than the lowest bid is accepted, the reasons for rejection of the lower bids shall be explained on the form. (See also § 116.03–70.)

§ 116.02–141 *Disposition of copies.* On contracts requiring the assignment of a contract number, the original signed certificate shall be attached to the original of the contract. A copy shall be retained with the official file copy of the contract at the contracting office. On purchases made on contracts not requiring the assignment of a contract number, the original signed certificate shall be attached to the original of the accepted bid and a copy shall be retained in the official files of the contracting office.

§ 116.02–142 *Essential information to be shown.* The name of the contractor will be inserted at the top of the form above the space provided for the contract number. The appropriation and subhead pertaining to the contract shall be noted on the certificate.

§ 116.02–143 *Justification of unusual awards to be shown.* (a) When acceptance of other than the lowest bid as to price (expenditures) or other than the highest bid as to price (receipts) is made, Standard Form 1036 will list in detail the results of all bids. If acceptance of a higher bid (expenditures) or a lower bid (receipts) is made, the reasons for rejection of the lowest bid (expenditures) or the highest bid (receipts) shall be listed on the form, in a manner substantially as shown in the specimen below:

Specimen 1 (acceptance of other than lowest bid—expenditures)

John Doe & Co	$450.00
John Smith & Co	[1] 460.00
John Jones & Co	470.00

[1] Awarded.

Lower bid of John Doe & Co. rejected as samples submitted did not meet the specifications, being brass instead of bronze.

Specimen 2 (acceptance of other than the highest bid—receipts)

John Doe & Co	$450.00
John Smith & Co	[1] 460.00
John Jones & Co	470.00

[1] Awarded.

Higher bid of John Jones & Co. rejected as bidder called for delivery at his yard contrary to "where is, as is" provision of specifications.

(b) In the case where an award is made in favor of a small business concern or is placed in a distressed employment area, the circumstances under which award was made shall be briefly recited on the Certificate of Award together with a statement that it has been administratively determined that the award will further the Congressional policy with respect to small business expressed in section 2 (b) of the Armed Services Procurement Act of 1947 or will further the President's policy with respect to distressed employment areas, or both, as the case may be.

(c) Where an award involves a mistake in bid and the matter has been resolved by administrative action, Standard Form 1036 will be accompanied by a copy of the resulting instructions as received in the premises, together with other pertinent documents supporting the case. If an award involves a mistake in bid on which the Comptroller General has rendered a decision, Standard Form 1036 will contain a citation by number and date of the decision or a copy thereof shall be securely attached to the form.

SUBPART 116.03—PROCUREMENT BY NEGOTIATION

GENERAL

§ 116.03–1 *Definition of negotiation.* The term "negotiation" as used herein means that method of procurement under which the formal procedure for procurement by advertising is not required.

§ 116.03–2 *Need for competition.* Authority to negotiate purchases or contracts does not modify in any respect the fundamental principle that supplies and services will be obtained as the result of competition. Accordingly, where competition exists, qualified suppliers will be afforded the opportunity to submit quotations by informal solicitation to the extent that such procedure is consistent with the needs of the occasion.

§ 116.03–3 *Absence of competition.* Where no competition results from the informal solicitation, or insufficient number of suppliers submit quotations, or the prices appear excessive when checked against previous prices, or where the procurement must necessarily be placed with a single source of supply under any of the circumstances enumerated, negotiation will be conducted on a basis of thorough analysis of the suppliers' estimated and or historical cost data. Careful use of price cost analysis in connection with negotiated purchases will protect the Government against excessive prices.

§ 116.03–4 *General limitations upon the use of negotiation.* No contract shall be entered into as a result of negotiation unless the contemplated procurement

comes within the circumstances permitting negotiation as stated in the act and as set forth herein.

§ 116.03–5 *Certain negotiations restricted to Headquarters.* The negotiation of contracts under certain circumstances require special determinations and findings by the Commandant or by the Comptroller. Accordingly, the authority to negotiate contracts under such circumstances is restricted to Headquarters as set forth in this subpart. The negotiation of such contracts shall be in accordance with the requirements of the act, and shall be governed, insofar as practicable, by the procedures established by the Armed Services Procurement Regulations (32 CFR, Chapter IV, Subchapter A).

§ 116.03–6 *Determinations and findings.* Determinations and supporting findings which are required by the act and which are referred to throughout these instructions, and which are prerequisites to the authority to negotiate certain types of contracts, will be made by the Commandant (FS). The determinations and findings shall be in the form and requirement as specified by the act and shall, insofar as practicable, be in accordance with the procedures set forth in the Armed Services Procurement Regulations. Copies of all Headquarters determinations, decisions and findings, and all data with respect to the negotiation shall be preserved for 6 years following the date of final payment of the contract.

§ 116.03–7 *Method of negotiation.* (a) "Negotiation" is to be interpreted as the procedure by which the Government may make the most desirable type of contract for the required supplies or services, under circumstances authorized by the act, and without the necessity of following the procedures relating to procurement by formal advertising. Negotiation shall, generally, be effected by giving one or more selected and qualified dealers an opportunity to submit a quotation (as distinguished from a "bid," which pertains to procurement by advertising) for the required items; analyzing the quotations received; and (i) either accepting the most advantageous quotation as submitted, or (ii) entering into further negotiations with one or more of the dealers in an attempt to secure more advantageous terms than contained in the original quotations. In the negotiation of contracts, due attention shall be given to the following and any other appropriate factors:

(1) Comparison of prices quoted, and consideration of other prices for the same or similar supplies or services, with due regard to cost of transportation, cash discounts, and any other factor relating to price;

(2) Comparison of the business reputations and responsibilities of the respective persons or firms who submit quotations;

(3) Consideration of the quality of the supplies or services offered, or of the same or similar supplies of services previously furnished, with due regard to the satisfaction of technical requirements;

(4) Consideration of delivery requirements;

(5) Discriminating use of price and cost analyses;

(6) Investigation of price aspects of any important subcontract;

(7) Individual bargaining, by mail or by conference;

(8) Consideration of cost sharing; and

(9) Effective utilization in general of the most desirable type of contract, and in particular of contract provisions relating to price redetermination.

(10) In the case of firm fixed-price contracts, where substantial subcontracting is indicated and negotiation is to be based principally on cost estimates, a showing by the prime contractor as to the reasonableness of price of the principal subcontracts or purchase orders shall be required prior to entering into a contract.

(11) Availability of funds to cover the project.

(b) In the case of all unclassified negotiated contracts, the contracting officer will notify the unsuccessful bidders who submitted quotations that their proposals were not accepted. If specifically requested by one of the unsuccessful bidders, who actually submitted a quotation, the contracting officer will furnish the name and address of the successful bidder and the actual or approximate contract price, but will not reveal the cost breakdown or the amounts and conditions of unsuccessful bidders' quotations.

§ 116.03–8 *Public notices not required.* The posting of a copy of a notice of the proposed procurement in a public place is not required in connection with procurement by negotiation.

§ 116.03–9 *Public openings not required.* Although requests for the submission of written quotations should specify that the quotations are to be submitted in sealed envelopes, and should state a time limit for the receipt of such quotations, the holding of a public opening of quotations is not required.

§ 116.03–10 *Sufficient time to be allowed for submission of quotations.* When written quotations are requested, sufficient time shall be allowed for the preparation and submission of quotations. The time limit for the receipt of quotations shall be clearly stated in all requests for quotations.

§ 116.03–11 *Oral quotations.* While written quotations are preferable for procurement by negotiation, oral quotations may be solicited at the option of the contracting officer. It is mandatory, however, that a record of all oral quotations be maintained in connection with any purchase. For purchases involving amounts in excess of $1,000, oral quotations shall always be confirmed in writing.

§ 116.03–12 *Record and report of negotiated contracts.* As will be noted in Subpart 116.01, each district office and Headquarters unit will maintain a record and prepare a report of the number and total value of all contracts negotiated during each fiscal year under each of the circumstances permitting negotiation in the field as prescribed hereafter. In order to compile such records and reports, each contract or purchase document representing a procurement which was effected under "Negotiation" authority shall be clearly marked in the upper right-hand corner of the document with the words "NEGOTIATED" followed by a citation of the applicable section of the act under which the negotiation was authorized; for example, a document relating to a negotiated purchase not in excess of $1,000 would be inscribed "NEGOTIATED, section 2 (c) (3)."

§ 116.03–13 *Advance payments on negotiated contracts.* Contracts providing for advance payments may be made under certain definite restrictions as set forth in section 5 of the act. The making of a contract providing for an advance payment is restricted to the Commandant (FS–1).

FORMS AND FORM PREPARATION

§ 116.03–20 *Contract forms.* Pending the adoption of revised forms, the various contract forms and conditions presently in use will be utilized in connection with the solicitation and submission of quotations and the execution of contracts and purchase orders pertaining to negotiated procurement, to the extent that such forms and conditions are not inconsistent with the requirements of the act. All reference to section 3709, Revised Statutes, shall be deleted from such forms. Authority is granted to modify such forms as may be deemed necessary by the contracting officer to conform to requirements pertaining to negotiation of contracts.

§ 116.03–21 *Solicitation of quotations.* "Quotations" in lieu of "bids" are the basis of offers relating to negotiated procurement transactions. Normally, Form CG–2982 (Request for Quotation) shall be used to solicit quotations on negotiated procurement of supplies and equipment. However, Standard Form 33 (Invitation, Bid and Award) may be used for this purpose after being altered to eliminate all references to advertised procurement. Requests for quotations, which will result in the award of a construction contract on Standard Form 23 (Construction Contract), will in every instance be effected by using Standard Form 20 (Invitation for Bids, Construction Contract) and Standard Form 21 (Bid, Construction Contract), after deleting all references to advertising. Requests for quotations, whether on Form CG–2982, Standard Forms 20, 21, or 33, appropriately altered, shall be accompanied by the applicable contract condition forms (see § 116.02–12) in the same manner as procurement by advertising. When Standard Forms 20 and 21 are altered and used as a request for quotations, the requirement relative to the Predetermination of Wages shall be adhered to.

§ 116.03–22 *Types of contracts.* The act permits the use of any type of contract which will promote the best interests of the Government. Approved types of contracts include fixed price, fixed price with redetermination of prices, cost-plus-a-fixed fee, incentive, and cost-sharing contracts. The fixed price type of contract shall be used by field units. The use of other types of contracts is restricted to Headquarters, or to field units when specifically authorized by the Commandant (FS). The use of "cost-plus-a-percentage-of-cost" type of contract is prohibited by the act. Form CG–3477, Abstract of Bids, and CG–3477A, Continuation Sheet, may be used to record the results of requests for quotation.

§ 116.03–23 *Mandatory provisions.* Section 4 of the act requires that every contract negotiated under the act include a provision against contingent fees for obtaining the contract; therefore, the prescribed contract clause pertaining to warranty against contingent fees shall be included in every negotiated contract. The act (sec. 8) further provides that no contract shall be exempt from the Act of June 30, 1936, as amended (Walsh-Healey Act) (41 U. S. C. 35 to 45); the Act of March 3, 1931, as amended (Davis-Bacon Act) (40 U. S. C. 276a to 276a–5), or the Act of June 19, 1912, as amended (Eight Hour Law and Overtime Compensation) (40 U. S. C. 321 to 326) if otherwise applicable to the particular transaction. The prescribed contract clauses relating to such acts shall be used as applicable.

§ 116.03–24 *Authority clause.* When section 2 (c) (1) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151) is used as the authority to negotiate, the contract will contain the following statement:

> This negotiated contract is entered into pursuant to the provisions of section 2 (c) (1) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (1)), and any required determination and findings have been made.

This statement must appear on each purchase order or contract document.

CIRCUMSTANCES PERMITTING NEGOTIATION

§ 116.03–30 *Basic authority.* Subject to the instructions herein, and pursuant to the authority of section 2 (c) of the Armed Services Procurement Act of 1947, (41 U. S. C. 151c) procurement may be effected by negotiation under any one of the circumstances set forth in §§ 116.03–31—116.03–48.

§ 116.03–31 *National emergency (sec. 2 (c) (1)).* (a) Each contracting officer in the U. S. Coast Guard during the period of the National Emergency declared by the President of the United States, 16 December 1950, may, pursuant to the determination of the Commandant set forth below, negotiate contracts under the authority of section 2 (c) (1) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151).

December 26, 1950.

DETERMINATION

AUTHORITY TO NEGOTIATE PURCHASES AND CONTRACTS UNDER SEC. 2 (C) (1) OF THE ARMED SERVICES PROCUREMENT ACT OF 1947

1. A National Emergency having been declared by the President of the United States on 16 December 1950, I hereby determine, in accordance with section 2 (c) (1) (41 U. S. C. 151) of the Armed Services Procurement Act of 1947, that it is necessary in the public interest that, to the extent provided in paragraph 2 hereof, purchases and contracts under the said Act be negotiated without formal advertising during the period of said National Emergency.

2. Accordingly, I hereby authorize the negotiations of purchases and contracts by the U. S. Coast Guard, under section 2 (c) (1) of the Armed Services Procurement Act of 1947, during the period of said National Emergency. Formal advertising may, however, continue to be used.

MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard.
Commandant.

(b) When purchases and contracts are negotiated, section 2 (c) (1) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151) should generally be used as the authority to negotiate rather than other applicable circumstances contained in sec. 2 (c) of the act; however, procurements that would normally be classified under the following sections of the act will be restricted to the Commandant (FS–1):

(1) Section 2 (c) (4).
(2) Section 2 (c) (5).
(3) Section 2 (c) (8).
(4) Section 2 (c) (11).
(5) Section 2 (c) (14).
(6) Section 2 (c) (16).
(7) Section 2 (c) (17).

§ 116.03–32 *Public exigency (sec. 2 (c) (2)).* Pursuant to the authority of section 2 (c) (2) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (2)), purchases and contracts may be negotiated if "the public exigency will not admit of the delay incident to advertising." In order for this authority to be used the need must be compelling, and of unusual urgency, as when the Government would be seriously injured, financially or otherwise, if the supplies or services were not furnished by a certain date, and when they could not be procured by that date by means of advertising. Examples are (a) Supplies or services needed at once because of a fire, explosion, or other disaster; (b) Essential equipment for or repair of a ship, where advertising would delay sailing or where the delays incident to formal advertising would result in loss to the Government; (c) Essential equipment for or repair to any aircraft grounded or about to be grounded, when such equipment or repairs is needed at once for the completion of the operational mission of such aircraft. Every contract negotiated under the authority of this article shall be accompanied by a Statement and Certificate of Award (Standard Form 1036), signed by the contracting officer, justifying procurement under this authority.

§ 116.03–33 *Purchases not in excess of $1,000 (sec. 2 (c) (3)).* Pursuant to the authority of section 2 (c) (3) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (3)), purchases and contracts may be negotiated if "the aggregate amount involved does not exceed $1,000." In arriving at the aggregate amount involved, there must be included all supplies and services which would properly be grouped together in a single transaction, and which would be included in a single advertisement if the procurement were being effected by advertising. Purchases aggregating more than $1,000 shall not be broken down into several purchases which are less than $1,000 nor shall customary purchasing or contracting procedures be altered, merely for the purpose of permitting negotiations. Under this authority, contracting officers may purchase any supplies or services when the aggregate total does not exceed $1,000, by negotiation and without formal invitation for bids. Quotations may be obtained orally (over the counter), by telephone, telegraph, or by written solicitation. Competition should be secured whenever practicable to do so without delaying procurement, unduly increasing the work involved in the procurement, or otherwise obviating the benefits derived under this authority. Written confirmation of all orders placed is required.

§ 116.03–34 *Personal or professional services (sec. 2 (c) (4)).* Pursuant to the authority of section 2 (c) (4) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (4)), purchases and contracts may be negotiated "for personal or professional services" except Architect-Engineer Professional Services as set forth in § 116.03–48. The authority to negotiate for personal or professional services shall not apply to the procurement by negotiation of any type of services authorized under any other provisions of the act. This authority is restricted to Headquarters and shall be used only when all of the following conditions have been satisfied:

(a) If personal services, they are required to be performed by an individual contractor in person (not by a firm), or if professional services, they may be performed by an individual contractor in person or by a firm or organization.

(b) The services (1) are of a professional nature, or (2) are to be performed under Government supervision and paid for on a time basis.

(c) The procurement of such services is otherwise specifically authorized by law.

§ 116.03–35 *Services of educational institutions (sec. 2 (c) (5)).* Pursuant to the authority of section 2 (c) (5) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (5)) purchases and contracts may be negotiated "for any service to be rendered by any university, college, or other educational institution." This authority is restricted to Headquarters, and may be used for either of the two following types of services:

(a) Educational or vocational training services to be rendered by any university, college, or other educational institution in connection with the training and education of personnel, and for necessary material, services, and supplies furnished by any such institution in connection therewith.

(b) Experimental, developmental, or research work (including services, tests, and reports necessary or incidental thereto) to be conducted by any university, college, or other educational institution, and reports furnished in connection therewith.

§ 116.03–36 *Purchases outside the United States (sec. 2 (c) (6)).* Pursuant to the authority of section 2 (c) (6) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (6)) purchases and contracts may be negotiated if "the supplies or services are to be procured and used outside the limits of the United States and its possessions." This authority shall be used only for purchases made abroad, such as supplies, construction work, or other services for overseas installations or for use of occupational forces (irrespective of the actual place of negotiation or execution of the contract).

§ 116.03–37 *Medicines or medical supplies (sec. 2 (c) (7)).* Pursuant to the authority of section 2 (c) (7) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (7)), purchases and contracts may be negotiated "for medicines or medical supplies." This authority shall be used only when the following requirements have been satisfied.

(a) The items are not obtainable through Public Health Service or from other Government sources of supply; and

(b) Such supplies are peculiar to the field of medicine; and

(c) The cost is charged to Coast Guard appropriations (and not to Public Health Service funds); and

(d) Whenever the probable cost will exceed $10,000 the procurement is restricted to Headquarters.

§ 116.03–38 *Supplies purchased for authorized resale (sec. 2 (c) (8)).* Pursuant to the authority of section 2 (c) (8) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (8)), purchases and contracts may be negotiated "for supplies purchased for authorized resale." This authority cannot now be exercised by the Coast Guard.

§ 116.03–39 *Perishable subsistence supplies (sec. 2 (c) (9)).* Pursuant to the authority of section 2 (c) (9) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (9)), purchases and contracts may be negotiated "for perishable subsistence supplies."

§ 116.03–40 *Supplies or services for which it is impracticable to secure competition by formal advertising (sec. 2 (c) (10)).* (a) Pursuant to the authority of section 2 (c) (10) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (10)), purchases and contracts may be negotiated "for supplies or services for which it is impracticable to secure competition" by formal advertising. This authority will apply in the following cases, but only for transactions involving amounts in excess of $1,000 (purchases involving amounts of $1,000 or less will be made under the provisions of § 116.03–31).

(1) When the items are obtainable from a sole manufacturer or dealer. It is not sufficient to justify the purchase of a particular make of an item under this authority when other makes are available which will accomplish the same results;

(2) When the items have no commercial counterpart and can only be obtained from a single source of supply;

(3) When the existence of patent rights, secret processes, or similar circumstances preclude competition;

(4) When the items are parts of equipment or apparatus already in use and can only be furnished by one dealer;

(5) When bids have been solicited by advertisement and none is received, or none complies with all essential requirements of the specifications;

(6) When the purchase is for utilities, including electricity, gas, water, sewage disposal, steam, railroad track maintenance and switching service, inspection and maintenance of fire alarm systems, boiler inspection, and maintenance of elevators.

(b) Every contract negotiated under the authority of this article shall be accompanied by a Statement and Certificate of Award (Standard Form 1036), signed by the contracting officer, justifying procurement under this authority.

§ 116.03–41 *Experimental, developmental, or research work (sec. 2 (c) (11)).* (a) Pursuant to the authority of section 2 (c) (11) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (11)), purchases and contracts may be negotiated if the Commandant "determines that the purchase or contract is for experimental, developmental, or research work, or for the manufacture or furnishing of supplies for experimentation, development, research, or test," *Provided*, That in the case of contracts for $25,000 or less, the Comptroller is authorized without power of redelegation to make the required determination. This authority is restricted to Headquarters and may be used for any of the following purchases or contracts:

(1) Contracts relating to theoretical anaylsis, exploratory studies, and experimentation in any field of science or technology;

(2) Contracts calling for the practical application of investigative findings and theories of a scientific or technical nature;

(3) The purchase of such quantities and kinds of equipment, supplies, parts, accessories, or patent rights thereto, and drawings or designs thereof, as are necessary for experimentation, development, research, or test; and

(4) Services, tests, and reports necessary or incidental to experimental, developmental, or research work.

(b) In order for this authority to be used, the required determination to be made by the Commandant (or, in the case of contracts for $25,000 or less, by the Comptroller), must be in accordance with the requirements of section 2 (c) (11) of the act. This authority shall not be used for contracts for the quantity production of items developed as the result of prior experimentation, development, research, or test; however, research or development contracts which call for the production of a reasonable number of experimental or test models, or prototypes, shall not be regarded as contracts for quantity production.

(c) Headquarters shall maintain a record of the name of each contractor with whom a contract has been entered into under this authority, together with the amount of the contract, and description of the work, and shall prepare and submit reports as required by the act.

§ 116.03–42 *Classified purchases (sec. 2 (c) (12)).* Pursuant to the authority of section 2 (c) (12) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (12)), purchases and contracts may be negotiated for supplies or services as to which the Commandant "determines that the character, ingredients, or components thereof are such that the purchase or contract should not be publicly disclosed." This authority is restricted to Headquarters and shall be used only when military considerations necessitate security, and then only for such purchases or contracts as are classified as confidential or higher.

§ 116.03–43 *Technical equipment requiring standardization and interchangeability of parts (sec. 2 (c) (13)).* Pursuant to the authority of section 2 (c) (13) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (13)), purchases and contracts may be negotiated for equipment which the Commandant "determines to be technical equipment, and as to which he determines that the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts and that such standardization and interchangeability is necessary in the public interests." This authority is restricted to Headquarters and shall not be used until required determinations and findings have been made by the Commandant.

§ 116.03–44 *Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture (sec. 2 (c) (14)).* Pursuant to the authority of section 2 (c) (14) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (14)), purchases and contracts may be negotiated "for supplies of a technical or specialized nature requiring a substantial initial investment or an extended period of preparation for manufacture," as determined by the Commandant, "when he determines that advertising and competitive bidding may require duplication of investment or preparation already made, or will unduly delay procurement of such supplies." This authority is restricted to Headquarters and shall not be used until required determinations and findings have been made by the Commandant.

§ 116.03–45 *Negotiation after advertising (sec. 2 (c) (15)).* Pursuant to the authority of section 2 (c) (15) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (15)), purchases and contracts may be negotiated for supplies or services as to which the Commandant "determines that the bid prices after advertising therefor are not reasonable or have not been independently arrived at in open competition." This authority is restricted to Headquarters and shall not be used unless and until the Commandant has determined in accordance with the Act, that the bid prices, after advertising for such supplies or services, are not reasonable or have not been independently arrived at in open competition. However, after such determination by the Commandant, and after a rejection of all bids, no contract shall be negotiated under this authority unless:

(a) Prior notice of intention to negotiate and a reasonable opportunity to negotiate have been given by Headquarters Contracting Officer to each responsible bidder whose bid has been rejected; and

(b) The negotiated price is lower than the lowest rejected bid price of a responsible bidder, as determined by the Commandant; and

(c) The negotiated price is the lowest negotiated price offered by any responsible supplier.

§ 116.03–46 *Purchases in the interest of national defense or industrial mobilization (sec. 2 (c) (16)).* Pursuant to the authority of section 2 (c) (16) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (16)), purchases and contracts may be negotiated if the Commandant "determines that it is in the interest of the national defense that any plant, mine, or facility or any product manufacturer, or other supplier be made or kept available for furnishing supplies or services in the event of a national emergency, or that the interest either of industrial mobilization in case of such an emergency, or of the national defense in maintaining active engineering, research and development, are otherwise subserved." This authority is restricted to Headquarters. Headquarters shall maintain a record of the name of each contractor with whom a contract has been entered into under this authority, together with the amount of the contract and description of the work, and shall prepare and submit reports as required by the act.

§ 116.03–47 *Otherwise authorized by law (sec. 2 (c) (17)).* Pursuant to the authority of section 2 (c) (17) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (17)), purchases and contracts may be negotiated if "otherwise authorized by law." This authority is restricted to Headquarters, or to field units when specifically authorized by Headquarters, under authority of any other law which is presently existing or which may hereafter be enacted, relating to or authorizing negotiated purchases or contracts.

§ 116.03–48 *Architect-engineer professional services.* (a) Section 2 (c) (4) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (4)) normally shall be used as authority to negotiate architect-engineer professional services contracts only when all conditions have been satisfied. However, it will be noted that contracts which wholly or partially involve the procurement of personal service to be performed by the contractor, or by individuals named in the contract, will be entered into under the authority of section 15 of the act approved 2 August 1946 (60 Stat. 810; 5 U. S. C. 55a).

(b) During a period of national emergency when section 2 (c) (1) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (1)) has been authorized for use, the requirements of paragraph (c) of this section are applicable even though the contract is negotiated under the authority of section 2 (c) (1) rather than section 2 (c) (4) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (1), (4)).

(c) When architect-engineer professional services are required by districts or Headquarters units, a request containing the following information shall be submitted to the Commandant:

(1) Itemization in detail as to the type and approximate duration of the services required;

(2) Explanation indicating why Coast Guard personnel (military and civilian) are not available to perform the desired services;

(3) A statement, in detail, explaining why the desired services to be performed by commercial concerns will be advantageous to the Government;

(4) Indicate the appropriation and subhead available for obligation to cover the contractual services; and

(5) Names and addresses of commercial concerns, located in and around the area where the services are to be required, who are recommended as being capable of performing the desired services.

Upon receipt of the request and the information outlined above, the Commandant will authorize the district commander or commanding officer, Headquarters unit to negotiate with the concerns recommended and with any other commercial concerns recommended by the Commandant.

(d) Each contract for architect-engineer professional services negotiated under authority of section 2 (c) (1) of the Armed Services Procurement Act of 1947 (41 U. S. C. 151 (c) (1)), and each supplemental agreement or change order making a material change in such contract will contain a provision stating that it is subject to the approval of the Commandant and will not be binding until so approved.

(e) Upon receipt of the executed contract at Headquarters for approval of the Commandant, the following action shall be taken by the cognizant office chief:

Prepare a memorandum requesting approval which will accompany the executed contract to the Commandant, which will refer specifically to the applicable statutory authorizations and will contain a complete statement of facts and a certificate substantially as set forth below to be made by the Commandant—

> The proposed contract is advantageous to and necessary in the best interests of the Government; existing facilities of the Coast Guard are inadequate to accomplish the required services, and compensation specified therein is considered reasonable.

SMALL PURCHASE PROCEDURES

§ 116.03–55 *General.* (a) The following instructions are applicable to all small purchases as defined below. The various methods described herein are designed to facilitate, not replace, negotiated or advertised purchases. Further, these procedures will be implemented only at those units and in the manner authorized herein. At no time will a small purchase procedure be employed to circumvent procurement by mandatory requisition, purchase, or contract methods.

(b) *Definitions*—(1) *Small purchase.* Any transaction involving the purchase of supplies, equipment, or nonpersonal services which;

(i) Does not exceed $1,000.00; and

(ii) Requires delivery of supplies or performance of nonpersonal services under a Federal Supply Schedule or an existing Coast Guard contract, or

(iii) Requires delivery of supplies or performance of nonpersonal services according to a buyer-supplier agreement without advertising. This, however, does not eliminate the need to obtain prices on a competitive basis.

(2) *Cash purchase.* Any small purchase as defined in subparagraph (1) of this paragraph which;

(i) Is accomplished by a single cash transaction not in excess of $50.00; or

(ii) Is accomplished by c. o. d. shipments where the cost of the article or service purchased, money order fee, and the transportation cost does not exceed $50.00.

(3) *Purchase order.* Form CG–2557, Purchase Order, which is prepared specifically to declare the intent of the Coast Guard to purchase (or confirm a Coast Guard purchase) a specific article or nonpersonal service from a given supplier at a given time.

(4) *Charge account.* An open credit account established by the Coast Guard with a supplier to be charged with the purchase of an unspecified number of articles or nonpersonal services during any calendar month.

(5) *Purchase-Invoice.* Form CG–2974 (Rev. 9–48), Purchase-Invoice, documenting the purchase, amount billed and paid, quantity of articles, or satisfactory service delivered, received, or rendered.

(6) *Petty Cash Voucher.* Form SF–1165, Receipt For Cash Subvoucher, documenting the cash payment for a purchase of services rendered or articles picked up, delivered, or shipped c. o. d.

§ 116.03–56 *Small purchases by district offices*—(a) *General.* It is reasonable to anticipate that a significant number of items required to fill district demands may be obtained by the district office through small purchase transactions. The repetitive demand for many of these, however, falls into a pattern permitting advance and planned solicitation of prices and placement of orders. All orders will be placed on those suppliers offering satisfactory items at the lowest price.

(b) *Use of purchase order.* When small purchases cannot be accomplished by either the cash purchase or the charge account method, as described in paragraphs (c) and (d) below, a purchase order will be issued under § 118.02–16 of this chapter.

(c) *Use of cash purchase.* Purchases described in paragraph (a) of this section which meet the criteria for cash purchase set forth in § 116.03–55 (b) (2), will be accomplished on a cash basis, as follows:

(1) SF–1165 will be prepared in quadruplicate and processed by the supply office to document payment for local pick-ups and deliveries.

(2) There are numerous opportunities for applying the cash purchase method to c. o. d. shipments from out of town suppliers. Whenever telephonic or telegraphic requests are necessary, no confirming order is required unless requested by the supplier. When Form CG–2982, Request For Quotation, is employed to solicit price and delivery information, a copy will be returned to the supplier as a delivery order directing c. o. d. shipment. At time of receipt of all c. o. d. shipments, SF–1165 will be prepared and processed.

(3) Cash advances may be made out of personal funds of the individual or by the ADO or Agent Cashier to designated supply personnel authorized to accomplish purchases. In the latter event, advances will not exceed $50.00 per transaction. Designated supply personnel will not be required to be bonded in order to obtain an advance. Receipt will be obtained by the ADO or Agent Cashier on Stub SF–1165, Interim Receipt For Cash. Within 48 hours, such interim receipt will be redeemed upon presentation of receipted forms SF–1165 and/or unexpended funds aggregating the total amount advanced.

(4) In conjunction with purchase and pick-up at the supplier's establishment or c. o. d. delivery to the purchasing unit, the following distribution of the SF–1165 will be made:

(i) Original (including signature of vendor) and one copy will be surrendered to the ADO or agent cashier in accordance with subparagraph (3) of this paragraph.

(ii) The second copy will be retained by the supplier or carrier.

(iii) The third copy will be retained by supply office.

(d) *Use of charge account.* When purchases described in § 116.03–56 (a) not meeting the criteria for cash purchases, can be charged, a charge account will be established with all suppliers willing to cooperate. In such instances, an estimate of the monthly obligations, form CG–3089, Miscellaneous Obligation Document, will be prepared by the supply office at the begining of each month and forwarded to the Accounts Section. The following action will be taken for each purchase:

(1) After the supplier offering the most advantageous buy to the Government has been determined, and it is further ascertained that a charge account has been established, the service is ordered or the merchandise is either picked up or delivered.

(2) At time of pick-up or delivery, or performance of service, one copy of supplier's sales slip, priced delivery ticket, or invoice, is receipted by Coast Guard and retained by supplier. A second copy, receipted by Coast Guard representative, is retained by the supply office. A third receipted copy is transmitted to the Accounts Section.

(3) On the last working day of the month, all outstanding receipted sales slips covering charged purchases will be clipped together and forwarded to the Accounts Section. This unit will process for payment all the month's purchases.

§ 116.03–57 *Purchases by units with ADO's or agent cashiers attached.* All Headquarters units and units with ADO's or agent cashiers attached will effect planned purchases as described for district offices in § 116.03–56 of this chapter. The agent cashier at the Coast Guard Base, Alameda, will service the Supply Center, Alameda, for cash advances to accomplish cash purchases under this procedure.

§ 116.03–58 *Purchases by units without ADO's or agent cashiers attached—*(a) *General.* Purchases by units in this category will be made only by Headquarters units and those district units authorized by the district commander. In such instances, funds must be set up in advance of purchase action by either (1) submission to Commandant (FA) of a periodic Miscellaneous Obligation Document by Headquarters units, or (2) forwarding to Accounts Section of periodic Miscellaneous Obligation Document by the supply office for authorized district units.

(b) *Use of purchase order.* Purchases at units not having ADO's or agent cashiers attached will be accomplished in accordance with the following instructions. As there is little opportunity for planned purchasing in any volume by units in this category, the use of formal quotation requests and purchase orders will be limited to a few instances in which the practice prescribed in § 116.03–56 (a) will be employed.

(c) *Use of purchase-invoice, Form CG–2974.* Except as provided in paragraph (a) of this section, purchases by units in this category will be accomplished through the use of the Purchase-Invoice, form CG–2974 (Rev 9–48). (The instructions on the jacket containing Purchase-Invoice forms are not applicable and are to be disregarded. The Purchase-Invoice will not be used as a stub requisition.)

(1) Purchases will be restricted to:

(i) Single transactions of $25.00 or less.

(ii) Emergency requirements for items available from mandatory Coast Guard or other Government sources. In such cases, a complete explanation of the emergency will be entered on reverse of the form or attachment.

(2) Forms will be prepared in quadruplicate at time of purchase.

(3) Form will be signed in quadruplicate by:

(i) The commanding officer, the officer in charge of a unit, or designated representative will sign the Request For Delivery section of CG–2974 when form is prepared.

(ii) One of above authorized persons will sign certificate of receipt at time of purchase or delivery.

(iii) The vendor will sign certificate on reverse at the time of purchase or delivery.

(4) Form will be distributed in the following manner:

(i) Original white, blue and yellow copies will be forwarded to the same office as the Miscellaneous Obligation Document under paragraph (a) of this section. The white and blue copies will be processed as an original invoice to be audited, and certified for payment on form CG–3092, Voucher and Schedule of Payment, and expenditure entries recorded in the Allotment Ledger, Expenditure Ledger, and controls. The yellow copy will be processed by the Supply Section. No obligation liquidation entries are necessary in view of the establishment of a continuing miscellaneous obligation document.

(ii) The salmon copy will be retained by the vendor. At the time the purchase is made, the vendor's copy, notwithstanding the instructions on the form relative to submission of certified bills, will be annotated in such a manner as to indicate that the signing of the certificate itself is the final action required of the vendor. The vendor should not submit additional billing.

CERTIFICATES OF AWARD

§ 116.03–70 *When certificates of award are required.* A Statement and Certificate of Award (Standard Form 1036, Revised) is not required for procurement by negotiation when the aggregate amount involved does not exceed $1,000. A SF–1036 is required on larger negotiated contracts only when (a) the public exigency will not admit of the delay incident to advertising and (b) it is impracticable to secure competition by formal advertising.

§ 116.03–71 *Preparation and distribution.* The Statement and Certificate of Award shall be prepared and distributed in accordance with the instructions set forth in §§ 116.02–140 through 116.02–143.

SUBPART 116.04—ACQUISITION OF REAL PROPERTY

ACQUISITION

§ 116.04–1 *Definition of general-purpose space.* The General Services Administration has defined general-purpose space as follows:

(a) Building space; record storage, supply depots, merchant marine inspection and recruiting stations, and repair shops (except when held under service contracts).

(b) Office space.

(c) Storage; garage space (when leased on an annual basis and the lease covers designated areas susceptible to use by other agencies or for other purposes) and warehouses (except those used for storage purposes hereinafter found to be special-purpose space).

§ 116.04–2 *Definition of special-purpose space.* The General Services Administration has defined special-purpose space as follows:

(a) Closed storage space required in combinations with piers, docking and mooring facilities.

(b) Wharfage (piers, docking and mooring facilities covered by lease).

(c) Plots of land (for aids to navigation structures).

(d) Space lease for no rental or for nominal consideration of one dollar ($1.00 per annum).

(e) Port Security units (exclusive of separate office acquired for use of Captain of the Port, which space continues to be defined as general purpose space).

§ 116.04–3 *Securing assignment of space in Government-owned buildings.* (a) Formal application for assignment of space in Government-owned buildings will be made to the controlling agency only by the Commandant through Treasury Department channels. Occupany of such space shall be contingent on authorization by the Commandant (FS–2).

(b) Informal inquiry should be made of the custodians of local post offices and Federal buildings to determine availability of required office or storage space and if available, request should be forwarded to Commandant (FS–2) accompanied by GSA Form 81 in quintuplicate, supported by detailed justification.

(c) Request for additional space in a Government-owned or leased building or a change in assignment therein, shall be submitted to the Commandant (FS–2) in a manner similar to the foregoing. Headquarters authority shall be obtained prior to release of assignment in Government-owned buildings and formal return of the space assignment to the cognizant agency shall be effected by the Commandant (FS–2).

§ 116.04–4 *Acquisition of privately owned land or facilities by permit or lease.* (a) The Coast Guard is obliged by law to utilize Government-owned facilities, if available, prior to acquiring privately owned property by permit or lease. Any proposal to acquire privately owned property by permit or lease shall be submitted to the Commandant (FS–2) accompanied by GSA Form 81, in quintuplicate.

(b) Execution of a formal lease contract is the proper method of acquiring use of real property of buildings thereon, in whole or in part, and is more preferable than by permit. Use of barges, boats, floats, scows, or floating facilities shall be legalized by Headquarters by charter upon submission of proposal and justification.

(c) Any proposal to lease real property shall be submitted to the Commandant (FS–2) on GSA Form 81 and if approved, the district commander will be authorized to execute the lease contract and be advised as to the appropriation and subhead chargeable with the rental.

(d) Prior to renewal of permits or leases, GSA Form 81, in quintuplicate, shall be forwarded to the Commandant (FS–2) for clearance. Upon authorization of Headquarters, the field units may renew permits of leases in accordance with the terms of such permits or leases; however, in each instance a copy of such notice of renewal shall be forwarded to the Commandant (FS–2).

§ 116.04–5 *Submission of proposal to lease.* (a) Bids or quotations will be obtained and all conditions of Standard Form 2 (Lease) will be applicable to space obtained in other than the 128 urban centers listed herein. The original and one copy of all bids or quotations received shall be submitted to the Commandant (FS–2) with a recommendation for acceptance. When acceptance of other than the low bid or quotation is recommended, an explanation shall be furnished.

(b) Expenditure of funds for repairs, alterations, or improvements of a leased facility in excess of twenty-five per centum of the amount of the rental for the first year of the rental term, or for the rental term if for less than one year, is prohibited. If the annual rental of the facility proposed for lease is $2000 or more, evidence that the rental is not in excess of 15 per centum of the fair market value of the rented premises will be required. Determination of the fair market value of the proposed space will be established by the execution of Form CG–2877 (Determination of Fair Market Value of Real Estate) and shall be submitted in quintuplicate to Commandant (FS–2) accompanying and in support of the proposal to lease. Estimates in connection with proposed repairs, alterations or improvements shall be prepared in cooperation with Chief, Civil Engineering Section.

(c) Proposals to lease submitted to Headquarters shall include a definite statement of the purpose for which the space to be used and designation of the units accommodated; the number of persons who will occupy it, whether continuously or intermittently; the total area in terms of square feet; and number of rooms. A preliminary draft of the proposed lease on Standard Form 2 (Lease) in duplicate shall be submitted with proposal. If the proposed space is to be used for offices and other purposes, the proportion of each shall be stated, indicating the square feet to be devoted exclusively to nonworking space, such as file rooms, storage rooms, conference rooms, display rooms, etc.

§ 116.04–6 *Drafting and executing leases.* Upon receipt of Headquarters authorization to execute a lease, the lease shall be drafted on Standard Form 2 (Lease) in accordance with the preliminary draft returned by Headquarters. Certain additional revisions shall be made to this form to further protect the interests of the Government, viz:

(a) The word "exclusively" in article 2 shall be deleted and only general terms shall be employed to indicate the intended use of the facility, such as office quarters or storage space.

(b) A clause substantially as follows shall be added as article 12 of the lease:

Covenant against contingent fees. Contractor warrants that he has not employed or retained any person or selling agency to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee. For breach of warrant the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage or contingent fee. This warranty shall not apply to commissions payable by contractor to his bona fide, regular employees, or to bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

(c) An additional article 13 shall be added reserving to the Government the right to effect cancellation of the contract by giving the lessor thirty (30) days written notice.

(d) If the lessor is a corporation, a corporate certificate and corporate seal will be an essential. If the lessor is a partnership or unincorporated society, authority of the individual to sign in its behalf shall be furnished as an inclosure supporting the lease.

(e) The notice from the lessor requiring restoration of the premises, as executed in article 8 of the lease shall be ten days less than the cancellation period designated in article 13 of the lease.

(f) All leases submitted to the lessor for execution shall contain the clause relative to nondiscrimination in employment.

§ 116.04–7 *Numbering, distribution and filing of leases.* Instructions pertaining to the numbering, distribution and filing of leases are contained in Subpart 118.02 of this chapter.

§ 116.04–8 *Acquisition of general-purpose and special-purpose space.* (a) The Coast Guard will not be required to enter into negotiations for the renewal of leases governing general-purpose space in any of the urban centers indicated below. For all requests for additional general-purpose space, and new leases, including renewals, the district office or Headquarters unit shall submit a request for space action to the Commandant (FS–2) on GSA Form 81 in quintuplicate before any action is taken. Clearance by General Services Administration is not required for general purpose space of 2500 square feet or less in cities outside of urban centers indicated:

GSA field office	State	City
Region No. 1: 620 Post Office and Courthouse Bldg., Boston 9, Mass.	Connecticut	Bridgeport, Hartford, New Haven.
	Massachusetts	Boston, Lowell, Lynn, New Bedford, Springfield, Worcester.
	New Hampshire	Manchester.
	Rhode Island	Providence.
Region No. 2: 250 Hudson St., New York 13, N. Y.	Delaware	Wilmington.
	New Jersey	Camden, Newark, Trenton.
	New York	Albany, Buffalo, New York City, Rochester, Syracuse.
	Pennsylvania	Allentown, Harrisburg, Philadelphia, Pittsburgh, Reading, Scranton, Wilkes-Barre.
Region No. 3: Federal Supply Bldg., 7th and D Sts. SW., Washington 25, D. C.	District of Columbia	Washington.
	Maryland	Baltimore.
	Virginia	Alexandria, Arlington, Lynchburg, Norfolk, Richmond, Roanoke.
	West Virginia	Huntington.
Region No. 4: 302 Federal Annex, Atlanta 3, Ga.	Alabama	Birmingham, Montgomery, Tuscaloosa.
	Florida	Jacksonville, Miami.
	Georgia	Atlanta, Columbus, Macon, Savannah.
	Mississippi	Jackson.
	North Carolina	Charlotte, Greensboro, Raleigh, Winston-Salem.
	South Carolina	Columbia, Greenville, Spartanburg.
	Tennessee	Chattanooga, Knoxville, Nashville, Memphis.

GSA field office	State	City
Region No. 5: 720 U. S. Courthouse Bldg., Chicago, Ill.	Illinois	Aurora, Chicago, Springfield, Waukegan.
	Indiana	Indianapolis, South Bend.
	Kentucky	Lexington, Louisville.
	Michigan	Detroit, Grand Rapids, Lansing.
	Ohio	Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, Youngstown.
	Wisconsin	Madison, Milwaukee.
Region No. 6: 2306 Fidelity Bldg., Kansas City 6, Mo.	Iowa	Council Bluffs, Des Moines, Sioux City.
	Kansas	Kansas City, Topeka, Wichita.
	Minnesota	Minneapolis, St. Paul.
	Missouri	Kansas City, St. Joseph, St. Louis Springfield.
	Nebraska	Lincoln, Omaha.
	North Dakota	Fargo.
Region No. 7: 1114 Commerce St., Dallas 2, Tex.	Arkansas	Little Rock.
	Louisiana	New Orleans, Shreveport.
	Oklahoma	Oklahoma City.
	Texas	Austin, Beaumont, Corpus Christi, Dallas, El Paso, Fort Worth, Galveston, Houston, San Antonio, Waco.
Region No. 8: 476 New Custom House Bldg., Denver 2, Colo.	Colorado	Denver.
	New Mexico	Albuquerque.
	Utah	Salt Lake City.
Region No. 9: 49 4th St., San Francisco 3, Calif.	Arizona	Phoenix.
	California	Fresno, Los Angeles, Oakland, Sacramento, San Diego, San Francisco, Santa Barbara.
Region No. 10: 123 New Court House Bldg., Seattle 4, Wash.	Idaho	Boise.
	Montana	Billings, Butte, Great Falls.
	Oregon	Portland.
	Washington	Everett, Seattle, Spokane, Tacoma, Yakima.

(b) Activities contemplating the acquisition of special-purpose space, or general-purpose space in locations outside the selected 128 urban centers listed above and definitions of space previously cited shall forward to the Commandant (FS–2) GSA Form 81 "Request For Space" (original and four copies) with estimated rental inserted in block 27 of the form. GSA Form No. 81 shall be cleared through the Regional Office of the General Services Administration by field activities prior to submission to Headquarters. If the acquisition is approved, the district commander or the commanding officer, Headquarters unit, will be instructed to solicit bids.

§ 116.04–9 *Definition of urban centers.* The General Services Administration has defined urban centers as follows:

(a) Geographical boundary lines of the named urban centers;

(b) Geographical boundary lines of cities, towns or villages adjoining (a) above; and

(c) Geographical boundary lines of cities, towns or villages adjoining (b) above.

§ 116.04–10 *Cancellation of leases.* When it has been determined that a leased facility is no longer required, request for authority to cancel shall be submitted to the Commandant (FS–2) for approval prior to issuance of cancellation notice. Upon receipt of notice to cancel, cancellation notices shall be issued to the lessor sufficiently in advance of the effective date thereof to permit the accomplishment by the Government of any restoration required under article 8 of the lease. Two copies of the notice of cancellation shall be forwarded to the Commandant (FS–2) concurrent with issuance to the lessor.

PRINCIPLES GOVERNING LEASING OF REAL PROPERTY

§ 116.04–15 *Background.* During World War II, the Coast Guard, as well as the other armed services, was required to provide housing and messing facilities to accommodate a tremendously increased personnel. A large part of this space was acquired by lease, utilizing existing buildings of one sort or another, for barracks, mess halls, offices, etc. Speed was of the essence, and as a result, too little thought was given to the physical condition and suitability of the property under consideration and to the terms under which it was leased. When these properties were returned to their owners, many controversies arose in connection with final settlements and in many cases the Coast Guard was put to unnecessary expense in making restoration. These instructions are issued with a view toward eliminating these errors and expenses insofar as is possible in the event conditions again require a rapid expansion of personnel. They do not cancel or supersede any regulations now in force relative to the leasing of property.

§ 116.04–16 *Classification of property.* Leased properties naturally fall into two classes: (a) Unimproved land on which Coast Guard is to erect buildings of some sort and (b) improved property such as warehouse, hotel, motel dwelling, etc., which is suitable for Coast Guard use as is, or with more or less alterations. Since these two classes involve entirely different problems, they will be dealt with separately. Geographical location, as well as other conditions peculiar to each individual case, will determine which type of property is the more suitable.

§ 116.04–17 *Considerations for leasing land.* In the event that land only appears indicated at first, the following points should be considered very carefully before any negotiations for a lease are commenced:

(a) If buildings will be required for the proposed Coast Guard unit, exhaust thoroughly any possibility of finding a structure which would be satisfactory even though it may not be in the exact location originally chosen, or the size desired. Erection of buildings for temporary use is expensive, particularly in labor and material, both of which may again become critically scarce.

(b) If it is determined that no existing structure can be used, investigate the following carefully:

(1) *Topography.* Is the area on or near swampy ground which might prove to be mosquito breeding, or otherwise unhealthy? Is it level or will it require extensive grading? If commercial water supply is not available, are there indications that potable water may be secured by a reasonably shallow well? If a local supply of potable water is out of the question and it must be imported, is water—fresh or salt—available for sanitary purposes? Is the slope of ground and type of soil suitable for a septic tank drainage field?

(2) *Location.* Is the area adjacent to a road, highway or other means of access, or must additional right-of-way be secured and access road be built? Is the area adequate not only for immediately planned construction, but also for a moderate expansion, if necessary?

§ 116.04–18 *Considerations for leasing improved property.* If possible, it is desirable from the standpoint of speed and conservation of labor and materials, to lease improved property in every case where there is available a building or buildings which are suitable for Coast Guard use or which can readily be made usable. These buildings may be in the form of warehouses or lofts when only storage or shop space is required, hotels or motels where housing and messing of personnel is required, or even private dwellings in cases where only a limited number of personnel will be assigned. In any event, the same precautions should be taken in order to assure adequate facilities. The following factors should be examined carefully in considering the leasing of any building:

(a) *Construction.* Is the floor construction adequate for any anticipated load? Is the wall and roof construction sufficient to withstand local storm conditions? Will extensive repairs, such as flooring, plastering, window replacement, roof repairs, etc., be required to make it suitable for Coast Guard use? Are the necessary utilities (water, gas, electricity, sewer) installed and of adequate capacity for the anticipated use?

(b) *Adaptability.* Can the building be used as it exists or must alterations, minor or extensive, be made? Is its location suitable for the use intended or will excessive transportation of personnel and supplies be required?

(c) *Cost.* What is the yearly or monthly rental? Consider this rental in connection with the cost of any repairs or alterations which must be made as against the cost of renting vacant land and erecting the necessary buildings. Regulations do not permit a yearly rental in excess of 15 percent of the fair market value of the property. Such valuation may be determined by securing an appraisal by the local assessor, or by determining the assessed valuation of the property and the percentage of actual value which is used locally in making assessments. Data obtained on valuation of the property must accompany the original request to the Commandant (FS–2) for a lease.

§ 116.04–19 *Preliminary negotiation.* In the event that all factors having been considered, the leasing of an existing building appears most feasible, the building itself is chosen with those items mentioned in § 116.04–18 in mind. Negotiations with the owner should have as their aim a reasonable rental to the Coast Guard within the limits prescribed by regulations and a fair return to the owner. Before entering into these negotiations, the terms of Standard Lease Form No. 2 should be studied carefully and no promises or commitments made to the owner which will not be confirmed by an executed lease contract. Avoid promises which cannot be legally or reasonably fulfilled. This is very important, since restoration of the property will of necessity be made strictly in accordance with the terms of the lease and any additional promises made at the outset would only embarrass the Coast Guard when the lease is terminated and it is found to be impossible to fulfill these promises. Leases will, in most cases, be drawn up by the Districts, sent to HQ for approval and returned to the Districts for execution. For this reason be sure that *all* necessary information is furnished the Commandant (FS–2) with the original submission of lease. This information should include:

(a) Precise and detailed statement of operational requirement for the property.

(b) Statement as to the degree to which the property meets the operational requirements as stated above.

(c) Plot plan, vicinity map, description of land and/or buildings.

(d) Satisfactory evidence of lessor's title to the property.

§ 116.04–20 *Leasing buildings without furnishings.* If at all possible, buildings should be leased without furnishings, personal property, or other mobile equipment. Such items are usually not adapted to Coast Guard use, and past experience has shown that many of the difficulties of restoration involve disagreements regarding the condition in which furniture is returned to the owner. When possible, the movable contents of a leased building should be removed *by* the owner and stored by him. Owner should make allowance for such expenses in the rental agreed upon. Storage by the Coast Guard either on or off the property will not solve this problem since the furnishings will still be in Coast Guard custody as much as if they were being used and the same disagreements will unquestionably arise at the termination of the lease.

§ 116.04–21 *Physical survey required.* Before taking possession of the property, a detailed physical survey of the building must be made jointly by the owner and a representative of the Coast Guard. Every portion of the building is to be covered as a separate item and any defect existing at the time of entry by Coast Guard noted clearly and in detail. Only in this way will it be possible at the time of restoration to determine exactly what, if any, damage was caused by Coast Guard occupancy. A sample excerpt from such an inventory might be as follows:

Room 10:
- a. Plaster crack 1/8" wide, 2' long in upper S. corner of W. wall and 4' long SW corner ceiling.
- b. Nail holes in door casing.
- c. 2 window panes cracked.
- d. Floor bare of paint in numerous areas.

Room 11:
- a. Approximately 2 sq. ft. plaster off S. wall.
- b. Sash lock in window broken and sash lift missing.
- c. Door lock broken.

Pictures should be taken of areas where damage exists and is difficult to describe; be sure the pictures are properly identified. The basement should be treated as a separate item as well as the roof, the exterior of the building, the utilities, grounds, dock, etc., as applicable. The completed physical inventory of the building is to be signed jointly by Coast Guard and owner under a date not later than the effective date of lease. Immediately prior to date of execution of lease, also upon termination of lease, arrangements should be made to have photographs made and properly identified, showing areas where damage exists, where it is impossible to describe it adequately. "Before and after" photographs of the exteriors of the buildings should also be taken. This will serve to shorten considerably the proceedings of restoration boards when the leases are terminated.

§ 116.04–22 *Inventory of furnishings.* If it should be necessary to lease the building furnished or partially furnished, a similar detailed inventory of the furniture, rugs, drapes, etc., is to be made, preferably by an experienced appraiser. Condition, apparent defects and value should be noted for each item, the item identified by a number affixed thereto, and the whole agreed to by owner.

§ 116.04–23 *Remodeling, repairing and altering.* After the lease has been negotiated and possession taken by Coast Guard, the question of remodeling, repairing, altering, etc., arises. It should be borne in mind constantly that, in signing the lease, the Coast Guard has agreed to return the property to the owner in the same condition as when leased, "ordinary wear and tear excepted." In other words, any structural changes made by the Coast Guard will involve expensive restoration later. Thus alterations should be limited to those which are absolutely essential and which will not impair the structural strength of the building itself for Coast Guard use. Repairs should be made as required for safety and a reasonably presentable appearance. Any painting done should be insofar as is practicable in agreement with the owner as to color and type of paint, and his signed concurrence obtained if possible and filed with the original inventory before the work is done. Present statutory regulations prohibit expenditure of over 25 percent of first year's rent for repairs or alterations.

§ 116.04–24 *Damages and restoration.* Needless to say, any damage to the buildings, furnishings, grounds, etc., caused by carelessness, neglect, or mis-use will be reflected in excessive restoration costs at the conclusion of the lease. It is therefore necessary that constant supervision be exercised to insure that the "wear and tear" on the property is not excessive. Some of the most common preventable items requiring restoration as a result of World War II occupancy of leased properties were:

(a) Cigarette burns on floors, rugs and furniture.

(b) Pictures nailed or scotch-taped to walls.

(c) Broken plaster.

(d) Careless use of furniture.

(e) Painting with "battleship gray" paint, rather than existing colors or colors satisfactory to owner.

(f) Nails driven into walls for clothes hangers.

(g) Careless handling in storage of window screens when not in use, or of furniture when stored on the property by Coast Guard.

(h) Alterations made to buildings when not absolutely required.

(i) Changes in electrical wiring resulting in unsafe conditions.

(j) Neglect in upkeep of grounds, walks, utilities.

§ 116.04–25 *Planning for future requirements.* The Coast Guard use of leased properties in the future may be negligible, but at the same time conditions requiring widespread use of such facilities may arise. Careful planning and supervision such as is outlined herein will cause little or no delay in occupying the buildings but will do much to prevent a repetition of the unreasonably high restoration costs experienced after World War II. Careful planning now before the possible need arises, in the matter of tentative selection of possible buildings and locations will expedite the establishment of the units should the need arise.

PART 118—CONTRACTS

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Subpart 118.03—Contract Clauses

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Subpart 118.04—Administrative Instructions

Renegotiation Act of 1951

118.04-1 Renegotiation Act of 1951; administration.

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118.04-4 Affidavits required by Copeland ("Kickback") Act.

Contractor's Statement of Contingent or Other Fees

118.04-8 Purpose.
118.04-9 Definitions.
118.04-10 Scope.
118.04-11 Covenant against contingent fees.
118.04-12 Representation and agreement required for prospective contractors.
118.04-13 Standard Form 119, contractor's statement of contingent or other fees.
118.04-14 Acceptance or rejection.

Procedures for Handling Assignments of Claims

118.04-18 Assignment of claims.

Authority: §§ 118.01-1 to 118.04-18 issued under 62 Stat. 21, 41 U. S. C. 151-161. Interpret or apply secs. 201, 206, 63 Stat. 378, 390, as amended, 65 Stat. 7; 40 U. S. C. Sup. 481, 487, 50 U. S. C. App. Sup. 1211-1223, E. O. 10260, 16 F. R. 6271; 3 CFR, 1951 Supp. 63.

SUBPART 118.01—GENERAL PROVISIONS

§ 118.01-1 *Forms of agreement.* All contractual obligations shall be recorded on a separate award type contract, a combination award type contract, or a purchase order (informal contract).

§ 118.01-2 *Separate award type contract.* (a) The separate award type (or "long form") contract contemplates the reduction of an agreement to a single written document signed by both parties at the end thereof, which is drawn and prepared after acceptance of bids or quotations. Bonds, drawings, specifications, conditions, and/or other relevant papers are incorporated as necessary.

(b) Separate award type contracts used by the Coast Guard include, but are not restricted to, the following:

(1) Standard Form 2, Real Estate Lease.

(2) Standard Form 23, Construction Contract.

(3) Standard Form 40, Contract for Telephone Service.

(4) Standard Form 41, Standard Government Form of Contract (Coal).

(5) Unnumbered form, Standard Coast Guard Contract for Professional Services.

(c) Separate award type contracts other than those listed above may be executed only by the Commandant (PS-1) or when directed by the Commandant.

§ 118.01-3 *Combination type contract.* (a) The combination type (or "short form") contract consists of the invitation for bids, the bid, and the award, contained in one instrument. Bonds, drawings, specifications, conditions, and/or other relevant papers are incorporated as necessary.

(b) Standard Form 33 (Invitation, Bid, and Award) is the only combination type contract used by the Coast Guard.

§ 118.01-4 *Purchase orders (informal contracts).* (a) Form CG-2557 (Purchase Order) may be used as a contractual agreement for procurement by negotiation when the transaction does not exceed $2,000 and does not require the use of a contract form. Drawings, specifications, conditions, and/or other relevant papers are incorporated as necessary.

(b) Each contractor to whom a purchase order (informal contract) is issued will be required to indicate his acceptance thereof as prescribed in § 118.02-16.

§ 118.01-5 *Definition of specific contracts.* A specific contract is an agreement to furnish a stated item, at a specified time, in a definite quantity and at a price agreed upon and set forth in the contract, which items must, in the absence of mutual agreement as to modification, be accepted and paid for by the Government.

§ 118.01-6 *Definition of term contracts.* A term contract is an agreement to furnish certain articles or services as may be required during a stated period of time, or involving multiple deliveries in stated quantities, over a period of time. Term contracts shall clearly show the interval of time covered by the contract, such as 1, 2, 3, 6, 9, or 12 months. Term contracts shall not extend beyond the end of a fiscal year. Items covered by term contracts must be purchased from the contractor and duplicating contracts with other firms for the same items shall not be executed.

§ 118.01-7 *Expiration of contracts.* (a) A specific contract expires when the quantity stipulated therein has been delivered. When a contract has been made for a specific quantity and it later develops that the quantity contracted for is insufficient, additional quantities cannot be purchased under the existing contract and the execution of a new contract is required.

(b) Term contracts shall avoid indicating a "maximum" quantity to be furnished. An "estimated" or "approximate" quantity should be shown in order to avoid termination of the contract prior to the expiration of the contract period. Term contracts do not expire when the "estimated" or "approximate" quantity is reached unless a "maximum" quantity has been fixed by the contractor and is stipulated in the contract.

§ 118.01-8 *Legality of contracts.* If any doubt arises as to the propriety or legality of entering into a contract, all proposals shall be forwarded to the Commandant (FS-1) for decision, with a letter setting forth the problems involved. In case of emergency, the question may be submitted by dispatch.

§ 118.01-9 *Award of contracts in anticipation of funds.* It is unlawful to enter into a contract in anticipation of funds. However, term contracts for future requirements may contain a qualifying clause stating the contract is subject to the availability of appropriated funds if agreeable to the contractor. Purchase orders for delivery under such contracts shall not be placed until funds are made available.

§ 118.01-10 *Execution of term contracts.* Coast Guard contracting officers are authorized to execute term contracts to cover an extended period of time for furnishing provisions, fuels, ice, water, garbage removal service and other materials and services of common, general use, that readily lend themselves to consolidated procurement.

§ 118.01-11 *Term contracts for repairs to vessels.* The execution of term contracts for repairs to vessels is authorized when deemed advantageous by the contracting officer. Term contracts should be executed only at units to which numerous vessels of similar characteristics, which require frequent hauling out and minor repair work, are attached. The use of term contracts is restricted to minor repair work on vessels not larger than 125 feet in length. Work on larger vessels and all major overhaul and repair work shall be the subject of specific contracts.

§ 118.01-12 *Contract bulletins.* Information bulletins covering term contracts executed by a Coast Guard contracting officer shall be promptly furnished to all units which may make use of such contracts. The bulletins shall be in sufficient detail to permit settlement of vouchers and shall cite contract numbers, date of the contract, name and address of the contractor, delivery points and delivery conditions, items and prices, applicable discounts, and code symbols relating to sources of procurement and circumstances governing procurement. District commanders shall also furnish information covering contracts executed by other Government agencies which are available for Coast Guard use to all district units which may make use of such contracts.

§ 118.01-13 *Appropriation chargeable to be cited in the contract.* All specific contracts shall clearly indicate the appropriation, allotment and/or fund chargeable with the cost of the work. This information shall be stated in the contract and on all change orders issued in connection with the contract.

§ 118.01-14 *Notification of contract awards to Department of Labor.* (a) Department of Labor Form 99, Notice of Award of Contract, shall be prepared and submitted in quadruplicate to the Department of Labor whenever a contract is executed by a Coast Guard unit for manufactured items in the amount of $10,000 or more. This form may be obtained from local branch offices of the Department of Labor or from the Commandant (CHS).

(b) The Commandant (ECV) shall prepare and furnish Department of Labor Form BLS-792, Construction Contract Award Notification, to the Department of Labor for all construction contract awards of $25,000 or more for both Headquarters and field units.

§ 118.01-15 *Maintenance and use of the contract register.* (a) Each unit (contracting officer) assigning contract numbers shall maintain a Contract Register, Form CG-3252, to control the sequence of serial numbers assigned to contracts, and for the purpose of accumulating information as a basis for rendering reports. The Contract Register shall be maintained in duplicate.

(b) At the close of each month the duplicate copy of the Contract Register shall be ruled off and signed by the contracting officer in the manner indicated by the specimen. The completed duplicate shall be forwarded to the Commandant (FS) in time to be received by the 10th of the following month. The original of the Contract Register shall be retained in the unit for the files of the contracting officer. The original need not be ruled off or signed.

§ 118.01-16 *Contracts to be executed by the commandant.* (a) All contracts for the construction of vessels, as distinguished from repairs to vessels, shall be executed by the Commandant (FS-1).

(b) All contracts for amounts in excess of the monetary limitations specified in § 116.01-6 of this chapter shall be executed by the Commandant (FS-1) or under the direction of the Commandant.

(c) Contracts negotiated under circumstances requiring Headquarters' action as set forth in Subpart 116.03 of this chapter shall be executed by the Commandant (FS-1).

§ 118.01-17 *Contracts requiring numbering.* The following types of contracts shall be numbered in accordance with the uniform system prescribed in § 118.02-4:

(a) Every contract involving, or likely to involve, an amount of $2,000 or more;

(b) All term contracts;

(c) All contracts which involve more than one payment, or which involve partial payments;

(d) All leases;

(e) All sales contracts.

§ 118.01-18 *Units not authorized to execute or number contracts.* Bids or quotations solicited by units not authorized to execute contracts or assign contract numbers shall be transmitted to the cognizant District Commander (f), or to the Commandant (FS-1) in the case of Headquarters units, for acceptance and assignment of a contract number. The original and three copies of each bid or quotation shall be forwarded with a letter containing the necessity for the contract; place or places where notices to bid were posted; the names of the dealers from whom bids or quotations were solicited; recommendation as to award; and adequate justification if lowest bid is not recommended for acceptance.

SUBPART 118.02—FORMS PREPARATION AND DISTRIBUTION

§ 118.02-1 *Separate award type contracts.* (a) Leases of real property shall be executed on Standard Form 2, Real Estate Lease.

(b) Construction and repair contracts (vessels and real property as defined in § 118.03-3) for amounts of $2,000 or more (or lesser amounts at the discretion of the contracting officer), and contracts involving the use of bonds, shall be executed on Standard Form 23, Construction Contract.

(c) Contracts for telephone service shall be executed on Standard Form 40, Contract for Telephone Service.

(d) Coal contracts shall be executed on Standard Form 41, Standard Government Form of Contract (Coal), except under the following conditions when Standard Form 33, Invitation, Bid and Award, or Form CG-2557, Purchase Order, may be used:

(1) When required for marine use.

(2) When purchase is for 300 tons or less.

(3) When deliveries are required in less than carload lots.

(4) When required for emergency use.

(5) When required for testing purposes.

(e) Contracts for architect-engineering professional services shall be executed in substantially the same form as the specimen Contract for Professional Services contained in Vol. 3 of the Comptroller Manual.

§ 118.02-2 *Combination type contracts.* (a) Supply contracts made by advertising, and contracts for the construction and repair of aircraft and aids to navigation, shall be executed on Standard Form 33 (Invitation, Bid and Award).

(b) Standard Form 33 (Invitation, Bid and Award) may be used for the execution of the following contracts resulting from either negotiation or advertising:

(1) Nonpersonal services.

(2) Utility services.

(3) Solid fuels.

(4) Construction, alteration, maintenance, or repair of public works, buildings, bridges, roads, or other real property, provided the contract does not exceed $2,000 and does not require the use of bonds.

(5) Construction, alteration, maintenance, or repair of ships, craft, boats, vessels, and other floating equipment, such as, but not limited to, floating drydocks, cranes, barges, and the like, provided the contract does not exceed $2,000 and does not require the use of bonds.

§ 118.02-3 *Purchase orders (informal contracts).* Purchase orders (Form CG-2557) may be used as a contractual agreement for procurement by negotiation when the transaction does not require the use of a contract form and does not involve the use of bonds.

§ 118.02-4 *Uniform contract numbering system.* The uniform system prescribed for assigning identifying serial numbers to contracts shall be as follows:

(a) The contract number shall consist of a series of letters and digits in sequence, i. e., T12cg-8.

(b) The contract number shall be prefaced by the capital letter "T" which identifies the contract as pertaining to the Treasury Department.

(c) The allotment administrative code number of the unit which assigns the contract number shall be shown immediately following the letter "T" thus, the numeral "12" used in the example identifies the 12th CG District.

(d) The small letters "cg", which identify the contracts as pertaining to the Coast Guard, shall be shown immediately following the allotment administrative unit code number.

(e) The small letters "cg" shall be followed by a dash and the serial number of the contract; thus, the numeral "8" used in the example identifies the 8th contract assigned a number by the 12th CG District. Contracts shall be numbered serially in unbroken sequence by each unit authorized to assign contract numbers, commencing with No. 1 and continuing until a limit of five digits (99,999) has been reached, when a new series will be used, commencing with No. 1.

(f) Contract numbers shall be assigned at those administrative allotment units only to which an officer is assigned who has delegated authority under § 116.01-24 of this chapter to act as contracting officer.

§ 118.02-5 *Amendments to contracts.* Amendments to contracts shall be issued in the form of a "Change Order." Change orders will be prepared on Form CG-3473, completed to show all the information required by the format of the form, and must be signed by the contracting officer as designated in the contract. (See §§ 116.01-24, 116.01-25, and 116.01-144 of this chapter.) Copies of change orders will be furnished all units receiving distribution of the basic contract.

§ 118.02-6 [Reserved.]

§ 118.02-7 *Special contract conditions.* Special contract conditions, when required in connection with a contract, in addition to the standard articles incorporated in the printed contract form, shall be incorporated in the contract by reference and/or attachment thereto. The conditions shall be incorporated in the contract in a manner substantially as follows:

> Subject to the conditions of Form ____ (or, Articles ____ of Form ____) attached hereto and forming a part of this contract.

§ 118.02-8 *Rejected proposals (bids and quotations.)* (a) The original of each rejected proposal shall be attached to the copy of the related contract retained for the contracting officer's files.

Where all bids and quotations are rejected and no award is made, the original of each rejected proposal shall be filed with the related request for bid under which the proposals were received.

(b) Copies shall be returned to the unit submitting the proposals for acceptance.

(c) The unit submitting proposals for acceptance shall notify unsuccessful bidders of the rejection of their bids.

§ 118.02–9 *Contract files.* Contracts made as the result of advertising, and negotiated contracts relating to public exigency, purchases not in excess of $1,000, for personal or professional services, for services rendered by educational institutions, and for supplies or services procured and used outside the limits of the United States and its possessions, shall be filed, together with all related data, for a period of not less than three years from date of final payment of the contract. All other types of contracts made as the result of negotiation shall be filed, together with all determinations, decisions, findings, and related data, for a period of not less than six years from date of final payment of the contract.

§ 118.02–10 *Distribution of numbered contracts.* Numbered contracts and change orders, executed by designated contracting officers, shall be distributed as follows by the contracting officer:

(a) Original, with original Standard Form 1036 and related bonds, shall be forwarded to the Coast Guard office indicated below for filing:

(1) Contracts executed at Headquarters shall be forwarded to the Commandant (FA).

(2) Contracts executed at district offices shall be forwarded to the Comptroller Division, Accounting Section, of the district office to which the contracting officer is attached.

(3) Contracts executed at Headquarters units shall be forwarded to the accounting office performing the off-site accounting service for the unit. If Headquarters is performing the off-site accounting service, the contracts shall be forwarded to the Commandant (FA).

(b) One copy to the contractor. This copy shall be forwarded via the organizational unit submitting the proposal for acceptance.

(c) One copy retained for the files of the office (division or section) to which the contracting officer is attached.

(d) One copy to organizational unit submitting the proposal for acceptance. This unit will forward copies to the inspector and others requiring copies as necessary.

(e) One copy to the Commandant (ECV) if the contract pertains to the construction or repair of shore structures.

(f) One copy to the Commandant (FS–2) if the contract is a lease or renewal thereof.

(g) If the contract requires performance and payment bonds, the original of such bonds, together with related executed contract, shall be forwarded by the contracting officer to the Commandant (CL) for examination and transmittal of the bonds to the Treasury Department, Section of Surety Bonds, for review in accordance with Treasury Department Circular 747, dated August 10, 1944. After completion of this examination and review, the bonds, together with the original executed contract, will be returned to the office from which received for filing as prescribed above. A copy of the letter of transmittal to the Commandant (CL) shall be furnished the Accounting Division, or Section, for information and use pending the return of the original contract and related documents.

§ 118.02–11 *Distribution of unnumbered contracts.* Unnumbered contracts executed by designated contracting officers shall be distributed as follows by the contracting officer:

(a) Original, with original Standard Form 1036, when required, to the unit which will prepare the voucher for payment, to be attached to the original voucher as support.

(b) One copy to the contractor. This copy will be forwarded via the organizational unit submitting the proposal for acceptance.

(c) One copy retained for the files of the office (division or section) to which the contracting officer is attached.

(d) One copy to organizational unit submitting the proposal for acceptance. This unit will forward copies to the inspector or others requiring copies as necessary.

§ 118.02–12 *Purchase order Form CG–2557.* Form CG–2557, Purchase Order, shall generally be used for commercial purchases.

§ 118.02–13 *Purchase-invoice Form CG–2974.* Under such instructions as may be prescribed by District Commanders and commanding officers of Headquarters units, Form CG–2974, Purchase-Invoice, may be used as a purchase order by persons in charge of vehicles, aircraft, and small boats while (a) on detached duty, (b) en route to new stations, and (c) in emergencies during normal operations. The instructions contained on the cover sheets of Form CG–2974 shall be strictly complied with.

§ 118.02–14 *Classes of purchase orders.* There are two classes of purchase orders:

(a) When the article is covered by an existing contract and the purchase order is, in fact, a request for delivery. In this case the purchase order cites reference to the existing contract and no additional conditions can be imposed.

(b) When the order is placed as the result of a negotiated purchase and the purchase order is, in fact, the contractual agreement. In this case the conditions under which the purchase is made and delivery will be accepted shall be incorporated in the order.

§ 118.02–15 *Use of purchase orders.* (a) A purchase order shall be used to cover every purchase, including confirmation of orders placed by telephone or telegraph and requests for delivery under term or specific contracts. A purchase order prepared in confirmation of a telephone or telegraph order must bear the same date as the telephone or telegraph order. The purchase order issued in confirmation of a telephone order should contain a notation substantially as follows:

Confirming telephone order placed this date with your Mr. _____; do not duplicate delivery.

(b) A separate purchase order shall be issued for each purchase under a term contract, except in those cases where day to day deliveries are required For example, a purchase order for ice would show the quantity to be delivered as: 100 lbs. daily for the month of July 1952.

(c) Purchase orders covering repairs to vessels under term contracts shall clearly specify the work to be performed and the applicable contract prices that will be paid. The date for the commencement and completion of the work shall be stated in the purchase order.

§ 118.02–16 *Preparation of purchase orders (Form CG–2557).* (a) Purchase orders shall be prepared in a sufficient number of copies to serve the administrative requirements of the purchasing unit.

(b) All applicable data required by the format of the purchase order blank shall be inserted.

(c) The original purchase order, bearing the ordering officer's signature, shall be forwarded or delivered to the supplier

(d) The block in the lower left-hand corner of the purchase order may be utilized for the following purposes:

(1) *On the original.* Instructions to the supplier to acknowledge receipt of the order in the following form:

Acknowledge receipt and acceptance of this order by signing and returning the "Contractor's Acceptance Copy" to the ordering office.

(2) *Contractor's acceptance copy.* When the seller's acceptance of the purchase order is required, the contractor shall be furnished an extra copy of the order and shall be requested to indicate acceptance by completion of the following legend typed or stamped on that copy:

Acceptance of this order, subject to the conditions as stated, is hereby acknowledged.
Signature _____
Title _____
Date: _____

(3) *Receiving unit's copy.* Two copies of the purchase order shall be forwarded to each consignee. This includes the units to which the items are shipped and also the units for which the items are ultimately intended. Each consignee shall be requested to indicate complete and final delivery of the items covered by the purchase order by executing the certificate shown below on one copy of the purchase order, which is to be returned to the purchasing office. (See § 118.02–17 for instructions regarding receipts for partial deliveries.)

Received this date the above articles in good condition and in the quantities indicated.

Signature _____
Title _____
Date _____
Unit _____

§ 118.02–17 *Report of receipt of partial deliveries.* Where partial deliveries are made under a procurement document, each consignee shall report such deliveries, as occurring, to the cognizant purchasing office on Form CG–3357, Report of Receipt of Partial Deliveries. Form CG–3357 shall be submitted to field offices in duplicate. When Headquarters is the purchasing activity, the form shall be submitted to the Commandant (FS–1) in triplicate.

§ 118.02–18 *Numbering of purchase orders (Form CG–2557).* (a) Purchase orders issued by field units shall be serially numbered, in numerical sequence, beginning a new series each fiscal year. Such numbers shall be prefixed by the allotment symbol number in the case of shore units and by the class and number in the case of vessels.

[redacted]

01–33–53 would indicate:

1st CG District	Serial No.	Fiscal Year
01	33	53

WPG31–33–53 would indicate:

Cutter BIBB	Serial No.	Fiscal Year
WPG–31	33	53

(b) Additional numbers or symbols may be suffixed at the discretion of the ordering office for internal administrative control.

§ 118.02–19 *Purchase orders involving trade-in allowances.* Purchase orders covering replacement equipment for which an exchange or "trade-in" allowance of an old equipment has been authorized and agreed upon shall list the replacement item at gross contract or purchase price, and indicate credit against such gross cost by identification of type, make, size, serial number, etc., and exchange or "trade-in" allowance of the old equipment. The net amount will be shown on the purchase order after deduction of the exchange or "trade-in" allowance from the contract or purchase price, after which allowed discounts shall be applied to reflect the net cost of the replacement equipment.

§ 118.02–20 *Amendments to purchase orders.* Amendments to purchase orders (Form CG–2557) shall be issued in the form of a "Change Order." Change orders (Form CG–3473) will refer to the number, date, purchasing office, consignee, etc., and will be serially numbered as issued. Copies of change orders will be furnished all units receiving distribution of the initial purchase order.

§ 118.02–21 *Coding of purchase orders, contracts, and contract bulletins.* (a) Under the provisions of the act, as implemented by instructions issued by the President, the Coast Guard is required to assemble information pertaining to (1) all procurement from small business concerns, and (2) procurement under each of the several circumstances authorizing negotiation. In order to obtain the information for statistical use, appropriate code symbols have been prescribed for use on all purchase orders, contracts and contract bulletins pertaining to procurement. These code symbols are set forth hereinafter.

(b) Every purchase order issued to a commercial supplier shall bear the applicable code symbols (1) as to Sources of Procurement and (2) Circumstances Governing Procurement in order that the information will be available to permit proper filing in accordance with Subpart 116.01 of this chapter. The code symbols shall be inserted near the upper right-hand corner of the purchase document. When contract bulletins are issued by contracting offices, the applicable code symbols pertaining to each contract shall be shown for the information of all ordering offices.

§ 118.02–22 *Coding sources of procurement.* (a) Purchases made under Coast Guard contracts or purchase agreements from concerns employing less than 500 persons; SBC–1.

(b) Purchases made under Coast Guard contracts or purchase agreements from concerns employing 500 or more persons; SBC–2.

(c) Purchases made under contracts of other Government agencies (including Navy and Federal Supply Service contracts); SBC–3.

§ 118.02–23 *Coding circumstances governing procurement.*

(a) Purchases made under Coast Guard contracts or purchase agreements under the following circumstances:

(1) Procurement by Advertising	CG–10
(2) National Emergency (sec. 2 (c) (1))	CG–20
(3) Public Exigency (sec. 2 (c) (2))	CG–21
(4) Not in Excess of $1,000 (sec. 2 (c) (3))	CG–22
(5) Personal and Professional Services (sec. 2 (c) (4))	CG–23
(6) Services of Educational Institutions (sec. 2 (c) (5))	CG–24
(7) Purchases Outside the United States (sec. 2 (c) (6))	CG–25
(8) Medicines and Medical Supplies (sec. 2 (c) (7))	CG–26
(9) Supplies Purchased for Authorized Resale (sec. 2 (c) (8))	CG–27
(10) Perishable Subsistence Supplies (sec. 2 (c) (9))	CG–28
(11) Supplies or Services for Which it is Impracticable to Secure Competition by Formal Advertising (sec. 2 (c) (10))	CG–29
(12) Experimental, Developmental, or Research Work (sec. 2 (c) (11))	CG–30
(13) Classified Purchases (sec. 2 (c) (12))	CG–31
(14) Technical Equipment Requiring Standardization and Interchangeability of Parts (sec. 2 (c) (13))	CG–32
(15) Technical or Specialized Supplies Requiring Substantial Initial Investment or Extended Period of Preparation for Manufacture (sec. 2 (c) (14))	CG–33
(16) Negotiation After Advertising (sec. 2 (c) (15))	CG–34
(17) Purchases in the Interest of National Defense or Industrial Mobilization (sec. 2 (c) (16))	CG–35
(18) Otherwise Authorized by Law (sec. 2 (c) (17))	CG–36
(b) Purchases made under Navy Contracts	CG–50
(c) Purchases made under Federal Supply Service Contracts	CG–51
(d) Purchases made under contracts of other Government agencies	CG–52

SUBPART 118.03—CONTRACT CLAUSES

§ 118.03–1 *Terms, conditions, and provisions to be incorporated in contracts.* The contracting officer shall insure that contracts contain all terms, conditions, and provisions required by law. However, care shall be exercised to avoid citation to any law which is not applicable. Where terms, conditions, and provisions prescribed herein are not contained in standard or Coast Guard forms, they shall be incorporated in the contract by suitable reference and appendage of supplementary schedules containing the substance of the terms, conditions, and provisions imposed. Additional terms, conditions, and provisions deemed necessary by the contracting officer may be incorporated, provided they are not inconsistent with the instructions contained in this manual or current supplementary directives (circulars, memoranda, etc.). Specific authority must be obtained from the Commandant (FS–1) for the use of terms, conditions, or provisions which are inconsistent with those prescribed herein or in current supplementary directives.

§ 118.03–2 *Standard clauses for fixed price contracts executed on SF–33—(a) Supply contracts.* The standard contract clauses referred to in this paragraph shall be inserted in all fixed-price supply contracts, unless otherwise indicated. The term "fixed-price supply contract" shall mean any contract entered into either by formal advertising or by negotiation (but excluding purchase orders for $1,000 or less, preliminary notices of award, and amendments or modifications to contracts or purchase orders) at a fixed price) with or without provision for price redetermination, escalation, or other form of price adjustment), and for supplies other than the construction, alteration or repair of buildings, bridges, roads, or other kinds of real property, and experimental, developmental, or research work. The pertinent clauses will be inserted in the contracts by attachment of the form(s) prescribed opposite each clause title in the column headed "Embodying Form" below. When clauses to be inserted in the contract are not available in printed form, they shall be included in a supplementary schedule (continuation sheet) appended to the contract.

Title	Embodying form	Note
(1) Definitions	SF–32	1
(2) Changes	SF–32	
(3) Extras	SF–32	
(4) Variation in Quantity	SF–32	
(5) Inspection	SF–32	
(6) Responsibility for Supplies	SF–32	
(7) Payments	SF–32	
(8) Assignment of Claims	SF–32	1
(9) Additional Bond Security	SF–32	
(10) Federal, State and Local Taxes	SF–32	
(11) Default	SF–32	1
(12) Disputes	SF–32	
(13) Notice and Assistance Regarding Patent Infringement	SF–32	
(14) Buy American Act	SF–32	
(15) Convict Labor	SF–32	
(16) Eight-Hour Law of 1912	SF–32	
(17) Walsh-Healey Contracts Act	SF–32	
(18) Nondiscrimination in Employment	SF–32	
(19) Officials Not To Benefit	SF–32	

Title	Embodying form	Note
(20) Covenant Against Contingent Fees.	SF-32	
(21) Renegotiation	CG-2557A	2
(22) Patent Indemnity	CG-2557A	
(23) Reporting of Royalties	CG-2557A	
(24) Liquidated Damages	CG-2557A	4
(25) Guaranty	CG-2557A	
(26) Definitions (Amendment of SF-32).	CG-2557A	
(27) Terms of Delivery	CG-2557A-1	
(28) Examination of Records	Supplementary schedule.	2, 3
(29) Copyrights	do	3
(30) Ceiling Prices	do	3
(31) Liquidated Damages	do	3, 4

NOTES

1. As amended by Form CG 2557A.
2. See § 118.04-1 for exemptions from renegotiation.
3. Clauses indicated by this note shall be copied from § 118.03-5 in schedule form on SF-36 (Continuation Sheet—Supply Contract) or plain paper, suitably titled and appended to the contract.
4. See § 116.01-140 of this chapter re assessment of liquidated damages.

(b) *Construction/Repair contracts.* When Standard Form 33 (Invitation, Bid and Award) is used to document construction and repair contracts of the categories defined in § 116.02-11 (a) of this chapter, all of the clauses prescribed in paragraph (a) of this section shall be inserted in the contract except: (23) Reporting Royalties; (27) Terms of Delivery; and (29) Copyrights. In addition, the following clauses shall be made a part of such contracts, unless otherwise indicated.

Title	Embodying form	Note
(1) Employment of Aliens	Supplementary schedule.	1, 2
(2) Termination for Convenience of the Government.	do	1
(3) Suspension of Work	do	1
(4) Delivery and Shifting of Vessel (or Aircraft).	do	1

NOTES

1. Clauses indicated by this note shall be copied from § 118.03-5 in schedule form on SF 36 (Continuation Sheet—Supply Contract) or plain paper, suitably titled, and appended to the contract.
2. Applicable only to aircraft.

§ 118.03-3 *Standard clauses for construction and repair contracts (real property) executed on SF-23*—(a) *General.* The standard clauses referred to in this paragraph shall be inserted in all construction and repair contracts applicable to real property, as defined herein, unless otherwise indicated. The term "construction and repair contract (real property)" shall mean any contract entered into either by formal advertising or by negotiation for the construction, alteration, maintenance, or repair of public works, buildings, bridges, roads, or other real property. The pertinent clauses will be inserted in the contracts by attachment of the form(s) prescribed opposite each clause title in the column headed "Embodying Form" below. When clauses to be inserted in the contract are not available in printed form, they shall be included in a supplementary schedule (continuation sheet) appended to the contract.

Title	Embodying form	Note
(1) Definitions	SF-23a	5
(2) Specifications and Drawings.	SF-23a	
(3) Changes	SF-23a	
(4) Changed Conditions	SF-23a	
(5) Termination for Default—Damages for Delay—Time Extensions.	SF-23a	
(6) Disputes	SF-23a	
(7) Payments to Contractors.	SF-23a	
(8) Materials and Workmanship.	SF-23a	
(9) Inspection	SF-23a	
(10) Superintendence by Contractor.	SF-23a	
(11) Permits and Responsibility for Work, etc.	SF-23a	
(12) Other Contracts	SF-23a	
(13) Patent Indemnity	SF-23a	
(14) Additional Bond Security.	SF-23a	
(15) Covenant Against Contingent Fees.	SF-23a	
(16) Officials Not To Benefit	SF-23a	
(17) Buy American Act	SF-23a	
(18) Convict Labor	SF-23a	
(19) Nondiscrimination in Employment.	SF-23a	
(20) Davis-Bacon Act (40 U. S. C. 276a-a (7)).	SF-23a	4
(21) Eight-Hour Laws—Overtime Compensation.	SF 23a	
(22) Apprentices	SF-23a	
(24) Payroll Records and Payrolls.	SF-23a	
(24) Copeland (Anti-Kickback) Act—Nonrebate of Wages.	SF-23a	
(25) Withholding of Funds To Assure Wage Payment.	SF-23a	
(26) Subcontracts—Termination.	SF-23a	
(27) Renegotiation	Supplementary schedule.	1, 3
(28) Examination of Records	do	1, 3
(29) Guaranty	do	3
(30) Ceiling Prices	do	3
(31) Termination for the Convenience of the Government.	do	3
(32) Suspension of Work	do	1
(33) Liquidated Damages	do	2, 3
(34) Definitions (Amendment of SF-23a).	do	3
(35) Assignment of Claims	CG-2557C	

NOTES

1. See § 118.04-1 for exemptions from renegotiation.
2. See § 116.01-140 of this chapter re assessment of liquidated damages.
3. Clauses indicated by this note shall be copied from § 118.03-5 in schedule form on plain paper, suitably titled, and appended to the contract.
4. Applicable to contracts in excess of $2,000.
5. As amended by Clause (34).

(b) *Additional provisions.* In addition to the clauses listed in paragraph (a) of this section, the general specification provisions embodied in Form CG-2557C (General Conditions Applicable to Contracts for Construction and/or Repair to Shore Structures) shall be made a part of all construction and repair contracts (real property) by incorporation of that form in the invitation for bids and the resulting contract.

§ 118.03-4 *Standard clauses for construction and repair contracts (vessels) executed on SF-23.* The standard contract clauses referred to in this section shall be inserted in all construction and repair contracts applicable to vessels, unless otherwise indicated. The term "construction and repair contract (vessels)" shall mean any contract entered into either by formal advertising or by negotiation for the construction, maintenance, or repair of vessels (including ships and other floating equipment such as, but not limited to, boats, floating drydocks, cranes, barges, and the like). The pertinent clauses will be inserted in the contracts by attachment of the form(s) prescribed opposite each clause title in the column headed "Embodying Form" below. When clauses to be inserted in the contract are not available in printed form, they shall be included in a supplementary schedule (continuation sheet) appended to the contract.

Title	Embodying form	Note
(1) Definitions	SF-23a	4
(2) Specifications and Drawings.	SF-23a	
(3) Changes	SF-23a	
(4) Changed Conditions	SF-23a	
(5) Termination for Default—Damages for Delay—Time Extensions.	SF-23a	
(6) Disputes	SF-23a	
(7) Payments to Contractors	SF-23a	4
(8) Materials and Workmanship.	SF-23a	
(9) Inspection	SF-23a	
(10) Superintendence by Contractor.	SF-23a	
(11) Permits and Responsibility for Work, etc.	SF 23a	
(12) Other Contracts	SF-23a	
(13) Patent Indemnity	SF-23a	
(14) Additional Bond Security.	SF-23a	
(15) Covenant Against Contingent Fees.	SF-23a	
(16) Officials Not To Benefit	SF-23a	
(17) Buy American Act	SF 23a	
(18) Convict Labor	SF 23a	
(19) Nondiscrimination in Employment.	SF-23a	
(20) Eight-Hour Laws—Overtime Compensation.	SF-23a	
(21) Apprentices	SF 23a	
(22) Payroll Records and Payrolls.	SF 23a	4
(23) Withholding of Funds to Assure Wage Payment.	SF-23a	
(24) Subcontracts Termination.	SF 23a	4
(25) Performance and Manner of Doing the Work.	CG-2557B	
(26) Lay Days	CG 2557B	
(27) Underwater Paint for Steel Vessels.	CG 2557B	
(28) Liquidated Damages	CG-2557B	3
(29) Indemnity and Insurance	CG-2557B	
(30) Renegotiation	Supplementary schedule.	1, 2
(31) Examination of Records	do	1, 2
(32) Guaranty	do	1
(33) Ceiling Prices	do	1
(34) Termination for the Convenience of the Government	do	1
(35) Suspension of Work	do	1
(36) Delivery and Shifting of Vessel.	do	1
(37) Indemnity and Insurance Valuation.	do	1
(38) Assignment of Claims	do	1
(39) Amendment of Standard Form 23a, General Provisions (Construction Contracts).	do	1
(40) Walsh-Healey Public Contracts Act.	do	1

NOTES

1. Clauses indicated by this note shall be copied from § 118.03-5 in schedule form on plain paper, suitably titled, and appended to the contract.
2. See § 118.04-1 for exemptions from renegotiation.
3. See § 116.01-140 of this chapter re assessment of liquidated damages.
4. As amended by Clause (39).

§ 118.03-5 *Special contract clauses.* The contract clauses set forth in this section supplement those contained in the following forms and shall be used when required by §§ 118.03-2, 118.03-3, and 118.03-4, and/or when applicable to other contracts: SF-23a, SF-32, CG-2557A, CG-2557A-1, CG-2557B, and CG-2557C. When any of these clauses are required, they shall be embodied in the pertinent contract by suitable reference and appended thereto in schedule (or

continuation sheet) form. Clauses prescribed elsewhere in Part 116 of this chapter, or in current supplementary directives (circulars, memoranda, etc.), which are not available in printed form, shall be inserted in contracts in the same manner.

(a) *Government use and publication of copyrighted material*—(1) *General.* In the event the contractor incorporates copyrighted or copyrightable material owned by it or others in the material furnished to the Government, the following contract clause shall apply.

Copyrights. (i) The contractor agrees to and does hereby grant to the Government, and to its officers, agents and employees acting within the scope of their official duties, (1) a royalty-free, nonexclusive and irrevocable license to reproduce, translate, publish, use, and dispose of, and to authorize others so to do, all copyrightable material first produced or composed and delivered to the Government under this contract by the contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material, and (2) a license as aforesaid under any and all copyrighted or copyrightable work not first produced or composed by the contractor in the performance of this contract, but which is incorporated in the material furnished under the contract, provided that such licenses shall be only to the extent the contractor now has, or prior to completion or final settlement of the contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(ii) The contractor agrees that it will exert all reasonable effort to advise the contracting officer, at the time of delivering any copyrightable or copyrighted work furnished under this contract, of any adversely held copyrighted or copyrightable material incorporated in any such work and of any invasion of the right of privacy therein contained.

(iii) The contractor agrees to report to the contracting officer, promptly and in reasonable written detail, any notice or claim of copyright infringement received by the contractor with respect to any material delivered under this contract.

(2) *Motion pictures.* The clause set forth below shall apply to all contracts for motion pictures, or the production of motion pictures, and in all contracts for the preparation of motion picture scripts, translations, adaptations and the like:

Copyrights. (i) The contractor agrees that all material forming the subject matter of this contract and first produced in the performance of this contract shall be the sole property of the Government, and may not be published or reproduced in whole or in part, or in any manner or form, other than by the Government or with its express consent. The contractor further agrees that no right at common law or in equity shall be asserted and no claim to copyright by statute shall be established by the contractor in any material first produced in the performance of this contract.

(ii) The contractor agrees to grant and does hereby grant to the Government a royalty-free, nonexclusive and irrevocable license (1) to publish, reproduce, use, and dispose of, in any manner, any and all copyrighted or copyrightable material not first produced or composed in the performance of this contract but which is incorporated in the material furnished under the contract; and (2) to authorize others so to do.

(iii) The contractor agrees to indemnify and save and hold harmless the Government, its officers, agents and employees acting within the scope of their official duties against any liability, including costs and expenses, for (1) violation of proprietary rights, copyright or right of privacy, arising out of the reproduction, use or disposition of any copyrighted or copyrightable material furnished under this contract, or (2) based upon any libelous or other unlawful matter contained in said material.

(b) *Employment of aliens.* No aliens employed by the contractor shall be permitted to have access to the plans or specifications, or the work under construction, or to participate in the contract trials, without the written consent beforehand of the Secretary or his duly authorized representative. (This clause shall apply only to contracts covering the construction and repair of aircraft.)

(c) *Ceiling prices.* Contractor agrees that the prices invoiced hereunder will not exceed the lower of (1) the contract prices or (2) any applicable ceiling prices established by the Office of Price Stabilization or other authorized Government agency.

(d) *Guaranty.* Notwithstanding the provisions of Clause 9, Standard Form 23a (General Provisions—Construction Contracts), forming a part of this contract, entitled "Inspection," should any work embodied in this contract prove defective within a period of one (1) year after completion and acceptance, by reason of faulty material or workmanship, the contractor shall remedy such defects at his own expense to the entire satisfaction of the contracting officer within a reasonable time after receiving written notice of same.

(e) *Termination for the convenience of the Government.* The Government reserves the right to terminate this contract, in whole or in part, for its convenience. If the contract is so terminated, the contracting officer shall make an equitable adjustment in the contract price to compensate the contractor for all reasonable costs incurred by him in connection with said contract, plus a reasonable profit with respect to all completed work. If the contractor does not agree as to the price so determined, he shall have the right to appeal as provided in Clause 6, Standard Form 23a (General Provisions—Construction Contracts), or Clause 12, Standard Form 32 (General Provisions—Supply Contract), forming a part of this contract, entitled "Disputes." The contractor shall make a similar provision covering termination with respect to all subcontracts and orders for supplies and materials.

(f) *Suspension of work.* The contracting officer may, by written order, direct the contractor to suspend all or any part of the work for such period of time as may be determined by him to be necessary or desirable for the convenience of the Government. If such suspension delays the progress of the work and causes additional expense or loss to the contractor in the performance of the work, not due to the fault or negligence of the contractor, the contracting officer shall make an equitable adjustment in the contract price and time of performance and modify the contract accordingly. Provided, however, that no adjustment will be made under this clause for suspensions ordered under any other clause of the contract or provision of the specifications: And, provided further, that any claim for adjustment hereunder must be asserted within 30 days from the date such suspension is ordered. If the parties fail to agree upon the adjustment to be made, the dispute shall be determined as provided in Clause 6, Standard Form 23a (General Provisions—Construction Contracts), or Clause 12, Standard Form 32 (General Provisions—Supply Contract, forming a part of this contract, entitled "Disputes."

(g) *Delivery and shifting of vessel (or aircraft).* The vessel (or aircraft) will be delivered to the contractor at his place of business and removed therefrom, upon completion of all work, by the Government. While the vessel (or aircraft) is in the hands of the contractor, any necessary towage, cartage, or other transportation between ship (or plane) and shop or elsewhere, which may be incident to the work herein specified, shall be furnished by the contractor without additional charge to the Government.

(h) *Renegotiation.* (1) This contract shall be subject to any act of the Congress, whether heretofore or hereafter enacted and to the extent indicated therein, providing for the renegotiation of said contract and shall be deemed to contain all the provisions required by any such act without subsequent amendment of this contract specifically incorporating such provisions.

(2) The contractor (which term, as used in this clause, means the party contracting to furnish the materials or perform the work required by this contract) agrees to insert the provisions of this clause, including this paragraph (2), in subcontracts, as defined in section 103 (g) of the Renegotiation Act of 1951 (Pub. Law 9, 82d Cong.), except any subcontracts of a class or type described in section 106 (a) of the Renegotiation Act of 1951.

(3) Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of the Congress, heretofore or hereafter enacted.

(i) *Examination of records*—(1) *Government-contractor transactions.* The following provision is applicable to this contract (or purchase order) when (i) the contract (or purchase order) is in an amount, or by subsequent change order(s) is increased to an amount, in excess of $1,000; (ii) is negotiated, as distinguished from formal advertising, under authority of section 2c, Public Law 413, 80th Congress; and (iii) does not cover the rendering of public utility services at rates established for uniform applicability to the general public:

The contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers and records of the contractor involving transactions related to this contract.

(2) *Contractor-subcontractor transactions.* The following provision will be made a part of a subcontract (or purchase order) issued by a contractor when the subcontract (or contractor's purchase order) (i) is in an amount, or by subsequent change order(s) is increased to an amount, in excess of $1,000, and (ii) does not cover the rendering of public utility services at rates established for uniform applicability to the general public:

The contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payments under this contract with the Government, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractors involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (a) purchase orders not exceeding $1,000 and (b) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(j) *Indemnity and insurance valuations.* Supplementing Article 5 of Form CG–2557B (Conditions Applicable to Contracts for Repairs to Vessels), forming a part of this contract, entitled "Indemnity and Insurance," the value of the Coast Guard vessel(s) listed herein for indemnity and insurance purposes is as follows: (Indicate valuation of vessel(s) opposite name and number.)

(For the purpose of the above clause, the valuations shown in the table below shall apply.)

Type	Class	Value of vessel for indemnity and insurance purposes only
Gunboats, 327-foot	WPG	$300,000
Gunboats, 255-foot	WPG	300,000
Gunboats, 250-foot	WPG	300,000
Seaplane tenders, 311-foot	WAVP	300,000
Escort vessels, 306-foot	WDE	300,000
Icebreakers, 288-foot	WAGB	300,000
Icebreakers, 269-foot	WAGB	300,000
Miscellaneous auxiliary, 238-foot	WAG	300,000
Patrol craft, large, 165-foot	WPC	300,000
Patrol craft, small, 125-foot	WSC	300,000
Oceangoing tugs, 218-foot	WAT	300,000
Oceangoing tugs, 205-foot	WAT	300,000
Cable layers, 180-foot	WARC	300,000
Cargo ships, 339-foot	WAK	300,000
Cargo ships, 176-foot	WAK	300,000
Buoy tenders, 196-foot	WAGL	300,000
Buoy tenders, 180-foot	WAGL	300,000
Buoy tenders, 180-foot and over	WAGL	300,000
Buoy tenders, under 180-foot	WAGL	150,000
Buoy boats, 80-foot	WD	100,000
Buoy boats, 72-foot	WD	75,000
Buoy boats, 65-foot	WD	75,000
Harbor tugs, 110-foot	WYT	300,000
Harbor tugs, under 100-foot	WYT	80,000
Patrol boats, 83-foot	WPB	100,000
Patrol boats, 95-foot	WPB	100,000
Lightships	WAL	300,000
Training vessels, 295-foot	WIX	300,000
Research and development vessels, 125-foot	WIX	200,000
Research and development vessels, 85-foot	WIX	70,000
Buoy boats, 40-foot		30,000
Amphibious boats		35,000
Barges, over 100-foot		50,000
Barges, under 100-foot		20,000
Floating lifeboat stations		75,000

(k) *Liquidated damages.* The time required for (brief description) being of material consideration, it is agreed that in the case of the failure of the contractor to complete the work (or delivery) within the time specified, there shall be deducted as liquidated damages, and not as a penalty, the sum of (insert rate per day and unit of assessment) per calendar day, from any payment made to the contractor, if the contractor shall be in inexcusable default. (See § 116.01–140.)

(l) *Assignment of claims.* (1) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U. S. C. 203, 41 U. S. C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Notwithstanding any other provision of this contract, payments to an assignee of moneys due or to become due under this contract shall not, to the extent provided in said act, as amended, be subject to reduction or set-off.

(2) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same: *Provided*, That a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

(m) *Amendment of standard Form 23A, general provisions (construction contracts).* (This amendment shall apply only when SF–23A is used in connection with the construction and/or repair of vessels.) Standard Form 23A, General Provisions (Construction Contracts), forming a part of this contract, is hereby amended as follows:

(1) *Clause 1, Definitions.* The term "contracting officer" as used herein shall include his duly appointed successor or his authorized representative.

(2) *Clause 7, Payments to Contractors.* Paragraph (b), line 9, amended by addition of the word "vessel" between "building" and "public work."

(3) *Clause 20, Davis-Bacon Act (40 U. S. C. 276–a (7)).* Deleted in entirety.

(4) *Clause 24, Copeland (Anti-Kickback) Act—Nonrebate of Wages.* Deleted in entirety.

(5) *Clause 23, Payroll Records and Payrolls.* Paragraph (b) deleted in entirety.

(6) *Clause 26, Subcontracts—Termination.* Line 1 amended by deletion of "Clauses 20 through 26" and substitution of "Clauses 21, 22, 23, 25, and 26."

(n) *Definitions (Amendment of SF–23A).* (This clause shall apply when SF–23A is used in connection with the construction and/or repair of real property.) Clause 1, Definitions, of Standard Form 23A, General Provisions (Construction Contracts), forming a part of this contract, is hereby amended as follows:

The term "contracting officer" as used herein shall include his duly appointed successor or his authorized representative.

(o) *Walsh-Healey Public Contracts Act.* If this contract is for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed $10,000 and is otherwise subject to the Walsh-Healey Public Contracts Act as amended (41 U. S. C. 35–45), there are hereby incorporated by reference all representations and stipulations required by said act and regulations issued thereunder by the Secretary of Labor, such representations and stipulations being subject to all applicable rulings and interpretations of the Secretary of Labor which are now or may hereafter be in effect.

SUBPART 118.04—ADMINISTRATIVE INSTRUCTIONS

RENEGOTIATION ACT OF 1951

§ 118.04–1 *Renegotiation Act of 1951; administration—(a) Contracts exempt from renegotiation.* Under authority of section 106 (a) (Renegotiation Act of 1951), (50 U. S. C. 1216) the following classes of contracts are exempt from renegotiation:

(1) *Mandatory exemptions.* (i) Any contract by a Department with any Territory, possession, or state, or any agency or political subdivision thereof, or with any foreign government or any agency thereof; or

(ii) Any contract or subcontract for an agricultural commodity in its raw or natural state, or if the commodity is not customarily sold or has not an established market in its raw or natural state, in the first form or state, beyond the raw or natural state, in which it is customarily sold or in which it has an established market. The term "agricultural commodity" as used herein shall include but shall not be limited to:

(*a*) Commodities resulting from the cultivation of the soil, such as grains of all kinds, fruits, nuts, vegetables, hay, straw, cotton, tobacco, sugarcane, and sugar beets.

(*b*) Natural resins, saps, and gums of trees;

(*c*) Animals, such as cattle, hogs, poultry, and sheep, fish, and other marine life, and the produce of live animals, such as wool, eggs, milk and cream; or

(iii) Any contract or subcontract for the product of a mine, oil, or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use; or

(iv) Any contract or subcontract with a common carrier for transportation, or with a public utility for gas, electric energy, water, communications, or transportation, when made in either case at rates not in excess of published rates or charges filed with, fixed, approved, or regulated by a public regulatory body, State, Federal, or local, or at rates not in excess of unregulated rates of such a public utility which are substantially as favorable to users and consumers as are regulated rates. In the case of the furnishing or sale of transportation by common carrier by water, this paragraph shall apply only to such furnishing or sale which is subject to the jurisdiction of the Interstate Commerce Commission under Part III of the Interstate Commerce Act or subject to the jurisdiction of the Federal Maritime Board under the Intercoastal Shipping Act, 1933; or

(v) Any contract or subcontract with an organization exempt from taxation under section 101 (6) of the Internal Revenue Code, but only if the income from such contract or subcontract is not includible under section 422 of such code in computing the unrelated business net income of such organization; or

(vi) Any contract which the Board determines does not have a direct and immediate connection with the National Defense. The Board shall prescribe regulations designating those classes and types of contracts which shall be exempt under this paragraph; and the Board shall, in accordance with regulations prescribed by it, exempt any individual contract not falling within any such class or type if it determines that such contract does not have a direct and immediate connection with the National Defense. Notwithstanding section 108 of this title, regulations prescribed by the Board under this paragraph, and any determination of the Board that a contract is or is not exempt under this paragraph, shall not be reviewed or redetermined by the Tax Court or by any other court or agency; or

(vii) Any subcontract directly or indirectly under a contract or subcontract to which this title does not apply by reason of this subsection.

(2) *Administrative exemptions—(i) Building maintenance and repair.* Contracts for maintenance and repair of buildings and structures. This exemption does not apply to contracts for the renovation or reactivation of standby facilities or facilities acquired after June 30, 1950, or for the substantial enlargement, alteration or expansion of facilities.

(ii) *Contracts for other Departments.* Contracts to the extent that they obligate funds of another Department named in or designated pursuant to section 103 of the act or to the extent that the contracting Department is to be reimbursed by such other Department, provided that the contracts would be exempt under this section if made by such other Department.

(iii) *Contracts for other persons or agencies.* Contracts to the extent that they obligate funds of another agency of the Government, other than a Department named in or designated pursuant to section 103 of the act, or to the extent that the contracting Department is to be reimbursed by such other Government agency or other person.

NOTE: It is the responsibility of any Department administering a contract which is exempt under subdivision (ii) or (iii) of this subparagraph to so notify the contractor, and contractors must assume that Departments employ funds appropriated to them, except when contractors are informed otherwise by such Departments.

(iv) *Materials for authorized resale.* Contracts for the purchase of materials to be resold through commissaries, military exchanges, ships' service stores, slop chests, post restaurants, and any other contracts for the purchase of materials for authorized resale, except contracts for the purchase of materials to be issued or to be sold under the monetary clothing allowance system of any of the armed services.

(v) *Removal of waste materials.* Contracts for the removal of waste materials.

(vi) *Laundry and cleaning services.* Contracts for laundry, cleaning and pressing services.

(vii) *Department of Commerce.* All contracts of the Office of Technical Services, Bureau of Census, Weather Bureau, Coast and Geodetic Survey, Inland Waterways Corporation, Bureau of Foreign and Domestic Commerce, Patent Office, Civil Aeronautics Board and Bureau of Public Roads, Department of Commerce.

(viii) *General Services Administration.* All contracts of the Public Buildings Service and the National Archives and Records Service, General Services Administration; all contracts of the Federal Supply Service, General Services Administration, for store stock to be delivered to its Supply Centers; and all Federal Supply Schedule contracts and consolidated direct delivery contracts of the Federal Supply Service, General Services Administration, to the extent that deliveries thereunder are made to agencies of the Government other than the Department of Defense, Department of the Army, Department of the Navy, Department of the Air Force, Atomic Energy Commission and United States Coast Guard.

NOTE: Exemption of the type contract outlined in this class is not applicable to single Coast Guard purchases against Federal Supply Schedule contracts in excess of $10,000 in amount.

(ix) *Construction contracts.* All construction contracts entered into before July 1, 1950, except those entered into by the Department of Defense, Department of the Army, Department of the Navy, Department of the Air Force, United States Coast Guard, and Atomic Energy Commission.

(x) *Canal Zone Government and Panama Canal Company.* All construction contracts for housing entered into before July 1, 1950, by the Canal Zone Government and the Panama Canal Company.

(xi) *Housing and Home Finance Agency.* All contracts of the Housing and Home Finance Agency, except construction contracts entered into after June 30, 1950.

(xii) *Corps of Engineers.* All contracts obligating funds appropriated for the civil functions of the Corps of Engineers, Department of the Army, except those contracts entered into after June 30, 1950, for the construction of facilities directly or indirectly related to the generation or distribution of hydroelectric energy.

(xiii) *Bonneville Power Administration.* All contracts of the Bonneville Power Administration entered into before July 1, 1950.

(xiv) *Tennessee Valley Authority.* All contracts of the Tennessee Valley Authority entered into before July 1, 1950.

(xv) *(United States) Geological Survey.* All contracts of the (United States) Geological Survey for gage-reading services.

(b) *Contracting officer's authority to determine contracts exempt from renegotiation.* Each duly designated contracting officer is delegated authority to act as the duly authorized representative of the Commandant in determining which contracts are exempt from renegotiation under paragraph (a) (2) above.

(c) *Submission of copies of contracts to headquarters.* A copy of proposed contracts in excess of $1,000 shall be submitted to the Commandant (FS–1) for review only when the contracting officer determines that an exception exists to the rules promulgated by the Renegotiation Board in its listing of the fifteen (15) classes of contracts not having a direct and immediate bearing upon the defense effort as listed in paragraph (a) (2) of this section. Such an exception may be of either of the following types:

(1) Contracts which fall within the fifteen (15) classes of contracts listed, but are determined by the contracting officer to have the required direct and immediate bearing upon the National Defense effort.

(2) Contracts which do not fall within the fifteen (15) classes of contracts listed, but are determined by the contracting officer not to have the required direct and immediate bearing upon the National Defense effort.

(d) *Relief for contractors and subcontractors.* Any individual prime contractor or subcontractor who believes his prime contract or subcontract is not directly and immediately connected with the National Defense effort may, under authority of section 106 (f) of the act, submit a recommendation that such contract or subcontract be excluded from renegotiation under section 106 (a) (6) of the act. Such recommendations shall be submitted to the contracting officer, who will forward same to the Commandant (FS–1) for further transmittal to the Renegotiation Board. The contracting officer, in transmitting such recommendations, shall indicate whether his original determination defined the contract as having a direct and immediate connection with the National Defense.

(e) *Submission of reports to the Renegotiation Board.* Reports of performance information concerning contracts subject to renegotiation shall be provided only in response to specific request by the Regional Renegotiation Board offices in Boston, Chicago, Detroit, Los Angeles, New York, and Washington, D. C. The area covered by each board is outlined in Appendix B, page 9, of the Renegotiation Board's pamphlet entitled "Guide Book for Reporting Performance Information."

COPELAND ("KICKBACK") ACT

§ 118.04–4 *Affidavits required by Copeland ("Kickback") Act—(a) Submission of affidavits.* Each contractor or subcontractor subject to the provisions of the Copeland ("Kickback") Act (40 U. S. C. 276 b and c) is required to furnish each week a sworn affidavit with respect to the wages paid each of its employees. Each affidavit shall be delivered to the contracting officer within seven days after the regular payment date of the payroll period.

(b) *Examination and disposition of affidavits.* Affidavits received from contractors and subcontractors shall be accumulated by the contracting officer and preserved in the local files for three years after completion of the contract. When received, the affidavits shall be examined and any discrepancy investigated in accordance with the Enforcement Regulations of the Department of Labor (Title 29, Subtitle A, Code of Federal Regulations).

CONTRACTOR'S STATEMENT OF CONTINGENT OR OTHER FEES

§ 118.04–8 *Purpose.* (a) The Armed Services Procurement Act of 1947 (41 U. S. C. 254), requires that negotiated contracts shall include a suitable warranty against contingent fees. General Services Administration General Regulation No. 12, dated 29 December 1952, stipulates that the same warranty will also be included in advertised contracts, and promulgates the form, procedure, principles, and standards essential to meeting this requirement, and extends their application to contracts consummated as a result of both negotiation and advertising. To attain the desired objective, these instructions will apply.

(b) The aim of the basic law and implementing regulation is to remove, to the maximum degree, improper influences affecting contract purchase transactions. The most effective means of accomplishing this is to identify and exclude certain contractor-agent arrangements. The success of this effort is contingent upon the initiative and good judgment of all contracting officers in applying these instructions.

§ 118.04–9 *Definitions—(a) Contingent fee.* Any fee (otherwise called commission, percentage or brokerage) the payment of which is contingent upon success in obtaining the Government contract involved.

(b) *Improper influence.* Direct or indirect influence which induces or tends to induce consideration or action by an employee or officer of the United States regarding a Government contract on a basis other than its merits.

(c) *Bona fide employees.* Any individual employed full time by a concern and over whom the concern has the right to exercise supervision and control of time, place and performance of work.

(d) *Bona fide agent.* An agent having adequate knowledge of the products and the firm represented, and which agent does not employ improper influence in seeking to obtain any Government contract for its principals. Further, fees charged the principals for services rendered by such agent are commensurate with those prevailing in the trade for similar services to commercial business.

§ 118.04–10 *Scope.* 1. These instructions are applicable to all negotiated and advertised contracts except those defined below:

(a) Any advertised contract in which the aggregate amount involved does not exceed $25,000.

(b) Any negotiated contract in which the aggregate amount involved does not exceed $1,000.

(c) Any negotiated contract for perishable subsistence supplies in which the aggregate amount involved does not exceed $25,000.

(d) Any contract for services which are required to be performed by an individual contractor in person under Government supervision and paid for on a time basis, and any contract for public utility services furnished by a public utility company where the utility company's rates for the services furnished are subject to regulation by Federal, State, or other regulatory body and the public utility company is the sole source of supply.

(e) Contracts to be made in foreign countries.

§ 118.04–11 *Covenant against contingent fees.* (a) In contracts for the purchase by the Government of real property, personal property, or services, and contracts for the construction or repair of public buildings or works this clause will be included:

NOTE: The following clause is set forth as Article 20 of General Provisions, Standard Form 32, November 1949, ed.:

"The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee."

(b) In contracts for the sale of Government owned real or personal property this clause will be included:

NOTE: The following clause is in the form substantially as set forth in Article 13 of Sale of Government Property—Invitation, Bid, and Acceptance, Standard Form 114, August 1950, ed.:

"Purchaser warrants that no person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial agencies maintained by the Purchaser for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or in its discretion to require the Purchaser to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee."

(c) The covenant as set forth in paragraph (a) of this section may be appropriately adapted for use in leases of real or personal property for Government use. The covenant as set forth in paragraph (b) of this section may be appropriately adapted for use in leases of Government-owned real or personal property.

§ 118.04–12 *Representation and agreement required for prospective contractors.* Except as provided for in § 116.05–95 of this chapter, each contracting officer shall, upon initiating advertising or negotiation in connection with a contract, secure a written representation from prospective contractors as to whether they have employed or retained any company or person (other than a full-time employee working solely for the prospective contractor) to solicit or secure the contract, and shall secure a written agreement to furnish information relating thereto as required by the contracting officer. The representation and agreement appearing on the face of Standard Form 33, Invitation, Bid, and Award, November 1949 ed., and Standard Form 114, Sale of Government Property, Invitation, Bid and Acceptance, August 1950 ed., pending revision of such forms, shall be deleted and the following representation (and agreement) substituted therefor:

The bidder [(or) contractor] represents: (a) that he ☐ has, ☐ has not, employed or retained any company or person (other than a full-time bona fide employee working solely for the bidder [(or) contractor]) to solicit or secure this contract and (b) that he ☐ has, ☐ has not, paid or agreed to pay to any company or person (other than a full-time bona fide employee working solely for the bidder [(or) contractor]) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract; and agrees to furnish information relating thereto as requested by the contracting officer.

NOTE: For interpretation of the representation, including the term "bona fide employee," see General Services Administration Regulations, 44 CFR 150.5 (d), 150.7; 17 F. R. 253.

§ 118.04–13 *Standard Form 119, Contractor's Statement of Contingent or Other Fees.* (a) Standard Form 119 (December 1952) shall be used by contracting officers whenever either part of the inquiry provided for by § 116.05–94 of this chapter is answered in the affirmative by a successful bidder or contractor. When, after use of the form, further information is required, it may be obtained in any appropriate manner.

(b) Any bidder or proposed contractor who has previously furnished a Standard Form 119 (December 1952) to the office issuing the invitation or negotiating contract may be permitted to accompany his bid, or submit in connection with the proposed contract, a signed statement (1) indicating when such completed form was previously furnished, (2) identifying by number the previous invitation or contract in connection with which such form was submitted, and (3) representing that the statements in such previously furnished form are applicable to such subsequent bid or contract. In such case, submission of an additional completed Standard Form 119 need not be required.

§ 118.04–14 *Acceptance or rejection.* (a) Standard Form 119, when received from the bidder or contractor, will be carefully reviewed by the contracting officer for conformance with standards set forth herein and in § 150.5, Title 44, General Services Administration. In the absence of any evidence or inference of violation of the covenant against contingent fees, Standard Form 119 will be filed by the unit, and no further action taken.

(b) In all cases where there is absolute evidence of misrepresentation or violation of the covenant, or reasonable doubt exists with respect to compliance with the covenant, the contracting officer shall:

(1) Reject offer or bid, if award has not been made, or

(2) Suspend award action, optional for advertised but mandatory for negotiated contracts, or

(3) Annul contract without liability, if award has been made, or

(4) Recover amount of the fee involved, if award has been made, or

(5) Perform any of above independently or by referring Standard Form 119 and related data to the Commandant (FS) for final approval of recommended action.

Upon termination of proceedings, Standard Form 119 will be permanently filed in Headquarters.

(c) Persistent failure of bidder or contractor to cooperate in furnishing representation or Standard Form 119, or repetitive abuse of covenant should be reported to the Commandant (FS) for consideration. When circumstances warrant, as determined by Headquarters, debarment proceedings will be initiated.

(d) The exemption of certain contracts from these instructions, as set forth in § 118.04–10 (a), (b), and (c), does not preclude prosecuting irregularities otherwise subject to these instructions. No special effort will be undertaken to discover such conditions. Once identified and substantiated, however, they will be processed as provided for in paragraph (b) of this section.

PROCEDURES FOR HANDLING ASSIGNMENTS OF CLAIMS

§ 118.04–18 *Assignment of claims—(a) Authority.* The Assignment of Claims Act of 1940 (54 Stat. 1029) (31 U. S. C. 203, 41 U. S. C. 15), permits contractors to assign moneys due from the Government under a contract providing for payments aggregating $1,000 or more, provided the contract does not forbid such assignment. The assignee may be a bank, trust company, or other financing institution, including any Federal lending agency. Unless otherwise expressly permitted by the contract, the assignment (1) must cover all amounts payable and not already paid, (2) shall not be made to more than one party, and (3) shall not be subject to further assignment, except that an assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in financing the contract.

(b) *Notices of assignment—(1) Requirements.* The Assignment of Claims Act of 1940 (31 U. S. C. 203 and 41 U. S. C. 15), provides that written notice of the assignment be filed with:

(i) The contracting officer or the head of his department or agency (see Note (a) below);

(ii) The surety or sureties upon the bond or bonds, if any, in connection with the contract;

(iii) The authorized certifying officer, if any, designated in the contract to effect payment (see Note (b) below).

NOTES:

a. The Act provides for service under the assignment upon receipt of the notice of assignment and the true copy of the instrument of assignment by either the contracting officer or the head of his department or agency. Such papers received by the Office of the Secretary will be referred to the Commandant for disposition in accordance with subparagraphs (3) to (5) of this paragraph.

b. Authorized certifying officers receiving such papers shall acknowledge receipt thereof; however, certification for payment shall be withheld until receipt of advice from the Commandant that the particular instrument of assignment has been approved legally. (See subparagraphs (3) and (4) of this paragraph.)

(2) *Action by assignee—(i) Forms required.* It is the responsibility of the assignee to prepare the notice of assignment form and furnish a true copy of the instrument of assignment. The notice of assignment is submitted in the form prescribed by the Federal Supply Service, G. S. A. (see specimen below). The true copy of the instrument of assignment may consist of (a) a duplicate original containing all the signatures, seals, acknowledgments, etc., which appear on the original, (b) a complete photostatic copy of the original, or (c) a certified copy of the original, provided that such copy is accurate and complete in all respects, including signatures, seals, acknowledgments, etc., which may be typewritten, and provided that the certificate to the effect it is a true copy be executed by a notary public or other officer authorized by law to administer oaths.

NOTICE OF ASSIGNMENT

To_____ Date_____

Re Contract No. _____

Made by the United States of America

_____ Department _____ Division

With _____
(Name of contractor)

_____
(Address of contractor)

For _____ Dated _____

PLEASE take notice that moneys due or to become due under the contract described above have been assigned to the undersigned pursuant to the provisions of the Assignment of Claims Act of 1940 (54 Stat. 1029), as amended by P/L 30, 82d Congress, approved May 15, 1951.

A true copy of the instrument of assignment is attached to the original hereof.

Payments due or to become due under such contract should be made to the undersigned assignee.

Please return to the undersigned the three enclosed copies of this notice with appropriate notations showing the date and hour of receipt, and duly signed by the person acknowledging receipt on behalf of the addressee.

Very truly yours,

_____
(Name of assignee)

By_____
(Name and title of signing officer)

_____
(Address of assignee)

Receipt is hereby acknowledged of the above notice and a copy of the above mentioned instrument of assignment. These were received at __ a. m., __ p. m., on _____, 19_____
(Date)

_____
(Signature)

On behalf of _____

_____
(Name and title of addressee of notice)

(ii) *Forms distribution.* The assignee will forward an original and three copies of the notice of assignment and a true copy of the instrument of assignment to each of the parties listed in subdivision (i) of this subparagraph. (If there is no surety bond in connection with the contract giving rise to the claim which is assigned, or if no authorized certifying officer is designated in the contract to effect settlement of amounts due thereon, the notice of assignment will be served only on the contracting officer or the head of his department or agency.) Each party will return to the assignee three copies of the notice of assignment with acknowledgment of receipt thereon. However, the return of the copies acknowledged by the contracting officer and the authorized certifying officer shall be made after the review as to legal sufficiency has been made in accordance with subparagraph (4) of this paragraph. The original notice of assignment and true copy of the instrument of assignment will be retained in the files of the acknowledging official in each case. The assignee will forward to the officer designated to receive invoices for payment(s) under the contract, either with the first contractor's invoice or prior to the time the first contractor's invoice is submitted, two copies of the acknowledged notices from each of the parties listed in subparagraph (1) of this paragraph.

(3) *Action by Contracting Officer.* Immediately upon receipt by the contracting officer of written notice of an assignment together with a true copy of the instrument of assignment, he shall forward such papers to the Commandant (FS–1) under a letter of transmittal. The letter shall contain a statement of the date upon which the papers were received from the assignee and shall enclose a copy of the pertinent contract. By carbon copies of the letter of transmittal, the contracting officer shall notify the authorized certifying officer and all holders of file copies of the contract within the Coast Guard of the receipt of the assignment. Upon return of the notice of assignment and the true copy of the instrument of assignment from the Commandant accompanied by legal approval or disapproval thereof, the con-

tracting officer shall (i) forward to the assignee three copies of the assignment bearing acknowledgment of receipt, (ii) furnish a certified copy of the approval or disapproval to the authorized certifying officer, and (iii) notify all holders of file copies of the contract within the Coast Guard of the approval or disapproval of the assignment. (See §§ 118.04–10 and 118.04–11 for contract distribution.)

(4) *Action by Headquarters.* The Commandant (FS–1) will obtain the necessary review for approval or disapproval as to legal sufficiency of form and execution all instruments of assignment submitted in accordance with subparagraph (3) of this paragraph. Approved notices of assignment and instruments of assignment will be returned to the contracting officer under letter of transmittal for action in accordance with subparagraph (3) of this paragraph. Likewise, the contracting officer will be directed to send immediately to the assignee any invalid or defective assignments with a statement of the defects. (Upon receipt of a new or corrected assignment, the procedure set forth in subparagraph (3) of this paragraph, and in this subparagraph, shall be followed with reference to the new or corrected assignment.)

(5) *Action by authorized certifying officer—(i) General.* Upon receipt of the original and three copies of the notice of assignment and the true copy of the instrument of assignment from the assignee, the authorized certifying officer will retain the original notice and instrument of assignment and, after being advised by the contracting officer of approval of the assignment for legal sufficiency, will return three acknowledged copies of the notice of assignment to the assignee (see subparagraph (2) (ii) of this paragraph). Upon receipt of the copies of each acknowledgment notice of assignment and provided the assignment applies to a numbered contract, the authorized certifying officer will forward (under a letter of transmittal if different units are involved, or under a memorandum if he is located in the same office or unit) one copy acknowledged by the contracting officer and one copy acknowledged by the surety (or sureties), if any, to the office holding the original contract (see § 118.02–10). Copy of the letter or memorandum of transmittal shall be forwarded to the contracting officer for his information and files. These acknowledgments will be attached to the original contract file and held available for audit by the General Accounting Office and/or the Audit Division, Office of the Comptroller, Coast Guard. It will not be necessary to forward a copy of the notice of assignment acknowledged by the authorized certifying officer for attachment to the file containing the original contract. When the acknowledged copies are forwarded to the office holding the original contract, notices of assignment will not be required with the Voucher and Schedule of Payments (Form CG–3092). However, in the case of purchase documents not numbered in the regular contract series (see § 118.02–11) and orders issued under a regular numbered contract, when the individual order rather than the entire contract is assigned, the required copies of the notice of assignment will be submitted attached to the Voucher and Schedule of Payments (Form CG–3092). The authorized certifying officer will retain one copy of each of the notices of assignment acknowledged by the contracting officer, the authorized certifying officer, and the surety (or sureties), if any.

(ii) *Payments.* When payments under a contract have been properly assigned, payments may be made only to the designated assignee. Under no circumstances will payment be made to other than the designated assignee after receipt of the notice of assignment by the authorized certifying officer. If the notice is received by the authorized certifying officer but the assignee fails to comply with all requirements as to furnishing documents, payments will be withheld until the required papers are received.

(6) *Notation on file copies of contract.* A notation of the assignment, giving the name and address of the assignee and the date upon which the contracting officer received the assignment and notice thereof from the assignee, shall be entered upon each copy of the contract in the files of the Coast Guard. The notation shall also be completed to state: "Assignment Approval (or Disapproval) by Commandant _____, 19...." The information necessary to complete the above statement will be furnished by the contracting officer as indicated in subparagraph (3) of this paragraph.

(c) *Liability of assignee.* In any case in which moneys due or to become due under any contract are or have been assigned, no liability of any nature of the assignor to the United States or any department or agency thereof, whether arising from or independently from the contract, will create or impose any liability on the part of the assignee to make restitution, refund, or repayment to the United States of any amount received by the assignee since July 1, 1950, under the assignment.

PART 120—BONDS AND GUARANTIES

Subpart 120.01—Bid Guaranties

Sec.
120.01–1 Purpose of bid guaranties.
120.01–2 Form of guaranty.
120.01–3 Custody and return of bid guaranties.

Subpart 120.02—Performance and Payment Bonds

120.02–1 Purpose of performance and payment bonds.
120.02–2 When bonds are required.
120.02–3 Penal sum of performance bonds.
120.02–4 Penal sum of payment bonds.
120.02–5 Standard forms to be used.
120.02–6 Contracting officers authorized to examine and approve bonds.

AUTHORITY: §§ 120.01–1 to 120.02–6 issued under 62 Stat. 21, 41 U. S. C. 151–161.

SUBPART 120.01—BID GUARANTIES

§ 120.01–1 *Purpose of bid guaranties.* The purpose of a bid guaranty is to assure that the bidder will execute a contract in the event of acceptance of his bid. A bid guaranty may be required at the discretion of the contracting officer when proposals involving formal contracts are solicited. When bid guaranties are required, they shall be taken in the penal sum of 5 percent of the bid price.

§ 120.01–2 *Form of guaranty.* The bid guaranty may be furnished in any one of the following forms:

(a) Standard Form 24 (Bid Bond) executed by an authorized bonding company (corporate surety).

(b) Standard Form 24 (Bid Bond) executed by two responsible persons (individual sureties). Neither the bidders themselves nor their employees, agents or partners may act as guarantors for the corporation if qualified by their individual property interests, exclusive of the stocks and bonds of the corporation.

(c) A certified check made payable to the Treasurer of the United States.

(d) United States bonds or notes in a sum equal at their par value to the required amount of the guaranty may be accepted in lieu of the guaranty if accompanied by a power of attorney in the form set out in the latest edition of Treasury Circular 154, authorizing the contracting officer to collect or sell such bonds in the case of default.

§ 120.01–3 *Custody and return of bid guaranties.* (a) United States bonds or notes, or certified checks, shall not be negotiated by field contracting officers, even in cases of default, except on directions from the Commandant (F). They will be retained in the custody of the contracting officer but will not be taken into official Treasury accounts.

(b) United States bonds, notes, and certified checks which are received with bids which are rejected shall be returned to the unsucessful bidders without delay after award of the items covered by their bids.

(c) United States bonds, notes, and certified checks received with a bid which is accepted shall be retained until the covering contract and related surety bonds are in hand; then they shall be returned to the bidder without delay. However, if the bidder so requests, the bonds, notes or checks may be retained and be applied as part of the requisite performance bonds on his contract.

(d) When United States bonds, notes or certified checks are returned to bidders by hand to hand delivery, proper receipts will be obtained and filed in the contracting office; in other cases they shall be returned by registered mail and the receipt filed in the contracting office.

(e) Standard Form 24 (Bid Bond) forms part of the pertinent bid and shall remain affixed to the bid.

SUBPART 120.02—PERFORMANCE AND PAYMENT BONDS

§ 120.02–1 *Purpose of performance and payment bonds.* The purpose of a performance bond is to assure that the contractor will perform the work required under the contract. The purpose of a payment bond is to protect employees and suppliers of materials engaged on a contract to assure that they will receive monies due them from the contractor.

§ 120.02–2 *When bonds are required.* Performance bonds and payment bonds shall be required in connection with all formal contracts for construction work (including repairs and alterations) when the amount of the contract is for $2,000 or more. This bond requirement for construction work applies to contracts for construction and/or repairs of vessels, shore structures, and aids to navigation. Performance bonds may also be required in connection with supply contracts when in the judgment of the contracting officer such a bond is required to protect the interests of the Government. A payment bond may also be required by the contracting officer in connection with a supply contract. The use of performance and payment bonds in connection with supply contracts is discretionary with the contracting officer, although good business judgment requires that all contracts for amounts in excess of $25,000 should be covered by bonding requirements.

§ 120.02–3 *Penal sum of performance bonds.* In such amount as in the exercise of sound judgment of the contracting officer will adequately protect the Government. However, performance bonds for construction contracts shall be in the penal sum fixed for payment bonds.

§ 120.02–4 *Penal sum of payment bonds.* (a) 50 percent of the contract price where the contract is for $1,000,000 or less.

(b) 40 percent of the contract price where the contract exceeds $1,000,000 but is less than $5,000,000.

(c) $2,500,000 where the contract price is $5,000,000 or more.

§ 120.02–5 *Standard forms to be used.* All performance bonds will be executed on Standard Form No. 25, and all payment bonds shall be executed on Standard Form No. 25–A.

§ 120.02–6 *Contracting officers authorized to examine and approve bonds.* Upon receipt of a bond given in support of a contract, the contracting officer shall ascertain that the bond tendered is in the penal sum required and that it properly describes the contract in support of which it was given. The contracting officer shall exercise caution to ascertain that the attorney-in-fact who executes a bond furnishes evidence to support his authority to execute the obligation. It is not necessary to refer the bond to the Commandant for approval prior to execution of the contract, provided the contracting officer makes the required examination as to sufficiency of amount, contract description, and authority of signature.

Dated: January 27, 1954.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 54-710; Filed, Feb. 2, 1954; 8.49 a. m.]

No. 23——7

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BAYOU LACASSINE, LA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of certain drawbridges where constant attendance of draw tenders is not required over navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River its tributaries and outlets is amended, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(j) *Waterways discharging into the Gulf of Mexico west of the Mississippi River.* • • •

(13–a) Bayou Lacassine, La.; Texas and New Orleans Railroad Company bridge near Hayes. At least 24 hours' advance notice required.

• • • • • •

[Regs., Jan. 4, 1954, 823-ENGWO] (28 Stat. 362, 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-711; Filed, Feb. 2, 1954; 8.49 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 24—SANITATION, HEALTH, AND QUARANTINE

PROHIBITED IMPORTATIONS

Pursuant to the authority vested in the Governor by Rule 119qq of Executive Order No. 4314 of September 25, 1925, as amended by Canal Zone Order No. 15 of July 15, 1948 (35 CFR 24.102), § 24.102b, as adopted by Governor's Regulation March 5, 1952, 17 F. R. 2389, and amended by Governor's Regulation of November 19, 1952, 17 F. R. 10559, is hereby amended to read as follows:

§ 24.102b *Prohibited importations of cattle, sheep, etc., and meats; inspection of animals of prohibited importation on vessels intending to transit—denial of permission to transit.* (a) The importation into the Canal Zone from any country listed in § 24.102a of cattle, sheep and other ruminants or swine, domestic or wild (including the docking in any Canal Zone port of any vessel having on board as sea stores or otherwise such live animals from any such country), or of fresh, chilled or frozen beef, veal, mutton, lamb, or pork, is prohibited, except that such prohibition shall not apply (1) to meats that are imported in hermetically sealed cans processed in such a manner that they do not contain infectious virus of the nature indicated, or (2) to cured or cooked meats, provided that all bones shall have been completely removed in the country of origin; that the meat shall have been held in an unfrozen, fresh condition for at least 3 days immediately following the slaughter of the animals from which it was derived; and that the meat shall have been thoroughly cured or shall have been thoroughly cooked and properly wrapped.

(b) No vessel having on board any animal or animals whose importation into the Canal Zone is prohibited under paragraph (a) of this section shall be permitted to transit the Canal until such animal or animals have been examined by appropriate health authorities of the Canal Zone Government. If, upon examination, any such animal or animals are found to be infected with a vesicular disease, or otherwise show symptoms characteristic of either foot and mouth disease or rinderpest, such vessel may be denied permission to transit the Canal.

(Sec. 1, 39 Stat. 527, as amended; 2 C. Z. Code 371, 372, 48 U. S. C. 1310)

Issued at Balboa Heights, Canal Zone, January 26, 1954.

[SEAL] J. S. SEYBOLD,
Governor of the Canal Zone.

[F. R. Doc. 54-695; Filed, Feb. 2, 1954; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10802]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing Television Broadcast Stations; Docket No. 10802.

1. The Commission has under consideration its notice of proposed rule making issued on December 11, 1953 (FCC 53–1629), and published in the FEDERAL REGISTER on December 10, 1953 (18 F. R. 8248), proposing to assign Channel 18 to Zanesville, Ohio, as requested by the Southeastern Ohio Television System in a petition filed November 6, 1953.

2. The time for filing comments in this proceeding expired January 11, 1954. No comments have been filed opposing the proposed amendment. In support of its request petitioner states that it is the permittee of Station WHIZ-TV operating on Channel 50 in Zanesville, Ohio, and that the station is not providing acceptable service in the areas which it expected to serve based on the predictions prepared in accordance with the Commission's rules. Petitioner urges that because of better receiver sensitivity and propagation characteristics at a lower UHF channel it could best serve the rugged and hilly areas in question by the utilization of a channel lower than Channel 50.

3. In the Sixth Report and Order, the Commission concluded that there was no basis in the record to distinguish between channels in the UHF band for the purpose of establishing a table of assignments. (See paragraph 337.) Petitioner concedes that in the present state of the art it is not possible to determine the precise improvement in coverage that could be expected from the use of higher powers or from the use of a lower UHF channel. The Commission is still of the view that no distinction should be made among the UHF channels for assignment purposes. Moreover, it is noted that petitioner's request to take into account local terrain factors and asserted differences between high and low channels does not comply with the requirements of § 3.686 of the rules for effecting general rule changes. However, in view of the fact that Channel 18 may be assigned to Zanesville without making any other changes in the table and that such additional assignment would bring the number of assignments in Zanesville in substantial conformance with the number accorded communities of similar size and importance, it is proposed that this additional assignment be made.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That effective 30 days after publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules governing television broadcast stations is amended as follows:

City:	Channel No.
Zanesville, Ohio	18—, 50+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: January 27, 1954.

Released: January 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-715; Filed, Feb. 2, 1954; 8:50 a. m.]

[Docket No. 10623]

PART 9—AERONAUTICAL SERVICES

LIGHTER-THAN-AIR CRAFT FREQUENCIES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of January 1954.

The Commission having under consideration its proposal in the above entitled matter which would amend Part 9 of its rules in order to permit the United States to put into effect certain portions of the Atlantic City (1947) Table of Frequency Allocations in accordance with the provisions of the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951), by deleting from § 9.315 the frequencies 6615 kc. and 11,910 kc. as frequencies available for assignment to lighter-than-air craft and to aeronautical stations serving lighter-than-air craft; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notice of proposed rule making in this matter, which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on August 13, 1953 (18 F. R. 4838) and that the period provided for the filing of comments has now expired; and

It further appearing, that no objections to the proposed amendment have been received; and

It further appearing, that the proposed amendment is in accordance with the authority contained in sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective March 22, 1954, § 9.315 of the Commission's rules governing aviation services is amended by deleting therefrom the frequencies 6615 kc. and 11,910 kc.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-716; Filed, Feb. 2, 1954; 8:50 a. m.]

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

PARTICULAR SPECIFICATIONS TO BE USED FOR OBSTRUCTION MARKING AND LIGHTING

The Commission having under consideration the desirability of making certain editorial changes in § 17.22 (c) of its rules and regulations; and

It appearing, that § 17.22 (c) of the rules has been consistently applied by the Commission to require the installation of obstruction markings necessary to promote safety to air navigation pursuant to the Commission's responsibility under section 303 (q) of the Communications Act of 1934, as amended, where painting or lighting is inadequate or otherwise infeasible; and

It further appearing, that in spite of this consistent interpretation, certain licensees have, nevertheless, alleged that § 17.22 (c) is ambiguous with reference to the requirements of obstruction marking other than painting and lighting, and

It further appearing, that certain editorial changes in the provisions of § 17.22 (c) would eliminate the alleged ambiguity and express the Commission's intent in the matter with absolute clarity, and

It further appearing, that the amendment adopted herein is editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately; and

It further appearing, that the amendment adopted herein is issued pursuant to authority contained in section 4 (i), 5 (d) (1) and 303 (q), (r) of the Communications Act of 1934, as amended;

It is ordered, This 27th day of January 1954, that effective immediately, § 17.22 (c) of the Commission's rules and regulations is revised as set forth below:

(c) However, where antenna installations are of such a nature that their painting and lighting in accordance with these specifications are confusing or endanger rather than assist airmen or are otherwise inadequate, the Commission will specify the type of painting and lighting or other marking to be used in the individual situation.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: January 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-717; Filed, Feb. 2, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

[Docket No. AO-225-A4]

HANDLING OF MILK IN DETROIT, MICHIGAN MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Detroit, Michigan, on July 27-28, 1953, pursuant to notice thereof which was issued on July 11, 1953 (18 F. R. 4071).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Assistant Administrator, Production and Marketing Administration, on November 20, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the

FEDERAL REGISTER on November 26, 1953 (18 F. R. 7540).

The material issues and the findings and conclusions of the recommended decision (18 F. R. 7540; F. R. Doc. 53-9956) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following revisions:

1. In the fourth sentence of the first paragraph beginning in Column 2, page 7541, delete the phrase "provision requiring" and substitute therefor the word "fact".

2. In column 3, page 7543, the third paragraph should be changed to read as follows:

(5) *Class prices.* The rate of the location adjustments which applies as a credit to handlers on milk moved for Class I use and to milk delivered by producers to country plants should be changed to a rate of 1 cent per 10 miles at distances of more than 50 miles instead of 1 cent per 8 miles at distances of more than 49 miles and should progress indefinitely instead of reaching a maximum of 26 cents, no location adjustment should be allowed on milk disposed of as Class I from plants located within the marketing area, the Class II price provisions should not be changed, and no credit should be allowed on such quantities of Class II milk as it may be necessary for a handler to move from the point of delivery by producers to manufacturing plants.

3. On page 7544 delete the second paragraph beginning in Column 1 and substitute therefor the following:

An alternative proposal was offered by Michigan Milk Producers Association. It would modify the zone schedule for distances of 51 miles or over by using a rate of 1 cent for each additional 10 miles. The proponent association transports a greater volume of milk than any other firm in the market. Essentially the same rates as are now specified in the order have been in effect for about 12 years. During that time experience has shown that increases in wage rates and other costs have been more than offset by other operating economics, and the association charges two cents less than the established rates to city plants which purchase substantially their full supply, in tank load lots. This experience clearly demonstrates the desirability of reducing the rate of location adjustments.

No data were presented on point-to-point costs of transporting milk. It appears most logical, however, to make the rate reduction effective uniformly at all distances beyond the first zone. For the sake of convenience the outer-boundary of the first zone is extended one mile to include plants located more than 34 miles but less than 50 miles instead of less than 49 miles, there being no plants located in the area affected by this change.

In the first zone the initial costs of providing equipment, loading, unloading, and driving through comparatively heavy traffic are reflected in the 14-cent rate. Beyond that zone the difference in cost is primarily that of driving additional distances over open highway and it is this rate which is reduced by increasing the zone distances to 10 miles per one cent.

4. Change the last sentence beginning in column 1, page 7544, to read as follows: "To properly price milk at the more distant location, the revised rate of 1 cent per each additional 10 miles should progress in like manner to include any distance at which a handler's plant may be qualified."

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of November 1953, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Detroit, Michigan, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 29th day of January 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area

§ 924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Detroit, Michigan, on July 27-28, 1953, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 924.6 (b) delete the phrase "or of Wayne County".

2. Add a paragraph "(c)" to § 924.6 as follows:

(c) A cooperative association with respect to milk customarily received by a handler, as described under paragraphs (a) or (b) of this section, which is diverted to a person not a handler for the account of the association.

3. In § 924.41 (a) insert following the phrase "all skim milk" the following: "(including the skim milk equivalent of concentrated products)".

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

4. Amend § 924.41 (b) to read as follows:

(b) Class II utilization shall be all skim milk and butterfat (1) disposed of for fluid consumption as sweet or sour cream or any mixture of cream and milk or skim milk containing 10 percent or more of butterfat; (2) used to produce sterilized flavored milk drinks, ice cream or ice cream mix, cheese (including cottage cheese), dried whole milk, nonfat dry milk solids, evaporated or condensed whole or skim milk, sweetened or unsweetened, disposed of in bulk or in hermetically sealed cans, eggnog, butter; (3) disposed of as livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion within 18 hours) by the market administrator; (4) in shrinkage of producer milk up to 2 percent of receipts from producers; or (5) in shrinkage of other source milk.

5. Change § 924.43 (c) to read as follows:

(c) Producer milk transferred in bulk by a cooperative association to a plant as described in § 924.6 (a), except a plant as described in § 924.101, shall be deducted before classification of producer milk at the transferor's plant and shall be included in producer milk classified at the plant of the transferee handler.

6. In § 924.46 (a) change the reference to "§ 924.41 (c) (3)" to read "§ 924.41 (b) (4)".

7. In § 924.60 (a) change the phrase "Subject to paragraph (c)" to read "Subject to paragraphs (b) and (c)" and change the reference to "§ 924.46 (c)" to read "§ 924.46 (e)".

8. Amend § 924.60 (c) to read as follows:

(c) A handler who operates a plant as described in § 924.6 (b) (or § 924.6 (a) and located more than 34 miles by shortest highway distance from the boundary of the market area) and who disposes of, from such plant for Class I utilization (other than to a handler), milk received from producers, and a handler who receives at a plant described in § 924.6 (a) producer milk moved in bulk from a plant described in § 924.6 (b) (or § 924.6 (a) and located more than 34 miles by shortest highway distance from the boundary of the marketing area), which milk is utilized as Class 1 (prorating to such milk the utilization of all producer milk received at the plant) shall receive a credit with respect to milk so disposed of or so received and utilized at a rate determined by the market administrator as follows:

Shortest road distance from Detroit City Hall:	*Rate per hundredweight*
More than 34 miles but not more than 50 miles	$0.14
More than 50 miles but not more than 60 miles	.15

Add 1 cent for each 10 miles or fraction thereof over 60 miles.

9. Amend § 924.62 (b) to read as follows:

(b) Subtracting not less than 6 cents nor more than 7 cents.

10. In § 924.64 (e) delete the first sentence and substitute therefor the following: "Subtract not less than 6 cents nor more than 7 cents."

11. Add a paragraph (e) to § 924.70 as follows:

(e) A producer who does not forfeit his base pursuant to § 924.71 (c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122.

12. Amend § 924.71 (b) (2) to read as follows:

(2) Bases may be held jointly and if such joint holding is terminated the base may be transferred as specified in writing to the market administrator.

13. Add a subparagraph (3) to § 924.71 (b) as follows:

(3) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership.

14. Amend § 924.71 (c) to read as follows:

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base without loss for six months.

15. In § 924.72 insert after the phrase "first day of the month" the phrase "specified but not earlier than the first day of the month".

16. Delete the period at the end of § 924.10, and add the following: "and shall include the skim milk equivalent of concentrated products classified as Class I pursuant to § 924.41 (a)."

[F. R. Doc. 54-734; Filed, Feb. 2, 1954; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 10869]

PRACTICE AND PROCEDURE

ESTABLISHMENT OF FEES FOR COMMISSION'S LICENSING AND SIMILAR ACTIVITIES

1. Notice is hereby given of rule making in the above entitled matter.

2. Pursuant to the provisions of the Independent Offices Appropriation Act of 1952 (5 U. S. C., sec. 140), set out in Appendix A below, Congress has stated that work performed by Government agencies in connection with the issuance of franchises, licenses, permits, certificates, registrations and the like for any person, except those engaged in the transaction of official business of the Government should, to the full extent possible, be self-sustaining. In order to bring about the accomplishment of this objective, section 140 of Title 5 authorizes the head of each agency to prescribe by regulation such fees and charges as he shall determine to be fair and equitable "taking into consideration direct and indirect costs to the Government, value to the recipient, public policy or interest served, and other pertinent facts."

3. The enabling legislation referred to above also provides that the fees and charges shall be as uniform as practicable throughout the Government and shall be subject to such policies as the President may prescribe. In view of this provision, the Commission refrained from taking any action looking toward the establishment of a schedule of fees, pending consideration of the matter on an over-all Government basis by the Bureau of the Budget operating in behalf of the President. Such a study has now been completed, and the Bureau of the Budget has issued Circular No. A-25 relating to "Fees for licensing, registration, and related activities" which sets out, in some detail, uniform standards to be applied by the various departments and agencies of the Government in implementing the provisions of section 140, Title 5 of the United States Code.

4. The attached proposed schedule of fees for the various Commission licensing activities has been drafted in compliance with the provisions of the Budget Bureau Circular. In order that interested parties may be advised as to the basis upon which the proposed schedule of fees has been prepared, the following information is provided:

(a) The Commission has determined that all of its activities including the issuance, renewal, modification, transfer, or termination of any license or certificate must be characterized as licensing activities for which appropriate fees shall be charged with the exception of the enforcement activities of the Field Engineering and Monitoring Bureau and, to a limited extent, in the Broadcast and Safety & Special Radio Services Bureaus as well, and with the exception of the non-certification common carrier regulatory activities performed by the Common Carrier Bureau. And, in accordance with the policy of both the Congress and the over-all government program, the Commission's licensing activities for which reimbursement charges are to be levied include both the direct and indirect costs of such activities. It has been determined that during the Fiscal Year 1953 approximately 45 percent of the Commission's entire expenditures were in fact directly or indirectly related to licensing activities. This percentage of the Commission's budget has been utilized as the full cost recovery base from which the fees set forth in the attached schedule have been derived.

(b) In determining the proper groups or categories of licensing fees the Commission has made use of the primary functional divisions into which the Commission has been organized and has calculated separate fees for the licensing activities of each of the 4 functional bureaus as well as for the special licensing activities in the Office of the Chief Engineer. By such a segregation it has been possible to avoid any subsidization of one type of licensing activity by another. At the same time, where personnel of one of the Commission's bureaus have performed services which are related to the licensing functions for which another bureau bears primary responsibility, the expenditures for such activities have, for purposes of the attached schedule, been allocated to the licensing functions of the latter bureau. Thus, the antenna survey and initial inspection activities of the Field Engineering and Monitoring Bureau, which are directly related to the licensing of broadcast stations, have been included in calculating the expenses of processing broadcast applications. Similarly, the expenses of such separate offices of the Commission, as the Office of Opinions and Review and Office of Hearing Examiners, have been allocated among the various functional bureaus at a ratio approximating our budget estimates as to the relative amount of time spent by such offices on the several types of licensing activities.

(c) Within each bureau the Commission has endeavored to avoid any undue multiplicity of separate charges. It has done this both upon the belief that such general grouping of related and similar licensing activities will aid both the Commission and the affected parties in complying with the new provisions with a minimum amount of additional time and effort, and because of our recognition that no accurate allocation of exact costs between the various sub-categories of the Commission's licensing activities is possible. Accordingly, and in conformity with the provisions of the Budget Bureau's Circular, fees for different services within each particular bureau have been limited to a few broad comparable classes of actions.

(d) In the attached schedule no direct fees are proposed with respect to the institution of rule making proceedings; the cost of such proceedings has been considered as a portion of the normal costs of license processing in the areas covered by such rules. Moreover, no fees are proposed to be charged with respect to revocations or modifications of station licenses or suspension of operators' licenses initiated by the Commission. Finally, it is proposed to exempt from the category of applications for which a fee will be charged for processing, applications having as their sole objective the modification of existing licenses to conform with the requirements of the EARC program. This latter exception was made because the Commission believes it would manifestly not be in the public interest to penalize persons who voluntarily cooperate with the Commission in carrying out the EARC program, or similar programs, when no fees would be assessed against those persons who refuse such voluntary cooperation and are required to modify their licenses on the basis of action initiated by the Commission itself.

(e) With the exceptions indicated in the paragraph above it is proposed to charge a fee in connection with all licensing activities of the Commission. In all cases the fees have been calculated upon the basis of recovering approximately the full costs involved in carrying out the particular licensing activity in question.

5. *Proposed schedule for broadcast services.* It is proposed to divide all applications for authorizations in the broadcast services into two categories. For the first of these categories, involving major analysis and action by the Commission a fee of three hundred twenty-five dollars ($325) would be charged. For all other applications in the broadcast services a fee of fifty dollars ($50) would be charged.

A. Major broadcast applications; fee $325.

(1) AM, FM, and television facilities; applications for:

(a) Construction permits for new stations.

(b) Modification of construction permits or modification of licenses involving any of the following types of action:

i. Change in station power.

ii. Change in station frequency.

iii. Change in station location.

iv. Change in mode of operation (including any change in the antenna pattern or hours of operation).

(c) Licenses to cover new stations or modifications of construction permits listed under (b) above.

(d) Renewals of licenses.

(e) Assignment or transfer of permits or licenses.

(f) Special Service Authorizations covered by § 1.325 of the Commission's rules.

(2) International broadcast stations—applications for:

(a) Construction permits for new stations.

B. Minor broadcast applications; fee $50.

(1) All applications relating to auxiliary broadcast stations (Part 4 of the Commission's rules).

(2) All applications with respect to international broadcast stations, except applications for construction permits for new stations.

(3) All applications for construction permits, or for modification of construction permits, or licenses for AM, FM, and television stations other than those listed in "A" above.

(4) Applications under section 325 (b) of the Communications Act of 1934, as amended.

6. *Proposed schedule of fees for Safety and Special Radio Services.* It is proposed that a fee of ten dollars ($10) be charged for the processing of all types of applications in these services including original applications, renewals, modifications, etc., with the exception of applications in the Amateur, Disaster, and RACES services, for which a charge of three dollars ($3) will be assessed. The three dollar charge with respect to the amateur service is for each application filed whether for station license, operator license, change of address, renewal, etc., or any combination thereof. The lesser fee for the processing of applications in the Amateur, Disaster, and RACES services is because the Commission believes that it would be contrary to the public interest, to require applicants therefor to pay the full amount that would be required if applications in such services were grouped, for purposes of this notice, with the other services coming within the jurisdiction of the Safety and Special Radio Services Bureau.

7. *Proposed schedule of fees for experimental services.* It is proposed that a fee of twenty dollars ($20) be charged for the processing of all applications, both formal and informal, filed in this service in accordance with the provisions of Part 5 of the Commission's rules.

8. *Proposed schedule of fees for type acceptance and approval.* It is proposed that a fee of one hundred dollars ($100) be charged for each application for type acceptance of equipment; that a fee of six hundred dollars ($600) be charged for all applications for type approval filed in accordance with Part 18 of the rules, and that a fee of fifteen hundred dollars ($1,500) be charged for the processing of any application for type approval covered by Parts 3, 8, or 19 of the Commission's rules.

9. *Proposed schedule of fees for operator licenses.* It is proposed that a fee of three dollars ($3) be charged in connection with the processing of all applications for commercial operator licenses regardless of class, including original applications, applications for renewal either by examination or by service under waiver of § 13.28 of the rules, requests for duplicate licenses, endorsement on all outstanding licenses, and verification cards requested at any time other than upon the issuance of a license or a renewal thereof. It is also proposed that a fee of three dollars ($3) be charged for processing an application for a restricted radio telephone operator's license.

10. *Proposed schedule of fees for ship inspections.* It is proposed to charge a fee of thirty dollars ($30) for each application filed for the following type ship inspections even though an inspector may be required to visit a ship more than once before a certificate is issued:

(a) U. S. Compulsory Ocean-going Telegraph.

(b) U. S. Compulsory Ocean-going Telephone.

(c) U. S. Compulsory Great Lakes Telephone.

(d) Foreign Compulsory Ocean-going Telegraph and Telephone.

(This does not change in any way the existing requirement under section 4 (f) (3) of the Communications Act, as Amended, that the U. S. Government be reimbursed for extra compensation resulting from overtime services in connection with ship inspections.)

11. *Proposed schedule of fees for Common Carrier services.* It is proposed to charge the following fees in the Common Carrier services:

(a) Applications filed by telephone companies under section 221 of the Act for acquisitions, consolidations, etc.	$350
(b) Formal applications filed by telephone companies under section 214 of the Act for the construction or extension of a line	150
(c) Applications for exemptions from Commission jurisdiction under Title II of the Act	150
(d) All other applications filed by common carriers under Titles II and III of the Act, except applications filed by carriers under Parts 7, 8, 10, and 14 of the Commission's Rules and Regulations which are covered by the fees set forth in the schedule of fees for the Safety and Special Radio Services	30

12. It is contemplated that this schedule be revised biennially, and adjustments made where necessary to conform the fees charged to actual experience in the light of new or changed circumstances.

13. Each application for which a fee is prescribed must be accompanied by a remittance in the full amount of the fee. In no case will an application be accepted for filing or processed prior to payment

of the full amount specified. Applications for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant.

14. Provision will be made for a Cashier's Office to be located in the Commission's Offices in Washington, D. C., for the purpose of accepting application fees presented in person or submitted through the mail. Applications received in Washington will be processed through the cashier's office and stamped with the amount received prior to being forwarded to the appropriate bureau or staff office for further handling. Such payments may be made in United States legal tender, Domestic or International Postal Money Orders, or checks payable to the Federal Communications Commission. All fees collected will be paid into the United States Treasury as miscellaneous receipts in accordance with the provisions of section 140 of Title 5 of the U. S. Code.

15. For the convenience of applicants presenting applications at field offices in person or by mail, arrangements will also be made for the acceptance of money orders and checks at such field offices, and in payment for such types of applications, as provided for in the Commission's rules.

16. Receipts will not be issued for payments sent through the mails. The money order procedure provides a receipt and canceled checks constitute a receipt for payments made in this manner. Receipts will be furnished upon request only in the case of payments made in person. The sending of cash through the mails is done entirely at the risk of the sender.

17. No refunds of fees will be made except in the case of payments in excess of the fee prescribed in the Commission's rules.

18. No radio operator examinations will be given prior to filing of an application and payment of the proper fee at an appropriate Commission office. Such applications and fees will only be accepted at District and Sub-District offices. They will not be accepted at quarterly, semiannual or annual examination points in cities other than those in which District and Sub-District offices are located.

19. The proposed amendments to the rules are issued pursuant to section 4 (i) of the Communications Act, section 140 of Title 5 of the U. S. Code, and Budget Bureau Circular A-25.

20. Any interested party who is of the opinion that the proposed amendments should not be adopted in the form set forth herein and any person desiring to support this proposal may file with the Commission on or before April 1, 1954, a written statement or brief setting forth his comments; replies to such comments may be filed within 10 days from the last date for filing original comments. The Commission will consider all comments and briefs presented before taking final action in this matter.

21. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: January 27, 1954.

Released: January 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION.[1]

[SEAL] WM. P. MASSING,
Acting Secretary.

APPENDIX A

(5 U. S. C., Sec. 140)

It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts: Provided, that nothing contained in this Title shall repeal or modify existing statutes prohibiting the collection, fixing the amount, or directing the disposition of any fee, charge or price; Provided further, that nothing contained in this title shall repeal or modify existing statutes prescribing bases for calculation of any fee, charge or price, but this proviso shall not restrict the redetermination or recalculation in accordance with the prescribed bases of the amount of any such fee, charge or price.

[F. R. Doc. 54-712; Filed, Feb. 2, 1954; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 10888]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rulemaking in the above-entitled matter.

2. The Commission has before it a petition filed on December 29, 1953, by the Hills Broadcasting Company, Rapid City, South Dakota, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments* rules governing television broadcast stations as follows:

City	Channel No.	
	Present	Proposed
Rapid City, S. Dak.	7+, 15—	3+, 7+, 15—

[1] Separate views of Commissioner Hennock and concurring statement of Commissioner Bartley filed as part of the original document.

3. In support of its requested amendment, petitioner urges that because of the rugged nature of the terrain in the area that utilization of the UHF assignment provided by the Commission at Rapid City is not feasible. Further, it is asserted that the proposed change accords with the Commission's rules and that the additional assignment of Channel 3 to Rapid City would eliminate the need for a comparative hearing on Channel 7 and would thus make television service available in the area at a much earlier date. With respect to petitioner's contention that in view of the rugged terrain the utilization of a UHF channel in the area is infeasible, it should be noted that the Commission in the Sixth Report concluded that there were no reliable data and methods for evaluating the effect of rugged terrain on propagation of television assignments. Moreover, the Commission in § 3.686 of its rules provided explicit procedures for introducing data concerning measurements seeking to effect changes in our rules and standards. Accordingly, we find no merit in the contention of the petitioner with respect to the infeasibility of the utilization of the UHF channel. However, in view of the fact that Channel 3 may be assigned to Rapid City without making any other changes in the table and in conformance with our rules it is proposed that this additional assignment be made.

4. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before February 26, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: January 27, 1954.

Released: January 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-714; Filed, Feb. 2, 1954; 8:50 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 10887]

STATIONS ON LAND AND SHIPBOARD IN MARITIME SERVICES

TYPE ACCEPTANCE AND SPECIFIC LIMITATIONS FOR SPURIOUS EMISSIONS

1. Notice is hereby given of proposed rule making in the above entitled matter. The rules proposed to be adopted are set forth below.

2. A considerable amount of interference is being caused by harmonic radiation from ship transmitters. As an example, second harmonic radiation from ship transmitters operating on the inter-ship frequency 2738 kc is causing harmful interference on 5476.5 kc—aeronautical mobile frequency—and is a hazard to civil aviation. Furthermore, because of this interference it is not possible fully to use the frequency 5476.5 kc for aeronautical mobile communications in accordance with the terms of the E. A. R. C. agreement (Geneva, 1951). Failure to put into use 5476.5 kc naturally blocks the assignment of other frequencies and therefore constitutes a serious obstacle to the Commission's program of bringing into force the Atlantic City Table of Frequency Allocations pursuant to the timetable established in the E. A. R. C. Agreement.

3. Part 8 of the Commission's rules now contains a table of limitations for spurious emissions including harmonics. However, this table is applicable only to ship radiotelephone transmitters operating on frequencies above 30 Mc. In the interest of safeguarding aeronautical communication in particular and in order to minimize interference in general, it is proposed to extend (with certain relatively minor exceptions) the applicability of this table to all ship radiotelegraph and radiotelephone transmitters.

4. To facilitate the enforcement of this regulation, it is further proposed to require that all ship radiotelephone transmitters be type accepted by the Commission. Type acceptance is a form of approval given by the Commission which is based on the examination of certified test data submitted by the manufacturer or the licensee of the transmitter. It may be expected therefore, that the use of type accepted transmitters will ultimately substantially reduce the number of cases of interference. The proposed rules also provide for gearing in the existing requirements for an automatic modulation limiter to the type acceptance program.

5. Provision is made in the proposed rules for a transition period to permit manufacturers to bring their designs and production into line with the new requirements and to permit licensees to modify or replace non-complying equipment.

6. Changes are also made in § 8.138 to eliminate a reference to deleted § 8.136 and to provide a reference to the procedure to be followed in order to apply for type approval of ship radar equipment.

7. The proposed amendment is issued under the authority contained in sections 4 (i), 303 (c), (e), (f), and (r) of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before April 2, 1954, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing original comments. Interested persons supporting the proposed amendment may file statements or briefs in a similar manner. The Commission will consider all comments and briefs presented to it before taking final action in this matter.

9. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments should be furnished the Commission.

Adopted: January 27, 1954.

Released: January 28, 1954.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION.[1]
WM. P. MASSING,
Acting Secretary.

1. Sections 7.8 (e) and 8.7 (e) are amended to read as follows:

(e) *Spurious emission.* Any emission from a station at a frequency or frequencies outside a frequency band of emission authorized for that station. A frequency band of emission is a frequency band of which the two designated limiting frequencies are established by an emission bandwidth referred to a particular carrier frequency.[1a]

2. Section 8.108 is amended by revising the last sentence to read as follows: "Any spurious emissions shall be maintained at the lowest practicable level and in no event exceed the specific applicable limits set forth in Subpart E of this part."

3. Delete § 8.136 and substitute the following new text:

§ 8.136 *Spurious radiation limitations.* (a) Spurious emission from any transmitter authorized in a ship station license or marine utility station license (other than a developmental station license) with the exception of lifeboat portable and non-portable transmitters, shall, as a minimum, when operating in reference to assigned frequencies below 500 Mc, be attenuated as follows:

(1) Any emission appearing on a frequency removed from the carrier frequency by at least 50 percent but not more than 100 percent of the authorized emission bandwidth shall be attenuated not less than 25 decibels below the level of the unmodulated carrier.

(2) Any emission appearing on a frequency removed from the carrier frequency by at least 100 percent of the authorized emission bandwidth shall be attenuated below the level of the unmodulated carrier by not less than the amount shown in the following table:

Maximum authorized transmitter-power as specifically defined in § 8.7 (ii):	*Attenuation (decibels)*
3 watts or less	40
Over 3 watts up to and including 150 watts	60
Over 150 watts up to and including 600 watts	70
Over 600 watts	80

(b) If spurious emission causes harmful interference, the Commission may, in its discretion, require that the radiation be attenuated beyond the values set forth in paragraph (a) of this section to alleviate the interference.

4. Amend § 8.137 as follows:

a. Change paragraph (a) to read as follows:

(a) (1) In order to obtain type acceptance, each radiotelephone transmitter shall have incorporated a device that will automatically prevent modulation in excess of 100 percent. This requirement, however, shall not apply to transmitters with an authorized transmitter power of three watts or less.

(2) In the event the operation of any radiotelephone transmitter causes harmful interference to the service of any station by reason of over modulation, the Commission may, in its discretion, require that the use of such transmitter be discontinued until it has been provided with a device that will automatically prevent modulation in excess of 100 percent.

b. Amend paragraph (c) to read as follows:

(c) Each radiotelephone transmitter authorized in a ship station or marine utility station license (other than transmitters authorized solely for developmental stations) shall, in addition to meeting all other applicable requirements, comply with the following operating condition:

(1) When radiating class F1, F2, or F3 emission on each marine radiochannel within the frequency band 35 to 44 Mc, or within the frequency band 156.25 to 157.45 Mc with 100 percent modulation applied, the frequency deviation shall not exceed 15 kc.

5. Section 8.138 is amended by making the following changes:

a. At the end of the first sentence of paragraph (a) add the following: " • • • pursuant to the type approval procedure set forth in Part 2[1] of this subchapter."

b. Delete subparagraph (3) of paragraph (b).

6. A new § 8.139 is added to read as follows:

§ 8.139 *Acceptability of radiotelephone transmitters for licensing.* (a) Each radiotelephone transmitter author-

[1] Dissenting statement of Commissioner Geo. E. Sterling filed as part of the original document.

[1a] For the purpose of this definition, when a carrier is not present, a frequency normally coinciding with the center of the frequency band occupied by the emission is substituted therefor.

[1] The related rules of Part 2 are the subject of proposed rule making in Docket No. 10798.

ized in a ship station or marine-utility station license (other than transmitters authorized solely for developmental stations) must be type-accepted by the Commission except that:

(1) This requirement shall not become applicable to such radiotelephone transmitters for use and operation on frequencies below 30 Mc until requested to be authorized in an initial or renewed license granted by the Commission after December 31, 1954;

(2) This requirement shall not apply to any transmitter capable of operation exclusively at a frequency or frequencies above 30 Mc which was first authorized in a particular station license for use in the maritime mobile service granted in behalf of a particular licensee prior to November 1, 1952, when that transmitter is authorized in a ship station license or a marine-utility station license granted in behalf of the same licensee and has a date of expiration not later than December 31, 1954.

(b) Any manufacturer of a radiotelephone transmitter to be built in quantity for use in ship or marine-utility stations may request type acceptance for such transmitter by following the type acceptance procedure set forth in Part 2[1] of this subchapter. Such transmitter, if accepted, will be included on the Commission's "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing". Copies of this list are available for inspection at the Commission's office in Washington, D. C. and at each of its field offices.

(c) Type acceptance of a radiotelephone transmitter may also be requested by an applicant for related station authorization by following the type acceptance procedure set forth in Part 2[1] of this subchapter. Such transmitters, if accepted, will not normally be included on the Commission's "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing" but will be individually enumerated on the station authorization.

(d) Additional rules with respect to type acceptance are set forth in Part 2[1] of this subchapter. Those rules include information with respect to withdrawal of type-acceptance, modification of type-accepted equipment and limitations on the finding upon which type acceptance is based.

[F. R. Doc. 54-713; Filed, Feb. 2, 1954; 8:50 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. SA-288]

ACCIDENT OCCURRING NEAR SHREVEPORT, LA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 4949N, which occurred near Shreveport, Louisiana, on Janary 10, 1954.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on February 10, 1954, at 9:00 a. m. (local time) in the Washington Youree Hotel, 401 Edward Street, Shreveport, Louisiana.

Dated at Washington, D. C., January 26, 1954.

[SEAL] HAROLD G. CROWLEY, *Presiding Officer.*

[F. R. Doc. 54-729; Filed, Feb. 2, 1954; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CHIEF, SAFETY AND SPECIAL RADIO SERVICE BUREAU

DELEGATION OF AUTHORITY TO ACT ON CERTAIN CLASSES OF APPLICATIONS OR REQUESTS

In the matter of delegation of authority to the Chief, Safety and Special Radio Services Bureau to act on certain classes of applications or requests for exemption of ships from the radio provisions of section 352 (b) of the Communications Act and Chapter IV of the Safety Convention.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of January 1954;

The Commission having under consideration the above-captioned matter;

It appearing, that section 0.144 (d) of the Commission's rules authorizes the Chief, Safety and Special Radio Services Bureau or, in his absence, the Acting Chief of said Bureau, to act upon applications or requests for emergency and renewal exemptions of ships, and initial exemptions of ships of less than 100 gross tons, pursuant to the provisions of section 352 (b) of the Communications Act and Article 28 of the Safety Convention; and

It further appearing, that the reference in section 0.144 (d) to "Article 28 of the Safety Convention" is obsolete and should be modified to conform with the Safety Convention now in force; and

It further appearing, that from time to time the Commission has received applications for exemption filed in behalf of vessels participating in oil well drilling operations in the Gulf of Mexico, and that the routes and conditions of the voyages of the vessels, and other circumstances, in a number of subsequent cases have been substantially the same as those in cases previously decided by the Commission en banc; and

It further appearing, that in order to facilitate action upon applications for exemption for which a precedent has been set, it is appropriate that authority to take action with respect to such applications be delegated to the staff; and

It further appearing, that the amendment herein ordered is procedural and editorial in nature and therefore, compliance with the public rule making procedure prescribed by section 4 of the Administrative Procedure Act is not required and for the same reason the amendment may be made effective immediately;

It is ordered, Under authority contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended, that effective immediately, section 0.144 (d) of Part 0 of the Commission's rules is amended to read as follows:

(d) Applications or requests for exemption, pursuant to the provisions of section 352 (b) of the Communications Act and Regulation 5, Chapter IV of the Safety Convention, as follows:

(1) Emergency and renewal exemptions of ships;

(2) Initial exemptions of ships of less than 100 gross tons;

(3) Exemptions of ships operated in the Gulf of Mexico which participate in oil well drilling operations when the circumstances are substantially the same as those in precedent cases decided by the Commission en banc.

Released: January 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 54-727; Filed, Feb. 2, 1954; 8:52 a. m.]

[1] The related rules of Part 2 are the subject of proposed rule making in Docket No. 10798.

CHIEF, SAFETY AND SPECIAL RADIO SERVICES BUREAU

DELEGATION OF AUTHORITY TO ACT ON PETITIONS OR REQUESTS FOR WAIVER OF RULES IN CONFLICT WITH AN APPLICATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of January 1954;

The Commission having released an order on July 23, 1953, delegating authority to the Chief, Safety and Special Radio Services Bureau, to act on petitions for a waiver of or exception to the Commission's rules, and on January 7, 1954, having released an order delegating similar authority to the Chief, Common Carrier Bureau;

It appearing, that since the kind of action contemplated to be taken under the two above-mentioned orders is the same it is desirable that the differences between them be eliminated:

It is ordered, That the order released July 23, 1953 delegating authority to the Chief, Safety and Special Radio Services Bureau is rescinded and in lieu thereof, under the authority contained in section 5 (d) (1) of the Communications Act of 1934, as amended, effective immediately, authority is delegated to the Chief, Safety and Special Radio Services Bureau, to act upon petitions or requests seeking waiver of or exception to any rule, regulation or requirement relating to the services under his jurisdiction and to act upon petitions or requests relating to the assignment of frequencies to the various safety and special radio services but requiring action under § 2.103 of the rules, when he finds that the operation for which permission is sought (1) is of a non-recurring nature and does not warrant a rule making proceeding with a view to establishing it on a regular basis, (2) will not exceed 90 days, and (3) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation shall not apply to requests for renewals of any authority to operate granted hereunder: *Provided, however*, That none of the foregoing limitations shall apply to petitions or requests for waiver of or exception to any requirement set forth in §§ 12.27, 12.44, 12.81, 12.91 and 12.111, the latter section only to the extent that it applies to types of emission, of the Commission's rules governing Amateur Radio Service.

Released: January 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 54-728; Filed, Feb. 2, 1954; 8:52 a. m.]

[Docket No. 10636]

AERONAUTICAL STATIONS SERVING LIGHTER-THAN-AIR CRAFT STATIONS OPERATING ON CERTAIN FREQUENCIES

ORDER MODIFYING LICENSES

In the matter of modification of licenses of aeronautical stations serving lighter-than-air craft stations, now operating on the frequencies 6615 kc. and 11,910 kc.; Docket No. 10636.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of January 1954;

The Commission, having under consideration its proposal in the above entitled matter which would bring into force certain portions of the International Radio Regulations (Atlantic City, 1947) in accordance with the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951); and

It appearing, that on August 5, 1953, the Commission, pursuant to section 316 of the Communications Act of 1934, as amended, adopted an order which directed the licensees of aeronautical stations serving lighter-than-air craft on the frequencies 6615 kc. and 11,910 kc. to show cause, on or before September 4, 1953, why their aeronautical land and aeronautical fixed station licenses should not be modified as of October 1, 1953, by having the above-mentioned frequencies deleted therefrom; and

It further appearing, that the frequencies 6615 kc. and 11910 kc. are not to be replaced with frequencies which may be assigned solely for lighter-than-air operations since the Aeronautical Mobile (R) frequencies are to be available for assignment to lighter-than-air craft and to aeronautical stations serving lighter-than-air craft in the same manner and extent as they will be available for assignment to other aeronautical land and aircraft stations; and

It further appearing, that on August 7, 1953, a copy of the show cause order was sent by regular mail to Aeronautical Radio, Inc., the sole licensee of aeronautical land and aeronautical fixed stations serving lighter-than-air craft stations on the frequencies 6615 kc. and 11910 kc.; and

It further appearing, that Aeronautical Radio, Inc., filed a timely answer to the show cause order which states that no objection is offered to the deletion of the frequency 11910 kc. from the licenses of all its aeronautical stations, both land and fixed, serving lighter-than-air craft stations; or, (2) the deletion of the frequency 6615 kc. from the licenses of all its aeronautical stations, both land and fixed, serving lighter-than-air craft stations with the exception of eleven aeronautical stations (KQM5, KMA3, KQA6, KQM6/7/8/9, KQN2/3/4/5) in the Los Angeles, California and Suffield, Ohio, areas; and

It further appearing, that Aeronautical Radio, Inc., states that there is a continuing operational requirement for a 6 megacycle frequency by the eleven aeronautical stations mentioned above in order to provide an adequate communication service to lighter-than-air craft stations and, therefore, objects to the deletion of 6615 kc. from the licenses of those stations as of October 1, 1953, and for an indefinite period thereafter, pending the availability of appropriate Aeronautical Mobile (R) Service, 6 megacycle frequencies, which could provide service to lighter-than-air craft, by shared use as needed, with the general aeronautical mobile services; and

It further appearing, that in view of the continuing operational requirement for a 6 megacycle frequency by the above mentioned aeronautical stations, the request of Aeronautical Radio, Inc., is reasonable;

It is ordered, That, effective March 22, 1954, the licenses of all aeronautical and aeronautical fixed radio stations serving lighter-than-air craft stations be modified by deleting therefrom the frequency 11,910 kc; and

It is further ordered, That, effective March 22, 1954, the licenses of the following aeronautical enroute and aeronautical fixed stations serving lighter-than-air craft be modified by deleting therefrom the frequency 6615 kc:

Licensee	Call letters	Location
Aeronautical Radio, Inc.	KMC8	Culver City, Calif.
	KMB9	Long Beach, Calif.
	KMA22	Los Angeles, Calif.
	KQE28	Suffield, Ohio.
	KMA4	Mobile.
	KMA5	Do.
	KQA37	Do.
	KQE29	Do.
	KQE30	Do.
	KQE31	Do.
	KQE32	Do.
	KQE33	Do.
	KQE34	Do.
	KQE35	Do.
	KQE36	Do.

And it is further ordered, That, lighter-than-air craft stations and the following aeronautical en route stations serving lighter-than-air craft stations, are hereby authorized to continue operation on the frequency 6615 kc. until replacement frequencies have been made available or until the end of their present license periods, whichever is earlier.

Licensee	Call letters	Location
Aeronautical Radio, Inc.	KMA3	Los Angeles, Calif.
	KMQ5	Suffield, Ohio.
	KQA6	Mobile.
	KQM6	Do.
	KQM7	Do.
	KQM8	Do.
	KQM9	Do.
	KQN2	Do.
	KQN3	Do.
	KQN4	Do.
	KQN5	Do.

Released: January 29, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 54-718; Filed, Feb. 2, 1954; 8:51 a. m.]

[Docket Nos. 10701, 10703]

SANGAMON VALLEY TELEVISION CORP. AND WMAY-TV, INC.

NOTICE CONTINUING HEARING

In re applications of Sangamon Valley Television Corp., Springfield, Illinois, Docket No. 10701, File No. BPCT-589; WMAY-TV, Inc., Springfield, Illinois, Docket No. 10703, File No. BPCT-1768; for construction permits for new television stations.

Hearing in the above-entitled proceeding is continued by agreement of all the parties from 10:00 a. m., February 1, 1954, to 10:00 a. m., February 8, 1954.

Dated: January 27, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 54-719; Filed, Feb. 2, 1954; 8:51 a. m.]

[Docket No. 10870]

PALLADIUM PUBLISHING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Palladium Publishing Company, Benton Harbor, Michigan,

Docket No. 10870, File No. BMPCT-1426; for additional time to complete construction of television broadcast Station WHFB-TV.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of January 1954:

The Commission having under consideration the above-entitled application for additional time in which to complete construction of television broadcast Station WHFB-TV at Benton Harbor, Michigan; and

It appearing, that on February 25, 1953, the Commission granted Palladium Publishing Company's application (BPCT-1282) for a construction permit for a television station to operate on Channel 42 in Benton Harbor, Michigan; and

It further appearing, that no construction has taken place nor have any orders been placed for the equipment necessary to begin such construction; and

It further appearing, that the applicant was advised on November 25, 1953, that the Commission was unable to find that the applicant has been diligent in filing applications in compliance with conditions attached to the construction permit, thus foreclosing the commencement of construction at an early date, or in ordering equipment and in constructing the proposed station; and

It further appearing, that the applicant filed a reply to the aforesaid letter of November 25, 1953; and that the Commission, after due consideration of such reply, is still unable to conclude that the applicant has been diligent in ordering equipment or has been prevented from commencing construction by causes not under its control, and cannot determine that a grant of the above-entitled application would serve the public interest;

It is ordered, That the above-entitled application of Palladium Publishing Company is designated for hearing to commence at 10:00 a. m. on the 1st day of March 1954, in Washington, D. C. upon the following issues:

(1) To determine whether Palladium Publishing Company has been diligent in proceeding with the construction authorized in its construction permit (File No. BPCT-1282), granted on February 25, 1953; and

(2) To determine whether it would be in the public interest, convenience and necessity to grant the above-entitled application of Palladium Publishing Company.

Released: January 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-720; Filed, Feb. 2, 1954; 8:51 a. m.]

[Docket No. 10871]

J. PATRICK BEACOM & ASSOCIATES

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of J. Patrick Beacom, Timothy P. Beacom and Jennings Randolph d/b as J. Patrick Beacom & Associates, Clarksburg, West Virginia, Docket No. 10871, File No. BPCT-1708; for construction permit for new television station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of January 1954:

The Commission having under consideration the above-entitled application, requesting a construction permit for a new television broadcast station to operate on Channel 22 in Clarksburg, West Virginia; and

It appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicant was advised by letter, dated January 6, 1954, among other things, that its application raised questions as to its financial and technical and other qualifications to construct, own and operate a television broadcast station; that, in view of the interests of J. Patrick Beacom in the applicant and in Fairmont Broadcasting Company, permittee of a television station on Channel 35 in Fairmont, West Virginia, a question was raised as to whether a grant of its application would be consistent with the provisions of § 3.636 (a) of the Commission's rules and its policies promulgated thereunder; and that applicant was given an opportunity to reply to said letter; and

It further appearing, that upon due consideration of the above-entitled application, the amendments filed thereto, and the reply to the above letter, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applicant is legally, financially and technically qualified to construct, own and operate a television broadcast station, but that the TV interests of J. Patrick Beacom, as indicated above, raise a question as to whether applicant's proposed operation is consistent with the provisions of § 3.636 (a) of the Commission's rules; that the Commission is unable to determine that a grant of the above-entitled application would be in the public interest; and that accordingly, the application should be designated for hearing; and

It further appearing, that the applicant proposes an antenna location in the vicinity of standard broadcast station WBLK; that the installation of the television antenna as proposed is possible and feasible without adversely affecting the ability of Station WBLK to operate in accordance with the terms of its license; that appropriate proof thereof should be submitted after installation and operation of the said proposed antenna; and that a grant if made, of the application shall be subject to the following condition:

The construction authorized is subject to the condition that such shall not adversely affect the ability of standard broadcast station WBLK to operate in accordance with the terms of its license, particularly with respect to its antenna system, and that sufficient field intensity measurements of station WBLK shall be made before and after such construction to prove that no material effect thereon has resulted.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing to commence at 10:00 a. m. on the 26th day of February 1954 in Washington, D. C. upon the following issue: To determine, in light of the interests of J. Patrick Beacom in the applicant and in Fairmont Broadcasting Company, permittee of a television station on Channel 35 in Fairmont, West Virginia, whether a grant of the above-entitled application would be consistent with the provisions of § 3.636 (a) of the Commission's rules and its policies promulgated thereunder and would be in the public interest.

Released: January 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-721; Filed, Feb. 2, 1954; 8:51 a. m.]

[Docket Nos. 10872, 10873, 10874]

TEXAS STATE NETWORK, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Texas State Network, Inc., Fort Worth, Texas, Docket No. 10872, File No. BPCT-571; W. W. Lechner d/b as Lechner Television Company, Fort Worth, Texas, Docket No. 10873, File No. BPCT-1643; R. O. Shaffer, Sterling C. Holloway, M. J. Neeley, Arch Rowan, F. Kirk Johnson and C. L. Rowan, d/b as Fort Worth Television Company, Fort Worth, Texas, Docket No. 10874, File No. BPCT-1644; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of January 1954:

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 11 in Fort Worth, Texas; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station; that the antenna system and site proposed by Fort Worth Television Company will not constitute a hazard to air navigation, provided that special hazard markers are erected; and that a grant, if made, of its application should be subject to the following conditions:

The outer limits of the hazard area in which the tower will be situated shall be marked by symbols consisting of the letters "HAZ", located so that at least one symbol will be visible from aircraft at any normal angle of approach. The marking symbols shall be located immediately beyond the ground connection of the outer guy wires.

The letters of such symbols shall be installed in a manner to be legible in clear air at an altitude of 3,000 feet at a distance of two miles. The symbols shall consist of uniform block letters having a height of at least 30 feet and a width equal to two-thirds of the height. The width of each stroke shall be approximately one-seventh of the height of the letters. In addition, the letters shall be colored aviation surface orange.

The symbols shall be cleaned and repainted as often as necessary to maintain good visibility. If the strokes of the letters are constructed of wood or metal panels, such construction shall be designed to prevent accumulation of snow.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 26th day of February 1954 in Washington, D. C. to determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-722; Filed, Feb. 2, 1954; 8:51 a. m.]

[Docket Nos. 10875, 10876]

COLUMBIA AMUSEMENT CO. AND PADUCAH NEWSPAPERS, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Columbia Amusement Company, Paducah, Kentucky, Docket No. 10875, File No. BPCT-1170; Paducah Newspapers, Incorporated, Paducah, Kentucky, Docket No. 10876, File No. BPCT-1824; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of January 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 6 in Paducah, Kentucky; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 26th day of February 1954 in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 29, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-723; Filed, Feb. 2, 1954; 8:52 a. m.]

[Docket Nos. 10877, 10878]

KTAR BROADCASTING CO. AND ARIZONA TELEVISION CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KTAR Broadcasting Company, Phoenix, Arizona, Docket No. 10877, File No. BPCT-409; Arizona Television Company, Phoenix, Arizona; Docket No. 10878, File No. BPCT-1636; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of January 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 3 in Phoenix, Arizona; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 26th day of February 1954 in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made

with respect to the significant differences between the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 29, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-724; Filed, Feb. 2, 1954; 8:52 a. m.]

[Docket Nos. 10879, 10880]

APPALACHIAN BROADCASTING CORP. AND TRI-CITIES TELEVISION CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARINGS ON STATED ISSUES

In re applications of Appalachian Broadcasting Corporation, Bristol, Virginia, Docket No. 10879, File No. BPCT-850; Tri-Cities Television Corporation, Bristol, Tennessee; Docket No. 10880, File No. BPCT-1250; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of January 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 5 in Bristol, Virginia—Bristol, Tennessee;

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 26th day of February 1954 in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 29, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-725; Filed, Feb. 2, 1954; 8:52 a. m.]

[Docket Nos. 10884, 10885, 10886]

ABRAHAM KLEIN ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Abraham Klein, Philadelphia, Pennsylvania; Docket No. 10884, File No. 1419-C2-P-53; Samuel N. Kirkland, d/b as Contact, Philadelphia, Pennsylvania; Docket No. 10885, File No. 1572-C2-P-53; Hav-A-Call, Inc., Philadelphia, Pennsylvania, Docket No. 10886, File No. 368-C2-P-54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of January 1954;

The Commission, having under consideration the above-entitled applications for one-way signaling stations in the Domestic Public Land Mobile Radio Service in Philadelphia, Pennsylvania; and

It appearing, that the number of applicants for facilities in this area exceeds the number of frequencies available; and

It further appearing, that the above-entitled applications request authorizations in the same or overlapping service areas and that a grant of such applications might result in harmful mutual interference; and

It further appearing, that in accordance with § 6.409 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference free basis; and

It further appearing, that the Commission has advised each of the above-entitled applicants, by letters dated October 5, 1953, and December 1, 1953, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, as to the reasons why his application cannot be granted without hearing, and that no replies to such letters have been received;

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C. commencing at 10:00 a. m. on March 1, 1954, upon the following issues:

1. To determine the technical, financial and other qualifications (except legal) of each of the applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from the proposed facilities and the need for such service in the areas to be served.

3. To determine whether any mutual interference would result from the operation of the proposed stations, and, if so, whether, in view of the nature of the service proposed, such interference would be undesirable or intolerable.

4. To determine whether mutual harmful interference would result as between the proposed operations of Samuel N. Kirkland, d/b as Contact and Hav-A-Call, Inc., on the one hand, and the operations of Tel-A-Talk, Inc., in Allentown, Pennsylvania, on the other hand.

5. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

6. To determine, in the light of the evidence adduced on the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That Tel-A-Talk, Inc., is made party respondent to this proceeding, with its participation limited to Issue No. 4.

Released: January 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-726; Filed, Feb. 2, 1954; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GERTRUD AND KARIN RUDNAI

AMENDMENT TO NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Notice of Intention to Return Vested Property hereinafter described to David Rudnai was published on February 17, 1953 (18 F. R. 946). Subsequent to the publication of the notice, this Office was advised that David Rudnai died intestate and left surviving him his wife, Gertrud Rudnai, nee Vogler and daughter, Karin Rudnai. Consequently, the notice of intention to return vested property, which was published on February 17, 1953 (18 F. R. 946), is amended to read as follows:

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim No., Property, and Location

Gertrud Rudnai, nee Vogler, Karin Rudnai, Berlin, Germany, Claim No. 35729; $502.16 in the Treasury of the United States; one-fourth (¼) thereof to Gertrud Rudnai, nee Vogler and three-fourths (¾) thereof to Karin Rudnai.

Executed at Washington, D. C., on January 27, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-696; Filed, Feb. 2, 1954; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CITRUS FRUIT INDUSTRY IN FLORIDA

NOTICE OF POSTPONEMENT OF HEARING TO DETERMINE WHETHER INDUSTRY IS OF A SEASONAL NATURE

Notice was published in the FEDERAL REGISTER December 24, 1953 (18 F. R. 8705), of a hearing on a petition for revocation of the seasonal industry determinations under section 7 (b) (3) of the Fair Labor Standards Act which apply to the handling, packing, storing, preparing in their raw or natural state, first processing or canning of perishable or seasonal fresh fruits or vegetables (5 F. R. 3167) and to the dehydration of citrus pulp and waste in the States of Florida and Texas (8 F. R. 3811), to the extent that they apply to citrus fruit operations in Florida.

The hearing was scheduled to take place at the Chamber of Commerce Auditorium, Tampa, Florida, on February 10, 1954.

Many interested parties have requested postponement because they will be unable to attend the hearing on the above date. Notice is hereby given, therefore, that the above-scheduled hearing will be held on May 11, 1954, at 10:00 a. m., in the Auditorium, Hillsborough County Court House, Tampa, Florida.

Notices of personal appearance should be filed with the Administrator by May 4, 1954.

Signed at Washington, D. C., this 29th day of January 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-689; Filed, Feb. 2, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6542]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION

JANUARY 26, 1954.

Take notice that on January 25, 1954, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by El Paso Electric Company (hereinafter called "Applicant"), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and New Mexico, with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of 76,399 shares of Common Stock, without par value, $5,000,000 principal amount of First Mortgage Bonds __ Percent Series due 1984 and 15,000 shares of $____ Dividend Preferred Stock, without par value. The Common Stock is proposed to be offered for sale to the Common Stockholders of Applicant on February 25, 1954, or such other date as may be determined by Applicant's Board of Directors. The Bonds will be dated as of March 1, 1954, to be issued in April 1954, to be due on March 1, 1984. The Preferred Stock is to be issued in April 1954 on a date to be determined by Applicant's Board of Directors. The Common Stock is to be offered pro rata to the Common Stockholders of Applicant, pursuant to preemptive rights on the basis of one share for each ten shares held of record. Applicant seeks an exemption from the competitive bidding requirements of the Commission's Rules with respect to the issuance and sale of the Common Stock. Applicant proposes to issue the Bonds and Preferred Stock by competitive bidding, all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 17th day of February 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-690; Filed, Feb. 2, 1954; 8:46 a. m.]

[Docket No. G-2217]

NORTHERN NATURAL GAS CO.

ORDER APPROVING PROPOSED SETTLEMENT AND REQUIRING TARIFF REVISIONS TO BE FILED AND FIXING DATE FOR FURTHER HEARING

This is a rate proceeding arising from rate increases filed by Northern Natural Gas Company (Northern). The record herein has been certified to us for approval of a proposed settlement, as stated on the record by Commission Staff Counsel in open hearing and agreed to by all parties to the proceeding. Upon consideration of the record, we approve the terms of the proposed settlement, permitting the agreed upon rate increases to become effective subject to the terms and conditions agreed to by the parties, as hereinafter set forth.

On June 26, 1953, Northern filed with the Commission proposed Fourth Revised Sheets Nos. 5, 12, and 13 to its FPC Gas Tariff, First Revised Volume No. 2, and requested that such revised sheets become effective on July 27, 1953. Northern also filed for "information" purposes Fourth Revised Sheet No. 14 to its FPC Gas Tariff, First Revised Volume No. 2, which it proposed to make effective as of August 27, 1953. By said Fourth Revised Sheets Northern proposed to increase its rates and charges for sales of natural gas approximately $13,485,500 per year, based on estimated sales for the year 1954.

Said Fourth Revised Sheet No. 5 is Northern's proposed Rate Schedule CD-1 for "Town Border Natural Gas Delivery" on a contract demand basis; Fourth Revised Sheet No. 12 is proposed Rate Schedule G-1 for "Town Border Natural Gas Delivery" on other than a contract demand basis; Fourth Revised Sheet No. 13 is proposed Rate Schedule IND-1 for "Large Volume Industrial Sales for Resale;" and Fourth Revised Sheet No. 14 is proposed Rate Schedule IND-2 for "Large Volume Industrial Sales for Use and Not For Resale."

Fourth Revised Sheets Nos. 5, 12, 13, and 14 were filed to supersede Northern's Third Revised Sheets Nos. 5, 12, 13, and 14, which have been in effect since November 27, 1952, by virtue of orders of the United States Court of Appeals for the Eighth Circuit entered December 18, 1952, and September 15, 1953, in State Corporation Commission v. F. P. C., No. 14,704, and Northern Natural Gas Co. v. F. P. C., Nos. 14,706, 14,733, 14,743, staying, subject to the terms and conditions therein stated, this Commission's Opinions Nos. 228 and 228-A and accompanying orders issued June 11, 1952, and September 26, 1952, respectively, and Opinion No. 233 and order issued July 30, 1952.

By order issued July 24, 1953, pursuant to authority contained in section 4 of the Natural Gas Act, the Commission, upon its own motion, among other things, suspended said Fourth Revised Sheets and deferred the use of Fourth Revised Sheets Nos. 5, 12, and 13 until December 27, 1953, and of Fourth Revised Sheet No. 14 until January 27, 1954, unless otherwise ordered by the Commission, and until such further time thereafter

as said Fourth Revised Sheets may be made effective in the manner prescribed by the act.

Pursuant to Commission order, hearings herein were held on October 26, 27, and 28, 1953, at which Northern presented evidence purporting to support its proposed increased rates and charges. Following a recess, the hearings were reconvened on January 18, 1954. Immediately upon such reconvening, pursuant to motion of Staff Counsel and with concurrence of all parties to the proceedings, the hearing was recessed from day to day to permit the parties, including the Staff, to confer respecting the possibility of agreement on or simplification of the issues in the proceeding.[1]

On January 21, 1954, final agreement was reached by the parties to the proceeding respecting all matters involved and issues presented in this proceeding, excepting the single issue respecting service zones and differentials in rates in areas served by Northern as presented by petitions for leave to intervene herein filed by Council Bluffs Gas Company and Central Electric & Gas Company. Among items included in the agreement are the rate increases to which Northern is entitled, the rates and schedules to be observed by Northern, and the terms and conditions under which the settlement is acceptable to the parties.

The Commission's Staff computed a net investment rate base of $226,197,315 for the year 1954, including an allowance of $1,296,565 for cash working capital computed in recognition of the availability of accruals for Federal taxes on income. Allowing a 6 percent return upon this rate base, the Staff developed a total cost of service of $91,979,330 for the year ending December 31, 1954. Of this total, $73,625,545 was allocated by the Staff to jurisdictional sales. This cost of service estimate was presented to all parties to this proceeding in the conference and an agreement was reached that rates which would yield revenues of $73,083,254 from Northern's sales in interstate commerce for resale, based upon estimated operations for the year 1954, would be fair and reasonable and acceptable to all parties.[2]

It was agreed that Northern will, as soon as possible, file revised rate schedules to be made effective by Commission order as of 8:00 a. m., December 27, 1953, thereby superseding the proposed Fourth Revised Sheets Nos. 5, 12, 13, and 14, as filed on June 26, 1953; and Northern shall file such other revised tariff sheets as may be necessary to conform its FPC Gas Tariff to the provisions of the order accompanying the aforementioned Opinion No. 228, with particular reference to Appendix A attached thereto and made a part thereof, excepting only the level of rates.

[1] By letter dated December 28, 1953, Staff Counsel had advised each of the parties to this proceeding of the intention to move for a recess of the hearing to permit conferring for this purpose.

[2] Computed on Northern's and utilities' estimates of total annual sales of 234,588,200 Mcf for the year ending December 26, 1954, and 9,541,453 Mcf of billing demand units, based upon an 80 percent ratchet of contract demand.

The rate levels of Northern to be embodied in the schedules to be filed, as agreed upon by all parties, are as follows:

Type of service	Rate schedule	Demand charge	Commodity charge per Mcf
Contract demand.	CD-1	$2.21 per month per Mcf of billing demand based on an 80 percent ratchet.	Cents 22.1
Interruptible overrun.	R-1	.....	24.1

These rates would produce an estimated increase of $6,006,254 in revenues from Northern's jurisdictional sales over the estimated revenues which would be produced under the rates in effect on December 26, 1953.

Northern agreed that the revised rate schedules to be filed pursuant to the agreement and this order to be effective on and after December 27, 1953, shall continue in effect through December 26, 1954, at least, unless prior to December 27, 1954, the price payable by Northern, or its subsidiaries, Permian Basin Pipeline Company (Permian) and Independent Natural Gas Company (Independent), to present suppliers of natural gas shall be increased by proper order of the Corporation Commission of Oklahoma, the State Corporation Commission of Kansas, or other State authority having comparable jurisdiction. In such event it is agreed that Northern may file with the Federal Power Commission in accordance with § 154.63 of the Commission's general rules and regulations proposed revised schedules containing increased rates designed solely to provide increased revenues during the test period ending December 26, 1954, sufficient only to off-set the reasonably estimated additional cost of gas purchased during that period and to be effective prior to December 27, 1954. It was also agreed that if a filing is made by Northern pursuant to and in accordance with this part of the agreement, no party to these proceedings will interpose any objection to such filing.

It was further agreed by all parties in the proceedings:

(a) That, in the event that the average effective Federal income tax rate payable is less than 52 percent for the year 1954, which was the rate used for computing this tax in the cost of service agreed upon, Northern will forthwith: (1) File revised schedules covering its Contract Demand (CD–1) and Interruptible Over-Run (R–1) Service, subject to the jurisdiction of the Commission, which revised schedules will reflect the decrease in Federal income taxes computed by reason of a change in the tax rate of 52 percent used in this settlement; and (2) refund to those entitled thereto monies representing the difference between Federal income tax computed at 52 percent on revenues received under the rates specified to be filed pursuant to this settlement, subject to the jurisdiction of the Commission, and the Federal income tax recomputed on such revenues, for the period commencing December 27, 1953, and ending on the effective date of the revised schedules filed pursuant to this part of the agreement. Such decrease attributable to utility customers shall be apportioned between said two rate schedules and said refunds shall be distributed pro rata among the utility customers according to the revenues contributed by them during the period covered by such refunds.

(b) That the rates to be made effective as of December 27, 1953, pursuant to the agreement have been computed on the basis of the so-called Texas Gathering Tax in the amount of 4½ mills per Mcf of gas purchased by Northern, or its subsidiaries Permian and Independent, in the State of Texas. That, if said tax, which is presently the subject of litigation, is held to be invalid by the final judgment of a court of competent jurisdiction, Northern, upon receipt of any refunds of such tax which have been paid by Northern, or its subsidiaries Permian and Independent, on gas purchased on and after December 27, 1953, and later sold in interstate commerce to Northern's customers for resale, will distribute the amounts refunded in respect to such gas among said customers, without additional cost or liability to Northern. It is agreed that such distribution shall be in proportion to the total volume of gas purchased from Northern during the period from and after December 27, 1953.

That, if such tax be invalidated, then in reference to its sales of natural gas subject to the jurisdiction of the Federal Power Commission, Northern will, within ninety (90) days from the date of such invalidation file a reduction in its Rate Schedules CD–1 and R–1 equal to the saving resulting from such invalidation, subject to such sales, such reduction to be retroactively effective to the date of such invalidation: *Provided, however*, That in the event that prior to December 27, 1954, the Texas Legislature should pass a new Texas Gathering or similar tax, Northern will not be required to make such filing, and, if Northern has made such filing, no party will object to Northern's being permitted to withdraw the reduced filing, or to a new filing offsetting such reduced filing.

(c) That there is included in Northern's agreed over-all cost of service of $88,584,957 an amount of $37,826,207 for the cost of gas to be purchased during the twelve-month test period ending December 31, 1954. That in the event subsequent action by this Commission results in refunds to Northern of any portion of monies paid by Northern, or its subsidiaries, to their suppliers of natural gas under the terms of existing contracts, or because of orders of the Corporation Commission of Oklahoma and the State Corporation Commission of Kansas, or other State authority having comparable jurisdiction, such refunds accruing to Northern, or its subsidiaries, related to volumes purchased for resale to utility customers shall be distributed among Northern's utility customers, without additional cost or liability to Northern. It is also agreed that such distribution shall be in proportion to the total volume of gas purchased from Northern during the period from and after December 27, 1953.

It was further agreed by all parties that the proposed settlement, if accepted by the Commission, would dispose of all matters involved and issues presented in this proceeding, excepting the single issue respecting zones of service and differentials in rates between zones; that further hearings herein respecting such issue should be had at the earliest practicable date and the cost of service hereinbefore set forth and agreed upon for the purposes of this settlement shall be used to the extent that cost of service is involved.

Furthermore, it was agreed that the decision of the Commission respecting such issue of service zones and rate differentials, if it requires a change in the revised rate schedules filed pursuant to this agreement, shall not be made effective prior to December 27, 1954, nor result in revenues less than the agreed cost of service. It is also agreed that, if so required by decision of the Commission on further hearings herein, Northern shall incorporate in any revised rate schedules filed to become effective on or after December 27, 1954, the methods and principles found by the Commission, subject to judicial review, to be proper as to zones and rate differentials, with due regard to the recovery of reasonable cost of service.

On December 28, 1953, Northern filed a motion, pursuant to section 4 (e) of the act, to effectuate, as of December 27, 1953, those changes in rates, charges, classifications and services proposed in the aforesaid Fourth Revised Sheets Nos. 5, 12 and 13, or, in lieu thereof, to effectuate as of December 27, 1953, Fourth Revised Sheet No. 5 and Substitute Fourth Revised Sheets Nos. 12 and 13. The two last-mentioned substitute sheets were initially filed with said motion and are proposed to be made effective in accordance with § 154.66 of the Commission's general rules and regulations.

On October 26, 1953, in the course of hearings herein, the participating interveners moved the Commission to dismiss Northern's proposed rate increases. On December 8, 1953, Staff Counsel filed a Motion for an Interim Order Fixing Maximum Rates.

Since the Commission has not acted on any of said motions, the parties hereto have agreed that action thereon is neither required nor desired if the proposed settlement is accepted by the Commission.

The Commission finds:

(1) The proposed settlement of the rate proceedings on the basis heretofore described, subject to the terms and conditions hereinafter ordered, is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter provided and ordered.

(2) In the event that the average effective Federal income tax payable by Northern is less than 52 percent for the year 1954, Northern should forthwith:

(a) File revised schedules covering its Contract Demand (CD–1) and Interruptible Over-Run (R–1) Service, subject to the jurisdiction of the Commission, which revised schedules shall reflect the decrease in Federal income taxes computed by reason of a change in the tax rate of 52 percent used in this settlement; and

(b) Refund to those entitled thereto monies representing the difference between Federal income tax computed at 52 percent on revenues received under the rates hereinafter ordered, subject to the jurisdiction of the Commission, and the Federal income tax recomputed on such revenues, for the period commencing December 27, 1953, and ending on the effective date of the revised schedules filed pursuant to subparagraph (a) above. Such decrease attributable to utility customers shall be equitably apportioned between said two rate schedules and said refunds shall be distributed pro rata among the utility customers according to the revenues contributed by them during the period covered by such refunds.

(3) If the so-called Texas gathering tax is held invalid by the final judgment of a court of competent jurisdiction, Northern, upon receipt of any refunds of such tax which have been paid by Northern, or its subsidiaries, Permian and Independent, on gas purchased on and after December 27, 1953, and later sold in interstate commerce to Northern's customers for resale, should distribute the amounts refunded in respect to such gas among said customers, without additional cost or liability to Northern. Such distribution shall be in proportion to the total volume of gas purchased from Northern during the period from and after December 27, 1953. Further, if such tax be invalidated, Northern should, in reference to its sales of natural gas subject to the jurisdiction of the Commission, within ninety (90) days from the date of such invalidation, file a reduction in its Rate Schedules CD–1 and R–1 equal to the saving resulting from such invalidation, subject to such sales, such reduction to be retroactively effective to the date of such invalidation: *Provided, however*, That in the event that prior to December 27, 1954, the Texas legislature should pass a new Texas Gathering or similar tax, Northern should not be required to make such filing.

(4) In the event subsequent action by this Commission results in refunds to Northern of any portion of monies paid by Northern, or its subsidiaries, to their suppliers of natural gas under the terms of existing contracts, or because of orders of the Corporaton Commission of Oklahoma and the State Corporation Commission of Kansas, or other State authority having comparable jurisdiction, such refunds accruing to Northern, or its subsidiaries, related to volumes purchased for resale to utility customers, should be distributed among Northern's utility customers, without additional cost or liability to Northern. Such distribution to be in proportion to the total volume of gas purchased from Northern during the period from and after December 27, 1953.

(5) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that all the issues in these proceedings, excepting the single issue respecting service zones and differentials in rates in areas served by Northern, be disposed of at this time, and that such remaining issue be and the same is hereby reserved for disposition by further order of the Commission. All parties, including Staff Counsel, have concurred in the waiver and omission of the intermediate decision procedure.

The Commission orders:

(A) Nothern shall, within ten (10) days after the date of issuance of this order, file revised rate schedules, in a form satisfactory to the Commission, superseding the aforementioned Fourth Revised Sheets Nos. 5, 12, 13, and 14 to its FPC Gas Tariff, First Revised Volume No. 2, and Northern shall also file such other revised tariff sheets, in a form satisfactory to the Commission, as may be necessary to conform Northern's said FPC Gas Tariff to the provisions and requirements of the order accompanying the aforesaid Opinion No. 228, with particular reference to Appendix A attached thereto and made a part thereof, excepting only the level of rates. Rate Schedule CD–1 for Contract Demand Service to be filed pursuant hereto shall contain a rate consisting of a demand charge of $2.21 per month per Mcf of billing demand based upon an 80 per cent ratchet of contract demand and a commodity charge of 22.1 cents per Mcf of gas delivered. Rate Schedule R–1 for Interruptible Over-Run Service shall contain a rate of 24.1 cents per Mcf of gas delivered.

(B) The revised tariff sheets to be filed pursuant to paragraph (A) above shall be subject to the conditions described in findings numbered (2) through (4) hereinbefore.

(C) Northern, over the signature of a responsible officer, shall file with the Commission within seven (7) days from the date of the issuance of this order, in writing and under oath, an original and four conformed copies of its acceptance of the terms and conditions of this order.

(D) The record in this proceeding shall remain open for further hearings to be held commencing on March 22, 1954, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., respecting the single remaining issue concerning service zones and differentials in rates in areas served by Northern.

(E) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted against Northern.

Adopted: January 27, 1954.

Issued: January 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-691; Filed, Feb. 2, 1954; 8:46 a. m.]

[Docket No. G-2324]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed December 2, 1953, pursuant to section 7 of the Natural Gas Act, to construct and operate certain transmission facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 17, 1953 (18 F. R. 8468).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 19, 1954, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 27, 1954.

Issued: January 28, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-692; Filed, Feb. 2, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-154]

NORTH CONTINENT UTILITIES CORP.

ORDER DECLARING THAT APPLICANT HAS CEASED TO BE A HOLDING COMPANY

JANUARY 27, 1954.

On February 23, 1950, the Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), approved a plan of reorganization of North Continent Utilities Corporation ("North Continent"), a registered holding company, which plan was ordered enforced by the United States District Court for the District of Delaware by order dated April 4, 1950.

On December 15, 1953, the Commission approved an application-declaration with respect to the distribution by North Continent of its only remaining assets consisting of cash which included $533,639 representing the base cash proceeds from the sale of its only subsidiary, Great Northern Gas Company, Limited, a gas utility.

North Continent having filed an application under section 5 (d) of the act requesting the Commission to declare by order that North Continent has ceased to be a holding company:

The Commission finding that North Continent has ceased to be a holding company and that the registration of North Continent as a holding company shall cease to be in effect:

It is therefore ordered, Pursuant to the provisions of section 5 (d) of the act, that North Continent has ceased to be a holding company and that the registration of North Continent as a holding company shall cease to be in effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-687; Filed, Feb. 2, 1954; 8:45 a. m.]

CENTRAL MASSACHUSETTS GAS CO. ET AL.

NOTICE OF FILING REGARDING ISSUE AND SALE OF PROMISSORY NOTES TO BANK

JANUARY 28, 1954.

In the matter of central Massachusetts Gas Company, Mystic Valley Gas Company, North Shore Gas Company; File No. 70-3177.

Notice is hereby given that Central Massachusetts Gas Company ("Central Mass"), Mystic Valley Gas Company ("Mystic") and North Shore Gas Company ("North Shore"), public utility subsidiaries of New England Electric System, a registered holding company, have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act"). Declarants have designated sections 6 (a) and 7 of the act and Rule U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Under certain bank loan agreements, Central Mass, Mystic and North Shore propose to issue to The National City Bank of New York, from time to time but not later than December 31, 1954, unsecured promissory notes in the respective principal amounts of $700,000, $6,500,000 and $2,200,000. Each of such notes will mature on February 1, 1955, and will bear interest at the rate of 3½ percent per annum. According to the joint declaration, the proceeds derived from the issuance of the proposed notes will be used by Central Mass, Mystic and North Shore for the payment of note indebtedness due March 1, 1954, and outstanding in the respective amounts of $600,000, $5,550,000 and $1,950,000 and for construction and other corporate purposes in the respective amounts of $100,000, $950,000 and $250,000.

At the present time Mystic has pending before the Commission an application-declaration (File No. 70-3172) in which it seeks authority to issue and sell $5,500,000 principal amount of first mortgage bonds and therein states that the proceeds to be derived from such bond sale will be used to pay off its then outstanding note indebtedness. The bank loan agreement entered into by Mystic provides that the proceeds from such bonds financing, together with other funds, if necessary, will be used to pay the notes then outstanding whereupon the bank loan agreement will be terminated and Mystic has stipulated that thereafter all borrowing authority approved by this Commission pursuant to its request in this declaration will cease to exist.

The joint declaration states that incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $300 for each borrowing company, or an aggregate of $900.

The joint declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than February 15, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his request, the reason for such request and the issues of fact or law, if any, raised by the said joint declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after that date, said joint declaration, in whole or in part and as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-685; Filed, Feb. 2, 1954; 8:45 a. m.]

[File No. 812-838]

SCUDDER FUND OF CANADA, LTD.

NOTICE OF APPLICATION BY CANADIAN INVESTMENT COMPANY FOR ORDER PERMITTING ITS REGISTRATION AND SALE OF ITS SECURITIES IN THE UNITED STATES

JANUARY 28, 1954

Notice is hereby given that Scudder Fund of Canada, Ltd. ("Applicant"), an investment company chartered under The Companies Act of 1934, of Canada, has filed an application, and an amendment thereto, under section 7 (d) of the Investment Company Act of 1940 (the "act") seeking an order of the Commission permitting Applicant to register as an investment company under the act and to make a public offering of its securities in the United States.

Section 7 (d) of the act prohibits a foreign investment company from selling its securities to the public through the mails or any means or instrumentalities of interstate commerce unless the Commission issues a conditional or unconditional order permitting such company to register under the act and to make a public offering of its securities in the United States. To issue such an order the Commission must find that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the act against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors.

Applicant was organized on June 18, 1953, for the purpose of carrying on business as an investment company, concentrating its investments in securities of issuers substantially engaged in Canadian enterprises. Its authorized capital stock consists of 1,000,000 Common Shares of $1 par value and 1,000 Deferred Shares of $1 par value. Common Shares and Deferred Shares have the same rights except that Deferred Shares have no redemption rights. Applicant does not intend to issue its Deferred Shares. Applicant intends to make an initial public offering of its Common Shares to realize at least $5,000,000. When this amount has been received the Common Shares will become redeemable, pursuant to Applicant's Letters Patent ("Charter"), and Applicant proposes then to operate as a diversified open-end management investment company.

The application contains certain undertakings and agreements which together with the provisions of the Applicant's charter and by-laws are proposed by the Applicant as "special circumstances and arrangements" justifying the entry of the requested order.

Applicant's charter and by-laws contain, in substance and effect, the substantive provisions of the act applicable to closed-end and open-end investment companies. For example, where a provision of the act prohibits action by an investment company, or its directors, officers or employees, the charter or by-laws require that such persons shall refrain from such action; where the prohibition applies to others, the charter or by-laws also state that the company will not permit the prohibited conduct.

Applicant's by-laws also contain, among other things, provisions summarized as follows: (1) That all of it securities and cash, other than cash in an amount not in excess of $10,000, will be maintained in the sole custody of a bank in the United States, with which bank Applicant will also maintain a copy of its books and records; (2) that at least a majority of Applicant's directors and of its officers will be residents and citizens of the United States; (3) that Applicant will retain an independent public accountant with a permanent office and place of business in the United States; (4) that Applicant's investment adviser will maintain its books and records relating to Applicant in the United States; and (5) that Applicant's principal underwriter will be a resident and citizen of the United States. Applicant also agrees that if it makes a continuous public offering of its shares as an open-end company, its principal underwriter will also be a member of the National Association of Securities Dealers, Inc.

Applicant has undertaken and agreed in its application, among other things, (i) that its charter and by-laws will constitute a contract among Applicant, its shareholders, its officers, its directors and the Commission, and that such instruments will not be amended in material respect without permission of the Commission; (ii) that Applicant's present and future officers, directors, investment advisers, principal underwriters and custodian will enter into agreements to comply with the act, applicant's charter, by-laws, and undertakings contained in the instant application; (iii) that Applicant's agreements shall enure to the benefit of Applicant's shareholders as parties and beneficiaries; and (iv) that breach of the aforesaid agreements or violation of the act by any of the contracting parties will permit revocation of the requested order and the liquidation and distribution of Applicant's assets.

Other agreements and undertakings contained in the application are designed to facilitate the enforcement of the act by the Commission or Applicant's shareholders in appropriate courts of the United States or Canada. To that end each of the contracting parties who are not citizens and residents of the United States will appoint, irrevocably, an agent within the United States for service of process. To ensure the applicability of the act to purchases and sales of portfolio securities not made on established securities exchanges, Applicant has agreed that its custodian will consummate such transactions only in the United States and that the mails or means of interstate commerce will be employed.

Applicant states that a "heavy preponderance" of its portfolio securities will be traded on the Montreal or Toronto Stock Exchanges rather than the New York Stock Exchange. In view thereof Applicant seeks exemption from section 22 (e) (1) of the act to the extent that it may be permitted to suspend the right of redemption of its shares to periods when the Montreal or Toronto exchanges are closed as well as when the New York Stock Exchange is closed, as provided in section 22 (e) (1).

Applicant also states that The Companies Act of Canada requires that Applicant's auditors be selected by its shareholders and, therefore, seeks exemption from section 32 (a) of the act to the extent that that section requires such selection be made by Applicant's Board of Directors and ratified (rather than made) by its shareholders.

Notice is further given that any interested person may, not later than March 5, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-686; Filed, Feb. 2, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28858]

WROUGHT IRON PIPE AND RELATED ARTICLES FROM NEW YORK, N. Y., TO SOUTHWESTERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Wrought iron or steel pipe and related articles, carloads.

From: New York, N. Y.

To: Points in southwestern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3982, supl. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-697; Filed, Feb. 2, 1954; 8:47 a. m.]

[4th Sec. Application 28859]

CAUSTIC SODA FROM OHIO, PENNSYLVANIA, MICHIGAN, AND NEW YORK TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

JANUARY 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedules listed below.

Commodities involved: Caustic soda (sodium hydroxide) in tank-car loads.

From: Specified points in Ohio, Pennsylvania, Michigan and New York.

To: Cincinnati, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, to maintain grouping.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, ICC No. 3098, supl. 212, and other carriers listed in the application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-698; Filed, Feb. 2, 1954; 8:47 a. m.]

[4th Sec. Application 28860]

CAST IRON PIPE FROM RADFORD, VA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cast iron pipe and related articles, carloads.

From: Radford, Va.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1374, supl. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-699; Filed, Feb. 2, 1954; 8:48 a. m.]

[4th Sec. Application 28861]

CLAY FROM POINTS IN WYOMING TO EAU CLAIRE, WIS.

APPLICATION FOR RELIEF

JANUARY 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Clay, crude or ground, carloads.

From: Bently Spur, Clay Spur, Colloid Spur, Moorcroft, Newcastle, Upton, Rock River and Casper, Wyo.

To: Eau Claire, Wis.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, ICC No. A-3991, supl. 18; W. J. Prueter, Agent, ICC No. A-3560, supl. 233.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-700; Filed, Feb. 2, 1954; 8:48 a. m.]

[4th Sec. Application 28862]

ANHYDROUS AMMONIA FROM MILITARY, KANS., TO GREEN BAY, WIS.

APPLICATION FOR RELIEF

JANUARY 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Military, Kans.

To: Green Bay, Wis.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, ICC No. A-3991, supl. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-701; Filed, Feb. 2, 1954; 8:48 a. m.]

[4th Sec. Application 28863]

CHEESE FROM CULLMAN, ALA., AND CYNTHIANA, KY., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cheese, in carloads.

From Cullman, Ala., and Cynthiana, Ky.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1413, supl. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-702; Filed, Feb. 2, 1954; 8:48 a. m.]

[4th Sec. Application 28864]

FOREIGN WOODS FROM ELIZABETH CITY, N. C., TO POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber, logs and flitches of mohogany and phillippine woods, built-up woods and veneer, carloads.

From: Elizabeth City, N. C.

To: Points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1214, supl. 89.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-703; Filed, Feb. 2, 1954; 8:48 a. m.]

[4th Sec. Application 28865]

PHOSPHATE ROCK FROM FLORIDA TO PRAIRIE DU CHIEN, WISCONSIN

APPLICATION FOR RELIEF

JANUARY 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Atlantic Coast Line Railroad Company tariff ICC No. B-3232 and Seaboard Air Line Railroad Company tariff ICC No. A-8153.

Commodities involved: Phosphate rock (other than ground phosphate rock), carloads.

From: Points in Florida.

To: Prairie Du Chien, Wis.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-704; Filed, Feb. 2, 1954; 8:48 a. m.]

[4th Sec. Application 28866]

VARIOUS COMMODITIES FROM SOUTHERN TERRITORY TO SOUTHERN, OFFICIAL, WESTERN TRUNK-LINE AND SOUTHWESTERN TERRITORIES

APPLICATION FOR RELIEF

JANUARY 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to tariffs listed in exhibit "A" of the application, pursuant to fourth section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in southern territory.

To: Points in southern, official, western trunk-line and southwestern territories.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon

[4th Sec. Application 28867]

ACID FROM KINGS MILL, TEX., TO ILLINOIS, GEORGIA, LOUISIANA, AND SOUTH CAROLINA

APPLICATION FOR RELIEF

JANUARY 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Acids, viz: butyric, isobutyric and propionic, in packages, in carloads, and in tank-car loads.

From: Kings Mill, Texas.

To: Cairo and Metropolis, Ill., Krannert, Ga., Michoud, La., and Celriver, S. C.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula, additional destinations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3967, supl. 305.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon

a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-706; Filed, Feb. 2, 1954; 8:48 a. m.]

[4th Sec. Application 28868]

TILE FROM CHARLESTON, W. VA., TO AUGUSTA, GA.

APPLICATION FOR RELIEF

JANUARY 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Tile, carloads.

From: Charleston, W. Va.

To: Augusta, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1127, supl. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-707; Filed, Feb. 2, 1954; 8:48 a. m.]

[4th Sec. Application 28869]

NEWSPRINT PAPER FROM COOSA PINES AND CHILDERSBURG, ALA., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

JANUARY 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company for itself and on behalf of the Central of Georgia Railway Company.

Commodities involved: Newsprint paper, carloads.

From: Coosa Pines and Childersburg, Ala.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with rail carriers, market competition, operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-708; Filed, Feb. 2, 1954; 8:48 a. m.]

[No. 31321]

COAL, LUMBER, AND SCRAP IRON

ALABAMA INTRASTATE RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 25th day of January A. D. 1954.

It appearing, that an amended petition, dated November 3, 1953, has been filed on behalf of the respondents in the above-entitled proceeding averring that by order of the Public Service Commission of Alabama dated August 24, 1953, in a proceeding entitled Docket 13389, In re: Proposed changes in Alabama intrastate freight rates on scrap iron, carloads, said respondents are required to maintain intrastate rates on scrap iron which are lower than the interstate level and that such rates cause and will continue to cause undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce in Alabama, on the one hand, and, interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination against interstate commerce;

It further appearing, that the said amended petition brings in issue freight rates and charges made or imposed by authority of the State of Alabama.

And it further appearing, that in the said amended petition respondents pray for modification and clarification of the original order in this proceeding to the extent necessary to permit consideration of the order of the Public Service Commission of Alabama dated February 27, 1953, in its Docket 12865, Alabama Coal Agency, Incorporated v. Alabama Great Southern Railroad Company et al., in determining whether rates for the intrastate transportation of coal between points in Alabama cause undue prejudice and preference and unjust discrimination under the first ordering paragraph of the original order herein;

It is ordered, That in response to the said amended petition the hearing provided in the first ordering paragraph of the original order herein shall be for the additional purpose of receiving evidence from the respondents and any other persons interested, to determine whether the rates and charges of said respondents, or any of them, for the intrastate transportation of scrap iron between points in Alabama cause, or may cause, any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and, interstate commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That nothing in the original order shall be interpreted as barring consideration of any order or decision of the Public Service Commission of Alabama which requires respondents to maintain the intrastate rates involved in this proceeding.

It is further ordered, That a copy of this order be served upon each of the respondents, and that the State of Alabama be notified of the action herein taken by sending copies of this order by registered mail to the Governor of said State and to the Public Service Commission of Alabama;

And it is further ordered, That a copy of this order be deposited in the office of the Secretary of the Commission at Washington, D. C., and a copy filed with the Director, Division of the Federal Register, Washington, D. C.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-709; Filed, Feb. 2, 1954; 8:48 a. m.]

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VOLUME 19 NUMBER 24

Washington, Thursday, February 4, 1954

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 867.6]

PART 867—SUGARCANE; PUERTO RICO

FAIR AND REASONABLE WAGE RATES; CALENDAR YEAR 1954

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in San Juan, Puerto Rico, on October 22 and 23, 1953, the following determination is hereby issued:

§ 867.6 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico during the calendar year 1954*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Puerto Rico for the calendar year 1954 if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after the date of issuance of this section, not less than the following:

(i) *Day rates*—(a) *Basic rates.* The basic day rate for the first 8 hours of work performed in any 24-hour period (except that for ditch diggers, ditch cleaners, or field flooders in Class E, as shown in the table below, the applicable day rate shall be for the first 7 hours of work performed in any 24-hour period) shall be as follows:

Class of work	Basic rates per day
A. All kinds of work not classified below	$2.60
B. Operators of mechanical equipment, such as tractors, trucks, tractor plows	3.55
C. Cartmen in cultivation work	2.70
D. Plow steersmen and operators of irrigation pumps, and all work connected with mixing and applying chemical weed killers	2.95
E. Ditch diggers, ditch cleaners, field flooders (per 7-hour day) [1]	2.95
F. Cartmen in harvest work	3.15
G. Sugarcane cutters (for grinding or planting), seed cutters, crane operators, dumpers	2.95
H. Portable track handlers, railroad or portable track car loaders	3.15
I. Cane cart or truck loaders	3.05

[1] Field flooders shall be deemed to be workers who set up or remove banks in drainage ditches when used for flooding sugarcane fields.

(b) *Wage increases.* For each 10 cents or fraction thereof that the price of raw sugar (duty paid basis, delivered) averages more than $5.50 per one hundred pounds, but not more than $7.00 per one hundred pounds for the four-week period immediately preceding the four-week period during which the work is performed, a wage increase of 6.5 cents per day above the rate prescribed under (a) of this subdivision shall be paid for each day of work during such four-week period: *Provided*, That the average price of raw sugar prevailing during the period from December 3 through December 30, 1953 shall determine the amount of wage increase effective during the work period January 1 through January 27, 1954, and thereafter the amount of wage increases in successive four-week work periods shall be determined by the average price of raw sugar prevailing in the immediately preceding four-week period. The four-week average price of raw sugar (duty paid basis, delivered) shall be determined by taking the simple average of the daily spot quotations of 96° raw sugar of the New York Coffee and Sugar Exchange (domestic contract) expressed in terms of a one hundred pound unit and adjusted to a duty paid basis, delivered, by adding to each daily quotation the United States duty prevailing on Cuban raw sugar on that day, except that, if the Director of the Sugar Division, Commodity Stabilization Service, determines that for any four-week period such average price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, the Director may designate the average price to be effective under this section.

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FEDERAL REGISTER

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(ii) *Hourly rates.* Where persons are employed on an hourly basis for a period not in excess of 8 hours (7 hours in Class E) in any 24-hour period, the hourly rate shall be determined by dividing the applicable day rate provided in subdivision (i) of this subparagraph by 8 (by 7 in Class E).

(iii) *Overtime.* Persons employed for more than 8 hours (or 7 hours in Class E) in any 24-hour period shall be paid for the overtime work at a rate double the applicable hourly rate provided in subdivision (ii) of this subparagraph

(iv) *Piecework rates.* If work is performed on a piecework basis, the average earnings for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable daily or hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point,

stable, tractor shed, etc., located on the farm, time spent in transit to and from the field is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Perquisites.* In addition to the foregoing, the producer shall furnish to the worker, without charge, the perquisites customarily furnished by him such as a dwelling, garden plot, pasture lot and medical services.

(b) *Subterfuge.* The producer shall not reduce wage rates to workers below those determined in this section through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico, against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at that office. Upon receipt of a wage claim the Caribbean Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker and, after making such investigation as it deems necessary, shall notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. Such appeal shall be filed within 15 days after receipt of the recommended settlement from the Area Office; otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Puerto Rico during the calendar year 1954, as one of the conditions for payment under the act.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates the act requires that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in San Juan, Puerto Rico, October 22 and 23, 1953, at which interested persons presented testimony with respect to fair and reasonable wage rates for the calendar year 1954. In addition, investigations have been made of the conditions affecting wage rates in Puerto Rico. In this determination the primary factors which have been considered are (1) cost of living; (2) prices of sugar and byproducts; (3) income from sugar; and (4) cost of production. Other economic influences also have been considered.

(c) *1954 wage determination.* This determination differs from the 1953 determination in the following respects: (1) Basic wage rates per day are stated at a raw sugar price level of $5.50 per one hundred pounds rather than $5.00; (2) the wage rates at the $5.50 price level are increased about 5 percent for all workers or in amounts ranging between 14 and 16 cents per 8-hour day (7-hour day for Class E workers); (3) the amount of the wage increase in the wage-price escalator is increased from 6 cents to 6½ cents per day; (4) the periods during which average raw sugar prices are determined and wage rates effective are extended from two weeks to four weeks; and (5) a provision is added defining compensable working time.

At the public hearing representatives of producer organizations and individual producers recommended no change in wage rates for two principal reasons: (1) That a large segment of the industry has a collective bargaining agreement with organized labor which does not expire until the end of 1954; and (2) an analysis by industry of the application of the standards considered by the Secretary of Agriculture in promulgation of the wage determinations affecting sugarcane production in Puerto Rico does not justify any wage increase. The industry representatives in consideration of suggestions made in the notice of hearing recommended, a four-week wage-price period in the wage-price escalator; a definition of compensable working time; and no provision be made for furnishing to workers equipment necessary to perform work assignments. A number of recommendations were made by representatives of labor unions for increasing the annual income of workers for the purpose of improving their standard of living. The representative of one labor union recommended an annual guaranteed wage for regular workers based on family budget requirements. For transient labor in the various job classifications he recommended daily wages approximately double the wage rates provided in this determination at the base raw sugar price level. Another recommendation was the specific addition of certain categories of skilled workers in the determination rate schedule. In a supplemental brief this representative recommended an examination of the concept of the term "fair and reasonable" as used in wage determinations and urged that such rates be higher than those which are merely "not oppressive." The union representative recommended the adoption of the definition of compensable working time, the provision for the furnishing of working tools necessary in the performance of work assignments and that the two-week wage and price periods of the wage-price escalator be continued. Other labor union recommendations included minimum wages of $4.00 and $5.00 per day; an increase in the amount of wage increment in the wage-price escalator from 6 cents to 7½ cents per 8-hour day; and the elimination of a work category for herbicide applicators.

Consideration has been given to the recommendations made at the hearing and in supplemental briefs, to current crop and price conditions, to anticipated costs, returns and profits to producers, to living costs of workers, to the impact of changes occurring in the production methods in Puerto Rico and to other pertinent factors. The analysis indicates that the increase provided in this determination will be within producers' ability to pay under conditions likely to prevail during 1954.

Although improvements in average labor productivity have made possible moderate increases in wages in recent years, wage rates in Puerto Rico are low in comparison with wages paid in other major domestic producing areas. One of the reasons for this is the high labor requirements per unit of production. However, there are broad opportunities for further improvements in production methods through cooperation of both workers and producers. The adoption and utilization of more efficient production methods will benefit producers and workers by lowering labor costs per unit of production and making possible higher wage levels.

The raising of the raw sugar base price at which the wage-price escalator becomes operative from $5.00 to $5.50 per hundred pounds of raw sugar gears base wages to a sugar price level which is more closely related to market prices. The wage-income relationship at the new level is slightly higher after consideration is given to the increases provided in this determination.

The price and wage periods of the wage-price escalator have been extended from two to four weeks to lengthen the periods in which the wage increase remains constant and to reduce the frequency of changes in wages. The lengthening of the periods should not adversely affect long term wage relationships.

Compensable working time is defined so that producers and workers may have full knowledge of this minimum requirement. It conforms with general practices currently prevailing in Puerto Rico. The provision suggested in the hearing notice with respect to the furnishing of equipment necessary in the performance of work assignments has not been adopted because testimony at the hearing indicated that workers generally furnished small hand tools which they prefer to keep in their possession for performing chores not related to work in the sugarcane fields.

After full consideration of all information available, the wage rates provided in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 29th day of January 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-764; Filed, Feb. 3, 1954; 8:50 a. m.]

[Sugar Determination 868.6]

PART 868—SUGARCANE; VIRGIN ISLANDS

FAIR AND REASONABLE WAGE RATES; CALENDAR YEAR 1954

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 26, 1953, the following determination is hereby issued.

§ 868.6 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1954*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in the Virgin Islands for the calendar year 1954, if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer, but after the date of issuance of this determination, not less than the following:

(i) *Basic time rates.* The basic rates per hour for the first 8 hours of work performed in any 24-hour period shall be as follows:

Class of worker	Basic rate per hour
A. Operators of mechanical loaders	$0.65
B. Operators of tractors and trucks	.50
C. Chemical sprayers	.43
D. All others	.40

(ii) *Apprentice operators of mechanical loaders and tractors.* For a learner or apprentice the hourly wage rate for Class A work in subdivision (i) of this subparagraph may be reduced by not more than 15 cents per hour and the hourly rate for Class B tractor driver work in subdivision (i) of this subparagraph may be reduced by not more than 10 cents per hour: *Provided*, That the training period for such workers shall not exceed six work-weeks and: *Provided further*, That the employer shall have available for examination by the local supervisor of the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico (hereinafter referred to as "Area Office"), a copy of the certificate of learner or apprentice status issued by the St. Croix Municipal Wage Commissioner in accordance with the provisions of section 6 (a) of St. Croix Municipal Council Bill No. 43, passed July 3, 1952.

(iii) *Handicapped workers.* For an individual whose productive capacity is impaired by age or physical or mental deficiency the hourly wage rates provided under subdivision (i) of this subparagraph may be decreased by not more than one-third: *Provided*, That the employer shall have available for examination by the local supervisor of the Area Office, a copy of the certificate of individual worker impairment issued by the St. Croix Municipal Council Wage Commissioner in accordance with the provisions of section 6 (a) of St. Croix Municipal Council Bill No. 43, passed July 3, 1952.

(iv) *Overtime.* Persons employed in excess of 8 hours in any 24-hour period or in excess of 44 hours in any one week shall be paid for the overtime work at a rate not less than one and one-half times the applicable hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph: *Provided*, That this provision shall be inapplicable to workers who are employed under extraordinary emergencies as defined in section 4 (c) of St. Croix Municipal Council Bill No. 2, passed January 5, 1950.

(v) *Piecework rates.* If work is performed on a piecework basis, the rate shall be as agreed upon between the producer and the laborer: *Provided*, That the hourly rate of earnings for each worker for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable hourly rate provided under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, time spent in transit to and from the field is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico, against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at that office. Upon receipt of a wage claim the Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer and, after making such investigation as it deems necessary, shall notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. Such appeal shall be filed within 15 days after receipt of the recommended settlement from the Area Office; otherwise, such recommended settlement will be applied in making payment under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payment under the act is concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1954, as one of the conditions for payment under the act.

(b) *Requirements of the act.* In determining fair and reasonable wage rates, the act requires that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, (i. e. cost of living, prices of sugar and by-products, income from sugarcane and cost of production), and (2) the differences in conditions among the various sugar producing areas.

(c) *1954 wage determination.* This determination differs from the 1953 determination in three respects: (1) A provision has been added which permits producers to employ apprentice operators of mechanical loaders and tractors at reduced rates for a training period of not more than 6 weeks upon certification of the St. Croix Municipal Wage Commissioner; (2) compensable working time of the workers is defined; and (3) the perquisite provision is omitted. All other provisions of the 1953 determination continue unchanged.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on October 26, 1953, at which interested persons presented testimony with respect to fair and reasonable wage rates for the calendar year 1954. At the hearing a representative of the Virgin Islands Corporation made three principal recommendations: (1) The addition of wage rates for apprentice operators of mechanical loaders at 50 cents per hour and apprentice tractor drivers at 40 cents per hour, both to be limited to a six-week training period; (2) the broadening of the handicapped worker provision of the determination so that handicapped workers might be defined to include piecework employees who had failed to earn the hourly wage rate for a one week period; and (3) change the perquisite provision of the determination to stipulate that the producer shall furnish to the laborer, when available, houses and a garden plot at a nominal charge. A representative of the labor union recommended an increase of 10 cents per hour in the wage rates to compensate for the proposed rental charge for houses furnished workers. This representative also recommended that the piecework rate for cutting sugarcane negotiated by the union and the Virgin Islands Corporation be increased 20 cents per ton.

Consideration has been given to the recommendations made; to the economic position of producers and workers; to information resulting from investigations; to the required standards; and to other pertinent factors. An examination of the operations of the Island's largest employer—the federally-owned Virgin Islands Corporation—shows that recent improved production methods have increased average labor productivity and lowered the annual losses incurred in sugar operations. In 1950 and in 1952 the Municipal Council of St. Croix enacted minimum wage legislation which prescribed substantially higher wage minimums than had been in effect in prior years. These minimums were higher than those indicated by application of standards customarily considered in wage determinations under the Sugar Act. Wage determinations have conformed to the Council's minimum wage levels inasmuch as the Sugar Act requires payment of wages "in full" of agreed upon rates or determination rates whichever are higher. Such action had the effect of providing a uniform compliance standard for all producers since the Virgin Islands Corporation is not subject to local ordinances as are other producers.

The wage provision for apprentice operators of mechanical loaders and tractors for a six-week training period and the certification of such apprentices by the Wage Commissioner of the Island of St. Croix is in general conformity with the Island's minimum wage law. It provides a reasonable experience differential and reduces costs under high labor turnover. The provision for compensable working time is in conformity with practices followed and makes knowledge of this minimum requirement available to all producers and workers. The recommendation of the representative of the Virgin Islands Corporation to permit producers to employ workers at a reduced wage rate under the handicapped worker's provision of the determination, upon receipt of a worker's statement that he has been unable to earn at piecework during one week the minimum hourly rate of 40 cents per hour, has not been adopted because adequate provision is made in the local ordinance for certification of handicapped workers by the Wage Commissioner of the Island of St. Croix.

The perquisite provision is omitted because the Virgin Islands Corporation is required by applicable federal statutes and regulations to make a nominal charge for quarters furnished to resident employees. Medical services furnished workers in the past have been limited to accident compensation which will continue to be carried without cost to workers. An adjustment in wage rates is not made to compensate for the contemplated rental charge for the reason that the minimum wage increases established by local ordinance are in excess of rates indicated by standards customarily used in wage determinations under the act.

After consideration of all factors, the wage rates and other provisions in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provision of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 29th day of January 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-765; Filed, Feb. 3, 1954; 8:51 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1954-P. R., Supp. 1]

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

EXCESS COTTON ACREAGE

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1954, and section 348 of the Agricultural Adjustment Act of 1938, as amended, the 1954 Agricultural Conservation Program: Puerto Rico, issued December 17, 1953 (18 F. R. 8627), is amended as follows:

A new § 1102.446 is added as follows:

§ 1102.446 *Excess cotton acreage.* (a) Any person who makes application for payment of cost-shares with respect to any farm located in a district in which any kind of cotton is planted in 1954 shall file with such application a statement that he has not knowingly planted any kind of cotton or caused any kind of cotton to be planted during 1954 on any farm in which he has an interest in excess of the 1954 acreage allotment established for the farm for such kind of cotton under the Agricultural Adjustment Act of 1938, as amended.

(b) Any person who knowingly plants any kind of cotton or causes any kind of cotton to be planted on his farm in 1954 in excess of the 1954 acreage allotment for the farm for such kind of cotton under the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment of cost-shares whatsoever on that farm or on any other farm under 1954 programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. Cotton of any kind shall not be deemed to have been planted on any farm in excess of the farm acreage allotment for such kind of cotton if, after the acreage originally planted to such kind of cotton has been determined and notice thereof sent to the operator of the farm, the acreage planted to such kind of cotton is adjusted to the farm acreage allotment for such kind of cotton in the period allowed under the notice. If the operator is notified that the acreage allotment for any kind of cotton has been exceeded and the acreage planted to such kind of cotton is not adjusted to such acreage allotment in the period allowed under the notice, the acreage allotment for such kind of cotton shall be deemed to have been knowingly exceeded by all producers having an interest in such kind of cotton on the farm. Notice of overplanting to the operator of the farm shall be deemed to be notice to all persons sharing in the production of any kind of cotton on the farm.

(c) For the purposes of this section "kind of cotton" shall be upland cotton or extra long staple cotton.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended, sec. 348, 52 Stat. 59, as amended, Pub. Law 156, 83d Cong.; 7 U. S. C. 1348, 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 29th day of January 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-768; Filed, Feb. 3, 1954; 8:51 a. m.]

[ACP-1954—Alaska, Supp. 1]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

EXCESS COTTON ACREAGE

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1954, and section 348 of the Agricultural Adjustment Act of 1938, as amended, the 1954 Agricultural Conservation Program; Alaska, issued December 11, 1953 (18 F. R. 8260), is amended as follows:

A new § 1104.345 is added as follows:

§ 1104.345 *Excess cotton acreage.* (a) Any person who knowingly plants any kind of cotton or causes any kind of cotton to be planted on his farm in 1954 in excess of the 1954 acreage allotment for the farm for such kind of cotton under the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment of cost-shares whatsoever on that farm or on any other farm under 1954 programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act,

as amended. Cotton of any kind shall not be deemed to have been planted on any farm in excess of the farm acreage allotment for such kind of cotton if, after the acreage originally planted to such kind of cotton has been determined and notice thereof sent to the operator of the farm, the acreage planted to such kind of cotton is adjusted to the farm acreage allotment for such kind of cotton in the period allowed under the notice. If the operator is notified that the acreage allotment for any kind of cotton has been exceeded and the acreage planted to such kind of cotton is not adjusted to such acreage allotment in the period allowed under the notice, the acreage allotment for such kind of cotton shall be deemed to have been knowingly exceeded by all producers having an interest in such kind of cotton on the farm. Notice of overplanting to the operator of the farm shall be deemed to be notice to all persons sharing in the production of any kind of cotton on the farm.

(b) For the purposes of this section "kind of cotton" shall be upland cotton or extra long staple cotton.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, sec. 348, 52 Stat. 59, as amended, Pub. Law 156, 83d Cong.; 7 U. S. C. 1348, 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 29th day of January, 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-766; Filed, Feb. 3, 1954; 8:51 a. m.]

[ACP-1954—Hawaii, Supp. 1]

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

EXCESS COTTON ACREAGE

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1954, and section 348 of the Agricultural Adjustment Act of 1938, as amended, the 1954 Agricultural Conservation Program; Hawaii, issued December 11, 1953 (18 F. R. 8265), is amended as follows:

A new § 1105.359 is added as follows:

§ 1105.359 *Excess cotton acreage.* (a) Any person who knowingly plants any kind of cotton or causes any kind of cotton to be planted on his farm in 1954 in excess of the 1954 acreage allotment for the farm for such kind of cotton under the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment of cost-shares whatsoever on that farm or on any other farm under 1954 programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. Cotton of any kind shall not be deemed to have been planted on any farm in excess of the farm acreage allotment for such kind of cotton if, after the acreage originally planted to such kind of cotton has been determined and notice thereof sent to the operator of the farm, the acreage planted to such kind of cotton is adjusted to the farm acreage allotment for such kind of cotton in the period allowed under the notice. If the operator is notified that the acreage allotment for any kind of cotton has been exceeded and the acreage planted to such kind of cotton is not adjusted to such acreage allotment in the period allowed under the notice, the acreage allotment for such kind of cotton shall be deemed to have been knowingly exceeded by all producers having an interest in such kind of cotton on the farm. Notice of overplanting to the operator of the farm shall be deemed to be notice to all persons sharing in the production of any kind of cotton on the farm.

(b) For the purposes of this section "kind of cotton" shall be upland cotton or extra long staple cotton.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, sec. 348, 52 Stat. 59, as amended, Pub. Law 156, 83d Cong.; 7 U. S. C. 1348, 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 29th day of January 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-767; Filed, Feb. 3, 1954; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Rev., Amdt. 18]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

DESIGNATION OF AREAS IN WHICH SWINE ARE AFFECTED WITH VESICULAR EXANTHEMA

Pursuant to the authority conferred upon the Administrator of the Agricultural Research Service by § 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), § 76.27a of said Subpart B (18 F. R. 3829, as amended) is hereby amended to read as follows:

§ 76.27a *Designation of areas in which swine are affected with vesicular exanthema.* The following areas in the specified States are hereby designated as areas in which swine are affected with vesicular exanthema:

California

The entire State of California.

Connecticut

The Town of Manchester in Hartford County.

Maine

The Town of Lewiston in Androscoggin County.

That area consisting of the towns of Portland, South Portland, Westbrook, Cape Elizabeth, and Scarboro, in Cumberland County, and the Towns of Saco, Biddeford, Kennebunk, Alfred, and Sanford in York County.

That area consisting of the Towns of Cumberland and Yarmouth in Cumberland County.

That area consisting of the Towns of Chelsea and Hallowell in Kennebec County.

Massachusetts

That area consisting of Bristol, Essex, Hampden, Plymouth, and Suffolk Counties

All of Middlesex County except that part of the Town of Billerica lying northeast of U. S. Route No. 3, northwest of Andover Road, south of Dudley Road, west of Concord Road, east of Lexington Road, and southwest of U. S. Route No. 3; that part of the Town of Burlington lying southwest of U. S. Route No. 3, southeast of Francis Wyman Road, north of Bedford Street, southeast of Dug Way, northeast of Winn Street, and northwest of Peach Orchard Road; the Town of Carlisle; that part of the Town of Dracut lying east of Gumpas Avenue and west of Mammoth Road; that part of the Town of Hudson lying west of Chapin Street, northwest of Brigham Street and the Assabet River; that part of the Town of Lexington lying west of Westview Road and south of State Routes No. 4 and 25; that part of the Town of North Reading lying north of State Route No. 62 and east of State Route No. 28; that part of the Town of Tewksbury lying northwest of the Shawsheen River, northeast of State Route No 38, and south of Salem Street; that part of the Town of Weston lying north of U. S Route No. 20; and that part of the Town of Wilmington lying north of Salem Street, northwest of State Route No. 62, west of Ballardvale Street, southwest of the Salem and Lowell Branch of the Boston and Maine Railroad, east of the Portland Division of the Western Branch of the Boston and Maine Railroad, northeast of State Route No. 38, west of the Wilmington Branch of the Boston and Maine Railroad and south of Salem Street.

All of Norfolk County except that part of the Town of Sharon lying north of Main Street, and that part of the Town of Wrentham lying north of State Route No. 11 and south of State Route No. 140.

All of Worcester County except that part of the Town of Blackstone lying west of Mendon Street and north and east of Chestnut Street; the Town of Gardner; that part of the Town of Grafton lying east of State Routes No. 140 and No. 30; that part of the Town of Mendon lying north of Bellingham Road and south and east of Hartford Avenue East; the Town of Milford; that part of the Town of Oxford lying south of State Route No. 12; the Town of Templeton; and that part of the Town of Westboro lying north of State Route No. 9.

New Jersey

Atlantic, Bergen, Camden, Gloucester, Hudson, Hunterdon, and Morris Counties.

That area consisting of Union, Middlesex, Monmouth, and Ocean Counties.

That area in Lower Township in Cape May County lying east of U. S. Highway No. 9

That area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east and State Highway No. 550 on the north and west and State Highway Spur No. 550 on the west

All of Burlington County except Delran, Washington, Shamong, Tabernacle, and Bass River Townships.

New York

The Town of Poland in Chautauqua County

The Town of Poughkeepsie in Dutchess County.

That area in the Town of Clarkstown lying north of New York State Route No. 59 in Rockland County.

Pennsylvania

Bucks and Delaware Counties.

Rhode Island

Providence County.

Effective date. The foregoing amendment shall become effective upon issuance.

Section 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), quarantine the areas so designated.

The amendment designates the following as an area in which swine are affected with vesicular exanthema in addition to the areas heretofore designated:

Providence County in Rhode Island.

Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), apply to this area.

The amendment excludes from the areas heretofore designated as areas in which swine are affected with vesicular exanthema:

That part of the Town of Billerica lying northeast of U. S. Route No. 3, northwest of Andover Road, south of Dudley Road, west of Concord Road, east of Lexington Road, and southwest of U. S. Route No. 3; that part of the Town of Burlington lying southwest of U. S. Route No. 3, southeast of Francis Wyman Road, north of Bedford Street, southeast of Dug Way, northeast of Winn Street, and northwest of Peach Orchard Road; the Town of Carlisle; that part of the Town of Dracut lying east of Gumpas Avenue and west of Mammoth Road; that part of the Town of Hudson lying west of Chapin Street, northwest of Brigham Street and the Assabet River; that part of the Town of Lexington lying west of Westview Road and south of State Routes No. 4 and 25; that part of the Town of North Reading lying north of State Route No. 62 and east of State Route No. 28; that part of the Town of Tewksbury lying northwest of the Shawsheen River, northeast of State Route No. 38, and south of Salem Street; that part of the Town of Weston lying north of U. S. Route No. 20; and that part of the Town of Wilmington lying north of Salem Street, northwest of State Route No. 62, west of Ballardvale Street, southwest of the Salem and Lowell Branch of the Boston and Maine Railroad, east of the Portland Division of the Western Branch of the Boston and Maine Railroad, northeast of State Route No. 38, west of the Wilmington Branch of the Boston and Maine Railroad, and south of Salem Street, in Middlesex County, in Massachusetts.

That part of the Town of Sharon lying north of Main Street, and that part of the Town of Wrentham lying north of State Route No. 11 and south of State Route No. 140, in Norfolk County, in Massachusetts.

That part of the Town of Blackstone lying west of Mendon Street and north and east of Chestnut Street; the Town of Gardner; that part of the Town of Grafton lying east of State Routes No. 140 and No. 30; that part of the Town of Mendon lying north of Bellingham Road and south and east of Hartford Avenue East; the Town of Milford; that part of the Town of Oxford lying south of State Route No. 12; the Town of Templeton; and that part of the Town of Westboro lying north of State Route No. 9, in Worcester County, in Massachusetts.

The Administrator of the Agricultural Research Service has determined that swine in these areas are not now affected with the disease, and that the quarantine of such areas is no longer required to prevent the dissemination thereof. Accordingly, these areas are no longer quarantined under said § 76.27, and the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended, (18 F. R. 3636, as amended), no longer apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas contained in said Subpart D, as amended, apply thereto.

The effect of the amendment is to impose certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and to relieve certain restrictions presently imposed. The amendment must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-789; Filed, Feb. 3, 1954; 8:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter J—Procurement Procedures

PART 1007—TERMINATION OF CONTRACTS

REDISTRIBUTION AND DISPOSAL OF CONTRACTOR INVENTORY—FOREIGN

At the time Part 1007 was published in the FEDERAL REGISTER (18 F. R. 2690), material under the heading of Category B: Overseas, Subpart F—Termination Inventory, was reserved. This material, consisting of § 1007.618, is added to Subpart F, Part 1007, as follows:

CATEGORY B: OVERSEAS

§ 1007.618 *Redistribution and disposal of contractor inventory—foreign—*(a) *Redistribution.* Whenever any item of contractor inventory, as defined in Part 407 of this title, in the possession of a contractor is not required to complete the performance of work under a contract, it may be applied against known requirements existing under other Air Force contracts in the following order of precedence:

(1) If such contractor inventory can be utilized to satisfy known requirements existing under another Air Force contract within the same general locality (that is, same country or vicinity), it may be transferred to such other Air Force contract;

(2) If such contractor inventory can be utilized to satisfy known requirements existing under another Air Force contract located within the geographical jurisdiction of the major air command, it may be transferred to such other Air Force contract;

(3) If the contractor inventory can be utilized to satisfy known requirements existing under another Air Force contract located outside the geographical jurisdiction of the major air command (including zone of interior), it may be transferred to such other contract.

The United States diplomatic or consular representative in the country in which the property is located and such representative in the country to which the property may be transferred in accordance with the situations cited in this paragraph shall be consulted with regard to possible customs duties and taxes, or other limitations upon import or export of the property, applicable under the laws of the countries involved. Applicable laws shall be complied with; where compliance would make the transfer uneconomical, the property shall be disposed of as provided in paragraph (b) of this section.

(b) *Disposal.* If none of the foregoing situations prevails to the extent that the property cannot be utilized as indicated in paragraph (a) of this section, the property then may be disposed of in the following order of precedence:

(1) The property will be screened with the appropriate supply organization of the major oversea command where the property is located for the supply requirements of that command;

(2) The property will be screened with other military services within the major oversea command where such property is located;

(3) If no requirement exists thereafter property of line item cost in excess of $1,000 shall be listed on termination inventory schedules (as provided by Subpart G, Part 407 of this title), and screened with Field Operations Division, Headquarters, Air Materiel Command (Attention: Readjustment Branch), for Air Force supply requirements;

(4) If 90 days after submission of inventory schedules no shipping instructions have been issued, the property may be disposed of subject to the provisions of paragraphs (d) and (e) of this section.

United States Air Force excess critical and strategic materials, wherever located, including those obtained from scrap and salvage and which meet the specifications and requirements of the stockpiling program of the Department of Defense, will be reported to the Directorate of Procurement and Production, Headquarters, Air Materiel Command, Attention: Readjustment Branch, Field Operations Division, and will be held for disposition instructions.

(c) *Transfers and reimbursement.* (1) USAF excess material, if transferred

to another military department, generally will be without reimbursement or transfer of funds, for the material concerned;

(2) USAF excess material, if transferred to a Federal agency outside the Department of Defense, will require reimbursement for the fair value of the material concerned as well as packing, handling, and crating costs, except when otherwise authorized;

(3) Transportation charges incident to transfers mentioned in this paragraph will be handled by a Government bill of lading or other document, with the costs thereof charged direct to the transferee;

(4) Packing, handling, and crating charges incident to transfers cited in this paragraph will either be actual or estimated. Such charges will be subject to price negotiations between the departments concerned.

(d) *Foreign excess property.* (1) "Foreign excess property" means contractor inventory located outside the continental United States, Alaska, Hawaii, Panama Canal Zone, Puerto Rico, and the Virgin Islands, and excess to the needs of the oversea command in which located.

(2) Foreign excess property located in Canada will be disposed of through the Crown Assets Disposal Corporation (CADC), an agency of the Canadian Government, in accordance with the principles, price policies, and procedures, agreed upon by the United States and the Canadian Government.

(3) The disposal of foreign excess property shall conform to the foreign policy of the United States. In this connection, the commander of oversea major air command, or his designated representative, shall establish and maintain liaison with United States diplomatic representatives and consular offices, and will advise such personnel in advance regarding the disposition of foreign excess property, in order that the comments and suggestions of the Department of State may be obtained with respect to the proposed disposal, as relates to and affects the policies and economic condition of the country concerned. Disposal plans shall include, if possible, the names of prospective bidders of any proposed sale involving property having a total acquisition cost of $250,000 or more, and shall be reported to the United States diplomatic mission in the country or countries concerned. It is not intended that the diplomatic missions shall be concerned with the determinations of the value of items to be disposed of. The receipt of such plans prior to the conclusion of any sales will afford an opportunity to the diplomatic missions to consider possible foreign policy aspects, and to transmit to the Air Force activity concerned any views of such aspects, together with any available information regarding particular purchases or other matters which may be helpful in concluding a sale. Sales involving property having a total acquisition cost of less than $250,000, but in excess of $50,000, need not be reported to the diplomatic mission in advance of the sale, but will be reported at the completion of the sale.

(4) Notwithstanding the above, it is believed that any sales, regardless of the total acquisition cost of property which might have a significant effect on the economic or political situation in a particular area, shall be discussed with the appropriate diplomatic mission before the sale is made.

(5) The general policy of the Air Force is to sell foreign excess property by competitive bids. In exceptional or unusual cases sales may be made without competitive bids, provided that the sale price is fair and reasonable and is adequate in the light of reasonable knowledge or test of the market, due regard being had for current prices for any raw materials or products for which quotations are published, and for the circumstances, nature, condition, quantity, and location of the property. In some instances, the foreign government concerned may require that it shall either be the only authorized buyer or the only authorized sales agent. Accordingly, in those cases where a foreign government is a party to a contract or agreement for the sale of United States foreign property, the authorization and execution of such contract or agreement shall be effected only with the prior approval of the diplomatic mission in the country concerned.

(6) Custom duties, taxes, or similar charges may be levied by certain foreign governments against either the seller or purchaser of foreign excess property sold within their jurisdiction. Each sales offering shall include a statement and each contract shall include a clause providing that the purchaser shall pay all such duties, taxes, and so forth, and furnish the Air Force contracting officer copies of the receipts therefor, prior to the release of the property. Since the laws of each country in which foreign excess property may be sold will govern the assessment and collection of duties, taxes, and the like, the United States diplomatic or consular representative, in the area where the sales are to be made, shall be consulted and requested to effect appropriate arrangements with the foreign government concerned.

(7) All notices of sale and all sales contracts will include the following provision:

> The property sold hereunder shall not be imported into the United States of America, unless the Secretary of Agriculture (in the case of any agricultural commodity, food, or cotton or woolen goods), or the Secretary of Commerce (in the case of any other property) has determined that the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of the United States, and this sale is made expressly subject to this condition.

(e) *Foreign currency.* (1) Ordinarily, all sales of foreign excess property shall be made for United States dollars or for the equivalent in currency, which is readily convertible into United States dollars. When United States dollars are not available and it is proposed to accept foreign currency, prior approval shall be obtained from the treasury attaché of the staff of the United States diplomatic mission, except where the amount involved does not exceed $5,000 as set forth in subparagraph (2) of this paragraph.

(2) In countries where there is no treasury attaché on the Staff, such cases will be submitted direct to the Office of International Finance, United States Treasury Department, Washington 25, D. C. Where the amount involved in an individual transaction does not exceed $5,000, the Treasury Department has authorized the Department of Defense to accept such amounts without consultation: *Provided*, That:

(i) Assurance has been obtained through the local State Department representative that such currency may be used in payment of any and all United States Government expenditures in that country;

(ii) It is not feasible to sell the property for United States dollars or to ship such property to a country (but not United States, except where property is of a type authorized for return) where it may be sold for United States dollars or for a freely convertible foreign currency;

(iii) It is not a country under occupation by United States forces;

(iv) It is not a country whose assets in the United States are blocked under Treasury Department regulations; or

(v) It is not a country with which diplomatic relations are not maintained.

(f) *Disposal of Air Force foreign excess property by Army and Navy.* When Air Force foreign excess property is transferred to the Departments of Army and Navy activities for disposal, pursuant to local agreements or to orders of the theater commanders, the responsibility to comply with State Department requirements outlined in this part is the responsibility of the service making disposal.

(AFL 70-102H) (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interprets or applies 62 Stat. 21; 41 U. S. C. 151-161)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54 738; Filed, Feb. 3, 1954; 8.45 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—The Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

AGRICULTURAL COMMODITIES

1. Section 1453.2, paragraph (a) *Agricultural commodities* is amended by inserting the following immediately after the words "Rubber, crude natural; natural liquid latex" appearing in the list following subparagraph (4): "Shellac, flake or powder."

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: January 27, 1954.

GEORGE C. MCCONNAUGHEY,
Chairman

[F. R. Doc. 54 772; Filed, Feb. 3, 1954; 8.52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 63]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

L F R STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an L F R instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified fixes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance (miles) to airport	Minimum altitude over facility on final approach course (ft.)	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished	Procedure turn (—) side of final approach course (southbound and inbound); altitudes, limiting distances
1	2	7	6	8	9	10	11	5
COLUMBIA, S. C. Columbia Airport, 244' SBRAZ-VDT CAE Procedure No. 1 January 12, 1954	Columbia VOR	265—7.4	1,200	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 600-1½ 800-2	Within 7 miles, climb to 1,900' on W course with tight turn. Alternate, missed approach procedure (when directed by ATC): Turn right, climb to 2,000' on NW course within 7 miles. *Departures from standard criteria authorized for daytime clearance through tower 500' MSL, located 1½ miles NW of L F R. Procedure turn to S to avoid Fort Jackson danger area.	South side E course.* 090 outbound. 270 inbound. 1,500' within 25 miles.
Owens Field, 192' SBRAZ-VDT CAE Procedure No. 1 January 12, 1954	Columbia VOR	330—1.9	1,200	T-d T-n C-d C-n A-dn	*300-1 N A 1,400-2 N A N A	*300-1 N A 1,400-2 N A N A	Within 10 mile, climb to 2,000' on NW course of Columbia L F R, within 25 miles. Clinton Radio TV tower 900' MSL located 11 miles NW of airport. *1,000-2 required for runway 33.	E side SE course. 130 outbound. 310 inbound. 1,500' within 25 miles.
CROSS CITY, FLA. Cross City, 40' SBAR-DTV CTY Procedure No. 1 January 12, 1954	Cross City VOR	264—1.8	1,100	T-dn C-dn S-dn 31 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 27 miles, climb to 1,200' on NW course within 25 miles.	E side SE course. 135 outbound. 315 inbound. 1,100' within 25 miles.
MELBOURNE, FLA. Melbourne-Eau Gallie Airport, 26' SBRAZ-DVT MLB Procedure No. 1 January 12, 1954			700	T-dn C-dn S-dn A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 23 miles, climb to 1,300' on S course within 20 miles.	W side N course: 356 outbound. 176 inbound. 1,300' within 25 miles.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility, class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
FORT WORTH, TEX. Amon Carter Field, 568' MHW GPR Procedure No. 2 January 14, 1954	Fort Worth LFR	107—20	2,200	W side of course: 177° outbound. 357° inbound. 1,900' with in 15 miles. NA beyond 15 miles.*	1,300	349—5.7	T-dn C-dn S-dn 35 A-dn	300-1 500-1 500-1 1,000-2 BCOB	300-1 500-1½ 500-1 1,000-2 BCOB	Within 5.7 miles, turn left, climb to 1,900' on course of 229° within 15 miles of Amon Carter ILS LOM, or when directed by ATC, climb to 2,200' on course of 349° within 25 miles of Grand Prairie MHW. *Procedure turn nonstandard due ATC.
	Hasket MHW	126—23	1,900							
	Amon Carter ILS LOM	150—12	1,900							
	Int. E course FTW and N course DAL	204—17	1,900							
	Dallas LFR	236—12	1,900							
	Duncanville MHW	288—12	1,800							
KNOXVILLE, TENN. McGhee-Tyson, 989' Binfield MHW BFH Procedure No. 1 August 1, 1953	PROCEDURE CANCELED JANUARY 12, 1954.									
LUFKIN, TEX. Angelina County Airport, 290' BMH RBN LFK Procedure No. 1 January 14, 1954	Lufkin VOR	336—5	1,600	S side of final approach course: 296° outbound. 116° inbound. 1,500' within 10 miles. 1,600' within 15–20–25 miles.	880'	Facility on airport.	T-dn C-dn A-dn	300-1 600-1 1,000-2 BCOB	300-1# 600-1½ 1,000-2 BCOB	Within 0 mile, climb to 1,500' on course of 116° within 25 miles of LFK RBN. *Caution. Deviation authorized in obstruction clearance over radio tower 548' MSL located 3.7 miles NW of airport. #Aircraft larger than DC-3 use caution due runway load bearing ability.
MINERAL WELLS, TEX. Municipal, 994' BMH MWL Procedure No. 1 January 13, 1954	Mineral Wells VOR	312—5	2,000	S side of course: 130 outbound. 310 inbound. 2,000' within 15 miles. 2,100' within 25 miles.*	1,500	At airport.	T-dn C-dn A-dn	300-1 600-1 1,000-2 BCOB	300-1 600-1½ 1,000-2 BCOB	Climb to 2,500' on course of 310° within 25 miles. *Procedure turn nonstandard due ATC.
NEW ORLEANS, LA. Alvin Callender, 5' MHW BCS Procedure No. 1 January 13, 1954	New Orleans LFR New Orleans VOR	125—15 108—17	1,600 1,600	East: 170° 35° 1,200' within 15 miles. Beyond 15 miles NA.	700	On airport.	T-dn C-d C-n A-dn	300-1 700-1 700-2 1,000-2 BCOB	300-1 700-1½ 700-2 1,000-2 BCOB	Within 0.0 mile, turn right, climb to 1,200 on track of 170° within 25 miles. Notice. Runway lights operated on request to any CAA facility. Weather reports made upon request of New Orleans Weather Bureau Station. Caution. 623' radio tower 4.6 miles NNW of airport.
TOPEKA, KANS. Philip Billard, 880' LOM Procedure No. 1 April 15, 1953	PROCEDURE CANCELED EFFECTIVE FEBRUARY 8, 1954.									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation, facility, class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distances	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude at glide slope intercept on inbound (ft.)	Altitude of glide slope and distance to approach end of runway at: Outer marker	Altitude of glide slope and distance to approach end of runway at: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m.p.h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
PITTSBURGH, PA. Greater Pittsburgh, 1,168' ILS-PIT MHW UNE Procedure No. 1 Combination ILS and ADF January 19, 1954	Pittsburgh LFR	Union MHW	308—10.6	2,600	E side SE course ILS: 141° outbound. 321° inbound. 2,600' within 10 miles of Union MHW. NA beyond 10 miles.	ILS 2,500 ADF 2,100 over Union MHW.	2,447—4.7	1,415—0.7	T-dn C-dn S-dn 32 ILS ADF A-dn	300-1 500-1 400-¾ 500-1 800-2	300-1 500-1½ 400-¾ 500-1 800-2	Within 4.7 miles after passing Union MHW, make a climbing left turn, climb to 2,500' (or higher altitude when requested by ATC) and proceed to Clinton radiobeacon.
	Pittsburgh VOR	Union MHW	336—12	2,600								
	McKeesport MHW	Union MHW	291—14	2,700								
	River MHW	Union MHW	226—5	2,600								
	Clinton MHW	Union MHW	119—10	2,600								
	Cecil MHW	Union MHW	013—8	2,600								
	Butler MHW	Union MHW	211—21	2,900								
	Radar terminal area transition altitudes.	Union MHW	All sectors within 10 miles	2,500								
			10–40 miles.	3,000 or MEA when lower.								
	New Alexandria MHW	River MHW	280—36	3,000	N side E course ILS: 097° outbound. 277° inbound. 2,900' within 10 miles. NA beyond 10 miles.	2,400 over River MHW	No glide slope		T-dn C-dn S-dn 28 ILS ADF A-dn	300-1 500-1 400-1 500-1 800-2	300-1 800-1½ 400-1 500-1 800-2	6.8 miles after passing River MHW climb to 2,500' or higher altitude if directed by ATC on W course ILS or 277° course to Clinton radiobeacon.
Greater Pittsburgh, 1,168' ILS-GPB MHW RER Procedure No. 2 Combination ILS and ADF January 19, 1954	Butler MHW	River MHW	210—16	2,900			6.5	0.7				
	McKeesport MHW	River MHW	300—18	2,900								
	Pittsburgh LFR	River MHW	336—11	2,900								
	Pittsburgh VOR	River MHW	356—14	2,900								
	Cecil MHW	River MHW	028—12	2,900								
	Clinton MHW	River MHW	097—13	2,900								
	Radar terminal area transition altitudes.	River MHW	All sectors: within 10 miles.	2,500								
			To 40 miles.	3,000 or MEA when lower.								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State, airport name, elevation, effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound) altitudes, limiting distances	Minimum altitude at glide slope intercept inbound (ft.)	Altitude of glide slope and distance to approach end of runway at— Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
PITTSBURGH, PA. Greater Pittsburgh, 1,168' ILS-PB MHW-GHW Procedure No. 3 (Back course) Combination ILS and ADF January 19, 1954	Berryhill MHW	Clinton Rbn	100—13	2,500	S side course. 277° outbound. 097° inbound. 2,500' within 10 miles of Clinton MHW.	No glide slope. No outer marker. No middle marker. Minimum altitude over Clinton MHW, inbound 2,500'. Distance and bearing to runway 10, 4.6—96°.			T-dn	300-1	300-1	Within 4.6 miles after passing Clinton MHW, climb to 2,900' or higher altitude when requested by ATC on E course of ILS or 097° course to River MHW.
	River MHW	Clinton Rbn	277—13	2,500					C-dn	500-1	500-1½	
	Pittsburgh LFR	Clinton Rbn	301—21	2,500					S-dn 10			
	Mystic Int. (NW course of Pittsburgh LFR and Wheeling VOR Radial 20°)	Clinton Rbn	160—13	2,500					ILS	400-1	400-1	
									ADF	500-1	500-1	
									A-dn	800-2	800-2	
	Butler MHW	Clinton Rbn	239—21	2,500								
	Cecil MHW	Clinton Rbn	332—14	2,500								
	Radar terminal area transition altitudes.	Clinton Rbn	All sectors within 10 miles.	2,500								
			10-40 miles.	3,000 or MEA when lower.								
WINDSOR LOCKS, CONN. Bradley Field, 173' ILS-BDL LOM BD Procedure No. 1 Combination ILS and ADF February 13, 1954	Int. NW course Hartford and SW course ILS or bearing 58°	LOM	058—3.5	2,500	S side SW course 238° outbound. 058° inbound. 2,300' within 10 miles	ILS 2,400 ADF 1,700 over LOM	1,650—6.2	415—0.7	T-dn	300-1	300-1	Within 3.2 miles after passing LOM (ADF), climb to 2,500' on NE course ILS or 058° track on LOM. Alternate missed approach procedure when requested by ATC: make a climbing right turn to LOM at 2,500'. Deviation from criteria authorized in interest of landing minimums. Standard clearance not provided over ridge approximately 1 mile N of outer marker. Caution: Unlighted hills 2¾ miles NW of airport approximately 760' MSL.
									C-dn	700-1¼	700-1½	
									S-dn 6			
									ILS	400-¾	400-¾	
	Int. E course Westfield and NE course ILS or bearing 238°.	LOM	238—19	2,500					ADF	500-1	500-1	
	Int. S course Westfield and SW course ILS or bearing 058°.	LOM	058—3.5	2,500					A-dn	800-2	800-2	
YOUNGSTOWN, OHIO Youngstown airport, 1196' ILS-YNG Procedure No. 2 (Back course) February 1, 1954	Youngstown LFR	Mosquito Int.	281—4.5	2,200	W side NW course 316° outbound. 136° inbound. 2,200' within 10 miles of Mosquito Int. NA beyond 10 miles.	No glide slope. No outer marker. No middle marker. Minimum altitude at Mosquito Int. inbound 2,200. Distance from Mosquito Int. to Runway 32, 5 miles.			T-dn	300-1	300-1	Within 5 miles of Mosquito Int., climb to 2,500' on SE course ILS within 10 miles.
	Parkman Int	Mosquito Int.	101—19	2,200					C-dn	500-1	500-1½	
	Int. NW course Youngstown ILS and S course Youngstown LFR.	Mosquito Int.	319—6	2,200					S-dn 14	500-1	500-1	
									A-dn	800-2	800-2	NOTE: Mosquito Int. Int. NW course Youngstown ILS and W course Youngstown LFR or and Int. of Youngstown VOR radial 258° and NW course Youngstown ILS.

4 The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a GCA instrument approach is indicated at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified route. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (a) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (b) at pilot's discretion if it appears desirable to discontinue the approach.

City and State, airport name, elevation, effective date	Radar terminal area maneuvering altitudes by sectors and limiting distances	Runway No.	Ceiling and visibility minimums: Condition	Precision approach (PAR): 75 m. p. h. or less	Precision approach (PAR): More than 75 m. p. h.	Surveillance approach (ASR): 75 m. p. h. or less	Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds, (b) directed by ground controller, (c) visual reference is not established upon descent to the authorized landing minimums, or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
PITTSBURGH, PA. Greater Pittsburgh, 1,168' January 19, 1954	All sectors within 10 miles, 2,500'; 10-40 miles, 3,000', or MEA when lower.	All runways	T-dn			300-1	300-1	Missed approach to runways 5, 10, and 14: climb to 2,900' and proceed to River radiobeacon. Missed approach to runways 23, 28, and 32: climb to 2,800' and proceed to Clinton radiobeacon.
			C-dn			500-1	500-1½	
			S-dn			500-1	500-1½	
			A-dn			800-2	800-2	

5. The very high frequency omnirange procedures prescribed in § 609.15 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes, shall correspond with those established for en route operation in the particular area or as set forth below.

City and State, airport name, elevation, facility class, and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
CROSS CITY, FLA. Cross City, 42' BVOR CTY Procedure No. 1 January 12, 1954	Cross City LFR	084—1.0	1,100	N Side course: 119° outbound. 299° inbound. 1,100' within 25 miles.	600	119—3.7	T-dn	300-1	300-1	Within 3.7 miles, climb to 1,200' on course of 299° within 25 miles of VOR.
							C-dn	500-1	500-1½	
							S-dn 31	500-1	500-1	
							A-dn	800-2	800-2	
DAYTONA BEACH, FLA. Daytona Beach, 34' BVOR DAB Procedure No. 1 January 5, 1954	Daytona Beach LFR	222—4.5	1,200	N side of course: 243° outbound. 063° inbound. 1,200' within 10 miles. 1,400' within 15 miles. 2[illegible] and 25 miles not authorized.	800	063—3.7	T-dn	300-1	300-1	Within 5.5 miles, climb to 1,400' on course of 063° within 15 miles.
							C-dn	500-1	500-1½	
							S-dn 6	500-1	500-1	
							A-dn	800-2	800-2	
SAVANNAH, GA. Travis Field, 50' BVOR-DTV SAV Procedure No. 1 February 1, 1952	PROCEDURE CANCELED JANUARY 11, 1954.									

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-739, Filed, Feb. 3, 1954; 8.45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

The Commission desires to make a change in Part 3—Radio Broadcast Services (revised to June 30, 1953) to correct a typographical error in the TV channel assignments for Lafayette, Indiana, as set forth in § 3.606. The asterisk for Channel 47 was inadvertently omitted when Part 3 was revised.

The amendment adopted herein is editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately.

The amendment adopted herein is issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F–6 of the Commission's order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended.

It is ordered, This 29th day of January 1954, that, effective immediately, Part 3 of the Commission's rules and regulations is revised as set forth below:

Section 3.606 is amended to show the TV channel assignments for Lafayette, Indiana to be *47, 59.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: January 29, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54–777; Filed, Feb. 3, 1954; 8:53 a. m.]

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

STANDARD FORMS TO BE USED

In the matter of adoption of Revised FCC Form 400 (Application for Radio Station Authorization in the Safety and Special Radio Services), associated instructions, and amendment of Parts 10, 11 and 16 of the Commission's rules to delete certain formal requirements concerning voluntary assignment of authorizations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of January 1954;

The Commission having under consideration certain modifications of FCC Form 400 and associated instructions, as well as simplication of §§ 10.55 (b), 11.56 (b) and 16.56 (b) governing voluntary assignment of radio station authorizations; and

It appearing, that certain editorial changes in the form and instructions, and in the spacing provided for some items in the form, appear to be desirable as a consequence of experience in its use since its adoption on September 10, 1952; and

It further appearing, that the notarization and certain other formal requirements presently applicable to letters assigning station authorizations under Parts 10, 11 and 16 appear to serve no useful purpose and should be deleted; and

It further appearing, that since the form and rules changes herein ordered are procedural in nature, general notice of proposed rule making under section 4 (a) of the Administrative Procedure Act is unnecessary and would serve no useful purpose; and

It further appearing, that the form and rules changes herein ordered impose no new burden on existing licensees, relax existing requirements, and may therefore be made effective immediately; and

It further appearing, that authority for this order is contained in sections 4 (i), 301, 303 (r) and 308 (b) of the Communications Act of 1934, as amended:

It is ordered, That effective immediately, the revised FCC Form 400 (Application for Radio Station Authorization in the Safety and Special Radio Services) [1] and "Instructions For Completion of FCC Form 400 (January 1954 Revision)" [1] are hereby adopted: *Provided, however*, That applications filed on the present FCC Form 400 (adopted 9/10 52) will be accepted by the Commission until July 1, 1954; and

It is further ordered, That Parts 10, 11 and 16 of the Commission's rules are amended as set forth below:

Amend §§ 10.55 (b), 11.56 (b) and 16.56 (b) to read as follows:

(b) When the holder of a station authorization desires to assign to another person the privilege to construct or use a radio station, he shall submit to the Commission a letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the call sign and location of station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Enclosed with this letter shall be an application for Assignment of Authorization on FCC Form 400 prepared by and in the name of the person to whom the station is being assigned.

(Sec. 4, 48 Stat. 1066 as amended; 47 U S C. 154. Interprets or applies secs. 301, 303, 308, 48 Stat. 1081, 1082, as amended, 1085; 47 U. S. C. 301, 303, 308)

Released: January 29, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54–778; Filed, Feb. 3, 1954; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 907]

[Docket No. AO 212-A6]

HANDLING OF MILK IN MILWAUKEE, WISCONSIN, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 322, Federal Building, 517 East Wisconsin Avenue, Milwaukee, Wisconsin, beginning at 10:00 a. m., c. s. t., February 9, 1954.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Milwaukee, Wisconsin, marketing area and to the proposed amendments set forth herein below, or modifications thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Milwaukee Cooperative Milk Producers, Pure Milk Products Cooperative, Dairyland Cooperative Association, Golden Guernsey Dairy Cooperative

1. Amend § 907.51 (a) by adding the following: "• • • but no more than 24 cents shall be added or subtracted from the Class I differential."

[1] Filed as part of original document

By the Dairy Division, Agricultural Marketing Service:

2. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the said order as amended; may be procured from the Market Administrator, 956 North Twelfth Street, Milwaukee 3, Wisconsin, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 1, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54–787; Filed, February 3, 1954; 8:55 a. m.]

[7 CFR Part 925]

[Docket No. AO–226–A3–RO1]

HANDLING OF MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the public hearing held August 10–11, 1953, at Seattle, Washington, pursuant to notice issued July 23, 1953 (18 F. R. 4381), such reopened hearing to be held at the Federal Court House Building, Seattle, Washington, beginning at 10:00 a. m., P. s. t., February 10, 1954 for the purpose of receiving additional evidence with respect to proposals Nos. 1, 2, and 3 below, set forth in the original notice of hearing as proposals Nos. 3, 8, and 21, respectively, to amend the tentative marketing agreement heretofore approved by the Secretary of Agriculture and the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area, or appropriate modifications of any of such proposals. These proposed amendments have not received the approval of the Secretary of Agriculture.

Consideration will be given also to the question of whether economic and marketing conditions which relate to the handling of milk for the said marketing area require emergency action with respect to any or all amendments deemed necessary as the result of the hearing.

Proposed by the United Dairymen's Association on its own behalf and on behalf of certain member cooperatives:

Proposal No. 1. Delete § 925.13 and substitute therefor the following:

§ 925.13 *Producer milk.* "Producer milk" or "milk received from producers" means milk qualified as described in § 925.12 and either received directly from a farm at a fluid milk plant or country plant or caused to be diverted by a handler for his account from such a plant to a non-pool plant: *Provided first*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted: *And provided second*, That the first proviso hereof shall not apply to milk diverted from a plant located in one district to a plant located in another district with a different location adjustment unless it is actually received at the plant from which it is caused to be diverted at least 15 days during each month that diversion is claimed (exclusive of April, May, and June).

Proposal No. 2. Revise the provisions relating to location adjustments applicable to the Class I milk price and to the uniform prices to producers as follows:

1. Amend § 925.6 by taking Skagit County out of District 2 and creating a new district to be designated District 4, comprising only those portions of Skagit County which are within the marketing area.

2. Amend § 925.53 to read as follows:

§ 925.53 *Location adjustment to handlers on Class I milk.* In computing the value of each handler's milk, there shall be credited with respect to skim milk and butterfat respectively in producer milk received at a plant located in Districts 2 and 3, the sum of forty (40¢) cents per hundredweight, and at a plant located in District 4 of twenty (20¢) cents per hundredweight, and at a plant located in Clallam or Jefferson County of fifty (50¢) cents per hundredweight.

3. Amend § 925.81 (a) in conformity with the above suggested change for § 925.53.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the aforesaid tentative marketing agreement and order may be procured from the market administrator, 200 Bigelow Building, Fourth and Pike Streets, Seattle, Washington, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 1, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54–788; Filed, Feb. 3, 1954; 8:55 a. m.]

[7 CFR Parts 941, 967]

[Docket Nos. AO 101–A16, AO 170–A7]

MILK IN CHICAGO, ILLINOIS, AND SOUTH BEND-LA PORTE, INDIANA, MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENTS AND ORDERS, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Madison Room, Morrison Hotel, Clark and Madison Streets, Chicago, Illinois, beginning at 10:00 a. m., c. s. t. on February 8, 1954.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Chicago, Illinois, and South Bend-La Porte, Indiana, marketing areas and to the proposed amendments set forth herein below, or modifications thereof, to the tentative marketing agreements as heretofore approved by the Secretary of Agriculture and to the orders, as amended, regulating the handling of milk in the said marketing areas. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Pure Milk Association, Consolidated Badger Cooperative, Associated Milk Dealers, Inc., Baldwin Cooperative Creamery Company, Barron Cooperative Creamery, Colfax Cooperative Creamery, Falls Dairy Company, Farmers Cooperative Creamery Company, Ladysmith Milk Producers Cooperative, St. Croix Valley Cooperative Dairies, Wisconsin Cooperative Dairies:

1. Amend § 941.52 (a) (1) of the Chicago order by adding: "But no more than 24 cents shall be added to or subtracted from the Class I price differential."

By Pure Milk Products Cooperative:

2. Eliminate further declines in Class I and Class II prices under the Chicago order.

By Pure Milk Association:

3. Amend § 967.51 (a) of the South Bend-La Porte order by adding: "• • • but such Class I price differential shall not be increased or decreased more than 24 cents thereby."

By the Dairy Division, Agricultural Marketing Service:

4. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the said order as amended, may be procured from the Market Administrators, 73 West Monroe Street, Chicago 3, Illinois, and 407 Strauss Building, Fort Wayne 2, Indiana, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 1, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54–786; Filed, Feb. 3, 1954; 8:55 a. m.]

Commodity Stabilization Service

[7 CFR Part 814]

SUGAR

NOTICE OF HEARING ON PROPOSED ALLOTMENT OF 1954 QUOTAS FOR PUERTO RICO

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq), and on the basis of information before me, I do hereby find that the allotment of (1) the 1954 sugar quota for Puerto Rico for consumption in the continental United States, (2) the direct-consumption portion thereof, and (3) the 1954 sugar quota for local consumption in Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that a public hearing will be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, ASC, Segarra Building on February 24, 1954, at 10:00 a. m. The quotas and portions thereof to be allotted are referred to herein as "mainland quota", "direct-consumption portion" and "local quota," respectively.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the above-mentioned quotas among persons (1) who produce and market Puerto Rican sugar to be brought into the continental United States for consumption therein, (2) who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein and (3) who produce and market sugar for local consumption in Puerto Rico. The hearing will relate first to the allotment of the 1954 mainland and local quotas. Immediately upon completion of this part of the hearing, evidence will be received in regard to the allotment of the direct-consumption portion of the 1954 mainland quota.

The findings made above are in the nature of preliminary findings based on the best information now available. It will be appropriate to present evidence at the hearings on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment of any such quota or portion thereof in accordance therewith.

In addition, the subjects and issues of this hearing also include (1) the manner in which the statutory factors of "processings from proportionate shares," "past marketings," and "ability to market," as provided in section 205 (a) of the said act, should be measured; (2) the relative weightings which should be given to these factors; (3) participation in the allotments by producers of sugarcane who receive sugar in settlement therefor; (4) the transfer or exchange of allotments; and (5) the manner in which sugar is to be charged to allotments.

Issued this 29th day of January 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-763; Filed, Feb. 3, 1954; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10783]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. On November 30, 1953, the Commission issued a notice of proposed rule making (FCC 53-1566) which was published in the FEDERAL REGISTER on December 3, 1953 (18 F. R. 7801) relating to a proposed amendment of the Table of Assignments contained in § 3.606 of the Commission's rules governing Television Broadcast Stations so as to assign Channel 11 to Lexington, Tennessee, Channel 7 to Rock Island, Tennessee, and Channel 2 to Sneedville, Tennessee and to reserve these assignments for noncommercial educational use.

2. The Commission now has before it for consideration a conflicting petition for rule making filed on December 29, 1953, by Frank Kyle Spain, Tupelo, Mississippi, requesting an amendment of § 3.606 *Table of assignments* as follows:

City	Channel No.	
	Present	Proposed
Tupelo, Miss	3*	9-, 3*
Jackson, Tenn	9-, 16+	11, 16+

This proposal would also require a change in the offset requirement only of the assignment of Channel 9 to Hattiesburg, Mississippi, from Channel 9— to Channel 9, and of the assignment of Channel 11 to Meridian, Mississippi, from Channel 11 to Channel 11—.

3. In support of the proposal petitioner urges that the proposed amendments conform to the Commission's rules and standards; that they represent a greater utilization of the available channels; and that in view of the fact that Station WDXI-TV authorized for operation on Channel 9 at Jackson, Tennessee, has not yet been constructed and will not commence operation before June 1954, the change from Channel 9 to 11 in Jackson can be made without unduly hindering the permittee of WDXI-TV. The Dixie Broadcasting Company, permittee of Station WDXI-TV filed a comment opposing the issuance of a Show Cause Order to it as requested by petitioner. The Commission finds, however, that the Dixie comments contain no allegations as to the extent of construction of WDXI-TV or of the problems and expense involved in the proposed change in assignment to that station.

4. The Commission has before it for consideration a third conflicting petition for rule making filed on December 29, 1953, by the Alabama Educational Television Commission, requesting an amendment of § 3.606 *Table of assignments* as follows:

City	Channel No.	
	Present	Proposed
Munford, Ala	None	*, None
University, Ala	*7	

5. In support of the proposal petitioner urges that the proposed amendment conforms to the Commission's rules and standards; that it would permit the utilization of Mt. Cheaha, the highest point in the State of Alabama for the educational station thereby providing the greatest possible coverage to the most populated areas of the State; and that an application will be filed for the use of the channel in the event the amendment as proposed is adopted.

6. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the amendments proposed by petitioners or by the Tennesee Educational Television Committee should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before February 26, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant or require the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In addition pursuant to section 316 of the Communications Act of 1934, as amended, the Dixie Broadcasting Company is hereby afforded an opportunity to show cause, if the rule change proposed by Frank Kyle Spain should be adopted, why its authorization should not be modified to specify Channel 11 in lieu of Channel 9. The Dixie Broadcasting Company shall make any reply it wishes to submit to the show cause order in this proceeding by February 26, 1954.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: January 27, 1954.

Released: January 29, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-779; Filed, Feb. 3, 1954; 8:53 a. m.]

[1] Separate views of Commissioner Hennock filed as part of the original document.

NOTICES

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 39-54]

DESIGNATION OF ORGANIZATIONS IN CONNECTION WITH FEDERAL EMPLOYEE SECURITY PROGRAM

The following change in the list of organizations designated by the Attorney General as coming within the purview of Executive Order No. 10450 in the FEDERAL REGISTER of May 12, 1953 (18 F. R. 2741) is hereby made: California Labor School, Inc., 216 Market Street, San Francisco, California, is changed to read California Labor School, Inc., 321 Divisadero Street, San Francisco, California.

Notice of proposed designation within the purview of Executive Order No. 10450 was sent to the American Polish League in accordance with the rules of procedure promulgated April 29, 1953 (18 F. R. 2619; 28 CFR 41.1 to 41.11). Due to its failure to file a notice of contest in the manner required by § 41.1 of the rules the American Polish League is designated pursuant to Executive Order No. 10450.

Following notice of proposed designation under Executive Order No. 10450, the organizations listed below filed notice of contest of such designation and were therefore forwarded by registered mail a statement of the grounds upon which the designation was proposed to be made, together with interrogatories with respect thereto. Section 41.3 of the rules of procedure with respect to notice, hearing and designation of organizations in connection with the Federal employee security program (18 F. R. 2619; 28 CFR 41.1 to 41.11) provides that within sixty days following receipt of such statement and interrogatories the organization shall file a verified reply, answering each interrogatory completely and with particularity. The following organizations have failed to comply in the manner required by said § 41.3 of the rules, and these organizations are therefore designated pursuant to Executive Order No. 10450:

American Lithuanian Workers Literary Association (also known as Amerikos Lietuviu Darbininku Literaturos Draugija).
American Peace Crusade.
American Women for Peace.
Association of Lithuanian Workers (also known as Lietuviu Darbininku Susivienijimas).
China Welfare Appeal, Inc.
Citizens Emergency Defense Conference.
Committee for the Negro in the Arts.
Connecticut Committee to Aid Victims of the Smith Act.
Daniels Defense Committee.
Families of the Baltimore Smith Act Victims.
Families of the Smith Act Victims.
Freedom Stage, Inc.
Massachusetts Minute Women for Peace.
National Association of Mexican Americans (also known as Asociacion Nacional Mexico-Americana).
National Negro Labor Council.
Palo Alto Peace Club.
Slavic Council of Southern California.
Washington Pension Union.
Yugoslav Seamen's Club, Inc.

Dated: January 22, 1954.

HERBERT BROWNELL, JR.,
Attorney General.

[F. R. Doc. 54-776; Filed, Feb. 3, 1954; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ANCHOR LINE LTD., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 7932, between Anchor Line Limited, and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from United Kingdom of Great Britain and Northern Ireland to Puerto Rico, with transhipment at Baltimore or New York.

(2) Agreement No. 7933, between Bristol City Line of Steamships, Ltd., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from the United Kingdom to Puerto Rico, with transhipment at Baltimore or New York.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 1, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-785; Filed, Feb. 3, 1954; 8:54 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1954 Dept. Circ. 938]

1⅝ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES A-1955

OFFERING OF CERTIFICATES

FEBRUARY 1, 1954.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for certificates of indebtedness of the United States, designated 1⅝ percent Treasury Certificates of Indebtedness of Series A-1955, in exchange for 2¼ percent Treasury Certificates of Indebtedness of Series A-1954, maturing February 15, 1954, or 1⅜ percent Treasury Notes of Series A-1954, maturing March 15, 1954. Exchanges will be made par for par in the case of the maturing certificates and at par with an adjustment of interest as of February 15, 1954, in the case of the maturing notes. The amount of the offering under this circular will be limited to the amount of maturing certificates and notes tendered in exchange and accepted.

2. In addition to the offering under this circular, holders of the maturing certificates and notes are offered the privilege of exchanging all or any part of such certificates and notes for 2½ percent Treasury Bonds of 1961, which offering is set forth in Department Circular No. 939, issued simultaneously with this circular.

II. *Description of certificates.* 1. The certificates will be dated February 15, 1954, and will bear interest from that date at the rate of 1⅝ percent per annum, payable at the maturity of the certificates on February 15, 1955. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority. Any premium paid on the acquisition of these certificates in the market may be amortized in accordance with section 125 of the Internal Revenue Code.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with one interest coupon attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to close the books as to any or all subscriptions at any time without

notice, and to allot less than the amount of certificates applied for; any any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before February 15, 1954, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series A–1954, maturing February 15, 1954, or in Treasury Notes of Series A–1954, maturing March 15, 1954, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the maturing certificates surrendered will be paid following acceptance of the certificates. Coupons dated March 15, 1954 must be attached to the notes when surrendered, and accrued interest from September 15, 1953 to February 15, 1954 ($5.81146 per $1,000) will be paid following acceptance of the notes.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 54–774; Filed, Feb. 3, 1954; 8:52 a. m.]

[1954 Dept. Circ. 939]

2½ PERCENT TREASURY BONDS OF 1961

OFFERING OF BONDS

FEBRUARY 1, 1954.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 2½ percent Treasury Bonds of 1961, in exchange for which any of the following listed securities, singly or in combinations aggregating $500 or multiples thereof, may be tendered:

2¼ percent Treasury Certificates of Indebtedness of Series A–1954, maturing February 15, 1954.

1⅝ percent Treasury notes of Series A–1954, maturing March 15, 1954.

2 percent Treasury Bonds of 1952–54 (dated June 26, 1944), maturing June 15, 1954.

2¼ percent Treasury Bonds of 1952–55, to be called for redemption on June 15, 1954.

2¼ percent Treasury Bonds of 1954–56, to be called for redemption on June 15, 1954.

Exchanges will be made par for par in the case of the maturing certificates and at par with an adjustment of interest as of February 15, 1954, in the case of the other issues eligible for exchange. The amount of the offering under this circular will be limited to the amount of the eligible securities of the five issues enumerated above tendered in exchange and accepted.

2. In addition to the offering under this circular, holders of the maturing certificates and notes are offered the privilege of exchanging all or any part of such certificates and notes for 1⅝ percent Treasury Certificates of Indebtedness of Series A–1955, which offering is set forth in Department Circular No. 938, issued simultaneously with this circular.

II. *Description of bonds.* 1. The bonds will be dated February 15, 1954, and will bear interest from that date at the rate of 2½ percent per annum, payable on a semiannual basis on November 15, 1954, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1961, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to close the books as to any or all subscriptions at any time without notice, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for bonds allotted hereunder must be made on or before February 15, 1954, or on later allotment, and may be made only in the securities of the five issues enumerated in section I hereof, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the maturing certificates surrendered will be paid following acceptance of the certificates. Coupons dated March 15, 1954, must be attached to the notes when surrendered, and accrued interest from September 15, 1953, to February 15, 1954 ($5.81146 per $1,000) will be paid following acceptance of the notes. Coupons dated June 15, 1954, must be attached to coupon bonds of each of the three eligible issues when surrendered, and accrued interest from December 15, 1953, to February 15, 1954 ($3.40659 per $1,000 in the case of the 2 percent bonds and $3.83242 per $1,000 in the case of the 2¼ percent bonds) will be paid following acceptance of the bonds. In the case of registered bonds, accrued interest from December 15, 1953, to February 15, 1954, will be paid by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its district.

V. *Assignment of registered bonds.* 1. Treasury Bonds of the three eligible issues in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for 2½ percent Treasury Bonds of 1961 to be delivered to _____", in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington. The bonds must be delivered at the expense and risk of the holders.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury

[F. R. Doc. 54–775; Filed, Feb. 3, 1954; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 28, 1954.

An application, serial number Colorado 06890, for the withdrawal from prospecting, location, entry or purchase under the mining laws, of the lands described below was filed on June 12, 1953, by the Atomic Energy Commission.

The purposes of the proposed withdrawal: For use by Atomic Energy Commission.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region IV, Bureau of Land Management, Department of the Interior, at Salt Lake City, Utah, P. O. Box 659. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 46 N., R. 17 W.,
Secs. 23, 25, 26, 35 and 36.
T. 45 N., R. 17 W.,
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36.
T. 44 N., R. 17 W.,
Secs. 1 to 28, inclusive, 34, 35 and 36.
T. 45 N., R. 19 W.,
Secs. 3, SW¼; 4, 9, 10, 11, 12, SW¼; 13, 14, N½; and 15, N½.
T. 46 N., R. 19 W.,
Secs. 28, S½; and 33.
T. 44 N., R. 18 W.,
Secs. 3, 4, 5, and 13.
T. 45 N., R. 18 W.,
Secs. 18, 28, S½; 29, S¼; 32, 33 and 34.
T. 44 N., R. 16 W.,
Secs. 19, 30, 31.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54–741; Filed, Feb. 3, 1954; 8:46 a. m.]

[Docket DA–390, Idaho]

IDAHO

RESTORATION ORDER UNDER FEDERAL POWER ACT

JANUARY 27, 1954.

Pursuant to determination DA–390, Idaho of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended.

IDAHO

T. 60 N., R. 4 W., B. M., Sec. 21, lot 1 (approximately 5 acres).

The land described is situated on the east shore of Priest Lake at an elevation of 2,440 feet. The land is timbered with an uneven-aged stand of mixed species. The land is chiefly valuable for recreational purposes in connection with local recreational development by the State of Idaho and the land is classified as suitable for disposal to the State under the recreational act or by lieu selection.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, desert land, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from that of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid, existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90 day preference filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and under which veterans and others may file application for these lands may be obtained on request in the Land Office, Boise, Idaho.

CHESLEY P. SEELY,
Acting Regional Administrator.

[F. R. Doc. 54–746; Filed, Feb. 3, 1954; 8:47 a. m.]

[Montana 04451]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JANUARY 28, 1954.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), (43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

T. 12 N., R. 22 E.,
Sec. 8: S½, SE¼NE¼.
Sec. 17: E½NE¼, SW¼NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, NW¼SE¼.

The areas described aggregate 680 acres.

These lands are rolling to rough, steep and mountainous in topography. The vegetative cover consists primarily of wheatgrass, bluegrass and fescue. The timber cover consists of an open stand of yellow pine to a dense stand of stagnant pole-sized yellow pine on the steeper north slopes. The land is classified as primarily suitable for watershed purposes, timber production and grazing. Cultivation of the land is prohibited due to the rough and steep topography.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. It is unlikely that the lands will be classified for homestead, small tract, or desert land use.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application,

petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Billings, Montana.

W. B. WALLACE,
Regional Administrator.

[F. R. Doc. 54-771; Filed, Feb. 3, 1954; 8:52 a. m.]

[Docket DA-384, 412, Oregon]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

JANUARY 25, 1954.

Pursuant to determinations DA-384 and 412, Oregon, of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended.

OREGON

T. 27 S., R. 11 W., W. M.,
Sec. 33, N½NE¼NW¼.
T. 28 S., R. 11 W., W. M.,
Sec. 5, S½NW¼NE¼, N½SE¼NE¼, S½S½NE¼NE¼.

The areas described aggregate 69.62 acres.

The lands described in section 33, above, are revested Coos Bay Wagon Road grant lands and its present cover consists of immature hard woods, brush and a limited number of Douglas fir seedlings. The tract is classified as forest land having potential agricultural value. The lands described in section 5, above, are revested Coos Bay Wagon Road grant lands and comprise a narrow strip of bottom land of which approximately 16 acres are tillable, while the balance is suitable for grazing. The lands described are considered primarily suitable for exchange purposes.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, desert land, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Oregon for a period of 90 days from that of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid, existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90 day preference filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and under which veterans and others may file application for these lands may be obtained on request in the Land Office, Portland, Oregon.

CHESLEY P. SEELY,
Acting Regional Administrator.

[F. R. Doc. 54-745; Filed, Feb. 3, 1954; 8:46 a. m.]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 28, 1954.

An application, serial number Utah 08463, for the withdrawal from all forms of appropriation under the public land laws, except mineral leasing of the lands described below was filed on December 22, 1952, by the Atomic Energy Commission.

The purposes of the proposed withdrawal: Use by the Atomic Energy Commission.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region IV, Bureau of Land Management, Department of the Interior at Salt Lake City, Utah, P. O. Box 659. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 28 S., R. 26 E.,
Sec. 28: all,
Sec. 29: all,
Sec. 30: all.
T. 35 S., R. 24 E.,
Sec. 25: SW¼,
Sec. 26: S½,
Sec. 27: SW¼,
Sec. 34: all,
Sec. 35: all,
Sec. 36: all.
T. 35 S., R. 25 E.,
Sec. 31: W½.
T. 36 S., R. 24 E.,
Sec. 1: all,
Sec. 2: all,
Sec. 3: E½,
Sec. 33: all,
Sec. 34: all,
Sec. 35: W½.
T. 36 S., R. 25 E.,
Sec. 9: all,
Sec. 10: all,
Sec. 11: all,
Sec. 14: all,
Sec. 15: all,
Sec. 16: all,
Sec. 21: N½,
Sec. 22: N½,
Sec. 23: N½.
T. 37 S., R. 24 E.,
Sec. 3: all,
Sec. 4: all,
Sec. 5: all,
Sec. 8: all,
Sec. 9: all,
Sec. 10: N½.
T. 25 S., R. 10 E. (unsurveyed),
Sec. 13: W½,
Sec. 14: all,
Sec. 15: all,
Sec. 16: SE¼,
Sec. 21: E½,
Sec. 22: all,
Sec. 23: all,
Sec. 24: W½,
Sec. 27: N½,
Sec. 28: all,
Sec. 29: all,
Sec. 30: S½,
Sec. 31: N½,
Sec. 32: NW¼.
T. 25 S., R. 9 E. (unsurveyed),
Sec. 25: SE¼,
Sec. 36: NE¼.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-744; Filed, Feb. 3, 1954; 8:46 a. m.]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 26, 1954.

An application, serial number Utah 09943, for the withdrawal from prospecting, location, entry or purchase under the mining laws, of the lands described below was filed on June 12, 1953, by the Atomic Energy Commission.

The purposes of the proposed withdrawal: For use by the Atomic Energy Commission.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region IV, Bureau of Land Management, Department of the Interior, at Salt Lake City, Utah, P. O. Box 659. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 36 S., R. 17 E.,
Secs. 1, 2, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 27, 28, 29, 32, 33 and 34.
T. 35 S., R. 17 E.,
Sec. 36.
T. 36 S., R. 18 E.,
Secs. 5, 6, 7, 8, 17 and 18.
T. 35 S., R. 18 E. (unsurveyed),
Secs. 31 and 32.
T. 20 S., R. 11 E.,
Sec. 7, S½; Sec. 8, S½; Sec. 15, W½; Secs. 16 to 21, inclusive; Sec. 22, W½; Sec. 27, W½; Secs. 28 to 33, inclusive.
T. 21 S., R. 11 E.,
Sec. 4, N½; Sec. 5, N½; Sec. 6, N½.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-740; Filed, Feb. 3, 1954; 8:45 a. m.]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND

JANUARY 27, 1954.

An application, serial number Utah 010096, for the withdrawal from prospecting, location, entry or purchase under the mining laws of the lands described below was filed on July 3, 1953, by the Atomic Energy Commission.

The purposes of the proposed withdrawal: For use by Atomic Energy Commission.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region IV, Bureau of Land Management, Department of the Interior at Salt Lake City, Utah, P. O. Box 659. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 36 S., R. 18 E.,
Secs. 3, 4, 9, 10, 13, 14, 23, 24, 25, 26.
T. 35 S., R. 18 E.,
Secs. 34 and 35, unsurveyed.
T. 36 S., R. 19 E.,
Secs. 17, 18, 19, and 20, unsurveyed.
T. 35 S., R. 19 E.,
Secs. 1 to 4, inclusive, 9 to 16, inclusive, and 21 to 24, inclusive, unsurveyed.
T. 35 S., R. 20 E.,
Secs. 6, 7, 8, 17, 18 and 19.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-742; Filed, Feb. 3, 1954; 8:46 a. m.]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 27, 1954.

An application, serial number Utah 010351, for the withdrawal from prospecting, location, entry or purchase under the mining laws, of the lands described below was filed on August 12, 1953, by the Atomic Energy Commission.

The purposes of the proposed withdrawal: For use by Atomic Energy Commission.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region IV, Bureau of Land Management, Department of the Interior at Salt Lake City, Utah, P. O. Box 659. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 37 S., R. 21 E.,
Secs. 1 and 12.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-743; Filed, Feb. 3, 1954; 8:46 a. m.]

WYOMING

CLASSIFICATION ORDER NO. 4, WYOMING NO. 1, AMENDED

JANUARY 29, 1954.

1. On May 16, 1941 the vacant public lands in the following described areas in the Cheyenne, Wyoming, Land District, were classified by the Secretary of the Interior as chiefly valuable for development under the five-acre tract act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), and opened for leasing under that act as cabin, health, convalescent, and recreational sites, but not home, camp, or business sites:

T. 32 N., R. 79 W., 6th P. M.
Sec. 7: Lots A and B of Tract 43.
Sec. 15: SW¼NW¼.
Sec. 17: Lots 11 and 12 in NE¼.
Sec. 18: Lot 12 in NE¼NE¼.
Sec. 21: W½SE¼, NE¼SE¼.
Sec. 22: SW¼.
Sec. 27: N½NW¼.
Sec. 28: NE¼NE¼.

2. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950 (15 F. R. 5639), I hereby amend the classification order of May 16, 1941 to provide for the classification of the following described lands for lease and sale for the same purposes as set forth in the original classification:

T. 32 N., R. 79W., 6th P. M.
Sec. 15: SW¼NW¼.
Sec. 17: Lots 11 and 12 in NE¼.
Sec. 18: Lot 12 in NE¼NE¼.
Sec. 21: W½SE¼, NE¼SE¼.
Sec. 22: SW¼.
Sec. 27: N½NW¼.
Sec. 28: NE¼NE¼.

3. This amended classification order does not change the original classification as to the lands described as Lots A and B of Tract 43, Sec. 7, T. 32N., R. 79W.

4. There are 91 lots included in this amended classification order, ranging in size from 1.24 acres to 5 acres. Most of the lots are rectangular in shape, approximaely 330 feet in width and 660 feet in length, containing approximately five acres. The lots are located on the north, south, and west slopes of Casper Mountain approximately 12 miles from the city of Casper, Wyoming. Access to the general area is provided by hard-surfaced State Secondary Highway No. 142.

5. Most of the lots included in this amended classification order are already

under lease and substantial improvements have been partially or wholly constructed on some of these lots. Therefore, this amended classification providing for the lease and sale of these small tracts is for the primary purpose of permitting the present qualified lessees to purchase the small tracts.

6. New or renewal lessees will be required within a reasonable time after execution of the lease to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which in the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. Detailed specifications as to the improvement requirements will be made part of the lease terms. Existing lessees who qualify for purchase in accordance with existing regulations may submit applications to purchase at the appraised prices set forth in paragraph 8.

7. Lessees or their successors in interest shall comply with all Federal, State, county, and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

8. All new leases, or renewals of existing leases, will be issued for a period of three (3) years and will contain an option to purchase clause at the appraised value of the lots as follows:

T. 32 N., R. 79 W., 6th P. M.

Description	Appraisal	Tract Ref. No.
Section 15:		
N½NW¼SW¼NW¼	$175	106
S½NW¼SW¼NW¼	150	108
N½SW¼SW¼NW¼	125	110
S½SW¼SW¼NW¼	100	112
N½NE¼SW¼NW¼	100	107
S½NE¼SW¼NW¼	100	109
N½SE¼SW¼NW¼	100	111
S½SE¼SW¼NW¼	100	113
Section 17:		
Lot 11	100	
Lot 12	200	
Section 18: Lot 12	200	
Section 21:		
N½NW¼NW¼SE¼	300	26
S½NW¼NW¼SE¼	300	34
N½SW¼NW¼SE¼	300	42
S½SW¼NW¼SE¼	300	50
N½NW¼SW¼SE¼	300	58
N½NE¼NW¼SE¼	300	27
S½SE¼NW¼SE¼	300	35
N½SE¼NE¼SW¼	300	43
S½SE¼NE¼SW¼	300	51
N½NE¼SE¼SW¼	300	36
S½NE¼SE¼SW¼	300	44
N½SE¼SE¼SW¼	300	52
S½SE¼SE¼SW¼	300	60
N½NE¼NE¼SE¼	300	29
S½NE¼NE¼SE¼	300	37
N½SE¼NE¼SE¼	300	45
S½SE¼NE¼SE¼	300	53
N½NE¼SE¼SE¼	300	30
S½NE¼SE¼SE¼	300	38
N½SE¼SE¼SE¼	300	46
S½SE¼SE¼SE¼	300	54
Section 22—Continued		
S½NE¼SW¼SW¼	$300	67
N½NW¼NE¼SW¼	200	32
S½NW¼NE¼SW¼	200	40
N½SW¼NE¼SW¼	200	48
S½SW¼NE¼SW¼	200	56
N½NW¼SE¼SW¼	200	63
S½NE¼SE¼SW¼	200	41
W½NW¼SW¼SW¼	175	60
NE¼SW¼SW¼SW¼, NW¼ SE¼SW¼SW¼	175	73
SE¼SW¼SW¼SW¼, SW¼ SE¼SW¼SW¼	175	79
S½NW¼SE¼SW¼	175	68
W½SW¼SW¼SW¼	150	72
E½NW¼SW¼SW¼	150	61
E½SE¼SW¼SW¼	150	74
N½SW¼SE¼SW¼	150	75
S½SW¼SE¼SW¼	150	80
N½SE¼NE¼SW¼	150	49
S½SE¼NE¼SW¼	150	57
N½NE¼SE¼SW¼	150	64
S½NE¼SE¼SW¼	150	69
N½SE¼SE¼SW¼	150	76
S½SE¼SE¼SW¼	150	81
Section 27:		
W½SW¼NW¼NW¼	175	96
NE¼NW¼NW¼NW¼, NW¼ NE¼NW¼NW¼	150	85
SE¼SW¼NW¼NW¼, SW¼ NE¼SW¼NW¼	150	93
E½SW¼NW¼NW¼	150	97
W½NW¼NW¼NW¼	125	84
E½NE¼NW¼NW¼	125	86
W½SE¼NW¼NW¼	100	98
E½SE¼NW¼NW¼	100	99
W½NW¼NE¼SW¼	100	87
W½SW¼NE¼SW¼	100	100
E½NW¼NE¼SW¼	100	88
E½SW¼NE¼SW¼	100	101
W½NE¼NE¼SW¼	100	89
W½SE¼NE¼SW¼	100	102
E½NE¼NE¼SW¼	100	90
E½SE¼NE¼SW¼	100	103
Section 28:		
N½NE¼NE¼NE¼	300	83
S½NE¼NE¼NE¼	300	92
N½SE¼NE¼NE¼	300	95
N½NW¼NE¼NE¼	250	82
S½NW¼NE¼NE¼	250	91
N½SW¼NE¼NE¼	250	94
S½SW¼NE¼NE¼	200	104
N½NE¼SW¼SW¼	150	105

9. These lands were described in the original classification order by legal subdivisions. For purposes of clarity, each tract described by legal subdivision, except Lots 11 and 12 in NE¼ Sec. 17 and Lot 12 in NE¼NE¼ Sec. 18, has also been assigned a reference number shown opposite the legal subdivision and appraised value as set forth in paragraph 8 above.

10. The following described tracts will be leased and sold subject to a 60 foot right of way, 30 feet on each side of the center line of existing State Secondary Highway No. 142 for road purposes and public utilities:

Section 21: Tract Ref. Nos. 27, 28, 36, 37, 45 and 53.
Section 22: Tract Ref. Nos. 54, 60 and 72.
Section 27: Tract Ref. No's. 84 and 96.
Section 28: Tract Ref. Nos. 83, 92, 95 and 105.

11. The following described tracts will be leased and sold subject to a 33 foot right of way for existing secondary access roads extending from State Secondary Highway No. 142:

Section 21: Tract Ref. Nos. 26, 27, 34, 35, 36, 37, 42, 43, 44, 45, 50, 51, 52, 58, 65 and 70.
Section 22: Tract Ref. Nos. 30, 32, 33, 38, 39, 40, 41, 46, 47, 48, 54, 55, 56, 62, 63, 67, 68, 74, 75 and 80.
Section 27: Tract Ref. Nos. 84, 86, 87, 93, 99 and 100.

12. The following described tracts will be leased and sold subject to a right of way for road purposes as follows:

Section 15: Tract Ref. Nos. 106 and 110, 16½ feet in width along the entire south boundaries.
Tract Ref. Nos. 108 and 112, 16½ feet in width along the entire north boundaries.
Section 21: Tract Ref. Nos. 26 and 27, 33 feet in width along the entire south boundaries.
Tract Ref. Nos. 51, 59, 66, 71 and 78, 33 feet in width extending along the entire west boundaries.
Section 22: Tract Ref. No. 30, 33 feet in width extending westward along the south boundary from existing trail road to southwest corner of tract.
Tract Ref. Nos. 31 and 39, 33 feet in width extending north along the entire west boundaries.
Tract Ref. Nos. 40 and 41, 33 feet in width extending along the entire south boundaries.
Tract Ref. Nos. 49, 57, 64, 69, 76 and 81, 33 feet in width extending along the entire west boundaries.
Tract Ref. No. 60, 33 feet in width extending along north boundary of tract from existing State Secondary Highway to northeast corner of tract.
Tract Ref. No. 72, 33 feet in width extending eastward along north boundary of tract from existing State Secondary Highway to northeast corner of tract.
Tract Ref. No. 80, 33 feet in width extending westward along south boundary of tract from existing trail road to the southwest corner of tract.
Section 27: Tract Ref. No. 84, 33 feet in width extending eastward along north boundary of tract from State Secondary Highway to northeast corner of tract.
Tract Ref. No. 89, 33 feet in width extending along the entire west boundary of tract.
Tract Ref. Nos. 96 and 97, 33 feet in width extending eastward from existing county road along the entire north boundaries.
Tract Ref. Nos. 100, 101 and 102, 33 feet in width extending eastward along the entire north boundaries from existing trail road.
Section 28: Tract Ref. Nos. 83 and 95, 16½ feet in width extending westward from existing State Secondary Highway along the south boundaries to the southwest corner of the tracts.
Tract Ref. Nos. 92 and 105, 16½ feet in width extending westward from existing State Secondary Highway along the north boundaries to the northwest corner of the tracts.

13. All inquiries relating to this amended classification order should be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

W. B. WALLACE,
Regional Administrator

[F. R. Doc. 54-769; Filed, Feb. 3, 1954; 8:51 a. m.]

WYOMING

CLASSIFICATION ORDER NO. 13

JANUARY 29, 1954

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by order No. 427, dated August 16, 1950 (15 F. R. 5639), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), the following described land in the Wyoming Land District, embracing approximately 14.342 acres.

For lease and sale for cabinsites and homesites:

T. 34 N., R. 109 W., 6th P. M., Wyoming:
Section 27: Lots 2 through 9 and Lots 11 through 19, as shown on the official plat of survey dated May 28, 1953.

Lots 1 and 20 as shown on the plat of survey are not available for small tract purposes.

2. The lots range in size from 0.55 to 1.42 acres and are located along Pine Creek approximately 1½ miles northeast of the town of Pinedale in Sublette County, Wyoming. A power line and the Pinedale water pipeline cross the small tract area. Water for irrigation can be obtained from wells at depths of 20 to 40 feet or less. Sewage disposal may be accomplished by septic tanks. Schools, stores and other public facilities are available at the town of Pinedale. The topography of these tracts is nearly level to gently sloping. Soils are sandy to stony loam of medium to shallow depth and suitable for lawns and gardens. Native vegetation consists of sagebrush and grass with an overstory of timber along the creek. This timber is of no commercial value. There is no evidence of metallic or non-metallic minerals. The mineral rights to the land will be reserved to the Federal government.

3. This land was withdrawn and included within Power Site Reserve No. 5, Power Project No. 662, by Executive Order of July 9, 1910. The land was restored to entry June 10, 1920 under the public land laws subject to provisions of Section 24 of the Federal Power Act. Therefore, these lots will be leased or sold subject to the reservation of the right of the United States or its permittees or licensees to enter upon, occupy and use any or all of such lands for power purposes.

4. Small tract applications that were filed prior to November 20, 1952, the date the Land Office records were noted as to the proposed small tract classification, will be allowed a preference in accordance with § 257.6 of the regulations where such applications are amended to conform to a tract in accordance with the official plat of survey. Four applications filed prior to November 20, 1952 for the same purpose for which the land is now classified have been amended to conform to surveyed Lots 2, 8, 9, and 12, as shown on the official plat of survey. Small tract applications involving Lots 2, 8, 9 and 12 will therefore be allowed in accordance with the classification on the date the order is signed.

5. As to lands not covered by applications referred to in paragraph 4, this order shall not become effective to change the status of the lands until 10:00 a. m. on the 35th day after the date of this order.

6. A multiplicity of filings by those persons entitled to claim veterans' preference for service in World War II only is anticipated during the simultaneous filing period. Therefore, in accordance with the provisions of 43 CFR 257, 8, Circular 1764, containing small tract regulations approved September 11, 1950, the special procedure and drawing outlined therein will be used. This special procedure does not apply to veterans of other wars of the United States.

7. Commencing at 10:00 a. m. on the date of this order and for a period of 35 days thereafter, the lands described herein shall be subject to the filing of drawing entry cards only by those persons entitled to claim World War II veterans' preference under the act of September 27, 1944 (58 Stat. 748, 43 U. S. C. 279–284), amended. Such veterans desiring to participate in the drawing may secure drawing entry cards, Form 4–775 from the Manager, Land and Survey Office in Cheyenne, Wyoming or the District Manager, Bureau of Land Management, Pinedale, Wyoming. The veteran will print clearly his name, post office address, and sign his full name in the space provided on the card, certifying that he is a citizen of the United States, over 21 years of age or the head of a family, and entitled to veterans' preference based upon service in World War II and honorably discharged from such service. Only one drawing entry card may be filed by an entrant. No filing fee or additional papers should accompany the drawing entry card. All drawing entry cards when completed as indicated shall be mailed to the Manager, Land and Survey Office, Cheyenne, Wyoming and must be forwarded in time to reach him not later than 10:00 a. m. on the 35th day after the date of this order. All cards of qualified entrants received not later than the hour and date mentioned will be placed in a box and at 2:00 p. m. on the business day following such 35th day thoroughly mixed in the presence of such persons as may desire to be present. The cards will then be drawn by a disinterested party, one at a time, and numbered in the order drawn to establish an adequate list of eligibles and of alternates to whom the available tracts will be allocated in consecutive order.

8. Each successful entrant to whom a lot is awarded will be sent by registered mail a decision making appropriate requirements with an offer to lease Form 4–776, in duplicate, bearing the description of the tract. The forms must be completely filled out, signed and returned by the successful entrant within the time allowed, accompanied by a $10 filing fee and $15 representing rental for a 3-year period; also a complete photostat, or other copy (both sides) of his certificate of honorable discharge, or of an official document of the branch of the service which shows clearly the period of service. An award to a successful entrant who was not qualified to enter the drawing, or who for any reason fails within the time allowed to comply with the requirements of the decision accompanying the lease forms, will be canceled upon the records, and the lot will become available to the alternate next in line as determined by the drawing.

Each entrant to whom no lot is allocated will be informed thereof by the return of his drawing entry card carrying a notation to that effect.

9. Lessees will be required within a reasonable time after execution of the lease to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which in the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. Detailed specifications as to the improvement requirements will be made part of the lease terms and option to purchase.

10. Lessees or their successors in interest shall comply with all Federal, State, County and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

11. Leases will contain an option to purchase clause at the appraised value of the lots as follows:

T. 34 N., R. 109 W., 6th P. M., Wyoming:
Section 27:

Lots 2, 3, 4, 5, 6, 13	$250
Lots 7, 11, 12	300
Lots 8, 9	350
Lots 14, 15, 16, 17, 18, 19	175

All lessees or their successors in interest will be afforded the right to purchase the tract at or after one year from the date the lease is issued, provided the lessees have complied with the requirements specified in paragraphs 9 and 10 of this order and other requirements of the lease.

12. The leases will be made subject to rights of way for roads, public access to Pine Creek, and public utilities as follows:

40 feet wide along the entire west boundary of Lots 2, 3, 4, 5, 6, and 7;
40 feet wide along the entire north boundary of Lots 11, 14, 15, 16, 17, 18 and 19;
30 feet wide along the entire south boundary of Lot 7;
30 feet wide through Lot 8 beginning at a point on the west boundary of Lot 8 about 230 feet northeast of the southwest corner of the tract, thence running in a southeasterly direction through the tract to a point on the east boundary about 20 feet north of the southeast corner of the tract;
30 feet wide along the east boundary of Lot 8 beginning at the southeast corner of Lot 8 common to Lots 8 and 9, and extending north 0° 18' W. a distance of 35 feet;
30 feet wide along the entire west boundary of Lots 11 and 12;
15 feet wide along the entire east boundary of Lots 2, 3, 4, 5, 6, 7, 11, 12 and 13 which adjoin Pine Creek;
15 feet wide along the entire west boundary of Lots 8 and 9 which adjoin Pine Creek.

Lease and sale of the lots will also be subject to rights of ways of record.

13. Such rights of way may be utilized by the Federal government, or the State, county, or municipality in which the tract is situated, or by any agency thereof. The rights of way, in the discretion of the authorized officer of the Bureau of Land Management, may be definitely located either prior to or after issuance of the patents.

14. The lots, if any, which are not leased as a result of the drawing, will not become subject to application by veterans who are not successful in the drawing or by the general public until a further order has been issued granting veterans of World War II a preference

right of application for a period of 90 days.

15. All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

W. B. WALLACE,
Regional Administrator.

[F. R. Doc. 54-770; Filed, Feb. 3, 1954; 8:51 a. m.]

Office of the Secretary

[Order No. 2746]

COMMISSIONER OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO DEVIATIONS FROM STANDARD FORMS FOR CONSTRUCTION OR SUPPLY CONTRACTS

JANUARY 28, 1954.

SECTION 1. *Delegation.* The Commissioner of Reclamation is designated as the officer to authorize the use by the Bureau of Reclamation, in standard forms for construction or supply contracts, of terms, conditions and provisions not consistent with such standard forms, pursuant to paragraph 5 (b) of General Regulation No. 13 and Regulation 1-II-209.02.C.2 of the General Services Administration.

SEC. 2. *Revocation.* The memorandum from the Commissioner, Bureau of Reclamation to the Secretary of the Interior, approved January 10, 1951, authorizing the Commissioner to approve special terms, conditions and provisions in supply contract standard forms, is revoked.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-747; Filed, Feb. 3, 1954; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6489]

SEABOARD & WESTERN AIRLINES, INC., AND TRANSOCEAN AIR LINES; ARMY POST OFFICE AND FLEET POST OFFICE MAIL TARIFF INVESTIGATION

NOTICE OF POSTPONEMENT OF TIME

In the matter of rejection of tariff naming rates on Army Post Office and Fleet Post Office Mail proposed by Seaboard & Western Airlines, Inc., and Transocean Air Lines.

Notice is hereby given that the prehearing conference in the above-entitled investigation now assigned for 10:00 a. m., e. s. t., is hereby postponed to 2:00 p. m., e. s. t. The conference will be held on February 8, 1954, in Room 5855, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., February 1, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-784; Filed, Feb. 3, 1954; 8:54 a. m.]

[Docket No. 6511]

BRITISH OVERSEAS AIRWAYS CORP.

NOTICE OF HEARING

In the matter of the application of British Overseas Airways Corporation for amendment of its transatlantic foreign air carrier permit to include Manchester, England.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 11, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., February 1, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-783; Filed, Feb. 3, 1954; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10548, 10549, 10883]

TRI-STATE BROADCASTING SERVICE ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Sam C. Phillips, Clarence A. Camp and James E. Connolly, a partnership doing business as Tri-State Broadcasting Service, Memphis, Tennessee, Docket No. 10548, File No. BP-8775; Southern Broadcasting Service, Inc., Memphis, Tennessee, Docket No. 10549, File No. BP-8802; Newport Broadcasting Company (KNBY), Newport, Arkansas, Docket No. 10883, File No. BP-9081; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of January 1954:

The Commission having under consideration the above-entitled application of the Newport Broadcasting Company for a construction permit to change the facilities of Station KNBY, Newport, Arkansas, from 1280 kilocycles, 1000 watts, daytime only, to 730 kilocycles, 1000 watts, daytime only;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KNBY as proposed; that the operation as proposed would result in mutually prohibitive interference with the above-entitled proposals of Tri-State Broadcasting Service and Southern Broadcasting Service, Inc. for construction permits for a new standard broadcast station to operate on 730 kilocycles, with a power of 250 watts, daytime only, at Memphis, Tennessee; and may involve interference to Station KTRY, Bastrop, Louisiana; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated December 9, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that a hearing in the above-mentioned Docket Nos 10458 and 10459 was scheduled to begin on December 9, 1953, but on that date an indefinite continuance was duly granted pending consolidation of the subject application, which was timely filed, in the said proceeding; and

It further appearing, that Station KTRY, in a reply dated December 14, 1953, requested that the subject application be designated for hearing; and

It further appearing, that the subject applicant filed a reply dated January 8, 1954, in which it requested that its application he designated for consolidated hearing with the above Memphis applications; and that the Hearing Examiner be directed to receive first only evidence relating to a section 307 (b) issues, and then, if the evidence supports a conclusion that the subject application should be granted under the said section, to suspend receipt of all other evidence and forthwith issue an Initial Decision granting the subject application; and

It further appearing, that, while a section 307 (b) issue might be dispositive of the proceeding, the same is true with regard to every single proceeding (in re Head of the Lakes Broadcasting Company, et al, 9 RR 1160); and

It further appearing, that upon due consideration of the above-entitled application and the replies to the above-mentioned letter, the Commission finds that a hearing is mandatory.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing in a consolidated proceeding with Docket Nos. 10548 and 10549, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the operation proposed by Station KNBY would involve objectionable interference with Station KTRY, Bastrop, Louisiana, and, if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other primary service to such areas and populations, and nature and character of the program service rendered by Station KTRY to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the applicants would provide the more fair, efficient and equitable distribution of radio service.

3. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programing service proposed in each of the above-mentioned applications.

It is further ordered, That the Morehouse Broadcasting Company, licensee of Station KTRY, Bastrop, Louisiana, is made a party to the proceeding.

Released: January 29, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-780; Filed, Feb. 3, 1954; 8:53 a. m.]

[Docket Nos. 10791, 10792]

MANSFIELD JOURNAL CO. AND FERGUM THEATRES, INC.

ORDER DELETING ISSUE

In re applications of Mansfield Journal Company, Mansfield, Ohio, Docket No. 10791, File No. BPCT-1178; Fergum Theatres, Inc., Mansfield, Ohio, Docket No. 10792, File No. BPCT-1179; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of January 1954;

The Commission having under consideration a request filed on December 2, 1953, for waiver of § 3.613 (a) of the Commission's rules and regulations to permit the location of its main studio outside the principal community to be served, and a Petition to Amend Issues filed on December 22, 1953, to delete an issue with respect to whether good cause exists for the location of its main studio outside the principal community to be served, by Fergum Theatres; and

It appearing, that Fergum Theatres, Inc., on November 23, 1953, filed an amendment to its application proposing to locate its main studio at its transmitter site outside the city of Mansfield, Ohio, without an adequate showing of good cause for the proposed location of its main studio; and

It further appearing, that in its order of December 2, 1953, the Commission in designating the application of Fergum Theatres, Inc., for hearing included an issue to determine whether good cause exists for the location of its main studio outside the principal community to be served and whether § 3.613 (a) of the Commission's rules and regulations should be waived; and

It further appearing, that Fergum Theatres, Inc., on December 2, 1953, filed a request for waiver of the provisions of § 3.613 (a) of the Commission's rules and regulations to permit location of its proposed main studio outside the city of Mansfield for the following reasons: (1) The unavailability of adequate or appropriate building space within the city of Mansfield, and (2) the greater economy of operations resulting from locating both studio and transmitter in the same building; and

It further appearing, that Fergum Theatres, Inc., has made an adequate showing that there is good cause for locating its main studio outside the principal community to be served and that to do so would not be inconsistent with the operation of the station in the public interest;

It is ordered, That the request for deletion of issue by Fergum Theatres, Inc., is granted; and

It is further ordered, That the Commission's order of December 2, 1953, released December 7, 1953, designating for hearing the above-described applications is modified by deletion of the following issue:

(4) To determine whether good cause exists for the location of the proposed main studio of Fergum Theatres, Inc., outside the principal community to be served; whether such location would be consistent with the operation of the station proposed by Fergum Theatres, Inc., in the public interest; and whether the provisions of § 3.613 (a) of the Commission's rules should be waived.

Released: February 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-781; Filed, Feb. 3, 1954; 8:53 a. m.]

[Docket No. 10881, 10882]

SCOTT COUNTY BROADCASTING CO. AND COLUMBIA BROADCASTING CO., INC. (WCBI)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Roth E. Hook and William E. Farrar, a partnership doing business as Scott County Broadcasting Company, Forrest, Mississippi, Docket No. 10881, File No. BP-8857; Columbus Broadcasting Company, Inc. (WCBI), Columbus, Mississippi, Docket No. 10882, File No. BP-8977; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of January 1954;

The Commission having under consideration the above-entitled applications of the Scott County Broadcasting Company for a construction permit to operate a new standard broadcast station on 550 kilocycles, with a power of 1,000 watts, daytime only, at Forrest, Mississippi; and Columbus Broadcasting Company, Inc., licensee of Station WCBI, Columbus, Mississippi, for a construction permit to change the facilities thereof from 1340 kilocycles, 250 watts, unlimited time, to 550 kilocycles, 1,000 watts day and 500 watts night, directional antenna day and night, unlimited time;

It appearing, that each applicant is legally, technically, financially and otherwise qualified to operate the station proposed; but that operation of both stations as proposed would result in mutually prohibitive interference with each other and that WCBI, operating as proposed, may cause daytime interference to Station WHBQ, Memphis, Tennessee, and may otherwise not comply with the Standards of Good Engineering Practice; particularly with reference to providing interference-free service within the station's normally protected contour; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated November 12, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that a third applicant, the Voice of the Confederacy, which was mutually exclusive with the subject applicants, filed no reply to the aforementioned letter, and its application was dismissed on January 13, 1954, for failure of prosecution, pursuant to § 1.381 of Commission rules and regulations; and

It further appearing, that the Scott County Broadcasting Company filed a reply dated December 3, 1953, in which it stated that it believed a hearing would be necessary; and

It further appearing, that a formal petition to designate the WCBI application for hearing was filed on December 9, 1953, by Harding College, licensee of Station WHBQ, Memphis, Tennessee, claiming the WCBI proposal would cause daytime interference to WHBQ; and

It further appearing, that in a reply dated December 14, 1953, WCBI amended its application with respect to programming, estimated construction costs and other business interests and stated that because of mutual exclusivity being involved it appeared that a hearing would be necessary; and

It further appearing, that in a letter dated December 21, 1953, WCBI stated that Scott County Broadcasting Company and Voice of the Confederacy had not replied within thirty days to the Commission's letter of November 12, 1953, and that their applications should be dismissed and that the above-mentioned petition by Harding College was defective; and that with dismissal of the aforesaid applications there was no reason for not granting the WCBI application; and

It further appearing, that upon due consideration of the above-entitled applications the various pleadings filed with respect thereto, and the replies to the above letters, the Commission finds that a hearing is necessary.

It is ordered, That, pursuant to section 309 (b) of the Communications Act, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the operation proposed by Station WCBI would involve objectionable interference with Station WHBQ, Memphis, Tennessee, and, if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other primary service to such areas and populations, and nature and character of the program service

rendered by Station WHBQ to such areas and populations.

2. To determine whether the installation and operation of the station proposed by Columbus Broadcasting Company, Inc. would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing interference-free service within the station's normally protected contour.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the applicants would provide the more fair, efficient and equitable distribution of radio service.

4. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programing service proposed in each of the above-mentioned applications.

It is further ordered, That Harding College, licensee of Station WHBQ, Memphis, Tennessee, is made a party to the proceeding.

Released: February 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-782; Filed, Feb. 3, 1954; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6538]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JANUARY 29, 1954.

Notice is hereby given that on January 28, 1954, the Federal Power Commission issued its order adopted January 28, 1954, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-748; Filed, Feb. 3, 1954; 8:47 a. m.]

[Docket Nos. G-2093, G-2226]

CONNECTICUT GAS CO. AND HARTFORD GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of The Connecticut Gas Company, Docket No. G-2093; The Hartford Gas Company, Docket No. G-2226.

The Connecticut Gas Company, a Connecticut corporation having its principal office in Berlin, Connecticut, filed an application with the Federal Power Commission on November 24, 1952, and supplement thereto on October 22, 1953, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the transportation and sale of natural gas in interstate commerce, subject to the Commission's jurisdiction, as described in the application on file with the Commission and open to public inspection.

The Hartford Gas Company, a Connecticut corporation having its principal office in Hartford, Connecticut, filed an application with the Federal Power Commission on August 12, 1953, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the transportation of natural gas in interstate commerce, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The operations sought to be certificated by the companies are interrelated and arise out of the conditions contained in Commission Opinion No. 259, in Docket No. G-1319, Algonquin Gas Transmission Company.

Temporary certificate authorizations were granted in the above matters on September 1, 1953.

The Commission finds:

(1) It is appropriate for the purposes of administration of the Natural Gas Act that the above proceedings be consolidated for hearing.

(2) These proceedings are proper matters for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their applications be heard under the shortened procedure provided by the aforesaid rule for uncontested proceedings, and no requests to be heard, protests or petitions having been filed subsequent to the giving of due notice of the filing of the applications, including publication in the FEDERAL REGISTER on December 11, 1952 (17 F. R. 11209) and August 29, 1953 (18 F. R. 5185), respectively.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the above proceedings are consolidated for hearing only and a consolidated hearing be held on February 12, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning matters involved in and issues presented by the aforementioned applications: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of these proceedings pursuant to the provisions of § 1.32 (b) of its rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Adopted: January 29, 1954.

Issued: January 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-752; Filed, Feb. 3, 1954; 8:48 a. m.]

[Docket Nos. G-2279, G-2317]

EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS

JANUARY 29, 1954.

Notice is hereby given that on January 28, 1954, the Federal Power Commission issued its orders adopted January 27, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-749; Filed, Feb. 3, 1954; 8:47 a. m.]

[Docket No. G-2338]

ALGONQUIN GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed on December 17, 1953, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 12, 1954 (19 F. R. 220).

The Commission orders:

(a) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 16, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, that the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(b) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 29, 1954.

Issued: January 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-753; Filed Feb. 3, 1954; 8:48 a. m.]

[Docket No. G-2359]

DOME GAS COMPANY, INC.

NOTICE OF APPLICATION

JANUARY 29, 1954.

Take notice that Dome Gas Company, Inc. (Applicant), an Indiana corporation having its principal place of business in Sullivan, Indiana, filed on January 25, 1954, an application for an order directing Texas Gas Transmission Corporation (Texas Gas) a "natural-gas company", a Delaware corporation with a principal office at Queensboro, Kentucky, to sell and deliver on a firm basis a maximum daily volume of 750 Mcf of natural gas at an existing point of connection of the facilities of Texas Gas with those of Applicant, pursuant to section 7 (a) of the Natural Gas Act.

The application recites the local gas wells supplying Applicant in the past have become seriously depleted, there is no adequate local supply available, and a firm supply is required from other sources. Texas Gas is presently supplying 225 Mcf of Applicant's requirements on an interruptible basis under authorization issued May 15, 1952, at Docket Nos. G-1807 and G-1830.

The Applicant alleges that no undue burden will be placed upon Texas Gas, nor will its ability to serve its customers be impaired by the granting to Applicant of the request made herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-750; Filed, Feb. 3, 1954; 8:48 a. m.]

[Project No. 2082, Docket No. E-6390]

CALIFORNIA OREGON POWER CO.

NOTICE OF OPINION NO. 266 AND ORDERS

JANUARY 29, 1954.

Notice is hereby given that on January 28, 1954, the Federal Power Commission issued its opinion and orders adopted January 27, 1954, in the above-entitled matters, issuing major license, Project No. 2082, and requiring filing of application or applications for major projects, Docket No. E-6390.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-751; Filed, Feb. 3, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of January A. D. 1954.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1.00 par value common stock of Adolf Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder; for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on February 1, 1954, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-755; Filed, Feb. 3, 1954; 8:49 a. m.]

[File No. 70-3127]

DUQUESNE LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO CERTAIN FEES AND EXPENSES

JANUARY 29, 1954.

The Commission by order dated November 30, 1953, having permitted to become effective on application-declaration filed by Duquesne Light Company ("Duquesne"), a public utility subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies, with respect to the issue and sale by Duquesne, pursuant to Rule U-50 of 100,000 shares of 4.20 percent Preferred Stock, par value $50 per share;

The Commission in its aforesaid order dated November 30, 1953, having reserved jurisdiction over, among other things, all fees and expenses incurred in connection with the issue and sale of said preferred stock;

Duquesne having on January 19, 1954, requested the Commission to release jurisdiction with respect to such fees and expenses, other than fees and expenses for accounting and legal services, and said fees and expenses having been estimated by Duquesne as follows:

Securities and Exchange Commission filing fee	$540 00
Federal and State stamp taxes	5, 500. 00
Pennsylvania stock excise tax	10, 000. 00
Printing	17, 050. 77
Engraving	9, 500. 00
Transfer agent and register fees	1, 200. 00
Qualifying under securities laws of various States	2, 000. 00
Listing on stock exchanges	1, 500. 00
Miscellaneous expenses	2, 510. 00
Total	49, 800. 77

The Commission finding that said estimated fees and expenses are not unreasonable, provided they do not exceed the foregoing amounts, and it appearing to the Commission that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved with respect to the above fees and expenses be, and the same hereby is, released, effective forthwith.

It is further ordered, That the jurisdiction heretofore reserved, other than as heretofore or herein expressly released, be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-756; Filed, Feb. 3, 1954; 8:49 a. m.]

[File No. 70-3174]

PUBLIC SERVICE CO. OF OKLAHOMA

ORDER REGARDING SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

JANUARY 29, 1954

An application having been filed with this Commission by Public Service Company of Oklahoma ("Oklahoma"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder with respect to proposed transactions, which are summarized as follows:

Oklahoma proposes to issue and sell, at competitive bidding pursuant to Rule

U-50 of the general rules and regulations of the Commission under the act, $12,500,000 in principal amount of its First Mortgage Bonds, Series E, ___ percent, to be dated February 1, 1954, to mature February 1, 1984, and to be issued under and secured by the Indenture of Mortgage dated July 1, 1945, between the applicant and The First National Bank and Trust Company of Tulsa, as Trustee, as amended by the indentures supplemental thereto heretofore executed and by a proposed Supplemental Indenture to be dated February 1, 1954. The proposed Supplemental Indenture states the terms, provisions and characteristics of the bonds of Series E and supplements and amends said Indenture in certain related respects, and will confirm the lien of said Indenture on certain "after-acquired property" constructed or acquired by Oklahoma on or subsequent to March 1, 1953, and described therein.

The net proceeds (exclusive of accrued interest) to be received by applicant from the sale of the $12,500,000 principal amount of Series E Bonds proposed to be issued, will be used in payment or reimbursement of a part of the cost of additions, extensions and improvements made or to be made to its electric utility properties.

The issuance and sale of the proposed bonds are subject to the jurisdiction of the Corporation Commission of Oklahoma, the State commission of the State in which Oklahoma is organized and doing business and have been authorized by that Commission.

Applicant requests that this Commission's order to be entered herein become effective forthwith upon its issuance.

Fees and expenses of the issuance and sale, other than underwriting discounts and commissions are estimated as follows:

Securities and Exchange Commission filing fee	$1,300
Federal original issue stamp tax	13,750
Printing of registration statement, prospectus, bidding documents, supplemental indenture, etc	8,000
Preparation of bonds	2,600
Trustee's fees	6,250
Accountants' fees	1,500
Fees for recording supplemental indenture	1,000
Fees of Middle West Service Co	7,000
Miscellaneous expenses, including traveling, telephone, etc	2,400
Total estimated expenses	43,800

Counsel fees of Stevenson, Dendtler, Bailey & McCabe and T. M. Markley, counsel for the applicant are covered by annual retainer or salary agreement. The fees ($6,500) and disbursements (estimated at not more than $350) of Isham, Lincoln & Beale, counsel for the purchasers, are to be paid by the successful bidder. In addition, the company will reimburse the successful bidder for expenses and for counsel fees payable in whole or in part to Isham, Lincoln & Beale in an amount not to exceed $1,200 which is the estimated aggregate expenditures in connection with qualification or registration under state securities laws.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, that no adverse findings are necessary, and that the fees and expenses as estimated are not unreasonable, and deeming it appropriate in the public interest and the interest of investors and consumers that said application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be and it hereby is granted, effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-754; Filed, Feb. 2, 1954; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28870]

GRAIN FROM MIDWEST AND SOUTHWEST TO BEAUMONT AND PORT ARTHUR, TEX., FOR EXPORT

APPLICATION FOR RELIEF

FEBRUARY 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago, Rock Island and Pacific Railroad Company for itself and on behalf of the Kansas City Southern Railway Company and the Louisiana & Arkansas Railway Company.

Commodities involved: Grain, grain products and related articles, carloads.

From: Atchison, Kans., Council Bluffs, Iowa, Kansas City, Mo.-Kans., Omaha and South Omaha, Nebr., and St. Joseph, Mo., and other points in Colorado, Kansas, Nebraska and Oklahoma.

To: Beaumont and Port Arthur, Texas for export.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: Chicago, Rock Island and Pacific Railroad Company, ICC No. C-13346, supl. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-757; Filed, Feb. 3, 1954; 8:49 a. m.]

[4th Sec. Application 28874]

GRAIN FROM GREEN CITY AND UNIONVILLE, MO., TO GULF PORTS

APPLICATION FOR RELIEF

FEBRUARY 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Grain, grain products and related articles, carloads.

From: Green City and Unionville, Mo.

To: Gulf ports for export.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: Chicago, Burlington and Quincy Railroad Company ICC No. 20396, supl. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-761; Filed, Feb. 3, 1954; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 25

Washington, Friday, February 5, 1954

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

SECURITIES EXEMPTED FROM REGISTRATION

On December 3, 1953, the Securities and Exchange Commission invited all interested persons to submit data, views and comments on the amendment of Rule X-12A-5, the rescission of §§ 240.12a-6, 240.12a-7, 240.12a-8, and 240.12a-9 (Rules X-12A-6, X-12A-7, X-12A-8, and X-12A-9), §§240.12d3-1 through 240.12d3-10 (Regulation X-12D3), and §§ 249.231 and 249.232 (Forms 1-J and 2-J) (see Securities Exchange Act Release No. 4969-X). The Commission has considered all the data, views and comments submitted and has adopted the proposals with certain modifications set forth below.

The Commission is engaged in a comprehensive review of the rules, regulations, forms and procedures adopted under the various statutes administered by it. It is attempting to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors. The present action is part of this program.

Regulation X-12D3, which consists of §§ 240.12d3-1 through 240.12d3-10 (Rules X-12D3-1—X-12D3-10), provides for the registration for when issued trading on national securities exchanges of unissued short-term warrants, commonly called subscription rights, and for such registration of unissued securities other than short-term warrants. Form 1-J (17 CFR 249.231) is the appropriate form required to be filed for registration of such warrants, and Form 2-J (17 CFR 249.232) is required to be filed for registration of other unissued securities.

For all practical purposes, Regulation X-12D3 and Form 1-J have been obsolete as to warrants since June 22, 1950, when the Commission amended § 240.12a-4 (Rule X-12A-4) to provide that an unissued short-term warrant as well as an issued short-term warrant could be traded on an exchange as an exempted security pursuant to the filing of an exemption statement on Form AN-4 (17 CFR 249.235) by either the issuer or the exchange for both when issued and regular way trading. On December 29, 1952, the Commission further amended Rule X-12A-4 to substitute the filing by the exchange of a notice of intent to trade in lieu of the formal filing of an exemption statement on Form AN-4, and Form AN-4 was then rescinded.

On March 20, 1953, the Commission amended § 240.12a-5 (Rule X-12A-5) so that the conditional temporary exemption from registration provided by that rule for trading issued securities on exchanges would also provide such exemption for trading such securities on a when issued basis before they are issued. Since trading under § 240.12a-5 (Rule X-12A-5) is on the basis of a notice from the exchange, the amendment of March 20, 1953, made unnecessary the filing of formal applications for registration on Form 2-J for when issued trading in unissued securities proposed to be issued in stock splits, stock dividends, mergers, consolidations, reorganization plans, etc., to the holders of securities already traded on exchanges.

The only cases in which Regulation X-12D3 still served a substantial practical purpose is where the securities to be traded are the subject of a voluntary subscription or exchange right granted to the holders of a security traded on an exchange. Section 240.12a-5 (Rule X-12A-5) has been further amended to cover these cases and generally to simplify its requirements. The general time limit of the exemption has been extended from 60 to 120 days. The provisions of Rule X-12A-5, which are applicable whether the new security is issued or unissued, should be far less burdensome to issuers and exchanges than the provisions of Regulation X-12D3, while affording equivalent protection to investors.

It is believed that none of the ten rules or Regulation X-12D3 now serve a useful purpose and the Commission has, therefore, rescinded the entire regulation and Forms 1-J and 2-J (17 CFR 249.231 and 249.232) promulgated thereunder.

The Commission has also rescinded §§ 240.12a-6, 240.12a-7, 240.12a-8, and 240.12a-9 (Rules X-12A-6, X-12A-7, X-12A-8 and X-12A-9). The situation

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FEDERAL REGISTER

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to which §§ 240.12a–6 and 240.12–8 (Rules X-12A–6 and X-12A–8) relate are believed to be covered by § 240.12a–5 (Rule X-12A–5). Sections 240.12a–7 and 240.12a–9 (Rules X-12A–7 and X-12A–9) were promulgated in the light of particular circumstances and it is believed are no longer of general usefulness.

Statutory basis. The action described in this release has been taken pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 12 and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out its functions under the act.

Text of amendment. The text of the amendments to § 240.12a–5 is as follows:

§ 240.12a–5 *Temporary exemption of substituted or additional securities.* (a) (1) Whenever by operation of law or otherwise (i) the holders of a security admitted to trading on a national securities exchange (hereinafter called the "original" security) have the right to subscribe to or otherwise acquire all or any part of a class of another security (whether of the same or another issuer) in substitution for or in addition to the original security, or (ii) the instrument evidencing the original security has come to evidence another security (whether of the same or another issuer) in substitution for or in addition to the original security, then the entire class outstanding of such other security shall be exempted from the operation of section 12 (a) to the extent necessary to render lawful the effecting of transactions therein on any national securities exchange on which the original security is admitted to trading; provided that a registration statement is in effect under the Securities Act of 1933 as to such other security, to the extent required, or the terms of any applicable exemption from registration under such act have been complied with, if required.

(2) An unissued security shall be exempt from the operation of section 12 (a) of the act to the extent necessary to render lawful when issued trading in such security on a national securities exchange, provided (i) transactions in the security on such exchange would upon the issuance of the security be exempt under this rule from the operation of said section, (ii) a registration statement is in effect under the Securities Act of 1933 as to such unissued security, to the extent required, or the terms of any applicable exemption from registration under such act have been complied with, if required, (iii) the approval of stockholders of the issuance of such security has been obtained, if required, and (iv) all other necessary official action, other than the filing or recording of charter amendments or other documents with the appropriate State authorities, has been taken to authorize and assure the issuance of such security.

* * * * *

(b) The exemption provided by this section shall terminate on the earliest of the following dates.

* * * * *

(4) The close of business on the one hundred and twentieth day after the date on which the exempt security was admitted by action of the exchange to trading thereon as a security exempted from the operation of section 12 (a) by this section, unless prior thereto an application for registration of the exempt security or for admission of the exempt security to unlisted trading privileges on the exchange has been filed.

* * * * *

(d) The exchange shall notify the Commission in writing of any event within the purview of paragraph (a) of this section promptly after acquiring knowledge thereof. The notification shall briefly describe the event, shall state the date on which the substituted or additional security was or is proposed to be admitted to trading on the exchange as a security exempted from the operation of section 12 (a) by this section, and shall, unless a registration statement has been filed under the Securities Act of 1933 or an application has been filed under the Securities Exchange Act of 1934 with respect to such security, briefly describe the plan of issuance of such security. The exchange shall promptly notify the Commission of any material change in the foregoing.

Since the amendment of § 240.12a–5 expands the scope of an exemption, it has been made effective immediately, January 28, 1954. The rescission of §§ 240.12a–6, 240.12a–7, 240.12a–8, 240.12a–9, Regulation X–12D3, and Forms 1–J and 2–J (17 CFR 249.231 and 249.232) has been made effective March 1, 1954.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies secs. 3, 12, 48 Stat. 882, 892; 15 U. S. C. 78c, 78l)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 28, 1954.

[F. R. Doc. 54–810; Filed, Feb. 4, 1954; 8:49 a. m.]

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

EFFECTIVENESS OF REGISTRATION; EXCHANGE CERTIFICATION

On December 3, 1953, the Securities and Exchange Commission invited all interested persons to submit data, views and comments on the amendment of Regulation X-12D1 and Form 8–A and the rescission of Rule X-12D2–2 (b) (see Securities Exchange Act Release No. 4969–Y). The Commission has considered all of the data, views and comments submitted and has adopted the proposals with certain modifications set forth below.

The Commission is engaged in a comprehensive review of the rules, regulations, forms and procedures adopted under the various statutes administered by it. It is attempting to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors.

As part of this program, the Commission has revised its registration rules under section 12 of the act, as set forth in this release. Under the prior practice, registration was effective only as to a specified amount of a class of security so that if additional shares or amounts of the same class were to be subsequently issued, a new application on Form 8–A had to be filed for registration of the additional amounts. Under the new practice the original application for registration will be deemed to apply for registration of the entire class, and the registration of unissued shares or amounts will become automatically effective when they are issued, without further application, certification or order. This should make unnecessary a large majority of the applications previously filed on Form 8–A since most such applications are for registration of

additional blocks of a class of security already registered in part. In view of the reporting requirements of Forms 8–K and 10–K, it is not believed that the filing of such applications is necessary in the interest of investors. Under the new procedure, applications on Form 8–A will have to be filed only in the event that a new class or series is to be registered. The time and expense saved by registrants, exchanges and the Commission itself should be considerable.

The new procedure will, of course, not affect the continuing right of exchanges to require certain filings with them prior to actual listing or issuance of specified blocks of the registered class or prior to modification thereof.

The provisions of Regulations X-12D1 which govern exchange certifications have been amended so as to eliminate requirements which will be unnecessary under the new procedure and paragraph (b) of Rule X-12D2 has been rescinded for the same reason.

A copy of the amended Form 8–A (17 CFR 249.208a), as adopted by the Commission, is attached.[1] It will be noted that the revision considerably simplifies the old form. This has been made possible principally by the deletion of certain requirements which are considered to be unnecessary in view of the current and annual reporting requirements of the registrant and in view of the class registration technique.

Statutory basis. The action described in this release has been taken pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 12 and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out its functions under the act.

Text of amendment. The text of the amended Regulation X-12D1, as adopted by the Commission, is as follows:

Sec.

240.12d1–1 Registration effective as to class or series.
240.12d1–2 Acceleration of effectiveness of registration.
240.12d1–3 Requirements as to certification.
240.12d1–4 Date of receipt of certification by Commission.
240.12d1–5 Operation of certification on subsequent amendments.
240.12d1–6 Withdrawal of certification.

AUTHORITY: §§ 240.12d1–1 to 240.12d1–6 issued under sec. 23, 48 Stat. 901, as amended, 15 U. S. C. 78w. Interpret or apply sec. 12, 48 Stat. 892; 15 U. S. C. 781.

§ 240.12d1–1 *Registration effective as to class or series.* (a) An application filed pursuant to section 12 (b) and (c) of the act for registration of a security on a national securities exchange shall be deemed to apply for registration of the entire class of such security. Registration shall become effective, as provided in section 12 (d) of the act, (1) as to the shares or amounts of such class then issued, and (2), without further application for registration, upon issuance as to additional shares or amounts of such class then or thereafter authorized.

(b) This section shall apply to classes of securities of which a specified number of shares or amounts was registered or registered upon notice of issuance, and to applications for registration filed, prior to the close of business on January 28, 1954, as well as to classes registered, or applications filed, thereafter.

(c) This section shall not affect the right of a national securities exchange to require the issuer of a registered security to file documents with or pay fees to the exchange in connection with the modification of such security or the issuance of additional shares or amounts.

(d) If a class of security is issuable in two or more series with different terms, each such series shall be deemed a separate class for the purposes of this section.

§ 240.12d1–2 *Acceleration of effectiveness of registration.* A request for acceleration of the effective date of registration pursuant to section 12 (d) of the act and § 240.12d1–1 shall be made in writing by either the registrant, the exchange, or both and shall briefly describe the reasons therefor.

§ 240.12d1–3 *Requirements as to certification.* (a) Certification that a security has been approved by an exchange for listing and registration pursuant to section 12 (d) of the act and § 240.12d1–1 shall be made by the governing committee or other corresponding authority of the exchange.

(b) The certification shall specify (1) the approval of the exchange for listing and registration; (2) the title of the security so approved; (3) the date of filing with the exchange of the application for registration and of any amendments thereto; and (4) any conditions imposed on such certification. The exchange shall promptly notify the Commission of the partial or complete satisfaction of any such conditions.

(c) The certification may be made by telegram but in such case shall be confirmed in writing. All certifications in writing and all amendments thereto shall be filed with the Commission in duplicate and at least one copy shall be manually signed by the appropriate exchange authority.

§ 240.12d1–4 *Date of receipt of certification by Commission.* The date of receipt by the Commission of the certification approving a security for listing and registration shall be the date on which the certification is actually received by the Commission or the date on which the application for registration to which the certification relates is actually received by the Commission, whichever date is later.

§ 240.12d1–5 *Operation of certification on subsequent amendments.* If an amendment to the application for registration of a security is filed with the exchange and with the Commission after the receipt by the Commission of the certification of the exchange approving the security for listing and registration, the certification, unless withdrawn, shall be deemed made with reference to the application as amended.

§ 240.12d1–6 *Withdrawal of certification.* An exchange may, by notice to the Commission, withdraw its certification prior to the time that the registration to which it relates first becomes effective pursuant to § 240.12d1–1.

Since the amendments of Regulation X-12D1 and of Form 8–A (17 CFR 249.208a) are intended to simplify registration procedure under the Securities Act of 1934, they have been declared effective immediately, January 28, 1954; except that any registrant or exchange who so desires may operate under the regulation and forms, as previously in effect, prior to March 1, 1954. Since the rescission of § 240.12d2–2 (b) (Rule X-12D2–2 (b)) relieves a restriction, it has been made effective immediately, January 28, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 28, 1954.

[F. R. Doc. 54–808; Filed, Feb. 4, 1954; 8:49 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

APPLICATION FOR REGISTRATION OF ADDITIONAL CLASSES OR SERIES OF SECURITIES ON A NATIONAL SECURITIES EXCHANGE

Form 8–A (§ 249.208a) is amended effective January 28, 1954.[1]

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 28, 1954.

[F. R. Doc. 54–809; Filed, Feb. 4, 1954; 8:49 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

REGISTRATION OF UNISSUED WARRANTS AND SECURITIES FOR "WHEN ISSUED" DEALING

The following forms are hereby rescinded: § 249.231 *Form 1–J, for registration of unissued warrants for "when issued" dealing* and § 249.232 *Form 2–J, for registration of unissued securities, other than unissued warrants, for "when issued" dealing.*

Effective: March 1, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 28, 1954.

[F. R. Doc. 54–811; Filed, Feb. 4, 1954; 8:49 a. m.]

[1] Filed as part of original, F. R. Doc. 54–809, Part 249 of this chapter, *infra.*

[1] Copy filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 351, 352, 1205, 1207, 1415, 1588, 2099, 2337, 2786, 2940, 3325, 3533, 3832, 3930, 4376, 4950, 4951, 5347, 5447, 5448, 5591, 6318, 6319, 6320, 6353, 6773, 6850, 7294, 7295, 7311, 7383, 7673, 7844, 8132, 8133, 8477) are amended as indicated below:

1. Section 146.24 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon, deleting the word "and", and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

2. Section 146.25 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

3. Section 146.26 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

4. Section 146.27 (c) (1) (vi) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

5. Section 146.28 (c) (1) (v) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

6. Section 146.29 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

7. Section 146.30 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

8. Section 146.31 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

9. Section 146.32 (c) (1) (iii) is amended by adding the following new sentence: "Such expiration dates may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

10. Section 146.33 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon, omitting the word "and", and adding the following new clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

11. Section 146.34 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

12. Section 146.35 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

13. Section 146.36 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

14. Section 146.38 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

15. Section 146.39 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

16. Section 146.40 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

17. Section 146.41 (c) (1) (iv) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

18. Section 146.42 (c) (3) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

19. Section 146.43 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

20. Section 146.44 (c) (3) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

21. Section 146.45 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

22. Section 146.46 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

23. Section 146.47 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

24. Section 146.48 (c) (3) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

25. Section 146.49 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

26. Section 146.51 (c) (1) (vi) is amended by changing the semicolon at the end thereof to a colon, omitting the word "and", and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

27. Section 146.53 (a) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container

if such immediate container is packaged in an individual wrapper or container."

28. Section 146.58 (c) (1) (iv) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

29. Section 146.59 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

30. Section 146.63 (c) (1) (v) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

31. Section 146.64 (c) (3) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

32. Section 146.65 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

33. Section 146.66 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

34. Section 146.67 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

35. Section 146.68 (c) (3) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

36. Section 146.69 (c) (1) (v) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

37. Section 146.74 (c) (3) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

38. Section 146.75 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

39. Section 146.76 (c) (1) (v) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

40. Section 146.77 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, that such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

41. Section 146.79 (c) (3) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

42. Section 146.80 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

43. Section 146.82 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

44. Section 146.86 (c) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

45. Section 146.88 (a) (2) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

46. Section 146.89 (b) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

47. Section 146.101 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon, omitting the word "and", and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

48. Section 146.102 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

49. Section 146.104 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon, omitting the word "and", and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

50. Section 146.105 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon, omitting the word "and", and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

51. Section 146.106 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following new clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

52. Section 146.107 (c) (1) (v) is amended by changing the period at the end thereof to a colon and adding the following new clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

53. Section 146.108 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following new clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

54. Section 146.109 (c) (1) (vi) is amended by changing the period at the end thereof to a colon and adding the following new clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

55. Section 146.110 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

56. Section 146.111 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

57. Section 146.112 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

58. Section 146.114 (c) (3) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

59. Section 146.115 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

60. Section 146.118 (c) (1) (vi) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

61. Section 146.201 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

62. Section 146.202 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

63. Section 146.203 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

64. Section 146.204 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

65. Section 146.205 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

66. Section 146.206 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

67. Section 146.208 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon, omitting the word "and", and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

68. Section 146.211 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

69. Section 146.212 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

70. Section 146.213 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

71. Section 146.214 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

72. Section 146.215 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

73. Section 146.217 (c) (1) (v) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

74. Section 146.301 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon, omitting the word "and", and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

75. Section 146.302 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

76. Section 146.303 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

77. Section 146.304 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

78. Section 146.305 (c) (3) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

79. Section 146.306 (c) (1) (iv) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

80. Section 146.307 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

81. Section 146.308 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

82. Section 146.309 (a) (4) is amended by changing the period at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

83. Section 146.401 (c) (1) (iv) is amended by changing the semicolon at the end thereof to a colon, by omitting the word "and", and by adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

84. Section 146.402 (c) (1) (iv) is amended by changing the semicolon at the end thereof to a colon, by omitting the word "and", and by adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

85. Section 146.403 (c) (1) (iii) is amended by changing the semicolon at the end thereof to a colon and adding the following clause: "*Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

86. Section 146.404 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the

following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

87. Section 146.405 (c) (1) (iii) is amended by adding the following new sentence: "Such expiration dates may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

88. Section 146.408 (c) (1) (iv) is amended by changing the semicolon at the end thereof to a colon, omitting the word "and", and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;".

89. Section 146.409 (a) (5) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

90. Section 146.411 (a) (2) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

91. Section 146.414 (a) (2) is amended by changing the period at the end of the first sentence to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

92. Section 146.416 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

93. Section 146.417 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

94. Section 146.418 (c) (3) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

95. Section 146.419 (c) (1) (iii) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: February 1, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-836; Filed, Feb. 4, 1954; 8:54 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter K—Security of Vessels

[CGFR-54-4]

PART 121—SECURITY CHECK AND CLEARANCE OF MERCHANT MARINE PERSONNEL

APPEAL AND REVIEW PROCEDURES FOR PERSONS DENIED SECURITY CLEARANCE

The purpose for amending 33 CFR 121.21 (a) (3) (i) is to announce and state that the written statement or bill of particulars furnished to persons denied security clearance in appeal and review procedures will be prepared by the Commandant, United States Coast Guard, and that such statement or bill of particulars will be furnished by him to the Chairman, Local Appeal Board, for inclusion in the written notification required by 33 CFR 121.21 (a) (3). The revised appeal and review procedures for persons denied security clearance was published in the FEDERAL REGISTER dated November 3, 1953, and the amendment in this document is to clarify the responsibility with respect to the written statement or bill of particulars furnished appellants. The Chairman, Local Appeal Board, only transmits the written statement or bill of particulars to the appellant.

It is hereby found that compliance with the notice of proposed rule making, public rule making procedures thereon, and effective date requirements of the Administrative Procedure Act is impracticable since this change clarifies the appeal and review procedures followed for persons denied security clearance and in the public interest should be placed in effect as soon as possible.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended, the following amendment is prescribed and shall become effective immediately upon publication of this document in the FEDERAL REGISTER:

Section 121.21 (a) (3) (i) is amended by adding the following sentence at the end thereof:

§ 121.21 *Chairman of the Board; duties and responsibilities.* (a) • • •

(3) • • •

(i) • • • This written statement or bill of particulars will be prepared by the Commandant and will be furnished by him to the Chairman of the Board for inclusion in the written notification required by this paragraph.

(40 Stat. 220, as amended; 50 U. S. C. 191. E. O. 10173, Oct. 18, 1950, 15 F. R. 7005; 3 CFR, 1950 Supp., as amended by E. O. 10277, Aug. 1, 1951, 16 F. R. 7537; 3 CFR, 1951 Supp., E. O. 10352, May 19, 1952, 17 F. R. 4607; 3 CFR, 1952 Supp.)

Dated: January 29, 1954.

[SEAL] MERLIN O'NEILL, *Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 54-834; Filed, Feb. 4, 1954; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2]

PART 53—MECHANIC SCHOOL CERTIFICATES

ENTRANCE EXAMINATIONS

The purpose of this supplement is to set forth the CAA policies regarding methods for determining the credit to be allowed an applicant for work completed in another school. A new § 53.53–2 is adopted to read:

§ 53.53–2 *Entrance examinations (CAA policies which apply to § 53.53).* A certificated mechanic school may apply credit toward the completion of its approved course for work an applicant has satisfactorily completed while a student at another mechanic school, accredited college, state-owned vocational or trade school, or military technical specialty school. The amount of credit to be allowed may be determined by requiring that the applicant pass an entrance examination equivalent to one given their own students at the completion of each course; phase; or by requiring that the applicant furnish a properly authenticated transcript of grades from the former school showing the curriculum in which he was enrolled, and the hours of attendance, as well as the grades for each subject. In lieu of a transcript of grades, the amount of credit to be allowed an applicant with military technical specialty training will be determined by the entrance examination. In any case, the credit given any applicant is to be shown in hours on the student record.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 607, 52 Stat. 1007, 1011; 49 U. S. C. 551, 557)

This suplement shall become effective February 5, 1954.

[SEAL] F. B. LEE, *Administrator of Civil Aeronautics.*

[F. R. Doc. 54-838; Filed, Feb. 4, 1954; 8:55 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 64]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Beginner, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Ceilings are in feet above airport elevation. If an LF radio range approach is combined with a VHF radio range, unless an airport clearance with a different procedure is specified, the following procedure for Civil Aeronautics Administration shall be in effect for each airport. Initial approaches shall be made over the LF radio range on the prescribed course, or as set forth below. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name; operator; facility class and identification procedure No; effective date	Initial approach to facility from—	Course and distance	Minimum altitude	Procedure turn (—) side of course; distance from facility; direction; minimum altitude	Ceiling and visibility minimums: Type aircraft: 85 m. p. h. or less — Condition	Ceiling and visibility minimums: Type aircraft: 85 m. p. h. or less — Minimum ceiling over facility	Ceiling and visibility minimums: Type aircraft: 85 m. p. h. or less — Visibility	Ceiling and visibility minimums: Type aircraft: More than 85 m. p. h. — Condition	Ceiling and visibility minimums: Type aircraft: More than 85 m. p. h. — Minimum ceiling over facility	Ceiling and visibility minimums: Type aircraft: More than 85 m. p. h. — Visibility	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	
ALMA, GA. Alma Airport, 200' SBRA-2-DIV AMG Procedure No. 1 January 14, 1954				W side NW course: 30° outbound. 1 mile inbound. 1,900' within 25 miles.	(300)	114—2 2	T-dn C-dn C-n A-dn	300-1 500-1 500-2 800-2	300-1 500-1 500-2 800-2	Within 2 2 miles, climb to 1,500' on SE course. •Real runways: Aircraft larger than DC-3 use runway.	Within 2 2 miles, climb to 1,500' on SE course. •Real runways: Aircraft larger than DC-3 use runway.
	Beaumont VOR	026—7.0	1,200	W side N course: 30° outbound. 1 mile inbound. 1,900' within 25 miles.	(300)	105—3 6	T-dn C-dn R-dn A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	Within 2.6 mile, climb to 1,400' on S course within 25 miles.	Within 2.6 mile, climb to 1,400' on S course within 25 miles.
BEAUMONT, TEX. Jefferson County, 15' SBMR-2-DIV BCJ Procedure No. 1 January 14, 1954				W side NW course: 20° outbound. 1½ inbound. 3,000' within 15 miles; 4,000' within 15, 20, or 25 miles.	(300)	117—1.5	T-dn C-dn A-dn	300-1 500-1½ 800-2	300-1 500-1½ 800-2	Within 1.5 miles, climb to 4,000' on NE course 040° within 2° miles. Note: Item 11—Procedure. Missed approach altitude less than minimum enroute altitude, but consistent with obstacle clearance. Level of safety equivalent to standard criteria based on terrain clearance and use other than 2 engine within 25 miles.	Within 1.5 miles, climb to 4,000' on NE course 040° within 2° miles. Note: Item 11—Procedure. Missed approach altitude less than minimum enroute altitude, but consistent with obstacle clearance. Level of safety equivalent to standard criteria based on terrain clearance and use other than 2 engine within 25 miles.
BIG DELTA, ALASKA Big Delta Airport, 1,365' SBRA-2-DIV BIG Procedure No. 1 February 20, 1954	Shuttle fan on E side S.E. runway, outbound, 266° unbound, within 25 miles.				(Abeam 7,000' LOM*)	256—6.1 (From LOM)	T-dn C-dn B-dn A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	Within 6.1 miles after passing LOM, climb to 7,500' on course. Note: •ILS LOM must be received on ADF, frequency, 239 kc., identification, CY.	Within 6.1 miles after passing LOM, climb to 7,500' on course. Note: •ILS LOM must be received on ADF, frequency, 239 kc., identification, CY.
CHEYENNE, WYO Cheyenne Municipal, 6,156' SBRA-2-DIV CYS Procedure No. 2 February 15, 1954	Hillsdale FM (final) abeam LOM;	256—8.0	7,000	N side E course: 076° outbound. 256° inbound. 7,300' within 25 miles.	(300)	102—13.0	T-dn C-dn B-dn A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	Within 2.1 miles, climb to 1,400' on E course within 15 miles.	Within 2.1 miles, climb to 1,400' on E course within 15 miles.
	Silver Creek FM	102—13.0 to I F	8,000								
DAYTONA BEACH, FLA. Daytona Beach, 10' SBMR-2-DIV DAB Procedure No. 1 January 14, 1954	Daytona Beach VOR	02—4.5	1,100	S side W course: 281° outbound. 101° inbound. 1,600' within 25 miles.	(300)	038—4.7	T-dn C-dn B-dn A-dn	300-1 500-1½ 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 3.7 miles, climb to 1,200' on NE course within 25 miles.	Within 3.7 miles, climb to 1,200' on NE course within 25 miles.
FORT MYERS, FLA. Page Field, 13' SBRA-2-DIV FMY Procedure No. 1 January 14, 1954				S side W course: 281° outbound. 101° inbound. 1,500' within 25 miles.						S side W course: 281° outbound. 101° inbound. 1,500' within 25 miles.	S side W course: 281° outbound. 101° inbound. 1,500' within 25 miles.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility, class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LARAMIE, WYO. Brees Field, 7,273' SBMRAZ-VDT LAR Procedure No. 1 February 15, 1954	Laramie VOR	048—1.5	8,500	E side NW course:* 317 outbound. 137 inbound. 8,500' within 25 miles.	8,000	148—2.1	T-dn C-dn C-n A-dn	300-1 500-1 500-2 800-2	300-1 500-1½ 500-2 800-2	Within 2.1 miles, climb to 11,500' on SE course within 25 miles. NOTES: *Procedure turn E side account high terrain W side.
MCGRATH, ALASKA McGrath, 347' SBRAZ P DV MCG Procedure No. 1 February 20, 1954				Nonstandard procedure, turn S side SE course. 092° outbound. 272° inbound. 2,000' within 25 miles.	##1,100	255—1.6	*T-dn C-dn A-dn	300-1 500-2 800-2	300-1 500-2 800-2	Within 1.6 miles, turn left climb to 4,000 on SE course (096°) within 25 miles. ##ITEM 6: This approach procedure does not meet ANC criteria for obstruction clearance on final approach: 1. 1,200' terrain located 3.5 miles N side of approach course (within 10 miles of LFR). 2. 1,400' terrain located 3.5 miles S of LFR. Deviation authorized on basis of: 1. Nonstandard procedure turn required. 2. Hold close A twilight signal on final approach to low cone. *ITEM 8: Departure procedure: Left turn immediately after takeoff, all runways. Cross range station at 1,100'. Climb on SE course NE, NW, SW bound traffic cross range station at 4,000' before proceeding on course. CAUTION: High terrain within 3 to 4 miles, all quadrants.
MONTGOMERY, ALA. Dannelly Field, 219' SBRAZ-MXF Procedure No. 1 January 13, 1954	Montgomery VOR	332—12.0	1,700	W side N course: 360 outbound. 180 inbound. 1,700' within 25 miles.	1,200	171—5.6	T-dn C-dn S-dn 15 S-n* A-dn	300-1 500-1 500-1 NA 800-2	300-1 500-1½ 500-1 NA 800-2	Within 5.6 miles, climb to 1,500' on SW course within 25 miles. *Night operation Runway 15-33 not authorized due lack of obstruction and runway lights.
NORTHWAY, ALASKA Northway, 1,710' SBRAZ-VPDT ORT Procedure No. 1 February 20, 1954	Shuttle to: 4,200' on S side NW course; 276° outbound, 096° inbound, within 25 miles.			S side NW course: 276° outbound. 096° inbound. 2,400' within 10 miles, 2,500' within 15 miles, 4,200' within 25 miles.	2,300	096—0.9	T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1 800-2	Within 0.9 miles, climb to 6,400' on southeast course (096°) within 25 miles. NOTE: Radio towers between range station and airport 2,010' MSL.
PALACIOS, TEX. Municipal, 13' BMRLZ DTV PSX Procedure No. 1 January 15, 1954	Palacios VOR	115—2.0	1,300	W side NW course: 295 outbound. 115 inbound. 1,300' within 10 miles. Beyond 10 miles not authorized.	700	109—2.0	T-d T-n C-d C-n S-d R-13 S-n A-d A-n	300-1 NA 500-1 NA 500-1 NA 800-2 NA	300-1 NA 500-1½ NA 500-1½ NA 800-2 NA	Within 2.0 miles climb to 1,200' on SE course within 15 miles. This procedure not approved for ADF approach.
RENO, NEV. United Air Lines, 4,404' SBRAZ-DTV RNO Procedure No. 1 February 15, 1954	Wadsworth FM	228—27.0	9,000	E side N course: 041 outbound. 161 inbound. 8,500' within 20 miles, 9,000' within 27 miles.	7,000	161—3.0	T-dn C-dn A-dn	1,000-3 2,500-3 2,500-3	1,000-3 2,500-3 2,500-3	Within 3.0 miles, make immediate left turn and climb to 9,000' on N course within 20 miles or as directed by ATC. SIMULTANEOUS: N course to 10,000' within 23 miles.
	Reno VOR	263—6.0	9,000							
SAN FRANCISCO, CALIF. San Francisco, International, 11' SBMRLZ-DTV SFO Procedure No. 1 February 15, 1954	Bay Point FM	300—35.0	*3,000	E side SE course: 108 outbound. 288 inbound. 1,500' within 15 miles. Procedure turn beyond 15 miles not authorized.	#1,100	292—3.0	T-dn C-dn S-dn Runway 28 A-dn	300-1 500-1 500-1 800-2	300-1 600-1 500-1 800-2	Within 2.0 miles, climb to 3,000' on NW course within 25 miles, or as directed by ATC. *When an altitude below 5,000' is used from the NT, flight is far as Oakland must be conducted via the NE course of Oakland LFR to provide adequate lateral clearance from Mount Diablo (3,925' MSL). #If Belmont FM is received, descent to 900' over LFR on final approach is authorized.
	Int. NE course Mullett LFR and SE course SFO LFR	285—21.0	1,700							
	Belmont FM (final)	288—6.0	800							
	Half Moon Bay FM	020—11.0	3,000							

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility, class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SAVANNAH, GA. Travis Field, 50' SBMRLZ-DTV SAV Procedure No. 1 January 14, 1954				W side SE course: 141 outbound. 321 inbound. 1,100' within 25 miles.	600	349—8.5	T-dn C-dn A-dn	300-1 500-2 800-2	300-1 500-2 800-2	Within 8.5 miles, climb to 1,200' on NW course.
TUCUMCARI, N. MEX. Tucumcari, Municipal, 4,063' SBMRAZ-DTV TCC Procedure No. 1 February 15, 1954				S side W course: 256° outbound. 076° inbound. 6,000' within 10 miles. 6,580' within 25 miles.	5,500	076—2.2	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	Within 2.2 miles, climb to 5,200' on E course TCC LFR. CAUTION: 5,020' terrain 4.5 miles SW of LFR.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is made to the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility, class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
COLORADO SPRINGS, COLO. Peterson Field, 6,172' LOM CO Procedure No. 1 Apr. 20, 1952	PROCEDURE CANCELED EFFECTIVE FEB. 15, 1954.									
SEATTLE, WASH. Seattle-Tacoma International 416' LOM SE Procedure No. 1 June 12, 1953	PROCEDURE CANCELED EFFECTIVE FEB. 11, 1954.									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the following named airport, it shall be in accordance with the following instrument approach procedure unless such approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course; outbound and inbound altitudes; limiting distances	Minimum altitude at glide slope intercept (ft.)	Altitude of glide slope and distance to approach end of runway at: Outer marker	Altitude of glide slope and distance to approach end of runway at: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
COLORADO SPRINGS, COLO. Peterson Field, 6,172' ILS—COS LOM CO Procedure No. 1 Cancellation ILS and RDC February 15, 1954	Colorado Springs LFR Fountain FM	LOM LOM	196—10.0 346—3.5	7,500 7,200	E side S course: Procedure turn 346° outbound, 166° inbound 7,200' within 25 miles of LOM	ILS 7,350' ADF 7,500' over LOM.	7,150—4.0	6,270—0.7	T-dn C-dn C-n S-dn S-n ILS ADF A-dn	300-1 600-1 600-2 400-1 500-1 800-2	300-1 600-1 600-2 400-1 500-1 800-2	Within 4.3 miles after passing LOM (ADF) climb to 8,000' on E course COS LFR within 25 miles. CAUTION (1) 7,190' MSL radio tower 7.5 miles N of COS LFR. (2) 7,410' MSL terrain 13.5 miles N of COS LFR. (3) Dumper area 2.5 miles W of localizer center line. NOTE: No approach lights available Deviation from std. Criteria authorized in column 6 for danger area airspace clearance.

4. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the following named airport, it shall be in accordance with the following instrument approach procedure, unless such approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course; outbound and inbound altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, from to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BRUNSWICK, GA. Malcolm McKinnon, 30' BVOR-SSI Procedure No. 1 Jan. 14, 1954	SSI-MH	288—3.5	1,200	S side course: 292 outbound, 112 inbound. 1,200' within 25 miles	700	112—3.0	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 3.0 miles, climb to 1,200' on course of 112° from VOR within 20 miles.
CHEYENNE, WYO. Cheyenne Municipal, 6,156' BVOR CYS Procedure No. 1 Feb. 15, 1954	Cheyenne LFR	026—5.0	7,300	W side of course 016° outbound. 196° inbound. 7,300' within 25 miles	6,800	196—4.3	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 4 miles, climb to 7,500' on course of 196° within 25 miles of VOR.
FORT MYERS, FLA. Lee Fld, 17' BVOR FMY Procedure No. 1 Jan. 13, 1954				S side course 222° outbound. 042° inbound 1,200' within 25 miles.	700	042—3.7	T-dn C-dn S-dn 4 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1½ 800-2	Within 3.0 miles, climb to 1,200' on course of 042° within 25 miles.

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, from to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
FORT WORTH, TEX. Meacham Field, 692' BVOR FTW Procedure No. 1 January 14, 1954	Fort Worth LFR Haslet MHW	248—9 218—15	2,000 2,000	S side of course: 265 outbound. 085 inbound. 2,100' within 15 miles NA beyond 15 miles	1,600	085—8.3	T-dn C-dn A-dn	300-1 600-2 800-2	300-1 600-2 800-2	Within 8.3 miles, turn left and climb to 2,100' on course of 265° to and then from FTW VOR within 15 miles.
LARAMIE, WYO. Brees Field 7,273' BVOR LAR Procedure No. 1 Feb. 15, 1954	Laramie LFR	228—1.5	8,500	E side course * 317 outbound. 137 inbound. 8,500' within 25 miles.	8,000	108—2.6	T-dn C-dn C-n A-dn	300-1 500-1 500-2 800-2	300-1 500-1½ 500-2 800-2	Within 2.6 miles, climb to 11,500' on course of 137° within 25 miles of VOR. NOTES: *Procedure turn east side of course account high terrain west side of course.
MINERAL WELLS, TEX. Municipal BVOR DTV MWL Procedure No. 1 Jan. 13, 1954	Mineral Wells RBN	132—5	2,000	S side of course: 120° outbound. 309° inbound. 2,000' within 10 miles, 2,100' within 20 miles, 2,300' within 25 miles.	1,800	309—4.9	T-dn C-dn S-dn 31 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 4.9 miles climb to 2,500' on course of 309° within 25 miles. *Procedure turn nonstandard due ATC.
MONTGOMERY, ALA. Dannelly Fld, 219' BVOR DTA BJ MGM Procedure No. 1 Jan. 13, 1954	Maxwell LFR	152—12.0	1,700	E side course: 136 outbound. 316 inbound 1700' within 25 miles	1,200	316—6.1	T-dn C-dn S-dn 33 S-n* A-dn	300-1 500-1 500-1 NA 800-2	300-1 500-1½ 500-1 NA 800-2	Within 6.1 miles, climb to 1,700' on course of 316° within 25 miles of VOR. *Night operation Runway 15-33 NA due lack of obstruction and runway lights. CAUTION: 605' MSL tower, 2 miles SE of VOR station.
VALDOSTA, GA. Valdosta Airport, 203' BVOR TV VLD Procedure No. 1 Jan. 14, 1954	Valdosta MH	183—7.0	1,400	E side course 183 outbound. 003 inbound 1,400' within 25 miles.	900	003—6.7	T-dn C-dn S-dn 33 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 6.7 miles, make immediate right turn and climb to 1,400' on course of 183° within 25 miles of VLD-VOR.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended, 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-837; Filed, Feb. 4, 1954, 8:56 a. m.]

[Amdt. 57]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.102 *Amber civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Craig (INT), Mont.	Great Falls, Mont. (LFR).[1]	8,500

[1] 6,600′—Minimum crossing altitude at Great Falls (LFR), southwest-bound.

2. Section 610.103 *Amber civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Lewistown, Mont. (LFR).	Great Falls, Mont. (LFR).[1]	9,[illegible]

[1] 6,600′—Minimum crossing altitude at Great Falls (LFR), eastbound.

3. Section 610.104 *Amber civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Fort Worth, Tex. (LFR)	Decatur (INT), Tex.	2,000
Decatur (INT), Tex.	Ringling (INT), Okla.	2,[illegible]
Ringling (INT), Okla.	Oklahoma City, Okla. (LFR)	2,700
Oklahoma City, Okla. (LFR).	Shawnee (INT), Okla.	2,700
Shawnee (INT), Okla.	Tulsa, Okla. (LFR)	2,[illegible]

4. Section 610.235 *Red civil airway No. 35* is amended to read in part:

From—	To—	Minimum altitude
Cassoday (INT), Kans.	Forbes AFB, Kans. (LFR).	2,000

5. Section 610.277 *Red civil airway No. 77* is amended to read in part:

From—	To—	Minimum altitude
Tappahannock, Va. (LFR)	Dover, Del. (LFR)	1,500
Dover, Del. (LFR)	Atlantic City, N. J. (LFR).	1,500

6. Section 610.300 *Red civil airway No. 100* is added to read:

From—	To—	Minimum altitude
South Bend, Ind. (LFR).	Battle Creek, Mich. (LFR).	2,300

7. Section 610.603 *Blue civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Goshen, Ind. (LFR)	Union (INT), Mich.	2,200
Union (INT), Mich.	Kalamazoo (INT), Mich.	2,300
Kalamazoo (INT), Mich.	Grand Rapids, Mich. (LFR).	2,300

8. Section 610.605 *Blue civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Pilot Point (INT), Tex.	Ardmore, Okla. (LF RBN).	2,200
Ardmore, Okla. (LF RBN).	Tinker AFB, Okla. (LFR).	2,700

9. Section 610.606 *Blue civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
South Bend, Ind. (LFR).	Benton Harbor (INT), Mich.	2,300

10. Section 610.628 *Blue civil airway No. 28* is amended to read in part:

From—	To—	Minimum altitude
Spartanburg, S. C. (LFR)	Fairview (INT), N. C.	6,300
Fairview (INT), N. C.	Bulls Gap (INT), Tenn.	8,000

11. Section 610.635 *Blue civil airway No. 35* is amended to read in part:

From—	To—	Minimum altitude
Camarillo, Calif. (LFR).[1]	Wheeler Ridge (INT), Calif.	10,000

[1] 7,000′—Minimum crossing altitude at Camarillo (LFR), northbound.

12. Section 610.1001 *Direct route, United States* is amended by adding:

From—	To—	Minimum altitude
Crescent (INT), Okla.	Tulsa, Okla. (LFR)	2,400

13. Section 610.6003 *VOR civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Miami, Fla. (VOR)	Golden Beach (INT), Fla.[1]	1,500
Golden Beach (INT), Fla.	West Palm Beach, Fla. (VOR).	[1] 2,400

[1] 2,100′—Minimum reception altitude.
[2] 1,500′—Minimum terrain clearance altitude.

14. Section 610.6019 *VOR civil airway No. 19* is amended to read in part:

From—	To—	Minimum altitude
Lewistown, Mont. (VOR).	Great Falls, Mont. (VOR).[1]	9,000

[1] 6,800′—Minimum crossing altitude at Great Falls (VOR), eastbound.

15. Section 610.6020 *VOR civil airway No. 20* is amended to read in part:

From—	To—	Minimum altitude
Palacios, Tex. (VOR).	Houston, Tex. (VOR).	1,600

16. Section 610.6021 *VOR civil airway No. 21* is amended to read in part:

From—	To—	Minimum altitude
Helena, Mont. (VOR)	Great Falls, Mont. (VOR)[1]	9,500

[1] 6,600′—Minimum crossing altitude at Great Falls (VOR), southwest-bound.

17. Section 610.6022 *VOR civil airway No. 22* is amended by adding:

From—	To—	Minimum altitude
New Orleans, La. (VOR).	Horn (INT), Miss.	[1] 5,000
Horn (INT), Miss.[2]	Mobile, Ala. (VOR).	2,000

[1] 1,000′—Minimum terrain clearance altitude.
[2] 5,000′—Minimum reception altitude.

18. Section 610.6038 *VOR civil airway No. 38* is amended to read in part:

From—	To—	Minimum altitude
Mentone (INT), Ind.	Fort Wayne, Ind. (VOR).	

19. Section 610.6115 *VOR civil airway No. 115* is amended to read in part:

From—	To—	Minimum altitude
Crestview, Fla. (VOR)	Andalusia (INT), Ala.	1,[illegible]
Andalusia (INT), Ala.	Montgomery, Ala. (VOR).	1,700

20. Section 610.6120 *VOR civil airway No. 120* is amended to read in part:

From—	To—	Minimum altitude
Great Falls, Mont. (VOR).[1]	Lewistown, Mont. (VOR).	[illegible]

[1] 6,900′—Minimum crossing altitude at Great Falls (VOR), eastbound.

21. Section 610.6131 *VOR civil airway No. 131* is amended by adding:

From—	To—	Minimum altitude
Paso Robles, Calif. (VOR).	Modesto, Calif. (VOR).	7,000

22. Section 610.6145 *VOR civil airway No. 145* is added to read:

From—	To—	Minimum altitude
Utica, N. Y. (LFR).	Watertown, N. Y. (VOR).	3,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective February 9, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-773; Filed, Feb. 4, 1954; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th General Rev. of Export Regs., Amdt. 79 [1]]

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS (AS APPLIED TO SELECTED U. S. IMPORTS)

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 383—APPEALS

MISCELLANEOUS AMENDMENTS

1. Section 368.1 *Import certificate and delivery verification on selected imports into the United States*, paragraph (b) *Import certificate covering imports into United States*, subparagraph (2) *Where to file* is amended by adding the following paragraphs at the end thereof:

(iii) The import certificate will be stamped with a validity period of 90 days from the date of the certification by the Department of Commerce official.[2]

This document will not be acceptable to the authorities of the exporting country unless presented within 90 days from the date of certification. Importers are cautioned that this time limitation for the presentation of the import certificate to the exporting country in no way relieves them of their responsibility to adhere to the commitments made therein.

(iv) Where the validity period of an import certificate has expired before its presentation to the foreign government and an extension is desired, the United States importer should apply for a new import certificate.

2. Section 368.1 *Import certificate and delivery verification on selected imports into the United States, paragraph* (d) *Delivery verification on imports into the United States* is amended by designating the present text as paragraph (c) and by adding the following paragraphs at the beginning thereof:

(a) U. S. importers may be requested by their foreign exporters to supply them with certified delivery verifications (Form IT-908) covering materials imported into the United States. These requests are made by the various foreign governments for the purpose of assuring that strategic goods shipped to the United States are not diverted from their intended destination. The issuance of export licenses in these instances was conditioned upon the subsequent receipt of certified delivery verifications from U. S. importers.

(b) Failure on the part of the U. S. importer to comply with his foreign exporter's request will result in the exporter's inability to fulfill this obligation to his government and may result in his being denied further export licenses. This action obviously would prevent the U. S. importer's participation in further import transactions with such foreign exporter. It also may result in the U. S. importer being cut off from any trade with the exporting country requesting the delivery verification. In addition, the foreign exporter may be subjected to other penalties for his failure to furnish his government a certified delivery verification.

3. Section 371.4 *Reexportation from country of destination*, paragraph (b) *Permissive reexportations* is amended to read as follows:

(b) *Permissive reexportations.* Any commodity which has been exported from the United States may be reexported from any destination to any other destination: *Provided*, That at the time of reexportation, the commodities to be reexported may be exported directly from the United States to the new country of destination either under General License GO, GRO, GHS, or GHK, or where the value of the reexportation does not exceed the GLV dollar value limit shown on the Positive List with reference to the country of destination.

[The note following paragraph (b) remains unchanged.]

4. Section 371.9 *General in-transit license GIT*, paragraph (a) *General provisions*, subparagraph (1) *Scope* is amended to read as follows:

(1) *Scope.* (i) There is hereby established a general license, designated GIT, authorizing, subject to the other provisions of this section, the exportation from the United States of commodities which originate in and are destined to any foreign country except Subgroup A destinations: *Provided*, That such commodities are moving in transit through the United States under a Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I. E.) customs entry made at a United States customhouse.

(ii) Commodities which originate in a foreign country include commodities which were originally grown, produced, or manufactured in the United States but which have been so altered by further processing, manufacture, or assembly in the foreign country that such commodities have either thereby been substantially enhanced in value, or have lost their original identity with respect to form.

(iii) Only those exportations of foreign origin which, if of United States origin, could be made respectively to Hong Kong or Macao under the provisions of a general license may be exported to Hong Kong or Macao, respectively, under this general license.

Section 372.2 *Applications for licenses*, paragraph (b) *Separate applications for each Positive List entry* is amended to read as follows:

(b) *Separate applications for each Positive List entry.* A separate and complete application must be submitted for each Positive List entry to each consignee in each country of destination except as otherwise specifically provided in the export regulations.

[The note following paragraph (b) is deleted.]

6. Section 372.7 *Unit-process applications* is deleted.

7. Section 372.11 *Issuance and use of export licenses* is amended in the following particulars: The note following paragraph (a) *Issuance of license document* is deleted. The note following paragraph (b) *Unit-process licenses* is substituted therefor. Paragraph (b) *Unit-process licenses* is deleted.

8. Section 372.14 *Reexportation from country of destination*, paragraph (c) *Reexportations* is amended to read as follows:

(c) *Reexportations.* Any commodity which has been exported from the United States may be reexported from any destination to any other destination: *Provided*, That at the time of reexportation, the commodities to be reexported may be exported directly from the United States to the new country of destination either under General License GO, GRO, GHS, or GHK, or where the value of the reexportation does not exceed the GLV dollar value limit shown on the Positive

[1] This amendment was published in Current Export Bulletin No. 723, dated January 28, 1954, and in the reprint pages, dated January 28, 1954.

[2] Import certificates issued prior to January 28, 1954, do not bear a validity period stamp and are not affected by the 90-day validity period provision.

List with reference to the country of destination.

9. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery*, note 5 following paragraph (c) *Submission of import certificates* is amended to read as follows:

5. *Return of import certificates.* U. S. exporters may be requested by their foreign importers to return unused or partially used import certificates. In such cases, the U. S. exporter shall forward the certificate to his importer as soon as he determines that the certificate will not be used with a new or resubmitted application, or an appeal.

Failure on the part of the U. S. exporter to comply with his foreign importer's request will result in the importer's inability to fulfill his obligations to his government and may result in the foreign importer being denied further import certificates. This action obviously would prevent the U. S. exporter's participation in further export transactions with such foreign importer. In addition, the foreign importer may be subjected to other penalties for his failure to return the certificate.

The Bureau of Foreign Commerce will not return import certificates to the U. S. exporter where the total quantity shown on the import certificate has been shipped or is covered by an outstanding export license(s). In order to comply with a foreign importer's request for the return of an unused or partially used import cetificate, import certificates on file in the Bureau of Foreign Commerce will be returned to exporters in accordance with the procedures described below:

(a) Where an import certificate covers a quantity in excess of the export license applications submitted against it, or does not specify the quantity covered the BFC will retain the import certificate until such time as the exporter requests the return thereof. When requesting the return of the import certificate, the exporter should submit his request in writing, showing the name and address of the named importer, applicable BFC case numbers to which the certificate applies, import certificate number, and a statement that such import certificate will not be used in connection with a new or resubmitted application for export. Appropriate notation will be made on the certificate by the Bureau of Foreign Commerce.

(b) The BFC will automatically return the applicable import certificate to the U. S. exporter (applicant) whenever an application for export covers the same type and amount of the commodity as that shown on the import certificate, but such application is rejected or approved in a reduced quantity. Appropriate notation will be made on the certificate by the BFC.

(c) In instances where the U. S. exporter does not intend to ship the total quantity of commodities for which a license has been issued and desires the return of the import certificate, he should submit his request in writing for return of the certificate together with request for cancellation or amendment of the unexpired license to show the quantity which he intends to ship. (See § 380.2.) In such cases exporters shall submit the amendment form, Form IT-763 (in addition to the letter request), as provided by the regular amendment procedure. Appropriate notation will be made on the import certificate by the BFC.

10. Section 373.33 *Diamonds* is amended to read as follows:

§ 373.33 *Diamonds*—(a) *Definitions.* The commodities covered by this section are loose diamonds (except cut gem diamonds).

(1) "Industrial diamonds", Schedule B Nos. 599005 and 540910, unmounted industrial-purpose diamonds, in any form, including ballas, carbonados, crushing bort, and diamond fragments, as well as diamond powder, dust, and compounds, or

(2) "Cuttable diamonds", Schedule B No. 599010, diamonds suitable for cutting into gems and not reserved for industrial use.

(b) *Application requirements.* Separate license applications (Form IT-419) must be submitted for each Schedule B classification of loose diamonds. Each application must include a detailed statement regarding the end use of the commodity and must contain a complete description of each named commodity or commodities, including any customary trade sub-classifications. Diamonds must be listed on the application by one of the following methods:

(1) *Industrial stones.* List by classes, quality, and size as specified in Munitions Board Spec. P-19 dated April 1, 1949, and show price per carat of each diamond or of similar groups.

NOTE: The classes specified in National Stockpile Materials Purchase Specifications P-19[1] are:

Class I—Core drilling stones.
Class II—Thread and gear grinder stones.
Class III—Tool stones.
Class IV—Grinding wheel dressers stones.
Class V—Shaping, boring, turning tool stones.
Class VI—Points and elongated stones.
Class VII—Flats.
Class VIII—Wire die stones.
Class IX—Indenter stones.
Class X—Ballas.
Class XI—Carbons.

(2) *Powder, dust, compounds.* Give total carat weight, total price, and average price per carat. In the case of dust and powder, give mesh sizes. For compounds give total carat content and mesh sizes.

(3) *Cuttable diamonds.* List in groups by packets, giving the number of diamonds, the total carat weight, total price, average price per carat for each group, and also the trade description (i. e., mells, flats, rounds, bloc, etc.)

(c) *Export clearance of loose diamonds.* (1) Every shipment of loose diamonds in any form must be inspected by the U. S. Appraiser of Merchandise at New York, regardless of the means of exportation or the port of exit.

(2) The Appraiser will compare the contents of the shipment with the description on the shipper's export declaration authenticated by the collector of customs. If the contents and description on the authenticated shipper's export declaration agree, the Appraiser shall place his seal on the package or parcel.

(3) If the contents of the shipment do not agree with the description set forth on the authenticated export declaration, the Appraiser will submit the authenticated shipper's export declaration, together with a statement of his findings, to the Department of Commerce via the collector of customs.

(4) Post offices will not accept packages or parcels containing such commodities for mailing to a foreign destination unless they have been inspected by the U. S. Appraiser of Merchandise at New York, and the unbroken seal of that official appears on each package or parcel.

(d) *Return of loose industrial diamonds and diamond dust, or powder without license.* Notwithstanding the foregoing provisions of this section (which relate only to diamond exports which require a license), the provisions of § 371.9 (c) of this subchapter (which relate to exceptions from the general license GIT for intransit shipments), and the provisions of § 370.10 of this subchapter (which permit certain exports from foreign trade zones without license), any person in the United States to whom loose industrial diamonds, Schedule B No. 599005, or diamond dust or powder, Schedule B No. 540910, are consigned by a foreign supplier, with the privilege of selection and purchase or return, may return to such foreign supplier such of those diamonds or such dust or powder as are not selected for purchase, without securing an export license therefor, provided the following procedure and conditions are observed:

(1) *Deposit in New York Foreign Trade Zone.* The entire consignment to such person from his foreign supplier, upon arrival in the United States and prior to opening or inspection, must be taken directly from Customs custody into the New York Foreign Trade Zone and must be continuously kept there while inspection and selection are made and, with respect to those diamonds or such dust or powder not selected for purchase and to be returned to the foreign supplier, until released for immediate exportation to the foreign supplier.

(2) *Examination by Federal Supply Service.* The Federal Supply Service, General Services Administration, must be given an opportunity to examine and purchase the diamonds or dust or powder proposed to be returned and, after having purchased any which it desires to purchase, must furnish to the New York Foreign Trade Zone Operators, Inc., its certificate, in duplicate, to the effect that it has been afforded such opportunity and that, with respect to those diamonds or such dust or powder remaining for return to the foreign supplier (which must be sufficiently identified by lot number, quantity, weight, description, etc.), it has elected not to purchase them.

(3) *Certificates required for release from Zone.* The New York Foreign Trade Zone Operators, Inc., shall not release the diamonds or dust or powder from the Zone unless and until the above-mentioned certificate has been furnished, and, at the time of such release, there shall be attached to the original thereof a duly executed Certificate of Constructive Transfer, Zone Form C, revised (i. e., the official document by which commodities are released from the Zone). Both certificates will be delivered to the proposed exporter.

(4) *Export clearance.* No collector of customs shall authenticate any declaration for the export of loose industrial diamonds or diamond dust or powder pursuant to this procedure unless the certificate of the Federal Supply Service and the attached Certificate of Constructive Transfer, Zone Form C, revised, provided for above, shall accompany the declaration filed with the collector.

NOTE: The use of the procedure set forth in paragraph (c) of this section will be expedited if diamond dealers desiring to use the facilities of the New York Foreign Trade Zone will make such arrangements as soon as they know when a consignment of diamonds or diamond dust or powder is due to arrive. Persons using the procedure are also responsible for notifying the Federal Supply Service when a proposed shipment is ready for inspection.

(e) *Tools incorporating industrial diamonds.* Applications for licenses to export tools, tool parts, or devices containing diamonds must be submitted in accordance with the provisions of § 373.49 (f).

11. Section 373.34 *Asbestos, crude and spinning fibers* is deleted.

12. Section 373.40 *Iron and steel*, paragraph (e) *Iron and steel scrap* is amended to read as follows:

(e) *Iron and steel scrap*—(1) *General.* An open-end export quota has been established for the first quarter of 1954 for iron and steel scrap, Schedule B Nos. 601010, 601040, 601050, 601070 and 601090.

(2) *"Domestic" scrap.* Except as provided in subparagraph (5) of this paragraph, license applications to export "domestic" scrap (scrap located within the continental United States) shall be accompanied by an inspection certificate executed by an inspecting firm, recognized by the trade, certifying to a physical inspection of the grades, location (i. e., name and address of yard), and tonnage of the scrap to be exported.

(3) *"Offshore" scrap.* License applications to export "offshore" scrap (scrap located in American possessions outside the continental U. S.) must be accompanied by:

(i) The name and address of the person who has the scrap in his possession.

(ii) A statement as to whether or not the scrap was originally owned by the U. S. Government and if so, the name of the person to whom the U. S. Government sold it as well as the U. S. Government contract number.

(iii) A statement as to whether the scrap is collected and ready for export.

(iv) The name and address where the material may be inspected.

In addition, if the scrap was collected by the applicant himself, a certification must be made by the applicant as to the ownership and as to the completion of the collection. If the scrap was not collected by the applicant himself, the application must be accompanied by a copy of the contract of sale to the applicant, or a statement showing the following items appearing on the contract: Parties to the contract, date of contract, contract number or other identification number and quantity.

(4) *Validity period.* (i) Except as provided in subparagraph (5) of this paragraph, a license to export "domestic" iron and steel scrap will be issued for a validity period ending on the last day of the second month following the month during which the license is validated (for example a license issued January 25, 1954, will expire on March 31, 1954).

(ii) A license to export "offshore" iron and steel scrap will be issued for a validity period ending on the last day of the sixth month following the month during which the license is validated.

(5) *Requirements for Mexico.* (i) License applications to export iron and steel scrap to Mexico are subject to all of the provision of subparagraph (2), (3), and (4) of this paragraph, except that applications to export normal iron and steel scrap requirements to a foreign consignee in Mexico who is traditionally dependent upon the United States for his scrap requirements need not be accompanied by inspection certificate mentioned in subparagraph (2) of this paragraph.

(ii) A license to export iron and steel scrap to such foreign consignee in Mexico who is traditionally dependent upon the United States for his scrap requirements will be issued for a validity period ending on the last day of the sixth month following the month in which the license is validated.

13. Section 373.45 *Tools incorporating industrial diamonds* is amended to read as follows:

§ 373.45 *Tools incorporating industrial diamonds.* Applications for licenses to export tools, tool parts, or devices containing diamonds must be submitted in accordance with the provisions of § 373.49 (f).

14. Section 373.49 *Machinery and parts*, paragraph (f) *Tools incorporating diamonds* is amended to read as follows:

(f) *Tools incorporating diamonds*—(1) *Commodities included.* Any tool incorporating diamonds requires a validated license for export to all R and O country destinations, whether or not the tool is shipped with the machine with which it is to be used.

(2) *Definition.* As used in this section, the term "tools incorporating diamonds" means any tools, tool parts or devices, including metal slugs, which contain diamonds. Such "tools" do not include the machines which may make use of the tools incorporating diamonds.

(3) *Application requirements.* License to export a tool incorporating diamonds as a spare or replacement part shall be applied for under the Schedule B number applicable to such tool. When a diamond tool is to be shipped with a machine with which it is to be used, whether such machine is on the Positive List, the diamond tool shall be entered on the license application under the Schedule B number of the machine.

If a validated license is required for the machine, a single license application shall be submitted and the description shall specify that a tool containing diamonds is to be shipped with the machine.

In addition to information required by paragraph (a) of this section, applications for licenses to export tools incorporating diamonds must comply with the following requirements:

(i) Tools, tool parts, or devices (including metal slugs) must be listed separately on license applications, or by groups of identical tools, giving the name and type of tool and approximate carat weight of diamonds.

(ii) License applications to export rock drill bits, core drill bits, and reamers containing diamonds, Schedule B No. 730875, which have been shipped to the United States for reprocessing or resetting must show for each type or size of tool listed the approximate total carat weight of contained diamonds before and after reprocessing or resetting.

(iii) License applications to export diamond grinding wheels, sticks, hones, and laps, Schedule B No. 540905, must state the quantity, the approximate carat weight and grit size of the diamond content of each commodity.

(iv) Diamond dies must be listed on the license applications as unmounted or encased, and the quantity and carat weight, must be given.

(4) *Preparation of shipper's export declaration.* (i) A tool incorporating diamonds exported under validated license as a part of a machine exported under general license shall be reported on the same shipper's export declaration as a unit. The value stated in column (15) shall reflect the combined value of the machine and the diamond tool.

(ii) Separate data for the diamond tool shall be shown only in column (10). The description of the machine shall specify that it includes a tool containing diamonds, together with the same information required on a license application for the diamond tool, as set forth in subparagraph (3) of this paragraph.

15. Section 373.53 *Vessels to be scrapped abroad* is deleted.

16. Section 373.61 *Tools incorporating diamonds* is amended to read as follows:

§ 373.61 *Tools incorporating diamonds.* Applications for licenses to export tools, tool parts, or devices (including dental instruments, Schedule B No. 915000) containing diamonds must be submitted in accordance with the provisions of § 373.49 (f).

17. Section 373.71 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

[1] This list is identical with that previously printed in Munitions Board Specifications P-19. Copies of National Stockpile Materials Purchase Specifications P-19 are obtainable from Emergency Procurement Service, General Services Administration, Seventh and D Streets SW., Washington 25, D. C.

2. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
660012	Cryolite, natural and artificial, except Raymond mill dust (specify grade).
795100	Merchant ships excluding converted military watercraft):
795115	Passenger ships, of U. S. registry, for scrapping (specify gross registered tonnage).
795117	Barges, of U. S. registry, for scrapping (specify gross registered tonnage).
795120	Tankers, of U. S. registry, for scrapping (specify gross registered tonnage).
795125	Cargo ships, except barges and tankers, of U. S. registry, for scrapping (specify gross registered tonnage).
795130	Tugs and towboats, of U. S. registry, for scrapping (specify gross registered tonnage).
795135	Dredges, of U. S. registry, for scrapping (specify gross registered tonnage).
795140	Merchant ships, n. e. c., of U. S. registry, for scrapping (specify gross registered tonnage).
795150	Floating and self-propelled equipment (excluding converted military watercraft), of U. S. registry, for scrapping (specify gross registered tonnage).

This part of the amendment shall become effective as of January 28, 1954.

3. The revised entries set forth below are substituted for entries presently on the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity Group	GLV dollar-value limits	Validated license required
617901*	Tools (all metals) n. e. c.: Tools incorporating industrial diamonds, n. e. c. (including rings containing diamonds) Group 7, [§ 373.48-3(f)-(3)], special commodities for consumption [§ 373.6(a)(3)(ii)]. Tools of diamond, not including tools of diamonds incorporating diamonds, not included elsewhere on the Positive List.[2]	No. and carat.	TOOL	25	RO
..... ★		No. and carat.	TOOL	25	RO

★The commodities described in this Positive List entry are excepted from the provisions of General Import Licenses GIT, Sec. § 371.6(a)(3)(ii) of this subchapter.

[1] The unit "carat" is added.

[2] The above entry is added to the Positive List to make it conform with § 373.49 (f) of this subchapter which provides that such commodities require validated licenses for export to K and O country destinations.

This part of the amendment shall become effective as of 12:01 a. m., January 28, 1954.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in item 1 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., February 4, 1954, may be exported under the previous general license provisions up to and including February 27, 1954. Any such shipment not laden aboard the exporting carrier on or before February 27, 1954, requires a validated license for export.

b. In § 399.2 *Appendix B—commodity interpretations, Interpretation 2: Export of Machines Containing a Tool or Device Incorporating Diamonds* is amended to read as follows:

INTERPRETATION 2: EXPORT OF MACHINES CONTAINING A TOOL OR DEVICE INCORPORATING DIAMONDS

See § 373.49 (f) of this subchapter.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 10033, Feb. 8, 1949, 14 F. R. 561; 3 CFR, 1949 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-840; Filed, Feb. 4, 1954; 8:55 a. m.]

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES[1]

[Fourth quarter, 1953, and first quarter, 1954]

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		First quarter, 1954	Second quarter, 1954
619150	Selenium powder	Nov. 30-Dec. 14, 1953	Mar. 1-Mar. 15, 1954
664098	Selenium metal		
856750	Selenium salts of organic compounds		
859000	Selenium salts and compounds, including selenium dioxide	Dec. 16-Dec. 31, 1953	
842600	Selenium-containing pigments		

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time. (See § 372.4(a) of this subchapter.) Export applications for commodities requiring a validated license which involve movement through the United States may be submitted at any time and are not subject to specified filing dates (see § 372.4 of this subchapter).

18. Section 383.1 *General procedure for appeals*, paragraph (f) *Preparation of appeals*, subparagraph (5) *Additional requirements for specified appeals*, subdivision (vi) *Appeals from rejection of unit process applications* is deleted.

This amendment shall become effective as of January 28, 1954.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945; 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-839; Filed, Feb. 4, 1954; 8:55 a. m.]

[6th General Rev. of Export Regs., Amdt. H. L. 67[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

a. Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
836020	Other boric acid and borates (including Borax), crude and refined.[1]	L.T.	SALT	500	RO

[1] These commodities may be exported under the Periodic Requirements licensing procedure (see Part 376 of this subchapter) or the Foreign Distribution licensing procedure (see Part 378 of this subchapter).

This part of the amendment shall become effective as of 12:01 a. m., February 4, 1954.

[1] This amendment was published in Current Export Bulletin No. 723, dated January 28, 1954.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 128—TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

SUBPART B—DESCRIPTION OF FORMS

1. *Revocation of § 128.12.* Section 128.12 is hereby revoked.

2. *Foreign Exchange Form S–4; foreign debit and credit balances.* Section 128.16 is hereby amended to read as follows:

§ 128.16 *Foreign Exchange Form S–4: foreign debit and credit balances.* On this form brokers, dealers, etc., are required to report semi-annually to a Federal Reserve bank, the debit and credit balance in their accounts carried by or for "foreigners", as of June 30 and December 31.

3. *Revocation of § 128.17.* Section 128.17 is hereby revoked.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5. Interpret or apply sec. 8, 59 Stat. 515; 22 U. S. C. 286f. E. O. 6560, Jan. 15, 1934, E. O. 10033, Feb. 8, 1949, 14 F. R. 561; 3 CFR, 1949 Supp.)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective as of March 31, 1954.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-855; Filed, Feb. 4, 1954; 8:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulation

PART 400—GENERAL PROVISIONS

SUBPART B—DEFINITION OF TERMS

The Armed Services Textile and Apparel Procurement Agency has been eliminated from the following sections in accordance with the current Department of Defense Appropriation Act.

§ 400.201–3 *Procuring activity.* The term "procuring activity" includes, for the Army, the technical services, the continental armies, the National Guard Bureau, the Military District of Washington, and the major oversea commands; for the Navy, each Bureau of the Navy Department, the Office of Naval Research, the Aviation Supply Office, the Military Sea Transportation Service and the United States Marine Corps; for the Air Force, the Air Materiel Command. It also includes the Armed Services Medical Procurement Agency, the Armed Services Petroleum Purchasing Agency, and any other procuring activity hereafter established. The number and designation of particular procuring activities of any Department may be changed by directive of the Secretary of that Department.

§ 400.201–4 *Head of a procuring activity.* The term "Head of a Procuring Activity" includes, for the Army, the chiefs of the technical services, the continental army commanders, the Chief of the National Guard Bureau, the Commanding General of the Military District of Washington, and the commanding generals of the major oversea commands; for the Navy, the Chief of each Bureau, the Chief of Naval Research, the Aviation Supply Officer, the Commander, Military Sea Transportation Service, and the Commandant of the United States Marine Corps; for the Air Force, the Commanding General of the Air Materiel Command. It also includes the Chief of the Armed Services Medical Procurement Agency, the Executive Officer of the Armed Services Petroleum Purchasing Agency, and the head of any other procuring activity hereafter established. The number and designation of Heads of Procuring Activities within any Department may be changed by directive of the Secretary of that Department.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 22, 1954.

[F. R. Doc. 54-801; Filed, Feb. 4, 1954; 8:48 a. m.]

PART 400—GENERAL PROVISIONS

SUBPART B—DEFINITION OF TERMS

SUBPART C—BASIC POLICIES

1. The definition of the term "source of supplies" is clarified to include "construction contractors" in § 400.201–9 (a) as follows:

§ 400.201–9 *Source of supplies.* (a) The term "source of supplies" shall include only (1) manufacturers, (2) construction contractors, and (3) regular dealers in the supplies to be procured. A "regular dealer" shall be deemed to be any one of the following:

* * * * *

2. An additional reference to ASPR procedures is pointed up in paragraph (b) of § 400.201–9, which reads as follows:

(b) A manufacturer, construction contractor, or regular dealer may bid, negotiate and contract through an authorized agent: *Provided,* That the agency is disclosed, and the agent acts and contracts in the name of his principal. In this connection, see the clause entitled "Covenant Against Contingent Fees" set forth in § 406.103–20 of this subchapter and the procedures prescribed for obtaining information concerning contingent or other fees, as set forth in Subpart E of this part.

3. This amended section eliminates "ineligible contractors and disqualified bidders" from the scope, and reads as follows:

§ 400.300 *Scope of subpart.* This subpart sets forth the general procurement policies of the Departments with respect to (a) methods of procurement, (b) sources of supply (including governmental and foreign purchases), (c) types of contracts, and (d) specifications.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 26, 1954.

[F. R. Doc. 54-791; Filed, Feb. 4, 1954; 8:45 a. m.]

PART 400—GENERAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Change § 400.302–4 *Foreign Purchases* to § 400.302–5, and add a new § 400.302–4, incorporating the general policies in connection with Defense Manpower Policy No. 4, revised November 5, 1953 (18 F. R. 6995), which directs the placement of supply contracts, at prices no higher than might otherwise be obtainable elsewhere, with such suppliers as will perform contracts substantially in current labor surplus areas. This section and such sections referred to herein are effective on and after January 15, 1954.

§ 400.302 *Sources of supplies.*

[400.302–1 through 3 remain unchanged.]

§ 400.302–4 *Firms performing contracts in labor surplus areas*—(a) *Definitions.* (1) "Labor surplus areas" are those designated as Group IV Areas in the Department of Labor publication "Bi-Monthly Summary of Labor Market Developments in Major Areas" under the heading "Classification of Labor Market Areas According to Relative Adequacy of Labor Supply."

(2) "Set-asides," as used in this subchapter, designates a method of procurement whereby a portion of the requirement, as determined by the procurement activity, is withheld from general solicitation (either formally advertised or negotiated), is reserved for negotiation exclusively with firms located in labor surplus areas, and is to be performed substantially within such labor surplus areas.

(b) *Policy.* Defense Manpower Policy No. 4 (revised 5 November 1953), issued by the Director of Defense Mobilization, directs the placement of supply contracts, at prices no higher than might otherwise be obtainable elsewhere, with such suppliers as will perform contracts substantially in current labor surplus areas. Accordingly, the Departments shall comply with the following:

(1) Use their best efforts to award negotiated procurements to contractors located within labor surplus areas for performance substantially within such labor surplus areas to the extent that procurement objectives will permit; provided, that in no case shall price differentials be paid for the purpose of carrying out this policy.

(2) Where deemed appropriate, set aside portions of procurements for negotiation exclusively with firms located in labor surplus areas at prices no higher than those paid on the non-set-aside portion; provided, that performance shall be substantially within labor surplus areas. (For detailed procedures see §§ 401.205, 402.105, and 402.219 of this subchapter.)

(3) Assure that firms in labor surplus areas which are on appropriate bidders' lists are given the opportunity to submit bids or proposals on all procurements for which they are qualified and on which small business joint determinations have not been made. Whenever the number of firms on a bidders' list is excessive, a representative number of firms from labor surplus areas shall be included for the particular procurement.

(4) In the event of tie bids or proposals on any procurement, the contract shall be awarded in accordance with § 401.406–4 of this subchapter.

(5) Encourage prime contractors to award subcontracts to firms in labor surplus areas.

(6) Cooperate with other agencies listed in Defense Manpower Policy No. 4 in achieving the objectives of this policy.

(c) *Application.* The policy in paragraph (b) of this section shall be applicable to procurements estimated to be in excess of $25,000.

(d) *Implementation.* (1) The Departments shall cause information identifying labor surplus areas as defined above to be disseminated to appropriate procurement personnel. When an entire industry is depressed, the Director of Defense Mobilization may establish appropriate measures upon an industry-wide, rather than a normal geographical, basis. Designations of such industries will be accomplished by ODM Notifications, and such industries will thereafter be given special treatment as specified therein.

(2) Procedures shall be established with respect to the issuance of Invitations for Bids and Requests for Proposals, as set forth in §§ 401.205–3 and 402.105 of this subchapter. Awards of contracts involving labor surplus areas shall be made in accordance with § 402.219 of this subchapter.

(3) Contract files shall be documented to indicate the extent to which labor surplus areas were considered and the action taken with regard thereto.

§ 400.302–5 *Foreign purchases.* Foreign purchases shall be made in accordance with the provisions of Part 405 and upon compliance with any other applicable provisions of this subchapter.

2. Section 400.605–1 has been revised by eliminating paragraph (b). It now reads as follows:

§ 400.605 *Suspension of bidders.*

§ 400.605–1 *Causes and conditions under which departments may suspend contractors.* The Secretary of a Department or his authorized representative may, in the interest of the Government, suspend a firm or individual suspected of having committed fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in the performance of a contract.

This revision is effective on or after 1 March 1954.

3. A new § 400.609 establishes Subpart P of Part 400 as a guide for oversea procurement operations, and provides for notification to the Secretaries with respect to certain actions taken by major oversea commanders. Specific attention is drawn to firms or individuals to whom United States Government contracts are denied, pursuant to the Economic Defense Administrative Action Program.

§ 400.609 *Procurement outside United States.* Although the provisions of this subpart and this part are not applicable to procurement outside the United States, its territories and possessions, the principles and procedures set forth therein shall be used as a guide by oversea commanders in the establishment and maintenance of a consolidated list of firms and individuals to whom contracts will not be awarded and from whom bids or proposals will not be solicited, giving due consideration to laws or customs of the local foreign governments in which such lists are to be applicable. Advice of any debarment, ineligibility, or suspension, or release therefrom, by major oversea commanders will be furnished to the Secretary of the Department concerned and to the local representatives of the other military departments. Major oversea commanders will advise both the Secretary of the Department concerned and the Chief of the United States Diplomatic Missions in the country concerned of actions contemplated under this section which may have important political significance. In addition to firms or individuals included on any consolidated list by major oversea commanders, such list shall also include the names of firms or individuals to whom United States government contracts will be denied pursuant to the Economic Defense Administrative Action Program, as implemented by the Department of Defense, or pursuant to any other applicable statute, executive order, directive or regulation.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 27, 1954.

[F. R. Doc. 54–796; Filed, Feb. 4, 1954; 8:46 a. m.]

PART 401—PROCUREMENT BY FORMAL ADVERTISING

SUBPART B—SOLICITATION OF BIDS

1. Section 401.202 is amended by adding "construction contractors", as follows:

§ 401.202 *Methods of soliciting bids.* Manufacturers, construction contractors, and regular dealers, as defined in § 400.201–9, regardless of size, who can establish or have established their fitness and ability to fulfill contract requirements, will be placed on mailing lists for bids or notices in advance of bids. Contracting Officers may elect to send either invitations for bids or advance notices, but shall use one method exclusively in each separate procurement action. Bids shall be solicited by the methods prescribed in §§ 401.202–1 and 401.202–2, and by the methods prescribed in §§ 401.202–3 and 401.202–4 to the extent deemed necessary by the Contracting Officer in order to assure full and free competition: *Provided*, That (a) bids shall be solicited sufficiently in advance of the opening of bids to allow bidders an adequate opportunity to prepare and submit their bids, and (b) bids with respect to classified purchases shall be solicited in accordance with procedures prescribed by each respective Department. Synopses of invitations for bids shall be prepared and distributed as prescribed in § 401.202–5.

§ 401.202–1 *Mailing or delivering to prospective bidders.* The form or forms to be used in the solicitation of bids shall be filled out and mailed (or delivered) to each prospective bidder. Invitations for Bids shall not be mailed to persons or firms other than manufacturers, construction contractors, or regular dealers, but may be mailed to Federal Government agencies, including procurement information offices.

§ 401.202–2 *Displaying in public place.* Copies of the form or forms to be used in the solicitation of bids shall be filled out and displayed at the purchasing office or at some other appropriate public place. To the extent that unclassified invitations for bids are available, they shall be provided at the purchasing office to manufacturers, construction contractors, and regular dealers, and to others having a legitimate interest therein, such as publishers, trade associations, procurement information services and others who disseminate information concerning invitations for bids; otherwise, the purchasing office may limit the availability of invitations to perusal at such office.

§ 401.202–3 *Publishing in trade journals.* A brief announcement of the proposed purchase may be made available for free publication to trade journals or magazines whose subscribers are manufacturers of, construction contractors for, or dealers in the supplies or services being procured.

2. "Construction contractor" is added to § 401.406–1 as a "responsible bidder."

§ 401.406 *Award.*

§ 401.406–1 *Responsible bidder.* A "responsible bidder" is a bidder who satisfies all of the following requirements

(a) Is a manufacturer, construction contractor, or regular dealer, as defined in § 400.201–9 of this subchapter.

* * * * *

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 26, 1954.

[F. R. Doc. 54–792; Filed, Feb. 4, 1954; 8:45 a. m.]

PART 401—PROCUREMENT BY FORMAL ADVERTISING

MISCELLANEOUS AMENDMENTS

1. A parenthetic reference to § 400.302–4 (b) (3) is added as follows to § 401.204 to implement Defense Manpower Policy No. 4, November 5, 1953.

§ 401.204 *Bidders' mailing lists.*

[401.204–1 through 6 remain unchanged.]

§ 401.204–7 *Excessively long bidders' mailing lists.* When the number of names on a bidders' mailing list is deemed to be excessive in relation to a specific procurement, such methods as (a) rotation of bidders' mailing lists, (b) use of pre-invitation notices, or (c) otherwise determined to be advantageous in this respect, may be employed to provide a reduced list of names for use in making the specific procurement. (But see § 400.302–4 (b) (3) of this subchapter with respect to firms located in labor surplus areas.)

2. A new section is added to implement Defense Manpower Policy No. 4, November 5, 1953.

§ 401.205 *"Set-asides" for firms in labor surplus areas.*

§ 401.205–1 *General.* When "set-asides" are used in compliance with § 400.302–4, of this subchapter, the procedures set forth in this section shall be applicable.

§ 401.205–2 *Determination of the quantity of "set-aside".* When the use of "set-asides" is deemed appropriate, procuring activities shall determine the optimum quantity which would probably result in the most favorable price, considering the manufacturing processes involved and the quantity required for an economical production run. Invitations for bids shall be issued for not less than such optimum quantity. The resulting "set-aside" shall also not be less than such optimum quantity. After award of the quantity not set aside, procurement of the "set-aside" shall be effected by negotiation pursuant to § 402.219 of this subchapter.

§ 401.205–3 *Special conditions to be inserted in invitations for bids.* Whenever it has been determined to set aside a quantity of a procurement in accordance with § 400.302–4, of this subchapter, the Invitation for Bids covering procurement of the items not set aside shall provide that:

(a) "Set-asides" in aid of labor surplus areas may be utilized.

(b) The right to participate in subsequent negotiation for any "set-asides" shall be conditioned upon the submission of a bid upon the items not set aside at a unit price within 120 percent of the highest award made with respect to quantities not set aside.

3. Amendments in the following paragraphs change the wording from "distressed employment area" to "labor surplus area".

§ 401.406–4 *Equal low bids.* (a) * * *

(2) Where two or more equal low bids are received from small business concerns, one of which is submitted by a bidder who will perform the contract in a labor surplus area as defined in § 400.302–4 of this subchapter, award shall be made to the small business concern who will perform the contract in such labor surplus area.

(3) In the case of equal low bids, two or more of which are submitted by small business concerns which will perform the contract in a labor surplus area, award shall be made by a drawing by lot limited to the small business concerns in the labor surplus area.

(4) Where two or more equal low bids are received, one bid being from a business concern (whether small or not) not in a labor surplus area and the other being from a bidder who, although not a small business concern, will perform the contract in a labor surplus area, award shall be made to the latter.

* * * * *

§ 401.406–5 *Statement and certificate of award.* In connection with every purchase made by formal advertising, the Contracting Officer shall prepare and execute a statement and certificate of award on U. S. Standard Form 1036, which shall be attached to the original documents and papers constituting the contract which are forwarded to the General Accounting Office. Such certificate shall either (a) state that the accepted bid was the lowest bid received, or (b) list all lower bids and set forth reasons for accepting a bid other than the lowest. In each case where an award is made pursuant to subparagraphs (1), (2), (3), or (4) of § 401.406–4 (a), such certificate shall briefly recite the circumstances under which award was made and shall contain a statement that it has been administratively determined that the award will further the Congressional policy with respect to small business expressed in section 2 (b) of the Armed Services Procurement Act of 1947 or will further the policy with respect to labor surplus areas, or both, as the case may be.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 27, 1954.

[F. R. Doc. 54–797; Filed, Feb. 4, 1954; 8:47 a. m.]

PART 402—PROCUREMENT BY NEGOTIATION

MISCELLANEOUS AMENDMENTS

1. New §§ 402.105 and 402.219 are added to implement Defense Manpower Policy No. 4, November 5, 1953.

§ 402.105 *Aids to labor surplus areas in negotiated procurements.* In implementing the policy set forth in § 400.302–4 quantities of negotiated procurements may be set aside in the same manner as provided in § 401.205 of this subchapter for formally advertised procurements. Requests for Proposals shall contain the provision required to be inserted in Invitations for Bids by § 401.205–3 (a) of this subchapter and shall provide that the right to participate in subsequent negotiation for any "set-asides" shall be conditioned upon the submission of an initial quotation upon the items not set aside, at a unit price within 120 percent of highest award made with respect to the quantities not set aside. The determination of quantities to be set aside shall be governed by § 401.205–2 of this subparagraph. The procedures for negotiation of "set-asides" are set forth in § 402.219.

§ 402.219 *Negotiation of "set-asides" for labor surplus areas.*

§ 402.219–1 *Authorization.* When "set-asides" are used in compliance with § 400.302–4 of this subparagraph, such "set-asides" shall be negotiated in accordance with procedures set forth in § 402.219.

§ 402.219–2 *Limitation.* Pursuant to section 644 of the Department of Defense Appropriation Act of 1954 (Public Law 179, 83d Congress), and any subsequent similar statutory limitations, no price differentials shall be paid for the purpose of aiding labor surplus areas.

§ 402.219–3 *Eligible bidders and offerors.* Negotiation for "set-asides" shall be conducted only with such responsible bidders or offerors which have previously submitted bids or proposals on the quantities not set aside conforming to the Invitation for Bids or Request for Proposals, providing such bids or initial proposals offered a unit price within 120 percent of the highest award made on the quantities not set aside, and provided further that contracts for such "set-asides" will be performed substantially in labor surplus areas.

§ 402.219–4 *Method of negotiation.* (a) Negotiation for "set-asides" shall be conducted with small business concerns prior to negotiation with other firms in such labor surplus areas. Within each such group, negotiation shall begin with the bidder or offeror which submitted the lowest responsive bid or proposal in connection with the procurement of the quantities not set aside.

(b) If procurement of the entire "set-aside" cannot be effected by the procedure set forth in paragraph (a) of this section, the unplaced portion of the "set-aside" may be procured in the most appropriate manner.

(c) In conducting negotiations for the "set-aside," it is permissible to reveal the unit price of the lowest award; however, in instances where the non-set-aside portion is procured by means of negotiation, cost or other pricing data pertaining to such award may not be divulged.

§ 402.219–5 *Limitations on contract price.* (a) When the procurement of quantities not set aside has resulted in one contract only, or in multiple awards all at the same price, awards for "set-asides" shall not exceed the contract price for the quantities not set aside.

(b) When the procurement of the quantities not set aside has resulted in multiple awards at different contract

prices, awards for "set-asides" shall be at a price determined by the Contracting Officer to be fair and reasonable, but in no event higher than the highest price awarded in connection with the quantities not set aside. In the absence of changes in market trends and other factors requiring consideration, the Contracting Officer shall consider the weighted average price of all awards made in connection with the quantities not set aside as being a fair and reasonable price. The weighted average shall be ascertained by adding the total dollar amounts of all awards in connection with the quantities not set aside and dividing the grand total by the total number of units included in all such awards.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 27, 1954.

[F. R. Doc. 54-798; Filed, Feb. 4, 1954; 8:47 a. m.]

PART 406—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

The clause in § 406.103–12 is unchanged, but the instructions with respect to the clause are amended as follows:

§ 406.103–12 *Disputes.*

* * * * *

(a) With respect to inclusion of a "Disputes" clause in construction contracts, see § 415.004–3 (d) of this subchapter.

(b) In accordance with Department procedures, the foregoing clause may be modified to provide for intermediate appeal to the head of the procuring activity concerned. The decision of the Contracting Officer referred to in the above clause shall, if mailed, be sent by registered mail, return receipt requested.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 22, 1954

[F. R. Doc. 54-802; Filed, Feb. 4, 1954; 8:48 a. m.]

PART 406—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

1. Section 406.104–11 (a) is revised by eliminating the phrase, "except contracts any of the receipts or accruals from which are subject to the Renegotiation Act of 1951 (See § 406.104–10), and amends the clause by inserting the phrase "unless otherwise provided by law."

§ 406.104 *Clauses to be used when applicable.*

§ 406.104–11 *Vinson-Trammell Act.* (a) In accordance with the requirement of section 3 of the Vinson-Trammell Act as amended and extended (34 U. S. C. 496 and 10 U. S. C. 311), and except as provided in paragraphs (b) and (c) of this section, any contract in an amount which exceeds or may exceed $10,000, known to be for the construction or manufacture of any complete aircraft or naval vessel, or any portion thereof, shall contain the following clause, except that in any advertised contract there may be inserted at the beginning of such clause the words "if this contract is in an amount which exceeds $10,000,":

VINSON-TRAMMELL ACT

The Contractor agrees that, unless otherwise provided by law, this contract shall be subject to all the provisions of the Vinson-Trammell Act as amended and extended (34 U. S. Code 496, and 10 U. S. Code 311) and shall be deemed to contain all the agreements required by Section 3 of said Act: Provided, however, that this clause shall not be construed to enlarge or extend by contract the obligations imposed by said Act. In compliance with said Act, the Contractor agrees to insert in such subcontracts hereunder as are specified in said Act either the provisions of this clause or the provisions required by said Act.

* * * * *

2. The security classification "Restricted" is omitted wherever there is such a reference in § 406.104–12 *Military security requirements.*

3. The clause in the following paragraph is amended to reflect the prohibitions in the current Department of Defense Appropriation Act.

§ 406.104–13 *Domestic food, clothing, cotton or wool.* In all contracts for the procurement of any article of food, clothing, cotton or wool, not excepted from the prohibition of annual appropriation acts as set forth in §§ 405.106–1 and 405.107 of this subchapter, insert the following clause:

DOMESTIC FOOD, COTHING, COTTON OR WOOL

The Contractor agrees that there will be delivered under this contract only such articles of food, clothing, cotton or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles) as have been grown, reprocessed, reused, or produced in the United States or its possessions.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 26, 1954.

[F. R. Doc. 54-793; Filed, Feb. 4, 1954; 8:45 a. m.]

PART 406—CONTRACT CLAUSES

SUBPART E—CLAUSES FOR PERSONAL SERVICES CONTRACT

Sections 406.503–1 to 406.503–8 remain unchanged.

The following section is amended as follows:

§ 406.503–9 *Patents.* Insert the clause set forth in § 408.112, which is based on Executive Order 10096: *Provided, however,* That upon written request by the prospective contractor and approval by the head of the procuring activity or his authorized representative, the clause may be modified or omitted, as the case may be, where (a) the period of employment is to be not more than 90 days in any 1 calendar year, or (b) both the following conditions are present: (1) The period of employment called for in the contract, or in any renewal thereof, is more than 90 days but not more than 1 year of full-time service, and (2) the prospective contractor is bound by an obligation which existed prior to entering into the proposed contract with the Government and which was not entered into contemplation thereof, the discharge of which would be inconsistent with the discharge of any obligation arising under Executive Order 10096.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 27, 1954.

[F. R. Doc. 54-799; Filed, Feb. 4, 1954; 8:46 a. m.]

PART 408—PATENTS AND COPYRIGHTS

MISCELLANEOUS AMENDMENTS

A revised § 408.109 sets forth the policy with respect to adjustment of royalties in view of the expiration of certain sections of the Royalty Adjustment Act of 1942. Revisions of the Patents clause for use in personal service contracts, and instructions for the inclusion of either Patents or Copyrights clauses in such contracts, are issued in the following sections:

§ 408.109 *Adjustment of royalties.* (a) Sections 1 and 2 of the Royalty Adjustment Act of 1942 (35 U. S. C. 89–90, 1946 edition), so far as they related to authority to initiate new actions, expired on 1 July 1953. Sections 1 and 2 provided, after due notice, for adjustment of royalties by issuance of an order by the head of the Department or his authorized delegate and specified the remedies of a licensor against whom an order was issued. The remaining sections of the Royalty Adjustment Act (35 U. S. C. 91–96, 1946 Ed.) are by the terms of said act permanent legislation. They are partly ancillary to sections 1 and 2, and in part provide for other patent matters. Section 3 is particularly important as providing authority to settle administratively claims against the United States accruing to the owners or licensors of patents or inventions under the Royalty Adjustment Act or any other law.

(b) If the contracting officer believes that any royalties paid or to be paid under a contract or prospective contract are unreasonable or otherwise improper, he should promptly report the matter to personnel having cognizance of patent matters for the procuring activity concerned. Such personnel shall review the royalties thus reported and such royalties as are reported under § 408.103. In coordination with the contracting officer, such personnel shall:

(1) Take prompt action to protect the Government against payment of royalties on supplies or services (i) with respect to which the Government has a royalty-free license, or (ii) at a rate in excess of the rate at which the Government is licensed, or (iii) where the royalties in whole or in part constitute an improper charge.

(2) In appropriate cases enter into negotiation for a voluntary reduction of royalties.

§ 408.112 *Patent rights under contracts for personal services.* The following clause shall, except as otherwise provided in § 406.503–9 of this subchapter, be inserted in all personal services contracts for services to be performed by an individual as set forth in § 406.502 of this subchapter.

PATENTS

(a) For the purpose of determining the rights of the Government and the Contractor in and to inventions, the Contractor agrees to be bound by all the provisions of Executive Order 10096, 23 January 1950, and any orders, rules, regulations, or the like issued thereunder.

(b) The Contractor further agrees as follows: (i) to make written disclosure promptly to the Contracting Officer of all inventions of the Contractor which are conceived or first reduced to practice during the term of this contract, and to sign and execute all papers necessary for conveying to the Government the rights to which the Government is entitled in accordance with the determination made under the provisions of Executive Order 10096, or (ii) to certify to the Contracting Officer that, to the best of the Contractor's knowledge and belief, no inventions have been conceived or first reduced to practice during the term of this contract.

§ 408.205 *Contracts for personal services.* The following clause shall be inserted in all personal services contracts as defined in § 406.502 of this subchapter, except under the circumstances described in § 408.203 or when the use of the clause in § 408.204 is deemed more appropriate:

[The clause is unchanged.]

(Sec. 1, 54 Stat. 712, as amended, sec. 201, 55 Stat. 839, 62 Stat. 20; 50 U. S. C. App. 1171, 611, 41 U. S. C. Sup., 151–161; E. O. 9001, 6 F. R. 6787, as amended by E. O. 9296, 8 F. R. 1429; 3 CFR, 1943 Cum. Supp.)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 27, 1954.

[F. R. Doc. 54-800; Filed, Feb. 4, 1954; 8:47 a. m.]

PART 411—LABOR

SUBPART D—LABOR STANDARDS IN CONSTRUCTION CONTRACTS

SUBPART F—WALSH-HEALEY PUBLIC CONTRACTS ACT

The following amendments to § 411.404 and 411.603 reflect in detail recent regulations of the Department of Labor with respect to administration and enforcement of contract provisions relating to construction contracts, and responsibilities of contracting officers with respect to enforcement of the provisions relating to the Walsh-Healey Public Contracts Act.

§ 411.404 *Administration and enforcement.*

§ 411.404–1 *In general.* Whenever the clauses under § 411.403–1 are applicable, the following action shall be taken or required in accordance with procedures prescribed by each respective Department. Whenever the clauses under §§ 411.403–2, 411.403–3 and 411.403–4 are applicable, the following action shall be taken or required, in accordance with procedures prescribed by each respective Department, to the extent pertinent to the applicable clauses.

§ 411.404–2 *Wage determinations.* (a) *Requests for.* Requests for the determination of wage rates by the Secretary of Labor shall be submitted on Department of Labor Form DB–11 (see §415.011 of this subchapter) at least 30 calendar days before required for the advertisement of negotiation of the contract for which the determination is sought. In exceptional cases, the Secretary of Labor may be requested to make a wage determination in less than 30 calendar days upon a proper showing of unusual circumstances justifying the need therefor.

(b) *Limitations.* If the proposed contract for which a wage determination has been secured has not been awarded within 90 calendar days from the date of such wage determination, a new wage determination shall be obtained and made a part of the proposed contract.

(c) *Modifications.* Modifications by the Secretary of Labor of an original wage determination shall be made part of the proposed contract if received prior to the award of the contract, provided that, in a formally advertised procurement, any modification received by the Department concerned less than 5 calendar days before the opening of bids may be disregarded if award is made within 30 calendar days after the opening of bids or within 90 calendar days from the date of the original wage determination, whichever is the earlier.

(d) *Posting.* The Contracting Officer shall ascertain that a copy of the wage determination is kept posted at the site of the work in a prominent place where it can be easily seen by the workers.

§ 411.404–3 *Additional classifications.* If any laborers or mechanics not listed in the wage determination attached to the contract are to be employed, their classifications and minimum wage rates shall be established by the contractor or subcontractor, with the approval of the Contracting Officer, conformably to the attached wage determination. A report of any such determination shall be transmitted to the Secretary of Labor. If the interested parties cannot agree upon any such additional classification and wage rate, the matter, accompanied by the recommendation of the Contracting Officer, shall be referred to the Secretary of Labor for final determination.

§ 411.404–4 *Apprentices.* The contractor or subcontractors shall be required to furnish certification or other evidence that each apprentice employed is registered in an approved apprenticeship program. (For certification form, see § 415.011–1 (c) of this subchapter.)

§ 411.404–5 *Subcontracts.* The Contracting Office shall obtain a list of all subcontracts, together with a description of the work to be performed thereunder, and shall ascertain that the required contract clauses have been incorporated in all subcontracts.

§ 411.404–6 *Payrolls and affidavits.* (a) *Submission.* Within 7 calendar days after the regular payment date of the payroll week covered, the contractor shall submit, or cause to be submitted for himself and his subcontractors, (1) copies of certified weekly payrolls in compliance with Clause (d) of § 411.403–1 and (2) weekly payroll affidavits in the form prescribed by § 415.011–1 (c) of this subchapter.

(b) *Examination.* The Department concerned shall make such examination of the certified payrolls and affidavits as may be necessary to assure compliance with contract, statutory and regulatory requirements. Particular attention should be given to the correctness of classifications and any disproportionate employment of laborers, helpers or apprentices.

(c) *Preservation.* Certified payrolls and affidavits shall be preserved by the Department concerned for a period of 3 years from completion of the contract and shall be produced at the request of the Secretary of Labor at any time during such period.

§ 411.404–7 *Investigations.* (a) The Department concerned shall make such investigations as may be necessary to assure compliance with contract, statutory and regulatory requirements. Contracts of 6 months or less duration shall be investigated before final payment is made, if feasible. Longer contracts shall be investigated with such frequency as may be necessary. Such investigations shall include interviews of employees on a sampling basis.

(b) Special investigations in detail shall be made when required by complaints or other evidence of violations. Complaints of violations shall be given priority.

(c) Statements, written or oral, made by an employee shall be treated as confidential and shall not be disclosed to the employer without the consent of the employee.

§ 411.404–8 *Reports of violation.* (a) A report of violations shall be made by the Department concerned to the Secretary of Labor except in cases of nonwillful violations where less than $200.00 is involved, restitution is made, and assurance is given of future compliance by the contractor or subcontractor concerned. Such reports shall include a statement of the findings as to the violations and information as to restitution made, payment deductions, contract terminations,

and the names and addresses of the workers, contractors and subcontractors concerned.

(b) Where there is substantial evidence that violations are willful and in breach of the False Affidavits Act (18 U. S. C. 1001) or other criminal statute, the matter shall be forwarded to the Attorney General for prosecution and the Secretary of Labor shall be informed of such action.

§ 411.404–9 *Suspensions and deductions of contract payments.* In the event of failure or refusal to pay all or any part of the wages due workers, the Contracting Officer may suspend further contract payments to the contractor in amounts equal to such unpaid wages until either restitution has been made directly by the contractor or subcontractor concerned or deductions against payment vouchers are made as provided below. If such failure or refusal appears continuing and willful, or in the event of any other failure or refusal to comply with contract, statutory, and regulatory requirements, the Contracting Officer may suspend all future contract payments to the contractor until such violations have ceased. If restitution is not made directly by the contractor or subcontractor within a reasonable time, or, in any event, prior to final payment under the contract, the Contracting Officer shall submit with the contractor's payment voucher or vouchers a "Schedule of Deductions from Payments to Contractors (act of August 30, 1935)" on Standard Form 1093 (see § 415.011–1 (b) of this subchapter), and the amount so shown to be due workers shall be deducted from the payments made to the contractor and shall be deposited in the Treasury in accordance with Department procedures.

§ 411.404–10 *Restitution.* Restitution of amounts due workers may be permitted at any time at the volition of the contractor or subcontractor and may be ordered by the Department concerned whenever wage underpayments are found to be nonwillful.

§ 411.404–11 *Contract terminations.* Whenever a contract is terminated for violation of the labor standards provisions, a report shall be submitted by the Department concerned to the Secretary of Labor and the Comptroller General. The report shall include the name and address of the terminated contractor or subcontractor, the name and address of the contractor or subcontractor who is to complete the work, the amount and number of the latter's contract, and a description of the work thereunder.

§ 411.404–12 *Cooperation with Department of Labor.* The Department concerned shall cooperate with representatives of the Department of Labor in the inspection of records, interviews with workers and all other aspects of investigations undertaken by the Department of Labor. When requested, the Departments shall furnish to the Secretary of Labor any available information with respect to contractors, subcontractors, their contracts and the nature of the contract work.

§ 411.603 *Responsibilities of contracting officers.* Whenever the Walsh-Healey Public Contracts Act is applicable, the Contracting Officer shall, pursuant to regulations or instructions issued by the Secretary of Labor and in accordance with procedures prescribed by each respective Department—

(a) Inform prospective contractors of the possible applicability of minimum wage determinations;

(b) Furnish to the contractor a poster (Form PC–13) (see § 415.011–2 of this subchapter);

(c) Furnish to the contractor a form letter (Form PC–12) explaining the Walsh-Healey Act (see § 415.011–2 of this subchapter);

(d) Prepare and transmit two copies of DD Form 350 (top portion) or any alternate form approved by the Department of Labor and the Department concerned (see § 415.011–2 of this subchapter);

(e) Report to the Department of Labor any violation of the representations or stipulations required by the Walsh-Healey Act.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 26, 1954.

[F. R. Doc. 54–794; Filed, Feb. 4, 1954; 8:46 a. m.]

PART 413—INSPECTION AND ACCEPTANCE

APPENDIX D—RULES FOR NOTICE AND HEARING UNDER GRATUITIES CLAUSE IN ARMED SERVICES PROCUREMENT REGULATION 406.104–16

Appendix D is unchanged except for the insertion of the following phrase in the first sentence of Section 1 *Introduction:* Between the words "82d Congress" and "requires all contracts" insert the phrase, "and similar statutory requirements in subsequent Department of Defense appropriation acts", and change the word "requires" to "require".

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 22, 1954.

[F. R. Doc. 54–804; Filed, Feb. 4, 1954; 8:48 a. m.]

PART 415—PROCUREMENT FORMS

MISCELLANEOUS AMENDMENTS

1. Section 415.008–1 (e) is changed as follows:

§ 415.008 *Order and Voucher for Purchase of Supplies or Services (DD Form 738).*

§ 415.008–1 *General.* • • •

(e) The Departments may authorize installations to utilize reproducible masters in circumstances when it would be impracticable to use the 8-part form

2. Section 415.010 is added to promulgate DD Form 748, General Provisions for Cost—Reimbursement Supply Contracts. Use of this form, in conjunction with DD Form 351 (Cover Page), will eliminate, to a large degree, the necessity for typewriting or otherwise reproducing in the contract, general provisions which are either mandatory or in frequent use. DD Form 748, may be used immediately, but is mandatory for use after 31 March 1954.

§ 415.010 *General Provisions for Cost-Reimbursement Supply Contracts (DD Form 748).* DD Form 748 (General Provisions for Cost-Reimbursement Supply Contracts) is prescribed for use in conjunction with DD Form 351 (see § 415.005).

§ 415.010–1 *Conditions for use.* DD Form 748 will be attached to any contract to which Subpart B of Part 406 of this subchapter is applicable, pursuant to § 406.202 thereof.

§ 415.010–2 *Instructions for use.* (a) DD Form 748 contains (1) all of the clauses required to be inserted in accordance with § 406.203 of this subchapter and (2) some of the clauses set forth in §§ 406.204 and 406.205 of this subchapter.

(b) The addition of clauses set forth in §§ 406.204 and 406.205 of this subchapter or of other clauses not inconsistent with requirements of this subchapter shall be accomplished by appending such clauses as "Additional General Provisions", numbered consecutively.. The deletion or modification of clauses contained in the form or in the "Additional General Provisions" shall be accomplished by appropriate reference or provision in an "Alteration in Contract" clause to be included in the Schedule.

(c) These instructions must be read in conjunction with Subpart B of Part 406 of this subchapter to make certain that current clauses are in use at all times. In the event that the contents of a contract clause are changed before issuance of a revised DD Form 748, appropriate changes will be made in the contract by means of an "Alterations in Contract" clause. In any case, care must be exercised to see that current contracts have attached thereto the latest revision of DD Form 748.

§ 415.010–3 *Existing forms.* DD Form 748 replaces existing departmental forms currently in use for this purpose. Continued use of the replaced forms is authorized until existing stocks are exhausted or until 31 March 1954, whichever date is earlier.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 22, 1954.

[F. R. Doc. 54–803; Filed, Feb. 4, 1954; 8:48 a. m.]

PART 415—PROCUREMENT FORMS

MISCELLANEOUS AMENDMENTS

1. A new § 415.011 collates information with respect to all forms which may be required to be completed for the purpose of compliance with the contract clauses relating to labor.

§ 415.011 *Compliance with labor clauses.* This section prescribes standardized forms for use in complying with labor laws, regulations, and clauses.

§ 415.011–1 *Construction contracts.* (a) Department of Labor Form DB–11 (Request for Determination) shall be used, in accordance with the provisions of § 411.404–2, for the submission of requests for the determination of wage rates by the Secretary of Labor.

(b) Standard Form 1093 (Schedule of Deductions from Payments to Contractors) shall be used, in accordance with the provisions of § 411.404–9 of this subchapter, to report deductions against payment vouchers of contractors on account of failure to comply with labor laws, regulations and clauses.

(c) When required by § 411.404–6 (a) of this subchapter and the contract clauses prescribed by § 411.403–1 or § 411.403–4 of this subchapter, a "Weekly Payroll Affidavit and Certification" form, as set forth below, shall be used by the contractor. When the contract clauses prescribed by § 411.403–2 of this subchapter are applicable, the form set forth below shall be used by the contractor with the omission of paragraphs (2) and (3). Reproduction and supply of this form shall be the obligation of the contractors.

CONTRACTOR'S WEEKLY PAYROLL AFFIDAVIT

Payroll No. ---------- Sheets 1 to ----------
Payroll date ---------- Gross amount ----------
State of ----------
County of ----------} ss:

I, ----------
(Name of party signing affidavit)
----------, being duly sworn do depose and say:
(Title)

(1) That I pay or supervise the payment of the persons employed by ----------
(Contractor
---------- on Contract No. ----------,
(Subcontractor)
at ----------; that, during the payroll period commencing on the ---- day of ----------, 19--, and ending the ---- day of ----------, 19--, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said ----------
(Contractor subcontractor)
from the full weekly wages earned by any person and that no deductions have been made or will be made, either directly or indirectly, from the weekly wages earned by any person, other than permissible deductions, as defined in the Regulations under the Copeland (Anti-Kickback) Act (18 U. S. C. 874 and 40 U. S. C. 276 (c) as amended) and described below:

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(2) That the payrolls submitted for the above period are correct and complete; that the wage rates for laborers and mechanics contained therein are not less than the minimum wage rates shown in the contract; that the classifications therein set forth for each laborer and mechanic conform with the work he performed; and that all laborers and mechanics shown on such payroll have been paid for all hours of work beyond eight in a single day at a rate not less than time and one-half the straight-time hourly wage rate therein set forth.

(3) That all apprentices employed on the contract during the above payroll period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Federal Committee on Apprenticeship, U. S. Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship, U. S. Department of Labor.

(Signature and title)

Sworn to before me this ---- day of ----------, 19--.

[SEAL] ----------
Notary public

§ 415.011–2 *Supply contracts.* (a) Department of Labor Form PC–12 (Rev. 3/49), a form letter explaining the Walsh-Healey Act, shall be furnished to the contractor in accordance with the provisions of § 411.603 of this subchapter.

(b) Department of Labor Form PC–13 (Rev. 1/50), is a poster required to be furnished to the contractor in accordance with the provisions of § 411.603 of this subchapter.

(c) DD Form 350 or any alternate approved form shall be used in accordance with the provisions of § 411.603 of this subchapter to furnish the Department of Labor certain information in lieu of utilizing the Department of Labor Form PC–1 as required by administrative regulations of the Secretary of Labor.

2. New §§ 415.012 and 415.013 prescribe standardized forms for Department of Defense-wide use in connection with the solicitation of quotations and proposals in negotiated procurements.

§ 415.012 *Request for quotation (DD Form 747).*

§ 415.012–1 *General.* DD Form 747 (Request for Quotations) is designed to obtain price, cost, delivery, or any other information from suppliers in connection with negotiated procurements for supplies and services (other than personal) in excess of $5,000. DD Form 747 may also be used in connection with procurements of $5,000 or less when the Contracting Officer considers written quotations necessary. With respect to the solicitation of written quotations for small purchases, i. e., less than $1,000, § 402.603 of this subchapter will be complied with.

§ 415.012–2 *Conditions for use.* DD Form 747 is authorized for use in connection with the negotiation of contracts or purchase orders for supplies or services (other than personal) when it appears reasonably certain that the procurement will be consummated by (a) a purchase order, (b) a fixed price type contract involving extensive negotiation and signature by both parties, or (c) a cost reimbursement type contract. Where information pertaining to financial data or additional facilities is required, the use of properly approved departmental forms for these purposes is authorized.

§ 415.012–3 *Forms superseded.* The form prescribed herein supersedes the following departmental forms: (a) Department of the Army-War Department Form 104, War Department Form 105; (b) Department of the Navy-NAVSANDA 109, NAVAER 2894, NAVAER 2896, ASPPA Form RFP 400, NAVSHIPS 4504 (9–53), BUORD Request for Proposals Forms; (c) Department of the Air Force-War Department Form 104, War Department Form 105; and (d) all other forms used by the Departments for requesting proposals and quotations under the conditions set forth in § 415.012–2. The continued departmental use of the replaced forms is authorized until existing printed stocks are exhausted or until April 30, 1954, whichever is earlier.

§ 415.013 *Forms for request for proposals, proposal and acceptance.*

§ 415.013–1 *General.* The following Department of Defense forms are prescribed for use under the condition set forth in § 415.013–2 below in connection with negotiated procurements for supplies or services (other than personal) in excess of $5,000.00:

DD Form 746 Request for Proposals and Proposal (Negotiated Fixed-Price Contract)
DD Form 746–1 Schedule, Request for Proposals and Proposal
DD Form 746–2 Acceptance of Proposal (Negotiated Fixed-Price Contract)

These forms may also be used for negotiated procurements of $5,000 or less when the contracting officer considers written proposals necessary. With respect to the solicitation of written proposals for small purchases, i. e., less than $1,000, § 402.603 of this subchapter will be complied with.

§ 415.013–2 *Conditions for use.* (a) DD Forms 746 and 746–1 (together with U. S. Standard Form 32 and any other applicable provisions) shall be used in connection with the negotiation of contracts for supplies or services when it appears practicable and desirable to commence negotiations by soliciting written offers from potential suppliers which, upon written acceptance by the Government, would create a binding contract without further action by either party.

(b) When proposals have been submitted on DD Forms 746 and 746–1, and it is in the interest of the Government to accept a supplier's proposal without further negotiation, price and other factors considered, DD Form 746–2 shall be used. In such instances the contract will consist of (1) the Request for Proposals and proposal (including any written amendments), (2) the Schedule, (3) the General Provisions, (4) the Acceptance of the Proposal, and (5) any continuation sheets attached to the foregoing documents.

(c) When a proposal, submitted by a supplier, is not acceptable to the Government without further negotiation, a resulting contract may be prepared on DD Form 351 for signature by both parties. If the circumstances are such that the supplier can amend his proposal in writing to reflect the further negotiations,

the amended proposal may be accepted on DD Form 746–2.

(d) When a continuation sheet is necessary, U. S. Standard Form 36 (Continuation Sheet (Supply Contracts)) shall be used.

(e) When a cost breakdown is required in connection with a proposal, DD Form 633 (Cost and Price Analysis) shall be used, to the extent provided in § 415.002.

(f) Where information pertaining to financial data or additional facilities is required, the use of properly approved Departmental forms for these purposes is authorized.

(g) Authorization for use of the above forms does not preclude the use of purchase order forms prescribed in other sections of this part.

§ 415.013–3 *Forms superseded.* The forms prescribed in this subpart supersede the following Departmental forms: (a) Department of the Army-War Department Form 104, War Department Form 105, War Department Form 47 (except for the purchase of subsistence and other supplies wherein price quotations are subject to daily fluctuation); (b) Department of the Navy-NAVAER 2894, NAVAER 2896, ASPPA-RFP-400, ASPPA-A-400, NAVSANDA-109, NAVSHIPS 4504 (9–53) and BUORD Request for Proposals; (c) Department of the Air Force-AMC Form 98; and (d) all other forms used by the Departments under the conditions set forth in § 415.013–2. The continued Departmental use of the replaced forms is authorized until existing printed stocks are exhausted or until April 30, 1954, whichever is earlier.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Deputy Assistant Secretary of Defense (Supply and Logistics).

JANUARY 26, 1954.

[F. R. Doc. 54–795; Filed, Feb. 4, 1954; 8:46 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 864—ENLISTED RESERVE

SERVICE OBLIGATIONS UNDER THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT

Sections 864.31 to 864.40 (32 CFR 864.31 to 864.40) are revoked and the following new sections are issued in lieu thereof:

Sec.
- 864.31 Purpose.
- 864.32 General.
- 864.33 Definitions.
- 864.34 Reserve obligation.
- 864.35 Fulfillment of five-year Reserve obligation.
- 864.36 Fulfillment of six-year Reserve obligation.
- 864.37 Fulfillment of eight-year service obligation.
- 864.38 Administrative discharge.
- 864.39 Policy regulating transfers between Reserve components.
- 864.40 Transfers to other services by members of the Air Force Reserve.
- 864.41 Maintenance of records.
- 864.42 Air Force Reserve Officers' Training Corps program.
- 864.43 Ready and Standby Reserve status of obligated Reservists.

AUTHORITY: §§ 864.31 to 864.43 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 4, 62 Stat. 605, as amended; 50 U. S. C. App., 454.
SOURCE: AFR 45–35.

§ 864.31 *Purpose.* (a) The regulations contained in §§ 864.31 to 864.43:

(1) Define the obligations of certain Reserves of the Air Force.

(2) Determine the applicability of these obligations to those persons who have been transferred to the Air Force Reserve after a period of active duty, and to those persons who were initially enlisted or appointed in the Reserve components of the Air Force after June 19, 1951.

(3) Implement the approved policy of the Secretary of Defense regulating transfers between Reserve components of the Armed Forces.

(4) Establish credit for service in one or more Reserve components of the same or another Armed Force against the requirements of section 4 (d) of the Universal Military Training and Service Act (sec. 4 (d), 62 Stat. 607, as amended; 50 U. S. C. App., 454 (d)).

(b) Sections 864.31 to 864.43 should not be construed as requiring the discharge of any member of the Air National Guard of the United States while not in the Federal service.

§ 864.32 *General.* After June 25, 1948, and prior to the enactment of the June 19, 1951, amendments to the Universal Military Training and Service Act (65 Stat. 75), the obligation to serve in the Reserve components applied only to those persons otherwise subject to induction, who, after serving a period of active service, were transferred to a Reserve component of an Armed Force for periods of either 5 or 6 years. After June 19, 1951, however, any person under 26 years of age who is initially enlisted, inducted, or appointed in any of the Armed Forces of the United States including the Reserve components thereof will assume, as of the date of such initial enlistment or appointment, a service obligation which will continue in effect until a total of 8 years of service has been completed. The 8-year period may be composed of Regular or Reserve component service or any combination thereof, either on active duty or by participation in Reserve training program, as prescribed in §§ 864.31 to 864.43.

§ 864.33 *Definitions.* For the purpose of §§ 864.31 to 864.43, unless otherwise specifically indicated, the following definitions apply:

(a) *Five-year Reservist.* A person who, being subject to induction, was inducted or enlisted for active military service between June 24, 1948, and June 19, 1951 (both dates inclusive), and who:

(1) At time of induction or enlistment was under 26 years of age,

(2) Served for a period of less than 3 years, except those persons who completed at least 21 months of active service and who, thereafter, served satisfactorily on active service under a voluntary extension for a period of at least 1 year, and

(3) Upon completion of such period of active military service was required by law to serve in, and was transferred to the Air Force Reserve for a period of 5 years.

(b) *Six-year Reservist.* A person who, while subject to induction, enlisted for a period of 1 year between June 24, 1948, and June 19, 1951 (both dates inclusive), and who:

(1) At enlistment was between 18 and 19 years of age, and

(2) Upon completion of such term of enlistment, was required by law to serve in, and was transferred to, the Air Force Reserve for a period of 6 years.

(c) *Eight-year obligor or eight-year Reservist.* A person who, subsequent to June 19, 1951, and prior to his 26th birthday, is initially inducted, enlisted or appointed under any provision of law in any of the Armed Forces of the United States, including the Reserve components. Such persons are required to complete a total period of 8 years of active service and/or service in a Reserve component. While such a person is in a Reserve of the Air Force status, he may be referred to as an "eight-year Reservist." A reenlistment or appointment from enlisted status or the induction of a person already possessing Reserve status, does not constitute an initial enlistment, appointment, or induction for the purpose of §§ 864.31 to 864.43. Persons enlisted or appointed in the Regular Air Force may complete the 8-year service obligation while in such status.

(d) *Satisfactory participation in an organized unit.* The term "organized unit," as used in §§ 864.31 to 864.43 applies only to those units and training program elements of the Reserve components of the Air Force which require a minimum of 35 scheduled drills or training periods or days of active Federal service, or any combination thereof each year. These units and program elements are listed in subparagraph (1) of this paragraph. The term "satisfactory participation" includes membership in an organized unit and attendance at not less than 90 percent of the scheduled training activities thereof.

(1) *Organized units of the Reserve components of the Air Force.* Each of the following units and program elements is deemed to be an organized unit:

(i) All units of the Air National Guard of the United States.

(ii) Combat support wings and units.

(iii) Combat wings and units.

(iv) Flying training wings and units.

(v) Replacement training squadrons.

(vi) Specialist training units, provided that the person is in a pay status.

(vii) Mobilization assignment Reserve sections (mobilization assignees will be deemed to be members of organized units).

(2) *Participation.* Minimum participation standards are established for each unit and program element of the Reserve components of the Air Force and are set forth in applicable directives pertaining thereto. Persons whose obligation under the Universal Military Training and Service Act is predicated upon satisfactory participation also must meet all of the following requirements:

(i) Assignment to an organized unit.

(ii) Attendance at all scheduled drills, unit training assemblies, training periods or days of active Federal service of the unit, unless excused by proper authority, provided that such excused absences will not exceed 10 percent of those scheduled activities.

(iii) Satisfactory performance of duties as determined by unit commanders.

(e) *Constructive credit points.* As used in §§ 864.31 to 864.43 and only for the purpose described herein, the phrase "constructive credit points" or the word "points" refer to that credit which is awarded to 6-year Reservists and 5-year Reservists for membership in a Reserve component, satisfactory participation as a member of an organized unit, or performance of active duty. This credit is accumulated only for the purpose of determining fulfillment of the Reserve obligation imposed by the law. Constructive credit for points for determining fulfillment of the service obligation will not be awarded to 8-year Reservists.

(f) *Active military service.* Full-time duty with the active establishment, either on extended active duty or on active duty for training. The terms "active military service" and "active duty" are synonymous.

§ 864.34 *Reserve obligation.* (a) Five-year Reservists are required to retain membership in one of the Reserve components of the Air Force for a period of 5 years. This period may be reduced as hereinafter provided.

(b) Six-year Reservists are required to retain membership in one of the Reserve components of the Air Force for a period of 6 years. This period may be reduced as hereinafter provided. It is the duty of each such person to participate satisfactorily in an organized unit or an officer training program provided that he is mentally and physically qualified, provided further that such an assignment or training program is available, and can, without undue personal hardship, be filled by him.

(c) Eight-year Reservists are required to retain membership in one of the Reserve components of the Air Force during such time as they are not members of one of the Regular components of the Armed Services until a total of 8 years of service has been completed. Such period of 8 years may be composed of Regular or Reserve service or a combination thereof, either on active duty or by participation in Reserve training programs, or a combination thereof, as hereinafter prescribed. This 8-year service obligation may not be reduced. It is the duty of each such person to participate satisfactorily in an organized unit or an officer training program provided that he is mentally and physically qualified, provided further that such an assignment or training program is available, and can without undue personal hardship, be filled by him.

§ 864.35 *Fulfillment of five-year Reserve obligation.* (a) A 5-year Reservist will be considered as having completed his Reserve obligation when he has accumulated 180 consecutive credit points and will be discharged and issued an appropriate certificate of discharge or service unless:

(1) His enlistment or obligated period of service is extended, either voluntarily or involuntarily, under any provisions of law, or

(2) He is on active military service, in which case, subject to the following exceptions, the accrual of 180 points will not serve as a basis for his release from such service prior to expiration of the period for which ordered into active military service. Except as otherwise provided herein, the Reserve obligation with regard to a 5-year Reservist who has accrued 180 points will not exceed 3 years in the event he had been performing satisfactory service in an organized unit or an officer training program (while a member of a Reserve component) immediately prior to reporting for active military service, and will not exceed 5 years in other cases.

(b) Constructive credit points will be awarded at the rate of three points for each month of membership in a Reserve component after the date of transfer thereto. Thus, a 5-year Reservist can accrue 180 points and complete his period of obligated Reserve service in exactly 5 years. Accelerated fulfillment of the 5-year Reserve obligation, however, is encouraged. The activities of the person and extent of Reserve participation can materially reduce the obligated period of Reserve service. For example, five points will be awarded for each month of active service performed prior to the date that a person who remained subject to induction, was inducted, enlisted, or appointed on or after June 24, 1948.

(1) Five-year Reservists with 21 months or more of original active military service will accumulate:

(i) 5 points for each month of satisfactory participation in an organized unit. Fulfillment of the Reserve obligation could thus be accomplished in 3 years.

(ii) 5 points for each month of active military service performed at any time prior to enlistment, induction, or appointment on or after June 24, 1948.

(iii) 15 points for each month of active military service performed subsequent to transfer to the Reserve. Fulfillment of the Reserve obligation could thus be accomplished in 1 year.

(2) Five-year Reservists with less than 21 months of original active service will accumulate:

(i) 3.75 points for each month of satisfactory participation in an organized unit. Fulfillment of the Reserve obligation could thus be accomplished in 4 years.

(ii) 5 points for each month of active military service performed at any time prior to enlistment, induction, or appointment on or after June 24, 1948.

(iii) 8.5 points for each month of active military service performed subsequent to his transfer to the Reserve. Fulfillment of the Reserve obligation could thus be accomplished in 21 months.

(3) Accelerated fulfillment of Reserve obligation (accrual of 180 points) will not, in time of war or national emergency declared by Congress, relieve a 5-year Reservist from his obligation to serve in a Reserve component of the Air Force for the full period of 5 years.

(c) Termination of Reserve status by discharge or separation in legal effect terminates the Reserve obligation, except that a discharge or other type of separation for the purpose of immediate entry or reentry into the Air Force Reserve, the Air National Guard of the United States, the Regular Air Force, or any other Reserve or Regular component of the Armed Forces, or to enter an officer training program in which the person has a military status, will not constitute a termination of such obligation. Additional service performed after such a discharge or other type of separation will be counted toward fulfillment of the obligation.

§ 864.36 *Fulfillment of six-year Reserve obligation.* A 6-year Reservist will be considered as having completed his Reserve obligation when he has accumulated 144 constructive credit points and will be discharged and issued an appropriate certificate of discharge, unless his enlistment or obligated period of service is extended either voluntarily or involuntarily under any provision of law, or except as provided in paragraphs (b) and (d) of this section. The awarding of constructive credit points and fulfillment of Reserve obligations will be in accordance with the following:

(a) 3 credit points will be awarded for each month or fractional part thereof of satisfactory service in an organized unit of any Reserve component or in an officer training program (while a member of a Reserve component). This would enable the 6-year Reservist to complete his obligation in 4 years, except as provided in paragraph (d) of this section.

(b) 6.75 credit points will be awarded each month or fractional part thereof of active military service performed after transfer to a Reserve component, regardless of whether active military service was performed voluntarily or involuntarily under any provision of law. This would enable the 6-year Reservist to complete his obligation after a minimum of 21 months of additional active military service, except as provided in this paragraph or in paragraph (d) of this section. The accrual of 144 credit points by a 6-year Reservist who is performing active military service will not serve as a basis for his release from such service prior to the expiration of the period for which ordered into active military service unless:

(1) Subsequent to his transfer to the Reserve component, his total service, including time spent in active military service, equals 6 years, or

(2) Subsequent to his transfer to the Reserve component, his total active military service, combined with satisfactory service in an organized unit of a Reserve component or satisfactory service in an officer training program while a member of a Reserve component, or both, amounts to 4 years.

(c) 2 credit points will be awarded for each month of service or fractional part thereof in other training program elements of the Reserve components. This would require the full 6 years in a Reserve component.

(d) Notwithstanding paragraphs (a) and (b) of this section, the accrual of 144 credit points will not, in time of war or national emergency declared by Congress, relieve a 6-year Reservist from his obligation to serve in a Reserve component.

(e) Notwithstanding paragraphs (a) through (d) of this section, the Air Force may, for cogent reasons, and at any time prior to completion of the Reserve obligation, discharge any 6-year Reservist. Such discharge terminates the Reserve obligation and an appropriate certificate of discharge will be issued. However, a discharge or other type of separation for the purpose of immediate entry or reentry in the same or any other Reserve component of the Armed Forces, in the same or any other status, or to enter an officer training program in which the person has a military status, will not terminate the Reserve obligation. Additional service performed after such discharge or separation will be counted toward fulfillment of such obligation.

§ 864.37 *Fulfillment of eight-year service obligation.* The 8-year service obligation will be considered to have been fulfilled or terminated:

(a) Upon discharge for the purpose of complete separation from any military status or upon revocation or termination of commission or appointment, acceptance of resignation in place of elimination action or under conditions other than honorable, being dropped from the rolls, dismissal, or

(b) Pursuant to §§ 864.31 to 864.43, the person concerned has served as a member of one or more of the Regular or Reserve components of the Armed Forces for a total of 8 years. Upon completion of such service, the 8-year Reservist may, if otherwise eligible, be discharged.

§ 864.38 *Administrative discharge.* The Air Force may discharge administratively, at any time prior to the completion of the Reserve obligation, any 5-year Reservist, 6-year Reservist, or 8-year Reservist, in accordance with procedures established in applicable regulations.

§ 864.39 *Policy regulating transfers between Reserve components.* Interservice transfers of persons who have an obligation for service under the Universal Military Training and Service Act (62 Stat. 604, as amended; 50 U. S. C. App., 451–470), between Reserve components of the Armed Forces should be accomplished only in instances wherein the Reservist requests or consents to such transfer and wherein the two services concerned mutually agree that such transfers are in the best interest of the Armed Forces. An Armed Force may request the transfer of a particular Reservist from a Reserve component of another Armed Force.

(a) Requests will normally be made only when:

(1) The initiating Armed Force has a specific vacancy for the person concerned in an organized unit within a reasonable distance of the person's domicile or place of business, or

(2) The person concerned applied for and the gaining Armed Force desires his enrollment in its officer training program.

(b) Requests will be approved only when:

(1) The losing Armed Force does not have an organized unit within a reasonable distance of the domicile or place of business of the person to which the Reservist may be usefully assigned, or

(2) The Reservist has special experience or professional, educational, or technical background which is clearly of greater use to the gaining Armed Force and which use outweighs the value of his previous training in the losing Armed Force, or

(3) The person concerned will be enrolled in an officer training program of the gaining Armed Force without regard to subparagraph (1) of this paragraph.

(c) Interservice transfers between Reserve components of the Armed Forces will be accomplished by discharge from the Reserve component in which serving for the purpose of immediate enlistment or appointment in the Reserve component of the service concerned. Where membership in the officer training program does not confer military status, discharge will be for the purpose of immediate enlistment in the Reserve component of the gaining service. Discharge for this purpose will not constitute a fulfillment of the obligation under section 4 (d) of the Universal Military Training and Service Act (sec. 4 (d), 62 Stat. 607, as amended; 50 U. S. C. App., 454 (d)). Additional service performed after such discharge will be counted toward fulfillment of such obligation.

§ 864.40 *Transfers to other services by members of the Air Force Reserve.* Individual members of the Air Force Reserve when not on active duty may be transferred to Reserve components of other services as provided in this section:

(a) *Requests initiated by a service.* (1) The Departments of the Army and Navy may request the services of a particular Air Force Reservist.

(2) Transfer will be approved only when the requirements established in § 864.39 are met.

(3) Requests will include:

(i) Statement that there is a specific vacancy for the person in an organized unit within a reasonable distance of his domicile or place of business where he will receive inactive duty training.

(ii) Statement that the person concerned will accept such change and will participate in inactive duty training as prescribed by the Secretary of Defense for members of units who are given exemption under section 6 (c) (1) of the Universal Military Training and Service Act (sec. 6 (c), 62 Stat. 610, as amended; 50 U. S. C. App., 456 (c)).

(iii) Statement, when applicable, on the Reservist's special experience, or professional or technical background, and the need thereof by the initiating service.

(4) Requests for the service of a member of the Air Force Reserve may be initiated by State senior Army instructors or naval district commanders and transmitted directly to the commander of the Continental Air Command numbered air force of the area in which the Reservist resides. Such requests will not be forwarded to Headquarters USAF, except in the event of disapproval where the requesting agency feels that adjudication by higher authority is necessary to the best interests of the Department of Defense.

(b) *Requests initiated by individual members of the Air Force Reserve.* (1) Individual Reservists may initiate requests for transfer to a Reserve component of another Service.

(2) Requests will be approved only when all of the requirements of § 864.39 are met.

(3) Requests will include:

(i) A statement from the State senior Army instructor or naval district commander of the service to which transfer is desired, covering in sufficient detail the requirements specified by paragraph (a) (3) of this section, when applicable.

(ii) A statement by the person on whether he is or is not assigned to an organized unit and, if not, whether he has applied for such assignment, and stating further that, if the transfer is approved, he will accept assignment to the organized unit of the gaining service.

(iii) A detailed statement by the person on the experience and qualifications which indicate the transfer is in the best interests of the Department of Defense.

(4) Individually initiated requests for transfers will be forwarded to the commander of the Continental Air Command numbered air force concerned through the local unit commander, if applicable, for approval.

(c) *Approval action.* Approval action will include informing the person in writing that appropriate action will be taken to effect his discharge as a Reserve of the Air Force upon receipt of documentary evidence that he has been accepted for enlistment or appointment as a Reserve of the Armed Force to which transfer has been requested. Discharge will not be accomplished, however, until notification of the person's enlistment or appointment in the new service has been received.

§ 864.41 *Maintenance of records—*(a) *Record of constructive credit points.* The custodian of the Reservists' records will maintain accurate record of constructive credit points earned by each Reservist toward fulfilling his obligation. Upon transfer of a Reservist, including transfers between the Air Force Reserve and the Air National Guard of the United States, an itemized statement showing the number of points earned to date of transfer and inclusive date thereof will be entered in his WD AGO Form 24A or DD Form 230, "Service Record (For Enlisted Personnel)". In the event the Reservist is discharged due to enlistment or appointment as a Reserve of another Armed Force, the gaining agency will be informed of the person's Reserve obligation and credits earned toward fulfilling that obligation.

(b) *Counting fractional parts of months.* In computing constructive credit points, fractional parts of months will be counted only when the fractional part equals half a month or more. When a person serves for half a month in an organized unit and half a month in another training program element, or half a month on active military service and half a month not on active duty, he will be credited for the month involved with the number of points applicable for the type of service which accrues the larger number of points.

§ 864.42 *Air Force Reserve Officers' Training Corps program.* Personnel participating in the Air Force Reserve Officers' Training Corps (ROTC) program may remain enlisted members of the Air Force Reserve during such enrollment. The Air Force commander having jurisdiction over such personnel will be furnished with a statement showing satisfactory participation in the Air Force ROTC program by the professor of air science and tactics at the end of each year during such enrollment. If the Reservist is dropped from enrollment in the Air Force ROTC at any time, the professor of air science and tactics will immediately notify the Air Force commander concerned. Reserves of other Armed Forces who are selected for enrollment in the advanced course of Air Force ROTC must be transferred to the Air Force Reserve as provided in § 864.39 prior to formal enrollment.

§ 864.43 *Ready and Standby Reserve status of obligated Reservists.* All Reserves of the Air Force are Ready Reservists and remain subject to involuntary active military service in the event of an emergency proclaimed by the President unless and until they qualify for and elect Standby Reserve status. Five-year Reservists, 6-year Reservists, and 8-year Reservists are not precluded by their obligation from electing Standby status at any time they become qualified. Such Reservists may also agree to remain Ready Reservists or to assume Ready Reserve status in order to participate in certain Reserve training activities. Acceptance of Standby status does not reduce or otherwise affect the obligation to remain a member of a Reserve component and the duty to participate satisfactorily in an organized unit.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54 790; Filed, Feb. 4, 1954; 8.45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 922]

[Docket No. AO–250]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND A DESIGNATED PART OF CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of Valencia oranges grown in Arizona and a designated part of California. Such marketing agreement and order would be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C. Any such exceptions should be filed in quadruplicate, and must be received prior to the close of business on the fifteenth day after the publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreement and marketing order (hereinafter referred to as the "order") were formulated, was held at Los Angeles, California, from December 7 to December 10, 1953, both dates inclusive. Such hearing was held pursuant to a notice thereof which was published in the FEDERAL REGISTER (18 F. R. 7358) on November 20, 1953. Said notice contained a draft of a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Sunkist Growers, Incorporated, a cooperative association of orange growers in California and Arizona, with a petition for a hearing thereon. The objective of the proposed marketing agreement and order is to bring to the Valencia orange industry of California and Arizona the benefits of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act").

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(2) The existence of the right to exercise Federal jurisdiction in this instance;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated;

(5) The specific terms and provisions to be incorporated in the proposed marketing agreement and order, such as:

(a) The definitions of such terms as "Secretary," "act," "production area," "person," "fiscal year," "marketing year," "grower," "oranges available for current shipment," "tree crop," "early maturity oranges," "general maturity," "box," "central marketing organization," "carload," and "export";

(b) The establishment and maintenance of an administrative agency, to be known as the Valencia Orange Administrative Committee (hereinafter referred to as the "committee") for conducting marketing agreement and order operations, the powers and duties of such committee, and its manner of doing business;

(c) The incurring of expenses by the committee and the levying of assessments;

(d) The formulation and adoption of a marketing policy for each prorate district each season;

(e) The issuance of volume regulations;

(f) The issuance of size regulations, and the relaxation of such regulations in hardship cases;

(g) The issuance of internal quality regulations;

(h) The division of the production area into prorate districts;

(i) The specification of the purposes for which oranges may be handled free from regulation;

(j) The keeping of records and filing of reports by handlers;

(k) The requirement of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(l) Additional terms and conditions as set forth in §§ 922.81 through 922.90 and published in the FEDERAL REGISTER (18 F. R. 7358) on November 20, 1953, which are common to marketing agreements and orders, namely, right of the Secretary, effective time, termination, effect of termination or amendment, duration of immunities, agents, derogation, personal liability, and separability, and certain other terms and conditions as set forth in §§ 922.91 through 922.93, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only, namely, counterparts, additional parties, and order with marketing agreement.

Findings and conclusions. The findings and conclusions on the foregoing material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) It is concluded that a marketing agreement and order program is needed to regulate the handling of Valencia oranges grown in the production area to

establish and maintain such orderly marketing conditions thereof as will tend to establish parity prices for such oranges.

The average price received by producers in California-Arizona for oranges shipped for fresh consumption during the 1950–51 marketing season was $2.28 per box, on tree, or 54 percent of the parity price for such oranges. During the 1951–52 and 1952–53 seasons the comparable pfices received by producers were $2.37 and $1.78 per box, respectively, or 57 and 44 percent of the respective parity prices for such oranges. During July, August, September, and October of the 1952–53 season average on-tree prices received by producers for California-Arizona oranges shipped for fresh consumption were $1.16, $0.91, $1.46, and $1.11 per box, respectively. These prices were 29, 23, 36, and 28 percent, respectively of the parity prices for such oranges.

Average prices received for oranges by producers in California and Arizona have been low in relation to parity during recent seasons. During the 1952–53 marketing season, prices received by such producers for Valencia oranges were especially low in relation to the parity levels.

Valencia oranges produced in California and Arizona are marketed primarily during the summer months. The heaviest shipments usually occur in June, July, August, and September. The Valencia orange lends itself to processing as well as shipment to market in fresh form, and during the 3 seasons ending in 1951–52 an average of nearly 40 percent of such orange production was used in other than fresh fruit channels.

The increase in the production of oranges in Florida during recent years and the increased processing of orange products, especially frozen concentrated orange juice, have resulted in increased competition to California-Arizona Valencia orange producers. For example, during the 5 seasons ending in 1943–44 Florida orange and tangerine production averaged 34 million boxes annually. During the same period an average of less than 5 million cases (equivalent 24 No. 2's) per year of canned orange juice was packed in the United States and there was no commercial production of frozen concentrated orange juice. During that period, with relatively little competition from processed orange juice products, California-Arizona Valencia orange producers shipped an average of 84 percent annually of the total crop of Valencia oranges to fresh fruit channels.

During the 3 seasons ending 1951–52, production of Florida oranges averaged nearly 73 million boxes annually. During these seasons the average annual U. S. pack of canned orange juice exceeded 21 million cases (equivalent 24 No. 2 cans), and an average pack in excess of 36 million gallons of frozen concentrated orange juice was produced annually. In the face of this competition from processed orange products, the share of the California-Arizona Valencia crop shipped to fresh markets was reduced to 61 percent.

The nature of the present total market for fresh oranges and processed orange products during the California-Arizona Valencia season, therefore, is such that only approximately two-thirds or less of the California-Arizona Valencia orange crop can be expected, on the average, to be shipped to market in fresh form.

Oranges may be stored on the tree after reaching maturity; and when the crop of oranges in a particular producing district has reached maturity, all of the fruit is capable of being shipped. Producers usually are anxious to harvest their fruit early in order to avoid loss from drop or deterioration in grade and quality. Average returns to producers of California-Arizona Valencia oranges used for processing are lower than those received from sales in fresh fruit channels, although prices received for the discounted grades and sizes of fruit sold in fresh fruit channels tend to equal those received from fruit sold for processing. As a consequence, producers exert strong pressures upon handlers to ship their fruit to fresh markets as rapidly as possible. It is extremely difficult for operators of packing houses to ignore such pressures during the marketing season and to limit shipments of such oranges to the requirements of the then current market demand.

The authority to regulate shipments to fresh markets each week under a marketing program provides a means to withstand such pressures to ship and thereby to limit the quantity of fruit shipped to that required in marketing channels. In addition, the proposed marketing agreement and order makes readily available to handlers knowledge of the quantity which is to be shipped each week, as well as more accurate information concerning the quantity of fruit available in and en route to consumer markets. Receivers of California-Arizona Valencia oranges, moreover, would be provided with a basis for maintaining their commercial operations in the light of information with respect to the rate at which supplies will be made available to them.

Such conditions do not exist in the absence of a marketing agreement and order, and the evidence indicates that there exists a tendency on the part of handlers, in the absence of some program providing restraint of shipments, to ship excessive quantities because of desires of producers to pick their fruit and thereby avoid losses through damage or deterioration in the groves. Moreover, no individual handler or group of handlers successfully can increase the level of prices by reducing shipments because other handlers can nullify such action by increasing their shipments accordingly.

A recent study of consumer purchases indicates that about one-half of the fresh Valencia oranges purchased by consumers was used for slicing or eating out of hand and the remainder used for juice.

The greatest competition, in terms of volume, to sales of fresh California-Arizona Valencia oranges is provided by sales of processed orange juice, especially frozen concentrated orange juice. Average prices to consumers per ounce of equivalent single-strength juice are substantially higher in the case of fresh oranges than in the case of processed orange products. The behavior of market prices of California-Arizona fresh Valencia oranges reveals that when sales of such oranges are maintained at quantities approximating those required by consumers who desire fruit for slicing or who prefer to prepare juice from fresh oranges, prices in consuming markets tend to be maintained at levels substantially in excess of comparable levels for the processed juice. When supplies of California-Arizona Valencia oranges offered for sale, however, exceed those which are required by such consumers, the prices of the fresh oranges tend to become more directly competitive with those at which the processed juice is offered for sale. Such prices are substantially below those at which fresh California-Arizona Valencia oranges profitably can be packed and shipped for sale in fresh commercial channels.

Returns to producers of California-Arizona Valencia oranges will be increased if the rate of shipments of fresh Valencia oranges is maintained at quantities commensurate with those required by consumers preferring slices or juice from fresh oranges, rather than increased to quantities in excess of these. If California-Arizona Valencia oranges are diverted from fresh fruit channels as a result of regulation, they will be used in processing outlets where additional quantities used have no or little significant effect upon price. This is because such additional quantities would be small in relation to the total quantities used for processing orange products, the great bulk of which are produced in Florida. Hence, such regulation will improve returns to producers because the oranges would be transferred from fresh fruit outlets, where the reduction in supplies would increase prices, to outlets where the increase in supplies would have little or no effect upon prices.

Therefore, it is concluded that a marketing agreement and order is needed to effectuate the declared policy of the act by establishing orderly marketing conditions for Valencia oranges grown in the production area through providing a means of limiting, each week, the quantity of such oranges that may be shipped to fresh channels.

Market prices of fresh California-Arizona Valencia oranges reveal the existence of price differentials, with the most preferred sizes receiving premiums and the less preferred sizes receiving discounts from the average. These differentials, when considered in relation to the quantities sold, provide an indication of market preferences for various sizes of such oranges.

Prices to producers and total returns could be augmented by making only the more preferred sizes of fruit available in fresh fruit channels. Such results could be obtained under the marketing agreement and order by prohibiting the handling of a portion or all of some of the discounted sizes of oranges. Size limitation would tend to increase consumer satisfaction and stimulate demand. Competition in the marketing of oranges is based to a considerable extent on price; and the offering of oranges of less desirable sizes at discounts tends to depress prices for better sizes.

Often, shipments are made of sizes of oranges that do not receive prices covering the cash costs of harvesting and marketing. Limitation of shipments of such sizes would not only improve the size composition of the oranges shipped but also improve average returns to producers by preventing losses incurred through the shipment in fresh form of such sizes.

The objective to be followed under the marketing agreement and order is that of tailoring the supply of oranges available for sale in fresh fruit channels to the demand in these outlets. Such tailored supply should include the more preferred sizes of oranges, and the least desirable sizes should be diverted from fresh outlets. The marketing agreeemnt and order is designed to effectuate the declared policy of the act by establishing orderly market conditions for Valencia oranges grown in the production area through limiting the quantity of Valencia oranges that may be handled each week in fresh outlets and also through limitation on the sizes of oranges handled in such channels.

(2) Any handling of California-Arizona Valencia oranges in fresh fruit channels exerts an influence upon all other handling of such oranges in fresh form. Sellers of such Valencia oranges, as of other commodities, transact their business in a manner designed to achieve the highest return for the quantities of oranges they have available for sale. In effecting these transactions, the sellers survey all accessible markets in an endeavor to take advantage of the best opportunities to market the fruit. Markets within the State of California or within the State of Arizona provide opportunities to dispose of fresh Valencia oranges in the same fashion as do markets within other States, or within Canada. A sale of a particular quantity of Valencia oranges within a market in the State of California or in the State of Arizona exerts a direct influence upon all other sales of such oranges, as does a sale of Valencia oranges in a market within another State.

The pattern of the prices received for sales of oranges in markets located within the State of California and in markets located outside thereof indicates parallel movement on a weekly and on a monthly basis. This pattern of price behavior follows from the manner in which handlers transact their business in response to conditions of supply and demand, and indicates the interdependence or interplay of the price structures of such markets. Moreover, if prices in any particular market, whether it is situated within the State of California or the State of Arizona or any other State, rise above comparable prices in all other markets, supplies of oranges are diverted to that market. Conversely, if prices fall in any particular market, supplies are diverted away from that market. For example, relatively low prices in the States of California and Arizona would result in a greater quantity of Valencia oranges shipped to markets in other States. The converse of this is also the case. The diversion of carloads, while in transit, from an original destination to another destination is a common practice. The record shows that half of the oranges shipped unsold by one large marketing organization is diverted at least once en route to market. Such diversions provide examples of handlers' responses to changes in demand conditions as between markets.

If shipments of oranges to markets outside the States of California and Arizona were regulated while at the same time shipments of oranges to markets within the States of California and Arizona were not so regulated, prices received by growers for sales in such intrastate markets would tend to be reduced to levels below those prevailing in markets in other States. Producers would have to receive higher prices for oranges marketed in interstate commerce as a result of the lower prices received in intrastate markets in order to achieve the level of prices which it is the policy of Congress, as expressed in the act, to establish. Lower prices for intrastate shipments have a serious effect upon total returns to producers, because a large portion of the Valencia orange crop is marketed in fresh form in such intrastate markets. About one-eighth of the total sales in fresh fruit channels of Valencia oranges grown in the States of California and Arizona is destined to markets within such States. In addition, the population in California and in Arizona has been increasing and is expected to continue to increase, and such percentage will increase accordingly.

Oranges sold in fresh markets, whether they are located within the State of California or the State of Arizona or in any other State, are prepared for shipment prior to packaging in exactly the same fashion. Some of the Valencia oranges sold in the State of California are not packed in a standard orange box and are sold as "loose" oranges. For those oranges which are sold as "packed" oranges, regardless of their ultimate destination, the preparation for market is identical. In most cases, the ultimate destination of the oranges is not known at the time of packaging and there is a commingling of the fruit ultimately destined for sale within the States of California and Arizona with that ultimately destined for sale in other States. In addition, oranges shipped to terminal markets within the production area often are diverted from such markets to markets outside of the production area. Usually it is not known at the time of shipment to terminal markets within the production area whether such oranges will be reshipped to markets in other states. Oranges destined for markets within the States of California and Arizona are so inextricably intermingled with oranges destined for markets within other States that it would be extremely difficult effectively to regulate shipments to interstate markets only.

All handling within the State of California or within the State of Arizona of Valencia oranges grown in the production area directly burdens, obstructs, and affects interstate and foreign commerce in such oranges. It is found, therefore, that all handling of Valencia oranges grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(3) The term "oranges," as used in the marketing agreement and order, identifies the kind of orange referred to therein, as distinguished from all other kinds of oranges. The term "oranges" should be defined to mean any and all strains of the Valencia variety of oranges. The Valencia variety is separate and distinct from other varieties of oranges. Valencia oranges are commonly recognized and distinguished from other varieties of oranges by persons who are engaged in the handling of oranges. This variety of orange grown in the production area is marketed principally during the summer months.

The term "production area" should be incorporated in the marketing agreement and order as the means of specifying the area within which Valencia oranges must be produced before the handling thereof is subject to regulation. The definition of such term is such as to include the State of Arizona and that part of the State of California south of the 37th Parallel. Production of Valencia oranges north of the 37th Parallel in the State of California is negligible, and is of no commercial significance. Those Valencia oranges grown north of the 37th Parallel are produced in quantities too small to be handled in a commercial fashion.

Oranges produced in the various producing districts south of the 37th Parallel in the State of California and in the State of Arizona cannot readily be distinguished from each other, are marketed at approximately the same time, and compete with each other in the markets. Most of the oranges produced in the proposed production area are handled by large marketing organizations which market oranges grown throughout the entire area. This area embraces three principal producing regions which are referred to as prorate districts and are discussed in issue 5 (h) of this recommended decision. The grade, size, and container specifications, and packing and selling operations are similar throughout the entire production area, and the freight rates from each of the producing districts to the primary eastern terminal markets are identical. Because of these facts, the exclusion of any part of the proposed production area would tend to make the operation of the proposed program ineffective. It is concluded that the production area, as defined, is the smallest regional production area found practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" should be defined to identify those persons who handle oranges in the manner described in the term "handle," because such persons are subject to the marketing agreement and order regulations.

The term "handle" should be defined to identify those activities which are

subject to regulation under the marketing agreement and order. Such activities with respect to Valencia oranges grown in the production area should include purchasing, selling, consigning, transporting, or shipping oranges. Each of the foregoing activities is a handling function in the current of commerce with respect to Valencia oranges grown in the production area and should be subject to regulation under the marketing agreement and order. In addition, the placing of oranges in the current of commerce in any other manner should be subject to regulation thereunder. Moreover, the performance of any one or more of these activities should constitute handling irrespective of the ultimate destination or end use of the oranges. Handling for export markets, and for other specified markets or uses enumerated in § 922.67 of the proposed marketing agreement and order, is not subject to regulation, however, for the reasons set forth in issue 5 (i) of this recommended decision.

The "handling" function occurs prior to every sale of such oranges at retail by a person in his capacity as a retailer. The handling of Valencia oranges grown in the production area commences immediately after such oranges are picked. Therefore, it is necessary to define handling as commencing after the separation of the orange from the tree so as to include all handling transactions and thereby include all handlers within the provisions of the marketing agreement and order. The term, however, should be limited by particular exceptions in order to make its applicability specific and to simplify the administration of the program.

With the exception of the processes specifically excluded in the definition of the term "handle," all activities from the time the orange is picked until it is offered for sale at retail, by a person in his capacity as a retailer, are included in the process of handling. However, the movement for hire by a carrier, common or otherwise, of oranges owned by another person should not constitute handling because such carrier has no proprietary interest in the fruit. Moreover, a common carrier is required, in providing service, to transport commodities at the request of the shipper.

The specific exceptions to the term "handle" should include the sale of oranges on the tree. This exception is stated to preclude any misunderstanding. The handling process does not actually begin until the oranges have been separated from the tree.

The transportation of oranges to a packinghouse, for the purpose of having such oranges prepared for market, also should not be included in the term "handle," because it is not necessary to regulate such transactions to accomplish the purposes of the marketing agreement and order. Nor should such preparation for market be included within the definition of the term "handle." The regulatory scheme proposed in this program should be applied at the earliest stages when oranges begin their movement to market even though handling has occurred prior thereto. If oranges are sold or shipped to market immediately after picking, the regulation should be applied when they are so sold or shipped. However, it would serve no useful purpose to apply regulations prior to the preparation for market of oranges in a packinghouse. Practically all of the oranges in the production area are prepared for market at packinghouses. It is after oranges are so prepared, when a packinghouse is utilized, that the regulation should be applied. The preparation of oranges for market includes, but is not limited to, cleansing and sorting of the fruit, as well as placing it in a container (if necessary) preparatory to offering it for sale or movement to market.

Although often it is the practice to store oranges in the packinghouse, or in nearby storages within the production area before the fruit is offered for sale by the first handler, the preparation of oranges for market should not include all such storage of oranges. Subsequent to the sale of the fruit, the oranges often are stored by the purchaser. Thus, the storage of oranges within the area of production, under such rules and regulations as the committee may, with the approval of the Secretary prescribe, should be provided in the marketing agreement and order. It is impracticable to set forth such rules or regulations in the marketing agreement and order, because conditions affecting storage practices are subject to rapid changes. The marketing agreement and order provisions should authorize the committee, with the approval of the Secretary, to establish, and amend, such rules and regulations as are necessary to effectuate such exemption.

A fourth exemption from the term "handle," excluding the sale of oranges at retail by a person in his capacity as such retailer, should be specified in order to set forth clearly the exclusion of such sales as required by the act. However, the occasional sale of a small quantity of oranges by a packinghouse to a consumer should not come within this exemption, because such sale is not by a retailer in his capacity as such retailer.

The act also prohibits the application of the proposed marketing agreement and order program to a producer of Valencia oranges grown in the production area in his capacity as a producer. Any person, however, who handles oranges, as such term is defined in the marketing agreement and order, should be subject to regulation as a handler thereunder as to such handling transactions.

The term "handle" should relate to transactions involving markets in the continental United States, Canada, and Alaska. The continental United States and Canadian markets are combined because such markets are considered by sellers of Valencia oranges grown in the production area to be, and are, one "domestic" market. Alaska should be included in the "domestic" market because it is supplied principally by shipments moving through northwest ports. Hence, its inclusion tends to assure compliance with the regulations of the program on the part of handlers shipping to northwest and Canadian markets. Shipments to other—the export—markets are not proposed to be regulated under the marketing agreement and order because sales in or to those markets do not directly compete with, and are considered as diversions from, the "domestic" market.

The act permits regulation, on the basis of volume or size, or both, of all handling of Valencia oranges grown in the production area which is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce. Since all handling of Valencia oranges grown in the production area is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, it is concluded that the handling of all such oranges, with the exceptions hereinbefore noted, should be subject to regulation under the marketing agreement and order.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the recommended marketing agreement and order. Those terms should be defined for the purpose of designating specifically their applicability, and establishing appropriate limitations of their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative.

The definition of "person" follows the definition of that term as set forth in the act, and is intended to cover all possible legal entities.

The term "fiscal year" should be defined to identify the 12-month period with respect to which the financial records of the Valencia Orange Administrative Committee—the agency established to administer the program—are to be maintained. It is the practice of handlers in the production area to maintain their records on a 12-month period ending October 31. Moreover, practically all handlers of Valencia oranges are regulated under Order No. 14 (7 CFR Part 914; 18 F. R. 5638), and the Naval Orange Administrative Committee, which administers Order No. 14, operates on a similar fiscal year basis. The fiscal year established for the Valencia Orange Administrative Committee should be the 12-month period ending October 31 because such a period corresponds to the fiscal year utilized by handlers, and its use would facilitate the maintenance of financial records in connection with program operations. The initial fiscal year should, however, commence with the effective date of the program and end on October 31, 1954.

The term "marketing year" should be defined to identify a period within which the marketing of a given crop of

Valencia oranges takes place and the regulatory operations of the agency are conducted. Valencia oranges grown in the production area are marketed during the period usually beginning in February and continuing into December. Testimony at the hearing proposes that a calendar year be established for such a period. The marketing year, however, should be established as a 12-month period ending January 31 of each year in order to enable the agency members selected for a given marketing year to conduct the annual meeting held prior to January 31 and also to allow adequate time for the nomination and selection of subsequent members and alternate members of the agency.

The term "grower" should be synonymous with "producer" and should be defined to mean any person who is engaged in the production of oranges for market and who has a proprietary interest therein. A definition of such term is necessary for such determinations as eligibility to vote for, and to serve as, a grower member or alternate grower member of the Valencia Orange Administrative Committee, and for other reasons. The term should be limited to those who have an ownership interest in the oranges produced. It should not include laborers or others who perform work for a fee for hire in producing the oranges. Evidence at the hearing indicates that each business unit (such as a corporation, partnership, or community property ownership) engaged in the production of oranges for market should, when voting, be entitled to only one vote.

The term "oranges available for current shipment" should be defined to mean all oranges as measured by the tree crop. Such quantity is used in determining the amount of oranges that may be shipped by an individual handler each week when volume regulation is in effect and thus provides the basis for the establishment of equity between handlers under such regulation. The testimony indicates that the use of the tree crop as a basis for this computation is the only practical and equitable means of measuring the availability of oranges for shipment. While conceivably the merchantable supplies of oranges should be used to determine the quantity of oranges available for current shipment, it was shown to be impossible to measure accurately such merchantable supplies. For example, it is not possible to determine with precision the extent of frost damage in a particular grove; nor is it possible to forecast accurately the size composition of oranges on the tree in a particular grove. Therefore, the oranges available for current shipment should be measured by the total quantity of oranges on the tree.

The term "tree crop" should be defined to mean the total quantity of oranges on the trees as determined by the committee. This term provides the basis for the measurement of oranges available for current shipment. Since the oranges are stored on the trees, the term "tree crop" is appropriate. However, the measurement of the tree crop is determined finally by the number of boxes of oranges delivered to the packinghouse. Therefore, the tree crop as estimated by the committee should be calculated as an estimate of the number of boxes of oranges to be delivered to the packinghouse.

The term "early maturity oranges" should be defined to identify those oranges which have reached maturity in advance of "general maturity" in the same prorate district. Because of variations in climatic conditions, oranges in particular groves attain maturity at earlier dates than oranges in other groves. Maturity should mean that stage of ripeness as measured by applicable State laws. The applicable State laws provide minimum requirements for color and minimum sugar-acid ratios as criteria for maturity. Although there is a slight variation between the present maturity requirements of the State of California and of the State of Arizona, such differences in the requirements are so slight as to be negligible and will not adversely affect the use of these standards in the operation of the program. The provisions of the marketing agreement and order relating to early maturity oranges authorize the issuance of allotments to handlers of such oranges in advance of the time that allotments are given to handlers of all oranges in the same prorate district, thereby providing a basis for equitable treatment of handlers of such early maturity oranges.

The term "general maturity" should be defined to identify the time at and after which the committee determines allotments shall be distributed to all handlers in a particular prorate district, because allotments are issued separately for each prorate district. The committee should consider the maturity of the fruit, as well as other factors, in making this determination.

The term "box" should be defined to identify the common unit of measurement of quantity of oranges currently used in California and Arizona. This unit is described in terms of cubic capacity, and the net weight of the fruit contained therein will vary with the size of the oranges. The net weight of a standard box of average size oranges is 77 pounds. The State of Arizona definition of a standard two-compartment orange box is the same as that found in section 828.83 of the Agricultural Code of California, referred to in the marketing agreement and order. It is also necessary to provide for the equivalent of a box in order to convert the oranges that may be marketed in other types of containers to a standard box basis. If the standard container presently used in the marketing of oranges should be replaced, in the future, by a container with a different cubic capacity, the committee should have the authority, with the approval of the Secretary, to redefine "box" in accordance with the common unit of measurement then in existence.

The term "central marketing organization" should be defined to identify those organizations which market oranges for more than one handler in the production area. Such marketing organizations predominate in the selling of oranges produced in California and Arizona, and occupy important roles in the selection of members for the administrative agency under the marketing agreement and order.

The term "carload" should be defined to identify the unit of loading of oranges in railroad cars for shipment to fresh markets. Volume regulations may be recommended and issued in terms of carloads of oranges for each prorate district. At the present time, a normal loading of railroad cars in California and Arizona is 462 standard boxes of oranges. In the event standard carloadings are changed, because of changes in containers or carloading practices, the committee should have the authority, with the approval of the Secretary, to redefine carload to conform to existing loading practices.

The term "export" should be defined to mean the handling of oranges to foreign markets which are not under the provisions of the marketing agreement and order. Shipments to markets within the continental United States, Canada, and Alaska are regulated within the provisions of the proposed program.

(b) It is necessary to establish an agency to act in administering the proposed marketing agreement and order under and pursuant to the act, as an aid to the Secretary in carrying out the declared policy of the act. The term "Valencia Orange Administrative Committee" or "Committee" is a proper identification of the agency and reflects the administrative character thereof. It should be composed of 11 members, of whom 6 should represent producers, 4 should represent handlers, and 1 should represent neither growers nor handlers. Alternate members should be provided to act in the place and stead of the members. Such a committee would give adequate representation to the different segments of the industry and would not be unwieldy. The foregoing division of the members between producers and handlers would provide suitable producer representation and handler experience and information. A majority of the committee should consist of producers because the program is designed to benefit producers. The provision for handler members tends to give balance to the committee and an opportunity for presentation of handling and marketing viewpoints and problems from the handlers' standpoint. The "neutral" member, representing neither growers nor handlers (other than a charitable or educational institution which is a grower or handler), is provided to represent the general public and contribute stability to the operations of the committee.

Except for the initial members and alternates, the term of office of members of the committee and of their respective alternates should be 2 marketing years. Two years would permit the continuance in office of experienced members and alternates. It would also give producers an opportunity to recommend to the Secretary changes in their representatives at reasonable intervals. The initial term of office should begin with the effective date of the order and should terminate on January 31, 1956. Subsequent terms of office should begin on February 1, 1956, and on February 1 of each even-numbered year thereafter. Members and alternate members should

continue to serve until successors have been selected and have qualified in order to provide continuity to the membership of the committee. Nominations for members of the committee and their alternates should be submitted to the Secretary as the result of a nomination procedure prescribed by him. The Secretary would have the benefit of the industry recommendations in respect to committee membership, and should select persons for each member or alternate member position from such recommendations or from other qualified persons.

Nomination for membership and representation on the committee should reflect the situation existing in the marketing of Valencia oranges grown in the production area. Marketing organizations predominate in the marketing of oranges grown in such area. There are 3 large cooperative central marketing organizations in the production area, one of which handles in excess of one-half of the total tonnage of oranges. Most of the independent shippers are members of an independent association. The central marketing organizations market oranges produced throughout the production area. The interests of these organizations, therefore, are closely identified with producer interests in each of the important producing regions. Furthermore, such organizations must consider marketing problems affecting the producing area as a whole. It is appropriate, therefore, in view of the institutional structure of the marketing function in the production area, to provide for nominations by, and producer and handler representation obtained through, such marketing organizations or growers affiliated therewith. This procedure would tend not only to result in representation from all producing districts on a small commttee but also to reflect the industry organization.

The marketing agreement and order should, therefore, prescribe a nomination and selection plan for committee members and their alternates which would provide representation on the committee as follows: (1) Three grower and 2 handler members to represent any cooperative marketing organization which handles more than 50 percent of the total volume of oranges handled during the marketing year in which nominations for members are submitted, except that the marketing year for initial nominations should be the marketing year ending January 31, 1954; (2) two grower and 1 handler members to represent all other cooperative marketing organizations; (3) one grower and 1 handler members to represent all producers and handlers not affiliated with cooperative marketing organizations; and (4) the members so selected should meet and by a concurring vote of at least 6 members should select nominees for a neutral member and alternate member of the committee.

When voting for nominees, each grower should be entitled to cast one vote to assure an equal voice in the election. The votes of cooperative marketing organizations which did not handle more than one-half of the oranges handled during the marketing year in which nominations are submitted (or the preceding marketing year in the case of initial nominations), or the growers affiliated therewith, should be weighted by the tonnage handled during such marketing year in order to reflect the relative magnitudes of such organizations in selecting nominees.

An alternate member should be provided for each member. Provision for alternate members assures a full committee when it meets and would tend to insure that each group having representation on the committee would be fully represented at the committee meetings. Provision also should be made for a member to designate an alternate other than his own alternate to act in his stead, if the alternate member so designated was selected from the same group which was authorized to nominate the member. This permits full attendance at meetings without creating an undue burden on the members and alternate members selected.

Any person selected by the Secretary as a member or alternate member of the committee should indicate his willingness to serve as such by filing a written acceptance with the Secretary within 10 days after being notified of his selection. Provision should be made for the filling of any vacancies on the committee, including selection by the Secretary where nominations are not conducted as prescribed, in order to provide for maintaining a full membership on such committee.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the marketing agreement and order, are necessary for the discharge of its responsibilities. The duties are generally similar to those specified for administrative agencies under other marketing programs of this character. It is intended that any activities undertaken by members of the committee will be confined to those which reasonably are necessary for the committee to perform the duties specified in the program.

One of such duties should provide for the reapportionment, with the approval of the Secretary, of the representation of producer members or handler members of the committee nominated pursuant to § 922.22 (c) and (d), respectively. Recently there was a change in the corporate structure of a central marketing organization from an independent to a cooperative status. Changes in producers' or handlers' marketing affiliations take place, from time to time, in the production area. Such changes may be so significant that either growers affiliated with cooperative marketing organizations or growers not affiliated with cooperative marketing organizations may contribute the largest share of the volume of oranges handled by organizations not qualified under § 922.22 (a). Such changes may necessitate a reapportionment of the committee membership to effectuate proportionate representation. However, in the event changes in handler affiliations are of such a magnitude that either of such groups should not be represented by at least one handler and one grower member, the change in the marketing institutional structure should be considered of such significance that a hearing to amend the marketing agreement and order program should be held.

A quorum should consist of at least 6 members and any action of the committee should require at least 6 concurring votes. These requirements are necessary to prevent any action being taken without the concurrence of a majority of the committee. The committee should be permitted to vote by telephone, telegram, or other means in order to save the time of its members, to conserve its funds, and to permit rapid action in the case of emergency. Any votes cast in this fashion should be confirmed promptly in writing, to provide an accurate record of the votes so cast. All voting at an assembled meeting, however, should be cast in person.

The members of the committee, and their respective alternates when acting as members, should be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties. They should also receive compensation at a rate to be determined by the committee, which rate should not exceed $10 per day for each day devoted to the performance of their duties. Compensation and reimbursement are necessary to offset expenditures incurred because of service on the committee.

The marketing agreement and order should provide for an annual report of its operations to acquaint producers and handlers of the activities performed during the marketing season. This report should review regulatory operations separately for each prorate district because regulations are issued on such basis. It should be mailed to the Secretary and to each handler and grower of record in order to acquaint all interested parties with the policies and operations of the program during the marketing season. The report should be prepared and mailed prior to December 15, and a public meeting should be held prior to January 31, in order to review the season's activities as soon after their completion as reasonably possible. The report should deal with the influence of regulations upon the competitive position of California-Arizona Valencia oranges with other fresh and processed oranges, because an economically sound marketing program requires continuous review of its operations in the light of long-run economic changes. The annual report should be reviewed and discussed at an open meeting to provide interested handlers and producers an opportunity to clarify any questions they may have with respect to the program policies or operations. Moreover, such a meeting would serve to acquaint the committee with the views or suggestions of interested handlers or producers concerning such matters.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal year for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the provisions of the marketing agreement and order, determine to be appropriate. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by an administrative agency such as the Valencia Orange Administrative Committee, and requires that each marketing program of this nature contain provisions requiring handlers to pay pro rata the necessary expenses. Moreover, in order to assure the continuance of the committee, the payment of assessments may be required even if particular provisions of the marketing agreement and order are suspended or become inoperative.

Each handler should pay to the committee upon demand with respect to all oranges handled by him, as the first handler thereof, his pro rata share of such expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal year. Each handler's share of such expenses should be equal to the ratio between the total quantity of oranges handled by him as the first handler thereof during the applicable fiscal year and the total quantity of oranges so handled by all handlers during the same fiscal year. In this way, payment by handlers of assessments would be proportionate to the respective quantities of oranges handled by each handler. Also, assessments would be levied on the same oranges only once.

Handlers should be permitted to make advance payments of assessments and the committee should be permitted to borrow a limited sum of money in order to function during the initial fiscal year and to continue operations during succeeding fiscal years. This provision should be included because the committee will need funds to set up an office, employ and retain personnel, and incur such other expenses as would be necessary to administer the provisions of the program.

The Secretary should have the authority, at any time during a fiscal year, or thereafter, to increase the rate of assessment when necessary to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Since the act requires that administrative expenses shall be paid by all handlers pro rata, it is necessary that any increased rate apply retroactively against all oranges handled during the particular fiscal year.

If, at the end of any fiscal year, the assessments collected exceed the expenses incurred, each handler's share of such excess should be credited to him against the operations for the following fiscal year. If any handler makes a demand for payment thereof, refund should be made to him. The right of every handler to the return of his pro rata share of the excess funds would be recognized by providing for the payment of such share to him in case he requests it. However, good business practice requires that any such refund may be applied by the committee first to any outstanding obligations due the committee from any person who has paid in excess of his pro rata share of expenses.

All assessment monies received by the committee should be used solely for the purposes, and accounted for in the manner, specified in the marketing agreement and order.

The Secretary should be authorized to require the committee, at any time, to account for all receipts and disbursements. Such authority would aid in assuring careful administration of assessment funds.

(d) The committee should formulate and adopt a marketing policy in advance of its recommendation for regulation for each prorate district during any particular season. The committee should give notice to all producers by publication in newspapers and to handlers by mail of meetings held for the purpose of formulating such marketing policy, and should transmit a report of the marketing policy to the Secretary and to each grower and handler who files a request for such report. The policy so established would serve to inform persons in the industry, in advance of the marketing of the crop in a particular prorate district, of the committee's plans for regulation and the basis therefor. Handlers and producers then could plan their operations in accordance therewith. The policy also would be useful to the committee in making specific recommendations to the Secretary of proposed volume and size regulations. The committee's marketing policy report would assist the Secretary in determining whether regulations should be placed into effect.

In preparing its marketing policy report the committee should provide data showing (1) the available supplies of oranges in the prorate district; (2) the estimated utilization of such oranges in the alternative channels; (3) the schedule of estimated weekly quantities to be recommended to be shipped to fresh markets; (4) available supplies of competitive oranges, as well as other competitive citrus commodities; and (5) the level and trend of consumer income, as well as other pertinent factors affecting market conditions of oranges, to assure the development of an economically sound and practical marketing policy.

Testimony at the hearing indicates that the problems involved in arriving at a carefully constructed marketing policy might be considered more completely if marketing policy statements for each of the prorate districts were developed simultaneously. Such a procedure would permit the development of a plan for an orderly transition of allotments from earlier to later prorate districts by giving simultaneous consideration to problems affecting each of the districts and the production area as a whole. Consequently, to the extent that the information available to the committee enables the preparation of marketing policies for each prorate district at the same time, and prior to the recommendation of any regulation, such practice should be followed.

The marketing policy statement should be revised if changes in the supply or demand conditions necessitate a marked change in the policy set forth by the committee at the beginning of the season for each prorate district. Each report of any such changed marketing policy should be submitted promptly by the committee to the Secretary and to each grower and handler requesting such report, along with the data considered by the committee in revising such statement.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for oranges grown in the production area as will tend to establish parity prices for such oranges. The regulation of the volume of weekly shipments of oranges provides a means of carrying out such policy.

The order should provide for the committee to recommend, and the Secretary to issue, regulations limiting the quantity of oranges which may be shipped during weekly periods from the production area whenever such regulations will effectuate the policy of the act. The marketing agreement and order should contain provisions relating to (1) the method of recommending and fixing the quantities so limited; (2) the calculation of shares of individual handlers of the quantities so limited under regulation; and (3) adjustments of such shares which may be made to provide flexibility of operations for handlers under regulation.

(f) The marketing agreement and order should provide that the committee may meet and recommend to the Secretary the total quantity of oranges which it considers advisable to be handled the next succeeding week in each prorate district. In arriving at its recommendations, the committee should obtain and consider complete information with respect to each significant factor affecting market conditions for oranges. Among such factors, the market opportunities for Valencia oranges, the available supplies and condition of Valencia oranges in each prorate district, and the seasonal pattern of shipments from each prorate district, are of particular significance.

The record shows that the committee should not recommend that no oranges may be handled in any prorate district for any week. Prior to the adoption of a marketing policy relating to a particular prorate district, oranges produced in such district would be handled without restriction. After the adoption of such marketing policy, handlers possessing early maturity oranges would be entitled to receive early maturity allotments, as discussed hereinafter, unless no limitation of shipments was issued which, of course, would eliminate the need for early maturity allotments. Moreover, the testimony shows that the maturity of oranges shipped is regulated under State laws and that this program is not designed to prescribe more stringent maturity requirements, or to prohibit shipments to accomplish such an end.

The marketing agreement and order should authorize the committee to recommend an increase in the quantity that the Secretary has fixed to be shipped during any week in the event market conditions warrant such increase. There should be no authorization for a decrease in any quantity fixed by the Secretary to be shipped during any given week, because handlers could not be expected to reduce their shipping schedules

without reasonable and timely notice. Furthermore, inequities could result thereby if some handlers had shipped their total allotment prior to such reduction.

The Secretary should fix, or increase, the quantity of oranges which may be handled in any prorate district during a particular week whenever he finds from the recommendations and information submitted by the committee, or from other available information, that to so limit the quantity of oranges shipped would tend to effectuate the declared policy of the act.

(2) A program of this nature should provide a method for allotting the total quantity of the regulated commodity which may be handled during a specified period so that such quantity may be apportioned equitably among all of the handlers thereof. Under the provisions of the proposed marketing agreement and order, this is achieved by providing that each handler in a particular prorate district should be given the same opportunity to market oranges under volume regulation as each other handler in that district. The equality of opportunity to market oranges should exist among handlers within a particular prorate district, because the market opportunities vary as between prorate districts as the result of the different timing of maturity and shipping life of the oranges grown in such prorate districts.

The act requires, in effect, that such equitable apportionment should be on the basis of the quantity of the regulated commodity which each handler has available for current shipment, or upon the quantity of such commodity shipped by each such handler in such prior period as the Secretary determines to be representative, or both. Under this program, an individual handler's equity or share of the limited quantity which may be handled from a particular prorate district during any week should be based upon the quantity of oranges currently controlled, as hereinafter discussed, by such handler. Testimony at the hearing indicates that the quantities of oranges controlled and handled vary between handlers from year to year. Therefore, the determination of an individual handler's share on the basis of past performance, or a combination of past performance and current control, would not truly reflect the current status of each handler in relation to all others. However, the use of the quantity of oranges currently under control as a basis for determining individual handler's equities is practical under this program as it is possible to determine such quantity with reasonable precision.

The equity of each handler in the total quantity which may be handled in a prorate district during any week should be expressed as his prorate base. A prorate base should be the ratio between the quantity of oranges available for current shipment of the particular handler and the total quantity of oranges available for current shipment of all such handlers in the particular prorate district. Thus each handler's share of the limited quantity of Valencia oranges which may be shipped from a given prorate district each week under volume regulation would represent the same percentage as his share of the total quantity of Valencia oranges available for current shipment in such prorate district.

The marketing agreement and order should provide that each person who controls oranges available for current shipment and proposes to handle such oranges, should make application to the committee for a prorate base and for allotments, to assure an orderly basis for establishing equities. This application should contain the information set forth in the proposed marketing agreement and order. Such information is necessary to substantiate the quantity of oranges available for current shipment of each handler, in order to insure that the determination of allotments issued to individual handlers will be correct. Such application should include only such oranges as the handler has title to, or a bona fide contract to handle or purchase, because the right to handle should be contingent upon actual control over the marketing of such oranges.

The marketing agreement and order should provide for adjusting the quantity of oranges under control of individual handlers as such handlers gain or lose control of the marketing of such oranges during the marketing season. Producers should be given the opportunity of transferring the marketing of their crops from one handler to another. A handler who thus has gained or lost control over the handling of oranges should have the amount of his oranges available for current shipment adjusted to reflect such change. The provisions of the marketing agreement and order, however, should be so drawn that a handler will not gain an unfair advantage if a producer transfers his marketing affiliations. For example, a handler could obtain more than his proportionate share of allotments if he is allowed to retain allotments which were earned by the transferring producer's tree crop and use them "for handling other producers' oranges. As a consequence, the marketing agreement and order should provide that, if the committee determines that a handler who has lost control of oranges has not handled his share of such oranges, the quantity of his remaining oranges available for current shipment correspondingly should be reduced over a period of time. This adjustment should place such handler in the relative position he would have occupied had he never controlled the transferred portion of the oranges. On the other hand, the provisions of the program should discourage widespread transfers by producers, because such transfers would make the operation of the program and the maintenance of equity among handlers difficult. Accordingly, when a producer transfers the marketing of his oranges to another handler, such new handler's quantity of oranges available for current shipment should be increased at the time of transfer, but such new handler should not receive such allotments as were earned by the transferring producer's oranges prior to the time of transfer.

The committee should be authorized to correct errors of estimates of the quantity of oranges available for current shipment of each handler and to adjust accordingly all such quantities of oranges available for current shipment to offset any such errors found to exist in order to insure that the equities of individual handlers are maintained. Such adjustments should increase or reduce, by such quantity and for such a period as may be necessary and reasonable, the quantity of oranges available for current shipment of the particular handler whose quantity has been erroneously estimated so that the total allotments issued to such handler will equal the total allotments the handler would have received had his quantity of oranges available for current shipment been correctly estimated. The individual handler should be required to report to the committee any change in his control of oranges in order to assist the committee in making adjustments and to simplify the administration of this provision.

The committee should compute each week during the marketing season, when volume regulation is likely to be recommended by the committee, the total quantity of oranges available for current shipment of each person who has applied for a prorate base and for allotments. If volume regulation is recommended, the committee should also compute a prorate base for each such person, and should notify the Secretary and each person of his prorate base.

Whenever the Secretary has fixed the total quantity of oranges that may be handled during any week from any prorate district, the allotments to each individual handler should be determined by multiplying the total quantity fixed by the Secretary to be handled by the prorate base computed for such handler. The committee should perform this operation and provide notice to each person of the allotment so computed for him. This procedure is needed to set forth clearly the manner in which the equities of handlers are calculated and in which each handler is notified of his allotment under volume regulation.

The committee should give any central marketing organization, upon its request, the same notice with respect to prorate bases and allotments applicable to each handler for whom it markets oranges as is given to such handler. Such notice would aid the marketing operations of such organizations.

The evidence indicates that the equities of handlers under regulation are not disrupted seriously in seasons of minor damage from frost or wind or rain. This is because those handlers who suffer such damage would, since their equities would be based on the respective tree crops they control, have the opportunity to ship a share of their merchantable oranges larger than before their crops had been so damaged. However in seasons of major freezes, such as occurred in 1937, 1949, and 1950, with heavy and varying degrees of damage affecting groves, it would not be possible to maintain individual handler's equities determined on the basis of oranges available for current shipment. Therefore, volume regulation should not be undertaken in seasons when major freezes result in heavy and differing degrees of damage to groves.

(3) The marketing agreement and order should contain provisions authorizing adjustments in allotments issued to individual handlers in order that rigidities imposed by the calculation of equities provided for in the program may be made workable in response to current changes in handlers' activities. Such adjustments should authorize overshipments, undershipments, and loans between individual handlers. Also, the committee should be authorized to withhold allotments from all handlers and loan such allotments to particular handlers to offset conditions with respect to the marketing life and maturity of oranges controlled by such individual handlers.

The marketing agreement and order should provide that, during any week when volume regulation is in effect, any person may handle, in addition to his weekly allotment, a quantity of oranges equal to 10 percent of such allotment, or one carload, whichever is greater, with the proviso that the quantity of oranges so handled be deducted from his allotment for the next week and for succeeding weeks until repaid. This provision is necessary in order that handlers be permitted to conduct their business in an orderly fashion. Thus, particular orders, or carlot quantities, may be fulfilled to the extent of such additional quantity of oranges during any given week, even though the allotment issued does not equal such orders. The overshipments should be deducted from succeeding allotments issued to such handlers so that the total allotments issued to each such handler not exceed his fair share of all such allotments. In addition, such overshipments should not be permitted during any week in which a handler's allotment has been reduced to offset a previous overshipment, where his total weekly allotment is required to repay an allotment loan, or where a handler has not received an allotment under the marketing agreement and order for such week. These limitations are necessary, because unrestricted overshipments would enable any or all handlers to handle quantities in excess of their weekly allotments in any particular week and thus tend to defeat the purposes of volume regulation for that week. However, it would be impractical and serve no useful purpose to require that an overshipment incurred, but not repaid, during a given marketing season, be repaid in the following season. Therefore, the requirement to repay an overshipment should not be carried over to the following marketing season.

The marketing agreement and order should contain a provision permitting any handler who handled a quantity of oranges less than his allotment of oranges during a particular week to handle for the next week only an additional quantity of oranges equal to such undershipment. This provision is necessary, because at times weather or other conditions do not permit handlers to ship their allotments and they should be permitted to offset such reduction in shipments by handling them in a subsequent period.

The limitation of handling of undershipments for the next week only, and the requirement for immediate repayment of overshipments of allotment, are necessary to enable the committee to anticipate the quantity of oranges which may be handled as a result of prior undershipments or which may not be handled as a result of prior overshipments in recommending the volume to be shipped under regulation for a particular week.

Provision should be made for the lending and borrowing of allotments between persons within the same prorate district. Such loans are needed to enable handlers to operate efficiently by offsetting difficulties encountered as a result of the supply of labor, rate of harvest, and other factors affecting the rate of harvesting and packing of oranges. Loans should be confined within the same prorate district, because equities are established and maintained on a prorate district basis. Allotment loans should be confined to handlers to whom allotments have been issued, since indiscriminate loaning of allotments would complicate unduly the administration of this provision.

Loans of short life allotments should be made only to handlers to whom short life allotments have been issued, and the repayment thereof should be made only with short life allotments, because short life allotments may be used only in the handling of short life oranges. Loans of early maturity allotments, however, may be repaid with general maturity allotments because their due date may be subsequent to general maturity.

Transactions with respect to allotment loans should include a date for the repayment of such loans during the then current marketing season and should be confirmed to the committee within 48 hours to assure that there will be no abuse of the loan provision and in order to simplify the operations of this provision.

Allotment loans should be used only during the week for which such allotment was issued, because the allotment represents the right to ship during that week. No allotment which has been loaned should again be loaned by the borrower, or by the lender after repayment thereof, because the added flexibility of operation which thus could be provided is not necessary and would lead to confusion. If the borrower has insufficient allotment to repay such loan on the due date, he should repay it as soon as possible.

The committee should be authorized to reduce a borrower's weekly allotment for the week when repayment is required by the amount of the loan and credit the lender's allotment accordingly. If the allotment of a borrowing handler for a particular week is insufficient to repay loans due such week, all subsequent allotments of such handler should be reduced until such loans are repaid. This authority is necessary to assure the repayment of loans. However, for the reasons previously stated with respect to the repayment of overshipments, loans made in a given season should not be required to be repaid from allotments issued during the following season.

The committee should be authorized to facilitate loans of allotments in order to assist individual handlers in obtaining allotment loans. Transactions consummated by the committee should be confirmed immediately by written memorandum addressed to the parties concerned in order clearly to reflect the loan agreement made and to notify the parties.

The marketing agreement and order should provide that each handler who first handles oranges, transported by means other than rail shipment, should, at the time of such handling, issue to the person receiving the shipment an assignment of allotment certificate covering each quantity of oranges so handled. This provision is necessary to assist in the enforcement of compliance with the regulatory provisions of the program. In connection with shipments by rail, shipping manifests are made available by the rail carriers. This is not true with regard to truck shipments, and the assignment of allotment certificates would aid in identifying and tracing shipments of oranges. Each such assignment of allotment certificate should be made in the manner and on the form prescribed by the committee so that information needed in connection with such enforcement can be ascertained.

The marketing agreement and order should provide that, during any week in which a person has the right to handle a quantity of oranges in addition to the quantity represented by the allotment issued to him, and such person handles a quantity of oranges less than the total quantity which such person may handle during such week, the amount of oranges handled should first apply to the allotment issued for such week, or that portion of such allotment that is not loaned or required to repay a loan or offset a previous overshipment. This provision is necessary because, if the quantity handled were first applied to the additional quantity, such as that which might be made available by previous undershipments, or loan repayments, handlers could carry forward or pyramid the unused portion of their allotments and thus defeat the purpose of the program by shipping greatly in excess of the total quantity of oranges fixed for the particular week.

The marketing agreement and order should contain provisions for the issuance of early maturity allotments and short life allotments, to increase further the flexibility of allocations under the program. These allotments are needed to adapt the allotment procedure to unique situations encountered by handlers of oranges which mature earlier, or which have a shorter period during which they may be shipped, than most oranges in the same prorate district. Such provisions are designed to mitigate the rigidity of the program requirements for handlers confronted with such unique situations while maintaining equity between all handlers. These problems should be considered separately, and calculations of the respective allotments should be undertaken separately, because they are unrelated as to their nature and cause.

The marketing agreement and order should provide that the committee shall, prior to the reaching of general maturity, issue early maturity allotments to handlers for the handling of early maturity oranges. Such a provision is necessary because otherwise the shipment of a few oranges from a district which is just beginning to ship would require the issuance of a large quantity of allotments to enable the few handlers who have available oranges meeting maturity requirements to receive sufficient allotments to handle such oranges. Therefore, it is reasonable at the start of the marketing season in a particular prorate district to issue allotments only to those handlers controlling oranges meeting shipping qualifications.

Handlers controlling early maturity oranges should apply to the committee for such allotments and furnish the committee with information necessary to describe such early maturity oranges in order to enable the committee properly to administer this provision.

Each handler who applies for early maturity allotments in accordance with the procedure established by the committee, and who controls oranges possessing the requisite qualifications, should receive early maturity allotments. Conceivably such early maturity allotments could be issued to handlers in more than one prorate district during a particular week. The total quantity of early maturity allotments issued by the committee should be based upon consideration of all factors relating to market opportunities for the fruit and conditions of supplies in the producing area. The total quantity of early maturity allotments issued to applying handlers, therefore, may be less than the total quantity applied for if the committee so decides.

Total early maturity allotments issued by the committee in a particular prorate district should be distributed to each handler who qualifies therefor in the ratio that each such handler's request for such allotment is to the total of such requests of all such qualified handlers. Distribution on the basis of quantity requested is utilized because there are no tangible criteria available with which to measure the quantity of early maturity oranges available. The marketing agreement and order should contain a proviso, however, that such granting of early maturity allotments should not permit a particular handler to handle more than his share of the total quantity estimated in the utilization schedule contained in the marketing policy to be handled by all handlers in the same prorate district. This proviso is necessary to prevent a particular handler from receiving more than his equitable share of the total quantity to be handled in his prorate district as a result of the distribution of early maturity allotments.

The marketing agreement and order should provide that, upon the reaching of general maturity, the early maturity allotments issued to a particular handler should be offset or repaid by reducing such handler's quantity of oranges available for current shipment by the quantity of early maturity allotments issued to him, plus his share of the oranges estimated in the utilization schedule contained in the marketing policy to be used for by-products or elimination in the particular prorate district in relation to the early maturity allotments issued to him. The initial utilization schedule contained in the marketing policy should be used for such computations because revisions of such utilization schedule, if made, probably would result in such minor adjustments as would make a modification of such computations in response thereto impracticable and of little value.

The procedure for the offset of early maturity allotments issued will result in the particular handler receiving total allotments slightly in excess of his proportionate share of the allotments issued to all handlers in the particular prorate district. Were such handler's quantity of oranges available for current shipment reduced, upon the reaching of general maturity, by his proportionate share of exports estimated to be shipped from the prorate district, as well as products and elimination, his share of allotments for the season would be equal to that of all other handlers. It seems reasonable, however, to provide this slight advantage to the handler of early maturity oranges, because there is normally an advantage in the marketing of oranges accruing to handlers who ship fruit ahead of other handlers in a particular district.

The committee should adopt rules and regulation, with the approval of the Secretary, to establish detailed procedures for issuing and allocating early maturity allotments. It is impractical to provide such rules in the marketing agreement and order, because of the flexibility that may be required to administer properly this provision. All early maturity allotments should be computed on a prorate district basis, because equities to individual handlers under the program are established on such a basis.

Because of climatic conditions in some producing localities, oranges are produced which do not possess the keeping quality of other oranges produced in the same prorate district. The shipping life of such oranges, therefore, is shorter than the shipping life of other oranges in the same district. To require handlers of such oranges to market their oranges at the same rate as other handlers would result in a greater loss to such handlers than to other handlers, because the oranges shipped during the latter part of the shipping season would not be capable of being shipped to consuming markets in good condition. It would not be fair, therefore, to require such handlers to ship such oranges at the same rate as all other handlers, and the marketing agreement and order should contain provisions permitting a more rapid rate of movement of such oranges. These provisions should permit the issuance of "short life" allotments to handlers of such fruit.

The testimony shows that oranges which do not possess the same shipping life as other oranges produced in the same district do not always exist in clearly delineated regions. As a consequence, this problem is one which, for the production area as a whole, cannot be met on the basis of isolated areas to be given special treatment. Moreover, there are handlers shipping oranges of both short and normal life, and some of these handlers customarily intermingle their short life and normal life oranges in their operations and thus handle their total supply of oranges without undue difficulty. Therefore, the difficulties experienced by a handler in handling his short life oranges, together with his other oranges, provides the basis for determining his need for accelerated movement of his short life oranges.

The marketing agreement and order should provide that the committee shall withhold from the allotments of all handlers, on a uniform proportionate basis for all handlers, an amount sufficient to permit handlers of short life oranges to handle, during the normal marketing period of such short life oranges, as large a proportion of oranges as the average which will be handled by all handlers in the same prorate district.

A handler of short life oranges is a handler who is unable to handle, during the normal marketing period of the oranges grown in the prorate district, as large a proportion of oranges as the average which will be handled by all handlers in the same prorate district. The committee should determine the extent to which each handler needs short life allotments, and allocate such allotments to each such handler at a uniform weekly rate, insofar as practicable, during the normal marketing period of his short life oranges. After a handler of short life oranges has received sufficient short life allotments to make the total allotments issued to him equal proportionately to the average allotment to be issued to all handlers in the same prorate district, the allotments that would have been due to such handler of short life oranges in the absence of accelerated movement should thereafter be allocated to handlers from whom the allotments were withheld. This procedure should be carried out in such a fashion that equities resulting from such computations will be maintained for all handlers in each prorate district. The mechanics of the issuance and pay back of short life allotments under the former orange order, i. e., Order No. 66, as amended, proved satisfactory and should serve as a basis for operation of the short life provision under the proposed marketing agreement and order.

Handlers desirous of receiving short life allotments should apply for such allotments on the basis of forms and in the light of procedures formulated by the committee, with the approval of the Secretary, governing the issuance of short life allotments, as a regular and orderly procedure should be established to carry out these provisions of the program.

(f) There is a tendency for handlers to ship in fresh fruit channels small oranges if they are available for shipment even when greater returns would have been received had they been diverted to other channels. The marketing agreement and order should contain provisions authorizing the recommendation by the committee, and the issuance by the Secretary, of regulations limiting the sizes of oranges that may be handled, thereby improving returns to producers. Such regulations would improve marketing conditions, because the limitation of discounted sizes shipped to consuming markets would improve the size composition of the remaining quantity of oranges shipped to consuming markets, thereby improving the average quality, as measured by market preference for sizes, of all shipments. The discounted sizes also tend to depress prices received for adjacent sizes. In addition, regulation of sizes would prevent shipments of oranges of sizes so heavily discounted that they do not receive prices covering the direct costs of harvesting and marketing such oranges.

The demand for particular sizes of oranges varies depending upon the composition of sizes of oranges shipped to fresh markets, not only from the production area, but from other areas in competition with Valencia oranges. Therefore, the marketing agreement and order should authorize the recommendation of limitation of oranges by sizes, and the fixing of such limitations by the Secretary, during any period for which it is determined that the supply and demand conditions for sizes of oranges warrants such regulation. Such period may be an entire marketing season or any part thereof.

The nature of the demand for sizes of oranges is such, at times, that only a certain quantity of a particular size category of oranges is desired by the various consuming markets. Therefore, the committee should have the authority to recommend, and the Secretary to fix, limitations of a portion of a particular size or sizes or all of a particular size or sizes of oranges that may be shipped to consuming markets. It may be found, for example, that to restrict entirely a particular size would eliminate the shipment of some oranges of that size which, if shipped, would result in higher average prices and, therefore, effectuate the declared purpose of the act.

Recommendations for regulation by size, and issuance of such size regulations, should be made on a prorate district basis, because the composition of sizes of oranges grown in the respective prorate districts usually varies. Therefore, to require the issuance of uniform size regulations for the production area as a whole might result in a substantial limitation in one prorate district with little or no limitation in another. In recommending size regulation to the Secretary, the committee should give careful consideration to each principal factor affecting market conditions, including market prices, availability and composition of supplies, and other related factors, in order to assure that the recommendation is arrived at on a sound economic basis.

Regulation by size should not be dependent upon volume regulation, because each of these types of regulation seeks to attain orderly marketing conditions by a different method. The committee should be authorized to recommend, and the Secretary to issue, regulations limiting a portion or all of a particular size or sizes even though volume regulation is not in effect.

The marketing agreement and order should contain provisions authorizing the committee to issue exemption certificates to any producer who furnishes evidence satisfactory to the committee that, because of a size regulation in effect, he will be prevented from having as large a proportion of his crop of oranges handled as the average proportion which may be handled by all other producers in the same prorate district. Such certificate should permit the shipment of an appropriate quantity of oranges which fail to meet the size requirement of the regulations then in effect so as to enable such producer to have handled as large a proportion of his oranges as the proportion that may be handled for all other producers in the prorate district. Evidence at the hearing indicates that the sizes of the oranges grown in the production area are not capable of being altered by cultural practices. Hence, the size composition of the crop of oranges of a producer is the result of conditions beyond his control. This exemption provision is designed to afford relief to producers from the imposition of inequities which may accrue from size regulation.

The provisions of the marketing agreement and order relating to the issuance of exemption certificates should specify that exemption certificates do not constitute an exemption from regulations limiting the volume of shipments of oranges. Exemption certificates are issued to producers to permit them to ship an equitable portion of their oranges when they otherwise would suffer undue hardship under the effective size regulation. Such oranges, however, should be subject to any limitations on the volume of shipments of oranges the same as the oranges of other producers.

Provision should be made for the transfer of exemption certificates from a producer to the handler of such producer's oranges, because producers customarily do not pack and ship their own oranges. The committee should adopt procedural rules to govern the issuance of exemption certificates. Such rules are necessary in order that all producers may be informed with respect to the requirements for, and the procedure for, the issuance of exemption certificates. It is impractical to set forth detailed rules in the marketing agreement and order, because to do so would destroy the flexibility which is needed to reflect variations in conditions affecting the production of oranges.

(g) Regulation of shipments by internal quality was proposed in the notice of hearing. Testimony was not offered in support of such proposal, however, and accordingly it should not be included in the proposed marketing agreement and order.

(h) There are differences between various producing regions in the production area as to the time of maturity of the oranges produced therein and the length of the period during which such oranges may be shipped in prime condition. These differences are due to differences in climatic conditions. Soil conditions and cultural practices exercise little, if any, influence upon maturity and keeping life of the fruit.

In order to assure the maintenance of equities as between individual handlers, the production area should be separated into prorate districts, with individual producing regions possessing similar marketing periods grouped into the same prorate district. The number of prorate districts should be reduced to a minimum so as not to complicate unduly the administration of the provisions of the marketing agreement and order. Marketing periods and the times of the reaching of maturity of oranges produced in the same prorate district are much more uniform than such factors between prorate districts. Furthermore, such variations of times of maturity and length of shipping periods as exist in the oranges controlled by individual handlers within a particular prorate district may be treated readily by use of the adjustment provisions of the marketing agreement and order, particularly those relating to early maturity and short life.

The evidence at the hearing revealed that oranges produced in Central California—that part of the State between the 35th and 37th Parallels—possessed for the most part common characteristics with respect to maturity and periods of marketing. Shipments of Valencia oranges produced in Central California normally begin during the latter part of April, and the fruit is in prime condition until early June.

The maturity and marketing periods of Valencia oranges produced in Southern California—that part of the State south of the 35th Parallel exclusive of the desert valley area—are roughly comparable. The fruit does not generally reach maturity until May, and is marketed throughout the summer months with shipments continuing until December.

The desert valleys of California and the State of Arizona produce Valencia oranges which reach maturity in February, and are in prime condition during March, April, May, and June.

Testimony at the hearing indicates that if Valencia oranges are planted in the southeastern part of San Bernardino County, California—where lemons have been planted recently—they would possess the characteristics of Valencia oranges produced in the desert valleys of California and in the State of Arizona. Accordingly, the north boundary of the desert valley area of California provided in the notice of hearing should be changed to anticipate this possibility. The area north of such north boundary and south of the 35th Parallel is desert and mountainous in nature and contains no plantings of citrus fruits except lemons. Such area should be included in the desert valley area, because its climatic conditions are similar to those in Arizona and the desert valleys of California. This should be accomplished by incorporating that area of Riverside and San Bernardino Counties, California, east of a line due north and south through the town of White Water, and south of the 35th Parallel, into the desert

valley area of California. It is not necessary to define the boundary through White Water with greater precision because there are no orange groves within several miles of such a line. A corresponding change in the area contained in the southern California district provided in the notice of hearing should be made to conform with the change in the desert valley area of California.

In order to permit the movement of oranges from each of the described areas during their normal marketing periods and during the time that the fruit is in the best shipping condition, it is necessary to establish the separate prorate districts, identified in the marketing agreement and order as Districts 1, 2, and 3.

(i) The marketing agreement and order should provide for the exemption from its provision of such handling of oranges which it is not necessary to regulate in order to effectuate the declared purposes of the act. Such exempted handling should be stated explicitly in the marketing agreement and order so that handlers will have knowledge of such handling as is not subject to the provisions of the program. Such exempted handling for the specified purposes should be made available only to the person directly performing the activity which it is not necessary to regulate since to relate the exemption back to all prior handling could result in the establishment of avenues for circumventing the purposes of the program. For example, one of the activities which it is not necessary to regulate is the handling of oranges for commercial processing into products. The only person who should be permitted so to handle oranges for such purpose is the person who handles the fruit directly to the processor. Conversely, the handling of oranges by one person to another from whom a processor may subsequently acquire the fruit for commercial processing should not be exempted. Similarly, while the exporting of oranges should not be subject to regulation, all prior handling of such oranges should be regulated. Hence, a second or subsequent handler should be required to procure regulated oranges, even though such handler uses them for one of the exempted purposes specified in the provisions of the program.

Oranges which are handled for consumption by charitable institutions or for distribution to relief agencies should not be regulated under the program, because such handling of oranges does not affect the commercial markets to which shipments of oranges are regulated under the marketing agreement and order. The handling of oranges for commercial processing into products, including juice, should be exempted from the provisions of this program, because processed products are either exempt under the provisions of the act or their regulation would encourage replacement of fresh juice by frozen concentrated orange juice. Processed products, such as peel products, pectin, citric acid, and orange oil clearly enter commercial channels different from fresh fruit channels and do not compete directly with fresh oranges. Oranges for canning or freezing are exempted from regulation by the provisions of the act. Juice extracted from Valencia oranges for commercial sale as fresh juice is competitive with sales of processed oranges especially frozen concentrated orange juice. To compel commercial juice extractors to purchase regulated fruit for such purpose would increase their costs of raw products and thus encourage the replacement of fresh Valencia orange juice by processed juice. Commercial processing under this exemption should mean processing for sale at the wholesale level. Therefore, the handling of oranges to commercial juice extractors who sell extracted juice primarily to outlets for resale to distributors or consumers should be considered exempt from the provisions of the marketing agreement and order. Since handlers, who are subject to regulation under the program, generally would not have direct knowledge of the ultimate use of oranges sold or otherwise handled to establishments which are not commercial processors, such exemption should not apply to oranges sold to hotels, restaurants, and similar outlets where juice may be extracted from the oranges and sold direct to consumers.

The exporting of oranges should not be regulated under the program, because, as indicated heretofore, sales in export channels do not compete directly with sales in domestic commercial channels. The handling of oranges by parcel post or by express should be exempt, because such shipments, due to the relatively high transportation charges incurred, usually are shipped as gift packages to consumers. Thus parcel post or express shipments of oranges are relatively small in magnitude, and do not affect significantly conditions in regular commercial channels.

Provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of certain small quantities, or types of shipments, of oranges which it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the committee to exempt such handling which is found not feasible administratively to regulate and which does not materially affect marketing conditions in commercial channels. It should be discretionary with the committee, subject to the approval of the Secretary, whether small quantities or types of shipments should be exempted from regulation and the period during which such exemptions should be in effect. The allowance of such exemptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. It is impractical to set forth specific quantities or types of shipments to be exempted in the marketing agreement and order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of oranges in the production area.

The committee should prescribe, with the approval of the Secretary, rules necessary to prevent oranges handled for any of the exempted purposes from entering into regulated channels of trade and thereby tending to defeat the objective of the program.

(j) Handlers should be required to submit certain reports to the committee so that it will have available information necessary for administering the program. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden.

Each handler should be required to file with the committee each week information with respect to the total quantities of all oranges disposed of by him during the previous week, segregated into the quantities for manufacture into by-products, for export, to persons on relief, parcel post or express, and otherwise disposed of. The quantities diverted to other than regulated channels should show the destination of each such diversion, because such reports are needed to ascertain whether the regulatory measures of the marketing agreement and order are being properly complied with. In addition, such information is of value for use in appraising the marketing picture and in recommending future regulations.

Handlers should be required to furnish to the comittee data indicating the sizes of oranges shipped each day of shipment during the marketing season. This information is necessary to ascertain whether the size regulations issued pursuant to the program are being properly complied with. Prompt reporting of such information is necessary for the efficient administration of size regulations. In the event the size regulation is not in effect, such information is necessary to determine whether or not size regulation should be recommended by the committee to the Secretary.

Upon the request of the committee, approved by the Secretary, handlers should furnish such other reports and information as the committee needs to perform its functions under the marketing agreement and order. It is impossible to anticipate every type of report, or kind of information, which the committee may need in administering the program; but it should have the authority to obtain such reports and information if needed. Reports furnished to the committee should be submitted in such manner and upon such forms as may be designated by the committee. It is impractical to specify such reporting procedures in the marketing agreement and order, because changing conditions may warrant changes in the forms or methods of reporting to the committee.

(k) Except as provided in the marketing agreement and order, no handler should be permitted to handle Valencia oranges grown in the production area, the handling of which is prohibited pursuant to the marketing agreement and order, and no handler should be permitted to handle such oranges except in conformity with the marketing agreement and order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of oranges handled by him, would be demoralizing to other handlers and would tend to impair operation of the program.

(l) The provisions of §§ 922.81 through 922.90, as hereinafter set forth, are, except as indicated below with respect to § 922.83 (c), provisions similar to those which are included in other marketing agreements and orders now operating. The provisions of § 922.91 through § 922.93, as hereinafter set forth, are also included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and are necessary to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and order, identified by both section number and heading, are as follows: § 922.81 *Right of the Secretary;* § 922.82 *Effective time;* § 922.83 *Termination;* § 922.84 *Proceedings after termination;* § 922.85 *Effect of termination or amendment;* § 922.86 *Duration of immunities;* § 922.87 *Agents;* § 922.88 *Derogation;* § 922.89 *Personal liability;* and § 922.90 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by both section number and heading, are as follows: § 922.91 *Counterparts;* § 922.92 *Additional parties;* and § 922.93 *Order with marketing agreement.*

In addition to the basis for termination of the marketing agreement and order contained in § 922.83 (a), (b), and (d) thereof, termination of the program should be required at the end of any marketing year, whenever the Secretary finds that continuation of the marketing agreement and order is not favored by producers, provided notice is given prior to January 15 of the marketing year. The act contains special provisions with respect to producer approval of the issuance of a marketing order regulating the handling of citrus fruits produced in any area producing what is known as California citrus fruits. The record indicates that successful operation of this program so as to effectuate the purposes of the act requires the same degree of producer support as that required for the issuance of the program. Accordingly, continuance of the marketing agreement and order after issuance thereof should be determined by the same percentage of producer approval as is required for the initiation of the marketing agreement and order.

In connection with such determination, the Secretary should conduct prior to December 15, 1956, and prior to December 15 of each even-numbered year thereafter, a referendum to ascertain whether continuance of the marketing agreement and order is desired by producers. Such procedure should contribute to the effectiveness of the program, because it would provide producers with a regular opportunity to express approval of the operations of the program, and thereby compel awareness of producer interest in the administration of the provisions of the program by the committee.

As heretofore stated, the seasonal average price to producers of Valencia oranges grown in the production area for the 1952 crop of such oranges has not as yet been determined, but the record shows that it will be considerably below parity. It is anticipated that the seasonal average price to producers for the 1953 crop of Valencia oranges grown in the production area will not exceed the prescribed parity level.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to Valencia oranges grown in the production area by establishing and maintaining such orderly marketing conditions therefor as will tend to establish parity prices to producers thereof and protect the interests of consumers by (a) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumer demand; and (b) by authorizing no action which has for its purpose the maintenance of prices to the producers of such oranges above the level which it is declared in the act to be the policy to establish;

(2) Such marketing agreement and order regulate the handling of Valencia oranges grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The marketing agreement and order prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Valencia oranges covered thereby; and

(5) All handling of Valencia oranges, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. December 31, 1953, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No briefs were filed.

Recommended marketing agreement and order. The following proposed marketing agreement and order [1] are recommended as the detailed means by which the aforesaid conclusions may be carried out:

DEFINITIONS

§ 922.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

§ 922.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 922.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 922.4 *Production area.* "Production area" means the State of Arizona and that part of the State of California south of the 37th Parallel.

§ 922.5 *Oranges.* "Oranges" means any and all strains of the Valencia variety of oranges grown in the production area.

§ 922.6 *Fiscal year.* "Fiscal year" means the twelve-month period ending October 31 of each year: *Provided, however,* That the initial fiscal year shall begin with the effective date of this part and end October 31, 1954.

§ 922.7 *Marketing year.* "Marketing year" means the twelve-month period ending January 31 of each year.

§ 922.8 *Committee.* "Committee" means the Valencia Orange Administrative Committee established pursuant to § 922.20.

§ 922.9 *Grower.* "Grower" and "producer" are synonymous and mean any person who produces oranges for market.

§ 922.10 *Handler.* "Handler" means any person who handles oranges.

§ 922.11 *Handle.* "Handle" means to buy, sell, consign, transport, or ship oranges (except as a common or contract carrier of oranges owned by another person), or in any other way to place oranges in the current of commerce, between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of California, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of Arizona. The term "handle" does not include (a) the sale of oranges on the tree; (b) the transportation of oranges to a packinghouse for the purpose of having such oranges prepared for market and such preparation for market; (c) the transportation of oranges for storage within

[1] The provisions identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed order.

the production area under such rules and regulations as the committee, with the approval of the Secretary, may prescribe; or (d) the sale of oranges at retail by a person in his capacity as such retailer.

§ 922.12 *Oranges available for current shipment.* "Oranges available for current shipment" means all oranges as measured by the tree crop.

§ 922.13 *Tree crop.* "Tree crop" means the total quantity of oranges on the trees as determined by the committee.

§ 922.14 *Early maturity oranges.* "Early maturity oranges" means any oranges that have reached maturity, as measured by applicable State laws, in advance of general maturity in the same prorate district.

§ 922.15 *General maturity.* "General maturity" shall have been reached in any prorate district at such time as the committee determines that allotment shall be distributed to all handlers in such prorate district.

§ 922.16 *Box.* "Box" means a standard two-compartment orange box, as defined in section 828.83 of the Agricultural Code of California, of a capacity of approximately 77 pounds of oranges, or such other container and weight as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

§ 922.17 *Central marketing organization.* "Central marketing organization" means any organization which markets oranges for more than one handler pursuant to a written contract between such organization and each such handler.

§ 922.18 *Carload.* "Carload" means a quantity of oranges equivalent to 462 boxes of oranges or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

§ 922.19 *Export.* "Export" means to ship oranges to points outside the continental United States, Canada, and Alaska.

ADMINISTRATIVE BODY

§ 922.20 *Establishment and membership.* There is hereby established a Valencia Orange Administrative Committee consisting of eleven members; for each of whom there shall be an alternate member who shall have the same qualifications as the member for whom each is an alternate. Six of the members and their respective alternates shall be growers who shall not be handlers, or employees of handlers, or employees of central marketing organizations. Four of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations. One member of the committee and the alternate of such member shall be persons possessing the qualifications provided in paragraph (f) of § 922.22. The six members of the committee who shall be growers and who shall not be handlers, or employees of handlers, or employees of central marketing organizations are hereinafter referred to as "grower" members of the committee and the four members who shall be handlers, or employees of handlers, or employees of central marketing organizations are hereinafter referred to as "handler" members of the committee.

§ 922.21 *Term of office.* The term of office of each initial member and alternate member of the committee shall begin with the effective date of this part and shall terminate on January 31, 1956. The term of office of each subsequent member and alternate member of the committee shall be for a period of two marketing years, and such terms shall begin on February 1 of each even-numbered year: *Provided*, That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

§ 922.22 *Nominations.* (a) The time and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization, or the growers affiliated therewith, which handled more than 50 percent of the total volume of oranges handled during the marketing year in which nominations for members and alternate members of the committee are submitted (except that the marketing year for initial nominations shall be the year beginning February 1, 1953 and ending January 31, 1954), shall nominate three grower members, three alternate grower members, two handler members, and two alternate handler members.

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate two grower members, two alternate grower members, one handler member, and one alternate handler member.

(d) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate one grower member, one alternate grower member, one handler member, and one alternate handler member.

(e) When voting for nominees, each grower shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. The votes of cooperative marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of oranges handled during the marketing year in which such nominations are made, except that the marketing year for initial nominations shall be the year beginning February 1, 1953, and ending January 31, 1954.

(f) The members of the committee selected by the Secretary pursuant to § 922.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate a member and an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization.

§ 922.23 *Selection.* From the nominations made pursuant to § 922.22 (b) or from other qualified growers and handlers the Secretary shall select three grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to § 922.22 (c) or from other qualified growers and handlers the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 922.22 (d) or from other qualified growers and handlers the Secretary shall select one grower member of the committee and an alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 922.22 (f) or from other qualified persons the Secretary shall select one member of the committee and an alternate to such member.

§ 922.24 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 922.22 (a), the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 922.23.

§ 922.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 922.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify or in the event of death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor to the unexpired term of such member or alternate member of the committee shall be selected by the Secretary from nominations made in the manner specified in § 922.22 or from other qualified persons. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 922.23.

§ 922.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member: *Provided*, That a member may designate an alternate member other than his own alternate member to serve in the place and stead of such member, if the alternate member so designated was selected from the same group which was authorized to nominate the member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 922.28 *Powers.* The Committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make and adopt rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 922.29 *Duties.* The committee shall have the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary at the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare a monthly statement of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To provide an adequate system for determining the total quantity of oranges available for current shipment, and to make such determinations, including determinations by grade, size, and maturity conditions, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part;

(i) To investigate the growing, handling, and marketing conditions with respect to oranges, and to assemble data in connection therewith;

(j) To submit to the Secretary such available information, including verified reports as he may request;

(k) To notify producers and handlers of meetings of the committee to consider recommendations for regulation;

(l) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided*, That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee;

(m) To investigate compliance with the provisions of this part; and

(n) With the approval of the Secretary, to reapportion the number of grower members or handler members on the Valencia Orange Administrative Committee who are nominated pursuant to paragraphs (c) and (d) of § 922.22. Any such changes shall be based, insofar as practicable, upon the proportionate amount of Valencia oranges handled by the respective types of marketing organizations, provided that each of the grower groups described in paragraphs (c) and (d) of § 922.22 shall be entitled to nominate at least one grower and one handler member together with their respective alternates.

§ 922.30 *Procedure.* (a) A majority of the committee shall constitute a quorum; and any action of the committee shall require at least six concurring votes.

(b) The committee may vote by telegraph, telephone, or other means of communication; and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 922.31 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties under this part and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10 per day or portion thereof spent in performing such duties.

§ 922.32 *Annual review and meeting.* The committee shall, prior to December 15 of each marketing year, prepare and mail an annual report to the Secretary and to each handler and grower of record. This annual report shall contain at least: (a) A complete review, by prorate districts, of the regulatory operations during the marketing year, as conducted under the marketing policy established pursuant to § 922.50 (a); (b) an appraisal of the effect of such regulatory operations upon the competitive status of the Valencia orange industry; (c) recommendations for changes in the program; and (d) notice of the time and place of an open meeting, to be held prior to January 31, to review the whole record of the operations of this part.

EXPENSES AND ASSESSMENTS

§ 922.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year.

§ 922.41 *Assessments.* (a) Each person who first handles oranges shall, with respect to the oranges so handled by him, pay to the committee, upon demand, such person's pro rata share of the expenses which the Secretary finds are necessary during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of such oranges handled by him as the first handler thereof during the applicable fiscal year, and the total quantity of such oranges so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all oranges handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then current fiscal year.

(c) The committee may, with the approval of the Secretary, maintain a suit in its own name, or in the names of its members, to enforce the payment of assessments levied under this section.

§ 922.42 *Accounting.* (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

REGULATION

§ 922.50 *Marketing policy.* (a) Prior to the recommendation for regulation for each prorate district, the committee shall submit to the Secretary its marketing policy for the ensuing season. Such marketing policy shall contain the following information: (1) The available crop of oranges in the prorate district, including estimated quality and composition of sizes; (2) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments to be recommended to the Secretary during the ensuing season; (4) available

supplies of competitive oranges in all producing areas of the United States; (5) level and trend of consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of oranges. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this paragraph.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers. The committee shall give notice to growers by publication of notice of such meetings in such newspapers as they deem appropriate and shall advise all handlers by mail of such meetings.

(c) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 922.51 *Recommendations for volume regulation.* (a) The committee may recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district. If, for any reason, the committee recommends the issuance of volume regulation but fails to recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district, reports representing the respective views of the committee members with respect to its failure to act shall be submitted to the Secretary.

(b) In making its recommendations, the committee shall give due consideration to the following factors: (1) Market prices for oranges, including market prices by grades and sizes; (2) supply of oranges on track at, and en route to, the principal markets; (3) supply, maturity, and condition of oranges in the area of production, including the grade and size composition thereof; (4) market prices and supplies of citrus fruits from California, Arizona, and competitive producing areas, and supplies of other competitive fruits; (5) trend and level in consumer income; and (6) other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 922.52, has fixed the quantity of oranges which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

§ 922.52 *Issuance of volume regulation.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of oranges which may be handled in each prorate district during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity. The quantity so fixed may be increased by the Secretary at any time during such week.

§ 922.53 *Prorate bases.* (a) Each person who has oranges available for current shipment and who desires to handle such oranges, shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this part.

(b) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require, and shall include at least (1) the name and address of the producer or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of oranges available for current shipment by the applicant; (2) an accurate description of the location of each such grove or portion thereof, including the number of acres contained therein; and (3) an estimate of the total quantity of oranges available for current shipment by the applicant in terms of the unit of measure designated by the committee.

(c) Such application shall include only such oranges available for current shipment which the applicant controls (1) by a bona fide written contract giving the applicant authority to handle such oranges, or (2) by having legal title or possession thereof, or (3) by having executed a bona fide written agreement to purchase such oranges. If an applicant controls oranges pursuant to subparagraphs (1) or (3) of this paragraph, he shall submit a copy of each type of such contract or agreement to the committee, together with a statement that no other types of contracts or agreements are used, and shall maintain a file of all original contracts evidencing such control which shall be subject to examination by the committee.

(d) If the quantity of oranges available for current shipment by any person is increased or decreased by the acquisition or loss of the control required by paragraph (c) of this section, such person shall submit promptly a report thereon to the committee upon forms made available by it, which report shall be verified in such manner as the committee may require.

(e) If any person gains or loses the control of oranges required by paragraph (c) of this section, there shall be a corresponding increase or decrease in the quantity of oranges available for current shipment by such person. If it is determined by the committee that any person who has lost the control of oranges required by paragraph (c) of this section has handled a quantity of such oranges less than the quantity that could have been handled under the allotments issued thereon, the quantity of oranges available for current shipment by such person shall be adjusted by deducting therefrom, over such period as may be determined by the committee, a quantity of oranges equivalent to the quantity upon which allotments were issued but which were not utilized thereon.

(f) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in the establishment of a smaller or a larger quantity of oranges available for current shipment than that to which a person was entitled under this part, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission, or inaccuracy.

(g) Each week during the marketing season when volume regulation is likely to be recommended the committee shall compute, with respect to each prorate district, the total quantity of oranges available for current shipment by each person who has applied for a prorate base and for allotments. On the basis of such computation, the committee shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of oranges available for current shipment in the particular prorate district by such applicant and the total quantity of oranges available for current shipment in such district by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each person and shall notify each such person of the prorate base fixed for him.

§ 922.54 *Allotments.* Whenever the Secretary has fixed the quantity of oranges which may be handled during any week in a prorate district, the committee shall calculate the quantity of oranges which may be handled by each person during such week. The said quantity shall be the allotment of such person and shall be in an amount equivalent to the product of the prorate base for such person and the total quantity of oranges grown in such prorate district and fixed by the Secretary as the total quantity of oranges which may be handled during such week. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this part.

§ 922.55 *Overshipments.* During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment and is not required to reduce the quantity of oranges which he may handle during such week, as provided in this section, or whose total allotment is not required for the repayment of an allotment loan, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment or one carload of oranges, whichever is greater. The quantity of oranges so handled in excess of such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That no overshipment incurred during a marketing year shall be deducted from allotments issued during the following marketing year.

§ 922.56 *Undershipments.* If any person handles during any week a quantity of oranges, covered by a regulation issued pursuant to § 922.52, in an amount less than his allotment of oranges for such week, he may handle, in addition to his allotment for the next week only, a quantity of such oranges equivalent to such undershipment.

§ 922.57 *Allotment loans.* (a) A person to whom allotments have been issued, whether under the provisions of early maturity, short life, or general maturity, may lend such allotments to other persons within the same prorate district to whom allotments have also been issued: *Provided*, That allotments issued under the short life provisions of this part may be loaned only to other persons to whom such allotments have also been issued. Such loans shall be confirmed to the committee by both parties thereto within 48 hours after any such agreement has been entered into, and such agreements shall include a date for the repayment of such allotments to the lender during the then current marketing year. If, on the date of repayment specified in the loan agreement, the borrower has insufficient allotment to repay such loan, he shall repay such loan as soon after the repayment date as he has allotments available to him for that purpose: *Provided*, That no loans made during a marketing year shall be required to be repaid from allotments issued during the following marketing year.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to a confirmation of the loan agreement to the committee.

(c) An allotment shall be loaned, pursuant to paragraph (a) of this section for use only during the week for which such allotment was issued. Persons securing repayment of an allotment loan may use such allotment only during the week in which the repayment is made.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after the repayment thereof.

§ 922.58 *Assignment of allotment certificates.* In connection with all handling of oranges other than shipments by rail car, each handler who first handles oranges shall at the time of handling issue to the consignee thereof, or his agent, an assignment of allotment certificate covering each quantity of oranges so handled. Such assignment of allotment certificate shall be on such forms and shall be issued in such manner as prescribed by the committee and shall contain such information as the committee may require.

§ 922.59 *Priority of allotments.* During any week in which a person receives an allotment, and has the right to handle a quantity of oranges in addition to the quantity represented by his allotment, by reason of (a) an undershipment of an allotment, pursuant to § 922.56; or (b) the repayment of a loaned allotment, pursuant to § 922.57; or (c) a borrowed allotment, pursuant to § 922.57; and such person handles a quantity of oranges which is less than the total quantity of such oranges which such person may handle during such week, the amount of such oranges handled shall first apply to such person's current weekly allotment (or to that portion which is not used pursuant to § 922.55 or § 922.57). The remainder, if any, shall be applied in the following order; second, to any undershipment of allotments, pursuant to § 922.56; third, to any allotment repaid to him, pursuant to § 922.57; fourth, to any allotment borrowed, pursuant to § 922.57.

§ 922.60 *Early maturity allotments.* Notwithstanding the provisions of § 922.54 the committee shall, prior to the reaching of general maturity, issue special allotments for the handling of early maturity oranges. Handlers controlling early maturity oranges may apply to the committee for such allotments on forms prescribed by the committee and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 922.51 (b), the committee shall determine the extent to which early maturity allotment shall be granted. Total early maturity allotments approved by the committee for each prorate district shall be distributed to all handlers who qualify therefor in proportion to the quantity requested by each handler in his application: *Provided, however*, That early maturity allotments issued to any handler prior to the reaching of general maturity shall not permit the handling of a larger share of the oranges available for current shipment controlled by such handler than the share of oranges available for current shipment in the prorate district estimated to be allotted to all handlers in the utilization schedule established by the committee at the beginning of the season. Early maturity allotments may be loaned only to handlers to whom early maturity allotments have been granted. Upon the reaching of general maturity, allotments issued for early maturity oranges shall be offset or repaid by reducing the oranges available for current shipment of each handler who has received early maturity allotments by the quantity of oranges for which early maturity allotments were issued him, plus his proportionate share of the quantity of oranges that will be used for by-products and elimination in his prorate district. Such proportionate share shall be based upon the utilization schedule established by the committee at the beginning of the season. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Allotments issued and allocated under this section shall be on a prorate district basis.

§ 922.61 *Short life allotments.* Notwithstanding the provisions of § 922.54 the committee shall withhold from the allotment of handlers on a uniform proportionate basis for all handlers, an amount sufficient to permit handlers controlling oranges of short life to handle during the normal marketing period of such short life oranges as large a proportion of oranges as the average which will be handled by all handlers. Handlers controlling oranges of short life may apply for such withheld allotment, and such application shall be made on forms supplied by the committee and shall be accompanied by information necessary to permit the committee to determine the validity of such applicant's claim to allotment. The committee shall determine, on the basis of all available information, the extent to which a handler needs allotment under the provisions of this section and pursuant to such determination shall allocate such allotment to such handler at a uniform weekly rate, insofar as practicable, during the normal marketing period of his short life oranges. Such determination and allotment issued pursuant thereto shall not permit a handler to receive more allotment proportionately than the average allotment to be issued to all handlers of oranges. After a handler of short life oranges has received allotment sufficient to make the total allotment issued to him equal proportionately to the average allotment to be issued to all handlers of oranges, allotment thereafter due such handler of short life oranges shall be allocated to handlers from whom allotment has been withheld. Short life allotments may be used only in the handling of short life oranges. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Allotments issued and allocated under this section shall be on a prorate district basis.

§ 922.62 *Information to central marketing organizations.* The committee shall give any central marketing organization, upon its request, the same notice with respect to prorate bases and allotments applicable to each handler for whom it markets oranges as is given to such handler.

§ 922.63 *Recommendations for size regulation.* (a) Whenever the committee finds that the supply and demand conditions for sizes of oranges make it advisable to regulate the handling of sizes of oranges during any period, it shall recommend to the Secretary the sizes of oranges grown in each prorate district which it deems advisable to be handled during said period. The com-

mittee shall promptly submit such findings and recommendations, together with supporting information to the Secretary.

(b) In making its recommendations the committee shall give due consideration to the factors referred to in § 922.51 (b).

§ 922.64 *Issuance of size regulation.* Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of oranges grown in any prorate district or districts by sizes would tend to effectuate the declared policy of the act, he shall fix the sizes of oranges grown in each such prorate district which may be handled during the specified period. The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give adequate notice thereof to all handlers.

§ 922.65 *Exemptions from size regulation.* In the event the handling of oranges is limited pursuant to § 922.64, the committee shall issue one or more exemption certificates to any producer who furnishes evidence satisfactory to the committee that he will be prevented by reason of such regulation from having as large a proportion of his oranges handled as the average proportion of oranges which may be handled by all other producers in the same prorate district. Such exemption certificate shall permit the respective producer to whom the certificate is issued to handle or have handled a percentage of his oranges equal to the percentage determined as aforesaid. Shipments of oranges under exemption certificates issued pursuant to this section shall be subject to and limited by such regulations as may be effective under § 922.52 at the time of the respective shipment. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers when accompanied by oranges covered by such certificates.

§ 922.66 *Prorate districts.* For purposes of administration of this part and in recognition of the fact that there are general differences in maturity and keeping quality of oranges between certain geographical sections of the production area, the production area shall be divided in three prorate districts as follows:

(a) District 1 shall include that portion of the State of California which is north of the 35th Parallel and south of the 37th Parallel.

(b) District 2 shall include that portion of the State of California which is south of the 35th Parallel, but shall exclude Imperial County and that area in Riverside and San Bernardino counties situated east of a line due north and south through White Water, California.

(c) District 3 shall include the State of Arizona, Imperial County, California, and that area in Riverside and San Bernardino Counties, California, situated south of the 35th Parallel and east of a line due north and south through White Water, California.

§ 922.67 *Oranges not subject to regulation.* Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to: (a) Handle oranges to charitable institutions for consumption by such institutions or for distribution by relief agencies; (b) handle oranges to commercial processors for processing into products, including juice; (c) export oranges; (d) handle oranges by parcel post or by express; or (e) handle oranges in such minimum quantities or types of shipments as the committee may, with the approval of the Secretary, prescribe. No assessment shall be levied pursuant to § 922.41 on oranges disposed of for any of the purposes specified in this section. The committee shall prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as it may deem necessary to prevent oranges disposed of under the provisions of this section from entering into commercial channels of trade contrary to or in violation of this part.

REPORTS

§ 922.70 *Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, in such manner as may be designated and on forms made available by it, the following information with respect to the total of all oranges disposed of by each such handler during the immediately preceding week: (a) The total quantity handled; (b) the total quantity disposed of for manufacture into by-products, showing the identity of each by-product processor involved and the quantity of each; (c) the total quantity disposed of for export, showing the destination and quantity of each such disposition; (d) the total quantity shipped for disposition to persons on relief, including quantities donated for charitable purposes; (e) the total quantity shipped by parcel post or express, showing the destination and quantity of each such shipment; and (f) the total quantity disposed of otherwise, showing the manner and quantity of each such disposition.

§ 922.71 *Manifest report.* Each handler shall furnish to the committee information regarding the size of oranges in each box handled by such handler and shall mail or deliver such information to said committee or its duly authorized representative within 24 hours after shipment is made in such manner as the committee shall prescribe and upon forms prepared by it.

§ 922.72 *Other reports.* Upon request of the committee, made with the approval of the Secretary, every person subject to regulation under this part shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as will enable the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

§ 922.80 *Compliance.* Except as provided in this part, no person shall handle oranges during any week in which a regulation issued by the Secretary pursuant to § 922.52 is in effect, unless such oranges are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such oranges under the provisions of this part; and no person shall handle oranges except in conformity with the provisions of this part and the regulations issued under this part.

§ 922.81 *Right of the Secretary.* The members of the committee (including successors and alternates), and all agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. If the committee, for any reason, fails to perform its duties or exercise its powers under this part, the Secretary may designate another agency to perform such duties and exercise such powers.

§ 922.82 *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 922.83.

§ 922.83 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) (1) The Secretary shall terminate the provisions of this part at the end of any marketing year, whenever he finds that continuance is not favored by producers; but such termination shall be effective only if announced on or before January 15 of the then current marketing year.

(2) To determine whether continuance is favored by producers, the required percentages set forth in the act with respect to producer approval of the issuance of a marketing order regulating the handling of citrus fruits produced in any area producing what is known as California citrus fruits (approval by three-fourths of the producers who, during a representative period, determined by the Secretary, have been engaged within the production area in the production of Valencia oranges for market; or by producers who, during such representative period, have produced for market at least two-thirds of the volume of Valencia oranges produced within the production area for market) shall be used. In the event that a referendum is utilized to aid in making this determination, such required percentages for continuance shall be held to be complied with if, of the total number of producers, or the total volume of Valencia oranges produced for market, as the case may be, represented in such referendum, the percentage favoring continuance is equal to or in excess of the percentage required.

(3) The Secretary shall, prior to December 15, 1956, conduct a referendum to ascertain whether continuance of this part is favored by the producers. The Secretary shall conduct such a referendum prior to December 15 of each evennumbered year thereafter.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 922.84 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (3) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 922.85 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 922.86 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 922.87 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 922.88 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 922.89 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 922.90 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 922.91 *Counterparts.* This agreement may be executed in multiple counterparts, and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 922.92 *Additional parties.* After the effective date hereof, any handler may become a party to this agreement if a counterpart thereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 922.93 *Order with marketing agreement.* Each contracting handler hereby requests the Secretary to issue, pursuant to the act, an order regulating the handling of oranges by all handlers in the same manner as is provided herein.*

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of February 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-841; Filed, Feb. 4, 1954; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 141, 187]

[No. 31450]

FREIGHT SCHEDULES AND FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS

RULES AND CHARGES FOR ACCESSORIAL SERVICES BY RAIL AND MOTOR CARRIERS

In the matter of regulations governing the separation of charges for protection against the weather, such as heating, icing, and refrigeration, from the line-haul rates or charges.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 22d day of January A. D. 1954.

It appearing, that there is a need for revision of the regulations governing special services contained in Rule 10 of Tariff Circular No. 20 (49 CFR 141.10); Rule 8 of Tariff Circular MF No. 2 (49 CFR 187.8); and Rule 11 of Tariff Circular MF No. 3 (49 CFR 187.35), which were prescribed under sections 6, 217, and 218 of the Interstate Commerce Act, and good cause appearing:

It is ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), notice is hereby given of the proposed revision of the tariff rules and regulations §§ 141.10, 187.8, and 187.35, so as to read as follows:

1. Proposed amendment to Rule 10 (a) of Tariff Circular No. 20:

§ 141.10 *Terminal and special services; distance and mileage rates*—(a) *Terminal and special services.* (1) Each carrier or its agent shall publish, post, and file tariffs which shall contain in clear, plain, and specific form and terms all the rules governing and rates and charges for demurrage, switching, floating, lighterage, wharfage, and other terminal services, storage, transfer and drayage, weighing, diversion, reconsignment, icing, refrigeration, heat elevation, feeding, grazing, and other transit services, absorptions, allowances, and all other services which are not part of line-haul transportation and for which compensation is not included in line-haul rates. Tariffs authorizing such services, or providing charges therefor or for the absorption of such charges, must clearly show their application in connection with traffic moving under less-than-carload or any quantity rates.

(2) *Protective service.* Rates, charges, rules, and regulations, covering protective service against the weather such as heating, icing, and refrigeration shall be stated separately and apart from line-haul charges.

NOTE: This paragraph shall not be construed as exempting charges for other accessorial or special services from the requirement of being published separately from the line-haul rates.

2. Proposed amendment to Rule 8 of Tariff Circular MF No. 2: Paragraph

(p) (8) reading as follows is added thereto:

§ 187.8 *Form and contents of schedules.* • • •

(p) *Tables of minimum rates or charges.* • • •

(8) Minimum rates and charges, and rules and regulations covering protective service against the weather such as heating, icing, and refrigeration shall be stated separately and apart from line-haul charges.

NOTE: This paragraph shall not be construed as exempting charges for other accessorial or special services from the requirement of being published separately from the line-haul rates.

3. Proposed amendment to Rule 11 (a) of Tariff Circular MF No. 3:

§ 187.35 *Terminal and special services—*(a) *Terminal and special services.* (1) Each carrier or its agent shall publish, post, and file tariffs which shall contain in clear and explicit terms all of the rates and charges for and rules governing detention of vehicles, storage, weighing, diversion, reconsignment, icing, refrigeration, heat, C. O. D. services, transit services, absorptions, allowances, and other terminal services, and all other services which are not part of line-haul transportation and for which compensation is not included in line-haul rates. Tariffs authorizing such services, or providing charges therefor, shall clearly show their application.

(2) *Protective service.* Rates, charges, rules, and regulations covering protective service against the weather such as heating, icing, and refrigeration shall be stated separately and apart from line-haul charges.

NOTE: This paragraph shall not be construed as exempting charges for other accessorial or special services from the requirement of being published separately from the line-haul rates.

It is further ordered, That the respondents herein and other interested parties may file, on or before April 12, 1954, with this Commission, written statements containing data, views, or arguments concerning the proposed revised rules covering said protective service against the weather, such as heating, icing, and refrigeration.

It is further ordered, That any written statements filed as provided in the next preceding paragraph shall conform to the specifications provided in Rule 15 of this Commission's general rules of practice and that an original signed copy and 5 additional copies shall be furnished for the use of the Commission.

It is further ordered, That no oral hearing be held with respect to the proposed regulations, but that, if deemed necessary or advisable, the matter may be assigned for informal conference at which those interested may discuss the proposed revised rules with designated officials of this Commission, and if deemed necessary or advisable assigned for oral argument before this Division.

It is further ordered, That all carriers subject to section 6 and all motor common and contract carriers of property subject to sections 217 or 218 of the Interstate Commerce Act be, and they are hereby, made respondents to this proceeding.

And it is further ordered, That notice to the respondents and to the general public shall be given by depositing a copy in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-831; Filed, Feb. 4, 1954; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53426]

CERTAIN FISH

TARIFF-RATE QUOTA

JANUARY 27, 1954.

The tariff-rate quota for the calendar year 1954 on certain fish dutiable under paragraph 717 (b), Tariff Act of 1930, as modified pursuant to the General Agreement on Tariffs and Trade (T. D. 51802).

In accordance with the proviso to item 717 (b) of Part I, Schedule XX, of the General Agreement on Tariffs and Trade (T. D. 51802), it has been ascertained that the average aggregate apparent annual consumption in the United States of fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for: Cod, haddock, hake, pollock, cusk, and rosefish, in the three years preceding 1954, calculated in the manner provided for in the cited agreement, was 226,335,907 pounds. The quantity of such fish that may be imported for consumption during the calendar year 1954 at the reduced rate of duty established pursuant to that agreement is, therefore, 33,950,386 pounds. (343.3)

[SEAL] D B. STRUBINGER, *Acting Commissioner of Customs.*

[F. R. Doc. 54 835; Filed, Feb. 4, 1954; 8.54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

B. & F. Manufacturing Co., Inc., Mocksville, N. C., effective 2-16-54 to 2-15-55; 10 learners for normal labor turnover purposes (sport shirts).

Barnesville Manufacturing Co., Inc., 315-319 South Gardner Street, Barnesville, Ohio, effective 1-25-54 to 1-24-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' pajamas).

Barry Bob Sportswear Co., 144 East Blaine Street, McAdoo, Pa., effective 1-21-54 to 1-20-55; 5 learners for normal labor turnover purposes. (Learners are not authorized to be employed at subminimum wage rates in the production of skirts.) (Ladies' shorts and peddlepushers.)

Bobanok Corp., 111 Garrison Avenue, Fort Smith, Ark., effective 1-22-54 to 1-21-55; 10 learners for normal labor turnover purposes (misses' and ladies' blouses and dresses etc.).

Cal-Crest Outerwear, Inc., 17 North Fourteenth Street, Murphysboro, Ill., effective 1-23-54 to 1-22-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' jackets).

Campus Shirt Co., Barnesville, Ohio, effective 1-23-54 to 1-22-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Candy Frocks, 945 South Main Street, Old Forge, Pa., effective 1-22-54 to 1-21-55; 5 learners for normal labor turnover purposes (dresses).

City Shirt Co., 19-21 West Vine Street, Mahanoy City, Pa., effective 1-25-54 to 1-24-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts, blouses, etc.).

Clairmont, Inc., 2114 Peachtree Road NW., Atlanta, Ga., effective 1-20-54 to 1-19-55; 10 learners for normal labor turnover purposes (slips and gowns).

Don Juan Manufacturing Co., Hertford, N. C., effective 1-22-54 to 1-21-55; 10 learners for normal labor turnover purposes (sport shirts).

Evergreen Garment Co., Inc., 306 Martin Street, Evergreen, Ala., effective 1-22-54 to 1-21-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Eastwill Sportswear Co., Inc., Greenwood, S. C., effective 2-2-54 to 2-1-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Hartsville Garment Corp., Gallatin Road, Hartsville, Tenn., effective 1-22-54 to 1-21-55, 10 learners or 10 percent of the total number of factory production workers, whichever is greater (sport shirts).

Joseph Horowitz & Sons, Inc., 43 Liberty Street, Batavia, N. Y., effective 1-19-54 to 1-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

J. B. C. Co. of Madera, Madera, Pa., effective 1-26-54 to 7-25-54; 20 learners for expansion purposes (trousers).

J. B. C. Co. of Madera, Madera, Pa., effective 1-26-54 to 1-25-55; 10 learners for normal labor turnover purposes (trousers).

Jersey Shore Manufacturing Corp., 148 South Main Street, Jersey Shore, Pa., effective 1-26-54 to 1-25-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas, sport shirts, etc.).

Karman Manufacturing Co., Demorest, Ga., effective 1-22-54 to 1-21-55; 10 learners for normal labor turnover purposes (men's shirts).

Karman Manufacturing Co., Demorest, Ga., effective 1-22-54 to 7-21-54; 10 learners for plant expansion purposes (men's shirts).

Lafayette Pants Corp., 401 Lafayette Boulevard, Fredericksburg, Va., effective 1-5-54 to 2-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers).

Lenoir Shirt Co., 501 East Caswell Street, Kinston, N. C., effective 1-22-54 to 1-21-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Major Shirt Corp., 1106 Cunnius Street, Freeland, Pa., effective 1-18-54 to 1-17-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport jackets).

Mount Airy Pants Factory, Mount Airy, Md., effective 1-23-54 to 1-22-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

The Mountain-Top Co., 220 South Church Street, Hendersonville, N. C., effective 1-21-54 to 1-20-55; 10 learners for normal labor turnover purposes (misses' and children's playwear).

Oshkosh B'Gosh Inc., Celina Division, Celina, Tenn., effective 2-1-54 to 7-30-54; 75 learners for expansion purposes (work pants and shirts).

Ottenheimer Bros. Manufacturing Co., Inc., Victory at Second Streets, Little Rock, Ark., effective 2-12-54 to 2-11-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses, uniforms, aprons, etc.).

Phillips-Jones Factory, Brinkley, Ark., effective 1-25-54 to 7-24-54; 70 learners for expansion purposes (dress shirts).

Pleasant Hill Garment Co., Pleasant Hill, Ill., effective 1-20-54 to 1-19-55; 10 learners for normal labor turnover purposes (boys' and girls' sportswear).

Rival Dress Co., Inc., 110 West Blaine Street, McAdoo, Pa., effective 1-26-54 to 1-25-55; 10 learners for normal labor turnover purposes (dresses).

Rocket Manufacturing Co., Inc., 1000 Spring Street, Little Rock, Ark., effective 2-12-54 to 2-11-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and misses' blouses and jackets).

Snelbaker Manufacturing Co., 17-19 East Simpson Street, Mechanicsburg, Pa., effective 2-11-54 to 2-10-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts and pants).

Ben Weisberg & Co., 54-56 North Main Street, Carbondale, Pa., effective 1-20-54 to 1-19-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Wright Garment Co., Bowman, Ga., effective 1-20-54 to 1-19-55; 10 percent of the total number of production workers for normal labor turnover purposes (work pants).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Acme Hosiery Dye Works, Inc., Pulaski, Va., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Archer Mills, Inc., Columbus, Ga., effective 2-6-54 to 2-5-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Athens Hosiery Mills, Inc., Athens, Tenn., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Crewe Hosiery Co., Inc., Crewe, Va., effective 1-25-54 to 1-24-55; 5 learners for normal labor turnover purposes.

Fieldcrest Hosiery Mill, Fieldale, Va., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Virginia Maid Hosiery Mills, Inc., Pulaski, Va., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Walnut Hosiery Mills, Inc., Fifth and Walnut Streets, Shamokin, Pa., effective 2-18-54 to 2-17-55; 5 learners for normal labor turnover purposes.

Wilkes Hosiery Mills Co., 401 F Street, North Wilkesboro, N. C., effective 1-25-54 to 1-24-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Williamson Hosiery Mills, Inc., Athens, Tenn., effective 1-25-54 to 1-24-55; 5 learners for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

See-Gal Manufacturing Co., 220 Franklin Street, Johnstown, Pa., effective 2-1-54 to 1-31-55; 5 learners for normal labor turnover purposes. Machine operators (except cutting), 320 hours at 65 cents an hour (ladies' belts, covered buckles and covered buttons).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Walden Hosiery Mills of Puerto Rico, Inc., Cindra, P. R., effective 1-15-54 to 7-14-54; 10 learners; inspecting, 240 hours at 30 cents an hour; mending, 240 hours at 30 cents an hour, 240 hours at 35 cents an hour; looping, knitting (transfer top); each 480 hours at 30 cents an hour, 480 hours at 35 cents an hour (infants' hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 25th day of January 1954.

MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 54-824; Filed, Feb. 4, 1954; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

SMALL TRACT CLASSIFICATION ORDER NO. 67, AMENDED

JANUARY 26, 1954.

Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), I hereby amend Small Tract Classification Order Nevada No. 67, issued February 16, 1951, to provide for sale of the tracts to lessees for homesite purposes, in accordance with the provisions of 43 CFR 257.13, as to the following-described lands at the appraised price of $10.00 per acre:

T. 23 S., R. 63 E., M. D. M.
Sec. 26, W½NE¼NW¼, S½NW¼NW¼, E½SE¼NW¼.

E. I. ROWLAND, *Regional Chief, Division of Lands.*

[F. R. Doc. 54-805; Filed, Feb. 4, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

ASSISTANT ADMINISTRATOR FOR LOAN OPERATIONS

DELEGATION AND ASSIGNMENT OF AUTHORITIES, POWERS, FUNCTIONS AND DUTIES RELATING TO LOAN OPERATIONS

Pursuant to authority contained in section 116 in Title 9 of the Administrative Regulations of the Department of Agriculture and in section 116 in the order of the Acting Secretary of Agriculture dated December 24, 1953 (19 F. R. 74), there are hereby delegated and assigned to the position of Assistant Administrator for Loan Operations, subject to the general direction and supervision of the Administrator, all authorities, powers, functions and duties that have been, and that hereafter may be, vested in the Secretary of Agriculture and delegated and assigned to the Administrator, with respect to the administration of the loan making and loan servicing functions of the following programs:

1. The farm ownership program (7 U. S. C. 1001).

2. The production and subsistence loan program (7 U. S. C. 1007).

3. The water facilities loan program (16 U. S. C. 590r–z).

4. The production disaster and economic disaster loan programs (12 U. S. C. 1148a).

5. The special livestock loan program (P. L. 115, 83d Congress).

6. The fur loan program (12 U. S. C. 1148a; P. L. 255, 83d Congress).

7. The orchard loan program (12 U. S. C. 1148a).

8. The farm housing program of loans and grants (42 U. S. C. 1471).

9. Liquidation and collection functions under the Farmers Home Administration Act of 1946, and under the act of April 6, 1949, abolishing the Regional Agricultural Credit Corporation of Wash Agricultural Credit Corporation of Washington, D. C., and servicing and collection functions with respect to loans made under the item "Loans to Farmers, 1948 Flood Damage", in the Second Deficiency Appropriation Act, 1948, and under the item "Loans to Farmers, Property Damage", in the First Deficiency Appropriation Act, 1949.

10. The exercise of such compromise, adjustment and cancellation authorities, functions, powers and duties vested in the Secretary of Agriculture under the act of December 20, 1944 (12 U. S. C. 1150), as may have applicability to the programs enumerated herein.

11. The disposal of such surplus real property under the jurisdiction of the Farmers Home Administration as the Secretary may be authorized to dispose of by the Administrator of the General Services Administration.

This order supersedes and revokes the order of the Administrator of the Farmers Home Administration dated August 31, 1953 (18 F. R. 5556).

Done at Washington, D. C., this 2d day of February 1954.

[SEAL] R. B. McLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 54–842; Filed, Feb. 4, 1954; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–2222, G–2235, G–2243, G–2244, G–2271]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

NOTICE OF ORDER DISMISSING APPLICATION

FEBRUARY 1, 1954.

In the matters of Alabama-Tennessee Natural Gas Company, Docket No. G–2222; The Waterworks and Gas Board of the Town of Cherokee, Alabama, Docket No. G–2235; City of Russellville, Alabama, Docket No. G–2243; The Lawrence-Colbert Counties Gas District, Docket No. G–2244; Tennessee Gas Transmission Company, Docket No. G–2271.

Notice is hereby given that on January 29, 1954, the Federal Power Commission issued its order adopted January 27, 1954, in the above-entitled matters, dismissing application of The Waterworks and Gas Board of the Town of Cherokee,, Alabama, Docket No. G–2235.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–806; Filed, Feb. 4, 1954; 8:48 a. m.]

[Docket No. G–2291]

PACIFIC GAS AND ELECTRIC CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application, filed October 23 and supplemented December 28, 1953, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on November 17, 1953 (18 F. R. 7283).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 16, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: February 1, 1954.

Issued: February 1, 1954.

By the Commission.

[SEAL] LEON M FUQUAY,
Secretary.

[F. R. Doc. 54–823; Filed, Feb. 4, 1954; 8:52 a. m.]

[Docket No. G–2344]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 1, 1954.

Take notice that on December 28, 1953, El Paso Natural Gas Company, Applicant, a Delaware corporation, having its principal place of business at El Paso, Texas, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities, namely, a main line tap and high pressure regulator, to be located on Applicant's 30-inch San Juan crossover line in Mohave County, Arizona. Such facilities will be operated in conjunction with Applicant's existing facilities for the purpose of making deliveries of natural gas to Southern Union Gas Company for resale by the latter to District School No. 12, located at Topock, Arizona.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 19th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary

[F. R. Doc. 54–819; Filed, Feb. 4, 1954; 8:51 a. m.]

[Docket No. G–2351]

EL PASO NATURAL GAS CO. AND NEVADA NATURAL GAS PIPE LINE CO.

NOTICE OF APPLICATION

FEBRUARY 1, 1954.

Take notice that on January 14, 1954, El Paso Natural Gas Company (El Paso), a Delaware corporation having its principal place of business in El Paso, Texas, and the Nevada Natural Gas Pipe Line Co. (Nevada), a Nevada corporation with its principal place of business at Las Vegas, Nevada, filed a joint application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the leasing and operation of certain natural gas facilities as hereinafter described.

Nevada requests permission and authority to lease to El Paso approximately 14 miles of a 10¾-inch O. D. pipeline proposed and now being constructed by Nevada within the State of Arizona. The construction of said pipeline was authorized in the amended certificate of public convenience and necessity in Docket No. G–1888 and is to extend from a point near El Paso's existing Topock meter station in a northwesterly direction to a point on the Arizona-California boundary known as "Pebble Beach."

El Paso requests permission and authority to lease and operate and maintain the pipe line referred to above.

Nevada and El Paso have entered into a lease agreement dated December 15, 1953, providing for the leasing by Nevada to El Paso of the pipe line described. The lease is for a term of 15 years and thereafter from month to month, as long as the Service Agreement entered into between El Paso and Nevada, dated December 15, 1953, continues in effect, all as more fully set forth in the joint application in the above-entitled matter.

El Paso and Nevada request that their application be heard under the shortened procedure, pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 19th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–820; Filed, Feb. 4, 1954; 8:51 a. m.]

[Docket Nos. G–2352, G–2353]

TENNESSEE GAS TRANSMISSION CO. AND NORTHEASTERN GAS TRANSMISSION CO.

NOTICE OF APPLICATION

FEBRUARY 1, 1954.

Take notice that Tennessee Gas Transmission Company (Tennessee), a Delaware corporation having its principal place of business in Houston, Texas, on January 14, 1954, filed an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Tennessee to acquire and operate the facilities of its wholly owned subsidiary, Northeastern Gas Transmission Company (Northeastern).

Tennessee proposes to acquire and operate all the facilities now operated by Northeastern subject to the Commission's jurisdiction and to acquire, construct and operate any facilities which Northeastern may have under construction pursuant to authorization granted by the Commission. Tennessee also seeks authority to succeed to all other rights and obligations of Northeastern over which this Commission has jurisdiction.

The facilities to be acquired by Tennessee consist of a transmission system extending from a point on the New York-Massachusetts State line near Pittsfield, Massachusetts, in an easterly direction across the State of Massachusetts to the northeastern corner of the State, thence northerly to Concord, New Hampshire; also with a main transmission line extending from a point near Springfield, Massachusetts, in a southwesterly direction through the State of Connecticut to a point near Greenwich, Connecticut.

Tennessee represents that it will acquire Northeastern's facilities by a merger, with Tennessee continuing in existence. Tennessee will cancel Northeastern's capital stock in the amount of $9,000,000 all owned by Tennessee and will also cancel demand notes of Northeastern held by Tennessee in the amount of $8,915,700. The outstanding bonded indebtedness and all outstanding obligations of Northeastern will be assumed by Tennessee.

Tennessee states that upon consummation of the proposed acquisition, it will continue to operate the facilities and to provide the service now rendered by Northeastern without change other than in the rate schedules and similar technical changes required to effect the acquisition. Tennessee further represents that upon acquisition of the facilities Northeastern's tariff will be cancelled and initial service will be rendered under Tennessee's tariff at the rates presently in effect under Northeastern's tariff.

Concurrently, Northeastern Gas Transmission Company, a Delaware corporation having its principal place of business in Springfield, Massachusetts, on January 14, 1954, filed an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon the service rendered through its facilities, which facilities it proposes to transfer to Tennessee and for which Tennessee filed application for a certificate of public convenience and necessity in Docket No. G–2352.

Protests or petitions to intervene may be filed with the Federal Power Commission, 441 G Street NW., Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 19th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–821; Filed, Feb. 4, 1954; 8:51 a. m.]

[Docket No. G–2354]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATION

FEBRUARY 1, 1954.

Take notice that Texas Illinois Natural Gas Pipeline Company (Applicant), a Delaware corporation having its principal place of business in Chicago, Illinois, on January 14, 1954, filed an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity for authority to increase the daily contract quantity of natural gas it is presently authorized to sell and deliver to the City of Sullivan, Illinois.

In the same application, Applicant seeks authority, pursuant to section 7 (b) of the Natural Gas Act, to abandon service by decreasing the daily contract quantity of natural gas which it is now authorized to sell and deliver to Southeastern Illinois Gas Company (Southeastern).

Applicant represents that it is presently authorized to sell and deliver up to 1800 Mcf of natural gas per day to Southeastern for a twenty year period ending November 1, 1971. Applicant states that Southeastern has requested a change in the contract quantities to provide for the following schedule of deliveries:

By such a change Southeastern would permanently relinquish 400 Mcf of the maximum daily contract quantity allocated to it.

Applicant further represents that at the present time it has 70 Mcf per day of unallocated delivery or sales capacity previously authorized of which no disposition has been made.

Applicant states that the City of Sullivan, Illinois, desires an additional daily contract quantity of 470 Mcf of gas, effective November 1, 1954.

Applicant states that no new physical facilities or change in facilities now authorized will be required to effect the authorizations requested.

Protests or petitions to intervene may be filed with the Federal Power Commission, 441 G Street NW., Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 19th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–822; Filed, Feb. 4, 1954; 8:52 a. m.]

[Docket No. ID–1095]

CHARLES H. TENNEY II

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

FEBRUARY 1, 1954.

Notice is hereby given that on January 29, 1954, the Federal Power Commission issued its order adopted January 27, 1954, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–807; Filed, Feb. 4, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–97, 59–73, 59–38]

UNITED PUBLIC UTILITIES CORP. ET AL.

SUPPLEMENTAL ORDER APPROVING PAYMENT OF FEES AND EXPENSES

JANUARY 29, 1954.

In the matter of United Public Utilities Corporation, applicant, File No. 54–97; United Public Utilities Corporation and its subsidiary companies, respondents, File No. 59–73; United Public Utilities Corporation and its subsidiary companies, respondents, File No. 59–38.

The Commission having on October 10, 1946, February 20, 1948, July 27, 1948, and May 27, 1949 approved plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by United Public Utilities Corporation;

Each of said plans having provided that fees and expenses in connection therewith be subject to approval of the Commission and the Commission in its said orders having reserved jurisdiction over the payment of certain of such fees and expenses and the Commission by orders dated December 7, 1948, May 27, 1949, and May 13, 1952 having continued the reservation of jurisdiction over such

fees and expenses except to the extent that payment thereof had been approved;

Applications and amendments thereto for allowances of fees and expenses having been filed; and

The Commission having considered such applications and the amounts requested and having concluded that the allowances requested as hereinafter itemized are reasonable:

It is ordered, That payment of the fees and expenses relating to the plans approved by the Commission's orders dated October 10, 1946, February 20, 1948, and July 27, 1948, set forth below be, and the same hereby is, approved:

Evans, Bayard & Frick, counsel:	
Fees	$35,000.00
Expenses	3,173.76
Printing and mailing	16,009.58
Publication of notices	6,527.71
Paying agent	9,820.19
Miscellaneous	4,892.42
Total	75,423.66

It is further ordered, That payment of fees and expenses for 1953, relating to the plan approved by the Commission's order dated May 27, 1949, in amounts not exceeding those set forth below, be, and the same hereby is, approved:

Trustee's salary	$6,000.00
Office and clerical	3,100.00
Paying agent	640.00
Tracer's fees	500.00
Miscellaneous	910.00
Total	11,150.00

It is further ordered, That the reservation of jurisdiction over fees and expenses contained or continued in the aforementioned orders of the Commission be, and it hereby is, released with respect to the fees and expenses allowed herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-813; Filed, Feb. 4, 1954; 8:50 a. m.]

[File No. 70-3086]

COLUMBIA GAS SYSTEM, INC., AND KEYSTONE GAS CO., INC.

ORDER AUTHORIZING ISSUE AND SALE OF INSTALLMENT NOTES BY SUBSIDIARY TO [redacted]

FEBRUARY 1, 1954.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and the Keystone Gas Company, Inc. ("Keystone"), a wholly owned public-utility subsidiary of Columbia, having filed with this Commission a joint application-declaration and two amendments thereto pursuant to sections 7, 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transactions:

Keystone proposes to issue and sell from time to time not later than March 31, 1954, and Columbia proposes to purchase at face value, $100,000 principal amount of Keystone's installment notes. The notes will be payable in twenty-five equal annual installments on February 15 of each of the years 1955 to 1979, inclusive, with interest payable semi-annually on the unpaid principal balance at the rate of 4 percent per annum. If Columbia's next sale of debentures results in a cost of money to Columbia lower than 4 percent per annum by ⅛ of 1 percent or more, Columbia will surrender the installment notes to Keystone in exchange for a like principal amount of notes of the same maturity and having the same terms except that such notes shall bear interest at the lowest rate, being a multiple of ⅛ of 1 percent, which is not less than the cost of money to Columbia in respect of its next sale of debentures.

Keystone proposes to use the funds accruing from the sale of said notes in financing its current construction program.

Due notice having been given of the filing of said joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration as amended be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application-declaration as amended be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-818; Filed, Feb. 4, 1954; 8:51 a. m.]

[File No. 70-3089]

COLUMBIA GAS SYSTEM, INC., AND BINGHAMTON GAS WORKS

ORDER AUTHORIZING ISSUE AND SALE OF COMMON STOCK AND INSTALLMENT NOTES BY SUBSIDIARY TO PARENT

FEBRUARY 1, 1954.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Binghamton Gas Works ("Binghamton"), a wholly owned public-utility subsidiary of Columbia, having filed with this Commission a joint application-declaration and two amendments thereto pursuant to sections 7, 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transactions:

Binghamton proposes to issue and sell from time to time as funds are required but not later than March 31, 1954, and Columbia proposes to purchase at par or face value, (a) not to exceed 8,000 shares of Binghamton's common stock, $25 par value, and (b) upon completion of the purchase of said stock, not to exceed $125,000 principal amount of Binghamton's installment notes. The notes will be payable in twenty-five equal annual installments on February 15 of each of the years 1955 to 1979, inclusive, with interest payable semi-annually on the unpaid balance at the rate of 4 percent per annum. If Columbia's next sale of debentures results in a cost of money to Columbia lower than 4 percent per annum by ⅛ of 1 percent or more, Columbia will surrender the installment notes to Binghamton in exchange for a like principal amount of notes of the same maturity and having the same terms except that such notes shall bear interest at the lowest rate, being a multiple of ⅛ of 1 percent, which is not less than the cost of money to Columbia in respect of its next sale of debentures.

Binghamton proposes to use the funds accruing from the sale of said securities in financing its current construction program.

Due notice having been given of the filing of said joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration as amended be granted and made effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-817; Filed, Feb. 4, 1954; 8:51 a. m.]

[File No. 70-3163]

ELECTRIC BOND AND SHARE CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO LEGAL FEE

FEBRUARY 1, 1954.

The Commission having heretofore granted the application and permitted the declaration to become effective of Electric Bond and Share Company concerning the sale through private negotiation of 10,000 shares of common stock of its gas utility subsidiary, United Gas Corporation; the Commission having reserved jurisdiction over fees and expenses incurred in connection with said transaction; the record having been completed with respect to the fee of $750 proposed to be paid to the law firm of Simpson Thacher & Bartlett, and the Commission finding that said fee is not unreasonable:

It is ordered, That jurisdiction heretofore reserved with respect to the fees and expenses incurred in connection with these transactions be, and the same hereby is, released insofar as it relates to the fee of Simpson Thacher & Bartlett.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-816; Filed, Feb. 4, 1954; 8:50 a. m.]

[File No. 70-3172]

MYSTIC VALLEY GAS CO.

ORDER AUTHORIZING SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

FEBRUARY 1, 1954.

Mystic Valley Gas Company ("Mystic"), a public-utility subsidiary of New England Electric System ("NEES"), a registered holding company, having filed an application, pursuant to the public Utility Holding Company Act of 1935 ("act"), in which it designates section 6 (b) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the following proposed transactions:

Mystic proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $5,500,000 principal amount of its First Mortgage Bonds, Series A, due 1974. The price of the bonds which shall be not less than the principal amount nor more than 102¾ percent thereof and the interest rate which shall be a multiple of ⅛ of 1 percent and not in excess of 4½ percent will be determined by competitive bidding.

The proceeds (exclusive of accrued interest) derived from the sale of the bonds will be used by Mystic to pay an equal principal amount of its promissory notes. Mystic presently has outstanding $5,500,000 principal amount of 3¼ percent notes maturing March 1, 1954.

Mystic is organized and doing business in The Commonwealth of Massachusetts and the issue and sale of its bonds have been expressly authorized by the Department of Public Utilities of that State.

The fees and expenses to be incurred in connection with the issue and sale of the bonds, except underwriting discounts and commissions, are estimated by Mystic as follows:

Registration fee—S. E. C.	$572
Federal original issue tax	6,050
New England Power Service Co.	20,000
Printing	16,000
Lybrand, Ross Bros. & Montgomery, accountants	3,200
Choate, Hall & Stewart, counsel for Underwriters (to be paid by the underwriters)	5,300
Trustee under indenture	5,500
Miscellaneous	4,878
Total	61,500

Mystic requests that the Commission's order become effective upon issuance.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and it appearing to the Commission that the estimated fees and expenses are not unreasonable, provided they do not exceed the amounts estimated, and that the application should be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-814; Filed, Feb. 4, 1954; 8:50 a. m.]

[File No. 70-3176]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING OF DECLARATION REGARDING CAPITAL CONTRIBUTIONS BY REGISTERED HOLDING COMPANY TO SUBSIDIARY COMPANIES

JANUARY 29, 1954.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") regarding certain capital contributions proposed to be made by GPU to its subsidiaries, Associated Electric Company ("Aelec"), a registered holding company, and New Jersey Power & Light Company ("NJP&L"), a public-utility company. Declarant has designated section 12 (b) of the act and Rule U-45 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

GPU proposes to make cash capital contributions in the aggregate amount of $200,000 to its subsidiary, Aelec, and in the aggregate amount of $175,000 to its subsidiary NJP&L. Each such contribution will be initially credited by the recipient thereof to its capital surplus account and, in the case of NJP&L, an amount equal to such contribution will promptly thereafter be transferred from capital surplus to the stated capital applicable to its no par value common stock. The amounts to be thus invested by GPU in Aelec and NJP&L include amounts equal to GPU's prior receipts of $321,535.96 and undetermined prospective receipts from the sale (pursuant to prior orders of the Commission as being necessary or appropriate to effectuate the provisions of section 11 (b) of the act) of (1) shares of common stock of South Carolina Electric & Gas Company (a former subsidiary of GPU) received by GPU as a result of the termination of exchanges under the Plan of Reorganization of Associated Gas and Electric Company and Associated Gas and Electric Corporation, predecessors of GPU, and (2) shares of 5 percent preferred stock of South Carolina Electric & Gas Company and shares of common stock of Florida Power Corporation received by GPU as a result of the termination of exchanges under the Plan of Divestment of General Gas & Electric Corporation, a former registered holding company and subsidiary of Associated Gas and Electric Corporation.

GPU has requested that the order of the Commission permitting the declaration to become effective recite, in accordance with the requirements of Supplement R of the Internal Revenue Code, that the investment by GPU in Aelec and in NJP&L of the sums received or to be received from the sale as aforesaid of the shares of preferred and common stock of South Carolina Electric & Gas Company and the shares of common stock of Florida Power Corporation is necessary or appropriate to the integration or simplification of the holding company system of GPU.

GPU has requested that the Commission's order herein issue as early as possible and that such order become effective upon issuance.

Notice is further given that any interested person may not later than February 15, 1954 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 15, 1954, said declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-812; Filed, Feb. 4, 1954; 8:50 a. m.]

[File No. 70-3179]

MIDDLE SOUTH UTILITIES, INC.

NOTICE OF FILING REGARDING RECLASSIFICATION OF COMMON STOCK

FEBRUARY 1, 1954.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 (a) (2) and 7 thereof as being applicable to the proposed transactions which are summarized below:

Middle South proposes that the 12,000,000 shares of its authorized Common Stock without par value, including the outstanding 7,125,000 shares of such stock, be reclassified into 12,000,000 shares of Common Stock having a par value of $10 each, whereby the Capital

Stock account of Middle South will be stated at $71,250,000, and whereby the sum of $56,345,800 will be transferred from Capital Stock to Capital Surplus (Paid-In Surplus). The proposal will be submitted to the Company's stockholders for their approval.

It is stated that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 12, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 12, 1954, such declaration, as filed or as amended, may be granted, or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-815; Filed, Feb. 4, 1954; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10889]

W. GORDON ALLEN

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of W. Gordon Allen, Springfield, Oregon, File No. BP-8910, Docket No. 10889; for construction permit.

1. The Commission has under consideration a joint protest filed on January 14, 1954, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by KUGN, Inc., licensee of Station KUGN, Eugene, Oregon; Radio Airway, Inc., licensee of Station KASH, Eugene, Oregon and Lane Broadcasting Company, licensee of Station KORE, Eugene, Oregon, requesting the Commission to reconsider its action of December 17, 1953, granting the above-entitled application for a construction permit which authorized the construction of a new standard broadcast station (KRGA) at Springfield, Oregon; and designate same for hearing to determine whether or not under the provisions of § 3.35 of the Commission's rules and regulations, the public interest, convenience and necessity would be served by a grant of such application.

2. On June 22, 1953, W. Gordon Allen filed an application requesting a construction permit for a new station at Springfield, Oregon, to operate on 1240 kc, 250 w, unlimited time on a site to be determined basis. On November 2, 1953, the application was amended changing frequency to 1050 kc, power to 1 kw and time of operation to daytime only. The application as amended, was granted by the Commission on December 17, 1953, subject to the condition, among others, that a transmitter site be selected which meets with the approval of the Commission. At the present time, the applicant has not applied for a modification of the construction permit specifying a transmitter site; thus, no site has been approved by the Commission.

3. Protestants are the licensees of Station KUGN (590 kc, 1,000 w, unlimited time), KASH (1600 kc, 1,000 w, unlimited time) and KORE (1450 kc, 250 w, unlimited time), all located in Eugene, Oregon. Eugene is three miles west of Springfield. The protestants contend, by way of their joint protest, that the action of the Commission in issuing the grant to W. Gordon Allen was in violation of § 3.35 of the rules and regulations of the Commission regarding multiple ownership of broadcast facilities.

4. Protestants have submitted engineering data in support of their protest and such data shows that a station operating approximately three miles west of Springfield, Oregon, on a frequency of 1050 kc with 1,000 watts of power would provide a 2 mv/m signal over the entire community of Cottage Grove, Oregon. Since W. Gordon Allen owns a 70 percent interest in Station KSGA located in Cottage Grove and also is a grantee of the subject construction permit for Station KRGA in Springfield, Oregon, protestants contend that the operation of Station KRGA in Springfield will provide primary service to Cottage Grove and thus be in conflict with the Commission's rules and regulations regarding multiple ownership. Cottage Grove is 17½ miles south of Springfield and has a population of 3,536.

5. It is clear in this instance that the question of whether the protestants are parties in interest within the meaning of section 309 (c) of the Communications Act is to be decided on the basis of whether or not they will suffer economic injury by the establishment of the station authorized by the Commission. Protestants have alleged that there are four standard broadcast stations in the city of Eugene, Oregon; that additional service is provided to the Eugene-Springfield area by other stations located in nearby communities; that the population of Eugene is 35,879; that of Springfield is 10,807; and that the two cities are approximately three miles apart. In light of such allegations as to protestants' status, the Commission is of the view that there exists sufficient facts to indicate a reasonable possibility of economic injury resulting from the grant in question so as to warrant the finding that protestants are parties in interest. T. E. Allen & Sons, Inc., 9 RR 192; Eugene Television, Inc., 9 RR 601; and Midwest Television, Inc., 9 RR 611.

6. The Commission further finds that the protestants have specified with particularity the facts and matters relied upon as required by section 309 (c) of the Communications Act to warrant the designation of the application herein for hearing on the issue of multiple ownership. In making this finding, the Commission does not determine or imply that the issue, even if the facts with respect thereto are as alleged by protestants, is such that could result in a determination that the grant was improper, contrary to public interest or should be set aside. Accordingly, said issue is not adopted by the Commission.

7. In view of the foregoing: *It is ordered*, That, effective immediately the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission with respect to the joint protest filed herein pursuant to section 309 (c) of the Communications Act of 1934, as amended, and the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the 15th day of February 1954 at 10:00 a. m. on the following issue: To determine whether or not under the provisions of § 3.35 of the Commission's rules and regulations, the public interest, convenience and necessity would be served by a grant of such application.

It is further ordered, That KUGN, Inc., licensee of Station KUGN, Eugene, Oregon, Radio Airway, Inc., licensee of Station KASH, Eugene, Oregon, and Lane Broadcasting Company, licensee of Station KORE, Eugene, Oregon, and the Chief of the Broadcast Bureau are made parties to the proceeding herein.

Adopted: January 28, 1954.

Released: February 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 54-832; Filed, Feb. 4, 1954; 8:54 a. m.]

[Change List 81]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENT

JANUARY 18, 1954.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignment of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

[1] Commissioners Sterling and Doerfer not participating; Commissioner Bartley dissenting; and Commissioner Lee abstaining from voting.

CANADA

Call letters	Location	Power (kw.)	Antenna	Schedule	Class	Probable date to commence operation
		580 kilocycles				
CFRA	Ottawa, Ontario	5 kw	DA-1	U	III	N in O with increased power.
		590 kilocycles				
CKRS	Jonquiere, Province of Quebec	1 kw	DA-1	II	III	N in O.
		740 kilocycles				
CBXA	Edmonton, Alberta	250 w	ND	U	II	N in O. This station is an interim operation leading to eventual operation of 50 kw. at Wetaskiwan, Alberta.
		850 kilocycles				
CKRD	Red Deer, Alberta	1 kw	DA-1	U	II	N in O.
		1000 kilocycles				
CFJB	Brampton, Ontario	250 w	ND	D	II	Assignment of call letters—now in operation.
		1230 kilocycles				
CKRD	Red Deer, Alberta	250 w	ND	U	IV	(Delete assign, vide 850 kc.).
		1240 kilocycles				
CKRS	Jonquiere, Province of Quebec	250 w	ND	U	IV	(Delete assign, vide 590 kc.).
		1300 kilocycles				
CBAF	Moncton, New Brunswick	5 kw	DA-1	U	III	Assignment of call letters.
		1390 kilocycles				
CKLC	Kingston, Ontario	1 kw	DA-1	U	III	N in O.
		1450 kilocycles				
New	Chicoutimi, Province of Quebec.	250 w	ND	U	IV	Nov. 14, 1954.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 54-833; Filed, Feb. 4, 1954; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28871]

CRUDE PUMICE AND VOLCANIC SCORIA, ASH OR SLAG FROM CRATER, COLO., TO IOWA, KANSAS AND NEBRASKA

APPLICATION FOR RELIEF

FEBRUARY 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Pumice, crude or crushed, not ground, and volcanic scoria, ash, or slag, carloads.

From: Crater, Colo.

To: Council Bluffs and Sioux City, Iowa and points in Kansas and Nebraska.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: W. J. Prueter, Agent, ICC No. A-3560, supl. 233.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-758; Filed, Feb. 3, 1954; 8:49 a. m.]

[4th Sec. Application 28872]

ROOFING AND BUILDING MATERIALS BETWEEN POINTS IN SOUTHERN TERRITORY, SOUTHERN TERRITORY AND WASHINGTON, D. C., ST. LOUIS, MO., AND POINTS IN ILLINOIS AND INDIANA

APPLICATION FOR RELIEF

FEBRUARY 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Roofing and building materials and related articles as described in item 150 of Agent C. A. Spaninger's tariff ICC No. 1421, also slate roofing, carloads.

Territory: Between points in southern territory, also between points in southern territory, on the one hand, and Washington, D. C., St. Louis, Mo., and points in Illinois and Indiana, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers, to maintain grouping, operation through higher-rated territory, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1421.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-759; Filed, Feb. 3, 1954; 8:50 a. m.]

[4th Sec. Application 28873]

TIN PLATE, TERNE PLATE AND TIN MILL BLACK PLATE FROM FAIRFIELD, ALA., TO NEW ORLEANS AND CHALMETTE, LA.

APPLICATION FOR RELIEF

FEBRUARY 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Tin plate, terne plate and tin mill black plate, in packages or on platforms, carloads.

From: Fairfield, Ala.

To: New Orleans and Chalmette, La.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with water, or water-rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1258, supl. 60.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by

the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-760; Filed, Feb. 3, 1954; 8:50 a. m.]

[No. 31375]

NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO.

MOVEMENT OF HIGHWAY TRAILERS BY RAIL

FEBRUARY 2, 1954.

In the notice of January 6, 1954 (19 F. R. 223), in the above proceeding, interested persons were invited to offer suggestions for formulation of proposed rules respecting the movement of highway trailers by rail. It was stated that Division 3 would receive suggestions filed on or before February 15, 1954.

Upon consideration of representations made by persons desiring to avail themselves of this invitation, but who find it impracticable to submit their views by February 15, it appears advisable to extend this period. Accordingly, the division will receive suggestions for formulation of the proposed rules on or before March 15, 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-830; Filed, Feb. 4, 1954; 8:53 a. m.]

[4th Sec. Application 28875]

CAUSTIC SODA FROM MCINTOSH, ALA., TO CENTRAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

FEBRUARY 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Caustic soda, liquid, in tank-car loads.

From: McIntosh, Ala.

To: Specified points in central and Illinois territories, including Louisville, Ky., and Cincinnati, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, operation through higher-rated territory.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1351, supl. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-762; Filed, Feb. 3, 1954; 8:50 a. m.]

[4th Sec. Application 28876]

GRAIN FROM ST. LOUIS, MO., DISTRICT TO TEXAS GULF PORTS AND LAKE CHARLES, LA.

APPLICATION FOR RELIEF

FEBRUARY 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Grain, grain products, and related articles, carloads.

From: East St. Louis, Ill., St. Louis, Mo., and adjacent points in Missouri.

To: Texas gulf ports and Lake Charles, La., for export.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: St. Louis-San Francisco Railway Company, ICC No. A-532, supl. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-825; Filed, Feb. 4, 1954; 8:52 a. m.]

[4th Sec. Application 28878]

VARIOUS COMMODITIES FROM ARKANSAS AND TENNESSEE TO CENTRAL AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

FEBRUARY 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed in exhibit A of the application pursuant to fourth section order No. 17220.

Commodities involved: Aluminum castings also cottonseed hull shavings pulp and related articles, carloads.

From: Specified points in Arkansas and Tennessee.

To: Specified points in central and New England territories.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-827; Filed, Feb. 4, 1954; 8:53 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 19 NUMBER 26

Washington, Saturday, February 6, 1954

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter F—Marine Engineering

[CGFR 54-2]

MATERIALS, CONSTRUCTION, UNFIRED PRESSURE VESSELS, AND PIPING FOR MERCHANT VESSELS

A notice regarding proposed miscellaneous changes in the Marine Engineering Regulations for merchant vessels was published in the FEDERAL REGISTER dated September 9, 1953, 18 F. R. 5433, as items IX, X, and XI on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 29, 1953, at Washington, D. C. All comments, views, and data submitted were considered and where practicable were incorporated into the regulations.

The amendments to 46 CFR 51.04–1, 51.07–1, 51.13–1, 51.22–1, 51.25–1, 51.34–1, 51.46–1, 51.49–1, 51.58–1, 51.61–1, 51.67–1, 51.70–1, 51.73–1, and 51.76–1 revise and bring up to date the requirements with respect to standard specifications issued by the American Society for Testing Materials. These amendments are based on item IX of the agenda.

The cancellation of 46 CFR 52.01–80, regarding boilers on barges, and 46 CFR 52.20–10 (i), regarding detailed requirements for manhole and handhole openings in externally fired boilers, is because these regulations are no longer necessary. These changes are based on item IX of the agenda.

Table 52.05–10 (a) in 46 CFR 52.05–10 is amended by adding maximum allowable stress values for steel forgings (ASTM designation A182–52aT) and steel castings (ASTM designation A351–52T), and by revising the maximum allowable stresses for certain other ferrous materials. This change is based on item IX of the agenda.

The amendments to 46 CFR 52.05–5 (a), 52.05–12 (g), 52.15–5 (a), 52.20–5 (a), and 52.22–5 (a) clarify the intent of the regulations with respect to the materials to be used in the shells and heads of boilers. These changes are based on item IX of the agenda.

The amendment to 46 CFR 52.35–20 (f) permits stays and staybolts in fire tube boilers to be attached by welding in addition to the methods previously permitted. This change is in substantial agreement with the requirements of the American Society of Mechanical Engineers' boiler code. This amendment is based on item IX of the agenda.

Table 52.55–10 (a2) in 46 CFR 52.55–10 (a) (2) is made applicable to seamless low carbon steel tubes subject to internal pressure where expanded into drums or headers. The values set forth in this table may be used in the computations to determine the maximum allowable pressures for electric-resistance-welded low carbon steel tubes when used as either boiler, waterwall, economizer, or superheater tubes when fully enclosed within the boiler setting. When such tubes are to be used outside the boiler casing the maximum allowable pressures shall not exceed 85 percent of the values set forth in table 52.55–10 (a2). This amendment is based on item IX of the agenda.

The amendments to 46 CFR 54.03–15, 54.03–20, and 54.03–35, regarding the design and construction of unfired pressure vessels, are intended to bring Coast Guard requirements into closer agreement with the standards of the Tubular Exchangers Manufacturers Association and to clarify the intent of the regulations. The amendment to 46 CFR 54.03–35, regarding access and inspection openings, will bring Coast Guard requirements into closer agreement with the requirements of the American Society for Mechanical Engineers. These changes are based on item X of the agenda.

The amendments to 46 CFR 55.07–1 and 55.07–5 revise the requirements regarding seamless alloy steel pipe and will require that alloy steel bent pipe should be heat treated in order to remove locked up stresses as well as to refine the grain structure. The specification references and grade designations have been revised and brought up to date. These changes are based on item XI of the agenda.

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CODIFICATION GUIDE

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By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER:

PART 51—MATERIALS

SUBPART 51.04—MARINE BOILER STEEL PLATE

1. Section 51.04–1 *Scope* is amended by revising the references to A. S. T. M. specification designations (column 1) in table 51.04–1 from "A201–52T" to "A201–52aT"; from "A212–52T" to "A212–52aT"; and from "A204–52T" to "A204–52aT".

SUBPART 51.07—STAYBOLT AND RIVET STEEL

2. Section 51.07–1 *Scope* is amended by revising the reference to A. S. T. M. specification designation (column 1) in table 51.07–1 from "A202–52T" to "A202–52aT".

SUBPART 51.10—STEEL BARS AND SHAPES

3. Section 51.10–1 *Scope* is amended by revising the A. S. T. M. designation from "A107–52T" to "A107–52aT".

SUBPART 51.13—STAYBOLT AND RIVET IRON

4. Section 51.13–1 *Scope* is amended by revising the reference to A. S. T. M. specification designation (column 1) in table 51.13–1 from "A84–39" to "A84–52T".

SUBPART 51.22—FLANGE AND FIRE BOX STEEL PLATE

5. Section 51.22–1 *Scope* is amended by revising the reference to A. S. T. M. specification designation (column 1) in table 51.22–1 from "A285–52T" to "A285–52aT".

SUBPART 51.25—CARBON AND ALLOY-STEEL AND WROUGHT IRON TUBES

6. Section 51.25–1 (a) is amended by revising table 51.25–1 (a) to read as follows:

§ 51.25–1 *Scope.* (a) * * *

TABLE 51.25–1 (a)—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Carbon-steel and iron:		
A83–52T	Type A (low-carbon seamless steel).	T83–A.
A178–51T	Type A (low-carbon electric-resistance-welded steel).	T178–A.
A178–51T	Type B (electric-resistance welded iron).	T178–B.
A178–51T	Type C (medium-carbon electric resistance-welded steel).	T178–C.
A179–51T	Low-carbon seamless steel condenser tubes.	T179.
A192–51T	Low-carbon seamless steel.	T192.
A210–52T	Medium-carbon seamless steel.	T210.
A226–51T	Electric-resistance welded steel.	T226.
Alloy-steel:		
A209–51T	T1 (C-Mo)	T1.
A209–51T	T1a (C-Mo)	T1a.
A209–51T	T1b (C-Mo)	T1b.
A213–52T	T3 (1.75 Cr-0.75 Mo)	T3.
A213–52T	T3b (2 Cr-0.50 Mo)	T3b.
A213–52T	T5 (5 Cr-0.50 Mo)	T5.
A213–52T	T11 (1.25 Cr-0.50 Mo)	T11.
A213–52T	T12 (1 Cr-0.50 Mo)	T12.
A213–52T	T21 (3 Cr-1 Mo)	T21.
A213–52T	T22 (2.25 Cr-1 Mo)	T22.
A213–52T	TP321 (18 Cr-8 Ni+Ti)	TP321.
A213–52T	TP347 (18 Cr-8 Ni+Cb)	TP347.

SUBPART 51.34—CARBON AND ALLOY-STEEL, AND WROUGHT IRON PIPE

7. Section 51.34–1 is amended by revising table 51.34–1 to read as follows:

§ 51.34–1 *Scope.* * * *

TABLE 51.34–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Carbon-steel and iron:		
A53–52T	Lap-welded steel	P53–LW.
A53–52T	Butt-welded steel	P53–BW.
A53–52T	A (seamless steel)	P53–A.
A53–52T	B (seamless steel)	P53–B.
A53–52T	A (electric-resistance-welded steel).	P53–RW–A.
A53–52T	B (electric-resistance-welded steel).	P53–RW–B.
A106–52T	A (seamless steel)	P106–A.
A106–52T	B (seamless steel)	P106–B.
A135–51T	A (electric-resistance-welded steel).	P135–A.
A135–51T	B (electric-resistance-welded steel).	P135–B.
A72–52T	Lap-welded wrought iron.	P72–LW.
A72–52T	Butt-welded wrought iron.	P72–BW.
Alloy-steel:		
A335–52aT [1]	P1 (C-Mo) (A206)	P1.
A335–52aT [1]	P2 (0.50 to 0.70 Cr-0.50 Mo) (A280).	P2 (P280).
A335–52aT [1]	P3 (1.75 Cr-0.70 Mo) (A158).	P3.
A335–52aT [1]	P3b (2 Cr-0.50 Mo) (A158).	P3b.
A335–52aT [1]	P11 (1.25 Cr-0.50 Mo) (A158).	P11.
A335–52aT [1]	P12 (1 Cr-0.50 Mo) (A315).	P12 (P315).
A335–52aT [1]	P21 (3 Cr-0.90 Mo)	P21.
A335–52aT [1]	P22 (2.25 Cr-1 Mo)	P22.
A312–51T [2]	TP321 (18 Cr-8 Ni+Ti) (A158).	TP321.
A312–51T [2]	TP347 (18 Cr-8 Ni+Cb) (A158).	TP347.

[1] This A. S. T. M. specification for seamless ferritic alloy-steel pipe for high temperature service is a combination of, and is intended to replace A. S. T. M. specifications A206–51T, A280–51T, A158–51T, and A315–51T, with the addition of two new grades P21 and P22.

[2] The austenitic grades TP321 and TP347 formerly in A. S. T. M. specification A158 have been incorporated in specification A312.

SUBPART 51.46—STEEL FORGINGS

8. Section 51.46–1 is amended by revising table 51.46–1 to read as follows:

§ 51.46–1 *Scope.* * * *

TABLE 51.46–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Carbon-steel:		
A105–48	I	F105–I.
A105–48	II	F105–II.
A181–49	I	F181–I
A181–49	II	F181–II.
Alloy-steel:		
182–52aT	F1 (C-Mo)	F1.
182–52aT	F5 (5 Cr-0.50 Mo)	F5.
182–52aT	F11 (1.25 Cr-0.50 Mo)	F11.
182–52aT	F12 (1 Cr-0.50 Mo)	F12
182–52aT	F22 (2.25 Cr-1 Mo)	F22
182–52aT	F316 (18 Cr-8 Ni+Mo)	F316.
182–52aT	F321 (18 Cr-8 Ni+Ti)	F321.
182–52aT	F347 (18 Cr-8 Ni+Cb)	F347.

SUBPART 51.49—CARBON AND ALLOY-STEEL BOLTING AND NUT MATERIAL

9. Section 51.49–1 is amended by revising table 51.49–1 to read as follows:

§ 51.49–1 *Scope.* * * *

TABLE 51.49–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Carbon-steel bolting:		
A307–52T	BQ	BQ.
A307–52T	B	B.
Alloy-steel bolting:		
A193–52T	B5 (5 Cr-0.50 Mo)	B5.
A193–52T	B6 (12 Cr)	B6.
A193–52T	B7 (1 Cr-0.20 Mo)	B7.
A193–52T	B7a (1 Cr-0.60 Mo)	B7a.
A193–52T	B14 (1 Cr-0.35 Mo-0.25 Va)	B14.
A193–52T	B16 (1 Cr-0.55 Mo-0.30 Va)	B16.
A193–52T	B8c (18 Cr-8 Ni+Cb)	B8c.
A193–52T	B8t (18 Cr-8 Ni+Ti)	B8t.
A193–52T	B8F (18 Cr-8 Ni)	B8F.
Carbon and alloy-steel nuts:		
A194–51	1 (carbon-steel)	1.
A194–51	2 (carbon-steel)	2.
A194–51	2H (carbon-steel)	2H.
A194–51	3 (5 Cr-0.50 Mo-1W)	4.
A194–51	4 (0.15 Si-0.20 Mo)	4.

SUBPART 51.58—STEEL CASTINGS

10. Section 51.58–1 (a) is amended by revising table 51.58–1 to read as follows:

§ 51.58–1 *Scope.* (a) * * *

TABLE 51.58–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Carbon-steel:		
A95–44		A.
A216–47T	WCA	WCA.
A216–47T	WCB	WCB.
Alloy-steel:		
A217–49T	WC1 (C-Mo)	WC1.
A217–49T	WC4 (1 Ni-0.65 Cr-0.50 Mo)	WC4.
A217–49T	WC5 (0.80 Ni-0.70 Cr-1 Mo)	WC5.
A217–49T	WC6 (1.25 Cr-0.50 Mo)	WC6.
A217–49T	WC9 (2.25 Cr-1 Mo)	WC9.
A217–49T	C5 (5 Cr-0.50 Mo)	C5.
A217–49T	C12 (9 Cr-1 Mo)	C12
A351–52T	CF8C (18 Cr-8 Ni)	CF8C.

SUBPART 51.61—MALLEABLE IRON AND GRAY IRON CASTINGS

11. Section 51.61–1 *Scope* is amended by revising the reference to A. S. T. M. specification designation (column 1) in table 51.61–1 from "A47–48" to "A47–52".

SUBPART 51.67—COPPER AND COPPER-ALLOY PLATE

12. Section 51.67–1 *Scope* is amended by revising the reference to A. S. T. M. specification designation (column 1) for copper-alloy in table 51.67–1 from "B171–51" to "B171–52".

SUBPART 51.70—SEAMLESS COPPER AND COPPER-ALLOY PIPE

13. Section 51.70–1 *Scope* is amended by revising references to A. S. T. M. specification designation (column 1) in table 51.70–1 from "B42–51" to "B42–52", and from "B43–51" to "B43–52".

SUBPART 51.73—SEAMLESS COPPER AND COPPER-ALLOY TUBES

14. Section 51.73–1 *Scope* is amended by revising certain references to A. S. T. M. specification designations (column 1) in table 51.73–1 from "B75–51T" to "B75–52" and from "B111–51" to "B111–52".

SUBPART 51.76—COPPER-ALLOY CASTINGS

15. Section 51.76–1 *Scope* is amended by revising references to A. S. T. M. specification designations (column 1) in table 51.76–1 from "B62–51" to "B62–52"; from "B61–51" to "B61–52"; and from "B143–49" to "B143–52".

SUBPART 51.79—ALUMINUM-ALLOY PLATE

16. Section 51.79–1 *Scope* is amended by revising reference to A. S. T. M. specification designation (column 1) in table 51.79–1 from "B178–51T" to "B178–52T".

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391a, 392, 390, 401–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 52—CONSTRUCTION

SUBPART 52.01—PROCEDURE AND GENERAL REQUIREMENTS

1. Section 52.01–80 *Boilers on barges* is canceled.

SUBPART 52.05—CYLINDRICAL SHELLS

2. Section 52.05–5 (a) is amended to read as follows:

§ 52.05–5 *Materials.* (a) Plates shall be of marine boiler steel complying with subpart 51.04 of this subchapter, except that boilers designed for pressures not exceeding 150 pounds per square inch may be constructed of steel plate meeting the specifications of subpart 51.22 of this subchapter, and which are tested, inspected, and stamped in conformance with the requirements for class A materials.

3. Section 52.05–10 (a) is amended by revising table 52.05–10 (a) to read as follows:

§ 52.05–10 *Computations.* (a) • • •

TABLE 52.05–10 (a)—MAXIMUM ALLOWABLE STRESSES[1] FOR FERROUS MATERIALS

[Boilers, unfired pressure vessels, boiler tubes and bolting]

Specification subpart	A. S. T. M. designation	Grade: A. S. T. M.	Grade: C. G.	Minimum tensile strength p. s. i.	Notes	For metal temperatures not exceeding ° F.[2]: −20 to 650	700	750	800	850	900	950	1,000	1,050	1,100	1,150	1,200
PLATE																	
Carbon steel:																	
51 04	A201	A	A	55,000		13,750	13,250	12,050	10,200								
51 04	A201	B	B	60,000		15,000	14,350	12,950	10,900								
51 04	A212	A	C	65,000		16,250	15,500	13,850	11,400								
51 04	A213	B	D	70,000		17,500	16,600	14,750	12,000								
51 22	A285	A	A	45,000		11,250											
51 22	A285	B	B	50,000		12,500											
51 22	A285	C	C	55,000		13,750											
Alloy steel:																	
51 04	A204	A	E	65,000	(3)	16,250	16,250	16,250	15,650	14,400	12,500						
51 04	A204	B	F	70,000	(3)	17,500	17,500	17,500	16,900	15,500	12,750						
51 04	A204	C	G	75,000	(3)	18,750	18,750	18,750	18,000	15,500	13,000						
PIPES AND TUBES																	
Seamless carbon steel																	
51 25	A83	A	T83–A	(47,000)	(4)	11,750	11,450	10,350									
51 25	A192		T192	(47,000)	(4)	11,750	11,450	10,350	9,400								
51 25	A210		T210	60,000		15,000	14,350	12,950	10,900								
51 25	A179		T179	(47,000)	(4 6)	11,750	11,450	10,350									
51 34	A53	A	T53–A	48,000		12,000	11,650	10,700									
51 34	A53	B	T53–B	60,000		15,000	14,350	12,950									
51 34	A106	A	T106–A	48,000		12,000	11,650	10,700	9,600								
51 34	A106	B	T106–B	60,000		15,000	14,350	12,950	10,900								
Seamless alloy steel:																	
51 25	A209	T1	T1	55,000	(6)	13,750	13,750	13,750	13,450	13,150	12,500						
51 25	A209	T1a	T1a	60,000	(6)	15,000	15,000	15,000	14,400	13,750	12,500						
51 25	A209	T1b	T1b	53,000	(6)	13,250	13,250	13,250	13,000	12,750	12,500						
51 25	A213	T3	T3	60,000		15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,500			
51 25	A213	T3b	T3b	60,000		15,000	15,000	15,000	14,700	14,400	12,500	10,000	6,200	4,200			
51 25	A213	T5	T5	60,000	(7)		13,400	13,100	12,800	12,400	11,500	10,000	7,300	5,200			
51 25	A213	T11	T11	60,000		15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,500			
51 25	A213	T12	T12	60,000		15,000	15,000	15,000	14,750	14,200	13,100	11,000	7,500	5,000			
51 25	A213	T21	T21	60,000		15,000	14,800	14,500	13,900	13,200	12,000	9,000	7,000	5,500			
51 25	A213	T22	T22	60,000		15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,800			
51 25	A213	TP321	TP321	75,000		14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	10,300	7,600	5,000
51 25	A213	TP347	TP347	75,000		14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	10,300	7,600	5,000
Electric-resistance-welded carbon steel																	
51 34	A53	A	P53 RW–A	48,000	(5)	10,200											
51 34	A53	B	P53 RW–B	60,000	(5)	12,750											
51 34	A135	A	P135–A	48,000	(5)	10,200											
51 34	A135	B	P135–B	60,000	(5)	12,750											
51 25	A178	A	T178–A	(47,000)	(4 5)	11,750	11,500	10,700									
51 25	A178	C	T178–C	60,000	(5)	15,000	14,350	12,950									
51 25	A226		T226	(47,000)	(4 5)	11,750	11,500	10,700	9,600								
FORGINGS																	
Carbon steel																	
51 46	A105	I	F105–I	60,000		15,000	14,350	12,950	10,900								
51 46	A105	II	F105–II	70,000		17,500	16,600	14,750	12,000								
51 46	A181	I	F181–I	60,000		15,000	14,350	12,950	10,900								
51 46	A181	II	F181–II	70,000		17,500	16,600	14,750	12,000								
Alloy steel																	
51 46	A182	F1	F1	70,000	(3)	17,500	17,500	17,500	16,900	15,500	12,750						
51 46	A182	F5	F5	90,000	(7)		17,500	16,000	14,500	13,000	11,500	10,000	7,300	5,200			
51 46	A182	F11	F11	70,000		16,800	16,150	15,500	15,000	14,400	13,100	11,000	7,500	5,000			
51 46	A182	F12	F12	70,000	(7)		16,150	15,500	14,850	14,200	13,100	11,000	7,800	5,800			
51 46	A182	F22	F22	70,000		17,500	17,500	17,500	17,500	17,000	14,000	11,000	7,800	5,800			
51 46	A182	F316	F316	75,000		17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200	10,400	8,500	6,500
51 46	A182	F321	F321	75,000		14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	10,300	7,600	5,000
51 46	A182	F347	F347	75,000		14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100	10,300	7,600	5,000

[1] In general, the allowable *S* values in table 52.05–10 (a), except for welded pipe and tubing, and bolting, are based on one-fourth of the minimum of the specified tensile range of the material for temperatures of 650° and below; and on creep stress or stress-rupture for temperatures above 650° F.

[2] Intermediate values of *S* may be obtained by interpolation.

[3] Carbon-molybdenum alloy-steel plate, pipe, forging, and cast material shall be limited to a maximum temperature of 875° F.

[4] The minimum tensile strength employed not given in the specification; tensile strength value assumed.

[5] Permitted only for use as tube material in heat exchangers.

[6] This material shall be limited to a temperature of 875° F. when used in the design of pressure vessels.

[7] Maximum allowable stress values for temperatures below 700° F. are as follows:

A. S. T. M. designation	Grade	For metal temperatures not exceeding °F.: −20 to 400	500	600	650
A213	T5	15,000	14,500	14,000	13,700
A182	F12	17,500	17,500	17,500	16,900
A182	F5	22,500	21,600	20,100	19,400

[8] These stresses include weld joint efficiency of 0.85.

[9] These stress values are limited in use to boiler, waterwall, economizer and superheater tubes that are fully enclosed within the boiler setting, and to heat exchanger tubes. When material conforming to this specification is used for pipe outside the boiler casing, or when used for shells of pressure vessels, the stress values shall be multiplied by a weld joint efficiency of 0.85.

TABLE 52.05–10 (a)—MAXIMUM ALLOWABLE STRESSES[1] FOR FERROUS MATERIALS—Continued

[Boilers, unfired pressure vessels, boiler tubes and bolting]

Specification subpart	A. S. T. M. designation	Grade: A. S. T. M.	Grade: C. G.	Minimum tensile strength p. s. i.	Notes	For metal temperatures not exceeding ° F.[2]: −20 to 650	700	750	800	850	900	950	1,000	1,050	1,100	1,150	1,200
BOLTING																	
Carbon steel:																	
51 49	A261	BO	BO	100,000	(10)	16,250	14,950	12,500									
51 49	A307		B	55,000	(11)	7,000											
Alloy steel:																	
51 49	A193	B5	B5		(12)	20,000	20,000	20,000	20,000	17,250	13,750	10,300	7,300				
51 49	A193	B6	B6		(10)	20,000	18,400	16,700	14,300	11,800	8,400						
51 49	A193	B7	B7		(10)	20,000	20,000	20,000	20,000	16,250	12,500						
51 49	A193	B7a	B7a		(10)	20,000	20,000	20,000	20,000	17,250	13,750	10,300	7,300				
51 49	A193	B14	B14		(10)	20,000	20,000	20,000	20,000	18,750	16,650	14,250	11,000	6,250			
51 49	A193	B16	B16		(10)	20,000	20,000	20,000	20,000	18,750	16,650	14,250	11,000	6,250			
51 49	A193	B8c	B8c			11,850	11,800	11,750	11,650	11,450	11,300	11,100	10,900	10,500	10,000	8,000	5,000
51 49	A193	B8t	B8t			11,850	11,800	11,750	11,650	11,450	11,300	11,100	10,900	10,500	10,000	8,000	5,000
51 49	A193	B8F	B8F			11,850	11,800	11,750									
CASTINGS																	
Carbon steel																	
51 58	A95		A	70,000	(13)	17,500	16,600	14,750	12,000								
51 58	A216	WCA	WCA	60,000	(13)	15,000	14,350	12,950	10,800								
51 58	A216	WCB	WCB	70,000	(13)	17,500	16,600	14,750	12,000								
Alloy steel																	
51 58	A217	WC1	WC1	65,000	(3,12,13)	16,250	16,250	16,250	15,650	14,400	12,500						
51 58	A217	WC4	WC4	70,000	(12,13)	17,500	17,500	17,500	17,000	15,800	14,000						
51 58	A217	WC5	WC5	70,000	(12,13)	17,500	17,500	17,500	17,000	15,800	14,000	11,000	7,800	5,500			
51 58	A217	WC6	WC6	70,000	(12,13)	17,500	17,500	17,500	17,000	15,800	14,000	11,000	7,800				
51 58	A217	WC9	WC9	70,000	(12,13)	17,500	17,500	17,500	17,000	15,800	14,000	11,000	7,800	5,800			
51 58	A217	C5	C5	90,000	(12)	22,500	21,600	20,400	19,000	17,000	13,600	10,000	7,300				
51 58	A217	C12	C12	90,000	(12)	22,500	22,000	21,000	19,400	17,400	15,000	11,750	8,500				
51 58	A351	CF8C	CF8C	70,000	(12)	11,500	11,300	11,100	10,900	10,650	10,400	10,100	9,850	9,600	7,500	5,750	4,500

[1] In general, the allowable *S* values in table 52.05–10 (a), except for welded pipe and tubing, and bolting, are based on one-fourth of the minimum of the specified tensile range of the material for temperatures of 650° and below; and on creep stress or stress-rupture for temperatures above 650° F.

[2] Carbon-molybdenum alloy-steel plate, pipe, forging, and cast material shall be limited to a maximum temperature of 875° F.

[10] Between temperatures of −20° to 400° F., stress values equal to the lower of the following will be permitted: 20 percent of the minimum tensile strength or 25 percent of the minimum yield strength.

[11] This stress not permitted for temperatures exceeding 450° F.

[12] To these stresses a quality factor as specified in § 52.05–13 shall be applied.

[13] These stresses apply to the normalized material only.

4. Section 52.05–12 (g) (1) (iv) is corrected to read as follows:

§ 52.05–12 *Maximum allowable stress.* • • •

(g) (1) • • •

(iv) Hemispherical or ellipsoidal heads with flanged-in or other unreinforced manholes.

SUBPART 52.15—DOMES AND STEAM CHIMNEYS

5. Section 52.15–5 (a) is amended to read as follows:

§ 52.15–5 *Materials and workmanship.* (a) Steel plates used in the construction of domes and steam chimneys shall conform to the specifications and requirements for the shell plates.

SUBPART 52.20—DISHED HEADS

6. Section 52.20–5 (a) with note is amended to read as follows:

§ 52.20–5 *Materials and workmanship.* (a) Steel plate used in the fabrication of dished heads shall conform to the specifications and requirements for the shell plates. Welding caps, conforming to the requirements of subpart 51.34 of this subchapter, may be used as end closures in water drums and headers, provided the diameter does not exceed 24 inches. Flanged or dished heads if pressed or flanged cold shall be stress-relieved as required by § 56.01–70 of this subchapter after the cold forming operations are completed. Heads that are flanged or dished hot need not be stress-relieved.

NOTE: It is not mandatory in fresh and salt water service systems that flanged or dished heads be stress-relieved for use on compression tanks with an air cushion containing liquids operating at temperatures not exceeding 212° F.

SUBPART 52.22—FLAT HEADS

7. Section 52.22–5 (a) is amended to read as follows:

§ 52.22–5 *Materials and workmanship.* (a) Steel plate used in the fabrication of flat heads shall conform to the specifications and requirements for the shell plates, except that small end closures in headers may be made of material complying with subpart 51.22 of this subchapter.

SUBPART 52.24—ACCESS AND INSPECTION OPENINGS

8. Section 52.24–10 *Detail requirements* is amended by canceling paragraph (i).

SUBPART 52.35—STAYS AND REINFORCEMENTS

9. Section 52.35–20 (f) is amended to read as follows:

§ 52.35–20 *Detail requirements.* • • •

(f) Arc welding may be used in lieu of threading or riveting for the attachment of stays or staybolts to plates in conformance with the following requirements:

(1) The stays or staybolts shall be inserted into holes through the plate, except as provided for in subparagraph (5) of this paragraph, and the area of the weld in shear measured parallel to that portion of the stay extending through the plate shall be not less than 1.25 times the required cross-sectional area of the stay, but in no case shall the leg of the weld be less than ⅜ inch.

(2) The face of the weld shall not terminate below the outside surface of the plate.

(3) The ends of the stays or staybolts inserted through the plate shall not project more than ⅜ inch beyond surfaces exposed to the products of combustion.

(4) When flat heads are supported by diagonal stays protruding through the shell, the cross-sectional area of the portion of the stay extending through the shell shall not be less than 1.25 times the required cross-sectional area of the stay.

(5) Diagonal stays may be attached to the inner surface of the shell, but not the head, by fillet welds only, provided:

(i) The leg of the welds is not less than ⅜ inch;

(ii) The cross-sectional area of the portion of the stay welded to the shell and also the cross-sectional area of the fillet welds parallel to the axis of the shell, measured at the throat, are not less than 1.25 times the cross-sectional area of the stay;

(iii) The fillet welds shall be continuous around the full length of the sides and ends of the stay; and,

(iv) The palm end of the stay shall be hot formed to the radius of curvature of the shell.

(6) If the stay or staybolt is not normal to the plate, the point where the projection of the longitudinal center line of the stay or staybolt intersects the inner surface of the plate shall fall within the outer boundaries of the weld (projected if necessary).

(7) Welded collars may be used in lieu of nuts around the end of screw staybolts, provided the depth of the collar, measured on the staybolt, and the width, measured on the plate, are not less than one-half the diameter of the staybolt.

(8) The welding, except where welded collars are used, shall be stress-relieved in accordance with § 56.01–70 of this subchapter.

(9) Tell-tale holes are not required in stays or staybolts attached by welding, except where screw staybolts are used.

SUBPART 52.55—BOILER AND SUPERHEATER TUBES

10. Section 52.55–10 (a) (2) is revised by changing the footnotes 1 and 2, and by adding a footnote 3 to table 52.55–10 (a2) (but no change made in the text of the table), to read as follows:

§ 52.55–10 *Computations.* (a) * * * (2) * * *

TABLE 52.55-10 (a2)—MAXIMUM ALLOWABLE PRESSURES FOR SEAMLESS AND ELECTRIC-RESISTANCE WELDED LOW CARBON STEEL TUBES SUBJECT TO INTERNAL PRESSURE WHERE EXPANDED INTO DRUMS OR HEADERS [1] [3]

[1] These values have been calculated by Formula (1) in § 52.55–10 (a) using allowable stress values at 700° F. for Grades T83–A, T193, and T178–A tubing.

[2] Where calculated allowable pressures exceed an even unit of 10 by more than 1, the next higher unit of 10 is given in the table.

[3] The maximum allowable pressures for electric-resistance-welded low carbon steel tubes shall be limited to boiler, waterwall, economizer, and superheater tubes that are fully enclosed within the boiler setting. For electric-resistance-welded tubing outside the boiler casing, the maximum allowable pressures shall not exceed 85 percent of the values listed in the table.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391a, 392, 399, 401–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 54—UNFIRED PRESSURE VESSELS

SUBPART 54.03—DESIGN AND CONSTRUCTION

1. Section 54.03–15 is amended to read as follows:

§ 54.03–15 *Tube sheets.* (a) The maximum allowable pressure and the minimum thickness of tube sheets shall be calculated by the following formulas:

(1) Stationary or floating tube sheets of monoplate construction clamped between opposing contacts within the bolt circle and freely supported at edge with straight tubes attached by expanding.

$$P=\frac{ST^2}{0.25D^2} \quad (1)$$

$$T=D\sqrt{\frac{0.25P}{S}} \quad (2)$$

(2) Fixed or integral channel-tube sheets firmly secured all around edge, with straight tubes attached by expanding.

$$P=\frac{ST^2}{0.16D^2} \quad (3)$$

$$T=D\sqrt{\frac{0.16P}{S}} \quad (4)$$

(3) Bolted tube sheet having gaskets inside bolt circle, where the setting of the bolts tends to dish the tube sheet, with straight tubes attached by expanding.

$$P=\frac{ST^2}{D^2\left[0.30+\frac{1.4\,Whg}{HD}\right]} \quad (5)$$

$$T=D\sqrt{\frac{P\left[0.30+\frac{1.4\,Whg}{HD}\right]}{S}} \quad (6)$$

(4) Floating tube sheets which are of noncircular design with straight tubes attached by expanding.

$$P=\frac{ST^2}{0.50D^2} \quad (7)$$

$$T=D\sqrt{\frac{0.50P}{S}} \quad (8)$$

where:

P = maximum allowable pressure, in pounds per square inch.

S = maximum allowable stress, 80 percent of the values as given in tables 52.05–10 (a) or 54.03–10 (c), in pounds per square inch.

T = minimum thickness of unreinforced tube sheet, measured at bottom of partition groove, in inches.

D = mean gasket diameter for flanged attachment; inside diameter of shell when bolted attachment is not employed; or shortest span for noncircular tube sheets measured to center line of gasket if bolted construction is employed; or to point of support if welded construction is employed; in inches.

W = flange design bolt load, in pounds. (See § 54.03–25 (c).)

hg = radial distance from the bolt-circle diameter to the diameter D, in inches.

H = total hydrostatic end force on area bounded by the mean diameter of the gasket or joint contact surface, in pounds.

(b) The minimum thickness of a tube sheet in which tubes are attached by expanding shall be not less than the outside diameter of the tubes.

(c) Tube sheet of a thickness less than that required by paragraph (a) may be considered by the Commandant where stiffened by ribs secured to the tube sheet by continuous penetration or double fillet welds. Such stiffeners will not be considered effective for a distance exceeding 30 plate thicknesses in calculating the section modulus.

(d) Where tubes are welded or brazed to a tube sheet and no expansion joint is employed in the shell construction, consideration may be given by the Commandant to the use of a tube sheet of lesser thickness than required by the formulas in this section, provided the tube pitch is adequate for welding or brazing.

(e) U-tube tube sheets shall have a thickness of at least 1.25 times the thickness required for tube sheets with straight tubes.

(f) The pitch of tubes attached to tube sheets by expanding shall be not less than that given in table 54.03–15 (f).

(g) Some types of arc- or gas-welded tube sheet attachments which are acceptable are illustrated in figure 54.03–15 (g).

TABLE 54.03–15 (f)—MINIMUM PITCH OF TUBES

Outside diameter of tube (in inches):	Pitch of tube (in inches)
½ and below	⅝
⅝	1 5/16
¾	1 5/16
1	1¼
1¼	1 5/16
1½	1⅜

2. Section 54.03–20 (a) is amended by revising the description of the value "S" used in formulas (1) and (2) to read as follows:

§ 54.03–20 *Heat exchanger tubes.* (a) * * *

where:

* * * * *

S = maximum allowable stress, in pounds per square inch, as given in table 52.05–10 (a) or table 54.03–10 (c), at not less than the maximum expected mean wall temperature. The mean wall temperature is defined as the sum of the outside and inside surface temperatures divided by 2 where the temperature of the heating medium is considered to be for saturated steam at the design conditions and the temperature of the liquid or vapor being heated is the maximum temperature of the fluid at the hot terminal.

3. Section 54.03–35 is amended by revising paragraphs (c) and (d) to read as follows:

§ 54.03–35 *Access and inspection openings.* * * *

(c) (1) Vessels not exceeding 12 inches in inside diameter are not required to have inspection openings.

(2) Vessels over 12 inches but not exceeding 16 inches in inside diameter need not be provided with inspection openings if the vessels are fitted with two pipe connections of at least 1½ inches in pipe size which can be disconnected for inspection.

(d) All unfired pressure vessels which require access or inspection openings shall be equipped as follows:

(1) Vessels over 12 inches but less than 18 inches in inside diameter shall have at least two plugged, threaded inspection openings of not less than 1½ inches pipe size.

(2) Vessels 18 to 36 inches, inclusive, in inside diameter shall have at least two threaded pipe plug inspection openings

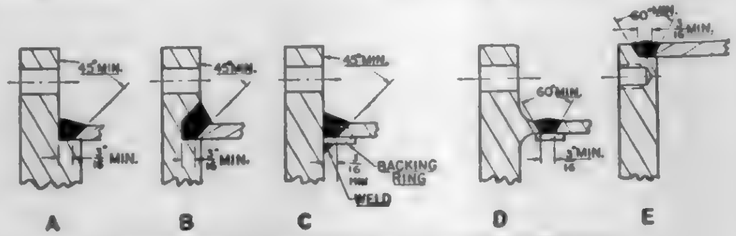


FIGURE 54.03–15 (g)—Acceptable types of tube sheet attachments.

of not less than 2 inches pipe size, or two handholes, or one manhole.

(3) Vessels over 36 inches in diameter shall have a manhole, except those whose shape or use make it impracticable, in which case they shall have at least two 4 x 6 inch handholes or two handholes of equivalent area.

(4) When handholes or plugged openings are used for inspection openings in place of a manhole, where permitted, one handhole or one plugged opening shall be placed in each head or in the shell near each head.

(5) Removable heads or cover plates may be used in place of the required openings provided they are equal at least to the required size of the required inspection openings.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391a, 392, 399, 401–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 55—PIPING SYSTEMS, PUMPS, REFRIGERATION MACHINERY, AND FUEL TANKS

SUBPART 55.07—DETAIL REQUIREMENTS

1. Section 55.07–1 *Material* is revised by changing the grade designation (column 3) for seamless-alloy steel pipe in table 55.07–1 (b) from "P3a, P3b" to "P3, P3b".

2. Section 55.07–5 *Design pressures and thickness of pipes* is amended by changing the A. S. T. M. and CG grade designation (columns 3 and 4) for seamless alloy steel in table 55.07–5 (a) from "P3a'" to "P3".

3. Section 55.07–5 is also amended by adding a new paragraph (g), reading as follows:

§ 55.07–5 *Design pressures and thickness of pipes.* * * *

(g) Sections of ferritic alloy steel piping shall be furnished in the full-annealed or normalized and drawn condition prior to installation. If the material is subject to hot bending or hot forming operations, the piping shall be re-normalized before welding. Following the normalizing treatment, piping over 2½ inches shall be re-drawn either before welding or after welding when a combined stress relief and drawn treatment may be performed simultaneously in the furnace. Material which is bent cold need not be re-normalized. The heat treatment of austenitic alloy steel piping subject to hot bending or other hot forming operations will receive special consideration by the Commandant. All scale shall be removed from normalized pipe prior to installation.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391a, 392, 399, 401–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Dated: February 2, 1954.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 54–862; Filed, Feb. 5, 1954; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 16, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 914.316 (Navel Orange Reg. 16, 19 F. R. 527) are amended to read as follows:

(ii) District 2, 231,000 boxes.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 3d day of February 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–865; Filed, Feb. 5, 1954; 8:50 a. m.]

[Navel Orange Reg. 17]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.317 *Navel Orange Regulation 17*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on February 4, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., February 7, 1954, and ending at 12:01 a. m., P. s. t., February 14, 1954, is hereby fixed as follows:

(i) District 1: 231,000 boxes;

(ii) District 2: 254,100 boxes;

(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D C., this 5th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Feb. 7 to 12:01 a. m., P. s. t., Feb. 14, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

Handler	Prorate base (percent)
Total	100.0000
A. N. F. Lindsay	1.4839
A. N. F. Porterville	2.1861
Ivanhoe Cooperative Association	.6817
Anderson Packing Co	1.0862
Euclid Avenue Orange Association	1.6060
Lindsay Mutual Groves	1.1033
Martin Ranch	1.4183
Orange Cove Orange Growers	2.7095
Woodlake Packing House	1.8814
Doffemyer & Son, W. Todd	.5031
Earlibest Orange Association	1.7377
Elderwood Citrus Association	.7677
Exeter Citrus Association	3.5350
Exeter Orange Growers Association	1.8773
Exeter Orchards Association	1.4534
Hillside Packing Association	1.9354
Ivanhoe Mutual Orange Association	1.3300
Klink Citrus Association	4.0240
Lemon Cove Association	.9499
Lindsay Citrus Growers Association	2.2162
Lindsay Cooperative Citrus Association	1.5123
Lindsay Fruit Association	2.3104
Lindsay Orange Growers Association	.8682
Naranjo Packing House, Co	1.4482
Orange Cove Citrus Association	3.9754
Orange Packing Co	1.0654
Orosi Foothill Citrus Association	1.4648
Paloma Citrus Fruit Association	.7880
Rocky Hill Citrus Association	1.6898
Sanger Citrus Association	3.3908
Sequoia Citrus Association	.8612
Stark Packing Co	2.6671
Visalia Citrus Association	2.3404
Waddell & Son	2.5245
Baird-Neece Corp	1.9253
Beattie Association, D. A	.7090
Grand View Heights Citrus Association	2.1381
Magnolia Citrus Association	2.7817
Porterville Citrus Association	1.6589
Randolph Marketing Co	1.4120

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Richgrove-Jasmine Citrus Association	1.6877
Strathmore Cooperative Citrus Association	.6461
Strathmore District Orange Association	1.2863
Strathmore Packing House	2.1694
Sunflower Citrus Growers	2.8113
Sunland Packing House Co	2.8138
Terra Bella Citrus Association	1.3002
Tule River Citrus Association	1.1385
Adams, Thomas	.0669
Baker Ranch Packing House	.1667
Battins Jr., Fred A	.0212
California Citrus Groves, Inc., Ltd	2.9075
Darby, Fred J	.0240
Dubendorf, John	.1507
Evans Bros. Packing Co	.4363
Far West Produce Distributors	.0622
Feltes, A. E	.0398
Foothill Packing Co	.0371
Haas & Ferry	.1938
Harding & Leggett	1.8498
Independent Growers, Inc	1.0089
Lo Bue Bros	.4990
Maas, W. A	.1289
Marks, W. & M	.4514
Morin, Carl W	.0207
Orange Belt Fruit Distributors	.6204
Paramount Citrus Association	1.7897
Reimers, Don H	.5328
Riverside Fruit Co	.2223
Sequoia Cider Mill	.0170
Stephens & Cain	.3032
Zaninovich Bros., Inc	1.6477

PRORATE DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.0000
A. N. F. Corona	.5199
A. N. F. Fullerton	.0205
A. N. F. Orange	.0177
A. N. F. Riverside	1.4674
A. N. F. Santa Paula	.1262
Badington Fruit Co	.8030
Signal Fruit Association	1.1949
Bryn Mawr Mutual Orange Association	.4660
Chula Vista Mutual Lemon Association	.1060
Daniels Inc., Ward	.3324
Euclid Avenue Orange Association	2.6892
Foothill Citrus Union, Inc	.2392
Index Mutual Association	.0106
La Verne Cooperative Citrus Association	3.0100
Olive Hillside Groves, Inc	.0080
Orange Cooperative Citrus Association	.0210
Redlands Foothill Groves	2.7126
Redlands Mutual Orange Association	1.3059
Azusa Citrus Association	.8320
Covina Citrus Association	1.9596
Glendora Citrus Association	1.6315
Valencia Heights Orchard Association	.3606
Gold Buckle Association	4.0914
La Verne Orange Association	4.6334
Anaheim Valencia Orange Association	.0120
Fullerton Mutual Orange Association	.2890
La Habra Citrus Association	.0858
Yorba Linda Citrus Association	.0803
El Cajon Valley Citrus Association	.1563
Escondido Orange Association	.6209
Citrus Fruit Growers	.6325
Cucamonga Mesa Growers	.9158
Etiwanda Citrus Fruit Association	.1338
Upland Citrus Association	3.2962
Consolidated Orange Growers	.0209
Garden Grove Citrus Association	.0203
Goldenwest Citrus Association	.1744

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Olive Heights Citrus Association	0.0596
Santiago Orange Growers Association	.1072
Villa Park Orchards Association	.0377
Bradford Bros., Inc	.2012
Placentia Mutual Orange Association	.1549
Placentia Orange Growers Association	.2368
Yorba Orange Growers Association	.0485
Corona Citrus Association	1.0986
Jameson Co	.5693
Orange Heights Orange Association	4.0363
Crafton Orange Growers Association	1.8259
East Highlands Citrus Association	.5231
Redlands Heights Groves	.9273
Redlands Orangedale Association	1.1074
Rialto-Fontana Citrus Association	.1953
Bryn Mawr Fruit Growers Association	1.2319
Mission Citrus Association	.8545
Redlands Cooperative Fruit Association	2.1798
Redlands Orange Growers Association	1.4947
Redlands Select Groves	.4980
Rialto Orange Co	.4560
Southern Citrus Growers	1.1723
United Citrus Growers	.9767
Arlington Heights Citrus Co	1.6445
Blue Banner, Inc	2.6437
Brown Estate, L. V. W	2.2691
Gavilan Citrus Association	2.1647
McDermont Fruit Co	1.6853
Monte Vista Citrus Association	1.7380
National Orange Co	1.6870
Riverside-Highgrove Citrus Association	1.8328
Victoria Avenue Citrus Association	2.2027
Claremont Citrus Association	.6419
College Heights Orange & Lemon Association	.1516
Indian Hill Citrus Association	1.0318
Pomona Fruit Growers Exchange	1.2053
Walnut Fruit Growers Association	.6253
West Ontario Citrus Association	.8318
Escondido Cooperative Citrus Association	.1059
Camarillo Citrus Association	.0041
Fillmore Citrus Association	1.0693
Mupu Citrus Association	.0044
Ojai Orange Association	1.0256
Piru Citrus Association	1.3177
Rancho Sespe	.0013
San Fernando Fruit Growers Association	.5314
Santa Paula Orange Association	.0457
Ventura County Citrus Association	.0410
East Whittier Citrus Association	.0041
North Whittier Heights	.1312
Placentia Cooperative Orange Association	.2205
Sierra Madre-Lamanda Citrus Association	.0670
A. J. Packing Co	.1562
Babijuice Corp. of California	.0146
Cherokee Citrus Co., Inc	1.0241
Dunning, Vera Hueck	.1795
Evans Bros. Packing Co	1.1803
Far West Produce Distributors	.0565
Gold Banner Association	2.3743
Gold Seal Producers, Inc	.0951
Granada Packing House	.0761
Holland, M. J	.0215
Orange Belt Fruit Distributors	.7243
Panno Fruit Co., Carlo	.0539
Paramount Citrus Association	.1099
Placentia Orchards Association	.0000
Riverside Fruit Co	.3985
San Antonio Orchards Co	1.1891
Smallwood, Luella L	.0096

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Spire, Frank S	0.0096
Stephens & Cain	.2226
Wall, E. T., Grower-Shipper	2.0940
Western Fruit Growers, Inc	5.1139

[F. R. Doc. 54-908; Filed, Feb. 5, 1954; 11:21 a. m.]

[Lemon Reg. 523]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.630 *Lemon Regulation 523*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 3, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 7, 1954, and ending at 12:01 a. m., P. s. t., February 14, 1954, is hereby fixed as follows:

(i) District 1: 35 carloads;
(ii) District 2: 190 carloads;
(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 4th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[Storage Date: Jan. 31, 1954]

[12:01 a. m. Feb. 7, 1954, to 12:01 a. m. Feb. 21, 1954]

DISTRICT NO. 1

Handler	Prorate base (percent)
Total	100.000
Kling Citrus Association	39.187
Lemon Cove Association	14.935
Tulare County Lemon & Grapefruit Association	37.615
California Citrus Groves, Inc., Ltd	.006
Harding & Leggett	3.892
Paramount Citrus Association, Inc	2.785
Santa Rosa Lemon Co	.390
Zaninovich Bros., Inc	1.190

DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.000
American National Foods, Inc., Corona	.619
American National Foods, Inc., Fullerton	.760
American National Foods, Inc., Upland	1.203
Buenaventura Lemon Co	.731
Consolidated Lemon Co	1.333
Ventura Pacific Co	1.716
Chula Vista Mutual Lemon Association	.342
Euclid Lemon Association	1.756
Index Mutual Association	.255
Le Verne Cooperative Citrus Association	2.194
Ventura Coastal Lemon Co	1.568
Ventura Processors	1.541
Glendora Lemon Growers Association	2.373
Le Verne Lemon Association	1.076
La Habra Citrus Association	.715
Yorba Linda Citrus Association	.313
Escondido Lemon Association	3.268

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Cucamonga Mesa Growers	3.037
Etiwanda Citrus Fruit Association	1.555
San Dimas Lemon Association	1.391
Upland Lemon Growers Association	11.017
Central Lemon Association	.444
Irvine Citrus Association, The	.465
Placentia Mutual Orange Association	.926
Corona Citrus Association	.415
Corona Foothill Lemon Co	2.903
Jameson Co	1.276
Arlington Heights Citrus Co	1.758
College Heights Orange & Lemon Association	6.277
Chula Vista Citrus Association, The	.395
Escondido Cooperative Citrus Association	.214
Fallbrook Citrus Association	2.145
Lemon Grove Citrus Association	.189
Carpinteria Lemon Association	1.930
Carpinteria Mutual Citrus Association	2.909
Goleta Lemon Association	2.040
Johnston Fruit Co	3.258
Briggs Lemon Association	.748
Fillmore Lemon Association	1.456
Oxnard Citrus Association	3.907
Rancho Sespe	.364
San Fernando Heights Lemon Association	5.057
Santa Clara Lemon Association	3.347
Santa Paula Citrus Fruit Association	1.492
Saticoy Lemon Association	2.740
Seaboard Lemon Association	3.376
Somis Lemon Association	3.055
Ventura Citrus Association	.680
Ventura County Citrus Association	.264
Limoneira Co	1.012
Teague-McKevett Association	.624
East Whittier Citrus Association	.127
Murphy Ranch Co	.531
North Whittier Heights Citrus Association	.567
Sierra Madre-Lamanda Citrus Association	1.071
Dunning Ranch	.000
Far West Produce Distributors	.083
Huarte, Joseph D	.000
Paramount Citrus Association, Inc	3.184
Santa Rosa Lemon Co	.042

[F. R. Doc. 54-896; Filed, Feb. 5, 1954; 8:53 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

APPLICATIONS AND REPORTS; DEFINITIONS

In connection with the adoption of revised Forms 8-K and 10-K (17 CFR 249.308 and 249.310), the rescission of Forms 12-K and 12A-K (17 CFR 249.312 and 249.312a), § 240.12b-2 (Rule X-12B-2), containing definitions of terms used in the rules and regulations, has been amended as follows:

1. The definition of the terms "previously filed" and "previously reported" is amended to read as follows:

§ 240.12b-2 *Definitions.* * * *

(m) *Previously filed or reported.* The terms "previously filed" and "previously reported" mean previously filed with, or reported in, an application under section

12, a report under section 13 or 15 (d), a definitive proxy statement under section 14 of the act, or a registration statement under the Securities Act of 1933: *Provided*, That information contained in a report under section 15 (d) of the act or in a registration statement under the Securities Act of 1933 shall be deemed to have been previously filed with, or reported to, an exchange only if such report or registration statement is filed with such exchange.

2. The following new definitions are added at the end of the rule:

(v) *Voting securities.* The term "voting securities" means securities the holders of which are presently entitled to vote for the election of directors.

(w) *Wholly-owned subsidiary.* The term "wholly-owned subsidiary" means a subsidiary substantially all of whose outstanding voting securities are owned by its parent and/or the parent's other wholly-owned subsidiaries.

The foregoing action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof. Such action shall become effective immediately upon publication January 28, 1954: *Provided*, That any report filed with the Commission prior to March 4, 1954 may at the option of the registrant be filed on the forms as in effect immediately prior to such effective date.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies secs. 12, 13, 15, 48 Stat. 892, 894, 895; 15 U. S. C. 781, 78m, 78o)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 28, 1954.

[F. R. Doc. 54-847; Filed, Feb. 5, 1954; 8:45 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

FORMS FOR ANNUAL AND OTHER REPORTS OF ISSUERS HAVING SECURITIES REGISTERED ON NATIONAL SECURITIES EXCHANGES

On November 12, 1953, the Securities and Exchange Commission published for comments and suggestions proposed revisions of Forms 8-K[1] and 10-K[1] (17 CFR 249.308 and 249.310). These forms are used for current reports and annual reports, respectively, pursuant to sections 13 and 15 (d) of the Securities Exchange Act of 1934. After considering all of the comments and suggestions received, the Commission has determined that the proposed revisions should be adopted, with certain modifications.

The revision of Form 8-K eliminates certain items calling for information which the Commission feels need not be the subject of a current report. In addition, the requirements with respect to exhibits are restricted to matters of special importance and the requirements with respect to financial statements have been clarified.

[1] Filed as part of the original document.

One of the principal changes effected in the revision of Form 10-K was to conform its requirements with the corresponding requirements of Schedule 14A of the Commission's proxy rules and to provide that, if an appropriate proxy statement has been filed under those rules, items 4 through 9 of the Form 10-K may be omitted. No refiling or incorporation by reference of the proxy statement for this purpose is required. In addition, financial statements contained in such proxy statements or in annual reports to security holders may be incorporated by reference where such statements substantially meet the requirements of Form 10-K. The Commission has clarified the provision which permits companies filing reports with the Federal Power Commission to substitute their reports to that Commission in large part in satisfaction of the requirements of Form 10-K.

A new general instruction has been added to Form 10-K to make the form available for use by railroads, motor carriers and communication companies which formerly used Forms 12-K or 12A-K (17 CFR 249.312 or 249.312a), on substantially the same basis, i. e., use of annual reports to the Interstate Commerce Commission or the Federal Communications Commission and of annual reports to stockholders to satisfy substantially all requirements of the form. The Commission believes use of the new Form 10-K should make the annual reporting requirements of such companies more comparable with those of other issuers than they have been in the past. In addition the annual reporting requirements of Form 10-K have been closely correlated with the monthly reporting requirements of Form 8-K, so that use of Form 10-K instead of Form 12-K or 12A-K, should present a more consistent and understandable over-all reporting pattern. Under the circumstances, rescission of Forms 12-K and 12A-K will result in simplification and standardization of reporting requirements and will avoid the present duplication of certain information in current and annual reports. The Commission has therefore rescinded Forms 12-K and 12A-K (17 CFR 249.312 and 249.312a) finding that notice and public procedure thereon are unnecessary.

The foregoing action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof. Such action shall become effective immediately upon publication January 28, 1954: *Provided*, That any report filed with the Commission prior to March 4, 1954 may at the option of the registrant be filed on the forms as in effect immediately prior to such effective date.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies secs. 12, 13, 15, 48 Stat. 892, 894, 895; 15 U. S. C. 781, 78m, 78o)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 28, 1954.

[F. R. Doc. 54-848; Filed, Feb. 5, 1954; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

PART 182—INDUSTRIAL ALCOHOL

REQUIREMENTS FOR ALTERNATE OPERATION OF INDUSTRIAL ALCOHOL PLANT AS REGISTERED DISTILLERY OR FRUIT DISTILLERY

Correction

In Federal Register Document 53-9541, appearing at page 7172 of the issue for Wednesday, November 11, 1953, § 182.279 should be designated § 182.279e.

[T. D. 6062; Regs. 11, 15, Amdt.]

PART 189—BOTTLING OF TAX-PAID DISTILLED SPIRITS

PART 190—RECTIFICATION OF SPIRITS AND WINES

ADDITIONAL MARKS

In order to permit bottlers of taxpaid spirits and wines to affix bottle labels, or other concise data, descriptive of the contents of the cases, including indications of payment of State taxes, or symbols in lieu thereof, on the Government side of cases, provided such additional information does not conflict with, or detract from, the prescribed marks on cases, the following amendments to regulations are hereby adopted:

PARAGRAPH 1. Regulations 11 (26 CFR Part 189) is amended by inserting immediately following § 189.270 the following new section:

§ 189.270a *Additional marks.* The Assistant Regional Commissioner may, upon written application from the proprietor, authorize the affixing of bottle labels or other concise data, or symbols in lieu thereof, to the Government side of cases, to describe, for commercial identification purposes, the contents of the cases and to show the payment of State taxes thereon: *Provided*, That such additional information is set apart from and does not in any way detract from, conflict with, or obscure, any of the markings required by this part.

PAR. 2. Regulations 15 (26 CFR Part 190) is amended by substituting a colon for the period at the end of § 190.805 and adding the following: "*Provided*, That the Assistant Regional Commissioner may, upon written application from the proprietor, authorize the affixing of bottle labels or other concise data, or symbols in lieu thereof, to the Government side of cases, to describe, for commercial identification purposes, the contents of the cases and to show the payment of State taxes thereon: *Provided further*, That such additional information is set apart from and does not in any way detract from, conflict with, or obscure, any of the markings required by this part."

(R. S. 161, 68 Stat. 375; 5 U. S. C. 22, 26 U. S. C. 3176)

Because the changes made are of a liberalizing character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] T. COLEMAN ANDREWS, *Commissioner of Internal Revenue.*

Approved: February 3, 1954.

M. B. FOLSOM, *Acting Secretary of the Treasury.*

[F. R. Doc. 54-864; Filed, Feb. 5, 1954; 8:49 a. m.]

[T. D. 6063; Regs. 21]

PART 191—IMPORTATION OF DISTILLED SPIRITS, WINES, AND FERMENTED LIQUORS

RECORD AND REPORT, FORM 52E

In order to exempt wholesale liquor dealers who import or purchase distilled spirits in customs bond, for exportation, or who acquire distilled spirits in a foreign country for direct shipment to a foreign customer, from the requirements of keeping Form 52E or Record 52, Regulations 21 (26 CFR Part 191) are hereby amended as follows:

PARAGRAPH 1. Section 191.139 is amended by adding a new sentence at the end thereof to read as follows: "Wholesale liquor dealers who import or purchase in customs bond distilled spirits for exportation, or who acquire distilled spirits in a foreign country for direct shipment to a foreign customer, are not required to keep Form 52E or Record 52 and need not submit transcripts or monthly summaries thereof as to such operations."

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791)

Because the amendment made by this Treasury decision is of a liberalizing character, it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective on the date of its publication in the FEDERAL REGISTER.

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791)

[SEAL] T. COLEMAN ANDREWS, *Commissioner of Internal Revenue.*
D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: February 3, 1954.

M. B. FOLSOM, *Acting Secretary of the Treasury.*

[F. R. Doc. 54-863; Filed, Feb. 5, 1954; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 53]

PART 1621—PREPARATION FOR CLASSIFICATION

PREPARING COVER SHEETS

Section 1621.8 of the Selective Service regulations is amended to read as follows:

§ 1621.8 *Preparation of Cover Sheets (SSS Form No. 101).* Before mailing a Classification Questionnaire (SSS Form No. 100) to a registrant the local board shall open an individual file for him by preparing a Cover Sheet (SSS Form No. 101) on which shall be entered the date of mailing of the Classification Questionnaire (SSS Form No. 100). These Cover Sheets (SSS Form No. 101) shall be maintained in a file in the local board, and shall be filed either by classification of the registrants and within each classification in the order of the dates of birth of the registrants or in the manner prescribed by the State Director of Selective Service. Every paper pertaining to the registrant, except his Registration Card (SSS Form No. 1) and such other papers and documents as may be designated by the Director of Selective Service shall be filed in his Cover Sheet (SSS Form No. 101) until authorization to remove it has been received from the Director of Selective Service.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460; E. O. 9979, July 20, 1948, 13 F. R. 4177; 3 CFR 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY, *Director of Selective Service.*

FEBRUARY 2, 1954.

[F. R. Doc. 54-856; Filed, Feb. 5, 1954; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

ATLANTIC OCEAN OFF DELAWARE COAST

Pursuant to the provisions of Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.25 (b), is hereby amended as follows to prescribe the periods of use of Army antiaircraft artillery firing areas in the Atlantic Ocean off the Delaware coast beginning with 1954, effective on and after publication of this amendment in the FEDERAL REGISTER due to the urgent necessity for commencing operations in 1954 at the earliest possible time, as follows:

§ 204.25 *Atlantic Ocean off Delaware coast; antiaircraft artillery firing areas, Second Army.* * * *

(b) *The regulations.* (1) All firing during the months November to April, inclusive, will be conducted between 8:00 a. m. and 6:30 p. m., e. s. t. All firing during the months May to October, inclusive, will be conducted between 12:00 m. and 6:00 p. m., e. s. t. Such firings as are conducted prior to 12:00 m. during this latter period will be occasional individual rounds fired at fixed points for testing purposes in accordance with established Department of the Army Safety Regulations, and will involve no restrictions on navigation. No firing will be conducted during hours of darkness.

(2) Firing in the various areas will take place on certain days other than Saturdays, Sundays, and national holidays, as listed in public notices to be issued about January 1 of each year by the District Engineer, Corps of Engineers, Philadelphia, Pennsylvania.

NOTE: Firing in the various areas is scheduled to take place on the following days in 1954 (all dates inclusive):

February 1 to 5, 8 to 12, 15 to 19, 23 to 26.
March 1 to 5, 8 to 12, 15 to 19, 22 to 26, 29 to 31.
April 1, 2, 5 to 9, 12 to 16, 19 to 23, 26 to 30
May 3 to 7, 10 to 14, 17 to 21, 24 to 28.
July 1, 2, 6 to 9, 12 to 16, 19 to 23, 26 to 30.
August 2 to 6, 9 to 13, 16 to 20, 23 to 27, 30, 31.
October 1, 4 to 8, 11 to 15, 18 to 22, 25 to 29
November 1 to 5, 8 to 10, 12, 15 to 19, 22 to 24, 26, 29, 30.
December 1 to 3, 6 to 10, 13 to 17 and 20 to 24.

(3) When it is determined that no firing will take place on any of the days for which firing is scheduled, the public will be so advised by radio and other practicable means as far in advance as possible.

(4) Except as provided in subparagraph (6) of this paragraph, no vessel shall enter or remain in the danger zones during the time of firing unless specific permission is granted in each case by one of the representatives of the enforcing agency policing the area in patrol boats.

(5) Prior to the conducting of each firing practice, the danger zones will be adequately patrolled to insure that no watercraft are within the danger zones and to warn any watercraft in a danger zone that firing practice is to take place. Any such watercraft shall, upon being so warned, immediately leave the area designated and shall remain outside the area until the conclusion of the firing practice.

(6) The regulations in this section shall not deny traverse of portions of the danger zones by regular cargo-carrying vessels, or commercial fishing vessels based at Lewes, Delaware. In case of the presence of any such vessel in a danger zone, the officer in charge of firing operations will cause the cessation or postponement of fire until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(7) This section shall be enforced by the Commanding General, Second Army, Fort George G. Meade, Maryland, and such agencies as he may designate.

[Regs., Jan. 29, 1954, 800.2121 (Atlantic Ocean, Del.)-ENGWO] (40 Stat. 892; 33 U. S. C. 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-858; Filed, Feb. 5, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

FEDERAL POWER COMMISSION

[18 CFR Part 201]

[Docket No. R-130]

UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

FEBRUARY 2, 1954.

In the matter of amendment of § 201.134, Part 201 Uniform System of Accounts for Natural Gas Companies, of the Commission's general rules and regulations, relating to accounting for inventories of natural gas stored underground, Docket No. R-130.

Upon consideration of the motions and requests for extension of time for filing comments with respect to the proposed rules in the above-designated matter;

Notice is hereby given that an extension of time to and including March 1, 1954, is granted within which to submit said comments.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-846; Filed, Feb. 5, 1954; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

FEES FOR LICENSING AND RELATED ACTIVITIES

The notice published in 19 F. R. 514, January 29, 1954, is amended by changing Group 4 of the Fee Schedule to read as follows:

FEE SCHEDULE

Group	Classification	Estimated cost of work	Fee
•	• •	•	•
II	Dumping of materials in designated disposal areas or at sea.	Per dumper trip.	20
•	• •	•	•

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-857; Filed, Feb. 5, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALABAMA

DISASTER ASSISTANCE; DESIGNATION OF PRODUCTION DISASTER AREA AND DELINEATION AND CERTIFICATION OF COUNTIES IN ECONOMIC DISASTER AREA

Pursuant to authority contained in section 2 (a) of Public Law 38, 81st Congress, it is found that a production disaster has caused a need for agricultural credit in the counties listed below.

Pursuant to delegation of authority from the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purpose of making economic disaster loans under section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the counties listed below are determined to be in the area affected by the major disaster occasioned by drought determined by the President on November 28, 1953, pursuant to Public Law 875, 81st Congress.

ALABAMA

Autauga.	Lamar.
Bibb.	Lauderdale.
Blount.	Lawrence.
Calhoun.	Limestone.
Chambers.	Madison.
Cherokee.	Marengo.
Chilton.	Marion.
Clay.	Marshall.
Cleburne.	Morgan.
Colbert.	Perry.
Coosa.	Pickens.
Cullman.	Randolph.
Dallas.	St. Clair.
De Kalb.	Shelby.
Etowah.	Sumter.
Fayette.	Talladega.
Franklin.	Tallapoosa.
Greene.	Tuscaloosa.
Hale.	Walker.
Jackson.	Winston.
Jefferson.	

After December 31, 1954, production and economic disaster loans will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 3d day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-866; Filed, Feb. 5, 1954; 8:50 a. m.]

CALIFORNIA

REDESIGNATION OF PRODUCTION DISASTER AREA

Pursuant to the authority contained in section 2 (a) of the act of April 6, 1949 (63 Stat. 44; 12 U. S. C. 1148a-2), it has on this date been found that a production disaster in Kern County, California, occasioned by severe earthquake damage in 1952, has caused a need for additional agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

After June 30, 1954, production disaster loans will not be made in Kern County, California, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 3d day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-867; Filed, Feb. 5, 1954; 8:50 a. m.]

LOUISIANA

DISASTER ASSISTANCE; DESIGNATION OF PRODUCTION DISASTER AREAS AND DELINEATION AND CERTIFICATION OF COUNTIES IN ECONOMIC DISASTER AREAS

Pursuant to authority contained in section 2 (a) of Public Law 38, 81st Congress, it is found that a production disaster has caused a need for agricultural credit in the counties listed below.

Pursuant to delegation of authority from the Administrator of the Federal Civil Defense Administration (18 F. R 4609) and for the purpose of making economic disaster loans under section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the counties listed below are determined to be in the area affected by the major disaster occasioned by flood determined by the President on May 29, 1953, pursuant to Public Law 875, 81st Congress.

LOUISIANA

Acadia.	Lincoln.
Allen.	Livingston.
Ascension.	Morehouse.
Avoyelles.	Natchitoches.
Beauregard.	Pointe Coupee.
Bienville.	Red River.
Bossier.	Richland.
Caddo.	Sabine.
Caldwell.	St. Landry.
Catahoula.	St. Martin.
Claiborne.	St. Tammany.
De Soto.	Tensas.
East Baton Rouge.	Union.
Evangeline.	Vermilion.
Franklin.	Vernon.
Iberville.	Washington.
Jackson.	Webster.
Jefferson Davis.	West Baton Rouge.
Lafayette.	West Carroll.
La Salle.	Winn.

After December 31, 1954, production and economic disaster loans will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 3d day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-868; Filed, Feb. 5, 1954; 8:50 a. m.]

MISSISSIPPI

DISASTER ASSISTANCE; DESIGNATION OF PRODUCTION DISASTER AREA AND DELINEATION AND CERTIFICATION OF COUNTY IN ECONOMIC DISASTER AREA

Pursuant to authority contained in section 2 (a) of Public Law 38, 81st Congress, it is found that a production disaster has caused a need for agricultural credit in Sunflower County, Mississippi.

Pursuant to delegation of authority from the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purpose of making economic disaster loans under section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, Sunflower County, Mississippi is determined to be in the area affected by the major disaster occasioned by drought determined by the President on September 16, 1953, pursuant to Public Law 875, 81st Congress.

After December 31, 1954, production and economic disaster loans will not be made in the above named county except to borrowers who previously received such assistance.

Done at Washington, D. C., this 3d day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-869; Filed, Feb. 5, 1954; 8:51 a. m.]

NEVADA

DESIGNATION OF DISASTER AREAS

Pursuant to the authority delegated to the Secretary of Agriculture by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the area described below is determined as of January 26, 1954, to be in the area affected by the major disaster occasioned by drought determined by the President on August 1, 1953, pursuant to Public Law 875, 81st Congress:

NEVADA

Beginning at the junction of Churchill, Lander and Pershing Counties, west along the county line between Churchill and Pershing Counties to the Stillwater range of mountains; thence southwest along the ridge of mountains to U. S. Highway 50 at Sand Springs; thence south to county line dividing Churchill and Mineral Counties; thence east along the county line to Lander County; thence to point of beginning on the county line dividing Churchill County from Lander County.

Done this 3d day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-870; Filed, Feb. 5, 1954; 8:51 a. m.]

SOUTH DAKOTA

DESIGNATION OF PRODUCTION DISASTER AREAS

Pursuant to the authority contained in section 2 (a) of the act of April 6, 1949 (63 Stat. 44; 12 U. S. C. 1148a-2), to designate areas where a production disaster, occasioned by adverse weather conditions, has caused a need for agricultural credit, the following designations were made on this date:

SOUTH DAKOTA

Brown.	Hyde.
Beadle.	Jackson.
Clark.	Jones.
Corson.	Lyman.
Codington.	Meade.
Campbell.	Marshall.
Day.	McPherson.
Deuel.	Perkins.
Dewey.	Potter.
Edmunds.	Roberts.
Faulk.	Sully.
Grant.	Spink.
Hamlin.	Washabaugh.
Haakon.	Walworth.
Hand.	Ziebach.

After December 31, 1954, production disaster loans will not be made in the above counties, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 3d day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-871; Filed, Feb. 5, 1954; 8:51 a. m.]

UTAH

DESIGNATION OF DISASTER AREAS

Pursuant to the authority delegated to the Secretary of Agriculture by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following parts of five counties are determined as of January 26, 1954, to be in the area affected by the major disaster occasioned by drought determined by the President on November 25, 1953, pursuant to Public Law 875, 81st Congress:

UTAH

Parts of Millard, Beaver, and Iron Counties described as the non-irrigated winter range area lying west of the Union Pacific Railroad tracks; parts of Utah and Tooele Counties described as non-irrigated winter range areas in Cedar Valley and Rush Valley.

Done this 3d day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-872; Filed, Feb. 5, 1954; 8:51 a. m.]

VIRGINIA

DISASTER ASSISTANCE; DESIGNATION OF PRODUCTION DISASTER AREA AND DELINEATION AND CERTIFICATION OF COUNTIES IN ECONOMIC DISASTER AREA

Pursuant to authority contained in section 2 (a) of Public Law 38, 81st Congress, it is found that a production disaster has caused a need for agricultural credit in the counties listed below.

Pursuant to delegation of authority from the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purpose of making economic disaster loans under section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the counties listed below are determined to be in the area affected by the major disaster occasioned by drought determined by the President on September 26, 1953, pursuant to Public Law 875, 81st Congress.

VIRGINIA

Floyd.	Patrick.	Scott.

After December 31, 1954, production and economic disaster loans will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 3d day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-873; Filed, Feb. 5, 1954; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 438]

ADMINISTRATOR'S ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

APPOINTMENT

This order is an editorial consolidation of currently effective administrative orders of appointment of members of the Administrator's Advisory Committee on Sheltered Workshops.

Pursuant to the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; 29 U. S. C. 201), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint the following persons to constitute the Administrator's Advisory Committee on Sheltered Workshops:

Linton Collins, Bingham, Collins, Porter & Kistler, Washington, D. C.

John M. Convery, National Association of Manufacturers, New York, N. Y.

Mrs. Jane Devereaux, Detroit League for the Handicapped, Detroit, Mich.

Willis C. Gorthy, Institute for the Crippled and Disabled, New York, N. Y.

Rt. Rev. Msgr. John O'Grady, National Conference of Catholic Charities, Washington, D. C.

Lewis Hines, American Federation of Labor, Washington, D. C.

Edward Hochhauser, Altro Health & Rehabilitation Services, Inc., New York, N. Y

S. L. Hoffman, S. L. Hoffman Manufacturing Company, New York, N. Y.

Dr. Henry H. Kessler or (serving as alternate), Miss Florence Stattel, The Kessler Institute for Rehabilitation, West Orange, N. J.

Colonel J. F. McMahon, Volunteers of America, New York, N. Y.

Harry Read, Congress of Industrial Organizations, Washington, D. C.

Peter J. Salmon, Industrial Home for the Blind, New York, N. Y.

Percy J. Trevethan, Goodwill Industries of America, Inc., Washington, D. C.

Miss Louise McGuire (nonvoting member), Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C.

The above persons shall constitute the full membership of the Committee until

such time as this order is amended or revoked.

The Committee shall perform the functions of the Administrator's Advisory Committee on Sheltered Workshops as provided in Part 525 of the regulations issued under the Fair Labor Standards Act—Employment of Handicapped Clients in Sheltered Workshops (29 CFR Part 525).

Signed at Washington, D. C., this 2d day of February 1954.

WM. R. MCCOMB,
Administrator.
Wage and Hour Division.

[F. R. Doc. 54-845; Filed, Feb. 5, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10859, 10860]

SOUTHERN BROADCASTING CO. AND CHARLESTON BROADCASTING CO.

NOTICE OF PREHEARING CONFERENCE

In the matter of Southern Broadcasting Co., Charleston, South Carolina, Docket No. 10859, File No. BPCT-693; Charleston Broadcasting Co., Charleston, South Carolina, Docket No. 10860, File No. BPCT-1110; for construction permits for new commercial television broadcasting stations.

In accordance with § 1.813 of the Commission's rules, a prehearing conference of all counsel in the above-entitled matter will be held in the offices of the Commission, Washington, D. C., beginning at 10:00 a. m., e. s. t., Wednesday, February 10, 1954.

Dated: January 29, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CHARLES J. FREDERICK,
Hearing Examiner.

[F. R. Doc. 54-861; Filed, Feb. 6, 1954; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Announcement 17]

COLUMBIA BASIN PROJECT, WASHINGTON

SALE OF FULL-TIME FARM UNITS

JANUARY 19, 1954.

Columbia Basin Project, Washington, Quincy-Columbia Basin Irrigation District; public announcement of the sale of full-time farm units.

LANDS COVERED

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the Quincy-Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase farm units may be submitted beginning at 2 p. m., February 5, 1954.

a. *Farm units presently owned.* The farm units which are presently owned by the United States, and hereby offered for sale, are described as follows:

Irrigation block No.	Farm unit No.	Total acreage	Tentative irrigable acreage				Non-irrigable	Price
			Total	Class 1	Class 2	Class 3		
76	66	82.2	61.0	1.1	56.2	3.7	21.2	$1,025.50
	67	113.8	75.6	5.5	56.3	13.8	38.2	1,397.30
	85	112.8	67.1	45.3	6.8	15.0	45.7	1,432.90
	87	101.2	92.2	.9	12.3	79.0	9.0	1,255.70
	88	110.9	102.6	.....	43.1	59.5	17.3	1,445.60
	89	110.9	103.7	.....	1.1	102.6	16.2	1,432.50
	90	96.0	77.3	.....	9.9	67.4	18.7	1,196.60
	91	120.0	104.6	.....	1.8	102.8	15.4	1,445.40
	92	119.9	108.7	.....	26.6	82.1	11.7	1,491.80
	99	170.8	141.7	.....	45.8	95.9	29.1	2,098.40
78	18	59.7	47.8	28.6	16.2	3.0	11.9	1,016.50
	19	59.7	51.0	43.1	5.4	2.5	8.7	980.20
	20	59.6	54.1	53.2	.9	.....	5.5	817.00
	21	60.0	54.4	51.3	3.1	.....	5.6	821.60
	22	79.7	69.4	42.2	27.2	.....	10.3	1,077.40
	30	64.0	60.0	54.9	4.2	.9	4.0	909.40
	31	64.0	59.1	52.9	2.7	3.5	4.9	919.30
	32	63.9	62.1	54.3	7.9	.9	1.8	1,119.60
	33	64.0	57.7	18.6	31.5	7.6	6.3	1,166.40
	34	124.0	95.3	78.6	16.7	.....	28.7	2,188.60
	36	89.4	77.3	67.5	4.9	4.9	9.1	1,192.00
	47	74.1	49.6	42.9	5.2	1.5	24.5	1,012.10
	53	108.6	87.2	45.6	31.8	9.8	21.4	1,554.40
	70	86.9	52.9	35.2	17.6	.1	34.0	1,364.20
	71	160.1	89.1	.....	40.1	49.0	71.0	2,676.60
	82	98.3	56.4	22.6	20.5	13.1	41.9	1,112.90
	89	81.2	67.5	16.1	51.4	.....	13.7	1,096.10
	90	94.1	88.1	51.4	36.7	.....	6.0	2,031.00
	92	100.6	88.4	61.6	26.8	.....	12.2	3,028.60
	95	78.2	64.5	39.0	15.5	.....	23.7	922.50

b. *Additional farm units.* It is expected that, through the operation of its land acquisition program the United States may, within twelve (12) months following the date of this announcement, own additional farm units in Irrigation Blocks 76 and 78, and in other irrigation blocks in the Quincy-Columbia Basin Irrigation District which are scheduled to receive water before the close of the 1955 irrigation season. Such farm units may be offered for sale under the provisions of this announcement.

The official plats of these irrigation blocks are on file in the office of the County Auditor of Grant County, at Ephrata, Washington, and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average-size family at a suitable level of living. The law provides that with certain minor exceptions not more than one farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the Act of August 13, 1953 (67 Stat. 566), a preference right to purchase the farm units described above will be given to veterans (and in some cases to their husbands or wives or guardians of minor children) who submit applications during a 45-day period beginning at 2 p. m., February 5, 1954, and ending at 2 p. m., March 22, 1954, and who, at the time of making application, are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940, and July 3, 1952, inclusive, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States during the period prescribed in subsection a. of this section regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 7. c. of this announcement, regarding the provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a. of this section, or in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining boards.* An examining board of three members has been appointed by the Regional Director, Region I, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute ground for rejection of an application, and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants must meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* An applicant must possess assets worth at least $4,500 in excess of liabilities. Assets must consist of cash, property readily convertible into cash or property such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. Assets not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form before execution of a purchase contract.

SEC. 7. *Other qualifications required.* Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, more than ten acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 8. *Filing application blanks.* Any person desiring to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 9. *Priority of applications.* All applications, except those received from qualified exchange applicants prior to 2 p. m., March 22, 1954, which shall be given prior preference, will be classified for priority purposes as follows:

a. *First Priority Group.* All complete applications filed prior to 2 p. m., March 22, 1954, by applicants who claim veterans' preference. All such applications will be treated as simultaneously filed.

b. *Second Priority Group.* All complete applications filed prior to 2 p. m., March 22, 1954, by applicants who do not claim veterans' preference. All such applications will be treated as simultaneously filed.

c. *Third Group.* All complete applications filed after 2 p. m., March 22, 1954. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 10. *Public drawing.* After the priority Classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9a of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 11. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification, showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 12. *Examination and interview.* After the information outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications together with the evidence of qualification submitted to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of

the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (a) Affording the Board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

SEC. 13. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the Board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the Board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the District Manager, Columbia River District, Bureau of Reclamation, may sell, lease or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

SEC. 14. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 15. *Execution of purchase contract.* When a farm unit is selected by an applicant as provided in section 13 of this announcement, the District Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execution and return. In that notice the District Manager will also inform the applicant of the amount of the irrigation charges assessed by the Quincy-Columbia Basin Irrigation District or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the District Manager.

If the purchase is made subsequent to April 1 of any year following the first year of the development period, a deposit will be required to cover the payment of water charges for the next full irrigation season following the purchase.

SEC. 16. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of not less than 20 per cent of the purchase price of the lands being purchased from the United States will be required. Larger proportions, or the entire amount of the price, may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; Interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years and the District Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three per cent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the District Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below, and to maintain in crops thereafter, the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year.)			
	2d year	3d year	4th year	5th year
10 to 40	75	.....	.....	.....
41 to 60	50	75	.....	.....
61 to 80	50	65	75	.....
81 to 100	40	60	65	75
101 to 160	35	60	65	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) within one year from the date of his contract, or within one year from the date that water is available to the irrigation block in which the farm unit is located, whichever is later, to initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the purchase contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the District Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above. In extraordinary situations, the requirements under (1) and (2) above may be waived entirely upon the determination by the Regional Director, after recommendation by the District Manager, that such waiver will be in the interest of orderly development of the block. Any such waiver, however, shall be conditioned on the requirement that the purchaser reside close enough to his unit to permit him to develop it through his own efforts.

e. *Speculation and landholding limitations.* Purchase contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable land; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the project whether as lessee or as owner or both.

f. *Copies of contract form.* The terms listed above, and all other standard contract provisions, are contained in the purchase contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 17. *Water rental charges.* During the irrigation season of 1955, while some construction activities will be continuing and the system is being tested, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 18. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the Quincy-Columbia Basin Irrigation District in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1956. During the development period, water rental charges will average an estimated $5.50 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year, by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (a) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water to be specified by the Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the Irrigation District will levy an additional charge to cover administrative costs and probable delinquencies in collections.

SEC. 19. *Construction period repayment charges—a. Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the Quincy-Columbia Basin Irrigation District. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The contract between the United States and the Quincy-Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed $280,782,180 as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 54-843; Filed, Feb. 5, 1954; 8:45 a. m.]

Office of the Secretary

[Order No. 2747]

ACTING OFFICIALS, BUREAU OF LAND MANAGEMENT

DELEGATION OF POWERS AND FUNCTIONS

FEBRUARY 2, 1954.

This order revises existing provisions with respect to acting officials in the Bureau of Land Management to authorize the Chief, Division of Cadastral Engineering, to perform the duties of Assistant Director in certain circumstances.

SECTION 1. *Acting Director.* (a) The Associate Director shall perform the duties of the Director in case of the death, resignation, absence, or sickness of the Director.

(b) The Assistant Director shall perform the duties of the Director in case of the death, resignation, absence, or sickness of the Director and the Associate Director.

(c) The Chief, Division of Administration, shall perform the duties of the Director in case of the death, resignation, absence, or sickness of the Director, the Associate Director, and the Assistant Director.

SEC. 2. *Acting Associate Director.* (a) The Assistant Director shall perform the duties of the Associate Director in case of the death, resignation, absence, or sickness of the Associate Director.

(b) The Chief, Division of Administration, shall perform the duties of the Associate Director in case of the death, resignation, absence, or sickness of the Associate Director and the Assistant Director.

SEC. 3. *Acting Assistant Director.* (a) The Chief, Division of Administration, shall perform the duties of the Assistant Director in case of the death, resignation, absence, or sickness of the Assistant Director.

(b) The Chief, Division of Cadastral Engineering, shall perform the duties of the Assistant Director in the absence or sickness of the Assistant Director and the Chief, Division of Administration.

SEC. 4. *Title of "acting" officer.* An officer acting under authority of sections 1, 2, or 3 of this order shall sign documents as "Acting Director," "Acting Associate Director," or "Acting Assistant Director," as the case may be.

SEC. 5. *Revocation.* Order No. 2730 (18 F. R. 5517) is revoked.

(5 U. S. C. 1952 ed., sec. 22a; sec. 2, Reorganization Plan No. 3 of 1950, 5 U. S. C., 1952 ed., sec. 133z-15, note.)

RALPH A. TUDOR,
Acting Secretary of the Interior.

[F. R. Doc. 54-844; Filed, Feb. 5, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2106, G-2270, G-2283]

EL PASO NATURAL GAS CO. AND PERMIAN BASIN PIPELINE CO.

NOTICE OF FINDINGS AND ORDER

FEBRUARY 2, 1954.

Notice is hereby given that on February 1, 1954, the Federal Power Commission issued its order adopted February 1, 1954, in the above-entitled matters, amending order of June 29, 1953 (18 F. R. 3975) issuing certificate of public convenience and necessity to El Paso Natural Gas Company, Docket No. G-2106; issuing certificate of public convenience and necessity to Permian Basin Pipeline Company, Docket No. G-2283, and permitting and approving abandonment of facilities by El Paso Natural Gas Company, Docket No. G-2270.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-859; Filed, Feb. 5, 1954; 8:48 a. m.]

[Docket No. G-2360]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 2, 1954.

Take notice that East Tennessee Natural Gas Company (Applicant), a Tennessee corporation, with its principal place of business near Knoxville, Tennessee, filed, on January 25, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a physical connection together with necessary metering and regulating equipment located near the northern terminus of its existing so-called "Kingsport Lateral" pipeline.

The facilities are proposed to be used to sell and deliver to the United States of America (Department of the Army) for use in its Holston Ordnance Works, a maximum of 4,500 Mcf of natural gas per day on a firm basis and up to 1,500 Mcf of natural gas per day on an interruptible basis.

Applicant requests that the intermediate decision procedure be omitted and that its application be disposed of pursuant to the shortened procedure provided for in § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-860; Filed, Feb. 5, 1954; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[General Administrative Order VI-1, Amdt. 1]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR NON-MILITARY DEFENSE

1. Paragraph 1 of GAO-VI-1 (18 F. R. 7620) is amended by adding an additional item (i) as follows:

1. Perform the functions of the Director in developing policies and coordinating plans for wartime censorship.

2. This amendment shall take effect immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-888; Filed, Feb. 4, 1954; 3:32 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-3167, 70-3181]

CITIES SERVICE CO. ET AL.

ORDER CONCERNING POSTPONEMENT OF HEARING

FEBRUARY 1, 1954.

In the matter of Cities Service Company, the Gas Service Company, Gas Advisers, Inc., File No. 70-3167; Missouri Public Service Company, File No. 70-3181.

The Commission by its order of January 22, 1954, having directed that upon conclusion of the hearing in the above proceedings commencing on January 26, 1954, the hearing be adjourned until February 2, 1954, in order to afford to the State Corporation Commission of the State of Kansas opportunity to cross-examine witnesses and to offer such further evidence as it might wish to present; and

The State Corporation of the State of Kansas having filed a further motion requesting that the hearing be further postponed for an additional period of three weeks from February 2, 1954; and

The Commission being fully advised in the premises and considering that good cause has been shown for a postponement of such hearing, for the purpose of aforesaid, for a period of one week from February 2, 1954, or until February 9, 1954, at 10:00 a. m.:

It is ordered, That said hearing now set for February 2, 1954, be and the same hereby is postponed until February 9, 1954, at 10:00 a. m., but that in all other respects such motion be denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-849; Filed, Feb. 5, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28877]

HIDES, PELTS OR SKINS FROM MEMPHIS, TENN., TO READING, PA.

APPLICATION FOR RELIEF

FEBRUARY 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1324, pursuant to fourth section order No. 16101.

Commodities involved: Hides, pelts or skins, carloads.

From: Memphis, Tenn.

To: Reading, Pa.

Grounds for relief: Competition with rail carriers, circuitous routes, operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-826; Filed, Feb. 4, 1954; 8:53 a. m.]

[4th Sec. Application 28879]

VARIOUS COMMODITIES FROM TRUNK LINE AND NEW ENGLAND TERRITORIES TO SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

FEBRUARY 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and Frank Van Ummersen, Agents, for carriers parties to schedules listed in exhibit A of the application, pursuant to fourth section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in trunk-line and New England territories.

To: Points in southern and official territories.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-828; Filed, Feb. 4, 1954; 8:53 a. m.]

[4th Sec. Application 28880]

BITUMINOUS COAL FROM COLORADO, NEW MEXICO, UTAH, AND WYOMING TO IOWA

APPLICATION FOR RELIEF

FEBRUARY 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Christie, Agent, for carriers parties to schedule listed below.

Commodities involved: Bituminous coal, carloads.

From: Points in Colorado, New Mexico, Utah and Wyoming.

To: Points in Iowa.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: W. J. Christie, Agent, ICC No. 54.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-829; Filed, Feb. 4, 1954; 8:53 a. m.]

[4th Sec. Application 28881]

ALUMINA, CALCINED OR HYDRATED, FROM BATON ROUGE, LA., TO CORNWELLS HEIGHTS, PA., PORT JERVIS, N. Y., AND WATERTOWN, CONN.

APPLICATION FOR RELIEF

FEBRUARY 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers to Agent W. P. Emerson, Jr.'s. tariff ICC No. 422, pursuant to fourth section order No. 16101.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Cornwells Heights, Pa., Port Jervis, N. Y., and Watertown, Conn.

Grounds for relief: Competition with rail carriers, circuitous routes, operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-850; Filed, Feb. 5, 1954; 8:46 a. m.]

[4th Sec. Application 28882]

PETROLEUM RESIDUAL FUEL OIL FROM DICKINSON, N. DAK., TO MINNESOTA AND SUPERIOR, WIS.

APPLICATION FOR RELIEF

FEBRUARY 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Northern Pacific Railway Company.

Commodities involved: Petroleum residual fuel oil, in tank-car loads.

From: Dickinson, N. Dak.

To: Minneapolis, St. Paul, Minnesota Transfer and Duluth, Minn., Superior, Wis., and other stations in Minnesota.

Grounds for relief: Competition with rail carriers, market competition.

Schedules filed containing proposed rates: Northern Pacific Railway Company, ICC No. 9602, supl. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-851; Filed, Feb. 5, 1954; 8:46 a. m.]

[4th Sec. Application 28884]

WALLBOARD FROM RIO GRANDE RIVER CROSSINGS TO CHARLOTTE, N. C.

APPLICATION FOR RELIEF

FEBRUARY 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Building, wall or insulating boards, viz fibreboard, pulpboard or strawboard, etc., carloads.

From: Brownsville, Eagle Pass, El Paso, Laredo, Hidalgo, and Presidio, Texas (on traffic originating in Mexico).

To: Charlotte, N. C.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3843, supl. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to

investigate and determine the matters involved in such aplication without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-854; Filed, Feb. 5, 1954; 8:47 a. m.]

[No. 31270; Investigation & Suspension Docket 6110 & 1st Supp. Order]

LOUISVILLE CHAMBER OF COMMERCE, INC., v. KENTUCKY AND INDIANA TERMINAL RAILROAD CO. ET AL.

SWITCHING RATES AT LOUISVILLE, KY.

In the matters of (1) assigning the time for hearings, and (2) prescribing special rules directing interchange of prepared material prior to hearing.

It appearing, that upon consideration of the record made in the above-entitled proceedings at the prehearing conference held at Washington, D. C., on January 11, 1954, and for good cause appearing therefor:

It is ordered, That the above-entitled proceeding be, and they are hereby, assigned for hearing upon a consolidated record at the Hotel Kentucky, Louisville, Ky., at 9:30 o'clock a. m., U. S. s. t. (or 9:30 o'clock a. m. local daylight saving time, if that time is observed), on June 22, 1954, before Examiner Oren G. Barber:

It is further ordered, That the following special rules shall be applicable herein:

1. *Prepared statement interchange before hearing.* The complainant in No. 31270, parties supporting complainant, respondents in I. & S. No. 6110, and parties supporting respondents shall prepare in writing all evidence in chief of their witnesses and serve upon all the other parties, shown on the list later to be issued pursuant to rule 3 hereof, copies thereof together with any exhibits they intend to offer in evidence, such testimony and exhibits to be served by said parties on or before March 15, 1954. The filing and service of all direct evidence in chief by the defendants in No. 31270, parties supporting defendants, protestants in I. & S. No. 6110, and parties supporting protestants shall be made on or before May 3, 1954. The filing and service of all testimony and exhibits by all parties in rebuttal of such direct evidence shall be made on or before June 7, 1954. One copy of all testimony and exhibits so served shall also be mailed to the examiner at his office in Washington, D. C. No other copies thereof need be filed with the Commission prior to hearing.

2. *Participation limited.* Any person not a complainant, respondent, or defendant who had not prior to or at the prehearing conference held herein on January 11, 1954, intervened in these proceedings, and who desires to submit evidence herein, shall, not later than 10 days prior to the due date herein provided for the submission of direct evidence (March 15, or May 3, as the case may be), file a petition for leave to intervene; and the subsequent reception of evidence, except as good cause therefor shall otherwise be shown at the hearing, will be limited to complainant, respondents, and defendants, to the parties supporting them who, prior to, or upon the record made at, the prehearing conference on January 11, 1954, intervened herein, and to those who shall have been permited to intervene as herein provided. Only an original and four copies of said petition need be filed with the Commission, as service thereof upon other parties of record is not contemplated.

3. *Notification of desire to be served with testimony and exhibits.* Any respondent, defendant, or other party desiring to be served with exhibits and testimony as hereinbefore provided and who did not indicate such desire upon the record at said prehearing conference, must notify the Secretary of the Interstate Commerce Commission on or before February 15, 1954, of such desire, indicating the number if more than one copy is desired. Thereafter, a list of parties upon whom such service should be made will be compiled, and a copy thereof served upon all parties.

4. *General specifications.* Prepared statements shall conform to Rule 15 of the general rules of practice in respect to style, mimeographing or printing, etc. Evidence offered should be prepared carefully with conciseness and clarity and so as to avoid extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony upon any point. The statements should be factual in character, and argument not be incorporated in the testimony. If not so limited the prepared statement may be excluded in whole or in part. Also the Commission on its own motion or on objection may exclude a statement or any portion thereof which is (a) not material or relevant to the questions presented in the proceeding, or (b) obviously incompetent.

5. *Verification; relief from cross examination and personal appearance.* There is no requirement that a prepared statement shall have an affidavit attached, but this does not preclude attaching an affidavit to the prepared statement. If that is done the following, or its equivalent, should appear in the margin on the top of the first sheet of the statement:

> This statement is verified. Unless written request for cross examination is received by affiant or his attorney not later than June 14, 1954, affiant desires that the statement be considered for incorporation in the record without his personal appearance as a witness.

A witness making such a request and thereafter receiving a demand for cross examination must personally report at the hearing, or his verified statement may not be received. If there is no demand for cross examination as above provided (indiscriminate demands for cross examination should be avoided), the privilege of cross examination will be deemed to be waived if the statement is verified and the witness making the statement has requested to be relieved from personal appearance as above provided. It will be presumed that a witness preparing an unsworn statement intends personally to appear at the hearing for cross examination and to be sworn at that time. An unsworn statement will be admitted only if the affiant is personally present at the hearing.

6. *Oral evidence limited.* Implementing oral evidence to correct errors or to supply inadvertent omissions in prepared statements is permissible, but evidence in chief or rebuttal not previously interchanged in writing as herein provided may not be admitted except as good cause therefor shall be shown at the hearing.

7. *How admitted to the record.* To become a part of the record it is necessary for the witness, or some one qualified to represent him, formally to offer the prepared statement in evidence at the hearing; and unless good reason shall otherwise appear, the statement will be admitted as an exhibit.

8. *Materially reserved.* A prepared statement received in evidence with or without objection as to its admissibility is subject to subsequent challenge as to the weight to be accorded to the facts in such statement.

9. *Witness examination.* The examination of a witness should be conducted in a manner so as to make it rapid, distinct, and as little annoying to the witness as is consistent with eliciting the facts, and to this end counsel on the same side of an issue should agree upon one person to examine a witness.

10. *Due dates defined.* All dates specified in these rules are the latest dates on which the parties in the performance of an act contemplated by these rules may make deposit in the mails, except (a) as to any date respecting which there is an express provision otherwise, and (b) any date herein provided for the filing of a petition with, or dispatch of notification to, the Commission shall be governed by the provisions of Rule 4 (b) of the general rules of practice, namely, receipt in the Commission and not the date of deposit in the mails shall be determinative.

And it is further ordered, That in addition to service hereof upon all parties of record, a copy hereof also shall be filed with the Director, Division of the Federal Register.

Dated at Washington, D. C., this 19th day of January A. D. 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-853; Filed, Feb. 5, 1954; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 27

Washington, Tuesday, February 9, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SMALL BUSINESS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, pargraphs (j) and (k) are added to § 6.364 as set out below.

§ 6.364 *Small Business Administration.* • • •

(j) One Special Assistant to the Administrator.

(k) One Confidential Assistant to the Deputy Administrator for Field Operations.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 54-897; Filed, Feb. 8, 1954; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture.

Subchapter C—International Wheat Agreement

PART 571—COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

SUBPART—TERMS AND CONDITIONS OF 1953–54 PROGRAM

CROSS REFERENCE: For transfer and redesignation of above regulations, see Chapter V of this title, *infra*.

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 571—WHEAT

CHANGE IN CODIFICATION

In order to conform Title 6 of the Code of Federal Regulations to the present organizational structure of the Department of Agriculture, the following change is made in the codification of this title:

Subpart A of Part 571 of Subchapter B of Chapter V and the regulations therein are transferred to Chapter IV and redesignated "Subchapter C—International Wheat Agreement," "Part 571—Commodity Credit Corporation Wheat and Wheat-Flour Export Program," "Subpart—Terms and Conditions of 1953–54 Program."

Done at Washington, D. C., this 4th day of February 1954.

HOWARD H. GORDON, *President, Commodity Credit Corporation.*

[F. R. Doc. 54-895; Filed, Feb. 8, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

MISCELLANEOUS AMENDMENTS

In Federal Register Document 54-465, published at page 395 of the issue for Friday, January 22, 1954, the following changes are made pursuant to the authorities recited in said document:

1. In enumerated paragraph 20, at line 8, the word "Production" should read "Conservation."

2. In enumerated paragraph 21, at line 8, the word "Agricultural" should be inserted following the word "Area."

3. In enumerated paragraph 23, at line 6, the word "Agricultural" should be inserted following the word "Area."

4. In enumerated paragraph 24, at line 5, the word "Agricultural" should be inserted following the word "Area."

5. In enumerated paragraph 29 subparagraph (a), the term "ACS" should read "ASC."

6. In enumerated paragraph 30, at line 5, the period should be change to a semicolon, the word "and" inserted thereafter, and the following subparagraphs added thereunder:

(a) The definition of the term "State committee" appearing in Part 1104 is amended to read "'State committee' means the persons designated by the Secretary as the Agricultural Stabilization and Conservation State Committee in Alaska";

(Continued on next page)

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FEDERAL REGISTER

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(b) The definition of the term "County committee" appearing in Part 1104 is amended to read " 'County committee' means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county committees"; and

(c) The designation "Production and Marketing Administration" appearing in § 1104.306 of Part 1104 is deleted and the designation "Agricultural Conservation Program Service" is substituted therefor.

Done at Washington this 3d day of February 1954. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-883; Filed, Feb. 8, 1954; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 250]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.665 *Orange Regulation 250*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 10, 1954. Shipments of all oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 22, 1954; the recommendation and supporting information for regulation, in the manner herein provided, for the period February 10, 1954, to February 17, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 4; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) Notwithstanding the provisions of Orange Regulation 249 (§ 933.663; 19 F. R. 530), no handler shall ship, during the period beginning at 12:01 a. m., e. s. t., February 10, 1954, and ending at 12:01 a. m., e. s. t., February 17, 1954, any Valencia, Lue Gim Gong and similar late-maturing oranges of the Valencia type, grown in the State of Florida:

(i) Which do not grade at least U. S. No. 1; or

(ii) Which are of a size smaller than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," "Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type" and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1," "standard pack," and "standard nailed box," shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 5th day of February 1954.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-936; Filed, Feb. 8, 1954; 8:51 a. m.]

[Grapefruit Reg. 194]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.666 *Grapefruit Regulation 194*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 10, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and, unless sooner terminated, will so continue until February 15, 1954, the recommendation and supporting information for continued regulation subsequent to February 9, 1954, and in the manner herein provided, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 4; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) Grapefruit Regulation 193 (§ 933.662; 19 F. R. 529) is hereby terminated at 12:01 a. m., e. s. t., February 10, 1954.

(2) During the period beginning at 12:01 a. m., e. s. t., February 10, 1954, and ending 12:01 a. m., e. s. t., March 1, 1954, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, (a) which do not grade at least U. S. No. 1; or (b) which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(ii) Any seedless grapefruit, grown in Regulation Area I, (a) which do not grade at least U. S. No. 1; or (b) which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in Regulation Area II, (a) which do not grade at least U. S. No. 2 Russet; or (b) which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 5th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-935; Filed, Feb. 8, 1954; 8:51 a. m.]

[Tangerine Reg. 147]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.667 *Tangerine Regulation 147*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publica-

tion thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 10, 1954. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and, unless sooner terminated, will so continue until July 31, 1954; the recommendation and supporting information for continued regulation subsequent to February 9, and in the manner herein provided, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 4; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time of this section.

(b) *Order.* (1) Tangerine Regulation 146 (§ 933.664; 19 F. R. 530) is hereby terminated at 12:01 a. m., e. s. t., February 10, 1954.

(2) During the period beginning at 12:01 a. m., e. s. t., February 10, 1954, and ending at 12:01 a. m., e. s. t., July 31, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2 Russet; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. [illegible])

Done at Washington, D. C., this 5th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-937; Filed, Feb. 8, 1954; 8:52 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 263—REGISTRATION OF ALIENS IN THE UNITED STATES: PROVISIONS GOVERNING SPECIAL GROUPS

PART 475—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

REGISTRATION AND ANNUAL REPORTING OF ADDRESS BY AGRICULTURAL WORKERS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Section 263.2 is amended to read as follows:

§ 263.2 *Certain Canadian citizens and British subjects; agricultural workers.* (a) The duty imposed on aliens in the United States by section 262 of the Immigration and Nationality Act to apply for registration shall not be applicable to Canadian citizens or British subjects admitted to the United States under the provisions of § 212.3 (a) or (b) of this chapter who depart from the United States within 6 months of admission. If such an alien's stay in the United States is to exceed six months, an application for registration in accordance with the provisions of section 262 of the Immigration and Nationality Act shall be made prior to the expiration of the six-month period.

(b) The duty imposed on aliens in the United States by section 262 of the Immigration and Nationality Act to apply for registration shall not be applicable to agricultural workers admitted to the United States under the provisions of Part 214k or 475 of this chapter during the time such workers maintain their nonimmigrant status. If such a worker fails to maintain the nonimmigrant status under which he has been or may be admitted, an application for registration in accordance with the provisions of section 262 of the Immigration and Nationality Act shall be made immediately.

2. The fourth sentence of § 475.21 *Recruitment centers; preliminary inspection* is amended to read as follows: "Aliens whose conditional permits have been noted by immigration officers shall be conveyed directly from the recruitment center to a reception center at or near a port of entry under the supervision of representatives of the Secretary of Labor for completion of immigration inspection."

3. Section 475.22 is amended to read as follows:

§ 475.22 *Immigration inspection at reception centers; authority to admit; hearings before special inquiry officer* (a) An alien who presents a conditional permit, as described in § 475.21, duly noted by an immigration officer at a recruitment center, and who is found to be admissible under this part as an agricultural worker may be so admitted by the examining immigration officer, at which time such officer shall fingerprint the alien:

(1) By placing the rolled impression of the right index finger on the Form I-100a, Alien Laborer's Permit and Identification Card, which shall be prepared in duplicate in each such case; and

(2) By placing complete fingerprints of both hands on one copy of Form AR-4.

(b) The examining immigration officer shall execute the obverse of Form AR-4 and shall place thereon the serial number of Form I-100a and a stamped notation reading "Admitted as agricultural worker"; and shall mail the executed form direct to the Federal Bureau of Investigation, Washington 25, D. C.

(c) The alien shall be given the Form I-100a bearing his photograph and stating his name, place of birth, and citizenship. Such form shall be duly noted by an immigration officer to show the date, place, and period of the alien's admission to the United States and shall be signed by such officer across the bottom of the photograph, partly on the photograph and partly on the card. Such noted card shall be the sole document required for admission to the United States as an agricultural worker under this part.

(d) In any case in which the examining immigration officer at the reception center is not satisfied that an alien seeking admission under this part is admissible, the alien shall be held for hearing before a special inquiry officer, and the hearing procedure applicable generally to aliens seeking admission to the United States under the immigration laws shall be followed: *Provided, however,* That the case of an alien believed to be inadmissible to the United States under the provisions of paragraph (27), (28), or (29) of section 212 (a) of the Immigration and Nationality Act shall be handled in accordance with the provisions of section 235 (c) of that act and § 235.15 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relieve restrictions and are clearly advantageous to persons affected thereby.

Dated: February 2, 1954.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: January 18, 1954.

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 54-887; Filed, Feb. 8, 1954; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supplement 3]

PART 40—SCHEDULED INTERSTATE AIR CARRIER AND OPERATION RULES

MISCELLANEOUS CAA RULES

Correction

In F. R. Doc. 53-10489, appearing at page 8676 of the issue for Thursday, December 24, 1953, the following change should be made:

In the first sentence of § 40.90-1, the words "paragraph (b) of this section" should read "§ 40.91-1 (b)."

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[ODM Regulation 1]

ODM REG. 1—ISSUANCE OF NECESSITY CERTIFICATES UNDER SECTION 124A OF THE INTERNAL REVENUE CODE

The following regulations are hereby prescribed by the Office of Defense Mobilization with the approval of the President pursuant to the authority contained in Executive Order 10480, dated August 14, 1953, and section 124A of the Internal Revenue Code.

Sec.
1. Definitions.
2. Criteria for determination of necessity.
3. Criteria for determination of portion of the adjusted basis attributable to defense purposes for computing the amortization deduction.
4. Procedures and responsibilities.
5. Exercise of powers of Certifying Authority.

AUTHORITY: Sections 1 to 5 issued under sec. 216, 64 Stat. 939; 26 U. S. C. Sup. 124A; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939.

SECTION 1. *Definitions.* As used throughout this regulation:

(a) "Emergency facility" means any facility, land, building, machinery or equipment, or any part thereof, the construction, reconstruction, erection, installation or acquisition of which was completed after December 31, 1949, and with respect to which a Necessity Certificate has been made.

(b) "Emergency period" means the period beginning January 1, 1950, and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities with respect to which Necessity Certificates have been made is no longer required in the interest of national defense.

(c) "Certifying Authority" means the Director of the Office of Defense Mobilization.

(d) "Necessity Certificate" means a certificate made by the Certifying Authority pursuant to section 124A (e) of the Internal Revenue Code, certifying that the construction, reconstruction, erection, installation or acquisition of the facilities referred to in the certificate is necessary in whole or in part in the interest of national defense during the emergency period, and stating the portion of the adjusted basis thereof which has been determined to be attributable to defense purposes within the meaning of such section 124A (e) for computing the amortization deduction under section 124A (a).

(e) "Material" means raw materials, articles, commodities, products, supplies, components, technical information and processes.

SEC. 2. *Criteria for determination of necessity.* Determination will be made by the Certifying Authority as to whether the construction, reconstruction, erection, installation or acquisition of the facility (in whole or in part) is necessary in the interest of national defense during the emergency period.

(a) *Material or service required for national defense.* In making the determination of necessity, a determination will be made that the material or service to be produced with the proposed facility is required in whole or in part in the interest of national defense during the emergency period. A material or service will not be found to be so required unless it is directly required for the Armed Services of the United States or auxiliary personnel, for civil defense, for the Atomic Energy Commission, or for any operations or activities in connection with the Mutual Defense Assistance Act of 1949, as amended; or unless it is necessary for the production of a material or service directly required in the interest of national defense during the emergency period; or unless it is otherwise necessary in the interest of national defense.

(b) *Shortage of facilities for the production of material or service required for national defense.* In making the determination of necessity, a determination will be made that at the time of the beginning of construction, reconstruction, erection, installation or acquisition of the facility, there was or is an existing or prospective overall shortage of facilities for the production of the material or service produced or to be produced by the facility sought to be certified. Consideration will be given to the necessity for and adequacy of facilities for the production of a material or service in a particular region, the necessity for stand-by capacity, and any other factors contributing to or threatening a shortage of facilities for producing such material or service. A shortage will be found to exist only with respect to facilities required to meet expansion goals determined by the Office of Defense Mobilization.

(c) *Other considerations.* In making the determination of necessity, consideration will also be given to other factors such as: new or improved technology; assurance of a fair opportunity for participation by small business; the promotion of competitive enterprise; the competence, performance record and other factors bearing upon the ability of the applicant to construct or acquire, and manage the proposed facility; location of the facility with due regard to military security and dispersion criteria and standards; the degree to which the facility will alleviate the shortage of production; other forms of financial assistance provided by the Government; and the availability of manpower, housing, community facilities, transportation and other factors of production. An existing or prospective shortage of facilities for the production of a material or service necessary in the interest of national defense will not be considered alleviated by:

(1) The acquisition of the productive assets of a going concern or second-hand facilities unless:

(i) Clear prospect of a substantial increase in the usefulness of such facilities for national defense exists and such increase cannot be obtained by other practical means; or

(ii) Substantial loss of usefulness for national defense would probably result in the absence of such acquisition.

(2) The construction, reconstruction, erection, installation or acquisition of that part of a facility which is or will be used in lieu of existing facilities, except to the extent considered extraordinary and necessitated by reason of the emergency.

SEC. 3. *Criteria for determination of portion of the adjusted basis attributable to defense purposes for computing the amortization deduction.* Determination will be made by the Certifying Authority as to the portion of the adjusted basis upon which the amortization deduction under section 124A (a) shall be computed.

(a) In determining the portion to be certified, the Certifying Authority will consider the probable economic usefulness of the facility after five years and the additional incentives to the minimum amount deemed necessary to secure the expansion of industrial capacity in the interest of national defense during the emergency period. For this purpose, consideration will be given to such factors as the character of the business, including the source, amount and nature of the materials required for the expansion and the material or service to be produced; the manufacturing or servicing processes involved; normal depreciation rates; expansion in competitive fields; the extent of risk assumed, including the amount and source of capital employed; the potentiality of recovering capital or retiring debt through tax savings or pricing; the relative expansion needed; the economic consequences of the location of the facility due to security or other emergency factors; increased costs due to expedited construction or emergency conditions; the historical background of the industry; the extent to which the facility is being or will be used in lieu of existing facilities; assistance to small business and the promotion of competitive enterprise; compliance with Government policies, e. g., manpower and dispersion; and other relevant factors. Land will not ordinarily be certified. The percentage certified shall be closely related to the provision of other financial incentives provided by the Government to encourage the construction of facilities, such as direct Government loans, guarantees and contractual arrangements, so that these incentives separately or in combination will secure the needed expansion at mini-

mum cost to the Treasury. Where percentage certification patterns for individual industries are established, adjustments upward or downward may be made for special factors.

SEC. 4. *Procedures and responsibilities*—(a) *Application form.* Formal application shall conform to the standard form prescribed by the Certifying Authority and shall be executed in the manner and by the person prescribed by the form. The standard form of application for a Necessity Certificate may be obtained from the Office of Defense Mobilization, Washington 25, D. C., or from Department of Commerce field offices.

(b) *Classified information.* If the application or its filing would involve the disclosure of information which has a security classification, the applicant shall, prior to the filing of his application, request instruction from the Government agency with which he has classified contract relations.

(c) *Filing of application.* All applications for Necessity Certificates shall be filed with the Office of Defense Mobilization in Washington, D. C., and shall be deemed to be filed when received by that agency.

(d) *Time of filing applications, and cases in which determination of necessity must be made before beginning of construction.* (1) Application for a Necessity Certificate for facilities the construction, reconstruction, erection or installation of which was begun or which were acquired prior to March 1, 1952, or for facilities acquired on or subsequent to March 1, 1952, must be filed before the expiration of six months after the beginning of such construction, reconstruction, erection or installation, or the date of such acquisition.

(2) (i) Applications for Necessity Certificates for any building, structure or other real property, or for the installation of facilities which will become an integral and permanent part of any building, structure or other real property the construction, reconstruction, erection or installation of which is begun on or after March 1, 1952, must be filed prior to the beginning of such construction, reconstruction, erection or installation, except that,

(ii) An application for a Necessity Certificate for any building, structure or other real property or for the installation of facilities which will become an integral and permanent part of any building, structure or other real property the construction, reconstruction, erection or installation of which is begun subsequent to the closing of an expansion goal and prior to the reopening of such expansion goal, must be filed before the expiration of 30 days after the reopening of such expansion goal. Certification in such cases may be made for only that part of any facility which is constructed, reconstructed, erected, installed, or acquired not earlier than six months prior to the date of filing of such application.

(3) (i) Facilities at any one location involving the construction, reconstruction or erection of any building, structure or other real property, or the installation of facilities which will become an integral and permanent part of any building, structure or other real property, and which are estimated by the applicant to cost $100,000 or more, excluding the cost of land, the construction, reconstruction, erection or installation of which is begun on or after March 1, 1952, and prior to December 3, 1953, will not be eligible for certification within the meaning of this regulation unless a determination of necessity is made by the Certifying Authority as evidenced by the issuance of a Necessity Certificate or a Letter of Predetermination prior to the beginning of such construction, reconstruction, erection or installation.

(ii) The term "Letter of Predetermination" shall mean a written communication to the applicant from the Certifying Authority stating that there is a shortage of the facilities for which certification is requested, that the material or service to be produced thereby is necessary in the interest of national defense, and that thereafter the beginning of construction, reconstruction, erection or installation of the facilities for which certification is requested will not in itself prejudice the applicant's eligibility for a Necessity Certificate.

(4) For purposes of subparagraphs (1), (2) (i) and (ii), and (3) (i) and (ii) of this paragraph, the following definition shall apply: Construction, reconstruction, erection or installation is deemed to begin with the incorporation in place on the site by the applicant or by any other person pursuant to any contract, understanding or arrangement, directly or indirectly for or with the applicant, of physical materials as an integral and permanent part of any building, structure or other real property (for example, the pouring or placing of footings or other foundations). Acquisition of land; engineering; contracting for construction; preparation of site; building of access roads; excavation; demolition; installation of service utilities required for construction; the fabrication, production or processing of building materials or building equipment; or the acquisition of personal property to be installed in the building, structure or other real property does not constitute beginning of construction, reconstruction, erection or installation.

(e) *Modification of regulations.* The provisions of this regulation concerning the filing of applications for Necessity Certificates may be changed by the Certifying Authority. Such change shall be made effective not less than 15 days after publication in the FEDERAL REGISTER.

(f) *Referral of application.* Each application, after acknowledgement, will be referred to that agency or officer of the Government according to its respective assigned responsibilities under the Defense Production Act of 1950, as amended. The military department or other Government agency directly interested in the production of the material or service involved in the application for a Necessity Certificate shall on request of any agency or officer to whom the application has been referred, and may in any case, supply such information and advice as may aid the agency or officer in making his report and recommendation to the Certifying Authority.

(g) *Responsibilities of agencies and officers other than Certifying Authority.* Delegate agencies or officers of the Government to which an application is referred, shall be responsible for making a report and recommendation for specific action to the Certifying Authority regarding each application. Such report and recommendation shall be based upon a thorough examination and investigation conducted by the delegate agency or officer or by other competent Government agencies or officers. Such reports shall conform to instructions issued by the Certifying Authority.

(h) *Action by the Certifying Authority.* After consideration of relevant factors, including but not limited to the reports of the delegate agencies and officers of the Government, the Certifying Authority will take action upon the application.

(i) *Necessity Certificates.* Upon approval of an application, a Necessity Certificate will be forwarded to the Commissioner of Internal Revenue and will constitute conclusive evidence of certification by the Certifying Authority that the facilities therein described are necessary in the interest of national defense and of the portion of the adjusted basis upon which the amortization deduction under section 124A (a) shall be computed. The Certifying Authority will not certify the accuracy of the cost of any facility nor of any date relative to the construction, reconstruction, erection, installation or acquisition thereof. It will be incumbent upon taxpayers electing to take the amortization deduction to establish to the satisfaction of the Commissioner of Internal Revenue the identities of the facilities, the costs thereof, and the dates relative thereto.

(j) *Further description after certification.* (1) Where the actual description or cost of a certified facility varies or will vary so materially from the description or cost in the application for a Necessity Certificate as to put in question the identity of the facility, the taxpayer may request an amendment of the certificate by filing a statement with the Certifying Authority setting forth the revised description or cost.

(2) The statement should consist of four copies of an amended Appendix A setting forth all of the emergency facilities certified with their revised descriptions or costs in the same order in which such emergency facilities were listed on the original Appendix A. However, where the original Appendix is lengthy and only a few variations or changes are involved, the four copies of the amended Appendix A may list only the facilities changed. In all instances, the amended descriptions or costs should be identified, by item and page number, with the descriptions or costs contained in the original Appendix A and should be accompanied by a letter explaining all changes with the reasons therefor.

(3) If the Certifying Authority is of the opinion that the varied or changed costs or descriptions are within the scope of the original certification, the amended Appendix A will be forwarded by the Certifying Authority to the Commissioner of Internal Revenue for substitution for the original Appendix A attached to the original certificate to have the effect of an amendment thereof. A copy of the amendment will be transmitted to the taxpayer.

(4) Although reasonable substitutions for facilities previously certified may be determined to be within the scope of the original certification, additional facilities, as a general rule, will not be considered to be within the scope of the original certification and will require a separate new application which may be subject to the provisions of paragraph (d) (3) (i) of this section. The Certifying Authority may, however, afford a filing date for such separate application which will correspond to the date on which the application for amendment was filed for the facilities found to be outside the scope of the original certification.

(k) *Cancellation or amendment of Necessity Certificate.* The Certifying Authority may (1) cancel any Necessity Certificate where it has been obtained by fraud or misrepresentation or has been issued through error or inadvertence, or (2) amend any Necessity Certificate for sufficient cause.

SEC. 5. *Exercise of powers of Certifying Authority.* (a) Any actions taken in exercise of the powers and authority vested in the Director of the Office of Defense Mobilization, by Executive Order 10480, dated August 14, 1953, under section 124A (e) of the Internal Revenue Code may be taken in the name of the Office of Defense Mobilization by the Director's authorized representative.

(b) The Director may for good and sufficient reason in the interest of national defense make exceptions to the requirements for filing in section 4 (d) (2) (i) and (ii) and the requirements of section 4 (d) (3) (i).

DPA Regulation No. 1, as amended, dated February 14, 1952, is hereby superseded.

Effective date: December 3, 1953.

ARTHUR S. FLEMMING,
Director of the Office of Defense Mobilization.

Approved: February 2, 1954.

DWIGHT D. EISENHOWER,
The White House.

[F. R. Doc. 54-906; Filed, Feb. 8, 1954; 8:51 a. m.]

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-41, as Amended February 5, 1954]

M-41—METALWORKING MACHINES—DELIVERY

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of BDSA Order M-41, as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

BDSA Order M-41 (formerly NPA Order M-41) as amended February 27, 1953, has been amended to eliminate certain items from Exhibit D (redesignated as Exhibit B) and to reduce required deliveries of metalworking machines (other than those listed in Exhibit B as redesignated) to service purchasers from 60 percent to 40 percent. At the same time, the order has been generally revised both for purposes of clarification and to conform its provisions to comparable provisions of more recent BDSA orders and regulations. Sections 11 and 13 have been deleted and the various sections have been renumbered.

Sec.
1. What this order does.
2. Definitions.
3. Scheduling of deliveries to service purchasers.
4. Distribution of production among service groups.
5. Treatment of fractions.
6. Operation of Numerical Preference List.
7. Information to be furnished with new purchase orders.
8. Changes and amendments.
9. Rejection of rated orders.
10. Effect of this order on BDSA Reg. 2.
11. Pool orders.
12. Request for adjustment or exception.
13. Records and reports.
14. Communications.
15. False statements.
16. Violations.

AUTHORITY: Sections 1 to 16 issued under sec. 704, 64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply Sec. 101, 64 Stat. 799, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2071; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939.

SECTION 1. *What this order does.* This order regulates the delivery of metalworking machines pursuant to rated orders. It requires all producers to schedule their deliveries pursuant to such orders in accordance with the provisions of this order. While it applies particularly to rated orders of service purchasers (as defined), it also has application to rated orders of other persons (including specifically the Atomic Energy Commission and its contractors).

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "BDSA" means the Business and Defense Services Administration of the United States Department of Commerce.

(c) "GSA" means the General Services Administration.

(d) "Metalworking machine" means any new, nonportable, power-driven item of plant equipment which is listed in Exhibit A, appearing at the end of this order, and has a producer's list price for the basic machine itself of $1,000 or more. The producer's list price for the basic machine itself means the sale price at which the producer's catalog or other price publication lists the basic machine, exclusive of the motor, motor drive, or any attachments therefor, unless the motor, motor drive, or attachments are initially built into the basic machine itself, as an integral part thereof, in which case the producer's list price for the basic machine shall be the sale price at which the producer lists the machine as an assembled unit. The term "metalworking machine" includes all fixtures, equipment, and tooling covered by the original purchase order which are required to be delivered with the basic machine to make it usable in production for the purposes intended. It does not include replacements, spare parts or equipment, or extra tooling.

(e) "Producer" means any person engaged in the manufacture and production of metalworking machines.

(f) "Service group" means a subdivision of the Department of Defense. For the purposes of this order, there are deemed to be seven such subdivisions, consisting of the following: Ordnance, Army less Ordnance, Bureau of Ordnance (Navy), Bureau of Ships (Navy), Miscellaneous Bureaus and Offices (Navy), Bureau of Aeronautics (Navy), and Air Force.

(g) "Service purchasers" means those persons whose purchase orders for metalworking machines call for delivery to a service group, or to one of such group's prime contractors, or to a subcontractor of such a prime contractor. However, no such purchaser shall be considered a service purchaser unless his order is accompanied by a DO rating in accordance with existing regulations.

(h) "Size" includes all of those dimensions or variations of a particular type of metalworking machine which can be used interchangeably for production purposes. Size classification shall be that used by each producer on the effective date of this order, unless he is hereafter authorized to use a different classification. Producers may apply for such permission by letter to the BDSA.

SEC. 3. *Scheduling of deliveries pursuant to rated orders.* (a) Subject to the provisions of paragraphs (b), (c), and (d) of this section and starting March 1, 1954, and on the first day of each succeeding month, each producer shall schedule in accordance with the provisions of this order his deliveries of metalworking machines during the fourth ensuing month pursuant to rated orders whether placed by service purchasers or by other persons; for example, such deliveries for the month of June 1954 would be scheduled on March 1, 1954.

(b) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled, he shall arrange his schedule so as to deliver to service purchasers (i) all such orders up to 70 percent of his production of each size of the classifications listed in Exhibit B of this order, and (ii) all such orders up to 40 percent of each size of any classification not listed in Exhibit B.

(c) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled of more than 70 percent of his production in that month

of any size of the classifications listed in Exhibit B, he shall not be required in any such case to schedule for delivery more than 70 percent to service purchasers, even though there be fewer rated orders from other purchasers than the equivalent of 30 percent of his production of such size. To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled of more than 40 percent of his production in that month of any size of any classification not listed in Exhibit B, he shall not be required in any such case to schedule for delivery more than 40 percent to service purchasers, even though there be fewer rated orders from other purchasers than the equivalent of 60 percent of his production of such size.

(d) After scheduling his deliveries of any size of metalworking machine to service purchasers for any month in accordance with paragraphs (b) and (c) of this section, a producer shall schedule the balance of his production of that size of machine for such month so as to fill to the extent possible all rated orders from other purchasers requiring delivery in that month.

(e) Deliveries of metalworking machines during each of the months February 1954 through May 1954 shall be made in accordance with the provisions of BDSA Order M-41 (formerly NPA Order M-41) as amended February 27, 1953.

SEC. 4. *Distribution of production among service groups.* (a) In scheduling deliveries of any size of metalworking machine in fulfillment of rated orders placed by service purchasers, each producer shall schedule such deliveries as between the several service groups in accordance with monthly service quotas for each service group to be determined as provided in this section.

(b) Each producer shall determine the quantity of each size of metalworking machine represented by rated orders on his books for each service group as of a date 90 days prior to the first day of the month then being scheduled, or, at the producer's option, the nearest date within 10 days thereof on which he may have compiled his records of orders. Only those rated orders which by their terms require delivery in the month being scheduled, or in a month previous thereto, shall be considered for this purpose. The number of machines of each size so determined for each service group shall be termed the "net backlog" of that service group for that size of metalworking machine.

(c) Each producer shall then determine the "total net backlog" for each size of metalworking machine by adding together the net backlogs of all service groups for each particular size of metalworking machine.

(d) Each producer shall then determine, subject to the provisions of section 3 of this order, the total number of metalworking machines of a particular size being scheduled by him for delivery pursuant to rated orders of service purchasers for that month and such total shall be termed the "total service group quota." The monthly quota of each size of metalworking machine for any particular service group shall be that proportion of the total service group quota which the net backlog of such particular service group bears to the total net backlog. Each producer shall then schedule deliveries pursuant to rated orders of service purchasers for the month being scheduled so that each service group will be scheduled for its service quota for that month determined as provided in this section.

(e) During each month each producer shall deliver, pursuant to rated orders of service purchasers of each service group, a total number of metalworking machines of each size equal to the quota of that service group of that size for that month. However, no producer shall schedule delivery of any metalworking machine for any service group earlier than the date on which the purchaser requires delivery, unless all required delivery dates on other rated orders for the same size of metalworking machine are being met.

SEC. 5. *Treatment of fractions.* Where the number of metalworking machines which results from any computation required by this order contains a fraction of one-half or more, the fraction shall be counted as a whole metalworking machine. A fraction under one-half shall be disregarded. Where each of the computations of two or more different service quotas for the same month shows a fraction of one-half or more, and there is only one remaining metalworking machine to which such fraction can apply, such metalworking machine shall be allotted to the service group having the largest service quota.

SEC. 6. *Operation of Numerical Preference List.* A Numerical Preference List covering the various service groups will be supplied to producers. In connection with scheduling deliveries for each month pursuant to sections 3 and 4 of this order, this list shall determine the sequence of scheduling of purchase orders for delivery as between service purchasers within each service group as follows:

(a) In scheduling purchase orders for delivery, service purchasers who are on the list shall take precedence over service purchasers who are not on the list.

(b) As between purchase orders having conflicting required delivery dates, delivery of which is to be made to service purchasers on the list within the particular service group, the purchase order of the service purchaser with the higher urgency standing shall be scheduled for delivery ahead of the service purchaser with the lower urgency standing. The highest urgency standing is No. 1.

(c) Scheduling for delivery to a subcontractor or a subcontractor of a subcontractor shall be made in accordance with the urgency standing of his prime contractor and the prime contract number. However, no such subcontractor may use the urgency standing of the prime contractor unless such use is approved by the prime contractor and endorsed by the service department, supply arm, or bureau concerned.

(d) If the urgency standing certified by the purchaser differs from the urgency standing shown for the particular contractor for the particular contract in question on the Numerical Preference List, the latter shall govern.

(e) If the urgency standing of a prime contract is changed by virtue of a revision of the Numerical Preference List, a producer shall not require the purchaser to furnish the new urgency standing, provided such purchaser has furnished to the producer all of the information required under section 7 of this order.

(f) Regardless of the urgency standing certified with the purchase order, no delivery of metalworking machines shall be made prior to the required delivery dates, unless all required delivery dates on other orders for the same size of metalworking machines are being met.

(g) Changes may be made in the Numerical Preference List from time to time by BDSA. Such changes will be effective when scheduling for the next "delivery month." If an interim change is made, the new urgency standing will consist of a number including a decimal. Such an urgency standing will take a position in the sequence of deliveries as indicated by the following example: Urgency standing 92.1 will be delivered after 92 and before 93. Complete revisions of the Numerical Preference List may be made from time to time, and at such times the interim changes will be integrated in the revised Numerical Preference List. Such revised Numerical Preference List will use whole numbers and will be dated. Scheduling under this order will be controlled by the Numerical Preference List in force on the date of scheduling, irrespective of the urgency standing furnished by the purchaser at the time of the placing of the order.

(h) The sequence of conflicting deliveries to service purchasers who are not listed on the Numerical Preference List within each service group shall be determined in accordance with the provisions of BDSA Reg. 2.

SEC. 7. *Information to be furnished with new purchase orders.* (a) All purchasers must indicate specifications or other descriptions of the metalworking machines being ordered in sufficient detail to enable the producer to place the same on his production schedule and must indicate the required delivery date thereof.

(b) All service purchasers must indicate the service group which placed or sponsored the prime contract or subcontract for which the metalworking machine being purchased is to be used, the specific prime contract number, claimant agency number and the urgency standing, if any. If such service purchaser is a subcontractor or a subcontractor of a subcontractor, he must also state the name of the prime contractor.

SEC. 8. *Changes and amendments.* Notwithstanding any other provision of this order, BDSA may amend this order and any of its exhibits, may direct or change any schedule of production or delivery of metalworking machines, may allocate any order for metalworking machines from one producer to another producer, and may divert or otherwise direct the delivery of any metalworking machine from one person to another person.

SEC. 9. *Rejection of rated orders.* A producer need not accept a rated order which he receives less than 3 months prior to the first day of the month in which delivery is requested.

SEC. 10. *Effect of this order on BDSA Reg. 2.* To the extent that this order is in conflict with BDSA Reg. 2 (formerly NPA Reg. 2), the provisions of this order shall control. In all other respects, BDSA Reg. 2 shall continue in full force and effect.

SEC. 11. *Pool orders.* BDSA will from time to time furnish GSA with recommendations for ordering metalworking machines. Under a working arrangement between GSA and BDSA, GSA will place firm orders (herein sometimes called "pool orders") with producers of metalworking machines in accordance with such recommendations. The pool orders so placed by GSA will contain, among other provisions, a provision requiring any producer, on or after the date therein specified, to eliminate items from any such order to the extent that equivalent items manufactured by such producer are invoiced or shipped (whichever is earlier) pursuant to purchase orders from others or to orders and directions of BDSA.

SEC. 12. *Request for adjustment or exception.* Any person subject to any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The filing of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 13. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the Business and Defense Services Administration, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the Business and Defense Services Administration as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 14. *Communications.* All communications concerning this order shall be addressed to the Business and Defense Services Administration, Washington 25, D. C., Ref: BDSA Order M-41.

SEC. 15. *False statements.* The furnishing of false information or the concealment of any material fact by any person in the course of operation under this order constitutes a violation of this order by such person.

SEC. 16. *Violations.* Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving further deliveries of materials, or using materials or facilities, under priority or allocation control and to deprive him of further priority and allocation assistance. In addition to such administrative action an injunction and order may be obtained prohibiting any such violation and enforcing compliance with the provisions hereof. Any person who wilfully violates any provision of this order, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect February 5, 1954.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

EXHIBIT A OF BDSA ORDER M-41

Ammunition machinery.
Beading machines.
Boring machines.
Brakes.
Broaching machines.
Buffing machines.
Centering machines.
Chamfering machines.
Cut-off machines.
Die-sinking machines.
Drilling machines.
Duplicating machines.
Extruding machines.
Filing machines.
Forging machines.
Forging rolls.
Gear-cutting machines.
Gear-finishing machines.
Grinding machines.
Hammers.
Headers.
Key-seating machines.
Lapping machines.
Lathes.
Levelers.
Marking machines.
Measuring and testing machines, except physical property test equipment.
Milling machines.
Nibbling machines.
Oil-grooving machines.
Pipe flanging-expanding machines.
Planers.
Polishing and buffing machines.
Presses.
Profiling machines.
Punching machines.
Reaming machines.
Rifle and gun working machines.
Riveting machines.
Rolling machines.
Sawing machines.
Screw and bar machines.
Shapers.
Swagers.
Tapping machines.
Threading machines.
Shearing machines.
Slotters.
Upsetters.

EXHIBIT B OF BDSA ORDER M-41

Jig-boring machines.
Jig-grinding machines.
Jig-milling machines.
Milling machines No. 4 and larger.

[F. R. Doc. 54-907; Filed, Feb. 5, 1954; 1:07 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

LAKE WORTH, FLA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.440 governing the operations of Flagler Memorial and Royal Park bridges over Lake Worth between Palm Beach and West Palm Beach, Florida, from January 1 to April 30 and November 15 to December 31 of each year, is hereby prescribed as follows:

§ 203.440 *Lake Worth (Intracoastal Waterway), Fla.; Flagler Memorial and Royal Park bridges, Palm Beach, Florida.* (a) During the period November 15 to April 30, both dates inclusive, the owner of or agency controlling these bridges will not be required to open the drawspans between the hours of 7:30 a. m. and 9:30 a. m., and between the hours of 4:30 p. m. and 6:30 p. m., except on the hour and the half-hour when the draws shall be opened to allow all accumulated vessels to pass, and except as provided in paragraph (b) of this section.

(b) The draws shall be opened to allow the passage of a vessel in distress or of a commercial tow at any time upon the sounding by the vessel of four blasts of a whistle or horn.

(c) The owner of or agency controlling these bridges shall erect signs on both sides of each bridge which clearly indicate the nature of the regulations

and which meet the approval of the District Engineer in charge of the locality.

[Regs., Jan. 14, 1954, 823.01 (Lake Worth, Fla.)—ENGWO] (38 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-874; Filed, Feb. 8, 1954; 8:45 a. m.]

PART 204—DANGER ZONE REGULATIONS

CHOCTAWHATCHEE BAY, FLORIDA, AND GULF OF MEXICO IN VICINITY OF CHOCTAWHATCHEE BAY

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.130 establishing and governing the use and navigation of waters of Choctawhatchee Bay, Florida, and the Gulf of Mexico in the vicinity of Choctawhatchee Bay, comprising aerial gunnery ranges of the Air Proving Ground Command, Eglin Air Force Base, Florida, is hereby amended by changing the heading and subparagraph (4) of paragraph (a) to read as follows:

§ 204.130 *Gulf of Mexico from St. Andrew Bay to Choctawhatchee Bay, and Choctawhatchee Bay; aerial gunnery and bombing ranges, Air Proving Ground Command, Eglin Air Force Base, Florida*—(a) *The danger zones.* • • •

(4) *Aerial gunnery range along north shore of Choctawhatchee Bay.* The waters of Choctawhatchee Bay within an area described as follows: Beginning at a point in the waters of Choctawatchee Bay at latitude 30°26'00", longitude 86°25'30"; thence north to the shore at longitude 86°25'30"; thence southeasterly and northeasterly along the shore to longitude 86°15'00"; thence south to latitude 30°26'29", longitude 86°15'00"; thence southwesterly to latitude 30°26'12", longitude 86°20'35"; thence north to latitude 30°26'57", longitude 86°20'35"; thence southwesterly to the point of beginning.

• • • • •

[Regs., Jan. 13, 1954, 800.2121 (Choctawhatchee Bay)—ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-875; Filed, Feb. 8, 1954; 8:46 a. m.]

PART 210—PROCUREMENT ACTIVITIES OF THE CORPS OF ENGINEERS

Part 210, including §§ 210.1 to 210.4, is revised to read as follows:

Sec.
210.1 Advance notices to prospective bidders.
210.2 Notice of award.
210.3 Notice to proceed.
210.4 Appeals.

AUTHORITY: §§ 210.1 to 210.4 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161.

§ 210.1 *Advance notices to prospective bidders.* In connection with all construction projects estimated to cost $100,000 or more for which an invitation is scheduled to be issued, an advance notice to prospective bidders will be prepared sufficiently in advance of the actual issuance of the invitation to stimulate interest on the part of the greatest possible number of contractors. Advance notices may also be prepared on projects estimated to cost less than $100,000 and for supplies where considered desirable. However, when an advance notice is used to circularize prospective bidders, copies of the invitation, when issued, will not be used to again circularize all prospective bidders but will be furnished to only those requesting same. Information on several projects for which invitations are scheduled to be issued may be grouped in one advance notice provided that information on any project or projects is not unduly delayed in order to be grouped with others. Advance notices will contain in general the following information:

(a) Name and address of contracting office.

(b) Invitation number of proposed invitation.

(c) Tentative dates for issuance of invitation and opening of bids or period of advertising.

(d) Description of the work to be performed or supplies to be furnished including approximate quantities except that where a large number of items are involved in a construction project only the most important will be shown or in the case of a supply invitation items may be grouped under general headings.

(e) Location of the project including state, county and nearest railhead or point of access, or in the case of supplies the point of delivery.

(f) Time allowed for commencement and completion of the work or delivery time.

(g) Bond requirements.

(h) Any other contract provisions or requirements, such as liquidated damages, considered of special interest to bidders.

(i) Information on obtaining drawings, specifications and bidding papers, including any deposit required. A suitable form request will be attached to the advance notice for the convenience of prospective bidders and or subcontractors in requesting copies of the bidding documents.

§ 210.2 *Notice of award.* The successful bidder will be notified in writing of the acceptance of its bid. Under construction contracts this notice may accompany the contract papers which are forwarded to him for execution. To avoid error, or confusing the notice of award with a notice to proceed, the notice of award will be in substantially the following form:

You are hereby notified that your bid dated _____ in the sum of _____ is accepted. A formal contract will be prepared for execution. Acceptable performance and payment bonds (if required) must be furnished upon execution of the formal contract. If approval of the contract is required by its express terms, the contract is not fully executed until such approval is obtained.

Under supply contracts an award mailed (or otherwise furnished) to the successful bidder within the time for acceptance specified in the bid results in a binding contract without further action by either party. This may be accomplished by executing Standard Form 26 when using the long form contract or Standard Form 33 when using the short form contract.

§ 210.3 *Notice to proceed*—(a) *General.* When the contract specifies the time when the contractor is to proceed with the work under the contract, a notice to proceed will not be required. However, in any case where the contract requires the issuance of notice to proceed, the notice will be forwarded by registered mail, return receipt requested, and will fix the time for the commencement of the work and also, if appropriate, will fix the time for the completion of the work. The notice to proceed will be executed in triplicate, and will bear the contract number in the upper right-hand corner of the notice.

(b) *Contractor's acknowledgment.* When a notice to proceed is issued, the contractor will acknowledge receipt thereof by signing and dating the acknowledgment in triplicate. The original and one copy will be returned to the contracting officer and the third copy retained by the contractor.

(c) *Commencing performance.* Contractors in no case will be required to begin performance prior to the commencement date fixed in the contract or in a notice to proceed. If they voluntarily do so they act at their own risk, if the contract is ultimately not signed (and approval when required). Contractors will not be required to commence performance until (1) the contractor has furnished performance and payment bonds, when required, and (2) the contract is signed by the contractor and the contracting officer, and approved, when approval is required.

§ 210.4 *Appeals*—(a) *Provisions for appeal.* The standard contract forms provide an orderly method of taking appeals from decisions of the contracting officer.

(b) *Findings of fact*—(1) *Construction contracts.* If the contractor appeals from the contracting officer's decision on any dispute involving a question of fact, the contracting officer will make thorough findings of fact and serve a true copy thereof upon the contractor and invite his prompt response thereto.

(2) *Supply contracts.* In rendering a decision on any dispute involving a question of fact, the contracting officer will prepare and sign findings of fact, a true copy of which with his written decision will be promptly furnished the contractor.

(c) *Rules of the Corps of Engineers Claims and Appeals Board; introduction.* The following rules are promulgated by the Corps of Engineers Claims and Appeals Board, Office of the Chief of Engineers, for the guidance of contractors having contracts with the Corps of Engineers, and others concerned.

(1) *Rule 1: Appeals, how taken.* An appeal from the decision of a contracting officer must be in writing, addressed to the appellate authority named in the contract and filed with the officer from whose decision the appeal is taken, within the time allowed by the contract. Where the findings of fact are furnished to the contractor with the decision of the contracting officer as in the case of supply contracts and the contractor seasonably files an appeal from such decision, he shall respond to the findings of fact within 15 days from the date upon which his appeal is filed, or such longer period as may be granted by the contracting officer. In the event the appellant fails to respond to the findings of fact within such period of time the contracting officer will transmit the record to the appellate authority without such response. In the case of construction contracts it is not customary to furnish findings of fact until after the contractor has filed an appeal. In such case if the appellant fails to respond within 15 days to the findings of fact, or such longer period as the contracting officer may grant, the record will be transmitted to the appellate authority without such response.

(i) *Form, size and number of papers filed.* Appeals, notices, motions, applications, stipulations, briefs, depositions, and other papers if typewritten, filed with the Board shall be typewritten on one side of the paper only, with margin of 1½ inches on the left of the page, and, as far as practicable shall be upon paper 8½ x 11 inches in size. The papers shall be fastened on the left side with covers or backs. Four copies of each of such papers, whether typewritten or not, except stipulations and depositions, will be filed.

(ii) *Number to be assigned to proceedings.* The recorder shall assign a number to each appeal coming before the Board, which number will be placed on all papers in the case. An appeal as used herein means one or more disputes which, in the opinion of the Board, can be conveniently considered as a group at the same time.

(2) *Rule 2: Forms of appeals.* An appeal may take the form of a notice of appeal. A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number), the decision from which the appeal is taken, the date of the decision, the contractual provisions concerned in the dispute, the nature of the dispute and the relief sought by the appeal. Specific facts and argument in support of the appeal, complete in reasonable detail, should either be included in the notice of appeal, or submitted directly to the Board within 30 days of the filing of the notice of appeal, or within such longer period of time as may be allowed by the Board. A suggested form of notice of appeal is contained in paragraph (d) of this section but the notice of appeal may be in the form of a letter or in any other form which presents the necessary information. The notice of appeal should be signed personally by the contractor taking the appeal, or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative.

(3) *Rule 3: Time of filing to be endorsed.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of filing and forward the appeal through channels to the Corps of Engineers Claims and Appeals Board, Office of the Chief of Engineers, Washington 25, D. C.

(4) *Rule 4: Scope of hearing.* Attention is invited to the Disputes Article of the contract which establishes this Board's jurisdiction. That article provides that disputes over questions of fact are to be decided by the contracting officer subject to written appeal within the time prescribed in the contract. Therefore this Board is without jurisdiction to consider appeals from a decision by the contracting officer if filed after the time permitted by the contract. Equally it has no jurisdiction to consider disputes which have not heretofore been presented to and decided by the contracting officer. The Board determines what issues were before the contracting officer and hence will be before the Board by examination of the record with particular reference to the claim, the decision of the contracting officer, the findings of fact and response to the findings of fact. If either side desires that additional data be presented, supplementary to that contained in the record before the Board, this may be done by the filing of appropriate memoranda or at a hearing, if a hearing is desired. Such evidence may be submitted as is pertinent to the issues presented to and decided by the contracting officer from whose decision appeal has been made. The hearing will be recorded and a transcript will be made available to the appellant at cost if prior request for same has been made. If counsel is employed by the appellant he, as well as the appellant, will be required to conform with Army Special Regulation No. 600-785-1 (32 CFR 582.1) dealing with representative activities before an agency of the Department of the Army.

(5) *Rule 5: Notice of hearings.* The appellant will be given at least 15 days' notice of the time and place of hearing. Continuances will not be granted except upon written request and for good cause.

(6) *Rule 6: Place of hearing.* Ordinarily the place of hearing will be in the Office of the Chief of Engineers, Washington, D. C. If the appellant desires that a hearing be held at a place other than Washington, D. C., he will, at the time of taking his appeal, or within a reasonable time thereafter, but before service of notice of hearing, make a written request therefor, stating the place preferred for the hearing, and stating fully the reason for such request. The representative of the Government handling the case may, within 10 days after an appeal has been filed in the office of the Board, file with the Board a written request for hearing at a place other than the office of the Board and will in such request state fully the reasons therefor. If the appellant does not request a hearing at a place other than at the office of the Board, the Board may, nevertheless, on its own motion hold a hearing at another place.

(7) *Rule 7: Absence of parties or counsel.* The unexcused absence of appellant or his counsel at the time and place set for the hearing of any proceeding will not be the occasion for delay, but the hearing will proceed and the case will be regarded as submitted on the part of the absent party.

(8) *Rule 8: Applications for rehearings.* Rehearing, further hearing or reconsideration of a decision, may be had, if in the judgment of the Board sufficient reason therefor appears.

(d) *Suggested form of notice of appeal.*

Date _____

Appeal of _____
(Name of contractor)

Under Contract No. _____

To the _____
(Secretary of the Army or the Chief of Engineers, U. S. Army, as appropriate, throught the Contracting Officer)

The undersigned contractor hereby appeals to the _____ from the decision of (Insert the name of title of the contracting officer, or other authority, as the case may be) rendered on the ____ day of _____ 19 __, to the effect that:

(Insert the decision, or a summary thereof, from which the appeal is taken.)

The dispute arises under or concerns the following contract provisions:

(Insert pertinent contract provisions.)

The decision here appealed from was erroneous for the following reasons:

(State specific facts and circumstances upon which the contractor relies in taking this appeal. Indicate which of those facts the contractor understands are not disputed by the contracting officer.)

This appeal is taken pursuant to the provisions of the contract, Article No. _____ (Insert reference to the pertinent disputes article of the contract, or indicate other basis of the appeal.)

_____
(Contractor)

By _____

_____
(Post Office Address of Contractor)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-876; Filed, Feb. 8, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

REGISTRATION OF MANAGEMENT INVESTMENT COMPANIES ORGANIZED UNDER CANADIAN LAW

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of Rule N-7D-1 under the Investment Company Act of 1940. The proposed rule is declarative of the conditions and arrangements to be entered into by a management investment company organized under the laws of Canada, so that an order permitting registration of the company under section 7 (d) of the act may be issued as of course and without the necessity for hearing, if such order is otherwise appropriate. Section 7 (d) of the act authorizes the Commission to issue a conditional or unconditional order permitting a foreign investment company to register under the act and to make a public offering of its securities if the Commission finds that "by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of [the act] against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors."

In line with the policy of this government to facilitate and encourage foreign investments, the Commission directed its staff to endeavor to formulate the "special arrangements" which would meet the standards of section 7 (d). After extended discussions with certain Canadian companies which have applied for registration, conditions and arrangements have been formulated which are embodied in the proposed rule. It is believed that such a rule will provide definitive standards upon which Canadian investment companies may rely and will aid in the disposition of applications filed under section 7 (d).

The conditions and arrangements have been established in the light of the high degree of comity that has prevailed between this country and Canada, the existing treaties, the proximity of the two countries, their joint heritage of the common law, and the essential similarity of statutes and law relating generally to corporations and the rights of stockholders. Accordingly, the rule is applicable only to Canadian management investment companies. Conditions and arrangements proposed by investment companies organized under the laws of other foreign countries will be considered by the Commission on a case by case basis in the light of the statutory standards.

In order to implement the statutory means of enforcement of the act against the company and to assure their legal and practical effectiveness, the rule provides that the charter and bylaws of the company contain the substantive provisions of the act which the company will agree may be enforced as a matter of contract right in the United States or Canada by shareholders or the Commission. The officers and directors, of whom a majority are required to be citizens of the United States, will also agree to comply with the act and will consent to the enforcement of their agreements in a similar manner. In furtherance of this purpose the rule also requires the company to maintain its assets in the United States and agree to their liquidation and distribution upon direction of the Commission, or the courts, upon a finding of non-compliance by the company or its officers and directors with their agreements or the Commission's order.

Compliance with the rule will impose duties and obligations both on the company and certain of its affiliated persons and create concomitant rights by agreement, which in the over-all, it is believed, will accord protection to investors, equal to, though not necessarily identical with, the protection accorded by the act to investors in the usual domestic company.

The text of the proposed rule follows:

§ 270.7d–1 *Specification of conditions and arrangements for Canadian management investment companies requesting order permitting registration.* (a) A management investment company organized under the laws of Canada or any province thereof may obtain an order pursuant to section 7 (d) permitting its registration under the act and the public offering of its securities, if otherwise appropriate, upon the filing of an application complying with paragraph (b) of this section. All such applications will be considered by the Commission pursuant to the procedure set forth in § 270.0–5 and other applicable rules. Conditions and arrangements proposed by investment companies organized under the laws of other countries will be considered by the Commission in the light of the special circumstances and local laws involved in each case.

(b) An application filed pursuant to this section shall contain, inter alia, the following undertakings and agreements of the applicant:

(1) Applicant will cause each present and future officer, director, investment adviser, principal underwriter and custodian of the applicant to enter into an agreement, to be filed by applicant with the Commission upon the assumption of such office by such person, which will provide, among other things, that each such person agrees (i) to comply with the applicant's Letters Patent (Charter) and By Laws, the act and the rules thereunder, and the undertakings and agreements contained in said application insofar as applicable to such person; (ii) to do nothing inconsistent with the applicant's undertakings and agreements required by this section; (iii) that the undertakings enumerated as subdivisions (i) and (ii) of this subparagraph constitute representations and inducements to the Commission to issue its order in the premises and continue the same in effect, as the case may be; (iv) that each such agreement constitutes a contract between such person and the Commission, applicant and its shareholders with the intent that applicant's shareholders shall be beneficiaries of and shall have the status of parties to such agreement so as to enable them to maintain actions at law or in equity within the United States and Canada for any violation thereof. In addition the agreement of each officer and director will contain provisions similar to those contained in subparagraph (6) of this paragraph.

(2) That every agreement and undertaking of the applicant, its officers, directors, investment adviser, principal underwriter and custodian required by this section (i) constitute inducements to the Commission for the issuance and continuance in effect of, and conditions to, the Commission's order to be entered under this section; (ii) constitute a contract among applicant and the Commission and applicant's shareholders with the same intent as set forth in subparagraph (1) (iv) of this paragraph; and (iii) failure by the applicant or any of the above enumerated persons to comply with any such agreement and undertaking, unless permitted by the Commission, shall constitute a violation of the order entered under this section.

(3) That the Commission, in its discretion, may revoke its order permitting registration of the applicant and the public offering of its securities if it shall find after notice and opportunity for hearing that there shall have been a violation of such order or the act and may determine whether distribution of applicant's assets is necessary or appropriate in the interests of investors and may so direct.

(4) That applicant will perform every action and thing necessary to cause and assist the custodian of its assets to distribute the same, or the proceeds thereof, if the Commission or a court of competent jurisdiction, shall have so directed by a final order.

(5) That any shareholder of the applicant or the Commission on its own motion or on request of shareholders shall have the right to initiate (i) a proceeding before the Commission for the revocation of the order permitting registration of the applicant or (ii) before a court of competent jurisdiction for the liquidation of applicant and a distribution of its assets to its shareholders. Such court may enter such order in the event that it shall find, after notice and opportunity for hearing, that applicant, its officers, directors, investment adviser, principal underwriter or custodian shall have violated any provision of the act or the Commission's order of registration of the applicant

A court of competent jurisdiction for the purpose of subparagraphs (4) and (5) of this paragraph means any District Court of the United States in the State of the United States in which the assets of the applicant are maintained.

(6) That any shareholder of the applicant or the Commission on its own motion or on request of shareholders shall have the right to bring suit at law or in equity in any court of the United States or Canada having jurisdiction over applicant, its assets or any of its officers or directors to enforce compliance by applicant, its officers and directors with any provision of applicant's Charter or By Laws, the act and the rules thereunder, or undertakings and agreements required by this section, insofar as applicable to such persons. That such court may appoint a trustee or receiver with all powers necessary to implement the purposes of such suit, including the administration of the estate, the collection of corporate property including choses-in-action, and distribution of applicant's assets to its creditors and stockholders. That applicant and its officers and directors waive any objection they may be entitled to raise and any right they may have to object to the power and right of the Commission or any shareholder of the applicant to bring such suit, reserving, however, their right to maintain that they have complied with the aforesaid provisions, undertakings and agreements, and otherwise to dispute such suit on its merits. Applicant, its officers and directors also agree that any final judgment or decree of any United States court as aforesaid, may be granted full faith and credit by a court of competent jurisdiction of Canada and consent that such Canadian court may enter judgment or decree thereon at the instance of the Commission or any stockholder of the applicant.

(7) Applicant will file, and will cause each of its present or future directors, officers, or investment advisers who is not a resident of the United States to file with the Commission irrevocable designation of the applicant's custodian as an agent in the United States to accept service of process in any suit, action or proceeding before the Commission or any appropriate court to enforce the provisions of the acts administered by the Commission, or to enforce any right or liability based upon applicant's Charter, By Laws, contracts, or the respective undertakings and agreements of any such person required by this section, or which alleges a liability on the part of any such persons arising out of their service, acts or transactions relating to the applicant.

(8) Applicant's Charter and By Laws, taken together, will contain, so long as applicant is registered under the act, in substance the following:

(i) The provisions of the act as follows: section 2 (a); *Provided*, That the term "Government securities" defined in section 2 (a) (16) may include securities issued or guaranteed by Canada or any instrumentality of the government of Canada; the term "value" defined in section 2 (a) (39) may be defined solely for the purposes of sections 5 and 12 in accordance with the provisions of § 270.2a–1 (Rule N-2A–1) if the same shall be necessary or desirable to comply with Canadian regulatory or revenue laws or rules or regulations thereunder; the term "bank" defined in section 2 (a) (5) shall be defined solely for the purposes of sections 9 and 10, as any banking institution; section 4; section 5; section 6 (c); section 9; section 10 (a), (b), (c), (e), (f), and (g); *Provided*, That the provisions of section 10 (d) may be substituted for the provisions of sections 10 (a) and 10 (b) (2) if applicable; section 11; section 12 (a), (b), (c), and (d); section 13 (a); section 15 (a), (b), and (c); section 16 (a); sections 17, 18, 19, 20 and 21; section 22 (d); section 22 (e); *Provided*, That the Toronto Stock Exchange or the Montreal Stock Exchange or both may be included in addition to the New York Stock Exchange; section 22 (f); section 22 (g); section 23; section 25 (a) and (b); section 30 (a), (b), (d), (e), and (f); section 31; section 32 (a); *Provided*, That provision may be made for the selection and termination of employment of the accountant in compliance with The Companies Act of Canada; section 32 (b). Where a provision of the act prohibits or directs action by an investment company, or its directors, officers or employees, the Charter or By Laws shall state that the applicant or its directors, officers or employees shall or shall not act, as the case may be, in conformity with the intent of the statute; where the provision applies to others, such as principal underwriters, investment advisers, controlled companies and affiliated persons, the Charter or By Laws shall also state that the applicant will not permit the prohibited conduct or will obtain the required action. Any of the provisions of sections 11, 12, 15, 18, 22, 23, 30, and 31 may be omitted if not applicable to a company of applicant's classification or sub-classification as defined in section 4 or 5 of the act or if not applicable because the subject matter of such provisions is prohibited by the Charter or By Laws. Other provisions of the act not specified above may be incorporated in the applicant's Charter or By Laws at its option.

(ii) Any question of interpretation of any term or provision of the Charter or By Laws having a counterpart in or otherwise derived from a term or provision of the act shall be resolved by reference to interpretations, if any, of the corresponding term or provision of the act by the courts of the United States of America or, in the absence of any controlling decision of any such court, by rules, regulations, orders or interpretations of the Commission.

(iii) Applicant will maintain the original or duplicate copies of all its books and records at the office of its custodian or other office located within the United States.

(iv) At least a majority of the directors and of the officers of the applicant will be United States citizens of whom a majority will be resident in the United States.

(v) Applicant will appoint, by contract, a bank, as defined in section 2 (a) (5) and having the qualification described in section 26 (a) (1), to act as trustee of, and maintain in its sole custody in the United States, all of applicant's securities and cash, other than cash necessary to meet applicant's current administrative expenses. Said contract will provide, inter alia, that said custodian will (a) consummate all purchases and sales of securities by applicant, other than purchases and sales on an established securities exchange, through the delivery of securities and receipt of cash, or vice versa as the case may be, within the United States, and (b) redeem in the United States such of applicant's shares as shall be surrendered therefor, and (c) distribute applicant's assets, or the proceeds thereof, to applicant's creditors and shareholders, upon service upon the custodian of an order of the Commission or court directing such distribution as provided in subparagraphs (3) and (5) of this paragraph.

(vi) Applicant's principal underwriter for the sale of its shares will be a citizen and resident of the United States or a corporation organized under the laws of a state of the United States, and having its principal place of business therein, and a member in good standing of a securities association registered under section 15A of the Securities Exchange Act of 1934.

(vii) Applicant will appoint an accountant, qualified to act as an independent public accountant for the applicant under the act and the rules thereunder, who maintains a permanent office and place of business in the United States.

(viii) Any contract entered into between the applicant and its investment adviser and principal underwriter will contain provisions in compliance with the requirements of sections 15, 17 (i) and 31 and the rules thereunder, and require that the investment adviser maintain in the United States its books and records or duplicate copies thereof relating to applicant.

(ix) Applicant's Charter and By Laws will not be changed in any manner inconsistent with this paragraph or the act and the rules thereunder unless authorized by the Commission.

(9) Applicant's Charter and By Laws constitute a contract, not only among the governmental body issuing such Charter, applicant, and its stockholders, but also among such governmental body, applicant, its stockholders, its officers, its directors, and the Commission.

(10) Contracts of the applicant, other than those executed on an established securities exchange which do not involve affiliated persons, will provide that:

(i) Such contracts, irrespective of the place of their execution or performance, will be performed in accordance with the requirements of the act, the Securities Act of 1933, and the Securities Exchange Act of 1934, if the subject matter of such contracts is within the purview of such acts; and

(ii) In effecting the purchase or sale of assets the parties thereto will utilize the United States mails or means of interstate commerce.

(11) Applicant will furnish to the Commission with its registration statement filed under the act a list of persons

affiliated with it and with its investment adviser and principal underwriter and will furnish revisions of such list, if any, concurrently with the filing of periodic reports required to be filed under the act.

All interested persons are hereby invited to submit views and comments on the proposed rule addressed to the Securities and Exchange Commission, 425 Second Street NW., Washington, 25, D. C., on or before March 5, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 28, 1954.

[F. R. Doc. 54-882; Filed, Feb. 8, 1954; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

STOCK DRIVEWAY WITHDRAWAL NO. 164, ARIZONA NO. 6, REDUCED

JANUARY 29, 1954.

By virtue of the authority contained in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (43 U. S. C. 300), and pursuant to the authority delegated to me by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427 dated August 16, 1950, 15 F. R. 5641, it is ordered as follows:

The order of the Secretary of the Interior dated June 6, 1923, establishing Stock Driveway Withdrawal No. 164, Arizona No. 6, as amended July 29, 1924, is hereby revoked insofar as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 21, E½ and NW¼.

The areas described aggregate 480.00 acres.

The NW¼NW¼ is withdrawn for use by the State of Arizona for road material pursuant to sec. 17 of the act of November 9, 1921, 42 Stat. 212. The remaining lands have been classified in Arizona Small Tract Classification No. 28, dated January 29, 1954, for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a).

Information as to preference-right filing period for veterans of World War II and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) may be obtained from the Manager, Land and Survey Office, Post Office Building, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-878; Filed, Feb. 8, 1954; 8:46 a. m.]

ARIZONA

CLASSIFICATION ORDER

JANUARY 29, 1954.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, 15 F. R. 5639, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Arizona land district, embracing approximately 440 acres.

ARIZONA SMALL TRACT CLASSIFICATION NO. 28

For lease and sale for home or business sites:

T. 1 N., R. 8 E., G. & S. R. M.,
Sec. 21, W½NW¼NE¼NW¼, W½SW¼SW¼SE¼.

For lease and sale for homesites only:

T. 1 N., R. 8 E., G. & S. R. M.,
Sec. 21, E½NW¼NE¼NW¼, NE¼NE¼NW¼, S½NE¼NW¼, S½NW¼, NE¼, E½SW¼SW¼SE¼, SE¼SW¼SE¼, N½SW¼SE¼, SE¼SE¼, N½SE¼.

The lands are located just east of the junction of U. S. Highway 60 and State Highway 68 in the area known as Apache Junction, and approximately 16 miles east of Mesa, Arizona. The topography is flat to rolling, cut by numerous washes. The soil varies from a sandy loam to coarse gravel with scattered rock outcroppings. Vegetation is typical of the southwestern desert. The only utility available at present is electric power. Water for domestic purposes must be obtained from drilled wells.

2. The lands described in the NW¼ sec. 21 were placed under consideration for small tract classification on March 14, 1951 at 10:45 a. m. The lands in the E½ sec. 21 were placed under consideration for small tract classification on October 9, 1953 at 11:53 a. m.

3. As to applications filed on the lands embraced in this order at or prior to the time they were placed under consideration for small tract classification, this order shall become effective upon the date it is signed, provided the applications conform to or are made to conform to the provisions of this order.

4. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject to applications under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. The lands will be leased in tracts of approximately 5 acres, 660 feet by 330 feet. In the W½SW¼NW¼ and in the E½E½E½ the longer dimension of each tract will extend east and west. In the remaining lands the longer dimension of each tract will extend north and south. Leases will be for a period of three years. For homesites, the annual rental is $5.00 payable for the entire lease period in advance of the issuance of the lease. For business sites, the minimum annual rental is $20.00 payable for the entire lease period in advance of the issuance of the lease. The lessee for a business site shall be obligated to pay any additional rental at the rate fixed by the schedule of rentals in effect at the date of the approval of his lease.

7. Leases will contain an option to purchase clause at the appraised values. The W½NW¼NE¼NW¼ and W½SW¼SW¼SE¼ are appraised at $200 00 per tract. All remaining tracts are appraised at $175 00 per tract.

(a) Applications for purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease, provided minimum improvements suitable for the purpose for which the lands are leased shall have been constructed prior to the date of application to purchase. Minimum improvements for homesites shall consist of a habitable house of substantial construction containing at least three rooms and a minimum floor area of 500 square feet.

(b) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as mentioned in (a) shall have been completed.

(c) Leases for lands upon which the improvements mentioned above shall not have been constructed at or before the expiration thereof shall not be renewed.

8. Lessees and/or their successors in interest shall comply with all Federal, State, County and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

9. Tracts will be subject to all existing rights-of-way and to 33-foot rights-of-way along all sides of each 40-acre subdivision of the regular survey for road purposes and public utilities.

The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of patent. If not so located, they may be subject to location after patent is issued. All rights-of-way herein mentioned and reserved may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof.

10. All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-879; Filed, Feb. 8, 1954; 8:46 a. m.]

[Montana 02275; Great Falls 087188; Wyoming 06062]

WYOMING AND MONTANA

STOCK DRIVEWAY WITHDRAWAL 44, WYOMING NO. 8, ENLARGED; ORDERS PROVIDING FOR OPENING OF PUBLIC LANDS; AIR NAVIGATION SITE WITHDRAWAL 211, REDUCED; RESTORATION ORDER UNDER FEDERAL POWER ACT, POWER PROJECT 653; CORRECTION

JANUARY 29, 1954.

Federal Register Documents 53–10647, 53–10649, 53–10650, 53–10651, 53–10652, and 53–10646, appearing on pages 8702 through 8704 of the issue for December 24, 1953, should bear the date of December 16, 1953.

W. B. WALLACE,
Regional Administrator.

[F. R. Doc. 54-886; Filed, Feb. 8, 1954; 8:48 a. m.]

Bureau of Reclamation

[Misc. 423667]

STRAWBERRY VALLEY PROJECT, UTAH

ORDER OF REVOCATION

JULY 10, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of January 30, 1906, February 29, 1912, April 16, 1913, May 2, 1914, June 16, 1915, January 6, 1923, and January 10, 1923, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

SALT LAKE BASE AND MERIDIAN

T. 8 S., R. 1 E.
Sec. 2: Lot 1;
Sec. 3: Lots 1 and 2;
Sec. 9: Lots 1, 2, 4, 5, and 6, and S½SE¼;
Sec. 10: Lots 9, 11, 12, and 13, SW¼NE¼, SE¼NW¼, SW¼, and NW¼SE¼;
Sec. 11: Lots 1, 2, 3, and 4, W½SW¼, N½SE¼, and SE¼SE¼;
Sec. 12: Lots 1, 2, 3, and 4, and S½;
Sec. 13: N½, NE¼SW¼, S½SW¼, and SE¼;
Sec. 14;
Sec. 15: Lots 1, 2, 3, 4, 5, 6, 7, and 8;
Sec. 16: Lots 3, 4, 5, and 6, NE¼, E½NW¼, and S½;
Sec. 17: 1, 3, and 4;
Sec. 20: 1, 2, 3, and 4, and E½E½;
Sec. 21: W½W½;
Sec. 22: Lots 3 and 4;
Sec. 23;
Sec. 24;
Sec. 25: Lots 1 to 8, incl., S½N½, and S½;
Sec. 26: Lots 1 to 8, incl., S½N½, and S½;
Sec. 27: Lot 1;
Sec. 29: Lots 2, 3, 5, 6, 7, and 8, NE¼, E½SW¼, and W½SE¼;
Sec. 32: Lots 3, 4, 5, 6, 7, 8, 9, and 10, NE¼, NE¼NW¼, and N½SE¼;
Sec. 35;
Sec. 36.
T. 9 S., R. 1 E.,
Sec. 1: Lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 2: Lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 5: Lots 2, 3, 4, 6, and 7, SW¼NE¼, W½E½SW¼, and NW¼SE¼;
Sec. 6: Lot 1;
Sec. 7: Lots 1, 2, 3, 4, and 5, NE¼SE¼, and S½SE¼;
Sec. 8: W½NW¼, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 11: E½, W½NW¼, and SW¼;
Sec. 12;
Sec. 13;
Sec. 14: Lot 1, E½, E½NW¼, and NE¼SW¼;
Sec. 15: NE¼, and N½SE¼;
Sec. 16;
Sec. 17: N½, N½SW¼, and SE¼;
Sec. 18: NE¼NE¼;
Sec. 20: E½NE¼, and SE¼;
Sec. 21: NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 22: W½SW¼, and SE¼SW¼;
Sec. 23: E½, and SE¼SW¼;
Sec. 24;
Sec. 25;
Sec. 26: NE¼, NE¼NW¼, S½NW¼, and S½;
Sec. 27: NW¼;
Sec. 28;
Sec. 29;
Sec. 30: Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 31: Lots 1, and 2, E½, and E½W½;
Sec. 32;
Sec. 33;
Sec. 34: SE¼NE¼, W½, and SE¼;
Sec. 35;
Sec. 36.

The above areas aggregate 23,674.88 acres.

[SEAL] G. W. LINEWEAVER,
Assistant Commissioner.

FEBRUARY 3, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The following-described public land occupies rolling foothills and is primarily valuable for grazing purposes. It is unlikely that it will be classified for any other use, but any application that is filed will be considered on its merits:

SALT LAKE BASE AND MERIDIAN

T. 8 S., R. 1 E.,
Sec. 32, lots 5 and 6, and S½NW¼NE¼, E½NE¼, NE¼SE¼.

The remaining lands included in this order are either State or privately owned.

This order shall not otherwise become effective to change the status of the public lands released from withdrawal until 10:00 a. m. on the 35th day after date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Salt Lake City, Utah.

WILLIAM PINCUS,
Assistant Director,
Bureau of Land Management.

[F. R. Doc. 54-877; Filed, Feb. 8, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2348]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

FEBRUARY 3, 1954.

Take notice that on January 11, 1954, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to sell and deliver to Waynesburg Home Gas Company (Waynesburg), under the terms of Texas Eastern's WPS Rate Schedule, to and including March 31, 1954, certain quantities of natural gas, not less than the winter contract quantity of 6,060 Mcf (14.73 psia) and the maximum daily quantity of 137 Mcf. Applicant states on information that Waynesburg has been unable to obtain sufficient quantities of gas on peak days, and that due to unforeseen demands upon Waynesburg and one of its suppliers, Waynesburg will suffer a deficiency in supply if it is unable to obtain additional volumes of given peak days until March 31, 1954. A temporary certificate was granted on January 18, 1954, authorizing the service proposed. No new facilities would be required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and

procedure (18 CFR 1.8 or 1.10) on or before the 24th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-884; Filed, Feb. 8, 1954; 8:48 a. m.]

[Docket Nos. G-1277, G-2015, G-2114]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

ORDER GRANTING IN PART AND DENYING IN PART PETITION FOR REHEARING

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No. G-1277; Mid-Georgia Natural Gas Company, Docket No. G-2015; City of Covington, Georgia, Docket No. G-2114.

On January 8, 1954, the City of Covington, Georgia (Applicant), filed a petition for rehearing in the above-entitled matters and requested that the Commission grant the following relief, or such other relief as it may deem just and proper:

1. Vacate the order adopted December 10, 1953, and issued December 11, 1953, in the above-captioned proceedings.

2. Issue a new order for the purpose of:

(a) Modifying the decision of the Presiding Examiner in the above-captioned proceedings by striking paragraph (E) therefrom and substituting therefor a new paragraph, such new paragraph to provide for the severance of Docket No. G-2114 from Docket No. G-2015, the reopening and consolidation of Docket No. G-2114 with Dockets Nos. G-1277, et al., G-1335, G-1407, and G-1411 for the purpose of authorizing your Petitioner to participate in the further proceedings to be held in such consolidated dockets and for the purpose of deferring a final decision in Docket No. G-2114 until such time as the matters before the Commission in such other consolidated dockets are finally disposed of.

(b) Affirming in all other respects the Presiding Examiner's decision in the above-captioned proceedings.

Paragraph (E), above referred to, denied the application of the Applicant in Docket No. G-2114 for an order pursuant to section 7 (a) of the Natural Gas Act directing Transcontinental Gas Pipe Line Corporation to establish physical connection of its facilities with a lateral line proposed to be constructed by the City of Covington, and to sell and deliver to said city a supply of natural gas sufficient to meet the natural gas requirements of its proposed municipal project.

The Presiding Examiner's decision, issued October 26, 1953, as modified by the Commission's order issued December 11, 1953, became the final decision of the Commission.

Applicant's request for a rehearing appears to stem primarily from the modification by the Commission of the Presiding Examiner's decision resulting from its order issued December 11, 1953, which order, among other things, authorized the construction and operation of certain transportation facilities, in Docket No. G-2015, which included facilities interconnecting the communities of Porterdale and Covington, Georgia, and was conditioned as follows:

(c) The issuance of the certificate to Mid-Georgia herein provided is granted upon the express condition that Mid-Georgia shall obtain from the City of Covington, and the Town of Oxford, Georgia, which it proposes to serve, new franchises properly validated pursuant to Georgia law, or a ratification by the aforementioned communities of franchises previously issued, or obtain from the proper courts of Georgia an affirmative declaratory judgment of the validity of such franchises. Mid-Georgia shall within 6 months from the date of issuance of the order herein, file with the Commission in satisfaction of this condition and as evidence that it possesses appropriate franchise authorization from said communities, certified copies of the authority which it asserts constitutes lawful franchise grants to construct and operate distribution systems for the purpose of supplying natural gas in the City of Covington and the Town of Oxford.

The Applicant herein, due to certain recent developments, all as more fully set forth in its petition for rehearing, requests that it be afforded an opportunity to present additional evidence bearing upon the mandate of its citizens for the construction and operation of a municipal system, and to demonstrate the financial feasibility of such project as a result of Transcontinental Gas Pipe Line Corporation's new rates, approved by the Commission's order issued December 30, 1953, in Docket No. G-2075.

On January 22, 1954, the City of Covington, Georgia, filed a petition to intervene in Docket Nos. G-1277 and G-1411[1] for the purpose of permitting its participation in said proceedings set to commence on February 8, 1954, as provided by the Commission's order issued December 11, 1953.

Applicant, by its petition to intervene, seeks to obtain an allocation of natural gas from Transcontinental Gas Pipe Line Corporation's existing system, should it develop during the course of hearing, to commence on February 8, 1954, that there is available a supply of natural gas from the Company's system which may be subject to future allocation. The relief sought by said petition to intervene is substantially the same as requested in the above-entitled matter, insofar as it relates to Docket No. G-2114. Therefore, the relief requested by the City can more appropriately be dealt with in the reopened and consolidated proceedings at Docket Nos. G-1277 and G-1411. An appropriate order permitting the intervention of the City of Covington in the consolidated proceedings at Docket Nos. G-1277 and G-1411 has been adopted concurrently with the adoption of our order herein.

[1] The proceedings at Docket Nos. G-1277, G-1335, G-1407, and G-1411 were reopened and consolidated for the purpose of hearing by the Commission's order issued December 11, 1953.

The Commission finds:

(1) Under the circumstances outlined in the petition for rehearing filed by the City of Covington at Docket No. G-2015, it is in the public interest that both the City of Covington and the Town of Oxford, Georgia, and the Mid-Georgia Natural Gas Company be afforded an opportunity to submit further evidence bearing upon their respective positions relating to the introduction of natural gas into the City of Covington and the Town of Oxford, Georgia, and Applicant's petition for rehearing at Docket No. G-2015 should be granted.

(2) The grounds for rehearing and other relief, as related to Docket Nos. G-1277 and G-2114, which have been duly considered, are not sufficient to warrant the granting of said petition for rehearing or other relief in said proceedings.

The Commission orders:

(A) The petition for rehearing, filed on January 8, 1954, at Docket No. G-2015, be and the same is hereby granted, but limited to that Docket, said rehearing to be held at a time and place to be hereafter fixed by the Commission.

(B) The petition for rehearing in Docket Nos. G-1277 and G-2114 in all other respects be and the same is hereby denied.

Adopted: February 2, 1954.

Issued: February 3, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-885; Filed, Feb. 8, 1954; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket 6530]

BRITISH OVERSEAS AIRWAYS CORP.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of British Overseas Airways Corporation for amendment of its transatlantic foreign air carrier permit to include, Chicago, Illinois.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on February 11, 1954, at 2:00 p. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., February 4, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-893; Filed, Feb. 8, 1954; 8:50 a. m.]

[Docket 6503]

SOUTHWEST AIRWAYS CO. AND UNITED AIR LINES

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Southwest Airways Company for the renewal of its amended certificate of public convenience and necessity but termination of service to Coalinga, Oroville, Fort Bragg, Vallejo-Napa, Santa Cruz-Watsonville, Paso Robles and Yreka (on a seasonal basis), and for the suspension, alteration, amendment, or modification of United Air Lines' certificate of public convenience and necessity to serve Eureka, Red Bluff, Monterey and Santa Barbara, California.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on February 17, 1954, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., February 4, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-894; Filed, Feb. 8, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-93, 70-1804]

ARKANSAS NATURAL GAS CORP. ET AL.

ORDER WITH RESPECT TO FILING OF REPORTS CONCERNING FEES AND EXPENSES

FEBRUARY 2, 1954.

In the matter of Arkansas Natural Gas Corporation, Cities Service Company, File No. 54-186; Arkansas Natural Gas Corporation and its subsidiaries and Cities Service Company, File Nos. 59-93 and 70-1804.

The above-entitled consolidated proceedings involve a plan and amendments thereto filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") and a proceeding instituted pursuant to section 11 (b) (2) of the act designed to bring the system of Arkansas Natural Gas Corporation (now, by change of name, Arkansas Fuel Oil Corporation), a registered holding company, into compliance with section 11 (b) of the act. The Commission has heretofore reserved jurisdiction with respect to the fees and expenses paid or to be paid by the several companies concerned with this plan for services rendered in connection therewith and related proceedings.

Applications for allowances or approval of amounts already paid have been filed with the Commission but no procedure with respect to the disposition of such applications has been fixed.

The Commission has decided it to be necessary or appropriate in the public interest or for the protection of investors or consumers that, as a first step in fixing the ultimate procedure to be followed and as an aid to the Commission in determining what fees and expenses it should ultimately approve, an order should be entered, under the authority conferred by section 11 (f) of the act, requiring that the companies concerned with said section 11 (e) plans, file with the Commission, either jointly or severally, a report or reports setting forth certain information.

It is therefore ordered, That on or before April 15, 1954, Cities Service Company and Arkansas Fuel Oil Corporation shall file with the Commission, either jointly or severally, 10 copies of a report or reports which shall set forth in a manner so as to indicate the proposed allocation thereof between such companies:

(1) The amounts of fees and expenses claimed by the respective applicants for services rendered in connection with the above-entitled and related proceedings;

(2) The amounts of fees and expenses which the paying company has already paid or is prepared to pay without modification;

(3) The amounts of fees and expenses, if any, which each company is willing to pay and which the claimants after negotiation with the company or companies involved have indicated a willingness to accept; and

(4) In cases where such negotiations have been unsuccessful, the amounts of fees and expenses which each company considers to be reasonable and which it is willing to pay.

It is further ordered, That any agreement as to amounts as contemplated by paragraph (3) above shall be subject to the provisions of the respective plans and to approval by the Commission and the exercise by the Commission of its full powers with respect to fees and expenses conferred by the act in connection with plans filed under section 11 (e) thereof.

It is further ordered, That with respect to the information required to be furnished by paragraph (4) above, such information shall be submitted directly to the Chairman of this Commission and be kept confidential unless and until a further order of this Commission shall require otherwise.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-881; Filed, Feb. 8, 1954; 8:47 a. m.]

[File Nos. 70-3124, 70-3139]

STANDARD POWER AND LIGHT CO.

SUPPLEMENTAL ORDER APPROVING CERTAIN ACCOUNTING ENTRIES

FEBRUARY 2, 1954.

The Commission by order dated August 25, 1953, having granted an application (File No. 70-3124) filed by Standard Power and Light Company ("Standard Power"), a registered holding company, with respect to the acquisition by Standard Power of 290,000 shares of common stock of its public utility subsidiary, Duquesne Light Company ("Duquesne"), from Standard Gas and Electric Company ("Standard Gas"), a registered holding company and also a subsidiary of Standard Power, as a distribution in partial liquidation of Standard Gas, and the record not having been completed with respect to the accounting entries to be made by Standard Power to record such acquisition;

The Commission by orders dated November 9 and November 30, 1953, having permitted to become effective a declaration, as amended (File No. 70-3139) filed by Standard Power with respect to its proposals (a) to pay a dividend of 25 cents per share, which was represented would be paid out of capital surplus, to the holders of its outstanding Common Stock and (b) to sell, at a private negotiated sale, from 10,000 to 15,000 shares of the aforementioned 290,000 shares of common stock of Duquesne;

The Commission, in said orders dated November 9 and November 30, 1953, having reserved jurisdiction over, among other things, the appropriateness of the accounting entries to be made by Standard Power in recording said dividend and said sale of Duquesne common stock;

Standard Power having advised the Commission that it has acquired the said 290,000 shares of Duquesne common stock, paid the proposed dividend out of capital surplus, and offered 10,000 shares of the said Duquesne stock, of which 8,500 shares were sold, and the record now having been completed with respect to Standard Power's proposed accounting entries for the recording of such transactions;

The Commission having considered the proposed accounting entries and observing no basis for adverse findings with respect thereto, and deeming it appropriate that said accounting entries be approved and that the jurisdiction heretofore reserved in said orders dated November 9 and November 30, 1953, with respect to accounting entries be released;

It is ordered, That the accounting entries to be made by Standard Power to record the acquisition of the said 290,000 shares of Duquesne common stock, the payment of said dividend and the sale of said 8,500 shares of Duquesne stock be, and hereby are, approved, and that the jurisdiction heretofore reserved in said orders dated November 9 and November 30, 1953, with respect to accounting entries be, and it hereby is, released.

It is further ordered, That the jurisdiction heretofore reserved over all other matters described in the Commission's order dated November 9, 1953, be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-880; Filed, Feb. 8, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28883]

GRAIN FROM OKLAHOMA TO TEXAS

APPLICATION FOR RELIEF

FEBRUARY 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Atchison, Topeka and Santa Fe

Railway Company, Gulf Colorado and Santa Fe Railway Company and Panhandle and Santa Fe Railway Company.

Commodities involved: Grain, grain products and related articles, carloads.

From: Points in Oklahoma.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3941, supl. 73, Atchison, Topeka and Santa Fe Railway Company, ICC 14530, supl. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-852; Filed, Feb. 5, 1954; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

EUGENE ADRIEN CHAPUIS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Eugene Adrien Chapuis, Oyonnax (Ain), France, Claim No. 41690; property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943), relating to United States Patent Application Serial No. 391,198.

Executed at Washington, D. C., on February 3, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-889; Filed, Feb. 8, 1954; 8:49 a. m.]

JEAN HENRI LABOURDETTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jean Henri Labourdette, Courbevoie (Seine), France, Claim No. 41697; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,746,779 and 2,224,186.

Executed at Washington, D. C., on February 3, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-890; Filed, Feb. 8, 1954; 8:49 a. m.]

MARIA VITTORIA SCORPIONE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Vittoria Scorpione, Differdange, Grand Duchy of Luxembourg, $220.70 in the Treasury of the United States.

Maria Distefano, Differdange, Grand Duchy of Luxembourg, $220.70 in the Treasury of the United States.

Giuseppe Sacco, Celano, Providence of Aquila, Italy, $661.70 in the Treasury of the United States; Claim No. 14037.

Luigina Sacco Torrelli, Rome, Italy, Claim No. 42128; Vesting Order No. 1655; $669.73 in the Treasury of the United States.

Executed at Washington, D. C., on February 3, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-891; Filed, Feb. 8, 1954; 8:50 a. m.]

IRMA AND ANGELA SEBBEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Irma Sebben, Fonzaso (Belluno), Italy, Claim No. 42180; Angela Sebben, Fonzaso (Belluno), Italy, Claim No. 42181; Vesting Order No. 857; $864.07 in the Treasury of the United States, one-half thereof to each claimant.

Executed at Washington, D. C., on February 3, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-892; Filed, Feb. 8, 1954; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 28

Washington, Wednesday, February 10, 1954

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 722—COTTON

AMENDMENT 1 TO PROCLAMATION OF NATIONAL ACREAGE ALLOTMENT FOR THE 1954 CROP OF UPLAND COTTON AND AMENDMENT 3 TO MARKETING QUOTA REGULATIONS RELATING TO THE 1954 CROP OF UPLAND COTTON

Basis and purpose. The amendments set forth herein are made to give effect to the provisions of Public Law 290, 83d Congress, approved January 30, 1954, relating to cotton. Section 1 of the said Public Law adds a new subsection (m) to section 344 of the Agricultural Adjustment Act of 1938, as amended, and section 2 of the said Public Law adds a new sentence to section 344 (h) of the act. Paragraphs (1) and (3) of the new subsection (m) of section 344 apply only to the 1954 crop of cotton, while paragraph (2) applies to both the 1954 and 1955 crops of cotton.

Farmers in the southernmost areas of the cotton-belt have begun planting their 1954 cotton crops and farmers in the other areas are making plans and purchasing seed, fertilizer, and other supplies and equipment for the planting and production of cotton this year. In order that the provisions of sections 1 and 2 of the said Public Law may be carried out promptly by the State and county Agricultural Stabilization and Conservation Committees, it is essential that the amendments set forth herein be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

1. Section 722.503 of the Proclamation Relating to National Marketing Quota and National Acreage Allotment for the 1954 Crop of Upland Cotton (18 F. R. 6556) is amended by adding a new sentence at the end thereof as follows:

"Pursuant to Public Law 290, 83d Congress, approved January 30, 1954, the national acreage allotment of 17,910,448 acres determined as described above is hereby increased to 21,000,000 acres and to such increased allotment there is added an additional 379,358 acres."

2. The Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Upland Cotton to States, Counties and Farms (18 F. R. 7527), as amended, are hereby amended as follows:

a. Section 722.515 is amended to read as follows:

§ 722.515 *Apportionment of national acreage allotment among States*—(a) *Apportionment of original national acreage allotment.* The national acreage allotment of 17,910,448 acres proclaimed October 9, 1953, for the 1954 crop of cotton (18 F. R. 6556), less the acreage required pursuant to section 344 (k) of the act to provide any State an allotment not less than the smaller of 4,000 acres or the highest acreage planted to cotton in any of the years 1951, 1952, or 1953, is apportioned among the other States on the basis of the average acreage planted to cotton in each such State for the years 1947, 1948, 1950, 1951 and 1952. It has been determined that, on the basis of the latest available data and information, no adjustments in State cotton acreages for abnormal weather conditions are required for any of the aforementioned years. The acreage allotted to a State pursuant to the provisions of this paragraph is herein referred to as the State acreage allotment.

(b) *Apportionment of national acreage allotment increase.* Pursuant to Public Law 290, 83d Congress, approved January 30, 1954, the national acreage allotment increase of 3,468,910 acres is apportioned to States as follows:

(1) Three million eighty-nine thousand five hundred and fifty-two acres (21,000,000 acres minus 17,910,448 acres) are apportioned among the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, on the basis of the same average acreage

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FEDERAL REGISTER

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twenty-one million acres allocated pursuant to paragraph (a) of this section and subparagraph (1) of this paragraph,

(3) Thirty-six thousand and five hundred (36,500) acres are apportioned to the State of Arizona and twenty-two thousand eight hundred and ninety (22,890) acres are apportioned to the State of California in order to provide each such State a total State acreage allotment of not less than 66 percent of the acreage planted to cotton in the State in 1952.

(4) Four thousand nine hundred and sixty-eight (4,968) acres are apportioned to the State of Florida, which acreage shall be used by the State committee as a reserve to make equitable adjustments in farm acreage allotments on the basis of land, labor, and equipment available for the production of cotton, crop-rotation practices, past acreages of cotton, soil, and other physical factors affecting the production of cotton.

(c) *State acreage allotments.* The total acreage allotted to each State pursuant to paragraph (b) of this section shall be referred to herein as the "State acreage allotment increase". The sum of the State acreage allotment established pursuant to paragraph (a) of this section and the State acreage allotment increase shall be referred to herein as the "total State acreage allotment". The State acreage allotment, the State acreage allotment increase, and the total State acreage allotment for each State for the 1954 crop of cotton are as follows:

State	State acreage allotment	State acreage allotment increase	Total State acreage allotment
Alabama	1,139,121	207,280	1,346,401
Arizona	288,223	125,597	413,820
Arkansas	1,562,684	284,352	1,847,036
California	697,806	238,602	936,408
Florida	33,[illegible]	10,994	44,116
Georgia	1,005,862	183,032	1,188,894
Illinois	14,000	0	14,000
Kansas	180	0	180
Kentucky	9,536	1,663	10,799
Louisiana	634,906	115,530	750,436
Mississippi	1,[illegible]941	320,192	2,079,883
Missouri	391,395	71,221	462,617
Nevada	1,280	0	1,280
New Mexico	167,243	51,699	218,942
North Carolina	528,638	96,193	624,831
Oklahoma	929,302	169,081	1,098,383
South Carolina	786,006	143,034	929,040
Tennessee	575,891	104,792	680,683
Texas	7,376,858	1,342,320	8,719,178
Virginia	18,341	3,338	21,682
United States, total	17,910,448	3,468,910	21,379,358

[1] Minimum State acreage allotments determined in accordance with section 344 (k) of the Agricultural Adjustment Act of 1938, as amended.

b. Section 722.516 is amended by adding thereto the following:

(g) *Apportionment of State acreage allotment increase to counties.* Unless the State committee apportions the State acreage allotment increase as provided in paragraph (h) of this section, such increase (excluding the acreage apportioned to the State of Florida pursuant to § 722.515 (b) (4)) shall be apportioned to counties on the basis of their respective shares of the State acreage allotment apportioned to counties prior to January 30, 1954, pursuant to paragraphs (a) to (f), inclusive, of this section.

(h) *Apportionment of State acreage allotment increase directly to farms.* If the State committee determines that such action will result in a more equitable distribution of the State acreage allotment increase (excluding the acreage apportioned to the State of Florida pursuant to § 722.515 (b) (4)), it shall apportion the additional acreage directly to farms so as to provide, insofar as such acreage is adequate, each farm with an allotment equal to the larger of 65 percent of the average acreage planted to cotton on the farm in 1951, 1952, and 1953 (as determined and used by the county committee in establishing allotments under paragraphs (a) to (g), inclusive, of § 722.517) or 40 percent of the highest acreage planted to cotton on the farm in any one of such three years as so determined and used: *Provided*, That the State committee in each State shall limit the increased allotment so computed to an acreage not in excess of 50 percent of the cropland on the farm, or a lower percentage of the cropland on the farm as determined by the State committee on the basis of the system of farming, soil, crop-rotation practices, and other physical factors affecting the production of cotton in the State. If the State total of the indicated additional allotments so computed for all farms exceeds the State acreage allotment increase, such indicated additional allotments shall be reduced pro rata to the amount of the State acreage allotment increase. Any portion of the State acreage allotment increase which is not used for increasing farm acreage allotments as provided above shall be apportioned by the State committee to counties on the basis of the acreages planted to cotton during a period of years selected by the State committee from the period 1947 to 1953, inclusive (the period of years shall be not less than three years and shall not include the year 1949), using for 1953 the county total of measured cotton acreages for farms and for other years the same acreage data as was used in determining computed county acreage allotments pursuant to paragraph (b) of this section. Before apportioning such unallotted acreage to counties as provided in the preceding sentence, the State committee may, if it determines that such action is required to provide equitable allotments within the State, apportion such unallotted acreage directly to farms to the extent required to increase each farm's allotment to the minimum acreage allotment described in section 344 (f) (1) of the act.

(i) *Apportionment of acreage unallotted because of highest planted acreage limitation.* Any part of the acreage allotted prior to January 30, 1954, to a county pursuant to paragraphs (a) to (f), inclusive, of this section which was not apportioned to farms because of the provision contained in section 344 (f) (2) of the act which limits the factored farm allotment to the highest acreage planted to cotton on the farm in any of the years 1951, 1952, and 1953, shall be available to the State committee and used in the same manner as that prescribed in paragraph (h) of this section for apportionment of unallotted acreage of the State acreage allotment increase.

(j) *Apportionment of excess released acreage to counties.* The acreage allotment surrendered to the State committee pursuant to § 722.517 (k) shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings, or for small or new farms.

(k) *Farm cropland percentage limits established by State Committees.* The cropland limitation percentages determined by the State committees for use in conjunction with the provisions for increasing farm acreage allotments under the "65–40" formula contained in the proviso in paragraph (h) of this section and in paragraph (i) (1) of § 722.517 are as follows:

State:	Cropland limitation percentage
Alabama	40
Arkansas	50
Arizona	50
California	50
Florida	40
Georgia	50
Kentucky	40
Louisiana	50
Mississippi	40
Missouri	40
New Mexico	40
North Carolina	50
Oklahoma	50
South Carolina	50
Tennessee	50
Texas	47
Virginia	50

c. Section 722.517 is amended by adding thereto the following:

(i) *Apportionment of additional acreage allotment to farms.* The additional acreages made available to the county committee pursuant to paragraphs (g), (h), (i), and (j) of § 722.516 shall be apportioned to farms as follows:

(1) The acreage allotment apportioned to the county under paragraph (g) of § 722.516 shall be apportioned to farms in the county in accordance with paragraphs (a) to (d), inclusive, of this section: *Provided*, That, if the county committee determines that such action will result in a more equitable distribution of such acreage allotment among farms in the county, such acreage allotment shall be apportioned by the county committee to farms so as to provide, insofar as such acreage is adequate, each farm with an allotment equal to the larger of 65 percent of the average acreage planted to cotton on the farm in 1951, 1952, and 1953 (as determined and used by the county committee in establishing allotments under paragraphs (a) to (g), inclusive, of this section) or 40 percent of the highest acreage planted to cotton on the farm in any one of such three years as so determined and used: *Provided*, That the State commit-

tee in each State shall limit the increased allotment so computed to an acreage not in excess of 50 percent of the cropland on the farm, or a lower percentage of the cropland on the farm as determined by the State committee on the basis of the system of farming, soil, crop-rotation practices, and other physical factors affecting the production of cotton in the State. If the acreage allotment available to the county pursuant to § 722.516 (g) is insufficient to meet the total of the indicated additional allotments so computed, such indicated additional allotments shall be reduced pro rata to an amount equal to such acreage allotment available; if the acreage allotment available to the county is in excess of the total of the indicated additional allotments so computed, the acreage remaining after making such indicated additional allotments shall be allotted to farms pursuant to the provisions of paragraph (d) of this section.

(2) The portion of the State acreage allotment increase which is not apportioned directly to farms pursuant to paragraph (h) of § 722.516 but which is apportioned to the county pursuant to that paragraph, plus the acreage apportioned to the county pursuant to § 722.516 (i), shall be used by the county committee for adjusting farm acreage allotments on the basis of one or more of the following: The past acreages of cotton on the farm, the percentage of cropland heretofore determined under paragraph (e) of this section and the factors enumerated in paragraph (d) of this section.

(3) The acreage apportioned to the county under paragraph (j) of § 722.516 may be used for establishing and adjusting farm acreage allotments for new farms or small farms in accordance with the provisions of paragraphs (d) and (e) of this section.

(j) *Reallocation of allotments for flooded farms.* In any county in which a major flood control reservoir constructed by the United States Government is located wholly or in part, farm acreage allotments established pursuant to the provisions of this section and § 722.516 (h) for the production of cotton on the lands within such reservoir, which lands, because of permanent or perennial flooding occasioned by the construction of such reservoir, shall be unfit for further cotton production, may be reallocated, within the discretion of the county committee, to other farms within the county as will in the opinion of the committee best serve the public interest.

(k) *Release and reapportionment of cotton acreage allotments.* Any part of any 1954 farm cotton acreage allotment on which cotton will not be planted in 1954 and which is voluntarily released to the county committee by the closing date established by the State committee for the entire State, or for areas in the State if there is a substantial difference in planting dates for different areas in the State, which shall be the date on which the planting of cotton normally becomes general on farms in the State or area, shall be deducted from the cotton acreage allotment for such farm and may be reapportioned by the county committee not later than the date established by the State committee, which shall be the latest date on which cotton can normally be planted on farms in the State or area with reasonable expectations of producing an average crop, to other farms receiving allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of cotton, land, labor, and equipment available for the production of cotton, crop-rotation practices, and soil and other physical facilities affecting the production of cotton. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.516 (j). Any farm acreage allotment released for 1954 only shall, in determining future farm cotton acreage allotments, be regarded as having been planted on the farm releasing such allotments if cotton was planted on such farm in at least one of the years in the three-year farm base period. Any part of any farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm cotton acreage allotments, the planting in 1954 of reapportioned acreage allotment shall not be considered. For purposes of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted.

d. Section 722.520 is amended by adding a new sentence at the end thereof reading as follows: "Immediately after acreage allotments for farms in a county or other local administrative area are established pursuant to § 722.516 (h) and paragraphs (i), (j), and (k) or § 722.517 and approved by the State committee as provided in § 722.529 (a), the county committee shall mail to the operator of each farm in the county for which an allotment is established for the 1954 crop of cotton a written notice of the farm acreage allotment and marketing quota for the farm."

e. Section 722.529 (a) is amended by changing the first sentence to read as follows: "The State committee shall review all acreage allotments and may correct or require correction of any determinations made under § 722.516 (h) or §§ 722.517 to 722.527."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 342–348, 361–368, 373–374, 388, 52 Stat. 38, as amended. Pub. Law 290, 83d Cong.; 7 U. S. C. 1301, 1342–1348, 1361–1368, 1373–1374, 1388)

Done at Washington, D. C., this 8th day of February 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-969; Filed, Feb. 8, 1954; 2:05 p. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

[Domestic Uranium Program Circular 7]

PART 60—DOMESTIC URANIUM PROGRAM

URANIUM LEASES ON LANDS AFFECTED BY FEDERAL MINERAL LEASING LAWS

§ 60.7 *Uranium leases on lands affected by Federal mineral leasing laws—*

(a) *What this section does.* This section provides for the issuance of leases by the United States Atomic Energy Commission to make certain public lands available for uranium mining purposes. It is designed to encourage the search for, development and production of uranium-bearing ores. It is intended to apply to public lands which at the time of leasing for uranium are not subject to location of mining claims under the United States mining laws because such lands are embraced within an offer, application, permit, or lease under the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U. S. C. 181 et seq.), as amended, or because such lands are known to be valuable for minerals leasable under that act.

(b) *Statutory authority.* The Atomic Energy Act of 1946, as amended (60 Stat. 755–775; 67 Stat. 240; 42 U. S. C. 1801–1819) is authority for this section.

(c) *Procedure for acquiring a lease.* (1) The lands as to which a lease is sought must be in tracts, preferably rectangular, not to exceed 1,500 feet in length by 600 feet in width, which must be distinctly identified and marked on the ground by suitable monuments at each corner so that the surface boundaries thereof may be readily found and traced. When the true point for a tract corner falls upon an inaccessible place, a witness corner should be established. Monuments should be posts not less than 4 inches in diameter or stone monuments at least 18 inches high and must be marked with the name of the tract and the designation of the corner, either by number or cardinal point.

(2) There must be posted conspicuously at one of the corner monuments for each tract of land so marked, a written or printed "Notice of Lease Application" containing the name(s) of the applicant(s), the name of the tract, the date of posting, the length and general course of the boundary lines of the tract and the position of the tract referenced to a corner of the public land survey or, if there is no public land survey, a natural object or permanent monument.

(3) The applicant or applicants shall record the "Notice of Lease Application" for each tract in the office of the county recorder of the county in which such tract is situated within thirty days after the identification, marking and posting of such tract on the ground as provided for in subparagraphs (1) and (2) of this paragraph.

(4) An application for a lease provided for by this section must be filed with the Atomic Energy Commission, Grand Junction Operations Office, P. O. Box 270, Grand Junction, Colorado, on a form prescribed for this purpose, within sixty days after the recordation

required by subparagraph (3) of this paragraph, and must be accompanied by a certified copy or copies of the recorded "Notice of Lease Application", the rental required by paragraph (f) of this section, and a map satisfactory to the Commission on which one inch equals 500 feet or less, showing (i) land subdivision if surveyed, (ii) tract pattern with courses and distances of the boundary lines, and reference to a corner of the public land survey, if surveyed, or reference to a natural object or permanent monument, if unsurveyed, by which the location of the tract(s) on the ground can be readily and accurately ascertained, and (iii) position of conflicting claims of which the applicant or applicants are aware. The Commission may require additional information in connection with consideration of the application.

(d) *Eligibility of applicants.* Uranium mining leases under this section will be issued only to qualified applicants who are (1) citizens of the United States, (2) associations of such citizens, or (3) corporations organized under the laws of the United States or of any state or territory thereof. A uranium mining lease will not be issued to anyone under 21 years of age.

(e) *Commission decisions.* All matters connected with issuance and administration of leases will be determined by the Commission, using the provisions of this section as criteria. Although priority in posting a tract, provided there is timely compliance with the other provisions of paragraph (c) of this section, will normally be the controlling criterion in cases where more than one application has been filed for part or all of a particular tract, consideration may be given to other factors. The Commission reserves the right to refuse to issue a lease as to any or all the tracts included in an application even though there has been compliance with the terms of this section if it believes such refusal is desirable in the national interest.

NOTE: Misrepresentation or falsification of facts in a notice of application for lease or in the application may subject the offender to criminal penalties under pertinent provisions of the United States Code including section 1001 of Title 18. Any such offenses also will disqualify the offender from receiving a lease.

(f) *Royalty and rentals.* Leases under this section will be on a royalty-free basis. Rental shall be ten dollars ($10) per lease year per tract of 1,500 feet by 600 feet, or fraction thereof, payable in advance by certified check or money order made payable to Treasurer of United States, at the time of application for a lease and prior to the beginning of each lease year thereafter. No refund of rental will be made by the Commission to the lessee or lessees should the lease be relinquished or canceled as provided for in paragraphs (k) and (l) of this section. If an insufficient rental payment is made, the Commission may, at its discretion, select the tracts under the lease to which the payment is applicable.

(g) *Work requirements.* A condition of every lease entered into under this section will be the conduct on the leased premises of exploration, development or mining activities with reasonable diligence, skill and care for the purpose of achieving and maintaining maximum production of uranium ore consistent with good mining practice and the size of the deposit, unless other arrangements are specified in writing by the Commission. In any event, but not in limitation of the lease condition set forth in the preceding sentence, such activities must include for each 1,500 feet by 600 feet tract, or fraction thereof constituting a tract, one hundred dollars ($100) worth of labor performed or improvements made on or beneath the surface of the leased premises during each lease year. Labor performed or expenditures made in marking or posting the tract or tracts comprising the leased premises, expenditures attributable to travel of personnel to and from the premises and acquisition cost of equipment may not be applied to satisfy work requirements of the lease. A statement signed by the lessee or lessees must be submitted to the Commission within fifteen (15) days after the close of each lease year listing the work performed under the lease as measured in lineal feet of each type of drilling, cubic yards of surface excavation in rock, gravel, earth or other material, cubic feet of underground excavation, indicated by type, or other work performed or improvements made on the leased premises. Whenever cost of labor is used as a measure of work performed, the statement must include the name or names of the workmen performing the labor, date or dates on which work was performed and a description of the work performed. In determining the cost of labor, actual wage rates shall be used unless they are in excess of rates prevailing in the area for similar work at the time the work was done, in which case the prevailing rates shall be used for the purposes of this computation. Labor performed or improvements made on any one tract may be applied to not more than nine (9) additional contiguous tracts under the same lease in the order designated by the lessees. Labor performed or improvements made under one lease may not be applied to satisfy work requirements under any other lease issued under this section.

(h) *Size of lease.* Ordinarily no lease containing in excess of 100 tracts will be issued.

(i) *Lands to be in a reasonably compact body.* The area covered by a lease under this section should be in a reasonably compact body and will ordinarily consist of adjoining tracts or tracts closely situated to each other. No lease under this section shall convey extralateral rights.

(j) *Term of lease.* A lease issued under this section ordinarily will be for a term of five (5) years and renewable as to any or all of the tracts for not more than five (5) additional periods of three (3) years each upon written application made by a lessee or lessees in good standing within sixty (60) days prior to expiration of the lease or any extension thereof. If a tract leased under this section becomes open in whole or in part to location of mining claims under the United States mining laws during the lease term, the Commission may refrain from thereafter extending such lease as to the land so opened to such entry.

(k) *Relinquishment.* A lease or any of the tracts under a lease may be relinquished by the lessee or lessees by written notification sent to the Commission at its Grand Junction, Colorado, office. Relinquishment shall take effect on the date such notification is received by the Commission as evidenced by the written acknowledgement of the Commission. The lessee or lessees within fifteen (15) days of receipt of the Commission's acknowledgement of relinquishment shall file the acknowledgement in the office of the county recorder for the county in which such leased tracts are located.

(l) *Cancellation.* Should the lessee or lessees fail to comply with any of the terms and conditions of the lease within thirty (30) days after receipt of written notice from the Commission specifying such failure and requesting compliance, or should there be any falsification or misrepresentation of a material fact, whether or not intentional, in the notice of lease application or in the application for uranium mining lease, the Commission shall have the right to terminate such lease in whole or in part and the Commission shall then be entitled and authorized to take immediate possession of the affected land and dispossess all persons occupying the same under the authority of the lease.

(m) *Effective date of lease.* A lease issued under this section will ordinarily be effective as of the date it is signed by the Commission.

(n) *Assignment.* Leases issued under this section may be assigned as to all or any of the leased tracts subject to approval by the Commission. To procure such approval, all instruments of transfer of the lease must be filed at the Commission's Grand Junction, Colorado, office and must contain all of the terms and conditions agreed upon by the parties thereto. The application for approval of assignment must be accompanied by a statement of the assignee or assignees setting forth his or their qualifications to hold a lease and that he or they accept and agree to be bound by the terms and conditions of the lease, provided the assignment is approved by the Commission. No assignment of a lease will be approved which provides for royalties on uranium-bearing ore production from the leased premises which amount to more than fifteen percent (15%) of gross ore receipts, or which when added to royalties already created amount to more than fifteen percent (15%) of gross ore receipts. In calculating gross ore receipts for the purpose of this paragraph, development and haulage allowances payable pursuant to § 60.5 (Commission's Domestic Uranium Program Circular 5, Revised) or any further revision thereof or equivalent allowances will be first excluded. With the approval of the Commission, less than all the tracts described in the lease may be assigned. In such an event

the Commission may require the execution of a new lease by the assignor or assignee or both. The Commission will not grant approval if it determines that the terms and conditions of the proposed assignment do not embody terms and conditions equivalent to those of the original lease to the extent applicable. After the effective date of approval, the assignee or assignees will be responsible for the performance of all such obligations.

(o) *Designation of representative.* When leases are issued or assigned under this section to a group of two or more persons or legal entities, they shall designate one person to represent them for the receipt of communications or notices or to make reports or statements on their behalf, together with the address of the representative. This designation shall be binding on the lessees until the Commission has received notice in writing from the lessees of a new designee and his address.

(p) *Initial production bonus.* The provisions of § 60.6 (Domestic Uranium Program Circular 6) shall be applicable to ores produced from the leased premises.

(q) *Form of lease.* Leases will be issued on forms prescribed by the Atomic Energy Commission.

(r) *Recording of lease.* The holder or holders of a lease or assignment under this section shall, unless otherwise authorized by the Commission, record the lease or assignment within fifteen (15) days of the date thereof in the office wherein the "Notice of Lease Application", required by paragraph (c) (3) of this section, is recorded.

(s) *Withdrawn lands.* Lands withdrawn from mineral entry by the Secretary of the Interior for the use of the Atomic Energy Commission or embraced within an Atomic Energy Commission application for such land withdrawal are not available for leasing under this section. However, tracts situated on lands not open to location of mining claims under the United States mining laws because of the existence of a lease, permit, application, or offer under the Mineral Leasing Act of 1920 as amended, or because such lands are known to be valuable for minerals leasable under that act, which lands are subsequently withdrawn by the Secretary of the Interior and reserved for the use of the Atomic Energy Commission, or included in an application for withdrawal filed by the Commission, will be eligible for this type of lease provided that such tracts have been identified and marked on the ground and the "Notice of Lease Application" posted and recorded as required by paragraph (c) of this section, prior to the effective date of the withdrawal or segregation, and further provided there is compliance with the other provisions of this section.

(t) *Multiple use of lands.* Leases issued under this section will also provide that operations under them will be conducted in such manner as not to interfere with the lawful operations of any third party having a lease, permit, easement or any other right or interest in the premises.

(u) *Reservation of rights.* The right is reserved by the Commission to revise, modify or terminate the regulations in this section at any time without prejudice to rights of leaseholders established under existing leases.

(v) *Definitions as used in this section.* (1) "Commission" means the Atomic Energy Commission created by the Atomic Energy Act of 1946, or its duly authorized representative.

(2) "Lease Year" shall be the annual period commencing on the date of the lease or any anniversary thereof during the lease term.

(60 Stat. 755–775, 67 Stat. 240; 42 U. S. C. 1801–1819)

Dated at Washington, D. C., this 29th day of January 1954.

By order of the Commission.

K. D. NICHOLS,
General Manager.

[F. R. Doc. 54-898; Filed, Feb. 9, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs. Amdt. 43-11]

PART 43—GENERAL OPERATION RULES

AIRCRAFT ELECTRONIC NAVIGATION EQUIPMENT ACCURACY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of February 1954.

This amendment to Part 43 of the Civil Air Regulations provides for certain VOR equipment accuracy checks prior to flight under instrument flight rules.

It has been determined that errors may exist in omnidirectional radio range (VOR) airborne receivers due to inherent characteristics or to inadequacies in equipment installation or maintenance. Such errors may be of sufficient magnitude as to make the use of a VOR system of airways, using the established lateral separation criteria, extremely hazardous unless proper precautions are taken. This amendment undertakes to correct this situation by requiring that certain checks shall be performed on VOR equipment prior to flight under instrument flight rules.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) effective March 12, 1954:

By adding a new § 43.31 to read as follows:

§ 43.31 *Aircraft electronic navigation equipment accuracy.* Except for aircraft in which the omnidirectional radio range (VOR) equipment is maintained, checked, and inspected in accordance with a procedure approved [1] by the Administrator, no person shall operate an aircraft under instrument flight rules using the VOR system of radio navigation unless the aircraft VOR equipment has been operationally checked, both within the preceding ten hours of aircraft flight time and within the preceding ten days, and found to be within the limits of the indicated bearing error specified in this section for the particular check. The checks shall be conducted in accordance with either paragraph (a) or (b) of this section as follows:

(a) (1) If a CAA operated or approved test signal [2] is available at the airport of intended departure, a check of the VOR equipment shall be accomplished using this test signal. The maximum permissible indicated bearing error is plus or minus 4°.

(2) If a CAA operated or approved test signal is not available at the airport of intended departure, a check shall be accomplished using a point on an airport surface designated [3] by the Administrator as a VOR system check point. The maximum permissible indicated bearing error is plus or minus 4°.[4]

(3) If neither a CAA operated or approved test signal nor a designated check point on the airport surface is available, a check shall be accomplished using an airborne check point designated [3] as such by the Administrator. The maximum permissible indicated bearing error is plus or minus 6°.

(4) In the event none of the checks prescribed in subparagraphs (1), (2), and (3) of this paragraph can be accomplished, because of the unavailability of a check signal or point, the following airborne procedure shall be accomplished.

(i) Select the VOR radial which lies along the center line of an established VOR airway,

(ii) Choose a prominent ground point along the selected radial preferably more than 20 miles from the VOR ground facility and maneuver the aircraft directly over the point at a reasonably low altitude, and

(iii) Note the VOR bearing indicated by the receiver when over the point. The maximum permissible difference between the published radial and the indicated bearing is plus or minus 6°.

(b) If dual systems (defined as VOR units independent of each other with the exception of the antenna) are installed in the aircraft, one system may be checked against the other in the following manner in lieu of the check procedures specified above: Both systems shall be tuned to the same VOR ground facility and the indicated bearings to that station noted. The maximum permissible variation between the two indicated bearings is 4°.

(c) The person making the VOR operational check as specified in paragraphs (a) or (b) of this section shall make an entry of such check in the aircraft log or other permanent record showing the date, place, bearing error, and his signature.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 605, 52 Stat. 1007, 1010; 49 U. S. C. 551, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-931; Filed, Feb. 9, 1954; 8:52 a. m.]

[1] An approved continuous maintenance and inspection program specified in Operations Specifications issued by or approved by the Administrator or any equivalent maintenance and inspection system specifically approved by the Administrator.

[2] CAA operated or approved test signals, and ground check points on an airport surface and airborne check points designated by the Administrator, will be shown in the Airman's Guide.

[3] In making this check, caution should be exercised to head the aircraft in a direction to prevent the aircraft structure from interfering with the ground signal.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

LABEL DECLARATION OF VITAMIN B_{12} AND FOLIC ACID IN FOODS FOR SPECIAL DIETARY USES

Pursuant to section 3 of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.32 *Label declarations of vitamin B_{12} and folic acid in foods for special dietary uses.* (a) Section 125.3 (a) (2) of this chapter, issued under the authority of section 403 (j) of the Federal Food, Drug, and Cosmetic Act (sec. 403 (j), 52 Stat. 1048; 21 U. S. C. 343 (j)) requires that if a food purports to be or is represented for special dietary use by man by reason, in whole or in part, of a vitamin for which the need in human nutrition has not been established, the label of such food shall bear the statement "The need for _____ in human nutrition has not been established," the blank to be filled in with the name of such vitamin.

(b) Heretofore this Department has considered vitamin B_{12} and folic acid as among those vitamins for which the need in human nutrition has not been established. However, recent scientific evidence shows that these vitamins are needed in human nutrition. The Department therefore considers the requirement of § 125.3 (a) (2) quoted in paragraph (a) of this section as no longer applicable to food offered for special dietary use by reason of these vitamins.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 403, 52 Stat. 1048; 21 U. S. C. 343)

Dated: February 4, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-926; Filed, Feb. 9, 1954; 8:51 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 3—CLAIMS REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (d) (8) of § 3.2 is amended to read as follows:

§ 3.2 *Action by claimant—* • • •

(d) *Evidence to be submitted by claimant.* • • •

(8) *Signatures.* The claim and all other papers requiring the signature of the claimant should be signed by the claimant personally or by a duly authorized agent or legal representative. Section 287 of the Criminal Code (18 U. S. C. 287) imposes a fine of not more than $10,000 or imprisonment for not more than five years, or both, for presenting false, fictitious, or fraudulent claims against the Government. Section 1001 of the Criminal Code (18 U. S. C. 1001) imposes a fine of not more than $10,000 or imprisonment for not more than five years, or both, for making false, fictitious or fraudulent statements or representation in connection with any matter under the jurisdiction of the Government.

2. Section 3.3 is amended to read as follows:

§ 3.3 *Approval of claim.* (a) Claims not exceeding $1,000, submitted under the Federal Tort Claims Act and the Small Claims Act, are aproved or disapproved by the head of the bureau, division or office out of whose activities the accident or incident arose, or his designee, upon the recommendation of the Chief Counsel or other legal officer in immediate charge of the legal affairs of the bureau, division or office.

(b) Claims not exceeding $1,000, submitted under the Coast Guard Claims Act, are approved or disapproved by the Commandant, United States Coast Guard, or his designee.

(c) Claims not exceeding $3,000, submitted under the Damages by Coast Guard Vessels Act, are approved or disapproved by the Commandant, United States Coast Guard, or his designee. Claims under said act exceeding $3,000, but not exceeding $25,000, are approved or disapprovd by the Secretary. Claims under said act exceeding $25,000 are approved or disapproved by the Secretary and are certified to Congress for payment.

3. Section 3.5 is amended to read as follows:

§ 3.5 *Coast Guard investigations.* Coast Guard courts of inquiry and investigations may be convened in accordance with the Uniform Code of Military Justice, the Manual for Courts-Martial, U. S., 1951, and the Coast Guard Supplement to said Manual, to inquire into the facts and circumstances of accidents and incidents growing out of Coast Guard activities.

4. Section 3.20 is amended to read as follows:

§ 3.20 *General.* The so-called Federal Tort Claims Act (28 U. S. C. 2672) conferred upon the head of each Federal agency, or his designee, acting on behalf of the United States authority to ascertain, adjust, and settle certain claims against the United States for money only, accruing on and after January 1, 1945.

5. a. The first paragraph of § 3.22 is amended to read as follows:

§ 3.22 *Exclusions.* As provided in 28 U. S. C. 2680, claims not payable under the Federal Tort Claims Act and this subpart include:

b. Section 3.22 is further amended by deleting paragraph (j).

6. The second and third sentences of § 3.23 are amended to read as follows:

§ 3.23 *Application to claims not previously adjusted.* • • • Claims arising out of accidents or incidents occurring prior to January 1, 1945 and claims not cognizable under this subpart may be considered under the provisions of the Act of December 28, 1922 (42 Stat. 1066) or, in the case of the Coast Guard, under the provisions of 14 U. S. C., 645 or 14 U. S. C. 646. See Subparts C, D and E of this part.

7. Section 3.24 is amended to read as follows:

§ 3.24 *Statute of limitations.* Claims under this subpart must be presented in writing to the Department within two years after the claim accrued.

8. Section 3.26 is amended by deleting "section 410 (b) of the Federal Tort Claims Act" and by inserting in lieu thereof "28 U. S. C. 2675 (b)".

9. Section 3.27 is amended to read as follows:

§ 3.27 *Attorneys' fees.* In accordance with 28 U. S. C. 2678, reasonable attorneys' fees may be paid under this subpart out of, but not in addition to, the amount of the award or settlement. If the award or setlement is $500 or less, reasonable attorneys' fees, but not in excess of $50, may be allowed. If the award is $500 or more, reasonable attorneys' fees, but not in excess of ten percent of the amount of the award or settlement, may be allowed. Any attorney who charges, demands, receives, or collects for services rendered in connection with any claim any amount in excess of that allowed by this section shall be subject to a fine of not more than $2,000 or imprisonment of not more than one year, or both. The authority to allow attorneys' fees as set forth in this section may be exercised only upon the written request of both the claimant and his attorney.

10. Section 3.28 is amended by adding at the end thereof the following sentence:

§ 3.28 *Contributory negligence, subrogation, and pain and suffering.* • • • However, whether an officer or employee of the United States was "acting within the scope of his office or employment"

within the meaning of the Federal Tort Claims Act, involves a question of statutory construction as to which local decisions are not binding.

11. Section 3.40 is amended to read as follows:

§ 3.40 *General.* The so-called Coast Guard Claims Act (63 Stat. 547; 14 U. S. C. 645) authorized the Secretary of the Treasury to consider, ascertain, adjust, determine, settle and pay certain claims for damage caused by military personnel or civilian employees of the Coast Guard, arising on or after May 27, 1941, not exceeding $1,000.

12. a. The first paragraph of § 3.41 is amended to read as follows:

§ 3.41 *Allowable claims.* (a) The following claims are cognizable under the so-called Coast Guard Claims Act (63 Stat. 547; 14 U. S. C. 645) and this subpart:

b. Paragraph (2) of § 3.41 (a) is amended by deleting the word "noncombatant" and substituting therefor the word "noncombat".

13. a. The first paragraph of § 3.42 is amended to read as follows:

§ 3.42 *Exclusions.* (a) The following claims are not cognizable under the so-called Coast Guard Claims Act (63 Stat. 547; 14 U. S. C. 645) and this subpart:

b. Subparagraph (4) of § 3.42 (a) is amended to read as follows:

(4) Personnel claims of either military or civilian personnel of the Coast Guard for damages to, or loss, destruction, capture, or abandonment of, personal property which occurred as an incident to their service and which are administered under the so-called Coast Guard Personnel Claims Act (63 Stat. 534; 14 U. S. C. 490) and the Coast Guard Comptroller Manual.

14. Section 3.44 is amended to read as follows:

§ 3.44 *Statute of limitations.* Claims under this subpart must be presented in writing within one year after the occurrence of the accident or incident out of which the claim arises, except that if the accident or incident occurs in time of war, or if war intervenes within one year after its occurrence, a claim may, if good cause for the delay is shown, be presented within one year after the war is terminated. The provision permitting a showing of good cause for delay shall be liberally construed, and any reasonable doubt as to the existence of good cause for delay shall be resolved in favor of the claimant.

15. The second sentence of § 3.49 is amended by deleting therefrom "act of July 3, 1943, 57 Stat. 342, as amended (31 U. S. C. 223b–d) as extended to the Coast Guard by the Act of March 20, 1946" and by substituting in lieu thereof "so-called Coast Guard Claims Act (63 Stat. 547; 14 U. S. C. 645)."

16. Section 3.60 is amended by deleting therefrom "42 Stat. 1060 (31 U. S. C. 215–217)" and substituting in lieu thereof "42 Stat. 1066".

(R. S. 161, sec. 1, 63 Stat. 545; 5 U. S. C. 22, 31 U. S. C. 633. Interpret or apply sec. 1, 62 Stat 983, as amended, sec. 1, 63 Stat. 547–549; 28 U. S. C. 2672, 14 U. S. C. 645–647)

17. Part 3 is amended by inserting immediately following subpart D the following:

Sec.
3.70 General.
3.71 Allowable claims.
3.72 Exclusions.
3.73 Act not exclusive.
3.74 Limitations of settlement.
3.75 Payment of claims.
3.76 Claims on behalf of the United States.

AUTHORITY: §§ 3.70 to 3.76 issued under R. S. 161, sec. 1, 63 Stat. 545; 5 U. S. C. 22, 31 U. S. C. 633. Interpret or apply sec. 1, 62 Stat. 983, as amended, sec. 1, 63 Stat. 547–549; 28 U. S. C. 2672, 14 U. S. C. 645–647.

SUBPART E—ADMIRALTY AND MARITIME CLAIMS (COAST GUARD)

§ 3.70 *General.* The so-called Damages by Coast Guard Vessels Act (14 U. S. C. 646), authorizes the Secretary to consider, ascertain, adjust, determine, compromise, settle and pay certain claims caused by vessels in the Coast Guard service.

§ 3.71 *Allowable claims.* Claims not in excess of $25,000 are payable by this Department under the Damages by Coast Guard Vessels Act and this subpart for damages caused by vessels in the Coast Guard service, and for compensation for towage and salvage services, including contract salvage, rendered to such vessels. Claims in excess of $25,000 may be considered by the Department but must be certified to the Congress for payment.

§ 3.72 *Exclusions.* No claim in excess of $3,000, which accrued prior to September 8, 1939, shall be considered under the act or this subpart.

§ 3.73 *Act not exclusive.* The authority granted under the Damages by Coast Guard Vessels Act to determine, compromise, settle and pay claims is supplementary to, and not in lieu of, other provisions of law authorizing the determination, compromise and settlement of claims.

§ 3.74 *Limitations of settlement.* Claims under this subpart must be presented in writing and their settlement authorized and accepted by the claimant within two years after the date of the origin of the cause of action. The filing of a claim, or its consideration by the Department or correspondence or negotiation does not waive or extend the two-year limitation. Where damages have not been liquidated, settlements on the issue of liability can be effected during the two-year period, leaving the question of the extent of damage for later determination.

§ 3.75 *Payment of claims*—(a) *Claims under $25,000.* Upon approval of claims not in excess of $25,000 cognizable under this subpart, the Treasury Department draws a check in payment thereof and mails it to the claimant.

(b) *Claims over $25,000.* Upon approval claims in excess of $25,000, they are forwarded to the Budget Section of the Bureau of Accounts. Pursuant to call by the Bureau of the Budget, a letter will be prepared for the signature of the budget officer transmitting the claim to that Bureau for inclusion in a deficiency appropriation bill. After the enactment of the bill by the Congress, it will be the duty of the claimant to contact the General Accounting Office, which will require the claimant to execute a claim. After receipt of the certificate of settlement issued by the General Accounting Office, the Bureau of Accounts will draw a check and mail it to the claimant.

§ 3.76 *Claims on behalf of the United States*—(a) *General.* The act of August 4, 1949 (63 Stat. 549; 14 U. S. C. 647) authorizes the Secretary to determine, compromise and settle claims on behalf of the United States for damages cognizable in admiralty in a District Court of the United States and all claims for damage caused by a vessel or floating object to property of the United States under the jurisdiction of the Coast Guard or property for which the Coast Guard may have assumed, by contract or otherwise, any obligation to respond for damage thereto, where the matter is not in litigation. The Secretary is further authorized to receive in payment of any such claim the amount due the United States pursuant to such determination, compromise or settlement and to execute on behalf of the United States and to deliver in exchange for such payment, a full release of such claim.

(b) *Claims not exceeding $3,000.* The Secretary has delegated to the Commandant, Assistant Commandant and Chief Counsel of the Coast Guard authority to determine, compromise and settle claims under 14 U. S. C. 647 where the amount of such determination, compromise or settlement does not exceed $3,000, and to receive in payment of such claims the amounts due the United States, and to execute on behalf of the United States and to deliver in exchange for such payments, full releases of such claims.

(c) *Claims exceeding $3,000, but not exceeding $25,000.* Authority to determine, compromise and settle claims under 14 U. S. C. 647, where the amount of such determination, compromise or settlement exceeds $3,000, but does not exceed $25,000, is vested in the Secretary.

(d) *Section not exclusive.* The authority granted under 14 U. S. C. 647 to determine, compromise and settle claims is supplementary to, and not in lieu of, all other provisions of law authorizing the determination, compromise and settlement of claims for damage to property described in 14 U. S. C. 647.

(e) *Excluded claims.* No settlement or compromise where there is involved a payment in the net amount of more than $25,000 is authorized under 14 U. S. C. 647.

(f) *Settlement conclusive.* Upon the acceptance of the amount due the United States pursuant to determination, compromise or settlement under 14 U. S. C. 647, such determination, compromise or settlement becomes final and conclusive for all purposes.

(g) *Disposition of payments.* All payments received under 14 U. S. C. 647 shall be covered into the Treasury of the United States as miscellaneous receipts.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54–932; Filed, Feb. 9, 1954; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 3, paragraph (b) (2) of § 3.102 is amended to read as follows:

§ 3.102 *Wartime service-connection.* • • •

(b) • • •

(2) Such chronic disease is shown by satisfactory evidence to have been present to a 10 percent disabling degree within 1 year from date of termination of active wartime service, or where service began prior to January 1, 1947, and extended thereafter, within 1 year from July 25, 1947, whichever is the earlier, and is subsequently shown by proper diagnosis, in cases of veterans who had such service in a locality having a high incidence of the disease under consideration, and the record is without evidence of inception prior to service or subsequent to discharge or July 25, 1947, whichever is the earlier: *Provided*, That residence during the year following discharge or July 25, 1947, whichever is earlier, was not in a region where the particular disease is endemic. In malaria cases if it is shown by satisfactory evidence from Veterans' Administration or private sources that malaria was present within 1 year from date of discharge or July 25, 1947, whichever is the earlier, following service in a region where the disease was endemic, the malarial condition will be considered a relapse and, consequently, entitled to service-connection and the assignment of a compensable rating. In those cases, however, where the facts preclude such assumption and the evidence clearly indicates that the malaria present within the first year after discharge or July 25, 1947, whichever is the earlier, was an initial attack, service-connection will not be conceded. Once service-connection has been established, lay evidence relative to the occurrences or relapses and use of quinine, etc., is acceptable for the purpose of establishing evaluations to cover a period up to 1 year; but it is necessary over longer periods that medical confirmation as to the persistence of the disease be obtained. (For criteria applicable on and after June 24, 1948, see §§ 3.80 and 3.86.)

• • • • •

2. Sections 3.105 and 3.106 are revised to read as follows:

§ 3.105 *Determination of service-connection.* Determinations relative to the origin or aggravation in active service of dental conditions will be in accordance with the requirements of paragraph I (a), Part I, and paragraph I (a), Part II, respectively, of the Veterans Regulation No. 1 series, as amended (38 U. S. C. ch. 12), and section 28, Title III, Public No. 141, 73d Congress. Service-connection will not be considered as having been established when the evidence clearly shows that the disabilities or conditions existed or were recorded at the time of enlistment subject to the provisions of § 3.107 (a) or originated subsequent to discharge from causes not related to service.

(Sec. 28, 48 Stat. 524, Pars. I (a), Parts I and II, Veterans Regulatiog 1 (a), as amended; 38 U. S. C. 722, ch. 12 note)

§ 3.106 *Evidence to establish service-connection.* (a) Service-connection for dental disabilities will be established by service records, documentary evidence in the form of reports of examinations (dental or physical), duly certified statements of dentists or physicians, or certified statements of fact from two or more disinterested parties. The disability must be shown to have been incurred in or aggravated by service as provided in this section. Statements certified by dentists or physicians must give the claimant's full name, the date he was first examined or treated, the date of subsequent treatments, if any, and contain a complete and detailed statement of the symptoms observed and diagnosis made. The name or number of all defective or missing teeth noted and the character and extent of any pathological condition of the investing tissues observed should be included. If exact dates cannot be given, the expression "on or about" an approximate date may be considered. Certified statements from disinterested parties must show the circumstances under which knowledge of the claimant's disability was obtained and as far as possible describe the symptoms and location of the disability observed.

(b) Where, however, after all sources of information have been exhausted and all variations in the records reconciled, there remains notation of filled teeth at time of discharge or release from active service and there was no notation of these teeth as defective or filled at induction or entrance into active service, service-connection may be granted in exceptional cases for such teeth, notwithstanding there is no record of treatment during active service, provided the veteran alleges treatment in service, giving the time and place of treatment, and the conditions and circumstances of his service at the time support his allegation and inception in service is consistent with sound dental judgment. Exceptional cases contemplated in this category are where the veteran had a considerable period of service, particularly in a combat area where records of treatment may not always have been recorded due to the stress and strain encountered under battle conditions or where extenuating circumstances are shown in those instances where the veteran served in this country or in other than combat. Service-connection should not be granted for the 3d molars at any time unless there is a definite record showing such teeth to have been diseased after a reasonable period of service. The 3d molars shown as present at induction and missing at discharge will not be granted service-connection unless there is an actual record of extraction for reasons other than malposition or impaction.

3. In Part 4, paragraph (b) (3) (xi) of § 4.176 is amended to read as follows:

§ 4.176 *World War I; establishment of service-connected disability of less than 10 per centum (Public No. 484, 73d Congress, act of June 28, 1934, as amended, Public No. 198, 76th Congress, act of July 19, 1939).* • • •

(b) *Definition of term "disability" as used herein.* • • •

(3) • • •

(xi) Otitis media, chronic, symptomatic, or loss of hearing of one foot or more (conversational voice), or loss of 20 decibels or more (adjusted speech decibel loss), or average loss of 15 decibels or more or one more than 30 (pure tone audiometry decibel loss).

• • • • • •

(Sec. 5, 43 Stat. 608 as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective February 10, 1954.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 54–934; Filed, Feb. 9, 1954; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 936]

ILLINOIS, IOWA, MINNESOTA, MISSOURI AND WISCONSIN

REVOKING EXECUTIVE ORDERS NOS. 7185, 7212, 7452 AND 8331, AND PUBLIC LAND ORDERS NOS. 195, 379, 380, AND 381

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and otherwise and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Orders No. 7185 of September 20, 1935, No. 7212 of October 24, 1935, No. 7452 of September 19, 1936, and No. 8331 of January 24, 1940, and Public Land Order No. 195 of December 7, 1943, reserving certain lands as a part of the Upper Mississippi River Wildlife and Fish Refuge are hereby revoked.

2. Public Land Orders No. 379 of July 2, 1947, No. 380 of July 2, 1947, and No. 381 of July 2, 1947, reserving certain lands for use of the Department of the

Interior as wildlife refuge and management areas are hereby revoked.

3. The lands included in this revocation are acquired lands of the United States under the primary jurisdiction of the Department of the Army, and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting a preference right of application to veterans of World War II and others.

ORME LEWIS.
Assistant Secretary of the Interior.

FEBRUARY 4, 1954.

[F. R. Doc. 54-901; Filed, Feb. 9, 1954; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

EDITORIAL NOTE: For order affecting the tabulation in § 17.3, see Public Land Order 936 in the Appendix to Title 43, Chapter I, *supra*, revoking certain Executive orders and Public Land Order 195 reserving certain lands as part of the Upper Mississippi River Wildlife and Fish Refuge.

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[15 CFR Part 361]

BRITISH TOKEN IMPORT PLAN FOR 1954

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the regulations set forth below, in tentative form, governing the operation of the British Token Import Plan for the year 1954 are proposed to be issued by the Bureau of Foreign Commerce, Department of Commerce. Prior to the final adoption of such regulations, consideration will be given to any views pertaining thereto which are submitted in writing, in duplicate, to the British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., and which are received not later than the close of business of the 15th day after publication of this notice in the FEDERAL REGISTER.

As indicated in the following regulations, in continuing the Token Plan for the year 1954, the British Government has adhered to the basic principle of the Token Plan of previous years—that shipments by U. S. firms of commodities subject to the Token Plan shall be on the basis of trade with the United Kingdom in such commodities during the base period years 1936, 1937 and 1938. However, one new feature has been added, namely, a limited participation by firms not having a prewar export base.

In connection with the Token Plan, as revised for 1954, it is proposed that different procedures and forms be substituted. These include "Token Quota Vouchers" in place of the Token Plan "scrip" of previous years and a requirement that eligible firms must have in their possession accepted orders (contracts) from their British customers before Token Quota Vouchers will be issued to them. It is believed that the proposed changes set forth in detail in the regulations will more effectively carry out the purposes of the Token Plan.

The British Commonwealth Division, Bureau of Foreign Commerce, will consider written requests, based upon a showing of hardship (such as the seasonal nature of the commodity) by U. S. firms having a prewar export base, for approval to ship commodities to the United Kingdom against their prospective Token Plan Quota, pending the final adoption of these regulations.

Sec.
361.1 Introduction.
361.2 What the Plan is.
361.3 Procedure for obtaining certification for prewar exports.
361.4 Issuance of token quota vouchers.
361.5 Use and transfer of token quota vouchers.
361.6 Validity period of token quota vouchers.
361.7 Procedure for distribution of quota balances not issued by June 30.
361.8 Additional information and reports.
361.9 Effect on United States export restrictions.
361.10 How to obtain information.
361.11 Denial of token plan privileges.
361.12 Inquiries on British Token Import Plan participants.
361.13 Commodities subject to the plan.

AUTHORITY: §§ 361.1 to 361.13 issued under R. S. 161; 5 U. S. C. 22.

§ 361.1 *Introduction.* The procedures governing administration of the British Token Import Plan, and the role of the Bureau of Foreign Commerce, Department of Commerce, therein, have been revised for the Plan year 1954 as set forth in this part.

§ 361.2 *What the Plan is.* (a) The "British Token Import Plan" is an arrangement with the British Government which permits United States manufacturers, their authorized agents, or other qualified exporters with established prewar trade connections in the United Kingdom (England, Scotland, Wales, and Northern Ireland) to export to that area token shipments of the specified commodities listed in § 361.13, the importation of which the British Government generally prohibits from dollar sources of supply under United Kingdom licensing procedure.

(b) Under the Plan, the British Government will permit imports in a yearly amount not to exceed 30 percent of the value of the average annual shipments of the specified commodities of each qualified exporter during a base period consisting of the years 1936, 1937, and 1938. The British Government requires appropriate evidence, issued under authority of the United States Government, that manufacturers wishing to take advantage of opportunities under the arrangement did in fact make shipments of the commodities to the United Kingdom during the base period. The Bureau of Foreign Commerce has agreed to act as certifying agent and issue appropriate certificates, in the form of token quota vouchers, which the exporter forwards to the British importer for presentation to the British Board of Trade as a basis for obtaining an import license. The procedure for obtaining certification for prewar exports is set forth in § 361.3.

(c) An overall national quota, mutually accepted by the Department of Commerce and the British Board of Trade, has been computed for each commodity group from official trade statistics for the base period years 1936, 1937 and 1938. Priority in the distribution of this overall national quota will continue to be given (as in prior years) until June 30 to those firms which are able to furnish appropriate evidence substantiating the value of their prewar trade with the United Kingdom during the base period in the specified commodities. However, such priority is subject to the conditions set forth in § 361.4.

(d) In addition, the procedures make possible a limited participation by firms not having a prewar export base under certain conditions, as hereinafter more fully explained in § 361.7.

§ 361.3 *Procedure for obtaining certification for prewar exports*—(a) *Eligibility for certification.* (1) Manufacturers who exported any of the items on the commodity list (§ 361.13) to the United Kingdom (England, Scotland, Wales, and Northern Ireland) during the base period 1936, 1937, and 1938, are eligible for certification under the Plan. "Manufacturer" means an individual, firm, or corporation that manufactures products sold through established markets. Such manufacturers must themselves request certification under the Plan and not through any agent. However, manufacturers may, under the procedure set forth in § 361.4 (b), authorize an agent to make application for their Token Quota Vouchers and to handle the distribution and sale of their products under the Token Plan.

(2) Individuals or firms, other than manufacturers, having an established export trade from the United States to the United Kingdom during the years 1936, 1937, and 1938 in the items on the commodity list (§ 361.13), may be eligible if they can demonstrate clearly that such trade was developed by them and not by a manufacturer. Persons or firms, not manufacturers, who believe that they are eligible to participate in the Token Plan may request a determination of eligibility from the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Washington 25, D. C. Such a request must fully identify their export connections with the United Kingdom during the years 1936, 1937, and 1938 and must contain a detailed description of the manner in which such trade was developed. Such individuals or firms must themselves and not through any agent request certification under the Plan. Moreover, it is expected that such individuals or firms will themselves actively participate in the distribution and sale to United Kingdom importers of the commodities for which certification is required.

(b) *Requests for Certification.* All applicants requesting certification under the British Token Import Plan are required to submit a "Request for Certification of Prewar Exports to the United Kingdom", Form FC ____.[1] Requests for Certification need be submitted only one time for each commodity group, unless otherwise required by the Bureau of Foreign Commerce. A separate Request for Certification (one copy only) must be submitted on Form FC ____[2] for each commodity group covered by the Plan. Requests for Certification must be submitted to the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. prior to June 30; no applications will be considered after that time. Requests for Certification must be signed by one of the following persons: In the case of an individual owner, by that individual applicant; in the case of a partnership, by a partner; in the case of a corporation, by an officer. The quantity and value of exports listed under item 3 must cover only the permitted items of each commodity group shown on the commodity list (§ 361.13). The applicant must certify that statements contained in his Request are correct and complete and that the data supplied are information taken from verifiable records and other documentary evidence which are available for inspection by any duly authorized representative of the U. S. Department of Commerce. The name and title of the responsible official(s) designated to sign applications, on behalf of the applicant, for Token Quota Vouchers must also be stated on the form. All applications should be filed as early in the year as possible.

(c) *Certificates of Eligibility.* (1) Firms certified as eligible to participate in the Token Plan on the basis of their prewar exports to the United Kingdom of items on the commodity list (§ 361.13) will be issued by the Bureau of Foreign Commerce at the beginning of the Plan year a Certificate of Eligibility, Form FC ____.[1] This Certificate will inform certified firms of the amount of quota in each commodity group(s) which has been reserved for them until June 30 of the Plan year. The quota specified on the Certificate will amount to 30 percent of the average annual value (to the nearest $25.00) of the certified firm's exports to the United Kingdom during the years 1936, 1937 and 1938 as shown by the verifiable figures listed in their "Request for Certification of Prewar Exports to the United Kingdom", Form FC ____.[2] In all cases, the Certificates of Eligibility when issued will be forwarded by the British Token Import Plan Unit directly to the certified firms named on them. Those certified firms which have appointed duly authorized agents in accordance with the provisions of § 361.4 (b) may transmit their Certificates of Eligibility to such agents if necessary to enable the agents to carry out their functions under the Token Plan. A duplicate of this Certificate of Eligibility will be forwarded through the U. S. Embassy in London to the British Board of Trade and a triplicate retained by the British Token Import Plan Unit.

(2) Certificates of Eligibility serve only as a notice of the Token Plan quotas which will be made available to the eligible firm named on the Certificates (or in the case of manufacturers only, to their duly authorized agents), providing that such firms meet the conditions specified in § 361.4. These Certificates, by themselves, do not entitle the firms named on them to make any shipments under the Token Plan. Certificates of Eligibility are neither transferable nor negotiable; they apply only to the certified firms named on them.

§ 361.4 *Issuance of Token Quota Vouchers*—(a) *To certified firms.* (1) A Certificate of Eligibility entitles the United States firm named on the Certificate to apply prior to June 30, for one or more Token Quota Vouchers to the amount of the quota specified on the Certificate. Token Quota Vouchers serve the same purpose as token scrip issued in previous years by the Office of International Trade (now the Bureau of Foreign Commerce) under the Token Plan.[3] The British Board of Trade will issue import licenses to British importers on the basis of these Token Quota Vouchers.

(2) Token Quota Vouchers will be issued (to the nearest $5.00) by the Bureau of Foreign Commerce to firms which have received Certificates of Eligibility, providing that such firms have in their possession at the time they apply for the Vouchers an accepted order(s) from their British customer(s) for the amount of quota for which application is made. "Accepted order" means a contract with a British buyer involving the sale and purchase of the certified firm's products. In the case of a certified manufacturer or his authorized agent the products involved must be those produced by the certified manufacturer and by no other person or firm. Accepted orders may be conditioned upon the issuance of a Token Quota Voucher, or, a validated export license by the Department of Commerce (if an export license is required for the commodity) or the issuance to the British importer of an import license by the British Board of Trade, or such other government document as may be required in connection with the transaction. Evidence of an "accepted order" must be in writing and consist of documents which set forth in definite terms the offer of the British buyer to buy and the U. S. seller's acceptance, or the acceptance by the British buyer of the United States seller's offer. Such documents may take the form of an original or photostatic copy of either the contract signed by both the U. S. seller and the British buyer, or of letters, telegrams, cables or other documents resulting in a contract between the parties. Such evidence must be kept available for production and inspection upon demand by the Bureau of Foreign Commerce for 3 years from the date of receipt of the application for Token Quota Vouchers covering the accepted orders. Where the export transaction does not involve a normal purchase and sale contract in the customary form or where for other stated reasons the term "accepted order" as used herein does not apply, the applicant must attach to his application a full description of the nature of the transaction.

(3) A separate application for a Token Quota Voucher must be submitted for each British customer. One application may list a number of accepted orders for items in the same commodity group placed by the same British customer. If applicant is certified in more than one commodity group, a separate application for a Token Quota Voucher must be made for each such commodity group and for each customer.

(4) Applications for Token Quota Vouchers must be made on FC Form ____;[1] "Application for Token Quota Voucher (Form A.—Firms Certified on Basis of Prewar Exports)" and must be signed by one of the following persons: the individual owner; a partner; a corporate officer; or other designated responsible official. Such applications must be submitted in duplicate to the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., prior to June 30. In exceptional circumstances, the Bureau of Foreign Commerce will consider written requests from certified firms for a reasonable extension of the June 30th time limit on submission of Form FC ____;[2] "Applications for Token Quota Voucher (Form A.—Firms Certified on Basis of Prewar Exports)". Such requests must be received by the British Token Import Plan Unit not later than June 15, and must contain a full and detailed explanation of the circumstances requiring the extension.

(5) The application for a Token Quota Voucher becomes the Token Quota Voucher only after it has been stamped with the Bureau of Foreign Commerce validation stamp, and returned to the applicant by the Bureau of Foreign Commerce. Any application form not so stamped, is not valid and will not be honored by the British Board of Trade. A certified copy of the application will be returned to the applicant to be forwarded by him to the British importer who has placed the accepted order, for attachment to the latter's Application for Import License.

(b) *To duly authorized agents.* (1) A manufacturer who has been certified

[1] Filed as part of the original document. Copies may be obtained upon request from the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

[2] See Title 15, Code of Federal Regulations, 1952 Supplement, § 361.3.

under the Token Plan and who has been issued a Certificate of Eligibility may authorize an agent to make application for and to receive Token Quota Vouchers against the manufacturer's Certificate of Eligibility on the same basis as described in paragraph (a) of this section. "Authorized agent" means an export merchant, export commissioner, or any other person who has been authorized by the manufacturer to handle products produced by that manufacturer.

(2) Such a certified manufacturer must submit a single copy of Form FC ____,[1] "Authorization of Agent to Act for Manufacturer" for each commodity group in which he elects to authorize an agent to act for him under the Token Plan. Such authorization will be considered valid for only one Plan year unless sooner modified or revoked by the manufacturer. Such forms must be submitted by the certified manufacturer to the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

(3) Certified individuals or firms, other than manufacturers, may not authorize an agent to make application for and to receive any Token Quota Vouchers available to them.

§ 361.5 *Use and transfer of Token Quota Vouchers*—(a) *By certified manufacturers.* Token Quota Vouchers are neither transferable nor negotiable. Vouchers are issued to a certified manufacturer or to his duly authorized agent on the basis of accepted orders from his British customer for products produced by that manufacturer. This means that Token Quota Vouchers issued by the Bureau of Foreign Commerce to a manufacturer certified to participate in the British Token Import Plan must be used only to ship to the United Kingdom those products specified on the Voucher which are produced by that manufacturer and by no other person or firm.

(b) *By authorized agents of certified manufacturers.* Under the Token Plan an agent can only be authorized by a certified manufacturer to handle products produced by that manufacturer and by no other person or firm. This means that a Token Quota Voucher issued to an agent must be used only to ship to the United Kingdom those products specified on the Voucher which are produced by the certified manufacturer who has authorized him to act as his agent and not those produced by any other person or firm.

(c) *By certified individuals or firms other than manufacturers.* The Bureau of Foreign Commerce will certify as eligible to participate as principals in the Token Plan those individuals or firms other than manufacturers who have been able to demonstrate clearly that they and not the manufacturer whose products were shipped, developed an established export trade in an item on the commodity list (§ 361.13) from the United States to the United Kingdom during the years 1936, 1937 and 1938. Such individuals or firms may use the Token Quota Vouchers which have been issued to them, to ship to the United Kingdom products which may be purchased on the open market from any supplier in the United States, up to the amount specified on the Voucher. However, Token Quota Vouchers are neither transferable nor negotiable. This means that individuals or firms other than manufacturers, which have been issued Vouchers, must use such Vouchers themselves and must not permit any other person or firm to use such Vouchers.

(d) *Responsibility.* Manufacturers, their authorized agents, and those individuals or firms other than manufacturers who have been issued Token Quota Vouchers by the Bureau of Foreign Commerce under the Token Plan shall take every reasonable precaution to assure that those Vouchers are used in conformity with the provisions and conditions of this part (British Token Import Plan regulations); the terms of the Token Quota Vouchers; and any other specific instructions issued by Bureau of Foreign Commerce relating thereto.

§ 361.6 *Validity period of Token Quota Vouchers.* Token Quota Vouchers issued during any calendar year (whether before or after June 30) for which the British Token Import Plan is operative will be valid through February of the following year. In no event will import licenses granted by the Board of Trade against Token Quota Vouchers issued under any calendar year program be valid beyond March 31 of the following year. Accordingly, all shipments must be landed in the United Kingdom by that date.

§ 361.7 *Procedure for distribution of quota balances not issued by June 30*—(a) *Announcement of quota balances available for distribution.* (1) Announcements of the amount of quota balances available for issue in each specified commodity group after June 30 will be published in the Foreign Commerce Weekly starting with the issue published during the second week of July. Announcements will also be made in press releases which will be available to trade journals.

(2) "Quota balances" means the balance of quota in any specified commodity group not issued by the Bureau of Foreign Commerce in the form of Token Quota Vouchers under the conditions set forth in § 361.4 to firms certified on the basis of their prewar exports to the United Kingdom, as announced in the Foreign Commerce Weekly after June 30.

(b) *Eligibility for participation.* (1) In addition to firms certified on the basis of their prewar exports as provided in § 361.3, U. S. manufacturers of a commodity for which a quota balance is available (or their duly authorized agents), whether or not such manufacturers had an established prewar trade with the United Kingdom during 1936, 1937 and 1938 or had been issued Token Quota Vouchers in that commodity group prior to June 30, will be considered eligible to share in the distribution of that quota balance subject to the conditions set forth in this section. Firms other than manufacturers are eligible to share in the distribution of quota balances only if they have been certified on the basis of their prewar exports. (See definitions of "Manufacturer" in § 361.3 (a) and of "Authorized Agent" in § 361.4 (b)).

(2) Any quota balance so distributed during any one year of Token Plan operations in no way establishes a precedent or a claim to a quota for that applicant in any future Token Plan arrangements.

(c) *Application for quota balance; Token Quota Vouchers*—(1) *Time and manner.* To share in the distribution of quota balances application for Token Quota Vouchers may be made by the eligible firms described in paragraph (b) of this section. Such applications together with any supporting documents required by the Bureau of Foreign Commerce must be received in the British Token Import Plan Unit not later than September 30; no applications will be considered after that date unless with respect to a specific commodity group, an announcement is published in the Foreign Commerce Weekly extending the time limit for that commodity group. Applications must be made on Form FC ____,[1] "Application for a Token Quota Voucher (Form B.—Share in Distribution of Quota Balances)", and submitted in triplicate to the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. A separate "Application for a Token Quota Voucher", Form FC ____[1] must be submitted for each British customer in each commodity group. One application may list a number of accepted orders for items in the same commodity group placed by the same British customer. Applications must be signed by one of the following persons: The individual owner; a partner; or a corporate officer. At the time that they apply for Token Quota Vouchers, all applicants must have in their possession an accepted order(s) (as defined in § 361.4 (a)) from their British customer(s) for the amount of quota balance for which application is made. Evidence of such accepted orders must be kept available for production and inspection upon demand by the Bureau of Foreign Commerce for 3 years from the date of receipt of application for Token Quota Vouchers covering the accepted orders.

(2) *Evidence of agent's authority.* If an "Application for a Token Quota Voucher (Form B—Share in Distribution of Quota Balances)", Form FC ____[2] is made by an agent, evidence of the agent's authority must be submitted to the British Token Import Plan Unit as provided in § 361.4 (b).

(d) *Apportionment of quota balances by Bureau of Foreign Commerce.* (1) The balance of quota available for distribution in any specified commodity group after June 30 will be distributed among eligible applicants who have submitted, prior to October 1 (except where time limit is extended as provided in paragraph (c) (1) of this section), their "Application for a Token Quota Voucher (Form B—Share in Distribution of Quota Balances)", Form FC ____[2] Such an apportionment of quota balances will be made only once during each Token Plan year.

(2) In the distribution of the total quota balance in any specified commodity group consideration will be given to the amount of the accepted order supporting the application; the number of applicants who have applied for the quota balance available in that commodity group; the total amount applied for against that quota balance; the total amount of the available quota balance; the minimum amount of quota balance which applicant has stated that he is willing to accept; and, such other factors as may aid to assure, insofar as practicable, a fair and equitable distribution among all eligible applicants.

(e) *Token Quota Voucher.* (1) Upon determination by the Bureau of Foreign Commerce of the distribution which can be made of the quota balances, Token Quota Vouchers will be issued against approved applications. The original copy of such approved applications becomes a Token Quota Voucher, only after it has been stamped with the Bureau of Foreign Commerce validation stamp and returned to the applicant by the Bureau of Foreign Commerce. A duplicate copy of the Voucher will be forwarded through the U. S. Embassy in London to the British Board of Trade and triplicate retained by the British Token Import Plan Unit.

(2) The provisions of § 361.5 with respect to the permissible use and transfer, of Token Quota Vouchers, and of § 361.6 with respect to their validity period are also applicable to Token Quota Vouchers issued by the Bureau of Foreign Commerce under the procedure for distribution of quota balances set forth.

§ 361.8 *Additional information and reports*—(a) *Concerning changes in information submitted to the Bureau of Foreign Commerce.* All information submitted in any Request for Certification, Form FC ____,[1] in any Applications for Token Quota Vouchers, Form FC ____ or Form FC ____,[1] or other information submitted in connection therewith, shall be deemed to be continuing representations of the existing facts and circumstances. Any material or substantive change in the information submitted, including the terms of the accepted orders or contracts whether the request or application has been granted or is still under consideration, shall be reported promptly to the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

(b) *Concerning requests and applications.* Every person or firm who has filed a Request for Certification, Form FC ____,[1] or an Application for a Token Quota Voucher, Form FC ____ or Form FC ____[1] shall (in addition to the information called for in Part 361 in connection therewith) furnish such information with respect to such request or application, including accepted orders, as may be required from time to time by the Bureau of Foreign Commerce.

(c) *Concerning Certificates of Eligibility and Token Quota Vouchers.* Every person or firm to whom a Certificate of Eligibility or a Token Quota Voucher has been issued shall also furnish such other information as may be required from time to time by the Bureau of Foreign Commerce including a report as to the use of the Token Quota Vouchers issued or to be issued to them and the submission of bills of lading, shipper's export declarations, and other related documents.

§ 361.9 *Effect on United States export restrictions.* The issuance of Certificates of Eligibility or Token Quota Vouchers in no way affects United States export restrictions which may be applicable to commodities coming under the Plan. A validated export license must be obtained where required.

§ 361.10 *How to obtain information.* Announcements regarding the British Token Import Plan will be published in the Foreign Commerce Weekly. Announcements also will be made in press releases which will be available to trade journals. Copies of announcements and copies of all forms needed in connection with the Plan may be obtained from the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., or from Field Offices of the Department of Commerce.

§ 361.11 *Denial of Token Plan privileges.* (a) Upon notice and opportunity to be heard, the privilege of participating, directly or indirectly, under the British Token Import Plan of any manufacturer, agent, or any other person or firm may be modified, suspended or revoked at any time by the Bureau of Foreign Commerce upon a determination that the public health, interest or safety requires such action, or that the person or firm has willfully violated any provisions of this part (British Token Import Plan regulations), including the terms and conditions of Token Quota Vouchers, or has willfully furnished false information or concealed any material fact in the course of operation under the regulations. Where appropriate, a temporary order may be issued without notice, pending the making of a final order.

(b) In the absence of such a determination, no modification, suspension or revocation order will be made unless prior to the institution of such action facts or conduct warranting such action have been called to the attention of the person or firm involved, in writing, and such person or firm has been accorded opportunity to demonstrate or achieve compliance with all lawful requirements.

(c) Appeals from orders issued under this section may be taken to the Appeals Board, Department of Commerce, Washington 25, D. C.

§ 361.12 *Inquiries on British Token Import Plan participants.* (a) The Bureau of Foreign Commerce will consider requests from persons or firms in the United States, such as resident buyers, interested in obtaining the names and addresses of persons or firms who have been certified to participate in the British Token Import Plan on the basis of their prewar exports to the United Kingdom. Complete lists of such participants are generally not available until after June 30 which is the closing date for requesting such certification. The list which is made available will be comprised of those persons or firms certified in the preceding Token Plan year plus any other participants certified in the current Plan as of the date of the request.

(b) Inquiries of this nature have been directed to the Department of Commerce from time to time for the purpose of locating eligible U. S. participants in the British Token Import Plan with whom export orders for goods may be placed.

(c) To receive consideration, such requests must be made in writing, addressed to the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, U. S. Department of Commerce, Washington 25, D. C., and must contain information showing the requisite legitimate interest, including the following items.

(1) Name of the applicant.

(2) Nature of his business.

(3) Commodity in which he is interested.

(4) Purpose for which the applicant requests a list of names and addresses of persons or firms dealing in that commodity under the British Token Import Plan.

(d) Such lists, when made available by the Bureau of Foreign Commerce, must not be published or circulated in any form.

(e) An application charge of $5.00 will be made for each list (by commodity group). The charge should accompany the request and is not refundable. Check or money order payable to the Treasurer of the United States will be accepted.

§ 361.13 *Commodities subject to the Plan.* The commodities listed below have been approved by the British Board of Trade as those to which the British Token Import Plan shall apply. The number preceding each commodity is the "Commodity Group Number", which must be entered on all forms which require this information.

FOOD AND DRINK

156. Bottled fruits, processed for serving with ice cream.
85. Canned lobster.
75. Canned macaroni and spaghetti.
76. Canned pork and beans.
74. Canned soups.
84. Canned vegetables, other than tomatoes and tomato puree (including tomato juice).
87. Cheese rennet.
118. Glacé cherries.
1. Jelly powder.
120. Marshmallow (cooking ingredient).
82. Mustard.
83. Olives preserved in salt or brine.
188. Onion and garlic salt.
219. Pectin, domestic pack.
157. Pickles.
185. Quick-frozen fruits.
119. Quick-frozen peas.
73. Rolled or flaked oats.

[1] See footnote 1, p. 771.

[2] See footnote 1, p. 771.

178. Sugar confectionery of all kinds, excluding cocoa preparations.
86. Vegetable butter coloring.
77. Whisky.

TOBACCO MANUFACTURES

186. Cigarettes.
187. Manufactured smoking tobacco and plug tobacco.

LEATHER PRODUCTS

151. Fancy leather goods, excluding trunks, traveling bags, handbags, wallets, and pochettes.
221. Leather footwear.
138. Leather gloves, excluding industrial gloves.

RUBBER MANUFACTURES

142. Elastic braid.
91. Household rubber gloves.
68. Rubber bands.
67. Rubber bathing caps.
47. Rubber belting, other than conveyor belting.
69. Rubber erasers.
152. Rubber garden hose.
15. Rubber heels and soles.
80. Rubber hot-water bottles.
94. Rubber soling slabs.
16. Surgeon's rubber gloves.
10. Waterproof rubber footwear of all types.

COTTON FABRICS AND MANUFACTURES

169. Bed ticking.
141. Cotton boot and shoe and corset laces and braid.
143. Cotton ribbon and tapes; trimmings of cotton and cotton-rayon mixtures.
79. Embroidery and embroidered articles (other than apparel) of descriptions currently manufactured in the United Kingdom for the home market, of which the base fabric is wholly or mainly of cotton.
170. Finished cotton sewing thread.
167. Furnishing fabrics of cotton and cotton-rayon mixtures.
169. Quilts, counterpanes, and other bed coverings of cotton and cotton-rayon mixtures.
166. Woven cotton piece goods of all kinds.

WOOLEN FABRICS

147. Wool and mohair plushes and other wool pile fabrics.
146. Woolen damasks, tapestries, and brocades.
145. Woolen tissues.

SYNTHETIC FIBER MANUFACTURES

63. Artificial silk woven fabric of a width not exceeding 12 inches.
7. Woven fabric of a width exceeding 12 inches of artificial silk or of artificial silk mixed with other materials except silk. (Furnishing fabrics of cotton-rayon mixtures under group 167.)

LINEN MANUFACTURES

164. Finished linen thread.
163. Linen canvas not under 12 ounces per square yard.
161. Printed or dyed linen piece goods.

[redacted]

6. Artificial silk clothing, excluding hose. (Women's hose under group 179.)
64. Athletes' supporters.
108. Children's outer garments, knitted, netted, or crocheted, excluding hose. (Artificial silk clothing under group 6; cotton and woolen stockings under group 200.)
203. Corsets, girdles, and brassieres.
202. Garter and sanitary belts.
107. Men's and boys' outer garments of material other than artificial silk, excluding knitted, netted, or crocheted. (Artificial silk clothing under group 6; men's shirts under group 139.)
140. Men's felt hats, unlined.
139. Men's shirts.
201. Men's socks.
106. Underwear of material other than artificial silk, excluding corsets, girdles, and brassieres. (Artificial silk clothing under group 6.)
92. Proofed clothing of all kinds (including blankets, baby pants, and crib sheets).
200. Women's and children's cotton and woolen stockings.
199. Women's dresses other than of silk or artificial silk. (Women's dresses of artificial silk under group 6.)
5. Women's felt hats.
179. Women's full-fashioned stockings of silk and artificial silk.

WOOD MANUFACTURES

31. Domestic woodware (clothes pegs, etc.).
222. Manufactures of muiga wood.
158. Wood wool (excelsior).
62. Wooden mouldings for picture and mirror frames.
61. Wooden picture and mirror frames.
70. Wooden spring blind or shade rollers.

PAPER AND RELATED PRODUCTS

210. Adhesive labels.
112. Blotting paper.
117. Bristol boards.
116. Duplicating paper.
211. Indexing or filing cards.
65. Paper dress patterns.
114. Printing paper of the following types: book, text, cover, litho, offset.
113. Stationery paper in uncut form and writing paper in large sheets (bond ledger).
66. Wallpaper.
123. Yellow varnished paper for bottle-cap linings.

GLASS, CLAY, AND MANUFACTURES

148. Bottles other than ornamental, pharmaceutical, medicine, wine, and spirit bottles.
171. Colored sheet and plate window glass.
122. Glazed wall tiles.
154. Illuminating glassware of the following: Oil-lamp chimneys, hurricane-lamp glasses, globes, and shades.
4. Industrial porcelain insulators.
177. Mirrors conforming in shape and size to those in current use for utility furniture.
78. Table glassware as follows: Plain stemware, tumblers, tableware, and heat-resisting glassware.

IRON AND STEEL MANUFACTURES

49. Axes.
197. Belt fasteners for conveyor belts.
56. Bolts and nuts of all kinds, other than precision bolts and nuts.
99. Carpet sweepers and repair parts.
23. Domestic cutlery (includes only knives, forks, and spoons).
127. Domestic hand-operated meat mincers, coffee and spice mills.
217. Furniture casters and parts thereof.
20. Furniture of metal (other than domestic furniture).
89. Gasoline and kerosene pressing irons.
96. Hard haberdashery, such as eyelets and hooks for boots and shoes, hooks and eyes, safety and other pins, snap fasteners, studs, steel fasteners, etc. (excluding hair combs).
218. Ladies' handbag and purse frames.
21. Locks, padlocks, keys, and key blanks.
124. Machine knives.
55. Nails and staples of all kinds except for decorative purposes (including hobnails and boot and shoe studs and spikes).
125. Paper machine wires.
134. Pipe joints of iron and steel excluding malleable cast iron and nonmalleable cast iron.
133. Pipe joints of nonmalleable cast iron.
184 Precision screws and other precision turned parts of metal.
57. Rivets of iron and steel.
190. Safety razors.
25. Slide fasteners.
194. Spectacle frames other than of gold or gold-filled.
139. Stropping machines, razor grinders, and razor sharpeners, all hand-operated.
172. Weighing apparatus of less than 5-hundredweight capacity, and sold at a retail price not exceeding 50 pounds sterling.
126. Woven wire cloth, gauze, fabric, or meshing.

ALUMINUM AND MANUFACTURES

174. Aluminum and aluminum alloys in sheets, disks, wire, tubes, rods, angles, shapes, and sections.
54. Aluminum cooking utensils.
175. Aluminum kitchen utensils other than cooking utensils.
173. Beer barrels, made of aluminum or aluminum alloys.

ELECTRICAL MACHINERY, SUPPLIES, AND APPARATUS

2. Carbon electrodes.
29. Dry batteries (high tension).
28. Dry batteries (torch).
104. Electrical equipment for cycles and motorcycles.
130. Electric fans complete with motors for domestic use.
132. Electric-light bulbs.
103. Electric-light fixtures.
102. Electric meters.
153. Electric switches.
101. Electric refrigerators and parts for domestic purposes.
131. Electrically operated domestic washing machines.
27. Vacuum cleaners and parts.

INDUSTRIAL MACHINERY AND APPARATUS

129. Gear transmissions and gears.
24. Mechanical valves.
128. Pulley blocks.

AGRICULTURAL AND GARDEN MACHINERY AND EQUIPMENT

46. Beehives and frames, bee veils, bee smokers, and other beekeepers' accessories.
53. Hand cultivators for garden and farm use.
50. Forks for garden and farm use.
191. Hand seeders for garden and farm use.
51. Hoes for garden and farm use.
17. Lawn mowers.
100. Milk churns, cans, pails, and strainers.
52. Rakes for garden and farm use.

AUTOMOTIVE EQUIPMENT

19. Antiskid chains.
212. Automotive cables.
216. Chemical maintenance products for motorcars except oils and polishes (includes valve-grinding compounds; radiator leak stop, weather sealer, gasket cement, radiator flush, hydraulic-brake fluid, rubbing compound, mechanics' blue for marking valves, bearings, etc., and tar remover).
30. Spark plugs.
213. Windshield wipers and parts.

CHEMICALS AND RELATED PRODUCTS

204. Bone black.
136. Fuses and detonators.
206. Medicinal preparations packed ready for retail sale under proprietary or trade names (excluding veterinary medicinals).
110. Meta fuel (solidified mentholated spirits).
3. Paints and varnishes.
37. Petroleum-jelly preparations.
205. Porcelain enamel frit.
72. Powder for sporting cartridges.
155. Shampoos, nonliquid, in containers holding no more than 1 ounce.
182. Toilet preparations, including tooth paste and powder, but excluding perfumery and soap.

PHOTOGRAPHIC AND PROJECTION GOODS

105. Cinematographic cameras and projectors (for 16-mm. film or less).
26. Film for photographers' use.
60. Photographic coated paper (not sensitized).
59. Photographic paper and cloth, unexposed, sensitized.
58. Photographers' plates.

OFFICE SUPPLIES

176. Carbon paper.
198. Filing boxes or filing trays (of wood or cardboard).
42. Fountain pens and parts.
215. Miscellaneous office supplies: telephone indexes, numbering machines, staplers and stapler refills, eyeletting machines and eyelets.
43. Propelling pencils and parts.
137. Typewriter ribbons.

SPORTING GOODS

41. Ice skates, roller skates, ice hockey equipment, and other sports equipment.
214. Loaded sporting cartridges and loaded shotgun shells.
71. Sporting cartridges, primed, empty.
135. Sporting guns, sporting rifles, and spare parts thereof.[3]

MISCELLANEOUS

196. Aquarium equipment (includes aquarium pumps).
193. Artificial teeth.
183. Baskets and basketware.
32. Brushes.
44. Buttons of all kinds other than vegetable-ivory and dum buttons.
18. Cooking and heating appliances and parts.
192. Dental equipment and instruments.
95. Goldsmiths' and silversmiths' wares.
160. Granite pavement kerbs and setts.
88. Ice-cream cabinets.
33. Imitation jewelry (excluding jewelry findings, cigarette cases, cigarette lighters, hair ornaments, insignia, lipstick cases, match boxes, military ornaments, rhinestone buckles, Ronson repeaters, shoulder devices, and watch containers).
144. Jute webbing.
207. Laundry soap.
90. Manufactured abrasive cloths, papers, and disks.
97. Musical boxes.
22. Oil lamps and lanterns for illumination.
8. Papermakers' felts.
220. Pocket watches, except watches in cases made of gold or other precious metals.
165. Saddlers' thread.
150. Sun goggles and sun glasses.
40. Toilet requisites (includes only powder bowls or boxes, powder puffs, nail polishes, nail clippers, nail files, denture bowls, manicure sets, compacts, vanity cases, and pancake cases).
9. Toys, dolls, and parts, of all kinds except those made of hemp.
93. Varnished cambric insulating material.

Washington, D. C., February 4, 1954.

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-909; Filed, Feb. 9, 1954; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 145; Rev. 1]

HEADS OF BUREAUS AND THE COMMANDANT OF THE COAST GUARD

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

MAY 6, 1953.

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950, the following delegation of functions is hereby made:

1. To the head of each bureau:

(a) The functions authorized by 28 U. S. C. 2672, to consider, ascertain, adjust, determine, settle, and pay claims for money damages of $1,000 or less, for injury, loss, or death, caused by the negligent or wrongful act or omission of any employee of the bureau concerned; and

(b) The functions authorized by the Act of December 28, 1922, 42 Stat. 1066, to consider, ascertain, adjust, and determine claims.

2. To the Commandant, United States Coast Guard:

(a) The functions authorized by 14 U. S. C. 645, to consider, adjust, determne, settle, and pay in an amount not in excess of $1,000, claims incident to activities of the Coast Guard, and to prescribe regulations pertaining thereto;

(b) The functions authorized by 14 U. S. C. 646, to consider, ascertain, adjust, compromise, settle, and pay claims for damages caused by vessels in the Coast Guard service, and for compensation for towage and salvage services, where the settlement of any such claim does not exceed $3,000; and

(c) The functions authorized by 14 U. S. C. 647, to consider, ascertain, adjust, determine, compromise, or settle claims for damage to property of the United States, where the settlement of any such claim does not exceed $3,000.

The authority herein delegated to the heads of bureaus and to the Commandant of the Coast Guard may be redelegated by them to any officer or employee of their respective bureaus.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-938; Filed, Feb. 9, 1954; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Blackfoot 037698]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JANUARY 27, 1954.

The State of Idaho has certified that the hereinafter-described lands patented to the State under the provisions of section 4 of the act of August 18, 1894 (28 Stat. 422, 43 U. S. C. sec. 641), as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act and that water is not available for the irrigation of these tracts. The State of Idaho, therefore, has reconveyed the lands to the United States:

BOISE MERIDIAN

T. 6 S., R. 13 E.,
Sec. 4, NW¼SE¼.
T. 6 S., R. 14 E.,
Sec. 17, W½SE¼, SE¼SW¼, NW¼SW¼, SW¼NW¼.
Sec. 18, N½SE¼.
Sec. 20, S½NE¼, W½SE¼, E½SW¼, SE¼NW¼.
T. 7 S., R. 14 E.,
Sec. 14, N½SW¼.
Sec. 15, N½SE¼, SE¼SW¼.
Sec. 22, W½SW¼.
Sec. 27, NW¼NW¼.
T. 7 S., R. 15 E.
Sec. 6, lots 1, 3, E½SE¼.
T. 8 S., R. 14 E
Sec. 8, SE¼NE¼.
Sec. 9, S½NE¼, NW¼SE¼.
Sec. 14, E½SE¼, NW¼SE¼, SW¼NE¼.
T. 8 S., R. 15 E.,
Sec. 18, SW¼NE¼, N½SE¼, NE¼SW¼, NE¼NW¼.
Sec. 21, NW¼SW¼.
Sec. 23, NW¼NE¼.
T. 8 S., R. 17 E.,
Sec. 27, SE¼NW¼, SW¼NE¼.
T. 9 S., R. 15 E.,
Sec. 1, SW¼NE¼, W½SE¼, S½SW¼.
Sec. 6, lots 1, 2.

The lands are located north of the Snake River between Jerome and Bliss. Portions of the lands are too rough, rocky, or irregular for cultivation. Portions are suitable for cultivation, provided that a satisfactory supply of irrigation water can be obtained. The lands generally lie above existing canals.

No application for these lands may be allowed under the homestead, small tract, desert land, or any other non-

[3] Imported sporting guns and sporting rifles will be subject to the provisions of the British 1937 Firearms Act, except smooth-bore guns having a barrel not less than 20 inches in length.

mineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

At 10:00 a. m. on the 35th day after the date of this order the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 54-899; Filed, Feb. 9, 1954; 8:45 a. m.]

[No. 20 (R-IV)]

UTAH

AIR-NAVIGATION SITES REVOKED

JANUARY 29, 1954.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 2.22 (a) (2), of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Executive Order No. 4872, dated May 3, 1928, withdrawing the following described land for use by the Department of Commerce for maintenance of air navigation facilities, intermediate landing fields, Site No. 56, San Francisco-Salt Lake Airway, is hereby revoked, effective immediately:

SALT LAKE MERIDIAN

T. 1 S., R. 12 W.,
Sec. 14, SW¼.
Sec. 15, SE¼.
Sec. 22, NE¼.
Sec. 23, NW¼.

The above-described lands are within the Wendover Bombing Range and are not restored to entry under the public land laws or the mineral laws.

Air Navigation Site Withdrawal No. 228, dated February 20, 1946, is also revoked immediately insofar as it affects the NE¼NW¼ section 13, T. 28 S., R. 11 E., SLM, Utah. This tract is primarily valuable for grazing, will be administered as part of Utah District No. 5, and is not open to entry or location until further notice.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-900; Filed, Feb. 9, 1954; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ASSUNTA BOLDRINI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Assunta Boldrini, Rome, Italy, Claim No. 44851; $553.13 in the Treasury of the United States. Agata Marinelli, Fabriano (Ancona), Italy, Claim No. 44853; $2,212.53 in the Treasury of the United States. Rosa Minichelli, Melano Bastia, (Ancona), Italy, Claim No. 44854; $553.13 in the Treasury of the United States. Vesting Order No. 511.

Executed at Washington, D. C., on February 4, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-927; Filed, Feb. 9, 1954; 8:51 a. m.]

AUGUSTE EUGENE FRANCOIS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Auguste Eugene Francois, Choisy-le-Roi (Seine), France, Claim No. 41387; Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,204,039 and 2,248,526.

Executed at Washington, D. C., on February 4, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-928; Filed, Feb. 9, 1954; 8:51 a. m.]

D. OOSTINGA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

D. Oostinga, Amsterdam, The Netherlands, Claim No. 61279; $516.02 in the Treasury of the United States. Vesting Order No. 17911.

Executed at Washington, D. C., on February 4, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-929; Filed, Feb. 9, 1954; 8:52 a. m.]

JOSEPH AND ELSE SCHOEBEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Joseph Schoebel and Else Schoebel, husband and wife, Leibnitz, Styria, Austria, Claim No. 35787; $6,866.73 in the Treasury of the United States. Real property situated in Washington, D. C., known as 3705 Brandywine Street N.W., particularly described as Lots Numbered 2 and 3 in Block numbered 2, "Colorado Heights", as per plat recorded in the Office of the Surveyor for the District of Columbia in Liber County 18 at Folio 20; said Block numbered 2 now known for purposes of assessment and taxation as square numbered 1887; subject to building restriction line shown on said plat; to the claimants as tenants by the entirety, together with any and all policies of insurance insuring the real property described above. Vesting Order No. 137.

Executed at Washington, D. C., on February 4, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-930; Filed, Feb. 9, 1954; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC COAST AUSTRALASIAN TRAFFIC BUREAU

NOTICE OF AGREEMENT FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

Agreement No. 50–11 between the Member Lines of the Pacific Coast Australasian Tariff Bureau, modifies the basic agreement of that Conference (50–1)—(a) by deleting Suva, Fiji Islands, from the scope of the agreement as to direct service; (b) by changing the resignation notice period from 60 to 90 days; (c) by renumbering, rearranging and clarifying various provisions of the basic agreement; and (d) by including a number of other provisions relating to the internal functioning of the Conference.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 5, 1954.

By order of the Federal Maritime Board.

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-912; Filed, Feb. 9, 1954; 8:48 a. m.]

[Docket No. S-46]

GRACE LINE INC.

NOTICE OF HEARING

Application of Grace Line Inc. for extension of its present service on Trade Route No. 25 (U. S. Pacific ports—West Coasts of Mexico, Central America and South America) to include certain ports within the area of Trade Route No. 23 (U. S. Pacific ports—Caribbean ports) and for increase in number of ships and minimum and maximum subsidized sailings on the proposed extended service, from a minimum of 18 to 30, and from a maximum of 26 to 36.

Notice is hereby given that a public hearing will be held upon said application under section 605 (c) of the Merchant Marine Act, 1936, as amended, at a time and place hereafter to be announced.

The purpose of the hearing is to receive evidence relevant to the following: (1) Whether or not the contract contemplated by the application is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the act additional vessels should be operated thereon; (2) if the contract contemplated by the application is one with respect to a vessel operated or to be operated in a service, route, or line served by two or more citizens of the United States with vessels of United States registry, whether or not the award of the contract would give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines, and, if so, (3) whether it is nevertheless necessary to enter into such contract in order to provide adequate service by vessels of United States registry.

The hearing, which will be conducted in accordance with the Board's rules of practice and procedure (18 F. R. 3716), will be consolidated with the hearing in Docket S–46 (Sub. 1), Redescription of Essential Foreign Trade Route No. 25, notice of which appears in this issue of the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Board within fifteen (15) days of the date of publication of this notice, and should file intervening petitions in accordance with the rules of practice and procedure.

Dated: February 5, 1954.

By order of the Federal Maritime Board.

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-911; Filed, Feb. 9, 1954; 8:48 a. m.]

Maritime Administration

[Docket No. S-46 (Sub. 1)]

REDESCRIPTION OF ESSENTIAL FOREIGN TRADE ROUTE NO. 25

NOTICE OF HEARING

Notice is hereby given of the application of Grace Line Inc., seeking a redescription of Essential Foreign Trade Route No. 25, and of hearing thereon.

Under the provisions of section 211 (a), of the Merchant Marine Act, 1936, as amended (46 U. S. C. A. 1121) the Maritime Administration, by authority delegated by the Secretary of Commerce pursuant to Reorganization Plan No. 21 (15 F. R. 3178), is authorized and directed to investigate, determine, and keep current records of the ocean services, routes, and lines from ports in the United States to foreign markets which are, or may be, determined by the Administration to be essential for the promotion, development, expansion and maintenance of the foreign commerce of the United States.

Essential Foreign Trade Route No. 25, as determined by the Maritime Administration, is presently described as follows:

Between United States Pacific Coast ports and a port or ports on the West Coast of Mexico, ports on the West Coast of Central America, and ports on the West Coast of South America, with the privilege of calling at British Columbia and Balboa.

Grace Line Inc., has applied to the Maritime Administration for a redescription of Essential Foreign Trade Route No. 25, as follows:

Between U. S. Pacific ports, and port or ports on the West Coast of Mexico; ports on the West Coast of Central America; ports

on the West Coast of South America; ports on the North Coast of Colombia; port or ports on the Gulf of Venezuela and Lake Maracaibo in Venezuela with the privilege of calling at other ports in Venezuela and the Netherlands West Indies ports to handle way cargo, and with the privilege of calling at ports in Panama, ports in the Panama Canal Zone and ports in British Columbia.

Hearing will be held at a time and place to be fixed for the purpose of receiving evidence relevant to the trade route redescription proposed by Grace Line Inc.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Board within fifteen (15) days of the date of publication of this notice, and should file intervening petitions in accordance with the rules of practice and procedure.

Grace Line Inc., has also filed an application with the Federal Maritime Board for an extension of its operating differential subsidy contract to cover operations over the route described in its proposed redescription. Notice of hearing on said application (Docket No. S–46) appears in this issue of the FEDERAL REGISTER.

Hearing on the proposed trade route redescription (Docket No. S–46—Sub. 1) will be conducted in accordance with the Board's rules of practice and procedure (18 F. R. 3716) and will be consolidated with the hearing on the application of Grace Line Inc., for extension of its operating-differential subsidy contract (Docket No. S–46).

Dated: February 5, 1954.

By order of the Maritime Administrator.

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54–910; Filed, Feb. 9, 1954; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2080]

SOUTH JERSEY GAS CO.

ORDER FIXING DATE OF HEARING

South Jersey Gas Company (South Jersey), on September 25, 1952, filed with the Commission First Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, increasing the rates and charges to its wholesale customer, New Jersey Natural Gas Company (New Jersey Natural). On October 23, 1952, the Commission issued an order making the rate increase effective March 26, 1953 upon furnishing of bond.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing pursuant to the authority contained in sections 4 and 15 of the act, concerning the lawfulness of South Jersey's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheet No. 4.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held commencing February 23, 1954, at 9:00 a. m., e. s. t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of rates, charges, classifications, and services contained in South Jersey's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheet No. 4.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: February 3, 1954.

Issued: February 4, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–902; Filed, Feb. 9, 1954; 8:46 a. m.]

[Docket Nos. G–2269, G–2282]

COLORADO INTERSTATE GAS CO., AND NATURAL GAS PIPELINE CO., OF AMERICA

ORDER CONSOLIDATING PROCEEDINGS, DENYING REQUESTS FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

Colorado Interstate Gas Company (Colorado), a Delaware corporation, with its principal place of business in Colorado Springs, Colorado, filed in Docket No. G–2269, on October 7, 1953, supplemented on December 7, 1953, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of transmission facilities in Morton County, Kansas, to sell additional gas to Natural Gas Pipeline Company of America (Natural) as described in said application.

Natural, a Delaware corporation, with its principal place of business in Chicago, Illinois, filed in Docket No. G–2282, on October 15, 1953, supplemented on December 10, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of facilities to receive the additional volumes of gas from Colorado, as described in said application.

Due notice of the filing of said applications has been given, including publication in the FEDERAL REGISTER on November 3, 1953 (Docket No. G–2269) (18 F. R. 6948), (Docket No. G–2282) (18 F. R. 6949).

Applicants have requested that their respective applications be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

It appears that the above-entitled proceedings involve common questions of law and fact with respect to the public interest, the requirements and availability of gas for all of Colorado's customers, the availability of the Morton County gas reserves, and the form and level of Colorado's proposed rate to Natural.

The Commission finds:

(1) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for consolidating the proceedings at Docket Nos. G–2269 and G–2282 for the purpose of hearing.

(2) Good cause has not been shown for granting Applicants' requests that their respective applications filed at Docket Nos. G–2269 and G–2282 be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and requests therefor should be denied as hereinafter ordered.

The Commission orders:

(A) The proceedings in Docket Nos. G–2269 and G–2282 be and the same hereby are consolidated for the purpose of hearing.

(B) The requests of Colorado Interstate Gas Company at Docket No. G–2269 and Natural Gas Pipeline Company of America at Docket No. G–2282, that the applications filed therein be heard under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, be and the same hereby are denied.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15 and 16 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on February 24, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by applications, and supplements thereto.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)).

Adopted: February 3, 1954.

Issued: February 4, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–903; Filed, Feb. 9, 1954; 8:46 a. m.]

[Docket No. G-2339]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed December 21, 1953, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on January 12, 1954 (19 F. R. 220).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 23, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: February 3, 1954.

Issued: February 4, 1954.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–904; Filed, Feb. 9, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7–1582, 7–1583]

ALUMINUM LTD. AND YORK CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of February A. D. 1954.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in: Aluminum Limited, Common Stock, No Par Value, 7–1582; York Corporation, Common Stock, $1 Par Value, 7–1583.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Aluminum Limited, listed and registered on the New York Stock Exchange and on the San Francisco Stock Exchange; and the Common Stock, $1 Par Value, of York Corporation, listed and registered on the New York Stock Exchange.

Rule X–12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to February 18, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54–905; Filed, Feb. 9, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28885]

VARIOUS COMMODITIES FROM MUSCATINE, IOWA, AND BELLE, W. VA., TO TRUNK LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

FEBRUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff ICC No. 4542, pursuant to fourth section order No. 17220.

Commodities involved: Alcohol, in bond, in tank-car loads, and dimethysulphate, carloads.

From: Muscatine, Iowa, and Belle, W. Va.

To: Specified points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–913; Filed, Feb. 9, 1954; 8:48 a. m.]

[4th Sec. Application 28886]

CAUSTIC SODA FROM WEST VIRGINIA TO ROANOKE RAPIDS, N. C.

APPLICATION FOR RELIEF

FEBRUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff ICC No. 4510, pursuant to fourth section order No. 17220.

Commodities involved: Caustic soda, in tank-car loads.

From: Charleston, Elk, Owens, South Charleston and South Ruffner, W. Va.

To: Roanoke Rapids, N. C.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–914; Filed, Feb. 9, 1954; 8:48 a. m.]

[4th Sec. Application 28887]

SOYBEANS BETWEEN POINTS IN ALABAMA AND FROM FLORIDA, GEORGIA AND SOUTH CAROLINA TO MOBILE, ALA., FOR EXPORT

APPLICATION FOR RELIEF

FEBRUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Soybeans, in bulk, carloads.

From: Points in Alabama, Florida, Georgia and South Carolina.

To: Mobile, Ala., for export.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, additional commodity.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1325, supl. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed

to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-915; Filed, Feb. 9, 1954 8:49 a. m.]

[4th Sec. Application 28888]

ALCOHOL FROM LOUISIANA TO ST. LOUIS, MO., EAST ST. LOUIS AND BELLEVILLE, ILL.

APPLICATION FOR RELIEF

FEBRUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Alcohol and related articles, carloads.

From: Baton Rouge, Chalmette, New Orleans, North Baton Rouge, La., and points taking same rates.

To: St. Louis, Mo., East St. Louis and Belleville, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: W. F. Emerson, Jr., Agent, ICC No. 400, supl. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-916; Filed, Feb. 9, 1954; 8:49 a. m.]

[4th Sec. Application 28889]

CASTOR POMACE FROM ANDARKO AND HOBART, OKLA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Castor pomace, carloads.

From: Andarko and Hobart, Okla.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, additional origins.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3746, supl. 138.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-917; Filed, Feb. 9, 1954; 8:49 a. m.]

[4th Sec. Application 28890]

SUGAR FROM BALTIMORE, MD., AND PHILADELPHIA, PA., TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Sugar, carloads.

From: Baltimore, Md., and Philadelphia, Pa.

To: Specified points in Tennessee, North Carolina and Virginia.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition.

Schedules filed containing proposed rates: C. W. Boin, Agent, ICC No. A-827, supl. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-918; Filed, Feb. 9, 1954; 8:49 a. m.]

[4th Sec. Application 28891]

BITUMINOUS FINE COAL FROM WESTERN KENTUCKY MINES TO KRANNERT AND YATES, GA.

APPLICATION FOR RELIEF

FEBRUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Western Kentucky mines.

To: Krannert and Yates, Ga.

Grounds for relief: Competition with water carriers, competition with motor-water carriers, market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1311, supl. 10; Illinois Central Railroad Company, ICC No. E-1860, supl. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-919; Filed, Feb. 9, 1954; 8:49 a. m.]

[4th Sec. Application 28892]

CYLINDERS AND TANKS FROM BATON ROUGE, LA., TO THE MIDWEST

APPLICATION FOR RELIEF

FEBRUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Fernwood, Columbia & Gulf Railroad Company, and the Illinois Central Railroad Company.

Commodities involved: Cylinders, steel, for shipping air, gas or liquids under pressure, and tanks, butane or propane gas system, carloads.

From: Baton Rouge, La.

To: Cincinnati, Ohio, East St. Louis, Ill., Evansville, Ind., and St. Louis, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, additional routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-920; Filed, Feb. 9, 1954; 8:50 a. m.]

[4th Sec. Application 28893]

MERCHANDISE IN MIXED CARLOADS FROM CHICAGO, ILL., GROUP, MILWAUKEE, WIS., AND PEORIA, ILL., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Chicago, Ill., and points grouped therewith, Milwaukee, Wis., and Peoria, Ill.

To: Specified points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, ICC No. 789, and supl. 1 thereto.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-921; Filed, Feb. 9, 1954; 8:50 a. m.]

[4th Sec. Application 28894]

MERCHANDISE IN MIXED CARLOADS FROM ILLINOIS TERRITORY TO BIRWAT, GREENS, KETONA AND MT. PINSON, ALA.

APPLICATION FOR RELIEF

FEBRUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Points in Illinois territory.

To: Birwat, Greens, Ketona, and Mt. Pinson, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, additional destination.

Schedules filed containing proposed rates: R. G. Raasch, Agent, ICC No. 789, and supl. 1 thereto.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-922; Filed, Feb. 9, 1954; 8:50 a. m.]

[4th Sec. Application 28895]

MERCHANDISE IN MIXED CARLOADS FROM CHICAGO, ILL., GROUP TO GEORGIA

APPLICATION FOR RELIEF

FEBRUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Chicago, Ill., and points grouped therewith.

To: Specified points in Georgia.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, ICC No. 789 and supl. 1 thereto.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-923; Filed, Feb. 9, 1954; 8:50 a. m.]

[4th Sec. Application 28896]

PAPER FROM HOUSTON, TEX., TO CERTAIN STATES AND WASHINGTON, D. C.

APPLICATION FOR RELIEF

FEBRUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Houston, Texas.

To: Specified points in Virginia, Ohio, Indiana, Kentucky, West Virginia and Washington, D. C.

Grounds for relief: Competition with rail carriers, circuitous routes, additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3945, supl. 64.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-924; Filed, Feb. 9, 1954; 8:50 a. m.]

[4th Sec. Application 28897]

GLASS, POWDERED OR PULVERIZED, FROM JACKSON, MISS., TO PACIFIC COAST TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff ICC No. 1559.

Commodities involved: Glass, powdered or pulverized, carloads.

From: Jackson, Miss.

To: Points in Pacific Coast territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-925; Filed, Feb. 9, 1954; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 29

Washington, Thursday, February 11, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture.

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Corn Bulletin A]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 CORN PRICE SUPPORT PROGRAM

Sec.

421.476 Administration.
421.477 Applicability of §§ 421.476 through 421.483.
421.478 Definitions.
421.479 Determination of the producer's share in corn acreage.
421.480 Compliance requirements; producers (commercial corn producing area).
421.481 Compliance requirements; corn (commercial corn producing area).
421.482 Compliance requirements; producers and corn (outside commercial corn producing area).
421.483 Appeals.

AUTHORITY: §§ 421.476 to 421.483 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 401, 408, 63 Stat. 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup. 1421, 1428.

§ 421.476 *Administration.* The program will be carried out under the general supervision and direction of the President, Commodity Credit Corporation, by the Commodity Stabilization Service (hereinafter referred to as CSS) through State and County Agricultural Stabilization and Conservation Committees (hereinafter referred to as State and county committees).

§ 421.477 *Applicability of §§ 421.476 through 421.483.* Sections 421.476 through 421.483 shall govern the eligibility of producers and corn under the 1954 Corn Price Support Operations insofar as corn acreage is concerned.

§ 421.478 *Definitions.* As used in this subpart and in all instructions, forms and documents in connection herewith, the words and phrases defined in this section shall have the meaning herein assigned to them unless the context or subject matter otherwise requires.

(a) *Farm.* Means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee in accordance with instructions issued by the Deputy Administrator for Production Adjustment, CSS, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(b) *Person.* Means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(c) *Operator.* Means the person who is in charge of the supervision and conduct of the farming operations on the entire farm and has an interest in crops produced on the farm.

(d) *Producer.* Means any person having an interest in the corn crop as landlord, tenant, sharecropper, or farm owner.

(e) *Corn acreage.* Means the number of acres of land on which field corn, including sweet corn produced for feed or silage, is planted alone or interplanted with other crops. Any acreage planted to corn will not be considered as corn acreage to the extent that (1) it has been totally destroyed by any cause beyond the control of the producer and cannot be replanted on the same acreage, and (2) an additional acreage

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FEDERAL REGISTER

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of corn, subsequently planted with prior approval of the county committee is substituted for the destroyed acreage.

(f) *Overplanted corn acreage.* Means the number of acres by which the 1954 corn acreage on the farm exceeds the farm acreage allotment.

(g) *Underplanted corn acreage.* Means the number of acres by which the 1954 corn acreage on the farm is less than the farm acreage.

(h) *Farm acreage allotment.* Means that corn acreage allotment established for the farm under 7 CFR Part 721—Corn, Subpart—Farm Acreage Allotments for 1954 Crop, as published in the FEDERAL REGISTER under date of November 25, 1953.

(i) *Commercial corn-producing area.* Means the area designated by the Secretary of Agriculture pursuant to section 301 (b) (4) of the Agricultural Adjustment Act of 1938, as amended, and includes all counties in which the average production of corn (excluding corn used for silage) during the 10 calendar years, 1944–53, after adjustment for abnormal weather conditions, is 450 bushels or more per farm and 4 bushels or more for each acre of farm land in the county, and also includes any county bordering on such commercial corn-producing area which the Secretary finds is likely to produce 450 bushels or more per farm and 4 bushels or more for each acre of farm land in 1954, or in which there is a minor civil division which the Secretary finds is likely to produce 450 bushels or more per farm and 4 bushels or more for each acre of farm land in 1954. The designation of the commercial corn-producing area for 1954 appears in 7 CFR 721.502 (18 F. R. 8715).

§ 421.479 *Determination of producer's share of overplanted or underplanted corn acreage.* The overplanted or underplanted corn acreage shall be divided according to each producer's share in the 1954 corn acreage on the farm at the time the corn is planted. Determination of eligibility as of the time of planting will not make a producer eligible or ineligible in the aggregate because he buys, sells, or otherwise acquires or disposes of a farm after planting. The corn produced on any farm acquired or disposed of will be eligible only if the corn was eligible at the time of planting and the producer acquiring the farm was not ineligible at the time of planting. This means that even though the corn acreage on the farm may not be in excess of the allotment, if the producer disposing of such tract or farm was ineligible under § 421.480, the corn produced on such tract or farm will not be eligible for price support.

§ 421.480 *Compliance requirements; producers (commercial corn-producing area).* (a) A producer shall be eligible for price support on eligible corn of the 1954 crop if such producer's share of the overplanted corn acreage on all farms in the county in which he has an interest in the corn crop does not exceed his share of the underplanted corn acreage on all farms in the county in which he has an interest in the corn crop, as determined by the county committee, unless the State committee determines that such producer's share of the overplanted corn acreage on all farms, wherever situated in the commercial corn-producing area, exceeds such producer's share of the underplanted corn acreage on all such farms. If the State committee makes such determination, the producer shall not be eligible for price support on 1954 crop corn.

(b) The 1954 corn acreage on the farm shall not be deemed to be in excess of the farm corn acreage allotment unless the producer operating such farm knowingly exceeded the allotment. If the allotment is in fact exceeded, such allotment shall be considered as having been knowingly exceeded unless it is determined by the county committee on the basis of evidence submitted by such producer that the allotment was unknowingly exceeded: *Provided, however,* That if the allotment is in fact exceeded by more than two percent or two acres, whichever is larger, the county committee shall submit its findings and recommendations to the State committee which shall make the determination as to whether the allotment was unknowingly exceeded. If the producer made no direct effort, by measuring or otherwise, to comply with the allotment, he shall be determined to have knowingly exceeded the allotment.

(c) If the producer operating the farm is determined to have unknowingly exceeded the farm acreage allotment, the corn acreage on the farm shall be deemed to be equal to such allotment in determining eligibility for price support.

§ 421.481 *Compliance requirements; corn (commercial corn-producing area).* No corn produced in the commercial corn-producing area other than corn which is produced by an eligible producer in 1954 on a farm on which the farm acreage allotment is not knowingly exceeded shall be eligible for price support. Corn produced on a farm located in the commercial corn-producing area for which an allotment is not established shall not be eligible for price support.

§ 421.482 *Compliance requirements; producers and corn (outside commercial corn-producing areas).* Acreage will not be a factor in determining eligibility for price support on corn produced outside the commercial corn producing area.

§ 421.483 *Appeals.* Any producer who is dissatisfied with any determination of the county committee respecting his compliance or eligibility may, within 15 days after notification to him of such determination by the county committee, appeal to the State committee in writing. Such appeal should contain all the facts constituting the basis of his claim that the county committee determination is improper.

Done at Washington, D. C., this 8th day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-976; Filed, Feb. 10, 1954; 8:55 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.211]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following February 13, 1954, paragraph (a) is amended by the deletion of the following posts:

Boela Koemba, Indonesia.
Gutingsaga, Indonesia.
Kabandjahe, Indonesia.
Lho Sukon, Indonesia.
Pakistan, all posts except Lahore and Lyallpur.

2. Effective as of the beginning of the first pay period following February 13, 1954, paragraph (b) is amended by the deletion of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above, except Araraquara, Belo Horizonte, Fazenda Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Pocos de Caldas, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo and Vicosa.
Comayagua, Honduras.
Lyallpur, Pakistan.

3. Effective as of the beginning of the first pay period following February 13, 1954, paragraph (c) is amended by the deletion of the following posts:

Port-au-Prince, Haiti.
Valles, Mexico.
Vicosa, Brazil.

4. Effective as of the beginning of the first pay period following February 13, 1954, paragraph (d) is amended by the deletion of the following posts:

Ciudad Trujillo, Dominican Republic.
Hong Kong, Hong Kong.
Robert Espagne, France.

5. Effective as of the beginning of the first pay period following June 6, 1953, paragraph (a) is amended by the addition of the following posts:

Kume Island, Ryukyus.
Okinoerabu Island, Ryukyus.

6. Effective as of the beginning of the first pay period following February 13, 1954, paragraph (a) is amended by the addition of the following posts:

Pakistan, all posts except Lahore, Karachi, Peshawar and Quetta.

7. Effective as of the beginning of the first pay period following February 13, 1954, paragraph (b) is amended by the addition of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above except Araraquara, Belo Horizonte, Fazenda Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Pocos de Caldas, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos and Sao Paulo.

Karachi, Pakistan.
Peshawar, Pakistan.
Quetta, Pakistan.

8. Effective as of the beginning of the first pay period following September 12, 1953, paragraph (c) is amended by the addition of the following post:

Los Mochis, Mexico.

9. Effective as of the beginning of the first pay period following February 13, 1954, paragraph (d) is amended by the addition of the following post:

Port-au-Prince, Haiti.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

DONOLD B. LOURIE,
Under Secretary for Administration.

FEBRUARY 4, 1954.

[F. R. Doc. 54-968; Filed, Feb. 10, 1954; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 26]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote saftey of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 600 is amended as follows:

1. Section 600.16 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.)* is amended between the Lake Charles, La., radio range station and the New Orleans, La., radio range station by adding the following: "Lafayette, La., nondirectional radio beacon;".

2. Section 600.107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border)* is amended between the Hartford, Conn., radio range station and the Boston, Mass., radio range station to read: "Hartford, Conn., radio range station; the intersection of a direct line between the Hartford, Conn., radio range station and the Bedford, Mass., nondirectional radio beacon with the west course of the Boston, Mass., radio range; Boston, Mass., radio range station;".

3. Section 600.246 *Red civil airway No. 46 (United States-Canadian Border to Rochester, Minn.)* is amended by changing the first portion to read: "That airspace over United States territory from the Regina, Saskatchewan, Canada, radio range station via the Minot, N. Dak., radio range station to the Jamestown, N. Dak., radio range station. From the Aberdeen, S. Dak., radio range station to the Watertown, S. Dak., radio range station."

4. Section 600.260 *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.)* is amended by changing Lat. 37°54'35", Long. 120°45'30" to read: "Lat 37°55'-10", Long. 120°44'25"."

5. Section 600.272 is amended by changing caption to read: "*Red civil airway No. 72 (Millville, N. J., to Patterson, N. J.).*" and by deleting the last portion which reads: "From the Idlewild, N. Y., radio range station to the intersection of the southeast course of the Idlewild, N. Y., radio range and the southwest course of the Islip, N. Y., VHF radio range."

6. Section 600.292 *Red civil airway No. 92 (New York, N. Y. to Islip, N. Y.)* is revoked.

7. Section 600.609 *Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border)* is amended by deleting the portion between the Columbia, Mo., radio range station and the Des Moines, Iowa, radio range station and by changing the first portion to read: "From the Springfield, Mo., radio range station to the Columbia, Mo., radio range station. From the Des Moines, Iowa, radio range station via the intersection of the north course of the Des Moines, Iowa, radio range and the southwest course of the La Crosse, Wis., radio range;".

8. Section 600.613 *Blue civil airway No. 13 (Houston, Tex., to Minneapolis, Minn.)* is amended by changing the last portions to read: "From the intersection of the northeast course of the Kansas City, Mo., radio range and the south course of the Des Moines, Iowa, radio range to the Des Moines, Iowa, radio range station. From the Mason City, Iowa, nondirectional radio beacon to the Stanton, Minn., nondirectional radio beacon."

9. Section 600.636 is amended to read:

§ 600.636 *Blue civil airway No. 36 (Thurman, Colo., to Kimball, Nebr.).* From the intersection of the south course of the Akron, Colo., radio range and a line bearing 281° True from the Goodland, Kans., nondirectional radio beacon via the Akron, Colo., radio range station to the intersection of the north course of the Akron, Colo., radio range and the east course of the Cheyenne, Wyo., radio range.

10. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended between the Dodge City, Kans., omnirange station and the Emporia, Kans., omnirange station to read: "Dodge City, Kans., omnirange station; Hutchinson, Kans., omnirange station, including a south alternate and also a north alternate via the intersection of the Dodge City omnirange 060° True and the Hutchinson omnirange 296° True radials excluding the airspace between this north alternate and the main airway; Emporia, Kans., omnirange station, including a north alternate;" and by deleting that portion which reads "excluding the portion which overlaps the Osage City danger area (D-405)".

11. Section 600.6012 *VOR civil airway No. 12 (Palmdale, Calif., to Philadelphia, Pa.)* is amended by deleting that portion which reads: "excluding the portion which overlaps the Osage City danger area (D-405)".

12. Section 600.6024 is amended to read:

§ 600.6024 *VOR civil airway No. 24 (Aberdeen, S. Dak., to Redwood Falls, Minn.).* From the Aberdeen, S. Dak., omnirange station via the Watertown, S. Dak., omnirange station, including a north alternate, to the Redwood Falls, Minn., omnirange station, including a north alternate.

13. Section 600.6052 is amended to read:

§ 600.6052 *VOR civil airway No. 52 (Des Moines, Iowa, to St. Louis, Mo.).* From the Des Moines, Iowa, omnirange station via Ottumwa, Iowa, omnirange station, including a south alternate; Quincy, Ill., omnirange station, including a north alternate, to the St. Louis, Mo., omnirange, including a north alternate.

14. Section 600.6065 *VOR civil airway No. 65 (Columbia, Mo., to Des Moines, Iowa)* is revoked.

15. Section 600.6125 is amended to read:

§ 600.6125 *VOR civil airway No. 125 (Anthony, Kans., to Hutchinson, Kans.).* From the Anthony, Kans., omnirange station to the Hutchinson, Kans., omnirange station.

16. Section 600.6132 is added to read:

§ 600.6132 *VOR civil airway No. 132 (Goodland, Kans., to Hutchinson, Kans.).* From the Goodland, Kans., omnirange station to the Hutchinson, Kans., omnirange station.

17. Section 600.6144 is added to read:

§ 600.6144 *VOR civil airway No. 144.* [Unassigned.]

18. Section 600.6145 is added to read:

§ 600.6145 *VOR civil airway No. 145 (Utica, N. Y., to Watertown, N. Y.).* From the Utica, N. Y., radio range station via the intersection of the Utica radio range northwest course and the Watertown omnirange 155° True radial to the Watertown, N. Y., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., February 16, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-938; Filed, Feb. 10, 1954; 8:45 a. m.]

[Amdt. 26]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.272 is amended to read:

§ 601.272 *Red civil airway No. 72 control areas (Millville, N. J., to Paterson, N. J.).* All of Red civil airway No. 72.

2. Section 601.292 *Red civil airway No. 92 control areas (New York, N. Y., to Islip, N. Y.)*, is revoked.

3. Section 601.636 is amended to read:

§ 601.636 *Blue civil airway No. 36 control areas (Thurman, Colo., to Kimball, Nebr.).* All of Blue civil airway No. 36.

4. Section 601.1082 is amended to read:

§ 601.1082 *Control area extension (Montgomery, Ala.).* That airspace bounded on the north by Lat. 32°52'00", on the east by Long. 86°00'00", on the south by Lat. 31°45'00", and on the west by Long. 87°30'00".

5. Section 601.1212 *Control area extension (Craig AFB, Selma, Ala.)* is revoked.

6. Section 601.1248 *Control area extension (Grantsburg, Wis.)* is revoked.

7. Section 601.1260 *Control area extension (Redwood Falls, Minn.)* is revoked.

8. Section 601.2054 *Hutchinson, Kans., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the north course of the Hutchinson radio range extending from the radio range station to a point 10 miles north."

9. Section 601.2070 *St. Louis, Mo., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the back course of the St. Louis ILS localizer extending from the airport to a point 10 miles southwest of the Lake nondirectional radio beacon."

10. Section 601.2116 is amended to read:

§ 601.2116 *Moline, Ill., control zone.* Within a 5-mile radius of Quad City Airport and within 2 miles either side of the ILS localizer course extending from the localizer to a point 16 miles west.

11. Section 601.4016 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.)* is amended after "Lake Charles, La., radio range station;" by adding the following reporting point: "Lafayette, La., nondirectional radio beacon;".

12. Section 601.104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.)*, is amended after "the intersection of the south course of the Fort Worth, Tex., radio range and the west course of the Dallas, Tex., radio range;" by adding the following reporting point: "the intersection of the south course of the Oklahoma City, Okla., radio range and a line bearing 259° True from the Ardmore, Okla., nondirectional radio beacon;".

13. Section 601.4272 is amended to read:

§ 601.4272 *Red civil airway No. 72 (Millville, N. J., to Paterson, N. J.).* Willow Grove, Pa. (Navy), radio range station.

14. Section 601.4292 *Red civil airway No. 92 (New York, N. Y., to Islip, N. Y.)* is revoked.

15. Section 601.4635 is amended to read:

§ 601.4635 *Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).* Lebec, Calif., fan marker.

16. Section 601.4636 is amended to read:

§ 601.4636 *Blue civil airway No. 36 (Thurman, Colo., to Kimball, Nebr.).* No reporting point designation.

17. Section 601.6024 is amended to read:

§ 601.6024 *VOR civil airway No. 24 control areas (Aberdeen, S. Dak., to Redwood Falls, Minn.).* All of VOR civil airway No. 24 including north alternates.

18. Section 601.6065 *VOR civil airway No. 65 control areas (Columbia, Mo., to Des Moines, Iowa)* is revoked.

19. Section 601.6125 is amended to read:

§ 601.6125 *VOR civil airway No. 125 control areas (Anthony, Kans., to Hutchinson, Kans.).* All of VOR civil airway No. 125.

20. Section 601.6132 is added to read:

§ 601.6132 *VOR civil airway No. 132 control areas (Goodland, Kans., to Hutchinson, Kans.).* All of VOR civil airway No. 132.

21. Section 601.6144 is added to read:

§ 601.6144 *VOR civil airway No. 144 control areas.* [Unassigned.]

22. Section 601.6145 is added to read:

§ 601.6145 *VOR civil airway No. 145 control areas (Utica, N. Y. to Watertown, N. Y.).* All of VOR civil airway No. 145.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. February 16, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-939; Filed, Feb. 10, 1954; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6064]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RAY R. GOLDIE ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.70 *Fictitious or misleading guarantees;* § 3.155 *Prices:* Exaggerated as regular and customary; usual as reduced, special, etc.; § 3.200 *Sample, offer or order conformance:* § 3.235 *Source or origin:* Maker; place: *Imported products or parts as domestic;* § 3.240 *Special or limited offers;* § 3.260 *Terms and conditions;* § 3.275 *Undertakings in general.* Subpart—*Appropriating trade name or mark wrongfully:* § 3.295 *Appropriating trade name or mark wrongfully:* Product. Subpart—*Misbranding or mislabeling:* § 3.1325 *Source or origin:* Maker or seller; place: *Imported product or parts as domestic.* Subpart—*Misrepresenting oneself and goods*—Goods: § 3.1745 Source or origin: Maker; place: *Imported product or parts as domestic;* Subpart—*Misrepresenting oneself and goods*—Prices: § 3.1805 *Exaggerated as regular and customary;* § 3.1825 *Usual as reduced or to be increased.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1980 *Guarantee, in general;* § 3.2000 *Limited offers or supply;* § 3.2060 *Sample, offer or order conformance;* § 3.2080 *Terms and conditions;* § 3.2090 *Undertakings, in general.* Subpart—*Passing off:* § 3.2105 *Passing off.* Subpart—*Simulating competitor or another or product thereof:* § 3.2240 *Trade name of competitor or another.* Subpart—*Using misleading name*—Goods: §3.2345 *Source or origin:* Maker; place: *Foreign product or parts as domestic.* In connection with the offering for sale, sale, and distribution of sewing machines, vacuum cleaners, or other merchandise in commerce: (1) Offering for sale, selling or distributing sewing machines, of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof; (2) using the word "Universal" or any simulation thereof as a brand or trade name or in any other manner to designate, describe, or refer to sewing machines or representing, through the use of any other words or in any other manner that respondents' sewing machines or any part thereof are made by any other than the actual manufacturer; (3) representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered; (4) representing, directly or by implication, that attachments are included with their rebuilt vacuum cleaners unless such is the fact; (5) representing, directly or by implication, that offers are limited as to time when they are continuous offers; (6) representing, directly or by implication, that any merchandise is guaranteed unless the nature and extent of the guarantee and the manner and form in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and (7) representing, directly or by implication, that the usual or customary price of any merchandise is in excess of the price at which said merchandise is regularly and customarily sold in the normal course of business, or that the price at which any merchandise is regularly and customarily sold in the normal course of business is a reduced price; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45)

[Cease and desist order, Ray R. Goldie et al, d. b. a. Mercury Vacuum Stores, etc., San Bernardino, Calif., Docket 6064, January 14, 1954.]

In the Matter of Ray R. Goldie and David Bachman, Individually and as Copartners Doing Business as Mercury Vacuum Stores and Mercury Vacuum Cleaner Stores

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices and unfair methods of competition in commerce in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated January 21, 1954, through the consent settlement procedure provided in Rule V of the Commission's Rules of Practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on January 14, 1954, and ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondents Ray R. Goldie and David Bachman, individually and as copartners doing business as Mercury Vacuum Stores and Mercury Vacuum Cleaner Stores, or doing business under any other name, and their representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of sewing machines, vacuum cleaners or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing sewing machines, of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof.

2. Using the word "Universal" or any simulation thereof as a brand or trade name or in any other manner to designate, describe or refer to sewing machines or representing, through the use of any other words or in any other manner that their sewing machines or any part thereof are made by any other than the actual manufacturer.

3. Representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered.

4. Representing, directly or by implication, that attachments are included with their rebuilt vacuum cleaners unless such is the fact.

5. Representing, directly or by implication, that offers are limited as to time when they are continuous offers.

6. Representing, directly or by implication, that any merchandise is guaranteed unless the nature and extent of the guarantee and the manner and form in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

7. Representing, directly or by implication, that the usual or customary price of any merchandise is in excess of the price at which said merchandise is regularly and customarily sold in the normal course of business, or that the price at which any merchandise is regularly and customarily sold in the normal course of business is a reduced price.

It is further ordered, That the respondents, Ray R. Goldie and David Bachman, individually and as copartners doing business as Mercury Vacuum Stores and Mercury Vacuum Cleaner Stores, shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 21, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, JR., *Secretary.*

[F. R. Doc. 54-966; Filed, Feb. 10, 1954; 8:52 a. m.]

[1] Filed as part of the original document.

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter A—Helium and Coal

PART 1—PRODUCTION AND SALE OF HELIUM

PURCHASE PRICE AND INITIAL ADVANCE FOR PURCHASE OF HELIUM

The regulations governing the production and sale of helium, §§ 1.1 to 1.21, are hereby amended by the amendment of § 1.2 and by the amendment of § 1.7 to take effect thirty days after publication in the FEDERAL REGISTER.

The principal effect of the amendment to § 1.2 is to increase the unit sale price of helium commensurate with increased production costs.

The amendment of § 1.7 is to make the requirements of this section consistent with the new price established in § 1.2.

1. Section 1.2 is amended to read as follows:

§ 1.2 *Purchase price of helium.* (a) The purchase price per unit of helium, at a helium plant to be selected by the Bureau, for helium of normal plant purity of 99.5 percent or more delivered at pressures not exceeding the normal plant pressure of approximately 2,500 pounds per square inch gage, shall be $19.00.

(b) *Minimum charge.* Notwithstanding the provisions of paragraph (a) of this section, the minimum charge for the helium delivered under any one contract shall be $380.00.

2. Section 1.7 is amended to read as follows:

§ 1.7 *Initial advance for purchase of helium.* The initial cash advance for purchase of helium may be computed as follows:

(a) *On account of purchase price.* (1) With applications for 500 units of helium or less: The full purchase price (not less than $380).

(2) With applications for more than 500 units of helium: $9,500, but the Bureau may require more.

(b) *On account of services.* The full amount of the estimated charges for the services to be rendered, not including charges for use of containers or tractors furnished by the Bureau.

(Sec. 3, 43 Stat. 1111, as amended; 50 U. S. C. 164)

The foregoing amendments are recommended for approval this 26th day of January 1954.

DOUGLAS MCKAY, *Secretary of the Interior.*

Approved: February 2, 1954.

DWIGHT D. EISENHOWER, *The White House.*

[F. R. Doc. 54-959; Filed, Feb. 10, 1954; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter S—Organized Reserves

PART 561—ARMY RESERVE

COMPOSITION

In § 561.1, paragraph (e) is amended to read as follows:

§ 561.1 *Composition.* • • •

(e) *Branches.* All members of the Army Reserve, except those in Retired Reserve, are assigned to one of the following branches:

(1) *Basic branches.* (i) Adjutant General's Corps.
(ii) Armor.
(iii) Artillery.
(iv) Chemical Corps.
(v) Corps of Engineers.
(vi) Finance Corps.
(vii) Infantry.
(viii) Military Police Corps.
(ix) Ordnance Corps.
(x) Quartermaster Corps.
(xi) Signal Corps.
(xii) Transportation Corps.

(2) *Special branches.* (i) Chaplains.
(ii) Judge Advocate General's Corps.
(iii) The following corps of the Army Medical Service:
(a) Army Nurse Corps.
(b) Dental Corps.
(c) Medical Corps.
(d) Medical Service Corps.
(e) Veterinary Corps.
(f) Women's Medical Specialists Corps.

(3) Women's Army Corps.

(4) Other branches, to which only Reserve personnel not on active duty may be assigned.
(i) Army Security.
(ii) Military Intelligence.
(iii) Staff Specialist.

[C1, AR 140-305, Jan. 20, 1954] (Sec. 251, 66 Stat. 495)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 54-972; Filed, Feb. 10, 1954; 8:54 a. m.]

PART 561—ARMY RESERVE

APPOINTMENT AS RESERVE COMMISSIONED OFFICERS OF THE ARMY FOR ASSIGNMENT TO ARMY MEDICAL SERVICE BRANCHES

In § 561.18 subdivisions (i) and (ii) of paragraph (d) (1) are amended, subparagraphs (1) and (2) of paragraph (k) are amended and a new subparagraph (3) is added to paragraph (k) as follows:

§ 561.18 *Appointment as Reserve Commissioned Officers of the Army for assignment to Army Medical Service branches.* • • •

(d) *Eligibility.* Applicants must meet the following requirements in addition to those shown in §§ 561.2 to 561.8.

(1) *Age.* (i) • • •

Grade	Age		
	WMSC	ANC	Other
Second lieutenant	20	20	26
First Lieutenant	33	33	33
Captain	39	39	39
Major	45	45	48
Lieutenant colonel		45	51
Colonel			55

(ii) • • •

Grade	Age		
	WMSC	ANC	Other
Second lieutenant	35	35	33
First lieutenant	40	40	38
Captain	43	43	43
Major			50
Lieutenant colonel			53

• • • • •

(k) *Army Nurse Corps.* (1) Applicants qualifying for appointment and assignment to the Army Nurse Corps branch must meet the following requirements:

(i) Be a graduate of a school of nursing offering not less than a 3-year basic curriculum acceptable to the Department of the Army. In the case of graduates of foreign schools, who are citizens of the United States, and otherwise qualified for appointment, applications will be forwarded to The Surgeon General, Department of the Army, Washington 25, D. C., Attn: MEDCM-OP, for final determination of the applicant's professional acceptability.

(ii) Be currently registered and/or licensed to practice professional nursing within the United States, Puerto Rico, Alaska and Hawaii. Waiver of registration or licensure may be granted to graduates of schools of nursing acceptable to the Department of the Army who apply for appointment within a period not later than 6 months subsequent to graduation. Such waiver will terminate on the first anniversary of date of appointment. Applicants failing to obtain professional registration and/or licensure by this date will be separated and their appointment terminated.

(2) • • •

Grade authorized for appointment	Minimum experience and type	Minimum education and content
Second lieutenant	No years	Graduate from basic nursing program.
First lieutenant	3 years active professional experience. Noncollege credit postgraduate clinical courses pursued in a hospital will be considered professional experience. or 2 years active and professional experience. } and	Graduate from basic nursing program. At least 15 semester credit hours in the physical, biological and social sciences, communications, humanities, or nursing earned in an accredited college or university. Such credits must be exclusive of those earned in the basic nursing program. Postgraduate clinical courses for which college credits have been granted may be honored toward the 15 semester credit requirement. Clinical courses credited toward the educational factor will not be credited toward experience.

(3) Applications for appointment and concurrent active duty may be accepted from senior students of nursing schools. If acceptable, such applicants should be furnished their appointments upon the successful completion of, or upon the day of graduation from schools of nursing. Recipients of appointments under this paragraph if not licensed or registered, must comply with the provisions of subparagraph (1) (ii) of this paragraph.

[C1, SR 140-105-6; Jan. 26, 1954] (Sec. 251, 66 Stat. 495)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 54-971; Filed, Feb. 10, 1954; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Regulation 10, Revision 1, Amdt. 4]

REG. 10—COLUMBIUM-TANTALUM PURCHASE PROGRAM

DELIVERIES AND CERTIFICATIONS

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as revised and amended, is further amended as follows:

Delete, in its entirety, section 7, and in lieu thereof substitute the following:

SEC. 7. *Deliveries and certification.* Deliveries of all purchases made under this program shall be in lots of not less than 2,000 pounds: *Provided, however*, That lots of not less than 1,000 pounds of material may be delivered under paragraphs (b) and (c) of section 5 of this regulation meeting the following content requirements:

	Percent
Ta_2O_5 minimum	40
Ta_2O_5 plus Cb_2O_5 minimum	70
TiO_2 maximum	4
SnO_2 maximum	4
TiO_2 plus SnO_2 maximum	5

All deliveries shall be (a) in the case of materials of foreign origin, c. i. f. Atlantic ports, and (b) in the case of materials of domestic source, f. o. b. depot of purchasing agent. Each lot offered to the Government hereunder shall be accompanied by a certificate disclosing the identity of the actual producer. In the event the seller is not the actual producer of the ore, the seller shall receive payment only in the amount of the base purchase price and the bonus payment shall be paid by the Government direct to the actual producer.

(Sec. 704, 64 Stat. 816, as amended; 67 Stat. 129; 67 Stat. 417; 50 U. S. C. App. Sup. 2154)

All other provisions of this regulation remain in full force and effect.

This amendment is effective immediately.

Dated: February 4, 1954.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 54-967; Filed, Feb. 10, 1954; 8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

NEWARK BAY, NEW JERSEY

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), and the provisions of the act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.60 (r) is hereby prescribed designating a special anchorage area on the southwesterly side of Newark Bay, and § 202.60 (q) is amended by a change in title and § 202.155 (b) (1) is amended by the insertion of a cross-reference note to § 202.60 (r), as follows:

§ 202.60 *Port of New York and vicinity.* • • •

(q) *Newark Bay, southeast area.* • • •

(r) *Newark Bay, southwest area.* That portion of the waters on the southwesterly side of Newark Bay, north of a line ranging from Kill Van Kull Light 16 through Kill Van Kull Light 18 and Kill Van Kull Channel Buoy 20, northeast of a line through Kill Van Kull Channel Buoy 20 perpendicular to the Singer Manufacturing Company's bulkhead, and southeast of a line 150 feet east of and parallel to the Singer Manufacturing Company's bulkhead, and south of a line 250 feet south of and parallel to the Central Railroad Company of New Jersey ridge and west of a line perpendicular to the dike at Kill Van Kull Light 16, excluding therefrom the "Pipe Line Area."

NOTE: The greater portion of this special anchorage is within the limits of general anchorage No. 34, described in § 202.155 (h) (1).

§ 202.155 *Port of New York.* • • •

(h) *Newark Bay*—(1) *Anchorage No. 34.* • • •

NOTE: A portion of this general anchorage is described as a special anchorage in § 202.60 (r).

[Regs., Aug. 22, 1953, 800.212 (Newark Bay)—ENGWO] (38 Stat. 1053, 54 Stat. 150; 33 U. S. C. 180, 471)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-970; Filed, Feb. 10, 1954; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 201]

Geological Survey

[30 CFR Part 250]

OUTER CONTINENTAL SHELF

OIL AND GAS AND SULPHUR LEASES AND OPERATIONS

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462), it is proposed to issue regulations governing the issuance and recognition of mineral leases covering submerged lands in the outer Continental Shelf, together with oil and gas and sulphur lease forms, and also regulations governing operations under oil and gas and sulphur leases covering submerged lands in the outer Continental Shelf. Tentative drafts of the proposed regulations and lease forms submitted by the Director of the Bureau of Land Management and the Geological Survey, respectively, are set forth as Appendices A and B to this notice.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations or forms to the Office of the Solicitor, Department of the Interior, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Among other things, comment is invited respecting the advisability of specifying in these regulations the sections or parts of sections which are regarded as being a "rule or regulation prescribed by the Secretary for the prevention of waste, the conservation of natural resources, or the protection of correlative rights" within the meaning of section 5 (a) (2) of the act, and, if advisable, which sections or parts of sections should be so designated. Comment is also invited as to the desirability of limiting the proposed regulations to oil and gas and adopting separate regulations to cover sulphur and other minerals.

It is contemplated that well spacing, field rules, and field and well allowables will be the subject of additional regulations as to which the public will have an opportunity to present its views prior to promulgation.

Dated: February 4, 1954.

RALPH TUDOR,
Acting Secretary of the Interior.

APPENDIX A

Title 43, Chapter I

[Circular No. —]

PART 201—MINERAL DEPOSITS IN THE OUTER CONTINENTAL SHELF

A new Part 201 is added, reading as follows:

GENERAL PROVISIONS

Sec.
201.1 Purpose and authority.
201.2 Persons qualified to hold leases.
201.3 Leasing units.
201.4 Helium.
201.5 Fissionable materials.
201.6 Payments due under lease.

COOPERATIVE CONSERVATION PROVISIONS

201.10 Unit plans, pooling, and drilling agreements.
201.11 Application for approval of unit plan.
201.12 Pooling or drilling agreements.
201.13 Subsurface storage of oil or gas.
201.14 Directional drilling.

ISSUANCE OF LEASES

201.20 Kind and term.
201.21 Notice of lease offer.
201.22 What must accompany bids.
201.23 Award of lease.
201.24 Form.
201.25 Dating of leases.

RENTALS AND ROYALTIES

201.40 Rentals.
201.41 Royalties.
201.42 Minimum royalty.
201.43 Limitation of overriding royalty.
201.44 Compensatory payments; extension of lease.

[redacted]

201.50 Amount of bond required of lessee.
201.51 Form of bond.

ASSIGNMENTS OR TRANSFERS

201.60 Assignment of leases or interests therein.
201.61 Requirement for filing of transfers.
201.62 Separate assignments required for transfer of record title to leases.
201.63 Effect of assignment of particular tract.

TERMINATION OF LEASES

201.80 Relinquishment of leases or parts of leases.
201.81 Cancellation of leases.

SUSPENSION OF OPERATIONS AND PRODUCTION; ROYALTY AND RENTAL RELIEF

201.90 Suspension of operations and production; royalty and rental relief.

MINERAL LEASES AFFECTED BY SECTION 6 OF OUTER CONTINENTAL SHELF LANDS ACT

201.110 Effect of regulations on provisions of lease.
201.111 Leases of other minerals.
201.112 Bonds.
201.113 Wells.
201.114 Contracts for disposal of products.
201.115 Inspection.
201.116 Diligence; compliance with regulations and orders.
201.117 Wages, freedom of purchase.
201.118 Nondiscrimination.
201.119 Purchase of production.
201.120 Suspension of operations during war or national emergency.
201.121 Restriction of exploration and operations.
201.122 Geological and geophysical exploration; rights-of-way.
201.123 Leases of sulphur and other mineral.
201.124 Removal of property on termination of lease.
201.125 Remedies in case of default.
201.126 Heirs and successors in interest.

APPEALS

201.150 Appeals.

AUTHORITY: §§ 201.1 to 201.150 issued under sections 5, 6 and 8, 67 Stat. 464.

GENERAL PROVISIONS

§ 201.1 *Purpose and authority.* The Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462), referred to in this part as "the act", among other things, authorizes the Secretary of the Interior to issue on a competitive basis leases for oil and gas, sulphur, and other minerals in submerged lands of the outer Continental Shelf, as defined in section 2 of the act.

§ 201.2 *Persons qualified to hold leases.* Mineral leases issued pursuant to section 8 of the act can be held only by citizens of the United States over 21 years of age, associations of such citizens, States, political subdivisions of a State, or private, public, or municipal corporations organized under the laws of the United States or of any State or Territory thereof.

§ 201.3 *Leasing units.* (a) Any area of the outer Continental Shelf which has been designated as a leasing unit and appropriately platted as provided in paragraph (b) of this section is subject to lease for any mineral not included in a subsisting lease issued under the act or meeting the requirements of subsection (a) of section 6 of the act, unless before any lease is offered or issued the unit is (1) withdrawn from disposition pursuant to section 12 (a) of the act, or (2) designated as an area or part of an area restricted from operation under section 12 (d) of the act.

(b) As the need arises, the Bureau of Land Management will prepare official leasing maps of areas of the outer Continental Shelf, which will be subdivided into leasing units. These maps shall be prepared in such detail as will afford an official description with dimensions and the acreage of each leasing unit, together with its position with reference to established official monuments on the mainland. The area included in each mineral lease shall be described in accordance with the official leasing map. Where leasing units were established by a State with respect to the outer Continental Shelf, those units will be adopted and new units will conform to the pattern thus established.

(c) Each oil and gas or sulphur lease issued pursuant to section 8 of the act shall cover a compact area, which shall not exceed 5,760 acres.

§ 201.4 *Helium.* Each lease issued or continued under the act shall be subject to a reservation by the United States of the ownership of and the right to extract helium from all gas produced from under the lease, subject to such rules and regulations as shall be prescribed by the Secretary of the Interior. In case the United States elects to take the helium, the lessee shall deliver all gas containing helium, or the portion of gas desired, to the United States at any point on the leased area in the manner required by the United States, for the extraction of helium in such plant or reduction works for that purpose as the United States may provide, whereupon the residue shall be returned to the lessee with no substantial delay in the delivery of gas produced from the well to the purchaser thereof. The lessee shall not suffer a diminution of value of the gas from which the helium has been extracted, or loss otherwise, for which he is not reasonably compensated, save for the value of the helium extracted. The United States shall have the right to erect, maintain, and operate on the leased area any and all reduction works and other equipment necessary for the extraction of helium.

§ 201.5 *Fissionable materials.* In accordance with section 12 (e) of the act each lease issued shall contain a reservation to the United States of all uranium, thorium, and all other materials determined pursuant to paragraph (1) of subsection (b) of section 5 of the Atomic Energy Act of 1946, as amended, to be peculiarly essential to the production of fissionable material, contained, in whatever concentration in deposits in the subsoil and sea bed of the outer Continental Shelf and leases continued under section 6 of the act will be subject to the same reservation.

§ 201.6 *Payments due under lease.* All payments required by the act or the regulations in this part shall be made to the oil and gas supervisor of the Geological Survey for the region in which the leased area is situated unless otherwise provided by the regulations in this part or directed by the Secretary. All such payments should be made by check, bank draft, or money order payable to the Treasurer of the United States.

COOPERATIVE CONSERVATION PROVISIONS

§ 201.10 *Unit plans, pooling, and drilling agreements.* Section 5 (a) (1) of the act authorizes the Secretary in the interest of conservation to provide for unitization, pooling and drilling agreements. Such agreements may be initiated by lessees or where in the interest of conservation they are deemed necessary they may be required by the Secretary.

§ 201.11 *Application for approval of unit plan.* The procedure for obtaining the approval of a unit plan of development is contained in 30 CFR Part 226, "Unit or Cooperative Agreements". All applications to unitize and all documents incident thereto shall be filed in the office of the oil and gas supervisor, Geological Survey, for the region in which the unit area is situated.

§ 201.12 *Pooling or drilling agreements.* (a) With the approval of the Secretary, pooling or drilling agreements may be made between lessees for the purposes of (1) utilizing a common drilling platform to develop adjacent or adjoining leases; (2) permitting operators or pipeline companies to enter into contracts involving a number of leases sufficient to justify operations on a large scale for the discovery, development, production or transportation of oil and gas, sulphur, or other minerals and to finance the same; or (3) for other purposes in the interest of conservation.

(b) A contract submitted for approval under these provisions should be filed with the oil and gas supervisor, together with enough copies to permit retention of 5 copies by the Department after approval. Complete details must be furnished in order that the Secretary may have facts upon which to make a definite determination and prescribe the conditions on which the contract is approved.

§ 201.13 *Subsurface storage of oil or gas.* (a) In order to avoid waste or to promote conservation of natural resources, the Secretary, upon application by the interested parties, may authorize the subsurface storage of oil or gas in the lands of the outer Continental Shelf, whether or not produced from the outer Continental Shelf. Such authorization will provide for the payment of such storage fee or rental on the stored oil or gas as may be determined adequate in each case, or, in lieu thereof, for a royalty other than that prescribed in any lease of the area involved when such stored oil or gas is produced in conjunction with oil or gas not previously produced. Any lease of an area used for the storage of oil or gas shall not be deemed to expire during the period of such storage and so long thereafter as oil or gas not previously produced is produced in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon.

(b) Applications for subsurface storage shall be filed in triplicate with the oil and gas supervisor and shall disclose the ownership of the lands or interests in the lands involved, the parties in interest, the storage fee, rental, or royalty offered to be paid for such storage and all essential information showing the necessity for such storage. Enough copies of the final agreement signed by the parties in interest shall be submitted for the approval of the Secretary to permit retention of 5 copies by the Department after approval.

§ 201.14 *Directional drilling.* A lease may be maintained in force by directional wells drilled under the leased area from surface locations on adjacent or adjoining land not covered by the lease. In such circumstances, drilling shall be considered to have been commenced on the leased area when drilling is commenced on the adjacent or adjoining land for the purpose of directionally drilling under the leased area through any directional well surfaced on adjacent or adjoining land and production, drilling, or reworking of any such directional well shall be considered production or drilling or reworking operations (as the case may be) on the leased area for all purposes of the lease.

ISSUANCE OF LEASES

§ 201.20 *Kind and term.* In accordance with the provisions of section 8 of the act, all leases will be issued competitively upon the Department's motion or upon a request describing the area and expressing an interest in leasing a unit or units addressed to the Director, Bureau of Land Management, Washington 25, D. C., hereinafter referred to as the Director, with a copy to the oil and gas supervisor. From time to time the Director may issue calls for the submission of requests for oil and gas lease offerings in specified areas. Leases will be awarded to the highest qualified bidder on the basis specified in the notice of lease offer. No lease will be offered for less than a full unit except upon a satisfactory showing of the need therefor. All oil and gas leases shall be for a term of 5 years and so long thereafter as oil or gas may be produced from the leased lands in paying quantities or drilling or well reworking operations, as approved by the Secretary, are conducted thereon. All sulphur leases shall be for a term of 10 years and so long thereafter as sulphur may be produced from the leased area in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are conducted thereon. Other mineral leases shall be for such terms as may be prescribed by the Secretary at the time of offering the leases.

§ 201.21 *Notice of lease offer.* Notice of the offer of lands for lease will be given by publication at the expense of the United States in such publications as the Director may authorize and the first publication shall be at least 30 days

prior to the date of sale. The notice will set the place, date, and hour at which the bids will be opened. All sealed bids in response to any such notice must be filed in the office of the Director, Bureau of Land Management, Washington 25, D. C., prior to the time set for opening bids. The notice may contain special conditions which will become part of the lease to be issued.

§ 201.22 *What must accompany bids.* (a) A separate bid must be submitted for each lease unit described in the notice of lease offer. A bid may not be submitted for less than an entire unit. Each bidder must submit with his bid a certified or cashier's check on a solvent bank, or a money order or cash, for one-fifth of the amount of the cash bonus. If the bidder is an individual, he must submit with his bid a statement of his citizenship. If the bidder is an association (including a partnership), the bid shall be accompanied also by a certified copy of the articles of association or appropriate reference to the record of the Bureau of Land Management in which such a copy has already been filed, with a statement as to any subsequent amendments. If the bidder is a corporation, the following additional information shall be submitted with the bid:

(1) A certified copy of the articles of incorporation or appropriate reference to the record of the Bureau of Land Management in which such a copy has already been filed, with a statement as to any subsequent amendments.

(2) A copy either of the minutes of the meeting of the board of directors or of the by-laws indicating that the officer signing the bid has authority to do so, or, in lieu of such a copy, a certificate of the secretary or the assistant secretary of the corporation to that effect, over the corporate seal.

(b) All bidders are warned against violation of the provisions of Title 18 U. S. C. Section 1860, prohibiting unlawful combination or intimidation of bidders.

§ 201.23 *Award of lease.* Following the public opening of the sealed bids as provided for in the notice of lease offer, the Director, subject to his right to reject any and all bids because of foreign stock ownership or other reasons in the public interest, will award the lease to the successful bidder. Notice of his action will be transmitted promptly to the several bidders. If the lease is awarded, three copies of the lease will be sent to the successful bidder and he will be required within 30 days from his receipt thereof to execute them, pay the first year's rental, the balance of the bonus bid, and file a bond as required in § 201.50. Deposits on rejected bids will be returned. If the successful bidder fails to execute the lease or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the act. If before the lease is executed on behalf of the United States the land is withdrawn or restricted from leasing, his deposit will be refunded. If the awarded lease is executed by an agent acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the agent to execute the lease. When the three copies of the lease are executed by the successful bidder and returned to the Director, the lease will be assigned a serial number and will be executed on behalf of the United States, and one fully executed copy will be mailed to the successful bidder. If the Director fails to award a lease or to reject all bids within 30 days after the day upon which the bids are opened, any bidder may withdraw his bid by written notice of withdrawal given to the Director. Should any bid be withdrawn, the remaining bids will be considered and acted upon by the Director in the same manner as if the withdrawn bid had not been submitted, subject to the right of the Director to reject any and all bids.

§ 201.24 *Form.* Oil and gas leases will be issued on Form 4–____;[1] and sulphur leases on Form 4–____.[1] Other mineral leases will be issued on such forms as may be prescribed by the Secretary.

§ 201.25 *Dating of leases.* All leases issued under the regulations in this part will be effective as of the first day of the month following the date the leases are signed on behalf of the lessor, except that, when prior written request is made, a lease may be dated and become effective as of the first day of the month within which it is so signed.

RENTALS AND ROYALTIES

§ 201.40 *Rentals.* An annual rental shall be due and payable in advance on the first day of each lease year prior to discovery at the rate specified in the lease. The owner of any lease created by the assignment of a portion of a producing lease and on which assigned portion there is no discovery shall be required to pay such annual rental for each lease year following the year in which the assignment became effective and prior to a discovery on such segregated portion.

§ 201.41 *Royalties.* Royalties shall be at the rate specified in the lease but in no event shall the royalty on oil and gas be less than 12½ percent, nor on sulphur less than 5 percent.

§ 201.42 *Minimum royalty.* Each lessee shall pay the minimum royalty specified in the lease at the end of each lease year beginning with the first lease year following a discovery on the lease.

§ 201.43 *Limitation of overriding royalty.* (a) Any agreement to create overriding royalties or payments out of the production of any oil and gas lease which, when added to overriding royalties or payments out of production previously created aggregate in excess of 5 percent shall be deemed a violation of the terms of the lease unless such agreement expressly provides that the obligation to pay such excess overriding royalty or payments out of production shall be suspended when the average production per well per day average on the monthly basis is (1) as to oil, 50 barrels or less and (2) as to gas, 1,500,000 cubic feet or less. The limitations in this section will apply separately to any zone or portion of a lease segregated for computing Government royalty.

(b) With respect to other mineral leases an overriding royalty interest may be created by assignment or otherwise: *Provided, however,* That if the total of the overriding royalty interests at any time exceeds one percent of the gross value of the output at the point of shipment to market, they shall be subject to reduction or suspension by the Secretary to a total of not less than one percent of such gross value, whenever, in the interest of conservation, it appears necessary to do so in order to prevent premature abandonment. Where there is more than one overriding royalty interest any such suspension or reduction shall be applied to the respective interests in the manner agreed upon by the holders thereof or in the absence of such agreement in the inverse order of the dates of creation of such interests.

§ 201.44 *Compensatory payments, extension of lease.* In the event that an oil and gas lessee makes compensatory payments as provided in 30 CFR 250.33 and in the event that the lease is not being maintained in force by other production of oil or gas in paying quantities or by other approved drilling or reworking operations, such payments shall be considered as the equivalent of production in paying quantities for all purposes of the lease.

§ 201.50 *Amount of bond required of lessee.* The successful bidder prior to the issuance of an oil and gas or sulphur lease must furnish a corporate surety bond in the sum of $15,000 conditioned on compliance with all of the terms of the lease, unless he already maintains or furnishes a bond in the sum of $100,000 conditioned on compliance with the terms of oil and gas and sulphur leases held by him on the outer Continental Shelf in the (a) Gulf of Mexico, (b) along the Pacific or (c) along the Atlantic Coast as may be appropriate. An operator's bond in the same amount may be substituted at any time for the lessee's bond. The United States reserves the right to require additional security in the form of a supplemental bond or bonds or to increase the coverage of an existing bond if, after operations or production have begun, such additional security is deemed necessary. The amount of bond coverage on leases for other minerals will be determined at the time of the offer to lease and will be stated in the notice of lease offer.

§ 201.51 *Form of bond.* Bonds furnished by lessee will be on Form 4–____. In place of a surety bond a lessee or operator may furnish his personal bond and deposit therewith United States bonds in a sum equal at their par value to the amount of the surety bond.

ASSIGNMENTS OR TRANSFERS

§ 201.60 *Assignment of leases or interests therein.* Leases may be assigned in whole or as to any officially platted unit subject to the approval of the Director, to any one qualified under § 201.2 to take and hold a lease. Any assignment made under this section shall, upon approval, be deemed to be effective on and after the first day of the lease month following its filing in the Bureau of Land Management, Washington 25, D. C., unless at the request of the parties an earlier date is specified in the Director's approval. The assignor shall be liable for all obligations under the lease accruing prior to the approval of the assignment.

§ 201.61 *Requirements for filing of transfers.* (a) (1) All instruments of transfer of a lease or of an interest therein, including assignments of working or royalty interests, and operating agreements, and subleases, must be filed for approval within 90 days from the date of final execution with a statement over the transferee's own signature with respect to citizenship and qualifications similar to that required of a lessee and must contain all of the terms and conditions agreed upon by the parties thereto.

(2) An application for approval of any instrument of transfer of a lease or interest therein, including operating and royalty interests, must be accompanied by a fee of $10, and an application not accompanied by payment of such a fee will not be accepted for filing. Such fee will not be returned even though the application later be withdrawn or rejected in whole or in part.

(b) Where an attorney in fact, in behalf of the holder of a lease, operating agreement or of a royalty interest in a producing lease, signs an assignment of the agreement, lease, or interest, or signs the application for approval, there must be furnished evidence of the authority of the attorney in fact to execute the assignment or application and the statement required by § 201.22.

(c) If a bond is necessary under §§ 201.50 and 201.51, it must be furnished. Where an assignment does not create separate leases the assignee, if the assignment so provides and the surety consents, may become a joint principal on the bond with the assignor. Any assignment which does not convey the assignor's record title in all the lands in the lease must also be accompanied by consent of his surety to remain bound under the bond of record for the lease interest retained by said assignor. If any overriding royalty or payments out of production are created which are not shown in the instrument or agreement, a statement must be submitted describing them. If payments out of production are reserved, a statement should be submitted stating the details as to the amount, method of payment, and other pertinent terms. Assignments of record title interests must be filed in triplicate. A single copy of any additional information relating to citizenship and qualifications of corporations will be sufficient. A single executed copy of all other instruments of transfer or of an operating agreement is sufficient.

(d) In order for the heirs or devisees of a deceased holder of a lease, or any interest therein, to be recognized by the Department as the lawful successor to such lease or interest, evidence of their status as such heirs or devisees must be furnished in the form of a certified copy of an appropriate order or decree of the court having jurisdiction of the distribution of the estate or, if no court action is necessary, the statements of two disinterested parties having knowledge of the facts or a certified copy of the will, and, in all cases, the statements of the heirs or devisees that they are the persons named as successors to the estate with evidence of their qualifications as provided in § 201.22. In the event such heirs or devisees are unable to qualify to hold the lease or interest they will nevertheless be recognized as the lawful successors of the deceased for a period of not to exceed 2 years from the date of death of their predecessor in interest.

§ 201.62 *Separate assignments required for transfer of record title to leases.* A separate instrument of assignment must be filed for each lease when transfers involve record titles. When transfers to the same person, association, or corporation, involving more than one lease are filed at the same time for approval, one request for approval and one showing as to the qualifications of the assignee will be sufficient.

§ 201.63 *Effect of assignment of particular tract.* (a) When an assignment is made of all of the record title to a portion of the acreage in a lease, the assigned and retained portions become segregated into separate and distinct leases. The assignee becomes a lessee of the Government as to the segregated tract and is bound by the terms of the lease as though he had obtained the lease from the United States in his own name, and the assignment after its approval will be the basis of a new record.

(b) In the case of assignments of oil and gas leases, the segregated leases shall continue in full force and effect for the original 5-year term of the original lease but for not less than two years after the date of discovery of oil or gas in paying quantities upon any other segregated portion of the lands originally subject to such lease. Where an assignment is made of a part of an oil and gas lease which is in its extended term because of production, the segregated lease of any undeveloped lands shall continue in full force and effect for two years and so long thereafter as oil or gas is produced in paying quantities.

TERMINATION OF LEASES

§ 201.80 *Relinquishment of leases or parts of leases.* A lease or any officially platted subdivision thereof may be surrendered by the record title holder by filing a written relinquishment, in triplicate, with the Director's office. A relinquishment shall take effect on the date it is filed subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to abandon all wells on the land to be relinquished to the satisfaction of the oil and gas supervisor.

§ 201.81 *Cancellation of leases.* Any nonproducing lease may be cancelled by the Secretary of the Interior whenever the lessee fails to comply with any provision of the act or lease or applicable regulations in force and effect on the date of the issuance of the lease, if such failure to comply continues for 30 days after mailing of notice by registered letter to the lease owner at his record post office address. Producing leases may be cancelled for such failure only by judicial proceedings in the manner prescribed in section 5 (b) (2) of the act. Any lease, whether producing or not, will be cancelled by the Secretary of the Interior upon proof that it was obtained by fraud or misrepresentation, and after notice and opportunity to be heard has been afforded to the lessee.

SUSPENSION OF OPERATIONS AND PRODUCTION; ROYALTY AND RENTAL RELIEF

§ 201.90 *Suspension of operations and production; royalty and rental relief.* (a) In addition to the provisions of section 12 (c) and (d) of the act, in the event that the Director of the Geological Survey in the interest of conservation directs the suspension of both operations and production with respect to any lease pursuant to the applicable provisions of the operating and conservation regulations for the outer Continental Shelf, no payment of rental or royalty will be required during the period of suspension; and the term of the lease will be extended by a period equivalent to the period of suspension. In the event that the Director of the Geological Survey assents, at the request of a lessee, to a suspension of both operations and production under a lease or directs or assents to a suspension of operations only or production only, the term of the lease will not be deemed to expire so long as the suspension remains in effect but the lessee will not be relieved of his obligation to pay rental, minimum royalty, or royalty, as the case may be, during the term of suspension. In the event a lessee holds a lease which contains only a well or wells capable of producing gas in paying quantities but which gas cannot be produced because of the lack of transportation facilities, the Director of the Geological Survey shall, upon application, grant producing relief subject to the conditions of this paragraph for a maximum period not to exceed five years commencing with the lease year beginning on or after the date of discovery. Any further suspension will be granted only pursuant to the other provisions of this paragraph.

(b) In order to increase the ultimate recovery of minerals and in the interest of conservation, the Director of the Geological Survey, whenever he determines it necessary to promote development or finds that a lease cannot be successfully operated under the terms provided therein, may reduce the rental, minimum royalty, or royalty on the entire leasehold, or on any deposit, tract, or portion thereof segregated for royalty purposes. An application for any of the above benefits shall be filed in triplicate with the Director of the Geological Survey. It must contain the serial number of the lease; the name of the record title holder; a description of the area included in the lease; the number, location, and status of each well that has been drilled; a tabulated statement for each

[1] Forms filed as part of the original document.

month, covering a period of not less than six months prior to the date of filing the application, of the aggregate amount of minerals subject to royalty computed in accordance with the operating and conservation regulations for the outer Continental Shelf. Every application must also contain a detailed statement of expenses and costs of operating the entire lease and of the income from the sale of any leased products, and all facts tending to show whether the wells or workings can be successfully operated upon the rental or royalty fixed in the lease. Where the application is for a reduction of royalty, full information shall be furnished as to whether royalties or payments out of production are paid to others than the United States, the amounts so paid, and efforts made to reduce them. The applicant must also file agreements of the holders of the lease and of royalty holders to a permanent reduction of all other royalties from the leasehold to an aggregate not in excess of one-half the Government royalties.

MINERAL LEASES AFFECTED BY SECTION 6 OF OUTER CONTINENTAL SHELF LANDS ACT

§ 201.110 *Effect of regulations on provisions of lease.* (a) As contemplated by section 6 (b) of the act, the preceding regulations in this part so far as they are applicable and the following regulations will supersede the provisions of any lease which is determined to meet the requirements of section 6 (a) of the act, to the extent that they cover the same subject matter, with the following exceptions: The provisions of a lease with respect to the area covered by the lease, the minerals covered by the lease, the rentals payable under the lease, the royalties payable under the lease (subject to the provisions of sections 6 (a) (8) and 6 (a) (9) of the act), and the term of the lease (subject to the provisions of section 6 (a) (10) of the act and, as to sulphur, subject to the provisions of section 6 (b) (2) of the act) shall continue in effect and, in the event of any conflict or inconsistency, shall take precedence over those regulations.[3]

(b) A lease that meets the requirements of section 6 (a) of the act shall also be subject to the operating and conservation regulations applicable to the outer Continental Shelf,[3] as well as the regulations relating to geophysical and geological exploratory operations and to pipeline rights-of-way in the outer Continental Shelf, to the extent that those regulations are not contrary to or inconsistent with the provisions of the lease relating to the area covered, the minerals covered, the rentals payable, the royalties payable, and the term of the lease.

§ 201.111 *Leases of other minerals.* The existence of a lease that meets the requirements of section 6 (a) of the act will not preclude the issuance of other leases of the same area for deposits of other minerals: *Provided*, That no lease of minerals other than those covered by the lease shall authorize or permit the lessee thereunder unreasonably to interfere with or endanger operations under the existing lease: *And provided further*, That no sulphur leases will be granted by the United States on any area while such area is included in a lease covering sulphur under section 6 (b) of the act.

§ 201.112 *Bonds.* (a) Prior to February 7, 1954, or within such further period or periods as may be fixed from time to time by the Director, the lessee under a lease meeting the requirements of section 6 (a) of the act must furnish a bond as provided in § 201.50.

§ 201.113 *Wells.* (a) After due notice in writing, the lessee shall drill and produce such wells as the Secretary may reasonably require in order that the leased area or any part thereof may be properly and timely developed and produced in accordance with good operating practice.

(b) At the election of the lessee, the lessee may drill and produce other wells in conformity with any system of well spacing or production allotments affecting the area, field, or pool in which the leased area or any part thereof is situated, which is authorized or sanctioned by applicable law or by the Secretary.

§ 201.114 *Contracts for disposal of products.* The lessee under any oil and gas lease shall file with the oil and gas supervisor of the Geological Survey, not later than 30 days after the effective date thereof, any contract or evidence of other arrangement for the sale or disposal of lease products. Nothing in any such contract or other arrangements shall be construed as modifying any of the provisions of the lease or of the regulations applicable to the lease.

§ 201.115 *Inspection.* The lessee shall keep open at all reasonable times for the inspection of any duly authorized officer of the Department of the Interior, the leased area and all wells, improvements, machinery and fixtures thereon and all books, accounts, maps and records relative to operations and surveys or investigations on or with regard to the leased area or under the lease.

§ 201.116 *Diligence; compliance with regulations and orders.* The lessee shall exercise reasonable diligence in drilling and producing the wells herein provided for; shall carry on all operations in accordance with approved methods and practices as provided in the operating and conservation regulations for the outer Continental Shelf, having due regard for the prevention of waste of oil or gas or damage to deposits or formations containing oil, gas, or water or to coal measures or other mineral deposits, for conservation of gas energy, for the preservation and conservation of the property for future productive operations, and for the health and safety of workmen and employees; shall plug properly and effectively all wells drilled in accordance with the provisions of the lease before abandoning the same; shall remove all structures when no longer required for operations under the lease to sufficient depth beneath the surface of the waters to prevent them from being a hazard to navigation; and shall carry out at expense of the lessee all lawful and reasonable orders of the lessor relative to the matters in this section. On failure of the lessee so to do the lessor shall have the right to enter on the property and to accomplish the purpose of such orders at the lessee's cost: *Provided*, That the lessee shall not be held responsible for delays or casualties occasioned by causes beyond the lessee's control.

§ 201.117 *Wages, freedom of purchase.* The lessee shall accord all workmen and employees directly engaged in any of the operations under the lease complete freedom of purchase, and shall pay all wages due such workmen and employees at least twice each month in the lawful money of the United States.

§ 201.118 *Nondiscrimination.* The lessee shall not discriminate against any employee, or applicant for employment, because of race, creed, color, or national origin, and shall require an identical provision to be included in all sub-contracts relating to operations under his lease.

§ 201.119 *Purchase of production.* In time of war, or when the President of the United States shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all or any portion of the oil or gas produced from the leased area, as provided in section 12 (b) of the act.

§ 201.120 *Suspension of operations during war or national emergency.* Upon recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President of the United States after August 7, 1953, the Secretary is authorized to suspend any or all operations under a lease, as provided in section 12 (c) of the act: *Provided*, That just compensation shall be paid by the United States to the lessee whose operations are thus suspended.

§ 201.121 *Restriction of exploration and operations.* The United States shall have the right, as provided in section 12 (d) of the act, to restrict from exploration and operations the leased area or any part thereof which may be designated by and through the Secretary of Defense, with the approval of the President of the United States, as, or as part of, an area of the outer Continental Shelf needed for national defense. So long as such designation remains in effect no exploration or operations may be conducted on the surface of the leased area or the part thereof included within the designation except with the concurrence of the Secretary of Defense. If operations or production under any lease within any such restricted area shall be suspended, any payments of rentals, minimum royalty, and royalty prescribed by such lease likewise shall be suspended during such period of suspension of operations and production, and the term of such lease shall be extended by adding thereto any such suspension period, and the United States shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States.

§ 201.122 *Geological and geophysical exploration; rights-of-way.* The United States reserves the right to authorize the conduct of geological and geophysical exploration in the leased area which does not interfere with or endanger actual operations under the lease and the right to grant such easements or rights-of-way, upon, through, or in the leased area as may be necessary or appropriate to the working of other lands containing the deposits described in the act, and to the treatment and shipment of products thereof by or under authority of the Government, its lessees or permittees, and for other public purposes, subject to the provisions of section 5 (c) of the act where they are applicable and to all lawful and reasonable regulations and conditions prescribed by the Secretary thereunder.

§ 201.123 *Leases of sulphur and other mineral.* The United States reserves the right to grant sulphur leases and leases of any mineral other than oil, gas, and sulphur within the leased area or any part thereof, subject to the provisions of section 8 (c), 8 (d), and 8 (e) of the act and all lawful and reasonable regulations prescribed by the Secretary thereunder: *Provided*, That no such sulphur lease or lease of other mineral shall authorize or permit the lessee thereunder unreasonably to interfere with or endanger operations under the lease which is continued under section 6 of the act.

§ 201.124 *Removal of property on termination of lease.* Upon the expiration of any lease, or the earlier termination thereof as provided in the regulations in this part, the lessee shall within a period of one year thereafter remove from the premises, except as provided in § 201.14, all structures, machinery, equipment, tools, and materials other than improvements needed for producing wells and other property permitted by the lessor to be maintained.

§ 201.125 *Remedies in case of default.* (a) Whenever the lessee fails to comply with any of the provisions of the act or of the lease or of the lawful and reasonable regulations issued within 90 days after the Secretary of the Interior has determined that the lease meets the requirements of section 6 (a) of the act, the lease shall be subject to cancellation as follows:

(1) If, at the time of such default, no well is producing, or is capable of producing, oil or gas in paying quantities from the leased area, whether such well be drilled from a surface location within the leased area or be directionally drilled from a surface location on adjacent or adjoining lands the lease may be cancelled by the Secretary (subject to the right of judicial review as provided in section 8 (j) of the act) if such default continues for the period of 30 days after mailing of notice by registered letter to the lessee at the lessee's record post office address.

(2) If, at the time of such default, any well is producing, or is capable of producing, oil or gas in paying quantities from the leased area, whether such well be drilled from a surface location within the leased area or be directionally drilled from a surface location on adjacent or adjoining lands, the lease may be cancelled by an appropriate proceeding in any United States district court having jurisdiction under the provisions of section 4 (b) of the act if such default continues for the period of 30 days after mailing of notice by registered letter to the lessee at the lessee's record post office address.

(b) If any such default continues for the period of 30 days after mailing of notice by registered letter to the lessee at the lessee's record post office address, the lessor may then exercise any legal or equitable remedy which the lessor may have; however, the remedy of cancellation of the lease may be exercised only under the conditions and subject to the limitations set out in paragraph (a) of this section, or pursuant to section 8 (i) of the act.

(c) A waiver of any particular default shall not prevent the cancellation of the lease or the exercise of any other remedy the lessor may have by reason of any other cause or for the same cause occurring at any other time.

§ 201.126 *Heirs and successors in interest.* Each obligation under any lease and under these regulations in this part shall extend to and be binding upon, and every benefit thereunder shall inure to, the heirs, executors, administrators, successors, or assigns of the lessee.

APPEALS

§ 201.150 *Appeals.* Any person aggrieved by any action taken by the Director of the Bureau of Land Management or the Director of the Geological Survey under this part has the right of appeal to the Secretary of the Interior in accordance with the conditions and limitations provided in §§ 221.73–221.76 of this title.

APPENDIX B

Title 30, Chapter II

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

A new Part 250 is added, reading as follows:

GENERAL PROVISIONS

Sec.
250.1 Purpose and authority.
250.2 Definitions.

JURISDICTION AND FUNCTIONS OF SUPERVISOR

250.10 Jurisdiction.
250.11 General functions.
250.12 Supervision of operations.
250.13 Temporary approvals.
250.14 Samples, tests, and surveys.
250.15 Drilling and abandonment of wells.
250.16 Well potentials and permissible flow.
250.17 Well-spacing and well-casing.
250.18 Rights of use and easement.
250.19 Rentals, royalties, and other payments.
250.20 Suspension of operations and production.

[redacted] FOR LESSEES

Sec.
250.30 Lease terms, regulations, waste, damage, and safety.
250.31 Designation of operator.
250.32 Local agent.
250.33 Drilling and producing obligations.
250.34 Drilling and development programs.
250.35 Subsequent well operations.
250.36 Well designations.
250.37 Well records.
250.38 Samples, tests, and surveys.
250.39 Directional survey.
250.40 Control of wells.
250.41 Emulsion and dehydration.
250.42 Pollution.
250.43 Well abandonment.
250.44 Accidents and fires.
250.45 Workmanlike operations.
250.46 Sales contracts.
250.47 Division orders.
250.48 Royalty and rental payments.

MEASUREMENT OF PRODUCTION AND COMPUTATION OF ROYALTIES

250.60 Measurement of oil.
250.61 Measurement of gas.
250.62 Determination of content of gas.
250.63 Quantity basis for substances extracted from gas.
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250.65 Royalty on oil.
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PROCEDURE IN CASE OF DEFAULT BY LESSEE

250.80 Default.
250.81 Appeals.
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REPORTS TO BE MADE BY ALL LESSEES (INCLUDING OPERATORS)

250.90 General requirements.
250.91 Sundry notices and reports on wells.
250.92 Log and history of well (Form 9–151).
250.93 Monthly report of operations (Form 9–152).
250.94 Statement of oil and gas runs and royalties (Form 9–153).
250.95 Special forms or reports.

MINERAL LEASES AFFECTED BY SECTION 6 OF THE OUTER CONTINENTAL SHELF LANDS ACT

250.100 Effect of regulations on provisions of lease.

AUTHORITY: §§ 250.1 to 250.100 issued under sections 5 and 6 (67 Stat. 464).

GENERAL PROVISIONS

§ 250.1 *Purpose and authority.* The Outer Continental Shelf Lands Act enacted on August 7, 1953 (67 Stat. 462), referred to in this part as "the act," authorizes the Secretary of the Interior to prescribe rules and regulations applicable to operations conducted under a lease issued or maintained under the provisions of the act, and for the prevention of waste, the conservation of natural resources of the outer Continental Shelf, and the protection of correlative rights therein. The regulations in this part shall be administered by the Director of the Geological Survey.

NOTE: Compliance with the regulations of this part does not obviate the necessity of compliance with requirements and regulations of the Department of the Army and the Coast Guard with respect to prevention of obstruction to navigation, lights, and warning devices, and other matters relating to safety of life and property, as authorized by section 4 of the act.

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[3] Nothing herein should be construed to waive compliance with any provision of any State lease the subject matter of which is not covered in the regulations in this part, e. g., paragraph IV of the Louisiana Oil and Gas Lease Form, February 1942.

[4] See 30 CFR Part 250.

§ 250.2 *Definitions.* The following terms as used in the regulations in this part shall have the meanings here given:

(a) *Secretary.* The Secretary of the Interior.

(b) *Director.* The Director of the Geological Survey, Washington, D. C., having administrative direction of the enforcement of the regulations in this part.

(c) *Supervisor.* A representative of the Secretary, under administrative direction of the Director, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part, or any subordinate of such representative acting under his direction.

(d) *Outer Continental Shelf.* All submerged lands (1) which lie seaward and outside of the area of lands beneath navigable waters as defined in the Submerged Lands Act (67 Stat. 29) and (2) of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(e) *Lease.* The contract or agreement under which the leasehold rights are held by the lessee, or the land covered by the contract or agreement, whichever is required by the context.

(f) *Lessee.* The party authorized by a lease, or an approved assignment thereof, to develop and produce oil, gas, or sulphur on the leased lands in accordance with the regulations in this part, including all parties holding such authority by or through him.

(g) *Operator.* The individual, partnership, firm, or corporation having control or management of operations on the leased land or a portion thereof. The operator may be a lessee, designated agent of the lessee, or holder of rights under an approved operating agreement.

(h) *Waste of oil and gas.* Waste means and includes (1) physical waste as that term is generally understood in the oil and gas industry; (2) the inefficient, excessive, or improper use of, or the unnecessary dissipation of reservoir energy; (3) the locating, spacing, drilling, equipping, operating, or producing of any oil or gas well or wells in a manner which causes or tends to cause reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations or which causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas; (4) the inefficient storage of oil; and (5) the production of oil or gas in excess of transportation or marketing facilities or in excess of reasonable market demand.

(i) *Directional drilling.* The deviation of a bore hole from the vertical or from its normal course in an intended predetermined direction or course with respect to the points of the compass. Directional drilling shall not include deviations made for the purpose of straightening a hole that has become crooked in a normal course of drilling or deviating a hole at random without regard to compass direction in an attempt to sidetrack a portion of the hole on account of mechanical difficulty in drilling.

JURISDICTION AND FUNCTIONS OF SUPERVISOR

§ 250.10 *Jurisdiction.* Drilling and production operations, handling and measurement of production, determination and collection of rental and royalty, and, in general, all operations subject to the regulations in this part are under the jurisdiction of the supervisor for any district as delineated by the Director.

§ 250.11 *General functions.* The supervisor is authorized to act upon the request, applications, and notices made or given by an operator or lessee under the regulations in this part and to require compliance with lease terms, with the regulations in this part, and all other applicable regulations, and with applicable law to the end that all operations shall conform to sound conservation practice and shall be conducted in such manner as to protect the natural resources of the outer Continental Shelf and result in their maximum ultimate recovery. After appropriate hearings, the supervisor may establish field rules to govern the development and method of production of a pool, field, or area. The supervisor may require satisfactory evidence that a lease is in good standing, that the lessee or operator is authorized to conduct operations, and that an acceptable bond has been filed before permitting operations on the leased land.

§ 250.12 *Supervision of operations.* (a) The supervisor shall inspect and regulate operations under the regulations in this part and shall issue orders and rules necessary, in his judgment, to prevent damage, or waste of any natural resource, or injury to life or property.

(b) *Emergency suspensions.* The supervisor is authorized to require a lessee by written notice to suspend any operation or method of operation which endangers life or threatens immediate, serious, or irreparable damage to the leased deposits or other valuable mineral deposits.

§ 250.13 *Temporary approvals.* Whenever the regulations in this part require a lessee to obtain approval of the supervisor, the lessee may make an oral or telegraphic request for such approval, and the supervisor may give such oral or telegraphic approval as may be warranted: *Provided,* That the transaction shall forthwith be confirmed in the manner otherwise required by the regulations in this part.

§ 250.14 *Samples, tests, and surveys.* (a) When deemed necessary or advisable, the supervisor is authorized to require that adequate tests or surveys be made in an acceptable manner without cost to the lessor to determine the reservoir energy; the presence, quantity, and quality of oil, gas, sulphur, other mineral deposits, or water; the amount and direction of deviation of any well from the vertical; or the formation, casing, tubing, or other pressures.

(b) The supervisor may, at the time of approval of any notice to drill or redrill any well, stipulate reasonable requirements for the taking of formation samples or cores to determine the identity and character of any formation.

§ 250.15 *Drilling and abandonment of wells.* The supervisor shall demand drilling in accordance with the terms of the lease and of the regulations in this part; and shall require plugging and abandonment, in accordance with such plan as may be approved or prescribed by him, of any well no longer used or useful, and upon failure to secure compliance with such requirement, perform the work at the expense of the lessee, expending available public funds, and submit such report as may be needed to furnish a basis for appropriate action to obtain reimbursement.

§ 250.16 *Well potentials and permissible flow.* The supervisor is authorized to specify the time and method for determining the potential capacity of any well and to fix the percentage of such capacity or the permissible production of any such well that may be utilized when, in his opinion, such action is necessary to prevent waste or to conform with such proration rules, schedules, or procedures as may be established by the Secretary.

§ 250.17 *Well-spacing and well-casing.* The supervisor shall approve well locations and well-spacing and -casing programs determined to be necessary for the proper development of the lease, giving due consideration to the location of drilling platforms, the geological and reservoir characteristics of the field, and the number of wells that can be economically drilled.

§ 250.18 *Rights of use and easement.* (a) In addition to the rights and privileges granted to a lessee under any lease issued or maintained under the act, the supervisor may grant such lessee, subject to such reasonable conditions as said supervisor may prescribe, the right of use or an easement to construct and maintain platforms, fixed structures, and artificial islands, and to use the same for carrying on operations, including drilling, directional drilling, producng, treating, handling, and storing production, and housing personnel engaged in operations, not only in connection with the lease on which the platform, structure, or island, is situated, but for the conduct of operations on any other lease, State or Federal.

(b) The supervisor may grant to a holder of a Federal or State lease the right of use or an easement to construct and maintain platforms, fixed structures, and artificial islands on areas of the outer Continental Shelf, near or adjacent to the leased area, and to use same for drilling directional well or wells to be bottomed under the leased area, and for producing and reworking such well or wells, and for handling, treating, and storing the production therefrom. Such rights of use or easement if on an area subject to any mineral lease issued or maintained under the act shall be granted only after the lessee under such lease has been notified and afforded an opportunity to voice objections thereto, and any such right shall be exercised only in such manner so as not to interfere unreasonably with operations of the lessee under such lease.

(c) Once a right of use or easement has been exercised by the erection of a fixed platform, structure, or island, the right shall continue so long as such platforms, structures, or islands are maintained, even beyond the termination of any lease on which they may be situated, and the rights of all subsequent lessees shall be subject to such rights of use and easement by prior lessees. The foregoing right of use and easement shall include the right to lay gathering lines, flow lines, and other pipelines used in connection with any lease operations, for moving production to a central point for purposes of gathering, treating, or storing. The right of use and easement shall not apply to pipelines used for transporting oil, gas, or other production after the same has been treated and measured, such rights-of-way being provided for in regulations under section 5 (c) of the Outer Continental Shelf Lands Act.

§ 250.19 *Rentals, royalties, and other payments.* The supervisor shall determine pursuant to the lease and regulations the rental and the amount or value of production accruing to the lessor as royalty, the loss through waste or failure to drill and produce protection wells on the lease, and the compensation due to the lessor as reimbursement for such loss.

§ 250.20 *Suspension of operations and production.* On receipt of an application for suspension of operations or production or for relief from any drilling or producing requirement under a lease, the supervisor shall grant such approval as he may deem warranted in the premises or reject such application, subject to the right of appeal as provided in § 250.81.

REQUIREMENTS FOR LESSEES

§ 250.30 *Lease terms, regulations, waste, damage, and safety.* The lessee shall comply with the terms of the lease, with the written orders of the supervisor, and, subject to the provisions of section 5 (a) of the act, with the regulations in this part and any amendments thereof. The lessee shall take all reasonable precautions to prevent damage or waste of any natural resource or injury to life or property or the aquatic life of the seas.

§ 250.31 *Designation of operator.* In all cases where operations are not conducted by the record owner but are to be conducted under authority of an unapproved operating agreement, assignment, or other arrangement, a "designation of operator" shall be submitted to the supervisor, in a manner and form approved by him, prior to commencement of operations. Such designation will be accepted as authority of operator or his local representative to fulfill the obligations of the lessee and to sign any papers or reports required under the regulations in this part. All changes of address and any termination of the authority of the operator shall be immediately reported, in writing, to the supervisor or his representative. In case of such termination or of controversy between the lessee and the designated operator, the operator, if in possession of the lease, will be required to protect the interests of the lessor.

§ 250.32 *Local agent.* When required by the supervisor, the lessee shall designate a representative empowered to receive notices and comply with orders of the supervisor issued pursuant to the regulations in this part.

§ 250.33 *Drilling and producing obligations.* (a) The lessee shall diligently drill and produce such wells as are necessary to protect the lessor from loss by reason of production on other properties, or in lieu thereof, with the consent of the supervisor, shall pay a sum determined by the supervisor as adequate to compensate the lessor for failure to drill and produce any such well.

(b) The lessee shall promptly drill and produce such other wells as the supervisor may reasonably require in order that the lease may be properly and timely developed and produced in accordance with good operating practices.

§ 250.34 *Drilling and development programs.* (a) Prior to the beginning of any operations on the lease, including the construction of drilling or production platforms or other structures, the lessee shall submit to the supervisor for approval an acceptable plan for the performance of such work. Such plan shall include (1) a plan of the drilling or production platform or structures, showing the location and major features thereof, (2) the proposed well-casing program for the initial well, (3) the location of the initial well (including surface and projected bottom-hole location if the well is to be directionally drilled), (4) structural interpretations based on available geological and geophysical data, and (5) such other pertinent data as the supervisor may prescribe.

(b) After a discovery has been made on the lease, the lessee shall submit to the supervisor a plan of development for the lease or field including (1) the number and location of the proposed wells (including the projected bottom-hole location for directionally drilled wells) and the approximate time for drilling each, (2) amendments or additions to the structural interpretations, (3) plans for additional drilling or producing platforms or other structures, (4) the well-casing program for the field or area, and (5) such other data as the supervisor may prescribe. Such program must be approved by the supervisor and may be modified from time to time as conditions may warrant.

(c) The supervisor may, upon request of the lessee, classify as confidential the geological and geophysical interpretations submitted as provided in paragraphs (a) and (b) of this section for such time as is necessary to protect the interests of the lessee.

§ 250.35 *Subsequent well operations.* After completion of all operations contemplated under any previously approved notice or plan, the lessee shall not begin to redrill, repair, deepen, plug back, shoot, or plug and abandon any well, make water shutoff, alter the casing or liner, stimulate production by acid, gas, air, water injection, or any other method, change the method of recovering production, or use any formation or well for gas storage or water disposal without first notifying the supervisor of his plan and intention and receiving written approval prior to commencing the contemplated work. This requirement shall not deter the lessee from taking any action in an emergency to prevent damage.

§ 250.36 *Well designations.* The lessee shall mark promptly each drilling platform or structure in a conspicuous place, showing his name or the name of the operator, the serial number of the lease, the identification of the wells, and shall take all necessary means and precautions to preserve these markings.

§ 250.37 *Well records.* (a) The lessee shall keep on the lease, or at his headquarters for the field, or otherwise conveniently available to the supervisor, accurate and complete records of the production, drilling, redrilling, deepening, repairing, cementing, alterations to casing, plugging, abandoning, and all other well operations, including electrical or radioactive well logs and directional well surveys. The records shall show all the formations penetrated, the content and character of oil, gas, other mineral deposits, or water in each formation, and the kind, weight, size, and landed depth of casing used in drilling each well on the leased lands, and any other information obtained in the course of well operations.

(b) The lessee shall, within 30 days after the completion of any well and within 30 days after the completion of any further operations on it, transmit to the supervisor copies of the records of such work on forms furnished by or acceptable to him.

(c) The lessee shall, within 30 days after the completion of electrical or radioactive well logging operations or directional well surveys, transmit to the supervisor copies of such logs or charts. Such logs or charts may be either field copies of individual runs or composite logs of more than one run.

(d) The lessee shall also submit such other reports and records of operations as may be required and in the manner and form prescribed by the supervisor.

(e) Upon request and in the manner and form prescribed by the supervisor, the lessee shall furnish a copy of the daily drilling report, a plat showing the location, designation, and status of all wells on the leased lands, together with such other pertinent information as the supervisor may require.

(f) When deemed advisable by the supervisor, the lessee shall require each service company to furnish promptly to the supervisor legible, exact copies of reports on cementing, perforating, acidizing, or other similar services.

§ 250.38 *Samples, tests, and surveys.* (a) The lessee, when required by the supervisor, shall make adequate tests or surveys in an acceptable manner, without cost to the lessor, to determine the reservoir energy; the presence, quantity, and quality of oil, gas, sulphur, other mineral deposits, or water; the amount

and direction of deviation of any well from the vertical; or the formation, casing, tubing, or other pressures.

(b) The lessee shall take such formation samples or cores to determine the identity and character of any formation in accordance with reasonable requirements of the supervisor prescribed at the time of approval of the notice to drill or redrill any well.

§ 250.39 *Directional survey.* (a) An angular deviation and directional survey shall be made of the finished hole of each well directionally deviated.

(b) The supervisor, at the request of an offset lessee made prior to completion of a well, may require a lessee of an adjoining lease to make or furnish a directional survey of any hole, at the risk and expense of the offset lessee making such request. A copy of such directional survey shall be furnished to the supervisor and the offset lessee. If it is determined that such well is closer to the line of the offset lease than one-half (½) the required distance from such line fixed by an approved spacing program or by special field rules, the risk and expense of making such directional survey shall be borne by the offending lessee; and, unless and until the hole is promptly straightened to correct the offense, the supervisor may reduce the allowable production from the well to prevent its draining unduly the offset leased area. Neither the imposition of any penalty or of the costs of such survey upon the offending lessee nor the reduction of the allowable production from the well is intended to prejudice any other remedy which the affected parties may have.

§ 250.40 *Control of wells.* (a) The lessee shall take all reasonable precautions for keeping all wells under control at all times and shall provide at the time any well is started the proper high-pressure fittings and equipment as the supervisor may prescribe or approve. A conductor string of casing must be cemented throughout its length, and all strings of casing must be securely cemented and anchored unless other procedure is authorized or prescribed by the supervisor.

(b) The lessee shall take all reasonable precautions to prevent any well from blowing open, including the installation of storm chokes on all producible wells, and shall take immediate steps and exercise due diligence to bring under control any such well.

§ 250.41 *Emulsion and dehydration.* (a) The lessee shall complete and maintain all oil wells in such mechanical condition and operate them in such manner as to prevent, so far as possible, the formation of emulsion and basic sediment.

(b) The lessee shall put in marketable condition, if commercially feasible, all products produced from the leased land and pay royalty thereon without recourse to the lessor for deductions on account of costs of treatment.

§ 250.42 *Pollution.* The lessee shall not pollute the waters of the high seas or damage the aquatic life of the sea or allow extraneous matter to enter and damage any mineral- or water-bearing formation. The lessee shall dispose of all useless liquid products of wells in a manner acceptable to the supervisor.

§ 250.43 *Well abandonment.* The lessee shall promptly plug and abandon any well on the leased land that is not used or useful, but no productive well shall be abandoned until its lack of capacity for further profitable production of oil, gas, or sulphur has been demonstrated to the satisfaction of the supervisor. Before abandoning a producible well, the lessee shall submit to the supervisor a statement of reasons for abandonment and his detailed plans for carrying on the necessary work. A producible well may be abandoned only after receipt of written approval by the supervisor. No well shall be plugged and abandoned until the manner and method of plugging shall be approved or prescribed by the supervisor. Equipment shall be removed, and premises at the well-site shall be properly conditioned immediately after plugging operations are completed on any well when directed by the supervisor. Drilling equipment shall not be removed from any suspended drilling well without consent of the supervisor.

§ 250.44 *Accidents and fires.* The lessee shall take all reasonable precautions to prevent accidents and fires, shall immediately notify the supervisor of all accidents or fires on the leasehold, and shall submit a full report thereon within 10 days after correction or control of the accident or fire.

§ 250.45 *Workmanlike operations.* The lessee shall carry on all operations and maintain the property at all times in a safe and workmanlike manner, having due regard for the preservation and the conservation of the property and for the health and safety of employees. The lessee shall take reasonable steps to prevent accumulations of oil or other materials deemed to be fire hazards and shall promptly remove such hazardous accumulations as do occur.

§ 250.46 *Sales contracts.* (a) The lessee shall file with the supervisor not less than 30 days after the effective date thereof copies of all contracts for the disposal of lease products. Nothing in any such contract or in any approval thereof by the supervisor as authorized in paragraph (b) of this section shall be construed or accepted as modifying any of the provisions of the lease, including, but not limited to, provisions relating to gas waste, taking royalty in kind, and the method of computing royalties due as based on a minimum valuation and in accordance with the regulations applicable to the lands covered by the contract.

(b) If request for approval of a contract is made by the seller, the contract may be approved by the supervisor subject to the conditions provided in paragraph (a) of this section and to such further conditions as may be prescribed by the supervisor.

(c) Lessee may submit to the Secretary, through the supervisor, for approval any long-term contract which the lessee has made or proposes to make for the sale of gas produced from a lease or leases. Should the Secretary approve such contract, for the purpose of computing royalties on gas sold and delivered from the lease or leases under such contract, the value of the gas on the leased premises shall be the price paid therefor under such contract. Nothing in any such contract, or the approval thereof, shall be construed to limit the right of the United States to take its royalty in kind.

§ 250.47 *Division orders.* The lessee shall file with the supervisor not less than 30 days after the effective date thereof copies of division orders or other instruments granting to transportation agencies or purchasers authority to receive products from leased lands. The supervisor may, upon request, approve such orders or other instruments subject to such conditions as he shall prescribe.

§ 250.48 *Royalty and rental payments.* The lessee shall pay all rentals when due and shall pay in value or deliver in production all royalties in the amounts determined by the supervisor as due under the terms of the lease. Payments of rentals and royalties in value shall be by check or draft on a solvent bank, or by money order, drawn to the order of the Treasurer of the United States.

MEASUREMENT OF PRODUCTION AND COMPUTATION OF ROYALTIES

§ 250.60 *Measurement of oil.* The lessee shall gage and measure all production in accordance with methods approved by the supervisor. The lessee shall provide tanks suitable for measuring accurately the crude oil produced from the lease (positive copies of 100 percent capacity tank tables to be furnished to the supervisor) or may arrange with the supervisor for other acceptable methods of measuring, storing, and recording production. The quantity and quality of all production shall be determined in accordance with the standard practices, procedures, and specifications generally used by the industry.

§ 250.61 *Measurement of gas.* The lessee shall measure all production in accordance with methods approved by the supervisor, and the measured volumes shall be adjusted to the standard pressure base of 10 ounces above the atmospheric pressure of 14.4 pounds per square inch, a standard temperature of 60° Fahrenheit, and for deviation from Boyle's law. If gas is being disposed of at a different pressure base, the supervisor may require that gas volumes be adjusted to conform to such base.

§ 250.62 *Determination of content of gas.* The content of gas delivered to an extraction plant treating gas from the lease shall be determined periodically by field tests, as required by the supervisor, to be made at the place and by the methods approved by him and under his supervision.

§ 250.63 *Quantity basis for substances extracted from gas.* (a) The primary quantity basis for computing monthly royalties on casing-head or natural gasoline, butane, propane, or other substances (hereinafter called substances in this section) extracted from gas is the monthly net output of the plant at which the substances are manufactured, "net output" being defined as the quantity of each substance that the plant produces for sale.

(b) If the net output of a plant is derived from the gas obtained from only one lease, the quantity of substances on which computations of royalty for the lease is based is the net output of the plant.

(c) If the net plant output of a substance is derived from gas obtained from several leases producing gas of uniform content of such substance, the production of net output of the substance allocable to each lease as a basis for computing royalty will be determined by dividing the amount of gas delivered to the plant from each lease by the total amount of gas delivered from all leases.

(d) If the net plant output of a substance is derived from gas obtained from several leases producing gas of diverse content of such substance, the proportion of net output of the substance allocable to each lease as a basis for computing royalty will be determined by multiplying the amount of gas delivered to the plant from the lease by the substance content of the gas and dividing the arithmetical product thus obtained by the sum of the similar arithmetical products separately obtained for all leases from which gas is delivered to the plant.

§ 250.64 *Value basis for computing royalties.* The value of production, for the purpose of computing royalty, shall be the estimated reasonable value of the product as determined by the supervisor, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field or area, to the price received by the lessee, to posted prices, and to other relevant matters. Under no circumstances shall the value of production of any of said substances for the purposes of computing royalty be deemed to be less than the gross proceeds accruing to the lessee from the sale thereof or less than the value computed on such reasonable unit value as shall have been determined by the Secretary. In the absence of good reason to the contrary, value computed on the basis of the highest price per barrel, thousand cubic feet, or gallon paid or offered at the time of production in a fair and open market for the major portion of like-quality oil, gas, or other products produced and sold from the field or area where the leased lands are situated will be considered to be a reasonable value.

§ 250.65 *Royalty on oil.* (a) The royalty on crude oil shall be the percentage of the value or amount of the crude oil produced from the leased lands established by law, regulation, or the term of the lease. No deduction may be made for actual or theoretical transportation losses.

(b) Royalty shall be based on production removed from the lease except that, when conditions so warrant, the supervisor may require such royalty to be based on actual monthly production. Evidence of all shipments shall be filed with the supervisor within five days after the oil has been run by pipeline or by other means of transportation. Such evidence shall be signed by representatives of the lessee and of the purchaser who have witnessed the measurements reported, and the determinations of gravity, temperature, and the percentage of impurities contained in the oil shall be shown.

§ 250.66 *Royalty on unprocessed gas.* If gas, either gas-well gas or casing-head gas, is sold without processing for the recovery of constituent products, the royalty thereon shall be the percentage established by the terms of the lease of the value or amount of the gas produced.

§ 250.67 *Royalty on processed gas.* (a) If gas-well gas is processed for the recovery of constituent products, a royalty as provided in the lease will accrue on the value of all residue gas, and on all natural gasoline, butane, propane, or other substances extracted therefrom.

(b) If casing-head gas is processed for the recovery of constituent products, a royalty as provided in the lease will accrue as follows:

(1) On the full amount of the residue gas remaining after processing.

(2) Unless otherwise provided in the lease, on the value of 50 percent (or the net proceeds received by the lessee if greater than 50 percent) of all natural gasoline, butane, propane, or other substances extracted from the casing-head gas.

(c) In determining the value of natural gasoline, the volume of such gasoline may be corrected when deemed necessary by the supervisor to such standard and by such method as may be approved by the supervisor, in order that volumetric differences between natural gasolines of various specifications may be equitably adjusted.

(d) No allowance shall be made for boosting residue gas or other expenses incidental to marketing.

§ 250.68 *Commingling production.* Subject to such conditions as he may prescribe for measurement and allocation of production, the supervisor may authorize the lessee to move production from the lease to a central point for purposes of treating, measuring, and storing, and in moving such production, the lessee may commingle the production from different wells, leases, pools, and fields, and with production of other operators. The central point may be on shore or at any other convenient place selected by lessee.

PROCEDURE IN CASE OF DEFAULT BY LESSEE

§ 250.80 *Default.* Whenever the owner of a lease fails to comply with the provisions of the regulations in this part, the supervisor is authorized to give 30-day notice of such default by registered letter to the lessee at his record post office address as provided in section 5 (b) (1) of the act, to recommend to the Secretary, through the Director, lease cancellation pursuant to section 5 (b), (1) and (2) of the act, appropriate action under the penalty provisions of section 5 (a) (2) of the act, or the exercise of such other legal or equitable remedy as the lessor may have.

§ 250.81 *Appeals.* (a) An appeal from any order issued under authority of the regulations in this part may be filed as hereinafter set forth in this section. Compliance with any such order shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the Director or the Secretary (dependent upon the officer with whom the appeal is pending) and then only upon a determination that such suspension will not be detrimental to the lessor or upon the submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

(b) An appeal to the Director may be taken from any order of the supervisor by filing such appeal with the latter officer within 20 days after service of the order. The appeal shall incorporate or be accompanied by such written showing and argument on the facts and law as the appellant may deem adequate to justify reversal or modification of the order. All statements of fact must be made under oath.

(c) The supervisor shall transmit the appeal and accompanying papers to the Director with a full report and recommendations in the premises, and that official shall review the record and render such a decision in the case as he deems proper.

(d) An appeal from any decision of the Director may be taken to the Secretary within 30 days after service of the Director's decision. The appeal shall be accompanied by such written showing and argument on the facts and law as appellant may deem adequate to justify reversal or modification of the decision. Any statements of fact not submitted to the Director must be made under oath.

(e) Oral argument in any case pending before the supervisor, the Director, or the Secretary will be allowed on motion in the discretion of such officer and at a time to be fixed by him.

§ 250.82 *Judicial review.* Nothing contained in this part shall be construed to prevent any interested party from seeking judicial review as authorized by law.

REPORTS TO BE MADE BY ALL LESSEES (INCLUDING OPERATORS)

§ 250.90 *General requirements.* Information required to be submitted in accordance with the regulations in this part shall be furnished in the manner and form prescribed in the regulations in this part or as directed by the supervisor. Copies of forms can be obtained from the supervisor and must be filled out completely and filed punctually with that official.

§ 250.91 *Sundry notices and reports on wells.* Form 9–150 covers all notices of intention and all subsequent reports pertaining to individual wells except those for which special blanks are provided. The forms may be used for any of the purposes listed thereon, or a special heading may be inserted in the blank to adapt it for use for similar purposes. Any written notice of intention to do

work or to change plans previously approved must be filed in triplicate, unless otherwise directed, and must reach the supervisor and receive his approval before the work is begun. The lessee is responsible for receipt of the notice by the supervisor in ample time for proper consideration and action. The following paragraphs illustrate some of the uses to which Form 9–150 may be put and indicate the requirements with respect to each use.

(a) *Notice of intention to drill.* (1) The notice of intention to drill a well must be filed in triplicate on Form 9–150 with the supervisor and approval received before the work is begun. This notice, in addition to the requirements contained in § 250.34, must give the surface location and projected bottom-hole location in feet from the lease boundaries; elevation of the derrick floor; proposed depth to which the well will be drilled; the bottom-hole location; estimated depths to the top of important markers; estimated depths at which water, oil, gas, and mineral deposits are expected; the proposed casing program, including the size and weight of casing, the depth at which each string is to be set, and the amount of cement and mud to be used. Information also shall be furnished relative to the proposed plan for drilling other proposed wells from the same platform, coring at specified depths, and plans for electrical logging, together with any other information which may be required by the supervisor.

(2) Each copy of the application shall be accompanied by a plat drawn on a scale of not less than 2,000 feet to the inch, showing surface and subsurface location of the well to be drilled and all wells theretofore drilled.

(b) *Notice of intention to change the condition of a well.* Before repairing (other than work incidental to ordinary well operation), acidizing or stimulating production by other methods, deepening, perforating, plugging back, sidetracking, squeezing with mud or cement, or commencing any operations that will alter the condition of a well or productive horizon other than previously reported, a detailed written statement of the plan of work must be filed in triplicate with the supervisor on Form 9–150 and approval obtained before the work is started. This requirement shall not deter any operator from taking immediate action in an emergency to prevent damage.

(c) *Subsequent report of changing the condition of a well (Form 9–150).* Within 30 days after the completion of any work described in paragraph (b) of this section, a detailed report of the work done and the results obtained shall be filed in duplicate with the supervisor. Such report shall show the amount of production of oil, gas, and water before and after the work was completed and shall also include a complete statement of the work accomplished and the methods employed, including all dates. Reports of work done by service companies, unless previously furnished the supervisor, shall be submitted with subsequent reports.

(d) *Notice of intention to abandon well (Form 9–150).* Before beginning abandonment work on any well, whether a drilling well, a depleted producing well, or a dry hole, notice of intention to abandon shall be filed in triplicate with the supervisor, and approval obtained before the work is started. The notice, as to a producible well, must show the reason for abandonment, and as to any well must give a detailed statement of the proposed work, including such information as kind, location, and length of plugs (by depths), and plans for mudding, cementing, shooting, testing, removing casing, and other pertinent information.

(e) *Subsequent report of abandonment.* After a well is abandoned or plugged, a subsequent record of work done must be filed with the supervisor. This report shall be filed separately within 30 days after the work is done. The report shall give a detailed account of the manner in which the abandonment or plugging work was carried out, including the nature and quantities of materials used in plugging and the location and extent (by depths) of the plugs of different materials; records of any tests or measurements made and of the amount, size, and location (by depths) of casing left in the well; and a detailed statement of the volume of mud fluid used and the pressure attained in mudding. If an attempt was made to part any casing, a complete report of the methods used and results obtained must be included.

§ 250.92 *Log and history of well (Form 9–151).* The lessee shall furnish in duplicate, on Form 9–151, to the supervisor, not later than 30 days after the completion of each well, a complete and accurate log and history, in chronologic order, of all operations conducted on the well. If a log is compiled for geologic information from cores or formation samples, duplicate copies of such log shall be filed in addition to the regular log. Duplicate copies of all electric logs, temperature surveys, or direction surveys shall be furnished. The lessee shall require the drillers to record pertinent information obtained in drilling the well.

§ 250.93 *Monthly report of operations (Form 9–152).* A separate report of operations for each lease must be made on Form 9–152 for each calendar month, beginning with the month in which drilling operations are initiated, and must be filed in duplicate with the supervisor on or before the 20th day of the succeeding month, unless an extension of time for the filing of such report is granted by the supervisor. The report on this form shall disclose accurately all operations conducted on each well during each month, the status of operations on the last day of the month, and a general summary of the status of operations on the leased lands, and the report must be submitted each month until the lease is terminated or until omission of the report is authorized by the supervisor. It is particularly necessary that the report shall show for each calendar month:

(a) Each well listed separately by number and its location shown if possible.

(b) The number of days each well produced, whether oil or gas, and the number of days each input well was in operation.

(c) The quantity of oil, gas, and water produced, the total amount of gasoline and other lease products recovered, and other required information. When oil and gas, or oil, gas, and gasoline, or other hydrocarbons are concurrently produced from the same lease, separate reports on this form should be submitted for oil and gas and gasoline, unless otherwise authorized or directed by the supervisor.

(d) The depth of each active or suspended well, and the name, character, and depth of each formation drilled during the month, the date each such depth was reached, the date and reason for every shut-down, the names and depths of important formation changes and contents of formations, the amount and size of any casing run since last report, the dates and results of any tests such as production, water shut-off, or gasoline content, and any other noteworthy information on operations not specifically provided for in the form.

(e) If no runs or sales were made during the calendar month, the report must so state.

§ 250.94 *Statement of oil and gas runs and royalties (Form 9–153).* When directed by the supervisor, a monthly report shall be made by the lessee in duplicate, on Form 9–153, showing each run of oil, all sales of gas, gasoline, and other lease products, and the royalty accruing therefrom to the lessor.

§ 250.95 *Special forms or reports.* When special forms or reports other than those referred to in the regulations in this part may be necessary, instructions for the filing of such forms or reports will be given by the supervisor.

MINERAL LEASES AFFECTED BY SECTION 6 OF OUTER CONTINENTAL SHELF LANDS ACT

§ 250.100 *Effect of regulations on provisions of lease.* (a) As contemplated by section 6 (b) of the act, the regulations in this part will supersede the provisions of any lease which is determined to meet the requirements of section 6 (a) of the act, to the extent that they cover the same subject matter, with the following exceptions: The provisions of a lease with respect to the area covered by the lease, the minerals covered by the lease, the rentals payable under the lease, the royalties payable under the lease (subject to the provisions of sections 6 (a) (8) and 6 (a) (9) of the act, and the term of the lease subject to the provisions of section 6 (a) (10) of the act and, as to sulphur, subject to the provisions of section 6 (b) (2) of the act) shall continue in effect and, in the event of any conflict or inconsistency, shall take precedence over the regulations in this part.

(b) A lease that meets the requirements of section 6 (a) of the act shall also be subject to the mineral leasing regulations applicable to the outer Continental Shelf,[1] as well as the regulations relating to geophysical and geological exploratory operations and to pipeline rights-of-way in the outer Continental Shelf, to the extent that those regulations are not contrary to or inconsistent with the provisions of the lease relating to the area covered, the minerals covered, the rentals payable, the royalties payable, and the terms of the lease.

[F. R. Doc. 54–947; Filed, Feb. 10, 1954; 8:48 a. m.]

[1] See 43 CFR Part 201.

Bureau of Indian Affairs

[25 CFR Part 130]

CHIU CHUI IRRIGATION PROJECT, ARIZONA

OPERATION AND MAINTENANCE CHARGES

Notice is hereby given of intention to promulgate §§ 130.145 to 130.150, inclusive, Title 25, Code of Federal Regulations, to read as follows:

§ 130.145 *Charges.* (a) Pursuant to the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), the reimbursable costs of operating and maintaining the Chiu Chui Indian Irrigation Project in Arizona is apportioned on a per acre basis against the irrigable lands of the project to which water can be delivered and for the calendar year 1954, and each succeeding year until further order the basic rate is hereby fixed at $6 per acre for the delivery of not to exceed three acre feet of water per acre annually. Additional water, when available, may be delivered upon written application of the landowner or lessee at the rate of $2.50 per acre foot, or fraction thereof.

(b) The rates herein fixed shall not apply to lands described in subparagraph (1) of this paragraph until such lands have been subjugated to proper standards and consolidated into larger farm units:

(1) Tribal land assigned to individual Indians (located within the boundaries of Sections 34 and 35, T. 7 S., R. 5 E.; and Sections 1, 2, and 12, T. 8 S., R. 5 E., G. & S. R. M. commonly known as the "old project"), shall be assessed temporarily $1 per acre per annum.

(2) Tribal lands within the area described in subparagraph (1) of this paragraph irrigated by the tribe or Indian association enterprises, $4 per acre per annum.

(3) Lands newly developed, after assignment to Indians in 40 and 80 acre tracts, $2 per acre per annum for the first calendar year, $4 per acre per annum for the second year following the date of assignment and thereafter the annual charge of $6 per acre shall apply.

Non-Indians leasing such lands shall be charged the full basic rate.

§ 130.146 *Payments.* The annual charges fixed in § 130.145 shall become due on March 1 of each year and payable on or before that date, and any unpaid charges shall stand as a first lien against the land without penalty until paid. Charges for excess water shall be paid in advance of the delivery of water.

§ 130.147 *Water delivery.* The delivery of water shall be refused to all tracts of lands for which the charges have not been paid when due, except (a) where an Indian owner or Indian assignee of tribal land not under lease to a non-Indian is financially unable to pay the operation and maintenance charges on the due date, the superintendent or other official in charge of the Papago Indian Agency may arrange with such Indian to pay, within the calendar year, the operation and maintenance charges from proceeds of crops grown upon the land, provided written request and application for such arrangement is made by the Indian on or before the due date for the payment of the charges; and (b) where assignments of lands for use by Indians are made in tracts of 10 acres or less and the superintendent or other official in charge of the Papago Indian Agency is convinced that the assignee is unable to pay the operation and maintenance charges on the due date, water may be delivered upon a filing by the superintendent of a certificate to that effect, without advance payment of the operation and maintenance charges. In both cases the unpaid charges shall stand as a first lien against the land without penalty until paid.

§ 130.148 *Water users' responsibility for water after delivery.* It is the duty of the Indian Irrigation Service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their fields and ditches of proper capacity and in a suitable condition for the economical use of irrigation water.

§ 130.149 *Water service.* A water service schedule will be worked out by the Indian Irrigation Service in cooperation with all the water users. These schedules shall be complied with as regularly as physical conditions will permit. Violation of the foregoing requirement shall be just cause for refusal to deliver water to that tract.

§ 130.150 *Distribution and apportionment.* The pumped water of the project is deemed a common water supply in which all lands of the entire project are entitled to share equally and such water will be distributed to the lands of the project as equitably as physical conditions will permit. Water users will be advised at the beginning of each year or irrigation season of the amount of water available so that the cropping plans for specific periods can be worked out jointly between the Indian Irrigation Service and the water users.

Interested persons are hereby given opportunity to participate in preparing the proposed regulations by submitting their views, data or arguments in writing to Mr. Ralph M. Gelvin, Area Director, Bureau of Indian Affairs, P. O. Box 7007, Phoenix, Arizona, within 20 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DOUGLAS MCKAY,
Secretary of the Interior.

FEBRUARY 5, 1954.

[F. R. Doc. 54–958; Filed, Feb. 10, 1954; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 922]

[Docket No. AO–250]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND A DESIGNATED PART OF CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 54–841, published at page 695 of the issue for Friday, February 5, 1954, the following changes should be made in the *"Findings and conclusions"*:

1. The first sentence of paragraph (2) should read: "Any handling of California-Arizona Valencia oranges in fresh fruit channels exerts an influence upon all other handling of such oranges in fresh fruit form."

2. In the 12th line of the sixth paragraph of paragraph (4) the word "stages" should read "stage".

3. In the eighth line of the second paragraph in the first column on page 707, "§ 922.83" should read "§ 922.85".

FEDERAL POWER COMMISSION

[18 CFR Parts 153, 157]

[Docket No. R–133]

APPLICATIONS FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS AND FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

FILING, AUTHORIZATION AND CERTIFICATE FEES REQUIRED

FEBRUARY 3, 1954.

Amendment to Parts 153 and 157 of Subchapter E of the rules relating to applications for authorization to export or import natural gas and for certificates of public convenience and necessity under section 7 of the Natural Gas Act as amended.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 3 of the Natural Gas Act (15 U. S. C. 717b) authorizes the Commission to issue orders authorizing exportations of natural gas to a foreign country or importations of natural gas from a foreign country to the United States when found to be consistent with the public interest. Authorizations under this section of the act, including permits under Executive Order 10485, 18 F. R. 5397, for construction and operation of facilities for such purposes, are issued by the Commission in accordance

with the provisions of Part 153 of its general rules and regulations (18 CFR Part 153).

3. Section 7 of the Natural Gas Act (15 U. S. C. 717f), as amended, empowers the Commission to issue certificates of public convenience and necessity granting authority to engage in the transportation or sale of natural gas subject to the Commission's jurisdiction, or to construct, extend, interconnect, acquire or operate facilities for such transportation or sale or to abandon any such facilities. Certificates under this section of the act are issued by the Commission in accordance with the provisions of Part 157 of its general rules and regulations (18 CFR Part 157).

4. Title V of the Independent Offices Appropriation Act for 1952, approved August 31, 1951 (Public Law 137, 82d Congress, 65 Stat. 290, 5 U. S. C. 140) as implemented by Bureau of the Budget Circular No. A–25, issued to the heads of all executive departments and establishments by order of the President on November 5, 1953, authorizes and directs the Commission by regulation to prescribe and collect fair and equitable fees for the purpose among others of making the work of issuing certificates and export or import authorizations, including permits under Executive Order 10485, self-sustaining. The law directs that such fees shall be as uniform as practicable and subject to such policies as the President may prescribe, taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts.

5. Although the act and Budget Circular referred to in paragraph 4, above, provide that the Commission shall institute a system of administrative fees to place authorizing activities of the Commission including those under the Natural Gas Act on a self-supporting basis, the devising of the system for recovering costs of such activities is left to the discretion of the Commission. In order to determine the actual costs of these activities on an individual docket basis and to assess and collect such costs on that basis, it would be necessary to establish an additional system of cost accounting for natural gas proceedings under sections 3 and 7 of the Natural Gas Act and under Executive Order 10485. To avoid this additional administrative expense the Commission contemplates prescribing a schedule of filing fees, collectable from all applicants for certificates, authorizations, or permits on acceptance of the application for filing. In addition to such a schedule of initial filing fees the Commission would promulgate a second schedule of fees, designated as certificate and authorization or permit fees, based upon a percentage of the construction or acquisition costs of the particular facilities certificated in the case of gas certificates and in the case of export or import authorizations including permits for the construction or interconnection of facilities, upon a fixed rate per Mcf upon estimated volumes exported or imported during the first year of operation. Such an authorization or certificate fee is to be a single assessment made at the time of issuing each certificate and export or import authorization or permit to the applicant, and is to be at a rate high enough to recover the bulk of those costs which are incurred in certificate and export or import proceedings and otherwise not recoverable by means of the filing fee.

6. Pursuant to the authority vested in it by section 16 of the Natural Gas Act (15 U. S. C. 717o) and Title V of Public Law 137, 82d Congress (65 Stat. 290, 5 U. S. C. 140) as implemented by Bureau of the Budget Circular No. A–25, issued November 5, 1953, the Commission proposes to amend its rules by the addition in Part 153 of §§ 153.20 and 153.21 and by the addition in Part 157 of §§ 157.50 and 157.51 to set up a system of filing fees and permit, authorization and certificate fees, in the following form:

§ 153.20 *Filing fee required.* An application under this part must be accompanied by a filing fee which is not returnable and shall be charged in accordance with the following schedule:

Exportation of natural gas	$150.00
Importation of natural gas	150.00
Permit under E. O. 10485	150.00
Combined permit under E. O. 10485 and either exportation or importation of natural gas	200.00

Remittances covering filing fees should be made payable to the Treasurer of the United States and forwarded to the Federal Power Commission, Washington 25, D. C.

§ 153.21 *Authorization fee required.* Upon the granting of an authorization to export or import natural gas under this Part or a permit thereunder to construct or interconnect facilities pursuant to E. O. 10485, the Commission shall levy an assessment against the successful applicant for an amount not to exceed one cent per Mcf for all natural gas estimated from the application and record to be exported or imported during the first 12 months of operation under the authorization granted. Fees levied under this section are due within 30 days after rendition by the Commission of a bill for the amount assessed. Remittances should be made payable to the Treasurer of the United States and forwarded to the Federal Power Commission, Washington 25, D. C.

§ 157.50 *Filing fee required.* An application under this Part must be accompanied by a filing fee which is not returnable and shall be charged in accordance with the following schedule:

Construction or acquisition of new or additional facilities, or extension or interconnection of facilities, when estimated cost is:	
Less than $500,000	$150.00
$500,000 to $1,999,999	200.00
$2,000,000 to $3,999,999	300.00
$4,000,000 or more	[1] 500.00
Abandonment of facilities	150.00
All others, including status determination	150.00

[1] Plus $100 for each additional $1,000,000 or fraction thereof.

Remittances should be made payable to the Treasurer of the United States and forwarded to the Federal Power Commission, Washington 25, D. C.

§ 157.51 *Certificate fee required.* Upon the granting of a certificate of public convenience and necessity under this part, the Commission shall levy an assessment against the successful applicant for an amount not to exceed 0.1 percent of the estimated cost of the certificated facilities. Fees levied under this section are due within 30 days after rendition by the Commission of a statement for the amount assessed. Remittances should be made payable to the Treasurer of the United States and forwarded to the Federal Power Commission, Washington 25, D. C.

7. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than 30 days from the date of the publication of this notice in the FEDERAL REGISTER, data, views and comments in writing concerning the proposed amendments. The Commission will consider these written submittals before acting upon the proposed amendments. An original and 9 copies should be filed of any such submittals.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–949; Filed, Feb. 10, 1954; 8:48 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 17074, Amdt.]

MARGARET KESSLER

In re: Interests in oil, gas and other minerals in and under certain real property, and claims owned by Margaret Kessler; E–28–6438–B–1.

Vesting Order 17074, dated January 17, 1951, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 from said Vesting Order 17074 and substituting therefor the following subparagraph:

2. That the property described as follows:

a. An undivided three-six hundred fortieths (3/640ths) interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Pottawatomie County, State of Oklahoma, to-wit:

West Half (W½) of the Southwest Quarter (SW¼) of Section Thirty-three (33), Township Seven North (7N), Range Four East (4E),

together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

b. An undivided three-six hundred fortieths (3/640ths) interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Lea County, State of New Mexico, to-wit:

Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section Thirty-three (33), Township Twenty-four South (24S), Range Thirty-seven East (37E),

together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

c. An undivided 2000/973440ths interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Oklahoma County, State of Oklahoma, to-wit:

Block Two (2) to Nine (9), inclusive, Silverwood Addition. Block One (1) to Seven (7), inclusive, Silverwood Second Addition and a part of Lot Three (3) of Section (1), Township Eleven North (11N), Range Three West (3W),

together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

d. An undivided one-third (1/3) interest in an undivided three twenty-fourths (3/24ths) of an acre interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Oklahoma County, State of Oklahoma, to-wit:

Lot Six (6) Section One (1), Township Eleven North (11N), Range Three West (3W),

together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

e. That certain debt or other obligation owing to Margaret Kessler by Standard Oil Company (Indiana), 910 South Michigan Avenue, Chicago, Illinois, arising from royalties accrued with respect to the mineral interest described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation owing to Margaret Kessler by Standard Oil Purchasing Company, Tulsa, Oklahoma, arising from royalties accrued with respect to the mineral interest described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

g. That certain debt or other obligation owing to Margaret Kessler by Phillips Petroleum Company, Bartlesville, Oklahoma, arising from royalties accrued with respect to the mineral interest described in subparagraph 2-b hereof, and any and all rights to demand, enforce and collect the same,

h. That certain debt or other obligation owing to Margaret Kessler by Mid-Continent Petroleum Corporation, Tulsa 2, Oklahoma, arising from royalties accrued with respect to the mineral interest described in subparagraph 2-c hereof, and any and all rights to demand, enforce and collect the same, and

(1) That certain debt or other obligation owing to Margaret Kessler by Magnolia Petroleum Company, Dallas, Texas, arising from royalties accrued with respect to the mineral interest described in subparagraph 2-c hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

All other provisions of said Vesting Order 17074 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 5, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 54–974; Filed, Feb. 10, 1954; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 55902]

COLORADO

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE COLORADO–BIG THOMPSON PROJECT

JANUARY 26, 1954.

An order of the Bureau of Reclamation dated October 31, 1950, concurred in by the Assistant Director, Bureau of Land Management, December 18, 1950, revoked the Departmental Order of March 7, 1935, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Colorado-Big Thompson Project, and provided that such revocation should not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

SIXTH PRINCIPAL MERIDIAN

T. 4 N., R. 72 W.,
Sec. 7, lot 4.

The area described contains 36.50 acres.

This land is situated approximately three miles from the Town of Estes Park on the north and east slope of Twin Sisters Peak. The soils are rocky granite and sandstone with as much as 40 per cent slope, supporting a heavy stand of immature lodgepole pine. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which, and the conditions under which, veterans and others may file applications for these lands may be obtained on request from the Manager, Land and Survey Office, Bureau of Land Management, Denver, Colorado.

WILLIAM PINCUS, *Assistant Director.*

[F. R. Doc. 54–940; Filed, Feb. 10, 1954; 8:45 a. m.]

COLORADO

RESTORATION ORDER NO. 23 (R–IV) UNDER FEDERAL POWER ACT

JANUARY 28, 1954.

Pursuant to the decision of August 13, 1953, by the Federal Power Commission, Docket No. DA–331–Colorado, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes by Power Site Reserve No. 81, are hereby opened to disposition under the public-land laws, subject to the provision of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the stipulation that, if and when the land is required in whole or in part for purposes of power development, any structures or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States or its permittees or licensees:

SIXTH PRINCIPAL MERIDIAN

T. 7 S., R. 89 W.,
Sec. 1, Lots 1, 2, 3, 7, 8, and 19.

These lands are not suitable for crop production and will not be classified as suitable for disposal under the homestead or desert-land laws. Some of the lands may be suitable for small tract purposes and will be classified upon application.

The lands described shall be subject to application by the State of Colorado for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of ma-

terial for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 91st day after the date of publication. At that time the above-described land in DA-331-Colorado shall become subject to application, petition, location, and selection, subject to valid existing rights, the provision of existing withdrawals, the requirements of applicable laws, and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager, Land and Survey Office, 437 Post Office Building, Denver, Colorado.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-944; Filed, Feb. 10, 1954; 8:47 a. m.]

[Misc. 7]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 3, 1954.

Pursuant to exchanges made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315g) the following described lands have been reconveyed to the United States:

T. 12 S., R. 16 E., B. M.,
Sec. 9, SW¼NE¼, SW¼SE¼.
T. 7 S., R. 21 E., B. M.,
Sec. 4, SE¼NW¼, SW¼NE¼.

The areas described aggregate 160 acres.

The lands described in section 9 have an elevation of 4,200 feet and are located in Twin Falls County and within Idaho Grazing District No. 2. The topography of the lands is comparatively level and the soil is a silt loam. The lands are classified as desert in character and are subject to entry and development under the desert land laws.

The lands described in section 4 have an elevation of 4,200 feet and are located in Lincoln County. The topography of these lands is gently rolling. The soil is decomposed volcanic ash and the coverage is sagebrush and native grasses. These lands are classified as subject to entry and disposal under the desert land laws when water for irrigation purposes becomes available.

While any application that is filed will be considered on its merits, it is unlikely that any part of the lands will be classified for any use or disposal other than that shown above.

No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws unless the lands have been classified as valuable or suitable for such type of classification or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day, shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Land Office, Boise, Idaho.

JAMES F. DOYLE,
Acting Regional Administrator.

[F. R. Doc. 54-941; Filed, Feb. 10, 1954; 8:46 a. m.]

[Docket DA-433]

IDAHO

RESTORATION ORDER UNDER FEDERAL POWER ACT

FEBRUARY 2, 1954.

Pursuant to determination DA-433, Idaho of the Federal Power Commission and in accordance with Order No. 427 Sec. 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920, (41 Stat. 1075; 16 U. S. C. sec. 818), as amended.

IDAHO

T. 2 N., R. 43 E., B. M.,
Sec. 6, Lots 3, 12, NE¼SW¼.

The areas described aggregate 114.12 acres.

The major portion of the land consists of a steep east facing canyon wall which is rocky but supports a relatively heavy cover of forage. The lands are classified as too rough and mountainous for cultivation and are subject to disposal under the public sale law or other appropriate land laws.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other non-mineral public land law unless the lands have been classified as valuable or suitable for such type of classification or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from that of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended, and subject to the stipulation that if and when the land is required in whole or in part for purposes of power development, any structures or improvements placed thereon which are found to interfere with such development shall be removed or relocated so as to eliminate interference, without cost or expense to the United States, its permittees or licensees. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid, existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90 day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request in the Land Office, Boise, Idaho.

JAMES F. DOYLE,
Acting Regional Administrator.

[F. R. Doc. 54-942; Filed, Feb. 10, 1954; 8:46 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 3, 1954.

An application, serial number New Mexico 010206, for the withdrawal from mineral entry of the lands described below was filed on December 29, 1952, by the Atomic Energy Commission. The purposes of the proposed withdrawal: Mineral exploration program.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region 5, Bureau of Land Management, Department of the Interior at Post Office Box 1695, Albuquerque, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 N., R. 9 W.,
Secs. 3 and 4;
Sec. 8, lots 5, 6, 11 and 12;
Secs. 10, 14 and 15;
Sec. 20, E½;
Sec. 22;
Sec. 27;
Sec. 28, N½ and SW¼;
Sec. 34, NE¼NW¼, N½NE¼, SE¼NE¼ and S½.
T. 13 N., R. 9 W.,
Sec. 20;
Sec. 22, SE¼, S½SW¼ and NE¼SW¼;
Sec. 27;
Sec. 28, E½E½;
Sec. 30, lots 1 and 2, E½NW¼, N½NE¼ and S½SE¼;
Sec. 32, SW¼;
Sec. 34.
T. 13 N., R. 10 W.,
Sec. 14, E½;
Sec. 18, lots 1 and 2, E½NW¼;
Sec. 24.
T. 13 N., R. 11 W.,
Sec. 3, lots 1 and 2, S½NE¼ and S½;
Sec. 11;
Sec. 13, SE¼ and S½N½.
T. 14 N., R. 11 W.,
Secs. 6 and 8;
Sec. 18, lots 3 and 4, E½SW¼ and SE¼;
Sec. 20, NW¼;
Sec. 28.

The areas described aggregate approximately 13,737.71 acres.

W. H. BURNETT,
Acting Regional Administrator.

[F. R. Doc. 54-943; Filed, Feb. 10, 1954; 8:46 a. m.]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 4, 1954.

An application, serial number Montana 012611, for the withdrawal from all forms of appropriation under the public land laws, except of the lands described below, was filed on November 16, 1953, by the Fish and Wildlife Service. The purposes of the proposed withdrawal: For wildlife conservation and rehabilitation as provided for under the act of August 14, 1946 (60 Stat. 1080; 16 U. S. C. 661–661c).

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region III, Bureau of Land Management, Department of the Interior, at Billings, Montana. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

T. 13 N., R. 11 E.,
Sec. 16: NE¼NE¼, NE¼NW¼, Lot 2.
Sec. 27: Lot 2, Lot 4 except 13 acres in National Forest, and Lot 5.

The areas described aggregate 234.49 acres, more or less.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 54-965; Filed, Feb. 10, 1954; 8:52 a. m.]

Bureau of Reclamation

MILK RIVER PROJECT, MONTANA

ORDER OF REVOCATION

NOVEMBER 20, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of August 18 and 26, 1902, and February 9, 1903, in so far as said orders affect the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

PRINCIPAL MERIDIAN

T. 31 N., R. 24 E.,
Sec. 1, Lot 1, 2, 3.
T. 32 N., R. 24 E.,
Sec. 19, Lot 3, NE¼SW¼, N½SE¼.
T. 30 N., R. 32 E.,
Sec. 2, Lot 12, NW¼SW¼.
Sec 3, E½SE¼.
T. 31 N., R. 32 E.,
Sec. 23, SW¼SE¼,
Sec. 26, E½NE¼, NW¼NE¼.
Sec. 35, E½W½.

The above areas aggregate 755.69 acres.

W. A. DEXHEIMER,
Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in reclamation homestead entries Great Falls 043755, 053710, 053816, 058977 and 058986, and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting a preference right of application to veterans of World War II and others.

EARL G. HARRINGTON,
Acting Assistant Director, Bureau of Land Management.

FEBRUARY 5, 1954.

[F. R. Doc. 54-945; Filed, Feb. 10, 1954; 8:47 a. m.]

[Misc. 65036]

GRAND VALLEY PROJECT, COLORADO

ORDER OF REVOCATION

JUNE 24, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April

7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of July 2, 1902, April 11, 1903, April 22, 1903, July 27, 1908, and July 27, 1910, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 9 S., R. 102 W.
Sec. 7: Lots 2, 3, and 4, SE¼NW¼, and E½SW¼;
Sec. 18: Lot 3:
T. 8 S., R. 103 W.
Sec. 34: Lots 2, 3, 19, and 20:
Sec. 35: Lots 1 to 26 incl., N½SE¼.
T. 9 S., R. 103 W.
Sec. 1: Lots 3 and 4, and SW¼NW¼;
Sec. 2: Lots 1, 4, 5, and 9, SE¼NE¼, E½SW¼SE¼, and E½SE¼;
Sec. 3: Lots 1 to 4 incl., N½SW¼NE¼, SE¼NE¼, SW¼NW¼, N½SE¼NW¼, and N½NW¼SW¼;
Sec. 4: Lot 1, S½NE¼, and NE¼SE¼;
Sec. 6: Lots 6 and 7, E½SW¼, and SW¼SE¼;
Sec. 7: NW¼NE¼;
Sec. 11: N½NE¼;
Sec. 12: N½.
T. 9 S., R. 104 W.
Sec. 1: SE¼SE¼;
Sec. 2: NW¼SW¼;
Sec. 3: N½SE¼, and SW¼SE¼;
Sec. 12: NW¼NE¼, N½NW¼, and N½SW¼NE¼.

The above areas aggregate 2,771.10 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands consist of rolling hills and heavy alkaline soils, with a cover of shadscale. These lands are not suitable for agriculture, but are chiefly usable for grazing. It is not likely that they will be classified for any other use, but any application that is filed will be considered on its merits.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans of World War II and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Information showing the periods during which, and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager, Land and Survey Office, Bureau of Land Management, Denver, Colorado.

WILLIAM PINCUS,
Assistant Director,
Bureau of Land Management.

JANUARY 26, 1954.

[F. R. Doc. 54-946; Filed, Feb. 10, 1954; 8:47 a. m.]

MINIDOKA PROJECT, IDAHO

ORDERS OF REVOCATION

Correction

1. In the order dated September 28, 1953 (F. R. Doc. 54-540, 19 F. R. 461), Section 26 of T. 8 S., R. 26 E. should read: "Sec. 26, W½NE¼, NW¼, NW¼SW¼ and N½SE¼.".

2. In the order dated July 29, 1953 (F. R. Doc. 54-541, 19 F. R. 461), Section 7 of T. 9 S., R. 22 E. should read: "Sec. 7, Lots 1, 2, 3 and 4, W½NE¼, E½NW¼ and E½SW¼.".

3. In the order dated June 19, 1953 (F. R. Doc. 54-542, 19 F. R. 462), Section 01 of T. 9 S., R. 20 E. should read: "Sec. 01, Lots 1, 2, 3 and 4, S½NE¼, S½NW¼, SW¼, NW¼NE¼SE¼, S½NE¼SE¼, NW¼SE¼ and S½SE¼.".

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 172]

ISADORE MARKS ET AL.

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Isadore Marks, individually and t/a Sealand Machinery Company, 6427 Southwest 16th Street, Miami, Florida; Easy Enterprises, Inc., Pier 3, Miami, Florida; Industrial Steel Industries, Inc., 551 Northwest 71st Street, Miami, Florida; respondents.

This proceeding, having been commenced by the Director, Investigation Staff, Office of International Trade, now the Bureau of Foreign Commerce, wherein Isadore Marks, Easy Enterprises, Inc., and Industrial Steel Industries, Inc., were charged with violating the Export Control Act of 1949, as amended, and the regulations promulgated thereunder, came on for hearing before a Compliance Commissioner at Miami, Florida, on the 2d day of December 1953. The respondents, having been duly served with the charges and with notice of hearing, appeared at such hearing and were there represented by their attorney. The Compliance Commissioner, after hearing all the evidence, has submitted his report and recommendation to the undersigned Director of Export Supply, who has carefully considered the whole record and the recommendation and, after such consideration and upon the whole record, the undersigned Director of Export Supply hereby makes the following

FINDINGS OF FACT

1. (a) At all times hereinafter mentioned Isadore Marks, as an individual and also under the firm name of Sealand Machinery Company, Easy Enterprises, Inc., a corporation, and Industrial Steel Industries, Inc., a corporation, were engaged in the export business in Miami, Florida. The corporations are instrumentalities of Marks.

(b) On or about the 15th day of February 1951, Easy Enterprises, Inc., caused to be loaded upon a barge being exported from the United States to the Dominican Republic a quantity of zinc of a value of approximately $1,245.36. Permission for the exportation of the barge had previously been granted by the Maritime Administration and the necessary export declaration had been duly filed.

(c) A validated export license was necessary for the exportation of zinc if of a value in excess of $300.00, but Easy had not obtained such license.

(d) Upon discovery of the zinc aboard the barge, it was seized by United States Customs as an illegal exportation and later forfeited, the seizure and forfeiture not being contested.

2. (a) Under date of April 26, 1951, Marks applied to the Office of International Trade, now the Bureau of Foreign Commerce, for a license to export to a consignee and purchaser named therein, certain equipment including a diesel-powered crane or shovel and a self-propelled road grader. This license was granted May 3, 1951. Under date of May 15, 1951, he similarly applied for an export license to ship to the same consignee and purchaser additional equipment including the bituminous paver hereinafter mentioned. This license was granted on May 21, 1951.

(b) He thereafter exported from the United States the shovel, the road grader, and the bituminous paver, shipping the shovel and the road grader to one consignee and purchaser different from the consignee and purchaser designated in his application and license and shipping the paver to another consignee and purchaser also different from the consignee and purchaser designated in his application and license.

(c) He accomplished these exportations by causing to be executed and filed for each piece of equipment mentioned an export declaration in which it was certified on his behalf that the equipment was being exported to the consignee and purchaser named in the export licenses issued to him authorizing such exportations to such consignee and purchaser and it was further certified therein on his behalf that the exportations were being made under the authority of such licenses.

3. (a) On or about the 13th day of December 1951, Marks, using his corporation, Industrial Steel Industries, Inc., as the purchaser, for the purpose of filling an order received by him from a firm in Cuba, purchased and caused to be delivered to a ship going to Cuba a quantity of steel of a value in excess of $3,800.00. At about the same time he telephoned a customs official in Miami and ascertained that an exportation of steel, if of a value less than $1,000.00, could be made to Cuba under general license, a validated export license not being required unless the value was in excess of that amount.

(b) He thereupon split the steel so purchased into three parts and for each of the parts executed or caused to be executed a separate export declaration. One of these export declarations was executed by his employee who described himself as the secretary of a company of which Marks was manager and which was therein named as the exporter. This declaration correctly stated the name of the consignee and purchaser in Cuba but valued the steel being exported at $964.70. Another of these export declarations was executed by an individual who said he did it as a favor for the true purchaser and consignee. This declaration named as consignee and purchaser, not the true consignee and purchaser, but the customs broker in Cuba who handled its business. The steel described in it was valued at $987.60. The remaining export declaration was signed in the name of Marks' trade name, Sealand Machinery Company, as exporter, and correctly named as purchaser and consignee the true purchaser and consignee in Cuba. The value of the steel being exported was stated as $990.

(c) Marks intended that all the steel mentioned in these three declarations be delivered to the firm in Cuba for which he had purchased the same. As respects all of this steel, he and his corporation, Industrial Steel Industries, Inc., were the true exporters and the exporters named in two of the declarations were falsely named. As respects all of this steel, only one firm in Cuba was the true consignee and purchaser and the consignee and purchaser named in one of these declarations was falsely named. The value of the steel sought to be exported under these three declarations was in excess of $3,000.00, the steel actually constituted only one exportation, and the values as stated in the declarations, aggregating as they did less than $3,000.00, were falsely therein set forth.

4. All the acts hereinabove set forth were knowingly performed either by Marks or pursuant to his instructions knowingly given for the furtherance of his business.

And, from all of which it is concluded:

A. That Marks and Easy Enterprises, Inc., violated the Export Control Act of 1949, as amended, and § 379.1 (a) of the Export Control Regulations when he knowingly exported from the United States without first having obtained the necessary export license therefor a quantity of zinc of a value in excess of $1,000.00; B. That Marks violated the Export Control Act of 1949, as amended, and §§ 381.1 (b) (1) (2) (3) ii, 381.3 (a) (b) (2) of the Export Control Regulations when he showed he had not (1) knowingly exported the said paver, shovel, and grader contrary to the terms and provisions of the export licenses which had been granted to him for the exportation thereof; (2) falsely described the true ultimate purchaser and consignee of the said equipment in applications for export licenses and concealed their true identity from the Office of International Trade; and C. Marks and Industrial Steel Industries, Inc., violated the Export Control Act of 1949, as amended, and §§ 370.2 (a) (b), 381.1 (b) (1) (2) (3) and 384.2 (a) (1) (2) of the Export Control Regulations when they (1) knowingly attempted to export a quantity of steel of a value in excess of $3,000.00 without first having applied to and obtained from the Office of International Trade, now the Bureau of Foreign Commerce, a validated export license authorizing such exportation, by splitting the said steel into three groups and representing to Customs officials that each group was of a value less than $1,000.00 exportable under General License and (2) by knowingly making or causing to be made false representations and statements as to value, consignee, purchaser, and exporter on export declarations filed by them or on their behalf in support of such attempted exportations.

The Compliance Commissioner, in making his recommendation, has considered not only the facts involved in this case but also the cooperation of the respondents in this proceeding. He has recommended that consideration be given to them for the period during which they have been temporarily suspended from export privileges. His recommendation, upon the facts and circumstances appearing in the record, appears to be fair, reasonable, and necessary to achieve effective enforcement of the law and is accordingly adopted.

It is now therefore ordered, That:

I. All outstanding validated export licenses held by or issued in the names of the above-named respondents, or any of them, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be forthwith returned to the Bureau of Foreign Commerce for cancellation.

II. Respondents and each of them, are hereby denied and declared ineligible to exercise the privilege of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, including Canada until August 31, 1955. Without limitation of the generality of the foregoing, participation in an exportation shall be deemed to include and prohibit respondents' participation (a) in the filing of any export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving in any foreign country of any exportation from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

III. Such denial of export privileges shall extend not only to the named respondents, their successors or assigns, directors, officers, associates, partners, representatives, agents, and/or employees, but also to any person, firm, corporation, or business organization with which they, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

IV. Respondent Marks is hereby excluded until August 31, 1955, from engaging in practice on his own behalf or on behalf of any other person, firm, or corporation before the Bureau of Foreign Commerce, Department of Commerce, in any matter, proceeding, or application which may during such period be pending in said Bureau, except that this part shall not be deemed to prevent or prohibit him, should he so desire, from defending himself in person against any charge or charges which may be made against him during such period of suspension, if any such charge or charges be made.

V. No person, firm, corporation, or other organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated or general licenses, or otherwise, to or for the named respondents or any of them, or any person, firm, corporation, or other organization within the scope of Part III above, without prior disclosure of such facts to, and specific authorization from, the Bureau of Foreign Commerce.

Dated: February 8, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-973; Filed, Feb. 10, 1954; 8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Ely & Walker Factory, Paragould, Ark., effective 1-30-54 to 1-29-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Frackville Manufacturing Co., Ninth and Scull Streets, Lebanon, Pa., effective 1-28-54 to 1-27-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas, night shirts, etc.).

Huggins Garment Co., Inc., Donalds, S. C., effective 1-29-54 to 1-28-55; 5 learners for normal labor turnover purposes (shirts).

Huggins Garment Co., Inc., Due West, S. C., effective 1-26-54 to 1-25-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Monterey Mills, Monterey, Tenn., effective 2-2-54 to 2-2-55; 10 learners for normal labor turnover purposes (boys' sport shirts).

Monterey Mills, Monterey, Tenn., effective 2-2-54 to 8-2-54; 15 learners for plant expansion purposes (boys' sport shirts).

Hartwell Garment Co., Howell Street, Hartwell, Ga., effective 2-12-54 to 2-11-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants and shirts).

Lerner-Stone Clothing Corp., Forrest City, Ark., effective 1-29-54 to 7-28-54; 35 learners for plant expansion purposes (trousers).

Meyersdale Manufacturing Co., Inc., Meyersdale, Pa., effective 1-27-54 to 1-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Patterson Manufacturing Co., Siloam Springs, Ark., effective 1-29-54 to 1-28-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' waistband overalls, ladies' and misses' jeans, etc.).

Powellville Shirt Co., Powellville, Md., effective 1-25-54 to 1-24-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts and jackets).

Southland Manufacturing Co., Inc., Branch Factory No. 2, Benson, N. C., effective 1-22-54 to 1-21-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Tuf-Nut Garment Manufacturing Co., 423 East Third Street, Little Rock, Ark., effective 2-5-54 to 2-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, shirts, etc.).

Willards Shirt Co., Willards, Md., effective 1-29-54 to 1-28-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Burlington Mills, Corp., Harriman Hosiery Plant, Harriman, Tenn., effective 2-1-54 to 1-31-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Glen Raven Knitting Mills, Inc., Altamahaw, N. C., effective 1-13-54 to 2-12-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Junior Hosiery Mills, Inc., Reading, Pa., effective 2-6-54 to 2-5-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950, 15 F. R. 398).

Alabama Telephone Co., Haleyville, Ala., effective 1-29-54 to 1-28-55.

Alabama Telephone Co., Fayette, Ala., effective 1-29-54 to 1-28-55.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Borinquen Radio Components Corp., Rio Piedras, P. R., effective 1-21-54 to 7-20-54; 12 learners. Machinists, 320 hours at 40 cents an hour, 320 hours at 45 cents an hour, 320 hours at 50 cents an hour (metal parts for radios).

Gordonshire Knitting Mills, Inc., Cayey, P. R., effective 1-25-54 to 7-24-54; 8 learners. Knitters, 200 hours at 30 cents an hour; loopers, 200 hours at 30 cents an hour; examiners, 160 hours at 30 cents an hour (seamless hosiery).

Senorita Hosiery Mills, Inc., Gurabo, P. R., effective 1-21-54 to 7-20-54; 10 learners. Examining and inspecting, 240 hours at 30 cents an hour; knitting, seaming, mending; each 480 hours at 30 cents an hour, 480 hours at 35 cents an hour (full-fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 1st day of February 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-948; Filed, Feb. 10, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

FEBRUARY 1954 DOMESTIC AND EXPORT PRICE LISTS

Pursuant to the pricing policy of Commodity Credit Corporation issued March 22, 1950, as amended January 9, 1953 (15 F. R. 1593, 18 F. R. 176) and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

FEBRUARY 1954 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Cottonseed oil, refined, 857,000,000 pounds.[1]	Bid basis, f. o. b. tankcars or tankwagons at points of storage locations. Available New Orleans CSS Commodity Office.
Cottonseed oil, crude, 10,000,000 pounds.[1]	Bid basis, f. o. b. tankcars or tankwagons at producers' mills. Available New Orleans CSS Commodity Office.
Linseed oil, raw, 55,000,000 pounds[1]	Bid basis, f. o. b. tankcars at points of storage locations. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis CSS Commodity Offices.
Peanuts: Shelled, bagged (for crushing).	Bid basis, f. o. b. vessel at specified ports, subject to terms and conditions of USDA Announcement FO-28-53. Peanuts may be 1953 crop peanuts acquired by calling loans, as well as CCC stocks from previous crops. (These peanuts are also available as farmers' stock for export on bid basis, f. o. b. points of storage locations subject to the terms and conditions of USDA Announcements CCC Peanut Forms 34 and 40.) Available Oils and Peanut Division, CSS, USDA, Washington 25, D. C., and Dallas CSS Commodity office.
Wheat, bulk	Sales made for export pursuant to announcement GR 261 and 262.
Corn, bulk, 50,000,000 bushels[1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

[1] These same lots also are available from the domestic sales price list announced today.

FEBRUARY 1954 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic price list[1]
Nonfat dry milk solids (in carload lots only); 355,000,000 pounds, spray; 75,000,000 pounds, roller.	Spray process, U. S. Extra Grade, 17 cents per pound. Roller process, U. S. Extra Grade, 15 cents per pound. Prices apply "in store" at location of stocks.[2]
Salted creamery butter (in carload lots only) 260,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 69.75 cents per pound; New York, New Jersey, Pennsylvania, New England and other states bordering the Atlantic Ocean and Gulf of Mexico, 69.50 cents per pound; California, Oregon, and Washington, 69.75 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Prices apply "in store" at location of stocks.[2]
Cheddar cheese cheddars, flats, twins and rindless blocks (standard moisture basis, in carload lots only), 260,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 39 cents per pound; New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico, 40 cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. All prices are subject to usual adjustment for moisture content. Prices apply "in store" at location of stocks.[2]
Cottonseed oil, refined, 857,000,000 pounds.[3]	Market price but not less than the minimum crude price, with appropriate adjustments for refining, location and quality f. o. b. tankcars or tank wagons at points of storage locations. Available New Orleans CSS Commodity Office. Price will not be reduced during period ending Aug. 31, 1954.
Cottonseed oil, crude, 10,000,000 pounds.[3]	Market price but not less than 15 cents per pound prime, Valley basis, f. o. b. tankcars or tankwagons at producers' mills subject to premiums or discounts comparable to Bulletin 3 of the 1953 crop cottonseed price support program. Available New Orleans CSS Commodity Office. Price will not be reduced during period ending Aug. 31, 1954.
Linseed oil, raw, 55,000,000 pounds[3].	Market price on date of sale, but not less than equivalent of the 1953 price support for flaxseed. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis CSS Commodity Offices.
Peanuts—Farmers' stock: Virginia type, bagged, 1952 crop, 8,000 tons.	Bid basis, f. o. b. points of storage locations, subject to the terms and conditions of Announcement CCC Peanut Form 40. In addition, farmers' stock peanuts from CCC stocks including any 1953 crop peanuts acquired by calling loans, may be offered under separate announcement for domestic crushing subject to the terms and conditions of CCC Peanut Form 34. Available Dallas CSS Commodity Office.
Large lima beans, bagged, 1952 crop, 371,000 hundredweight.	$12.90 per 100 pounds for U. S. No. 1 basis, California points of production. For other grades, adjust by market differentials. Amount of paid-in freight to be added, as applicable. Available Portland CSS Commodity Office.

See footnotes at end of table.

FEBRUARY 1954 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic price list[1]
Seeds	All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. On all seeds except lading: Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.
Common and Williamette vetch seed, bagged, 145,000 hundredweight.	$6 per 100 pounds. Available Dallas, Portland and New Orleans CSS Commodity Offices.
Red clover seed (uncertified), bagged, 77,425 hundredweight.	$36.75 per 100 pounds. Available Portland, Chicago, Kansas City, Minneapolis, and New Orleans CSS Commodity Offices.[4]
Red clover seed (certified), bagged; Cumberland, 1,015 hundredweight; Midland, 625 hundredweight.	$36.75 per 100 pounds. Available Portland, Kansas City, and Minneapolis CSS Commodity Offices.[4]
Red clover seed (Kenland certified), 140 hundredweight.	$43 per 100 pounds. Available Portland CSS Commodity Office.[4]
White clover seed, bagged, 882 hundredweight.	$53.50 per 100 pounds. Available New Orleans CSS Commodity Office.[4]
Ladino clover seed (certified), bagged, 144,220 hundredweight.	$65 per 100 pounds. $60 in lots of 60,000 pounds or more. Available Portland, Minneapolis, and Kansas City CSS Commodity Offices.
Crimson clover seed, bagged, 964 hundredweight.	$18 per 100 pounds. Available Portland and New Orleans CSS Commodity Offices.
Biennial sweet clover seed, bagged, 19,640 hundredweight.	$9.45 per 100 pounds. Available Kansas City, Minneapolis, and Chicago CSS Commodity Offices.[4]
Alsike clover seed; bagged, 18,130 hundredweight.	$27 per 100 pounds. Available Portland, Kansas City, Chicago, and Minneapolis CSS Commodity Offices.[4]
Smooth bromegrass seed (uncertified), bagged, 34 hundredweight.	$15.75 per 100 pounds. Available Portland CSS Commodity Office.[4]
Smooth bromegrass seed (Manchar certified), bagged, 345 hundredweight.	$22.50 per 100 pounds. Available Portland CSS Commodity Office.[4]
Mountain bromegrass seed (Bromar certified), bagged, 1,831 hundredweight.	$21 per 100 pounds. Available Portland CSS Commodity Office.[4]
Hairy Vetch seed, bagged, 199,000 hundredweight.	$1 plus 1953 support price for 100 pounds. Available Portland and New Orleans CSS Commodity Offices.
Birdsfoot Trefoil seed, bagged, 1,322 hundredweight.	$78.75 per 100 pounds. Available Portland CSS Commodity Office.[4]
Slender wheatgrass seed (uncertified), bagged, 250 hundredweight.	$16 per 100 pounds. Available Minneapolis CSS Commodity Office.[4]
Primer slender wheatgrass seed (certified), bagged, 327 hundredweight.	$31.50 per 100 pounds. Available Portland CSS Commodity Office.[4]
Rough peas, bagged, 5,398 hundredweight.	$6.50 per 100 pounds. Available New Orleans CSS Commodity Office.
Alfalfa seed, Northern, bagged, 192,400 hundredweight.	$37.50 per 100 pounds. Available Portland, Chicago, Minneapolis, and Kansas City CSS Commodity Offices.[4]
Alfalfa seed, Central, bagged, 26,965 hundredweight.	$30 per 100 pounds. Available Portland, Dallas, and Kansas City CSS Commodity Offices.[4]
Alfalfa seed, Southern, bagged, 55 hundredweight.	$22 per 100 pounds. Available Dallas CSS Commodity Office.[4]
Alfalfa seed (certified), bagged, Ranger, 83,644 hundredweight; Ladak, 7,858 hundredweight; Grimm, 4,918 hundredweight; Buffalo, 41,957 hundredweight; Atlantic, 6,155 hundredweight.	All available in Portland and Kansas City; all but Buffalo and Atlantic in Minneapolis; and only Buffalo and Atlantic in Dallas CSS Commodity Offices.[4]
Tall Fescue seed (common), bagged, 51,876 hundredweight.	$21.50 per 100 pounds. Available Portland, Dallas, Kansas City, Chicago, and New Orleans CSS Commodity Offices.[4]
Tall Fescue seed (certified), bagged, 69,778 hundredweight.	$29 per 100 pounds. Available Portland, New Orleans, Dallas and Minneapolis CSS Commodity Offices.[4]
Corn, bulk, 50,000,000 bushels[4]	At points of production, basis in store, the market price but not less than the applicable 1953 county loan rate for No. 3 yellow plus: (1) 23 cents per bushel if received by truck, or (2) 19 cents per bushel if received by rail or barge. At other locations, the foregoing plus average paid-in freight. Example of minimum price per bushel: Chicago, No. 3 yellow, $1.97; St. Louis, No. 3 yellow, $1.99; Minneapolis, No. 3 yellow, $1.88; Omaha, No. 3 yellow, $1.90; Kansas City, No. 3 yellow, $1.95. For other classes, grades and quality, market differentials will apply.
Grain sorghums, bulk (for feed only), 56,000 hundredweight.	Market price for feed, basis in store. Small lots available Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices.
Barley, bulk (for feed only), 46,000 bushels.	Market price for feed, basis in store. Small lots available Kansas City and Minneapolis CSS Commodity Offices.
Rye, bulk (for feed only), 148,000 bushels.	Market price on date of sale, basis in store. Available Minneapolis CSS Commodity Office. No storable flaxseed from the 1953 crop acquired by CCC will be sold at less than the 1953 support price during the period ending July 31, 1954.
Flaxseed, bulk (for crushing only), 325,000 bushels. Largely LCL lots.	The higher of (1) the market value, or (2) 103 percent of the price support appraisal value per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area. Sales will be made ex-warehouse where stored. Available Boston CSS Commodity Office.
Wool, shorn and pulled grease (including some scoured), 95,000,000 pounds.	

[1] Prices will not be applicable to sales made in connection with drought relief programs carried out in disaster areas.
[2] "In store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[3] These same lots also are available at export sales prices announced today.
[4] Price will not be reduced during the period ending June 30, 1954.

(Sec. 407, 63 Stat. 1051)

Issued: February 8, 1954.

[SEAL]

HOWARD H. GORDON,
President,
Commodity Credit Corporation.

[F. R. Doc. 54-975; Filed, Feb. 10, 1954; 8:55 a. m.]

Office of the Secretary

NORTH DAKOTA

DESIGNATION OF PRODUCTION DISASTER AREA

Pursuant to the authority contained in section 2 (a) of the act of April 6, 1949 (63 Stat. 44; 12 U. S. C. 1148a-2), it has on this date been found that a production disaster in the entire State of North Dakota, occasioned by adverse weather conditions, has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

After December 31, 1954, production disaster loans will not be made in the State of North Dakota, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 8th day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-977; Filed, Feb. 10, 1954; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2075]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER POSTPONING DATE OF HEARING

By order issued January 20, 1954, the Commission postponed the resumption of the hearing in the above-docketed proceedings from January 25, 1954, to February 9, 1954.

On February 1, 1954, Transcontinental Gas Pipe Line Corporation filed a request with the Commission that the hearing be postponed to a date not earlier than March 8, 1954.

The Commission finds: Good cause exists to further postpone the resumption of the hearing in the above-docketed proceedings to the date hereinafter ordered.

The Commission orders: The date of further hearings in the above-docketed proceedings be and the same is hereby postponed from February 9, 1954, to March 8, 1954.

Adopted: February 4, 1954.

Issued: February 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-963; Filed, Feb. 10, 1954; 8:51 a. m.]

[Docket Nos. G-2332, G-2333]

ARKANSAS-OKLAHOMA GAS CO. AND FORT SMITH GAS CORP.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

In the matters of Arkansas-Oklahoma Gas Company, Docket No. G-2332; and Fort Smith Gas Corporation, Docket No. G-2333.

On December 11, 1953, Arkansas-Oklahoma Gas Company and Fort Smith Gas Corporation (Fort Smith) filed applications for abandonment of facilities pursuant to section 7 (b) of the Natural Gas Act (Docket No. G–2332) and for a certificate of public convenience and necessity pursuant to section 7 (c) of the Act (Docket No. G–2333), as fully described in the applications on file with the Commission. Due notice of the filings of the applications was given by publication in the FEDERAL REGISTER on January 1, 1954 (19 F. R. 40).

Applicants requested disposition of these proceedings under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Several matters are raised by these applications which may have a substantial effect upon the rates Fort Smith may be required to pay for natural gas.

The Commission deems it necessary and appropriate to hold a formal hearing in order that the full facts may be developed on the record.

The Commission finds:

(1) These proceedings are not proper ones for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) The requests that these proceedings be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure be and the same hereby are denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on February 15, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Adopted: February 3, 1954.

Issued: February 4, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–950; Filed, Feb. 10, 1954; 8:48 a. m.]

[Docket No. G–2347]

ARKANSAS-LOUISIANA GAS CO.

NOTICE FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed January 4, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities, and the abandonment of other facilities, insofar as the interstate operation thereof is concerned, as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, provided that no request to be heard, protest or petition is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on January 23, 1954 (19 F. R. 419–420).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 24, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: February 4, 1954.

Issued: February 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–964; Filed, Feb. 10, 1954; 8:51 a. m.]

[Docket No. G–2357]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

FEBRUARY 4, 1954.

Take notice that Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation having its principal place of business in the Braniff Building, Oklahoma City, Oklahoma, filed, on January 20, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the continued operation of five existing lateral pipelines with a combined length of 17.665 feet of small diameter pipe and appurtenant equipment for the direct sale of natural gas to five alfalfa dehydration plants, all as hereinafter described.

The five lateral pipe lines involved are connected to Applicant's main Gray County, Texas, to Lyons, Kansas, transmission system at various points in the states of Oklahoma and Kansas, and are being and will be used to supply gas largely during off-peak periods. Future annual sales to all the alfalfa plants are estimated at 97,500 Mcf and total cost of the above-described facilities was $8,142.52.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–951; Filed, Feb. 10, 1954; 8:48 a. m.]

[Docket No. G–2358]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

FEBRUARY 4, 1954.

Take notice that Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation having its principal place of business in the Braniff Building, Oklahoma City, Oklahoma, filed, on January 20, 1954, an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon and remove approximately 12,000 feet of 4½-inch lateral pipeline, all as hereinafter described.

The lateral line involved is located in Grant County, Oklahoma, extends from Applicant's main transmisison line to a gasoline plant constructed by W. O. Morse, and was used to transport residue gas from the gasoline plant. Applicant states that the gasoline plant has been inoperative since February, 1953, due to depletion of the gas reserves on which it depended, and that there are no prospects of the plant resuming operations. Applicant states that said lateral line is now unused other than for the delivery of gas to two farm homes. Construction and operation of the lateral line was authorized by a temporary certificate issued August 20, 1952.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–952; Filed, Feb. 10, 1954; 8:49 a. m.]

[Project No. 2149]

PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, BRIDGEPORT, WASH.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

FEBRUARY 5, 1954.

Public notice is hereby given that Public Utility District No. 1 of Douglas County, Bridgeport, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for preliminary permit for proposed Project No. 2149 to be located on the Columbia River in Chelan, Douglas, and Okanogan Counties, Washington, and affecting Indian Tribal lands and public lands of the United States. The proposed project to be built near Azwell, Washington, would consist of a concrete dam containing non-overflow spillway, intake and powerhouse sections; a reservoir extending about 29 miles upstream to the tail water of Chief Joseph Dam, now under construction by the United States; a powerhouse having an initial installation of eight generators totaling 392,000 kw of capacity and an ultimate installation of twelve generators totaling 588,000 kw of capacity; and appurtenant facilities. The power generated would serve the loads of public agencies and municipalities including the load of the Northwest Power Pool. Applicant's proposal is essentially identical to that of the U. S. Army, Corps of Engineers, for development of the Wells damsite and conflicts with Puget Sound Power & Light Company's application which was filed December 23, 1953, and docketed as Project No. 2148.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before March 23, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–962; Filed, Feb. 10, 1954; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3184]

WEST PENN ELECTRIC CO. AND POTOMAC EDISON CO.

NOTICE OF FILING OF TRANSFER BY REGISTERED HOLDING COMPANY TO PUBLIC-UTILITY SUBSIDIARY OF CAPITAL STOCK OF NON-UTILITY COMPANY

FEBRUARY 5, 1954.

Notice is hereby given that the West Penn Electric Company ("West Penn"), a registered holding company, and the Potomac Edison Company ("Potomac"), a public-utility subsidiary of West Penn, and also a registered holding company, have filed a joint application-declaration with this Commission regarding the proposal of West Penn to transfer to Potomac, as a capital contribution, all of the outstanding capital stock of White Star Lines, Inc. ("White Star"). Applicant and declarant have designated sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 thereunder as applicable to the proposed transaction.

All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the facts and the proposed transaction set forth therein, which are summarized as follows:

White Star is a Pennsylvania corporation which operates motor vehicles primarily for the transportation of passengers. All of its outstanding capital stock, consisting of 2,100 shares of common stock of the par value of $100 per share, is owned by West Penn. West Penn proposes to transfer to Potomac, as and for a contribution to the capital of Potomac, and Potomac proposes to acquire, all of the outstanding capital stock of White Star.

White Star is directed and supervised from the office of Potomac in Hagerstown, Maryland, together with the Blue Ridge Transportation Company ("Blue Ridge"), a wholly owned subsidiary of Potomac, and Penn Bus Company, a 50 percent owned subsidiary of West Penn (the other 50 percent of its capital stock being owned by Pennsylvania Greyhound Lines, Inc., a non-affiliated company), as a unified and coordinated bus system under the name of "Blue Ridge Lines."

Applicant and declarant represent that the transfer by West Penn of the capital stock of White Star to Potomac will result in further simplification of the corporate and operating relationships of the West Penn holding company system and will facilitate the sale of the properties of White Star, Blue Ridge and Penn Bus Company, although such transfer is not conditioned thereupon.

Applicant and declarant have requested that the Commission's order herein be issued as soon as practicable pursuant to Rule U-23 of the rules and regulations promulgated under the act and that such order become effective upon issuance.

Notice is further given that any interested person may, on or before February 18, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on this matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by such application-declaration which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and shall be identified by the caption of this Notice. At any time after February 18, 1954, the Commission may grant and permit to become effective forthwith said application-declaration, as filed or as amended, as provided in Rule U-23 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–957; Filed, Feb. 10, 1954; 8:50 a. m.]

[File No. 70–3186]

UTAH POWER & LIGHT CO. AND WESTERN COLORADO POWER CO.

NOTICE OF PROPOSED SALE OF SECURITIES BY SUBSIDIARY TO PARENT HOLDING COMPANY

FEBRUARY 4, 1954.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company, and its wholly-owned electric-utility subsidiary, the Western Colorado Power Company ("Colorado"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 6 (b), 9 (a), 10 and 12 (f) of the act and Rules U-23 and U-45 thereunder as applicable to the proposed transactions, which are summarized as follows:

Colorado proposes: (a) To refinance $1,000,000 principal amount of 11-month notes issued and delivered to Utah during the year 1953, by issuing and delivering to Utah its note in the principal amount of $1,000,000 bearing interest payable semi-annually at the rate of 4½ percent per annum and maturing July 1, 1963, upon receipt of which note Utah will cancel and return said 11-month notes to Colorado; (b) during the period ending March 31, 1955, to issue and sell to Utah up to, but not more than, 20,000 shares of Colorado's $20 par value common stock for $20 per share, payable in cash; (c) during the period ending March 31, 1955, to borrow from Utah up to, but not more than, $1,000,000, to be evidenced by Colorado's promissory note or notes executed from time to time as such borrowings are made, such notes to bear interest at the rate of 4 percent per annum, payable quarterly, and to mature not more than 11 months from the date thereof. At the end of the period, March 31, 1955, the ratio of the amount of notes to the amount of stock issued shall not exceed ten of notes to four of stock.

Colorado proposes to use the funds so received, other than the refinancing of its 11-month notes as aforesaid, toward financing its current construction program. The company estimates that it will require, in addition to $350,000 of its own cash, approximately $1,400,000 to complete its 1954 construction program and to carry the program forward into 1955.

It is estimated that the total expenses to be incurred herein will not exceed $500.

Colorado has filed with the Public Utilities Commission of Colorado an application for approval of its issuance and delivery to Utah of the $1,000,000 note maturing July 1, 1963, and of its issuance and sale to Utah of not more than 20,000 shares of its common stock at $20 per share, being proposals (a) and (b) aforesaid. Company counsel states that the State commission has jurisdiction over the issuance of securities, including stocks, bonds, notes, or other evidences of indebtedness maturing more than twelve months after the date of issuance.

Notice is further given that any interested person may, not later than February 24, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application-declaration, as filed or as

amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-953; Filed, Feb. 10, 1954; 8:49 a. m.]

[File No. 70-3190]

ARKANSAS POWER & LIGHT CO.

NOTICE OF FILING REGARDING AUTHORIZATION OF NEW CLASS OF PREFERRED STOCK

FEBRUARY 4, 1954.

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), an electric utility company and a subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission of its intention to create a new class of preferred stock ("New Preferred Stock") upon the authorization thereof by the holders of its presently outstanding $7 and $6 preferred stock and its common stock. Arkansas has designated sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-23 thereunder as applicable to such proposal.

All interested persons are referred to said declaration which is on file in the offices of the Commission for a statement of the facts and the proposal set forth therein which are summarized as follows:

Arkansas now has outstanding 47,609 shares of $7 preferred stock and 45,891 shares of $6 preferred stock, both classes without par value, comprising the entire amounts of preferred stock authorized by its charter. Arkansas presently intends to refinance such outstanding shares of preferred stock with the proceeds from the sale of New Preferred Stock or by an exchange or conversion of said outstanding shares of preferred stock. Any such refinancing, exchange, or conversion will be the subject of one or more filings with this Commission in the future.

In order to provide the means for refinancing its presently outstanding $7 and $6 preferred stocks, and to finance, in part, its contemplated expenditure of $25,000,000 in 1954 for construction of new facilities and the extension and improvement of its present facilities to provide electric service to its customers, Arkansas proposes to amend its corporate charter so as to authorize the issuance and sale of 250,000 shares of New Preferred Stock, in one or more series, each series to rank pari passu and to have identical characteristics, except as to the number of shares of each series, the distinctive designation, dividend rate, date of payment of dividends, the date from which such dividends shall commence to accumulate, and the amount or amounts payable upon redemption thereof.

The Certificate of Amendment of Arkansas' charter will contain certain protective provisions regarding the New Preferred Stock. One of the provisions, which accords the holders of the New Preferred Stock the right to elect a majority of the board of directors of the company in the event of default in an amount equal to four quarterly dividend payments, will not become operative, however, until the present $7 and $6 preferred stocks, which now enjoy such right, are either acquired or retired by the company. So long as the present preferred stocks remain outstanding, this contingent right of the present preferred stocks may not be conferred upon any other class of stock without the affirmative vote of the holders of two-thirds of the outstanding shares of present preferred stock. Arkansas does not propose to solicit the approval of the holders of its presently outstanding preferred stocks for this purpose, in view of its intention to effect a retirement of such preferred stocks at an early date.

Arkansas proposes to solicit the vote of its stockholders, which requires 60 days' notice under the laws of the State of Arkansas, for authorization of New Preferred Stock.

Arkansas requests that the Commission's order herein be issued on or before February 19, 1954 pursuant to Rule U-23 of the rules and regulations under the act and requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than February 18, 1954, request the Commission in writing that a hearing be held on this matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by such declaration which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and shall be identified by the caption of this notice. At any time after February 18, 1954, the Commission may permit said declaration, as filed or as amended, to become effective forthwith as provided in Rule U-23 of the rules and regulations promulgated under the act, or may exempt such proposal from the provisions of the act as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-954; Filed, Feb. 10, 1954; 8:49 a. m.]

[File No. 70-3191]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF CAPITAL CONTRIBUTION BY PARENT TO SUBSIDIARY

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act"), designating section 12 (b) of the act and Rule U-45 thereunder as applicable to the proposed transactions, which are summarized as follows:

GPU proposes to make cash capital contributions in the aggregate amount of $350,000 to its public utility subsidiary, Northern Pennsylvania Power Company ("North Penn"). Each such contribution will, upon receipt by North Penn, be credited to the stated capital applicable to its Common Stock. Such capital contributions will be made by GPU from time to time, but not later than September 30, 1954, as North Penn requires funds for construction purposes or to reimburse its treasury for expenditures therefrom for construction purposes or to repay bank loans utilized for that purpose. Thus GPU will by these cash capital contributions assist North Penn with its construction program which is designed to insure that North Penn will continue to be in a position to meet the demands of its consuming public.

It is requested that the Commission's order be expedited and made effective forthwith upon issuance and it is stated that no state or Federal Commission other than this Commission has jurisdiction over the proposed transactions. It is estimated that expenses in connection with the transactions will not exceed $300.

Notice is further given that any interested person may, not later than February 18, 1954 at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commision.

[SEAL] ORVAL L. DUBOIS. *Secretary.*

[F. R. Doc. 54-955; Filed, Feb. 10, 1954; 8:49 a. m.]

[File No. 70-3193]

INTERSTATE POWER CO.

NOTICE OF FILING REGARDING BORROWING FROM COMMERCIAL BANKS

FEBRUARY 4, 1954.

Notice is hereby given that Interstate Power Company ("Interstate"), a registered holding company, has filed a declaration with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"). All interested persons are referred to said declaration which is on file in the office of this Commission for a more detailed statement of the transaction therein proposed, which is summarized as follows:

Interstate proposes to issue and sell, at any time or from time to time up to and including December 31, 1954, pursuant to private sale at par in accordance with the terms of a credit agreement dated January 20, 1954, its unsecured promissory notes payable severally to the order of The Chase National Bank of the City of New York and Manufacturers Trust Company, respectively, in equal amounts, not to exceed $2,000,000 to each of said banks and in total $4,000,000. Said notes are to be dated the respective dates of their delivery, shall each be expressed to mature on or before 360 days from the date of the first borrowing under said agreement, or May 31, 1955, whichever date shall be earlier, and shall bear interest from their date, payable on the last days of March, June, September and December of each year at the rate of 3½ percent per annum. Each of said notes shall permit prepayment in whole or in part at any time without premium or penalty but with interest then accrued on the principal sum prepaid provided that if such prepayment is made either directly or indirectly from the proceeds, or in anticipation, of any bank borrowing, the Company will pay at the same time a premium calculated at the rate of 1 percent per annum on the principal sum so prepaid from the date of such prepayment to the stated maturity of the notes so prepaid, and each of said notes shall be issued in all respects in compliance with the terms of said credit agreement. Interstate proposes to pay each of said lending banks, as a commitment fee, the sum of $5,000.

Fees and expenses, exclusive of the commitment fees, are estimated at $5,000 which includes counsel fees of $3,500. It is stated that no State or Federal Commission other than this Commission has jurisdiction over the proposed transactions. It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than February 25, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-956; Filed, Feb. 10, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28898]

IRON AND STEEL FROM ALABAMA TO ATLANTA, GA., AND OTHER GEORGIA POINTS

APPLICATION FOR RELIEF

FEBRUARY 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Iron and steel articles, carloads.

From: Birmingham, Ala., and points grouped therewith, Alabama City, Attalla, and Gadsden, Ala.

To: Atlanta, Ga., and points taking same rates.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers, to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1258, supl. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-960; Filed, Feb. 10, 1954; 8:51 a. m.]

[4th Sec. Application 28899]

BRICK FROM AUGUSTA, GA., TO ALTON AND WOOD RIVER, ILL.

APPLICATION FOR RELIEF

FEBRUARY 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Brick, refractories and related articles, carloads.

From: Augusta and South Augusta, Ga.

To: Alton and Wood River, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1278, supl. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-961; Filed, Feb. 10, 1954; 8:51 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 19 NUMBER 30

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10517

DESIGNATING THE HONORABLE A. CECIL SNYDER TO ACT, UNDER CERTAIN CIRCUMSTANCES, AS JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO DURING THE YEAR 1954

By virtue of the authority vested in me by section 41 of the act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes", approved March 2, 1917, as amended by section 20 of the act entitled "An Act to revise, codify, and enact into law title 28 of the United States Code entitled 'Judicial Code and Judiciary' ", approved June 25, 1948 (62 Stat. 989), I hereby designate and authorize the Honorable A. Cecil Snyder, Chief Justice of the Supreme Court of the Commonwealth of Puerto Rico, to perform and discharge the duties of the office of Judge of the United States District Court for the District of Puerto Rico, and to sign all necessary papers and records as acting judge of the said district court, without extra compensation, in case of vacancy in the office of judge of the said district court, or in case of the death, absence, illness, or other legal disability of the judge thereof, during the year 1954.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
February 10, 1954.

[F. R. Doc. 54-1055; Filed, Feb. 10, 1954; 4:51 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 384, Amdt. 3]

PART 79—SCRAPIE IN SHEEP

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 79.2, as amended, Part 79, Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the disease of sheep known as scrapie and establishing a quarantine because of such disease, is hereby further amended to read as follows:

§ 79.2 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious, and communicable disease of sheep known as scrapie exists in the following areas in the State of Ohio:

That part of Eden Township in Licking County lying west of County Road No. 217, north of County Roads No. 217 and No. 210, and east of County Road No. 209;

That part of Buckskin Township in Ross County lying south of State Route No. 28, west of Lyndon-South Salem Road, north of Frogtown Road, and east of Coyner Road and Moon Road;

That part of Turtle Creek Township in Shelby County lying south of County Road No. 47, west of County Road No. 49, north of State Route No. 47, and east of County Road No. 85;

That part of Elk and Swan Townships in Vinton County lying south of John Lowry Road, west of State Route No. 75, north of Locust Grove Road, and east of George Thomas Road.

(b) The areas specified in paragraph (a) of this section are hereby quarantined because of scrapie.

Effective date. This amendment shall become effective upon issuance. It includes within the areas in which scrapie has been found to exist, and in which a quarantine has been established:

That part of Eden Township in Licking County lying west of County Road No. 217, north of County Roads No. 217 and No. 210, and east of County Road No. 209.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR, 1952 Supp., Part 79, as amended, apply with respect to shipments of sheep from this area.

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FEDERAL REGISTER

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This amendment excludes certain areas in Ohio from the areas in which scrapie has been found to exist and in which a quarantine has been established. Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR, 1952 Supp., Part 79, as amended, apply with respect to shipments of sheep from such areas.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of scrapie, a communicable disease of sheep, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended; 21 U. S. C. 111, 120, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C. this 8th day of February 1954.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54-985; Filed, Feb. 11, 1954; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

U. S. STANDARDS FOR SHELLED ENGLISH WALNUTS (JUGLANS REGIA)[1]

On December 19, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 247) regarding a proposed issuance of United States Standards for Shelled English Walnuts (Juglans regia).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Shelled English Walnuts (Juglans regia) are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C., 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

GENERAL

Sec.
51.2275 General.

GRADES

51.2276 U. S. No. 1.
51.2277 U. S. Commercial.
[illegible]
51.2278 Unclassified.

TOLERANCES FOR GRADE DEFECTS

51.2279 Tolerances for grade defects.
[illegible]
51.2280 Color classifications.
51.2281 Tolerances for color.
51.2282 Off color.

SIZE REQUIREMENTS

51.2283 Size classifications.
51.2284 Tolerances for size.

APPLICATION OF TOLERANCES

51.2285 Application of tolerances.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

DEFINITIONS

[illegible]
51.2282 Well dried.
51.2[illegible] Clean.
51.2[illegible] Shell.
51.[illegible] Insect injury.
51.2290 Rancidity.
51.2291 Damage.
51.[illegible] Serious damage.
51.[illegible] Very serious damage.
51.[illegible] Half kernel.
51.2295 Three-fourths half kernel.

AUTHORITY: §§ 51.2275 to 51.2295 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624.

GENERAL

§ 51.2275 *General.* The walnut color chart[2] to which reference is made in §§ 51.2280 and 51.2281 has been prepared by the United States Department of Agriculture as a part of these standards.

[illegible]

§ 51.2276 *U. S. No. 1.* U. S. No. 1 consists of portions of walnut kernels which are well dried, clean, free from shell, foreign material, insect injury, decay, rancidity, and free from damage caused by shriveling, mold, discoloration of the meat or other means. (See § 51.2279.)

(a) Color shall be specified in connection with this grade in terms of one of the color classifications. (See §§ 51.2275, 51.2280 and 51.2281.)

(b) Size shall be specified in connection with this grade in terms of one of the size classifications. (See §§ 51.2283 and 51.2284.)

§ 51.2277 *U. S. Commercial.* U. S. Commercial consists of portions of walnut kernels which meet the requirements of U. S. No. 1 grade, except for increased tolerances. (See § 51.2279.)

(a) Color of walnuts in this grade shall be not darker than "amber" classification, and color need not be specified. However, color may be specified in connection with the grade in terms of one of the color classifications. (See §§ 51.2275, 51.2280 and 51.2281.)

(b) Size shall be specified in connection with this grade in terms of one of the size classifications. (See §§ 51.2283 and 51.2284.)

UNCLASSIFIED

§ 51.2278 *Unclassified.* Unclassified consists of portions of walnut kernels which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES FOR GRADE DEFECTS

§ 51.2279 *Tolerances for grade defects.* (a) All percentages shall be calculated on the basis of weight.

(b) In order to allow for variations, other than for color and size, incident to proper grading and handling, tolerances shall be permitted for the respective grades as indicated in Table I:

[2] The walnut color chart was filed with F. R. Doc. 53-10550 and is available for inspection in the Division of the Federal Register or in the Fruit and Vegetable Division, United States Department of Agriculture, South Building, Washington 25, D. C. Printed copies of this color chart are attached to each copy of these standards issued by the United States Department of Agriculture.

TABLE I

Grade	Tolerances for grade defects			
	Total defects	[illegible]	Very serious damage	Shell and foreign material
	Percent	*Percent*	*Percent*	*Percent*
U. S. No. 1	11	2 (included in 5 percent total defects).	1 (included in 2 percent serious damage).	0.05 (included in 1 percent very serious damage).
U. S. Commercial	8	4 (included in 8 percent total defects).	2 (included in 4 percent serious damage).	0.05 (included in 2 percent very serious damage).

COLOR REQUIREMENTS

§ 51.2280 *Color classifications.* The following classifications are provided to describe the color of any lot: "Extra Light", "Light", "Light Amber" or "Amber". The portions of kernels in the lot shall not be darker than the darkest shades of color permitted in the specified classification as shown on the color chart.

§ 51.2281 *Tolerances for color.* (a) All percentages shall be calculated on the basis of weight.

(b) In order to allow for variations incident to proper grading and handling, tolerances shall be permitted for the respective color classifications as indicated in Table II:

TABLE II

Color classification	Tolerances for color			
	Darker than extra light [1]	Darker than light [1]	Darker than light amber [1]	Darker than amber [1]
	Percent	*Percent*	*Percent*	*Percent*
Extra light	15	2 (included in 15 percent)	2 (included in 15 percent darker than extra light)	
Light		15	2 (included in 15 percent darker than light)	
Light amber			15	2 (included in 15 percent darker than light amber).
Amber				10.

[1] See illustration of this term on color chart.

§ 51.2282 *Off color.* The term "off color" is not a color classification, but shall be applied to any lot which fails to meet the requirements of the "Amber" classification.

SIZE REQUIREMENTS

§ 51.2283 *Size classifications.* The following classifications are provided to describe the size of any lot: "Halves", "Halves and Pieces", "Pieces" or "Small Pieces". The size of portions of kernels in the lot shall conform to the requirements of the specified classification as defined below:

(a) *Halves.* Lot consists of 85 percent or more, by weight, half kernels, and the remainder three-fourths half kernels. (See § 51.2284.)

(b) *Halves and pieces.* Lot consists of 20 percent or more, by weight, half kernels, and the remainder portions of kernels that cannot pass through a sieve with 24/64 inch round openings. When a lot exceeds this minimum requirement, the actual percentage of halves may be specified. (See § 51.2284.)

(c) *Pieces.* Lot consists of portions of kernels that cannot pass through a sieve with 24/64 inch round openings. (See § 51.2284.)

(d) *Small pieces.* Lot consists of portions of kernels that pass through a sieve with 24/64 inch round openings, but that cannot pass through a sieve with 8/64 inch round openings. When desired, the actual size ranges within such size ranges may be specified. (See § 51.2284.)

§ 51.2284 *Tolerances for size.* (a) All percentages shall be calculated on the basis of weight.

(b) In order to allow for variations incident to proper sizing and handling, tolerances shall be permitted for the respective size classifications as indicated in Table III:

TABLE III

Size classification	Tolerances for size				
	Smaller than three-fourths halves	Will not pass through 21/64 inch round hole	Pass through 24/64 inch round hole	Pass through 16/64 inch round hole	Pass through 9/64 inch round hole
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
Halves	5			1 (included in 5 percent).	
Halves and pieces [1]			18	3 (included in 18 percent).	1 (included in 3 percent).
Pieces			25	5 (included in 25 percent).	1 (included in 5 percent).
Small pieces [2]		10			2.

[1] No part of any tolerance shall be used to reduce the percentage of halves required or specified in a lot of "halves and pieces".

[2] The tolerances of 10 percent and 2 percent for "small pieces" classification shall apply, respectively, to any smaller maximum or any larger minimum sizes specified.

APPLICATION OF TOLERANCES

§ 51.2285 *Application of tolerances.* All tolerances for the standards shall be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the walnuts are found to be substantially inferior to those in the majority of the containers shall be considered as a separate lot.

DEFINITIONS

§ 51.2286 *Well dried.* "Well dried" means that the portion of kernel is firm and crisp, not pliable or leathery.

§ 51.2287 *Clean.* "Clean" means that the appearance of the individual portion of kernel, or of the lot as a whole, is not materially affected by adhering dust, dirt or other foreign material.

§ 51.2288 *Shell.* "Shell" means the outer shell and/or the woody partition from between the halves of the kernel, and any fragments of either.

§ 51.2289 *Insect injury.* "Insect injury" means that the insect, web, frass or other evidence of insects is present on the portion of kernel.

§ 51.2290 *Rancidity.* "Rancidity" means that the portion of kernel is noticeably rancid to the taste. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness (the stage at which the flavor is flat but not objectionable).

§ 51.2291 *Damage.* "Damage" means any defect, other than color, or any combination of defects which materially affects the appearance, or the edible or shipping quality of the individual portion of kernel, or of the lot as a whole. Any one of the following shall be considered as damage:

(a) Shriveling when more than one-eighth of the portion of kernel is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance, except that kernels which are thin in in cross-section but which are otherwise normally developed shall not be considered as shriveled;

(b) Mold when plainly visible;

(c) Discoloration of the meat when more than one-eighth the volume of the portion of kernel is severely discolored, or a greater volume is affected by lesser degrees of discoloration producing an equally objectionable appearance;

(d) Not well dried; and

(e) Not clean.

§ 51.2292 *Serious damage.* "Serious damage" means any defect, other than color, or any combination of defects which seriously affects the appearance, or the edible or shipping quality of the individual portion of kernel or of the lot as a whole. Any one of the following shall be considered as serious damage:

(a) Shriveling when more than one-fourth of the kernel is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance;

(b) Mold when plainly visible on more than one-eighth of the surface of the kernel in the aggregate; and

(c) Discoloration of the meat when more than one-fourth the volume of the portion of kernel is severely discolored, or a greater volume is affected by lesser degrees of discoloration producing an equally objectionable appearance.

§ 51.2293 *Very serious damage.* "Very serious damage" means any defect, other than color, or any combination of defects which very seriously affects the appearance, or the edible or shipping quality of the individual portion of kernel or of the lot as a whole. Any one of the following shall be considered as very serious damage:

(a) Shriveling when more than 50 percent of the portion of kernel is severely shriveled;

(b) Mold when plainly visible on more than one-fourth of the surface of the portion of kernel in the aggregate;

(c) Discoloration of the meat when more than one-half the volume of the portion of kernel is severely discolored;

(d) Insect injury;

(e) Rancidity or decay; and

(f) Shell, or any foreign material.

§ 51.2294 *Half kernel.* "Half kernel" means the separated half of a kernel with not more than one-eighth broken off.

§ 51.2295 *Three-fourths half kernel.* "Three-fourths half kernel" means a portion of a half of a kernel which has more than one-eighth but not more than one-fourth broken off.

The United States Standards for Shelled English Walnuts (Juglans regia) contained in this supart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: February 9, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-1028; Filed, Feb. 11, 1954; 8:55 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 195]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.669 *Grapefruit Regulation 195*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and this section relieves restrictions on the handling of grapefruit, grown in the State of Florida.

(b) *Order.* (1) Grapefruit Regulation 194 (7 CFR 933.668; 19 F. R. 745), is hereby terminated at 12:02 a. m., e. s. t., February 10, 1954.

(2) During the period beginning at 12:02 a. m., e. s. t., February 10, 1954, and ending at 12:01 a. m., e. s. t., March 1, 1954, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any seedless grapefruit, grown in the State of Florida, that grade U. S. No. 2 Russet, U. S. No. 2 or U. S. No. 2 Bright, which are of a size smaller than a size that will pack 64 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any seedless grapefruit, grown in the State of Florida, that grade U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1 Bright or U. S. Fancy, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (7 CFR 51.750–790).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. [illegible])

Done at Washington, D. C., this 9th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1041; Filed, Feb. 10, 1954; 12:19 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

COASTAL ADIZ TO SERVE GUAM AREA

Part 620 is hereby amended for the purpose of designating a Coastal Air Defense Identification Zone to serve the Guam area and providing special regulations for operation of aircraft therein. Since a military function of the United States is involved, compliance with notices, procedures, and effective date provisions of section 4 of Administrative Procedure Act is not required.

1. Section 620.13 is amended as follows:

§ 620.13 *Authorized exceptions.* • • •

(b) *Areas or routes excepted*—(1) *General.* A CAA air route traffic control center may exempt certain flights from the requirements of this part. Such flights shall be operated in accordance with the instructions, if any, issued at the time the exemption is granted: *Provided,* That within the Guam ADIZ such exception may be granted by the aeronautical facility exercising security control.

NOTE: Flights which may be exempted, after approval has been obtained from appropriate military commanders, are (a) local flights, (b) flights wholly within the boundaries of an ADIZ, (c) flights from points within an ADIZ to points outside thereof, (d) flights not currently of significance to the air defense system, or (e) military flights which are conducted in accordance with special procedures prescribed by appropriate military authorities.

(2) *Hawaiian ADIZ.* • • •

(3) *Guam ADIZ.* The instructions issued at the time authorization is granted for an intra-zone VFR flight under the provisions of subparagraph (1) of this paragraph, shall include the requirement that the aircraft be equipped with a functioning two-way radio and that a listening watch be maintained on the appropriate radio frequency.

2. Section 620.22 is amended as follows:

§ 620.22 *Coastal ADIZ's*—(a) *Atlantic (Coastal) ADIZ.* • • •

(b) *Pacific (Coastal) ADIZ.* • • •

(c) *Hawaiian (Coastal) ADIZ.* • • •

(d) *Alaskan (Coastal) ADIZ.* • • •

(e) *Guam (Coastal) ADIZ.* The area bounded by a circle with a radius of 200 nautical miles centered at the Guam Radio Range Station. (Latitude 13°32'41" N., longitude 144°50'30" E.)

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 1201–1204, 64 Stat. 825; 49 U. S. C. Sup. 701–704)

This amendment shall become effective February 15, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1024; Filed, Feb. 11, 1954; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 937]

IDAHO

REVOKING EXECUTIVE ORDER NO. 4885 OF MAY 21, 1928

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 4885 of May 21, 1928, temporarily withdrawing the following-described lands in Idaho pending classification and in aid of legislation, is hereby revoked:

BOISE MERIDIAN

T. 9 S., R. 13 E.,
Sec. 25, NE¼ and N½SE¼.

The area described contains 240 acres.

The lands are suitable for cultivation. They are suitable for disposition under the desert-land laws. Any application that is filed will be considered on its merits. They will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Boise, Idaho.

ORME LEWIS,
Assistant Secretary of the Interior.

FEBRUARY 8, 1954.

[F. R. Doc. 54-980; Filed, Feb. 11, 1954; 8:45 a. m.]

[Public Land Order 938]

UTAH

REVOKING PUBLIC LAND ORDER NO. 760 WHICH RESERVED PUBLIC LANDS AND MINERALS IN PATENTED LANDS FOR USE OF THE UNITED STATES ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 760 of October 22, 1951, withdrawing the public lands and the minerals reserved to the United States in patented lands in the following described areas in Utah for use of the United States Atomic Energy Commission is hereby revoked:

SALT LAKE MERIDIAN

T. 31 S., R. 11 E.,
Secs. 10 to 15, inclusive, secs. 22 to 27, inclusive, and secs. 34, 35, and 36.
T. 32 S., R. 11 E., unsurveyed
Secs. 1, 2, and 3, secs. 10 to 15, inclusive, secs. 22 to 27, inclusive, and secs. 34, 35, and 36.
T. 33 S., R. 11 E.,
Secs. 1, 2, 3, 10, 11, and 12.
T. 31 S., R. 12 E.,
Secs. 7, 18, 19, 30, and 31.
T. 32 S., R. 12 E.,
Secs. 5 to 8, inclusive, secs. 17 to 20, inclusive, and secs. 29 to 32, inclusive.
T. 33 S., R. 12 E.,
Secs. 5 to 8, inclusive.

The areas described, including both public and non-public lands, aggregate approximately 38,194.94 acres.

The above-described lands are of an extremely rough and rugged nature with shallow, rocky soils, and lie at an elevation between 8,000 and 9,500 feet. The few open parks are at too high an elevation, with shallow, rocky soils, to be adaptable to farming, with too little rainfall to produce crops without irrigation. The land is primarily suitable for grazing. It is unlikely that it will be classified for any other use, but any application that is filed will be considered on its merits.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, selection, petition, and location under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which, and the conditions under which, veterans and others may file applications for these lands may be obtained on request from the Manager of the Land and Survey Office, Bureau of Land Management, Salt Lake City, Utah.

ORME LEWIS,
Assistant Secretary of the Interior.

FEBRUARY 8, 1954.

[F. R. Doc. 54-979; Filed, Feb. 11, 1954; 8:45 a. m.]

[Public Land Order 939]

COLORADO AND UTAH

PARTIALLY REVOKING PUBLIC LAND ORDERS NOS. 459, 494, 565, AND 698 WHICH RESERVED PUBLIC LANDS, AND MINERALS IN PATENTED LANDS, FOR USE OF THE ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Orders No. 459 of March 25, 1948; No. 494 of July 7, 1948; No. 565 of February 25, 1949; and No. 698 of February 12, 1951, withdrawing public lands and reserved minerals in patented lands for use of the United States Atomic Energy Commission are hereby revoked so far as they affect the following-described lands:

IN PUBLIC LAND ORDER NO. 459

COLORADO

New Mexico Principal Meridian

T. 47 N., R. 17 W.,
Sec. 4, lots 3 and 4, S½NW¼, and SW¼;
Sec. 6, W½;
Sec. 7, NE¼;
Sec. 8, NE¼.
T. 48 N., R. 17 W.,
Sec. 29, SW¼;
Sec. 30, S½;
Sec. 31, E½;
Sec. 33.
T. 43 N., R. 18 W., partly unsurveyed,
Secs. 18, 19 and 20;
Sec. 28, N½;
Secs. 29 and 30;
Sec. 31, NE¼ and S½;
Sec. 33.
T. 43 N., R. 19 W.,
Sec. 13, E½;
Secs. 24 and 25.

The areas described including both public and non-public lands, aggregate 8,640 acres.

IN PUBLIC LAND ORDER NO. 494

COLORADO

New Mexico Principal Meridian

T. 49 N., R. 17 W.,
Secs. 4, 5, and 6.
T. 50 N., R. 17 W.,
Sec. 7, N½ and SE¼;
Sec. 17, N½ and SE¼;
Secs. 19 and 20;
Sec. 29, N½;
Secs. 30 and 31;
Sec. 32, W½.
T. 50 N., R. 18 W., partly unsurveyed
Secs. 5 and 6;
Sec. 13, S½.
T. 51 N., R. 18 W., partly unsurveyed
Secs. 19, 21, 28, 30, and 32.

The areas described including both public and non-public lands, aggregate 10,880 acres.

IN PUBLIC LAND ORDER NO. 565

[illegible]

Salt Lake Meridian

T. 36 S., R. 21 E.,
Secs. 19 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 37 S., R. 21 E., unsurveyed
Secs. 5 to 8, inclusive;
Secs. 13 to 30, inclusive.

The areas described including both public and non-public lands, aggregate 23,680 acres.

IN PUBLIC LAND NO. 698

COLORADO

New Mexico Principal Meridian

T. 48 N., R. 17 W.,
Sec. 28, SW¼.
T. 49 N., R. 17 W.,
Sec. 3;
Secs. 7 to 11, inclusive;
Secs. 14, 15 and 16;
Secs. 17 to 23, inclusive;
Secs. 24 to 33, inclusive.
T. 50 N., R. 17 W.,
Sec. 28, W½;
Sec. 33;
Sec. 34, S½.

The areas described, including both public and non-public lands, aggregate 18,080 acres.

The public lands released from withdrawal by this order are located in the westerly breaks of the Uncompahgre Plateau. They are hilly, rough and broken desert lands suitable primarily for grazing. It is unlikely that they will be classified for any other use, but any application that is filed will be considered on its merits.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Salt Lake City, Utah.

ORME LEWIS,
Assistant Secretary of the Interior.

FEBRUARY 8, 1954.

[F. R. Doc. 54-1002; Filed, Feb. 11, 1954; 8:50 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 53-54]

PART 146—TRANSPORTATION OR STOWAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

MISCELLANEOUS AMENDMENTS

The purpose of the amendments in this document is to correct and to clarify certain dangerous cargo requirements contained in Coast Guard Document CGFR 53-54, Federal Register Document 53-10446, which was published in the FEDERAL REGISTER dated December 16, 1953, and Coast Guard Document CGFR 53-26, Federal Register Document 53-7629, which was published in the FEDERAL REGISTER dated September 1, 1953.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with R. S. 4405, as amended, 4462, as amended, and 4472, as amended (46 U. S. C. 375, 416, 170), the following corrections and amendments are prescribed:

1. Item 2a in the amendment to § 146.04-5 *List of explosives and other dangerous articles and combustible liquids* published in the FEDERAL REGISTER of December 16, 1953 (18 F. R. 8229), is corrected by deleting the following from column 1: "(leunasaltpeter)".

2. The second (2) set of changes to § 146.21-100 *Table D—Classification: Inflammable liquids* is corrected by deleting item h regarding "butyraldehyde", published in the FEDERAL REGISTER of December 16, 1953 (18 F. R. 8234).

3. The amendment to § 146.24-1 *Definition of compressed gases* published in the FEDERAL REGISTER of December 16, 1953 (18 F. R. 8239), is corrected by changing the phrase "any liquid" to "any liquid inflammable material" in paragraph (a) and by changing the phrase "of the" to "or the" in paragraph (b) (1).

4. The amendment to § 146.24-80 *Liquid chlorine in bulk* published in the FEDERAL REGISTER dated December 16, 1953 (18 F. R. 8241), is corrected by changing the phrase "fitted with liquid cargo" to "fitted to the liquid cargo" in paragraph (m).

5. The amendment to § 146.25-200 *Table H—Classification: Class B; less dangerous poisons* published in the FEDERAL REGISTER of December 16, 1953 (18 F. R. 8243), is corrected in the second (2) group of amendments by changing in column 6 the phrase "(ICC-5, 5A, 6B, 6C)" to "(ICC-5, 5A, 5B, 6B, 6C)" and changing the phrase "(ICC-11A) not over 155 lb. net wt." to "(ICC-11A) not over 115 lb. net wt." under the heading "Steel barrels or drums."

6. The amendment to § 146.25-200 *Table H—Classification: Class B; less dangerous poisons* published in the FEDERAL REGISTER of December 16, 1953 (18 F. R. 8245), is corrected by transferring the amendment designated as eleven (11) regarding phosgene from this section to § 146.25-100 *Table H—Classification: Class A; extremely dangerous poisons.*

7. Section 146.27-25 *Requirements and conditions for loading, stowing, and transporting baled cotton* published in the FEDERAL REGISTER dated December 16, 1953 (18 F. R. 8246), is corrected in paragraph (d) (2) by changing in the fourth sentence the phrase "when it is possible" to "when it is impossible."

8. The amendment to § 146.27-100 *Table K—Classification: Hazardous articles* published in the FEDERAL REGISTER of September 1, 1953 (18 F. R. 5241), is corrected by changing the descriptive name of article from "ammonium sulfate nitrate (leunasaltpeter)" to "ammonium sulfate nitrate."

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170)

Dated: February 5, 1954.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 54-1003; Filed, Feb. 11, 1954; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10817]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations; Docket No. 10817.

1. The Commission has under consideration its notice of proposed rule making and order to show cause (FCC 53-1685) issued in this proceeding on December 21, 1953. In the notice the Commission proposed to amend the Table of Assignments set out in § 3.606 of the rules so as to assign television Channel 72 to Baltimore, Maryland, in place of Channel 60. WITH-TV, Inc., permittee of a television station on Channel 60 in Baltimore, was directed to show cause in this proceeding why its authorization for Station WITH-TV in Baltimore should not be modified to specify operation on Channel 72 in place of Channel 60.

2. WITH-TV, Inc., filed a "Reply to Show Cause Order" stating that it supports the proposed amendment of channels and consents to and requests the modification of its construction permit to specify operation on Channel 72 in lieu of Channel 60.

3. We believe that the assignment of Channel 72 in Baltimore would represent a distinct improvement over the assignment of Channel 60 in light of the severely limited transmitter sites available with the employment of Channel 60. The assignment of Channel 72 in place of Channel 60, therefore, would effect a more efficient utilization of the spectrum and would serve the public interest, convenience and necessity.

4. Authority for the amendment adopted herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), 307 (b), and 316 of the Communications Act of 1934, as amended.

5. The amendment adopted herein involves an existing authorization for television station WITH-TV in Baltimore. We believe, therefore, that the public interest, convenience and necessity would be served by making the amendment adopted herein effective immediately.

6. In view of the foregoing: *It is ordered*, That, effective immediately, the outstanding authorization of Station WITH-TV in Baltimore, Maryland (BMPCT-1613), is modified to specify operation on Channel 72 in place of Channel 60, and an appropriate authorization will be issued to WITH-TV, Inc.

7. *It is further ordered*, That, effective immediately, the Table of Assignments contained in § 3.606, rules governing Television Broadcast Stations, is amended as follows:

City:	*Channel No.*
Baltimore, Md.	2+, 11—, 13+, 18, *24+, 72—

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 316, 48 Stat. 1081, 1082, as amended, 1084, 1088; 47 U. S. C. 301, 303, 307, 316)

Adopted: February 3, 1954.

Released: February 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1009; Filed, Feb. 11, 1954; 8:51 a. m.]

[Docket No. 10113]

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

ELECTRIC ARC WELDING DEVICES USING RADIO FREQUENCY ENERGY

In the matter of amendment of Part 18 of the Commission's rules and regulations; Docket No. 10113.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of February 1954;

The Commission having under consideration the matter of the amendment and extension of footnote 1 to § 18.1 (a) relative to electric arc welding devices using radio frequency energy;

It appearing that footnote 1 of § 18.1 (a) of the Commission's rules provides for the operation of electric arc welding devices using radio frequency on a temporary basis until January 31, 1954 pending a determination of the best solution to the problem of how arc welding equipment may be satisfactorily stabilized and the radiation reduced to limits which may reasonably be expected to prevent harmful interference to authorized radio services, and

It further appearing that the Joint Industry Committee on High Frequency Stabilized Arc Welders has filed a petition with the Commission requesting that a proceeding be instituted to include in Part 18 of the Commission's rules and regulations provisions applicable to electrical arc welding devices using radio frequency energy, which are substantially in accordance with the general provisions of footnote 1 of § 18.1 (a) of the rules; and

It further appearing that the Commission has had insufficient time to make a determination whether or not the promulgation of Rules making the provisions of footnote 1 to § 18.1 (a) an integral part of Part 18 of the rules on a permanent basis would be in the public interest; and

It further appearing that pending a Commission determination of this matter, the continued operation of electric arc welding devices using radio frequency energy should be provided for on a temporary basis until July 31, 1954, in accordance with the provisions of footnote 1 to § 18.1 (a); and

It further appearing that when footnote 1 to § 18.1 was previously amended, the clause requiring users of electric arc welding devices using radio frequency energy to promptly remedy any interference caused by such devices to any authorized radio service was inadvertently omitted; and

It further appearing that the public interest will be served by reinserting the clause with respect to interference to authorized radio services; and

It further appearing that authority for these amendments is contained in section 4 (i), 301, 303 (f) and (r) of the Communications Act of 1934, as amended; and

It further appearing that, since these amendments merely extend the existing provisions of footnote 1 to § 18.1 (a) of the rules pending Commission determination of the matters raised by the petition of the Joint Industry Committee on High Frequency Stabilized Arc Welders and reinsert the clause concerning interference to authorized radio services, notice of proposed rule making under the provisions of section 4 (a) of the Administrative Procedure Act is not required, and the amendments may be effective immediately;

It is ordered, That, effective January 31, 1954, footnote 1 to § 18.1 (a) of the Commission's rules be and the same is hereby amended to read as follows:

[1] The effective date of Part 18 with respect to electric arc welding devices using radio frequency energy is suspended from January 31, 1954, until July 31, 1954: *Provided*, That, in the event of interference from electric arc welding devices using radio frequency energy to any authorized radio service, steps to remedy such interference shall promptly be taken (except that, in case of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emissions of certified electric arc welding equipment using radio frequency energy, this provision with respect to interference shall not apply): *And further provided, however*, That equipment manufactured after September 1, 1952 shall be subject to the same technical limitations and standards as are set forth for industrial heating equipment in §§ 18.21 to 18.24, inclusive, except that such equipment need not be operated within a shielded room or space but in lieu thereof shall be operated with sufficient shielding to limit the radiation to the value prescribed in § 18.22: *And further provided*, That broad band type of emissions from arc welding equipment shall be measured by an instrument having performance characteristics similar to the "Proposed American Standards Specification for a Radio Noise Meter—0.15 to 25 Megacycles/Second" dated March 1950, published by the American Standards Association Committee on Radio Electrical Coordination C63. Quasi-peak values of field intensity shall be measured and used in determining compliance with §§ 18.21 (b) and 18.22 (a). Instruments not having characteristics similar to the above mentioned standards may be used provided suitable correlation factors are used to adjust the field intensity readings to values which would be obtained with an instrument having the desired characteristics.

The certification required by § 18.22 may be based upon field intensity measurements made by the manufacturer of the equipment at locations other than the one where the equipment is in use provided such certification includes a statement by the operator of the equipment that the equipment covered thereby has been installed and is being operated in conformity to the instructions issued by the manufacturer.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Released: February 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1010; Filed, Feb. 11, 1954; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 28]

COTTONSEED

PROPOSED REVISED STANDARDS FOR GRADES SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES WITHIN UNITED STATES; DETERMINATION OF QUANTITY INDEX

Notice is hereby given that the United States Department of Agriculture is considering the revision of the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes within the United States (7 CFR Part 28), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.)

The proposed amendment would make mandatory the use of a linters factor in determining the quantity index of cottonseed. The linters factor has been developed to adjust the value of cottonseed for varying amounts of linters on the seed. If the amount of linters is above average the linters factor will increase the grade, and with lower than average amounts the linters factor will reduce the grade. As the linters content of cottonseed diminishes below 10 percent, the discounts for linters increase at a greater rate. This is because the per pound value of linters produced from cottonseed which has a total linters content below 10 percent is less than those produced from cottonseed with a total linters content of more than 10 percent. By use of a basic linters factor of 1.5 for average cottonseed with 11 percent total linters, the table of premiums and discounts shown in paragraph (c) of § 28.402 of the proposed amendment has been prepared on the basis of the formulas listed below:

Percent linters on cottonseed	Premium or discount factor
11.1 and over	Premium = (percent linters minus 11.0) × 1.5.
11.0	0.
10.9–10.0	Discount = (11.0 minus percent linters) × 1.5.
9.9–5.0	Discount = (10.0 minus percent linters) × 2.5 + 1.5.
4.9–0	Discount = (5.0 minus percent linters) × 3.0 + 14.0.

It would be necessary to revise the scale of premiums and discounts from time to time to reflect changes in the price relationship between linters and other products obtainable from cottonseed.

The proposed amendment is as follows:

1. Amend § 28.401 by deleting paragraph (d).

2. Delete § 28.402 and substitute therefor the following:

§ 28.402 *Determination of quantity index.* The quantity index of cottonseed shall be determined as follows:

(a) For cottonseed that by analysis contain 16.5 percent or more of oil, the quantity index shall equal the result of 4 times (percentage of oil), plus 6 times (percentage of ammonia), plus the applicable linters premium or discount shown in paragraph (c) of this section, plus 5.

(b) For cottonseed that by analysis contain less than 16.5 percent of oil, the quantity index shall equal the result of 6 times (percentage of oil), plus 6 times (percentage of ammonia), plus the applicable linters premium or discount shown in paragraph (c) of this section, minus 28.

(c) The premium or discount for total linters content of cottonseed to be used in paragraphs (a) and (b) of this section will be according to the following table:

Total linters content of cottonseed (percent)	Premium or discount (quantity index units)	Total linters content of cottonseed (percent)	Premium or discount (quantity index units)
20.0	+13.5	10.0	−1.5
19.5	+12.8	9.5	−2.8
19.0	+12.0	9.0	−4.0
18.5	+11.3	8.5	−5.3
18.0	+10.5	8.0	−6.5
17.5	+9.8	7.5	−7.8
17.0	+9.0	7.0	−9.0
16.5	+8.3	6.5	−10.3
16.0	+7.5	6.0	−11.5
15.5	+6.8	5.5	−12.8
15.0	+6.0	5.0	−14.0
14.5	+5.3	4.5	−15.3
14.0	+4.5	4.0	−17.0
13.5	+3.8	3.5	−18.5
13.0	+3.0	3.0	−20.0
12.5	+2.3	2.5	−21.5
12.0	+1.5	2.0	−23.0
11.5	+0.8	1.5	−24.5
11.0	0.0	1.0	−26.0
10.5	−0.8	0.5	−27.5

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-984; Filed, Feb. 11, 1954; 8:47 a. m.]

[7 CFR Part 942]

[Docket Nos. AO 103-A13 and AO 103-A13 RO1]

HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. Interested parties may file written exceptions to this decison with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the following findings and conclusions were formulated, was held at New Orleans, Louisiana, on May 7, 1953, pursuant to notice thereof which was issued on April 23, 1953 (18 F. R. 2505) and reopened at the same location on January 14, 1954, pursuant to notice thereof which was issued on December 31, 1953 (19 F. R. 70).

The material issues of record related to:

1. The classification and pricing of milk in excess of that disposed of for Class I use;

2. The minimum order price for butterfat used for fluid cream; and

3. The classification and pricing of milk used in Class I-A

Findings and conclusions. The findings and conclusions with respect to the material issues herein decided, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. All producer milk in excess of Class I should be classified as one class and priced on the basis of prices paid for ungraded milk by manufacturing plants in the general area.

The present pricing provisions of the order have not proved satisfactory to permit the full marketing of producers' milk and have not maximized returns to producers. During the past season of flush milk production, a large volume of producers' milk was refused by handlers. The reason for this refusal was allegedly that the level of Class II prices is too high. From the months of April through August 1953, a cooperative association of producers was obliged to receive and separate nearly 5 million pounds of milk from producers. The skim milk from this milk was dumped and most of the fat was shipped as cream to a butter and ice cream mix manufacturing concern several hundred miles distant. The cooperative received in the neighborhood of 65 cents per pound of fat for such cream. Producer returns on this milk varied between $2.00 and $2.26 per hundredweight for 4.0 percent milk. The amount of milk so marketed by the association during this period amounts to between one-third and one-half the volume of producer milk accepted by handlers and utilized in Class III.

An additional amount of milk of unknown volume was taken back by individual farmers and fed to livestock or dumped.

The average returns for producer milk which was not accepted by handlers amounted to approximately $1.00 per hundredweight less than the Class III price. In addition, there was considerable loss of value for milk dumped or fed to livestock.

During the period while producers were marketing or dumping their own milk, prices for Class II products under the order were at or in excess of the costs of similar products from other sources. This handicapped producer milk in competition for the more favorable outlets for excess milk and brought about considerable displacement of sales to these outlets. One handler testified that he had lost a substantial volume of class II sales and that the milk he formerly utilized in Class II had to be utilized in Class III. The reason for such displacement of producer milk in Class II, according to this handler, was the fact that the Class III price under the order was more nearly competitive with the products in such use and that he therefore fared better financially by using producer milk in a lower priced outlet.

Pricing adjustments which bring about marketings as indicated by this testimony are not to the best interest of producers nor of the market as a whole. It is therefore concluded that the price of milk utilized for products now classified as Class II should be reduced to a level more nearly in line with competitive conditions. The level appropriate for this purpose is deemed to be the same as the cost of ungraded milk to unregulated plants in and near the general supply area for the New Orleans market. Paying prices for 6 plants in the State of Mississippi should be used for this purpose. These plants are as follows:

Pet Milk Co., Kosciusko, Miss.
Brookhaven Creamery Co., Brookhaven, Miss.
Borden Food Co., Starkville, Miss.
Kraft Foods Co., Newton, Miss.
Wilson & Co., Macon, Miss.
Cooperative Creamery Assn., Starkville, Miss.

Products made by these plants are available and are sold in competition on the market which absorbs excess producer milk. This market extends through several states adjacent to and including Louisiana. Handlers testified that at prices which they would consider more competitive virtually the entire volume of producer milk might be marketed in the higher value outlets for surplus milk.

The price resulting from this recommended formula would bring about some reduction in the returns to producers from milk which is now utilized in Class II. On the other hand, the average price paid by the 6 Mississippi manufacturing plants runs somewhat above the Class III price under the order. To the extent that milk is marketed at the recommended price rather than at the Class III price, producers stand to benefit. In 1951, the 6 manufacturing plants paid an average price of 30 cents above the Class III price under the order. In 1952, the average difference was 20 cents. For the first 10 months of 1953, during most of which time ungraded milk marketed in the New Orleans milkshed was more or less demoralized, the average difference was only 12 cents. During the past several years, the volume of producer milk sold in Class III has generally exceeded by considerable volume that sold in Class II.

Handlers contended that 15 cents should be deducted from the prices paid by the manufacturing plants in fixing the Class II price to allow for extra costs involved in receiving and transporting producer milk to locations where it may be manufactured. Not all of the surplus milk received from producers must be handled in this fashion. Furthermore, no justification is recognized why producers should be paid for milk according to the method by which each handler chooses to handle such milk. To recognize costs of certain handlers for performing any particular marketing function and to make milk prices dependent upon what processes may be carried out by the handler would tend to relieve handlers of the incentive to operate on a least cost basis.

Since milk is priced on the butterfat and skim basis under the order, it is necessary that the value of 4.0 percent milk, as reflected by the paying price of the 6 Mississippi plants, be broken down according to the relative market price of butterfat and nonfat solids. For this purpose the butterfat should be valued at 110 percent of the Chicago butter price except as noted below. This will mean that the cost of a pound of surplus fat will be about 12 percent less than the value of a pound of fat in 92-score butter as reflected on the wholesale butter market in Chicago. Any remaining value of such Class II milk will be assigned to the nonfat solids portion of the milk.

Indications are that an unusually large volume of surplus milk will be available in the New Orleans market during the coming flush production season. It may be necessary to market some of this milk through ungraded manufacturing plants. Such plants have shown little interest in excess producer milk due, in part, to high rates of production on ungraded farms from which they draw milk. Other ungraded plants deriving their skim milk and butterfat previously in the form of cream, condensed and dried nonfat solids have not afforded an outlet to handlers for producer milk in competition with such products from ungraded sources.

The average test of milk received from producers is more than 4.0 percent. The average test of all producer milk used or disposed of by handlers for manufacturing uses averaged approximately 6.0 percent butterfat in 1953. The butterfat differentials paid farmers by ungraded plants have been less than will result from the proposed formula. In order to encourage producer milk to be utilized to the maximum by handlers, the Class II butterfat price should be determined by using a factor of 105 instead of 110 during the period of high volume and distressed markets. This is slightly less than the weighted average price for butterfat used in Class II and Class III uses during the past year. Although this method of determining the butterfat value will not alter the price for 4.0 percent milk, it should contribute to more orderly marketing of excess butterfat during the flush production period. The record does not show, however, that handlers' ability to utilize or move milk for manufacturing uses will be impaired indefinitely. Therefore, this emergency period should be ended by August 31, at which time surplus milk and butterfat may be less burdensome to the market.

Consolidation of the two classes for surplus milk into one class requires numerous conforming changes in the order. These have been provided for in the attached amendments. Under the base rating plan any excess milk will be paid for first at the Class II price to the extent that Class II utilization is available for such assignment.

2. The pricing provisions of the order relative to butterfat utilized in Class I should not be changed.

The justification for proposing to reduce the price of butterfat used in cream rested primarily on the competition between fluid cream and various substitutes for cream made from vegetable fats. It was contended that the prices provided under the order for Class I butterfat are at levels so high as to impair the competitive position of butterfat in the Class I market and therefore, to bring about a reduction in the sales of producer milk at the Class I price.

Under the present classification provisions of the order, any reduction in the price of Class I butterfat would affect not only the fat in cream products but also the butterfat in other Class I milk products. Most of the Class I butterfat is in fact contained in the latter products. No proposal was made to reduce the price of butterfat in bottled milk and the record evidence does not indicate that such a reduction would be appropriate at this time. Neither was there any proposal nor record evidence to justify establishment of a separate class for fluid cream.

The proposal, as suggested on the hearing record, would result in an increase in the price of skim milk to the extent that fat values are decreased. This would be true, since no proposal was made to change the Class I price itself. If the Class I price is not to be altered, the only remaining method for accomplishing a reduction in Class I butterfat costs would be to shift a greater proportion of the price of Class I milk onto the nonfat solids. The evidence indicates, however, any increase in price of nonfat solids under the order might impair the competitive position of producer milk for Class I use with relation to concentrated solids from other sources.

Since the record does not justify any overall reduction in the Class I price at this time nor an increase in the price for nonfat solids, it is not appropriate to make any change in the order price for Class I butterfat.

3. Provision under the order for classification and pricing of milk used in Class I–A (canned sterile milk) should be discontinued. The party proposing the change in the Class I–A price indicated that the present prices under the order are too high to permit milk utilized in this class under the New Orleans marketing order to be competitive with milk from unpriced sources. The proposal dealt, however, only with milk to be disposed of as Class I–A milk outside the marketing area. It was contended that milk for this use may come from sources competitive with manufactured milk prices. It was therefore considered impossible to process milk priced under the order and sell it in competition with this market if it was necessary to pay anything above the Class III price. The proponent did not suggest, however, that the price for Class I–A milk be changed if marketed to outlets in the New Orleans marketing area. On the other hand, no provision was suggested in the order for regulating nonpool handlers who may supply such milk into the marketing area. Neither does there appear to be any basis for regulating canned sterile milk from such outside sources.

No milk has been utilized in Class I–A under the order since September 1952. Record evidence indicates that no handler is now equipped to make such use of milk at the present time and there is no anticipation of such use in the near future. All special provisions in the order relative to this class of milk, therefore, should be withdrawn.

Rulings on proposed findings and conclusions. Written argument and proposed findings and conclusions submitted on behalf of interested persons concerning issues on which decision is herein recommended were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order, as amended. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete the proviso in § 942.9 and substitute therefor the following: "*Provided*, That any such transferring plant shall not be included in this definition during any month in which there is shipped from such plant only Class II milk as defined in § 942.41 (b), or during any of the months of September, October, November, and December, in which shipments of fluid whole milk or fluid skim milk from such plant are made to a plant described in paragraph (a) of this section on less than 20 days or during any other month in which such shipments are made on less than 5 days."

2. Delete § 942.22 (1) (1) and substitute therefor the following:

(1) On or before the 6th day after the end of each delivery period the Class II price of skim milk and butterfat for such delivery period:

3. In the proviso of that portion of § 942.41 which precedes paragraph (a), delete the words "or Class III milk."

4. Delete § 942.41 (a) (3) and substitute therefor the following:

(3) Not specifically accounted for as Class II milk.

5. Delete § 942.41 (b), (c) and (d) and substitute therefor a new paragraph as follows:

(b) Class II milk shall be (1) all skim milk and butterfat used to produce any item other than those classified as Class I milk; (2) skim milk and butterfat disposed of for livestock feed; (3) skim milk dumped; and (4) skim milk and butterfat accounted for as shrinkage but not in excess of 2 percent of receipts of skim milk and butterfat, respectively, from producers.

6. In § 942.42 (a) delete the words "or Class III milk."

7. Delete § 942.43 and substitute therefor the following:

§ 942.43 *Transfers.* Skim milk or butterfat disposed of by a handler during any delivery period in fluid form as milk, skim milk or cream by transfer to another plant shall be classified as follows:

(a) As Class I milk if transferred to the fluid milk plant of another handler (except a producer-handler), unless utilization in a product specified in § 942.41 (b) is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period in which such transfer occurred: *Provided*, That the amount of skim milk or butterfat shall not exceed the total skim milk or butterfat so used during the delivery period by the transferee-handler: *And provided further*, That if either or both handlers have received other source milk, skim milk and butterfat so transferred shall be classified at both plants so as to return the highest available utilization to milk received from producers;

(b) As Class I milk if transferred to a producer-handler;

(c) As Class I milk if transferred to any plant other than a fluid milk plant unless:

(1) The handler claims utilization in a product specified in § 942.41 (b);

(2) The operator of such nonfluid milk plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are available if requested by the market administrator for the purpose of verification; and

(3) The utilization of skim milk and butterfat at such nonfluid milk plant in Class I milk, as defined in § 942.41 (a), is less than the total pounds of skim milk and butterfat, respectively, received from the transferor-handler(s) and from dairy farmers whom the market administrator determines constitutes the regular source of supply for fluid usage in such plant, in which case the skim milk and butterfat transferred shall be assigned to the remaining uses of skim milk and butterfat, respectively, during such delivery period, for which producers receive the highest rate of return after the similar assignment of the receipts of skim milk and butterfat from such dairy farmers.

8. In § 942.44 delete the words "Class II milk, and Class III." Substitute therefor the following: "and Class II."

9. Delete § 942.45 (a) (1) and substitute therefor the following:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of shrinkage in producer milk classified as Class II pursuant to § 942.41 (b);

10. In § 942.45 (a) (4) change the term "Class III" wherever it appears to "Class II."

11. Delete §§ 942.51, 942.52 and 942.53 and substitute therefor the following:

§ 942.51 *Class II prices.* Each handler shall pay producers, in the manner set forth in § 942.80, for skim milk and butterfat in milk received from them during each delivery period and classified as Class II skim milk and Class II butterfat, not less than the following prices per hundredweight:

(a) The price per hundredweight of butterfat shall be computed by multiplying by 105 from the effective date of this section through August 1954, and thereafter by 110, the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period;

(b) The price per hundredweight of skim milk shall be any plus amount resulting from the following calculation:

(1) Multiply the price computed pursuant to paragraph (a) of this section by 0.04;

(2) Subtract the amount computed pursuant to subparagraph (1) of this paragraph from the average of the basic or field prices reported to the market administrator to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the delivery period at plants at the following locations:

Present Operator and Location

Pet Milk Co., Kosciusko, Miss.
Brookhaven Creamery Co., Brookhaven, [illegible]
Borden Food Co., Starkville, Miss.
Kraft Foods Co., Newton, Miss.
Wilson & Co., Macon, Miss.
Cooperative Creamery Assn., Starkville, [illegible]

12. Change the number of § 942.54 to § 942.52.

13. In § 942.72 (e) delete "Class III" and substitute therefor "Class II".

14. In § 942.80 (a) delete "Class III" and substitute therefor "Class II."

15. In § 942.81 (b) delete "Class III" and substitute therefor "Class II."

16. In § 942.90 delete the reference to § 942.53 and substitute therefor "§ 942.52."

Filed at Washington, D. C., this 9th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54–1026; Filed, Feb. 11, 1954; 8:54 a. m.]

[7 CFR Part 984]

[Docket No. AO 192–A1]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and mar-

keting orders (7 CFR, 1952 Rev., Part 900), notice is hereby given of a public hearing to be held at Room 309, Federal Office Building, Civic Center, San Francisco, California, beginning at 9:30 a. m., P. s. t., February 23, 1954, and at Conference Room, Ross Building, 209 Southwest Fifth Avenue, Portland, Oregon, beginning at 9:30 a. m., P. s. t., March 2, 1954, with respect to proposed amendments to the marketing agreement and order (7 CFR, 1952 Rev., Part 984) regulating the handling of walnuts grown in California, Oregon, and Washington. These proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing will be held for the purpose of receiving evidence in respect to the proposed amendments which are hereinafter set forth, or appropriate modifications thereof.

The Walnut Control Board, the administrative agency for operations under the marketing agreement and order, has proposed that they be amended to read as follows, and has requested a hearing thereon [Provisions in the existing marketing agreement and order which have been modified, except in minor respects, are indicated by single asterisks (*), and those which are new are indicated by double asterisks (**)]:

[redacted]

§ 984.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 984.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 984.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 984.4 *Area of production.* "Area of production" means the States of California, Oregon and Washington.

§ 984.5 *Control Board or Walnut Control Board.* "Control Board" or "Walnut Control Board" means the Control Board established pursuant to § 984.32.

§ 984.6 *Marketing year.* "Marketing year," for the purposes of this part, means the twelve months from August 1 to the following July 31, both inclusive.

§ 984.7 *Walnuts.* "Walnuts" means only walnuts of the "English" (Juglans Regia) varieties grown in the States of California, Oregon, and Washington.

§ 984.8 *Unshelled walnuts.* "Unshelled walnuts" means walnuts the kernels of which are contained in the shell.

§ 984.9 *Merchantable walnuts.* "Merchantable walnuts" means all unshelled walnuts meeting the pack specifications and minimum standards of quality and maturity prescribed pursuant to § 984.43.

** § 984.10 *Shelled walnuts.* "Shelled walnuts" is synonymous with "kernels" and means walnuts after the shells are removed.

* § 984.11 *To handle.* "To handle" is synonymous with "to ship" and means to sell, consign, transport, ship (except as a common carrier of walnuts owned by another person) or in any other way to put walnuts, unshelled or shelled, in the current of commerce, either within the States of California, Oregon, or Washington or from the States of California, Oregon, or Washington to any point outside of such states. Except as provided in § 984.73, the term "to handle" shall not include sales and deliveries by growers, within the area of production, of unshelled or shelled walnuts to packers for packing or to shellers for shelling or handling.

* § 984.12 *Handler.* "Handler" means any packer, sheller, or distributor who handles unshelled or shelled walnuts.

§ 984.13 *To pack.* "To pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as unshelled walnuts in any manner whatsoever.

§ 984.14 *Packer.* "Packer" means any person packing and handling unshelled walnuts.

§ 984.15 *Pack.* "Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable walnuts, packed in accordance with the pack specifications prescribed pursuant to § 984.43.

* § 984.16 *Sheller.* "Sheller" means any person who is engaged in the business of removing shells from walnuts or who prepares the kernels for market and handles them as shelled walnuts.

* § 984.17 *Distributor.* "Distributor" means any person, other than a packer or sheller, who handles unshelled or shelled walnuts which have not been subjected, in the hands of a previous holder, to compliance with the regulations made effective pursuant to this part.

** § 984.18 *Sound kernel.* "Sound kernel" means a kernel or portion of kernel which will not pass through a round opening one-eighth inch in diameter and which meets that part of the requirements of the U. S. Commercial Grade, as set forth in the U. S. Standards for Shelled English Walnuts (§§ 51.2275 to 51.2295 of this title),[1] which provide in substance that the kernel or portion thereof be well dried, clean, free from pieces of shell, foreign material, insect injury, decay, rancidity, and free from damage caused by shriveling, mold, internal discoloration or other means, as such terms are defined in said standards. The kernels or portions thereof shall not be darker than amber as illustrated in said standards. This definition may be revised or amended by the Secretary on recommendation of the Control Board.

[1] See Title 7, Part 51, *supra*.

* § 984.19 *Handler carryover.* "Handler carryover," as of any date, means:

(a) Merchantable: All merchantable walnuts (except those held in satisfaction of control obligations), wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable walnuts in ungraded lots then held by a handler for packing as merchantable walnuts;

(b) Shelled: All shelled walnuts (except those held as surplus) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of shelled walnuts in unshelled lots, then held by a handler for shelling.

* § 984.20 *Trade demand.* "Trade demand" means:

(a) Merchantable: The quantity of merchantable walnuts which the trade will acquire from all handlers during a marketing year for distribution in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone: *Provided*, That there may also be considered in the making of such computation merchantable walnuts which will be acquired for distribution in Canada or Cuba, whenever there is reasonable probability that such distribution may be made to the particular country at prices reasonably comparable with prices received in the continental United States;

(b) Shelled: The quantity of shelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone: *Provided*, That there may also be considered in the making of such computation shelled walnuts which will be acquired for distribution in Canada or Cuba, whenever there is reasonable probability that such distribution may be made to the particular country at prices reasonably comparable with prices received in the continental United States.

** § 984.21 *Merchantable free walnuts.* "Merchantable free walnuts" means those walnuts certified by the Control Board as merchantable free which are included in the merchantable free percentage established by the Secretary pursuant to § 984.48.

** § 984.22 *Merchantable restricted walnuts.* "Merchantable restricted walnuts" means those walnuts certified by the Control Board as merchantable restricted which are included in the merchantable restricted percentage established by the Secretary pursuant to § 984.48.

** § 984.23 *Merchantable allocation percentage.* "Merchantable allocation percentage" means the ratio of the merchantable restricted percentage to the merchantable free percentage as established by the Secretary pursuant to § 984.48. It may be adjusted to the nearest whole number.

** § 984.24 *Marketable walnuts.* "Marketable walnuts" means those walnuts, unshelled or shelled, which are included in the marketable percentage established by the Secretary pursuant to § 984.53.

** § 984.25 *Surplus walnuts.* "Surplus walnuts" means those walnuts, unshelled or shelled, certified by the Control Board as surplus which are included in the surplus percentage established by the Secretary pursuant to § 984.53.

** § 984.26 *Diversion percentage.* "Diversion percentage" means the ratio of the surplus percentage to the marketable percentage established by the Secretary pursuant to § 984.53. It may be adjusted to the nearest whole number.

** § 984.27 *Control percentages.* "Control percentages" means the merchantable free, merchantable restricted, marketable and surplus percentages established by the Secretary pursuant to § 984.48 and § 984.53, respectively.

** § 984.28 *Control obligations.* "Control obligations" means the quantity of walnuts each handler must withhold to meet either the merchantable restricted or the surplus percentage established by the Secretary pursuant to § 984.48 and § 984.53, respectively.

** § 984.29 *Light amber halves and pieces.* "Light amber halves and pieces" means a standard pack of bulk shelled walnuts consisting of kernels meeting the requirements of U. S. Commercial Grade Light Amber Halves and Pieces, as set forth in the U. S. Standards for Shelled English Walnuts.

ADMINISTRATIVE BODY

* § 984.32 *Establishment and membership.* (a) A Control Board is hereby established, consisting of ten members, selected by the Secretary, for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and shall have the same qualifications as the member for whom each is an alternate. One member and one alternate member shall be selected from nominees by each of the following groups or from among other qualified persons belonging to such groups:

(1) The cooperative packers doing business within the State of California;

(2) All packers and distributors, other than the cooperative packers, doing business within the State of California;

(3) The group of cooperative packers or other than cooperative packers doing business within the State of California, who, during the preceding marketing year, handled more than 50 percent of the merchantable walnuts handled by packers located within the State of California;

(4) Those growers of walnuts whose orchards are located in California and who market their walnuts through cooperative packers;

(5) All other growers of walnuts whose orchards are located in California;

(6) Those growers whose orchards are located in California and whose walnuts were marketed during the preceding marketing year through the packer group specified in subparagraph (3) of this paragraph;

(7) The packers whose plants are located within the States of Oregon or Washington;

(8) The growers of walnuts whose orchards are located within the States of Oregon or Washington;

** (9) Shellers of walnuts within the area of production who are handlers but who are not packers.

(b) The tenth member shall be selected after the selection of the nine members from the above specified groups and after opportunity for such nine members to nominate the tenth member.

* § 984.33 *Term of office.* The term of office of Control Board members and alternate members shall be for a period of one year, beginning on July 1 of each year. Members and their respective alternates shall be selected by the Secretary and shall serve until their respective successors shall be selected and shall qualify.

§ 984.34 *Nominations.* (a) Each of the nine groups specified in § 984.32 may nominate one person as member and one person as alternate; and the nine members first selected may nominate, by majority vote, one person as member and one person as alternate for the tenth member. Nominations for each packer group shall be submitted on the basis of ballots to be mailed by the Control Board to all packers in such group whose pack for the preceding marketing year is on record with the Control Board. Nominations on behalf of growers who market their walnuts through cooperative packers shall be submitted on the basis of ballots cast by each such cooperative packer for its growers. Nominations on behalf of growers who market their walnuts through other than cooperative packers shall be submitted after ballot by such growers pursuant to announcements by press releases through the United States Department of Agriculture to the principal papers in the walnut producing areas in California, Oregon, and Washington. Such releases shall provide pertinent information, including the names of incumbents from the areas involved and the locations where ballots may be obtained. The ballots shall be accompanied by full instructions as to their marking and mailing. All votes cast by cooperative packers, packers other than cooperative packers, or for cooperative grower groups, shall be weighted according to the tonnage of merchantable walnuts (computed to the nearest whole ton in case of fractions) recorded as certified for handling by the packer or for the cooperative grower group during the preceding marketing year, and if less than one ton is recorded for any such packer or grower group, its vote shall be weighted as one vote. All votes cast by individual growers shall be given equal weight: *Provided*, That when growers marketing through cooperative packers and growers marketing through other than cooperative packers are in the same group entitled to submit nominations, the vote for the nominee receiving the largest number of votes of growers marketing through other than cooperative packers shall be weighted according to the combined tonnage of merchantable walnuts of such other than cooperative packers recorded as certified for handling by them during the preceding marketing year.

**(b) Nominations for the sheller group shall be submitted on the basis of ballots to be mailed by the Control Board to all shellers of record who are handlers but who are not packers or distributors. All votes cast by such shellers shall be weighted according to the quantity of shelled walnuts handled by each such sheller during the preceding marketing year.

*(c) Nominations received in the foregoing manner by the Control Board shall be reported to the Secretary on or before June 1 of each marketing year, together with a certificate of all necessary tonnage data and other information deemed by the Board to be pertinent or requested by the Secretary. If the Board fails to report nominations to the Secretary in the manner hereinbefore specified on or before June 1 of any year, the Secretary may select the member or alternate without nomination. If nominations for the tenth member or alternate are not submitted on or before August 1 of any year, the Secretary may select such member or alternate without nomination.

§ 984.35 *Qualification.* Any person selected as a member or alternate of the Control Board shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, within thirty days after he ceases to be such member or employee, become disqualified to serve further and his position on the Control Board shall be deemed vacant.

§ 984.36 *Alternates.* (a) An alternate for a member of the Control Board shall act in the place and stead of such member in his absence or in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(b) In the event any member of the Control Board and his alternate are both unable to attend a meeting of the Control Board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place and stead of the absent member and his alternate, or in the event such other alternate cannot attend, or there is no such other alternate, such member or, in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place and stead of such member. For the purposes of this paragraph, a cooperative handler group and a cooperative grower group in the same state shall be considered the same group.

§ 984.37 *Vacancy.* To fill any vacancy occasioned by the death, removal, resig-

nation, or disqualification of any member or alternate of the Control Board, a successor for his unexpired term shall be selected in accordance with § 984.34 within thirty days after such vacancy occurs. If a nomination is not made and reported to the Secretary by the Board within such thirty days, the Secretary may select a member or alternate to fill such vacancy.

§ 984.38 *Expenses.* The members of the Control Board shall serve without compensation, but shall be allowed their necessary expenses.

§ 984.39 *Powers.* The Control Board shall have the following powers:

(a) To administer the provisions hereof in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions hereof;

(c) To receive, investigate, and report to the Secretary complaints of violations hereof;

(d) To recommend to the Secretary amendments hereto.

§ 984.40 *Duties.* The duties of the Control Board shall be as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties, and fix the bonds of such employees;

(e) To cause the books of the Control Board to be audited by one or more competent public accountants at least once for each marketing year and at such other times as the Control Board deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made;

(f) To investigate the growing, shipping and marketing conditions with respect to walnuts and to assemble data in connection therewith;

••(g) To investigate compliance with the provisions of this part.

§ 984.41 *Procedure.* (a) The members of the Control Board shall select a chairman from their membership and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The Board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the Control Board as is given to members of the Board.

(b) All decisions of the Control Board, except where otherwise specifically provided, shall be by majority vote of the members present. The presence of six members shall be required to constitute a quorum.

(c) The Control Board may vote by mail or telegram upon due notice to all members, and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the Control Board.

GRADE REGULATION OF UNSHELLED WALNUTS

• § 984.43 *Establishment of pack specifications and minimum standards.* In order to effectuate the declared policy of the act, the Control Board shall, with the approval of the Secretary, prescribe pack specifications for the several commercially recognized grades, including minimum standards of quality and maturity, for the packing of unshelled walnuts; and thereafter each handler shall pack all unshelled walnuts to be handled by him in accordance with such specifications and minimum standards and, prior to shipment, shall have such walnuts certified as merchantable. The provisions hereof relating to minimum standards of quality and maturity and grading and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the season average price for walnuts is in excess of the parity level specified in section 2 (1) of the act. To aid the Secretary in determining whether to approve such pack specifications, the Control Board shall furnish to the Secretary the data upon which it acted in prescribing such pack specifications and such other data pertaining thereto as the Secretary may request.

• § 984.44 *Certification of merchantable walnuts.* (a) Each handler, at his own expense, shall obtain an appropriate inspection certificate for each lot of merchantable walnuts handled or to be handled by him and for each lot of merchantable restricted walnuts withheld by him. Such certificates shall be issued by inspectors designated by the Control Board. All such certificates shall show, in addition to such information as is specified in (b) (1), (2), or (3) of this section, the identity of the handler, the quantity and pack of merchantable walnuts in such lot, date of inspection, and that the walnuts covered by such certificate conform to the pack specifications and minimum requirements prescribed pursuant to § 984.43. Copies of each certificate issued shall be furnished by the inspector to the handler and the Control Board.

••(b) Three types of certificates may be issued, all of which shall contain the information specified in paragraph (a) of this section and, in addition, the following information:

(1) "Shipping certificates," covering merchantable walnuts shipped, which shall show the date of shipment, name and address of carrier, railroad car number, whether for interstate, intrastate, or export shipment and, if for export, the country of destination;

(2) "Stock certificates," covering lots of merchantable walnuts to be handled, which shall show the handler's lot number;

(3) "Restricted certificates," covering lots of merchantable restricted walnuts to be withheld, which shall show the handler's lot number and location of the lot at time of inspection.

•(c) All walnuts handled shall be identified by seals or stamps affixed to the container by the handlers under the supervision of the Control Board or the designated inspectors. All lots covered by stock certificates or restricted certificates shall be identified by tags affixed to the containers by the handlers under the supervision of the Control Board or the designated inspectors. The Control Board may require that all walnuts covered by stock or restricted certificates be identified by seals affixed to the containers by the handlers under the supervision of the Control Board or the designated inspectors.

••(d) The shipment of walnuts from a lot covered by a stock inspection certificate shall be reported to the Control Board. Such reports shall be submitted by the handler or the designated inspectors, at such intervals and in such form as the Board may prescribe, pursuant to § 984.69.

•• (e) Whenever the Control Board determines that the length of time in storage or conditions of storage of any lot of walnuts which has been previously inspected have been or are such as to normally cause deterioration, such lot of walnuts shall be reinspected at the handler's expense and must be recertified as merchantable prior to shipment.

• ALLOCATION OF MERCHANTABLE WALNUTS

§ 984.47 *Recommendation for merchantable free and restricted percentages.* (a) Whenever the Control Board finds that the supply of merchantable walnuts exceeds or is likely to exceed the trade demand therefor and that it would tend to effectuate the declared policy of the act to establish the percentages of merchantable walnuts during a marketing year which shall be free and restricted, respectively, it shall recommend such percentages to the Secretary. In making its recommendation, the Board shall furnish to the Secretary, not later than September 20 of each marketing year, the following estimates and recommendation, each of which shall be adopted by the affirmative vote of at least six members of the Board:

(1) Its estimate of the quantity of merchantable walnuts to be produced and packed during such year;

(2) Its estimate of the handler carryover of merchantable walnuts as of August 1;

(3) Its estimate of the trade demand for merchantable walnuts (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand, consideration shall be given to the estimated trade carryover at the beginning and end of the marketing year;

(4) Its recommendation as to the merchantable free and restricted percentages to be fixed.

(b) The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting at which the recommended merchantable free and restricted percentages to be fixed by the Secretary were adopted.

§ 984.48 *Establishment of merchantable free and restricted percentage regulations by the Secretary.* Whenever the Secretary finds from the recommendation of the Control Board and supporting information supplied by the Control Board, or from any other available information, that to establish the percentage of merchantable walnuts which shall be free and restricted, respectively, during any marketing year, would tend to effectuate the declared policy of the act, he shall so establish such percentages. In establishing such merchantable free and restricted percentages, the Secretary shall give consideration to the ratio of the estimated trade demand for merchantable walnuts (with appropriate adjustments for such handler carryover as may have theretofore contributed to the restricted percentage and for a desirable level of handler carryover at the end of the marketing year), to the sum of the estimated production of merchantable walnuts and the handler carryover of merchantable walnuts which has not theretofore contributed to the restricted percentage, to the recommendation submitted to him by the Control Board, and to such other pertinent information as he deems appropriate. The merchantable allocation percentage shall also be established by the Secretary.

§ 984.49 *Withholding merchantable restricted walnuts.* (a) Except as otherwise provided in § 984 81, whenever a regulation has been established by the Secretary under the provisions of § 984.48, each handler, before or upon handling any unshelled walnuts, shall have withheld from handling a quantity of merchantable walnuts equal to the merchantable allocation percentage by weight of such quantity handled or certified for handling by him: *Provided*, That this provision shall not apply to any lot of merchantable walnuts which is sold or delivered within the area of production to a handler for subsequent handling and which is reported to the Control Board pursuant to § 984.74.

(b) The quantity of walnuts hereby required to be withheld shall constitute and may be referred to as the "merchantable restricted obligation" of a handler. The merchantable walnuts handled by any handler in accordance with the provisions of this sub-part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

••CONTROL OF SURPLUS WALNUTS

§ 984.52 *Recommendation for marketable and surplus percentages.* (a) Whenever the Control Board finds that the total supply of walnuts, unshelled and shelled, expressed in terms of sound kernel weight, exceeds or is likely to exceed the total trade demand therefor and that it would tend to effectuate the declared policy of the act to establish marketable and surplus percentages on unshelled and shelled walnuts, it shall recommend to the Secretary such percentages for walnuts produced in each district. In making its recommendation, the Board shall furnish to the Secretary, not later than September 20 of each marketing year, the following estimates and recommendation, each of which shall be adopted by the affirmative vote of at least six members of the Board:

(1) Its estimate of the applicable orchard-run production;

(2) Its estimate of the quantity of merchantable walnuts to be produced and packed during such year, expressed in terms of sound kernel weight;

(3) Its estimate of the handler carryover of merchantable walnuts as of August 1, expressed in terms of sound kernel weight;

(4) Its estimate of merchantable trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act), expressed in terms of sound kernel weight; in determining such trade demand, consideration shall be given to the estimated trade carryover at the beginning and end of the marketing year;

(5) Its estimate of shelled walnut production during such marketing year;

(6) Its estimate of shelled handler carryover as of August 1;

(7) Its estimate of shelled trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand, consideration shall be given to the estimated trade carryover at the beginning and end of the marketing year;

(8) Its recommendation as to the marketable and surplus percentages to be fixed.

(b) The Control Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting at which the recommended marketable and surplus percentages to be fixed by the Secretary were adopted.

§ 984.53 *Establishment of marketable and surplus percentage regulations by the Secretary.* (a) Whenever the Secretary finds from the recommendation of the Control Board and supporting information supplied by the Control Board, or from any other available information, that to establish the percentages of walnuts which shall be marketable and surplus, respectively, during any marketing year would tend to effectuate the declared policy of the act, he shall so establish such percentages for walnuts produced in each district. The applicable diversion percentages shall also be established by the Secretary.

(b) For the purposes of the control of surplus walnuts, the area of production shall be divided into Districts 1 and 2. District 1 shall consist of the State of California and District 2 shall consist of the States of Oregon and Washington. Uniform marketable and surplus percentages shall be established for the entire area of production, except that the surplus percentage established with respect to walnuts produced in either district may be lower than the percentage established with respect to walnuts produced in the other district whenever the latest official forecast of the U. S. Department of Agriculture is for a total crop of walnuts in such district of a size smaller than the average size of the total crops produced in such district during the three immediately preceding crop years, based on the latest official reports of the U. S. Department of Agriculture: *Provided*, That for each 10 percentage-point difference, or fraction thereof, below the aforementioned average, the surplus percentage with respect to walnuts produced in such district may be established at a maximum of 5 percentage-points below the surplus percentage established with respect to walnuts produced in the other district; and, in no event, shall the surplus percentage established with respect to walnuts produced in either district be less than one-half of the surplus percentage established with respect to walnuts produced in the other district.

§ 984.54 *Withholding surplus walnuts.* (a) Except as otherwise provided in § 984.81, whenever a regulation has been established by the Secretary under the provisions of § 984.53, each handler, before or upon handling any walnuts, unshelled or shelled, shall have withheld from handling a quantity of walnuts having a sound kernel weight equal to the diversion percentage of the sound kernel weight of all walnuts handled or certified for handling by him during a marketing year: *Provided*, That this provision shall not apply to any lot of walnuts which is sold or delivered within the area of production to a handler for subsequent handling and which is reported to the Control Board pursuant to § 984.74.

(b) Walnuts withheld as surplus shall be set aside and thereafter held for the account of the Control Board at the expense of the handler and, from the date of withholding, at all times thereafter shall be held by the handler, available for inspection by the Control Board or its agents. Such walnuts shall be stored in such manner as to maintain them in the same condition as when certified for surplus, except for loss through fire, acts of God, acts of war, riot, or other conditions beyond the handler's control. Upon demand of the Control Board, they shall be delivered to the Board f. o. b. handler's warehouse or point of storage. All such surplus walnuts so withheld by the handler shall be at the time of withholding placed by the handler, at his own expense, in suitable containers, which may be prescribed by the Control Board, and identified by appropriate seals or stamps and tags to be furnished by the Control Board and to be affixed to the containers by the handlers under the direction and supervision of the Control Board or its designated inspectors.

(c) The quantity of walnuts hereby required to be withheld shall constitute and may be referred to as the "diversion surplus" or the "diversion surplus obligation" of a handler. The walnuts handled by any handler in accordance with the provisions hereof shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

§ 984.55 *Determination of sound kernel weight*—(a) *For merchantable walnuts handled.* All merchantable walnuts handled or certified for handling by any handler during a marketing year shall be included in the total sound kernel weight for such handler at the unshelled weight thereof, as shown by the applicable inspection certificates issued pursuant to § 984.44, multiplied by the sound kernel content percentage of such walnuts, as determined by the Control Board's designated inspectors. The inspection procedure for determining the sound kernel content of merchantable walnuts handled shall be prescribed by the Control Board, with the approval of the Secretary. The sound kernel percentage of each lot of walnuts certified in accordance with § 984.44 shall be shown for each pack and size on the certificates issued under § 984.44: *Provided*, That if a handler does not store merchantable walnuts covered by stock certificates in such a manner as to permit accurate identification with respect to each certificate, the sound kernel weight for such walnuts shipped from such lots may be determined by multiplying the unshelled weights of each pack and size reported to the Control Board, pursuant to § 984.69, by the cumulative average sound kernel content percentage of all of the merchantable walnuts of such packs and sizes certified for such handler from the beginning of the current season to the date on which the report of shipment is received by the Control Board.

(b) *For shelled walnuts handled.* All shelled walnuts handled by any handler during a marketing year shall be included in the total sound kernel weight for such handler at the actual net weight thereof, as shown by the reports submitted by him pursuant to § 984.71 or as shown by such handler's records.

§ 984.56 *Grade requirements for surplus*—(a) *For unshelled walnuts.* Any lot of unshelled walnuts, the kernel weight of which is offered to meet any part or all of a handler's surplus obligation, must contain at least the minimum percentage (based on unshelled weight) of sound kernels as is established by the Control Board, with the approval of the Secretary.

(b) *For shelled walnuts.* Any lot of shelled walnuts, to be eligible for certification as surplus, must meet the specifications of the U. S. Commercial Grade, as defined in the U. S. Standards for Shelled English Walnuts. Such specifications may be modified by the Board with the approval of the Secretary.

§ 984.57 *Inspection and certification of surplus.* It shall be the duty of each handler to cause an inspection to be made of all walnuts withheld by him in satisfaction of his surplus obligation. Such inspection shall be performed by inspectors designated by the Control Board and in such manner as shall be determined by the Control Board, with the approval of the Secretary. The cost thereof shall be paid by the handler. A certificate of such inspection shall be issued which shall show the identity of the handler, the number and type of containers in the lot, and whether the walnuts are unshelled or shelled. If the walnuts are unshelled, the certificate shall show the total weight of unshelled walnuts in the lot and the percentage, by weight, of sound kernels in the lot; and, if shelled, the total weight of shelled walnuts in the lot and that such walnuts meet the specifications prescribed pursuant to § 984.56 (b). Copies of each certificate shall be furnished to the handler and the Control Board.

§ 984.58 *Storage facilities.* The Control Board may rent and operate, or arrange for the use of facilities for storage and handling of surplus walnuts withheld.

DISPOSITION OF CONTROLLED WALNUTS

• § 984.61 *Disposition of merchantable restricted walnuts withheld*—(a) *By shelling.* Any handler may shell the merchantable restricted walnuts which he withholds pursuant to § 948.49 or deliver them for shelling to an authorized sheller.

(1) Any person within the area of production who desires to become an authorized sheller may submit an application to the Control Board. Such authorization shall be granted to applicants for a period of one year upon submission to the Control Board of an agreement in writing to:

(i) Shell such merchantable restricted walnuts within the area of production;

(ii) Use such merchantable restricted walnuts as he may receive for no other purpose than shelling;

(iii) Dispose of or deliver such merchantable restricted walnuts as unshelled walnuts to no one other than an authorized sheller;

(iv) Comply fully with all laws and regulations applicable to the shelling of walnuts;

(v) Pursuant to the provisions of § 984.75, report to the Control Board the receipt of any lot of merchantable restricted walnuts;

(vi) Permit, at his own expense, such inspection as the Control Board may require to determine compliance with the provisions of this sub-paragraph.

(b) *By export.* Sales of merchantable restricted walnuts, withheld pursuant to § 984.49, for shipment or export to destinations outside the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only by the Control Board. The Control Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory outlets. Sales for export shall be made by the Control Board only on execution of an agreement to prevent reimportation into the United States; and, in the case of export to Canada or Mexico, such walnuts shall be sold only on the basis of a delivered price, duty paid. A handler, at his request, shall be authorized to act as agent of the Control Board upon such terms and conditions as the Control Board may specify in negotiating export sales from merchantable restricted walnuts withheld by him, or a handler may be so authorized with respect to merchantable restricted walnuts withheld by others; and when so acting, shall be entitled to receive a commission of 5 percent of the export sales price, f. o. b. area of production. The proceeds of any such export sales by a handler, after deducting all expenses actually and necessarily incurred, shall be paid to the handler withholding the walnuts so sold by the Board.

•• § 984.62 *Disposition of surplus walnuts withheld*—(a) *By export.* Sales of surplus walnuts, withheld pursuant to § 984.54, for shipment or export to destinations outside the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only by the Control Board and shall be governed by the provisions of § 984.61 (b).

(b) *By other than export.* Surplus walnuts which are not disposed of pursuant to paragraph (a) of this section, shall be pooled and shall be disposed of by the Control Board upon the best terms and at the highest rate obtainable consistent with the ultimate complete disposition of surplus, subject to the following conditions:

(1) No such surplus walnuts shall be sold in the United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone other than to governmental agencies or to charitable institutions for charitable purposes, except for diversion into walnut oil, poultry or animal feed, or into such other channels as the Control Board finds to be non-competitive with existing normal markets for walnuts and with proper safeguards in each case to prevent such walnuts thereafter entering the channels of trade in such normal markets.

(2) The Control Board shall not, prior to March 31 of any crop year, dispose of more than 50 percent of the surplus walnuts withheld other than under the provisions of § 984.83 and paragraph (a) of this section.

(3) Any surplus walnuts remaining unsold as of August 31 of the marketing year following the marketing year in which such surplus walnuts were withheld shall be disposed of as soon as practicable through the most readily available outlets, within the limitations of subparagraph (1) of this paragraph.

(c) *Disposition of proceeds from sales of pooled surplus.* Expenses incurred by the Control Board in receiving, handling, holding and disposing of pooled surplus walnuts shall be charged against the proceeds of sales of such surplus walnuts. The remaining proceeds from the disposition of pooled surplus walnuts shall be distributed by the Control Board to handlers in proportion to their contributions thereto, measured by the weight of the shelled walnuts or by the sound kernel content equivalent if the walnuts are unshelled.

EXPENSES AND ASSESSMENTS

• § 984.65 *Expenses.* The Control Board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each marketing year, for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the Control Board as to the expenses for each such marketing year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before September 20 of the marketing year in connection with which such recommendation is made. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provided.

• § 984.66 *Assessments*—(a) *Establishment of assessment rates by the Secretary.* The Secretary shall fix separate rates of assessment for each marketing year to be paid by each handler with respect to merchantable walnuts handled or certified for handling and with respect to shelled walnuts handled. At any time during or after a marketing year, the Secretary may increase either or both of these rates of assessment to apply respectively, to all merchantable walnuts handled or certified for handling during the marketing year or to all shelled walnuts handled during such year, to secure sufficient funds to cover the expenses authorized by § 984.65, or any later finding by the Secretary relative to the expenses of the Control Board, and such additional assessments shall be paid to the Control Board upon demand.

(b) *Requirement for payment.* Each handler of merchantable walnuts and shelled walnuts shall, with respect to the merchantable walnuts handled or certified for handling by him and the shelled walnuts handled by him, pay to the Control Board, upon demand, his pro-rata share of the expenses which the Secretary finds are reasonable and are likely to be incurred during each marketing year. Each handler's share of such expenses shall be: For merchantable walnuts handled or certified for handling during the applicable marketing year, the ratio between the total quantity of merchantable walnuts handled by him and the total quantity of such walnuts handled by all handlers during such marketing year; for shelled walnuts handled, the ratio of the weight of shelled walnuts handled by him during the applicable marketing year and the weight of all shelled walnuts handled during such marketing year by all handlers.

••(c) *Suit to enforce payment.* The Control Board may, with the approval of the Secretary, maintain suits in its own name or in the names of its members, to enforce the payment of assessments levied under this section.

••(d) *Expenses of surplus walnut operations.* The Control Board is authorized to use funds derived from assessments collected pursuant to paragraph (b) of this section to defray expenses incurred by the Control Board in discharging its obligations, pursuant hereto, with respect to surplus walnuts withheld. All such expenses shall be deducted from the proceeds obtained by the Control Board from the sale or other disposal of pooled surplus walnuts pursuant to § 984.62 (b).

(e) *Accounting and refunds.* (1) Any money collected as assessments during any marketing year and not expended in connection with the respective marketing year's operations hereunder, may be used and shall be refunded by the Control Board in accordance with the provisions hereof. Such excess funds may be used by the Control Board during the period of four months subsequent to such marketing year in paying the expenses of the Control Board in connection with the new marketing year. The Control Board shall, however, from funds on hand, including assessments collected during the new marketing year, distribute or make available within five months after the beginning of the new marketing year the aforesaid excess to the handlers from whom assessments were collected. Such refunds to each handler shall be made on the basis of the ratio of the total amount paid by him to the total amount paid by all handlers.

(2) Any money collected from assessments hereunder and remaining unexpended in the possession of the Control Board upon the termination hereof shall be distributed in such manner as the Secretary may direct.

REPORTS

• § 984.68 *Reports of handler carryovers.* Each handler, on or before August 15 and January 15 of each marketing year, shall file with the Control Board a written report of:

(a) All merchantable walnuts (except such as may be certified and held to meet the handler's merchantable restricted obligation or his surplus obligation in accordance with the provisions of § 984.49 and § 984.54), including the estimated quantity of merchantable walnuts in ungraded lots to be packed as merchantable walnuts, held by him on the first day of August and January, respectively, showing the pack (if merchantable) and location thereof and the quantities:

(1) Which theretofore have been certified for handling and on which the merchantable restricted obligation has previously been met;

(2) Which have been packed as merchantable walnuts but have not been certified and on which the merchantable restricted obligation has not been met; and

(3) Which are estimated as merchantable but have not been packed as merchantable and are to be so packed.

••(b) All shelled walnuts (except such as may be certified and held as surplus in accordance with the provisions of § 984.54), including the estimated quantity of shelled walnuts in unshelled lots to be shelled, held by him on the first day of August and January, respectively, showing the locations thereof and the quantities:

(1) On which the surplus obligation has previously been met;

(2) Which have been shelled but on which the surplus obligation has not been met; and

(3) Which are estimated as shelled walnuts to be produced, but have not yet been shelled.

•• § 984.69 *Reports of merchantable walnuts shipped from stock.* Each handler, upon shipping merchantable walnuts from a lot covered by a stock certificate shall submit a report, at such intervals and in such form as the Board may prescribe, showing the date of shipment, name and address of carrier, railroad car number, whether for interstate, intrastate, or export shipment, and, if for export, the country of destination: *Provided*, That the Control Board may, at its option, waive the requirement for any of the prescribed items of information in individual cases where it deems that such items are unnecessary to assure full compliance and accurate accounting.

• § 984.70 *Reports of merchantable restricted and surplus walnuts held.* Each handler, from time to time, on demand of the Control Board, shall file with the Board a report of the merchantable restricted and surplus walnuts held by him pursuant to the provisions of §§ 984.49 and 984.54, as of any date specified by the Board. Such reports at the request of the Control Board may be in the form of confirmations of the records of the Board of such handler's holdings. Such reports shall show the quantity, pack (if merchantable), location, and the applicable handler's lot number of the walnuts covered thereby.

•• § 984.71 *Reports of shelled walnuts handled.* Each handler who handles shelled walnuts at any time during a marketing year shall submit reports thereof to the Control Board, in such form and at such intervals as the Board may prescribe, for all shelled walnuts handled by him. Such reports shall accurately show the net weight of shelled walnuts so handled by him and such other information pertinent thereto as the Control Board may specify.

• § 984.72 *Reports of disposition of merchantable restricted walnuts withheld*—(a) *Reports of intention to dispose.* Each handler, before he disposes of any quantity of merchantable restricted walnuts held by him, shall file with the Control Board a report of his intention to dispose of such walnuts. This report shall be filed not less than five days prior to the date on which such walnuts are disposed of, unless the five day period is expressly waived by the Control Board.

(b) *Report of disposition accomplished.* Each handler, within fifteen days after the disposition of any quantity of merchantable restricted walnuts, shall file with the Control Board a report of the actual disposition of such walnuts.

(c) *Requirements of reports.* The reports required by this section shall show the quantity, pack, location, the applicable handler's storage lot numbers, and the inspection certificate numbers of the walnuts covered thereby, and the disposition which is intended or which has been accomplished.

• § 984.73 *Reports of sale or delivery of walnuts for packing or shelling.* Within the area of production, any shipment of unshelled walnuts, other than merchantable walnuts (which involves the shipment of such walnuts from California to Oregon or Washington, from Oregon to Washington, and from Oregon or Washington to California) for sale or delivery to a packer for pack-

ing or to a sheller for shelling shall be reported to the Control Board by the shipper at time of shipment and by the packer or sheller immediately upon receipt of such shipment. The report by the shipper shall show the date of shipment, the quantities shipped, the identity of the consignee, and whether the walnuts so shipped will be packed or shelled. The report by the consignee shall show the date of receipt of the walnuts so shipped, the quantities of the walnuts so received, the identity of the shipper, and shall include a certification to the U. S. Department of Agriculture and to the Control Board that the walnuts so received will be handled in accordance with regulations established pursuant to the provisions of §§ 984.43 and 984.53.

•• § 984.74 *Reports of sale or delivery of walnuts for subsequent handling.* Within the area of production, any shipment of merchantable or shelled walnuts by a handler to another handler for subsequent handling shall be reported to the Control Board by the shipper at time of shipment and by the consignee immediately upon receipt of such shipment. The report by the shipper shall show the date of shipment, whether the walnuts are merchantable or shelled, the quantities shipped, and the identity of the consignee, and the shipper shall obtain and submit a certification from the consignee to the U. S. Department of Agriculture and the Control Board that he will meet the control obligations on the walnuts so shipped. The report by the consignee shall show the date of receipt of the walnuts so shipped and the identity of the shipper.

• § 984.75 *Reports of receipt of merchantable restricted walnuts for shelling.* Each authorized sheller, immediately upon receipt of any lot of merchantable restricted walnuts, shall report to the Control Board the quantity and pack of the walnuts so received, the identity of the person from whom received, and, within fifteen days after the disposition of such walnuts, shall report such disposition to the Control Board.

§ 984.76 *Other reports.* Upon request of the Control Board, made with the approval of the Secretary, each handler shall furnish to the Control Board in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein) such other information as will enable the Control Board to perform its duties and exercise its powers hereunder.

• § 984.77 *Verification of reports.* For the purpose of checking and verifying reports made by handlers, the Control Board, through its duly authorized agents, shall have access to each handler's premises wherein walnuts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any walnuts so held by such handler and any and all records of the handler with respect to the holding or disposition of all walnuts which may be held or which may have been disposed of by such handler, including records with respect to acquirements, packing, shelling, and shipment of both unshelled and shelled walnuts, as applicable. Each handler shall furnish all labor necessary to facilitate such inspections as the Control Board may make of such handler's holdings of merchantable restricted walnuts and of surplus walnuts. Each handler shall store all merchantable restricted and surplus walnuts held by him in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to inspection certificates of respective lots and of all such walnuts held or theretofore disposed of.

•• § 984.78 *Certification of reports.* All reports submitted to the Control Board as required in this part shall be certified to the U. S. Department of Agriculture and to the Control Board as to the completeness and correctness of the information contained therein.

MISCELLANEOUS PROVISIONS

•• § 984.80 *Cancellation of certificates.* (a) Stock certificates covering merchantable walnuts which have not been handled may be cancelled for accounting purposes, by the Board, at the request of any handler, and such handler's merchantable restricted, surplus and assessment obligation, pursuant to §§ 984.49, 984.54, and 984.66 (b), respectively, shall be adjusted to reflect any such cancellation: *Provided,* That no such cancellations or adjustments shall be made after the close of the marketing year in which the walnuts are certified.

(b) Except as provided in paragraph (d) of this section, no shipping certificate or stock certificate shall be cancelled after the walnuts covered by such certificate have been handled in trade channels for unshelled walnuts, and (except as provided in §§ 984.66 (b) and 984.83) no adjustments shall be made in a handler's control or assessment obligation with respect to merchantable walnuts which have been handled.

(c) Merchantable restricted certificates shall be cancelled to facilitate withholding and assessment accounting in connection with any exchanges of merchantable restricted or surplus walnuts as provided in § 984.86 and to correct the record with respect to any excess withholding by handlers. The handler shall be responsible for initiating any such cancellations.

(d) The Board may make adjustments in handlers' control and assessment obligations upon satisfactory proof being furnished by such handler that merchantable walnuts held by him were destroyed by fire, flood, or by any other means beyond the handler's control: *Provided,* That no such adjustments shall be made after September 1 of the succeeding marketing year.

• § 984.81 *Postponement of control obligation upon the filing of a bond—(a) Right to postpone control obligations.* Compliance by any handler with the requirements of §§ 984.49 and 984.54 as to the time when merchantable restricted and surplus walnuts shall be withheld shall be deferred to any date desired by the handler, but as to the merchantable restricted obligation, not later than December 31 of the marketing year; and as to the surplus obligation, not later than March 1 of the marketing year with respect to obligations accumulated between August 1 and January 31, inclusive, and not later than August 31 of the succeeding marketing year with respect to obligations accumulated between February 1 and July 31, inclusive, of such marketing year. Such deferment shall be granted only upon the voluntary execution and delivery by such handler to the Control Board before he handles any walnuts of such marketing year of a written undertaking that, on or prior to the dates specified by such handler, he will have fully satisfied his control obligations as prescribed in §§ 984.49 and 984.54.

(b) *Filing of bond.* Such undertaking shall be secured by a bond or bonds to be filed with, and acceptable to, the Control Board and with a surety or sureties acceptable to the Control Board, in the amount or amounts stated below, conditioned upon full compliance with such undertaking. The amount of the bond for deferment of the merchantable restricted obligation shall be the amount obtained by multiplying the poundage bearing the lowest bonding rate or rates which could have been selected for withholding from the packs handled or certified for handling, by the applicable bonding rate. The amount of the bond for deferment of the surplus obligation shall be the total deferred surplus obligation of the handler, in terms of sound kernel weight, multiplied by the bonding rate established pursuant to paragraph (c) of this section. The cost of such bond or bonds shall be borne by the handler filing the same.

(c) *Bonding rates.* (1) The bonding rate for merchantable restricted walnuts for each pack shall be an amount per pound representing the season's domestic opening price for such pack net to packer f. o. b. shipping point which shall be computed at 95 percent of the opening price for such pack announced by the packer or packers who, during the preceding marketing year, handled two-thirds of the merchantable walnuts handled by all packers. Such packer or packers shall be selected in order of volume handled in the preceding marketing year, using the minimum number of packers to represent a volume of two-thirds of the total volume handled. If such opening prices involve different prices announced by two or more packers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding marketing year by each such packer.

••(2) The bonding rate for surplus walnuts shall be based upon the current price per pound for "light amber halves and pieces" and shall be computed at 95 percent of the weighted average domestic price f. o. b. shipping point for the current marketing year in which such pack was sold or offered for sale during the calendar week in which the Secretary establishes the marketable and surplus percentages pursuant to § 984.53 by any handler or handlers who, during the preceding marketing year, handled 51 percent of the shelled walnuts handled by all handlers: *Provided,* That if "light amber halves and pieces" are not sold or offered for sale during the aforesaid calendar week, the Control Board shall designate the nearest comparable pack of bulk shelled walnuts sold or offered for sale during such week by the aforesaid handler or handlers. Such handlers shall be selected in order of volume handled in the preceding marketing year, using a minimum number of handlers to represent a volume of 51 percent of the total volume of shelled walnuts handled during such year. The price or prices of such handler or handlers so selected shall be reported to the Control Board and shall be certified by such handler or handlers to the U. S. Department of Agriculture and to the Control Board as to their correctness. If prices from two or more handlers are involved for the designated pack, the prices so reported shall be averaged on the basis of the quantity of shelled walnuts handled during the preceding marketing year by each such handler. Such rate may be modified by the Control Board with the approval of the Secretary.

(d) *Replacement by Control Board.* (1) Any sums collected through default of a handler on his bond shall be used by the Control Board to purchase walnuts from handlers, as provided herein: With respect to default on a bond for merchantable restricted obligation, a quantity of merchantable walnuts represented by the sum collected through such default; and with respect to default on a bond for a surplus obligation, a quantity of sound kernels, or the equivalent thereof in unshelled walnuts, represented by the sum collected through such default. Purchases in connection with merchantable restricted walnuts shall be made from the merchantable free percentages with respect to which the merchantable restricted obligation has been met and at the bonding rate for each pack. Purchases in connection with surplus walnuts shall be made from the marketable percentages with respect to which the surplus obligation has been met. The Control Board shall at all times purchase the lowest priced walnuts or packs offered, consistent with the grade requirements established for merchantable restricted and surplus walnuts, and the purchases shall be made from the various packers as nearly as practicable in proportion to the quantity of their respective offerings (at the same prices) of the walnuts or packs to be purchased.

(2) Walnuts purchased to satisfy control obligations shall be turned over to those handlers who have defaulted on their bonds, for disposition pursuant to §§ 984.61 and 984.62. The quantity delivered to each handler shall be that quantity represented by the sums collected through default, and the different grades of merchantable walnuts, if any, shall be apportioned among the various packers on the basis of the quantity of walnuts to be delivered to each packer to the total quantity purchased by the Control Board with bonding funds.

(e) *Disposition of excess funds.* Any unexpended sums which have been collected by the Control Board through default of a handler on his bond remaining in possession of the Control Board at the end of a marketing year shall be used to reimburse the Board for its expenses, including administrative and other costs incurred in the collection of such sums and in the purchase of walnuts as provided in paragraph (d) of this section. Any balance remaining after reimbursement of such expenses shall, after the close of the marketing year, be refunded to the handlers from whom such sums were collected on bonds during such marketing year in proportion to the respective collections thereunder. If the Control Board is unable to purchase walnuts to the extent and as provided in paragraph (c) of this section, any unexpended sums which have been collected by the Control Board through default of a handler on his bond shall be used to reimburse the Board for its expenses, including administration and other costs incurred in the collection of such sums and in the attempt to purchase such walnuts. Any balance remaining after reimbursement of such expenses shall be distributed after the close of the marketing year among all handlers in proportion to the quantity of merchantable walnuts or of sound kernels handled by them during the marketing year in which the default occurred.

(f) *Satisfaction of control obligations.* Collection by the Board upon any bond or bonds filed pursuant to the provisions of this section shall be deemed a satisfaction of the merchantable restricted or surplus obligations represented by such collection, provided that merchantable or surplus walnuts turned over to handlers are disposed of pursuant to §§ 984.61 and 984.62. A handler who has defaulted on his bond shall be credited on his merchantable restricted obligation with that quantity of merchantable walnuts represented by the sums collected on account of such default, and on his surplus obligation with that quantity of sound kernels represented by the sums collected on account of such default.

• § 984.82 *Revision of control percentages.* The Secretary, on request of the Control Board made at any time prior to March 31 of any marketing year (or if the Control Board shall fail so to request, on request within like time of two or more handlers who have handled during the immediately preceding marketing year at least 10 percent of the total tonnage of merchantable walnuts or of shelled walnuts, respectively, handled by all handlers during such marketing year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable walnuts or shelled walnuts, respectively, available for sale will not be sufficient to supply the respective trade demand therefor and provide an adequate carryover, may decrease the merchantable restricted percentage or the surplus percentage, respectively, to conform to such finding.

• § 984.83 *Adjustment upon revision of control percentages.* Upon any revision in the control percentages, the control obligation of each handler with respect to the walnuts handled or certified for handling by him for the entire marketing year shall be recomputed in accordance with such revised control percentages. From the walnuts still held by a handler to meet his control obligations and from such surplus walnuts that may have been delivered by him to the Control Board pursuant to § 984.62 (b) and which are still held by the Control Board, the handler shall be permitted to select, under the supervision and direction of the Control Board, the particular walnuts to be removed from the walnuts withheld.

• § 984.84 *Application of control percentages and bonding rates after end of marketing year—(a) Control percentages.* The control percentages established for any marketing year shall continue in effect with respect to all walnuts, for which the control obligations have not been previously met, which are handled or certified for handling by any handler after the end of such marketing year and before such percentages are established for the succeeding marketing year. After such percentages are established for the new marketing year, the control obligations for all such walnuts theretofore handled or certified for handling during the marketing year shall be adjusted to the newly established percentages.

(b) *Bonding rates.* The bonding rates established for any marketing year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to § 984.81 (b), after the end of such marketing year and until such bonding rates are modified. After bonding rates are established for a new marketing year, the new rates shall be applicable and any bond or bonds theretofore given for that marketing year shall be adjusted to the new rates.

• § 984.85 *Interhandler transfers for meeting control obligations.* For the purpose of meeting his control obligations, any handler may, upon notice to and under the supervision and direction of the Control Board, acquire from another handler walnuts with respect to which the respective control obligation has not been met and any control obligation with respect to walnuts so transferred shall be waived. If any such sales are made from walnuts on which the respective control obligation has been met, the seller's respective obligation shall be reduced accordingly upon proof satisfactory to the Control Board that the purchaser is withholding such walnuts.

• § 984.86 *Exchange of walnuts withheld.* Any handler who has withheld walnuts pursuant to the requirements of §§ 984.49 and 984.54 and has had them certified as walnuts eligible to meet his control obligation, may exchange therefor, in the case of merchantable restricted walnuts, an equal quantity by weight of other merchantable walnuts, or, in the case of surplus walnuts, an equal quantity, by weight of sound kernels, of other walnuts meeting the grade requirements for surplus. Any such exchange shall be made under the supervision and direction of the Control Board

or its designated inspectors, with appropriate inspection and certification of the walnuts involved.

§ 984.87 *Assistance of Control Board in meeting control obligations.* The Control Board, on written request, may assist handlers in accounting for their control obligations and may aid any handler in acquiring walnuts to meet any deficiency in a handler's control obligation, or in accounting for and disposing of walnuts withheld.

•• § 984.88 *Exemptions*—(a) *Exempt packs of merchantable walnuts.* The control percentages established pursuant to §§ 984.48 and 984.53 shall not apply to separate packs of merchantable walnuts of which not over 12 percent by count pass through a round opening 9/64 inches in diameter.

(b) *Walnuts not subject to regulation.* Except as otherwise provided in this section, nothing contained in this part shall be construed to authorize any limitation of the right of any person to handle merchantable or shelled walnuts for consumption by charitable institutions, for distribution by relief agencies, sale to the government for school lunch purposes, or in such minimum quantities or types of shipments as the Control Board may, with the approval of the Secretary, prescribe for all, or any part, of the area of production.

(1) No assessment shall be levied pursuant to § 984.66 (b) on walnuts disposed of for the purposes or in the quantities specified in or pursuant to this paragraph.

(2) The Control Board shall prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as it deems necessary to prevent walnuts shipped under the provisions of this paragraph from entering into commercial channels of trade contrary to or in violation of this paragraph.

• § 984.89 *Compliance.* Except as provided in this part, no person shall handle walnuts, unshelled or shelled, during any marketing year in which a regulation issued by the Secretary pursuant to § 984.48 or § 984.53 is in effect unless such person has previously met the control obligations provided by such regulations and the provisions of this part and unless such person has all unshelled walnuts handled by him certified as merchantable prior to handling.

§ 984.90 *Rights of the Secretary.* The members of the Control Board (including successors and alternates), and any agents, employees or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the Control Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the Control Board shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. If the Control Board, for any reason, fails to perform its duties or exercise its powers under this part, the Secretary may designate another agency to perform such duties and exercise such powers.

§ 984.91 *Personal liability.* No member or alternate of the Control Board nor any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate or employee, except for acts of dishonesty.

§ 984.92 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

§ 984.93 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 984.94 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part except with respect to acts done under and during the existence of this part.

§ 984.95 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 984.96 *Effective time and termination*—(a) *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature attached to this part, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions of this part, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this part at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers of walnuts who during the preceding marketing year have been engaged in the production for market of walnuts in the States of California, Oregon, and Washington: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such walnuts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current marketing year.

(4) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this part, the members of the Control Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Control Board, of all funds and property then in the possession or under the control of the Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Control Board and the joint trustees to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Control Board or the joint trustees pursuant to this part.

(3) Any person to whom funds, property or claims have been transferred or delivered by the Control Board or its members, pursuant to this section, shall be subject to the same obligation imposed upon the members of the said Board and upon said joint trustees.

§ 984.97 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part, or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

The following alternative modifications of the marketing agreement and order as proposed to be amended by the Walnut Control Board, as set forth hereinabove, are proposed to be made by John E. Trunk of Dundee, Oregon, in his capacity as a commercial grower of walnuts in Oregon:

1. Change § 984.7 of the Control Board proposal (§ 984.1 (b) of Order) to read as follows:

§ 984.7 *"Walnuts"* "Walnuts" means only walnuts of the "English (Juglans Regia)" varieties grown in the States of California, Oregon, and Washington, and of sufficient maturity to be commercially prepared for market for human consumption in dried form.

2. Change § 984.9 of the Control Board proposal to read as follows:

§ 984.9 *Merchantable unshelled walnuts.* "Merchantable unshelled walnuts" means all unshelled walnuts meeting the pack specifications and minimum standards of quality and maturity prescribed pursuant to § 984.44.

3. Add, immediately following § 984.10 of the Control Board proposal the following (and renumber subsequent sections accordingly):

§ 984.11 *Merchantable shelled walnuts.* "Merchantable shelled walnuts" means all shelled walnuts meeting the minimum grade requirements, if any, prescribed pursuant to § 984.45.

4. Change § 984.19 of the Control Board proposal (§ 984.1 (p) of Order) to read as follows:

§ 984.20 *Handler carryover.* "Handler carryover," as of any date, means:

(a) Unshelled: All merchantable unshelled walnuts (except those held in satisfaction of control obligations), wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable unshelled walnuts in ungraded lots then held by a handler for packing as merchantable walnuts;

(b) Shelled: all merchantable shelled walnuts (except those held as surplus) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable shelled walnuts in unshelled lots, then held by a handler for shelling.

5. Change § 984.20 of the Control Board proposal (§ 984.1 (o) of Order) to read as follows:

§ 984.21 *Trade demand.* "Trade demand" means:

(a) Unshelled: the quantity of merchantable unshelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the continuental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone: *Provided*, That there may also be considered in the making of such computation merchantable unshelled walnuts which will be acquired for distribution in Canada or Cuba, whenever there is reasonable probability that such distribution may be made to the particular country at prices reasonably comparable with prices received in the continental United States.

(b) Shelled: the quantity of merchantable shelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone: *Provided*, That there may also be considered in the making of such computation merchantable shelled walnuts which will be acquired for distribution in Canada or Cuba, whenever there is reasonable probability that such distribution may be made to the particular country at prices reasonably comparable with prices received in the continental United States.

6. Change § 984.22 of the Control Board proposal (renumbered as § 984.23) by adding thereto the words and figures "and § 984.—."

7. Strike § 984.44 of the Control Board proposal, relating to certification of merchantable walnuts, and insert in its place the heading "Grade Regulation of Shelled Walnuts", and the following new sections and headings:

§ 984.45 *Establishment of minimum grade.* In order to effectuate the declared policy of the act, in each year for which surplus regulations are recommended by the Control Board pursuant to § 984.52 and are established by the Secretary pursuant to § 984.53, the Control Board, with the approval of the Secretary, shall prescribe a minimum grade regulation for the packing of shelled walnuts; and thereafter each handler shall pack all shelled walnuts to be handled by him in accordance with such minimum grade requirements and, prior to shipment, shall have such shelled walnuts certified as herein provided as meeting such minimum requirements. To aid the Secretary in determining whether to approve such minimum grade regulations, the Control Board shall furnish to the Secretary the data upon which it acted in prescribing such minimum grade and such other data pertaining thereto as the Secretary may request.

CERTIFICATION OF UNSHELLED AND SHELLED WALNUTS

§ 984.46 *Certification.* (a) Each handler, at his own expense, shall obtain an appropriate inspection certificate for each lot of merchantable unshelled or merchantable shelled walnuts handled or to be handled by him and for each lot of merchantable restricted unshelled walnuts or surplus unshelled or shelled walnuts withheld by him. Such inspection certificate applicable to shelled walnuts shall be obtained prior to any secondary processing, such as brushing, slicing, dicing or chopping, of the shelled walnuts after completion of the original shelling thereof. Such certificates shall be issued by inspectors designated by the Control Board. Each such certificate shall show, in addition to such information as is specified in (b) (1), (2), or (3) of this section, the identity of the handler, the quantity and pack of merchantable walnuts in such lot, date of inspection, and that the walnuts covered by such certificate conform to the pack specifications and minimum requirements prescribed pursuant to § 984.44, if unshelled walnuts, or if shelled walnuts then to the minimum grade requirements prescribed pursuant to § 984.45. Copies of each certificate issued shall be furnished by the inspector to the handler and to the Control Board.

(b) Three types of such certificates may be issued, all of which shall contain the information specified in paragraph (a) of this section and, in addition, the following information:

(1) "Shipping certificates" covering merchantable walnuts shipped, which shall show the date of shipment, name and address of carrier, railroad car number, whether for interstate, intrastate, or export shipment, and, if for export, the country of destination;

(2) "Stock certificates" covering lots of merchantable walnuts to be handled, which shall show the handler's lot number;

(3) "Restricted certificates", covering lots of merchantable restricted unshelled walnuts to be withheld, which shall show the handler's lot number and location of the lot at time of inspection.

(4) "Surplus certificates", covering lots of surplus unshelled or shelled walnuts to be withheld, which shall show the handler's lot number and location of the lot at time of inspection.

(c) All walnuts handled shall be identified by seals or stamps affixed to the container by the handlers under the supervision of the Control Board or the designated inspectors. All lots covered by stock certificates or restricted or surplus certificates shall be identified by tags affixed to the containers by the handlers under the supervision of the Control Board or the designated inspectors. The Control Board may require that all lots covered by stock, restricted or surplus certificates be identified by seals affixed to the containers by the handlers under the supervision of the Control Board or the designated inspectors.

(d) The shipment of walnuts from a lot covered by a stock inspection certificate shall be reported to the Control Board. Such reports shall be submitted by the handler or the designated inspectors, at such intervals and in such form as the Board may prescribe, pursuant to § 984.—.

(e) Whenever the Control Board determines that the length of time in storage or conditions of storage of any lot of walnuts which has been previously inspected have been or are such as to normally cause deterioration, such lot of walnuts shall be reinspected at the handler's expense and must be recertified as merchantable, prior to shipment.

8. In § 984.55 (a) of the Control Board proposal insert the word "unshelled" immediately preceding the word "walnuts" whenever appearing.

9. Change (b) of § 984.56 of the Control Board proposal to read as follows:

(b) *For shelled walnuts.* Any lot of shelled walnuts, to be eligible for certification as surplus, must meet the minimum grade requirements prescribed by the Control Board and approved by the Secretary pursuant to § 984.45.

10. Change § 984.66 (b) of the Control Board proposal to read as follows:

(b) *Requirements for payment.* Each handler of merchantable unshelled walnuts and merchantable shelled walnuts shall, with respect to the merchantable unshelled walnuts handled or certified for handling by him and the merchantable shelled walnuts handled by him, pay to the Control Board, upon demand, his pro-rata share of the expenses which the Secretary finds are reasonable and are likely to be incurred during each marketing year. Each handler's share of such expenses shall be: For merchantable unshelled walnuts handled or certified for handling during the applicable marketing year, the ratio between the total quantity of merchantable unshelled walnuts handled by him and the

total quantity of such walnuts handled by all handlers during such marketing year; for merchantable shelled walnuts handled, the ratio of the weight of merchantable shelled walnuts handled by him during the applicable marketing year and the weight of all merchantable shelled walnuts handled during such marketing year by all handlers.

Alternative Proposal

As an alternative to the foregoing proposed changes, the following are proposed:

11. Change § 984.4 of the Control Board proposal to read as follows:

§ 984.4 *Area of production.* "Area of production" means the State of California.

12. In § 984.7, change "States of California, Oregon and Washington" to read "State of California."

13. In § 984.11, change the word "States" to "State", and strike "Oregon, or Washington" whenever appearing.

14. Change § 984.32 to read as follows:

§ 984.32 *Establishment and membership.* A Control Board is hereby established, consisting of eight members, selected by the Secretary, for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and shall have the same qualifications as the member for whom each is an alternate. One member and one alternate member shall be selected from nominees by each of the following groups or from among other qualified persons belonging to such groups:

(a) The cooperative packers doing business within the State of California;

(b) All packers and distributors, other than the cooperative packers, doing business within the State of California;

(c) The group of cooperative packers or other than cooperative packers doing business within the State of California, who, during the preceding marketing year, handled more than 50 percent of the merchantable walnuts handled by packers located within the State of California;

(d) Those growers of walnuts whose orchards are located in California and who market their walnuts through cooperative packers;

(e) All other growers of walnuts whose orchards are located in California;

(f) Those growers whose orchards are located in California and whose walnuts are marketed during the preceding marketing year through the packer group specified in paragraph (c) of this section;

(g) Shellers of walnuts within the area of production who are handlers but who are not packers.

15. In § 984.32, change "nine" to "seven," and "tenth" to "eighth," and strike, "Oregon, and Washington."

16. In § 984.41 (b), change "six" to "five."

The following alternative modifications of the marketing agreement and order as proposed to be amended by the Walnut Control Board, as set forth hereinabove, are proposed to be made by John E. Trunk, Dundee, Oregon, D. Leo Gholson on behalf of Gholson and Gholson, Tigard, Oregon, Francis T. Rowell on behalf of Hudson House, Inc., Portland, Oregon, and by Hazel Ingalls as Secretary-Treasurer of the Salem Nut Growers Cooperative of Salem, Oregon:

17. Change §§ 984.47, 984.48, 984.52, and 984.53, of the amended and recodified marketing order proposed by the Walnut Control Board to replace marketing order No. 84, so as to provide that separate salable and surplus percentages applicable to both unshelled and shelled walnuts, and separate merchantable free and merchantable restricted percentages applicable to unshelled walnuts, shall be fixed for the state of California, as District No. 1, and the states of Oregon and Washington, as District No. 2, and that such percentages established with respect to walnuts produced in either District may be lower than such percentages established with respect to walnuts produced in the other District if the total crop of walnuts in such District is forecast by the U. S. Department of Agriculture to be smaller than the average of the total crops produced in that District during a historical period or to be of a size which is smaller in relation to the forecast total production in both Districts than the proportion which the average production in that District during that period bears to the average total production in both Districts during that period; and change §§ 984.82 and 984.83 of said proposed amended and recodified order so as to require that not later than March 31 of each year the Control Board must review the control percentages previously recommended or established, in the light and on the basis of actual production of walnuts in each District during that marketing year, and authorizing the Control Board to recommend and the Secretary of Agriculture to make such adjustments of any or all of said control percentages as may be found to be proper, fair and equitable; and such other changes to said proposed amended or recodified walnut marketing order as may be necessary or desirable in order to effectuate the foregoing proposed changes. The amendments to marketing order No. 84 necessary to accomplish the aforesaid proposals of the Walnut Control Board as changed as herein stated, are hereby proposed.

18. *Alternative proposal.* As an alternative to the foregoing proposed changes of the proposal submitted by the Control Board, and of corresponding amendments to the marketing order, it is hereby proposed that the proposed amended and recodified marketing order heretofore submitted by the Walnut Control Board be changed so as to cover an "area of production" consisting only of the State of California, and to cover only such walnuts as are grown in the State of California; together with appropriate changes of §§ 984.32, 984.34, and 984.41, relative to the size, membership and quorum of the Control Board, and such other changes of the proposed amended marketing order as may be necessary or desirable in order to release from the said proposed amended marketing order the states of Oregon and Washington and walnuts grown therein.

The following alternative modifications of the marketing agreement and order as proposed to be amended by the Walnut Control Board, as set forth hereinabove, are proposed to be made by D. Leo Gohlson and John E. Trunk, it being stated in that connection that such proposals are being "submitted for the purpose of implementing the proposals previously submitted in general form jointly by Leo Gohlson and others:"

19. Change § 984.47 of the amended and recodified marketing order proposed by the Control Board to replace marketing Order No. 84, to read as follows:

§ 984.47 *Recommendation for merchantable free and restricted percentages*—(a) *Districts.* For the purpose of allocation of merchantable walnuts, the area of production shall be divided into District 1, consisting of the State of California and District 2, consisting of the States of Oregon and Washington.

(b) *Unshelled walnuts.* (1) Whenever the Control Board finds that the supply of merchantable unshelled walnuts exceeds or is likely to exceed the trade demand therefor and that it would tend to effectuate the declared policy of the act to establish the percentages of merchantable unshelled walnuts during a marketing year which shall be free and restricted, respectively, it shall recommend such percentages to the Secretary. Such recommended percentages shall be uniform for the entire production area: *Provided, however,* That in the event the Board shall find, on the basis of official reports of the U. S. Department of Agriculture or other relevant factors, that the quantity of merchantable walnuts produced in one district is or will be substantially less or greater than the average quantity of such walnuts produced in that district during a representative historical period or that the proportion which such production in one district bears to the production in both districts is or will be substantially greater or less than the average such proportion during such representative historical period, the Board shall recommend such merchantable free and restricted percentages for each district as will equitably take into account such variation from historical production levels and distribution: *Provided, further,* That in no event shall the Board recommend a merchantable free or restricted percentage for either district less than one-half such percentage recommended for the other district. In making its recommendation, the Board shall furnish to the Secretary, not later than September 20 of each marketing year, the following estimates and recommendation, each of which shall be adopted by the affirmative vote of at least six members of the Board:

(i) Its estimate of the quantity of merchantable unshelled walnuts to be produced and packed during such year;

(ii) Its estimate of the handler carryover of merchantable unshelled walnuts as of August 1;

(iii) Its estimate of the trade demand for merchantable unshelled walnuts (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand, consideration shall be given to the estimated trade carryover at the beginning and end of the marketing year;

(iv) Its recommendation as to the merchantable free and restricted percentages to be fixed for unshelled walnuts.

(2) The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting at which the recommended merchantable free and restricted percentages to be fixed by the Secretary were adopted.

(c) *Shelled walnuts.* (1) Whenever the Control Board finds that the supply of merchantable shelled walnuts exceeds or is likely to exceed the trade demand therefor and that it would tend to effectuate the declared policy of the act to establish the percentages of merchantable shelled walnuts during a marketing year which shall be free and restricted, respectively, it shall recommend such percentages to the Secretary. Such recommended percentages shall be uniform for the entire production area: *Provided, however,* That in the event the Board shall find, on the basis of official reports of the U. S. Department of Agriculture or other relevant factors, that the quantity of merchantable walnuts produced in one district is or will be substantially less or greater than the average quantity of such walnuts produced in that district during a representative historical period or that the proportion which such production in one district bears to the production in both districts is or will be substantially greater or less than the average such proportion during such representative historical period, the Board shall recommend such merchantable free and restricted percentages for each district as will equitably take into account such variation from historical production levels and distribution: *Provided, further,* That in no event shall the Board recommend a merchantable free or restricted percentage for either district less than one-half such percentage recommended for the other district. In making its recommendation, the Board shall furnish to the Secretary, not later than September 20 of each marketing year, the following estimates and recommendation, each of which shall be adopted by the affirmative vote of at least six members of the Board:

(i) Its estimate of the quantity of merchantable shelled walnuts to be produced and packed during such year;

(ii) Its estimate of the handler carryover of merchantable shelled walnuts as of August 1;

(iii) Its estimate of the trade demand for merchantable shelled walnuts (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand, consideration shall be given to the estimated trade carryover at the beginning and end of the marketing year;

(iv) Its recommendation as to the merchantable free and restricted percentages to be fixed for shelled walnuts.

(2) The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting at which the recommended merchantable free and restricted percentages to be fixed by the Secretary were adopted.

20. Change § 984.48 of said proposal to read as follows:

§ 984.48 *Establishment of merchantable free and restricted percentage regulations by the Secretary*—(a) *Unshelled walnuts.* Whenever the Secretary finds from the recommendation of the Control Board and supporting information supplied by the Control Board, or from any other available information, that to establish the percentage of merchantable unshelled walnuts which shall be free and restricted, respectively, during any marketing year, would tend to effectuate the declared policy of the act, he shall so establish such percentages for each of the two districts. In establishing such merchantable free and restricted percentages for unshelled walnuts, the Secretary shall give consideration to the ratio of the estimated trade demand for merchantable unshelled walnuts (with appropriate adjustments for such handler carryover as may have theretofore contributed to the restricted percentage and for a desirable level of handler carryover at the end of the marketing year), to the sum of the estimated production of merchantable unshelled walnuts and the handler carryover of merchantable unshelled walnuts which has not theretofore contributed to the restricted percentage of unshelled walnuts, to the recommendation submitted to him by the Control Board, and to such other pertinent information as he deems appropriate. The merchantable allocation percentage of unshelled walnuts shall also be established by the Secretary.

(b) *Shelled walnuts.* Whenever the Secretary finds from the recommendation of the Control Board and supporting information supplied by the Control Board, or from any other available information, that to establish the percentage of merchantable shelled walnuts which shall be free and restricted, respectively, during any marketing year, would tend to effectuate the declared policy of the act, he shall so establish such percentages for each of the two districts. In establishing such merchantable free and restricted percentages for shelled walnuts, the Secretary shall give consideration to the ratio of the estimated trade demand for merchantable shelled walnuts (with appropriate adjustments for such handler carryover as may have theretofore contributed to the restricted percentage and for a desirable level of handler carryover at the end of the marketing year), to the sum of the estimated production of merchantable shelled walnuts and the handler carryover of merchantable shelled walnuts which has not theretofore contributed to the restricted percentage of shelled walnuts, to the recommendation submitted to him by the Control Board, and to such other pertinent information as he deems appropriate. The merchantable allocation percentage of shelled walnuts shall also be established by the Secretary.

21. Change § 984.49 of said proposal to read as follows:

§ 984.49 *Withholding merchantable restricted walnuts.* (a) Except as otherwise provided in § 984.81, whenever a regulation has been established by the Secretary under the provisions of § 984.48, each handler, before or upon handling any unshelled or shelled walnuts, shall have withheld from handling a quantity of merchantable shelled or unshelled walnuts equal to the applicable merchantable allocation percentage by weight of such quantity handled or certified for handling by him: *Provided,* That this provision shall not apply to any lot of merchantable walnuts which is sold or delivered within the area of production to a handler for subsequent handling and which is reported to the Control Board pursuant to § 984.74.

(b) The quantity of walnuts hereby required to be withheld shall constitute and may be referred to as the "merchantable restricted obligation" of a handler. The merchantable walnuts handled by any handler in accordance with the provisions of this sub-part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

22. Change § 984.52 to read as follows:

§ 984.52 *Recommendation for marketable and surplus percentages.* (a) Whenever the Control Board finds that the total supply of walnuts, unshelled and shelled, expressed in terms of sound kernel weight, exceeds or is likely to exceed the total trade demand therefor and that it would tend to effectuate the declared policy of the act to establish marketable and surplus percentages on unshelled and shelled walnuts, it shall recommend to the Secretary such percentages for walnuts produced in each district. Such recommended percentages shall be uniform for the entire production area: *Provided, however,* That in the event the Board shall find, on the basis of official reports of the U. S. Department of Agriculture or other relevant factors, that the quantity of walnuts produced in one district is or will be substantially less or greater than the average quantity of walnuts produced in that district during a representative historical period or that the proportion which such production in one district bears to the production in both districts is or will be substantially greater or less than the average such proportion during such representative historical period, the Board shall recommend such marketable and surplus percentages for each district as will equitably take into account such variation from historical production levels and distribution: *Provided, further,* That in no event shall the Board recommend a marketable or surplus percentage for either district less than one-half such percentage recommended for the other district. In making its recommendation, the Board shall furnish to the Secretary, not later than September 20 of each marketing year, the following estimates and recommendation, each of which shall be

adopted by the affirmative vote of at least six members of the Board:

(1) Its estimate of the applicable orchard-run production;

(2) Its estimate of the quantity of merchantable unshelled walnuts to be produced and packed during such year, expressed in terms of sound kernel weight;

(3) Its estimate of the handler carryover of merchantable unshelled walnuts as of August 1, expressed in terms of sound kernel weight;

(4) Its estimate of merchantable unshelled trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act), expressed in terms of sound kernel weight; in determining such trade demand, consideration shall be given to the estimated trade carryover at the beginning and end of the marketing year;

(5) Its estimate of merchantable shelled walnut production during such marketing year;

(6) Its estimate of merchantable shelled handler carryover as of August 1;

(7) Its estimate of merchantable shelled trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand, consideration shall be given to the estimated trade carryover at the beginning and end of the marketing year;

(8) Its recommendation as to the marketable and surplus percentages to be fixed for each of the two districts.

(b) The Control Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting at which the recommended marketable and surplus percentages to be fixed by the Secretary were adopted.

23. Change § 984.53 to read as follows:

§ 984.53 *Establishment of marketable and surplus percentage regulations by the Secretary.* Whenever the Secretary finds from the recommendation of the Control Board and supporting information supplied by the Control Board, or from any other available information, that to establish the percentages of walnuts which shall be marketable and surplus, respectively, during any marketing year would tend to effectuate the declared policy of the act, he shall so establish such percentages for walnuts produced in each of the two districts. The applicable diversion percentages shall also be established by the Secretary.

24. In § 984.55 (a) insert the word "unshelled" immediately preceding the word "walnuts" other than in the headings.

25. In § 984.61 (a) insert the word "unshelled" immediately preceding the word "walnuts;" except only in (iv).

26. Change § 984.68 to read as follows:

§ 984.68 *Reports of handler carryovers.* Each handler, on or before August 15 and January 15 of each marketing year, shall file with the Control Board a written report of:

(a) All merchantable unshelled walnuts (except such as may be certified and held to meet the handler's merchantable restricted obligation or his surplus obligation in accordance with the provisions of §§ 984.49 and 984.54), including the estimated quantity of merchantable unshelled walnuts in ungraded lots to be packed as merchantable unshelled walnuts, held by him on the first day of August and January, respectively, showing the pack (if merchantable) and location thereof and the quantities:

(1) Which theretofore have been certified for handling and on which the merchantable restricted obligation has previously been met;

(2) Which have been packed as merchantable unshelled walnuts but have not been certified and on which the merchantable restricted obligation has not been met; and

(3) Which are estimated as merchantable but have not been packed as merchantable and are to be so packed.

(b) All merchantable shelled walnuts (except such as may be certified and held as surplus in accordance with the provisions of § 984.54), including the estimated quantity of merchantable shelled walnuts in unshelled lots to be shelled, held by him on the first day of August and January, respectively, showing the locations thereof and the quantities:

(1) Which theretofore have been certified for handling and on which the merchantable restricted obligation has previously been met;

(2) Which have been packed as merchantable shelled walnuts but have not been certified and on which the merchantable restricted obligation has not been met; and

(3) Which are estimated as merchantable shelled walnuts to be produced, but have not yet been shelled.

27. Change § 984.82 to read as follows:

§ 984.82 *Revision of control percentages.* The Control Board prior to March 31 of each year shall review on the basis of actual production in each of the districts the control percentages established for that marketing year, and shall recommend to the Secretary prior to that March 31 such adjustments of any such percentages as it may find to be fair and equitable. The Secretary, on request of the Control Board made at any time prior to March 31 of any marketing year (or if the Control Board shall fail so to request, on request within like time of two or more handlers who have handled during the immediately preceding marketing year at least 10 percent of the total tonnage of merchantable unshelled walnuts or of merchantable shelled walnuts, respectively, handled by all handlers in that district during such marketing year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable unshelled walnuts or merchantable shelled walnuts, respectively, available for sale will not be sufficient to supply the respective trade demand therefor and provide an adequate carryover, may decrease the applicable merchantable restricted percentage or the surplus percentage, respectively, to conform to such finding.

Alternative Proposal

As an alternative to the foregoing proposed changes, the following are proposed:

28. Change § 984.4 of the Control Board proposal to read as follows:

§ 984.4 *Area of production.* "Area of production" means the State of California.

29. In § 984.7, change "States of California, Oregon and Washington" to read "State of California."

30. In § 984.11, change the word "states" to "state," and strike "Oregon, or Washington" whenever appearing.

31. Change § 984.32 to read as follows:

§ 984.32 *Establishment and membership.* A Control Board is hereby established, consisting of eight members, selected by the Secretary, for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and shall have the same qualifications as the member for whom each is an alternate. One member and one alternate member shall be selected from nominees by each of the following groups or from among other qualified persons belonging to such groups:

(a) The cooperative packers doing business within the State of California;

(b) All packers and distributors, other than the cooperative packers, doing business within the State of California;

(c) The group of cooperative packers or other than cooperative packers doing business within the State of California, who, during the preceding marketing year, handled more than 50 percent of the merchantable walnuts handled by packers located within the State of California;

(d) Those growers of walnuts whose orchards are located in California and who market their walnuts through cooperative packers;

(e) All other growers of walnuts whose orchards are located in California;

(f) Those growers whose orchards are located in California and whose walnuts are marketed during the preceding marketing year through the packer group specified in paragraph (c) of this section;

(g) Shellers of walnuts within the area of production who are handlers but who are not packers.

32. In § 984.32, change "nine" to "seven," and "tenth" to "eighth," and strike, "Oregon, and Washington."

33. In § 984.41 (b), change "six" to "five."

The following amendments are proposed by the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture:

34. Add a new section, immediately after proposed § 984.29, which will read as follows:

§ 984.30 *Part and subpart.* "Part" means the order regulating the handling of walnuts grown in California, Oregon, and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of walnuts grown in California, Oregon, and Washington shall be a "subpart" of such part.

35. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected, or from the Western Marketing Field Offices, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, at 1031 South Broadway, Room 1005, Los Angeles, California, or 1000 Geary Street, San Francisco, California, or 515 S. W. Tenth Street, Portland, Oregon, or at the office of the Walnut Control Board, Room 400 Corporation Building, 724 South Spring Street, Los Angeles, California.

Issued at Washington, D. C., this 9th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1027; Filed, Feb. 11, 1954; 8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 547]

DEFINING AND DELIMITING THE TERM "BONA FIDE THRIFT OR SAVINGS PLAN"

NOTICE OF PROPOSED RULE MAKING

Section 7 (d) (3) (b) of the Fair Labor Standards Act provides that the term "regular rate" shall not be deemed to include "sums paid in recognition of services performed during a given period if * * * the payments are made pursuant to a * * * bona fide thrift or savings plan, meeting the requirements of the Administrator set forth in appropriate regulations which he shall issue, having due regard, among other relevant factors, to the extent to which the amounts paid to the employees are determined without regard to hours of work, production, or efficiency. * * *"

In formulating the provisions of these regulations consideration has been given to the pattern of existing thrift and savings plans and to recommendations made by the representatives of management and labor who appeared at a public hearing called by the Administrator.

Notice is hereby given that I propose to adopt said regulations as set forth below. Prior to their final adoption, however, consideration will be given to any data, views or comments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Washington 25, D. C., by any interested person within 30 days from the publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

No. 30——4

Sec.
547.0 Scope and effect of regulations.
547.1 Essential requirements for qualification.
547.2 Disqualifying provisions.
547.3 Petition for amendment of regulations.

AUTHORITY: §§ 547.0 to 547.3 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201-219.

§ 547.0 *Scope and effect of regulations.* (a) The regulations in this part set forth the requirements of a "bona fide thrift or savings plan" under section 7 (d) (3) (b) of the Fair Labor Standards Act of 1938, as amended (hereinafter called the act). In determining the total remuneration for employment which section 7 (d) of the act requires to be included in the regular rate at which an employee is employed, it is not necessary to include any sums paid to or on behalf of such employee, in recognition of services performed by him during a given period, which are paid pursuant to a bona fide thrift or savings plan meeting the requirements set forth herein. In the formulation of the regulations in this part due regard has been given to the factors and standards set forth in section 7 (d) (3) (b) of the act.

(b) Where a thrift or savings plan is combined in a single program (whether in one or more documents) with a plan or trust for providing profit-sharing payments to employees, or with a plan or trust for providing old age, retirement, life, accident or health insurance or similar benefits for employees, contributions made by the employer pursuant to such thrift or savings plan may be excluded from the regular rate if the plan meets the requirements of the regulation in this part and the contributions made for the other purposes may be excluded from the regular rate if they meet the tests set forth in Part 549 of this chapter or the tests set forth in Interpretative Bulletin, Part 778 of this chapter § 778.6 (g), as the case may be.

§ 547.1 *Essential requirements for qualification.* (a) A "bona fide thrift or savings plan" for the purpose of section 7 (d) (3) (b) of the act is required to meet all the standards set forth in paragraphs (b) through (f) of this section and must not contain the disqualifying provisions set forth in § 547.2.

(b) The thrift or savings plan constitutes a definite program or arrangement in writing, communicated or made available to the employees, which is established and maintained, in good faith, for the purpose of encouraging voluntary thrift or savings by employees by providing an incentive to employees to accumulate regularly and retain cash savings for a reasonable period of time or to save through the regular purchase of public or private securities.

(c) The plan specifically shall set forth the category or categories of employees participating and the basis of their eligibility. Eligibility may not be based on such factors as hours of work, production, or efficiency of the employees: *Provided, however,* That hours of work may be used to determine eligibility of part-time or casual employees.

(d) The amount any employee may save under the plan shall be specified in the plan or determined in accordance with a definite formula specified in the plan, which formula may be based on one or more factors such as the straight-time earnings or total earnings, base rate of pay, or length of service of the employee.

(e) The employer's contributions in any year may not exceed 15 percent of the participating employees' total earnings during that year; nor may they exceed the total dollar amount saved or invested by the participating employees under the plan.

(f) The employer's contributions shall be apportioned among the individual employees in accordance with a definite formula or method of calculation specified in the plan, which formula or method of calculation is based on the amount saved or the length of time the individual employee retains his savings or investment in the plan: *Provided,* That no employee's share determined in accordance with the plan may be diminished because of any other remuneration received by him.

§ 547.2 *Disqualifying provisions.* (a) No employee's participation in the plan shall be on other than a voluntary basis.

(b) No employee's wages or salary shall be dependent upon or influenced by the existence of such thrift or savings plan or the employer's contributions thereto.

(c) The amounts any employee may save under the plan, or the amounts paid by the employer under the plan may not be based upon the employee's hours of work, production or efficiency.

§ 547.3 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of the regulations in this part may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If upon inspection of the petition, the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

Signed at Washington, D. C., this 8th day of February 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-981; Filed, Feb. 11, 1954; 8:46 a. m.]

[29 CFR Part 703]

[Administrative Order No. 439]

PUERTO RICO: SPECIAL INDUSTRY COMMITTEE NO. 15

NOTICE OF RESIGNATION FROM AND APPOINTMENT TO COMMITTEE

On February 5, 1954 immediately following the hearing for the Needlework and Fabricated Textile Products Industry in Puerto Rico, Hipolito Marcano of

San Juan, Puerto Rico, a representative of employees in the Industry, resigned from Special Industry Committee No. 15.

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), I, Wm. R. McComb, Administrator of the Wage and Hour Division of the United States Department of Labor, hereby appoint David Sternback of Santurce, Puerto Rico, to serve on said Committee as a representative of the employees for the Men's and Boys' Clothing and Related Products Industry.

Signed at Washington, D. C., this 5th day of February 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-962; Filed, Feb. 11, 1954; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 10581]

APPLICATIONS FOR BROADCAST FACILITIES

TERMINATION OF PROCEEDINGS RELATING TO FILING AND ACTION

In the matter of amendment of §§ 1.304, 1.382 and 1.387 of the Commission's rules and regulations relating to filing and action on applications for broadcast facilities; Docket No. 10581.

1. The Commission has before it for consideration its notice of proposed rule-making (FCC 53-839) issued in this proceeding on July 3, 1953.

2. The Commission proposed to amend §§ 1.304, 1.382 and 1.387 of its rules and regulations generally (1) to require applicants for television broadcast stations to publish notification of the filing of their applications; and (2) to provide a cut-off on competing applications 30 days after the date of first publication. The amendments proposed in this proceeding were advanced in an effort to aid the Commission in its processing of television applications, to promote the early establishment of television service throughout the country, and to insure that all persons have a fair and equal opportunity to apply for available facilities.

3. Comments opposing adoption of the amendments as proposed have been submitted by the Columbia Broadcasting System, Inc., and Leo Resnick. The Federal Communications Bar Association submitted comments stating that a poll of its membership indicated that 64 members opposed adoption of the proposed amendments, 6 members favored adoption, and 2 members favored adoption in part and rejection in part.

4. The Commission upon carefully considering the comments filed in this proceeding, is of the view that the proposed amendments should not be adopted at this time and that its notice of proposed rulemaking issued in this proceeding should be withdrawn.

5. In view of the foregoing: *It is ordered*, That the notice of proposed rulemaking (FCC 53-839) issued in this proceeding on July 3, 1953, is withdrawn; and that this proceeding is terminated.

Adopted: February 3, 1954.

Released: February 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1004; Filed, Feb. 11, 1954; 8:51 a. m.]

[47 CFR Part 2]

[Docket No. 10797]

CERTAIN FREQUENCY ALLOCATIONS TO NON-GOVERNMENT FIXED AND MOBILE SERVICES

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of Part 2 of the Commission's rules and regulations regarding frequency allocations above 890 Mc to the non-Government fixed and mobile services; Docket No. 10797.

The Commission having under consideration the petition dated January 29, 1954, filed by the Central Committe on Radio Facilities of the American Petroleum Institute in the above-entitled proceeding, requesting an extension of time in which to file comments directed to the Commission's notice of proposed rule making in this docket;

It appearing that good and sufficient reasons have been advanced by the Central Committee on Radio Facilities of the American Petroleum Institute in its petition for an extension of time in which to file comments in this proceeding, and that the public interest would be served by an extension until March 15, 1954; and

It is ordered, That the petition of the Central Committee on Radio Facilities of the American Petroleum Institute is granted and the time for filing comments in the above-entitled proceeding is hereby extended from February 15, 1954 to March 15, 1954.

Adopted: February 4, 1954.

Released: February 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1005; Filed, Feb. 11, 1954; 8:51 a. m.]

[47 CFR Parts 2, 3]

[Docket No. 10848]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 10848.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It was previously proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations to allocate Channel No. 248 to Paris, Tennessee, and to delete the same channel from the Nashville, Tennessee, allocations. It is now proposed to change the original proposal so as to amend the Allocation Plan as follows:

General area	Channels	
	Delete	Add
Paris, Tenn.	-----	248
Memphis, Tenn.	248	-----

3. The purpose of the proposed amendment is to provide a Class B channel in Paris, Tennessee, thereby facilitating consideration of a pending application requesting a Class B assignment there.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before March 5, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 3, 1954.

Released: February 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1006; Filed, Feb. 11, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

Effective as of November 10, 1953, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (17 F. R. 11613, December 19, 1952), as amended, are prescribed:

1. Section 1.12 is amended to read as follows:

SEC. 1.12 *Central Office; the Deputy Commissioner; Operations Advisors*—(a) *The Deputy Commissioner.* The Deputy Commissioner assists the Commissioner generally. In the absence of the Commissioner, the Deputy Commissioner is the Acting Commissioner.

(b) *Operations Advisors.* Under the executive direction of the Deputy Commissioner, Operations Advisors serve as liaison officers between Central Office and field offices; conduct regular surveys of field offices and, as directed, of the Central Office divisions, covering organization, methods, procedures, manpower need and utilization; and coordinate Service functions to assure integration of programs and compliance with laws, regulations, established procedures, and over-all Service policy.

2. Section 1.16 is amended to read as follows:

SEC. 1.16 *Central Office; the Assistant Commissioner, Administrative Division.* Under the executive direction of the Commissioner, the Assistant Commissioner, Administrative Division, is responsible for the management of the budget, fiscal control, services and supplies, records administration, and statistics programs, and for administering the personnel programs, policies, and procedures of the Service.

Dated: February 5, 1954.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: December 2, 1953.

BENJAMIN G. HABBERTON,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 54-983; Filed, Feb. 11, 1954; 8:46 a. m.]

Office of Alien Property

ERNST WAGNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ernst Wagner, Burgen, Post Veldenz (Mosel), Germany, Claim No. 42536; $5,628.57 in the Treasury of the United States.

Executed at Washington, D. C., on February 8, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-1025; Filed Feb. 11, 1954; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

GLENDO UNIT, MISSOURI RIVER BASIN PROJECT, WYOMING

ORDER OF REVOCATION

NOVEMBER 23, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of July 26, 1948, insofar as said order affects the following described land: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 29 N., R. 67 W.,
Sec. 7, SE¼NW¼, E½SW¼, lot 4 (SW¼ SW¼).

The above area aggregates 160 acres.

W. A. DEXHEIMER,
Commissioner.

[Misc. 44634]

FEBRUARY 5, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The land is located approximately four miles east of Glendo in Platte County. The topography is rolling to rough. Vegetative cover consists chiefly of Sandburg bluegrass and June grass with a scattered stand of yellow pine. The soil is gravelly loam. The land is primarily suitable for grazing. Any application that is filed will be considered on its merits.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Cheyenne, Wyoming.

EARL G. HARRINGTON,
Acting Assistant Director,
Bureau of Land Management.

[F. R. Doc. 54-978; Filed, Feb. 11, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

GILA NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Negrito, Copper Creek, and T-Bar Allotments in the Gila National Forest, in Catron County, State of New Mexico; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest land;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of land in the Negrito, Copper Creek, and T-Bar Allotments in the Gila National Forest:

Temporary closure from livestock grazing. (a) The Negrito, Copper Creek, and T-Bar Allotments in the Gila National Forest are hereby closed for the period March 1, 1954 to February 28, 1955 to the grazing of horses, excepting those that are lawfully grazing on or crossing land in such areas pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land. The area covered by this order is described as follows:

All forest land in that part of the Gila National Forest beginning on the Apache-Gila National Forest boundary near SW corner of Sec. 31, T. 9 S., R. 19 W.; (corner common to Twps. 9 and 10 S., R. 19 and 20 W.) east and north via Apache Peak to Negrito Creek in Sec. 27, T. 7 S., R. 18 W., and up Negrito Creek to the Negrito-Corner Mountain Grazing Allotment fence in Sec. 5, T. 9 S., R. 17 W.; thence southwesterly along this fence to the Divide (Negrito-Copper Creek Allotment fence); southerly along this fence to the Corner Mountain-T-Bar Allotment fence; northeasterly along this fence to and around the Earl Gilson Ranch in Sec. 25, T. 9 S., R. 17 W., to the Y-Canyon-T-Bar Allotment boundary; easterly along this posted boundary to Ewe Canyon; south down Ewe Canyon to T-Bar and School and Snow Canyons; thence on to junction with Gilita Creek;

westerly up Gilita Creek to the Copper Creek Allotment fence near corner common to Secs. 10, 11, 14 and 15, T. 10 S., R. 18 W.; thence south along this fence to Forest Service Trail No. 201 at head of Mineral Creek near middle of Sec. 1 on Township line (T. 11 S., R. 18 W.); down Mineral Creek to Deep Creek-Copper Creek Allotment fence near SW corner Sec. 30, T. 10 S., R. 19 W.; thence north along this fence to place of beginning; including all of the Copper Creek Allotment and parts of the Negrito and T-Bar Grazing Allotments.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Fifteen days' public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Gila National Forest is located.

Done at Washington, D. C., this 9th day of February 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] J. EARL COKE,
Assistant Secretary.

[F. R. Doc. 54-1029; Filed, Feb. 11, 1954; 8:55 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ASSOCIATE GENERAL COUNSEL AND ASSISTANT TO THE GENERAL COUNSEL

DELEGATION OF AUTHORITY TO CERTIFY COPIES OF DOCUMENTS

Pursuant to the provisions of section 1601, Chapter 10, Title 42, United States Code, and Reorganization Plan No. 1 of 1953, the following officials of the Office of the General Counsel are authorized to certify copies of documents on file in the Department of Health, Education, and Welfare, and to cause the seal of the Department to be affixed:

Associate General Counsel.
Assistant to the General Counsel.

Dated: February 5, 1954.

OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-991; Filed, Feb. 11, 1954; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6207]

CITY OF NEWPORT, VERMONT

NOTICE OF HEARING

In the matter of the application of the City of Newport, Vermont, for regularly scheduled airline service.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 24, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., February 8, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1023; Filed, Feb. 11, 1954; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10376]

BUCCANEER LINE, INC.

ORDER CONTINUING HEARING

In the matter of Buccaneer Line, Inc., Jacksonville, Florida, Docket No. 10376, File No. 1286-C3-P-52; construction permit for new pt/pt radiotelephone station (Points of Communication: Colonia, Yucatan, Mexico; Zoh Leguna, Campeche, Mexico; Sac Xaan, Quintana Roo, Mexico).

The applicant in the above-entitled proceeding filed a motion with the Commission on February 2, 1954 requesting a dismissal of its application without prejudice. The hearing had previously been continued to the date of February 5, 1954, but in the light of the applicant's intention there will be no necessity for convening a session on that date. All other parties to the proceeding have expressed consent to a grant of the motion. Therefore,

It is ordered, This 3d day of February 1954 that the hearing presently scheduled for February 5, 1954, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1011; Filed, Feb. 11, 1954; 8:51 a. m.]

[Docket Nos. 10556, 10557, 10558]

SUPERIOR TELEVISION, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Superior Television, Inc., Corpus Christi, Texas, Docket No. 10556, File No. BPCT-1031; Keys-TV, Inc., Corpus Christi, Texas, Docket No. 10557, File No. BPCT-1045; K-Six Television, Inc., Corpus Christi, Texas, Docket No. 10558, File No. BPCT-1434; for construction permits for new television broadcast stations.

Upon oral motion with all parties concurring and good cause having been shown:

It is ordered, This 5th day of February 1954, that the further hearing in this proceeding presently scheduled for February 10, 1954 is continued to February 17, 1954, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1012; Filed, Feb. 11, 1954; 8:51 a. m.]

[Docket Nos. 10660, 10661]

BOOTH RADIO & TELEVISION STATIONS, INC., AND WOODWARD BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Booth Radio & Television Stations, Inc., Detroit, Michigan, Docket No. 10660, File No. BPCT-724; Woodward Broadcasting Company, Detroit, Michigan, Docket No. 10661, File No. BPCT-1418; for construction permits for new television stations.

The Commission having before it a petition filed by Booth Radio and Television Stations, Inc., February 1, 1954, requesting that the further hearing herein to be held pursuant to § 1.841 of the Commission's rules now scheduled for February 12, 1954, be postponed and rescheduled for February 23, 1954; and

It appearing, that counsel for Booth Radio and Television Stations, Inc., is engaged in other proceedings before the Commission and has shown good cause for requesting a postponement of the date of the further hearing herein and that counsel for Woodward Broadcasting Company, as well as counsel for the Chief, Broadcast Bureau, has consented to a grant of the petition and to a waiver of § 1.745 of the Commission's rules;

It is ordered, This 2d day of February 1954, that the petition is granted and the further hearing to be held pursuant to § 1.841 of the Commission's rules is rescheduled for 10 a. m., Tuesday, February 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1013; Filed, Feb. 11, 1954; 8:51 a. m.]

[Docket No. 10734]

ARCTIC RADIO TELEPHONE CO.

ORDER CONTINUING HEARING

In the matter of Arctic Radio Telephone Company, Anchorage, Alaska, Docket No. 10734; order to show cause why the license of its Aeronautical and Aeronautical Fixed Station KXD6/KWX75 should not be revoked.

The Commission having under consideration the motion filed by The Safety and Special Radio Services Bureau on January 19, 1954, requesting a continuance of the hearing in the above entitled proceeding presently scheduled for February 8, 1954, so as to enable counsel for the Commission to further study the appropriate procedure to be followed in the disposition of this proceeding, and

No objection to said continuance being filed by the licensee named herein: *It is ordered*, This 3d day of February 1954 that the hearing in the above entitled proceeding presently scheduled to be held in Washington, D. C., on February 8, 1954, before the undersigned examiner be and it is hereby continued until April 5, 1954 at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1014; Filed, Feb. 11, 1954; 8:52 a. m.]

[Docket No. 10890]

F. L. ERNST

ORDER TO SHOW CAUSE

In the matter of F. L. Ernst, Ernst Food Sales, 3901 Washington Avenue, New Orleans, Louisiana, Docket No. 10890; order to show cause why the license for Radiotelephone Station WA-4521 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WA-4521 licensed to F. L. Ernst, New Orleans, Louisiana, aboard the vessel E. F. Marin:

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated June 24, 1952 specifying that

(1) On May 22, 1952, radio station license was not posted or available aboard the vessel E. F. Marin in violation of § 8.102 (a) of the Commission's rules.

(2) On May 22, 1952, there was no record of frequency measurements aboard the vessel E. F. Marin in violation of § 8.109 (d) (1) of the Commission's rules.

(3) On May 22, 1952, radio station log was not aboard the vessel E. F. Marin or available in violation of § 8.367 (a) (2) of the Commission's rules.

(4) A copy of Part 8 of the Commission's rules was not aboard the vessel E. F. Marin in violation of § 8.367 (a) (2) of the Commission's rules.

It further appearing, that, despite a further notice dated September 23, 1952, and three Commission letters dated May 27, 1952, February 17, 1953 and October 23, 1953, calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 5th day of February 1954 pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said F. L. Ernst show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 5th day of April 1954;

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said F. L. Ernst, % Ernst Food Sales, 3901 Washington Avenue, New Orleans, Louisiana.

Released: February 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1015; Filed, Feb. 11, 1954; 8:52 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the Order to Show Cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an Order of Revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the Order to Show Cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the Order to Show Cause.

[Docket No. 10891]

CARL L. ANDERTON

ORDER TO SHOW CAUSE

In the matter of Carl L. Anderton, 100 South Gay Street, Baltimore 2, Maryland, Docket No. 10891; order to show cause why the license for Radiotelephone Station WD-2875 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WD-2875 licensed to Carl L. Anderton, Baltimore, Maryland, aboard the vessel Carolinian.

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated May 15, 1953, specifying that at 12:15 p. m., e. s. t., on April 21, 1953, the operator aboard the vessel Carolinian, while engaged in radiocommunication with the vessel Betty Conway, failed to properly identify his radio station by transmitting the call sign WD-2875 as required by § 8.364 (a) of the Commission's rules.

It further appearing, that, despite a further notice dated June 16, 1953, and two Commission letters dated August 4, 1953, and October 23, 1953, calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 5th day of February 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Carl L. Anderton show cause why the aforementioned license should not be revoked and that he appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 7th day of April 1954;

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Carl L. Anderton, 100 South Gay Street, Baltimore, Maryland.

Released: February 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1016; Filed, Feb. 11, 1954; 8:52 a. m.]

[Docket No. 10892]

BLUE SEA FISHERIES, INC.

ORDER TO SHOW CAUSE

In the matter of Blue Sea Fisheries, Inc., 85 Exchange Street, Portland, Maine, Docket No. 10892; order to show cause why the license for Radiotelephone Station WB-5564 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WB-5564, licensed to Blue Sea Fisheries, Inc., Portland, Maine, aboard the vessel Polaris;

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated October 29, 1952, specifying that at 1540 GMT, on October 4, 1952, the operator aboard the vessel Polaris, while engaged in radiocommunication with the vessel Boston, failed to properly identify his radio station at the end of the communication by transmitting the call sign WB-5564, as required by § 8.364 (a) of the Commission's rules.

It further appearing, that, despite a further notice dated December 3, 1952, and two Commission letters dated February 17, 1953, and October 26, 1953, calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 5th day of February 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Blue Sea Fisheries, Inc. show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 6th day of April 1954;

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Blue Sea Fisheries, Inc., 85 Exchange Street, Portland, Maine.

Released: February 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1017; Filed, Feb. 11, 1954; 8:52 a. m.]

[Docket Nos. 10893, 10894]

AMERICAN TELEVISION CO., INC., AND GEORGE T. HERNREICH

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of American Television Company, Inc., Fort Smith, Arkansas, Docket No. 10893, File No. BPCT-842; George T. Hernreich, Fort Smith, Arkansas, Docket No. 10894, File No. BPCT-1210; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 3d day of February 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 5 in Fort Smith, Arkansas; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that American Television Company, Inc. is legally, financially and technically qualified to construct, own and operate a television broadcast station; that George T. Hernreich is legally so qualified, and is technically so qualified except as to the matters referred to in issue "2" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 5th day of March 1954 in Washington, D. C., upon the following issues:

1. To determine whether George T. Hernreich is financially qualified to construct, own and operate his proposed television broadcast station.

2. To determine whether the installation and operation of the station proposed by George T. Hernreich in his above-entitled application would constitute a hazard to air navigation.

3. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to American Television Company, Inc. give reasonable assurance that the proposals set forth in its application will be effectuated.

Released: February 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1018; Filed, Feb. 11, 1954; 8:52 a. m.]

[Docket Nos. 10895, 10896]

DESERT TELEVISION CO. AND WESTERN TELEVISION CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Desert Television Company, Las Vegas, Nevada, Docket No. 10895, File No. BPCT-709; H. L. Cravens, d/b as Western Television Company, Las Vegas, Nevada, Docket No. 10896, File No. BPCT-1512; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of February 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Las Vegas, Nevada; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally qualified to construct, own and operate a television broadcast station; and that each of the above-named applicants is technically so qualified except as to the matters referred to in issue "2" below; and

It further appearing, that by a letter dated January 19, 1954, Desert Television Company requested that it be allowed until February 15, 1954, to respond to the 309 (b) letter of December 29, 1953, addressed to Desert Television Company; that no reasons were set forth in support of said request; and that a grant thereof is not warranted;

It is ordered, That the request of Desert Television Company for an extension of time to reply to the 309 (b) letter of December 29, 1953, is denied;

It is further ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 5th day of March 1954 in Washington, D. C., upon the following issues:

1. To determine whether the above-named applicants are financially qualified to construct, own and operate their proposed television broadcast stations.

2. To determine the power gain of the antenna systems proposed by the above-named applicants and the effect thereof on the calculated effective radiated power.

3. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: February 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1019; Filed, Feb. 11, 1954; 8:52 a. m.]

[Docket Nos. 10897, 10898]

BLUEGRASS BROADCASTING CO., INC., AND CENTRAL KENTUCKY BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Bluegrass Broadcasting Co., Inc., Lexington, Kentucky, Docket No. 10897, File No. BPCT-1135; The Central Kentucky Broadcasting Company, Lexington, Kentucky, Docket No. 10898, File No. BPCT-1815; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of February 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 18 in Lexington, Kentucky; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Bluegrass Broadcasting Co., Inc. is legally, financially and technically qualified to construct, own and operate a television broadcast station; and that The Central Kentucky Broadcasting Company is legally and financially so qualified, and is technically so qualified except as to the matters referred to in issue "1" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 5th day of March 1954 in Washington, D. C. upon the following issues:

1. To determine whether the installation and operation of the station proposed by The Central Kentucky Broadcasting Company in its above-entitled application would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

Released: February 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1020; Filed, Feb. 11, 1954; 8:53 a. m.]

[Docket No. 10899]

BIL-TO LINE

ORDER ASSIGNING MATTER FOR HEARING

In the matter of Cease and Desist Order to be directed to Leslie Heyden and W. M. Torgler, tr/as, Bil-To Line, 333 Lake Street, Woodstock, Illinois, Docket No. 10899.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to Leslie Heyden and W. M. Torgler tr/as, Bil-To Line (hereinafter referred to as Bil-To Line) to cease and desist from violating Part 18 of the Commission's rules by operating electronic heating equipment which (1) is the source of interference to authorized radio services, and (2) is not certified or licensed in accordance with the Commission's rules;

It appearing, that the Bil-To Line company operates in its plant at 333 Lake Street, Woodstock, Illinois, certain industrial heating equipment operating on approximately 30 Mc which is subject to the requirements of the Communications Act of 1934, as amended and §§ 18.1, 18.2 (c), 18.3, 18.4, 18.21, 18.22, 18.23, 18.24 and 18.41 through 18.49 of the Commission's rules; and

It further appearing, that the aforementioned equipment causes interference to the reception of authorized television broadcasting services in Woodstock, Illinois; and

It further appearing, that the aforementioned equipment has not been certified by a duly qualified engineer or the manufacturer of the equipment as required by § 18.22 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.41 of the Commission's rules and section 301 of the Communications Act of 1934, as amended; and

It further appearing, that the above facts have been called to the attention of the Bil-To Line company by the Commission both orally and in writing, and that the company has been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered, This 5th day of February 1954, pursuant to section 312 (c) of the Communications Act of 1934, as amended, and pursuant to the Commission's order of September 30, 1953, delegating authority to the Chief, Field Engineering and Monitoring Bureau to issue orders to show cause why cease and desist orders should not be issued with respect to Industrial, Scientific and Medical Equipment, that the Bil-To Line company be and is hereby directed to show cause why there should not be issued an order commanding it to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial heating equipment without the certification or license required by Part 18 of the Commission's rules, and by operating such equipment in a manner which causes interference to authorized radio services; and

It is further ordered, That a hearing in this matter be held in Chicago, Illinois at 10:00 a. m. on the 17th day of March 1954, in order to determine whether said cease and desist order should be issued, and that the Bil-To Line company is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.402 of the rules, that said Bil-To Line company is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that the Company will appear and present evidence on the matter specified in this order if the Company desires to avail itself of its opportunity to appear before the Commission. If said Bil-To Line company does not desire to appear before the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why the Bil-To Line company believes that a cease and desist order should not be issued, and

It is further ordered, That failure of said Bil-To Line company timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: February 8, 1954.

FEDERAL COMMUNICATIONS, COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1021; Filed, Feb. 11, 1954; 8:53 a. m.]

[Mexican Change List 165]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

JANUARY 13, 1954.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the Appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call Letters		Power (kw.)	Schedule	Class	Probable date to commence operation
		810 kilocycles			
New	Nogales, Sonora	[illegible]	D	II	July 12, 1954
		970 kilocycles			
XEJ	Ciudad Juarez, Chihuahua, (increase in daytime power).	10 kw/D 5 kw/N	U	III-A	Dec. 10, 1953
		1170 kilocycles			
New	Nogales, Sonora	250 w	D	II	July 12, 1954
XEFD	Rio Bravo, Tamaulipas (now in operation)	1 kw	D	II	Jan. 1, 1954
		1240 kilocycles			
New	Nogales, Sonora	250 w	U	IV	July 12, 1954
		1270 kilocycles			
XEKX	Leon, Guanajuato (now in operation)	700 w/D 150 w/N	U	IV	Nov. 21, 1953
		1390 kilocycles			
XEKN	Monclova, Coahuila (delete assignment)	[illegible]	U	III-B	Jan. 12, 1954
		1490 kilocycles			
	Matamoros, Tamaulipas [1] (change in call letters)	250 w	D	IV	Do.
		1499 kilocycles			
XEMS	Matamoros, Tamaulipas (new)	250 w	U	IV	Do.
XESE	Matamoros, Tamaulipas (delete assignment)	250 w	U	IV	Do.
		1530 kilocycles			
XEHT	Huamantla, Tlaxcala, (change in call letters, previously XECY).	250 w	D	II	Do.

[1] No new call letters supplied.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1022; Filed, Feb. 11, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2264, G-2292]

NORTHEASTERN GAS TRANSMISSION CO. AND EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS

FEBRUARY 8, 1954.

In the matters of Northeastern Gas Transmission Company, Docket No. G-2264; El Paso Natural Gas Company, Docket No. G-2292.

Notice is hereby given that on February 4, 1954, the Federal Power Commission issued its orders adopted February 3, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-987; Filed, Feb. 11, 1954; 8:47 a. m.]

[Docket Nos. G-2306, G-2311, G-2327, G-2328]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS, FIXING DATE OF HEARING AND PRESCRIBING PRO-[illegible]

In the matters of American Louisiana Pipe Line Company, Docket No. G-2306; Texas Gas Transmission Corporation, Docket No. G-2311; Michigan Wisconsin Pipe Line Company, Docket No. G-2327; Michigan Consolidated Gas Company, Docket No. G-2328.

The several interdependent applications in the above-designated proceedings, each seeking a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, were filed with the Commission by American Louisiana Pipe Line Company and Texas Gas Transmission Corporation on November 10, 1953, and by Michigan Wisconsin Pipe Line Company and Michigan Consolidated Gas Company on December 9, 1953. Due notice of the filing of such interdependent applications has been given including publication in the FEDERAL REGISTER on December 29, 1953 (18 F. R. 8812-8813).

The Commission orders:

(A) The proceedings in Docket Nos. G-2306, G-2311, G-2327 and G-2328 be and the same hereby are consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15 and 16 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, and in accordance with the procedure prescribed herein, a hearing be held on March 8, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the applications. At such hearing the presentation of testimony shall be in the order as follows:

(i) Prior to the presentation of any testimony pertaining to any other matter or issue raised by the applications and other pleadings filed in the consolidated proceedings, Applicants shall present all direct testimony with respect to the gas supply upon which they rely to support the several interdependent applications. Upon the completion of such direct testimony the hearing may be recessed to enable the parties to prepare for cross-examination of Applicants' witnesses who have testified on direct examination. Applicants will not be permitted to present further direct testimony pertaining to gas supply upon resumption of the hearing.

(ii) Upon the date fixed for reconvening of the hearing, all parties will be afforded an opportunity to cross-examine Applicants' witnesses who have presented direct testimony pertaining to gas supply. At the conclusion of such cross-examination, other parties shall be afforded opportunity to present testimony, if any, pertaining solely to gas supply. After completion of cross-examination, if any, with respect to such testimony, Applicants shall be afforded opportunity to present rebuttal testimony, if any, pertaining to gas supply and its witnesses may be cross-examined with respect thereto.

(iii) Upon completion of presentation of all the testimony referred to in subparagraphs (i) and (ii) hereof the record shall be closed with respect to the question of the adequacy of gas supply, and the hearing recessed pending the determination as to whether each of the Applicants has shown it has such gas supply as would enable it to do the acts and perform the service as proposed in the several interdependent applications.

(iv) After the date fixed herein for hearing in the consolidated proceedings, Applicants may not in any manner amend the respective several interdependent applications, and, in the event anyone of such Applicants, prior to date for hearing as fixed by this order, files an amendatory application which in any manner affects or relates to the gas supply upon which such Applicant will rely in suport of its application, then the hearing date fixed by this order shall automatically be continued for a period of not less than 30 days, and the date for hearing shall be fixed by further order of the Commission.

(v) In the event that the Applicants have established on the record an adequate gas supply, the order effecting such determination shall fix the date for further hearing in the consolidated proceedings and shall prescribe the order of procedure to be followed.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: February 3, 1954.

Issued: February 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-986; Filed, Feb. 11, 1954; 8:47 a. m.]

[Docket No. G-2362]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

FEBRUARY 5, 1954.

Take notice that on January 29, 1954, Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation having its principal office in Houston, Texas, filed an application pursuant to section 7 of the Natural Gas Act for (1) a certificate of public convenience and necessity authorizing the construction and operation of the following described facilities:

Approximately 19 miles of 12.75-inch O. D. pipeline, together with appurtenant equipment, extending from a point in the West White Lake Field, Vermilion Parish, Louisiana, to a point of connection with Applicant's 18-inch transmission pipeline at the junction of existing 14-inch and 12-inch transmission lines in Vermilion Parish, Louisiana;

and (2) permission and approval to abandon by sale to Union Oil Company of California the following described facilities:

Approximately 13.92 miles of 6-inch pipeline extending from a point in the West White Lake Field to a point of connection with Applicant's 12-inch lateral in Vermilion Parish, Louisiana.

The application recites that the facilities described in (1) above will be in lieu of existing facilities described in (2) and will provide facilities for the taking of increased volumes of natural gas from the West White Lake Field on November 1, 1954, pursuant to its contract with Union Oil Company of California, dated November 17, 1953, and will increase the volume of takes from 98,635 Mcf daily to 127,503 Mcf daily (minimum take, 31,101 Mcf—Maximum take 41,464 Mcf).

The estimated overall capital cost of the proposed 12.75-inch O. D. line is $1,042,310. Union Oil Company is proposing to purchase the 6-inch line described in (2) above for $341,068.55.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of February 1954.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-988; Filed, Feb. 11, 1954; 8:48 a. m.]

[Project No. 1883]

JOSEPH HELFENSTEIN

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

FEBRUARY 8, 1954.

Notice is hereby given that on February 5, 1954, the Federal Power Commission issued its order adopted February 3, 1954, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-989; Filed, Feb. 11, 1954; 8:48 a. m.]

[Project No. 2138]

HARVEY ALUMINUM, INC.

NOTICE OF LAND WITHDRAWAL; ALASKA

FEBRUARY 5, 1954.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2138, for which application for preliminary permit was filed July 20, 1953, by Harvey Aluminum, Inc., of 19200 S. Western Avenue, Torrance, California. Under said section 24 these lands are, from said date of filing, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

THIRD JUDICIAL DISTRICT

Copper River—Wood Canyon.
Copper River Meridian, Alaska.

Every smallest legal subdivision, now unsurveyed, adjacent to Copper and Chitina Rivers any part of which, when surveyed, will be below an altitude of 1,000 feet, sea level datum. Protraction of public land surveys indicates that the lands when surveyed will be wholly within:

T. 1 N., R. 1 E., Secs. 2, 3, 4, 5, 9 to 15, 22 to 26, 36;
T. 1 N., R. 2 E., Secs. 17 to 20, 27 to 35;
T. 1 S., R. 2 E., Secs. 1 to 6, 9 to 15, 24;
T. 1 S., R. 3 E., Secs. 7, 16 to 23, 25 to 30, 33 to 36;
T. 2 S., R. 3 E., Secs. 1, 2, 12, 20, 21, 22, 25 to 28, 35, 36;
T. 1 S., R. 4 E., Sec. 31;
T. 2 S., R. 4 E., Secs. 2, 3, 5 to 11, 15 to 23, 26 to 36;
T. 3 S., R. 4 E., Secs. 1, 2, 3;
T. 2 S., R. 5 E., Secs. 31, 32, 33;
T. 3 S., R. 5 E., Secs. 2 to 15, 22 to 27, 34, 35, 36;
T. 4 S., R. 5 E., Secs. 1, 2, 3, 10 to 15, 22 to 27, 34, 35, 36;
T. 5 S., R. 5 E., Secs. 1, 2, 3, 10 to 15, 21 to 24, 26, 27, 28;
T. 3 S., R. 6 E., Secs. 30, 31;
T. 4 S., R. 6 E., Secs. 1 to 12, 14 to 30, 35, 36;
T. 5 S., R. 6 E., Sec. 1;
T. 4 S., R. 7 E., Secs. 29 to 35;
T. 5 S., R. 7 E., Secs. 2 to 11, 14 to 18, 20 to 27, 35, 36;
T. 5 S., R. 8 E., Secs. 29 to 33, 35, 36;
T. 6 S., R. 8 E., Secs. 1 to 12, 18, 19, 30;
T. 5 S., R. 9 E., Secs. 34, 35;
T. 6 S., R. 9 E., Secs. 2 to 11, 13 to 17, 21 to 26, 36;
T. 6 S., R. 10 E., Secs. 19 to 36;
T. 7 S., R. 10 E., Secs. 1 to 4;
T. 6 S., R. 11 E., Secs. 11 to 17, 19 to 24, 26 to 33;
T. 6 S., R. 12 E., Secs. 1, 2, 3, 7 to 12, 15 to 18, 22 to 26;
T. 6 S., R. 13 E., Sec. 30.

The area of lands of the United States reserved by the filing of this application is approximately 165,280 acres, of which 800 acres have been heretofore reserved in Power Site Reserve 684 created April 17, 1918 and Power Site Classification No. 403 approved March 29, 1950.

A copy of each of four sheets of the project maps (FPC 2138-2, 3, 4, 5) has been transmitted to the Bureau of Land Management.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-990; Filed, Feb. 11, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-3576]

APARTMENT OWNERS, INC.

NOTICE AND ORDER OF HEARING

FEBRUARY 5, 1954.

In the matter of the notification of Apartment Owners, Inc., File No. 24NY-3576.

Apartment Owners, Inc., having filed on December 29, 1953, a notification on Form 1-A for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission, on January 13, 1954, having issued its order, pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, that the conditional exemption under Regulation A be denied, and having concurrently given notice of opportunity for a hearing pursuant to said Rule 223; and

A written request from Apartment Owners, Inc., for a hearing having been received by the Commission on January 28, 1954;

It is hereby ordered, Pursuant to Rule 223 of the general rules and regulations under the Securities Act of 1933, that a public hearing be held on February 17, 1954, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C., for the purpose of taking evidence on the matters specified herein. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held.

The Commission having been advised that the Division of Corporation Finance has made an examination of the notification on Form 1-A, including the offering circular filed therewith as a part thereof;

It is further ordered, That the following matters are to be considered at the hearing, without prejudice, however, to the consideration and presentation of additional matters at the hearing upon further examination:

(1) Whether in the light of the nature of the business proposed to be done by the corporation, and more particularly its ability to obtain its stated need for additional financing by mortgages and loans in order to carry on its proposed activities, and the statement that Eugene Bynard McCann, the promoter, president and a director of the corporation, has

had extensive experience in corporate financing and real estate, the failure to disclose his conviction and imprisonment for mail fraud is an omission of a material fact necessary to be stated in order to make the statements made in the offering circular, in the light of the circumstances under which they are made, not misleading; and

(2) Whether the use of the offering circular as filed with the Commission in connection with any offering of the shares to which the notification relates would operate as a fraud or deceit upon the offerees thereof.

It is further ordered, That Edward C. Johnson, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21, and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to Apartment Owners, Inc., Eugene Bynard McCann, and any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any person desiring to be heard in said proceeding should file with the hearing officer or the Secretary of the Commission, on or before February 15, 1954, his application therefor as provided in Rule XVII of the rules of practice of the Commission, setting forth therein any matter or issues he desires raised by the aforesaid notification and offering circular.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-992; Filed, Feb. 11, 1954; 8:48 a. m.]

[File No. 54-210]

SOUTHERN NATURAL GAS CO. AND ALABAMA GAS CORP.

ORDER APPROVING AND RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES

FEBRUARY 8, 1954.

The Commission having previously approved a plan of Southern Natural Gas Company ("Southern") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), providing for the disposition by Southern of its holdings of common stock of its last remaining public utility subsidiary, Alabama Gas Corporation ("Alabama"), and the Commission having in such proceedings reserved jurisdiction over fees and expenses incurred in connection therewith; and

Southern and Alabama having now filed proposals to pay fees and expenses aggregating $75,792.58 payable by Southern and $7,379.05 payable by Alabama, as follows:

	Southern	Alabama
Printing	$6,421.36	$5,430.42
Fees and expenses of transfer agent for Southern	1,924.78	
Fees and expenses of transfer agent for Alabama	12,311.30	
Services and expenses of distributing agent	8,300.45	
Services and expenses of registrar	2,837.00	
Purcell and Nelson, counsel for Southern:		
Fees	37,500.00	
Expenses	1,292.53	
Root, Ballantine, Harlan, Bushby & Palmer, tax counsel for Southern:		
Fees	1,500.00	
Expenses	46.86	
White, Bradley, Arant, All & Rose, counsel for Alabama	1,000.00	
Miscellaneous expenses	1,738.66	1,948.63
Total	75,792.58	7,379.05

It appearing to the Commission that the fees and expenses so proposed to be paid by Southern and Alabama are for necessary services and are reasonable and that jurisdiction may appropriately be released to permit payment thereof:

It is hereby ordered, That Southern and Alabama be, and hereby are, authorized to pay the fees and expenses as indicated above and that the jurisdiction heretofore reserved be, and is hereby, released with respect to the payment by Southern and Alabama of the fees and expenses as requested.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-994; Filed, Feb. 11, 1954; 8:49 a. m.]

[File No. 70-3173]

ESSEX COUNTY ELECTRIC CO.

ORDER AUTHORIZING ISSUE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

FEBRUARY 8, 1954.

Essex County Electric Company ("Essex"), a public-utility subsidiary of New England Electric System ("NEES"), a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), and having designated section 6 (b) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Essex proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $5,000,000 principal amount of its First Mortgage Bonds, Series A, due 1984. The price of the bonds which shall be not less than the principal amount nor more than 102¾ percent thereof and the interest rate which shall be a multiple of ⅛ of 1 percent and not in excess of 4½ percent will be determined by competitive bidding.

The proceeds (exclusive of accrued interest) derived from the sale of the bonds will be applied by Essex to the payment of short-term promissory notes payable to NEES and to a bank and the balance, if any, will be used by Essex to pay for capitalized expenditures or to reimburse its treasury therefor. Essex presently has outstanding $4,750,000 of such note indebtedness.

Essex is organized and doing business in the Commonwealth of Massachusetts and the sale of its bonds has been expressly authorized by the Department of Public Utilities of that State.

The fees and expenses to be incurred in connection with the issue and sale of the bonds, except underwriting discounts and commissions, are estimated by Essex as follows:

Registration fee (S. E. C.)	$520
Federal issue stamp tax	5,500
Services of New England Power Service Co., an affiliated service company	20,000
Printing	16,000
Choate, Hall & Stewart, counsel for underwriters (to be paid by the underwriters)	5,300
Lybrand, Ross Bros. & Montgomery, accountants	2,700
Services of trustee under indenture	5,200
Miscellaneous	5,780
Total	61,000

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and it appearing to the Commission that the fees and expenses set forth above are not unreasonable, provided they do not exceed the amounts estimated, and that it is appropriate in the public interest and the interest of investors and consumers that said application should be granted, subject to the provisions of Rule U-24 and U-50:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-993; Filed, Feb. 11, 1954; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28900]

RUBBER TIRES FROM SEBRING, OHIO, TO TENNESSEE, MISSISSIPPI AND LOUISIANA

APPLICATION FOR RELIEF

FEBRUARY 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent H. R. Hinsch's tariff I. C. C. No. 4367, pursuant to fourth-section order No. 16101.

Commodities involved: Tires, rubber, pneumatic; and parts, carloads.

From: Sebring, Ohio.

To: Memphis, Tenn., Natchez, Miss., Baton Rouge, North Baton Rouge and New Orleans, La.

Grounds for relief: Rail competition, circuity and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-995; Filed, Feb. 11, 1954; 8:49 a. m.]

[4th Sec. Application 28901]

COAL TAR PRODUCTS FROM BIRMINGHAM, ALA., GROUP TO SOUTHERN POINTS

APPLICATION FOR RELIEF

FEBRUARY 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Benzol (benzene), toluene (toluol) and xylene (xyol), in tank-car loads.

From: Birmingham, Ala., group.

To: Atlanta, Bolivar and Cartersville, Ga., Memphis, Tenn., North Hickory, N. C., Pensacola, Fla., and Sumter, S. C.

Grounds for relief: Competition with rail carriers, circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, supp. 128; C. A. Spaninger, Agent, I. C. C. No. 1295, supp. 54.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-996; Filed, Feb. 11, 1954; 8:49 a. m.]

[4th Sec. Application 28902]

VERMICULITE FROM SAVANNAH AND PORT WENTWORTH, GA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Vermiculite, other than crude, carloads.

From: Savannah and Port Wentworth, Ga.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 712, supp. 295.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-997; Filed, Feb. 11, 1954; 8:49 a. m.]

[4th Sec. Application 28903]

COFFEE, EXTRACT OF, CONDENSED, FROM HOUSTON, TEX., TO ILLINOIS, IOWA AND WISCONSIN

APPLICATION FOR RELIEF

FEBRUARY 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Coffee, extract of (condensed), dry, carloads.

From: Houston, Tex.

To: Specified points in Illinois, Iowa and Wisconsin.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4018, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-998; Filed, Feb. 11, 1954; 8:49 a. m.]

[4th Sec. Application 28904]

CRUDE SULPHUR FROM ROSENBERG, TEX., TO SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

FEBRUARY 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Sulphur, crude, carloads.

From: Rosenberg, Texas.

To: Destinations in southern and official territories.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4020, supp. 64; F. C. Kratzmeir, Agent, I. C. C. No. 3987, supp. 102.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary re-

lief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-999; Filed, Feb. 11, 1954; 8:50 a. m.]

[4th Sec. Application 28905]

DOORS AND FRAMES FROM SOUTHWEST TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Doors, glazed or not glazed, screened or not screened, and window frames, carloads.

From: Points in southwestern territory.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula and additional commodities.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3919, supp. 209; F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 308; F. C. Kratzmeir, Agent, I. C. C. No. 3908, supp. 174, F. C. Kratzmeir, Agent, I. C. C. No. 4087, supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1000; Filed, Feb. 11, 1954; 8:50 a. m.]

[4th Sec. Application 28906]

SUPERPHOSPHATE FROM SOUTH TO WEBSTER CITY, IOWA

APPLICATION FOR RELIEF

FEBRUARY 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated or defluorinated, in bulk, carloads, minimum 100,000 pounds.

From: Points in southern territory.

To: Webster City, Iowa.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1286, supp. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1001; Filed, Feb. 11, 1954; 8:50 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 19 NUMBER 31

Washington, Saturday, February 13, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10518

INSPECTION OF RETURNS BY THE SPECIAL COMMITTEE OF THE HOUSE OF REPRESENTATIVES AUTHORIZED BY HOUSE RESOLUTION 217, 83D CONGRESS, TO INVESTIGATE TAX-EXEMPT FOUNDATIONS

By virtue of the authority vested in me by section 55 (a) of the Internal Revenue Code (53 Stat. 29; 54 Stat. 1008; 55 Stat. 722; 26 U. S. C. 55 (a)), I hereby order that any return on Form 990–A made by an organization exempt from tax under section 101 (6) of the said Code (53 Stat. 33; 64 Stat. 959; 26 U. S. C. 101 (6)), for the years 1950 to 1953, inclusive, shall, until and including January 3, 1955, be open to inspection by the special committee of the House of Representatives authorized by House Resolution 217, 83d Congress, agreed to July 27, 1953, to investigate tax-exempt foundations, for the purpose of carrying out the provisions of such resolution, subject to the conditions stated in the Treasury decision[1] relating to the inspection of returns by certain committees of the Congress, approved by me this date.

This order shall become effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
February 11, 1954.

[F. R. Doc. 54-1098; Filed, Feb. 12, 1954; 11:13 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (1) of § 6.109 is revoked; paragraph (b) (1) and (3) of § 6.109 is amended; and § 6.309 is amended by the addition of the positions listed below.

§ 6.109 *Post Office Department.*

* * *

(b) *Office of the Postmaster General.* (1) Two Private Secretaries or Confidential Assistants to the Postmaster General and one to each Assistant Postmaster General except the Assistant Postmaster General (Bureau of Transportation) and the Assistant Postmaster General (Bureau of Facilities).

* * * * *

(3) Two Special Assistants to the Postmaster General.

§ 6.309 *Post Office Department*—(a) *Office of the Postmaster General.* * * *

(2) One Executive Assistant to the Postmaster General.

(3) One Special Assistant to the Postmaster General.

* * * * *

(c) *Bureau of Transportation.* * * *

(2) One Special Assistant to the Assistant Postmaster General.

(3) One Technical Assistant to the Assistant Postmaster General.

* * * * *

(e) *Office of the Solicitor.* (1) The Solicitor.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-1046; Filed, Feb. 12, 1954; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, paragraph (p) of § 6.302 and paragraphs (d) (1) and (2), (f) (1) and (2), and (g) (1 and (2) of § 6.311 are revoked; subparagraph (14) is added to paragraph (a), subparagraph (4) is added to paragraph (e) and subparagraphs (4) and (5) are added to paragraph (j) of § 6.302; subparagraphs (9) and (10) are added to § 6.311 (a); paragraph (d) is added to § 6.366; and § 6.367 (a) is added as set out below:

§ 6.302 *Department of State*—(a) *Office of the Secretary.* * * *

(14) One Staff Assistant.

* * * * *

(Continued on next page)

[1] See Title 26, Chapter I, Part 458, *infra.*

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FEDERAL REGISTER

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(e) *Office of the Assistant Secretary for Economic Affairs.* • • •

(4) Special Assistant to the Assistant Secretary.

• • • • • •

(j) *Bureau of European Affairs* • • •

(4) Deputy Assistant Secretary (German and NATO Affairs).

(5) Private Secretary to the Deputy Assistant Secretary, (German and NATO Affairs).

• • • • • •

§ 6.311 *Department of Agriculture*—(a) *Office of the Secretary.* • • •

(9) One Confidential Assistant to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.

(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.

• • • • • •

§ 6.366 *Federal Mediation and Conciliation Service.* • • •

(d) One Confidential Assistant to the Director.

• • • • • •

§ 6.367 *Air Coordinating Committee.*

(a) Executive Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54–1047; Filed, Feb. 12, 1954; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 17, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 914.317 (Navel Orange Regulation 17, 19 F. R. 729) are amended to read as follows:

(ii) District 2, 300,300 boxes.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 11th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–1077; Filed, Feb. 12, 1954; 8:56 a. m.]

[Navel Orange Reg. 18]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.318 *Navel Orange Regulation 18*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on February 11, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., February 14, 1954, and ending at 12:01 a. m. P. s. t., February 21, 1954, is hereby fixed as follows:

(i) District 1: 231,000 boxes;

(ii) District 2: 242,550 boxes;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 12th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Feb. 14 to 12:01 a. m., P. s. t., Feb. 21, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

Handler	*Prorate base (percent)*
Total	100.0000
A. N. F. Lindsay	1.6652
A. N. F. Porterville	1.2567
Ivanhoe Cooperative Association	.6617
Anderson Packing Co	1.5442
Euclid Avenue Orange Association	1.4125
Lindsay Mutual Groves	1.2584
Martin Ranch	1.3766
Orange Cove Orange Growers	2.6299
Woodlake Packing House	1.8260
Doffiemyer & Son, W. Todd	.4884
Earlibest Orange Association	1.6866
Elderwood Citrus Association	1.5019
Exeter Citrus Association	3.4430
Exeter Orange Growers Association	1.8222
Exeter Orchards Association	1.4106
Hillside Packing Association	1.4460
Ivanhoe Mutual Orange Association	1.5690
Klink Citrus Association	3.9058
Lemon Cove Association	.9220
Lindsay Citrus Growers Association	2.1400
Lindsay Cooperative Citrus Association	1.4690
Lindsay Fruit Association	2.2426
Lindsay Orange Growers Association	.8426
Naranjo Packing House Co	1.5138
Orange Cove Citrus Association	3.8586
Orange Packing Co	1.0337
Orosi Foothill Citrus Association	1.4312
Paloma Citrus Fruit Association	.7648
Rocky Hill Citrus Association	1.6402
Sanger Citrus Association	3.2911
Sequoia Citrus Association	.8359
Stark Packing Co	2.5887
Visalia Citrus Association	2.2716
Waddell & Son	2.4505
Baird-Neece Corp	1.8087
Beattie Association, D. A.	.5133
Grand View Heights Citrus Association	3.0458

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Magnolia Citrus Association	2.6999
Porterville Citrus Association	1.6102
Randolph Marketing Co.	1.6481
Richgrove-Jasmine Citrus Association	1.6381
Strathmore-Cooperative Citrus Association	.6271
Strathmore District Orange Association	1.2485
Strathmore Packing House	2.1056
Sunflower Citrus Growers	2.7287
Sunland Packing House Co.	2.7311
Terra Bella Citrus Association	1.2620
Tule River Citrus Association	.8920
Adams, Thomas	.0066
Baker Ranch Packing House	.1618
Batkins Jr., Fred A.	.0206
California Citrus Groves, Inc., Ltd.	2.8221
Darby, Fred J.	.0233
Dubendorf, John	.1462
Evans Bros. Packing Co.	.4235
Far West Produce Distributors	[illegible]
Feites, A. E.	.0267
Foothill Packing Co.	.0360
Haas & Ferry	.1881
Harding & Leggett	1.7955
Independent Growers, Inc.	1.7830
Lo Bue Bros.	.6611
Maas, W. A.	.1251
Marks, W. & M.	.4381
Morin, Carl W.	.0201
Orange Belt Fruit Distributors	.6021
Paramount Citrus Association	2.9817
Reimers, Don H.	.5172
Riverside Fruit Co.	.2157
Sequoia Cider Mill	[illegible]
Stephens & Cain	.4982
Zaninovich Bros., Inc.	1.5993

PRORATE DISTRICT NO. 2

Total	100.0000
A. N. F. Corona	.5211
A. N. F. Fullerton	.0206
A. N. F. Orange	.0177
A. N. F. Riverside	1.4854
A. N. F. Santa Paula	.1266
Eadington Fruit Co.	.7990
Signal Fruit Association	1.1979
Bryn Mawr Mutual Orange Association	.4343
Chula Vista Mutual Lemon Association	.1063
Daniels Inc., Ward	.3332
Euclid Avenue Orange Association	2.6958
Foothill Citrus Union, Inc.	.2398
Index Mutual Association	.0107
La Verne Cooperative Citrus Association	3.0172
Olive Hillside Groves, Inc.	.0082
Orange Cooperative Citrus Association	.0000
Redlands Foothill Groves	2.6894
Redlands Mutual Orange Association	1.3091
Azusa Citrus Association	.6528
Covina Citrus Association	1.9644
Glendora Citrus Association	1.6355
Valencia Heights Orchard Association	.3615
Gold Buckle Association	4.1014
La Verne Orange Association	4.6448
Anaheim Valencia Orange Association	.0120
Fullerton Mutual Orange Association	.2777
La Habra Citrus Association	.1048
Yorba Linda Citrus Association	.0805
El Cajon Valley Citrus Association	.1465
Escondido Orange Association	.6224
Citrus Fruit Growers	.6329
Cucamonga Mesa Growers	.9181
Etiwanda Citrus Fruit Association	.1341
Upland Citrus Association	3.3042

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Consolidated Orange Growers	0.0210
Garden Grove Citrus Association	.0203
Goldenwest Citrus Association	.1748
Olive Heights Citrus Association	.0598
Santiago Orange Growers Association	.1075
Villa Park Orchards Association	.0231
Bradford Bros., Inc.	.2018
Placentia Mutual Orange Association	.1552
Placentia Orange Growers Association	.2436
Yorba Orange Growers Association	.0485
Corona Citrus Association	1.1014
Jameson Co.	.5617
Orange Heights Orange Association	4.0461
Crafton Orange Growers Association	1.8295
East Highlands Citrus Association	.5234
Redlands Heights Groves	.9296
Redlands Orangedale Association	1.1101
Rialto-Fontana Citrus Association	.1958
Bryn Mawr Fruit Growers Association	1.2349
Mission Citrus Association	.8565
Redlands Cooperative Fruit Association	2.1852
Redlands Orange Growers Association	1.4970
Redlands Select Groves	.4992
Rialto Orange Co.	.4676
Southern Citrus Growers	1.2062
United Citrus Growers	.9791
Arlington Heights Citrus Co.	1.6863
Blue Banner, Inc.	2.5813
Brown Estate, L. V. W.	2.2657
Gavilan Citrus Association	2.1397
McDermont Fruit Co.	1.6894
Monte Vista Citrus Association	1.7067
National Orange Co.	1.6912
Riverside-Highgrove Citrus Association	1.8372
Victoria Avenue Citrus Association	3.2106
Claremont Citrus Association	.6435
College Heights Orange & Lemon Association	2.1569
Indian Hill Citrus Association	1.0363
Pomona Fruit Growers Exchange	1.2083
Walnut Fruit Growers Association	.6268
West Ontario Citrus Association	.8359
Escondido Cooperative Citrus Association	.1061
Camarillo Citrus Association	.0041
Fillmore Citrus Association	1.0720
Mupu Citrus Association	.0043
Ojai Orange Association	1.0267
Piru Citrus Association	1.3210
Rancho Sespe	.0013
San Fernando Heights Orange Association	.5326
Santa Paula Orange Association	.0459
Tapo Citrus Association	.0128
Ventura County Citrus Association	.0411
East Whittier Citrus Association	.0041
North Whittier Heights	.1315
Placentia Cooperative Orange Association	.2211
Sierra Madre-Lamanda Citrus Association	.0672
A. J. Packing Co.	.1565
Babijuice Corp. of California	.0147
Cherokee Citrus Co., Inc.	1.6265
Dunning, Vera Hueck	.1799
Evans Bros. Packing Co.	1.1186
Far West Produce Distributors	.0565
Gold Banner Association	2.3801
Gold Seal Producers, Inc.	.1402
Granada Packing House	.0763
Holland, M. J.	.0216
Orange Belt Fruit Distributors	.7420
Panno Fruit Co., Carlo	.0540
Paramount Citrus Association	.1102
Placentia Orchards Association	.0000
Riverside Fruit Co.	.3923
San Antonio Orchards Co.	1.2083

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Smallwood, Luella L.	0.0086
Spire, Frank S.	.0097
Stephens & Cain	.2231
Wall, E. T., Grower-Shipper	2.0991
Western Fruit Growers, Inc.	5.1894

[F. R. Doc. 54-1101; Filed, Feb. 12, 1954; 11:42 a. m.]

[Lemon Reg. 524]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.631 *Lemon Regulation 524*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 10, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 14, 1954, and ending at 12:01 a. m., P. s. t., February 21, 1954, is hereby fixed as follows:

(i) District 1: 25 carloads;

(ii) District 2: 150 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 523 (19 F. R. 731) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 11th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1076; Filed, Feb. 12, 1954; 8:56 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 6854]

PART 161—DEFINITIONS

PART 163—OPERATIONS

DEFINITION OF "PRINCIPAL OFFICE"; ADVERTISING BY BRANCH OFFICES

FEBRUARY 9, 1954.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), notice and public procedure having been duly afforded (18 F. R. 8601) the rules and regulations for Insurance of Accounts (24 CFR Subt. B, Ch. I, Subch. D) are hereby amended, effective February 13, 1954, in the following particulars:

a. A new § 161.7 (24 CFR 161.7) immediately following § 161.6 is added, reading as follows:

§ 161.7 *Principal office.* The term "principal office" means the home office of an institution established as such in conformity with the laws under which the insured institution is organized.

b. Section 163.27 (24 CFR 163.27) is amended to read as follows:

§ 163.27 *Advertising must be accurate.* No insured institution shall use advertising (whether printed, radio, display, or of any other nature) or make any representation which is inaccurate in any particular or which in any way misrepresents its services, contracts, investments, or financial condition. When an insured institution is operating a branch office or offices outside of the municipality in which its principal office is located, all advertising of, or by, any such branch office, shall state clearly the location of the principal office of such insured institution.

Resolved further, that as the first of the foregoing amendments is interpretative in character and the second relieves a restriction there is no need for the deferment of the effective date thereof and such amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 402, 48 Stat. 1256; 12 U. S. C. 1725)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 54-1054; Filed, Feb. 12, 1954; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 6064]

PART 458—INSPECTION OF RETURNS

INSPECTION OF CERTAIN RETURNS BY COMMITTEES OF CONGRESS OTHER THAN THOSE ENUMERATED IN SECTION 55 (D) OF THE INTERNAL REVENUE CODE

§ 458.321 *Inspection of returns by committees of Congress other than those enumerated in section 55 (d).* (a) (1) Pursuant to the provisions of sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), any income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax return for any taxable year shall be open to inspection by any committee of the Congress, or any subcommittee of a committee of the Congress, specially authorized to inspect such returns by an Executive order[1] issued under the aforementioned statutory provisions on or after the date of the approval of this section. Such inspection shall be subject to the conditions and restrictions imposed by the Executive order and the rules and regulations hereinafter prescribed.

(2) The inspection of any of the aforementioned returns may be made by the Committee of the Congress, or the subcommittee of a committee of the Congress, authorized as provided in subparagraph (1) of this paragraph, acting directly as a committee or as a subcommittee, or by or through such examiners or agents as such committee or subcommittee may designate or appoint in its written request hereinafter mentioned. Upon written request by the chairman of such committee or of such subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary of the Treasury or any officer or employee of the Treasury Department, with the approval of the Secretary of the Treasury, shall furnish such committee or subcommittee with any data relating to or contained in any such return or shall make such return available for inspection by such committee or subcommittee or by such examiners or agents as such committee or subcommittee may designate or appoint. Such data shall be furnished, or such return shall be made available for inspection, in an office of the Internal Revenue Service. Any information thus obtained by such committe or subcommittee shall be held confidential: *Provided, however,* That any portion thereof relevant or pertinent to the purpose of the investigation may be submitted by the investigating committe to the appropriate house of the Congress.

(3) This section shall not be applicable to any committee authorized by section 55 (d) of the Internal Revenue Code to inspect returns.

(b) Because this section constitutes a general statement of policy and establishes a rule of Departmental practice and procedure, it is found that it is unnecessary to issue this section with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that Act.

(c) This section shall be effective upon its filing for publication in the FEDERAL REGISTER.

(53 Stat. 467, 26 U. S. C. 3791)

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

Approved: February 11, 1954.

DWIGHT D. EISENHOWER,
The White House.

[F. R. Doc. 54-1099; Filed, Feb. 12, 1954; 11:13 a. m.]

[1] See Title 3, Executive Order 10518, *supra.*

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Amdt. 1]

DMO VII-6—EXPANSION GOALS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by Executive Order 10480 of August 14, 1953; *It is hereby ordered,* That List I—Closed, List II—Suspended and List III—Open of DMO VII-6, dated December 3, 1953 (18 F. R. 7876), are hereby amended to read as follows:

LIST I
CLOSED

No.	Goal	Delegate agency
[1]125	Abrasive products	Commerce.
183	Acetic acid	Commerce.
158	Acetone	Commerce.
190A	Adipic acid	Commerce.
190B	Adiponitrile	Commerce.
79	Air preheaters, regenerative	Commerce.
23	Aniline	Commerce.
31	Anthraquinone vat dyes (single strength basis).	Commerce.
158	Antifriction bearing industry	Commerce.
210	Argon	Commerce.
182	Batteries, "AA" type dry cell	Commerce.
[1]157	Benzene	Commerce.
65	Benzene hexachloride (lindane) 99 percent or more gamma isomer content.	Commerce.
44	Benzene hexachloride (technical grade).	Commerce.
195	Beryllium copper alloy mill products facilities.	Commerce.
196	Beryllium copper master alloy producing facilities.	Commerce.
5	Blast furnaces	Commerce.
188	Brass mill facilities	Commerce.
61	Butadiene	Commerce.
60	Calcium carbide	Commerce.
102	Carbon, activated (water purification and decolorizing grade).	Commerce.
72	Carbon black	Commerce.
[1]57	Carbon electrodes	Commerce.
35	Carbon tetrachloride	Commerce.
167	Chemical manufacturing machinery.	Commerce.
24	Chlorine	Commerce.
[1]77	Condensers	Commerce.
[1]131	Continuous galvanized sheet and strip.	Commerce.
180	Copper foundry facilities	Commerce.
150	Copper wire mill facilities	Commerce.
164	Cotton compresses	Agriculture.
95	Cotton gins	Agriculture.
[1]48	Crawler-type tractor industry	Commerce.
[1]59	Cyclohexane	Commerce.
37	DDT	Commerce.
[1]128	Dies, rigs and fixtures	Commerce.
147	Electrical connectors	Commerce.
166A	Electronic glass envelopes (ribbon machine)	Commerce.
166B	Electronic glass envelopes (other than ribbon machine)	Commerce.
[1]199	Elephant tools—Manufacturing facilities.	Commerce.
194A	Ethylchloride	Commerce.
71	Ethylene glycol	Commerce.
68	Ethylene oxide	Commerce.
194B	Ethylene dibromide	Commerce.
179	Ferroalloys, blast furnace (ferromanganese, silicomanganese, spiegeleisen and silvery pig iron).	Commerce.
180	Ferroalloys, electric furnace	Commerce.
116A	Fibrous glass, continuous filament.	Commerce.
201	Fibrous glass, superfine	Commerce.
201	Filter aids—Calcined diotomite.	GSA.
[1]97	Friction bearings	Commerce.
[1]91	Gears and gear drives	Commerce.
75	Generators, water wheel driven	Commerce.
202A	Glass tubing (lead and soda lime).	Commerce.
202B	Glass tubing (borosilicate)	Commerce.
115	Graphite, artificial	Commerce.
117	Heat exchangers, tubular	Commerce.
107	Heavy metal tanks (special process and storage vessels).	Commerce.
159D	Hexamethylenediamine	Commerce.
[1]172	Hexamethylenetetramine	Commerce.
[1]60	Hydrogen peroxide	Commerce.
193	Industrial ethyl alcohol	Commerce.
42	Iron oxide, yellow (synthetic)	Commerce.
169	Kenaf fiber processing facilities.	Commerce.
160	Ketone, methyl ethyl	Commerce.
161	Ketone, methyl isobutyl	Commerce.
170	Limestone and dolomite	GSA.
1	Lubricating oil	Interior.
[illegible]	Lumber and wood products (except debarking and chipping facilities).	Commerce.
[1]123	Machine tools	Commerce.
[illegible]	Magnesium	Commerce.
43	Maleic anhydride	Commerce.
None	Maritimally punched continuous forms.	Commerce.
139	Materials handling equipment	Commerce.
[1]106	Mechanical power transmission equipment (except gears).	Commerce.
184	Metal cans	Commerce.
[1]127	Metal cutting tools	Commerce.
[1]140	Metalworking equipment, miscellaneous.	Commerce.
38	Methyl chloride	Commerce.
89	Methylene chloride	Commerce.

[1] Coal transferred from List II—Suspended.

LIST I—Continued
CLOSED—continued

No.	Goal	Delegate agency
[1]209	Military canvas reclamation facilities.	Commerce.
88	Mining machinery	Commerce.
146	Motors, miniature electric	Commerce.
26	Naphthalene	Commerce.
2	Newsprint	Commerce.
173	Octyl alcohols	Commerce.
66B	Oil (crude) refining capacity (foreign).	Interior.
66C	Oil pipelines (foreign)	Interior.
66D	Oil storage facilities (foreign)	Interior.
65A	Oil wells drilled (domestic)	Interior.
66A	Oil wells drilled (foreign)	Interior.
136	Optical glass	Commerce.
155	Optics—Facilities for producing precision type.	Commerce.
28	Oxygen, high-purity	Commerce.
49A	Paper	Commerce.
49B	Paperboard	Commerce.
[1]129	Penicillin	Commerce.
52	Perchlorethylene	Commerce.
7	Phenol	Commerce.
139	Phosphate rock	GSA.
149A	Phosphatic fertilizers	Commerce.
149B	Phosphatic feed supplements	Commerce.
108	Phosphatizing of steel drums	Commerce.
[1]29	Phosphorus, elemental	Commerce.
8	Phthalic anhydride	Commerce.
93	Plastics materials	Commerce.
46	Plywood, exterior type, softwood.	Commerce.
141	Potash	GSA.
67	Power crane and shovel industry.	Commerce.
[1]105	Precision and large size fasteners.	Commerce.
[1]124	Presses and forging equipment	Commerce.
[1]142	Pumping machinery	Commerce.
29	Quinoline	Commerce.
120	Railroad equipment (production facilities).	Commerce.
203	Reels and spools	Commerce.
153	Refractories, basic	Commerce.
190	Refractories, fire clay, super duty and high alumina bricks.	Commerce.
154	Refractories, insulating fire brick.	Commerce.
191	Refractories, isdie bricks	Commerce.
192	Refractories, pouring	Commerce.
193	Refractories, silica	Commerce.
40	Resorcinol	Commerce.
62	Rubber and rubber products	Commerce.
69	Scrap, ferrous and nonferrous	Commerce.
[1]101	Screw machine products, precision.	Commerce.
87	Sebacic acid	Commerce.
200	Sensitive electrical switches	Commerce.
110	Soda ash	Commerce.
[1]162	Sodium bichromate	Commerce.
[1]88	Sodium chlorate	Commerce.
50	Sodium cyanide	Commerce.
[1]111	Special components	Commerce.
104	Special industrial services	Commerce.
6	Steel ingots	Commerce.
54	Storage batteries, electric	Commerce.
117	Strapping, steel	Commerce.
109	Styrene, monomer (including methyl styrenes).	Commerce.
[1]200	Sulfuric acid	Commerce.
17	Sulphur	GSA.
126	Synthetic fibers, noncellulose	Commerce.
144	Tape, acetate	Commerce.
145	Tape, filament	Commerce.
143	Telegraph, domestic system	Commerce.
158	Tetraethyl lead	Interior.
51	Titanium Dioxide pigment	Commerce.
41	Trichlorethylene	Commerce.
73	Turbines, hydraulic	Commerce.
[1]168	Valves and fittings, industrial	Commerce.
45	Vulcanized fiber	Commerce.
49C	Wood pulp	Commerce.

LIST II
SUSPENDED

55	Electric power	Interior.
25	Hydrofluoric acid	Commerce.
80	Photographic film and paper	Commerce.

LIST III
OPEN

148	Aircraft, commercial	Commerce.
[illegible]	Aircraft, military	Commerce.
[2]220	Airport facilities	Defense Air Transportation Administration.
207	Alkylate	Interior.
63A	Alumina	GSA.
63	Aluminum, primary	GSA.

[2] New expansion goal.

LIST III—Continued
OPEN—continued

No.	Goal	Delegate agency
177B	Aluminum sheet and plate heat treating facilities.	Commerce.
177A	Aluminum sheet and plate, producing facilities.	Commerce.
205	Ammunition metal boxes, 30 and 50 caliber.	Commerce.
112	Antimony	GSA.
151	Asbestos, chrysatile, strategic grades.	GSA.
119	Barite	GSA.
92	Bauxite	GSA.
118	Beryl	GSA.
76	Boilers, steam	Commerce.
181	Casting, steel	Commerce.
20	Chromite (chemical grade)	GSA.
19	Chromite (metallurgical grade).	GSA.
21	Chromite (refractory grade)	GSA.
[1]133	Coal, Territory of Alaska	Interior.
4A	Coal, metallurgical for by-product coke.	Interior.
10	Cobalt	GSA.
4	Coke—Byproduct	Interior.
11	Columbite and tantalite ores	GSA.
56	Copper	GSA.
83	Cryolite (synthetic)	Commerce.
197	Cylinders, compressed gas	Commerce.
150	Electrolytic tin plate	Commerce.
84	Electronic products, military	Commerce.
165	Fluorspar, acid grade	GSA.
[1]76	Formaldehyde	Commerce.
68	Freight cars	Defense Transport Administration.
171A	Gas pipe (large) lines laid	Interior.
171B	Gas pipe (small) lines laid	Interior.
[1]82	Glycerine	Commerce.
204	Gray iron castings (over 3,000 pounds).	Commerce.
99	Heavy aluminum aircraft forgings.	Commerce.
212	Heavy steel plate (over 20,000 pounds).	Commerce.
122	High voltage switchgear	Commerce.
[1]32	Hose, horizontal wire braided	Commerce.
[2]218	Inland waterway terminal facilities.	Defense Transport Administration.
98	Inland waterway vessels (specified types).	Defense Transport Administration.
132	Iron ore	GSA.
3	Iron ore (taconite)	GSA.
206	Laboratories, research and development.	Commerce.
12	Lead	GSA.
[1]100	Lithium compound	Commerce.
152	Locomotives, diesel	Defense Transport Administration.
[1]96B	Lumber and wood products—Debarking and chipping facilities.	Commerce.
187	Manganese ore, battery and chemical grades.	GSA.
14	Manganese ore, metallurgical grade.	GSA.
[1]198	Medical supplies and equipment.	Commerce.
64	Mercury	GSA.
114	Metal can manufacturers—Tin conservation.	Commerce.
[1]59	Methanol synthetic	Commerce.
81	Military photographic equipment (motion and still).	Commerce.
15	Molybdenum	GSA.
[2]216	Motor truck terminal and repair facilities.	Defense Transport Administration.
65C	Natural gas liquids capacity	Interior.
16	Nickel	GSA.
79	Nitrogen	Commerce.
65B	Oil (crude) refining capacity (domestic).	Interior.
65D	Oil pipelines (domestic)	Interior.
65E	Oil storage facilities (domestic).	Interior.
[1]186	Ordnance facilities	Commerce.
90	Ore carriers, Great Lakes	Defense Transport Administration.
113	Ore carriers, ocean-going	Commerce.
[1]174	Pentaerythritol	Commerce.
[2]219	Port facilities	Defense Transport Administration.
[1]34	Portland cement	Commerce.
[1]135	Railroad terminal and road facilities.	Defense Transport Administration.
185	Rare earths	GSA.
163	Rutile	GSA.
176	Scientific instruments	Commerce.
178	Selenium	GSA.
214	Steel sheets, grain oriented	Commerce.
211	Structural shapes, wide flange	Commerce.
27	Tankers, ocean-going	Commerce.

LIST III—Continued
OPEN—continued

No.	Goal	Delegate agency
174	Tapered aluminum sheet	Commerce.
[illegible]	Tires (specific types)	Commerce.
[1]215	Titanium melting facilities	GSA.
121	Titanium metal	GSA.
[illegible]	Toluene	Commerce.
78	Transformers, distribution	Commerce.
18	Tungsten ore	GSA.
74	Turbines, steam	Commerce.
[1]47	Vehicles and engines (military).	Commerce.
[1]217	Warehouse and storage facilities (refrigerated storage).	Defense Transport Administration.
91	Welded aluminum tubing	Commerce.
22	Zinc	GSA.

[1] Coal transferred from List II—Suspended.
[2] New expansion goal.

This amendment shall take effect on January 29, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-1044; Filed, Feb. 12, 1954; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

LIST OF LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO

In the matter of amendment to Appendix A to Part 2 of the Commission's rules and regulations; list, for information only, of treaties.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of February 1954;

The Commission having under consideration Appendix A to Part 2 of its rules and regulations; and

It appearing that the proposed change is not substantive and does not in any way affect the requirements of any of the Commission's rules and regulations; and

It further appearing that because of the informational nature of the proposed changes, notice and public procedure thereon as prescribed by section 4 (a) of the Administrative Procedure Act is unnecessary, and that this order may be made effective immediately for the same reasons; and

It further appearing that authority for this action is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

It is ordered, That, effective immediately, Appendix A to Part 2 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: February 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

APPENDIX A—LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO (AS OF DEC. 21, 1953)

(Unless otherwise indicated, copies of these documents listed below may be obtained from the Government Printing Office, Washington 25, D. C.)

1. For informational purposes, the applicable Federal Laws, International Treaties, Agreements, and Arrangements in force relating to radio and to which the United States is a party, are listed below:

Date	Series[1]	Subject
1910		Ship Act of 1910, as amended July 23, 1912. (Those provisions relating to required radiocommunication for ships navigating the Great Lakes.)
1925	T. S. 734 A	Arrangements between the United States of America, Great Britain, Canada, and Newfoundland. Effected by exchange of notes signed September and October 1925, providing for the protection of interference by ships off the coast of these countries with radio broadcasting. Entered into force Oct. 1, 1925. (Not available at the Government Printing Office.)
1928 and 1929	T. S. 767 A	Arrangement between the United States of America and the Dominion of Canada governing radio communication between private experimental stations. Effected by exchange of notes signed Oct. 2, and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929.
1929	T. S. 777-A	Arrangement between the United States of America, Canada, Cuba, and Newfoundland relating to assignment of high frequencies on the North American Continent. Effected by exchange of notes signed at Ottawa on Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Cuba ceased to be a party by virtue of notice to the Canadian Government of Oct. 5, 1933.) Remained in effect with respect to the United States of America, Canada, and Newfoundland. (Not available at the Government Printing Office.)
1934		Communications Act of 1934, as amended.
1934	E. A. S. 62	Arrangement between the United States of America and the Dominion of Canada relative to radio communications between private experimental stations and between amateur stations (continuing the arrangement effected by exchange of notes signed Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. E. A. S. 62 effected by exchange of notes signed Apr. 23 and May 2 and 4, 1934, and entered into force on May 4, 1934. (Not available at the Government Printing Office.)
1934	E. A. S. 66	Arrangement between the United States of America and Peru concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Feb. 16 and May 23, 1934. Entered into force May 23, 1934.
1934	E. A. S. 72	Arrangement between the United States of America and Chile relative to radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	E. A. S. 109	Agreement between the United States of America and Canada relating to the exchange of information concerning issuance of radio licenses. Effected by exchange of notes signed Mar. 2 and 10, Aug. 17, Sept. 8 and 29, Oct. 9, 1937. This agreement was largely superseded by the notification procedure established in the NARBA (T. S. 777-A, T. S. 982, E. A. S. 227, and TIAS 1553) and under the Inter-American Radio Communications Convention (T. S. 938). (Not available at the Government Printing Office.)
1937	T. S. 938	Inter-American Radio Communications Convention between the United States of America and Other Powers. Signed at Habana, Dec. 13, 1937 (First Inter-American Conference). (Not available at the Government Printing Office.)
1937	T. S. 962	North American Regional Broadcast Agreement (NARBA) between the United States of America, Cuba, Dominican Republic, Haiti, and Mexico. Signed at Habana, Dec. 13, 1937. NOTE: See E. A. S. 227 and TIAS 1553 which supplement this agreement. (Not available at the Government Printing Office.)
1938	T. S. 949	Regional Radio Convention between the United States of America (in behalf of the Canal Zone) and other powers. Signed at Guatemala City, Dec. 8, 1938. (Not available at the Government Printing Office.)
1938	E. A. S. 136	Arrangement between the United States of America and Canada relative to radio broadcasting. Effected by exchange of notes signed Oct. 28, and Dec. 10, 1938. (Not available at the Government Printing Office.)
1938	E. A. S. 142	Agreement between the United States of America and Canada concerning radio communications. Effected by exchange of notes signed in June, July, August, September, October, November, and December 1938.
1939	E. A. S. 143	Arrangement between the United States of America and Canada concerning the use of radio for civil aeronautical services. Effected by exchange of notes signed Feb. 20, 1939. (Not available at the Government Printing Office.)
1940	E. A. S. 196	Agreement between the United States of America and Mexico with regard to broadcasting. Effected by exchange of notes signed Aug. 21 and 28, 1940. Entered into force Mar. 29, 1941. (Not available at the Government Printing Office.)
1941	E. A. S. 227	Supplementary North American Regional Broadcast Agreement signed at Washington, D. C., Jan. 30, 1941. Entered into force Mar. 29, 1941. (See T. S. 962 and TIAS 1553.) (Not available at the Government Printing Office.)
1944	E. A. S. 400	Agreement between the United States of America and Canada relative to the construction and operation of radio broadcasting stations in the North West Territories of Canada. Effected by exchange of notes signed at Ottawa Nov. 5 and 27, 1943, and Jan. 17, 1944. Agreement is to "cease with termination of war." (Not available at the Government Printing Office.)
1946	TIAS 1527	Agreement between the United States of America and the Union of Soviet Socialist Republics on the establishment of additional radio (telegraph) communication channels. Signed at Moscow, May 24 1946. Entered into force May 24, 1946.
1946	TIAS 1553	North American Regional Broadcasting (NARBA) Interim Agreement between the United States of America and Other Governments (Modus Vivendi). Signed at Washington, D. C., Feb 25, 1946. Entered into force Mar 29, 1946. (See T. S. 962 and E. A. S. 227.) Amended by an arrangement between the United States of America and Canada concerning engineering standards applicable to the allocation of standard broadcasting stations (540-1600 kc). (TIAS 1902 (1948) which entered into force Apr. 1, 1948.)
1947	TIAS 1632	Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland concerning telecommunication standardization of distance measuring equipment. Signed at Washington, D. C., Oct. 13, 1947. Entered into force Oct. 13, 1947.
1947	TIAS 1670	Interim Arrangement between the United States of America and Canada with respect to mobile radio transmitting stations. Effected by exchange of notes signed at Washington, D. C., June 25 and Aug. 20, 1947. Entered into force Aug. 20, 1947.
1947	TIAS 1676	Agreement between the United States of America and the United Nations relative to headquarters of the U. N. Signed at Lake Success, June 26, 1947. Entered into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary-General of the U. N. (The provisions of this agreement were also made Public Law 357 of the 80th Congress, approved Aug. 4, 1947.)
1947	TIAS 1726	Agreement between the United States of America and Canada providing for frequency modulation broadcasting in channels in the r. f. band 88-108 Mc. Effected by exchange of notes signed at Washington, D. C., Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947. (Not available at the Government Printing Office.)

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Acts Series.

Date	Series[1]	Subject
1952	TIAS 2654	Amendment to TIAS 2266. Amends the agreement between the United States of America and Mexico on the allocation of television channels along the United States-Mexican border. (TIAS 2266 (1951) must be used with TIAS 2654 as TIAS 2654 is an amendment only.) Signed at Mexico June 4 and 25, 1952. Entered into force June 25, 1952.
1952	TIAS 2695	Agreement between the United States of America and Mexico concerning weather stations cooperative. Signed at Mexico Aug. 22, 1952. Entered into force Aug. 22, and Aug. 27, 1952, respectively. Terminates effective July 1, 1953.
1952	TIAS 2701	Agreement between the United States of America and Haiti regarding short range broadcasting. Effected by exchange of notes signed at Port-au-Prince Aug. 23 and 29, 1952. Entered into force Aug. 29, 1952.
1952	TIAS 2705	London Revision (1952) of the London Telecommunication Agreement (1946) between the United States of America and Canada and certain British Commonwealth governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. (Not available at the Government Printing Office.)

2. In addition, the United States of America is bound by certain treaties and agreements which are generally considered as superseded because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound to the original document with respect to our relations with these particular countries. These include the following:

Date	Series[1]	Subject
1914	T. S. 581	International Radiotelegraph Convention, final protocol and service regulations. Signed at London July 5, 1912. (Not available at the Government Printing Office.)
1927	T. S. 767	International Radiotelegraph Convention and General Regulations. Signed at Washington, D. C., Nov. 25, 1927.
1932	T. S. 867	International Telecommunication Convention. Signed at Madrid Dec. 9, 1932 (Not available at the Government Printing Office.)
1937	E. A. S. 200	Inter-American radio agreement concerning radiotelegraph and telephone communications. Signed at Habana Dec. 13, 1937. This arrangement was replaced by the Inter-American Radio Agreement concerning radiocommunications signed at Santiago Jan. 23, 1940 E. A. S. 231. Countries which approved the 1937 arrangement but which have not yet approved the 1940 arrangement are: Dominican Republic, Haiti, Mexico, Panama and Peru. (Not available at the Government Printing Office.) (Cairo General Radio Regulations (Cairo revision, 1938, and final radio provisions of Convention of 1932) annexed to the International Telecommunication Convention (Cairo revision, 1938) substituted by the International Telecommunication Convention (Madrid revision, 1932) Superseded by the Cable and Wireless Agreement, 1947.)
1940	E. A. S. 231	Inter-American Radio Agreement. Signed at Santiago Jan. 23, 1940. Entered into force (Second Inter-American radio conference.) Signed at Santiago Jan. 29, 1940.

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series.

3. The following treaties, agreements, and arrangements have been signed by the United States of America and are included for informational purposes because of their importance, or for the imminence of their effective dates:

Date	Series[1]	Subject
1950	.....	North American Regional Broadcasting Agreement (NARBA) between the United States of America, Canada, Cuba, Dominican Republic, Haiti, Mexico, Netherlands in respect of Netherlands Antilles and Surinam, Newfoundland (Territories in the North American Region), Nicaragua, United Kingdom of Great Britain and Northern Ireland (for Bermuda, Jamaica, and the Bahama Islands) and Venezuela. Signed at Washington, D. C., Nov. 15, 1950. Agreement to be put into force pursuant to ratification of at least three [illegible]. Agreement to be put into force in accordance with Part III, Paragraph 1, of the agreement. Subject to ratification procedure in the United States. (Not available at the Government Printing Office. Available from the Department of State Telecommunications Policy Staff, Washington 25, D. C.)
1952	TIAS 2668	Agreement between the United States of America and Canada for the purpose of promoting safety on the Great Lakes by means of radio. The agreement applies to vessels of all countries as provided for in the Agreement. Signed at Ottawa, Feb. 21, 1952. Ratifications exchanged at Washington, D. C., Nov. 13, 1952. Enters into force Nov. 13, 1952.

[1] TIAS—Treaties and Other International Act Series.

Date	Series[1]	Subject
1947	TIAS 1901	International Telecommunication Convention, final protocol and radio regulations. Done at Atlantic City Oct. 2, 1947. Superseding the International Telecommunication Convention, Madrid, 1932. Radio regulations entered into force Jan. 1, 1949, except for reservations enumerated in Article 47. However, the provisions of Article 47 have been superseded by the Provisional Frequency List, 1951 (TIAS 2332) and the Interim Radio Regulations, 1951 (TIAS 2333). Copies of the Provisional Frequency List and the Interim Radio Regulations are available at the extraordinary Administrative Radio Conference at Geneva, 1951. (These documents do not contain the additional radio regulations, are available only from the International Telecommunication Union, Geneva, Switzerland.) (Not available at the Government Printing Office.)
1948	TIAS 1902	Arrangement between the United States of America and Canada concerning radio broadcasting. Engineering standards applicable to the allocation of standard broadcasting stations (650 kcs). Effected by exchange of notes signed at Washington, D. C., Dec. 24, 1947, and Apr. 1, 1948. Entered into force Apr. 1, 1948. (Not available at the Government Printing Office.) Annexed Regulations.
1945	TIAS 2495	International Convention for the Safety of Life at Sea, Nov. 19, 1929. Signed at London, June 10, 1948. United States of America and Mexico concerning weather Agreement between the United States of America and Mexico concerning weather which are generally considered as superseded because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound to the original document with respect to our relations with these particular countries. These include the following:
1949	TIAS 1965	Telegraph Regulations (Paris Revision, 1949), annexed to the International Telecommunication Convention (Atlantic City, 1947, and final protocol to the telegraphic representations. Signed at Paris, Aug. 5, 1949. Entered into force with respect to the United States of America Sept. 28, 1950
1949	TIAS 2176	Agreement between the United States of America and certain British Commonwealth Countries relating to Communications. Signed at London, Aug. 12, 1948. Entered into force Feb. 24, 1950.
1949	TIAS 2435	Inter-American radio agreement between the United States of America and Canada Signed at Montevideo, December 13, 1949. Entered into force Apr. 13, 1952, and other American Republics (Fourth Inter-American radio conference.)
1949	TIAS 2480	Agreement between the United States of America and Ecuador concerning radio Signed at Washington July 9, 1949. Entered into force Apr. 13, 1952, communications between amateur stations on behalf of third parties. Effected by exchange of notes signed at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950	TIAS 2433	Agreement between the United States of America and Liberia regarding radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed at Monrovia Nov. 9, 1950, and Jan. 9, and 10, 1951. Entered into force Jan. 11, 1951.
1951	TIAS 2223	Agreement between the United States of America and Ceylon concerning radio Effected by exchange of notes signed at Colombo July 12 and Aug. 1, 1951. Entered into force Aug. 1, 1951.
1951	TIAS 2259	Agreement between the United States of America and Mexico which assigns television frequency channels to cities within 250 miles of the United States-Mexican border. Effected by exchange of notes signed at Mexico Aug. 10, and Sept. 26, 1951. Entered into force Sept. 26, 1951. (TIAS 2666 must be used together with TIAS 2654 (1952), an amendment to this agreement which was signed at Mexico June 4 and 25, 1952, and which entered into force June 25, 1952.)
1951	TIAS 2439	Agreement between the United States of America and Cuba covering the exchange of television broadcasts between Miami, Florida, and Habana, Cuba. Effected by exchange of notes signed at Habana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1951	.....	Agreement signed at the conclusion of administrative radio conference to bring into force the provisions, alterations and other provisions of the radio regulations of 1947, as far as they are in force. Signed at Geneva, Dec. 3, 1951. Provided into force Mar. 1, 1952. (Not available at the Government Printing Office. Available from the International Telecommunication Union, Geneva, Switzerland.)
1952	TIAS 2508	Treaty with Canada relating to mutual recognition by the United States of America and Canada of pilot certificates issued or rendered valid by the other country. Signed at Ottawa, Feb. 8, 1951. Entered into force May 15, 1952.
1952	TIAS 2520	Agreement between the United States of America and Canada relating radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed at Habana Sept. 15, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1952	TIAS 2538	Agreement between the United States of America and Denmark regarding the Effected by exchange of notes signed at Washington, D. C., Mar. 25 and Apr. 4, 1952. Entered into force Apr. 4, 1952.
1952	TIAS 2594	Agreement between the United States of America and Canada which assigns television frequency channels to cities within 250 miles of the United States-Canadian border. Effected by exchange of notes signed at Ottawa, Sept. 26, 1951, and June 25, 1952. Entered into force June 25, 1952. (Not available at the Government Printing Office.)

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Acts Series.

In addition, certain resolutions and recommendations were adopted by a number of countries, members of the International Telecommunication Union, at Buenos Aires on July 9, 1952. (Not available at the Government Printing Office. Available from the International Telecommunication Union, Geneva, Switzerland.)

Date	Series[1]	Subject
1952	.....	Buenos Aires International Telecommunication Convention. A revision of the Atlantic City Convention of 1947. Subject to ratification procedure in the United States. (Not available at the Government Printing Office. Available from the International Telecommunication Union, Geneva, Switzerland.)

[1] TIAS—Treaties and Other International Act Series.

4. There are, in addition to the foregoing, certain treaties, agreements, or arrangements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission, insofar as they involve communications. Among the most important of these are the following:

Date	Series[1]	Subject
1944	TIAS 1591	International Civil Aviation Convention. Signed at Chicago, Dec. 7, 1944. Entered into force Apr. 4, 1947.
1946 to present	.....	ICAO Regional air navigation meetings, communications committee final reports.[2]
[illegible]	.....	ICAO Communication Division, second session, Montreal.[2]
[illegible]	.....	ICAO Communication Division, third session, Montreal.[2]
[illegible]	.....	ICAO Communication Division, fourth session, Montreal.[2]

[1] TIAS—Treaties and Other International Act Series

[2] Not available at the Government Printing Office. Available from the Secretary General of ICAO, International Aviation Building, 1080 University Street, Montreal, Canada.

[F. R. Doc. 54-1007; Filed, Feb. 12, 1954; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 960]

[Docket No. AO-253]

HANDLING OF MILK IN AKRON, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Portage Hotel, 10 North Main Street, Akron, Ohio, at 10:00 a. m., e. s. t., March 1, 1954.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Akron, Ohio, marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in said marketing area. The proposals set forth below have not received the approval of the Secretary of Agriculture and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof.

Marketing agreement and order proposed by the Akron Milk Producers, Inc.

DEFINITIONS

§ 960.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 960.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 960.3 *Marketing Area.* Akron, Ohio, Marketing Area, hereinafter referred to as "marketing area" means all territory, including but not limited to all municipal corporations, within the boundaries of Stow, Talmadge, Springfield, Coventry, Portage, and Norton townships in Summit County, Ohio, and Franklin and Ravenna townships in Portage County, Ohio.

§ 960.4 *Handler.* Any person, other than a producer-handler, who operates a milk handling plant (hereinafter referred to as a "plant") shall be a "handler" with respect to all skim milk and butterfat received at such plant or caused to be diverted from producers' farms to a nonpool plant by such person in any month in which a route(s) is operated wholly or partially within the marketing area from such plant. Any cooperative association shall be a "handler" with respect to the milk of any producer which it causes to be diverted from producers' farms to a nonpool plant for the account of such cooperative association.

§960.5 *Pool plant.* A plant, except a plant of a producer-handler shall be a "pool plant" in any month in which a route(s) is operated wholly or partially within the marketing area from such plant if such plant is (a) located in the marketing area; or (b) located outside the marketing area and 10 percent or more of the total combined amount of skim milk and butterfat in Class I milk at such plant is disposed of on a route(s) operated wholly or partially within the marketing area.

§ 960.6 *Nonpool plant.* A plant other than a plant operated by a producer-handler shall be a "nonpool plant" in any month in which it is not a pool plant.

§ 960.7 *Producer.* Means any person, other than a producer-handler, who produces milk which has approval of the health authorities of any community in the marketing area for consumption as fluid milk in such community and is received at a pool plant. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to a plant, other than a pool plant, by a handler for his account. Milk so diverted shall be deemed to have been received at a pool plant by the handler or cooperative association which caused it to be diverted.

§ 960.8 *Producer milk.* "Producer milk" means skim milk and butterfat contained in milk received from producers.

§ 960.9 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in milk, skim milk, or cream, or used to produce all other milk products received from all sources other than producers and pool plants.

§ 960.10 *Producer-handler.* "Producer-handler" means any person (a) who produces milk; (b) receives no producer milk or other source milk; and (c) operates a plant from which a route(s) is operated wholly or partially within the marketing area.

§ 960.11 *Route.* "Route" means a sale or delivery (including a sale from a plant or a store) of Class I milk to a wholesale or retail stop(s), including the sale or consignment of such products by a handler to wholesale or retail outlets owned, leased, or controlled, directly or indirectly, by such handler.

§ 960.12 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 960.13 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 960.50.

§ 960.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association; (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 960.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compen-

sation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 960.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) Recomend to the Secretary amendments to this subpart.

§ 960.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Pay out of the funds provided by § 960.75, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses, except those incurred by him in the maintenance and functioning of his office in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within 8 days after the day upon which he is required to perform such acts, has not made reports pursuant to § 960.30 or § 960.31 or payments pursuant to §§ 960.70, 960.72, 960.74, 960.75, 960.76, or 960.77;

(f) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(h) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate;

(1) On or before the 5th day of each month the minimum class prices for skim milk and butterfat for the preceding month as computed pursuant to §§ 960.51 and 960.52;

(2) On or before the 10th day of each month the uniform prices for the preceding month computed pursuant to § 960.61, the butterfat differential for the preceding month computed pursuant to § 960.74, and the name of each handler who received producer milk during the preceding month and the percentages of such milk which was classified as Class I milk and as Class II milk.

REPORTS, RECORDS, AND FACILITIES

§ 960.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator; (a) the quantities of butterfat and the quantities of skim milk contained in all milk, skim milk, or cream and used to produce all milk products received from all sources during the preceding month; (b) the quantities of butterfat and the quantities of skim milk contained in all frozen cream which were formerly classified pursuant to § 960.41 (b) (2) and which were removed from storage or received during the preceding month; (c) the quantities of all milk or milk products and the quantities of skim milk and butterfat contained in or used to produce such milk or milk products moved from such handlers plant during the preceding month or on hand at such plant at the end of the preceding month; and (d) such other information with respect to such receipts and utilization as the market administrator may request.

§ 960.31 *Other reports.* Other reports shall be submitted to the market administrator as follows:

(a) Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who operated a pool plant at which producer milk was received in the preceding month shall submit such handler's producer payroll for the preceding month which shall show (1) the total pounds and the butterfat content of milk received from each producer, (2) the amount and date of payment to each producer or cooperative association pursuant to § 960.70, and (3) the nature and amount of each deduction or charge made by the handler.

§ 960.32 *Records and facilities.* Each handler and producer-handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of any of his operations including those of nonpool plants to which any producer milk is diverted and such facilities as in the opinion of the market administrator are necessary to verify or to establish the correct data with respect to: (a) The receipts of skim milk and butterfat contained in or used to produce all producer milk and other source milk received by such handler or producer-handler; (b) the removal from storage or the receipts of all frozen cream and the quantities of butterfat and skim milk contained in such frozen cream; (c) the disposition and inventories of milk and milk products and the quantities of skim milk and butterfat contained in or used to produce such milk and milk products; (d) the weights, samples and tests for butterfat and other contents of (1) all producer milk and other source milk received by such handler or producer-handler, and (2) all milk and milk products disposed of or in inventories held by such handler or producer-handler; and (e) all payments required to be made by such handler pursuant to §§ 960.70, 960.72, 960.74, 960.75, 960.76 and 960.77.

§ 960.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler or producer-handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler or producer-handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler or producer-handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler or producer-handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 960.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream or used to produce milk products received during each month from all sources by each handler shall be classified pursuant to §§ 960.41 through 960.46.

§ 960.41 *Classes of utilization.* Subject to the conditions set forth in §§ 960.43 and 960.44 skim milk and butterfat shall be classified separately as follows:

(a) Class I milk shall be all skim milk including reconstituted skim milk and all butterfat:

(1) Moved from a plant during the month or on hand at a plant at the end of the month in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream including sour cream or any mixture of cream and milk or skim milk, except skim milk, and butterfat which is classified as Class II milk pursuant to paragraph (b) (1), (2), or (3) of this section:

(2) Used to produce eggnog, cottage cheese, aerated cream, yogurt and concentrated milk for fluid consumption which was moved from a plant during the month or was on hand at a plant at the end of the month; or

(3) In shrinkage of producer milk as computed pursuant to § 960.42 (b) which is in excess of such shrinkage classified as Class II milk pursuant to paragraph (b) (4) of this section.

(b) Class II milk shall be all skim milk including reconstituted skim milk and all butterfat;

(1) Contained in skim milk which is dumped or fed to livestock by the handler or is moved from a plant and disposed of to farmers or livestock feeders for livestock feeding;

(2) Contained in cream which was moved from a plant during the month to a cold storage warehouse in the form of frozen cream or in the form of cream to be frozen, or which was on hand at a plant at the end of the month in the form of frozen cream;

(3) In shrinkage of skim milk and butterfat contained in producer milk in amounts equal to either the amounts of skim milk and butterfat, respectively, computed pursuant to § 960.42 (b) or amounts equal to 2 percent of the skim milk and butterfat, respectively, contained in producer milk, whichever amounts are smaller;

(4) In shrinkage of skim milk and butterfat contained in other source milk as computed pursuant to § 960.42 (b);

(5) Used to produce or contained in ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); butter; butter oil; cheese, other than cottage cheese; bulk condensed or skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; whey, powdered malted milk; lactose; or any other products other than those specified in paragraph (a) of this section which products are moved from a plant during the month or are on hand at a plant at the end of the month.

§ 960.42 *Shrinkage.* Shrinkage of skim milk and butterfat contained in producer milk and in other source milk shall be computed each month as follows:

(a) Combine into separate totals for skim milk and butterfat all skim milk and butterfat contained in all milk, skim milk, and cream or used to produce all milk products received during the month from all sources and deduct therefrom all skim milk and butterfat, respectively, contained in or used to produce all milk, skim milk, cream, and all milk products moved from a plant during the month or an hand at a plant at the end of the month; *Provided*, That producer milk transferred or diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the transferring or diverting handlers pool plant shall be included in the receipts at the pool plant to which such milk was transferred or diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the transferring or diverting handler's pool plant for such purpose.

(b) Prorate the total shrinkage of skim milk and butterfat computed pursuant to paragraph (a) of this section to skim milk and butterfat, respectively, contained in or used to produce all producer milk and all other source milk.

§ 960.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat contained in producer milk and in other source milk received by a handler shall be classified as Class I milk unless the handler proves to the market administrator that such skim milk and butterfat or a portion thereof should be classified as Class II milk. Any skim milk or butterfat which is classified in one class shall be reclassified to the other class if subsequent to the original classification such skim milk or butterfat is handled in such a manner as to justify its reclassification.

§ 960.44 *Transfers.* Skim milk or butterfat transferred (including skim milk and butterfat in milk which was diverted) from a pool plant in the form of milk, skim milk or cream to:

(a) Another pool plant or a nonpool plant from which a route is operated wholly or partially within the marketing area shall be classified as Class I milk unless utilization in Class II is indicated by the operators of both plants in their reports filed pursuant to § 960.30 for the month during which such transfer was made. If the two operators indicate a Class II utilization of all or part of the transferred skim milk and butterfat and the pounds of skim milk or butterfat remaining in Class II milk after the allocation of skim milk and butterfat in other source milk pursuant to § 960.46 (e) for the plant to which such transfer was made are greater than the pounds of skim milk and butterfat, respectively, so mutually indicated to be classified as Class II milk, then all such skim milk or butterfat transferred shall be classified as Class II milk. If the pounds of skim milk or butterfat remaining in Class II milk after the allocation of skim milk and butterfat in other source milk pursuant to § 960.46 (e) for the plant to which such transfer was made are less than the pounds of skim milk or butterfat, respectively, so mutually indicated to be classified at Class II milk, then an amount of such transferred skim milk or butterfat, respectively, equal to the pounds remaining in Class II in the plant to which such transfer was made shall be classified as Class II milk and the remainder of such skim milk or butterfat so transferred shall be classified as Class I milk.

(b) To a producer-handler shall be classified as Class I milk.

(c) To a nonpool plant from which no route is operated within the marketing area shall be classified as Class I milk unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 8th day of the month following that within which such transfer was made and the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at his plant and makes such books and records available to the market administrator, upon his request, for the verification of such utilization. If the above conditions are met the market administrator shall classify all skim milk and butterfat received at the nonpool plant and the skim and butterfat so transferred shall be allocated in series beginning with any skim milk and butterfat, respectively, remaining in Class I milk after allocating skim milk and butterfat in milk received from dairy farmers who the market administrator determines constitute the regular source of milk for Class I uses at such plant in series beginning with Class I milk.

§ 960.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler pursuant to § 960.30 and shall compute separately the pounds of skim milk and butterfat in each class.

§ 960.46 *Allocation of skim milk and butterfat.* Skim milk and butterfat to be classified pursuant to § 960.40 shall be separately allocated to skim milk and butterfat classified pursuant to § 960.41 through § 960.44 in sequence as follows:

(a) Plant shrinkage of skim milk and butterfat contained in producer milk as computed pursuant to § 960.42 (b) shall be allocated to skim milk and butterfat, respectively, classified pursuant to § 960.41 (a) and (b) (4).

(b) Skim milk and butterfat contained in or used to produce products other than milk, skim milk, or cream received in such form shall be allocated to skim milk and butterfat contained in or used to produce products moved from a plant during the month or on hand at a plant at the end of the month in like form.

(c) Skim milk and butterfat contained in any frozen cream which was classified in a previous month as Class II milk pursuant to § 960.41 (b) (2) and which was removed from storage or received from another handler during the month for which classification is being determined shall be allocated to skim milk and butterfat used to produce ice cream or other frozen desserts or mixes for such ice cream or other frozen desserts moved from a plant during such month or on hand at a plant at the end of such month.

(d) Remaining skim milk and butterfat contained in or used to produce other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act shall be allocated to remaining skim milk and butterfat, respectively, in Class II milk, and if such remaining skim milk or butterfat contained in or used to produce such other source milk exceeds the remaining skim milk or butterfat, respectively, in Class II milk, such excess of skim milk of butterfat shall be allocated to skim milk or butterfat, respectively, in Class I milk.

(e) Remaining skim milk and butterfat contained in or used to produce other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act shall be allocated to remaining skim milk and butterfat, respectively, in Class II milk, and if such remaining skim milk or butterfat contained in or used to produce such other source milk exceeds the re-

maining skim milk or butterfat, respectively, in Class II milk, such excess of skim milk or butterfat shall be allocated the skim milk and butterfat in Class I milk.

(f) Skim milk and butterfat transferred and classified pursuant to § 960.44 shall be allocated to skim milk and butterfat, respectively, pursuant to such classification.

(g) Add to the remaining skim milk and butterfat in each class the skim milk and butterfat, respectively, allocated pursuant to paragraph (a) of this section.

(h) If the then remaining skim milk or butterfat in all classes exceeds the skim milk or butterfat contained in producer milk received by such handler, subtract such excess of skim milk or butterfat from remaining skim milk or butterfat, respectively, in Class II milk, and if the remaining skim milk or butterfat in Class II milk is less than such excess of skim milk or butterfat, respectively, subtract the difference of skim milk or butterfat from remaining skim milk or butterfat, respectively, in Class I milk. The resulting volumes of skim milk and butterfat in each class are the volumes of skim milk and butterfat in producer milk in each class.

MINIMUM PRICES

§ 960.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I and Class II milk price pursuant to §§ 960.51 and 960.52 shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Bellsville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price resulting from the following computations:

(1) Multiply by 6 the simple average as computed by the market adminstrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed;

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month; and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(c) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average price of butter as computed in paragraph (b) (1) of this section, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5.

(2) From the simple average as computed by the market administrator, of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

§ 960.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in producer milk received by such handler during the month which is classified as Class I milk shall be computed by the market administrator as follows:

(a) Add to the basic formula price the following amount for the month indicated:

Month:	*Amount*
April, May, and June	$1.00
February, March, and July	1.45
All others	1.90

Provided, That in no month shall the Class I price computed pursuant to this section be less than the higher of the Class I prices computed pursuant to the 3.5 percent Class I price effective in the Cleveland, Ohio or the Stark County, Ohio marketing area for such month.

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section multiplied by 20.

(c) The price of skim milk shall be computed by:

(1) Multiplying the price of butterfat pursuant to paragraph (b) of this section by 0.035;

(2) Subtracting such amount from the amount obtained in paragraph (a) of this section:

(3) Dividing such net amount by 0.965; and

(4) Rounding off to the nearest full cent.

§ 960.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in producer milk received by such handler during the month which is classified as Class II milk shall be computed by the market administrator as follows:

(a) Multiply the basic formula price computed pursuant to § 960.50 by the result obtained pursuant to § 960.51 (c).

(b) Divide the result obtained pursuant to paragraph (a) of this section by 0.035. The result shall be the price per hundredweight of butterfat classified as Class II milk.

(c) From the basic formula price computed pursuant to § 960.50 subtract the amount computed pursuant to paragraph (a) of this section, and divide the remainder by 0.965. The result shall be the price per hundredweight of skim milk classified as Class II milk.

DETERMINATION OF UNIFORM PRICE

§ 960.60 *Value of producer milk.* The value of producer milk received by each handler during the month shall be computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class as computed pursuant to § 960.46 by the applicable class prices and adding together the resulting amounts: *Provided*, That if after the allocation of skim milk and butterfat pursuant to paragraphs (a) through (g) of § 960.46 the remaining amount of skim milk of butterfat exceeds the amount of skim milk or butterfat, respectively, in producer milk received by such handler, there shall be added to the value of the producer milk received by such handler a further amount computed by multiplying the hundredweight of skim milk of butterfat as subtracted pursuant to § 960.46 (h) by the applicable class price.

§ 960.61 *Computation of uniform prices.* For each month the market administrator shall compute a uniform price per hundredweight of milk containing 3.5 percent of butterfat to be paid to producers delivering milk to any pool plant as follows:

(a) Combine into one total the value of producer milk for each handler as computed pursuant to § 960.60 for all handlers who reported pursuant to § 960.30 for such month, except those in default in payments required pursuant to § 960.72 for the preceding month.

(b) Add the total amount of all payments made pursuant to § 960.72 (b), (c), and (d);

(c) Add any amounts paid into the producer-settlement fund and subtract any amounts paid out of the producer-settlement fund pursuant to § 960.77;

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund exclusive of the amounts added or subtracted pursuant to paragraphs (b) and (c) of this section;

(e) Subtract, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butter, at test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 960.74 multiplied by 10;

(f) Divide the resulting amount by the total hundredweight of producer milk received by all handlers during the month for which uniform prices are being computed;

(g) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed.

§ 960.62 *Notification.* On or before the 10th day of each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 960.30 of:

(a) The classification pursuant to § 960.46 of skim milk and butterfat contained in producer milk received by such handler during the preceding month and the value of such milk computed pursuant to § 960.60;

(b) The uniform prices for the preceding month computed pursuant to § 960.61; and

(c) The amount due such handler pursuant to § 960.73 and the amount to be paid by such handler pursuant to §§ 960.72, 960.75, and 960.76.

PAYMENTS FOR MILK

§ 960.70 *Payments to producers or cooperative associations.* Subject to §§ 960.75 and 960.76, each handler who is not a cooperative association shall make payments to producers or cooperative associations pursuant to either paragraph (a) or (b) of this section:

(a) On or before the 12th day of each month such handler shall pay to a cooperative association which requests such payment for producer milk received in the preceding month from producers who have given such cooperative association written authorization to collect payment for their milk a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (b) of this section. In making such payments to a cooperative association, the payments shall be accompanied with a statement showing the name of each producer for whose milk payment is being made to the cooperative association the volume and average butterfat content of milk received from each such producer, and the amount of and reason for any deductions which the handler has withheld from the amount due such producer.

(b) On or before the 12th day of each month such handler shall pay each producer (other than those for whom a cooperative association collects pursuant to paragraph (a) of this section) for milk received from him during the preceding month at not less than the appropriate uniform price computed pursuant to § 960.61 for such month, adjusted by the butterfat differential computed pursuant to § 960.74 for such month, and less any deductions authorized by such producer: *Provided*, That if the payments made to a handler pursuant to § 960.73 have been reduced pursuant to the proviso contained therein, such handler may reduce payments to producers of cooperative associations by the same amount per hundredweight of milk and such handler shall complete payments to producers of cooperative associations as required by this section or before the next date for making payments pursuant to this section following the date upon which such handler received payment in full for amounts due him pursuant to § 960.73.

§ 960.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to §§ 960.72 and 960.77 and out of which he shall make all payments pursuant to §§ 960.73 and 960.77.

§ 960.72 *Payments to the producer-settlement fund.* On or before the 12th day of each month handlers shall make payments to the market administrator as follows:

(a) If the value of producer milk received by a handler in the preceding month as computed pursuant to § 960.60 exceeds the amount which such handler is required to pay to all producers pursuant to § 960.70, such handler shall pay the difference between the two amounts.

(b) Any handler who during the preceding month operated a nonpool plant from which a route extending into the marketing area was operated shall pay an amount computed by determining the value at the Class I price which would be applicable at such plant if it were a pool plant of all Class I milk disposed of on routes operated wholly or partially within the marketing area during the preceding month and by deducting from such value the value of such milk at the Class II price: *Provided*, That if such handler received at his nonpool plant during the preceding month skim milk and butterfat from a pool plant which was classified as Class I milk pursuant to § 960.44 (a) a payment shall be made pursuant to this section only if the volume of Class I milk so disposed of on routes operated wholly or partially within the marketing area is in excess of the volume of Class I milk received from a pool plant and shall be computed only on such excess.

(c) Any handler who during the preceding month operated a pool plant shall pay an amount computed by determining the value of other source milk which was received during the preceding month and allocated to Class I milk pursuant to § 960.46 (d) at the Class I price applicable to such plant and by deducting from such value the value of such milk at the Class II price.

(d) Any handler who received other source milk in the preceding month which was allocated to Class I milk pursuant to § 960.46 (e) shall pay any amount by which the value of such milk at the Class I price applicable to the plant at which such other source milk was received exceeded the value of such milk computed pursuant to the other marketing agreement or order.

§ 960.73 *Payments out of the producer-settlement fund.* On or before the 12th day of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler for the preceding month pursuant to § 960.70 is greater than the total value of the milk of such handler computed pursuant to § 960.60 for such preceding month, less any unpaid obligations of the handler to the market administrator pursuant to § 960.72: *Provided*, That if the balance in the producer-settlement fund is insufficient to make payments to all handlers pursuant to this paragraph, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 960.74 *Producer butterfat differential.* In making payments pursuant to § 960.70 the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the next high half-cent) computed as follows: Divide the average price of butter as computed pursuant to § 960.50 (b) (1) by 10 and, if the result is not an even whole or half cent, round to the next higher whole or half cent.

§ 960.75 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 960.22 (c), each handler shall pay the market administrator on or before the 14th day of each month 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to (a) all receipts within the preceding month of producer milk (including such handlers' own production), (b) all other source milk received at a pool plant in the preceding month and classified as Class I, and (c) all other source milk on which payment is made pursuant to § 960.72 (b).

§ 960.76 *Marketing services.* In making payments to producers or cooperative associations pursuant to § 960.70 a handler shall make deductions and dispose of amounts so deducted as follows:

(a) Except as set forth in paragraph (b) of this section a handler shall deduct 8 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk for which payment is being made pursuant to § 960.70 and shall pay the total amount of such deductions to the market administrator on or before the 14th day after the end of the month in which such producer milk was received. Such amount shall be expended by the market administrator to verify weights and tests of milk of producers and to provide producers with market information, such service to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services described in paragraph (a) of this section as determined by the market administrator, a handler shall make, in lieu of the deductions specified in paragraph (a) of this sec-

tion, such deductions from payments required pursuant to § 960.70 (b) for producer milk received in the preceding month as may be authorized by such producers, and pay such deductions on or before the 14th day after the end of the month in which such producer milk was received to the cooperative association rendering such services.

§ 960.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors or whenever skim milk or butterfat is reclassified pursuant to § 960.43 resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to § 960.70 the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice. In computing amounts due pursuant to this section class prices, the appropriate uniform price, the butterfat differential, the rate of administration assessment pursuant to § 960.75, and the rate of marketing service deduction pursuant to § 960.76 which were applicable in the month for which the original calculations of amounts due were made shall be used.

§ 960.78 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notified the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market adminstrator) was made by the handler if a refund on such payment is claimed, unless such handler, within that applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 960.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

§ 960.81 *Suspension or termination.* Whenever the Secretary finds the subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision of this subpart.

§ 960.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 960.83 *Liquidation.* Upon the suspension of the provisions of the subpart, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instrument necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 960.90 *Agent.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 960.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

The Borden Company has proposed that § 960.3 be modified to read as follows:

§ 960.3 *Marketing area.* Akron, Ohio, marketing area means all territory including but not being limited to all municipal corporations within; Summit County (except for sections 25, 26, 27, 34, 35, 36 of Green Township); the territory including but not being limited to all municipal corporations within the boundaries of Sharon and Wadsworth Townships in Medina County; the territory including but not being limited to all municipal corporations within the boundaries of Brimfield, Suffield, Franklin, and Ravenna townships in Portage County.

The Vale Edge Kainrad Dairies, Inc., has proposed that § 960.3 be modified to read as follows:

§ 960.3 *Marketing area.* Akron, Ohio, marketing area, hereinafter called the "marketing area," means all territory, including but not being limited to all municipal corporations, within the boundaries of Summit County, Ohio.

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture in Room 1353, South Building, Washington, D. C., or may there be inspected.

Issued at Washington, D. C., this 10th day of February 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-1056; Filed, Feb. 12, 1954; 8:51 a. m.]

[7 CFR Part 972]

[Docket No. AO 177-A13]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

NOTICE OF HEARING AND PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at 64 State Street, Galliopolis, Ohio, beginning at 10:00 a. m., e. s. t., February 18, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Consideration will be given also to the question of whether economic and marketing conditions which relate to the handling of milk for the said marketing area require emergency action with respect to any or all amendments deemed necessary as the result of the hearing.

Proposed by the Southeastern Ohio Cooperative Dairy Sales Association, Inc.:

1. Clarify the definition of "fluid milk plant" in § 972.7 (b) so that irregular emergency shipments would still be defined within the 25,000 pounds limit for the delivery period.

2. Include in § 972.9 defining the "Gallipolis District Plant," the County of Meigs in Ohio.

3. Amend the first clause of § 972.13 to read as follows: "'Producer' means any person other than a producer-handler who produces milk received:".

4. a. Amend § 972.34 to establish a basis of inter-handler transfers to be classified on a pro rata basis according to utilization from the receiving handler to the plant of the handler making the transfer.

b. Also, amend § 972.36 to be consistent with the request to the amended § 972.34.

Proposed by the Huntington Interstate Milk Producers Association:

5. Delete § 972.41 in its entirety and substitute the following:

§ 972.41 *Class I milk prices.* Subject to the provisions of §§ 972.44 through 972.47, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk, shall be the basic formula price determined pursuant to § 972.40 adjusted as follows:

(a) Add $2.10 per hundredweight of Class I milk;

(b) Add a seasonal bonus computed as follows for the delivery periods indicated:

(1) There shall be withheld by the Market Administrator from the sale of producers' milk from April 1 through June 30, $0.30 per hundredweight of Class I milk. This fund shall be distributed by the Market Administrator for the months October through February in the following percentages:

Delivery period:	Percentage
October	12½
November	25
December	25
January	25
February	12½

(2) The fund shall be distributed by the Market Administrator by the addition of the prescribed percentage for each month, October through February, to the producer payrolls under his supervision. The Market Administrator shall divide the percentage of the fund to be distributed for each month by the total amount of Class I milk in pounds in the market during each of the months, October through February, and each producer's share shall be determined by the total amount of Class I milk in pounds delivered to the Tri-State Market by that producer for each of the months, October through February.

6. Supplement and amend § 972.46 as follows:

a. Amend title to read as follows:

§ 972.46 *Prices for Class I, Class II and Class III Milk disposed of outside the marketing area or disposed of within the marketing area but outside of District in which produced.*

b. Retain present § 972.46 as paragraph (a).

c. Add new paragraph (b) as follows:

(b) The prices of Class I, Class II, and Class III milk, which milk is produced and processed in one district of the Tri-State Marketing Area and is moved to another district within said marketing area for disposal as a finished dairy product by any producer, producer-handler, distributor-handler or processor, shall be those applicable, respectively, pursuant to §§ 972.41 through 972.43 to Class I, Class II, and Class III milk in the district where disposed.

Proposed by handlers in the Huntington and Gallipolis Districts of the marketing area:

7. Delete § 972.7 and substitute therefor as follows:

§ 972.7 *Fluid milk plant.* "Fluid milk plant" means a plant (a) out of which a route is operated wholly or partially within the marketing area, or (b) having its entire dairy farm supply of milk produced under health requirements equivalent to those applicable to dairy farm supplies of a plant(s) described under paragraph (a) of this section and moving 50 percent or more of its total receipts of skim milk and butterfat to the latter plant(s): *Provided*, That in neither paragraph (a) nor (b) of this section shall "fluid milk plant" mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

8. Insert a new section as follows:

§ 972.19 Any handler located within the Tri-State Marketing Area and who operates a milk route wholly or partially beyond the limits of the District in which its processing plant is located shall pay for such products sold beyond the limits of its District the class prices then prevailing in the District in which said products are sold.

9. Delete § 972.41 (b) in its entirety.

10. Delete § 972.71 and substitute therefor as follows:

§ 972.71 *Expense of administration.* As his prorata share of the expense incurred pursuant to § 972.22 (d) each handler shall pay the market administrator, on or before the 13th day after the end of each delivery period, 3 cents per hundredweight, or such lesser amount as the Secretary may prescribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period with respect to all receipts within the delivery period, of producer milk (including such handler's own production) and other source milk at his fluid milk plant classified as Class I milk pursuant to § 972.31 (a) (1) and Class II milk: *Provided*, That an association of producers shall pay such pro rata share of expense of administration on producer milk with respect to which it is a handler.

Proposed by the Imperial Ice Cream Division, Fairmont Foods Company:

11. Amend § 972.31 as follows:

a. Delete paragraph (a) (1) and substitute therefor:

(1) Disposed of in fluid form as milk, skim milk (except as provided in paragraph (d) (2), (3), (4) and (5) of this section) or flavored milk or flavored drink; and

b. Add to paragraph (a) (2) "or Class IV."

c. Delete paragraph (c) (2) and (3).

d. Add paragraph (d) to read as follows:

(d) Class IV milk shall be all skim milk and butterfat:

(1) Used to produce a milk product in a way other than specified in paragraph (a) (1), (b) or (c) of this section.

(2) Used or sold for the manufacture of butter or American type cheese.

(3) Used or sold for the manufacture of skim milk powder.

(4) Skim milk dumped or disposed of for livestock feeding as skim milk or butter milk.

(5) Disposed of as bulk skim milk to any manufacturer of candy, soup, or bakery products who does not dispose of milk in fluid form.

12. Delete all of § 972.43 and substitute therefor the following:

§ 972.43 *Class III milk prices.* Subject to the provisions of §§ 972.44 through 972.47, the minimum price per hundred on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class III milk shall be computed to the nearest cent by the Market Administrator pursuant to paragraph (a) of this section.

(a) The average of the basic (or fluid) prices per hundredweight reported to have been paid or to be paid for use in a non-fluid milk plant for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places from which the Market Administrator may be able to ascertain and calculate the price.

Present Operators and Location

Moores & Ross Dietetic Laboratories, Athens, Ohio.

Pickaway Dairy Co-op. Association, Circleville, Ohio.

United Dairy Company, Barnesville, Ohio.

Carnation Company, Coshocton, Ohio.

The Pickerington Creamery, Inc., Pickerington, Ohio.

13. Add a section to be given a number following § 972.43 as follows:

§ 972.—— *Class IV milk prices.* (a) Butterfat as defined in amended § 972.31 (d) (2) shall be priced on the basis of 92 score butter at Chicago, minus $0.1002 per pound, plus 15 percent and if transferred to another plant for such purposes a hauling allowance of $0.00269 per hundredweight for 40 percent cream for each mile of distance hauled in transfer, by the shortest highway route, between the receiving plant and the plant to which it is transferred shall be deducted not to exceed $0.40 per hundredweight.

(b) Skim milk as defined in amended § 972.31 (c) (3) and (5) shall be priced from the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray and roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture including in such average the quotations published for any fractional part of a previous delivery period which were not published or available for the price determination of such nonfat dry solids for the previous delivery period, deduct $0.0635, multiply by 8.2, deduct $0.1356 per hundredweight handling allowance, and if transferred to another plant for such purposes a hauling allowance of $0.00236 per hundredweight for each mile of distance hauled in transfer, by the shortest highway route, between the receiving plant and the plant to which it is transferred should be deducted, but not to exceed $0.40 per hundredweight.

(c) There shall be no payment for skim milk used or disposed in § 972.31 (d) (4).

Proposed by the Dairy Division, Agricultural Marketing Service:

14. Amend § 972.22 (j) (2) by deleting the word "10th", and inserting in its place "12th".

15. Amend § 972.71 in line 5 by deleting the word "13th", and inserting in its place "15th", and in line 10 by deleting the word "10th", and inserting in its place "12th".

16. Amend § 972.75 in line 14 by deleting the word "13th", and inserting in its place "15th".

17. Make such other changes, amendments or deletions as may be required to make the entire marketing agreement and order conform with any amendment(s) that may result from the hearing.

Copies of this notice of hearing and of the order, as amended, now in effect, may be procured from the Market Administrator, 64 State Street, Gallipolis, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 10, 1954, at Washington, D. C.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-1058; Filed, Feb. 12, 1954; 8:51 a. m.]

[7 CFR Part 975]

[Docket No. AO-179-A-12]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF HEARING AND PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Hollenden, 610 Superior, N. E., Cleveland, Ohio, beginning at 10:00 a. m., e. s. t., February 18, 1954, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendment hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (7 CFR, 975.0 et seq.). The amendment proposed has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic conditions which relate to the proposed amendment, submitted by the Cleveland Milk Market Survey Committee as follows:

Delete the proviso in § 975.63 (b) and substitute therefor a paragraph (c) to read as follows:

(c) Provided that during the months of April, May, and June, 1954 the price per hundredweight for Class IIII milk of 3.5 percent butterfat content shall be the Ohio evaporated price as reported by the U. S. Department of Agriculture for Ohio. The value of the butterfat and skim shall be determined by subtracting the Ohio evaporated price from the Class III price for milk, 3.5 percent butterfat content, as computed pursuant to the butterfat formula as set forth in paragraphs (a) and (b) of this section without regard to the proviso in paragraph (a) of this section, and allocating 50 percent of the difference to the butterfat value and 50 percent to the skim value.

Copies of this notice of hearing and of the order, as amended, now in effect may be obtained from the Market Administrator, 2163 East Second Street, Cleveland 15, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 10th day of February 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-1057; Filed, Feb. 12, 1954; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 401]

FREEDMEN'S HOSPITAL; ADMISSION AND OUT-PATIENT TREATMENT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend the regulations in this part governing admission to Freedmen's Hospital and payment for care and treatment received therein, as indicated below. Interested persons may submit written data, views or arguments in regard to the proposed regulations to the Surgeon General, Public Health Service, Washington 25, D. C. All relevant material received not later than 30 days after the publication of this notice will be considered. The amendments are not intended to be made applicable to in-patients admitted prior to the effective date of the amendments.

Part 401 would be revised to read as follows:

PART 401—ADMISSION AND OUT-PATIENT TREATMENT

Sec.

401.1 Definitions.
401.2 Eligibility for admission, medical care, and treatment.
401.3 Examinations for admission.
401.4 Agreements for payment.
401.5 Advance payments.
401.6 Income schedule for determination of rates.
401.7 In-patient rates; full-pay and part-pay patients.
401.8 Out-patient rates; referred patients.
401.9 Out-patient rates; emergency patients.
401.10 Out-patient rates; clinic patients.
401.11 Rates for X-ray, laboratory, and other special services.
401.12 Rates for unlisted services and drugs or medications not prescribed routinely.
401.13 Patients referred by District of Columbia and local governmental authorities; rates.
401.14 Bureau of Employees' Compensation beneficiaries; rates.
401.15 Modification of rates for extended hospitalization.

AUTHORITY: §§ 401.1 to 401.15, issued under R. S. 2038, as amended; sec. 1, 37 Stat. 172, as amended, sec. 1, 33 Stat. 1190, as amended; 59 Stat. 365, as amended; 32 D. C. Code 317-319, inclusive; Reorg. Plan No. IV, 1940; 5 U. S. C. 133t; Reorg. Plan No. 1, 1953; 18 F. R. 2053, April 11, 1953. Interprets or applies sec. 1, 37 Stat. 172, as amended; sec. 1, 33 Stat. 1190, as amended; 32 D. C. Code 318, 319.

§ 401.1 *Definitions.* As used in this chapter, the following terms shall have the meanings indicated:

(a) "Full-pay patients" are those patients who are responsible for paying the rates set forth in § 401.7 for their care as in-patients at the hospital.

(b) "Part-pay patients" are those patients who, after financial investigation, are found to be unable under the criteria specified in § 401.6, to pay the rates established for full-pay patients, but who are nevertheless able to pay the modified rates established in § 401.7 for their care as in-patients at the hospital.

(c) "Indigent patients" are those patients who, after financial investigation, are found to be unable under the criteria specified in § 401.6 to pay any amount for their care as in-patients at the hospital.

(d) "In-patients" are patients who are hospitalized for the purpose of receiving medical care, treatment, or observation.

(e) "Out-patients" are ambulatory patients who receive medical care or treatment not requiring hospitalization.

(f) "Referred patients" are out-patients referred to the hospital by private physicians as their own patients for X-ray, laboratory, or other special services performed on the prescription or at the request of such private physicians.

(g) "Emergency patients" are out-patients who require medical care or treatment as a result of sudden illness or injury where to delay such care or treatment would imperil the life or safety of the patient. Emergency patients who require hospitalization as in-patients shall be considered as full-pay patients, part-pay patients, or indigent patients as the case may be.

(h) "Clinic patients" are out-patients other than referred or emergency patients.

(i) "Patient day" means a period of twenty-four hours beginning at midnight. In the computation of the time for payment the day of admission into the hospital will be counted and the day of discharge therefrom excluded. Patients admitted and discharged on the same patient day will be charged for one patient day.

§ 401.2 *Eligibility for admission, medical care, and treatment.* Subject to the provisions of § 401.6, all persons in need of hospitalization, medical care, or treatment are eligible for admission to the hospital either as in-patients or out-patients as their medical condition may indicate. Each admission shall be conditioned upon the capacity and facilities of the hospital available to receive and treat the patient.

§ 401.3 *Examinations for admission.* Each applicant for admission as an in-patient may be examined pursuant to the direction of the Superintendent for determination by him or his designee of the eligibility of the applicant for admission under this part.

§ 401.4 *Agreements for payments.* All full-pay and part-pay patients or their responsible representatives will be required to execute an agreement to pay the costs of their hospitalization and other services as specified in this part.

§ 401.5 *Advance payments.* Payments are to be made weekly in advance for in-patient hospitalization, except in those cases where the patient enters the hospital for a definite number of days constituting less than a week. In such cases payment shall be made in advance for the number of days the patient expects to remain in the hospital. However, the Superintendent, or his designee, may waive the requirements of this section in those cases in which he determines that the patient, his responsible representative, or other individual or organization who undertakes the payment for his hospitalization and care, is financially responsible. In such cases, full settlement shall be made as soon as practicable. Requirement for advanced payments prior to admission may be waived in the case of emergency admissions.

§ 401.6 *Income schedule for determination of rates.* The ability of a patient to pay for his hospitalization and other services shall be determined in accordance with the following schedule:

Number in family	Minimum—"A" free	Monthly family income—Part pay							Maximum—"I" full pay
		"B"	"C"	"D"	"E"	"F"	"G"	"H"	
1	$80 or less	$81-$90	$91-$100	$101-$110	$111-$130	$121-$130	$131-$140	$141-$149	$150 or more.
2	$110 or less	111-124	125-138	139-152	153-166	167-180	181-194	195-209	$210 or more.
3	$140 or less	141-159	160-178	179-197	198-216	217-235	236-254	255-274	$275 or more.
4	$170 or less	171-192	193-214	215-236	237-258	259-280	281-302	303-324	$325 or more.
5	$195 or less	196-221	222-247	248-273	274-299	300-325	326-351	352-374	$375 or more.
6	$220 or less	221-249	250-278	279-307	308-336	337-365	366-394	395-419	$420 or more.
7	$245 or less	246-276	277-307	308-338	339-369	370-400	401-431	432-459	$460 or more.
8	$270 or less	271-303	304-336	337-369	370-402	403-435	436-468	469-499	$500 or more.
9	$300 or less	301-334	335-368	369-402	403-436	437-470	471-504	505-534	$535 or more.
10	$330 or less	331-363	364-396	397-429	430-462	463-495	496-528	529-549	$550 or more.

(a) *In-patients.* (1) A patient whose "monthly family income" does not exceed the appropriate minimum shall be considered to be an indigent patient and shall not be charged any amount for his hospitalization and other services.

(2) A patient whose "monthly family income" falls between the appropriate minimum and maximum shall be considered to be a part-pay patient and shall be charged for his hospitalization and other services at the rates set forth in § 401.7.

(3) A patient whose "monthly family income" is not less than the maximum shall be considered to be a full-pay patient and shall be charged from his hospitalization and other services at the rates set forth in § 401.7.

(b) *Out-patients.* (1) A patient whose "monthly family income" does not exceed the appropriate minimum shall not be charged for any treatment in the clinics.

(2) A patient whose "monthly family income" is between the appropriate minimum and maximum shall be charged for services in accordance with the provisions of § 401.10.

(3) A patient whose "monthly family income" is above the appropriate maximum shall not be accepted for treatment in the out-patient clinics.

§ 401.7 *In-patient rates; full-pay and part-pay patients.* Full-pay and part-pay patients shall pay the following rates:

(a) Ward rates per day: The in-patient rates shown below cover hospital services only and are all inclusive except for those items specified under paragraph (c) of this section. They do not include any fees charged by the patient's private physician. The amount to be charged the patient is determined by applying family income shown under § 401.6 to the appropriate legend ("A"–"I") shown in the following schedule of ward rates:

Legend	General hospital				Tuberculosis hospital	
	Adults	Children under 13	Normal newborn	Premature newborn	Adults	Children under 13
"A"	0	0	0	0	0	0
"B"	$2.00	$1.00	0	[illegible]	$1.00	0
"C"	4.00	2.00	0	1.00	2.00	0
"D"	6.00	4.00	$0.50	1.50	[illegible]	$1.00
"E"	8.00	6.00	1.00	2.00	4.00	2.00
"F"	10.00	8.00	1.50	2.50	5.00	3.00
"G"	12.00	10.00	2.00	3.00	6.00	4.00
"H"	14.00	12.00	2.50	4.00	7.00	[illegible]
"I"	16.00	14.00	[illegible]	5.00	10.00	7.00

(b) Private room rates per day: The rate for a private room accommodation in the General Hospital shall be $18.00 a day. This rate covers hospital services only and is all inclusive except for those items specified under paragraph (c) of this section. It does not include any fees charged by the patient's private physician. Patients electing this type of accommodation will be classified as full-pay patients.

(c) There shall be the following extra charges for full-pay and part-pay patients:

(1) New and special drugs not regularly listed in hospital formulary.

(2) Ambulance service, trip within city limits, day or night rates, $5.00 per trip.

(3) Blood or blood derivatives at cost to the hospital.

§ 401.8 *Out-patient rates; referred patients.* Referred patients shall pay for X-ray, laboratory, and other special services in accordance with the schedule set forth in § 401.11.

§ 401.9 *Out-patient rates; emergency patients.* The fee for treatment of emergency patients shall be $3.00 per treatment, but if suturing is required, then the fee shall be $5.00. Emergency patients shall also pay for X-ray, laboratory, and other special services in accordance with the schedules set forth in

§ 401.11. The fee for routinely prescribed drugs and medications shall be $0.50 for each prescription filled. The Superintendent, or his designee, may waive payment of any of the fees prescribed by this section if he determines that the patient is financially unable to pay such fees.

§ 401.10 *Out-patient rates; clinic patients.* The fee for care or treatment of clinic patients shall be $2.00 for each visit to the clinic. This fee will include all X-ray, laboratory, and other special services necessary. The fee for routinely prescribed drugs and medications shall be $0.50 for each prescription filled. The Superintendent, or his designee, may waive payment of any of the fees prescribed in this section if he determines that the patient is financially unable to pay such fees.

§ 401.11 *Rates for X-ray, laboratory, and other special services.* The following rates shall apply to "referred patients" and "emergency out-patients":

(a) *X-ray examinations.*

Abdomen	$10.00
Aerocystogram	8.00
Ankle	8.00
Barium colon enema	25.00
Chest	10.00
Dental	5.00
Elbow	8.00
Femur	8.00
Gastroduodenal series	25.00
Gall bladder with dye	15.00
G. I. complete (stomach, colon, gall bladder)	50.00
Hip	8.00
Jaw	12.00
Knee	8.00
Mastoids	12.00
Pelvis	15.00
Pyelography:	
Retrograde	12.00
Intravenous	25.00
Skull:	
(4 views)	20.00
(2 views)	12.00
Sinuses	12.00
Shoulder extremities	10.00
Spine:	
Complete	35.00
Dorsal	15.00
Lumbar	15.00
Cervical	15.00
Ribs	10.00
Tibia	8.00
Hand or foot	8.00

NOTE 1: Children under 7 years shall be charged one-half the above rates.

NOTE 2: For any X-ray not listed, a reasonable price will be set, using the above table as a guide.

(b) *X-ray therapy.*

1. X-ray therapy, deep:	
Series of 15 to 40 treatments	$25.00
Any additional series	12.00
2. X-ray therapy, superficial:	
Series of 1 to 15 treatments	10.00
Any additional series	5.00

(c) *Bacteriological examinations.*

Agglutination tests	$5.00
Bacterial culture	6.00
Bacterial culture with animal inoculation	10.00
Blood culture	10.00
Culture for G. C. organisms	5.00
Feces examination (for causative organisms)	10.00
Feces examination (for parasites and ova)	5.00
G. C. smear	$3.00
Antibiotic assay	5.00
Antibiotic sensitivity	5.00
Pneumococcus typing	3.00
Sputum smear	3.00

(d) *Blood chemistry.*

A/G ratio	$10.00
Amylase	5.00
Ascorbic acid	5.00
Bilirubin (Van den Bergh)	3.00
Calcium	5.00
Chemical examination of blood (creatinine, glucose, nonprotein nitrogen or urea nitrogen, uric acid)	20.00
Chlorides	5.00
Cholesterol	3.00
CO_2 combining power	5.00
Galactose tolerance	5.00
Glucose tolerance	10.00
Icterus index	2.00
Lipase determination	5.00
Nonprotein nitrogen	5.00
Phosphatase	5.00
Phosphorus	5.00
Proteins (Kjaldahl)	5.00
Prothrombin	5.00
Spinal fluid proteins	3.00
Sugar, blood	5.00
Sulphonamide determination	5.00
Thiocynante	2.00
Urea clearance	10.00
Urea nitrogen	5.00
Uric acid	5.00

(e) *Hematology and urinalysis.*

Bleeding time	$1.00
Blood platelet	3.00
Blood typing	3.00
Blood typing with serology	8.00
Coagulation time	1.00
Complete hemogram (hemoglobin, red and white, sed. rate, hematocrit, and differential)	5.00
Differential count	3.00
Hemoglobin estimation	1.00
Red and white blood count	3.00
Reticulocyte count	3.00
Sedimentation rate and hematocrit	3.00
Sickle cell determination	2.00
Urinalysis	2.00

(f) *Serology.*

Cephalin cholesterol	$5.00
Cold agglutination test	5.00
Colloidal gold on spinal fluid	5.00
Colloidal gold on spinal fluid with Kahn test	8.00
Serologic test for syphilis	5.00

(g) *Miscellaneous.*

Basal metabolism	$5.00
Bronchoscopic examination	5.00
Cystoscopic examination	15.00
Electrocardiography	5.00
Use of plaster room	10.00
Gastric analysis	3.00
Pneumothorax	1.00

§ 401.12 *Rates for unlisted services and drugs or medications not prescribed routinely.* Laboratory or other special services for which rates are not specifically prescribed in this part and drugs and medications other than those prescribed routinely shall be paid for at rates based on the cost of materials, personal services and equipment involved as determined by the Superintendent: *Provided*, That such rates shall be comparable to pertinent rates prescribed in this part.

§ 401.13 *Patients referred by District of Columbia and local governmental authorities; rates.* (a) In-patients who are referred and certified to the hospital by the District of Columbia as indigent resident patients of the District shall not be required to pay for their hospitalization. In such cases, the District of Columbia will make payment to the hospital for such patients at the rate approved by the Bureau of the Budget as the reimbursable rate for in-patient treatment and care payable by the District of Columbia to Freedmen's Hospital Part-pay resident in-patients of the District who are referred and certified to the hospital by the District of Columbia shall pay charges as indicated by the District for their hospitalization, which charge shall include all X-ray, laboratory, and other special services. In such cases the District will pay the full amount approved by the Bureau of the Budget and the amount collected from the part-pay patient by the hospital will be refunded to the District of Columbia on a quarterly basis.

(b) Out-patients determined to be indigent residents of the District of Columbia shall not be required to pay for clinic services, prescriptions filled, X-ray, laboratory, and other special services. In such cases the District of Columbia will make payment to the hospital for such patients at the rate approved by the Bureau of the Budget as the reimbursable rate for out-patient treatment and care payable by the District of Columbia to Freedmen's Hospital.

(c) The Superintendent of Freedmen's Hospital is authorized, with the approval of the Surgeon General and the Secretary of Health, Education, and Welfare, to enter into arrangements with county or other local governmental authorities other than the District of Columbia under which such authorities will reimburse the hospital for the care of persons residing within their respective jurisdictions, and referred by them to the hospitals as indigent or part-pay patients, at rates not less than those applicable to the care of persons referred by the District of Columbia in accordance with paragraph (a) of this section: *Provided*, That if the maximum rate of reimbursement which any such local governmental authority is authorized to pay under legal restrictions in effect on July 1, 1953, is less than the rate applicable to the District of Columbia, then the maximum rate legally payable by such authority may be accepted.

§ 401.14 *Bureau of Employees' Compensation beneficiaries; rates.* Federal employees who are beneficiaries of the Bureau of Employees' Compensation, Department of Labor, shall not be charged for hospitalization and other services which they receive at the hospital pursuant to the authorization and request of said Bureau.

§ 401.15 *Modification of rates for extended hospitalization.* In those cases where it is found that a patient must be hospitalized for a long term and in which the patient or his responsible representative is found, upon investigation, to be unable to pay for care for the full period of hospitalization required, the Superintendent is authorized to reduce the rates otherwise payable in accordance with §§ 401.6, and 401.7 or to continue to render hospital services at no charge. Reduced rates shall not go into effect until after the first 21 days of hospitalization. The Superintendent shall establish the effective date of the reduced rate in each case.

[SEAL] DAVID E. PRICE,
Surgeon General.

Approved: February 8, 1954.

OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-1043; Filed, Feb. 12, 1954; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

TWO AND ONE-QUARTER PERCENT TREASURY BONDS OF 1954–56

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding 2¼ percent Treasury Bonds of 1954–56, dated July 22, 1940, due June 15, 1956, are hereby called for redemption on June 15, 1954, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

FEBRUARY 9, 1954.

[F. R. Doc. 54-1052; Filed, Feb. 12, 1954; 8:50 a. m.]

TWO AND ONE-QUARTER PERCENT TREASURY BONDS OF 1952–55

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding 2⅛ percent Treasury Bonds of 1952–55, dated February 25, 1942, due June 15, 1955, are hereby called for redemption on June 15, 1954, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

FEBRUARY 9, 1954.

[F. R. Doc. 54-1053; Filed, Feb. 12, 1954; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19281, Amdt.]

LOUISE BARBARA RICHTER KEHL ET AL.

In re: Interest in real property owned by Louise Barbara Richter Kehl and others.

Vesting Order 19281, dated April 14, 1953, is hereby amended as follows and not otherwise:

By deleting subparagraph 1 as set forth in Vesting Order 19281 and substituting therefor the following:

1. That Louise Barbara Richter Kehl, Gottlieb Richter and Richard Albert, also known as Richard Albert Richter, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

All other provisions of said Vesting Order 19281 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 9, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 54-1049; Filed, Feb. 12, 1954; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 7]

MISSOURI BASIN PROJECT, MEEKER CANAL, FRENCHMAN-CAMBRIDGE DIVISION

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

JANUARY 29, 1954.

1. *Water rental.* Irrigation water will be furnished, when available, on a rental basis on approved applications for temporary water service during the irrigation season 1954 (May 1 to October 15, inclusive) to the irrigable lands that were eligible to receive water from the Meeker Canal as defined by the Nebraska Department of Roads and Irrigation for the 1951 irrigation season as described below:

SIXTH PRINCIPAL MERIDIAN

T. 2 N., R. 29 W.,
Section 3, SE¼SW¼, SW¼SW¼, NW¼SW¼.
Section 4, NW¼SE¼, NE¼SE¼, SE¼SE¼, SW¼SE¼, SW¼SW¼.
Section 5, W½NE¼NW¼, S½NW¼, SE¼, SW¼, NW¼NW¼.
Section 6, SE¼, SW¼, E½NE¼NW¼, NE¼.
Section 7, NE¼NW¼, SE¼SW¼, SW¼SW¼, NW¼SW¼, NE¼SW¼.
Section 8, NW¼NE¼, NE¼NE¼, NE¼NW¼, SE¼NW¼, SW¼NW¼, NW¼NW¼.
Section 9, NW¼NW¼.
Section 18, NW¼NW¼, SW¼NW¼.
T. 3 N., R. 29 W.,
Section 32, SW¼SW¼.
T. 2 N., R. 30 W.,
Section 1, SE¼SE¼, NW¼SE¼, SW¼SE¼, NE¼SW¼, SE¼SW¼.
Section 2, NE¼NW¼.
Section 11, SE¼SE¼, SW¼SE¼, NW¼SE¼, NE¼SE¼.
Section 12, NE¼SE¼, SE¼SE¼, NW¼SE¼, SW¼SE¼, NE¼SW¼, NW¼SW¼, SW¼SW¼, SE¼SW¼, NE¼NW¼, NW¼NW¼.
Section 13, NW¼NE¼, SW¼NE¼, NE¼NE¼, SE¼NE¼, SE¼NW¼, NE¼NW¼, NW¼NW¼.
T. 3 N., R. 30 W.,
Section 28, SW¼SE¼, SE¼SW¼, SW¼SW¼.
Section 29, Lot 8 (N½SE¼), NW¼SW¼.
Section 30, NW¼NW¼, NE¼NW¼, SE¼NW¼.
Section 33, NW¼NE¼, NE¼NE¼.
Section 34, N½SE¼, SE¼NE¼, SW¼NE¼, SE¼NW¼, SW¼NW¼.
Section 35, SE¼SW¼.
T. 3 N., R. 31 W.,
Section 23, SE¼NE¼.
Section 24, NE¼SW¼, SW¼SE¼, SE¼SE¼.

2. For each farm unit for which water is requested, a water rental charge of $3.50 per irrigable acre for each irrigable acre in the farm unit will be paid in advance of the delivery of water. Payment of this charge shall entitle the applicant to a pro rata share of all water available from the natural flow of the river, but not in excess of the amount nor the rate of diversion permitted under the laws of the State of Nebraska.

3. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

4. The United States does not guarantee to deliver any fixed amount of water and will not be liable for any shortages of water or any failure to deliver due to any causes whatsoever.

5. Applications for water may be made by the landowner or by anyone who presents evidence satisfactory to the District Manager that he is the tenant or lessee of the land for which water is requested, or that he has been authorized by the owner to make a water rental application for such land.

6. Applications for water service and the payments required by this notice will be received at the office of the District Manager, Kansas River District, Bureau of Reclamation, McCook, Nebraska.

R. J. WALTER, Jr.,
Regional Director.

[F. R. Doc. 54-1030; Filed, Feb. 12, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

OWEN BROTHERS STOCKYARDS, MEMPHIS, TENN.

DEPOSTING OF STOCKYARD

It has been ascertained that the Owen Brothers Stockyards, Memphis, Tennessee, originally posted under the name of Guyton Stock Yards on June 25, 1930, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public livestock market. Therefore, notice is given to the owners of the stockyard and to the public that such livestock market is no longer subject to the provisions of the act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not depositing promptly a stockyard which no longer in within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 9th day of February 1954.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 54-1042; Filed, Feb. 12, 1954; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF STRAITS/PACIFIC CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 7090-4, between the member lines of the Straits/Pacific conference, modifies the basic agreement of that conference (No. 7090) by adding additional provisions governing (a) loading commissions; (b) liquidated damages for violation of the agreement and deposits to cover such violations; (c) arbitration of disputes; and (d) expulsion from conference membership of any party for violation of the agreement.

(2) Agreement No. 7661-1, between N. V. Stoomvaart Maatschappij "Nederland" and Koninklijke Rotterdamsche Lloyd n. v., modifies the Nedlloyd Line joint service agreement (No. 7661) by extending the terriorial scope thereof to include the trade between Canadian and United States Atlantic and Pacific Coast ports and Gulf ports and West, South, and East African ports, Madagascar, Maritius and Reunion, Port Said, Cuba, Mexico, Central America, Panama Canal Zone, South America, Caribbean Sea Ports and the West Indies.

(3) Agreement No. 7840-24, between the member lines of the Atlantic (Passenger) Conference modifies the basic agreement of that conference to provide that each member shall deposit with the conference a promissory note in the sum of $25,000 or such other instrument acceptable to the members to guarantee the faithful performance of the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 9, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-1046; Filed, Feb. 12, 1954; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Brunswick Manufacturing Co., Inc., Goodyear Park, Brunswick, Ga., effective 2-5-54 to 2-4-55; 10 learners for normal labor turnover purposes (children's sport jackets).

Colonial Shirt Corp., Woodbury, Tenn., effective 2-5-54 to 8-4-54; 25 learners for plant expansion purposes (dress and sport shirts).

Dale Sportswear Co., 801 Main Street, Honesdale, Pa., effective 2-4-54 to 2-3-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Fashion Frocks, Inc., of Tennessee, Greenville, Tenn., effective 2-16-54 to 2-15-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

M. Fine & Sons Manufacturing Co., Inc., Jeffersonville, Ind., effective 2-1-54 to 1-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Frackville Manufacturing Inc., Schaefferstown, Pa., effective 2-11-54 to 2-10-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas, night shirts, etc.).

J. Freezer & Son, Inc., Radford, Va., effective 2-18-54 to 2-17-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Garrett Garment Corp., 101 North Guilford Street, Garrett, Ind., effective 2-1-54 to 7-31-54; 10 learners for plant expansion purposes (women's smocks).

Garrett Garment Corp., 101 North Guilford Street, Garrett, Ind., effective 2-1-54 to 1-31-55; 10 learners for normal labor turnover purposes (women's smocks).

Hebron Pants Factory, Hebron, Md., effective 2-4-54 to 2-3-55; 5 learners for normal labor turnover purposes (work pants).

Indiana Sportswear Co., Route 119, Homer City Road, Indiana, Pa., effective 2-4-54 to 2-3-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' jackets).

The H. D. Lee Co., 615 North Good Street, Dallas, Tex., effective 2-11-54 to 2-10-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' jeans).

Morehead City Garment Co., Inc., 1504-06 Bridges Street, Morehead City, N. C., effective 2-19-54 to 2-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport and utility shirts).

Oberman Manufacturing Co., Harrison, Ark., effective 2-5-54 to 8-4-54; 20 learners for plant expansion purposes (men's and boys' pants).

Rainbow Sportwear, 429 West Penn Street, Shenandoah, Pa., effective 2-5-54 to 8-4-54; 10 learners for plant expansion purposes (ladies sportswear and dresses).

Rainbow Sportwear, 429 West Penn Street, Shenandoah, Pa., effective 2-5-54 to 2-4-55; 10 learners for normal labor turnover purposes (ladies sportswear and dresses).

American Junior Division, Rhea Manufacturing Co., Bainbridge, Ga., effective 2-3-54 to 8-2-54; 20 learners for expansion purposes (misses sportswear).

Rob Roy Co., Inc., Ridgely, Md., effective 2-13-54 to 2-12-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' shirts).

Rosette Manufacturing Co., Inc., 625 La-Salle Street, Berwick, Pa.; effective 2-16-54 to 2-15-55; 10 learners for normal labor turnover purposes (learners are not authorized to be employed at subminimum wage rates in the production of skirts) (ladies' sportswear and men's pajamas).

Samsons Inc., 122 North Goldsboro Street, Wilson, N. C.; effective 2-9-54 to 2-8-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport and dress shirts).

Savannah Manufacturing Co., Highway 64, Savannah, Tenn., effective 2-1-54 to 1-31-55; 10 learners for normal labor turnover purposes (men's work pants).

Savannah Manufacturing Co., Highway 64, Savannah, Tenn., effective 2-1-54 to 7-31-54; 25 learners for plant expansion purposes (men's work pants).

Southeastern Shirt Corp., 110 Indiana Avenue, LaFollette, Tenn., effective 2-13-54 to 2-12-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sports shirts).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga.; effective 2-1-54 to 7-31-54; 50 learners for plant expansion purposes (work clothing-pants).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga., effective 2-1-54 to 1-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work clothing—pants).

Williamson-Dickie Manufacturing Co., Uvalde, Tex.; effective 2-5-54 to 2-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work clothing—shirts).

Williamson-Dickie Manufacturing Co., Uvalde, Tex.; effective 2-5-54 to 8-4-54; 10 learners for plant expansion purposes (work clothing—shirts).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Chadburn Hosiery Mills, Inc., Siler City, N. C., effective 2-9-54 to 2-8-55; 5 percent of the total number of factory production workers, for normal labor turnover purposes.

J. A. Cline & Son, Inc., Hildebran, N. C.; effective 2-28-54 to 2-27-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Francis-Louise Full-Fashion Mills, Inc., Valdese, N. C.; effective 2-5-54 to 2-4-55; 5 percent of the total number of factory production workers, for normal labor turnover purposes.

Newland Knitting Mills, Inc., Newland, N. C.; effective 2-10-54 to 2-9-55; 5 learners for normal labor turnover purposes.

Standard Hosiery Mills, Inc., Burlington, N. C.; effective 2-5-54 to 2-4-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Cumberland Undergarment Co., Inc., Cumberland, Md.; effective 2-9-54 to 2-8-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' undergarments).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

Altoona Shoe Co., Inc., 201 Cayuga Avenue, Altoona, Pa., effective 2-1-54 to 10-19-54; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes (replacement cetificate).

Robinson Manufacturing Co., Outer West Main, Robinson, Ill., effective 2-5-54 to 2-4-55; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Skippy Footwear Corp., Wayne and Madison Avenue, West Hazleton, Pa.; effective 1-29-54 to 1-28-55; 10 learners for normal labor turnover purposes.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 8th day of February 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-1031; Filed, Feb. 12, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10559, 10560]

GULF COAST BROADCASTING CO. AND BAPTIST GENERAL CONVENTION OF TEXAS

ORDER CONTINUING HEARING

In re applications of Gulf Coast Broadcasting Company, Corpus Christi, Texas, Docket No. 10559, File No. BPCT-723; Baptist General Convention of Texas, Corpus Christi, Texas, Docket No. 10560, File No. BPCT-906; for construction permits for new television broadcast stations.

Upon oral motion with all parties concurring and good cause having been shown:

It is ordered, This 8th day of February 1954, that the further hearing in this proceeding presently scheduled for February 9, 1954, is continued to Friday, February 19, 1954, at 9:30 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1050; Filed, Feb. 12, 1954; 8:49 a. m.]

[Docket Nos. 10861, 10862]

WPTF RADIO CO. AND CAPITOL BROADCASTING CO., INC.

NOTICE CONTINUING HEARING

In re applications of WPTF Radio Company, Raleigh, North Carolina, Docket No. 10861, File No. BPCT-511; Capitol Broadcasting Company, Inc., Raleigh, North Carolina, Docket No. 10862, File No. BPCT-824; for construction permits for new television stations.

By agreement of the parties, and on motion of the Examiner, the hearing in the above matter scheduled for February 19, 1954, at 10:00 a. m., is hereby continued to March 5, 1954, at 10:00 a. m.

Dated: February 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1051; Filed, Feb. 12, 1954; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1520]

ALPINE TRADING CO. AND BASIL ROBINSON

NOTICE OF ORDER DISMISSING APPLICATION FOR SURRENDER OF LICENSE, APPROVING LEASE OF MINOR PROJECT, AND EXTENDING TIME FOR COMPLETION OF CONSTRUCTION OF PROJECT

FEBRUARY, 9, 1954.

Notice is hereby given that on February 8, 1954, the Federal Power Commission issued its order adopted February 3, 1954, in the above-entitled matter, dismissing application for surrender of license, approving lease of minor project, and extending time to and including September 30, 1955, for completion of construction of the project.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1045; Filed, Feb. 12, 1954; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DELEGATIONS OF FINAL AUTHORITY

This section II is effective as of January 18, 1954. This section, together with section I, as amended, supersedes all other notices heretofore issued by the Public Housing Administration. All provisions in such other notices issued prior to February 8, 1954, are hereby revoked.

II. *Delegations of final authority.* A. Powers delegated in this section may not be redelegated, except that any officer or employee to whom powers are delegated in this section is authorized to designate any officer or employee under his supervision to serve in an "acting" capacity, for periods not exceeding 30 days, during his absence. Any officer or employee so designated is authorized to exercise all the powers, duties, and functions, while so acting, that are vested by said section in the officer or employee by whom he is designated.

B. The Deputy Commissioner is authorized to exercise all powers delegated by the Commissioner to any other PHA official and shall serve as Acting Commissioner in the absence of the Commissioner. In the absence of both the Commissioner and the Deputy Commissioner, one of the following officials shall serve as Acting Commissioner: *Provided*, That he shall so serve only in the absence of all the officials above him:

Assistant Commissioner.
Assistant Commissioner for Operations.
Assistant Commissioner for Programs.
General Counsel.
Assistant Commissioner for Administration.

The Acting Commissioner is authorized to exercise all the powers, duties, and functions, while so acting, that are vested in the Commissioner.

C. The following delegations of authority to officials as indicated apply to locally owned low-rent housing under the United States Housing Act of 1937, as amended (42 U. S. C. 1401), and Public

Law 671, 76th Congress (42 U. S. C. 1501):

1. To exercise all powers and authorities vested in the Commissioner in all matters in connection with such housing.

Assistant Commissioner for Operations.
Field Office Directors.

2. To execute Letters of Agreement to Cancel Advance Notes.

Assistant Commissioner for Administration.
Chief, Financing & Securities Section.
Chief, Securities & Investment Unit.

3. To make determinations of prevailing wages or fees under the provisions of section 16 (2) of the United States Housing Act of 1937, as amended, and to make determinations of the applicable job titles, weekly hours of work, and annual wage rates and other benefits of employment such as sick and annual leave for all manual maintenance employees.

Director, Labor Relations Branch.

4. To approve change orders for construction and equipment contracts.

Assistant Directors for Development.
Chiefs, Construction Sections.
Project Engineers.

D. The following delegations of authority to officials as indicated apply to Federally owned low-rent housing under the United States Housing Act of 1937, as amended (42 U. S. C. 1401), and Public Law 671, 76th Congress (42 U. S. C. 1501):

1. To exercise all powers and authorities vested in the Commissioner in all matters in connection with such housing, including the power to act as the representative of the head of the department where contracts require such action.

Assistant Commissioner for Operations.
Field Office Directors.

2. To execute: Contracts for supplies and services (other than personal services); dwelling leases; and amendments thereto.

General Housing Managers.
Housing Managers.

3. To order the publication of advertisements in accordance with General Accounting Office General Regulation No. 109, Revised; to issue Government Bills of Lading (Standard Form 1103); and to execute or approve contracts for the sale or transportation of personal property.

Assistant Commissioner for Administration.
Director, Property and Services Branch.
Chiefs, Personal Property Sections.
General Housing Managers.
Housing Managers.

4. To approve depositaries.

Assistant Commissioner for Administration.
Comptroller.
Deputy Comptrollers.
Chief, Financing & Securities Section.

5. To execute: Contracts and amendments thereto for the purchase and rental of equipment and supplies, for the rental of space, and for the purchase of services other than personal services; and Certificates of Release (Standard Form 97) in connection with the disposition of motor vehicles.

Assistant Commissioner for Administration.
Director, Property & Services Branch.
Chiefs, Personal Property Sections.

6. With respect to Federally operated projects: to accept settlements and to execute releases from civil liability where Government property has been damaged, destroyed, or stolen and full reimbursement therefor is made by the wrongdoers; to approve in writing the compromise of rent claims against tenants or former tenants; and to approve payment of court costs in connection with any claim against tenants or former tenants.

General Housing Managers.
Housing Managers.

E. The following delegations of authority to officials as indicated apply to all public war housing (including defense and homes conversion housing) and veterans housing under Public Law 849, 76th Congress, as amended, and Public Law 139, 82d Congress, as amended (42 U. S. C. 1521 et seq.).

1. To exercise all powers and authorities vested in the Commissioner in all matters in connection with such housing, including the power to act as the representative of the head of the department where contracts require such action.

Assistant Commissioner for Operations.
Field Office Directors.

2. With respect to Federally operated projects: To execute contracts for supplies and services (other than personal services); to execute and cancel dwelling leases; to accept settlements and to execute releases from civil liability where Government property has been damaged, destroyed, or stolen and full reimbursement therefor has been made by the wrongdoers; to approve in writing the compromise of rent claims against tenants or former tenants; and to approve payment of court costs in connection with any claim against tenants or former tenants.

Special Field Representative.
General Housing Managers.
Housing Managers.
Assistant Housing Managers.
Management Aides.

3. To purchase supplies where the amounts do not exceed $25 for any one purchase.

Project Engineers.

4. To act as the representative of the head of the department where contracts require such action.

Assistant Commissioner for Programs.
Deputy Assistant Commissioner for Programs.
Director, Construction Branch.

5. To approve depositaries.

Assistant Commissioner for Administration.
Comptroller.
Deputy Comptrollers.
Chief, Financing and Securities Section.

6. To execute: Contracts and amendments thereto for the purchase and rental of equipment and supplies, for the rental of space, and for the purchase of services other than personal services; and Certificates of Release (Standard Form 97) in connection with the disposition of motor vehicles.

Assistant Commissioner for Administration.
Director, Property & Services Branch.
Chiefs, Personal Property Sections.

7. To order the publication of advertisements in accordance with General Accounting Office General Regulation No. 109, Revised; to issue Government Bills of Lading (Standard Form 1103); and to execute or approve contracts for the sale or transportation of personal property.

Assistant Commissioner for Administration.
Special Field Representative.
Director, Property & Services Branch.
Chiefs, Personal Property Sections.
General Housing Managers.
Housing Managers.
Assistant Housing Managers.
Management Aides.

8. To execute contracts for the sale of trailers or portable shelter units when conducting such sale at the project site.

Personal Property Assistants.

9. To execute stipulations and amendments to leases (land) with respect to increases in land rentals.

Assistant Commissioner for Programs.
Deputy Assistant Commissioner for Programs.
Director, Appraisal Branch.

10. In connection with the operation of the Wichita Trailer Repair Depot: To execute or approve contracts and contract changes in any amount with respect to the repair or alteration of trailers; to execute Government Bills of Lading (Standard Form 1103) and to execute contracts for the transportation of personal property; and to order the publication of advertisements in accordance with General Accounting Office General Regulation No. 109, Revised.

Roger J. Matthews, project engineer.

11. To exercise all the functions of a supervising or contracting officer with respect to all contracts for professional services, planning and construction of improvements, subdivision maps, deeds, permits, easements, lease agreements, disposition, sales, and other similar pertinent documents and to execute the following documents in connection with disposition of those projects listed below:

(a) Contracts of sale, removal or demolition, deeds and transfer documents (other than documents relating to transfers of jurisdiction without reimbursement to other Federal agencies);

(b) Lease cancellations, revisions, and settlements;

(c) Dedications, licenses, permits, and easements;

(d) Contracts with brokers, or others for management and disposition;

(e) Contracts for the services of surveyors and appraisers;

(f) Contracts for advertisements in connection with the disposition of the project or any part thereof; and

(g) All documents necessary to accomplish the transfer, relinquishment, sale, or other disposition of the project or any part thereof including its annexation by a political subdivision.

Cal-4040N	San Diego.
Cal-4092	Do.
Cal-4095B	Do.
Cal-4096	Do.
Cal-4097	Do.
Cal-4099	Chula Vista.
Cal-4151	San Diego.
Cal-4251	Do.
Cal-4252	Chula Vista.
Cal-4253	San Diego.
Cal-4254	Do.
Cal-4255	Do.
Cal-4256	Do.
Cal-4257	Do.
Cal-4258	National City.
Cal-4259	Chula Vista.
Cal-4461	San Diego.
Cal-4462	National City.
Cal-4491	Fallbrook.
Cal-4663	Oceanside.
Cal-4677	San Diego.
Cal-4678	National City.
Cal-4679	San Diego.
Cal-4700	Chula Vista.
Cal-4735	Coronado.
Cal-4737	San Diego.
Cal-4738	Do.
Cal-4782	Do.
Cal-4797	Do.
Cal-4798	Do.
Cal-4852	Oceanside.
Cal-4853	Do.
Cal-4901N	Coronado.
Cal-4902N	San Diego.
Cal-4917N	Do.
Cal-4990N	Fallbrook.
Cal-4996N	San Diego.
Cal-4997N	Do.

Faye W. Hartman, special field representative.
Leo J. O'Brien, realty officer.

F. With respect to the Greendale, Greenhills, and Greenbelt projects, to exercise all the powers vested in the Commissioner under Public Law 65, 81st Congress.

Director, Washington Field Office.
Assistant Director for Management and Disposition, Washington Field Office.

G. The following delegations of authority are made to the officials indicated:

1. To consider, ascertain, adjust, determine and settle claims against the United States not in excess of $1,000 arising out of the acts or omissions of employees, pursuant to the Federal Tort Claims Act (28 U. S. C. 2671-2680).

Assistant Commissioner for Administration (for Central Office Employees).
Comptroller (for Central Office Employees).
Assistant Commissioner for Operations (for Field Office and Project Employees).
Field Office Directors (for Field Office and Project Employees under their jurisdiction).
Field Office Attorneys (for Field Office and Project Employees within the jurisdiction of their Field Office).

2. To accept service of process pursuant to attachment or garnishment proceedings served upon the Public Housing Administration with regard to any debtor-employee of the PHA, to execute all necessary and proper documents required in connection therewith, and appear to testify for the PHA when so ordered by a court of competent jurisdiction and upon proper legal notice.

Assistant Commissioner for Administration.
Comptroller.
Deputy Comptrollers.
Administrative Assistant to the Comptroller.
Assistant Commissioner for Operations (for Field Office and Project Employees).
Field Office Directors (for Field Office and Project Employees under their jurisdiction).
Field Office Attorneys (for Field Office and Project Employees within the jurisdiction of their Field Office).

3. To execute or approve: Contracts for the purchase and rental of equipment and supplies, for the rental of space, for the purchase of services other than personal services, for the sale of transportation of peronal property; contracts for the temporary or intermittent employment for the Central and Field Office of persons or organizations as experts or consultants; and amendments thereto.

Assistant Commissioner for Administration.
Director, Property & Services Branch.

4. To order the publication of advertisements in accordance with General Accounting Office General Regulation No. 109, Revised.

Assistant Commissioner for Administration.
Director, Property & Services Branch.

5. To approve insurance contracts and fidelity bonds and execute endorsements on behalf of the PHA on insurance company checks on which the PHA is a joint payee.

Assistant Commissioner for Programs.
Deputy Assistant Commissioner for Programs.
Director, Management Branch.
Chief, Insurance Section.

6. In the Field offices, to attest all documents requiring attestation and certify that copies of documents, leases, contracts, and other papers are identical with the originals.

Production Control Assistant.
Document Control Clerk.
Field Office Attorney, Washington Field Office.
Secretary to the Field Office Attorney, Washington Field Office.

7. In the Central Office, to attest all documents requiring attestation and certify that copies of documents, leases, contracts, and other papers are identical with the originals.

Director, Production and Document Control Branch.
Assistant Director, Production and Document Control Branch.
Director, Property & Services Branch.
Elmer F. Gustavson, Property & Services Branch.
Administrative Assistant to the Legal Division.

8. With respect to notes and lien instruments: To execute releases and quitclaim deeds of the Government's interests; to execute contracts with agents for the servicing of such instruments; to take appropriate action for the enforcement of compliance with the terms and conditions of such instruments; to execute contracts for appraisals and surveys; to execute amendments to such instruments; to approve or disapprove budgets or other documents required by such instruments to be submitted for approval by the Commissioner or by the PHA; to sell and assign such instruments; and to order the publication of advertisements in accordance with General Accounting Office General Regulation No. 109, Revised.

Assistant Commissioner for Programs.
Deputy Assistant Commissioner for Programs.
Director, Mortgage Servicing Branch.

9. To draw checks on depositary banks against the accounts of local authorities and to execute any certificates required in connection therewith.

Assistant Commissioner for Administration.
Comptroller.

Date approved: February 8, 1954.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 54-1032; Filed, Feb. 12, 1954; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24 NY-3576]

APARTMENT OWNERS, INC.

ORDER TRANSFERRING HEARING

FEBRUARY 9, 1954.

The Commission having, by order of February 5, 1954, pursuant to Rule 223 of the General Rules and Regulations under the Securities Act of 1933, directed that a public hearing be held on February 17, 1954, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C., for the purpose of taking evidence on the matters specified therein; and

The offices of Apartment Owners, Inc. and the residences of its officers being in New York, New York, and it appearing to the Commission that, with due regard for the convenience and necessity of the parties, such hearing should be held at the offices of the Commission in New York, New York;

It is hereby ordered, That the hearing be transferred from the offices of the Commission in Washington, D. C., to the New York Regional Office of the Commission, 42 Broadway, New York, N. Y., to be commenced on February 17, 1954, at 10:00 a. m., e. s. t.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1034; Filed, Feb. 12, 1954; 8:46 a. m.]

[File No. 70-3192]

CENTRAL AND SOUTH WEST CORP. ET AL.

NOTICE OF FILING OF APPLICATION-DECLARATION FOR ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT

FEBRUARY 9, 1954.

In the matter of Central and South West Corporation, Central Power and Light Company, Southwestern Gas and Electric Company; File No. 70-3192.

Notice is hereby given that Central and South West Corporation ("Central"), a registered holding company, and its public-utility subsidiaries, Central Power and Light Company ("Power and Light") and Southwestern Gas and

Electric Company ("Southwestern"), all of whose common stocks are owned by Central, have filed with this Commission a joint application-declaration pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-50 (a) (3) of the rules and regulations promulgated thereunder with respect to proposed transactions which are summarized as follows:

A. Power and Light proposes:

(1) To amend its Charter to increase the total number of authorized shares of its common stock, par value $10 per share, from 2,697,300 shares to 3,197,300 shares.

(2) To issue and sell 500,000 shares of its common stock, par value $10 per share, to Central for the sum of $5,000,000 cash.

B. Southwestern proposes to issue and sell 200,000 shares of its common stock, par value $10 per share, to Central for the sum of $2,000,000 cash.

C. Central proposes to purchase and pay for the 500,000 shares of common stock of Power and Light and the 200,000 shares of common stock of Southwestern, upon the terms stated in the foregoing paragraphs A (2) and B, respectively, except that said purchases are not interdependent. It is contemplated that the proposed transactions will be consummated on or about March 10, 1954, or within thirty days thereafter.

Applicants-declarants state that the proposed issue and sale of said shares of common stock by Power and Light and Southwestern to Central are necessary to finance, in part, the cost of the construction programs of the respective subsidiary companies.

The proposed purchase of the said shares of stock of Power and Light and Southwestern by Central will be financed with the proceeds of one or more borrowings, aggregating not to exceed $7,000,000 in principal amount, proposed to be made by Central from The First National Bank of Chicago, Bankers Trust Company, The Chase National Bank of the City of New York, Harris Trust and Savings Bank and Equitable Security Trust Company pursuant to the terms of a Loan Agreement dated as of December 17, 1953, between Central and said Banks, and in accordance with the Commission's order dated December 18, 1953 (File No. 70-3150).

Applicants-declarants state that no State commission or Federal commission, other than this Commission, has jurisdiction with respect to any of the proposed transactions.

No fees, commissions or other remuneration will be paid in connection with the proposed transactions. The estimated expenses of Central in connection with its proposed acquisition of securities will be nominal. The estimated expenses of Power and Light and Southwestern will amount to $6,500 and $3,000, respectively.

Applicants-declarants request that the Commission's order herein issue not later than March 5, 1954, and that said order become effective upon issuance.

Notice is further given that any interested person may, not later than February 23, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which be desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 23, 1954, such joint application-declaration as filed or as amended, may be granted, or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1033; Filed, Feb. 12, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28909]

COAL FROM KENTUCKY, TENNESSEE AND VIRGINIA TO SOUTH CAROLINA

APPLICATION FOR RELIEF

FEBRUARY 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Coal, in carloads.

From: Mines in Kentucky, Tennessee and Virginia served by Louisville and Nashville Railroad Company.

To: Points in South Carolina on Hampton and Branchville Railroad.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: Louisville and Nashville Railroad Company, I. C. C. No. A-16745, supp. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1039; Filed, Feb. 12, 1954; 8:47 a. m.]

[4th Sec. Application 28911]

ACETIC ACID AND ANHYDRIDE FROM CHARLESTON, INSTITUTE AND SOUTH CHARLESTON, W. VA., TO COLUMBUS, GA., AND OPELIKA, ALA.

APPLICATION FOR RELIEF

FEBRUARY 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Acetic acid and anhydride, carloads.

From: Charleston, Institute, and South Charleston, W. Va.

To: Columbus, Ga., and Opelika, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1037; Filed, Feb. 12, 1954; 8:46 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 19 NUMBER 32

Washington, Tuesday, February 16, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter E—Production Credit System

[FCA Order 592]

PART 50—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS

ELIGIBILITY

Subparagraphs (1) and (2) of § 50.2 (d) of the Rules and Regulations for Production Credit Associations are hereby amended to read as follows:

(1) A loan to a director of the corporation or to an officer (as distinguished from an employee) of the Farm Credit Administration of Washington, D. C., other than a member of the Federal Farm Credit Board, shall be subject to prior approval by the board of directors of the corporation and by the Director of Production Credit Service.

(2) A loan to an officer, employee, or agent of the corporation or to a member of the Federal Farm Credit Board shall be subject to prior approval by the board of directors of the corporation.

(Sec. 23, 48 Stat. 261, 12 U. S. C. 1131g)

[SEAL] CARL COLVIN, *Acting Governor.*

[F. R. Doc. 54-1071; Filed, Feb. 15, 1954; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-8]

DMO-I-8—ASSIGNMENT OF DEFENSE MOBILIZATION RESPONSIBILITIES TO THE DEPARTMENT OF COMMERCE

By virtue of the authority vested in me pursuant to the National Security Act of 1947, as amended; Reorganization Plan No. 3, effective June 12, 1953; the Defense Production Act of 1950, as amended; Executive Order 10480 of August 15, 1953; the Strategic and Critical Materials Stock Piling Act of 1946, as amended; and in order to facilitate the coordination of Federal policies and programs for current defense activities and readiness for any future mobilization, it is hereby ordered:

1. The Secretary of Commerce will be responsible for the development and administration of preparedness measures relating to those industries assigned to him by Executive Order 10480 and Defense Mobilization Orders I-7 and VII-5. Such preparedness measures should be undertaken within a work program which is consistent with the defense mobilization assumptions and objectives for the Government as a whole. To assure such consistency, the work program will be submitted to the Director of the Office of Defense Mobilization for review.

2. The measures for which the Secretary of Commerce is responsible are as follows:

a. Current administration of the priorities and allocations program under Title I of the Defense Production Act.

b. Development and maintenance of a simplified production control system including the necessary supporting orders and regulations for use in event of stepped-up or all-out mobilization; cooperation with the Office of Defense Mobilization and other appropriate agencies in planning other distribution controls related to those under his jurisdiction.

c. Development of estimates of defense-supporting and civilian requirements and of the materials and facilities needed to supply those requirements under conditions of a stepped-up or all-out mobilization; and the preparation of detailed studies and analyses of potential mobilization deficiencies for such items together with the problems involved in meeting them.

d. Analyses of the problems involved in maintaining an adequate mobilization base in defense-supporting industries and recommendations regarding necessary programs.

e. Current activities relating to the expansion of productive capacity and supply; recommendations for the establishment or modification of expansion goals and the programs needed to meet those goals in order to overcome deficiencies in the mobilization base; screening and making recommendations on requests for rapid tax amortization and

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FEDERAL REGISTER

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conferred upon the Secretary of Commerce.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54–1062; Filed, Feb. 15, 1954; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 722—COTTON

AMENDMENT 1 TO PROCLAMATION OF NATIONAL ACREAGE ALLOTMENT FOR THE 1954 CROP OF UPLAND COTTON AND AMENDMENT 3 TO MARKETING QUOTA REGULATIONS RELATING TO THE 1954 CROP OF UPLAND COTTON

Correction

In F. R. Doc. 54–969, appearing in the issue for Wednesday, February 10, 1954, at page 761, make the following change: In amendatory paragraph d on page 764, the word "or" in line 7 should read "of".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 251]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.668 *Orange Regulation 251*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than February 17, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and, unless sooner terminated, will so continue until February 22; the recommendation and supporting information for continued regulation subsequent to February 16, 1954, and in the manner herein provided, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 9; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Orange Regulation 249 (7 CFR 933.663; 19 F. R. 530), is hereby terminated at 12:01 a. m., e. s. t., February 17, 1954.

(2) During the period beginning at 12:01 a. m., e. s. t., February 17, 1954, and ending at 12:01 a. m., e. s. t., March 1, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box," shall have the same meaning as when used in the revised United States Standards for Florida Oranges (7 CFR 51.1140–1186).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (7 CFR 933.647; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–1102; Filed, Feb. 15, 1954; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—The Renegotiation Board Regulations Under the 1951 Act

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

MINIMUM REFUND

This part is amended by deleting § 1460.5 in its entirety and inserting in lieu thereof the following:

§ 1460.5 *Minimum refund.* Except as hereinafter provided, and in the absence of unusual circumstances, no determination of excessive profits shall be made if such excessive profits before adjustment for State taxes measured by income amount to less than $10,000 with respect to any fiscal year ended on or before December 31, 1951, or less than $20,000 with respect to any fiscal year ended after December 31, 1951. If a determination of excessive profits would be made at or in excess of the applicable minimum amount but for the limitation set forth in section 105 (f) (1) of the act and § 1458.3 (a) of this subchapter, the determination will be made in accordance with such limitation even though the amount of the determination is less than the minimum prescribed by this section. For example, if renegotiable receipts or accruals are $258,000, and excessive profits would be determined as $20,000 but for the statutory limitation that the excessive profits to be eliminated in such case shall not exceed $8,000 (the difference between $258,000 and $250,000) a determination in the amount of $8,000 will be made. In the renegotiation of an affiliated or related group, whether or not consolidated, determinations of excessive profits with respect to individual members of the group may be made in amounts less than the applicable mimimum specified in this section: *Provided*, That the aggregate of the determinations for all members of the group equals or exceeds such applicable minimum. If the fiscal year is a fractional part of twelve months, the applicable minimum specified in this section shall be reduced to the same fractional part thereof. The provisions of this section shall not apply to subcontracts under section 103 (g) (3) of the act.

Dated: February 10, 1954.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54–1069; Filed, Feb. 15, 1954; 8:47 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 13—ALLOCATION AND UTILIZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL PURPOSES AND PUBLIC HEALTH PURPOSES

Sec.
13.1 Definitions.
13.2 Basic policy.

Sec.
13.3 Geographic scope.
13.4 Allocation of donable property.
13.5 Donations of personal property.
13.6 Terms and conditions of donations or transfers.

AUTHORITY: §§ 13.1 to 13.6 issued under sec. 203, 63 Stat. 385, as amended, 40 U. S. C. 484. Sec. 5, Reorg. Plan No. 1 of 1953, 18 F. R. 2053, 5 U. S. C. 133z note.

§ 13.1 *Definitions.* (a) Terms defined in the act and not defined in this section, shall have in this part the meaning given to them in the act.

(b) "Accredited" means approval by a recognized accreditation board or association of Regional, State or National level such as a State Board of Education or Health, State University, National Association of Universities and Colleges, American Hospital Association, etc. A college may be said to be accredited if its credits are accepted for transfer purposes by other colleges or universities not connected or associated with it.

(c) "Act" means the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U. S. C. 471 et seq.) as amended.

(d) "Approved" means the recognition or approval by the State Department of Education, State Department of Health, or other appropriate authority in charge of health or education activities in the State.

(e) "Clinic" means an approved facility organized and operated for the primary purpose of providing out-patient health services and includes the customary related facilities such as laboratories, treatment rooms, etc.

(f) "College" means an approved or accredited institution of higher learning offering organized study courses and credits leading to the baccalaureate or higher degrees.

(g) "Department" means the Department of Health, Education, and Welfare.

(h) "Donable property" means such equipment, materials, books and other personal property as may be available for donation or have been donated or transferred pursuant to the provisions of section 203 (j) of the act and implementing regulations.

(i) "Donee" means an eligible applicant who is a recipient of donable property.

(j) "Educational institution" means an approved or accredited tax-supported or non-profit school system, school, college or university.

(k) "Eligible applicant" means an approved or accredited tax-supported or non-profit medical institution, hospital, clinic, health center, school system, school, college, or university.

(l) "Health Center" means an approved facility utilized by a health unit for the provision of public health services, including related facilities such as laboratories and clinics.

(m) "Hospital" means an approved or accredited institution providing health services primarily for in-patient medical or surgical care of the sick or injured and includes related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an "integral part" of the hospital. For the purpose of this part, the term "hospital" does not include institutions whose primary purpose is the furnishing of domiciliary care.

(n) "Medical institution" means an approved or accredited institution, facility, entity or organization which has for its primary function the provision of medical services, or the promotion of health through the conduct of research, investigations, experiments, training and demonstrations, relating to causes, prevention, and methods of diagnosis and treatment of diseases or injuries; the term includes hospitals, clinics, research and health centers, laboratories, medical, dental, and nursing schools and the like, but does not include those primarily engaged in domiciliary care.

(o) "Need" means the lack or inadequacy of anything desired or useful by eligible applicants in conduct of educational or public health activities.

(p) "Net proceeds" means the revenues realized by authorized disposal of donated personal property less (1) the certified expenses of the recipient in initially acquiring the property, and (2) the authorized costs of disposal.

(q) "Non-profit" used in connection with a medical institution, hospital, clinic, health center, or school, school system, college or university means one which is operated by one or more non-profit corporations or associations, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the Internal Revenue Service to be tax-exempt under the provisions of section 101 (6) of the Internal Revenue Code.

(r) "Personal property" means surplus property of any kind or any interest therein, except: Real property, aircraft which are donable under other current procedures, records of the Federal Government and naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers and submarine; and merchant vessels of 1,500 gross tons or more subject to disposal by the U. S. Maritime Commission.

(s) "School" means an approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, which operates primarily for educational purposes on a full-time basis for the minimum school year required for approval by the State Department of Education and employs a full-time staff of qualified instructors.

(t) "Secretary" means the Secretary or duly authorized delegatee.

(u) "School system" means a group of approved or accredited schools operated under one administrative organization.

(v) "State Agency" means that State Department of Health or Education or such other State agency designated by State law or executive order to accept and distribute donable property to eligible applicants within the State as authorized by section 203 (j) of the act.

(w) "State" means a state of the United States, Alaska, Hawaii, District of Columbia, Puerto Rico, and the Virgin Islands.

(x) "Tax-supported" as used in connection with a medical institution, hospital, clinic, health center, school system, college, or university means one which receives a major portion of its financial support from moneys derived from State or local government revenues.

(y) "University" means an approved or accredited school for instruction and study in the higher branches of learning and which is empowered to confer degrees in special departments or colleges.

§ 13.2 *Basic policy.* It is the policy of the Department to strengthen and encourage the development and expansion of educational and public health programs by the equitable allocation of donable property and the assuring thereafter of its maximum utilization for these purposes only.

§ 13.3 *Georgraphic scope.* This part is applicable to donable personal property located, needed and usable within continental United States, Alaska, District of Columbia, Hawaii, Puerto Rico, and the Virgin Islands.

§ 13.4 *Allocation of donable property.* Allocations of donable property will be made on the basis of need and usability of the property. The following factors will be taken into consideration in effecting equitable allocation of property:

(a) States in greatest need for the type of property to be allocated;

(b) Extraordinary health and educational needs occasioned by emergencies such as fire, floods and other disasters, defense training, and the like;

(c) Location, condition, and transportability of property;

(d) Ability of the eligible applicant or State Agency to meet transportation requirements for accepting the property;

(e) Availability of funds to the eligible applicant or State Agency to accept, pickup and transport the property and in case of a State Agency to warehouse, distribute, care for and handle the property if necessary;

(f) The amount of property of a given type already available to an eligible applicant or State Agency, as the case may be, as compared to the needs of other eligible applicants.

§ 13.5 *Donations of personal property.* (a) Donations of personal property are made by or pursuant to delegations from the Administrator of General Services upon certification by the Department that the property applied for is usable and necessary for educational or public health purposes, including research, and upon a finding that the applicant is eligible to receive such property under the act and regulations issued pursuant thereto.

(b) Donable property will be made available to State Agencies for distribution to eligible applicants except that in states where no State Agency exists, property will be made available directly to eligible applicants or to State Departments of Education or Health for distribution to eligible applicants. Applications for donable property shall be made only on the application form "Application for Surplus Property—Federal Property and Administrative Services Act of 1949, as amended," Form HEW 135 (formerly Form FS–135 Budget Bureau No. 85 R004.1). Sample copies of such application form may be obtained from the Office of the Secretary, Department of Health, Education, and Welfare, Washington 25, D. C., or from any Regional Office of the Department. State Agencies shall promptly distribute donable property to eligible applicants in accordance with the criteria and provisions established in this part and shall require the authorized representative of each such applicant to sign a Form HEW 135 or a warehouse issue sheet or other State Agency document or form containing the equivalent certifications and the same terms and conditions as are set forth in the Form HEW 135.

(c) Retransfers of donable property by donees or State Agencies to other donees or eligible applicants will be made upon the same terms and conditions as are set forth in § 13.6.

§ 13.6 *Terms and conditions of donations or transfers.* (a) All right, title and interest in donable property, except the right to possession, shall remain in the United States until the eligible applicant has executed the application and certifications provided for in § 13.5 (b). State Agencies shall not acquire any title to donable property except where State licensing laws require that title pass in order that State licensing or registration of the property may be effected.

(b) Property acquired by a donee pursuant to this part shall be on a "as is," "where is" basis without warranty of any kind.

(c) The period of restriction has been determined to expire after the property has been used for health or educational purposes for a period of four (4) years.

(d) Property acquired by a donee pursuant to this part will be used only for educational purposes or public health purposes, including research, and for no other purpose and will be placed in use no later than twelve months after acquisition thereof.

(e) The donee, during the period of restriction, will not sell, trade, lease, or otherwise dispose of or encumber this property or remove it for use outside the State without prior approval of the Department. Any sale, trade, lease or other disposal of said property, when such action is authorized by the Department during the period of restriction, shall be for the benefit and account of the United States of America and the net proceeds of such sale, lease, or other disposal or encumbrance shall be received and held in trust for the United States of America and shall be paid promptly to the United States of America.

(f) In the event the property is sold, traded, leased, or otherwise disposed of or encumbered during the period of restriction without prior approval, the donee at the option of the Department shall be liable for the reasonable value of the property at the time of such sale, trade, lease or other disposal as determined by the Department in lieu of being liable for the net proceeds of the disposal, as set forth in paragraph (e) of this section.

(g) In the event donable property is not placed in use within twelve months of receipt as provided in paragraph (d) of this section, the donee will promptly notify the Department in writing through the appropriate State Agency. Title and the right to the possession of such property not so placed in use within the above-mentioned period shall promptly revert to the United States of America, and upon demand the applicant will release such property to such person as the Department or its designee shall direct.

(h) During the period of restriction, property which is not suitable, usable or no longer needed by the donee for the purposes for which obtained by it will be subject to retransfer by the donee to such other educational or public health user, as may be authorized by the Department or its designee, or, if such property is not desired by other educational or public health applicants, it will be sold upon authorization for the benefit and account of the Government. Net proceeds from such sales will be remitted to the Department, payable to the Treasurer of the United States, except in those instances in which the Department or its designee determines that the Government's administrative costs in connection with receipt thereof will exceed such net proceeds. At the option of the Department, or its designee, the donee will be permitted to pay the fair value as determined by the Department for the property and thereby secure abrogation of the restrictions set forth in paragraphs (c), (d), (e), (f), (g) of this section and this paragraph.

(i) State Agencies and donees will make such reasonable reports on the use, condition, and location of donable property and on other pertinent matters as the Secretary shall from time to time require.

(j) So long as title to donable property remains in the United States, State Agencies and/or donees will be responsible, as a bailee for mutual benefit, for such property from the time the property is released to such State Agency or donee, or their agents, or to a transportation agency designated by such State Agency or donee; and that in the event of any loss of, or damage to, any or all of such property, they will file such claim and/or institute and prosecute to conclusion such proceedings as may be necessary to recover, for the account of the United States of America, the fair value of such property lost or damaged.

(k) The Secretary may also prescribe such other terms and conditions as are deemed necessary or desirable.

Dated: February 10, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54–1070; Filed, Feb. 15, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 201]

OUTER CONTINENTAL SHELF

OIL AND GAS AND SULPHUR LEASES AND OPERATIONS

NOTE: In the notice of proposed regulations appearing at page 790 of the issue for Thursday, February 11, 1954, the following forms (referred to in § 201.24) were inadvertently omitted.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Cash bonus _____ Office _____
Rental rate _____ Serial No. _____
Minimum royalty rate _____
Royalty rate _____

OIL AND GAS LEASE OF SUBMERGED LANDS UNDER THE OUTER CONTINENTAL SHELF LANDS ACT

This indenture of lease entered into as of _____, 19__, by and between the United States of America, hereinafter called the lessor, by the Director, Bureau of Land Management, and _____

_____

hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 30 U. S. C., sec. — et seq.), hereinafter referred to as the act, and to all lawful and reasonable regulations of the Secretary of the Interior (hereinafter referred to as the Secretary) when not inconsistent with any express and specific provisions herein, which are made a part hereof:

WITNESSETH:

SECTION 1. *Rights of lessee.* That the lessor, in consideration of a cash bonus and of the rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, does hereby grant and lease to the lessee the exclusive right and privilege to drill for, mine, extract, remove and dispose of all oil and gas deposits except helium gas in or under the following-described area of the outer Continental Shelf (as that term is defined in the act):

_____

containing _____ acres, more or less (hereinafter referred to as the leased area), together with:

(a) The non-exclusive right to conduct within the leased area geological and geophysical explorations which are not unduly harmful to aquatic life;

(b) The right to drill water wells within the leased area and use free of cost, and to dispose of, water produced from such wells; and

(c) The right to construct or erect and to maintain within the leased area all artificial islands, fixed structures, sea walls, docks, dredged channels and spaces, buildings, plants, telegraph or telephone lines and

cables, pipelines, reservoirs, tanks, pumping stations, and other works and structures necessary or convenient to the full enjoyment of the rights granted by this lease, for a period of 5 years and as long thereafter as oil or gas may be produced from the leased area in paying quantities, or drilling or well reworking operations, as approved by the Secretary, are conducted thereon; subject to any unitization or pooling agreement heretofore or hereafter approved by the Secretary which affects the leased area or any part thereof, the provisions of such agreement to govern the leased area or part thereof subject thereto where inconsistent with the terms of this lease.

SEC. 2. *Obligations of lessee.* In consideration of the foregoing, the lessee agrees:

(a) *Bonds.* To maintain at all times the bond required prior to the issuance of this lease and to furnish such additional security as may be required by the lessor if, after operations or production have begun, the lessor deems such additional security to be necessary.

(b) *Cooperative or unit plan.* Within 30 days after demand, to subscribe to and to operate under such reasonable cooperative or unit plan for the development and operation of the area, field, or pool, or part thereof, embracing lands included herein as the Secretary may determine to be practicable and necessary or advisable, which plan shall adequately protect the rights of all parties in interest, including the United States.

(c) *Wells.* (1) To drill and produce such wells as are necessary to protect the lessor from loss by reason of production on other properties or, in lieu thereof, with the consent of the oil and gas supervisor, to pay a sum determined by the supervisor as adequate to compensate the lessor for failure to drill and produce any such well. In the event that this lease is not being maintained in force by other production of oil or gas in paying quantities or by other approved drilling or reworking operations, such payments shall be considered as the equivalent of production in paying quantities for all purposes of this lease.

(2) After due notice in writing, to drill and produce such other wells as the Secretary may reasonably require in order that the leased area or any part thereof may be properly and timely developed and produced in accordance with good operating practice.

(3) At the election of the lessee, to drill and produce other wells in conformity with any system of well spacing or production allotments affecting the area, field, or pool in which the leased area or any part thereof is situated, which is authorized or sanctioned by applicable law or by the Secretary.

(d) *Rentals and royalties.* (1) To pay rentals and royalties as follows:

Rentals. To pay the lessor on or before the first day of each lease year commencing prior to a discovery of oil or gas on the leased area, a rental of ------ per acre or fraction thereof.

Minimum royalty. To pay the lessor in lieu of rental at the expiration of each lease year commencing after discovery a minimum royalty of ------ per acre or fraction thereof or, if there is production, the difference between the actual royalty paid during the year and the prescribed minimum royalty, if the actual royalty paid is less than the minimum royalty.

Royalty on production. To pay the lessor a royalty of ------ percent in amount or value of production saved, removed, or sold from the leased area. Gas of all kinds (except helium, and gas used for purposes of production from the leased area or unavoidably lost) is subject to royalty.

(2) It is expressly agreed that the Secretary may establish reasonable minimum values for purposes of computing royalty on products obtained from this lease, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, or area, to the price received by the lessee, to posted prices, and to other relevant matters and, whenever appropriate, after notice and opportunity to be heard.

(3) When paid in value, such royalties on production shall be due and payable monthly on the last day of the calendar month next following the calendar month in which the production is obtained. When paid in production, such royalties shall be delivered at pipeline connections or in tanks provided by the lessee. Such deliveries shall be made at reasonable times and intervals and, at the lessee's option, shall be effected either (i) on or immediately adjacent to the leased area, without cost to the lessor, or (ii) at a more convenient point closer to shore or on shore, in which event the lessee shall be entitled to reimbursement for the reasonable cost of transporting the royalty substance to such delivery point. In no case shall the lessee be required to hold royalty oil or other liquid products in storage beyond the last day of the calendar month next following the month in which produced nor be responsible or held liable for the loss or destruction of royalty oil or other liquid products in storage from causes over which the lessee has no control.

(4) Rentals or minimum royalties may be waived, suspended, or reduced and royalties on the entire leasehold or any deposit, tract, or portion thereof segregated for royalty purposes may be reduced if the Secretary finds that, for the purpose of increasing the ultimate recovery of oil or gas and in the interest of conservation of natural resources, it is necessary, in his judgment, to do so in order to promote development, or because the lease cannot be successfully operated under the terms fixed herein.

(e) *Payments.* Unless otherwise provided by regulation or directed by the Secretary, to make rental, royalty, or other payments to the lessor, to the order of the Treasurer of the United States, and to tender such payments to the oil and gas supervisor, Geological Survey.

(f) *Contracts for disposal of products.* To file with the oil and gas supervisor, Geological Survey, not later than 30 days after the effective date thereof, any contract or evidence of other arrangement for the sale or disposal of lease products. Nothing in any such contract or other arrangements shall be construed as modifying any of the provisions of this lease, including, but not limited to, provisions relating to gas waste, taking royalty in kind, and the method of computing royalties due as based on a minimum valuation and in accordance with the regulations applicable to this lease.

(g) *Statements, plats, and reports.* At such times and in such form as the lessor may prescribe, to furnish detailed statements and reports showing the amounts and quality of all products saved, removed, and sold from the leased area, the proceeds therefrom, and the amount used for production purposes or unavoidably lost; also a plat showing development work and improvements on or with regard to the leased area, and a report with respect to stockholders.

(h) *Inspection.* To keep open at all reasonable times for the inspection of any duly authorized representative of the lessor, the leased area and all wells, improvements, machinery and fixtures thereon and all books, accounts and records relative to operations and surveys or investigations on or with regard to the leased area or under the lease.

(i) *Diligence; prevention of waste, health and safety of workmen.* To exercise reasonable diligence in drilling and producing the wells herein provided for; to carry on all operations in accordance with approved methods and practices as provided in the operating and conservation regulations for the outer Continental Shelf, having due regard for the prevention of waste of oil or gas or damage to deposits or formations containing oil, gas, or water or to coal measures or other mineral deposits, for conservation of gas energy, for the preservation and conservation of the property for future productive operations, and for the health and safety of workmen and employees; to plug properly and effectively all wells drilled in accordance with the provisions of this lease before abandoning the same; to remove all structures when no longer required for operations under the lease to sufficient depth beneath the surface of the waters to prevent them from being a hazard to navigation; to carry out at expense of the lessee all lawful and reasonable orders of the lessor relative to the matters in this paragraph, and that on failure of the lessee so to do the lessor shall have the right to enter on the property and to accomplish the purpose of such orders at the lessee's cost: *Provided*, That the lessee shall not be held responsible for delays or casualties occasioned by causes beyond the lessee's control.

(j) *Wages, freedom of purchase.* To accord all workmen and employees directly engaged in any of the operations under this lease complete freedom of purchase, and to pay all wages due such workmen and employees at least twice each month in the lawful money of the United States.

(k) *Nondiscrimination.* Not to discriminate against any employee, or applicant for employment, because of race, creed, color or national origin, and to require an identical provision to be included in all sub-contracts relating to operations under this lease.

(l) *Assignment of lease.* To file for approval with the Director, Bureau of Land Management, within 90 days from the date of final execution, any instrument of transfer of this lease, or any interest therein, including, without limitation, assignments of record title, working or overriding royalty interests, operating agreements and subleases, such instrument to take effect upon approval by the Director, Bureau of Land Management, as of the first day of the lease month following the date of filing unless at the request of the parties an earlier date is specified in the Director's approval.

(m) *Overriding royalties.* Not to create overriding royalties in excess of those authorized by regulation.

SEC. 3. *Reservations to lessor.* The lessor reserves:

(a) *Geological and geophysical exploration; rights-of-way.* The right to authorize the conduct of geological and geophysical exploration in the leased area which does not interfere with or endanger actual operations under this lease, and the right to grant such easements or rights-of-way, upon, through, or in the leased area as may be necessary or appropriate to the working of other lands containing the deposits described in the act, and to the treatment and shipment of products thereof by or under authority of the United States, its lessees or permittees, and for other public purposes, subject to the provisions of section 5 (c) of the act where they are applicable and to all lawful and reasonable regulations and conditions prescribed by the Secretary thereunder.

(b) *Leases of sulphur and other mineral.* The right to grant sulphur leases and leases of any mineral other than oil, gas, and sulphur within the leased area or any part thereof, subject to the provisions of section 8 (c), 8 (d), and 8 (e) of the act and all lawful and reasonable regulations prescribed by the Secretary thereunder: *Provided*, That no such sulphur lease or lease of other mineral shall authorize or permit the lessee thereunder unreasonably to interfere with or endanger operations under this lease.

(c) *Purchase of production.* In time of war, or when the President of the United States shall so prescribe, the right of first refusal to purchase at the market price all or any portion of the oil or gas produced from the leased area, as provided in section 12 (b) of the act.

(d) *Taking of royalties.* All rights, pursuant to clause (3) of section 8 (b) of the act, to take royalties in the amount or value of production.

(e) *Fissionable materials.* All uranium, thorium, and all other materials determined pursuant to paragraph (1) of subsection (b) of section 5 of the Atomic Energy Act of 1946, as amended, to be peculiarly essential to the production of fissionable materials, contained, in whatever concentration, in deposits in the subsoil or seabed of the leased area or any part thereof, as provided in section 12 (e) of the act.

(f) *Helium.* Pursuant to section 12 (f) of the act, the ownership and the right to extract helium from all gas produced under this lease, subject to such rules and regulations as shall be prescribed by the Secretary of the Interior.

(g) *Suspension of operations during war or national emergency.* Upon recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or President of the United States after August 7, 1953, the authority of the Secretary of the Interior to suspend any or all operations under this lease, as provided in section 12 (c) of the act: *Provided*, That just compensation shall be paid by the lessor to the lessee.

(h) *Restriction of exploration and operations.* The right, as provided in section 12 (d) of the act, to restrict from exploration and operations the leased area or any part thereof which may be designated by and through the Secretary of Defense, with the approval of the President, as, or as part of, an area of the outer Continental Shelf needed for national defense; and so long as such designation remains in effect no exploration or operations may be conducted on the surface of the leased area or the part thereof included within the designation except with the concurrence of the Secretary of Defense; and if operations or production under this lease within any such restricted area shall be suspended, any payments of rentals, minimum royalty, and royalty prescribed by this lease likewise shall be suspended during such period of suspension of operations and production, and the term of this lease shall be extended by adding thereto any such suspension period, and the lessor shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States.

SEC. 4. *Directional drilling.* This lease may be maintained in force by directional wells drilled under the leased area from surface locations on adjacent or adjoining lands not covered by this lease. In such circumstances, drilling shall be considered to have been commenced on the leased area when drilling is commenced on the adjacent or adjoining land for the purpose of directionally drilling under the leased area, and production of oil or gas from the leased area through any directional well surfaced on adjacent or adjoining land or drilling or reworking of any such directional well shall be considered production or drilling or reworking operations (as the case may be) on the leased area for all purposes of this lease. Nothing contained in this paragraph is intended or shall be construed as granting to the lessee any leasehold interests, licenses, easements, or other rights in or with respect to any such adjacent or adjoining land in addition to any such leasehold interests, licenses, easements, or other rights which the lessee may have lawfully acquired under the act or from the lessor or others.

SEC. 5. *Surrender and termination of lease.* The lessee may surrender this entire lease or any officially platted subdivision of the leased area by filing with the Director, Bureau of Land Management, a written relinquishment, in triplicate, which shall be effective as of the date of filing, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to abandon all wells on the area to be relinquished to the satisfaction of the oil and gas supervisor.

SEC. 6 *Removal of property on termination of lease.* Upon the expiration of this lease, or the earlier termination thereof as herein provided, the lessee shall within a period of one year thereafter remove from the premises, except as provided in section 4 (b) of this lease, all structures, machinery, equipment, tools, and materials other than improvements needed for producing wells, and other property permitted by the lessor to be maintained on the leased area.

SEC. 7. *Remedies in case of default* (a) Whenever the lessee fails to comply with any of the provisions of the act or this lease or the applicable regulations in force and effect on the date of issuance of this lease, the lease shall be subject to cancellation as follows:

(1) *Cancellation of non-producing lease.* If, at the time of such default, no well is producing, or is capable of producing, oil or gas in paying quantities from the leased area, whether such well be drilled from a surface location within the leased area or be directionally drilled from a surface location on adjacent or adjoining lands, this lease may be cancelled by the Secretary (subject to the right of judicial review as provided in section 8 (j) of the act) if such default continues for the period of 30 days after mailing of notice by registered letter to the lessee at the lessee's record post office address.

(2) *Cancellation of producing lease.* If, at the time of such default, any well is producing, or is capable of producing, oil or gas in paying quantities from the leased area, whether such well be drilled from a surface location within the leased area or be directionally drilled from a surface location on adjacent or adjoining lands, this lease may be cancelled by an appropriate proceeding in any United States district court having jurisdiction under the provisions of section 4 (b) of the act if such default continues for the period of 30 days after mailing of notice by registered letter to the lessee at the lessee's record post office address.

(b) *Other remedies.* If any such default continues for the period of 30 days after mailing of notice by registered letter to the lessee at the lessee's record post office address, the lessor may then exercise any legal or equitable remedy which the lessor may have; however, the remedy of cancellation of this lease may be exercised only under the conditions and subject to the limitations set out above in paragraph (a) of this section, or pursuant to section 8 (i) of the act.

(c) *Effect of waiver of default.* A waiver of any particular default shall not prevent the cancellation of this lease or the exercise of any other remedy the lessor may have by reason of any other cause or for the same cause occurring at any other time.

SEC. 8. *Heirs and successors in interest.* Each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

SEC. 9. *Unlawful interest.* No member of, or Delegate to, Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and no officer, agent, or employee of the Department of the Interior, except as provided in 43 CFR 7.4 (a) (1), shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom; and the provisions of section 3741 of the Revised Statutes, as amended (41 U. S. C. sec. 22), and sections 431, 432 and 433 of Title 18 of the United States Code, relating to contracts made or entered into, or accepted by or on behalf of the United States, form a part of this lease so far as the same may be applicable.

THE UNITED STATES OF AMERICA

By ----------

---------- ----------
(Title) (Date)

(Lessee)

IN WITNESS WHEREOF:

(Name and address)

(Name and address)

Witnesses to signature of lessee.

(If this lease is executed by a corporation, it must bear the corporate seal.)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Cash bonus ---------- Office ----------
Rental rate ---------- Serial No. -------
Minimum royalty rate -------
Royalty rate ----------

SULPHUR LEASE UNDER THE
OUTER CONTINENTAL SHELF LANDS ACT

This indenture of lease entered into as of ----------, 19----, by and between the United States of America, hereinafter called the lessor, by the Director, Bureau of Land Management, and ----------

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hereinafter called the lessee, under, pursuant and subject to the terms and provisions of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 30 U. S. C. sec. — et seq.), hereinafter referred to as the Act, which is made a part hereof, and to all lawful and reasonable regulations of the Secretary of the Interior (hereinafter referred to as the Secretary) when not inconsistent with any express and specific provisions herein, which are made a part hereof:

WITNESSETH:

SECTION 1. *Rights of lessee.* That the lessor, in consideration of a cash bonus and of the rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, does hereby grant and lease to the lessee the exclusive right and privilege to mine, remove, and dispose of all the sulphur deposits in, upon, or under the following-described area of the outer Continental Shelf (as that term is defined in the Act):

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containing -------- acres, more or less (hereinafter referred to as the leased area), together with:

(a) The non-exclusive right to conduct within the leased area geological and geophysical explorations which are not unduly harmful to aquatic life;

(b) The right to drill water wells within the leased area and to use free of cost, and to dispose of, water produced from such wells, and

(c) The right to construct or erect and to maintain within the leased area all artificial islands, fixed structures, sea walls, docks, dredged channels and spaces, buildings, plants, telegraph or telephone lines and cables, pipelines, reservoirs, tanks, pumping stations, and other works and structures necessary or convenient to the full enjoyment of the rights granted by this lease, for a period of 10 years and so long thereafter as sulphur is being produced from the leased area or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are being conducted thereon; subject to any unit agreement heretofore or hereafter approved by the Secretary, the provisions of said agreement to govern the leased area or part thereof subject thereto where inconsistent with the terms of this lease.

SEC. 2. *Obligations of lessee.* In consideration of the foregoing, the lessee agrees:

(a) *Bond.* To maintain at all times the bond required prior to the issuance of this lease and to furnish such additional security as may be required by the lessor if, after operations or production have begun, the lessor deems such additional security to be necessary.

(b) *Royalty.* To pay the lessor a royalty of _____ percent of the gross value of the sulphur produced, at the wellhead. Such royalty shall be paid monthly in value or delivered in kind at the option of the lessor. It is expressly agreed that the Secretary may establish reasonable minimum values for purposes of computing royalty on any sulphur, due consideration being given to the highest price paid for a part or a majority of the production of like quality from the same general area, to the price received by the lessee, to posted prices, and other relevant matters, and, whenever appropriate, after notice and opportunity to be heard. When paid in value, such royalty on production shall be due and payable monthly on the last day of the calendar month following the calendar month in which the production is obtained. When paid in kind, such royalty shall be delivered in merchantable condition at the point of shipment without cost to the lessor, unless otherwise agreed to by the parties hereto, at such time and in such storage compartments provided by the lessee as may reasonably be required by the lessor, provided that the lessee shall not be required to hold the royalty product in storage for more than 60 days beyond the end of the month in which produced, and, provided further that the lessee shall in no manner be responsible or held liable for the loss or destruction of the royalty product in storage from causes over which the lessee has no control.

(c) *Rentals.* To pay the lessor on or before the first day of each lease year commencing prior to a discovery of sulphur on the leased area, a rental of _____ per acre or fraction thereof.

(d) *Minimum royalty.* To pay the lessor in lieu of rental at the expiration of each lease year commencing after discovery a minimum royalty of _____ per acre or fraction thereof or, if there is production, the difference between the actual royalty paid during the year and the prescribed minimum royalty, if the actual royalty paid is less than the minimum royalty.

(e) *Payments.* Unless otherwise provided by regulation or directed by the Secretary, to make rental, royalty, or other payments to the lessor, to the order of the Treasurer of the United States, and to tender such payments to the oil and gas supervisor, Geological Survey.

(f) *Freedom of purchase.* To accord all workmen and employees directly engaged in operations under this lease complete freedom of purchase, and to pay all wages due workmen and employees at least twice each month in the lawful money of the United States.

(g) *Statements, plats, and reports.* To furnish annually, or at such times as the lessor may prescribe, a plat in the manner and form prescribed by the Secretary, showing all prospecting and development work on the leased area and other related information, with a report as to all buildings, structures, or other works placed in or upon the leased area, as well as any buildings, reduction works, or equipment, situated elsewhere and owned or operated in conjunction with, or as a part of the operations conducted hereunder; a report as to stockholders, business transacted, assets and liabilities of the lessee; and a statement of the amount and quality of sulphur deposits and other minerals produced and secured by operations hereunder, the cost of production, and the amount used for production purposes or unavoidably lost.

(h) *Diligence; prevention of waste; health and safety of workmen.* To develop and produce in commercial quantities, with reasonable diligence, skill and care in the operation of the property, the sulphur susceptible of such production in the leased area; to carry out, at the expense of the lessee, all reasonable orders of the lessor issued in pursuance of the operating regulations; to carry on all mining, reducing, refining, and other operations in accordance with approved methods and practice and in conformity with the operating regulations; to take all reasonable precaution to prevent damage to mineral deposits, injury to life, health, or property, or economic waste; to observe all laws relative to the health and safety of workmen and employees; and to provide access at all times to mining and related productive operations for examination and inspection by authorized representatives of the lessor.

(i) *Fair employment practice.* Not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and to require an identical provision to be included in all subcontracts relating to operations under this lease.

(j) *Forfeiture of lease.* To deliver up to the lessor in good order and condition and subject to the provisions of section 6 hereof on the termination of this lease as a result of forfeiture thereof pursuant to section 5 (b) (1) or (2) of the Act, the leased area, including all fixtures, machinery, improvements, and appurtenances, together with such personal property situated on the leased area as may be necessary or convenient for the continued operation to the full extent and capacity of the leased area.

(k) *Assignment of lease.* To file for approval with the Director, Bureau of Land Management, within 90 days from the date of final execution, any instrument of transfer of this lease, or any interest therein, including, without limitation, assignments of record title, working or overriding royalty interests, operating agreements and subleases, such instrument to take effect upon approval by the Director, Bureau of Land Management, as of the first day of the lease month following the date of filing unless at the request of the parties an earlier date is specified in the Director's approval.

(l) *Overriding royalties.* Not to create overriding royalties in excess of those authorized by regulation.

SEC. 3. *Reservations to lessor.* The lessor expressly reserves:

(a) *Geological and geophysical exploration; rights-of-way.* The right to authorize the conduct of geological and geophysical exploration in the leased area which does not interfere with or endanger actual operations under this lease, and the right to grant such easements or rights-of-way, upon, through, or in the leased area as may be necessary to the working of other lands containing the deposits described in the Act, and to the treatment and shipment of products thereof by or under authority of the United States, its lessees or permittees, and for other public purposes, subject to the provisions of section 5 (c) of the Act where they are applicable and to all lawful and reasonable regulations and conditions prescribed by the Secretary thereunder.

(b) *Leases of other minerals.* The right to grant leases of any mineral other than sulphur within the leased area or any part thereof, subject to the provisions of section 8 (c), 8 (d), and 8 (e) of the Act and all lawful and reasonable regulations prescribed by the Secretary thereunder: *Provided*, That no such mineral lease shall authorize or permit the lessee thereunder unreasonably to interfere with or endanger operations under this lease.

(c) *Purchase of production.* In time of war, or when the President shall so prescribe, the right of first refusal to purchase all or any of the sulphur produced from the leased area at the point of shipment to market at the prevailing market prices as determined by the Secretary.

(d) *Fissionable materials.* All uranium thorium, and all other materials determined pursuant to paragraph (1) of subsection (b) of section 5 of the Atomic Energy Act of 1946, as amended, to be peculiarly essential to the production of fissionable materials, contained, in whatever concentration, in deposits in the subsoil or seabed of the leased area or any part thereof, as provided in section 12 (e) of the Act.

(e) *Suspension of operations during war or national emergency.* Upon recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or President of the United States after August 7, 1953, the authority of the Secretary of the Interior to suspend any or all operations under this lease, as provided in section 12 (c) of the Act: *Provided*, That just compensation shall be paid by the lessor to the lessee.

(f) *Restriction of exploration and operations.* The right, as provided in section 12 (d) of the act, to restrict from exploration and operations the leased area or any part thereof which may be designated by and through the Secretary of Defense, with the approval of the President, as, or as part of, an area of the outer Continental Shelf needed for national defense; and so long as such designation remains in effect no exploration or operations may be conducted on the surface of the leased area or the part thereof included within the designation except with the concurrence of the Secretary of Defense; and if operations or production under this lease within any such restricted area shall be suspended, any payments of rentals, minimum royalty, and royalty prescribed by this lease likewise shall be suspended during such period of suspension of operations and production, and the term of this lease shall be extended by adding thereto any such suspension period, and the lessor shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States.

SEC. 4. *Directional drilling.* This lease may be maintained in force by directional wells drilled under the leased area from surface locations on adjacent or adjoining lands not covered by this lease. In such circumstances, drilling shall be considered to have been commenced on the leased area when drilling is commenced on the adjacent or adjoining land for the purpose of directionally drilling under the leased area, and production of sulphur from the leased area through any directional well surfaced on adjacent or adjoining land or drilling or reworking of any such directional well shall be considered production or drilling or reworking operations (as the case may be) on the leased area for all purposes of this lease. Nothing contained in this paragraph is intended or shall be construed as granting to the lessee any leasehold interests, licenses, easements, or other rights in or with respect to such adjacent or adjoining land in addition to any such leasehold interests, licenses, easements, or other rights which the lessee may have lawfully acquired under the act or from the lessor or others.

SEC. 5. *Surrender and termination of lease.* The lessee may surrender this entire lease or any officially platted subdivision of the leased area by filing with the Director, Bureau of Land Management, a written relinquishment, in triplicate, which shall be effective as of the date of filing, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to abandon all wells or workings on the area to be relinquished.

SEC. 6. *Purchase of materials, etc., on termination of lease.* On the expiration or termination of this lease, by surrender or forfeiture, the lessor, his agent, licensee, or lessee, shall have the exclusive right, at the lessor's election, to purchase at any time within six months, at the appraised value thereof, any or all buildings, machinery, equipment and tools, whether fixtures or personalty, placed by the lessee in or on the leased area, save and except equipment such as underground timbering, supports, shaft linings, and well casings, necessary for the abandonment or preservation of the mine, wells, or other development works, which shall be and remain a part of the realty without further consideration or compensation. The purchase price to be paid for the buildings, machinery, equipment, and tools to be purchased shall be fixed by the appraisal of three disinterested and competent persons (one to be designated by each party to this lease and the third by the two so designated), the valuation of the three or a majority of them to be conclusive. Pending such election to purchase within the period of six months, none of the buildings or other property shall be removed from their normal position. At any time within a period of 90 days after election by the lessor not to purchase or after expiration of the period of six months without election by the lessor, the lessee shall remove from the leased area the buildings and other property except the underground equipment and structures necessary for the preservation of the mine, wells, and other development works.

SEC. 7. *Proceedings in case of default.* If the lessee fails to comply with any of the provisions of the Act or this lease or the applicable regulations in force on the date of issuance of this lease, and such default continues for a period of 30 days after service by registered mail of notice thereof upon the lessee, this lease may be cancelled by the Secretary in accordance with section 5 (b) (1) of the Act, if the lease is not producing at the time of default. If the lease is producing at that time, it may be cancelled only by judicial proceedings in the manner provided in section 5 (b) (2) of the Act. These provisions shall not be construed to prevent the exercise by the lessor of any legal or equitable remedy which the lessor might otherwise have. A waiver of any particular default shall not prevent the cancellation of this lease or the exercise of any other remedy the lessor may have by reason of any other cause or for the same cause occurring at any other time.

SEC. 8. *Heirs and successors in interest.* Each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

SEC. 9. *Unlawful interest.* No Member of, or Delegate to, Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and no officer, agent, or employee of the Department of the Interior, except as provided in 43 CFR 7.4 (a) (1), shall be admitted to any share or part of this lease, or derive any benefit that may arise therefrom; and the provisions of section 3741 of the Revised Statutes, as amended (41 U. S. C., sec. 22), and sections 431, 432, and 433 of Title 18 of the United States Code, relating to contracts made or entered into, or accepted by or on behalf of the United States, form a part of this lease so far as the same may be applicable.

THE UNITED STATES OF AMERICA

By _____

_____
(Title) (Date)

_____
_____
(Lessee)

IN WITNESS WHEREOF:

_____
(Name and address)

_____
(Name and address)
Witnesses to signature of lessee.

(If this lease is executed by a corporation, it must bear the corporate seal.)

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 961]

[Docket No. AO-160-A-15-RO 1]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Philadelphia, Pennsylvania, on March 23, 1953, pursuant to notice issued March 9, 1953 (18 F. R. 1452), and on January 21, 1954, pursuant to notice issued January 11, 1954 (19 F. R. 273).

The material issues on the record of the hearing were:

(1) Whether the 10-cent seasonal reduction in the Class II price should apply in February and March 1954.

(2) Whether certain Class II products should be priced in certain periods in a separate sub-class at a price lower than the regular Class II price.

(3) The need for abbreviated procedure to change the Class II price formula.

(4) Revision of the Class II formula on a more permanent basis.

This decision deals only with issues Nos. 1 and 3. Issues Nos. 2 and 4 are reserved for a further decision on this record.

Findings and conclusions. The following findings and conclusions on the material issues stated above are based upon evidence contained in the record of the hearing:

(1) The 10-cent seasonal adjustment of the Class II formula price should be effective in March 1954.

Producer, as well as handler, representatives requested that the 10-cent seasonal deduction apply to the Class II formula price for February and March this year, because of the presently larger than usual volume of Class II milk, and expected increases during these months.

Receipts of milk from producers in December were about 4 percent greater in volume than in December the year previous. This increase was part of a general upward trend in production during recent years. December 1953 receipts were about 12 percent higher than for the same month of 1950, while during the same period the number of producers under the order declined from 8,925 to 7,872.

A number of handlers have shown unwillingness to receive this year the increased volume of milk in excess of their needs for fluid sales. Quotas have been announced by several handlers limiting the amount of milk they will receive from individual producers. In general, these quotas would be effective, beginning in January or February, and throughout the flush season. Many handlers lack facilities for manufacturing the increased volume of Class II milk. In the case of a few handlers who have considerable manufacturing capacity in their plants, it was pointed out that there is milk available from non-producer sources which can be purchased for manufacturing purposes at prices less than the order Class II price. This situation reduces the incentive for handlers with facilities to accommodate handlers without such manufacturing facilities who must dispose of excess milk.

Assuming the usual seasonal increase in production, the amount of milk in excess of quotas during the forthcoming flush season would probably be similar and possibly somewhat larger than the amount of over-quota milk last year. During 1953 the estimated volume of over-quota milk was for February, 1.1 million pounds; for March, 1.5 million pounds; for April, 2.2 million pounds; for May, 3.5 million pounds; and for June, 2.3 million pounds.

Much of this over-quota milk was marketed under arrangements made by a producer organization by movement to non-handler manufacturing plants in Eastern States. It was testified that prices received for this milk, after deduction of hauling charges, were less than the order Class II price by amounts ranging from 37 cents per hundredweight in February to 75 cents less in May. About a quarter of a million pounds of milk so handled in December 1953, brought a net price of $2.96, or 72 cents under the order Class II price.

It was indicated on the record that more of the milk from producers would be received by handlers, if the cost of Class II milk, or at least a part of the Class II utilization, was reduced to a level closer to the level obtained for milk shipped to non-handler manufacturing plants. One method proposed for immediately adjusting the Class II price was to suspend certain order provisions so that the seasonally lower formula price would apply in February and March this year, as well as for the months of April, May and June.

It does not appear that the market situation will require adjustment of the Class II price formula for the month of February this year. The rate of milk production in February is ordinarily less than in the following months of March through June. Also, experience has shown that the price formula has considerable flexibility in responding to changes in general supply conditions. In December 1953, the Class II formula price was slightly higher, for milk of 3.5 percent butterfat test at country plants, than some other representative prices for milk for manufacturing, namely the price for Class III milk under the New York order, and the estimated average price for milk for manufacturing purposes in the United States. During February and the following flush months of 1953, the Class II formula price was, on the same basis of comparison, lower than these other prices for milk for manufacturing purposes. A further factor in the current market situation is an amendment to the order made effective January 1, 1954, which revises the definition of "producer milk plant." Because of the new, more inclusive definition of

"producer milk plant," there is some tendency on the part of nonproducer milk plants which had been furnishing some Class I milk to the market to withdraw from such operations, or substantially so, because of a preference to remain outside of order regulations. As a result, it may be expected there will be a somewhat increased demand for the producer milk received at plants regularly under the order, and a consequent lessening of the amount of producer milk which must be used in Class II, or refused under the quota system.

Since the year 1950, the Class II price formula has contained a seasonal adjustment for the months of April, May, and June in the form of a ten-cent reduction compared to other months. This seasonal adjustment recognizes the fact that in these months a higher proportion of Class II utilization is in manufactured products of relatively low value. Such a seasonal adjustment may be part of a pricing plan designed for a level of production closely adjusted to the needs of the market, although with some seasonal increase in production in the spring months. Such an adjustment is distinguished from a general change in the level of the Class II formula.

Some minor modification of the seasonal pattern of Class II formula on a current and temporary basis is appropriate. The inclusion of March 1954 in the months of seasonally lower price adjustment will not distort the seasonal nature of the adjustment, and is particularly appropriate when the volume of Class II milk is running higher than in previous years.

(3) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto.

The conditions complained of are such that it is urgent that remedial action be taken not later than March 1, 1954. Delay beyond the minimum time required to make the order set forth below effective would defeat the purpose of such amendment. An early determination on issues treated in this decision is essential to orderly marketing in this marketing area. Action on these issues by the most expeditious procedure was requested by producers and handlers on the record. The time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would reduce the effectiveness of such relief and would tend to prevent the effectuation of the declared policy of the act.

Rulings on proposed findings and conclusions. A brief was filed which contained proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the brief was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area in the manner set forth in the amending order below is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended, by the order set forth below which will be published with this decision.

This decision filed at Washington, D. C., this 11th day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 961.40 (b) (2) change the period at the end of the sentence to a comma, and add the words "except in the computation of the price for March 1954, subtract 54 cents."

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[F. R. Doc. 54-1078; Filed, Feb. 15, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

EXEMPTION OF LONG TERM PROFITS INCIDENT TO SALES WITHIN SIX MONTHS OF EXERCISE OF OPTION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal for the amendment of § 240.16b–6 (Rule X-16B–6; 17 CFR 240.16b–6) under the Securities Exchange Act of 1934.

Rule X-16B–6 grants a partial exemption from section 16 (b) of the Securities Exchange Act with respect to profits which might otherwise be deemed to have been realized and recoverable, where there is a purchase by an officer, director or 10 percent stockholder of an equity security pursuant to the exercise of an option or similar right and a sale of that equity security within six months thereof. The purpose of the amendment is to broaden the exemption provided by the rule so as to relieve from liability under section 16 (b) certain profits realized as a result of the exercise of an option or similar right which was acquired more than six months before its exercise, and the disposition of the security so acquired pursuant to a plan or agreement for a statutory merger or consolidation or reclassification of securities, or a proposal for the transfer of assets from one corporation to another in consideration for the issuance of securities. It has been suggested that the transactions described in the proposed rule are not comprehended within the purpose of section 16 (b). The amendment is covered by paragraph (c) of the text of the section below.

Statutory basis. The authority to adopt the proposed rule is vested in the Commission by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 3 (b), 16 (b) and 23 (a).

The text of the proposed rule is as follows:

§ 240.16b–6 *Exemption of long term profits incident to sales within six months of the exercise of an option.* (a) To the extent specified in paragraph (b) of this section the Commission hereby exempts as not comprehended within the purposes of section 16 (b) of the act any transaction or transactions involving the purchase and sale or sale and purchase of any equity security where such purchase is pursuant to the exercise of an option or similar right either (1) acquired more than six months before its exercise, or (2) acquired pursuant to the terms of an employment contract entered into more than six months before its exercise.

(b) In respect of transactions specified in paragraph (a) of this section the profits inuring to the issuer shall not exceed the difference between the proceeds of sale and the lowest market price of any security of the same class within six months before or after the date of sale. Nothing in this section shall be deemed to enlarge the amount of profit which would inure to the issuer in the absence of this section.

(c) The Commission also hereby exempts, as not comprehended within the purposes of section 16 (b) of the act, the disposition of a security, purchased in a transaction specified in paragraph (a) of this section, pursuant to a plan or agreement for merger or consolidation, or reclassification of the issuers' securities, or for the exchange of its securities for the securities of another person which has acquired its assets, where the terms of such plan or agreement are binding upon all stockholders of the issuer except to the extent that dissenting stockholders may be entitled, under statutory provisions or provisions contained in the certificate of incorporation, to receive the appraised or fair value of their holdings.

(d) The exemptions provided by this section shall not apply to any transaction made unlawful by section 16 (c) of the act or by any rules and regulations thereunder.

(e) The burden of establishing market price of a security for the purpose of this section shall rest upon the person claiming the exemption.

(f) The exemption granted pursuant to this section shall apply to any liability under section 16 (b) existing at or after the effective date of this section, but shall not be deemed to affect judgments rendered prior to that date.

All interested persons are invited to submit views and comments on the proposed rule in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before February 23, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 9, 1954.

[F. R. Doc. 54-1074; Filed, Feb. 15, 1954; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 54–6]

CORK AND BALSA WOOD LIFE PRESERVERS

TERMINATION OF APPROVALS

Termination of approvals for models 31 and 35, cork life preservers, and models 41 and 45, balsa wood life preservers.

A notice regarding proposed changes in the rules and regulations governing vessel inspection was published in the FEDERAL REGISTER dated February 13, 1953, 18 F. R. 880–883. The Merchant Marine Council held a public hearing on March 24, 1953, in Washington, D. C., and considered as Item VII on the agenda the revision of the specification requirements for cork and balsa wood life preservers. The revised specifications for cork and balsa wood life preservers were published in the FEDERAL REGISTER dated December 5, 1953, 18 F. R. 7858–7862. These specifications are in effect on and after April 1, 1954, and govern the manufacture of Coast Guard approved cork and balsa wood life preservers.

Copies of the revised specifications covering cork and balsa wood life preservers for use on merchant vessels and motorboats, together with full scale prints of drawings, were sent to those manufacturers known to be interested in manufacturing such life preservers.

The approvals for cork life preservers, Models 31 and 35, adult and child, granted to the manufacturers listed below, are terminated effective as of April 1, 1954:

Alaska Steamship Co., Piers 50 and 51, Seattle, Wash.
American Pad & Textile Co., The, Greenfield, Ohio.
Armstrong Cork Co., Lancaster, Pa.
Armstrong Featherweight Decoys, Inc., Houston, Tex.
Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.
Bloomingdale Manufacturing Co., 9 Main Street, Butler, N. J.
Broom's Sons, George, Pier 59, Seattle, Wash.
Central Sterilizing Plant, 270 Seventh Street, San Francisco, Calif.
Cluff Fabric Products, Inc., 457 East 147th Street, New York, N. Y.
Deigro Manufacturing Co., 121 Myrtle Avenue, Boonton, N. J.
Dodge Cork Co., Inc., Lancaster, Pa.
General Auto Seat Cover Co., 305 East Burnside Avenue, Bronx, New York, N. Y.
General Cork Co., Mountain Lakes, N. J.
Gilhon, Inc., H. D., 21 Muirhead Avenue, Trenton, N. J.
Grand Novelty Hassock Co., 279–81 State St., Brooklyn 2, N. Y.
Hayes Manufacturing Co., 5344 College Avenue, Oakland, Calif.
Hendry Co., C. J., 27 Main Street, San Francisco, Calif.
Hudgins-Dize Co., Inc., 121 West Main Street, Norfolk, Va.
Jurgensen Manufacturing Co., 162 Gates Avenue, Brooklyn 16, N. Y.
Kent Marine Products Corp., West Babylon, N. Y.
Mare Island Ferry, foot of Georgia Street, Vallejo, Calif.
Matson Navigation Co., 480 Main Street, San Francisco, Calif.
Merit Manufacturing Corp., 92–15 172d Street, Jamaica, Long Island, N. Y.
Metropolitan Cork Co., 9 St. Nicholas Avenue, Brooklyn, N. Y.
Miller Co., E. J., 66 Broadway Avenue, Mount Clemens, Mich.

Parker & Lund Sail Loft Co., 1146 State Street, Bellingham, Wash.
Puget Sound Tent & Duck Co., 1905 Third Avenue, Seattle, Wash.
Rose Co., The, 132 York Street, Brooklyn, N. Y.
Salow Co., Elvin, 31-33 South Street, Boston 11, Mass.
Sculler Safety Corp., 116-122 Broad Street, New York, N. Y.
Southern Pacific Co., 65 Market Street, San Francisco 5, Calif.
Sunde & d'Evers Co., Colman Ferry Terminal, Seattle 4, Wash.
Tacoma Tent & Awning Co., 1151 South Tacoma Avenue, Tacoma, Wash.
Warner Bros. Co., Bridgeport, Conn.
Wicker-Craft Co., The, 1245 North Orange Avenue, Orlando, Fla.
Wilson Line, Inc., Wilmington, Del.
Wycombe, Meyer, Inc., Norwalk, Conn.

The approvals for balsa wood life preservers, Models 41 and 45, adult and child, issued to the manufacturers listed below, are terminated effective as of April 1, 1954:

Acme Products, Inc., 152-156 Brewery Street, New Haven, Conn.
American Pad & Textile Co., The, Greenfield, Ohio.
American Pad & Textile Co., The, 511 North Solomon Street, New Orleans 19, La.
Armstrong Featherweight Decoys, Inc., Houston, Tex.
Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.
Bloomingdale Manufacturing Co., 9 Main Street, Butler, N. J.
Central Sterilizing Plant, 270 Seventh Street, San Francisco, Calif.
Cluff Fabric Products, Inc., 457 East 147th Street, New York, N. Y.
Dodge Cork Co., Inc., Lancaster, Pa
Foster Manufacturing Co., The, 430-438 Notre Dame Street, New Orleans, La.
General Auto Seat Cover Co., 305 East Burnside Avenue, Bronx, New York, N. Y.
General Cork Co., Mountain Lakes, N. J.
Gihon, Inc., H. D. 21 Muirhead Avenue, Trenton, N. J.
Hayes Manufacturing Co., 5344 College Avenue, Oakland, Calif.
Heath Co., Forrest A., 1643 Arapahoe Street, Denver, Colo.
Hendry Co., C. J., 27 Main Street, San Francisco, Calif.
Jurgensen Manufacturing Co., 162 Gates Avenue, Brooklyn 16, N. Y.
Kent Marine Products Corp., West Babylon, N. Y.
Marbo Lamp & Shade Manufacturing Co., Los Angeles, Calif.
Mare Island Ferry, foot of Georgia Street, Vallejo, Calif.
Matson Navigation Co., 480 Main Street, San Francisco, Calif.
Merit Manufacturing Co., 92-15 172d Street, Jamaica, Long Island, N. Y.
Modelcraft, 7306 South Vermont Avenue, Los Angeles, Calif.
Puget Sound Tent & Duck Co., 1905 Third Avenue, Seattle, Wash.
Rose Co., The, 132 York Street, Brooklyn, N. Y.
Salow Co., Elvin, 31-33 South Street, Boston 11, Mass.
Sculler Safety Corp., 116-122 Broad Street, New York, N. Y.
Tacoma Tent & Awning Co., 1151 South Tacoma Avenue, Tacoma, Wash.
Ty-Ton Manufacturing Co., Los Angeles, Calif.
Warner Bros. Co., Bridgeport, Conn.
Winner Manufacturing Co., Inc., 623 Prospect Street, Trenton, N. J.
Wycombe, Meyer, Inc., Norwalk, Conn.

Models 31 and 35 cork life preservers, and Models 41 and 45 balsa wood life preservers, manufactured prior to April 1, 1954, may be continued in service on board merchant vessels or motorboats after April 1, 1954, so long as such life preservers are in good and serviceable condition.

If a manufacturer desires to build Coast Guard approved cork or balsa wood life preservers for merchant vessels or motorboats, it will be necessary that the manufacturer follow the revised requirements and procedures in Coast Guard specification Subpart 160.003, covering cork life preservers, and specification Subpart 160.004, covering balsa wood life preservers (46 CFR 160.003, 160.004), which were published in the FEDERAL REGISTER of December 5, 1953. Copies of the revised specifications may be obtained upon request from the nearest Officer in Charge, Marine Inspection, or the Commandant (MMT), U. S. Coast Guard, Washington 25, D. C.

Dated: February 10, 1954.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 54-1072; Filed, Feb. 15, 1954; 8:47 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF NAVY AND AIR FORCE

DELEGATION OF AUTHORITY TO ORDER CERTAIN MEMBERS OF RESERVE COMPONENTS TO ACTIVE DUTY (NAVY AND AIR FORCE)

The following delegation of authority is promulgated under the authority vested in me by Executive Order 10478, dated August 5, 1953, subsection 202 (f) of the National Security Act of 1947 (61 Stat. 500), as amended, and Reorganization Plan No. 6 of 1953.

1. The Secretary of the Navy and the Secretary of the Air Force are authorized, until July 1, 1955, to order to active duty under subsection 4 (c) of the act of September 9, 1950 (64 Stat. 828), as added by section 3 of the act of June 29, 1953 (67 Stat. 87), with or without their consent, those members of the reserve components of the Navy and of the Air Force, respectively, who are registered under subsection 4 (i) of the Universal Military Training and Service Act (64 Stat. 826), as amended, and those persons who would be, but for such membership, liable for registration under the provisions of that subsection.

2. Under such conditions as he may prescribe, the Secretary of the Air Force may redelegate his authority under this order to the Commander, Continental Air Command.

C. E. WILSON,
Secretary of Defense.

FEBRUARY 5, 1954.

[F. R. Doc. 54-1059; Filed, Feb. 15, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FLORIDA

DESIGNATION OF PRODUCTION AND ECONOMIC DISASTER AREA

Pursuant to authority contained in section 2 (a) of Public Law 38, 81st Congress, it is found that a production disaster has caused a need for agricultural credit in Sarasota County, Florida.

Pursuant to delegation of authority from the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purpose of making economic disaster loans under section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, it is hereby determined that an economic disaster exists in Sarasota County, Florida, and that such economic disaster is in connection with and is within the area affected by the major disaster occasioned by flood determined by the President on October 22, 1953, pursuant to Public Law 875, 81st Congress.

After December 31, 1954, production and economic disaster loans will not be made in Sarasota County, Florida, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 11th day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-1063; Filed, Feb. 15, 1954; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF HEARING IN CONNECTION WITH PROPOSED WITHDRAWAL FOR DEPARTMENT OF THE ARMY OF PURLIC LANDS ADJACENT TO TURNAGAIN ARM NEAR ANCHORAGE, ALASKA

Notice is hereby given that a public hearing will be held by Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Department of the Interior, at 9:00 a. m. on Monday, March 1, 1954, at the Y. M. C. A. located at the corner of Sixth and F Streets, Anchorage, Alaska, with respect to the request of the Department of the Army for the withdrawal of approximately 48,000 acres of land located on both sides of Turnagain Arm, for use as an anti-aircraft artillery range. Maps of the proposed area will be displayed at the hearing.

The hearing will be open to the attendance of all interested persons, including individuals, local officers, officers of Federal and Territorial agencies, and representatives of individuals or organizations.

All persons wishing to be heard with respect to the proposed withdrawal should notify Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Box 480, Anchorage, Alaska, before 9:00 a. m. March 1, 1954. Those desiring to submit written statements should submit them as soon as possible before the hearing.

This notice of hearing is published pursuant to telegraphic authorization from Edward Woozley, Director, Bureau of Land Management, to Lowell M. Puckett, Regional Administrator, on February 5, 1954.

LOWELL M. PUCKETT,
Regional Administrator,
Region VII, Alaska.

FEBRUARY 8, 1954.

[F. R. Doc. 54-1068; Filed, Feb. 15, 1954; 8:47 a. m.]

Bureau of Reclamation

BELLE FOURCHE PROJECT, SOUTH DAKOTA

ORDER OF REVOCATION

DECEMBER 15, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of July 18, 1903, March 3 and September 27, 1909, in so far as said orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 9 N., R. 5 E.,
Sec. 11, $SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$.

The above areas aggregate 160 acres.

H. F. MCPHAIL,
Acting Commissioner.

[Misc. 66162]

FEBRUARY 10, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in homestead entry Pierre 023286 and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, granting preference rights to veterans of World War II and others.

EARL G. HARRINGTON,
Acting Assistant Director,
Bureau of Land Management.

[F. R. Doc. 54-1060; Filed, Feb. 15, 1954; 8:45 a. m.]

[Regional Director's Order 1]

CITY MANAGER, BOULDER CITY MUNICIPAL OFFICE

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN LEASES IN BOULDER CITY, NEV.

JANUARY 26, 1954.

SECTION 1. *Delegation of Authority.* The City Manager, Boulder City Municipal Office, may:

(a) Establish and revise rental rates heretofore or hereafter established for, and lease improved and unimproved land in, the Boulder City Federal Reservation for commercial, industrial, and residential purposes; and

(b) Consent to the assignment and subletting of such leases.

SEC. 2. *Authority.* This order is issued pursuant to Commissioner's Order No. 29, dated January 26, 1954.

E. G. NIELSEN,
Regional Director, Region 3.

[F. R. Doc. 54-1061; Filed, Feb. 15, 1954; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of February A. D. 1954.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1.00 par value common stock of Adolf Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder, for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on February 11, 1954, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1073; Filed, Feb. 15, 1954; 8:48 a. m.]

[File Nos. 31-55, 70-3187]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF FILING REGARDING ACQUISITION BY HOLDING COMPANY OF CAPITAL STOCKS OF HOLDING COMPANY AND PUBLIC UTILITY SUBSIDIARY THEREOF AND APPLICATION FOR EXEMPTION OF HOLDING COMPANY AND SUBSIDIARIES THEREOF

FEBRUARY 10, 1954.

Notice is hereby given that Pacific Gas and Electric Company ("PG&E"), an exempt holding company, has filed an application pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), for approval of its acquisition of the outstanding common and preferred stocks of Pacific Public Service Company ("PPS"), an exempt holding company, and the outstanding preferred stocks of Coast Counties Gas and Electric Company ("Coast Counties"), a public-utility subsidiary of PPS.

Notice is further given that PG&E has filed an application for exemption of itself, as a holding company, and its subsidiaries as such, from the provisions of the act.

PG&E has specified sections 9 (a) (2) and 10 of the act as applicable to the proposed acquisitions of the capital stocks of PPS and Coast Counties and sections 3 (a) (1) and 3 (a) (2) as applicable to the requested exemption of PG&E and its subsidiaries.

All interested persons are referred to said applications which are on file in the offices of the Commission for a statement of the facts and proposed transactions, as set forth therein, which are summarized as follows:

PG&E is engaged in the generation, transmission and distribution of electric energy and the purchase, transmission and distribution of natural gas within the general area of northern and central California. PG&E owns (1) all of the outstanding capital stock of Vallejo Electric Light and Power Company ("Vallejo"), which is engaged solely in the distribution of electric energy in and in the immediate vicinity of Vallejo, California; (2) 7/14ths of the capital stock of Standard Pacific Gas Lines Incorporated ("Stanpac"), which owns and operates pipe lines connecting the Kettleman Hills gas fields and the Rio Vista gas fields with the gas utility systems of PG&E and Coast Counties; and (3) two small non-utility subsidiaries. PG&E as a holding company, and its subsidiaries as such, are exempt from the provisions of the act under an order of the Commission dated September 10, 1941 issued pursuant to sections 3 (a) (1) and 3 (a) (2) of the act (10 S. E. C. 39). PG&E and all its subsidiaries are incorporated and operate solely within the State of California.

PPS is solely a holding company which is exempt as such by reason of having filed an application with this Commission for exemption of itself and its subsidiaries pursuant to section 3 (a) (1) of the act. (File No. 31-565). PPS owns all of the outstanding common stock of Coast Counties, a California corporation, which is engaged in the distribution

of electric energy and natural gas at retail in areas contiguous to and in areas served by PG&E. PPS also owns all of the outstanding common stocks of Natural Gas Corporation of California, a California corporation which is engaged in the production of natural gas from certain fields in California which it sells to PG&E and to Coast Counties, and of Gas Lines, Inc., a California corporation, which is engaged in the transportation of natural gas under private contract for various producers through facilities wholly or partially owned by Coast Counties. Coast Counties also owns 5/14ths of the outstanding capital stock of Stanpac (the remaining 2/14ths of Stanpac's common stock is owned by Standard Oil Company of California). PPS and all its subsidiaries are incorporated and operate solely within the State of California.

PPS has outstanding 741,969.85 shares of no par value common stock. Blyth & Co., Inc. ("Blyth"), an investment banking firm, holds 623,651 shares of such stock, the acquisition thereof having been approved by the Commission by an order dated June 1, 1953 (Holding Company Act Release No. 11959). PPS also has outstanding 298,137.7 shares of no par value $1.30 Cumulative First Preferred Stock, all of which is held by the public.

Coast Counties has outstanding 308,480 shares of common stock, par value $25 per share, all of which is owned by PPS. Coast Counties also has outstanding two series of cumulative preferred stock, par value $25 per share, consisting of 124,000 shares of 4 Percent Series A and 75,000 shares of 4.80 Percent Series B, all of which is owned by the public.

Pursuant to a contract between PG&E and Blyth dated January 20, 1954, PG&E proposes to issue and exchange 330,535 shares of its common stock, par value $25 per share, for the 623,651 shares of PPS common stock now held by Blyth, an exchange ratio of fifty-three hundredths ($0.53) of a share of PG&E common stock for each share of PPS common stock. As a result of this transaction PG&E will become the owner of about 84 percent of the common stock of PPS and approximately 60 percent of all classes of PPS capital stock.

Following the acquisition of the 623,651 shares of PPS common stock from Blyth, PG&E will offer to issue and exchange fifty-three hundredths (0.53) of a share of its common stock for each share of the publicly-held PPS common stock.

PG&E will offer to each holder of the preferred stock of PPS, in exchange for each share of such stock, at the holder's choice, either seven-tenths (0.7) of a share of PG&E common stock or one share of PG&E 5 percent Redeemable First Preferred Stock.

PG&E will offer to each holder of the Series A 4 percent Preferred Stock of Coast Counties, in exchange for each share of such stock, at the holder's choice, either seven-tenths (0.7) of a share of PG&E common stock or eight-tenths (0.8) of a share of PG&E 5 percent Redeemable First Preferred Stock.

PG&E will offer to each holder of the Series B 4.80 percent Preferred Stock of Coast Counties, in exchange for each share of such stock, at the holder's choice, either seven-tenths (0.7) of a share of PG&E common stock or one share of PG&E 4.80 percent Redeemable First Preferred Stock.

The applicant states that all of the foregoing transactions are subject to the approval of the California Public Utilities Commission to which application has been made.

As soon as possible after the consummation of the transactions described above, PG&E will proceed to merge PPS and Coast Counties with itself as the surviving corporation in accordance with the California Corporations Code.

In support of PG&E's application for exemption of itself as a holding company and its present and proposed subsidiaries as such, under section 3 (a) (2) of the act, PG&E represents that it is at present predominantly a public-utility company and that following the acquisition of the PPS and Coast Counties capital stock, PG&E will continue to be predominantly a public-utility company whose operations as such do not extend beyond the State in which it is organized.

In consideration of the granting of its application for exemptions, PG&E has stipulated that, following the acquisition of the 623,651 shares of the PPS common stock from Blyth and such shares of PPS common stock and PPS and Coast Counties preferred stocks as are publicly held and are tendered in response to the exchange offers to be made to the holders thereof, PG&E (1) will proceed with due diligence to effect the proposed merger in accordance with the Corporations Code of the State of California; and (2) will not, during the existence of any exemption granted herein, sell or otherwise dispose of any shares of the capital stocks of PPS or Coast Counties acquired by it except for the purpose of retirement or redemption of such shares by the issuer thereof or for the purpose of pledging such shares with the trustees under the First and Refunding Mortgage as required by the provisions thereof.

Notice is further given that any interested person may, not later than February 23, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on this matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he proposes to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 23, 1954, at 5:30 p. m., e. s. t., said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1075; Filed, Feb. 15, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28907]

SUPERPHOSPHATE FROM SOUTHERN TERRITORY TO MASON CITY, IOWA, AND ALBERT LEA, MINN.

APPLICATION FOR RELIEF

FEBRUARY 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated or defluorinated, in bulk, or in bulk in bags, barrels or boxes, minimum 100,000 pounds.

From: Points in southern territory.

To: Albert Lea, Minn., and Mason City, Iowa.

Grounds for relief: Rail competition, circuity and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1286, supp. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1035; Filed, Feb. 12, 1954; 8:46 a. m.]

[4th Sec. Application 28908]

RETURNED PETROLEUM PRODUCTS FROM, TO, AND BETWEEN POINTS IN THE SOUTHWEST

APPLICATION FOR RELIEF

FEBRUARY 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum products, in tank-car loads, which after reaching destination is returned to the original shipping point (for reasons other than carrier's error),

Territory: From, to, and between points in southwestern territory.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4086, supp. 3; F. C. Kratzmeir, Agent, I. C. C. No. 3821, supp. 133; F. C. Kratzmeir, Agent, I. C. C. No. 3825, supp. 198; F. C. Kratzmeir, Agent, I. C. C. No. 4056, supp. 16; F. C. Kratzmeir, Agent, I. C. C. No. 3642, supp. 80; F. C. Kratzmeir, Agent, I. C. C. No. 3802, supp. 154; F. C. Kratzmeir, Agent, I. C. C. No. 3793, supp. 62; F. C. Kratzmeir, Agent, I. C. C. No. 3723, supp. 169; F. C. Kratzmeir, Agent, I. C. C. No. 4066, supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1036; Filed, Feb. 12, 1954; 8:46]

[4th Sec. Application 28910]

WOODPULP FROM KRANNERT, GA., TO NEW YORK

APPLICATION FOR RELIEF

FEBRUARY 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, carloads.

From: Krannert, Ga.

To: Points in the State of New York.

Grounds for relief: Rail competition, circuity, market competition, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, supp. 55.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1038; Filed, Feb. 12, 1954; 8:46 a. m.]

[4th Sec. Application 28912]

IRON OR STEEL CASTINGS FROM ROCKFORD, ILL., TO ANNISTON, ALA.

APPLICATION FOR RELIEF

FEBRUARY 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4527, pursuant to fourth-section order No. 17220.

Commodities involved: Iron or steel castings, in the rough, carloads.

From: Rockford, Ill.

To: Anniston, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1040; Filed, Feb. 12, 1954; 8:47 a. m.]

[4th Sec. Application 28913]

LIQUID CHLORINE GAS FROM POINTS IN OHIO, MICHIGAN, NEW YORK AND VIRGINIA TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

FEBRUARY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 3926 and Agent C. W. Boin's tariff I. C. C. No. A-848.

Commodities involved: Liquid chlorine gas, in tank-car loads.

From: Specified points in Ohio, Michigan, New York, and Virginia.

To: Cincinnati, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1064; Filed, Feb. 15, 1954; 8:46 a. m.]

[4th Sec. Application 28914]

PROPORTIONAL RATES ON GRAIN FROM KANSAS CITY TO GULF PORTS

APPLICATION FOR RELIEF

FEBRUARY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago, Rock Island and Pacific Railroad Company, for itself and other carriers parties to schedule listed below.

Commodities involved: Grain, grain products and related articles, carloads.

From: Kansas City, Mo.-Kans.

To: Texas and Louisiana gulf ports, for export.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Chicago, Rock Island and Pacific Railroad Company, I. C. C. No. C-13346, supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Com-

mission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1065; Filed, Feb. 15, 1954; 8:46 a. m.]

[4th Sec. Application 28915]

SAND, GRAVEL, STONE AND RELATED ARTICLES BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sand, gravel, stone and related articles, carloads.

Between: Points in southern territory, including adjacent points.

Grounds for relief: Competition with rail carriers, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1066; Filed, Feb. 15, 1954; 8:46 a. m.]

[4th Sec. Application 28916]

NEWSPRINT PAPER FROM CALHOUN, TENN., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

FEBRUARY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Newsprint paper, carloads.

From: Calhoun, Tenn.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger; Agent, I. C. C. No. 1349, supp. 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1067; Filed, Feb. 15, 1954; 8:46 a. m.]

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FEDERAL REGISTER

VOLUME 19 NUMBER 33

Washington, Wednesday, February 17, 1954

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

LONG BEACH HARBOR, LONG BEACH, CALIF.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.617 is hereby revised by a change in the title, the abolishment of the seaplane restricted area prescribed in paragraph (a), and redesignation of paragraphs (b) and (c), as paragraphs (a), and (b), with revisions, and § 207.618 is hereby prescribed to establish and govern the use and navigation of a seaplane restricted area in San Pedro Bay in the vicinity of Long Beach Harbor, Long Beach, California, as follows:

§ 207.617 *Long Beach Harbor, Calif.; naval restricted area*—(a) *The area.* All the waters between the Navy mole and Terminal Island to the westward of longitude 118°13'10".

(b) *The regulations.* (1) The area is reserved exclusively for use by naval vessels. Permission to enter the area must be obtained from the enforcing agency.

(2) This section shall be enforced by the Commanding Officer, United States Fleet Operating Base, Terminal Island, California, and such agencies as he may designate.

§ 207.618 *Long Beach Harbor, Calif.; seaplane restricted area*—(a) *The area.* The waters of San Pedro Bay within the following described area. Beginning at a point at latitude 33°45'17", longitude 118°10'24"; thence to latitude 33°44'54", longitude 118°08'02"; thence to latitude 33°44'39", longitude 118°08'06"; thence to latitude 33°45'02", longitude 118°10'27"; thence to the point of beginning.

(b) *The regulations.* (1) Seaplane landings may be made in the area on one hour's notice. All vessels, naval or commercial, anchoring in the area will be required to move within one hour's notice at any time, day or night.

(2) The area will be patrolled by small craft on the approach of seaplanes intending to land. During the hours of darkness, whenever seaplanes are approaching the area for landings, the area will be marked by flat-type rubber buoys showing fixed green lights. Seaplanes will ordinarily approach the area from the east, landing in the east-to-west direction. Prevailing wind at the time of the intended landings will determine the direction of approach.

(3) The regulations in this section shall be enforced by the Commanding Officer, U. S. Fleet Operating Base, Terminal Island, and such agencies as he may designate.

[Regs., Jan. 27, 1954, 800.2121 (Long Beach Harbor, Calif.)-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 54-1105; Filed, Feb. 16, 1954; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 62—NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS AND OVERDUE AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of February 1954.

Presently effective Part 62 of the Civil Air Regulations sets forth provisions for the notification and reporting of accidents involving civil aircraft in the United States and aircraft of United States registry wherever they may occur. It also sets forth provisions for the notification of overdue aircraft. This part has heretofore provided that the required action be reported to the Civil Aeronautics Board.

On November 10, 1953, the Civil Aeronautics Board delegated to the Administrator of Civil Aeronautics the authority to investigate after December 31, 1953, those accidents involving fixed-wing aircraft having a maximum take-off weight of 12,500 pounds or less. In order to provide the Administrator with the notification of such accidents and the reports necessary for the proper investigation of such occurrences, this regulation provides that the notification and reporting

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FEDERAL REGISTER

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of such accidents shall be directed to the Civil Aeronautics Administration instead of the Board as heretofore required. These requirements are generally the same as those that were formerly applicable to "other than air carrier aircraft". Notification and reporting of all other accidents will continue to be directed to the Civil Aeronautics Board. These requirements are generally the same as those formerly applicable to "air carrier aircraft". Several other minor changes have been made to clarify the wording of the regulations.

On July 20, 1953, a notice of proposed rule making was issued proposing a change in classification of the subparts which would distinguish notification and reporting requirements for large aircraft as compared to small aircraft. This proposal would also have eliminated the requirement that all large non-air-carrier aircraft damage be reported if it exceeds $100, an amount considered too small for large aircraft. The substance of these changes has been incorporated in this regulation since it conforms with the action of delegating the investigation of accidents involving small aircraft to the Civil Aeronautics Administration.

Since the changes set forth in this regulation are minor in nature and impose no additional burden on any person, notice and public procedure thereon are unnecessary, and the regulation may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby revises Part 62 of the Civil Air Regulations (14 CFR Part 62, as amended) effective February 11, 1954, to read as follows:

APPLICABILITY AND DEFINITIONS

Sec.
62.1 Applicability of this part.
62.2 Definitions.

SUBPART A—NOTIFICATION AND REPORTING TO THE CIVIL AERONAUTICS ADMINISTRATION

APPLICABILITY

62.4 Applicability of Subpart A of this part.

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62.5 When notification is to be given.
62.6 Responsibility for giving notification.
62.7 To whom notification is directed.
62.8 Information to be given in notification.

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PRESERVATION OF AIRCRAFT WRECKAGE AND

62.15 Preservation of aircraft wreckage and records.
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62.20 When notification is to be given.

SUBPART B—NOTIFICATION AND REPORTING TO THE CIVIL AERONAUTICS BOARD

APPLICABILITY

62.30 Applicability of Subpart B of this part.

NOTIFICATION REQUIREMENTS

62.31 When notification is to be given.
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REPORTING REQUIREMENTS

62.35 When a report is made.
62.36 Responsibility for making report.
62.37 Form of report and contents.
62.38 To whom the report is directed.

PRESERVATION OF AIRCRAFT WRECKAGE AND

62.40 Preservation of wreckage and records.
62.41 Prohibition against removing or disturbing wreckage and records.
62.42 Recording of original position and condition of wreckage.
62.43 Release of wreckage.

NOTIFICATION OF OVERDUE AIRCRAFT

62.45 When notification is to be given.

AUTHORITY: §§ 62.1 to 62.45 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 702, 52 Stat. 1007, 1013, as amended; 49 U. S. C. 551, 582.

APPLICABILITY AND DEFINITIONS

§ 62.1 *Applicability of this part.* This part establishes requirements for the notification and reporting of accidents involving civil aircraft in the United States, its Territories and Possessions, and aircraft of United States registry wherever they occur. It further establishes requirements for the notification of overdue aircraft. Subpart A of this part covers the notification and reporting to be made to the Civil Aeronautics Administration for small fixed-wing aircraft except those used by Alaskan air carriers, while Subpart B of this part provides for the notification and reporting to be made to the Civil Aeronautics Board for all other aircraft.

§ 62.2 *Definitions.* As used in this part the words listed below shall be defined as follows:

(a) *Aircraft accident.* An aircraft accident is an accident which occurs during the starting or warming up of an engine or engines, or operation of an aircraft, which results in serious or fatal injury to one or more persons or in substantial damage to any aircraft, or which involves a collision of two or more aircraft. Whenever serious or fatal injury results from contact with a rotating propeller which is installed on an aircraft, it shall be considered an aircraft accident.

(b) *Aircraft accident incident to flight.* An aircraft accident incident to flight is an aircraft accident which occurs between the time an engine or engines are started for the purpose of commencing flight until the aircraft comes to rest with all engines stopped for complete or partial deplaning or unloading. It excludes death or injuries to persons on board which result from illness, altercations, and other incidents not directly attributable to flight operation.

(c) *Aircraft accident not incident to flight.* An aircraft accident not incident to flight is an aircraft accident other than one defined in paragraph (b) of this section as incident to flight.

(d) *Operator.* An operator of aircraft is the person who causes or authorizes the operation of the aircraft, such as the owner or lessee of an aircraft.

(e) *Fatal injury.* A fatal injury is an injury which results in death within 30 days.

(f) *Serious injury.* A serious injury is an injury which requires hospitalization and medical treatment for a period of five or more days, or results in a fracture of any bone (except simple fractures of fingers, toes, or nose), lacerations which cause severe hemorrhages, or involve muscles, injury to any internal organ, or second or third degree burns or any burns involving more than five percent of the body surface, provided that the injury does not result in death within 30 days.

(g) *Substantial damage.* Substantial damage is damage which necessitates major overhaul of the aircraft or the replacement of or extensive repairs to any major component or combination of components of the aircraft. It does not include damage such as scraped wing tips, bent fairing or cowling, small punctured holes in the skin or fabric, dented skin or trailing edge, repairable damage to propeller blades, or damage to tires, engine accessories, or brakes.

(h) *Small fixed-wing aircraft.* Fixed-wing aircraft having a maximum certificated take-off weight of 12,500 pounds or less.

SUBPART A—NOTIFICATION AND REPORTING TO THE CIVIL AERONAUTICS ADMINISTRATION

APPLICABILITY

§ 62.4 *Applicability of Subpart A of this part.* The provisions of this subpart apply to all small fixed-wing aircraft except those operated by an air carrier authorized by a certificate of public convenience and necessity to engage in air transportation in Alaska.

NOTIFICATION REQUIREMENTS

§ 62.5 *When notification is to be given.* In the case of aircraft within the applicability of this subpart, immediate notification shall be given when any aircraft accident incident to flight occurs which (a) is known or believed to have resulted from structural failure of an aircraft, aircraft engine, or propeller, (b) involves collision of two or more aircraft in the air, or (c) results in serious or fatal injury to any person. Notification shall also be given of any occurrence of fire involving any of the components or systems on board the aircraft when incident to flight, regardless of the extent of injury to occupants or damage to the aircraft.

§ 62.6 *Responsibility for giving notification.* The pilot or pilots, or, if the pilots are incapacitated, the operator shall be responsible for giving such notification.

§ 62.7 *To whom notification is directed.* The notification shall be directed to the nearest Civil Aeronautics Administration communications station, aviation safety district office, or aviation safety agent.

§ 62.8 *Information to be given in notification.* The notification shall include the following information concerning the accident, if available: location, date, time of day, number of persons involved, injuries to each, aircraft identification including registration number, aircraft make and model, names of crew members, operator, and briefly the nature of circumstances surrounding the accident.

REPORTING REQUIREMENTS

§ 62.10 *When a report is made.* A written report shall be made of every aircraft accident incident to flight involving aircraft of United States registry wherever it may occur, when there is serious or fatal injury or where the reasonably estimated cost of repair is $100 or more. A written report may also be required for an aircraft accident not incident to flight, or for any accident involving minor injury or less than $100 estimated cost of repair if the pilot, owner, or operator is requested by an authorized representative of the Civil Aeronautics Administration to furnish it.

§ 62.11 *Responsibility for making report.* The pilot or operator of the aircraft involved in the accident shall be responsible for making the written report required by § 62.10. The report shall be made as soon as possible and good cause shown in writing for any delay over seven days. If the operator is not the pilot, then each pilot involved in the accident, if physically able at the time of the submission of the report, shall sign the report or attach thereto a signed statement setting forth the facts, conditions, and circumstances pertinent to the accident. If incapacitated at the time of the submission of the report, each

pilot shall submit such a statement as soon as he is physically able to do so.

§ 62.12 *Form of report and contents.* The report shall be made in triplicate on an accident report form furnished by the Civil Aeronautics Administration and shall contain all available information required therein.

§ 62.13 *To whom the report is directed.* The report shall be mailed or delivered to the nearest aviation safety district or regional office of the Civil Aeronautics Administration. However, where a State by agreement with the Administration actively participates in the investigation of non-air-carrier accidents and the accident occurred in that State, a State aviation official or investigator is authorized to receive such report and exhibits in behalf of the Administration.

NOTE: Where a State aviation authority receives such an accident report and exhibits or conducts the investigation in behalf of the Administration, distribution of the copies of the report shall be in accordance with the agreement with the Administration.

PRESERVATION OF AIRCRAFT WRECKAGE AND RECORDS

§ 62.15 *Preservation of aircraft wreckage and records.* Aircraft wreckage and records thereof involved in or pertaining to an accident of which notification must be given under the provisions of § 62.5 shall be preserved for the Administration by the pilot, owner, or operator.[1] Wreckage of aircraft involved in accidents not requiring notification under § 62.5 need not be preserved, unless specifically ordered by an authorized representative of the Civil Aeronautics Administration.

§ 62.16 *Prohibition against removing or disturbing aircraft wreckage and records.* Aircraft wreckage and records thereof involved in or pertaining to an accident of which notification must be given under the provisions of § 62.5 shall not be disturbed or removed, unless specific permission is granted by an authorized representative of the Civil Aeronautics Administration, except where necessary (a) to give assistance to persons injured or trapped therein, (b) to protect such wreckage from further serious damage, or (c) to protect the public from injury.

§ 62.17 *Recording of original position and condition of wreckage.* Whenever wreckage is moved in accordance with the provisions of § 62.16, prior to the removal, sketches or photographs shall be made of the original position and condition of the wreckage and marks on the ground, and any pertinent data which cannot be effectively photographed shall be recorded, unless the resultant delay would endanger the lives of persons injured or trapped, or unless essential public interests can be protected only by immediate movement. In any event, movement of the wreckage shall be so accomplished as to entail the minimum possible disturbance thereof, and shall be preserved in accordance with the provisions of § 62.15.

§ 62.18 *Release of wreckage.* Aircraft wreckage or records thereof involved in or pertaining to an accident of which notification must be given under the provisions of § 62.5 shall not be released for repair, salvage, disposal, or any other purpose until permission is granted by an authorized representative of the Civil Aeronautics Administration.

NOTIFICATION OF OVERDUE AIRCRAFT

§ 62.20 *When notification is to be given.* When an aircraft is overdue and the operator or owner believes that it has been involved in an accident, the operator or owner shall immediately notify the Civil Aeronautics Administration in accordance with the provisions of §§ 62.6 through 62.8. In addition, it shall be the responsibility of the owner or operator to furnish such records pertinent to flight as may be requested by the Civil Aeronautics Administration. If the aircraft is still missing upon the expiration of seven days, the reporting provisions of §§ 62.10 through 62.13 shall be complied with.

SUBPART B—NOTIFICATION AND REPORTING TO THE CIVIL AERONAUTICS BOARD

APPLICABILITY

§ 62.30 *Applicability of Subpart B of this part.* The provisions of this subpart apply to all aircraft covered by this part, which are not covered by Subpart A of this part.

NOTIFICATION REQUIREMENTS

§ 62.31 *When notification is to be given.* Immediate notification shall be given of any aircraft accident involving aircraft within the applicability of this subpart. Immediate notification also shall be given of any occurrence of fire involving any of the components or systems aboard the aircraft when incident to flight, regardless of the extent of injury to occupants or damage to the aircraft.

§ 62.32 *Responsibility for giving notification.* The operator of the aircraft shall be responsible for giving notification as provided in § 62.31.

§ 62.33 *To whom notification is directed.* The notification shall be directed to the Civil Aeronautics Board through its nearest office or through the nearest Civil Aeronautics Administration communications station or agent, who upon receipt shall transmit the information to the nearest Civil Aeronautics Board office. The notification shall be sent by the most expeditious means of communication available.

§ 62.34 *Information to be given in notification.* The notification shall include the following information concerning the accident, if available: location, date, time of day, number of persons involved, injuries to each, aircraft identification including registration number, aircraft make and model, names of crew members, operator, and briefly the nature of circumstances surrounding the accident.

REPORTING REQUIREMENTS

§ 62.35 *When a report is made.* A written report shall be made of every aircraft accident incident to flight involving aircraft of United States registry wherever it may occur.[2] A written report will not be required on any aircraft accident not incident to flight, unless the operator has been requested to make such a report by an authorized representative of the Civil Aeronautics Board.

§ 62.36 *Responsibility for making report.* The operator of the aircraft involved in the accident shall be responsible for making the written report required by § 62.35. The report shall be made as soon as practicable and good cause shown in writing for any delay over 10 days. Each member of the crew involved in the accident, if physically able at the time of the submission of the report, shall attach thereto a signed statement setting forth the facts, conditions, and circumstances pertinent to the accident. If incapacitated at the time of the submission of the report, each crew member shall submit a statement as soon as physically able.

§ 62.37 *Form of report and contents.* The report shall be made in duplicate on an accident report form furnished by the Civil Aeronautics Board and shall contain all available information required therein.

§ 62.38 *To whom the report is directed.* The report shall be mailed or delivered to the office or representative of the Civil Aeronautics Board nearest the residence of the operator involved, or as otherwise directed by an authorized representative of the Civil Aeronautics Board.

PRESERVATION OF AIRCRAFT WRECKAGE AND RECORDS

§ 62.40 *Preservation of wreckage and records.* Aircraft wreckage and records thereof involved in or pertaining to an aircraft accident shall be preserved for the Board by the operator.[3]

§ 62.41 *Prohibition against removing or disturbing wreckage and records.* Aircraft wreckage or records thereof involved in or pertaining to an aircraft accident shall not be disturbed or removed, unless specific permission is granted by an authorized representative of the Civil Aeronautics Board, except where necessary (a) to give assistance to persons injured or trapped therein, (b) to protect such wreckage from further serious damage, or (c) to protect the public from injury.

§ 62.42 *Recording of original position and condition of wreckage.* Whenever wreckage is moved in accordance with the provisions of § 62.41, prior to the removal, sketches or photographs shall be made of the original position and condition of the wreckage and marks on the ground, and any pertinent data which cannot be effectively photographed shall be recorded, unless the resultant delay would endanger the lives of persons injured or trapped, or unless essential public interests can be protected only by immediate movement. In any event, movement of the wreckage shall be so accomplished as to entail the minimum possible disturbance thereof, and shall be preserved in accordance with the provisions of § 62.40.

§ 62.43 *Release of wreckage.* Aircraft wreckage or records thereof involved in or pertaining to an aircraft accident of which notification must be given under the provisions of § 62.5 shall not be released for repair, salvage, disposal, or any other purpose until permission is granted by an authorized representative of the Civil Aeronautics Board.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-1114; Filed, Feb. 16, 1954; 8:51 a. m.]

[1] Where accidents occur outside of the United States, its Territories, or possessions, the operator shall only be responsible for taking such measures for preserving aircraft wreckage or records as may legally be taken in the place where the accident occurs.

[2] Refer to definitions contained in paragraphs (a), (b), and (g) of § 62.2.

[3] Where accidents occur outside of the United States, its Territories, or possessions, the operator shall only be responsible for taking such measures for preserving aircraft wreckage or records as may legally be taken in the place where the accident occurs.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 65]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. When the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility, class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (−) side of final approach course, altitude, and inbound and outbound headings, if required. Altitudes, limiting distances	
					If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6
FORT WAYNE, IND. Baer Field (Ft. Wayne) SHIRLEY NDB-FWA Procedure No. 1 February 18, 1954	Fort Wayne VOR	172—7.0	2,000	8 side of course 2610 outbound. 1651 inbound. 2,000' within 25 miles.	
	Markle FM (final)	351—10.0	1,500		
NORTHWAY, ALASKA Northway Airport SHIRLEY NDB Procedure No. 1 February 21, 1954	All directions		MEA	S side NW course: 2700 outbound. 0960 inbound. 2,700' within 18 miles. 3,900' within 20 miles. 4,300' within 25 miles.	
	Shipika Lake NDB 4.2 mi. on S side NW course. 225° outbound. 0960 inbound. Within 25 miles.				

NOTE: Radio towers between range station and airport 2,010' MSL.

2. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

Item 1 of 3 instrument approach procedures conducted at the below named airport, is established in accordance with the following and is effective on the dates specified. Unless otherwise authorized by the Administrator for Civil Aeronautics for such airport, initial approaches shall be made over specific routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, radio aid and class; and local facility. Procedure No. effective date	Transition to ILS			Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished	Procedure turn (=side of final approach course (outbound and inbound); altitudes, limiting distances
	From—	To—	Course and dis tance	Minimum altitudes (ft.)		Condition	Type aircraft			
							75m p.h. or less	More than 75 m.p.h.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
EVANSVILLE, IND. Dress Memorial, 389' (1 NE-FVV Procedure No 1 Combination ILS-ADF February 1, 1954	Evansville LFR	LOM	118—3.9	1,800	1,800	ILS 1,800 / ADF 1,800	2,634—4.5	1,057—0.67	T-dn	300–1	300–1	4.5 miles after passing LOM (ADF) make left climbing turn, climb to 2,000 and proceed via ATC make right climbing turn, climb to 2,000 on NE course of EVV-LFR, intercept W course of EVV-LFR and proceed on course within 25 miles. Caution: Radio tower 920' MSL 4.5 miles SW of airport.	N side course: 68° outbound, 21° inbound. 1.86° within 15 miles.
	Evansville VOR	LOM	061–2.0	2,000	2,000				C-dn	300–1	600–1½		
	Int E course FVV-LFR and NE ILS course of 249° bearing to LOM (final).	LOM	215–3.0	1,800	1,800				D-dn 21 ILS	600–2	600–2		
									ADF (D)	400–1	400–1		
	Int S course FVV LFR and NE ILS course of 065° bearing to LOM.	LOM	035–3.5	1,800	1,800				ADF (S)	500–1	500–1		
									A-dn	800–2	800–2		
	Int 242° course to FVV-VOR and 284° bearing to LOM (final).	LOM	254–12.0	1,800	1,800	T-dn	300–1	300–1				Climb to 2,400' on SE course ILS within 15 miles or when directed by ATC turn left climb to 2,400 on NE course of Forbes LFR within 25 miles.	
	Int 077° course to FVV-VOR and 284° bearing to LOM.	LOM	284–19.0	1,800	1,800	C-dn	500–1	500–1					
	Int 210° course to FVV-VOR and 242° bearing to LOM (final).	LOM	100–20.0	1,800	1,800	B-dn 12	600–1½	600–1½					
	Primrock FM	LOM	108–14.7	1,800	1,800	ADF	400–¾	400–¾					
									A-dn	500–1	500–1		
										800–2	800–2		
TOPEKA, KANS. Phillip Billard, 880' (1 NE-TOP LOM-304 Procedure No 1 Combination ILS-ADF February 8, 1954	Forbes LFR	MHW at OM	305–15.0	2,400	2,400	T-dn	300–1	300–1				N side course: 305° outbound, 125° inbound. 2.2 miles MHW at OM.	
	Int 2°° bearing to SLN VOR and NW course Forbes LFR.	MHW at OM	71–16.0	2,400	2,400	C-dn	500–1	500–1					
						B-dn 12	600–¾	600–¾					
						ADF	500–1	500–1					
	Topeka VOR	MHW at OM	251–7.0	2,300	2,300	A-dn	800–2	800–2					

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

P. H. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1079; Filed, Feb. 16, 1954; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 940]

ALASKA

EXCLUDING CERTAIN TRACTS FROM THE CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM FOR PURCHASE AS HOMESITES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, are hereby excluded from the Chugach and Tongass National Forests, Alaska, as hereinafter indicated, and restored, subject to valid existing rights, for purchase as homesites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461):

CHUGACH NATIONAL FOREST

U. S. Survey No. 2519, lot J, 4.56 acres; latitude 60°25'30" N., longitude 149°22' W. (Homesite No. 38, Falls Creek Group).

U. S. Survey No. 2519, lot K, 4.60 acres; latitude 60°25'30" N., longitude 149°22' W. (Homesite No. 41, Falls Creek Group).

U. S. Survey No. 3143, unsurveyed, lot 5, 3.50 acres; latitude 60°24' N., longitude 149°22' W. (Homesite No. 129, Lawing Group).

TONGASS NATIONAL FOREST

U. S. Survey No. 2914, lot 29, 4.28 acres; latitude 57°58'13" N., longitude 136°14'8" W. (Homesite No. 1007, Lisianski Inlet Group).

ORME LEWIS,
Assistant Secretary of the Interior.

FEBRUARY 10, 1954.

[F. R. Doc. 54-1062; Filed, Feb. 16, 1954; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A (Formerly NPA Order M-11A), Amdt. 3 of February 15, 1954]

M-11A—COPPER AND COPPER-BASE ALLOYS

AMOUNT OF PRODUCTION CAPACITY TO BE RESERVED

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment affects BDSA Order M-11A (formerly NPA Order M-11A), as amended, by decreasing the amount of production capacity which a producer of copper controlled materials must reserve for the acceptance of authorized controlled material orders. Paragraph (b) of section 9 of BDSA Order M-11A, as amended by Amendment 2 of August 25, 1953, is hereby further amended to read as follows:

(b) The production capacity to be reserved by a copper controlled materials producer for the production of each copper controlled material product to be delivered pursuant to authorized controlled material orders for any such product for a particular month, shall be that capacity required to produce a quantity by weight of such product, computed by multiplying the average shipment of such product by the applicable percentage set opposite such product in the following list:

	Percentage for orders calling for delivery—	
	Prior to Apr. 1, 1954	After Mar. 31, 1954
Brass mill products:		
Unalloyed:		
Plate, sheet, strip, and rolls	15	10
Rod, bar, shapes, and wire	15	11
Seamless tube and pipe	11	8
Alloyed:		
Plate, sheet, strip, and rolls	26	15
Rod, bar, shapes, and wire	32	11
Seamless tube and pipe	55	35
Military ammunition cups and discs	(1)	(1)
Copper wire mill products:		
Copper wire and cable:		
Bare and tinned	20	16
Weatherproof	20	16
Magnet wire	20	16
Insulated building wire	20	16
Paper and lead power cable	20	16
Paper and lead telephone cable	20	16
Asbestos cable	20	16
Portable and flexible cord and cable	20	16
Communications wire and cable	20	16
Shipboard cable	20	16
Automotive and aircraft wire and cable	20	16
Insulated power cable	20	16
Signal and control cable	20	16
Coaxial cable	20	16
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	20	16
Copper foundry products and unalloyed copper powder mill products	27	15
Copper-base alloy powder mill products	(1)	(1)

[1] Reserve space will be provided by means of production directives.

(64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect February 15, 1954.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 54-1138; Filed, Feb. 15, 1954; 12:35 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

FILING OF OPPOSITIONS TO PETITIONS

1. The Commission has under consideration § 1.730 of its rules and regulations relating to practice and procedure, which provides for the filing of oppositions to petitions.

2. The Commission has been concerned with the frequent instances in which multifarious and repetitive pleadings are being filed in proceedings before it, increasing substantially the delay and complexity in the Commission's consideration of such matters. It is believed that in many instances such pleadings are totally unnecessary to the disposition of the matter.

3. Section 1.730 of the rules presently provides merely that oppositions to petitions, except as otherwise provided, must be filed within 10 days after such petition is filed with the Commission. The rules do not refer to the filing of any additional pleadings. In order to expedite the consideration of matters before the Commission, § 1.730 is being amended to provide that oppositions to petitions may be filed within 10 days after such petitions are filed with the Commission and that replies to such oppositions may be filed within 5 days after the filing of such oppositions. Section 1.730 is being further amended to provide expressly that no other pleadings may be filed unless (1) specifically requested by the Commission or (2) leave to file such additional pleadings is granted by the Motions Commissioner upon a showing of good cause. Section 0.112 of the Commission's rules relating to delegation of authority to the Motions Commissioner is being amended [1] to add subsection (g) which will delegate to the Motions Commissioner authority to act upon requests for leave to file additional pleadings pursuant to § 1.730 as amended. It should be noted that the amendment to § 1.730 does not alter the provisions of §§ 1.744 and 1.745 which apply to the Commission's motions practice and specify that action on such motions may be taken four days after such motions have been filed with the Commission.

4. The problem of repetitive pleadings also arises in rule-making proceedings before the Commission. In general, the Commission in its notices instituting rule-making proceedings specifies the dates by which comments and replies to such comments may be filed. It has been the Commission's experience that numerous additional pleadings, in many cases totally unnecessary to the disposition of the matter, are submitted, merely adding to the complexity and delay in the consideration of the problems presented. Accordingly, the Commission in future notices of proposed rule making will, in addition to specifying the dates by which comments and replies to such comments may be filed, provide further that no additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. Requests for leave to file additional pleadings in rule-making cases will be directed to the full Commission rather than the Motions Commissioner as provided above in connection with the amendment of § 1.730.

5. The amendments adopted are procedural in nature or related to the in-

[1] See F. R. Doc. 54-1112, in Notices Section, *infra*.

ternal organization of the Commission and, therefore, prior notice of proposed rule making is unnecessary. It is believed that the public interest would be served by making such amendments effective February 17, 1954: *Provided, however,* That the amendment does not apply to pleadings already on file with the Commission.

6. Authority for the adoption of the amendments is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

7. In view of the foregoing, *It is ordered,* That, effective February 17, 1954 (except as provided in paragraph 5 above), § 1.730 of the Commission's rules is amended to read as follows:

§ 1.730 *Oppositions and replies to oppositions.* Except as otherwise provided, oppositions to petitions must be filed within 10 days after such petitions are filed with the Commission. Replies to such oppositions must be filed within 5 days after such oppositions are filed with the Commission. No other pleadings may be filed with the Commission unless (a) specifically requested by the Commission or (b) leave to file such additional pleadings has been granted by the Motions Commissioner upon a showing of good cause.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: February 10, 1954.

Released: February 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1113; Filed, Feb. 16, 1954; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PRODUCERS STOCK YARDS, MT. VERNON, OHIO

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Producers Stock Yards, Mt. Vernon, Ohio (located on State Highway #3 approximately two miles southwest of the center of Mt. Vernon, Ohio) is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of the act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 12th day of February 1954.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 54-1118; Filed, Feb. 16, 1954; 8:52 a. m.]

[7 CFR Part 919]

[Docket No. AO-249]

HANDLING OF MILK IN SOUTHWEST KANSAS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Southwest Kansas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order was formulated, was conducted at Dodge City, Kansas, August 18-21, 1953, pursuant to notice thereof which was issued July 29, 1953 (18 F. R. 4519).

The material issues of record related to:

1. The character of commerce in the handling of milk;
2. The need for regulation;
3. The extent of the marketing area;
4. The scope of regulation;
5. The classification of milk;
6. Class prices;
7. Payments to producers;
8. The administrative assessment; and
9. Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the Southwest Kansas marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products.

Milk produced for the Southwest Kansas marketing area is regularly distributed on routes extending into the States of Colorado, Oklahoma and Texas. The principal distribution in these states is by a handler whose plant is located in Dodge City, Kansas, although there is lesser distribution in the State of Oklahoma by a handler whose plant is in Liberal, Kansas. The Dodge City handler competes in procurement and sales with all other handlers of the Southwest Kansas area.

Milk produced in Colorado and Oklahoma is distributed in Kansas in competition with milk produced for the Southwest Kansas marketing area. Some of this distribution is by handlers whose plants are located in Colorado and Oklahoma. Other distribution is by handlers from the Wichita, Kansas, market which receives supplies from producers whose farms are located in Oklahoma.

During periods when milk production is in excess of the needs for fluid sales, producer milk is manufactured into products such as ice cream, butter and cheese which are disposed of over a wide area including states other than Kansas. In periods when milk production is short of the needs for fluid sales, milk is imported from other areas. Some of such imports are from states other than Kansas.

2. *The need for regulation.* The issuance of an order to regulate the handling of milk in the Southwest Kansas marketing area will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act.

Under short supply conditions that prevailed in the Southwest Kansas area through 1952 a cooperative association of producers had succeeded in establishing a nominal class use basis for pricing milk of its members and other producers disposed of to a number of the principal handlers of the area. The arrangements in effect followed generally the classification and pricing pattern in effect in the Wichita market, including the premium in excess of minimum order prices that were negotiated in the Wichita market. Returns to producers were based upon the average utilization by classes of the milk received by each handler.

Milk production in the Southwest Kansas area increased substantially early in 1953 in common with the experience in many other areas. The marketing system that appeared to work with reasonable satisfaction under conditions of short supply has not been adequate for the changed conditions. The

[2] Commissioner Hennock not participating.

handling and pricing of surplus milk has not been uniform. All handlers do not have adequate facilities for handling milk in excess of their fluid needs. While reasonable uniformity has prevailed in the prices at which handlers have accounted to producers for the milk used for their fluid sales there have been considerable differences in the prices at which they have accounted for the milk used in other ways. A considerable disparity in the blend prices of individual handlers has occurred through some handlers providing a market for only that milk needed for their fluid sales while other handlers have attempted to provide a market for the increased production through their manufacturing facilities.

After failure to reach an agreement with one handler concerning the price for milk in excess of fluid needs early this spring, the association retailed the milk of some 17 of its member producers for some weeks in competition with this handler and others, and for this time pooled the proceeds of the sales of all of its members. When retail sales were discontinued and the milk of these producers was placed with another handler who needed it only for manufacturing purposes, the association pool was also discontinued because nonmember producers were receiving higher blend prices from certain handlers.

It is evident that the area requires a marketing system whereby all producers share equitably the fluid sales of the area and also share equally the burden of seasonal and cyclic surpluses of milk. The distribution of facilities for handling milk in excess of fluid requirements do not permit these results through even distribution of milk supplies to handlers.

Producers and handlers have failed to agree upon any uniform plan designed to bring about a more uniform seasonal pattern of production to meet the needs of the market. One attempt to establish a base plan was abandoned after a short period of operation apparently because its provisions were not well understood by all elements of the market. Attempts to reach agreement on other increases have failed.

No testimony was offered at the hearing in opposition to the issuance of an order. It is concluded that the issuance of a marketing order will provide stability to the market and tend to effectuate the declared policy of the act.

3. *The extent of the marketing area.* The marketing area should be defined to include 26 cities, all in the Southwestern portion of Kansas, and 14 townships located in 7 counties which include or are adjacent to 9 of these cities.

Producers proposed that the marketing area be defined to include the corporate limits of the Cities of Dodge City, Garden City, Pratt, Great Bend, Larned, Kinsley and Scott City, all in Kansas, and supported the addition of the City of Liberal, Kansas, to this list of cities. Handlers proposed that the marketing area be defined as 29 counties plus two small municipalities in a 30th county.

Southwest Kansas is predominantly a rural area with no large centers of population. The cities which producers support as the marketing area are the largest cities in this portion of the state, and vary from approximately 3,000 to 15,000 in population. They are also the places at which are located the principal milk processing plants at which milk is received from producers for distribution in the area. There are, however, numerous smaller towns in which milk received at plants in these larger towns is distributed. In only three of these—Hoisington, Ellinwod, and Elkhart are there any milk plants which receive milk from dairy farmers and distribute fluid milk. Hoisington and Ellinwood are in the immediate vicinity of Great Bend.

Throughout a considerable portion of the surrounding area distribution of Grade A milk for fluid consumption is exclusively from (1) plants located within the area proposed, (2) plants regulated by the order for the Wichita, Kansas, market, and (3) producers retailing their own milk. There is little if any distribution of non-Grade A milk other than by farmer retailers. The regulation proposed is restricted to pricing Grade A milk eligible for fluid consumption that is received by handlers from producers. While it is not feasible to define a marketing area to include all territory within which regulated handlers may extend their sales it is considered advisable that the area defined include that territory within which they are the principal or sole suppliers of the kind of milk to be regulated and in which their sales are a significant portion of their business.

One Dodge City handler who distributes milk throughout the entire 29 county area proposed has about 13 percent of his sales in Dodge City and less than half of his sales in the 8 cities which producers proposed. A Garden City handler with distribution in 15 counties has slightly more than half of his sales in three of these cities. While the record does not show the percentage distribution of their sales, it shows that another Dodge City handler and a handler whose plant is located at Pratt each distribute milk in eight counties.

It is concluded that the marketing area should be defined to include the cities of Ashland, Cimarron, Coldwater, Dodge City, Elkhart, Ellinwood, Garden City, Great Bend, Greensburg, Hoisington, Hugoton, Johnson, Jetmore, Kinsley, La Crosse, Lakin, Larned, Liberal, Meade, Medicine Lodge, Ness City, Pratt, St. John, Stafford, Syracause, and Ulysses and certain townships which are adjacent to or include the Cities of Dodge City, Ellinwood, Garden City, Great Bend, Hoisington, Kinsley, Larned and Pratt. The marketing area so defined will include the principal points at which handlers of the larger cities are the suppliers of Grade A milk. It will accomplish the intent of handlers in requesting regulation by county boundaries and at the same time will present less administrative problems.

Population is not dense in the rural areas of Southwest Kansas. The geographical location and population of smaller towns is such as to make it impractical for there to be any substantial milk distribution in the area without sales in the defined marketing area. The inclusion of townships surrounding or adjacent to the principal cities will prevent the establishment of retail sales of unregulated milk adjacent to the boundaries of these cities.

Sales in Greeley, Wichita, Scott, Lane, and Kingman counties are not a significant part of the milk sales of the major handlers who will be regulated by the area herein proposed. For this reason the defined marketing area does not include cities in these counties. While there was producer testimony concerning need for regulation of milk received by a Scott City handler, the record fails to establish a close relationship between the milk supply for Scott City with that for the area herein defined.

Within the defined area, milk labeled Grade "A" must be produced and handled under local or state supervision in accordance with the standards of the United States Public Health Service Standard Milk Ordinance. These standards have been adopted by the Kansas State Board of Agriculture and are contained in the ordinances of the principal cities. While not all of the cities of the defined marketing area require milk of Grade "A" quality, distribution of non-Grade "A" milk appears to be limited to that of producer-retailers. As indicated by the area of distribution of major handlers, milk of Grade "A" quality moves freely within the defined area. While only one handler distributes throughout the entire area, several handlers distribute their milk throughout a considerable portion of the area. A single cooperative association represents a majority of the producers supplying the principal handlers who would be regulated.

4. *The scope of regulation.* The minimum class prices of the orders should apply to milk of Grade A quality received directly from the farm on which it is produced, at a milk plant from which fluid milk is distributed on routes in the marketing area, or at a receiving plant closely associated with and regularly supplying such a plant.

Health authorities of most cities of the marketing area in which bottling plants are located inspect the farms of and issue permits or ratings to those producers whose milk is eligible for distribution as Grade A Milk. In at least one instance, Liberal, the record indicates that currently farm inspections are made and ratings issued by the State of Kansas. However the City of Liberal is proposing to adopt an ordinance under which these functions will be performed by municipal authorities.

In order to distinguish clearly what milk is to be subject to the order, which processors and distributors are to be subject to regulation, and which dairy farmers will have their milk priced and pooled, it is necessary to include in the order definitions of "approved plant", "handler", "producer" and "other source milk".

"Approved plant" should be defined to include those milk plants approved by the appropriate health authorities having jurisdiction in the marketing area from which Class I milk (fluid milk items specifically named elsewhere in the

order) is disposed of under Grade A label on routes in the marketing area. The definition should also include the plants which regularly receive milk from producers under inspection of the health authority of a municipality of the marketing area and move it to a plant under common ownership from which Grade A milk is disposed of on routes in the marketing area. The definition will thus be restricted to those plants regularly supplying the fluid milk needs of the area and will not include outside plants which from time to time furnish supplementary supplies to plants regularly supplying the area. There are presently no plants operating as receiving stations. One handler however, has a second plant which until recently was operated as a receiving and bottling plant and where milk from producers is presently collected and moved in farmer's cans to the handler's principal plant. Provision is made for this plant to be considered an approved plant should the handler choose to receive and commingle milk there for more economical handling.

It was contended that the benefits of market-wide pooling shall not be extended to dairy farms or fluid milk plants having only casual association with the market. Accordingly a proposal was made that a plant which disposed of less than 15 percent of its receipts of Grade A milk on routes in the marketing area be excluded from pooling. The need for such a provision at this time appears largely speculative and accordingly no action is herein considered on the basis of this record.

"Handler" should be defined as any person in his capacity as the operator of an approved plant and any cooperative association with respect to milk of producers which it may divert for its own account to an unapproved plant. The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and for paying producers minimum prices. A cooperative association in its role of marketing milk of its producer members may need for short periods to divert producers milk from approved plants to unapproved plants for its own account. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price established under the order and their milk will be available for fluid use when needed.

"Producer" should be defined as any person, other than a producer-handler who produces milk received at an approved plant, or diverted from an approved plant to an unapproved plant for the account of a handler, which milk is produced under a Grade A dairy farm permit or rating issued by the appropriate health authority of a municipality of the marketing area or by the State of Kansas. Provision should be made to exclude any person whose milk is priced under another Federal order as a producer under this order, since this would result in such persons' milk being priced and pooled under two separate regulations.

The order does not propose to price the milk or pool the Class I sales of a producer-handler, who is a person operating an approved plant and produces milk but receives no milk from producers. The producer-handler is his own marketing agent and is thus in a position to regulate his production to his sales and completely control its disposition. Producer-handlers are thus in an entirely different position from producers whose milk is marketed through a handler, and a producer-handler's milk should not be subject to the pricing and pooling provisions of the order. Any milk that producer-handlers sell to handlers is normally surplus to their own operations; to pool such milk without also pooling the Class I sales producer-handlers make directly would result in a preferential market to producer-handlers as compared with producers regularly supplying handlers. Producer-handlers should therefore be excluded from the definition of producers and any milk they deliver to buying handlers be treated as other source milk.

"Other source milk" should be defined to include all skim milk and butterfat other than that contained in producer milk. When received at an approved plant, such milk would be from dairy farmers not approved for producing Grade A milk or from a plant which does not qualify as an approved plant. Other source milk would not be priced under the order, but would be allocated to the lowest use in the handler's plant to prevent its displacing producer milk, which constitutes the regular supply of the market, from Class I.

5. *Classification of milk.* Milk should be classified in two classes. Class I milk should include all skim milk and butterfat disposed of as milk, skim milk, buttermilk, flavored milk drinks, and cream or cream mixtures. These are the products which are required by health regulations to be Grade A milk. Class II milk should include all skim milk and butterfat used to produce products not required to be from Grade A milk, disposed of for livestock feed, and allowable shrinkage.

Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I milk in order to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for this purpose under most conditions. For the flush production months of April, May and June the maximum allowance with respect to skim milk is established at 5 percent of receipts in order that handlers with skim milk in excess of their needs in volumes too small to justify transportation to manufacturing plants or other disposition as Class II milk may not suffer undue hardships. No limit need be put on shrinkage of other source milk since such milk is deducted from the lowest use class under the allocation provisions. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts.

To prevent other source milk, which is unpriced, from displacing from Class I producer milk which is the regular supply for the market, other source milk should be allocated to the lowest class uses in a handler's plant. In establishing the classification of milk, responsibility should be placed upon the handler who first receives milk from producers to account for all milk and milk products received, and to prove to the market administrator his claim that such receipts should be classified as other than Class I. The handler who first receives milk from producers is the person who is in position to satisfy this primary requirement of a class price plan. Such a handler must be held responsible for reporting properly the utilization of such milk and making full payment for it. He must, therefore, maintain records to establish unquestionable proof of the utilization of all milk he receives.

Provision should be made to cover the classification of milk, skim milk and cream transferred to other milk plants since such disposition may be for either fluid (Class I) or manufacturing (Class II) use. Transfers to the approved plants of other handlers may be at classification agreed upon between the handlers, provided the transferee plant has use in the agreed class and the prior claim of producer milk in Class I utilization is maintained. This is the most practical method of dealing with inter-handler transfers since it is convenient to handlers and under the market-wide pool neither the total cost of milk to handlers nor returns to producers are changed. Transfers to a producer-handler should be Class I since producer-handlers normally purchase from handlers only for fluid use. Transfers from approved plants to fluid milk plants within 300 miles of Dodge City should be classified as Class I milk up to the total disposition of Class I milk from such plant in excess of its receipts from the dairy farmers constituting its regular source of supply. Transfers to manufacturing plants (those with no route distribution of fluid milk) within 300 miles should be Class II milk. Transfers of milk or skim milk to plants located more than 300 miles from Dodge City should be Class I. Milk and skim milk normally cannot economically be transported greater distances for manufacturing use. The 300 mile limit establishes an area within which there are manufacturing facilities adequate to dispose of any prospective excess of producer milk.

Cream may economically be transported considerable distances for manufacturing use. The use of Grade A certification is a reasonably accurate criterion as to whether cream moves for fluid use or manufacturing use. It is provided that transfers of cream to unapproved plants without regard to distance shall be Class I if under Grade A certification, and Class II if without such certification and identified by label and invoice as for manufacturing use

6. *Class prices.* The minimum price for Class I milk in the Southwest Kansas marketing area should be based upon the value of milk for manufacturing purposes, as reflected by the prices paid for milk by mid-west condenseries and market prices for butter and nonfat dry

milk solids. The production of manufacturing quality milk is neither an important agricultural enterprise in the Southwest Kansas area nor a significant factor in the total potential supply for the market. Nevertheless changes in the value of milk for manufacturing purposes have for considerable time been reflected in the prices for fluid use. Such changes have resulted from the relationship of the Wichita market to the Southwest Kansas market. There is considerable competition for milk sales between Wichita handlers and Southwest Kansas handlers. There is also some competition for milk supplies between the two markets. As a result the milk prices in the Southwest Kansas area have followed the pattern in the Wichita market. The minimum prices of the Wichita order are based upon manufacturing milk values. The relationship between the two markets is sufficiently close to make it important that changes in minimum order prices be influenced by the same factors. The basic formula price to be used in establishing the current month price for milk of 3.8 percent butterfat content should be the higher of the prices paid farmers at 15 milk manufacturing plants in Wisconsin and Michigan or a formula price based on market values of butter and nonfat dry milk solids. Such a basic formula parallels closely that in the Wichita order, prices milk at the basic test to which the market is accustomed, and permits handlers to know their costs at the time of purchase.

The Class I price should be the basic formula price plus $1.65 in all months of the year. This is the Class I differential of the Wichita market. Producers proposed that this differential be $1.90 in order to compensate for differences in the classification and method of accounting for milk herein proposed from those applicable under the Wichita order and currently in use in the Southwest Kansas market. They contended that a Class I differential of $1.90 would be required, when applied to the separate classification and accounting for skim milk and butterfat proposed, to produce a blend or uniform price equal to that which would result from a $1.65 Class I differential applied to the milk equivalent classification and accounting system in use heretofore. Computation of the results under the two systems indicates that a differential somewhat less than $1.90 would accomplish this result.

Milk supplies in the Southwest Kansas area have increased substantially throughout 1952 and 1953. For January 1953 receipts were 26 percent greater than for January 1952. For May 1953 the increase over the same month a year earlier was more than 50 percent. Much of this increased supply was needed, as the market was in short supply during much of 1952 and for several years previously. Furthermore the prices paid producers much of this time were substantially in excess of the minimum prices of the Wichita order. The record however indicates that underlying economic conditions in the area have changed in a way which will increase the attractiveness of milk production. The principal agricultural enterprises of the area are wheat and beef cattle. Reductions in wheat acreages under marketing quotas and reduced profits from beef operations will, in the opinion of producer witnesses, increase milk production. These changes may also be reflected in sales volumes in this area in which much of the economy is closely related to agricultural enterprises. Under these circumstances it is considered advisable that the Class I differential be established at $1.65 at this time.

Producers proposed that the Class II price be the butter-powder formula price but that 30 cents for all months other than April, May and June, and 45 cents in these months, less than this price should apply to milk used in certain ways, principally that used for the manufacture of butter and cheese. Handlers proposed that the Class II price be determined by a butter-powder formula price incorporating lower yield factors and larger manufacturing allowances than those included in the attached order. For July the handler proposal was 47 cents less than the butter-powder formula price adopted as an alternative basic formula.

There is little production of milk for manufacturing use in the Southwest Kansas area and consequently limited facilities for processing milk into manufactured dairy products. Major milk handlers have facilities for making ice cream and cottage cheese and until recently all Grade A milk in excess of fluid needs was used in these products. Some handlers have limited facilities for making butter and cheese, and there is one cheese plant of limited capacity in the area. Increased supplies of milk in the flush season of 1953 were sufficient to require use of these facilities in disposition of surplus Grade A milk. The limited volume and facilities for manufacturing milk in the area provide no basis for pricing Class II milk on the basis of local paying prices.

National market values appear to be appropriate for pricing Class II uses with the possible exception of butter and hard-type cheese during spring months of flush production. The butter-powder formula has over the past seven years averaged within four cents per hundredweight of the United States average price paid for manufacturing milk shown in the record. For 1953 however, the U. S. average price paid was 19 cents less than the butter-powder formula price, indicating that under current dairy marketing conditions in the country there has been a widening of the gross margin between market values of dairy products and the prices plants generally pay for manufacturing milk.

The proposals received at the hearing apparently presuppose an indefinite continuation of these wider gross margins. While such margins have widened under somewhat similar conditions in the past they have reduced as marketing conditions change. In order that the current marketing situation may be reflected in the Class II price without freezing the price at an arbitrarily low level, it is concluded that the national average price for manufacturing milk should determine the Class II price. For July 1953 this price was 21.8 cents less than the butter-powder formula price. A preliminary estimate of this price is published by the Department by the end of the month to which it applies. The price per hundredweight and the average test of milk are given. While this preliminary estimate is subject to later revision, comparisons of preliminary and final figures show that these seldom show a revised price that is not related to a corresponding change in the butterfat test reported. It appears that when converted to a 3.8 percent basis by direct ratio the price reported currently is appropriate for use in determining the Class II price of the Southwest Kansas order.

Provision should be made for a lower price to apply for milk used in butter and hard-type cheeses during the months of March through June 1954. It appears likely that in the coming season a fairly substantial volume of surplus Grade A milk will need to be disposed of in these products. The limited volumes of manufacturing milk and the facilities available in the area do not provide for economical processing or marketing of butter and cheese in this area. It is concluded that a credit of four cents per pound should apply to butterfat in producer milk classified as Class II and used in the manufacture of butter and cheese during the coming months of March through June. Such credit should be limited to these coming flush production months. From this record the necessity or propriety of including such provisions for succeeding years cannot be determined.

The minimum class prices thus determined apply to milk of 3.8 percent butterfat content. Such prices to handlers should be adjusted for the actual butterfat test of the milk classified in each class. Butterfat differentials to handlers accomplish this result. For Class I milk the handler butterfat differential should be .125 times the Chicago butter price of the preceding month for each one-tenth percent variation from 3.8 percent. For Class II milk the differential should be .115 times the butter price of the current month. Such differentials reflect an appropriate difference in the value of butterfat in Class I milk and in Class II milk in this market.

7. *Payments to producers.* The proposed order provides for a market-wide pool under which all producers supplying the market would receive the same price for their milk regardless of its utilization by the handler who received the milk. Under present arrangements in the market the returns of producers supplying each handler are based on that handler's utilization of milk, and consequently prices vary among handlers. These variations were minor when the market was in short supply and practically all milk received was used as Class I milk. With more ample supplies considerably wider variations have occurred. Some handlers do not have facilities for handling any volume of milk in excess of their fluid needs and consequently have restricted their receipts to approximately their fluid needs. Other handlers with manufacturing facilities handle the reserve supply and

seasonal surpluses of the area. For a period the cooperative association attempted to pool the returns of their members as a means of equalizing returns. During this period non-member producers in high utilization plants received returns in excess of member-producers. As a result of the past experiences in the market the cooperative association recommends that market-wide pooling of all producers be provided in the order.

The record indicates that steps should be taken to level out production on the market. At the present time there is a wide variation between the high and low months of production. Alignment of Class I prices with those of the Wichita market does not provide for seasonal differences in Class I prices beyond those that are in the basic formula price. Producers have proposed a fall incentive plan whereby 50 cents per hundredweight would be deducted in computing the uniform price during each of the months of April, May and June, and one-third of the total amount deducted would be disbursed to producers on the basis of their deliveries during each of the following months of August, September and October. This plan has the effect of applying a seasonal element in the pricing of milk to producers. It is concluded it should be adopted as a means of encouraging a more uniform pattern of production.

The practice of paying producers twice monthly now prevails in the market and should be continued under the order. Uniform prices, however, should be computed only once each month. Provision should be made for an advance payment with respect to milk delivered during the first half of the month at not less than the previous months' Class II price with final settlement for all deliveries at the uniform price of the order.

The butterfat differential to be used in making payments to producers should be the Chicago butter price times .12. This is the differential used in the Wichita order and in the Southwest Kansas market at this time. Handler's costs are not affected by this differential as it is merely a means of prorating returns to producers delivering milk of varying butterfat tests.

Provision is made for payments to a cooperative association of the amounts due its member producers if the cooperative association has such authority, as determined by the market administrator, and requests that payments be so made. This practice was used for a time by a cooperative association in the market.

8. *The administrative assessment.* It appears that an administrative assessment of 5 cents per hundredweight on all producer milk and on other source milk used in Class I will be required to defray the cost of administering the order, at least during its initial stages.

The market administrator is required to verify the use of all milk received at approved plants and must have sufficient funds to enable him to administer properly the terms of the order. In view of the anticipated volume of milk to be regulated and the costs incident to regulation over a widespread area, a maximum rate of 5 cents per hundredweight should be adopted to guarantee a sufficient income for proper administration. Expenses are normally relatively high at the beginning of a program. Should experience show that a lesser rate will suffice, provision is made that the Secretary may reduce the assessment to whatever amount is necessary to meet expenses without amending the order.

9. *Administrative provisions.* The remaining provisions of the order are of a general administrative nature, are incidental to the other provisions of the order, and are necessary for the proper and efficient administration of the order. They provide for the selection of a market administrator, define his powers and duties, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required by the order. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in the event of its suspension or termination. They are similar to like provisions of other orders and except as set forth below require no comment.

Producer-handlers should be exempt from the regulatory provisions of the order except that requiring the filing of reports as requested by the market administrator. Reports are required from the producer-handler in order to verify his continued status as a producer-handler and to suplement market information.

A handler who operates an approved plant which is subject to the regulatory provisions of another milk marketing agreement or order issued pursuant to the act should be exempt from the provisions of this order other than for reporting his volume of Class I sales in the marketing area. It would be impractical to attempt to regulate a handler under two separate orders with respect to the same milk. It appears reasonable that the effective regulation should be that of the area in which such a handler makes the greater portion of his sales. Such a provision will conform to the parallel provisions of the Wichita order. A proposal that such a handler be required to pay any amount by which the value of Class I milk disposed of in the Southwest Kansas marketing area (at the minimum prices of this order) exceeds that charged under the other order need not be adopted. Handlers subject to the Wichita order are the only ones likely to be affected by such a provision. The pricing provisions herein recommended are so aligned with those of the Wichita order as to make the provision unnecessary.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Provision should be made for the dissemination of market information to producers, for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. The order should provide that 6 cents per hundredweight, or such lesser amount as the Secretary may determine be deducted from payments to such producers and be turned over to the market administrator to finance the cost of such services. The percent costs of rendering such services are increased in the Southwest Kansas area by the distances between handler plants and the relatively small number of producers. For producers for whom a cooperative association is rendering such services, the handler should pay to the cooperative association such deductions as the producer has authorized the cooperative to collect, such payments to be in lieu of those to the market administrator.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Rulings on briefs. Briefs were filed by representatives of cooperative associations of producers, by representatives of handlers, and by other interested persons.

These briefs contained proposed findings and conclusions and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and order. The following order is recommended as the appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with these contained in the order:

DEFINITIONS

§ 19.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 919.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 919.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 919.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 919.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 919.6 *Southwest Kansas marketing area.* "Southwest Kansas marketing area", hereinafter called "the marketing area", means all territory within the cities of:

Ashland.	Kinsley.
Cimarron.	La Crosse.
Coldwater.	Lakin.
Dodge City.	Larned.
Elkhart.	Liberal.
Ellinwood.	Meade.
Garden City.	Medicine Lodge.
Great Bend.	Ness City.
Greensburg.	Pratt.
Hoisington.	St. John.
Hugoton.	Stafford.
Johnson.	Syracuse.
Jetmore.	Ulysses.

And within the townships of Great Bend, South Bend, North Homestead, South Homestead, and Lakin in Barton County, Kinsley in Edwards County, Garden City in Finney County, Dodge and Richland in Ford County, Larned and Pleasant Grove in Pawnee County, Canter and Saratoga in Pratt County, and Liberal in Seward County, all in the State of Kansas.

§ 919.7 *Approved plant.* "Approved plant" means any milk plant approved by the appropriate health authority having jurisdiction in the marketing area:

(a) From which milk is disposed of under a Grade A label on wholesale or retail routes (including plant stores) as Class I milk in the marketing area, or

(b) Where milk of producers for whom permits or ratings are issued by a municipality of the marketing area is regularly received, tested, weighed, and commingled for shipment to a plant described in paragraph (a) of this section under the same ownership.

§ 919.8 *Unapproved plant.* "Unapproved Plant" means any milk plant which is not an approved plant.

§ 919.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; or

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 919.10 *Producer.* (a) "Producer" means any person, other than a producer-handler, who produces milk which (1) is received at an approved plant directly from the farm at which produced, and (2) is produced under a dairy farm permit or rating for the production of milk to be disposed of as Grade A milk issued by the appropriate health authority of a municipality of the marketing area or by the State of Kansas.

(b) "Producer" shall include any such person whose milk is regularly received at an approved plant but which is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this order pursuant to § 919.61.

§ 919.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 919.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 919.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 919.14 *Route.* "Route" means any delivery (including a delivery by a vendor or at a plant store) of milk, skim milk, buttermilk, or flavored milk drink other than in bulk to a milk processing plant.

MARKET ADMINISTRATOR

§ 919.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 919.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 919.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 919.85;

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 919.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this subpart, and, upon request by the Secretary, surrender, the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, the name of any person who, 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 919.30 and 919.31, or (2) payments pursuant to §§ 919.80 to 919.88, inclusive;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum prices for Class I milk pursuant to § 919.51 (a) and the Class I butterfat differential pursuant to § 919.52 (a), both for the current month, and the minimum price for Class II milk pursuant to § 919.51 (b) and the Class II butterfat differential pursuant to § 919.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month the uniform price, computed pursuant to § 919.71 and the butterfat differential computed pursuant to § 919.81, both for the preceding month;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 919.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The quantity of skim milk and butterfat contained in all milk, skim milk, cream and products specified as Class I milk pursuant to § 919.41 (a) on hand at the beginning and end of each month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 919.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 919.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 919.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and,

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 919.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 919.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 919.30 shall be classified by the market administrator pursuant to the provisions of §§ 919.41 to 919.46, inclusive.

§ 919.41 *Class of utilization.* Subject to the conditions set forth in §§ 919.42 through 919.46, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog, aerated cream, and bulk ice cream mix) of cream and milk or skim milk, and (2) all other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat;

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In cream frozen and stored;

(4) In shrinkage of producer milk that is not in excess of 2 percent (5 percent with respect to skim milk during the months of April, May and June) of receipts from producers;

(5) In shrinkage of other source milk; and

(6) In inventory at the end of the month as milk, skim milk, cream, or any product specified in paragraph (a) of this section.

§ 919.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in receipts from producers and of other source milk.

§ 919.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II milk in the previous month pursuant to § 919.41 (b) (6) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 919.46 (a) (4).

§ 919.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator on or before the 7th day after the end of the month within which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk, or cream to the approved plant of another handler (except a producer-handler), subject in either event to the following conditions:

(1) The receiving handler has use in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest total Class I utilization in the two plants.

(b) As Class I milk, if transferred or diverted to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant more than 300 miles distance as determined by the market administrator.

(d) As Class I milk, if transferred to an unapproved plant in the form of cream under Grade A certification, or unless the handler claims Class II classification and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are for manufacturing use only and that the shipment was so invoiced.

(e) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located not more than 300 miles from the courthouse at Dodge City, Kansas, by shortest highway distance, as determined by the market administrator, and from which fluid milk is disposed of on wholesale or retail routes, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred from the approved plant shall be allocated to the highest use remaining after subtracting in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant direct from dairy farmers who the market administrator determines constitute the regular source of supply of such plant for fluid usage.

(f) As Class II milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant located not more than 300 miles from the courthouse at Dodge City, Kansas, by shortest highway distance as determined by the market administrator, and from which fluid milk is not disposed of on wholesale or retail routes.

§ 919.45 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk of such handler.

§ 919.46 *Allocation of skim milk and butterfat classified.* After making the computation pursuant to § 919.45, the market administrator shall determine the classification of producer milk as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 919.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 919.41;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in other source milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen cream), or any other product specified in § 919.41 (a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 919.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) If the remaining pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the percent of butterfat content in such milk in each class.

MINIMUM PRICES

§ 919.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., West Bend, Wis.
White House Milk Co., Manitowoc, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 919.51 *Class prices.* Subject to the provisions of § 919.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight shall be the basic formula price plus $1.65 during all months of the year.

(b) *Class II milk.* The price per hundredweight shall be the average price reported by the Department for the current month for milk for manufacturing purposes, f. o. b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio: *Provided*, That: For butterfat received from producers and classified as Class II milk which is used to produce salted butter or cheese (other than cottage cheese) there shall be credited to the handler receiving such butterfat from producers 4 cents per pound during the months of March 1954 through June 1954, inclusive.

§ 919.52 *Butterfat differential to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 919.46 is more or less than 3.8 percent, there shall be added to the respective class price, computed pursuant to § 919.51 (a) and (b) for each one-tenth of one percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the appropriate month, by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: Multiply such price for the preceding month by .125; and

(b) Class II milk: Multiply such price for the current month by 1.15.

APPLICATION OF PROVISIONS

§ 919.60 *Producer-handlers.* Sections 919.40 through 919.46, 919.50 through 919.52, 919.70 through 919.71, 919.80 through 919.89 shall not apply to a producer-handler.

§ 919.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply except that the handler shall with respect to his total receipts of skim milk and butterfat, make reports to the mar-

ket administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator pursuant to § 919.33.

DETERMINATION OF UNIFORM PRICE

§ 919.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices (adjusted pursuant to § 919.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 919.46 (a) (7) by the applicable class price(s);

(c) Add any charges computed as follows:

(1) For any skim milk or butterfat in inventory reclassified pursuant to § 919.43 (b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month;

(2) For any other skim milk or butterfat reclassified pursuant to § 919.43 (b) a charge shall be computed at the difference between its value at the Class I price and its value at the Class II price both, for the month in which previously classified as Class II milk.

§ 919.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight for all milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 919.70 for all handlers who made the reports prescribed in § 919.30 and who made the payments pursuant to §§ 919.80 and 919.83 for the preceding month;

(b) For each of the months of April through June subtract an amount equal to 50 cents per hundredweight on the total amount of producer milk included in these computations to be retained in the producer-settlement fund for the purpose specified in § 919.95;

(c) Add not less than one-half of the unobligated cash balance on hand in the producer-settlement fund;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent or add if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 919.81 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received from producers.

PAYMENTS

§ 919.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 919.71 adjusted by the butterfat differential computed pursuant to § 919.81, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 919.84, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 10th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk as the market administrator determines received during the first 15 days of such month, at not less than the Class II price of the preceding month.

(c) On or before the 13th and 27th days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 919.31.

§ 919.81 *Producer-butterfat differential.* In making payments pursuant to § 919.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 919.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 919.83 and 919.85, and out of which he shall make all payments pursuant to §§ 919.84 and 919.85.

§ 919.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any by which the value of the milk received by such handler from producers as determined pursuant to § 919.70 is greater than the amount required to be paid producers by such handler pursuant to § 919.80.

§ 919.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 919.70 is less than the amount required to be paid producers by such handler pursuant to § 919.80: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 919.85 *Fall incentive payment.* On or before the 15th day after the end of each of the months of August, September and October, the market administrator shall pay out of the producer-settlement fund to each producer from whom milk was received by handlers during the month, an amount computed as follows:

(a) Divide one-third of the total amount held pursuant to § 919.71 (b) by the total hundredweight of producer milk received by all handlers during the month and multiply the resulting amount (computed to the nearest cent per hundredweight) by the hundredweight of milk received from each such producer during the month: *Provided*, That payment under this paragraph due any producer who has given authority to a cooperative association to receive payments for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payment.

§ 919.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or,

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 919.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 919.80, shall deduct 6 cents per hundredweight or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 919.31 in lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 919.31.

§ 919.88 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the month of (a) other source milk which is classified as Class I, and (b) milk from producers including such handler's own production.

§ 919.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market Administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 919.100 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 919.101.

§ 919.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it ceases to be in effect.

§ 919.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 919.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 919.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 919.111 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart, to other persons or circumstances, shall not be affected thereby.

Filed at Washington, D. C., this 12th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1116; Filed, Feb. 16, 1954; 8:52 a. m.]

[7 CFR Part 928]

[Docket No. AO-227 A3]

HANDLING OF MILK IN NEOSHO VALLEY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER, AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Pittsburg, Kansas, on September 1–4, 1953, pursuant to notices thereof which were issued on August 18, 1953, and August 21, 1953 (18 F. R. 4995, 5122).

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service, on January 11, 1954, issued his recommended decision and opportunity to file exceptions thereto with respect to a certain issue of

such hearing, which was published in the FEDERAL REGISTER on January 15, 1954 (19 F. R. 269).

The material issues, findings and conclusions, and general findings of the aforesaid recommended decision are hereby adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein, except as follows:

1. Delete the following from the third paragraph in the second column of 19 F. R. 269: "The period for which returns to producers are made under the base-excess plan should be extended to include the months of March, July, and August in addition to the months of April, May, and June".

The above material to be deleted is not germane to the issue considered at that point of the decision. In substance it is included elsewhere in the decision.

Ruling on exceptions. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of certain interested parties. Such exceptions have been fully considered and to the extent that the findings and conclusions of this decision are at variance with any exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of December 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Neosho Valley marketing area in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Neosho Valley Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Neosho Valley Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 12th day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Neosho Valley Marketing Area*

§ 928.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 928.7 delete the parenthetical phrase "(including plant stores)," and substitute therefor the parenthetical phrase "(including routes operated by vendors and disposition at plant stores)".

2. In § 928.8 delete the parenthetical phrase "(including plant stores)" and substitute therefor the parenthetical phrase "(including routes operated by vendors and disposition at plant stores)".

3. Delete § 928.10 and substitute therefor the following:

§ 928.10 *Producer-handler.* "Producer-handler" means any person who, with the approval of any health authority having jurisdiction in the marketing area, processes milk from his own farm production and disposes of all or a portion of such milk as Class I milk within the marketing area, but who receives no milk from producers.

4. In § 928.22 (h) delete the words "within 10 days".

5. In § 928.22 (i) delete "11th day" and substitute therefor "12th day".

6. In § 928.22 (j) (2) delete "11th day" and substitute therefor "12th day".

7. Delete § 928.61 and substitute therefor the following:

§ 928.61 *Handlers subject to other orders.* In the case of any handler (as defined herein) who the Secretary determines disposed of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, or who otherwise is determined pursuant to the provisions of another milk marketing agreement or order to be subject to the pricing and payment provisions of such agreement or order, the provisions of the order shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator pursuant to § 928.33.

(b) If the value of skim milk and butterfat disposed of as Class I milk on routes in the marketing area, as determined under the other order to which such handler is subject, is less than its value as computed pursuant to this order, such handler shall pay the difference to the market administrator. The amount of the payment so computed shall be reduced by the amount of any contra differences in the values of Class I milk so disposed of in the immediately preceding eleven delivery periods which have not served to reduce the payment for any intervening delivery period.

(c) On or before the 14th day after the end of the delivery period payment of the net amount computed pursuant to paragraph (b) of this section shall be made to the market administrator who shall:

(1) Transfer the amount of such payment to the market administrator of the order to which the handler is subject, if such order provides for receipt of such funds and their distribution to producers whose milk is priced under such order; or

(2) Otherwise deposit such amount in the producer-settlement fund.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

8. In § 928.71 delete "July through March" and substitute therefor "September through February".

9. In § 928.72 delete "April through June" and substitute therefor "March through August".

10. In § 928.80 delete "April through June" as such words first appear in such section, and substitute therefor "March through August", and also delete the proviso appearing at the end of such section.

11. In § 928.81 delete "April through June" and substitute therefor "March through August".

12. In § 928.90 (b) delete "16th day" and substitute therefor "17th day", and also delete from the second proviso "14th day" and substitute therefor "15th day".

13. In § 928.92 delete "928.61 (b)" and substitute therefor "928.61 (c) (2)".

14. In § 928.93 delete "12th day" and substitute therefor "13th day", and also delete "period of April, May and June" and substitute therefor "periods of March through August".

15. In § 928.94 delete "13th day" and substitute therefor "14th day", and also delete "April, May, and June" and substitute therefor "March through August".

16. In § 928.96 (a) delete "5 cents" and substitute therefor "6 cents", and also delete "15th day" and substitute therefor "16th day".

17. In § 928.96 (b) delete "15th day" and substitute therefor "16th day".

18. In § 928.97 delete "15th day" and substitute therefor "16th day".

[F. R. Doc. 54-1115; Filed, Feb. 16, 1954; 8:51 a. m.]

[7 CFR Part 969]

[Docket No. AO-254]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of a public hearing to be held in the Auditorium, White Labor Camp (Modella), Homestead, Florida, beginning at 10:00 a. m., e. s. t., March 8, 1954, with respect to a proposed marketing agreement and order regulating the handling of avocados grown in South Florida. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth, to proposed additions to such provisions, and to any appropriate modifications thereof.

The Marketing Agreement Committee of Avocado Growers and Shippers submitted, and requested a hearing on, the proposed marketing agreement and order, the provisions of which are as follows (the sections identified with an asterick (*) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

§ 969.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any Officer or employee of the United States Department of Agriculture who is, or may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

§ 969.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 969.3 *Person.* "Person" means an individual, partnership, corporation, association or any other business unit.

§ 969.4 *Production area.* "Production area" means the counties of Brevard, Osceola, Polk, Hillsborough, and Pinellas in the State of Florida, and all of the counties of the State that are south of such counties.

§ 969.5 *Avocados.* "Avocados" means all varieties of avocados grown in the production area.

§ 969.6 *Fiscal year.* "Fiscal year" means the twelve-month period ending March 31 of each year.

§ 969.7 *Committee.* "Committee" means the Avocado Administrative Committee established pursuant to § 969.20.

§ 969.8 *Grower.* "Grower" is synonymous with producer and means any person who produces avocados for market.

§ 969.9 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting avocados owned by another person) who handles avocados or causes avocados to be handled.

§ 969.10 *Handle.* "Handle" is synonymous with ship and means to sell, consign, deliver or transport avocados within the production area or between the production area and any point outside thereof in the continental United States or Canada: *Provided*, That such terms shall not include (a) the sale of avocados on the tree; (b) the sale of avocados to a packer registered with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary; (c) the transportation or delivery of avocados to the packing house of such a packer for the purpose of having such avocados prepared for market; or (d) the sale of avocados at retail by a person in his capacity as a retailer.

§ 969.11 *District.* "District" means the applicable one of the following described subdivisions of the production area:

(a) "District 1" shall include Dade County.

(b) "District 2" shall include all of the production area except Dade County.

ADMINISTRATIVE BODY

§ 969.20 *Establishment and membership.* There is hereby established an Avocado Administrative Committee consisting of nine members, each of whom shall have an alternate who shall be nominated and selected in the same manner and who shall have the same qualifications as the member for whom he is an alternate. Five of the members and their respective alternates shall be growers who shall not be handlers or employees of handlers. Four of the members and their respective alternates shall be handlers or employees of handlers. The five members of the committee who shall be growers and who shall not be handlers, or employees of handlers, are hereinafter referred to as "grower" members of the committee; and the four members who shall be handlers, or employees of handlers, are hereinafter referred to as "handler" members of the committee. Four of the five grower members shall be producers of avocados in District 1, and one grower member shall be a producer of avocados in District 2. Three of the four handler members shall be handlers of avocados grown in District 1, and one handler member shall be a handler of avocados in District 2.

§ 969.21 *Term of office.* The term of office of each member and alternate member of the committee shall begin April 1, and shall terminate March 31 of the following year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to three terms.

§ 969.22 *Nomination*—(a) *Initial members.* Nominations for each of the five initial grower members and four initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by growers and handlers. The names of at least two nominees should be submitted for each member or alternate member position to be filled. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than ten calendar days prior to the effective date hereof. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 969.20.

(b) *Successor members.* (1) Nominations for successor members of the committee, and their respective alternates, shall be made at meetings of growers and handlers in each district. Such meetings shall be held at such times (on or before February 15 of each year) and

places as the committee shall designate. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of such meetings.

(2) Only growers who are present at such nomination meetings, or represented at such nomination meetings by a duly authorized agent, shall participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces avocados. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers who are present at such nomination meetings, or represented at such meetings by a duly authorized agent, shall participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles avocados, which vote shall be weighted by the volume of avocados shipped by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

§ 969.23 *Selection.* From the nominations made pursuant to § 969.22, or from other qualified persons, the Secretary shall select the five grower members of the committee, the four handler members of the committee, and an alternate for each such member.

§ 969.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 969.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 969.20.

§ 969.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 969.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor to the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 969.22 and 969.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 969.20.

§ 969.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 969.28 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 969.29 *Duties.* The committee shall have the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary at the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operation of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times at the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate growing and maturity conditions of avocados, and to assemble data in connection therewith;

(i) To engage in such research relating to the determination of maturity and grade standards for avocados as may be approved by the Secretary;

(j) To submit to the Secretary such available information as he may request;

(k) To notify producers and handlers of meetings of the committee to consider recommendations for regulation;

(l) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided*, That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee; and

(m) To investigate compliance with the provisions of this part.

§ 969.30 *Procedure.* (a) Five of the committee shall constitute a quorum and any action of the committee shall require at least four concurring votes: *Provided*, That at least one grower member and at least one handler member shall approve the action.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 969.31 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10 per day or portion thereof spent in performing such duties.

§ 969.32 *Annual report.* The committee shall, prior to March 31 of each fiscal year, prepare and mail an annual report to the Secretary, and to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review, by districts, of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations upon the avocado industry; and (c) recommendations for changes in the program.

§ 969.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided for in § 969.41.

§ 969.41 *Assessments.* (a) Each person who first handles avocados shall, with respect to the avocados so handled by him, pay to the committee such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of avocados handled by him as the first handler thereof during the applicable fiscal year, and the total quantity of avocados so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred: *Provided*, That, in no case, shall the rate of assessment exceed ten cents per 55-pound box, or an equivalent quantity, of avocados. Such increase shall be applied to all avocados handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then current fiscal year.

§ 969.42 *Accounting.* (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

REGULATIONS

§ 969.50 *Recommendations for regulations.* (a) Whenever the committee deems it advisable to regulate the shipment of any variety or varieties of avocados grown in District 1 or District 2 in the manner provided in § 969.51, it shall so recommend to the Secretary.

(b) All meetings of the committee held for the purpose of formulating recommendations for regulations shall be open to growers and handlers. The committee shall give notice of such meetings by publication in such newspapers as it deems appropriate and shall also mail a notice of such meetings to each grower and handler who has filed his address with the committee and requested such notice.

§ 969.51 *Issuance of regulations.* (a) The Secretary shall regulate the shipment of avocados whenever he finds, from the recommendations and information submitted by the committee or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Prohibit, prior to such time as shall be specified in such regulations, the shipment of any size or sizes of any variety or varieties of avocados grown in District 1 or District 2, or

(2) Limit the shipment of any variety or varieties of avocados grown in District 1 or District 2 to those avocados which meet such quality or maturity standards as shall be prescribed in such regulations.

(b) The committee shall be informed immediately of any such regulations issued by the Secretary and the committee shall promptly give notice thereof to growers and handlers.

§ 969.52 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 969.51 should be modified, suspended or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of avocados in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 969.53 *Exemption certificate.* Whenever a regulation is in effect pursuant to paragraph (a) (1) of § 969.51, the committee shall issue one or more exemption certificates to any grower who furnishes proof, satisfactory to the committee, that his avocados are mature. Such exemption certificates shall authorize the grower to whom the certificates are issued to ship, or have shipped, that portion of his production of the particular variety of avocados which is determined to be mature prior to the time that such avocados could be shipped under the then effective regulation. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to growers. Such exemption certificates may be transferred to handlers when accompanied by the avocados covered by such certificate.

§ 969.54 *Inspection and certification.* Whenever the shipment of any variety of avocados is regulated pursuant to § 969.51, each handler who first ships avocados shall, prior to making each such shipment, cause such avocados to be inspected, by the State or Federal-State Inspection Service or such agency as the committee may designate with the approval of the Secretary, to determine whether they meet the requirements of such regulation. Promptly thereafter, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection with respect to such shipment. Inspection certificates shall accompany all shipments to designated points.

SUPPLEMENT TO REGULATIONS

§ 969.55 *Avocados not subject to regulations.* Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 969.41, 969.51, and 969.54, and the regulations issued thereunder, handle avocados (a) for consumption by charitable institutions; (b) for distribution by relief agencies; (c) for export other than to Canada; (d) for commercial processing into products; or (e) in such minimum quantities or types of shipment as the committee, with the approval of the Secretary, may prescribe. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent avocados shipped under the provisions of this section from entering channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to ship avocados pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the avocados will not be used for any purpose not authorized by this section.

MISCELLANEOUS PROVISIONS

§ 969.60 *Reports.* Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such information as will enable the committee to perform its duties under this part.

§ 969.61 *Compliance.* Except as provided in this part, no person shall handle avocados, the shipment of which have been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle avocados except in conformity with the provisions of this part and the regulations issued under this part.

§ 969.62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 969.63 *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 969.64.

§ 969.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that continuance is not favored by the majority of producers who, during a representa-

tive period determined by the Secretary, were engaged in the production of avocados covered hereunder for market: *Provided*, That such termination is announced on or before March 15 of the then current fiscal year. The Secretary shall, as soon as practicable after the close of the fiscal year ending March 31, 1956, conduct a referendum of producers and a poll of handlers to determine whether the continuation of this part is favored by them. Producers entitled to vote in such referendum shall be those who, during the fiscal year ending March 31, 1956, were engaged in producing avocados covered hereunder for market and the poll shall be confined to handlers who handled such avocados in that same fiscal year. If it develops from said referendum and poll that (1) less than two-thirds of the producers, by number or volume of production represented in said referendum, favor the continuance of this part, or (2) handlers representing more than one-half the volume of avocados handled favor termination of this part, the Secretary shall thereupon terminate this part.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 969.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustee shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 969.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) effect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 969.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 969.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 969.69 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 969.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 969.71 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 969.72 *Counterparts.* * This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 969.73 *Additional parties.* * After the effective date of this part, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 969.74 *Order with Marketing Agreement.* * Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of avocados in the manner as is provided for in this agreement.

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture P. O. Box 19, Lakeland, Florida.

Done at Washington, D. C., this 11th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Adimnistrator.

[F. R. Doc. 54-1100; Filed, Feb. 16, 1954; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10905]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10905.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it a petition filed by KALE, Inc., Richland Washington, on December 28, 1953, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations as follows:

City	Channel No.	
	Present	Proposed
Lewiston, Idaho	3—	3[illegible],
[illegible]land, Wash.	3[illegible]	3—, [illegible]

3. In support of its requested amendment petitioner urges that there are no applications on file for Channel 3 at Lewiston whereas an application will be filed in the event the amendment as proposed is adopted and that the proposed amendment conforms to the Commission's Rules and Standards.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before March 15, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 10, 1954.

Released: February 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1106; Filed, Feb. 16, 1954; 8:50 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 10904]

STATIONS ON LAND AND SHIPBOARD IN THE MARITIME SERVICE

FREQUENCIES NOT OPEN TO PUBLIC CORRESPONDENCE

In the matter of amendment of Parts 7 and 8 of the Commission's rules regarding eligibility for licenses for coast and ship stations operating on frequencies not open to public correspondence; Docket No. 10904.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Parts 7 and 8 of the Commission's rules make certain frequencies available, primarily in the band 152–162 Mc., which are not open to public correspondence but intended solely for business and operational purposes. The availability of these frequencies was predicated, among other things, upon the premise that the public interest would be better served if the assignment of such frequencies was limited to persons engaged in the business or operation to which radio was an adjunct rather than by third persons in the business of providing radiocommunications. Because a question has arisen as to whether or not these third persons might not also be assigned these frequencies to furnish the intended service, it is proposed to amend Part 8 of the Commission's rules to specifically preclude this possibility and insure that control and operation of radiocommunications systems aboard ships utilizing these frequencies will be vested in persons actually engaged in the business of operating vessels rather than in the business of furnishing communications. Specifically, rules governing eligibility for assignment of these frequencies would be established paralleling those set forth in § 7.351 of the rules which govern eligibility for limited coast stations.

3. Although Part 7 of the rules governing eligibility for assignment of these same frequencies now contain provision limiting eligibility as proposed in the preceding paragraph, it is believed to be desirable to clarify § 7.351 (a) (4) in this regard. This section was intended solely to accommodate an existing ship arrival and departure service rendered by the Western Union Telegraph Company. However, the provisions of the section may be read as going beyond this purpose. Therefore, it is proposed to amend the section so as to confine its scope accordingly but without disturbing the service now rendered by Western Union.

4. These proposals are issued under authority of sections 303 (a), (b), (c), and (r) of the Communications Act of 1934, as amended.

5. Any interested person may file with the Commission, on or before March 22, 1954, a written statement or brief in support of, or in opposition to, the proposed amendment. Comments or briefs in reply to the original comments or briefs may be filed within five days from the last day for filing the original comments or briefs. The Commission will consider all comments, briefs, and statements before taking final action.

6. In accordance with § 1.784 of the Commission's rules relating to practice and procedure, an original and 14 copies of all statements, briefs, or comments should be furnished to the Commission.

Adopted: February 10, 1954.

Released: February 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1107; Filed, Feb. 16, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 17074, Amdt.]

MARGARET KESSLER

Correction

In Federal Register Document 54-974, appearing at page 802 of the issue for Thursday, February 11, 1954, in subparagraph 2f "Standard Oil Purchasing Company" should read "Stanolind Oil Purchasing Company".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PRODUCERS LIVESTOCK COOPERATIVE ASSOCIATION STOCK YARDS, MT. VERNON, OHIO

DEPOSTING OF STOCKYARDS

It has been ascertained that the Producers Livestock Cooperative Association Stock Yards, Mt. Vernon, Ohio, originally posted under the name Mt. Vernon Live Stock Company Stock Yards on May 15, 1935 (changed to Producers Livestock Cooperative Association Stock Yards on September 1, 1945), as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act. The owners of such livestock market have discontinued operating a public stockyard at the place at Mt. Vernon, Ohio, originally posted. Therefore, notice is given to the owners of the stockyard and to the public that such livestock market is no longer subject to the provisions of the act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not depositing promptly a stockyard which no longer is within the definition of that term continued in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 12th day of February 1954.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 54-1117; Filed, Feb. 16, 1954; 8:52 a. m.]

Office of the Secretary

COLORADO

DESIGNATION OF PRODUCTION AND ECONOMIC DISASTER AREA

Pursuant to authority contained in section 2 (a) of Public Law 38, 81st Congress, it is found that a production disaster has caused a need for agricultural credit in the counties listed below.

Pursuant to delegation of authority from the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purpose of making economic disaster loans under section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, it is hereby determined that an economic disaster exists in the counties listed below, and that such economic disaster is in connection with and is within the area affected by the major disaster occasioned by drought determined by the President on July 1, 1953, pursuant to Public Law 875, 81st Congress.

COLORADO

Baca.	Huerfano.
Bent.	Kiowa.
Cheyenne.	Kit Carson.
Crowley.	Las Animas.
Custer.	Lincoln.
Elburt.	Otero.
El Paso.	Prowers.
Fremont.	Pueblo.

After December 31, 1954, production and economic disaster loans will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 11th day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-1103; Filed, Feb. 16, 1954; 8:49 a. m.]

TRANSFER OF CERTAIN FUNCTIONS FROM SOIL CONSERVATION SERVICE TO FARMERS HOME ADMINISTRATION

Pursuant to authority contained in section 161, Revised Statutes (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, sections 400 and 1400 of the Secretary's order of December 24, 1953 (19 F. R. 74) are amended to transfer from the Soil Conservation Service to the Farmers Home Administration the servicing and collection of accounts and the management and disposition of mineral interests reserved in the administration of Water Conservation and Utilization Projects, and to read as follows:

1. SEC. 400. *Assignment of functions.*
• • •

d. Administration of the acts relating to Water Conservation and Utilization Projects, except servicing and collection of accounts and management and disposition of reserved mineral interests.

2. SEC. 1400. *Assignment of functions.*
• • •

n. Servicing and collection of accounts arising out of, and management and disposition of mineral interests reserved in, the administration of the acts relating to Water Conservation and Utilization Projects.

Done at Washington, D. C., this 11th day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-1104; Filed, Feb. 16, 1954; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

RESTORATION ORDER NO. 17 (R-IV) UNDER FEDERAL POWER ACT

FEBRUARY 5, 1954.

Pursuant to the following-listed determination of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public-land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

Determination No.	Type of withdrawal and date	Type of restoration	Description of lands
DA-323—Colorado....	Power site reserve No. 81, July 2, 1910.	Under the applicable public land laws.	T. 3 S., R. 73 W., 6th P. M. Colorado, Sec. 31, Lots 3, 4, E½SW¼, and unsurveyed.

No applications for these lands will be allowed under the homestead, desert-land, or any other non-mineral public land law, except as hereinafter provided, until the lands have been surveyed and have been classified as valuable or suitable for the purpose for which the land is sought. This tract is mostly steep and rocky and cannot be classified as suitable for homestead or desert-land use.

The lands described shall be subject to application by the State of Colorado for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 91st day after the date of publication. At that time the above-described land in DA-323 shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Bureau of Land Management Land and Survey Office, 437 Post Office Building, Denver, Colorado.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-1080; Filed, Feb. 16, 1954; 8:45 a. m.]

COLORADO

RESTORATION ORDER NO. 18 (R-IV) UNDER FEDERAL POWER ACT

FEBRUARY 5, 1954.

Pursuant to the following-listed determinations of the Federal Power Commission, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended, and subject to the stipulation that, if and when the lands are required in whole or in part for purposes of power development, any structures or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated so as to eliminate interference without cost or expense to the United States, its permittees or licensees:

Determination No.	Type of withdrawal	Type of restoration	Description of lands
DA-326—Colorado.....	Power site reserve No. 116, July 2, 1910	Under the applicable public land laws.	T. 4 S., R. 83 W., 6th P. M. Colorado, Sec. 19, Lot 1.
DA-322—Colorado.....	Temporary power site reserve No. 78.	Under the applicable land laws.	T. 1 S., R. 71 W., 6th P. M. Colorado, Tracts 56, 57, 58.
DA-306—Colorado.....	Power site reserve No. 116.	....do.....	T. 4 S., R. 93 W., 6th P. M. Colorado, Sec. 7, Lot 1.
DA-325—Colorado.....	Power site reserve.....	....do.....	T. 4 S., R. 84 W., 6th P. M. Colorado, Sec. 24, Lot 1.
DA-278—Colorado.....	Power site reserve Nos. 116 and 244.	....do.....	T. 4 S., R. 86 W., 6th P. M. Colorado, Sec. 9, Lots 18, 23, 25.

The lands in the above determinations are primarily suitable for grazing but, with the exception of the land in DA-278, each tract contains some land possibly suitable for small tract purposes. No application under either of the public-land laws will be allowed until the small tract values have been appraised and the method of disposal determined.

The tract in DA-278 is mostly rough and steep and is primarily suitable for grazing. None of the land described in this order will be subject to occupancy or disposition until it has been classified, and it is unlikely that the tract in DA-278 will be classified as suitable for homestead, desert-land, or small-tract use.

The lands described shall be subject to application by the State of Colorado for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way, for public highways, or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 91st day after the date of publication. At that time all of the above described lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Bureau of Land Management, Land and Survey Office, 437 Post Office Building, Denver, Colorado.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-1081; Filed, Feb. 16, 1954; 8:45 a. m.]

Office of the Secretary

[Order No. 2748]

DIRECTOR, OFFICE OF TERRITORIES

DELEGATION OF AUTHORITY WITH RESPECT TO OPERATION OF THE ALASKA RAILROAD

FEBRUARY 10, 1954.

SECTION 1. *Delegation of authority.* The Director, Office of Territories, is authorized to exercise the authority of the Secretary of the Interior with respect to the operation of The Alaska Railroad and its related activities. This authority shall not extend to any administrative matter that may be covered by a general delegation of authority to heads of bureaus (e. g., contracts and leases under Order No. 2509; personnel actions under Order No. 2512). In such matters the source of the Director's authority shall be the general delegation.

SEC. 2. *Redelegation.* The Director, Office of Territories, may, in writing, redelegate to officers and employees of the Office of Territories the authority granted in section 1 of this order, and he may authorize written redelegations of such authority.

SEC. 3. *Revocation.* Order No. 2516 (14 F. R. 1937) is revoked.

RALPH A. TUDOR,
Acting Secretary of the Interior.

[F. R. Doc. 54-1083; Filed, Feb. 16, 1954; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

MOTIONS COMMISSIONER

DELEGATION OF AUTHORITY TO ACT UPON REQUESTS FOR LEAVE TO FILE ADDITIONAL PLEADINGS

1. The Commission has under consideration § 1.730 of its rules and regulations relating to practice and procedure, which provides for the filing of oppositions to petitions.

2. The Commission has been concerned with the frequent instances in which multifarious and repetitive pleadings are being filed in proceedings before it, increasing substantially the delay and complexity in the Commission's consideration of such matters. It is believed that in many instances such pleadings are totally unnecessary to the disposition of the matter.

3. Section 1.730 of the rules presently provides merely that oppositions to petitions, except as otherwise provided, must be filed within 10 days after such petition is filed with the Commission. The rules do not refer to the filing of any additional pleadings. In order to expedite the consideration of matters before the Commission, § 1.730 is being amended to provide that oppositions to petitions may be filed within 10 days after such petitions are filed with the Commission and that replies to such oppositions may be filed within 5 days after the filing of such opposition. Section 1.730 is being further amended to provide expressly that no other pleadings may be filed unless (1) specifically requested by the Commission or (2) leave to file such additional pleadings is granting by the Motions Commissioner upon a showing of good cause. Section 0.112 of the Commission's rules relating to delegation of authority to the Motions Commissioner is being amended to add subsection (g) which will delegate to the Motions Commissioner authority to act upon requests for leave to file additional pleadings pursuant to § 1.730 as amended. It should be noted that the amendment to § 1.730 does not alter the provisions of §§ 1.744 and 1.745 which apply to the Commission's motions practice and specify that action on such motions may be taken four days after such motions have been filed with the Commission.

4. The problem of repetitive pleadings also arises in rule-making proceedings before the Commission. In general, the Commission in its notices instituting rule-making proceedings specifies the dates by which comments and replies to such comments may be filed. It has been the Commission's experience that numerous additional pleadings, in many cases totally unnecessary to the disposition of the matter, are submitted, merely adding to the complexity and delay in the consideration of the problems presented. Accordingly, the Commission in future notices of proposed rule making will, in addition to specifying the dates by which comments and replies to such comments may be filed, provide further that no additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. Requests for leave to file additional pleadings in rule-making cases will be directed to the full Commission rather than the Motions Commissioner as provided above in connection with the amendment of § 1.730.

5. The amendments adopted are procedural in nature or related to the internal organization of the Commission and, therefore, prior notice of proposed rule making is unnecessary. It is believed that the public interest would be served by making such amendments effective February 17, 1954: *Provided, however,* That the amendment does not apply to pleadings already on file with the Commission.

6. Authority for the adoption of the amendments is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

It is ordered, That, effective February 17, 1954, section 0.112 of the Commission's Rules is amended by adding subsection (g) as follows:

(g) Requests for leave to file additional pleadings pursuant to the provisions of § 1.730 of the Commission's Rules and Regulations.

Adopted: February 10, 1954.

Released: February 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1112; Filed, Feb. 16, 1954; 8:51 a. m.]

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

ORDER SEVERING SHOW CAUSE PROCEEDINGS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and engineering standards concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the band 470 to 890 Mcs. for television broadcasting, Docket No. 8976; and application of Zenith Radio Corporation, Chicago, Illinois, File No. BPCT-322, for construction permit for a new television station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of February 1954;

The Commission having under consideration its memorandum opinion and order of February 9, 1953, in the above-entitled proceedings (FCC 53-144) wherein it is ordered, among other things, that the license of Station WBKB (WBBM-TV) be modified to provide for operation on Channel 2, Chicago, Illinois, in lieu of Channel 4, and that the above-entitled application of Zenith Radio Corporation (BPCT-322) for a permit to construct a new television broadcast station on Channel 2, Chicago, Illinois, be dismissed; and

It appearing, that on January 21, 1954, in an appeal proceeding entitled Zenith Radio Corporation v. Federal Communications Commission (No. 11772), the United States Court of Appeals for the District of Columbia Circuit entered a decision reversing the above orders and remanding the case to the Commission for further proceedings in accordance with the Court's opinion;

It is ordered, That the above memorandum opinion and order, insofar as it modified the license of Station WBKB (WBBM-TV) to provide for operation on Channel 2, in lieu of Channel 4, Chicago, Illinois, and dismissed the application for said channel of Zenith Radio Corporation, is vacated and said application is reinstated.

It is further ordered, That the show cause proceedings herein with respect to Channel 2, Chicago, Illinois are hereby

[2] See F. R. Doc. 54-1113, Title 47, Chapter I, Part 1, *supra.*

[3] Commissioner Hennock not participating.

severed from the above-entitled proceedings and are assigned Docket No. 10906.

Released: February 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1108; Filed, Feb. 16, 1954; 8:50 a. m.]

[Docket Nos. 10900, 10901]

MURRAY CARPENTER AND ASSOCIATES AND MAINE BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Murray Carpenter and associates, Bangor, Maine, Docket No. 10900, File No. BPCT-1797; Maine Broadcasting Company, Bangor, Maine, Docket No. 10901, File No. BPCT-1804; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of February 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 2 in Bangor, Maine; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Murray Carpenter and Associates is legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Maine Broadcasting Company is legally and financially so qualified, and is technically so qualified except as to the matter referred to in issue "1" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 12th day of March 1954 in Washington, D. C., upon the following issues:

(1) To determine the height above average terrain of the radiation center of the antenna proposed by Maine Broadcasting Company in its above entitled application.

(2) To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1109; Filed, Feb. 16, 1954; 8:50 a. m.]

[Docket Nos. 10902, 10903]

FAYETTEVILLE BROADCASTERS, INC., AND RALPH E. HESS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Fayetteville Broadcasters, Incorporated, Fayetteville, North Carolina, Docket No. 10902, File No. BPCT-1395; Ralph E. Hess, Fayetteville, North Carolina, Docket No. 10903, File No. BPCT-1822; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of February 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 18 in Fayetteville, North Carolina; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Fayetteville Broadcasters, Incorporated, is legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Ralph E. Hess is legally and technically so qualified;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 12th day of March 1954 in Washington, D. C., upon the following issues:

(1) To determine whether Ralph E. Hess is financially qualified to construct, own and operate his proposed television broadcast station.

(2) To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programing service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to Fayetteville Broadcasters, Incorporated, give reasonable assurance that the proposals set forth in its application will be effectuated.

Released: February 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1110; Filed, Feb. 16, 1954; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6543]

KENTUCKY UTILITIES CO.

NOTICE OF APPLICATION

FEBRUARY 11, 1954.

Take notice that on February 8, 1954, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Kentucky Utilities Company (hereinafter called Applicant), a corporation organized under the laws of the State of Kentucky and qualified to do business as a foreign corporation in the State of Tennessee, with its principal business office at Lexington, Kentucky, seeking an order authorizing the merger or consolidation of the facilities of its wholly-owned subsidiaries Dixie Power & Light Company (hereinafter called Dixie Power), and South Fulton Light and Power Company (hereinafter called South Fulton). The application states that Dixie Power and South Fulton are both Tennessee corporations whose principal place of business is that of the Applicant.

The application further states that the proposed merger will result in the distribution of all property and assets of Dixie Power and South Fulton to the Applicant and upon completion of the proposed liquidation these subsidiaries will be dissolved in accordance with the laws of Tennessee. Customers now served by Dixie Power and South Fulton will thereafter be served by the Applicant.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 3d day of March, 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1086; Filed, Feb. 16, 1954; 8:46 a. m.]

[Docket Nos. G-2119, G-2315]

NEW YORK STATE NATURAL GAS CORP.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

The above-entitled proceedings concern changes proposed by New York State Natural Gas Corporation (Applicant) to its FPC Gas Tariff, Original Volumes Nos. 1 and 2, involving increased rates and other tariff changes embodied in filings made on January 15 and October 21, 1953, which the Commission, by orders heretofore issued in the respective proceedings, pursuant to sections 4, 15 and 16 of the Natural Gas Act, suspended and set for hearing concerning their lawfulness.

On November 16 and 17, 1953, Applicant presented its direct case in Docket No. G-2119, after which the hearing was recessed until February 1, 1954, when a recess to March 23, 1954, was granted by the Presiding Examiner, on motion of Commission Staff Counsel for not only such recess but also for consolidation of the proceeding in Docket No. G-2119, for purposes of hearing, with the proceeding in Docket No. G-2315, the latter already being set for hearing on March 23, 1954.

No objection has been interposed to the requested procedure, which, in the circumstances, appears appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Company by sections 4, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), the proceedings in the above-entitled Docket Nos. G-2119 and G-2315 be and the same are hereby consolidated for the purpose of hearing; and, further, that such hearing be held commencing on March 23, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the above-entitled proceedings.

(B) That at the consolidated hearing, the parties, including Commission Staff Counsel, may reserve cross-examination until after Applicant, New York State Natural Gas Corporation, has presented and completed its case-in-chief in both Dockets G-2119 and G-2315.

(C) Applicant, on or before February 23, 1954, as heretofore provided by the Commission's order of November 19, 1953, in Docket No. G-2315, shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the hearing, including five (5) copies upon Commission Staff Counsel.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR, 1.8 and 1.37 (f)).

Adopted: February 10, 1954.

Issued: February 11, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1084; Filed, Feb. 16, 1954; 8:46 a. m.]

[Docket Nos. G-2137, G-2366]

SOUTHERN TIER GAS CORP.

ORDER SUSPENDING PROPOSED RATE SCHEDULE, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

On January 11, 1954, Southern Tier Gas Corporation (Southern Tier) tendered for filing, pursuant to section 4 (d) of the Natural Gas Act, its proposed Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, proposing to increase its rates for the sale of natural gas to the Village of Bath, New York, by $18,400 annually, or 12.7 percent per year. This proposed increase is in addition to an increase of $9,800 annually presently in effect under bond in Docket No. G-2137. Southern Tier proposes February 9, 1954, as the effective date of its Third Revised Sheet No. 4.

Southern Tier bases its proposed increase in rates and charges, among other things, upon anticipated increased cost of gas purchased from its supplier, New York State Natural Gas Corporation, whose increased rates have been suspended until April 21, 1954, by order of the Commission issued in Docket No. G-2315.

Among the other items included by Southern Tier as justification for its proposed increase in rates and charges to the Village of Bath are the utilization of a 6¾ percent rate of return with corresponding income tax requirements and a depreciation reserve stated as $53,818 for rate purposes although the depreciation reserve is stated on the books of the company at $113,616.

The increased rates and charges proposed in said Third Revised Sheet No. 4 to Southern Tier's FPC Gas Tariff, Original Volume No. 1, as tendered for filing on January 11, 1954, have not been shown to be justified and may be unjust, unreasonable, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and in aid of the enforcement of the provisions of the Natural Gas Act that Southern Tier's Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, be suspended as hereinafter provided and the use thereof deferred pending hearing and decision thereon.

(2) It is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act to consolidate the proceedings in Docket No. G-2137 with the proceedings involved in Southern Tier's filing of its proposed Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, for the purposes of hearing and decision thereon and to hold a hearing in the above-mentioned proceedings at the time and place hereinafter ordered.

The Commission orders:

(A) The aforesaid proceedings as noted in finding (2) above be and the same are consolidated for purposes of hearing and decision.

(B) Pursuant to the authority contained in Section 4 of the Natural Gas Act, a public hearing be held on March 29, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, and classifications contained in Southern Tier's FPC Gas Tariff, Original Volume No. 1, as amended by its proposed Second Revised Sheet No. 4 in Docket No. G-2137 and its proposed Third Revised Sheet No. 4 filed January 11, 1954.

(C) In the interest of expedition, Southern Tier shall, on or before March 15, 1954, serve upon all parties, copies of the proposed testimony and exhibits proposed to be offered at the hearing in the consolidated dockets, including five (5) copies upon Commission Staff Counsel.

(D) Pending such hearing and decision thereon, Southern Tier's Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, be and the same is hereby suspended and the use thereof deferred until July 11, 1954, and until such further time thereafter as said proposed Third Revised Sheet No. 4 may be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the

Commission's rules of practice and procedure.

Adopted: February 10, 1954.

Issued: February 11, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1085; Filed, Feb. 16, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-781]

MAGNAVOX CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 10, 1954.

The Magnavox Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to the Commission to withdraw its Common Stock, $1.00 Par Value, from listing and registration on the Cincinnati Stock Exchange and on the San Francisco Stock Exchange.

The application alleges:

(1) Out of the total number of 758,680 shares of the above security outstanding, only 139 shares were traded on the Cincinnati Stock Exchange during the period from January 2, to May 31, 1953, and only 4,552 shares were traded on the San Francisco Stock Exchange during the period from January 2 to June 30, 1953.

(2) The use made by shareholders of each of the above exchanges for trading such a limited number of shares is insufficient to justify the continuance of listing and registration on these exchanges.

(3) The above security is, and will continue to be, listed and registered on the New York Stock Exchange, where most of the trading in this security takes place.

(4) The applicant has complied with the rules of the Cincinnati Stock Exchange and of the San Francisco Stock Exchange relating to withdrawing a security from listing and registration on each of these exchanges.

Upon receipt of a request, prior to March 10, 1954, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1091; Filed, Feb. 16, 1954; 8:47 a. m.]

[File Nos. 70-2973, 70-3095, 70-3120]

ELECTRIC ENERGY, INC., ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES AND CONTINUING RESERVATION OF JURISDICTION OVER CERTAIN FEES AND EXPENSES

FEBRUARY 10, 1954.

In the matter of Electric Energy, Inc., Middle South Utilities, Inc., Union Electric Company of Missouri, File Nos. 70-2973, 70-3095; Electric Energy, Inc., File No. 70-3120.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, Union Electric Company of Missouri ("Union"), a registered holding company and a public utility company, and Electric Energy, Inc. ("Electric Energy"), a public utility subsidiary of Middle South and of Union, having filed joint applications-declarations and amendments thereto, pursuant to sections 6, 7, 10, and 12 (b) of the act and Rule U-45 promulgated thereunder regarding (1) the issuance and sale from time to time but not later than March 31, 1956, by Electric Energy to two insurance companies of a maximum of $65,000,000 principal amount of its 3¾ percent First Mortgage Sinking Fund Bonds; the issuance and sale, at par, of an aggregate of $2,700,000 par value of additional common stock to its parent companies in their proprietary ratios; and the issuance and sale from time to time to a commercial bank of a maximum of $2,000,000 principal amount of its 3 percent promissory notes due August 2, 1953 (File No. 70-2973); and (2) the issuance and sale from time to time but not later than December 31, 1954, by Electric Energy to the same two insurance companies of $30,000,000 principal amount of 4½ percent First Mortgage Sinking Fund Bonds (File No. 70-3095); and

Electric Energy having filed a declaration and amendments thereto, pursuant to sections 6 and 7 of the act regarding the issuance from time to time but not later than June 30, 1954, of a maximum of $30,000,000 of short-term promissory notes to banks (File No. 70-3120); and

The Commission having by orders dated January 30, 1953, July 10, 1953, and August 28, 1953, granted the amended applications and permitted the amended declarations to become effective, subject to a reservation of jurisdiction over all fees and expenses to be incurred in connection with the proposed transactions; and

The record having been completed with respect to the fees and expenses for services performed in connection with these transactions, including the completion of all transactions in connection with the issuance and sale of the 3¾ percent and 4½ percent First Mortgage Bonds through the initial closings for the purchase of such Bonds, which fees and expenses are set forth below:

	3¾ percent bonds and additional common stock	4½ percent bonds	Short-term notes
Federal stamp taxes	$71,500.00	$33,000.00	
Fees charged by Illinois Commerce Commission:			
Bonds	65,000 00	30,000.00	
Common stock	1,350.00		
Counsel for Electric Energy:			
Cahill, Gordon Zachery & Reindel:			
Fees	25,000 00	25,000 00	$6,000 00
Expenses	1,760.16	1,888.56	119.73
Mayer, Meyer, Austrian & Platt:			
Fees	7,500 00	6,000 00	
Expenses	399.77	461.91	
Ogden, Galphin & Abell:			
Fees	[1] 1,000 00	2,500.00	
Expenses	150 00	100.00	
Counsel for purchasers of bonds—Willkie Owen Farr Gallagher & Walton:			
Fees	23,500 00	20,000 00	
Expenses	212.76	275.50	
Counsel for lending banks—Davis Polk Wardwell Sunderland & Kiendl			1,500.00
St. Louis Union Trust Co.—Mortgage trustee:			
Fees	4,250 00	4,250 00	
Expenses		461.74	
Printing	2,523.96	7,865.34	737.41
Kuhn, Loeb & Co., financial advisor	80,000.00	20,000 00	
Recording and filing fees	500 00	500 00	
Total	254,646.65	152,303.04	8,357.13

[1] It is stated that the fee in connection with the issuance and sale of the 3¾% bonds will be less than $1,000.

The Commission having examined the record as so completed and it appearing appropriate to the Commission that the jurisdiction heretofore reserved with respect to such fees and expenses be released and that jurisdiction be continued with respect to fees and expenses for services incurred or to be incurred in connection with the issuance and sale of 3¾ percent and 4½ percent First Mortgage Bonds on secondary closing dates.

It is ordered, That the jurisdiction heretofore reserved with respect to the fees and expenses incurred in connection with these transactions, including the completion of all transactions in connection with the issuance and sale of the 3¾ percent and 4½ percent First Mortgage Bonds through the initial closings for the purchase of such bonds be, and the same hereby is, released.

It is further ordered, That jurisdiction is continued with respect to all fees and expenses incurred or to be incurred in connection with the issuance and sale of 3¾ percent and 4½ percent First Mortgage Bonds on secondary closing dates.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1090; Filed, Feb. 16, 1954; 8:47 a. m.]

[File No. 70-3109]

CENTRAL PUBLIC UTILITY CORP.

ORDER GRANTING APPLICATION PROPOSING INDIRECT ACQUISITION BY PARENT HOLDING COMPANY OF STOCK AND ASSETS OF NON-AFFILIATED BUS COMPANY

FEBRUARY 10, 1954.

Central Public Utility Corporation ("Cenpuc"), a registered holding company, having filed with this Commission an application and an amendment thereto pursuant to section 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transactions:

Cenpuc owns all of the capital stock of Carolina Coach Company ("Carolina"), a Virginia corporation and a non-utility company engaged in the motor bus transportation business in Delaware, Maryland, North Carolina, Pennsylvania and Virginia. Carolina proposes to purchase from the Norfolk Southern Railway Company ("Railway"), a non-affiliated Virginia corporation, for a total cash consideration of $498,000 subject to adjustments, the following: (1) All of the capital stock (1,760 shares) of Norfolk Southern Bus Corporation ("Bus Corporation"), a Virginia corporation and a non-utility company, for $395,000, subject to certain adjustments; (2) the open-account indebtedness of Bus Corporation to Railway in the amount of such indebtedness existing at the time the transaction set forth in item (1) above is closed, which indebtedness as at December 31, 1952, amounted to $89,000; and (3) a parcel of land consisting of 4.01 acres located in the City of Norfolk, Virginia, for $14,000.

Bus Corporation is a motor bus carrier engaged in the transportation of passengers, baggage, mail and express in Virginia and North Carolina. It owns 85 shares (50 percent) of the outstanding capital stock of Norfolk Union Bus Terminal, Inc. ("Bus Terminal"), which operates a bus terminal in Norfolk, Virginia. Carolina owns the remaining 85 shares of Bus Terminal's capital stock. As at December 31, 1952, the underlying net book worth of Bus Corporation's capital stock was $209,427.22.

The application indicates that in order to finance the proposed acquisition, Carolina will borrow $350,000 from a bank or banks. This borrowing will be evidenced by unsecured promissory notes bearing interest at a rate not in excess of 4½ percent per annum and payable in quarterly installments over a period of five years. These notes may be prepaid without penalty.

The application states that after Carolina acquires the capital stock of Bus Corporation, that company will be merged into Carolina. In connection with this merger, it is represented that the tangible property of Bus Corporation, stated on its books as at December 31, 1952, at the aggregate net amount of $405,050, will be restated on Carolina's books. On a pro forma basis as at December 31, 1952, the aggregate net amount of such property, as proposed to be restated, would have been recorded on Carolina's books at $483,492. Such restatement includes adjustments to the depreciation reserves which it is alleged are necessary to set forth properly the value of structures against which excessive depreciation has been charged and to give effect to an appreciation in the value of revenue equipment, based upon providing more equitable salvage value therefor. The amount by which the total consideration to be paid by Carolina exceeds the adjusted book value of the property of Bus Corporation will be amortized at the rate of 10 percent per year. In addition, Carolina, on the basis of its experience, proposes to reduce the depreciation rate on the structures to be acquired from 4 percent to 2½ percent and on shop and garage, furniture and office, and miscellaneous equipment from 10 percent to 5 percent. The income statement of Bus Corporation for the year ended December 31, 1952, reflects a net loss of $63,445. Based upon the proposed merger and the estimated savings which applicant claims will result from joint operations, the increase in the pro forma and adjusted net income of Carolina for that period would have been approximately $204,935.

It is represented that the transactions to be carried out by Cenpuc, Carolina and Bus Corporation are subject to the jurisdiction of the Interstate Commerce Commission and that such transactions, in whole or in part, are also subject to the jurisdiction of the State Corporation Commission of Virginia and the North Carolina Utilities Commission. Cenpuc urges that because of Rule U-8 promulgated under the act, the only transactions subject to the jurisdiction of this Commission are the indirect acquisitions of securities and assets of Bus Corporation by Cenpuc.

The filing contains an order of the Interstate Commerce Commission approving and authorizing, among other things, (a) the acquisition by Carolina of (1) the stock of Bus Corporation, (2) the open-account indebtedness due from Bus Corporation to Railways, and (3) the parcel of land in Norfolk, Virginia; and (b) the issuance by Carolina of the proposed notes; said order being effective on February 11, 1954, and reserving jurisdiction over the proposed accounting entries to be made by Carolina. According to the application the North Carolina Utilities Commission has approved the proposed acquisition by Carolina of the capital stock of Bus Corporation and the subsequent merger of the two companies. It is also indicated that the State Corporation Commission of Virginia has authorized the acquisition of such stock by Carolina but has not yet authorized the proposed merger of Carolina and Bus Corporation.

The applicant states that the only expenses in connection with the transactions proposed by Cenpuc will be counsel fees estimated not to exceed $300.

This Commission having issued a notice of filing pursuant to Rule U-23 and not having received a request for a hearing thereon within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

This Commission finding that all of the transactions proposed by Cenpuc will meet the requirements of the applicable provisions of the act and rules and regulations promulgated thereunder, provided that the prposed merger of Carolina and Bus Corporation has been authorized by the State Corporation Commission of Virginia; and further finding that it is appropriate in the public interest and in the interest of investors and consumers that said application, as amended, should be granted, subject to the condition that all requisite approvals or authorizations not yet secured from the Interstate Commerce Commission, the State Corporation Commission of Virginia and the North Carolina Utilities Commission be obtained and made a part of the record herein:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be and the same hereby is granted forthwith, subject to the further condition that this order shall become effective with respect to any transaction subject to the jurisdiction of, but not yet approved or authorized by, the Interstate Commerce Commission, the State Corporation Commission of Virginia and the North Carolina Utilities Commission only upon the obtaining of the approval or authorization thereof by the regulatory commission or commissions having jurisdiction with respect thereto; appropriate evidence of which shall be filed herein within ten days after such approval or authorization has been obtained.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1089; Filed, Feb. 16, 1954; 8:47 a. m.]

[File No. 70-3188]

EASTERN UTILITIES ASSOCIATES

NOTICE OF FILING REGARDING SALE OF BONDS BY NEGOTIATION AND REQUEST FOR EXEMPTION FROM COMPETITIVE BIDDING

FEBRUARY 10, 1954.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by Eastern Utilities Associates ("EUA"), a registered holding company. EUA has designated sections 7 and 12 of the act and Rules U-42 (b) (2), U-44 and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

EUA proposes to issue and sell to institutional investors $7,000,000 principal amount of Collateral Trust Bonds, 4⅜ Percent Series, due 1978, at 100 percent of their principal amount. The bonds will bear interest at the rate of 4⅜ percent per annum and will be secured by an Indenture and Deed of Trust, dated October 1, 1953, under which EUA will pledge all voting stock, now held or hereafter acquired, of its public-utility subsidiaries, Blackstone Valley Gas and Electric Company, Brockton Edison

Company, and Fall River Electric Light Company.

EUA presently has outstanding a $9,000,000 bank note, due April 19, 1954, which was issued in connection with EUA's recent reorganization under section 11 (e) of the act. (See Holding Company Act Release No. 10040.) The proceeds from the bank borrowing were used by EUA to purchase certain shares of capital stock of Fall River Electric Light Company and to refund EUA's then existing note indebtedness of $630,000. EUA's plan of reorganization provides, among other things, for the sale of $7,000,000 of debentures or collateral trust bonds as a means of retiring that much of the existing bank loan. It is stated that the proceeds from the proposed bonds, less expenses of the transaction, will be applied toward the reduction of the bank loan note. It is further stated that EUA contemplates the sale of a sufficient number of its shares of common stock to raise approximately $2,000,000 of equity capital at the earliest practicable date but not later than October 1, 1954, market conditions for the EUA shares being favorable.

EUA has agreed that so long as any of the bonds remain outstanding, if at the end of any calendar year the consolidated common equity ratio of EUA and its subsidiaries applicable to its common shares is less than 30 percent of total consolidated capitalization, or if at the end of any calendar year the consolidated funded debt ratio is in excess of 60 percent of such total capitalization, EUA will initiate, within 90 days after the year-end figures have been determined, appropriate proceedings, to be approved by this Commission, designed to bring such equity ratio above 30 percent or such debt ratio below 60 percent as the case may be. EUA reserves the right to request the Commission for modification of such agreement if future circumstances make such action desirable.

In accordance with the provisions of the aforesaid plan, the indenture securing the proposed bonds provides for an annual sinking fund of 1 percent for the first three years, 2 percent for the second three years, 3 percent for the third three years, 4 percent for the fourth three years and 5 percent thereafter, leaving 10 percent of the issue to be retired at maturity.

EUA considers Rule U-50 applicable to the proposed sale of collateral trust bonds but has requested an exemption from the competitive requirements of said rule. In support of its requested exemption, EUA states that shortly after its plan was ordered enforced by the United States District Court for the District of Massachusetts on February 10, 1953, EUA's subsidiaries sold bonds at competitive bidding which resulted in higher costs of money than had been anticipated, due to then existing market conditions. The management of EUA was of the view, at the time, that considering then existing market conditions a material saving in financing costs and expenses could be effected through a private sale of its proposed bonds because, among other reasons, EUA had never issued any senior securities and because of the changes in its structure which had occurred in the reorganization. EUA, therefore, requested this Commission for permission to explore the possibilities of a negotiated sale which permission was granted on August 18, 1953.

The filing states that officers of EUA, after negotiation with various institutions, were unable to place its proposed bonds because of the then state of the bond market which was aggravated by a decline in the stock market. EUA, therefore, requested and received from the Commission permission to employ investment bankers to sell the bonds and, after soliciting four houses, selected Kidder, Peabody & Co., whose proposal was the most favorable, as its agent. The filing further states that thereafter the bond market improved and on November 12, 1953, the proposed bonds were placed with 16 institutional investors, subject to this Commission's approval of the terms and provisions of the sale.

The fees and expenses in connection with the issue and sale of the proposed bonds, including a finder's fee of $30,000 and legal fees of $26,615, are estimated to amount to $72,865.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed issue and sale of said bonds.

EUA requests that the Commission's order herein become effective upon the issuance thereof.

Notice is further given that any interested person may, not later than March 1, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1088; Filed, Feb. 16, 1954; 8:47 a. m.]

[File No. 70-3197]

AMESBURG ELECTRIC LIGHT CO. ET AL.

NOTICE OF FILING REGARDING ISSUE AND SALE BY SUBSIDIARIES OF PROMISSORY NOTES TO BANKS AND TO PARENT COMPANY

FEBRUARY 10, 1954.

In the matter of Amesbury Electric Light Company, Athol Gas Company, Attleboro Steam and Electric Company, Connecticut River Power Company, Essex County Electric Company, Granite State Electric Company, Haverhill Electric Company, Lawrence Electric Company, Lawrence Gas Company, The Lowell Electric Light Corporation, Northampton Electric Lighting Company, Northampton Gas Light Company, Northern Berkshire Electric Company, North Shore Gas Company, Norwood Gas Company, Quincy Electric Company, Southern Berkshire Power & Electric Company, Suburban Electric Company, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System; File No. 70-3197.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), by New England Electric System ("NEES"), a registered holding company, and its above-named public-utility subsidiary companies (hereinafter individually referred to as "Amesbury", "Athol", "Attleboro", "Connecticut", "Essex", "Granite", "Haverhill", "Lawrence", "Lawrence Gas", "Lowell", Northampton", "Northampton Gas", "Northern", "North Shore", "Norwood", "Quincy", "Southern", "Suburban", "Weymouth" and "Worcester" and collectively referred to as "the borrowing companies"), NEES and the borrowing companies have designated sections 7, 10 and 12 of the act and Rules U-42 (b) (2), U-43 and U-45 (b) (1) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue, from time to time but not later than December 31, 1954, short-term unsecured promissory notes (a) to banks in the aggregate principal amount of $55,670,000 and (b) to NEES in the aggregate principal amount of $28,980,000 or a total of $84,650,000. The application-declaration states that the maximum amount of such notes to be outstanding at any one time during the year 1954 (a) with banks will not exceed $34,180,000 and (b) with NEES will not exceed $23,450,000, with the total at all times limited to $47,200,000. Such notes will mature in less than one year and in any event not later than March 31, 1955, and, except as hereinafter described, if issued by an electric company, will bear interest at the prime rate of interest charged by banks for similar notes at the time of issuance thereof, and, if issued by a gas company, at such interest rate plus ¼ of 1 percent. It is stated that the present prime rate of interest is 3¼ percent. Athol, Lawrence Gas, Northampton Gas, North Shore and Norwood Gas are gas companies and the other borrowing companies are electric companies.

Notes proposed to be issued by the borrowing companies to NEES for the purpose of prepaying then outstanding notes payable to banks, will bear interest at the same interest rate as the notes to be prepaid until the due date of the prepaid notes and thereafter at the time of issuance or at such rate plus ¼ of 1 percent depending on whether the issuer is an electric or gas company. With respect to any notes proposed to be issued by the borrowing companies to prepay then outstanding notes payable to NEES, if the interest rate for the notes proposed to be issued exceeds the interest rate on the notes proposed to be prepaid, NEES will file an amendment to the application-declaration setting forth therein the proposed amount of the note or notes and the proposed interest rate thereon which amendment will become effective five days after the filing thereof unless the Commission notifies NEES to the contrary within said five-day period.

The following table shows for each borrowing company (1) the aggregate amount of notes proposed to be issued to banks and to NEES in 1954, (2) the maximum amount of notes to be outstanding with banks and with NEES at any one time during 1954:

	Aggregate amount of notes proposed to be issued in 1954		Maximum amount of notes to be outstanding during 1954	
	Banks	NEES	Banks	NEES
Amesbury		$1,220,000		$645,000
Athol		270,000		150,000
Attleboro		1,810,000		1,000,000
Connecticut	$5,[illegible]00	850,000	$5,[illegible]00	4,[illegible]00
Essex	8,210,000	2,740,000	4,[illegible]00	1,370,000
Granite	730,000		485,000	
Haverhill		3,000,000		1,600,000
Lawrence	5,450,000		3,225,000	
Lawrence Gas	2,080,000		1,190,000	
Lowell	6,[illegible]00		4,[illegible]00	
Northampton	[illegible]00		325,000	
Northampton Gas		1,200,000		700,000
Norwood	2,540,000	1,[illegible]00	1,350,000	1,350,000
North Shore		2,450,000		1,[illegible]00
Quincy		620,000		485,000
Southern	3,060,000	1,500,000	1,500,000	1,500,000
Suburban		2,480,000		1,[illegible]00
Weymouth	[illegible]00	1,300,000	5,300,000	1,300,000
Worcester	3,700,000	3,600,000	2,100,000	2,000,000
	5,700,000	4,200,000	4,200,000	4,200,000
Total	55,670,000	28,980,000	34,180,000	23,450,000

The proceeds to be derived from the issuance of the proposed notes will be used by the borrowing companies to pay then outstanding notes or to pay for construction expenditures. The application-declaration indicates that during 1954 certain of the borrowing companies (or a resultant company of the merger of such companies) contemplate the issuance of an aggregate amount of $22,500,000 of permanent securities. Each of the borrowing companies proposes that if any permanent financing is done before the maturity of its note indebtedness, it will apply the proceeds therefrom in reduction of, or in total payment of, such indebtedness, and the amount of authorized and unissued notes will be reduced by the amount, if any, by which such permanent financing exceeds the amount of note indebtedness then outstanding.

The following table shows for each borrowing company (a) the amount of unsecured short-term notes outstanding at January 1, 1954, and (b) the amount of promissory notes estimated to be outstanding at December 31, 1954, after giving effect to the use of the proceeds from the proposed notes and contemplated permanent financing:

	Amount of notes outstanding at Jan. 1, 1954		Amount of notes estimated to be outstanding at Dec. 31, 1954	
	Banks	NEES	Banks	NEES
Amesbury		$545,000		
Athol		[illegible]00		$150,000
Attleboro		675,000		1,000,000
Connecticut	$2,550,000	4,550,000	$5,450,000	4,550,000
Essex	3,500,000	1,370,000	850,000	
Granite	150,000		485,000	
Haverhill		1,100,000		
Lawrence	1,725,000		70,000	
Lawrence Gas	890,000		1,190,000	
Lowell	3,700,000			
Northampton	325,000		325,000	
Northampton Gas		400,000		700,000
Norwood	1,050,000			1,350,000
North Shore		1,225,000		
Quincy		425,000		485,000
Southern		1,280,000		1,500,000
Suburban		1,100,000		1,[illegible]00
Weymouth	1,300,000	2,500,000		1,[illegible]00
Worcester		1,550,000		2,000,000
				4,[illegible]00
Total	15,070,000	16,820,000	8,365,000	18,610,000

The application-declaration also indicates that NEES anticipates the sale of shares of its common stock in November 1954, to realize proceeds of $11,500,000.

The joint application-declaration states that incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $50 for NEES and each borrowing company, or an aggregate of $1,050.

The joint application-declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than February 24, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1087; Filed, Feb. 16, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28917]

PETROLEUM PRODUCTS FROM PORT ST. JOE, FLA. TO ALABAMA

APPLICATION FOR RELIEF

FEBRUARY 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum products, carloads.

From: Port St. Joe, Fla.

To: Points in Alabama.

Grounds for relief: Competition with rail carriers, circuity, and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, supp. 130.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1092; Filed, Feb. 16, 1954; 8:48 a. m.]

[4th Sec. Application 28918]

FERTILIZER COMPOUNDS FROM SOUTHWESTERN TERRITORY TO WEAVER HILL, ILL., GROUP

APPLICATION FOR RELIEF

FEBRUARY 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer compounds, carloads.

From: Specified points in southwestern territory.

To: Weaver Hill, Ill., and points grouped therewith.

Grounds for relief: Rail competition, circuity, market competition, and additional destinations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 139.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1093; Filed, Feb. 16, 1954; 8:48 a. m.]

[4th Sec. Application 28919]

PAPER BAGS, WRAPPING PAPER AND PULPBOARD FROM RICHMOND, VA., TO NEW JERSEY

APPLICATION FOR RELIEF

FEBRUARY 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Paper bags, wrapping paper and pulpboard or fibreboard, carloads.

From: Richmond, Va.

To: Camden, Jersey City, Manville, Newark, Passaic, Paterson, and South Plainfield, N. J.

Grounds for relief: Competition with rail carriers, circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: Chesapeake and Ohio Railway Company, I. C. C. No. 13165, supp. 60.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1094; Filed, Feb. 16, 1954; 8:48 a. m.]

[4th Sec. Application 28920]

WOODEN FENCE POSTS FROM MISSOURI TO IOWA, MINNESOTA, MISSOURI, AND SOUTH DAKOTA

APPLICATION FOR RELIEF

FEBRUARY 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fence posts, wooden, carloads.

From: Points in Missouri.

To: Points in Iowa, Minnesota, Missouri, and South Dakota.

Grounds for relief: Rail competition, circuity, competition with motor carriers, to maintain grouping, and additions origins.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3954, supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1095; Filed, Feb. 16, 1954; 8:48 a. m.]

[4th Sec. Application 28922]

COTTONSEED HULLS AND RELATED ARTICLES FROM SHREVEPORT, LA., TO POINTS IN TEXAS

APPLICATION FOR RELIEF

FEBRUARY 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the St. Louis Southwestern Railway Company and St. Louis Southwestern Railway Company of Texas.

Commodities involved: Cottonseed hulls, cottonseed hull bran and peanut hulls, carloads.

From: Shreveport, La.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1097; Filed, Feb. 16, 1954; 8:48 a. m.]

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TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

APPLICATION FOR INSPECTION SERVICE

The amendment to the regulations governing the grading and inspection of domestic rabbits and edible products thereof and United States specifications for classes, standards, and grades with respect thereto (7 CFR Part 54), hereinafter promulgated, is pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

The amendment prescribes the forms of application for inspection service with respect to domestic rabbits. The administrative overhead charges provided for in the application form for services previously performed are changed from 7 to 12 percent and the hourly rate for making plant surveys has been changed from $3.00 to $4.00. In addition, the amendment contains an application form for plants operating under meat inspection service which also apply for domestic rabbit inspection service. An analysis of the financial status of the inspection program indicates that these increases are needed to cover the costs of the service.

It is hereby found that it would be impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure with respect to this amendment for the reasons that (1) the facts upon which the determinations with respect to charges necessary to cover the cost of the service are not available to the industry, but are peculiarly known to the Department; (2) legislation requires that the services provided under this program shall be self-supporting; (3) contracts for inspection service which are currently in effect require 30 days notice of cancellation and there is insufficient time to engage in rule making procedures prior to the effective date of this amendment; and (4) the services provided hereunder are permissive and the industry does not require additional time to make preparation for compliance with this amendment.

The amendment, hereinafter set forth, is promulgated to become effective on April 1, 1954.

The amendment is as follows:

1. Add a new Subpart C—Forms, Instructions, and Applications.

2. Under Subpart C insert new center heading "Application for Inspection Service."

3. Add new § 54.281 to read as follows:

§ 54.281 *Application for inspection of domestic rabbits and edible products thereof for condition and wholesomeness.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 54) governing the inspection of domestic rabbits and edible products thereof, for condition and wholesomeness at the following designated plant:

Name of plant _____
Street address _____
City and State _____

(a) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations, (including, but not being limited to, such instructions governing inspection of products as may be issued, from time to time, by the Administrator), and the following:

(1) Payment for the full cost of the inspection service covered hereby shall be made by the applicant to the Agricultural Marketing Service, U. S. Department of Agriculture, (hereinafter referred to as "AMS") not later than thirty (30) days from the date of billing. Such full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the inspection service may be rendered;

(i) A charge of $75.00 for the survey (required to be made with respect to an official plant pursuant to the aforesaid regulations) made of the designated plant and its premises (but no charge for the final survey) prior to the performance, by AMS, of the inspection service covered hereby: *Provided,* That,

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FEDERAL REGISTER

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If at the time of submission of this application for inspection service such designated plant is an official plant in which grading service is performed by AMS and inspection service was not performed by the AMS in such plant during the twelve-month period ending on the date of this application, the charge for the survey shall be computed in the manner specified in paragraph (a) (1) (ii) of this application;

(ii) Charges for each additional survey, if any, made at the request of the applicant to be computed on the basis (a) of the actual cost to AMS of the travel and per diem in lieu of subsistence incurred in the making of the survey, and (b) a charge of $4.00 per hour for the time consumed in the plant in making the survey;

(iii) A charge of (a) $116.00 per 40-hour work week, plus an overtime charge (when applicable) of $2.90 per hour for each hour in excess of 40 in the work week for each inspector assigned to the designated plant by AMS for the inspection of domestic rabbits at the time of evisceration; (b) $98.00 per 40-hour work week, plus an overtime charge (when applicable) of $2.45 per hour for each inspector assigned to the designated plant by AMS for inspection of canning or other processing of domestic rabbit food products; and (c) $68.00 per 40-hour work week, plus an overtime charge (when applicable) of $1.70 per hour for each inspector assigned to the designated plant by AMS for inspection of products for condition: *Provided*, That, with respect to each inspector who is employed by AMS on a "when actually employed" basis, such charges shall be computed on the appropriate hourly basis: *Provided, further*, That, no charge shall be made hereunder for any inspector during any period of leave approved by AMS for such inspector;

(iv) A charge at double the applicable hourly rate specified in paragraph (a) (1) (iii) hereof for any inspection service performed by an inspector on a designated holiday;

(v) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant but whose travel headquarters is not at the designated plant, such charge to cover the period during which each such inspector is assigned to the designated plant, and travel to and from the designated plant in connection with such assignment;

(vi) A charge at the sole discretion of AMS of an amount not in excess of the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem in lieu of subsistence with respect to each inspector who is transferred from another official plant to the designated plant, when the inspector's travel headquarters is changed to the designated plant at the time of such transfer;

(vii) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant and whose travel headquarters is at the designated plant, if at the request of the designated plant, such inspector is reassigned temporarily to another official plant, such charge to cover the period during which each such inspector is reassigned to the other plant, and the travel to and from the designated plant in connection with such reassignment;

(viii) A charge in an amount equal to twelve (12) percent of the amounts prescribed in (iii), (iv), (v), (vi), and (vii) hereof to cover approximate overhead for administrative and other costs and expenses incurred by AMS in rendering inspection service pursuant to the aforesaid regulations: *Provided*, That, after the inspection service is inaugurated in the designated plant, the minimum charge for each calendar month shall be $25.00;

(ix) The applicant shall also, upon receipt of an invoice therefor, at the inauguration of the inspection service pursuant hereto, make an advance payment in an amount to cover the estimated average cost of inspection in the designated plant for a period of one month. The advance payment will be applied to the final bill and any balance due the applicant will be refunded on the termination of this contract; and

(x) The charges specified in (iii), (iv), (v), (vi), (vii) and (viii) shall be billed at the end of each calendar month. The charge for each 8-hour day, for the services of any inspector, shall be at the rate of one-fifth of the applicable charge for each 40-hour work week, as provided in item (iii). Overtime charges (when applicable) shall be billed at the rates specified in items (iii) and (iv).

(2) The applicant shall furnish such stenographic and clerical assistance as may be necessary in typing certificates and handling correspondence in connection with the inspection service covered hereby.

(3) Inspectors will be provided by AMS to perform the inspection service covered hereby. AMS may, from time to time, assign to the designated plant such additional inspectors as it deems necessary in order to perform the inspection service covered hereby, or decrease the number of inspectors when fewer inspectors are needed to perform such service.

(4) Whenever operations at the designated plant are discontinued during any period or periods, any inspector (assigned, as aforesaid, by AMS to the designated plant) may perform such other services as may be deemed appropriate, and are approved, by the regional supervisor.

(5) AMS will not be responsible for damages accruing through errors of commission or omission on the part of its inspectors when engaged in rendering service hereunder.

(6) The inspection service herein applied for shall be provided at the designated plant and shall be continued until the service or this contract is suspended, withdrawn, or terminated (i) by mutual consent; (ii) by thirty (30) days' written notice given by either party to the other party specifying the date of suspension, withdrawal, or termination; (iii) pursuant to the aforesaid regulations; (iv) upon one (1) days' written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the costs of the inspection service as herein provided, or if the applicant fails to comply with the terms and conditions hereof.

(b) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions.

(c) No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom unless it be made with a corporation for its general benefit.

(d) Additional conditions:

_____
(Applicant)
By _____
_____
(Street)
_____ _____
(City) (State)
_____
(Date)

Approved:
By _____
_____
(Title)
_____
(Date)

Agricultural Marketing Service,
U. S. Department of Agriculture.

4. Add new § 54.282 to read as follows:

§ 54.282 *Application for inspection of canning and processing of inspected ready-to-cook rabbits in plants operating under federal meat inspection regulations.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 54) governing the inspection of domestic rabbits and edible products thereof, for condition and wholesomeness at the following designated plant:

Name of plant _____
Street address _____
City and State _____

(a) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations, (including, but not being limited to, such instructions governing inspection of products as may be issued, from time to time, by the Administrator), and the following:

(1) Payment for the full cost of the inspection service covered hereby shall be made by the applicant to the Agricultural Marketing Service, U. S. Department of Agriculture, (hereinafter referred to as "AMS") not later than thirty (30) days from date of billing. Such full costs shall comprise such of the following items as may

be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the inspection service may be rendered;

(i) A charge of $75.00 for the survey (required to be made with respect to an official plant pursuant to the aforesaid regulations) made of the designated plant and its premises (but no charge for the final survey) prior to the performance, by the AMS, of the inspection service covered hereby;

(ii) Charges for each additional survey, if any, made at the request of the applicant to be computed on the basis (a) of the actual cost to AMS of the travel and per diem in lieu of subsistence incurred in the making of the survey, and (b) a charge of $4.00 per hour for the time consumed at the plant in making the survey;

(iii) With respect to inspectors of the Meat Inspection Branch, Agricultural Research Service (formerly the Meat Inspection Division, Bureau of Animal Industry) who are assigned to the designated plant for the inspection of canning or processing of domestic rabbit food products, a charge equal to the amounts reimbursed to the Agricultural Research Service by AMS, plus twenty-five (25) percent of such amounts to cover administrative overhead of AMS: *Provided*, That, after the inspection service is inaugurated in the designated plant, the minimum charge for each calendar month shall be $25.00;

(iv) The applicant shall also, upon receipt of an invoice therefor, at the inauguration of the inspection service pursuant hereto, make an advance payment in an amount to cover the estimated average cost of inspection in the designated plant for a period of one month. The advance payment will be applied to the final bill and any balance due the applicant will be refunded on termination of this contract; and

(v) The charges specified in (iii) and (iv) which may consist of amounts due for regular, overtime, holiday or night differential hours, shall be billed at the end of each calendar month.

(2) Inspection service will be provided by AMS by mutual agreement with Meat Inspection Branch, Agricultural Research Service, utilizing inspectors detailed to the plant by the Meat Inspection Branch. Inspectors of the Meat Inspection Branch detailed to the plant will be licensed by AMS to perform inspection service covered by this contract.

(3) The Agricultural Marketing Service will not be responsible for damages accruing through errors of commission or omission on the part of its inspectors when engaged in rendering service hereunder.

(4) The inspection service herein applied for shall be provided at the designated plant and shall be continued until the service or this contract is suspended, withdrawn, or terminated (i) by mutual consent; (ii) by thirty (30) days' written notice given by either party to the other party specifying the date of suspension, withdrawal, or termination; (iii) pursuant to the aforesaid regulations; (iv) upon one (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the costs of the inspection service as herein provided, or if the applicant fails to comply with the terms and conditions hereof.

(b) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions.

(c) No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom unless it be made with a corporation for its general benefit.

(d) Additional conditions:

_____
(Applicant)

By _____
(Title)

_____
(Street)

_____ _____
(City) (State)

_____
(Date)

Approved:

By _____

_____
(Title)

_____
(Date)

Agricultural Marketing Service,
U. S. Department of Agriculture.

(Sec. 205, 60 Stat. 1090, 67 Stat. 205; 7 U. S. C. 1624)

Issued at Washington, D. C., this 15th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-1157; Filed, Feb. 17, 1954; 8:55 a. m.]

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF EGGS AND EGG PRODUCTS

APPLICATION FOR GRADING SERVICE

The amendment to the regulations governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products (7 CFR Part 55) hereinafter promulgated, is pursuant to the authority contained in the Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953). The amendment revises the application forms for grading service performed on a contract basis, by increasing the administrative service charges needed to cover administration and supervision of the grading program. The present rate of charges based on volume of product graded, survey, and installation of grader fees is increased to provide approximately 10 percent more total revenue collected. Further, provision is made for an hourly rate for services rendered which are not specifically covered in the contract. An analysis of the financial status of the grading service indicates that these increases are needed to cover the cost of the service.

It is hereby found that it would be impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure with respect to this amendment for the reasons that (1) the facts upon which the determinations with respect to charges necessary to cover the cost of the service are not available to the industry, but are peculiarly known to the Department; (2) legislation requires that the services provided under this program shall be self-supporting; (3) contracts for grading service which are currently in effect require 30 days notice of cancellation and there is insufficient time to engage in rule making procedures prior to the effective date of this amendment; and (4) the services provided hereunder are permissive and the industry does not require additional time to make preparation for compliance with this amendment.

The amendment, hereinafter set forth, is promulgated to become effective on April 1, 1954.

The amendment is as follows:

1. Under Subpart B—Forms and Instructions insert new center heading "Application for grading service," following § 55.115.

2. Add new § 55.121 to read as follows:

§ 55.121 *Application for grading service with respect to shell eggs.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 55) governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products, for grading service to be performed at the plant hereinafter designated:

_____
(Name of plant)

_____ _____
(Street address) (City and State)

(a) Upon approval of this application by the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"), AMS will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to AMS at the time the respective invoices are rendered by AMS. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge of $75.00 for the initial survey and examination of blueprints of the designated plant and its premises prior to the performance by the Service of the grading service covered hereby;

(ii) A charge of $100.00 for the final survey and inauguration of the grading service including the assignment of one grader and one alternate grader;

(iii) A charge of $50.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, in the sole discretion of the Service no such charge will be made for a temporary replacement when such replacement is made by use of a regular employee of the Service;

(iv) A charge equal to the salary costs paid to each grader assigned to the applicant's plant by AMS, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by AMS to perform a grading service for other than the applicant;

(v) A charge equal to the salary costs, travel expenses and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vi) A charge for the actual cost to AMS of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(vii) A charge, at the sole discretion of AMS, of an amount not in excess of the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(viii) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(ix) An administrative service charge based upon the aggregate number of thirty-dozen cases of shell eggs handled in the plant per month, and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGE

0 to 500 cases	$25.00
501 to 1,750 cases	35.00
1,751 to 2,750 cases	40.00
2,751 to 3,750 cases	45.00
3,751 to 5,000 cases	50.00
5,001 to 6,000 cases	55.00
6,001 to 7,000 cases	60.00
7,001 to 8,000 cases	65.00
8,001 to 9,000 cases	70.00
9,001 to 10,000 cases	75.00
10,001 to 11,000 cases	80.00
11,001 to 12,000 cases	85.00
12,001 to 13,000 cases	90.00
13,001 to 14,000 cases	95.00
14,001 cases and over	100.00

(x) A charge of $4.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering services not specifically covered by this contract; such as, surveys in addition to the initial and final.

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) AMS will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of AMS the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) AMS shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and AMS, (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time AMS concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

_____
(Applicant)

By _____

_____
(Street)

_____ _____
(City) (State)

_____
(Date)

Approved:

By _____

_____
(Title)

_____
(Date)

Agricultural Marketing Service,
U. S. Department of Agriculture.

Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

3. Add new § 55.122 to read as follows:

§ 55.122 *Application for grading service with respect to egg products.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 55) governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products, for grading service to be performed at the plant hereinafter designated:

_____
(Name of plant)

_____ _____
(Street address) (City and State)

(a) Upon approval of this application by Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"), AMS will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to AMS at the time the respective invoices are rendered by AMS. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge of $75.00 for the initial survey and examination of blueprints of the designated plant and its premises prior to the performance by the Service of the grading service covered hereby;

(ii) A charge of $100.00 for the final survey and inauguration of the grading service including the assignment of one grader and one alternate grader;

(iii) A charge of $50.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, in the sole discretion of the Service no such charge will be made for a temporary replacement when such replacement is made by use of a regular employee of the Service;

(iv) A charge equal to the salary costs paid to each grader assigned to applicant's plant by AMS, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by AMS to perform a grading service for other than the applicant;

(v) A charge equal to the salary costs, travel expenses and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vi) A charge for the actual cost to AMS of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(vii) A charge, at the sole discretion of AMS, of an amount not in excess of the actual cost of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(viii) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(ix) An administrative service charge based upon the aggregate weight of the total monthly volume (based on the weight of liquid egg and weight of dried egg converted to liquid egg) of all egg products handled in the plant, and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

0 to 20,000 pounds	$25.00
20,001 to 100,000 pounds	40.00
100,001 to 150,00 pounds	45.00
150,001 to 200,000 pounds	50.00
200,001 to 250,000 pounds	55.00
250,001 to 300,000 pounds	60.00
300,001 to 400,000 pounds	65.00
400,001 to 500,000 pounds	70.00
500,001 to 600,000 pounds	75.00
600,001 to 700,000 pounds	80.00
700,001 to 800,000 pounds	85.00
800,001 to 900,000 pounds	90.00
900,001 to 1,000,000 pounds	95.00
1,000,001 pounds and over	100.00

(x) A charge of $4.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering services not specifically covered by this contract; such as, surveys in addition to the initial and final.

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) AMS will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of AMS the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) AMS shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and AMS; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of giving of such notice; (iii) one (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules, or regulations, debars the ap-

plicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time AMS concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefits that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

_____
(Applicant)

By _____
_____
(Street)

_____ _____
(City) (State)

_____
(Date)

Approved:
By _____
_____
(Title)

_____
(Date)

Agricultural Marketing Service,
U. S. Department of Agriculture.

Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

(67 Stat. 205)

Issued at Washington, D. C., this 15th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-1155; Filed, Feb. 17, 1954; 8:55 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

APPLICATIONS FOR GRADING AND INSPECTION SERVICE

The amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70), hereinafter promulgated, is pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

The amendment revises the application forms for grading and inspection services performed on a contract basis by increasing the administrative service charges needed to cover administration and supervision of the program. The present rate of charges based on volume of product graded, survey, and installation of grader fees will be increased to provide approximately 10 percent more total revenue collected. Further, provision is made for an hourly rate for services rendered which are not specifically covered in the grading contract. The administrative overhead charges specified in the application form for inspection service have been changed from 7 to 12 percent, the hourly rate for making plant surveys has been changed from $3.00 to $4.00, and a new application form is provided for plants operating under Meat Inspection Service that also apply for poultry inspection service. An analysis of the financial status of the grading and inspection service indicates that these increases are needed to cover the cost of the service.

It is hereby found that it would be impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure with respect to this amendment for the reasons that (1) the facts upon which the determinations with respect to charges necessary to cover the cost of the service are not available to the industry, but are peculiarly known to the Department; (2) legislation requires that the services provided under this program shall be self-supporting; (3) contracts for grading and inspection service which are currently in effect require 30 days notice of cancellation and there is insufficient time to engage in rule making procedures prior to the effective date of this amendment; (4) the services provided hereunder are permissive and the industry does not require additional time to make preparation for compliance with this amendment.

The amendment, hereinafter set forth, is promulgated to become effective on April 1, 1954.

The amendment is as follows:

1. Change § 70.410 to read as follows:

§ 70.410 *Application for grading service with respect to live, dressed, and ready-to-cook poultry.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 70) governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto, for grading service to be performed at the plant hereinafter designated:

_____
(Name of plant)

_____ _____
(Street address) (City and State)

(a) Upon approval of this application by the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"), AMS will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to AMS at the time the respective invoices are rendered by AMS. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge of $75.00 for the initial survey and examination of blueprints of the designated plant and its premises prior to the performance by AMS of the grading service covered hereby;

(ii) A charge of $100.00 for the final survey and inauguration of the grading service including the assignment of one grader and one alternate grader;

(iii) A charge of $50.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, in the sole discretion of the Service no such charge will be made for a temporary replacement when such replacement is made by use of a regular employee of the Service;

(iv) A charge equal to the salary costs paid to each grader assigned to applicant's plant by AMS, including the earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by AMS to perform a grading service for other than the applicant;

(v) A charge equal to the salary costs, travel expenses and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vi) A charge for the actual cost to AMS of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(vii) A charge, at the sole discretion of AMS, of an amount not in excess of the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(viii) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(ix) An administrative service charge based upon the aggregate weight of the total monthly volume of all products handled in the plant, and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

0 to 20,000 pounds	$25 00
20,001 to 100,000 pounds	40 00
100,001 to 150,000 pounds	45 00
150,001 to 200,000 pounds	50 00
200,001 to 250,000 pounds	55 00
250,001 to 300,000 pounds	60 00
300,001 to 400,000 pounds	65 00
400,001 to 500,000 pounds	70 00
500,001 to 600,000 pounds	75 00
600,001 to 700,000 pounds	80 00
700,001 to 800,000 pounds	85 00
800,001 to 900,000 pounds	90 00
900,000 to 1,000,000 pounds	95 00
1,000,001 pounds or more	100 00

(x) A charge of $4.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering services not specifically covered by this contract; such as, surveys in addition to the initial and final.

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) AMS will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of AMS the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) AMS shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and AMS; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided: or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time AMS concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

_____
(Applicant)

By _____
_____
(Street)

_____ _____
(City) (State)

_____
(Date)

Approved:
By _____
_____
(Title)

_____
(Date)

Agricultural Marketing Service,
U. S. Department of Agriculture.

Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

2. Under Subpart C—Forms, Instructions, and Applications, insert new center heading "Application for Inspection Service," following § 70.410.

3. Add new § 70.416 to read as follows:

§ 70.416 *Application for inspection of dressed poultry and edible products thereof for condition and wholesomeness.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 70) governing the inspection of poultry and edible products thereof, for condition and wholesomeness at the following designated plant:

Name of plant _____
Street address _____
City and State _____

(a) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations, (including, but not being limited to, such instructions governing inspection of products as may be issued, from time to time, by the Administrator), and the following:

(1) Payment for the full cost of the inspection service covered hereby shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS") not later than thirty (30) days from date of billing. Such full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the inspection service may be rendered;

(i) A charge of $75.00 for the survey (required to be made with respect to an official plant pursuant to the aforesaid regulations) made of the designated plant and its premises (but no charge for the final survey) prior to the performance, by AMS, of the inspection service covered hereby: *Provided*, That, if at the time of submission of this application for inspection service such designated plant is an official plant in which grading service is performed by AMS and inspection service was not performed by AMS in such plant during the twelve-month period ending on the date of this application, the charge for the survey shall be computed in the manner specified in paragraph (a) (1) (ii) of this application;

(ii) Charges for each additional survey, if any, made at the request of the applicant to be computed on the basis (a) of the actual cost to AMS of the travel and per diem in lieu of subsistence incurred in the making of the survey, and (b) a charge of $4.00 per hour for the time consumed at the plant in making the survey;

(iii) A charge of (a) $116.00 per 40-hour work week, plus an overtime charge (when applicable) of $2.90 per hour for each hour in excess of 40 in the work week for each inspector assigned to the designated plant by AMS for the inspection of dressed poultry at the time of evisceration; (b) $98.00 per 40-hour work week, plus an overtime charge (when applicable) of $2.45 per hour for each inspector assigned to the designated plant by AMS for inspection of canning or other processing of poultry food products; and (c) $68.00 per 40-hour work week, plus an overtime charge (when applicable) of $1.70 per hour for each inspector assigned to the designated plant by AMS for inspection of products for condition: *Provided*, That, with respect to each inspector who is employed by AMS on a "when actually employed" basis, such charges shall be computed on the appropriate hourly basis: *Provided, further*, That, no charge shall be made hereunder for any inspector during any period of leave approved by AMS for such inspector;

(iv) A charge at double the applicable hourly rate specified in paragraph (a) (1) (iii) hereof for any inspection service performed by an inspector on a designated holiday;

(v) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant but whose travel headquarters is not at the designated plant, such charge to cover the period during which each such inspector is assigned to the designated plant, and travel to and from the designated plant in connection with such assignment;

(vi) A charge at the sole discretion of AMS of an amount not in excess of the actual cost to the AMS of the travel (including the cost of movement of household goods and dependents) and per diem in lieu of subsistence with respect to each inspector who is transferred from another official plant to the designated plant, when the inspector's travel headquarters is changed to the designated plant at the time of such transfer;

(vii) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant and whose travel headquarters is at the designated plant, if at the request of the designated plant, such inspector is reassigned temporarily to another official plant, such charge to cover the period during which each such inspector is reassigned to the other plant, and the travel to and from the designated plant in connection with such reassignment;

(viii) A charge in an amount equal to twelve (12) percent of the amounts prescribed in (iii), (iv), (v), (vi), and (vii) hereof to cover approximate overhead for administrative and other costs and expenses incurred by AMS in rendering inspection service pursuant to the aforesaid regulations: *Provided*, That, after the inspection service is inaugurated in the designated plant, the minimum charge for each calendar month shall be $25.00;

(ix) The applicant shall also, upon receipt of an invoice therefor, at the inauguration of the inspection service pursuant hereto, make an advance payment in an amount to cover the estimated average cost of inspection in the designated plant for a period of one month. The advance payment will be applied to the final bill and any balance due the applicant will be refunded on termination of this contract; and

(x) The charges specified in (iii), (iv), (v), (vi), (vii), and (viii) shall be billed at the end of each calendar month. The charge for each 8-hour day, for the services of any inspector, shall be at the rate of one-fifth of the applicable charge for each 40-hour work week, as provided in item (iii). Overtime charges (when applicable) shall be billed at the rates specified in items (iii) and (iv).

(2) The applicant shall furnish such stenographic and clerical assistance as may be necessary in typing certificates and handling correspondence in connection with the inspection service covered hereby.

(3) Inspectors will be provided by AMS to perform the inspection service covered hereby. AMS may, from time to time, assign to the designated plant such additional inspectors as it deems necessary in order to perform the inspection service covered hereby, or decrease the number of inspectors when fewer inspectors are needed to perform such service.

(4) Whenever operations at the designated plant are discontinued during any period or periods, any inspector (assigned, as aforesaid, by AMS to the designated plant) may perform such other services as may be deemed appropriate, and are approved, by the regional supervisor.

(5) AMS will not be responsible for damages accruing through errors of commission or omission on the part of its inspectors when engaged in rendering service hereunder.

(6) The inspection service herein applied for shall be provided at the designated plant and shall be continued until the service or this contract is suspended, withdrawn, or terminated (i) by mutual consent; (ii) by thirty (30) days' written notice given by either party to the other party specifying the date of suspension, withdrawal, or termination; (iii) pursuant to the aforesaid regulations; (iv) upon one (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the costs of the inspection service as herein provided, or if the applicant fails to comply with the terms and conditions hereof.

(b) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions.

(c) No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom unless it be made with a corporation for its general benefit.

(d) Additional conditions:

_____
(Applicant)
By _____
_____
(Street)
_____ _____
(City) (State)
_____
(Date)

Approved:
By _____
_____
(Title)
_____
(Date)

Agricultural Marketing Service,
U. S. Department of Agriculture.

4. Add new § 70.417 to read as follows:

§ 70.417 *Application for inspection of canning and processing of inspected ready-to-cook poultry in plants operating under federal meat inspection service.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 70) governing the inspection of poultry and edible products thereof, for condition and wholesomeness at the following designated plant:

Name of plant _____
Street address _____
City and State _____

(a) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including, but not being limited to, such instructions governing inspection of products as may be issued, from time to time, by the Administrator), and the following:

(1) Payment for the full cost of the inspection service covered hereby shall be made by the applicant to the Agricultural Marketing Service, U. S. Department of Agriculture (hereinafter referred to as "AMS") not later than thirty (30) days from date of billing. Such full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the inspection service may be rendered;

(i) A charge of $75.00 for the survey (required to be made with respect to an official plant pursuant to the aforesaid regulations) made of the designated plant and its premises (but no charge for the final survey) prior to the performance, by AMS, of the inspection service covered hereby;

(ii) Charges for each additional survey, if any, made at the request of the applicant to be computed on the basis (*a*) of the actual cost to AMS of the travel and per diem in lieu of subsistence incurred in the making of the survey, and (*b*) a charge of $4.00 per hour for the time consumed at the plant in making the survey;

(iii) With respect to inspectors of the Meat Inspection Branch, Agricultural Research Service (formerly the Meat Inspection Division, Bureau of Animal Industry) who are assigned to the designated plant for the inspection of canning or processing of poultry food products, a charge equal to the amounts reimbursed to the Agricultural Research Service by AMS, plus twenty-five (25) percent of such amounts to cover administrative overhead of AMS: *Provided*, That, after the inspection service is inaugurated in the designated plant, the minimum charge for each calendar month shall be $26.00;

(iv) The applicant shall also, upon receipt of an invoice therefor, at the inauguration of the inspection service pursuant hereto, make an advance payment in an amount to cover the estimated average cost of the inspection in the designated plant for a period of one month. The advance payment will be applied to the final bill and any balance due the applicant will be refunded on termination of this contract; and

(v) The charges specified in (iii) and (iv) which may consist of amounts due for regular, overtime, holiday or night differential hours, shall be billed at the end of each calendar month.

(2) Inspection service will be provided by AMS by mutual agreement with Meat Inspection Branch, Agricultural Research Service, utilizing inspectors detailed to the plant by the Meat Inspection Branch. Inspectors of the Meat Inspection Branch detailed to the plant will be licensed by AMS to perform inspection service covered by this contract.

(3) The Agricultural Marketing Service will not be responsible for damages accruing through errors of commission or omission on the part of its inspectors when engaged in rendering service hereunder.

(4) The inspection service herein applied for shall be provided at the designated plant and shall be continued until the service or this contract is suspended, withdrawn, or terminated (i) by mutual consent; (ii) by thirty (30) days' written notice given by either party to the other party specifying the date of suspension, withdrawal, or termination; (iii) pursuant to the aforesaid regulations; (iv) upon one (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the costs of the inspection service as herein provided, or if the applicant fails to comply with the terms and conditions hereof.

(b) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions.

(c) No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom unless it be made with a corporation for its general benefit.

(d) Additional conditions:

_____
(Applicant)
By _____
(Title)
_____
(Street)
_____ _____
(City) (State)
_____
(Date)

Approved:
By _____
_____
(Title)
_____
(Date)

Agricultural Marketing Service,
U. S. Department of Agriculture.

(Sec. 205, 60 Stat. 1090, 67 Stat. 205; 7 U. S. C. 1624)

Issued at Washington, D. C., this 15th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-1156; Filed, Feb. 17, 1954; 8:55 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO THE IMMIGRATION AND NATIONALITY REGULATIONS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 1—GENERAL

Subparagraph (9) of paragraph (a) of § 1.1 *Definitions* is amended to read as follows:

(9) The term "immigration officer" means:

(i) Any officer or employee of the Service who on December 24, 1952, was serving under an appointment theretofore made to the position of immigrant inspector, patrol inspector, detention officer, investigator, or naturalization examiner, or any other officer of the Service of a higher grade whose appointment has not terminated, or who hereafter is appointed to such position; and

(ii) Any persons designated by the Commissioner to perform the duties and exercise the powers of an immigration officer as set forth in the Immigration and Nationality Act.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

1. Subparagraph (11) of paragraph (c) of § 211.2 is amended so that when taken with the introductory material it will read as follows:

§ 211.2 *Immigrants not required to present visas or passports.* Immigrants of the following-described classes applying for admission to the United States need not present visas or passports:

* * * * * * *

(c) Aliens (including alien crewmen) of the following-described classes who have been lawfully admitted for permanent residence, who are otherwise admissible, and who are returning after a temporary absence:

* * * * * * *

(11) An alien who is returning to the United States after employment with or under the supervision of United States armed forces authorities or other agencies of the United States Government in remote Pacific Islands.

2. Paragraph (c) of § 211.4 is amended so that when taken with the introductory material it will read as follows:

§ 211.4 *Immigrants not required to present passports.* Aliens of the following-described classes (including alien crewmen) who apply for admission to the United States as immigrants, and who are otherwise admissible, are not required to present passports:

* * * * * * *

(c) An immigrant who is the spouse or child of a United States citizen or an alien lawfully admitted to the United States for permanent residence.

PART 231—LISTS OF ALIENS AND CITIZEN PASSENGERS ARRIVING OR DEPARTING

Effective as of September 2, 1953, paragraph (b) of § 231.6, *Ports of entry for aliens arriving by vessel or by land transportation*, is amended by deleting "Zapata, Tex." from the list of Class A ports of entry under District No. 14—San Antonio, Tex.

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

Paragraph (a) of § 243.1 is amended to read as follows:

§ 243.1 *Issuance of warrants of deportation; country to which alien shall be deported; cost of detention; care and attention of alien*—(a) *Issuance.* A warrant of deportation shall be based upon the final order of deportation and shall be issued by a district director or an immigration officer acting for him.

PART 341—CERTIFICATE OF CITIZENSHIP UNDER SECTION 341 OF THE IMMIGRATION AND NATIONALITY ACT

The fifth sentence of § 341.13 *Notice and examination of applicant and witnesses* is amended to read as follows: "If the person or persons through whom the applicant claims citizenship are deceased or otherwise not available, the testimony customarily required of such persons or persons shall be furnished by qualified witnesses, unless the district director, in his discretion, waives the testimony of such witnesses."

PART 481—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE IN ACCORDANCE WITH THE REFUGEE RELIEF ACT OF 1953

The second sentence of § 481.13 *Medical examination* is amended by changing "§ 236.13 (c)" to "§ 235.13 (c)."

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Except as provided in the amendment of § 231.6, this order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, insofar as they do not relate to matters of agency management or procedure, relieve restrictions and are clearly advantageous to persons affected thereby.

Dated: February 9, 1954.

WILLIAM P. ROGERS,
Acting Attorney General.

Recommended: January 27, 1954.

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 54-1141; Filed, Feb. 17, 1954; 8:51 a. m.]

MISCELLANEOUS AMENDMENTS TO THE IMMIGRATION AND NATIONALITY REGULATIONS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 2—SERVICE RECORDS: FEES

The item in § 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act* relating to the filing of an application for waiver of passport or visa by a nonimmigrant alien is amended to read as follows:

For filing application for waiver of passport or visa of an individual alien at time he applies for temporary admission to the United States. (This fee shall not be applicable to an admissible alien who is officially engaged in activities in connection with any multipartite treaty organization of which the United States is signatory, or who is a member of the armed forces of any foreign government, or who is seeking admission under section 101 (a) (15) (A) or 101 (a) (15) (G) of the Immigration and Nationality Act)	$10.00

PART 9—AUTHORITY OF COMMISSIONER AND ASSISTANT COMMISSIONERS

1. Paragraph (a) of § 9.1 is amended to read as follows:

§ 9.1 *Authority of Commissioner*—(a) *General.* Under the general direction of the Attorney General, the Commissioner is authorized and directed to supervise and direct the administration of the Service, and, subject to the limitations contained in section 103 of the Immigration and Nationality Act and Part 6 of this chapter, to administer and enforce the Immigration and Nationality Act and all other laws relating to immigration, naturalization, and nationality; and for such purposes he is authorized to exercise or perform any of the powers, privileges, and duties conferred or imposed upon the Attorney General thereby.

2. There is hereby added a new section designated § 9.5 which shall read as follows:

§ 9.5 *Authority of Assistant Commissioner, Administrative Division.* The function of requesting information from other Government agencies regarding the identity and location of aliens as provided for in sections 290 (b) and (c) of the Immigration and Nationality Act is conferred upon the Assistant Commissioner, Administrative Division.

3. The present § 9.5 is redesignated § 9.6 and is amended to read as follows:

§ 9.6 *Reservation of authority.* The powers, privileges, and duties conferred or imposed by this chapter upon officers or employees of the Service other than those referred to in this section shall be in addition to, and not in substitution for, those conferred or imposed by this part upon the Assistant Commissioner, Border Patrol, Detention and Deportation Division, the Assistant Commissioner, Inspections and Examinations Division, the Assistant Commissioner, Investigations Division, and the Assistant Commissioner, Administrative Division. The powers, privileges, and duties conferred or imposed by this chapter upon officers or employees of the Service other than the Commissioner shall be in addition to, and not in substitution for, those conferred upon the Commissioner by this part. Concurrent and coexistent powers and authority with respect to all delegations made by this chapter are retained by the Attorney General.

PART 213—ADMISSION OF ALIENS ON GIVING BOND OR CASH DEPOSIT

The first sentence of § 213.1 is amended to read as follows:

§ 213.1 *Authority to admit under bond or cash deposit.* An alien who applies for admission to the United States for permanent residence whose case is referred to the district director or officer in charge having administrative jurisdiction over the place where the examination for admission is being conducted, as provided in § 235.12 of this chapter, may be admitted to the United States in the discretion of such officer upon the furnishing of a bond on Form I–354, in the sum of not less than $1,000, or, in lieu of such bond, upon depositing cash, which may be in the form of United States money orders or bank cashier checks, in the sum of not less than $1,000 for the same purposes and subject to the same conditions as those set forth in Form I–354. * * *

PART 214f—ADMISSION OF NONIMMIGRANTS: STUDENTS

Subparagraph (2) of paragraph (a) of § 214f.6 is amended so that when taken with the introductory material it will read as follows:

§ 214f.6 *Approval of certain institutions of learning and recognized places of study.* Any institution of learning or other place of study in the United States which falls within any of the following-described categories, and which agrees to report in writing to the district director having administrative jurisdiction over the place where such institution of learning or place of study is located the enrollment and termination of attendance of each nonimmigrant student, is approved for the attendance of nonimmigrant students in accordance with section 101 (a) (15) (F) of the Immigration and Nationality Act:

(a) Any public educational institution listed in the current issue of one of the following-described publications or lists:

* * * * * * *

(2) Directories and official lists of public educational institutions issued by State departments of education: *Provided*, That any school in a State which does not publish all-inclusive public school directories or official lists shall be considered as within this category if the local public school superintendent certifies that the school is an approved or recognized part of the public school system in that State.

PART 341a—CERTIFICATE OF CITIZENSHIP—HAWAIIAN ISLANDS

7. The second sentence of § 341a.21 *Certificate lost, mutilated or destroyed,* is amended by substituting "Form N–108" for "Form N–565".

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, insofar as they do not relate to interpretative rules or to matters of agency management or procedure, clarify existing regulations and relieve restrictions.

Dated: February 8, 1954.

WILLIAM P. ROGERS,
Acting Attorney General.

Recommended: February 1, 1954.

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 54–1142; Filed, Feb. 17, 1954; 8:52 a. m.]

PART 206—REVOCATION OF APPROVAL OF PETITIONS

AUTOMATIC REVOCATION OF VISA PETITIONS

Section 206.1 of Chapter I of Title 8 of the Code of Federal Regulations is amended to read as follows:

§ 206.1 *Automatic revocation.* The approval of a petition made under section 204, 205, or 214 (c) of the Immigration and Nationality Act and in accordance with Part 204, 205, or 214h of this chapter is revoked as of the date of approval in any of the following circumstances:

(a) As to a petition approved under section 204 or 214 (c) of the Immigration and Nationality Act:

(1) The beneficiary is an alien seeking classification as a nonquota immigrant under section 101 (a) (27) (F) (i) of the Immigration and Nationality Act and is not issued a visa under the classification approved within one year of the date on which the petition was approved.

(2) The beneficiary is an alien seeking classification as a nonimmigrant under section 101 (a) (15) (H) of the Immigration and Nationality Act and is not issued a visa on or prior to the expiration date of approval shown on the approved petition.

(3) The beneficiary is an alien seeking classification under section 203 (a) (1) (A) of the Immigration and Nationality Act and is not issued a visa on or prior to the expiration date of approval shown on the approved petition. In the case of any such petition terminated by the expiration of the period for which approval was given, the Attorney General may, in his discretion, reaffirm such approval for an additional period.

(4) The petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary arrives in the United States to apply for admission under the classification approved.

(b) As to a petition approved under section 205 of the Immigration and Nationality Act:

(1) The beneficiary is an alien seeking classification as a nonquota immigrant under section 101 (a) (27) (A) and is not issued a visa under the classification approved within two years of the date on which the petition was approved.

(2) The beneficiary is an alien seeking classification under section 203 (a) (2) or 203 (a) (3) or 203 (a) (4) of the Immigration and Nationality Act and is not issued a visa under the classification approved within three years of the date on which the petition was approved.

(3) The petitioner loses his United States citizenship or his status as an alien lawfully admitted for permanent residence, whichever was applicable to the approval of the petition, or dies, before the beneficiary arrives in the United States to apply for admission under the classification approved.

(4) As to a spouse beneficiary, the marriage of the petitioner to the beneficiary terminates by death, divorce, or annulment before the beneficiary arrives in the United States to apply for admission under the classification approved.

(5) As to a child beneficiary, (i) the beneficiary is married before he arrives in the United States to apply for admission under the classification approved, or (ii) the beneficiary reaches the 21st anniversary of his birth before he arrives in the United States to apply for admission under the classification approved. In any such case involving a son or daughter of a United States citizen petitioner, the approved petition will continue to be valid for the purposes of section 203 (a) (4) of the Immigration and Nationality Act until the expiration of three years from the date of its approval.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, insofar as they do not relate to interpretative rules, relieve restrictions and are clearly advantageous to persons affected thereby.

Dated: February 9, 1954.

WILLIAM P. ROGERS,
Acting Attorney General.

Recommended: January 28, 1954.

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 54–1139; Filed, Feb. 17, 1954; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 19]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

DESIGNATION OF AREAS IN WHICH SWINE ARE AFFECTED WITH VESICULAR EXANTHEMA

Pursuant to the authority conferred upon the Administrator of the Agricultural Research Service by § 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), § 76.27a of said Subpart B (18 F. R. 3829, as amended) is hereby amended to read as follows:

§ 76.27a *Designation of areas in which swine are affected with vesicular exanthema.* The following areas in the specified States are hereby designated as areas in which swine are affected with vesicular exanthema:

ARKANSAS

Brodie Township in Pulaski County.

CALIFORNIA

The entire State of California.

CONNECTICUT

The Town of Manchester in Hartford County.

MAINE

The Town of Lewiston in Androscoggin County.

That area consisting of the Towns of Portland, South Portland, Westbrook, Cape Elizabeth, and Scarboro, in Cumberland County, and the Towns of Saco, Biddeford, Kennebunk, Alfred, and Sanford in York County.

That area consisting of the Towns of Cumberland and Yarmouth in Cumberland County.

That area consisting of the Towns of Chelsea and Hallowell in Kennebec County.

MASSACHUSETTS

That area consisting of Bristol, Essex, Hampden, Plymouth, and Suffolk Counties.

All of Middlesex County except that part of the Town of Billerica lying northeast of U. S. Route No. 3, northwest of Andover Road, south of Dudley Road, west of Concord Road, east of Lexington Road, and southwest of U. S. Route No. 3; that part of the Town of Burlington lying southwest of U. S. Route No. 3, southeast of Francis Wyman Road, north of Bedford Street, southeast of Dug Way, northeast of Winn Street, and northwest of Peach Orchard Road; the Town of Carlisle; that part of the Town of Dracut lying east of Gumpas Avenue and west of Mammoth Road; that part of the Town of Hudson lying west of Chapin Street, northwest of Brigham Street and the Assabet River; that part of the Town of Lexington lying west of Westview Road and south of State Routes No. 4 and 25; that part of the Town of North Reading lying north of State Route No. 62 and east of State Route No. 28; that part of the Town of Tewksbury lying northwest of the Shawsheen River, northeast of State Route No. 38, and south of Salem Street; that part of the Town of Weston lying north of U. S. Route No. 20; and that part of the Town of Wilmington lying north of Salem Street, northwest of State Route No. 62, west of Ballardvale Street, southwest of the Salem and Lowell Branch of the Boston and Maine Railroad, east of the Portland Division of the Western Branch of the Boston and Maine Railroad, northeast of State Route No. 38, west of the Wilmington Branch of the Boston and Maine Railroad, and south of Salem Street.

All of Norfolk County except that part of the Town of Sharon lying north of Main Street, and that part of the Town of Wrentham lying north of State Route No. 11 and south of State Route No. 140.

All of Worcester County except that part of the Town of Blackstone lying west of Mendon Street and north and east of Chestnut Street; the Town of Gardner; that part of the Town of Grafton lying east of State Routes No. 140 and No. 30; that part of the Town of Mendon lying north of Bellingham Road and south and east of Hartford Avenue East; the Town of Milford; that part of the Town of Oxford lying south of State Route No. 12; the Town of Templeton; and that part of the Town of Westboro lying north of State Route No. 9.

NEW JERSEY

Atlantic, Bergen, Camden, Gloucester, Hudson, Hunterdon, and Morris Counties.

That area consisting of Union, Middlesex, Monmouth, and Ocean Counties.

That area in Lower Township in Cape May County lying east of U. S. Highway No. 9.

That area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east and State Highway No. 550 on the north and west and State Highway Spur No. 550 on the west.

All of Burlington County except Delran, Washington, Shamong, Tabernacle, and Bass River Townships.

NEW YORK

The Town of Poland in Chautauqua County.

The Town of Poughkeepsie in Dutchess County.

That area in the Town of Clarkstown lying north of New York State Route No. 59 in Rockland County.

PENNSYLVANIA

Bucks and Delaware Counties.

RHODE ISLAND

Providence County.

Effective date. The foregoing amendment shall become effective upon issuance.

Section 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), quarantines the areas so designated.

The amendment designates the following as an area in which swine are affected with vesicular exanthema in addition to the areas heretofore designated:

Brodie Township in Pulaski County, in Arkansas.

Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), apply to this area.

The effect of the amendment is to impose certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and the amendment must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C. this 12th day of February 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54–1127; Filed, Feb. 17, 1954; 8:47 a. m.]

[B. A. I. Order 384, Amdt. 4]

PART 79—SCRAPIE IN SHEEP

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 79.2, as amended, Part 79, Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the disease of sheep known as scrapie and establishing a quarantine because of such disease, is hereby further amended to read as follows:

§ 79.2 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious, and communicable disease of sheep known as scrapie exists in the following areas in the specified States:

NEW YORK

That part of the Town of Alden in Erie County lying east of the Millgrove-West Alden Road, south of North Road, west of the Alden-Chittenden Road, and north of Main Street and U. S. Route No. 20.

OHIO

That part of Eden Township in Licking County lying west of County Road No. 217, north of County Roads No. 217 and No. 210, and east of County Road No. 209.

That part of Buckskin Township in Ross County lying south of State Route No. 28, west of Lyndon-South Salem Road, north of Frogtown Road, and east of Coyner Road and Moon Road.

That part of Turtle Creek Township in Shelby County lying south of County Road No. 47, west of County Road No. 49, north of State Route No. 47, and east of County Road No. 85.

That part of Elk and Swan Townships in Vinton County lying south of John Lowry Road, west of State Route No. 75, north of Locust Grove Road, and east of George Thomas Road.

(b) The areas specified in paragraph (a) of this section are hereby quarantined because of scrapie.

Effective date. This amendment shall become effective upon issuance. It includes within the areas in which scrapie has been found to exist, and in which a quarantine has been established:

That part of the Town of Alden in Erie County lying east of the Millgrove-West Alden Road, south of North Road, west of the Alden-Chittenden Road, and north of Main Street and U. S. Route No. 20, in New York.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR, 1952 Supp., Part 79, as amended, apply with respect to shipments of sheep from this area.

The amendment imposes further restrictions necessary to prevent the spread of scrapie, a communicable disease of sheep, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended; 21 U. S. C. 111, 120, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 15th day of February 1954.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54–1128; Filed, Feb. 17, 1954; 8:47 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 224—DISCOUNT RATES

MISCELLANEOUS AMENDMENTS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	1½	Feb. 5, 1954
New York	1½	Do.
Philadelphia	1½	Do.
Cleveland	1½	Feb. 15, 1954
Richmond	1½	Feb. 12, 1954
Atlanta	1½	Feb. 9, 1954
Chicago	1½	Feb. 11, 1954
St. Louis	1½	Feb. 5, 1954
Minneapolis	1½	Do.
Kansas City	1½	Feb. 12, 1954
Dallas	1½	Feb. 16, 1954
San Francisco	1½	Feb. 5, 1954

2. Section 224.3 is amended to read as follows:

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	2¼	Feb. 5, 1954
New York	2½	Do.
Philadelphia	2½	Do.
Cleveland	2½	Feb. 12, 1954
Richmond	2½	Feb. 12, 1954
Atlanta	2½	Feb. 9, 1954
Chicago	2½	Feb. 11, 1954
St. Louis	2½	Feb. 5, 1954
Minneapolis	2½	Do.
Kansas City	2½	Feb. 12, 1954
Dallas	2½	Feb. 15, 1954
San Francisco	2½	Feb. 5, 1954

3. Section 224.4, relating to advances to individuals, partnerships, or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act, is amended so as to change the percentage rate for the Federal Reserve Bank of Boston from 3 to 2¾, effective February 5, 1954, and the percentage rate for the Federal Reserve Bank of Atlanta from 3½ to 3¼, effective February 9, 1954.

4. Section 224.6, relating to loans to financing institutions under section 13b of the Federal Reserve Act, is amended so as to change the percentage rate for the Federal Reserve Bank of St. Louis on discounts or purchases on the portion for which the institution is obligated from 2–2½ to 1¾–2¼, effective February 5, 1954.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 348 (i). Interpret or apply sec. 14 (d), 38 Stat. 264, as amended; 12 U. S. C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 54-1135; Filed, Feb. 17, 1954; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. 80 [1]]

PART 381—ENFORCEMENT PROVISIONS

MISREPRESENTATION AND CONCEALMENT OF FACTS

Section 381.5 *Misrepresentation and concealment of facts* paragraph (b) *Persons liable* is amended to read as follows:

(b) *Persons liable.* It is unlawful under the export regulations and the export control law, in addition to the provisions of any other law, for any person, whether or not situated in the United States, knowingly to make any false or misleading representation, statement, or certification, or to falsify or conceal any material fact, whether directly to the Bureau of Foreign Commerce, any collector of customs, or an official of any other United States agency, or indirectly through any other person or foreign government agency or official:

(1) In the course of an investigation or other action instituted under the authority of the Export Control Act of 1949, as amended, or

(2) For the purpose of or in connection with effecting an exportation from the United States, or the reexportation, transshipment or diversion of any such exportation, or the issuance, or maintenance in effect, of any document relating to export control.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945; 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-1119; Filed, Feb. 17, 1954; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6122]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ROYAL APPLIANCE CO., INC., AND DAVID E. RESNICK

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Size and extent; § 3.200 *Sample, offer or order conformance;* § 3.260 *Terms and conditions;* § 3.275 *Undertakings, in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2060 *Sample, offer or order conformance;* § 3.2080 *Terms and conditions;* § 3.2090 *Undertakings, in general.* In connection with the offering for sale, sale and distribution of television receivers or other electronic equipment and service contracts, in connection therewith: (1) Representing, directly or by implication, that respondents will keep such products in good working order for a period of two years or for any other specified period of time, unless in fact the services necessary to accomplish that result be provided within a reasonable time after notification by customer or vendee during such specified time period; (2) representing, directly or by implication, contrary to the fact, that repairs on such products will be made either in the home or in one day or in any other specified period of time; (3) either giving so-called estimates or representing that they will give estimates for repairs on such products, which are not in fact bona fide estimates or which bear no reasonable relationship to the prices ultimately charged for such repairs; and (4) representing, directly or by implication, that they maintain more places of business than is actually the fact; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Royal Appliance Company, Inc., and David E. Resnick, Washington, D. C., Docket 6122, January 14, 1954]

In the Matter of Royal Appliance Company, Inc., a Corporation, and David E. Resnick, Individually

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices and unfair methods of competition in commerce within the intent and meaning of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated January 21, 1954, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on January 14, 1954, and ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That respondents, Royal Appliance Company, Inc., a corporation, and its officers, and David E. Resnick, individually, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of television receivers or other electronic equipment and service contracts, in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that they will keep such products in good working order for a period of two years or for any other specified period of time, unless in fact the services necessary to accomplish that result be provided within a reasonable time after notification by customer or vendee during such specified time period.

2. Representing, directly or by implication, contrary to the fact, that repairs on such products will be made either in the home or in one day or in any other specified period of time.

3. Either giving so-called estimates or representing that they will give estimates for repairs on such products, which are not in fact bona fide estimates or which bear no reasonable relationship to the prices ultimately charged for such repairs.

4. Representing, directly or by implication, that they maintain more places of business than is actually the fact.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 21, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-1151; Filed, Feb. 17, 1954; 8:54 a. m.]

[1] This amendment was published in Current Export Bulletin No. 724, dated February 11, 1954.

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 4376; 19 F. R. 315) are amended as indicated below:

1. Part 141 is amended by adding the following new sections:

§ 141.124 *Streptomycin hydrochloride solution oral veterinary*—(a) *Potency.* Proceed as directed in § 141.101. Its potency is satisfactory if it contains not less than 90 percent of the number of milligrams of streptomycin per milliliter that it is represented to contain.

(b) *Toxicity.* Proceed as directed in § 141.103.

(c) *pH.* Proceed as directed in § 141.106 (b).

§ 141.219 *Crude chlortetracycline oral veterinary*—(a) *Potency.* Accurately weigh approximately 3.0 grams of the sample and place in a blender jar containing 200 milliliters of an acid-acetone solution prepared with 1 part 4*N* HCl, 6 parts distilled water, and 13 parts acetone. Blend for 3 minutes. Using an aliquot of the liquid, make the proper estimated dilutions in *M*/10 monopotassium phosphate buffer pH 4.5, shake well, and proceed as directed in § 141.201 (a) (3). Its content of chlortetracycline is satisfactory if it contains not less than 85 percent of the number of grams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

2. In § 146.58 *Penicillin and streptomycin* * * *, paragraph (b) *Packaging* is amended by changing the semicolon after the word "effectiveness", in the second sentence, to a period, and inserting immediately thereafter the clause: "Unless it is intended solely for veterinary use and is conspicuously so labeled,".

3. In § 146.93 *Penicillin-streptomycin powder* * * *, paragraph (b) is amended by changing the period at the end of the paragraph to a colon and adding the following clause: *"Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

4. Part 146 is amended by adding the following new sections:

§ 146.119 *Streptomycin hydrochloride solution oral veterinary*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin hydrochloride solution oral veterinary is an aqueous solution of streptomycin hydrochloride with one or more suitable and harmless preservatives and with or without one or more suitable and harmless buffer substances and stabilizing agents. Its potency is not less than 250 milligrams per milliliter. Its pH is not less than 5.0 and not more than 8.0. It is nontoxic. Each preservative, buffer substance, and stabilizing agent used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on the outside wrapper or container and the immediate container:

(1) The batch mark.

(2) The number of milligrams of streptomycin in each milliliter of the immediate container.

(3) The statement "Expiration date ------," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The name and quantity of each preservative used.

(5) The statement "For oral veterinary use only."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the number of milligrams of streptomycin per milliliter. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, and pH.

(2) Such person shall also submit with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 or more than 12 immediate containers.

(ii) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5 grams.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.219 *Crude chlortetracycline oral veterinary*—(a) *Standards of identity, strength, quality, and purity.* Crude chlortetracycline oral veterinary is crude chlortetracycline with suitable and harmless diluents, buffer, substances, and suspending or dispersing agents. It contains not less than 10 grams of chlortetracycline activity per pound. Its moisture content is not more than 6 percent.

(b) *Packaging.* In all cases the immediate container shall be a well-closed container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not more than 100 pounds.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of grams of chlortetracycline in each pound of the batch.

(iii) The statement "For oral veterinary use only."

(iv) The statement "Expiration date ------," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other

printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the number of grams of chlortetracycline in each pound of the batch, and the quantity of each other ingredient used in making the batch, the date on which the latest assay of the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for average potency and average moisture.

(2) Such person shall submit in connection with his request a sample of the batch consisting of 1 ounce for each 3,000 pounds in the batch, but in no case less than five 1-ounce portions or more than twelve 1-ounce portions collected by taking single 1-ounce portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than examination of such drug are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

(f) *Exemption from certification of repacked crude chlortetracycline oral veterinary.* Crude chlortetracycline oral veterinary shall be exempt from the requirements of sections 502 (l) and 507 of the act if it complies with all the following conditions:

(1) It has been repacked, from a batch that has been certified under the regulations in this part, for use as an ingredient in the drinking water of animals and fowl;

(2) It conforms to the standards of identity, strength, quality, and purity prescribed by paragraph (a) of this section;

(3) It is repackaged in accordance with the requirements of paragraph (b) of this section; and

(4) Its labeling bears only the indications and directions for use that were approved when the batch from which it was repacked was certified.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

I further find, under authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 507 (c), 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357 (c); 67 Stat. 18), that compliance of the drug crude chlortetracycline oral veterinary with the requirements of sections 502 (l) and 507 of the act is not necessary to insure the safety and efficacy of that drug when it complies with the conditions specified in § 146.219 (f) of the foregoing amendments.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: February 12, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-1152; Filed, Feb. 17, 1954; 8:54 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.212]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

SUSPENSION OR TERMINATION OF ACTION IN PETITION CASES

The following amendment to Part 42, Chapter I, Title 22 of the Code of Federal Regulations, is hereby prescribed:

Section 42.28 *Suspension or termination of action in petition cases* is amended to read as follows:

§ 42.28 *Suspension or termination of action in petition cases.* (a) Consular officers shall suspend or terminate action in petition cases under any of the following circumstances:

(1) The consular officer knows or has reason to believe that the petition was approved erroneously, or that the approval of the petition was obtained by fraud, misrepresentation, or other unlawful means.

(2) As to a petition approved under the provisions of section 204 or section 214 (c) of the act:

(i) The beneficiary is an alien who has been granted the status of an immigrant under the provisions of section 101 (a) (27) (F) (i) of the act, and has not obtained an immigrant visa under the status approved within one year of the date of approval of the petition;

(ii) The benificiary is an alien who has been granted the status of a nonimmigrant under the provisions of section 101 (a) (15) (H) of the act, and has not obtained a nonimmigrant visa under the status approved on or prior to the expiration date of approval shown on the approved petition;

(iii) The beneficiary is an alien who has been granted the status of a preference quota immigrant under the provisions of section 203 (a) (1) (A) of the act, and has not obtained an immigrant visa under the status approved on or prior to the expiration date shown on the approved petition. Any such petition which is terminated by the expiration of the period for which approval was given is subject to reaffirmation by the Attorney General for an additional period;

(iv) The petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary obtains an immigrant visa under the status approved.

(3) As to a petition approved under the provisions of section 205 of the act:

(i) The beneficiary is an alien who has been granted the status of a nonquota immigrant under the provisions of section 101 (a) (27) (A) of the act, and has not obtained an immigrant visa under the status approved within two years of the date of the approval of the petition;

(ii) The beneficiary is an alien who has been granted the status of a preference quota immigrant under the provisions of section 203 (a) (2), (3) or (4) of the act, and has not obtained an immigrant visa within three years of the date of the approval of the petition;

(iii) The petitioner loses his United States citizenship or his status as an alien lawfully admitted for permanent residence, whichever status was necessary for the approval of the petition, or dies, before the beneficiary obtains an immigrant visa under the status approved;

(iv) The marriage between the petitioner and the spouse beneficiary is terminated by death, divorce or annulment before the beneficiary obtains an immigrant visa under the status approved;

(v) The child beneficiary is married at the time he makes formal application for an immigrant visa under the status approved, or will reach the twenty-first anniversary of his birth before his arrival in the United States to apply for admission under the status approved. In any such case involving a son or daughter of a United States citizen petitioner, the approved petition will continue to be valid for the purposes of section 203 (a) (4) of the act until the expiration of three years from the date of its approval.

(4) Approval of a petition for nonquota or preference quota status has been specifically revoked by the Attorney General, and notice of revocation has been communicated through the Department to the appropriate consular officer.

(5) The consular officer knows or has reason to believe that the beneficiary of an approved petition is not entitled, for any other reason, to receive a visa under the status approved.

(b) In suspending or terminating action in a petition case for any reason specified in this section, consular officers need not report such suspension or termination to the Department except in the following cases:

(1) Any case in which the consular officer knows or has reason to believe that the petition was approved erroneously, or that approval was obtained by fraud, misrepresentation, or other unlawful means;

(2) Any case involving a petition approved on Form I-129 for a preference quota immigrant classifiable under the provisions of section 203 (a) (1) (A) of the act, if it appears that a quota number will be available within six months for the issuance of an immigrant visa to the beneficiary.

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: January 21, 1954.

SCOTT MCLEOD, *Administrator, Bureau of Security, Consular Affairs, and Personnel.*

[F. R. Doc. 54-1154; Filed, Feb. 17, 1954; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—ARMY RESERVE

SEPARATION FROM SERVICE

In § 561.37 subdivisions (iii) and (xx) are amended and a new subdivision (xxvi) is added to paragraph (b) (2) as follows:

§ 561.37 *Separation from service.* • • •

(b) *Discharge from Reserve duty status.* • • •

(2) *By direction of area commanders or such officers as may be designated by them for that purpose.* • • •

(iii) Upon enlistment, induction, or acceptance of appointment as a member of any of the Armed Forces or as a Reserve enlisted member or officer thereof, including enlistment in another reserve component for the purpose of participating in an officer training program of that Armed Force. Discharge upon enlistment or acceptance of appointment as provided in this paragraph does not relieve the obligated individual of the remainder of any obligation incurred pursuant to section 4 (d) (1), (2), or (3), Universal Military Training and Service Act, as amended, except that discharge upon enlistment in the regular component of any Armed Force relieves the 5- or 6-year reservist of any remaining reserve obligation he may have.

• • • • •

(xx) A noncitizen inducted under the Universal Military Training and Service Act who upon relief from active duty gave only a foreign address for future reference is subject to discharge. Action will be taken as follows:

(*a*) Chiefs of military districts having now in their custody or receiving the reserve records of noncitizens who furnished only an address in a foreign country as a permanent address for mailing purposes will query each such individual by mail to obtain evidence of his intention to:

(*1*) Reside permanently outside the United States.

(*2*) Return within 6 months to the United States for permanent residence, including:

(*i*) Expected date of such return;

(*ii*) Expected place of residence; or

(*iii*) Address in United States through which he may be reached during temporary absence and upon return.

(*3*) Actively participate in the Reserve training program upon return to the United States.

(*4*) Become a citizen of the United States.

(*b*) If reservist replies that he is returning to the United States for permanent residence, that he wishes to participate actively in the Reserve training program, and furnishes an address in the United States through which he may be reached, the correspondence will be forwarded by endorsement, inclosing his reserve records, to the chief of the military district in which the reservist indicates he plans to reside.

(*c*) If reply indicates that the noncitizen plans to remain in a foreign country or his reply indicates the prospect of his return to the United States is uncertain, he will be discharged by reason of having completed the service for which inducted.

• • • • •

(xxvi) Upon application by an obligated reservist for the purpose of pursuing theological studies, obtaining ordination, and/or the taking of final vows in a religious order. Each such application will be processed as an individual action through The Adjutant General, Department of the Army, ATTN: AGPR-F. Each will be accompanied by a statement or certificate, signed by the appropriate official of the seminary or religious order, showing that in order to proceed further with his training and/or acceptance into a religious order it is required that the applicant be separated from any military status he may have. The document must further state that the applicant is otherwise fully qualified and acceptable to further pursue his religious training, and must give the date upon which it is anticipated he will qualify for ordination or the taking of final vows. Discharge will not be effected prior to receipt of reply from The Adjutant General.

[C2, SR 140-177-1, Feb. 3, 1954] (66 Stat. 481)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 54-1147; Filed, Feb. 17, 1954; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Military Personnel

[CGFR 54-1]

PART 45—ENLISTED PERSONNEL

By virtue of the authority contained in Title 14, U. S. C. 351 and 633, §§ 45.20-1, 45.20-5 and 45.20-10 are hereby cancelled and a new § 45.20-1 is added in lieu thereof.

SUBPART 45.20—MISCELLANEOUS

§ 45.20-1 *Application for certificate in lieu of discharge.* A person whose discharge has been lost or destroyed without intentional fault on his part may make application for a certificate in lieu of discharge to the Commandant, U. S. Coast Guard, Washington 25, D. C. Upon submission of data satisfactory to the Commandant, a certificate in lieu of discharge will be issued. If application for a certificate in lieu of discharge is denied, the applicant will be so notified.

(Sec. 1, 63 Stat. 545; 14 U. S. C. 633. Interprets or applies sec. 1, 63 Stat. 520, as amended; 14 U. S. C. 351)

[SEAL] H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*

[F. R. Doc. 54-1144; Filed, Feb. 17, 1954; 8:52 a. m.]

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

HOOVER DAM AND RESERVOIR, COLORADO RIVER, NEVADA-ARIZONA

Pursuant to the provisions of section 7 of the act of Congress approved December 22, 1944 (58 Stat. 890; 33 U. S. C. 709), § 208.80 is hereby prescribed to govern the use and operation of Hoover Dam and Reservoir on Colorado River, Nevada-Arizona, for flood-control purposes.

§ 208.80 *Hoover Dam and Reservoir, Colorado River, Nevada-Arizona.* The Bureau of Reclamation shall operate Hoover Dam and Reservoir in the interest of flood control, as follows:

(a) In order to provide storage space for control of floods, releases from Hoover Reservoir shall be scheduled so that available space for flood-control storage will not be less than that indicated in the following table for the dates shown. Flood-control storage space, as defined in the regulations in this section, shall be the available storage space below elevation 1,229 feet.

Date:	*Available flood-control storage space (acre-feet)*
August 1	2,500,000
September 1	2,500,000
October 1	2,500,000
November 1	2,675,000
December 1	3,963,000
January 1	5,350,000

(b) Releases from the reservoir shall be restricted to quantities that will not cause a flow in excess of 40,000 cubic feet per second at Needles, California, insofar as possible.

(c) For the period January 1 to August 1, minimum releases from the reservoir to attain the August 1 flood-control space prescribed in paragraph (a) of this section shall be determined from tables 1 through 6 of the Tables of Minimum Average Releases for Flood Control Purposes currently in force for various conditions of available flood-control storage space and of maximum forecasted inflow. The Tables of Minimum Average Releases for Flood Control Purposes currently in force as of the promulgation of this section are those dated January 27, 1954, File No. 373/102. Pertinent information on inflow forecasts and on permissible changes in the releases indicated in tables 1 through 6 of the Tables of Minimum Average Releases for Flood Control Purposes currently in force is given in subparagraphs (1) and (2) of this paragraph.

(1) All inflow forecasts used in carrying out the provisions of the regulations in this section shall be prepared by the Bureau of Reclamation. The maximum forecast for any specified runoff period is defined as the estimated inflow volume (acre-feet) that, on the average, will not be exceeded 19 times out of 20.

(2) When minimum releases for the periods April 1 to August 1, May 1 to August 1, or June 1 to August 1 as given in tables 4, 5, or 6 are between 20,000 cubic feet per second and 40,000 cubic feet per second, it will be permissible to release less than the indicated amounts for a part of the period, provided the average releases for the entire period will equal the releases given in the table, without flows exceeding 40,000 cubic feet per second at Needles, California, gaging station.

(d) For the period August 1 to November 1, minimum releases from the reservoir shall be determined daily from table 7 of the Tables of Minimum Average Releases for Flood Control Purposes currently in force for various conditions of available flood-control storage space and of estimated inflow. The inflow shall be estimated on the basis of discharge reports from appropriate gaging stations on Colorado River and on Little Colorado River. Pertinent information on permissible changes in the releases as indicated in table 7 is given in subparagraphs (1) and (2) of this paragraph.

(1) Minimum releases from the reservoir as given in table 7 of the Tables of Minimum Average Releases for Flood Control Purposes currently in force, if 40,000 cubic feet per second or less, shall not be reduced, when once initiated, until the storage space prescribed in paragraph (a) of this section becomes available.

(2) Minimum releases from the reservoir as given in table 7 of the Tables of Minimum Average Releases for Flood Control Purposes currently in force, if greater than 40,000 cubic feet per second, shall not be reduced, when once initiated, until the reservoir water surface has receded to elevation 1221.4 (top of spillway gates in raised position), or, if the reservoir water surface does not reach elevation 1221.4, until the inflow and reservoir water surface are both receding. Releases may then be gradually reduced to 40,000 cubic feet per second and shall be maintained at not less than that rate until the storage space prescribed in paragraph (a) of this section becomes available.

(e) For the period November 1 to January 1, the minimum releases from the reservoir shall be those necessary to make available the storage space prescribed in paragraph (a) of this section.

(f) Nothing in this section shall be construed to require dangerously rapid changes in magnitudes of releases.

(g) The Bureau of Reclamation shall procure such current basic hydrologic data, and make such current calculations of permissible releases from the reservoir as are required to accomplish the flood-control objectives prescribed in this section.

(h) The Bureau of Reclamation shall keep the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, currently advised of reservoir release, reservoir storage, and such other operating data as the District Engineer may request, and also of those basic operating criteria that affect the schedule of operation.

(i) The flood-control regulations of this section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary in time of emergency. Requests for and action on such modifications may be made by any available means of communication, and the action taken by the District Engineer shall be confirmed in writing under date of same day to the office of the Regional Director of the Bureau of Reclamation in charge of the operations. Releases made in accordance with the regulations in this section shall not be required at rates or in a manner that would be inconsistent with the requirements for protecting the dam and reservoir or downstream dams and the levee systems in the Needles, Parker, Blythe, and Yuma area from major damage. In the event of danger of major damage to or failure of such dams or levee systems the releases required by the regulations of this section may be temporarily adjusted by the Bureau of Reclamation pending action of the District Engineer, Corps of Engineers, on request for approval of such adjustment.

(j) Revisions of the Tables of Minimum Average Releases for Flood Control Purposes may be developed from time to time as necessary by the Corps of Engineers and the Bureau of Reclamation. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation and from that date until replaced shall be the Tables of Minimum Average Releases for Flood Control Purposes currently in force for purposes of this section. Copies of the Tables of Minimum Average Releases for Flood Control currently in force shall be kept on file in and may be obtained from the offices of the Chief of Engineers, Department of the Army, and the Commissioner of Reclamation, Washington, D. C., and also from the offices of the District Engineer, Corps of Engineers, and the Regional Director, Bureau of Reclamation, in charge of the locality.

[Regs., January 27, 1954—ENGWE] (68 Stat. 890; 33 U. S. C. 709)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-1148; Filed, Feb. 17, 1954; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10588]

PART 3—RADIO BROADCAST SERVICES

ALTERATIONS IN BOUNDARY LINE OF ZONE I AND TABLE OF TELEVISION ASSIGNMENTS

In the matter of amendment of §§ 3.606, 3.610 (a) (1) (i) and Figure 1, Appendix 1, of the Commission's Rules and Regulations.

1. The Commission has before it for consideration the Petition of Daily Telegraph Printing Company filed November 6, 1953, and Supplement filed December 4, 1953, and the Petition of High Point Enterprise, Inc., filed November 10, 1953, and Supplement filed December 29, 1953, requesting reconsideration of the Commission's Report and Order (FCC 53-1391) of October 22, 1953, assigning Channel 4 to Fayettesville, West Virginia, and Channel 3 to Wilmington, North Carolina; the "Response" of Fayette Associates to the Daily Telegraph Petition and "Opposition" of Fayette Associates to the High Point Petition; the "Reply" of Robert R. Thomas, Jr., to the Daily Telegraph and High Point Petitions; the "Answer" of Daily Telegraph Printing Company to the "Reply" of Robert R. Thomas, Jr.; the "Opposition" of Joe L. Smith, Jr., Inc., to the Daily Telegraph and High Point Petitions; and the "Oppositions" of Havens & Martin, Inc., to the High Point Petition and Supplement.[1]

2. On October 22, 1953, the Commission adopted a Report and Order (FCC 53-1391) in this proceeding granting the requests of Robert R. Thomas, Jr., and Fayette Associates to amend its Table of Television Channel Assignments by assigning Channel 4 to Fayetteville, West Virginia, and Channel 3 to Wilmington, North Carolina. The Commission denied the requests of Daily Telegraph Printing Company for the assignment of Channel 6 at Bluefield, West Virginia, to be accomplished by substituting Channel 4 for Channel 6 at Beckley, West Virginia, and by altering the boundary line between Zone I and Zone II to include all of West Virginia within Zone I; and the request of High Point Enterprise, Inc. for the assignment of Channel 6 to High Point, North Carolina, to be accomplished by substituting Channel 3 for Channel 6 at Wilmington, North Carolina, and Channel 4 for Channel 6 at Beckley, West Virginia, and by altering the boundary line between Zone I and Zone II to include all of West Virginia within Zone I. Daily Telegraph and High Point now seek reconsideration of the action.

[1] On January 22, 1954, Daily Telegraph Printing Company filed a petition requesting the Commission to return the application of Robert R. Thomas, Jr., for a television station on Channel 4 at Oak Hill, West Virginia, or, in the alternative, to stay action on the application pending a final determination on its Petition for Reconsideration. The Commission's action herein renders the above petition moot.

ZONE LINE

3. Both the proposals of Daily Telegraph Printing Company for Channel 6 in Bluefield, and of High Point Enterprise, Inc., for Channel 6 in High Point, require that the boundary line between Zone I and Zone II in West Virginia be shifted in order that the minimum assignment spacings prescribed by the rules be met. The Commission employed two bases in delineating the boundary line between Zone I and Zone II. These were population density and concentration of cities with populations of 50,000 persons or greater. The line was predicated on the existence of large contiguous areas with substantially higher density of population and concentration of cities compared with other contiguous areas of comparative size. The first matter for our determination, therefore, is whether the zone line should be moved. Petitioners contend that the Commission erred in establishing the present line which places the southernmost portion of West Virginia within Zone II, and urge that all of the State should fall within Zone I.

4. The Commission rejected petitioner's proposals for shifting the zone line in our Report and Order of October 22, 1953. We have carefully reviewed our prior decision and have re-examined the evidence of record relating to this matter. The Commission is now of the view that our prior decision was not correct and that all of West Virginia should be contained within Zone I.

5. The present boundary line between Zone I and Zone II cuts across West Virginia, with the southern tip of the State falling within Zone II. West Virginia has a total area of 24,053 square miles, with 19,336 square miles in Zone I, and 4,717 square miles in Zone II. The population density in the Zone I portion of the State is 76.7 persons per square mile, while the Zone II portion has the substantially greater population density of 110.6 persons per square mile. The population density for the Zone II portion of West Virginia, moreover, is substantially greater than any of the other States, or parts of States, in Zone II, with North Carolina, the closest State, having a population density of only 82.7 persons per square mile. The population density of the Zone II portion of West Virginia is also greater than a number of States within Zone I.[2]

6. The Zone I Part of West Virginia now ranks 17th in the list of States within Zone I by order of population density and 16th in the list of States by order of concentration of cities with populations of 50,000 persons or greater. If the entire State is placed within Zone I, the population density would be 83.4 persons per square mile; and West Virginia would retain its relative position as the 17th State in Zone I. Similarly, placing all of West Virginia within Zone I would not alter the State's relative position as the 16th State in the list of States by order of square miles per cities with 50,000 population or greater.

7. The second basis employed by the Commission for determining zone lines was the concentration of large cities. While there are no cities with populations of 50,000 persons or greater within the Zone II part of West Virginia, the relatively small area does contain 19 cities and over a half million residents. In comparison, the substantially larger Zone I area contains three cities with populations greater than 50,000, but only 41 cities in all. The Zone II part of West Virginia encompasses about one-sixth of the total area of the State, yet contains over one-fourth of the State's total population. Population in the Zone II part of West Virginia, therefore, is greater, area-wise, than that of the Zone I portion.

8. As we have pointed out in our prior Report and Order, the determination of appropriate minimum spacings for television channel assignments represents a critical factor underlying the establishment of a nationwide television system. The Commission's rules for minimum spacings were predicated on the fact that the country is divided into large contiguous, homogeneous areas in terms of population density and concentration of cities. It is apparent, nevertheless, that in the delineation of a line of demarcation between such areas that close questions arise. The delineation of the line between Zone I and Zone II in West Virginia presents such a close case.

9. Upon reconsideration, we have reached the determination that all of West Virginia should be placed within Zone I. The part of the State presently within Zone II is contiguous to Zone I, and placing all of the State within Zone I will permit the employment of the natural State boundary as the dividing line between Zone I and Zone II. It should be emphasized that the zone line is now being shifted only because we are convinced, upon our reconsideration and re-examination of the evidence of record, that our present zone line in West Virginia is in error and that all of the State should be placed properly in Zone I.

[2] In only one other case where a State is divided into two zones does the Zone II part have a greater population density than the Zone I part. This is the case of Vermont, which has a population density of 36.1 persons per square mile in the very small portion of the State in Zone I, and a population density of 41.6 persons per square mile in the substantially larger Zone II portion.

ASSIGNMENT PROPOSALS

10. In our prior Report and Order of October 22, 1953 we denied the proposals of Daily Telegraph Printing Company and High Point Enterprise, Inc. since they were contingent on moving the zone line. We granted the proposals of Robert R. Thomas, Jr., for Channel 4 in Fayetteville, and Fayette Associates for Channel 3 in Wilmington. Having determined that all of West Virginia should fall within Zone I, we must reconsider the four separate proposals for channel assignments in the area, all of which now meet the minimum assignment spacing requirements. The four proposals before us, some of which are conflicting, are the following:

(1) The Daily Telegraph Printing Company proposes that Channel 6 be added to Bluefield, West Virginia, by substituting Channel 4 for Channel 6 at Beckley, West Virginia.

(2) High Point Enterprise, Inc., proposes that Channel 6 be assigned to High Point, North Carolina, by substituting Channel 3 for Channel 6 at Wilmington, North Carolina, and Channel 4 for Channel 6 at Beckley, West Virginia. (High Point suggests, also, that under its proposal Channel 6 can be assigned to Morehead City, North Carolina.)

(3) Robert R. Thomas, Jr., proposes that Channel 4 be assigned to Fayetteville, West Virginia, without making any other changes in the Table of Assignments.

(4) Fayette Associates proposes that Channel 3 be added to Wilmington, North Carolina, without making any other changes in the Table of Assignments.

CONFLICTS

11. The Daily Telegraph proposal for Channel 6 in Bluefield conflicts with the High Point proposal for Channel 6 in High Point since these communities are only about 115 miles apart. The Daily Telegraph proposal also conflicts with the Robert R. Thomas, Jr., proposal for Channel 4 in Fayetteville since the Daily Telegraph proposal requires that Channel 4 be assigned to Beckley, West Virginia. The High Point proposal for Channel 6 in High Point conflicts with the Robert R. Thomas, Jr., proposal for Fayetteville for the same reason. Finally, the High Point proposal also conflicts with the Fayette Associates proposal for Channel 3 in Wilmington, North Carolina, since High Point suggests that Channel 3 replace Channel 6 in Wilmington and Fayette proposes Channel 3 as an additional assignment. In light of the foregoing, the Commission is presented with the following three alternatives:

(1) Assigning Channel 4 to Fayetteville and Channel 3 to Wilmington. (This is the action taken by the Commission in our prior Report and Order of October 22, 1953.)

(2) Assigning Channel 6 to Bluefield and Channel 3 to Wilmington. (Requires substituting Channel 4 for Channel 6 in Beckley.)

(3) Assigning Channel 6 to High Point. High Point suggests that Channel 6 could also be assigned to Morehead

City, North Carolina. (Requires substituting Channel 4 for Channel 6 in Beckley and Channel 3 for Channel 6 at Wilmington.)

BLUEFIELD, WEST VIRGINIA

12. The community of Bluefield, West Virginia, has a population of 21,506 persons and has been assigned one channel, UHF Channel 41, by the Table of Assignments. Bluefield, the regional center of a large bituminous coal producing area, is the largest city within a 100-mile radius. The community is a railroad division point and a wholesale distribution center. Daily Telegraph submits that the annual wholesale sales in Bluefield aggregate approximately $100,000,000, making it the fourth largest market in West Virginia. It is alleged that Bluefield is the retail trading center for an area including nearly 400,000 people, and that retail sales in 1950 amounted to $196,636,000. Bluefield contains two colleges, with a third situated a few miles distant. Daily Telegraph urges that the area surrounding Bluefield is rugged and mountainous and that the UHF channel presently assigned will not adequately serve the area.

HIGH POINT AND MOREHEAD CITY, NORTH CAROLINA

13. High Point, North Carolina, has a population of 39,930 persons and is situated within the Greensboro-High Point standard metropolitan area. The Table of Assignments presently assigns one channel, UHF Channel 15, to High Point. Three channels, Channels 2, 51* and 57, however, are assigned to Greensboro, 15 miles from High Point, and three channels, Channels 12, 26 and 32*, are assigned to Winston-Salem, 16.5 miles from High Point. Thus, although no VHF channels have been assigned to High Point directly, two VHF channels have been assigned to communities near High Point. High Point Enterprise, Inc., submits, however, that High Point is an important cultural and trading center and merits a VHF assignment in its own right. High Point Enterprise urges that the value of manufacturing, wholesale, and retail trade, and agricultural marketing in High Point compares favorably with the other two cities in the area where VHF assignments have been made, and that the business and trading volume of High Point is sufficient to support a VHF television station in the community.[3] It is alleged that High Point is the natural trading area and cultural center for 119,996 people and that a VHF station in this community will provide a new medium for local expression. High Point states that there are a great number of VHF receivers already in the area. It is contended that a UHF operation in High Point would not be feasible at this time. As noted above, High Point Enterprise, Inc., suggests that under its proposal Channel 6 could be assigned in addition to Morehead City, North Carolina. No channels have been assigned to this community by the Table of Assignments. Morehead City has a population of 5,144 persons.

WILMINGTON, NORTH CAROLINA

14. The community of Wilmington, North Carolina, has a population of 45,043 persons. The Table of Assignments presently assigns three channels to this community, Channels 6, 29 and 35.[4] Channel 3 for Wilmington as proposed by Fayette Associates would represent a second VHF, and fourth channel in all, for the community. It is urged that the assignment of Channel 3 in Wilmington would provide a second locally originated and competitive VHF service in the community.

FAYETTEVILLE, WEST VIRGINIA

15. The community of Fayetteville, West Virginia, has a population of 1,952 persons. No channels are presently assigned to this community, and Robert R. Thomas, Jr., Oak Hill, West Virginia, proposes the assignment of Channel 4 without making any other changes in the Table of Assignments. Although no channels are assigned directly to Fayetteville, Channel 6 is presently assigned to Beckley, West Virginia, about 19 miles from Fayetteville. It is urged that Fayetteville is the County Seat of Fayette County, which has a population of 82,443 persons, and that a VHF assignment is necessary in order to serve the rugged and mountainous terrain in the area.

CONCLUSIONS

16. In our prior Report and Order the proposals to assign Channel 6 to Bluefield and to High Point were rejected since they were contingent upon shifting the zone line in West Virginia. That left for our consideration only the proposals for Channel 4 in Fayetteville and Channel 3 in Wilmington, both of which could be made in accordance with the minimum separations; and both proposals were adopted. In assigning Channel 4 to Fayetteville, we recognized that we were assigning a VHF channel to a very small community of less than 2,000 persons; however, this proposal was the only one for this area which, at that time, met our requirements. Our action herein in shifting the zone line, however, requires that we compare the Fayetteville proposal with the conflicting Bluefield and High Point proposals which now meet our minimum spacing requirements. We are of the view that a first VHF channel in either Bluefield, with a population of 21,506 persons, or High Point, with a population of 39,930 persons, is to be preferred to a first VHF channel in Fayetteville. We are therefore rescinding the action in our prior Report and Order making this assignment.

17. We must now choose between the conflicting Bluefield and High Point proposals, also keeping in mind how these proposals affect the Wilmington proposal. Channel 6 would represent a first VHF, and second channel in all, in both Bluefield and High Point. While High Point is larger in population than Bluefield, two VHF channels have been assigned to cities very close to High Point. Indeed, seven channels in all have been assigned in this small area. Moreover, the High Point request for Channel 6 conflicts with the proposal of Fayette Associates for Wilmington since it precludes the addition of a VHF channel to that city. Although High Point suggests, as an alternative, that Channel 6 could be assigned to Morehead City, North Carolina, we do not think this presents a satisfactory solution. Morehead City is a community with a population of only 5,144 persons. We have concluded that the most effective utilization of the spectrum would be realized by assigning Channel 6 to Bluefield and Channel 3 to Wilmington. We believe that these assignments of the scarce VHF channels would best serve the public interest, convenience and necessity. We are aware that in assigning Channel 6 to Bluefield we must substitute Channel 4 for Channel 6 in Beckley, West Virginia, and that such action requires that certain applicants for the Beckley channel specify a new site. We believe, however, that such inconvenience to the Beckley applicants is warranted in light of the more effective use of the spectrum that can be achieved by adding channel 6 to Bluefield.

18. Authority for the adoption of the amendments herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

19. In view of the foregoing, *It is ordered*, That our action in our Report and Order of October 22, 1953, only insofar as it granted the proposal of Robert R. Thomas, Jr. for the assignment of Channel 4 to Fayetteville, West Virginia, is rescinded. *It is further ordered*, That the proposal of Daily Telegraph Printing Company for the assignment of Channel 6 to Bluefield, West Virginia, is granted and that the proposal of High Point Enterprise, Inc., for Channel 6 in High Point, North Carolina, is denied. Our action in our Report and Order of October 22, 1953, granting the proposal of Fayette Associates for the assignment of Channel 3 in Wilmington, North Carolina, and other changes in assignments in that Report and Order are not disturbed.

20. *It is further ordered*, That, effective 30 days from publication in the FEDERAL REGISTER, the Commission's Rules and Regulations are amended as follows:

(1) Section 3.610 (a) (1) (i) is amended to read as follows:

(i) Zone I consists of that portion of the United States located within the confines of the following lines drawn on the United States Albers Equal Area Projection Map (based on standard parallels 29½° and 45½°; North American datum): Beginning at the most easterly point on the State boundary line between North Carolina and Virginia; thence in a straight line to a point on the Virginia, West Virginia boundary line located at North Latitude 37° 49' and West Longitude 80° 12' 30"; thence westerly along the southern boundary lines of the States of West Virginia, Ohio, Indiana and Illinois to a point at the junction of the Illinois, Kentucky, and Missouri State boundary lines; thence northerly along the western boundary line of the State of Illinois, Iowa, and Wisconsin State boundary lines; thence easterly along the northern State boundary line of Illinois to the 90th meridian; thence north along this meridian to the 43.5° parallel; thence east along this parallel to the 71st meridian; thence in a straight line to the intersection of the 69th meridian and the 45th parallel; thence east along the 45th parallel to the Atlantic Ocean. When any of the above lines pass through a city, the city shall be considered to be located in Zone I. (See Appendix I, Figure 1.)

(2) Section 3.606, Table of Television Assignments, is amended as follows:

(a) Delete Channel 4 in Fayetteville, West Virginia.

(b) Amend the table to read:

City:	Channel No.
Beckley, West Va.	4, 21, 66
Bluefield, West Va.	6—, 41+

(3) Delete Appendix I, Figure I, of Subpart E and substitute the attached Figure 1.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082 as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: February 3, 1954.

Released: February 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] WM. P. MASSING, *Acting Secretary.*



[F. R. Doc. 54-1008; Filed, Feb. 17, 1954; 8:56 a. m.]

[3] The population of Winston-Salem is 86,816 persons, and the population of Greensboro is 73,703 persons.

[4] A construction permit has been granted for a station on Channel 6 conditioned on the outcome of this proceeding.

[5] Commissioner Webster abstaining from voting; Commissioner Sterling dissenting and issuing a statement (filed as part of the original document); Commissioner Hennock dissenting.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 39]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791).

[SEAL] T. COLEMAN ANDREWS, *Commissioner of Internal Revenue.*

In order to conform Regulations 118 (26 CFR Part 39) to section 211 of the Technical Changes Act of 1953, approved August 15, 1953, such regulations are amended as follows:

PARAGRAPH 1. Section 39.3801 (a) (1)-1 is amended to read as follows:

§ 39.3801 (a) (1)-1 *Purpose and scope of section 3801.* Section 3801 provides for correction of the effect of certain types of errors specified in section 3801 (b), when one or more provisions of the internal revenue laws, such as the statute of limitations, would otherwise prevent such correction. Corrections are authorized under sections 3801 (b) (1) to 3801 (b) (5), inclusive, only when the Commissioner, if the correction would result in an allowance of a refund or credit for the year with respect to which the error was made, or the taxpayer, if the correction would result in an additional assessment for such year, has maintained a position inconsistent with the error. Corrections are authorized under sections 3801 (b) (6) and 3801 (b) (7) without regard to the maintenance of an inconsistent position. No correction is permissible under sections 3801 (b) (1) to 3801 (b) (5), inclusive, unless the inconsistent position is adopted by a determination made on or after August 27, 1938, or under sections 3801 (b) (6) and 3801 (b) (7) unless the determination became final after May 31, 1952. The provisions of section 3801

and of the regulations promulgated under such section shall not apply to any tax imposed by chapter 9, relating to employment taxes.

PAR. 2. Section 39.3801 (a) (3)–1 is amended by striking "or (4)" appearing in the second sentence and inserting in lieu thereof the following: "(4), (6), or (7)".

PAR. 3. Section 39.3801 (b) is amended by adding at the end thereof the following:

SEC. 211. MITIGATION OF EFFECT OF STATUTE OF LIMITATIONS (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 18, 1953)—(a) *Amendment of section 3801* (b). Section 3801 (b) (relating to circumstances of adjustment) is hereby amended by inserting after paragraph (5) the following new paragraphs:

(6) Disallows a deduction or credit which should have been allowed to, but was not allowed to, the taxpayer for another taxable year, or to a related taxpayer; but this paragraph shall apply only if (A) the determination became final on or after June 1, 1952, and (B) credit or refund of the overpayment attributable to the deduction or credit which should have been allowed to the taxpayer or related taxpayer was not barred, by any law or rule of law, at the time the taxpayer first maintained before the Secretary or the Tax Court of the United States, in writing, that he was entitled to such deduction or credit in the taxable year for which it is so disallowed; or

(7) Requires the exclusion from gross income of an item which is includible in the gross income of the taxpayer for another taxable year or in the gross income of a related taxpayer; but this paragraph shall apply only if (A) the determination became final on or after June 1, 1952, and (B) assessment of deficiency under section 272 (a) by the Secretary for such other taxable year or against such related taxpayer was not barred, by any law or rule of law, at the time the Secretary first maintained in a notice of deficiency sent pursuant to section 272 (a) or before the Tax Court of the United States, that such item should be included in the gross income of the taxpayer for the taxable year to which the determination relates—.

(b) *Technical amendments.* (1) Paragraph (5) of section 3801 (b) is hereby amended by striking out "transaction—" and inserting in lieu thereof "transaction; or".

(2) The second sentence of section 3801 (b) is hereby amended by striking out "Such" and inserting in lieu thereof "Except in cases described in paragraphs (6) and (7), such".

(c) *Effective date.* The amendments made by subsections (a) and (b) shall be effective as if included in the Internal Revenue Code at the time of its enactment. In any case in which the determination referred to in paragraph (6) or (7) of section 3801 (b), as amended by subsection (a) of this section, became final before the date of the enactment of this act, the one-year period described in section 3801 (c) shall be extended to include the one-year period beginning with the date of the enactment of this act.

PAR. 4. Section 39.3801 (b)–3 is amended as follows:

A. By inserting in the sixth sentence of Example (1) immediately after the word "authorized" the following: "under section 3801 (b) (3)";

B. By inserting at the end of Example (1) the following new sentence: "In this connection, however, see section 3801 (b) (7) and § 39.3801 (b)–10 as to circumstances under which an adjustment is authorized even though no tax has been paid with respect to the item for the taxable year to which the determination relates (1949 in this example)."

PAR. 5. Section 39.3801 (b)–7 is amended as follows:

A. By striking the heading and so much of paragraph (a) (1) as precedes "(i)" and inserting in lieu thereof the following:

§ 39.3801 (b)–7 *Maintenance of inconsistent position in certain cases*—(a) *Adjustments resulting in additional assessments.* (1) An adjustment under sections 3801 (b) (1) to 3801 (b) (5), inclusive, which would result in an additional assessment is authorized only if • • •

B. By amending the first sentence of paragraph (a) (2) to read as follows: "An adjustment under sections 3801 (b) (1) to 3801 (b) (5), inclusive, which would result in an additional assessment is not authorized if the Commissioner and not the taxpayer, has maintained such inconsistent position."

C. By striking so much of paragraph (b) (1) as precedes "(i)" and inserting in lieu thereof the following: "(1) An adjustment under sections 3801 (b) (1) to 3801 (b) (5), inclusive, which would result in the allowance of a refund or credit is authorized only if".

D. By amending the first sentence of paragraph (b) (2) to read as follows: "An adjustment under sections 3801 (b) (1) to 3801 (b) (5), inclusive, which would result in the allowance of a refund or credit is not authorized if the taxpayer with respect to whom the determination is made, and not the Commissioner, has maintained such inconsistent position."

PAR. 6. Section 39.3801 (b)–8 (a) is amended to read as follows:

§ 39.3801 (b)–8 *Existence of status of related taxpayer at time of the first maintenance of an inconsistent position.* (a) No adjustment by way of a deficiency assessment shall be made under sections 3801 (b) (1) to 3801 (b) (4), inclusive, with respect to a related taxpayer unless the relationship existed both in the taxable year with respect to which the error was made and at the time the taxpayer with respect to whom the determination is made first maintained, in the manner described in this section, the inconsistent position with respect to the taxable year to which the determination relates.

PAR. 7. There are inserted immediately after § 39.3801 (b)–8 the following new sections:

§ 39.3801 (b)–9 *Disallowed deductions or credits.* Section 3801 (b) (6) applies if the determination disallows a deduction or credit which should have been, but was not, allowed to the same taxpayer for another taxable year or to a related taxpayer for the same or another taxable year. An adjustment is permitted under section 3801 (b) (6) only if such determination became final after May 31, 1952, and if a credit or refund attributable to such deduction or credit was not barred by any law or rule of law when the taxpayer first maintained in writing before the Commissioner or the Tax Court that he was entitled to such deduction or credit as, for example, in a return, in a claim for refund, or in a petition (or amended petition) before the Tax Court.

Example (1). The taxpayer, A, who computes his income by use of the accrual method of accounting, deducted in his return for the taxable year 1949 an item of expense which he paid in such year. At the time A filed his return for 1949, the statute of limitations for 1948 had not expired. Subsequently, the Commissioner asserted a deficiency for 1949 based on the position that the liability for such expense should have been accrued for the taxable year 1948. In 1953, after the period of limitations on refunds for 1948 had expired, there is a determination by the Tax Court disallowing such deduction for the taxable year 1949. A is entitled to an adjustment for the taxable year 1948. However, if such liability should have been accrued for the taxable year 1944, instead of 1948, A would not be entitled to an adjustment if a credit or refund with respect to 1944 was already barred when he deducted such liability for the taxable year 1949.

Example (2). The taxpayer, B, in his return for 1948 claimed a deduction for a charitable contribution. The Commissioner asserted a deficiency for such year contending that 50 percent of the deduction should be disallowed, since the contribution was made from community income 50 percent of which was attributable to B's spouse. The deficiency was sustained by the Tax Court in 1953, subsequent to the period of limitations within which B's spouse could claim a refund with respect to 1948. An adjustment is permitted to B's spouse, a related taxpayer, since a refund attributable to a deduction by her of such contribution was not barred when B claimed the deduction.

§ 39.3801 (b)–10 *Required exclusions.* Section 3801 (b) (7) applies if the determination requires the exclusion from gross income of an item which is includible in the gross income of the same taxpayer for another taxable year or in the gross income of a related taxpayer for the same or another taxable year. An adjustment under section 3801 (b) (7) is permitted only if such determination became final after May 31, 1952, and if assessment of deficiency under section 272 (a) by the Commissioner for such other taxable year or against such related taxpayer was not barred, by any law or rule of law, at the time the Commissioner first maintained in a notice of deficiency sent pursuant to section 272 (a) or before the Tax Court, that such item should be included in the gross income of the taxpayer for the taxable year to which the determination relates.

Example (1). The taxpayer, A, who computes his income by use of the accrual method of accounting, performed in 1948 services for which he received payments in 1948 and 1949. He did not include in his return for either 1948 or 1949 the payments which he received in 1949. In 1950, the Commissioner sent a notice of deficiency to A with respect to the year 1948, contending that A should have included all of such payments in his return for that year. A contested the deficiency on the basis that in 1948 he had no accruable right to the payments which he received in 1949. In 1954 (after the expiration of the period of limitations for assessing deficiencies with respect to 1949), the Tax Court sustained A's position. The Commissioner may assess a deficiency for 1949 since a deficiency assessment for that year was not barred when he sent the notice of deficiency with respect to 1948.

Example (2). B and C were partners in 1948, each being entitled to one-half of the profits of the partnership business. During 1948, B received an item of income which he treated as partnership income so that his return for that year reflected only 50 percent of such item. C, however, included none of such item in his return for 1948. In 1950, the Commissioner sent to C a notice of deficiency with respect to 1948, contending that his return should have reflected 50 percent of such item for 1948. C contested the deficiency on the basis that such item was not partnership income. In 1953, after the expiration of the period of limitations for assessing deficiencies with respect to 1948, the Tax Court sustained C's position. The Commissioner may assess a deficiency against B with respect to 1948 requiring him to include the entire amount of such item in his income since assessment of the deficiency was not barred when the Commissioner sent the notice of deficiency with respect to such item to C.

PAR. 8. Section 39.3801 (c) is amended by adding at the end thereof the following:

SEC. 211. MITIGATION OF EFFECT OF STATUTE OF LIMITATIONS (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 18, 1953).

• • • • •

(c) *Effective date.* The amendments made by subsections (a) and (b) shall be effective as if included in the Internal Revenue Code at the time of its enactment. In any case in which the determination referred to in paragraph (6) or (7) of section 3801 (b), as amended by subsection (a) of this section, became final before the date of the enactment of this Act, the one-year period described in section 3801 (c) shall be extended to include the one-year period beginning with the date of the enactment of this Act.

PAR. 9. Section 39.3801 (c)–1 is amended by inserting at the end of such section the following new sentence: "In respect of a determination referred to in section 3801 (b) (6) or 3801 (b) (7) which became final before August 15, 1953, the phrase 'the date of the determination', when used in this section, shall mean August 15, 1953."

[P. R. Doc. 54–1146; Filed, Feb. 17, 1954; 8:52 a. m.]

[26 CFR Parts 80, 81]

ESTATE TAXES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 1101 of the Revenue Act of 1926 (44 Stat. 70; 26 U. S. C. 411) and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform certain provisions of Regulations 80 (1937 edition) (26 CFR, Part 80) and Regulations 105 (26 CFR, Part 81) relating to estate tax to sections 106, 207, 208, and 209 of the Technical Changes Act of 1953, such regulations are amended as follows:

REGULATIONS 80 (1937) EDITION

PARAGRAPH 1. There is inserted immediately before Article 15 the following:

SEC. 207. EXCLUSION OF CERTAIN TRANSFERS TAKING EFFECT AT DEATH (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 16, 1953).

• • • • •

(b) *Decedents dying before February 11, 1939.* For the purposes of section 302 (c) of the Revenue Act of 1926, as amended, an interest of a decedent shall not be included in his gross estate as intended to take effect in possession or enjoyment at or after his death unless it would have been includible as such a transfer under section 811 (c) (2) of the Internal Revenue Code, as amended by section 7 of Public Law 378, Eighty-first Congress, approved October 25, 1949 (63 Stat. 891), had such section 811 (c) (2), as so amended, applied to the estate of such decedent. No refund or credit of any overpayment resulting from the application of this subsection shall be allowed or made if prevented by the operation of the statute of limitations or by any other law or rule of law; except that if the determination of the Federal estate tax liability in respect of the estate of any decedent dying before February 11, 1939, was pending on January 17, 1949, in the Tax Court of the United States or in any other court of competent jurisdiction, or if a decision of the Tax Court of the United States or such other court determining such estate tax liability did not become final until on or after January 17, 1949, then refund or credit of any overpayment resulting from the application of this subsection may, nevertheless, be made or allowed if claim therefor is filed within one year from the date of the enactment of this Act, notwithstanding section 319 (a) of the Revenue Act of 1926 or any other law or rule of law which would otherwise prevent the allowance of such refund or credit.

(c) *Interest.* No interest shall be allowed or paid on any overpayment resulting from the application of this section with respect to any payment made before the date of the enactment of this Act.

(d) *Effective date.* • • • Subsection (b) shall apply only with respect to estates of decedents dying before Feburary 11, 1939.

PAR. 2. Article 17, as amended by Treasury Decision 5008, approved September 19, 1940, is further amended by adding at the end thereof the following:

Under the provisions of section 207 (b) of the Technical Changes Act of 1953, approved August 15, 1953, an interest in property transferred by the decedent shall not be included in his gross estate for the purpose of section 302 (c) of the Revenue Act of 1926 as intended to take effect in possession or enjoyment at or after his death unless it would have been includible as such a transfer under section 811 (c) (2) of the Internal Revenue Code, as added by section 7 of Public Law 378 (81st Congress), approved October 25, 1949, had such section 811 (c) (2) applied to the estate of such decedent. See § 81.17 (c) of Regulations 105.

Where refund or credit of any overpayment resulting from the application of the preceding paragraph is prevented by the operation of the statute of limitations, or by any other law or rule of law, refund or credit may, nevertheless be made if—

(1) The determination of the decedent's estate tax liability was pending on January 17, 1949, in The Tax Court of the United States or in any other court of competent jurisdiction, or if the decision of any of such courts determining such liability had not become final until on or after such date, and

(2) A claim for refund or credit therefor is filed on or before August 15, 1954.

However, no interest shall be allowed or paid with respect to any such overpayment made before August 15, 1953.

REGULATIONS 105

PAR. 3. There is inserted immediately before § 81.2 the following:

SEC. 106. EXTENSION OF PERIOD FOR EXEMPTION FROM ADDITIONAL ESTATE TAX OF MEMBERS OF ARMED FORCES UPON DEATH (TECHNICAL CHANGES ACT OF 1953 APPROVED AUGUST 16, 1953.

Section 939 (b) (relating to the tax treatment of estates of certain members of the Armed Forces) is hereby amended by striking out "January 1, 1954" and inserting in lieu thereof "January 1, 1955", and by striking out "January 1, 1954" and inserting in lieu thereof "January 1, 1955".

PAR. 4. Section 81.2, as amended by Treasury Decision 6034, approved July 29, 1953, is further amended by inserting in the second paragraph of (b) thereof after "1951" the words "and amended by section 106 of the Technical Changes Act of 1953" and by substituting therein "1955" in lieu of "1954".

PAR. 5. There is inserted immediately after section 609 of the Revenue Act of 1951, and preceding section 302 (c) of the Revenue Act of 1926 (as originally enacted), which precede § 81.15, the following:

SEC. 207. EXCLUSION OF CERTAIN TRANSFERS TAKING EFFECT AT DEATH (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 16, 1953)—(a) *Decedents dying after February 10, 1939.* Paragraph (1) of section 811 (c) (relating to the inclusion of certain interests in the decedent's gross estate) is hereby amended by inserting after subparagraph (C) the following: "Subparagraph (B) shall not apply to a transfer made before March 4, 1931; nor shall subparagraph (B) apply to a transfer made after March 3, 1931, and before June 7, 1932, unless the property transferred would have been includible in the decedent's gross estate by reason of the amendatory language of the joint resolution of March 3, 1931 (46 Stat. 1516)."

• • • • •

(c) *Interest.* No interest shall be allowed or paid on any overpayment resulting from the application of this section with respect to any payment made before the date of the enactment of this act.

(d) *Effective date.* The amendment made by subsection (a) shall apply only with respect to estates of decedents dying after February 10, 1939. • • •

SEC. 208. FAILURE TO RELINQUISH A POWER IN CERTAIN DISABILITY CASES (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 16,

1953)—(a) *Amendment of section 811 (d).* Section 811 (d) (relating to revocable transfers) is hereby amended by inserting after paragraph (3) thereof the following new paragraph:

(4) Effect of disability in certain cases. For the purposes of this subsection, in the case of a decedent who was (for a continuous period beginning not less than three months before December 31, 1947, and ending with his death) under a mental disability to relinquish a power, the term "power" shall not include a power the relinquishment of which on or after January 1, 1940, and on or before December 31, 1947, would, by reason of section 1000 (e), be deemed not to be a transfer of property for the purposes of chapter 4.

(b) *Effective date.* The amendment made by subsection (a) shall apply only with respect to estates of decedents dying after December 31, 1950.

PAR. 6. Section 81.16, as amended by Treasury Decision 5904, approved May 27, 1952, is further amended by deleting "described in § 81.18 (b) (1) or § 81.19 (b) (1)" which appears in the last sentence of paragraph (d) and substituting in lieu thereof "includible in his gross estate under the provisions of § 81.18 or § 81.19".

PAR. 7. Section 81.18 as amended by Treasury Decision 5936, approved October 6, 1952, is further amended as follows:

(A) By deleting from the heading thereof "—(a) General rule." and inserting a period in lieu thereof.

(B) By deleting the last sentence of the first paragraph thereof.

(C) By deleting paragraph (b) thereof.

(D) By redesignating subparagraphs (1), (2), and (3) of paragraph (a) as paragraphs (a), (c), and (d), respectively.

(E) By inserting immediately after the first paragraph thereof the following new paragraph (b):

(b) Property shall not be included in the gross estate under this section unless transferred—

(1) After March 3, 1931, and before June 7, 1932, and the retention or reservation by the decedent was (i) for his life or (ii) for such a period as to evidence his intention that it should extend at least for the duration of his life, and his death occurs before the expiration of such period; or

(2) On or after June 7, 1932.

PAR. 8. Section 81.19, as amended by Treasury Decision 5936, is further amended as follows:

(A) By deleting from the heading thereof "—(a) General rule." and inserting a period in lieu thereof.

(B) By deleting the last sentence of the first paragraph thereof.

(C) By deleting paragraph (b) thereof.

(E) By inserting immediately after the first paragraph thereof the following ne r paragraph (b):

(D) By redesignating subparagraphs (1), (2), (3), and (4) of paragraph (a) as paragraphs (a), (c), (d), and (e), respectively.

(b) Property shall not be included in the gross estate under this section unless transferred—

(1) After March 3, 1931, and before June 7, 1932, and the retention or reservation by the decedent was (i) for his life or (ii) for such a period as to evidence his intention that it should extend at least for the duration of his life, and his death occurs before the expiration of such period; or

(2) On or after June 7, 1932.

PAR. 9. Section 81.20, as amended by Treasury Decision 5906, approved May 27, 1952, is further amended by inserting immediately at the end of (b) thereof the following:

(4) In the case of a decedent dying after December 31, 1950, the provisions of this section do not apply to a transfer if—

(i) The relinquishment on or after January 1, 1940, and on or before December 31, 1947, of the power would, by reason of section 1000 (e), be deemed not a transfer of property for the purpose of the gift tax under chapter 4 (see § 86.3 (b) of this chapter), and

(ii) The decedent was, for a continuous period beginning on or before September 30, 1947, and ending with his death, under a mental disability to relinquish a power.

For the purpose of the foregoing provision, the term "mental disability" means mental incompetence, in fact, to release the power whether or not there was an adjudication of incompetence. Such provision shall apply even though a guardian could have released the power for the decedent.

PAR 10. There is inserted immediately preceding § 81.25 the following:

SEC. 209. REVERSIONARY INTERESTS IN CASE OF LIFE INSURANCE (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 16, 1953)—(a) *Decedents dying after January 10, 1941, and before October 22, 1942.* Effective with respect to estates of decedents dying after January 10, 1941, and before October 22, 1942, the proceeds of life insurance receivable by beneficiaries other than the executor shall not be included in the gross estate of a decedent under section 811 (g) of the Internal Revenue Code unless such proceeds would have been includible under section 404 (c) of the Revenue Act of 1942 (as amended by Section 508 (a) of the Revenue Act of 1950) had such section 404 (c), as so amended, applied to such estate.

(b) *Interest.* No interest shall be allowed or paid on any overpayment resulting from the application of subsection (a) with respect to any payment made before the date of the enactment of this act.

PAR. 11. Section 81.27, as amended by Treasury Decision 5904, is further amended by inserting immediately following the third paragraph of (c) thereof the following new paragraph:

In the case of a decedent dying after January 10, 1941 (and on or before October 21, 1942), the conditions prescribed in paragraph (a) shall apply in determining whether a reversionary interest constitutes an incident of ownership. No interest shall be allowed or paid on any overpayment resulting from the application of the preceding sentence with respect to any payment made before August 15, 1953.

[F. R. Doc. 54-1145; Filed, Feb. 17, 1954; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

FEBRUARY 10, 1954.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583; 39 Stat. 1942; and 49 Stat. 210), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs August 28, 1946, and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Regional Director September 10, 1946 (11 F. R. 10267), notice is hereby given of the intention to modify §§ 130.16 and 130.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project not subject to the jurisdiction of the several irrigation districts, as follows:

§ 130.16 *Charges, Jocko Division.* (a) An annual minimum charge of $2.05 per acre, for the season of 1954 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available will be delivered at the rate of one dollar and thirty-seven cents ($1.37) per acre foot or fraction thereof.

§ 130.17 *Charges, Mission Valley and Camas Divisions.* (a) (1) An annual minimum charge of $2.64 per acre, for the season 1954 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and seventy-six cents ($1.76) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $2.26 per acre, for the season of 1954 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and fifty-one cents ($1.51) per acre foot or fraction thereof.

Interested parties are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument, in writing, to Paul L. Fickinger, Area Director, U. S. Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Amendment to order dated April 16, 1953 (17 F. R. 3146), signed by Paul L. Fickinger, Area Director.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 54-1130; Filed, Feb. 17, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

HANDLING OF MILK IN TULSA-MUSKOGEE, OKLAHOMA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 12th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The Hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Tulsa, Oklahoma, on November 17–18, 1953, pursuant to notice thereof which was issued on November 13, 1953 (18 F. R. 7195).

Material issues. The proposal, submitted by the Pure Milk Producers Association of Tulsa, was designed to clarify and to implement an existing provision of the order (§ 906.80 (c)) without changing its basic purpose or substance. Although the original proposal related to three provisions of the order, the sole issue presented related to the requirement that handlers pay producers who are members of a cooperative association through their cooperative association.

Findings and conclusions. Based on the evidence presented at the hearing and the record thereof it is concluded that:

(a) A qualified cooperative association which meets all conditions specified in this amendment is an association of the producers delivering to handlers with respect to which payment of uniform prices to such cooperative association for all milk purchased or received by handlers from its member-producers, may be required;

(b) Payment to a cooperative association will, when made in the manner provided in this amendment, (1) enable the receiving cooperative association to blend the net proceeds of all its sales in all markets, and to conduct its marketing activities in such a manner as will tend to promote efficient methods of marketing of milk by producers, (2) facilitate the channeling of milk by producers into available fluid milk outlets and the disposition of seasonal supplies in excess of current requirements therefore, in such a way as to augment the pooling and pricing provisions contained elsewhere in the order, and (3) contribute materially to the achievement and maintenance of stable conditions in the production, procurement and disposition of fluid milk in the Tulsa-Muskogee, Oklahoma, market; and

(c) The existing order provision should be clarified and implemented to the extent indicated by this amendment.

The proponent cooperative association which has been determined by the Secretary to be qualified under § 906.5 of the order is at present the only cooperative association from whose members handlers receive milk under the Tulsa-Muskogee, Oklahoma, milk order. Now affiliated with the association are approximately 1070 producers, or about 82 percent of all producers whose milk is priced by the order. Although the authority of this association to collect payment for its member-producers is not for determination by this decision, the evidence supporting the proposed amendment cannot be appraised without considering the character of the proponent association and its marketing activities.

The Pure Milk Producers Association of Tulsa (hereafter referred to as PMPA) is duly organized under the cooperative laws of the State of Oklahoma. To date it has operated in the manner commonly described as a bargaining association as contrasted with one which owns or operates a plant at which milk is physically received and from which it is disposed of in raw or processed form. Membership, as provided in the by-laws, is effected by the execution of a membership agreement between each member and the association.

This agreement is a form of agency contract commonly used by cooperative milk marketing associations by means of which the producer makes the signatory cooperative association his sole and exclusive agent to handle and market milk produced by him with authority to designate the place and manner of its delivery. Under this membership agreement, each signatory producer agrees specifically to abide by the by-laws.

Heretofore the PMPA has been collecting payments for milk delivered to handlers by approximately 500 of its member-producers—most of whom supply the Muskogee portion of the marketing area. One of the handler's under the Tulsa-Muskogee Order has a plant in each city and, with respect to milk received from member-producers at its Muskogee plant, remits sums due for milk received from such members to the association, but with respect to milk received from member-producers at its Tulsa plant, having the same type of membership agreement, this handler has thus far refused, along with several other Tulsa handlers, to remit in the same manner to the association.

In March 1951, the members of the PMPA authorized the association to begin collecting payments on their behalf, whenever the occasion arose, thus leaving to the management the decision as to when and how the cooperative would begin to collect for its members. After a series of marketing experiences involving the diversion of member milk and the problem of reblending the proceeds therefrom among its members, the PMPA submitted in July 1953, a written request to five Tulsa handlers not theretofore making payments to the association on a voluntary basis, pursuant to § 906.80 (c) of the order. Conferences followed during which the association volunteered to indemnify the handlers who paid the association, but apparently no agreement was reached as to the character of such indemnification. In these conferences the handlers expressed doubt as to the right of the association to collect for its members unless a further limited authorization, separate from the membership agreement was given by each producer, and they declined to comply with the request of the association.

During this interval producers were approached directly by handlers concerning such further authorization. Some producers came to their association representatives for advice. To many other members, the matter was of no practical consequence since payments were already being collected for milk received by handlers from them. A relatively few separate authorizations were received.

A special membership meeting was duly called and held on November 3 at which there was presented and adopted an amendment to the by-laws specifically authorizing the association to collect gross payments on behalf of member-producers and the blending thereof among the members. Thereafter the PMPA sought, by the proposal submitted at this hearing, to further clarify the order in respect of payments for member-producer milk.

Under existing membership agreements, the cooperative association is given explicit authority to designate the persons and places to which member milk is to be delivered. Under normal market conditions no change may be expected to result from the exercise of such authority in the relation of the vast majority of member-producers to their accustomed outlets, and the association, by its continued acquiescence in such deliveries and its continuous representation of those producers in matters affecting their interests in these established outlets, such as the checking of weights and tests, representation in making adjustments or negotiation of any of the terms and conditions of delivery and sale of members milk, may be deemed to be exercising its authority to market members' milk. The exercise of the authority becomes more obvious when, for various reasons, a quantity or number of member-producers are shifted from one handler to another or from a handler customarily receiving such milk, to a nonhandler.

In the spring of 1953 a number of handlers in the Muskogee area turned back milk, thus throwing upon the cooperative a sudden responsibility of finding another market. This it did, and during the months of April through October, the association diverted approximately 4,500,000 pounds of milk. For this milk the association arranged the hauling and collected the proceeds and reblended the proceeds among its producers. The association, at one time, also acquired a truck for transporting diverted or transferred milk but found that for the time being, other means of transportation were satisfactory.

Shifts of milk by the association between handlers to date have been of lesser frequency and volume largely because handlers expressly preferred to arrange for and handle such transfers themselves. However, the record shows that during 1952, quantities of other source milk (not priced) was classified in Class I while at the same time producer milk was classified in Class II. Because of such conditions and the possibility that one handler could be short, even though producer milk was generally available, opportunity still remains, to utilize a higher percentage of producer milk in Class I. A situation similar to that in 1952, could recur. The record also indicates that plans were well advanced to develop within the association a more extensive base-rating system for the distribution of proceeds as an incentive to reduce wide seasonal swings in production.

Under a milk order, handlers are not required to accept milk even though it is fully qualified and approved for fluid use. The responsibility for finding the best available market and of marketing milk so as to bring the best returns under an order program remains with the producer or with the cooperative who represents him. Movement of milk into the highest available uses at all seasons of the year not only aids in achieving the highest possible returns for existing supplies under the pooling system contained in the order but benefits non-members as well as members. Maintenance of facilities through which milk may be shifted in the quantities and at the times when needed to maximinize its use or to remove excess seasonal supplies, provides a useful and a stabilizing element in the market.

Evidence in the record indicates that payment by the cooperative will facilitate the shifting milk either among handlers or to the most accessible manufacturing outlets when necessary, even though only marginal quantities may be shifted as compared with the total quantity marketed; that it is necessary to carry out any plan of base rating for members; that it will tend to make the average member more conscious of the association's activity and services; that payment of haulers on behalf of members will enable the association to assist in dealing with hauling problems on a market-wide basis and will afford an avenue of frequent contact with members which, under the present system, is more susceptible of use to undermine member relations; and that such a method of payment should result in some reduction in the present cost to handlers of handling producer-payrolls.

An amendment offered at the hearing modified the original proposal so that certification by such a cooperative would be the basis for identifying the producers for whose milk payment would be required to be made to the certifying cooperative, and that as a prerequisite to acceptance of such certification the association agree to indemnify the handler who makes the payment in reliance upon the certification.

For the purpose of determining the channels through which payment is to be made under the order, it is concluded that the certification of membership by an association together with a guarantee of the accuracy of that certification on the part of the association affords a proper and sufficient basis for identifying the producers to whom payment must be made through their cooperative association in the discharge of the obligation imposed on a handler by the order.

In order that marketing conditions may not be disturbed by prolonged controversy the authority of a claimant cooperative to collect payment on behalf of its members and the correctness of its certification in any instance where the certification is challenged by a producer or by a handler should be determined by public administrative authority. The market administrator is an appropriate person to make such a determination.

It is also concluded that the submission of each of the items of information described in the amendment to the cooperative which collects payment for its members is incidental to and necessary to the proper operation of this method of making payment. Such information is necessary for the association to check the accuracy of the total payment received, and to compute and transmit appropriate payment to each of its members.

It was proposed that the required information for making partial payments for milk received during the first fifteen days of the current month be submitted by the 20th of each month and that such information with respect to final settlement for milk received each month be submitted by the 7th of the following month. Such dates should be the 25th and 10th day, respectively. While it is true that the detailed information is known to the handler by the dates proposed, it may not be in the form at that time in which it may be transmitted conveniently to the cooperative association. This is particularly true with respect to the information concerning final settlement for the month's deliveries. Announcement by the market administrator of prices essential to the calculation of the final amount due is not required until the 12th of the month. The dates adopted for furnishing the information will provide ample time for handlers to assemble such information and reasonable time for the purposes of the cooperative association. No changes are made in the dates presently provided for payment of monies to the cooperative association. Under this sequence of dates a cooperative association will be in position to make payment to its members by the dates on which handlers are required to pay other producers.

Handler witnesses indicated their feeling that the proposal, would (a) introduce irregularity and difficulties in the process of making farm inspections, (b) encourage producers whose milk was diverted to become careless in the production and care of milk on the farm, (c) create added difficulty on the part of handlers in keeping their plants approved by health authorities, (d) reduce the effectiveness of their own efforts through their field men to correct unsatisfactory conditions on the farm whenever they developed and (e) in general, result in a lowering of the quality of milk contrary to the objective of the order to secure a sufficient quantity of pure and wholesome milk for the market.

The record discloses, however, that of approximately 100 producers who were diverted about 70 shifted or were shifted back to approved plants without any difficulty in maintaining production on an approved basis and that such diversions in no way adversely affected the approved standing of the respective plants. It also discloses that while some modification of procedures were developed in order to keep in touch with diverted producers for the purpose of continuing periodic inspections of their farms, adequate inspection was continued.

On the other hand there is no indication in the record that, (a) handlers could not continue to use field man in the same manner and for the same purposes for which they are now used, (b) the cooperative association would not cooperate fully with the health authorities in keeping them in touch with member-producers whose milk may be diverted from time to time and in helping them to maintain proper standards of production and care of milk, (c) the cooperative association would not use or employ the necessary field men for this purpose or (d) the health authorities would not be as willing to cooperate with the cooperative association through their field men, in dealing with its member-producers as

they have in the past with handlers in similar matters.

We are unable to find any convincing demonstration in this record that the quality of milk production in the Tulsa-Muskogee area would be adversely affected by the adoption of the proposed amendment.

A considerable portion of the testimony submitted in opposition to the proposed amendment expressed the view that the proposed changes were not in the best interests of its member-producers or of producers, in the market generally as contrasted with what the handlers had done or could do in the future on a voluntary basis. Concern was also expressed that the proposal would foster growth of monopoly control by the proponent cooperative association in the marketing of milk to handlers, with consequences inimical to their interests, to those of the consuming public and nonmember producers in that area, as well as tending toward a situation out of harmony with traditional standards of public policy towards monopolies in general.

Particular attention was drawn to the potential control which they asserted would come into the hands of an association as an incident to taking over the function of paying haulers, both as to the persons for whom and the conditions under which, milk could be hauled and the use of haulers to disseminate information among producers. Those who so testified should be well informed since, in the past, it was they, and not the producers, who made payment to the hauler on behalf of the producer with producer's money and were the ones to whom haulers looked for such payment. There was no adequate explanation or reason advanced, however, why a producer should not be allowed to pay his own hauling bills or why the producer would not be permitted to use his own association to do it for him. While the proponent association disclaimed having any present plans to take over the function of hauling or arrangements for hauling, except with respect to diverted milk for which it had to make them, it agreed that the problem of transporting milk from its member's farms to receiving plants was a part of the marketing of milk in which the association, as such, had an interest and responsibility. As to what might be done in the future and its merits, in so far as the hearing record discloses, must be regarded at this time as speculation rather than as fact.

The numerous Federal statutes designed to permit and to foster the growth of cooperative activity among farmers, including the Capper-Volstead Act of 1922, as amended, to which specific reference is made in the statute pursuant to which this milk order is issued, or the local statute under which the proponent cooperative association is organized, place no limit on the number of, or the percentage of, producers supplying a particular market who may act together in a cooperative to market their own milk. Within the marketing areas now regulated by Federal milk orders, it is known to the Secretary and is common knowledge throughout the industry that in some of the areas a preponderant majority of all milk producers are affiliated with and act through, a single cooperative association. In other markets there may be and are numerous cooperative associations, some of which operate as bargaining associations and others, to varying degrees, carry their marketing functions into manufacturing or wholesale and retail channels of distribution. At the same time, in all areas, as many milk producers as wish to, remain unaffiliated with any existing association, or are free to organize an association of their own.

Furthermore, the Department is not unmindful of the admonition contained in existing Federal law that in the exercise of the authority to issue milk orders, the Secretary shall accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in existing Acts of Congress, and as will tend to promote efficient methods of marketing and distribution. There should be no restriction on the right of farmers acting through their cooperative, to market their milk in the manner they feel is to their best interest merely because other persons doing business with them feel they could do it better.

The Capper-Volstead Act, to which specific reference is made above, contains the limitations beyond which cooperative bargaining may not enhance price levels and also contains the procedural means to make that limitation effective. Apprehensions expressed concerning a possible monopolistic trend contained in this record do not provide any basis, in and of themselves, for a denial of the proposal.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Pure Milk Producers Association of Tulsa and handlers who would be subject to the proposed marketing agreement and order, as hereby proposed to be amended. The briefs contained, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following order, amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as hereby proposed to be amended.

1. Delete § 906.80 (c) and substitute therefor the following:

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative, each handler shall (i) pay to the cooperative association on or before the 13th and 27th day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this paragraph an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer, (ii) submit to the cooperative association on or before the 10th day of each month written information which shows for each such member-producer (*a*) the total pounds of milk received during the preceding month (*b*) the total pounds of butterfat contained in such milk, (*c*) the number of days on which milk was received, (*d*) for the month of April through June, the amount of base and excess milk received, and (*e*) the amounts withheld by the handler in payment for supplies sold and (iii) submit to the cooperative association on or before the 25th day of each month written information which shows for each such member-producer the total pounds of milk received during the first 15 days of the current month. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the

original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

Filed at Washington, D. C., this 15th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1158; Filed, Feb. 17, 1954; 8:55 a. m.]

[7 CFR Part 968]

[Docket No. AO-173-A6]

HANDLING OF MILK IN WICHITA, KANSAS, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business of the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the following findings and conclusions were formulated, was conducted at Wichita, Kansas, on October 7-9 and December 1-3, 1953 pursuant to notices thereof which were issued on September 18, 1953 and November 20, 1953 (18 F. R. 5629, 7547).

The major issues of the hearing related to:

1. Expansion of the marketing area;
2. Pool plant and producer qualifications;
3. The classification, allocation and accounting for milk;
4. Class prices;
5. Changes in the base rating plan of the order;
6. Expenses of administration; and
7. The issuance of a completely rewritten order.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing and the record thereof:

1. *Marketing area.* The marketing area should be expanded to include the townships of Gypsum, Part, and Payne, all in Sedgwick County, Kansas, in addition to the territory presently defined. These townships are adjacent to the City of Wichita, and have substantial suburban population. This suburban population is a part of the rapid growth that Wichita has experienced in recent years. The area of these townships is now an integral part of the Wichita market, so that handling of milk in this area should be regulated on the same basis as that of other parts of the market. Wichita-Sedgwick County health authorities now exercise jurisdiction over the quality of milk distributed within an area extending 3 miles from the Wichita city limits and require it to be identical in quality with that sold in Wichita. While the entire area of these townships is not within the 3 mile limit the principal population is so situated. This situation is likewise true of the six other Sedgwick County townships presently included in the marketing area. No handlers not now regulated by the order will be brought under regulation at this time by the addition of these townships, as distribution is presently confined to the operations of regulated handlers. Since Wichita handlers distribute milk in the area to be included, interstate commerce in milk or its products is affected to the same extent as in the presently defined area. In addition the area to be added includes the Wichita Air Base, a Federal installation.

2. *Pool plant and producer qualifications.* The Wichita order presently provides that, an approved plant qualifies for participation in the market wide pool during the months of July through February if 15 percent or more of its receipts from approved dairy farmers are disposed of as Class I or Class II milk in the marketing area. For the months of March through June qualification is dependent upon Class I and II disposition of 50 percent of such receipts during the preceding months of August through November. The only plants qualified by the local health authorities are plants from which routes are operated in the marketing area. Under the present provisions one plant has failed to qualify during the months of March through June because distribution in the area during preceding fall months was less than the required 50 percent, even though total distribution in Class I may have exceeded that figure. Since in the case of route operating plants dispositions do not ordinarily vary seasonally to the extent that the dispositions of supply plants do, it is appropriate that there be less range in the performance requirements in order to establish identification with the Wichita market.

It is concluded that the requirements should be current for all months of the year and should specify a Class I disposition of 25 percent on routes in the marketing area and of 50 percent in total, for all months except March through June when such percentages should be 20 percent and 40 percent respectively. These are months of seasonally high production, so that the lesser percentages normally represent approximately the same volume of Class I disposition.

This requirement would mean that a plant having less than 25 percent (20 percent in the months of flush production) of its dispositions of graded receipts as Class I milk on routes in the marketing area would not be considered to be identified as an essential part of the supply of the market so that it might participate in the Wichita pool. The total reserve supply of route plants engaged to such a limited extent in distributing Class I milk in the Wichita market may not be attributed to the Class I operations of that market.

The additional requirement that at least half of a plant's receipts be disposed of as Class I milk in all except the flush months provides a reasonable basis for establishing the plant's obligation and interest in a fluid operation. Several plants regulated by the Wichita order have substantial distribution of Class I milk on routes outside the marketing area. The above standards are such that all plants presently regulated can qualify and impose no impediment to participation in the pool on the part of any plant developing supply in some proximate relation to its sales.

Changes should be made in the definition of "approved dairy farmer" and "approved plant" so that milk of a quality similar to that of the Wichita market will ge brought under regulation if disposed of to government institutions or bases located in the marketing area. Such facilities purchase milk on contract specifications for which approval of local health authorities is not required. Normally such specifications require milk of a quality similar to Grade A milk and Wichita handlers have so far been the only suppliers. Milk of such specifications should be brought under regulation on the same basis as locally approved milk if disposed of to such facilities in the marketing area.

A proposal to define as a handler any person who may not have an approved plant but disposes of Class I milk in the marketing area should not be adopted. The record provides no basis for the regulation to be effective for such a handler. The record and present order provide specifically for the regulation of handlers with approved plants whether or not such plants qualify as pool plants. The proponents of the proposal to redefine handler failed to indicate what regulation would be feasible for the handler with an unapproved plant. Such handlers conceivably could have minor distribution of Class I milk in those portions of the marketing area beyond the three-mile limit within which health authorities have jurisdiction. Such has been the case in the past without creating any problem in the market. Before Sedgwick County was authorized to establish regulations within the three-mile limit, unapproved milk could be sold in all parts of the present area that were outside the Wichita city limits.

3. The classification provisions of the order should be revised to classify milk in two classes and the quantity of milk to be priced in each class should be the sum of the quantities of skim milk and butterfat used in each class.

The present order provides for three classes of milk with Class I milk principally that disposed of for fluid consumption as milk, skim milk, buttermilk and flavored milk drinks, Class II milk that disposed of as cream and cream mixtures, cottage cheese, aerated cream and egg nog, and Class III milk that used for named manufactured dairy products. The volume of milk in Class I is determined principally on a volume basis, and the volume of milk in each of the other classes is determined on the basis of the 3.8 percent milk equivalent of the butterfat used in such class. The total classification thus determined for a handler is reconciled with receipts from producers by adjustment in the volume of Class III milk. Under the present system the handler is required to account for all butterfat received but not for all skim milk received. Reconciliation to receipts from producers is used in lieu of an accounting for the utilization of skim milk receipts.

It was proposed that milk be classified in two classes, with the cream and cream mixtures now Class II milk being Class I milk and with Class II milk to include what is now Class III milk and cottage cheese, aerated cream and egg nog presently classified as Class II milk. It was further proposed that the volume of milk in each class be determined by adding together the volumes of skim milk and butterfat in such class. Thus each handler would account for the utilization of both the skim milk and butterfat received and no reconciliation to receipts would be required.

The proposal to include in Class I those cream products formerly classified as Class II is closely associated with the proposed change in accounting procedure. Under the proposed system only the actual amounts of skim milk and butterfat disposed of in these products are to be priced at this class. The present system classifies as Class II milk the 3.8 percent equivalent of the butterfat disposed of in these products regardless of the use of the skim milk and provides a lower priced class to compensate for the fact that not all the whole milk now priced as Class II milk is used in such products. These products are required by health authorities to be from locally approved Grade A milk.

With respect to cottage cheese there is some dispute with respect to the requirements of the local health ordinances. In practice, however, at least one handler uses cottage cheese curd made from ungraded milk received at the unapproved plant of an affiliate. All cottage cheese disposed of as creamed cottage cheese however is creamed in handler's plants with cream from approved sources. It is concluded that the cream used to cream cottage cheese disposed of as creamed cottage cheese should be classified as Class I milk but that skim milk used to produce cottage cheese curd should be classified as Class II milk.

Aerated cream and eggnog should be classified as Class II milk. Both of these products are distributed in the Wichita market from sources other than locally approved milk.

Provision should be made for classifying as Class II milk plant loss or shrinkage up to 2 percent of the receipts of skim milk and butterfat from producers. All shrinkage of other source milk may be Class II, since receipts of other source milk are first allocated to Class II milk. Total shrinkage should be allocated to producer milk and other source milk prorata receipts from each source.

Specific provision should be made for the classification and allocation of inventories of milk, skim milk, cream (except that frozen and stored) and of products specifically mentioned as Class I milk. Class I products are classified on the basis of the form in which disposition is made. It is therefore necessary to account for skim milk and butterfat in the form of Class I products which are on hand and not disposed of at the end of the month. Class II products are accounted for primarily on the basis of the milk used to produce specified products. It is therefore unnecessary to include Class II products on hand at the end of the month in the handler's monthly report of receipts and utilization. The handler will be required to keep records of holdings of such products to facilitate the auditing of current receipts and utilization.

Closing inventory should be classified as Class II milk. Provision should be made to give the handler credit for opening inventory by subtracting such inventories from his current utilization in series beginning with Class II milk after first subtracting current receipts of other source milk and allowable shrinkage of producer milk. Any inventory allocated to Class I represents a current use in Class I for milk which was classified temporarily as Class II in the previous month. Such inventory milk should be subject to a reclassification charge if it was derived from producer milk. This may be determined by the amount of producer milk classified as Class II in the preceding month. Thus the quantity of inventory milk on which a reclassification charge is to be made because it is allocated to Class I milk in the current month should be limited to the amount of producer milk classified as Class II milk in excess of allowable shrinkage in the preceding month. This procedure conforms to the principle of assigning receipts from producers to the highest priced available utilization and eliminates the possibility of reclassification charge on inventory derived from other source milk. Any reclassification charge should be based on the difference between Class I and Class II values in the month of utilization.

In addition to changes required to conform to two classes of milk instead of three the provisions for classification of milk transferred to other milk plants should be amended to extend from 100 miles to 250 miles the area within which milk and skim milk may be transferred to unapproved plants at Class II classification. Such change is necessary to include an area within which ample manufacturing facilities are available to assure that milk not needed for the market can be processed. Some Wichita producers are so located that their milk may economically be diverted directly from the farm to plants more than 150 miles from Wichita. While the provisions for classification of milk moved, within this area permit classification as Class II milk without audit of books and records on movements to plants which do not distribute fluid milk or cream, authority for audit is required if the unapproved plant is operated by a person who is a handler or an affiliate of a handler. Handlers objected to authorizing audits in all cases, claiming that such a requirement interferred with opportunity for disposition of surplus milk to strictly manufacturing plants. In the case of plants under common or affiliated ownership such objection is not valid, and some additional safeguards are necessary to insure proper classification. The provisions for transfer of milk between approved plants and the allocation provisions of the order should be revised so that producer milk is assured of maintaining its priority over other source milk when such transfers occur.

It was proposed that classification be so worded that products not specifically named or described be Class II milk rather than Class I milk as presently provided. An extensive list of products and uses is presently named as Class III milk. By expanding this list to include those items presently in Class II milk which are not to be included as Class I milk it appears that Class II milk will include all the products commonly considered as manufactured milk products. Should new products be developed their classification can be considered at a future hearing.

It was proposed that other source milk received from an unapproved plant to which an equivalent volume of Class I milk was moved should be allocated to Class I milk in preference to producer milk if such movements represented exchange of bulk milk for packaged milk or vice versa. It was contended that regulated plants should have the opportunity to perform custom bottling for unregulated plants without Wichita producers receiving benefit of Class I sales. The record fails to indicate that Wichita health authorities will permit milk from other areas to be handled in Wichita plants except for emergency supplies needed for the Wichita market. The provision would provide a means whereby multiple plant operators could enjoy the economies of large scale bottling operations in their Wichita regulated plants while expanding their out-of-market sales with unpriced milk, whereas single plant operators would be paying order prices for their Class I sales out of the area. Custom bottling has not been a practice in the Wichita market. There are sufficient facilities in the market so that any regulated handler who might require such services could have them performed in a regulated plant. The proposal should not be adopted on the basis of this record.

It was also proposed that if the market administrator determine that producer milk was not available at the Class I price other source milk imported with health authority approval should have priority over producer milk in assignment to Class I milk in an amount up to 5 percent of Class I sales. The record indicates that it was intended by the proponents that the actual quantity within this limit to have such priority should be related more closely to the quantity actually needed, but fails to indicate a precise method for such determination. The order presently provides that a handler may use other source milk for Class I needs in excess of receipts of producer milk without charge if he can prove that producer milk for such needs was not available at the Class I price. If producer milk is available the handler must pay the difference between the surplus price and the Class I price if he uses other source milk for Class I uses. Adoption of the proposal would make more critical the determination of the market administrator regarding availability of producer milk, inasmuch as it would affect the volume of Class I milk for which the handler would account to the pool in addition to determining whether a compensation payment was due. Proponents admit that the provision proposed would have no present effect. It should not be adopted on the basis of this record.

4. *Class prices.* (a) The Class I price should be determined by adding $1.65 to a basic formula price which is the higher of the paying prices of mid-west condenseries or a butter-powder formula price, both for the preceding month.

The basic formula price is essentially the same as that now in the order. The mid-west condenseries are those now named less three plants for which a price is no longer reported. The butter-powder formula price incorporates different yield factors and make allowances from that now contained in the order but results in practically the same prices.

The $1.65 Class I differential is that now contained in the order. Handlers proposed that the Class I differential be $1.55 in the months of August through March, and $1.15 in other months. Producers proposed that the differential be $1.90 which they represented as the amount necessary to provide the same returns to producers under skim milk-butterfat accounting as the present $1.65 when applied to the volumes in each class under the present method of accounting.

The present $1.65 differential first became effective April 1, 1952, following a period (September 1951 through March 1952) for which the differential was temporarily established at $1.80 due to emergency conditions in the Wichita market. Prior to this emergency period the Class I differential had for some years been $1.45 in all months except April, May and June, when it was $1.00.

Substantial premiums in excess of minimum order prices were paid by Wichita handlers from August 1952 through March 1953, ranging from 30 to 64 cents per hundredweight of Class I and Class II milk. Premiums in excess of the temporarily increased Class I and Class II prices were also paid from November 1951 through March 1952. No premiums have been reported paid since March 1953.

In common with experience in other areas and a national trend there has been a substantial increase in milk production in the Wichita market within the past year. For October 1952 which is normally a month of seasonally low production, total receipts of producer milk were the highest recorded since the order has been effective. Official notice is hereby taken of the statistical summary released by the market administrator with respect to November 1953, which shows that in that month both total deliveries and average daily production per producer set new high records. While fluid sales have also increased the increase in production has been at a much more rapid rate. As a result the percentage of producer milk in the surplus (presently Class III) Class has increased from 6.58 percent in October 1952 to 15.26 percent in October 1953 and from 12.29 percent in November 1952 to 28.02 percent in November 1953.

The changes in classification and accounting methods herein adopted will reduce the volume of milk accounted for as Class I milk below the total of those volumes now accounted for as Class I and Class II milk. This reduction will not be completely compensated for by the increase from Class II to Class I price for a portion of what is presently Class II milk, and the class butterfat differentials to be used. To bring the same returns to producers as the present system for the milk which is now Class I and Class II would require an increase of approximately 18 cents in the Class I price differential. The difference in returns under the two systems of accounting results almost wholly from changes in charges for items now classified as Class II milk. The charges computed for items now classified as Class I milk would be virtually unchanged, but over 80 percent of the volume now classified as Class II milk would be priced at the new Class II surplus class while less than 20 percent would be priced as Class I milk. A much higher proportion of the difference between Class I and Class II prices is allocated to skim milk values than to butterfat values by the butterfat differentials adopted, so that the increased value from the Class I differential and butterfat differentials applicable to the volume of cream classified as Class I is much less than the reduced value applicable to the larger volumes of skim milk to be classified as Class II milk.

The Wichita order contains no provision for automatic adjustment of the Class I price with changes in the relationship of producer milk supplies to Class I sales, nor was any proopsal for such adjustment made at this hearing. At present producer milk supplies are increasing faster than are Class I sales, whereas recently substantial premiums were required to attract supplies barely adequate for the needs of the market. Without any automatic provision to reflect these changing conditions in the level of the Class I price, the present Class I differential of $1.65 appears appropriate for the revised classification and accounting system.

(b) *Class II milk.* The price for Class II milk should be the higher of the average of prices paid for ungraded milk at four Kansas milk manufacturing plants or the average price paid at all manufacturing plants in the United States, except for the months of March through June, when the price should be the average price of the four Kansas plants.

The Wichita order prices what is now Class III milk at the higher of a butter-powder formula price, less 15 cents in the months of April through July, or the paying prices of two local manufacturing plants. A third plant named in the order is no longer in operation. Under a suspension action presently effective pending amendment resulting from this hearing the provisions normally effective only for the months of April through July are currently effective for all months, and the Class III price is currently the butter-powder formula price less 15 cents.

Handlers proposed that the price for Class II milk under the revised classification and accounting system be the average of the paying prices of four Kansas manufacturing milk plants. A cooperative association of producers which is currently accounting to the pool for a substantial volume of Class III milk diverted for its account to manufacturing plants proposed that the price be the revised butter-powder price less 20 cents.

The prices paid by the plants proposed by handlers are available on the record only for the period from January 1952 through October 1953. For this period these prices were somewhat higher than those of the two plants now used as an alternative basis for the Class III price. In 1952 the prices paid by these four plants averaged 14.9 cents less than the butter formula powder price. For the first 10 months of 1953 the four-plant price averaged 37.5 cents less than the butter-powder formula price. Thus the handler proposal would have produced a price in 1952 of 5.1 cents higher than the producer proposal but in 1953 would have resulted in a price 17.5 cents less. The gross margin between market values of butter and nonfat dry milk solids and the paying prices of these plants had increased 22.6 cents per hundred pounds of milk.

Increases in gross margins between market values of products and prices paid for milk during this period are not confined to these four plants. The record shows that the prices paid farmers for milk used in the production of various products and in different areas of the country have declined in relation to these market values from 1952 to 1953. The price series representing the broadest coverage, from the standpoint of both area and use, is that for milk for manufacturing purposes in the United States. This price averaged 3 cents less than the butter-powder formula price in 1952 and 19 cents less in 1953, representing thereby an increase of 16 cents in gross margin. The average level of this price for the past seven years ($3.56) has been very close to that of the butter-powder formula price ($3.60). The principal periods in which the U. S. average price for manufacturing milk has been significantly less than the butter-powder formula price were in portions of 1949 and 1950 and 1953. These were periods in which market values of butter and nonfat dry milk solids were maintained at fixed support price levels by substantial governmental purchases. While gross margins widened in 1949 and 1950 they returned to a normal relationship when conditions changed.

The producer proposal to establish the Class II price at 20 cents below the butter-powder price appears to be based upon the ability of the association to market milk at this level under current conditions. To adopt this proposal in a revised order for an indefinite period of time would presume that the present wider gross margins between product values and manufacturing milk prices will continue indefinitely. The butter-powder formula price was included as an alternative in determining the present price because local plant prices previously used did not represent the prices generally paid for manufacturing milk. There is nothing in this record to indicate that prices generally paid for manufacturing milk are not an appropriate basis for pricing Class II milk in the Wichita market. The additional volumes of milk to be priced as Class II milk under the revised classification and accounting systems are roughly equivalent to the volumes of skim milk handlers use in producing cottage cheese, a high value product. It appears that over the long period the butter-powder formula price represents the national average price paid for manufacturing milk but currently is higher than that price by an amount approximately equal to the 20-cent adjustment proposed by producers. A preliminary estimate of the national average price for manufacturing milk is published monthly by the Department by the end of the month for which it applies. The price per hundredweight and the average test of milk are given. While this preliminary estimate is subject to later revision, comparisons of preliminary and final figures indicate that these seldom show a revised price that is not related to a corresponding revision in the butterfat test reported. It appears that when converted to a standard butterfat test by direct ratio the price reported currently is appropriate for use in determining the Class II price under the Wichita order.

It is concluded that the Class II price for all months except March through July should be the higher of the U. S. average manufacturing milk price, converted to a 3.8 percent basis by direct ratio, or the average of the paying prices of the four Kansas manufacturing plants. For the flush production months of March through June the Class II price should be the average of the paying prices of the four Kansas plants. These are months in which greater difficulty may be experienced in the handling of Class II milk, and the use of the local paying prices provides greater assurance that all milk will be handled. Volumes of Class III milk have been higher in March than July in most recent years, so that March through June appear to be the months for which it appears most appropriate to provide that paying prices of local plants determine the Class II price.

(c) Butterfat differentials for each class of milk should be established in order to determine the value of milk used in each class on the basis of the butterfat test of milk used in such class. Under the present system of accounting the use of butterfat in each class affects the volume of milk in Classes II and III and the amount of reconciliation to producer receipts required. Under the proposed system of accounting volume of milk or products determines the volume in each class and a means of varying the value of such volumes as the butterfat content varies is required. It was suggested that the butterfat differential be 1.20 times the price of butter in both classes. It appears more appropriate that the differential for Class I be 1.20 times the price of butter and that the differential for Class II milk be 1.15 times the price of butter. It is appropriate that there be some difference in the price of butterfat used in the two classes. The lower differential for Class II milk will provide a better relation between values of skim milk and butterfat in this class. In order that the Class I butterfat differential may be announced early in the month to which it applies the butter price used in its computation should be that for the preceding month. The current month butter price should be used in computing the Class II differential, since milk prices for the current month determine the Class II price.

5. *Determination of bases for producers.* Producers proposed a modification in the method by which producer bases are determined under the order. Presently a producer may make a base operative for the following calendar year only by regular deliveries for the period from August 31 through November 30 of each year. Daily average delivery in the months of August through November constitute such a producer's base. A producer without a regular base may however still receive the base price for that percentage of his current deliveries that total base milk deliveries are to total deliveries of all producers.

It was proposed that, effective January 1, 1955, each producer base be established by dividing total deliveries during the preceding months of August through November by 122, that such bases be operative, as are the present bases, for the following calendar year, and that producers without a base be paid the excess price for all their milk until a base so established shall be operative. In support of this proposal it was testified that some producers avoid making a base because they can secure increased returns through the provisions for producers without a base, also that these and other new producers entering the market after the base forming period have an advantage over producers with fixed bases in that they may by increasing the volume of their deliveries receive base price for an increasing volume of milk. The return to producers without a fixed base under the present system is roughly equivalent to that which would result if a blend or uniform price were computed for all milk.

The Wichita market has operated a base-excess plan continuously for many years and has achieved considerable success in leveling the seasonal pattern of production. Until 1953, deliveries of base milk have seldom been sufficient to supply Class I and Class II needs so that some excess milk was used for Class II, and sometimes Class I, needs in all but six months of the three year period from January 1950 through December 1952. In 1953 some base milk has been classified as Class III milk each month and all excess milk has been classified as Class III milk. The volume of bases established August-November 1953 indicates the probability that in 1954 more base milk will be classified in the surplus class.

Under these circumstances the opportunity for producers without bases to realize returns equal to or in excess of those with established bases has more significance in the minds of producers. The proposal made would go much further, however, than to remove any disadvantage to producers who establish bases. It would require producers without established bases to receive the excess price until the beginning of the calendar year following the period within which they would have opportunity to establish bases, and would require that such a producer establish a base by deliveries for which he received the excess price. In a market in which bases are operative throughout the year as in the Wichita market, such a provision would make the base provisions more influential than the Class I price in determining whether or not producers entered the market.

It is concluded that the base plan should be modified by providing that during the months of January through July the producer without an established base should be paid base price for half the volume of milk presently computed, but that for the months of August through December, which is the base forming period plus the following month of December needed for computation of bases, the present provisions should apply. Bases should be computed for those producers who deliver milk 60 or more days during the base-forming period, but the minimum number of days by which deliveries during the period should be divided to determine a daily average base should be 90. Producers will thus be able to enter the market by approximately the present August 31 date and establish a base at their full daily average deliveries. Producers who enter the market after that date but by October 1 will establish a base somewhat less than their average daily deliveries but one which should provide returns in the following calendar year in excess of those applicable for producers without a base. No base is established for producers who deliver less than 60 days because it is desirable to influence producers to enter the market early in the base forming period, and

the bases established for such producers under the 90 day provision might easily provide returns less than they could expect under the provisions for producers without established bases.

Such a plan should make it more attractive for producers to enter the market at the time of year at which their milk is most likely to be needed without requiring them to deliver all their milk at the excess price for substantial periods of time.

As proposed, such provisions should be effective as a basis for payment to producers January 1, 1955. This will provide opportunity for all producers to become fully acquainted with the plan and to make their plans accordingly.

6. *Expenses of administration.* It was proposed that the volume of milk for which handlers should be assessed to defray expense of administration of the order should be limited to Class I milk rather than all milk received from approved dairy farmers, as presently provided. The proposal was made by a cooperative association presently acting as a handler in diverting producer milk for its account to unapproved plants for manufacturing purposes. Handlers objected to the proposal because it would affect the proportions of their contributions as related to each other, but did not object to other means which might exempt a cooperative association from administrative assessments if its only function as a handler was in diverting milk for surplus disposal. To make such provision would raise complex questions concerning the treatment of both cooperative associations and handlers under varying conditions. It is believed that with the provisions adopted herein for pricing Class II milk there is no need for changing the assessment provisions other than for clarification of language and to make the date for payment consistent with other payment dates of the order.

7. A complete amended order should be issued. The adoption of skim milk-butterfat classification and accounting required changes in the language of many provisions of the order. Such changes are so extensive as to require issuance of a complete amended order. All provisions of such an order were considered in detail at the hearing. Other than as required for conformity with the conclusions stated herein such changes are principally for clarification and make no substantial changes in the regulation.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as hereby proposed to be amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which effect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order.

DEFINITIONS

§ 968.1 *Act.* "Act" means Public Act No. 10, 73rd Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§968.3 *Wichita, Kansas, marketing area.* "Wichita, Kansas, marketing area" means all the territory within the corporate limits of the City of Wichita, Kansas, and the territory within Delano, Kechi, Minneha, Riverside, Waco, Gypsum, Park, Payne and Wichita Townships, and the City of Eastborough, all in Sedgwick County, Kansas.

§ 968.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 968.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who holds a currently valid permit or license issued by the Health Department of the City of Wichita or of Sedgwick County for the production of milk to be disposed of as Grade "A" milk, or produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type II, No. 1, or Type III, No. 1 which is received at a plant supplying Class I milk to such an institution or base in the marketing area.

§ 968.6 *Producer.* "Producer" means any approved dairy farmer, other than a producer-handler, whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association. "Producer" does not mean any approved dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this order pursuant to § 968.62.

§ 968.7 *Approved plant.* "Approved plant" means any plant (a) approved by the health authorities of the City of Wichita, Kansas, or of Sedgwick County, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area at which milk is received from approved dairy farmers, or (b) supplying to any agency of the United States Government located within the marketing area Class I milk products accepted as meeting the requirements of Type II, No. 1 or Type III, No. 1.

§ 968.8 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler.

(a) During any of the months of March, April, May, or June within which such plant disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 20 percent or more of such plant's total receipts from approved dairy farmers;

(b) During any of the other months within which such plant disposes of as Class I milk an amount equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 25 percent or more of such plant's total receipts from approved dairy farmers; and

(c) For the purpose of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 968.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; and

(b) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 968.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 968.11 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates an approved plant, but who receives no milk from other approved dairy farmers.

§ 968.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 968.20 as the agency for the administration of this part.

§ 968.13 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received at a pool plant either directly from such producer or from other handlers.

§ 968.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 968.15 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to § 968.41 (a).

§ 968.16 *Base milk.* "Base milk" means producer milk received by handlers from a producer which is not in excess of such producer's daily base determined pursuant to § 968.90 multiplied by the number of days during the month for which milk was received from such producer.

§ 968.17 *Excess milk.* "Excess milk" means producer milk received by handlers from a producer which is in excess of base milk received from such producer during the month.

MARKET ADMINISTRATOR

§ 968.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 968.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 968.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 968.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 968.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to § 968.30 through § 968.32, or

(2) Made payments pursuant to § 968.80 through § 968.86.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 968.51 (a) and the Class I butterfat differential pursuant to § 968.52 both for the current month; and the minimum price for Class II milk computed pursuant to § 968.51 (b) and the Class II butterfat differential pursuant to § 968.52 both for the previous month;

(2) On or before the 10th day of each month the uniform price computed pursuant to § 968.71 and the butterfat differential computed pursuant to § 968.82 both for the previous month;

(j) Prepare and disseminate such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 12th day of each month report to each cooperative association, which so requests, the percentage utilization of producer milk in each class by each handler who in the previous month received milk from members of such cooperative association.

REPORTS, RECORDS AND FACILITIES

§ 968.30 *Periodic reports.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall, with respect to milk or milk products which were received or produced by such handler during such month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of butterfat and skim milk contained in milk received from each producer or approved dairy farmer, and the number of days on which milk was received from each producer;

(b) The quantities of skim milk and butterfat contained in receipts of milk, and milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat the receipt of which is required to be reported pursuant to this section;

(e) The pounds of skim milk and butterfat contained in all milk, skim milk, and cream and other Class I products on hand at the beginning and at the end of the delivery period;

(f) Such other information with respect to the use of milk as the market administrator may request, including a separate statement of skim milk and butterfat disposed of as Class I milk on routes within the marketing area.

§ 968.31 *Payroll reports.* On or before the 20th day after the end of each month each handler shall submit to the market administrator his producer payroll for such month which shall show for each producer and each approved dairy farmer:

(a) His total deliveries of base milk and total deliveries of milk in excess of base milk;

(b) The average butterfat content of his milk; and

(c) The net amount of such handler's payments to such producer or approved dairy farmer with the prices, deductions, and charges involved.

§ 968.32 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all

milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

§ 968.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year periods, the market administrator notified the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 968.40 *Skim milk and butterfat to be classified.* All skim and butterfat received within the month by a handler which is required to be reported pursuant to § 968.30 shall be classified by the market administrator pursuant to the provisions contained in § 968.41 through § 968.46.

§ 968.41 *Classes of utilization.* Subject to conditions set forth in §§ 968.43 and 968.44, classes of utilization shall be:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, (3) skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese, and (4) all other skim milk and butterfat not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat: (1) used to produce butter, cheese (including skim milk used to produce cottage cheese curd, but not including skim milk or butterfat used in creaming cottage cheese) plain or sweetened condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, ice cream mix, frozen desserts, casein, margarin; (2) in cream frozen and stored; (3) used for starter churning, wholesale baking and candy making; (4) disposed of as livestock feed; (5) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (6) in shrinkage up to 2 percent of receipts from producers; (7) in shrinkage of other source milk; and (8) in inventory at the end of the month as milk, skim milk, cream (except frozen) or any product specified in paragraph (a) of this section.

§ 968.42 *Shrinkage.* The market administrator shall prorate shrinkage of skim milk and butterfat classified in Class II milk between the receipts of skim milk and butterfat, respectively, in milk from producers and from other sources. For the purpose of prorating shrinkage of skim milk and butterfat, skim milk and butterfat in milk diverted directly from producers' farms to another handler shall be included as a receipt of the handler to whom such milk and butterfat was diverted, and excluded from receipts of the diverting handler.

§ 968.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to § 968.41 (b) (8) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 968.46 (a) (4).

§ 968.44 *Transfers.* Skim milk and butterfat transferred or diverted from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler, subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located more than 250 miles from the pool plant by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternative utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant distributing fluid milk or cream and located less than 250 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such nonpool plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such nonpool plant in markets supplied by such plant.

(e) As Class II milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant, located not more than 250 miles from the approved plant, and which does not distribute fluid milk or cream, except that where such unapproved plant is operated by a person who is also a handler or an affiliate of a handler, (1) the market administrator shall be permitted to audit the records of receipts and utilization at such unapproved plant, and (2) to the extent that skim milk or butterfat is disposed of from such unapproved plant to any other milk plant in the form of milk, skim milk or cream, skim milk or butterfat so transferred or diverted to such unapproved plant shall be classified as if moved directly from the approved plant to such other milk plant.

(f) Skim milk or butterfat transferred to a nonpool plant from which fluid milk, skim milk or cream is transferred to a pool plant shall be subject to reclassification to the extent of the amount so transferred from such nonpool plant.

§ 968.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class II milk for such handler.

§ 968.46 *Allocation of skim milk and butterfat classified.* After making the computation pursuant to § 968.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 968.41 (b) (6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other pool plants in a form other than milk, skim milk or cream according to its classification pursuant to § 968.41;

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class III, the pounds of skim milk in receipts of other source milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen) or any product specified in § 968.41 (a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 968.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

§ 968.50 *Basic formula price to be used in determing Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 3.8.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot price per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 968.51 *Class prices.* Subject to the provisions of § 968.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.65.

(b) *Class II milk.* The price per hundredweight shall be:

(1) For the months of March, April, May and June, the average of the prices reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the Department:

Present Operator and Location

Arkansas City Cooperative Milk Association, Arkansas City, Kans.
Bennett Creamery Co., Ottawa, Kans.
Page Milk Co., Coffeyville, Kans.
Pet Milk Co., Iola, Kans.

(2) For all other months, the higher of such price or the average price reported by the Department for the current month for milk for manufacturing purposes f. o. b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio.

§ 968.52 *Handler butterfat differential.* If the average butterfat test of Class I milk or Class II milk as calculated pursuant to § 968.46 is more or less than 3.8 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below 3.8 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by .120;

(b) *Class II milk.* Multiply such price for the current month by .115.

APPLICATION OF PROVISIONS

§ 968.60 *Producer-Handlers.* Sections 968.40 through 968.46, 968.50 through 968.52, 968.61, 968.62, 968.70, 968.71 and 968.80 through 968.88 shall not apply to a producer-handler.

§ 968.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this order is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund with respect to all skim milk and butterfat disposed of (except to other handlers) as Class I milk within the marketing area, an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day after the end of each delivery period.

§ 968.62 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a delivery period, shall in lieu of the payments required pursuant to §§ 968.80 through 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such delivery period, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The product of the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I milk during the delivery period multiplied by the difference between the price for Class I milk pursuant to § 968.51 and the price for Class II milk pursuant to § 968.52.

(b) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such month if such handler operated a pool plant deduct the gross payments made by such handler to approved dairy farmers for milk received during such delivery period.

§ 968.70 *Computation of the value of milk received from producers by each handler at pool plants.* The value of milk received during each delivery period by each handler from producers at pool plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 968.46 (c) by the applicable respective class prices (adjusted pursuant to § 968.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 968.46 (a)

(7) by the applicable respective class prices;

(c) Add a reclassification charge computed at a rate equal to the difference between the Class I and Class II prices for the current month for skim milk and butterfat in inventory which is subtracted from Class I pursuant to § 968.46 (a) (4) and the corresponding step of § 968.46 (b) which is not in excess of the skim milk and butterfat, respectively, remaining in Class II milk in the previous month pursuant to § 968.46 (a) (5) and the corresponding step of § 968.46 (b).

(d) For any other source skim milk or butterfat subtracted from Class I milk pursuant to § 968.46 (a) (3) and (b), add an amount equal to the difference between the values of such skim milk and butterfat at the Class I price and at the Class II price, unless the handler can prove to the satisfaction of the market administrator that such other source skim milk and butterfat was used only to the extent that producer milk was not available either directly from producers or at the plant of another handler at the Class I price.

§ 968.71 *Computation of uniform prices for base milk and excess milk.* For each month, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the values computed pursuant to § 968.70 for all handlers who made the reports prescribed in § 968.30 and who made the payments pursuant to § 968.80 and § 968.83 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent; or add if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 968.82 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 3.8 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price of Class II milk of 3.8 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price of Class I milk of 3.8 percent butterfat content and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat content received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content received from producers.

PAYMENTS

§ 968.80 *Time and method of payment.* Each handler operating a pool plant shall make payment as follows:

(a) On or before the 12th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform prices computed pursuant to § 968.71 (h) and (e) for such producers deliveries of base milk and excess milk, respectively, adjusted by the butterfat differential computed pursuant to § 968.81, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date, such handler has not received full payment pursuant to § 968.84 he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 27th day of each month, to each producer for whom payment is made pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of such month, at the approximate value of such milk.

(c) On or before the 11th day after the end of each month and on or before the 24th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which it caused to be delivered to such handler from producers, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments due on or before the 11th day after the end of the month shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 968.31, and payments due on or before the 24th day of the month shall be accompanied by a statement of the amount of money for each producer.

§ 968.81 *Producer butterfat differential.* In making payments pursuant to § 968.80 (a) there shall be added to or subtracted from the uniform prices per hundredweight for each one-tenth of one percent that the average butterfat content is above or below 3.8 percent an amount computed by multiplying by .12 the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the mid-point of any range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month and rounding to the nearest one-tenth cent.

§ 968.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.83, 968.84, 968.61 and 968.62: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.83 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 968.80.

§ 968.84 *Payments out of the producer-settlement fund.* (a) On or before the 12th day after the end of each month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 968.80 is greater than the net pool obligation of such handler.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 968.85 *Adjustment of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 968.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.84, the market administrator shall within 5 days make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

(b) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation payment to such producer was in an amount more than was required to be paid pursuant to § 968.80, no handler shall be deemed to be in violation of § 968.80 if he reduces his payment to such producer next following discovery of such error by not more than such overpayment.

§ 968.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80 (a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 968.80 (a) as are authorized by such producers, and, on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members. Such payment shall be accompanied by a statement showing for each producer for which such deduction is made the amount of such deduction, the total delivery of milk, and the butterfat test.

§ 968.87 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler with respect to all milk received from approved dairy farmers during the month, shall pay to the market administrator, on or before the 12th day after the end of such delivery period, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the administrator subject to review by the Secretary.

§ 968.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

BASE RATING

§ 968.90 *Determination of daily base.* (a) Through December 31, 1954, the daily average base of each producer who regularly delivered milk to a handler during the months of August through November 1953 shall be that effective for January 1954. Effective January 1, 1955, the daily average base of each producer who regularly delivered milk to a handler for 60 days or more during August through November of the next preceding calendar year shall be computed by the market administrator by dividing the total pounds of milk received by a handler from such producer during such months by the number of days within the period during which such producer made regular deliveries of milk in such months, or 90, whichever is greater.

(b) The daily average base of each producer for whom no daily base may be established pursuant to paragraph (a) of this section shall be computed by the market administrator as follows:

(1) Multiply such producer's daily average deliveries of milk during the current month by the percentage that total deliveries of base milk in the current month by producers for whom daily bases are computed pursuant to paragraph (a) of this section are to total deliveries of milk in the current month by all producers; and

(2) Effective January 1, 1955, for the months of January through July only, divide the result obtained in subparagraph (1) of this paragraph by 2.

§ 968.91 *Base rules.* (a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in § 968.90 (b).

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions: (1) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (2) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section only, the term "producer" shall include any person who has been a producer as defined in § 968.6 but whom the City of Wichita or Sedgwick County has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the City of Wichita or Sedgwick County, Kansas.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 968.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 968.101.

§ 968.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 968.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secertary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

AGENTS

§ 968.110 *Agents.* The Secretary may, by designation, in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Filed at Washington, D. C., this 15th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1159; Filed, Feb. 17, 1954; 8:56 a. m.]

[7 CFR Part 974]

[Docket No. AO-176-A10]

HANDLING OF MILK IN THE COLUMBUS, OHIO MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Columbus, Ohio, on June 8, 9 and 15, 1953, pursuant to notice thereof which was issued on May 28, 1953 (18 F. R. 3174).

Upon the basis of the evidence introduced at the hearing and the record thereof the Acting Deputy Administrator, Agricultural Marketing Service, on January 12, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision which included notice of opportunity to file written exceptions thereto. This desision was published in the FEDERAL REGISTER on January 16, 1954 (19 F. R. 302).

Each of the exceptions to the recommended decision filed on behalf of interested parties was fully considered in arriving at the findings and conclusions and the marketing agreement and order of this decision. To the extent that the findings and conclusions or the marketing agreement and order of this decision are at variance with any of the exceptions pertaining thereto, such exceptions are denied for the reasons set forth in the findings and conclusions relating to the issue to which the exceptions refer.

The material issues of record relate to:

1. The classification and pricing of milk used in the manufacture of ice cream and related products;

2. The classification of other source milk received under a written permit issued by the appropriate health authorities in the marketing area;

3. The classification of milk disposed of in the form of cream;

4. The supply-demand adjustment to the Class I price;

5. Seasonal variation in returns to producers.

Findings and conclusions and general findings. The findings and conclusions and the general findings of the recommended decision in this proceeding which was issued by the Acting Deputy Administrator, Agricultural Marketing Service, on January 12, 1954, and was published in the FEDERAL REGISTER on January 16, 1954 (19 F. R. 302) shall be the findings and conclusions and the general findings of this decision as if set forth in full herein, subject to the following revision:

1. Add the following paragraph immediately after the last paragraph beginning in column 1, 19 F. R. 305 (F. R. Doc. 54-299):

It is contended in the exceptions that in view of the decrease adopted relative to milk used for ice cream manufacture the resulting uniform price might be reduced unduly in relation to the prices paid during the April-July period to dairy farmers shipping to the Cincinnati, Cleveland, and Dayton-Springfield markets which draw milk supplies from areas which overlap the Columbus milkshed, and thus disrupt the market supply at Columbus.

It appears that the effect on the uniform price in the April-July period as the result of the change in the pricing of milk for ice cream use will approximate 8 cents per hundredweight. Comparison of price data indicates that if such price change had been effective during such months of 1953 together with the revised "take out" provisions the uniform price of the Columbus market would not have been reduced unduly in relationship to uniform prices for the other markets referred to above. There is no present indication that a different relationship disadvantageous to the Columbus market will occur during the coming flush production months. It is concluded that the amendment proposed in the recommended decision should be adopted.

Determination of representative period. The month of December 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area in the manner set forth in the amending order below is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area," and "Order Amending the Order, as amended Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 15th day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area

§ 974.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 974.22 (i) (1) by changing the reference "§§ 974.51, 974.52 and 974.53" appearing therein to read "§§ 974.51 through 974.54".

2. Amend § 974.22 (k) by changing the terms "Class I milk, Class II milk, and Class III milk" appearing therein to read "Class I milk, Class II milk, Class III milk, and Class IV milk."

3. Amend § 974.41 (a) (3) by changing the terms "Class II milk or Class III milk" appearing therein to read "Class II milk, Class III milk, or Class IV milk."

4. Amend § 974.41 (b) (1) and (2) to read as follows:

(1) Disposed of in fluid form for consumption as sweet or sour cream or any mixture of cream and milk (or skim milk), including eggnog, containing more than 6 percent of butterfat;

(2) Used to produce aerated products containing milk, cream, or any combination thereof (such as "Reddi-Wip", "Instant Whip", etc.); and

5. Delete that portion of § 974.41 (c) preceding subparagraph (2) thereof and substitute therefor the following:

(c) Class III milk shall be all skim milk and butterfat used to produce frozen cream, condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans), ice cream, ice cream mix, ice cream novelties, ice sherberts, or imitation ice cream.

(d) Class IV milk shall be all skim milk and butterfat specifically accounted for as:

(1) Having been used to produce any milk product other than as specified in paragraphs (a) (1) or (2), (b), or (c) of this section;

6. Amend § 974.43 (a) (3) by changing the terms "Class II milk or Class III milk" appearing therein to read "Class II milk, Class III milk, or Class IV milk".

7. Amend § 974.43 (b) (3) by changing the terms "Class I milk or Class III milk" appearing therein to read "Class I milk, Class III milk, or Class IV milk".

8. Amend § 974.44 by changing the terms "Class I milk, Class II milk and Class III milk" appearing therein to read "Class I milk, Class II milk, Class III milk, and Class IV milk".

9. Amend § 974.44 (d) (2) and (e) (3) by changing the terms "Class II milk or Class III milk" appearing therein to read "Class II milk, Class III milk, or Class IV milk".

10. Amend § 974.44 (h) to read as follows:

(h) Determine the total pounds of butterfat in Class III milk by computing the aggregate amount of butterfat used to produce each of the several items of Class III milk;

11. Delete § 974.44 (i) (2) and (3) and substitute therefor the following:

(2) Substracting the result obtained in paragraph (h) of this section;

(j) Determine the total pounds of butterfat in Class IV milk by:

(1) Computing the aggregate amount of butterfat used to produce each of the several items of Class IV milk; and

(2) Adding actual plant shrinkage of butterfat referred to in § 974.41 (d) (3) and (4); and

(k) Determine the total pounds of skim milk in Class IV milk by:

(1) Computing the aggregate amount of skim milk and butterfat (in whatever form) used to produce each of the several items of Class IV milk;

(2) Subtracting the result obtained in paragraph (j) (1) of this section; and

(3) Adding actual plant shrinkage of skim milk referred to in § 974.41 (d) (3) and (4).

12. Amend § 974.45 by changing the terms "Class I milk, Class II milk and Class III milk" appearing therein to read "Class I milk, Class II milk, Class III milk, and Class IV milk".

13. Amend § 974.45 (a) to read as follows:

(a) Subtracting from Class IV milk (other than butterfat used in butter making) the actual plant shrinkage of skim milk and butterfat, respectively, allowed pursuant to § 974.41 (d) (3) and (4);

14. Amend § 974.45 (d) by changing the term "Class III milk" appearing therein to read "Class IV milk".

15. Amend § 974.45 (f) to read as follows:

(f) Subtracting from the remaining pounds of skim mik and butterfat in each class (not including plant shrinkage on producer milk in Class IV milk), the total pounds of skim milk and butterfat, respectively, received from other handlers (except those referred to in paragraph (c) of this section) and stated by the transferring handler and receiver to have been used in such class, to the extent of the amounts of skim milk and butterfat remaining in such class after making the computation pursuant to paragraphs (b) and (c) of this section: *Provided*, That skim milk or butterfat allocated by such statements to Class II milk, Class III milk, or Class IV milk in excess of amounts subtracted above pursuant to this paragraph shall be subtracted from Class I milk; and

16. Amend §§ 974.51 and 974.52 by changing the reference "§ 974.54" appearing therein to read "§ 974.55".

17. Amend § 974.52 (b) by changing the reference "paragraph (b) of § 974.53" appearing therein to read "§ 974.54 (b)".

18. Insert immediately before paragraph (a) of § 974.53 the following:

(a) For each of the months of August through March the prices for skim milk and butterfat shall be those computed pursuant to § 974.52; and

(b) For each of the months of April through July the prices for skim milk and butterfat shall be computed as follows:

(1) Add 20 cents to the basic formula price;

(2) Multiply the price computed in subparagraph (1) of this paragraph by the percentage computed in § 974.51 (b) and then divide by 0.035, and the resulting amount shall be the Class III butterfat price per hundredweight: *Provided*, That in no event shall the price of Class III butterfat be less than the price computed pursuant to § 974.54 (b) prior to the proviso; and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(3) Subtract from the price computed pursuant to subparagraph (1) of this paragraph the amount computed pursuant to subparagraph (2) of this subparagraph times 0.035, and divide the result by 0.965, and the resulting amount shall be the Class III skim milk price per hundredweight.

§ 974.54 *Class IV milk prices.* The respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class IV milk shall be as follows, as computed by the market administrator:

19. Renumber § 974.54 as § 974.55.

20. Amend § 974.60 by changing the terms "Class II and Class III prices" appearing in the last proviso thereof to read "Class III and Class IV prices"; and by changing the terms "Class I milk or Class II milk" appearing in the last proviso thereof to read "Class I milk, Class II milk or Class III milk".

21. Amend § 974.63 (c) to read as follows:

(c) Deducting for each of the months of April, May, June, and July an amount computed by multiplying the hundredweight of milk which was received from producers during each such month by 35 cents;

22. Amend § 974.91 to read as follows:

§ 974.91 *Producer-handlers.* Sections 974.50 through 974.62 and 974.70 through 974.78 shall not apply to a handler who handles only milk from his own farm production or received from other handlers.

[F. R. Doc. 54-1126; Filed, Feb. 17, 1954; 8:47 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. R-129]

ANNUAL CHARGES PRESCRIBED FOR LICENSEES UNDER FEDERAL POWER ACT

ORDER FIXING DATE OF ORAL ARGUMENT AND FOR THE FILING OF WRITTEN COMMENTS

In the matter of amendment to Part 11 of Subchapter B of the rules relating to Annual Charges Prescribed for Licensees Under the Provisions of the Federal Power Act; Docket No. R-129.

By notice of proposed rule making dated November 25, 1953, published in the FEDERAL REGISTER of December 4, 1953 (18 F. R. 7826), the Commission proposed to amend its rules by the addition of § 11.28 granting a reduction in annual charges for project licenses issued to States and municipalities.

Interested persons were advised that they could submit data, views and comments in writing concerning the proposed amendment not later than January 4, 1954. On or before that date, the Commission received such views and comments, together with several requests for an opportunity to present the views orally with respect to the proposed amendment.

The Commission finds:

(1) It is reasonable and appropriate for the purposes of the administration of the Federal Power Act and for carrying out the provisions thereunder that interested persons be afforded an opportunity to present their views orally with respect to the proposed amendment as hereinafter ordered.

(2) It is appropriate as hereinafter ordered, that interested persons be afforded an opportunity prior to the oral argument to supplement their written views and comments which have already been presented, or where none has been filed with the Commission to submit written views or comments.

The Commission orders:

(A) Oral argument in the above-entitled matter be had before the Commission on March 30, 1954, commencing at 10:00 a. m., e. s. t., in the Hearing Room of the Commission, 441 G Street NW., Washington, D. C., for the purpose of affording interested persons an opportunity to present their views orally with respect to the proposed amendment to the rules granting a reduction in annual charges for project licenses issued to States and municipalities as set forth in the Notice of Proposed Rule Making of November 25, 1953.

(B) On or before March 16, 1954, interested persons who have not already done so, may submit their comments or views in writing with respect to the proposed amendment to the rules referred to in paragraph (A) hereof, and interested persons who have already submitted written comments or views, may file additional comments or views. An original and nine copies of any such submittals should be filed with the Secretary of the Commission.

(C) On or before March 16, 1954, interested persons intending to participate in the oral argument shall advise the Secretary of such intention and shall state the amount of time they wish to have allotted to them for such purpose.

Adopted: February 10, 1954.

Issued: February 12, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1132; Filed, Feb. 17, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 250, 259]

REVISION OF FORM FOR ANNUAL REPORTS; FILING OF REPORTS TO STOCKHOLDERS AND STATE COMMISSIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to revise Form U5S[1] (§ 259.5s), which is the system annual reporting form for registered holding companies under the Public Utility Holding Company of 1935 and may be used by such companies in lieu of an annual report on Form 10-K (§ 249.310) under the Securities Exchange Act of 1934. The Commission is also considering a proposal to adopt Rule U-29 requiring the filing of stockholder and State Commission reports in certain instances.

The Commission is engaged in a comprehensive review of the rules, regulations, forms and procedures adopted under the various statutes administered by it. It is attempting to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors. The present proposals which are made pursuant to the provisions of sections 14, 15 and 20 (a) of the Public Utility Holding Company Act of 1935 and sections 13, 15 (d) and 23 (a) of the Securities Exchange Act of 1934, are a part of this program.

Form U5S is the system annual reporting form for registered holding companies and can now also be used by registered holding companies to satisfy annual reporting requirements under the Securities Exchange Act of 1934. The proposed revision is designed to modify items of the form which, in the Commission's experience, now serve little useful regulatory or disclosure purpose and impose a substantial reporting burden. In addition, if the proposal is adopted, the form could be used to satisfy annual reporting requirements of the Securities Exchange Act of 1934 not only for registered holding companies but also for their subsidiaries. If a subsidiary desires to use this option, the only additional information or documents required in the report would be the exhibits necessary to keep current its filings under that act and the few separate financial schedules not duplicated in the consolidated system schedules, or elsewhere in the report. This should eliminate substantial duplicate reporting.

While retaining the requirement for consolidating financial statements, which appear material to an appraisal of system and intra-system operations, the revised form would no longer require the filing of Federal Power Commission and State Commission reports or stockholder reports as exhibits. Federal Power Commission reports are readily available to the public at the Federal Power Commission's offices. Stockholder reports are usually furnished to the Commission by holding companies and their subsidiaries when available and the proposed Rule U-29 (which is similar to the Commission's Rule N-30B2-1 (§ 270.30b2-1) under the Investment Company Act of 1940) would formalize the practice. Rule U-29 would also require the filing of State Commission reports covering operations not reported to the Federal Power Commission, since this information would otherwise be not readily available to the Commission.

The revised Form U5S requires aggregate remuneration information but does not require individual reporting of remuneration. Individual remuneration data for parent companies will, of course, continue to be available in proxy statements filed pursuant to Rule U-61 (§ 250.61) and Regulation X-14 and similar data for substantially all utility subsidiaries is available in the public Federal Power Commission reports, and in many cases, in State Commission reports.

The form has been drafted with particular reference to the reporting requirements of continuing holding company systems. It is recognized that, in the case of the few remaining complex systems still in process of reorganization under Section 11 of the Act, modifications of certain requirements of the form may be necessary. The Commission proposes to continue to consider requests for such modifications in appropriate cases.

A copy of the proposed revised Form U5S[1] may be obtained by any interested person on request. The text of the proposed § 250.29 (Rule U-29) is as follows:

§ 250.29 *Filing of reports to stockholders and State Commission.* (a) Two copies of each report submitted by any registered holding company or any subsidiary thereof to its stockholders generally shall be filed with the Commission not later than ten days after such submission.

(b) A copy of each annual report submitted by any registered holding company or any subsidiary thereof to a State Commission covering operations not reported to the Federal Power Commission shall be filed with the Securities and Exchange Commission not later than ten days after such submission.

All interested persons are invited to submit data, views and comments on these proposals in writing to the Secretary, Securities and Exchange Commission, at its principal office, 425 Second Street NW., Washington 25, D. C., on or before March 10, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 9, 1954.

[F. R. Doc. 54-1136; Filed, Feb. 17, 1954; 8:50 a. m.]

[1] Filed as part of original document.

NOTICES

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION OF IMMIGRATION AND NATURALIZATION SERVICE

DELEGATIONS OF AUTHORITY TO CERTAIN OFFICIALS

The following amendments to the Statement of Organization of the Immigration and Naturalization Service (17 F. R. 11613, December 19, 1952), as amended, are hereby prescribed:

1. Section 1.30 is amended by adding immediately after paragraph (b) a new paragraph designated as (b-1) which, when taken with the introductory material, will read as follows:

SEC. 1.30 *Final authority; delegation to Commissioner.* The Commissioner has been delegated final authority to take any action required or authorized to be taken by Chapter I of Title 8 of the Code of Federal Regulations with respect to the following matters:

* * * * *

(b-1) The disapproval of (1) operators of agricultural property, (2) processors, shippers, or marketers of agricultural products, and (3) associations or other groups of employers under 8 CFR 214k.1;

2. Section 1.36 is amended by adding immediately after paragraph (x) three new paragraphs designated as (x-1), (x-2), and (x-3) which, when taken with the introductory material, will read as follows:

SEC. 1.36 *Final authority; delegation to district directors.* The district directors have been delegated final authority to take any action required or authorized to be taken by Chapter I of Title 8 of the Code of Federal Regulations with respect to the following matters:

* * * * *

(x-1) Immediate revocation of temporary admission of agricultural workers as provided in 8 CFR 214k.3;

(x-2) Extension of agricultural workers' stay as provided in 8 CFR 214k.5;

(x-3) Approval of reemployment, except approval by United States Employment Service, of agricultural workers in the United States as provided in 8 CFR 214k.23;

3. Section 1.37 is amended by adding immediately after paragraph (j) a new paragraph designated as (j-1) which, when taken with the introductory material, will read as follows:

SEC. 1.37 *Final authority; delegation to officers in charge.* The officers in charge have been delegated final authority to take any action required or authorized to be taken by Chapter I of Title 8 of the Code of Federal Regulations with respect to the following matters:

* * * * *

(j-1) Extension of agricultural workers' stay as provided in 8 CFR 214k.5;

Dated: February 9, 1954.

WILLIAM P. ROGERS, *Acting Attorney General.*

Recommended: January 8, 1954.

ARGYLE R. MACKEY, *Commissioner of Immigration and Naturalization.*

[F. R. Doc. 54-1140; Filed, Feb. 17, 1954; 8:51 a. m.]

STATEMENT OF ORGANIZATION OF IMMIGRATION AND NATURALIZATION SERVICE

DELEGATIONS OF AUTHORITY TO CERTAIN OFFICIALS

The following amendments to the Statement of Organization of the Immigration and Naturalization Service (17 F. R. 11613, December 19, 1952), as amended, are hereby prescribed:

1. There is hereby added a new section designated section 1.35 which shall read as follows:

SEC. 1.35 *Final authority; delegation to Assistant Commissioner, Administrative Division.* The Assistant Commissioner, Administrative Division, has been delegated final authority to request information from other Government agencies relating to the identity and location of aliens as provided for in sections 290 (b) and (c) of the Immigration and Nationality Act and 8 CFR 9.5.

2. The present section 1.35 is redesignated section 1.35a and is amended to read as follows:

SEC. 1.35a *Final authority; delegation to Chief, Records Administration Branch.* The chief of the Records Administration Branch has been authorized to certify the nonexistence in the records of the Service of an official file, document, or record pertaining to a specified person or subject as provided for in 8 CFR 2.2.

Dated: February 9, 1954.

WILLIAM P. ROGERS, *Acting Attorney General.*

Recommended: February 1, 1954.

ARGYLE R. MACKEY, *Commissioner of Immigration and Naturalization.*

[F. R. Doc. 54-1143; Filed, Feb. 17, 1954; 8:52 a. m.]

[1] Filed as part of original document.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AMENDED AIR NAVIGATION SITE WITHDRAWAL NO. 4

FEBRUARY 10, 1954.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 2.22 (2) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

That "Air Navigation Site Withdrawal Order No. 3" published January 26, 1954, in 17 F. R. 432 be amended to read "Air Navigation Site Withdrawal No. 4" and further amended as follows:

Subject to valid existing rights, the "tract of land referred to as Farewell Landing lying in the 4th Judicial Division

Territory of Alaska, on the east bank of the Kuskokwim River, 23 miles by air and 52 miles by river in an Easterly direction from McGrath, Alaska and located at approximately longitude 154° 51' and latitude 62° 59' and more particularly described below by metes and bounds, is hereby withdrawn from all forms of appropriation under the public land laws, and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air navigation facilities, the reservation to be known as Air Navigation Site Withdrawal No. 4, Alaska:

From the Northwest corner of the 20' by 50' CAA building used as a mess hall and garage go N. 75° 30' W. 111 feet to a 1½" iron pipe in line with the North side of said building, thence N. 4° 38' E. 415 feet to a ½" iron pipe and the point of beginning, thence East 500 feet to Corner #1, thence, South 965 feet to Corner #2, thence West 500 feet to a point marked by a 2" square hub, thence West 76 feet to a point on the East bank of the Kuskokwim River, thence on a meander line in a Northerly direction along said East bank to a point from which the point of beginning bears due East, thence East 30 feet to the point of beginning containing in all 12.25 acres of land more or less. All bearings are true.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

LOWELL M. PUCKETT,
Regional Administrator,
Region VII, Alaska.

[F. R. Doc. 54-1131; Filed, Feb. 17, 1954; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service

[Farmer Cooperative Service Order 2]

VARIOUS OFFICIALS

AUTHORITY AND ORDER OF PRECEDENCE TO ACT AS ADMINISTRATOR

FEBRUARY 15, 1954.

Kelsey B. Gardner, Acting Director, Management Services Division, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Administrator of the Farmer Cooperative Service, in the event that Joseph G. Knapp, Acting Administrator, is unavailable to act, by reason of absence or for any other cause.

Martin A. Abrahamsen, Acting Director, Purchasing Division, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Administrator of the Farmer Cooperative Service, in the event that Joseph G. Knapp, Acting Administrator, and Kelsey B. Gardner, Acting Director of the Management Services Division, are unavailable to act, by reason of absence or for any other cause.

J. Kenneth Samuels, Acting Director, Marketing Division, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Administrator of the Farmer Cooperative Service, in the event that Joseph G. Knapp, Acting Administrator, Kelsey B. Gardner, Acting Director of the Management Services Division, and Martin A. Abrahamsen, Acting Director of the Purchasing Division, are unavailable to act, by reason of absence or for any other cause.

[SEAL] JOSEPH G. KNAPP,
Acting Administrator.

[F. R. Doc. 54-1129; Filed, Feb. 17, 1954; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 6462, 6474, 6475, 6473]

CAPITAL AIRLINES, INC., ET AL.

NOTICE OF PREHEARING CONFERENCE

In the matter of mail rates for Capital Airlines, Inc., Docket No. 6462; Western Airlines, Inc., Docket No. 6474; Braniff Airways, Inc., Docket No. 6475; Delta Airlines, Inc., Docket No. 6473.

Notice is hereby given that a prehearing conference in the above-entitled proceedings is assigned to be held on February 19, 1954, at 10:00 a. m., e. s. t., in Room 7852, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before an Examiner of the Board.

Dated at Washington, D. C., February 12, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1153; Filed, Feb. 17, 1954; 8:54 a. m.]

GENERAL SERVICES ADMINISTRATION

DOMESTIC PURCHASE REGULATIONS

QUARTERLY REPORT OF PURCHASES AS OF DECEMBER 31, 1953

Pursuant to section 4, Public Law 206, 83d Congress, the tabulation below details the quarterly and cumulative purchases under the purchase regulation noted.

Regulation	Termination date	Units	Quantity		
			Program limitation	Purchases during quarter	Cumulative purchases to date
Asbestos	Oct. 1, 1957	Short tons, crude No. 1 and/or crude No. 2, asbestos.	1,500	51	179
		Short tons, crude No. 3	------	47	139
Beryl	June 30, 1957	Short dry tons, beryl ore	1,500	17	145
Chrome	....do....	Long dry tons, chrome ore and/or chrome concentrates.	200,000	9,290	49,046
Columbium-tantalum [1]	Dec. 31, 1958	Pounds, contained combined pentoxide.	18,000,000	934,181	[2] 3,485,507
Manganese:					
Butte-Phillipsburg	June 30, 1958	Long dry ton units, manganese.	6,000,000	96,610	418,809
Deming	....do....	....do....	6,000,000	91,160	377,743
Weaulen	....do....	....do....	6,000,000	664,534	2,466,254
Domestic small producers.	....do....	....do....	10,000,000	288,153	557,233
Mica	June 30, 1957	Short tons, hand-cobbed mica or equivalent.	25,000	401	2,763
Tungsten	July 1, 1958	Short ton units, tungsten trioxide.	3,000,000	208,428	599,938

[1] Columbium-tantalum regulation provides for both domestic and foreign purchases. Report includes both. Foreign purchases will terminate close of business, Dec. 31, 1956.
[2] Columbium-tantalum. September 1953 cumulative total revised from 1,923,027 pounds to 2,551,326 pounds.

EDMUND F. MANSURE,
Administrator.

JANUARY 29, 1954.

[F. R. Doc. 54-1137; Filed, Feb. 17, 1954; 8:51 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 26—DPAV-34 (b)]

REQUEST TO PARTICIPATE IN ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON CONVENTIONAL ARTILLERY AND MORTAR SHELL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the activities of an Army Ordnance Integration Committee on Conventional Artillery and Mortar Shell in accordance with the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Conventional Artillery and Mortar Shell," dated September 28, 1951, as amended, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Defense Mobilization. The companies listed below have accepted the request to participate in the voluntary plan as amended. The original request to participate in the activities of the Committee and the list of companies accepting it were published on May 8, 1952, in 17 F. R. 4246.

The modifications to the plan have extended the operations of the Conventional Artillery and Mortar Shell Integration Committee to include shell machined directly from bar and have authorized the use of subcommittees to achieve Committee objectives. This revised plan has been approved by the Director of the Office of Defense Mobilization and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

Reference is made to the letter heretofore sent to you requesting your participation in the activities of the Conventional Artillery and Mortar Shell Integration Committee, in accordance with the Voluntary Plan which was inclosed therein.

The Assistant Judge Advocate General, Department of the Army, informs me that at the time this Committee was being formed, it was contemplated that 57 mm rifle shell would be produced in quantity by the forging method. Accordingly, it was deemed unnecessary to include producers of this item machined directly from bar. For this reason, the definition set forth in Paragraph 1a of the Plan was considered sufficient. It reads as follows:

"For the purposes of this committee, conventional artillery and mortar shell are defined as all artillery and mortar shell except Fin Stabilized Artillery Shell, 4.2" Mortar Shell, and shell machined directly from bar."

Subsequently, it was determined that the production of 57 mm rifle shell by the forging method was impractical.

It is, therefore, now requested that the Plan be amended by striking out the words "and shell machined directly from bar" from Paragraph 1a and inserting the word "and" before the word "4.2" Mortar Shell." This paragraph will then read:

"For the purposes of this Committee, conventional artillery and mortar shell are defined as all artillery and mortar shell except Fin Stabilized Artillery Shell, and 4.2" Mortar Shell."

This Plan does not provide for the establishment of subcommittees. The Assistant Judge Advocate General also informs me that such a provision is desirable to obtain the maximum benefits possible from the Committee's operations and, accordingly, has requested that a further amendment be made by adding thereto the following new section:

"8. *Subcommittees.* Subcommittees may be formed as deemed necessary by the chairman of the committee. Such subcommittees shall be subject to the same requirements, limitations, and procedures as the committee."

You are requested to participate in the activities of the Conventional Artillery and Mortar Shell Integration Committee, in accordance with the Voluntary Plan, as amended. A copy of this amended Plan may be obtained from the Chairman of the Committee.

The Attorney General has approved this request, as further modified, after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the Voluntary Plan, as amended, and find it to be in the public interest as contributing to the national defense. You will become a participant therein, upon notifying me in writing of your acceptance of this modified request. Will you kindly send two copies thereof to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G-4, United States Army, Pentagon Building, Washington 25, D. C.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Conventional Artillery and Mortar Shell Integration Committee and your participation therein are within the limits set forth in the Voluntary Plan, as amended.

Your cooperation in this matter will be appreciated.

Sincerely yours,

ARTHUR S. FLEMMING,
Director.

ACCEPTANCES

Affiliated Gas Equipment Co., Bryant Heater Division, 17877 St. Clair Avenue, Cleveland 10, Ohio.

Airtex Products, Inc., 407 West Main Street, Fairfield, Ill.

American Car & Foundry Co., Ninth and Oak Streets, Berwick 6, Pa.

American Machinery Corp., Orlando, Fla.

Basca Manufacturing Co., Inc., 2222 North Olney Street, Indianapolis, Ind.

The J. B. Beaird Co., Inc., P. O. Box 1525, Shreveport, La.

David Bradley Manufacturing Works, Bradley, Ill.

Carboloy, Department of General Electric Co., Detroit, Mich.

Chamberlain Corp., Waterloo, Iowa.

Chevrolet-Shell, Division of General Motors Corp., 4800 Goodfellow Boulevard, St. Louis 20, Mo.

The Cleveland Welding Co., 117th and Berea Road, Cleveland 7, Ohio.

Cobusco Steel Products (Colorado Builders Supply Co.), 1534 Blake Street, Denver 2, Colo.

John Deere Ottumwa Works, Ottumwa, Iowa.

Delta Tank Manufacturing Co., P. O. Box 1469, Baton Rouge, La.

Donovan, Inc., 1725 Carroll Avenue, St. Paul 4, Minn.

Englander Co., Birmingham, Ala.

Fasco Industries, Inc., North Union at Augusta, P. O. Box 509, Rochester 2, N. Y.

Firth Sterling, Inc., 3113 Forbes Street, Pittsburgh 30, Pa.

Fleetwood Airflow, Inc., 421 North Pennsylvania Avenue, Wilkes-Barre, Pa.

Frigidaire, Division of General Motors, Dayton, Ohio.

G. M. Co. Manufacturing, Inc., 13-08 43d Avenue, Long Island City 1, N. Y.

General American Transportation Corp., 135 South LaSalle Street, Chicago 30, Ill.

Gibson Refrigerator Co., 515 West Williams Street, Greenville, Mich.

Guidelamp Co., Division of General Motors, Anderson, Ind.

Harris Foundry & Machine Co., P. O. Box 422, Cordele, Ga.

Hart & Cooley Manufacturing Co., 500 East Eighth Street, Holland, Mich.

Heckethorn Manufacturing & Supply Co., Littleton, Colo.

Kelsey-Hayes Wheel Co., 3600 Military Avenue, Detroit 32, Mich.

Kennametal, Inc., 342 Lloyd Avenue, Latrobe, Pa.

Kilby Steel Co., Anniston, Ala.

Kohler Co., High Street, Kohler, Wis.

Lloyd Manufacturing Co., Tenth Street, Easton, Pa.

Karl Lieberknecht, Inc., Reading, Pa.

Lloyd Manufacturing Co., Tenth Street, Menominee, Mich.

Malleable Iron Range Co., 715 North Spring, Beaver Dam, Wis.

Midvale Co., Nicetown, Philadelphia 40, Pa.

Motor Wheel Corp., East Saginaw, Lansing, Mich.

Mullins Manufacturing Corp., Salem, Ohio.

Murray Manufacturing Co., 1250 Atlantic Avenue, Brooklyn 4, N. Y.

Murray of Texas, Inc., Dallas, Tex.

National Presto Industries, Inc., Eau Claire, Wis.

National Supply Co., Grant Building, Pittsburgh, Pa.

National Tube Division, United States Steel Corp., Pittsburgh, Pa.

Newark Stove Co., 550 Wehrle Avenue, Newark, Ohio.

W. C. Norris Manufacturer, Inc., 10 North Elwood, Box 1188, Tulsa, Okla.

Oliver Corp., 400 West Madison Street, Chicago, Ill.

Oliver Corp., 207 Monroe Street, Springfield, Ohio.

Pamco Corp., Lubbock, Tex.

Parrish Pressed Steel Co., P. O. Box 1422, Reading, Pa.

Redco Tool Co., Red Lion, Pa.

J. W. Rex Co., 834 West Third Street, Lansdale, Pa.

Rheem Manufacturing Co., 5001 Jefferson Highway, New Orleans 18, La.

Rheem Manufacturing Co., San Pablo Plant, 600 County Road 20, Richmond 4, Calif.

Rockwell Spring & Axle Co., Fox River Ordnance Plant, Fox Valley Division, Batavia, Ill.

Root Manufacturing Co., Inc., 127 East Eleventh Street, Baxter Springs, Kans.

Rudisill Foundry Co., Shell Plant Division, Sylacauga, Ala.

Simmons Co., Brunswick Avenue, Elizabeth, N. J.

S&S Corrugated Paper Machinery Co., Inc., 160 North Fourth Street, Brooklyn 11, N. Y.

U. S. Hoffman Machinery Corp., 105 Fourth Avenue, New York 3, N. Y.

U. S. Machine Corp., Lebanon, Ind.

York Electric & Machine Co., 630 Loucks Mill Road, York, Pa.

York-Shipley, Inc., P. O. Box 349, York, Pa.

L. A. Young Spring & Wire Corp., 9200 Russell Street, Detroit 11, Mich.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, August 14, 1953, 18 F. R. 4939)

Dated: February 15, 1954.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-1149; Filed, Feb. 17, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6545]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

FEBRUARY 12, 1954.

Take notice that on February 11, 1954, an application was filed with the Federal Power Commission under section 204 of the Federal Power Act, by Community Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of New Mexico and Texas, with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of $3,000,000 principal amount of First Mortgage Bonds, Series D, due 1984. Applicant proposes to issue said bonds at competitive bidding on or about April 6, 1954. The bonds will mature on March 1, 1984; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application, should on or before the 5th day of March 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1133; Filed, Feb. 17, 1954; 8:50 a. m.]

[Docket No. G-2355]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

FEBRUARY 12, 1954.

Take notice that New York State Natural Gas Corporation (Applicant) a New York corporation having its principal place of business in Pittsburgh, Pennsylvania, on January 18, 1954, filed an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain facilities and to sell and deliver natural gas to New York State Electric & Gas Corporation for distribution in the Village of Dryden, New York.

Applicant proposes to install a regulating and measuring station on its transmission line between Ithaca and Utica, New York, in Tompkins County near the village of Dryden and to meet the requirements of New York State Electric & Gas Corporation in the Village of Dryden, limited, however, to an annual maximum of 60,000 MCF and a daily maximum of 600 MCF of natural gas, except as Applicant may deem that it has natural gas available and agrees to supply additional quantities.

Protests or petitions to intervene may be filed with the Federal Power Commission, 441 G Street NW., Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 4th day of March 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1134; Filed, Feb. 17, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28921]

WOODEN FENCE POSTS FROM MISSOURI TO MIDWEST AND SOUTHWEST

APPLICATION FOR RELIEF

FEBRUARY 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fence posts, wooden, in carloads.

From: Points in Missouri.

To: Points in Colorado, Iowa, Kansas, Missouri, and Nebraska.

Grounds for relief: Rail competition, circuity, competition with motor carriers, to maintain grouping, and additional origins.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3985, supp. 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1096; Filed, Feb. 16, 1954; 8:48 a. m.]

[4th Sec. Application 28923]

LOGS FROM ABINGDON, VA., TO LIBERTY, N. C.

APPLICATION FOR RELIEF

FEBRUARY 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Norfolk and Western Railway Company and the Southern Railway Company.

Commodities involved: Logs, native wood, Canadian wood or Mexican pine, carloads.

From: Abingdon, Va.

To: Liberty, N. C.

Grounds for relief: Competition with rail carriers, circuity and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1297, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1121; Filed, Feb. 17, 1954; 8:45 a. m.]

[4th Sec. Application 28924]

CATHODE RAY TUBES FROM OTTAWA, OHIO TO NEW YORK, NEW JERSEY AND PENNSYLVANIA

APPLICATION FOR RELIEF

FEBRUARY 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4542 and other tariffs pursuant to fourth-section order No. 17220.

Commodities involved: Tubes, cathode ray, carloads.

From: Ottawa, Ohio.

To: Brooklyn, Buffalo and New York and Seneca Falls, N. Y., Jersey City, N. J., Philadelphia, Shamokin, and Sunbury, Pa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1122; Filed, Feb. 17, 1954; 8:45 a. m.]

[4th Sec. Application 28925]

SCRAP IRON FROM SOUTHERN POINTS TO HOUSTON, TEXAS

APPLICATION FOR RELIEF

FEBRUARY 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers defendants in Docket 30700 (sub No. 1) and other carriers parties to schedule listed below.

Commodities involved: Scrap iron and steel, carloads.

From: specified points in Alabama, Louisiana and Mississippi.

To: Houston, Texas.

Grounds for relief: Competition with rail carriers, circuity, to apply over routes rates constructed on the short line distance formula, and to maintain rates prescribed in Docket 30700 (Sub. No. 1).

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3899, supp. 184.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1123; Filed, Feb. 17, 1954; 8:46 a. m.]

[4th Sec. Application 28926]

IRON AND STEEL ARTICLES FROM OFFICIAL AND ILLINOIS TERRITORIES TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-1001 and Agent R. G. Raasch's tariff I. C. C. No. 793, pursuant to fourth-section order No. 16101.

Commodities involved: Iron and steel articles, carloads.

From: Points in official and Illinois territories.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuity, to maintain grouping, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1124; Filed, Feb. 17, 1954; 8:46 a. m.]

[4th Sec. Application 28927]

COLLARDS, MUSTARD AND TURNIP GREENS, FROM FLORIDA TO CERTAIN POINTS IN UNITED STATES AND CANADA

APPLICATION FOR RELIEF

FEBRUARY 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Collards, mustard greens, and turnip greens, carloads.

From: Points in Florida.

To: Points in southern, official, Illinois, western trunk line, and southwestern territories, also Canada.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, and additional commodities.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1402.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1125; Filed, Feb. 17, 1954; 8:46 a. m.]

FEDERAL REGISTER

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Washington, Friday, February 19, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1954-CROP PRICE SUPPORT PROGRAMS FOR GRAINS AND RELATED COMMODITIES

This bulletin (hereinafter called subpart) contains regulations of a general nature which will be applicable with respect to 1954 price support programs for certain grains and other commodities for which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (referred to in this subpart and supplements hereto as CCC and CSS respectively).

A separate supplement to this subpart containing additional specific requirements, will be issued for each commodity for which price support is made available and to which the provisions of this subpart are to be applicable.

Sec

421.401 Administration.
421.402 Commodities covered by this subpart.
421.403 Methods of price support.
421.404 Disbursement of loans.
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421.414 Insurance on farm-storage loans.
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421.420 Purchase of notes.
421.421 CSS commodity offices.

AUTHORITY: §§ 421.401 to 421.421 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 66 Stat. 758, 15 U. S. C. Sup. 714c; 7 U. S. C. Sup. 1441, 1447, 1421.

§ 421.401 *Administration.* The programs to which this subpart applies will be administered by CSS, under the general direction and supervision of the President, CCC, and in the field, will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and County Committees) and CSS commodity offices. Producers interested in participating in the program should contact their county office through which the price support documents will be distributed. All documents will be completed and approved by the county committee which will retain copies of all such documents. The State committee may authorize the county committees to designate certain employees of the county committee to approve documents on behalf of the county committee. The names of the employees designated to approve documents in behalf of the county committee shall be submitted to the State committee for approval. State and county committees and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 421.402 *Commodities covered by this subpart.* The provisions of this subpart shall apply to any commodity for which a price support program for 1954 is announced and for which a supplement to this subpart (hereinafter referred to as a "commodity supplement") is issued.

§ 421.403 *Methods of price support.* This subpart applies to farm-storage loans, warehouse-storage loans, and purchase agreements. The particular methods to be used for each commodity will be specified in the applicable commodity supplement to this subpart.

§ 421.404 *Disbursement of loans.* Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. No disbursements shall

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FEDERAL REGISTER

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be made later than 15 days after the final date of availability of loans set forth in the applicable commodity supplement to this subpart, unless authorized by the President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the commodity is in existence and in good condition. If the commodity was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under the applicable supplement to this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 421.405 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity, with which CCC has entered into a lending agency agreement.

§ 421.406 *Approved storage.* Loans will be made only on commodities in approved storage. Purchase agreements may be executed without regard to whether the commodity is in approved storage. However, warehouse receipts representing commodities tendered to CCC under purchase agreements will be accepted in lieu of physical delivery only if the commodity is in approved warehouse storage, is in existence, and is in good condition at the time the warehouse receipt is tendered.

(a) *Farm-storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county committee to be so located and of such substantial and permanent construction as to afford safe storage of the commodity.

(b) *Warehouse storage.* Approved warehouse storage shall consist of (1) public warehouses for which a CCC uniform storage agreement for the commodity is in effect, or (2) warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect. The names of approved warehouses may be obtained from CSS commodity offices or State and county committees.

§ 421.407 *Applicable forms.* The approved forms consist of the loan and purchase agreement forms and such other forms and documents as may be specified in the commodity supplements to this subpart, which together with the provisions of this subpart and the applicable commodity supplements, govern the rights and responsibilities of the producer. Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgages, Producer's Note and Loan Agreements, and Purchase Agreements must be dated, signed by the producer and delivered to the county committee as specified in the applicable commodity supplement. Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgages, and Producer's Note and Loan Agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Farm-storage loans.* Approved forms shall consist of Producer's Note and Supplemental Loan Agreement (Commodity Loan Form A), secured by Commodity Chattel Mortgage (Commodity Loan Form AA) and such other forms and documents as may be required by CCC.

(b) *Warehouse-storage loans.* Approved forms shall consist of the Producer's Note and Loan Agreement, Commodity Loan Form B (CCC Rice Form B in the case of rice), secured by warehouse receipts and such other forms and documents as may be required by CCC. All of the commodity pledged as security for a loan evidenced by a single Producer's Note and Loan Agreement must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement (Commodity Purchase Form 1) and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, the Delivery Instructions (Commodity Purchase Form 3) issued by the county committee, and such other forms and documents as may be required by CCC.

(d) *Warehouse receipts.* The form in which warehouse receipts shall be submitted will be stated in the commodity supplement to this subpart.

§ 421.408 *Liens.* If there are any liens or encumbrances on the commodity, waivers acceptable to the county committee must be obtained.

§ 421.409 *Service charges.* (a) Producers shall pay the following service charges on the quantity of the commodity placed under loan or specified in the purchase agreement. Such service charges shall be computed at the rates shown in column (2) of the following table for commodities the quantity of which is determined on the basis of bushels, and at the rates shown in column (3) for commodities the quantity of which is determined on the basis of pounds or 100 pounds. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a farm-storage loan or an identity-preserved warehouse storage loan.

Method of price support	Service charges		
	Per bushel	Per 100 pounds	Minimum charges
(1)	(2)	(3)	(4)
	(Cents)	(Cents)	
Farm storage loans	1	2	[1] $3.00
Warehouse-storage loans	½	[2] 1	[2] 1.50
Purchase agreements	½	1	1.50

[1] Except rice for which State committees are authorized to require prepayment of $5 for each lot sampled.
[2] Except rice for which the service charge for warehouse-storage loans shall be 2 cents per 100 pounds with a minimum charge of $3.

(b) In the case of farm-storage loans and identity-preserved warehouse-storage loans, State committees are authorized to require prepayment of $3.00 of the service charge, except that State committees are authorized to require prepayment of $5.00 of the service charge for each lot of rice sampled.

(c) No refund of service charges will be made.

§ 421.410 *Set-offs.* Any storage payment due the producer for storage of the commodity in farm-storage structures shall be applied to any storage facility loan or mobile drying equipment loan made to the producer until fully repaid. Any amount of such storage payments not so applied, together with all payments for related services due the producer, shall be subject to set-off in the same manner as provided in this section for loan or purchase proceeds. If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable or prepayable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.411 *Interest rate.* Loans shall bear interest at the rate of __ percent per annum from the date of disbursement of the loan, except that where there is a default in satisfaction of a farm-storage loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 421.412 *Transfer of producer's interest.*—(a) *Warehouse-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity pledged as security for a warehouse storage loan. Warehouse receipts will be released only to the producer or his authorized agent as provided in § 421.417.

(b) *Farm-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm storage loan. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

(c) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 421.413 *Safeguarding the commodity.* The producer obtaining a farm-storage loan is obligated to maintain the storage structure in good repair and to keep all the mortgaged commodity in storage and in good condition until the loan is liquidated.

§ 421.414 *Insurance on farm-storage loans.* CCC will not require the producer to insure the commodity placed under a farm-storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 421.415 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality of the commodity placed under farm-storage or indentity-preserved warehouse-storage loans, except that, subject to the provisions of § 421.414, physical loss or damage occurring after disbursement of the loan funds without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure and resulting solely from an external cause other than insect infestation, rodents or vermin, will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the commodity destroyed or in an amount equivalent to the extent of the damage as determined by CCC, provided the producer has given the county committee immediate notice, confirmed in writing, of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement of funds is made by sight drafts or check, the date of the draft or check shall constitute the date of disbursement of the funds.

§ 421.416 *Personal liability of the producer.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan or the conversion or unlawful disposition of any portion of the commodity by him may render the producer subject to criminal prosecution under the Federal Law and personally liable for the amount of the loan (including interest) and for any resulting expense incurred by any holder of the note.

§ 421.417 *Release of the commodity under loan.* A producer may at any time obtain release of the commodity remaining under loan by paying to the holder of the note or note and loan agreement the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county committee shall arrange for the release of the chattel mortgage. Partial release of the commodity prior to maturity may be arranged with the county committee after making payment to the holder of the note for the quantity of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval by the county committee. In the case of warehouse-storage loans, such partial release must cover all of the commodity represented by one warehouse receipt. Warehouse receipts redeemed by repayment shall be released only to the producer-borrower or to another whom the producer has authorized in writing to receive the warehouse receipts in his behalf. Such written authorization must be made within 10 days prior to repayment of the loan.

§ 421.418 *Liquidation of loans and delivery under purchase agreements.*—(a) *Farm-storage loans.* (1) The producer is required to pay off his loan on or before maturity or to deliver the commodity in accordance with instructions issued by the county committee. If the producer desires to deliver the commodity he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. If the commodity is going out of condition or is in danger of going out of condition, the producer shall notify the county committee, and such committee shall determine whether prompt removal of the commodity is necessary. If CCC is unable to take delivery within a reasonable length of time of a commodity which the county committee determines should be removed, the producer may request and obtain through the county committee an inspection and grade and quality determination. When delivery is completed settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher. In the event the farm is sold, there is a change of tenancy, or the producer dies, the commodity may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon authorization of the President, CCC. Settlement will be made at the applicable support rate, subject to the provisions of the Producer's Note and Supplemental Loan Agreement and the applicable commodity supplement according to grade and quality. Delivery of commodities in bulk will be accepted only from the bin(s) in which the commodity under loan is stored. In the case of commodities stored in bags, only the quantity contained in the bags included in the lot placed under loan may be delivered. Settlement will be made on the quantity delivered by the producer as determined by the county committee in accordance with the applicable commodity supplement.

(2) If the settlement value of the commodity delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Deliveries of commodities to CCC under farm-storage loans will be handled by the ASC county committee which initially approved the loan. Any payment due to the producer will be made by sight draft drawn on CCC by the ASC county office.

(3) If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon, shall be paid to CCC and may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(b) *Warehouse-storage loans.* (1) If the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the commodity in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 421.419. Any payment due the producer because of an overplus realized from the sale or pooling of the commodity or any refunds of unearned or prepaid storage on loans called prior to maturity will be made by the appropriate CSS Commodity Office.

(2) In the case of commodities stored identity-preserved where the warehouseman does not guarantee quality and quantity, if the producer does not repay his loan by maturity, the county committee shall specify a period within which the producer shall either furnish official weight and grade certificates (as required by the applicable commodity supplement) or repay his loan. If the producer does not repay his loan during such specified period, settlement for difference in quantity or quality shall be made, prior to sale or pooling, in accordance with the applicable commodity supplement to this subpart. Any amount determined to be due CCC or the producer shall be paid as provided in subparagraphs (2) and (3) of paragraph (a) of this section.

(c) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request and a deficiency of $3.00 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

(d) *Purchase agreements.* (1) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the commodity to CCC. However, he may sell to CCC any quantity of the eligible commodity not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the commodity to CCC, he will have a 30-day period during which he must notify the county committee of his intentions to sell. Such period shall end on the loan maturity date specified in the applicable commodity supplement to this subpart, or such earlier date as may be prescribed by the President, CCC.

(2) In the case of eligible commodities stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of commodity he elects to sell to CCC. In the case of eligible commodities stored in other than approved warehouse storage, or stored identity-preserved in approved warehouse storage, the county committee will, on or after the final date of such 30-day period, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery.

(3) The producer may be required to retain a commodity stored in other than approved warehouse storage for a period of 60 days after the loan maturity date, without any cost to CCC.

(4) Eligible commodities delivered under a purchase agreement will be purchased at the applicable support rate. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made. Commodities stored commingled in approved warehouses will be purchased, on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents. Commodities stored identity-preserved in an approved warehouse and commodities delivered from other than approved warehouse storage will be purchased on the basis of the weight, grade, and other quality factors, determined by the county committee at the time of delivery (in accordance with requirements for the determination of such factors under the loan program), and agreed to by the producer on Commodity Purchase Form 4.

(e) *Applicable support rate for settlement.* The provisions of this paragraph apply only to barley, corn, flaxseed, grain sorghums, oats, rye, soybeans, and wheat.

(1) In the case of commodities stored in an approved warehouse, settlement shall be made at the applicable support rate for the county in which the warehouse is located, except as otherwise provided in subparagraph (3) of this paragraph.

(2) In the case of commodities delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except as otherwise provided in subparagraph (3) of this paragraph. If the producer is directed by the county committee to deliver his commodity to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC) for the additional cost of hauling the commodity any distance greater than the distance from the point where the grain is stored by the producer to the customary shipping point.

(3) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

§ 421.419 *Foreclosure.* If the loan is not satisfied upon maturity, the holder of the note may remove the commodity from storage, and may sell it (the commodity may be processed before sale), either by separate contract or after pooling it with other lots of the commodity similarly held. If the commodity is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled commodity as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the commodity or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 421.420 *Purchase of notes.* Notes evidencing loans will be purchased from approved lending agencies in accordance with the terms of the lending agency agreement. The purchase price to be paid by CCC will be the principal sums remaining due on such notes plus an amount computed according to the lending agency agreement to cover interest. At maturity, or earlier upon request, lending agencies shall submit notes and reports to the ASC county office where the loan documents were approved.

§ 421.421 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Territory of Hawaii, Territory of Alaska.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 66 Stat. 758, 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1447, 1421)

Issued this 16th day of February 1954.

[SEAL] TRUE D. MORSE,
President,
Commodity Credit Corporation.

[F. R. Doc. 54-1197; Filed, Feb. 18, 1954; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

FEES AND CHARGES

On November 24, 1953, there was published in the FEDERAL REGISTER (18 F. R. 7495) a notice of a proposal to amend § 26.74 of the regulations of the Secretary of Agriculture under the United States Grain Standards Act (7 CFR 26.74; 7 U. S. C. 71-87). Interested parties were given 30 days in which to submit written data, views, or arguments concerning the proposed amendment. During this period grain trade organizations requested an opportunity to present their views in person. Accordingly on December 31, 1953, a notice of the proposal was again published in the FEDERAL REGISTER (18 F. R. 8904) together with an invitation to interested parties to present their views concerning the proposal at a public hearing in Wash-

ington, D. C., on January 18, 1954. Such notice also extended the time for filing written comments through January 29, 1954.

After due consideration of all relevant material presented at the hearing and received in writing, the said § 26.74 is hereby amended pursuant to the provisions of section 8 of the United States Grain Standards Act (7 U. S. C. 84) to read:

§ 26.74 *Fees and charges.* The fee in an appeal or a dispute shall be fixed as follows:

(a) For bulk or sacked grain in carload lots, $5.00 per car;

(b) For bulk or sacked grain in trucks and trailers, $3.00 per truck or trailer lot;

(c) For bulk or sacked grain in boats, barges, or other vessels, $1.50 per thousand bushels or fraction thereof, with a minimum of $3.00 per lot;

(d) For a submited sample or package of grain, $2.00 per sample or package;

(e) For all lots of grain other than those referred to in paragraphs (a), (b), (c), and (d) of this section, $1.50 per thousand bushels or fraction thereof, with a minimum fee of $3.00 per lot.

Charges may be made for telegrams, express, parcel post, registry fees, travel expenses, and other items paid or incurred by the Department on account of an appeal or a dispute and for oral hearings, as will reimburse the Department, all such additional items to be determined by the Administrator. Unless otherwise stated in the findings in any appeal, the fee as prescribed by this section, and no further charges, shall be deemed to be fixed and assessed.

The purpose of the amendment is to bring the current fees and charges, which have been in effect since August 1, 1949, more nearly into line with the increased costs of rendering the service.

The foregoing amendment shall become effective on the first day of June 1954.

(Sec. 8, 39 Stat. 485; 7 U. S. C. 84)

Done at Washington, D. C., this 15th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-1176; Filed, Feb. 18, 1954; 8:49 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR THE 1954 CROP OF WHEAT

DEFINITIONS

The amendments herein are issued under the Agricultural Adjustment Act of 1938, as amended, because many producers in counties outside of the counties now approved for "green manure, cover crop, or hay practice" have followed such practice in the past and it is found that in fairness and justice to all producers, all counties in the United States shall be approved as "green manure, cover crop, or hay counties." In order that producers may proceed with plans for the marketing of their crop as expeditiously as possible, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendments herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

Section 728.411 is amended by changing subparagraphs (1) and (5) of paragraph (k) to read as follows:

(k) (1) "Wheat acreage" means (i) any acreage seeded to wheat, excluding any acreage (*a*) seeded to a wheat mixture in wheat mixture counties approved by the Director, or (*b*) which does not reach maturity because it is, while still green, turned under, pastured off, or cut for hay or silage, and (ii) any acreage of volunteer (self-seeded) wheat which reaches maturity.

* * * * *

(5) "Green manure, cover crop, and hay counties" means all counties in the United States wherein the practice of using wheat for green manure, cover crop, or hay is followed.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 301, 334, 52 Stat. 38, 53; 7 U. S. C. 1301, 1334)

Done at Washington, D. C., this 16th day of February 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-1177; Filed, Feb. 18, 1954; 8:49 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1954, Supp. 4]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1954

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1954, the 1954 National Agricultural Conservation Program, issued August 3, 1953 (18 F. R. 4643), as amended August 3, 1953 (18 F. R. 4761), November 4, 1953 (18 F. R. 7024), and January 6, 1954 (19 F. R. 160), is further amended as follows:

1. Section 1101.517 is amended by adding the following as the last sentence preceding "Maximum Federal cost-share":

§ 1101.517 *Practice A-2: Initial establishment of a permanent cover of perennial legumes or perennial grasses, or mixtures of legumes and perennial grasses, on severely eroded land or land so subject to erosion or with soils so shallow, alkaline, stony, or incapable of drainage, or so sandy or of such low inherent productive capacity, or where the average rainfall is so low, that for soil protection its use should be in permanent vegetative cover.* * * * Notwithstanding the limitations on the applicability of this practice, Federal cost-sharing may be authorized under this practice on cropland which as a part of a needed land-use adjustment is being shifted to enduring protective vegetative cover other than as a part of a regular crop rotation.

2. Section 1101.518 is amended by adding the following as the last sentence preceding "Maximum Federal cost-share":

§ 1101.518 *Practice A-3: Initial establishment on cropland of perennial or biennial legumes or perennial grasses, or mixtures of legumes and perennial grasses, to retard erosion and to improve soil structure, permeability, or water-holding capacity, as a part of a crop rotation.* * * * Notwithstanding any limitations in this practice as to counties where the practice may be used or as to the total acreage on a farm on which Federal cost-sharing may be authorized, Federal cost-sharing may be authorized for an acreage increase equal to the net reduction in 1954 in allotment crops from the acreage of these crops in 1953.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, Pub. Law 156, 83d Cong.; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 15th day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-1178; Filed, Feb. 18, 1954; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter F—Animal Breeds

[BAI Order 385, Amdt. 2]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

DOGS

On December 4, 1953, a notice of rule making was published in the FEDERAL REGISTER (18 F. R. 7825) regarding the proposed recognition by the Secretary of Agriculture of the book of record of purebred dogs entitled "Livre des Origines Français" and the amendment of § 151.10 of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR 151.10, as amended).

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Sup., sec. 1201, par. 1606), hereby recognizes the said book of record, and hereby amends said § 151.10 by adding to the subdivision of paragraph (a) of said section relating to dogs the following book of record:

Dogs

Name of breed	Book of record	By whom published
Various breeds	Livre des Origines Français	Société Centrale Canine pour l'Amélioration des Races de Chiens en France, 3 Rue de Choiseul, Paris 2, France, C. Guilbert, president.

Under a proviso in paragraph (a) of said § 151.10 no dog registered in the above book of record shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the various breeds issued by the sponsoring Association is submitted for such animal.

(Par. 1606, 46 Stat. 673, as amended; 19 U. S. C. 1201, par. 1606)

The foregoing amendment shall become effective on the 23d day of March 1954.

Done at Washington, D. C., this 15th day of February 1954.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54-1196; Filed, Feb. 18, 1954; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 58]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.217 *Red civil airway No. 17* is amended to read in part:

From—	To—	Minimum altitude
Waterloo (INT), Ill	Scott AFB, Ill. (LFR)	2,000
Scott AFB, Ill. (LFR)	St. Elmo (INT), Ill.	1,900

2. Section 610.225 *Red civil airway No. 25* is amended to read in part:

From—	To—	Minimum altitude
Drifton (INT), Fla	Cross City, Fla. (LFR)	1,200
Tidewater (INT), Fla	Tampa, Fla. (LFR)	1,500

3. Section 610.230 *Red civil airway No. 30* is amended to read in part:

From—	To—	Minimum altitude
Drifton (INT), Fla	Jacksonville, Fla. (LFR).	1,300

4. Section 610.272 *Red civil airway No. 72* is amended to eliminate:

From—	To—	Minimum altitude
Idlewild, N. Y. (LFR)	Int. SE crs. Idlewild, N. Y. (LFR), and SW crs. Islip, N. Y. (VAR).	1,500

5. Section 610.292 *Red civil airway No. 92* is amended to eliminate:

From—	To—	Minimum altitude
Int. SE crs. Newark, N. J. (LFR), and SW crs. Islip, N. Y. (VAR).	Fire Island (INT), N. Y.	1,500
Fire Island (INT), N. Y.	Islip, N. Y. (VAR)	1,700
Islip, N. Y. (VAR)	Int. NE crs. Islip, N. Y. (VAR), and SE crs. Bridgeport, Conn. (LFR).	1,600

6. Section 610.296 *Red civil airway No. 96* is amended to read in part:

From—	To—	Minimum altitude
Beaumont, Tex. (LFR)	Lake Charles, La. (LFR).	1,400

7. Section 610.606 *Blue civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
South Bend, Ind. (LFR).	Benton Harbor (INT), Mich.	2,100

8. Section 610.609 *Blue civil airway No. 9* is amended to eliminate:

From—	To—	Minimum altitude
Columbia, Mo. (LFR)	Kirksville, Mo. (LFR).	2,200
Kirksville, Mo. (LFR)	Int. NW crs. Kirksville, Mo. (LFR), and S crs. Des Moines, Iowa (LFR).	2,500
Int. NW crs. Kirksville, Mo. (LFR), and S crs. Des Moines, Iowa (LFR).	Des Moines, Iowa (LFR).	2,200

9. Section 610.610 *Blue civil airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Fresno, Calif. (LFR)	Los Banos (INT), Calif.	3,000
Los Banos (INT), Calif.	Morgan Hill, Calif. (FM).	6,000
Morgan Hill, Calif. (FM).	Evergreen, Calif. (LF/RBN): [1] Northwestbound only.	5,000
	Southeastbound.	6,000

[1] 6,000'—Minimum crossing altitude at Los Banos (INT), northwestbound.
6,000'—Minimum crossing altitude at Evergreen (LF/RBN), southeastbound.

10. Section 610.1001 *Direct routes; United States* is amended by adding:

From—	To—	Minimum altitude
Florence, S. C. (LFR)	Greensboro, N. C. (LFR).	3,000
Fayetteville, N. C. (LF/RBN).	Myrtle Beach, N. C. (LF/RBN).	1,500
Kearney (INT), Mo	Liberty, Mo. (LF/RBN), southbound only.	2,200
Orrick (INT), Mo	Liberty, Mo. (LF/RBN), westbound only.	2,200
Buckner (INT), Mo	Liberty, Mo. (LF/RBN), westbound only.	2,200
Bonner Springs (INT), Kans.	Farley, Mo. (LF/RBM), northbound only.	2,400
Plattsburg (INT), Mo	St. Joseph, Mo. (LFR), westbound only.	2,400
Hutchinson, Kans. (VOR).	Ames (INT), Kans.	3,000

11. Section 610.6012 *VOR civil airway No. 12* is amended by adding:

From—	To—	Minimum altitude
Palmdale, Calif. (VOR) [1]	Daggett, Calif. (VOR)	6,000

[1] 9,000'—Minimum crossing altitude at Palmdale, southwestbound.

12. Section 610.6046 *VOR civil airway No. 46* is amended to eliminate:

From—	To—	Minimum altitude
Riverhead, N. Y. (VOR).	Nantucket, Mass. (VOR).	1,500

13. Section 610.6065 *VOR civil airway No. 65* is amended to eliminate:

From—	To—	Minimum altitude
Columbia, Mo. (VOR), dir. or E. alter.	Kirksville, Mo. (VOR), dir. or E. alter.	2,300
Kirksville, Mo. (VOR), dir. or E. alter.	Des Moines, Iowa. (VOR), dir. or E. alter.	2,500

14. Section 610.6113 *VOR civil airway No. 113* is amended by adding:

From—	To—	Minimum altitude
Paso Robles, Calif. (VOR).	Modesto, Calif. (VOR).	7,000

15. Section 610.6131 *VOR civil airway No. 131* is amended to eliminate:

From—	To—	Minimum altitude
Paso Robles, Calif. (VOR).	Modesto, Calif. (VOR)	7,000

16. Section 610.6137 *VOR civil airway No. 137* is added to read:

From—	To—	Minimum altitude
Fontana (INT), Calif.[1]	Palmdale, Calif. (VOR)[2]	12,000
Palmdale, Calif. (VOR)[2]	Wheeler Ridge (INT), Calif.	10,000
Wheeler Ridge (INT), Calif.	Bakersfield, Calif. (VOR): [3] Northbound..... Southbound.....	6,000 10,000

[1] 12,000'—Minimum crossing altitude at Fontana (INT), northwestbound.
[2] 11,000'—Minimum crossing altitude at Palmdale (VOR), southeastbound.
[3] 8,000'—Minimum crossing altitude at Palmdale (VOR), northwestbound.
[4] 7,000'—Minimum crossing altitude at Bakersfield (VOR), southbound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective February 23, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1184; Filed, Feb. 18, 1954; 8:51 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-134; Order No. 169]

PART 1—RULES OF PRACTICE AND PROCEDURE

The Commission has under consideration in this proceeding the amendment of § 1.26 of Part 1 of its general rules and regulations (18 CFR Chapter I, Subchapter A, Part 1) by adding a new subparagraph relating to the receipt of public documents in evidence.

Paragraph (c) (2) of the above-designated section, which permits the receipt in evidence of certain documentary material by reference, provides the only exception to the requirement that all documentary evidence in a hearing must be produced and marked for identification. The exception relates only to such reports or other documents as may be "on file with the Commission", i. e., only such reports or other documents that are a part of the material in the Commission's files.

The subparagraph in question does not except published reports, documents or other official governmental publications regularly consulted as sources of basic facts but which are not part of the Commission's official files, such as United States Geological Survey Water Supply Papers, Weather Bureau Statistics, and United States Army Engineers' "308 Reports."

It appears that enlargement of the scope of the exception set forth in Paragraph (c) (2) would be of considerable benefit to hearings in progress if a suitable amendment of § 1.26 is made effective at once.

In the circumstances herein recited, it is in the public interest to amend § 1.26 of the rules of practice and procedure to permit the incorporation of such reports and documents or parts thereof into the record as "public document items" without the usual requirement of copies when it has been established that the document in question is accessible to the public generally.

It appears also that the proposed amendment represents a matter of procedure which does not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

The Commission finds: The following proposed amendment is necessary and appropriate for the purposes of the Federal Power Act and Natural Gas Act.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 308 and 309 (49 Stat. 858, 16 U. S. C. 825g, 825h), and the Natural Gas Act, particularly sections 15 and 16 (52 Stat. 833) 15 U. S. C. 717*o*, orders:

(A) Section 1.26 (c) (2) of the rules of practice and procedure be redesignated as § 1.26 (c) (2) (i), and a new subparagraph added as follows:

(ii) *Public document items.* Whenever there is offered in evidence (in whole or in part) a public document, such as an official report, decision, opinion, or published scientific or economic statistical data issued by any of the executive Departments (or their subdivisions), legislative agencies or committees, or administrative agencies of the Federal Government (including Government-owned corporations), or a similar document issued by a State or its agencies, and such document (or part thereof) has been shown by the offerer to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered in evidence as a public document item by specifying the document or relevant part thereof without regard to the requirements of subparagraph (5) of this paragraph.

(B) The added subparagraph (2) (ii) of § 1.26 (c) herein prescribed be and it is hereby made effective from and after its date of publication in the FEDERAL REGISTER.

(Sec. 309, 49 Stat. 858, sec. 16, 52 Stat. 830; 16 U. S. C. 825h, 15 U. S. C. 717o)

Adopted: February 10, 1954.

Issued: February 15, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1166; Filed, Feb. 18, 1954; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

EXEMPTION FROM CERTIFICATION OF ANIMAL FEED CONTAINING ANTIBIOTICS UNDER CERTAIN CONDITIONS

Under authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 502 (l), 507 (c), 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 352 (l), 357 (c); 67 Stat. 18), I find that the requirements of sections 502 (l) and 507 of the act with respect to animal feed containing chlortetracycline and certain other designated drugs, when used for the prevention or treatment of certain specified diseases of poultry, swine, and calves, are no longer necessary to insure safety and efficacy of such drugs when used for the purposes indicated, and hereby promulgate the following amendments exempting such drugs from the requirements:

Section 146.62 *Animal feed containing penicillin* * * * is amended in the following respects:

1. Paragraph (g) is amended to read as follows:

(g) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection) and hexamitiasis in poultry, infectious swine enteritis, and/or calf scours; its labeling bears adequate directions and warnings for such use, and it contains not less than 50 grams of chlortetracycline per ton of feed. When intended for such uses it may also contain oxytetracycline in a quantity not less than 50 grams per ton of feed.

2. Paragraph (h) is amended to read as follows:

(h) It is intended for use solely as a treatment for chronic respiratory disease (air-sac infection), sinusitis, nonspecific infectious enteritis, blue comb, mud fever, and hexamitiasis in poultry, and/or infectious swine enteritis; its labeling bears adequate directions and warnings for such use, and it contains not less than 100 grams of chlortetracycline per ton of feed. When intended for such uses it may also contain oxytetracycline in a quantity not less than 100 grams per ton of feed. If it is intended for use solely in poultry it may contain 0.1 percent of para-aminobenzoic acid or the sodium or potassium salt of para-aminobenzoic acid, or if it is intended for continuation of coccidiosis prevention based on nitrofurazone medication, it shall contain 0.0056 percent of nitrofurazone.

3. The following new paragraph is added:

(m) It is intended for use solely in the prevention of coccidiosis, chronic respiratory disease (air-sac infection) and hexamitiasis in poultry; its labeling bears adequate directions and warnings for such use, and it contains 0.0056 percent nitrofurazone and not less than 50 grams of chlortetracycline per ton of feed. When intended for such uses it may also contain oxytetracycline in a quantity not less than 50 grams per ton of feed.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it would be against public interest to delay providing for the aforesaid amendments, and since it conditionally relaxes existing requirements.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: February 15, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-1174; Filed, Feb. 18, 1954; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

FOREIGN DECORATIONS

Section 578.25 is revised to read as follows:

§ 578.25 *Foreign decorations*—(a) *Consent required.* No person holding any office or profit or trust under the United States shall, without the consent of the Congress, accept any present, emolument, office, or title of any kind whatsoever from any king, prince or foreign state.

(b) *Congressional authorization.* Except for such foreign awards as previously may have been specifically authorized by the Congress to be accepted, each tender of an award by a foreign government to a member of the Army will be forwarded through The Adjutant General to the Department of State, where it will be held in escrow pending approval by the Congress for the proposed recipient to accept. No foreign decorations or ribbons therefore will be worn prior to such approval by the Congress.

(c) *Participation in ceremonies.* In the event an individual is advised that a friendly foreign nation has made an award to him and that his presence is desired at a formal presentation ceremony, the individual may participate in the ceremony and receive the award notwithstanding the absence of the consent of Congress to accept it. The receipt of a foreign award at such ceremony will not constitute an acceptance of the award by the recipient. Immediately following the ceremony the individual to whom the award has been presented will advise The Adjutant General by letter setting forth all circumstances pertinent to the award and ceremony and will enclose the award and all allied documents. In such cases and where the presentation was made without previous notification, the appropriate representative of the foreign nation concerned will be advised of the provisions of the constitution as indicated above.

(d) *Military Assistance Program.* (1) Except as indicated in subparagraph (2) of this paragraph, members of the armed forces and civilian employees holding an office of profit or trust under the United States within the provisions of article 1, section 9, clause 8, of the United States Constitution are not authorized to receive decorations from foreign governments for duties performed in connection with the Military Assistance Program. Personnel so assigned are not authorized to participate in ceremonies as authorized in paragraph (c) of this section.

(2) Personnel of Military Assistance Advisory Groups and Aid Missions are authorized to receive awards, in the manner described in paragraph (c) of this section, for services in connection with actual combat operations.

(e) *Authorization not required*—(1) *Former members of armed forces of friendly foreign nations.* The approval of the Congress, as prescribed in this section, is not required to accept any foreign decoration tendered or awarded for services while the recipient was a bona fide member of the armed forces of the respective foreign nation and provided the award is duly accepted in accordance with the regulations of the nation making the award prior to the recipient's entrance into active Federal service of the Armed Forces of the United States.

(2) *Reserve components of the Armed Forces of the United States.* Individuals while not on active duty and while not holding an office of profit or trust under the Government may, without specific consent of the Congress, accept a foreign decoration and may, when authorized to do so by service regulations, wear such decoration on his uniform, provided the award is not in recognition of services performed while the recipient was on active duty with the Armed Forces of the United States.

(3) *Posthumous.* The approval of the Congress, as prescribed in this section is not required to accept any foreign decoration tendered or awarded posthumously to a former member of the Armed Services.

[C7, AR 600-45, Feb. 9, 1954] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-1180; Filed, Feb. 18, 1954; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order V-2]

DMO V-2—ESTABLISHMENT OF A TITANIUM ADVISORY COMMITTEE

By virtue of the authority vested in me by Executive Order 10480 of August 15, 1953 and Reorganization Plan No. 3 of June 12, 1953, and in order to obtain advice which will facilitate the coordination of Federal policies and programs with respect to the supply of titanium to meet the requirements for both current defense activities and readiness for any future national emergency, it is hereby ordered:

1. There is established in the Office of Defense Mobilization a Titanium Advisory Committee. The Committee shall consist of the Assistant Secretary for Mineral Resources, Department of the Interior, and two other members selected by the Director of the Office of Defense Mobilization, one of whom he shall designate as Chairman.

2. The Titanium Advisory Committee shall advise the Office of Defense Mobilization on problems relating to plans and programs pertaining to titanium; and shall, in cooperation with other Federal agencies concerned, develop recommendations with regard to the Government's program on titanium expansion.

3. This order shall take effect on February 17, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-1179; Filed, Feb. 17, 1954; 2:36 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BOSTON HARBOR AND ADJACENT WATERS, MASS.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.75 governing the operation of drawbridges in Boston Harbor and waters adjacent thereto, is hereby amended in respect to drawbridges across Fort Point Channel above Summer Street bridge, as follows:

§ 203.75 *Boston Harbor, Mass., and adjacent waters; bridges.* * * *

(i) *Fort Point Channel.* * * *

(2) *Bridges upstream from Summer Street Bridge.* (i) The owners of or agencies controlling bridges over Fort Point Channel upstream from Summer Street Bridge will be required to keep draw tenders in constant attendance from 8:00 a. m. to 4:00 p. m., Monday through Friday, of each week. At all other times of the day or night from Monday through Friday of each week and on Saturdays and Sundays, 24 hours' advance notice will be required for the opening of the draws of the subject bridges.

(ii) During the periods when bridge tenders are in constant attendance the draws of the subject bridges shall be opened promptly on receiving the call signals prescribed in paragraph (d) of this section: *Provided*, That when a vessel or other watercraft has started passage through a bridge it is to be afforded a continuous passage through the remaining bridges, subject to such limitation as may be imposed on the operation of the railroad bridge, due regard being had for causing minimum interference with train schedules.

(iii) During the periods when a 24-hour advance notice is required any one desiring an opening of the draws of the subject bridges for the passage of a vessel or other watercraft shall contact, in person, by telephone, or letter, the Chief Train Dispatcher of the New York, New Haven and Hartford Railroad Company, at South Station, Boston, Massachusetts, or at Hubbard 2–7800, Extension 331, informing him of the time and date the opening is desired. The dispatcher will notify the party requesting the openings of the exact time the openings will be made (dependent on train schedules) and will make such arrangements with the authorized representatives of the owners of or agencies controlling each of the other drawbridges as may be necessary to have those bridges opened at the time specified to provide a continuous passage for the vessel or other watercraft. In case of emergency, the draws of the respective bridges shall be opened promptly upon notification.

(iv) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides of each bridge, in such manner that it can be read at any time, a copy of the regulations in this section, together with a notice stating how the authorized representative of the owner of or agency controlling the bridge may be reached in an emergency.

[Regs., Jan. 27, 1954, 823.01 (Boston Harbor, Mass.)-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-1182; Filed, Feb. 18, 1954; 8:51 a. m.]

PART 207—NAVIGATION REGULATIONS

ST. JOHNS RIVER, FLORIDA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.166 establishing and governing the use and navigation of a naval restricted area in St. Johns River, adjacent to the United States Naval Station, Green Cove Springs, Florida, is hereby prescribed, as follows:

§ 207.166 *St. Johns River, Fla.; naval restricted area, United States Naval Station, Green Cove Springs, Fla.*—(a) *The area.* The waters of the St. Johns River within the following described area: Beginning on the shore at latitude 29°59'20", longitude 81°40'00"; thence to latitude 29°59'40", longitude 81°39'-49.5"; thence to latitude 29°59'42", longitude 81°39'39"; thence to latitude 29°-59'11", longitude 81°38'39"; thence to latitude 29°58'56", longitude 81°38'41"; thence along a line 50 feet south of and parallel to pier "A" to the shore; thence with the shore and bulkhead line to the point of beginning.

(a) *The regulations.* (1) No vessel or other craft except vessels operated by the Navy shall enter the restricted area or within 300 feet of piers Nos. 1 through 12 and ships moored in the area, or within 50 feet of pier "A", unless specific permission to enter has been granted the vessel or craft by the enforcing agency.

(2) Fishing is prohibited in the area.

(3) This section shall be enforced by the Commanding Officer, U. S. Naval Station, Green Cove Springs, Florida, and such agencies as he may designate.

[Regs., Jan. 21, 1954; 800.2121 (St. Johns River, Fla.)-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-1181; Filed, Feb. 18, 1954; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 941]

KANSAS

REVOKING PUBLIC LAND ORDER NO. 182 OF OCTOBER 1 1943

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 182 of October 1, 1943, withdrawing the following described lands for use of the War Department as an aerial gunnery range is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 14 S., R. 32 W.,
Sec. 14, SW¼NW¼.

The area described contains 40 acres.

The tract is in land-capability classes VI and VII and is not suitable for agriculture. It is located adjacent to a county road. Any application that is filed will be considered on its merits.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m. on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Inquiries concerning the lands shall be addressed to the Director, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

ORME LEWIS,
Assistant Secretary of the Interior.

FEBRUARY 15, 1954.

[F. R. Doc. 54-1160; Filed, Feb. 18, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 39]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

EXEMPTIONS GRANTED TO INCOME OF FOREIGN GOVERNMENTS, INTERNATIONAL ORGANIZATIONS AND THEIR EMPLOYEES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

In order to conform Regulations 118 (26 CFR Part 39) to the provisions of section 247 of the Immigration and Nationality Act, enacted June 27, 1952, such regulations are amended as follows:

PARAGRAPH 1. Section 39.116–2 is amended as follows:

(A) By striking "All" at the beginning of paragraph (a) (2) and inserting in lieu thereof the following: "Except to the extent that the exemption is limited by the execution and filing of the waiver provided for in section 247 (b) of the Immigration and Nationality Act, all"

(B) By adding at the end of paragraph (a) (2) the following: "Section 247 (b) of the Immigration and Nationality Act provides as follows:

(b) The adjustment of status required by subsection (a) [of the Immigration and Nationality Act] shall not be applicable in the case of any alien who requests that he be permitted to retain his status as an immigrant and who, in such form as the Attorney General may require, executes and files with the Attorney General a written waiver of all rights, privileges, exemptions, and immunities under any law or any executive order which would otherwise accrue to him because of the acquisition of an occupational status entitling him to a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a).

An employee of a foreign government who executes and files with the Attorney General the waiver provided for in section 247 (b) of the Immigration and Nationality Act thereby waives the exemption conferred by section 116 (h) of the Code. As a consequence, such exemption does not apply to income received by such alien after the date of filing of the waiver."

(C) By striking "Subject to" at the beginning of paragraph (b) (2) and inserting in lieu thereof the following: "Except to the extent that the exemption is limited by the execution and filing of the waiver provided for in section 247 (b) of the Immigration and Nationality Act, and subject to"

(D) By adding a subparagraph (4) to paragraph (b) and a new paragraph (c) (following the text of section 9 of the International Organizations Immunities Act) as follows:

(4) An officer or employee of an international organization who executes and files with the Attorney General the waiver provided for in section 247 (b) of the Immigration and Nationality Act thereby waives the exemption conferred by section 116 (h) of the Code. As a consequence, such exemption does not apply to income received after the date of filing of the waiver.

(c) *Tax conventions, consular conventions, and international agreements.* A tax convention or consular convention between the United States and a foreign country, which provides that the United States may include in the tax base of its residents all income taxable under the internal revenue laws, and which makes no specific exception for the income of the employees of that foreign government, does not provide any exemption (with respect to residents of the United States) beyond that which is provided by the internal revenue laws. Accordingly, the effect of the execution and filing of a waiver under section 247 (b) of the Immigration and Nationality Act by an employee of a foreign government which is a party to such a convention is to subject the employee to tax to the same extent as provided in paragraph (a) of this section with respect to the waiver of exemption under section 116 (h). On the other hand, if a tax convention, consular convention, or international agreement provides that compensation paid by the foreign government or international organization to its employees is exempt from Federal income tax, and the application of this exemption is not dependent upon the provisions of the internal revenue laws, the exemption so conferred is not affected by the execution and filing of a waiver under section 247 (b) of the Immigration and Nationality Act. For examples of exemptions which are not affected by the Immigration and Nationality Act, see Article X of the British Tax Convention, Article IX, section 9 (b) of the Articles of Agreement of the International Monetary Fund (60 Stat. 1401), and Article VII, section 9 (b) of the Articles of Agreement of the International Bank for Reconstruction and Development (60 Stat. 1440).

[F. R. Doc. 54-1150; Filed, Feb. 18, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 962]

[Docket No AO 162–A4]

HANDLING OF FRESH PEACHES GROWN IN GEORGIA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900); a public hearing was held on December 17, 1953, at Macon, Georgia, after notice thereof published in the FEDERAL REGISTER (18 F. R. 7895), on a proposed amendment to Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR Part 962; 18 F. R. 3013), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of fresh peaches grown in Georgia, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

On the basis of the evidence introduced at the hearing, and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on January 22, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 54–578; 19 F. R. 490). No exception to said recommended decision was filed.

The material issue, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 54–578; 19 F. R. 490) are hereby approved and adopted as the material issue, findings and conclusions, and general findings of this decision as if set forth in full herein.

Amendment to the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Fresh Peaches Grown in Georgia" and "Order Amending the Order, as Amended, Regulating the Handling of Fresh Peaches Grown in Georgia" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid amendment shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement amending the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the marketing agreement, as amended, are identical with those contained in the attached order which will be published with this decision.

Done at Washington, D. C., this 16th day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Fresh Peaches Grown in Georgia*

§ 962.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR Part

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

900), a public hearing was held on December 17, 1953, at Macon, Georgia, upon a proposed amendment to Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR 962), regulating the handling of fresh peaches grown in Georgia. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of fresh peaches grown in Georgia in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes such different terms applicable to different marketing areas, as are necessary to give due recognition to such differences in the marketing of such peaches.

It is therefore ordered, That, on and after the effective date hereof, the handling of fresh peaches grown in Georgia shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the proviso in the first sentence of § 962.41 and insert in lieu thereof the following: "*Provided*, That no assessment shall be levied against peaches that are exempt from regulation pursuant to § 962.71 or against peaches that are exempt from inspection pursuant to § 962.64."

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF AGENTS TO CONDUCT REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the calendar year 1953 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Georgia, in the production of peaches for market, to ascertain whether such producers favor the issuance of an order amending Order No. 62, as amended, effective April 27, 1942, regulating the handling of fresh peaches grown in the State of Georgia; and said amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Minard F. Miller and G. A. Nahstoll of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

Copies of the aforesaid annexed order, of Order No. 62 as amended, of the aforesaid procedure (15 F. R. 5176), and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C., at the office of the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, Citrus Mutual Building, Lakeland, Florida, or at the office of the Industry Committee, Georgia Peach Marketing Agreement and Order, Grand Building, Macon, Georgia. Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained at said office of the Field Representative or from any referendum agent or appointee.

[F. R. Doc. 54-1194; Filed, Feb. 18, 1954; 8:54 a. m.]

[7 CFR Part 987]

[Docket No. AO-252]

HANDLING OF MILK IN CENTRAL MISSISSIPPI MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Mississippi Assembly Room, State Office Building, Jackson, Mississippi, beginning at 10:00 a. m., March 15, 1954.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Central Mississippi marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposed marketing agreement and order provisions set forth below have not received the approval of the Secretary of Agriculture. At the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof.

Marketing agreement and order proposed by the Jackson Grade-A Dairy Producers Association, Jones County Dairy Association, and Hattiesburg Dairymen's Association:

DEFINITIONS

§ 987.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 987.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 987.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions specified in this subpart.

§ 987.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 987.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known at the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 987.6 *Central Mississippi marketing area.* "Central Mississippi marketing area", hereinafter called "marketing area," means all the territory within the boundaries of the Counties of Hinds, Madison, Rankin, Warren, Marion, and Jones and Forrest, excluding Beat 5 thereof, all within the State of Mississippi.

§ 987.7 *Fluid milk plant.* "Fluid milk plant" means (a) any milk plant approved by a health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area and used during the delivery period for the processing and packaging of Grade A milk all or a portion of which is disposed of as Class I milk to wholesale or retail outlets (including delivery by a vendor or sale from a plant store) in the marketing area except another fluid milk plant, or (b) any receiving station which is operated by a person operating a distributing plant described in paragraph (a) of this section, and used for the receipt of Grade A milk which is shipped to such distributing plant during the delivery period.

§ 987.8 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 987.9 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of a fluid milk plant(s) or (b) a producer-handler.

§ 987.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk under a dairy farm inspection permit issued by a health authority duly authorized to administer laws and regulations governing the quality of milk for consumption as milk in the marketing area and whose milk (a) is received at a fluid milk plant as defined under § 987.7 or (b) is diverted during any of the months of March through July by the operator of such fluid milk plant, for the handler's account, from the farm to a nonfluid milk plant. Milk so diverted shall be deemed to have been received at the fluid milk plant by the handler who causes it to be diverted.

§ 987.11 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received directly from the farm of such producer at a fluid milk plant.

§ 987.12 *Other source milk.* "Other source milk" means all skim milk and butterfat received at a fluid milk plant other than that skim milk and butterfat contained in producer milk or received from other handlers, except a producer-handler.

§ 987.13 *Producer-handler.* "Producer-handler" means any person who produces milk under a dairy farm permit issued by a health authority duly authorized to administer regulations and laws governing the quality of milk disposed of in the marketing area and who processes or packages milk from his own production and distributes all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from producers.

§ 987.14 *Base.* "Base" means a quantity of producer milk expressed in pounds per day computed pursuant to § 987.82.

§ 987.15 *Base milk.* "Base milk" means producer milk delivered each month which is not in excess of the producer's base multiplied by the number of days of delivery in such month.

§ 987.16 *Excess milk.* "Excess milk" means producer milk delivered in excess of base milk.

§ 987.17 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part is in effect.

MARKET ADMINISTRATOR

§ 987.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 987.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 987.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 987.94 the cost of his bond and of the bonds of his employees, his own compensation and all other expenses, except those incurred under § 987.93, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 987.30 and 987.31 or payments pursuant to § 987.90;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each delivery period the minimum price for Class I milk computed pursuant to § 987.51 and the Class I butterfat differential computed pursuant to § 987.54 (a).

(2) On or before the 6th day of each delivery period, the minimum price for Class II milk computed pursuant to § 987.53 and the Class II butterfat differential computed pursuant to § 987.54 (b);

(3) On or before the 10th day after the end of each of the months of August through February, the uniform price for each handler computed pursuant to § 987.71 and the butterfat differential computed pursuant to § 987.91; and

(4) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk for each handler computed pursuant to § 987.72 and the butterfat differential computed pursuant to § 987.91.

(j) On or before the 10th day after the end of each delivery period, mail to each handler, at his last known address a statement showing for such handler:

(1) The amount and value of producer milk in each class and the totals thereof;

(2) For the months of March through July the amounts and value of his base and excess milk respectively; and

(k) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 987.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of March through July the aggregate quantities of base and excess milk;

(b) The quantities of skim milk and butterfat contained in receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 987.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, and each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe as follows:

(a) On or before the 20th day after the end of the delivery period his producer payroll for such delivery period which shall show for each producer: (1) His name and address, (2) total pounds of milk received from such producer, including for the delivery periods of March through July the total pounds of base and excess milk, (3) the number of days on which milk was received from such producer if less than a full calendar month, (4) the average butterfat content of such milk, and (5) the net amount of such handler's payment together with the price paid and the amount of any deduction authorized in writing by such producer.

(b) On or before the first day other source milk is received, such handler's intention to receive such milk and on or before the last day such milk is received, his intention to discontinue receipt of such milk.

§ 987.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or his representative during the usual hours

of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers.

§ 987.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 987.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler and which is required to be reported pursuant to § 987.30 shall be classified by the market administrator pursuant to the provisions of §§ 987.41 through 987.46.

§ 987.41 *Classes of utilization.* Subject to the conditions set forth in §§ 987.42 through 987.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including "reconstituted skim milk") and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream), cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream and ice cream mixes); (2) used to produce concentrated (including frozen) milk; (3) in inventory variations; and (4) not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) contained in frozen storage cream; (2) used to produce ice cream and ice cream mixes and any product other than those classified as Class I milk pursuant to paragraph (a) of this section; (3) disposed of for livestock feed or dumped skim milk; and (4) in shrinkage not to exceed 2 percent of receipts of skim milk and butterfat, respectively, in producer and other source milk.

§ 987.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for such handler;

(b) Prorate the resulting amounts between such handler's receipts of skim milk and butterfat in producer milk and in other source milk.

§ 987.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk.

(b) Any skim milk or butterfat classified in one class shall be reclassified if later disposed of (whether in original or other form) by such handler or another handler in another class.

§ 987.44 *Transfers.* Skim milk or butterfat disposed of in the form of milk, skim milk, or cream by a handler either by transfer or diversion from a fluid milk plant shall be classified:

(a) As Class I milk if transferred or diverted to a fluid milk plant of another handler, except a producer-handler, unless utilization in Class II is claimed by the transferor-handler in writing to the market administrator on or before the 5th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 987.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *Provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred to a producer-handler.

(c) As Class I milk if transferred or diverted to a nonfluid milk plant, unless the following conditions are met:

(1) The handler claims classification in Class II milk;

(2) The market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at such nonfluid milk plant for the purpose of verification; and

(3) An amount of skim milk and butterfat not less than that so transferred or diverted was used in Class II milk: *Provided*, That the skim milk and butterfat so assigned to Class II milk shall be limited to the amount thereof in Class II milk in such nonfluid milk plant, and any additional amounts of skim milk and butterfat so transferred or diverted shall be assigned to Class I milk.

§ 987.45 *Computation of the skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 987.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 987.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk shrinkage in producer milk determined pursuant to § 987.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 987.44 (a);

(4) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 987.50 *Minimum prices.* Subject to the appropriate butterfat differential computed pursuant to § 987.54, each handler shall pay in the manner set forth in § 987.90 for producer milk received at his fluid milk plant(s) during each delivery period not less than the Class I and Class II prices per hundredweight set forth in §§ 987.51 and 987.53, respectively.

§ 987.51 *Class I milk.* The Class I price shall be an amount calculated by multiplying $6.30 by the formula index computed pursuant to § 987.52 and dividing by 100: *Provided*, That such price shall not be higher than the average price per hundredweight paid or reported to be paid for milk at the plants or places in § 987.51 (a) during the preceding month plus $3.00 nor lower than such paying price plus $2.00: *And provided further*, That in no event from the effective date of this subpart, through February 1954, shall such price be less than the Class I price pursuant to Order No. 42, regulating the handling of milk in the New Orleans, Louisiana, marketing area, at the 61–70 milk zone less 35 cents per hundredweight.

(a) Divide by 3.5 and multiply by 4.0 the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the preceding month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

§ 987.52 *Formula index.* Based on data available on the 28th day of each month, or the first business day thereafter if the 28th is not a business day, the market administrator shall calculate a formula index for the following delivery period as follows:

(a) Divide the latest available monthly wholesale Price Index for All Commodities (1947–49=100) as announced by the Bureau of Labor Statistics, U. S. Department of Labor, by 1.122.

(b) Divide by 3, the sum of the three latest monthly Indexes of Business Activity for the Jackson, Vicksburg, Laurel, and Hattiesburg Districts (1952=100) as announced by the Business Research Station, Mississippi State College, State College, Mississippi.

(c) Compute a labor-feed index as follows:

(1) Divide by 0.0372 the daily farm wage rate without board or room for the latest available month as reported by the Department of Agriculture for the State of Mississippi and multiply by 0.3;

(2) Divide by 0.0458 the average price paid per hundredweight for all mixed dairy feed, for the latest available month as reported by the Department of Agriculture for the State of Mississippi and multiply by 0.7;

(3) Add together the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Add the results determined pursuant to paragraphs (a), (b), and (c) of this section, and divide by 3. The resulting number shall be known as the formula index and shall be rounded to the nearest one-tenth unit.

§ 987.53 *Class II milk.* The Class II price shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the delivery period by the companies indicated below:

Present Operator and Location

Kraft Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Brookhaven Creamery, Brookhaven, Miss.
Pet Milk Co., Kosciusko, Miss.

§ 987.54 *Butterfat differential to handlers.* If the average butterfat content of producer milk allocated to any class pursuant to § 987.46 is more or less than 4.0 percent, there shall be added to the respective class price computed pursuant to § 987.50 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the period listed below by the applicable factor so listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price reported for the preceding month by 1.25 and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply such price reported for the current month by 1.15 and round to the nearest one-tenth cent.

§ 987.55 *Use of equivalent factors.* If for any reason a price, index, or wage rate specified by this subpart, for use in computing class prices and for other purposes is not reported or published in the manner described in this subpart, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

APPLICATION OF PROVISIONS

§ 987.60 *Producer-handlers.* Sections 987.40 through 987.46, 987.50 through 987.55, 987.70 through 987.72, 987.80 through 987.83, and 987.90 through 987.95 shall not apply to a producer-handler.

DETERMINATION OF UNIFORM PRICES

§ 987.70 *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price, (b) add together the resulting amounts, (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price, and (d) add or subtract, as the case may be, an amount, except those subject to the provisions of § 987.92, necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 987.71 *Computation of the uniform price for each handler.* For each of the months of August through February the market administrator shall compute for each handler the uniform price for milk received from producers as follows:

(a) To the amount computed pursuant to § 987.70 add, if the average butterfat content of milk received from producers by such handler is less than 4.0 percent, or subtract if such average butterfat content is more than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers computed pursuant to § 987.91, and multiply the result by the total hundredweight of such milk;

(b) Add the amount represented by any deductions made pursuant to paragraph (c) of this section for fractions of a cent in computing the uniform price for the preceding month;

(c) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat, f. o. b. fluid milk plant.

§ 987.72 *Computation of the uniform price for base milk and for excess milk for each handler.* For each of the months of March through July, the market administrator shall compute for each handler the uniform price for base milk and for excess milk received from producers as follows:

(a) To the amount computed pursuant to § 987.70 add, if the average butterfat content of milk received from producers by such handler is less than 4.0 percent, or subtract if such average butterfat content is more than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers computed pursuant to § 987.91 and multiply the result by the total hundredweight of such milk;

(b) Add the amount represented by any deductions made pursuant to § 987.71 (c) or (e) and (f) of this section for fractions of a cent in computing such uniform prices for the preceding month;

(c) Subject to the condition set forth in paragraph (d) of this section, compute the value of excess milk by multiplying the quantity of such milk by the Class II price;

(d) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (c) of this section from the value obtained pursuant to paragraph (b) of this section: *Provided*, That, if such resulting value is greater than an amount computed by multiplying the pounds of base milk delivered by producers by the Class I price computed pursuant to § 987.51; such value in excess thereof shall be added to the value computed pursuant to paragraph (c) of

this section to the extent that the excess price shall not exceed the base price as calculated in this order. Any additional value remaining shall be prorated on a volume basis between excess and base milk;

(e) Divide the result obtained in paragraph (d) of this section by the quantity of base milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price per hundredweight for such handler for "base milk" of 4.0 percent butterfat content; and

(f) Divide the result obtained in paragraph (e) of this section by the quantity of excess milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price per hundredweight for such handler for "excess milk" of 4.0 percent butterfat content.

BASE RATING

§ 987.80 *Base operating period.* The base operating period shall be the months of March through July.

§ 987.81 *Base forming period.* The base forming period for each year shall be the months of September through January immediately preceding the base operating period.

§ 987.82 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator, as follows: Divide the total pounds of milk received by a handler(s) from such producer during the base forming period by the number of days from the first day of delivery by such producer during such period to the last day of January, inclusive, but not less than 120 days.

§ 987.83 *Computation of base.* The base of each producer to be applied during the base operating period shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days for which such producer's milk was delivered to such handler during the delivery period.

§ 987.84 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producers' immediate family who carried on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be moved from one handler to another handler.

§ 987.85 *Announcement of established bases.* On or before March 1, of each year, the market administrator shall notify each producer and the handler receiving milk from such producers the daily base established by such producer.

PAYMENTS

§ 987.90 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each delivery period for milk received during the first 15 days of the delivery period at not less than the price per hundredweight for Class II milk for the preceding delivery period.

(b) On or before the 15th day after the end of each of the delivery periods of August through February for milk received during such delivery period at not less than the uniform price per hundredweight computed for such handler pursuant to § 987.71, subject to the butterfat differential computed pursuant to § 987.91, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each of the delivery periods of March through July, after deducting the amount of payment made pursuant to paragraph (a) of this section, and proper deductions authorized in writing by such producer, for milk received during the delivery period as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 987.72 for the quantity of base milk received from such producer, subject to the butterfat differential computed pursuant to § 987.91.

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 987.72 for the quantity of excess milk received from such producer, subject to the butterfat differential computed pursuant to § 987.91.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of such deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to such producer.

§ 987.91 *Producer butterfat differential.* In making payments to each producer there shall be added to the uniform price(s) for each one-tenth of 1 percent that the average butterfat content of such milk delivered by such producer is above 4.0 percent not less than, or there may be deducted from the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply the simple average computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month by .115 and round to the nearest one-tenth of a cent.

§ 987.92 *Adjustments of accounts.* Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 987.93 *Marketing service.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 987.90, shall deduct 7 cents per hundredweight or such amount not exceeding 7 cents per hundredweight, as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to verify samples, tests, and weights of milk received from such producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month and pay such deduction to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 987.50 (d).

§ 987.94 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler except a producer-handler, shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 987.95 *Termination of obligations.* The provision of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler with the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 987.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 987.101.

§ 987.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 987.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 987.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 987.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this subpart.

§ 987.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Modifications or provisions proposed by:

Hattiesburg Creamery:

1. The Central Mississippi Marketing Area be designated to comprise the counties of Warren, Hinds, Madison, Rankin, Simpson, Lawrence, Jefferson Davis, Covington, Jones, Wayne, Walthall, Marion, Lamar, Forrest, Perry, Greene, Stone and George, all within the State of Mississippi.

Blue Ribbon Creamery:

2. Include the counties of Adams, Claiborne, Lincoln, Copiah, Scott, Newton, Washington, Humphries, Sharkey, Yazoo, Jefferson, Simpson, Leake, Neshoba in any Marketing Area that may be considered by the Department.

Blue Ribbon Creamery and Hattiesburg Creamery:

3. Insert a provision in the proposed order to provide that milk on hand in the possession of any handler on the day any order should become effective be priced at that time so that it will not at a later time reflect a higher price to the handler.

4. Define Class II milk as follows: "Class II shall be all skim milk and butterfat (1) used to produce any product other than those specified in Classes I and III, and (2) milk diverted and delivered in producers' cans to nonfluid plants."

5. Define Class III milk as follows: "Class III milk shall be (1) all milk the butterfat from which is sold to a butter plant or an ice cream plant for the manufacture of butter or ice cream; (2) whole milk transferred to a nonfluid milk plant; and (3) shrinkage up to two percent of receipts from producers."

6. Classify milk transferred or diverted to a nonfluid milk plant as Class II or III when the handler claims classification in Class II or III and the market administrator is furnished, upon his request, with certification by the nonfluid milk plant as to utilization of such skim milk or butterfat received at such nonfluid milk plant outside the marketing area.

7. Permit each handler, in making prescribed payments, to deduct ten cents per hundredweight from the uniform price of base and excess milk during the delivery periods of March through July and for all milk during the delivery periods of August through February for each producer with respect to all such milk received from such producer at a fluid milk plant other than a bottling plant, located more than forty miles from the fluid milk plant at which the milk is bottled.

8. Whenever verification of a handler's records discloses payment to any producer of an amount which is more than the uniform price being paid by the handler to producers, occasioned by clerical or other such error, the amount of such overpayment shall be deducted and retained by the handler at the time of making payment to producers next following such disclosure. Any such erroneous payment, if discovered by handler, shall be reported promptly to the market administrator.

9. Provide that no producer shall be required to pay the market administrator for marketing services any amount in excess of the amount charged by a cooperative association which is actually performing the services of verifying samples, tests and weights of milk received, pursuant to the laws of Mississippi and the regulations of the Mississippi Department of Agriculture and Commerce promulgated thereunder and

providing producers with market information.

10. Minimum prices: Subject to the appropriate butterfat differential each handler shall pay for milk received at his plant from producers at not less than the prices per hundredweight set forth in 1 and 2 below:

(1) *Class I milk.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section, and the price computed pursuant to (2) (b), plus 20 cents, all for the second preceding month.

(a) Divide the average of the basic or field prices per hundredweight reported to have been paid for milk of 3.5 percent butterfat content received from farmers during said month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, by 3.5 and multiply by 4:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (i) and (ii) of this paragraph:

(i) To the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the month, add 20 percent thereof, and multiply by 4.0.

(ii) For the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5 cents, and multiply by 7.5.

(2) *Class prices*—(a) *Class I milk.* The price for Class I milk shall be the basic formula price, plus $2.05, for all delivery periods.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic or field prices reported to have been paid for ungraded milk of 4 percent butterfat content received from farmers during the second preceding month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Kraft Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Brookhaven Creamery, Brookhaven, Miss.
Pet Milk Co., Kosciusko, Miss.

(c) *Class III milk.* The price for Class III milk shall be the price computed according to paragraph (b) above, less 50 cents.

11. Require the market administrator to announce the price for Class I milk computed pursuant to the proposed order on or before the first day of each delivery period.

Madison County Dairies, Inc.

12. Exclude Madison county from the marketing area or add Holmes and Yazoo counties.

Bush Dairy

13. Provides that the marketing area shall include the counties of Wayne, Clarke, Jasper, Newton, Neshoba, Smith, Simpson, Copiah, Covington, Perry, Greene, and Jones, all in Mississippi.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 16, 1954, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1195; Filed, Feb. 18, 1954; 8:54 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TRANSFER OF CERTAIN FUNCTIONS FROM FOREST SERVICE TO SOIL CONSERVATION SERVICE

Pursuant to the authority contained in section 161, Revised Statutes (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, sections 300 and 400 of the Secretary's order of December 24, 1953 (19 F. R. 74), are amended to transfer from the Forest Service to the Soil Conservation Service the use, administration and disposition under Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010–1012) and the related provisions of Title IV thereof of the nursery projects designated and described in Executive Order 10516 of January 26, 1954 (19 F. R. 467), and the Brooksville Nursery in Hernando County, Florida, containing 847 acres, and to read as follows:

SEC. 300. *Assignment of functions.*

* * *

h. The protection, management and administration under Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010–1012), of lands under the administration of this Department including the custodianship of lands under lease to States and local agencies, except as otherwise assigned in paragraph e of section 400.

SEC. 400. *Assignment of functions.*

* * *

e. The use, administration and disposition under Title III of the Bankhead-Jones Farm Tenant Act (7 U. S. C. 1010–1012) and the related provisions of Title IV thereof of the nursery projects designated and described in Executive Order 10516 of January 26, 1954 (19 F. R. 467), and the Brooksville Nursery in Hernando County, Florida, containing 847 acres.

Done at Washington, D. C., this 15th day of February 1954.

[SEAL] J. EARL COKE,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1178; Filed, Feb. 18, 1954; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-289]

ACCIDENT OCCURRING NEAR BUFFALO, NEW YORK

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 94244, which occurred near Buffalo, New York, on January 20, 1954.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on February 24, 1954, at 9:00 a. m. (local time) at the Statler Hotel, Delaware Avenue and Genesee Street, Buffalo, New York.

Dated at Washington, D. C., February 15, 1954.

[SEAL] VAN R. O'BRIEN,
Presiding Officer.

[F. R. Doc. 54-1192; Filed, Feb. 18, 1954; 8:53 a. m.]

[Docket No. 6204]

NORTHEAST AIRLINES, INC.

NOTICE OF REASSIGNMENT OF HEARING

In the matter of an investigation to determine whether the certificate of public convenience and necessity for route No. 27 held by Northeast Airlines, Inc., should be altered, amended, or modified so as to eliminate therefrom authority to serve the intermediate point Provincetown, Massachusetts.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding heretofore assigned to be held on February 23, 1954, at 10:00 a. m., e. s. t., in Room 5859, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., is hereby reassigned to be held on March 8, 1954, at 10:00 a. m. in Room 7852 of the same building at the same address before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., February 16, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1193; Filed, Feb. 18, 1954; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GAETANO SIMI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gaetano Simi, Ugo Simi, Dina Simi, Anna Simi, and Nila Simi, S. Giuliano Terme, Pisa, Italy, Claim No. 31788; $455.90 in the Treasury of the United States, one-fifth thereof to each claimant.

Executed at Washington, D. C., on February 15, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-1185; Filed, Feb. 18, 1954; 8:51 a. m.]

MILTON ALLEN AND SARA ATLEE FRITZE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Milton Allen, guardian for Sara Atlee Fritze, nee Carpenter, also known as Atlee Fritze, Bremen, Germany, Claim No. 44619; $3,179.60 in the Treasury of the United States and stock of The Oil & Waste Saving Machine Company, a Pennsylvania corporation, consisting of twenty-five (25) shares, capital stock, par value $100 per share, Certificate No. 307, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City.

Executed at Washington, D. C., on February 15, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-1186; Filed, Feb. 18, 1954; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket DA-377, Oregon]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

FEBRUARY 12, 1954.

Pursuant to determination DA-377, Oregon, of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended.

OREGON

T. 12 S., R. 12 E., W. M.
Sec. 27, Lots 12, 13, and 14.

The area described aggregates 30.53 acres.

The lands described constitute an isolated tract lying on a bench in the Canyon of Crooked River at an average elevation of 2,400 feet. Twenty-one and two-tenths acres are level to slightly rolling and the soil varies from medium sandy loam to heavy clay loam and the topography of the remaining area is rough and mountainous containing gravel and rock. The tract is classified as suitable for cultivation and entry under the desert land laws, or subject to disposal under the public sale laws.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Oregon for a period of 90 days from that of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended, and subject to the stipulation that if and when the land is required in whole or in part for purposes of power development, any structures or improvements placed thereon which are found to interfere with such development shall be removed or relocated so as to eliminiate interference, without cost or expense to the United States, its permittees or licensees. This order shall not otherwise effect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid, existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90 day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request in the Land Office, Portland, Oregon.

W. G. GUERNSEY,
Regional Administrator.

[F. R. Doc. 54-1161; Filed, Feb. 18, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8954, 9015, 10793, 10794]

WISCONSIN BROADCASTING SYSTEM, INC., ET AL.

ORDER MODIFYING ISSUES

In re application of Wisconsin Broadcasting System, Inc., Milwaukee, Wisconsin, File No. BPCT-377, Docket No. 8954; Milwaukee Broadcasting Company, Milwaukee, Wisconsin, File No. BPCT-472, Docket No. 9015; Milwaukee Area Telecasting Corporation, Milwaukee, Wisconsin, File No. BPCT-1578, Docket No. 10793; Kolero Telecasting Corporation, Milwaukee, Wisconsin, File No. BPCT-1796, Docket No. 10794; for construction permit for new television station in Milwaukee, Wisconsin.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of February 1954;

The Commission having under consideration the petition filed on January 6, 1954, by Wisconsin Broadcasting System, Inc., Milwaukee, Wisconsin, requesting that the Commission's order of December 2, 1953, designating for hearing the above-entitled applications be amended by deleting from Issue No. 1 all reference to Wisconsin Broadcasting System, Inc.; and

It appearing, that in its order of December 2, 1953, the Commission designated the application of Wisconsin Broadcasting System, Inc., for hearing on an issue, among others, to determine whether the installation of its station

would constitute a hazard to air navigation; and

It further appearing, that the Commission was advised by letter dated December 2, 1953, that the Regional Airspace Subcommittee will not interpose objection to the erection of the proposed television antenna tower of Wisconsin Broadcasting System, Inc., and that the tower will not constitute a hazard to air navigation provided it will be marked and lighted in accordance with Part 17 of the Commission's rules;

It is ordered, That the request for deletion from Issue No. 1 of all reference to Wisconsin Broadcasting System, Inc., is granted subject to the condition that its antenna structure shall be painted and lighted in accordance with Part 17 of the Commission's rules;

It is further ordered, That the Commission's order of December 2, 1953, released December 7, 1953, designating for hearing the above-entitled applications is modified by deleting from Issue No. 1 all reference to Wisconsin Broadcasting System, Inc.

Released: February 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1187; Filed, Feb. 18, 1954; 8:52 a. m.]

[Docket Nos. 9030, 10758, 10759]

QUEEN CITY BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Queen City Broadcasting Company, Seattle, Washington, Docket No. 9030, File No. BPCT-453; KXA, Inc., Seattle, Washington, Docket No. 10758, File No. BPCT-902; Puget Sound Broadcasting Company, Inc., Seattle, Washington, Docket No. 10759, File No. BPCT-1592; for construction permits for new television stations.

At the request of KXA, Inc., and with the consent of all other participants in the proceeding hearing in the above-entitled matter is continued from 10:00 a. m., February 12, 1954, to 10:00 a. m., February 25, 1954.

Dated: February 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1188; Filed, Feb. 18, 1954; 8:53 a. m.]

[Docket Nos. 10559, 10560]

GULF COAST BROADCASTING CO. AND BAPTIST GENERAL CONVENTION OF TEXAS

ORDER CONTINUING HEARING

In re applications of Gulf Coast Broadcasting Company, Corpus Christi, Texas, Docket No. 10559, File No. BPCT-723; Baptist General Convention of Texas, Corpus Christi, Texas, Docket No. 10560, File No. BPCT-906; for construction permits for new television broadcast stations.

Upon oral request from all parties and good cause having been shown;

It is ordered, This 11th day of February 1954, that the further hearing in this proceeding presently scheduled for Friday, February 19, 1954, is continued to Thursday, February 25, 1954, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1189; Filed, Feb. 18, 1954; 8:53 a. m.]

[Docket No. 10735]

ARCTIC RADIO TELEPHONE CO.

ORDER CONTINUING HEARING

In the matter of revocation of license of aeronautical and aeronautical fixed Station KWS7/KWF74, Arctic Radio Telephone Co., P. O. Box 1601, Anchorage, Alaska, Docket No. 10735.

The Commission having under consideration the motion filed by The Safety and Special Radio Services Bureau on January 19, 1954, requesting a continuance of the hearing in the above entitled proceeding presently scheduled for February 8, 1954, so as to enable counsel for the Commission to further study the appropriate procedure to be followed in the disposition of this proceeding, and

No objection to said continuance being filed by the licensee named herein; it is ordered this 3d day of February 1954, that the hearing in the above entitled proceeding presently scheduled to be held in Washington, D. C., on February 8, 1954, before the undersigned examiner be and it is hereby continued until April 5, 1954, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-1190; Filed, Feb. 18, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2170, G-2201, G-2213, G-2267, G-2294, G-2326]

TEXAS GAS TRANSMISSION CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS

FEBRUARY 15, 1954.

In the matters of Texas Gas Transmission Corporation, Docket No. G-2170; Shelbyville Gas Company, Docket No. G-2201; Michigan-Wisconsin Pipe Line Company, Docket No. G-2213; Transcontinental Gas Pipe Line Corporation, Docket No. G-2267; Algonquin Gas Transmission Company, Docket No. G-2294; Pennsylvania Gas Company, Docket No. G-2326.

Notice is hereby given that on February 11, 1954, the Federal Power Commission issued its orders adopted February 10, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1162; Filed, Feb. 18, 1954; 8:46 a. m.]

[Docket No. E-6544]

DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, EKLUTNA PROJECT, ALASKA

NOTICE OF APPLICATION

FEBRUARY 15, 1954.

Take notice that on February 9, 1954, the Secretary of the Interior through the Assistant Commissioner of the Bureau of Reclamation submitted a proposed schedule of rates, designated Schedule A-F1, covering wholesale firm power service, Eklutna Project, Alaska, for the confirmation and approval of the Federal Power Commission in accordance with the requirements of the Eklutna Project Act (act), 64 Stat. 382.

The proposed rate schedule as set forth in the application is, basically, comprised of a two-part rate with monthly charges for both capacity and energy on the following basis: A capacity charge of $2.25 per kw. of billing demand which is stated to be the highest 30-minute integrated demand measured during the month; an energy charge of 6 mills per kwh. It is proposed to be made applicable to power sales to public bodies, cooperatives and others as set forth in the act from the initial date of commercial service by the Project.

The application indicates that the proposed rate will apply at all points on the project's transmission system with adjustment for deliveries at transmission voltage.

The application states that anticipated revenues under the proposed rate schedule will be sufficient to amortize, over a 50-year period, the project investment with interest at 2½ percent and create an estimated surplus in excess of $11,000,000 in addition to meeting annual operating expenses.

The application further states that the proposed rate schedule was patterned after other Bureau of Reclamation project rates and is similar in design to the Fort Peck Project firm power rate schedule confirmed and approved by Commission order issued January 15, 1954, in Docket Nos. IT-5891, IT-5932, E-6199.

The application is on file with the Commission and available for public inspection.

Any person desiring to be heard or to make any protest or petition in regard to said application should on or before the 5th day of March 1954, file with the Federal Power Commission, Washington, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1163; Filed, Feb. 18, 1954; 8:46 a. m.]

[Docket No. G-1956]

CAROLINA NATURAL GAS CORP.

NOTICE OF ORDER ALLOWING WITHDRAWAL OF APPLICATION AND TERMINATING PROCEEDING

FEBRUARY 15, 1954.

Notice is hereby given that on February 11, 1954, the Federal Power Commission issued its order adopted February 10, 1954, allowing withdrawal of application and terminating proceeding in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1164; Filed, Feb. 18, 1954; 8:46 a. m.]

[Docket No. G-1997]

ILLINOIS POWER CO. AND MISSISSIPPI RIVER FUEL CORP.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF COMPLAINT AND TERMINATING PROCEEDING

FEBRUARY 15, 1954.

In the matter of Illinois Power Company, complainant v. Mississippi River Fuel Corporation, defendant; Docket No. G-1997.

Notice is hereby given that on February 11, 1954, the Federal Power Commission issued its order adopted February 10, 1954, permitting withdrawal of complaint and terminating proceeding in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1165; Filed, Feb. 18, 1954; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-450]

LIBRARY BINDING INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Library Binding Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than March 12, 1954. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., March 12, 1954, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through these proceedings is composed of persons, firms, corporations, and organizations engaged in the business of rebinding and prebinding of books, periodicals, and other documentary material especially for use in public and private libraries.

Issued: February 16, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-1191; Filed, Feb. 18, 1954; 8:53 a. m.]

[File No. 21-455]

ENGRAVED STATIONERY INDUSTRY FOR METROPOLITAN GREATER NEW YORK AREA

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Engraved Stationery Industry for the Metropolitan Greater New York area, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than March 5, 1954. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. s. t., March 5, 1954, in Room 611, at 119 West Fifty-seventh Street, New York City, to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing, or orally, the Commission will proceed to final action on the proposed rules.

The industry for which these rules are proposed is composed of the persons, firms, corporations and organizations engaged in the selling or offering for sale of (1) engraved stationery or allied products (such as engraved letterheads, envelopes, business cards, social stationery and cards, wedding and engagement invitations and announcements, programs, greeting cards, bank notes and stock certificates, (2) any such products which are represented, directly or indirectly, as being engraved, (3) or intaglioed plates or dies for the engraving of any such products.

Issued: February 17, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-1215; Filed, Feb. 18, 1954; 8:56 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

FIELD ORGANIZATION

MISCELLANEOUS AMENDMENTS

The following entries in section 22 (b) (5) are amended as indicated:

1. Opposite "Denver, Colorado" delete the address "Commonwealth Building" and in lieu thereof insert "555 New Customhouse Building."

2. Under the State of New Jersey and following "Newark" delete "New Brunswick (1), Bank of New Jersey Bldg., (See Newark)."

3. Opposite "Buffalo, New York" delete the address "Ellicott Square Bldg." and in lieu thereof insert "U. S. Court House."

4. Under the State of Texas and following "Amarillo" delete "Beaumont (1), Post Office Bldg., (See Houston)."

OSBORNE KOERNER,
Director,
Administrative Services

FEBRUARY 15, 1954.

[F. R. Doc. 54-1167; Filed, Feb. 18, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28928]

SALT CAKE FROM LOUISVILLE, KY., TO ANDERSON AND UNION, S. C.

APPLICATION FOR RELIEF

FEBRUARY 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Carolina and Northwestern Railway Company and other carriers.

Commodities involved: Salt cake (crude sulphate of soda), carloads.

From: Louisville, Ky.

To: Anderson and Union, S. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Com-

mission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1168; Filed, Feb. 18, 1954; 8:47 a. m.]

[4th Sec. Application 28929]

ROOFING AND BUILDING MATERIALS BETWEEN ILLINOIS TERRITORY AND THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Roofing and building materials, also roofing slate, carloads.

Between: Points in Illinois territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 798.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1169; Filed, Feb. 18, 1954; 8:47 a. m.]

[4th Sec. Application 28930]

MALT LIQUORS FROM ILLINOIS TERRITORY TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Malt liquors, carloads, also empty containers moving in the reverse direction.

From: Specified points in Illinois territory including Ohio River Crossings.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes and additional routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 779, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1170; Filed, Feb. 18, 1954; 8:47 a. m.]

[4th Sec. Application 28931]

FERTILIZER MATERIALS FROM NORFOLK, VA., TO PLYMOUTH AND WASHINGTON, N. C.

APPLICATION FOR RELIEF

FEBRUARY 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic Coast Line Railroad Company.

Commodities involved: Fertilizer materials, carload.

From: Norfolk, Va. (Import traffic).

To: Plymouth and Washington, N. C.

Grounds for relief: Competition with rail carriers, circuitous routes and competition with water carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1358, supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1171; Filed, Feb. 18, 1954; 8:48 a. m.]

[4th Sec. Application 28932]

CHEESE FROM FRANKLIN, TENN., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cheese, in carloads.

From: Franklin, Tenn.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1413, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1172; Filed, Feb. 18, 1954; 8:48 a. m.]

[4th Sec. Application 28933]

FINE COAL FROM SOUTHWESTERN TERRITORY, BEVIER AND MOBERLY, MO., TO TWIN CITIES AND BLACK DOG, MINN.

APPLICATION FOR RELIEF

FEBRUARY 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Fine coal, carloads.

From: Mines in southwestern territory, also in Bevier and Moberly, Mo., districts.

To: St. Paul, Minneapolis and Black Dog, Minn.

Grounds for relief: Rail competition, circuity, competition with water, or water-rail carriers, market competition, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3920, supp. 66; W. J. Prueter, Agent, I. C. C. No. A-3969, supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1173; Filed, Feb. 18, 1954; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 36

Washington, Saturday, February 20, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.162 and subparagraph (3) of § 6.311 (g) are revoked; the headnote of § 6.311 (g) is changed to *"Foreign Agricultural Service"*; subparagraphs (4) and (5) of § 6.311 (g) are amended; and the positions listed below are added to § 6.311 (g).

§ 6.311 *Department of Agriculture.*

* * *

(g) *Foreign Agricultural Service.*

* * *

(4) Two Assistant Administrators.

(5) One Assistant to the Administrator.

(6) The Administrator.

(7) The Deputy Administrator.

(8) One private Secretary to the Administrator.

(R. S. 1763, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-1229; Filed, Feb. 19, 1954; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

[Administration Letter 320 (441)]

PART 341—APPROVAL AUTHORITY

LIMITATIONS ON LOAN MAKING

Pursuant to authority delegated in the Acting Secretary's Order of December 24, 1953 (19 F. R. 74), the following revisions are made:

1. Paragraphs (d) and (g) of § 341.2, Title 6, Code of Federal Regulations (17 F. R. 7801), are revised to clarify the period during which a borrower can be continuously indebted on operating loans and still be eligible for Production and Subsistence loans, and to read as follows:

§ 341.2 *Authority to State Directors.*

* * *

(d) No Production and Subsistence loan may be made to an applicant who has been indebted continuously for Production and Subsistence loans for seven consecutive years until all his indebtedness under such loans has been paid in full. The seven-year period in which the borrower may have been continuously indebted will begin to run from the date of the check representing the oldest such loan received by the applicant even though that loan may have been settled or paid in full. Settlement for less than the amount owed does not meet the requirement for payment in full. Therefore, if at any time a borrower has been continuously indebted on one or more Production and Subsistence loans for seven or more years and thereafter settles any such indebtedness for less than the full amount owed, he will not be eligible for a further Production and Subsistence loan until he has paid the remaining indebtedness on his loans which have not been settled and has also paid the difference between the settlement figure and the amount owed at the time of settlement with interest on the unpaid principal to the date of actual payment.

* * * * *

(g) No Production and Subsistence loan may be made to an applicant who was indebted on November 1, 1953, for Rural Rehabilitation, Flood and Windstorm Restoration, Wartime Civilian Control Administration, Emergency Crop and Feed, 1934–35 Drought Feed, or Regional Agricultural Credit Corporation loans for production type purposes, until all his indebtedness on such loans and on any Production and Subsistence loans has been paid in full. Settlement of such loans for production type purposes after November 1, 1953, for less than the full amount owed does not meet the requirement for payment in full. Therefore, if a borrower was indebted on November 1, 1953, for any such loan for production type purposes and either (1) settles such a loan for less than the full amount owed or (2) has settled a Production and Subsistence loan at any time for less than the full amount owed, he cannot thereafter obtain a Production and Subsistence loan until he has paid the remaining indebt-

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FEDERAL REGISTER

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edness on his loans which have not been settled and has also paid the difference between the amount of such settlement or settlements and the amount owed at the time of settlement with interest on the unpaid principal to the date of actual payment.

2. Subparagraph (2) of § 341.3 (a), Title 6, Code of Federal Regulations (17 F. R. 7801), is revoked to remove the $1,000 limitation on the authority of county supervisors to approve annual loans.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 21, 60 Stat. 1072, as amended; 7 U. S. C. 1007)

Dated: February 15, 1954.

[SEAL] R. B. McLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 54-1214; Filed, Feb. 19, 1954; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

U. S. CONSUMER STANDARDS FOR FRESH PARSNIPS [1]

On December 30, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 8871) regarding a proposed issuance of United States Consumer Standards for Fresh Parsnips.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Consumer Standards for Fresh Parsnips are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C., 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953.)

[illegible]
51.2310 U. S. Grade A.
51.2311 U. S. Grade B.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

OFF-GRADE

Sec.
51.2312 Off-grade.

DEFINITIONS

51.2313 Similar varietal characteristics.
51.2314 Firm.
51.2315 Clean.
51.2316 Well trimmed.
51.2317 Fairly well formed.
51.2318 Fairly smooth.
51.2319 Damage.
51.2320 Diameter.
51.2321 Badly deformed.
51.2322 Slightly rough.

AUTHORITY: §§ 51.2310 to 51.2322 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong., 7 U. S. C. 1624.

GRADES

§ 51.2310 *U. S. Grade A.* U. S. Grade A consists of parsnips of similar varietal characteristics which are firm, clean, well trimmed, fairly well formed, fairly smooth; which are free from soft rot, and from damage caused by freezing, growth cracks, discoloration, pithiness, woodiness, sunburn, oil spray, dry rot, other disease, insects or mechanical or other means. Parsnips on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) Unless otherwise specified, the diameter of each parsnip shall be not less than 1 inch and not more than 2¼ inches.

(b) Incident to proper grading and handling the following tolerances, by count, shall be permitted in any lot:

(1) 5 percent for parsnips which are smaller than the specified minimum diameter;

(2) 5 percent for parsnips which are larger than the specified maximum diameter; and,

(3) 5 percent for parsnips which fail to meet the remaining requirements of the grade, including therein not more than one-half of 1 percent for parsnips affected by soft rot.

§ 51.2311 *U. S. Grade B.* U. S. Grade B consists of parsnips of similar varietal characteristics which are firm, clean, well trimmed, not badly deformed and not more than slightly rough; which are free from soft rot, and free from damage caused by freezing, growth cracks, discoloration, pithiness, woodiness, sunburn, oil spray, dry rot, other disease, insects or mechanical or other means. Parsnips on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) Unless otherwise specified, the diameter of each parsnip shall be not less than 1 inch and not more than 2¼ inches.

(b) Incident to proper grading and handling the following tolerances, by count, shall be permitted in any lot:

(1) 5 percent for parsnips which are smaller than the specified minimum diameter;

(2) 5 percent for parsnips which are larger than the specified maximum diameter; and,

(3) 10 percent for parsnips which fail to meet the remaining requirements of the grade, including therein not more than one-half of 1 percent for parsnips affected by soft rot.

OFF-GRADE

§ 51.2312 *Off-grade.* Off-grade consists of parsnips which fail to meet the requirements of the foregoing grades.

DEFINITIONS

§ 51.2313 *Similar varietal characteristics.* "Similar varietal characteristics" means that the parsnips in the lot are of the same general type.

§ 51.2314 *Firm.* "Firm" means that the root is not soft, flabby or shriveled.

§ 51.2315 *Clean.* "Clean" means that the individual parsnip is practically free from stain, dirt, and other foreign material.

§ 51.2316 *Well trimmed.* "Well trimmed" means that the tops shall be cut back to not more than 1 inch in length. Roots may be clipped, if they are neatly cut off and the appearance is not materially affected by the removal of an excessive amount.

§ 51.2317 *Fairly well formed.* "Fairly well formed" means that the root is not forked or so misshapen as to materially affect its appearance or cause a loss of more than 3 percent, by weight, in the ordinary preparation for use.

§ 51.2318 *Fairly smooth.* "Fairly smooth" means that the root is not rough, ridged or covered with secondary rootlets to an extent which materially affects its appearance or causes a loss of more than 3 percent, by weight, in the ordinary preparation for use.

§ 51.2319 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual parsnip or parsnips in the lot, or causes a loss of more than 3 percent, by weight, in the ordinary preparation for use. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Growth cracks when deep or rough, or when appearance of the parsnip is materially affected;

(b) Discoloration when materially affecting the appearance of the root or when it causes a loss of more than 3 percent, by weight, in the ordinary preparation for use; and,

(c) Sunburn when causing a loss of more than 3 percent, by weight, in the ordinary preparation for use, except that superficial light green color at the stem end which does not materially affect the appearance of the root shall be permitted.

§ 51.2320 *Diameter.* "Diameter" means the greatest dimension of the root measured at right angles to the longitudinal axis.

§ 51.2321 *Badly deformed.* "Badly deformed" means that the parsnip root is so forked or badly misshapen as to seriously affect the appearance or cause a loss of more than 5 percent, by weight, in the ordinary preparation for use.

§ 51.2322 *Slightly rough.* "Slightly rough" means that the parsnip root is not rough, ridged or covered with secondary rootlets to an extent which seriously af-

fects its appearance or causes a loss of more than 5 percent, by weight, in the ordinary preparation for use.

The United States Consumer Standards for Fresh Parsnips contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: February 17, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-1225; Filed, Feb. 19, 1954; 8:51 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FLAG SMUT

AMENDMENT OF FLAG SMUT QUARANTINE

Pursuant to sections 5 and 7 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 1952 ed. 159, 160), notice of quarantine No. 59 relating to the flag smut (§ 319.59; 18 F. R. 2683), is hereby amended by deleting Germany from the foreign countries and localities designated therein, from which wheat grain and certain other wheat products may not be imported except as permitted by regulations supplemental to the notice of quarantine.

At the time Flag Smut Quarantine No. 59 was revised, effective June 8, 1953, available European scientific literature indicated that the Flag smut of wheat, Urocystis tritici Koern., existed in Germany. Through a confusion in identity Urocystis tritici Koern. was considered by certain European scientists as synonymous with U. occulta (Wallr.) Rab., the latter a similar smut attacking rye in Germany. Germany therefore was listed as one of the flag smut infected countries. Most mycologists and plant pathologists now believe these two fungi to be different organisms. Accordingly, this amendment is adopted to conform the quarantine to recent scientific findings.

The purpose of this amendment is to relieve restrictions heretofore imposed. In order to be of maximum benefit to importers of wheat grain and other regulated products, the amendment should be made effective as soon as possible. Accordingly under section 4 of the Administrative Procedure Act (5 U. S. C. 1952 ed. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and since it relieves restrictions it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162. Interprets or applies secs. 5, 7, 37 Stat. 316, 317; 7 U. S. C. 159, 160)

This amendment shall be effective February 23, 1954.

Done at Washington, D. C., this 17th day of February 1954.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54-1213; Filed, Feb. 19, 1954; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 19]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.319 *Navel Orange Regulation 19*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on February 18, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., February 21, 1954, and ending at 12:01 a. m., P. s. t., February 28, 1954, is hereby fixed as follows:

(i) District 1: 207,900 boxes;
(ii) District 2: 288,750 boxes;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 19th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Feb. 21 to 12:01 a. m., P. s. t., Feb 28, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

Handler	Prorate base (percent)
Total	100.0000
A. N. P. Lindsay	1.7203
A. N. P. Porterville	1.2935
Ivanhoe Cooperative Association	.6810
Anderson Packing Co	1.5953
Euclid Avenue Orange Association	1.1644
Lindsay Mutual Groves	1.2952
Martin Ranch	.0000
Orange Cove Orange Growers	2.7068
Woodlake Packing House	1.8794
Doffemyer & Son, W. Todd	.9926
Earlibest Orange Association	1.7360
Elderwood Citrus Association	1.5458
Exeter Citrus Association	3.5437
Exeter Orange Growers Association	1.7759
Exeter Orchards Association	1.4519
Hillside Packing Association	1.4757
Ivanhoe Mutual Orange Association	1.6828
Klink Citrus Association	4.0199
Lemon Cove Association	.9490
Lindsay Citrus Growers Association	2.3025
Lindsay Cooperative Citrus Association	1.5119
Lindsay Fruit Association	2.3061
Lindsay Orange Growers Association	0.8673
Naranjo Packing House Co	1.7141
Orange Cove Citrus Association	3.9714
Orange Packing Co	1.0639
Orosi Foothill Citrus Association	1.4730
Paloma Citrus Fruit Association	.7872
Rocky Hill Citrus Association	1.6882
Sanger Citrus Association	3.3873
Sequoia Citrus Association	.4015
Stark Packing Co	2.7492
Visalia Citrus Association	2.3380
Waddell & Son	2.5221
Baird-Neece Corp	1.9233
Beattie Association, D. A	.5284
Grand View Heights Citrus Association	1.9820
Magnolia Citrus Association	3.5071
Porterville Citrus Association	1.6573
Randolph Marketing Co	1.7043
Richgrove-Jasmine Citrus Association	1.5832
Strathmore Cooperative Citrus Association	.4583
Strathmore District Orange Association	1.9933
Strathmore Packing House	2.1672
Sunflower Citrus Growers	2.8084
Sunland Packing House Co	2.8109
Terra Bella Citrus Association	1.2989
Tule River Citrus Association	.9181
Adams, Thomas	.0068
Baker Ranch Packing House	.1666
Barkins, Fred A. Jr	.0212
California Citrus Groves, Inc., Ltd	2.9045
Darby, Fred J	.0240
Dubendorf, John	.1505
Evans Bros. Packing Co	.1318
Far West Produce Distributors	.0621
Feltes, A. E	.0398
Foothill Packing Co	.0171
Haas & Ferry	.1935
Harding & Leggett	1.8480
Independent Growers, Inc	1.8351
Lo Bue Bros	.6805
Maas, W. A	.0393
Marks, W. & M	.1843
Morin, Carl W	.0207
Orange Belt Fruit Distributors	.6197
Paramount Citrus Association	3.0689
Reimers, Don H	.2431
Riverside Fruit Co	.2220
Sequoia Cider Mill	.0170
Stephens & Cain	.5128
Zaninovich Bros., Inc	1.6460

PRORATE DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.0000
A. N. P. Corona	.5212
A. N. P. Fullerton	.0205
A. N. P. Orange	.0217
A. N. P. Riverside	1.4709
A. N. P. Santa Paula	.1266
Badington Fruit Co	.8435
Signal Fruit Association	1.1977
Bryn Mawr Mutual Orange Association	.4343
Chula Vista Mutual Lemon Association	.1063
Daniels, Inc., Ward	.3331
Euclid Avenue Orange Association	2.6955
Foothill Citrus Union, Inc	.2398
Index Mutual Association	.0107
La Verne Cooperative Citrus Association	3.0170
Olive Hillside Groves, Inc	.0081
Redlands Foothill Groves	2.7376
Redlands Mutual Orange Association	1.3036
Azusa Citrus Association	.6527
Covina Citrus Association	1.9642
Glendora Citrus Association	1.6354
Valencia Heights Orchards Association	0.5783
Gold Buckle Association	4.1009
La Verne Orange Association	4.6444
Anaheim Valencia Orange Association	.0120
Fullerton Mutual Orange Association	.2777
La Habra Citrus Association	.1048
Yorba Linda Citrus Association	.0805
El Cajon Valley Citrus Association	.1465
Escondido Orange Association	.6224
Citrus Fruit Growers	.6287
Cucamonga Mesa Growers	.9180
Etiwanda Citrus Fruit Association	.1341
Upland Citrus Association	3.3039
Consolidated Orange Growers	.0210
Garden Grove Citrus Association	.0203
Goldenwest Citrus Association	.1683
Olive Heights Citrus Association	.0597
Santiago Orange Growers Association	.1075
Villa Park Orchards Association	.0231
Bradford Bros., Inc	.2018
Placentia Mutual Orange Association	.1552
Placentia Orange Growers Association	.2435
Yorba Orange Growers Association	.0486
Corona Citrus Association	1.1012
Jameson Co	.5617
Orange Heights Orange Association	4.0458
Crafton Orange Growers Association	1.8062
East Highlands Citrus Association	.5233
Redlands Heights Groves	.9041
Redlands Orangedale Association	2.1100
Rialto-Fontana Citrus Association	.1965
Bryn Mawr Fruit Growers Association	1.2347
Mission Citrus Association	.8654
Redlands Cooperative Fruit Association	2.1849
Redlands Orange Growers Association	1.4904
Redlands Select Groves	.5112
Rialto Orange Co	.4676
Southern Citrus Growers	1.1635
United Citrus Growers	.9753
Arlington Heights Citrus Co	1.6854
Blue Banner, Inc	2.5973
Brown Estate, L. V. W	2.2654
Gavilan Citrus Association	2.1163
McDermont Fruit Co	1.5893
Monte Vista Citrus Association	1.7066
National Orange Co	1.6910
Riverside-Highgrove Citrus Association	1.8370
Victoria Avenue Citrus Association	3.1967
Claremont Citrus Association	.6434
College Heights Orange & Lemon Association	2.1567
Indian Hill Citrus Association	1.0363
Pomona Fruit Growers Exchange	1.2081
Walnut Fruit Growers Association	.6268
West Ontario Citrus Association	.8358
Escondido Cooperative Citrus Association	.1061
Camarillo Citrus Association	.0041
Fillmore Citrus Association	1.0719
Mupu Citrus Association	.0043
Ojai Orange Association	1.0266
Piru Citrus Association	1.3208
Rancho Sespe	.0013
San Fernando Heights Orange Association	.5326
Santa Paula Orange Association	.0459
Tapo Citrus Association	.0128
Ventura County Citrus Association	.0176
East Whittier Citrus Association	.0041
North Whittier Heights	.1315
Placentia Cooperative Orange Association	.0000

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Sierra Madre-Lamanda Citrus Association	0.0672
A. J. Packing Co	.1565
Babijuice Corporation of California	.0147
Cherokee Citrus Co., Inc	1.0185
Dunning, Vera Hueck	.1799
Evans Bros., Packing Co	1.1784
Far West Produce Distributors	.1009
Gold Banner Association	2.3988
Gold Seal Producers, Inc	.1401
Granada Packing House	.0215
Holland, M. J	.0216
Orange Belt Fruit Distributors	.7419
Panno Fruit Co., Carlo	.0418
Paramount Citrus Association	.1940
Riverside Fruit Co	.3934
Rotolo Bros	.0259
San Antonio Orchards Co	1.2083
Smallwood, Luella L	.0086
Spire, Frank S	.0097
Stephens & Cain	.2220
Wall, E. T., Grower-Shipper	2.0872
Western Fruit Growers, Inc	5.1130

[F. R. Doc. 54-1267; Filed, Feb. 19, 1954; 11:46 a. m.]

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

SUBPART—COOPERATIVE PAYMENTS RULES AND REGULATIONS

APPLICATION

Pursuant to provisions of § 927.76 of the order, as amended (7 CFR, Part 927, 18 F. R. 7224, 7581; 19 F. R. 556), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) a public meeting was held at Syracuse, New York, on January 21 and 22, 1954, to consider proposals for the issuance of regulations pursuant to cooperative payment provisions of the said order. Notice of such public meeting was issued on January 11, 1954, and published in the FEDERAL REGISTER on January 15, 1954 (19 F. R. 265).

After due consideration of the data, views, and arguments presented by interested parties at such public meeting, the regulations with respect to the application for payments are hereby issued subject to the approval of the Secretary of Agriculture, in order to facilitate the filing of applications by interested parties prior to March 15, 1954. The meeting with respect to other proposed regulations will be reopened to permit further consideration. The regulations contained herein read as follows:

Sec.
927.400 Form of application.
927.401 Legal organization of applicant.
927.402 Data for applicant cooperative.
927.403 Data for applicant federation.
927.404 Operating facilities.
927.405 Program of market-wide services.
927.406 Personnel.
927.407 Control of utilization.
927.408 Additional information.

AUTHORITY: §§ 927.400 to 927.408 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 927.400 *Form of application.* Any applicant for cooperative payments pursuant to § 927.76 shall submit an application to the market administrator, on forms and in the manner prescribed by the market administrator. Such application to contain the following information:

(a) The name and address of the applicant.

(b) The type of payments applied for.

(1) Cooperative or federation.

(2) Not less than 4,000 members, or not less than 6,000 members.

(3) Operating or non-operating.

(c) Such appropriate additional information as required by §§ 927.401 through 927.408.

§ 927.401 *Legal organization of applicant.* Each applicant shall submit the following information with respect to its organization:

(a) When, where, and under what laws it is incorporated.

(b) Copy of charter and by-laws.

(c) Names and addresses of directors and officers.

§ 927.402 *Data for applicant cooperative.* An applicant cooperative shall submit the following information:

(a) Specimen copy of contract or other document denoting producer membership.

(b) Percentage of business with non-members.

(c) The number of members.

(d) The names of pool plants to which the members are delivering milk.

(e) Amount per hundredweight received from members and method of collection.

§ 927.403 *Data for applicant federation.* An applicant federation shall submit the following information:

(a) When, where and under what law each of its federated cooperatives is incorporated.

(b) The names and addresses of directors and officers of each of the federated cooperatives.

(c) Copy of the charter, by-laws, and specimen of documents denoting producer membership of each federated cooperatives.

(d) A copy of the contract between the federation and each of its federated cooperatives.

(e) The amount per hundredweight each federated cooperative received from members and method of collection.

(f) The percentage of business which each of the federated cooperatives does with non-members.

(g) Number of members of each federated cooperative.

(h) The names of the pool plants to which the members of each federated cooperative are delivering milk.

(i) The names and addresses of any affiliated organization which is not a federated cooperative and the nature of such affiliation.

§ 927.404 *Operating facilities.* Any cooperative or federation which applies for payment on the basis of operating facilities shall report the following:

(a) The location of plants operated by the cooperative or by its federated cooperative.

(b) Percentage of total members' milk received from members at plants operated by the cooperative or by its federated cooperatives.

§ 927.405 *Program of market-wide services.* Each applicant shall specify its program, including its financial program, for the performance of market-wide services with respect to:

(a) Analyzing milk marketing problems and their solution, conducting market research and maintaining current information as to all market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data;

(b) Determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions;

(c) Participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating, by voting or otherwise, in the referenda relative to amendments;

(d) Participating in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter, and

(e) Conducting a comprehensive educational program among producers—i. e., members and non-members of cooperatives—and keeping such producers well informed for participating in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publication to members and, on the same subscription basis, to non-members who request it, and holding meetings at which members and non-members may attend.

§ 927.406 *Personnel.* With respect to its ability to perform the market-wide services, each cooperative or federation shall supply the following information concerning personnel:

(a) The numbers of hired personnel listed according to the type of jobs performed and showing for each whether employment is full time or part-time.

(b) Contemplated changes in personnel.

(c) Training and experience of specialized personnel to qualify them for performing their duties.

§ 927.407 *Control of utilization.* (a) Each applicant shall state how it is assured that it is in no way precluded, or in the case of a federation how the federated cooperatives are assured that they are not precluded, from arranging for the utilization of milk under their respective control so as to yield the highest available net return to all producers without displacing an equivalent quantity of producer milk in the preferred classifications.

(b) In the event that the cooperative, or the federated cooperatives, have contracts with handlers for the disposal of milk, the applicant shall submit a copy of such contract, or such parts of the contract, under which the cooperative is able to comply with paragraph (b) (4) of § 927.76.

§ 927.408. *Additional information.* (a) The market administrator may request of any applicant additional information if that contained in the application is insufficient to determine whether the applicant is qualified to receive payments.

(b) Prior to the issuance of a determination by the market administrator, an applicant may submit additional information which may be pertinent either because of the issuance of rules with respect to qualification, or because of a change in the program of the applicant.

Issued at New York, New York, this 10th day of February 1954.

NOTE: For approval of these regulations by the Secretary of Agriculture, see F. R. Doc. 54-1228, *infra*.

[SEAL] C. J. BLANFORD,
Market Administrator.

[F. R. Doc. 54-1227; Filed, Feb. 19, 1954; 8:51 a. m.]

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

SUBPART—COOPERATIVE PAYMENTS RULES AND REGULATIONS

APPROVAL OF REGULATIONS

Pursuant to the provisions of § 927.76 of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area (7 CFR Part 927; 18 F. R. 7224, 7581, 19 F. R. 556), the regulations issued on February 10, 1954 by the market administrator of said order relating to applications for cooperative payments under § 927.76 of said order, are hereby approved and made effective when published in the FEDERAL REGISTER.

There is found to be good cause for making these regulations effective promptly in that (1) proposed regulations in this matter were the subject of a public meeting held on January 21-22, 1954 pursuant to notice issued on January 11, 1954 (19 F. R. 265), (2) delay in making the regulations effective would preclude the timely filing of applications by cooperative associations of producers and federations of such associations to receive payments for which provision is made in the order, and (3) no obligation, restriction, or requirement is imposed by these regulations which necessitates extensive or substantial preparation by any person prior to their effective date

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

NOTE: For regulations issued on February 10, 1954 see F. R. Doc. 54-1227, *supra*.

Done at Washington, D. C., this 17th day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1226; Filed, Feb. 19, 1954; 8:52 a. m.]

[Lemon Reg. 525]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.632 *Lemon Regulation 525*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 17, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 21, 1954, and ending at 12:01 a. m., P. s. t., February 28, 1954, is hereby fixed as follows:

(i) District 1: 20 carloads;

(ii) District 2: 205 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 18th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[Storage Date: Feb. 14, 1954]

DISTRICT NO. 1

[12:01 a. m. Feb. 21, 1954, to 12:01 a. m. Mar. 7, 1954]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	33.723
Lemon Cove Association	18.221
Tulare County Lemon & Grapefruit Association	40.329
California Citrus Groves, Inc., Ltd.	.003
Harding & Leggett	3.425
Paramount Citrus Association, Inc.	2.833
Santa Rosa Lemon Co	.176
Zaninovich Bros., Inc	1.052
Far West Produce Distributors	.238

DISTRICT NO. 2

Total	100.000
American National Foods, Corona	.667
American National Foods, Fullerton	.822
American National Foods, Upland	1.123
Buenaventura Lemon Co	.668
Consolidated Lemon Co	1.434
Ventura Pacific Co	2.029
Chula Vista Mutual Lemon Association	.437
Euclid Lemon Association	1.809
Index Mutual Association	.318
La Verne Cooperative Citrus Association	2.151
Ventura Coastal Lemon Co	1.332
Ventura Processors	1.546
Glendora Lemon Growers Association	2.307
La Verne Lemon Association	1.074
La Habra Citrus Association	.922
Yorba Linda Citrus Association	.419
Escondido Lemon Association	3.637
Cucamonga Mesa Growers	2.823
Etiwanda Citrus Fruit Association	1.370
San Dimas Lemon Association	1.588
Upland Lemon Growers Association	10.290
Central Lemon Association	.580
Irvine Citrus Association	.532
Placentia Mutual Orange Association	1.000
Corona Citrus Association	.403
Corona Foothill Lemon Co	3.161
Jameson Co	1.244
Arlington Heights Citrus Co	2.050
College Heights Orange & Lemon Association	5.409
Chula Vista Citrus Association	.574
Escondido Cooperative Citrus Association	.277
Fallbrook Citrus Association	2.304
Lemon Grove Citrus Association	.280
Carpinteria Lemon Association	1.610
Carpinteria Mutual Citrus Association	2.321
Goleta Lemon Association	2.405
Johnston Fruit Co	3.658
Briggs Lemon Association	.943
Fillmore Lemon Association	1.607
Oxnard Citrus Association	3.494
Rancho Sespe	.703
San Fernando Heights Lemon Association	5.053
Santa Clara Lemon Association	3.107
Santa Paula Citrus Fruit Association	1.983
Saticoy Lemon Association	2.118
Seaboard Lemon Association	2.898
Somis Lemon Association	3.015
Ventura Citrus Association	.595
Ventura County Citrus Association	.259
Limoneira Co	.921
Teague-McKevett Association	.710
East Whittier Citrus Association	.270
Murphy Ranch Co	.688
North Whittier Heights Citrus Association	.729
Sierra Madre-Lamanda Citrus Association	1.053
Far West Produce Distributors	.121
Huarte, Joseph D	.000
Paramount Citrus Association, Inc.	3.134
Santa Rosa Lemon Co	.025

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 3—continued

Handler	Prorate base (percent)

[F. R. Doc. 54-1251; Filed, Feb. 19, 1954; 8:54 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 21—GENERAL CREDIT TO INDIANS

MISCELLANEOUS AMENDMENTS

Section 21.4 of Title 25, CFR, approved by the Secretary of the Interior December 8, 1950; § 21.6 (d) approved April 13, 1953; and §§ 21.9 and 21.13 approved December 18, 1945, are amended to read as follows:

§ 21.4 *Purpose of loans.* Borrowers from the United States, except individual Indians, may use funds borrowed to make loans to individual members, cooperative associations, and subordinate bands, for any purpose which will promote the economic development of the group or individual, and to finance corporate or tribal enterprises. Eligible individual Indians may receive loans from the United States to promote their economic development.

§ 21.6 *Interest.* • • •

(d) Nothing contained in this section shall be deemed to affect the rate of interest on loan agreements in effect April 13, 1953, or on the unpaid balance of such loan agreements which is made payable under another loan agreement entered into or modified after April 13, 1953. The date of maturity of any indebtedness under any loan agreement entered into prior to April 13, 1953, shall not be extended.

§ 21.9 *Security.* Loans shall be secured by such securities as the Secretary or his authorized representative may require. Unless otherwise provided in the loan agreement, title to all property purchased by a borrower with a loan from the United States shall be taken in the name of the borrower. All securing documents shall be filed or recorded in accordance with State or Territorial law.

§ 21.13 *Relending by borrower.* (a) Funds loaned by the United States to a corporation, tribe, band, or credit association, may be reloaned by it, with the approval of the Commissioner or his authorized representative, but the Commissioner may authorize such lenders to approve applications for particular types of loans up to a specified amount.

(b) Such loans shall be secured by such securities as the lender and the approving officer may require. Individually owned trust or restricted land may be mortgaged for such loans in accordance with § 241.52 of this chapter. All securing documents shall be filed or recorded in accordance with State or Territorial law.

(c) Unless otherwise authorized by the Commissioner in the case of particular loans, title to property purchased with such loans received from such relending organizations shall be taken in the name of the borrower.

(Sec. 10, 48 Stat. 986; 25 U. S. C. 470)

Dated: February 17, 1954.

ORME LEWIS,
Assistant Secretary of the Interior.

[F. R. Doc. 54-1218; Filed, Feb. 19, 1954; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. P. L. 68 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
812100	Biologics (all forms): Human blood plasma (report blood plasma for relief in 999940).
829990	Chemical specialty compounds, n. e. c.: Silica gel.
850900	Nitrogenous fertilizer materials (report nitrogenous phosphatic types in 854100, 854900): Urea (report urea for industrial use in 856400).
912500	Other sensitized films, unexposed: Aerial film and microfilm.

This part of the amendment shall become effective as of February 11, 1954.

2. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a singe Schedule B number, the entry to be superseded is identified by a numerical reference enclosed in parentheses following the commodity description in the revised entry.

[1] This amendment was published in Current Export Bulletin No. 724, dated February 11, 1954.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
540905★	Abrasives: Diamond grinding wheels, sticks, hones, and laps (specify carat weight and grit size of contained diamonds) (report loose industrial diamonds in 599005; diamond powder or dust, including compounds, in 540910).[16]	Carat	TOOL 1	25	RO
541110	Fused alumina (aluminum oxide), crude and in grains [16]	Lb.	MINL 1	100	R
541120	Fused silicon carbide, crude and in grains [16]	Lb.	MINL 1	100	RO
541140	Boron carbide [16]	Lb.	MINL 1	100	RO
547300★	Carbon or graphite products (natural and artificial): Electrodes for furnace or electrolytic work (specify size).[13]	Lb.	MINL	100	RO
548050★	Refractory crucibles, retorts, and stoppers (specify whether natural or artificial).[16]	No.	MINL	100	RO
548098★	Carbon or artificial graphite electrodes other than for furnace or electrolytic work (specify size) (report electrodes for furnace or electrolytic work in 547300). (2) [16]	Lb.	MINL	100	RO
548098★	Carbon and graphite products (including artificial), n. e. c. (specify by name) (4) [16]	Lb.	MINL	100	RO
571410	Sulfur, crude (containing 85 percent or more sulfur) (report sulfur ores or crude sulfur of less than 85 percent sulfur content in 599098).[7] [16]	L. ton	SALT 36		RO
571500	Sulfur, crushed, ground, refined, sublimed and flowers [7] [16]	Lb.	SALT 36	25	RO
573600	Magnesium silicate (talc, steatite and soapstone), crude and ground (except packaged extender pigments).[16]	L. ton	MINL		RO
573700	Magnesium silicate (talc, steatite, and soapstone) manufactures, except soapstone slabs.[16]	Lb.	MINL	100	RO
595050★ 601150	Quartz crystal, raw [16]		RARA 50	10	
	Tin-plated scrap (not definred ro semi-definred) (include scrap for recovery of tin), except tin cans, old, crushed (report definred, semidetinned, or rusted scrap in 601040 and 601060).[7]	S. ton	STEE		RO
619040	Steel ingots, blooms, billets, slabs, sheet bars, and tinplate bars: Alloy steel including stainless: Billets, projectile and shell steel [7]	S. ton	STEE	100	
	Welding rods and wires, including brazing rods: Cobalt (containing 15 percent or more cobalt by weight) (formerly 619039). (2) [7]	Lb.	MINL		RO
619040	Molybdenum (formerly 619039). (4) [7]	Lb.	MINL		RO
619130	Tungsten, including tungsten carbide (formerly 619039). (5) [16]	Lb.	MINL		RO
619140★ 619140	Metal powders: Aluminum or aluminum-bronze powders and pastes (aluminum content).[16]	C. lb.	NONF	100	RO
619152★ 619153	Beryllium copper. (1) [7] [16]	Lb.	NONF	500	RO
619155	Other copper and copper-base alloys (specify type of metal and copper content). (2) [16]	Lb.	NONF	100	RO
619950	Magnesium [16]	Lb.	MINL	100	RO
621903	Molybdenum [7]	Lb.	MINL	None	RO
622050	Tantalum [7]	Lb.	MINL	None	RO
622065	Metal manufactures, n. e. c., and parts, n. e. c.: Other metals, except precious (specify by name and type of metal):				
622095	Other nickel manufactures, n. e. c. (7) [7]	Lb.	CDGS	100	RO
622098	Ferromanganese (specify manganese content) [7]	Lb.	MINL	100	RO
622085	Ferrochrome (specify chrome content) [7]	Lb.	MINL	None	RO
630070★	Ferromolybdenum (specify molybdenum content) [7]	Lb.	MINL	None	RO
641300★	Ferrotitanium and ferro-carbon-titanium (specify titanium content).[7]	Lb.	MINL	None	RO
641200★	Ferrocolumbium (specify columbium content). (1) [7]	Lb.	MINL	None	RO
642001★	Ferrocolumbium-tantalum (specify alloy content). (2) [7]	Lb.	NONF	100	RO
644000★	Other aluminum metal and alloys in crude form (including ingots, pigs, blooms, and slabs). (2) [16]	Lb.	NONF	1,000	RO
644100★	Refined copper in cathodes, billets, ingots, wire bars and other crude forms (include anodes) (report copper bars exorpt wire bars in 642400).[16]				
647913★	Copper scrap (new and old):				
647950★	Other copper scrap. (2) [7]	Lb.	NONF 13	1,000	RO
650500	Copper semifabricated forms, n. e. c. (specify by name) [16]	Lb.	NONF	100	RO
650810	Copper-base alloy scrap (new and old) [7]	Lb.	NONF 13	1,000	RO
651510	Copper-base alloy ingots. (1 and 2) [16] [18]	Lb.	NONF	1,000	RO
654501	Brass and bronze castings and forgings, rough and semifinished. (1) [16]	Lb.	NONF	300	RO
656501	Other copper base alloy castings and forgings, rough and semi-finished (specify copper content). (2) [16]	Lb.	NONF	100	RO
656507	Copper-base alloy semifabricated forms, n. e. c. (specify by name).[16]	Lb.	NONF	100	RO
656517	Other lead scrap (new and old). (2) [16]	Lb.	NONF	500	RO
657050	Lead plate, including battery plate, not assembled as complete battery units.[16]	Lb.	NONF 6	500	RO
657101	Type metal [16]	Lb.	NONF 5	500	RO
657103	Nickel ore, concentrates, and matte [7]	Lb.	NONF	None	RO
657908	Tin alloy scrap (new and old) (including tin-base Babbitt metal dross and scrap and tin-base antifriction metal dross and scrap).[16]	Lb.	NONF 7	100	RO
664020	Tin metal in ingots, pigs, bars, blocks, anodes, cathodes, slabs, and other crude forms (includes tin slugs, formerly 619950). (2) [16]	Lb.	NONF 8	100	RO
664526	Tin-base Babbitt metal, except scrap and dross (50 percent or more of tin by weight) (report scrap and dross in 656501, lead-base Babbitt metal in 651516; Babbitt metal bearings in 769100–769320).[16]	Lb.	NONF 9	100	RO
	Zinc scrap (zinc content) (report zinc dust in 619158) [16]	C. Lb.	NONF 2	500	RO
	Zinc cast in slabs, pigs, or blocks: Special high grade, containing not over 0.007 percent lead, not over 0.005 percent iron, not over 0.005 percent cadmium, no aluminum, and at least 99.99 percent zinc.[7]	Lb.	NONF 9	500	RO
	High grade, containing not over 0.07 percent lead, not over 0.02 percent iron, not over 0.07 percent cadmium, no aluminum, and at least 99.90 percent zinc.[16]	Lb.	NONF 9	500	RO
	Zinc rolled in sheets, plates, and strips [16]	Lb.	NONF 10	500	RO
	Chromium or chromite	Lb.	MINL	300	RO
	Ores and concentrates [7]	Lb.	MINL	None	RO
	Cobalt.				
	Cobalt dental alloys. (1) [7]				

See footnotes at end of tables.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
722045	Construction and maintenance equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name)	No.	AGMT 1	None	R
	Logging arches and sulkies for agricultural wheel-type tractors				
	Specialized mining machines and equipment, n. e. c., and parts, n. e. c.:				
730810	Specially fabricated parts and accessories, n. e. c. (specify by name)		MINE 2	500	RO
	Underground self-propelled carriages (mine tracks) for mounting mining equipment, i. e., drills, compressors, timber setters, etc., and specially fabricated parts, n. e. c. (2) [1]				
730810	Other specialized mining machines and equipment, n. e. c. (3) [1]		MINE 2	500	R
730840★	Specially fabricated parts for separators, electrostatic or electromagnetic types described under Schedule B No. 730840		MINE 2	500	RO
730810	Specially fabricated parts, n. e. c., for underground loading machines. (5) [1]		MINE 2	500	RO
730810	Specially fabricated parts for other specialized mining and ore dressing machines and equipment included on the Positive List under Schedule B Nos. 730840, 730850 and 730860 for which validated license is required to R and O country destinations. (7) [1]		MINE 2	500	RO
730810	Specially fabricated parts for specialized mining and ore dressing equipment included on the Positive List under Schedule B Nos. 730840, 730850 and 730860 for which validated license is required to R country destinations. (8) [1]		MINE 2	500	RO
730870	Earth and rock drilling machines, n. e. c., and parts, n. e. c.: Rock drill bits, percussion types, containing tungsten carbide.	No.	MINE	100	RO
730870	Rock drill bits, percussion types, containing tungsten carbide. (2) [1]	No.	MINE	100	RO
730870★ 730840	Other bits and reamers containing diamonds [1]	No.	MINE	100	RO
730890	Other bits and reamers, suitable for well drilling (specify kind). [1]	No.	MINE	100	RO
	Parts, n. e. c., specially fabricated for the well drilling machines included on the Positive List under Schedule B Nos. 730840 through 617905 [1]		MINE 3	250	RO
732090	Well drilling machines, and parts (report oil-country tubular products in 899230 series)				
733050	Parts and accessories, n. e. c., specially fabricated for well-drilling machines (specify by names) [1]		MINE 4	500	RO
	Petroleum field production equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name) (report oil-country tubular products in 899230–899280 series)		MINE 4	500	RO
734045	Petroleum refining equipment, n. e. c., and parts: Refining units, specially fabricated for petroleum refining units	Lb.	MINE	500	RO
735049	Petroleum refining equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name) [1]		MINE	500	RO
735080	Industrial water treatment equipment, except stationary for drinking water.		MINE	250	RO
735150	Industrial manufacturing and service industries machines, n. e. c., and specially fabricated parts, n. e. c.: Parts specially fabricated for horizontal rotary cylindrical kilns. (2) [1]		MINE 5	1,000	R
735310	Mixing and blending machines, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name): Colloid mills (formerly 775035 and 775040) [1]		GEQ 20	100	R
664529	Cobalt—Continued Semifabricated forms, n. e. c. (specify by name) [7]	Lb.	MINL	None	RO
664530	Columbium or niobium: Ores and concentrates [7]	Lb.	MINL	None	RO
664533	Metals and alloys in crude form [7]	Lb.	MINL	None	RO
664535	Semifabricated forms, n. e. c. (specify by name) [7]	Lb.	MINL	None	RO
664541	Manganese: Other manganese metal and alloys in crude form, and scrap (containing 10 percent or more manganese) (2) [1]	Lb.	MINL	None	RO
664547★★ 664549★★	Magnesium: Metal and alloys in crude form and scrap [16]	Lb.	MINL	100	RO
664550	Semifabricated forms, n. e. c. (specify by name) [16]	Lb.	MINL	100	RO
664551	Molybdenum: Ore and concentrate (molybdenum content) [16]	C. lb.	MINL	None	RO
664553	Metal and alloys in crude form, and scrap [7]	Lb.	MINL	None	RO
664554	Molybdenum wire	Lb.	MINL	None	RO
664563★	Semifabricated forms, n. e. c. (specify by name) [7]	Lb.	MINL	None	RO
664570	Tantalum: Semifabricated forms, n. e. c., including rings and wire (specify by name).[16]	Lb.	MINL	None	RO
664583★	Titanium: Ores and concentrates (specify by name and state percentage of TiO2).[7]	Lb.	MINL	None	RO
692205	Tungsten: Metal and alloys in semifabricated forms, n. e. c. (specify by name and tungsten content). (Report tool bit blanks, dies, and inserts in 617903.) [1]	Lb.	MINL	None	RO
692990	Platinum and allied metals: Wire of platinum, rhodium platinum, or iridium platinum of a thickness of 0.5 mm or less	T. oz.	MINL	25	RO
692990	Platinum manufactures, n. e. c. (including platinum-plated manufactures and platinum catalysts) (specify by name and platinum content). (1) [16]	T. oz.	MINL	25	RO
692990	Platinum allied metal manufactures, n. e. c. (including plated) (specify by name and platinum allied metal content)	T. oz.	MINL	80	RO
705000	Motors and controls, n. e. c., and parts (report antennas, assigns and other synchronous transmission systems in 706668): Parts and accessories, n. e. c., specially fabricated for motors of 1 horsepower and over (specify by name) [2]		ELME 2	100	RO
706590	Electric bulbs and tubes (lamps), and parts (report bulb and tube blanks in 529400): Molybdenum filaments. (1) [7]		MINL	None	RO
706660	Tungsten contacts and filaments. (2) [16]		MINL	None	RO
707340	Electron-tube components: Electron tubes (report X-ray tubes in 707907): Tantalum plates, for radio transmitter and radio receiving tubes (formerly 706660). (2)		MINL	None	RO
708820	Electronic amplifiers, for use in experimental laboratories (formerly 708820). [2] [3]		ELME 2	None	RO
708820	Other amplifiers, n. e. c. and specially fabricated parts, n. e. c. (report audio-amplifying in 708820) [3]		RARA 52	200	R
709220	Starting, lighting, and ignition equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.: Automobile, bus, tractor, truck, and industrial engine types (specify by name) (report spark plugs in 706830).[2]		TRAN 6	500	R
709885	Insulated wire and cable: Other insulated wire and cable, n. e. c. (specify by name) [2]	Lb.	NONF 17	100	RO
720495	Crushing, screening and screening machines (mobile, portable, and semi-portable): Parts, attachments, and accessories, n. e. c., specially fabricated for construction and mining types of crushers, pulverizers, grinders, graniulators, screening machines, and crushing-screening outfits (formerly 720480). (1) [1]		MINE	500	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Tractors (except contractors' wheel type, and industrial type) (report horsepower rating according to Nebraska Maximum Test or manufacturer's equivalent) (report contractors' wheel type in 722024; industrial type in 725030):				
	Wheel-type tractors:				
787610	Row-crop type tractors, new: 8 under 15 belt horsepower [19]	No.	AGMT 1	None	■
787620	15 under 25 belt horsepower [19]	No.	AGMT 1	None	R
787630	25 under 30 belt horsepower [19]	No.	AGMT 1	None	■
787640	30 under 35 belt horsepower [19]	No.	AGMT 1	None	R
787650	35 under 60 belt horsepower. (1) [19]	No.	AGMT 1	None	■
787700	60 and over belt horsepower. (2) [19]	No.	AGMT 1	None	RO
	Standard wheel type tractors, new:				
787710	8 under 20 belt horsepower [19]	No.	AGMT 1	None	R
787740	20 under 25 belt horsepower [19]	No.	AGMT 1	None	R
787760	25 under 35 belt horsepower [19]	No.	AGMT 1	None	R
787780	35 under 45 belt horsepower [19]	No.	AGMT 1	None	R
787795	45 under 60 belt horsepower. (1) [19]	No.	AGMT 1	None	RO
■	60 and over belt horsepower. (2) [19]	No.	AGMT 1	None	RO
787890	Row-crop and standard wheel type tractors, used and rebuilt: Under 60 belt horsepower. (1) [19]	No.	AGMT 1	None	■
787900	60 and over belt horsepower. (2) [19]	No.	AGMT 1	None	RO
	Coal-tar acids, crude and intermediate:				
■	Phenol or carbolic acid [19]	Lb.	COTA	100	RO
	Coal-tar intermediates, except coal-tar acids:				
802580	Other coal-tar intermediates (specify by name): Styrene. (15) [19]	Lb.	COTA 61	800	III
820580	Agricultural sulfur, n. e. c. (report ground sulfur, unconditioned, for use on plants or soils in 571300): Agricultural sulfur dusts and spray concentrates containing 85 percent or more sulfur, such as, but not limited to, conditioned dusting sulfur and wettable sulfur (specify by name). [7] [27]	Lb.	AGCH 2	100	RO
	Plastics and resin materials:				
826150	Cellulose plastic materials (report manufactured plastic products in 981510 and 981560): Ethyl cellulose in all unfinished forms [19]	Lb.	RESN	100	RO
829894	Hydraulic fluids and oils, except of petroleum origin (report hydraulic fluids and oils of petroleum origin in 362200) [19]	Gal.	SALT	100	RO
	Chemical specialty compounds, n. e. c.:				
829990	Combustion catalysts containing cobalt. (3) [1] [2]	Lb.	SALT	100	RO
839440	Molybdenum lubricants (report molybdenum disulfide in powder form under 839400). (5) [7]	Lb.	SALT	25	RO
	Acids and anhydrides:				
830300	Organic Naphthenic acid. (2) [19]	Lb.	ORGN	100	RO
■	Alcohols (report jet fuels in 829920): Propyl alcohol, secondary (isopropanol; isopropyl alcohol). [19]	Lb.	ORGN 67	100	■
832500	Synthetic collecting reagents for concentration of ores, metals, or minerals. [19]	Lb.	ORGN	100	RO
832990	Organic chemicals not of coal-tar origin, n. e. c. (specify by name): Glycol compounds. (5) [19]	Lb.	ORGN	100	RO
838500	Ammonium compounds, except fertilizers (report fertilizers and fertilizer materials in 830500-855100): Ammonium compounds, n. e. c. (specify by name): Ammonium molybdate. (1) [7]	Lb.	SALT	25	RO
839250	Metal salts of organic compounds, except paint and varnish driers (specify by name) (report paint and varnish driers in 843900): Cobalt salts of organic compounds. (4) [17] [18]	Lb.	SALT	100	RO
839750	Nickel salts of organic compounds. (7) [7]	Lb.	SALT 65	100	RO
839900	Other industrial chemicals: Cobalt compounds (report cobalt salts of organic compounds in 839750; cobalt-containing pigments in 842900; and cobalt-containing paint and varnish driers in 843900). (10) [17]		SALT	100	RO
839900	Molybdenum salts and compounds, n. e. c. (report molybdenum oxide, molybdenum trioxide and molybdic acid, except chemically pure grade, in 664550; report chemically pure grade in 839070). (20) [1]	Lb.	SALT 64	25	RO
	Chemical pigments:				
842900	Chemical pigments, n. e. c.: Cobalt-containing pigments. (4) [17] [18]	Lb.	SALT	100	RO
843900	Paint and varnish driers containing cobalt [17] [20]	Lb.	PLAT	100	RO

[1] The GLV dollar-value limit is increased.
[2] The letter "B" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to DL restrictions (see § 374.2 of this subchapter), and is no longer excepted from the Time Limit licensing procedure (see Part 377 of this subchapter).
[7] The letter "R" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under the Periodic Requirements licensing procedure (see Part 376 of this subchapter).
[15] The letter "G" is deleted in the column headed "Commodity Lists," indicating that the commodity may be exported to Group O destinations under general license GLV within the $500 dollar-value limit (see § 371.10 (c) of this subchapter).
[17] The destination control is changed from R0 to R.
[18] The commodity description is revised without substantive change.
[19] The commodity is excepted from the provisions of General In-Transit License GIT (see § 371.9 (c) of this subchapter), effective March 13, 1954.
[20] The GLV dollar-value limit for beryllium-copper ingots is increased from $300 to $1,000.
[27] Parts and accessories, n.e.c., specially fabricated for motors of less than 1 horsepower are deleted.
[28] The Schedule B number is changed.
[29] These entries include all electronic amplifiers other than audio-amplifying.
[31] Agricultural sulfur dusts and spray concentrates containing less than 85 percent sulfur are deleted.
★ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.

This part of the amendment shall become effective as of February 11, 1954, unless otherwise indicated in the footnotes.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945. 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948. 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-1120; Filed, Feb. 19, 1954; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter J—Procurement

[CGFR 54-7]

PART 116—PROCEDURES FOR PURCHASING

PART 118—CONTRACTS

MISCELLANEOUS AMENDMENTS

The amendments to §§ 116.01-8, 116.01-9, 116.01-10, 116.01-45, 116.01-140, 116.03-56 (d) (2), 116.03-58 (b), and 118.01-12 are editorial in nature to clarify requirements of procedures.

A new section designated § 116.01-12 sets forth performance and default instructions for Federal Supply Schedule contracts in accordance with General Services Administration Regulation 1-II-303.03.

The amendment to § 116.01-138 revises delivery terms to be inserted in supply contracts to parallel those prescribed in General Services Administration Regulation 1-II-209.03.

The deletion of § 116.01-143 is incident to the cancellation of National Production Authority Order M-14 on the use of nickel and nickel bearing alloys.

A new section designated § 116.01-165 prescribes procurement instructions for envelopes and articles bearing penalty indicia.

A new section designated § 116.01-166 prescribes instructions for the procurement of advertising for recruiting purposes.

The amendment of § 116.03-56 (c) adds a new subparagraph designated (5) which prescribes procedure for the establishment and use of an "Imprest Fund."

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), the following amendments are prescribed:

1. Section 116.01-8 is amended to read as follows:

§ 116.01-8 *Referral to Headquarters.* All questions relative to contract procedure and requests to depart from standard contract provisions shall be referred to the Commandant (FS-1) via the District Commander (f) or the Commanding Officer of the Headquarters unit concerned.

2. Section 116.01-9 *Commercial procurement by vessels and stations* is hereby revoked.

3. Section 116.01-10 is amended to read as follows:

§ 166.01-10 *Performance and default under Coast Guard contracts.* When a contractor fails, or it becomes apparent that he will fail, to perform the terms and conditions of a contract, a complete report of all circumstances, including the contract number and the recommendations of the contracting officer, shall be forwarded to the Commandant (FS-1) for determination of the action to be taken. If the Commandant determines that the contract should be terminated for default, any supplies or services still required after such termination may be purchased against the contractor's account, in the open market or otherwise.

4. Part 116 is amended by adding a new § 116.01-12 reading as follows:

§ 116.01-12 *Performance and default under Federal Supply Schedule contracts*—(a) *Responsibilities.* While the General Services Administration (hereinafter referred to in this subchapter as "Administration") awards Federal Supply Schedule contracts and exercises general supervision over such contracts, it is the responsibility of Coast Guard units using such contracts to place orders with the contractors, make payment, and, in the first instance, determine whether performance meets the contract terms. Subject to the provisions of the contracts and the conditions stated in this section, ordering offices should deal directly with contractors concerning their performance of the contract terms, and should accept or reject the supplies or services, make price adjustments for defective supplies or services, or seek replacements, and, in case of default, terminate purchase orders, purchase from other sources, and charge contractors with resulting excess costs.

(b) *Inspection, defective supplies or services.* Arranging for inspection of supplies delivered or services performed by a contractor shall be the responsibility of the ordering office. Adequate inspection of items is necessary to maintain established standards and require compliance with terms and conditions, specifications and samples, and to obviate contractor delinquencies. Should inspection assistance be desired by an ordering office, the nearest Administration regional office should be contacted. The Administration regional office executing the contract shall be notified of all significant instances where defective articles and services are received by an ordering office. Ordering offices may accept defective articles and services, and pay therefor at a proper reduction in price in accordance with paragraph 17 (b) of General Provisions for Federal Supply Schedule Contracts, March 1951, GSA Form 281c, or may terminate the right of the contractor to proceed further under the purchase order, declare the contractor in default, and purchase the supplies elsewhere against the contractor's account.

(c) *Delinquent performance.* Where the contractor fails to perform in accordance with the provisions of the contract, ordering offices may afford a further opportunity to perform or terminate the right of the contractor to proceed further under the purchase order, declare the contractor in default on the order, and purchase elsewhere against his account. Should the contractor allege that the failure in performance was due to an excusable cause precluding assessment of excess costs under the provisions of the contract, the Deputy Regional Director, Federal Supply Service, at the Administration regional office executing the schedule contract shall be notified promptly. In the absence of a decision by the contracting officer executing the contract, or by the Administrator, or his duly authorized representative, on appeal, pursuant to such notice that the failure is excusable, the ordering office is free to charge against the contractor any excess cost resulting from the default. When the ordering office is aware that the defaulting contractor has alleged the failure to be excusable, it may elect to postpone the assessment of excess costs until a decision is made in order to avoid unnecessary accounting actions. (See paragraph 21 of the General Provisions for Federal Supply Schedule Contracts, March 1951, GSA Form 281c.)

(d) *Disputes.* All disputes concerning questions of fact arising under the contract which cannot be settled satisfactorily between the ordering office and the contractor shall be decided by the Administration contracting officer executing the contract or by the Administrator, or his duly authorized representative, on appeal. (See paragraph 22 of the General Provisions for Federal Supply Schedule Contracts, March 1951, GSA Form 281c.)

(e) *Default; ordering office.* Any ordering office may, in respect to any one or more purchase orders placed by it under a contract, declare the contractor in default in accordance with the provisions of paragraph 21 (g) of the General Provisions for Federal Supply Schedule Contracts, March 1951, GSA Form 281c. However, before declaring a contractor in default, an ordering office should ordinarily notify the contractor in writing that unless satisfactory performance occurs within a specified time, which should allow a reasonable time for performance, the ordering office will terminate his right to proceed further under the purchase order and he will be held liable for any excess costs resulting from purchasing the supplies or services elsewhere. However, such notice shall not be given when the default involves an attempted fraud on the United States, or when it would be obviously futile as, for example, when the contractor has already declined to perform. Where excess costs are anticipated, the ordering office may likewise withhold sufficient funds otherwise due the contractor as offset security. Ordering offices shall endeavor to minimize excess costs to be charged against the contractor and to collect by check or set off any excess costs owed. The funds recovered from the contractor shall be deposited to the credit of "Miscellaneous Receipts" (20X5331, Recoveries, excess cost over contract price). The Administration regional office executing the contract shall be notified of all cases where an ordering office has declared a Federal Supply Schedule contractor in default.

(f) *Default; General Services Administration.* The Administration may declare a contractor in default on an overall basis for any or all items covered by the contract, in accordance with the provisions of paragraph 21 of the General Provisions for Federal Supply Schedule Contracts, March 1951, GSA Form 281c, as distinguished from ordering office action on individual orders. When notified of such action by the Administration, ordering offices shall thereafter refuse to accept further performance by the contractor, shall not place further purchase orders with him, and shall purchase against the account of the contractor from replacing contractors designated by the Administration, or in such other manner as directed by the Administration.

(g) *Failure to collect excess costs.* Ordering offices shall report to the Deputy Regional Director, Federal Supply Service, at the Administration regional office executing the Federal Supply Schedule contract involved, those instances where they have been unsuccessful in collecting excess costs which have accrued against a defaulting contractor. Reports shall be made within 60 days from date of final payment to the new contractor from whom the replacement purchase was made and may be in letter form. Such reports shall provide complete information so as to identify properly the transaction and furnish necessary data, such as the name of the defaulting contractor, contract number, item number and description, schedule price, and the amount of excess costs to be collected. In addition, complete information shall be reported concerning the supplier from whom substitute purchase was made, such as the name of the supplier, purchase price, order number or numbers on which payment was made, and contract number, if any. The Administration regional office will consolidate such data as reported and, in the absence of an available offset in the regional office, will submit such data through channels to the General Accounting Office for collection.

5. Section 116.01-45 is amended to read as follows:

§ 116.01-45 *Post Office Department.* Envelopes shall be purchased only under contracts executed by the Post Office Department. Orders will be placed in accordance with § 116.01-165.

6. Section 116.01-138 is amended to read as follows:

§ 116.01-138 *Place of delivery*—(a) *General.* Delivery terms that are most appropriate and advantageous to the Government shall be incorporated in all supply contracts, taking into account established trade practice and the presence of special circumstances. In addition to the insertion of the term itself, the particular point or points at which delivery is to take place, within the meaning of the delivery term, shall be fully identi-

fied in the contract either (1) by the issuing office in its invitation for bids (or request for quotations), or (2) by the contractor in his bid (or quotation) in the case of other than destination deliveries. In those cases where the information required for insertion in the contract to identify the point at which delivery is to be made can be furnished only by the contractor, appropriate instructions to bidders shall be inserted in the invitation for bids (or request for quotations) providing for inclusion of such information in the bids (or quotations).

(b) *Determination of delivery terms*—(1) *Domestic shipments.* Unless there are valid reasons to the contrary (such as, but not restricted to, industry practice or applicability of state taxes), all invitations for bids (or requests for quotations) for supplies from sources and for delivery within the continental United States shall provide for method of delivery as follows:

(i) *Less than minimum carload or truckload lot.* When it is estimated that any shipment to a single destination will not equal a minimum carload or truckload lot (a minimum lot shall be deemed to weigh approximately 20,000 pounds), delivery will be made on the basis of all transportation charges paid to destination.

(ii) *Minimum carload or truckload lot.* When it is estimated that any single contract will require a shipment of a minimum carload or truckload lot, delivery may be either on the basis of (a) f. o. b. carrier's equipment, wharf, or freight station (at the Government's option), at a specified city or shipping point, or (b) all transportation charges paid to destination, whichever is the most advantageous to the Government. The invitation for bids (or request for quotations) shall provide that bidders may bid (or quote) on either or both bases set forth in this paragraph. Bids (or quotations) shall be evaluated on the basis of overall cost to the Government.

(2) *Shipments outside the continental U. S.* In the case of supplies purchased within the continental United States for ultimate delivery to destinations outside the continental United States, wherever possible, regardless of the quantity of the shipment, delivery will be made on the basis of f. o. b. carrier's equipment, wharf, or freight station (at the Government's option), at or near contractor's plant, at a specified city or shipping point. Shipments included in this policy are those in which supplies are shipped directly to a port area for export or to storage areas for subsequent reshipment to a port area for export.

(c) *Standard contract delivery terms*—(1) The standard delivery terms normally used in Coast Guard supply contracts are:

(i) F. o. b. point of origin;

(ii) F. o. b. destination;

(iii) F. o. b. destination, within consignee's premises.

(2) Definitions of the standard delivery terms are contained in Coast Guard Form CG–2557A–1 (Additional General Provisions—Supply Contract), which is incorporated into supply contracts.

7. Section 116.01–140 is amended by changing the headnote for the section and by revising paragraph (b) and paragraph (c) (3) to read as follows:

§ 116.01–140 *Liquidated damages.*

* * *

(b) *Supply contracts.* (1) Where time of delivery or performance is to be made a controlling element in the acceptance or rejection of proposals, the fact shall be stated in the invitation in order that all bidders may have an equal opportunity to offer the items or services within the time so specified. Where it is not so stated, this element cannot be considered in the making of awards. The following clause may be used: "Time required for delivery (completion) is important and will be considered when making award. Delivery (completion) is required not later than (insert required date). A liquidated damage clause assessing (insert rate per day and unit of assessment) for each calendar day of delay in delivery (completion) will be included in the contract."

(2) The scale in paragraph (c) (2) of this section is used in determining the daily rate of liquidated damages for supply contracts.

* * * * *

(c) *Construction contracts (SF–23).*

* * *

(3) *Extension of time.* Clause 5 (c) of Standard Form 23a, General Provisions (Construction Contracts), applicable to both construction and repair contracts, prescribes the acceptable causes for delay in contract completion. Any such delay beyond the contractor's performance time must be incorporated in a Change Order (Form CG–3473) immediately after the incident occurs in accordance with the provisions of Clause 5 (c), Standard Form 23a. Change orders granting an extension of time must be fully justified and the extenuating circumstances described in detail. In interpreting the word "unforeseeable" as used in the above clause, the Comptroller General of the United States, in his decision (B–73902), 27 Comp. Gen. 621 ruled:

> It is to be understood at the outset that the application of excusable causes enumerated in the contract provision in question is dependent upon the factual situation present in a given case. That is to say, it is well established that the mere happening of an event or cause enumerated in the contract may not be regarded, *ipso facto*, as excusing the contractor, but there is first for consideration whether such event or cause was so abnormal, extraordinary or unusual, as to render it unforeseeable.

8. Section 116.01–143, *Use of nickel and nickel bearing alloys* is hereby revoked.

9. Part 116 is amended by adding a new § 116.01–165 reading as follows:

§ 116.01–165 *Procurement of envelopes and articles bearing penalty indicia*—(a) *Envelopes.* Envelopes will be procured only under contracts made by the Post Office Department. The publication "Award of Contracts for Envelopes" lists all available types of envelopes and contains the necessary information required for placement of orders. Orders placed for envelopes will be forwarded directly to the contractor. Copies of those orders covering envelopes with penalty indicia will be forwarded to the Commandant (FS).

(b) *Other articles bearing penalty indicia.* Articles (other than envelopes) bearing penalty indicia such as labels, cards and tags will be procured exclusively by the Commandant (CHS). The Commandant (CHS) will procure such articles directly from contracts made by the Post Office Department or from or through the Government Printing Office.

10. Part 116 is amended by adding a new § 116.01–166 reading as follows:

§ 116.01–166 *Procurement of advertising for recruiting purposes*—(a) *General.* It shall be the policy of the Coast Guard to refrain from the use of paid advertising for recruiting purposes unless approved in advance by the Commandant (PTP) in the case of recruits for the regular Coast Guard, or the Commandant (PR) in the case of recruits for the Coast Guard Reserve. However, advertising space donated to public service announcements by newspapers and/or radio or television stations may be utilized if made available to the Coast Guard without cost.

(b) *Authority for paid advertising.* Supplement No. 3, dated June 10, 1949, to Treasury Department Order No. 77 of December 17, 1946, and its supplements of June 30, 1947, and November 13, 1947, provides that the Commandant may continue until further notice to authorize the publication of advertisements for the recruitment of enlisted personnel in newspapers, periodicals, through radio stations, and other media of commercial publicity.

(c) *Procurement of paid advertising*—(1) *General.* Each publisher or broadcaster with whom an agreement to advertise has been negotiated shall furnish current copies of his advertising rates in sufficient number to provide a copy for the Commandant (FP) and for each field office concerned.

(2) *Newspaper and periodical advertising.* The publisher's authority to print the advertisement shall be prepared on Standard Form No. 1143 (Advertising Order), and Standard Form No. 1143a (memorandum copy), which will be numbered serially on a fiscal year basis by each ordering unit.

(3) *Radio and television advertising.* The radio or television station's authority to broadcast spot announcements shall be prepared on Form CG–2557 (Purchase Order).

(d) *Payment*—(1) *Newspaper and periodical advertising.* After the advertisement has been printed, the publisher shall submit request for payment on Standard Form No. 1144 (Public Voucher for Advertising), and Standard Form No. 1144a (memorandum copy), to the ordering office in quintuplicate. The original and three copies of the advertising voucher shall be supported by (i) one copy of the printed page ("tear sheet") containing the advertisement for each date of publication, or in lieu thereof the payee's affidavit of publication showing placement of advertisement on the dates ordered, and (ii) the publisher's advertising rate card, unless previously obtained and filed with the Commandant (FP) and each field office concerned.

(2) *Radio and television advertising.* After the announcement series have been completed, the radio or television station shall submit request for payment in the form of a certified invoice in quintuplicate, detailing the time occupied, dates, etc., and supported by a copy of the spot announcement rate schedule, unless previously obtained and filed with the Commandant (FP) and each field office concerned.

(3) *Claims to be forwarded to Commandant (FP) for settlement.* Advertising vouchers (Standard Form No. 1144 and 1144a), certified invoices for radio-television advertising, and pertinent supporting papers shall be forwarded to the Commandant (FP) for settlement.

11. Section 116.03–56 is amended by adding a new paragraph (c) (5) and by revising paragraph (d) (2) to read as follows:

§ 116.03–56 *Small purchases by district offices.* * * *

(c) *Use of cash purchase.* * * *

(5) When considered desirable and more efficient to advance funds for cash purchases to a designated member of the supply organization at a Coast Guard unit, an Imprest Fund may be established. Such a fund is defined as one established, without appropriation charge, by the advance of cash from an assistant disbursing officer or agent cashier to a designated Imprest Fund cashier for the purpose of making cash payments for small purchases, to be replenished on a revolving basis. The Imprest Fund cashier must be bonded. Establishment and use of Imprest Funds will be accomplished in the following manner:

(i) *Authority.* District Commanders and Commanding Officers of those Headquarters units covered by § 116.03–57 may request the Commandant (F) to establish an Imprest Fund at any unit with an assistant disbursing officer attached. Authority for establishment remains with the Secretary of the Treasury. Only one Imprest Fund will be authorized at any unit.

(ii) *Limitation and usage of funds.* The amount of each Imprest Fund will be kept at a minimum consistent with the volume of purchases under this procedure, but in no case will exceed $500.00. Cash payment to a vendor is limited to one purchase at one time not to exceed $50.00 each. Cash payments under this procedure may be used for the procurement, payment, or reimbursement of: Bus and street car tokens and passes, postage stamps (including postage due), rubber stamps, books, hardware, minor technical and special supplies, general stores, taxicab fares, parcel post, drayage, repairs to equipment, fees, refunds, utility bills, etc. Imprest Funds may not be used for payment of salaries or wages, transportation charges on bills of commercial carriers, or for cashing of checks or other negotiable instruments.

(iii) *Imprest fund cashiers.* Approval by the Secretary will include designation of one commissioned or warrant officer or civilian employee as Imprest Fund Cashier. The Imprest Fund Cashier may, at his own risk, delegate the handling of funds and vouchers to a subordinate and may advance funds on a receipt to personnel designated to pick up or pay for material or services purchased or delivered c. o. d. Such personnel must be designated by the Comptroller for Headquarters or by the District Commander (f) or the Commanding Officer of a Headquarters unit. Funds will not be deposited in a bank or intermingled with other funds, but will be kept in secure storage provided by the Coast Guard and accessible only to the cashier.

(iv) *Action.* Purchases will be accomplished under this procedure in the same manner as those covered by instructions in subparagraphs (1) to (4) of this paragraph, except that advances will be obtained from and accounted for to the Imprest Fund Cashier in lieu of the assistant disbursing officer or agent cashier.

* * * * *

(d) *Use of charge account.* * * *

(2) At time of pick-up or delivery, or performance of service, one copy of supplier's sales slip, priced delivery ticket, or invoice, is receipted by Coast Guard and retained by supplier. A second copy, receipted by Coast Guard representative, is retained by the supply office. A third receipted copy is transmitted to the Pay and Voucher Section.

12. Section 116.03–58 *Purchases by units without ADO's or agent cashiers attached* is amended by revoking paragraph (b).

13. Section 118.01–12 is amended to read as follows:

§ 118.01–12 *Contract bulletins*—(a) *General.* Information bulletins covering term contracts executed by Coast Guard contracting officers shall be promptly furnished to all units which may make use of such contracts. The bulletins shall be in sufficient detail to permit settlement of contractors' invoices and shall cite contract numbers, date of the contract, name and address of the contractor, delivery points and delivery conditions, items and prices, applicable discounts, and code symbols relating to sources of procurement and circumstances governing procurement. District commanders shall also furnish information covering contracts executed by other Government agencies which are available for Coast Guard use to all district units and transient vessels which may utilize such contracts.

(b) *Copies to be furnished Commandant (FS–1).* One copy of each term contract bulletin prepared by units with contracting officers shall be forwarded to the Commandant (FS–1).

(62 Stat. 21; 41 U. S. C. 151–161)

Dated: February 16, 1954.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 54–1222; Filed, Feb. 19, 1954; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 942]

ARKANSAS

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 834 OF MAY 23, 1952

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 834 of May 23, 1952, reserving public lands for forest management purposes, is hereby revoked so far as it affects the public lands in the following-described townships:

FIFTH PRINCIPAL MERIDIAN

Tps. 19 and 21 N., R. 1 W.
Tps. 19, 20 and 21 N., R. 2 W.
Tps. 17 to 21 N., R. 3 W.
Tps. 16 to 21 N., R. 4 W.
Tps. 11, 12 and 14 to 21 N., R. 5 W.
Tps. 11 to 21 N., Rs. 6 W. and 7 W.
T. 11 N., R. 8 W.
Tps. 13 and 14 N., R. 8 W., North & East of White River.
Tps. 15 to 21 N., R. 8 W.
Tps. 10 and 11 N., R. 9 W.
T. 15 N., R. 9 W., North of White River.
Tps. 16 to 21 N., R. 9 W.
T. 11 N., R. 10 W.
T. 15 N., R. 10 W., North of White River.
Tps. 16 to 21 N., R. 10 W.
Tps. 11 and 18 to 21 N., R. 11 W.
Tps. 11 and 19 to 21 N., R. 12 W.
Tps. 9, 10, 16, 20 and 21 N., R. 13 W.
Tps. 10, 11, 14 to 18, 20 and 21 N., R. 14 W.
Tps. 9, 14, 17, 18, 20 and 21 N., R. 15 W.
Tps. 14, 17, 20 and 21 N., R. 16 W.
Tps. 16, 20 and 21 N., R. 17 W.
T. 16 N., Rgs. 18 and 19 W.
Tps. 15 and 16 N., Rgs. 20 to 23 W.
T. 16 N., R. 24 W.
Tps. 15 and 16 N., R. 26 W.
Tps. 14 and 15 N., Rgs. 27, 28 and 29 W.
Tps. 14 and 15 N., R. 30 W.
T. 14 N., Rgs. 31 and 32 W.
Tps. 13 and 14 N., R. 33 W.

The public lands in the areas described aggregate approximately 68,000 acres.

The lands released from withdrawal by this order vary from rough to rolling and are broken in places by escarpments. The soils are sedimentary in origin and consist of consolidated and unconsolidated sand, clay and limestone combinations, predominantly limestone. They have no value for agricultural use other than low value woodland grazing.

No application for the lands released from withdrawal by this order may be allowed under the homestead, small tract, or any other non-mineral public land law unless the lands have been classified as valuable or suitable for the type of use contemplated by such application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject

to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed with the Director, Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

ORME LEWIS,
Assistant Secretary of the Interior.

FEBRUARY 17, 1954.

[F. R. Doc. 54–1219; Filed, Feb. 19, 1954; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

NOTICE OF FILING OF APPLICATIONS BY MOTOR CARRIERS OF PROPERTY

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 1st day of February A. D. 1954.

The matter of special rules governing notice of filing of applications by motor carriers of property and certain other procedural matters with respect thereto being under consideration:

It is ordered, That the following special rules be, and they are hereby, prescribed:

§ 1.240 *Special rules governing notice of filing of applications by motor carriers of property, under sections 5 (2), 206, 209, 210a (b), and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto*—(a) *Scope of special rules.* These special rules govern the filing and handling of (1) applications under section 5 (2) of the Interstate Commerce Act respecting control, lease, and unification of operating rights and properties of motor carriers of property, (2) applications for certificates, permits, and licenses respecting the transportation of property under sections 206, 209, and 211 of the act, and (3) applications for temporary authority respecting the transportation of property under section 210a (b) of the act. Amendments to applications which broaden the scope of proposed operations are deemed to be "applications" for the purpose of these rules. Such amendments will not be allowed if tendered after an application has been assigned for oral hearing.

(b) *Notice to interested persons.* Notice of the filing of such applications to interested persons shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER. Such summaries will be prepared by the Commission. No other notice by applicants to interested persons is required, except that applicants are not relieved from the obligations to file copies of applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers as required by the instructions which are a part of the prescribed form of application.

(c) *Protests and requests for hearing.* (1) Protests to the granting of an application shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

(2) Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held.

(3) In addition to other requirements of § 1.40 of the general rules of practice, protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected.

(4) Any request for an oral hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form of affidavits. The Commission will determine whether or not assignment of the application for hearing is necessary or desirable.

(5) Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of the notice of the filing of the application.

(6) Except when circumstances require immediate action, an application for approval under section 210a (b) of the act of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of the notice of the filing of the application. If a protest is received prior to action being taken, it will be considered.

It is further ordered, That a copy of this order shall be served upon each motor common and contract carrier of property and each broker of property transportation subject to the jurisdiction of this Commission, and that notice to the general public shall be given by depositing a copy in the Office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this order shall become effective March 22, 1954.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–1216; Filed, Feb. 19, 1954; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 66]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. When [LFR] is published with the name of the low frequency range station, authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ALBANY, GA. Municipal, 190' SBAMRA/DTY ABY Procedure No. 1 February 2, 1954	Albany RVOR	126—9.0	1,500	N side E course: 270° outbound, 270° inbound. 1,400' within 25 miles.			T—1n C—1n A—1n	300–1 600–2	300–1 600–2	Within 4.2 miles, climb to 1,500' on W course within 25 miles.
FORT WORTH, TEX. Meacham, 692 SBRAZ/DTX FTW Procedure No. 1 February 6, 1954	Hadet FM (final)	163—8	1,400	W side N course; 345° outbound, 165° inbound. 2,000' within 25 miles.			T—1n C—1n A—1n	300–1 600–2	300–1 600–2	Within 2.4 miles climb to 2,000' on S course within 25 miles. #CAUTION: Deviation authorized in obstruction clearance over building 660' MSL, located 0.6 mile S of LFR on final approach track; 500 FPM descent required at 120 MPH.
FORT WORTH, TEX. Meacham, 692 SBRAZ/DTX FTW Procedure No. 2 February 6, 1954	Int. W course Dallas LFR (final).	356—5	1,460	W side S course; 175° outbound, 355° inbound. 2,000' within 25 miles.*	1,460 (Over Rock-wood FM)	358—2.6 (From Rock-wood FM)	T—1n C—1n A—1n	300–1 600–2	300–1 600–2	Climb to 2,000' on N course within 25 miles. *Procedure turn not standard due to obstructions. 500' FPM descent required at 120 MPH.
GREENSBORO, N. C. Greensboro-High Point Municipal, 918' SBRAZ/DTY GSO Procedure No. 1 February 2, 1954	Summit Hill FM (final)	237—9	1,500	N side of NE course; 052° outbound, 232° inbound. 2000' within 25 miles.			T—1n C—1n A—1n	300–1 600–2	300–1 600–2	Within 1.4 miles make left turn, climb to 2,500' on SE course within 25 miles or when directed by ATC make right turn, climb to 4,000' on NW course of Greensboro LFR within 25 miles.
	Greensboro VOR	032—6	2,300							
JACKSONVILLE, FLA. Imeson Airport, 27' SBRAZ/DTY JAX Procedure No. 1 January 26, 1954	Fort George FM (final)	269—10	640	N side F course; 089° outbound, 269° inbound. 1,100' within 25 miles.	640	269—1.7	T—1n C—1n E—1n A—1n	300–1 500–1½ 600–1 800–2	300–1 500–1½ 600–1 800–2	Within 1.7 miles, climb to 1,300' on W course within 25 miles.
MINNEAPOLIS, MINN. Minneapolis-St. Paul International, 841' SBRAZ/DTY MSP Procedure No. 1 February 10, 1954	Hastings FM (final)	296—9.0	1,800	N side SE course; 136° outbound, 296° inbound. 2,100' within 15 miles, 2,400' within 25 miles.	1,800	296—3.4	T—1n C—1n E—1n A—1n	300–1 500–1½ 600–1 800–2	300–1 500–1½ 600–1 800–2	Within 3.5 miles, climb to 2,500' on NW course MSP LFR to Hamel FM or when directed by ATC, make left climbing turn to 2,100' and return to MSP LFR.
	Hamel FM	116—24.0	2,500							
	Minneapolis VOR	144—22.0	2,500							

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
OKLAHOMA CITY, OKLA. Will Rogers, 1,284' SBRAZ-OKC Procedure No. 2 August 1, 1950.	PROCEDURE CANCELED FEBRUARY 2, 1954.									
TULSA, OKLA. Municipal, 674' SBRAZ VDT TCL Procedure No. 1 January 26, 1954	Verdigris River FM (final)	232—10	1,220	N side NE course: 052° outbound. 232° inbound. 1,700' within 10 miles. #2,000' within 25 miles.	1,220	220—1.0	T-dn C-dn 2IL A-dn	800-1 800-1 800-2	800-1 500-1½ 800-2	Within 1.0 mile, climb to 2,400' on SW course within 25 miles. #Maintain procedure turn altitude until within 10 miles of Tulsa LFR on final.
	Skiatook FM	123—18	2,000							
WILLIAMSPORT, PA. Williamsport Airport, BRLZ DTV IPT 528' Procedure No. 1 February 8, 1954				*S side E course: 100° outbound. 280° inbound. 3,600' within 10 miles.	2,500	285—6.9	T-dn C-d C-n A-d A-n	800-1 1,500-1 1,500-2 1,500-2 1,500-3	800-1 1,500-1 1,500-2 1,500-2 1,500-3	Within 2.0 miles, make right climbing turn, climb to 4,000' on E course Williamsport LFR within 10 miles. *Procedure turn conducted S to avoid obstructions to N. CAUTION: Airport minimums do not provide clearance over 2,000' ridge approximately 2 miles S of airport. ADF procedure not authorized.
Procedure No. 2 using IPT LFR and Hughesville FM-MHW HVL February 8, 1954	Int S course Williamsport LFR and bearing 056° to Hughesville MHW.	056—10	3,600	*S side E course: 100° outbound. 280° inbound. 3,600' within 10 miles of Hughesville FM MHW.	3,000' over HVL. 1,600'# over IPT LFR.	HVL FM-MHW to IPT LFR 280—5.9.	T dn C-d C-n A-dn	800-1 1,000-1½ 1,000-2 1,500-2	800-1 1,000-1½ 1,000-2 1,500-2	Within 1.0 mile after passing IPT LFR, make right climbing turn to 4,000' on E course of IPT LFR within 10 miles. #Descend to authorized minimums within 1 mile after passing LFR. CAUTION: Williamsport LFR must be monitored during entire approach. *Procedure turn conducted S to avoid obstructions to N.

2. The high frequency range procedures prescribed in § 609.7 are amended to read in part:

VAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VAR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility; class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
WILMINGTON, N. C. New Hanover County, 31' RBN Procedure No. 1 May 27, 1953	PROCEDURE CANCELED FEBRUARY 3, 1954.									

3. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BRUNSWICK, GA. Malcolm-MacKinnon, 20' BMH-88I Procedure No. 1 February 1, 1954	Brunswick VOR	108—3.5	1,200	W side course: 012° outbound. 192° inbound 1,200' within 25 miles.		On airport.	T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1½ 800-2	Within 0.0 mile, climb 1,200' on course of 192° within 25 miles.
MINNEAPOLIS, MINN. Minneapolis St. Paul International (Wold-Chamberlain Field), 840' LOM-MS Procedure No. 1 August 25, 1951	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE, DATED FEBRUARY 10, 1954.									
PANAMA CITY, FLA. Fannin (Municipal), 14' "H" PEN Procedure No. 1 December 28, 1953	PROCEDURE CANCELED FEBRUARY 1 1954.									

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation, facility; class and identification; procedure No., effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound) altitudes, limiting distances	Minimum altitude at glide slope intercept inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
COLUMBIA, S. C. Columbia Airport, 244' ILS-ICAE LOM-CA Procedure No. 1 Combination ILS-ADF February 3, 1954	Columbia LFR	LOM	251—12.0	1,600	Southside SW course: 226° outbound. 046° inbound. 1,500' within 10 miles. 1,600' within 25 miles.	ILS 1,500' ADF 1,000' over LOM.	1,470—4.5	420—0.6	T-dn	300-1	300-1	Climb to 2,000' on the W then E course of CAE LFR or 091° radial CAE VOR within 25 miles. No approach lights.
	Columbia VOR	OM	149—6.0	1,600					C-dn	500-1	500-1½	
									S-dn 5 ILS ADF	400-¾ 500-1	400-¾ 500-1	
									A-dn	800-2	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name and elevation; facility and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—), side of final approach course (outbound and inbound), altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
KNOXVILLE, TENN. M. Odge Tyson, 988' ILS-TUL LOM-TY Procedure No. 1 Combination ILS-ADF February 1, 1954	TYS-LFR	LOM	216—10.0	2,500	W side SW course: 225° outbound. 045° inbound. 2,500' within 10 miles. Beyond 10 miles NA.	No glide path. ILS and ADF 2,500 over LOM.	No glide path. Distance 0.2	Distance 0.07	T-dn C-d C-n S-dn 4L A-dn	300-1 500-1 500-1½ 500-1 800-2	300-1 500-1½ 500-1½ 500-1 800-2	Turn left climb to 3,000' on N course of Knoxville LFR within 25 miles or when directed by ATC, climb to 4,000' on NE course of Knoxville LFR within 25 miles. No approach lights.
	Tallassee FM	LOM	353—14.0	3,500								
MINNEAPOLIS, MINN Minneapolis-St. Paul International (Wold Chamberlain Field), 840' ILS-MSP LOM-MS Procedure No. 1 Combination ILS-ADF February 10, 1954	MSP-LFR	LOM	132—1.0	2,100	E side SE course: 117° outbound. 297° inbound. 2,100' within 15 miles. 2,400' within 25 miles of LOM	ILS 2,100' ADF 1,500'	2062—4.7	1,035—0.05	T-dn C-dn S-dn 29L ADF A-dn	300-1 500-1 400-¾ 500-1 800-2	300-1 500-1½ 400-¾ 500-1 800-2	Within 4.7 miles (ADF) climb to 2,500' on NW course MSP-LFR to Hamel FM, or if directed by ATC: 1. Make left climbing turn, climb to 2,200' on heading of 241° and proceed to Jordan FM. 2. Make left climbing turn climb to 2,100' and return to ILS-LOM.
	MSP VOR	LOM	143—24.0	2,500								
	Hastings FM (final)	Glide path int	297—8.0	2,100								
	Hastings FM (final)	LOM	297—9.0	1,500								
	Stanton Rbn	SE ILS course	360—23.0	2,200								
	Jordan FM	LOM	061—26.0	2,200								
	Hamilton Int	LOM	238—25.0	2,100								
	Flour Int	LOM	238—16.0	2,100								
	Diamond Bluff Int (final)	Glide path int	297—24.0	2,100								
	Lakeville Int	LOM	034—19.0	2,100								
	Prior Int	LOM	067—21.0	2,100								
	Radar transitions	As directed by ATC		2,600								
NORFOLK, VA Norfolk Airport, 26' ILS-ORK LOM-OR Procedure No. 1 Combination ILS-ADF February 9, 1954	Norfolk LFR	LOM	224—9.9	1,400	S side SW course: 224° outbound. 044° inbound. 1,400' within 5 miles of LOM.	ILS 1,400' ADF 900' over LOM.	1,050—4.20	220—0.6	T-dn C-dn S-dn 4 ILS ADF A-dn	300-1 500-1 400-¾ 500-1 800-2	300-1 500-1½ 400-¾ 500-1 800-2	Turn right and climb to 1,400' on SW course of ILS, or track of 224° (ADF). CAUTION: Maintain at least 700' until after passing Norfolk LFR due to 380' tower 1.7 miles SE of LFR.
	Int SW course ILS and S course Langley LFR	LOM	044—7.0	1,400'								
	Int SW course Norfolk LFR and S course Langley LFR (ADF final)	LOM	044—7.0	900'								
TULSA, OKLA Municipal, 674' ILS-TUL LOM-TU Procedure No. 1 Combination ILS-ADF February 1, 1954	Int SE course TUL LFR and 250 bearing on LOM	LOM	250—9.0	2,300	E side course: 174° outbound. 354° inbound. 2,400' within 25 miles.	ILS 2,400' ADF 2,400' over LOM.	2,350—6.1	880—0.63	T-dn C-dn* S-dn* 35R ILS ADF A-dn*	300-1 500-1 400-¾ 500-1 800-2	300-1 500-1½ 400-¾ 500-1 800-2	Climb to 2,000' on NE course of TUL LFR or 056° course from TUL-VOR within 25 miles. *CAUTION: Deviation from criteria authorized in obstruction clearance over 1,100' MSL tower located 2.3 miles NW of LOM.
	TUL VOR	OM	167—13.6	2,200								
	TUL LFR	LOM	183—8.0	2,300								
	Keifer FM	LOM	057—10.0	2,400								
	Skiatook FM	LOM	140—23.0	2,300								
	Verdigris River FM	LOM	211—16.0	2,300								

5. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ALBANY, GA. Municipal, 196' BVOR-ABY Procedure No. 1 February 2, 1954	Albany LFR	306—9.0	1,500	W side course: 333° outbound. 153° inbound. 1,500' within 15 miles. 1,600' within 20 and 25 miles.	1,100	153—5.9	T-dn C-dn S-dn 16 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 5.9 miles, climb to 1,500' on course of 153° within 25 miles of ABY-VOR.
ATLANTA, GA. Municipal 1,024' BVOR Procedure No. 1 February 2, 1954	*Campbellton LFR	132—15.3	2,300	E side of course: 195° outbound. 015° inbound. Within 25 miles.	1,800	015—9.3	T-dn C-dn 3 S-dn A-dn	300-1 600-2 600-2 800-3	300-1 600-2 600-2 800-3	Within 9.3 miles, immediately turn right climb to 2,300 on outbound course of 80°. CAUTION: 2,040' (MSL) TV tower located 9.8 miles NNE of airport. *Initial approach to BVOR from CPN LFR authorized utilizing ADF on track of 132°.
	Atlanta LFR	208—8.8	2,300							
BEAUMONT, TEX. Jefferson County, 15' BVOR BUJ Procedure No. 1 January 15, 1954	Beaumont LFR	204—7.5	1,200	S side of course: 236° outbound. 056° inbound. 1,200' within 25 miles.	700	056—5.3	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 5.3 miles climb to 1,400' on course of 056° within 25 miles.
BRUNSWICK, GA. Malcolm McKinnon, 20' BVOR SSI Procedure No. 1 February 2, 1954	Brunswick MH	288—3.5	1,200	S side course: 292° outbound. 112° inbound. 1,200' within 25 miles.	700	112—3.0	T-dn C-dn S-d 11 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 3.0 miles, climb to 1,200' on course of 112 outbound from VOR within 15 miles.* *Warning area beyond 15 miles.
COLLEGE STATION, TEX. Easterwood, 320' BVOR-DTV-CLL Procedure No. 1 January 15, 1954	BYT LFR	119—9.0	1,400	Southside of course: 278° outbound. 098° inbound. 1,500' within 20 miles. Beyond 20 miles NA.	900	98-2.9	T-dn C-dn S-dn 10 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 2.9 miles, climb to 1,500' on course of 125° within 25 miles of VOR.
JACKSONVILLE, FLA. Imeson, 52' BVOR-JAX Procedure No. 1 February 2, 1954	Jacksonville LFR	045—2.5	1,200	N side course: 068° outbound. 248° inbound. 1,100' within 25 miles.	600	248—4.1	T-dn C-dn S-dn 23 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Climb to 1,600' on course 248° outbound within 15 miles of JAX VOR #. #Danger area D-161 located 15 miles SW of VOR facility.
MYRTLE BEACH, S. C. Municipal, 24' BVOR MYR Procedure No. 1 February 2, 1954	Myrtle Beach Rbn	220—3.5	1,200	N side: 047° outbound. 227° inbound. 1,200' within 25 miles.	700	227—3.5	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 3.5 miles, climb to 1,200' on course of 227° within 25 miles.
PALACIOS, TEX. Municipal, 13' BVOR-PSX Procedure No. 1 January 15, 1954	Palacios LFR	307—2.0	1,300	W side course: 299° outbound. 119° inbound. 1,300' within 10 miles. Beyond 10 miles not authorized.	800	119—3.9	T-d T-n C-d C-n S-d R 13 S-n A-d A-n	300-1 NA 500-1 NA 800-1 NA 800-2 NA	300-1 NA 500-1½ NA 500-1 NA 800-2 NA	Within 3.9 miles climb to 1,200' on course of 119° within 15 miles.

6. The very high frequency omnirange procedures prescribed in § 609.15 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation
If a TVOR instrument approach is established at the below named airport, it shall be in accordance with the following instrument approach procedure and shall be authorized for use by each aircraft for which the pilot is rated and which is equipped with adequate instrument and radio apparatus. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility class and identification; (TVOR), effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course; outbound and inbound altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)
					Course and distance (—) from fac.
					Condition: Type aircraft: 75 m. p. h. or less	Condition: Type aircraft: More than 75 m. p. h.
1	2	3	4	5	6	7	8	9	10	11
OKLAHOMA CITY, OKLA. Will Rogers, 1,284'. YORW-TNE OKC. Procedure No 1. February 9, 1954.	OKC LFR	285—7.5	2,500	S side of course 270° outbound, 090° inbound. 2,500' within 10 miles, 2,500' within 25 miles.	044—8.0	T-dn 1,900 C-dn 8-dn 12 A-dn	300–1 500–1 600–1 600–2	Within 5.0 miles climb to 2,700' on radial of 044° within 25 miles. When directed by ATC, turn left, climb to 2,500' on N course of OKC localizer within 25 miles.	1,900	044—8.0

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1183; Filed, Feb. 19, 1954; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter A—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS

Basis and purposes. On the basis of information developed at a series of public hearings, written briefs submitted by the public concerned, and scientific data secured by Fish and Wildlife Service personnel, amendments to the Alaska Commercial Fisheries regulations are adopted to permit maximum utilization of the resources consistent with sound conservation, and in compliance with the notice of intention to adopt amendments, issued by the Secretary of the Interior on June 12, 1953 (18 F. R. 3485, June 18, 1953). These provisions shall become effective 30 days after their publication in the FEDERAL REGISTER.

PART 102—GENERAL PROVISIONS

1. Section 102.30 is amended to read as follows:

§ 102.30 *Gear restrictions; bottom trawls.* (a) The use of any trawl in fishing for, or taking, salmon or herring is prohibited.

2. A new section designated § 102.36a is added to read as follows:

§ 102.36a *Crab fishing gear.* (a) Dungeness crabs shall be taken only with pots or rings.

(b) King crabs shall be taken only with pots or with trawls having a mesh size of not less than 12 inches stretched measure between knots in the bag and 6 inches stretched measure between knots in the wings, except that this requirement shall not apply to tangle nets prior to January 1, 1955.

(c) Tanner crabs shall be taken with pots or king crab trawls only.

3. Sections 102.37 and 102.38 are deleted.

4. A new section designated § 102.38a is added to read as follows:

§ 102.38a *Protection of female and small male crabs.* (a) No female crab of any species shall be taken at any time.

(b) No male king crab shall be taken measuring less than 6½ inches in greatest width of shell.

(c) No male Dungeness crab shall be taken measuring less than 7 inches in greatest width of shell.

(d) All female and undersized male crabs inadvertently taken shall be returned to the water immediately with a minimum of injury.

5. Section 102.51 is amended to read as follows:

§ 102.51 *Prohibited with commercial gear; exception.* Within any regulatory area, district, or section, the use of any salmon fishing gear which is permitted in commercial fishing is prohibited in fishing for personal use during any statutory weekly closed period, or any extensions thereof, and the period beginning 48 hours before the opening of any commercial fishing season and continuing for 48 hours after the close of such season except as follows:

(a) The use in fishing for personal use of hand rod, spear, gaff, and trolling gear is permitted at all times except in areas specifically closed to all fishing.

(b) Any type of gear may be used in fishing for personal use at any place which is at a distance greater than 25 miles by most direct measurement from waters open to commercial fishing.

(c) Where the regulations with respect to a regulatory area specifically provide, gear other than hand rod, spear, gaff, and troll may be used.

PART 103—KOTZEBUE-YUKON-KUSKOKWIM AREA

1. Section 103.2 is amended by adding paragraph (e) to read as follows:

(e) Kuskokwim district: All waters of the Kuskokwim River and its tributaries above a line from Beacon Point to Popkokamute.

2. Section 103.3 is amended to read as follows:

§ 103.3 *Open seasons.* Fishing is prohibited except from 6 o'clock antemeridian June 1 to 6 o'clock postmeridian July 31.

3. Section 103.4 is amended to read as follows:

§ 103.4 *King salmon quotas.* In any calendar year the take of king salmon shall not exceed the following:

(a) Yukon district: 50,000 fish below the mouth of the Anuk River; 10,000 fish between the mouths of the Anuk and Anvik Rivers; and 5,000 fish above the mouth of the Anvik River.

(b) Kuskokwim district: 3,000 fish below the mouth of the Aniak River, and 3,000 fish above the mouth of that river.

4. Section 103.5 is amended to read as follows:

§ 103.5 *Gear restrictions.* Fishing with any gear except gill nets is prohibited: *Provided*, That fish wheels may be used in the Yukon and Kuskokwim districts.

5. Section 103.6 is amended to read as follows:

§ 103.6 *Marking of gill nets.* Each drift gill net in operation shall have a suitable bright red keg, buoy or cluster of floats at each end which shall be plainly and legibly marked with the initials of the operator, and bright red double floats shall be attached to the cork line at 25-fathom intervals, except that the 25-fathom interval requirement shall not apply in the Kuskokwim district.

6. Section 103.8 is amended to read as follows:

§ 103.8 *Aggregate length of gill nets.* The aggregate length of gill nets on or in use by any salmon fishing boat shall not exceed 150 fathoms, hung measure: *Provided*, That in the Kuskokwim district the aggregate length of drift gill nets on or in use by any salmon fishing boat shall not exceed 45 fathoms, hung measure, and the aggregate length of set nets in use by any individual shall not exceed 25 fathoms, hung measure.

7. A new center heading of, "Personal Use Fishery," is added, under which a new section designated § 103.50 is added to read as follows:

§ 103.50 *Seasonal restrictions.* In the Yukon district, fishing for, taking or molesting salmon, by any means, or for any purpose, is prohibited between 6 o'clock postmeridian Saturday and 6 o'clock antemeridian Monday of each week, except after 48 hours following the close of commercial fishing in any quota subdistrict.

PART 104—BRISTOL BAY AREA

1. Section 104.2 is amended in text to read as follows:

§ 104.2 *Districts open.* Fishing is prohibited except within the following-described districts:

(a) Nushagak district: Waters of Nushagak Bay within a line from the cabin known locally as "Jap Cabin" at approximately 158 degrees 25 minutes west longitude and the upper end of Nichols Spit.

(b) Kvichak-Naknek district: Waters of Kvichak Bay within a line from the northern end of Johnston Hill to the mouth of the unnamed stream at approximately 58 degrees 45 minutes 50 seconds north latitude, 157 degrees 32 minutes 30 seconds west longitude.

(c) Egegik district: Waters bounded by a line from Middle Bluff light to a point 3 miles due west, thence to a point 2 miles due west of the outer buoy marking the entrance to the Egegik River, thence to a point 3 miles offshore at 58 degrees north latitude, thence due east to the shoreline.

(d) Ugashik district: Waters bounded by a line from 3 miles north of Cape Greig light to a point 3 miles due west, thence to a point 2 miles due west of the outer buoy marking the entrance to the Ugashik River, thence to a point 3 miles due west of Cape Menshikof, thence to the southern terminus of the area at a point 3 miles south of Cape Menshikof.

(e) Togiak district: All waters north of a line from Right Hand Point to Tongue Point.

2. Section 104.3 is amended to read as follows:

§ 104.3 *Open seasons.* (a) Nushagak district: Fishing is prohibited prior to 6 o'clock antemeridian June 1 and after 6 o'clock postmeridian August 31. Prior to June 25 fishing is prohibited with nets having mesh size of less than 8½ inches stretched measure between knots.

(b) Kvichak-Naknek district: Fishing is prohibited prior to 6 o'clock antemeridian June 1 and after 6 o'clock postmeridian August 31. Prior to June 25 fishing is prohibited with nets having mesh size of less than 8½ inches stretched measure between knots.

(c) Egegik district: Fishing is prohibited prior to 6 o'clock antemeridian June 1 and after 6 o'clock postmeridian August 31. Prior to June 25 fishing is prohibited with nets having mesh size of less than 8½ inches stretched measure between knots.

(d) Ugashik district: Fishing is prohibited prior to 6 o'clock antemeridian June 1 and after 6 o'clock postmeridian August 31. Prior to June 25 fishing is prohibited with nets having mesh size of less than 8½ inches stretched measure between knots.

(e) Togiak district: Fishing is prohibited prior to 6 o'clock antemeridian June 1 and after 6 o'clock postmeridian August 31. Prior to June 25 fishing is prohibited with nets having mesh size of less than 8½ inches stretched measure between knots.

3. Section 104.5 is amended to read as follows:

§ 104.5 *Weekly closed periods.* In the period from June 25 to July 26 the statutory weekly closed period in the following districts, is extended to include the periods designated:

(a) Nushagak district: From 6 o'clock antemeridian Tuesday to 6 o'clock antemeridian Friday, and from 6 o'clock antemeridian Saturday to 6 o'clock antemeridian Monday.

(b) Kvichak-Naknek district: From 6 o'clock antemeridian Tuesday to 6 o'clock antemeridian Wednesday, and from 6 o'clock antemeridian Thursday to 6 o'clock antemeridian Friday.

(c) Egegik district: From 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday.

(d) Ugashik district: From 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday.

(e) Togiak district: From 6 o'clock antemeridian Tuesday to 6 o'clock antemeridian Wednesday, and from 6 o'clock antemeridian Thursday to 6 o'clock antemeridian Friday.

4. Section 104.8 is amended to read as follows:

§ 104.8 *Marking of boats and reporting operations.* Each salmon fishing boat in operation shall bear conspicuous letters and numbers at least 12 inches in height which will permit specific identity of (a) the individual boat and its ownership, and (b) the regulatory district of initial operation. The regulatory district of initial operation shall be indicated by the letter N for Nushagak, K for Kvichak-Naknek, E for Egegik, and U for Ugashik. Prior to each fishing season and at least 48 hours prior to any shifting of a boat from one regulatory district to another, the identifying letters and numbers of each boat shall be reported to the local representative of the Fish and Wildlife Service. Receipt of notice of an intention to shift a boat from one district to another shall cancel immediately the right of such boat to fish in any district for a period of 48 hours beginning with such notice.

5. Section 104.9 is amended to read as follows:

§ 104.9 *Marking of gill nets.* Each drift gill net in operation shall have a suitable bright red keg, buoy, or cluster of floats at each end which shall be plainly and legibly marked with the initials of the operator, and bright red double floats shall be attached to the cork line at 25-fathom intervals.

6. Section 104.18 is amended to read as follows:

§ 104.18 *Minimum distance between units of gear.* The minimum operating distance at any time betwen any part of one net and any part of another net

shall be not less than 300 feet, except that the operating distance between any part of one set net and any part of another in the Nushagak district shall be not less than 450 feet.

7. Section 104.20 is amended in paragraph (e) by changing the period at the end to a comma and adding the following: "except by set nets in the area extending from a point 200 yards north of the Wingard Packing Company cannery to a point 1,200 yards north of that cannery."

8. Section 104.50 is amended to read as follows:

§ 104.50 *Personal use fishing.* Subject to all other provisions of § 102.51 of this subchapter fishing for personal use will be permitted (a) in the Nushagak district at any place which is at a greater distance than 12 miles by most direct water measurement from waters open to commercial fishing, and between the Pacific-American Fisheries Company dock at Dillingham and Bradford Point with set nets of not to exceed 15 fathoms each if such nets have been duly registered with the local representative of the Fish and Wildlife Service, and (b) in the Togiak district at all times.

PART 105—ALASKA PENINSULA AREA

1. Section 105.2 is amended to read as follows:

§ 105.2 *Definitions, fishing districts.* Fishing districts are as follows:

(a) Northeastern: All waters on the north side of the Alaska Peninsula between a point 3 statute miles south of Cape Menshikof, and Cape Seniavin.

(b) Bear River: All waters on the north side of the Alaska Peninsula between Cape Seniavin and Entrance Point.

(c) Port Moller: All waters on the north side of the Alaska Peninsula between Entrance Point and Lagoon Point.

(d) Northwestern: All waters on the north side of the Alaska Peninsula between Lagoon Point and Unimak Pass, including Bechevin Bay.

(e) Southwestern: All waters on the south side of the Alaska Peninsula between Unimak Pass and Kenmore Head.

(f) South Central: All waters south of the Alaska Peninsula between Kenmore Head and Renshaw Point, including the Sanak and Shumagin Islands.

(g) Southeastern: All waters south of the Alaska Peninsula between Renshaw Point and Castle Cape.

2. Sections 105.3, 105.4 and 105.4a are deleted.

3. A new section designated § 105.3a is added to read as follows:

§ 105.3a *Open seasons.* Fishing is prohibited except:

(a) Northeastern district: In Port Heiden only, with beach seines and gill nets from August 10 to September 30, inclusive.

(b) Bear River district: From 6 o'clock antemeridian July 2 to 6 o'clock postmeridian July 28.

(c) Port Moller district: From 6 o'clock antemeridian June 21 to 6 o'clock postmeridian July 28. The use of gill nets with mesh of not less than 8½ inches stretched measure between knots is permitted prior to June 21, and the use of beach seines and gill nets is permitted from August 10 to September 30, inclusive.

(d) Northwestern district: From 6 o'clock antemeridian May 27 to 6 o'clock postmeridian July 28.

(e) Southwestern district: From 6 o'clock antemeridian May 27 to 6 o'clock postmeridian July 31; and with set gill nets only from September 1 to September 30.

(f) South Central district: From 6 o'clock antemeridian May 27 to 6 o'clock postmeridian July 31; and with set gill nets only from September 1 to September 30: *Provided*, That fishing is prohibited in Outer Canoe Bay after 6 o'clock postmeridian July 16.

4. Section 105.18 is amended by deleting paragraphs (f), (l), and (n) (2).

PART 107—CHIGNIK AREA

1. Section 107.2 is amended to read as follows:

§ 107.2 *Open seasons.* Fishing is prohibited prior to 6 o'clock antemeridian June 16 and (a) after 6 o'clock postmeridian July 31 east of 158 degrees 10 minutes west longitude, and (b) after 6 o'clock postmeridian September 15 in all other waters.

PART 108—KODIAK AREA

1. Section 108.2 is amended by deleting paragraph (f) and creating two new paragraphs designated (g) and (h) to read as follows:

(g) Uganik district: All waters of Uganik and Viekoda Bays between Broken Point and Outlet Cape, including all waters surrounding Uganik Island.

(h) General district: All waters not defined above.

2. Section 108.3a is amended to read as follows:

§ 108.3a *Open seasons, Mainland district.* Fishing is prohibited except from 6 o'clock antemeridian June 16 to 6 o'clock postmeridian July 24; 6 o'clock antemeridian August 2 to 6 o'clock postmeridian August 13; and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

3. Section 108.3b is amended to read as follows:

§ 108.3b *Open seasons, Afognak district.* Fishing is prohibited except from 6 o'clock antemeridian June 16 to 6 o'clock postmeridian July 24; from 6 o'clock antemeridian August 2 to 6 o'clock postmeridian August 13; and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30. During the period from June 16 to July 5 the weekly closed period is extended to include the period from 6 o'clock antemeridian Friday to 6 o'clock antemeridian Monday.

4. Section 108.3c is amended to read as follows:

§ 108.3c *Open seasons, General district.* Fishing is prohibited except from 6 o'clock antemeridian June 16 to 6 o'clock postmeridian July 24; from 6 o'clock antemeridian August 2 to 6 o'clock postmeridian August 13; and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

5. Section 108.4 is amended to read as follows:

§ 108.4 *Open seasons, Red River district.* Fishing is prohibited except from 6 o'clock antemeridian June 16 to 6 o'clock postmeridian July 24; from 6 o'clock antemeridian August 2 to 6 o'clock postmeridian August 13; and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

6. Section 108.5 is amended to read as follows:

§ 108.5 *Open seasons, Alitak district.* Fishing is prohibited except from 6 o'clock antemeridian July 5 to 6 o'clock postmeridian July 24, and from 6 o'clock antemeridian August 2 to 6 o'clock postmeridian August 13.

7. A new section designated § 108.5a is added to read as follows:

§ 108.5a *Open seasons, Uganik district.* Fishing is prohibited except from 6 o'clock antemeridian June 16 to 6 o'clock postmeridian July 24; from 6 o'clock antemeridian August 2 to 6 o'clock postmeridian August 13; and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30. During the period from June 16 to July 5 the weekly closed period is extended to include the period from 6 o'clock antemeridian Friday to 6 o'clock antemeridian Monday.

8. A new center heading designated, "Personal Use Fishery" is added, under which a new section designated § 108.50 is added to read as follows:

§ 108.50 *Personal use gear and bag limit.* At all times in all streams entering Chiniak, Pasagshak and Anton Larsen Bays the taking of salmon for personal use shall be limited to hand rod, spear, or gaff and shall not exceed two salmon per day per person.

PART 109—COOK INLET AREA

1. Section 109.2 is amended to read as follows:

§ 109.2 *Open seasons.* (a) Northern and North Central districts: (1) From 6 o'clock antemeridian May 25 to 6 o'clock postmeridian June 25 with gill nets only, of which no legal limit shall have more than 35 fathoms of mesh less than 8½ inches stretched measure between knots; (2) from 6 o'clock antemeridian June 25 to 6 o'clock postmeridian August 12; and (3) from 6 o'clock antemeridian August 20 to 6 o'clock postmeridian September 20 with gill nets only.

(b) South Central district: (1) From 6 o'clock antemeridian May 25 to 6 o'clock postmeridian August 12 and (2) from 6 o'clock antemeridian August 20 to 6 o'clock postmeridian September 20 with gill nets only.

(c) Southern district: (1) From 6 o'clock antemeridian May 25 to 6 o'clock postmeridian August 8; and (2) from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 10.

(d) Outer district: (1) From 6 o'clock antemeridian July 12 to 6 o'clock postmeridian July 17; and (2) from 6 o'clock antemeridian July 25 to 6 o'clock postmeridian August 8.

2. A new section designated § 109.4a is added to read as follows:

§ 109.4a *Beach seines restricted.* The use of beach seines is prohibited north of the latitude of Anchor Point Light.

3. Section 109.5a is amended to read as follows:

§ 109.5a *Gill net boats and gear.* No salmon fishing boat shall operate, assist in operating, or have aboard more than one legal limit of fishing gear.

4. Section 109.7 is amended to read as follows:

§ 109.7 *Size of drift gill nets.* The aggregate size of drift gill nets on, or in use by, any salmon fishing boat, shall not exceed 150 fathoms in length and 45 meshes in depth.

5. Section 109.8 is amended to read as follows:

§ 109.8 *Marking of gill nets.* Each drift gill net in operation shall have a suitable bright red keg, buoy, or cluster of floats at each end which shall be plainly and legibly marked with the initials of the operator, and bright red double floats shall be attached to the cork line at 25-fathom intervals.

6. Section 109.16 is amended in paragraph (a) by changing the period to a comma and adding "Grecian River"; and by amending paragraph (e) to read as follows:

(e) Seldovia Bay: All waters of the bay inside Powder Island.

7. A new section designated § 109.25 is added to read as follows:

§ 109.25 *Gear restrictions, king crab fishery.* King crab shall be fished for, or taken, with pots only in all waters of Kachemak Bay east of the longitude of Anchor Point, and Kamishak Bay west of the longitude of Tignagvik Point.

8. Section 109.50a is amended to read as follows:

§ 109.50a *Seasonal restrictions.* The personal use fishery restrictions of § 102.51 of this subchapter shall not apply (a) during any fall season; (b) to the waters of Turnagain Arm east of a line between the townsites of Indian and Hope; (c) to the waters of Knik Arm north of Point Woronzof by means of set gill nets which (1) shall not exceed 15 fathoms per person, (2) shall be at least 100 yards apart, and (3) shall be operated prior to August 6 only during hours open to commercial fishing in the Northern district; and (d) more than 5 miles upstream from tidewater on all streams and lakes of the Cook Inlet drainage lying south and west of the Susitna River or south of the town of Homer.

9. Section 109.51 is amended in paragraph (b) to read as follows:

(b) All other streams and lakes of the Cook Inlet drainage between the mouth of the Susitna River and the town of Homer, except with hand rod, hook and line; bag limit, two salmon per day per person.

PART 111—PRINCE WILLIAM SOUND AREA

1. Section 111.1a is amended in paragraph (a) to read as follows:

(a) Eshamy district: All waters between the northern entrance to Main Bay and Point Nowell.

2. Section 111.2 is amended to read as follows:

§ 111.2 *Open seasons.* Fishing is prohibited, except in the Eshamy district from 6 o'clock antemeridian July 20 to 6 o'clock postmeridian August 22, with set or anchored gill nets only.

3. Sections 111.4, 111.5, 111.5a, 111.10, 111.11, and all of § 111.12 except paragraphs (q) and (r), are suspended through December 31, 1955.

4. Section 111.15 is amended by changing the period at the end to a comma and adding the following: "as such waters were specified in § 111.12 of the regulations effective in 1953."

PART 112—COPPER RIVER AREA

1. Section 112.2 is amended to read as follows:

§ 112.2 *Open seasons.* Fishing is prohibited except from 6 o'clock antemeridian May 1 to 6 o'clock postmeridian September 18.

2. Section 112.7 is amended to read as follows:

§ 112.7 *Marking of gill nets.* Each drift gill net in operation shall have a suitable bright red keg, buoy, or cluster of floats at each end which shall be plainly and legibly marked with the initials of the operator, and bright red double floats shall be attached to the cork line at 25-fathom intervals.

3. Section 112.8 is amended in text by changing the period at the end to a colon and adding the following proviso: "*Provided*, That from May 1 to May 31, inclusive, an additional 100 fathoms of gear with mesh not less than 8½ inches stretched measure between knots may be operated."

PART 113—BERING RIVER AREA

1. Section 113.3 is amended to read as follows:

§ 113.3 *Open seasons.* Fishing is prohibited except from 6 o'clock antemeridian May 1 to 6 o'clock postmeridian September 18.

2. Section 113.7 is amended to read as follows:

§ 113.7 *Marking of gill nets.* Each drift gill net in operation shall have a suitable bright red keg, buoy, or cluster of floats at each end which shall be plainly and legibly marked with the initials of the operator, and bright red double floats shall be attached to the cork line at 25-fathom intervals.

3. Section 113.8 is amended in text by changing the period at the end to a colon and adding the following proviso: "*Provided*, That from May 1 to May 31, inclusive, an additional 100 fathoms of gear with mesh not less than 8½ inches stretched measure between knots may be operated."

PART 114—YAKUTAT AREA

1. Section 114.9 is amended in paragraph (c) to read as follows:

(c) Ahquay Inlet, Dangerous, Alsek, Dohn and East Rivers; 25 fathoms each net and 75 fathoms aggregate.

2. Section 114.10 is amended to read as follows:

§ 114.10 *Closed waters.* Fishing is prohibited as follows:

(a) Alsek River: Above a point on the Alsek River appróximately 2½ miles below the "basin".

(b) Situk River: At the markers approximately ½ mile west of Strawberry Point to the cut bank on the eastern side of the terminus of Johnson Slough.

(c) Ankau Inlet.

(d) Italio River: Above the markers at approximately ½ mile upstream.

PART 115—SOUTHEASTERN ALASKA AREA SALMON FISHERIES, GENERAL PROVISIONS

1. A new section designated § 115.2a is added to read as follows:

§ 115.2a *Operation of purse seines.* The use of a drum or other similar mechanical device in operating any purse seine is prohibited.

2. Section 115.4a is amended to read as follows:

§ 115.4a *Gill nets prohibited; exceptions.* The use of gill nets is prohibited except in the northern section of the Western district north of Sullivan Island, Berners Bay, the Taku Inlet-Port Snettisham section of the Eastern district, Stikine district, and Burroughs Bay.

PART 116—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

1. A new section designated § 116.8b is added to read as follows:

§ 116.8b *Herring quota.* The take of herring, except for bait and except by gill nets, shall not exceed 50,000 barrels, on the basis of 250 pounds per barrel.

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

1. Section 117.3 is amended to read as follows:

§ 117.3 *Open seasons.* Fishing, other than trolling, is prohibited except (a) in the Western section from 6 o'clock antemeridian June 24 to 6 o'clock postmeridian August 3; and (b) in the Eastern section from 6 o'clock antemeridian June 24 to 6 o'clock postmeridian August 7. During these seasons the weekly closed period, except for trolling, is extended to include the period from 6 o'clock post-

meridian Friday to 6 o'clock antemeridian Monday: *Provided*, That these prohibitions shall not apply to fishing for chum salmon in Excursion Inlet from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1.

2. Section 117.8 is amended to read as follows:

§ 117.8 *Closed waters.* Fishing, except trolling, is prohibited as follows:

(a) Dundas Bay: North of 58 degrees 20 minutes north latitude.

(b) Idaho Inlet: South of 58 degrees 8 minutes 20 seconds north latitude.

(d) Glacier Bay: North of 58 degrees 27 minutes 54 seconds north latitude.

(e) Port Althorp: Within 3 nautical miles of the head of the bay.

(f) Mud Bay: South of the latitude of Quartz Point.

(g) Spasski Bay: All waters of the bay.

3. Effective only through December 31, 1955, § 117.11 is amended by deleting paragraphs (a), (b), (c), (g), (i) (1), (j), (l) (1), and (m); and by revising paragraphs (f), (k), and (l) (2) to read as follows:

(f) Chichagof Island: North coast within 2,500 feet of a point at 58 degrees 16 minutes 26 seconds north latitude, 135 degrees 49 minutes 56 seconds west longitude.

(k) Mainland: Along the coast on the east side of Excursion Inlet (1) within 2,500 feet of a point at 58 degrees 15 minutes 24 seconds north latitude, 135 degrees 19 minutes 31 seconds west longitude; (2) within 2,500 feet of a point at 58 degrees 14 minutes 13 seconds north latitude, 135 degrees 17 minutes 34 seconds west longitude; and (3) within 2,500 feet of a point at 58 degrees 12 minutes 59 seconds north latitude, 135 degrees 10 minutes 46 seconds west longitude.

(l) * * * (2) within 2,500 feet of a point at 58 degrees 5 minutes 43 seconds north latitude, 135 degrees 13 minutes 21 seconds west longitude.

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

1. Section 118.4 is amended by deleting "June 17," and substituting in lieu thereof, "June 24."

2. Section 118.5 is amended to read as follows:

§ 118.5 *Open seasons, northern section, south of Sullivan Island.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 24 to 6 o'clock postmeridian August 22. During this season the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday: *Provided*, That these prohibitions shall not apply to the use of gill nets in Berners Bay from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 30.

3. Section 118.6 is amended to read as follows:

§ 118.6 *Open seasons, central, southern, and western sections.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 24 to 6 o'clock postmeridian August 18. During this season the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday: *Provided*, That these prohibitions shall not apply in Hood and Chaik Bays to fishing for chum salmon from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1.

4. Section 118.13 is deleted.

5. Section 118.16 (b) is deleted.

6. Effective only through December 31, 1955, § 118.16 is further amended by deleting paragraphs (a), (c), (d), (1) and (3), (e), (g), (j), (1), (l), and (m), (1); and revising paragraphs (f), (i), (j), (2) and (5), to read as follows:

(f) Baranof Island: East coast within 2,500 feet of a point at 57 degrees 15 minutes 36 seconds north latitude.

• • • • •

(i) Mansfield Peninsula: West coast (1) within 2,500 feet of a point at 58 degrees 11 minutes 32 seconds north latitude, and (2) from 58 degrees 9 minutes 37 seconds north latitude to 58 degrees 7 minutes 5 seconds north latitude.

(j) * * * (2) within 2,500 feet of a point at 57 degrees 43 minutes 23 seconds north latitude, * * * (5) within 2,500 feet of a point at (i) 57 degrees 58 minutes 21 seconds north latitude, and (ii) 58 degrees 0 minutes 51 seconds north latitude.

7. Section 118.17 is amended in paragraphs (h), (i), and (u), and by adding (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), and (ii) to read as follows:

(h) Rodman Bay: All waters within the bay.

(i) Sitkoh Bay: All waters of the northwest arm.

• • • • •

(u) Hood Bay: All waters of the north and south arms: *Provided*, That this shall not apply to fall fishing for chum salmon except within 2,500 yards of the head of the south arm.

(v) Lisianski Inlet: All waters south of Pelican City.

(w) Stag Bay: All waters within the bay.

(x) Goulding Harbor: All waters of the harbor.

(y) Black Bay: All waters within the bay.

(z) Waterfall, north shore of Slocum Arm: All waters within the bay.

(aa) Katlian Bay: All waters within the bay.

(bb) Nakwasina Passage: All waters of the passage from Allan Point to a line 2 miles east of Neva Point.

(cc) Sister Lake: All waters inside a line at the western end of the narrows between Anna and Sister Lakes.

(dd) Freshwater Bay: All waters of the bay inside the innermost island.

(ee) Hoonah Sound: All waters inside White Cliff Point on Moser Island including Pick Cove and Patterson Bay.

(ff) Saook Bay: All waters within the bay.

(gg) Ushk Bay: All waters west of Ushk Point.

(hh) Murder Cove: All waters north of the light.

(ii) Slocum Inlet: All waters of the inlet.

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

1. Section 119.3 is amended to read as follows:

§ 119.3 *Open seasons; exceptions.* Fishing, other than trolling, is prohibited except:

(a) Taku Inlet-Port Snettisham section: With gill nets from 6 o'clock antemeridian May 3 to 6 o'clock postmeridian September 30. During this season, the weekly closed period, except for trolling, is extended to include the period from 6 o'clock antemeridian Friday to 6 o'clock antemeridian Monday.

(b) General district: From 6 o'clock antemeridian June 24 to 6 o'clock postmeridian August 18. During this season the weekly closed period, except the trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday: *Provided*, That these prohibitions shall not apply to fishing for chum salmon in Security Bay and Port Camden from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1.

2. Effective only through December 31, 1955, § 119.9 is amended by deleting paragraphs (c) (1), (e) (1), (f), (h), (i) (1) and (2), and (k) (1) and (3); and revising paragraphs (a), (d), (e) (2), and (g) to read as follows:

(a) Mainland, east side of Stephens Passage: Within 2,500 feet of a point at 57 degrees 36 minutes 38 seconds north latitude, 133 degrees 39 minutes 18 seconds west longitude.

• • • • •

(d) Mainland, Frederick Sound: (1) Within 2,500 feet of a point northeast of Cape Fanshaw at 57 degrees 11 minutes 32 seconds north latitude, 133 degrees 32 minutes 27 seconds west longitude, and (2) within 2,500 feet of a point southeast of Cape Fanshaw at 57 degrees 10 minutes 52 seconds north latitude, 133 degrees 32 minutes 44 seconds west longitude.

(e) * * * (2) within 2,500 feet of a point at 57 degrees 20 minutes 59 seconds north latitude, 133 degrees 52 minutes 53 seconds west longitude.

(g) Admiralty Island: Southeast coast (1) within 2,500 feet of a point at 57 degrees 5 minutes 18 seconds north latitude, 134 degrees 22 minutes 54 seconds west longitude, and (2) within 2,500 feet of a point at 57 degrees 4 minutes 2 seconds north latitude, 134 degrees 25 minutes 20 seconds west longitude.

3. Section 119.10 is amended in paragraphs (a), (d), (g), (h), and (o), and by adding (q), (r), (s), (t), and (u) to read as follows:

(a) Port Houghton: All waters east of Walter Island.

• • • • •

(d) Gambier Bay: All waters west of 134 degrees west longitude.

• • • • •

(g) Hamilton Bay: All waters inside Point Hamilton.

(h) Keku Strait: All waters between a line from Point Camden to the western point at the entrance to Big John Bay, including the waters of that bay, to the southern boundary of the district at 56 degrees 40 minutes north latitude.

• • • • •

(o) Port Walter: All waters including Little Port Walter.

• • • • •

(q) Seymour Canal: All waters north of the southern point at the entrance to Windfall Harbor, including all waters of Windfall Harbor.

(r) Mole Harbor: All waters inside Beacon Rock.

(s) Pleasant Bay: All waters within the bay.

(t) Pybus Bay: All waters of the west arm, including Cannery Cove.

(u) Hobart Bay: All waters of the bay inside a line at the narrows approximately 1 mile east of Entrance Island.

PART 120—SOUTHEASTERN ALASKA AREA, STIKINE DISTRICT, SALMON FISHERIES

1. Section 120.3a is amended to read as follows:

§ 120.3a *Weekly closed period.* The weekly closed period, except for trolling, is extended to include the period from 6 o'clock antemeridian Friday to 6 o'clock antemeridian Monday.

2. Section 120.4 is amended to read as follows:

§ 120.4 *Closed seasons; exception.* Fishing is prohibited except from 6 o'clock antemeridian May 3 to 6 o'clock postmeridian September 30: *Provided*, That this prohibition shall not apply to trolling west of Craig Point.

PART 121—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

1. Section 121.3 is amended to read as follows:

§ 121.3 *Open season, Ernest Sound and Anan.* Fishing, other than trolling, in Ernest Sound and the open waters in the vicinity of Anan Creek (excluding Zimovia Strait) is prohibited except from 6 o'clock antemeridian July 15 to 6 o'clock postmeridian August 18. During this season the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

2. Section 121.4 is amended to read as follows:

§ 121.4 *Open season; exception.* With the exception of Ernest Sound and the vicinity of Anan Creek, fishing, other than trolling, is prohibited, except from 6 o'clock antemeridian July 20 to 6 o'clock postmeridian August 24. During this season the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

3. Effective only through December 31, 1955, § 121.10 is amended by deleting paragraphs (a), (b), (c), (d), (e) (1), (g., and (j) (1); and by revising paragraph (f) to read as follows:

(f) Prince of Wales Island: North coast within 2,500 feet of a point at 56 degrees 20 minutes 58 seconds north latitude, 133 degrees 32 minutes 41 seconds west longitude.

4. Section 121.11 is amended in paragraphs (g), (h), (j), (k), (m), (n), (s), and by adding paragraphs (u), (v), and (w) to read as follows:

(g) Kah Sheets Bay: All waters within the bay.

(h) Totem Bay: All waters within the bay.

• • • • •

(j) Keku Strait: All waters between a line from the flasher light bearing southeast, and the northern end of the district at 56 degrees 40 minutes north latitude.

(k) Three Mile Arm: All waters west or north of the western point at the entrance to Jackson Hole.

• • • • •

(m) Port Beauclerc: All waters inside the outer point of Edwards Island.

(n) Affleck Canal: All waters of Kell Bay and all waters north of the southern point at the entrance to Bear Harbor.

• • • • •

(s) Bradfield Canal: All waters east of 131 degrees 55 minutes 30 seconds west longitude.

• • • • •

(u) Steamer Bay: All waters within the bay.

(v) Vixen Inlet: All waters inside Sunshine Island.

(w) Santa Anna Inlet: All waters inside Point Santa Anna.

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

1. Section 122.4 is amended to read as follows:

§ 122.4 *Open seasons, northern section.* Fishing, other than trolling, is prohibited in the northern section except from 6 o'clock antemeridian July 25 to 6 o'clock postmeridian August 28. During this season the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday: *Provided*, That these prohibitions shall not apply to fishing for chum salmon in Kasaan Bay, Moira Sound and Cholmondeley Sound from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1.

4. A new section designated § 122.5b is added to read as follows:

§ 122.5b *Open seasons, southeast and North Behm Canal sections.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian July 12 to 6 o'clock postmeridian August 24. During these seasons the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

5. Effective only through December 31, 1955, § 122.8 is amended by deleting paragraphs (a), (c), (d), (g), (h), (i), (j), (m) (3), (n) (1), (o), (r) (3), (t) (2), (u) (1), (w) (1) and (2), (y), (cc), (dd), (ff), (hh), (jj), (kk), (ll), (mm), (nn), (oo), (qq), and (ss); and by revising paragraphs (e), (k) (1), (4), and (5), (m) (2), (p), (r) (2), (x), (z), (bb), and (ee) to read as follows:

(e) Prince of Wales Island: East coast within 2,500 feet of a point at 55 degrees 55 minutes 39 seconds north latitude.

• • • • •

(k) Cleveland Peninsula: West coast (1) within 2,500 feet of a point at 55 degrees 44 minutes 11 seconds north latitude, 132 degrees 15 minutes 45 seconds west longitude; * * *; (4) within (i) 2,500 feet of a point at 55 degrees 33 minutes 33 seconds north latitude, and (ii) 2,500 feet of a point at 55 degrees 33 minutes 1 second north latitude; and (5) within 2,500 feet of a point at 55 degrees 30 minutes 45 seconds north latitude, 132 degrees 0 minutes 55 seconds west longitude.

• • • • •

(m) * * * (2) within (i) 2,500 feet of a point at 55 degrees 18 minutes 48 seconds north latitude; (ii) 2,500 feet of a point at 55 degrees 16 minutes 58 seconds north latitude; (iii) 2,500 feet of a point at 55 degrees 15 minutes 11 seconds north latitude; (iv) within 2,500 feet of a point at 55 degrees 10 minutes 48 seconds north latitude; (v) within 2,500 feet of a point at 55 degrees 10 minutes north latitude; and (vi) within 2,500 feet of a point at 55 degrees 9 minutes 10 seconds north latitude.

• • • • •

(p) Annette Island: West coast (1) within 2,500 feet of a point at 55 degrees 12 minutes 52 seconds north latitude, (2) within 2,500 feet of a point at 55 degrees 5 minutes 41 seconds north latitude, (3) within 2,500 feet of a point at 55 degrees 2 minutes 47 seconds north latitude, and (4) within 2,500 feet of a point at 55 degrees 0 minutes 45 seconds north latitude.

(r) • • • (2) within 2,500 feet of a point at 55 degrees 31 minutes 1 second north latitude, 132 degrees 12 minutes 9 seconds west longitude.

• • • • •

(x) Prince of Wales Island: East coast, including adjacent rocks, within 2,500 feet of a point at 54 degrees 57 minutes 19 seconds north latitude.

• • • • •

(z) Prince of Wales Island: East coast within 2,500 feet of a point at 54 degrees 50 minutes 8 seconds north latitude.

• • • • •

(bb) Prince of Wales Island: East coast within 2,500 feet of a point at 54 degrees 42 minutes 57 seconds north latitude.

(ee) Prince of Wales Island: South coast within 2,500 feet of a point at 54 degrees 41 minutes 50 seconds north latitude, 132 degrees 10 minutes west longitude.

6. Section 122.9 is amended in paragraphs (a), (c), (e), (k), and (p), and by adding paragraphs (s), (t), (u), (v), (w), (z), (y), and (z) to read as follows:

(a) Moira Sound: (1) All waters of the North Arm inside a line from Crowell Point to Point Holliday; (2) all waters of Johnson Cove; and (3) all waters of West Arm west of 132 degrees 12 minutes west longitude.

• • • • •

(c) Cholmondeley Sound: All waters west of and including Sunny Cove: *Provided*, That this shall not apply to fishing for chum salmon from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1.

• • • • •

(e) Twelvemile Arm, Kasaan Bay: All waters south of Loy Island.

• • • • •

(k) Whale Pass: All waters from the north end of Thorne Island southward to the island at the bend where the pass turns eastward.

• • • • •

(p) Traitors Cove: All waters within the cove.

• • • • •

(s) Mossman Inlet: All waters within the inlet.

(t) Karta Bay: All waters inside the outermost buoys.

(u) North Behm Canal: North of the latitude of Snail Point.

(v) Lake Bay: All waters of the passage behind Stevenson Island.

(w) Kitkun Bay: All waters within the bay.

(x) Tamgas Harbor: All waters north of Deer Point.

(y) Neets Bay: All waters east of Clam Island.

(z) Port Stewart: All waters within the bay.

PART 123—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

1. Section 123.3 is amended to read as follows:

§ 123.3 *Open seasons.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian July 25 to 6 o'clock postmeridian August 28. During this season the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday: *Provided*, That these prohibitions shall not apply to purse seines from 6 o'clock antemeridian July 5 to 6 o'clock postmeridian August 28 in waters west of a line extending northwesterly from Cape Muzon projected through Cape Ulitka to the northern boundary of the district, nor to fishing for chum salmon in the waters of Klawak Inlet from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1.

2. Section 123.4 is amended by deleting, "July 20 to August 5," and substituting in lieu thereof, "July 5 to July 25."

3. Effective only through December 31, 1955, § 123.6 is amended by deleting paragraphs (a), (g), (i), (k), (p), (u), and (v); and by revising paragraphs (d), (h), (l), (o) (1), (q), and (t) to read as follows:

(d) San Fernando Island: Northern coast within 2,500 feet of Point Santa Rosalia.

• • • • •

(h) Prince of Wales Island: San Christoval Channel within 2,500 feet of a point at 55 degrees 36 minutes 28 seconds north latitude, 133 degrees 21 minutes 30 seconds west longitude.

• • • • •

(l) Prince of Wales Island: Within 2,500 feet of a point at 55 degrees 22 minutes 59 seconds north latitude, 133 degrees 13 minutes 28 seconds west longitude.

• • • • •

(o) • • • (1) within 2,500 feet of a point at 55 degrees 2 minutes 12 seconds north latitude, 132 degrees 53 minutes 28 seconds west longitude.

(q) Prince of Wales Island: South of Point Webster within 2,500 feet of a point at 54 degrees 56 minutes 33 seconds north latitude, 132 degrees 34 minutes 37 seconds west longitude.

• • • • •

(t) Heceta Island: Western and southern coast (1) within 2,500 feet of a point at 55 degrees 42 minutes 32 seconds north latitude, 133 degrees 35 minutes 28 seconds west longitude, and (2) within 2,500 feet of a point at 55 degrees 41 minutes 38 seconds north latitude, 133 degrees 32 minutes 5 seconds west longitude.

4. Section 123.7 is amended in paragraphs (c), (g), (k), and (n) and by adding paragraphs (o), (p), (q), (r), (s), (t), (u), and (v) to read as follows:

(c) Trocadero Bay: All waters east of 133 degrees 1 minute west longitude.

• • • • •

(g) Hetta Inlet: All waters north of Simmons Point.

• • • • •

(k) Hunter Bay: All waters within the bay.

• • • • •

(n) El Capitan and Tuxekan Passages: All waters east of 133 degrees 20 minutes west longitude.

(o) Tokeen Bay: All waters within the bay.

(p) Edna Bay: All waters within the bay.

(q) Keete Inlet: All waters within the inlet.

(r) Klakas Inlet: All waters north of 55 degrees north latitude.

(s) Soda Bay: All waters east of 133 degrees west longitude.

(t) Port Saint Nicholas: All waters east of 133 degrees 4 minutes west longitude.

(u) Warm Chuck Inlet: All waters north of 55 degrees 44 minutes 30 seconds north latitude.

(v) Nutkwa Inlet: All waters north of 55 degrees 6 minutes north latitude.

PART 124—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

1. Section 124.3 is amended to read as follows:

§ 124.3 *Open seasons.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian July 12 to 6 o'clock postmeridian August 18. During this season the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

2. A new section designated § 124.7a is added to read as follows:

§ 124.7a *Length of gill nets, Burroughs Bay.* The aggregate length of gill nets on or in use by any boat in Burroughs Bay shall not exceed 200 fathoms, hung measure.

3. Effective only through December 31, 1955, § 124.8 is amended by deleting paragraph (b) (1), (d) (2), (f), (o), and (q); and by revising paragraphs (c), and (g) (2) and (3), to read as follows:

(c) Revillagigedo Islands: (1) within 2,500 feet of a point at 55 degrees 13 minutes 34 seconds north latitude, 131 degrees 17 minutes 19 seconds west longitude, and (2) within 2,500 feet of a point at 55 degrees 12 minutes north latitude, 131 degrees 14 minutes 22 seconds west longitude.

• • • • •

(g) • • • (2) within 2,500 feet of a point at 54 degrees 52 minutes 43 seconds north latitude, 130 degrees 57 minutes 19 seconds west longitude; and (3) within 2,500 feet of a point at 54 degrees 48 minutes 12 seconds north latitude, 130 degrees 56 minutes 3 seconds west longitude.

4. Section 124.9 is amended in paragraphs (a), (b), (c), (f), (g), (h), and (i) and by adding paragraphs (k), (l), (m), (n), and (o) to read as follows:

(a) Hidden Inlet: All waters within the inlet.

(b) Fillmore Inlet: All waters north of Edward Passage.

(c) Willard Inlet: All waters north of the northern end of Just Island.

• • • • •

(f) Boca de Quadra: All waters of Marten Arm, Mink Bay, Vixen Bay, Badger Bay, Weasel Cove, and within 5 miles of the head of the bay.

(g) George Inlet: All waters north of California Head.

(h) Smeaton Bay: All waters of Wilson and Bakewell Arms.

(i) Rudyerd Bay: All waters of the north and south arms.

• • • • •

(k) Carroll Inlet: All waters north of Osten Island.

(l) Thorne Arm: All waters north of Eve Point.

(m) Nakat Inlet: All waters north of 54 degrees 50 minutes north latitude.

(n) Harry Bay: All waters of the bay north of Slim Island.

(o) Lucky Cove: All waters within 1,000 yards of the head of the cove.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

DOUGLAS MCKAY,
Secretary of the Interior

FEBRUARY 17, 1954.

[F. R. Doc. 54-1220; Filed, Feb. 19, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 942]

HANDLING OF MILK IN NEW ORLEANS, LOUISIANA MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at New Orleans, Louisiana, on May 7, 1953, pursuant to notice thereof which was issued on April 23, 1953 (18 F. R. 2505), and reopened at the same location on January 14, 1954, pursuant to notice thereof issued on December 31, 1953 (19 F. R. 70), upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 9, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision, including notice of opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER on February 12, 1954 (19 F. R. 823).

No proposed findings or conclusions or exceptions to the findings and conclusions and actions recommended by the Deputy Administrator were filed within the periods reserved therefor.

The material issues, findings and conclusions, and general findings of the recommended decision (19 F. R. 823, Doc. 54-1026) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

Order of the Secretary directing that a referendum be conducted, determination of a representative period, and designation of an agent to conduct such referendum. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area) who, during the month of December 1953, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order as amended, to determine whether such producers favor the issuance of the order amending the order, as amended, which is filed herewith.

The month of December 1953 is hereby determined to be the representative period for the conduct of such referendum.

M. M. Truxillo is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 10th day from the date this decision is filed.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area," and "Order, as Amended, Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 18th day of February 1954.

[SEAL] JOHN H. DAVIS
Assistant Secretary of Agriculture.

Order[1] *Amending the Order, As Amended, Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area*

§ 942.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the acts;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

handling the milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered than on and after the effective date hereof the handling of milk in the New Orleans, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Delete the proviso in § 942.9 and substitute therefor the following: "*Provided*, That any such transferring plant shall not be included in this definition during any month in which there is shipped from such plant only Class II milk as defined in § 942.41 (b), or during any of the months of September, October, November, and December, in which shipments of fluid whole milk or fluid skim milk from such plant are made to a plant described in paragraph (a) of this section on less than 20 days or during any other month in which such shipments are made on less than 5 days."

2. Delete § 942.22 (l) (1) and substitute therefor the following:

(1) On or before the 6th day after the end of each delivery period the Class II price of skim milk and butterfat for such delivery period;

3. In the proviso of that portion of § 942.41 which precedes paragraph (a), delete the words "or Class III milk."

4. Delete § 942.41 (a) (3) and substitute therefor the following:

(3) Not specifically accounted for as Class II milk.

5. Delete § 942.41 (b), (c) and (d) and substitute therefor a new paragraph (b) as follows:

(b) Class II milk shall be (1) all skim milk and butterfat used to produce any item other than those classified as Class I milk; (2) skim milk and butterfat disposed of for livestock feed; (3) skim milk dumped; and (4) skim milk and butterfat accounted for as shrinkage but not in excess of 2 percent of receipts of skim milk and butterfat, respectively, from producers.

6. In § 942.42 (a) delete the words "or Class III milk."

7. Delete § 942.43 and substitute therefor the following:

§ 942.43 *Transfers.* Skim milk or butterfat disposed of by a handler during any delivery period in fluid form as milk, skim milk or cream by transfer to another plant shall be classified as follows:

(a) As Class I milk if transferred to the fluid milk plant of another handler (except a producer-handler), unless assignment to a product specified in § 942.41 (b) is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period in which such transfer occurred: *Provided*, That the amount of skim milk or butterfat so assigned shall not exceed the total skim milk or butterfat, respectively, actually used during the delivery period in such product by the transferee-handler: *And provided further*, That if either or both handlers have received other source milk, skim milk and butterfat so transferred shall be classified at both plants so as to return the highest available utilization to milk received from producers;

(b) As Class I milk if transferred to a producer-handler;

(c) As Class I milk if transferred to any plant other than a fluid milk plant unless:

(1) The handler claims utilization in a product specified in § 942.41 (b);

(2) The operator of such nonfluid milk plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are available if requested by the market administrator for the purpose of verification; and

(3) The utilization of skim milk and butterfat at such nonfluid milk plant in Class I milk, as defined in § 942.41 (a), is less than the total pounds of skim milk and butterfat, respectively, received from the transferor-handler(s) and from dairy farmers whom the market administrator determines constitute the regular source of supply for fluid usage in such plant, in which case the skim milk and butterfat transferred shall be assigned to the remaining uses of skim milk and butterfat, respectively, during such delivery period, for which class prices are highest after the similar assignment of the receipts of skim milk and butterfat from such dairy farmers.

8. In § 942.44 delete the words "Class II milk, and Class III." Substitute therefor the following: "and Class II."

9. Delete § 942.45 (a) (1) and substitute therefor the following:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of shrinkage in producer milk classified as Class II pursuant to § 942.41 (b);

10. In § 942.45 (a) (4) change the term "Class III" wherever it appears to "Class II."

11. Delete §§ 942.51, 942.52 and 942.53 and substitute therefor the following:

§ 942.51 *Class II prices.* Each handler shall pay producers, in the manner set forth in § 942.80, for skim milk and butterfat in milk received from them during each delivery period and classified as Class II skim milk and Class II butterfat, not less than the following prices per hundredweight:

(a) The price per hundredweight of butterfat shall be computed by multiplying by 105 from the effective date hereof through August 1954, and thereafter by 110, the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period;

(b) The price per hundredweight of skim milk shall be any plus amount resulting from the following calculation:

(1) Multiply the price computed pursuant to paragraph (a) of this section by 0.04;

(2) Subtract the amount computed pursuant to subparagraph (1) of this paragraph from the average of the basic or field prices reported to the market administrator to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the delivery period at plants at the following locations:

Present Operator and Location

Pet Milk Co., Kosciusko, Miss.
Brookhaven Creamery Co., Brookhaven, Miss.
Borden Food Co., Starkville, Miss.
Kraft Foods Co., Newton, Miss.
Wilson & Co., Macon, Miss.
Cooperative Creamery Assn., Starkville, Miss.

12. Change the number of § 942.54 to § 942.52.

13. In § 942.72 (e) delete "Class III" and substitute therefor "Class II".

14. In § 942.80 (a) delete "Class III" and substitute therefor "Class II."

15. In § 942.81 (b) delete "Class III" and substitute therefor "Class II."

16. In § 942.90 delete the reference to § 942.53 and substitute therefor "§ 942.52."

[F. R. Doc. 54-1242; Filed, Feb. 19, 1954; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41]

AUTHORITY OF ADMINISTRATOR TO WAIVE CERTAIN PROVING TEST REQUIREMENTS FOR AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to revised Part 40 and Part 41 of the Civil Air Regulations which will permit the Administrator to waive the 50-hour and 25-hour proving test requirements in special cases.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by March 25, 1954. Copies of such communications will be available after March 29, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Section 40.63 (b) of revised Part 40 states that an air carrier using a type of aircraft not previously used by it, but previously proved in other operations shall test the aircraft for at least 50 hours of which 25 hours shall be over authorized routes. Section 41.129 (b) has a similar proving requirement for aircraft previously proved on which major changes have been made or on the use of such aircraft on a substantially different operation. The purpose of these requirements was to insure that an air carrier using a type of aircraft not previously used by it or a type which had been greatly modified would acquire experience in the handling of the aircraft prior to its use in passenger operation. It was also intended that by requiring a certain number of hours of proving tests to be conducted over authorized routes, personnel along the routes would become accustomed to the handling and servicing of the aircraft on the ground.

Prior to using new type aircraft in scheduled passenger operation, air carriers generally conduct a fairly extensive training and familiarization program in the aircraft. While the program may accomplish the purpose of familiarizing all personnel involved in the operation and handling of the new aircraft, it may not comply with the proving test requirements set forth above. For example, while a new type aircraft may have been proved for more than 50 hours and all personnel involved in its operation received adequate training in its handling, these proving tests may not have been conducted over authorized routes. In the past there have been several instances in which an air carrier has conducted rather extensive proving tests prior to using a new type aircraft in scheduled passenger operation but has not conducted 25 hours of these tests over authorized routes. In such cases it is not felt that the specific hourly requirements of §§ 40.63 (b) and 41.129 (b) need be enforced since the purpose of the requirements would have been fulfilled. Since proving tests of aircraft not previously used are conducted under the surveillance of the Civil Aeronautics Administration, it is felt that the Administrator should be permitted to waive the provisions of §§ 40.63 (b) and 41.129 (b) in those cases where purposes of these provisions have been accomplished by the training and indoctrination program conducted by the air carrier.

Accordingly, notice is hereby given that it is proposed to amend revised Part 40 and Part 41 of the Civil Air Regulations to read as follows:

1. By amending the first sentence of § 40.63 (b) of revised Part 40 to read "A type of airplane which has been previously proved shall be tested for at least 50 hours, of which at least 25 hours shall be flown over authorized routes, unless deviations are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety, when the airplane:"

2. By amending § 41.129 (b) of Part 41 to read as follows:

§ 41.129 *Aircraft proving tests.* • • •

(b) In a case of major changes on aircraft previously proved, or the use of the same aircraft on a substantially different operation, 50 hours of tests similar to those outlined in the preceding paragraph shall be required, of which at least 25 hours shall be flown over authorized routes, unless deviations are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. These proposals may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated: February 16, 1954, at Washington, D. C.

By the Bureau of Safety Regulation:

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 54-1224; Filed, Feb. 19, 1954; 8:51 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Parts 302, 326, 327]

AMENDMENT OF ASSESSMENTS AND OTHER PROVISIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules and regulations is contemplated. Prior to their final adoption, however, consideration will be given to any data, views, or comments pertaining thereto which are submitted in writing to the Secretary, Federal Deposit Insurance Corporation, Washington 25, D. C., by any interested person within 30 days from the publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

1. Part 327 is amended to read as follows:

PART 327—ASSESSMENTS

Sec.
327.1 Definitions and periods of deduction for uncollected items.
327.2 Payment of assessments by banks whose insured status has terminated.
327.3 Time of payment.

AUTHORITY: §§ 327.1 to 327.3 issued under sec. 9, 64 Stat. 882; 12 U. S. C. 1819. Interpret or apply secs. 7, 8, 64 Stat. 876-881; 12 U. S. C. 1817, 1818.

§ 327.1 *Definitions and periods of deduction for uncollected items.* As used in section 7 (a) of the Federal Deposit Insurance Act and in this part:

(a) *Base day; definition.* The term "base day" shall be the period of time beginning with the time of the closing of the books of the bank on the last business day immediately preceding the base day to the time of the closing of the books of the bank on the base day according to the normal and day-by-day practice of the bank. Holidays and other nonbusiness days intervening between the preceding business day and the base day are a part of the base day.

(b) *Cash item; definition.* The term "cash item" means any instrument providing for the payment of money which the reporting bank has received in the regular course of business pursuant to an agreement under which the bank has given credit to a deposit account or paid in the regular course of business: *Provided*, That the instrument is in the process of collection and is payable on presentation: *Provided further*, That the payer or drawee of the instrument is not the reporting bank or a branch or office thereof. The term reporting bank as used in this part means the bank filing the certified statement for assessment purposes. For the purpose of this paragraph a cash item shall be deemed paid by the reporting bank if the bank has given cash therefor or credit as a payment on a debt due to the bank: *Provided, however*, That an instrument received by a bank in payment of, or arising from, the sale or other disposition of any of its assets is not a cash item.

(c) *Maintenance of assessment records.* Each insured bank, as a condition to the right to make any deduction or exclusion in determining its assessment base, shall maintain such records as will readily permit verification of the correctness thereof.

(d) *Cash items eligible for deduction.* (1) In computing the assessment base only cash items, as defined in this section, may be deducted under either of the two alternative methods described in this part. Such cash items may be deducted without regard to whether withdrawal has been made against the credit given to deposit accounts therefor: *Provided*, That such cash items are credited and withdrawals are made in the normal course of business.

(2) No cash item shall be deducted after the bank has had advice that the item has been paid or dishonored and no deduction may be claimed for instruments received in payment for cash items previously paid or credited to deposit accounts and forwarded for collection nor for instruments received in payment of clearings.

(3) No deduction may be claimed for drafts transferring funds from one correspondent bank to another nor for drafts drawn and delivered or exchanged for the purpose of reducing the assessment base. No deduction may be made for a cash item drawn by an officer, director, stockholder, or affiliate of the reporting bank, or at their suggestion or direction, for the purpose of abnormally increasing the deposits on the base day, or for the purpose of obtaining abnormal deductions. The length of time such funds remain on deposit will be a factor in determining their purpose.

(4) No two reporting banks may deduct the same cash item under the (aa) method [1] for computing deductible cash items unless one of the banks normally, and in the regular course of business, is a collecting and check clearing agent for the other bank. Cash items reaching another bank or banks by special handling on the base day may not be deducted under the (aa) method by such other bank or banks but such other bank or banks may claim deduction therefor

[1] See sec. 7 (a), Federal Deposit Insurance Act, 12 U. S. C. 1817 (a); also paragraph (i) of this § 327.1.

in the actual amount if included in the reported deposit liabilities.

(e) *Process of collection.* (1) A cash item is deemed to be in the process of collection from the time it is either credited to a deposit account or paid by the reporting bank and until the reporting bank has received payment in the form of cash, an acceptable credit, or a draft or officer's check, or notice of dishonor, but such draft or officer's check is not a cash item for the purpose of claiming deductions: *Provided*, That an item shall not be considered as uncollected at the close of business on the base day if such item has been outstanding for a period in excess of the time necessary to send the item in due course to the Federal Reserve Bank of the Federal Reserve district or a branch thereof in which the reporting bank is located, plus the time allowed for collection from the place where the item is payable, as shown on the current Time Schedule of such Federal Reserve Bank or branch thereof: *Provided further*, In the case of an insured bank or branch located outside of any Federal Reserve district, an item shall not be considered as uncollected at the close of business on the base day if such item has been outstanding for a period in excess of the time from the date the cash item is paid or credited to a deposit account and the date of receipt (in the usual course of business) by the correspondent bank to which the item is forwarded for collection plus the collection time allowed by the Federal Reserve Time Schedule for the district in which the correspondent bank is located.

(2) A cash item drawn on a place not included in the Federal Reserve Time Schedule may be considered to be in the process of collection for the actual time required to collect it.

(3) This section is not to be construed as requiring any bank to clear items through any Federal Reserve Bank or branch thereof.

(f) *Forwarded for collection.* Cash items shall be deemed to have been forwarded for collection on the base day if they have been received and forwarded by the bank on the base day (that is, after the closing of the books on the preceding business day and prior to the closing of the books on the base day) and shall have been paid or credited to deposit accounts on that day including such items which in accordance with the normal procedures of the bank are still in its possession at the time of the closing of the books on the base day. When holidays and other nonbusiness days intervene between the previous business day and the base day the cash items transmitted for collection on any such intervening nonbusiness day may not be treated as cash items forwarded for collection on the base day if collected or if the maximum period for deductions prescribed in paragraph (e) of this section shall have expired at the time of the closing of the books on the base day.

(g) *Held for clearings.* A cash item is considered to be held for clearings at the close of business on the assessment base day if the payer or drawee of the instrument is a bank or person, other than the reporting bank, located in the same city or is a member or associate member of the same clearing house as the reporting bank and the cash item has been received in the usual course of business on the base day and before the closing of the books on that day but after the normal time for effecting clearings with the other local banks or at the clearing house on the base day or, when the payer or drawee is a person other than a bank, after the time it is normally presented for collection in the usual course of business.

(h) *Payable on presentation.* The term "payable on presentation" means any instrument which the payer or drawee is required to forthwith and unconditionally pay when presented. The term includes such items as warrants directed to a public official to pay on demand the amount thereof, matured bonds, matured coupons, sight drafts, and "payable through" items. The term does not include such items payable on demand as promissory notes, or drafts payable on the arrival or inspection of certain goods, or other items which are not customarily cleared or collected by banks as cash items.

(i) *Choice of method in computing deductible cash items.* An insured bank may, at its option compute its deductible cash items by either of the two following methods, designated (aa) and (bb), namely:

(aa) Under this method a bank may deduct, multiplied by two, the total of the cash items forwarded for collection on the base day and cash items held for clearings at the close of business on said day, which are in the process of collection and which were received and recorded on the books of the bank on the base day, all in accordance with the normal and day-by-day procedure of the bank.

(bb) Under this method a bank may deduct the total of the cash items forwarded for collection on the base day and cash items held for clearings at the close of business on said day, which are in the process of collection and which were received and recorded on the books of the bank on the base day, plus the amount of the cash items paid or credited on the preceding days which remain uncollected on the assessment base day, all in accordance with the normal and day-by-day procedure of the bank. If the (bb) method is used, no cash item may be considered uncollected for any period in excess of that prescribed in paragraph (e) of this section.

(j) *Option to claim deductions for uncollected items; change of method.* The reporting bank may select either of the two alternate methods, (aa) or (bb), for claiming deductions for exchanges, provided this same method is used for both base days in the semiannual assessment period. After this selection is made and a certified statement filed, the bank may not thereafter file amendments for such period for the purpose of changing to the other alternate method. When a bank has elected not to claim any deductions for exchanges in its certified statement for any period, it may not thereafter file an amended certified statement claiming such deduction for said period.

(k) *Direct sendings of uncollected items.* For the purposes of this part a cash item received on a base day by a correspondent bank or a Federal Reserve Bank or branch thereof is considered as being received by the reporting bank on the base day if, in the normal course of the bank's business, the cash item has been forwarded direct to such correspondent by a depositor of the reporting bank for credit to the depositor's account in the reporting bank and the reporting bank enters such credit to the account of the depositor on the base day. Deductions may be claimed by the reporting bank for only the cash items in such direct sendings which remain uncollected at the time of the closing of the books on the base day. No deduction may be taken for any such cash item which would have been collected if the item had been forwarded directly to the reporting bank instead of to the correspondent, and all deductions claimed must be supported by proper records maintained by the reporting bank.

(l) *Interbranch items.* An item which is drawn against a deposit account maintained in the main office or a branch office of the reporting bank and which is received by an office other than the office where the deposit account is carried and which has been paid or credited to a deposit account but has not been charged against the deposit account on which it is drawn may not be claimed as a deduction for exchanges but only the actual amount thereof may be deducted from the deposit liabilities.

(m) *Reciprocal bank balances.* A reciprocal bank balance for the purpose of this part is where the reporting bank has a deposit balance due to another insured bank and such reporting bank has a deposit balance "due from" the same insured bank, disregarding for this purpose balances representing deposits of trust funds. The reporting bank must include in the total of its deposit liabilities for assessment purposes the total of its deposit liability to the said insured bank as shown on the books of the reporting bank at the time of the closing of its books on the base day. It may deduct from such total deposit liabilities the amount of the deposit balance "due from" such insured bank but not in an amount in excess of the balance due to such insured bank. For the purpose of computing the reciprocal bank balance deduction the balances used must be subject to immediate withdrawal. This means that both the "due to" and "due from" balances in the reporting bank must be reduced to collected balances. Any outstanding unpaid draft credited to the "due from" account should be added to the balance to show the actual collected balance due from the other insured bank in computing this deduction.

(n) *Trust funds deposited in other insured banks; deduction.* The term "trust funds" means funds held by an insured bank in a fiduciary capacity and includes, without being limited to, funds held as trustee, executor, administrator, guardian, or agent. The reporting bank shall include in its total deposit liabilities for assessment purposes all trust funds held by it in a fiduciary capacity. It may deduct from such total deposit liabilities the portion of such trust funds which it has deposited in another insured bank only where (1) with respect to trust funds received by the fiduciary bank in its trust department, the fiduciary bank has deposited such funds directly from its trust department to the depositee bank; (2) with respect to trust funds received by other departments of the bank from sources other than the trust department, the fiduciary bank has deposited such funds directly from such department or from its trust department to the depositee bank; (3) the account is maintained in the depositee bank by the reporting bank as fiduciary and the account is appropriately entitled to show that the funds therein are trust funds; (4) the funds in such account are used exclusively for their trust purposes by the fiduciary reporting bank; and (5) records are maintained which clearly show that the trust funds have been deposited in the manner stated above.

§ 327.2[1] *Payment of assessments by banks whose insured status has terminated*—(a) *Assumed deposits of terminating bank become deposits of assuming bank.* The deposit liabilities of an insured bank, if assumed by another insured bank, will, except to the extent that depositors of the first bank by affirmative action signify their express intention to hold the first bank liable as a debtor, be presumed for assessment purposes to cease being deposit liabilities of the first bank on the date the assumption becomes effective: *Provided*, That the requisite notice of assumption be given to the depositors of the terminating bank.[2] The assumed deposits, for assessment purposes, are deposit liabilities of the assuming bank from the date of assumption, whether or not the requisite notice of assumption has been given to the depositors.

(b) *Payment of assessments by assuming bank on assumed deposits of terminating bank.* Where the deposit liabilities of an insured bank are assumed by another insured bank and the assuming bank agrees to file the certified statement which the terminating bank is required to file, the filing of such certified statement and the payment of the assessment thereon by the assuming bank shall be deemed the acts of the terminating bank: *Provided*, That the requisite notice of assumption[2] be given to the depositors of the terminating bank and, *Provided further*, That such certified statement shall be filed separately from that required to be filed by the assuming bank.

(c) *Resumption of insured status before insurance of deposits ceases.* If a bank whose insured status has been terminated under section 8 (a) or (b) of the Federal Deposit Insurance Act, makes application to the Corporation, before the insurance of its deposits shall have ceased, to be permitted to continue or to resume its status as an insured bank and if the Board of Directors grant the application, the bank will be deemed, for assessment purposes, to continue as an insured bank and must thereafter furnish certified statements and pay assessments as though its insured status had not been terminated. For the procedure to be followed in making such application, see § 303.7 of this chapter.

§ 327.3[4] *Time of payment.* Each insured bank shall pay to the Corporation the amount of the semiannual assessment due to the Corporation, as shown on its certified statement,[3] at the time such statement is required to be filed under Section 7 (b) of the Federal Deposit Insurance Act.

2. Section 302.3 is amended by deleting the words "Committee on Administration" and substituting therefor the words "Special Committee".

3. Paragraph (a) of § 326.1 is amended by deleting the words "cashier's checks and other officer's checks" and substituting therefor the words "cashiers' checks, and other officers' checks."

4. Paragraph (c) of § 326.1 is amended (1) by deleting the words "*Traveler's checks and letters of credit*" and substituting therefor the words "*Letters of credit and traveler's checks*" and (2) by deleting the words "traveler's checks or letters of credit" and substituting therefor the words "letters of credit or traveler's checks".

5. Section 326.2 is amended by deleting the words "cashier's checks and other officer's checks, traveler's checks and letters of credit" and substituting therefor "cashiers' checks and other officers' checks, letters of credit and traveler's checks."

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 54-1246; Filed, Feb. 19, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2583, Amdt. 8]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

Section 1.5 of Order No. 2583, as amended (15 F. R. 5643, 6997; 16 F. R. 6805; 17 F. R. 7513, 10486; 18 F. R. 161, 3446, 5715), is amended to read as follows:

SEC. 1.5 *Redelegation.* The Director may, in writing, redelegate to any officer or employee of the Bureau the authority vested in him by this order, and he may authorize written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z-15, note)

DOUGLAS MCKAY,
Secretary of the Interior.

FEBRUARY 16, 1954.

[F. R. Doc. 54-1217; Filed, Feb. 19, 1954; 8:49 a. m.]

[1] No changes made in this section (formerly § 327.3).

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF FRENCH NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 7810-3, between the Member Lines of the French North Atlantic Westbound Freight Conference, modifies the basic agreement of that conference (No. 7810) by incorporating therein a general provision setting forth the fact that new conference members will automatically become a party to, and members withdrawing from the conference will automatically cease to be a party to any agreement entered into between the members and any other carrier or other person subject to the Shipping Act, 1916.

(2) Agreement No. 7953, between Pope & Talbot, Inc., Pacific Argentine Brazil Line, Inc., and Pacific Transport Lines, Inc., covers the transportation of cargo under through bills of lading from Puerto Rico to Japan, China, Hong Kong and the Philippine Islands, with transhipment at Los Angeles or San Francisco.

(3) Agreement No. 7955, between Matson Navigation Company, The Oceanic Steamship Company, American President Lines, Ltd., and Railway Express Agency, Incorporated, is an arrangement whereby the ocean carriers agree to transport express shipments for the Railway Express Agency in the trade between Los Angeles and San Francisco and the Hawaiian Islands at specified rates. Agreement No. 7955 will supersede and cancel Agreement No. 7766, between Matson Navigation Company and Railway Express Agency, Incorporated, and Agreement No. 7767, between American President Lines, Ltd., and Railway Express Agency, Incorporated.

(4) Agreement No. 7965 between Gulf Atlantic Warehouse Co., The Sprunt Corporation and Manchester Terminal Cor-

[2] The requisite notice of assumption shall be the notice prescribed in § 307.3 of this chapter.

[3] No changes made in this section (formerly § 327.4.

[4] See §§ 304.1 and 304.3 of this chapter.

poration, all of Houston, Texas, provides for specific dockage charges, based on a 24 hour day or fraction thereof, to be assessed at their terminals at Houston, and further provides for the pro-rating of such charges in the event a vessel on any one visit, docks at two or more of the terminals of the parties or at a dock of the Harris County Houston Ship Channel Navigation District and one or more of the docks of the parties.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: February 17, 1954.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 54-1228; Filed, Feb. 19, 1954; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Abingdon Manufacturing Corp., Abingdon, Va., effective 2-26-54 to 2-25-55; 10 percent of the total number of factory production workers engaged in the manufacture of men's woven pajamas, for normal labor turnover purposes (men's woven pajamas).

Cay Artley Apparel, Inc., 232 Levergood Street, 389 Maple Avenue, 236 Franklin Street, Johnstown, Pa., effective 2-12-54 to 2-11-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Biltmore Manufacturing Co., Inc., Sweeten Creek Road, Biltmore, N. C., effective 2-16-54 to 2-15-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's sportswear).

David Manufacturing Co., 80 Broad Street, Beaver Meadows, Pa., effective 2-28-54 to 2-27-55; 10 learners for normal labor turnover purposes (children's bathrobes).

Fawn Grove Manufacturing Co., Inc., Fawn Grove, Pa., effective 2-20-54 to 2-19-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' work and semi-dress trousers, etc.).

Fawn Grove Manufacturing Co., Inc., Rising Sun, Md., effective 2-20-54 to 2-19-55; 10 learners for normal labor turnover purposes (dungarees, overalls, coveralls, etc.).

F. Jacobson & Sons, Inc., Tipton and O'Brien Streets, Seymour, Ind., effective 2-12-54 to 2-11-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress and sport shirts).

Lenore Dress Co., 665 Washington Avenue, Jermyn, Pa., effective 2-9-54 to 2-8-55; 5 learners for normal labor turnover purposes (dresses).

Madison Dress Co., Green and Wyoming Streets, Hazleton, Pa., effective 2-13-54 to 2-12-55; 10 learners for normal labor turnover purposes (women's dresses).

Nunnally & McCrea Co., Pickens County, Jasper, Ga., effective 2-26-54 to 2-25-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Oberman Manufacturing Co., Morrilton, Ark., effective 2-11-54 to 2-10-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' single pants).

Reliance Manufacturing Co., "Freedom" Factory, Hattiesburg, Miss., effective 2-12-54 to 2-11-55; 10 percent of the total number of factory production workers, for normal labor turnover purposes (men's and boys' pajamas, and sport shirts).

Reliance Manufacturing Co., "Dixie" Factory, 100 Ferguson Street, Hattiesburg, Miss., effective 2-8-54 to 2-7-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts and pants).

The Seaford Garment Co., Phillips Street, Seaford, Delaware, effective 2-13-54 to 2-12-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

Henry I. Siegel Co., Inc., Fulton, Ky., effective 2-14-54 to 2-13-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pants).

Henry I. Siegel Co., Inc., Trezevant, Tenn., effective 3-1-54 to 2-28-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pants).

Henry I. Siegel Co., Inc., Bruceton, Tenn., effective 3-1-54 to 2-28-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts, pants, dungarees, etc.).

Henry I. Siegel Co., Inc., Dickson, Tenn., effective 3-1-54 to 2-28-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts and pants).

Snowdon, Inc., Osceola, Iowa, effective 2-19-54 to 2-18-55; 5 learners for normal labor turnover purposes (women's lingerie).

Sorbeau Juvenile Manufacturing Co., 821 Central Avenue, Dubuque, Iowa, effective 2-14-54 to 2-13-55; 5 learners for normal labor turnover purposes (infants' layette garments, pajamas and playwear).

Southeastern Garment Co., Ltd., 128 Lumpkin Street, Monroe, Ga., effective 2-21-54 to 2-20-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (pants).

H. B. Spoont Co., 12-18 East Coal Street, Shenandoah, Pa., effective 3-1-54 to 2-28-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' blouses, shorts, pedal pushers, etc.).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn., effective 3-1-54 to 2-28-55; 10 learners for normal labor turnover purposes (dungarees).

Wayne Sportswear Co., 234-240 West North Street, Waynesboro, Pa., effective 2-10-54 to 2-9-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's slacks).

Williamson-Dickie Manufacturing Co., Weslaco, Tex., effective 2-11-54 to 8-10-54; 50 learners for plant expansion purposes (men's and boys' pants).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Acme Hosiery Mills, Inc., 159 North Street, Asheboro, N. C., effective 2-12-54 to 2-11-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Bloomsburg Hosiery Mills, Inc., 164 West Ninth Street, Bloomsburg, Pa., effective 2-12-54 to 2-11-55; 5 learners for normal labor turnover purposes.

Owen Osborne Hosiery Mills, Inc., Gainesville, Ga., effective 2-9-54 to 2-8-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Shenandoah Knitting Mills, Inc., Shenandoah, Va., effective 2-9-54 to 2-8-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Snowdon, Inc., Osceola, Iowa, effective 2-19-54 to 2-18-55; 5 learners for normal labor turnover purposes (women's lingerie).

The following special learner certificates were issued in Puerto Rico and in the Virgin Islands to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Sylvania Electric of Puerto Rico, Inc., Bayamon, P. R., effective 1-28-54 to 2-27-54; 163 learners. Any productive factory operation in assembling telephone switchboard lamps and radio receiving tubes: 93 learners—160 hours at 34 cents an hour, 160 hours at 37 cents an hour, 160 hours at 40 cents an hour; 5 learners—160 hours at 34 cents an hour, 160 hours at 37 cents an hour; 65 learners—160 hours at 34 cents an hour (telephone switchboard lamps and radio receiving tubes).

Virgin Islands Button Co., Inc., Charlotte Amalie, St. Thomas, V. I., effective 1-25-54 to 7-24-54; 5 learners. Cutters, 240 hours at 35 cents an hour, 240 hours at 40 cents an hour (pearl buttons).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 15th day of February 1954.

MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 54-1198; Filed, Feb. 19, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6494]

REPUBLIC CARLOADING AND DISTRIBUTING CO., INC., ET AL.

NOTICE OF HEARING

In the matter of the joint application of Republic Carloading and Distributing Co., Inc., Republic Air Freight, Inc., W. R. Mote, T. R. Bartels, and J. J. Oberdorf to waive section 409 of the act.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 23, 1954, at 9:00 a. m., e. s. t., in Room 5859, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., February 16, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-1223; Filed, Feb. 19, 1954; 8:51 a. m.]

[Docket No. 6207]

CITY OF NEWPORT, VERMONT

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of the City of Newport, Vermont for regularly scheduled airline service.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding assigned to be held on February 24, 1954 in Washington, D. C., is hereby postponed and reassigned to be held on March 29, 1954 at 10:00 a. m., e. s. t., in Room 1205, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., February 18, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-1253; Filed, Feb. 19, 1954; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6546]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

FEBRUARY 15, 1954.

Take notice that on February 12, 1954, an application was filed with the Federal Power Commission under section 204 of the Federal Power Act, by Pacific Power & Light Company, a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance by competitive bidding of $8,000,000 in aggregate principal amount of its First Mortgage Bonds, Series due 1984; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application, should on or before the 8th day of March 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1200; Filed, Feb. 19, 1954; 8:46 a. m.]

[Docket No. G-2188]

CITY OF FAYETTE, ALABAMA

NOTICE OF FINDINGS AND ORDER

FEBRUARY 16, 1954.

Notice is hereby given that on February 11, 1954, the Federal Power Commission issued its order adopted February 10, 1954, dismissing application for a certificate of public convenience and necessity under section 7 (a) of the Natural Gas Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1201; Filed, Feb. 19, 1954; 8:46 a. m.]

[Docket No. G-2229]

NORTHWEST ALABAMA GAS DISTRICT

NOTICE OF FINDINGS AND ORDER

FEBRUARY 16, 1954.

Notice is hereby given that on February 11, 1954, the Federal Power Commission issued its order adopted February 10, 1954, in the above-entitled matter, directing physical connection of facilities and sale of natural gas to the City of Fayette, Alabama.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1202; Filed, Feb. 19, 1954; 8:46 a. m.]

[Docket Nos. G-2310, G-2316, G-2321, G-2330, G-2331]

IROQUOIS GAS CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS, FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

In the matters of Iroquois Gas Corporation and Tennessee Gas Transmission Company, Docket No. G-2310; Tennessee Gas Transmission Company, Docket No. G-2316; West Tennessee Public Utility District of Weakley, Carroll and Benton Counties, Tennessee, Docket No. G-2321; New York State Natural Gas Corporation and Tennessee Gas Transmission Company, Docket No. G-2330; Tennessee Gas Transmission Company, Docket No. G-2331.

Iroquois Gas Corporation (Iroquois), a New York corporation with its principal place of business in Buffalo, New York, and Tennessee Gas Transmission Company (Tennessee), a Delaware corporation with its principal place of business in Houston, Texas, filed on November 10, 1953, as joint applicants in Docket No. G-2310, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction, acquisition and joint operation of certain natural gas underground storage facilities.

Tennessee filed, on November 18, 1953, an application, and on December 11, 1953, an amended application, in Docket No. G-2316, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the utilization of unallocated capacity for transportation of natural gas for the account of Equitable Gas Company.

West Tennessee Public Utility District of Weakley, Carroll, and Benton Counties, Tennessee (West Tennessee), filed on November 27, 1953, in Docket No. G-2321, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Tennessee to establish physical connection of its transportation facilities with West Tennessee's facilities.

New York State Natural Gas Corporation (New York Natural), a New York corporation with its principal place of business in Pittsburgh, Pennsylvania, and Tennessee, on December 11, 1953, filed as joint applicants in Docket No. G-2330 an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the acquisition, development and joint operation of certain natural gas underground storage facilities.

Tennessee, on December 11, 1953, filed, in Docket No. G-2331, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of transportation, measuring and regulating facilities for the sale of additional contract-demand gas to five existing customers and four new customers in the New York-New Jersey area. The proposed facilities are also expected to be used to render a storage service at some future

date, although Tennessee is not proposing to render such service at this time.

Due notice of the filing of said applications has been given, including publication in the FEDERAL REGISTER, as follows:

Docket No. G-2310, Docket No. G-2330, Docket No. G-2331, January 12, 1954 (19 F. R. 218, 219); Docket No. G-2316, December 12, 1953 (18 F. R. 8192); Docket No. G-2316 (amended), December 23, 1953 (18 F. R. 8663); Docket No. G-2321, December 15, 1953 (18 F. R. 8213).

The operations, as described in the applications on file with the Commission and open to public inspection, sought to be certificated in Docket Nos. G-2310, 2316, 2330 and 2331, pursuant to section 7 (c) of the Natural Gas Act, are interrelated. The application in Docket No. G-2321, filed pursuant to section 7 (a) involves matters common to those under consideration in the interrelated dockets.

The Commission finds:

(1) It is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists for consolidating the above proceedings in Docket Nos. G-2310, G-2316, G-2321, G-2330, and G-2331 for purpose of hearing, and to hold a public hearing in the above-entitled proceedings at the time and place hereinafter ordered.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and it is in the public interest that the procedure hereinafter prescribed with respect to the presentation of evidence be ordered.

The Commission orders:

(A) The aforesaid proceedings in Docket Nos. G-2310, G-2316, G-2321, G-2330, and G-2331 be and the same hereby are consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR, Chapter I), a public hearing shall be held commencing on March 15, 1954, at 10 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the above-entitled proceedings.

(C) Evidence presented by the applicants in the above-entitled proceedings shall be in the following order: Docket Nos. G-2316, G-2310, G-2330, G-2331, and G-2321.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Adopted: February 12, 1954.

Issued: February 16, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1199; Filed, Feb. 19, 1954; 8:46 a. m.]

[Docket No. G-2364]

LONE STAR GAS CO.

NOTICE OF APPLICATION

FEBRUARY 16, 1954.

Take notice that on February 9, 1954, Lone Star Gas Company (Applicant), a Texas corporation with its principal office in Dallas, Texas, filed an application pursuant to section 7 of the Natural Gas Act for (1) a certificate of public convenience and necessity authorizing the construction and operation of 6221 feet of 6⅝-inch transmission pipeline (crossing Red River at a point between Wichita County, Texas, and Tillman County, Oklahoma); and (2) permission and approval to abandon in place 6,539 feet of 4-inch pipe comprising the old river crossing of Red River at approximately the same point referred to in (1) above, and being replaced by the pipeline described in (1) above, subject to the jurisdiction of the Commission.

The application recites that the Red River crossing being replaced has developed such large and numerous leaks due to either water or sand action that it is not feasible to repair and maintain the pipe in the line comprising the crossing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of March 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1203; Filed, Feb. 19, 1954; 8:46 a. m.]

[Project No. 739]

APPALACHIAN ELECTRIC POWER CO.

NOTICE OF ORDER MODIFYING AND AFFIRMING AS MODIFIED INITIAL DECISION TO DETERMINE ACTUAL LEGITIMATE COST

FEBRUARY 16, 1954.

Notice is hereby given that on February 11, 1954, the Federal Power Commission issued its order adopted February 10, 1954, modifying and affirming as modified initial decision to determine actual legitimate original cost in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1204; Filed, Feb. 19, 1954; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 15—DPAV-45 (a)]

NOTICE OF WITHDRAWAL OF REQUEST TO PARTICIPATE IN DEFENSE WAREHOUSEMEN'S ASSOCIATION AGREEMENT OF CHICAGO

The Defense Warehousemen's Association of Chicago formed pursuant to section 708 of the Defense Production Act of 1950, as amended, has been dissolved and accordingly the request published in 17 F. R. 9947, on November 4, 1952, to participate in the Defense Warehousemen's Association Agreement transmitted and accepted by those companies listed in the FEDERAL REGISTER cited above has been withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies has been likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to that withdrawal.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, August 14, 1953, 18 F. R. 4939)

Dated: February 17, 1954.

ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 54-1221; Filed, Feb. 19, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3042]

GENERAL PUBLIC UTILITIES CORP. AND METROPOLITAN EDISON CO.

SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE AND SALE TO BANKS OF NOTES

FEBRUARY 15, 1954.

General Public Utilities Corporation ("GPU"), a registered holding company, and Metropolitan Edison Company ("Meted"), a public-utility subsidiary of GPU, having filed a joint application, and amendments thereto, pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), regarding the proposal of Meted, inter alia, to issue and sell to three banks, pursuant to the terms of a credit agreement between Meted and the said banks, unsecured notes in an amount not to exceed $7,500,000 outstanding at any one time;

The Commission by Order dated May 8, 1953 (Holding Company Act Release No. 11901), having granted said amended application, subject, however, to a condition, among others, to the effect that Meted shall not issue and sell any notes under the credit agreement if, after such issuance and sale, there would be more than $4,200,000 of such notes outstanding at any one time, unless and until an amendment shall have been filed by Meted and a further order shall have been issued, which order may contain such further conditions as may then be deemed appropriate; and that jurisdiction be reserved with respect to the issuance and sale by Meted of any notes under the credit agreement as a result of which the aggregate principal amount of notes outstanding thereunder at any time would exceed $4,200,000;

GPU and Meted having filed a further amendment to their joint application stating that Meted has borrowed $1,200,000 under the credit agreement and that Meted contemplates that, in addition to the $1,200,000 of loans now outstanding under the credit agreement, it will, during 1954, borrow an additional $6,300,000 under such credit agreement prior to the time of the financings which will supply it with the common stock and bond components of its 1954 financing program;

GPU and Meted having, in said amendment, requested that the Commission amend its order of May 8, 1953, so as to remove the condition therein which limits the amount Meted may borrow under its credit agreement and have outstanding at any one time;

GPU and Meted having estimated that the expenses to be incurred in connection with each closing involving the sale of additional notes by Meted will not exceed $550 for legal fees and $500 for miscellaneous out-of-pocket expenses, which if they do not exceed those amounts do not appear unreasonable; and

The Commission finding with respect to said application, as further amended, that the applicable standards of the act and the rules thereunder are satisfied and that it is not necessary to impose any terms and conditions other than those contained in Rule U-24, and deeming it appropriate that said application, as further amended, be granted:

It is hereby ordered, Pursuant to Rule U-23, that said application, as further amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and the jurisdiction reserved in the Commission's order of May 8, 1953, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1210; Filed, Feb. 19, 1954; 8:48 a. m.]

[File No. 70-3151]

NEW ENGLAND GAS AND ELECTRIC ASSN.

SUPPLEMENTAL ORDER AUTHORIZING 60-DAY EXTENSION OF VOLUNTARY EXCHANGE OFFER

FEBRUARY 15, 1954.

The Commission, by order entered on December 23, 1953, pursuant to sections 7 and 10 of the Public Utility Holding Company Act of 1935 ("act") having authorized New England Gas and Electric Association ("Negas"), a registered holding company, to make a voluntary exchange offer, during a 60-day period, of its own common shares for publicly held common shares (6,763.4 shares, or 2.39 percent) of its subsidiary New Bedford Gas and Edison Light Company ("New Bedford") on the basis of 4¾ Negas common shares for each New Bedford common share, with cash payment for fractional shares on the basis of $15 per whole share of Negas common (Holding Company Act Release No. 12274); and

Negas on February 10, 1954, having filed a further amendment (being Amendment No. 5) to its declaration herein setting forth that at the close of business February 5, 1954, minority stockholders of New Bedford holding 2,550.757 shares (being 37.7 percent of the minority shares outstanding at the commencement of the exchange offer) had accepted the exchange offer, and proposing to extend the period of the exchange offer for an additional period of 60 days following February 23, 1954; and

The Commission having re-examined the record herein and finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that the requested extension should be granted and that the declaration, as further amended, should be permitted to become effective forthwith:

It is ordered, That the declaration, as further amended, be and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1207; Filed, Feb. 19, 1954; 8:47 a. m.]

[File No. 70-3179]

MIDDLE SOUTH UTILITIES, INC.

ORDER REGARDING RECLASSIFICATION OF COMMON STOCK

FEBRUARY 15, 1954.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, having filed a declaration, pursuant to sections 6 (a) (2) and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to transactions which are summarized as follows:

Middle South proposes that the 12,000,000 shares of its authorized Common Stock without par value, including the outstanding 7,125,000 shares of such stock, be reclassified into 12,000,000 shares of Common Stock having a par value of $10 each, whereby the Capital Stock account of Middle South will be stated at $71,250,000, and whereby the sum of $56,345,800 will be transferred from Capital Stock to Capital Surplus (Paid-In Surplus). The proposal will be submitted to the Company's stockholders for their approval only after a further order by the Commission.

It is stated that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions. No separately allocable expenses are being incurred in connection with the proposed transactions and legal work thereon is included in counsel's regular retainer.

Due notice having been given of the filing of the declaration and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith without the imposition of terms and conditions, other than those specified in Rule U-24:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1206; Filed, Feb. 19, 1954; 8:47 a. m.]

[File No. 70-3180]

CAMBRIDGE ELECTRIC LIGHT CO.

ORDER AUTHORIZING PROPOSED BORROWING FROM BANK

FEBRUARY 15, 1954.

Cambridge Electric Light Company ("Applicant"), an electric utility subsidiary of New England Gas and Electric Association, a registered holding company, having filed with this Commission an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

Applicant proposes to borrow from time to time on notes payable to The First National Bank of Boston, funds not exceeding in the aggregate $2,750,000, the notes to mature more than one year after date thereof but not later than June 30, 1955, and to bear interest at the prime Boston rate for commercial paper plus ¼ of 1 percent, with a maximum of 3½ percent and a minimum of 3 percent, the interest rate to be adjusted every ninety days in the event of a change in the prime rate.

The purpose of said borrowing is to pay notes payable, aggregating $500,000, to The First National Bank of Boston, due December 31, 1954, bearing interest at the rate of 3¼ percent per annum, incurred for the purpose of temporarily financing additions to Applicant's property, plant and equipment. The balance of the borrowing, $2,250,000, will be used to partially reimburse the Plant Replacement Fund for expenditures made therefrom to finance extensions, additions and improvements to property, plant and equipment.

Applicant's expenses are estimated at $800, including $150 for legal services.

The proposed borrowing has been expressly authorized by the Department of Public Utilities of Massachusetts, in which State the Applicant is organized and doing business.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate

in the public interest and in the interest of investors and consumers that said application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1205; Filed, Feb. 19, 1954; 8:47 a. m.]

[File No. 70-3194]

POTOMAC EDISON CO. ET AL.

NOTICE OF FILING OF APPLICATION-DECLARATION FOR ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT

FEBRUARY 15, 1954.

In the matter of the Potomac Edison Company, Northern Virginia Power Company, Potomac Light and Power Company, File No. 70-3194.

Notice is hereby given that the Potomac Edison Company ("Potomac Edison"), a registered holding company and a Maryland corporation, and its public-utility subsidiaries, Northern Virginia Power Company ("Northern Virginia"), a Virginia corporation, and Potomac Light and Power Company ("Potomac Light"), a West Virginia corporation, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Applicants-declarants have designated sections 6, 7, 9, 10 and 12 of the act and Rules U-43, U-44 and U-50 (a) (3) and (a) (4) as applicable to the proposed transactions, which are summarized as follows:

Northern Virginia proposes to issue and sell for cash 7,515 shares of its unissued common stock, of the par value of $100 per share, to Potomac Edison at a price equal to the par value thereof, or a total consideration of $751,500.

Potomac Light proposes to issue and sell for cash 6,900 shares of its unissued common stock, of the par value of $100 per share, to Potomac Edison at a price equal to the par value thereof, or a total consideration of $690,000.

Potomac Edison proposes to acquire and purchase the additional shares of common stock proposed to be issued and sold by Northern Virginia and Potomac Light for a cash consideration equal to the aggregate par value of said common stocks.

Northern Virginia and Potomac Light each proposes to use the proceeds derived from the sale of such additional shares of common stocks for the payment, in part, of the cost of construction of property additions during 1954. Such expenditures are estimated in the amount of $1,280,400 for Northern Virginia and in the amount of $1,159,800 for Potomac Light.

Northern Virginia and Potomac Light will issue the shares of common stock from time to time prior to December 31, 1954. On acquisition by Potomac Edison such shares will be pledged as collateral security for Potomac Edison's First Mortgage and Collateral Trust Bonds, in accordance with the terms of the Indenture, dated October 1, 1944, as supplemented, between Potomac Edison and Chemical Bank & Trust Company (New York) as Trustee.

Applicants-declarants state that the Public Service Commission of Maryland and the Public Service Commission of West Virginia have jurisdiction over the proposed acquisition by Potomac Edison of the common stocks of Northern Virginia and Potomac Light and that the State Corporation Commission of Virginia has jurisdiction over the proposed issuance and sale of common stock by Northern Virginia.

Fees and expenses are estimated in the amount of $2,250.

Notice is further given that any interested person may, not later than February 28, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 28, 1954, such joint application-declaration as filed or as amended, may be granted, or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1209; Filed, Feb. 19, 1954; 8:48 a. m.]

[File No. 70-3195]

INDIANA & MICHIGAN ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING MERGER OF PUBLIC UTILITY SUBSIDIARIES OF REGISTERED HOLDING COMPANY

FEBRUARY 15, 1954.

In the matter of Indiana & Michigan Electric Company, Citizens Heat, Light and Power Company and American Gas and Electric Company, File No. 70-3195.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, and its public-utility subsidiaries, Indiana & Michigan Electric Company ("Indiana") and Citizens Heat, Light and Power Company ("Citizens"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (a), 7, 9, 10, 11, 12 (d) and 12 (f) of the act and Rules U-43, U-44, and U-45 of the rules and regulations promulgated thereunder as being applicable to the proposed transactions which are summarized as follows:

In general, the proposed transactions relate to a program involving the acquisition by Indiana of the assets of Citizens and the subsequent liquidation and dissolution of Citizens. It is proposed that the foregoing program will be effected through the consummation of the following transactions:

(1) Citizens will restate the provisions of its Articles of Incorporation to accept the provisions of the Indiana General Corporation Act of 1929 so as to clarify the legal steps to be taken to consummate the transfer of its assets to Indiana and its subsequent dissolution;

(2) Citizens will transfer all of its assets to Indiana and will cease rendering service to the public in Indiana;

(3) Indiana will acquire all of the assets of Citizens and will render service to the public in the area theretofore served by Citizens;

(4) Indiana will issue to Citizens 7,000 shares of Common Stock, without par value, of Indiana and will assume all liabilities, contingent or matured, of Citizens;

(5) Citizens will liquidate and dissolve and, in connection therewith, will transfer to American Gas the 7,000 shares of Common Stock, without par value, of Indiana theretofore received by Citizens; and

(6) American Gas will make a capital contribution to Indiana of the indebtedness of Citizens held by American Gas and assumed by Indiana in connection with the acquisition of the assets of Citizens.

It is requested that any order of the Commission relating to the transactions herein described contain the recitals referred to in section 1808 (f) of the Internal Revenue Code, as amended.

It is stated that the issuance by Indiana of its common stock to Citizens and the assumption by Indiana of the liabilities of Citizens will be effected only pursuant to an order of the Michigan Public Service Commission and that the sale by Citizens of its assets to Indiana, the acquisition thereof by Indiana, the issuance by Indiana and acquisition by Citizens of the common stock of Indiana, the assumption by Indiana of the liabilities of Citizens and the transfer to American Gas of the common stock of Indiana will be effected only pursuant to an order of the Public Service Commission of Indiana. It is requested that the order of this Commission to be entered herein be made effective upon issuance.

Notice is further given that any interested person may, not later than March 1, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 1, 1954, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1211; Filed, Feb. 19, 1954; 8:48 a. m.]

[File No. 70-3198]

ALABAMA POWER CO.

NOTICE OF PROPOSED ISSUE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE [redacted]

FEBRUARY 15, 1954.

Notice is hereby given that Alabama Power Company ("Alabama"), a public utility subsidiary of the Southern Company, a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("the act"), designating section 6 (b) of the act and Rule U-50 thereunder as applicable to the proposed transaction, which is summarized as follows:

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $17,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1984. The new Bonds will be secured by a Supplemental Indenture to be dated as of March 1, 1954 between Alabama and Chemical Bank & Trust Company, Trustee. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price to be paid to Alabama (which will be not less than 100 percent nor more than 102¾ percent of the principal amount, exclusive of accrued interest from March 1, 1954 to date of payment and delivery) will be determined by competitive bidding.

Alabama proposes to use the proceeds from the sale of the new bonds, together with other available funds, for the construction or acquisition of permanent improvements, extensions and additions to its property and for the payment of short-term bank loans in the amount of $4,790,000 incurred for such purpose.

The issue and sale of said bonds have been expressly authorized by the Public Service Commission of Alabama, in which State Alabama is organized and doing business.

Alabama requests that the order of the Commission herein be made effective upon issuance.

Notice is further given that any interested person may, not later than March 3, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1208; Filed, Feb. 19, 1954; 8:48 a. m.]

[File No. 812-864]

SCRIPPS-HOWARD INVESTMENT CO.

NOTICE OF FILING REQUESTING ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATES

FEBRUARY 16, 1954.

Notice is hereby given that the Scripps-Howard Investment Company ("Scripps-Howard"), Cincinnati, Ohio, a registered closed-end non-diversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the prohibitions contained in section 17 (a) of the act the transaction described below whereby Scripps-Howard proposes to sell to NEA Service, Inc. ("NEA"), a Delaware corporation, 300 shares of Class A Common stock of NEA at a price of $150 per share in cash.

NEA, the oldest newspaper feature service in the country, is engaged in furnishing to newspapers a complete feature budget comprising news feature stories, special articles, illustrations, comics, cartoons, editorials, magazine pages for Sunday newspapers, women's pages and other departmental newspaper material. NEA's capitalization consists of 9,000 shares of Common Voting stock, all of which is owned by the E. W. Scripps Company ("EWS"), and 31,000 shares of Class A Common stock, of which 4,470 shares are owned by EWS, 8,850 shares are owned by Scripps-Howard and 7,680 shares are owned by eight officers and directors of NEA and members of their families. Applicant represents that the holders of Common Voting stock and Class A Common stock have identical rights and privileges except that the holders of Class A Common stock do not have voting rights. Of the 8,850 shares of Class A Common owned by Scripps-Howard, 1,087½ shares are subject to an option for repurchase by NEA, pursuant to an option agreement dated May 5, 1938 between NEA and a predecessor company of Scripps-Howard. The 300 shares proposed to be sold at this time are among those subject to such option agreement.

The application states that Scripps-Howard is advised that NEA has exercised its option for the repurchase of the 300 shares of Class A Common in order that NEA may resell such shares promptly in early 1954 to certain key officers and employees of NEA subject to similar options for repurchase by NEA.

The application further states that the repurchase option provides that the price to be received by Scripps-Howard upon the exercise of the option shall be the fair value at the time of exercise as determined by appraisers, but not less than the cost of $145.93 per share, plus interest, less dividends paid and interest on the dividends. Scripps-Howard and NEA have determined that the fair value under the option agreement is $150 per share. The applicant represents that the price of $150 per share is in excess of the alternate price specified in the option agreement.

There is no established market for the Class A Common; on January 31, 1952, NEA sold an aggregate of 230 shares to three of its officers and/or directors at a price of $150 per share; on April 14, 1949, Fred S. Ferguson, president and director of NEA, bought 150 shares at a price of $150 per share; and on December 31, 1948, NEA sold an aggregate of 300 shares at $150 per share to three officers and/or directors. Earnings for the years 1943 through 1953 (including an estimate for the year 1953 of $9.77 per share) have averaged $10.86 per share of Voting Common and Class A Common, and during the same period dividends paid per annum have averaged $7.82 per share; dividends paid in 1952 and 1953 amounted to $7.50 per share.

The application states that EWS is the owner and holder of record of 92,772 shares (approximately 15.8%) of Scripps-Howard's outstanding 587,668 shares of common stock. Thus EWS is an "affiliated person" of Scripps-Howard under the act. As indicated above, EWS owns 100 percent of the voting securities of NEA, and therefore the latter is an "affiliated person" of EWS.

Section 17 (a) of the act prohibits, among other things, an affiliated person of a registered investment company, including an affiliate of such a person, from purchasing any security or property from such registered company, subject to one exception, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a) of the act upon the basis that the evidence establishes that the terms of the proposed transaction, including the consideration, are reasonable and fair and do not involve overreaching on the part of anyone concerned, that the proposed transaction is consistent with the policy of each registered investment company

concerned as recited in its registration statement and reports filed under the act and is consistent with the general purposes of the act.

Notice is further given that any interested person may, not later than February 26, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1212; Filed, Feb. 19, 1954; 8:49 a. m.]

FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Chapter V—Agricultural Marketing Service, Department of Agriculture

MISCELLANEOUS AMENDMENTS

The provisions contained in Chapters IV and V, Title 6 of the Code of Federal Regulations (including Volume 18 of the FEDERAL REGISTER) are hereby amended as follows pursuant to Reorganization Plan No. 2 of 1953 (67 Stat. 633), section 161 of the Revised Statutes (5 U. S. C. 22) and to authorities under which such provisions were issued:

A. Subchapter A of Chapter IV is amended as follows:

1. Section 401.104 is amended by deleting the last sentence thereof.

2. Wherever the designation "Director of the Branch or PMA Commodity Office" appears, it is deleted and the designation "Director of the Division or Commodity Stabilization Service Commodity Office" is substituted therefor.

3. Wherever the designations "Production and Marketing Administration" and "PMA (CCC)" appear, they are deleted and the designation "Agricultural Marketing Service" is substituted therefor.

4. Wherever the designation "Food Distribution Branch" appears, it is deleted and the designation "Food Distribution Division" is substituted therefor.

5. Wherever the designation "State PMA Offices" appears, it is deleted and the designation "State Agricultural Stabilization and Conservation Offices" is substituted therefor.

B. Subchapter B of Chapter IV is amended as follows:

1. Wherever the designations "Production and Marketing Administration," "PMA," "PMA Commodity Office," and "PMA Commodity Offices" appear, they are deleted and the designations "Commodity Stabilization Service," "CSS," "CSS Commodity Office," and "CSS Commodity Offices," respectively, are substituted therefor.

2. Wherever the designations "PMA State and County Committees," "State and County PMA Committees," and "PMA State and PMA County Committees" appear, they are deleted and the designation "State and County Agricultural Stabilization and Conservation Committees" is substituted therefor.

3. Wherever the designations "PMA County Committee" and "County PMA Committee" appear, they are deleted and the designation "County Agricultural Stabilization and Conservation Committee" is substituted therefor.

4. Wherever the designations "PMA County Committees," "County PMA Committees," and "County Committees of the PMA" appear, they are deleted and the designation "County Agricultural Stabilization and Conservation Committees" is substituted therefor.

5. Wherever the designations "PMA State Committee" and "State PMA Committee" appear, they are deleted and the designation "State Agricultural Stabilization and Conservation Committee" is substituted therefor.

6. Wherever the designation "PMA State Committees" appears, it is deleted and the designation "State Agricultural Stabilization and Conservation Committees" is substituted therefor.

7. Wherever the designation "PMA County Office" appears, it is deleted and the designation "County Agricultural Stabilization and Conservation Office" is substituted therefor.

8. Wherever the designations "County PMA Offices" and "PMA County Offices" appear, they are deleted and the designation "County Agricultural Stabilization and Conservation Offices" is substituted therefor.

9. Wherever the designation "State PMA Chairman" appears, it is deleted and the designation "Chairman, State Agricultural Stabilization and Conservation Committee" is substituted therefor.

10. Wherever the designations "PMA State Office" and "State PMA Office" appear, they are deleted and the designation "State Agricultural Stabilization and Conservation Office" is substituted therefor.

11. Wherever the designation "Assistant Administrator for Production, PMA" appears, it is deleted and the designation "Deputy Administrator for Production Adjustment, CSS" is substituted therefor.

12. Wherever in Part 434 the designation "Fruit and Vegetable Branch, PMA"

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FEDERAL REGISTER

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ice (In telegrams: 'CSS')" is substituted therefor.

D. Subchapter B of Chapter V is amended as follows:

1. The definitions of the term "Secretary" appearing in §§ 517.416 and 517.432 of Part 517 are amended to read:

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

2. Wherever the designation "Production and Marketing Administration" appears, it is deleted and the designation "Agricultural Marketing Service" is substituted therefor.

3. Wherever the designations "Fruit and Vegetable Branch, PMA" and "Fruit and Vegetable Branch, Production and Marketing Administration" appear, they are deleted and the designation "Fruit and Vegetable Division, Agricultural Marketing Service," is substituted therefor.

4. Wherever the designations "PMA Office" and "PMA Commodity Office" appear, they are deleted and the designation "Commodity Stabilization Service Commodity Office" is substituted therefor.

5. Wherever the designation "PMA Commodity Offices, appears, it is deleted and the designation "Commodity Stabilization Service Commodity Offices" is substituted therefor.

6. Wherever the designations "Director, Portland PMA Commodity Office, Production and Marketing Administration" and "Director, Chicago PMA Commodity Office, Production and Marketing Administration" appear, they are deleted and the designations "Director, Portland CSS Commodity Office, Commodity Stabilization Service," and "Director, Chicago CSS Commodity Office, Commodity Stabilization Service," respectively, are substituted therefor.

7. Wherever the designation "Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration" appears, it is deleted and the designation "Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service" is substituted therefor.

8. Wherever in § 517.430 of Part 517 the designation "PMA" appears, it is deleted and the designation "Government" is substituted therefor.

Effective date. The foregoing amendments shall be effective upon publication in the FEDERAL REGISTER.

The foregoing amendments relate solely to matters of agency management and personnel, and therefore are excepted from the requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

Done at Washington, D. C., this 17th day of February 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-1240; Filed, Feb. 23, 1954; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 607]

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF GARLIC FROM ALGERIA, HUNGARY, ITALY, MOROCCO, SPAIN, AND YUGOSLAVIA

Pursuant to the authority conferred on him by § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR and Supp. 319.56) under section 5 of the Plant Quarantine Act of 1912 (7 U. S. C. 159), the Chief of the Plant Quarantine Branch hereby issues administrative instructions to appear as § 319.56–2h in Title 7, Code of Federal Regulations, as follows:

§ 319.56–2h *Administrative instructions prescribing method of treatment of garlic from Algeria, Hungary, Italy, Morocco, Spain, and Yugoslavia.* (a) Fumigation with methyl bromide in vacuum fumigation chambers approved by the Chief of the Plant Quarantine Branch is a condition of entry under permit for all shipments of garlic (Allium sativum) from Algeria, Hungary, Italy, Morocco, Spain, and Yugoslavia. Fumigation is to be carried out under the supervision of a plant quarantine inspector and at the expense of the importer. While it is believed that the garlic will be unaffected by the fumigation, the treatment will be at the importer's risk. Such entry will be limited to the ports of Baltimore, Md., Boston, Mass., Los Angeles, Calif., New Orleans, La., New York, N. Y., Norfolk, Va., San Juan, P. R., San Francisco, Calif., and Seattle, Wash., where approved facilities for vacuum fumigation with methyl bromide are available, and to such other ports as may be named in the permits if approved vacuum fumigation facilities are later made available at those other ports.

(b) Such vacuum fumigation shall be in accordance with the following fumigation schedule or such other method as may be selected by the inspector in accordance with administratively authorized procedures known to be effective under the conditions under which the treatment is applied:

Temperature (° F.)	Dosage—Pounds of methyl bromide per 1,000 cu. ft.	Exposure [period] (hours)	Vacuum (inches)
80	2	1	15
70	2	2	15
60	3	2	15
50	3	3	15
40	3	4	15

The purpose of these instructions is to require the fumigation with methyl bromide of garlic imported under permit from Algeria, Hungary, Italy, Morocco, Spain, and Yugoslavia. Upon arrival in the United States, garlic from these countries has frequently been found infested with injurious insects, including Dyspessa ulula (Bkh.) and weevils of the genus Brachycerus, not known to occur in this country. It is apparent from observations at ports of entry that ordinary inspection methods are inadequate to insure that such importations are free of infestation. Since fumigation with methyl bromide provides an effective means of destroying insects infesting garlic, it is deemed necessary to require such treatment as a condition of entry. In order to be of maximum protection to the United States and to acquaint foreign shippers with the requirements prior to the 1954 shipping season for garlic, these instructions should be made effective as soon as possible. Therefore, pursuant to section 4 (a) and (c) of the Administrative Procedure Act (5 U. S. C. 1003 (a), (c)), it is found upon good cause that notice and other public procedure with respect to these administrative instructions are impracticable and contrary to the public interest, and good cause is found for the issuance hereof effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 8, 33 Stat. 1270, sec. 937 Stat. 318; 7 U. S. C. 143, 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U. S. C. 159)

These administrative instructions shall be effective February 23, 1954.

Done at Washington, D. C., this 8th day of February 1954.

[SEAL] E. P. REAGAN,
Chief,
Plant Quarantine Branch.

[F. R. Doc. 54-1252; Filed, Feb. 23, 1954; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 524, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publica-

tion thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.631 (Lemon Regulation 524, 19 F. R. 854) are amended to read as follows:

(ii) District 2, 200 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1350; Filed, Feb. 23, 1954; 8:49 a. m.]

PART 968—MILK IN THE WICHITA, KANSAS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area, hereinafter referred to as the "order" it is hereby found and determined that certain provisions of § 968.8 of the order, hereinafter ordered suspended, do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order from the effective date hereof.

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; and (3) this action will immediately relieve certain restrictions imposed upon certain milk by the order. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

It is therefore ordered, That the following provisions of the order are hereby suspended effective March 1, 1954:

In § 968.8 the words "of January, February, July, August, September, October, November or December" first appearing therein and the following provision ", and (b) during each of the delivery periods of March, April, May, and June, if during the preceding delivery periods of August, September, October, and November such plant (1) was a pool plant during each such delivery period, and (2) disposed of as Class I and Class II milk in the marketing area a total amount of milk equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers during such delivery periods: *Provided*, That an approved plant which was not an approved plant during each of the preceding delivery periods of August, September, October, and November shall be a pool plant during any of the delivery periods of March, April, May, and June within which such plant disposes of as Class I and Class II milk in the marketing area an amount of milk equal to 40 percent or more of such plant's receipts of milk from approved dairy farmers."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 18th day of February 1954, to be effective March 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1245; Filed, Feb. 23, 1954; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10444]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

MARITIME MOBILE RADIOTELEPHONE SERVICE IN THE BAND 2000–2850 KC.

1. The Commission instituted the above-captioned proceeding by the adoption of a Notice of Proposed Rule Making on March 25, 1953. The notice provided a period, until May 1, 1953, for the submission of written comments. In response to the request of interested persons, this period was extended to May 15, 1953.

2. As stated in the Notice of Proposed Rule Making, the proposed rules were directed primarily to accomplishment of necessary rule changes involved in (a) bringing into use the frequency 2182 kc as the distress and general calling frequency for the maritime mobile service of telephony and in (b) providing the maximum possible increase in circuit facilities for intership and ship-shore radiotelephone communications conducted in the 2 Mc band. An enabling, as well as limiting, matter associated therewith was the implementation of the Geneva (1951) Agreement and its lists for 2 Mc United States maritime radiotelephone non-government assignments for ship-shore and intership usage.

3. In view of the conditions created by the Geneva lists, it is important to note their origin. The Radio Technical Commission for Marine Services (RTCM), composed of representatives from both industry and government, completed a thorough study and released a report, including recommendations, dated December 14, 1949, covering non-government maritime mobile radiotelephone service in the 2 Mc band. Using this report as a basis, the Commission released a proposed frequency assignment plan for the band 2000–3000 kc as a public notice for comments in Docket 9775 (Commission Mimeograph No. 53477) on August 23, 1950. This proposal, with minor modifications, was subsequently adopted at the Extraordinary Administrative Radio Conference (EARC), Geneva (1951).

4. While there were a large number of comments submitted on the Commission's current proposal in Docket 10444, they may be considered as falling into several major groups.

5. Radiomarine Corporation of America (RMCA) advocated a change in the principle of assignment of frequencies to public coast stations serving the high seas and the Gulf of Mexico. The Commission's proposal was based upon the assignment of frequencies to various port areas on a geographically exclusive basis. Although RMCA recommended the continuance of this system for certain ports where service demands are heavy from ships "seldom beyond the range of one or two coast stations", it also recommended that six working frequencies and one pair of calling frequencies be made available for the common use of all existing and future public coast stations on the Atlantic, Pacific and Gulf Coasts. The American Telephone and Telegraph Company in reply comment stated its belief that the assignment system advocated by RMCA would "restrain the development of marine telephone service, impair the efficiency of the radio channels and produce chaotic operating conditions". There were no comments from the shipping industry, as such, either for or against the RMCA recommendation. The American Merchant Marine Institute (formerly the National Federation of American Shipping), however, requested an opportunity to be heard if the matter were set for hearing.

6. According to RMCA, the assignment system it recommends would have several advantages such as encouragement of the growth of new stations, maximum use of common frequencies, elimination of the necessity for periodic shifting of frequencies as a ship travels from one area to another, improved service to foreign ships, etc. The RMCA statement does not, however, deal with the fact that sharing of frequencies as suggested probably would result in some impairment of the factor of circuit efficiency. Nor does it take into account the supplemental and important fact that the most recent figures available show that most of the coast stations are being utilized from 100 to 214 percent of capacity on the basis that 100 percent capacity represents the maximum traffic volume commensurate with reasonable promptness

in completing calls. It is significant to note in this regard that the RTCM report referred to in Paragraph 3 above considered the question whether "sharing [of frequencies] on the seaboard by stations with *light traffic loads*" (emphasis supplied) could conserve radio channels and concluded in the negative. Further, as pointed out in Paragraph 3 above, the Commission's proposed assignment plan is based on the Geneva frequency list and the Commission's Public Notice in Docket No. 9775. RMCA and other interested persons were afforded at that time an opportunity to comment on that Public Notice and to then recommend a plan of the type now proposed by RMCA. The Commission's files, however, fail to indicate any such recommendation. The plan adopted at Geneva (1951) is based on specific assignments. The RMCA recommendation would be almost entirely at variance with that plan. In the light of these circumstances it is considered to be neither appropriate nor desirable to adopt such recommendation at this time.

7. Pending possible Commission action on its recommendations discussed above, RMCA petitioned the Commission to provide a pair of frequencies in the 2 Mc band for use in the vicinity of Savannah, Georgia, for public coast and ship telephone operations. The petition suggested that 2450 kc or 2490 kc be designated for coast station transmission and 2031.5 kc for ship station transmission in the vicinity of Savannah. In conjunction with its petition, RMCA submitted an alternate assignment plan that would accommodate 2450 kc for coast station transmission at Savannah but which would necessitate a major change in the Commission's proposed plan and would utilize thirteen frequencies whose assignments would be at variance with the new International Frequency List appended to the Geneva Agreement (1951). While fourteen interested parties in or near Savannah submitted comments in support of the RMCA petition, the American Telephone & Telegraph Company and the Southern Bell Telephone & Telegraph Company took the position that such authorization would result in unnecessary duplication of facilities at that location. The American Telephone & Telegraph Company pointed out that (public) coast stations making coordinated use of the same pair of frequencies (2174 kc and 2566 kc) are now in operation at Charleston, South Carolina, and Jacksonville, Florida, with one of several receiver associated stations in operation located at Savannah, Georgia; that "the coverage of these stations [as established by recent field strength measurements] in the Savannah area is entirely adequate"; that "the traffic demand on these stations is not sufficient to warrant the establishment of an additional public coast station". Specific facts have not been alleged by RMCA or other interested persons to show that the coverage of the Savannah area provided by the Charleston-Jacksonville stations is inadequate. The most recent statistics available to the Commission show that the Charleston-Jacksonville shipshore circuit is now utilized to only 59 per cent of capacity. The assignment of additional frequencies to the area served by these stations would, therefore, seem to be not warranted. This is particularly important in view of the fact that making such frequencies available would inevitably reduce the relief which could be afforded to circuits in other areas which are now seriously overloaded.

8. Comments received from two interested parties in the vicinity of Baltimore, Maryland, requested that a pair of frequencies for telephony be made available for an additional public coast station at Annapolis or Baltimore, Maryland, inasmuch as they consider the ship-shore service rendered by existing public service facilities to be inadequate in the north Chesapeake Bay area. Although available information indicates that present public service facilities in this area are being utilized in excess of 100 percent of capacity, the Commission is unable at this time to assign an additional pair of frequencies for this area without simultaneously impairing facilities at the New York area which are even more overloaded than those serving the north Chesapeake Bay area.

9. Comments received from various police organizations and licensees have been considered and appear to be based largely on existing use of certain 2 Mc frequencies by police systems, the licensees of which feel that adequate service could not be obtained in the VHF portion of the spectrum. In finalizing the rules as proposed in this regard and showing these frequencies as being available for marine service, the Commission is implementing international agreements which provide for the share use of the involved channels by the two services. It is thought that in some instances existing police operations and the proposed maritime uses may operate without harmful interference to either service. In other instances such operations will be impossible and frequency shifts to some degree will be necessary. In such cases every effort will be made to shift the existing police operation to another frequency in this band now allocated for police service and not involved in interference from or to the maritime service. The extent to which such changes will be necessary and the actual dates on which such changes may be effectuated cannot be accurately determined at this time. It is anticipated, however, that such dates as are proposed in the future will allow reasonable time for any police radio system which is affected to accomplish the change.

10. The comments of the Association of Police Communications Officers have been considered from the standpoint of a more feasible sharing of the frequencies involved. However, the changes proposed by the Association cannot be accomplished in view of frequency coordination problems, including international agreement as to the specific geographic area of marine radiotelephone service on each of the proposed frequencies. The original international coordination of these frequencies was based in part on the volume of existing police communications on the involved channels and the feasibility of sharing these frequencies with minimum disturbance to the police service.

11. With respect to the comments from the State of Missouri which objected to the proposal essentially on the grounds that the frequencies proposed to be shared with the marine service should be retained for point to point use by the Police services, it should be noted that in any event, these frequencies are not now available for the latter use and this comment is not considered to be germane to the proposal in this docket.

12. The American Tunaboat Association supported, in general, the proposed rules but requested that certain steps be taken to afford relief to problems engendered by the need for long distance intership communication over distances up to 1,500 miles. Existing congestion in the band 2000–3500 kc is such, however, that an exclusive frequency in that band (as suggested by the Association) for use in the Pacific Ocean area, particularly in Mexican waters and southward, would be difficult to clear internationally. Further, use of high power to obtain communications over distances not intended to be served by intership frequencies of the order of 2 Mc is not considered to be an efficient use of the frequency spectrum. It is believed that the more feasible solution to the problem would lie in the direction of utilizing frequencies between 4 and 8 Mc for intership communication. The Commission intends, as a separate matter, to propose any action available to it in order to provide such frequencies.

13. The American Telephone and Telegraph Company (AT&T) requested that the frequency 2009 kc not be assigned for use at Charleston and Jacksonville because of possible interference from United States Government stations in the immediate geographic vicinity using pulse type emission which is centered on adjacent frequencies. AT&T further requested that 2166 kc, designated for ship station transmission at New Orleans during the hours from 7 a. m. to 7 p. m. CST, be assigned on a non-interference basis to protect the use of the same frequency in the Wilmington, Delaware-New York area. AT&T also requested the retention of 2110 kc for ship station transmission to Boston and San Francisco because of the large number of vessels using that frequency, and that the frequency change-over at Miami and Seattle be given an early effective date so as to facilitate current construction work at coast stations in those areas.

14. To minimize the possibility of interference to reception from ship stations on 2009 kc, 2390 kc is assigned for ship station transmission to Charleston and Jacksonville and 2009 kc is assigned for ship station transmission to Tampa in lieu of 2031.5 kc as proposed. The frequency 2031.5 kc then replaces 2390 kc at Miami. With respect to the ship station frequency 2166 kc, it appears that the co-channel interference to use in the New York and Wilmington areas to which AT&T referred can occur only under a coincidence of certain nocturnal and seasonal circumstances. The rules as finalized herein provide, therefore, for "day only" use of this frequency for transmission to New Orleans. By virtue of the definition of the word "day" (one hour after local sunrise and one hour

before local sunset) now contained in the rules, it is believed that the possibility of interference will be virtually eliminated. The retention of 2110 kc for ship station transmission to Boston and San Francisco, as requested, would be at variance with the new International Frequency List and would result in mutual interference to and from co-channel and adjacent channel operations upon implementation of that list. Coast and ship stations attempting to receive ship stations using telegraphy on 2107 kc and coast stations attempting to receive ship stations using telephony on 2110 kc would be subjected to mutual interference. The matter of the dates of availability of the new frequencies at Miami and Seattle is dependent upon the date of termination or reduction of use of these frequencies by other radio services so that mutual harmful interference will be avoided. It is not possible at this time to specify such dates. However, rule making proceedings in this regard, as well as in regard to other frequencies whose dates of availability are not specified, will be instituted as soon as feasible.

15. Various comments were received regarding the proposal to substitute the frequency 2830 kc for the frequency 2738 kc for intership use in the Mississippi River, Gulf and Caribbean areas. Users of 2738 kc in the Atlantic and Pacific seaboard areas supported the proposal on the ground that "elimination of Gulf Area traffic * * * will furnish some relief from nighttime interference * * * between the Gulf and the Atlantic and Pacific Areas * * *". Mississippi River users of 2738 kc, however, objected to sharing the new frequency 2830 kc with users in the Gulf areas. It appears that the most serious problem involved is mutual interference between the Gulf and each of the other areas. Therefore, it is believed that the best solution to the problem is to make the frequency 2830 kc available for the Gulf. By taking this step, interference between the Gulf and the other areas will be reduced, and although the Atlantic, Pacific and Mississippi River areas will continue to share the frequency 2738 kc, interference between these areas does not seem to represent as serious a problem as that engendered by sharing between the Gulf and any of the other areas. Finalization of the rules in this manner will also obviate the objection filed by the Hundley Boat Company, Lake Dallas, Texas, to shifting from its present frequency 2738 kc to 2830 kc.

16. Lake Carriers' Association comments objected to § 8.358 (e) (2) as written. The Association interpreted the section to mean that operation on 2638 kc was mandatory under certain conditions. The intent of the proposal is that the use of 2638 kc is not compulsory but merely permissive for the convenience of ships entering the Great Lakes from other areas for temporary navigation thereon and not equipped for operation on 2003 kc. This section is modified to more clearly reflect its objective.

17. The Lorain County Radio Corporation expressed concern regarding the proposed sharing of the ship station frequency 2003 kc between the Great Lakes and the San Francisco area. The geographical separation is such, however, that co-channel sharing by ship stations appears to be practicable. In the absence of actual operational data, the Commission does not desire to make 2003 kc available on the West Coast on a non-interference basis. If, upon activation, harmful interference occurs, remedial steps will be taken.

18. Several comments received directed themselves to frequencies other than those in the 2 Mc band. Such comments were apparently engendered because, for editorial completeness, the text of the proposed rules reproduced certain existing rules provisions which, although editorially related, were substantively unrelated to the proposal. Since the proposed rule making was not intended to encompass such matters, these comments are not dealt with herein.

19. In view of the foregoing and pursuant to sections 303 (b), (c), (f), (h), and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conference, Atlantic City, and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva) 1951: *It is ordered*, That, effective March 15, 1954:

1. Parts 7 and 8 of the Commission's Rules are amended as set forth below.

2. The proceedings in Docket No. 10444 are terminated.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: February 10, 1954.

Released: February 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] MARY JANE MORRIS, *Secretary.*

1. Section 7.7 (d), (f) and (g) is amended as follows: In subparagraph (1) of each of the above-designated paragraphs, insert the word "international" after the fifth word "the" and before the sixth word "radiotelegraph" of the existing text.

2. Section 7.131 (d) is amended as follows: In item (1) under "Frequency range", change "2100 to 2210 kc:" to read "2000 to 2450 kc:"

3. Section 7.132 (a) is amended as follows: In item (3) of that portion under the heading "Frequency-Band and Classes of Emission Authorized'", change (in two places) "2100 to 2210 kc" to read "2000 to 2450 kc".

4. Section 7.134 (f) is amended as follows: Under the heading "Frequency-Band in Which Operation Occurs" change "2100 to 2210 kc" to read "2000 to 2450 kc".

5. Section 7.304 (a) is amended by adding to the frequencies listed therein the following frequencies in kc:

2450	2738
2490	2784
2466	2830
2482	

and by deleting therefrom the undesignated paragraph immediately following the table of frequencies.

6. Section 7.304 (d) is amended as follows:

a. Paragraph (d) is amended by revising the reference therein to "paragraphs (a) and (b)" to read "paragraph (a)".

b. Subparagraph (1) is revised to read as follows:

(1) The frequency 2182 kc is authorized for use on a shared basis primarily by ship stations and secondarily by coast stations. Except when transmitting distress, urgency, or safety signals, or messages preceded by one of these signals, the use of this frequency by coast stations prior to August 1, 1954, shall not cause harmful interference to reception from any mobile stations transmitting on a radio-channel of which 2174 kc is the authorized carrier frequency.

c. Subparagraph (2) is deleted.

d. Subparagraph (3) is revised to read as follows:

(3) The frequencies 2514, 2550 and 2582 kc are authorized for use in the Great Lakes area on a shared basis with coast stations of Canada upon the express condition that, except in case of distress, the frequency 2550 kc shall not be used for transmission to ship stations of Canada and the frequency 2582 kc shall not be used for transmission to ship stations of the United States.

e. Subparagraph (4) is deleted.

f. Footnotes designated as 3 and 4 are deleted.

g. A new subparagraph (11) is added to read as follows:

(11) Each carrier frequency which is not to be used prior to a specified beginning date, may be used under appropriate station authorization for test transmission during a period commencing not more than two months in advance of such specified beginning date; solely to determine whether an existing coast station is capable of proper technical operation on that particular radio-channel preparatory to rendering regular service thereon: *Provided*, That harmful interference is not caused by such test transmission to the service of any other station.

7. Section 7.305 (a) is amended by deleting footnote 5 thereto and by amending paragraph (a) to read as follows:

(a) The frequency 2182 kc is the international radiotelephone distress and general calling frequency for the maritime mobile service. It may be used by public coast stations solely for transmission of:

(1) Distress signals and traffic as provided in Subpart G of this part.

(2) The international urgency signal, and very urgent messages (preceded by this signal) concerning the safety of a ship, aircraft or other vehicle, or the safety of some person on board or within sight of such ship, aircraft, or vehicle.

(3) The international safety signal, and occasional messages (preceded by this signal) concerning the safety of navigation or giving important meteorological warnings which messages in the interest of safety must be transmitted on this radio-channel instead of on a different radio-channel in accordance with the procedure authorized in subparagraph (5) of this paragraph.

(4) Normal calls, replies, and brief radio operating signals but only when the use of a different carrier frequency for this function appears to be impracticable by reason of operating or equipment limitations of a mobile station.

(5) Brief announcements specifying the nature of a particular communication to be transmitted soon thereafter on other radio-channel(s) by the same coast station to a plurality of mobile stations, when such communication will be of general interest to mobile stations of the maritime mobile service, including ordinary weather and hydrographic information, or will consist of lists of mobile stations with which the coast station desires to communicate.

(6) Brief test signals in accordance with the provisions of § 7.311, as may be necessary to determine whether the radio transmitting equipment of the station is in good working condition on this frequency.

8. Amend paragraph (b) of § 7.305 to read:

(b) The frequency 156.8 Mc is the international radiotelephone frequency for calling, safety, intership, and harbor control purposes for the maritime mobile service using frequencies within the band 156.25 Mc to 162.05 Mc. This carrier frequency may be used by public coast stations as prescribed in § 7.309.

9. Section 7.306 (a) (1) is amended by revising the first item in the table of frequencies to read as follows:

Coast station transmitting carrier frequency [1] (kc)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc)
2506	San Francisco, Calif.	[2] 2110 [2] 2406

[1] These frequencies are those which may be specified in applications for coast station authorizations.

[2] Available on a temporary basis, to be withdrawn by the Commission from availability for this use by the maritime mobile service on a specific date to be designated in further rule-making as soon as practicable after the replacement frequency 2406 kc is made available.

[3] This carrier frequency is to be made available by the Commission for use on a 24-hour basis by the maritime mobile service at this location on a specified beginning date to be designated in future rule-making as soon as practicable after its use by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.

10. Section 7.306 (b) is amended to read as follows:

(b) Subject to the specific limitations imposed herein and in § 7.304 (d) with respect to particular frequencies, the carrier frequencies designated herein are assignable for working purposes to class II public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio-channels: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided further*, That each coast station shall receive transmission from mobile stations on the associated receiving frequency also designated herein:

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency [1]		Associated coast station receiving carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relative to reception [3]
Boston, Mass.	2506	None	[2110	Available on temporary basis [4]
			[2406	Available, beginning on a date to be designated, as replacement for 2110 kc.[5]
	2550	Day only; available on a temporary basis on condition that harmful interference is not caused to the service of any government station operating on this frequency or any adjacent frequency.[4]	2158	Day only; available on temporary basis.[4]
	2450	Available beginning on a date to be designated, as replacement for 2550 kc.[5]	2366	Available, beginning on a date to be designated, as replacement for 2158 kc.[5]
New York, N. Y.	2522	None	2126	None.
	2546	None	2342	None.
	2482	Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.[5]	2382	Available beginning on a date to be designated.[5]
	2598	None	2166	None.
Wilmington, Del.	4405.9	None	4067.7	None.
Norfolk, Va.	4752.5	None	4457.5	None.
Quantico, Va.	2598	None	2166	None.
Charleston, S. C.	[2638	None	2142	None.
Jacksonville, Fla.	[2506	None	[2174	Until Aug. 1, 1954.
Miami, Fla.	2490	Day only [5]	[2390	Beginning Aug. 1, 1954.
	2514	On condition, beginning when 2490 kc becomes available for this location on a 24-hour basis, that harmful interference is not caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc is assigned for transmission; also beginning on a date to be designated, unlimited from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually.	2031.5 2118	Day only.[5] Unconditional until a date to be designated; thereafter unlimited from Dec. 15 to Apr. 1, annually, day only from Apr. 1 to Dec. 15, annually.
	2550	Unlimited from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.	2158	Unlimited from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually.
Tampa, Fla.	4287.5	None	4402.5	None.
	2466	Day only [5]	2390	Day only.[5]
	2550	No limitation until 2466 kc becomes available for this location on a 24-hour basis; thereafter unlimited from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually.	2158	Unconditional until 2090 kc becomes available for this location on a 24-hour basis; thereafter unlimited from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually.
			[illegible]	Available on a temporary basis [4]
Mobile, Ala.	2572	None	2430	Available, beginning on a date to be designated, as replacement for 2572 kc.[5]
New Orleans, La.	2598	None	2206	None.
	2598	Day only; also on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Mobile, Ala., to which the carrier frequency 2572 kc is assigned for transmission	2166	Day only.
	2482	Available beginning on a date to be designated.[5]	2382	Available, beginning on a date to be designated.[5]
Galveston, Tex.	2590	None	2134	None.
	2606	Available until Aug. 1, 1954, only; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Galveston, Tex., to which the carrier frequency 2590 kc is assigned for transmission, or to the service of any government station operating on the same frequency or any adjacent frequency.[4]	2110	Available until Aug. 1, 1954, only.[4]
	2450	Day only, beginning Aug. 1, 1954, as replacement for 2590 kc; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., San Francisco or Eureka, Calif., to which this carrier frequency is assigned for transmission.[5]	2366	Day only, beginning Aug. 1, 1954, as replacement for 2110 kc.[5]
San Juan, P. R.	2630	None	2174	None.
Great Lakes	2550	Subject to applicable provisions of § 7.304 (d).	2158	None.
	2514	Subject to applicable provisions of § 7.304 (d).	2118	None.
	2582	Subject to applicable provisions of § 7.304 (d).	2206	None.
	4430.7	None	4115.3	None.
	4434.5	None	4129.1	None.
	8706.3	None	8248.1	None.
Los Angeles, Calif.	2466	None	[2174	Until Aug. 1, 1954.
San Diego, Calif.			[2382	Beginning Aug. 1, 1954.
	2466	Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.[4]	2382	Available beginning on a date to be designated.[5]

See footnotes at end of table.

* Commissioner Hennock not participating.

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency [1]		Associated coast station receiving carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relative to reception [3]
Los Angeles, Calif. San Diego, Calif.	2598	Available beginning on a date to be designated; 7 a. m. to 7 p. m. P. s. t. only.[4]	2206	Available beginning on a date to be designated. 7 a. m. to 7 p. m. P. s. t. only.[5]
	2522	7 a. m. to 7 p. m. P. s. t. only, on condition that harmful interference is not caused to the services of any United States Government station which, in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.	2126	7 a. m. to 7 p. m. P. s. t., only.
San Francisco, Calif. Eureka, Calif.	2506	None	2110 2406	Available on a temporary basis.[6] Available, beginning on a date to be designated as replacement for 2110 kc.[7]
	2450	Available on condition that harmful interference is not caused to police radio service in Kansas, Wisconsin, or New York.	3003	None.
	2538	Available beginning on a date to be designated, 7 a. m. to 7 p. m. P. s. t. only.[8]	2142	Available beginning on a date to be designated; 7 a. m. to 7 p. m. P. s. t. only.[8]
	4280	None	4067	None.
Astoria, Oreg.	2598	None	2206	None.
Portland, Oreg.	2566	7 a. m. to 7 p. m. P. s. t. only	2009	7 a. m. to 7 p. m. P. s. t. only.
Seattle, Wash.	2522	None	2126	None.
	2482	Available, beginning on a date to be designated, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La. to which this carrier frequency is assigned for transmission.[9]	2430	Available beginning on a date to be designated.[8]
Kahuku, T. H.	2530	None	2174	None.
	4420.7	None	4402.5	None.
Hilo, T. H.	2582	None	2198	None.

[1] These frequencies are those which may be designated in applications for coast station authorizations.
[2] With respect to each specific date set forth herein, the associated limitation or condition imposed shall terminate or begin as applicable, at 3 a. m. eastern standard time.
[3] This carrier frequency is to be made available by the Commission, for use (on a 24-hour basis except where specific hours of use are designated) by the maritime mobile service at the particular location designated herein, on a specific beginning date to be designated in future rule making as soon as practicable after its use (or the use of its associated transmitting or receiving frequency) by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.
[4] This carrier frequency is to be withdrawn by the Commission from availability for this use by the maritime mobile service at the particular location designated herein for this frequency, on a specific date to be designated in future rule-making as soon as practicable after the associated replacement frequency designated herein is made available by the Commission for use in this service.

11. Amend paragraph (c) of § 7.306 to read:

(c) Subject to the specific limitations imposed herein and in § 7.304 with respect to particular frequencies, the carrier frequencies designated herein are assignable for working purposes to Class II public coast stations using telephony when the coast station and the mobile station transmit alternately on the same radio channel: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective frequency:

Coast stations located in the vicinity of—	Carrier frequency (kc)[1]	Specific limitations imposed upon availability for use
Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo., Memphis, Tenn., and other locations as required, to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	2782 4067 4162.5 4372.4 6240 6455 8305.5 8840	Subject to applicable provisions of § 7.304.
Mobile, Ala.	2572	Available for ship stations on a temporary basis.[2]
Lake Dallas, Tex.; Lake Texhoma, Tex.	2708	None.
Lake Mead, Nev., and other locations as required to serve vessels on inland waters of the southwestern continental United States.	2782	The use of this frequency at locations other than Lake Mead, Nev., is subject to the condition that harmful interference is not caused to the service of any other station.
The Dalles, Oreg.; Umatilla, Oreg.; and other locations as required, to serve vessels on inland waters of the northwestern continental United States.	2738	Available on a temporary basis until 2784 kc becomes available for these locations.
	2784	Available as replacement for 2738 kc beginning on a date to be designated. The use of this frequency at locations other than the Dalles, Oreg., and Umatilla, Oreg., is subject to the condition that harmful interference is not caused to the service of any other station.[3]

[1] These frequencies are those which may be designated in applications for coast station authorizations.
[2] For use of 2572 kc at Mobile, Ala., after a different carrier frequency becomes available for ship stations, see paragraph (b) of this section.
[3] This carrier frequency is to be made available by the Commission for use in the maritime mobile service at the locations designated herein on a specific beginning date to be designated in future rule-making as soon as practicable after its use by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.

12. Amend § 7.365 as follows:

a. Modify the title of this section to read: *"Frequencies below 3000 kc for business, operational, and safety purposes."*

b. Modify the first part of paragraph (a) to read: "In addition to availability of the carrier frequencies 2738 kc and 2830 kc, primarily for intership communication as prescribed in § 8.358 of this chapter, either of these frequencies may, in response to proper application therefor, be specifically authorized in the licenses of a limited coast station for use (in areas where their use is authorized for ship stations using telephony as prescribed in § 8.358 of this chapter) to a limited extent in communicating by telephony (amplitude modulation) with such ship stations as are designated in the particular coast station license: *Provided*,"

c. Modify paragraph (a) (1) as follows: Delete that part of the text beginning with the 16th word which reads "this carrier frequency" and substitute therefor the following: "either of these carrier frequencies". Delete the words "this frequency;" appearing near the end of the text and substitute therefor the following: "the particular frequency".

d. Modify paragraph (a) (2) as follows: Insert the word "either" immediately before "2738 kc"; insert "or 2830 kc" immediately following "2738 kc".

e. Modify paragraph (a) (3) as follows: Delete the words "this radio channel" where they first appear in this subparagraph and substitute therefor the following words: "the radio-channel to be used".

f. Modify paragraph (c) as follows: Substitute, in place of that part of the text which reads "2738 kc and 2214 kc", the following: "2738 kc, 2830 kc and 2214 kc".

13. Section 7.366 is amended to read as follows:

§ 7.366 *Availability of 2182 kc for limited coast stations.* (a) The frequency 2182 kc is the international radiotelephone distress and general calling frequency for the maritime mobile service. It may be used by limited coast stations solely for transmission of:

(1) Distress signals and traffic as provided in Subpart G of this part.

(2) The international urgency signal and very urgent messages (preceded by this signal) concerning the safety of a ship, aircraft or other vehicle, or the safety of some person on board or within sight of such ship, aircraft, or vehicle.

(3) The international safety signal and occasional messages (preceded by this signal) concerning the safety of navigation or giving important meteorological warnings which messages in the interest of safety must be transmitted on this radio-channel instead of on a different radio-channel.

(4) Normal calls, replies, and brief radio operating signals but only when the use of a different carrier frequency for this function appears to be impracticable by reason of operating or equipment limitations of a mobile station.

(5) Brief test signals in accordance with the provisions of § 7.311, as may be necessary to determine whether the radio transmitting equipment of the station is in good working conditions on this frequency.

(b) When using this frequency for other than distress traffic and urgency and safety signals and messages, the mean [1] antenna power of the unmodulated carrier wave shall not exceed 100 watts.

14. Existing footnote 4 in reference to certain provisions of paragraph (a) of § 7.366 is deleted.

15. Amend paragraph (a) of § 7.454 as follows: Change that portion of the text which reads "within the band 2100 kc to 2210 kc" to read "within the band 2000 to 2450 kc".

16. Amend § 8.6, paragraphs (d), (f), and (g) as follows: In subparagraph (1) of each of the above-designated paragraphs, insert the word "international" after the fifth word "the" and before the sixth word "radiotelegraph" of the existing text.

17. Section 8.106 (a) is amended by revising the latter portion of the existing text starting with the word "Provided" to read as follows: *"Provided*, That with respect to ship stations on board vessels navigated solely within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California, this requirement shall become effective on or after August 1, 1954."

18. Section 8.223 (c) is revised to read as follows:

(c) With respect to ship stations on board vessels when within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California, the requirement of paragraph (b) of this section shall become effective on or after August 1, 1954.

19. Section 8.351 (a) is amended by adding to the frequencies listed therein the following frequencies in kc:

2009	2406
2031.5	2430
2366	2572
2382	2784
2390	2830

20. Section 8.351 (d) is amended as follows:

a. Subparagraph (1) is deleted.

b. Subparagraph (2) is revised to read as follows:

(2) Except in event of distress, use of the frequency 2206 kc in the Great Lakes area by ship stations of the United States is prohibited.

c. Subparagraph (3) is deleted.

d. Subparagraph (4) is revised to read as follows:

[1] The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation. (In general, a time of one-tenth second, during which the mean power is a maximum, will be selected.) See Article 1, paragraph 63 of the International Radio Regulations, Atlantic City, 1947.

(4) The frequency 2182 kc is authorized for use on a shared basis primarily by ship stations and secondarily by coast stations. Prior to August 1, 1954, the use of this frequency for other than distress calls and distress traffic, and urgency and safety signals and messages, within 300 nautical mile of Charleston, South Carolina; Jacksonville, Florida; and Wilmington, California, is prohibited.

e. Subparagraphs 6 and 8 are deleted.

f. A new subparagraph (14) is added to read as follows:

(14) Each carrier frequency which is not to be used prior to a specified beginning date, may be used under appropriate station authorization for test transmission during a period commencing not more than two months in advance of such specified beginning date; solely to determine whether an existing ship station is capable of proper technical operation on that particular radio-channel preparatory to the conduct of normal service thereon: *Provided*, That harmful interference is not caused by such test transmission to the service of any other station.

21. Section 8.352 (a) is amended to read as follows:

(a) The frequency 2182 kc is the international radiotelephone distress frequency for the maritime mobile service. Subject to the provisions of paragraph (b) of this section, it may be used for this purpose by ship or aircraft stations employing telephony in the band 1605 to 2850 kc when requesting assistance from the maritime services. It may be used, preferably with class A3 emission, for the distress call and distress traffic.

22. Delete existing footnote 1 in reference to § 8.352 (a).

23. Section 8.353 (a) is amended to read as follows:

(a) The international general radiotelephone calling frequency for the maritime mobile service is 2182 kc. It may be used as a carrier frequency for this purpose [2a] by ship stations and aircraft stations operating in the maritime mobile service:

(1) In addition this frequency may be used for transmission of:

(i) The international urgency signal, and very urgent messages (preceded by this signal) concerning the safety of a ship, aircraft, or other vehicle, or the safety of some person on board or within sight of such ship, aircraft, or vehicle.

(ii) The international safety signal, and messages (preceded by this signal) concerning the safety of navigation or giving important meteorological warnings.

(iii) Brief radio operating signals.

(iv) Brief test signals in accordance with the provisions of § 8.365, as may be necessary to determine whether the radio transmitting equipment of the station is in good working condition on this frequency.

(2) When using this frequency for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the mean [1] antenna power of the unmodulated carrier wave shall not exceed 100 watts.

24. Section 8.353 (b) is amended to read as follows:

(b) The frequency 156.8 Mc is the international radiotelephone frequency for calling, safety, intership, and harbor control purposes, for the maritime mobile service using frequencies within the band 156.25 Mc to 162.05 Mc. Use of this frequency by ship stations of the United States, however, is subject to the provisions of § 8.359 (c).

25. Amend subparagraph (1) of paragraph (a), § 8.354, to read:

(1) Frequencies available for use when the mobile station and the coast station transmit alternately on different radio channels:

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1]		Associated coast station carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific condition relative to reception [3]
Boston, Mass.	2110	Available on a temporary basis.[4]	2598	None.
	2406	Available beginning on a date to be designated, as replacement for 2110 kc.[5]		
	2158	Day use only, available on a temporary basis on condition that harmful interference is not caused to the service of any government station on this frequency or any assigned frequency.[4]	2506	Day only, available on a temporary basis.[4]
	2366	Available, beginning on a date to be designated, as replacement for 2158 kc.[5]	2450	Available beginning on a date to be designated as replacement for 2506 kc.
New York, N. Y.	2126	None	2522	None.
	2198	None	2566	None.
	2582	Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and transmitting on this frequency to a coast station located in the vicinity of that port.[6]	2482	Available beginning on a date to be designated.[5]

See footnotes at end of table.

[2a] See § 8.366 (c).

[1] As prescribed by paragraph 2, Article 3 of the Inter-American Radio Agreement, Washington, 1949. Article 1, paragraph 63 of the International Radio Regulations, Atlantic City, 1947, states: "Mean power of a Radio Transmitter: The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation". (In general, a time of one-tenth second, during which the mean power is a maximum, will be selected.)

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1]		Associated coast station carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific condition relative to reception [3]
San Juan, P. R.	2134	None	2530	None.
Great Lakes	2158	Subject to applicable provisions of § 8.351	2500	None.
	2118	(d).	2514	None.
	4115.3	None	4120.7	None.
	4129.1		4434.5	None.
Los Angeles, Calif.	2174	Until Aug. 1, 1954	2866	Day only.[3]
San Diego, Calif.	2389	As a ship station beginning on a date to be designated, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2406	Available beginning on a date to be designated.[4]
	2382			
	2206	Available beginning on a date to be designated, 7 a. m. to 7 p. m. P. s. t. only.[4]	2598	Available beginning on a date to be designated; 7 a. m. to 7 p. m. P. s. t. only.
San Francisco, Calif.	2126	Available on a temporary basis.[5]	2822	7 a. m. to 7 p. m. P. s. t. only.
Eureka, Calif.	2110	Available beginning on a date to be designated, as replacement for 2110 kc.[6]	2506	None.
	2066	Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2066 kc to a coast station located in the vicinity of either of these ports.	2450	None.
	2003	Available beginning on a date to be designated, 7 a. m. to 7 p. m. P. s. t. only.[4]	2538	Available beginning on a date to be designated, 7 a. m. to 7 p. m. P. s. t. only.
	2142	None	4280	None.
	4067	None	2794	None.
Astoria, Oreg.	2590	7 a. m. to 7 p. m. P. s. t. only	2706	7 a. m. to 7 p. m. P. s. t. only.
Portland, Oreg.	2670	None	2626	None.
Seattle, Wash.	2126	Available, beginning on a date to be designated.[4]	2482	Available, beginning on a date to be designated.[4]
	2450			
Kahuku, T. H.	2134	None	2790	None.
	4402.5	None	4430.7	None.
Hilo, T. H.	2198	None	2694	None.

[1] These frequencies are those which may be designated in applications for ship station authorizations.

[2] With respect to each specific date set forth herein, the associated limitation or condition imposed shall terminate or begin, as applicable, at 0001 hours, local standard time.

[3] This carrier frequency is to be made available by the Commission, for use on a 24-hour basis except where specific hours of use are designated herein, on a specific locations designated herein on a specific beginning date to be designated in future rule-making as soon as practicable after its use by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.

[4] This carrier frequency is to be withdrawn by the Commission from availability for this use by the Maritime Mobile Service for ship-shore communication in respect to the particular coast station area designated herein for this frequency, on a specific date to be designated in future rule-making as soon as practicable after the associated replacement frequency designated herein is made available by the Commission for use in the service.

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1]		Associated coast station carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific condition relative to reception [3]
New York, N. Y.	2106	None	2538	None.
	4067.7	None	4440.9	None.
	4417.5	None	4772.5	None.
Wilmington, Del.	2106	None	2538	None.
Norfolk, Va.	2142	None	2538	None.
Quantico, Va.	2174	Until Aug. 1, 1954	2866	Day only.[3]
Charleston, S. C.	2430	Beginning Aug. 1, 1954	2490	Unconditional until a date to be designated, thereafter unlimited from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually.
Jacksonville, Fla.	2501.5	As a ship station beginning on a date to be designated, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Miami, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2514	
Miami, Fla.	2118	Unlimited from Dec 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually.	2550	Unlimited from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually.
	2158			
			4287.5	None.
Tampa, Fla.	4402.5	Day only.[3]	2406	Unconditional until 2406 kc becomes available for this location on a 24-hour basis; thereafter unlimited from Dec 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually.
	2158	No limitation until 2406 kc becomes available for this location on a 24-hour basis; thereafter unlimited from Dec 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually.	2550	
Mobile, Ala.	(2572	Available on a temporary basis.[4]	2572	None.
	(2638	Available, beginning on a date to be designated, as replacement for 4572 kc.[4]	2598	Day only.
New Orleans, La.	2306	None	2638	Available beginning on a date to be designated.[4]
	2106	Day only	2482	
	2382	Available beginning on a date to be designated.[4]		
Galveston, Tex.	2134	None	2790	None.
	2110	Available until Aug. 1, 1954, only, on condition that harmful interference is not caused to the service of any government station operating on the frequency 2134 kc in the vicinity of Galveston, Tex., and is transmitting on the frequency 2134 kc to a coast station located in the vicinity of that port.[4]	2500	Available until Aug. 1, 1954, only.[4]
	2366	Day only, beginning Aug. 1, 1954, as replacement for 2130 kc, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Boston, Mass., and is transmitting on this frequency to a coast station located in the vicinity of that port.[4]	2450	Day only beginning Aug. 1, 1954, as replacement for 2500 kc.[3]

See footnotes at end of table.

26. Section 8.354 (a) (2) is amended to read as follows:

(2) Frequencies available for use when the mobile station and the coast station transmit alternately on the same radio channel:

For communication with coast stations located in the vicinity of—	Carrier frequency (kc) [4]	Specific conditions imposed upon availability for use
Chicago, Ill.; Pittsburgh, Pa.; Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and other locations as required, to serve vessels on the Mississippi River and connecting inland waters (other than the Great Lakes).	2782 4067 4162.8 4372.4 6240 6455 8640	Subject to applicable provisions of paragraph (d) of § 8.351.
Mobile, Ala.	2572	Available for ship stations on a temporary basis.[5b]
Lake Dallas, Tex.; Lake Texhoma, Tex.	2778	None.
Lake Mead, Nev., and other locations as required, to serve vessels on inland waters of the southwestern continental United States.	2782	The use of this frequency in areas other than Lake Mead, Nev., is subject to the condition that harmful interference is not caused to the service of any other station.
The Dalles, Oreg.; Umatilla, Oreg., and other locations as required, to serve vessels on inland waters of the northwestern continental United States.	2784	Available beginning on a date to be designated. The use of this frequency other than in the vicinity of the Dalles and Umatilla, Oreg., is subject to the condition that harmful interference is not caused to the service of any other station.[5c]

[4] These frequencies are those which may be designated in applications for ship stations authorizations.

[5b] For use of 2572 kc at Mobile, Ala., after a different frequency becomes available for ship stations, see subparagraph (1) of this paragraph.

[5c] This carrier frequency is to be made available by the Commission for use in the maritime mobile service at the locations designated herein on a specific beginning date to be designated in future rule-making as soon as practicable after its use by other radio services is terminated or is reduced to the extent necessary to avoid harmful interference to or from the maritime mobile service.

27. Section 8.354 (c) is deleted.

28. Section 8.358 is amended to read as follows:

§ 8.358 *Frequencies below 3000 kc for safety purposes.* (a) Carrier frequencies below 3000 kc authorized for working between ship stations employing telephony for transmission and reception on the same radio-channel by means of amplitude modulation, primarily for safety communication,[7] are designated herewith. The transmission of other than safety communication on these radio-channels is authorized upon condition that interference is not caused to safety communication. However, the use of these carrier frequencies for public correspondence between ship stations is prohibited. Their use is also prohibited when the use of a licensed frequency above 30 Mc in lieu thereof would provide effective communication. Their use shall be in accordance with respective geographic areas as follows:

Frequency (kc):	*Geographic area in which use is authorized*
2003	Great Lakes only.
2738	All areas except the Great Lakes and, beginning Jan. 1, 1955, except area where 2830 kc is authorized.
2830	The Gulf of Mexico.
2638	All areas.

(b) Insofar as practicable, the use of the frequency 2638 kc shall be confined to safety communication. Use of the frequency for other communications is restricted to that necessary for the safe, expeditious or economical operation of ships.

(c) The geographic limitations relating to the frequencies 2738 kc and 2830 kc shall not apply in event of distress or emergency nor shall they prohibit ship-to-ship communication over any distance less than 200 statute miles when only one of the ship stations is within a geographic area in which use of the respective frequency is permissible.

[7] The term "safety communication" is defined in § 8.6 (a).

29. Amend § 8.362 as follows:

a. Modify the title of this section to read: *"Frequencies below 3000 kc for business, operational and safety purposes."*

b. Modify the first part of paragraph (a) to read: "In addition to availability of the carrier frequencies 2738 kc and 2830 kc, primarily for intership communication as prescribed in § 8.358, either of these frequencies may, in response to proper application therefor, be specifically authorized in the license of a ship station or be specifically authorized by order of the Commission in behalf of a particular group of ship stations for use (in areas where their use is authorized for ship stations using telephony as prescribed in § 8.358) to a limited extent in communicating by telephony (amplitude modulation) with such limited coast stations or such United States Government coast stations as are designated in the respective ship station license or in any applicable order of the Commission; *Provided:*"

c. Modify paragraph (a) (1) as follows: Delete that part of the text beginning with the 16th word which reads "this carrier frequency" and substitute therefor the following: "either of these carrier frequencies"; delete the words "this frequency" appearing near the end of the text and substitute therefor the following: "the particular frequency".

d. Modify paragraph (a) (2) as follows: Insert the word "either" immediately before "2738 kc". Insert "or 2830 kc" immediately following "2738 kc".

e. Modify paragraphs (a) (3) and (a) (4) as follows: Delete the words "this radio channel" where they first appear in each subparagraph and substitute therefor the following words: "the radio-channel to be used".

f. Modify paragraph (a) (5) to read:

(5) The use of either of these carrier frequencies in accordance with any station authorization granted pursuant to this section shall be on a shared basis with any other station using the same frequency in accordance with a similar station authorization.

g. Modify paragraph (c) as follows: Substitute, in place of that part of the text which reads "2738 kc and 2214 kc", the following: "2738 kc, 2830 kc, and 2214 kc".

h. Modify paragraph (d) to read:

(d) (1) In addition to availability of the carrier frequencies 2738 kc, and 2830 kc, primarily for intership communication as prescribed in § 8.358, either of these carrier frequencies may, in response to proper application therefor, be specifically authorized in private aircraft station licenses for communication (in areas where their use is authorized for ship stations using telephony as prescribed in § 8.358) by means of telephony (amplitude modulation) with a ship station or stations: *Provided,*

(i) The applicant makes a showing satisfactory to the Commission that such communication is necessary to serve an important business or operational need of each particular ship while such ship is engaged in commercial fishing activities in the open sea or on any bay, sound, strait, or comparable waters adjacent to the open sea; and

(ii) Harmful interference is not caused to ship-to-ship communications; and

(iii) The maximum plate input power used for such communication shall not exceed 50 watts; and

(iv) The aircraft-to-ship and ship-to-aircraft communication which takes place on the radio-channel of which either 2738 kc or 2830 kc is the authorized carrier frequency shall be limited exclusively to that which is necessary to serve an important business or operational need of the vessel on which the ship station is located while such vessel is engaged in commercial fishing activities in the open sea or on any bay, sound, strait, or comparable waters adjacent to the open sea; and

(v) Except as otherwise provided in this paragraph, all of the provisions of this part in respect to authorization and use of the carrier frequencies 2738 kc and 2830 kc for ship-to-ship communication shall apply to all aircraft stations when operating under the provisions of this paragraph.

(2) As an alternative to one of the specific carrier frequencies designated in subparagraph (1) of this paragraph, the carrier frequency 2638 kc may be authorized in accordance with all other provisions of this paragraph only in behalf of those private aircraft stations which were licensed prior to July 23, 1951, to transmit on this carrier frequency for communication by telephony with ship stations for the purpose expressed in this paragraph.

30. Section 8.366 (b) (2) is amended to read as follows:

(2) Except when other operating procedure is used to expedite safety communication or is established in advance by and between the stations concerned, ship stations, before transmitting on the intership radio-channel of which 2638, 2738, or 2830 kc is the authorized carrier frequency, shall first establish communication with each other by initially calling and answering on the calling channel of which 2182 kc is the authorized car-

rier frequency; provided that this requirement shall be effective on and after August 1, 1954, with respect to ship stations on board vessels when within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California.

31. Amend paragraph (d) of § 8.366 as follows:

a. Change the title of this paragraph to read: "*Time limitations on calling frequencies and adjacent working frequencies.*"

b. Designate the existing text as subparagraph (1) and add a new subparagraph (2) to read:

(2) Transmission by ship stations, when in Region I, is prohibited on any frequency (including 2182 kc) in the band 2167–2197 kc during the two three-minute periods in each hour which commence at xh00 and xh30, Greenwich mean time (G. m. t.); *Provided*, That this requirement is not applicable to the transmission of distress signals, distress traffic, urgency and safety signals, and messages preceded by the urgency or safety signal.

32. Amend paragraph (f) of § 8.366 as follows:

a. Modify subparagraph (1) to read:

(1) In regions of heavy radio traffic, any one exchange of communications between any two mobile stations on the radio-channel of which 2003, 2638, 2738, or 2830 kc is the authorized carrier frequency, or between a ship station and a limited coast station on the 2638, 2738, or 2830 kc channel, shall not exceed 5 minutes in duration after the two stations have established contact by calling and answering. Subsequent to such exchange of communications, the 2003, 2638, 2738, or 2830 kc channel shall not be used again for communication between the same two stations until 5 minutes have elapsed: *Provided*, That this requirement shall in no way limit or delay the transmission of distress or emergency communications.

b. Modify subparagraph (2) as follows: Delete that portion of the text which reads "of which 2638 kc and 2738 kc are the" and substitute therefor the following: "of which 2003, 2638, 2738, and 2830 kc are the".

33. Amend paragraph (g) of section 8.366 to read:

(g) *Authorized use of 2003, 2638, 2738, and 2830 kc.* The radio channel of which 2003, 2638, 2738, and 2830 kc are the authorized carrier frequencies, shall be used by mobile stations particularly in accordance with the provisions of §§ 8.176, 8.177 (b), and 8.358. Communications which appear to be for a solely personal or social purpose, not relating in any way to safety or to a maritime purpose, may be construed by the Commission, with respect to the authorized use of these radio channels, to be superfluous communication as defined in § 8.6 (b) and as prohibited under the provisions of § 8.178.

[F. R. Doc. 54–1111; Filed, Feb. 23, 1954; 9:44 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

REGISTRATION OF BROKERS AND DEALERS

On December 22, 1953, the Securities and Exchange Commission announced that it had under consideration a proposal to adopt Form BD (§ 249.501) as the form of application for registration as a broker or dealer, as the form to amend such an application, and as a form of supplemental report to be filed by brokers and dealers already registered. The proposal also involved the rescission of Forms 3–M, 4–M, 5–M and 6–M and the revision of applicable rules. The Commission has considered all of the comments and suggestions received, has adopted Form BD, has revised the applicable rules in the form stated below, and has rescinded Forms 3–M, 4–M, 5–M and 6–M (§§ 249.503, 249.504, 249.505 and 249.506).

This action was taken by the Commission in connection with its comprehensive review of its rules, regulations, forms and procedures in order to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors.

Before the above action was taken the principal form of application for registration as a broker or dealer was Form 3–M. This was a 12-page application containing 27 items and requesting a considerable amount of information in addition to that required to determine whether the registrant was eligible for registration under the provisions of section 15 (b) of the act.

Form BD, a 4-page form, contains only 9 items limited to the information necessary to determine whether or not the registrant, or any person controlling or controlled by the registrant, is subject to a disqualification within the meaning of section 15 (b) of the act.

The ways in which Form BD is to be used. Form BD (§ 249.501) is to be used for the following purposes:

1. *As an application for registration of a broker-dealer.* Where the application is filed by the broker-dealer on it own behalf category A on page 1 of the form should be checked. The instructions under category A provide that if (1) the broker-dealer filing an application on its own behalf is a partnership succeeding to and continuing the business of another broker-dealer partnership registered when the application is filed and (2) the predecessor partnership has filed its application (or supplement) on Form BD—then the registrant need furnish only such information as is necessary to bring the information previously filed by the predecessor up to date. Form 4–M, a short form of registration, has been available in these situations, and these provisions in the instructions to Form BD make an even shorter form available in such situations.

Where the application is filed by the predecessor on behalf of a broker-dealer successor to be formed or organized category B on page 1 of the form should be checked. (Section 15 (b) of the act provides that an application for registration of a broker-dealer to be formed or organized may be filed by the predecessor, but that such registration shall terminate on the 45th day after the effective date unless prior thereto the successor adopts the application as its own in accordance with such rules and regulations as the Commission may prescribe. Rule X–15B–3, the applicable rule, is set out below.)

2. *To amend an application for registration.* When the form is used for this purpose category C should be checked. The instructions specifically state that when the form is used for this purpose only the corrected information should be furnished.

3. *As a supplement to an application for registration filed on any other form.* There are approximately 4,000 registered broker-dealers, most of whom have furnished the information required by Form 3–M. Under applicable rules this information had to be kept current by amendment. In order that a broker or dealer registered, or having an application pending, on March 1, 1954, will be subject to the same simplified requirements with respect to amendments as a broker or dealer who files his application on the new Form BD, the revised Rule X–15B–3 provides that each broker or dealer whose application has been filed on any form other than Form BD shall file, as a "supplement" to such application, the information required by Form BD, so that thereafter amendments need be filed to keep current only the information in Form BD. This supplement may be filed any time on or before September 1, 1954, except that if any information in the old application becomes inaccurate before the expiration of this period the supplement should be filed at that time. This last provision is to make certain that important information is not withheld for six months. Once a broker-dealer has filed such a supplement, he will be relieved of the burden of amending many items of information in his old application; thereafter he need keep current only the limited information in Form BD.

As mentioned above, Forms 3–M, 4–M, 5–M and 6–M have been rescinded. Form 5–M was the form to be used by a broker-dealer in adopting as its own an application for registration previously filed on its behalf by a predecessor. Under the revised rules the required "adoption" will not have to be filed on any specific form; a letter submitted by the successor firm adopting the application filed by a predecessor will be adequate. In this connection, it should be noted that Rule X–15B–3 provides that any statement adopting such an application shall constitute a representation to the Commission that the information contained in the application and in any supplement and amendments thereto, is true and correct.

The amendments to Rule X–15B–1, X–15B–2, and X–15B–3 will be understood from the preceding discussion.

The amendment to Rule X–15B–4 has expanded the scope of the rule. The old rule provided temporary registration for a successor partnership continuing the business of a predecessor partnership. This rule was found to be inadequate in some situations. Under paragraph (a) of the amended rule any broker or dealer which becomes the successor to and continues the business of another registered broker-dealer has temporary registration for 60 days after such succession if an application for registration on Form BD is filed within 30 days after such succession. Paragraph (b) of this rule is intended to take care of the following situations: Sometimes it is difficult to determine under applicable local law whether the death, withdrawal or admission of a partner, or a change in the terms of the partnership agreement, effects a dissolution of the old partnership; or sometimes a change of partners effects a dissolution but the firm inadvertently files an amendment to report the change when it should file a new application. Under paragraph (b) of Rule X–15B–4 if Form BD is filed to reflect the change in the partnership and to furnish the information required concerning any new partners the firm will have the same protection whether the form is designated as an amendment or as an application.

Rule X–15B–5 has been amended only to reflect the adoption of Form BD. Rules X–15B–6 and X–15B–7 have not been amended. Paragraph (a) of Rule X–15B–8, which required the filing of a financial statement by a broker-dealer filing an application for registration on Form 3–M, has been amended to conform its requirements to the adoption of the new Form BD, and to provide that where a statement of financial condition is required it should be filed in duplicate. Paragraph (c) of the old rule, which was intended to cover applications pending at the time the old rule was adopted, has been deleted because it is no longer necessary. The statement of financial condition provided for in Rule X–15B–8 is not required to be filed when Form BD is used as an "amendment" or "supplement".

Statutory basis. Rules X–15B–1, X–15B–2, X–15B–3, X–15B–4, X–15B–5, and X–15B–8 are amended as stated below, Form BD is adopted, and Forms 3–M, 4–M, 5–M and 6–M are rescinded pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 15 (b), 17 (a) and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it under the act. In accordance with the provisions of section 4 (c) of the Administrative Procedure Act the Commission finds that the above action has the effect of granting exemption and removing restrictions and that therefore said action may be made effective before the expiration of 30 days after its publication.

§ 240.15b–1 *Application for registration of broker or dealer.* An application for registration of a broker or dealer filed pursuant to section 15 (b) shall be filed on Form BD (§ 249.501 of this chapter) in accordance with the instructions contained therein.

§ 240.15b–2 *Supplements and amendments to applications.* (a) Every broker or dealer whose application for registration is effective on March 1, 1954, or is pending on that date, shall file a supplement to such application on Form BD not later than September 1, 1954: *Provided, however*, That if any information in such application is or becomes inaccurate for any reason prior to September 1, 1954, such supplement shall be filed when such information is or becomes inaccurate.

(b) If the information contained in any application for registration of a broker or dealer, or in any supplement or amendment thereto, is or becomes inaccurate for any reason, such broker or dealer shall promptly file an amendment on Form BD correcting such information: *Provided, however*, That if the application for registration was filed on any form other than Form BD and the supplement required by paragraph (a) of this section has been filed, amendments need be filed only to keep current the information in the supplement.

(c) Every supplement and amendment filed pursuant to this section shall constitute, within the meaning of section 15 (b) of the act, a "document supplemental" to the application which it supplements or amends.

§ 240.15b–3 *Adoption of application filed by predecessor.* Registration of a broker or dealer pursuant to an application filed on behalf of such broker or dealer by a predecessor shall terminate on the 45th day after the effective date thereof unless the successor shall adopt the application as its own by filing a statement adopting such application on or before such date. Any statement adopting such an application shall constitute a representation to the Commission that the information contained in such application, and in the supplements and amendments thereto, is true and correct.

§ 240.15b–4 *Registration of successor to registered broker or dealer.* (a) In the event that a broker or dealer succeeds to and continues the business of another registered broker or dealer, the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of 60 days after such succession, provided that an application for registration on Form BD is filed by such successor within 30 days after such succession.

(b) A Form BD, filed by a broker or dealer partnership which is not registered when such form is filed and which succeeds to and continues the business of a predecessor partnership registered as a broker or dealer, shall be deemed to be an application for registration, even though designated as an amendment, if it is filed to reflect the changes in the partnership and to furnish required information concerning any new partners.

§ 240.15b–5 *Registration of fiduciaries.* The registration of a broker or dealer shall be deemed to be the registration of any executor, administrator, guardian, conservator, assignee for the benefit of creditors, receiver, trustee in insolvency or bankruptcy, or other fiduciary, appointed or qualified by order, judgment, or decree of a court of competent jurisdiction to continue the business of such registered broker or dealer: *Provided*, That such fiduciary files with the Commission, within 30 days after entering upon the performance of his duties, a statement setting forth as to such fiduciary substantially the information required by Form BD.

§ 240.15b–8 *Statement of financial condition to be filed with application for registration as a broker or dealer.* (a) Every broker or dealer who files an application for registration on Form BD shall file with such application, in duplicate original, a statement of financial condition in such detail as will disclose the nature and amount of assets and liabilities and the net worth of such broker or dealer (securities of such broker or dealer or in which such broker or dealer has an interest shall be listed in a separate schedule and valued at the market) as of a date within 30 days of the date on which such statement is filed: *Provided, however*, That this requirement shall not apply to a partnership succeeding to and continuing the business of another partnership registered as a broker or dealer at the time of such succession. Attached to such statement shall be an oath or affirmation that such statement is true and correct to the best knowledge and belief of the person making such oath or affirmation. The oath or affirmation shall be made before a person duly authorized to administer such oath or affirmation. If the broker or dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by a general partner; if a corporation, by a duly authorized officer.

(b) The schedule of securities furnished as a part of such statement of financial condition shall be deemed confidential if bound separately from the balance of such statement, except that it shall be available for official use by any official or employee of the United States or any state, by national securities exchanges and national securities associations of which the person filing such statement is a member, and by any other person to whom the Commission authorizes disclosure of such information as being in the public interest. Nothing contained in this paragraph shall be deemed to be in derogation of the rules of any national securities association or national securities exchange which give to customers of a member, broker or dealer the right, upon request to such member, broker or dealer, to obtain information relative to his financial condition.

(c) The statement of financial condition required by this section shall constitute a "document supplemental" to such application for registration within the meaning of section 15 (b) of the act.

The foregoing action shall be effective March 1, 1954: *Provided, however*, That any application for registration as a broker or dealer filed between February

15 and March 1, 1954 may, at the option of the registrant, be filed on Form BD.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies secs. 15, 17, 48 Stat. 895, 897; 15 U. S. C. 780, 79q)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 15, 1954.

[F. R. Doc. 54-1232; Filed, Feb. 23, 1954; 8:45 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

SUBPART F—FORMS FOR REGISTRATION OF BROKERS AND DEALERS TRANSACTING BUSINESS ON OVER-THE-COUNTER MARKETS

1. The following Form BD is hereby adopted: § 249.501 *Form of application for registration as a broker and dealer or to amend or supplement such an application.*[1]

2. The following forms are hereby rescinded: § 249.503 *Form 3–M for applications for registration of brokers and dealers, except applications for which Form 4–M is authorized,* § 249.504 *Form 4–M for applications for registration of partnerships formed upon death, withdrawal, or admission of one or more partners in partnership registered as brokers or dealers,* § 249.505 *Form 5–M for adoption of applications filed by predecessors,* § 249.506 *Form 6–M for supplemental statements to applications for registration of brokers and dealers.*

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 15, 1954.

[F. R. Doc. 54-1233; Filed, Feb. 23, 1954; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53435]

PART 3—DOCUMENTATION OF VESSELS

DESIGNATION OF CERTAIN PERSONS FOR PURPOSE OF ISSUING PROVISIONAL CERTIFICATES OF REGISTRY

In view of the fact that on May 15, 1952, the President of the United States in Executive Order No. 10351 (17 F. R. 4517) designated certain persons for the purpose of issuing provisional certificates of registry to certain vessels abroad and at the same time revoked Executive Order No. 2164 of April 7, 1915, the previous designation of the Governor of Guam to perform the function has been terminated.

Accordingly, footnote 4, § 3.3 (a), Customs Regulations, as amended (19 CFR 3.3 (a)), is further amended to read as follows:

"The captains of the ports of Cristobal and Balboa, Canal Zone, were designated by Executive Order No. 10351, dated May 15, 1952 (17 F. R. 4517).

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 1, 38 Stat. 1193, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3, 12.)

It is noted that the footnote before amendment erroneously cited the date of the previous Executive Order as April 17, 1915, instead of April 7, 1915.

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: February 16, 1954.

H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*

[F. R. Doc. 54-1247; Filed, Feb. 23, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 907]

[Docket No. AO-212-A6]

HANDLING OF MILK IN MILWAUKEE, WISCONSIN, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER NOW IN EFFECT REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Milwaukee, Wisconsin, on February 9, 1954, pursuant to notice thereof which was issued on February 1, 1954 (19 F. R. 652).

The material issues of record related to:

(1) Whether the automatic supply-demand price adjustment should be limited to not exceed a certain amount.

(2) The need for immediate change in the order provisions with respect to issue No. 1.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing.

(1) Downward supply-demand adjustments should be limited to 24 cents per hundredweight for the period March through August, 1954.

A proposal to limit to 24 cents per hundredweight the amount the supply-demand adjustment may add to or subtract from the Class I price differential, was made by producer organizations in the market. Under the terms of the order, the Class II differential is adjusted by the same amount as the Class I differential.

Producer representatives testified that such a limitation of the supply-demand adjustment is necessary to prevent reduction of the class price differentials to a level which does not compensate producers for the extra investment and expense necessary to produce Grade A milk. It was also pointed out that the inter-relationship between this market and the Chicago market has been recognized under the order through the use of similar price formulas.

Adjustments of the Class I and Class II price differentials are made on the basis of a "supply-demand ratio" which is identical with the corresponding calculation under the Chicago order. These price adjustments are based on the percentage relationship of utilization of Grade A milk in Class I and Class II (excluding frozen and plastic cream moving into storage) under the Chicago order, to total receipts of Grade A milk from producers under such order, both during the most recent 12-month period.

The Milwaukee marketing area is located within the Chicago milkshed, and Milwaukee producers are interspersed with producers for the Chicago market. Price formulas in the Milwaukee order are constructed to maintain an alignment with prices under the Chicago order. The record indicates that such a relationship should be continued insofar as it is affected by the supply-demand adjustment, for the period of the amendment herein proposed.

In this procedure, which omits the recommended decision and opportunity to file exceptions thereto, the proposed amendment is limited to the period of March through August, 1954. It is unlikely that there would be any need for the proposed upper limit on the supply-demand adjustment during the effective period of the amendment.

(2) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto.

The conditions complained of are such that it is urgent that remedial action be taken not later than March 1, 1954. In accordance with the findings and conclusions under issue No. 1, it is necessary to make the proposed amendment effective at the same time as a similar amendment to the order regulating the handling of milk in the Chicago, Illinois, marketing area. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. The time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would reduce the effectiveness of such relief and would tend to prevent the effectuation of the declared policy of the act. The omission of the recommended decision and filing of exceptions thereto was requested by producers on the record and no objection was entered.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 18th day of February 1954.

[SEAL] JOHN H. DAVIS, *Assistant Secretary of Agriculture.*

[1] Filed as part of original document.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 907.51 (a) change the period at the end of the sentence to a comma and add the following: "but such decrease based on the supply-demand ratio shall not exceed 24 cents for the months of March through August, 1954."

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[F. R. Doc. 54-1243; Filed, Feb. 23, 1954; 8:47 a. m.]

[7 CFR Part 914]

[Docket No. AO 245-A1]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to Marketing Agreement No. 117, and Order No. 14 (7 CFR Part 914; 18 F. R. 5638), hereinafter referred to as "marketing agreement" and "order," respectively, regulating the handling of navel oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., not later than the close of business on the fifteenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Production and Marketing Administration as a result of proposals received from the Navel Orange Administrative Committee, established pursuant to the marketing agreement and order as the agency to administer the terms and provisions thereof. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that a public hearing would be held in Los Angeles, California, beginning on December 9, 1953, to consider the proposed amendments was published in the FEDERAL REGISTER (18 F. R. 7539) on November 26, 1953.

Material issues. The material issues presented on the record of the hearing were concerned with amending the marketing agreement and order to:

(1) Change the representation on the Navel Orange Administrative Committee to reflect recent organizational changes within the industry; and to provide a method for changing the representation on the committee to reflect future organizational changes;

(2) Provide that, in the nomination of members and alternate members to serve on the Navel Orange Administrative Committee, only one nominee shall be required to be submitted for each such position to be filled, and that the Secretary be authorized to select such members and alternate members from among such nominees or other qualified persons; and

(3) Revise the requirements relating to the establishment of the prorate bases of handlers so as to provide for such establishment by the Navel Orange Administrative Committee.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) Under the current provisions of the marketing agreement and order, three grower and two handler members of the Navel Orange Administrative Committee represent a cooperative marketing organization handling in excess of 50 percent of the total volume of navel oranges; one grower member and one handler member represent all other cooperative marketing organizations handling navel oranges; and two grower members and one handler member represent the growers of navel oranges who are not affiliated with cooperative marketing organizations. Such representation was designed to reflect the organizational structure of the industry at the time the marketing agreement and order were made effective. Recently, the largest individual handler not a cooperative marketing organization was purchased by such a cooperative; and an increased proportion of the navel orange crop thus is now being handled by cooperative marketing organizations. The marketing agreement and order should be amended, therefore, as hereinafter set forth, so as to provide representation on the committee which will reflect the current marketing affiliations of the growers and handlers of navel oranges. Moreover, as it may be necessary, from time to time, to reapportion the membership of the committee to reflect further changes in the relative magnitude of the marketing organizations handling navel oranges, the committee should be authorized to reapportion, with the approval of the Secretary, the number of producer and handler members to represent each marketing group. Such reapportionment should be based, insofar as practicable, upon the proportionate amount of navel oranges handled by the respective marketing organizations. However, any reapportionment of the committee membership should not be such that any marketing group would be deprived of representation on the committee by at least one grower and one handler member.

(2) The current provisions of the marketing agreement and order require that, in the nomination of grower and handler members of the committee and their alternates, two nominees shall be elected for each position to be filled. The intent of such provisions was to provide the Secretary with a choice in selecting the membership of the committee. Experience in operating the program has shown, however, that this provision has not always been understood and, notwithstanding the program provisions, grower groups in some instances have elected only one nominee for each position. The evidence of record indicates it would eliminate confusion if the marketing agreement and order provisions required only one nominee for each member or alternate member position on the committee and authorized the Secretary to select members and alternates from such nominees or other qualified persons; and it is concluded that the marketing agreement and order should be amended accordingly.

(3) The provisions of the marketing agreement and order relating to the establishment of the prorate bases of handlers should be amended, as hereinafter set forth, so as to provide for such establishment by the committee. At the present time, the prorate base of each handler is fixed by the Secretary, when volume regulation is made effective, in accordance with information compiled, and furnished, by the committee showing the quantity of oranges such handler has available for current shipment as of Thursday of the immediately preceding week. The relationship between such quantity and the total oranges available for current shipment determines such handler's proportionate share of the limited quantity of oranges which may be shipped during the week beginning nine days following such Thursday. Adjustments subsequently are made in the prorate base of each handler to offset any change in such handler's oranges available for current shipment between the time such prorate base is computed and the time when it is applicable so that the total allotment of each handler is not affected by such changes. It would be desirable, however, and would contribute to the efficient administration of the program, if the prorate bases could be computed at a time nearer that when it is used by the committee to calculate the allotments of handlers for a particular week. This could be accomplished by authorizing the committee to fix the prorate base of handlers since about one-half of the period, between the time when the information on which the prorate base schedule is based is assembled and the time when the allotments of handlers are computed, is used in the transmission of the information to the Secretary. The fixing of the prorate bases of handlers by the committee rather than the Secretary will not affect the total allotment of each handler as such prorate bases are derived from a mathematical calculation which is prescribed in the provisions of the marketing agreement and order.

General findings. (1) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, regulate the handling of Navel oranges grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act;

(4) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, prescribe such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the oranges covered thereby; and

(5) All handling of Navel oranges grown in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. December 17, 1953, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No such documents were filed within the prescribed time.

Recommended amendments to the marketing agreement and order. The following amendments to the marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Delete the first sentence in § 914.20 *Establishment and memberships* and insert, in lieu thereof, the following: "There is hereby established a Navel Orange Administrative Committee consisting of eleven members; for each of whom there shall be an alternate member who shall have the same qualifications as the member for whom each is an alternate."

2. Revise the provisions of § 914.22 *Nominations* so that such section shall read as follows:

§ 914.22 *Nominations.* (a) The time and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization, or the growers affiliated therewith, which handled more than 50 percent of the total volume of oranges during the fiscal year in which nominations for members and alternate members of the committee are submitted shall nominate three grower members, three alternate grower members, two handler members, and two alternate handler members of the committee.

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate two grower members, two alternate grower members, one handler member, and one alternate handler member.

(d) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate one grower member, one alternate grower member, one handler member, and one alternate handler member.

(e) When voting for nominees, each grower shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. The votes of cooperative marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of oranges handled during the fiscal year in which such nominations are made.

(f) The members of the committee selected by the Secretary pursuant to § 914.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate a member and an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization.

3. Revise the provisions of § 914.23 *Selection* so that such section shall read as follows:

§ 914.23 *Selection.* From the nominations made pursuant to § 914.22 (b) or from other qualified growers and handlers, the Secretary shall select three grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to § 914.22 (c) or from other qualified growers and handlers, the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 914.22 (d) or from other qualified growers and handlers, the Secretary shall select one grower member of the committee and an alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 914.22 (f) or from other qualified persons, the Secretary shall select one member of the committee and an alternate to such member.

4. Immediately preceding the period at the end of the first sentence in § 914.26 *Vacancies* insert the following: "or from other qualified persons".

5. Delete the word "and" appearing at the end of paragraph (l) of § 914.29 *Duties* and insert the word "and" at the end of paragraph (m) of such section.

6. Add after paragraph (m) of § 914.29 a new paragraph (n) as follows:

(n) with the approval of the Secretary, to reapportion the number of grower members or handler members on the Navel Orange Administrative Committee who are nominated pursuant to paragraphs (c) and (d) of § 914.22. Any such reapportionment shall be based, insofar as practicable, upon the proportionate amount of Navel oranges handled by the respective types of marketing organizations: *Provided*, That each of the grower groups described in paragraphs (c) and (d) of § 914.22 shall be entitled to nominate at least one grower member and one handler member together with their respective alternates.

7. Delete paragraph (g) in § 914.53 *Prorate bases* and insert, in lieu thereof, the following:

(g) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute, with respect to each prorate district, the total quantity of oranges available for current shipment by each person who has applied for a prorate base and for allotments. On the basis of such computation, the committee shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of oranges available for current shipment in the particular prorate district by each applicant and the total quantity of oranges available for current shipment in such district by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each person and shall notify each such person of the prorate base fixed for him.

8. Delete paragraph (h) in § 914.53.

9. Delete § 914.54 *Allotments* and insert, in lieu thereof, the following:

§ 914.54 *Allotments.* Whenever the Secretary has fixed the quantity of oranges which may be handled during any week in a prorate district, the committee shall calculate the quantity of oranges which may be handled by each such person during such week. The said quantity shall be the allotment of such person and shall be in an amount equivalent to the product of the prorate base of such person and the total quantity of oranges grown in such prorate district and fixed by the Secretary as the total quantity of oranges which may be handled during such week. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this part.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1239; Filed, Feb. 23, 1954; 8:46 a. m.]

[7 CFR Parts 941, 967]

[Docket Nos. AO-101-A16, AO-170-A7]

MILK IN CHICAGO, ILLINOIS, AND SOUTH BEND-LA PORTE, INDIANA, MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING ORDERS IN EFFECT REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Chicago, Illinois, on February 8, 1954, pursuant to notice thereof which was issued on February 1, 1954 (19 F. R. 653). This was a joint hearing on proposals to amend the orders regulating the handling of milk in the Chicago, Illinois, and the South Bend-La Porte, Indiana, marketing areas.

The material issues of record related to:

(1) Whether the automatic supply-demand price adjustments should be limited to not exceed a certain amount.

(2) The need for immediate change in the order provisions with respect to Issue No. 1.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing.

(1) Downward supply-demand price adjustments should be limited to 24 cents per hundredweight under the two orders for the period March through August 1954.

Producer and handler organizations in the Chicago market supported the use of some specific figure as the maximum amount the supply-demand adjustment could add to or subtract from the Class I and Class II price differentials. Currently the amount of adjustment is a deduction of 24 cents per hundredweight (effective in January and February 1954).

This method of adjusting the Class I and Class II prices in the Chicago order is based on the relationship of utilization of Grade A milk in Class I and Class II (excluding frozen and plastic cream moving into storage) to total receipts of Grade A milk from producers, both during the most recent 12-month period. As receipts have increased in the past two years, the percentage utilized in Class I and Class II has declined, although there has been some increase in the total of Class I and Class II sales. As a result, the supply-demand adjustment has changed from a 15-cent addition to the price differentials to a 24-cent subtraction therefrom.

Some further change of the supply-demand adjustment, in the downward direction, may be expected this year if milk production follows the usual seasonal pattern. For February, the supply-demand ratio would have resulted in a downward adjustment of 27 cents, but a suspension order dated January 29, 1954, prevented this change from the previous month.

If the adjustment is prevented from exceeding a deduction of 24 cents, the March Class I and Class II differentials will be 56 cents and 26 cents, respectively, and for both May and June, 36 cents and 16 cents, respectively. The price differentials, which are added to the basic formula price to arrive at the Class I and Class II prices, represent a compensation to producers for the additional facilities, equipment, and care needed to qualify for the fluid market as compared to requirements for producing

milk for manufacturing purposes. The effect upon the uniform price of these reduced differentials, and the relatively large percentage of utilization in the lower classes, has been to eliminate, in the more distant parts of the milkshed, any substantial price advantage for delivering milk to a pool plant rather than to a manufacturing plant.

In December 1953, when the effective supply-demand adjustment was a minus 21 cents, the uniform price at the most distant plant from the market was less than the Class IV price. The condition will be more extensive as class price differentials are further reduced, either by the supply-demand adjustment, or by the regular seasonal change. Such a condition follows the pattern of prices which may occur in a market at times of over-supply. As production increases throughout a milkshed, it becomes more economical for the market to obtain its fluid supply from a smaller area, and the more distant producers tend to be increasingly at a disadvantage in getting their milk to market for fluid use.

It appears, however, that further reductions of the price differentials by the supply-demand adjustment would be at this time not conducive to orderly marketing conditions. If the action of the supply-demand adjustment were not limited, it appears likely that the annual average return to some producers whose milk is needed for the market, would be reduced to the extent that there would be little incentive to deliver to a fluid milk plant rather than a manufacturing plant.

In this procedure, which omits the recommended decision and opportunity to file exceptions thereto, the proposed amendment is limited to the period of March through August 1954. It is expected that a further hearing will provide opportunity for consideration of this matter with respect to subsequent periods. It is unlikely there would be any need for the proposed upper limit on the supply-demand adjustment during the effective period of the amendment.

It was proposed that the order for the South Bend-La Porte marketing area be amended in the same manner so as to maintain the present price relationship between the two markets. The South Bend-La Porte order contains a supply-demand price adjustment identical with the adjustment under the Chicago order. It is calculated from the data on receipts and utilization under the Chicago order. The record indicates that this relationship between the two markets should be continued, and accordingly a similar limitation should apply to the supply-demand adjustment under the South Bend-La Porte order.

(2) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto.

The conditions complained of are such that it is urgent that remedial action be taken not later than March 1, 1954. Delay beyond the minimum time required to make the attached amending order effective would defeat the purpose of such amendment. The time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would reduce the effectiveness of such relief and would tend to prevent the effectuation of the declared policy of the act. The omission of the recommended decision and filing of exceptions thereto was requested by producers on the record, and no objection was entered.

General findings. (a) The proposed marketing agreements and the orders as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and in the orders, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreements and the orders, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreements upon which a hearing has been held.

Determination of representative period. The month of December 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders amending the orders, now in effect, regulating the handling of milk in the Chicago, Illinois, and the South Bend-La Porte, Indiana, marketing areas, in the manner set forth in the attached amending orders are approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing areas specified in such marketing orders.

Marketing agreements and orders. Annexed hereto and made a part hereof are documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," "Marketing Agreement Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders, as amended, and as hereby proposed to be further amended by the attached orders which will be published with this decision.

This decision filed at Washington, D. C., this 18th day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 941.52 (a) (1) change the period at the end of the sentence to a comma and add the following: "but such decrease based on the supply-demand ratio shall not be more than 24 cents for the months of March through August 1954."

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the South Bend-LaPorte, Indiana marketing area shall be in conformity to and compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby futher amended as follows:

1. In § 967.51 (a) change the period at the end of the sentence to a comma and add the following: "but such decrease based on the supply-demand ratio shall not be more than 24 cents for the months of March through August 1954."

[F. R. Doc. 54-1244; Filed, Feb. 23, 1954; 8:48 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1]

SPECIAL RULES GOVERNING NOTICE OF FILING OF APPLICATIONS BY MOTOR CARRIERS OF PASSENGERS

NOTICE OF PROPOSED RULE MAKING

FEBRUARY 1, 1954.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the proposed establishment under sections 17 (3), 205 (e), 206, 209, 210a (b), and 211 of the following special rules, supplementing and amending the Commission's general rules of practice governing notice of the filing by motor carriers of passengers of applications under sections 5 (2), 206, 209, 210a (b), and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. The proposed special rules are as follows:

RULE 1. *Scope of special rules.* These special rules govern the filing and handling of (a) applications under Section 5 (2) of the Interstate Commerce Act respecting control, lease, and unification of operating rights and properties of motor carriers of passengers, (b) applications for certificates, permits, and licenses respecting the transportation of passengers under sections 206, 209, and 211 of the act, and (c) applications for temporary authority respecting the transportation of passengers, under section 210a (b) of the act. Amendments to applications which broaden the scope of proposed operations are deemed to be "applications" for the purpose of these rules. Such amendments will not be allowed if tendered after an application has been assigned for oral hearing.

RULE 2. *Notice to interested persons.* Notice of the filing of such applications to interested persons shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER. Such summaries will be prepared by the Commission. No other notice by applicants to interested persons is required, except that applicants are not relieved from the obligation to file copies of applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers as required by the instructions which are a part of the prescribed form of application.

RULE 3. *Protests and requests for hearing.* (a) Protests to the granting of an application shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

(b) Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held.

(c) In addition to other requirements of Rule 40 of the general rules of practice, protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected.

(d) Any request for an oral hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form of affidavits. The Commission will determine whether or not assignment of the application for oral hearing is necessary or desirable.

(e) Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of the notice of the filing of the application.

(f) Except when circumstances require immediate action, an application for approval under section 210a (b) of the act of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of the notice of the filing of the application. If a protest is received prior to action being taken, it will be considered.

No oral hearing on the proposed rules is contemplated, but anyone wishing to make representations in favor of or against the proposed rules may do so by the submission of written data, views, or arguments. An original and fourteen copies of such data, views, or arguments shall be filed with the Commission at its office in Washington, D. C., on or before March 27, 1954.

Notice to the general public shall be given by depositing a copy hereof in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1238; Filed, Feb. 23, 1954; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 5-7]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 15, 1954.

In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United [redacted]

GILA AND SALT RIVER BASE AND MERIDIAN

T. 6 N., R. 1 W.,
Sec. 2, SE¼.
T. 5 N., R. 2 W.,
Sec. 36, SW¼.
T. 4 N., R. 4 W.,
Sec. 36.
T. 6 N., R. 4 W.,
Sec. 2, E½, NW¼.
T. 5 N., R. 5 W.,
Sec. 16.
T. 9 N., R. 6 W.,
Sec. 32, NE¼SE¼, S½SE¼;
Sec. 36, NE¼SE¼, S½SE¼.
T. 1 N., R. 7 W.,
Sec. 2, lots 2, 3, 4, S½NW¼, SW¼NE¼, S½;
Secs. 16 and 32;
Sec. 36, N½, SE¼.
T. 3 N., R. 7 W.,
Sec. 16, NE¼SE¼, S½SE¼.
T. 1 N., R. 8 W.,
Sec. 16, NE¼, E½NW¼, S½;
Sec. 32.
T. 1 N., R. 9 W.,
Secs. 16 and 32.
T. 10 N., R. 9 W.,
Sec. 18, W½.
T. 9 N., R. 10 W.,
Sec. 2, NE¼, NE¼NW¼, S½NW¼, S½.
T. 10 N., R. 10 W.,
Sec. 16, NW¼SW¼.
T. 10 N., R. 13 W.,
Sec. 16, W½NW¼, SE¼.
T. 1 N., R. 14 W.,
Sec. 32, S½NW¼, SW¼.
T. 2 N., R. 14 W.,
Sec. 32;
Sec. 36, N½S½, S½SE¼.
T. 14 N., R. 14 W.,
Sec. 32, E½SE¼.
T. 16 N., R. 14 W.,
Sec. 15.
T. 7 N., R. 15 W.,
Sec. 16, W½SE¼.
T. 12 N., R. 16 W.,
Sec. 5, lots 1 and 2;
Sec. 7, lot 4, E½W½, E½;
Secs. 9, 11, 13, 15 and 17.
T. 16½ N., R. 16 W.,
Sec. 32, SE¼SE¼.
T. 17 N., R. 16 W.,
Sec. 36, E½NE¼.
T. 18 N., R. 16 W.,
Sec. 2, SE¼SE¼.
T. 7 N., R. 17 W.,
Sec. 36.
T. 28 N., R. 19 W.,
Sec. 16, N½, SW¼;
Secs. 36 and 32.
T. 27 N., R. 20 W.,
Sec. 30, SE¼NW¼, NE¼SW¼.
T. 4 S., R. 1 W.,
Sec. 2, N½.
T. 2 S., R. 7 W.,
Sec. 16, E½NE¼.
T. 6 S., R. 7 W.,
Sec. 32, NW¼SW¼, S½SW¼, SE¼.
T. 1 S., R. 10 W.,
Sec. 2, lots 3, 4, S½NW¼;
Sec. 16, W½SE¼.
T. 4 S., R. 12 W.,
Sec. 36, SW¼NW¼.
T. 7 S., R. 1 E.,
Sec. 4, lots 1 and 2.

No applications for these lands may be allowed under the homestead, small tract, desert-land or any other non-mineral public-land laws unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Most of the lands are rough and mountainous and not suitable for cultivation. However, the lands in T. 1 N., Rs. 7, 8, 9 W.; T. 2 N., R. 14 W.; T. 3 N., Rs. 6, 7 W.; T. 4 N., R. 4 W.; T. 5 N., Rs., 2, 5 W.; T. 2 S., R. 7 W.; T. 4 S., Rs. 1, 12 W; T. 6 S., R. 7 W.; and T. 7 S., R. 1 E., are in areas where interest has been shown in development of lands for agricultural purposes. Each application filed on lands described in this order will be considered on its merits.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-1230; Filed, Feb. 23, 1954; 8:45 a. m.]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 15, 1954.

An application, serial number Utah 010641, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on October 26, 1953, by the City of Vernal, Utah.

The purposes of the proposed withdrawal: Watershed protection—city water supply.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region IV, Bureau of Land Management, Department of the Interior, at Post Office Box 659, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 3 S., R. 20 E.,
Sec. 1, All,
Sec. 12, N½NE¼.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-1241; Filed, Feb. 23, 1954; 8:47 a. m.]

Office of the Secretary

BLACKFEET TRIBE OF MONTANA

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Blackfeet Indian Reservation was duly adopted by the Blackfeet Tribe of Montana which has jurisdiction over the area of Indian country included in the resolution:

1. That section 18 of the Code of Laws of the Blackfeet Tribe be and the same is hereby repealed and is of no force and effect from this date henceforth. Section 18 of the Code of Laws of the Blackfeet Tribe which is hereby repealed prohibits the possession, use and transportation of intoxicating liquor, malt beverages and wines within the boundaries of the Blackfeet Indian Reservation.

2. It shall be legal and permissible from this date henceforth to possess, transport and use intoxicating liquors, beer, and other malt beverages and wine within the boundaries of the Blackfeet Indian Reservation subject to such restrictions as may be provided by Tribal ordinances and the laws of the State of Montana.

3. That the laws of the State of Montana and the regulations of the Montana Liquor Control Board in regard to the retail sale of liquor and beer within the boundaries of the State of Montana are hereby adopted and made applicable to the territory within the boundaries of the Blackfeet Indian Reservation with the further provision that anyone wishing to engage in the retail sale of liquor and beer within the boundaries of the Blackfeet Indian Reservation must first make application to the Blackfeet Tribal Business Council and pay a fee which may not be greater than one-fourth of the fee charged by the State of Montana for such licenses and the Blackfeet Tribal Business Council must aprove such applicant as to character and proposed location and issue a permit to such applicant to engage in the business of the retail sale of liquor and/or beer within the boundaries of the reservation before he may engage in said business or receive a license to do so from the State of Montana. All persons receiving permits or licenses to engage in the retail liquor and beer business within the boundaries of the Blackfeet Indian Reservation shall at their own expense engage some suitable person to maintain law and order in and about said premises which person shall be approved by the Blackfeet Tribal Business Council as a person of good moral character to be deputized and appointed an Indian policeman and shall also be approved by the governing body of the incorporated city or town in which said retail liquor business may be located so that he might be appointed as such policeman by said city or town and if such retail liquor and beer establishment is outside of the boundaries of an incorporated city or town, then in lieu of approval by the city or town, such person must be approved by the Sheriffs of the county in which such retail liquor and beer establishment is located to be appointed a deputy sheriff. Failure to furnish such suitable person for the maintenance of law and order shall be grounds and reason for revocation of the permit or license to engage in the retail liquor and beer business within the boundaries of the Blackfeet Indian Reservation. Once a permit or license is granted by the Blackfeet Tribal Business Council, such permit or license may only be revoked for cause and upon a hearing with notice being mailed by registered mail to the owner of such permit or license ten days prior to such hearing. Cause shall mean the violation of tribal ordinances duly passed or the laws of the State of Montana as adopted in this ordinance. The Blackfeet Tribal Business Council may adopt such ordinances for the maintenance of law and order on the Blackfeet Indian Reservation and regulations of the retail liquor and beer business conducted on said reservation not inconsistent with the laws of the State of Montana and rules and regulations of the Montana Liquor Control Board but such ordinance shall not become effective until thirty days after their passage and the mailing of a copy of such ordinance by registered mail to each permittee or licensee engaged in the retail liquor and beer business, on the Blackfeet Indian Reservation.

ORME LEWIS,
Assistant Secretary of the Interior.

FEBRUARY 17, 1954.

[F. R. Doc. 54-1231; Filed, Feb. 23, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5779]

AERO FINANCE CORP.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of Aero Finance Corporation enforcement proceeding.

Notice is hereby given that a public hearing in the above-entitled proceeding is assigned to be held on March 16, 1954, at 10:00 a. m., e. s. t., in room 5132 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Without limiting the scope of the issues presented by the aforesaid complaint, particular attention will be directed to the question whether respondent:

Has violated or is violating sections 401 (a) and 1005 (e) of the Civil Aeronautics Act of 1938, as amended, § 291.18 of the Board's Economic Regulations, and/or the provisions of the Order E-4044, or any of them in the manner charged in the complaint filed herein.

(a) If any such violations are established, were and are each of such violations knowing and willful?

(b) If any such knowing and willful violations are established, should the letter of registration issued to respondent by the Board be revoked and/or should the Board find that the exemption granted respondent has terminated?

(c) If any such violations are established, whether knowing or willful or otherwise, should the Board issue an order to cease and desist from engaging in air transportation within the meaning of the act?

For further details of the issues involved in this proceeding interested persons are referred to the complaint and other documents on file under Docket No. 5779 with the Docket Section of the Civil Aeronautics Board.

Notice is hereby further given that any person other than parties of record desiring to be heard in this proceeding must file with the Board on or before March 16, 1954, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., February 17, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1255; Filed, Feb. 23, 1954; 8:50 a. m.]

[Docket No. 5949]

RESORT AIRLINES MIAMI STOPOVER INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 11, 1954, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 18, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1254; Filed, Feb. 23, 1954; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 23]

CAMP ADAIR, OREGON

TRANSFER OF PORTION OF PROPERTY FROM UNITED STATES TO STATE OF OREGON

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated February 5, 1954, to the State of Oregon, a portion of that property known as Camp Adair, Oregon, and more particularly described in said deed, has been transferred from the United States to the State of Oregon.

2. The above described property is transferred to the State of Oregon for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

EDMUND F. MANSURE,
Administrator of General Services.

FEBRUARY 17, 1954.

[F. R. Doc. 54-1248; Filed, Feb. 23, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-211]

CENTRAL PUBLIC UTILITY CORP.

SUPPLEMENTAL ORDER APPROVING POST EFFECTIVE AMENDMENT TO PLAN AND RELEASING JURISDICTION OVER PROCEDURE FOR SELECTION OF FORMER SUBSIDIARY'S BOARD OF DIRECTORS AND COMPOSITION THEREOF

FEBRUARY 17, 1954.

The Commission, by order dated December 4, 1953 (Holding Company Act Release No. 12236), having approved a plan, as amended, of Central Public Utility Corporation ("Cenpuc"), a registered holding company, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"); said plan having proposed, among other things, that Cenpuc distribute to its stockholders, on a pro rata basis, the reclassified stock of its then only remaining domestic public-utility subsidiary company, Central Indiana Gas Company ("Central Indiana"), and that as soon as practicable and in any event within thirty days after the date of transfer of the Central Indiana stock to the distribution agent (December 28, 1953), Central Indiana's Board of Directors would be reconstituted in such manner as may be, and would be composed only of such persons who are, satisfactory to the Commission;

The Commission in its order dated December 4, 1953, having reserved jurisdiction over, among other things, all aspects of the procedure with respect to the selection of Central Indiana's reconstituted Board of Directors and the composition thereof;

In connection with the proceedings on said plan, Central Indiana having agreed that, without prior approval by this Commission, it will not have as an officer or director any person who is at the same time an officer or director of Cenpuc or any other company which is or has been in the Cenpuc holding company system;

Cenpuc having advised the Commission that the management, after conferring with a number of that company's largest stockholders, has proposed that the reconstituted Central Indiana Board be composed of the following individuals:

Christopher H. Coughlin, Jamaica, N. Y.
C. M. Cullison, Muncie, Ind.
J. Wilson Barber, Anderson, Ind.
Walter E. Burt, Muncie, Ind.
Kenneth P. Valentine, Indianapolis, Ind.
Harry L. Wells, Evanston, Ill.
Percival E. Jackson, Sea Cliff, N. Y.

Cenpuc having filed an application requesting (a) that Chistopher H. Coughlin, an officer and director of Cenpuc and certain of its subsidiaries, be approved as a member of the Central Indiana reconstituted Board, (b) that the jurisdiction heretofore reserved by the Commission with respect to the Central Indiana Board be released, and (c) that, if necessary, the Commission permit and approve the amendment of the plan so as to extend the time by which the reconstituted Board of Central Indiana is to take office to such date as shall be practicable after the Commission has released jurisdiction with respect to such Board;

Due notice having been given to the public and to Central Indiana's stockholders of the filing of said application, and the Commission having received only one request for a hearing, namely, from a Central Indiana stockholder, and the Commission having granted such request to the extent of affording such stockholder an opportunity to appear in person or by counsel before the Commission, which opportunity was not availed of by said stockholder;

It appearing to the Commission after considering the entire record including the written objections filed by said stockholder that it is appropriate to approve the proposed amendment to the plan extending the time period in which the reconstituted Board of Central Indiana shall take office, and to approve the plan, as thus further amended, and it further appearing to the Commission that it is appropriate to approve the selection of Christopher H. Coughlin as a member of the reconstituted Central Indiana Board and that no adverse findings are required in connection with the manner of selection or the composition of such Board and that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, Pursuant to the applicable provisions of the act, that said plan, as further amended, and the selection of Christopher H. Coughlin as a director of the reconstituted Board of Central Indiana be, and the same hereby are, approved forthwith, subject to the terms and conditions prescribed in Rule U-24 promulgated under the act.

It is further ordered, That the jurisdiction heretofore reserved with respect to the manner of selection and the composition of the reconstituted Board of Central Indiana be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1235; Filed, Feb. 23, 1954; 8:46 a. m.]

[File No. 70-3200]

BERKSHIRE GAS CO.

NOTICE OF FILING REGARDING ISSUE AND SALE OF PROMISSORY NOTES TO BANKS

FEBRUARY 17, 1954.

Notice is hereby given that Berkshire Gas Company ("Berkshire"), a gas utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 7 of the act and Rule U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Berkshire proposes to issue to banks, from time to time but not later than April 26, 1954, unsecured promissory notes in the aggregate principal amount of $680,000. Each of said notes will mature six months after its date of issuance, and will bear interest at the prime rate of interest at the time of issuance plus ¼ of 1 percent. It is stated that said prime interest rate at the present time is 3¼ percent per annum. The purpose of said borrowing is to repay notes payable to banks aggregating $680,000, bearing interest at 3½ percent per annum, the last of which is due April 26, 1954.

Berkshire's expenses in connection with the issuance of said notes are estimated at $500. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than March 1, 1954, at 12:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1234; Filed, Feb. 23, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28934]

DRIED BEANS FROM MICHIGAN TO BATON ROUGE AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

FEBRUARY 18, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, alternate agent, for carriers parties to his tariff I. C. C. No. 4367, pursuant to fourth-section order No. 17220.

Commodities involved: Beans, edible, dried, carloads.

From: Points in Michigan.

To: Baton Rouge and New Orleans, La.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1236; Filed, Feb. 23, 1954; 8:46 a. m.]

[4th Sec. Application 28935]

CARBON TETRACHLORIDE AND RELATED COMMODITIES FROM OHIO, MICHIGAN AND WEST VIRGINIA TO EASTERN POINTS

APPLICATION FOR RELIEF

FEBRUARY 18, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, alternate agent, for carriers parties to his tariff, I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Carbon tetrachloride and related commodities, carloads.

From: Points in Ohio, Michigan, and West Virginia.

To: Specified points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1237; Filed, Feb. 23, 1954; 8:46 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 38

Washington, Thursday, February 25, 1954

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Inspection of Animal Foods

PART 155—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

MISCELLANEOUS AMENDMENTS

On January 20, 1954, notice was published in the FEDERAL REGISTER (18 F. R. 355) concerning the proposed amendment of the regulations governing the inspection, certification, and identification as to class, quality, quantity, and condition of foods for dogs, cats, and other carnivora (9 CFR Part 155, as amended) under sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622, 1624) and the item for Marketing Services in the Department of Agriculture Appropriation Act, 1954 (67 Stat. 205, 7 U. S. C. Supp. 414). After due consideration of all relevant matters presented pursuant to the notice and under the authorities cited above, said regulations are hereby amended as follows:

1. Section 155.2 (m) is amended to read as follows:

(m) "Mule meat" means the clean, sound, healthful, wholesome muscle tissue derived from mules as determined by antemortem and postmortem inspection by an inspector in accordance with § 155.41. It includes muscle tissue which is found in the tongue, in the diaphragm, in the heart or in the esophagus, with or without the accompanying and overlying fat and the portions of sinews, nerves, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing.

2. Section 155.2 is amended by adding thereto new paragraphs (n) and (o) to read, respectively, as follows:

(n) "Mule meat by-product" means the clean, sound, healthful, wholesome part, other than mule meat, derived from mules as determined by antemortem and postmortem inspection by an inspector in accordance with § 155.41.

(o) "Bone" means the U. S. inspected and passed and so identified clean, wholesome bone which has been derived from cattle, sheep, swine, goats or horses, or bone derived from mules slaughtered and passed under Branch inspection in accordance with § 155.41.

3. Section 155.14 (b) is amended to read as follows:

(b) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles including carcasses, parts of carcasses and other materials, shall be provided.

4. Section 155.28 is amended by changing the first sentence therein to read as follows: "Subject to § 155.41, any certified products, or ingredients intended for use therein, which are decomposed or adulterated or otherwise unsound or unfit for use shall be condemned and destroyed, except that if the adulteration is such as will not preclude their legitimate use for some purpose other than the preparation of the certified products, they may be released by authorized inspectors for such other purpose for disposition under the supervision of the proper local, State, or Federal official."

5. Section 155.29 (b) is amended to read as follows:

(b) Not less than 30 percent of meat or meat by-product or both, or of horse meat or horse meat by-product or both, or of mule meat or mule meat by-product or both, shall be used in the preparation of canned certified maintenance food. Upon specific approval of the Chief of the Branch, combinations of the above-specified ingredients may be used. The uncooked weight of the meat or meat by-product or both, or of the horse meat or horse meat by-product or both, or of the mule meat or mule meat by-product or both, or combinations thereof, shall be used in the calculation, and the percentage shall be obtained by relating this weight to the total weight of the certified maintenance food.

6. Section 155.30 (a) is amended to read as follows:

(a) Certified 32 percent component shall contain not less than 95 percent of meat or meat by-product or both, or of horse meat or horse meat by-product or

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both, or of mule meat or mule meat by-product or both. Upon specific approval of the Chief of the Branch, combinations of the above-specified ingredients may be used.

7. Part 155 is amended by adding thereto new §§ 155.41 and 155.42 to read, respectively, as follows:

§ 155.41 *Antemortem and postmortem inspection for mules.* (a) (1) An antemortem examination and inspection shall be made of all mules about to be slaughtered for use in the preparation of products under this part, before their slaughter shall be allowed for such use. Such inspection shall be made on the day of slaughter.

(2) Mules found on such inspection to show symptoms of disease shall be set apart and slaughtered separately. Those found to be affected with strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), infectious anemia (swamp fever), dourine, acute influenza, generalized osteoporosis, glanders, farcy, or other malignant disorder, acute inflammatory lameness or extensive fistula, shall be condemned and destroyed. Any mule which is suspected on antemortem inspection of being infected with glanders shall be tested with mallein, and any mule which on physical examination is suspected of being affected with dourine shall be held for further examination or for such test as the Chief of the Branch may prescribe.

(b) (1) A careful postmortem examination and inspection shall be made of all carcasses and parts thereof of all mules inspected under this section, at the time of slaughter. All carcasses and parts of mules found to be affected with any disease listed under paragraph (a) of this section shall be condemned and destroyed.

(2) Other carcasses and parts of mules found abnormal or diseased upon inspection under this section shall be disposed of in accordance with such provisions of the Meat Inspection Regulations (Subchapter A of this chapter) as are deemed applicable by the Chief of the Branch.

§ 155.42 *Marking of mule meat and mule meat by-product.* All mule meat and mule meat by-product inspected under this part shall be marked and identified as the Chief of the Branch may require in any particular case.

(Secs. 203, 205, 60 Stat. 1087, 1090, 67 Stat. 205; 7 U. S. C. Sup. 1622, 1624, 414)

The foregoing amendments to the regulations will permit the use under specified conditions of mule meat and mule meat by-product in animal foods inspected and certified under the regulations.

The amendments shall be effective on March 22, 1954.

Done at Washington, D. C., this 18th day of February 1954.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54-1268; Filed, Feb. 24, 1954; 8:48 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 12—INSPECTION OF VESSELS

OFFICIALS CONSTITUTING BOARD OF LOCAL INSPECTORS

Pursuant to the authority vested in the Governor by Rule 155 of Executive Order No. 4314 of September 25, 1925, § 12.2 is hereby amended to read as follows:

§ 12.2 *Officials constituting Board of Local Inspectors.* The Port Captain, Cristobal, or the official acting in such capacity; the Port Captain, Balboa, or the official acting in such capacity; and the Chief, Industrial Division, or, in his absence, the Assistant to the Chief, Industrial Division shall constitute the Board of Local Inspectors, referred to in this part as "the Board." The senior of the two Port Captains shall be the Chairman of the Board. In the discretion of the Supervising Inspector, the Board may consist of a single member thereof.

(Sec. 1, 47 Stat. 811; 2 C. Z. Code 153, 48 U. S. C. 1336a)

Issued at Balboa Heights, Canal Zone, February 6, 1954.

[SEAL] H. O. PAXSON,
Acting Governor.

[F. R. Doc. 54-1271; Filed, Feb. 24, 1954; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PAYMENT TO DECEDENT'S ESTATE

A new § 6.128 is added as follows:

§ 6.128 *Payment to decedent's estate.* If no legal representative has been or will be appointed, United States Government life insurance benefits, including dividends and premium refunds which are payable to the estate of a deceased insured or beneficiary, may be paid direct to the person or persons (distributee or distributees) entitled to the decedent's personal property under the laws of the State of his domicile, if the amount payable does not exceed $500: *Provided however,* That if under the law of decedent's domicile the claimant is unconditionally and directly entitled to an amount from decedent's estate independently of entitlement as a distributee, at least equal to the amount payable by Veterans' Administration, payment, notwithstanding it exceeds $500, may be made directly to claimant.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, 65 Stat. 35; 38 U. S. C. 11a, 426, 707, 855. Interprets or applies secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

This regulation is effective February 25, 1954.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 54-1249; Filed, Feb. 24, 1954; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

POSTAGE RATES ON INDIVIDUALLY ADDRESSED CATALOGS

In § 34.77 *Postage rates on individually addressed catalogs* (18 F. R. 8273), make the following changes:

1. In paragraph (a), amend the information appearing under the table of rates to read as follows:

NOTE: Fractions of pounds less than one-half pound computed as full half pounds. In determining the amount of postage chargeable on individual pieces at the above rates, fractions of one-half cent or less shall be counted as one-half cent and fractions of a cent exceeding one-half cent shall be counted as one cent in the total amount.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 207, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 247)

2. Insert the following as paragraph (b):

(b) *Table of rates.* In accordance with paragraph (a) of this section, postage shall be charged on catalogs and similar printed advertising matter of the fourth class in bound form having 24 or more pages and weighing more than 8 ounces but not exceeding 10 pounds, and individually addressed, as follows:

Pounds	Zone							
	Local	First and second	Third	Fourth	Fifth	Sixth	Seventh	Eighth
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1	12	13	14	15	17	18	19	[illegible]
1½	13	14½	16	17½	20½	22	24	26
2	13½	16	18	20	23½	26	29	32
2½	14	17½	20	22½	27	30	34	38
3	15	19	22	25	30	34	39	44
3½	16	20½	24	27½	33½	38	44	50
4	16½	22	26	30	36½	42	49	56
4½	17	23½	28½	32½	40	46	54	62
5	18	25	30	35	43	50	59	68
5½	19	26½	32	37½	46½	54	64	74
6	19½	28	34	40	49½	58	69	80
6½	20½	29½	36	42½	53	62	74	86
7	21	31	38	45	56	66	79	92
7½	22	32½	40	47½	59½	70	84	98
8	22½	34	42	50	62½	74	89	104
8½	23½	35½	44	52½	66	78	[illegible]	110
9	24	37	46	55	69	82	99	116
9½	25	38½	48	57½	72½	86	104	122
10	25½	40	50	60	76½	90	109	128

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 207, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 247)

[SEAL] ABE MCGREGOR GOFF, *Solicitor.*

[F. R. Doc. 54-1276; Filed, Feb. 24, 1954; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10830]

PART 1—PRACTICE AND PROCEDURE

RESCISSION OF CERTAIN ANNUAL REPORT REQUIREMENTS

In the matter of rescission of Statistical Circular No. 2, Annual Statistical Report for Small Communication Carriers (by Wire or Radio), and Statistical Circular No. 3 for Class C Telephone Carriers; corresponding revision of Part 1 of the Commission's rules; Docket No. 10830.

On December 30, 1953, the Commission adopted a notice of proposed rule making proposing to rescind Statistical Circular No. 2, prescribed as an annual report for miscellaneous classes of small communication carriers (telephone, telegraph, and radiotelegraph carriers having annual operating revenues not exceeding $50,000), and Statistical Circular No. 3, prescribed as an annual report for Class C telephone carriers (those having annual operating revenues exceeding $50,000 but not more than $100,000). That notice was published in the FEDERAL REGISTER (19 F. R. 98) in accordance with section 4 (a) of the Administrative Procedure Act. The time for filing comments with the Commission has expired.

The Commission received comments from the Communications Workers of America, affiliated with the C. I. O. (hereinafter referred to as CWA-CIO), and from the United States Independent Telephone Association. The comments of the latter favor the rescission of Statistical Circular No. 2 and Statistical Circular No. 3 as proposed. The comments of CWA-CIO oppose the rescission of the aforementioned circulars. These comments are dealt with in detail in the following paragraphs.

CWA-CIO contend, if the proposed rule is adopted, that there will be no detailed financial data and no employee information available to the general public and to government regulatory agencies, the absence of which, it is alleged, will handicap CWA-CIO in collective bargaining, and that the Commission will have no reports to serve as a basis for regulating "interstate commerce and communications by wire."

The Commission does not subscribe to the belief that annual reports are essential in all cases to discharge its regulatory responsibilities, particularly when there are other and more satisfactory means of obtaining information from individual carriers when and if needed. This is recognized in the Communications Act of 1934, as amended, which does not make the filing of annual reports mandatory. The statistical circulars under consideration provide very general financial data which have proved to be of only limited regulatory value. Furthermore, the net investment of over $2.5 million of the small respondent telephone companies referred to by CWA-CIO is insignificant in comparison with the total net investment of the entire non-Bell part of the industry of over one billion dollars, spread over several thousand companies of which less than 100 come under the accounting and reporting jurisdiction of this Commission.

CWA-CIO state that they are objecting on behalf of more than 300,000 telephone workers. It should be noted, however, that the total number of employees, including part-time employees, reported by respondent companies as of December 31, 1952, was 369, or an average of 10 persons per respondent. The Commission finds no need for a continuance of the reporting of employee data.

CWA-CIO also requested hearings on the proposed rescission of the circulars, as a means of presenting oral argument. In view of the conclusions reached in the foregoing paragraphs it is not believed that the holding of oral argument is warranted.

It is ordered, therefore, That Statistical Circular No. 2 and Statistical Circular No. 3 are rescinded effective with the 1953 reporting year.

It is further ordered, That § 1.544 (a) of the Commission's rules and regulations is amended as follows, effective immediately: Delete subparagraphs (6) and (7) and change the number designation of present subparagraph (8) to (6).

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154)

Adopted: February 17, 1954.

Released: February 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1284; Filed, Feb. 24, 1954; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[46 CFR Parts 50, 52, 55, 57, 61, 70, 71, 72, 75, 76, 78, 90, 91, 92, 93, 94, 95, 146, 147, 160]

[CGFR 54-5]

NAVIGATION AND VESSEL INSPECTION REGULATIONS

PUBLIC HEARING ON PROPOSED CHANGES

1. The Merchant Marine Council will hold a public hearing on Tuesday, March 23, 1954, commencing at 9:30 a. m., in Room 4120, Coast Guard Headquarters, Thirteenth and E Streets NW., Washington, D. C., for the purpose of receiving comments, views, and data on certain proposed changes in the Navigation and Vessel Inspection Regulations as generally described in Items I to XI, inclusive, below.

2. The proposed changes in the Navigation and Vessel Inspection Regulations, together with the statutory authority for making such changes, are generally described by subjects in paragraphs 5 to 46, inclusive. The Merchant Marine Council Semiannual Meeting Agenda (CG-249), dated March 1954, has been prepared. This agenda contains the specific changes proposed and where possible the present and proposed regulations are set forth in comparison form, together with reasons for the changes where necessary. Copies of this agenda have been mailed to persons and organizations who have expressed a continued interest in the subjects under consideration and have requested that copies be furnished them. Copies of the agenda will be furnished on request to the Commandant (CMC), United States Coast Guard, Washington 25, D. C., so long as they are available. After the extra copies for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

3. Comments on the proposed changes in the Navigation and Vessel Inspection Regulations are invited. All persons who desire to submit written comments, data, and views prior to the hearing for consideration in connection with the proposed changes should submit them for receipt prior to March 18, 1954, by the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., or comments, data, and views may be presented orally or in writing at the hearing before the Merchant Marine Council on March 23, 1954. In order to insure consideration of comments and to facilitate checking and recording, it is essential that each comment regarding a section or paragraph of the proposed regulations shall be submitted on Form CG-3287, showing the section number, the proposed changes, the reason or basis (if any), and the name, business firm or organization (if any), and the address of the submitter. There is a small quantity of this form attached at the end of each agenda. In the event additional forms are required they may be obtained upon request from the Commandant (CMC), or from any Coast Guard District Commander.

4. At this public hearing the proposed changes in the Navigation and Vessel Inspection Regulations will be considered in the order of the item numbers assigned to the various subjects under consideration.

ITEM I—MARINE ENGINEERING REGULATIONS; CONSTRUCTION

5. It is proposed to revise 46 CFR 52.01-55 (a) and 61.20-15 (f), regarding maximum allowable pressures for boilers constructed before November 19, 1952, so that calculations of maximum allowable pressures on boilers constructed prior to November 19, 1952, may be recalculated on the basis of the regulations in effect at the time the boiler was built rather than current requirements in effect, but in no event will the maximum allowable pressure be revised to permit a boiler to operate with a factor of safety of less than 4½. The proposed changes are intended to remove inequities which arose because of the changes made in the method for determining the maximum allowable pressures for existing vessels. When the regulations were revised in 1952 it was not intended that the requirements regarding maximum allowable pressures for marine boilers should be made retroactive in effect.

6. Several safety valve failures have occurred and the cause was attributed to improper or nondrainage of the safety valve body. To eliminate corrosive condensate from being entrapped within the safety valve body, it is proposed to add a new paragraph designated 46 CFR 52.65-15 (f) which will require direct drains from each boiler safety valve.

7. Requests have been made to remove the prohibition against the use of small socket-welded boiler connections. Information on the performance use of screwed connections in boiler mountings and attachments was also submitted. It is proposed to amend 46 CFR 52.70-10 (a) to permit socket-welded boiler connections up to 2 inches in diameter size and to limit screwed connections to ½-inch maximum pipe size for boilers of design pressures exceeding 150 pounds per square inch.

8. The authority for regulations regarding marine engineering is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426-4431, 4433, 4434, 4453, 4491, as amended, section 14, 29 Stat. 690, 41 Stat. 305, sections 1 and 2, 49 Stat. 1544, section 17, 54 Stat. 166, section 3, 54 Stat. 346, section 2, 54 Stat. 1028, section 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391a, 392, 399, 404-409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM II—MARINE ENGINEERING REGULATIONS; PIPING

9. Changes to 46 CFR 50.01-15 (d) and 55.07-5 (d) are proposed in order to permit the use of ultrasonic or other nondestructive methods for determining the thicknesses of the outer walls of pipe bends after fabrication. The proposed changes provide an alternate method for determining pipe wall thicknesses and will require that a nondestructive method of examination and determination of wall thicknesses shall be employed where the design temperatures of the piping will exceed 750° F.

10. It is proposed to amend 46 CFR 55.10-1 (g), regarding relief valves in exhaust piping, in order to clarify the intent of the regulation when the exhaust line of machinery is designed at the same pressure as the inlet pressure. In such cases relief valves on the exhaust side are not necessary and it is proposed that they no longer be required.

11. It is proposed to add a new paragraph designated 46 CFR 55.10-1 (h) to the requirements regarding steam and exhaust piping to restrict certain installations to minimize the possibility of thermocracks in superheated steam lines. It has been noted that cracks in the superheater outlet piping have occurred on vessels where the instrument or gage piping has been installed to permit the condensate to enter superheated lines.

12. The bilge and ballast piping requirements in 46 CFR 55.10-25 were revised in 1952 to implement the 1948 International Convention for the Safety of Life at Sea. The requirements in § 55.10-25 (j) have been interpreted as applying to cargo vessels operating on the Great Lakes, which requirements are similar in effect to those in § 55.10-25 (i), applicable to ocean and coastwise vessels. It is proposed, therefore, to amend 46 CFR 55.10-25 (i) and (j) and to add a new paragraph designated 46 CFR 55.10-25 (k) in order to clarify the requirements regarding bilge and ballast piping and bilge pumps.

13. The authority for regulations regarding marine engineering is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426-4431, 4433, 4434, 4453, 4491, as amended, section 14, 29 Stat. 690, 41 Stat. 305, sections 1 and 2, 49 Stat. 1544, section 17, 54 Stat. 166, section 3, 54 Stat. 346, section 2, 54 Stat. 1028, section 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391a, 392, 399, 404-409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM III—MARINE ENGINEERING REGULATIONS; INTERNAL COMBUSTION ENGINE EXHAUST LINES

14. Requirements regarding gasoline engine installations in 46 CFR 57.10-5 (d) (3) were formerly published in the Motorboat Regulations and in the 1952 revision of the format of regulations these requirements were transferred to this part, and were also made applicable to motor vessels. However, compliance with these requirements by some of the larger motor vessels was not possible without extensive rearrangement of machinery. It is proposed to amend 46 CFR 57.10-5 (d) (3) to remove the specific prohibition against the use of 90° elbows or bends of less than 5 diameters in the exhaust of all internal combustion engine installations.

15. The authority for regulations regarding marine engineering is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426-4431, 4433, 4434, 4453, 4491, as amended, section 14, 29 Stat. 690, 41 Stat. 305, sections 1 and 2, 49 Stat. 1544, section 17, 54 Stat. 166, section 3, 54 Stat. 346, section 2, 54 Stat. 1028, section 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391a, 392, 399, 404-409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM IV—PASSENGER, CARGO AND MISCELLANEOUS VESSELS; APPLICATION OF RULES AND REGULATIONS

16. The format and arrangement of the rules and regulations for vessel inspection were revised in 1952. In this revision certain requirements based on the 1948 Convention for the Safety of Life at Sea were applied to motorboats, vessels operating exclusively within the jurisdiction of the United States, or to certain vessels which were exempt from the requirements of the 1948 Convention. In certain instances requirements were made applicable to certain vessels where it was not intended that such craft should be required to comply with them.

17. It is proposed to add new paragraphs designated 46 CFR 70.05-10 (a) and 90.05-10 (a) describing the intent of the phrase "vessels on an international voyage." The proposed regulations are in agreement with the 1948 Convention for the Safety of Life at Sea.

18. It is proposed to clarify the intent of the application of certain regulations with respect to lifesaving equipment on passenger, cargo and miscellaneous vessels. The proposed amendments do not change requirements for various lifesaving items, but do change the application of the regulations to certain types of vessels. It is proposed to amend the application of regulations designated 46 CFR 75.10-15 (b) with respect to passenger vessels in the coastwise service, 46 CFR 94.01-1 (a) with respect to lifesaving equipment for cargo and miscellaneous vessels, Tables 75.43-10 (a) and 94.43-10 (a), in 46 CFR 75.43-10 and 94.43-10, regarding the number of ring life buoys and water lights required; 46 CFR 75.15-90 and 94.15-90, regarding stowage and marking of lifeboats and life rafts; 46 CFR 94.45-1 (a) and 94.45-10 (a), regarding line throwing appliances on cargo and miscellaneous vessels; 46 CFR 94.50-10 (a), regarding illumination for lifeboat launching operations on cargo and miscellaneous vessels, and 46 CFR 94.55-1 (a), regarding portable radio apparatus on cargo and miscellaneous vessels.

19. In order to eliminate the application of certain fire detecting requirements to motorboats and to clarify the regulations, it is proposed to amend Table 76.05-1 (a) in 46 CFR 76.05-1, regarding fire detecting and extinguishing equipment, 46 CFR 76.05-5 (a), regarding manual alarm system, and 46 CFR 76.05-10 (a), regarding the supervised patrol or watchman system, which are required on passenger vessels; and 46

CFR 96.05–10 (a), regarding fixed fire extinguishing systems, which are required on cargo and miscellaneous vessels. In order to exclude motorboats from certain requirements regarding hand portable fire extinguishing and semiportable fire extinguishing systems, which were not previously applied to them, it is proposed to revise Table 76.50–10 (a) for passenger vessels and Table 95.50–10 (a) for cargo and miscellaneous vessels in 46 CFR 76.50–10 and 95.50–10.

20. It is proposed to revise 46 CFR 78.30–10 (a), regarding supervised patrols on passenger vessels, so that this requirement will not be applicable to motorboats. It is proposed to revise 46 CFR 93.01–1 (a), regarding applicability of stability requirements for cargo and miscellaneous vessels, so that these regulations will apply only to vessels on an international voyage which are contracted for on or after November 19, 1952.

21. The authority for these regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, 4483, as amended, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM V—PASSENGER VESSELS; STRUCTURAL FIRE PROTECTION

22. It is proposed to revise the regulations regarding structural fire protection of passenger vessels by clarifying the term "main vertical zone" in 46 CFR 72.05–5 (h) and 72.05–10 (b) to indicate that the mean length for one zone on any one deck shall not exceed 131 feet; to clarify the ventilation requirements in 46 CFR 72.05–50 (g) so that ducts from auxiliary machinery spaces which pass through accommodations will not be required to have automatic dampers; and to amend 46 CFR 72.05–55 (c), regarding furniture and furnishings to require that all upholstery and padding of sofas, chairs, etc., in passageways and stairway enclosures shall be of approved fire retardant materials.

23. The authority for these regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, 4483, as amended, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM VI—PASSENGER, CARGO AND MISCELLANEOUS VESSELS; ACCOMMODATIONS FOR OFFICERS AND CREW

24. In order to clarify the intent of 46 CFR 72.20–10 (b) for passenger vessels, and 46 CFR 92.20–10 (b) for cargo and miscellaneous vessels, it is proposed to amend these paragraphs so that the crew spaces shall not be located any closer to the stem of the vessel than a distance equal to 5 percent of the length of the vessel.

25. The authority for these regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, 4483, as amended, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM VII—PASSENGER, CARGO AND MISCELLANEOUS VESSELS; RAILS AND GUARDS

26. In order to reduce the possibility of people falling through the guard rails, it is proposed to specify the maximum distance between courses of rails as 18 inches for vessels contracted for on or after January 1, 1955. To accomplish this it is proposed to amend 46 CFR 72.40–5 (a) and (b) for passenger vessels, and 46 CFR 92.25–5 (a) for cargo and miscellaneous vessels.

27. The authority for these regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, 4483, as amended, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM VIII—PASSENGER, CARGO AND MISCELLANEOUS VESSELS; TESTING AND MARKING OF CO_2 STORAGE BOTTLES FOR EXTINGUISHERS

28. In the requirements covering inspections and certifications for passenger, cargo and miscellaneous vessels, the hydrostatic test for CO_2 storage bottles for hand portable fire extinguishers and fixed and semiportable fire extinguishing systems was omitted. It is proposed to add this requirement as a footnote to Tables 71.25–20 (a) (1) and 71.25–20 (a) (2) for passenger vessels and as a footnote to Tables 91.25–20 (a) (1) and 91.25–20 (a) (2) for cargo and miscellaneous vessels in 46 CFR 71.25–20 and 91.25–20, respectively.

29. The authority for these regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, 4483, as amended, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM IX—DANGEROUS CARGO REGULATIONS; MISCELLANEOUS AMENDMENTS

30. The provisions of R. S. 4472, as amended (46 U. S. C. 170), requires that the Dangerous Cargo Regulations in 46 CFR Parts 146 and 147, governing water transportation of certain commodities shall be as nearly parallel as practicable to the Interstate Commerce Commission Regulations governing land transportation of the same commodities. Various amendments proposed herein are intended to accomplish this purpose. The proposed amendments cover new articles of commerce, additional shipping containers, marking and labeling requirements for certain commodities, and editorial changes.

31. It is proposed to amend and bring up to date 46 CFR 146.04–5 containing list of explosives and other dangerous articles and combustible liquids.

32. It is proposed to add a new paragraph designated 46 CFR 146.20–3 (q), regarding shipment of new explosives; to amend 46 CFR 146.20–7 (k), regarding explosive projectiles; §§ 146.20–9 (a) and (d), regarding Class B explosives; 146.20–41 (b), and 146.20–55, regarding flashlights; 146.20–100, regarding Class A, dangerous explosives; 146.20–200, regarding Class B, less dangerous explosives; and 146.20–300, regarding Class C, relatively safe explosives.

33. With respect to regulations governing inflammable liquids, it is proposed to amend 46 CFR 146.21–65 (c), regarding limited quantity shipments, and to bring up to date 46 CFR 146.21–100, regarding required conditions of shipments.

34. With respect to regulations governing inflammable solids and oxidizing materials, it is proposed to amend 46 CFR 146.22–25 (d), regarding exemptions, by adding "lithium aluminum hydride" and to bring up to date 46 CFR 146.22–100, regarding required conditions of shipments.

35. In connection with corrosive liquids, compressed gases, poisonous articles, combustible liquids, and hazardous articles, it is proposed to amend and bring up to date 46 CFR 146.23–100, 146.24–100, 146.25–200, 146.26–100, and 146.27–100, regarding required conditions of shipments for such commodities, and to amend 46 CFR 146.25–55 (b) (1) and (2), regarding exemptions for Class B, poisonous solids.

36. It is proposed to add a new section designated 46 CFR 147.04–5 and to add new requirements to 46 CFR 147.05–100, regarding liquefied carbon dioxide for permanently installed fire extinguishing systems and engine starting fluid.

37. The authority for Dangerous Cargo Regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply section 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275, and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM X—SPECIFICATIONS; DISTRESS SIGNALS

38. It is proposed to revise and bring up to date the specification Subparts 160.021, regarding hand red flare distress signals; 160.022, regarding floating orange smoke distress signals; 160.024, regarding pistol projected parachute red flare distress signals; 160.036, regarding hand-held rocket-propelled parachute red flare distress signals; and 160.037, regarding hand orange smoke distress signals, in 46 CFR Part 160.

39. With respect to the hand red flare distress signals, it is proposed to add a new paragraph designated 46 CFR 160.021–1 (c), regarding copies of plans on file; and to amend 46 CFR 160.021–3, and 160.021–4, regarding construction, performance, sampling, inspections, conditioning and tests.

40. With respect to floating orange smoke distress signals, it is proposed to revise the requirements for the covering cap, and to revise the construction and test requirements. To accomplish these changes, it is proposed to add a paragraph designated 46 CFR 160.022–1 (b), regarding approved plans; and to amend 46 CFR 160.022–3, and 160.022–4, regarding construction, performance, sampling, inspections, conditioning, and tests.

41. With respect to pistol-projected parachute red flare distress signals, it is proposed to amend 46 CFR 160.024–1 (c), regarding copies of specifications and plans; and 46 CFR 160.024–3 and 160.024–4, regarding construction, performance, sampling, inspections, conditioning and tests.

42. In connection with hand-held rocket-propelled parachute red flare distress signals, it is proposed to add a paragraph designated 46 CFR 160.036–1 (b), regarding copies of approved plans; and to amend 46 CFR 160.036–3 and 160.036–4, regarding construction, performance, sampling, inspections, conditioning and tests.

43. With respect to hand orange smoke distress signals, it is proposed to add a paragraph designated 46 CFR 160.037–1 (c), regarding copies of drawings on file; and to amend 46 CFR 160.037–3 and 160.037–4, regarding construction, performance, sampling, inspections, conditioning and tests.

44. The authority for the regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417, 4417a, 4418, 4426, 4488, 4491, as amended, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 391a, 392, 404, 481, 489, 367, 1333, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XI—SPECIFICATIONS; REPLACEMENT ROCKETS FOR IMPULSE-PROJECTED ROCKET TYPE LINE-THROWING APPLIANCES

45. It is proposed to amend the specification Subpart 160.040 in 46 CFR Part 160 to provide for representative production check tests of all rockets supplied either with new appliances or as replacements for spent rockets for existing impulse-projected rocket type line-throwing appliances. The present provisions of the specification include representative tests of rockets furnished with new appliances. To accomplish this it is proposed to amend 46 CFR 160.040–5 (c), regarding performance tests for the appliances and the rockets.

46. The authority for the regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417, 4417a, 4418, 4426, 4488, 4491, as amended, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 391a, 392, 404, 481, 489, 367, 1333, 50 U. S. C. App. 1275; and E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

Dated: February 17, 1954.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 54–1280; Filed, Feb. 24, 1954; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

WIND RIVER INDIAN IRRIGATION PROJECT, WYOMING

OPERATION AND MAINTENANCE CHARGES

FEBRUARY 15, 1954.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 1942; 45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, August 28, 1946, and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 10, 1946 (11 F. R. 10267), notice is hereby given of intention to modify § 130.95 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Wind River Indian Irrigation Project, to read as follows:

§ 130.95 *Charges.* In compliance with the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 45 Stat. 210, 25 U. S. C. 387), the operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1954 and subsequent years until further notice, are hereby fixed at $2.00 per acre for the assessable area under the constructed works on the Diminished Wind River Project and at $2.50 per acre on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian land which lies within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of $0.45 (45 cents) per acre is hereby fixed.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments, in writing, to the Area Director, Bureau of Indian Affairs, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Amendment to order dated March 20, 1952 (17 F. R. 2387), signed by Paul L. Fickinger, Area Director.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 54–1256; Filed, Feb. 24, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

[Docket No. AO 123–A 17]

HANDLING OF MILK IN LOUISVILLE, KENTUCKY, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Louisville, Kentucky, on January 11–12, 1954, pursuant to notice thereof which was issued December 31, 1953 (19 F. R. 71).

The material issues presented in the record of the hearing related to:

1. A decrease in the price of milk used in the production of certain products classified in Class II.

2. The need for immediate action by the Secretary on issue No. 1 because of emergency conditions prevailing in the marketing of producer milk.

3. An extension in the area where milk is permitted to be transferred and be classified in Class II.

4. A minor change in the procedure for assigning utilization of skim milk and butterfat to producer milk and to milk from other regulated markets.

5. Adjustment of minor administrative provisions.

Findings and conclusions. The following findings and conclusions on issues numbered 1 and 2 are based upon the evidence introduced at the hearing and the record thereof. Emergency action is recommended on issue No. 1. Findings and conclusions relating to issues numbered 3 through 5 and final action on issue No. 1 will be recommended in a separate decision to be issued at a later date.

1. Handlers should be allowed a credit on Class II butterfat used in the production of butter or American type cheese. This credit per pound of butterfat should be calculated on the basis of the difference between the Class II price and the average of the prices reported paid producers by the 7 local milk manufacturing plants as calculated pursuant to § 946.51 (b) (1) of the order divided by 3.8. In no case, however, should such credit be allowed to exceed 6 cents per pound of butterfat.

Evidence in the hearing record indicates that handlers are experiencing difficulty in disposing of milk in excess of that required for Class I sales. Outlets for manufactured milk are more than amply supplied by virtue of substantially increased volumes of milk from both Grade A and ungraded sources. Receipts of producer milk in December 1953 were 20 percent over December 1952, which were in turn 9 percent over December 1951. Record evidence indicates that this increased rate of production was maintained in January 1954 and

may be expected to continue. A representative of one of the larger handlers testified that he had nearly as much surplus milk for manufacture in January 1954 as at the point of peak production in 1953. As a result, manufacturing facilities in the area are already heavily loaded and may not be sufficient to handle the flush of milk this spring even on an overtime basis.

A considerable amount of evidence was presented at the hearing by handlers of Class II milk to show that substantial losses are now being incurred in the handling of such milk. Most handlers under the order dispose of their surplus through sale or transfer to unregulated manufacturing plants. Butter and cheese manufacturing plants in the Louisville area which normally accept this surplus milk are reluctant to purchase any milk except that received from their own producers. Plants which are accepting bulk Grade A milk generally are paying the same prices for such milk as they pay ungraded producers. This is well below the Class II price fixed under the order. The December price for Class II milk was 56 cents over the average price paid by 7 local manufacturing plants listed in the order. The average amount by which Class II prices exceeded the paying prices for the 7 local plants for 1953 was nearly 60 cents. The smallest difference during the year was 38 cents.

One handler with no processing facilities of his own testified he was forced to sell bulk milk for Class II use at a price which returned him 70 cents per hundredweight less than the direct cost of the milk under the order. In addition to this loss, he had to meet the expense of receiving and cooling the milk, and hauling it to the plant where it was sold.

Some handlers who had processing facilities of their own testified that they were losing considerable money making butter, cheese, and nonfat dry milk solids even though they allocated only direct costs to the manufacture of these products.

In order to encourage handlers to continue to receive all milk delivered by producers during the coming months of flush production, it is found necessary to amend the order promptly to lower the price for milk used in certain Class II outlets. In order that this action may be taken promptly, the usual time allowed for filing exceptions is being omitted. This amendment should be effective only temporarily. Final action with respect to this issue should be reserved pending further study of the hearing record and after interested parties have had opportunity to file exception to recommended findings of the Deputy Administrator, Agricultural Marketing Service.

The present Class II pricing provisions of the order result in an automatic decrease in the Class II price beginning April 1. This year, however, the earlier than normal development of surpluses, coupled with a somewhat distressed market for manufactured products, makes it necessary that Class II prices be decreased sooner, and somewhat further than the order now provides.

The primary need for this decrease is with respect to milk the butterfat of which is used in the manufacture of butter or American type cheese. These are the products for which markets were most distressed, and they are the products which resulted in losses to the handlers. These are likewise the products which absorb the surplus above the more or less usual sales of products marketed locally, such as cottage cheese and ice cream.

The emergency butterfat credit to handlers allowed under the amendment herein provided should be continued through the months of greatest production. The record indicates that May is ordinarily the month of largest production in the Louisville area. The months of June and July are also months of large production, and it is concluded that the allowance herein provided should be continued through July in order to facilitate the disposition of excess milk when such milk is in largest supply.

The maximum credit which should be allowed is 6 cents per pound of butterfat. This will allow normal differences between the average pay prices of the 7 local plants, and the Class II price to be reflected in a lower cost for butterfat used for butter and American type cheese, but will not allow unusually large differences to be reflected.

Where milk or cream is transferred or diverted to an unregulated plant, the use of producer milk should be considered to have been established if an amount of butterfat equivalent to that transferred in producer milk was used at the plant during the month in the production of butter or American type cheese. Class II producer butterfat utilized in the plant of a handler should be assigned pro rata along with other source butterfat to all Class II products in such plant.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exception thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective.

General findings. (a) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area in the manner set forth in the attached amending order, as amended, is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled "marketing agreement regulating the handling of milk in the Louisville, Kentucky, marketing area," and "order amending the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 19th day of February 1954.

[SEAL] ROSS RIZLEY,
Acting Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky Marketing Area

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Delete that portion of § 946.51 (b) which precedes subparagraph (1) thereof and substitute therefor the following:

(b) *Class II milk.* From the effective date of this section through July 1954, the price of Class II milk shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

* * * * *

2. Delete § 946.70 (e) and substitute therefor the following:

(e) From the effective date of this section through July 1954 deduct for each pound of butterfat in producer milk which was allocated to Class II pursuant to § 946.46 and which was either used in the production of butter or American type cheeses or assigned to such products pursuant to § 946.44 six cents, or an amount obtained by dividing by 3.8 the difference between the Class II price and the price calculated pursuant to § 946.51 (b) (1), whichever is less.

[F. R. Doc. 54-1293; Filed, Feb. 24, 1954; 8:53 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 14]

[Docket No. 10915]

OPERATION OF FIXED, COAST AND SHIP STATIONS IN ALASKA

PROPOSED SUBSTITUTION OF FREQUENCIES

In the matter of amendment of Part 14 of the Commission's rules to delete authority for operation by fixed, coast and ship stations in Alaska on the frequency 2986 kc and substituting 2118 kc in lieu thereof; Docket No. 10915.

Notice is hereby given of proposed rule making in the above-entitled matter.

The Commission proposes to amend §§ 14.14, 14.32 and 14.53 of Part 14 of its rules as of May 1, 1954, to delete authority for operation by fixed, coast and ship stations in Alaska on the frequency 2986 kc and to substitute 2118 kc in lieu thereof in order to aid the United States in the implementation of certain portions of the new International Frequency List for Region 2 with regard to the frequency band 2000–3500 kc.

The proposed amendment is issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conference, Atlantic City (1947), and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

Any interested person who is of the opinion that the amendment proposed herein should not be adopted and any person desiring to support this proposal may file with the Commission on or before March 29, 1954, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing the original comments. Fifteen copies of all such comments shall be furnished. The Commission will consider all comments received before taking final action in this matter.

Adopted: February 17, 1954.

Released: February 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1283; Filed, Feb. 24, 1954; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1–7]

ESTABLISHMENT OF FEES FOR LICENSING AND RELATED ACTIVITIES

NOTICE OF PROPOSED RULE MAKING

FEBRUARY 16, 1954.

Pursuant to the provisions of Title V of the Independent Offices Appropriation Act, 1952 (Pub. Law 137, 82d Cong., 65 Stat. 268 (290) 5 U. S. C. 140), and Bureau of the Budget Circular No. A–25, dated November 5, 1953, addressed to the Heads of Executive Departments and Establishments, issued to implement the provisions of Title V, notice is hereby given of the proposed establishment of rules providing for a schedule of fees to accompany various applications filed with the Commission under the provisions of the Interstate Commerce Act and the Bankruptcy Act.

Title V provides, in pertinent part, that it is the sense of Congress that work performed by Federal agencies in connection with the issuance or grant of any privilege, authority, permit, certificate, license and the like shall be self sustaining to the full extent possible. Authority is given therein to every Federal agency (subject to such policies as the President may prescribe) to prescribe the regulations for such fees or charges. Bureau of the Budget Circular No. A–25 was issued for the purpose of establishing a general policy for the charging of fees for any license, permit, certificate, exemption or similar form of authority and related activities by Federal agencies. The Circular defines the terms licensing and licensing activities as used in it and sets forth the guide lines and various factors to be taken into consideration in determining the costs and setting the fees.

Attached hereto for reference as Appendices A and B respectively, are a copy of Title V and a copy of the Bureau of the Budget Circular No. A–25.[1]

Proposed schedule of filing fees. The proposal drafted by a staff committee appointed by the Commission is to initiate action leading to the establishment of a schedule of filing fees for licensing and related activities in the amounts set forth below. These are in general based on the average direct and indirect costs incurred by the Commission for each of the activities for which the fees are proposed:

(1) An application for certificate authorizing the construction, extension, acquisition, or operation of lines of railroad, filed under Part I, section 1 (18)–(20) must be accompanied by a fee of $1,200.

(2) An application for a certificate or permit filed under Part II, section 206 or 209; Part III, section 303 or 309; or Part IV, section 410, must be accompanied by a fee of $200, provided that if the authority applied for involves points and places or origin or destination in more than one State, an additional fee of $50 for each State more than one so involved must accompany the application.

(3) An application for a license filed under Part II, section 211, must be accompanied by a fee of $100.

(4) An application for exemption filed under Part II, section 204 (a) (4a); or Part III, section 302 or 303, must be accompanied by a fee of $150.

(5) An application for temporary operating authority for more than 30 days under Part II, section 210a (a) or for more than one shipment under Part III, section 311 (a) must be accompanied by a fee of $150.

[1] Filed as part of original document.

(6) An application for temporary approval under Part II, section 210a (b) or Part III, section 311 (b) must be accompanied by a fee of $300.

(7) An application to abandon all or any portion of a line of railroad or the operation thereof under Part I, section 1 (18) must be accompanied by a fee of $750.

(8) An application for the pooling or division of traffic, or of services, or of gross or net earnings, or of any portion thereof, under Part I, section 5 (1) must be accompanied by a fee of $1,000.

(9) An application for transfer of certificate or permit under Part II, section 212 (b); Part III, section 312; or Part IV, section 410 (g) must be accompanied by a fee of $175.

(10) An application of two or more carriers to consolidate or merge their properties or franchises, or any part thereof, into one corporation for the ownership, management and operation of the properties theretofore in separate ownership, under Part I, section 5 (2) must be accompanied by a fee of $1,000.

(11) An application of any carrier or carriers to purchase, lease, or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise, under Part I, section 5 (2) must be accompanied by a fee of $1,000.

(12) An application by a person which is not a carrier, to acquire control of two or more carriers through ownership of its stock or otherwise, under Part I, section 5 (2) must be accompanied by a fee of $1,000.

(13) An application of a carrier by railroad to acquire trackage rights over or joint ownership in, or joint use of, any railroad line or lines owned or operated by any other such carrier, and terminals incidental thereto, under Part I, section 5 (2) must be accompanied by a fee of $600.

(14) An application under Part I, section 20a or Part II, section 214, must be accompanied by a fee of $50, plus one-fiftieth of one percent of the principal amount, par value or stated value, of the securities which the applicant seeks authority to issue with a maximum fee of $1,000.

(15) An application for authority to assume obligation or liability in respect of the securities of others, under Part I, section 20a and Part II, section 214, must be accompanied by a fee of $50 plus one-fiftieth of one percent of the principal amount, par value or stated value of such securities, with a maximum fee of $1,000.

(16) An application under Part I, section 20b must be accompanied by a minimum fee of $1,000 plus one-two-hundredth of one percent of the principal amount, par value or stated value, of the securities to be altered or modified in excess of $20,000,000 with a maximum fee of $5,000

(17) An application for authority to hold the position of officer or director of more than one carrier, under Part I, section 20a (12), must be accompanied by a fee of $75.

(18) An application for authority to solicit, use, employ, or act under or pursuant to, proxies, authorizations, or deposit agreements in or in connection with, reorganization or receivership proceedings, under section 77 (p) of the Bankruptcy Act, as amended, (11 U. S. C. 205 (p)), must be accompanied by a fee of $250.

(19) (a) An application for approval of an agreement between carriers under Part I, section 5a, must be accompanied by a fee of $1,600.

(b) An application for approval of an amendment to an agreement between carriers under Part I, section 5a, approved by the Commission, must be accompanied by a fee of $250.

Any interested party may submit to the Commission written data, views, or arguments concerning the proposed rules. Such submission may include matter with respect to the public policy or interest served and any other element or elements deemed relevant for consideration in determining the bases for and amounts of the fees that should properly be charged in accordance with the provisions of the statute and the Budget Circular referred to.

An original and 19 copies of such data, views or arguments shall be filed with the Commission at its office in Washington, D. C., on or before March 31, 1954. The Commission will consider all relevant matter presented before taking action on the proposed rules.

Notice to the general public shall be given by depositing a copy hereof in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1275; Filed, Feb. 24, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 250]

PRESCRIBING STANDARDS FOR EMPLOYEE STOCK OPTION PLANS OF REGISTERED HOLDING COMPANIES AND THEIR SUBSIDIARIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission is considering adopting a new Rule U-51 under the Public Utility Holding Comany Act of 1935 which would prescribe the standards for employee stock option plans of registered holding companies and their subsidiaries.

The proposal to adopt U-51 is made pursuant to the provisions of sections 6, 7, 12 (f), 12 (g), and 20 (a) of the Public Utility Holding Company Act.

The proposal is a result of informal consideration given by the Commission, as reconstituted last summer, to several stock purchase plans for officers and employees in holding company systems. These plans conform in most respects with a letter, dated May 15, 1953, sent by the Division of Corporate Regulation at the direction of the Commission to each holding company registered under the Public Utility Holding Company Act; copies of the letter were made available to the public. The letter stated that the Commission was prepared to consider under the Act incentive compensation plans involving the issue of equity securities by a holding company, provided they met the requirements set forth in the letter.

The informal discussions of the Commission relating to plans currently filed or proposed to be filed have resulted in further consideration of the legal question as to whether, in view of the provisions in sections 7 (c) and 7 (d) of the Public Utility Holding Company Act, the Commission can permit a declaration in respect of any stock purchase plan or stock option plan to become effective if it might result in the issue of stock to officers and employees at a future date and at a price less than the then prevailing open market price. The discussions also resulted in the raising of questions as to whether the standards prescribed in the letter of May 15, 1953 are adequate to protect the public interest and the interests of investors and consumers.

The announcement of the proposed rule is not to be deemed a prejudgment of its merits. The Commission proposes not to take final action on any application or declaration in respect of stock option plans prior to an ultimate decision with respect to the proposed rule.

The proposed rule reads as follows:

§ 250.51 *Employee stock option plans*—(a) *Operation of the rule.* The Commission will not grant or permit to become effective any application or declaration which pertains to the issuance of stock to officers or employees of a registered holding company or of any of its subsidiary companies pursuant to an employee stock option plan, as hereinafter defined, unless:

(1) The plan meets the standards set forth in paragraph (c) of this section;

(2) The plan has been filed with the Commission as part of the said application or declaration and no options or rights to purchase have been issued under it prior to the grant of such application or the effectiveness of such declaration;

(3) The declaration or application includes an opinion of counsel which states that the plan wil comply with State law and that the grant of stock options under it will be legal under State law, and which further states whether or not the approval of any State regulatory authority is required to be obtained in connection with the adoption of the plan or the issuance of options or shares thereunder; and

(4) The declaration or application includes as an exhibit any order or orders of State regulatory authorities stated by counsel in said opinion to be required in conection with the adoption of the plan or the issuance of options or shares thereunder.

(b) *Definition of employee stock option plan.* "Employee stock option plan" as used in Rule U-51 means a plan adopted by a registered holding company or by a subsidiary company thereof pursuant to which officers and employees of companies in the holding company system with which the adopting company (hereinafter called the "issuer") is associated are given rights to purchase common stock of the issuer at a fixed price and for a definite period, and, in addition, means a plan under which any of such officers and employees is given a right to return to the issuer within a specified period any stock which he may have purchased from such company and thereupon to have refunded to him the purchase price paid therefor, or a plan under which any of such officers and directors, after having entered into a subscription contract for the purchase of stock of the issuer, is entitled for a specified period to rescind such contract and obtain a refund of any payments theretofore made pursuant to such contract.

(c) *Standards.* An employee stock option plan of a registered holding company or of any subsidiary company thereof must comply with the following standards:

(1) The plan shall provide for "restricted stock options" as defined in section 130A of the Internal Revenue Code.

(2) The plan shall comply fully with the law of the State in which the issuer is incorporated.

(3) The plan shall pertain only to common stock of the issuer and, subject to fair anti-dilution provisions in the event of stock splits, stock dividends and like changes in outstanding stocks, shall not pertain to more than five percent of the shares of common stock outstanding at the time the plan is approved by stockholders.

(4) The plan shall provide that options can be granted thereunder during a period of not exceeding five years after the date of stockholder approval of the plan and that the options themselves can extend for a period not exceeding seven years after their respective dates of grant.

(5) The plan shall provide for an option price no lower than the fair market value of the underlying shares on the date the option is granted.

(6) The plan shall provide that in order to exercise an option, the optionee must be an employee of the issuer or of an associate company in the same holding company system with the issuer, or, if the applicant or declarant so desires, the plan may provide that the option may be exercised within the three-month period subsequent to termination of employment, or if the employment shall have been terminated as a result of death, within one year of such termination.

(7) The plan shall provide that upon exercise of an option in whole or in part the optionee must make full cash payment for the shares being acquired, or complete the cash payment therefor if payments have previously been made on installments; there can be no right in favor of an employee after he has exercised an option in whole or in part to rescind the purchase and return the purchased shares to the issuer in exchange for the purchase price.

(8) The plan shall provide that the optionee is required to covenant upon exercising an option that he is acquiring the resulting shares for investment and not with a view to distribution; and this covenant shall be required irrespective of whether such shares have been registered under the Securities Act of 1933.

(9) The plan shall be drafted so as to assure that the grant of an option thereunder will be supported by a reasonable equivalent in value given by the optionee to his employer, either in the form of an employment agreement for a definite period on the part of the optionee or in the form of other assurance of the optionee's employment for a definite period by reason of the fact that the option is not exercisable in part or in whole until expiration of such period.

(10) The plan shall not permit the grant of an option to a director for his services as such.

(11) The plan shall specify the class of officers and employees who may receive options thereunder; it shall provide that not more than an aggregate of 25 percent of the shares covered by the plan can be optioned to persons who are officers of the issuer or of companies associated with the issuer; it shall specify the maximum number of shares which can be optioned to any one person during the five-year or shorter period of the plan, and in this connection the maximum number of shares which can be optioned to any one person during such period shall not exceed the number which, when multiplied by the option price, is equal to 150 percent of the regular annual cash compensation paid to him by companies in the holding company system at the time the first option is granted to him under the plan.

(12) The plan shall provide for its administration by a committee comprised of members of the board of directors who are ineligible to receive options under the plan; and, to the extent any such discretion is required to be exercised under the plan, such committee shall select optionees from the specified class or group of employees, determine the number of shares to be optioned to each, the date or dates upon which options shall be granted, and the option price or prices.

(13) The plan shall be approved by the vote of at least a majority of the outstanding voting shares (exclusive of any shares held by prospective optionees) of the issuer, or by the vote necessary to waive preemptive rights over the stock involved if preemptive rights exist, whichever is higher.

(14) The stockholders' vote on the plan shall be preceded by the solicitation of proxies in connection with which a proxy statement complying with the standards of Regulation X-14 under the Securities Exchange Act of 1934 shall be used. Such proxy statement shall state, among other things, whether it is the intent to option all of the shares covered by the plan at one time; if this is not the case, whether it is expected that a single employee may receive a second stock option at a time when he holds unexercised a stock option previously granted; and, if the grant of a second stock option is considered a possibility, the conditions which will be taken into consideration in deciding upon the grant of a second stock option. The proxy statement shall also describe the tax consequences of the plan to the issuer, its associate companies, and the optionee.

All interested persons are invited to submit views and comments on the proposed rule on or before March 29, 1954, addressed to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. A public hearing on the proposed rule will be held commencing at 9:30 a. m. on Thursday, April 8, 1954, and any views or comments received in writing prior to the hearing will be placed in the public record at the hearing unless in any case a person commenting requests that his comments be treated confidentially. The Commission desires views and comments, both in writing and orally at the hearing, not only on the merits of the proposed rule but also on the legal question which is mentioned above.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 12, 1954.

[F. R. Doc. 54-1261; Filed, Feb. 24, 1954; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

JOSEF BERNHARD FRANZ LUTZNY AND ISABELLA MARIANNE BAUM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Josef Bernhard Franz Lutzny, Campo grande, Mato Grosso, Brazil, Isabella Marianne Baum, Frankfurt/Main, Germany, Claim No. 40315; Vesting Order No. 10287; $8,093.97 in the Treasury of the United States, one-half thereof to each claimant.

Executed at Washington, D. C., on February 18, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-1277; Filed, Feb. 24, 1954; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 5-8]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 16, 1954.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER BASE AND MERIDIAN

T. 3 S., R. 4 W.,
Sec. 36, SE¼SE¼.
T. 14 S., R. 5 W.,
Sec. 16, E½SW¼.
T. 12 S., R. 11 E.,
Sec. 3, SW¼SW¼;
Sec. 10, W½NW¼.
T. 7 S., R. 24 E.,
Sec. 10, N½SE¼.
T. 6 S., R. 26 E.,
Sec. 36
T. 9 S., R. 27 E.,
Sec. 31, lots 3, 4, E½SW¼.
T. 13 S., R. 28 E.,
Sec. 29, SE¼SE¼.
T. 15 S., R. 28 E.,
Sec. 2, NW¼NW¼, S½NW¼, SW¼NE¼, S½.
T. 10 S., R. 30 E.,
Sec. 33, N½, N½SW¼.
T. 11 S., R. 30 E.,
Sec. 2.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-1257; Filed, Feb. 24, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CHIEF OF NAVAL STORES BRANCH, TOBACCO DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

Pursuant to the authority vested in the Director of the Tobacco Division by virtue of the Notice of Organization and Delegation of Authority, effective January 2, 1954 (19 F. R. 35, 36) setting forth the functions to be performed by the Agricultural Marketing Service and its officials, authority is hereby delegated to the Chief of the Naval Stores Branch of the Tobacco Division to take all action necessary or appropriate in the administration of the Naval Stores Act (7 U. S. C. 91 et seq.) and the naval stores regulations (7 CFR Part 160, as amended) issued under said act and the Agricultural Marketing Act of 1946 (7 U. S. C. 1621 et seq), except the announcement of hearings upon the establishment or amendment of standards for naval stores, the designation of officials to conduct such hearings, the promulgation of new or amended standards for naval stores, and the promulgation of final orders containing new or amended regulations concerning naval stores and related commodities under said acts.

All authority delegated hereby shall be exercised under the general supervision of the Director of the Tobacco Division, and no delegation made hereby shall preclude the Director from exercising any functions so delegated.

This delegation shall become effective on February 12, 1954.

Issued this 11th day of February 1954.

[SEAL] STEPHEN E. WEATHER,
Director, Tobacco Division.

Approved: February 12, 1954.

ROY W. LENNARTSON,
Deputy Administrator for Marketing Services.

[F. R. Doc. 54-1289; Filed, Feb. 24, 1954; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 172]

ISADORE MARKS ET AL.

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES; CORRECTION

In the matter of Isadore Marks, individually and t/a Sealand Machinery Company, 6427 Southwest 16th Street Miami, Florida, Easy Enterprises, Inc., Pier 3, Miami, Florida, Industrial Steel Industries, Inc., 551 Northwest 71st Street, Miami, Florida; respondents; Case No. 172.

Part B of the conclusory portion of the order appearing in FEDERAL REGISTER document 54-973, which was published in the FEDERAL REGISTER issue of February 11, 1954 at page 807, is corrected to read as follows:

B. That Marks violated the Export Control Act of 1949, as amended, and §§ 381.1 (b) (1), (2), (3) (ii), 381.3 (a), (b) (2) of the Export Control Regulations when he (1) knowingly exported the said paver, shovel, and grader contrary to the terms and provisions of the export licenses which had been granted to him for the exportation thereof; (2) falsely described the true ultimate purchaser and consignee of the said equipment in applications for export licenses and concealed their true identity from the Office of International Trade;

Except as so corrected, the order as published remains unchanged.

Dated: February 19, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-1281; Filed, Feb. 24, 1954; 8:51 a. m.]

[Case No. 173]

CUBRAL MILL PRODUCTS CORP.

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of: Cubral Mill Products Corporation, 150 Nassau Street, New York 38, New York, respondent; Case No. 173.

Cubral Mill Products Corporation, the respondent herein, having been charged by the Director of the Investigation Staff, Office of International Trade, now the Bureau of Foreign Commerce, with having violated the Export Control Act of 1949, as amended, was duly served with a charging letter, submitted its answer thereto and demanded a hearing before a Compliance Commissioner. The hearing was duly held, respondent appeared thereat, was represented by counsel, and all the evidence in support of the charges and the defenses of the respondent in opposition thereto were fully heard and submitted.

The charges in this proceeding arise as a result of a system of licensing copper and brass scrap instituted prior to the fourth quarter 1952 whereby, for the purpose of providing a fair and equitable distribution of this commodity for export, the bulk of the supply of this commodity available for export was reserved for those persons or firms who had actually exported it during the years 1949 and 1950, which period was designated as the base period. Applicants for export licenses for this commodity who desired to be considered for allocations out of the portion so reserved were required to make a showing that they had actually exported it during the base period by filing a statement showing the total of such exports during each of the years 1949–1950: *Provided*, That such exports exceeded $5,000 in value in either year. They were known as historic exporters. A portion of the remainder of the available supply not so reserved for the historic exporters, was to be distributed to non-historic exporters at the rate of one carload per applicant on a first come, first served basis, until exhausted, in any one quarter. The system was so set up that, as long as it was in operation, the historic exporters would always participate on a proportional basis in the reserved portion while otherwise eligible non-historic exporters, according to the time of submission of their applications, would receive one carload either in the first quarter of operation or in subsequent quarters, with a second or more carloads being licensed in rotation in accordance with the supply. Respondent concededly was not an historic exporter within the regulation establishing this system. It applied for a modification of the regulation so that it might be so considered on the basis of its exports in 1951. The Director of Investigation alleged that the figures it submitted in support of this request as alleged quantities of exports of copper and brass scrap in 1951 were false. Respondent admitted that the figures so submitted were not figures of exports and alleged that they were figures of export licenses granted to it in 1951 on the basis of which it contended it should be considered an historic exporter and that it had been led to believe by officials of the Office of International Trade that such licenses were a relevant factor in the consideration of its request. It says that the word "exports" had been inadvertently and unintentionally used, that it was never its intention to use that word, it did not know it had been typewritten in the letter, it at all times prior to the erroneous use of the word being called to its attention believing that the words export licenses had been used.

The Compliance Commissioner has filed with me his Report and Recommendation, together with the transcript of testimony and exhibits submitted at the hearing and the entire record. I have carefully read and considered said report, recommendations, transcript of hearing, exhibits and record. Counsel for the respondent requested that he be granted the privilege of oral argument before me prior to my taking final action and I granted him this unusual privilege not provided by the rules. I have heard him fully.

Now, after such oral argument, and after careful consideration of the entire record herein including the transcript of hearing before the Compliance Commissioner, the exhibits and the report and recommendation, I make the following

FINDINGS OF FACT

1. That on or about September 13, 1951, the Office of International Trade, now the Bureau of Foreign Commerce, established a system of allocating copper and brass scrap for export whereby a person who had engaged in such exports during the years 1949 and 1950 was to be permitted to export that part of the available supply set aside for all such exporters as was equal to the fraction realized from dividing his average annual exports for those two years by the total of the average annual exports for those years. The available supply set apart for such exporters was most of the supply available for export.

2. Cubral Mill Products Corp. is a corporation engaged in the export business in New York City, N. Y.

3. The respondent had not exported copper or brass scrap in 1949 or 1950. Respondent appealed to the Office of International Trade for a modification of the system so established to the end that Cubral might be placed in the same category as those who had exported copper and brass scrap in those years.

4. In presenting this appeal, it stated and represented to the Office of International Trade that Cubral had exported 1,080,000 pounds of copper and brass scrap in 1951. The Office of International Trade accepted this statement and representation and, relying on the truth thereof, granted respondent's appeal and placed Cubral in the same category as those who had exported copper and brass scrap in 1949 and 1950. This was accomplished by artificially regarding Cubral's stated 1951 exports as having been made in the years 1949–1950.

5. This system for granting export licenses for copper and brass scrap did not become effective until the fourth quarter 1952. In that quarter, by reason of Cubral's having been placed in the category of exporters who had shipped in 1949–1950, the stated exportations of 1,080,000 pounds, when treated according to the established formula set forth in Finding 1 above, resulted in an allocation of two carloads or 112,000 pounds of scrap for Cubral and an export license for this amount was issued to it. Cubral utilized this license in full.

6. The statement and representation by respondent that Cubral had exported 1,080,000 pounds of copper and brass scrap in 1951 were false and known to be false by the respondent. Respondent made said statement and representation to the Office of International Trade for the purpose and with the intention that its appeal that Cubral be placed in the 1949–1950 category of exporters be granted and that it might thereby be granted export licenses for copper and brass scrap as a member of that category.

It is therefore my conclusion that respondent knowingly made a false representation and statement and falsified material facts to the Office of International Trade, now the Bureau of Foreign Commerce, in violation of § 381.1 (b) of the export control regulations. All issues raised by the charging letter and not specifically mentioned herein are hereby dismissed.

The Compliance Commissioner, in making his recommendation herein, has cited numerous factors accepted by him in mitigation of respondent's acts and has also set forth the respondent's arguments in support of lenient and merciful disposition of this case. He has also set forth other factors taken into consideration by him in arriving at the recommendation made by him. This recommendation includes not only the action hereinafter taken but also severe disciplinary action against respondent's representative who presented its request for special consideration as an historic exporter. In addition to my consideration of the recommendations thus made, I have carefully considered the oral plea made on behalf of the respondent by its attorney. It is my decision that the recommendations made are fair, reasonable and proper, and also necessary to achieve effective enforcement of the law, and they are accordingly adopted.

It is now therefore ordered, That:

(1) All outstanding validated export licenses held by or issued in the name of respondent Cubral Mill Products Corporation, or any person, firm, corporation, or other business organization with which it is now related by ownership, control, position of responsibility, or other connection, in the conduct of trade involving exports from the United States

or services connected therewith, are revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(2) The above named respondent is hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly, in any manner or capacity, in the exportation of any commodity from the United States to any foreign destination for a period of thirty (30) days. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit respondent's participation (a) as a party or as a representative of a party to any validated export license application, (b) in the preparing, obtaining, or using of any validated or general export license or other export control document, (c) in the receiving in any foreign country of any exportation of commodities from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall extend not only to the named respondent, but also to any person, firm, corporation, or other business organization with which it may be now or during the period of this order related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(4) No person, firm, corporation, or other business organization shall knowingly apply for, prepare, or obtain any export license, shipper's export declaration, bill of lading, or other export control document relating to any exportation or proposed exportation of commodities from the United States under validated or general export licenses, or finance, service, transport, forward, or receive any commodities thereunder, to or for the respondent or any persons or firms covered by paragraph (3) above, without prior disclosure of such facts to, and specific authorization from, the Bureau of Foreign Commerce.

Dated: February 19, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-1278; Filed, Feb. 24, 1954; 8:50 a. m.]

Federal Maritime Board

POPE & TALBOT, INC., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 7911-1, between Pope & Talbot, Inc., Pacific Argentine Brazil Line, Inc., and American President Lines, Ltd., modifies transshipment Agreement No. 7911 to provide for the naming of the through rates by the Puerto Rican carrier instead of the Trans-Pacific carrier. Agreement No. 7911 covers the transportation of cargo under through bills of lading from Puerto Rico to Japan, China, Hong Kong and the Philippine Islands, with transshipment at Los Angeles Harbor or San Francisco.

(2) Agreement No. 161-18, between the Member Lines of the Gulf/United Kingdom Conference, modifies the basic agreement of that conference (No. 161) to provide for the relinquishment of conference control over the payment of freight brokerage on phosphate rock, in bulk, and sulphur, in bulk. Agreement No. 161 presently provides for control over the payment of freight brokerage on sulphur, in bulk, and a limited control over such payments on phosphate rock, in bulk.

(3) Agreement No. 7954, between Daniel F. Young, Inc. and Horak Shipping Corp., freight forwarders, provides for a cooperative working arrangement under which Horak wil refer exclusively and without exception to Young for handling to completion all of the shipments of all of its customers. The agreement further provides that on such shipments Horak will collect its own accounts, assume full responsibility for losses and expenses incurred, and assert its claims including legal prosecution thereof. Young will make specified facilities available to Horak and will guarantee weekly sums of money to Horak for payment of salaries, and Young will receive specified percentages of the gross operating income of Horak. The duration of the agreement will be 10 years subject to agreed provisions for termination.

(4) Agreement No. 7954-A, between Daniel F. Young, Inc., Horak Shipping Corp., William P. Horak and William G. Sikora, places certain restrictions on the operations of the parties in the event of termination of Agreement 7954 or the termination of employment of William P. Horak and/or William G. Sikora as officials of Horak Shipping Corp.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 18, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-1291; Filed, Feb. 24, 1954; 8:53 a. m.]

ALEXANDRIA NAVIGATION CO. ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 7957, between Alexandria Navigation Company S. A. E., Societe Misr de Navigation Maritime S. A. E., Fisser Schiffahrt G. m. b. H., and Britain S. S. Co., Ltd., provides for the operation of a joint service (with limited passenger accommodations) under the trade name "American Mideast Line" in the trade between East Coast and Gulf ports of North America and ports in the Mediterranean, Persian Gulf, Red Sea and Gulf or Aden and in seas and waters adjacent thereto or connected therewith, and ports in India, Pakistan, Ceylon and Burma, via islands of the Atlantic, Portugal, Spain and Atlantic ports of Morocco.

(2) Agreement No. 7958, between Alexandria Navigation Company S. A. E. and Societe Misr de Navigation Maritime S. A. E., sets forth their understanding with respect to the joint participation in the American Mideast Line Joint Service Agreement No. 7957, between them and Fisser Schiffahrt G. m. b. H. and Britain S. S. Co., Ltd., and provides for the pro-rating between them of revenues, expenses and conference dues resulting from the operation of their vessels in such joint service.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 18, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-1292; Filed, Feb. 24, 1954; 8:53 a. m.]

Federal Maritime Board and Maritime Administration

[Docket No. S-36]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF APPLICATION

Notice is hereby given of the application of American President Lines, Ltd. seeking the written permission of the Maritime Administrator under section 805 (a), Merchant Marine Act, 1936, 46 U. S. C. 1223, for Mr. Samuel B. Mosher and Mr. O .W. March, directors of American President Lines, Ltd., or of a holding or affiliated company thereof, to own, operate or charter a vessel or vessels in the domestic intercoastal or coastwise trade, or to own any pecuniary interest, directly or indirectly, in Independent Tankships, Inc., a concern which appears to own, operate, or charter a vessel or vessels in the domestic intercoastal or coastwise trade.

Under the provisions of section 805 (a), the Maritime Administrator may not grant any such application if the Administrator finds it will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or that it will be prejudicial to the objects and policy of the act.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should notify the Secretary, Federal Maritime Board/Maritime Administration, within seven (7) days of the date of this publication, and should file petitions for leave to intervene in accordance with § 201.74 of the Federal Maritime Board/Maritime Administration's rules of practice and procedure (18 F. R. 3716); *Provided, however,* That a petition to intervene heretofore filed by any person in connection with the application of American President Lines, Ltd., for written permission under section 805 (a) for Mr. Ralph K. Davies, pursuant to notice dated February 10, 1953, published in the FEDERAL REGISTER February 14, 1953 (18 F. R. 911) will be deemed a petition to intervene in connection with the present application relating to Mr. Samuel B. Mosher and Mr. O. W. March, all of said applications being considered by the Federal Maritime Board-Maritime Administrator in one proceeding entitled Docket No. S-36.

In the absence of receipt of any additional request for hearing and petition for leave to intervene, the Federal Maritime Board-Maritime Administrator will take such action with respect to the application as may be deemed appropriate.

Dated: February 19, 1954.

By order of the Federal Maritime Board-Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-1290; Filed, Feb. 24, 1954; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6530]

BRITISH OVERSEAS AIRWAYS CORPORATION

NOTICE OF HEARING

In the matter of the application of British Overseas Airways Corporation for the amendment of its transatlantic foreign air carrier permit to include Chicago, Illinois.

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on March 1, 1954, at 2:30 p. m., e. s. t., in Room 7852 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

For further details of the issues involved in this proceeding, interested persons are referred to the application and other documents entered in the proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding may file with the Board on or before March 1, 1954, a statement setting forth the issues of fact and of law raised by this proceeding which he desires to controvert, and such person may appear and participate in the hearing in accordance with § 302.14 of the Procedural Regulations under Title X of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., February 18, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1288; Filed, Feb. 24, 1954; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9009, 10909]

KFAB BROADCASTING CO. AND HERALD CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KFAB Broadcasting Company, Omaha, Nebraska, Docket No. 9009, File No. BPCT-390; Herald Corporation, Omaha, Nebraska, Docket No. 10909, File No. BPCT-1663; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of February 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Omaha, Nebraska; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 19th day of March 1954, in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1285; Filed, Feb. 24, 1954; 8:52 a. m.]

[Docket Nos. 10907, 10908]

WSAU, INC., AND WISCONSIN VALLEY TELEVISION CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WSAU, INC., Wausau, Wisconsin, Docket No. 10907, File No. BPCT-848; Wisconsin Valley Television Corporation, Wausau, Wisconsin, Docket No. 10908, File No. BPCT-1379; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of February 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Wausau, Wisconsin; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309

(b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 19th day of March 1954 in Washington, D. C. to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1286; Filed, Feb. 24, 1954; 8:52 a. m.]

[Docket No. 10916]

FIXED AND COAST STATIONS IN ALASKA

ORDER TO SHOW CAUSE WHY LICENSES SHOULD NOT BE MODIFIED

In the matter of modification of licenses of fixed and coast stations in Alaska licensed to operate on the frequency 2986 kc.; Docket No. 10916.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of February 1954;

The Commission, having under consideration the matter of bringing into force certain portions of the new International Frequency List for Region 2 with regard to the frequency band 2000–3500 kc; and

It appearing that the present use of 2986 kc by fixed and coast stations in Alaska is not in accordance with the new International Frequency List for Region 2; and

It further appearing that the frequency 2118 kc has been cleared as a replacement frequency for those operations now conducted on 2986 kc in accordance with the new International Frequency List;

It is ordered, That pursuant to section 316 of the Communications Act of 1934, as amended, those licensees listed in the Appendix set forth below are directed to show cause, on or before March 29, 1954, why their licenses should not be modified as of May 1, 1954, so as to delete the frequency 2986 kc and substitute the frequency 2118 kc in lieu thereof.

Released: February 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

In the following list, multiple line entries for the same location indicates multiple licenses for different services and/or different emissions:

ALASKA AERONAUTICS AND COMMUNICTNS CMA

KWB82		TA
KWB84		TA
KWF72		TA
KWJ21		TA
KWJ22		TA
KWY45	Afognak	TA
KWY69	Akutan	TA
KWY50	Alitak	TA
KXA27	Andreafski	TA
KW178	Aniak	TA
KW178	Aniak	TA
KWY70	Belkofski	TA
KWB88	Boundary	TA
KW186	Chalkytsik	TA
KW187	Chicken	TA
KW189	Crooked Creek	TA
KW190	Dan Creek	TA
KW191	Deering	TA
KW191	Deering	TA
KWC95	Elfin Cove	TA
KWC95	Elfin Cove	TA
KWC76	Flat	TA
KWC82	Ft. Yukon	TA
KWB23	Haycock	TA
KWE86	Hooper Bay	TA
KWX68	Huslia	TA
KWB27	Kaltag	TA
KWA89	Kasilof	TA
KWA89	Kasilof	TA
KWW62	Lost River	TA
KW193	Marshall	TA
KWK84	Margs Igloo	TA
KW194	McCarthy	TA
KWY65	Nikolski	TA
KXA42	N. Sleitmute	TA
KW175	Napamute	TA
KW177	New Knock Hock	TA
KWY65	Nikolski	TA
KWC27	Nuiato	TA
KWW86	O'Brien	TA
KWY64	Ophir	TA
KWY66	Perryville	TA
KWY66	St. Graham	TA
KWF43	Rampart	TA
KW195	Sanak	TA
KWE20	Scammon Bay	TA
KW197	Stony River	TA
KWA67	Talkeetna	TA
KWY67	Tyonek	TA

ALASKA RADIO, INC.

KHBW	Ophir	TA
KHBW	Ophir	TA

ALASKA PACKERS ASSOCIATION

KWX89	Packers Ekuk	TA
KWX89	Packers Ekuk	TA

LIBBY M'NEILL AND LIBBY

KWJ54	Kenai	TA
KWJ54	Kenai	TA
KWJ54	Kenai	TA

NAKAT PACKING CORP.

KWC48	Nakeen	TA
KWC48	Nakeen	TA
KWC48	Nakeen	TA
KWO74	Waterfall	TA
KWO74	Waterfall	TA
KWO74	Waterfall	TA

PACIFIC AMERICAN FISHERIES, INC.

KWE83		TA
KWE83		TA
KWF83		TA
KWJ99	Bristol Bay	TA
KWJ99	Bristol Bay	TA
KWK21	Bristol Bay	TA
KWK21	Bristol Bay	TA

PACIFIC AMERICAN FISHERIES, INC.—continued

KWK22	Bristol Bay	TA
KWK22	Bristol Bay	TA
KWA53	King Cove	TA
KWA53	King Cove	TA
KWA53	King Cove	TA
KWA60	Ft. Moller	TA
KWA60	Ft. Moller	TA
KWA60	Ft. Moller	TA
KWA58	Squaw Harbor	TA
KWA58	Squaw Harbor	TA
KWA58	Squaw Harbor	TA
KWY21	Swedania Trap No. 3	TA
KWY21	Swedania Trap No. 3	TA
KWY20	Tolstoi Trap No. 14	TA
KWY20	Tolstoi Trap No. 14	TA
KWO68	Unimak Island	TA
KWO68	Unimak Island	TA
KWA57	Warren	TA
KWA57	Warren	TA
KWA57	Warren	TA

ALASKA PACIFIC SALMON CO.

KWJ38	Sand Pnt. Cnry	TA
KWJ38	Sand Pnt. Cnry	TA
KWJ38	Sand Pnt. Cnry	TA

ALASKA STEAMSHIP COMPANY

KWZ32	Cordova	TA
KWZ33	Sitka	TA
KWZ33	Sitka	TA

ARCTIC RADIO TELEPHONE COMPANY

KWZ40		TA
KWO97	Homer	TA
KWO97	Homer	TA
KWO97	Homer	TA
KWO61	Kotzebue	TA

BRINK, JOHN F.

KWK41	Bonanza Creek	TA

BRISTOL BAY PACKING CO.

KWA62	Pederson Point	TA
KWA62	Pederson Point	TA
KWA62	Pederson Point	TA

BROWN, WILLIAM A.

KWD87	Taxlina Glcr. Ldg	TA

COLUMBIA RIVER PACKERS ASSN., INC.

KWF24	Pt. Adolphus	TA
KWF24	Pt. Adolphus	TA
KWA45	Thompson	TA
KWA45	Thompson	TA
KWA45	Thompson	TA

COOK INLET PACKING CO.

KWC32	Seldovia Bay	TA
KWC32	Seldovia Bay	TA

COPPER RIVER COOP. CO., INC.

KWB85		TA
KWB85		TA

COPPER RIVER PACKING CO.

KIOD	Nellie Juan	TA
KWE25	Nellie Juan	TA
KWE25	Nellie Juan	TA

CRYSTAL FALLS FISH CO.

KWJ36	Cordova	TA
KWJ36	Cordova	TA

DURAND, CARL

KWB32	Mills Creek	TA

ELLAMAR PACKING CO., INC

KBTP	Ellamar	TA
KBTQ	Ellamar	TA
KWF31	Ellamar	TA
KWF31	Ellamar	TA
KWF31	Ellamar	TA

FELDER GALE, INC.

KWK60	Feldergale	TA

FELMLEY, OBRIN S.

KWK46	McGrath	TA
KWK46	McGrath	TA
KWK46	McGrath	TA

FLETCHER, JOHN W.

KWF52	Unalaska	TA
KWF52	Unalaska	TA

FREEBURN, LAURANCE

KWA32	Lisianski	TA
KWA32	Lisianski	TA

HALFERTY CANNERIES, INC.

KWE85	Cordova	TA
KWE85	Cordova	TA

HARRIS, P. E., COMPANY, INC.

KWF27	False Pass	TA
KWF27	False Pass	TA
KWF27	False Pass	TA
KWF56	Hawk Inlet	TA
KWF56	Hawk Inlet	TA
KWF56	Hawk Inlet	TA
KWF40	Inian I Trap	TA
KWF40	Inian I Trap	TA

HIEBERT BROTHERS DBA

FQQ		TA
KQQ		TA

HOLMES, ORVAL W.

KWC63	Dillingham	TA
KWC63	Dillingham	TA
KWJ30	Kenai	TA
KWJ30	Kenai	TA
KWE35	Naptowne	TA

INTERCOASTAL PACKING CO.

KWC60	Intercoastal	TA
KWC60	Intercoastal	TA

KERR M'GEE OIL INDUSTRIES, INC.

KXA29	Icy Bay	TA
KXA29	Icy Bay	TA

LATOUCHE FISH AND COLD STORAGE CO.

KWA72	Latouche	TA
KWA72	Latouche	TA

LIPKE, ADAM W.

KWJ39	Seldovia	TA
KWJ39	Seldovia	TA

MARVEL CREEK MINING CO. DBA

KWK32	Marvel Creek	TA

MORRISON, ENUDSEN CO.

KWY61		TA
KWY60	Fairbanks	TA

NEW YORK ALASKA GOLD DREDGING CORP.

KWC39	NYAC	TA
KWC39	NYAC	TA

OCEANIC FISHERIES CO., INC.

KWK87	Pt. Oceanic	TA
KWK87	Pt. Oceanic	TA

PATTY, ERNEST N.

KWC47	Coal Creek	TA

PENINSULA PACKERS

KWC42		TA
KWC42		TA
KWC42		TA

PORT ASHTON PACKING CORP.

KWE59	Pt. Ashton	TA
KWE59	Pt. Ashton	TA

SAN JUAN FISHING, PACKING CO.

KWK82	Cube Point Trap	TA
KWK82	Cube Point Trap	TA
KWK81	Pnt. Kakul Trap	TA
KWK81	Pnt. Kakul Trap	TA
KWA31	Pt. Sn. Juan	TA
KWA31	Pt. Sn. Juan	TA
KWK80	Todd	TA
KWK80	Todd	TA
KWK80	Todd	TA
KWC28	Uganik Bay	TA
KWC28	Uganik Bay	TA
KWC28	Uganik Bay	TA

SHELLABARGER, MAXWELL MARTIN

KWK56	Skwentna	TA

SNOW TRANSPORTATION CO.

KWB73	Bethel	TA

SNUG HARBOR PACKING CO. DBA

KWA29	Snug Harbor	TA
KWA29	Snug Harbor	TA

STAMPEDE MINES, INC.

KWA83	Stampede	TA
KWA83	Stampede	TA

STRANDBERG, HAROLD

KWF36	Candle Creek	TA
KWZ88	Eureka Creek	TA
KWC25	Folger	TA
KWZ91	Nixon Fork	TA
KWB50	Utopia Creek	TA

SUPERIOR PACKING CO.

KWJ42	Superior	TA
KWJ42	Superior	TA
KWJ42	Superior	TA

SUTTER, VANCE F.

KWA95	Pt. Graham	TA
KWA95	Pt. Graham	TA

ROSENBERG, S. M.

KWE81	Orca	TA
KWE81	Orca	TA
KWE81	Orca	TA

TREPTE, DOROTHY WOLFE

KWA87	Bird Creek Mine	TA

VAHLBUSCH, BURT

KDPR	Augustine Is.	TA

VERNETTI, ELLA B.

KWJ28	Koyukuk	TA
KWJ28	Koyukuk	TA

WASHINGTON FISH, OYSTER CO., INC.

KWJ45	Pt. Williams	TA
KWJ45	Pt. Williams	TA
KWJ45	Pt. Williams	TA

WESTERN FISHERIES CO.

KWF72		TA
KWF72		TA
KWY74		TA
KWY74		TA

WHIZ FISH PRODUCTS CO., INC.

KWY29	Tyee	TA
KWY29	Tyee	TA

WILLIAMS, CARL GEORGE

KWF95	Iliama	TA
KWF95	Iliama	TA
KWF88	Pile Bay	TA

WINGARD PACKING CO. LG

KWJ49	Ugashik	TA
KWJ49	Ugashik	TA
KWJ49	Ugashik	TA
KWJ50	Ugashik	TA
KWJ50	Ugashik	TA

WRANGELL FISHERIES, INC.

KWA86	Wrangell	TA
KWA86	Wrangell	TA

COLUMBIA LUMBER COMPANY OF ALASKA

KWB45	Soundview	TA
KWB45	Soundview	TA

STANTON, H. M.

KWE57	Thunder Creek	TA
KWE57	Thunder Creek	TA

PORT HIDALGO TIMBER COMPANY, DBA

KWD88	Fish Bay	TA
KWD88	Fish Bay	TA

SUPERIOR PORTLAND CEMENT, INC.

KWK43	View Cove	TA
KWK43	View Cove	TA

SWISS JOHNIE

KWK28	Pnt. Redoubt	TA
KWK28	Pnt. Redoubt	TA

SELDOVIA BAY PACKING COMPANY

KWE38	Squeekeyville	TA
KWE38	Squeekeyville	TA

KEKU CANNING COMPANY

KWF93	Kake	TA
KWF93	Kake	TA
KWF93	Kake	TA

COLEMAN, TEXAS, COUNTY OF

KWO89	Buck Creek	TA

ALASKA SHELLFISH, INC.

KWO94	Shellfish Point	TA
KWO94	Shellfish Point	TA

OAKS CONSTRUCTION COMPANY

KWZ83	Mekrs Lodge	TA
KWZ83	Richardson Hwy	TA

WYTHE AND SON

KWO99	Homer Spit	TA
KWO99	Homer Spit	TA

CORDOVA FISH AND COLD STORAGE CO.

KWW81	Cordova	TA

KENAI PACKERS

KWY44	Kenai River	TA
KWY44	Kenai River	TA

GORDON, MARY L.

KWX67	Anvik	TA

UNITED STATES TIN CORPORATION

KWZ47	Lost River	TA

ALASKA LIVESTOCK AND TRADING COMPANY

KWZ56	Chernofski	TA
KWZ56	Chernofski	TA

MUMMY ISLAND PACKERS

KWZ86	Mummy Island	TA

ALASKAN FISHERIES

KXA23	Long Bay	TA
KXA23	Long Bay	TA

NIELSEN, PETER W.

KWZ82	Paulof Harbor	TA

BERRY, JACOB

KWZ71	Middle Fork Mine	TA

MOORE, JACK

KWZ72	Oakons	TA

WISEMAN COMMUNITY SERVICE

KWZ73	Wiseman	TA

BRANDL, PHILIP

KWZ92	Cache Creek	TA

RASMUSON, ELMER E.

KWZ98	Lost Lake	TA

HUFFMAN, VERNON E.

KXA36	E. Willow	TA

SLABACK, LESTER A.

KXA39	Talkeetna	TA

WILLARD, GEORGE W.

KXA55	Caribou Lake	TA

ALASKAN ASSOCIATES, LTD.

KXA61	Big Hurrah	TA

[F. R. Doc. 54-1287; Filed, Feb. 24, 1954; 8:52 a. m.]

MEDICAL DIATHERMY EQUIPMENT

ENFORCEMENT OF COMMISSION'S RULES REGULATING OPERATION

FEBRUARY 19, 1954.

On June 30, 1953, Part 18 of the Commission's rules and regulations became applicable to the operation of all shortwave medical diathermy equipment. Since that date the operation of medical diathermy equipment which is not type approved, certified or licensed in accordance with the provisions of the Commission's rules has been illegal, and operators of such illegal equipment are subject to the penalties prescribed by the Communications Act of 1934, as amended.

The Commission is aware that a considerable number of medical diathermy machines which do not comply with its rules are still being used. Most of them are operated by doctors, or other persons, who either are not aware that they are violating the law or do not appreciate the compelling reasons which forced the Commission to adopt its rules governing the use of medical diathermy and other types of industrial, scientific and medical equipment.

Consequently, the Commission is using this public notice to explain the necessity for strict compliance with these rules and why it is important that only approved medical diathermy equipment be used.

WHY IS IT NECESSARY TO COMPLY WITH THE COMMISSION'S RULES?

Radiation from medical diathermy equipment can cause harmful interference to the various radio communication services. A diathermy machine is, in effect, a radio transmitter. As shown in the attached map, interference may be caused hundreds of miles from the point where the diathermy equipment is being operated. Moreover, because of spurious radiations, interference can be caused on frequencies far removed from the one on which the diathermy equipment is operating.

Spurious radiation is not essential to the use of medical diathermy equipment from a therapeutic standpoint. Practically all spurious and harmonic radiation can be effectively suppressed while the fundamental frequency can be confined to allocated bands. The Commission's Rules are designed to accomplish those very purposes and so reduce to a minimum the probability of interference from the operation of diathermy equipment.

Some of the harmful effects which can result from diathermy machines that radiate excessively are indicated below:

1. *National Defense.* It has been conclusively demonstrated that both planes and missiles can be guided to their targets by following radio signals. Because of that fact, the United States has instituted a comprehensive program known as CONELRAD (CONtrol of ELectro-magnetic RADiation) which is designed to minimize the usefulness of radio signals originating in this country to an enemy. A CONELRAD program for the control of radio broadcast stations during possible air raids is already in effect. Such programs for other radio services are being instituted. Since planes can also utilize signals emanating from excessively radiating diathermy machines, it may be necessary to put such a program into effect with respect to such equipment, particularly if equipment of this type which radiates excessively remains in use.

2. *Interference to Safety Radio Services.* Radio is of vital importance to safety. One of the most important safety uses of radio is in connection with air travel. Not only is radio used for direct communication between planes and between air and ground, but it is important as a navigational aid, particularly when visibility is limited. Radiation from diathermy equipment on frequencies outside of the assigned bands is a potential hazard to both aeronautical communication circuits and to airplane landing systems. Such radiation can result in disastrous airplane accidents.

Among other important safety services are the Police Radio Service and the Fire Radio Service. The safety of life and property in every community in this country is highly dependent upon interference free, 24-hour per day police and fire radio communication. Excessive radiation from diathermy machines has been responsible for disruptive interference to these vital safety services.

In order to avoid serious accidents and the loss of life and property it is essential that radiation from diathermy machines be confined to assigned bands or be adequately suppressed. That means the use of equipment which complies with Part 18 of the Commission's rules.

3. *Interference to Broadcast Reception.* One common type of interference from medical diathermy equipment concerns the reception of aural and television broadcast programs. Some users of diathermy machines are already familiar with this type of interference. Unfortunately many doctors, as well as other users, apparently believe that this is the only interference which their diathermy equipment is capable of causing.

ANSWERS TO SPECIFIC QUESTIONS ABOUT DIATHERMY EQUIPMENT

For the benefit of operators of medical diathermy equipment, the Commission is answering the following specific questions:

"Why should I worry if I have received no complaints about my equipment?"

The fact that you have not received a complaint is not a guarantee that your diathermy machine is not causing objectionable interference, perhaps many miles away. The only practical way of knowing that diathermy equipment is not causing interference is through the use of type approval or certified equipment.

"If my equipment was legal before June 30, 1953, why is it dangerous now?"

Medical diathermy equipment which radiates excessively has been an interference problem for a long time. The Commission's rules initially became effective June 30, 1947. However, to enable the owners of existing equipment to amortize their investments, the Commission gave the owners and users of equipment manufactured and assembled before July 1, 1947 a total of six years, until June 30, 1953, within which to comply.

The use of radio as a navigational aid in air and marine travel has developed, and is still developing, at a tremendous rate. Hundreds of new television stations and millions of new television receivers are now in operation. The possibility of interference to both important safety services and to television broadcasting reception is therefore constantly increasing.

"What should the owners and operators of non-complying equipment do?"

The owner or operator of a medical diathermy machine which does not comply with the Commission's rules should do one of the following things:

(a) Obtain a machine which has been type-approved by the Commission and which bears a type approval number. A certificate of type approval means that the Commission's engineers have tested a prototype of the machine and have found that it complies with the requirements. Type approval is not an absolute guarantee that the machine will not cause interference, but it does indicate that, under normal conditions of installation and operation, the machine will not do so.

(b) Have a competent engineer certify that the machine is capable of operating in accordance with the Commission's rules. Such certification is accomplished in the manner specifically prescribed in Part 18 of the Commission's rules. However, the owners of older diathermy machines are cautioned that the certification of such machines will usually require extensive modification or shielding by a skilled engineer as well as the use of special field intensity equipment, and the rules also require that the certification must be renewed every three years. In many cases the certification process may prove more costly than the purchase of a new type-approved machine.

"How does the Commission propose to enforce its rules?"

It is hoped that this Public Notice will receive widespread circulation and that when these facts are brought home to the users of illegal equipment, particularly those which relate to the dangers which may result from the use of such machines, the Commission will receive a maximum degree of cooperation in the elimination of the illegal equipment.

However, because of the serious potential dangers involved in the continued use of illegal equipment, the Commission does not intend to rely solely on an educational campaign. It intends to use every means at its disposal to identify and eliminate the use of any equipment which does not comply with its rules.

The users of illegal equipment are warned that the Commission has available to it, and intends to follow, the following enforcement procedures wherever appropriate: (1) The issuance of cease and desist orders, enforceable in the courts, directed to the users of the illegal equipment; (2) application to the courts for injunctions against the use of illegal equipment; (3) the institution, in aggravated cases, of criminal proceedings against the operators of illegal equipment.

Adopted: February 17, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1282; Filed, Feb. 24, 1954; 8:51 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[DTA Delegation 6, as Amended]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO FACILITIES FOR BULK STORAGE OF PETROLEUM AND GAS

Pursuant to the Defense Production Act of 1950, as amended (50 U. S. C. App. Sup. 2061 et seq.), Executive Orders Nos. 10480 (18 F. R. 4939), and 10219 (16 F. R. 1983), Defense Mobilization Order No. I-7, as amended (18 F. R. 5366 and 6737), and Organization Order DTA 1, as amended (18 F. R. 4768):

There is hereby delegated to the Secretary of the Interior the authority to perform the functions and exercise the powers with respect to facilities required for bulk storage of petroleum and gas conferred by said Organization Order DTA 1, as amended, upon the Administrator of the Defense Transport Administration reserving unto the said Administrator the authority, whenever in his judgment the use of any such facilities are required for bulk storage of commodities other than petroleum and gas by reason of the unavailability of other facilities for such storage, to allocate, after consultation with the Secretary of the Interior the use for temporary periods of any such bulk storage facilities for the storage of such other commodities as in the judgment of the Administrator of the Defense Transport Administration may be necessary.

The authority hereby delegated shall be exercised consistently with the plans, policies, and programs of the Defense Transport Administration pertaining to transportation facilities and their use.

The authority herein delegated may be redelegated within the Department of the Interior in the discretion of the Secretary of the Interior.

As used in this delegation, the terms "petroleum" and "gas" shall mean "petroleum" and "gas" as defined in subsections 601 (c) and (d) of Executive Order No. 10480.

This delegation, as amended, shall take effect on February 19, 1954.

Issued at Washington, D. C., this 19th day of February 1954.

JAMES K. KNUDSON,
Administrator,
Defense Transport Administration.

[F. R. Doc. 54-1279; Filed, Feb. 24, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1116, G-1152, G-1240, G-1317, G-1344, G-1379, G-1415, G-1417, G-1457, G-1509, G-1616, G-1625, G-1659, G-1725, G-1754, G-2057, G-2101, G-2234]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER REOPENING PROCEEDINGS, FURTHER CONSOLIDATING PROCEEDINGS, AND FIXING DATE FOR HEARING

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1725, G-1754 and G-2101; City of Port Huron, City of Marysville, City of St. Clair, Michigan, Municipal corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, Complainant, v. Panhandle Eastern Pipe Line Company, Defendant, Docket No. G-1379; Northern Indiana Fuel and Light Company, Docket Nos. G-1457 and G-2234; Missouri Central Natural Gas Company, Docket No. G-1509; the Central West Utility Company, Docket No. G-1616; Michigan Gas Utilities Company, Docket No. G-1625; City of Auburn, Illinois, Docket No. G-1659; Missouri Public Service Company, Docket No. G-2057.

The Commission, on August 31, 1951, issued its Opinion No. 218 and accompanying order[1] directing Panhandle Eastern Pipe Line Company (Panhandle) to take steps to eliminate certain discrimination which the Commission had in such order found to exist, and thereafter, by order issued March 5, 1952,[2] the Commission permitted to become effective or prescribed service agreements between Panhandle and its customers which, among other things, determined Panhandle's volumetric obligation to each of such customers.

Upon judicial review of the aforesaid opinion and orders in Panhandle Eastern Pipe Line Co. v. F. P. C. (Cases No. 10,639 and No. 10,761), 204 F. 2d 675 (April 30, 1953) the United States Court of Appeals for the Third Circuit set aside certain paragraphs of the orders issued August 31, 1951 and March 5, 1952, and in so doing decided, among other things, as follows:

> We conclude that it was beyond the power of the Commission by Paragraph (E) of its order issued August 31, 1951 accompanying Opinion No. 218 to order Panhandle within 45 days to take steps to eliminate discrimination in the service between the customers on its Liberty lateral and those on its other laterals by enlarging the facilities of the Liberty lateral. Paragraph (E) of the order of August 31, 1951 must accordingly be set aside. Likewise we conclude that the Commission was without power by Paragraph (E) of the order issued March 5, 1952 to permit the service agreements between Panhandle and its contracting customers calling for daily maximum deliveries of gas ultimately aggregating 811,634 Mcf to take effect and at the same time by Paragraph (F) of said order to direct Panhandle to provide its four noncontracting customers with maximum daily deliveries of gas aggregating 196,049 Mcf, the total of the two being in excess of the designed capacity of the pipeline system and the total maximum deliveries directed to be made from the Liberty lateral being in excess of the existing capacity of that lateral.
>
> Since the Commission has found that the failure of Panhandle to deliver this amount of gas to its four noncontracting customers would result in undue discrimination against them in favor of its contracting customers and since Panhandle did not in its brief or oral argument in this case ask us to pass upon this finding of discrimination we will set aside both Paragraphs (E) and (F) of the order issued March 5, 1952 in order that the Commission may, if it finds such action appropriate, direct the elimination of any such discrimination by the reduction of the maximum amounts of gas contracted for or claimed by Panhandle's customers to such amounts as will fairly distribute the existing capacity of Panhandle's system among its customers and the existing capacity of the Liberty lateral among the customers served from that lateral. (204 F. 2d 675, 680-681.)

The Court, on August 5, 1953, issued its mandate in Case No. 10,761, remanding the case to the Commission for further proceedings, and in so doing directed, as follows:

> • • • it is now here ordered and adjudged by this court that Paragraphs (E) and (F) of the order issued March 5, 1952 be and they are hereby set aside insofar as they require Panhandle Eastern Pipe Line Company to deliver from its transmission system more gas than the system has been designed and approved to deliver, or has actual capacity to deliver, whichever is greater, and the proceedings are hereby remanded to the Commission in order that the Commission may, by appropriate administrative action to be taken in conformity with the opinions of this court, reduce the maximum amounts of gas required to be delivered under the service agreements referred to in said Paragraphs (E) and (F) to such amounts as will eliminate any undue discrimination and fairly distribute the designed and approved capacity or the actual capacity, whichever is greater, of the system of Panhandle Eastern Pipe Line Company among its customers and the designed and approved capacity or the actual capacity, whichever is greater, of the Liberty lateral among the customers served from that lateral.

Simultaneously with the issuance of its decision in Cases No. 10,639 and No. 10,761 the United States Court of Appeals for the Third Circuit in Panhandle Eastern Pipe Line Co. v. F. P. C. (Case No. 10,897), 203 F. 2d 925 (April 30, 1953) vacated the Commissioner's orders issued June 20, 1952, and August 14, 1952, accompanying Opinions No. 229 and No. 229-A, respectively,[3] refusing Panhandle permission and approval to abandon partially service to Michigan Consolidated Gas Company by reducing deliveries at Detroit, Michigan, from 125,000 Mcf to 87,500 Mcf per day.

In its decision in Case No. 10,897 the Court stated, among other things, as follows:

> Inasmuch as the Orders accompanying Opinions 229 and 229-A are directly concerned by our disposition in Nos. 10,639 and 10,761, we will accordingly vacate such Orders so that the Commission may reconsider the application of Panhandle to reduce delivery to Michigan Consolidated in the light of existing circumstances. (203 F. 2d 925, 926)

The Court, on August 5, 1953, issued its mandate in Case No. 10,897 in which it directed as follows:

> • • • It is now here ordered and adjudged by this court that the orders issued on June 20, 1952, and August 14, 1952, by the Federal Power Commission be, and they are hereby vacated so that the Commission may reconsider the application of Panhandle Eastern Pipe Line Company to reduce delivery to Michigan Consolidated Gas Company in the light of existing circumstances.

[1] Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1152, G-1415, G-1379, G-1457, G-1509, G-1616, G-1625 and G-1659.

[2] Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1152, G-1415, G-1379, G-1457, G-1509, G-1616, G-1625 and G-1659.

[3] Docket No. G-1725.

In accordance with the Court's decision and mandate in Cases No. 10,639 and No. 10,761, and the decision and mandate in Case No. 10,897, the record in the proceedings in Docket No. G–1116 et al. and Docket No. G–1725 will be reopened and further hearings held in such proceedings as hereinafter ordered.

Panhandle on July 30, 1951, Docket No. G–1754, filed an application pursuant to section 7 (b) of the Natural Gas Act for an order permitting and approving abandonment of service to The Gas Service Company which it renders at various delivery points in the States of Kansas and Missouri. Hearings were held in such proceedings and briefs were filed by Panhandle and the Gas Service Company. The intermediate decision procedure having been waived by all parties, the proceeding has been pending before the Commission for determination.

Panhandle on December 12, 1952, Docket No. G–2101, filed an application pursuant to section 7 (b) of the Natural Gas Act for an order permitting and approving abandonment of the service which it renders to Texas Gas Transmission Corporation in the State of Indiana. Hearings were held upon such application during April 1953, and, thereafter, briefs were filed by the parties to the proceeding. Subject to review by the Commission, on appeal, or on its own motion, the Presiding Examiner on January 5, 1954, issued an initial decision in the proceeding, permitting and approving the abandonment, to be effective two months from the date upon which the decision should become final. Exceptions to the decision have been filed by several of the parties to the proceedings and the matter is now before the Commission.

At the time the hearings were held on the applications filed in Docket Nos. G–1754 and G–2101, it was represented by witnesses who testified that the designed peak-day capacity of the Panhandle system was 850,000 Mcf per day, and the actual sustained maximum capacity of such system would not be in excess of 890,000 Mcf per day. However, in its written response filed on December 24, 1953, to a questionnaire which had been transmitted to Panhandle on November 9, 1953, by the Commission, Panhandle represents as follows:

(b) The sustained deliverability of Panhandle's main line facilities for:
(1) 30 consecutive winter days is approximately 950,000 Mcf per day.
(2) 5 consecutive winter days is approximately 950,000 Mcf per day.
(3) 3 consecutive winter days is approximately 950,000 Mcf per day.

* * * * *

(d) The estimated volume of natural gas to be delivered on System Peak Days in the winters 1953–1954 and 1954–1955 is approximately 965,000 Mcf plus such volumes which may be available for sales of line pack.

In view of the present representations of Panhandle with respect to the actual sustained maximum capacity of its pipeline system it is necessary and desirable in the public interest to reopen the proceedings in Docket Nos. G–1754 and G–2101 for further hearing, as hereinafter ordered, so that the applications in such proceedings may be considered in the light of existing circumstances.

The City of Auburn, Illinois, filed on April 6, 1951, Docket No. G–1659, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Panhandle to deliver 1,000 Mcf of natural gas per day for resale to consumers in the City. By Opinion No. 218 and accompanying order issued August 31, 1951, the Commission denied without prejudice the City of Auburn's application, among others. On June 30, 1952, the City of Auburn, by petition, renewed its application for an order directing Panhandle to deliver to it 1,000 Mcf of natural gas per day.

Missouri Public Service Company (Public Service) on September 11, 1952, Docket No. G–2057, filed an application pursuant to section 7 of the Natural Gas Act and a supplement thereto on April 13, 1953, for (1) an order directing Panhandle to deliver approximately 16,000 Mcf to 20,000 Mcf of natural gas per day to Public Service for resale in certain communities in Missouri, and (2) a certificate of public convenience and necessity authorizing the construction and operation of facilities by Public Service necessary to enable it to transport natural gas from Panhandle's facilities to the points of distribution. Due notice of the application has been given including publication in the FEDERAL REGISTER on September 26, 1952 (17 F. R. 8600).

In its answer filed October 10, 1952 to Public Service's application, Panhandle states, among other things, as follows:

In the Commission's order issued in such proceedings [G–1116, et al.] on March 5, 1952, the Commission found the daily demands of customers on Panhandle's system for the winter of 1951–1952 to be approximately 157,600 Mcf in excess of Panhandle's designed capacity as follows:

"The sum of the winter firm contract demands in the 47 service agreements totals is [sic] 811,634 Mcf and the volumes prescribed by Opinion No. 218 for the four customers without new service agreements amounts to 196,049 Mcf; * * * thus establishing Panhandle's sales for resale firm volumetric obligations at 1,007,683 Mcf, approximately 157,600 Mcf in excess of the 850,000 Mcf designed capacity."

Moreover, Panhandle avers that its designed system capacity has not been increased since the Commission's order of March 5, 1952, whereby gas could be made available to Applicant. It is crystal clear, therefore, that an order directing Panhandle to make physical connection with the system of Missouri Public Service and to supply to it peak day gas would violate the provisions of section 7 (a) of the Natural Gas Act and fly in the face of the Commission's findings in Opinion No. 218 set out above. Obviously therefore, the application herein should be dismissed or denied. (Answer of Panhandle, Docket No. G–2057, p. 4.)

Northern Indiana Fuel and Light Company (Northern Indiana) filed on August 27, 1953, Docket No. G–2234,* an application pursuant to section 7 of the Natural Gas Act for (1) an order directing Panhandle to deliver to Northern Indiana a maximum of 4,000 Mcf of natural gas per day for resale in certain communities in Indiana, and (2) a certificate of public convenience and necessity authorizing the construction and operation of facilities by Northern Indiana to enable it to transport natural gas from Panhandle's facilities to the points of distribution. Due notice of the filing of such application has been given including publication in the FEDERAL REGISTER on September 11, 1953 (18 F. R. 5478).

In its answer filed September 21, 1953, to Northern Indiana's application, Panhandle states, among other things, as follows:

(1) On July 3, 1951, Panhandle entered into a service agreement with Northern Indiana (under the Small General Service Rate Schedule of the tariff prescribed for Panhandle by the Commission's Opinion No 214 and order issued June 13, 1951 in Docket Nos. G–1116, et al.) providing for a contract demand of 1,900 Mcf. Said agreement was introduced as an exhibit (part of Item Y) in consolidated Docket Nos. G–1317, G–1457, et al., involving a previous application by Northern Indiana under sections 7 (a) and 7 (c) of the Natural Gas Act to obtain gas service for Panhandle.

(2) As part of the order accompanying Opinion No. 218, issued by the Commission on August 31, 1951, in consolidated Docket Nos. G–1116, et al. (including Docket Nos. G–1317 and G–1457), the Commission denied the application of Northern Indiana in Docket No. G–1457, stating that the application was denied without prejudice, since Northern Indiana could not have its facilities in operation until 1952.

(3) Thereafter, under date of August 20, 1953, Panhandle entered into a new service agreement with Northern Indiana under the General Service Rate Schedule of its tariff on file with the Commission, providing for a contract demand of 4,000 Mcf during the five winter months and varying contract demands for the remaining seven months. Said new service agreement cancelled and terminated the service agreement dated July 3, 1951. Panhandle is prepared to render service thereunder upon issuance of an order by the Commission directing the same. (Answer of Panhandle, Docket No. G–2234, pp. 1–2.)

It is necessary and desirable in the public interest that the proceedings in Docket Nos. G–1659, G–2057 and G–2234 be consolidated for purposes of hearing with the other proceedings in the above-docketed matters, inasmuch as all of such proceedings involve related issues of law and fact pertaining to the authority of the Commission under the Natural Gas Act and to Panhandle's ability to make deliveries of natural gas to its present and prospective customers.

During the course of the hearings heretofore held in the several consolidated proceedings witnesses for Panhandle have testified that to operate the pipeline system of Panhandle in excess of its designated capacity would jeopardize the safety of the pipeline system. Further, Panhandle's counsel has represented that for the Commission to direct Panhandle to operate the pipeline system in excess of its designated capacity would constitute a violation of Panhandle's constitutional rights, and an exercise by the Commission of the discretion which rests solely in the management of Panhandle. As has hereinbefore been indicated, notwithstanding the earlier testimony and representations, Panhandle now represents that even though its maximum designed system capacity is 850,000 Mcf per day, the actual sustained maximum delivery capacity is 950,000 Mcf per day. However, Panhandle has not furnished to the Commission underlying data and information to support the actual sustained maximum delivery capacity of 950,000 Mcf per day which it represents its pipeline system is capable of delivering, nor has it presented data and information which would indicate that to operate at such sustained capacity would constitute a safe operating practice. Accordingly, at the hearing, hereinafter ordered, Panhandle will be required to furnish information and data which would support a determination that its actual sustained maximum capacity will be 950,000 Mcf per day, and to operate at such capacity would constitute safe operating practice.

The Commission finds:

(1) Good cause exists, and it is necessary and appropriate to consolidate for purposes of further hearing, or hearings, the proceedings in Docket Nos. G–1116, G–1240, G–1317, G–1344, G–1417, G–1725, G–1754, G–2101, G–1152, G–1415, G–1379, G–1457, G–2234, G–1509, G–1616, G–1659 and G–2057.

(2) The aforesaid proceedings may involve common issues of law and fact related to the elimination of undue discrimination and the fair distribution of the designed and approved capacity or the actual capacity, whichever is greater, of the system of Panhandle among its present and prospective customers and the designed and approved capacity or the actual capacity, whichever is greater, of the Liberty lateral among the customers served from that lateral when viewed in the light of existing circumstances.

(3) The aforesaid proceedings may present common issues of law and fact relating to the authority of the Commission under the Natural Gas Act.

The Commission orders:

(A) The proceedings in Docket Nos. G–1116, G–1240, G–1317, G–1344, G–1417, G–1725, G–1754, G–2101, G–1152, G–1415, G–1379, G–1457, G–2234, G–1509, G–1616, G–1659 and G–2057 be and the same hereby are consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 4, 5, 7, 10, 15 and 16 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, and in accordance with the procedure prescribed herein, a hearing be held on March 3, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street, N. W., Washington, D. C., concerning the matters involved and the issues presented in these consolidated proceedings. At such hearing the presentation of evidence shall be in the order as follows:

(1) Panhandle shall present evidence to show that the sustained deliverability of its main-line facilities for periods of 30 consecutive, 5 consecutive, or 3 consecutive winter days is approximately 950,000 Mcf per day.

(ii) (a) Panhandle shall present evidence to show that its main-line facilities are capable of delivering on system peak days in the winters of 1953–1954 and 1954–1955 approximately 965,000 Mcf.

(b) In addition, Panhandle shall present evidence as to the volumes which it contends will be available from line pack. This evidence shall include the maximum and minimum main line inlet and discharge pressures at each compressor station header and at each operated tie-over point between compressor stations as well as the pipe-line mileages and internal diameters of the main pipe lines used in estimating the available line pack.

(iii) In connection with the evidence specified in paragraphs (i) and (ii) hereof, Panhandle shall supply in exhibit form at the hearing, and furnish to the Commission and to the parties to the proceeding at least 5 days prior to the date herein fixed for hearing, a flow diagram reflecting the actual operating conditions which existed on the main pipe-line facilities on the system peak day experienced during the 1953–54 winter. This diagram shall include the following:

(a) Diameter (O. D.), wall thickness and lengths of each portion of the three main pipe lines between compressor stations, tie-overs and between all points of delivery, both resale and direct.

(b) Initial pressure of each pipe line at each compressor station discharge header, pressure at each point of delivery, at tie-overs and terminal pressures at suction header of the succeeding compressor station, all pressures to be stated in psig.

(c) Volumes of gas delivered to and from the main pipe lines at each point of such delivery (resale, direct and at tie-overs) in Mcf (14.73 psia and 60F). Indicate on the diagram whether the tie-over values are open or closed.

(d) Lost and unaccounted for gas between compressor station and the volumes of gas used as fuel at each compressor station.

(e) The size (horsepower) type and number of main line compressor units installed in each main line compressor station.

(f) A tabulation for each main line compressor station showing for each main line unit operated, the suction and discharge pressures (psig), volume of gas compressed per day (Mmcf at 14.73 psia), and horsepower required for such compression.

If the actual volume of natural gas delivered on the system peak day during the 1953–1954 winter was less than 950,000 Mcf, Panhandle shall furnish the flow diagram exhibit as specified above including Items (a) through (f) to support its representation of peak-day capacity in excess of 950,000 Mcf. In this latter case, Panhandle shall also furnish a statement of engineering design data including flow formulae, pipeline efficiency and the specific gravity, base temperature, base pressure and flowing temperature of the natural gas utilized in the study and the yield point, ultimate tensile strength and method of fabrication of each kind of pipe used in the main transmission pipelines.

(iv) Panhandle shall submit evidence, including a plan for reducing the maximum amounts of gas required to be delivered by Paragraphs (e) and (f) of the Commission's order issued March 5, 1952, to such amounts as will fairly distribute the designed and approved capacity and/or the actual capacity, of the system of Panhandle among its customers and the designed and approved capacity and/or the actual capacity of the Liberty lateral among customers served from that lateral. If the volumes proposed to be delivered are not the same as those shown on the flow diagram submitted in response to paragraph (iii), Panhandle shall submit a flow diagram including all information required by paragraph (iii) supporting its representation that the plan submitted can be physically accomplished.

(v) The customers of Panhandle shall present evidence in support of the responses they have submitted to the Commission concerning actual and estimated requirements for natural gas from the Panhandle system, and plans, if any, similar to those described in paragraph (iv) hereof required to be submitted by Panhandle.

(vi) The Commission's Staff shall present such evidence, if any, it may have with respect to the matters specified in paragraphs (i) through (v) hereof.

(vii) Testimony shall be presented in Docket Nos. G–1659, G–2057 and G–2234.

(viii) Testimony shall be presented in Docket Nos. G–1725, G–1754 and G–2101.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: February 17, 1954.

Issued: February 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–1268; Filed, Feb. 24, 1954; 8:46 a. m.]

[Docket No. E–6540]

PENNSYLVANIA WATER & POWER CO.

ORDER GRANTING INTERVENTION, DENYING CONSOLIDATION OF PROCEEDINGS, SETTING HEARING AND PREHEARING CONFERENCE, AND SPECIFYING DATA TO BE OFFICIALLY NOTICED

December 30, 1953, Pennsylvania Water & Power Company filed a petition under paragraph (A) (1) of F. P. C. Prescribed Rate Schedule A (8 F. P. C. 1193, 1220) seeking Commission approval of the inclusion of costs of a new 74,000 kw steam electric generating unit and a new coal dredging and processing plant in the formula provided in that schedule for computing its charges to Consolidated Gas Electric Light and Power Company of Baltimore, as of their "in service"

* Northern Indiana's present application, Docket No. G–2234, is, in effect, a renewal of an earlier application, Docket No. G–1457, which was denied without prejudice by the Commission by Opinion No. 218 and accompanying order issued August 31, 1951.

dates between December 31, 1953, and June 30, 1954.

January 25, 1954, Baltimore Company filed a petition to intervene and an answer, in which it requested consolidation of the proceeding with the Penn Water service and rate proceeding, Docket Nos. E–6350 and E–6445.

January 29, 1954, Penn Water filed an answer and sought to limit the intervention of Baltimore Company, opposed consolidation of the proceedings as requested by Baltimore Company and sought oral argument before the full Commission and an opportunity to file briefs.

Among the issues in this proceeding which would thus be consolidated with those in the service and rate case for hearing and Commission consideration may be the following:

I. Does the new coal recovery plant have such relationship to the service rendered Baltimore Company by means of electric facilities other than the new 74,000 kw steam generating unit as thereby to bring its costs within the scope of the costs property used in computing charges under Rate Schedule A prescribed by the Commission's order of October 27, 1949, in Docket No. IT–5915 (Pennsylvania Water & Power Company, 8 F. P. C. 1193)?

II. Does it have such relationship to the new 74,000 kw steam generating unit as to bring its costs within that scope if the costs of the 74,000 kw unit come within that scope?

III. Will Penn Water's services to Baltimore Company continue to be within and subject to the terms of Schedule A, upon the commencement of operation of the new 74,000 kw steam generating unit? In particular—

A. What, if any, will be the differences from services rendered prior to October 27, 1949? In particular—

1. What will be the effect of such new operation on Penn Water's power, energy and transmission services to Baltimore Company as rendered prior to October 27, 1949?

2. What will be its effect on Baltimore Company's "backfeed" services as rendered prior to October 27, 1949?

3. What will be its effect on Penn Water's services as heretofore rendered to its other customers?

4. What will be its effect on the amounts to be charged Baltimore Company to Penn Water?

5. What will be its effect on Baltimore Company's cost of service to its customers arising from the difference, if any, in its "backfeed" services?

B. Would the differences, if any, disclosed in answer to question A, above, fall within the scope of possible differences for which Schedule A provided automatically adjusted charges? In particular—

1. Notwithstanding any such differences, would the power and energy services rendered to Baltimore Company be the same as "the power and energy services heretofore rendered pursuant to Pennsylvania Water & Power Company Rate Schedule FPC No. 1, as supplemented, and for transmission services * * * pursuant to Article VII of Pennsylvania Water & Power Company FPC Rate Schedule 8" within the meaning of the first paragraph of Schedule A?

2. Is the inclusion of the costs of the new unit and plant subject to satisfaction of any condition precedent? In particular—

a. Was Baltimore Company's approval of the new unit and plant required for that purpose before Penn Water incurred any commitment for the investment, under Schedule A, and if so was such approval obtained?

b. In this connection what, if any, effect should be given to the terms of Article V of the June 1, 1931, Penn Water Rate Schedule FPC 1?

c. Similarly, what, if any, effect should be given to the terms of Article VIII of the same part of that schedule?

C. Would the previously referred to differences, if any, cause the new payments and services to constitute a "change" for which new schedules must be filed under the applicable provisions of the Federal Power Act and the rules of the Commission?

IV. If the answers to I, or II and III are in the affirmative, are these additions to plant investment of the kind which, not later than the end of the six months' period in which they are made, would automatically become part of the base upon which the return to Penn Water is computed under the provisions of Schedule A and hence are within the scope of the provision for Commission approval of interim addition to that base?

V. If IV is answered in the affirmative, should interim inclusion of these costs in the rate base used for computing charges under Schedule A be approved? In particular—

A. What criteria should guide Commission's grant or denial of the approval requested?

B. So guided, what action should the Commission take?

It does not appear that such issues in this proceeding, concerning as they do the basis for charges under the presently effective FPC Prescribed Rate Schedule A, are also issues in the proceedings in Docket Nos. E–6350 and E–6445 where the controverted issues concern principally a new and different kind of rate which would supersede Schedule A.

It does appear that the issues in this proceeding are issues concerning which Baltimore Company is informed and has pertinent data.

The Commission finds:

(1) Participation of Baltimore Company as an intervenor in accordance with the Commission's rules may be in the public interest.

(2) The procedures hereinafter provided for are appropriate to carry out the provisions of the act.

The Commission orders:

(A) Baltimore Company hereby is permitted to become an intervenor in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That its admission as intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) The Commission will take official notice of the following, for the purpose of disposing of this proceeding:

Item 1: Penn Water's Rate Schedule FPC No. 1 for service to Baltimore Company, being the same as Baltimore Company's Rate Schedule FPC No. 7 as supplemented;

Item 2: Penn Water's Rate Schedule FPC No. 10 for service to Pennsylvania Power & Light Company as supplemented;

Item 3: Penn Water's Rate Schedule FPC No. 11 for service to Philadelphia Electric Company as supplemented;

Item 4: Penn Water's Rate Schedule FPC No. 12 for service to Metropolitan Edison Company as supplemented;

Item 5: Safe Harbor Water Power Corporation's Rate Schedule FPC No. 1 for service to Penn Water and Baltimore Company as supplemented, being the same as Penn Water's Rate Schedule FPC No. 8 as supplemented;

Item 6: Opinion No. 173 and Order issued January 8, 1949, Pennsylvania Water & Power Co., Docket No. IT–5915, 8 F. P. C. 1;

Item 7: Opinion No. 173A and Order issued February 28, 1949, *supra*, 8 F. P. C. 170;

Item 8: Order issued October 27, 1949, including Prescribed Rate Schedules A, B, C and D, *supra*, 8 F. P. C. 1193.

(C) A public hearing be held in the Commission's Hearing Room, 441 G Street NW., Washington, D. C., commencing at 10 a. m., e. s. t., on March 16, 1954, concerning the matters involved and the issues presented in the above docket.

(D) A prehearing conference be held at the offices of the Federal Power Commission, 441 G Street NW., Washington, D. C., commencing at 10 a. m. on March 3, 1954, under the provisions of § 1.18 of the Commission's general rules and regulations (18 CFR 1.18), to be presided over by the trial examiner to be designated. At such prehearing conference all parties shall be prepared to offer by reference to the Commission's files, by submission of prepared testimony and exhibits, or by stipulation all further evidence they desire to have considered, excepting only such evidence as they may be able to satisfy the examiner should be elicited in open hearing.

(E) Consolidation of the above proceeding with that in Docket Nos. E–6350 and E–6445 is denied.

(F) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of such rules and regulations.

Adopted: February 17, 1954.

Issued: February 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–1259; Filed, Feb. 24, 1954; 8:46 a. m.]

[Docket Nos. G–2340, G–2341, G–2342]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Texas Eastern Transmission Corporation, Docket No. G–2340; Texas Eastern Penn-Jersey Transmission Corporation, Docket No. G–2341; Transcontinental Gas Pipe Line Corporation, Docket No. G–2342.

On December 23, 1953, Texas Eastern Transmission Corporation (Texas Eastern), Texas Eastern Penn-Jersey Transmission Corporation (Penn-Jersey), and Transcontinental Gas Pipe Line Corporation (Transcontinental) filed, respectively, applications as designated above for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing, inter alia, construction by Penn-Jersey of a 24-inch pipeline and appurtenant facilities extending from a point at the Oakford Storage Field in Westmoreland County, Pennsylvania, approximately 265 miles eastwardly to Texas Eastern's Compressor Station No. 26 at Lambertville, New Jersey; increased peak-day and daily deliveries of natural gas by Texas Eastern and Transcontinental to certain of their customers; and, to enable Transcontinental to make such increased daily deliveries, operation by Texas Eastern of its Oakford Storage Field and lease and operation by Texas Eastern of Penn-Jersey's proposed 24-inch pipeline. The applications involve common questions of fact.

The Commission finds: Good cause exists for consolidation of the proceedings in Docket Nos. G–2340, G–2341, and G–2342 for purpose of hearing.

The Commission orders:

(A) The proceedings in Docket Nos. G–2340, G–2341, and G–2342 be and the same hereby are consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held commencing on March 8, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: February 17, 1954.

Issued: February 18, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–1260; Filed, Feb. 24, 1954; 8:46 a. m.]

[Docket No. E–6547]

PACIFIC POWER & LIGHT CO. AND MOUNTAIN STATES POWER CO.

NOTICE OF APPLICATION

FEBRUARY 17, 1954.

Take notice that on February 15, 1954, a joint application was filed with the Federal Power Commission pursuant to sections 203 and 204 of the Federal Power Act, by Pacific Power & Light Company (hereinafter called Pacific) and Mountain States Power Company (hereinafter called Mountain States), seeking an order authorizing the merger of Mountain States into and with Pacific, Pacific to be the surviving corporation, and authorizing the issuance and assumption by Pacific, as the surviving corporation, of the securities which will be issued and assumed by it as a result of the proposed merger. Pacific is a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington and Idaho with its principal business office at Portland, Oregon. Mountain States is a corporation organized under the laws of the State of Delaware and doing business in the States of Oregon, Wyoming, Montana and Idaho, with its principal business office at Albany, Oregon. Pacific, as the surviving Corporation, proposes to amend its Certificate of Organization so that the authorized capital stock of the Surviving Corporation will consist of 126,533 shares of 5 percent Preferred Stock (cumulative), par value $100 per share, and 3,800,000 shares of Common Stock, par value $6.50 per share, in lieu of Pacific's presently authorized 114,815 shares of 5 percent Preferred Stock (cumulative), par value of $100 per share and 2,625,000 shares of Common Stock without par value. Pacific's 5 percent Preferred Stock is being increased by that number of shares which will become issuable upon conversion of shares of the 5 percent Cumulative Preferred Stock of Mountain States in the manner described below; the increase in the authorized number of shares of Common Stock is for the purpose of providing additional authorized shares of said Common Stock for issuance upon conversion of the Common Stock of Mountain States in the manner described below, and for future issuance of said shares of Common Stock. Pacific also proposes that the Common Stock of the Surviving Corporation will be changed from Common Stock without par value to Common Stock of the par value of $6.50 per share. As a result of the merger:

(1) The shares of 5 percent Preferred Stock (cumulative, par value $100 per share) of Pacific outstanding on the effective date of the merger, will continue to be one share of the 5 percent Preferred Stock of the Surviving Corporation;

(2) Each share of the Common Stock without par value of Pacific, outstanding on the effective date of the merger, will be converted on such date into one share of the Common Stock of the par value of $6.50 per share of the Surviving Corporation;

(3) Each share of the 5 percent Cumulative Preferred Stock, par value of $50 per share of Mountain States, outstanding on the effective date of the merger, will be converted on such date into one-half share of the 5 percent Preferred Stock (cumulative), par value of $100 per share of the Surviving Corporation;

(4) Each share of the Common Stock, par value of $7.25 per share of Mountain States, outstanding on the effective date of the merger, will be converted on such date into nine-tenths of a share of the Common Stock of the par value of $6.50 per share of the Surviving Corporation.

The application further states that upon consummation of the proposed merger Pacific, as the surviving corporation, proposes to use the facilities presently owned by the respective constituent corporations for the same purposes for which they are presently being used; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application, should on or before the 10th day of March 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–1269; Filed, Feb. 24, 1954; 8:49 a. m.]

[Docket No. G–2361]

TEXAS GAS TRANSMISSION CO.

NOTICE OF APPLICATION

FEBRUARY 18, 1954.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation having its principal place of business at Owensboro, Kentucky, filed, on January 29, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of (1) an additional 2,000 horsepower compressor unit in its Bastrop Compressor Station, (2) approximately 24 miles of 16-inch pipe, and (3) a gas purchase meter station.

The proposed facilities are intended to enable Applicant to purchase additional volumes of gas from Louisiana Natural Gas Corporation (Louisiana Natural) and Texas Northern Gas Corporation (Texas Northern), its wholly owned subsidiaries, to offset in part declining deliveries from the Monroe and Lisbon Fields.

Also on January 29, 1954, Louisiana Natural and Texas Northern filed petitions to amend the certificates issued to them at Dockets Nos. G–1852 and G–1853, respectively, to permit the sale and delivery of additional volumes of gas to Applicant.

Applicant requests that its application be heard under the shortened procedure provided for in § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of March 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–1270; Filed, Feb. 24, 1954; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28936]

LIQUEFIED CHLORINE GAS FROM BALDWIN, ARK., TO ILLINOIS, OHIO, INDIANA, AND KENTUCKY

APPLICATION FOR RELIEF

FEBRUARY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Baldwin, Ark.

To: Chicago and Chicago Heights, Ill., Chillicothe, Ohio, Indianapolis, Ind., Louisville, Ky., and Terre Haute, Ind.

Grounds for relief: Competition with rail carriers, circuitous routes and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3908, supp. 176.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1272; Filed, Feb. 24, 1954; 8:49 a. m.]

[4th Sec. Application 28937]

PLASTIC HOSE FROM BUCYRUS, OHIO, TO MEMPHIS, TENN., AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

FEBRUARY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Plastic hose, in straight carloads or in mixed carloads with rubber hose.

From: Bucyrus, Ohio.

To: Memphis, Tenn., and New Orleans, La.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4367, supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1273; Filed, Feb. 24, 1954; 8:50 a. m.]

[4th Sec. Application 28938]

CEMENT FROM COWAN, TENN., TO COVINGTON, GA.

APPLICATION FOR RELIEF

FEBRUARY 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Central of Georgia Railway Company and the Nashville, Chattanooga & St. Louis Railway.

Commodities involved: Cement and related articles, carloads.

From: Cowan, Tenn.

To: Covington, Ga.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1392, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1274; Filed, Feb. 24, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2172]

MIDDLE WEST CORP. ET AL.

ORDER PERMITTING POST-EFFECTIVE AMENDMENT TO DECLARATION TO BECOME EFFECTIVE AND GRANTING REQUEST FOR MODIFICATION OF CONDITION IN ORDER OF NOVEMBER 1, 1949

FEBRUARY 17, 1954.

In the matter of The Middle West Corporation, Middle West Service Company, Illinois Stock Transfer Company, Bureau of Safety, Insurance Trust Fund, File No. 70-2172.

The Commission, by order dated November 1, 1949 (Holding Company Act Release No. 9472), in the above-captioned proceeding, permitted to become effective a declaration regarding the transfer, without consideration, by The Middle West Corporation ("Middle West"), a registered holding company, of the capital stocks of Middle West Service Company ("Service Company"), Illinois Stock Transfer Company ("Stock Transfer"), and Bureau of Safety ("Bureau"), subsidiary service companies, to seven individuals, who were officers and employees of such companies, and in connection therewith providing for a profit-sharing arrangement for employees who did not become stockholders, and disposition by Middle West of its interest in Insurance Trust Fund ("Trust Fund"), a mutual insurance fund, as steps in its dissolution.

Said declaration as permitted by said order to become effective contained certain restrictions to the effect that no service may be rendered by Service Company to former subsidiaries of Middle West except upon specific request therefor and upon a work order basis; that no term contracts may be entered into by Service Company with former subsidiaries of Middle West; and that services rendered by Stock Transfer and Bureau to former subsidiaries of Middle West shall be rendered at cost.

Said order of November 1, 1949, contained, among others, the following condition:

1. That Middle West Service Company, Illinois Stock Transfer Company, Bureau of Safety and Insurance Trust Fund shall keep their accounts in accordance with the Uniform System of Accounts for Service Companies prescribed by this Commission and shall file annual reports on Form U-13-60 and quarterly reports showing the extent and nature of the services which these companies have rendered to each of its former affiliates, the amounts charged, reasonably detailed description of services rendered together with copies of representative work orders and such additional information as the Commission may from time to time request.

Service Company, Stock Transfer, Bureau and Trust Fund, having filed a Post-Effective Amendment for the purposes of removing the aforesaid restrictions contained in said declaration with respect to Service Company, Stock Transfer and Bureau and, by such removal, to permit each of such companies to render services to former subsidiaries of Middle West in the same manner and on the same basis as they do to other companies;

Declarants having requested that the Commission modify its order of November 1, 1949, so as to relieve Declarants of the requirement of such order to file annual and quarterly reports for the reason, among others, that such reports would largely become inapplicable if the Post-Effective Amendment is permitted to become effective;

Declarants having represented that no officer, director, trustee, or stockholder of any of the declarants is an officer or director of any former subsidiary of Middle West, except that one of the trustees of Trust Fund is president and a director of Central and South West Corporation, a registered holding company and a former subsidiary of Middle West;

Declarants having requested that the Post-Effective Amendment be permitted to become effective as of December 31, 1953;

The Commission deeming it appropriate under the circumstances to permit said Post-Effective Amendment to become effective as requested and to grant Declarants' request for modification of its order of November 1, 1949:

It is hereby ordered, That the Post-Effective Amendment of Declarants be, and the same hereby is, permitted to become effective.

It is further ordered, That the effective date of said Post-Effective Amendment shall be December 31, 1953.

It is further ordered, That the condition set forth hereinabove and contained in the Commission's order of November 1, 1949, insofar as it relates to the filing of annual and quarterly reports with respect to any period subsequent to December 31, 1953, be, and the same hereby is, rescinded as of the date of this order, which shall become effective forthwith; and that in all other respects said order of November 1, 1949 and the conditions contained therein shall remain in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1266; Filed, Feb. 24, 1954; 8:48 a. m.]

[File No. 70-2745]

NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF FILING AND ORDER REINSTATING APPLICATION-DECLARATION FOR EXCEPTION FROM RULE U-45; NOTICE OF AND ORDER FOR HEARING

FEBRUARY 17, 1954.

Notice is hereby given that on November 19, 1951, New England Gas and Electric Association ("NEGAS"), a registered holding company, filed an application-declaration under the Public Utility Holding Company Act of 1935 ("act") requesting an exception from the provisions of Rule U-45 promulgated under the act. From time to time, NEGAS filed various amendments to said application-declaration and requested that action thereon be deferred. On March 26, 1952, the Commission granted the request of NEGAS for permission to withdraw the amended application-declaration without prejudice. On January 22, 1954, NEGAS filed a further amendment to the application-declaration and requested that it be reinstated as thus further amended.

The Commission having considered the request of NEGAS and deeming it appropriate to grant such request that the aforesaid application-declaration, as further amended, be reinstated:

It is ordered, Pursuant to section 20 (a) of the act, that the request of NEGAS for reinstatement of said application-declaration, as amended, be, and it is hereby granted, and said application-declaration, as amended, be, and it is hereby reinstated.

All interested parties are referred to the application-declaration, as amended, on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

NEGAS proposes to allocate Federal income and excess profits taxes, among it and such of its subsidiaries as join in the filing of a consolidated Federal tax return, upon a basis different from that expressly authorized by Rule U-45 (b) (6). In lieu of such authorized method of allocation, NEGAS proposes, in computing the base for determining the allocation of the consolidated tax, (a) to exclude all intercompany dividends from the computation of the allocable tax; (b) to make such adjustments in respect of losses as to ensure that companies which do not contribute to the losses do not receive any benefit resulting from the inclusion of such losses in calculating the consolidated tax; and (c) to treat the interest cost to it of carrying an investment having no relation to the subsidiary companies included in the consolidation so that no such subsidiary shall receive any benefit resulting from the inclusion of the interest cost as a deduction in calculating the consolidated tax.

The Commission deeming it appropriate in the public interest and the interest of investors and consumers that a hearing be held on said amended application-declaration and that the amended application-declaration should not be granted or permitted to become effective until further order of the Commission:

It is hereby ordered, That a public hearing on said application-declaration, as amended, be held at 10:00 a. m., e. s. t., on March 31, 1954, at the office of the Commission, 425 Second Street NW., Washington 25, D. C. On that date the hearing room clerk in Room 193 will advise as to the room in which the hearing will be held. In the event any further amendments to said application-declaration are filed during the course of the proceeding, no notice of the filing thereof will be given unless specifically ordered by the Commission. Any person desiring to be heard in connection with said application-declaration, as amended, or proposing to intervene herein shall file with the Secretary of the Commission on or before March 15, 1954, his written request or application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act, and to a Hearing Officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration, as amended, and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission, without prejudice to the presentation of additional matters and questions upon further examination:

1. Whether the proposed method of allocating taxes meets the applicable standards of the act and the rules and regulations promulgated thereunder, specifically those contained in section 12 (b) and Rule U-45;

2. Whether the proposed method of allocating taxes would be detrimental to the public interest or the interest of investors or consumers;

3. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to require NEGAS to allocate taxes among it and its subsidiaries in the manner prescribed by Rule U-45 (b) (6);

It is further ordered, That particular attention be directed at said hearing to the foregoing issues and to such other matters and questions as may be presented by said application-declaration, as amended.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to NEGAS and the Department of Public Utilities of Massachusetts; that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission with respect to this notice and order be distributed to the press and mailed to persons on the Commission's mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1265; Filed, Feb. 24, 1954; 8:48 a. m.]

[File No. 70-3182]

SUBURBAN ELECTRIC CO.

ORDER AUTHORIZING SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

FEBRUARY 18, 1954.

Suburban Electric Company ("Suburban"), a public-utility subsidiary of New England Electric System ("NEES"), a registered holding company, having filed

an application, pursuant to the Public Utility Holding Company Act of 1935 ("act"), in which it designates section 6 (b) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the following proposed transactions:

Suburban proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $4,000,000 principal amount of its First Mortgage Bonds, Series A, due 1984. The price of the bonds which shall be not less than the principal amount nor more than 102¾ percent thereof and the interest rate which shall be a multiple of ⅛ of 1 percent and not in excess of 4 percent will be determined by competitive bidding.

The proceeds from the sale of the bonds will be applied to the payment of short-term note indebtedness, and the balance, if any, will be used to pay for capitalizable expenditures or to reimburse the treasury therefor. Suburban presently has outstanding $3,800,000 principal amount of short-term notes of which $1,300,000 principal amount is payable to banks and $2,500,000 principal amount is payable to NEES.

Suburban is organized and doing business in The Commonwealth of Massachusetts and the issue and sale of its bonds have been expressly authorized by the Department of Public Utilities of that State.

The fees and expenses to be incurred in connection with the issue and sale of the bonds, except underwriting discounts and commissions, are estimated by Suburban as follows:

Registration fee, S. E. C.	$416
Federal original issue tax	4,400
New England Power Service Co.	12,000
Printing	12,300
Lybrand, Ross Bros. & Montgomery, accountants	2,100
Choate, Hall & Stewart, counsel for Underwriters (to be paid by the underwriters)	4,300
Trustee under indenture	6,000
Miscellaneous	4,784
Total	46,300

Suburban requests that the Commission's order become effective upon issuance.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and it appearing to the Commission that the estimated fees and expenses are not unreasonable, provided they do not exceed the amounts estimated, and that the application should be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1264; Filed, Feb. 24, 1954; 8:47 a. m.]

[File No. 70-3183]

PENNSYLVANIA GAS CO.

ORDER AUTHORIZING INCREASE IN AUTHORIZED CAPITAL STOCK AND AUTHORIZED INDEBTEDNESS

FEBRUARY 18, 1954.

Pennsylvania Gas Company ("Penn Gas"), a subsidiary public-utility company of National Fuel Gas Company ("National Fuel"), a registered holding company, having filed a declaration with this Commission, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-23 promulgated thereunder, with respect to the following proposed transactions:

Penn Gas proposes, at a special meeting of its stockholders to be held February 23, 1954, to (a) increase its authorized no par value capital stock from 576,000 shares to 700,000 shares, and (b) to increase its authorized indebtedness from $6,000,000 to $8,000,000. All of said 576,000 shares of stock are presently outstanding and National Fuel owns 356,931 shares (61 97 percent) thereof. Penn Gas' outstanding long-term indebtedness amounts to $5,450,000 all of which is held by National Fuel. If the proposed increases in authorized capital stock and authorized indebtedness are approved by the stockholders, Penn Gas intends, during 1954 and subject to the approval of the various regulatory bodies having jurisdiction, (a) to issue, pursuant to the preemptive rights of the stockholders, an amount not exceeding 48,000 shares of the 124,000 newly authorized shares of stock, and (b) to issue and sell to National Fuel installment promissory notes not to exceed an aggregate principal amount of $1,500,000. It is stated that National Fuel will agree to exercise its preemptive right and will agree to purchase, at the original subscription price, any shares not purchased by the other stockholders after their subscription rights have expired. The issuance and sale of such additional stock and notes will be the subject of future filings with this Commission.

Penn Gas requests that the Commission's order to be entered herein become effective upon issuance.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1263; Filed, Feb. 24, 1954; 8:47 a. m.]

[File No. 70-3199]

PENNSYLVANIA ELECTRIC CO.

NOTICE OF FILING REGARDING SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

FEBRUARY 18, 1954.

Notice is hereby given that an application has been filed with this Commission by Pennsylvania Electric Company ("Penelec"), a public utility subsidiary of General Public Utilities Corporation, a registered holding company. The applicant has designated the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Penelec proposes to issue and sell for cash, after competitive bidding in accordance with the requirements of Rule U-50, $12,000,000 principal amount of additional First Mortgage Bonds ("New Bonds"). The New Bonds will be issued under the Mortgage and Deed of Trust, dated as of January 1, 1942, between Penelec and Bankers Trust Company, as Trustee, as heretofore amended and supplemented and as to be amended and supplemented by a further supplemental indenture to be dated March 1, 1954.

The net proceeds of the New Bonds will be used to retire $10,000,000 of notes heretofore issued under a credit agreement to finance construction, and the balance, together with other corporate funds, will be used to finance further construction. The $10,000,000 so paid on outstanding notes out of the proceeds of the New Bonds will be reborrowed under said credit agreement on or before September 30, 1954, to mature on December 31, 1957. It is stated that Penelac's 1954–1956 construction program contemplates cash expenditures of $78,000,000.

The applicant further states that the New Bonds are subject to the authorization of the Pennsylvania Public Utility Commission.

Notice is further given that any interested person may, not later than March 3, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 3, 1954, said application, as filed or as amended, may be granted as provided in Rules U-23 and U-50 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1262; Filed, Feb. 24, 1954; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 39

Washington, Friday, February 26, 1954

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 928—MILK IN THE NEOSHO VALLEY MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 928.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than March 1, 1954, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to facilitate the orderly marketing of milk produced for the Neosho Valley marketing area. Any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Neosho Valley marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held September 1–4, 1953, the recommended decision having been issued on January 11, 1954, and the final decision having been issued by the Assistant Secretary on February 12, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable and contrary to the public interest to delay the effective date of this amendatory order for 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Neosho Valley marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

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(2) The issuance of this order, amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 928.7 delete the parenthetical phrase "(including plant stores)" and substitute therefor the parenthetical phrase "(including routes operated by vendors and disposition at plant stores)".

2. In § 928.8 delete the parenthetical phrase "(including plant stores)" and substitute therefor the parenthetical phrase "(including routes operated by vendors and disposition at plant stores)".

3. Delete § 928.10 and substitute therefor the following:

§ 928.10 *Producer-handler.* "Producer-handler" means any person who, with the approval of any health authority having jurisdiction in the marketing area, processes milk from his own farm production and disposes of all or a portion of such milk as Class I milk within the marketing area, but who receives no milk from producers.

4. In § 928.22 (h) delete the words "within 10 days".

5. In § 928.22 (i) delete "11th day" and substitute therefor "12th day".

6. In § 928.22 (j) (2) delete "11th day" and substitute therefor "12th day".

7. Delete § 928.61 and substitute therefor the following:

§ 928.61 *Handlers subject to other orders.* In the case of any handler (as defined in this section) who the Secretary determines disposed of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, or who otherwise is determined pursuant to the provisions of another milk marketing agreement or order to be subject to the pricing and payment provisions of such agreement or order, the provisions of the order shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator pursuant to § 928.33.

(b) If the value of skim milk and butterfat disposed of as Class I milk on routes in the marketing area, as determined under the other order to which such handler is subject, is less than its value as computed pursuant to this subpart, such handler shall pay the difference to the market administrator. The amount of the payment so computed shall be reduced by the amount of any contra differences in the values of Class I milk so disposed of in the immediately preceding eleven delivery periods which have not served to reduce the payment for any intervening delivery period.

(c) On or before the 14th day after the end of the delivery period payment of the net amount computed pursuant to paragraph (b) of this section shall be made to the market administrator who shall:

(1) Transfer the amount of such payment to the market administrator of the order to which the handler is subject, if such order provides for receipt of such funds and their distribution to producers whose milk is priced under such order; or

(2) Otherwise deposit such amount in the producer-settlement fund.

8. In § 928.71 delete "July through March" and substitute therefor "September through February".

9. In § 928.72 delete "April through June" and substitute therefor "March through August".

10. In § 928.80 delete "April through June" as such words first appear in such section, and substitute therefor "March through August", and also delete the proviso appearing at the end of such section.

11. In § 928.81 delete "April through June" and substitute therefor "March through August".

12. In § 928.90 (b) delete "16th day" and substitute therefor "17th day", and also delete from the second proviso "14th day" and substitute therefor "15th day".

13. In § 928.92 delete "928.61 (b)" and substitute therefor "928.61 (c) (2)".

14. In § 928.93 delete "12th day" and substitute therefor "13th day", and also delete "period of April, May and June" and substitute therefor "periods of March through August".

15. In § 928.94 delete "13th day" and substitute therefor "14th day", and also delete "April, May, and June" and substitute therefor "March through August".

16. In § 928.96 (a) delete "5 cents" and substitute therefor "6 cents", and also delete "15th day" and substitute therefor "16th day".

17. In § 928.96 (b) delete "15th day" and substitute therefor "16th day".

18. In § 928.97 delete "15th day" and substitute therefor "16th day".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 23d day of February 1954, to be effective on and after the 1st day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1318; Filed, Feb. 25, 1954; 8:52 a. m.]

[Docket No. AO-160-A-15-RO1]

PART 961—MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Philadelphia, Pennsylvania, on March 23, 1953, and January 21, 1954, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced, for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than March 1, 1954, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Philadelphia, Pennsylvania marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on dates set forth under paragraph (a) of this section, and a decision having been issued on February 11, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (See section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Philadelphia, Pennsylvania, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (December 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 961.40 (b) (2) change the period at the end of the sentence to a comma, and add the words "except in the computation of the price for March 1954, subtract 54 cents."

(Sec. 5, 49 Stat. 753, as amended; 14 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 23d day of February 1954 to be effective on and after the 1st day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1320; Filed, Feb. 25, 1954; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense

PART 81—OPTIONAL RETIREMENT OF MEMBERS OF THE UNIFORMED SERVICES

In accordnace with Executive Order 10499 delegating the authority of the President to prescribe regulations for the administration of the Uniformed Services Contingency Option Act of 1953, the regulations set forth below are hereby approved and promulgated by the undersigned for the members of the Uniformed Services in his respective department. This part will become effective on November 1, 1953.

ROBERT T. STEVENS,
Secretary of the Army.
THOMAS S. GATES,
Acting Secretary of the Navy.
H. E. TALBOTT,
Secretary of the Air Force.
H. CHAPMAN ROSE,
Acting Secretary of the Treasury.
SINCLAIR WEEKS,
Secretary of Commerce.
OVETA CULP HOBBY,
Secretary of Health, Education and Welfare.

The regulations set forth below are approved. The Secretaries of the departments are authorized to issue necessary procedural regulations which are not inconsistent with this part.

C. E. WILSON,
Secretary of Defense.

SUBPART A—GENERAL INFORMATION

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81.505 Establishing eligibility of annuitants.
81.506 Determination that designated annuitant is ineligible.
81.507 Reconsideration of determination of eligibility for the benefits of the act.

[illegible]
81.[illegible] Annual report.
81.[illegible] Organization.

Appendix I—Uniform Tables of Actuarial Equivalents.[1]
Appendix II—Information Required for Annual Report.

AUTHORITY: §§ 81.101 to 81.602 issued under sec. 8, 67 Stat. 504. Interpret or apply E. O. 10499, 18 F. R. 7003.

SUBPART A—GENERAL INFORMATION

§ 81.101 *Purpose.* The purpose of the Uniformed Services Contingency Option Act of 1953 is to permit each member of the uniformed services to elect to receive a reduced amount of any retired pay which may be awarded him as a result of service in his uniformed service in order to provide one or more of the annuities specified in section 4 of the act, payable after his death in a retired status to his widow, child, or children, subject to certain limitations specified in the act and elaborated in this part.

§ 81.102 *Definitions.* (a) The term "uniformed services" means the Army of the United States, Navy, United States Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, including all components and members thereof.

(b) The term "member" means a commissioned officer, commissioned warrant officer, warrant officer, nurse, flight officer, or a person in an enlisted grade (including an aviation cadet), of any of the uniformed services and a person entitled to retainer pay in the Fleet Reserve or Fleet Marine Corps Reserve with credit for sixteen or more years of naval service.

(c) The term "active member" means a member on the active list of a regular or reserve component of a uniformed service, or a member of a reserve component of a uniformed service who has completed 20 or more years of satisfactory Federal service, as defined in section 302 of the Army & Air Force Vitalization and Retirement Equalization Act of 1948.

(d) The term "retired member" means a member or former member of a uniformed service, who is or has been awarded retired, retirement, or retainer pay or equivalent pay as a result of service in one of the uniformed services.

(e) The term "widow or widower" refers only to the lawful spouse at the date of retirement of an active member or, in the case of a retired member on the effective date of the act, to the lawful spouse on the effective date of the act.

(f) The term "child" means:

(1) A legitimate child under 18 years of age and unmarried.

(2) A stepchild, under 18 years of age and unmarried, who is in fact dependent on the member for support.

(3) A legally adopted child, under 18 years of age and unmarried.

(4) A child, as defined in subparagraphs (1), (2) and (3) of this paragraph, who is over 18 years of age and unmarried, and who is incapable of self-support because of being mentally defective or physically incapacitated if that condition existed prior to reaching age eighteen.

(5) In all cases, the term "child" refers only to an active member's child, as heretofore defined, who was born and is living and meets the requirements of this paragraph at the date of retirement of the active member, or to a retired member's child who was born and is living and meets the requirements of this paragraph on November 1, 1953.

(g) The term "stepchild" means a child of a spouse by a former marriage. The stepchild relationship will terminate upon the divorce of the parent spouse but not upon the death of the parent spouse.

(h) The term "in fact dependent" means that the stepchild must be dependent on the member for over half of his or her support.

(i) The term "retired pay" includes retirement pay, equivalent pay, and retainer pay.

(j) The term "department concerned" means (1) The Department of the Army with respect to the Army, (2) the Department of the Navy with respect to the Navy and Marine Corps, (3) the Department of the Air Force with respect to the Air Force, (4) the Treasury Department with respect to the Coast Guard, (5) the Department of Commerce with respect to the Coast and Geodetic Survey, and (6) the Department of Health, Education, and Welfare with respect to Public Health Service.

(k) The term "dependents" as used in this part means the prospective annuitants described in paragraphs (e) and (f) of this section.

SUBPART B—ELECTION OF OPTIONS

§ 81.201 *Options.* (a) As provided in § 81.203, an active member, former member, or a retired member may elect any one or more of the following annuities in amounts equal to one-half, one-quarter, or one-eighth of the reduced amount of his retired pay. Such amounts must be specified at the time of election.

(1) An annuity payable to or on behalf of his widow, the annuity to terminate upon her death or remarriage, whichever first occurs.

(2) An annuity payable to or on behalf of his surviving child or children, the annuity to terminate when there ceases to be at least one such surviving child, unmarried and under eighteen years of age, except that if there is a child unmarried and over eighteen years of age incapable of self-support because of being mentally defective or physically incapacitated and that condition existed prior to his reaching eighteen years of age, the annuity to terminate upon his marriage, death, or recovery from the disability, whichever first occurs. Each payment under such annuity shall be paid in equal shares to or on behalf of the surviving children remaining eligible at the time the payment is due.

(3) An annuity payable to or on behalf of his widow and surviving child or children, the annuity to terminate upon: The death or remarriage of the widow; or, if later, the first day of the month in which there is no surviving child of the member who is under eighteen years of age and unmarried, except that if there is a child, unmarried and over eighteen years of age incapable of self-support because of being mentally defective or physically incapacitated and that condition existed prior to his reach-

[1] Filed as part of the original document.

ing eighteen years of age, the annuity to terminate upon his marriage, death or recovery from the disability, whichever first occurs. Such annuity shall be paid to the widow until death or remarriage, and thereafter each payment under such annuity shall be paid in equal shares to or on behalf of the surviving children remaining eligible at the time the payment is due.

(4) An annuity payable under the same terms and conditions as specified in subparagraphs (1), (2), and (3) of this paragraph, with the additional provision that no further deductions shall be made from the retired pay of the member commencing with the first day of the month following that in which there was no beneficiary who would have been eligible to receive, upon the death of the member, an annuity payable under the election made by him.

§ 81.202 *Limitation on number of annuities.* Where an active or retired member desires to provide more than one annuity, he may elect § 81.201 (a) (1) and (2), with or without the provisions of subparagraph (4) thereof, but in no case may the combined amounts of the annuities exceed 50 per centum of the amount of his reduced retired pay. It is pointed out that in the case of families in which the dependent widow and dependent child or children are living in separate households the options under § 81.201 (a) (1) and (2) might prove more desirable.

§ 81.203 *Election of options.* An active member who on November 1, 1953, has completed over eighteen years service which is creditable in the computation of basic pay may elect to receive a reduced amount of any retired pay which may be awarded him as the result of service in his uniformed service in order to provide one or more of the annuities as specified in §§ 81.201 and 81.202 payable after his death in a retired status to or on behalf of his surviving widow, child, or children. To be effective the election by such member on active duty must be signed and witnessed not later than April 30, 1954, and for such members not on active duty the election must be signed and postmarked not later than April 30, 1954.

(b) An active member who on November 1, 1953, has not completed over eighteen years service which is creditable in the computation of basic pay may elect to receive a reduced amount of any retired pay which may be awarded him as the result of service in his uniformed service in order to provide one or more of the annuities as specified in §§ 81.201 and 81.202 payable after his death in a retired status to or on behalf of his surviving widow, child, or children. The election by such member on active duty must be signed and witnessed not later than the day preceding the date of completion of eighteen years service or April 30, 1954, whichever is later. For such members not on active duty the election must be signed and postmarked not later than the day preceding the date of completion of eighteen years service or April 30, 1954, whichever is later. A member who fails to make an election prior to the completion of eighteen years service or April 30, 1954, whichever is later may not thereafter be covered by any provision of the act.

(c) An active member retired for physical disability who is awarded retired pay after November 1, 1953, and prior to the completion of eighteen years service may make an election to receive a reduced amount of any retired pay which may be awarded him by his uniformed service in order to provide one or more of the annuities as specified in §§ 81.201 and 81.202 payable after his death in a retired status to or on behalf of his surviving widow, child, or children. The election of contingency options by such member shall be submitted not later than the time he selects the method of computation of retired pay.
of the annuities as specified in §§ 81.201

(d) Missing member: An active member who, as a result of or in connection with military or naval operations, is in a status of missing, missing in action, interned in a neutral country, captured by a hostile force, or beleaguered or besieged, and because of that status is unable to make the election prior to the completion of the eighteen years of service, or an active member who is in that status on November 1, 1953, and has theretofore completed the eighteen years of service, may make the election. In order to be effective, the election must be made within six months of his return to the jurisdiction of his uniformed service.

(e) A person who is a former member on November 1, 1953, and who is thereafter awarded retired pay by a uniformed service may make such election. In order to be effective, the election must be made at the time he is awarded retired pay. Any former member who is thereafter reenlisted or reappointed is governed by paragraphs (a) and (b) of this section.

(f) A retired member including those retired members serving on active duty are governed by paragraph (a) of this section. Notwithstanding any other provision of this subpart, a member, including those with less than eighteen years service, retired during the period November 1, 1953, and April 30, 1954, shall have until April 30, 1954, to make such election.

(g) Incompetent member: Whenever an active member, former member, or retired member is determined to be mentally incompetent by medical officers of the service concerned or of the Veterans' Administration, or is adjudged mentally incompetent by a court of competent jurisdiction, and because of such mental incompetency is incapable of making any election within the time limitations prescribed by the act, the head of the department concerned may make the appropriate election on behalf of such member if so requested by the spouse or if there be no spouse by or on behalf of the child or children of such member. If such member is subsequently determined to be mentally competent by medical officers of the Veterans' Administration, or where appropriate is subsequently adjudged mentally competent by a court of competent jurisdiction, he may within one hundred and eighty (180) days of such determination or judgment, modify, or terminate the election made on his behalf. In such a case, the modification or revocation will be effective the date of the member's request for such modification or revocation. Deductions theretofore made shall not be refunded.

(h) Any election made and not cancelled prior to November 1, 1953, will be considered as having been made on November 1, 1953.

(i) A member who declines or fails to make an election within the time limits specified in this section may not thereafter be covered by any provision of the act. A member who has declined to select any option may thereafter elect the option or options provided each election is made within the time prescribed in this section.

§ 81.204 *Modification or revocation of election.* (a) A modification of election is a change in the percentage of the reduced amount of retired pay under any option or a change in any option or options selected. A revocation is a cancellation of a previous election and constitutes a withdrawal from coverage under the act.

(b) An active member may modify the terms of his election as often as he may desire prior to his retirement. Such modification shall become effective five years after the date of execution unless the member is retired in the interim period. If the member is retired prior to a date five years from the date of modification the terms of the original election as modified over five years prior to the date of retirement will be effective.

(c) Any active member may revoke an election at any time but he shall not thereafter be permitted to withdraw or modify his revocation and after it becomes effective he shall not be permitted to be covered in any way by this act. If the member retires within five years after a revocation, such revocation shall have no effect.

(d) A retired member may not modify or revoke his election.

(e) In cases where an election has been made by the head of the department concerned on behalf of an incompetent member and the member is subsequently adjudged competent and desires to modify or revoke the election, such modification or revocation is effective the date of the request notwithstanding paragraphs (a) and (b) of this section, provided such modification or revocation is made within one-hundred and eighty days following determination that member is competent.

(f) Notification of a change of dependent is not a modification of election.

§ 81.205 *Requirement for statement from member who does not desire coverage.* It is desirable that all members make a positive statement of desire to be covered by the act or not to be covered. For active duty members this may consist of return of the form stating that no election is desired, or a statement forwarded by the Commanding Office during the individual's 18th year of service for basic pay purposes or at the completion of the six months period as the case may be, stating that the benefits of the

act have been explained to the individual concerned. For retired members and inactive reserve members a return of a post card acknowledging receipt of a letter of information will suffice. A member who has declined to select any option may thereafter elect an option or options provided such election is made within the time prescribed under the act.

§ 81.206 *Election form.* The form for making elections will be submitted as indicated by the department concerned. All copies forwarded will be signed and any signed copy may be used to substantiate the fact of election.

§ 81.207 *Information regarding elections.* (a) All retired members and members of the reserve components on inactive duty who have completed seventeen years service for basic pay purposes will be provided an individual letter of instructions and an option election form.

(b) It is the responsibility of the command or unit to which the member is assigned to promulgate information concerning the benefits of the act to all members on active duty. Such commands or units will also provide election forms to the members assigned.

(c) Former members and active members retired for physical disability prior to the completion of eighteen years service will be provided the forms for submission at the time of retirement.

SUBPART C—DESIGNATION OF DEPENDENTS

§ 81.301 *Designation.* (a) An active member without dependents may make an election. If a member has dependents they should be named at the time of election or when they are acquired. The named dependents within an elected option may be changed until the date of retirement provided such changes are limited to the same option. In any case such spouse and all children must be named at the date of retirement.

(b) It is emphasized that if a member without dependents does not make an election at the appropriate time, he may not thereafter be covered by the act regardless of whether he subsequently acquires dependents.

(c) On the date of retirement the names of eligible dependents under the elected option(s) and the date of birth of each will be indicated to the agency responsible for paying retired pay and to the member concerned. If the widow, child, or children therein named are not eligible dependents under the elected option(s), it is the responsibility of the member concerned to establish eligible dependents under the elected option(s).

§ 81.302 *Substantiating evidence regarding dependency and age of dependents.* At the time of submitting election or at the time of retirement as the case may be, the member must indicate the date and place of his marriage, the full name of his wife, prior to their marriage, and if requested by the Department concerned submit proof of dissolution of prior marriages, if any, of either spouse. The age of the dependent will be indicated by date of birth and must be substantiated by a birth certificate or other corroborative evidence. The birthdate of the member must be shown for verification with information in the service record.

§ 81.303 *Condition affecting entitlement of widow or widower.* A member may have a different lawful spouse at time of retirement than the lawful spouse he had at the time of election. Consequently, once an election is made for a widow, the eligible widow will be the spouse to whom the member was lawfully married at the time of retirement.

SUBPART D—REDUCTION OF RETIRED PAY

§ 81.401 *Computation of reduction.* (a) The reduction to be made in the retired pay of an active or retired member who has made an election shall be computed by the uniformed service concerned in each individual case based upon tables showing percentage reduction in retired pay. These tables[1] showing the percentage reduction of retired pay are set forth in Appendix I. The computation of reduction shall be made based upon the tables in effect on the date of retirement in the case of an active member and the date of election in the case of a retired member.

(b) If the active member has no dependents on the effective date of retirement no reduction in retired pay shall be made.

(c) An adjustment may be made in the reduction of retired pay upon the finding of an administrative error or a mistake of fact.

§ 81.402 *Effective date of deduction.* (a) The effective date of deduction in retired pay will be the effective date of retirement in the case of an active member and the first day of the month in which election is effective in the case of a retired member. The deduction in retired pay will be terminated on the effective date of termination of retired pay of the member.

(b) In the event the member has elected the option under § 81.201 (a) (4), the reduction in retired pay shall be terminated the first day of the month following that in which there was no dependent who would have been eligible to receive, upon the death of the member, an annuity payable under the election made by him.

§ 81.403 *Payment of non-withheld reduction of retired pay.* (a) A retired member of a uniformed service who has made an election shall, during any period including periods on active duty in which he is not receiving retired pay, deposit the amount which would have been withheld from his retired pay had he been receiving that pay.

(b) Such deposit will be payable to the Treasurer of the United States and shall be forwarded monthly to the agency which would normally pay the member concerned retired pay.

(c) The aforementioned agency will in all cases inform the members concerned of the amount to be deposited and when such deposits are to be made.

[1] These tables have been filed with Federal Register Division as part of the original document. Copies are available for reference through administrative channels of each of the uniformed services.

(d) The aforementioned agency will, after thirty days has elapsed since due date of a deposit, inform the member concerned that he is delinquent from such due date and thereafter his widow, child, or children will not be eligible for the annuity provided under the act until the arrears with compound interest have been paid. The interest rate will be that in effect at the time the reduction in retired pay commenced or should have commenced. If such member becomes in receipt of retired pay any arrears with compound interest will be withheld from the retired pay.

§ 81.404 *Age to be used.* Ages to be used for calculating reduction of retired pay will be the ages of the member and his named dependents on their nearest birthday as of the date of retirement in the case of an active member and as of the date of election in the case of a retired member.

§ 81.405 *Refund of reduction.* (a) Any member or former member on the temporary disability retired list established pursuant to Title IV of the Career Compensation Act of 1949, Public Law 351, 81st Congress who has elected to receive reduced retired pay in order to provide one or more of the annuities specified in the act, and who is subsequently removed from the list due to any reason other than permanent retirement shall have refunded to him a sum which represents the difference between the amount by which his retired pay has been reduced and the cost of an amount of term insurance which is equal to the protection provided his dependents during the period he was on the temporary disability retired list.

(b) If the member concerned is returned to active duty, he may continue the election as previously made or he may modify or revoke the election as provided in § 81.204.

SUBPART E—ANNUITY

§ 81.501 *General information.* No annuity payable under the act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process. Annuities payable under this act shall be in addition to any pensions or other payments to which the beneficiaries may now or hereafter be entitled under other provisions of law and shall not be considered income under any law administered by the Veterans Administration.

§ 81.502 *Effective date of annuity.* All annuities payable under this act shall accrue from the first day of the month in which the retired member dies and shall be due and payable not later than the fifteenth day of each month following that month and in equal monthly installments thereafter, except that no annuity shall accrue or be paid for the month in which entitlement to that annuity terminates.

§ 81.503 *Claims for annuity payments.* Upon official notification of death of a retired member who has elected to receive reduced retired pay, the Department concerned shall forward to the eligible surviving dependents necessary information and forms for making application for annuity payments, such information shall include the place to which the application should be forwarded and to which questions regarding annuity payments should be addressed.

§ 81.504 *Payment to children.* Annuities for child or children will be paid to the child or guardian, or will be payable on behalf of the child to the person who has care, custody, and control of the child.

§ 81.505 *Establishing eligibility of annuitants.* Eligibility for the annuity will be established by such supporting evidence as may be required by the Department concerned.

§ 81.506 *Determination that designated annuitant is ineligible.* (a) The Head of the Department concerned is empowered to use any means provided by law to recover amounts of annuities erroneously paid to any individual under this act. The Head of the Department concerned may authorize such recovery by adjustments in subsequent payments to which the individual is entitled.

(b) There need be no recovery as provided in paragraph (a) of this section when, in the judgment of the Head of the Department concerned, and the Comptroller General of the United States, the individual to whom the erroneous payment has been made is without fault and recovery would be contrary to the purpose of the act or would be against equity and good conscience.

§ 81.507 *Reconsideration of determination of eligibility for the benefits of the act.* Determinations regarding eligibility to the benefits of the act may be reconsidered by the Head of the Department concerned or his designee upon application of the applicant.

SUBPART F—MISCELLANEOUS

§ 81.601 *Annual report.* A report will be prepared annually by the Department concerned. Such report will be submitted to the Joint Committee for the preparation of the consolidated report required of the Secretary of Defense. The information required is shown in Appendix II. The format will be as directed by the Board of Actuaries.

§ 81.602 *Organizations.* (a) A joint committee composed of representatives of the Departments concerned will meet annually or as often as required prior to the time of meeting of the Board of Actuaries.

(b) The duties of the committee will include but not be limited to the following:

(1) Prepare the joint report required in § 81.601.

(2) Make recommendations for changes to this part.

(3) Make recommendations for legislative changes in the act.

(4) Make recommendations to insure uniform operating policies insofar as practicable.

(5) As directed by the Board of Actuaries prepare tables of percentage reduction of retired pay.

(6) As directed by the Board of Actuaries determine a cost of term insurance as required in § 81.405 which will be used by all Departments.

(c) The position of Chairman of the joint committee will be rotated annually on a fiscal year basis between the Military Departments.

(d) The coordinating and executive agency of the Committee shall be the Department which the Chairman is representing.

APPENDIX II—FOR EACH INDIVIDUAL PARTICIPANT THE FOLLOWING DATA WILL BE REQUIRED FROM THE UNIFORMED SERVICES BY THE BOARD OF ACTUARIES FOR THE ANNUAL REPORT

I. *Elections made by persons not yet retired.* Information requested herein concerning elections made by persons not yet retired shall come from transaction records showing the elections and modifications made over the last year (or since the last report). It is not necessary for the purposes of this annual report that current records be maintained showing the effective elections or modifications in force for all members who have made elections in prior years.

(a) *Original elections.*
(1) Status of member (active or inactive).
(2) Sex of member.
(3) Completed years service (for pay purposes) at time of election.
(4) Month and year of election.
(5) Option elected: a, a-d, b, b-d, c-d.
(6) Amount of survivor annuity elected: ½, ¼, ⅓.

(b) *Modifications of previous elections.*
(1) Status of member (active or inactive).
(2) Sex of member.
(3) Completed years service at time of election.
(4) Month and year of this modification.
(5) Last previous election made: a, a-d, b, b-d, c, c-d.
(6) Amount of survivor annuity of last previous election: ½, ¼, ⅓.
(7) Option elected under this modification: a, a-d, b, b-d, c, c-d.
(8) Amount of survivor annuity elected under this modification: ½, ¼, ⅓.

II. *Members drawing or entitled to draw reduced retired pay.*
(1) Sex of member.
(2) Option in effect: a, a-d, b, b-d, c, c-d.
(3) Amount of option: ½, ¼, ⅓.
(4) Applicable table:
Disability.
Non-disability prior to May 1, 1954.
Non-disability after May 1, 1954.
(5) Age of member at election or retirement whichever is later.
(6) Age of spouse at election or retirement whichever is later.
(7) Age of youngest child at election or retirement whichever is later, if applicable.
(8) Full monthly retired pay—before any deductions.[1]
(9) Reduced monthly retired pay—full pay less cost of option only.[1]
(10) Amount of monthly benefit payable to survivors.[1]
(11) Month and year of retirement or of election if later.
(12) Years of service completed at retirement.
(13) Sex of youngest child, if applicable.
(14) Total number of eligible children, if applicable.
Termination data:
(15) Month and year reduced retired pay terminated.
(16) Cause of termination:
Death of member.
No eligible beneficiary where Option 4 has been elected.
Removal of member from temporary disability list without being entered on permanent disability list.
(17) Type of beneficiaries:
Widow only.
Child or children only.
Both spouse and child or children.
(18) Number of eligible children, if applicable.
(19) Identification Code for the election of multiple options.

Where a combination of options has been elected (such as a and b; or a–d and b–d) two cards will be maintained, one for each survivor annuity and each carrying the appropriate proportion of the retired member's pay. In these cases each of the two cards will carry an "identification code" of "05" showing that the card was in reality "half" of the retired member. All elections other than these combination elections (a and b, a–d and b, a and b–d, a–d and b–d) shall be coded "10" to indicate that the card is in reality a "whole" retired member.

III. *Beneficiaries receiving survivor annuities.*
(1) Option under which claim arose: a, a–d, b, b–d, c, c–d.
(2) Amount of survivor annuity under which claim arose: ½, ¼, ⅓.
(3) Month and year survivor benefits began.
(4) Age of spouse when survivor benefits began (if applicable).
(5) Age of youngest child when survivor benefits began (if applicable).
(6) Sex of spouse.
(7) Sex of youngest child.
(8) Number of eligible children when survivor benefits began.
(9) Monthly amount of survivor benefit payable.
Termination data:
(10) Month and year of termination.
(11) Cause of termination:
Death of spouse.
Remarriage of spouse.
Death of child under 18.
Marriage of child under 18.
Attainment of age 18.
(12) Age of last beneficiary, if a child.

IV. A special file should be maintained for cases where the survivor benefit is payable solely because of there being a child beyond age 18 who is mentally incapacitated or physically disabled. Such file should merely identify these cases so that desired information may be obtained by reference to the supporting records.

[1] Where options a and b have been elected separate cards are maintained for each option. Each card shall carry the proper proportion (as determined according to instructions for using the tables) of gross retired, reduced retired pay, and benefit payable to survivors.

[F. R. Doc. 54-1317; Filed, Feb. 25, 1954; 8:51 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter C—Appeals and Hearings

PART 515—APPEALS

APPEAL FORM AND TIME LIMITATIONS

Section 515.2 (a) and (b) is amended to read as set forth below:

§ 515.2 *Appeal form and time limitations.* (a) An appeal shall be in writing on WCC Form 1105. Any award authorized to be paid or disallowance made prior to May 1, 1954 may be appealed from at any time within six months from the date of the award check or disallowance letter informing the claimant of the original determination. Any award authorized to be paid or disallowance made

on or after May 1, 1954 may be appealed from at any time within three months from the date of the award check or disallowance letter informing the claimant of the original determination.

(b) Upon failure to file an appeal within the appropriate period allowed in paragraph (a) of this section the claimant will be deemed to have waived his right to appeal and the decision of the Commission shall constitute a full and final disposition of the case.

(Sec. 2, 62 Stat. 1240, 50 U. S. C. App. 2001)

WHITNEY GILLILLAND,
Chairman, War Claims Commission.

[F. R. Doc. 54-1316; Filed, Feb. 25, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

HANDLING OF MILK IN OKLAHOMA CITY, OKLAHOMA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Oklahoma City, Oklahoma, on October 19–21, 1953, pursuant to notice thereof which was issued on September 29, 1953 (18 F. R. 6339).

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service, on January 22, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision which included notice of opportunity to file written exceptions thereto. This decision was published in the FEDERAL REGISTER on January 28, 1954 (19 F. R. 482).

The material issues, findings and conclusions, and general findings of the recommended decision (19 F. R. 482; Doc. 54–575) are hereby adopted by this decision as if set forth in full herein.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of December 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 23d day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area

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905.0 Findings and determinations.

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AUTHORITY: §§ 905.0 to 905.101 issued under sec. 5, 49 Stat. 753, as amended; 14 U. S. C. and Sup. 608c.

§ 905.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supples of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Oklahoma City, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 905.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 905.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 905.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this subpart.

§ 905.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 905.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 905.6 *Oklahoma City, Oklahoma, marketing area.* "Oklahoma City, Oklahoma, marketing area", hereinafter called the marketing area means all territory within the boundaries of Oklahoma County, except for Deer Creek, Deep Fork, and Luther townships, within the townships of Moore, Taylor, Case, Liberty, Norman and Noble in Cleveland County, and within the townships of Bales, Davis, Dent, Rock Creek, Brinton, Forest and Earlsboro in Pottawatomie County, all in the State of Oklahoma.

§ 905.7 *Approved plant.* "Approved plant" means a milk processing plant which has been approved by a municipal or state health authority having jurisdiction in the marketing area or by a Federal agency located in the marketing area and from which milk, skim milk, buttermilk, flavored milk drinks or cream is disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores).

§ 905.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 905.9 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant, or (b) any cooperative association, with respect to the milk of any producer which it caused to be diverted to an unapproved plant for the account of such cooperative association.

§ 905.10 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm permit or rating issued by a municipal or state health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk or which is acceptable to a Federal agency. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to an unapproved plant by a handler and milk so diverted shall be deemed to have been received at an approved plant by the handler who caused it to be diverted. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from the provisions of this subpart pursuant to § 905.61.

§ 905.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer, other than a producer-handler, which is purchased or received by a handler either directly from producers or from other handlers.

§ 905.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 905.13 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers.

§ 905.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of February through July which is not in excess of such producer's daily average base computed pursuant to § 905.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 905.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of February through July which is in excess of base milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average base can be computed pursuant to § 905.65.

MARKET ADMINISTRATOR

§ 905.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 905.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer the terms and provisions of this subpart;

(b) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(c) To make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 905.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date upon which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 905.87 the cost of his bond and those of his employees, his own compensation and all other expenses (except those incurred under § 905.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary, surrender the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 905.30 to 905.32, or (2) payments pursuant to §§ 905.80 to 905.87;

(i) On or before the 12th day after the end of each month report to each cooperative association which so requests the utilization of the milk caused to be delivered by such cooperative association, either directly or from producers who are members of such cooperative association, to each handler to whom the cooperative association sells milk. For purposes of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 12th day of each month the minimum price for Class I milk computed pursuant to § 905.51 (a) and the Class I butterfat differential computed pursuant to § 905.52 (a) both for the current month; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 905.51 (b) and the Class II butterfat differential computed pursuant to § 905.52 (b), both for the previous month; and

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 905.71 or § 905.72, as applicable and the butterfat differential computed pursuant to § 905.81, both for the previous month; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 905.30 *Reports of receipts and utilization.* On or before the 7th day after the end of the month each handler, except a producer-handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of February through July, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The dispositon of Class I products on routes wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 905.31 *Payroll reports.* On or before the 20th day of each month each handler shall submit to the market administrator his producer payroll for the preceding month which shall show

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producer, including for the months of February through July such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any authorized deductions or charges involved in such payments.

§ 905.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

§ 905.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 905.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 905.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 905.30 shall be classified by the market administrator pursuant to the provisions of §§ 905.41 to 905.46.

§ 905.41 *Classes of utilization.* Subject to the conditions set forth in §§ 905.43 and 905.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk of skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat, (1) used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in frozen cream placed in storage; (4) in skim milk dumped, after prior notification to and opportunity for verification by the market administrator; (5) in shrinkage up to 2 percent of receipts from producers; (6) in shrinkage of other source milk; and (7) in inventory at the end of the month in the forms specified in paragraph (a) (1) and (2) of this section.

§ 905.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk that is not to be allocated pursuant to § 905.46 (a) (2).

§ 905.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the

market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II milk in the previous month pursuant to § 905.41 (b) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 905.46 (a) (4).

§ 905.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream, to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 905.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred or diverted to a producer-handler in the form of milk, skim milk or cream.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 200 miles from the approved plant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream to an unapproved plant, unless the handler (1) claims classification as Class II milk, (2) establishes that such cream was transferred without Grade A certification, and (3) labels or tags each container "for manufacturing use only" and so invoices the shipment.

(e) As Class I milk if transferred or diverted in the form of bulk milk or bulk skim milk to an unapproved plant located not more than 200 miles from the approved plant unless the following conditions are met:

(1) The handler claims classification as Class II milk;

(2) The operator of the unapproved plant maintains books and records, showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification;

(3) If the above conditions are met, the classification reported by the handler shall be subject to verification by the market administrator as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant, and

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting, in series beginning with Class I milk, the skim milk and butterfat in milk received at the unapproved plant from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant.

(iii) If the unapproved plant makes bulk shipments of milk or cream and the skim milk and butterfat transferred to such plant exceeds the amounts remaining in the transferee plant after subtracting receipts from dairy farmers pursuant to subdivision (ii) of this subparagraph, the excess shall be classified according to its utilization determined at the second unapproved plant pursuant to subdivision (ii) of this subparagraph.

§ 905.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 905.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 905.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 905.41 (b) (3);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in other source milk received in bottles or other consumer-type packages from the approved plant of a producer-handler which is located in the marketing area and disposed of as Class I milk in the same package and under the label of such producer-handler without further processing or packaging;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the remaining pounds of skim milk in other source milk;

(4) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II, the pounds of skim milk in inventory specified in § 905.41 (b) (7) at the beginning of the month;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 905.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 905.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 905.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph;

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month subtract 3 cents, add 20 percent thereof and multiply by 4.0.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

§ 905.51 *Class prices.* Subject to the provisions of § 905.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price plus $1.70 during the months of

April, May, and June and plus $1.90 during all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this subpart pursuant to § 905.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

Month for which price applies	Months used in computation	Standard utilization percentage
January	November-December	113
February	December-January	117
March	January-February	121
April	February-March	124
May	March-April	127
June	April-May	130
July	May-June	135
August	June-July	141
September	July-August	150
October	August-September	152
November	September-October	111
December	October-November	100

(3) For each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 2 cents in January, February, March, July, and August; 3 cents in April, May, and June; 4 cents in September, October, November, and December; and for each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 2 cents in January, February, March, July, and August; 4 cents in April, May, and June; and 2 cents in September, October, November, and December: *Provided*, That in no event shall an adjustment made pursuant to this subparagraph exceed 50 cents per hundredweight.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

American Foods Company, Miami, Okla.
Gilt Edge Dairy, Norman, Okla.
Page Milk Company, Coffeyville, Kans.
Pet Milk Company, Siloam Springs, Ark.

§ 905.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 905.46 is more or less than 4.0 percent, there shall be added to the respective class price computed pursuant to § 905.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the applicable butterfat differential computed as follows:

(a) *Class I milk.* Multiply by 1.25 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the preceding month and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month and divide the result by 10.

APPLICATION OF PROVISIONS

§ 905.60 *Producer-handlers.* Sections 905.40 to 905.46, 905.50 to 905.52, 905.70 to 905.71, 905.80 to 905.87 shall not apply to a producer-handler.

§ 905.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF BASE

§ 905.65 *Computation of daily average base for each producer.* For the months of February through July of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 905.66:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December by the number of days, not to be less than ninety, during the period(s) within which such producer made deliveries of milk in such months.

§ 905.66 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only during the period of February through July by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(ii) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

DETERMINATION OF UNIFORM PRICE

§ 905.70 *Computation of value of milk.* The value of milk received during each month from each handler from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class by the applicable class prices; and

(c) Add a reclassification charge computed at a rate equal to the difference between the Class I and Class II prices for the current month for skim milk and butterfat in inventory which is subtracted from Class I pursuant to § 905.46 (a) (4) and the corresponding step of § 905.46 (b) which is not in excess of the skim milk and butterfat, respectively, remaining in Class II milk in the previous month pursuant to § 905.46 (a) (5).

§ 905.71 *Computation of uniform price.* For each of the months of August through January, the market administrator shall compute the uniform price per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 905.70 for all handlers who made the reports prescribed in § 905.30 and who made the payments pursuant to §§ 905.80 and 905.83 for the preceding month.

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 905.85;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 905.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

§ 905.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of February through July the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 905.70 for all handlers who made the reports prescribed in § 905.30 and who made the payments pursuant to §§ 905.80 and 905.83 for the preceding month;

(b) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 905.85;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 905.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 4.0 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers.

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price for excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 905.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 905.71 or § 905.72, adjusted by the butterfat differential computed pursuant to § 905.81, less the amount of the payment made pursuant to paragraph (b) of this section and deductions authorized by the producer.

(b) On or before the last day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section and (2) who has not discontinued delivery of milk to such handler, an advance payment with respect to milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 4 percent milk for the preceding month, without deduction for hauling;

(c) On or before the 13th and 27th days of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section, to a cooperative association which so requests, with respect to producers whose milk was caused to be delivered to such handler by such cooperative association and for whose milk such cooperative associations is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 905.81 *Producer butterfat differential.* In making payments pursuant to § 905.80 (a) there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mispoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 905.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit payments made by handlers pursuant to §§ 905.83, 905.61 (b) and 905.85 and out of which he shall make payments to handlers pursuant to §§ 905.84 and 905.85.

§ 905.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 905.70 is greater than the amount required to be paid producers by such handler pursuant to § 905.80.

§ 905.84 *Payment out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 905.70 is less than the amount required to be paid producers by such handler pursuant to § 905.80: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payment pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payment from the market administrator shall be considered in violation of § 905.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund. The handler shall complete such payments to producers not later than the date for making such payments, next following after the receipt of the balance from the market administrator.

§ 905.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 905.86 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 905.80 shall deduct 5 cents per hundredweight or such lesser amount as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in para-

graph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of such month pay such deduction to the cooperative association rendering such

§ 905.87 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the month of (a) other source milk which is classified as Class I, and (b) milk from producers including such handler's own production.

§ 905.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may within the two year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 905.90 *Effective time.* The provisions of this subpart or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 905.91.

§ 905.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision hereof whenever he finds this subpart or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 905.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations hereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 905.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 905.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 905.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 54-1319; Filed, Feb. 25, 1954; 8:52 a. m.]

[7 CFR Part 965]

[Docket No. AO-166-A18-RO1]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cincinnati, Ohio, pursuant to notice thereof issued on January 20, 1954 (19 F. R. 414).

The material issues of record related to several aspects of the regulation in effect. This decision covers only the questions of (1) revision of the definition of "producer", (2) the seasonal application of the Class III price formula, and (3) the application of the Class IV price formula to milk used for butter manufacture during the months of March through July, inclusive. It is determined that emergency action is required on these issues. It is concluded that the remaining issues should not be decided under emergency procedure and should not delay action on the issues dealt with herein. Decision on such remaining issues therefore is reserved to a later date.

Rulings on proposed findings and conclusions. Briefs on the record were filed on behalf of producers and handlers. Such briefs contained proposed findings and conclusions with respect to the issues under consideration herein. To the extent that the findings and conclusions of this decision are at variance with such proposed findings and conclusions, the request to make such findings and conclusions is hereby denied.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The definition of "producer" should be modified.

Producer associations proposed that the definition of producer be rewritten to prohibit the participation in the pool of milk produced primarily for other fluid milk markets not included in the Cincinnati marketing area but transferred by its regular receivers for temporary periods during the flush production season to plants regulated under the order. Proponents stated that such provision was proposed for the purpose of preventing "dilution" of the Cincinnati producers' uniform price during the months of seasonally heavy production with milk which must be utilized in the lowest-valued classification in the same manner as milk customarily delivered to regulated plants in excess of the uses requiring inspected milk but which is not a dependable supply for the marketing area requirements.

The Cincinnati marketing area is bounded both on the north and across the Ohio River to the south by urban communities not included in the defined marketing area. In such communities there are a number of plants from which milk is distributed in fluid form locally. Although some handlers regulated by the order distribute fluid milk in such communities, there are local distributors who do not operate routes within the Cincinnati marketing area and therefore are not regulated by the order. The local communities outside the marketing area have their separate health requirements and frequently dairy farmers are qualified under such health requirements to deliver their milk to both regulated and unregulated plants. Because of the proximity of such sizable urban centers to the Cincinnati marketing area and the existence of a number of unregulated plants engaged in the distribution of milk in fluid form, it is a relatively simple matter to shift the delivery of milk eligible for sale in fluid form within the marketing area between unregulated plants and plants covered by the order.

The existence of a classified price plan and pooling arrangement such as is provided in the Cincinnati order is an attraction for any plant operator not regulated by the order who has reserve milk not needed for his fluid milk outlets since any such milk, bought in competition with handlers paying the Cincinnati uniform price, would be more costly to the local operator than if transferred to a pool plant for disposition in a Class III or Class IV milk product at the appropriate classification price. Milk shifted in this manner does not necessarily represent an additional year-around source of supply for the Cincinnati market since such milk may be easily removed from the market for local use in the fall months when production is lowest. If the Cincinnati pool is required to support extra reserves of milk which are not genuinely a part of the Cincinnati supply and are not available in the months when supplies normally are lowest, monies which would assist regular producers in the maintenance of adequate supplies for the marketing area are lost to them. It has been considered necessary, heretofore, to adopt certain delivery standards which individual plants outside the Cincinnati marketing area must meet to qualify for participation in the Cincinnati pool during all months of the year. Such a plant may become eligible only through demonstration that it will serve the Cincinnati marketing area in the periods when milk production is seasonally low. It is equally important that milk received from individual producers as well as milk received from individual plants be included in the pool only if such milk is a part of the normal and regular supply of the market. To accept in the pool any milk having primary affiliation with another market tends to defeat the purposes of the order as a means of establishing minimum producer prices, maintaining orderly marketing conditions, and assuring a sufficient supply of milk to satisfy market needs.

The record indicates a seasonal fluctuation of producers (farms) greater than might be expected from the normal turnover in producer numbers and from the addition of new producers as the result of market growth. In December 1952, a low production month seasonally, there were 5,049 farms serving the Cincinnati market. In May 1953, a month of seasonally high production, there were 5,289 listed farms. By December 1953 the comparative figure was 5,120, indicating that some 98 producers who had entered the market between December 1952 and December 1953 had shipped for a temporary period only. Similar fluctuations between fall and winter and spring and summer months can be demonstrated for previous years also.

In order to prevent the addition of individual producers for temporary periods for the reasons stated, it is concluded that the definition of "producer" should be revised to exclude therefrom for the months of March through July 1954 dairy farmer who has shipped more than 15 days during February 1954 to an unregulated plant engaged in the distribution of milk in fluid form. Although the modified definition will not exclude from the Cincinnati market milk delivered by such dairy farmers, it should prevent temporary shifts of milk in the manner described at the expense of regular producers. Likewise it will not exclude new producers who may desire, upon meeting the health requirements, to enter the market with milk previously shipped to a manufacturing plant or produced on a newly established dairy farm. It is concluded that the definition should be amended for the March–July 1954 period only. There should be ample opportunity to review in hearing prior to the flush production season of 1955 the necessity of continuing this provision or the adoption of other measures to accomplish a similar objective.

(2) The application of the price formulas for Class III and Class IV milk should be modified.

The price for Class III milk currently is computed as the higher of two formula prices during the months of March through September and as the higher of the two formula prices plus 30 cents in other months. One of the formulas is based upon the market prices of butter and nonfat dry milk solids while the other is based upon the prices paid to dairy farmers for ungraded milk by five milk manufacturing plants in or close to the Cincinnati milk supply area. For a substantial period the butter-nonfat dry milk solids formula has produced significantly higher prices. The price of Class IV milk (milk for butter manufacture) is computed each month by deducting 17.5 cents from the Class III price determined for the month in the above manner.

It was proposed that the lower of the two formula prices referred to be used as the Class III price during the March–July period, the higher of such two formula prices be effective for the month of August, and that for each remaining month of the year the Class III price be computed by adding 30 cents to the higher of the two formula prices.

In support of a Class III price formula to more closely align the Class III price to producers with prevailing prices for manufacturing, or ungraded, milk in the milk shed, proponents pointed to the increased production in the milkshed during the flush production season of 1953 and the necessity for disposing of much of the excess supply at that time of the year in competition with lower-priced manufacturing milk supplies in the manufacture of milk products which do not require inspected milk. It was contended that in these circumstances Grade A milk does not command a substantial premium over uninspected milk available locally.

Record data indicate that in May 1953 producer milk supplies were nearly 10 percent greater than in May 1952. Approximately 52 percent of the total supply of producer milk for May 1953 was utilized in milk products covered by Class III and Class IV milk and 62 percent of the quantities utilized in such classes necessarily was disposed of in the manufacture of milk products which need not be produced from inspected milk. Except during a brief period of drought in the fall months of last year, production has continued at a high level in relation to the corresponding month of the preceding year. In December 1953 producer milk deliveries exceeded the December 1952 level by 15.7 percent. It seems probable that a relatively large volume of producer milk will be disposed in Class III milk outlets in the coming flush production months of this year.

It is concluded that in the interest of orderly marketing the pricing of the reserve supply of producer milk in the months of seasonally heavy production in 1954 should be reduced in relation to both the prices which resulted from the Class III price formula during the recent fall and winter months and those in effect during the flush production months last year. It should be noted, however, from the above that Class III milk under the Cincinnati order consists of milk utilized for some products which do not require inspected milk and for certain other products which do require such milk. Ice cream manufacture is among the most important outlets for milk in the class and is included in the category of uses requiring inspected milk. Thus, a reduction in price to the level of prices paid by local manufacturing plants for uninspected milk for all Class III milk during the March-July period, as proposed, would tend to underprice milk needed for ice cream and other products requiring inspected milk which represent important dispositions of reserve milk in the spring and summer months. A reduction in the Class III price to the price level of Class IV milk in such months should provide reasonable price relief in the circumstances, particularly in view of the end uses to

which the bulk of the milk in the class is put. During the March–July period in 1953 the Class IV price averaged approximately 14 cents per hundredweight above the average price for ungraded milk at the 15 midwestern condenseries as computed pursuant to § 965.50 (a). Such price level for milk is reasonably related also to outlets made possible by the dairy price support program.

As producer milk supplies decrease seasonally in the late summer and fall months, a larger proportion is needed for those uses which require inspected milk, including certain uses covered by Class III milk. The proportion of Class III milk disposed of to outlets which do not require inspected milk accordingly decreases during these months. In November 1953 the latter outlets accounted for 36 percent of the total of Class III milk utilization as compared with 62 percent in May. In order to encourage the maximum utilization of producer milk in products which require inspected milk as the year advances to the months when milk production normally is lowest, it is concluded that Class III milk should continue to be priced at the higher of the stated formula prices during August of each year, and at a level 30 cents above the higher of such formula prices during the September–February period.

The reduction in the Class III price adopted should be limited to the March–July period of 1954. Because of the particular combination of products covered by such class and the likelihood that an improved pricing and classification plan, including review and possible modification of the supply-demand utilization percentages in relation to the various requirements of inspected milk as presently covered by Class III milk as well as Class I and Class II milk, might be evolved from more detailed consideration of such provisions, any further revision of reserve milk pricing should be based upon the results of a later hearing. There should be ample time for such review prior to the flush production months of 1955.

(3) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendments. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. Action under the procedure described above was requested at the hearing. No opposition was registered at the hearing to either the objectives of the proposals involved or the use of such emergency promulgation procedure.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Cincinnati, Ohio, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 19th day of February 1954.

[SEAL] ROSS RIZLEY,
Acting Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Replace the period at the end of § 965.8 with a colon and add the following proviso to such section: *"Provided further*, That this definition shall not be deemed to include for the months of March, April, May, June and July 1954 any such person with respect to milk produced on a farm from which milk was delivered on 15 or more days during February 1954 to a milk processing plant which is not a pool plant but from which milk is disposed of in fluid form on routes wholly outside the marketing area."

2. Delete that portion of § 965.51 (c) which precedes subparagraph (1) thereof any substitute therefor the following:

(c) The price for Class III milk during each of the months of March through August, inclusive, shall be the higher of the prices per hundredweight computed pursuant to subparagraphs (1) and (2) of this paragraph; and the price of Class III milk during each of the months of September through February, inclusive, shall be the higher of such computed prices plus 30 cents: *Provided*, That the price for Class III milk during each of the months of March through July 1954, inclusive, shall be the higher of the prices per hundredweight computed pursuant to subparagraphs (1) and (2) of this paragraph less 17.5 cents.

3. Delete § 965.51 (d) and substitute therefor the following:

(d) The price for Class IV milk shall be the price of Class III milk less 17.5 cents: *Provided*, That for each of the months of March through July 1954, inclusive, the price of Class IV milk shall be the same as the price of Class III milk.

[F. R. Doc. 54–1314; Filed, Feb. 25, 1954; 8:50 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.4 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Agricultural Research Service

[9 CFR Part 94]

RINDERPEST AND FOOT-AND-MOUTH DISEASE

NOTICE OF PROPOSED DETERMINATION OF NONEXISTENCE IN CHANNEL ISLANDS AND OF PROPOSED AMENDMENT OF REGULATIONS IMPOSING PROHIBITIONS AND RESTRICTIONS ON IMPORTATION OF SPECIFIED ANIMALS AND ANIMAL PRODUCTS ON ACCOUNT OF CERTAIN DISEASES

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), that pursuant to the provisions of section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) and section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), it is proposed to determine, and to give notice of such determination, that neither rinderpest nor foot-and-mouth disease now exists in the Channel Islands, and to amend the regulations in 9 CFR Part 94, as amended (formerly B. A. I. Order 373), imposing prohibitions and restrictions on the importation of specified animals and animal products on account of rinderpest and foot-and-mouth disease and certain other diseases, by inserting the words "the Channel Islands" after the words "Northern Ireland" in § 94.1 of the regulations.

The proposed determination, notification, and amendment would remove the present prohibition under section 306 of the Tariff Act upon importation into the United States of cattle, sheep, other domestic ruminants, and swine, and of fresh, chilled, or frozen beef, veal, mutton, lamb, and pork from the Channel Islands and render the commodities specified in §§ 94.2 to 94.5 of 9 CFR Part 94, as amended, and originating in said country, no longer subject to the provisions of that part.

Any person who wishes to submit written data, views, or arguments concerning the proposed determination and amendment may do so by filing them with the Chief, Animal Quarantine Branch, Agricultural Research Service, United States Department of Agriculture, Washington, D. C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 19th day of February 1954.

[SEAL] B. T. SHAW,
Administrator.

[F. R. Doc. 54–1321; Filed, Feb. 25, 1954; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket DA–132, 239]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

FEBRUARY 19, 1954.

Pursuant to determinations DA–132 and 239, Oregon, of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended, and subject to the stipulation that if and when the land is required in whole or in part for purposes of power development, any structure or improvements placed thereon which are found to interfere with such development shall be removed or relocated so as to eliminate interference, without cost to the United States, its permittees or licensees.

WILLAMETTE MERIDIAN

T. 27 S., R. 13 W.,
Sec. 13, N½NE¼, SW¼NE¼, W½, N½SE¼.

The areas described aggregate 520 acres.

The lands described are cut-over timber Reconveyed Coos Bay Wagon Road grant lands and are primarily suitable for the production of timber and forage for livestock. The lands are classified for exchange under the act of July 31, 1939 (53 Stat. 1144).

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Oregon for a period of 90 days from that of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90 day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request in the Land Office, Portland, Oregon.

H. R. HOCHMUTH,
Acting Regional Administrator.

[F. R. Doc. 54–1294; Filed, Feb. 25, 1954; 8:45 a. m.]

[Docket DA–434]

IDAHO

RESTORATION ORDER UNDER FEDERAL POWER ACT

FEBRUARY 16, 1954.

Pursuant to determination DA–434, Idaho, of the Federal Power Commission and in accordance with Order No. 427,

section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended, and subject to the stipulation that if and when the land is required in whole or in part for purposes of power development, any structure or improvements placed thereon which are found to interfere with such development shall be removed or relocated so as to eliminate interference, without cost to the United States, its permittees or licensees.

IDAHO

T. 2 N., R. 43 E., B. M.,
Sec. 6, Lot 8,
Sec. 7, Lots 9, 12, E½SW¼,
Sec. 18, Lots 6, 7, E½NW¼.

The areas described aggregate 321.45 [redacted]

The lands described as Lot 8, Section 6, Lots 9 and 12, Section 7, and Lots 6 and 7, Section 18 are located at an elevation of approximately five thousand feet and the topography is rolling to very steep and rough, and the lands are chiefly valuable for recreational purposes and suitable for retention in the public ownership under the administration of the Bureau of Land Management. The topography of the E½SW¼, Section 7 and the E½NW¼, Section 18 is rolling to level, the soil is a sandy loam of arable quality, and these lands are classified as subject to disposal under the public sale and/or the homestead laws.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from that of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid, existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request in the Land Office, Boise, Idaho.

H. R. HOCHMUTH,
Acting Regional Administrator.

[F. R. Doc. 54–1295; Filed, Feb. 25, 1954; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS FOR USE OF ATOMIC ENERGY COMMISSION

FEBRUARY 17, 1954.

In Federal Register Document 54–741, published at page 657 in the issue for February 4, 1954, pertaining to withdrawal application Colorado 06890, the name of the State in the heading of the document should read "Colorado" instead of "New Mexico".

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54–1296; Filed, Feb. 25, 1954; 8:45 a. m.]

COLORADO

CLASSIFICATION ORDER

FEBRUARY 17, 1954.

1. Pursuant to authority delegated by Order No. 427, section 2.21, dated August 16, 1950 (15 F. R. 5639), I hereby classify for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following-described land containing 24.99 acres.

COLORADO SMALL TRACT CLASSIFICATION NO. 12

NEW MEXICO PRINCIPAL MERIDIAN

T. 44 N., R. 8 W.
Sec. 13, Lots 18, 19, 20, 21, 23, 24, 25, 26, 27, 29.

The area is indicated on legal plat of survey by the Bureau of Land Management approved July 16, 1953, copies of which are on file and may be viewed at the office of the Manager, Bureau of Land Management, Land and Survey Office for Colorado, Denver, Colorado.

2. These tracts are located in the valley of the Uncompahgre River about three miles northwest of Ouray, Colorado, immediately adjacent to United States Highway 550. The highway and a secondary road provide access to all of the lots. The lots vary in size from 1.54 acres to 4.18 acres.

3. This order is effective as of the date of this notice but shall not otherwise become effective to change the status of the land until 10:00 a. m. on the 35th day after the date of this order. At that time the said lots shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application under the Small Tract Act, as follows:

(a) Ninety-one day period for preference-right filing. For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. In the event the number of applications filed during this period exceeds the number of lots available, a drawing will be held to determine the successful applicants. If a drawing is necessary, it will be held at 10:00 a. m. on April 6, 1954, at the Bureau of Land Management Land and Survey Office for Colorado, 437 Post Office Building, Denver, Colorado, and anyone interested may attend. The drawing of numbers will be by a disinterested party. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing

(b) Date for non-preference-right filings. Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. Each lot will be leased as a home or cabin site at an annual rental of $15 and each lease will contain an option to purchase at $300 a lot when the lessee has complied with the requirements imposed by law. Leases will be issued for a period of 3 years and applications to purchase may be filed after the first year of the life of the lease, provided the lessee has constructed a habitable house with a minimum floor space of 500 square feet. It is not contemplated that any structure which might be considered an eyesore will fulfill the requirements as to home construction, and all buildings must be substantially constructed. Uncompleted houses not suitable for habitation will not be approved as meeting the requirements for purchase. Local, county, and State building and sanitation regulations must be observed. Failure to do so will result in cancellation of the lease.

6. Lots 25, 27, and 29 are subject to reservation for a road right-of-way 50 feet wide for the established secondary road with the center line corresponding to the center line of the road. Further reservation is made for a 50-foot right-of-way between lots 19 and 25 and between lots 18 and 19, with the boundaries between these lots corresponding to the center line of the road. In addition, a 50-foot right-of-way for road and public utilities is reserved along the east boundary of lots 18, 26, and 27. Such rights-of-way may be utilized by the Federal Government, or the State, county, or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued. Lots 20, 21, 25, 27, and 29 are subject to a reservation for a right-of-way for an existing transmission line of the Western Colorado Power Company (Power Site Project No. 734). Lots 23 and 24 are subject to a right-of-way of an existing telephone line of the Mountain States Telephone and Telegraph Company. Lots 20, 21, 23, 24, 25, 27, and 29 are crossed by irrigation ditches, and any disposition will be subject to these established rights-of-way.

7. All inquiries relating to these lands should be addressed to the Manager, Bureau of Land Management Land and Survey Office for Colorado, Denver, Colorado.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54–1297; Filed, Feb. 25, 1954; 8:46 a. m.]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER NO. 368; REVOCATION

FEBRUARY 15, 1954.

Pursuant to the authority delegated by me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), I hereby revoke Small Tract Classification Order California No. 368, dated May 15, 1953, to the extent of the following-described land:

T. 14 N., R. 9 E., S. B. M.,
Sec. 30, E½NE¼NE¼NE¼.

E. I. ROWLAND,
Regional Chief,
Division of Lands.

[F. R. Doc. 54–1298; Filed, Feb. 25, 1954; 8:46 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

FEBRUARY 17, 1954.

1. Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Los Angeles land district, embracing approximately 280 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 404

For lease and sale for homesite purposes only:

T. 26 S., R. 38 E., M. D. M.,
Sec. 27, S½NW¼, N½SW¼.
T. 27 S., R. 39 E., M. D. M.,
Sec. 7, E½W½SW¼, E½SW¼.

The lands are located in eastern Kern County, California, near the Inyokern Naval Ordnance Testing Station. The lands lie in Indian Wells Valley and are generally accessible from existing roads. The topography is level to rolling, and native vegetation is a desert shrub association typical of the Mojave Desert region.

2. As to applications regularly filed prior to 9:30 a. m., January 14, 1954, which describe tracts in accordance with the provisions contained herein, this order shall be effective immediately.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres, having dimensions of approximately 660 feet by 330 feet, each forming an aliquot part of the official survey and with the longer dimensions oriented as follows:

Sec. 27, T. 26 S., R. 38 E., M. D. M., north and south.
Sec. 7, T. 27 S., R. 39 E., M. D. M., east and [redacted]

6. Preference right leases referred to in paragraph 2 will be issued only if the tract applied for conforms to or is amended to conform to the area, dimensions and orientation specified in paragraph 5.

7. Leases will be issued for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $100.00 per tract. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

8. Tracts will be subject to all existing rights-of-way and to rights-of-way 33 feet in width along the boundaries thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

9. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

E. I. ROWLAND,
Regional Chief,
Division of Lands.

[F. R. Doc. 54–1299; Filed, Feb. 25, 1954; 8:46 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

FEBRUARY 17, 1954.

1. Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated

January 29, 1953 (18 F. R. 23), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Los Angeles land district, embracing approximately 80 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 405

For lease and sale for homesite purposes only:

T. 11 N., R. 9 W., S. B. M.,
Sec. 34, N½NW¼.

These lands are located one-quarter mile north of State Highway U. S. 466, about 20 miles east of Mojave, California. The topography is rolling and vegetation is a desert shrub type. The climate is arid and water sufficient for domestic use can probably be obtained at moderate depth.

2. As to applications regularly filed prior to 9:30 a. m., August 6, 1953, which describe tracts in accordance with the provisions contained herein, this order shall be effective immediately.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 2½ acres each, with dimensions of approximately 330 feet by 330 feet. Each tract will be described as an aliquot part of the official survey of the section.

6. Preference-right leases referred to in paragraph 2 will be issued only if the tract applied for conforms to or is amended to conform to the area and dimension specified in paragraph 5. All preference-right applicants whose applications do not so conform and which describe a larger tract will be given an opportunity to select a portion of the tract originally applied for.

7. Leases will be issued for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $100.00 per 2½-acre tract. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

8. Tracts will be subject to all existing rights-of-way and to rights-of-way 33 feet in width along the boundaries thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

9. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

E. I. ROWLAND,
Regional Chief,
Division of Lands.

[F. R. Doc. 54-1300; Filed, Feb. 25, 1954; 8:46 a. m.]

[Misc. 5-9]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 18, 1954.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 S., R. 1 E.,
Sec. 32.
T. 21 S., R. 1 W.,
Sec. 32.
T. 22 S., R. 1 W.,
Sec. 36.
T. 24 S., R. 1 W.,
Sec. 32.
T. 25 S., R. 1 W.,
Sec. 7, E½NW¼.
T. 26 S., R. 1 W.,
Sec. 32;
Sec. 36, S½, S½NE¼.
T. 27 S., R. 1 W.,
Sec. 2, S½;
Sec. 16.
T. 28 S., R. 1 W.,
Sec. 36, SE¼SW¼.
T. 29 S., R. 1 W.,
Sec. 2, N½, SE¼, NE¼SW¼;
Sec. 16, lot 4, N½.
T. 25 S., R. 2 W.,
Sec. 36.
T. 26 S., R. 2 W.,
Sec. 36
T. 27 S., R. 2 W.,
Secs. 16, 32, 36.
T. 29 S., R. 2 W.,
Sec. 2, SW¼SW¼.
T. 29 S., R. 3 W.,
Sec. 2.
T. 27 S., R. 7 W.,
Sec. 31, lots 1, 2, E½NW¼.
T. 28 S., R. 7 W.,
Sec. 6, SE¼;
Sec. 7, lots 1, 2;
Sec. 17, NE¼;
Sec. 18, SE¼.
T. 4 S., R. 14 W.,
Sec. 32, S½.

No applications for these lands may be allowed under the homestead, small tract, desert-land or any other nonmineral public-land laws unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Most of the lands are in areas where interest has been shown in development of lands for agricultural purposes. A study of lands in T. 27 S., R. 7 W. and T. 28 S., R. 7 W. has indicated that soil conditions are not favorable for agricultural purposes. Each application filed on lands described in this order will be considered on its merits.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-1301; Filed, Feb. 25, 1954; 8:47 a. m.]

Bureau of Mines

[Administrative Order 666-A]

REGIONAL DIRECTORS I TO VIII, INCLUSIVE

REDELEGATION OF AUTHORITY TO ENTER INTO LEASES FOR ACQUISITION OF SPACE IN BUILDINGS

Pursuant to the authority granted to heads of bureaus by the Secretary of the Interior in section 52 of Order 2509, as amended July 18, 1952 (17 F. R. 6793) Regional Directors I to VIII, inclusive may, within the continental limits of the United States and outside the District of Columbia, acquire by lease space in buildings (1) that is to be used wholly or predominantly for the special purposes of the Bureau of Mines and will not be generally suitable for the use of other agencies, or (2) that is required for use incidental to and in conjunction with space that will be used for such special purposes, or (3) that is to be acquired under a lease involving no rental or a nominal consideration of $1 per annum. (See General Services Administration, Title 2, Real Property Management, section 2–III–102.00, December 1953.)

The person who exercises this delegation of authority may, in the territories and possessions of the United States, acquire by lease space in buildings either for the general purposes or for the special purposes of the Bureau of Mines.

With respect to any such lease, including a lease approved by the Secretary, the person who exercises this delegation of authority may modify or renew the lease if such action is legally permissible, and may terminate the lease if such action is legally authorized.

This delegation of authority shall be exercised in compliance with applicable regulations and statutory requirements and shall be subject to the availability of appropriations.

Two copies of U. S. Standard Form 81, Revised, "Request for Space", for each lease and each modification or renewal of a lease shall be transmitted to the Property-Management Branch of the Bureau. Such action will be taken with respect to all leasing transactions, including those in which the General Services Administration does not require the filing of Standard Form 81, Revised (General Services Administration, Title 2, Real Property Management, section 2–II–301.00, December 1953.)

Dated: February 15, 1954.

THOS. H. MILLER,
Acting Director,
Bureau of Mines.

[F. R. Doc. 54-1302; Filed, Feb. 25, 1954; 8:47 a. m.]

[Administrative Order 684]

CHIEF, PROPERTY MANAGEMENT BRANCH

REDELEGATION OF AUTHORITY TO DISPOSE OF AND TO TRANSFER PERSONAL PROPERTY

The authority delegated to the Director of the Bureau of Mines by the Secretary of the Interior by paragraph (a), section 1 of Order No. 2642 (16 F. R. 6318) to dispose of and to transfer personal property under his jurisdiction excess to the needs of the Bureau of Mines, including the authority to donate and to execute transfers and deliveries of donable property in acordance with section 203 of the Federal Property and Administrative Services Act of 1949, as amended, and Chapter IV of Title 1, Personal Property Management Regulations issued thereunder by the Administrator of General Services, is redelegated to the Chief, Property-Management Branch, Bureau of Mines, Washington, D. C.

Dated: February 17, 1954.

J. J. FORBES,
Director,
Bureau of Mines.

[F. R. Doc. 54-1303; Filed, Feb. 25, 1954; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

DETERMINATION THAT HEARING SHOULD NOT BE HELD

Pursuant to provisions of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area (7 CFR Part 927, and hereinafter referred to as "the order"), it is hereby determined that a public hearing should not be held at this time to consider economic conditions relating to the pricing of Class I–A milk under the provisions of the order.

This determination is occasioned by a provision of the order which requires that whenever there is a difference, for each of 3 consecutive months, of more than 15 points between the index of cost of production and the index of the Class I–A price, a public hearing be called to consider those and other economic conditions, or announcement of a determination that such a hearing should not be held together with reasons for such a determination. The index of the cost of production has now exceeded the index of the Class I–A price by more than 15 points for each of 3 consecutive months.

Such a public hearing would serve no useful or desirable purpose. Prices for Class I–A milk currently prevailing and in prospect for the next several months under the pricing formula now contained in the order are prices which properly reflect the economic conditions affecting the supply of and demand for milk in the New York metropolitan milk marketing area in accordance with the standards of the Agricultural Marketing Agreement Act.

The index of the Class I–A price and the index of cost of production each indicates the percentage change from the level prevailing in 1948. For the most recent month for which both are available (December 1953), the Class I–A price index is 95 and the index of cost of production is 112, thus resulting in a difference of more than 15 points. A similar divergence exists for the months of October and November 1953. While a cost of production index is not yet available for January and February 1954, the Class I–A price index for those months declined to 92 and 90, respectively.

Such lower level of the Class I–A price (in relation to 1948) is the direct result of existence in the market of a substantially larger (than in 1948) supply of milk in relation to sales of fluid milk. Reserve supplies of pool milk have been running relatively large particularly since October 1952. The average of the monthly percentages of pool milk used

for fluid milk was about 51 for the year 1953 compared to 63.6 for 1948. The current (November and December) relationship of supply to sales, as used in computation of the Class I–A price for February, is equivalent to an estimated fluid utilization on an annual basis of slightly more than 49 percent. This change in the supply-demand relationship is being properly reflected in the Class I–A prices currently established through operation of the pricing formula now in effect.

Issued at Washington, D. C., this 19th day of February 1954.

[SEAL] ROSS RIZLEY,
Acting Secretary of Agriculture.

[F. R. Doc. 54–1313; Filed, Feb. 25, 1954; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214, as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops, wage rates and the effective and expiration dates of the certificates are set forth below. In each case, the wage rates are established at rates not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or at wage rates stipulated in the certificate, whichever is higher.

Rochester Rehabilitation Center, Inc., 233 Alexander Street, Rochester, New York; at a rate of not less than 20 cents per hour. Certificate is effective February 1, 1954, and expires January 31, 1955.

Goodwill Industries of Scranton, Inc., 334 Penn Avenue, Scranton, Pennsylvania; at a rate of not less than 30 cents per hour. Certificate is effective February 1, 1954, and expires January 31, 1955.

Pennsylvania Association for the Blind, Delaware County Branch, 100–06 West Fifteenth Street, Chester, Pennsylvania; at a rate of not less than 25 cents per hour for a training period of 200 hours and 35 cents thereafter. Certificate is effective February 1, 1954, and expires January 31, 1955.

Pennsylvania Association for the Blind, Lycoming County Branch, 1246 Vine Avenue, Williamsport, Pennsylvania; at a rate of not less than 10 cents per hour for a training period of 200 hours and 20 cents thereafter. Certificate is effective February 1, 1954, and expires January 31, 1955.

Jefferson County Association for the Blind, 4244 Third Avenue, South, Birmingham 6, Alabama; at a rate of not less than 52 cents per hour. Certificate is effective January 1, 1954, and expires December 31, 1954.

Mobile Association for the Blind, 500 St. Michael Street, Mobile, Alabama; at a rate of not less than 25 cents per hour for a training period of 320 hours and 37½ cents thereafter in the Broom Shop and at a rate of not less than 25 cents per hour in the Mop and Chair Shop. Certificate is effective January 1, 1954, expires December 31, 1954.

Jewish Vocational Workshop of the Jewish Social Service Bureau, 245 Southwest Seventeenth Avenue, Miami 35, Florida; at a rate of not less than 50 cents per hour. Certificate is effective February 1, 1954, and expires January 31, 1955.

Community Workshop, 163 Madison Avenue, Detroit 26, Michigan; at a rate of not less than 20 cents per hour for a training period of 35 hours and 40 cents thereafter. Certificate is effective January 18, 1954, and expires December 31, 1954.

Volunteers of America, Inc., 2601 Carroll Avenue, Cleveland 13, Ohio; at a rate of not less than 15 cents per hour for a training period of 40 hours and 25 cents thereafter. Certificate is effective January 18, 1954, and expires December 31, 1954.

Chicago Metropolitan Unit, Illinois Association for the Crippled, 116 South Michigan Avenue, Chicago 3, Illinois; at a rate of not less than 10 cents per hour for a training period of 160 hours and 15 cents thereafter. Certificate is effective January 1, 1954, and expires December 31, 1954.

Jewish Vocational Service and Employment Center, 231 South Wells Street, Chicago 4, Illinois; at a rate of not less than 50 cents per hour. Certificate is effective February 1, 1954, and expires January 31, 1955.

Goodwill Industries of Minneapolis, 413–417 South Third Street, Minneapolis 15, Minnesota; at a rate of not less than 45 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective January 1, 1954, and expires December 31, 1954.

St. Paul Goodwill Industries, 509 Sibley Street, St. Paul 1, Minnesota; at a rate of not less than 60 cents per hour for a training period of 160 hours and 67½ cents thereafter in the Clerical and Switchboard and Maintenance Divisions and at a rate of not less than 40 cents per hour for a training period of 160 hours and 50 cents thereafter in the Salvage and Sorting Division. Certificate is effective January 1, 1954, and expires December 31, 1954.

American Legion Employment Industries, 3865 Forest Park Boulevard, St. Louis 8, Missouri; at a rate of not less than 57 cents per hour. Certificate is effective December 1, 1953, and expires November 30, 1954.

Kansas City Association for the Blind, Assembling Department, 1844 Broadway, Kansas City 8, Missouri; at a rate of not less than 40 cents per hour. Certificate is effective December 1, 1953, and expires November 30, 1954.

Kansas City Association for the Blind, Broom Shop, 1844 Broadway, Kansas City 8, Missouri; at a rate of not less than 40 cents per hour. Certificate is effective December 1, 1953, and expires November 30, 1954.

Northwest Missouri Association for the Blind, 307 South Fourth, St. Joseph, Missouri; at a rate of not less than 30 cents per hour. Certificate is effective November 1, 1953, and expires October 31, 1954.

Workshop for the Blind, 1307 Leech Street, Sioux City 1, Iowa; at a rate of not less than 15 cents per hour for a training period of 160 hours and 35 cents thereafter. Certificate is effective September 18, 1953, and expires August 31, 1954.

Goodwill Industries, 1817 Campbell Street, Kansas City, Missouri; at a rate of not less than 25 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective December 1, 1953, and expires November 30, 1954.

Goodwill Industries, 312 South Wall Street, Sioux City 4, Iowa; at a rate of not less than 50 cents per hour. Certificate is effective December 1, 1953, and expires November 30, 1954.

Iowa Goodwill Industries, 213 South Main Street, Council Bluffs, Iowa; at a rate of not less than 50 cents per hour. Certificate is effective December 14, 1953, and expires November 30, 1954.

Nebraska Goodwill Industries, 1013 North Sixteenth Street, Omaha 2, Nebraska; at a rate of not less than 10 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective November 1, 1953, and expires October 31, 1954.

Pueblo Goodwill Industries, 130 South Union, Pueblo, Colorado; at a rate of not less than 50 cents per hour for a training period of 160 hours and 60 cents thereafter. Certificate is effective January 1, 1954, and expires December 31, 1954.

Goodwill Industries of Corpus Christi, Inc., 323 North Staples, Corpus Christi, Texas; at a rate of not less than 40 cents per hour for a training period of 160 hours and 60 cents thereafter. Certificate is effective January 1, 1954, and expires December 31, 1954.

Goodwill Industries of Fort Worth, Inc., 665 South Main Street, Fort Worth 4, Texas; at a rate of not less than 40 cents per hour for a training period of 160 hours and 60 cents thereafter. Certificate is effective February 1, 1954, and expires January 31, 1955.

Alhambra PTA Thrift Shop, 11 North First Street, Alhambra, California; at a rate of not less than 50 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective February 2, 1954, and expires February 1, 1955.

Goodwill Industries of Southern California, 342 San Fernando Road, Los Angeles, California; at a rate of not less than 50 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective January 25, 1954, and expires January 15, 1955.

Goodwill Industries of Oakland, 485 Sixth Street, Oakland 7, California; at a rate of not less than 60 cents per hour. Certificate is effective January 25, 1954, and expires January 15, 1955.

Goodwill Industries of San Bernardino and Riverside Counties, Inc., 899 Third Street, San Bernardino, California; at a rate of not less than 50 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective January 25, 1954, and expires January 15, 1955.

Goodwill Industries of Orange County, California, 417 West Fourth Street, Santa Ana, California; at a rate of not less than 50 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective January 25, 1954, and expires January 15, 1955.

Goodwill Industries of San Francisco, Santa Cruz Branch, 204 Union Street, Santa Cruz, California; at a rate of not less than 65 cents per hour for a training period of 160 hours and 75 cents thereafter. Certificate is effective January 25, 1954, and expires January 15, 1955.

Goodwill Industries of Oregon, Inc., 512 Southeast Mill Street, Portland 14, Oregon; at a rate of not less than 50 cents per hour for a training period of 160 hours and 55 cents thereafter. Certificate is effective January 25, 1954, and expires January 15, 1955.

Goodwill Industries of Tacoma, 2356 Tacoma Avenue, Tacoma, Washington; at a rate of not less than 50 cents per hour and 60 cents thereafter. Certificate is effective January 25, 1954, and expires January 15, 1955.

Lighthouse for the Blind, Inc., 131 Elliott Avenue West, Seattle 99, Washington; at a rate of not less than 50 cents per hour. Certificate is effective January 25, 1954, and expires January 15, 1955.

Society of St. Vincent De Paul, 530 Sixth Street, Oakland 7, California; at a rate of not less than 50 cents per hour. Certificate is effective January 25, 1954, and expires January 15, 1955.

St. Vincent De Paul Salvage Bureau, 1001 Fairview Avenue North, Seattle, Washington; at a rate of not less than 50 cents per hour for a training period of 160 hours and 62½ cents thereafter. Certificate is effective January 25, 1954, and expires January 15, 1955.

Volunteers of America, 1637 Market Street, San Diego, California; at a rate of not less than 50 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective January 25, 1954, and expires January 15, 1955.

The Volunteers of America, Inc., 538 South East Ash Street, Portland, Oregon; at a rate of not less than 62½ cents per hour. Certificate is effective January 25, 1954, and expires January 15, 1955.

Volunteers of America, 2801 Lombard Avenue, Everett, Washington; at a rate of not less than 50 cents per hour for a training period of 160 hours and 62½ cents thereafter. Certificate is effective January 28, 1954, and expires January 15, 1955.

Volunteers of America, 1921 First Avenue, Seattle 1, Washington; at a rate of not less than 50 cents per hour for a training period of 160 hours and 75 cents thereafter. Certificate is effective January 25, 1954, and expires January 15, 1955.

Volunteers of America, West 28 Main Avenue, Spokane, Washington; at a rate of not less than 46 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective January 25, 1954, and expires January 15, 1955.

Volunteers of America, 1517 Broadway, Tacoma 2, Washington; at a rate of not less than 50 cents per hour for a training period of 160 hours and 75 cents thereafter. Certificate is effective January 25, 1954, and expires January 15, 1955.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C. this 12th day of February 1954.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 54–1304; Filed, Feb. 25, 1954; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6406]

COLUMBIA-SOUTHERN CHEMICAL CORP.

NOTICE OF ORDER APPROVING MAINTENANCE OF PERMANENT CONNECTION FOR EMERGENCY USE

FEBRUARY 19, 1954.

Notice is hereby given that on February 18, 1954, the Federal Power Commission issued its order adopted February 17, 1954, approving maintenance of permanent connection for emergency use only in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–1305; Filed, Feb. 25, 1954; 8:48 a. m.]

[Docket Nos. G–1791, G–2050]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF RESUMPTION OF HEARING

FEBRUARY 18, 1954.

The hearing in the above-designated matter was recessed by the Presiding Examiner on August 6, 1953, to be resumed at a date to be set by order of the Commission or by notice of the Secretary of the Commission.

Notice is hereby given that the hearing in the above-designated matter will be resumed at 10:00 a. m., March 2, 1954, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–1307; Filed, Feb. 25, 1954; 8:48 a. m.]

[Docket Nos. ID–947, ID–1118, ID–1164, ID–1196, ID–1208]

OMROD TITUS ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

FEBRUARY 19, 1954.

In the matters of Omrod Titus, Docket No. ID–947; Albert S. Corson, Docket No. ID–1118; Allen S. King, Docket No. ID–1164; Paul J. Connery, Docket No. ID–1196; J. B. Poston, Docket No. ID–1208.

Notice is hereby given that on February 18, 1954, the Federal Power Commission issued its orders adopted February 17, 1954, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–1306; Filed, Feb. 25, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28939]

ALCOHOLS FROM LONGVIEW, TEX., TO HOLSTON AND KINGSPORT, TENN.

APPLICATION FOR RELIEF

FEBRUARY 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Isobutyraldehyde, butyraldehyde and butyl alcohol, ethyl alcohol, octyl alcohol or iso-octyl alcohol, in tank-car loads.

From: Longview, Texas.

To: Holston and Kingsport, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4094, supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1315; Filed, Feb. 25, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2993]

NEW ENGLAND POWER CO.

ORDER RELEASING JURISDICTION OVER COUNSEL FEES AND EXPENSES

FEBRUARY 19, 1954.

New England Power Company, a public-utility subsidiary company of New England Electric System, a registered holding company, having filed an application-declaration, and amendments thereto, with respect to the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50 and under a rights offering, of 80,140 shares of a new class of preferred stock with a par value of $100 per share; and

The Commission, by orders dated February 24, 1953 and March 4, 1953, having granted and permitted said application-declaration, as amended, to become effective except that jurisdiction was reserved with respect to the fees and expenses to be paid by the underwriters to their counsel, Milbank, Tweed, Hope & Hadley, for services rendered in connection with the proposed transaction; and

Further information having been filed on January 18, 1954 and February 3, 1954 by said counsel concerning the nature and extent of the services rendered and under the circumstances it appearing to the Commission that the request for payment of a fee of $9,000 and for the payment of disbursements of $387.77 is not unreasonable and that jurisdiction over the payment of such fee and expenses should be released:

It is ordered, Pursuant to the applicable provisions of the act, that jurisdiction heretofore reserved in the Commission's order, dated February 24, 1953, and continued in its supplemental order, dated March 4, 1953, over the payment of the fee and the expenses set forth above be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1311; Filed, Feb. 25, 1954; 8:49 a. m.]

[File No. 70-3176]

GENERAL PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION REGARDING CAPITAL CONTRIBUTIONS BY REGISTERED HOLDING COMPANY TO SUBSIDIARIES TO BECOME EFFECTIVE

FEBRUARY 19, 1954.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a declaration, with an amendment thereto, with the Commission pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder, with respect to the following transactions:

GPU proposes to make cash capital contributions in the aggregate amount of $200,000 to its subsidiary, Associated Electric Company ("Aelec"), a registered holding company, and in the aggregate amount of $175,000 to its subsidiary, New Jersey Power & Light Company ("NJP&L"), a public utility company. Each such contribution will be initially credited by the recipient thereof to its capital surplus account and, in the case of NJP&L, an amount equal to such contribution will promptly thereafter be transferred from capital surplus to the stated capital applicable to its no par value common stock. The amounts to be thus invested by GPU in Aelec and NJP&L include amounts equal to GPU's prior receipts of $321,535.96 and undetermined prospective receipts from the sale (pursuant to prior orders of the Commission as being necessary or appropriate to effectuate the provisions of section 11 (b) of the act) of (1) shares of common stock of South Carolina Electric & Gas Company (a former subsidiary of GPU) received by GPU as a result of the termination of exchanges under the Plan of Reorganization of Associated Gas and Electric Company ("Ageco") and Associated Gas and Electric Corporation ("Agecorp"), predecessors of GPU, and (2) shares of 5 percent preferred stock of South Carolina Electric & Gas Company and shares of common stock of Florida Power Corporation received by GPU as a result of the termination of exchanges under the Plan of Divestment of General Gas & Electric Corporation, a former registered holding company and subsidiary of Agecorp.

GPU represents that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions and that the estimated expenses in connection with the proposed transactions will not exceed $300.

GPU having requested that the order of the Commission permitting the declaration to become effective recite, in accordance with the requirements of Supplement R of the Internal Revenue Code, that the investment by GPU in Aelec and in NJP&L, is necessary or appropriate to the integration or simplification of the GPU holding company system, to the extent that such investment represents the proceeds received or to be received from the sale as aforesaid of the shares of preferred and common stock of South Carolina Electric & Gas Company and the shares of common stock of Florida Power Corporation made pursuant to divestiture orders of this Commission; and

GPU having requested the Commission's order herein issue pursuant to Rule U-23 and that said order become effective upon issuance; and

Notice of the filing of the declaration having been duly given in the manner and form prescribed by Rule U-23 under said act; and the Commission not having received a request for hearing with respect to said declaration within the period specified in such notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission having considered said declaration, as amended, and finding that the applicable provisions of the act are satisfied; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective and that the request of GPU that appropriate recitals, in accordance with Supplement R of the Internal Revenue Code, be set forth in the Commission's order and that said order become effective upon issuance, be granted:

It is ordered, Pursuant to Rule U-23 that the declaration, as amended, filed pursuant to section 12 of the act be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered and recited, That:

(1) The expenditure and investment by GPU as contributions to the capital of Aelec in the aggregate amount of $200,000 and as contributions to the capital of NJP&L in the aggregate amount of $175,000, limited, however, to the amount of the proceeds of the sales by GPU of (a) common stock of South Carolina Electric & Gas Company received and which may hereafter be received by GPU from the Exchange Agent under the Ageco-Agecorp Plan of Reorganization, pursuant to the orders of this Commission dated September 26, 1946 (Holding Company Act Release No. 6915) and January 5, 1952 (Holding Company Act Release No. 10995), such proceeds having amounted to $157,789.96 at the date of the Declaration, and (b) the 5 percent Preferred stock of South Carolina Electric & Gas Company and the Common stock of Florida Power Corporation received and which may hereafter be received by GPU from the Distribution Agent under the Plan of Divestment of General Gas & Electric Corporation, pursuant to orders of this Commission dated July 25, 1945, August 23, 1945, and February 8, 1952 (Holding Company Act Release Nos. 5950, 6001 and 11047 respectively), such proceeds having amounted to $163,745.98 at the date of the Declaration; and

(2) The crediting by Aelec and NJP&L of such portions of such contributions to their respective capital surplus accounts and in the case of NJP&L the transfer of such portion of said contribution from capital surplus to stated capital applicable to its common stock are necessary or appropriate to the integration or simplification of the GPU system, of which GPU, Aelec and NJP&L are a part and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That this order shall become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1308; Filed, Feb. 25, 1954; 8:48 a. m.]

[File No. 70-3190]

ARKANSAS POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING AUTHORIZATION OF NEW CLASS OF PREFERRED STOCK

FEBRUARY 19, 1954.

Arkansas Power & Light Company ("Arkansas"), an electric utility company and a subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-23 thereunder regarding the following proposed transactions:

Arkansas proposes to amend its corporate charter, upon authorization thereof by the holders of its presently outstanding preferred and common stocks, so as to create a new class of preferred stock ("New Preferred") consisting of 250,000 shares of the par value of $100 per share. It is proposed that such stock shall be issued in one or more series, each series to rank pari passu and to have identical characteristics, except as to the number of shares of each series, the distinctive designation, dividend rate, date of payment of dividends, the date from which such dividends shall commence to accumulate, and the amount or amounts payable upon redemption thereof.

Arkansas presently intends to refinance its now outstanding 47,609 shares of $7 and 45,891 shares of $6 preferred stocks by use of the proceeds, in part, from the sale of New Preferred stock, or by an exchange or conversion of such outstanding shares of preferred stock, subject to future approval by this Commission of such refinancing, exchange, or conversion.

Arkansas requests that the Commission's order herein be issued on or before February 19, 1954 pursuant to Rule U-23 of the rules and regulations promulgated under the act and requests that the Commission's order herein become effective upon issuance.

Due notice of the filing of said declaration having been given and no hearing having been requested of, or ordered by, the Commission; the Commission having examined said declaration, as amended, and the statements contained therein; and deeming it appropriate in the public interest and the interests of investors and consumers to permit said amended declaration to become effective:

It is hereby ordered, That said amended declaration be, and the same hereby is, permitted to become effective forthwith, pursuant to Rule U-23, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1310; Filed, Feb. 25, 1954; 8:49 a. m.]

[File No. 70-3191]

GENERAL PUBLIC UTILITIES CORP.

ORDER REGARDING CAPITAL CONTRIBUTION BY PARENT TO SUBSIDIARY

FEBRUARY 19, 1954.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed with this Commission a declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-45 thereunder with respect to proposed transactions, which are summarized as follows:

GPU proposes to make cash capital contributions in the aggregate amount of $350,000 to its public utility subsidiary, Northern Pennsylvania Power Company ("North Penn"). Each such contribution will, upon receipt by North Penn, be credited to the stated capital applicable to its Common Stock. Such capital contributions will be made by GPU from time to time, but not later than September 30, 1954, as North Penn requires funds for construction purposes or to reimburse its treasury for expenditures therefrom for construction purposes or to repay bank loans utilized for that purpose. Thus GPU will, by these cash capital contributions, assist North Penn with its construction program which is designed to insure that North Penn will continue to be in a position to meet the demands of its consuming public.

It is requested that the Commission's order be expedited and made effective forthwith upon issuance and it is stated that no state or Federal Commission other than this Commission has jurisdiction over the proposed transactions. It is estimated that expenses in connection with the transactions will not exceed $300.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1309; Filed, Feb. 25, 1954; 8:48 a. m.]

[File No. 70-3196]

GENERAL PUBLIC UTILITIES CORP. ET AL.

NOTICE OF FILING REGARDING PROPOSED BANK BORROWINGS BY HOLDING COMPANY; ISSUANCE AND SALE OF COMMON STOCK BY PUBLIC UTILITY COMPANY TO PARENT; AND AMENDMENT OF CHARTER BY PUBLIC UTILITY COMPANY

FEBRUARY 19, 1954.

In the matter of General Public Utilities Corporation, Associated Electric Company, Pennsylvania Electric Company; File No. 70-3196.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, Associated Electric Company ("Aelec"), a registered holding company and a subsidiary of GPU, and Pennsylvania Electric Company ("Penelec"), a public-utility company and a subsidiary of Aelec, have filed a joint application-declaration with this Commission under the Public Utility Holding Company Act of 1935 ("act"), regarding proposed bank borrowings by GPU, capital contributions by GPU to Aelec, the issuance and sale of additional common stock by Penelec and the purchase thereof by Aelec, and certain proposed amendments to the charter of Penelec. Applicants-declarants have designated sections 6 (a), 6 (b), 7, 9 (a), 10 and 12 of the act and Rules U-45 and U-50 (a) (3) thereunder as applicable to said proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the offices of the Commission for a statement of the proposed transactions and the facts set forth therein, which are summarized as follows:

GPU proposes to make borrowings and re-borrowings from one or more commercial banks from time to time but not later than December 31, 1954, provided, however, that no such borrowings or re-borrowings will be made after GPU shall have completed its 1954 common stock financing program. The aggregate amount of such borrowings to be outstanding at any one time will not exceed $7,500,000. Each borrowing will bear interest at the then prime interest rate for commercial loans (such rate now being 3¼ percent) but not in excess of 3¾ percent per annum. Each borrowing will mature 10 months from the date it is effected, but will be prepayable without premium. GPU states that it will utilize

the proceeds from such borrowings to make additional investments in the common stock of its subsidiaries and represents that it will sell additional shares of its own common stock, from time to time during 1954, in order to obtain the funds necessary to repay such borrowings.

GPU proposes to make cash capital contributions to Aelec from time to time (but not later than June 30, 1954) in an aggregate amount not to exceed $6,235,000. Aelec proposes to use such funds to purchase from Penelec, and Penelec proposes to issue and sell to Aelec, a total of 311,750 additional shares of Penelec's common stock, par value $20 per share, at the aggregate par value thereof of $6,235,000. Penelec represents that the funds received by it from the sale of the additional shares of its common stock will constitute the common stock component of its 1954 financing program. Penelec states that the proceeds from the sale of its additional common stock will be applied by it toward the cost of its 1954 construction program, or to reimburse its treasury for expenditures theretofore made for construction.

Penelec also proposes, subject to the obtaining of the consent of the holders of its common stock, to amend its charter so as (1) to increase from $150,000,000 to $250,000,000 the amount of its indebtedness authorized by such charter to be outstanding at any one time and (2) to increase its authorized common stock from 3,000,000 shares, par value $20 per share, to 3,100,000 shares, par value $20 per share.

Applicants-declarants represent that no Federal or State regulatory agency, other than this Commission, has jurisdiction over any of the proposed transactions except the sale by Penelec of additional shares of its common stock as to which the Pennsylvania Public Utility Commission has jurisdiction. Penelec states that it anticipates that the proposed sale of additional shares of its common stock will be expressly approved by the Pennsylvania Commission.

The filing states that the expenses to be incurred in connection with the proposed transactions, other than the Federal issue taxes amounting to $6,858.50 and Pennsylvania excise tax amounting to $28,000 on the sale of Penelec's common stock, are estimated to be not in excess of $500 for each company.

Applicants-declarants request that the Commission's order herein be issued as soon as practicable pursuant to Rule U-23 of the rules and regulations promulgated under the act, waive the 30-day waiting period and request that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than March 5, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said joint application-declaration which he proposes to controvert, or he may request that he be notified if the Commission shall order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said joint application-declaration, as filed or as hereafter amended, may be granted and permitted to become effective pursuant to Rule U-23 promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1312; Filed, Feb. 25, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 40

Washington, Saturday, February 27, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Flaxseed Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 TEXAS FLAXSEED PURCHASE PROGRAM

Sec.

421.676 General.
421.677 Administration.
421.678 Period and area of operation.
421.679 Basic purchase prices.
421.680 Basis of purchase.
421.681 Eligible producer.
421.682 Eligible flaxseed.
421.683 Authorized dealer.
421.684 Purchase documents.
421.685 Determination of quantity.
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421.688 Set-offs.
421.689 Payment.

AUTHORITY: §§ 421.676 to 421.689 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. Sup. 714c. 7 U. S. C. Sup. 1447, 1421.

§ 421.676 *General.* This subpart states the requirements with respect to the 1954-crop Texas Flaxseed Purchase Program formulated for price support purposes by Commodity Credit Corporation (referred to in this subpart as CCC) and the Commodity Stabilization Service (referred to in this subpart as CSS). CCC, through designated Agricultural Stabilization and Conservation county committees, will stand ready to make direct purchases from eligible producers of eligible flaxseed delivered to authorized flaxseed dealers from the time of harvest through July 31, 1954, of 1954-crop Texas flaxseed grown in the counties listed in § 421.679. All such purchases shall be made in accordance with this subpart.

§ 421.677 *Administration.* (a) This program will be administered in the field through the CSS Commodity Office, Dallas, Texas, and Texas State Agricultural Stabilization and Conservation committee and Agricultural Stabilization and Conservation county committees (referred to in this subpart as county committees). A producer desiring to sell flaxseed under this program must apply to the county committee of the county in which the flaxseed was produced for written delivery instructions on the quantity of flaxseed he wishes to sell to CCC.

(b) Such application must be made sufficiently in advance of the date of the intended delivery to enable the county committee to schedule deliveries in an orderly manner. Delivery instructions issued by the county committee will set forth the approximate quantity of flaxseed and the time and place of delivery for the account of CCC. All flaxseed delivered under such instructions must meet the eligibility requirements specified in § 421.682. The county committee may authorize in writing, certain employees of the county committee to approve on behalf of the committee any forms and documents in connection with this program. State and county committees and CSS Commodity Offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

§ 421.678 *Period and area of operation.* This program will be available on eligible flaxseed from the time of harvest through July 31, 1954, in the Texas counties listed in § 421.679. Deliveries of flaxseed under this program must be completed on or before July 31, 1954.

§ 421.679 *Basic purchase prices.* (a) The basic purchase price per bushel of flaxseed, grading No. 1, delivered under this program for the account of CCC will be at the rate established for the county where flaxseed is delivered. Texas counties authorized under this program and basic purchase rates are as follows:

TEXAS

County	No. 1 flaxseed	County	No. 1 flaxseed
Aransas	$2.97	Brooks	$2.89
Atascosa	2.90	Brown	2.82
Bastrop	2.87	Burnet	2.82
Bee	2.96	Caldwell	2.87
Bell	2.85	Calhoun	2.87
Bexar	2.85	Cameron	2.84
Blanco	2.85	Coleman	2.80
Bowie	2.78	Collin	2.82

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

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TEXAS—Continued

County	No. 1 flaxseed	County	No. 1 flaxseed
Colorado	$2.93	McCulloch	$2.81
Comal	2.89	McMullen	2.91
Concho	2.80	Mason	2.82
De Witt	2.88	Matagorda	2.90
Dimmit	2.79	Maverick	2.76
Duval	2.92	Medina	2.86
Frio	2.85	Milam	2.87
Galveston	2.97	Nueces	2.98
Goliad	2.93	Real	2.81
Gonzales	2.88	Refugio	2.92
Guadalupe	2.87	Runnels	2.78
Hamilton	2.79	San Patricio	2.99
Hays	2.87	San Saba	2.82
Hidalgo	2.84	Taylor	2.76
Jackson	2.87	Travis	2.87
Jim Hogg	2.88	Uvalde	2.81
Jim Wells	2.96	Victoria	2.89
Karnes	2.91	Webb	2.85
Kimble	2.80	Wharton	2.94
Kleberg	2.96	Willacy	2.86
La Salle	2.84	Williamson	2.87
Lavaca	2.87	Wilson	2.90
Lee	2.90	Zapata	2.81
Live Oak	2.94	Zavala	2.79

(b) (1) The basic purchase price shall be $3.16 per bushel for No. 1 flaxseed delivered to authorized flaxseed dealers at the Corpus Christi and Houston terminal markets in carload lots which have been shipped by rail on a domestic interstate freight rate basis, from a country shipping point to the said terminal markets, as evidenced by paid freight bills duly registered for transit privileges and other documents as required in this subpart: *Provided*, That all charges, including receiving charges, have been prepaid: *And provided further*, That, in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional freight rate from the aforesaid terminal markets, there shall be deducted from the applicable terminal purchase price the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional freight rate. The terminal warehouse receipt must be accompanied by a registered freight bill, or by a supplemental certificate signed by the warehousemen, containing data like that on such freight bills, in the form prescribed by the CSS Commodity Office, Dallas, Texas.

(2) The basic purchase price of flaxseed delivered at the aforesaid terminal markets by Rail in carload lots for which neither registered freight bills nor such freight certificates are presented, will be the terminal basic purchase price of $3.16 less 8 cents per bushel: *Provided*, That all charges including receiving charges, have been prepaid. Flaxseed delivered by truck at the designated terminals in the State of Texas will be purchased by CCC under this program on the basis of the terminal rate minus 12½ cents.

(c) The basic purchase price for No. 2 flaxseed shall in all instances be 6 cents per bushel less than the price indicated for No. 1 flaxseed.

(d) To compensate CCC for storage charges on flaxseed required under this program, the following deduction per bushel of flaxseed purchased shall be made from the basic purchase prices set forth above:

For flaxseed deposited in:	Deduction per bushel (cents)
April 1954	14
May 1954	13
June 1954	12
July 1954	11

§ 421.680 *Basis of purchase.* Eligible flaxseed will be purchased on the basis of weight and grade. The grade shall be determined in accordance with the Official Grain Standards of the United States for flaxseed by a grain inspector licensed by the Secretary of Agriculture. Wherever the services of a licensed inspector are not available the CSS Commodity Office shall designate in writing a person qualified to determine the grade of flaxseed in accordance with the Official Grain Standards of the United States for flaxseed. Such designation may be revoked in writing by the CSS Commodity Office at any time.

§ 421.681 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation or other legal entity which (a) has produced flaxseed in 1954 in one of the counties named in § 421.679 as landowner, landlord, tenant, or sharecropper, and (b) has applied to the appropriate county office for delivery instructions.

§ 421.682 *Eligible flaxseed.* Eligible flaxseed shall meet the following requirements:

(a) The flaxseed must be produced by an eligible producer in 1954 in one of the counties named in § 421.679.

(b) The beneficial interest in the flaxseed must be in the person tendering the flaxseed for purchase and must always have been in him or in him and a former producer whom he succeeded before the flaxseed was harvested.

(c) The flaxseed must grade No. 1 or No. 2. Sample grade flaxseed will not be purchased under this program.

§ 421.683 *Authorized dealer.* An authorized dealer shall be any individual, partnership, association or corporation operating under a Flaxseed Dealer Agreement with CCC, which authorizes such dealer to accept delivery of eligible flaxseed under this program for the account of CCC. A list of authorized dealers to whom flaxseed may be delivered for the account of CCC under this program may be obtained from the office indicated in § 421.677.

§ 421.684 *Purchase documents.* (a) The purchase documents shall consist of (1) the "Non-Negotiable Flaxseed Dealer's Receipt and Grade Certificate" (or other similar document if approved by CCC) issued to the producer for flaxseed delivered and in the case of a terminal warehouse receipt, the registered freight bill or warehouseman's supplemental certificate (2) the purchase settlement form and (3) such other forms as may be prescribed by CCC.

(b) The receipt must be issued in the name of the producer for the account of CCC and must be dated on or before July 31, 1954. Each receipt must show: (1) Gross weight or bushels, (2) grade, (3) test weight, (4) dockage, and (5) percentage of damage when such factor, and not test weight determine the grade. The receipt must show whether the flaxseed arrived by rail, truck or barge. In the case of warehouse receipts issued for flaxseed delivered by rail or barge, the grading factors on the receipt must agree with the inbound inspection certificates for the car or barge.

§ 421.685 *Determination of quantity.* (a) The number of bushels of flaxseed delivered shall be determined by weight at time of delivery. A bushel shall be 56 pounds of flaxseed free of dockage.

(b) The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States for Flaxseed, and the weight of said dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity for purchase.

§ 421.686 *Liens.* The flaxseed must be free and clear of all liens and encumbrances, or, if liens and encumbrances exist on the flaxseed, proper waivers must be presented to the county committees at the time of application for delivery instructions.

§ 421.687 *Service charge.* A service charge of one-half cent per bushel or a minimum of $1.50, whichever is greater, shall be charged the producer on each purchase of flaxseed made by CCC under this program. The amount of the service charge shall be deducted from the purchase price at the time of settlement.

§ 421.688 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or any mobile drying equipment loan, whether the note evidencing such loan is held by CCC or a lending agency, are past due or are payable or prepayable under the provisions of the farm-storage facility loan note or mobile drying equipment loan note out of the proceeds of the price support purchase, he must designate CCC or such lending agency as the payee of the proceeds of the purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States

and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.689 *Payment.* Payment to the producer for flaxseed delivered under this program shall be made by the ASC county office by means of sight draft drawn on CCC, and on the basis of the purchase documents indicated in § 421.684, subject to the provisions of set-offs and service charge.

Issued this 24th day of February 1954.

[SEAL] J. A. McCONNELL,
Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 54-1411; Filed, Feb. 26, 1954; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 20]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.320 *Navel Orange Regulation 20*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on February 25, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., February 28, 1954, and ending at 12:01 a. m., P. s. t., March 7, 1954, is hereby fixed as follows:

(i) District 1: 161,700 boxes;
(ii) District 2: 323,400 boxes;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section, "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Feb. 28 to 12:01 a. m., P. s. t., Mar. 7, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

Handler	Prorate base (percent)
Total	100.0000
A. N. P. Lindsay	1.7282
A. N. P. Porterville	1.4730
Ivanhoe Cooperative Association	.4820
Anderson Packing Co.	1.5480
Euclid Avenue Orange Association	0.9 41
Lindsay Mutual Groves	1.3641
Martin Ranch	.0000
Orange Cove Orange Growers	2.7193
Woodlake Packing House	1.8880
Doffemyer & Son, W. Todd	.5050
Earlibest Orange Association	1.6627
Elderwood Citrus Association	1.4053
Exeter Citrus Association	3.5600
Exeter Orange Growers Association	1.5810
Exeter Orchards Association	1.4585
Hillside Packing Association	1.4823
Ivanhoe Mutual Orange Association	1.5835
Klink Citrus Association	4.0385
Lemon Cove Association	.9533
Lindsay Citrus Growers Association	2.2683
Lindsay Cooperative Citrus Association	1.5173
Lindsay Fruit Association	2.3183
Lindsay Orange Growers Association	.8713
Naranjo Packing House Co.	1.7220
Orange Cove Citrus Association	3.9897
Orange Packing Co.	1.0688
Orosi Foothill Citrus Association	1.4798
Paloma Citrus Fruit Association	.7998
Rocky Hill Citrus Association	1.6060
Sanger Citrus Association	3.4029
Sequoia Citrus Association	.4034
Stark Packing Co.	2.7618
Visalia Citrus Association	2.3488
Waddell & Son	2.6016
Baird-Neece Corp.	1.9322
Beattie Association, D. A.	.5308
Grand View Heights Citrus Association	1.9912
Magnolia Citrus Association	3.5243
Porterville Citrus Association	1.6049
Randolph Marketing Co.	1.7122
Richgrove-Jasmine Citrus Association	1.6263
Strathmore Cooperative Citrus Association	1.1135
Strathmore District Orange Association	2.2147
Strathmore Packing House	2.1772
Sunflower Citrus Growers	2.8214
Sunland Packing House Co.	2.8219
Terra Bella Citrus Association	1.3049
Tule River Citrus Association	.9223
Adams, Thomas	.0068
Baker Ranch Packing House	.1674
Batkins, Jr., Fred A.	.0213
California Citrus Groves, Inc., Ltd.	2.9179
Darby, Fred J.	.0241
Dubendorf, John	.1512
Evans Bros. Packing Co.	.2356
Far West Produce Distributors	.0123
Feltes, A. E.	.0003
Foothill Packing Co.	.0172
Haas & Ferry	.1941
Harding & Leggett	1.8565
Independent Growers, Inc.	1.7112
Lo Bue Bros.	.6317
Maas, W. A.	.0895
Marks, W. & M.	.1850
Morin, Carl W.	.0208
Orange Belt Fruit Distributors	.6226
Paramount Citrus Association	2.8901
Reimers, Don H.	.2441
Riverside Fruit Co.	.5231
Sequoia Cider Mill	.0171
Stephens & Cain	.4751
Zaninovich Bros., Inc.	1.2543

PRORATE DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.0000
A. N. P. Corona	.4809
A. N. P. Fullerton	.0243
A. N. P. Orange	.0257
A. N. P. Riverside	1.4430
A. N. P. Santa Paula	.0988

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Euclid Avenue Orange Association	0.9 41
Lindsay Mutual Groves	1.3641
Martin Ranch	.0000
Orange Cove Orange Growers	2.7193
Woodlake Packing House	1.8880
Doffemyer & Son, W. Todd	.5050
Earlibest Orange Association	1.6627
Elderwood Citrus Association	1.4053
Exeter Citrus Association	3.5600
Exeter Orange Growers Association	1.5810
Exeter Orchards Association	1.4585
Hillside Packing Association	1.4823
Ivanhoe Mutual Orange Association	1.5835
Klink Citrus Association	4.0385
Lemon Cove Association	.9533
Lindsay Citrus Growers Association	2.2683
Lindsay Cooperative Citrus Association	1.5173
Lindsay Fruit Association	2.3183
Lindsay Orange Growers Association	.8713
Naranjo Packing House Co.	1.7220
Orange Cove Citrus Association	3.9897
Orange Packing Co.	1.0688
Orosi Foothill Citrus Association	1.4798
Paloma Citrus Fruit Association	.7998
Rocky Hill Citrus Association	1.6060
Sanger Citrus Association	3.4029
Sequoia Citrus Association	.4034
Stark Packing Co.	2.7618
Visalia Citrus Association	2.3488
Waddell & Son	2.6016
Baird-Neece Corp.	1.9322
Beattie Association, D. A.	.5308
Grand View Heights Citrus Association	1.9912
Magnolia Citrus Association	3.5243
Porterville Citrus Association	1.6049
Randolph Marketing Co.	1.7122
Richgrove-Jasmine Citrus Association	1.6263
Strathmore Cooperative Citrus Association	1.1135
Strathmore District Orange Association	2.2147
Strathmore Packing House	2.1772
Sunflower Citrus Growers	2.8214
Sunland Packing House Co.	2.8219
Terra Bella Citrus Association	1.3049
Tule River Citrus Association	.9223
Adams, Thomas	.0068
Baker Ranch Packing House	.1674
Batkins, Jr., Fred A.	.0213
California Citrus Groves, Inc., Ltd.	2.9179
Darby, Fred J.	.0241
Dubendorf, John	.1512
Evans Bros. Packing Co.	.2356
Far West Produce Distributors	.0123
Feltes, A. E.	.0003
Foothill Packing Co.	.0172
Haas & Ferry	.1941
Harding & Leggett	1.8565
Independent Growers, Inc.	1.7112
Lo Bue Bros.	.6317
Maas, W. A.	.0895
Marks, W. & M.	.1850
Morin, Carl W.	.0208
Orange Belt Fruit Distributors	.6226
Paramount Citrus Association	2.8901
Reimers, Don H.	.2441
Riverside Fruit Co.	.5231
Sequoia Cider Mill	.0171
Stephens & Cain	.4751
Zaninovich Bros., Inc.	1.2543

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Edington Fruit Co.	0.7151
Signal Fruit Association	1.0664
Bryn Mawr Mutual Orange Association	.4090
Chula Vista Mutual Lemon Association	.0917
Euclid Avenue Orange Association	2.4295
Foothill Citrus Union, Inc.	.2836
Index Mutual Association	.0079
La Verne Cooperative Citrus Association	2.9950
Olive Hillside Groves, Inc.	.0095
Redlands Foothill Groves	2.9942
Redlands Mutual Orange Association	1.1919
Ventura County Fruit Growers, Inc.	.3576
Azusa Citrus Association	.6739
Covina Citrus Association	2.0867
Glendora Citrus Association	1.3537
Valencia Heights Orchards Association	.6410
Gold Buckle Association	3.6348
La Verne Orange Association	4.9283
Anaheim Valencia Orange Association	.0000
Fullerton Mutual Orange Association	.3544
La Habra Citrus Association	.1239
Yorba Linda Citrus Association	.0581
El Cajon Valley Citrus Association	.1491
Escondido Orange Association	.5339
Citrus Fruit Growers	.7434
Cucamonga Mesa Growers	.9846
Etiwanda Citrus Fruit Association	.1347
Upland Citrus Association	3.5246
Consolidated Orange Growers	.0205
Garden Grove Citrus Association	.0240
Goldenwest Citrus Association	.1991
Olive Heights Citrus Association	.0601
Santiago Orange Growers Association	.1271
Villa Park Orchards Association	.0273
Bradford Bros., Inc.	.1948
Placentia Mutual Orange Association	.1836
Placentia Orange Growers Association	.2880
Yorba Orange Growers Association	.0574
Corona Citrus Association	1.2977
Jameson Co.	.6116
Orange Heights Orange Association	4.5029
Crafton Orange Growers Association	1.5507
East Highlands Citrus Association	.4818
Redlands Heights Groves	.9258
Redlands Orangedale Association	1.2150
Rialto-Fontana Citrus Association	.1594
Bryn Mawr Fruit Growers Association	1.0941
Mission Citrus Association	.8192
Redlands Cooperative Fruit Association	2.1200
Redlands Orange Growers Association	1.3179
Redlands Select Groves	.5803
Rialto Orange Co.	.4382
Southern Citrus Growers	1.0167
United Citrus Growers	.7356
Arlington Heights Citrus Co.	1.6131
Blue Banner, Inc.	2.6125
Brown Estate, L. V. W.	2.3590
Gavilan Citrus Association	2.1281
McDermont Fruit Co.	1.5289
Monte Vista Citrus Association	1.7642
National Orange Co.	1.7450
Riverside-Highgrove Citrus Association	1.7795
Victoria Avenue Citrus Association	3.4610
Claremont Citrus Association	.6543
College Heights Orange & Lemon Association	2.3651
Indian Hill Citrus Association	1.2254
Pomona Fruit Growers Exchange	1.2085
Walnut Fruit Growers Association	0.7412
West Ontario Citrus Association	.8757
Escondido Cooperative Citrus Association	.1116
Camarillo Citrus Association	.0049
Fillmore Citrus Association	1.2675
Mupu Citrus Association	.0051
Ojai Orange Association	1.2140
Piru Citrus Association	1.4525
Rancho Sespe	.0016
San Fernando Heights Orange Association	.6519
Santa Paula Orange Association	.0542
Tapo Citrus Association	.0151
Ventura County Citrus Association	.0209
East Whittier Citrus Association	.0049
North Whittier Heights	.1555
Placentia Cooperative Orange Association	.0000
Sierra Madre-Lamanda Citrus Association	.0794
A. J. Packing Co.	.1383
Babijuice Corp. of California	.0119
Cherokee Citrus Co., Inc.	.9700
Dunning, Vera Hueck	.1703
Evans Brothers Packing Co.	.9812
Far West Produce Distributors	.1193
Gold Banner Association	2.5242
Gold Seal Producers, Inc.	.1658
Granada Packing House	.0180
Holland, M. J.	.0255
Orange Belt Fruit Distributors	.7655
Panno Fruit Co., Carlo	.0494
Paramount Citrus Association	.2294
Prescott, John A.	.0042
Riverside Fruit Co.	.4652
Rotolo Bros.	.0213
San Antonio Orchards Co.	1.1791
Smallwood, Luella L.	.0086
Spire, Frank S.	.0036
Stephens & Cain	.3638
Wall, E. T., Grower-Shipper	2.1156
Western Fruit Growers, Inc.	4.0749

[F. R. Doc. 54-1457; Filed, Feb. 26, 1954; 11:40 a. m.]

PART 924—MILK IN THE DETROIT, MICHIGAN, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this amendatory order effective on March 1, 1954. Such action is necessary in the public interest in order to reflect current marketing conditions and to facilitate the orderly marketing of milk produced for the Detroit, Michigan, marketing area. Accordingly, any further delay in the effective date of this order will seriously threaten the orderly marketing of milk in the marketing area. The provisions of this amendatory order are well known to handlers and producers, the public hearing having been held on July 27-28, 1953, a recommended decision having been issued on November 20, 1953 for the purpose of inviting exceptions, and a decision containing the terms and provisions of the order having been issued on January 29, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations or producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended), or more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (November, 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 924.6 (b) delete the phrase "or of Wayne County".

2. Add a paragraph "(c)" to § 924.6 as follows:

(c) A cooperative association with respect to milk customarily received by a handler, as described under paragraphs (a) or (b) of this section, which is diverted to a person not a handler for the account of the association.

3. In § 924.41 (a) insert following the phrase "all skim milk" the following: "(including the skim milk equivalent of concentrated products)".

4. Amend § 924.41 (b) to read as follows:

(b) Class II utilization shall be all skim milk and butterfat (1) disposed of for fluid consumption as sweet or sour cream or any mixture of cream and milk or skim milk containing 10 percent or more of butterfat; (2) used to produce sterilized flavored milk drinks, ice cream or ice cream mix, cheese (including cottage cheese), dried whole milk, nonfat dry milk solids, evaporated or condensed whole or skim milk, sweetened or unsweetened, disposed of in bulk or in hermetically sealed cans, eggnog, butter; (3) disposed of as livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion within 18 hours) by the market administrator; (4) in shrinkage of producer milk up to 2 percent of receipts from producers; or (5) in shrinkage of other source milk.

5. Change § 924.43 (c) to read as follows:

(c) Producer milk transferred in bulk by a cooperative association to a plant as described in § 924.6 (a), except a plant as described in § 924.101, shall be deducted before classification of producer milk at the transferor's plant and shall be included in producer milk classified at the plant of the transferee handler.

6. In § 924.46 (a) change the reference to "§ 924.41 (c) (3)" to read "§ 924.41 (b) (4)".

7. In § 924.60 (a) change the phrase "Subject to paragraph (c)" to read "Subject to paragraphs (b) and (c)" and change the reference to "§ 924.46 (c)" to read "§ 924.46 (e)".

8. Amend § 924.60 (c) to read as follows:

(c) A handler who operates a plant as described in § 924.6 (b) (or § 924.6 (a) and located more than 34 miles by shortest highway distance from the boundary of the market area) and who disposes of, from such plant for Class I utilization (other than to a handler), milk received from producers, and a handler who receives at a plant described in § 924.6 (a) producer milk moved in bulk from a plant described in § 924.6 (b) (or § 924.6 (a) and located more than 34 miles by shortest highway distance from the boundary of the marketing area), which milk is utilized as Class I (prorating to such milk the utilization of all producer milk received at the plant) shall receive a credit with respect to milk so disposed of or so received and utilized at a rate determined by the market administrator as follows:

Shortest road distance from Detroit City Hall:	*Rate per hundredweight*
More than 34 miles but not more than 50 miles	$0.14
More than 50 miles but not more than 60 miles	.15

Add 1 cent for each 10 miles or fraction thereof over 60 miles.

9. Amend § 924.62 (b) to read as follows:

(b) Subtracting not less than 6 cents nor more than 7 cents.

10. In § 924.64 (e) delete the first sentence and substitute therefor the following: "(e) Subtract not less than 6 cents nor more than 7 cents."

11. Add a paragraph (e) to § 924.70 as follows:

(e) A producer who does not forfeit his base pursuant to § 924.71 (c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122.

12. Amend § 924.71 (b) (2) to read as follows:

(2) Bases may be held jointly and if such joint holding is terminated the base may be transferred as specified in writing to the market administrator.

13. Add a subparagraph (3) to § 924.71 (b) as follows:

(3) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership.

14. Amend § 924.71 (c) to read as follows:

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base without loss for six months.

15. In § 924.72 insert after the phrase "first day of the month" the phrase "specified but not earlier than the first day of the month".

16. Delete the period at the end of § 924.10, and add the following: "and shall include the skim milk equivalent of concentrated products classified as Class I pursuant to § 924.41 (a)."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 25th day of February 1954, to be effective on and after the 1st day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1426; Filed, Feb. 26, 1954; 8:59 a. m.]

[Orange Reg. 252]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.670 *Orange Regulation 252*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than March 1, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until March 1; the recommendation and supporting information for continued regulation subsequent to February 28, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 23; such meeting; was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 1, 1954, and ending at 12:01 a. m., e. s. t., March 15, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box," shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140–51.1186 of this title).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 24th day of February 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1412; Filed, Feb. 26, 1954; 8:59 a. m.]

[Grapefruit Reg. 196]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.671 *Grapefruit Regulation 196*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than March 1, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until March 1, 1954; the recommendation and supporting information for continued regulation subsequent to February 28, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 23; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 1, 1954, and ending at 12:01 a. m., e. s. t., March 15, 1954, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any seedless grapefruit, grown in the State of Florida, that grade U. S. No. 2 Russet, U. S. No. 2 or U. S. No. 2 Bright, which are of a size smaller than a size that will pack 64 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any seedless grapefruit, grown in the State of Florida, that grade U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1 Bright or U. S. Fancy, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 24th day of February 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1414; Filed, Feb. 26, 1954; 8:59 a. m.]

[Lemon Reg. 526]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.633 *Lemon Regulation 526*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section

effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 24, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 28, 1954, and ending at 12:01 a. m., P. s. t., March 7, 1954, is hereby fixed as follows:

(i) District 1: 25 carloads;

(ii) District 2: 225 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 525 (19 F. R. 997) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1443; Filed, Feb. 26, 1954; 8:56 a. m.]

[Grapefruit Reg. 95]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.356 *Grapefruit Regulation 95*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 28, 1954. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 18, 1953, and will so continue until February 28, 1954; the recommendation and supporting information for continued regulation subsequent to February 27, 1954, was promptly submitted to the Department after an open meeting of the Administrative Committee on February 18; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., February 28, 1954, and ending at 12:01 a. m., P. s. t., May 2, 1954, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, unless such grapefruit grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3 9/16 inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3 3/16 inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than 3 9/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 13/16 inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3 3/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 9/16 inches in diameter and smaller.

(2) As used in this section "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 2" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 24th day of February 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1413; Filed, Feb. 26, 1954; 8:59 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

CLASSIFICATION OF RESERVE CITIES

1. Effective March 1, 1954, § 204.52 is amended to read as follows:

§ 204.52 *Classification of reserve cities.* Acting in accordance with § 204.51, and pursuant to authority conferred upon it by section 11 (e) of the Federal Reserve Act and other provisions of that act, the Board of Governors has taken the following actions for the continuance of the classification of certain cities as reserve cities and the termination of the reserve city designations of certain other cities, all such actions to become effective March 1, 1954:

(a) The City of Washington, D. C., and every city except New York and Chicago in which there is situated a Federal Reserve Bank or a branch of a Federal Reserve Bank are hereby continued as reserve cities.

(b) The following cities fall within the scope of paragraph (b) (2) of § 204.51 based upon official call reports of condition in the two-year period ending on June 30, 1953, and, therefore, such cities, in addition to the reserve cities classified as such under paragraph (a) of this section, are hereby continued as reserve cities:

Columbus, Ohio; Des Moines, Iowa; Indianapolis, Indiana; Milwaukee, Wisconsin; National City (National Stock Yards), Illinois; St. Paul, Minnesota; Tulsa, Oklahoma; Wichita, Kansas; and Fort Worth, Texas.

(c) The following cities do not fall within the scope of paragraph (b) (2) of § 204.51 based upon official call reports of condition in the two-year period ending June 30, 1953, but a written request for the continuance of each such city as a reserve city was received by the Federal Reserve Bank of the District in which the city is located on or before February 15, 1954, from every member bank having its head office or a branch in such city (exclusive of any member bank in an outlying district in such city permitted by the Board to maintain reduced reserves), together with a certified copy of a resolution of the board of directors of such member bank duly authorizing such request; and, accordingly, in accordance with paragraph (b) (3) of § 204.51, the following cities, in addition to the reserve cities classified as such under paragraphs (a) and (b) of this section, are hereby continued as reserve cities:

Toledo, Ohio; Cedar Rapids, Iowa; Sioux City, Iowa; Kansas City, Kansas; Pueblo, Colorado; and Topeka, Kansas.

(d) The following cities do not fall within the scope of paragraph (b) (2) of § 204.51 based upon official call reports of condition in the two-year period ending June 30, 1953, and written requests for their continuance as reserve cities were not received from all member banks in such cities; and, accordingly, the designation of such cities as reserve cities is hereby terminated:

Dubuque, Iowa; Lincoln, Nebraska; and St. Joseph, Missouri.

2. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act and the prior publication described in section 4 (c) of such act are impracticable, unnecessary and contrary to the public interest in connection with this action for the reasons and good cause found as stated in § 262.2 (e) of the Board's Rules of Procedure, and especially because such notice, procedure and prior publication would serve no useful purpose.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interprets or applies secs. 11, 19, 36 Stat. 261, 270, as amended; 12 U. S. C. 248 (c), (e), 461, 462, 462a–1, 462b, 464, 465)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 54-1327; Filed, Feb. 26, 1954; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[6066]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

YAMI YOGURT PRODUCTS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* In connection with the offering for sale, sale, or distribution of yogurt cultures, disseminating, etc., any advertisement by means of the United States mails, or by any means in commerce, which advertisement represents, directly or by implication: (a) That the proteins in yogurt are in predigested form; (b) that proteins or minerals are more rapidly assimilable by reason of being in the form supplied by yogurt; (c) that milk nutrients are more easily absorbed by the blood by reason of being in the form supplied by yogurt; (d) that the casein or albumin of cow's milk by being fermented with yogurt culture are transformed into more highly digestible forms; (e) that yogurt promotes digestion or intestinal hygiene or helps to digest other foods; (f) that yogurt promotes longevity or helps prevent senility; (g) that yogurt builds, restores or insures good health; (h) that yogurt is effective in preventing typhoid, paratyphoid, diphtheria or dysentery or is a cure or remedy for constipation, ulcers, gastritis, enteritis, colitis, dyspepsia, diarrhea, dysentery, celiac disease, colon troubles or stomach distress; (i) that yogurt is of benefit in cases of pulmonary diseases; (j) that yogurt keeps the digestive tract clean; (k) that yogurt lessens the nausea or "stomach sickness" associated with pregnancy; (l) that yogurt results in fine complexions or improves the complexion; (m) that the application of yogurt softens or tenderizes meats; and (n) that one may eat himself to good health by using yogurt; prohibited, subject to the provision, however, that nothing contained in the order shall be construed as preventing respondents from advertising or otherwise representing that Yami Yogurt is a recommended dietary supplement for individuals suffering from certain intestinal or digestive disturbances.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, 15 U. S. C. 45)

[Cease and desist order, Yami Yogurt Products, Inc., et al., Los Angeles, Calif., Docket 6066, January 21, 1954]

In the Matter of Yami Yogurt Products, Inc., a Corporation, and Richard Tille, Individually and as an Officer of Said Corporation, and Also Doing Business as International Yogurt Company

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated January 25, 1954, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on January 21, 1954 and ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondent Yami Yogurt Products, Inc., a corporation, and its officers, and respondent Reny Tille, an individual, trading under the name of International Yogurt Company or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of yogurt cultures do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, any advertisement, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the proteins in yogurt are in predigested form;

(b) That proteins or minerals are more rapidly assimilable by reason of being in the form supplied by yogurt;

(c) That milk nutrients are more easily absorbed by the blood by reason of being in the form supplied by yogurt;

(d) That the casein or albumin of cow's milk by being fermented with yogurt culture are transformed into more highly digestible forms;

(e) That yogurt promotes digestion or intestinal hygiene or helps to digest other foods;

(f) That yogurt promotes longevity or helps prevent senility;

(g) That yogurt builds, restores or insures good health;

(h) That yogurt is effective in preventing typhoid, paratyphoid, diphtheria or dysentery or is a cure or remedy for constipation, ulcers, gastritis, enteritis, colitis, dyspepsia, diarrhea, dysentery, celiac disease, colon troubles or stomach distress;

(i) That yogurt is of benefit in cases of pulmonary diseases;

[1] Filed as part of the original document.

(j) That yogurt keeps the digestive tract clean;

(k) That yogurt lessens the nausea or "stomach sickness" associated with pregnancy;

(l) That yogurt results in fine complexions or improves the complexion;

(m) That the application of yogurt softens or tenderizes meats;

(n) That one may eat himself to good health by using yogurt.

Provided, however, That nothing herein contained shall be construed as preventing respondents from advertising or otherwise representing that Yami Yogurt is a recommended dietary supplement for individuals suffering from certain intestinal or digestive disturbances.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 25, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, JR., *Secretary.*

[F. R. Doc. 54-1348; Filed, Feb. 26, 1954; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.213]

PART 44—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE REFUGEE RELIEF ACT OF 1953

MISCELLANEOUS AMENDMENTS

Part 44, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respects:

1. Section 44.3 *Assurance of employment, housing, and against becoming a public charge* is amended by redesignating paragraphs (g) and (h) thereof as paragraphs (h) and (i), respectively, and is further amended by the addition of a new paragraph (g) as follows:

(g) *Procedure in case of alien whose sponsor desires endorsement of recognized organization.* (1) A United States citizen who desires to sponsor a known or unknown alien and have his assurances of employment, housing, and support underwritten by a recognized organization shall use Form DSR-8 in accordance with the instructions printed thereon.

(2) Any organization which desires to be recognized by the Administrator as an organization entitled to underwrite and endorse assurances of employment, housing, and support given by individual sponsors shall execute and submit in duplicate to the Administrator Form DSR-7. Application for recognition of organization. Any such undertaking shall be considered to imply an agreement on the part of the organization, subject to such limitations as may be expressly set forth in the application for recognition, to assume the obligations of the individual citizen or citizens giving an assurance of employment, housing, and against becoming a public charge, in the event such citizen or citizens fail to meet his or their obligations under the act.

(3) The term "organization" as defined in section 101 (a) (28) of the Immigration and Nationality Act shall, for the purposes of this paragraph, have the meaning ascribed thereto in such section.

2. Paragraph (a) *Submission of assurances of* § 44.3 *Assurances of employment, housing, and against becoming a public charge* is amended by the addition, at the end of the listing of prescribed assurance forms, of the following: "Form DSR-8, *Assurance by an individual sponsor with endorsement by an organization recognized by the Administrator.*"

3. Paragraph (f) *Amendment of Form FS-256* of § 44.8 *Procedure in applying for visa* is amended by the addition of the following subparagraph at the end thereof:

(6) On the reverse side of Form 256a and 256b, the visa-issuing authority shall read: "This visa is issued under section 3 of the Refugee Relief Act of 1953 and section 221 of the Immigration and Nationality Act, and upon the basis of the facts stated in the application."

(Sec. 37, 54 Stat. 675; 8 U. S. C. 222)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: February 19, 1954.

SCOTT MCLEOD,
Administrator,
Bureau of Security, Consular Affairs, and Personnel.

[F. R. Doc. 54-1326; Filed, Feb. 26, 1954; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1954 Dept. Circ. 418, Rev.]

PART 309—ISSUE AND SALE OF TREASURY BILLS

FEBRUARY 23, 1954.

Department Circular No. 418, dated February 28, 1941 (31 CFR Part 309), as amended, is hereby issued as a revision to read as follows:

Sec.
309.1 Authority for issue and sale.
309.2 Description of treasury bills (General).
309.3 Denominations and exchange.
309.4 Taxation.
309.5 Acceptance as security for public deposits and in payment of taxes (when specifically provided for by the Secretary of the Treasury).
309.6 Public notice of offering.
309.7 Tenders; submission through Federal Reserve Banks.
309.8 Tenders; when cash deposit required.
309.9 Tenders; acceptance by Secretary of Treasury.
309.10 Tenders; reservation of right to reject.
309.11 Tenders; payment of accepted tenders.
309.12 Relief on account of loss, theft or destruction, etc.
309.13 Functions of Federal Reserve Banks.
309.14 Reservation as to terms of this part.

AUTHORITY: §§ 309.1 to 309.14 issued under R. S. 161, sec. 5, 40 Stat. 290, as amended, sec. 8 (a)-(d), 50 Stat. 481, as amended; 5 U. S. C. 22, 31 U. S. C. 738a, 754.

§ 309.1 *Authority for issue and sale.* The Secretary of the Treasury is authorized by the Second Liberty Bond Act, as amended, to issue Treasury bills of the United States on an interest-bearing basis, on a discount basis, or on a combination interest-bearing and discount basis, at such price or prices and with interest computed in such manner and payable at such time or times as he may prescribe; and to fix the form, terms, and conditions thereof, and to offer them for sale on a competitive or other basis, under such regulations and upon such terms and conditions as he may prescribe. Pursuant to said authorization, the Secretary of the Treasury may, from time to time, by public notice, offer Treasury bills for sale, and invite tenders therefor, through the Federal Reserve Banks. The Treasury bills so offered, and the tenders made, will be subject to the terms and conditions and to the general rules and regulations set forth in this part, except as they may be modified in the public notices issued by the Secretary of the Treasury in connection with particular offerings.[1]

§ 309.2 *Description of Treasury bills (General).* Treasury bills are bearer obligations of the United States promising to pay a specified amount on a specified date. They will be payable at maturity upon presentation to the Treasurer of the United States, in Washington, or to any Federal Reserve Bank. Treasury bills are issued only by Federal Reserve Banks pursuant to tenders accepted by the Secretary of the Treasury, and shall not be valid unless the issue date and the maturity date are entered thereon. Treasury bills bearing the same issue date and the same maturity date shall constitute a series.

§ 309.3 *Denominations and exchange.* Treasury bills will be issued in denominations (maturity value) of $1,000, $5,000, $10,000, $100,000, $500,000 and $1,000,000. Exchanges from higher to lower denominations of the same series (bearing the same issue and maturity dates) will be permitted at Federal Reserve Banks. Insofar as applicable, the general regulations of the Treasury Department governing transactions in bonds and notes will govern transactions in Treasury bills.

[1] Accordingly, the regulations in this part do not constitute a specific offering of Treasury bills.

§ 309.4 *Taxation.* The income derived from Treasury bills, whether interest or gain from the sale or other disposition of the bills, shall not have any exemption, as such, and loss from the sale or other disposition of Treasury bills shall not have any special treatment, as such, under the Internal Revenue Code, or laws amendatory or supplementary thereto. The bills shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority. For purposes of taxation the amount of discount at which Treasury bills are originally sold by the United States shall be considered to be interest.

§ 309.5 *Acceptance as security for public deposits and in payment of taxes (when specifically provided for by the Secretary of the Treasury).* Treasury bills will be acceptable at maturity value to secure deposits of public moneys; they will not bear the circulation privilege. The Secretary of the Treasury, in his discretion, when inviting tenders for Treasury bills, may provide that Treasury bills of any series will be acceptable at maturity value, whether at or before maturity, under such rules and regulations as he shall prescribe or approve, in payment of income and profits taxes payable under the provisions of the Internal Revenue Code. Any Treasury bills which by the terms of their issue may be accepted in payment of income and profits taxes may be surrendered to any Federal Reserve Bank or Branch, acting as fiscal agent of the United States, fifteen days or less before the date on which the taxes become due. The Federal Reserve Bank or Branch will issue receipts to the owners showing the face amount of the bills so surrendered. These receipts may be submitted in lieu of the bills on or before the specified tax payment dates to the District Director of Internal Revenue, with the owners' tax returns. Notes secured by Treasury bills are eligible for discount or rediscount at Federal Reserve Banks by member banks, as are notes secured by bonds and notes of the United States, under the provisions of section 13 of the Federal Reserve Act. They will be acceptable at maturity, but not before, in payment of interest or of principal on account of obligations of foreign governments held by the United States.

§ 309.6 *Public notice of offering.* When Treasury bills are to be offered, tenders therefor will be invited through public notice given by the Secretary of the Treasury. Such public notices may be issued by the Secretary of the Treasury in the name of "the Treasury Department" with the same force and effect as if issued in the name of the Secretary of the Treasury. In such notice there will be set forth the amount of Treasury bills for which tenders are then invited, the date of issue, the date or dates when such bills will become due and payable, the date and closing hour for the receipt of tenders at the Federal Reserve Banks and Branches, and the date on which payment for accepted tenders must be made or completed.

§ 309.7 *Tenders; submission through Federal Reserve Banks.* Tenders in response to any such public notice will be received only at the Federal Reserve Banks, or Branches thereof, and unless received before the time fixed for closing will be disregarded. Tenders will not be received at the Treasury Department. Each tender must be for an amount in an even multiple of $1,000 (maturity value). In the case of competitive tenders the price or prices offered by the bidder for the amount or amounts (at maturity value) applied for must be stated, and must be expressed on the basis of 100, with not more than three decimals, e. g., 99.925. Fractions may not be used.

§ 309.8 *Tenders; when cash deposit required.* Tenders should be submitted on the printed forms and forwarded in the special envelopes which will be supplied on application to any Federal Reserve Bank, or Branch. If a special envelope is not available, the inscription "Tender for Treasury Bills" should be placed on the envelope used. The instructions of the Federal Reserve Banks with respect to the submission of tenders should be observed. Others than banking institutions will not be permitted to submit tenders except for their own account. Tenders from incorporated banks and trust companies, and from responsible and recognized dealers in investment securities will be received without deposit. Tenders from all others must be accompanied by a payment of such percent of the face amount of the Treasury bills applied for as the Secretary of the Treasury may from time to time prescribe: *Provided, however,* That such deposit will not be required if the tender is accompanied by an express guaranty of payment in full by an incorporated bank or trust company. Forfeiture of the prescribed payment may be declared by the Secretary of the Treasury, if payment is not completed, in the case of accepted tenders, on the prescribed date.

§ 309.9 *Tenders; acceptance by the Secretary of the Treasury.* At the time fixed for closing, as specified in the public notice, all tenders received by the Federal Reserve Banks, or Branches, will be opened. The Secretary of the Treasury will determine the acceptable prices offered and will make public announcement thereof. Those submitting tenders will be advised by the Federal Reserve Banks of the acceptance or rejection thereof, and payment on accepted tenders must be made or completed on the date specified in the public notice.

§ 309.10 *Tenders; reservation of right to reject.* In considering the acceptance of tenders, the highest prices offered will be accepted in full down to the amount required, and if the same price appears in two or more tenders and it is necessary to accept only a part of the amount offered at such price, the amount accepted at such price will be prorated in accordance with the respective amounts applied for. However, the Secretary of the Treasury expressly reserves the right on any occasion to accept non-competitive tenders entered in accordance with specific offerings, to reject any or all tenders or parts of tenders, and to award less than the amount applied for; and any action he may take in any such respect or respects shall be final.

§ 309.11 *Tenders; payment of accepted tenders.* Settlement for accepted tenders in accordance with the bids must be made or completed at the appropriate Federal Reserve Bank in cash or other immediately available funds on or before the date specified, except that the Secretary of the Treasury, in his discretion, when inviting tenders for Treasury bills, may provide: (a) That any qualified depositary may make such settlement by credit, on behalf of itself and its customers, up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District or (b) that such settlement may be made in maturing Treasury bills accepted in exchange. Whenever the Secretary provides for settlement in maturing Treasury bills, cash adjustments will be made for differences between the par value of the maturing bills and the issue price of the new bills.

§ 309.12 *Relief on account of loss, theft or destruction, etc.* (a) Relief on account of the loss, theft, destruction, mutilation or defacement of Treasury bills may be given only under the authority of, and subject to the conditions set forth in section 8 of the act of July 8, 1937 (50 Stat. 481), as amended (31 U. S. C. 738a) and the regulations pursuant thereto in Part 306 of this subchapter (Treasury Department Circular No. 300) insofar as applicable.

(b) In case of the loss, theft, destruction, mutilation or defacement of Treasury bills, immediate advice, with a full description of the bill or bills involved, should be sent to the Division of Loans and Currency, Treasury Department, Washington 25, D. C., either direct or through any Federal Reserve Bank, and, if relief under the statutes may be given, instructions and necessary blank forms will be furnished.

§ 309.13 *Functions of Federal Reserve Banks.* Federal Reserve Banks, as fiscal agents of the United States, are authorized to perform all such acts as may be necessary to carry out the provisions of this part and of any public notice or notices issued in connection with any offering of Treasury bills.

§ 309.14 *Reservation as to terms of this part.* The Secretary of the Treasury reserves the right further to amend, supplement, revise or withdraw all or any of the provisions of this part at any time, or from time to time.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this document. It merely incorporates into the regulations proper the text of published amendments there-

to and does not involve any further substantial change in such regulations.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-1417; Filed, Feb. 26, 1954; 8:50 a. m.]

[1954 Dept. Circ. 530, 7th Rev., Amdt. 2]

PART 315—UNITED STATES SAVINGS BONDS

MISCELLANEOUS AMENDMENTS

FEBRUARY 23, 1954.

Sections 315.3, 315.4 (a), 315.8 (a), 315.10, 315.32 (d), and 315.50 (a) of Department Circular No. 530, Seventh Revision, dated May 21, 1952 (31 CFR, 1952 Supp., Part 315), as amended, are hereby amended, effective as of January 1, 1954, to read as follows:

§ 315.3 *Restrictions.* Only residents (whether individuals or others) of the United States (which for the purposes of this section shall include the Commonwealth of Puerto Rico, the territories, insular possessions and the Canal Zone), citizens of the United States temporarily residing abroad and nonresident aliens employed in the United States by the Federal Government or an agency thereof may be named as owners, coowners or designated beneficiaries of savings bonds, whether on original issue or authorized reissue, except that such persons may name as coowners or beneficiaries of their bonds citizens of the United States permanently residing abroad or nonresident aliens who are not residents of areas with respect to which the Treasury Department has restricted or regulated the delivery of checks drawn against funds of the United States or any agency or instrumentality thereof.[1] Citizens of the United States permanently residing abroad and nonresident aliens who become entitled to bonds under the regulations in this part, by right of survivorship or otherwise, will not have the right to reissue but will have the right (a) to retain the bonds without change of registration, (b) to receive interest on current income bonds, and (c) to redeem any bonds in accordance with their terms.[2]

§ 315.4 *Authorized forms of registration, Series E and H, and general provisions relating to their use*—(a) *Forms of registration.* Except as provided in subparagraphs (4) and (5) of this paragraph, bonds of Series E and H may be registered only in the names of individuals (natural persons), whether adults or minors, in their own right in one of the following forms:

(1) *One person.* In the name of one person, for example:

John A. Jones.

(2) *Two persons; coownership form.* In the names of two (but not more than two) persons in the alternative as coowners, for example:

John A. Jones or Mrs. Ella S. Jones.

No other form of registration establishing coownership is authorized.

(3) *Two persons; beneficiary form.* In the name of one (but not more than one) person, payable on death to one (but not more than one) other person, for example:

John A. Jones, payable on death to Miss Mary E. Jones.

"Payable on death to" may be abbreviated "p. o. d." The first person named is hereinafter referred to as the owner or registered owner, and the second person named as the beneficiary or designated beneficiary.

(4) *Treasurer of the United States as coowner or beneficiary.* In the name of the owner with the Treasurer of the United States as coowner or as beneficiary. A bond so registered may not be reissued to eliminate or change the coowner or the beneficiary, and upon the death of the owner will become the property of the United States.

(5) *Trustees of an employees' savings plan.* In the name and title of the trustee or trustees of an employees' savings plan or any similar trust for the accumulation of employees' savings (see § 316.6a of this subchapter), substantially in accordance with the provisions of § 315.5 (b).

* * * * *

§ 315.8 *Amount which may be held.* The limits on the amounts of savings bonds of Series E, F, G, H, J and K issued during any one calendar year that may be held by any one person at any one time follow:

(a) *Series E.* For individuals in their own right, $5,000 (maturity value) each year up to and including the year 1947, $10,000 (maturity value) for each year from 1948 to 1951, inclusive, and $20,000 (maturity value) for the year 1952 and each year thereafter; for trustees of an employees' savings plan (see § 315.4 (a) (5)), $2,000 (maturity value) multiplied by the highest number of employees participating in the plan at any time during the calendar year in which the bonds are issued.

* * * * *

§ 315.10 *Disposition of excess.* If any person at any time acquires savings bonds issued during any one calendar year in excess of the prescribed amount, the excess must be surrendered for refund of the purchase price, less (in the case of current income bonds) any interest which may have been paid thereon, or for such adjustment as may be possible, except that for good cause found the Secretary of the Treasury may permit excess holdings to stand in any particular case or class of cases.

§ 315.32 *General reissue provisions.* Reissue of a savings bond will be restricted to a form of registration permitted by the regulations in effect on the date of original issue of the bond and will be made only upon surrender of the bond and only in accordance with the provisions of those regulations. Reissue of a savings bond is authorized only as follows: * * *

(d) As otherwise specifically provided in the regulations in this part; except that in any case (1) a request for reissue received after the maturity date of a bond will not be recognized or given any effect whatever, and (2) actual reissue will not be made if the request therefor is received less than one full calendar month before the maturity date of a bond, but a request for reissue so received will otherwise be treated as effective. The term "maturity date" as used in this part, as applied to bonds of Series E, means the date on which the authorized extension period expires.[3]

§ 315.50 *Reissue or payment to person entitled*—(a) *Distribution of trust estate in kind.* A savings bond to which a beneficiary of a trust estate has become lawfully entitled in his own right or in a fiduciary capacity, in whole or in part, under the terms of the trust instrument, will be reissued in his name to the extent of his interest as a distribution in kind upon the request of the trustee or trustees and their certification that such person is entitled and has agreed to reissue in his name. The trustee or trustees of an employees' savings plan, when requesting reissue in the name of a distributee, may request reissue in beneficiary or coownership form, in accordance with instructions received from the distributee, and will be recognized as his representative for that purpose.

* * * * *

(Sec. 22, 49 Stat. 41, as amended; 31 U. S. C. 757c)

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be impracticable and unnecessary with respect to this amendment. It does not abridge or curtail rights acquired under the regulations heretofore in force; but is issued primarily to conform the regulations to an amendment to the circular offering savings bonds of Series E for sale, which extends the sale of such bonds to trustees of employees' savings plans under a special limitation on holdings.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-1418; Filed, Feb. 26, 1954; 8:59 a. m.]

[1954 Dept. Circ. 653, 3d Rev., Amdt. 1]

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

FEBRUARY 23, 1954.

Department Circular No. 653, Third Revision (31 CFR, 1952 Supp., Part 316), is amended, effective as of January 1, 1954, to revise §§ 316.6, 316.7, 316.10 (a) and 316.18 and to add § 316.6a to read as follows:

[1] See Department Circular No. 655, as amended (Part 211 of this chapter).

[2] Payment of bonds to nationals of blocked countries will in all cases be subject to the terms of any law, executive order or regulations issued pursuant to such law or order.

[3] Owners have the option of retaining bonds of Series E for a further period of not more than 10 years after maturity and earning interest upon the maturity values thereof.

§ 316.6 *Registration*—(a) *Authorized forms.* Bonds of Series E may be registered only in the names of natural persons (that is, individuals), whether adults or minors, in their own right, as follows: (1) In the name of one person; (2) in the names of two (but not more than two) persons as coowners; and (3) in the name of one person payable on death to one (but not more than one) other designated person, except that the Treasurer of the United States may be designated as coowner or beneficiary, and except further that such bonds may be registered in the name and title of the trustee or trustees of an employees' savings plan as provided in § 316.6a. Sections 316.2 and 316.9 of this part are hereby amended to authorize the issuance of Series E bonds in the denomination of $100,000 (maturity value) at the issue price of $75,000. Full information regarding authorized forms of registration and rights thereunder will be found in the regulations currently in force governing United States Savings Bonds.

(b) *Restrictions.* Only residents of the United States (which for the purposes of this section shall include the Commonwealth of Puerto Rico, the territories, insular possession and the Canal Zone), citizens of the United States temporarily residing abroad, and nonresident aliens employed in the United States by the Federal Government or an agency thereof may be named as owners, coowners or designated beneficiaries of bonds of Series E issued pursuant to this circular, or of authorized reissues thereof, except that such persons may name as coowners or beneficiaries of their bonds American citizens permanently residing abroad or nonresident aliens who are not residents of areas with respect to which the Treasury Department has restricted or regulated the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof.[1] American citizens permanently residing abroad and nonresident aliens who become entitled to bonds under the regulations governing United States Savings Bonds,[2] by right of survivorship or otherwise, will not have the right to reissue but may hold the bonds without change of registration with the right to redeem them at any time in accordance with their terms.

§ 316.6a *Registration in name and title of the trustee or trustees of an employees' savings plan*—(a) *Definition of plan and conditions of eligibility.* Bonds of Series E may be registered in the name and title of the trustee or trustees of an employees' savings plan or any similar trust for the accumulation of employees' savings established by the employer for the exclusive and irrevocable benefit of his employees or their beneficiaries which affords employees the means of making regular savings from their wages through payroll deductions, provides for employer contributions to be added to such savings, and provides in effect that:

(1) The entire assets thereof must be credited to the individual accounts of participating employees and assets credited to the account of an employee may be distributed only to him or his beneficiary, except as otherwise provided herein.

(2) Bonds of Series E may be purchased only with assets credited to the accounts of participating employees and only if the amount taken from any account at any time for that purpose is equal to the purchase price of a bond or bonds in an authorized denomination or denominations, and shares therein are credited to the accounts of the individuals from which the purchase price thereof was derived, in amounts corresponding with their shares. For example, if $37.50 credited to the account of John Jones is commingled with funds credited to the accounts of other employees to make a total of $7,500, with which a bond of Series E in the denomination of $10,000 (maturity value) is purchased in June 1954 and registered in the name and title of the trustee or trustees, the plan must provide, in effect, that John Jones' account shall be credited to show that he is the owner of a bond of Series E in the denomination of $50 (maturity value) bearing issue date of June 1, 1954.

(3) Each participating employee shall have an irrevocable right at any time to demand and receive from the trustee or trustees all assets credited to his account, or the value thereof, if he so prefers, without regard to any condition other than the loss or suspension of the privilege of participating further in the plan, except that a plan will not be deemed to be inconsistent herewith, if it limits or modifies the exercise of any such right by providing that the employer's contribution does not vest absolutely until the employee shall have made contributions under the plan in each of not more than sixty calendar months succeeding the month for which the employer's contribution is made: *Provided, however,* That in any such exceptional case the employee shall have the right to demand and receive cash in an amount equal to the redemption value of all bonds of Series E credited to his account (see subparagraph (2) of this paragraph) less the amount of the employer's unvested contribution to the purchase price thereof.

(4) Upon the death of an employee, his beneficiary shall have the absolute and unconditional right to demand and receive from the trustee or trustees all assets credited to the account of the employee, or the value thereof, if he so prefers.

(5) When settlement is made with an employee or his beneficiary with respect to any bond of Series E registered in the name and title of the trustee or trustees in which the employee has a share (see subparagraph (2) of this paragraph), the bond must be submitted for redemption or reissue to the extent of such share; if an employee, or his beneficiary, elects to receive distribution in kind, bonds bearing the same issue dates as those credited to the employee's account will be reissued in the name of the distributee, to the extent to which he is entitled, in authorized denominations, in any authorized form of registration, upon the request and certification of the trustee or trustees in accordance with the provisions of the regulations governing United States Savings Bonds.[3]

(b) *Definitions of terms used in this section and related provisions.* (1) The term "savings plan" includes any regulations issued under the plan with regard to bonds of Series E; a copy of the plan and any such regulations, together with a copy of the trust agreement certified by a trustee to be true copies, must be submitted to the Federal Reserve Bank of the District in order to establish the eligibility of the trustee or trustees to purchase such bonds under this section.

(2) The term "assets" means all funds, including the employees' contributions and the employer's contributions and assets purchased therewith as well as accretions thereto, such as dividends on stock, the increment in value on bonds and all other income; but, notwithstanding any other provision of this section, the right to demand and receive "all assets' credited to the account of an employee shall not be construed to require the distribution of assets in kind when it would not be possible or practicable to make such distribution; for example, bonds of Series E may not be reissued in unauthorized denominations, and fractional shares of stock are not readily distributable in kind.

(3) The term "beneficiary" means the person or persons, if any, designated by the employee in accordance with the terms of the plan to receive the benefits of the trust upon his death or the estate of the employee, and the term "distributee" means the employee or his beneficiary.

§ 316.7 *Limitations on holdings*—(a) *General limitation.* The amount of bonds of Series E originally issued during the calendar year 1952 (and each calendar year thereafter) that may be held by any one person at any one time is $20,000 (maturity value), except as provided in paragraph (b) of this section.

(b) *Special limitation applicable to trustees of employees' savings plans.* The amount of bonds of Series E originally issued during each calendar year that may be held by the trustee or trustees of an employees' savings plan (as described in § 316.6a) is $2,000 (maturity value) multiplied by the highest number of employees participating in such plan at any time during the year in which the bonds are issued.

(c) *Regulations.* For full information concerning the limitations on and methods of computing holdings, see the regulations currently in force governing United States Savings Bonds.

§ 316.10 *Purchase of bonds.* * * *

(a) *Over-the-counter for cash.* (1) For individuals (natural persons) only (i) at such incorporated banks, trust companies and other agencies as have been duly qualified as issuing agents, and

[1] See Department Circular No. 655, as revision (Part 315 of this chapter).

[2] See Department Circular No. 530, current amended (Part 211 of this chapter).

[3] See Department Circular No. 530, current revision, § 315.50 (a) of this subchapter.

(ii) at selected United States post offices; and (2) for individuals (natural persons) or trustees of employees' savings plans (see § 316.6a) at Federal Reserve Banks and Branches and at the Treasury Department, Washington 25, D. C.

* * * * *

§ 316.18 *Payment or redemption (in general).* A bond of Series E may be redeemed at the option of the owner at any time after two months from the issue date at the appropriate redemption value as shown in the tables of redemption values in § 316.21, Table A for bonds (other than the $100,000 denomination) dated on and after May 1, 1952, Table B for those dated May 1, 1941, through April 1, 1942, and Table C for those dated May 1, 1942, through April 1, 1952. The redemption values of bonds in the denomination of $100,000 (maturity value) dated on and after January 1, 1954, will be equal to the total redemption values of ten $10,000 bonds bearing the same issue dates (see Table A).* A bond of Series E in a denomination higher than $25 (maturity value) may be redeemed in part but only in the amount of an authorized denomination or multiple thereof. Payment of a bond of Series E will be made upon presentation and surrender of the bond by the owner to authorized paying agencies as follows:

(a) *Federal Reserve Banks and Branches and Treasurer of the United States.* Owners of bonds of Series E may obtain payment upon presentation of the bonds to a Federal Reserve Bank or Branch or to the Treasurer of the United States, Washington 25, D. C., with the requests for payment on the bonds duly executed and certified in accordance with the provisions of the regulations governing savings bonds.

(b) *Incorporated banks, trust companies and other financial institutions.* An individual (natural person) whose name is inscribed on the face of a bond of Series E either as owner or coowner in his own right may also present such bond (unless marked "Duplicate") to any incorporated bank or trust company or other financial institution which is qualified as a paying agent under the provisions of Part 321 of this chapter, (Department Circular No. 750) or any revision of or amendment thereto. If such bond is in order for payment by the paying agent, the owner or coowner, upon establishing his identity to the satisfaction of the paying agent and upon signing the request for payment and adding his home or business address, may receive immediate payment of the current redemption value.

(Sec. 22, 49 Stat. 41, as amended; 31 U. S. C. 757c)

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be impracticable and unnecessary with respect to this amendment, which involves, primarily, a matter of fiscal policy. It extends the sale of savings bonds of Series E to trustees of employees' savings plans under a special limitation on holdings.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-1419; Filed, Feb. 26, 1954; 8:50 a. m.]

* Bonds of Series E in the denomination of $100,000 (maturity value) are available for purchase only by trustees of employees' savings plans.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-9]

DMO I-9—ASSIGNMENT OF DEFENSE MOBILIZATION RESPONSIBILITIES TO THE U. S. DEPARTMENT OF AGRICULTURE

By virtue of the authority vested in me pursuant to the National Security Act of 1947, as amended; Reorganization Plan No. 3, effective June 12, 1953; the Defense Production Act of 1950, as amended; Executive Order 10480 of August 15, 1953; the Strategic and Critical Materials Stock Piling Act of 1946, as amended; and in order to facilitate the coordination of Federal policies and programs for current defense activities and readiness for any future mobilization, it is hereby ordered:

1. The Secretary of Agriculture will be responsible for the development and administration of preparedness measures relating to food and the domestic distribution of farm equipment and commercial fertilizer. Such preparedness measures should be undertaken within a work program which is consistent with the defense mobilization assumptions and objectives for the Government as a whole. It should also take account of the delegation of authority and responsibility from Federal Civil Defense Administration. To assure consistency with the mobilization program as a whole, the proposed work program will be submitted to the Director of the Office of Defense Mobilization for review.

2. The measures for which the Secretary of Agriculture is responsible are as follows:

a. Periodic evaluation of the estimated requirements (including military, export and civilian) and supplies of food (including probable imports), as defined by Executive Order 10480, together with related non-food materials and facilities for the current period and for full mobilization, so as to permit the best use of resources and the identification of any deficiencies in the mobilization base;

b. Current activities relating to the expansion of productive capacity and supply; recommendations for the establishment or modification of expansion goals and the programs needed to meet those goals in order to overcome deficiencies in the mobilization base; screening and making recommendations on requests for rapid tax amortization and for loans and procurement contracts under the Defense Production Act and maintaining the records required to measure progress in achieving expansion goals.

c. Cooperation with other departments and agencies in correcting apparent deficiencies in food processing or distribution capacity or the capacity of supporting industries such as fertilizer, farm machinery, chemicals and containers; consideration of mobilization requirements in planning and carrying out regular programs of the U. S. Department of Agriculture.

d. Development of stand-by controls relating to food allocation and distribution, and the domestic distribution of farm equipment and commercial fertilizer designed to insure rapid and orderly conversion to meet needs arising from full mobilization, or full mobilization with atomic attack; cooperation with the Office of Defense Mobilization and other appropriate agencies in planning other distribution controls applicable to food requisites.

e. Cooperation with the Office of Defense Mobilization in developing stabilization measures for food which would be suitable in the event of full mobilization, or full mobilization with atomic attack.

f. Cooperation with the Department of Labor and other agencies to insure the availability of manpower needed to carry out the food program currently and in full mobilization, including full mobilization with atomic attack.

g. Assistance to the Office of Defense Mobilization in formulating plans for the stockpiling of critical and strategic materials, and to the extent necessary, in the acquisition of such materials and the expansion of domestic sources of supply.

h. Guidance and leadership in the development of plans and programs to insure continuity of operation of vital food facilities in event of attack.

i. Development and maintenance of plans to insure the continuity of the essential functions of the Department in event of attack on the United States.

3. The work program to be undertaken by the Department of Agriculture shall indicate the priority and scope of the work to be carried on in the assigned areas. Periodic reports of progress shall be submitted as requested.

4. This order is not intended to affect any delegation of authority heretofore conferred upon the Secretary of Agriculture.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-1423; Filed, Feb. 25, 1954; 12:43 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127 International Postal Service: Postage Rates, Service Available and Instructions for Mailing (39 CFR Part 127), make the following changes:

a. In § 127.6 *Printed matter* amend paragraph (d) (4) to read as follows:

(4) Except in the case of publications mailed by publishers or registered news agents at the rates of postage prescribed in footnote 3 of table No. 2, § 127.1, newspapers, periodicals, or other articles of printed matter addressed to several different subscribers or addresses must not be enclosed in the same package with postage stamps affixed only to the outside wrapper of the package. However, several newspapers, periodicals, or other articles of printed matter, without separate address, may be enclosed in the same package.

b. In § 127.222 *British Honduras* amend paragraph (b) (5) by adding subdivision (v) to read as follows:

(v) Uncooked pork, including ham and bacon, and all uncooked pork products.

c. In § 127.281 *Italy, including Republic of San Marino* amend paragraph (b) (6) by adding subdivision (iii) to read as follows:

(iii) Gift parcels are delivered free of customs duty and without requirement of import licenses if they comply with the following conditions:

(*a*) Parcels may not exceed 22 pounds in weight, and only one may be received by an individual addressee per month.

(*b*) Contents are limited to food, clothing, soap, and medicines for the personal use of the addressee and his family. Sugar is limited to 6 pounds 9 ounces, coffee to 4 pounds 6 ounces, and cocoa to 2 pounds 3 ounces per parcel.

(*c*) Each parcel should be marked "Pacco familiare gratuito" (free family parcel).

d. In § 127.287 *Korea (Republic of)* delete subdivision (iii) of paragraph (a) (6).

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-1329; Filed, Feb. 26, 1954; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127 International Postal Service: Postage Rates, Service Available and Instructions for Mailing (39 CFR Part 127), make the following changes:

a. In § 127.63 *Tobacco seed and plants* amend paragraph (c) by changing "1 cent" to read "3 cents"; and by changing "10 cents" to read "30 cents".

b. In § 127.81 *Certificates of mailing* make the following changes:

1. Substitute the following for paragraphs (a) and (b):

(a) Upon request at the time of mailing the sender of an ordinary parcel shall be furnished a certificate of mailing on Form 3817 or on a firm mailing book when three or more parcels are mailed at one time. These forms shall be filled out by the senders. A charge of 3 cents shall be made for each certificate issued or 3 cents for each parcel described if the certificate covers more than one parcel.

(b) The sender of any ordinary, registered, or insured parcel may be furnished as many additional certificates of mailing or receipts as may be desired, upon payment of 1 cent for each additional certificate or receipt furnished for each parcel described, under the same conditions as for domestic mail.

(c) The charges collected for certificates of mailing shall be accounted for by means of postage stamps affixed to the forms and canceled by the postmark of the mailing office showing the date.

2. Redesignate paragraphs (c), (d), (e), and (f) as paragraphs (d), (e), (f) and (g), respectively

3. In redesignated paragraph (d), change "1 cent" to read "3 cents".

c. In § 127.89 *Exportation of dried whole eggs* amend paragraph (d) by changing "1 cent" to read "3 cents"; and by changing "10 cents" to read "30 cents".

d. In § 127.159 *Special provisions applicable to ordinary Americo-Spanish parcel post* amend paragraphs (b), (c), and (d) to read as follows:

(b) Except as stated in paragraph (d) of this section, postmasters shall issue a receipt (Form 2932), without carbon process, for each ordinary parcel post package (surface or air) accepted for mailing to any of the countries named in paragraph (a) of this section. Firm mailing sheets may be used where a considerable quantity of ordinary parcels are presented by the same sender. When firm mailing sheets are used, care shall be exercised to see that the receipt is altered, whenever necessary, to show that it is being issued for an Ordinary parcel.

(c) The receipt shall show the date of mailing, exact weight of the parcel, and total amount of postage paid. The sender must complete the receipt to show the name and address of the addressee. The receipt covering an air parcel shall be endorsed "via air mail." These receipts will be subject to a charge of 3 cents for each parcel concerned. Postage stamps to cover the charge shall be affixed to the receipts and canceled by the postmark of the office of mailing.

(d) Exception: The receipt need not be issued if the sender states that he does not desire a receipt and thereby waives all right to indemnity in the event of loss.

e. In § 127.243 *Eritrea* amend the table of rates in subdivision (i) of paragraph (b) (1) to read as follows:

Pounds	Rate	Pounds	Rate
1	$0.63	12	$3.59
2	.85	13	3.81
3	1.18	14	4.03
4	1.40	15	4.25
5	1.62	16	4.47
6	1.84	17	4.69
7	2.06	18	4.91
8	2.48	19	5.13
9	2.70	20	5.35
10	2.92	21	5.57
11	3.14	22	5.79

f. In § 127.279 *Ireland (Eire)* make the following changes:

1. Amend subdivision (i) of paragraph (b) (1) to read as follows:

(i) *Surface parcel rates.*

Pounds	Rate	Pounds	Rate
1	$0.45	9	$2.21
2	.67	10	2.43
3	.89	11	2.65
4	1.11	12	2.87
5	1.33	13	3.09
6	1.55	14	3.31
7	1.77	15	3.53
8	1.99		

2. In paragraph (b) (1), add the following to the table of rates in subdivision (ii):

Lb.	Oz.	Rate	Lb.	Oz.	Rate
11	4	$17.25	13	4	$20.21
11	8	17.62	13	8	20.58
11	12	17.99	13	12	20.95
12	0	18.36	14	0	21.32
12	4	18.73	14	4	21.69
12	8	19.10	14	8	22.06
12	12	19.47	14	12	22.43
13	0	19.84	15	0	22.80

3. In the tabulated information appearing under the table of rates in subdivision (ii) of paragraph (b) (1) change "weight limit: 11 pounds" to read "weight limit: 15 pounds".

g. In § 127.280 *Israel, State of* amend paragraph (a) (8) (i) by striking out "Israeli currency." and inserting in lieu thereof the following: "Israeli banknotes and government bonds, particularly 'Independence bonds.' Banknotes of the former mandate government of Palestine."

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-1328; Filed Feb. 26, 1954; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 943]

ARIZONA

AMENDMENT OF PUBLIC LAND ORDER NO. 924 OF OCTOBER 23, 1953, ABOLISHING CROOK NATIONAL FOREST AND TRANSFERRING ITS LANDS TO TONTO, CORONADO AND GILA NATIONAL FORESTS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Department of Agriculture it is ordered that that portion of Public Land Order No. 924 of October 23, 1953, abolishing the Crook National Forest and transferring its lands to the Gila National Forest, be, and it is hereby amended as follows:

That part of the description of the land in T. 5 S., R. 32 E., Gila and Salt River Meridian, reading secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22, 23, and 24 is corrected to read: "secs. 3 to 10, inclusive; secs. 15 to 22, inclusive."

ORME LEWIS,
Assistant Secretary of the Interior.

FEBRUARY 22, 1954.

[F. R. Doc. 54-1324; Filed, Feb. 26, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF CANNED PEAS

EXTENSION OF TIME

Proposed revised United States Standards for Grades of Canned Peas were set forth in the notice which was published in the FEDERAL REGISTER of January 1, 1954 (19 F. R. 13).

In consideration of comments and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of an extension until April 1, 1954, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed revision of the United States Standards for Grades of Canned Peas.

Done at Washington, D. C., this 23d day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Service.

[F. R. Doc. 54-1336; Filed, Feb. 26, 1954; 8:47 a. m.]

[7 CFR Part 930]

[Docket No. AO 72-A-19]

HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hillcrest Hotel, Madison and 16th Streets, Toledo, Ohio, beginning at 10:00 a. m., e. s. t., March 15, 1954, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area (7 CFR 930.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, for the Toledo, Ohio, marketing area have been proposed as follows:

By The Page Dairy Company:

1. It is proposed to amend § 930.5 of Federal Milk Marketing Order No. 30 to read as follows:

"Toledo, Ohio, Marketing Area," called the "Marketing Area" in this subpart means the territory within the corporate limits of the cities of Toledo, Ohio, Monroe and Adrian, Michigan, and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View and Trilby in Lucas County, Ohio, the village of Rossford in Wood County, Ohio, the towns of Hillsdale in Hillsdale County, Michigan, and Tecumseh in Lenawee County, Michigan, and the territory within the boundaries of the townships of Monclova, Springfield, Adams, Sylvania, Washington, Jerusalem and Oregon in Lucas County, Ohio and Perrysburg, Ross and Lake in Wood County, Ohio and all the townships lying within the boundaries of Hillsdale, Lenawee and Monroe Counties in Michigan with the exception of the townships of Exeter, Ash and Berlin in Monroe County, Michigan.

By The Northwestern Cooperative Sales Association, Inc.:

2. In § 930.5 extend the present marketing area to include "the municipalities of Pemberville in Wood county, and Gibsonburg and Woodville in Sandusky county, and Elmore in Ottawa county; the counties of Monroe (all territory not included in the present marketing area of order No. 30 or order No. 24) and Lenawee in the State of Michigan and all municipalities within the boundaries of those counties.

By The Toledo Market Milk Handlers:

(Proposals submitted under the foregoing proponent are presented for The Babcock Dairy Co., The Kroger Company, The Cherry Grove Dairy Co., The Degner Dairy, The Driggs Dairy Farms, Inc., The Riverside Dairy, The Ohio Cloverleaf Dairy Co., Trilby Farm Dairy and Village Farm Dairy and (excepting proposal No. 3) The Page Dairy Company.)

3. Amend § 930.5 in such a manner as to enlarge the Marketing Area to include all of Lucas County, Fulton County and Wood County in the State of Ohio, and to include the townships of Allen and Clay in Ottawa County, Ohio, and the townships of Madison and Woodville in Sandusky County, Ohio.

4. Amend § 930.6 by re-writing the section to read:

§ 930.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facility used in the preparation or processing of milk for sale or disposition in the Marketing Area as Class I milk, all or a portion of which is so sold or disposed of on the premises or from such plant or facilities to a wholesale or retail stop(s) or to a handler:

(a) Except where such sale or disposition is to the plant of a handler who receives more than 50 percent of his Class I needs in the month involved from producers, or

(b) Except where such sale or disposition is to a non-handler.

Note of explanation. It is the purpose of this proposal to include any plant as a fluid milk plant and hence make such plant a handler if its milk is to be sold or disposed of in the Marketing Area by another handler who receives less than 60 percent of his Class I needs from producers in the month involved.

5. Amend § 930.11 *Other source milk* to read:

§ 930.11 *Other source milk.* "Other source milk" means all skim milk and butterfat in any form received from a source other than a producer or handler (who is not a producer-handler), except any non-fluid milk product so received which is disposed of in the same form: *Provided, however,* That no milk shall be classified as "other source milk" by any handler who receives during the month involved less than 50 percent of his Class I needs from producers. In this event, the milk shall be classified as producer milk and the supplier thereof shall be classified as a handler for the month involved, and both the milk and the handlers thereof shall be subject to the provisions of Order No. 30 as amended.

By the Northwestern Cooperative Sales Association, Inc.

6. Provide additional terms in the order for equalization of the cost of milk in Class I among handlers. In the case of receipts of other source milk by a handler which results in more than 10 percent being classified in Class I, provide for a payment to producers of such handler of the difference between Class II and Class I price on the volume of other source milk received. In any case wherein a handler receives more than 50 percent of his supply from other sources, provide that the supplying plant of such a handler shall in turn become a handler under the order. Continue this process until all milk received and sold in the marketing area is priced under the classified pricing provisions of the order.

By The Toledo Market Milk Handlers:

7. Amend the order by adding to the definitions a new section which will define "Out-of-Area Sales" as being any sales of a handler made outside of the marketing area.

8. a. Amend § 930.41 (a) by eliminating skim milk and butterfat disposed of as sweet or sour cream and any cream product in fluid form which contains less than the minimum butterfat required for fluid cream and eggnog from Class I, and establishing the following:

(b) Class II milk shall be all skim milk and butterfat disposed of as sweet or sour cream; any cream product in fluid form which contains less than the minimum butterfat required for fluid cream; or eggnog;

b. Amend the section further by redesignating what presently appears in Order No. 30 as Class II as Class III; and

c. Amend the section still further by establishing a sub-classification for the disposal of distress milk.

By The Toledo Market Milk Handlers and The Northwestern Cooperative Sales Association, Inc.:

9. Amend § 930.42 (b) and (c) as follows:

a. Delete from paragraph (b) the following language:

(b) * * * located less than 100 miles from the City Hall at Toledo, Ohio, by the shortest highway distance as determined by the market administrator * * *.

This language appears after the word "plant" and before the word "administrator". The paragraph should then read as follows:

(b) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream by a handler to a non-handler's plant shall be Class I milk, unless (1) utilization in Class II is mutually indicated in writing to the market administrator by both the handler and nonhandler on or before the 5th day after the end of the month within which such transfer was made, and (2) the nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization, and

b. Delete paragraph (c) entirely.

By the Northwestern Cooperative Sales Association, Inc.:

10. In the supply-demand pricing provisions of § 930.50 (a) recompute the standard utilization percentage using the figures which have been obtained since the original base period. Reduce the supply-demand adjustment to a limit of 25 cents per hundredweight. Consider the insertion of contra-seasonal factors in the adjustment.

11. Suspend all supply-demand pricing provisions until results of this hearing are made effective.

By The Toledo Market Milk Handlers:

12. a. Amend § 930.50 (a) (1) by adding to the basic formula price the following amount for the delivery periods indicated:

Delivery period:	*Amount*
April, May and June	$0.75
January, February, March, and July	.90
All others	1.10

The above amounts should be 40 cents per hundredweight less for all milk sold or disposed of by a handler to wholesale or retail stop(s) outside of the marketing area;

b. Establish a Class II price 30 cents per hundredweight below the applicable Class I prices; and

c. Amend the section further by fixing the price for distress milk at 50 cents per hundredweight below the Class III price.

13. Amend § 930.51 by eliminating paragraph (b) entirely and redesignating what is presently designated paragraph (c) (1) and (2) as (b) (1) and (2).

14. Amend § 930.52 by deleting paragraphs (a) and (b) and substituting therefor the following:

(a) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, and divide the result by 10;

(b) *Class II milk.* Multiply by 1.25 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, and divide the result by 10, and

(c) *Class III milk.* Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, and divide the result by 10.

By The Northwestern Cooperative Sales Association, Inc.:

15. Consider any other changes in the pricing provisions of the order for the purpose of fixing minimum prices at a level which will reflect the economic and emergency conditions existing in the market.

16. In § 930.75 (a) delete the last four words of the paragraph as follows "authorizing the claimed deduction".

By the Toledo Market Milk Handlers:

17. Amend § 930.80 in such a manner as to require handlers selling or disposing of milk in the marketing area, who may be deemed by the Secretary to be subject to another Federal order, to pay a price to their producers from whom they buy milk at least equal to the prices established by Order No. 30, for such milk as is sold in the marketing area.

By The Northwestern Cooperative Sales Association, Inc.:

18. Make such other changes as are necessary to make the order conform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing and of the order as now in effect may be obtained from the Market Administrator, Davis Building, 147 Michigan Street, Toledo 2, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 24th day of February 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1415; Filed, Feb. 26, 1954; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 12]

[Docket No. 10927]

AMATEUR RADIO SERVICE

FREQUENCIES AND TYPES OF EMISSION; MODULATION OF CARRIER WAVE

In the matter of petitions of the American Radio Relay League for amendment of Part 12, Amateur Radio Service; Docket No. 10927.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration two petitions for rule making, filed by the American Radio Relay League. The petitions both relate to the same subject and, hence, are here considered together.

3. The first petition requests that the Commission amend § 12.111 of Part 12, Amateur Radio Service, which allocates frequencies for amateur operation and specifies the types of emission in each frequency band by subdividing the frequency band 3500–4000 kc so that 25 kilocycles in that band (3775 to 3800 kc) would be available only to amateur mobile stations for use with radiotelephony. The petitioner states that interest in amateur mobile operation is growing and that there has been a shift of interest from the other bands to the 3800–4000 kc band. Deteriorating propagation conditions in the 28 Mc band is cited as a reason for the shift of mobile operation to 3800–4000 kc. Petitioner also alleges that the limited antenna efficiency and the limited transmitter power imposed by mobile operation indicate the desirability of a mobile band separate from the interference from fixed stations using higher power and more efficient antennas.

4. The petition requests, further, that the Commission enlarge the frequency space in the band 14,000–14,350 kc available for use of radiotelephony by providing for use of A3 and narrow band frequency or phase modulation for radiotelephony in the frequency band 14,300–14,350 kc. Existing rules provide for such emissions only on the frequencies 14,200–14,300 kc. Petitioner states that of all amateur frequency bands, where radiotelephony is permitted, the voice segment of the 14 megacycle band is the most congested, indicating a need for increasing the voice space in that band. Petitioner also points out that since 1945 the Commission has increased the voice space available in comparable amateur frequency bands without making similar changes in the 14 megacycle band.

5. The petition also requests that the Commission provide additional space for voice emissions in the frequency band 28.0–29.7 Mc. The requested expansion would add 250 kc; that is, 28,250–28,500 kc to the 28,500–29,700 kc space presently available for telephony. Petitioner states that its investigation of amateur activity in this band in 1946 and again in 1952 showed a definite increase of interest in respect to use of voice emissions and that radiotelegraph activity in this band has decreased.

6. The second petition is addressed exclusively to the amateur frequency band 50.0–54.0 Mc. Petitioner asks that the Commission amend § 12.23 (e), which designates the frequencies available for Novice Class operators and specifies the emissions they may use in each frequency band, be amended by the addition of the frequency band 51.0–53.0 Mc, and that this band be available for novice use with both A1 and A3 emissions for a trial period of one year, in the interest of increasing the occupancy of this band.

7. The second petition also requests that § 12.111 of Part 12 be amended to permit use of Aψ emission in the amateur frequency band 51.0–54.0 Mc. It is stated that few amateurs now operate in this band, but, if permitted to use Aψ emission, many would be attracted there-

to by the prospect of duplex telephone operation. With the migration of more amateurs to this band, there would be less congestion on the lower frequency amateur telephony bands.

8. Relative to the request that space be made available in the frequency band 3500–4000 kc for exclusive use of mobile amateur radio stations using telephony, the Commission has from time to time considered the feasibility of subdividing the amateur frequency bands for purposes of providing frequencies for the exclusive use of different amateur groups interested in certain phases of amateur radio. In considering a somewhat similar request from the Chicagoland Mobile Radio Club, Inc., the Commission (Docket No. 10237) held that the setting aside of portions of the amateur frequency bands for the exclusive use of special groups would not permit the fullest and most diversified use of all frequencies available for amateur radio operation. The information supplied in the League's petition concerning the growth of amateur interest in mobile operation does not seem to warrant reversal of that decision. Further, the petition would encourage the construction of mobile equipment in a portion of the amateur band which may not be available in time of war. All indications are that there will be a large demand for mobile stations in time of war as there is in normal times when disaster strikes. However, studies made at the time of establishment of the RACES indicated that, from the point of view of civil defense, the whole RACES band should be available to all types of amateur activities as the proportion of space required for each activity might well vary from locality to locality. For these reasons the Commission is not proposing the requested modification but is inviting comment as to the propriety of subdividing not only this but also other amateur bands and of subdividing the amateur bands for other purposes as well as for mobile radiotelephone.

9. Relative to the request that additional voice space be provided in the frequency bands 14,000–14,350 kc and 28.0–29.7 Mc, petitioner's statement concerning congestion in the voice portion of the 14,000–14,350 kc band is confirmed by Commission investigation of this matter. Aware of the fact that proportionately less voice space is provided in this band than in comparable amateur frequency bands, the Commission proposes to institute rule-making proceedings looking toward sub-allocation of that band as requested. While the occupancy conditions set forth by the petitioner as reasons for requesting additional space for telephony in the 28.0–29.7 Mc band have not existed in the recent past, the Commission recognizes that improved propagation conditions probably will, in the near future, bring about a recurrence of a heavy occupancy of this band, and, therefore, proposes rule-making proceedings looking toward the sub-allocation of that band as requested.

10. In considering the request that rule-making procedures be instituted for the purpose of providing, on a temporary or trial basis, additional frequency space in the band 50.0–54.0 Mc for use of novice operators with both A1 and A3 emissions, the Commission believes that, because of the adjacency of this band to television channels, serious problems of interference to television reception are likely to result from operations in the band. Because the novice, in general, cannot be expected to have the experience and technique to successfully cope with such problems, the Commission believes it to be unwise to permit novice operation in this band and, therefore, is not proposing rule changes which would provide for such use at this time.

11. Encouragement and improvement of the amateur radio service would seem to result from the use of A9 emission in the 50.0–54.0 Mc band, and rule-making procedures looking toward the provision for the use of such emission in this band are being undertaken at this time.

12. Authority for issuance of the amendments set forth below is vested in the Commission by virtue of sections 4 (i) and 303 (f) and (r) of the Communications Act of 1934, as amended.

13. Any interested party may file with the Commission on or before May 17, 1954, a written statement or brief setting forth comment in favor or opposed to the proposed amendments. Comments or briefs in reply to the original comments or briefs may be filed within fifteen (15) days from the last day for filing the said original comments or briefs. The Commission will consider all such comments, briefs, and statements before taking final action. If any comments are received which appear to warrant the Commission in holding oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

14. In accordance with the provisions of § 1.764 of the Commission's rules, an original and four copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 17, 1954.

Released: February 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 12.111 (d) to read as follows:

(d) 14,000 to 14,350 kc, using type A1 emission, 14,000 to 14,200 kc, using type F1 emission, and on frequencies 14,200 to 14,350 kc, type A3 emission or narrow band frequency or phase modulation for radiotelephony.

2. Amend § 12.111 (g) to read as follows:

(g) 28.0 to 29.7 Mc, using type A1 emission, and on frequencies 28.25 to 29.70 Mc, using type A3 emission and narrow band frequency or phase modulation for radiotelephony, and on frequencies 29.0 to 29.7 Mc, using special emission for frequency modulation (radiotelephone transmission and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

3. Amend § 12.111 (h) to read as follows:

(h) 50.0 to 54.0 Mc, using types A1, A2, A3, and A4 emissions, and narrow band frequency or phase modulation for radiotelephony, 51.0 to 54.0 Mc, using type A9 emission, and on frequencies 52.5 to 54.0 Mc, special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

4. Amend § 12.134 to read as follows:

§ 12.134 *Modulation of carrier wave.* Except for brief tests or adjustments and except for operation in the band 26.96 to 27.23 Mc, an amateur radiotelephone station shall not emit a carrier wave on frequencies below 50 Mc unless modulated for the purpose of communication.

[F. R. Doc. 54–1351; Filed, Feb. 26, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

TOEPFER-PLESCHNER-STIFTUNG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Toepfer-Pleschner-Stiftung, Chur, Switzerland, Claim No. 62362, Vesting Order No. 18516; $14,913.67 in the Treasury of the United States.

Executed at Washington, D. C., on February 23, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54–1349; Filed, Feb. 26, 1954; 8:49 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Commissioner's Reorganization Order 2, Amdt. 2]

REGIONAL COUNSEL

DELEGATION OF CERTAIN FUNCTIONS

Pursuant to the authority vested in me, Paragraph numbered 3 of Commissioner's Reorganization Order No. 2 (Revised), dated July 1, 1953, is hereby amended by adding at the end thereof the following sentences: "Upon the issuance of appropriate orders by the Chief Counsel, the Regional Counsel shall exercise the authorities and perform the duties delegated and assigned by this order to the Appellate Counsel. Any function so vested in a Regional Counsel may, with approval of the Chief Counsel, be delegated by him to any Assistant Regional Counsel or Special Assistant to the Regional Counsel."

[SEAL] T. COLEMAN ANDREWS,
Commissioner.

JANUARY 12, 1954.

Approved: January 7, 1954.

ELBERT P. TUTTLE,
General Counsel for
The Treasury Department.

Approved: January 12, 1954.

G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 54–1416; Filed, Feb. 26, 1954; 8:59 a. m.]

Office of the Secretary

BONDS AND COUPONS OF HOME OWNERS' LOAN CORPORATION

NOTICE OF CHANGE IN PLACE FOR PAYMENT

Pursuant to the authority vested in me, as Secretary of the Treasury, under the terms of the bonds issued by the Home Owners' Loan Corporation with the approval of the Secretary of the Treasury under the authority of the Home Owners' Loan Act of 1933 (48 Stat. 128; U. S. C., Title 12, sec. 1461 et seq.), as amended, whereby the principal and interest on such bonds shall be payable when due at the Treasury Department, Washington, D. C., or any Government agency or agencies in the United States which the Secretary of the Treasury may from time to time designate for the purpose, notice is hereby given that:

On and after March 1, 1954, any bonds issued by the Home Owners' Loan Corporation, all of which have matured or have been called for payment, and any matured interest coupon issued with such bonds will be paid on presentation to the Treasury Department, Washington, D. C. Heretofore such bonds and coupons have also been payable on presentation to any Federal Reserve Bank. On and after the above date, this service by the Federal Reserve Banks will be discontinued. Holders of such bonds and coupons should submit them for payment directly or through their own banks to the Treasury Department, Washington 25, D. C.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

FEBRUARY 25, 1954.

[F. R. Doc. 54–1436; Filed, Feb. 26, 1954; 4:33 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 12, 1954.

An application, serial number Utah 010449, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on September 4, 1953, by The Atomic Energy Commission.

The purposes of the proposed withdrawal: For use by the Atomic Energy Commission.

For a period of 30 days from the date or publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region IV, Bureau of Land Management, Department of the Interior at Salt Lake City, P. O. 659. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 25 S., R. 21 E.
Sec. 28: That part of the NE¼ lying southwest of U. S. Highway 160; and NE¼SE¼.
Sec. 27: That part of W½NW¼ lying south of U. S. Highway 160; and SW¼.

H. BYRON MOCK,
Regional Administrator.

[F. R. Doc. 54–1323; Filed, Feb. 26, 1954; 8:45 a. m.]

Office of the Secretary

[Order No. 2508, Amdt. 7]

BUREAU OF INDIAN AFFAIRS

DELEGATIONS OF AUTHORITY

FEBRUARY 19, 1954.

Order No. 2508, as amended (14 F. R. 258; 16 F. R. 473, 11620, 11974; 17 F. R. 1570, 6418; 19 F. R. 34), is further amended by the addition of a new section, numbered 23 and reading as follows:

SEC. 23. *Negotiated contracts.* The Commissioner of Indian Affairs is authorized to exercise the authority delegated to the Secretary of the Interior by the Administrator of General Services with respect to the negotiation, without advertising, of:

(a) Contracts, under section 302 (c) (9) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, for social and welfare services required to carry out program responsibilities of the Bureau, subject to the conditions imposed by the Administrator of General Services in the delegation of authority (18 F. R. 8738); and

(b) Short term contracts for specialized or technical personal or professional services, subject to the conditions imposed by the Administrator of General Services in the delegation of authority (19 F. R. 275).

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54–1325; Filed, Feb. 26, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order T-350]

MINNESOTA

LOAN ANNOUNCEMENT

OCTOBER 9, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Woodstock Telephone Co., Minnesota 547–B	$35,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54–1358; Filed, Feb. 26, 1954; 8:51 a. m.]

[Administrative Order T-351]

NORTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 9, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
United Telephone Mutual Aid Corp., North Dakota 522–A	[1] $411,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54–1359; Filed, Feb. 26, 1954; 8:51 a. m.]

[Administrative Order No. T-352]

NORTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 15, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Souris River Telephone Mutual Aid Corp., North Dakota 524-A	[1] $1,996,000

[1] Simultaneous allocation and loan.

[SEAL] J. E. O'BRIEN,
Acting Administrator.

[F. R. Doc. 54-1360 Filed, Feb. 26, 1954; 8:51 a. m.]

[Administrative Order T-353]

NORTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 15, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Polar Rural Telephone Mutual Aid Corp., North Dakota 527-A	[1] $2,309,000

[1] Simultaneous allocation and loan.

[SEAL] J. E. O'BRIEN,
Acting Administrator.

[F. R. Doc. 54-1361; Filed, Feb. 26, 1954; 8:52 a. m.]

[Administrative Order T-354]

NORTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 15, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
West River Mutual Aid Telephone Corp., North Dakota 528-A	[1] $444,000

[1] Simultaneous allocation and loan.

[SEAL] J. E. O'BRIEN,
Acting Administrator.

[F. R. Doc. 54-1362; Filed, Feb. 26, 1954; 8:52 a. m.]

[Administrative Order T-355]

NORTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 15, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
B-E-K Telephone Mutual Aid Corp., North Dakota 529-A	[1] $371,000

[1] Simultaneous allocation and loan.

[SEAL] J. E. O'BRIEN,
Acting Administrator.

[F. R. Doc. 54-1363; Filed, Feb. 26, 1954; 8:52 a. m.]

[Administrative Order T-356]

NORTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Reservation Mutual Aid Telephone Corp., North Dakota 525-B	$481,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-1364; Filed, Feb. 26, 1954; 8:52 a. m.]

[Administrative Order T-357]

NORTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Woolstock Mutual Telephone Association, Iowa 515-A	[1] $122,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-1365; Filed, Feb. 26, 1954; 8:52 a. m.]

[Administrative Order T-358]

KENTUCKY

LOAN ANNOUNCEMENT

OCTOBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Elmore Telephone Co., Inc., Kentucky 504-B	$146,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-1366; Filed, Feb. 26, 1954; 8:52 a. m.]

[Administrative Order T-359]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

OCTOBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
West Carolina Rural Telephone Cooperative, Inc., South Carolina 506-B	$105,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-1367; Filed, Feb. 26, 1954; 8:53 a. m.]

[Administrative Order T-360]

INDIANA

LOAN ANNOUNCEMENT

OCTOBER 28, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Perry-Spencer Rural Telephone Cooperative, Inc., Indiana 522-A	[1] $578,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-1368; Filed, Feb. 26, 1954; 8:53 a. m.]

[Administrative Order T-361]

ALABAMA

LOAN ANNOUNCEMENT

NOVEMBER 3, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Peoples Telephone Co., Alabama 501-A	$744,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-1369; Filed, Feb. 26, 1954; 8:53 a. m.]

[Administrative Order T-362]

KENTUCKY

LOAN ANNOUNCEMENT

NOVEMBER 3, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
West Kentucky Rural Telephone Cooperatives Corp., Inc., Kentucky 525-A	$1,485,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-1370; Filed, Feb. 26, 1954; 8:53 a. m.]

[Administrative Order T-363]

IDAHO

LOAN ANNOUNCEMENT

NOVEMBER 3, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mud Lake Telephone Cooperative Association, Inc., Idaho 502-B	$116,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-1371; Filed, Feb. 26, 1954; 8:53 a. m.]

[Administrative Order T-364]

MONTANA

LOAN ANNOUNCEMENT

NOVEMBER 3, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Valley Rural Telephone Cooperative Association, Montana 510-B	$61,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-1372; Filed, Feb. 26, 1954; 8:53 a. m.]

[Administrative Order T-365]

KANSAS

LOAN ANNOUNCEMENT

NOVEMBER 5, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Haviland Telephone Co., Inc., Kansas 506-B	$104,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-1373; Filed, Feb. 26, 1954; 8:53 a. m.]

[Administrative Order T-366]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 6, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Valley Telephone Cooperative, Inc., Texas 562-A	[1] $351,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-1374; Filed, Feb. 26, 1954; 8:54 a. m.]

[Administrative Order T-367]

IOWA

LOAN ANNOUNCEMENT

NOVEMBER 6, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Woolstock Mutual Telephone Association, Iowa 515-A	[1] $122,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-1375; Filed, Feb. 26, 1954; 8:54 a. m.]

[Administrative Order T-368]

LOUISIANA

LOAN ANNOUNCEMENT

NOVEMBER 13, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Northwest Louisiana Telephone Co., Inc., Louisiana 510-A	[1] $499,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-1376; Filed, Feb. 26, 1954; 8:54 a. m.]

[Administrative Order T-369]

OKLAHOMA

LOAN ANNOUNCEMENT

NOVEMBER 13, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Choteau Telephone Co., Oklahoma 532-A	[1] $154,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-1377; Filed, Feb. 26, 1954; 8:54 a. m.]

[Administrative Order T-370]

OKLAHOMA

LOAN ANNOUNCEMENT

NOVEMBER 13, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New State Telephone Co., Oklahoma 511-B	$245,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-1378; Filed, Feb. 26, 1954; 8:54 a. m.]

[Administrative Order T-371]

ILLINOIS

LOAN ANNOUNCEMENT

NOVEMBER 13, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Woodlawn Telephone Co., Illinois 509-B	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-1379; Filed, Feb. 26, 1954; 8:54 a. m.]

[Administrative Order T-372]

MINNESOTA

LOAN ANNOUNCEMENT

NOVEMBER 17, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Garden Valley Telephone Co., Minnesota 505-B	$1,935,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-1380; Filed, Feb. 26, 1954; 8:55 a. m.]

[Administrative Order T-373]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Cities Telephone Co., Tennessee 503–C	$213,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1381; Filed, Feb. 26, 1954; 8:55 a. m.]

[Administrative Order T-374]

OHIO

LOAN ANNOUNCEMENT

NOVEMBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
The Arthur Mutual Telephone Co., Ohio 503–B	$50,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1382; Filed, Feb. 26, 1954; 8:55 a. m.]

[Administrative Order T-375]

NEW MEXICO

LOAN ANNOUNCEMENT

NOVEMBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
E. N. M. R. Telephone Cooperative, New Mexico 504–C	$51,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1383; Filed, Feb. 26, 1954; 8:55 a. m.]

[Administrative Order T-376]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 24, 1953.

I hereby amend:

(a) Administrative Order No. T-79, dated October 24, 1951, by rescinding the loan of $207,000 therein made for "Sikes Telephone Company—Georgia 514–A"; and

(b) Administrative Order No. T-241, dated December 15, 1952, by rescinding the loan of $3,000 therein made for "Sikes Telephone Company—Georgia 514–B".

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1384; Filed, Feb. 26, 1954; 8:55 a. m.]

[Administrative Order T-377]

COLORADO

LOAN ANNOUNCEMENT

NOVEMBER 25, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Haxtun Telephone Co., Colorado 509–A	[1] $359,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1385; Filed, Feb. 26, 1954; 8:55 a. m.]

[Administrative Order T-378]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 2, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Central Telephone Association, Inc., Kansas 551–A	[1] $497,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1386; Filed, Feb. 26, 1954; 8:55 a. m.]

[Administrative Order T-379]

ALABAMA

LOAN ANNOUNCEMENT

DECEMBER 3, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Monroeville Telephone Co., Inc., Alabama 516–A	$465,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1387; Filed, Feb. 26, 1954; 8:56 a. m.]

[Administrative Order T-380]

KENTUCKY

LOAN ANNOUNCEMENT

DECEMBER 3, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Brandenburg Telephone Co., Kentucky 554–C	$170,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1388; Filed, Feb. 26, 1954; 8:56 a. m.]

[Administrative Order T-381]

MINNESOTA

LOAN ANNOUNCEMENT

DECEMBER 11, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
West Central Telephone Association, Minnesota 564–A	[1] $927,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54–1389; Filed, Feb. 26, 1954; 8:56 a. m.]

[Administrative Order T-382]

TENNESSEE

LOAN ANNOUNCEMENT

DECEMBER 11, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Twin Lakes Telephone Cooperative Corp., Tennessee 544–B	$1,710,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54–1390; Filed, Feb. 26, 1954; 8:56 a. m.]

[Administrative Order T-383]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 11, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Reno Telephone Association, Inc., Kansas 545–B	$935,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54–1391; Filed, Feb. 26, 1954; 8:56 a. m.]

[Administrative Order T-384]

NORTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 16, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tri-County Telephone Membership Corp., North Carolina 523–A	$340,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1392; Filed, Feb. 26, 1954; 8:56 a. m.]

[Administrative Order T-385]

MISSISSIPPI

LOAN ANNOUNCEMENT

DECEMBER 22, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Florence Telephone Co., Inc., Mississippi 503–C	$43,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1393; Filed, Feb. 26, 1954; 8:57 a. m.]

[Administrative Order T-386]

ILLINOIS

LOAN ANNOUNCEMENT

DECEMBER 22, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Adams Telephone Cooperative, Illinois 518–B	$245,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1394; Filed, Feb. 26, 1954; 8:57 a. m.]

[Administrative Order T-387]

GEORGIA

LOAN ANNOUNCEMENT

DECEMBER 24, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
L & B Telephone Co., Georgia 527–A	[1] $142,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1395; Filed, Feb. 26, 1954; 8:57 a. m.]

[Administrative Order T-388]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 31, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Peoples Telephone Cooperative, Inc., Texas 557–B	$92,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1396; Filed, Feb. 26, 1954; 8:57 a. m.]

[Administrative Order T-389]

LOUISIANA

LOAN ANNOUNCEMENT

JANUARY 8, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Forest Hill Telephone Co., Inc., Louisiana 512–B	$287,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1397; Filed, Feb. 26, 1954; 8:57 a. m.]

[Administrative Order T-390]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 15, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Heins Telephone Co., North Carolina 520–B	$509,000

[SEAL] ROBERT T. BEALL, *Acting Administrator.*

[F. R. Doc. 54–1398; Filed, Feb. 26, 1954; 8:57 a. m.]

[Administrative Order T-391]

NEBRASKA

LOAN ANNOUNCEMENT

JANUARY 19, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Rodeo Telephone Membership Corp., Nebraska 520–A	[1] $637,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1399; Filed, Feb. 26, 1954; 8:58 a. m.]

[Administrative Order T-392]

LOUISIANA

LOAN ANNOUNCEMENT

JANUARY 25, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Star Telephone Co., Inc., Louisiana 509–C	$27,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54–1400; Filed, Feb. 26, 1954; 8:58 a. m.]

[Administrative Order T-393]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 25, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Farmers Telephone Cooperative, Inc., South Carolina 518–B	$1,329,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc 54–1401; Filed, Feb. 26, 1954; 8:58 a. m.]

[Administrative Order T-394]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 28, 1954.

I hereby amend:

(a) Administrative Order No. T-187, dated August 28, 1952, by rescinding the loan of $83,000 therein made for "Hill Telephone Corporation—Maine 502-A."

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-1402; Filed, Feb. 26, 1954; 8:58 a. m.]

[Administrative Order T-395]

TEXAS

LOAN ANNOUNCEMENT

FEBRUARY 1, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
West Texas Rural Telephone Cooperative, Inc., Texas 507-C	$123,000

[SEAL] R. G. ZOOK, *Acting Administrator.*

[F. R. Doc. 54-1403; Filed, Feb. 26, 1954; 8:58 a. m.]

[Administrative Order T-396]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

FEBRUARY 5, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Palmetto Rural Telephone Cooperative, Inc., South Carolina 512-B	$608,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-1404; Filed, Feb. 26, 1954; 8:58 a. m.]

[Administrative Order T-397]

MINNESOTA

LOAN ANNOUNCEMENT

FEBRUARY 9, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Fillmore County Telephone Cooperative, Minnesota 525-B	$963,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-1405; Filed, Feb. 26, 1954; 8:58 a. m.]

[Administrative Order T-398]

KENTUCKY

LOAN ANNOUNCEMENT

FEBRUARY 9, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mountain Rural Telephone Cooperative Corp., Inc., Kentucky 506-C	$77,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-1406; Filed, Feb. 26, 1954; 8:59 a. m.]

[Administrative Order T-399]

WISCONSIN

LOAN ANNOUNCEMENT

FEBRUARY 9, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Amberg Telephone & Telegraph Co., Wisconsin 514-A	[1] $431,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-1407; Filed, Feb. 26, 1954; 8:59 a. m.]

[Administrative Order T-400]

VIRGINIA

LOAN ANNOUNCEMENT

FEBRUARY 9, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Merchant & Farmers Telephone Co., Virginia 507-B	$119,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-1408; Filed, Feb. 26, 1954; 8:59 a. m.]

[Administrative Order T-401]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 11, 1954.

I hereby amend:

(a) Administrative Order No. T-326, dated August 7, 1953, by increasing the loan of $66,000 therein made for "Colfax Telephone Exchange—California 508-B" by $42,000 so that the increased loan shall be $108,000.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-1409; Filed, Feb. 26, 1954; 8:59 a. m.]

[Administrative Order T-402]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 12, 1954.

I hereby amend:

(a) Administrative Order No. T-322, dated August 3, 1953, by reducing the loan of $605,000 therein made for "Mebane Home Telephone Company, Inc.—North Carolina 508-A" by $207,000 so that the reduced loan shall be $398,000.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-1410; Filed, Feb. 26, 1954; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10872, 10873, 10874]

TEXAS STATE NETWORK, INC., ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Texas State Network, Inc., Fort Worth, Texas, Docket No. 10872, File No. BPCT-571; W. W. Lechner, d/b as Lechner Television Company, Fort Worth, Texas, Docket No. 10873, File No. BPCT-1643; R. O. Shaffer, Sterling C. Holloway, M. J. Neeley, Arch Rowan, F. Kirk Johnson and C. L. Rowan, d/b as Fort Worth Television Company, Fort Worth, Texas; Docket No. 10874, File No. BPCT-1644; for construction permits for new television stations.

The Commission having under consideration a motion, filed on February 18, 1954, by Fort Worth Television Company, requesting a two weeks' continuance of the hearing herein;

It appearing, that counsel for the Commission and for the other applicants herein have no objection to the continuance and have consented to immediate consideration of the motion;

It is ordered, This 18th day of February 1954, that the motion is granted, and the hearing conference pursuant to § 1.841, heretofore scheduled for February 26, 1954, is continued to 10:00 a. m., on March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1352; Filed, Feb. 26, 1954; 8:50 a. m.]

[Docket Nos. 10879, 10880]

APPALACHIAN BROADCASTING CORP. AND TRI-CITIES TELEVISION CORP.

ORDER CONTINUING HEARING

In re applications of Appalachian Broadcasting Corporation, Bristol, Virginia, Docket No. 10879, File No. BPCT-850; Tri-Cities Television Corporation, Bristol, Tennessee, Docket No. 10880, File No. BPCT-1250; for construction permits for new television stations.

Oral request having been made by counsel for the applicants in the above-entitled proceeding that the hearing conference in said matter pursuant to § 1.841 of the Commission's rules, heretofore scheduled for February 26, 1954, be continued to March 1, 1954, and counsel for the Chief of the Commission's Broadcast Bureau having consented thereto;

It is ordered, This 19th day of February 1954, that the hearing conference in the above-entitled proceeding pursuant to § 1.841 of the Commission's rules, heretofore scheduled for February 26, 1954, is hereby continued to Monday, March 1, 1954, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1353; Filed, Feb. 26, 1954; 8:50 a. m.]

[Docket No. 10910]

STILLWATER PUBLISHING CO. (KSPI)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Stillwater Publishing Company (KSPI), Stillwater, Oklahoma, File No. BP-8920, Docket No. 10910; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of February 1954;

The Commission having under consideration the above-entitled application of Stillwater Publishing Company for a construction permit to change frequency of Station KSPI, Stillwater, Oklahoma from 780 kc to 1490 kc and hours of operation from daytime only to unlimited time;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KSPI as proposed; but that the operation of the station as proposed would cause interference to Station KBIX, Muskogee, Oklahoma (1490 kc, 250 w, U), and fails to comply with the provisions of the Standards of Good Engineering Practice with respect to providing the recommended minimum of interference-free service to the area within the proposed station's normally protected (0.5 mv/m) contour;

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated December 9, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the Commission, after consideration of the applicant's reply and an opposition of Station KBIX filed on January 7, 1954, is still of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KSPI as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of Station KSPI as proposed would cause objectionable interference to Station KBIX and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing the recommended minimum of interference-free service within the proposed station's normally protected daytime (0.5 mv, m) contour.

It is further ordered, That the Oklahoma Press Publishing Company, licensee of Station KBIX is made a party to said proceeding.

Released: February 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1354; Filed, Feb. 26, 1954; 8:50 a. m.]

[Docket No. 10911]

PHIL BIRD

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Phil Bird, Lawton, Oklahoma, File No. BP-9018, Docket No. 10911; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on 17th day of February 1954;

The Commission having under consideration the above-entitled application for a construction permit for a standard broadcast station in Lawton, Oklahoma, to operate on 1600 kilocycles, with a power of 1000 watts, unlimited time;

It appearing, that the applicant is legally, technically and financially qualified to operate the station as proposed, but that the proposed operation would not provide the minimum of interference-free service as recommended by the Standards of Good Engineering Practice within the proposed station's normally protected nighttime (4 mv/m) and daytime (0.5 mv/m) contours; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated November 25, 1953, of the above deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant filed a reply on December 23, 1953, and the Commission, after consideration of the reply is still of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing the recommended minimum of interference-free service within the proposed station's normally protected nighttime (4 mv/m) and daytime (0.5 mv/m) contours.

Released: February 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1355; Filed, Feb. 26, 1954; 8:50 a. m.]

[Docket Nos. 10912, 10913]

SHEBOYGAN BROADCASTING CO., INC., AND EASTERN WISCONSIN BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Sheboygan Broadcasting Company, Inc., Sheboygan, Wisconsin, File No. BP-8715, Docket No. 10912; Arthur J. Gerber, Harold C. Steinke, Clair G. Burrill and Willard C. Fischer d/b as Eastern Wisconsin Broadcasting Company, Plymouth, Wisconsin, File No. BP-8969, Docket No. 10913; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of February 1954;

The Commission having under consideration the above-entitled applications of Sheboygan Broadcasting Company, Inc., for a construction permit for a new standard broadcast station to operate on 1420 kc, with 500 watts, daytime only at Sheboygan, Wisconsin, and Arthur J. Gerber, Harold C. Steinke, Clair G. Burrill and Willard C. Fischer d/b as Eastern Wisconsin Broadcasting Company for a construction permit for a new standard broadcast station to

operate on 1420 kc, with 500 watts, daytime only at Plymouth, Wisconsin; and

It appearing, that the applicants are legally, financially, technically and otherwise qualified to operate the proposed stations, but that the operation of both stations as proposed would result in mutually prohibitive interference with each other; and that both of the proposed operations would receive interference from Station WOC, Davenport, Iowa (1420 kc, 5 kw, U (DA-2)) and would fail to comply with the provisions of the Standards of Good Engineering Practice with respect to providing the recommended minimum of interference-free service to the area within the proposed stations' normally protected (0.5 mv/m) contour; and

It further appearing, that the proposed Plymouth operation would cause interference to and receive interference from Station WBEV, Beaver Dam, Wisconsin (1430 kc, 1 kw, Daytime); and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated November 4, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the applications would be in the public interest; and

It further appearing, that the Commission, after consideration of the respective replies of the applicants and the opposition of Station WBEV, is still of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station at Plymouth, Wisconsin, would involve objectionable interference with Station WBEV, Beaver Dam, Wisconsin, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing the recommended minimum of interference-free service to the area within the proposed stations' normally protected (0.5 mv/m) contour.

4. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the applicants would provide the more fair, efficient and equitable distribution of radio service.

5. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

It is further ordered, That Beaver Dam Broadcasting Company, licensee of Station WBEV, Beaver Dam, Wisconsin, is made a party to said proceeding.

Released: February 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1356; Filed, Feb. 26, 1954; 8:51 a. m.]

[Docket No. 10914]

WESTERN BROADCASTING CO., INC. (KIFN)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Western Broadcasting Company, Inc. (KIFN), Phoenix, Arizona, Docket No. 10914, File No. BMP-6194; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of February 1954;

The Commission having under consideration the above-entitled application for modification of construction permit to change the facilities of Station KIFN, Phoenix, Arizona, from 860 kilocycles, 1000 watts, daytime only, to 860 kilocycles, 1000 watts, directional antenna, unlimited time;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KIFN as proposed; that no interference would be caused to any existing or proposed station; but that the application may not comply with the Standards of Good Engineering Practice; particularly with reference to the percentage of nighttime population lost to the population served and coverage of the Phoenix, Arizona, metropolitan district; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated July 22, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant filed replies on August 17, and October 29, 1953; and

It further appearing, that, the Commission, after consideration of the replies, is of the opinion that a hearing is necessary.

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing the recommended minimum of interference-free service within the proposed station's normally protected (2.5 mv/m) contour, and coverage of Phoenix, Arizona, and its metropolitan district.

Released: February 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1357; Filed, Feb. 26, 1954; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 6462, 6474, 6475, 6473]

CAPITAL AIRLINES, INC., ET AL.

NOTICE OF HEARING

In the Matter of Capital Airlines, Inc., Docket No. 6462; Western Air Lines, Inc., Docket No. 6474; Braniff Airways, Inc., Docket No. 6475; Delta Air Lines, Inc., Docket No. 6473.

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Capital Airlines, Inc., and Western Air Lines, Inc., over their entire systems and of Braniff Airways, Inc., and Delta Air Lines, Inc., over their routes within the continental United States.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceedings is assigned to be held on March 2, 1954, at 10:00 a. m., e. s. t., in Room 5859, Commerce Building, Fourteenth and Constitution Avenue, NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., February 24, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-1350; Filed, Feb. 26, 1954; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2093, G-2226, G-2268, G-2305, G-2314, G-2322]

CONNECTICUT GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

FEBRUARY 23, 1954.

In the matters of The Connecticut Gas Company, Docket No. G-2093; The Hartford Gas Company, Docket No. G-2226; East Tennessee Natural Gas Company, Docket No. G-2268; Iroquois Gas Corporation, Docket No. G-2305; The Manufacturers Light and Heat Company, Docket No. G-2314; Lone Star Gas Company, Docket No. G-2322.

Notice is hereby given that on February 19, 1954, the Federal Power Commission issued its orders adopted February 17, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1347; Filed, Feb. 26, 1954; 8:49 a. m.]

[Docket No. G-2313]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER PERMITTING AND APPROVING ABANDONMENT OF NATURAL-GAS FACILITIES

FEBRUARY 23, 1954.

Notice is hereby given that on February 19, 1954, the Federal Power Commission issued its order adopted February 17, 1954, permitting and approving abandonment of natural-gas facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1343; Filed, Feb. 26, 1954; 8:48 a. m.]

[Docket No. G-2363]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 23, 1954.

Take notice that El Paso Natural Gas Company, Applicant, a Delaware corporation having its principal place of business at El Paso, Texas, on February 5, 1954, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition, purchase and operation of 36 metering stations and appurtenant facilities, all located in Pinal County, Arizona, from the Natural Gas Service Co. of Arizona, in order that Applicant may have ownership and control over said metering facilities which will be used for the measurement of natural gas, which it sells to Natural Gas Service Co. at the various points where the facilities are presently located. The depreciated cost of the facilities to be acquired, the application states, is $19,979.95.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of March 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1339; Filed, Feb. 26, 1954; 8:47 a. m.]

[Docket No. G-2365]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 23, 1954.

Take notice that El Paso Natural Gas Company, Applicant, a Delaware corporation having its principal place of business at El Paso, Texas, on February 9, 1954, filed an application, (1) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas pipeline facilities, and (2), for an order, pursuant to section 7 of the act, authorizing the abandonment of certain pipeline facilities, all as hereinafter described.

The application recites that: The project or facilities for which a Certificate of Public Convenience and Necessity is sought consist of the retirement of the pipeline and the re-arrangement and tieing-in of the facilities all as described below:

(1) Retire approximately 7.56 miles of 4½-inch O. D. pipeline presently providing service for the Trico Electric Cooperative at its existing Marana Power Plant in Pima County, Arizona. This pipeline, originally authorized in Docket No. G-1051 as amended, extends from a point on Applicant's existing 26-inch O. D. California transmission pipeline, at approximately mile post 519, said point being on the immediate suction side of Applicant's existing Tucson Compressor Station in Section 30, Township 12 South, Range 10 East, Pima County, Arizona, in a northeastwardly direction to a point of termination in Section 26, Township 11 South, Range 10 East, Pima County, Arizona.

(2) Remove and re-establish the present orifice meter station now located at the upstream side of the pipeline described in item (1) above, and relocate the meter station at the point of termination of the pipeline now proposed to be abandoned, said point of relocation being in Section 26, Township 11 South, Range 10 East, Pima County, Arizona.

(3) Make the necessary tie-in between the orifice metering station described under item (2) above, and Applicant's proposed 12¾-inch pipeline which will serve the Saguaro power plant, said tie-in being approximately 50 feet of 4½-inch O. D. pipe. The tie-in and relocated orifice meter station will be used to continue the existing natural gas service to the Trico Electric Cooperative.

The cost of the line to be retired including right-of-way, etc., is approximately $68,581 and the cost of the pipe alone which is to be salvaged is $26,250; cost of the freight on the salvaged pipe is $5,229 and the estimated cost of removal is $5,940. It is estimated that the cost of reconditioning the salvaged pipe will be $16,238 and the estimated cost of removing and relocating the existing meter stations is $350 and the estimated cost to tie-in the meter station at the new location is $400. The cost of Applicant's project will be financed out of funds on hand.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of March 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1340; Filed, Feb. 26, 1954; 8:47 a. m.]

[Docket No. G-2368]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

FEBRUARY 23, 1954.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation, having its principal place of business in Houston, Texas, filed, on February 10, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural gas facilities, as more fully described in the application:

Five loop lines totaling approximately 10.37 miles of 30-inch pipe and 46.68 miles of 36-inch pipe along Applicant's existing pipeline system in the States of Louisiana, Mississippi, and Alabama.

The estimated over-all cost of the proposed facilities is $6,533,000, which Applicant proposes to finance through a temporary bank loan, which will be refinanced as a part of its next major expansion program through the issuance of additional securities.

The facilities are proposed to be used to transport 10,000 Mcf of natural gas per day on a firm basis for Sun Oil Company from Starr County, Texas, to Applicant's Marcus Hook Meter and Regulator Station in Delaware County, Pennsylvania, and incidentally to increase Applicant's sustained delivery capacity for firm service to its utility customers by 10,000 Mcf per day.

Protests or petitions to intervene in the above matter may be filed with the Federal Power Commission, Washington 25,

D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of March 1954.

The foregoing application is on file with the Commission and open to inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1341; Filed, Feb. 26, 1954; 8:48 a. m.]

[Docket No. G-2369]

IROQUOIS GAS CORP.

NOTICE OF APPLICATION

FEBRUARY 23, 1954.

Take notice that Iroquois Gas Corporation (Applicant), a New York corporation, having its principal place of business in Buffalo, New York, filed, on February 12, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities subject to the jurisdiction of the Commission, consisting of 24.5 miles of 20-inch transmission pipeline from Applicant's Porterville Station near the Town of Elma, Erie County, New York, to its Vicksburg Station in the Town of Tonawanda, Erie County, New York.

Applicant proposes to construct and operate the facilities so as to give greater capacity, stability and flexibility to the Applicant's distribution system by providing a direct supply of natural gas at the Vicksburg Station for use both by Applicant and by its wholesale customer at that point, Republic Light, Heat and Power Company, Inc. Each company will have metering facilities and will own and operate separate mixing facilities at the Vicksburg Station to make 900 B. t. u. mixed gas for its retail customers. Applicant states that the 20-inch natural gas line to which this application relates is required to bring from the area south of Buffalo, where Iroquois' connections with its pipeline suppliers and its underground storage fields are located, the natural gas which at the Vicksburg Station will be mixed with coke oven gas by both Iroquois and Republic.

The estimated capital cost of the facilities is $1,540,000 and will be defrayed by funds realized from the issuance of common stock to the National Fuel Gas Company, the parent company of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of March 1954.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1342; Filed, Feb. 26, 1954; 8:48 a. m.]

[Project No. 533]

FRED A. HORNING

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (MINOR)

FEBRUARY 23, 1954.

Notice is hereby given that on February 19, 1954, the Federal Power Commission issued its order adopted February 17, 1954, accepting surrender of license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1344; Filed, Feb. 26, 1954; 8:48 a. m.]

[Project No. 1191]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (TRANSMISSION LINE)

FEBRUARY 23, 1954.

Notice is hereby given that on February 19, 1954, the Federal Power Commission issued its order adopted February 17, 1954, further amending license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1345; Filed, Feb. 26, 1954; 8:48 a. m.]

SOUTHERN UNION GAS CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF ACCOUNTING ADJUSTMENTS

FEBRUARY 23, 1954.

Notice is hereby given that on February 19, 1954, the Federal Power Commission issued its order adopted February 17, 1954, approving and directing disposition of accounting adjustments in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1346; Filed, Feb. 26, 1954; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 36—DPAV-43 (a)]

ALLGOOD TERMINAL WAREHOUSES ET AL.

NOTICE OF WITHDRAWAL OF REQUEST TO PARTICIPATE IN THE DEFENSE WAREHOUSEMEN'S ASSOCIATION AGREEMENT OF THE PORT OF NEW YORK

The Defense Warehousemen's Association of the Port of New York formed pursuant to section 708 of the Defense Production Act of 1950, as amended, has been dissolved and accordingly the request to participate in the Defense Warehousemen's Association Agreement of the Port of New York transmitted to and accepted by those companies listed below has been withdrawn.

Allgood Terminal Warehouses, Lexington Avenue at East First Street, Bayonne, N. J.

American Dock Co., 17 State Street, New York 4, N. Y.

Appliance Warehouse Co., Inc., 163 Avenue A, Bayonne, N. J.

Baker & Williams, 114-126 Leroy Street, New York 14, N. Y.

Beard's Erie Basin, Inc., 21 State Street, New York 4, N. Y.

Bowne-Morton's Stores, Inc., 611 Smith Street, Brooklyn, N. Y.

Brooklyn Terminal Stores, Inc., 26-42 North 10th Street, Brooklyn 11, N. Y.

Bush Terminal Co., 100 Broad Street, New York 4, N. Y.

C. & D. Warehouse, Inc., 85 Fifth Avenue, Paterson 4, N. J.

J. Leo Cooke Warehouse Corp., 140 Bay Street, Jersey City 2, N. J.

J. Leo Cooke Warehouse Corp.—Erie, Twelfth and Provost Streets, Jersey City 2, N. J.

Essex Warehouse Co., 950 McCarter Highway, Newark 2, N. J.

Fidelity Warehouse Co., 286 South Street, New York 2, N. Y.

Gardner Warehouse Co., Fifty-ninth Street and Twelfth Avenue, New York 19, N. Y.

Harborside Warehouse Co., Inc., 34 Exchange Place, Jersey City 3, N. J.

Hoboken Dock Stores, Inc., foot of Sixth Street, Hoboken, N. J.

Independent Warehouses, Inc., 415-427 Greenwich Street, New York 13, N. Y.

Johnson Warehouses, Inc., Pier B., E. and I, Jersey City, N. J.

L. & P. Stores, Inc., 15-17-19-21 Worth Street, New York 13, N. Y.

Lehigh Warehouse & Transportation Co., 98-108 Frelinghuysen Avenue, Newark 5, N. J

Mid-Hudson Warehouse, Inc., 29-51 Pavonia Avenue, Jersey City 2, N. J.

Midtown Warehouse, Inc., 601 West Twenty-sixth Street, New York 1, N. Y.

Municipal Warehouse Company, Inc., 130 Third Street, Brooklyn 31, N. Y.

National Docks Warehouses, Inc., P. O. Box 28, Bergen Station, Jersey City 4, N. J.

New York Dock Co., 44 Whitehall Street, New York 4, N. Y.

Port Warehouses, Inc., 47 Vestry Street, New York 13, N. Y.

Pouch Terminal, Inc., 17 State Street, New York 4, N. Y.

S & F Warehouses, Port Street, Port Newark 5, N. J.

Service Warehouse, Inc., 25 Metropolitan Avenue, Brooklyn 11, N. Y.

Shephard Warehouses, Inc., 667-675 Washington Street, New York 14, N. Y.

Henry I. Stetler, Inc., 84 Bank Street, New York 14, N. Y.

Sun Warehouses, Inc., 79-101 Laight Street, New York, N. Y.

Towers' Warehouses, Inc., 531-545 West Twenty-first Street, New York, N. Y.

Vendors Warehouse & Distribution Service, Inc., Foot of Humboldt Street, Jersey Central Yards, Elizabethport, N. J.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies has been likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to that withdrawal.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, August 14, 1953, 18 F. R. 4939)

Dated: February 25, 1954.

ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 54-1429; Filed, Feb. 25, 1954; 4:07 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28940]

SYNTHETIC RESINS FROM ORANGE, TEX., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Synthetic resins, carloads.

From: Orange, Texas.

To: Specified points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes and additional route.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 311.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1330; Filed, Feb. 26, 1954; 8:46 a. m.]

[4th Sec. Application 28941]

SUGAR FROM NEW ORLEANS, THREE OAKS, GRAMERCY, AND RESERVE, LA., TO MURRAY, KY.

APPLICATION FOR RELIEF

FEBRUARY 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 380, pursuant to fourth-session order No. 16101.

Commodities involved: Sugar, carloads.

From: New Orleans, Three Oaks, Gramercy and Reserve, La.

To: Murray, Ky.

Grounds for relief: Competition with rail carriers, circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1331; Filed, Feb. 26, 1954; 8:46 a. m.]

[4th Sec. Application 28942]

PICKLED FISH FROM MENOMINEE, MICH., TO MARYLAND, PENNSYLVANIA, VIRGINIA, AND WEST VIRGINIA

APPLICATION FOR RELIEF

FEBRUARY 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Fish, pickled, carloads.

From: Menominee, Mich.

To: Specified points in Maryland, Pennsylvania, Virginia, and West Virginia.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1332; Filed, Feb. 26, 1954; 8:46 a. m.]

[4th Sec. Application 28943]

MOTOR-RAIL RATES BETWEEN SPRINGFIELD, MASS., AND HARLEM RIVER, N. Y., AND ELIZABETH OR EDGEWATER, N. J.; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

FEBRUARY 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Arrow Transportation Co., Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Springfield, Mass., on the one hand, and Harlem River, N. Y., Elizabeth or Edgewater, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1333; Filed, Feb. 26, 1954; 8:46 a. m.]

[4th Sec. Application 28944]

CASTOR POMACE FROM BRADY, TEX., TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Castor pomace, carloads.

From: Brady, Texas.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 143.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from

the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1334; Filed, Feb. 26, 1954; 8:46 a. m.]

[4th Sec. Application 28945]

NEWSPRINT PAPER FROM CALHOUN, TENN., TO SOUTHWESTERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Newsprint paper, carloads.

From: Calhoun, Tenn.

To: Specified points in southwestern territory.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4063, supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1335; Filed, Feb. 26, 1954; 8:47 a. m.]

[4th Sec. Application 28946]

FERTILIZER COMPOUNDS FROM TEXAS CITY, TEX., TO SOUTHERN TERRITORY AND HELENA, ARK.

APPLICATION FOR RELIEF

FEBRUARY 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer compounds, carloads.

From: Texas City, Texas.

To: Points in southern territory and Helena, Ark.

Grounds for relief: Rail competition, circuity, market competition, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 140.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1336; Filed, Feb. 26, 1954; 8:47 a. m.]

[4th Sec. Application 28947]

CLEANING COMPOUNDS FROM ST. LOUIS, MO., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

FEBRUARY 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spanninger's tariff I. C. C. No. 1062.

Commodities involved: Cleaning, scouring and washing compounds, and kindred articles, carloads.

From: St. Louis, Mo.

To: New Orleans, La.

Grounds for relief: Competition with rail carriers and competition with water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1337; Filed, Feb. 26, 1954; 8:47 a. m.]

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VOLUME 19 NUMBER 41

Washington, Tuesday, March 2, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3043

RED CROSS MONTH, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the American National Red Cross, under the term of its charter established by act of Congress, is a major instrument for protecting the health and welfare of the American people through voluntary services supported and rendered by its members; and

WHEREAS the service of the Red Cross demonstrates our Nation's tradition of neighbor helping neighbor; and

WHEREAS the Red Cross world-wide continuing at full strength its welfare program for members of the armed forces and their families has accepted the additional responsibility of providing for informal club activities for overseas servicemen; and

WHEREAS the organization's blood program provides blood for the sick and injured in nearly half the Nation's hospitals and, at the same time, enables the Red Cross to meet its responsibility as the collecting agency of blood for national defense; and

WHEREAS the Red Cross is a medium for extending emergency relief to families stricken by disaster and for helping to rehabilitate those families as well as for making available to all the people training in such essential skills as first aid, water safety, and home nursing; and

WHEREAS these services and many others performed by millions of adult and junior members of the organization prepare our people to save lives and to alleviate suffering both in time of peace and in time of national emergency; and

WHEREAS the American Red Cross is appealing for $85,000,000 and thirty million members to help it achieve its objectives in the year ahead:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1954 as Red Cross Month; and I urge every American during that month to cooperate in furthering the work of this humanitarian organization.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of February in the year of our Lord nineteen hundred and [SEAL] fifty-four and of the Independence of the United States of America the one hundred and seventy-[illegible].

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State

[F. R. Doc. 54-1484; Filed, Feb. 26, 1954; 11:04 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

VETERANS' ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER the following positions are added:

§ 6.322 *Veterans' Administration.*—(a) *Office of the Administrator.* * * *

(4) Six Confidential Assistants to the Special Assistant to the Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 1644, March 31, 1953, 18 F. R. 1823.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant

[F. R. Doc. 54-1485; Filed, Mar. 1, 1954; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (1), (e) (2), (f) (1) and (2) of § 6.113,

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(For use during 1954)

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Title 18 ($0.45)

Title 25 ($0.45)

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paragraph (a) of § 6.140 and paragraphs (a) and (b) of § 6.363 are revoked, the headnotes of paragraph (c) of § 6.111 and paragraph (m) of § 6.102 are amended; paragraph (c) (1) of § 6.111 paragraphs (b) and (c) of § 6.140 and paragraph (a) (4) of § 6.312 are amended; and the following provisions are added: §§ 6.102 (m) (2), 6.112 (b) (4) and (k) (5), 6.126 (f), 6.312 (c) (23), 6.326 (d), 6.340 (a) through (f), 6.363 (d), (e) and (f).

§ 6.102 *State Department.* • • •

(m) *Bureau of Security, Consular Affairs and Personnel.* • • •

(2) Positions of investigator, evaluator, and other security officers, the incumbents are directly engaged in the performance of security functions or in the supervision of such activities.

§ 6.112 *Department of Commerce.* • • •

(b) *Office of the Secretary.* • • •

(4) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

• • • • •

(k) *Maritime Administration.* • • •

(5) The position of Chief Investigator and Security Officer.

§ 6.113 *Department of Labor.* • • •

(c) *Bureau of Employment Security.*

(1) One Minority Groups Consultant.

• • •

§ 6.126 *Securities and Exchange Commission.* • • •

(f) Ten positions of Regional Administrator.

§ 6.140 *Export-Import Bank of Washington.* • • •

(b) The Secretary.

(c) Chiefs of the following divisions: Economics, Engineering, Examining, and Private Capital Participation.

§ 6.312 *Department of Commerce—*

(a) *Office of the Secretary.* • • •

(4) One Confidential Assistant and two Private Secretaries to the Under Secretary.

• • • • •

(23) One Confidential Assistant to the Administrator, Defense Air Transportation Administration.

§ 6.326 *Securities and Exchange Commission.* • • •

(d) One Associate General Counsel.

§ 6.340 *Export-Import Bank of Washington.* (a) One Vice-President.

(b) One Vice-President and Treasurer.

(c) One Confidential Assistant to the Managing Director.

(d) One Private Secretary to the Managing Director.

(e) One Private Secretary to the Deputy Director.

(f) The General Counsel.

§ 6.363 *United States Information Agency.* • • •

(d) One Special Assistant to the Director.

(e) One Secretarial Assistant to the Director.

(f) One Secretary to the Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

2. The headnote of § 24.6 is amended to read as follows:

§ 24.6 *Graduate Nurse, GS-610, all grades; and Public Health Nurse GS-615-6-15, and Nursing Consultant, GS-615-7-15.* • • •

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-1484; Filed, Mar. 1, 1954, 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

[Amdt. 2]

PART 722—COTTON

MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT FOR 1954 CROP OF EXTRA LONG STAPLE COTTON TO STATES, COUNTIES AND FARMS

Basis and purpose. This amendment is made to give effect to the provisions of Public Law 290, 83d Congress, approved January 30, 1954, as it relates to extra long staple cotton. Section 1 of the said Public law adds a new subsection (m) to section 344 of the Agricultural Adjustment Act of 1938, as amended. Paragraph (2) of the new subsection applies to the 1954 and 1955 crops of extra long staple cotton. This amendment also provides that a county acreage allotment for extra long staple cotton is to be determined for Sumter County, Florida.

Farmers in Puerto Rico have begun planting their 1954 crop of extra long staple cotton and farmers in the continental United States are making plans and purchasing seed, fertilizer and other supplies and equipment for the planting and production of extra long staple cotton this year. In order that the new provisions of the said Public Law which are applicable to extra long staple cotton may be carried out promptly by the State and county Agricultural Stabilization and Conservation committees it is essential that the amendments set forth herein be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendments contained herein shall be effective upon filing of this document with the Director, Division of Federal Register.

The Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Extra Long Staple Cotton to States, Counties, and Farms (18 F. R. 7883), as amended are amended as follows:

1. Section 722.1116 (b) is amended by inserting after the word "Seminole", the word "Sumter".

2. Section 722.1116 is amended by adding thereto the following paragraph (g):

(g) *Apportionment of excess released acreage to counties.* The acreage allotment surrendered to the State committee pursuant to § 722.1117 (j) shall be apportioned by the State committee among the counties in the State which are designated in paragraph (b) of this section on the basis of trends in acreage, abnormal conditions adversely affecting plantings, or for small or new farms.

3. Section 722.1117 is amended by adding thereto the following paragraphs (j) and (k):

(j) *Release and reapportionment of farm acreage allotments for extra long staple cotton.* Any part of any 1954 farm acreage allotment for extra long staple cotton on which such cotton will not be planted in 1954 and which is voluntarily released to the county committee by the applicable closing date shall be deducted from the farm acreage allotment for extra long staple cotton and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm acreage allotments for extra long staple cotton in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of extra long staple cotton, land, labor and equipment available for the production of extra long staple cotton, crop-rotation practices and soil and other physical facilities affecting the production of extra long staple cotton. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm acreage allotments shall be the date on which the planting of extra long staple cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which extra long staple cotton can normally be planted on farms in the State or area with reasonable expectations of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.1116 (g). Any farm acreage allotment released for 1954 only shall, in determining future acreage allotments for extra long staple cotton, be regarded as having been planted on the farm releasing such allotment if extra long staple cotton was planted on such farm in at least one of the years in the 3-year farm base period. Any part of any farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm and reapportioned as provided in this paragraph. In determining future farm acreage allotments for extra long staple cotton the planting in 1954 of reapportioned acreage allotment shall not be considered. For purposes of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted.

(k) *Apportionment of excess released acreage to farms.* The acreage apportioned to the county pursuant to § 722.1118 (g) may be used for establishing and adjusting farm acreage allotments for new farms or small farms in accordance with the provisions of paragraphs (e) (3) and (f) of this section.

4. Section 722.1118 is amended by adding a new sentence at the end thereof reading as follows: "Immediately after acreage allotments for farms in a county or other local administrative area are established pursuant to § 722.1117 (j) and approved by the State committee as provided in § 722.1127 (a), the county committee shall mail to the operator of each farm for which some or all of the acreage allotment is released and to the operator of each farm to which released acreage is reapportioned a written notice of the farm acreage allotment and marketing quota for the farm.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 344–348,

361–368, 373–374, 383, 52 Stat. 38, as amended, Pub. Law 290, 83d Cong.; 7 U. S. C. 1301, 1344–1348, 1361–1368, 1373–1374, 1388)

Done at Washington, D. C., this 24th day of February 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] J. EARL COKE,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1424; Filed, Mar. 1, 1954; 8:46 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 525, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.632 (Lemon Regulation 525, 19 F. R. 997) are hereby amended to read as follows:

(ii) District 2, 230 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1442; Filed, Mar. 1, 1954; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO THE IMMIGRATION AND NATIONALITY REGULATIONS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 9—AUTHORITY OF COMMISSIONER AND ASSISTANT COMMISSIONER

Section 9.2 is amended by adding new paragraphs designated (b–1) and (f–1) and by amending paragraph (h) so that, when taken with the introductory material, they will read as follows:

§ 9.2 *Authority of Assistant Commissioner, Inspections and Examinations Division.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the Assistant Commissioner, Inspections and Examinations Division:

* * * * *

(b–1) Waiver of passport and visa requirements in particular cases of immigrants in accordance with Part 211 of this chapter.

* * * * *

(f–1) Waiver of nonimmigrant passport and visa requirements, acting jointly with the Secretary of State, or his authorized representative, if any, in individual cases of unforeseen emergency, as provided by section 212 (d) (4) of the Immigration and Nationality Act.

* * * * *

(h) Determinations as to the time for, and conditions under, which nonimmigrants may be admitted to the United States, and as to applications for extension of their temporary stay, as provided in section 214 (a) of the Immigration and Nationality Act, Title V of the Agricultural Act of 1949, as amended, and section 201 of the United States Information and Educational Exchange Act of 1948, as amended, and Parts 214 to 214k, inclusive, and 475 of this chapter.

PART 239—SPECIAL PROVISIONS RELATING TO AIRCRAFT: DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARRIVING BY CIVIL AIRCRAFT

The first sentence of paragraph (b) of § 239.2 *Landing requirements* is amended to read as follows:

(b) *Advance notice of arrival.* Aircraft carrying passengers or crew required to be inspected under the Immigration and Nationality Act, except aircraft of a scheduled airline arriving in accordance with the regular schedule filed with the Service at the place of landing, shall furnish notice of the intended flight to the immigration officer at or nearest the intended place of landing, or shall furnish similar notice to the Collector of Customs or other Customs officer in charge at such place. * * *

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

1. Part 245 is amended by adding § 245.2 to read as follows:

§ 245.2 *Documentary requirements.* The provisions of § 211.1 of this chapter relating to the documentary requirements for immigrants shall not apply to an applicant for adjustment of status under this part.

2. Section 245.14 is amended to read as follows:

§ 245.14 *Procedure upon acceptance of application.* Upon acceptance of an application, the applicant shall be requested to submit to an examination by a medical officer of the United States Public Health Service, whose report setting forth the findings of the mental and physical condition of the applicant shall be incorporated into the record. Any applicant certified under paragraph (1), (2), (3), (4), or (5) of section 212 (a) of the Immigration and Nationality Act may appeal to a board of medical officers of the United States Public Health Service as provided in section 234 of the Immigration and Nationality Act and § 236.13 (c) of this chapter. The applicant shall be given timely notice of the date and place of the examination provided for in § 245.16, and the case shall be assigned to an immigration officer for the purpose of conducting such examination.

PART 264—REGISTRATION OF ALIENS IN THE UNITED STATES: FORMS AND PROCEDURE

1. Subparagraph (1) of paragraph (c) *Forms constituting alien-registration receipt cards under the Immigration and Nationality Act,* of § 264.1 *Alien-registration receipt card* is amended to read as follows:

(1) *Form I–151 or I–151A.* When an alien with an unexpired immigrant visa is lawfully admitted to the United States as an immigrant for permanent residence, he shall be issued Form I–151 as an alien-registration receipt card and as evidence of such immigration status. Any alien who in any manner becomes a lawful permanent resident of the United States and who is registered in the United States shall also be furnished such Form I–151. An alien lawfully admitted for permanent residence who re-registers in the United States within 30 days after attaining his fourteenth birthday anniversary shall be entitled to and shall be issued a new Form I–151A bearing his photograph if the Form I–151 originally issued to him was without such photograph.

2. Paragraph (b) of § 264.51 *Replacement of alien-registration receipt cards; procedure* is amended to read as follows:

(b) *Disposition of application.* An application for a new alien-registration receipt card shall be submitted to the district director or officer in charge of the office of the Service having administrative jurisdiction over the applicant's place of residence. The application shall be accompanied by two photographs of the alien as described in Part 10 of this chapter and by a fee of $5.00 and, if the application is for the issuance of a new receipt card in a changed name, by appropriate documentary evidence of such change, including any court order effecting such change. If the applicant is in possession of an immigration identification card, a mutilated receipt card, a Form AR–3 or AR–103 receipt card, or any other alien-registration receipt card, such card must be surrendered before a new receipt card may be issued to him. The district director or officer in charge receiving an application shall cause such investigation and inquiry to be conducted as he deems necessary to determine whether the application should be granted. If after consideration of the application and the record, the district director or officer in charge is satisfied that the applicant was lawfully admitted for permanent residence and that the original receipt card has been lost, mutilated, or destroyed, he shall issue a new receipt card on Form I–151A. If after such consideration he is satisfied that the applicant was so admitted and that (1) the applicant's name has been changed after registration by order of court or by marriage, or that (2) the applicant's original receipt card is not prima-facie evidence of his lawful admisssion for permanent residence (such as Form AR–3 or AR–103), the district director or officer in charge may issue a new receipt card on Form I–151A. The new card shall bear the alien's registration number, the alien's photograph and notation that it is a replacement of a prior receipt card. The new receipt card Form I–151A shall be mailed directly to the alien or, if the alien is less than fourteen years of age, to his parent or legal guardian. If the district director or officer in charge is not satisfied that the application should be granted, he shall deny the application and take whatever action he deems appropriate in the case. No appeal may be taken from the decision of the district director or officer in charge.

PART 450—FORMS

The reference to Form I–151 in § 450.1, *Prescribed forms,* is amended to read as follows:

I-151 / I-151A — Alien Registration Receipt and Border Crossing Card.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

NOTE: The record-keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, insofar as they do not relate to interpretative rules or to matters of agency procedure relieve restrictions and are clearly advantageous to persons affected thereby.

Dated: February 18, 1954.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: December 16, 1953.

BENJAMIN G HABBERTON,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 54-1440; Filed, Mar. 1, 1954; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 20]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

DESIGNATION OF AREAS IN WHICH SWINE ARE AFFECTED WITH VESICULAR EXANTHEMA

Pursuant to the authority conferred upon the Administrator of the Agricultural Research Service by § 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), § 76.27a of said Subpart B (18 F. R. 3829, as amended) is hereby amended to read as follows:

§ 76.27a *Designation of areas in which swine are affected with vesicular exanthema.* The following areas in the specified States are hereby designated as areas in which swine are affected with vesicular exanthema:

ARKANSAS

Brodie Township in Pulaski County.

CALIFORNIA

The entire State of California.

CONNECTICUT

The Town of Manchester in Hartford County.
New Haven County.

MAINE

The Town of Lewiston in Androscoggin County.
That area consisting of the Towns of Portland, South Portland, and Scarboro in Cumberland County, and the Towns of Biddeford, Kennebunk, and Alfred in York County.
That area consisting of the Towns of Cumberland and Yarmouth in Cumberland County.
That area consisting of the Towns of Chelsea and Hallowell in Kennebec County.

MASSACHUSETTS

Hampden and Suffolk Counties.
All of Bristol County except that part of the Town of Mansfield lying south of West Street, west of the New York, New Haven and Hartford Railroad, north of Pine and School Streets, and east of Tremont Street; the Myles Standish State School in the Town of Taunton lying east of State Route No. 140, south and west of Bassett Street, and north of the New York, New Haven and Hartford Railroad; that part of the City of Taunton lying south of Norton Avenue, west of Crane Avenue, north of the New York, New Haven and Hartford Railroad, and east of State Route No. 140; and that part of the Town of Westport lying east of Main Road, north of Kirby Road, west of Drift Road, and south of Old County Road.
All of Essex County except that part of the Town of Andover lying north of Rattlesnake Hill Road, east of Woburn Street, west of Wood's Road, and south of Ballardvalle Road; the Town of Ballardvale; the Town of Essex; that part of the Town of Georgetown lying north of State Route No. 133, west of Bailey Lane, and south and east of Hampshire Lane; that part of the City of Gloucester lying north of State Route No. 121, south of Walker Street, and west of Lincoln Street; the Town of Groveland; that part of the City of Haverhill lying north of State Route No. 125, south and east of the Boston and Maine Railroad and the Merrimac River, and east of Main Street; the Town of Merrimac; that part of the Town of North Andover lying north of State Route No. 125, east of Baker Street, and west of State Route No. 133; that part of the City of Peabody lying northeast of Lake Street (rear), northwest of the Boston and Maine Railroad, and southwest of Lake Street; that part of the City of Peabody lying north of Goodvale Street, south of the Middleton Town Foundry, west of U. S. Route No. 1, and east of Morris Brook; the City of Revere; the Town of Rockport; and the Town of Wenham.
All of Middlesex County except that part of the Town of Bedford lying south and west of Spring Brook, north of Page Road, and east of Springs Road; that part of the Town of Billerica lying northeast of U. S. Route No. 3, and northwest of Andover Road; that part of the Town of Billerica lying south of Dudley Road and west of Concord Road; that part of the Town of Billerica lying east of Lexington Road and southwest of U. S. Route No. 3; that part of the Town of Boxboro lying south of State Route No. 111; that part of the Town of Burlington lying southwest of U. S. Route No. 3, southeast of Francis Wyman Road, and north of Bedford Street; that part of the Town of Burlington lying southeast of Dug Way, northeast of Winn Street, and northwest of Peach Orchard Road; the Town of Carlisle; that part of the Town of Dracut lying east of Gumps Avenue and west of Mammoth Road; that part of the Town of Framingham lying south and west of Indian Head Road, east of Prospect Street, and north of State Route No. 9; that part of the Town of Holliston lying south of Central Street, west of Fisk Street, and east of Norfolk Street; that part of the Town of Hopkinton lying north of Main Street and east of Cedar Street; that part of the Town of Hudson lying west of Chapin Street, and northwest of Brigham Street and the Assabet River; that part of the Town of Lexington lying west of Westview Road and south of State Routes No. 4 and No. 25; that part of the Town of Lincoln lying north of State Route No. 2, south of State Route No. 2A, east of Bedford Road, and west of Mill Street; that part of the Town of Marlboro lying south of Robin Hill Road, east of Millham Road, west of Bigelow Street, and north of Elm Street; that part of the Town of North Reading lying north of State Route No. 62 and east of State Route No. 28; that part of the Town of Sudbury lying south of Lincoln Road, north and west of Water Street, and east of Concord Road; that part of the Town of Sudbury lying north of State Route No. 117, east of Dakin Road, and west of the Old Colony Railroad; that part of the Town of Sudbury lying south of Concord Road, north of Lincoln Road, west of Corner Road, and east of Old Marlboro Road; that part of the Town of Tewksbury lying northwest of the Shawsheen River, northeast of State Route No. 38, and south of Salem Street; that part of the Town of Wayland lying north of Thompson Street, west of

Rice Road, east of Loker Road, and south of Old Connecticut Path; that part of the Town of Weston lying north of U. S. Route No. 20; that part of the Town of Wilmington lying north of Salem Street, northwest of State Route No. 62, west of Ballardvale Street, southwest of the Salem and Lowell Branch of the Boston and Maine Railroad, and east of the Portland Division of the Western Branch of the Boston and Maine Railroad; that part of the Town of Wilmington lying northeast of State Route No. 38, west of the Wilmington Branch of the Boston and Maine Railroad, and south of Salem Street; and that part of the Town of Wilmington lying east of the Wilmington Branch of the Boston and Maine Railroad, west of the Portland Branch of the Boston and Maine Railroad, and north of Salem Road.

All of Norfolk County except that part of the Town of Bellingham lying north of Farm Street and west of Hartford Street; that part of the Town of Canton lying south of Randolph Street, east of York Street, north of Willow Street, and west of Old Randolph Street; that part of the Town of Dover lying south of Powlaset Street, east of Walpole Street, and north of Hartford Street; the Town of Norwood; that part of the Town of Sharon lying north of Main Street; the Town of Westwood; that part of the Town of Wrentham lying north of State Route No. 11 and south of State Route No. 140; that part of the Town of Wrentham lying south and east of State Route No. 11 and west of U. S. Route 1-A; and the Town of Stoughton.

All of Plymouth County except that part of the Town of Bridgewater lying southwest of Winter Street, north of Auburn Street, and east of Beaver Street; that part of the Town of Hanson lying north of Main Street, east of Washington Street, south of Holmes Street, and west of Phillips Street; that part of the Town of Rochester lying east of the Mattapoisett-Rochester Road and south of New Bedford Road and State Route No. 105; that part of the Town of Rochester lying south of State Route No. 105, north of Perry Hill Road, west of Herring Run River, and east of Cushman Road; and that part of the Town of Rockland lying south of Forest Street, west of Union Street, and east of Weymouth Street.

All of Worcester County except that part of the Town of Blackstone lying west of Mendon Street and north and east of Chestnut Street; the Town of Gardner; that part of the Town of Grafton lying east of State Routes No. 140 and No. 30; that part of the Town of Mendon lying north of Bellingham Road and south and east of Hartford Avenue East; the Town of Milford; that part of the Town of Oxford lying south of State Route No. 12; the Town of Templeton; and that part of the Town of Westboro lying north of State Route No. 9.

NEW JERSEY

Atlantic, Bergen, Camden, Gloucester, Hudson, Hunterdon, and Morris Counties.

That area consisting of Union, Monmouth, Ocean Counties and all of Middlesex County except that part of the City of New Brunswick lying east of U. S. Route No. 130, south of State Route No. 18, west of U. S. Route No. 1, and north of the North Brunswick Township line and that part of North Brunswick Township lying south of the New Brunswick City line, northeast of the Raritan River Railroad, and northwest of U. S. Route No. 1.

That area in Lower Township in Cape May County lying east of U. S. Highway No. 9.

That area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east and State Highway No. 550 on the north and west and State Highway Spur No. 550 on the west.

All of Burlington County except Delran, Washington, Shamong, Tabernacle, and Bass River Townships, and except that part of North Hanover Township lying south of Old Monmouth Road.

NEW YORK

The Town of Poland in Chautauqua County.

The Town of Poughkeepsie in Dutchess County.

That area in the Town of Clarkstown lying north of New York State Route No. 59 in Rockland County.

PENNSYLVANIA

Bucks and Delaware Counties.

RHODE ISLAND

Bristol, Kent, and Providence Counties.

Effective date. The foregoing amendment shall become effective upon issuance.

Section 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), quarantines the areas so designated.

The amendment designates the following as areas in which swine are affected with vesicular exanthema in addition to the areas heretofore designated:

New Haven County in Connecticut;
Bristol and Kent Counties in Rhode Island.

Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR Part 76, Subpart B, as amended (18 F. R. 3636, as amended), apply to these areas.

The amendment excludes certain areas from the areas heretofore designated as areas in which swine are affected with vesicular exanthema. The Administrator of the Agricultural Research Service has determined that swine in such areas are not now affected with the disease, and that the quarantine of such areas is no longer required to prevent the dissemination thereof. Accordingly, such areas are no longer quarantined under said § 76.27, and the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR Part 76, Subpart B, as amended (18 F. R. 3636, as amended), no longer apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas contained in said Subpart B, as amended, apply thereto.

The effect of the amendment is to impose certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and to relieve certain restrictions presently imposed. The amendment must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 24th day of February 1954.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54-1441; Filed, Mar. 1, 1954; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-401]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; SMOKE AND FIRE DETECTORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 24th day of February 1954.

Special Civil Air Regulation SR-329 currently provides that no air carrier shall be required to install or maintain smoke or fire detectors, other than heat detectors, unless otherwise directed by the Administrator. SR-329 also refers to § 61.30 and to the dates by which compliance with the requirements of that section must be accomplished. On April 1, 1954, Part 61 of the Civil Air Regulations will be rescinded and revised Part 40 will become effective, thus making any references to Part 61 obsolete.

In view of this, a notice of proposed rule making was published in the FEDERAL REGISTER on September 9, 1953 (18 F. R. 5435), in which it was proposed that the current provisions of SR-329 be extended and that certain provisions no longer appropriate be removed. It was also proposed that these provisions be extended only for a period of one year, and not indefinitely as SR-329 provided. As a result of this proposal, several comments were received questioning the necessity for smoke and fire detector requirements and questioning the availability within one year of satisfactory equipment. Other comment was received indicating that the exemption contained in SR-329 should be ended as soon as practicable.

As a result of our review of the above comments, the Board has decided that a re-evaluation of these requirements should be made at an early date. However, the Board is of the opinion that the continuation of a special regulation setting aside requirements of the Civil Air Regulations for an indefinite period in the future is improper. Should it be determined that there exists no justification for continuation of requirements for smoke detectors in baggage compartments, these requirements should be rescinded. On the other hand, until and unless such a determination is in fact made, it is considered that the termination of this exemption within a reasonable period of time is the only proper course before the Board.

The Board is of the opinion that a period of two years will provide sufficient time to permit evaluation of proposals which have been made for the elimination from the Civil Air Regulations of requirements for smoke detectors in baggage compartments and thereafter, if necessary, to permit compliance with those requirements.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, to become effective April 1, 1954.

Notwithstanding the provisions of Parts 4b, 40, 41, and 42, no person shall be required to install or maintain smoke or fire detectors, other than heat detectors, in aircraft unless otherwise directed by the Administrator.

This regulation supersedes Special Civil Air Regulation Serial Number SR-329 and will terminate on March 31, 1956, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604; 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-1437; Filed, Mar. 1, 1954; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

CHANGES IN CODIFICATION

Effective as of the date of the publication of this notice in the FEDERAL REGISTER, the following changes are made in the codification of the regulations covering tests and methods of assay and certification of antibiotic and antibiotic-containing drugs:

1. Part 141, Tests and Methods of Assay for Antibiotic and Antibiotic-Containing Drugs, is subdivided into five separate parts, as follows:

Part 141a—Penicillin and Penicillin-Containing Drugs; Tests and Methods of Assay

Part 141b—Streptomycin (or Dihydrostreptomycin) and Streptomycin- (or Dihydrostreptomycin-) Containing Drugs; Tests and Methods of Assay

Part 141c—Chlortetracycline (or Tetracycline) and Chlortetracycline- (or Tetracycline-) Containing Drugs; Tests and Methods of Assay

Part 141d—Chloramphenicol and Chloramphenicol-Containing Drugs; Tests and Methods of Assay

Part 141e—Bacitracin and Bacitracin-Containing Drugs; Tests and Methods of Assay

2. New Part 141a will include those sections presently numbered §§ 141.1 through 141.71, inclusive, which are redesignated as §§ 141a.1 through 141a.71, inclusive.

3. New Part 141b will include those sections presently numbered §§ 141.101 through 141.124, inclusive, which are redesignated as §§ 141b.101 through 141b.124, inclusive.

4. New Part 141c will include those sections presently numbered §§ 141.201 through 141.219, inclusive, which are redesignated as §§ 141c.201 through 141c.219, inclusive.

5. New Part 141d will include those sections presently numbered §§ 141.301 through 141.309, inclusive, which are redesignated as §§ 141d.301 through 141d.309, inclusive.

6. New Part 141e will include those sections presently numbered §§ 141.401 through 141.421, inclusive, which are redesignated as §§ 141e.401 through 141e.421, inclusive.

7. All interior references and cross-citations to sections formerly included in Part 141 are changed in accordance with this notice.

8. Part 146, Certification of Batches of Antibiotic and Antibiotic-Containing Drugs, is subdivided into six separate parts, as follows:

Part 146—General Regulations for the Certification of Antibiotic and Antibiotic-Containing Drugs

Part 146a—Certification of Penicillin and Penicillin-Containing Drugs

Part 146b—Certification of Streptomycin (or Dihydrostreptomycin) and Streptomycin- (or Dihydrostreptomycin-) Containing Drugs

Part 146c—Certification of Chlortetracycline (or Tetracycline) and Chlortetracycline- (or Tetracycline-) Containing Drugs

Part 146d—Certification of Chloramphenicol and Chloramphenicol-Containing Drugs

Part 146e—Certification of Bacitracin and Bacitracin-Containing Drugs

9. New Part 146 will include those sections presently numbered §§ 146.1 through 146.23, inclusive.

10. New Part 146a will include those sections presently numbered §§ 146.24 through 146.93, inclusive, which are redesignated as §§ 146a.24 through 146a.93 inclusive.

11. New Part 146b will include those sections presently numbered §§ 146.101 through 146.119, inclusive, which are redesignated as §§ 146b.101 through 146b.119, inclusive.

12. New Part 146c will include those sections presently numbered §§ 146.201 through 146.219, inclusive, which are redesignated as §§ 146c.201 through 146c.219, inclusive.

13. New Part 146d will include those sections presently numbered §§ 146.301 through 146.309, inclusive, which are redesignated as §§ 146d.301 through 146d.309, inclusive.

14. New Part 146e will include those sections presently numbered §§ 146.401 through 146.421, inclusive, which are redesignated as §§ 146e.401 thorugh 146e.421, inclusive.

15. All interior references and cross-citations to sections formerly included in Part 146 are changed in accordance with this notice.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: February 24, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-1428; Filed, Mar. 1, 1954; 8:46 a. m.]

PART 170—ENFORCEMENT OF THE TEA IMPORTATION ACT

TEA STANDARDS

Pursuant to the authority of the Tea Importation Act (secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U. S. C. 42, 50; 67 Stat. 18), the regulations for the enforcement of this act (21 CFR 170, as amended 21 CFR, 1952 Supp. 170; 18 F. R. 1848) are amended by changing § 170.19 (a) to read as follows:

§ 170.19 *Tea standards.* (a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on February 10, 1954, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1954, and ending April 30, 1955:

(1) Formosa Oolong.
(2) Java (for all black teas except as listed below).
(3) Formosa Black (Formosa Black and Congou type).
(4) Japan Black.
(5) Japan Green.
(6) Gunpowder type (except Japan).
(7) Scented Canton type.
(8) Canton Oolong type.

These standards apply to tea shipped from abroad on or after May 1, 1954. Tea shipped prior to May 1, 1954, will be governed by the standards which became effective May 1, 1953 (18 F. R. 1848).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of experts in teas drawn from the Food and Drug Administration and the tea trade, so as to be representative of the tea trade as a whole.

(Sec. 10, 29 Stat. 607, as amended; 21 U. S. C. 50. Interprets or applies sec. 2, 41 Stat. 712, as amended, sec. 201, 57 Stat. 500; 21 U. S. C. 41, 42)

Dated: February 24, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-1427; Filed, Mar. 1, 1954; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

EXTENSION OF TIME FOR FILING FINANCIAL STATEMENTS UNDER RENEGOTIATION ACT OF 1951[1]

Every person having a fiscal year beginning in 1953 and ending in 1954 is hereby granted an extension of time, until further notice, for filing the financial statement for such year required of such person by section 105 (e) (1) of the Renegotiation Act of 1951.

Further notice of the extended date for such filings will be given as soon as practicable after the completion of action on pending legislation to extend and amend the Renegotiation Act of 1951.

Dated: February 19, 1954.

By order of The Renegotiation Board.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-1425; Filed, Mar. 1, 1954; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PART 52—RURAL DELIVERY

MISCELLANEOUS AMENDMENTS

a. In § 35.15 *Mailable nonintoxicating, noninflammable, and noninjurious matter* make the following changes in paragraph (h) (3):

1. Amend subdivision (v) to read as follows:

(v) Aerosol type inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases of capacity not to exceed 30 cubic inches (16.6 fluid ounces). Pressure in the container not to exceed 55 pounds per square inch absolute at 70° F., and the liquid content of the material and gas must not completely fill the container at 130° F. Each completed container filled for shipment must have been heated until content reached a minimum temperature of 130° F., without evidence of leakage, distortion or other defect. The words "Compressed Gas" shall be plainly marked on the outside of the parcel. Such containers with pressure under 40 pounds per square inch at 70° F., do not come within the compressed gas regulations.

2. Rescind present subdivision (vi).

3. Redesignate subdivision (vii) as subdivision (vi).

(R. S. 161, 396; sec. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250)

b. In § 52.78 *Patrons' boxes* make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Boxes to be provided by patron.* Persons wishing to become patrons of rural routes shall provide and erect, at their own expense, standard mail boxes, the manufacture of which has been approved by the Department. See § 52.80 (c) for list of authorized manufacturers.

2. Rescind paragraph (c).

c. In § 52.80 *Manufacture and sale of boxes* amend the list of concerns in paragraph (c) by deleting the following concern:

Reed Engineering & Manufacturing Co., Thirteenth and John Streets, Newport, Ky.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-1422; Filed, Mar. 1, 1954; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

CITY PRIORITY LIST FOR MUTUALLY EXCLUSIVE TELEVISION BROADCAST APPLICATIONS

FEBRUARY 24, 1954.

In a report and order issued on July 17, 1953, the Commission revised its procedure for processing and designating for hearing mutually exclusive applications for new television stations (FCC 53-889), and provided for the bi-monthly publication of a list of cities reflecting the revised priorities on which said list would be based in accordance with the amended rules. Such lists have been issued at regular intervals as provided for in the rules, the last one on December 23, 1953 (FCC 53-1706).

As of January 28, 1954, pre-hearing letters pursuant to section 309 (b) of the Communications Act of 1934, as amended, had been transmitted to all mutually exclusive applicants. Hearings are being scheduled as quickly as the respective applications in a particular city are in a position to be designated for hearing. Accordingly, since the processing of noncompetitive applications has proceeded on a current basis since March 1953, and inasmuch as the issuance of pre-hearing letters is presently on a current basis, the need for the publication of a priority list has been eliminated. Consequently, no further lists will be published and § 1.371, footnote 10 will be amended accordingly. Applications received after this date will be considered chronologically.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1431; Filed, Mar. 1, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[33 CFR Part 1]

[46 CFR Part 1]

[CGRR 54-8]

ESTABLISHMENT OF FEES FOR LICENSING AND RELATED ACTIVITIES UNDER NAVIGATION AND VESSEL INSPECTION LAWS, RULES, AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given that pursuant to the provisions of Title V of the Independent Offices Appropriation Act, 1952 (65 Stat. 290, 5 U. S. C. 140), the Commandant, United States Coast Guard, is considering the establishment of a schedule of fees for processing applications or requests for certain permits, certificates, or other documents issued in accordance with navigation and vessel inspection laws, rules, and regulations which are administered or enforced by the United States Coast Guard. This notice is also published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

2. Comments on the proposed schedule of fees set forth below are requested. All persons who desire to submit data, views, or comments with respect to the proposed fees shall submit them in writing in triplicate for receipt prior to April 5, 1954, by the Commandant (CAM), Coast Guard Headquarters, Washington 25, D. C. The written comments, data, or views shall be presented in triplicate and shall include the paragraph number, subject of fee, the reason or basis (if any) for the change desired, the text of a proposed fee recommended (if any), and the name, business firm or organization (if any), and the address of the submitter. No hearing will be held to consider this matter.

3. Certain provisions of Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290, 5 U. S. C. 140) read as follows:

It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts: *Provided*, That nothing contained in this section shall repeal or modify existing statutes prohibiting the collection, fixing the amount, or directing the disposition of any fee, charge or price: *Provided further*, That nothing contained in this section shall repeal or modify existing statutes prescribing bases for calculation of any fee, charge or price, but this proviso shall not restrict the redetermination or recalculation in accordance with the prescribed bases of the amount of any such fee, charge or price.

4. The Bureau of the Budget, on behalf of the President, has issued a Circular No. A-25 relating to "fees for licensing, registration, and related activities" which sets out, in some detail, uniform standards to be applied by the Departments and Agencies of the Government in establishing fees to be charged. The United States Coast Guard has conducted a survey to determine fees and charges which should be imposed and collected to meet the intent of Congress expressed in Title V of the Independent Offices Appropriation Act, 1952 (see paragraph 3 above), that certain services, authorities, licenses, and other things of value, as specified in this act, which may be furnished, provided, granted, prepared, or issued by the United States Coast Guard to or for any person or company or corporation or organization, shall be self-sustaining to the fullest extent possible.

5. It is proposed to add regulations to 33 CFR Part 1 and 46 CFR Part 1 to provide for the imposition and collection of the fees for processing applications for items listed in paragraphs 6 to 13, inclusive, below. The regulations relating to the transactions affected are cited in the list and such regulations may be amended to include an appropriate reference to the new regulations should the latter sections be added as proposed.

6. Permit to establish and operate a private aid to navigation, including those on a bridge or a dam (33 CFR Parts 66 and 68). The fee for each permit is to be $15.

7. Permit to load or unload class A explosives at a waterfront facility, including use of barges used in conjunction therewith when necessary for the transfer from the common carrier to the facility or vice versa (33 CFR 126.17). The fee for each permit is to be $15.

8. Merchant marine certificates or documents. The fee to obtain certain documents is to be as follows:

a. Duplicate certificate of registry as staff officer (46 CFR 10.25-7 (1)): $1.50.

b. Duplicate continuous discharge book (46 CFR 12.02-23 (b)): $1.50.

[1] This affects § 1470.3 (d).

c. Duplicate merchant mariner's document (46 CFR 12.02-23 (b)): $1.50.

d. Duplicate certificate of discharge (46 CFR 12.02-23 (b)): $.35 for the first copy and $.10 for each additional copy requested at the same time.

e. Transcript of service (46 CFR 154.07): $0.25 for each entry.

9. Permit for a vessel (other than a barge used incident to loading the common carrier which makes final delivery to ports of consignment) to load class A explosives (46 CFR 146.20-85). The fee for each permit is to vary according to amount of class A explosives as follows:

a. 100 tons or under: $15.

b. Over 100 tons but not exceeding 500 tons: $25.

c. Over 500 tons but not exceeding 1500 tons: $35.

d. Over 1500 tons: $45.

10. Certificate of approval of article of ships' stores, exclusive of cost of required tests (46 CFR 147.01-4). The fee for each certificate is to be $10. This certificate may be renewed without charge if there is no change in the product.

11. Certification or acceptance of an item of equipment or material as authorized for use on vessels in accordance with law or rules and regulations in 46 CFR Chapter I. In those instances where charges based on actual costs have been made for tests and examinations conducted by Government agencies or commercial organizations at the request of the Coast Guard, such charges will continue in addition to the fees indicated below. The fee to obtain each certification or acceptance is to be as follows:

a. Appliances, liquefied compressed gas consuming (petroleum) (46 CFR 162.018): $32.

b. Boilers, auxiliary, automatically controlled, packaged, for merchant vessels (46 CFR 162.026): $282.

c. Boilers, heating (46 CFR 52.01-15): $146.

d. Bulkhead panels (46 CFR 164.008): $42.

e. Buoyant apparatus (46 CFR 160.010): $90.

f. Buoyant cushions, kapok, standard (46 CFR 160.007): $25.

g. Buoyant cushions, non-standard (46 CFR 160.008): $25.

h. Buoys, life, ring, cork or balsa wood, for merchant vessels and motorboats (46 CFR 160.009): $45.

i. Compasses, lifeboat (46 CFR 75.20-15 (e)): $50.

j. Containers, emergency provisions (46 CFR 33.15-1, 75.20-15, 75.20-20, 95.20-15, 94.20-20): $43.

k. Containers, water (46 CFR 160.026): $43.

l. Davits, gravity type (46 CFR 160.032): $258.

m. Davits, quadrantal or sheath screw type (46 CFR 160.032): $198.

n. Deck coverings (46 CFR 164.006): $42.

o. Fire extinguishers, portable, hand, carbon dioxide (46 CFR 25.30, 34.25, 76.50, 95.50): $54.

p. Fire extinguishers, portable, hand, carbon tetrachloride (46 CFR 25.30, 34.25, 76.50, 95.50): $54.

q. Fire extinguishers, portable, hand, chemical foam (46 CFR 25.30, 34.25, 76.50, 95.50): $54.

r. Fire extinguishers, portable, hand, dry chemical (46 CFR 25.30, 34.25, 76.50, 95.50): $54.

s. Fire extinguishers, portable, hand, mechanical foam (46 CFR 25.30, 34.25, 76.50, 95.50): $54.

t. Fire extinguishers, portable, hand, pump tank (46 CFR 25.30, 34.25, 76.50, 95.50): $54.

u. Fire extinguishers, portable, hand, soda acid (46 CFR 25.30, 34.25, 76.50, 95.50): $54.

v. Fire extinguishers, portable, hand, water, cartridge-operated (46 CFR 25.30, 34.25, 76.50, 95.50): $54.

w. Fire extinguishing systems, fixed (46 CFR 25.30, 34.15, 34.20, 76.05, 95.05): $138.

x. Fire extinguishing systems, portable (46 CFR 25.30, 34.15, 34.20, 76.05, 95.05): $138.

y. Fire extinguishing systems, semi-portable (46 CFR 25.30, 34.15, 34.20, 76.05, 95.05): $138.

z. Fire indicating and alarm systems (46 CFR 76.05, 95.05): $378.

aa. Fire patrol systems, supervised (46 CFR 76.05-10): $27.

ab. Flame arresters, backfire (for carburetors) (46 CFR 162.015): $27.

ac. Flame arresters for tank vessels (46 CFR 162.016): $45.

ad. Flashlights, electric, hand (46 CFR 161.008): $54.

ae. Fusible plugs (46 CFR 162.014): $10.

af. Gas masks, self-contained breathing apparatus, and supplied air containers (46 CFR 160.011): $24.

ag. Gaging devices, liquid level, liquefied compressed gas (46 CFR 38.10-20): $27.

ah. Hand propelling gear, lifeboat (46 CFR 160.034): $210.

ai. Hatchets, lifeboat and life raft (46 CFR 160.013): $21.

aj. Incombustible materials (46 CFR 164.009): $42.

ak. Indicators, boiler, water-level, secondary type (46 CFR 52.70-50): $36.

al. Jackknife, with can opener (46 CFR 160.043): $24.

am. Kits, first-aid (46 CFR 160.041): $48.

an. Ladders, embarkation-debarkation (flexible) (46 CFR 160.017): $62.

ao. Lamps, safety, flame (46 CFR 160.016): $24.

ap. Lifeboats (46 CFR 160.035): $178.

aq. Life floats (46 CFR 160.027): $90.

ar. Life preservers, balsa wood, Models 42 and 46 (46 CFR 160.004): $56.

as. Life preservers, cork, Models 32 and 36 (46 CFR 160.003): $56.

at. Life preservers, fibrous glass, Models 51, 52, 55, and 56 (46 CFR 160.005): $56.

au. Life preservers, kapok, Models 2, 3, 5, and 6 (46 CFR 160.002): $56.

av. Life preservers, repairing, and cleaning (46 CFR 160.006): $37.

aw. Life rafts (46 CFR 160.018): $114.

ax. Lights, water, electric, floating, automatic (with bracket for mounting), for merchant vessels (46 CFR 161.001): $108.

ay. Lights, water, self-igniting (calcium carbide-calcium phosphide type),

for merchant vessels (46 CFR 160.012): [illegible].

az. Line-throwing appliance, impulse-projected rocket type (and equipment), for merchant vessels (46 CFR 160.040): $102.

ba. Line-throwing appliance, shoulder gun type (and equipment), for merchant vessels (46 CFR 160.031): $102.

bb. Loudspeaker system, emergency 46 CFR 113.50–5): $378.

bc. Mechanical disengaging apparatus, lifeboat, for merchant vessels (46 CFR 160.033): $210.

bd. Mirrors, signaling (emergency) (46 CFR 33.15, 75.20, 95.20): $30.

be. Nozzles, fire hose, combination solid stream and water spray (1½-inch and 2½-inch), for merchant vessels (46 CFR 162.027): $36

bf. Nozzles, water spray (1½-inch fixed type) (46 CFR 34.10, 76.10, 95.10): $36.

bg. Pumps, bilge-lifeboat (46 CFR 160.044): $62.

bh. Regulators and low water alarms, boiler feet (46 CFR 52.70–50): $36.

bi. Sea anchors, lifeboat (46 CFR 33.15, 75.20, 94.20): $27.

bj. Searchlights, motor lifeboat (46 CFR 161.006): $54.

bk. Signal pistols for parachute red flare distress signals (46 CFR 160.028): [illegible].

bl. Signals, distress, combination flare and smoke, hand (46 CFR 160.023): $58.

bm. Signals, distress, flare, red, hand (46 CFR 160.021): $58.

bn. Signals, distress, hand-held rocket-propelled parachute red flare (46 CFR 160.036): $58.

bo. Signals, distress, pistol-projected parachute red flare (46 CFR 160.024): [illegible].

bp. Signals, distress, smoke, orange, floating (46 CFR 160.022): $58.

bq. Signals, distress, smoke, orange, hand (46 CFR 160.037): $58.

br. Structural insulation (46 CFR 72.05, 92.05): $42.

bs. Telephone systems, sound-powered (46 CFR 113.30–25): $100.

bt. Valves, pressure-vacuum, relief and spill, for tank vessels (46 CFR 162.017): $54.

bu. Valves, relief, hot water heating boilers (46 CFR 162.013): $45.

bv. Valves, safety, power boilers (46 CFR 162.001): $54.

bw. Valves, safety, steam heating boilers (46 CFR 162.012): $45.

bx. Valves, safety relief, liquefied compressed gas (46 CFR 162.018): $45.

by. Welding electrodes (46 CFR 56.01–20): $10.

bz. Winches, lifeboat (46 CFR 160.015): $258.

12. Renewal of a certification or the approval of an alteration of an item of equipment or material. The fee for the renewal of a certification or the approval of an alteration of an item of equipment or material listed in paragraph 11 is to be $10.

13. Certificate of award of number for an undocumented vessel (46 CFR Part 172). The fee is to be $5.00 for each certificate, for each duplicate certificate issued in lieu of lost original certificate, and for each certificate reissued because of change in address of owner or change of name, service, or engine number.

14. Each application or request (formal or informal) for any permit, certificate, or other document described in paragraphs 6 to 13, inclusive, of this document must be accompanied by a remittance in full amount of the fee. An application accompanied by an insufficient amount will not be accepted for processing and may be returned to the applicant. No refund of fees will be made except in the case of a payment in excess of the fee prescribed.

15. It is contemplated that the schedule of fees will be revised biennially, and adjustments made where necessary to conform the fees charged to actual experience in the light of new or changed circumstances.

Dated: February 19, 1954.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

Approved: February 25, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-1435; Filed, Mar. 1, 1954; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 10821]

DOMESTIC PUBLIC RADIO SERVICES

NOTICE OF EXTENSION OF TIME IN WHICH TO FILE COMMENTS

In the matter of promulgation of Part 21, Domestic Public Radio Services; Docket No. 10821.

In accordance with requests filed by American Telephone and Telegraph Company, Radio-Electronics-Television Manufacturers Association and the Central Committee on Radio Facilities of the American Petroleum Institute, the time in which to file comments in the above-entitled rule-making proceeding is extended until April 26, 1954.

Released: February 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1430; Filed, Mar. 1, 1954; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

The following amendments to the Statement of Organization of the Immigration and Naturalization Service (17 F. R. 11613, December 19, 1952), as amended, are hereby prescribed:

1. Section 1.31 is amended by adding new paragraphs (d–1) and (h–1) and by amending paragraph (k) so that, when taken with the introductory material, they will read as follows:

SEC. 1.31 *Final authority; delegation to Assistant Commissioner, Inspections and Examinations Division.* The Assistant Commissioner, Inspections and Examinations Division, has been delegated final authority to take any action required or authorized to be taken by Chapter I of Title 8 of the Code of Federal Regulations with respect to the following:

• • • • •

(d–1) Waiver of passport and visa requirements in particular cases of immigrants in accordance with 8 CFR Part 211;

• • • • •

(h–1) Waiver of nonimmigrant passport and visa requirements, acting jointly with the Secretary of State, in individual cases of unforeseen emergency, as provided in section 212 (d) (4) of the Immigration and Nationality Act;

• • • • •

(k) Determinations as to the time for which, and conditions under which, nonimmigrants may be admitted to the United States, and on applications for extension of their temporary stay, as provided in section 214 (a) of the Immigration and Nationality Act, Title V of the Agricultural Act of 1949, as amended, section 201 of the United States Information and Educational Exchange Act of 1948, as amended, and 8 CFR Parts 214 to 214k, inclusive, and 475;

2. Paragraph (h) of section 1.36 is amended so that when taken with the introductory material it will read as follows:

SEC. 1.36 *Final authority; delegation to district directors.* The district directors have been delegated final authority to take any action required or authorized to be taken by Chapter I of Title 8 of the Code of Federal Regulations with respect to the following matters:

• • • • •

(h) Waiver of passport and visa requirements in particular cases of immigrants in accordance with 8 CFR Part 211 and admission of immigrants as provided in section 211 (c) and (d) of the Immigration and Nationality Act;

3. Section 1.37 is amended in the following respects: (1) Paragraph (b) is amended, and (2) a new paragraph (w–1) is added; so that, when taken with the introductory material, paragraphs (b) and (w–1) will read as follows:

SEC. 1.37 *Final authority; delegation to officers in charge.* The officers in charge have been delegated final authority to take any action required or authorized to be taken by Chapter I of Title 8 of the Code of Federal Regulations with respect to the following matters:

• • • • •

(b) Waiver of passport and visa requirements in particular cases of immigrants in accordance with 8 CFR Part 211 and admission of immigrants as provided in section 211 (c) and (d) of the Immigration and Nationality Act;

• • • • •

(w–1) Replacement of alien registration receipt cards as provided in 8 CFR 264.51;

4. Paragraph (a) of section 1.39 is amended so that, when taken with the introductory material, it will read as follows:

SEC. 1.39 *Final authority; delegation to special inquiry officers.* In addition to the powers granted to them under the provisions of the Immigration and Nationality Act, special inquiry officers have been delegated final authority to take any action required or authorized to be taken by Chapter I of Title 8 of the Code of Federal Regulations with respect to the following matters:

(a) Waiver of passport and visa requirements in particular cases of immigrants in accordance with 8 CFR Part 211 and admission of immigrants as provided in sections 211 (c) and (d) of the Immigration and Nationality Act;

Dated: February 18, 1954.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: December 16, 1953.

BENJAMIN G. HABBERTON,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 54-1439; Filed, Mar. 1, 1954; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[BDSA Notice 2 as Amended March 1, 1954]

SIGNATURE OF OFFICIAL BDSA ACTIONS

This notice is issued under the authority of the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 95, 83d Cong.), Executive Order 10480 (18 F. R. 4939), Defense Mobilization Order I–7 (18 F. R. 5366; 18 F. R. 6736, 6737), and Department of Commerce Order 152 (18 F. R. 6503; 18 F. R. 6791).

This notice amends paragraph (b) of Section 3 of BDSA Notice 2 of October 1, 1953 (18 F. R. 6340) by deleting therefrom the term "Assistant Deputy Administrator" and inserting in its place the term "Executive Secretary".

Sec.
1. Purpose of this notice.
2. Definitions.
3. Signature of official actions.
4. Effect on official actions taken prior to effective date of this notice.

SECTION 1. *Purpose of this notice.* This notice prescribes the exclusive methods of signature to be used on official actions of the Business and Defense Services Administration. This notice does not apply to official actions of any other agency, or of any officer or employee thereof, even when such action is based on a regulation, order, or delegation of the Business and Defense Services Administration.

SEC. 2. *Definitions.* As used in this notice, "official action" means the issuance of any BDSA regulation or order and direction or supplement thereto, including any amendment, extension, or revocation thereof; and any action taken by letter, telegram, form, directive, or otherwise, which assigns or denies a preference rating or grants or denies an authorization, allocation, allotment, adjustment, or exception, to a named person or persons, or requires or permits a named person or persons to take or not to take any action relating to production, delivery, receipt, use, sale or distribution of any material or facility; and any action which changes or refuses to change the effect of any of the above actions. For the purpose of this notice, "official action" does not include any action taken in the course of an investigation or compliance proceeding; or the issuance of a suspension order or any action taken in the course of a proceeding looking toward the issuance of such an order.

SEC. 3. *Signature of official actions.* (a) The Administrator and the Deputy Administrator of the Business and Defense Services Administration may, in their respective names, perform the functions and exercise all the powers, authority, and discretion vested in the Administrator of the Business and Defense Services Administration.

(b) All official actions taken in performance of the functions or in the exercise of the powers, authority, and discretion vested in the Administrator of the Business and Defense Services Administration, which are not taken in the name of the Administrator, or in the name of the Deputy Administrator, shall be taken in the name of the Business and Defense Services Administration, countersigned or attested by the Executive Secretary of the Business and Defense Services Administration. Unless otherwise ordered, all actions taken by counter-signature or attestation of the Executive Secretary shall be in the following form:

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

By_____
(Executive Secretary)

SEC. 4. *Effect on official actions taken prior to effective date of this notice.* Nothing contained herein shall impair or affect the validity of any official action taken prior to the effective date of this notice.

This notice shall take effect March 1, 1954.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHARLES F. HONEYWELL,
Administrator.

[F. R. Doc. 54-1460; Filed, Feb. 26, 1954; 12:34 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6376 et al.]

COMPANIA CUBANA DE AVIACION, S. A.

NOTICE OF HEARING

In the matter of the application of Compania Cubana de Aviacion, S. A., for modification of its existing foreign air carrier permit authorizing it to engage in foreign air transportation of persons, property, and mail between the terminal point Havana, Cuba, and the terminal point New York, New York, and the application, Docket No. 6302, for approval under section 409 of the Civil Aeronautics Act of 1938, as amended, of interlocking relationships by reason of Erwin Balluder holding the position of director of Compania Cubana de Aviacion, S. A., and the position of vice president of Pan American World Airways, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402, 409, and 1001 of said act, that a public hearing in the above-entitled proceeding is assigned to be held on April 5, 1954, at 10:00 a. m., e. s. t., in Room E–210 Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the applications particular attention will be directed to the following questions:

1. Whether it is in the public interest to eliminate any or all of the restrictions on the foreign air carrier permit held by Compania Cubana de Aviacion, S. A.

2. Whether the interlocking relationships by reason of Erwin Balluder holding position in Compania Cubana de Aviacion, S. A., and Pan American World Airways, Inc., are contrary to the public interest within the meaning of section 409 of the act.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before April 5, 1954, a statement setting forth the issues of fact or law raised by said applications which he desires to controvert.

For further details as to the requested modification of Cubana's permit and approval of interlocking relationships interested parties are referred to the applications on file with the Civil Aeronautics Board.

Dated at Washington, D. C., February 25, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1438; Filed, Mar. 1, 1954; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9050, 10650]

CALIFORNIA INLAND BROADCASTING CO. AND KARM, THE GEORGE HARM STATION

ORDER DELETING ISSUE

In re applications of California Inland Broadcasting Co., Fresno, California, Docket No. 9050, File No. BPCT-413; KARM, the George Harm Station, Fresno, California, Docket No. 10650, File No. BPCT-1061; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of February 1954;

The Commission having under consideration a number of pleadings[1] concerning (1) a request by KARM, the George Harm Station that the Commission delete Issue No. 1, concerning the financial qualifications of the petitioner, from its Order of August 20, 1953, released August 25, 1953, designating the above-entitled applications for hearing; and (2) a request to enlarge the issues to include an issue as to the financial qualifications of both applicants to construct, own and operate a proposed television station, and to permit a comparison to be made between the applicants upon their respective financial qualifications;

It appearing, that the Commission, in its order of August 20, 1953, designating the above-entitled applications for hearing, included an issue concerning the financial qualifications of KARM, the George Harm Station to construct, own and operate its proposed television station; and

It further appearing, that the questions raised in the Commission's prehearing letter dated August 12, 1953, and with which the financial issue in this proceeding is concerned, have been resolved by petitioner's amendment filed on August 20, 1953, the same date when the Commission issued its hearing order in this proceeding, which disclosed the following changes: (1) included original and signed copies of a letter of credit dated August 10, 1953 from the Bank of America agreeing to extend KARM a loan of $750,000; (2) an amended balance sheet to specify cash in lieu of notes receivable; and (3) a letter from General Electric Company, dated August 18, 1953, expressing a willingness to sell KARM $500,000 worth of equipment on deferred payment terms; and that the Commission is now satisfied that KARM is financially qualified; and

It further appearing, that petitioner requests that the issues in the Commission's order of August 20, 1953, designating the above-entitled applications for hearing, be enlarged to include issues to determine the financial qualifications of the applicants, and to permit a comparison to be made between the applicants upon their respective financial qualifications; and

It further appearing, that the Commission has made an initial determination that California Inland Broadcasting Company is financially qualified to construct, own and operate a television station; that no convincing showing has been made by the petitioner to question the financial qualifications of California; that the petitioner has furnished no impelling reason for the departure by the Commission from its policy against permitting financial qualifications to be considered as a basis of comparison; and

It further appearing, that the Commission has permitted the Hearing Examiner, upon a reasonable showing, to enlarge the issues, on his own motion or on petition of a party to the proceeding, and upon sufficient allegations of facts in support thereof, so as to determine whether funds available to an applicant will be sufficient to effectuate its proposals in accordance with the procedure outlined in the Commission's memorandum opinion and order, In re South Central Broadcasting Company, 9 RR 1035;

It is ordered, That the request by KARM, the George Harm Station for deletion of Issue No. 1 is granted, and that the Commission's order of August 20, 1953, designating for hearing the above-entitled applications is modified by deletion of Issue No. 1; and

It is further ordered, That the request of KARM, the George Harm Station to enlarge the issues is denied; and

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

Released: February 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1432; Filed, Mar. 1, 1954; 8:47 a. m.]

[1] The pleadings filed in this matter are as follows: Petition to Modify and Enlarge Issues, filed on September 15, 1953, by KARM, the George Harm Station; Opposition of Broadcast Bureau to Petition filed on September 23, 1953; Opposition to Petition filed on September 25, 1953 by California Inland Broadcasting Company; Supplemental Petition to Modify and Enlarge Issues filed on November 5, 1953 by KARM; Opposition to Supplemental Petition filed on November 13, 1953 by California Inland Broadcasting Company; Reply to Opposition to Supplemental Petition filed by KARM on November 16, 1953; and Opposition of Broadcast Bureau to Supplemental Petition filed on November 16, 1953.

[Docket Nos. 10681, 10682]

SOUTHERN TIER RADIO SERVICE, INC., AND OTTAWAY STATIONS, INC.

MEMORANDUM OPINION AND ORDER ENLARGING ISSUES

In re application of Southern Tier Radio Service, Inc., Binghamton, New York, Docket No. 10681, File No. BPCT-892; Ottaway Stations, Inc., Endicott, New York, Docket No. 10682, File No. BPCT-1097; for construction permits for new television stations.

1. The Commission has under consideration (1) a petition filed on December 17, 1953, by Ottaway Stations, Inc., seeking clarification of the issues or, in the alternative, enlargement of the issues with respect to section 307 (b) of the Communication's Act of 1934, as amended, (2) an opposition thereto filed by Southern Tier Radio Service, Inc., on December 28, 1953, and (3) a reply filed on January 7, 1954, by Ottaway Stations, Inc.

2. The Commission in its order of September 9, 1953, designated applicants herein for hearing on the standard comparative issues[1] and an additional issue under which Southern Tier Radio Service, Inc., is required to establish its financial qualifications. This case has proceeded through hearing conferences on October 9, November 16 and 24, 1953, for the purpose of exchanging information, agreeing to points of reliance, clarification of issues, and related matters At the conference of November 23, 1953, one of the points of reliance advanced by Ottaway Stations contemplated a showing concerning the need for television service in the Binghamton-Endicott, New York, area. Ottaway Stations submitted to the Examiner that it expected to establish facts showing that on a comparative basis the greater need in the area is for the establishment of a first transmission facility in Endicott rather than a second such facility in Binghamton. The Examiner, agreeing to permit Ottaway to introduce evidence with respect to the need for television service in the Binghamton-Endicott area, advised, however, that section 307 (b)[2] of the Communications Act is not an issue in the instant proceeding, and will not be considered unless the issues are enlarged by the Commission. Thus, the Examiner ruled that legal argument by Ottaway Stations on this point will not be entertained.

3. In the instant proceeding Ottaway Stations has requested the Commission to clarify the issues with respect to the section 307 (b) problem by issuing an appropriate order instructing the Examiner that a section 307 (b) issue is within the scope of the comparative issues here. Their argument in support of this request is based upon the reasoning that section 307 (b) of the Communications Act is a statutory obligation on the Commission and, as such, impliedly a determinative factor in every case wherein a grant to an applicant could conceivably be based thereon. If this be not so, Ottaway submits, the Commission should enlarge the issues in the present proceeding to permit Ottaway to show that a grant of its application should be preferred in view of 307 (b) considerations. In support of this alternative request, Ottaway contends that Binghamton, New York already has a television station, while the greater Endicott area is without an outlet for local expression. Furthermore, Ottaway urges, our rules permit determination of the instant proceedings on 307 (b) considerations because Endicott is a separate and distinct community within fifteen miles[3] of Binghamton to which the television channel in contest here has been allocated.

4. Southern Tier disputes the Ottaway Stations' contention that a 307 (b) issue is implicit in the comparative issues upon which the applicants herein will go to hearing. It is urged that the Commission's adoption of a table of television assignments in the Sixth Report and Order reflects a resolution of the section 307 (b) problem. Southern Tier argues that before the issues may be enlarged in the instant proceeding Ottaway Stations must show it filed a timely petition seeking enlargement. Here, it is submitted, the petition requesting enlargement of the issues comes three months after the applications had been designated for hearing and has not been supported by a showing of "good cause" for such delay.[4]

5. With respect to the problem of "good cause", the record reflects that Ottaway Stations' proposal contemplated an Endicott operation while Southern Tier proposed to operate from Binghamton, New York. Still unclear, however, is the question of whether the communities involved are in a real sense separate and distinct. Endicott lies within a radius of 15 miles of Binghamton. Station WNBF-TV, operating on Channel 12 from Binghamton is the only local television facility in the Binghamton-Endicott area. Ottaway Stations has argued in the instant pleading that from the inception of these proceedings it expected to rely upon the provisions of section 307 (b) and that it was not until the ruling by the Hearing Examiner, referred to above, that the questions with respect to clarification or enlargement of the issues arose. For this reason, it is urged, "good cause" has been demonstrated for enlargement of the issues at this time. Under the facts and circumstances here, we believe Ottaway Stations has demonstrated "good cause" for its late filing for enlargement. Moreover, we are of a mind that the recurrence of the problem presented in the instant petition requires clarification by us in order to guide applicants in future cases involving the same circumstances.

6. With respect to the merits of the pleading before us, we are in agreement with Southern Tier's contention that a 307 (b) issue is not implicit in every television proceeding where conceivably a grant of an application could be premised thereon. Our general considerations in adopting an over-all system of television channel assignments, as set forth in our Sixth Report and Order,[5] make it abundantly clear that our table of assignments was designed to provide a "fair, efficient and equitable distribution" of television service between the various states and communities. Thus, where the problem involves a question of distribution of television channel assignments, except for example, under our 15 mile rule, considerations with respect to section 307 (b) of the act become unnecessary since they have already been resolved. Except for cases which would involve rule making, it would be useless therefore, in every new competitive proceeding to insert an issue concerning the applicability of 307 (b) considerations to the proposals involved. In the present proceeding, however, we are confronted with our rule involving communities located within 15 miles of the community to which the television channel in our tables of assignments has been allocated. In such a situation we would be remiss in our duties under the act were we to fail to consider the applicability of 307 (b) considerations to the proposals involved. We do not hold, however, that where enlargement of the issues is requested on the basis of our 15 mile rule we are compelled automatically to grant enlargement without a showing having been made that 307 (b) considerations would be pertinent in the particular case. Nor do we mean to rule that once we permit enlargement of issues, that section 307 (b) of the act is to be considered the determinative issue in the proceeding. We believe the better course to follow is one which requires a preliminary and prerequisite showing that 307 (b) considerations would be pertinent in deciding the particular case.

7. In the instant case, in view of the probability that both applicants herein will provide equally acceptable service over the area encompassing both Endicott and Binghamton and the probability that a transmission facility located in either city will be available to the residents of both communities, we believe that a specific determination should be made as to whether considerations with respect to section 307 (b) of the act are applicable and, if so, whether a choice between the applications herein can be reasonably based thereon, and, if so, whether a grant to one or the other applicant would provide the more fair, efficient and equitable distribution of television service to the communities involved.

8. *Accordingly, it is ordered*, This 24th day of February 1954, that the above-entitled petition filed on December 17, 1953 by Ottaway Stations, Inc., is granted to the extent that the issues are enlarged to read as follows: To determine whether considerations with respect to section 307 (b) of the Communications Act of 1934, as amended, are applicable in the above-entitled proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon and, if so, whether a grant to one or the other applicant would provide the more fair, efficient and equitable distribution of television service to the communities involved.

Released: February 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1433; Filed, Mar. 1, 1954; 8:47 a. m.]

[1] (3) To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in light of the record made with respect to the significant differences among the applications with particular reference to the following:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above entitled applications.

[2] Section 307 (b) of the Communications Act of 1934, as amended, provides: "In considering applications for licenses • • • the Commission shall make such distribution of licenses, • • • among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

[3] Section 3.607 (b) of the Commission's rules provides: "A channel assigned to a community listed in the Table of Assignments is available upon application in any unlisted community which is located within 15 miles of the listed community."

[4] Section 1.389 of the Commission's rules and regulations provides that petitions to enlarge or change the issues must be filed within 15 days after the issues are first published in the FEDERAL REGISTER. The Commission's order of designation here is dated September 17, 1953 (18 F. R. 5574) while the instant petition was filed on December 17, 1953.

[5] See paragraphs 12-18 of that document.

[Docket Nos. 10928, 10929]

NEWS-JOURNAL CORP. AND TELRAD, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of News-Journal Corporation, Daytona Beach, Florida, Docket No. 10928, File No. BPCT-1218; Telrad, Inc., Daytona Beach, Florida, Docket No. 10929, File No. BPCT-1219; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of February 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 2 in Daytona Beach, Florida; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named

applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station; and

It further appearing, that the application of Telrad, Inc. proposes an antenna location in the vicinity of standard broadcast station WNDB; that the proposed operation may adversely affect the ability of that station to operate in accordance with the terms of its license; that appropriate proof that no such adverse effects have resulted should be submitted after installation and operation of the said proposed antenna; and that a grant, if made, of the application should be subject to a condition in this respect as follows: "The construction authorized is subject to the condition that such shall not adversely affect the ability of standard broadcast station WNDB to operate in accordance with the terms of its license, particularly with respect to its antenna system, and that sufficient field intensity measurements of station WNDB shall be made before and after such construction to prove that no material effect thereon has resulted."

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 26th day of March 1954 in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1434; Filed, Mar. 1, 1954; 8:47 a. m.]

CITY PRIORITY LIST FOR MUTUALLY EXCLUSIVE TELEVISION BROADCAST APPLICATIONS

CROSS REFERENCE: For discontinuance of publication of City Priority List for Mutually Exclusive Television Broadcast Applications, see Title 47, Chapter I, Part 1, *supra*.

FEDERAL POWER COMMISSION

[Docket No. G-2373]

TOWN OF BYHALIA, MISSISSIPPI

NOTICE OF APPLICATION

FEBRUARY 24, 1954.

Take notice that the Town of Byhalia, Mississippi (Applicant), a municipal corporation located in the State of Mississippi, filed, on February 17, 1954, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Trunkline Gas Company to establish physical connection of its transmission facilities near the Town of Byhalia with the proposed facilities of and to deliver and sell natural gas to Applicant for resale as hereinafter described.

Applicant proposes to construct and operate a natural-gas transmission line from the aforestated point of physical connection to its proposed distribution system, a distance of less than one-half mile, and to construct and operate a distribution system within its corporate limits and environs. The area proposed to be served by Applicant is without natural gas service and the number of residents in said area is estimated at 600. Applicant estimates the cost of its proposed facilities at $63,000, proposes to accomplish the financing through issuance of bonds, and estimates its peak day requirements in the fifth year of operation at 367 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of March 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1420; Filed, Mar. 1, 1954; 8:45 a. m.]

[Docket No. G-2375]

KENTUCKY WEST VIRGINIA GAS CO.

ORDER SUSPENDING PROPOSED RATE SCHEDULES AND PROVIDING FOR HEARING

On January 29, 1954, Kentucky West Virginia Gas Company (Kentucky West Virginia) tendered for filing its new rate schedules S-1 (Fifth Revised Sheet No. 4 and Second Revised Sheets Nos. 5, 6, 7 and 8 to its FPC Gas Tariff, Original Volume No. 1), and S-2 (Original Sheets Nos. 8-A, 8-B, 8-C, 8-D and 8-E to its FPC Gas Tariff, Original Volume No. 1), proposing to increase the rates and charges to its affiliate Equitable Gas Company and its former affiliate Louisville Gas and Electric Company by an aggregate amount of $1,025,455, or 21.4%, annually, based on sales for the year ended September 30, 1953.

The Company bases its proposed increases upon adjustments to booked expenses, including (1) a net amount of $542,151 for depreciation and depletion, using a unit of production depletion rate of 5.273¢ per Mcf; (2) $131,193 for purchased gas costs and royalties, proposed to be incurred only if allowed by the Commission in determining the Company's rates; (3) $82,379 for wage increases; and (4) $12,562 for other operating expenses and taxes, plus utilization of a 6½ percent rate of return.

The increased rates and charges provided in said new rate schedules have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Kentucky West Virginia's Rate Schedule S-1 and S-2, FPC Gas Tariff, Original Volume No. 1, and that said rate schedules be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in Kentucky West Virginia's Rate Schedule S-1 and S-2, FPC Gas Tariff, Original Volume No. 1.

(B) Pending such hearing and decision thereon, Kentucky West Virginia's Rate Schedules S-1 and S-2, FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof deferred until August 1, 1954, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: February 24, 1954.

Issued: February 24, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1421; Filed, Mar. 1, 1954; 8:45 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 19 NUMBER 42

Washington, Wednesday, March 3, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture.

Subchapter B—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Amdt. 2]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1953 CROP PRICE SUPPORT PROGRAMS FOR GRAINS AND RELATED COMMODITIES

LIQUIDATION OF LOANS AND DELIVERY UNDER PURCHASE AGREEMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 18 F. R. 1960 and 3705, and containing the general requirements with respect to price support operations for grains and related commodities produced in 1953 are amended as follows:

Section 421.18 (formerly 601.18) *Liquidation of loans and delivery under purchase agreements* is amended by adding the following paragraph (f):

(f) *Delivery to other than producer's customary shipping point.* Notwithstanding the provisions of paragraph (e) of this section and the settlement provisions of the supplements to this bulletin containing the specific requirements of the 1953 price support programs for wheat, corn, soybeans, flaxseed, oats, barley, grain sorghums and rye, settlement for any such commodity delivered to CCC from farm storage under loan or purchase agreement to an approved point of delivery (in accordance with directions of the county committee) which is other than the producer's customary shipping point will be made at the higher of (1) the support rate for such approved point of delivery, or (2) the support rate for the customary shipping point plus the additional necessary cost as determined by the County Committee of hauling the commodity any distance greater than the distance from the point where the grain is stored by the producer to the customary shipping point.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1447, 1421)

Issued this 25th day of February 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-1488; Filed, Mar. 2, 1954; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 728—WHEAT

SUBPART—1954–55 MARKETING YEAR

Basis and purpose. The purpose of this document is to proclaim that a substantial difference exists in the usage and marketing outlets for Class II Durum Wheat from those for other classes of wheat; that the supply of Class II Durum Wheat for the 1953–54 and 1954–55 marketing years with respect to the 1954 crop will be substantially short of indicated market demands and carryover requirements for such wheat for such marketing years; and to establish that an increase in farm acreage allotments for the 1954 crop of wheat is required to make available a supply of Class II Durum Wheat adequate to meet such indicated market demands and carry-over requirements. These determinations are made pursuant to section 334 of the Agricultural Adjustment Act of 1938, as amended by section 4 of Public Law 290, 83d Congress, 2d Session, approved January 30, 1954, which added the following paragraph:

(e) Notwithstanding any other provision of this act, if after investigation the Secretary determines with respect to any class or sub-class of wheat that a substantial difference exists in the usage or marketing outlets therefor and that the supply of such wheat for the 1953–54 and 1954–55 marketing years with respect to the 1954 crop, and for the 1954–55 and 1955–56 marketing years with respect to the 1955 crop, will be substantially short of indicated market demands and carryover requirements for such

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FEDERAL REGISTER

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wheat for such marketing years, the Secretary shall increase the marketing quotas and acreage allotments for such crop of wheat for farms which produced such wheat in one or more of the preceding three years to the extent necessary to make available a supply of such wheat adequate to meet such demands and carryover requirements. The increases in farm marketing quotas and acreage allotments shall be made on the basis of the acreage seeded to such class or subclass of wheat during the period of years considered in establishing farm marketing quotas and acreage allotments for wheat. The additional acreage required by this subsection shall be in addition to the national acreage allotment, and shall not be used to increase the acreage allotment applicable to other wheat produced on farms for which such additional acreage has been allotted, nor shall such acreage be considered in establishing future State, county, and farm acreage allotments.

The findings and determinations by the Secretary in §§ 728.404a to 728.404d have been made after investigation and upon the basis of the latest available statistics of the Federal Government.

Since growers of Class II Durum Wheat are now planning their farming operations for 1954, and in order that the State and county Agricultural Stabilization and Conservation committees may establish farm acreage allotments to include increases in such allotments provided for herein for the production of Class II Durum Wheat, it is essential that this proclamation be made effective as soon as possible. Therefore, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, procedure, and effective date is impracticable and contrary to the public interest and this proclamation shall be effective upon filing of the document with the Director, Division of the Federal Register.

Sec.
728.404a Definition of Class II Durum Wheat.
728.404b Differences in usage, marketing outlets, and supply and carry-over requirements.
728.404c Determination of increased wheat acreage allotments.
728.404d Applicability to future acreage allotments.

AUTHORITY: §§ 728.404a to 728.404d issued under sec. 375, 52 Stat. 66, as amended, 7 U. S. C. 1375. Interpret or apply sec. 334, 52 Stat. 53, sec. 4, Pub. Law 290, 83d Cong.; 7 U. S. C. 1334.

§ 728.404a *Definition of Class II Durum Wheat.* Class II Durum Wheat means the three sub-classes of Durum Wheat (Class II) specified in the "Handbook of Official Grain Standards of the United States," which are: Sub-class (A) Hard Amber Durum, Sub-class (B) Amber Durum, and Sub-class (C) Durum.

§ 728.404b *Differences in usage, marketing outlets, and supply and carry-over requirements.* Class II Durum Wheat is a particular class of wheat used exclusively in producing semolina from which are derived the products macaroni, spaghetti, and other alimentary paste products. No other class of wheat is suitable for producing high quality alimentary paste products. The principal marketing outlet for Class II Durum Wheat is the industry manufacturing such products, while other classes of wheat are not normally acceptable by the industry. The total supply of Class II Durum Wheat for the 1953–54 marketing year is estimated to be 19,885,000 bushels. This supply is 14,058,000 bushels smaller than the supply which was available for the 1952–53 marketing year, and 30,648,000 bushels smaller than the average supply for the five marketing years 1948–49 through 1952–53. As the result of declining production of Class II Durum Wheat during recent years, it is estimated that carry-over stocks of such wheat at the beginning of the 1954–55 marketing year will be negligible. In contrast to the declining production of Class II Durum Wheat, market demands for such wheat have been steadily increasing during the past several years. Unless the production of Class II Durum Wheat is increased in 1954, the supply of such wheat for the 1953–54 and 1954–55 marketing years will be substantially short of indicated market demands and carry-over requirements.

§ 728.404c *Determination of increased wheat acreage allotments.* It is hereby determined that the marketing quotas and acreage allotments for the 1954 crop of wheat for farms which produced Class II Durum Wheat in one or more of the years 1951, 1952, and 1953 shall be increased to the extent necessary to make available a supply of such wheat adequate to meet market demands and carry-over requirements for the 1953–54 and 1954–55 marketing years.

§ 728.404d *Applicability to future acreage allotments.* The increase in marketing quotas and acreage allotments provided for in this subpart shall be in addition to the national acreage allotment for the 1954 crop of wheat, and shall not be used to increase the acreage allotment applicable to other wheat produced on farms for which such additional acreage has been allotted, nor shall such acreage be considered in establishing future State, county, and farm acreage allotments.

Done at Washington, D. C., this 26th day of February 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54-1489; Filed, Mar. 2, 1954; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 905—MILK IN THE OKLAHOMA CITY, OKLAHOMA, MARKETING AREA

SUBPART—ORDER REGULATING HANDLING

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[illegible]

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905.101 Separability of provisions.

AUTHORITY: §§ 905.0 to 905.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 905.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than March 1, 1954. Any delay beyond March 1, 1954, in the effective date of this order amending the order, as amended, will tend to disrupt the orderly marketing of milk for the Oklahoma City, Oklahoma, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective March 1, 1954 (see sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Oklahoma City, Oklahoma, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1953), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Oklahoma City, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 905.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 905.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 905.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this subpart.

§ 905.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 905.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 905.6 *Oklahoma City, Oklahoma, marketing area.* "Oklahoma City, Oklahoma, marketing area", hereinafter called the marketing area means all territory within the boundaries of Oklahoma County, except for Deer Creek, Deep Fork, and Luther townships, within the townships of Moore, Taylor, Case, Liberty, Norman and Noble in Cleveland County, and within the townships of Bales, Davis, Dent, Rock Creek, Brinton, Forest and Earlsboro in Pottawatomie County, all in the State of Oklahoma.

§ 905.7 *Approved plant.* "Approved plant" means a milk processing plant which has been approved by a municipal or state health authority having jurisdiction in the marketing area or by a Federal agency located in the marketing area and from which milk, skim milk, buttermilk, flavored milk drinks or cream is disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores).

§ 905.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 905.9 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant, or (b) any cooperative association, with respect to the milk of any producer which it caused to be diverted to an unapproved plant for the account of such cooperative association.

§ 905.10 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm permit or rating issued by a municipal or state health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk or which is acceptable to a Federal agency. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to an unapproved plant by a handler and milk so diverted shall be deemed to have been received at an approved plant by the handler who caused it to be diverted. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from the provisions of this subpart pursuant to § 905.61.

§ 905.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer, other than a producer-handler, which is purchased or received by a handler either directly from producers or from other handlers.

§ 905.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 905.13 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers.

§ 905.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of February through July which is not in excess of such producer's daily average base computed pursuant to § 905.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 905.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of February through July which is in excess of base milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average base can be computed pursuant to § 905.65.

MARKET ADMINISTRATOR

§ 905.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 905.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer the terms and provisions of this subpart;

(b) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(c) To make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 905.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date upon which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 905.87 the cost of his bond and those of his employees, his own compensation and all other expenses (except those incurred under § 905.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 905.30 to 905.32, or (2) payments pursuant to §§ 905.80 to 905.87;

(i) On or before the 12th day after the end of each month report to each cooperative association which so requests the utilization of the milk caused to be delivered by such cooperative association, either directly or from producers who are members of such cooperative association, to each handler to whom the cooperative association sells milk. For purposes of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 12th day of each month the minimum price for Class I milk computed pursuant to § 905.51 (a) and the Class I butterfat differential computed pursuant to § 905.62 (a) both for the current month; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 905.51 (b) and the Class II butterfat differential computed pursuant to § 905.52 (b), both for the previous month; and

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 905.71 or § 905.72, as applicable and the butterfat differential computed pursuant to § 905.81, both for the previous month; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 905.30 *Reports of receipts and utilization.* On or before the 7th day after the end of the month each handler, except a producer-handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of February through July, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 905.31 *Payroll reports.* On or before the 20th day of each month each handler shall submit to the market administrator his producer payroll for the preceding month which shall show

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producer, including for the months of February through July such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any authorized deductions or charges involved in such payments.

§ 905.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

§ 905.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 905.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a

proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 905.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 905.30 shall be classified by the market administrator pursuant to the provisions of §§ 905.41 to 905.46.

§ 905.41 *Classes of utilization.* Subject to the conditions set forth in §§ 905.43 and 905.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk of skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat, (1) used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in frozen cream placed in storage; (4) in skim milk dumped, after prior notification to and opportunity for verification by the market administrator; (5) in shrinkage up to 2 percent of receipts from producers; (6) in shrinkage of other source milk; and (7) in inventory at the end of the month in the forms specified in paragraph (a) (1) and (2) of this section.

§ 905.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk that is not to be allocated pursuant to § 905.46 (a) (2).

§ 905.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II milk in the previous month pursuant to § 905.41 (b) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 905.46 (a) (4).

§ 905.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream, to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 905.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred or diverted to a producer-handler in the form of milk, skim milk or cream.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 200 miles from the approved plant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream to an unapproved plant, unless the handler (1) claims classification as Class II milk, (2) establishes that such cream was transferred without Grade A certification, and (3) labels or tags each container "for manufacturing use only" and so invoices the shipment.

(e) As Class I milk if transferred or diverted in the form of bulk milk or bulk skim milk to an unapproved plant located not more than 200 miles from the approved plant unless the following conditions are met:

(1) The handler claims classification as Class II milk;

(2) The operator of the unapproved plant maintains books and records, showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification;

(3) If the above conditions are met, the classification reported by the handler shall be subject to verification by the market administrator as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant, and

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting, in series beginning with Class I milk, the skim milk and butterfat in milk received at the unapproved plant from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant.

(iii) If the unapproved plant makes bulk shipments of milk or cream and the skim milk and butterfat transferred to such plant exceeds the amounts remaining in the transferee plant after subtracting receipts from dairy farmers pursuant to subdivision (ii) of this subparagraph, the excess shall be classified according to its utilization determined at the second unapproved plant pursuant to subdivision (ii) of this subparagraph.

§ 905.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 905.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 905.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 905.41 (b) (5);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in other source milk received in bottles or other consumer-type packages from the approved plant of a producer-handler which is located in the marketing area and disposed of as Class I milk in the same package and under the label of such producer-handler without further processing or packaging;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the remaining pounds of skim milk in other source milk;

(4) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II, the pounds of skim milk in inventory specified in § 905.41 (b) (7) at the beginning of the month;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 905.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 905.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 905.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 4.0:

Present Operator and Location
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph;

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month subtract 3 cents, add 20 percent thereof and multiply by 4.0.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

§ 905.51 *Class prices.* Subject to the provisions of § 905.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price plus $1.70 during the months of April, May, and June and plus $1.90 during all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this subpart pursuant to § 905.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

Month for which price applies	Months used in computation	Standard utilization percentage
January	November-December	113
February	December-January	117
March	January-February	121
April	February-March	123
May	March-April	127
June	April May	130
July	May-June	135
August	June July	134
September	July-August	130
October	August-September	119
November	September-October	111
December	October-November	110

(3) For each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 3 cents in January, February, March, July, and August; 2 cents in April, May, and June; 4 cents in September, October, November, and December; and for each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 3 cents in January, February, March, July, and August; 4 cents in April, May, and June; and 2 cents in September, October, November, and December: *Provided*, That in no event shall an adjustment made pursuant to this subparagraph exceed 50 cents per hundredweight.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location
American Foods Company, Miami, Okla.
Gilt Edge Dairy, Norman, Okla.
Page Milk Company, Coffeyville, Kans.
Pet Milk Company, Siloam Springs, Ark.

§ 905.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 905.46 is more or less than 4.0 percent, there shall be added to the respective class price computed pursuant to § 905.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the applicable butterfat differential computed as follows:

(a) *Class I milk.* Multiply by 1.25 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the preceding month and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month and divide the result by 10.

APPLICATION OF PROVISIONS

§ 905.60 *Producer-handlers.* Sections 905.40 to 905.46, 905.50 to 905.52, 905.70 to 905.71, 905.80 to 905.87 shall not apply to a producer-handler.

§ 905.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF BASE

§ 905.65 *Computation of daily average base for each producer.* For the months of February through July of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 905.66:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December by the number of days, not to be less than ninety, during the period(s) within which such producer made deliveries of milk in such months.

§ 905.66 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only during the period of February through July by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(ii) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

DETERMINATION OF UNIFORM PRICE

§ 905.70 *Computation of value of milk.* The value of milk received during each month from each handler from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class by the applicable class prices; and

(c) Add a reclassification charge computed at a rate equal to the difference between the Class I and Class II prices for the current month for skim milk and butterfat in inventory which is subtracted from Class I pursuant to § 905.46 (a) (4) and the corresponding step of § 905.46 (b) which is not in excess of the skim milk and butterfat, respectively, remaining in Class II milk in the previous month pursuant to § 905.46 (a) (5).

§ 905.71 *Computation of uniform price.* For each of the months of August through January, the market administrator shall compute the uniform price per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 905.70 for all handlers who made the reports prescribed in § 905.30 and who made the payments pursuant to §§ 905.80 and 905.83 for the preceding month.

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 905.85;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 905.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

§ 905.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of February through July the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 905.70 for all handlers who made the reports prescribed in § 905.30 and who made the payments pursuant to §§ 905.80 and 905.83 for the preceding month;

(b) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 905.85;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 905.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 4.0 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers.

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price for excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 905.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 905.71 or § 905.72, adjusted by the butterfat differential computed pursuant to § 905.81, less the amount of the payment made pursuant to paragraph (b) of this section and deductions authorized by the producer.

(b) On or before the last day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section and (2) who has not discontinued delivery of milk to such handler, an advance payment with respect to milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 4 percent milk for the preceding month, without deduction for hauling;

(c) On or before the 13th and 27th days of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section, to a cooperative association which so requests, with respect to producers whose milk was caused to be delivered to such handler by such cooperative association and for whose milk such cooperative associations is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 905.81 *Producer butterfat differential.* In making payments pursuant to § 905.80 (a) there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mispoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 905.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit payments made by handlers pursuant to §§ 905.83, 905.61 (b) and 905.85 and out of which he shall make payments to handlers pursuant to §§ 905.84 and 905.85.

§ 905.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 905.70 is greater than the amount required to be paid producers by such handler pursuant to § 905.80.

§ 905.84 *Payment out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 905.70 is less than the amount required to be paid producers by such handler pursuant to § 905.80: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payment pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payment from the market administrator shall be considered in violation of § 905.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund. The handler shall complete such payments to producers not later than the date for making such payments, next following after the receipt of the balance from the market administrator.

§ 905.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 905.86 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 905.80 shall deduct 5 cents per hundredweight or such lesser amount as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of such month pay such deduction to the cooperative association rendering such services.

§ 905.87 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the month of (a) other source milk which is classified as Class I, and (b) milk from producers including such handler's own production.

§ 905.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may within the two year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 905.90 *Effective time.* The provisions of this subpart or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 905.91.

§ 905.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision hereof whenever he finds this subpart or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 905.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations hereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 905.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 905.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 905.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining

provisions of this subpart to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 26th day of February 1954, to be effective on and after the 1st day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1497; Filed, Mar. 2, 1954; 8:56 a. m.]

[Docket No. AO-212-A6]

PART 907—MILK IN THE MILWAUKEE, WISCONSIN, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Milwaukee, Wisconsin, on February 9, 1954, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than March 1, 1954, this order amending the order, as amended. This action is necessary in the public interest to reflect the current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Milwaukee, Wisconsin, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on February 9, 1954, and a decision having been issued on February 18, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Milwaukee, Wisconsin, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (December 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 907.51 (a) change the period at the end of the sentence to a comma and add the following: "but such decrease based on the supply-demand ratio shall not exceed 24 cents for the months of March through August 1954."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of February 1954, to be effective on and after the 1st day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1491; Filed, Mar. 2, 1954; 8:54 a. m.]

[Docket No. AO-101-A16]

PART 941—MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Chicago, Illinois, on February 8, 1954, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than March 1, 1954, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Chicago, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on February 8, 1954, and a decision having been issued on February 18, 1954. Reasonable time under the circumstances has been accorded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Chicago, Illinois, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (December 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 941.52 (a) (1) change the period at the end of the sentence to a comma and add the following: "but such decrease based on the supply-demand ratio shall not be more than 24 cents for the months of March through August 1954."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of February 1954, to be effective on and after the 1st day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1490; Filed, Mar. 2, 1954; 8:54 a. m.]

PART 942—MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 942.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than March 1, 1954. Any delay beyond that date in the effective date of this order would unnecessarily postpone needed changes in the provisions of the order.

The provisions of the said order are well known to handlers. The recommended decision containing all amendment provisions of this order was issued February 9, 1954 (19 F. R. 823). The decision of the Secretary concerning the proposed amendments was issued February 18, 1954. The changes affected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective March 1, 1954. (Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the New Orleans, Louisiana, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area, and it is hereby further determined that:

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than March 1, 1954. Any delay beyond that date in the effective date of this order would unnecessarily postpone needed changes in the provisions of the order.

The provisions of the said order are well known to handlers. The recommended decision containing all amendment provisions of this order was issued February 9, 1954 (19 F. R. 823). The decision of the Secretary concerning the proposed amendments was issued February 18, 1954. The changes affected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective March 1, 1954. (Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the New Orleans, Louisiana, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the determined representative period (December 1953), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New Orleans, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the proviso in § 942.9 and substitute therefor the following: "*Provided*, That any such transferring plant shall not be included in this definition during any month in which there is shipped from such plant only Class II milk as defined in § 942.41 (b), or during any of the months of September, October, November, and December, in which shipments of fluid whole milk or fluid skim milk from such plant are made to a plant described in paragraph (a) of this section on less than 20 days or during any other month in which such shipments are made on less than 5 days."

2. Delete that portion of § 942.22 (1) (1) and substitute therefor the following:

(1) On or before the 6th day after the end of each delivery period the Class II price of skim milk and butterfat for such delivery period;

* * * * *

3. In the proviso of that portion of § 942.41 which precedes paragraph (a), delete the words "or Class III milk."

4. Delete § 942.41 (a) (3) and substitute therefor the following:

(3) Not specifically accounted for as Class II milk.

5. Delete § 942.41 (b), (c) and (d) and substitute therefor a new paragraph as follows:

(b) Class II milk shall be (1) all skim milk and butterfat used to produce any item other than those classified as Class I milk; (2) skim milk and butterfat disposed of for livestock feed; (3) skim milk dumped; and (4) skim milk and butterfat accounted for as shrinkage but not in excess of 2 percent of receipts of skim milk and butterfat, respectively, from producers.

6. In § 942.42 (a) delete the words "or Class III milk."

7. Delete § 942.43 and substitute therefor the following:

§ 942.43 *Transfers.* Skim milk or butterfat disposed of by a handler during any delivery period in fluid form as milk, skim milk or cream by transfer to another plant shall be classified as follows:

(a) As Class I milk if transferred to the fluid milk plant of another handler (except a producer-handler), unless utilization in a product specified in § 942.41 (b) is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period in which such transfer occurred: *Provided*, That the amount of skim milk or butterfat shall not exceed the total skim milk or butterfat so used during the delivery period by the transferee-handler: *And provided further*, That if either or both handlers have received other source milk, skim milk and butterfat so transferred shall be classified at both plants so as to return the highest available utilization to milk received from producers;

(b) As Class I milk if transferred to a producer-handler;

(c) As Class I milk if transferred to any plant other than a fluid milk plant unless:

(1) The handler claims utilization in a product specified in § 942.41 (b);

(2) The operator of such nonfluid milk plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are available if requested by the market administrator for the purpose of verification; and

(3) The utilization of skim milk and butterfat at such nonfluid milk plant in Class I milk, as defined in § 942.41 (a), is less than the total pounds of skim milk and butterfat, respectively, received from the transferor-handler(s) and from dairy farmers whom the market administrator determines constitute the regular source of supply for fluid usage in such plant, in which case the skim milk and butterfat transferred shall be assigned to the remaining uses of skim milk and butterfat, respectively, during such delivery period, for which producers receive the highest rate of return after the similar assignment of the receipts of skim milk and butterfat from such dairy farmers.

8. In § 942.44 delete the words "Class II milk, and Class III" and substitute therefor the following: "and Class II."

9. Delete that portion of § 942.45 (a) (1) and substitute therefor the following:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of shrinkage in producer milk classified as Class II pursuant to § 942.41 (b);

* * * * *

10. In § 942.45 (a) (4) change the term "Class III" wherever it appears to "Class II."

11. Delete §§ 942.51, 942.52 and 942.53 and substitute therefor the following:

§ 942.51 *Class II prices.* Each handler shall pay producers, in the manner set forth in § 942.80, for skim milk and butterfat in milk received from them during each delivery period and classified as Class II skim milk and Class II butterfat, not less than the following prices per hundredweight:

(a) The price per hundredweight of butterfat shall be computed by multiplying by 105 from the effective date hereof through August 1954, and thereafter by 110, the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period;

(b) The price per hundredweight of skim milk shall be any plus amount resulting from the following calculation:

(1) Multiply the price computed pursuant to paragraph (a) of this section by 0.04;

(2) Subtract the amount computed pursuant to subparagraph (1) of this paragraph from the average of the basic or field prices reported to the market administrator to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the delivery period at plants at the following locations:

Present Operator and Location

Pet Milk Co., Kosciusko, Miss.
Brookhaven Creamery Co., Brookhaven, Miss.
Borden Food Co., Starkville, Miss.
Kraft Foods Co., Newton, Miss.
Wilson & Co., Macon, Miss.
Cooperative Creamery Assn., Starkville, Miss.

12. Change the number of § 942.54 to § 942.52.

13. In § 942.72 (e) delete "Class III" and substitute therefor "Class II."

14. In § 942.80 (a) delete "Class III" and substitute therefor "Class II."

15. In § 942.81 (b) delete "Class III" and substitute therefor "Class II."

16. In § 942.90 delete the reference to § 942.53 and substitute therefor "§ 942.52."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of February 1954 to be effective on and after March 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1495; Filed, Mar. 2, 1954; 8:55 a. m.]

[Docket No. AO 123-A17]

PART 946—MILK IN THE LOUISVILLE, KENTUCKY, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective not later than March 1, 1954. Any delay beyond that date in the effective date of this order would result in disorder in the marketing of milk. Outlets for milk for manufacturing purposes and for manufactured dairy products in the Louisville area are overburdened at the present time and are causing significant financial losses to Louisville handlers. Unless some relief is granted under the Class II pricing provisions of the order, handlers may be forced to refuse to accept milk from producers beyond their needs to maintain fluid operations. In order to provide an

outlet for this milk and stabilize the market, it is necessary to make this amendment effective promptly.

The provisions of the said order are known to handlers, having been contained in a decision issued February 19, 1954. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective March 1, 1954. (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Louisville, Kentucky, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, as the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1953), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Delete that portion of § 946.51 (b) which precedes subparagraph (1) thereof and substitute therefor the following:

(b) *Class II milk.* From the effective date hereof through July 1954, the price of Class II milk shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

2. Delete § 946.70 (e) and substitute therefor the following:

(e) From the effective date of this subpart through July 1954, deduct for each pound of butterfat in producer milk which was allocated to Class II pursuant to § 946.46 and which was either used in the production of butter or American type cheeses or assigned to such products pursuant to § 946.44, six cents or an amount obtained by dividing by 3.8 the difference between the Class II price and the price calculated pursuant to § 946.51 (b) (1), whichever is less.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of February 1954, to be effective on and after March 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1494; Filed, Mar. 2, 1954; 8:55 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

§ 957.311 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (§§ 957.1 to 957.92), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provision of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, and (iii) this section relieves restrictions on the handling of Irish potatoes grown in the aforesaid production area.

(b) *Order.* (1) During the period beginning at the effective time of this section, and ending on May 31, 1954, both dates inclusive, no handler shall ship (i) potatoes of the Russet Burbank or Netted Gem varieties unless such potatoes meet the requirements of the U. S. No. 1, or better grade, size A, 2 inch or 4 ounce minimum, (ii) any other grades of Russet Burbank or Netted Gem varieties of potatoes, up to but not including U. S. No. 1 grade, unless such potatoes meet the requirements of the U. S. No. 2, or better grade, 6 ounce minimum weight, (iii) potatoes of any other varieties unless such potatoes meet the requirements of the U. S. No. 2, or better grade, 2 inch minimum diameter or 4 ounce minimum weight, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (§§ 51.1540 to 51.1559 of this title) including the tolerances set forth therein: *Provided*, That potatoes meeting the aforesaid grade and size requirements which are shipped for potato chip manufacture may be commingled in the handling thereof.

(2) Pursuant to § 957.55, each handler may ship not in excess of five hundredweight per week without regard to the limitations set forth in subparagraph (1) of this paragraph and §§ 957.42 and 957.65.

(3) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Seed, (ii) export, (iii) canning, dehydration, or manufacture or conversion into starch, flour, meal, and alcohol, and (iv) charity.

(4) Each handler making shipments of potatoes for manufacture into potato chips pursuant to the proviso in subparagraph (1) of this paragraph and shipments of potatoes pursuant to subparagraph (3) of this paragraph (i) shall first obtain, in accordance with §§ 957.130 to 957.133, inclusive, from the committee a Certificate of Privilege for such handling, (ii) shall have each of such shipments (except shipments for seed) inspected pursuant to § 957.65, (iii) shall pay assessments on such shipments pursuant to § 957.42, (iv) shall, with respect to each shipment made pursuant to subdivision (ii), (iii), or (iv) of subparagraph (3) of this paragraph, furnish a copy of the bill of lading applicable thereto to the committee, (v) shall, with respect to each shipment made pursuant to subdivision (ii) of subparagraph (3) of this paragraph include in his application for the Certificate of Privilege therefor, the export license number and shall enter such number on the Federal-State inspection certificate and bill of lading applicable to such shipment or, in the event no export license is required on such shipment, the handler shall furnish the committee with a copy of the Department of Commerce Shippers Export Declaration Form No. 7525-V applicable to such shipment, and (vi) shall, with respect to each application for a Certificate of Privilege to ship potatoes (a) for manufacture into potato chips pursuant to the proviso in subparagraph (1) of this paragraph or (b) pursuant to subdivision (iii) or (iv) of subparagraph (3) of this paragraph, submit the applicant-handler's certification and the buyer's certification that the potatoes to be so shipped are to be used for the purposes stated in the application.

(5) Terms used in this section shall have the same meaning as when used in the marketing agreement and Order No. 57, as amended (§§ 957.1 to 957.92); and the aforementioned grades and sizes shall have the same meanings assigned these terms in the U. S. Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(6) The provisions of § 957.310, effective June 22, 1953 (18 F. R. 3380), as

from time to time amended, are hereby terminated as of the effective date of this section.

The regulation limiting shipments of potatoes, pursuant to the amended marketing agreement and order, that was issued on June 10, 1953 (18 F. R. 3380), effective on June 22, 1953, has since had four amendments. In order to facilitate references to the respective amendments and to prescribe a modification of the terms thereof, § 957.310 is being terminated and superseded by this section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 601 and Sup. 608c)

Done at Washington, D. C., this 26th day of February 1954, to become effective February 27, 1954.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 54-1498; Filed, Mar. 2, 1954; 8:56 a. m.]

[Docket No. AO-166-A18-RO1]

PART 965—MILK IN THE CINCINNATI, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective not later than March 1, 1954. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the orderly marketing of available milk supplies. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk produced for the Cincinnati, Ohio, marketing area. The regulatory provisions of this order amending the order, as amended, are such that little or no preparation prior to its effective date will be required of handlers regulated thereunder. Under these circumstances the handlers will be afforded reasonable time for any such preparations as may be necessary. Therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order amending the order, as amended, until at least 30 days after its publication in the FEDERAL REGISTER, and good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1000) for making this order amending the order, as amended, effective March 1, 1954.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, as amended, and as hereby further amended, which is marketed within the Cincinnati, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1953), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, and as hereby further amended, is hereby further amended as follows:

1. Replace the period at the end of § 965.8 with a colon and add the following proviso to such section: "*Provided further,* That this definition shall not be deemed to include for the months of March, April, May, June and July 1954 any such person with respect to milk produced on a farm from which milk was delivered on 15 or more days during February 1954 to a milk processing plant which is not a pool plant but from which milk is disposed of in fluid form on routes wholly outside the marketing area."

2. Delete that portion of § 965.51 (c) which precedes subparagraph (1) thereof and substitute therefor the following:

(c) The price for Class III milk during each of the months of March through August, inclusive, shall be the higher of the prices per hundredweight computed pursuant to subparagraphs (1) and (2) of this paragraph; and the price of Class III milk during each of the months of September through February, inclusive, shall be the higher of such computed prices plus 30 cents: *Provided,* That the price for Class III milk during each of the months of March through July 1954, inclusive, shall be the higher of the prices per hundredweight computed pursuant to subparagraphs (1) and (2) of this paragraph less 17.5 cents.

3. Delete § 965.51 (d) and substitute therefor the following:

(d) The price for Class IV milk shall be the price of Class III milk less 17.5 cents: *Provided,* That for each of the months of March through July 1954, inclusive, the price of Class IV milk shall be the same as the price of Class III milk.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of February 1954 to be effective on and after March 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1493; Filed, Mar. 2, 1954; 8:54 a. m.]

[Docket No. AO-170-A7]

PART 967—MILK IN THE SOUTH BEND-LA PORTE, INDIANA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of the previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Chicago, Illinois, on February 8, 1954 upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record theerof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than March 1, 1954, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date will seriously impair orderly marketing of milk in the South Bend-La Porte, Indiana, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on February 8, 1954, and a decision having been issued on February 18, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the South Bend-La Porte, Indiana, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (December 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the South Bend-La Porte, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 967.51 (a) change the period at the end of the sentence to a comma and add the following: "but such decrease based on the supply-demand ratio shall not be more than 24 cents for the months of March through August 1954."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of February 1954, to be effective on and after the 1st day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1492; Filed, Mar. 2, 1954; 8:54 a. m.]

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

SUBPART—ORDER, AS AMENDED, REGULATING HANDLING

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997.0 Findings and determinations.

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AUTHORITY: §§ 997.1 through 997.102 issued under § 5, 48 Stat. 31, as amended; 7 U. S. C. and Sup. 608c.

§ 997.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* (1) The findings hereinafter set forth are supplementary and in addition to the findings and determinations (14 F. R. 5667 and 5694) which were made in connection with the original issuance of this marketing order, and all of such previous findings and determinations, other than the finding as to the base period for the parity computation, are hereby ratified and confirmed, except insofar as such previous findings and determinations may be in conflict with the findings set forth herein:

(2) The amended order, as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) Said amended order will be applicable only to persons in the respective classes of industrial and commercial activities specified, or necessarily included, in the proposals upon which the amendment hearing was held;

(4) There are no differences in the production and marketing of filberts in the production area to be covered by said amended order which make necessary different terms or provisions applicable to different parts of said area.

(b) *Additional findings.* It is hereby further found that is is impracticable and contrary to the public interest to postpone this order 30 days after its publication in the FEDERAL REGISTER. (See 5 U. S. C. 1001 et seq.). The amended order establishes eligibility requirements with respect to members and alternate members of the Filbert Control Board representing growers who do not market their filberts through cooperative handlers (i. e. independent growers) and adopts a new procedure for the nomination of such representatives. The amended order also provides that nominations for member and alternate member positions on the board shall be reported to the Secretary on or before March 20 of each fiscal year. This means that the nomination elections held to obtain the names of nominess to be submitted must be held prior to March 20. It is desirable that the board have as much time as practicable prior to March 20 to prepare for and conduct the nomination elections for independent grower representatives in accordance with the provisions of the amended order. The provisions of the amended order are well known to the growers and handlers of filberts and all known interested parties have been furnished copies of this amended regulation. Compliance with the provisions of the amended order will not require any advance preparation by any interested persons.

(c) *Determinations.* It is hereby determined that: (1) The marketing agreement, as amended, regulating the handling of filberts grown in Oregon and Washington, which included the amendments upon which the aforesaid public hearing also was held has been executed by handlers (excluding cooperative associations of producers which are not engaged in processing, distributing, or shipping filberts covered by this amended order) who handled not less than 50 percent of the volume of such filberts covered by this amended order;

(2) The issuance of this amended order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1953 through December 31, 1953), were engaged within the States of Oregon and Washington in the production for markets of filberts; and

(3) The issuance of this amended order is favored or approved by producers who participated in a referendum on the question of its approval and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of filberts represented in such referendum and produced within the States of Oregon and Washington.

Order relative to handling. It is, therefore, ordered, that the handling of filberts grown in Oregon and Washington shall, from the effective time of this amended order, be in conformity to, and in compliance with the terms and conditions of this amended order:

DEFINITIONS

§ 997.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 997.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 63 Stat. 282).

§ 997.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 997.4 *Filberts.* "Filberts" means filberts or hazelnuts produced in the States of Oregon and Washington from trees of the genus Corylus.

§ 997.5 *Unshelled filberts.* "Unshelled filberts" means filberts the kernels of which are contained in the shell.

§ 997.6 *Merchantable filberts.* "Merchantable filberts" means all unshelled filberts meeting the pack specifications and minimum standards of quality prescribed pursuant to § 997.50 (b), or as such specifications and standards may be modified pursuant to § 997.50 (d).

§ 997.7 *Area of production.* "Area of production" means the States of Oregon and Washington.

§ 997.8 *Grower.* "Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity, in the commercial production of filberts.

§ 997.9 *Handler.* "Handler" means any packer or distributor of unshelled filberts handling not less than 250 pounds of filberts during any fiscal year.

§ 997.10 *Packer.* "Packer" means any person who packs and handles unshelled filberts.

§ 997.11 *Distributor.* "Distributor" means any person other than a packer who handles unshelled filberts which have not been subjected, in the hands of a previous holder, to compliance with the surplus-control provisions hereinafter contained.

§ 997.12 *Cooperative handler.* "Cooperative handler" means any handler which is a cooperative marketing association regardless of where or under what laws it may be organized.

§ 997.13 *Sheller.* "Sheller" means any person engaged in the business of shelling filberts for any commercial purpose.

§ 997.14 *Pack.* "Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition of filberts packed in accordance with any of the pack specifications prescribed pursuant to § 997.50.

§ 997.15 *To pack.* "To pack" means to bleach, clean, grade, or otherwise prepare filberts for market as unshelled filberts in any manner whatsoever.

§ 997.16 *To handle.* "To handle" means to sell, consign, transport or ship (except as a common carrier of filberts owned by another person), or in any other way to put into the channels of trade, either within the area of production or from such area to points outside thereof: *Provided*, That such sales or deliveries by growers to a packer for packing or a sheller for shelling or to a distributor within the production area shall not be considered as handling.

§ 997.17 *Federal-State Inspection Service.* "Federal-State Inspection Service" means that inspection service on filberts which is performed within the States of Oregon and Washington by the United States Department of Agriculture or by said Department under a cooperative arrangement with either of such States pursuant to authority contained in any act of Congress.

§ 997.18 *Fiscal year.* "Fiscal year" means the 12 months from August 1 to the following July 31, both inclusive.

§ 997.19 *Handler carryover.* "Handler carryover" as of any given date means all merchantable filberts (except merchantable filberts held as surplus) wherever located, then held by handlers or for their accounts (whether or not sold) including the estimated quantity of merchantable filberts in ungraded lots then held by handlers and intended for packing as merchantable filberts.

§ 997.20 *Trade carryover.* "Trade carryover" means all merchantable filberts theretofore delivered by handlers and then remaining in the possession or control of the wholesale or chain store or supermarket trade, exclusive of filberts in retail outlets, as of any given date.

§ 997.21 *Trade demand.* "Trade demand" means the quantity of merchantable filberts which the wholesale, chain store and supermarket trade will acquire from all handlers during a fiscal year for distribution in the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone; except that there may also be considered in the making of such computation such acquirements for distribution in Canada or Cuba, whenever the board is of the opinion that such distribution may be made to the particular country at prices to handlers approximating such prices on distribution in the Continental United States.

§ 997.22 *Control board.* "Control board" or "board" means the Filbert Control Board established pursuant to §§ 997.30 through 997.40.

§ 997.23 *Part and subpart.* "Part" means the order regulating the handling of filberts grown in Oregon and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of filberts grown in Oregon and Washington shall be a "subpart" of such part.

FILBERT CONTOL BOARD

§ 997.30 *Establishment and membership.* A control board consisting of seven members, with an alternate member for each such member, is hereby established.

§ 997.31 *Selection and term of office.* (a) Members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning with the first Tuesday after the first Monday in April, and shall serve until their respective successors shall be selected and shall qualify. One member and one alternate member shall be selected from nominees submitted by each of the following groups, which nominees shall be eligible members of the respective groups which nominate them, or from among other eligible members of the respective groups:

(1) The cooperative handlers;

(2) All handlers, other than the cooperative handlers;

(3) The group of cooperative handlers or the group of other than cooperative handlers, whichever during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all handlers;

(4) Those growers of filberts who market their filberts through cooperative handlers;

(5) All other growers of filberts;

(6) Those growers whose filberts were marketed during the preceding fiscal year through the handler group specified in subparagraph (3) of this paragraph.

(b) The following additional restrictions shall apply to the growers who do not market their filberts through cooperative handlers: (1) Such a grower may not vote in a nomination election for a representative of his group if, during that portion of the fiscal year up to the time of such election, he handled any filberts which were produced by another grower, and such a grower shall not be selected to serve as a representative of that group, if, during the fiscal year in which the nomination election is held, he handled any filberts which were produced by another grower; and (2) such a grower who, at any time during the fiscal year in which the nomination election is held, was employed by a filbert handler shall not be selected to serve as such a representative, but he shall be entitled to vote in the nomination election.

(c) The seventh member and his alternate shall be selected after the selection of the first six members as provided for in this section, and after opportunity for such six members to nominate a seventh member and his alternate, who shall not be members of any of the six groups described in this section.

§ 997.32 *Nominations for members and alternates.* (a) Each of the six groups specified in § 997.31 may nominate one person as member and one person as alternate; and the six members first selected by the Secretary may nominate, by majority vote, one person as member and one person as alternate for that member. Nominations for each handler group shall be submitted on the basis of ballots to be mailed by the control board to all handlers in such group whose pack for the preceding fiscal year is on record with the control board. Nominations on behalf of growers who market their filberts through cooperative handlers shall be submitted on the basis of ballot cast by each cooperative handler for its grower patrons.

(b) Nominations on behalf of growers who market their filberts through other than cooperative handlers shall be submitted after balloting by such growers conducted as follows: Names of the grower candidates to accompany the ballot shall be submitted to the control board prior to February 10 of each fiscal year on petitions signed by not less than 10 growers who market their filberts through other than cooperative handlers and who are of record with the control board; each grower may sign only as many petitions as there are persons to be nominated; ballots accompanied by the list of candidates submitted by petitions, together with instructions, shall be mailed to all growers who market their filberts through other than cooperative handlers and who are of record with the control board; each ballot shall contain appropriate blank spaces for the voter to indicate his choice for each member position and for each alternate member position which is to be filled; the qualified person receiving the highest number of votes for a particular position shall be the nominee for that position, except that, in case of a tie, the names of the tied candidates shall be submitted. If the Secretary determines that this procedure is unsatisfactory to the growers who market their filberts through other than cooperative handlers because it is too difficult or costly to administer, it does not result in the names of a sufficient number of qualified candidates being submitted with the ballots, or it should be changed for other reasons, he may change this procedure through the formulation and issuance of superseding regulations.

(c) All votes cast by cooperative handlers, handlers other than cooperative handlers, or for cooperative growers, shall be weighted according to the tonnage of merchantable filberts (computed to the nearest whole ton in case of fractions) recorded by the control board as certified for handling by the handler or for the cooperative grower group during the preceding fiscal year, and if less than one ton is recorded for any such handler or grower group, its vote shall be weighted as one vote. All votes cast by individual growers shall be given equal weight. Nominations received in the foregoing manner by the control board shall be reported to the Secretary on or before March 20 of each fiscal year, together with a certificate of all necessary data and other information deemed by the board to be pertinent or requested by the Secretary. If such nominations of any group are not submitted as hereinbefore provided to the Secretary on or before that date, the Secretary may select the representatives of that group without nomination. If nominations for the seventh member or his alternate are not submitted on or before April 15 of any year, the Secretary may select such member or alternate without nomination.

§ 997.33 *Qualification.* Any person selected as a member or alternate of the control board shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate, who at the time of his selection, was a member of, or employed by a member of the group which nominated him and who thereafter ceases to be such a member or employee shall thereupon become disqualified to serve further and his position on the control board shall be deemed vacant. In the event any member or alternate member of the control board qualified and selected, in accordance with the provisions of §§ 997.31 and 997.32, to represent growers who market their filberts through other than cooperative handlers should, during his term of office, handle filberts produced by other growers, or become an employee of a handler, his position on the control board shall thereupon be deemed to be vacant: *Provided*, That these disqualification provisions shall not apply to any initial representative of such growers for the term which began in April 1953 in connection with the continuance, for the balance of such term, of either such prohibited handling or employment situation which existed when he was selected and qualified.

§ 997.34 *Alternates.* An alternate for a member of the control board shall act in the place and stead of such member (a) in his absence, or (b) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 997.35 *Temporary substitutes.* In the event any member of the control board and his alternate are both unable to attend a meeting of the control board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place and stead of the absent member and his alternate, or in the event such other alternate cannot attend, or there is no such other alternate, such member or, in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place and stead of such member.

For the purposes of this section a cooperative handler group and a cooperative grower group shall be considered the same group.

§ 997.36 *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate of the control board, a successor for his unexpired term shall be selected in the manner provided in § 997.32, so far as applicable, within 30 days after such vacancy occurs.

§ 997.37 *Expenses.* The members of the control board shall serve without compensation, but shall be allowed their necessary expenses.

§ 997.38 *Powers.* The control board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(d) To recommend to the Secretary amendments to this subpart.

§ 997.39 *Duties.* The duties of the control board shall be among other things as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees;

(e) To cause the books of the control board to be audited by one or more competent public accountants at least once for each fiscal year and at such other times as the control board deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made; and

(f) To investigate the growing, shipping, and marketing conditions with respect to filberts and to assemble data in connection therewith.

§ 997.40 *Procedure—(a) Organization and rules.* The members of the control board shall select a chairman from their membership and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the control board as is given to members of the board.

(b) *Quorum.* All decisions of the control board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of five members shall be required to constitute a quorum.

(c) *Permissive method of voting.* The control board may vote by mail or telegram upon due notice to all members: *Provided,* That voting by mail or telegram shall not be permitted at any assembled meeting of the board. When any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption by that method.

(d) *Right of the Secretary.* The members of the control board (including successors, alternates, or other persons selected by the Secretary), and any agent or employee appointed or employed by the control board, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every order, regulation, decision, determination, or other act of the control board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

CONTROL OF DISTRIBUTION

§ 997.50 *Pack specifications and minimum standards—(a) General restrictions as to handling.* In order to effectuate the declared policy of the act, and except as otherwise provided in §§ 997.53 and 997.76, no handler shall handle any unshelled filberts except those which have been certified by the control board as merchantable filberts.

(b) *Merchantable filberts.* Unless and until modified by the Secretary, after consideration of the control board's recommendations and other available pertinent data, unshelled filberts shall be deemed to be merchantable if they meet the following requirements:

(1) As to pack specifications, such filberts shall be "U. S. No. 1, Jumbo," "U. S. No. 1, Large," or "U. S. No. 1, Medium," as now defined in the United States Standards for filberts in the shell (13 F. R. 4623), except that the portion of the tolerance provision in the U. S. No. 1 grade, for grade requirements, other than for type and size, reading "not more than five percent shall be allowed for blanks" shall not be applicable; and

(2) As to minimum standards of quality, shall be U. S. No. 1 grade as defined in the aforementioned standards, with the aforesaid modified tolerance as to blanks, and the lower limit of medium size as defined in such United States Standards for filberts in the shell.

(c) *Small size filberts for export.* Unless and until modified by the Secretary, after consideration of the control board's recommendations and other available pertinent data, unshelled filberts which are below the minimum requirements for merchantable filberts, as set forth in paragraph (b) of this section, only with respect to size may be exported pursuant to the provisions of § 997.76 if they meet the following size requirements: Round type filberts which will not pass through a round opening $^{49}/_{64}$ of an inch in diameter but will pass through a round opening $^{45}/_{64}$ of an inch in diameter, and long type filberts which will not pass through a round opening $^{35}/_{64}$ of an inch in diameter but will pass through a round opening $^{35}/_{64}$ of an inch in diameter: *Provided,* That 12 percent, by count, shall be allowed for those filberts which fail to meet these size requirements but not more than $^{5}/_{8}$ of this amount, or 10 percent, shall be allowed for filberts which pass through the smallest opening specified for the respective type.

(d) *Modifications.* The aforementioned pack specifications and minimum standards for unshelled filberts as prescribed in paragraphs (b) and (c) of this section may be modified, at any time that it appears that such action would tend to effectuate the declared policy of the act, in which event unshelled filberts desired to be certified must meet the applicable modified pack specifications and minimum standards in order to be considered as merchantable filberts or as small size filberts for export, as the case may be.

(e) *Above parity situations.* The provisions of this section relating to minimum standards of quality for merchantable unshelled filberts or small size filberts for export, as the case may be, and the applicable grading and inspection requirements pertaining thereto, within the meaning of section 2 (3) of the act, and any other provisions relating to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price for filberts is in excess of the parity level specified in section 2 (1) of the act.

§ 997.51 *Certification of merchantable filberts and small size filberts for export.* Each handler, at his own expense, shall obtain a certificate for each lot of merchantable filberts handled or to be handled by him, and for each lot of surplus merchantable filberts, and also for each lot of small size filberts for export disposed, or to be disposed, of by him as agent for the control board. Said certificates shall be obtained from the Federal-State Inspection Service. All such certificates shall show, in addition to such other information as the control board may specify, the identity of the handler, if for export, the country of destination, the quantity and pack of filberts in such lot, markings (if any) on the containers, including brands or labels, and that the filberts covered by such certificates conform to the pack specifications and minimum standards of quality prescribed pursuant to § 997.50 for merchantable filberts or for small size filberts for export, as the case may be. All lots so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the control board, or of the Federal-State Inspection Service.

§ 997.52 *Copies of certificates.* The inspector shall furnish to the control board as many copies of each such certificate as it may request.

§ 997.53 *Filberts for packing or shelling.* Nothing contained in this part shall be construed to prevent any person from selling or delivering, within the area of production, unshelled filberts, other than merchantable filberts, to any packer for packing or sheller for shelling.

MERCHANTABLE SURPLUS CONTROL

§ 997.60 *Salable and surplus percentages for merchantable filberts.* The salable and surplus percentages for merchantable filberts for each fiscal year shall be fixed by the Secretary at such amounts as in his judgment will most effectively tend to accomplish the purposes of the act. In fixing such salable and surplus percentages, the Secretary shall give consideration to the ratio of the estimated trade demand to the sum of the estimated production of merchantable filberts and the handler carryover (with appropriate adjustment for such handler carryover as may have theretofore contributed to merchantable surplus), the recommendation submitted to him by the control board, and such other pertinent data as he deems appropriate. The total of the salable and surplus percentages as fixed each fiscal year shall equal 100 percent.

§ 997.61 *Increase of salable percentage.* At any time prior to February 15 of any fiscal year, the Secretary may, on request of the control board (or if the control board shall fail so to request, on request of two or more packers who have handled during the immediately preceding fiscal year at least ten percent of the total tonnage handled by all packers during such fiscal year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable filberts available for handling will not be sufficient to supply the trade demand, increase the salable percentage to conform to such new relation as may be found to exist between trade demand and available supply.

§ 997.62 *Estimated carryover, trade demand, and production.* (a) To aid the Secretary in fixing the salable and surplus percentages for merchantable filberts, the board shall furnish to the Secretary, not later than August 20 of each fiscal year, the following estimates and recommendation, each of which shall be adopted by at least a majority vote of the entire control board:

(1) Its estimate of the quantity of merchantable filberts to be produced and packed during such year;

(2) Its estimate of handler carryover as of August 1;

(3) Its estimate of trade carryover as of August 1;

(4) Its estimate of the total trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand consideration shall be given to the estimated trade carryover at the beginning and end of the fiscal year; and

(5) Its recommendation as to the salable and surplus percentages to be fixed for merchantable filberts.

(b) The board shall also furnish to the Secretary a complete report of the proceedings of the board meeting at which these recommended salable and surplus percentages to be fixed by the Secretary were adopted.

§ 997.63 *Withholding percentage.* The withholding percentage shall be the ratio (measured as a percentage) of the surplus percentage to the salable percentage for merchantable filberts. Such percentage shall be announced by the Secretary and, in its computation, may be adjusted by the Secretary to the nearest whole number.

§ 997.64 *Withholding of merchantable surplus filberts.* No handler shall handle merchantable unshelled filberts unless prior to or upon the shipment thereof (except as otherwise provided in § 997.65) he shall have withheld from handling a quantity of merchantable filberts equal to the withholding percentage, by weight of such quantity handled or certified for handling by him: *Provided,* That this requirement shall not apply to any lot of filberts for which the merchantable surplus obligation has been met by a previous holder. The quantity of filberts hereby required to be withheld shall constitute, and may be referred to as, the "merchantable surplus" or "surplus obligation" of a handler. The merchantable filberts handled by any handler in accordance with the provisions of this subpart shall be deemed to be that handler's quota fixed by the Secretary within the meaning of Section 8a (5) of the act.

§ 997.65 *Postponement of withholding merchantable surplus upon filing bond—(a) Privilege.* Compliance by any packer with the requirements of § 997.64 as to the time when merchantable surplus filberts shall be withheld shall be deferred to any date desired by the packer, but not later than December 31 of the fiscal year, upon the voluntary execution and delivery by such packer to the control board, before he handles any merchantable filberts of such fiscal year, of a written undertaking that on or prior to such date he will have fully satisfied his merchantable surplus obligation required by § 997.64.

(b) *Bonding requirement.* Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the control board, and with a surety or sureties acceptable to the control board, in the amount or amounts stated below conditioned upon full compliance with such undertaking. Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the packer's deferred merchantable surplus obligation. The bonding value shall be the deferred merchantable surplus obligation poundage bearing the lowest bonding rate or rates, which could have been selected from the packs handled or certified for handling, multiplied by the applicable bonding rate. The cost of such bond or bonds shall be borne by the packer filing same.

(c) *Bonding rate.* Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to packer f. o. b. shipping point which shall be computed at 95 percent of the opening price for such pack announced by the packer or packers who during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all packers. Such packer or packers shall be selected in order of volume handled in the preceding fiscal year, using the minimum number of packers to represent a volume of more than 50 percent of the total volume handled. If such opening prices involve different prices announced by two or more packers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding fiscal year by each such packer.

§ 997.66 *Disposition of sums collected through default on bonds—(a) Filbert purchases.* Any sums collected through default of a packer on his bond shall be used by the control board to purchase, from packers, as provided in this paragraph, a quantity of merchantable filberts not to exceed the total quantity represented by the sums collected. Purchases shall be made from the salable percentages with respect to which the merchantable surplus obligation has been met and at the bonding rate for each pack. The control board shall at all times purchase the lowest priced packs offered and the purchases shall be made from the various packers as nearly as practicable in proportion to the quantity of their respective offerings of the pack or packs to be purchased.

(b) *Unexpended sums.* Any unexpended sums, which have been collected by the control board through default of a packer on his bond, remaining in the possession of the control board at the end of a fiscal year shall be used to reimburse the board for its expenses, including administrative and other costs incurred in the collection of such sums, and in the purchase of merchantable filberts as provided in paragraph (a) of this section. Any balance remaining after reimbursement of such expenses shall be distributed among all handlers in proportion to the quantity of merchantable filberts handled or certified for handling by them during the fiscal year in which the default occurred.

(c) *Transfer of filbert purchases.* Filberts purchased as provided in this paragraph shall be turned over to those packers, who have defaulted on their bonds, for disposal by them as merchantable surplus. The quantity delivered to each packer shall be that quantity represented by the sums collected through default, and the different grades, if any, shall be apportioned among the various packers on the basis of the quantity of filberts to be delivered to each packer to the total quantity purchased by the control board with bonding funds.

§ 997.67 *Collection upon bonds.* Collection upon any bond or bonds filed pursuant to the provisions of § 997.65 shall be deemed a satisfaction of the merchantable surplus obligation represented by such collection: *Provided,* That the filberts purchased by the control board with funds collected under bonds and subsequently turned over to such packers are used only for the purposes provided in §§ 997.74 and 997.75.

§ 997.68 *Interhandler transfers for merchantable surplus.* For the purpose of meeting his merchantable surplus obligation, any handler may, upon notice to and under the supervision and direction of the control board, acquire from another handler merchantable filberts with respect to which the merchantable surplus has not been withheld and any merchantable surplus obligation with respect to any filberts so transferred shall be waived. If any such sales are made from filberts on which the merchantable surplus obligation has been met, the seller's merchantable surplus obligation shall be reduced accordingly upon proof satisfactory to the control board that the purchaser is withholding such filberts as merchantable surplus.

§ 997.69 *Assistance of control board in accounting for merchantable surplus.* The control board, on written request, may assist handlers in accounting for their merchantable surplus obligation and may aid any handler in acquiring merchantable filberts to meet any deficiency in a handler's merchantable surplus, or in accounting for and disposing of merchantable surplus filberts.

§ 997.70 *Application of merchantable salable, surplus, and withholding percentages, and bonding rates, after end of fiscal year.* (a) The merchantable salable, surplus, and withholding percentages established for any fiscal year shall continue in effect with respect to all merchantable filberts, for which the merchantable surplus obligation has not been previously met, which are handled or certified for handling as merchantable filberts by any handler after the end of such fiscal year and before merchantable salable, surplus, and withholding percentages are established for the succeeding fiscal year. After such percentages are established for the new fiscal year, the withholding requirements for all such filberts theretofore handled or certified for handling as merchantable filberts during that fiscal year shall be adjusted to the newly established percentages.

(b) The bonding rates established for any fiscal year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to § 997.65 before the bonding rates for the new fiscal year are established. After such bonding rates are established for the new fiscal year, the new rates shall be applicable and any bond or bonds theretofore given for that fiscal year shall be adjusted to the new rates.

§ 997.71 *Exchange of merchantable surplus filberts.* Any handler who has withheld merchantable surplus filberts pursuant to the requirements of § 997.64 and has had the same certified as merchantable surplus filberts may exchange therefor an equal quantity, by weight, of other merchantable filberts. Any such exchange shall be made under the supervision and direction of the control board with appropriate inspection and certification of the filberts involved.

§ 997.72 *Adjustment upon increase of merchantable salable percentage.* Upon any increase in the merchantable salable percentage and corresponding decrease in the merchantable surplus and withholding percentages, the merchantable surplus obligation of each handler with respect to the filberts handled by him for the entire fiscal year shall be recomputed in accordance with such revised merchantable salable, surplus, and withholding percentages. From the merchantable surplus filberts still held by a handler and from such merchantable surplus filberts that may have been delivered by him to the control board pursuant to § 997.74, and still held by the control board, the handler shall be permitted to select, under the supervision and direction of the control board, the particular merchantable surplus filberts to be restored to his salable percentage.

§ 997.73 *Prohibition against handling of merchantable surplus.* Except as provided in §§ 997.74 and 997.75, or for any use other than for distribution as unshelled filberts in established trade channels, merchantable surplus filberts withheld pursuant to the requirements of § 997.64 shall not be handled by any person as unshelled filberts.

§ 997.74 *Disposition of merchantable surplus by export.* Sales of merchantable surplus filberts for shipment or export to destinations outside the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only by the control board. Any handler desiring to export any part or all of his merchantable surplus filberts shall deliver to the control board his merchantable surplus to be exported, but the control board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any filberts so delivered for export which the control board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the control board only on execution of an agreement to prevent reimportation into the United States; and in case of export to Canada or Mexico, such filberts shall be sold only on the basis of a delivered price, duty paid. A handler may be permitted to act as agent of the control board, upon such terms and conditions as the control board may specify, in negotiating export sales; and when so acting shall be entitled to receive a selling commission of five percent of the export sales price, f. o. b. area of production. The proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose merchantable surplus filberts are so sold by the board.

§ 997.75 *Disposal of merchantable surplus for shelling.* (a) Any handler may shell his merchantable surplus filberts or deliver them for shelling to an authorized sheller. Any person who desires to become an authorized sheller in any fiscal year may submit an application to the control board. Such application shall be granted only upon condition that the applicant agrees:

(1) To use such merchantable surplus filberts as he may receive for no purpose other than shelling;

(2) To dispose of or deliver such merchantable surplus filberts, as unshelled filberts, to no one other than another authorized sheller;

(3) To comply fully with all laws and regulations applicable to the shelling of filberts;

(4) To report to the control board, immediately upon receipt of any lot of merchantable surplus filberts, the quantity and pack of the filberts so received and the identity of the person from whom received, and within 15 days after the disposition of such filberts, to report their disposition to the control board. All such reports shall be certified to the control board and to the Secretary as to their correctness and accuracy.

(b) The board, if it finds that such an application is made in good faith and if the applicant may be reasonably relied upon to fulfill and observe the conditions to which it has agreed, shall issue a letter of authority to such applicant to serve as an authorized sheller. Such letter of authority shall expire with the end of the fiscal year during which it is issued by the Board.

CONTROL OF SMALL SIZE FILBERTS FOR EXPORT

§ 997.76 *Disposition of small size filberts by export.* Sales of small size filberts meeting the pack specifications and minimum standards prescribed in § 997.50 (c) for shipment or export to destinations outside the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only by the control board. Any handler desiring to export any part, or all, of his small size filberts meeting these specifications shall deliver them to the control board to be exported, but the control board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any small size filberts so delivered for export which the control board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the control board only on execution of an agreement to prevent reimportation into the United States; and in case of export to Canada or Mexico, such small size filberts shall be sold only on the basis of a delivered price, duty paid. A handler may be permitted to act as agent of the control board, upon such terms and conditions as the control board may specify, in negotiating these export sales; and, when so acting, shall be entitled to receive a selling commission of five percent of the export sales price, f. o. b. area of production. The proceeds of all such export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose small size filberts are so sold by the board.

REPORTS

§ 997.80 *Reports of handler carryover of merchantable filberts.* Each handler, on or before August 5 and January 15 of each fiscal year, shall file with the control board a written report, under oath, of all merchantable filberts (except filberts held as merchantable surplus) including the estimated quantity of merchantable filberts in ungraded lots intended for packing as merchantable filberts, by him held on the first day of August and the first day of January, respectively, showing the pack (if merchantable), and location thereof and the quantities;

(a) Which theretofore have been certified for handling, and on which the merchantable surplus obligation has previously been met;

(b) Which have been packed as merchantable filberts, but have not been certified; and

(c) Which are estimated as merchantable but have not been packed as merchantable filberts and are intended for packing as merchantable filberts.

§ 997.81 *Reports of disposition of merchantable surplus.* (a) Each handler, before he disposes of any quantity of merchantable surplus filberts held by him, shall file with the control board a report of his intention to dispose of such quantity of merchantable surplus filberts. This report shall be filed not less than five days prior to the date on which the merchantable surplus filberts are disposed of unless the five-day period is expressly waived by the control board.

(b) Each handler, within 15 days after the disposition of any quantity of merchantable surplus filberts, shall file with the control board a report of the actual disposition of such quantity of merchantable surplus filberts. Such reports shall be certified to the control board and to the Secretary as to their correctness and accuracy.

(c) Each handler, from time to time, on demand of the control board, shall file with the board a report of his holdings of merchantable surplus filberts as of any date specified by the board. Such report, at the request of the control board, may be in the form of a confirmation of the records of the control board of such handler's holdings. Such report shall be certified to the control board and to the Secretary as to its correctness and accuracy.

(d) All reports required by this section shall show the quantity, pack, and location of the filberts covered by such reports and in the case of reports required by paragraphs (a) and (b) of this section, the applicable handler's storage lot and inspection certificate numbers, and the disposition of the merchantable surplus which is intended or which has been accomplished.

§ 997.82 *Other reports.* Upon request of the control board, made with the approval of the Secretary, every handler shall furnish to the board, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in this subpart), such other information as will enable the control board to perform its duties and to exercise its powers under this subpart.

§ 997.83 *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the control board through its duly authorized agents, shall have access to the handler's premises wherever filberts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any filberts so held by such handler and any and all records of the handler with respect to the holding or disposition of all filberts which may be held or which may have been disposed of by such handler. Every handler shall furnish all labor necessary to facilitate such inspections as the control board may make of such handler's holdings of any filberts. Every handler shall store merchantable surplus filberts in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to control board certificates of respective lots of all such filberts held or theretofore disposed of.

§ 997.84 *Confidential information.* All reports and records furnished or submitted by handlers to the board which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be received by and at all times kept in the custody and under the control of one or more employees of the board, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this section, information may be disclosed to the board when reasonably necessary to enable the board to carry out its functions under this part.

EXPENSES AND ASSESSMENTS

§ 997.90 *Expenses.* The control board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal year, for the maintenance and functioning of the control board and for such purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The recommendation of the control board as to the expenses for each such fiscal year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before August 20 of the fiscal year in connection with which such recommendation is made. The funds to cover such expenses shall be acquired by levying assessments as provided in § 997.91.

§ 997.91 *Assessments.* (a) Each handler shall pay to the control board on demand by the control board, from time to time, the sum of two-tenths of a cent for each pound of filberts certified for him, including those certified as merchantable filberts (including both salable and surplus) and those certified as small size filberts for export. At any time during or after a fiscal year, the Secretary may increase the rate of assessment to apply to all filberts so certified during such fiscal year, including those certified in said fiscal year prior to the date of such increase, to secure sufficient funds to cover the expenses authorized by § 997.90, or by any later finding by the Secretary relative to the expenses of the control board, and such additional assessments shall be paid by the handler on demand. At the end of any fiscal year for which the assessment rate may be increased by the Secretary, the rate shall revert to two-tenths of a cent a pound.

(b) Any money collected as assessments during any fiscal year and not expended in connection with the respective fiscal year's operations hereunder may be used and shall be refunded by the control board in accordance with the provisions of this subpart. Such excess funds may be used by the control board during the period of four months subsequent to such fiscal year in paying the expenses of the control board incurred in connection with the new fiscal year. The control board shall, however, from funds on hand, including assessments collected during the new fiscal year, distribute or make available, within five months after the beginning of the new fiscal year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said fiscal year.

(c) Any money collected from assessments under this subpart and remaining unexpended in the possession of the control board upon the termination of this subpart shall be distributed in such manner as the Secretary may direct.

MISCELLANEOUS PROVISIONS

§ 997.95 *Personal liability.* No member or alternate member of the control board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent or employee, except for acts of dishonesty.

§ 997.96 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 997.97 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 997.98 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 997.99 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 997.100 *Effective time, termination or suspension*—(a) *Effective time.* The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in this section.

(b) *Suspension or termination.* (1) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of the producers of filberts who during the preceding fiscal year have been engaged in the production for market of filberts in the States of Oregon and Washington: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such filberts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current fiscal year.

(4) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them ceases to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this subpart, the members of the control board then functioning shall continue as joint trustees for the purpose of liquidating the affairs of the control board, of all funds and property then in the possession or under the control of the board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the control board and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the control board or the joint trustees pursuant to this subpart.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the control board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said board and upon said joint trustees.

§ 997.101 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any right or remedies of the Secretary or of any other person, with respect to any such violation.

§ 997.102 *Amendments.* Amendments to this subpart may be proposed, from time to time, by any person or by the control board.

Issued at Washington, D. C., this 25th day of February 1954, to be, and become, effective upon the date of publication hereof in the FEDERAL REGISTER.

[SEAL] JOHN H. DAVIS,
Assistant Secretary.

[F. R. Doc. 54-1459; Filed, Mar. 2, 1954; 8:48 a. m.]

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

BUDGET OF EXPENSES OF FILBERT BOARD AND RATE OF ASSESSMENT FOR FISCAL YEAR BEGINNING AUGUST 1, 1953

Pursuant to Marketing Agreement No. 115 and Order No. 97 (7 CFR, 1952 Rev., Part 997) regulating the handling of filberts grown in Oregon and Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of information submitted by the Filbert Control Board, the administrative agency established under the order, and other available information, it is hereby found that to amend the budget of expenses and rate of assessment herein provided will tend to effectuate the declared policy of the act.

The Department on September 2, 1953, approved a budget of expenses of $25,614.60 for the fiscal year beginning August 1, 1953. At that time, it was estimated that the assessment rate of two-tenths of a cent per pound of merchantable filberts specified in § 997.91 (a) of the aforesaid agreement and order would provide sufficient revenue to cover these expenses. However, it now appears that this will not be the case.

The actual quantity of assessable filberts for the fiscal year (merchantable filberts from carryover and 1953 crop certified for handling during the fiscal year) is now expected to approximate 8,400,000 pounds, or about two-thirds of the estimated quantity upon which the initial budget of expenses was based.

The Board has reduced expenses, both actual and projected, to the maximum practical extent in order to adjust to the reduced filbert supply situation. However, the indicated slight increase in the assessment rate over that specified in § 997.91 (a) is found to be necessary to cover the budget of expenses provided herein. Authority to increase the assessment rate for a fiscal year is contained in that section.

The administrative rule is as follows:

§ 997.301 *Budget of expenses of the Filbert Control Board and rate of assessment for the fiscal year beginning August 1, 1953*—(a) *Budget of expenses.* Expenses in the amount of $17,845.77 are reasonable and likely to be incurred during the fiscal year beginning August 1, 1953, for the maintenance and functioning of the Filbert Control Board and for such other purposes as the Secretary may determine to be appropriate;

(b) *Rate of assessment.* Each handler shall pay to the Filbert Control Board, in lieu of the rate specified in § 997.91 (a) of the agreement and order, the sum of 0.2125 cent for each pound of merchantable filberts certified for him, including those certified for handling and those certified for surplus.

It is hereby found and determined that it is unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or postpone the effective date of this order later than the date of its publication in the FEDERAL REGISTER, for the reasons that (1) the Board is in immediate need of the funds which this order authorizes it to collect; (2) the Board, which represents all segments of the industry, has unanimously recommended the budget of expenses and rate of assessment provided herein, and handlers have been informed of such recommendation; (3) the budget of expenses approved herein represents the minimum level to which it is practicable to reduce expenditures for the fiscal year; (4) no advance, or special, preparation for operations hereunder will be needed.

(Sec. 5, 48 Stat. 31, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of February 1954, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1458; Filed, Mar. 2, 1954; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 190-2]

PART 190—AUTHORIZATION OF NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of February 1954.

On August 19, 1953, the Board adopted Part 190 of the Civil Air Regulations under the authority of Public Law 225 of the 83d Congress. This law transferred to the Board the power to issue flight authorizations under the Air Commerce Act of 1926 for the navigation of foreign civil aircraft within the United States. Part 190 as then promulgated was intended as an interim regulation pending the adoption of permanent regulations after notice and public rule-making, and in the preamble to that part comment of interested persons was invited. Considerable comment has been received and considered by the Board, and in addition, several months of operations under the interim regulation have given the Board a background of experience upon which to base its rules.

The following points should be noted:

1. Holders of permits under section 402 of the Civil Aeronautics Act of 1938 will require no further authorization under the Air Commerce Act to navigate in the United States in respect of operations specifically authorized by the foreign air carrier permit, and such operations are in no way governed by this regulation.

2. Existing permits, whether issued by the Civil Aeronautics Administration or the Board, will continue in effect in accordance with their terms and conditions, since the Board finds that it is in the public interest to continue existing U. S. commitments to operators of foreign civil aircraft until their stated expiration.

3. Agricultural, industrial, and commercial transport operations not in air transportation continue to require specific Board approval. Commercial transport requests should, in the usual case, be submitted to the Board at least two weeks in advance of the date operations are proposed to commence, although this may be waived upon good cause shown. It should be noted that notice will be published in the Board's Weekly List of Applications Filed of all applications for authority involving 10 or more flights in a 90-day period, and that all applications together with the supporting documents will be available for public inspection, unless the Board otherwise specifically orders.

4. In several of the comments received the suggestion was made that the regulations contained in this part be divided and that the economic provisions thereof be transferred to the Board's Economic Regulations. While the Board considers that there is considerable merit to this proposal, it has decided to retain the original treatment of the regulations in this respect for the following reasons. Unlike other regulations of the Board the authority for these rules stems from the Air Commerce Act of 1926. Each of the rules, whether safety or economic in nature, is a condition or limitation on the right of operators of foreign civil aircraft to enter the United States. Failure to observe the rules is punishable primarily by a civil penalty enforced by the Administrator as a violation of Title V of the Civil Aeronautics Act. In addition to this consideration, the Board believes it desirable to have in one place all the regulations relating to the operation of foreign civil aircraft pursuant to the Air Commerce Act of 1926. On balance, therefore, the Board has continued to adhere to the principle that these rules should all appear in the same part of its regulations. In this connection it should be noted that Part 190 is the only regulation in the 190–199 series—while the Board's safety regulations, adopted pursuant to the Civil Aeronautics Act, are contained in the 1–99 series.

The interim Part 190 now in effect will expire on March 1, 1954. In order to provide an adequate opportunity for those persons who are governed by these regulations to acquaint themselves with the amendments which are hereby being made to the part, the Board will continue the present regulation in effect until April 30, 1954, at which time the part as amended will become fully effective.

Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board finds that the republication and amendment of Part 190 in the form set forth below, to the extent therein provided, is in the interest of the public and consistent with treaties, conventions and agreements which are in force between the United States and foreign countries.

Accordingly, the Civil Aeronautics Board hereby amends Part 190 of the Civil Air Regulations (14 CFR Part 190) as follows:

(1) Effective immediately, by striking the date March 1, 1954, in § 190.4 and inserting in lieu thereof April 30, 1954;

(2) Effective April 30, 1954, by amending Part 190 of the Civil Air Regulations (14 CFR Part 190) to read as follows:

SUBPART A—GENERAL

Sec.
190.1 Applicability.
190.2 Definitions.
190.3 Existing permits.

SUBPART B—AUTHORIZATION

190.10 Civil aircraft registered in ICAO member states.
190.11 Civil aircraft registered in non-ICAO member states.

SUBPART C—RULES GENERALLY APPLICABLE TO THE NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

190.20 Airworthiness and registration certificates.
190.21 Airmen.
190.22 Flight operations.
190.23 Maximum allowable weights.
190.24 Entry and clearance regulations.

SUBPART D—UNAUTHORIZED OPERATIONS

190.30 Air transportation.
190.31 Unauthorized aircraft.

SUBPART E—ADDITIONAL LIMITATIONS APPLICABLE TO PARTICULAR CLASSES OF OPERATIONS

190.40 Operations not for remuneration or hire.
190.41 Demonstration flights of foreign aircraft.
190.42 Agricultural and industrial operations within the United States.
190.43 Flights incidental to agricultural and industrial operations outside the United States.
190.44 Flight instruction.
190.45 Transit flights; irregular operations.
190.46 Transit flights; scheduled international air service operations.
190.47 Commercial transport operations not in air transportation.
190.48 Reports to be filed.
190.49 Contents of reports.
190.50 Keeping of records.

SUBPART F—PENALTIES

190.60 Penalties.

SUBPART G—SPECIAL AUTHORIZATION

190.70 Special authorization.

AUTHORITY: §§ 190.1 to 190.70 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 402, 52 Stat. 991, 67 Stat. 489; 49 U. S. C. 482.

SUBPART A—GENERAL

§ 190.1 *Applicability.* The regulations prescribed in this part authorize, to the extent that authorization is required pursuant to section 6 (b) of the Air Commerce Act of 1926, as amended, the navigation of foreign civil aircraft within the United States and specify the extent to and the terms and conditions under which various classes of flight operations by such foreign aircraft may be conducted in the United States. The regulations in this part do not apply to operations in foreign air transportation conducted under the authority of a foreign air carrier permit issued pursuant to section 402 of the Civil Aeronautics Act.

§ 190.2 *Definitions.* As used in this part:

(a) "Administrator" means the Administrator of Civil Aeronautics.

(b) "Air commerce" means transportation in whole or in part by aircraft of persons or property for hire, navigation of aircraft in furtherance of a business, or navigation of aircraft from one place to another for operation in the conduct of a business.

(c) "Air transportation" means air transportation as defined in the Civil Aeronautics Act of 1938, as amended.

(d) "Board" means the Civil Aeronautics Board.

(e) "Scheduled international air service" means scheduled international air service as defined by the Council of the International Civil Aviation Organization in ICAO Document 7278–C 841 of May 10, 1952, adopted March 28, 1952.

(f) "United States" means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), any part thereof, and the overlying airspace; but shall not include the Canal Zone.

§ 190.3 *Existing permits.* (a) Foreign Flight Permits issued prior to August 11, 1953, by the Administrator are hereby ratified and confirmed and shall continue in effect in accordance with their terms until the expiration date stated in each such permit, unless sooner specifically terminated or revoked by the Board. Navigation of foreign aircraft in the United States by holders of such permits shall be conducted pursuant to the terms, conditions, and limitations therein contained, and the provisions of this part (except Subpart A) shall not apply to such operations during the life of such permits.

(b) Permits issued by the Board under the provisions of this part prior to April 30, 1954, shall continue in effect in accordance with their terms until the expiration date stated in each such permit, unless sooner specifically terminated or revoked by the Board. Navigation of foreign aircraft in the United States by holders of such permits shall be conducted pursuant to the terms, conditions, and limitations therein contained, and the provisions of this part.

SUBPART B—AUTHORIZATION

§ 190.10 *Civil aircraft registered in ICAO member states.* Subject to the observance of the applicable rules, conditions, and limitations set forth in this part, foreign civil aircraft registered in any foreign country which at the time is a member of the International Civil Aviation Organization created by the Chicago Convention may be navigated in the United States.

§ 190.11 *Civil aircraft registered in non-ICAO member states.* Aircraft registered under the laws of foreign countries, not members of the International Civil Aviation Organization created by the Chicago Convention, which the Board has found grant reciprocal treatment to U. S. aircraft and airmen, may be navigated in the U. S. subject to the observance of the same rules, conditions, and limitations applicable in the case of aircraft of ICAO member states.

NOTE: At the time of publication of this part it has been determined that the following countries, not member states of ICAO, afford reciprocity to U. S. aircraft and airmen: Costa Rica, Ecuador, Morocco, New Hebrides, Panama, Portuguese Colonies, Saudi Arabia and Uruguay.

SUBPART C—RULES GENERALLY APPLICABLE TO THE NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

§ 190.20 *Airworthiness and registration certificates.* Foreign aircraft shall carry aboard currently effective certificates of registration and airworthiness issued or rendered valid by the country of registry and shall display the nationality and registration markings of that country.

§ 190.21 *Airmen.* Each member of the flight crew of a foreign aircraft shall have in his personal possession a valid airman certificate or license authorizing him to perform his assigned functions in the aircraft and for the operation involved issued or rendered valid by the country of registry of the aircraft or by the United States. No such flight crew member shall perform any flight duty within the United States which he is not currently authorized to perform in the country issuing or validating the certificate.

§ 190.22 *Flight operations.* Flight of foreign aircraft in the United States shall be conducted in accordance with the current applicable Civil Air Regulations and with regulations of the Administrator under Title XII of the Civil Aeronautics Act of 1938, as amended. Without limiting the generality of the foregoing, the following conditions are specified with respect to the following operations:

(a) *VFR operations.* Flight shall be conducted in accordance with the visual flight rules of Part 60, Air Traffic Rules, and the applicable sections of Part 43, General Operation Rules, of this chapter, except that a VFR Flight Plan shall be filed with the nearest appropriate CAA Communications station prior to each such flight.

(b) *IFR operations.* Flight shall be conducted in aircraft equipped with (1) radio equipment which will permit two-way radio-telephone communication with Civil Aeronautics Administration air traffic control while the aircraft is in a control zone or control area, and (2) a radio navigational device suitable for use with the type of ground aids upon which navigation is to be predicated. No such instrument flight shall be conducted unless every pilot operating the aircraft in the United States possesses a United States instrument rating or is authorized by his foreign airman certificate to engage in instrument flight and has thoroughly familiarized[1] himself with the United States en route, holding and let-down procedures. At least one member of the crew must be able to conduct two-way radio-telephone communication in the English language between the aircraft and ground communication stations and must be on duty while approaching, within and leaving the United States. Instrument flight shall be performed in accordance with the instrument flight rules of Part 60 and the applicable sections of Part 43 of this chapter. Entry into and exit from the United States under instrument conditions shall be in accordance with instructions issued by the appropriate area airway traffic control center. Instrument operations into all airports shall be conducted in accordance with the instrument approach procedures and weather minimums in Part 609 of Chapter II of this title, and published in the Flight Information Manual of the Civil Aeronautics Administration.

(c) *Overwater operations.* A flight notification or flight plan will be required for all flights conducted offshore (overwater) in accordance with the Supplementary Procedures for the pertinent ICAO regions.

NOTE: Information describing such requirements is found in separate publications for each ICAO region and may be obtained through the Civil Aeronautics Administration regional offices whose addresses are set forth in section 42 of the statement of the Civil Aeronautics Administration organization and functions.

§ 190.23 *Maximum allowable weights.* Foreign aircraft shall not be operated within the United States at weights in excess of the maximum weights authorized by the country of manufacture of the aircraft type and model involved.

§ 190.24 *Entry and clearance regulations.* All applicable entry and clearance requirements for aircraft, passengers, crews, baggage and cargo shall be followed.

SUBPART D—UNAUTHORIZED OPERATIONS

§ 190.30 *Air transportation.* Nothing in this part shall authorize any foreign aircraft to engage in air transportation.

§ 190.31 *Unauthorized aircraft.* Aircraft which are not authorized to be navigated pursuant to Subpart B of this part shall not be navigated in the United States.

SUBPART E—ADDITIONAL LIMITATIONS APPLICABLE TO PARTICULAR CLASSES OF OPERATIONS

§ 190.40 *Operations not for remuneration or hire.* Foreign civil aircraft which are not at the time engaged in the carriage of passengers, cargo or mail for remuneration or hire may be navigated into, out of, and within the United States, and may discharge, take on or carry between points in the U. S. any non-revenue traffic. The use of foreign civil aircraft in demonstration flights, agricultural and industrial operations and flight instruction shall be governed as hereinafter set forth in this subpart.

§ 190.41 *Demonstration flights of foreign aircraft.* Flight of foreign civil aircraft within the United States may be made for the purpose of demonstration for sale of the aircraft or any component thereof, provided no persons, cargo or mail are carried for remuneration or hire.

§ 190.42 *Agricultural and industrial operations within the United States.* Foreign civil aircraft shall not be used for crop-dusting, pest control, pipeline patrol, banner towing, sky-writing or similar uses within the United States unless special authorization is obtained from the Board and the operation is conducted in accordance with all applicable state and local laws and regulations as well as the applicable provisions of this part. Applications for such authorization shall be submitted at least five days in advance of the date of the commencement of the proposed operation and shall contain a general statement of the facts and the authority desired. The application shall be accompanied by such documentation as may be necessary to establish that reciprocity for similar operations exists in the country of registry of the aircraft. Such additional information as may specifically be requested by the Board shall also be furnished.

§ 190.43 *Flights incidental to agricultural and industrial operations outside the United States.* Foreign civil aircraft which are engaged in agricultural or industrial operations to be performed wholly without the United States may be navigated into, out of, and within the United States in connection therewith provided they are not at the time engaged in the carriage of passengers, cargo or mail for remuneration or hire.

§ 190.44 *Flight instruction.* Foreign civil aircraft shall not be used within the United States for the purpose of flight instruction for remuneration or hire: *Provided,* That this restriction shall not prevent the giving of indoctrination training in the operation of the aircraft concerned to a buyer or his employees.

§ 190.45 *Transit flights, irregular operations.* Foreign civil aircraft carrying persons, property, or mail for remuneration or hire but not engaged in scheduled international air services are authorized to navigate non-stop across the territory of the United States and to make stops for non-traffic purposes. Such aircraft shall not make stops for the purpose of taking on or discharging passengers, cargo or mail, or for other than strictly operational purposes.

§ 190.46 *Transit flights; scheduled international air service operations.* An operator of foreign civil aircraft desiring to conduct a scheduled international air service in transit across the United States pursuant to the International Air Services Transit Agreement shall, before commencing operations, obtain the approval of the Administrator for the route or routes proposed to be followed pursuant to Part 44 of this chapter and thereafter shall conduct such operations in accordance with the provisions of that part. Stopovers for the convenience or pleasure of the passengers are not authorized under this section, and stops other than for strictly operational reasons shall not be made. Operators of aircraft registered in countries not parties to the International Air Services Transit Agreement shall make special application to the Board under § 190.70. The consolidation on the same aircraft of an operation under this section with a service authorized under section 402 of the Civil Aeronautics Act is not authorized by this section.

§ 190.47 *Commercial transport operations not in air transportation.* Except for aircraft being operated under a permit issued by the Board pursuant to section 402 of the Civil Aeronautics Act, foreign aircraft engaged in flights for remuneration or hire for the purpose of discharging or taking on passengers or cargo at one or more points in the United States may be navigated in the United States only if there is carried on board the aircraft a permit issued by the Board in accordance with this section authorizing the operation involved. Carriage of cargo for the operator's own account is governed by these provisions if the cargo is to be resold or otherwise used in the furtherance of a business.

(a) Application for permit: Application for the permit specified in this section shall be submitted on CAB Form 272 to the Civil Aeronautics Board, addressed to the attention of the Director, Bureau of Air Operations. There shall be enclosed with the application a copy of each contract between the operator and each person for whose account the flight or flights is or are to be performed. If any flight is to be performed in whole or in part for the account of the operator personally, there shall also be enclosed a full and complete description of the operation and copies of all contracts relating to the acquisition and disposition of the cargo. In any case, the beneficial owner of the cargo shall be disclosed. Copies of contracts covering proposed operations which have previously been filed with either the Civil Aeronautics Administration or the Board in connection with a prior application need not be filed again. Applications shall be filed with the Board, at least 14 days in advance of the date of the commencement of the proposed operation: *Provided,* That, for good cause shown and upon a finding by the Board that the waiver of this requirement is in the interest of the public, an application filed less than 14 days in advance of the date of the commencement of the proposed operation will be considered by the Board.[2]

(b) Except to the extent that the Board directs that such information be withheld from public disclosure for reasons of national defense or as hereinafter specified in this paragraph, every application and its supporting documents filed pursuant to this section shall be open to public inspection, and notice thereof, in the case of applications for 10 or more flights in any 90-day period, shall be published in the Board's Weekly List of Applications Filed. Any person may make written objection to the Board to the public disclosure of such information or any part thereof, stating the grounds for such objection. If the Board finds that a disclosure of such information or part thereof would adversely affect the interests of such person and is not required in the interest of the public, it will order that such information or part to be so withheld.

(c) Issuance of permit: If upon examination of the application, all supporting documents and other information available to it, the Board is of the opinion that the application is in order and that the proposed operation either by itself or in conjunction with other operations of the operator to or from the United States is in the interest of the public and does not disclose any apparent violation of section 402 of the Civil Aeronautics Act of 1938 (52 Stat. 991, 49 U. S. C. 482), or any other applicable provision of law, it will issue a permit for a period not in excess of 90 days, to the applicant authorizing the conduct of the flights set forth in the application.

(d) Nature of privilege conferred by permit: The provisions of this section and of any permit issued hereunder, together with section 6 (b) of the Air Commerce Act of 1926, as amended, are designed, among other purposes, to carry out the international undertakings of the United States in the Chicago Convention, in particular Article 5 thereof. That Article accords to foreign aircraft the privilege of "taking on or discharging passengers, cargo, or mail" subject to the right of the State where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable. The Congress by the Amendment to section 6 o fthe Air Commerce Act of 1926 approved by the President, has authorized the Board to permit such operations only where conditions of reciprocity and the interest of the public of the United States are met. It is incompatible with the intent of this legislation and the nature of the function involved to regard the operator of any foreign registered aircraft as entitled as a matter of right to the issuance, renewal, or freedom from modification or change in a permit issuable pursuant to this authority. Accordingly, any permit issued under this part may be withheld, revoked, amended, modified, restricted, suspended, withdrawn, or cancelled by the Board in the interest of the public of the United States, without notice or hearing and without the right in the holder to challenge the Board's discretion.

§ 190.48 *Reports to be filed.* Holders of permits issued under § 190.47 shall submit to the Board a report of flights conducted pursuant thereto. The initial report shall be submitted not later than the 30th day following commencement of operations and shall report on all flights conducted during such period. Like reports shall be filed for each succeeding 30-day period. Failure to submit a report on time shall constitute grounds for revocation, refusal to renew the permit, or denial of the issuance of a new permit.

§ 190.49 *Contents of reports.* The report of flights shall give a brief summary of each of the flights performed, setting forth the quantity and type of traffic carried and the names and addresses of the persons for whose account the transportation was furnished. In the case of cargo transportation, such reports shall in addition specifically set forth (a) the consignor; (b) the consignee; (c) the identity of the person or persons paying for the transportation (whether consignor, consignee or other); and (d) the principal business of each of the foregoing.

§ 190.50 *Keeping of records.* Failure to comply with the requirements of this section shall be cause for the suspension, revocation or refusal to renew a permit or the denial of the issuance of a new permit issuable under this part.

(a) Each holder of a permit issued under § 190.47 shall keep true copies of all manifests, air waybills, invoices and other traffic documents covering flights originating or terminating in the United States and for flights originating in the United States under permits authorizing 10 or more flights in a 90 day period shall maintain a place in the United States where such documents may be inspected at any time by authorized representatives of the Board or the Civil Aeronautics Administration. Records of

[1] The highly developed system of air navigation aids, detailed traffic control procedures, and heavy instrument traffic in the United States require the most meticulous observance of air traffic control instructions. Any failure to observe such instructions can imperil not only the offending pilot and those aboard his aircraft, but other aircraft in the vicinity and persons and property on the ground as well. Operation of aircraft under instrument conditions by pilots who are not thoroughly familiar with the workings of the air navigation aids being used or who cannot understand or are unable to follow traffic control instructions exactly presents such a hazard to life that it is considered gross negligence. Accordingly, any pilot who flies under instrument conditions in the United States without the required degree of familiarity will be considered in violation of § 60.12 of this chapter and subject to a civil penalty of up to $1,000. Foreign pilots are advised that agents of the Civil Aeronautics Administration in the United States and at many points abroad are available to help foreign pilots in this respect, and if such an agent is satisfied that the pilot concerned possesses the required degree of familiarity he will issue a letter so stating. Possession of such a letter addressed to the pilot concerned is considered to satisfy this requirement. A flight demonstration will not be required to satisfy the agent of the required degree of familiarity.

[2] Application may be filed directly with the Board and need not be filed via diplomatic channels.

flights terminating in the United States and flights conducted pursuant to a permit authorizing less than 10 flights in any 90 day period need not be maintained in the United States, but shall be made available to the Board upon demand.

(b) Records documenting each particular flight, demonstrating compliance with §§ 190.23 and 190.24 shall be made available to the Board or the Civil Aeronautics Administration upon demand.

SUBPART F—PENALTIES

§ 190.60 *Penalties.* The operation of a foreign aircraft within the United States in violation of the provisions of this part constitutes a violation of section 501 of the Civil Aeronautics Act of 1938, (52 Stat. 1005, 49 U. S. C. 521), and may, in addition, constitute a violation of the Civil Air Regulations. Such operation makes the person or persons responsible for the violation or violations subject to a civil penalty as provided in section 901 of the Civil Aeronautics Act (52 Stat. 1015, 49 U. S. C. 621), and to the alteration, amendment, modification, suspension or revocation of any permit issued under this part and of any United States certificate involved as provided in section 609 of the Civil Aeronautics Act (52 Stat. 1011, 49 U. S. C. 559). Engaging in air transportation as defined in the aforesaid Civil Aeronautics Act by a foreign aircraft without a foreign air carrier permit issued pursuant to section 402 of that act (52 Stat. 991, 49 U. S. C. 482) or in violation of the terms of such a permit constitutes not only a violation of this regulation but of the Civil Aeronautics Act as well, which entails a criminal penalty as set forth in section 902 (52 Stat. 1015, 49 U. S. C. 622) of that act.

SUBPART G—SPECIAL AUTHORIZATION

§ 190.70 *Special authorization.* Any person desiring to navigate a foreign civil aircraft within the United States otherwise than as specifically provided in this part may petition the Board for an order authorizing the particular flight or series of flights. Such an order may be issued only if the Board finds that the proposed operation is fully consistent with applicable law and is in the interest of the public of the United States.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-1486; Filed, Mar. 2, 1954; 8:53 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

EXEMPTION OF LONG TERM PROFITS INCIDENT TO SALES WITHIN SIX MONTHS OF EXERCISE OF OPTION

On February 9, 1954, the Commission published notice that it had under consideration a proposal to amend § 240.16b-6 (Rule X-16B-6). It invited all interested persons to comment upon the proposal. The Commission has considered all comments and suggestions received and has determined to adopt the amendment to Rule X-16B-6 in the form set forth below.

The amendment exempts as not comprehended within the purposes of section 16 (b) the transactions involved in the exercise of an option or similar right which was acquired more than six months before its exercise, and the disposition of the security so acquired pursuant to a plan or agreement for a statutory merger or consolidation or reclassification of securities, or a proposal for the transfer of assets from one corporation to another in consideration for the issuance of securities. The effect will be to relieve from liability under section 16 (b), the profits, if any, realized from such transactions. This amendment is covered by paragraph (c) of the text of the section below.

Statutory basis. The amended rule is adopted pursuant to the authority vested in the Commission by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 3 (b), 16 (b) and 23 (a).

The text of the section, as amended, is as follows:

§ 240.16b-6 *Exemption of long term profits incident to sales within six months of the exercise of an option.* (a) To the extent specified in paragraph (b) of this section the Commission hereby exempts as not comprehended within the purposes of section 16 (b) of the act any transaction or transactions involving the purchase and sale or sale and purchase of any equity security where such purchase is pursuant to the exercise of an option or similar right either (1) acquired more than six months before its exercise, or (2) acquired pursuant to the terms of an employment contract entered into more than six months before its exercise.

(b) In respect of transactions specified in paragraph (a) of this section the profits inuring to the issuer shall not exceed the difference between the proceeds of sale and the lowest market price of any security of the same class within six months before or after the date of sale. Nothing in this section shall be deemed to enlarge the amount of profit which would inure to the issuer in the absence of this section.

(c) The Commission also hereby exempts, as not comprehended within the purposes of section 16 (b) of the act, the disposition of a security, purchased in a transaction specified in paragraph (a) of this section, pursuant to a plan or agreement for merger or consolidation, or reclassification of the issuers' securities, or for the exchange of its securities for the securities of another person which has acquired its assets, where the terms of such plan or agreement are binding upon all stockholders of the issuer except to the extent that dissenting stockholders may be entitled, under statutory provisions or provisions contained in the certificate of incorporation, to receive the appraised or fair value of their holdings.

(d) The exemptions provided by this section shall not apply to any transaction made unlawful by section 16 (c) of the act or by any rules and regulations thereunder.

(e) The burden of establishing market price of a security for the purpose of this section shall rest upon the person claiming the exemption.

(f) The exemption granted pursuant to this section shall apply to any liability under section 16 (b) existing at or after the effective date of this section, but shall not be deemed to affect judgments rendered prior to that date.

(Sec. 23, 48 Stat. 901, as amended, 15 U. S. C. 78w. Interprets or applies secs. 3, 16, 48 Stat. 882, 896, 15 U. S. C. 78c, 78p)

The foregoing section shall become effective February 25, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 24, 1954.

[F. R. Doc. 54-1449; Filed, Mar. 2, 1954; 8:46 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

Subchapter A—Patents

PART 1—RULES OF PRACTICE IN PATENT CASES

Subchapter B—Trade-Marks

PART 100—RULES OF PRACTICE IN TRADE-MARK CASES

MISCELLANEOUS AMENDMENTS

The following amendments are made, to take effect on the date of publication in the FEDERAL REGISTER.

1. Section 1.6 (b) is amended by inserting "Saturdays and" after "excepting".

2. Section 1.45 is amended by adding at the end of both paragraphs (b) and (c) the following sentence: "Such amendment must have the written consent of any assignee."

3. Section 1.65 is amended by canceling ", or with the knowledge and consent of the applicant" in the third sentence.

4. Section 1.142 (b) is amended by canceling "division" and substituting "restriction".

5. Section 1.147 is amended by canceling the second sentence and substituting the following sentence: "However, if such an application is filed before the patenting or abandonment of or termination of proceedings on the original application, and if the drawings are identical and the application papers comprise a typewritten copy of the original application as filed, certified by the Patent Office, together with a proposed amendment canceling the irrelevant claims or other matter, signing and execution by the applicant may be omitted."

6. Section 1.197 is amended by canceling paragraph (b) and substituting the following:

(b) Any request or petition for rehearing or reconsideration, or modification of the decision, must be filed within thirty days from the date of the original decision, unless that decision is so modified as to become, in effect, a new decision, and the Board of Appeals so states.

7. Section 1.209 (b) is amended by canceling "applicants or" and "application or".

8. Section 1.236 is amended by canceling "in addition to his" in the second sentence of paragraph (b) and substituting "provided he has filed the".

9. Section 1.256 is amended by canceling paragraphs (b) and (c) and substituting the following:

(b) Any request or petition for rehearing or reconsideration, or modification of the decision, must be filed within thirty days from the date of the original decision, unless that decision is so modified as to become, in effect, a new decision, and the Board of Patent Interferences so states. (See § 1.304.)

10. Section 1.277 is amended by adding the following paragraph (c):

(c) Exhibits must be numbered or lettered consecutively and each must be marked with the number and title of the case and the name of the party offering the exhibit. Entry and consideration may be refused to improperly marked exhibits.

11. Section 100.152 is amended to read as follows:

§ 100.152 *Allowance of application.* If no notice of opposition is filed within the time permitted, §§ 100.201 and 100.202, or if filed and dismissed, and if no interference is declared, the Examiner will sign the application file to indicate allowance and prepare the application for issuance of the certificate of registration as provided in § 100.291.

12. Section 100.153 is amended to read as follows:

§ 100.153 *Marks on Supplemental Register published only upon registration.* In the case of an application for registration on the Supplemental Register the mark will not be published for opposition but if it appears, after examination or re-examination, that the applicant is entitled to have the mark registered, the Examiner will sign the application file to indicate allowance and prepare the application for issuance of the certificate of registration as provided in § 100.291. The mark will be published in the Official Gazette when registered.

13. Section 100.193 is amended to read as follows:

§ 100.193 *Declaration of interference.* An interference is declared and instituted by the mailing of a notice of interference to the parties. The notice shall be sent to each applicant, in care of his attorney of record, if any, and if one of the parties is a registrant, the notice shall be sent to him or his assignee of record. The notice shall give the name and address of the adverse party and of his attorney, if any, together with the serial number and date of filing and publication, if published, of each of the applications or registrations involved.

14. Section 100.204 is amended to read as follows:

§ 100.204 *Contents of Notice of Opposition.* The notice of opposition must allege facts tending to show why the opposer would be damaged by the registration of the opposed mark and state the specific grounds for opposition. A duplicate copy of the notice of opposition shall be filed.

15. Section 100.205 is amended to read as follows:

§ 100.205 *Institution of opposition.* (a) When a notice of opposition is filed, the Examiner of Trade-Marks shall transmit the same, if regularly filed, to the Examiner of Interferences.

(b) The Examiner of Interferences shall prepare a notice disclosing the name and address of the attorney of record, if any, for each party, and designating a time, not less than thirty days from the date of such notice, within which answer must be filed. Copies of this notice shall be forwarded to the parties in care of their attorneys, if they have attorneys of record. The duplicate copy of the notice of opposition shall be forwarded with the notice to the applicant.

16. Section 100.212 is amended by changing paragraph (a) to read as follows:

(a) The petition to cancel, which must be verified, must allege facts tending to show why the petitioner believes he is or will be damaged by the registration, state the specific grounds for cancellation, and indicate the respondent party to whom notice shall be sent. A duplicate copy of the petition and an abstract of title of the mark sought to be canceled or an order for a title report for Office use, shall be filed with the petition. Applications to cancel different registrations owned by the same party may be joined in one petition when appropriate, but the fee for each application to cancel a registration must accompany the petition.

17. Section 100.213 is amended by changing paragraph (b) to read as follows:

(b) When the petition is correct as to form, the Examiner of Interferences shall send to the registrant the duplicate copy of the petition for cancellation and a notice disclosing the name and address of the petitioner's attorney, if any, and designating a time, not less than thirty days from the date of the notice, within which an answer must be filed. A copy of the notice shall also be forwarded to the petitioner.

(Sec. 41, 60 Stat. 440; 15 U. S. C. sec. 1123. Interpret or apply secs. 6, 23, 66 Stat. 793, 795)

ROBERT C. WATSON, *Commissioner of Patents.*

Approved:

SINCLAIR WEEKS, *Secretary of Commerce.*

[F. R. Doc. 54-1456; Filed, Mar. 2, 1954; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

STANDARD BROADCAST STATIONS IN GUAM

In the matter of amendment of § 3.34 of Part 3 (Radio Broadcast Services) to establish a license period for standard broadcast stations located in Guam.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of February 1954.

The Commission has under consideration the desirability of making certain changes in Part 3 of its rules and regulations to include Guam in the schedule setting forth the expiration date for licenses of standard broadcast stations.

Section 3.34 sets forth the expiration dates for licenses of standard broadcast stations located in the United States, Puerto Rico, Virgin Islands, Alaska and Hawaii. The list was so arranged that licenses of stations in the same general geographical area would expire at the same time.

The Commission on August 26, 1953 authorized the construction of a standard broadcast station on the Island of Guam, and it is necessary to establish a license period for this station in order that a license may be issued. Guam, a western U. S. possession, is being included in the paragraph of § 3.34 that contains the other western U. S. possessions.

The amendment adopted herein is procedural in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately.

The amendment adopted herein is issued pursuant to authority contained in sections 4 (i), 303 (r) and 307 (d) of the Communications Act of 1934, as amended.

It is ordered, That, effective immediately, § 3.34 (a) (16) of the Commission's rules and regulations is amended to read as follows:

(16) For stations located in Washington, Oregon, Alaska, Guam and Hawaii, February 1, 1954.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 307, 48 Stat. 1082, as amended, 1084; 47 U. S. C. 303, 307)

Released: February 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1471; Filed, Mar. 2, 1954; 8:51 a. m.]

PART 5—EXPERIMENTAL RADIO SERVICES

LICENSE PERIOD

In the matter of the amendment of § 5.63 of the Commission's rules.

At a session of the Federal Communications held in its offices in Washington, D. C. on the 24th day of February 1954;

The Commission having under consideration § 5.63 of its rules providing for the renewal of all Experimental (Research) licenses on the first day of October of each year and for the renewal of all Experimental (Developmental) licenses on the first day of November of each year, and

It appearing, that, in the interest of promoting administrative efficiency, the staggering of these renewal dates throughout a 12-month period would better equalize the workload within the Commission, and

It further appearing, that a staggering of these renewal dates can be accomplished by the renewal, on October 1 and November 1, 1954, of licenses for periods varying from 12 months to 24 months, and

It further appearing, that such an amendment to § 5.63 of the Commission's rules is authorized by sections 4 (i), 303 (r), 312 and 409 of the Communications Act of 1934, as amended, and

It further appearing, that since such an amendment is procedural in nature, notice of proposed rule making under the provisions of section 4 (a) of the Administrative Procedure Act, is not required, and the amendment may be made effective immediately,

It is hereby ordered, That § 5.63 (b) of the Commission's rules be and the same is hereby deleted, and that § 5.63 (a) of the Commission's rules be and the same is hereby amended, effective immediately, to read as follows:

§ 5.63 *License period.* (a) Licenses for radio stations in the Experimental Radio Services will be issued normally for a period of one year unless otherwise stated in the instrument of authorization and shall expire at 3:00 a. m. EST one year from date of issuance.[1]

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 312, 409, 48 Stat. 1082, as amended, 1086, 1096, as amended; 47 U. S. C. 303, 312, 409)

Released: February 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1473; Filed, Mar. 2, 1954; 8:51 a. m.]

[Docket No. 10217]

PART 13—COMMERCIAL RADIO OPERATORS

RESTRICTED RADIOTELEPHONE OPERATOR

In the matter of amendment of Part 13 — Commercial Radio Operators; Docket No. 10217.

[1] In order to convert existing license periods so that all such licenses will no longer expire on the same date, the Commission will, during the year following the effective date of the change in rules, issue licenses for periods up to a maximum of 24 months. However, all such longer term licenses shall, upon their expiration, be renewed for the usual one-year period.

1. On June 11, 1952, the Commission adopted a notice of proposed rule making in this matter[1] proposing to authorize persons holding restricted radiotelephone operator permits to engage in the normal operation of certain coast stations employing radiotelephony on frequencies above 30 Mc. Heretofore a radiotelephone third-class operator permit has been required as a minimum for such operation.

2. There were no adverse comments on the proposal as far as it went; however, the proposed operating authority under the restricted radiotelephone operator permit was to be limited in the case of public stations to those stations not licensed to operate on any frequency designated by the Commission "primarily for distress, safety or calling purposes" and there were objections to the effect that the proposed relaxation did not go far enough and that the restricted permittees should be authorized to operate public VHF coast stations not only on "working" frequencies but also on frequencies designated primarily for these special purposes.

3. In support of further relaxation there were assertions by a number of respondents who are licensees of VHF coast stations that their trained and experienced operators (who do not hold any higher grade of operator license than a restricted radiotelephone operator permit) can be depended upon to handle safety and distress communications in an efficient and satisfactory manner and to respect the requirements of other users of such frequencies. It was also shown by Southern Bell Telephone and Telegraph Company, as a result of experience gained under a temporary waiver authorizing it to utilize restricted permittees, that two VHF coast stations had been operated satisfactorily over a period of several months while employing that grade of licensed operator. No opposition was expressed to this request for further relaxation of § 13.61 (h).

4. The American Telephone & Telegraph Company, in commenting, also requested that § 13.61 (h) be further amended so as to authorize holders of restricted radiotelephone operator permits to operate video transmitting equipment of TV pickup and TV STL broadcast stations; however, that Company presented no information with respect to the frequency stability thereof or to any adjustments that might be required during normal operation of such equipment. It is also noted that these proposed changes would raise issues beyond the scope of these proceedings. Accordingly, no action is being taken with respect to this request.

5. During the time this matter was being considered § 4.565 of the Commission's rules was amended so that FM inter-city relay stations may be operated in normal service by holders of restricted radiotelephone operator permits, hence it appears that § 13.61 (h) should be amended to reflect this change.

6. In view of the foregoing, *It is ordered*, That, effective April 15, 1954, § 13.61 (h) of the Commission's rules is amended so as to authorize normal operation of coast stations employing telephony on frequencies above 30 Mc without distinction based upon frequency use, and so as to conform to the operator requirements of § 4.565, in accordance with the conditions and limitations set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: February 24, 1954.

Released: February 26, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 13.61 (h) of the rules governing commercial radio operators is amended to read as follows:

(h) *Restricted radiotelephone operator permit.* Any station except:

(1) Stations transmitting television, or

(2) Stations transmitting telegraphy by any type of the Morse Code, or

(3) Any of the various classes of broadcast stations other than remote pickup, broadcast STL, and FM intercity relay stations, or

(4) Ship stations licensed to use telephony for communication with Class I coast stations on frequencies between 4000 kc and 30 Mc, or

(5) Coast stations other than in the territory of Alaska while employing a frequency below 30 Mc, or

(6) Coast stations at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts;

(7) At a ship radar station the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy: *Provided*, That nothing in this subparagraph shall be construed to prevent any person holding such a license from making replacements of fuses or of receiving type tubes.

Provided, That, with respect to any station which the holder of this class of license may operate, (1) Such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment.

[F. R. Doc. 54-1474; Filed, Mar. 2, 1954; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 922]

[Docket No. AO-250]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA[1]

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Sec.
922.0 Findings and determinations.

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AUTHORITY: §§ 922.0 to 922.90 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.

§ 922.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Los Angeles, California, from December 7 to December 10, 1953, both dates inclusive, upon a proposed marketing agreement and a proposed marketing order regulating the handling of Valencia oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of Valencia oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the proposed marketing agreement upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The said order prescribes such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Valencia oranges covered thereby; and

(5) All handling of Valencia oranges, as defined herein, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of Valencia oranges grown in Arizona and designated part of California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order; and the terms and conditions of said order are as follows:

DEFINITIONS

§ 922.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

§ 922.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 922.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 922.4 *Production area.* "Production area" means the State of Arizona and that part of the State of California south of the 37th Parallel.

§ 922.5 *Oranges.* "Oranges" means any and all strains of the Valencia variety of oranges grown in the production area.

§ 922.6 *Fiscal year.* "Fiscal year" means the twelve-month period ending October 31 of each year: *Provided, however*, That the initial fiscal year shall begin with the effective date of this part and end October 31, 1954.

§ 922.7 *Marketing year.* "Marketing year" means the twelve-month period ending January 31 of each year.

§ 922.8 *Committee.* "Committee" means the Valencia Orange Administrative Committee established pursuant to § 922.20.

§ 922.9 *Grower.* "Grower" and "producer" are synonymous and mean any person who produces oranges for market.

§ 922.10 *Handler.* "Handler" means any person who handles oranges.

§ 922.11 *Handle.* "Handle" means to buy, sell, consign, transport, or ship oranges (except as a common or contract carrier of oranges owned by another person), or in any other way to place oranges in the current of commerce, between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of California, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of Arizona. The term "handle" does not include (a) the sale of oranges on the tree; (b) the transportation of oranges to a packing-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

house for the purpose of having such oranges prepared for market and such preparation for market; (c) the transportation of oranges for storage within the production area under such rules and regulations as the committee, with the approval of the Secretary, may prescribe; or (d) the sale of oranges at retail by a person in his capacity as such retailer.

§ 922.12 *Oranges available for current shipment.* "Oranges available for current shipment" means all oranges as measured by the tree crop.

§ 922.13 *Tree crop.* "Tree crop" means the total quantity of oranges on the trees as determined by the committee.

§ 922.14 *Early maturity oranges.* "Early maturity oranges" means any oranges that have reached maturity, as measured by applicable State laws, in advance of general maturity in the same prorate district.

§ 922.15 *General maturity.* "General maturity" shall have been reached in any prorate district at such time as the committee determines that allotment shall be distributed to all handlers in such prorate district.

§ 922.16 *Box.* "Box" means a standard two-compartment orange box, as defined in section 828.83 of the Agricultural Code of California, of a capacity of approximately 77 pounds of oranges, or such other container and weight as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

§ 922.17 *Central marketing organization.* "Central marketing organization" means any organization which markets oranges for more than one handler pursuant to a written contract between such organization and each such handler.

§ 922.18 *Carload.* "Carload" means a quantity of oranges equivalent to 462 boxes of oranges or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

§ 922.19 *Export.* "Export" means to ship oranges to points outside the continental United States, Canada, and Alaska.

ADMINISTRATIVE BODY

§ 922.20 *Establishment and membership.* There is hereby established a Valencia Orange Administrative Committee consisting of eleven members; for each of whom there shall be an alternate member who shall have the same qualifications as the member for whom each is an alternate. Six of the members and their respective alternates shall be growers who shall not be handlers, or employees of handlers, or employees of central marketing organizations. Four of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations. One member of the committee and the alternate of such member shall be persons possessing the qualifications provided in paragraph (f) of § 922.22. The six members of the committee who shall be growers and who shall not be handlers, or employees of handlers, or employees of central marketing organizations are hereinafter referred to as "grower" members of the committee and the four members who shall be handlers, or employees of handlers, or employees of central marketing organizations are hereinafter referred to as "handler" members of the committee.

§ 922.21 *Term of office.* The term of office of each initial member and alternate member of the committee shall begin with the effective date of this part and shall terminate on January 31, 1956. The term of office of each subsequent member and alternate member of the committee shall be for a period of two marketing years, and such terms shall begin on February 1 of each even-numbered year: *Provided*, That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

§ 922.22 *Nominations.* (a) The time and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization, or the growers affiliated therewith, which handled more than 50 percent of the total volume of oranges handled during the marketing year in which nominations for members and alternate members of the committee are submitted (except that the marketing year for initial nominations shall be the year beginning February 1, 1953 and ending January 31, 1954), shall nominate three grower members, three alternate grower members, two handler members, and two alternate handler members.

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate two grower members, two alternate grower members, one handler member, and one alternate handler member.

(d) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate one grower member, one alternate grower member, one handler member, and one alternate handler member.

(e) When voting for nominees, each grower shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. The votes of cooperative marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of oranges handled during the marketing year in which such nominations are made, except that the marketing year for initial nominations shall be the year beginning February 1, 1953, and ending January 31, 1954.

(f) The members of the committee selected by the Secretary pursuant to § 922.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate a member and an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization.

§ 922.23 *Selection.* From the nominations made pursuant to § 922.22 (b) or from other qualified growers and handlers the Secretary shall select three grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to § 922.22 (c) or from other qualified growers and handlers the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 922.22 (d) or from other qualified growers and handlers the Secretary shall select one grower member of the committee and an alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 922.22 (f) or from other qualified persons the Secretary shall select one member of the committee and an alternate to such member.

§ 922.24 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 922.22 (a), the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 922.23.

§ 922.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 922.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify or in the event of death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor to the unexpired term of such member or alternate member of the committee shall be selected by the Secretary from nominations made in the manner specified in § 922.22 or from other qualified persons. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 922.23.

§ 922.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member: *Provided*, That a member may designate an alternate member other than his own alternate member to serve in the place and stead of such member, if the alternate member so designated was selected from the same group which was authorized to nominate the member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 922.28 *Powers.* The Committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make and adopt rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 922.29 *Duties.* The committee shall have the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary at the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare a monthly statement of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To provide an adequate system for determining the total quantity of oranges available for current shipment, and to make such determinations, including determinations by grade, size, and maturity conditions, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part;

(i) To investigate the growing, handling, and marketing conditions with respect to oranges, and to assemble data in connection therewith;

(j) To submit to the Secretary such available information, including verified reports, as he may request;

(k) To notify producers and handlers of meetings of the committee to consider recommendations for regulation;

(l) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided*, That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee;

(m) To investigate compliance with the provisions of this part; and

(n) With the approval of the Secretary, to reapportion the number of grower members or handler members on the Valencia Orange Administrative Committee who are nominated pursuant to paragraphs (c) and (d) of § 922.22. Any such changes shall be based, insofar as practicable, upon the proportionate amount of Valencia oranges handled by the respective types of marketing organizations, provided that each of the grower groups described in paragraphs (c) and (d) of § 922.22 shall be entitled to nominate at least one grower and one handler member together with their respective alternates.

§ 922.30 *Procedure.* (a) A majority of the committee shall constitute a quorum; and any action of the committee shall require at least six concurring votes.

(b) The committee may vote by telegraph, telephone, or other means of communication; and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 922.31 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties under this part and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10 per day or portion thereof spent in performing such duties.

§ 922.32 *Annual review and meeting.* The committee shall, prior to December 15 of each marketing year, prepare and mail an annual report to the Secretary and to each handler and grower of record. This annual report shall contain at least: (a) A complete review, by prorate districts, of the regulatory operations during the marketing year, as conducted under the marketing policy established pursuant to § 922.50 (a); (b) an appraisal of the effect of such regulatory operations upon the competitive status of the Valencia orange industry; (c) recommendations for changes in the program; and (d) notice of the time and place of an open meeting, to be held prior to January 31, to review the whole record of the operations of this part.

EXPENSES AND ASSESSMENTS

§ 922.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year.

§ 922.41 *Assessments.* (a) Each person who first handles oranges shall, with respect to the oranges so handled by him, pay to the committee, upon demand, such person's pro rata share of the expenses which the Secretary finds are necessary during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of such oranges handled by him as the first handler thereof during the applicable fiscal year, and the total quantity of such oranges so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all oranges handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then current fiscal year.

(c) The committee may, with the approval of the Secretary, maintain a suit in its own name, or in the names of its members, to enforce the payment of assessments levied under this section.

§ 922.42 *Accounting.* (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

REGULATION

§ 922.50 *Marketing policy.* (a) Prior to the recommendation for regulation for each prorate district, the committee shall submit to the Secretary its marketing policy for the ensuing season. Such marketing policy shall contain the following information: (1) The available crop of oranges in the prorate district, including estimated quality and composition of sizes; (2) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and by-product channels, together with quanti-

ties otherwise to be disposed of; (3) a schedule of estimated weekly shipments to be recommended to the Secretary during the ensuing season; (4) available supplies of competitive oranges in all producing areas of the United States; (5) level and trend of consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of oranges. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this paragraph.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers. The committee shall give notice to growers by publication of notice of such meetings in such newspapers as they deem appropriate and shall advise all handlers by mail of such meetings.

(c) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 922.51 *Recommendations for volume regulation.* (a) The committee may recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district. If, for any reason, the committee recommends the issuance of volume regulation but fails to recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district, reports representing the respective views of the committee members with respect to its failure to act shall be submitted to the Secretary.

(b) In making its recommendations, the committee shall give due consideration to the following factors: (1) Market prices for oranges, including market prices by grades and sizes; (2) supply of oranges on track at, and en route to, the principal markets; (3) supply, maturity, and condition of oranges in the area of production, including the grade and size composition thereof; (4) market prices and supplies of citrus fruits from California, Arizona, and competitive producing areas, and supplies of other competitive fruits; (5) trend and level in consumer income; and (6) other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 922.52, has fixed the quantity of oranges which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

§ 922.52 *Issuance of volume regulation.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of oranges which may be handled in each prorate district during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity. The quantity so fixed may be increased by the Secretary at any time during such week.

§ 922.53 *Prorate bases.* (a) Each person who has oranges available for current shipment and who desires to handle such oranges, shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this part.

(b) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require, and shall include at least (1) the name and address of the producer or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of oranges available for current shipment by the applicant; (2) an accurate description of the location of each such grove or portion thereof, including the number of acres contained therein; and (3) an estimate of the total quantity of oranges available for current shipment by the applicant in terms of the unit of measure designated by the committee.

(c) Such application shall include only such oranges available for current shipment which the applicant controls (1) by a bona fide written contract giving the applicant authority to handle such oranges, or (2) by having legal title or possession thereof, or (3) by having executed a bona fide written agreement to purchase such oranges. If an applicant controls oranges pursuant to subparagraphs (1) or (3) of this paragraph, he shall submit a copy of each type of such contract or agreement to the committee, together with a statement that no other types of contracts or agreements are used, and shall maintain a file of all original contracts evidencing such control which shall be subject to examination by the committee.

(d) If the quantity of oranges available for current shipment by any person is increased or decreased by the acquisition or loss of the control required by paragraph (c) of this section, such person shall submit promptly a report thereon to the committee upon forms made available by it, which report shall be verified in such manner as the committee may require.

(e) If any person gains or loses the control of oranges required by paragraph (c) of this section, there shall be a corresponding increase or decrease in the quantity of oranges available for current shipment by such person. If it is determined by the committee that any person who has lost the control of oranges required by paragraph (c) of this section has handled a quantity of such oranges less than the quantity that could have been handled under the allotments issued thereon, the quantity of oranges available for current shipment by such person shall be adjusted by deducting therefrom, over such period as may be determined by the committee, a quantity of oranges equivalent to the quantity upon which allotments were issued but which were not utilized thereon.

(f) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in the establishment of a smaller or a larger quantity of oranges available for current shipment than that to which a person was entitled under this part, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission, or inaccuracy.

(g) Each week during the marketing season when volume regulation is likely to be recommended the committee shall compute, with respect to each prorate district, the total quantity of oranges available for current shipment by each person who has applied for a prorate base and for allotments. On the basis of such computation, the committee shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of oranges available for current shipment in the particular prorate district by such applicant and the total quantity of oranges available for current shipment in such district by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each person and shall notify each such person of the prorate base fixed for him.

§ 922.54 *Allotments.* Whenever the Secretary has fixed the quantity of oranges which may be handled during any week in a prorate district, the committee shall calculate the quantity of oranges which may be handled by each person during such week. The said quantity shall be the allotment of such person and shall be in an amount equivalent to the product of the prorate base for such person and the total quantity of oranges grown in such prorate district and fixed by the Secretary as the total quantity of oranges which may be handled during such week. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this part.

§ 922.55 *Overshipments.* During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment and is not required to reduce the quantity of oranges which he may handle during such week, as provided in this section, or whose total allotment is not required for the repayment of an allotment loan, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment or one carload of oranges, whichever is greater. The quantity of oranges so handled in excess of such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That no overshipment incurred during a marketing year shall be deducted from allotments issued during the following marketing year.

§ 922.56 *Undershipments.* If any person handles during any week a quantity of oranges, covered by a regulation issued pursuant to § 922.52, in an amount less than his allotment of oranges for such week, he may handle, in addition to his allotment for the next week only, a quantity of such oranges equivalent to such undershipment.

§ 922.57 *Allotment loans.* (a) A person to whom allotments have been issued, whether under the provisions of early maturity, short life, or general maturity, may lend such allotments to other persons within the same prorate district to whom allotments have also been issued: *Provided*, That allotments issued under the short life provisions of this part may be loaned only to other persons to whom such allotments have also been issued. Such loans shall be confirmed to the committee by both parties thereto within 48 hours after any such agreement has been entered into, and such agreements shall include a date for the repayment of such allotments to the lender during the then current marketing year. If, on the date of repayment specified in the loan agreement, the borrower has insufficient allotment to repay such loan, he shall repay such loan as soon after the repayment date as he has allotments available to him for that purpose: *Provided*, That no loans made during a marketing year shall be required to be repaid from allotments issued during the following marketing year.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to a confirmation of the loan agreement to the committee.

(c) An allotment shall be loaned, pursuant to paragraph (a) of this section for use only during the week for which such allotment was issued. Persons securing repayment of an allotment loan may use such allotment only during the week in which the repayment is made.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after the repayment thereof.

§ 922.58 *Assignment of allotment certificates.* In connection with all handling of oranges other than shipments by rail car, each handler who first handles oranges shall at the time of handling issue to the consignee thereof, or his agent, an assignment of allotment certificate covering each quantity of oranges so handled. Such assignment of allotment certificate shall be on such forms and shall be issued in such manner as prescribed by the committee and shall contain such information as the committee may require.

§ 922.59 *Priority of allotments.* During any week in which a person receives an allotment, and has the right to handle a quantity of oranges in addition to the quantity represented by his allotment, by reason of (a) an undershipment of an allotment, pursuant to § 922.56; or (b) the repayment of a loaned allotment, pursuant to § 922.57; or (c) a borrowed allotment, pursuant to § 922.57; and such person handles a quantity of oranges which is less than the total quantity of such oranges which such person may handle during such week, the amount of such oranges handled shall first apply to such person's current weekly allotment (or to that portion which is not used pursuant to § 922.55 or § 922.57). The remainder, if any, shall be applied in the following order; second, to any undershipment of allotments, pursuant to § 922.56; third, to any allotment repaid to him, pursuant to § 922.57; fourth, to any allotment borrowed, pursuant to § 922.57.

§ 922.60 *Early maturity allotments.* Notwithstanding the provisions of § 922.54 the committee shall, prior to the reaching of general maturity, issue special allotments for the handling of early maturity oranges. Handlers controlling early maturity oranges may apply to the committee for such allotments on forms prescribed by the committee and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 922.51 (b), the committee shall determine the extent to which early maturity allotment shall be granted. Total early maturity allotments approved by the committee for each prorate district shall be distributed to all handlers who qualify therefor in proportion to the quantity requested by each handler in his application: *Provided, however*, That early maturity allotments issued to any handler prior to the reaching of general maturity shall not permit the handling of a larger share of the oranges available for current shipment controlled by such handler than the share of oranges available for current shipment in the prorate district estimated to be allotted to all handlers in the utilization schedule established by the committee at the beginning of the season. Early maturity allotments may be loaned only to handlers to whom early maturity allotments have been granted. Upon the reaching of general maturity, allotments issued for early maturity oranges shall be offset or repaid by reducing the oranges available for current shipment of each handler who has received early maturity allotments by the quantity of oranges for which early maturity allotments were issued him, plus his proportionate share of the quantity of oranges that will be used for by-products and elimination in his prorate district. Such proportionate share shall be based upon the utilization schedule established by the committee at the beginning of the season. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Allotments issued and allocated under this section shall be on a prorate district basis.

§ 922.61 *Short life allotments.* Notwithstanding the provisions of § 922.54 the committee shall withhold from the allotment of handlers on a uniform proportionate basis for all handlers, an amount sufficient to permit handlers controlling oranges of short life to handle during the normal marketing period of such short life oranges as large a proportion of oranges as the average which will be handled by all handlers. Handlers controlling oranges of short life may apply for such withheld allotment, and such application shall be made on forms supplied by the committee and shall be accompanied by information necessary to permit the committee to determine the validity of such applicant's claim to allotment. The committee shall determine, on the basis of all available information, the extent to which a handler needs allotment under the provisions of this section and pursuant to such determination shall allocate such allotment to such handler at a uniform weekly rate, insofar as practicable, during the normal marketing period of his short life oranges. Such determination and allotment issued pursuant thereto shall not permit a handler to receive more allotment proportionately than the average allotment to be issued to all handlers of oranges. After a handler of short life oranges has received allotment sufficient to make the total allotment issued to him equal proportionately to the average allotment to be issued to all handlers of oranges, allotment thereafter due such handler of short life oranges shall be allocated to handlers from whom allotment has been withheld. Short life allotments may be used only in the handling of short life oranges. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Allotments issued and allocated under this section shall be on a prorate district basis.

§ 922.62 *Information to central marketing organizations.* The committee shall give any central marketing organization, upon its request, the same notice with respect to prorate bases and allotments applicable to each handler for whom it markets oranges as is given to such handler.

§ 922.63 *Recommendations for size regulation.* (a) Whenever the committee finds that the supply and demand conditions for sizes of oranges make it advisable to regulate the handling of sizes of oranges during any period, it

shall recommend to the Secretary the sizes of oranges grown in each prorate district which it deems advisable to be handled during said period. The committee shall promptly submit such findings and recommendations, together with supporting information to the Secretary.

(b) In making its recommendations the committee shall give due consideration to the factors referred to in § 922.51 (b).

§ 922.64 *Issuance of size regulation.* Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of oranges grown in any prorate district or districts by sizes would tend to effectuate the declared policy of the act, he shall fix the sizes of oranges grown in each such prorate district which may be handled during the specified period. The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give adequate notice thereof to all handlers.

§ 922.65 *Exemptions from size regulation.* In the event the handling of oranges is limited pursuant to § 922.64, the committee shall issue one or more exemption certificates to any producer who furnishes evidence satisfactory to the committee that he will be prevented by reason of such regulation from having as large a proportion of his oranges handled as the average proportion of oranges which may be handled by all other producers in the same prorate district. Such exemption certificate shall permit the respective producer to whom the certificate is issued to handle or have handled a percentage of his oranges equal to the percentage determined as aforesaid. Shipments of oranges under exemption certificates issued pursuant to this section shall be subject to and limited by such regulations as may be effective under § 922.52 at the time of the respective shipment. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers when accompanied by oranges covered by such certificates.

§ 922.66 *Prorate districts.* For purposes of administration of this part and in recognition of the fact that there are general differences in maturity and keeping quality of oranges between certain geographical sections of the production area, the production area shall be divided in three prorate districts as follows:

(a) District 1 shall include that portion of the State of California which is north of the 35th Parallel and south of the 37th Parallel.

(b) District 2 shall include that portion of the State of California which is south of the 35th Parallel, but shall exclude Imperial County and that area in Riverside and San Bernardino counties situated east of a line due north and south through White Water, California.

(c) District 3 shall include the State of Arizona, Imperial County, California, and that area in Riverside and San Bernardino Counties, California, situated south of the 35th Parallel and east of a line due north and south through White Water, California.

§ 922.67 *Oranges not subject to regulation.* Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to: (a) Handle oranges to charitable institutions for consumption by such institutions or for distribution by relief agencies; (b) handle oranges to commercial processors for processing into products, including juice; (c) export or handle oranges to exporters for export purposes; (d) handle oranges by parcel post or by express; or (e) handle oranges in such minimum quantities or types of shipments as the committee may, with the approval of the Secretary, prescribe. No assessment shall be levied pursuant to § 922.41 on oranges disposed of for any of the purposes specified in this section. The committee shall prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as it may deem necessary to prevent oranges disposed of under the provisions of this section from entering into commercial channels of trade contrary to or in violation of this part.

REPORTS

§ 922.70 *Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, in such manner as may be designated and on forms made available by it, the following information with respect to the total of all oranges disposed of by each such handler during the immediately preceding week: (a) The total quantity handled; (b) the total quantity disposed of for manufacture into by-products, showing the identity of each by-product processor involved and the quantity of each; (c) the total quantity disposed of for export, showing the destination and quantity of each such disposition; (d) the total quantity shipped for disposition to persons on relief, including quantities donated for charitable purposes; (e) the total quantity shipped by parcel post or express, showing the destination and quantity of each such shipment; and (f) the total quantity disposed of otherwise, showing the manner and quantity of each such disposition.

§ 922.71 *Manifest report.* Each handler shall furnish to the committee information regarding the size of oranges in each box handled by such handler and shall mail or deliver such information to said committee or its duly authorized representative within 24 hours after shipment is made in such manner as the committee shall prescribe and upon forms prepared by it.

§ 922.72 *Other reports.* Upon request of the committee, made with the approval of the Secretary, every person subject to regulation under this part shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as will enable the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

§ 922.80 *Compliance.* Except as provided in this part, no person shall handle oranges during any week in which a regulation issued by the Secretary pursuant to § 922.52 is in effect, unless such oranges are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such oranges under the provisions of this part; and no person shall handle oranges except in conformity with the provisions of this part and the regulations issued under this part.

§ 922.81 *Right of the Secretary.* The members of the committee (including successors and alternates), and all agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. If the committee, for any reason, fails to perform its duties or exercise its powers under this part, the Secretary may designate another agency to perform such duties and exercise such powers.

§ 922.82 *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 922.83.

§ 922.83 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) (1) The Secretary shall terminate the provisions of this part at the end of any marketing year, whenever he finds that continuance is not favored by producers; but such termination shall be effective only if announced on or before January 15 of the then current marketing year.

(2) To determine whether continuance is favored by producers, the required percentages set forth in the act with respect to producer approval of the issuance of a marketing order regulating the handling of citrus fruits produced in any area producing what is known as California citrus fruits (approval by three-fourths of the producers who, during a representative period, determined by the Secretary, have been engaged, within the production area in the production of Valencia oranges for market; or by producers who, during such representative period, have produced for market at least two-thirds of the volume of Valencia oranges produced within the production area for market) shall be used. In the event that a referendum is utilized to aid in making this determination, such required percentages for continuance shall be held to be complied with if, of the total number of producers, or the total volume of Valencia oranges produced for market, as the case may be, represented in such referendum, the percentage favoring continuance is equal to or in excess of the percentage required.

(3) The Secretary shall, prior to December 15, 1956, conduct a referendum to ascertain whether continuance of this part is favored by the producers. The Secretary shall conduct such a referendum prior to December 15 of each even-numbered year thereafter.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 922.84 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (3) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 922.85 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 922.86 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 922.87 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 922.88 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 922.89 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 922.90 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Done at Washington, D. C., this 26th day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1499; Filed, Mar. 2, 1954; 8:56 a. m.]

[7 CFR Part 922]

[Docket No. AO 250]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF AGENTS TO CONDUCT REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the period February 1, 1953, through January 31, 1954 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Arizona and that part of the State of California south of the 37th Parallel, in the production of Valencia oranges for market to ascertain whether such producers favor the issuance of an order regulating the handling of Valencia oranges grown in the aforesaid production area, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.[1] M. T. Coogan and Warren C. Noland, Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 1005, 1031 South Broadway, Los Angeles 15, California, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) To Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176), except that for the purpose of this referendum:

Paragraphs (c) (1) and (6) shall read as follows:

(1) Conduct the referendum in the manner herein prescribed, by giving an opportunity to producers, who, during the period February 1, 1953, through January 31, 1954 (which period is determined to be a representative period for the purpose of said referendum), have been engaged, within the specified production area, in the production for market of Valencia oranges, to cast their ballots relative to the issuance of such order.

* * * * * * *

(6) In the event such agents determine that ballots may be cast by mail, cause all the material specified in paragraph (c) (5) hereof to be mailed to each such cooperative association and each such producer whose name and address is known.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure (15 F. R. 5176), and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C., or at the aforesaid Marketing Field Office.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from said Marketing Field Office or from any referendum agent or appointee.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 26th day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1500; Filed, Mar. 2, 1954; 8:57 a. m.]

[7 CFR Part 943]

[Docket No. AO-231-A-4]

HANDLING OF MILK IN NORTH TEXAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act

[1] See F. R. Doc. 54-1499, *supra*.

of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Dallas, Texas, on January 26–27, 1954, pursuant to notice thereof which was issued on January 11, 1954 and published in the FEDERAL REGISTER on January 15, 1954 (19 F. R. 272) upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the North Texas marketing area.

Preliminary statement. The proposed amendments upon which the hearing was held were submitted by the North Texas Producers Association and several handlers. The material issues presented in this proceeding relate to the following:

1. A revision in the method of pricing of Class II milk,

2. The elimination of the administrative assessment on milk diverted to unapproved plants, and

3. The classification of ungraded milk for certain uses.

This decision treats only with that portion of issue numbered 1 above with respect to the pricing of Class II milk for the month of March 1954. Further consideration to the balance of issue number 1 and the remaining issues will be treated in a recommended decision to be issued at a later date.

Findings and conclusions. The basis for pricing Class II milk during the month of March 1954 should be changed so as to apply the average of prices paid by three local manufacturing plants.

Under the present order, the pricing of Class II milk of 4.0 percent butterfat content during July through March, is based on the higher of prices resulting from a butter non-fat dry milk solids formula and the average of prices paid dairy farmers for milk by three local manufacturing plants. During April through June the Class II price is the average price paid by the three local plants.

During 1953 the prices paid by the three manufacturing plants declined considerably in relation to the butter non-fat dry milk solids formula. In 1952 the three plant prices averaged above 13¢ per hundredweight higher than the butter non-fat dry milk solids formula price. In 1953 the three plant prices averaged 25 cents below the formula prices. From 1952 to 1953, therefore, the three plant price declined about 38 cents in relation to the butter solid formula price. In December 1953, the latest month for which data are available in the record, the formula price exceeded the three plant price 31 cents per hundredweight.

The record shows that the present Class II pricing arrangement is not promoting a sufficient usuage of reserve supplies of producer milk in regular manufacturing operations conducted in conjunction with the handlers' fluid milk businesses. Substantial volumes of other source dairy products, such as cream, condensed milk, and non-fat solids were purchased by handlers for Class II operations while at the same time producers experienced difficulty in disposing of their milk production. Milk, produced by members of the local producers' association, has been turned over to the association for disposal to unapproved plants.

Receipts of milk from producers have increased substantially during the past year. During the last quarter of 1953, producer milk receipts increased approximately 1 percent over the corresponding period of 1952. With the increase in producer receipts the total volume of Class II milk at approved plants during 1953 was about 65 percent greater than in 1952. In the few weeks immediately preceding the hearing, a further increase in producers' supplies was experienced, which was apparently more than the usual seasonal increase. With the anticipated seasonal increase in production and the continuation of the spread between the butter non-fat dry milk solids formula prices and the local manufacturing prices, a serious Class II milk disposal problem will prevail during the month of March.

The record indicates that unless the Class II price is adjusted at this time some handlers will continue to limit, and other handlers possibly reduce, the volume of milk received from producers. Individual producers and the cooperative association (in behalf of their members) will be required to dispose of reserve milk supplies. Immediate action should be taken, therefore, to apply local manufacturing plant prices as a basis for establishing the Class II prices during the month of March 1954. This will encourage handlers to absorb a greater portion of the market's reserve supply in their Class II operations. Further changes in the Class II pricing arrangement should be the subject of a recommended decision to which interested parties will be offered an opportunity to file exceptions. Since the pricing of Class II milk is to be considered in a later decision, the amendment recommended herein should extend only until such action is completed on this issue. Such action should be completed and effected not later than April 1, 1954. Therefore the pricing herein proposed need not extend beyond March 1954.

The need for expeditious action. The large increase during the last year in the volume of Class II milk referred to hereinbefore appears to be result of (1) a general increase in the volume of both market requirements and market supplies with the increase in supplies of producer milk being somewhat larger than the increase in market requirements, and (2) somewhat earlier than normal seasonal increase in supplies of producer milk. This latter condition has developed very recently. In the latter part of December 1953, and early in January 1954, considerable volumes of producer milk were disposed of to unapproved plants. These conditions make it imperative that any changes in the order to effect the conclusions reached in this decision should be made at the earliest possible date. It is therefore concluded that good cause exists for eliminating the recommended decision in this proceeding with respect to the pricing of Class II milk in the month of March 1954 and that the due and timely execution of the function of the Secretary under the Act, imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator of Agricultural Marketing Service and the opportunity for exceptions thereto on issues herein considered.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers (who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended). The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The tentative marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of, and demand for, milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1954, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order as amended, regulating the handling of milk in the North Texas marketing area in the manner set forth in the attached amending order, as amended, is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the North Texas, Marketing Area", and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the North Texas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER.

The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 26th day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the North Texas Marketing Area

§ 943.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial acivitiy, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Amend § 943.51 (b) by inserting "March 1954", immediately preceding "April, May and June".

[F. R. Doc. 54-1496; Filed, Mar. 2, 1954; 8:55 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 401]

DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

INFORMATION WHICH MAY BE DISCLOSED AND TO WHOM; DEFINITIONS

Notice is hereby given pursuant to the Administrative Procedure Act approved June 11, 1946, that the amendment to regulation set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare, as an amendment to present Social Security Administration Regulation No. 1 as amended (20 CFR 401.1 et seq.). It is proposed to amend the existing regulation by authorizing disclosure of specified types of information with respect to agreements entered into pursuant to section 218 of the Social Security Act for the coverage of employees of States and political subdivisions thereof and of instrumentalities of more than one State.

Prior to the final adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, at the Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington 25, D. C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 205 (a), 1102, and 1106 of the Social Security Act, 53 Stat. 1368, 49 Stat. 64 Stat. 559, and section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18.

[SEAL] JOHN W. TRAMBURG,
Commissioner of Social Security.

Approved: February 23, 1954.

OVETA CULP HOBBY,
Secretary of Health, Education, and Welfare.

§ 401.3 *Information which may be disclosed and to whom.* Disclosure of any such file, record, report or other paper, or information, is hereby authorized in the following cases and for the following purposes:

* * * * * *

(o) In connection with agreements and modifications of agreements for the coverage of State and local employees entered into pursuant to section 218 of the Social Security Act, the following may be disclosed when efficient administration permits:

(1) The name of a State (or instrumentality of two or more States) with whom an agreement or modification has been entered into, the name or title of the official charged with carrying out the State's responsibilities with respect to an agreement, and the date of an agreement or modification;

(2) The contents of an executed agreement or modification;

(3) Information as to whether or not a State (or instrumentality of two or more States) has indicated an intention or desire to enter into such an agreement or modification, but not including information as to provisions being considered for inclusion in the proposed agreement or modification;

(4) Information reported by a State as to whether or not there is in effect in such State or in a political subdivision a retirement system providing benefits to employees thereof;

(5) Statistical information, classified by State and county, with respect to public employment and remuneration therefor (other than information relating to any identified or identifiable employee).

§ 401.4 *Definitions.* As used in this part the term:

* * * * * *

(f) "*Person*" includes an individual, a firm, an association, a corporation, a State, a "political subdivision" of a State (as defined in section 218 of the act), or an instrumentality of two or more States.

[F. R. Doc. 54-1461; Filed, Mar. 2, 1954; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 10930]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B

FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Effingham, Ill.		239
Peoria, Ill.	239	

3. The purpose of the proposed amendment is to provide a Class B channel in Effingham, Illinois, thereby facilitating consideration of a pending application requesting a Class B assignment there.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before March 26, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 24, 1954.

Released: February 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1475; Filed, Mar. 2, 1954; 8:52 a. m.]

[47 CFR Part 3]

[Docket No. 10936]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on February 3, 1954, by Mr. John H. Phipps, Tallahassee, Florida, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations as follows:

City	Channel No.	
	Present	Proposed
Havana, Fla.	None	2+

3. In support of its requested amendment petitioner urges that the assignment of Channel 2 to Havana meets the requirements of the Commission's Rules; would represent a fair and equitable distribution of VHF television facilities; and would bring television service to a large and important area, including the capital city of Tallahassee.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before March 24, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: February 24, 1954.

Released: February 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1476; Filed, Mar. 2, 1954; 8:52 a. m.]

[47 CFR Part 3]

[Docket No. 10937]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it a petition filed on January 29, 1954, by the Delta-Sierra Educational Television Corporation, Stockton, California, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations as follows:

City	Channel No.	
	Present	Proposed
Petaluma, Calif.	56	68

3. In support of its requested amendment, petitioner urges that it is composed of representatives from the four counties of San Joaquin, Stanislaus, Calaveras, and Tuolumne, California; that it hopes to serve these counties by establishing an educational television station on Channel 42, assigned to Stockton, California and reserved for educational use; that a site at Mt. Diablo would assure the best possible coverage for the area; that the use of such a site is precluded by the assignment of Channel 56 at Petaluma, California; and that the substitution of Channel 68 for 56 at Petaluma would be technically feasible and would permit the use of Mt. Diablo as a site for the proposed station on Channel 42.

4. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before March 24, 1954 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 24, 1954.

Released: February 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1477; Filed, Mar. 2, 1954; 8:52 a. m.]

[47 CFR Part 9]

[Docket No. 10935]

AVIATION RADIO SERVICES

CONELRAD PLAN

1. The Commission has before it its CONELRAD Plan for the Aviation Radio Services which was developed in cooperation with the Civil Aeronautics Administration. In order to put this plan into effect it is necessary to modify Part 9 of the Commission's rules and regulations as set forth below.

2. These proposed amendments are promulgated by authority of sections 303 (r) and 606 (c) of the Communications Act as amended, and Executive Order No. 10312 signed by the President December 10, 1951.

3. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file on or before March 29, 1954 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within one week from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and, if any comments appear to warrant the holding of a hearing or oral argument, a notice of the time and place of such hearing or oral argument will be given.

4. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 24, 1954.

Released: February 26, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

§ 9.1201 *Scope and objective.* (a) Sections 9.1201 to 9.1205 apply to all stations in the aviation services and is for the purpose of providing for the alerting and operation of radio stations in the aviation services during periods of air attack or imminent threat thereof.

(b) The aim of this plan is to minimize the navigational aid that may be obtained by an enemy from the signals of aviation radio stations, while simultaneously providing for continued radio service to the extent necessary for the safety or control of friendly aircraft.

§ 9.1202 *General.* All radio stations in the aviation services are required to provide for receiving the Radio Alert and to operate in accordance with §§ 9.1201 to 9.1205.

§ 9.1203 *Definitions.* (a) The term "Conelrad" is a contraction of the words, "Control of Electromagnetic Radiation," and is the general term applied to the controlled operation of radio facilities under the authority of Executive Order 10312, dated December 10, 1951.

(b) Radio Alert is the term applied to the military warning that an air attack is probable or imminent, which automatically orders the immediate implementation of the controlled operations of all radio stations. The Radio Alert is distinct from the military or civil defense Warnings, Yellow, Red or White, but may be coincidental with such warnings.

§ 9.1204 *Alerting.* (a) All stations in the aviation services licensed by the Federal Communications Commission[*] will be responsible for making provisions to receive the Radio Alert when such an alert is ordered by appropriate military authorities. The Radio Alert may be received by one or more of the following methods:

(1) Stations directly connected to and in continuous communication with a CAA Air Route Traffic Control Center (ARTCC) may receive the Alert over the ARTCC circuit.

(2) Stations not connected to a CAA circuit, must:

(i) Provide a connection to an accessible CAA communications circuit, or

(ii) Provide a broadcast receiver to obtain the Radio Alert from any broadcast station (standard, FM or TV) that can be heard, or

(iii) Provide a separate receiver to monitor another station in the Aviation Service which is in direct communication with a CAA Air Route Traffic Control Center, or

(iv) Provide any other suitable method which is specifically authorized and approved by an appropriate CAA ARTCC as a result of a local study.

§ 9.1205 *Operation.* (a) During a period of Radio Alert all stations in the aviation services will maintain radio silence, unless required by an appropriate CAA Air Route Traffic Control Center to remain on the air for the purpose of air traffic control. Such operations will be in accordance with the CAA CONELRAD Plans dated May 1, 1953 and instructions issued by the appropriate ARTCC, under the provisions of the U. S. Department of Defense "Security Control of Air Traffic during a Military Emergency" Plan (SCAT Plan). Licensees in the Aviation Services should contact the CAA Air Route Traffic Control Center, within whose flight advisory area the station is located, for the details of operations applicable to a specific station. When not required by CAA for the purposes of security control of air traffic, all stations in the aviation services will promptly leave the air and maintain radio silence for the duration of a Radio Alert, except as specifically authorized in the local Air Division (Defense) SCATER Plan or by an appropriate ARTCC.

(b) None of the provisions in §§ 9.1201 to 9.1205 shall be interpreted to preclude the operation of certain stations in the Aviation Radio Services in connection with the activities of local, Federal, or civil defense organizations, provided such operations are not in conflict with operations necessary for CAA Air Route Traffic Control, and such operations are specifically authorized by the Federal Communications Commission.

[F. R. Doc. 54-1478; Filed, Mar. 2, 1954; 8:52 a. m.]

[*] The term "licensed by" as used in §§ 9.1201 to 9.1205, includes all forms of authorizations under which a radio station is operated, including station licensees, STA's etc.

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[Ex Parte No. MC-46]

MOTOR CONTRACT CARRIERS

RECOMMENDATIONS RE LEGISLATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 15th day of February A. D. 1954.

Upon consideration of a petition of the Contract Carrier Conference of American Trucking Associations, Inc.; and good cause appearing therefor:

It is ordered, That an inquiry be, and it is hereby, instituted under section 204 (a) (7) of the Interstate Commerce Act into the manner and methods of the performance of service by contract carriers by motor vehicle subject to the act and into the necessity or desirability of a recommendation by this Commission to the Congress, relative to:

(1) Changing the definitions of "common carrier by motor vehicle" and "contract carrier by motor vehicle" contained in sections 203 (a) (14) and 203 (a) (15), respectively, of the act.

(2) Changing the standards prescribed in section 209 (b) of the act which must be observed in granting permits to contract carriers by motor vehicle.

(3) Repealing the proviso in section 209 (b) of the act or changing it so as to permit this Commission to limit the service under a contract carrier permit to service for a designated shipper or designated shippers.

(4) Amending section 212 (a) of the act so as to permit contract carriers who cannot meet any new legislative definition of contract carriers by motor vehicle to convert to the status of common carriers by motor vehicle without proof of public convenience and necessity.

(5) Amending section 212 (a) of the act so as to authorize this Commission, in the light of any amendments of sections 203 (a) (15) and 209 (b) of the act, to modify outstanding contract carrier permits which are not to be converted to common carrier certificates of public convenience and necessity.

(6) Amending section 218 of the act by giving this Commission power, at its discretion, to relieve contract carriers by motor vehicle from the obligation to file schedules of minimum rates.

(7) Amending section 218 of the act by giving this Commission power to prescribe reasonable and non-discriminatory rates and charges of contract carriers by motor vehicle.

It is further ordered, That those interested, on or before May 3, 1954, may file with this Commission, a written statement containing data, views, or arguments concerning the matters which are the subject of this order.

It is further ordered, That any written statements filed as provided in the next preceding paragraph shall conform to the specifications provided in Rule 15 of this Commission's general rules of

practice and that an original signed copy and 5 additional copies shall be furnished for the use of the Commission.

And it is further ordered, That notice of this proceeding shall be given by depositing a copy of this order in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1482; Filed, Mar. 2, 1954; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG, JAPAN, TAIWAN, THE REPUBLIC OF KOREA, AND THE FEDERAL REPUBLIC OF GERMANY

AVAILABLE CERTIFICATIONS BY SPECIFIED FOREIGN GOVERNMENTS

Attention is directed to the provisions of § 500.536 (c) and (d) of the Foreign Assets Control Regulations, pursuant to which certain merchandise affected by the import prohibitions contained in § 500.204 of the regulations may be imported if the origin thereof is appropriately certified by the country of exportation.

Notice is hereby given that appropriate certificates of origin issued by the governments hereinafter listed under procedures agreed upon between the specified certifying agencies of those governments and the Foreign Assets Control are available with respect to the importation into the United States, directly or on a through bill of lading, from the respective countries of the following commodities:

From Hong Kong (Certificates issued by the Hong Kong Department of Commerce and Industry):

Bean curd (Aug. 15, 1953).
Bean thread (Apr. 23, 1953).
Beans, salted (Mar. 2, 1954).
Brass trays (Jan. 20, 1954).
Cane webbing (Mar. 2, 1954).
Confectionery (Aug. 15, 1953).
Cotton dolls (June 18, 1953).
Cotton embroidered goods (Nov. 24, 1953).
Cotton pincushions (June 18, 1953).
Cotton waste (Jan. 9, 1953).
Cotton wearing apparel (Jan. 12, 1953).
Ducks, preserved (Nov. 24, 1953).
Footwear, embroidered (Sept. 29, 1953).
Footwear, other Chinese types (Nov. 24, 1953).
Ginger, preserved (made from Japanese ginger) (Mar. 2, 1954).
Hardwood furniture (Jan. 9, 1953).
Hoi sin sauce (Mar. 2, 1954).
Ivory manufactures (Jan. 9, 1953).
Jade stones, green, cut, polished, or designed (Nov. 24, 1953).
Joss candles (Oct. 27, 1953).
Linen manufactures, embroidered (Sept. 29, 1953).
Needlework tapestries (June 18, 1953).
Novelties, pewter and tinware (Dec. 8, 1953).
Oysters and oyster sauce (Aug. 15, 1953).
Pictures, cork (Nov. 24, 1953).
Pictures, iron (Jan. 20, 1954).
Plum sauce (Jan. 20, 1954).
Plums, preserved (Jan. 9, 1953).
Porcelain, Japanese, decorated in Hong Kong (Dec. 8, 1953).
Punk, firecracker (Nov. 24, 1953).
Rice powder (Dec. 8, 1953).
Rice sticks (Aug. 15, 1953).
Salt fish in oil (Jan. 9, 1953).
Sandalwood fans (Jan. 20, 1954).
Seagrass mats and squares (made from Formosan seagrass) (Oct. 27, 1953).
Shrimp noodles (Oct. 27, 1953).
Shrimp sauce and paste (Aug. 15, 1953).
Shrimp slices, dried (Oct. 27, 1953).
Silk manufactures (Jan. 9, 1953).
Soybean sauce (Jan. 20, 1954).
Sugar, slab and white rock (Sept. 29, 1953).
Tea, Formosan (June 18, 1953).
Tungsten ore and concentrates (Jan. 9, 1953).
Turnips, preserved (Dec. 8, 1953).
Wastepaper baskets, folding, silk and rayon (Sept. 29, 1953).
Water chestnuts (Jan. 9, 1953).
Wheat starch (Jan. 20, 1954).

From Japan (Certificates issued by the Japanese Ministry of International Trade and Industry):

Abalone, canned or dried (Aug. 25, 1953).
Bamboo, split (Aug. 25, 1953).
Bamboo, sprouts, canned (May 5, 1953).
Bamboo, sprouts, dried shredded (Aug. 25, 1953).
Bamboo, sprouts, raw (Aug. 25, 1953).
Braids, straw (Aug. 25, 1953).
Cuttlefish, dried (Aug. 25, 1953).
Fish (sea bream), canned prepared (Aug. 25, 1953).
Floor coverings, grass and straw (Aug. 25, 1953).
Floor coverings, seagrass mats and squares (Aug. 25, 1953).
Ginko nuts, in the shells, canned or otherwise prepared (Aug. 25, 1953).
Ginger (July 30, 1953).
Hog bristles (Jan. 29, 1953).
Iriko (Oct. 6, 1953).
Lotus root, canned (Aug. 25, 1953).
Menthol (Aug. 25, 1953).
Mushrooms, canned baked (Aug. 25, 1953).
Mushrooms, dried (Aug. 25, 1953).
Mushrooms, prepared (Aug. 25, 1953).
Oysters, dried (Aug. 25, 1953).
Quail, frozen (Aug. 25, 1953).
Red beans (Oct. 6, 1953).
Sardines, dried (Aug. 25, 1953).
Scallions, pickled (Aug. 25, 1953).
Scallops, dried (Aug. 25, 1953).
Seaweed, dried, Aug. 25, 1953).
Shark fins (July 30, 1953).
Soy bean sauce (May 5, 1953).
Walnuts (July 30, 1953).

From Taiwan (Formosa) (Certificates issued by the Ministry of Economic Affairs of the Republic of China):

Bamboo shoots, canned (June 10, 1953).
Bamboo, split (June 10, 1953).
Duck eggs, salted or preserved (Apr. 15, 1953).
Firecrackers (Dec. 18, 1953).
Ginger root, candied or otherwise preserved (June 10, 1953).
Hog bristles, black, not to exceed four inches in length (June 10, 1953).
Millet wine (Kaoliang) (Oct. 20, 1953).
Olives, preserved (June 10, 1953).
Plums, preserved (June 10, 1953).
Prunes, preserved (June 10, 1953).
Rice wine (Shaohsing) (Oct. 20, 1953).
Seagrass squares (Feb. 5, 1953).
Soy bean sauce (Nov. 9, 1953).
Water chestnuts (Feb. 5, 1953).

From Republic of Korea (Certificates issued by the Ministry of Commerce and Industry of the Republic of Korea):

Hog bristles (Mar. 12, 1953).

From Federal Republic of Germany (Certificates issued by the Federal Ministry of Economics or the Federal Agency for Commodity Trade):

Hog bristles, dyed (Sept. 21, 1953).

The date in parentheses following each type of merchandise set forth above is the date on which certification first became available for the merchandise specified.

It is contemplated that from time to time additions will be made to the list of certifiable commodities. Notices with respect to such commodities will be published in the FEDERAL REGISTER.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

MARCH 2, 1954.

[F. R. Doc. 54-1536; Filed, Mar. 2, 1954; 8:58 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 70]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA

ANNUAL OPERATION AND MAINTENANCE CHARGES AND ANNUAL WATER RENTAL CHARGES

FEBRUARY 3, 1954.

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.* The minimum annual operation and maintenance charge for the calendar year 1954 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $7.50 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 7 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notices No. 64 and 68, and to 5 acre-feet of water per irrigable acre on all other lands of the division under public notice. Additional water, if available, will be furnished at the rate of $2.00 per acre-foot.

Where in the opinion of the Chief, Operations Division, Lower Colorado River District, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however*, That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Chief, Operations Division, that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on April 1 for the current calendar year, and on January 1 for each year thereafter.

2. *Annual water rental charges for other lands, Reservation Division.* Irrigation water will be furnished during the calendar year 1954 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates: the minimum annual charge shall be $7.50 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of $2.00 per acre-foot. All charges shall be payable in advance of the delivery of water. Refund will be made for additional water paid for but not used.

3. *Annual water rental charges for lands in the Valley Division not under public notice.* Irrigation water will be furnished during the calendar year 1954 and thereafter until further notice for lands in the Valley Division not under public notice which can be irrigated from the present distribution system without further construction expense by the United States, upon a rental basis under approved applications for temporary water service, at the following rates:

(a) The minimum annual charge shall be $13.75 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per irrigable acre. Additional water, if available, will be furnished at the rate of $1.50 per acre-foot.

(b) The charge per calendar year for each city or town lot having a maximum width not exceeding sixty (60) feet shall be $10.00. Where an applicant requests water service for more than one such lot in the same city or town the charge per calendar year for each additional lot shall be $4.00. Where lots exceed sixty (60) feet in width, each sixty (60) feet of additional width or fractional part thereof shall be considered as one additional lot.

All charges shall be payable in advance of the delivery of water. Refund will be made for additional water paid for under subdivision (a) hereof but not used.

4. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

5. *Place of payment.* All payments should be made to the Agent-Cashier, Bureau of Reclamation, Yuma Air Base, or mailed to the Agent-Cashier, Bureau of Reclamation, Bin 151, Yuma, Arizona.

W. H. TAYLOR,
Acting Regional Director.

[F. R. Doc. 54-1444; Filed, Mar. 2, 1954; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

NOTICE OF ESTABLISHMENT OF CONTRACT/NON-CONTRACT RATES

Notice is hereby given that on February 25, 1954, the North Atlantic Continental Freight Conference filed with the Federal Maritime Board, pursuant to §§ 236.1 and 236.3 of General Order 76, a statement containing a proposal to establish contract/non-contract rates, effective April 1, 1954, on all cargoes transported by the member lines of the conference in liner service in the trade between United States North Atlantic ports to ports in Belgium, Holland, and Germany (excluding German Baltic ports), with a spread or differential of 10 percent between such contract and non-contract rates. The member lines state that in so filing they are acting pursuant to and in accordance with the January 6, 1954 Order of the Federal Maritime Board in Docket No. 724, and also pursuant to their Conference Agreement No. 4490, approved August 24, 1935, providing for "specific contract and non-contract rates," and amendments thereto, all approved under section 15 of the Shipping Act, 1916.

The statement alleges that the establishment of the dual rate system in the above trade is for the purpose of (1) the promotion and development of American-foreign maritime commerce; stabilization of rates and competitive practices so as to provide and encourage regular and dependable sailings and service; maintenance of harmony among established lines furnishing regular service, on the principles set forth in the basic Conference agreement, which provides for "specific contract and non-contract rates;" (2) the establishment of equitable and just arrangements with merchants, in the interest of providing them with assurance of service and reasonable stability of rates; thus to encourage, permit and support forward trading in and to the interest and advantage of the carriers and the related foreign commerce of the United States; (3) to provide the member lines with reasonable assurance of cargoes in such volume as will enable and encourage them to maintain and improve their foreign trade services; (4) to protect member lines and the foreign commerce in which they are engaged from the potential and likely adverse consequences of rate wars; also the rather constant practice of undercutting of rates by non-member lines; (5) to protect the present member lines and as well those later voluntarily choosing to become members from the inevitable disadvantageous consequences of rate-cutting and other trade-disturbing practices of non-member lines; and to afford to the member lines a reasonable prospect of recovering portions of traffic heretofore lost by said practices; and (6) to make Conference membership attractive to the present members also to other carriers presently not members but who may voluntarily choose to become such, in the sense and purpose of thereby helping to stabilize our foreign commerce in the general public interest as well as in the interest of the carriers. The Conference is open to all lines operating in the trade.

Interested parties may inspect the information contained in the above statement, and may submit within 20 days after the publication of this notice in the FEDERAL REGISTER written statements with reference to the information filed and any objections or other comments thereon, together with request for hearing should such hearing be desired.

Dated: February 26, 1954.

By order of the Federal Maritime Board.

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-1479; Filed, Mar. 2, 1954; 8:52 a. m.]

Federal Maritime Board and Maritime Administration

[Docket No. S-36]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF AMENDED APPLICATION AND HEARING

The notice herein which appeared in the FEDERAL REGISTER of February 25, 1954 (19 F. R. 1066), is hereby amended to add Signal Oil & Gas Co. and Mr. Russel H. Green for whom American President Lines, Ltd. seek written permission under section 805 (a), Merchant Marine Act, 1936, as amended.

Notice is also given that a hearing in this proceeding will be held before the Federal Maritime Board and Maritime Administrator at 9:30 a. m., March 15, 1954, in Room 4519, New General Accounting Office Building, Washington, D. C.

Dated: February 26, 1954.

By order of the Federal Maritime Board-Maritime Administrator.

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-1480; Filed, Mar. 2, 1954; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

VIRGINIA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2

(d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of February 17, 1954, to be in the area affected by the major disaster occasioned by drought determined by the President on September 26, 1953, pursuant to Public Law 875, 81st Congress:

VIRGINIA

Floyd.
Patrick.

Done this 26th day of February 1954.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-1501; Filed, Mar. 2, 1954; 8:57 a. m.]

OKLAHOMA

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, it is found that in the counties listed below a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the delegation of authority from the Administrator, Federal Civil Defense Administration (18 F. R. 4609) and for the purpose of making loans pursuant to section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, it is determined that the counties listed below are within the area affected by the major disaster occasioned by drought determined by the President on June 26, 1953, pursuant to Public Law 875, 81st Congress. It is also determined that an economic disaster exists in said counties that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources.

OKLAHOMA

Adair.	Harper.
Alfalfa.	Jackson.
Beaver.	Jefferson.
Beckham.	Kay.
Blaine.	Kingfisher.
Caddo.	Kiowa.
Canadian.	Logan.
Carter.	Love.
Cherokee.	McClain.
Cimarron.	Major.
Cleveland.	Mayes.
Comanche.	Murray.
Cotton.	Noble.
Craig.	Oklahoma.
Custer.	Ottawa.
Delaware.	Roger Mills.
Dewey.	Rogers.
Ellis	Stephens.
Garfield	Texas.
Garvin.	Tillman.
Grady.	Wagoner.
Grant.	Washita.
Greer.	Woods.
Harmon.	Woodward.

After December 31, 1954, loans under section 2 (a) or 2 (b) of Public Law 38, 81st Congress, as amended, will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 26th day of February, 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-1502; Filed, Mar. 2, 1954; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6523]

TUYA CUBAN EXPRESS CORP.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Tuya Cuban Express Corp. for a foreign air carrier permit authorizing indirect air transportation from and to points in the United States and Havana, Cuba.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 9, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., February 26, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1487; Filed, Mar. 2, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1116, G-1152, G-1240, G-1317, G-1344, G-1379, G-1415, G-1417, G-1457, G-1509, G-1616, G-1625, G-1659, G-1725, G-1754, G-2057, G-2101, G-2234]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER POSTPONING DATE OF HEARING

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1725, G-1754 and G-2101; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, complainant, v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G-1379; Northern Indiana Fuel and Light Company, Docket Nos. G-1457 and G-2234; Missouri Central Natural Gas Company, Docket No. G-1509; the Central West Utility Company, Docket No. G-1616; Michigan Gas Utilities Company, Docket No. G-1625; City of Auburn, Illinois, Docket No. G-1659; Missouri Public Service Company, Docket No. G-2057.

By order issued herein on February 18, 1954, the Commission directed, among other things, that a hearing be held on March 3, 1954, concerning the matters involved and the issues presented in these consolidated proceedings.

On February 23, 1954, Panhandle Eastern Pipe Line Company filed a motion for the postponement of the hearing for a period of at least 30 days after March 3, 1954.

The Commission finds: Good cause has been shown for postponing the hearing herein as hereinafter ordered.

The Commission orders: The hearing herein now fixed for March 3 1954, be and it is hereby postponed to April 5, 1954, at the same hour and place heretofore ordered.

Adopted: February 24, 1954.

Issued: February 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1445; Filed, Mar. 2, 1954; 8:45 a. m.]

[Docket No. G-2367]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

FEBRUARY 26, 1954.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation, having its principal place of business in Houston, Texas, on February 10, 1954, filed, and on February 23, 1954, supplemented an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural gas facilities, as more fully described in the application and supplement thereto:

(1) An additional compression unit of 2,400 hp. at Applicant's existing Compressor Station No. 3 near El Campo, Texas;

(2) A new Compressor Station to be known as Compressor Station No. 23, consisting of 3 units of 1,650 hp. each, located on Applicant's existing pipe line approximately 10 miles north of Houston, Texas;

(3) A new Compressor Station to be known as Compressor Station No. 24, consisting of 3 units of 1,650 hp. each, located on Applicant's existing pipe line near De Quincy, Louisiana;

(4) A new Compressor Station to be known as Compressor Station No. 5-A, consisting of 2 units of 1,650 hp. each, located near Applicant's existing Compressor Station No. 5 on the Louisiana Gathering Line;

(5) Sixteen loop lines totaling approximately 190.32 miles of 30-inch pipe and 230.77 miles of 36-inch pipe along Applicant's existing pipe line system in the States of Louisiana, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, and Maryland.

(6) Appurtenant facilities.

The estimated over-all cost of the facilities proposed in Docket No. G-2367 is $53,058,013, which Applicant purposes to finance through the issuance of First Mortgage Pipe Line Bonds, Debentures, and additional Preferred and Common Stock.

These facilities are proposed to be used to sell and deliver increased firm quantities totaling 93,490 Mcf per day of gas to certain of Applicant's existing customers in the New York metropolitan area and in New Jersey. The service proposed herein is substantially the same as that proposed by Tennessee Gas Transmission Company in its application filed December 11, 1953, in Docket No. G-2381.

Protests or petitions to intervene in the above matter may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR [illegible] or 1.10) on or before the 17th day of March 1954.

The foregoing application is on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1462; Filed, Mar. 2, 1954; 8:49 a. m.]

[Project No. 848]

WELLS POWER CO.

NOTICE OF APPLICATION FOR LICENSE

FEBRUARY 25, 1954.

Public notice is hereby given that Wells Power Company, Wells, Nevada, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for renewal of its license for constructed Project No. 848 located on Trout Creek in Elko County, Nevada, affecting lands of the United States in Humboldt National Forest, and constructed partly upon lands of the United States. The constructed project consists of 4,420 feet of small timber flume, 4,730 feet of open ditch and steel pipe conduit, a powerhouse with installed capacity of about 150 horsepower, a transmission line about 8.5 miles long and appurtenant facilities. Only 2,680 feet of the timber flume, 3,570 feet of the ditch and steel pipe conduit, and 2,067 miles of the transmission line are located on lands of the United States. The power generated is distributed and sold by the applicant for public utility purposes. Applicant's earlier license for Project No. 848, issued December 14, 1928, expired December 13, 1953.

Protests or petition to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before March 29, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1463; Filed, Mar. 2, 1954; 8:49 a. m.]

[Docket No. G-2274]

UNITED FUEL GAS CO.

NOTICE OF EXTENSION OF TIME AND POSTPONEMENT OF HEARING

FEBRUARY 24, 1954.

Upon consideration of the request of Counsel for the Columbia Gas System Corporation, filed February 18, 1954, for an extension of time for serving copies of the testimony and exhibits proposed to be offered at the hearing now scheduled to commence on March 2, 1954, and for postponement of said hearing;

Notice is hereby given that a further extension of time to and including March 22, 1954 is granted within which United Fuel Gas Company shall serve upon all parties copies of the testimony and exhibits proposed to be offered at the hearing in this matter, and that said hearing now scheduled for March 2, 1954, is hereby postponed to March 29, 1954. Paragraphs (A) and (C) of the Commission's order issued October 13, 1953 are amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1464; Filed, Mar. 2, 1954; 8:49 a. m.]

[Docket No. G-2275]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF EXTENSION OF TIME AND POSTPONEMENT OF HEARING

FEBRUARY 24, 1954.

Upon consideration of the request of Counsel for the Columbia Gas System Corporation, filed February 18, 1954, for an extension of time for serving copies of the testimony and exhibits proposed to be offered at the hearing now scheduled to commence on March 2, 1954, and for postponement of said hearing;

Notice is hereby given that a further extension of time to and including April 5, 1954 is granted within which Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation shall serve upon all parties copies of the testimony and exhibits proposed to be offered at the hearing in this matter, and that said hearing now scheduled for March 2, 1954, is hereby postponed to April 12, 1954. Paragraphs (A) and (D) of the Commission's order issued October 13, 1953 are amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1465; Filed, Mar. 2, 1954; 8:49 a. m.]

[Docket No. G-2276]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF EXTENSION OF TIME AND POSTPONEMENT OF HEARING

FEBRUARY 24, 1954.

Upon consideration of the request of Counsel for the Central Kentucky Natural Gas Company, filed February 18, 1954, for an extension of time for serving copies of the testimony and exhibits proposed to be offered at the hearing now scheduled to commence on March 2, 1954, and for postponement of said hearing;

Notice is hereby given that a further extension of time to and including April 12, 1954, is granted within which Central Kentucky Natural Gas Company shall serve upon all parties copies of the testimony and exhibits proposed to be offered at the hearing in this matter, and that said hearing now scheduled for March 2, 1954, is hereby postponed to April 19, 1954. Paragraphs (A) and (D) of the Commission's order issued October 13, 1953 are amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1466; Filed, Mar. 2, 1954; 8:50 a. m.]

[Docket No. G-2281]

OHIO FUEL GAS CO.

NOTICE OF EXTENSION OF TIME AND POSTPONEMENT OF HEARING

FEBRUARY 24, 1954.

Upon consideration of the request of Counsel for the Columbia Gas System Corporation, filed February 18, 1954, for an extension of time for serving copies of the testimony and exhibits proposed to be offered at the hearing in the above-designated matter, now scheduled to commence on March 2, 1954, and for postponement of said hearing;

Notice is hereby given that an extension of time to and including April 26, 1954 is granted within which the Ohio Fuel Gas Company shall serve upon all parties copies of the testimony and exhibits proposed to be offered at the hearing in this matter, and that said hearing now scheduled for March 2, 1954, is hereby postponed to May 3, 1954. Paragraphs (A) and (C) of the Commission's order issued October 16, 1953 are amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1467; Filed, Mar. 2, 1954; 8:50 a. m.]

[Docket No. G-2384]

NORTHERN NATURAL GAS CO. AND INDEPENDENT NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Northern Natural Gas Company (Northern) and Independent Natural Gas Company (Independent), the latter a wholly-owned subsidiary of Northern, filed, on December 14, 1953, a joint application (a) for an order permitting and approving the abandonment by Independent by sale to Northern of its facilities used in the transportation and sale for resale of natural gas in interstate commerce and (b) for a certificate of public convenience and necessity authorizing Northern to acquire and operate such facilities as an integral part of its existing pipe-line system, all as more fully described in the joint application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that the application be

heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 12, 1954 (19 F. R. 219).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on March 12, 1954 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application herein: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: February 24, 1954.

Issued: February 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1468; Filed, Mar. 2, 1954; 8:50 a. m.]

[Docket No. G-2344]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed December 28, 1953, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, provided that no request to be heard, protest or petition is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on February 5, 1954 (19 F. R. 716).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on March 16, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: February 24, 1954.

Issued: February 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1469; Filed, Mar. 2, 1954; 8:50 a. m.]

[Docket No. G-2351]

EL PASO NATURAL GAS CO. AND NEVADA NATURAL GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants (El Paso Natural Gas Company—Nevada Natural Gas Pipe Line Co.) having requested that their joint application, filed January 14, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to lease and operate certain natural gas facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, provided no request to be heard, protest or petition is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on February 5, 1954 (19 F. R. 716-717).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on March 17, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: February 24, 1954.

Issued: February 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-1470; Filed, Mar. 2, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3553]

SOUTHERN INDIANA GAS & ELECTRIC CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 25, 1954.

In the matter of Southern Indiana Gas and Electric Company, Common Stock, No Par Value; File No. 1-3553.

Southern Indiana Gas and Electric Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, No Par Value, from listing and registration on the Midwest Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration are as follows:

(1) The volume of trading in the above security on the Midwest Stock Exchange for the two-year period from January 1, 1952, to January 1, 1954, amounted to 100 shares.

(2) The volume of trading in this security on the Midwest Stock Exchange is so small that the applicant does not feel justified in continuing the expense of listing and registration on this exchange, inasmuch as the security will continue to be listed and registered on the New York Stock Exchange.

Upon receipt of a request, prior to March 17, 1954, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1447; Filed, Mar. 2, 1954; 8:45 a. m.]

[File No. 70-3177]

CENTRAL MASSACHUSETTS GAS CO. ET AL.

ORDER AUTHORIZING ISSUE AND SALE OF PROMISSORY BANK NOTES

FEBRUARY 24, 1954.

In the matter of Central Massachusetts Gas Company, Mystic Valley Gas Company, North Shore Gas Company; File No. 70-3177.

Central Massachusetts Gas Company ("Central Mass."), Mystic Valley Gas Company ("Mystic") and North Shore Gas Company ("North Shore"), public-utility subsidiary companies of New England Electric System, a registered holding company, have filed a joint declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), with respect to the issue and sale to a bank of promissory notes in the aggregate amount of $9,400,000. Section 7 of the act and Rule U-42 (b) (2) promulgated thereunder have been designated as applicable to the proposed transactions which are summarized below:

Central Mass. and North Shore propose to issue to a bank, on or after March 1, 1954, but not later than December 31, 1954, unsecured promissory notes in the respective principal amounts of $700,000 and $2,200,000. Mystic originally proposed to issue similar notes in the aggregate amount of $6,500,000 but since the filing has requested permission to withdraw its proposal. Each of the notes proposed to be issued by Central Mass. and North Shore will mature on February 1, 1955, and will bear interest at the rate of 3½ percent per annum. Central Mass. and North Shore have agreed to pay the bank a commitment fee of ½ of 1 percent per annum from March 1, 1954, to December 31, 1954, on the average daily difference between the amount of the bank's commitment ($700,000 in the case of Central Mass. and $2,200,000 in the case of North Shore) and the amount borrowed. According to the joint declaration, the proceeds derived from the sale of the proposed notes will be used by Central Mass. and North Shore for the payment of note indebtedness, due March 1, 1954, and outstanding in the respective amounts of $600,000 and $1,950,000, and for construction and other corporate purposes in the respective amounts of $100,000 and $250,000.

The joint declaration states that incidental services in connection with the notes proposed to be issued will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $300 each for Central Mass. and North Shore.

The joint declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Central Mass. and North Shore request that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of the joint declaration and a hearing not having been requested of or ordered by the Commission; the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration in so far as it relates to the issuance and sale of promissory notes by Central Mass. and North Shore should be permitted to become effective, and it appearing to the Commission that it is appropriate to grant Mystic's request for permission to withdraw its declaration with respect to its proposal to issue and sell $6,500,000 of promissory notes:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said point declaration in so far as it relates to the issuance and sale of promissory notes by Central Mass. and North Shore be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the request of Mystic for permission to withdraw its declaration regarding its proposal to issue and sell $6,500,000 of promissory notes be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1452; Filed, Mar. 2, 1954; 8:47 a. m.]

[File Nos. 70-3187, 31-55]

PACIFIC GAS AND ELECTRIC CO.

ORDERS GRANTING APPLICATIONS

FEBRUARY 24, 1954.

Pacific Gas and Electric Company ("PG&E"), an exempt holding company, has filed applications, and amendments thereto, with this Commission pursuant to sections 3 (a) (1), 3 (a) (2), 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

PG&E proposes to issue to Blyth & Co., Inc. ("Blyth"), 330,535 shares of its common stock, par value $25 per share, in exchange for Blyth's holdings of 623,651 shares of the no par value common stock of Pacific Public Service Company ("PPS"), an exempt holding company, an exchange ratio of 0.53 of a share of PG&E common stock for each share of PPS common stock. PG&E will offer to exchange 0.53 of a share of its common stock for each of the 118,318.85 shares of PPS common stock which are held by the public.

PG&E will offer to each holder of the PPS no par value $1.30 Cumulative Preferred Stock, stated value $25 per share, in exchange for each share of such stock, the holder's choice of 0.7 of a share of PG&E common stock or one share of PG&E 5 Percent Redeemable First Preferred Stock, par value $25 per share.

PG&E will offer to each holder of the Series A 4 Percent Preferred Stock, par value $25 per share, of Coast Counties Gas and Electric Company ("Coast Counties"), a public-utility subsidiary of PPS, in exchange for each share of such stock, the holder's choice of 0.7 of a share of PG&E common stock or 0.8 of a share of PG&E 5 Percent Redeemable First Preferred Stock.

PG&E will offer to each holder of the Series B 4.80 Percent Preferred Stock, par value $25 per share, of Coast Counties, in exchange for each share of such stock, the holder's choice of 0.7 of a share of PG&E common stock or one share of PG&E 4.80 Percent Redeemable First Preferred Stock, par value $25 per share.

The offer of exchange to be made to the holders of the capital stocks of PPS and Coast Counties will be made as soon as practicable after the exchange with Blyth is consummated and will remain open until the close of business on April 28, 1954.

As soon as possible after consummation of the transactions described above, PG&E will proceed to merge PPS and Coast Counties with itself as the surviving corporation in accordance with the Corporations Code of the State of California. PG&E has requested that PG&E, as a holding company, and its subsidiaries as such, be exempted from the provisions of the act.

The foregoing exchange offers have been approved by the California Public Utilities Commission as fair and reasonable to the stockholders of the companies involved, and the subsequent merger will be subject to that Commission's jurisdiction. The California Public Utilities Commission is the only State Commission which has jurisdiction over the exchanges of securities and the subsequent merger.

PG&E states that there will be no separate legal fees in connection with the proposed transactions and that other expenses, excepting the fees of Registrars and Transfer Agents, incurred and to be incurred are estimated to amount to $68,500, of which $22,000 is for stock transfer stamp taxes, $25,000 for labor in connection with the issuance of stock certificates, $13,100 for engraving, printing, stationery and postage, and $8,400 for miscellaneous expenses.

Due notice having been given of the filing of said applications, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied, and observing no basis for adverse findings; and deeming it appropriate in the public interest and the interests of investors and consumers to grant said amended applications forthwith, subject to the terms and conditions contained in Rule U-24 and to a certain additional term and condition:

It is hereby ordered, That the amended application of PG&E for approval of its acquisition of the capital stocks of PPS and Coast Counties be, and the same hereby is, granted, effective forthwith, pursuant to Rule U-23, subject to the terms and conditions contained in Rule U-24 and the following additional term and condition, that PG&E shall not mail any material to the stockholders of PPS and Coast Counties soliciting the tender of shares of the common stock of PPS and the preferred stocks of PPS and Coast Counties until the Commission

shall have advised PG&E that such material is appropriate for mailing.

It is further ordered, That the application of PG&E for exemption of itself as a holding company, and its subsidiaries as such, pursuant to sections 3 (a) (1) and 3 (a) (2) of the act, be, and the same hereby is, granted, effective forthwith upon the acquisition by PG&E of 10 per centum or more of the outstanding voting securities of PPS.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1446; Filed, Mar. 2, 1954; 8:45 a. m.]

[File No. 70-3197]

AMESBURY ELECTRIC LIGHT CO. ET AL.

ORDER AUTHORIZING ISSUE AND SALE BY SUBSIDIARIES OF PROMISSORY NOTES TO BANKS AND TO PARENT

FEBRUARY 25, 1954.

In the matter of Amesbury Electric Light Company, Athol Gas Company, Attleboro Steam and Electric Company, Connecticut River Power Company, Essex County Electric Company, Granite State Electric Company, Haverhill Electric Company, Lawrence Electric Company, Lawrence Gas Company, The Lowell Electric Light Corporation, Northampton Electric Lighting Company, Northampton Gas Light Company, Northern Berkshire Electric Company, North Shore Gas Company, Norwood Gas Company, Quincy Electric Company, Southern Berkshire Power & Electric Company, Suburban Electric Company, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System; File No. 70-3197.

New England Electric System ("NEES"), a registered holding company, and its above-named public-utility subsidiary companies (hereinafter individually referred to as "Amesbury", "Athol", "Attleboro", "Connecticut", "Essex", "Granite", "Haverhill", "Lawrence", "Lawrence Gas", "Lowell", "Northampton", "Northampton Gas", "Northern", "North Shore", "Norwood", "Quincy", "Southern", "Suburban", "Weymouth", and "Worcester" and collectively referred to as "the borrowing companies"), have filed with this Commission a joint application-declaration, pursuant to sections 7, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-23, U-42 (b) (2), U-43, and U-45 (b) (1) promulgated thereunder, with respect to the following proposed transactions:

The borrowing companies propose to issue, from time to time but not later than December 31, 1954, short-term unsecured promissory notes (a) to banks in the aggregate principal amount of $55,670,000 and (b) to NEES in the aggregate principal amount of $28,980,000 or a total of $84,650,000. The application-declaration states that the maximum amount of short-term debt which the borrowing companies will have outstanding at any one time during the year 1954 (a) with banks will not exceed $34,180,000 and (b) with NEES will not exceed $23,450,000, with the total amount of such indebtedness at all times being limited to $47,200,000. Each of the notes proposed to be issued will mature in less than one year and in any event not later than March 31, 1955, and, except as hereinafter described, if issued by an electric company, will bear interest at the prime rate at the time of issuance thereof, and, if issued by a gas company, at such interest rate plus ¼ of 1 percent. It is stated that the present prime rate is 3¼ percent. Athol, Lawrence Gas, Northampton Gas, North Shore, and Norwood Gas are gas companies and the other borrowing companies are electric companies.

Any note proposed to be issued by a borrowing company to NEES for the purpose of prepaying any then outstanding note payable to a bank, will bear interest at the same interest rate as the note to be prepaid until the due date of the prepaid note or at the prime interest rate (plus ¼ of 1 percent in the case of gas companies) on the issue date thereof, whichever is lower, and thereafter at the prime rate at the time of issuance or at such rate plus ¼ of 1 percent depending on whether the issuer is an electric or gas company. With respect to any note proposed to be issued to a bank by a borrowing company to prepay any then outstanding note payable to NEES, if the interest rate for the note proposed to be issued exceeds the interest rate on the note proposed to be prepaid, NEES will file an amendment to the application-declaration setting forth therein the amount of the note proposed to be issued and the proposed interest rate thereon which amendment will become effective five days after the filing thereof unless the Commission notifies NEES to the contrary within said five-day period.

The following Table I shows for each borrowing company (1) the aggregate amount of notes proposed to be issued to banks and to NEES in 1954, and (2) the maximum amount of short-term debt to be outstanding with banks and with NEES at any one time during 1954:

TABLE I

	Aggregate amount of notes proposed to be issued in 1954		Maximum amount of short-term debt to be outstanding during 1954	
	Banks	*NEES*	*Banks*	*NEES*
Amesbury		$1,220,000		$445,000
Athol		270,000		150,000
Attleboro		1,810,000		1,000,000
Connecticut	$5,450,000	850,000	$5,450,000	4,550,000
Essex	8,210,000	2,740,000	4,490,000	1,370,000
Granite	730,000		480,000	
Haverhill		3,000,000		1,600,000
Lawrence	5,450,000		3,225,000	
Lawrence Gas	2,060,000		1,150,000	
Lowell	8,500,000		4,600,000	
Northampton	650,000		325,000	
Northampton Gas		1,200,000		700,000
Northern	2,540,000	1,350,000	1,350,000	1,350,000
North Shore		2,450,000		1,225,000
Norwood		920,000		485,000
Quincy	3,060,000	1,580,000	1,580,000	1,580,000
Southern		2,490,000		1,295,000
Suburban	9,600,000	1,300,000	5,300,000	1,300,000
Weymouth	3,700,000	3,400,000	2,000,000	2,000,000
Worcester	5,700,000	4,200,000	4,200,000	4,200,000
Total	$55,670,000	$28,980,000	$34,180,000	$23,450,000

The proceeds to be derived from the issuance of the proposed notes will be used by the borrowing companies to pay then outstanding notes or to pay for construction expenditures. The application-declaration indicates that during 1954 certain of the borrowing companies (or the resultant company in the event of the merger of certain of such companies) contemplate the issuance of an aggregate amount of $22,500,000 of long term debt and common stock. Each of the borrowing companies proposes that if any permanent financing is done between January 1, 1954, and March 31, 1955, it will apply the proceeds therefrom in reduction of, or in total payment of its short-term debt. In the event of any permanent financing by a borrowing company, except Suburban, the applicable amount in the third column of Table I set forth above will be reduced by an amount equal to the bank debt then outstanding and the applicable amount in the fourth column of said Table I will be reduced by an amount equal to any excess of the proceeds of the permanent financing over the bank debt then outstanding. If the proceeds from any such permanent financing exceed the applicable amount of bank debt and debt to NEES then outstanding, the applicable amount in the third column will be reduced or eliminated by the amount of such excess. In the case of Suburban, an amount equal to the proceeds from any permanent financing will be applied to reduce the amount for such company shown in the third column of said Table I and an amount equal to any excess over $4,000,000 of proceeds from such permanent financing will be applied to reduce the amount shown in the fourth column.

The following Table II shows for each borrowing company (a) the amount of unsecured short-term debt outstanding at January 1, 1954, and (b) the amount of unsecured short-term debt estimated to be outstanding at December 31, 1954, after giving effect to the use of the proceeds from the proposed notes and contemplated permanent financing:

TABLE II

	Amount of unsecured short-term debt outstanding at Jan. 1, 1954		Amount of unsecured short-term debt estimated to be outstanding at Dec. 31, 1954	
	Banks	*NEES*	*Banks*	*NEES*
Amesbury		$545,000		$150,000
Athol		105,000		1,000,000
Attleboro		675,000		4,550,000
Connecticut	$2,550,000	4,550,000	$5,450,000	
Essex	3,380,000	1,370,000	850,000	
Granite	150,000		480,000	
Haverhill		1,100,000		
Lawrence	1,725,000		70,000	
Lawrence Gas	580,000		1,150,000	
Lowell	3,700,000			
Northampton	325,000		325,000	
Northampton Gas		400,000		700,000
Northern	1,050,000			1,350,000
North Shore		1,225,000		
Norwood		425,000		485,000
Quincy		1,280,000		1,580,000
Southern		1,095,000		1,295,000
Suburban	1,300,000	2,500,000		1,300,000
Weymouth		1,550,000		2,000,000
Worcester				4,200,000
Total	15,070,000	16,820,000	8,365,000	18,610,000

The application-declaration also indicates that NEES anticipates the sale of shares of its common stock in November 1954, to realize proceeds of approximately $11,500,000.

The joint application-declaration states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $50 for NEES and each borrowing company, or an aggregate of $1,050.

The joint application-declaration further states that the Public Utilities Commission of New Hampshire has authorized the notes proposed to be issued by Connecticut and Granite and that, in the opinion of counsel for NEES and the borrowing companies, the proposed notes may be issued by Connecticut without the consent of the Vermont Public Service Commission. The application-declaration further states that, except for these State commissions, no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of said joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration should be granted and be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1450; Filed, Mar. 2, 1954; 8:46 a. m.]

[File No. 70-3201]

UTAH POWER & LIGHT CO.

NOTICE OF PROPOSED ISSUANCE OF COMMON STOCK AND BONDS

FEBRUARY 25, 1954.

Notice is hereby given that Utah Power & Light Company ("Company"), a registered holding company which is also a public-utility operating company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

The Company proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, (a) 200,000 shares of its Common Stock, without par or face value, and (b) $15,000,000 aggregate principal amount of First Mortgage Bonds, ____ percent Series due 1984.

The interest rate on the Bonds (which shall be a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid for the Bonds (which shall be not less than the principal amount thereof and not more than 102¾ percent of such principal amount), as well as the price to be paid for the Stock, will be fixed by proposals to be invited by the Company, which will reserve the right to reject any or all proposals at or after the opening thereof. The Bonds will be issued under a Mortgage and Deed of Trust dated as of December 1, 1943, from the Company to Guaranty Trust Company of New York and Arthur E. Burke, trustees, as heretofore supplemented and as further supplemented by a Ninth Supplemental Indenture to be dated as of May 1, 1954. Such Bonds will also be entitled to the benefit of the Indenture dated as of December 1, 1943, between the Company's subsidiary The Western Colorado Power Company and the aforesaid trustees.

Stating that it may desire to acquire not more than 5,000 shares of its Common Stock by purchases on the New York Stock Exchange or otherwise, on the morning of the day on which the bids for the purchase of the Stock are to be opened, for the purpose of facilitating the distribution and offering of said 200,000 shares of Common Stock, the Company requests permission to conduct such limited stabilizing operation. Any shares so acquired are to be purchased from the Company by the underwriters in addition to said 200,000 shares.

The Company has also filed applications for the approval of its issuance and sale of Common Stock and Bonds as aforesaid with the Public Service Commission of Wyoming and the Idaho Public Utilities Commission, which, in the opinion of the Company's counsel, are the only state regulatory commissions having jurisdiction in the premises.

According to present schedule, the Company expects to sell said Stock in the latter part of March 1954 and said Bonds about two months later. The proceeds accruing from the sale of said securities will be applied on the Company's current construction program and to pay off a bank loan of $10,000,000 made in connection therewith. The Company estimates that the construction program of itself and its subsidiary, for the years 1954–1956 inclusive, will require approximately $57,400,000, of which approximately $25,300,000 is for 1954, $21,900,000 for 1955, and $10,200,000 for 1956.

The Company estimates that its expenses in connection with the issuance and distribution of said securities will be as follows:

	Bonds	Stock
Stamp taxes, filing fees	$18,030	$11,215
Listing fees, New York Stock Exchange		900
Fees of Trustee, including counsel and authentication fees	11,000	
Fees of counsel (Reid & Priest)	6,250	3,250
Auditor's fees	1,500	1,500
Printing and engraving	22,500	12,750
Miscellaneous	6,220	5,385
Total	65,000	35,000

It is also estimated that the fees of counsel for the underwriters (Beekman & Bogue) will be $3,000 for the stock financing and $6,000 for the bond financing, to be paid by the successful bidders.

The Company requests that its declaration be permitted to become effective as promptly as practicable.

Notice is further given that any interested person may, not later than March 10, 1954 at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to con-

trovert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1448; Filed, Mar. 2, 1954; 8:46 a. m.]

[File No. 812-858]

ATLAS CORP. AND WASATCH CORP.

NOTICE OF FILING REQUESTING EXEMPTION OF CERTAIN TRANSACTIONS BETWEEN AFFILIATES

FEBRUARY 23, 1954.

Notice is hereby given that Atlas Corporation ("Atlas") and its controlled subsidiary Wasatch Corporation ("Wasatch"), both registered, closed-end, non-diversified investment companies, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act the transfer by Atlas to Wasatch of certain interests in producing and nonproducing oil leases in exchange for 54,308 shares of Prior Preferred Stock of Wasatch.

Atlas owns 100 percent of the Prior Preferred Stock and 87.3 percent of the Common Stock of Wasatch, which are the only outstanding securities of Wasatch entitled to vote, and Atlas' combined holdings of these stocks represent 95.2 percent of the voting power of Wasatch. Under the provisions of section 2 (a) (3) of the act, Atlas and Wasatch are affiliated persons of each other, and under the provisions of section 2 (a) (9) Wasatch is presumptively controlled by Atlas. The proposed transactions are, therefore, prohibited by section 17 (a) of the act, which makes it unlawful, subject to certain exceptions not relevant here, for an affiliated person of a registered investment company to sell to or purchase from such registered company any security or other property, unless the Commission, upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a) of the act. In granting such exemption, the Commission is required to find that the terms of the proposed transaction, including the consideration, are reasonable and fair and do not involve overreaching on the part of anyone concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and with the general purposes of the act.

The application discloses the following facts:

Atlas owns the following securities of Wasatch:

Description	Amount or number of shares	Percent of total outstanding
6% debentures, Series A due Jan. 1, 1963	$1,882,000	32.8
5% notes, due Apr. 15, 1954	$1,290,095	100
Prior preferred stock	375,193 shares	100
Preferred stock	104 shares	95.1
Common stock	301,170 shares	87.3

The proposed transactions which are the subject matter of the instant application are a part of an overall plan for the recapitalization of Wasatch which is referred to in the Commission's Findings and Opinion dated November 28, 1952, issued as Investment Company Act Release No. 1813. An order of the Commission issued the same date as the said Findings and Opinion exempted from section 17 (a) of the act, pursuant to section 17 (b) of the act, a sequence of transactions among Atlas, Wasatch (then known as Italian Superpower Corporation) and Istituto Per La Ricostruzione Industriale ("IRI"), an agency of the Italian government, which were set forth in two agreements, one between Atlas and IRI dated May 31, 1952, as amended, and the other between Atlas and Wasatch dated October 23, 1952, as amended. Pursuant to these transactions, control of Wasatch was acquired by Atlas and the capitalization of Wasatch, which had been in default since 1942 in the payment of interest on its outstanding debentures, was rearranged. As part of the agreement between Atlas and IRI, it was provided that IRI, at a date not later than January 5, 1954, would surrender to Wasatch $3,883,000 principal amount of debentures of Wasatch, with certain coupons attached, for certain specified securities and cash. In this connection, the agreement between Atlas and Wasatch provided that in the event that such exchange should result in a diminution of the net asset coverage for each $1,000 principal amount of the remaining outstanding debentures of Wasatch, Atlas would purchase a sufficient number of shares of the Prior Preferred Stock of Wasatch at a price equal to the liquidating preference thereof so that the net assets applicable to such remaining debentures should be the same immediately after the transfer as they were immediately prior to such transfer.

On October 26, 1953, the transfer of securities contemplated in the aforementioned agreements was effected. Applicants state that as a result of such transfer the net asset coverage for the $4,821,000 of 6 percent debentures of Wasatch remaining outstanding was reduced by the sum of $271,542.56.

In compliance with the terms of its aforementioned agreement with Wasatch, Atlas proposes to assign and transfer to Wasatch as of November 1, 1953, certain interests which Atlas has in producing and non-producing oil leases located in Texas, Kansas and Oklahoma, in exchange for 54,308 shares of Prior Preferred Stock of Wasatch having a liquidating preference of $271,540, approximately equal to the amount of Prior Preferred Stock which Atlas is obligated to buy from Wasatch by reason of the diminution of the net asset coverage for the 6 percent debentures of Wasatch remaining outstanding. The oil interests to be acquired from Atlas by Wasatch will be entered on Wasatch's books at an amount equal to their net cash cost to Atlas as of November 1, 1953. The precise figure has not yet been finally ascertained, but the net cash cost to Atlas of the properties to be transferred, which Atlas states were acquired in arm's length dealings, was $658,281.31 as of August 31, 1953, and this cost has been increased to the extent that drilling expenditures made since then have exceeded net cash income. In accepting the oil interests, Wasatch will assume, and thus relieve Atlas of, an obligation to spend approximately $100,000 in drilling four additional wells on one of the properties being transferred to Wasatch. The parties have agreed that the assignment and transfer of the oil interests shall constitute a full and complete discharge of any obligations of Atlas to Wasatch with respect to the asset coverage of the said debentures.

Applicants state that it is apparent that on any basis of valuation, the oil interests to be transferred to Wasatch, have a value substantially in excess of the amount of Atlas' obligation to purchase Prior Preferred Stock of Wasatch in order to maintain the asset coverage of the debentures and substantially in excess of the liquidation preference of the Prior Preferred Stock to be received by Atlas. Applicants maintain, however, that this fact is of little practical significance from the point of view of Atlas' stockholders. Applicants state that if Wasatch were liquidated as of October 26, 1953, its assets would be insufficient, after providing for the payment of outstanding debts, to pay off the full liquidation preference of its Prior Preferred Stock and nothing would be available for the Preferred Stock, which has a liquidation preference of about $25,000,000. Applicants thus contend that any value contributed by Atlas would inure to the benefit of the Prior Preferred and Preferred Stocks, all of which, except for a very small fraction, are owned by Atlas. In addition, applicants point out that there are other considerations, such as possible tax benefits under state laws, which make it desirable, from the standpoint of Atlas, to transfer ownership of the oil interests from Atlas to Wasatch.

Applicants state that the proposed transactions meet the statutory standards of section 17 (b) of the act, in that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transactions are consistent with the policies of Atlas and Wasatch and are consistent with the general purposes of the act.

For a more detailed description of the oil leases proposed to be transferred by Atlas to Wasatch, together with estimates of oil reserves underlying the aforementioned leases, and for a more detailed statement of the matters of fact and law asserted, all interested persons are referred to the said application which is on file in the office of this Commission in Washington, D. C.

Notice is further given that any interested person may, not later than March 15, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1451; Filed, Mar. 2, 1954; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 34]

WOOD SCREWS

INVESTIGATION INSTITUTED AND PUBLIC HEARING ORDERED

Investigation instituted. Upon application of the United States Wood Screw Service Bureau, New York, New York, received January 29, 1954, the United States Tariff Commission, on the 25th day of February 1954, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether screws, commonly called wood screws, of iron or steel, provided for in paragraph 338 of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Hearing ordered. A public hearing in this investigation was ordered by the Tariff Commission to begin at 10 a. m., on May 18, 1954, in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., at which hearing all interested parties will be given opportunity to be present, to produce evidence, and to be heard.

Requests to appear at hearing. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, in advance of the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted and the above hearing was ordered by the Tariff Commission on the 25th day of February 1954.

Issued: February 25, 1954.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 54-1453; Filed, Mar. 2, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS UNDER THE REORGANIZATION EFFECTIVE JULY 1, 1942, AS AMENDED

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 15th day of February A. D. 1954.

Section 17 of the Interstate Commerce Act, as amended, (49 U. S. C. 17) and other provisions of law being under consideration:

It is ordered, That the organization of divisions and boards and assignment of work, business and functions under the reorganization effective July 1, 1942, as amended, be and it is hereby revised, effective February 15, 1954, as set forth below:

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

(References are to the Interstate Commerce Act, as amended, unless otherwise specified.)

1.1 Effective February 15, 1954, except as may be otherwise provided herein, the following organization schedule and assignment of work and functions shall be in force:

DIVISIONS OF THE COMMISSION

2.1 There shall be five divisions of the Commission to be known, respectively, as divisions one, two, three, four, and five.

2.2 As provided by section 17 of the Interstate Commerce Act, as amended, each division shall have authority to hear and determine, order, certify, or report or otherwise act as to any work, business, of functions assigned or referred to it under the provisions of that section, and with respect thereto shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

2.3 Each division with regard to any case or matter assigned to it, or any question brought to it under this delegation of duty and authority, may call upon the whole Commission for advice and counsel, or for consideration of any case or question by an additional Commissioner or Commissioners assigned thereto; and the Commisison may recall and bring before it as such any case, matter or question so allotted or assigned and may either dispose of such case, matter, or question itself, or may assign or refer the matter to the same or another division.

2.4 From such assignment of work there shall be reserved for consideration and disposition by the Commission (1) all investigations on the Commission's own motion heretofore entered upon and hereafter instituted, except as may be otherwise provided, and (2) all applications for rehearing, reargument or other reconsideration and all cases before the Commission for reconsideration, except as hereinafter otherwise provided; and there shall also be excepted from this assignment of work all cases submitted prior to June 30, 1942, either to the Commission or to a division thereof, or submitted to the Commission and specially referred to a division, the various cases enumerated in any previous order of the Commission as reserved for consideration and disposition by the Commission, and all cases otherwise specially assigned.

2.5 All proceedings of the character in which, by provisions of the Administrative Procedure Act (60 Stat. 237), a hearing is required to be conducted in conformity with section 7, and a decision to be made as provided in section 8 of that act, shall be and are reserved to the Commission for initial decision, and for such purpose of initial decision may be assigned to a division, individual Commissioner, or board, as provided in section 17 of the Interstate Commerce Act (49 U. S. C. 17), by the general order of the Commission as to assignment of work, business, or functions. The following are excepted from the foregoing reservation: (a) Proceedings required by section 205 of the Interstate Commerce Act (49 U. S. C. 305) to be submitted to joint boards; and (b) specific cases, or classes of cases, as to which the Commission may order exemption from the operation of this general rule. For the purpose of such initial decision, the record in a proceeding so reserved shall be considered as certified to the Commission for initial decision when received by the Secretary of the Commission for filing in the docket. Such certification shall not be construed as relieving the officer from the necessity of submitting such recommended, tentative, or other type of report (consistent with the requirements of the Administrative Procedure Act) as the Commission shall previously have directed him to prepare in the proceeding. In individual proceedings involving rule-making as defined in section 2 (c) of the Administrative Procedure Act, and in determining applications for initial licenses, the Commission, or the division, individual Commissioner, or board, or examiner, to which or whom a particular proceeding may have been assigned under section 17 of the Interstate Commerce Act (49 U. S. C. 17), will, as warranted by the second sentence of sec. 2 (a) of the Administrative Procedure Act (60 Stat. 237), determine (c) whether there shall be a tentative decision by the Commission, or by a division, individual Commissioner, or

board, or examiner, to whom the proceeding may be referred or assigned, or (d) whether there shall be a recommended decision by designated responsible officers of the Commission; and (e) in any case the Commission, or the division, Commissioner, or board, may find upon the record that due and timely execution of the functions of the Commission imperatively and unavoidably requires that a tentative or recommended decision be omitted in that case.

2.6 When a Commissioner is transferred from a division he shall continue to serve as a member of such division in lieu of his successor for the purpose of clearing up accumulated work, which shall be limited to the disposition of cases submitted on oral argument prior thereto, and still pending for decision, cases in which drafts of final reports or orders have been circulated, and other matters requiring official action which are under active consideration at the time of the transfer.

DUTIES AND RESPONSIBILITIES OF THE CHAIRMAN OF THE COMMISSION

3.1 The following duties and responsibilities are delegated to the Chairman (or, in his absence, to the Acting Chairman who shall be the available senior Commissioner in point of service) to be exercised in addition to his statutory duties and any other duties that may be assigned or delegated to him:

3.2 He shall be the executive head of the Commission.

3.3 He shall preside at all sessions of the Commission, and shall see that every vote and official act of the Commission required by law to be recorded is accurately and promptly recorded by the Secretary or the person designated by the Commission for such purpose.

3.4 Except regular sessions, which shall be provided for by general regulation of the Commission, he shall call the Commission into special session whenever in his opinion any matter or business of the Commission so requires, but he shall, in any event, call a special session for the consideration of any matter or business upon request of a majority of the members.

3.5 He shall exercise general control over the Commission's argument calendar and conference agenda.

3.6 Except in instances where the duty is otherwise delegated or provided for, he shall act as correspondent and spokesman for the Commission in all matters where an official expression of the Commission is required.

3.7 He shall (a) bring to the attention of any Commissioner, division, or board any delay or failure in the work under his or its supervision, (b) report periodically, not less than once every six months, to the Commission on the state of the Commission's work, and (c) recommend to the Commission ways and means of correcting or preventing avoidable delays in the performance of any work or the disposition of any official matter which he is unable otherwise to have remedied.

3.8 He shall be ex officio Chairman of the Committee on Legislation and Rules and a member of Division One.

3.9 He shall be relieved, during his chairmanship, of any regular assignment as a member of a division other than Division One.

3.10 In any case in which it appears desirable, he may designate an additional Commissioner or Commissioners to sit with a division.

3.11 He may designate a Commissioner to fill a vacancy on any Committee until the Commission otherwise orders.

3.12 Pursuant to the general objectives and broad policies, or to specific instructions of the Commission, he shall represent the Commission in supervising, guiding and directing the Managing Director and the Secretary in the performance of their duties and shall serve as the channel through which they submit recommendations to the Commission.

ASSIGNMENT OF DUTIES TO DIVISIONS

4.1 Work, business, and functions of the Commission are assigned and referred to the respective divisions for action thereon, as follows:

4.2 *Division One.* Records and Investigations Division (Commissioners Mahaffie (Chairman), Alldredge, Knudson and Chairman ex officio).[1]

(a) Section 20 (1) to (10), inclusive, relating to the reports, records, and accounts of carriers, lessors, and other persons under Part I.

(b) Section 204 (a) (1), (2), and (4); section 220 (a) except that portion relating to contracts between motor contract carriers and shippers, and section 220 (b) to (f), inclusive; and section 222 (b), (d), and (g), so far as those sections relate to reports, records, and accounts of carriers, brokers, and other persons under Part II.

(c) Section 313, relating to accounts, records, and reports of carriers and lessors under Part III.

(d) Section 412, relating to accounts, records, and reports of freight forwarders under Part IV.

(e) Section 1 (21), 5 (3), 6 (10), 10, 15 (11) and (12), 16 (8) to (12), inclusive, 20a (11) and (12), 25 (h), of Part I; section 222 of Part II; sections 316 (b) and 317 of Part III; sections 417 (b) and 421 of Part IV; and the Elkins Act, as amended, so far as relating to discovery and enforcement of penalties for violations of provisions of law.

(f) Section 13 (3) of Part I and section 406 (f) of Part IV, so far as relating to the institution of investigations specified in those paragraphs, on the petition of carriers or freight forwarders.

(g) Section 20c providing for the recording of equipment trust agreements and other documents relating to lease or conditional sale of railroad equipment.

(h) Section 204 (c), section 304 (e), and section 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II, III, and IV hereinbefore assigned to Division One or requirements established pursuant thereto.

(i) Section 403 (e), relating to inquiries into management of the business of freight forwarders and others.

(j) Claims arising under Federal Tort Claims Act, 28 U. S. C. 2671 et seq., except claims covered by section 2672 of that act.

(k) Matters coming from the Bureau of Inquiry under Parts I, III, and IV, including the provisions of Part II applicable by reason of section 409 (a). The Elkins Act, and acts supplemental thereto, and the Clayton Antitrust Act, as amended, and from the Bureau of Law so far as relating to the discovery of derelictions and enforcement of penal provisions of Part II.

(l) Matters coming from the Managing Director to the Chairman on which the Chairman seeks consultation before submission to the Commission.

(m) Admission, disbarment, and suspension of practitioners before the Commission under Rules 7 to 13, inclusive, of the general rules of practice.

4.3 *Division Two.* Rates, Tariffs, and Valuation Division (Commissioners Alldredge (Chairman), Arpaia, and Freas).

(a) Section 4, relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, when such proceedings have been formally heard, when applications are certified to the Division by the Fourth Section Board, when fourth-section relief arises as a result of an order or requirements of the Commission, or a division thereof, or when applications are to be considered in connection with general rate-increase proceedings.

(b) Section 5a, relating to agreements between or among carriers.

(c) Section 6, except paragraphs (11) and (12), relating to schedules of carriers under Part I, sections 217 and 218 relating to tariffs of common carriers and schedules of contract carriers under Part II, section 306 relating to tariffs of common carriers and schedules of contract carriers under Part III, and section 405 relating to tariffs of freight forwarders under Part IV—including, among other matters, the promulgation or prescription of forms, specifications, rules, or regulations to effectuate such provisions of law, as well as applications or petitions involving the construction, interpretation or application of such forms, specifications, rules, or regulations.

(d) Section 409 relating to contracts between freight forwarders and motor carriers, including authority to institute, conduct, and determine investigations pertaining thereto.

(e) Section 15 (7) of Part I, sections 216 (g) and 218 (c) of Part II, sections 307 (g) and (i) of Part III, an 406 (e) of Part IV, relating to the disposition of applications for suspension of schedules and tariffs or parts thereof, including authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, and III, and freight forwarders under Part IV, as ancillary to a proceeding of investigation and suspension when such matter is certified to the Division by the Suspension Board, when there are petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, or when there are involved petitions for suspension of schedules filed in purported compliance with any decision, order, or requirement of the Commission or a Division thereof.

(f) Section 6 (11) (b) and (12) of the Interstate Commerce Act and section 11 (d) of the Panama Canal Act, 49 U. S. C. 51, relating to the establishment, under the additional authority conferred upon the Commission by the Panama Canal Act of proportional rates to or from ports, and through rail-and-water arrangements in foreign commerce.

(g) Section 19a, relating to the valuation of the property of carriers.

(h) Section 20 (11) of Part I and section 219 of Part II, so far as relating to the authorization of released rates and ratings.

(i) Sections 3 (2), 223, 318, and 414, so far as relating to the prescription of rules governing the delivery of freight and the settlement of rates and charges, and to prevent unjust discrimination.

(j) Section 22 so far as relating to reduced rates in case of calamitous visitation or disaster.

(k) Section 220 (a) relating to contracts between motor contract carriers and shippers.

(l) Section 304 (d) of Part III, relating to relief from the provisions of that part because of competition from carriers engaged in foreign commerce.

(m) Section 204 (c), section 304 (e), and section 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II, III, and IV hereinbefore assigned to Division Two or requirements established pursuant thereto.

(n) Standard Time Act of March 19, 1918, as amended, 15 U. S. C. 261–265, inclusive.

(o) Formal complaints and suspension cases in which the issues relate primarily and predominantly to the interpretation and application of tariffs.

4.4 *Division Three.* Rates, Service, and Safety Division (Commissioners Knudson (Chairman), Arpaia, and Clarke).

(a) Civil Aeronautics Act of 1938, approved June 23, 1938, 49 U. S. C. 643, so far as relates to action as members of a joint board, as may be directed by the Chairman of the Commission.

(b) Section 1 (9), relating to switch connections.

(c) Section 1 (14) (b), relating to contracts of common carriers by railroad or express companies for the furnishing of protective service against heat or cold.

(d) Section 1 (10) to (14) (a), inclusive, and section 1 (15) to (17), inclusive, relating to car-service and emergency directions with respect thereto.

(e) Section 5 (1), relating to the pooling of traffic, service, or gross or net earnings of common carriers subject to the act.

(f) Section 3 (5), relating to requirement of common use of terminals and compensation therefor.

(g) Section 6 (11) (a) of the Interstate Commerce Act, and section 11 (d) of the Panama Canal Act, relating to the additional jurisdiction over rail and water traffic conferred upon the Commission by the Panama Canal Act, 49 U. S. C. 51, with respect to physical connections between rail lines and docks; and section 201 (c), Transportation Act, 1920, as amended, 49 U. S. C. 141 (c).

(h) Section 15 (10), relating to the direction of the routing of unrouted traffic.

(i) Sections 15 (13), 225, 314, and 415, relating to fixation of reasonable allowances to the owner of property transported for transportation services rendered, and I. & S. No. 11, the Tap Line Case.

(j) Section 25 (a) to (g), inclusive, as amended, relating to the installment and maintenance of safety devices by carriers by railroad, other than enforcement of penalties.

(k) Section 1 (21) (other than enforcement of penalties), so far as relating to the compulsory construction of new roads or procurements of additional facilities.

(l) Section 204 (a), (1), (2), (3), and (5) of Part II, so far as relating to the establishment of reasonable requirements for the safe transportation of explosives and other dangerous articles, including flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances.

(m) Section 403 (b), relating to establishment of reasonable requirements with respect to continuous and adequate service by freight forwarders.

(n) Section 404 (d), relating to agreements between freight forwarders for joint loading of traffic.

(o) Section 204 (c) and section 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II and IV, hereinbefore assigned to Division Three, or requirements established pursuant thereto.

(p) Matters coming from the Board of Reference, relating to instructions concerning the informal consideration of unusual matters and cases for which there is no governing precedent.

(q) Matters coming from the Bureau of Informal Cases.

(r) Matters arising under the Transportation of Explosives and Dangerous Articles Act, Accident Reports Act, Safety Appliance Act, Hours of Service Act, Locomotive Inspection Act, Medals of Honor Act, Ash Pan Act, Railroad Retirement Act of 1937, Carriers Taxing Act of 1937, Railroad Unemployment Insurance Act, the Railway Labor Act, as respectively amended; the Block Signal Resolution of June 30, 1906, and Sundry Civil Appropriation Act of May 27, 1908; Postal Service Acts, 39 U. S. C. 6, 12, 13, 14, and 15, so far as those acts relate to duties of the Commission.

4.5 *Divisions Two and Three.* Except in special circumstances, alternately, in monthly rotation, commencing with Division Three in January, 1954:

(a) All formal cases not otherwise herein assigned or referred to another division, or reserved to the Commission, arising under Part I, and all formal cases involving rates, fares, or charges arising under Parts II, III, and IV.

4.6 *Division Four.* Finance Division (Commissioners Mahaffie (Chairman), Mitchell, and Cross).

(a) Section 1 (18) to (20), inclusive, and sections 303 (1), 309, 310, 311, and 312, relating to certificates of convenience and necessity under Parts I and III and permits under Part III, and section 410, relating to permits under Part IV, including abandonments of service by freight forwarders under section 410 (i).

(b) Section 5 (2) to (13), inclusive, (other than enforcement of penalties), and section 210a (b) of Part II, relating to the consolidation, merger, purchase, lease, operating contracts, and acquisition of control of carriers, and to noncarrier control, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto.

(c) Section 5 (14) to (16), inclusive, relating to common control of railroads and common carriers by water.

(d) Section 302 (e) and section 303 (b) to (h), inclusive, relating to exemptions of water carriers from the provisions of Part III.

(e) Sections 20a, 20b, and 214 (other than the enforcement of penalties), relating to the issuance and approval of securities of carriers under Parts I and II, and to the holding of interlocking positions as director or officer.

(f) Section 304 (c), relating to classifications of groups of water carriers subject to Part III and rules, regulations, and requirements relating thereto.

(g) Section 411 (d) and (f), relating to investigation of alleged violations of section 411 (a), (b), and (c).

(h) Sections 204 (c), 304 (e), and 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II, III, and IV, hereinbefore assigned to Division Four or requirements established pursuant thereto.

(i) The Uniform Bankruptcy Act, as amended, 11 U. S. C. relating to the reorganization of corporations subject to the exercise of the regulatory powers of the Commission.

(j) Matters arising under an act to amend the Interstate Commerce Act, as amended, and for other purposes, Public Law No. 478 approved April 9, 1948, which adds section 20b to the Interstate Commerce Act, providing for voluntary alteration or modification of outstanding securities or obligations of railroad financial structures and of the mortgage, indenture, deed or trust, corporate charter, or other instrument pursuant to which any class of its securities shall have been issued or by which any class of its obligations is secured, and section 3 containing provisions for obtaining review by the Commission prior to confirmation by the courts of plans of reorganization previously approved by the Commission, so as to reflect any changes, facts, or developments which have occurred since the approval of the plan by the Commission which were not provided for in the plan.

[1] Commissioner Freas designated an additional member for the consideration and disposition of matters connected with the admission, disbarment, and suspension of practitioners before the Commission.

(k) Matters arising under the Reconstruction Finance Corporation Act, as amended, and under section 20 of Title II of the Emergency Relief and Construction Act of 1932, as amended.

(l) Matters arising under the Clayton Antitrust Act, as amended, (other than enforcement of penalties).

(m) Matters arising under section 22 (b) (9) of the Internal Revenue Code (relating to exclusions from gross income) as amended by the act approved June 29, 1939, Sec. 215 (a), 53 Stat. 875.

(n) Matters arising under section 204 of the Transportation Act, 1920, 49 U. S. C. 73, as amended.

4.7 *Division Five.* Motor Carrier Division (Commissioners Cross (Chairman), Elliott, and Tuggle).

(a) Section 203 (b), relating to partial exemption from the provisions of Part II, including determinations as to the necessity for application of Part II to transportation within a municipality, between contiguous municipalities, or within an adjacent zone, and the determination of the limits of such zones, referred to in section 203 (b) (8) and to casual transportation operations by motor vehicle, referred to in section 203 (b) (9).

(b) Section 204 (a) (1) to (3), inclusive, so far as relates to reasonable requirements with respect to continuous and adequate service and transportation of baggage and express by common carriers, and to qualifications and maximum hours of service of employees and safety of operation and equipment for common, contract, and private carriers, but not including requirements for the same transportation of explosives and other dangerous articles.

(c) Section 204 (a) (4) and section 211 (a) to (c), inclusive, relating to the regulation of brokers (other than their accounts, records, and reports).

(d) Section 204 (a) (4a), relating to certificates of exemption to motor carriers operating solely within a single State.

(e) Section 204 (a) (7), so far as relates to inquiries into the management of the business of motor carriers and brokers and persons controlling, controlled by, or under common control with motor carriers, and requests for information deemed necessary to carry out the provisions of Part II.

(f) Section 204 (b), relating to the establishment of classifications of brokers or of groups of carriers and just and reasonable rules, regulations and requirements therefor.

(g) Sections 206, 207, and 208, relating to certificates of public convenience and necessity, except determination of whether applications should be dismissed at the request of applicants in proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(h) Section 209, relating to permits, except determination of whether applications should be dismissed at the request of applicants in proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(i) Section 210, relating to dual operations, except determination of whether applications should be dismissed at the request of applicants in proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(j) Section 210a (a) relating to applications for temporary authority for service by common or contract carriers by motor vehicle when certified to the Division by the Motor Carrier Board.

(k) Section 211, relating to brokerage licenses, except determination of whether applications should be dismissed at the request of applicants in proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(l) Section 212 (a), relating to suspension, change, and revocation of certificates, permits, and licenses, except determination of uncontested motor carrier revocation proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(m) Section 212 (b), relating to transfer of certificates or permits, except determination of applications which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(n) Section 215, relating to security for the protection of the public.

(o) Section 224, relating to identification of motor carriers.

(p) Section 403 (c) and (d), relating to authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, etc., by freight forwarders.

(q) Section 204 (c) and 403 (f), so far as relating to investigation of complaints of alleged noncompliance with the provisions of Parts II and IV assigned to Division Five or requirements established pursuant thereto.

(r) Any other matters arising under Part II not hereinbefore specially assigned or referred to other divisions.

(s) In connection with the foregoing assignments Division Five is authorized to institute, conduct and determine investigations into motor-carrier practices pertaining to matters covered by such assignments.

COMMITTEES OF THE COMMISSION

5.1 There shall be a Committee on Legislation and Rules consisting of the Chairman of the Commission and two members appointed by the Commission.

5.2 *Commission Committee:* Legislation and Rules: *Commissioners:* Johnson (chairman), Mahaffie and Freas.

ASSIGNMENT OF DUTIES TO INDIVIDUAL [redacted]

6.1 The following portions of the work, business, and functions of the Commission are assigned and referred to individual Commissioners as herein designated:

6.2 (a) Entry of reparation orders responsive to findings authorizing the filing of statements as provided in Rule 100 of the general rules of practice.

(b) Dismissal of complaints upon requests of complainants.

(c) Entry of vacating or discontinuing orders in proceedings instituted by Division 2 under section 15 (7), 216 (g), 218 (c), 307 (g), 307 (i), and 406 (e) wherein respondents have withdrawn the matter under suspension.

Chairman of Division One (Commissioner Mahaffie).

6.3 Distribution of carrier accounts and spreading of items over periods of time; and prescription of depreciation rates and modification thereof as to individual carriers under sections 20 (4), 220 (c), and 313 (d): Commissioner to whom the Bureau of Accounts, Cost Finding and Valuation reports (Commissioner Mahaffie).

6.4 Applications under section 20a (12) for authority to hold the postion of officer or director of more than one corporation: Commissioner to whom the Bureau of Finance reports (Commissioner Mahaffie).

6.5 Applications and complaints on the special docket: Commissioner to whom the Bureau of Informal Cases reports (Commissioner Arpaia).

6.6 The reference of cases involving supposed violations of law under the Interstate Commerce Act, the Elkins Act, or related acts, to the Department of Justice for investigation and possible prosecution: Commissioner to whom the Bureau of Inquiry reports (Commissioner Mitchell).

6.7 Postponement of the effective date of orders in proceedings which are the subject of suits brought in a court to enjoin, suspend, or set aside the decision, order, or requirement therein: Commissioner to whom the Bureau of Law reports (Commissioner Mitchell).

6.8 Uncontested matters arising under the Boiler Inspection Act, as amended: Commissioner to whom the Bureau of Locomotive Inspection reports (Commissioner Clarke).

6.9 Uncontested matters under section 25, the Safety Appliance Acts, as amended, the Hours of Service Act, as amended, and section 3 of the Accident Reports Act (including the making of reports of investigations under that section except those in which testimony is taken at a public hearing): Commissioner to whom the Bureau of Safety reports (Commissioner Clarke).

6.10 The making of reports of investigations under section 220 of the act except those in which testimony is taken at a public hearing: Commissioner Arpaia.

6.11 Uncontested matters relating to the transportation of explosives and other dangerous articles: Commissioner to whom the Bureau of Service reports (Commissioner Knudson).

6.12 Requests of carriers for extension of time for filing annual reports: Commissioner to whom the Bureau of Transport Economics & Statistics reports (Commissioner Freas).

6.13 (a) Special permissions or other permissible waivers of rules regarding schedules of rates, etc., under sections 6, 217, 218, 306, 405 and 409 (a);

(b) Released rates applications under section 20 (11);

(c) Ex Parte No. 13, with respect to modifications under section 6 (3) of posting requirements of section 6 (1); and

(d) Reduced rates authorizations in cases of calamitous visitation under section 22.

Commissioner to whom the Bureau of Traffic reports (Commissioner Alldredge).

6.14 Merely procedural matters in any formal case or pending matter, and extensions of time for compliance with orders (except in investigations on the Commission's own motion), in any such case or matter which is not the subject of a suit in court, when the subject matter or particular proceeding has been or is assigned or referred to the division: *Provided*, That if the proceeding has been assigned to a Commissioner for administrative handling or preparation of report, such Commissioner shall act on such procedural matters (including extensions of time for compliance with orders); and if the subject matter or particular proceeding has not been assigned or referred to a division or to a Commissioner, the chairman of Division One may act on such matters: Chairman of the respective divisions.

6.15 In each of the foregoing delegations and assignments to an individual Commissioner, in event of the absence or disability of such individual Commissioner, the senior member of the division which has jurisdiction of the subject matter or proceeding who is present shall act instead of the Commissioner above designated. In the event of the absence or disability of a Commissioner to whom a proceeding not referred to a division has been assigned for administrative handling or preparation of report, procedural matters in connection with such proceeding may be acted upon by the Chairman of the Commission.

6.16 In respect of all such matters, petitions for reconsideration or for rehearing of any order or decision of an individual Commissioner as herein authorized shall be initially passed upon by the division to which the general subject is referred, and if the general subject has not been referred to a division, then by the Commission.

6.17 All such petitions shall be governed by the general rules of practice of the Commission.

ASSIGNMENTS TO BOARDS

7.1 The following portions of the work, business, and functions of the Commission are assigned and referred to Boards of employees as herein designated:

7.2 *Fourth Section Board.* Section Four, relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, except proceedings made the subject of formal hearing, matters prompted by an order or requirement of the Commission or a division thereof, or matters arising from general increase proceedings. The Board may certify to Division Two any matter which, in its judgment, should be passed on by that division or the Commission.

7.3 *Suspension Board.* Section 15 (7) of Part I, sections 216 (g) and 218 (c) of Part II, sections 307 (g) and (i) of Part III and 406 (e) of Part IV, relating to the initial disposition of petitions or requests for suspension of schedules and tariffs, or parts thereof, including authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and freight forwarders under Part IV, as ancillary to the suspension of any tariff or schedule, including also the power to enter orders discontinuing investigation and suspension proceedings, when, prior to hearing, the suspended schedules have been withdrawn and cancelled pursuant to special permission authority. This delegation of authority shall not include (1) petitions or requests relating to tariffs or schedules filed in purported compliance with any decision or order of the Commission or a division thereof, (2) petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, nor (3) any action in connection with suspensions to be taken during or after formal hearings or investigations. The Board may certify any question or matter which, in its judgment, should be acted upon by Division 2 or, upon the recommendation of Division 2, by the Commission.

7.4 *Motor Carrier Board.* (a) In applications under sections 206, 207, 208, 209, 210, and 211, which have not involved the taking of testimony at a public hearing, determination of whether applications should be dismissed at the request of applicants.

(b) Section 210a (a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle.

(c) Determination of uncontested motor carrier revocation proceedings under section 212 (a) which have not involved the taking of testimony at a public hearing.

(d) Determination of applications under section 212 (b), relating to transfer of certificates or permits, which have not involved the taking of testimony at a public hearing.

(e) Any matter referred to the board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(f) The board may certify to Division Five any matter which in its judgment should be passed on by that Division or the Commission.

REHEARINGS AND FURTHER PROCEEDINGS

8.1 For the proper and more convenient dispatch of business, and to the ends of justice, the following regulations of the conduct of proceedings are adopted (in addition to those governing the parties, as set out in the rules of practice), in respect of rehearings, reconsiderations, further hearings, and supplementary proceedings, as the result of the filing of petitions by parties to the decisions, orders, or requirements of divisions of the Commission, individual Commissioner, Board of Suspension, Fourth Section Board or Motor Carrier Board.

8.2 Except in matters assigned to the Motor Carrier Board, and further excepting matters relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, when such matters have not been subject to formal hearing; and further excepting matters relating to the disposition of applications for suspension of schedules and tariffs or parts thereof, as more especially provided in a succeeding paragraph, any such petition (and any supporting or opposing documents) shall be considered by the appropriate division as constituted at the time the petition is processed and circulated for action: if the division grants the same, the petition will stand as granted by the division and denied by the Commission, and further proceedings will be before the division and under its direction. Any further decision, order or requirement of the division shall be subject to petition for rehearing or reconsideration as provided in the act. If the division does not grant the petition, it will be considered by the Commission, which in its discretion will determine if sufficient reason for granting a rehearing or taking any other action has been made to appear.

8.3 Division Two is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action or requirement of the Board of Suspension or the Fourth Section Board shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

8.4 Division Five is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Motor Carrier Board shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

8.5 Announcements of the staying or postponement of decisions, orders, or requirements of divisions, individual Commissioners, or boards when petitions for rehearing, reargument, or reconsideration are filed before such decisions, orders, or requirements have become effective, will be made by the Secretary or under his direction.

BUREAUS AND OFFICES OF THE COMMISSION

9.1 The Bureaus and Offices of the Commission shall report as follows, except with respect to matters within the jurisdiction of the Managing Director:

	Bureaus or Offices of the Commission	Headed by—	Reports through—	To—
9.2	Office of the Managing Director	Managing Director	Chairman ex officio.	Commission.
	(a) Budget and Fiscal	Budget Officer.		
	(b) Personnel	Personnel Director.		
	(c) Stenography	Chief of Section.		
	(d) Supplies and Publications	Purchasing Agent.		
9.3	Office of the Secretary	Secretary	Chairman ex officio.	Commission.
	(a) Dockets	Chief of Section.		
	(b) Mails and Files	Chief of Section.		
9.4	Accounts, cost finding and valuation	Director	Comr. Mahaffie	Division One.
	(a) Administrative	Assistant Director.		
	(b) Accounting	Chief Accountant.		
	(c) Cost Finding	Chief of Cost Finding.		
	(d) Engineering	Head Valuation Engineer.		
	(e) Field Service	Chief of Field Service.		
	(f) Land	Head Land Appraiser.		
	(g) Valuation Order No. 3	Head Auditor, Property Changes.		
9.5	Finance	Director	Comr. Mahaffie	Division Four.
	(a) Convenience and Necessity and Interlocking Directorates.	Chief of Section.		
	(b) Securities and Reorganizations	Chief of Section.		
9.6	Formal cases (General)	Chief Examiner	Comr. Arpaia	Commission.
	(a) Matters pending before divisions		Chairman of Division.	Division.
	(b) Examiners Reviewing	Chief of Section.		
9.7	Informal cases	Chief of Bureau	Comr. Arpaia	Division Three.
	(a) Informal complaints	Chief of Section.		
9.8	Inquiry	Director	Comr. Mitchell	Division One.
9.9	Law	Chief Counsel	Comr. Mitchell	Commission.
	(a) Law and Enforcement	Associate Chief Counsel		Division One.
	(b) Indices	Chief of Section		Commission.
	(c) Library	Librarian		Commission.
	Locomotive inspection	Director	Comr. Clarke	Division Three.
9.11	Motor carriers	Director	Comr. Cross	Division Five.
	(a) Washington Staff	Assistant Director.		
	(b) Administrative	Assistant to Director.		
	(c) Certificates	Chief of Section.		
	(d) Insurance	Chief of Section.		
				Division Two.
				Division Three.
	(e) Complaints	Chief of Section		Division Four.
				Division Five.
	(f) Safety	Chief of Section		Division Five.
	(g) Motor Carrier Board	Chairman of Board.		
	(h) Field Organization	Assistant Director.		
	(i) 14 Districts	District Director		Division Five.
9.12	Safety	Director	Comr. Clarke	Division Three.
	(a) Hours of Service	Chief of Section.		
	(b) Safety Appliances	Chief of Section.		
	(c) Accident Investigation	Chief Inspector Accident Investigations.		
	(d) Signals and Train Control	Chief of Section.		
	Service	Director	Comdr. Knudson	Division Three.
9.14	Traffic	Director	Comr. Alldredge	Division Two.
	(a) Administrative	Assistant Director.		
	(b) Rail Tariffs (including water, pipe line, and express tariffs).	Assistant Director.		
	(c) Motor Tariffs (including freight forwarder tariffs and motor carrier-freight forwarder agreements under sec. 409).	Assistant Director.		
	(d) Suspension Board	Chairman of Board.		
	(e) Fourth Section Board	Chairman of Board.		
9.15	Transport economics and statistics	Director	Comr. Freas	Commission except as to matters assigned to Division One.
	(a) Analysis, Research and Editorial Review.	Director		Division One.
	(b) Administrative	Assistant to Director.		
	(c) Annual Reports	Chief of Section.		
	(d) Operating Returns	Chief of Section.		
	(e) Accident Statistics	Chief of Section.		
	(f) Mechanical Tabulations	Chief of Section.		
9.16	Water carriers and freight forwarders.	Director	Comr. Tuggle	Division One.
	(a) Compliance			Division One.
	(b) Section 5a Applications			Division Two.
	(c) Operating Authorities			Division Four.

[F. R. Doc. 54-1481; Filed, Mar. 2, 1954; 8:53 a. m.]

[4th Sec. Application 28948]

IRON AND STEEL ARTICLES BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and Frank Van Ummersen, Agents, for carriers parties to tariffs listed below.

Commodities involved: Iron and steel articles, carloads.

Between: Points in official (including Illinois territory) territory.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates:

Railroads	Supplement No.	I. C. C. No.
B&O RR	182	[illegible]
Do	66	[illegible]
B&LE RR	2	1227
B&M RR	37	A 3001
Do	40	A 3002
CRRofNJ	83	G 5268
CVt. Ry	23	A 6942
Do	5	A 7020
DL&W RR	48	[illegible]
Do	95	24981
D&H RR	154	3
Erie RR (E)	94	19603
GT RY. (E)	[illegible]	243
Do	[illegible]	277
L&NE RR	9	A 6440
LV RR	78	[illegible]
NYC(E) RR	119	NYC 17050
NYC(B) RR	41	[illegible]
Do	82	[illegible]
NYCRR	4	1052
NYCASuL RY	9	[illegible]
NYNH&H RR	88	F 3705
Do	52	F 4105
Do	26	F 4170
NYO&W RR	50	[illegible]
Do	81	10983
P RR	139	[illegible]
Do	6	24026
Do	17	2153
Do	9	2161
Do	17	2176
Do	8	2181
Do	13	[illegible]
Do	21	2194
Do	11	2213
Do	16	2224
Do	4	2227
Do	72	2254
P&LE RR	102	7004
Do	22	3071
P&WV RY	38	443
Do	3	705
RDG CO	141	2215
W. Md. RY	90	8529
Agents		
C. W. Boin	123	A 698
H. R. Hinsch	186	[illegible]
Do	200	422
Frank Van Ummersen	109	[illegible]
R. B. LeGrande	149	202
Do	46	230
R. G. Raasch	22	749

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1454; Filed, Mar. 2, 1954; 8:47 a. m.]

[4th Sec. Application 28949]

SCRAP IRON FROM NORFOLK AND PORTSMOUTH, VA., TO BALTIMORE AND SPARROWS POINT, MARYLAND, AND PENNSYLVANIA

APPLICATION FOR RELIEF

FEBRUARY 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic and Danville Railway Company for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Scrap iron or steel and related articles, carloads.

From: Norfolk and Portsmouth, Va.

To: Baltimore and Sparrows Point, Md., and specified points in Pennsylvania.

Grounds for relief: Competition with rail carriers and circuity.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1329, supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1455; Filed, Mar. 2, 1954; 8:47 a. m.]

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-231-A4]

PART 943—MILK IN THE NORTH TEXAS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 943.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective not later than March 1, 1954. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the orderly marketing of available milk supplies. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk produced for the North Texas, marketing area. The regulatory provisions of this order amending the order, as amended, are such that little or no preparation prior to its effective date will be required of handlers regulated thereunder. Under these circumstances the handlers will be afforded reasonable time for any such preparations as may be necessary. Therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order amending the order, as amended, until at least 30 days after its publication in the FEDERAL REGISTER, and good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1000) for making this order amending the order, as amended, effective March 1, 1954.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, as amended, and as hereby further amended, which is marketed within the North Texas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

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agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 943.51 (b) by inserting "March 1954", immediately preceding "April, May and June".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of February 1954 to be effective on and after March 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1513; Filed, Mar. 3, 1954; 8:47 a. m.]

PART 972—MILK IN THE TRI-STATE MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Tri-State marketing area, hereinafter referred to as the "order," it is hereby found and determined that the provisions appearing in § 972.41 (b) of such order do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions thereof for the months of March and April 1954.

A public hearing was held at Gallipolis, Ohio, on February 18 and 19, 1954. A main purpose of this hearing, as first announced on January 18, 1954 in connection with a suspension of § 972.41 (b) of the order for the month of February 1954, was the consideration of the effects of such provisions of the order on the level of the Class I price. The public hearing was attended by a number of handlers regulated under the order, counsel for several handlers, representatives and counsel for cooperative associations having members who are producers as defined in the order, government representatives, and others. The findings set forth below are made on the basis of evidence adduced at the public hearing.

The provisions of § 972.41 (b) are intended to result in automatic Class I and Class II price adjustments as market supplies of producer milk change in relation to the quantity of Class I milk sold. As a measure of changes in the "supply-demand ratio" from a norm, the percentage of supplies to sales in a recent two-month period is compared with a "standard-utilization percentage." Certain revisions in other provisions of the order, including the introduction on November 1, 1953 of "individual-handler" pools to replace the former "marketwide" pool, and expansion of the marketing area, and the adoption of a revised definition of "fluid milk plant" to take effect May 1, 1954, were adopted following a public hearing held in May 1953. Mainly as the result of such changes in the regulatory program certain supply and marketing adjustments are taking place within both the Tri-State milkshed and Tri-State marketing area. However, during the months of November and December 1953 handlers in the marketing area required a quantity of milk for Class I and Class II uses equivalent to 104.8 percent of the available supply of producer milk. The rapid expansion of population in the area adjacent to the atomic energy plant under construction in Pike County, Ohio, should result in a need for additional milk supplies at plants in certain segments of the marketing area for a substantial period in the future. In the circumstances prevailing the standard utilization percentages now effective under § 972.41 (b) do not perform to accurately measure supply changes in relation to market demand and for the months of March and April 1954 will have an adverse effect on the class price differentials in the probable amount of 28 cents per hundredweight even though other source milk still is being received in substantial quantities in portions of the marketing area during many months of the year for use as Class I and Class II milk. It is found and determined therefore that the issuance of this order to suspend the application of such provisions for March and April 1954 is necessary to reflect current marketing conditions and to facilitate, promote, and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date. Revision of the order, based upon the proposed amendments submitted at the hearing on February 18 and 19, is under present consideration. Therefore, a suspension order issued at this time need not apply to months subsequent to April 1954.

It is therefore ordered, That the provisions of the order (No. 72), as amended, regulating the handling of milk in the Tri-State marketing area which appear in § 972.41 (b) be and they are hereby suspended in their entirety for the months of March and April 1954.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1514; Filed, Mar. 3, 1954; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

IMPORTATIONS

The Foreign Assets Control Regulations, 31 CFR 500.101 to 500.808, are hereby amended by the amendment of § 500.204. The principal effect of this amendment is to add bristle paint brushes valued at more than twenty-four dollars per dozen to the lists of commodities dealings in which are prohibited except under license. Other items added to the prohibited lists are: Yak hair, Castor bean, and Castor oil.

§ 500.204 *Importation of and dealings in certain merchandise.* (a) Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, or rulings, instructions, licenses, or otherwise, no person subject to the jurisdiction of the United States may purchase, transport, import, or otherwise deal in or engage in any transaction with respect to any merchandise outside the United States if such merchandise is:

* * * * * *

(2) Merchandise specified in this subparagraph, however processed, unless such merchandise is imported directly from a country named as excepted for that type of merchandise:

Type of merchandise:	*Exceptions*
(i) All merchandise, not elsewhere specified in this paragraph, if prior to Dec. 17, 1950, imports thereof into the United States were chiefly of Chinese origin within the meaning of this chapter, and	None
(ii) All of the following specified types of merchandise:	
* * * * *	
Brushes, paint (containing hog bristles) valued at more than twenty four dollars ($24.00) per dozen	None
* * * * *	
Yak hair	None

(3) Merchandise specified in this subparagraph, howsoever processed, if such merchandise is or has been located in or transported from or through Hong Kong, Macao, or any country not in the authorized trade territory.

Type of merchandise:
* * * * *
Castor bean
Castor oil
* * * * *

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, 1943 Cum. Supp. E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR, 1948 Supp.)

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-1537; Filed, Mar. 5, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 67]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ABERDEEN, S. DAK. Aberdeen, 1300' SBRAZ-VDT ABR-LFR Procedure No. 1 March 10, 1954	Aberdeen VOR	245—2.5	2,400	E side S course: 161° outbound. 341° inbound 2,400' within 25 miles.	1,900	341—2.5	T-dn C-dn S-dn 31 S-n 35 A-dn	300-1 500-1 500-1 500-1 800-2	300-1 500-1½ 500-1 500-1¾ 800-2	Within 2.5 miles, climb to 2,800' on N course within 25 miles.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State: airport name, elevation; facility; class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
CEDAR RAPIDS, IOWA Municipal, 863' "H"-CID Procedure No. 1 March 10, 1954	Iowa City VOR	349—[illegible]0	2,000	S side of course: 260° outbound. 80° inbound 2,000' within 25 miles.	1,460	On airport	T-dn C-dn C-n A-dn	300-1 600-1 600-2 800-2	300-1 600-1½ 600-2 800-2	Within 0 mile, climb to 2,000' on 80° track within 25 miles of CID "H" facility.
DES MOINES, IOWA Des Moines, 957' LOM DS Procedure No. 1 December 25, 1953	PROCEDURE SUPERSEDED BY COMBINATION ILS-ADF PROCEDURE NO. 1, DATED FEBRUARY 12, 1954.									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation, facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
DES MOINES, IOWA Des Moines, 957' ILS DSM LOM DS Procedure No. 1 Combination ILS-ADF February 12, 1954	Des Moines LFR	LOM	102—3.0	2,300	E side of course: 124° outbound. 304° inbound. 2,300' within 10 miles.	ILS 2,300 ADF 2,300	2,329—4.7	1,180—0.6	T-dn* C-dn S-dn 31 ILS ADF A-dn	300-1 500-1 400-¾ 500-1 800-2	300-1 500-1½ 400-¾ 500-1 800-2	Within 4.7 miles (ADF) climb to 2,900' on NW course ILS or on outbound course of 304° from LOM within 25 miles, or when directed by ATC. Make left climbing turn, climb to 2,600' on W course of DSM-LFR. CAUTION: 1,560' MSL tower 3.2 miles NNE of airport. *When tower not visible on N, NW, E and NE takeoffs, climb to 2,100' prior to turning toward tower.
	Des Moines VOR	LOM	040—4.5	2,300								
	Martensdale FM	LOM	030—9.0	2,300								
	Int. N course DSM LFR and SE course ILS.	LOM	124—4.0	2,300								
	Int. E course DSM LFR and SE course ILS.	LOM	124—2.0	2,300								
	Int. 258° course to DSM-VOR and 304° course to LOM.	LOM	304—3.5	2,300								
	Int. 130° course to DSM-VOR and 124° course LOM.	LOM	124—3.8	2,300								
	Int. 284° course to DSM-VOR and 304° course to LOM (final).	LOM	304—11.0	2,300								
FLINT, MICH. Bishop Field, 781' ILS FNT LOM FN Procedure No. 1. Combination ILS-ADF March 1, 1954	Int. N course RML-LFR and 180° bearing to LOM.	LOM	180—19.0	2,000	S side of W course: 271° outbound. 091° inbound. 2,000' within 10 miles. 2,100' within 25 miles.	ILS 1,900 ADF 1,500	1978—4.7	982—0.71	T-dn C-dn S-dn 9 ILS ADF A-dn ILS ADF	300-1 500-1 400-¾ 400-1 800-2 800-2	300-1 500-1½ 400-¾ 400-1 800-2 800-2	Within 4.7 miles climb to 2,300' on course of 118° within 25 miles of LOM. No approach lights.
	Int. NW course QG-LFR and W course ZR-LFR	LOM	299—27.0	2,300								
	Int. N course RML-LFR and E course LAN-LFR.	LOM	331—25.0	2,300								
	Lansing LFR	LOM	072—38.0	2,300								

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, [illegible] amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1322; Filed, Mar. 3, 1954; 8:55 a. m.]

[Amdt. 68]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR unsatisfactory approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for air route operation in the particular area or as set forth below.

City and State; airport name; elevation; facility class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude over facility on final approach course (ft.)	Ceiling and visibility minimums			Procedure turn (—) side of final approach course (with/without); altitudes, limiting distances
				Condition	Type aircraft		
					75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	9	10	11
DES MOINES, IOWA Des Moines Mun. BVOR (DSM) Procedure No. 1 March 1, 1954	Des Moines LFR	173—4.2	2,100				E side of course; Not authorized.
	Martensdale FM (final)	009—5.0	1,600	T-dn C-dn B-dn 35 A-dn	300-1 500-1 600-1 800-2	300-1 500-1 800-2	Within 6.2 miles, immediately turn left, climb to 2,100' on outbound course of 345°; within 25 miles or when directed by ATC make immediate left turn, climb to 2,400' on outbound course of 265° within 25 miles. (Caution: 1,562' MSL TV tower located 3.2 miles NNE. Night TV tower not lighted on Lake side, on N. S. NW. Radial climb to 2,100' prior to turning toward TV tower.
							Within 6.0 mile, turn right, climb to 9,000' on outbound track of 140°. Set Title To 4,000' on tracks of 125° outbound and 305° inbound within 15 miles. All turns E of track.
THERMAL, CALIF. Municipal, 117' below MSL BVOR 119.1 1KM Procedure No. 1 March 8, 1954	Int. 250° bearing to Ontario VOR and 145° bearing to Thermal VOR (Palm Springs Int.).	145—21.0	7,000	T-dn C-dn A-dn	300-1 1,500-3 1,500-3	300-1 1,500-3 1,500-3	E side course 125° outbound. 305° inbound. Clear within 17 miles. Beyond 15 miles N.A.
	Int. 037° bearing to Hayfield (Elsinore) and 322° bearing to Thermal VOR (Salton Int.).	322—14.0	4,000				

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 426. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1503; Filed, Mar. 3, 1954; 8:45 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 501—GENERAL RULES OF PROCEDURE

MISCELLANEOUS AMENDMENTS

Part 501 contains certain sections which require amending either by reason of organizational redesignations in the Office of Alien Property or the cessation of vesting functions, or to modify controls over vested property. It is hereby found that the amendatory requirements relate either to public property or to agency management, or relieve existing requirements and that notice, hearing and suspension of applicability are therefore either not required or are unnecessary.

1. Section 501.17 states that copies of process or notice in any judicial or administrative action or proceeding concerning property in which certain classes of former enemy nationals had an interest on December 31, 1946, shall be furnished the Office of Alien Property. Accordingly, § 501.17 is amended to read as follows:

§ 501.17 *Copy of process, or accounting or notice required to be sent to the Office of Alien Property in certain cases.* (a) Copy of any process, accounting or notice in any court or administrative action or proceeding involving property which has been vested in or transferred to the Alien Property Custodian or the Attorney General of the United States must be sent by registered mail to the Office of Alien Property, Department of Justice, Washington 25, D. C., not less than thirty days prior to the date on which action pursuant to such process, accounting or notice is to be taken.

(b) Such process or accounting or notice shall otherwise conform to the rules, orders or practice of the court or administrative body issuing such process or notice or in which such accounting is filed.

2. Section 501.25 (a) (3) states that the Chief, Management and Liquidation Branch, may advertise sales of vested property in such publications as he deems appropriate. This authority now has been conferred on the Chief, Liquidation Section, Office of Alien Property, as successor to the Chief, Management and Liquidation Branch. Accordingly, § 501.25 (a) (3) is hereby amended to read as follows:

§ 501.25 *Uniform procedure for sales of vested property*—(a) *General sales.* • • •

(3) *Advertising.* At least 15 days before opening of bids, each sale shall be advertised in a newspaper of general circulation in the locality where the property or the major portion thereof is located and it may also be advertised in such other publications as the Chief, Liquidation Section, Office of Alien Property, may deem appropriate.

3. Section 501.45 states that applications for renewals of permission by the Office of Alien Property for transactions of a continuing nature shall be filed with the appropriate branch or section of the Office. The branches of the Office of Alien Property have been redesignated as sections and the licensing functions with respect to property blocked under Executive Order 8389, as amended, over which the Office exercises controls by virtue of Executive Orders 9989 and 10348, formerly administered in the Intercustodial and Property Branch of the Office, are now administered by the Intercustodial and Foreign Funds Officer in the Office of the Director. Accordingly, § 501.45 is hereby amended to read as follows:

§ 501.45 *Renewal of licenses.* Application for renewal of any license, authorization, permit, certificate, approval, registration, or other form of permission, with reference to an activity of a continuing nature, shall be filed with the Office of Alien Property, Washington 25, D. C., not less than thirty days prior to the expiration date thereof, unless otherwise provided therein. In the case of permissions originally granted for less than 45 days, the activity shall be deemed not to be of a continuing nature, and the permission shall be nonrenewable, except as may be otherwise expressly provided.

4. Section 501.50 (b) states that applications for license to engage in transactions with respect to property controlled by the Office of Alien Property pursuant to jurisdiction conferred by Executive Order 9989 shall be filed with either the New York Office of the Office of Alien Property or the Office of Alien Property in Washington, D. C. The jurisdiction conferred by Executive Order 9989 has been continued in force by Executive Order 10348 (3 CFR, 1952 Supp.). There no longer is a New York Office and all such applications should now be filed with the Office of Alien Property in Washington, D. C. Accordingly § 501.50 (b) is hereby amended to read as follows:

§ 501.50 *Licensing.* • • •

(b) Transactions with respect to property over which jurisdiction has been transferred by Executive Order 9989 (3 CFR, 1948 Supp.), and continued in force by Executive Order 10348 (3 CFR, 1952 Supp.), not authorized by general licenses or other public documents, may be effected only under specific licenses. Applications for specific licenses shall be filed in duplicate on Form OAP-200 with the Office of Alien Property, Washington 25, D. C.

5. Section 501.80 states various forms authorized for use by the public. Among these are certain ones relating to reporting requirements incident to investigations of vestable property and the initial phase of administration of vested property. Inasmuch as the Office is no longer vesting property and as the initial phase of administration is completed, continued published reference to such forms is unnecessary. Accordingly, the following forms are hereby declared to be non-current and reference thereto in § 501.80 is hereby revoked:

§ 501.80 *Forms.*

• • • • •

Form APC-2, *Report of Interests in Patents.*

Form APC-3, *Report by Persons Acting Under Judicial Supervision.*

Form APC-19, *Report of Liability for Royalty Payments on Patents.*

Form APC-45, *Report of Royalty Payments on Copyrights Prior to Vesting.*

Form APC-50, *Report of Royalty Payments on Trade-Marks Prior to Vesting.*

Form APC-56, Series A, B, C, D, E, F, G, and H—*Report of German and Japanese Property in the United States.*

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 418, 925, 64 Stat. 1079, 1116; 50 U. S. C. App. and Sup. 1-40, 22 U. S. C. and Sup. 1382, E. O. 8389, April 10, 1940, 5 F. R. 1400, as amended, 3 CFR, 1943 Cum. Supp.; E. O. 9142, April 21, 1942, 7 F. R. 2985, 3 CFR, 1943 Cum Supp.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 9818, January 1, 1947, 12 F. R. 133, 3 CFR, 1947 Supp.; E. O. 9921, January 10, 1948, 13 F. R. 171, 3 CFR, 1948 Supp.; E. O. 9989, August 20, 1948, 13 F. R. 4981, 3 CFR, 1948 Supp.; Proc. 2914, December 16, 1950, 15 F. R. 9029, 3 CFR, 1950 Supp.; E. O. 10244, May 17, 1951, 16 F. R. 4639, 3 CFR, 1951 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10348, April 26, 1952, 17 F. R. 3769, 3 CFR, 1952 Supp.)

Executed at Washington, D. C. on February 25, 1954.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 54-1540; Filed, Mar. 3, 1954; 8:52 a. m.]

PART 503—AVAILABILITY OF RECORDS

MISCELLANEOUS AMENDMENTS

Part 503 contains certain rules requiring amendment due to organizational redesignations in the Office of Alien Property. It is hereby found that the amendatory requirements relate to agency management and that notice, hearing and suspension of applicability are therefore not required.

1. Section 503.1 (d) states that persons desiring to inspect or copy patent applications filed by former enemy nationals may submit petitions for authorizations to do so to the Patent Section of the Office of Alien Property. The functions formerly administered in the Patent Section are now administered in the Legal and Legislative Section of the Office and the petitions to inspect or copy should now be submitted to that Section. Accordingly, § 503.1 (d) is hereby amended to read as follows:

§ 503.1 *Official records available to the public.* • • •

(d) *Patent applications.* Any person may petition for permission to inspect or copy a vested patent application filed by a national of Germany, Japan, Bulgaria, Hungary or Rumania. Petitions should be submitted to Legal and Legislative Section, Office of Alien Property, Washington 25, D. C., on a form which that Section will provide on request. Petitions will ordinarily be granted upon a showing of proper interest unless:

(1) A title claim is pending with respect to such patent application, or

(2) The patent application is involved in litigation, or

(3) An American national has filed a patent application which may be in interference with such patent application.

2. Section 503.17 stated that branch chiefs of the Office and the Manager, New York Office, among others, are severally authorized to make available or disclose certain classes of confidential material in the Office of Alien Property. Branches of the Office have been redesignated as sections which are under the supervision of section chiefs and certain functions of the former Intercustodial and Property Branch are now administered by the Intercustodial and Foreign Funds Officer. There no longer is a New York Office. Accordingly, § 503.17 is hereby amended to read as follows:

§ 503.17 *General rule as to non-availability of records of the Office of Alien Property.* All official files, documents, records and information in the Office of Alien Property, or in the custody or control of any officer, employee, agent or delegate of the Office of Alien Property, are to be regarded as confidential. No officer, employee, agent or delegate may permit the disclosure or use of the same for any purpose other than for the performance of his official duties, except in the discretion of the Attorney General, the Deputy Attorney General, the Director, or the Deputy Director, of the Office of Alien Property: *Provided, however,* That each section chief, the Intercustodial and Foreign Funds Officer, the Manager, Hawaii Office, and the Mana-

ger, Philippine Office, are authorized to make available or disclose such official files, documents, records and information in the Office of Alien Property, other than classified security information, in the conduct of affairs of his section, office, or function unless otherwise instructed by the Director. Whenever a subpoena duces tecum is served to produce any such files, documents, records or information, the officer, or employee, or agent, or delegate on whom such subpoena is served, unless otherwise expressly directed by the Attorney General, will appear in court in answer thereto and respectfully decline to produce the records specified therein, on the ground that the disclosure of such records is prohibited by this section.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 418, 925, 64 Stat. 1079, 1116; 50 U. S. C. App. and Sup. 1–40, 22 U. S. C. and Sup. 1382. E. O. 8389, April 10, 1940, 5 F. R. 1400, as amended, 3 CFR, 1943 Cum. Supp.; E. O. 9142, April 21, 1942, 7 F. R. 2985, 3 CFR, 1943 Cum. Supp.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 9818, January 1, 1947, 12 F. R. 133, 3 CFR, 1947 Supp.; E. O. 9921, January 10, 1948, 13 F. R. 171, 3 CFR, 1948 Supp.; E. O. 9989, August 20, 1948, 13 F. R. 4981, 3 CFR, 1948 Supp.; Proc. 2914, December 16, 1950, 15 F. R. 9029, 3 CFR, 1950 Supp.; E. O. 10244, May 17, 1951, 16 F. R. 4639, 3 CFR, 1951 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10348, April 26, 1952, 17 F. R. 3769, 3 CFR, 1952 Supp.)

Executed at Washington, D. C. on February 25, 1954.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 54–1541; Filed, Mar. 3, 1954; 8:52 a. m.]

PART 506—PROPERTY IN PROCESS OF JUDICIALLY SUPERVISED ADMINISTRATION OR IN COURT OR ADMINISTRATIVE PROCEEDINGS

REVOCATION OF REGULATIONS

Part 506 consists of § 506.1 which states that distribution to certain countries and nationals thereof pursuant to judicial or administrative actions or proceedings, or partition, libel, condemnation or similar proceedings, are conditioned on consent, disclaimer or nonaction for a stated period of time by the Office of Alien Property. One of the purposes of this section was to enable the Office to determine whether to represent the country or national in such actions or proceedings. The other purpose of this section was to direct attention to the conditions under which transactions with respect to the defined classes of property might be effected.

This Office no longer performs representational functions. The prohibition of transactions with respect to vested property or interests in process of judicially supervised administration or in court or administrative proceedings is set forth in § 505.1 (a) (1) of this chapter and the scope of authorized transactions with respect to unvested property or interests in such categories is set forth in Part 511 of this chapter. It is hereby found that Part 506 is no longer required and should be revoked and that since revocation will relieve existing requirements notice, hearing and suspension of applicability are unnecessary. Accordingly: Part 506, Property in Process of Judicially Supervised Administration or in Court or Administrative Proceedings, is hereby revoked.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 418, 925, 64 Stat. 1079, 1116; 50 U. S. C. App. and Sup. 1–40; 22 U. S. C. and Sup. 1382. E. O. 8389, April 10, 1940, 5 F. R. 1400, as amended, 3 CFR, 1943 Cum. Supp.; E. O. 9142, April 21, 1942, 7 F. R. 2985, 3 CFR, 1943 Cum. Supp.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 9818, January 1, 1947, 12 F. R. 133, 3 CFR, 1947 Supp.; E. O. 9921, January 10, 1948, 13 F. R. 171, 3 CFR, 1948 Supp.; E. O. 9989, August 20, 1948, 13 F. R. 4981, 3 CFR, 1948 Supp.; Proc. 2914, December 16, 1950, 15 F. R. 9029, 3 CFR, 1950 Supp.; E. O. 10244, May 17, 1951, 16 F. R. 4639, 3 CFR, 1951 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10348, April 26, 1952, 17 F. R. 3769, 3 CFR, 1952 Supp.)

Executed at Washington, D. C., on February 25, 1954.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

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PART 510—REPORTS

MISCELLANEOUS AMENDMENTS

It is hereby found that the following revocations and amendments to Part 510 either relate to public property or relieve existing requirements and that notice, hearing and suspension of applicability therefore are either not required or are necessary.

1. Section 510.1 states that reports on Form APC–3 are required with respect to property or interests of certain countries or nationals thereof involved in judicial or administrative actions or proceedings, or in partition, libel, condemnation or similar proceedings. The purpose of this requirement was to enable this Office to determine whether vestible property or interests existed. Vesting of such property or interests has ceased. Accordingly: § 501.1 *Reports with respect to property or interests of Germany, Japan, nationals thereof and citizens or subjects of either country within Italy, Bulgaria, Hungary, or Rumania* is hereby revoked.

2. Section 510.30 states that reports on Form APC–19 and on Form OAP–20 are required concerning royalties payable under vested patents, patent applications or agreements related to patents or patent applications. Form APC–19 is for use in initially reporting coincident with vesting and Form OAP–20 is used for subsequent periodic reports. Vesting of patents, patent applications and agreements relating to patents or patent applications has ceased and continued reference to Form APC–19 is not necessary. Accordingly, § 510.30 is hereby amended to read as follows:

§ 510.30 *Report of royalties due and payable under vested patent rights.* (a) In any case in which the Attorney General is entitled to receive royalties under a vested patent, patent application or interest in an agreement with respect to a patent or patent application, any person obligated to pay such royalties shall make payment thereof to the Office of Alien Property, Washington 25, D. C. as they become due. Payments shall be accompanied by reports on Form OAP–20, in triplicate.

(b) As used in this section the terms:

(1) "Royalty" shall include serial payments under a license, assignment or other agreement; and

(2) "Agreement" shall include, without limitation, any contract of purchase or sale, any contract granting a right to obtain an assignment, any agreement to use or not to use, any license held or granted, any cross-license agreement, any royalty agreement, and any agreement as to quantity, price, territorial restrictions or field of use.

3. Section 510.46 states that reports on Form APC–50 and on Form APC–51 are required concerning royalties payable under vested interests in trade-marks, commercial prints or labels, or rights thereunder, or vested interests in agreements with respect to trade-marks, commercial prints or labels. Form APC–50 is for use in initially reporting coincident with vesting and Form APC–51 is used for subsequent periodic reports. Vesting of interests in trade-marks, commercial prints or labels, or of rights thereunder of interests in agreements with respect to the foregoing has ceased and continued reference to Form APC–50 is not necessary. Accordingly, § 510.46 (a) is hereby amended to read as follows:

§ 510.46 *Report of royalties due and payable under vested interests in trade-marks, commercial prints and labels.* (a) In all cases in which the Attorney General is entitled to receive royalties by virtue of having vested an interest in a trade-mark, whether or not registered in the United States Patent Office, or in any commercial print or label, or right thereunder, or an interest in an agreement with respect to a registered or unregistered trade-mark, commercial print or label, persons obligated to pay such royalties shall make payments thereof to the Office of Alien Property, Washington 25, D. C. Payments shall be accompanied by reports on Form APC–51, in duplicate. Royalties shall be paid within ten days after the date they become due and payable. In making payments:

(1) Federal withholding taxes on such royalties shall not be paid by reporter to the Director of Internal Revenue and the amounts ordinarily withheld for such purposes shall be included in payments to the Office of Alien Property.

(2) Charges specifically authorized by the agreement under which the royalties are payable may be deducted by the reporter. Charges which are incurred subsequent to vesting and which are not specifically authorized by the agreement shall not be deducted unless approved by or for the Director, Office of Alien Property, in writing.

4. Section 510.70 states that reports on Form APC–45 and on Form APC–46 are required concerning royalties payable under vested interests in works subject to copyright. Form APC–45 is for use in initially reporting coincident with vesting and Form APC–46 is used for subsequent periodic reports. Vesting of interests in works subject to copyright has ceased and continued reference to Form APC–45 is not necessary. Accordingly, § 510.70 (a) is hereby amended to read as follows:

§ 510.70 *Report of royalties due and payable under vested interests in works subject to copyright.* (a) In all cases in which the Attorney General is entitled to receive royalties by virtue of having vested an interest in a work subject to copyright, persons obliged to pay such royalties shall make payments thereof to the Office of Alien Property, Washington 25, D. C. Payments shall be accompanied by reports on Form APC–46, in duplicate. Royalties shall be paid within ten days after the date they become due and payable. In making payments:

(1) Federal withholding taxes on such royalties shall not be paid by reporter to the Director of Internal Revenue and the amounts ordinarily withheld for such purposes shall be included in the payments to the Office of Alien Property.

(2) Commissions and other charges may be deducted if authorized by the agreements under which the royalties are payable. Charges which are incurred subsequent to vesting and which are not authorized by the agreements shall not be deducted unless approved by or for the Director, Office of Alien Property, in writing.

5. Section 510.90 states that reports on Form APC–56 are required concerning property and interests of Germany, Japan and nationals thereof. The purpose of this requirement was to determine whether vestible property or interests existed. Vesting of property or interests of Germany, Japan and nationals thereof has ceased. Accordingly: § 510.90 *Reports of property of Germany and Japan and any national thereof* is hereby revoked.

6. Section 510.92 is a partial exemption from the reporting requirement of § 510.90. In view of the revocation of § 510.90, continued publication of § 510.92 is not necessary. Accordingly: § 510.92 *Non-applicability of § 510.90 to property acquired on or after January 1, 1947* is hereby revoked.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 418, 925, 64 Stat. 1079, 1116; 50 U. S. C. App. and Sup. 1–40, 22 U. S. C. and Sup. 1382. E. O. 8389, April 10, 1940, 5 F. R. 1400, as amended, 3 CFR, 1943 Cum. Supp.; E. O. 9142, April 21, 1942, 7 F. R. 2985, 3 CFR, 1943 Cum. Supp.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 9818, January 1, 1947, 12 F. R. 133, 3 CFR, 1947 Supp.; E. O. 9921, January 10, 1948, 13 F. R. 171, 3 CFR, 1948 Supp.; E. O. 9989, August 20, 1948, 13 F. R. 4981, 3 CFR, 1948 Supp.; Proc. 2914, December 16, 1950, 15 F. R. 9029, 3 CFR, 1950 Supp.; E. O. 10244, May 17, 1951, 16 F. R. 4639, 3 CFR, 1951 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10348, April 26, 1952, 17 F. R. 3769, 3 CFR, 1952 Supp.)

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TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter A—Miscellaneous Regulations

PART 361—BRITISH TOKEN IMPORT PLAN

On February 10, 1954, proposed regulations of the Bureau of Foreign Commerce, Department of Commerce, to govern the operation of the British Token Import Plan for the year 1954 were published in the FEDERAL REGISTER (19 F. R. 770). All interested persons were invited by the Bureau of Foreign Commerce to submit, in writing, any views on the proposed regulations not later than February 25, 1954. Further notice was given to interested persons by the Bureau of Foreign Commerce, including opportunity to submit their views, by publication of the summary of the proposed regulations in the Foreign Commerce Weekly, issue of February 15, 1954, and by mailing a copy of the summary, the text of the proposed regulations, and related forms to all individuals and firms who had been certified as eligible under the 1953 Token Plan. After consideration of all of the views and comments which have been submitted, the Bureau of Foreign Commerce has adopted the proposed regulations with certain modifications.

Briefly, the modifications are formal rather than substantive in nature, except that a provision has been added to the effect that the Bureau of Foreign Commerce may also extend the June 30 time limit on submission of Token Quota Voucher applications with respect to any specific commodity group (and, therefore, in effect, for all firms certified in that commodity group) under certain conditions. In the opinion of the Bureau of Foreign Commerce, no further substantive revisions in the proposed regulations (19 F. R. 770) need be made at this time. It is believed that the final form of the regulations governing the operation of the British Token Import Plan for the year 1954, which is set forth below, will more effectively carry out the purposes of the Token Plan. It is recognized that actual experience with and under the regulations may demonstrate the desirability of additional changes.

Sec.
361.1 Introduction.
361.2 What the Plan is.
361.3 Procedure for obtaining certification for prewar exports.
361.4 Issuance of Token Quota Vouchers.
361.5 Use and transfer of Token Quota Vouchers.
361.6 Validity period of Token Quota Vouchers.
361.7 Procedure for distribution of quota balances not issued by June 30.
361.8 Additional information and reports.
361.9 Effect on United States export restrictions.
361.10 How to obtain information.
361.11 Denial of Token Plan privileges.
361.12 Inquiries on British Token Import Plan participants.
361.13 Commodities subject to the Plan.

AUTHORITY: §§ 361.1 to 361.13 issued under R. S. 161; 5 U. S. C. 22.

§ 361.1 *Introduction.* The procedures governing administration of the British Token Import Plan, and the role of the Bureau of Foreign Commerce, Department of Commerce, therein, have been revised for the Plan year 1954 as set forth in this part.

§ 361.2 *What the Plan is.* (a) The "British Token Import Plan" is an arrangement with the British Government which permits United States manufacturers, their authorized agents, or other qualified exporters with established prewar trade connections in the United Kingdom (England, Scotland, Wales, and Northern Ireland) to export to that area token shipments of the specified commodities listed in § 361.13, the importation of which the British Government generally prohibits from dollar sources of supply under United Kingdom licensing procedure.

(b) Under the Plan, the British Government will permit imports in a yearly amount not to exceed 30 percent of the value of the average annual shipments of the specified commodities of each qualified exporter during a base period consisting of the years 1936, 1937, and 1938. The British Government requires appropriate evidence, issued under authority of the United States Government, that manufacturers wishing to take advantage of opportunities under the arrangement did in fact make shipments of the commodities to the United Kingdom during the base period. The Bureau of Foreign Commerce has agreed to act as certifying agent and issue appropriate certificates, in the form of token quota vouchers, which the exporter forwards to the British importer for presentation to the British Board of Trade as a basis for obtaining an import license. The procedure for obtaining certification for prewar exports is set forth in § 361.3.

(c) An overall national quota, mutually accepted by the Department of Commerce and the British Board of Trade, has been computed for each commodity group from official trade statistics for the base period years 1936, 1937 and 1938. Priority in the distribution of this overall national quota will continue to be given (as in prior years) until June 30 to those individuals and firms (hereinafter referred to as "firms") which are able to furnish appropriate evidence substantiating the value of their prewar trade with the United Kingdom during the base period in the specified commodities. However, such priority is

subject to the conditions set forth in § 361.4.

(d) In addition, the procedures make possible a limited participation by individuals and firms (hereinafter referred to as "firms") not having a prewar export base under certain conditions, as hereinafter more fully explained in § 361.7.

§ 361.3 *Procedure for obtaining certification for prewar exports*—(a) *Eligibility for certification.* (1) Manufacturers who exported items on the commodity list (§ 361.13) to the United Kingdom (England, Scotland, Wales, and Northern Ireland) during the base period 1936, 1937, and 1938, are eligible for certification under the Plan, in respect to those items. "Manufacturer" means an individual, firm, or corporation that manufactures products sold through established markets. Such manufacturers must themselves request certification under the Plan and not through any agent. However, manufacturers may, under the procedure set forth in § 361.4 (b), authorize an agent to make application for and to receive their Token Quota Vouchers, and to handle the distribution and sale of their products under the Token Plan.

(2) Firms, other than manufacturers, having an established export trade from the United States to the United Kingdom during the years 1936, 1937, and 1938 in items on the commodity list (§ 361.13), may be eligible for certification in respect to those items if they can demonstrate clearly that such trade was developed by them and not by a manufacturer. Firms, not manufacturers, which believe that they are eligible to participate in the Token Plan may request a determination of eligibility from the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. Such a request must fully identify their export connections with the United Kingdom during the years 1936, 1937, and 1938 and must contain a detailed description of the manner in which such trade was developed. Such firms must themselves and not through any agent request certification under the Plan. Moreover, it is expected that such firms will themselves actively participate in the distribution and sale to United Kingdom importers of the commodities for which certification is required.

(b) *Requests for Certification.* All applicants requesting certification under the British Token Import Plan are required to submit a "Request for Certification of Prewar Exports to the United Kingdom", Form FC 558.[1] Requests for Certification need be submitted only one time for each commodity group, unless otherwise required by the Bureau of Foreign Commerce. A separate Request for Certification (one copy only) must be submitted on Form FC 558[1] for each commodity group covered by the Plan. Requests for Certification must be submitted to the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. prior to June 30; no applications will be considered after that time. Requests for Certification must be signed by one of the following persons: In the case of an individual owner, by that individual applicant; in the case of a partnership, by a partner; in the case of a corporation, by an officer. The quantity and value of exports listed on Form FC 558[1] by the applicant must cover only the permitted items of each commodity group shown on the commodity list (§ 361.13). The applicant must also certify that the statements contained in its Request are correct and complete and that the data supplied are information taken from verifiable records and other documentary evidence which are available for inspection by any duly authorized representative of the U. S. Department of Commerce. The name and title of the responsible official(s) designated to sign applications, on behalf of the applicant, for Token Quota Vouchers must also be stated on the Form. All applications should be filed as early in the year as possible.

(c) *Certificates of Eligibility.* (1) Firms certified as eligible to participate in the Token Plan on the basis of their prewar exports to the United Kingdom of items on the commodity list (§ 361.13) will be issued by the Bureau of Foreign Commerce at the beginning of the Plan year a Certificate of Eligibility, Form FC 926.[1] This Certificate will inform certified firms of the amount of quota in each commodity group(s) which has been reserved for them until June 30 of the Plan year. The quota specified on the Certificate will amount to 30 percent of the average annual value (to the nearest $25.00) of the certified firm's exports to the United Kingdom during the years 1936, 1937 and 1938 as shown by the verifiable figures listed in its "Request for Certification of Prewar Exports to the United Kingdom", Form FC 558.[1] In all cases, the Certificates of Eligibility when issued will be forwarded by the British Token Import Plan Unit directly to the certified firms named on them. Those certified firms which have appointed duly authorized agents in accordance with the provisions of § 361.4 (b) may transmit their Certificates of Eligibility to such agents if necessary to enable the agencies to carry out their functions under the Token Plan. A duplicate of the Certificate of Eligibility will be forwarded through the U. S. Embassy in London to the British Board of Trade and a triplicate retained by the British Token Import Plan Unit.

(2) Certificates of Eligibility serve only as a notice of the Token Plan quotas which will be made available to the eligible firm named on the Certificates (or in the case of manufacturers only, to their duly authorized agents), providing that such firms meet the conditions specified in § 361.4. These Certificates, by themselves, do not entitle the firms named on them to make any shipments under the Token Plan. Certificates of Eligibility are neither transferable nor negotiable; they apply only to the certified firms named on them.

§ 361.4 *Issuance of Token Quota Vouchers*—(a) *To certified firms.* (1) A Certificate of Eligibility entitles the United States firm named on the Certificate to apply prior to June 30, for one or more Token Quota Vouchers to the amount of the quota specified on the Certificate. Token Quota Vouchers serve the same purpose as token scrip issued in previous years by the Office of International Trade (now the Bureau of Foreign Commerce) under the Token Plan.[2] The British Board of Trade will issue import licenses to British importers on the basis of these Token Quota Vouchers.

(2) Token Quota Vouchers will be issued (to the nearest $5.00) by the Bureau of Foreign Commerce to firms which have received Certificates of Eligibility, providing that such firms have in their possession at the time they apply for the Vouchers an accepted order(s) from their British customer(s) for the amount of quota for which application is made. "Accepted order" means a contract with a British buyer involving the sale and purchase of the certified firm's products. In the case of a certified manufacturer or his authorized agent the products involved must be those produced by the certified manufacturer and by no other person or firm. Accepted orders may be conditioned upon the issuance of a Token Quota Voucher, or, a validated export license by the Department of Commerce (if such an export license is required for the commodity) or the issuance to the British importer of an import license by the British Board of Trade, or such other government document as may be required in connection with the transaction. Evidence of an "accepted order" must be in writing and consist of documents which set forth in definite terms the offer of the British buyer to buy and the U. S. seller's acceptance, or the acceptance by the British buyer of the United States seller's offer. Such documents may take the form of an original or photostatic copy of either the contract signed by both the U. S. seller and the British buyer, or of letters, telegrams, cables or other documents resulting in a contract between the parties Such evidence must be kept available for production and inspection upon demand by any duly authorized representative of the Department of Commerce, and must be retained by the applicant for 3 years from the date of receipt by the Department of the application for Token Quota Vouchers covering the accepted orders. Where the export transaction does not involve a normal purchase and sale contract in the customary form or where for other stated reasons the term "accepted order" as used herein does not apply, the applicant must attach to its application a full description of the nature of the transaction.

(3) A separate application for a Token Quota Voucher must be submitted for each British customer. An application may be submitted for the full amount of the accepted order or any part thereof. In addition, one application may list a number of accepted orders for items in the same commodity group placed by the same British customer. If applicant is certified in more than one commodity group, a separate application for a Token Quota Voucher must be made for each such commodity group and for each customer.

(4) Applications for Token Quota Vouchers must be made on FC Form 927,[1] "Application for Token Quota Voucher (Form A.—Firms Certified on Basis of Prewar Exports)" and must be signed by one of the following persons: the individual owner; a partner; a corporate officer; or other designated responsible official. Such applications must be submitted in duplicate to the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. prior to June 30. In exceptional circumstances, the Bureau of Foreign Commerce will consider written requests from certified firms for a reasonable extension of the June 30th time limit on submission of Form FC 927,[1] "Application for Token Quota Voucher (Form A.—Firms Certified on Basis of Prewar Exports)". Such requests must be received by the British Token Import Plan Unit not later than June 15, and must contain a full and detailed explanation of the circumstances requiring the extension. The request, if granted, will apply only to that firm and for the current Token Plan year. The June 30th time limit on submission of Token Quota Voucher applications, Form FC 927,[1] may also be extended by the Bureau of Foreign Commerce with respect to any specific commodity group, where in its opinion such extension is warranted by the nature of the commodity or the general situation as to trade in that commodity. If such a general extension is made, notice thereof will be published promptly in the Foreign Commerce Weekly.

(5) The application for a Token Quota Voucher becomes the Token Quota Voucher only after it has been stamped with the Bureau of Foreign Commerce validation stamp, and returned to the applicant by the Bureau of Foreign Commerce. Any application form not so stamped, is not valid and will not be honored by the British Board of Trade. A validated copy of the application will be returned to the applicant to be forwarded by it to the British importer who has placed the accepted order, for attachment to the latter's Application for Import License.

(b) *To duly authorized agents.* (1) A manufacturer who has been certified under the Token Plan and who has been issued a Certificate of Eligibility may authorize an agent to make application for and to receive Token Quota Vouchers against the manufacturer's Certificate of Eligibility on the same basis as described in paragraph (a) of this section. "Authorized agent" means an export merchant, export commissioner, or any other person who has been authorized by the manufacturer to handle products produced by that manufacturer.

(2) Such a certified manufacturer must submit a single copy of Form FC 929,[1] "Authorization of Agent to Act for Manufacturer" for each commodity group in which he elects to authorize an agent to act for him under the Token Plan. Such authorization will be considered valid for only one Plan year unless sooner modified or revoked by the manufacturer. Such forms must be submitted by the certified manufacturer to the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Washington 25, D. C.

(3) Certified firms, other than manufacturers, may not authorize an agent to make application for and to receive any Token Quota Vouchers available to them.

§ 361.5 *Use and transfer of Token Quota Vouchers*—(a) *By certified manufacturers.* Token Quota Vouchers are neither transferable nor negotiable. Vouchers are issued to a certified manufacturer or to his duly authorized agent on the basis of accepted orders from his British customer for products produced by that manufacturer. This means that Token Quota Vouchers issued by the Bureau of Foreign Commerce to a manufacturer certified to participate in the British Token Import Plan must be used only to ship to the United Kingdom those products specified on the Voucher which are produced by that manufacturer and by no other person or firm.

(b) *By authorized agents of certified manufacturers.* Under the Token Plan an agent can only be authorized by a certified manufacturer to handle products produced by that manufacturer and by no other person or firm. This means that a Token Quota Voucher issued to an agent must be used only to ship to the United Kingdom those products specified on the Voucher which are produced by the certified manufacturer who has authorized him to act as his agent and not those produced by any other person or firm.

(c) *By certified firms other than manufacturers.* The Bureau of Foreign Commerce will certify as eligible to participate as principals in the Token Plan those firms other than manufacturers which have been able to demonstrate clearly that they and not the manufacturer whose products were shipped, developed an established export trade in an item on the commodity list (§ 361.13) from the United States to the United Kingdom during the years 1936, 1937 and 1938. Such firms may use the Token Quota Vouchers which have been issued to them, to ship to the United Kingdom products which may be purchased on the open market from any supplier in the United States, up to the amount specified on the Voucher. However, Token Quota Vouchers are neither transferable nor negotiable. This means that firms other than manufacturers, which have been issued Vouchers, must use such Vouchers themselves and must not permit any other person or firm to use such Vouchers.

(d) *Responsibility.* Manufacturers, their authorized agents, and those firms other than manufacturers which have been issued Token Quota Vouchers by the Bureau of Foreign Commerce under the Token Plan shall take every reasonable precaution to assure that those Vouchers are used in conformity with the provisions and conditions of this part (British Token Import Plan regulations); the terms of the Token Quota Vouchers; and any other specific instructions issued by Bureau of Foreign Commerce relating thereto.

§ 361.6 *Validity period of Token Quota Vouchers.* Token Quota Vouchers issued during any calendar year (whether before or after June 30) for which the British Token Import Plan is operative will be valid through February of the following year. In no event will import licenses granted by the Board of Trade against Token Quota Vouchers issued under any calendar year program be valid beyond March 31 of the following year. Accordingly, all shipments must be landed in the United Kingdom by that date.

§ 361.7 *Procedure for distribution of quota balances not issued by June 30*—(a) (1) *Announcement of quota balances available for distribution.* Announcements of the amount of quota balances available for issue in each specified commodity group after June 30 will be published in the Foreign Commerce Weekly starting with the issue published during the second week of July. Announcements will also be made in press releases which will be available to trade journals.

(2) "Quota balances" means the balance of quota in any specified commodity group not issued by the Bureau of Foreign Commerce in the form of Token Quota Vouchers under the conditions set forth in § 361.4 to firms certified on the basis of their prewar exports to the United Kingdom, as announced in the Foreign Commerce Weekly after June 30.

(b) *Eligibility for participation.* (1) In addition to firms certified on the basis of their prewar exports as provided in § 361.3, U. S. manufacturers of a commodity for which a quota balance is available (or their duly authorized agents), whether or not such manufacturers had an established prewar trade with the United Kingdom during 1936, 1937 and 1938 or had been issued Token Quota Vouchers in that commodity group prior to June 30, will be considered eligible to share in the distribution of that quota balance subject to the conditions set forth in this section. Firms other than manufacturers are eligible to share in the distribution of quota balances only if they have been certified on the basis of their prewar exports. (See definitions of "Manufacturer" in § 361.3 (a) and of "Authorized Agent" in § 361.4 (b).)

(2) Any quota balance so distributed during any one year of Token Plan operations in no way establishes a precedent or a claim to a quota for that

[1] Filed as part of the original document. Copies may be obtained upon request from the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

[2] See Title 15 Code of Federal Regulations, 1952 Supplement, § 361.2.

applicant in any future Token Plan arrangements.

(c) *Application for quota balance; Token Quota Vouchers.* (1) *Time and manner.* To share in the distribution of quota balances, application for Token Quota Vouchers may be made by the eligible firms described in § 361.7 (b). Such applications together with any supporting documents required by the Bureau of Foreign Commerce must be received in the British Token Import Plan Unit not later than September 30; no applications will be considered after that date unless with respect to a specific commodity group, an announcement is published in the Foreign Commerce Weekly extending the time limit for that commodity group. Applications must be made on Form FC 928,[1] "Application for a Token Quota Voucher (Form B.—Share in Distribution of Quota Balances)", and submitted in triplicate to the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. A separate "Application for a Token Quota Voucher", Form FC 928,[1] must be submitted for each British customer in each commodity group. One application may list a number of accepted orders for items in the same commodity group placed by the same British customer. Applications must be signed by one of the following persons: The individual owner; a partner; or a corporate officer. At the time that they apply for Token Quota Vouchers, all applicants must have in their possession an accepted order(s) (as defined and described in § 361.4 (a)) from their British customer(s) for the amount of quota balance for which application is made. Evidence of such accepted orders must be kept available for production and inspection upon demand by any duly authorized representative of the Department of Commerce, and must be retained by the applicant for 3 years from the date of receipt by the Department of the application for Token Quota Vouchers covering the accepted orders. Where the export transaction does not involve a normal purchase and sale contract in the customary form or where for other stated reasons the term "accepted order" as used herein does not apply, the applicant must attach to its application a full description of the nature of the transaction.

(2) *Evidence of agent's authority.* If an "Application for a Token Quota Voucher (Form B.—Share in Distribution of Quota Balances)", Form FC 928[1] is made by an agent, evidence of the agent's authority must be submitted to the British Token Import Plan Unit as provided in § 361.4 (b).

(d) (1) *Apportionment of quota balances by Bureau of Foreign Commerce.* The balance of quota available for distribution in any specified commodity group after June 30 will be distributed among eligible applicants who have submitted, prior to October 1 (except where time limit is extended as provided in § 361.7 (c) (1)), their "Application for a Token Quota Voucher (Form B.—Share in Distribution of Quota Balances)", Form FC 928.[1] Such an apportionment of quota balances will be made only once during each Token Plan year.

(2) In the distribution of the total quota balance in any specified commodity group consideration will be given to the amount of the accepted order supporting the application; the number of applicants who have applied for the quota balance available in that commodity group; the total amount applied for against that quota balance; the total amount of the available quota balance; the minimum amount of quota balance which applicant has stated that he is willing to accept; and, such other factors as may aid to assure, insofar as practicable, a fair and equitable distribution among all eligible applicants.

(e) *Token Quota Voucher.* (1) Upon determination by the Bureau of Foreign Commerce of the distribution which can be made of the quota balances, Token Quota Vouchers will be issued against approved applications. The original copy of such approved applications becomes a Token Quota Voucher, only after it has been stamped with the Bureau of Foreign Commerce validation stamp and returned to the applicant by the Bureau of Foreign Commerce. A duplicate copy of the Voucher will be forwarded through the U. S. Embassy in London to the British Board of Trade and triplicate retained by the British Token Import Plan Unit.

(2) The provisions of § 361.5 with respect to the permissible use and transfer of Token Quota Vouchers, and of § 361.6 with respect to their validity period are also applicable to Token Quota Vouchers issued by the Bureau of Foreign Commerce under the procedure for distribution of quota balances set forth in this section.

§ 361.8 *Additional information and reports—(a) Concerning changes in information submitted to the Bureau of Foreign Commerce.* All information submitted in any Request for Certification, Form FC 558,[1] in any Applications for Token Quota Vouchers, Form FC 927[1] or Form FC 928,[1] or other information submitted in connection therewith, shall be deemed to be continuing representations of the existing facts and circumstances. Any material or substantive change in the information submitted, including the terms of the accepted orders or contracts whether the request or application has been granted or is still under consideration, shall be reported promptly to the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

(b) *Concerning Requests and Applications.* Every person or firm which has filed a Request for Certification, Form FC 558,[1] or an Application for a Token Quota Voucher, Form FC 927[1] or Form FC 928[1] shall (in addition to the information called for in this part in connection therewith) furnish such information with respect to such request or application, including accepted orders, as may be required from time to time by the Bureau of Foreign Commerce.

(c) *Concerning Certificates of Eligibility and Token Quota Vouchers.* Every person or firm to which a Certificate of Eligibility or a Token Quota Voucher has been issued shall also furnish such other information as may be required from time to time by the Bureau of Foreign Commerce including a report as to the use of the Token Quota Vouchers issued or to be issued to them and the submission of bills of lading, shipper's export declarations, and other related documents.

§ 361.9 *Effect on United States export restrictions.* The issuance of Certificates of Eligibility or Token Quota Vouchers in no way affects United States export restrictions which may be applicable to commodities coming under the Token Plan. A validated export license must be obtained where required.

§ 361.10 *How to obtain information.* Announcements regarding the British Token Import Plan will be published in the Foreign Commerce Weekly. Announcements also will be made in press releases which will be available to trade journals. Copies of announcements and copies of all forms needed in connection with the Token Plan may be obtained from the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., or from Field Offices of the Department of Commerce.

§ 361.11 *Denial of Token Plan privileges.* (a) Upon notice and opportunity to be heard, the privilege of participating, directly or indirectly, under the British Token Import Plan of any manufacturer, agent, or any other person or firm may be modified, suspended or revoked at any time by the Bureau of Foreign Commerce upon a determination that the public health, interest or safety requires such action, or that the person or firm has willfully violated any provisions of this part (British Token Import Plan regulations), including the terms and conditions of Token Quota Vouchers, or has willfully furnished false information or concealed any material fact in the course of operation under the regulations. Where appropriate, a temporary order may be issued without notice, pending the making of a final order.

(b) In the absence of such a determination, no modification, suspension or revocation order will be made unless prior to the institution of such action facts or conduct warranting such action have been called to the attention of the person or firm involved, in writing, and such person or firm has been accorded opportunity to demonstrate or achieve compliance with all lawful requirements.

(c) Appeals from orders issued under this section may be taken to the Appeals Board, Department of Commerce, Washington 25, D. C.

§ 361.12 *Inquiries on British Token Import Plan participants.* (a) The Bureau of Foreign Commerce will consider requests from firms in the United States, such as resident buyers, interested in obtaining the names and addresses of firms which have been certified to participate in the British Token Import Plan on the basis of their prewar exports to the United Kingdom. Complete lists of such participants are generally not available until after June 30 which is the closing date for requesting such certification. The list which is made available will be comprised of those firms certified in the preceding Token Plan year plus any other participants certified in the current Plan as of the date of the request.

(b) To receive consideration, such requests must be made in writing, addressed to the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, U. S. Department of Commerce, Washington 25, D. C., and must contain information showing the requisite legitimate interest, including the following items.

(1) Name of the applicant.

(2) Nature of his business.

(3) Commodity in which he is interested.

(4) Purpose for which the applicant requests a list of names and addresses of firms dealing in that commodity under the British Token Import Plan.

(c) Such lists, when made available by the Bureau of Foreign Commerce, must not be published or circulated in any form.

(d) An application charge of $5.00 will be made for each list (by commodity group). The charge should accompany the request and is not refundable. Check or money order payable to the Treasurer of the United States will be accepted.

§ 361.13 *Commodities subject to the Plan.* The commodities listed below have been approved by the British Board of Trade as those to which the British Token Import Plan shall apply. The number preceding each commodity is the "Commodity Group Number", which must be entered on all forms which require this information.

FOOD AND DRINK

156. Bottled fruits, processed for serving with ice cream.
85. Canned lobster.
75. Canned macaroni and spaghetti.
76. Canned pork and beans.
74. Canned soups.
84. Canned vegetables, other than tomatoes and tomato puree (including tomato juice).
87. Cheese rennet.
118. Glacé cherries.
1. Jelly powder.
120. Marshmallow (cooking ingredient).
82. Mustard.
83. Olives preserved in salt or brine.
188. Onion and garlic salt.
219. Pectin, domestic pack.
157. Pickles.
185. Quick-frozen fruits.
119. Quick-frozen peas.
73. Rolled or flaked oats.
178. Sugar confectionery of all kinds, excluding cocoa preparations.
86. Vegetable butter coloring.
77. Whisky.

TOBACCO MANUFACTURES

186. Cigarettes.
187. Manufactured smoking tobacco and plug tobacco.

LEATHER PRODUCTS

151. Fancy leather goods, excluding trunks, traveling bags, handbags, wallets, and pochettes.
221. Leather footwear.
138. Leather gloves, excluding industrial gloves.

RUBBER MANUFACTURES

142. Elastic braid.
91. Household rubber gloves.
68. Rubber bands.
67. Rubber bathing caps.
47. Rubber belting, other than conveyor belting.
69. Rubber erasers.
152. Rubber garden hose.
15. Rubber heels and soles.
80. Rubber hot-water bottles.
94. Rubber soling slabs.
16. Surgeon's rubber gloves.
10. Waterproof rubber footwear of all types.

COTTON FABRICS AND MANUFACTURES

168. Bed ticking.
141. Cotton boot and shoe and corset laces and braid.
143. Cotton ribbon and tapes; trimmings of cotton and cotton-rayon mixtures.
79. Embroidery and embroidered articles (other than apparel) of descriptions currently manufactured in the United Kingdom for the home market, of which the base fabric is wholly or mainly of cotton.
170. Finished cotton sewing thread.
167. Furnishing fabrics of cotton and cotton-rayon mixtures.
169. Quilts, counterpanes, and other bed coverings of cotton and cotton-rayon mixtures.
166. Woven cotton piece goods of all kinds.

WOOLEN FABRICS

147. Wool and mohair plushes and other wool pile fabrics.
146. Woolen damasks, tapestries, and brocades.
145. Woolen tissues.

SYNTHETIC FIBER MANUFACTURES

63. Artificial silk woven fabric of a width not exceeding 12 inches.
7. Woven fabric of a width exceeding 12 inches of artificial silk or of artificial silk mixed with other materials except silk. (Furnishing fabrics of cotton-rayon mixtures under group 167.)

LINEN MANUFACTURES

164. Finished linen thread.
163. Linen canvas not under 12 ounces per square yard.
161. Printed or dyed linen piece goods.

APPAREL

6. Artificial silk clothing, excluding hose. (Women's hose under group 179.)
64. Athletes' supporters.
108. Children's outer garments, knitted, netted, or crocheted, excluding hose. (Artificial silk clothing under group 6; cotton and woolen stockings under group 200.)
203. Corsets, girdles, and brassieres.
202. Garter and sanitary belts.
107. Men's and boys' outer garments of material other than artificial silk, excluding knitted, netted, or crocheted. (Artificial silk clothing under group 6; men's shirts under group 139.)
140. Men's felt hats, unlined.
139. Men's shirts.
201. Men's socks.
106. Underwear of material other than artificial silk, excluding corsets, girdles, and brassieres. (Artificial silk clothing under group 6.)
92. Proofed clothing of all kinds (including blankets, baby pants, and crib sheets).
200. Women's and children's cotton and woolen stockings.
199. Women's dresses other than of silk or artificial silk. (Women's dresses of artificial silk under group 6.)
5. Women's felt hats.
179. Women's full-fashioned stockings of silk and artificial silk.

WOOD MANUFACTURES

31. Domestic woodware (clothes pegs, etc.).
222. Manufactures of mulga wood.
158. Wood wool (excelsior).
62. Wooden mouldings for picture and mirror frames.
61. Wooden picture and mirror frames.
70. Wooden spring blind or shade rollers.

PAPER AND RELATED PRODUCTS

210. Adhesive labels.
112. Blotting paper.
117. Bristol boards.
116. Duplicating paper.
211. Indexing or filing cards.
65. Paper dress patterns.
114. Printing paper of the following types: book, text, cover, litho, offset.
113. Stationery paper in uncut form and writing paper in large sheets (bond ledger).
66. Wallpaper.
123. Yellow varnished paper for bottle-cap linings.

GLASS, CLAY, AND MANUFACTURES

148. Bottles other than ornamental, pharmaceutical, medicine, wine, and spirit bottles.
171. Colored sheet and plate window glass.
122. Glazed wall tiles.
154. Illuminating glassware of the following: Oil-lamp chimneys, hurricane-lamp glasses, globes, and shades.
4. Industrial porcelain insulators.
177. Mirrors conforming in shape and size to those in current use for utility furniture.
78. Table glassware as follows: Plain stemware, tumblers, tableware, and heat-resisting glassware.

IRON AND STEEL MANUFACTURES

49. Axes.
197. Belt fasteners for conveyor belts.
56. Bolts and nuts of all kinds, other than precision bolts and nuts.
99. Carpet sweepers and repair parts.
23. Domestic cutlery (includes only knives, forks, and spoons).
127. Domestic hand-operated meat mincers, coffee and spice mills.
217. Furniture casters and parts thereof.
20. Furniture of metal (other than domestic furniture).
89. Gasoline and kerosene pressing irons.
96. Hard haberdashery, such as eyelets and hooks for boots and shoes, hooks and eyes, safety and other pins, snap fasteners, studs, steel fasteners, etc. (excluding hair combs).
218. Ladies' handbag and purse frames.
21. Locks, padlocks, keys, and key blanks.
124. Machine knives.
55. Nails and staples of all kinds except for decorative purposes (including hobnails and boot and shoe studs and spikes).
125. Paper machine wires.
134. Pipe joints of iron and steel excluding malleable cast iron and nonmalleable cast iron.
133. Pipe joints of nonmalleable cast iron.
184. Precision screws and other precision turned parts of metal.
57. Rivets of iron and steel.
190. Safety razors.
25. Slide fasteners.
194. Spectacle frames other than of gold or gold-filled.
189. Stropping machines, razor grinders, and razor sharpeners, all hand-operated.

[1] Filed as part of the original document. Copies may be obtained upon request from the British Token Import Plan Unit, British Commonwealth Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

172. Weighing apparatus of less than 5-hundredweight capacity, and sold at a retail price not exceeding 50 pounds sterling.
126. Woven wire cloth, gauze, fabric, or meshing.

ALUMINUM AND MANUFACTURES

174. Aluminum and aluminum alloys in sheets, disks, wire, tubes, rods, angles, shapes, and sections.
54. Aluminum cooking utensils.
175. Aluminum kitchen utensils other than cooking utensils.
173. Beer barrels, made of aluminum or aluminum alloys.

ELECTRICAL MACHINERY, SUPPLIES, AND APPARATUS

2. Carbon electrodes.
29. Dry batteries (high tension).
28. Dry batteries (torch).
104. Electrical equipment for cycles and motorcycles.
130. Electric fans complete with motors for domestic use.
132. Electric-light bulbs.
103. Electric-light fixtures.
102. Electric meters.
153. Electric switches.
101. Electric refrigerators and parts for domestic purposes.
131. Electrically operated domestic washing machines.
27. Vacuum cleaners and parts.

INDUSTRIAL MACHINERY AND APPARATUS

129. Gear transmissions and gears.
24. Mechanical valves.
128. Pulley blocks.

AGRICULTURAL AND GARDEN MACHINERY AND EQUIPMENT

46. Beehives and frames, bee veils, bee smokers, and other beekeepers' accessories.
53. Hand cultivators for garden and farm use.
50. Forks for garden and farm use.
191. Hand seeders for garden and farm use.
51. Hoes for garden and farm use.
17. Lawn mowers.
100. Milk churns, cans, pails, and strainers.
52. Rakes for garden and farm use.

AUTOMOTIVE EQUIPMENT

19. Antiskid chains.
212. Automotive cables.
216. Chemical maintenance products for motorcars except oils and polishes (includes valve-grinding compounds; radiator leak stop, weather sealer, gasket cement, radiator flush, hydraulic-brake fluid, rubbing compound, mechanics' blue for marking valves, bearings, etc., and tar remover).
30. Spark plugs.
218. Windshield wipers and parts.

CHEMICALS AND RELATED PRODUCTS

204. Bone black.
136. Fuses and detonators.
206. Medicinal preparations packed ready for retail sale under proprietary or trade names (excluding veterinary medicinals).
110. Meta fuel (solidified mentholated spirits).
8. Paints and varnishes.
37. Petroleum-jelly preparations.
205. Porcelain enamel frit.
72. Powder for sporting cartridges.
155. Shampoos, nonliquid, in containers holding no more than 1 ounce.
182. Toilet preparations, including tooth paste and powder, but excluding perfumery and soap.

PHOTOGRAPHIC AND PROJECTION GOODS

105. Cinematographic cameras and projectors (for 16-mm. film or less).
26. Film for photographers' use.
60. Photographic coated paper (not sensitized).
59. Photographic paper and cloth, unexposed, sensitized.
58. Photographers' plates.

OFFICE SUPPLIES

176. Carbon paper.
198. Filing boxes or filing trays (of wood or cardboard).
42. Fountain pens and parts.
215. Miscellaneous office supplies: telephone indexes, numbering machines, staplers and stapler refills, eyeletting machines and eyelets.
43. Propelling pencils and parts.
137. Typewriter ribbons.

SPORTING GOODS

41. Ice skates, roller skates, ice hockey equipment, and other sports equipment.
214. Loaded sporting cartridges and loaded shotgun shells.
71. Sporting cartridges, primed, empty.
135. Sporting guns, sporting rifles, and spare parts thereof.[1]

MISCELLANEOUS

196. Aquarium equipment (includes aquarium pumps).
193. Artificial teeth.
183. Baskets and basketware.
32. Brushes.
44. Buttons of all kinds other than vegetable-ivory and dum buttons.
18. Cooking and heating appliances and parts.
192. Dental equipment and instruments.
95. Goldsmiths' and silversmiths' wares.
160. Granite pavement kerbs and setts.
88. Ice-cream cabinets.
33. Imitation jewelry (excluding jewelry findings, cigarette cases, cigarette lighters, hair ornaments, insignia, lipstick cases, match boxes, military ornaments, rhinestone buckles, Ronson repeaters, shoulder devices, and watch containers).
144. Jute webbing.
207. Laundry soap.
90. Manufactured abrasive cloths, papers, and disks.
97. Musical boxes.
22. Oil lamps and lanterns for illumination.
8. Papermakers' felts.
220. Pocket watches, except watches in cases made of gold or other precious metals.
165. Saddlers' thread.
150. Sun goggles and sun glasses.
40. Toilet requisites (includes only powder bowls or boxes, powder puffs, nail polishes, nail clippers, nail files, denture bowls, manicure sets, compacts, vanity cases, and pancake cases).
9. Toys, dolls, and parts, of all kinds except those made of hemp.
93. Varnished cambric insulating material.

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

MARCH 1, 1954.

[F. R. Doc. 54-1516; Filed, Mar. 3, 1954; 8:48 a. m.]

[1] Imported sporting guns and sporting rifles will be subject to the provisions of the British 1937 Firearms Act, except smooth-bore guns having a barrel not less than 20 inches in length.

Subchapter B—Export Regulations

[6th General Rev. of Export Regs. Amdt. 61[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* paragraph (d) *Aluminum scrap, copper and copper-base alloy scrap* is deleted.

2. Section 379.1 *Presentation for export* paragraph (c) *Additional copies of shipper's export declaration; other special provisions* is amended in the following particulars:

a. The title of paragraph (c) is amended to read as follows: "(c) *Copies of shipper's export declaration; other special provisions.*"

b. Subparagraph (1) *General requirements* is amended to read as follows:

(1) *General requirements.* Shipper's Export Declarations shall be presented to the Collector of Customs at the port of exit in the number of copies specified herein. For shipments to Canada and between the United States and its territories and possessions (except Alaska and Hawaii), the declarations must be presented in duplicate. For all other shipments the declarations must be presented in triplicate except that an additional copy of the declaration shall be presented when required by the Bureau of Foreign Commerce or Collector of Customs in any particular instance, for purposes of export control.

NOTE: The provisions of this subparagraph relating to the number of copies of the Shipper's Export Declaration to be filed with the Collector of Customs include the requirements of the Bureau of the Census (as outlined in the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States) and the Bureau of Foreign Commerce for export control purposes.

c. Subparagraph (2) *MSA shipments* is deleted.

d. The first sentence of subparagraph (4) *Manner of submission; conformance of copies* is amended to read as follows: "Information required by subparagraph (3) of this paragraph shall be furnished on the three copies of the declaration presently required for submission to Collectors of Customs and, in addition, on a fourth copy of the declaration."

3. Section 379.2 *Authenticated shipper's export declaration,* paragraph (b), subparagraph (4) *Correction form* is amended to read as follows:

(4) *Correction form.* (i) Without prior approval of the collector, any item of information contained on an authenticated shipper's export declaration previously filed with the collector of customs can be corrected as specified below.

(ii) Correction Form (FT-7403), in triplicate, shall be used in all instances where the export license requires the submission of four copies of the Shipper's Export Declaration. This form shall not be used for effecting corrections for other shipments except where the Bureau of Census copy of the declaration has been dispatched to that Bureau by the Collector, and in such case, the Correction Form shall be submitted in duplicate. Corrections as authorized by the Collector of Customs shall be made directly on the authenticated Shipper's Export Declaration where the shipment does not require submission of four copies of the Shipper's Export Declaration and the Bureau of Census copy is still in the possession of the Collector. The Correction Form (FT-7403) shall be executed by the exporter or his duly authorized agent and submitted to the Collector with whom the authenticated Shipper's Declaration was filed.

4. Section 380.2 *Amendments or alterations of licenses,* paragraph (g) *Procedure for submitting requests for amendments* is amended by the addition of the following subparagraph (5):

(5) *Telephone requests.* Under emergency conditions, a request for amendment may be made by telephone and the licensee may include therein a request that the amendment, if approved, be transmitted to the Collector of Customs by telegraph or other special communication. In such instances, the applicant must supply the Bureau of Foreign Commerce with sufficient justification for the request and detailed information necessary for the completion of a Form IT-763. If the amendment is approved, the Bureau of Foreign Commerce will so advise the applicant and the Collector. However, before the Collector of Customs will release the shipment under the amended license, the applicant must file a completed and signed IT-763 with the Collector.

b. The note presently following subparagraph (4) *Telephone requests* now follows subparagraph (5). The first sentence of this note is amended to read as follows: "Requests for amendments by letter will not be accepted."

This amendment shall become effective as of February 25, 1954.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945; 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-1538; Filed, Mar. 3, 1954; 8:52 a. m.]

[1] This amendment was published in Current Export Bulletin No. 725, dated February 25, 1954.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6113]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CARDNER SUPPLY CO.

Subpart—*Advertising falsely or misleadingly:* § 3.130 *Manufacture or preparation;* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts;* § 3.235 *Source or origin:* Doctor's Design or supervision of, Manufacture or Preparation by. Subpart — *Using misleading name—* Goods: § 3.2310 *Manufacture or preparation;* § 3.2345 *Source or origin:* Doctor's Design or Supervision. In connection with the offering for sale, sale, or distribution of the preparations known as "Bash's Formula Eight," or any other preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, the purchase of said preparations in commerce, which advertisements represent, directly or by implication: (a) That the use of said preparations will eliminate the cause of falling hair; will prevent baldness or partial baldness; or will promote growth of hair on bald or partially bald heads; and (b) that baldness or partial baldness is caused only by fungus infection; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, 15 U. S. C. 45) [Cease and desist order, Cardner Supply Company, Norwalk, Calif., Docket 6113, February 4, 1954]

In the Matter of Dale A. Cardner, an Individual, Doing Business as Cardner Supply Company

This proceeding was heard by Earl J. Kolb, Hearing Examiner, upon the complaint of the Commission and respondent's answer, in which, as amended, he admitted all material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to said facts.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and answer, all intervening procedure having been waived, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on February 4, 1954.

Said order to cease and desist is as follows:

It is ordered, That the respondent, Dale A. Cardner, an individual, doing business as Cardner Supply Company or under any other name, and his representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparations known as "Bash's Formula Eight," or any other preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the use of said preparations will eliminate the cause of falling hair; will prevent baldness or partial baldness; or will promote growth of hair on bald or partially bald heads.

(b) That baldness or partial baldness is caused only by fungus infection.

2. Disseminating, or causing to be disseminated, by any means, any advertisement, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 of this order.

It is further ordered, That the respondent, Dale A. Cardner, an individual, doing business as Cardner Supply Company or under any other name, and his representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparations known as "Bash's Formula Eight," or any other drug or cosmetic preparation for treatment of the hair or scalp, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "Doctor," or any abbreviation or simulation thereof, to designate, describe or refer to any such preparation not made in accordance with the formula or under the supervision of a member of the medical profession; or otherwise representing, directly or by implication, that any such preparation has been so made.

(2) Representing, directly or by implication, that the manufacturer of said preparations is an authority on fungus infections of the hair.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6113, February 4, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent, Dale A. Cardner, an individual, doing business as Cardner Supply Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in

[1] Filed as part of the original document.

which it has complied with the order to cease and desist.

Issued: February 4, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-1518; Filed, Mar. 3, 1954; 8:49 a. m.]

[Docket 5647]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

U. S. PRINTING & NOVELTY CO., INC., ET AL.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, or other lottery devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, 15 U. S. C. 45) [Modified cease and desist order, U. S. Printing & Novelty Co., Inc., et al., New York, N. Y., Docket 5647, February 5, 1954]

In the Matter of U. S. Printing & Novelty Co., Inc., a Corporation, and Benjamin Blush, Jack Blush, and Hyman Abramowitz, Individuals, Officers, and Directors of U. S. Printing & Novelty Co., Inc.

This proceeding having been heard by a hearing examiner of the Federal Trade Commission upon the complaint of the Commission and respondents' substituted answer waiving the taking of testimony and other procedure; and said hearing examiner having filed his initial decision; and counsel for respondents having filed with the Commission an appeal from said initial decision; and the Commission having considered the proceeding upon the record herein, including briefs in support of and in opposition to the appeal; and the Commission, after granting said appeal in part and denying it in part, having made its findings as to the facts and conclusion drawn therefrom and on September 4, 1952, issued an order to cease and desist against respondent, U. S. Printing & Novelty Co., Inc., Benjamin Blush, and Jack Blush, and an order dismissing the complaint as to respondent Hyman Abramowitz; and

Respondents U. S. Printing & Novelty Co., Inc., Benjamin Blush, and Jack Blush, having filed in the United States Court of Appeals for the District of Columbia Circuit their petition to review and set aside said order to cease and desist; and the Court having heard the matter on briefs and oral argument and having thereafter, on October 22, 1953, served upon the Commission an order dated June 4, 1953 (petition for writ of certiorari filed by respondents having been denied by the Supreme Court of the United States on October 12, 1953), modifying said order to cease and desist, and having thereafter, on November 18, 1953, entered another order enforcing, as modified, said order to cease and desist; and

The Commission being of the opinion that its order should be modified so as to accord with the aforesaid orders of the United States Court of Appeals for the District of Columbia Circuit:

It is ordered, therefore, That respondent U. S. Printing & Novelty Co., Inc., a corporation, its officers, and respondents Benjamin Blush and Jack Blush, individually and as officers and directors of said corporate respondent, U. S. Printing & Novelty Co., Inc., and their respective representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from: Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That, within thirty days after service upon them of this order, said respondents shall file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint herein by, and it hereby is, dismissed as to respondent Hyman Abramowitz.

Issued: February 5, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-1519; Filed, Mar. 3, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

[Docket No. AO-166-A18-RO2]

MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF REOPENING OF HEARING ON HANDLING OF MILK CONCERNING PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the public hearing held January 28 and 29, 1954, at Cincinnati, Ohio, pursuant to notice issued January 20, 1954 (19 F. R. 414), such reopened hearing to be held at Parlors A, B, C, and D, Carew Tower, Netherland-Plaza Hotel, 5th and Vine Sts., Cincinnati, Ohio, beginning at 10:00 a. m., e. s. t., March 8, 1954, for the purposes of receiving (1) supplemental evidence with respect to all proposals set forth in the notice of the said hearing held on January 28 and 29, 1954, to amend the tentative marketing agreement heretofore approved by the Secretary of Agriculture and the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area, and (2) evidence with respect to the additional amendment proposals set forth herein, or appropriate modifications of any of such proposals. These proposed amendments have not received the approval of the Secretary of Agriculture.

Consideration will be given also to the question of whether economic and marketing conditions which relate to the handling of milk for the said marketing area require emergency action with respect to any or all amendments deemed necessary as the result of the hearing.

Proposed by the K. I. O. Milk Producers Association, the Milk Producers Union and the Cincinnati Milk Sales Association:

Proposal No. 19. Amend the appropriate section of Order No. 65, as amended, to provide for the payment to cooperatives who do not own and/or operate milk plant facilities, a service charge of 50 cents per hundredweight on milk of producers handled by them as a result of such milk being refused or released by a handler in the market as described in the order, if by handling such milk the cooperative becomes a handler as provided in the order.

Proposed by the Southwestern Ohio Guernsey Breeders Association:

Proposal No. 20. Amend §§ 965.64 and 965.73 (a) to provide a butterfat differential to producers equal to a weighted average of differentials paid by handlers.

Copies of this notice of hearing, notice of the hearing held January 28 and 29, 1954, and of the aforesaid tentative marketing agreement and order may be procured from the Market Administrator, Room 202, Southern Ohio Bank Bldg., 519 St., Cincinnati, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 1, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1567; Filed, Mar. 3, 1954; 8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 687]

MINIMUM WAGE RATE IN HOSIERY INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED DECISION

On April 9, 1953, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (hereinafter called the act), the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 428, as amended by Administrative Orders Nos. 430, 431, and 432, dated April 27, 1953, May 5, 1953 and May 18, 1953, respectively, appointed Special Industry Committee No. 14 for Puerto Rico (hereinafter called the Committee) and directed the Committee to investigate conditions in a number of industries specified and defined in the order, including the Hosiery Industry in Puerto Rico (hereinafter called the Industry), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wages for the Hosiery Industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico with due regard to the geographical regions in which the industry is carried on.

After investigating economic and competitive conditions in the Hosiery Industry in Puerto Rico, as defined in Administrative Order No. 428, the Committee filed with the Administrator a report containing the recommendation that "Wages at a rate of not less than 50 cents per hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Hosiery Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce."

Pursuant to Notice published in the FEDERAL REGISTER on August 1, 1953 (18 F. R. 4524-4527), and circulated to all interested parties, a public hearing upon the Committee's recommendations was held before Hearing Examiner E. West Parkinson and Clifford P. Grant, as presiding officers, on September 2, 1953, and October 6, 1953, respectively, in Washington, D. C., at which all interested parties were given an opportunity to be heard. After the hearing was closed, the record of the hearing was certified to the Administrator by the presiding officer, Clifford P. Grant.

Upon reviewing all of the evidence adduced in this proceeding, and after giving due consideration to the provisions of the Act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for a minimum wage rate of 50 cents per hour in the Hosiery Industry in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 14 for Puerto Rico for Minimum Wage Rate in the Hosiery Industry in Puerto Rico", a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding, that I propose to amend the Wage Order for the Hosiery Industry in Puerto Rico, which is contained in 29 CFR, 1952 Supp., Part 687, as follows:

In § 687.2 *Wage rate*, change "Wages at the rate of not less than 40 cents an hour", to read: "Wages at the rate of not less than 50 cents an hour".

Within fifteen days from the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include reasons for any exceptions.

Signed at Washington, D. C., this 19th day of February 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-1508; Filed, Mar. 3, 1954; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR Part 122]

[No. 6916]

ORGANIZATION OF THE BANKS

ELECTION OF DIRECTORS OF FEDERAL HOME LOAN BANKS

FEBRUARY 26, 1954.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), it is proposed to amend the provisions contained in Part 122 of the Regulations for the Federal Home Loan Bank System (24 CFR Part 122) under the subheading "Directors", in the particulars as hereinafter set forth.

a. Amend § 122.32 to read as follows:

§ 122.32 *State representation.* In determining the results of balloting by the members, the Board will, subject to the provisions of §§ 122.33, 122.34 and 122.45, see that each State is represented on the new board of directors by at least the number of elective directors set forth below, provided there has been an eligible candidate from such State who has been voted for:

Bank districts:	*Minimum number of directors per State*
Boston	1
New York	3
Pittsburgh	1
Greensboro	1
Cincinnati	2
Indianapolis	3
Chicago	3
Des Moines	1
Little Rock	1
Topeka	1
San Francisco:	
California	3
Oregon	1
Washington	1
Utah	1
Wyoming, Arizona, Nevada	Alternating — 1
Idaho, Montana	Alternating — 1

Provided, further, That with respect to the regular election of directors for terms of office beginning prior to January 1, 1956 the State of California shall be entitled to minimum representation on its Bank directorate of two elective directors.

b. Amend § 122.45 to read as follows:

§ 122.45 *Definition of "State".* As used with respect to the election of directors for the Federal Home Loan Banks, the term "State" means any one of the 48 states or the District of Columbia, except that (a) effective with the regular election of directors for terms of office beginning January 1, 1955, the states of Wyoming, Arizona and Nevada shall be deemed to constitute one "State" and (b) effective with the regular election of directors for terms of office beginning January 1, 1956, the states of Idaho and Montana shall be deemed to constitute one "State"; the right of minimum representation shall be alternated between the states of Wyoming, Arizona and Nevada and between the states of Idaho and Montana in the order named in § 122.32, within the limitations of the regulations in this part and all pertinent resolutions and orders of the Federal Home Loan Bank Board, the Federal Home Loan Bank Administration and the Home Loan Bank Board.

Resolved further that a hearing will be held on Monday, April 5, 1954, at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a hearing officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendments of the Regulations for the Federal Home Loan Bank System, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendments which are re-

ceived by the Secretary to the Home Loan Bank Board on or before March 31, 1954, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendments of the said regulations.

(Sec. 17, 47 Stat. 736; 12 U. S. C. 1437. Construes and applies sec. 7, 47 Stat. 730, as amended, 49 Stat. 294; 12 U. S. C. 1427)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 54-1535; Filed, Mar. 3, 1954; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 216]

[File No. 21-250]

MILLINERY INDUSTRY

NOTICE OF PUBLIC HEARING

In the matter of proposed revision of Rule 2 of the Millinery Industry trade practice rules; File No. 21-250.

The Federal Trade Commission has released a proposed revision of § 216.2 (Rule 2) of the trade practice rules for the Millinery Industry, which rules were promulgated by the Commission on September 15, 1953. Copies of such proposed revision are available to all industry members and other affected parties upon request to the Commission.

Opportunity is hereby extended by the Commission to any and all persons, partnerships, corporations, organizations, and other parties, including farm, labor, and consumer groups, affected by or having an interest in the said proposed revision of § 216.2 (Rule 2), to present to the Commission their views concerning such rule, including such pertinent information, suggestions, or objections, as they may desire to submit, and to be heard in the premises. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than March 12, 1954. Opportunity to be heard orally will be afforded at a hearing beginning at 2:00 p. m., e. s. t., March 12, 1954, in Room 3004 of the United States Court House, Foley Square, New York City, to any persons, partnerships, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed revision of the rule.

Issued: March 2, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 54-1569; Filed, Mar. 3, 1954; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3, 4]

[Docket No. 10832]

FM BROADCAST STATIONS; SPECIFIED NON-BROADCAST ACTIVITIES ON SIMPLEX AND/OR MULTIPLEX BASIS

ORDER AND NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Parts 2, 3 and 4 of the Commission's rules and regulations and the Standards of Good Engineering Practice Concerning FM Broadcast Stations to Permit FM broadcast stations to engage in specified non-broadcast activities on a simplex and/or multiplex basis.

1. On December 31, 1953, the Commission issued its notice of proposed rule making (FCC 53-1747) in the above-entitled matter. The notice stated that written comments on this proposal could be filed on or before February 15, 1954, and that the replies to such comments were to be filed within 10 days from the latter date.

2. Five parties have filed petitions or requests for additional time within which to submit written comments. Three—Field Enterprises, Inc., Atlantic Broadcasting Company, Inc., and Radio Broadcasters, Inc.—have requested lengthy extensions, the first two to May 15, 1954, and the latter to June 15, 1954. The petition of Field Enterprises recites that further investigation is believed necessary with respect to the various pertinent aspects of transmitting and receiving equipment for multiplexing; it states that in the event of a grant of its petition, it "would expect to request an appropriate authorization to permit operation on an experimental basis in order to obtain a sound resolution of some of the technical and economic problems indicated for transmitting and receiving equipment capable of operating on a multiplexing basis."

Radio Broadcasters, Inc., joins in the foregoing petition, stating that its "comments will contain matters in addition to those suggested by Field Enterprises, Inc."

Atlantic Broadcasting Company, Inc., asserts that "The state of the art and the scarcity of information has made it impossible to collect the necessary data (on the technical and economic feasibility of multiplexing) within the time period provided for by the Commission." It requests the extension until June 15th so that it may have an opportunity to assemble the necessary data, and asserts that it is not in a position to present its views with respect to the proposed rule making until its has had an opportunity to gather the desired information.

3. We are unwilling to grant the foregoing requests in view of the length of the additional time period requested. Only if examination of the comments received revealed an inadequacy on the particular points listed in the subject petitions would we feel an extension of such a lengthy nature to be in order.[1] Accordingly, these three petitions are denied.

4. The two other parties—Richard G. Evans and the American Civil Liberties Union have requested a 15-day extension of time within which to file comments. In his request, Mr. Evans asserts that "as the originator of Transitcasting, and a major contributor to Salescasting (Storecasting) and Background Music Service, as a former operator of an FM station engaged in such Services, and as a Management Consultant on such Specialized Services", he has a great deal of information pertaining to these services "which only he is in a position to furnish to the Commission." He states that the additional time requested is needed to assemble this information.

5. In view of the foregoing: *It is ordered*, That the requests of Richard G. Evans and the American Civil Liberties Union for 15 days additional time within which to file comments in the subject proceeding are granted. *It is further ordered*, That the petitions or requests of Field Enterprises, Inc., Atlantic Broadcasting Company, Inc., and Radio Broadcasters, Inc., are denied.

6. Notice is hereby given that the time for filing comments in the above-entitled matter is extended to March 10, 1954. Replies to such comments may be filed on or before March 20, 1954.

Adopted: February 26, 1954.

Released: February 26, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1549; Filed, Mar. 3, 1954; 8:53 a. m.]

[1] If study of the comments demonstrates this to be the situation, we would, of course, issue a notice requesting comments on the points in question.

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

1954-CROP CASTOR BEAN PRODUCTION AND PROCUREMENT PROGRAM

In order to maintain the production of castor beans in the United States and to increase the knowledge of domestic producers in castor bean production, the Secretary of Agriculture has authorized the Commodity Credit Corporation (hereinafter referred to as "CCC") to carry out a program for the purchase of 1954-crop castor beans. The program will be available to producers who produce castor beans within the continental United States in areas within States approved by the Executive Vice President of CCC. These States will include Arizona, Arkansas, California, New Mexico, Oklahoma and Texas. Under the program, CCC will issue offers to purchase from such producers all or any part of the 1954 crop castor beans which are suitable for crushing or planting seed and which are delivered out-of-hull to approved warehouses located in areas approved by the Executive Vice President of CCC. The price to be paid to the producer shall be six cents per pound, out-of-hull basis, with appropriate adjustments in the net weight or price for quality factors, which may include oil content, determined pursuant to methods approved by the Executive Vice President of CCC. CCC may contract with producers for the production of improved varieties or strains of castor beans grown for planting seed and the prices to be paid by CCC to producers for such castor beans shall be such as the Executive Vice President of CCC determines necessary to obtain increased production of such varieties or strains. The quality factors for beans will be determined on the basis of samples taken from castor beans and analyzed by inspectors authorized by the Secretary of Agriculture at the time of delivery of the castor beans to CCC.

CCC has available certain types of harvesting machinery and other machinery and equipment which it will sell or rent to producers of castor beans, farmers cooperative associations or others under the program. Additional information regarding the program may be obtained from the appropriate State ASC committee in States where the program is in operation or by writing to the Oils and Peanut Division, Commodity Stabilization Service, Department of Agriculture, Washington 25, D. C.

The following is a list of addresses of the Chairman of the State ASC committees for the States where castor beans will be eligible for purchase under the program.

Chairman, State ASC Committee, P. O. Box 2313, Central Avenue and Fillmore Street, Phoenix, Ariz.

Chairman, State ASC Committee, 347 Federal Office Building, Little Rock, Ark.

Chairman, State ASC Committee, 1515 Clay Street, Oakland 12, Calif.

Chairman, State ASC Committee, P. O. Box 236, 1224 North Fourth Street, Albuquerque, N. Mex.

Chairman, State ASC Committee, Etherton Building, 6th and Main Streets, Stillwater, Okla.

Chairman, State ASC Committee, AAA Building, College Station, Tex.

Done at Washington, D. C., this 25th day of February 1954.

[SEAL] J. A. MCCONNELL, *Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 54-1554; Filed, Mar. 3, 1954; 8:54 a. m.]

Office of the Secretary

WEST VIRGINIA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional county is determined as of February 10, 1954, to be in the area affected by the major disaster occasioned by drought determined by the President on November 26, 1953, pursuant to Public Law 875, 81st Congress:

WEST VIRGINIA

Marion

Done this 26th day of February 1954.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 54-1515; Filed, Mar. 3, 1954; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 5-10]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 25, 1954.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 11 W.,
Sec. 16, NE¼, N½NW¼.
T. 12 N., R. 14 W.,
Secs. 11 and 13.
T. 12 N., R. 15 W.,
Secs. 9, 11, 17 and 21.
T. 12 N., R. 17 W.,
Secs. 11, 13, 15 and 17.
T. 14 N., R. 20 W.,
Secs. 1, 3, 11, 13, 23, 25, 27 and 35.
T. 15 N., R. 20 W.,
Secs. 3, 15, 23, 27 and 35.
T. 16 N., R. 20 W.,
Sec. 23, E½, E½SW¼, SW¼SW¼;
Secs. 27, 29, 31 and 35;
Sec. 33, N½.
T. 17 N., R. 20 W.,
Sec. 11, S½;
Secs. 13 and 15;
Sec. 17, N½, SE¼, N½NE¼SW¼.
T. 18 N., R. 20 W.,
Sec. 35.
T. 19 N., R. 21 W.,
Secs. 3, 11, 15, 23, 25, 27 and 35;
Sec. 9, E½;
Sec. 21, E½;
Sec. 33, E½.
T. 3 S., R. 1 W.,
Sec. 6, NW¼SE¼.
T. 3 S., R. 7 E.,
Sec. 32.

No application for these lands may be allowed under the homestead, small tract, desert-land or any other non-mineral public-land laws unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Most of the lands are rough and mountainous and primarily suitable for grazing. The land in T. 3 S., R. 1 W., is level with gentle slope to northwest. Each application filed on lands described in this order will be considered on its merits.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted

upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

W. H. BURNETT,
Acting Regional Administrator.

[F. R. Doc. 54-1504; Filed, Mar. 3, 1954; 8:45 a. m.]

WYOMING

CLASSIFICATION ORDER NO 14

FEBRUARY 23, 1954.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950 (15 F. R. 5639), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), the following described land in the Wyoming land district, embracing approximately 53.45 acres:

For lease and sale for business and home sites:

T. 21 N., R. 88 W., 6th P. M. Wyoming
Sec. 24: Lots 1 through 14, 16 through 21 as shown on the official plat of survey approved and accepted June 12, 1953.

Lot 15 comprises the right of way for U. S. Highway No. 30 and therefore is not available for lease or sale.

2. The lots range from 2.0 to 3.89 acres in size and are located 1½ miles west of Rawlins in Carbon County, Wyoming. U. S. Highway No. 30 and a power and telephone line pass diagonally through the small tract area. Domestic water can be obtained from wells at a depth of about 180 feet. Sewage can be disposed of by septic tanks. Schools, stores, and other facilities are available in the City of Rawlins. The land is nearly level; has sandy loam soils. The native vegetation consists of short and medium grasses and saltbrush. There is no timber on the land nor evidence of metallic or non-metallic minerals. The mineral rights will be reserved to the Federal Government.

3. A multiplicity of filings by those persons entitled to claim veterans' preference for service in World War II only is anticipated during the simultaneous filing period. Therefore, in accordance with the provisions of 43 CFR 257.8, Circular 1764, containing small tract regulations approved September 11, 1950, the special procedure and drawing outlined therein will be used. This special procedure does not apply to veterans of other wars of the United States.

4. Commencing at 10:00 a. m. on the date of this order and for a period of 35 days thereafter, the lands described herein shall be subject to the filing of drawing entry cards only by those persons entitled to claim World War II veterans' preference under the act of September 27, 1944 (58 Stat. 748, 43 U. S. C. 279–284), amended. Such veterans desiring to participate in the drawing may secure drawing entry cards, form 4–775, from the Manager, Land and Survey Office in Cheyenne, Wyoming, or the District Range Manager, Bureau of Land Management, Rawlins, Wyoming. The veteran will print clearly his name, post office address, and sign his full name in the space provided on the card, certifying that he is a citizen of the United States, over 21 years of age or the head of a family, and entitled to veterans' preference based upon service in World War II and honorable discharge from such service. Only one drawing entry card may be filed by an entrant. No filing fee or additional papers should accompany the drawing entry card. All drawing entry cards when completed as indicated shall be mailed to the Manager, Land and Survey Office, Cheyenne, Wyoming, and must be forwarded in time to reach him not later than 10:00 a. m. on the 35th day after the date of this order. All cards of qualified entrants received not later than the hour and date mentioned will be placed in a box, and at 2:00 p. m. on the business day following such 35th day will be thoroughly mixed in the presence of such persons as may desire to be present. The cards will then be drawn by a disinterested party, one at a time, and numbered in the order drawn to establish an adequate list of eligibles and of alternates to whom the available tracts will be allocated in consecutive order.

5. Each successful entrant to whom a lot is awarded will be sent by registered mail a decision making appropriate requirements with an offer to lease form 4–776, in duplicate, bearing the description of the tract. The forms must be completely filled out, signed, and returned by the successful entrant within the time allowed. All applications must be accompanied by a $10.00 filing fee. The annual rental for homesites is $5.00, payable for the entire lease period in advance of the issuance of the lease. The minimum annual rental for business sites is $20.00, payable for the entire lease period in advance of the issuance of the lease. The lessees for business sites shall also be obligated to pay any additional rental at the rate fixed by the schedule of rentals. The applicant must also furnish a photostat, or other copy (both sides) of his certificate of honorable discharge, or of an official document of the branch of the service which shows clearly the period of service. An award to a successful entrant who was not qualified to enter the drawing, or who for any reason fails within the time allowed to comply with the requirements of the decision accompanying the lease forms, will be cancelled upon the records, and the lot will become available to the alternate next in line as determined by the drawing.

Each entrant to whom no lot is allocated will be informed thereof by the return of his drawing entry card carrying a notation to that effect.

6. Lessees will be required within a reasonable time after execution of the lease to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which in the circumstances are presentable, substantial, and appropriate for the use for which the lease is issued. Detailed specifications as to the improvement requirements will be made part of the lease terms and option to purchase.

7. Lessees or their successors in interest shall comply with all Federal, State, County, and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

8. Leases will contain an option to purchase clause at the appraised value of the lots as follows:

Lots 1 through 8, 11, 12, 18, 19, $100 each.
Lot 14, $200.
Lots 9, 13, 16, 21, $250 each.
Lots 10, 17, and 20, $300 each.

9. Lease and sale of these lots will be made subject to rights of way for roads and public utilities as follows:

50 feet along the south boundaries of Lots 9, 10, 13, and 14.
50 feet along the north boundaries of Lots 16, 17, 20, and 21.
30 feet along the south boundaries of Lots 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 16, and 17.
30 feet along the north boundaries of Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, and 19
30 feet along the east boundaries of Lots 3, 6, 11, 14, and 20.
30 feet along the west boundaries of Lots 2, 7, 10, 16, and 19.

10. Such rights of way may be utilized by the Federal government, or the State, County, or municipality in which the tract is situated, or by any agency thereof. The rights of way, in the discretion of the authorized officer of the Bureau of Land Management, may be definitely located prior to the issuance of the patents. If not so located, they may be subject to location after patent is issued. Lease and sale of the lots will also be subject to all existing rights of way.

11. The lots, if any, which are not leased as a result of the drawing, will not become subject to application by veterans who do not participate in the drawing or by the general public until a further order has been issued granting veterans of World War II a preference right of application for a period of 90 days.

12. All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 54-1505; Filed, Mar. 3, 1954; 8:45 a. m.]

WYOMING

ORDER OPENING LANDS TO MINERAL LOCATION, ENTRY AND PATENTING

FEBRUARY 26, 1954.

Under authority of the act of April 23, 1932 (47 Stat. 136, 43 U. S. C. 154), and the regulations thereunder contained in 43 CFR 185.36, and pursuant to section 2.22 of Order No. 2583 of August 16, 1950, of the Secretary of the Interior (15 F. R. 5645), and the same section of Order No. 427 of August 16, 1950, of the Director of the Bureau of Land Management (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following described lands shall, commencing at 10:00 a. m., on the thirty-fifth day after the date of this order, be open to location, entry and patenting under the United States mining laws, subject to the stipulation quoted below, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors and assigns, and recorded in the county records and in the United States Land and Survey Office at Cheyenne, Wyoming, before locations are made:

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 102 W.,
Sec. 28: S½NE¼, N½SE¼, SE¼SE¼, Lot 5.

The area described aggregates 239.74 acres.

The locator agrees that all prospecting, mining and other use and operations on the lands covered by his mining location shall be subject to the reservation of right of way to the United States according to proviso of the act of August 30, 1890 (26 Stat. 391; 43 U. S. C. sec. 945).

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 54-1507; Filed, Mar. 3, 1954; 8:46 a. m.]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 128, WYOMING NO. 13, REDUCED

FEBRUARY 23, 1954.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the Departmental Orders dated February 2, 1924, and December 15, 1925, withdrawing public lands for stock driveway purposes as an addition to Stock Driveway Withdrawal No. 128, Wyoming No. 13, under section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300), are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T 44 N., R. 85 W.
Sec. 6: SW¼SW¼NE¼, S½NE¼NW¼, SE¼NW¼, E½SW¼, W½W½SE¼.
Sec. 7: SE¼SE¼, E½SW¼SE¼.
Sec 8: SW¼SW¼,
Sec. 18: NE¼NE¼, E½NW¼NE¼.

The areas described aggregate 350 acres.

These lands are rolling to rough in topography, and the soils are clay loam. The vegetative covering consists chiefly of wheatgrass and bluegrass.

The public lands described above are included in a Federal exchange program under section 8 of the Taylor Grazing Act whereby private lands will be acquired in exchange therefor to provide continuity in the stock driveway. This restoration is therefore not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II and others.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 54-1517; Filed, Mar. 3, 1954; 8:48 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 26, 1954.

An application, serial number Colorado 07596, for the withdrawal from all forms of appropriation under the public land laws, except mineral leasing of the lands described below was filed on December 10, 1953, by the United States Fish and Wildlife Service.

The purposes of the proposed withdrawal: warm water fishery.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region IV, Bureau of Land Management, Department of the Interior at Post Office Box 659, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

T. 9 S., R. 103 W.,
Sec. 12, NE¼SW¼SW¼SW¼, NE¼NW¼SW¼SW¼SW¼, S½NW¼SW¼SW¼SW¼, S½SW¼SW¼SW¼, SE¼SW¼SW¼.
Sec. 13, W½ of Lot 2.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-1506; Filed, Mar. 3, 1954; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Berlin Manufacturing Co., Inc., Berlin, Md., effective 2-20-54 to 2-19-55; 10 learners for normal labor turnover purposes (work shirts, etc.).

Carwood Manufacturing Co., Lavania, Ga., effective 2-19-54 to 2-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts and work pants).

Carwood Manufacturing Co., Monroe, Ga., effective 2-19-54 to 2-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees, coveralls, etc.).

Carwood Manufacturing Co., Baldwin, Ga., effective 2-19-54 to 2-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts and work pants).

Carwood Manufacturing Co., Cornelia, Ga., effective 2-19-54 to 2-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Federal Sportswear, Inc., Third Floor, 210 Pryor Street, Atlanta, Ga., effective 2-18-54 to 2-17-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sportswear).

Freeland Manufacturing Co., 156 Ridge Street, Freeland, Pa., effective 3-1-54 to 2-28-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts and jackets).

General Garment Manufacturing Co., Inc., 308 Canal Street, Petersburg, Va., effective 3-3-54 to 3-2-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Joel Manufacturing Co., 144 Hazle, Wilkes-Barre, Pa., effective 2-16-54 to 2-15-55; 5 learners for normal labor turnover purposes (dresses).

Macon Garment Co., Inc., Macon, Miss., effective 2-19-54 to 12-8-54; 10 percent of the total number of factory production workers for normal labor turnover purposes

(men's and boys' pants) (replacement certificate).

Martin Shirt Co., 27 East Poplar Street, Shenandoah, Pa., effective 2-19-54 to 2-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' sport and dress shirts and ladies' blouses).

Nanticoke Dress Co., 216 East Broad Street, Nanticoke, Pa., effective 2-19-54 to 2-18-55; 10 learners for normal labor turnover purposes (dresses).

Perfection Garment Co., Inc., Martinsburg and Ranson, W. Va., effective 2-18-54 to 2-17-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Perfection Garment Co., Inc., Keyser, W. Va., effective 2-18-54 to 2-17-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Playcraft Corp., Saltillo, Miss., effective 2-20-54 to 2-19-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's sportswear).

Quarles Manufacturing Co., Ranger, Tex., effective 2-17-54 to 2-16-55; 10 learners for normal labor turnover purposes (men's and boys' sportswear and boys' western pants).

Reliance Manufacturing Co., "Plantation Factory," Montgomery, Ala., effective 2-19-54 to 2-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Sandye Shirt Corp., Portland, Tenn., effective 2-16-54 to 8-15-54; 50 learners for plant expansion purposes (men's and boys' sport shirts).

Southern Maid Garment, Inc., Winnsboro, S. C., effective 2-16-54 to 2-15-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Levi Strauss & Co., 501 Travis Street, Wichita Falls, Tex., effective 2-16-54 to 2-15-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls).

Su-Ann Togs, 73 South Main Street, Barnegat, N. J., effective 2-18-54 to 2-17-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Summit Sportswear Co., 44 West Ludlow Street, Summit Hill, Pa., effective 2-18-54 to 2-17-55; 5 learners for normal labor turnover purposes (ladies' blouses).

Tex-Son, Inc., 419 South St. Mary's Street, San Antonio, Tex., effective 3-5-54 to 3-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' sport and outerwear garments).

Toll-Gate Garment Co., Inc., Hamilton, Ala., effective 2-23-54 to 2-22-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

The Turner Manufacturing Co., West Cedar Street, Goodlettsville, Tenn., effective 2-23-54 to 2-22-55; 10 learners for normal labor turnover purposes (shirts).

United Pants Co., Inc., R. D No. 2, Mountaintop, Pa., effective 2-23-54 to 2-22-55; 5 learners for normal labor turnover purposes (trousers and jackets).

Will Manufacturing Co., 210 Pryor Street, Second Floor, Atlanta, Ga., effective 2-18-54 to 2-17-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (convalescent coats).

Wilmer Fashion, Lehighton, Pa., effective 2-20-54 to 2-19-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Womble-Campbell Manufacturing Co., 117 West Second, Hereford, Tex., effective 3-9-54 to 3-8-55; 5 learners for normal labor turnover purposes (women's and children's lingerie).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Interstate Hosiery Mills, Inc., Line and Penn Streets, Lansdale, Pa., effective 2-16-54 to 2-15-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Interstate Hosiery Mills, Inc., Elkton, Md., effective 2-20-54 to 2-19-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

The Locke Hosiery Mills, 4937 Mulberry Street, Philadelphia, Pa., effective 3-2-54 to 3-1-55; 5 learners for normal labor turnover purposes.

Newland Hosiery Co., Inc., Newland, N. C., effective 2-19-54 to 10-18-54; 25 learners for expansion purposes.

Pilot Full Fashion Mills, Inc., Valdese, N. C., effective 2-19-54 to 2-18-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950, 15 F. R. 398).

The Cass County Telephone Co., Pleasant Hill, Mo., effective 3-2-54 to 3-1-55.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Haspel, Inc., Tylertown, Miss., effective 2-19-54 to 2-18-55; 7 percent of the total number of factory production workers for normal labor turnover purposes: Machine operators (except cutting); pressers; handsewers; each 480 hours. At least 65 cents an hour for the first 240 hours and at least 70 cents an hour for the remaining 240 hours (men's and boys' summer clothing).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 23d day of February 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-1509; Filed, Mar. 3, 1954; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2909]

AMERICAN AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

At the instruction of the Board a prehearing conference covering that portion of the application of American Airlines, Inc., in Docket No. 2909, making possible nonstop service between New York, N. Y., and Mexico City, is hereby assigned to be held on March 25, 1954, at 10:00 a. m., e. s. t., in Room 7852, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated at Washington, D. C., March 1, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1553; Filed, Mar. 3, 1954; 8:54 a. m.]

[Docket No. 4052 et al.]

BRANIFF AIRWAYS; SERVICE TO FAIRMONT, MINN., AND FORT DODGE, IOWA

NOTICE OF PREHEARING CONFERENCE

In the matter of whether the public convenience and necessity require (a) amendment of public convenience and necessity for route No. 26 to authorize service to Fairmont, Minn., and (b) amendment of Braniff Airways' certificate of public convenience and necessity for route No. 48 to authorize service to Fort Dodge, Iowa.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 10, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., February 26, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1551; Filed, Mar. 3, 1954; 8:54 a. m.]

[Docket No. 6411 et al.]

AMERICAN AIRLINES, INC.

NOTICE OF HEARING

In the matter of an investigation of local service between Chicago, Ill., and Detroit, Mich.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401, and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on April 12, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the applications particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require amendment of the certificate held by North Central Airlines, Inc., for its route No. 86 so as to authorize service between the terminal points Chicago, Ill., and Detroit, Mich., via the intermediate points South Bend, Ind., Kalamazoo, Battle Creek, Jackson, and Ann Arbor, Mich. (Docket No. 6276).

2. Whether the public convenience and necessity require amendment of the certificate held by Lake Central Airlines, Inc., for route No. 88 so as to authorize service between the terminal points Chicago, Ill., and Detroit, Mich., via the intermediate points South Bend, Ind., Kalamazoo, Battle Creek, Jackson, and Ann Arbor, Mich. (Docket No. 6319).

3. Whether the public convenience and necessity require the amendment of the certificate held by Ozark Airlines, Inc., for route no. 107 so as to authorize service between the terminal points Chicago, Ill., and Detroit, Mich., via the intermediate points South Bend, Ind., Kalamazoo, Battle Creek, Jackson and Ann Arbor, Mich. (Docket No. 6439).

4. An investigation, Docket No. 6411, instituted by Board Order, No. E-7899, to determine whether the public convenience and necessity require the amendment, modification or alteration of the certificate held by American Airlines, Inc., for such period as the Board may determine, so as to authorize the suspension of service at Ann Arbor, Battle Creek, Jackson, and Kalamazoo, Mich., and South Bend, Ind., on route No. 7, in the event and to the extent that such points are certificated for service by North Central and/or Lake Central or Ozark on a route segment between Chicago and Detroit.

5. In the event of authorization under 1, 2, or 3 is the carrier selected to render the service, fit, willing, and able to perform such service.

For further details of the service proposed, the authorizations requested, and the investigation instituted, interested parties are referred to the applications, the Board's Order, No. E-7899, other pertinent orders, and the prehearing conference report which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding must file with the Civil Aeronautics Board on or before April 12, 1954, a statement setting forth the issues of fact or law which he desires to controvert.

Dated at Washington, D. C., March 1, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1550; Filed, Mar. 3, 1954; 8:54 a. m.]

[Docket No. 6485]

TRANS-TEXAS AIRWAYS; CERTIFICATE RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Trans-Texas Airways under section 401 of the Civil Aeronautics Act of 1938, as amended, for a permanent certificate of public convenience and necessity and/or renewal of its present certificate for Route No. 82 for a period of 10 years.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is hereby assigned to be held on March 18, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter Bryan.

Dated at Washington, D. C., February 26, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1552; Filed, Mar. 3, 1954; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10923, 10924, 10925]

INDIANA BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of Indiana Bell Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and property of the Hope Independent Telephone Company and the telephone plant and property of Taylorsville Telephone Company, Inc., Docket No. 10923, File No. P-C-3392.

In the matter of the application of Indiana Bell Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire the telephone plant and property of William M. Miller and Ethelyn Miller, d/b as Spencerville Telephone Company; Docket No. 10924, File No. P-C-3393.

In the matter of the application of Indiana Bell Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire the capital stock and the telephone plant and property of the Attica Telephone Company, Cayuga Telephone Corporation, the Citizens Mutual Telephone Company, the Citizens Telephone Company, Coal Creek Telephone Corporation, Darlington Telephone Company, Fountain Telephone Corporation, Indiana Western Telephone Corporation, Ladoga Telephone Company, the Oxford Telephone Company, State Line Telephone Corporation, Wabash Prairie Telephone Corporation and Wabash Valley Utilities Corporation; Docket No. 10925, File No. P-C-3394.

The Commission having under consideration applications filed by Indiana Bell Telephone Company for certificates under section 221 (a) of the Communications Act of 1934, as amended, that the acquisitions of (1) certain telephone plant and property of Hope Independent Telephone Company, (2) the telephone plant and property of Taylorsville Telephone Company, Inc., and William M. Miller & Ethelyn Miller, d/b as Spencerville Telephone Company, and (3) the capital stock and the telephone plant and property of the Attica Telephone Company, Cayuga Telephone Corporation, the Citizens Mutual Telephone Company, the Citizens Telephone Company, Coal Creek Telephone Corporation, Darlington Telephone Company, Fountain Telephone Corporation, Indiana Western Telephone Corporation, Ladoga Telephone Company, the Oxford Telephone Company, State Line Telephone Corporation, Wabash Prairie Telephone Corporation and Wabash Valley Utilities Corporation, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 26th day of February 1954, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above applications are assigned for public hearing in a consolidated proceeding for the purpose of determining whether the proposed acquisitions will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is furher ordered, That the hearing upon said applications be held at the offices of the Commission in Washington, D. C. beginning at 10 a. m. on the 22d day of March 1954, and that a copy of this order shall be served upon the Governor of Indiana, the Governor of Illinois, the Public Service Commission of Indiana, the Commerce Commission of Illinois, Indiana Bell Telephone Company, each of the above-specified telephone companies proposed to be acquired, Hoosier Telephone Cooperative, Inc., and the Postmasters of Hope, Hartsville, Flat Rock, Taylorsville, Clifford, Elizabethtown, Grammer, Spencerville, Attica, Cayuga, Dana, Newport, Mellott, Newtown, Russellville, Waveland, Darlington, Covington, Stone Bluff, Boswell, Freeland Park, Otterbein, Pine Village, Ladoga, Oxford, Ambia, Pence, State Line, Tab, West Lebanon, Williamsport, Buck Creek, Burlington, Moracco, Veedersburg, Waynetown, Cates, and Kingman, Indiana;

It is further ordered, That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in the cities referred to above, and in Bartholomew, Shelby, Dekalb, Fountain, Vermillion, Putnam, Montgomery, Benton, Warren, Tippecanoe, Carroll, and Newton Counties, Indiana, and shall furnish proof of such publication at the hearing herein.

Released: February 26, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1544; Filed, Mar. 3, 1954; 8:52 a. m.]

[Docket Nos. 10931, 10932, 10933]

MERCER BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mercer Broadcasting Company, Trenton, New Jersey, Docket No. 10931, File No. BP-8714; Delaware Valley Broadcasting Corporation, Morrisville, Pennsylvania, Docket No. 10932, File No. BP-8799; Drew J. T. O'Keefe, Jack J. Dash and William F. Waterbury, Levittown-Fairless Hills, Pennsylvania, Docket No. 10933, File No. BP-8964; for construction permits.

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 24th day of February 1954;

The Commission having under consideration the above-entitled applications for construction permits of Mercer Broadcasting Company, Trenton, New Jersey; Delaware Valley Broadcasting Corporation, Morrisville, Pennsylvania, and Drew J. T. O'Keefe, Jack J. Dash and William F. Waterbury, Levittown-Fairless Hills, Pennsylvania, to operate a new standard broadcast station in their respective locations on 1490 kilocycles, 250 watts, unlimited time;

It appearing, that each applicant is legally, financially, technically and otherwise qualified to operate the proposed station, but that the operation of the stations as proposed would result in mutually prohibitive interference with each other; and that each of the proposed operations would cause daytime interference to and receive daytime interference from the proposed operation of Station WDAS, Philadelphia, Pennsylvania (File No. BP-8508; Docket No. 10320); Greenwich Broadcasting Corporation, Greenwich, Connecticut (File No. BP-6315; Docket No. 8716); Atlantic City Broadcasting Company, Atlantic City, New Jersey (File No. BP-8090; Docket No. 10119); and the Press-Union Publishing Company, Atlantic City, New Jersey (File No. BP-8143; Docket No. 10121) and would fail to comply with the provisions of the Standards of Good Engineering Practice with respect to providing the recommended minimum of interference-free service to the area within the proposed stations' normally protected (0.5 mv/m) contour; and

It further appearing, that the proposed nighttime operation of Mercer Broadcasting Company would not adequately serve the Trenton Metropolitan District in accordance with the Standards of Good Engineering Practice; and

It further appearing, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated October 21, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interests; and

It further appearing, that each of the applicants has replied to the Commission's letters; and oppositions to the proposed applications were filed by Station WDAS, and Greenwich Broadcasting Corporation; and

It further appearing, that, the Commission, after reviewing the respective amendments and replies of the applicants and the respective opposition of Station WDAS and Greenwich Broadcasting Corporation, is still of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed stations would involve objectionable interference with the proposed operation of Station WDAS, Philadelphia, Pennsylvania (File No. BP-8508; Docket No. 10320); Greenwich Broadcasting Corporation, Greenwich, Connecticut (File No. BP-6315; Docket No. 8716); Atlantic City Broadcasting Company, Atlantic City, New Jersey (File No. BP-8090; Docket No. 10119); and the Press-Union Publishing Company, Atlantic City, New Jersey (File No. BP-8143; Docket No. 10121) and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed nighttime operation of Mercer Broadcasting Company will adequately serve the Trenton Metropolitan District in accordance with the Standards of Good Engineering Practice.

4. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing the recommended minimum of interference-free service to the area within the proposed stations' normally protected (0.5 mv/m) contour.

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the applicants would provide the more fair, efficient and equitable distribution of radio service.

6. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

It is further ordered, That Station WDAS, Philadelphia, Pennsylvania, Greenwich Broadcasting Corporation, Greenwich, Connecticut, Atlantic City Broadcasting Company, Atlantic City, New Jersey, and Press-Union Publishing Company, Atlantic City, New Jersey are made parties to said proceeding.

Released: March 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1545; Filed, Mar. 3, 1954; 8:52 a. m.]

[Docket No. 10934]

HANFORD BROADCASTING CO. OF CALIFORNIA (KNGS)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Hanford Broadcasting Company of California (KNGS), Hanford, California, for construction permit; File No. BP-8888, Docket No. 10934.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of February 1954;

The Commission having under consideration the above-entitled application of Hanford Broadcasting Company, licensee of Station KNGS (620kc, 1kw, DA-N, U), in Hanford, California, for a construction permit to increase power to 5 kw, using directional antenna both day and night, unlimited time; and

It appearing, that the applicant is legally, financially, technically and otherwise qualified to operate the proposed station, but that operating as proposed Station KNGS would cause daytime interference to Station KFRC, San Francisco, California (610 kc, 5 kw, U), and would fail to comply with the provisions of the Standards of Good Engineering Practice with respect to providing the recommended minimum of interference-free service to the area within the station's proposed normally protected nighttime contour (2.5 mv/m); and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated December 9, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the Commission, after consideration of the reply of the applicant and the opposition of General Teleradio, Inc., licensee of Station KFRC, and the above-entitled application as amended on February 2, 1954, is still of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of the station, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation at Hanford, California, would involve objectional interference with Station KFRC, San Francisco, California, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the installation and proposed operation of the station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing the recommended minimum of interference-free service to the area within the station's proposed normally protected nighttime contour (2.5 mv/m).

It is further ordered, That General Teleradio, Inc., licensee of Station KFRC, San Francisco, California is made a party to said proceeding.

Released: March 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1546; Filed, Mar. 3, 1954; 8:53 a. m.]

[Docket No. 10938]

PLASTOY CO., INC.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of cease and desist order to be directed to Plastoy Company, Incorporated, 814 West Palisade Avenue, Englewood, New Jersey; Docket No. 10938.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to Plastoy Company, Incorporated (hereinafter referred to as Plastoy Company, Inc.) to cease and desist from violating Part 18 of the Commission's rules by operating electronic heating equipment which (1) is the source of interference to authorized radio services, and (2) is not certified or licensed in accordance with the Commission's rules;

It appearing, that Plastoy Company, Inc., operates in its plant at 814 West Palisade Avenue, Englewood, New Jersey, certain industrial heating equipment operating on approximately 30 Mc which is subject to the requirements of §§ 18.1, 18.2 (c), 18.3, 18.4, 18.21, 18.22, 18.23, 18.24 and 18.41 through 18.49 of the Commission's rules; and

It further appearing, that the aforementioned equipment causes interference to an authorized radio communication system operated by the United States Army in the vicinity of New York, N. Y.; and

It further appearing, that the aforementioned equipment has not been certified by a duly qualified engineer or the manufacturer of the equipment as required by § 18.22 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.41 of the Commission's rules; and

It further appearing, that the above facts have been called to the attention of the Plastoy Company, Inc., by the Commission both orally and in writing, and that the Company has been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered, This 26th day of February 1954, pursuant to section 312 (c) of the Communications Act of 1934, as amended, and pursuant to the Commission's order of September 30, 1953, delegating authority to the Chief, Field Engineering and Monitoring Bureau to issue orders to show cause why cease and desist orders should not be issued with respect to Industrial, Scientific and Medical Equipment, that the Plastoy Company, Inc., be and it is hereby directed to show cause why there should not be issued an order commanding it to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial heating equipment without the certification or license required by Part 18 of the Commission's rules, and by operating such equipment in a manner which causes interference to authorized radio services; and

It is further ordered, That a hearing in this matter be held in New York, N. Y., at 10:00 a. m. on the 5th day of April 1954, in order to determine whether said cease and desist order should be issued, and that Plastoy Company, Inc., is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.402 of the rules, that said Plastoy Company, Inc., is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that the Plastoy Company, Inc., will appear and present evidence on the matter specified in this order if the Plastoy Company, Inc., desires to avail itself of its opportunity to appear before the Commission. If said Plastoy Company, Inc., does not desire to appear before the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission; in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Plastoy Company, Inc., believes that a cease and desist order should not be issued, and

It is further ordered, That failure of said Plastoy Company, Inc., timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: March 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1547; Filed, Mar. 3, 1954; 8:53 a. m.]

[Docket No. 10940]

ACME MANUFACTURING CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of cease and desist order to be directed to Arthur Goldner, tr/as Acme Manufacturing Company, 195 Chrystie Street, New York, N. Y.; Docket No. 10940.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to Arthur Goldner, tr/as Acme Manufacturing Company (hereinafter referred to as Acme Manufacturing Company) to cease and desist from violating Part 18 of the Commission's rules by operating electronic heating equipment which (1) is the source of interference to authorized radio services, and (2) is not certified or licensed in accordance with the Commission's rules;

It appearing, that Acme Manufacturing Company operates in its plant at 195 Chrystie Street, New York, N. Y., certain industrial heating equipment operating on approximately 30 Mc which is subject to the requirements of §§ 18.1, 18.2 (c), 18.3, 18.4, 18.21, 18.22, 18.23, 18.24 and 18.41 through 18.49 of the Commission's rules; and

It further appearing, that the aforementioned equipment causes interference to an authorized radio communication system operated by the United States Army in the vicinity of New York, N. Y.; and

It further appearing, that the aforementioned equipment has not been certified by a duly qualified engineer or the manufacturer of the equipment as required by § 18.22 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.41 of the Commission's rules; and

It further appearing, that the above facts have been called to the attention of the Acme Manufacturing Company by the Commission both orally and in writing, and that the Company has been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered, This 26th day of February 1954, pursuant to section 312 (c) of the Communications Act of 1934, as amended, and pursuant to the Commission's order of September 30, 1953, delegating authority to the Chief, Field Engineering and Monitoring Bureau to issue orders to show cause why cease and desist orders should not be issued with respect to Industrial, Scientific and Medical Equipment, that the Acme Manufacturing Company be and is hereby directed to show cause why there should not be issued an order commanding it to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial heating equipment without the certification or license required by Part 18 of the Commission's rules, and by operating such equipment in a manner which causes interference to authorized radio services; and

It is further ordered, That a hearing in this matter be held in New York, N. Y., at 10:00 a. m. on the 9th day of April 1954, in order to determine whether said cease and desist order should be issued, and that Acme Manufacturing Company is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.402 of the rules, that said Acme Manufacturing Company is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that the Company will appear and present

evidence on the matter specified in this order if the Company desires to avail itself of its opportunity to appear before the Commission. If said Acme Manufacturing Company does not desire to appear beore the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Acme Manufacturing Company believes that a cease and desist order should not be issued, [illegible]

It is further ordered, That failure of said Acme Manufacturing Company timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: March 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1548; Filed, Mar. 3, 1954; 8:53 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO PROCURE LEASE OF SPACE AT UNIVERSITY OF VIRGINIA

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, I hereby authorize the Secretary of Defense to procure by lease for a term not in excess of five years, in accordance with section 3 of the Act of August 27, 1935, as amended (40 U. S. C. 304c), necessary space at the University of Virginia, Charlottsville, Virginia.

2. Any such lease shall be executed by January 1, 1955 and may be amended or renewed from time to time, but any single renewal for longer than one year shall require approval of the Administrator of General Services.

3. The Secretary of Defense may redelegate this authority to any officer or employee of the Department of Defense.

4. This delegation of authority is effective immediately.

Dated: February 25, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54-1534; Filed, Mar. 3, 1954; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3178]

GENERAL PUBLIC UTILITIES CORP.

ORDER REGARDING INCREASE IN AUTHORIZED COMMON STOCK

FEBRUARY 26, 1954.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a declaration pursuant to sections 6 (a), 7 and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-62 and U-65 of the rules and regulations promulgated thereunder with respect to proposed transactions which are summarized as follows:

Subject to the obtaining of favorable action by its stockholders at the annual meeting of stockholders of GPU to be held on April 5, 1954, GPU proposes to increase the number of shares of its authorized common stock from 9,893,000 shares to 12,500,000 shares. The purpose of such increase in the authorized common stock of GPU is to make provision for the obtaining, as needed from time to time, of the common stock equity component of the capital requirements of the GPU holding company system. The number of shares of GPU common stock issued and outstanding in the hands of the public at the close of business on October 31, 1953, was 9,098,640, including 2,752 shares then held by the Exchange Agent under the Plan of Reorganization of Associated Gas and Electric Company and Associated Gas and Electric Corporation. At that date 76,479 shares of common stock of GPU were held in its treasury. Upon the completion of GPU's projected 1954 common stock program, GPU's presently authorized but unissued common stock will be substantially exhausted.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. In addition to ordinary expenditures in connection with preparing, assembling, and mailing proxies, proxy statements and accompanying data, GPU expects to request persons who hold stock for others to forward copies of this material to them and may reimburse such persons for their clerical and out-of-pocket expenses which, it is estimated, will not exceed $2,000.00 exclusive of postage. Compensation for services of GPU's counsel will be included in the compensation paid to such counsel for general services.

Due notice having been given of the filing of the declaration, a request for a hearing not having been received from any interested person and a hearing not having been ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, forthwith, without the imposition of conditions, other than those specified in Rule U-24:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and it hereby is, permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1510; Filed, Mar. 3, 1954; 8:46 a. m.]

[File No. 70-3193]

INTERSTATE POWER CO.

ORDER REGARDING BORROWING FROM COMMERCIAL BANKS

FEBRUARY 26, 1954.

Interstate Power Company ("Interstate"), a registered holding company, having filed a declaration with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding a transaction therein proposed, which is summarized as follows:

Interstate proposes to issue and sell, at any time or from time to time up to and including December 31, 1954, pursuant to private sale at par in accordance with the terms of a credit agreement dated January 20, 1954, its unsecured promissory notes payable severally to the order of the Chase National Bank of the City of New York and Manufacturers Trust Company, respectively, in equal amounts, not to exceed $2,000,000 to each of said banks and in total $4,000,000. Said notes are to be dated the respective dates of their delivery, shall each be expressed to mature on or before 360 days from the date of the first borrowing under said agreement, or May 31, 1955, whichever date shall be earlier, and shall bear interest from their date, payable on the last days of March, June, September and December of each year at the rate of 3½ percent per annum. Each of said notes shall permit prepayment in whole or in part at any time without premium or penalty but with interest then accrued on the principal sum prepaid provided that if such prepayment is made either directly or indirectly from the proceeds, or in anticipation, of any bank borrowing, the Company will pay at the same time a premium calculated at the rate of 1 percent per annum on the principal sum so prepaid from the date of such prepayment to the stated maturity of the notes so prepaid, and each of said notes shall be issued in all respects in compliance with the terms of said credit agreement. Interstate proposes to pay each of said lending banks, as a commitment fee, the sum of $5,000.

Fees and expenses, exclusive of the commitment fees, are estimated at $5,000 which includes counsel fees of $3,500 to be paid to Springer, Bergstrom and Crowe. It is stated that no State or Federal Commission other than this Commission has jurisdiction over the proposed transactions. It is requested that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1511; Filed, Mar. 3, 1954; 8:47 a. m.]

SCOTT, KHOURY & CO., INC.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 26th day of February 1954.

In the matter of Scott, Khoury & Company, Inc., 61 Broadway, New York 6, New York.

I. The Commission's public official files disclose that:

A. Scott, Khoury & Company, Inc., formerly Scott, Khoury, Brockman & Company, Inc., a New York Corporation, hereinafter referred to as registrant, has been registered with the Commission as a broker and dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934 since July 14, 1952. Charles Scott (Scott) was the president, director and controlling stockholder of registrant until March 26, 1953. Louis Khoury (Khoury) has been an officer and director of registrant at all times since July 14, 1952 and since March 26, 1953 its president and controlling stockholder.

B. On August 28, 1952, Oklahoma Metropolitan Oil & Gas Corporation filed with the Commission a Letter of Notification pursuant to Regulation A of the general rules and regulations under the Securities Act of 1933 covering an offering of 150,000 shares of 1¢ par value common stock at an aggregate offering price of $15,000 and a unit price of 10¢ per share; said Letter of Notification named Scott, Khoury, Brockman & Company, Inc., as underwriter of the said offering.

C. On September 29, 1952, Oklahoma Metropolitan Oil & Gas Corporation filed with the Commission a Letter of Notification pursuant to Regulation A of the general rules and regulations under the Securities Act of 1933 covering an offering of 1,132,000 shares of 1¢ par value common stock at an aggregate offering price of $283,000 and a unit price of 25¢ per share, said Letter of Notification named Scott, Khoury & Co., Inc., as underwriter of the said offering and stated that the underwriting discounts and commissions would be 6¼¢ per share.

II. Members of its staff have reported to the Commission information as a result of an investigation which, if true, tends to show that:

A. During the period from approximately August 28, 1952, to February 1, 1953 registrant, Scott, and Khoury sold to various persons and induced such persons to purchase shares of the common stock of Oklahoma Metropolitan Oil & Gas Corporation, and in connection therewith made false and misleading statements of material facts and omitted to state material facts concerning, among other things, the terms of a contract to purchase interests in certain leases, oil production, earnings, oil-well drilling operations, and the rise in the price of the stock.

B. Registrant, Scott, and Khoury used the mails, the means and instrumentalities of interstate commerce, and the means and instruments of transportation and communication in interstate commerce in the sale of securities as hereinabove set forth in paragraph A of section II.

C. Registrant effected, and Scott and Khoury caused registrant to effect, otherwise than on a national securities exchange, certain of the transactions hereinabove mentioned in paragraph A of section II.

III. The information reported to the Commission by members of the staff as set forth in section II hereof, if true, tends to show:

A. That registrant, Charles Scott, and Louis E. Khoury violated section 17 (a) of the Securities Act of 1933 in that, in the sale of securities, by the use of means and instruments of transportation and communication in interstate commerce and by the use of the mails, registrant, Charles Scott, and Louis E. Khoury employed devices, schemes, and artifices to defraud, obtained money and property by means of untrue statements of material facts and omissions to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, and engaged in transactions, practices and a course of business which would and did operate as a fraud and deceit upon the purchasers.

B. That registrant violated section 15 (c) (1) of the Securities Exchange Act of 1934 in that registrant made use of the mails and of the means and instrumentalities of interstate commerce to effect transactions in and to induce the purchase and sale of securities, otherwise than on a national securities exchange, by means of manipulative, deceptive, and other fraudulent devices and contrivances as defined in Rule X-15C1-2 (a) and (b) adopted by the Commission under said section; and that Charles Scott and Louis E. Khoury aided, abetted, counseled, commanded, induced, and procured such violation.

IV. The Commission having considered the aforesaid information deems it necessary and appropriate in the public interest and for the protection of the investors that proceedings be instituted to determine:

(a) Whether the statements set forth in section II hereof are true;

(b) Whether registrant, Charles Scott, and Louis E. Khoury have wilfully violated section 17 (a) of the Securities Act of 1933;

(c) Whether registrant, Charles Scott, and Louis E. Khoury have wilfully violated section 15 (c) (1) of the Securities Exchange Act of 1934 and Rule X-15C1-2 (a) and (b) adopted by the Commission under said section;

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke the registration of registrant;

(e) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant;

(f) Whether, within the meaning of section 15A (b) (4) of the Securities Exchange Act of 1934, the Commission should find that Charles Scott and Louis E. Khoury or either of them is a cause of any order of revocation or suspension which may be entered pursuant to paragraphs (d) or (e) of section IV hereof.

V. *It is hereby ordered*, That a hearing for the purpose of taking evidence on the questions set forth in paragraph IV hereof, be held at the New York Regional Office of the Securities and Exchange Commission, 42 Broadway, New York, N. Y., on March 22, 1954 at 10:00 a. m., before William W. Swift, Hearing Examiner, or such other hearing examiner as the Commission may designate. Upon the completion of the taking of evidence in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX (b) of the rules of practice, unless such decision is waived.

This order and notice shall be served on registrant, Charles Scott and Louis E. Khoury, personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 22, 1954.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon this matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of that section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1512; Filed, Mar. 3, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28950]

AMMONIUM SULPHATE FROM HOUSTON, TEX., TO EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

MARCH 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer compounds, viz: Ammonium sulphate, in bulk, carloads.

From: Houston, Tex.

To: East St. Louis, Ill.

Grounds for relief: Rail competition, circuity and competition with water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 313.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1520; Filed, Mar. 3, 1954; 8:49 a. m.]

[4th Sec. Application 28951]

CHEESE FROM TULLAHOMA, TENN., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cheese, carloads.

From: Tullahoma, Tenn.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1413, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1522; Filed, Mar. 3, 1954; 8:50 a. m.]

[4th Sec. Application 28953]

BOARDS, BUILDING, WALL AND/OR INSULATING FROM MACON, GA., NEW ORLEANS, MARRERO AND CHALMETTE, LA., TO ADDISON AND PITTSFIELD, ILL.

APPLICATION FOR RELIEF

MARCH 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 418, pursuant to fourth-section order No. 16101.

Commodities involved: Boards, building, wall and/or insulating, viz: Fibreboard, pulpboard or strawboard, or fibreboard, pulpboard and strawboard and wood combined, carloads.

From: Macon, Ga., New Orleans, Marrero, and Chalmette, La.

To: Addison and Pittsfield, Ill. (Westside routing).

Grounds for relief: Rail competition, circuity, to maintain grouping and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1523; Filed, Mar. 3, 1954; 8:50 a. m.]

[4th Sec. Application 28954]

SOAP, VEGETABLE OIL SHORTENING AND RELATED ARTICLES IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MARCH 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Soap and related articles, lard, lard compounds, vegetable oil shortening, and related articles, carloads.

Between: Points in official territory

Grounds for relief: Rail competition, circuity, competition with motor carriers, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4577, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1524; Filed, Mar. 3, 1954; 8:50 a. m.]

[4th Sec. Application 28955]

STARCH FROM ILLINOIS TERRITORY TO MOBILE, ALA., NEW ORLEANS, LA., AND POINTS IN FLORIDA

APPLICATION FOR RELIEF

MARCH 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariffs I. C. C. Nos. 784 and 776 and Agent C. A. Spaninger's tariff I. C. C. No. 1062.

Commodities involved: Starch or dextrine, carloads, and starch, liquid, in tank-car loads.

From: Points in Illinois territory.

To: Mobile, Ala., New Orleans, La., and specified points in Florida.

Grounds for relief: Rail competition, circuity, market competition, and to maintain port rate relations.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1525; Filed, Mar. 3, 1954; 8:50 a. m.]

[4th Sec. Application 28956]

LUMBER FROM PACIFIC COAST TERRITORY TO RICHFIELD, MINN.

APPLICATION FOR RELIEF

MARCH 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber, shingles, and related articles, carloads.

From: Points in Arizona, California, Nevada, New Mexico, Oregon, and Utah.

To: Richfield, Minn.

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. 1556, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1526; Filed, Mar. 3, 1954; 8:50 a. m.]

[4th Sec. Application 28957]

LATEX FROM BATON ROUGE, LA., TO CARTERSVILLE, GA.

APPLICATION FOR RELIEF

MARCH 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Latex (liquid crude rubber), in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Cartersville, Ga.

Grounds for relief: Rail competition, circuity, to apply over rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1400, supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1527; Filed, Mar. 3, 1954; 8:50 a. m.]

[4th Sec. Application 28958]

PHOSPHATE ROCK FROM FLORIDA TO JENKINS, LA.

APPLICATION FOR RELIEF

MARCH 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, carloads.

From: Florida mines.

To: Jenkins, La.

Grounds for relief: Competition with rail carriers and competition with motor, motor-rail, or motor-water carriers.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company, I. C. C. No. B-3232, supp. 99; Seaboard Air Line Railroad Company, I. C. C. No. A-8153, supp. 90.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1528; Filed, Mar. 3, 1954; 8:51 a. m.]

[4th Sec. Application 28959]

PHOSPHATE ROCK AND PHOSPHATIC LIMESTONE FROM POINTS IN TENNESSEE TO HULLS, ILL.

APPLICATION FOR RELIEF

MARCH 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Phosphate rock and phosphatic limestone, carloads.

From: Points in Tennessee.

To: Hulls, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1386, supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1530; Filed, Mar. 2, 1954; 8:51 a. m.]

[4th Sec. Application 28960]

TRANSFORMER OIL IN THE SOUTHWEST

APPLICATION FOR RELIEF

MARCH 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Transformer oil, in tank-car loads.

Between: Points in southwestern territory, including southern Missouri and Kansas.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional commodity.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4086, supp. 9; F. C. Kratzmeir, Agent, I. C. C. No. 3821, supp. 135; F. C. Kratzmeir, Agent, I. C. C. No. 3793, supp. 65; F. C. Kratzmeir, Agent, I. C. C. No. 3723, supp. 170; F. C. Kratzmeir, Agent, I. C. C. No. 3642, supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1529; Filed, Mar. 2, 1954; 8:51 a. m.]

[4th Sec. Application 28961]

BITUMINOUS FINE COAL FROM ALABAMA, KENTUCKY, TENNESSEE, AND VIRGINIA TO KRANNERT AND YATES, GA.

APPLICATION FOR RELIEF

MARCH 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Southern Railway Company for itself and on behalf of carriers parties to schedules listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Alabama, eastern Kentucky, eastern Tennessee and southwest Virginia.

To: Krannert and Yates, Ga.

Grounds for relief: Rail competition, circuity, market competition, and to maintain grouping.

Schedules filed containing proposed rates: Southern Railway Company, I. C. C. No. A-11166, supp. 15; Southern Railway Company, I. C. C. No. A-11165, supp. 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1531; Filed, Mar. 2, 1954; 8:51 a. m.]

[4th Sec. Application 28962]

CRUDE SULPHUR FROM ROSENBERG, TEX., TO POINTS IN SOUTHERN, CENTRAL, AND WESTERN TERRITORIES

APPLICATION FOR RELIEF

MARCH 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Crude sulphur, carloads.

From: Rosenberg, Texas.

To: Points in southern and central territories, Miami, Okla., Denver and Ladora, Colo., Clinton and Dubuque, Iowa, and Green Bay, Wis.

Grounds for relief: Rail competition, circuity, to maintain grouping, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3862, supp. 211.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1532; Filed, Mar. 2, 1954; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 44

Washington, Friday, March 5, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3044

DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA AT HALF-STAFF UPON THE DEATH OF CERTAIN OFFICIALS AND FORMER OFFICIALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it is appropriate that the flag of the United States of America be flown at half-staff on Federal buildings, grounds, and facilities upon the death of principal officials and former officials of the Government of the United States and the Governors of the States, Territories, and possessions of the United States as a mark of respect to their memory; and

WHEREAS it is desirable that rules be prescribed for the uniform observance of this mark of respect by all executive departments and agencies of the Government, and as a guide to the people of the Nation generally on such occasions:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby prescribe and proclaim the following rules with respect to the display of the flag of the United States of America at half-staff upon the death of the officials hereinafter designated:

1. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions for the period indicated upon the death of any of the following-designated officials or former officials of the United States:

(a) The President or a former President: for thirty days from the day of death.

The flag shall also be flown at half-staff for such period at all United States embassies, legations, and other facilities abroad, including all military facilities and naval vessels and stations.

(b) The Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives: for ten days from the day of death.

(c) An Associate Justice of the Supreme Court, a member of the Cabinet, a former Vice President, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force: from the day of death until interment.

2. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the metropolitan area of the District of Columbia on the day of death and on the following day upon the death of a United States Senator, Representative, Territorial Delegate, or the Resident Commissioner from the Commonwealth of Puerto Rico, and it shall also be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the State, Congressional District, Territory, or Commonwealth of such Senator, Representative, Delegate, or Commissioner, respectively, from the day of death until interment.

3. The flag of the United States shall be flown at half-staff on all buildings and grounds of the Federal Government in a State, Territory, or possession of the United States upon the death of the Governor of such State, Territory, or possession from the day of death until interment.

4. In the event of the death of other officials, former officials, or foreign dignitaries, the flag of the United States shall be displayed at half-staff in accordance with such orders or instructions as may be issued by or at the direction of the President, or in accordance with recognized customs or practices not inconsistent with law.

5. The heads of the several departments and agencies of the Government may direct that the flag of the United States be flown at half-staff on buildings, grounds, or naval vessels under their jurisdiction on occasions other than those specified herein which they consider proper, and that suitable military honors be rendered as appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 18 ($0.45)

Title 25 ($0.45)

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DONE at the City of Washington this 1st day of March in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

WALTER B. SMITH,
Acting Secretary of State.

[F. R. Doc. 54-1624; Filed, Mar. 3, 1954; 4:54 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 9—SEPARATIONS, SUSPENSIONS AND DEMOTIONS

SEPARATION, DEMOTION, OR SUSPENSION OF PERMANENT AND INDEFINITE EMPLOYEES

Sections 9.101 (b) (1) and 9.102 (a) are amended to read as follows:

§ 9.101 *Agency responsibility for separation or demotion of employees.* • • •

(b) The discretion vested in the appointing officer to remove employees under his jurisdiction, or to take other disciplinary action, is subject only to the following restrictions:

(1) Employees serving under other than probational or temporary appointments in the competitive service and employees having a competitive status who occupy positions in Schedule B shall not be removed, suspended, or demoted except for such cause as will promote the efficiency of the service and in accordance with the procedure prescribed in § 9.102.

• • • • •

§ 9.102 *Procedure in separating, suspending, or demoting permanent and indefinite employees.* (a) One of the following procedures shall be followed in connection with the removal, involuntary separation (other than retirement for age or disability), furlough in excess of 30 days, suspension, or demotion of any permanent or indefinite employee in the competitive service, unless he is serving a probationary or trial period, or any employee having a competitive status who occupies a position in Schedule B. The procedural requirements of this section shall not apply to any person serving under temporary appointment, or whose removal is requested by the Commission under § 5.4 of this chapter.

• • • • •

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-1587; Filed, Mar. 4, 1954; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 6]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

OXYGEN

This supplement establishes CAA interpretations and policies on providing oxygen for, and administering oxygen to, crew members and passengers in pressurized and nonpressurized cabin aircraft at various operating altitudes.

The following interpretations and policies are hereby adopted:

§ 40.202–1 *Supplemental oxygen for crew members (CAA interpretations which apply to § 40.202 (b) (1)).* The phrase, "during the portion of flight in excess of 30 minutes within this range of altitudes" applies to all crew members including the flight crew members on flight deck duty. Thus, oxygen is required to be provided for, and used by, each member of the flight crew on flight deck duty only during the portion of the flight in excess of 30 minutes within this range of altitudes.

§ 40.202–2 *Oxygen requirements for stand-by crew members (CAA interpretations which apply to § 40.202 (b)).* Stand-by crew members who are on call or are definitely going to have flight deck duty prior to the completion of a flight must be provided with the same amount of supplemental oxygen as that provided for crew members on duty other than on flight deck duty. However, if the stand-by crew members are not on call and will not be on flight deck duty during the remainder of the flight, they must be considered as passengers with regard to supplemental oxygen.

§ 40.202–3 *Operating instructions (CAA policies which apply to § 40.202).* Operating instructions appropriate to the type of system and masks installed should be provided for the flight crew in the appropriate air carrier manual. These operating instructions should contain a graph or a table which will show the duration of the oxygen supply for the various bottle pressures and pressure altitudes.

§ 40.202–4 *Oxygen requirements for jump seat occupant (CAA policies which apply to § 40.202).* When the jump seat is occupied by a check airman, a crew member, or a flight crew member, as defined by § 40.5, oxygen should be provided in accordance with the requirements of § 40.202. The provision of oxygen at the jump seat location may be accomplished either by a portable oxygen unit or an outlet in a fixed system.

§ 40.202–5 *Oxygen requirements for infants-in-arms (CAA policies which apply to § 40.202 (c)).* Provisions should be made for administering oxygen to infants-in-arms and additional oxygen should be carried whenever an unusually large number of infants is carried. This additional oxygen is needed only when there is a passenger or infant for each seat position and the number of infants not provided for exceeds 50 percent of the seat positions. Acceptable methods of administering the oxygen to infants and now used by many operators are: (a) A disposable plastic mask which can be fitted to the face; (b) an infant size BLB oro-nasal mask; and (c) semi-rigid paper cups, specifically reserved for the purpose, which can be fitted over the infant's nose and mouth, with a hole punched through the bottom through which an oxygen tube or a Y-connector can be inserted. Any other acceptable method may also be used.

§ 40.202–6 *Oxygen requirements for clinical purposes (CAA policies which apply to § 40.202 (c)).* The regulations do not require that oxygen be provided for clinical purposes; hence, if the air carrier believes that such oxygen is to be desired, he should provide oxygen for this purpose. It is suggested that portable units of any size the air carrier desires be used for this purpose in order that the minimum supply required for supplementary breathing purposes will be preserved. If, however, the operator wishes to use a common source of supply for the oxygen required by the regulations and for clinical purposes, he may do so if he provides an amount of oxygen sufficiently greater than that required by the regulations. A quantity of 300 liters STPD would probably be considered as satisfying reasonable needs.

§ 40.203–1 *Computation of supply for crew members in pressurized cabin aircraft (CAA policies which apply to § 40.203 (a))*—(a) *Cabin altitudes less than 10,000 feet.* When a pressurized cabin aircraft is certificated to fly with a cabin pressure altitude no greater than 10,000 feet, only the supply of oxygen stipulated by § 40.203 (a) need be provided for crew members. In determining this supply the following policies should be considered:

(1) The supply of oxygen which should be provided for all crew members for the duration of the flight should be computed on the basis of the cabin pressure altitude which would exist after cabin depressurization has occurred and the aircraft has descended to the altitude which would permit safe flight with respect to terrain clearance. (See § 40.203 (c).)

(2) The operator may use the supply furnished for protective breathing purposes (see § 40.205) for compliance with the two hour requirement for supplementary breathing oxygen. For example, the 300 liter STPD supply per flight crew member which is the protective breathing supply when demand (or diluter-demand) systems are used, will provide a two-hour supplementary breathing supply for one flight crew member at 20,000 feet, so that both the minimum two hour supplementary breathing requirement and the protective breathing requirement would be fulfilled under most emergency conditions resulting from loss of cabin pressure or from contamination of cabin air with smoke or poisonous gases.

(b) *Cabin altitudes greater than 10,000 feet.* When operating a pressurized cabin aircraft which is certificated to fly

with a cabin pressure altitude greater than 10,000 feet, a supply of oxygen for crew members computed on the basis of the requirements of § 40.202 (b) should be provided.

(1) The oxygen supply required for protective breathing purposes, as defined in § 40.205 should be provided in addition to the above supply for the flight crew members on flight deck duty. This emergency supply may be used in the event of cabin pressurization failure. In the event that operations occur over terrain which require flights of such duration and altitude as to use of the emergency oxygen supplied either for protective breathing purposes or for the two hour supply following pressurization failure, the supply should be increased to provide for this difference, computing it for crew members on the basis of § 40.203 (a).

(2) To provide oxygen for crew members other than the flight crew members on flight deck duty in the event of cabin pressurization failure, a supply of oxygen in addition to the supplies mentioned above should be provided in accordance with the requirements of § 40.203 (a) except that the total supply for these other crew members need not exceed that provided on the basis of § 40.202 (b) for cabin pressure altitudes in excess of 10,000 feet plus an additional supply necessary to satisfy the increased oxygen flow which might be needed following a pressurization failure; this supplement to the § 40.202 (b) supply should be based on the duration of flight at the altitudes which would permit safe flight with respect to terrain clearance.

(3) During normal operation at cabin pressure altitudes above 10,000 feet oxygen should be used by each member of the flight crew on flight deck duty for the duration of the flight in excess of 30 minutes at the cabin pressure altitudes between 10,000 and 12,000 feet and for the duration of the flight at cabin pressure altitudes in excess of 12,000 feet. In the event of the loss of cabin pressurization, oxygen should continue to be used by the flight crew members on flight deck duty for the duration of flight at cabin pressure altitudes greater than 10,000 feet. All other crew members may use oxygen according to their individual needs.

§ 40.203–2 *Computation of supply for passengers in pressurized cabin aircraft (CAA policies which apply to § 40.203 (b))*—(a) *Cabin altitudes less than 10,000 feet.* When a pressurized cabin aircraft is certificated to fly with a cabin pressure altitude no greater than 10,000 feet, only the supply of oxygen stipulated by § 40.202 (c) need be provided for passengers. In determining this supply the following policies should be considered:

(1) The altitude which should be used in computing the supply of oxygen required by this section should be the altitude to which the aircraft would descend following a cabin pressurization failure, considering terrain clearance and operating limitations.

(2) Relative to § 40.203 (b) (1) and (2), no oxygen need be provided for the first four minutes following a cabin pressurization failure.

(b) *Cabin altitudes greater than 10,000 feet.* When a pressurized cabin aircraft is certificated to fly with a cabin pressure altitude greater than 10,000 feet, the following policies should be considered: When the cabin pressure altitude is above 10,000 feet to and including 14,000 feet, sufficient oxygen shall be provided for 10 percent of the number of passengers for the duration of flight between such cabin pressure altitudes. When the cabin pressure altitude is above 14,000 feet to and including 15,000 feet, sufficient oxygen shall be provided for 30 percent of the number of passengers for the duration of flight between such cabin pressure altitudes. When the cabin pressure altitude is above 15,000 feet, sufficient oxygen shall be provided for each passenger for the duration of flight above such a cabin pressure altitude. In addition to the above supply of oxygen, in order to provide for loss of cabin pressure, the supplementary oxygen required by whatever portions of § 40.203 (b) are applicable, shall be provided except that in no case will it be necessary to furnish a supply of oxygen in excess of that necessary to supply oxygen to 100 percent of the passengers for the maximum possible duration of flight at the maximum cabin altitude which could be attained under either of the normal operating or emergency conditions whichever is greater.

§ 40.203–3 *Oxygen requirements for clinical purposes (CAA policies which apply to § 40.203 (b)).* The regulations do not require that oxygen be provided for clinical purposes; hence, if the air carrier believes that such oxygen is to be desired, he should provide oxygen for this purpose. It is suggested that portable units of any size the air carrier desires be used for this purpose in order that the minimum supply required for supplementary breathing purposes will be preserved. If, however, the operator wishes to use a common source of supply for the oxygen required by the regulations and for clinical purposes, he may do so if he provides an amount of oxygen sufficiently greater than that required by the regulations. It is suggested that a quantity of 300 liters may be considered as satisfying reasonable needs.

§ 40.203–4 *Oxygen requirements for infants-in-arms (CAA policies which apply to § 40.203 (b)).* Provisions should be made for administering oxygen to infants-in-arms and additional oxygen over that required by § 40.203 (b) should be carried whenever an unusually large number of infants is carried. This additional oxygen is needed only when there is a passenger or infant for each seat position and the number of infants not provided for exceeds 50 percent of the seat positions. Acceptable methods of administering the oxygen to infants and now used by many operators are: (a) A disposable plastic mask which can be fitted to the face; (b) an infant size BLB oro-nasal mask and (c) semi-rigid paper cups, specifically reserved for the purpose, which can be fitted over the infant's nose and mouth, with a hole punched through the bottom through which an oxygen tube or Y-connector can be inserted. Any other acceptable method may also be used.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective April 1, 1954. However, under Special Regulation 393B, published on December 30, 1953, in 18 F. R. 8866, the Administrator may, upon application, amend the operations specifications of an air carrier coming under the provisions of Part 40 effective April 15, 1954, to authorize such air carrier to operate prior to April 1, 1954, in compliance with selected provisions of Part 40 effective April 1, 1954, in lieu of the equivalent provisions of presently effective Parts 40 and 61.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–1556; Filed, Mar. 4, 1954; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6083]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MELVIN MARCUS ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.90 *History of product or offering;* § 3.155 *Prices:* Exaggerated as Regular and Customary; § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, and distribution in commerce of respondents' TV accessory designated as Interference Absorber, TV Wave Trap or Teleron TV Wave Trap, or designated by any other name, or any other product of substantially similar design, representing directly or by implication: (1) That the said product is a new invention or development; (2) that the use of said product will eliminate or reduce interference with television reception irrespective of the form of interference; (3) that the use of said product will result in picture-clear television reception, irrespective of circumstances; and (4) that any price is, or was, the customary or usual price for said product which is in excess of the price at which it is, or was, customarily sold by respondents in the usual course of business; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Melvin Marcus d. b. a. Teleron Company et al., College Point, Long Island, N. Y., Docket 6083, Feb. 4, 1954]

In the Matter of Melvin Marcus Doing Business as Teleron Company, and Cecil C. Hoge, John Hoge, Sidney C. Hoge, and Barbara Obolenskey, Copartners, Doing Business as Huber Hoge and Sons

This proceeding was instituted by complaint which charged respondents with unfair and deceptive acts and practices and unfair methods of competition in commerce within the intent and meaning of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated February 16, 1954, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on February 4, 1954, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

It is ordered, That the respondent Melvin Marcus, doing business as Teleron Company, or under any other name, and respondents Cecil C. Hoge, John Hoge, Sidney C. Hoge and Barbara Obolensky, individually and as copartners doing business as Huber Hoge and Sons, or under any other name, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their TV accessory designated as Interference Absorber, TV Wave Trap or Teleron TV Wave Trap, or designated by any other name, or any other product of substantially similar design, do forthwith cease and desist from representing directly or by implication:

1. That the said product is a new invention or development;

2. That the use of said product will eliminate or reduce interference with television reception irrespective of the form of interference;

3. That the use of said product will result in picture-clear television reception, irrespective of circumstances;

4. That any price is, or was, the customary or usual price for said product which is in excess of the price at which it is, or was, customarily sold by respondents in the usual course of business.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 16, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54–1570; Filed, Mar. 4, 1954; 8:48 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

STATUS OF FOODS CONTAINING ADDED COUMARIN

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of interpretation is issued:

§ 3.33 *Status of foods containing added coumarin.* Manufacturers of coumarin have reported pharmacological investigations showing that it has toxic properties. They have informed the Food and Drug Administration that it will no longer be sold for food use. The Federal Food, Drug, and Cosmetic Act defines food as adulterated if it contains any added poisonous or deleterious substance not required in the production or avoidable in good manufacturing practice. Food containing coumarin added as such or as a constituent of tonka beans or tonka extract will be regarded as adulterated under this provision of the law.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 402, 406, 52 Stat. 1046, 1049; 21 U. S. C. 342, 346)

Dated: March 1, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54–1573; Filed, Mar. 4, 1954; 8:48 a. m.]

PART 10—GENERAL REGULATIONS RELATING TO DEFINITIONS AND STANDARDS FOR FOOD

GENERAL REGULATIONS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a); 67 Stat. 18), the general regulations relating to definitions and standards for foods (21 CFR 10.0) are amended as set forth below:

Section 10.0 (c) is amended to read as follows:

§ 10.0 *General regulations.* • • •

(c) No provision of any regulation prescribing a definition and standard of identity or standard of quality or fill of container under section 401 of the act shall be construed as in any way affecting the concurrent applicability of the general provisions of the act and the regulations thereunder relating to adulteration and misbranding. For example, all regulations under section 401 contemplate that the food and all articles used as components or ingredients thereof shall not be poisonous or deleterious and shall be clean, sound, and fit for food. A provision in such regulations for the use of coloring or flavoring does not authorize such use under circumstances or in a manner whereby damage or inferiority is concealed or whereby the food is made to appear better or of greater value than it is.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

This order shall become effective upon the date of its publication in the FEDERAL REGISTER.

Dated: March 1, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54–1574; Filed, Mar. 4, 1954; 8:49 a. m.]

PART 14—CACAO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

MISCELLANEOUS AMENDMENTS

In the matter of amending the definitions and standards of identity for chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating; breakfast cocoa, high-fat cocoa; sweet chocolate, sweet chocolate coating; and milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating:

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371; 67 Stat. 18), and upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on August 5, 1953 (18 F. R. 4606), and upon consideration of the exceptions filed to the tentative order published in the FEDERAL REGISTER on November 3, 1953 (18 F. R. 6945), which exceptions were not allowed as appears from notations on the exceptions on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., the following order is hereby promulgated:

Findings of fact.[1] 1. Based on evidence taken at a hearing held beginning December 9, 1940, on proposals to adopt definitions and standards of identity for various cacao products, coumarin (among other designated substances) was found to be a suitable artificial flavoring ingredient, and accordingly it was listed as a permitted optional ingredient in the definitions and standards of identity for chocolate liquor (21 CFR 14.2), breakfast cocoa (21 CFR 14.3), sweet chocolate (21 CFR 14.6), and milk chocolate (21 CFR 14.7). By reference it also became an optional ingredient in the definitions and standards of identity for cocoa (21 CFR 14.4), low-fat cocoa (21 CFR 14.5), skim milk chocolate (21 CFR 14.8), buttermilk chocolate (21 CFR 14.9), mixed dairy product chocolates (21 CFR 14.10), sweet chocolate and vegetable fat (other than cacao fat) coating (21 CFR 14.11), sweet cocoa and

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

vegetable fat (other than cacao fat) coating (21 CFR 14.12). (Ex. 2.)

2. Pharmacological investigations designed to test the toxicity of coumarin have recently been concluded by a commercial laboratory. The uncontradicted testimony given at the hearing shows that coumarin was tested by the means normally employed to determine the toxicity of ingredients used in food. The only testimony taken at the hearing was that of the pharmacologist whose laboratories conducted the toxicity investigations. The investigations demonstrate that coumarin is a toxic substance which caused damage to various organs of the test animals, particularly the livers. There is a definite possibility that coumarin will cause injury when used for human food. (R. 6–7, 9, 12–13, 15, 17; Ex. 3, 4.)

3. Coumarin is a chemical substance which exhibits toxic properties when fed to test animals in small quantities. While the amount of coumarin fed to animals in the investigations reported at the hearing may have exceeded that normally found in a human diet, it is customary to test food ingredients on animals in quantities greater than is normally found in the human diet, to allow a margin of safety. The experiments reported establish that coumarin has toxic properties, is a poisonous and deleterious substance, and so is not a suitable optional ingredient of the various chocolate products named in finding 1. (R. 6–17; Ex. 3, 4.)

Conclusions. Coumarin is a poisonous and deleterious substance within the meaning of section 402 (a) (2) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 342 (a) (2)). As used in chocolate products, it is unsafe within the meaning of section 406 (a) of the act (21 U. S. C. 346 (a)).

Coumarin was permitted as an ingredient in cacao products only as an optional ingredient, not a required ingredient, on the basis of evidence taken at previous hearings. There was no evidence introduced at any of the hearings to show that coumarin is required in the production of cacao products or cannot be avoided by good manufacturing practice. The Secretary is without authority to establish tolerances for the use of coumarin in such food.

It is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for the various cacao products named in finding 1 to repeal all provisions making coumarin an optional ingredient in such definitions and standards of identity.

Therefore, it is ordered, That Part 14—Cacao Products; Definitions and Standards of Identity be amended in the following respects:

1a. In § 14.2 (a) (3), omit the word "coumarin".

b. In § 14.2 (b), last sentence, change the statement "With Added Cinnamon, Vanilla, and Coumarin, an Artificial Flavoring" to read: "With Added Cinnamon, Vanilla, and Ethyl Vanillin, an Artificial Flavoring."

2a. In § 14.3 (a) (3), omit the word "coumarin".

b. In § 14.3 (b), last sentence, change the statement "With Added Cinnamon, Vanilla, and Coumarin, an Artificial Flavoring" to read: "With Added Cinnamon, Vanilla, and Ethyl Vanillin, an Artificial Flavoring."

3a. In § 14.6 (a) (2), omit the word "coumarin".

b. In § 14.6 (e), last sentence, change the statement "With Added Emulsifier and Coumarin, an Artificial Flavoring" to read: "With Added Emulsifier and Ethyl Vanillin, an Artificial Flavoring."

4a. In § 14.7 (a) (2), omit the word "coumarin".

b. In § 14.7 (c), last sentence, change the statement "With Added Emulsifier and Coumarin, an Artificial Flavoring" to read: "With Added Emulsifier and Ethyl Vanillin, an Artificial Flavoring."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U. S. C. 341)

Effective date. This order shall become effective on the ninetieth day following the date of publication in the FEDERAL REGISTER.

Dated: March 1, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54–1572; Filed, Mar. 4, 1954; 8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter IV—Federal National Mortgage Association, Housing and Home Finance Agency

PART 400—MORTGAGE PURCHASES, SERVICING AND SALES

Chapter IV, Part 400, of this title is hereby revised to read as follows:

SUBPART A—GENERAL

Sec.
400.1 Scope of operations.
400.2 Purchase price.
400.3 Exceptions.

SUBPART B—MORTGAGES ELIGIBLE FOR PURCHASE

VA-GUARANTEED MORTGAGES

400.101 Guaranty.
400.102 VA prior approval.
400.103 Extent of guaranty for single-family dwelling units.
400.104 Extent of guaranty for multiple-family dwelling units.
400.105 Section 502 mortgages.
400.106 Maturity.
400.107 Application of gratuity.
400.108 Loan not to exceed purchase price.
400.109 Date of first installment.
400.110 Minimum construction requirements.

FHA-INSURED MORTGAGES

400.201 Insurance.
400.202 Service fee.
400.203 Late charge.

VA-GUARANTEED AND FHA-INSURED MORTGAGES

400.301 Maximum loan.
400.302 Defects in documents; determination of purchase price in such cases.
400.303 Interest.
400.304 Amortization.
400.305 Mortgage payments.
400.306 Period of eligibility.
400.307 Location of premises.
400.308 Construction and mortgage financing fees.
400.309 Loan documents and related instruments.
400.310 Title evidence.
400.311 Restriction.
400.312 Prepayment premium.
400.313 Credit requirements.
400.314 Property requirements.
400.315 Purchase limitation (dollar amount).
400.316 Compliance by seller.
400.317 Mortgages covering leasehold estates.
400.318 Mortgage lien upon personal property.

SUBPART C—DEFENSE, MILITARY, AND DISASTER HOUSING MORTGAGES

400.401 Purchase of defense, military, and disaster housing mortgages.
400.402 Exceptions to regular eligibility requirements.
400.403 Commitment contracts; conditions.
400.404 Commitment period.
400.405 Commitment deposits and fees
400.406 Mortgage withdrawn from commitment contract.

SUBPART D—ADVANCE CONTRACTS TO PURCHASE (ONE-FOR-ONE PROGRAM)

400.501 Statutory basis.
400.502 Issuance of contract.
400.503 Period of issuance.
400.504 Amount of contract.
400.505 Limitation on purchase of mortgages.
400.506 Commitment period.
400.507 Commitment fee.
400.508 FNMA purchase price.
400.509 Acquisition and service charge.
400.510 Exceptions to regular eligibility requirements.

SUBPART E—COMMITMENT CONTRACTS: FHA COOPERATIVE HOUSING MORTGAGES

400.601 Statutory basis.
400.602 Types of mortgages.
400.603 Conditions.
400.604 Exception to regular eligibility requirement.
400.605 Commitment deposits and fees.
400.606 Additional information.

SUBPART F—ELIGIBLE SELLERS

400.701 VA-guaranteed mortgages.
400.702 FHA-insured mortgages.
400.703 Application for approval as eligible seller.

SUBPART G—MORTGAGE SERVICING PROGRAM

400.801 Mortgage servicing.

SUBPART H—MORTGAGE SALES PROGRAM

400.901 Mortgage sales.

AUTHORITY: §§ 400.1 to 400.901 issued under sec. 301, 48 Stat. 1252, as amended; 12 USC 1716.

SUBPART A—GENERAL

§ 400.1 *Scope of operations.* (a) Federal National Mortgage Association (hereinafter called "FNMA") is a corporate instrumentality of the United States, the capital stock of which is wholly owned by the Housing and Home Finance Administrator. Its principal powers are prescribed by Title III of the National Housing Act, as amended. FNMA provides a market for the purchase and sale of certain real estate mortgage loans. It purchases, on an over-the-counter basis, mortgage loans guaranteed under certain provisions of the Servicemen's Readjustment Act of 1944, as amended, or insured under certain provisions of the National Housing Act, as amended. FNMA enters into advance commitment contracts to purchase guaranteed or insured mortgages, under certain conditions, when they relate to (1) Defense, Military or Disaster housing, (2) housing located in Alaska, and (3) FHA section 213 cooperative housing. The mortgages which FNMA owns are made available for sale to eligible investors. FNMA also issues Advance Contracts to Purchase, under certain conditions, in an amount not exceeding the amount of sale of mortgages purchased from its portfolio.

(b) FNMA does not make loans directly to individuals or institutions, except that FHA-insured mortgage loans covering properties located in Alaska may be made under certain conditions. Detailed information with respect to such Alaska loans and mortgage purchases may be obtained from the offices of FNMA at Los Angeles, Calif., or Washington, D. C.

(c) FNMA is authorized to conduct its business in any State of the United States, and in the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands.

(d) FNMA functions through its principal office located at 811 Vermont Avenue, NW., Washington 25, D. C., and through Agency Offices located in various cities throughout the United States. A list of the cities in which the FNMA Agency Offices are located, their respective addresses and areas covered are given in this paragraph. All inquiries concerning the activities of FNMA, offerings of mortgages, etc., should be directed to the Agency Office serving the territory in which the mortgaged property is located. Forms for offering mortgages and other forms prescribed by FNMA may be obtained from such Agency Offices.

LOCATION OF AGENCY OFFICES AND AREA SERVED

Atlanta 3, Ga.: 48 Marietta Street NW.—Alabama, Florida, Georgia, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands.

Chicago 2, Ill.: 30 North La Salle Street—Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Wyoming.

Dallas 2, Tex.: 251 North Field Street—Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, Texas

Los Angeles 13, Calif.: 417 South Hill Street—Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington.

Philadelphia 7, Pa.: Lincoln-Liberty Building, Broad and Chestnut Streets—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia

(Sales Office: 346 Broadway, Room 1003, New York 13, New York.)

§ 400.2 *Purchase price.* The prices at which mortgages are currently purchased by FNMA may be obtained by application to any FNMA Agency Office.

§ 400.3 *Exceptions.* In the conduct of its affairs, in individual cases or classes of cases, FNMA reserves the right, consistent with the law, to alter or waive any of the requirements contained in this part or to impose other and additional requirements; it further reserves the right to rescind or amend, any or all of the material set forth in this part.

SUBPART B—MORTGAGES ELIGIBLE FOR PURCHASE

VA-GUARANTEED MORTGAGES

§ 400.101 *Guaranty.* Any mortgage guaranteed by the Administrator of Veterans' Affairs (herein referred to as a "VA-guaranteed mortgage") must have been guaranteed after February 29, 1952, pursuant to section 501 or 502 of the Servicemen's Readjustment Act.

§ 400.102 *VA prior approval.* VA-guaranteed mortgages must have been processed through the VA "prior approval procedure".

§ 400.103 *Extent of guaranty for single-family dwelling units.* If the improvements on the mortgaged premises comprise one single-family dwelling unit, the original principal amount of the mortgage must have been guaranteed: (a) In the case of a section 501 mortgage, to the extent of 60 percent; (b) in the case of a section 502 mortgage, to the extent of 50 percent or $4,000, whichever is less.

§ 400.104 *Extent of guaranty for multiple-family dwelling units.* If the improvements on the mortgaged premises comprise two or more single-family dwelling units, the original principal amount of the mortgage will not have exceeded the original amount of the guaranty plus 50 percent of the purchase price or cost of the premises: *Provided*, That the original principal amount of the mortgage must not in any instance have exceeded 90 percent of the purchase price or cost of the premises. This section contemplates that the original principal amount of the mortgage will not have exceeded $50,000 and that the mortgagors, without exception (except spouses), will be veterans whose entitlement to guaranty, without reduction resulting from prior use of all or a portion thereof, will be employed to the fullest extent provided for by the Servicemen's Readjustment Act for the purposes of the mortgage loan or loans under consideration; and it also contemplates, when there is more than one veteran-mortgagor, that all such veteran-mortgagors will be jointly and severally liable for the mortgage debt. Included in this section are instances of a single multi-family building containing two or more single-family dwelling units and also instances of a single parcel of realty upon which the improvements consist of two or more family residences. The officers of FNMA are authorized to consider any case in which the original principal amount of the mortgage exceeds $50,000, or in which the veteran-mortgagors are not jointly and severally liable for the mortgage debt.

§ 400.105 *Section 502 mortgages.* The mortgaged premises must be improved by a farm residence, and the original principal amount of the mortgage must not have exceeded the purchase price or cost of the premises, as defined in § 400.108. In addition, the purchase price or cost of the premises must be computed without the inclusion of the VA appraised reasonable value of livestock, farm machinery, and automotive or other farm equipment, if any.

§ 400.106 *Maturity.* Each VA mortgage must mature not more than 30 years from the date of the note, or the date of assumption of the mortgage debt by the veteran-borrower for whom the mortgage loan is guaranteed.

§ 400.107 *Application of gratuity.* Except as to any mortgage where the related VA Certificate of Commitment (VA Form 4–1866) is dated subsequent to August 31, 1953, and prior to July 1, 1954, and in which the mortgage is guaranteed prior to July 1, 1954, the VA gratuity payment incident to a VA-guaranteed mortgage that is offered to FNMA for purchase must have been received or advanced by the seller and applied on the mortgage debt.

(a) If the VA gratuity has been received by the seller prior to delivery of the mortgage to FNMA, the amount thereof, or that portion thereof to which the mortgagor may be entitled after reduction or offset by reason of indebtedness owing from the mortgagor to VA, or by reason of prior guaranty of other indebtedness, must have been credited upon the loan in the manner required by VA regulations. The documents which are delivered incident to delivery of the mortgage must identify any such payment and must show clearly how it was applied, and, if there had been any reduction or offset against a full gratuity, must include either a VA letter or a copy of VA Form 4–1885 (such copy being numbered 4–1885a) verifying such reduction or offset.

(b) If the gratuity payment has not been received, the full amount thereof (without any reduction or offset) may be advanced by the seller prior to the delivery of the mortgage to FNMA and credited upon the loan. Such amount will be considered as having been received by the seller and shall not thereafter, for any reason, be subject to any adjustment requiring refund to the seller by FNMA.

§ 400.108 *Loan not to exceed purchase price.* Each mortgage must not exceed in original principal amount the purchase price or cost of the mortgaged premises. In determining the "purchase price or cost" of the mortgaged premises, any costs or expenses (commonly called closing costs) incurred in closing the loan or financing the purchase that are normally required to be paid by the purchaser or lienor under local lending customs shall be excluded. Under this requireemnt, if a VA mortgage is to be eligible for purchase by FNMA, such closing costs may be included in the mortgage loan only to the extent that the original principal amount thereof does not exceed such purchase price or cost, as defined herein; any excess of such closing costs must have been paid by or for the mortgagor otherwise than from the proceeds of the mortgage loan, and from some source other than by a gratuity from the seller of the property.

§ 400.109 *Date of first installment.* The period of time between the date of

a note, or the date of assumption of the mortgage debt by the veteran-borrower for whom the mortgage is guaranteed, and the due date of the first installment of principal and interest shall not exceed: (a) Six months, if the amortization installments are payable monthly or quarterly, except that if in such cases the seller establishes to the satisfaction of FNMA that the veteran-borrower executed the note or assumed the mortgage debt prior to the commencement of construction, that period shall not exceed twelve months; (b) twelve months, if the amortization installments are payable semi-annually or annually.

§ 400.110 *Minimum construction requirements.* The housing with respect to which each mortgage was made must conform with the minimum construction requirements prescribed by the Administrator of Veterans' Affairs.

FHA-INSURED MORTGAGES

§ 400.201 *Insurance.* Any mortgage insured by the Federal Housing Commissioner (referred to in this part as an "FHA-insured mortgage") must have been insured after February 29, 1952, pursuant to sections 8, 203, 207, 213 "Individual Mortgages," 213 "Project Mortgages" (Management Type), 803, 903 or 908 of the National Housing Act.

§ 400.202 *Service fee.* Each FHA-insured section 8 mortgage shall contain a provision requiring the monthly payment by the mortgagor of a service fee of ½ of 1 percent per annum. The servicer shall remit such service fee to FNMA.

§ 400.203 *Late charge.* Any mortgage insured pursuant to sections 207, 213 "Project Mortgages" (Management Type), 803 or 908 shall contain a provision requiring the payment by the mortgagor of a "late charge" of two cents for each dollar of each payment more than fifteen days in arrears. Whenever, under the law of the jurisdiction where the property is located, the amount of a "late charge" is considered to be additional interest, this provision shall not be used if the rate of interest specified in the mortgage together with the amount of the "late charge" would aggregate an amount in excess of the maximum rate of interest permitted, and would constitute usury.

VA-GUARANTEED AND FHA-INSURED MORTGAGES

§ 400.301 *Maximum loan.* The original principal amount of any mortgage (except an FHA-insured mortgage covering property located in Guam or Hawaii) must not have exceeded $10,000 for each single-family dwelling unit covered thereby. (A blanket mortgage, which does not contain provisions for the release of individual parcels, is ineligible if the original principal amount of the mortgage loan averages an amount in excess of $10,000 per dwelling unit (original principal amount of loan divided by the number of dwelling units). A blanket mortgage which does contain provisions for the release of individual parcels is ineligible if the portion of the original principal amount of the blanket mortgage allocable to any individual property exceeds $10,000 for any family residence or single-family dwelling unit.)

§ 400.302 *Defects in documents; determination of purchase price in such cases.* If the examination of mortgage documents in any case discloses defects which in the opinion of FNMA are material, or if the mortgage is otherwise determined to be ineligible for purchase, all of the mortgage documents will be returned to the seller. However, a seller may re-offer any such mortgage under a new contract, provided the defects have been cleared. The price FNMA will pay for a mortgage, which is returned to the seller and thereafter re-offered to FNMA as provided in this section, will be the price in effect on the date such re-offering is received by FNMA.

§ 400.303 *Interest.* Mortgages offered to FNMA for purchase must bear interest at not less than the following rates: FHA-insured section 8, 203, 213 "Individual Mortgages", or 903 mortgages and VA-guaranteed section 501 or 502 mortgages, 4½ percent per annum; FHA-insured section 207, 213 "Project Mortgages" (Management Type), 803, or 908 mortgages, 4½ percent per annum. Interest accruing to the day which precedes by one regular installment period the due date of the first full installment of principal and interest, shall have been paid by or for the account of the mortgagor.

§ 400.304 *Amortization.* Each VA-guaranteed section 501 mortgage and FHA-insured section 8, 203 (except section 203 (d)), 213 "Individual Mortgages", or 903 mortgage must provide for amortization thereof by the payment of equal monthly installments applicable to interest and principal, payable on the first day of each month. The installments on VA-guaranteed section 502 and FHA-insured section 203 (d) mortgages and may be payable on a monthly, quarterly, semi-annual or annual basis. FHA-insured section 207, 213 "Project Mortgages" (Management Type), 803, or 908 mortgages may be amortized either, by the payment of equal monthly installments applicable to interest and principal or, on the basis of the FHA accelerating curtail declining annuity method. Each mortgage must provide for additional periodic payments to cover ground rents, taxes, special assessments, other levies and charges, fire and other hazard insurance premiums, and mortgage insurance premiums, if any.

§ 400.305 *Mortgage payments.* On the date the mortgage is delivered to FNMA, it must be current with respect to matured installments of principal, interest and deposits. Mortgages will not be accepted for purchase after the 25th day of the month, unless the installment due on the first day of the subsequent month has been received and applied on the loan. The seller, within the immediately preceding 3 months, must not have advanced funds, nor have induced or solicited any advance of funds by another, directly or indirectly, for the payment of any amount required by the note or mortgage, except (a) for the VA gratuity, if any, in the case of a VA mortgage, or (b) for interest accruing from the date of the note or the date of disbursement of the loan proceeds, whichever is later, to the day which precedes by one regular installment period, the due date of the first full installment of principal and interest.

§ 400.306 *Period of eligibility.* The VA Certificate of Guaranty or the FHA Final Insurance Endorsement shall be dated after February 29, 1952, and not less than 2 months nor more than 12 months prior to the date of receipt of the mortgage by FNMA for purchase, except that an FHA-insured section 803 mortgage is not eligible unless the FHA Insurance Commitment was issued on or after March 1, 1951.

§ 400.307 *Location of premises.* The mortgaged premises must be located within a radius of 100 miles of the principal office of the seller, or of a branch office of seller which FNMA has determined is adequately equipped to service mortgages, or of an office of a bona fide agent of the seller if both agent and office have been approved by FNMA. This requirement does not apply to FHA-insured section 207, 213 "Project Mortgages" (Management Type), 803, or 908 mortgages which are serviced by FNMA.

§ 400.308 *Construction and mortgage financing fees.* The seller must certify that it has at all times complied strictly with all rules and regulations of the VA or FHA with respect to all fees or charges collected or made incident to the mortgage loan and any predecessor construction or other loan.

§ 400.309 *Loan documents and related instruments.* The notes and security instruments must be on standard forms approved by FNMA, published by FHA or VA and obtainable from their respective field offices. As a condition of the delivery of any mortgage to FNMA, the seller must have executed a Purchasing and Servicing Agreement (except in the case of FHA-insured sections 207, 213 "Project Mortgages" (Management Type), 803, and 908 mortgages), a Purchase Contract, and a Seller's Certificate. FNMA's eligibility requirements, as well as the evidence to substantiate such requirements, are more fully described in such documents. Seller must comply with all the requirements set forth in such documents and must also comply with such further purchase requirements as FNMA may, from time to time, prescribe.

§ 400.310 *Title evidence.* FNMA will accept a mortgagee's title policy on the standard form of the American Title Association, if written by a title company satisfactory to FNMA in an amount not less than the original principal amount of the mortgage indebtedness. The maximum single risk (i. e., the risk or hazard attaching to or arising in connection with any one mortgage) assumed by any one title company may not exceed 50 percent of the sum of its capital and surplus, and its reserves other than its loss or claim reserves; excess amounts may be covered by reinsurance or coinsurance of acceptable title companies. Consideration will be given to the acceptance of other types of title evidence to the extent set forth in the Purchasing and Servicing Agreement.

§ 400.311 *Restriction.* No restriction upon the sale or occupancy of the mortgaged property, on the basis of race, color, or creed, must have been filed of record at any time subsequent to February 15, 1950, and prior to the latest date covered by the current title evidence.

§ 400.312 *Prepayment premium.* FHA-insured sections 207, 213 "Project Mortgages" (Management Type), 803, and 908 mortgages must include a provision for a premium or charge to be paid to the holder whenever prepayment of principal during any one calendar year exceeds 15 percent of the original principal amount of the mortgage debt. FNMA's minimum requirement in this respect is fully described in the Purchase Contract (FNMA Form 2a).

§ 400.313 *Credit requirements.* The general credit standing of the mortgagor and present owner, if other than original mortgagor, must be acceptable to FNMA, and the seller must certify that it has no knowledge of any circumstances of, or condition affecting, the mortgagor, present owner, or their affairs, which, in the opinion of the seller, may cause the mortgage to become delinquent. A credit report, which must not be dated more than 6 months prior to the time of delivery of mortgage to FNMA, shall be summitted in each case. Additional information or separate, current credit reports may be required by FNMA, if deemed necessary.

§ 400.314 *Property requirements.* (a) The improvements on the mortgaged premises must be undamaged by waste, fire or otherwise, and in all respects ready for occupancy.

(b) The seller must certify that it has no knowledge of any circumstances of, or conditions affecting, the mortgaged premises that adversely affects the value or marketability of the mortgage or that would cause private investors in the secondary mortgage market to regard the mortgage as unacceptable for prudent investment.

§ 400.315 *Purchase limitation (dollar amount).* Part II of Seller's Certificate, FNMA Form 190, includes in substance some of the provisions of the National Housing Act affecting sales of mortgages to FNMA. Such certificate provides a computation by which a seller may readily determine that not more than 50 percent of the amount of originations of certain VA mortgages (other than Defense and Disaster housing mortgages and mortgages delivered pursuant to Advance Contracts to Purchase) can be offered to FNMA; and not more than 25 percent of the amount of originations of certain FHA mortgages (other than Defense, Military and Disaster housing mortgages and mortgages delivered pursuant to Advance Contracts to Purchase) can be offered to FNMA. A different form of computation in the certificate will be used for VA-guaranteed and FHA-insured mortgages; and a seller is required to complete the appropriate form of computation and execute the certificate on the date of delivery of a mortgage tendered to FNMA for purchase.

§ 400.316 *Compliance by seller.* When a mortgage is delivered to FNMA for purchase, the seller must have complied with the National Housing Act and the Servicemen's Readjustment Act, if applicable, and the rules and regulations promulgated thereunder; also, the VA guaranty or FHA insurance must be in full force and effect. The seller must be the original mortgagee, and must not have made any prior sale of the mortgage offered to FNMA.

§ 400.317 *Mortgages covering leasehold estates.* When VA-guaranteed section 501 and 502 mortgages, or FHA-insured section 8, 203, 213 "Individual Mortgages", and 903 mortgages which cover leasehold estates are offered to FNMA for purchase, the seller shall furnish therewith satisfactory evidence that all of the following conditions exist in the political subdivisions—the city, county, or State—where the mortgaged property is located:

(a) The use of leasehold estates for residential properties is a custom of long standing in that area;

(b) Residential properties, consisting of leasehold estates, are readily marketable to informed buyers, and are acceptable to prudent investors in that area as security for mortgage loans;

(c) Mortgages covering residential properties, consisting of leasehold estates, are acceptable to prudent investors generally.

Evidence submitted by the seller shall include a geographical description of the area (city, county, or State), copies of the leasehold agreement in general use in that area, and such other evidence as may be requested. If the required evidence is satisfactory, the seller will be notified that FNMA will not object to offerings of such mortgages in that area. After such notification, the seller is not required to resubmit similar evidence with any subsequent offering in that area.

§ 400.318 *Mortgage lien upon personal property.* It is required that a valid and first lien be obtained, under applicable law, upon any equipment or other items of property normally regarded as personal property whenever such property constitutes a part of the required security for the mortgage indebtedness. In the case of a VA-guaranteed loan, the lien shall be legally adequate to embrace fully any such items of property used or found in the structure, which have been included in the VA Certificate of Reasonable Value. FNMA applies the same rule to an FHA mortgage where the FHA Commitment for Insurance contains certain items of equipment or other property which the FHA has referred to as "easily removable real estate items"; and, the lien shall be legally adequate to embrace fully any such items of equipment and property. Such items of equipment and property shall be described in such detail as to be readily identifiable.

SUBPART C—DEFENSE, MILITARY, AND DISASTER HOUSING MORTGAGES

§ 400.401 *Purchase of defense, military, and disaster housing mortgages.* FNMA will purchase, on an over-the-counter basis, and will issue advance commitments for the purchase of mortgages that are otherwise eligible, guaranteed by VA under sections 501 or 502 of the Servicemen's Readjustment Act, or insured by FHA under sections 8, 203, 207, 213, 803, 903, or 908 of the National Housing Act, covering:

(a) Defense Housing (housing programmed by the Housing and Home Finance Administrator in an area determined by the President or his designee to be a critical defense housing area);

(b) Military Housing (housing with respect to which the Federal Housing Commissioner has issued a commitment to insure pursuant to Title VIII of the National Housing Act); or

(c) Disaster Housing (housing intended to be made available primarily for families who are victims of a catastrophe which the President has determined to be a major disaster).

§ 400.402 *Exceptions to regular eligibility requirements.* Defense, Military, and Disaster housing mortgages must meet the eligibility requirements hereinbefore set forth, except as follows:

(a) They are exempt from the requirement that the mortgage must have been insured by FHA or guaranteed by VA subsequent to February 29, 1952 (§§ 400.101, 400.201, and 400.306).

(b) There is no two months' waiting period (§ 400.306).

(c) They are exempt from the requirements that not more than 50 percent of the amount of the originations of certain VA mortgages can be offered to FNMA for purchase, and not more than 25 percent of the originations of certain FHA mortgages can be offered to FNMA (§ 400.315).

(d) The italicized proviso in the following requirement will be waived where the VA Certificate of Reasonable Value is dated prior to September 1, 1952:

If the improvements on the mortgaged premises comprise two or more single-family dwelling units, the original principal amount of the mortgage will not have exceeded the original amount of the guaranty, plus 50 percent of the purchase price or cost of the premises, *provided that the original principal amount of the mortgage must not in any instance have exceeded 90 percent of the purchase price or cost of the premises* (§ 400.104).

(e) FNMA will not require that the VA gratuity payment, if any, must have been received or advanced by the seller and applied on the mortgage debt. If the gratuity payment has not been received by the seller prior to delivery of the mortgage to FNMA, the mortgage may nevertheless be purchased if it is otherwise eligible, provided the seller furnishes a written statement to the effect that such payment has not been received and that it will be remitted to FNMA promptly when received. If there is any reduction or offset against the full gratuity the seller shall be required to furnish

FNMA, when remitting such payment, either a VA letter or a copy of VA Form 4–1885 (such copy being numbered 4–1885a), verifying such reduction or offset (§ 400.107).

(f) The requirement concerning knowledge of conditions affecting the mortgage shall be amended (as indicated by italics) to read as follows:

The seller must certify that, *other than conditions resulting from a failure to sell or rent the mortgaged premises*, it has no knowledge of any circumstances of, or conditions affecting, the mortgaged premises that adversely affects the value or marketability of the mortgage or that would cause private investors in the secondary mortgage market to regard the mortgage as unacceptable for prudent investment (§ 400.314).

(g) Mortgages covered by commitment contracts are exempt from the requirement that mortgages will not be accepted for purchase after the 25th day of the month, unless the installment due on the first day of the subsequent month has been received and applied on the loan (§ 400.305).

(h) With respect to mortgages tendered for purchase on an over-the-counter basis subsequent to May 4, 1953, or listed in commitment contracts executed by FNMA subsequent to May 4, 1953, the interest rates must be as follows:

(1) If the FHA Insurance Commitment or VA Certificate of Reasonable Value is dated on or prior to May 4, 1953, the mortgage must bear interest at not less than the following rates:

FHA-insured section 8, 203 and 903 mortgages, 4¼ percent per annum; FHA-insured section 207, 213, "Individual and Project Mortgages", 803 and 908 mortgages, and VA-guaranteed section 501 and 502 mortgages, 4 percent per annum.

(2) If the FHA Insurance Commitment or VA Certificate of Reasonable Value is dated subsequent to May 4, 1953, and on or prior to July 2, 1953, the mortgage must bear interest at not less than the following rates:

FHA-insured section 8, 203 and 903 mortgages and VA-guaranteed section 501 and 502 mortgages, 4½ percent per annum; FHA-insured section 207 mortgages, 4¼ percent per annum; FHA-insured section 213 "Individual and Project Mortgages", 803, and 908 mortgages, 4 percent per annum.

(3) If the FHA Insurance Commitment or VA Certificate of Reasonable Value is dated subsequent to July 2, 1953, the mortgage must bear interest at not less than the following rates:

FHA-insured section 8, 203, 213 "Individual Mortgages", and 903 mortgages, and VA-guaranteed section 501 and 502 mortgages, 4½ percent per annum; FHA-insured section 207, 213 "Project Mortgages", 803 and 908 mortgages, 4¼ percent per annum (§ 400.303).

§ 400.403 *Commitment contracts; conditions.* (a) Applications for advance commitments (Commitment Contract form executed by the seller) must be delivered in time for execution by FNMA prior to July 1, 1954.

(b) Commitment contracts will be subject to the following principal conditions:

(1) The mortgage relates to housing that has been programmed by the Housing and Home Finance Administrator for critical Defense Housing areas, or to Military Housing, or to Disaster Housing whether programmed or nonprogrammed.

(2) Seller holds an FHA Insurance Commitment, which in a section 803 case was issued on or after March 1, 1951, or a VA Certificate of Reasonable Value.

(3) Construction has not been commenced on the related housing to be encumbered by the mortgage.

(4) Seller has been and is unable to complete arrangements to market the mortgage elsewhere at par.

(5) Arrangements have been made for obtaining or furnishing all construction loan funds.

§ 400.404 *Commitment period.* The commitment period, under a commitment contract covering an FHA section 8, 203, 213 "Individual Mortgage", or 903 mortgage, or a VA section 501 or 502 mortgage, will be one year. The commitment period, under a commitment contract covering an FHA section 207, 213 "Project Mortgage" (Management Type), 803, or 908 mortgage, will be the time between the date FNMA executes the commitment contract and the latest date on which amortization payments may commence under the terms of the FHA Insurance Commitment.

§ 400.405 *Commitment deposits and fees.* (a) Concurrently with the filing of an application with FNMA for a commitment to purchase an FHA section 8, 203, 213 "Individual Mortgage", or 903 mortgage, or a VA section 501, or 502 mortgage the seller must deposit with FNMA an amount equal to 1 percent of the original principal amount of each mortgage included in a commitment contract as a commitment deposit. FNMA will charge commitment fees with respect to such mortgages (to be retained from the commitment deposit applicable to each mortgage and any balance to be refunded to the seller) as follows:

(1) One-half of the commitment deposit upon delivery of an eligible mortgage to FNMA within the commitment period; or

(2) One-fourth of the commitment deposit upon the written request of seller within the commitment period to withdraw the mortgage from the commitment, accompanied by a statement (i) that the improvements on the mortgaged premises are ready for occupancy and (ii) that the mortgage in all respects is eligible for purchase by FNMA from the seller; or

(3) The full amount of the commitment deposit if the contract is terminated; or, if at the expiration of the commitment period, the seller has not acted in accordance with either subparagraphs (1) or (2) of this paragraph.

(b) Concurrently with the filing of an application with FNMA for a commitment to purchase an FHA section 207, 213 "Project Mortgage" (Management Type), 803, or 908 mortgage, the seller must deposit with FNMA an amount equal to one-half of 1 percent of the original principal amount of the mortgage as a commitment deposit. FNMA will charge with respect to each such mortgage a commitment fee (to be retained by FNMA from the commitment deposit, and any balance to be refunded to the seller) as follows:

(1) The full amount of the commitment deposit if, within the commitment period, the mortgage is delivered to FNMA for purchase and the mortgage is in all respects eligible for purchase by FNMA; or

(2) One-half of the commitment deposit upon the written request of the seller within the commitment period to withdraw the mortgage from the commitment, accompanied by a statement (i) that the improvements on the mortgaged premises are ready for occupancy and (ii) that the mortgage in all respects is eligible for purchase by FNMA from the seller; or

(3) The full amount of the commitment deposit if the contract is terminated; or, if at the expiration of the commitment period, the seller has not acted in accordance with either subparagraph (1) or (2) of this paragraph.

§ 400.406 *Mortgage withdrawn from commitment contract.* FNMA will not purchase on an over-the-counter basis any mortgage previously withdrawn from a commitment contract.

Subpart D—Advance Contracts To Purchase

(One-for-One Program)

§ 400.501 *Statutory basis.* Public Law 94, 83d Congress, authorizes FNMA to issue advance commitments to purchase mortgages in an amount which does not exceed the principal amount paid for mortgages sold by FNMA from its portfolio. FNMA will issue such commitments under the following conditions and requirements (copies of required forms, and complete detailed information concerning this program may be obtained from any FNMA Agency Office).

§ 400.502 *Issuance of contract.* Advance Contracts to Purchase may be issued in connection with the sale of all mortgages from FNMA's portfolio, including Defense, Military, and Disaster housing mortgages. They will not be issued in any case in which, at the instance of FNMA, a purchaser is repurchasing unsatisfactory mortgages theretofore sold by the purchaser to FNMA. The contract will be issued to either (a) the purchaser that signed FNMA's Mortgage Sales Agreement, or (b) FNMA's immediate assignee of the mortgages, whichever is requested by the purchaser at, or prior to, the time of closing of the sale. The contract is not assignable or transferrable and, after issuance, it will not be re-issued to any other person, firm, or corporation.

§ 400.503 *Period of issuance.* Advance commitments may be issued by FNMA in connection with sales subsequent to July 25, 1953, and prior to July 1, 1954, on FNMA Form 260 "Advance Contract to Purchase".

§ 400.504 *Amount of contract.* A contract will be issued in any amount requested by the purchaser, but not to exceed the principal amount paid to FNMA for mortgages purchased from FNMA's portfolio (e. g., if the aggregate of the unpaid principal balances of mortgages sold is $1,000,000, and the mortgages were sold at 98, the sale price is $980,000; and the maximum amount of the contract would therefore be $980,000). The contract obligates FNMA to purchase a specific dollar volume of mortgages, but not specific mortgages covering any particular property. Where a contract is issued at purchaser's request in an amount less than the sale price, no subsequent increase in the amount of the contract will be made.

§ 400.505 *Limitation on purchase of mortgages.* Although, as stated in § 400.502, Defense, Military and Disaster housing mortgages may be sold by FNMA and contracts issued in connection therewith, such mortgages will not be purchased by FNMA pursuant to the contracts, for the reason that established FNMA procedures already provide for advance commitments and over-the-counter purchases of such mortgages.

§ 400.506 *Commitment period.* The commitment period shall be one year from the date of the contract. (The date of the contract will in all cases be the effective date of the sale.)

§ 400.507 *Commitment fee.* Purchasers of FNMA mortgages desiring to obtain an Advance Contract to Purchase must, at the time of the closing of the sale, pay a "Commitment Fee" of one percent of the total amount of the contract. No part of such fee will be refunded.

§ 400.508 *FNMA purchase price.* Purchases of mortgages by FNMA under an Advance Contract to Purchase will be confined solely to the types of mortgages listed in the schedule appearing on the reverse side of the contract, and the price that will be paid by FNMA for each type of mortgage will be the current price in effect on the date the Mortgage Sales Agreement, FNMA Form 174 or 174–A is executed by FNMA. A contract may be presented to any FNMA Agency Office, regardless of the location of the issuing Agency Office.

§ 400.509 *Acquisition and service charge.* At the time a mortgage is delivered for purchase under an Advance Contract to Purchase, the seller is required to pay an "Acquisition and Service Charge" of one-half of one percent of the principal amount to be paid by FNMA for the mortgage.

§ 400.510 *Exceptions to regular eligibility requirements.* Mortgages delivered under Advance Contracts to Purchase must conform in all respects to FNMA's requirements in effect on the date of the issuance of the contract, except as follows:

(a) They are not subject to the two months' waiting period (§ 400.306);

(b) FNMA will not require that the gratuity payment, if any, must have been received or advanced by the seller and applied on the mortgage debt. If the gratuity payment has not been received by the seller prior to delivery of the mortgage to FNMA, the mortgage may nevertheless be purchased if it is otherwise eligible, provided the seller furnishes a written statement to the effect that such payment has not been received and that it will be remitted to FNMA promptly when received. If there is any reduction or offset against the full gratuity the seller shall be required to furnish to FNMA, when remitting such payment, either a VA letter or a copy of VA Form 4–1885 (such copy being numbered 4–1885a), verifying such reduction or offset (§ 400.107);

(c) They are exempt from the requirement that only 50 percent of certain VA mortgages originated by a seller can be offered to FNMA, and only 25 percent of certain FHA mortgages originated by a seller can be offered to FNMA (§ 400.315);

(d) They are exempt from the requirement that mortgages will not be accepted for purchase after the 25th day of the month, unless the installment due on the first day of the subsequent month has been received and applied on the loan (§ 400.305).

Subpart E—Commitment Contracts; FHA Cooperative Housing Mortgages

§ 400.601 *Statutory basis.* FNMA is authorized to enter into advance Commitment Contracts which do not exceed $30,000,000 outstanding at any one time, if such commitments relate to mortgages with respect to which the Federal Housing Commissioner has issued prior to September 1, 1953, pursuant to section 213 of the National Housing Act, as amended, either a Commitment to Insure or a Statement of Eligibility, provided that not to exceed $3,500,000 of such authorization shall be available for such commitments in any one State.

§ 400.602 *Types of mortgages.* FNMA will issue such commitments for the purchase of FHA section 213 "Project Mortgages" (Management Type), and FHA section 213 "Individual Mortgages" covering properties to be released from a "Project Mortgage" (Sales Type). FNMA will not issue commitments for the purchase of FHA section 213 "Project Mortgages" (Sales Type).

§ 400.603 *Conditions.* Commitment Contracts will be issued subject to the conditions: (a) That the seller is an FHA-approved mortgagee (which term does not include a loan correspondent of an approved mortgagee); (b) that the seller holds a Statement of Eligibility executed by FHA or an FHA Insurance Commitment covering the project mortgage; (c) that either the FHA Insurance Commitment or the FHA Statement of Eligibility was issued prior to September 1, 1953; (d) that construction has not commenced; (e) that the seller has been and is unable to complete arrangements to market the mortgage elsewhere at par; (f) if the contract is issued prior to the issuance of the FHA Insurance Commitment on the project mortgage, seller agrees to deliver such insurance commitment to FNMA within 90 days after the date of the execution of the contract by FNMA; and (g) if the contract covers individual mortgages, seller agrees to deliver the individual FHA Insurance Commitments to FNMA at the time such mortgages are tendered for purchase.

§ 400.604 *Exception to regular eligibility requirement.* Mortgages delivered pursuant to these commitment contracts are exempt from the FNMA requirement that mortgages will not be accepted for purchase after the 25th day of the month, unless the installment due on the first day of the subsequent month has been received and applied on the loan (§ 400.305).

§ 400.605 *Commitment deposits and fees.* Same as required for section 213 Defense, Military, and Disaster mortgages. (See § 400.405.)

§ 400.606 *Additional information.* Complete detailed information and copies of required FNMA forms may be obtained from any FNMA Agency Office.

Subpart F—Eligible Sellers

§ 400.701 *VA-guaranteed mortgages.* In order to be eligible to sell any VA-guaranteed mortgage to FNMA a lender must be acceptable to FNMA and must come within one of the following three classifications:

(a) Any lender that is classified by VA as a "supervised lender" under section 500 (d) of the Servicemen's Readjustment Act, including any National bank, State bank, private bank, building and loan association, insurance company, credit union or mortgage and loan company, which is subject to examination and supervision by an agency of the United States or of any State or territory, including the District of Columbia.

(b) Any lender that is an FHA-approved mortgagee, as defined in this part.

(c) Any other lender, if such lender, as determined by FNMA, is adequately equipped to service mortgages and has a net worth of not less than $50,000.

§ 400.702 *FHA-insured mortgages.* In order to be eligible to sell any FHA-insured mortgage to FNMA, a lender must be acceptable to FNMA and must be an FHA-approved mortgagee. The term "FHA-approved mortgagee", as used in this part, means an institution, agency or organization that has been approved by FHA as the holder of, and the original lender upon, a mortgage insured pursuant to the provisions of Title I, Title II, Title VIII or Title IX of the National Housing Act. Such term does not include a mortgagee that has been approved on the basis of being a duly authorized loan correspondent of an approved mortgagee which has qualified with FHA to originate loans under the National Housing Act.

§ 400.703 *Application for approval as eligible seller.* Any lender that applies to FNMA for designation as an eligible seller shall transmit with its application a detailed description of its servicing facilities together with a recent financial statement. The term "lender" as used in this part means an organized business enterprise which has as one of its principal purposes the making of loans secured by real estate mortgages. Such mortgage loans must customarily be made in the regular, usual, and normal course of business. An organization which makes

such loans occasionally only, or in special circumstances only, e. g., in aid of another of its principal purposes, would not come within this definition. A Federal, State or municipal instrumentality cannot become an eligible seller.

SUBPART G—MORTGAGE SERVICING PROGRAM

§ 400.801 *Mortgage servicing.* (a) Sellers are obligated to service, in accordance with FNMA requirements, all VA-guaranteed and FHA-insured mortgages purchased by FNMA (except FHA-insured section 207, 213 "Project Mortgages" (Management Type), 803 and 908 mortgages which are serviced by FNMA), but the seller is not required to foreclose or bear any part of foreclosure expenses.

(b) As compensation for the performance of its servicing duties, a servicer may retain from each full monthly installment collected by it an amount equal to one-half of one percent per annum computed on the same principal amount and for the same period as the interest portion of said installment, and may also retain the late charges, if any, paid by the mortgagor; provided, no compensation will be due the servicer with respect to any period prior to the date of disbursement of the purchase price or subsequent to the date of termination of the Purchasing and Servicing Agreement or of the termination of its servicing duties.

(c) The servicer's servicing duties under the Purchasing and Servicing Agreement may be terminated, in whole or in part, either for cause or at the option of FNMA, upon giving the servicer the written notice stipulated in the Agreement. Servicers are required to maintain fidelity bond coverage or furnish direct surety bond, acceptable to FNMA.

SUBPART H—MORTGAGE SALES PROGRAM

§ 400.901 *Mortgage sales.* (a) All mortgages owned by FNMA are available for sale to eligible purchasers. The prices at which such mortgages are currently made available for sale may be obtained by application to any FNMA Agency Office.

(b) Any investor that, in the opinion of FNMA, is qualified to service the mortgage is eligible to purchase VA-guaranteed mortgages. Any investor that is an FHA-approved mortgagee is eligible to purchase FHA-insured mortgages.

(c) Lists of mortgages owned and available for sale may be obtained by prospective purchasers upon application to the FNMA Agency Office serving the area in which the investor desires to purchase mortgages. Prospective purchasers may select mortgages in which they are interested from the lists. Any number of mortgages selected from offering lists may constitute either a sale or a reservation; any number of mortgages selected from a reservation may constitute a sale.

(d) Except for mortgages covering large-scale rental housing, FNMA does not issue firm options; instead, mortgages selected by a prospective purchaser will be reserved for its account, and will not be available for sale to any other investor, for a period of 15 calendar days. Prices quoted are subject to change without notice during the reservation period. During such period, mortgaged properties may be inspected, and the mortgage documents examined at FNMA's Agency Offices. Since existing servicing arrangements that are transferred with the mortgages are cancellable on 30 days' notice at the option of the owner of the mortgages, purchasers will always be able to effect their own arrangements for future servicing. FNMA will endeavor to comply with the wishes of purchasers with respect to arranging closing schedules and other matters incident to consummating sales. Expenses that may be incurred by FNMA in connection with the transfer of mortgages must be assumed by the purchaser.

(e) In instances in which both the FHA-insured first mortgage and VA-guaranteed section 505 (a) second mortgage covering the same property are owned by FNMA, sale of the first mortgage will not be made unless the investor will purchase both mortgages as a package; the second mortgage will be sold without the first, if an investor desires to purchase the second mortgage only.

J. S. BAUGHMAN,
President,
Federal National Mortgage Association.

[F. R. Doc. 54-1563; Filed, Mar. 4, 1954; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

CHESAPEAKE BAY, VIRGINIA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.51 governing the use and navigation of danger zones in waters of Chesapeake Bay adjacent to the U. S. Naval Amphibious Base, Little Creek, Virginia, is amended to include a small-arms firing range as follows:

§ 204.51 *Chesapeake Bay, Lynnhaven Roads; danger zones, U. S. Naval Amphibious Base*—(a) *Underwater demolitions area (prohibited)*—(1) *The area.* A portion of the restricted area for Navy amphibious training operations described in § 207.157, along the south shore of Chesapeake Bay, bounded as follows: Beginning at a point on the mean low-water line at longitude 76°08'59"; thence 200 yards to latitude 36°55'36", longitude 76°08'57"; thence 400 yards to latitude 36°55'34", longitude 76°08'43"; thence 200 yards to a point on the mean low-water line at longitude 76°08'45"; and thence approximately 400 yards along the mean low-water line to the point of beginning. The area will be marked by range poles set on shore on the prolongation of the lines forming its eastern and western boundaries.

(2) *The regulations.* Vessels other than those owned and operated by the United States shall not enter the prohibited area at any time unless authorized to do so by the enforcing agency.

(b) *Small-arms firing range*—(1) *The area.* Beginning at a point on the mean low-water line at longitude 76°08'32"; thence 4,360 yards to latitude 36°57'26", longitude 76°07'33"; thence 905 yards to latitude 36°57'17", longitude 76°07'01"; thence 4,430 yards to a point on the mean low-water line at longitude 76°08'21"; thence along the mean low-water line to the point of beginning.

(2) *The regulations.* (i) Passage of vessels through the area will not be prohibited at any time, nor will commercial fishermen be prohibited from working fish nets within the area. No loitering or anchoring for other purposes will be permitted.

(ii) A large red warning flag will be flown on shore during periods when firing is in progress. Observers will be on duty and firing will be suspended for the passage of vessels and for the placing and maintenance of fish nets within the area.

(c) This section shall be enforced by the Commanding Officer, U. S. Naval Amphibious Base, Little Creek, Virginia.

[Regs., Feb. 9, 1954—800.2121 (Chesapeake Bay)-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army.
The Adjutant General.

[F. R. Doc. 54-1571; Filed, Mar. 4, 1954; 8:48 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

Appendix—Canal Zone Orders

[Canal Zone Order 32]

AMENDING EXECUTIVE ORDER NO. 1888 OF FEBRUARY 2, 1914, RELATING TO CONDITIONS OF EMPLOYMENT IN THE SERVICE OF THE CANAL ZONE GOVERNMENT ON THE ISTHMUS OF PANAMA

By virtue of the authority vested in the President of the United States by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of the Act of July 9, 1937 (50 Stat. 487), and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order 10101 of January 31, 1950, section 19 of Executive Order No. 1888 of February 2, 1914, as amended, is hereby further amended to read as follows:

"19. Employees will be charged for medical and hospital care, attendance, and treatment furnished to them or to members of their families at such rates and under such regulations as may be prescribed by the Governor."

ROBERT T. STEVENS,
Secretary of the Army.

FEBRUARY 25, 1954.

[F. R. Doc. 54-1564; Filed, Mar. 4, 1954; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10604]

PART 3—RADIO BROADCAST SERVICES

SPECIAL FIELD TEST AUTHORIZATION; GROUNDWAVE SIGNALS

In the matter of amendment of Part 3 (Radio Broadcast Services) of the Commission's rules and regulations and the Standards of Good Engineering Practice Concerning Standard Broadcast Stations; Docket No. 10604.

1. The Commission has under consideration its notice of proposed rule making, issued on August 3, 1953, proposing to amend the Standards of Good Engineering Practice Concerning Standard Broadcast Stations by (1) deleting the map entitled "Ground Conductivity in the United States and Canada" designated as Figure 3; (2) substituting therefor a new map entitled "Estimated Effective Ground Conductivity in the United States" (figs. M3[1] and R3); (3) deleting Table B in section 4 and all references thereto; (4) deleting footnote 13 of section 1; and (5) making certain editorial revisions to sections 1 and 4. It is also proposed to amend Part 3 of Commission rules and regulations by the addition of § 3.36, which provides for the issuance of special field test authorizations to operate transmitters for the taking of field intensity data.[2]

2. The comments filed favor adoption of the proposed amendments with some modifications. The recommended modifications are considered separately below.

3. The comments of Columbia Broadcasting System, Inc., were directed to footnote 15 of the proposed text, which states, "In all cases the effective field should be established from the dimensions of the radiating system." Columbia points out, and we agree, that this statement is inconsistent with other provisions of the Standards. Accordingly, we are deleting the footnote in question.

4. Radio Station KMA, Shenandoah, Iowa, filed a comment suggesting changes in conductivity value in an area north of Shenandoah. The Commission's proposed map indicates values 15 and 30 mmhos/m south and north, respectively, of Station KMA. KMA contends that the field intensity measurements filed with its comment show a value of 30 mmhos/m to exist to a point approximately 100 miles north of KMA, and that the line between 15 and 30 mmhos/m should be moved northward to that point. We have studied the data submitted and find it warrants moving the line about 20 miles northward but that beyond this distance, the conductivity tends to decrease. Accordingly, the map has been modified to show the higher value of conductivity north of KMA but only to the 20-mile extent indicated.

5. The Association of Federal Communications Consulting Engineers filed a comment setting forth several suggestions. First, it points out an error with respect to a corridor of low conductivity, extending through North Dakota. We have corrected the error by ascribing the value of 30 mmhos/m to the area in question.

6. The Association also calls attention to measurements made on a station at Sayre, Pennsylvania, northward to Lake Ontario and to the apparent discrepancy between the results obtained and the conductivity value shown on the proposed map. The measurements show varying conductivity values over the three paths measured, with 2 mmhos/m as the most consistent value; with a minor exception, none of the various values indicated is as great as the 4 mmhos/m figure shown on the map. It is implicitly suggested that we have erred either in the assignment of the conductivity value to the area or in the delineation of the line of demarcation between the areas of 2 and 4 mmhos/m, which line is shown to be south of Sayre. We have studied the measurements referred to and the other measurements that originally led us to assign the 4 mmhos/m value to the area and to arrive at the line of demarcation. It is our conclusion that assignment of the 4 mmhos/m figure and retention of the present demarcation line is warranted by the preponderance of measurements pertaining to the area. In this connection, it is pointed out that the map does not purport to give precise values along particular paths and therefore, the narrow refinement sought is inappropriate.

7. The Association objects to the requirement in § 3.36 as proposed that the test antenna resistance be measured and such measurements, together with log notations of the antenna power input, be submitted to the Commission. It is argued that the resistive component of the impedance of such antennas is usually so low as to make accurate measurement difficult or impossible; and that the resistance of the antennas has little direct relationship to the radiated field. As an alternative, the Association suggests that the rule be revised to require the maintenance of constant antenna current. We believe this suggestion to have merit. Accordingly, we have revised the proposed paragraph (a) (3) and (7) to provide that the plate power of the final stage of the transmitter not exceed authorized power; that the antenna current be maintained constant for each phase of the test; and that certified copies of logs of the plate voltage and plate current of the final stages of the transmitter be submitted.

8. The Association's suggestion that the term "unattenuated field" appearing in paragraph (b) (6) be replaced by "inverse distance field" to avoid any possibility of confusion, has been adopted.

9. We believe the Association's final recommendation that the map be held in abeyance until questions of "measuring techniques and acceptability of measurements are finally established," to be without merit. Assuming that new measuring techniques should be adopted, we cannot tell what effect, if any, such techniques would have upon the conductivity values shown on the map; further, reevaluation because of new techniques of the large amount of data upon which this map was based would take years to accomplish. In view of these considerations, the public interest clearly requires adoption of the subject map.

10. Certain changes not suggested by parties to this proceeding have also been made. Thus, we have noted an error in our placement of a portion of the line of demarcation between the areas of 4 and 2 mmhos/m in central Maryland, and are accordingly moving the line somewhat northward so as to include Baltimore and its environs in the area shown as having a conductivity value of 2 mmhos/m. Also, there has come to our attention field intensity measurement data which indicates that an area in south central Michigan is not accurately represented by the value of 8 mmhos/m shown by the proposed map; the map has therefore been revised to reflect the proper value for this area and to move the western line of demarcation. Finally, on the basis of certain field intensity measurements filed with the Commission, the area from east to central Utah, which is shown as having a value of 8 mmhos/m, is modified so that the value 15 mmhos/m is set out and slight changes are made in the lines of demarcation about the area.

11. One other point should be noted in connection with § 3.36. Paragraph (a) (1) provides that test authorizations will be granted only if no objectionable interference will result to other authorized radio operations. We believe it desirable to supplement this provision by precluding the use of power in excess of that necessary to carry out the desired tests; in this way, any possibility of interference is minimized.

12. We conclude that the proposed amendments to the rules and standards, as modified and set out below, should be adopted.

13. Authority for the adoption of the amendments herein is contained in sections 1, 4 (i), 303 (f), (h) and (r), and 307 (b) of the Communications Act of 1934, as amended.

14. *It is ordered*, That effective April 5, 1954, the Standards of Good Engineering Practice Concerning Standard Broadcast Stations and Part 3 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 307, 48 Stat. 1082, as amended; 1084; 47 U. S. C. 303, 307)

Adopted: February 24, 1954.

Released: February 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[1] Because of its large size, figure M3 is not to be a physical part of the Standards, but is to be published as a separate document and is available from the Superintendent of Documents, Washington 25, D. C., for the sum of $3.50.

[2] The notice erroneously stated that changes were to be made in section 2 of the Standards.

I. A new section is added to Part 3 (Radio Broadcast Services) of Commission rules and regulations as follows:

§ 3.36 *Special field test authorization.* (a) Upon a showing that a need exists, a special test authorization to operate a portable or regularly authorized transmitter may be issued to persons desiring to make field intensity surveys to determine values of soil conductivity, or other factors influencing radio wave propagation, in particular areas or paths for the period necessary to conduct the survey. Such authorizations may be granted upon the following conditions:

(1) No objectionable interference will result to the operation of other authorized radio services; in this connection, the power requested shall not exceed that necessary for the purposes of the test.

(2) The carrier will be unmodulated except for half-hourly voice identification.

(3) The plate power ($E_p \times I_p$) of the final stage of the transmitter shall not exceed authorized test power and the antenna current shall be maintained at a constant value for each phase of the test.

(4) The test equipment shall not be permanently installed, unless such installation has been separately authorized. Mobile units shall not be deemed permanent installations.

(5) The equipment must be operated by or under the personal direction of either a licensed radiotelephone first-class or second-class operator.

(6) A report, under oath, containing the measurements, their analysis and other results of the survey shall be filed with the Commission within sixty (60) days from the termination of the test authorization. The measurements taken shall be sufficiently complete, in accordance with section 2 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, so as to permit a determination of the inverse distance field at 1 mile in pertinent directions.

(7) The plate voltage (E_p) and plate current (I_p) of the final stage of the transmitter shall be logged at half-hour intervals and at any time that such power is changed. Certified copies of such log notations shall be submitted to the Commission with the required report.

(8) Operation shall conform to the requirements of Subpart G of this part.

(b) The test equipment, installation and operation thereof need not comply with the requirements of Commission rules and standards except as specified in this section: *Provided however*, That the equipment, installation and operation shall be consistent with good engineering principles and practices.

(c) No authorization shall be issued unless the applicant for such authorization is determined to be legally qualified. Requests for authorizations to operate a transmitter under this section shall be made in writing, signed by the applicant under oath or affirmation (with no special form provided, however), and shall set forth the following information:

(1) Purpose, duration and need for the survey.

(2) Frequency, plate power and time of operation.

(3) A brief description of the test antenna system and its estimated effective field and its proposed location.

(4) In the case of a directional test antenna, an estimate of the maximum fields expected to be radiated in the direction of pertinent broadcast stations.

(5) In the case of a person who is not a licensee or permittee of this Commission the information required by section II of FCC Form 301.

(d) The authorization may be modified or terminated by notification from the Commission if in its judgment such action will promote the public interest, convenience or necessity.

II. Annex 1 of section 1 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations is amended to read as follows:

ANNEX 1

Groundwave Signals

A. Interference that may be caused by a proposed assignment or an existing assignment during day time should be determined, when possible, by measurements on the frequency involved or on another frequency over the same terrain and by means of the curves in Appendix I entitled "Ground Wave Field Intensity versus Distance."

B. In determining interference based upon field intensity measurements, it is necessary to do the following:

First, establish the outer boundary of the protected service area of the desired station in the direction of the station that may cause interference to it. Second, at this boundary, measure the interfering signal from the undesired station. The ratio of the desired to the undesired signal given in Table V should be applied to the measured signals and if the required ratio is observed, no objectionable interference is foreseen. When measurements of both the desired and undesired stations are made in one area to determine the point where objectionable interference from groundwave signals occur or to establish other pertinent contours, several measurements of each station shall be made within a few miles of this point or contour. The effective field of the antennas in the pertinent directions of the stations must be established and all measurements must be made in accordance with section 2 (Field Intensity Measurements in Allocation).

C. In all cases where measurements taken in accordance with the requirements are not available, the groundwave intensity must be determined by means of the pertinent map of ground conductivity and the groundwave curves of field intensity versus distance. The conductivity of a given terrain may be determined by measurements of any broadcast signal traversing the terrain involved. Figures M3 [14] and R3 show the conductivity throughout the United States by general areas of reasonably uniform conductivity. When it is clear that only one conductivity value is involved, Figure R3, which is a replica of Figure M3 and contained in these Standards, may be used; in all other situations Figure M3 must be employed. It is recognized that in areas of limited size or over a particular path, the conductivity may vary widely from the values given; therefore, these maps are to be used only when accurate and acceptable measurements have not been made. Figure 4 is a map of ground conductivity in Canada prepared by the Canadian Department of Transport. It is to be noted that at some locations there are differences in conductivity on either side of the border, which cannot be explained by geophysical cleavages. Pending adjustment of the maps for such inconsistencies, all variations at the border will be treated as real.

D. An example of determining interference by the curves in Appendix 1 follows:

It is desired to find whether objectionable interference exists between a 5 kw Class III station on 990 kc and a 1 kw Class III station on 1000 kc, the stations being separated by 130 miles; both stations use nondirectional antennas [15] having such height as to produce an effective field for 1 kw of 175 mv/m. The conductivity at each station and of the intervening terrain is determined as 6 mmhos/m. The protection to Class III stations during daytime is to the 500 uv/m contour. The distance to the 500 uv/m groundwave contour of the 1 kw station is determined by the use of the appropriate curve in Appendix 1—Graph 12. Since the curve is plotted for 100 mv/m at a mile, to find the distance to the 500 uv/m contour of the 1 kw station, it is necessary to determine the distance to the 285 uv/m contour ($\frac{100 \times 500}{175} = 285$). From the appropriate curve, the estimated radius of the service area for the desired station is found to be 39.5 miles. Subtracting this distance from the distance between the two stations, leaves 90.5 miles for the interfering signal to travel. From the above curve it is found that the signal from the 5 kw station at this distance would be 158 uv/m. Since a one to one ratio applies for stations separated by 10 kc, the undesired signal at that point can have a value up to 500 uv/m without objectionable interference. If the undesired signal had been found to be greater than 500 uv/m, then objectionable interference would exist. For other channel separations, the appropriate ratio of desired to undesired signal should be used.

E. Where a signal traverses a path over which different conductivities exist, the distance to a particular groundwave field intensity contour shall be determined by the use of the equivalent distance method. Reasonably accurate results may be expected in determining field intensities at a distance from the antenna by application of the equivalent distance method when the unattenuated field of the antenna, the various ground conductivities and the location of discontinuities are known. This method considers a wave to be propagated across a given conductivity according to the curve for a homogeneous earth of that conductivity. When the wave crosses from a region of one conductivity into a region of a second conductivity, the equivalent distance of the receiving point from the transmitter changes abruptly but the field intensity does not. From a point just inside the second region the transmitter appears to be at that distance where, on the curve for a homogeneous earth of the second conductivity, the field intensity equals the value that occurred just across the boundary in the first region. Thus the equivalent distance from the receiving point to the transmitter may be either greater or less than the actual distance. An imaginary transmitter is considered to exist at that equivalent distance. This technique is not intended to be used as a means of evaluating unattenuated field or ground conductivity by the analysis of measured data. The method to be employed for such determinations is set out in section 2 of these Standards.

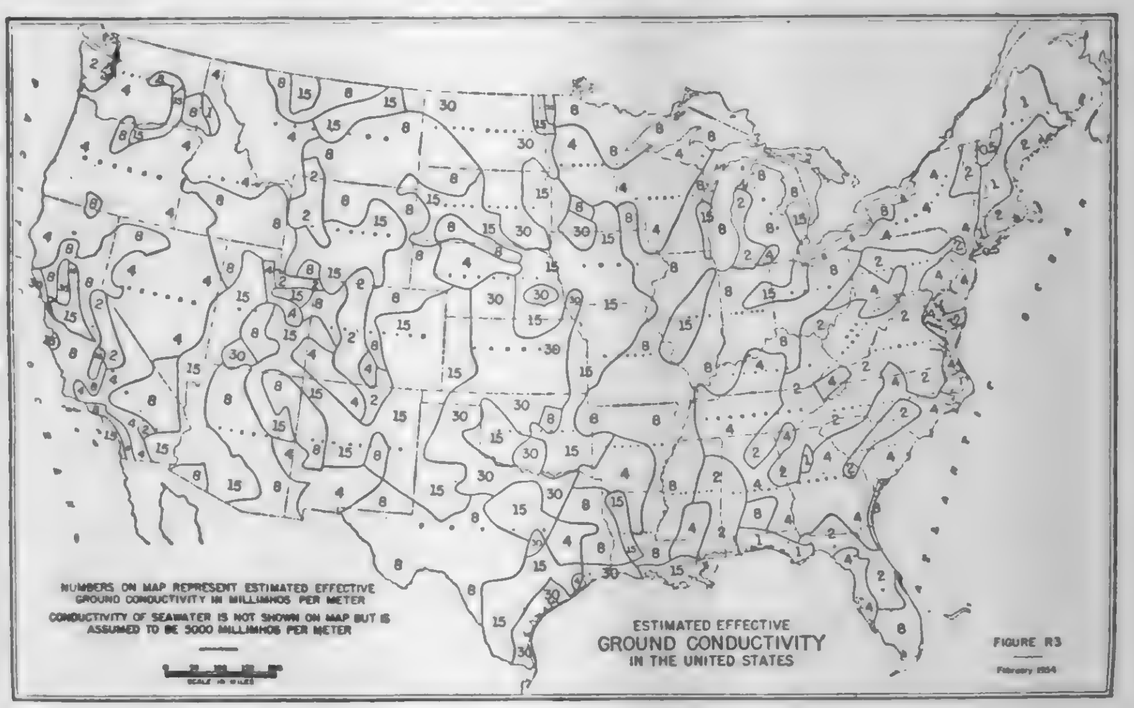
F. An example of the use of the equivalent distance method follows:

It is desired to determine the distance to the 0.5 mv/m and 0.025 mv/m contours of a station on a frequency of the 1000 kc with an inverse distance field of 100 mv/m at one mile being radiated over a path having a conductivity of 10 mmhos/m for a distance of 15 miles, 5 mmhos m for the next 20 miles and 15 mmhos/m thereafter. By the use of the appropriate curves in Appendix 1—Graph 12, it is seen that at a distance of 15 miles on the curve for 10 mmhos/m the field is 3.45 mv/m. The equivalent distance to this field intensity for a conductivity of 5 mmhos/m is 11 miles. Continuing on the propagation curve for the second conductivity, the 0.5 mv/m contour is encountered at a distance of 27.9 miles from the imaginary transmitter. Since the imaginary transmitter was 4 miles nearer (15−11 miles) to the 0.5 mv/m contour, the distance from the contour to the actual transmitter is 31.9 miles (27.9+4 miles). The distance to the 0.025 mv/m contour is determined by continuing on the propagation curve for the second conductivity to a distance of 31 miles (11+20 miles), at which point the field is read to be 0.39 mv/m. At this point the conductivity changes to 15 mmhos m and from the curve relating to that conductivity, the equivalent distance is determined to be 58 miles—27 miles more distant than would obtain had a conductivity of 5 mmhos/m prevailed. Using the curve representing the conductivity of 15 mmhos/m the 0.025 mv/m contour is determined to be at an equivalent distance of 172 miles. Since the imaginary transmitter was considered to be 4 miles closer at the first boundary and 27 miles farther at the second boundary, the net effect is to consider the imaginary transmitter 23 miles (27−4 miles) more distant than the actual transmitter; thus the actual distance to the 0.025 mv/m contour is determined to be 149 miles (172−23 miles).

III. Section 4 of these Standards is amended by deleting paragraph I together with Table B and substituting therefor the following:

I. Figures M3 and R3 indicate effective conductivity values in the United States and are to be used for determining the extent of broadcast station coverage when adequate field intensity measurements over the path in question are not available. Since the values specified are only for general areas and since conductivity values over particular paths may vary widely from those shown, caution must be exercised in using the maps for selection of a satisfactory transmitter site. Where the submission of field intensity measurements is deemed necessary or advisable, the Commission, in its discretion, may require an applicant for new or changed broadcast facilities to submit such data in support of its application.

IV. Figure 3 is deleted from these Standards and Figures M3 and R3 substituted therefor. Figure M3 is substituted and incorporated into the Standards by reference. Figure R3 is set forth below.



[F. R. Doc. 54-1472; Filed, Mar. 4, 1954; 8:51 a. m.]

[14] Figure M3 which is incorporated in these Standards by reference, was derived by indicating ground conductivity values in the United States on the United States Albers equal area projection map (based on standard parallels 29½° and 45½°; North American datum; scale 1/2,500,000). Figure M3, consisting of two sections, an eastern and a western half, may be obtained from the Superintendent of Documents, Washington, D. C.

[15] See Annex II in case of use of directional antennas.

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

PINE RIVER INDIAN IRRIGATION PROJECT

Notice is hereby given of the intention to modify § 130.55 *Charges* and § 130.56 *Payments* of Title 25, Code of Federal Regulations, Chapter I, Subchapter L, dealing with operation and maintenance assessments against the irrigable lands of the Pine River Indian Irrigation Project, Colorado, and to increase the basic water charges from $0.75 per acre to $1.50 per acre per annum. The revised sections shall read as follows:

§ 130.55 *Charges.* Pursuant to the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583; 45 Stat. 210; 25 U. S. C. 385–387), the annual basic charge for operation and maintenance assessed against the irrigable lands of the Pine River Indian Irrigation Project, Colorado, to which water can be delivered and beneficially applied under the constructed works of the project, is hereby fixed at $1.50 per acre per annum for the year 1954 and thereafter until further notice.

§ 130.56 *Payment.* (a) The annual charge fixed in § 130 55 shall become due on April 1 of each year, is payable on or before that date, and any assessment remaining unpaid after the due date shall stand as a first lien against the land until paid. Any delinquent charges against land in non-Indian ownership and Indian lands under lease to non-Indians shall be subject to a penalty of one-half of one percent per month or fraction thereof from the due date until paid.

(b) The delivery of water shall be refused to all tracts of land for which the charges have not been paid when due, except where the lands are in Indian ownership, not under lease to non-Indians, and the Indian owners shall have made the necessary arrangements with the superintendent as hereafter provided. When any Indian owner of land not under lease to a non-Indian is financially unable to pay the operation and maintenance charges on the due date from cash on hand, the superintendent may make the necessary arrangements with such Indian owner as will permit him to perform labor on the irrigation project works, the proceeds derived therefrom to be applied in partial payment of such charges. The superintendent may also make necessary arrangements for such Indian owner to pay the operation and maintenance charges from the proceeds of the crops grown on the land when harvested and marketed within that calendar year, provided written statements to that effect are furnished the superintendent by the Indian owner on or before the due date.

(c) In any instance where the superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his operation and maintenance charges from proceeds of labor performed on the project works, or from the proceeds of the crops being grown on the land, or from any other source, the delivery of water may be continued if a written certificate is issued by the superintendent stating that such Indian is not financially able to pay such charges and copies thereof forwarded to the Commissioner of Indian Affairs for approval or rejection. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

§ 130.56a *Water users responsible for water after delivery.* It is the duty of the Indian Irrigation Service to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the use of economical heads of water.

§ 130.57 *Condition of payment.* Condition of payment shall remain in effect as heretofore promulgated.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Guy C. Williams, Acting Area Director, Albuquerque Area Office, P. O. Box 1346, Albuquerque, New Mexico, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

DOUGLAS MCKAY,
Secretary of the Interior.

MARCH 1, 1954.

[F. R. Doc. 54-1557; Filed, Mar. 4, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 943]

[Docket No. AO 231-A4]

HANDLING OF MILK IN NORTH TEXAS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Dallas, Texas, on January 26–27, 1954, pursuant to notice thereof which was issued January 11, 1954 (19 F. R. 272).

The material issues of record are concerned with the following:

1. A revision in the method of pricing of Class II milk,
2. The elimination of the administrative assessment on milk diverted to unapproved plants, and
3. The classification of ungraded milk for certain uses.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing and the record thereof:

1. *Pricing Class II milk.* The alternative formula for determining the Class II price on the basis of butter and nonfat dry milk solids prices should be reduced 16 cents per hundredweight of milk containing 4 percent of butterfat. The price of milk disposed of for use in the manufacture of cheddar cheese during April, May, June, and July 1954, should be computed by multiplying the price of cheese at Wisconsin assembly points by 8.4. The butterfat differential for Class II milk should be reduced from 0.120 to 0.108 times the price of butter.

Producer milk supplies are now about adequate to meet market requirements for Class I milk at all seasons of the year. The number of producers supplying the market increased substantially from the time the order was promulgated in October 1951 until the middle of 1953. Since that time, producer numbers have remained relatively stable. Receipts of producer milk during the last quarter of 1953 increased approximately 15 percent over the corresponding period of 1952 and 38 percent over 1951. This increase indicates that the Class II price in the past has not discouraged handlers from developing adequate supplies of producer milk.

The record indicates, however, that the present Class II pricing arrangement is not promoting the usage of reserve supplies of producer milk in the manufacturing operations usually conducted by handlers in conjunction with their fluid operations. Not all handlers have the necessary equipment to process the entire reserve supplies of milk that normally accompany a fluid milk operation. Milk for all Class II uses however can not be priced to handlers so that each handler can be assured of a profit in handling it. Handlers, who lack facilities or who receive milk in excess of their capacity, must procure their fluid milk supply in competition with handlers who are able to process or dispose of reserve supplies. Furthermore, the pricing arrangement for Class II milk should not result in handlers soliciting for additional supplies or retaining sources of supply of producer milk in excess of their normal reserve requirements throughout the year solely for manufacturing purposes.

With the increase in the receipts of producer milk, the total volume of Class II milk at approved plants during 1953 was about 65 percent greater than in 1952. If market supplies are maintained at a level to supply the year around Class I sales, the volume of Class II milk can be expected to continue at about 1953 levels. The record shows that difficulty was encountered in disposing of reserve milk supplies during 1953. The proportion of total producer receipts classified as Class II milk for the year 1953 however was less than 20 percent. It ranged from 7.2 percent in October to 29.8 percent in April.

During each of the years of 1952 and 1953 over 85 percent of the total volume of Class II milk was utilized at approved plants in frozen desserts, condensed milk or skim milk, or cottage cheese or was transferred or diverted from approved plants to unapproved plants in the form of milk, skim milk, or cream. From 1952 to 1953 utilization in each of these four major outlets increased as follows: frozen desserts, 28 percent; condensed milk or skim milk, 36 percent; cottage cheese, 27 percent; and milk, skim milk, or cream transferred or diverted to unapproved plants, 335 percent. This shows that the utilization of Class II milk at approved plants increased at a much smaller rate than the rate at which the total volume of Class II milk increased. Accordingly, a greatly increased disposition of Class II milk to unapproved plants has been necessary.

In 1953 almost one-fourth of the total volume of Class II milk at approved plants was other source milk received in forms other than milk. While these Class II other source milk products were being received at approved plants, large volumes of milk, cream, or skim milk were at the same time being disposed of by approved plants through transfer or diversion to unapproved plants. Thus, the problem of finding outlets for Class II milk was aggravated by some of the handlers who acquired other source milk for uses which otherwise represented outlets for Class II producer milk.

During 1953 the prices paid for milk at the three manufacturing plants, which are used as a basis for the Class II price in April, May, and June, and as an alternative basis during the other months of the year, declined considerably in relation to the butter-nonfat dry milk solids formula. This formula is an alternative basis of pricing Class II milk during all months except April, May, and June. In 1952 the three-plant price averaged about 13 cents per hundredweight higher than the butter-nonfat dry milk solids formula price whereas in 1953, the three-plant price averaged 25 cents lower. From 1952 to 1953 the three-plant price declined about 38 cents in relation to the butter and nonfat dry milk solids prices. The butter-nonfat dry milk solids formula was higher than the three-plant price in every month of 1953 except January. These changed relationships have aggravated the problem of pricing Class II milk under the order.

Ice cream is a desirable outlet for Class II producer milk because ice cream sales are seasonally high at about the same time of the year that supplies of producer milk are greatest. A substantial portion of the ice cream sold in the marketing area is manufactured and distributed by operators of unapproved plants. Reserve supplies of producer milk or ice cream ingredients made by approved plants cannot be disposed of to such unapproved plants unless they are available at prices that are competitive with prices for ingredients from other sources. Class II milk should be priced, therefore, at a level which will result in a cost for ice cream ingredients that is competitive with costs of ingredients from other sources. Using this criterion, it appears that during the latter part of 1953, ice cream ingredients were available from unregulated sources at prices reflecting a value for milk at somewhat less than the Class II price; therefore some reduction from the level of the Class II prices during that period appears appropriate.

Proposals were considered to price Class II milk on the basis of prices paid for milk at manufacturing plants located in or near the milkshed throughout the year. As previously stated above, prices paid for milk at these plants has declined substantially in the last year in relation to butter and nonfat dry milk solids prices. The reasons for this decline are not apparent, and the extent to which this changed relationship should influence Class II prices is not discernible. The lowering of Class II prices at all seasons of the year to the full extent of this decline is not necessary. This decline may be accompanied by larger profit margins, which if allowed handlers, might cause them to obtain supplies of producer milk solely for manufacturing purposes. Normal seasonal reserve supplies have some value to a handler in addition to their intrinsic value as milk products. This is due to the fact that the producers of such milk will be needed, and their will be available, in the short production season to meet fluid milk requirements. It is concluded that a reduction in the butter-nonfat dry milk solids formula price of 16 cents per hundredweight of milk containing 4 percent of butterfat will result in an appropriate level of Class II prices and will promote greater utilization of reserve supplies of producer milk by regulated handlers. In the event the butter and nonfat dry milk solids formula prices decline in relation to local manufacturing plant prices, then the three plant price should be used as a basis for the Class II price as it now is.

Proposals to include additional plants along with the three whose prices are averaged and used as a basis for the Class II price should be denied. All of the plants suggested or proposed as possible additions pay generally lower prices than the three now used. Any addition of other plants would tend to reduce the Class II price below the competitive price being paid by local plants for ungraded milk. The need for a reduction in prices to this extent was not shown. Nor was it shown that the addition of other plants would result in more timely changes in the Class II price.

The average butterfat content of Class II producer milk has been considerably above 4 percent. In 1953, it ranged from 4.713 percent in April to 10.721 percent in October; therefore the Class II butterfat differential has a significant effect on the handlers' cost of Class II milk. A comparison of butter prices with prices at which cream has been available from competitive sources indicates that a butterfat differential of 0.108 times the price of butter would closely reflect this relationship. It is therefore concluded that the Class II butterfat differential should be the price of butter times 0.108.

In the few weeks immediately preceding the hearing producer milk supplies had increased considerably—apparently more than the usual seasonal increase during that period. It cannot be determined at this time whether this represents a new trend in increased supplies of producer milk or a changed seasonal pattern or merely a short term shift in production. If this increase continues into the months of heavy production in 1954, the problems of disposing of the seasonal reserve supplies will be further complicated and the need for disposing of milk to unapproved plants will be that much greater. With the limited existing outlets to unapproved plants, it might become necessary to move substantial volumes of producer milk to cheddar cheese plants. Returns available for milk disposed of to local cheese plants have been considerably lower than for milk disposed of to most other manufacturing outlets. Therefore, a special price for any milk which may be used to produce cheese is necessary to promote the orderly marketing of seasonal reserve milk during the flush production season of 1954. This special price should be applicable only during the flush production months of 1954 because it cannot yet be determined that similar problems will recur in subsequent years. The problems of disposing of Class II milk can be expected to be greatest, during April through July. It is concluded, therefore, on the basis of this record, that the special pricing of milk used for cheese be applicable only during April, May, June, and July 1954.

The price of Class II milk disposed of during this four-month period for use in the manufacture of Cheddar cheese should be priced on the basis of cheese prices. The value of milk for cheese has a close relationship to the price of cheese. The price paid for Cheddar cheese at

Wisconsin primary markets is considered representative of changes in the price of cheese. A comparison of this cheese price with prices paid for milk by plants engaged in manufacturing cheese in this area indicates the value of milk for cheese to be about 8.4 times the price of cheese. It is concluded that milk for use in Cheddar cheese should be priced on the basis of this relationship.

A number of uncertainties existing at the time of the hearing contribute greatly to the difficulty of determining an appropriate level of Class II prices. Two mentioned earlier in this decision concern (1) the future relationship between prices paid for milk by local manufacturing plants and butter and nonfat dry milk solids prices, and (2) the volume of Class II producer milk during the next few months. Others include the effect of the change in the level of Government support prices for manufactured milk products on prices of milk and dairy product prices locally; the ability and willingness of handlers to utilize increased quantities of producer milk in Class II operations; the progress made on plans to expand local manufacturing facilities; and the extent to which Class II milk and milk products can be disposed of to existing unapproved plants. It will be desirable after time has resolved some of these uncertainties to reconsider the problem of pricing reserve milk at a later hearing.

2. *Expense of administration.* The proposal to make the administration assessment inapplicable to producer milk diverted to an unapproved plant should be denied. It cannot be concluded from the record that the proposal, if adopted, would result in a more equitable distribution of the expenses of administration among handlers. To some degree, the problems sought to be corrected by this proposal are pricing problems and to that extent, have been considered in arriving at the conclusions contained herein concerning pricing.

3. *Classification of ungraded milk for certain uses.* A proposal to classify as Class II milk, ungraded milk or skim milk disposed of by handlers for use in oleomargarine or mellorine should be adopted. Ungraded milk disposed of from an approved plant for such purposes is presently classified as Class I milk during each of the months of September through February and as Class II milk during the other months.

At least one handler receives both graded and ungraded milk at his approved plant, as defined in the order. Separate facilities for receiving and processing both graded and ungraded milk are maintained in the same building. Such handlers are required to report their total receipts and utilization of all milk received at their approved plants. The provisions of the order for allocating milk from sources other than producers, to the various dispositions of the approved plant, are such that producer milk is given priority of allocation to all Class I dispositions from such plant. Any ungraded milk or skim milk, received at an approved plant and disposed of for the manufacture of oleomargarine or mellorine is classified as Class I milk during the months of September through February. This higher classification assigned to such usage for ungraded milk accrues to the benefit of producers. Inasmuch as ungraded milk received at unapproved plants is available as a source of supply for these products, the higher classification assigned to ungraded milk (for similar disposition) which is received at approved plants places a handler at a competitive disadvantage in supplying these outlets. The adoption of this proposal will remove this disadvantage.

General findings. (a) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers (who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended). The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions obtained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

Recommended marketing agreement and order. The following amendments to the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed amendments to the tentative marketing agreement are not repeated in this decision because the regulatory provisions thereof would be the same as those contained in the order with the following amendments:

1. Delete paragraph (b) of § 943.51 and substitute therefor the following:

(b) *Class II milk.* For each of the months of April, May, and June, the price computed pursuant to § 943.50 (c), rounded to the nearest one-tenth cent; and for each of the other months of the year, the price computed pursuant to § 943.50 (b) less 16 cents or the price computed pursuant to § 943.50 (c), whichever is higher, rounded to the nearest one-tenth cent: *Provided*, That for each of the months of April, May, June, and July 1954, the minimum price per hundredweight for Class II milk disposed of for use in Cheddar cheese shall be computed by multiplying the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembly points, as reported by the Department for the trading days during such month, by 8.4.

2. Amend § 943.52 (b) to read as follows:

(b) *Class II milk.* Multiply such price for the current month by 1.08.

3. Delete paragraph (b) (3) of § 943.41 and substitute therefor the following:

(3) Disposed of (i) in bulk during the months of March through August; (ii) as bulk cream during any month; and (iii) as ungraded bulk milk or skim milk during any month to commercial bakeries or food product manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption: *Provided*, That the amount of skim milk or butterfat so classified pursuant to subdivision (iii) of this subparagraph shall not exceed the butterfat and skim milk contained in ungraded milk received by such handler from dairy farmers during the month;

Filed at Washington, D. C., this 2d day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1581; Filed, Mar. 4, 1954; 8:52 a. m.]

[7 CFR Part 949]

[Docket No. AO-232-A2]

HANDLING OF MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing was conducted at San Antonio, Texas, on January 11-12, 1954, pursuant to notice thereof which was issued on January 6, 1954 (19 F. R. 71) upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area.

The material issues of record were concerned with:

1. The pricing of Class I milk, and
2. The classification and pricing of milk presently classified as Class II milk.

A decision of the Secretary of Agriculture issued January 28, 1954 (19 F. R. 561) and subsequent amendment to the order disposed of the issue concerned with the pricing of Class I milk and that portion of the issue concerned with the pricing of Class II milk which related to the pricing of milk disposed of for the manufacture of cheddar cheese through July 1954.

Findings and conclusions. The findings and conclusions with respect to the material issues herein decided, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. The Class II pricing provisions of the order should be modified to promote more orderly marketing of reserve supplies of producer milk.

The present Class II pricing provisions of the order have hindered the maximum utilization of available supplies of producer milk by handlers in the San Antonio market. On a market wide basis, the supply of producer milk has been extremely short in relation to Class I sales. In spite of this fact, some handlers have at times refused to accept all of the milk from producers and transferred the burden of finding outlets to individual producers or their cooperative association. Handlers have procured other source milk for Class II usage at the same time producer milk has been refused.

Receipts of producer milk during the last six months of 1953 exceeded receipts during the corresponding period a year ago by more than 15 percent. Class I sales remained at about the same level. With indications that reserve supplies will be much larger during the spring and summer months than in the past, a separate lower price for milk used for cheddar cheese was incorporated in the order (19 F. R. 286) for a limited period of 1954. At the same time Class I prices were reduced. This emergency action was taken to encourage greater usage of producer milk in Class I and to facilitate the disposal of reserve producer milk which must be marketed outside of normal marketing channels. The present Class II pricing formula was included in the order when it was promulgated in 1952. At that time the market was extremely deficient in local producer milk. The record indicates that with increased production, a somewhat lower level of Class II prices will contribute to the full marketing of producer milk by handlers and the maximizing of returns to producers. Milk that now may be temporarily diverted to cheese plants at relatively low prices could be used by handlers at the regular Class II price.

The principal Class II uses for reserve milk by handlers are in ice cream, condensed skim milk, cottage cheese, and butter. Because of past shortages of locally produced milk, few handlers now have condensing facilities or cottage cheese equipment. Handlers testified that milk ingredients for ice cream, frozen desserts, and cottage cheese were purchased from outside sources at less than order prices. Considerable quantities of reserve producer milk could be utilized by handlers in place of other source milk in meeting their requirements for these products. With a general trend to higher receipts of producer milk and the presence of some reserve supplies above Class I sales, it is necessary to readjust the level of Class II prices to afford producers an outlet for these supplies through handlers' fluid milk plants.

The record shows that a butter and nonfat solids formula is an appropriate basis for reflecting changes in Class II prices in this market during most of the year. However, there is some problem in pricing on this basis during the flush production season. The record indicates that manufacturing milk prices rather than dairy product prices may be a more appropriate basis of pricing during this season of the year.

For the immediate future, the problems of pricing Class II milk in this market are those of (1) a closer alignment of butterfat prices with prices at which handlers can procure butterfat from outside sources and (2) a closer alignment of whole milk prices with competitive manufacturing prices particularly during the flush production season.

This may be accomplished by modifying the butterfat component of the present Class II butter and nonfat solids formula and by applying prices paid by manufacturing plants for ungraded milk during April through June of each year.

Producers proposed that the present Class II butter and nonfat solids formula be amended to reduce the price for 4.0 percent milk approximately 38 cents per hundredweight based on the 1953 level of butter prices.

The butterfat component of the present formula price for 4.0 percent milk is derived by subtracting three cents from the Chicago wholesale 92-score butter price and multiplying by a factor of 4.8. The Class II butterfat differential is 0.120 times the price of butter.

The record indicates that the present factors for determining butterfat values results in prices for butterfat at considerably higher levels than butterfat can be procured from outside sources or at which it could be disposed of by handlers to local unapproved plants. It is concluded that the Clas II pricing formula should be changed by using the 92-score butter price multiplied by a factor of 4.4 for the period of July through March. At the current level of butter prices, this change will have the effect of reducing the Class II formula price for 4.0 percent milk during these months approximately 12 cents per hundred.

During the months of April through June the Class II price should be the average price paid dairy farmers for ungraded milk of 4.0 percent butterfat content by the following Texas manufacturing plants:

Carnation Company, Sulphur Springs, Tex.
The Borden Company, Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

These plants are located in Northeastern Texas and are used in certain months as a basis for pricing Class II milk under the North Texas Order (943). One of these plants disposes of ice cream mix and other products in the San Antonio area in direct competition with regulated handlers. There are no sizable manufacturing plants located in the San Antonio area which engage in manufacturing operations and procure a major portion of their supplies of milk from ungraded dairy farmers. There are plants, in this general area, however, which purchase graded surplus milk from other markets and small quantities of ungraded milk from farmers. These plants are available sources of cream and nonfat solids for handlers. The record contains little or no information, however, with respect to prices paid for milk at such plants.

As a further means of assuring appropriate prices for Class II milk, provision should be made to apply the three-plant manufacturing milk price in any month that it is higher than the price resulting from the butter and nonfat milk solids formula.

The adoption of the paying price of the above stated plants during the months of April through June of 1953 would have reduced the Class II price for 4.0 percent milk from $3.85 to $3.38 per hundredweight, a reduction of 47 cents per hundredweight.

The average butterfat content of Class II producer milk has been considerably above 4.0 percent. It has ranged from approximately 5.0 percent in the spring months to more than 10 percent in other months. Therefore, the Class II butterfat differential has a significant effect on the cost of Class II milk. The Class II butterfat differential should be reduced from 0.120 to 0.108 times the price of 92-score butter. This reduction in the butterfat differential will bring the price of butterfat derived from producer milk in close alignment with prices of butterfat procured in the form of cream from other sources.

It is concluded that the proposed changes will provide appropriate prices for Class II milk and promote more orderly marketing of reserve supplies of producer milk.

At the close of the hearing all interested parties waived the filing of briefs.

General findings. (a) The tentative marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms

and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following amendments to the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed amendments to the tentative marketing agreement are not repeated in this decision because the regulatory provisions thereof would be the same as those contained in the order with the following amendments:

1. Delete § 949.53 and substitute therefor the following:

§ 949.53 *Class II milk.* The prices, rounded to the nearest full cent, for Class II milk shall be determined pursuant to paragrah (a) of this section for the months of April, May and June and the higher of the prices determined pursuant to paragraphs (a) and (b) of this section for all other months:

(a) The average of the basic or field prices per hundredweight reported to have been or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the United States Department of Agriculture:

Carnation Company, Sulphur Springs, Tex.
The Borden Company, Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

(b) The sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 4.4 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month;

(2) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray process, f. o. b. manufacturing plants in the Chicago area as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the current month, subtract 5 cents, multiply by 8.16.

2. In § 949.54 (b) delete "0.120" and substitute therefor "0.108".

Filed at Washington, D. C., this 2d day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1582; Filed, Mar. 4, 1954; 8:52 a. m.]

Agricultural Research Service

[7 CFR Part 301]

DOMESTIC QUARANTINE NOTICES

PINK BOLLWORM

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator, Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), is considering amending notice of quarantine No. 52 relating to the pink bollworm and the regulations supplemental to said quarantine (7 CFR 301.52, 301.52-1 et seq., as amended, 18 F. R. 6348 and 7339) in the following respects:

(a) Amend § 301.52 by adding to the quarantined States specified therein the State of Arkansas.

(b) Amend § 301.52-2 (a) by adding to the heavily infested areas described therein the county of Bexar, in Texas, thereby excepting said county from the lightly infested areas described in § 301.52-2 (b).

(c) Amend § 301.52-2 (b) by adding to the lightly infested areas described therein the counties of Columbia, Hempstead, Howard, Lafayette, Little River, Miller, Nevada, and Sevier, in Arkansas; the parishes of Bienville and Webster, in Louisiana; and all presently nonregulated counties in Oklahoma.

The purposes of these amendments are to include the State of Arkansas under the pink bollworm quarantine, to regulate Bexar County, Texas, as a heavily infested area, and to regulate as lightly infested areas the Arkansas, Louisiana, and Oklahoma counties and parishes indicated above.

The proposed amendment with respect to Arkansas parallels quarantine action already taken by that State.

Bienville and Webster Parishes, Louisiana, although not known to be infested, are located between infested parishes and because of interchange of cotton products should be included in the regulated areas.

All presently nonregulated counties in Oklahoma are proposed for inclusion in the regulated areas for several reasons. Pink bollworm infestations have been found in the nonregulated counties of Blaine, Kingfisher, Logan, and Roger Mills, north of the presently regulated areas. There are also now three isolated regulated areas in the southeastern quarter of the State, and both Oklahoma and Arkansas plant quarantine officials agree that addition of all presently nonregulated counties in Oklahoma to the regulated areas would be advisable to protect Arkansas against spread of the pink bollworm. Cotton production in the presently nonregulated areas of Northern Oklahoma is very limited, with only a few scattered gins. Consequently, from the standpoint of effective quarantine enforcement and to reduce the volume of intrastate permit work, Federal and State officials concur in the proposal to include the entire State of Oklahoma in the regulated areas.

Redesignation of Bexar County, Texas as a heavily infested area instead of a lightly infested area is deemed essential because pink bollworm infestation there is sufficiently heavy at the time of the States stalk-destruction date to cause pink bollworms, when deprived of their primary host, to infest pods of commercial plantings of okra. Such a redesignation of Bexar County would impose stricter requirements on shipments of okra, the dry pods of which often become heavily infested with pink bollworm.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within 10 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

Done at Washington, D. C., this 1st day of March 1954.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54-1583; Filed, Mar. 4, 1954; 8:52 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

[32 CFR Part 1708]

RADIO AMATEUR CIVIL EMERGENCY SERVICE

NOTICE OF PROPOSED AUTHORIZATION FOR MODIFICATION OF DESIGN OF OFFICIAL CIVIL DEFENSE INSIGNE

Notice is hereby given that the Federal Civil Defense Administration is considering authorizing a modification of the design of the official civil defense insigne for the Radio Amateur Civil Emergency Service, pursuant to authority contained in the Federal Civil Defense Act of 1950, as amended.

The proposed modification is as follows:

§ 1708.3 *Prescribed insigne.* • • •

(e) The following alterations or modifications of the prescribed insigne have been made pursuant to § 1708.5 (c):

(1) *Radio Amateur Civil Emergency Service.* (i) Superimposed on the official civil defense insigne a white jagged arrow edged in blue resembling a flash of lightning, symbolic of space radiation, containing the inscription "RADIO" in blue letters, and extending from the upper right circumference of the blue circle to the lower left circumference of the blue circle and through the lower left-hand angle of the triangle. Below the triangle and within the blue circle is the inscription "RACES" in white letters.

(ii) This design shall be used, displayed, possessed or worn in accordance with regulations issued by the Federal Civil Defense Administration on July 12, 1952, governing the official civil defense insigne.

All persons who desire to submit written data, views or arguments for consideration in connection with the issuance of the proposed authorization should file the same with the Federal Civil Defense Administration, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

Dated: March 4, 1954.

[SEAL] VAL PETERSON,
Administrator.

[F. R. Doc. 54-1589; Filed, Mar. 4, 1954; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 54-11]

AMMONIUM NITRATE PHOSPHATE FERTILIZER MIXTURES

SHIPMENT ABOARD VESSELS

1. The transportation of ammonium nitrate phosphate fertilizer mixtures, a homogeneous mixture consisting of approximately 60 percent ammonium nitrate and 40 percent phosphate salts, mainly dicalcium phosphate, is subject to the requirements in 46 CFR Part 146. Certain restrictions for the transportation of this material have been enforced since the Texas City disaster in 1947.

2. The Commandant, United States Coast Guard, on February 9, 1954, relaxed the requirements of 46 CFR 146.22-30 in the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" which are applicable to materials described as "ammonium nitrate phosphate fertilizer mixtures consisting of 60 percent by weight of ammonium nitrate and 40 percent phosphate salts, mainly dicalcium phosphate."

3. The Commandant, United States Coast Guard, on February 9, 1954, pursuant to the recommendations of the Interagency Committee on the Hazards of Ammonium Nitrate, based on the findings and report of the National Academy of Sciences and other available information, in order to permit a greater distribution of ammonium nitrate phosphate fertilizer mixtures consisting of 60 percent ammonium nitrate and 40 percent phosphate salts, mainly dicalcium phosphate, currently in popular demand by agricultural interests, has found it was necessary to invoke emergency provisions in R. S. 4472, as amended (46 U. S. C. 170), to allow the shipment of such fertilizer mixtures by relaxing the requirements of 46 CFR 146.22-30 with regard to the degree of isolation required for waterfront facilities used in loading or unloading this commodity within the continental United States, its territories or possessions, except the Panama Canal Zone. Before this date such ammonium nitrate phosphate fertilizer mixtures could be loaded or unloaded only at isolated waterfront facilities meeting the requirements of Federal and local regulations covering dangerous cargoes.

4. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and R. S. 4472, as amended (46 U. S. C. 170), the following interim instructions may be followed in lieu of the requirements of 46 CFR 146.22-30 applicable to materials which are described as "ammonium nitrate phosphate fertilizer mixtures consisting of 60 percent by weight of ammonium nitrate and 40 percent phosphate salts, mainly dicalcium phosphate":

a. The formulation must be composed of ammonium nitrate and dicalcium phosphate, in the approximate proportions of 60 percent by weight of ammonium nitrate and 40 percent dicalcium phosphate, packaged in multiwall paper bags or metal drums.

b. The facility to be used shall be so located as to permit unrestricted passage to open water. The vessel shall be moored bow to seaward, and shall be maintained in a mobile status either by presence of tugs or readiness of engines.

c. The proposed facility shall not be located in areas of dense population, nor where facilities of high value and/or high hazard exist.

d. The facility must meet with the requirements specified for a designated waterfront facility (33 CFR 126.15), and be provided with abundant water supply.

e. The master or officer in charge of unloading the vessel shall insure that the following safety precautions are observed:

(i) Hose lines must be connected and laid out and tested before unloading operations commence.

(ii) Smoking, except in designated areas, the use of open lights, welding or burning, or other ignition sources in the hold, on deck, or on the dock immediately adjoining ammonium nitrate material shall be strictly prohibited.

(iii) A fire watch shall be provided by the master and stationed in the hold from which the material is being discharged.

(iv) Ruptured containers, spilled material, and trash must be immediately removed from the vessel.

(v) In the event of fire large quantities of water must be used and maximum ventilation established. The area must be cleared of all unnecessary personnel and vehicular equipment.

5. In dealing with the problem of determining the suitability of a pier at which this material is to be handled, the main object is to insure that high hazard facilities, such as petroleum tank farms, chemical plants or industries handling inflammable materials, are not in the immediate vicinity. Likewise, vessels unloading this material should be clear of other shipping and away from passenger trade terminals. With regard to dwellings, distances, normally found with respect to commercial warehousing districts and waterfront activities from populated communities should afford sufficient protection for inhabitants in surrounding areas. Obviously, areas of dense population, i. e., tenement districts, housing projects, etc. in close proximity to the pier facility proposed to be used in unloading subject material, preclude the issuance of a permit. This reasoning is based on findings that ammonium nitrate phosphate consisting of dicalcium phosphate reacts similarly to other oxidizing materials and that the chance of explosion is nil when such material is properly handled. The primary object of the safety precautions is to prevent fire and to extinguish incipient fires quickly, using large volumes of water before they become uncontrollable.

Dated: February 26, 1954.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 54-1577; Filed, Mar. 4, 1954; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 9]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 25, 1954.

Pursuant to exchanges made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN

T. 12 S., R. 16 E.,
Sec. 2, S½SE¼,
Sec. 11, SW¼NE¼, E½NW¼, NE¼SW¼, NW¼SE¼.

The areas described aggregate 280 acres.

The lands described occupy an elevation of 3,900 feet, and the soil is medium light sandy loam intermingled with some surface rock. The topography of the lands is level to slightly rolling. From the standpoint of soil and topography

the lands are classified as suitable for entry under the desert land laws.

While any application that is filed will be considered on its merits, it is unlikely that any part of the lands will be classified for any use or disposal other than that shown above.

No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws unless the lands have been classified as valuable or suitable for such type of classification or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day, shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Land Office, Boise, Idaho.

J. G. FREIDLY,
Acting Regional Administrator.

[F. R. Doc. 54–1578; Filed, Mar. 4, 1954; 8:51 a. m.]

[1858603]

MINNESOTA

NOTICE OF FILING OF PLAT OF SURVEY

MARCH 1, 1954.

Notice is given that the plat of original survey and dependent resurvey of the following described lands, accepted November 30, 1950, will be officially filed in the Bureau of Land Management effective at 10:00 a. m. on the 35th day after the date of this notice:

T. 64 N., R. 9 W., 4th Principal Meridian, Minnesota (4 plats),
Sec. 1, lot 6.
Sec. 2, lot 6.
Sec. 3, lot 13.
Sec. 4, lot 9.
Sec. 5, lot 5.
Sec. 9, lot 6.
Sec. 10, lot 4.
Sec. 12, lots 13, 14.
Sec. 14, lot 6.
Sec. 15, lot 8.
Sec. 19, lots 8, 9, 10, 11, 12, 13, 14, 15.
Sec. 21, lots 7, 8.
Sec. 22, lots 8, 9
Sec. 25, lots 3, 4, 5, 6.
Sec. 26, lot 6.
Sec. 27, lot 4.
Sec. 28, lots 6, 7.
Sec. 29, lots 10, 11, 12, 13, 14.
Sec. 31, lots 9, 10
Sec. 35, lots 9, 10, 11, 12, 13, 14.
Sec. 36, lots 6, 7, 8, 9.
T. 65 N., R. 9 W., 4th Principal Meridian, Minnesota (1 plat),
Sec. 33, lot 5.
Sec. 35, lots 6, 7.

According to the field notes and as shown on the plats, the above described lands are principally upland in character.

The above described townships were added to and made a part of the Superior National Forest by Proclamation No. 2213 of January 14, 1937.

The lands were also withdrawn from all forms of entry or appropriation under the public land laws of the United States by the act of July 10, 1930 (46 Stat. 1020).

Anyone having a valid settlement or right to any of the lands initiated prior to the date of the withdrawals of the lands should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to the lands should be addressed to the Regional Administrator, Region VI, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

For the Director.

R. J. MCCORMICK,
Acting Regional Administrator, Region VI.

[F. R. Doc. 54–1558; Filed, Mar. 4, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CONTRACTING OFFICERS

DELEGATION OF AUTHORITY WITH RESPECT TO CASTOR BEANS

Pursuant to authority vested in the President, Commodity Credit Corporation, by the by-laws of the Corporation, the respective Chairmen, or in their absence the Acting Chairmen, of ASC county committees in the States of Arkansas, Arizona, California, New Mexico, Oklahoma and Texas are hereby appointed contracting officers of Commodity Credit Corporation, with authority to execute, in the name of the Corporation, contracts, agreements, or other documents relating to the sale of castor bean seed to farmers, the purchase of castor beans produced by farmers, and the rental or sale of machinery needed in the production or harvesting of castor beans, under the 1954 Castor Bean Production and Procurement Program formulated by Commodity Credit Corporation and Commodity Stabilization Service pursuant to the Defense Production Act of 1950, as amended.

The foregoing authority as contracting officers shall be exercised in accordance with instructions, issued by the Vice President of CCC who is Deputy Administrator for Production Adjustment, CSS, which shall be available for public inspection in the files of the ASC county offices in the States where this authorization is effective.

Issued this 26th day of February 1954.

[SEAL] J. A. MCCONNELL,
Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54–1568; Filed, Mar. 4, 1954; 8:47 a. m.]

Office of the Secretary

FOREST SERVICE

DELEGATIONS OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

Amendment to delegation 19 F. R. 74:

I. Section 301. *Reservations—a. Reservations to the Secretary* is amended by addition of the following subsection:

(8) Approval of claims in excess of $1,000.00 under the act of January 31, 1931 (16 U. S. C. 502), providing reimbursement to owners for loss, damage, or destruction of horses, vehicles, and other equipment.

II. The delegation of authority dated June 2, 1953 (18 F. R. 3240), is revoked.

Dated: March 2, 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–1584; Filed, Mar. 4, 1954; 8:53 a. m.]

MISSISSIPPI

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, it is found that in the counties listed below a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Purusant to the delegation of authority from the Administrator, Federal Civil Defense Administration (18 F. R. 4609) and for the purpose of making loans pursuant to section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, it is determined that the counties listed below are within the area affected by the major disaster occasioned by drought determined by the President on September 16, 1953, pursuant to Public Law 875, 81st Congress. It is also determined that an economic disaster exists in said counties that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources.

MISSISSIPPI

Holmes Humphreys Washington

After December 31, 1954, loans under section 2 (a) or 2 (b) of Public Law 38, 81st Congress, as amended, will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 2d day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54–1585; Filed, Mar. 4, 1954; 8:53 a. m.]

NORTH CAROLINA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, it is found that in Yadkin County, North Carolina, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the delegation of authority from the Administrator, Federal Civil Defense Administration (18 F. R. 4609) and for the purpose of making loans pursuant to section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, it is determined that Yadkin County, North Carolina, is within the area affected by the major disaster occasioned by drought determined by the President on September 16, 1953, pursuant to Public Law 875, 81st Congress. It is also determined that an economic disaster exists in said county that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources.

After December 31, 1954, loans under section 2 (a) or 2 (b) of Public Law 38, 81st Congress, as amended, will not be made in Yadkin County, North Carolina, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 2d day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54–1586; Filed, Mar. 4, 1954; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6489]

SEABOARD & WESTERN AIRLINES, INC., AND TRANSOCEAN AIR LINES; APO AND FPO MAIL TARIFF INVESTIGATION

NOTICE OF HEARING

In the matter of rejection of tariffs naming rates on Army Post Office and Fleet Post Office mail proposed by Seaboard & Western Airlines, Inc., and Transocean Air Lines.

Notice is hereby given that a public hearing in the above-entitled proceeding is assigned to be held on March 29, 1954, at 10:00 a. m., e. s. t., in room E–210, Temporary Building No. 5, Constitution Avenue between Sixteenth and Seventeenth Streets NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., March 2, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54–1579; Filed, Mar. 4, 1954; 8:51 a. m.]

[Docket Nos. 6264, 6307]

ELLIS AIR LINES AND ALASKA COASTAL AIRLINES CERTIFICATE RENEWAL CASES

NOTICE OF HEARING

In the matter of the applications of Ellis Air Lines and Alaska Coastal Airlines for amendment of their certificates of public convenience and necessity so as to renew the mail authorizations contained therein.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 15, 1954 at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Without limiting the scope of the issues involved in this proceeding, particular attention will be directed to the following matters:

1. Does the public convenience and necessity require the renewal of certain temporary authorizations contained in the certificates of Ellis Air Lines, Inc. and Alaska Coastal Airlines, Inc. and if so, whether on a permanent or temporary basis;

2. Whether the respective applicants are citizens of the United States as defined by section 1 (13) of the Civil Aeronautics Act of 1938, as amended; and

3. Whether the respective applicants are fit, willing and able to provide the transportation requested.

Notice is further given that any person other than a party of record desiring to be heard in this proceeding must file with the Board on or before March 15, 1954, a statement setting forth the matters of fact or law raised by the applications which he desires to present, and such person may appear and participate in the hearing in accordance with § 302.14 of the Board's procedural regulations.

For further details of the services proposed, interested parties are referred to the applications on file with the Civil Aeronautics Board.

Dated at Washington, D. C., March 2, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54–1580; Filed, Mar. 4, 1954; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21–457]

ORTHOPEDIC APPLIANCE INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

In the matter of proposed trade practice rules for the Orthopedic Appliance Industry; File No. 21–457.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the pro-

posed trade practice rules for the Orthopedic Appliance Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than March 25, 1954. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., March 25, 1954, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, partnerships, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry is engaged in the manufacture, sale, or distribution of orthopedic appliances which have been specially designed and constructed or structurally altered for use by a particular individual.

Issued: March 2, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-1575; Filed, Mar. 4, 1954; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6542]

EL PASO ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF COMMON STOCK

MARCH 1, 1954.

Notice is hereby given that on February 25, 1954, the Federal Power Commission issued its order adopted February 25, 1954, authorizing issuance of common stock in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1559; Filed, Mar. 4, 1954; 8:46 a. m.]

[Docket Nos. G-2291, G-2324, G-2338]

PACIFIC GAS AND ELECTRIC CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

MARCH 1, 1954.

In the matters of Pacific Gas and Electric Company, Docket No. G-2291; Panhandle Eastern Pipe Line Company, Docket No. G-2324; Algonquin Gas Transmission Company, Docket No. G-2338.

Notice is hereby given that on February 26, 1954, the Federal Power Commission issued its orders adopted February 24, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1560; Filed, Mar. 4, 1954; 8:46 a. m.]

[Docket No. G-2323]

EL PASO NATURAL GAS CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF NOTICE AND TERMINATING PROCEEDINGS

MARCH 1, 1954.

Notice is hereby given that on February 25, 1954, the Federal Power Commission issued its order adopted February 24, 1954, permitting withdrawal of notice of cancellation of rate schedule and terminating proceedings in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1561; Filed, Mar. 4, 1954; 8:46 a. m.]

[Docket Nos. G-1142, G-2019, G-2210, G-2378]

UNITED GAS PIPE LINE CO.

ORDER ALLOWING WITHDRAWAL OF NOTICE OF CANCELLATION, PERMITTING FILING OF SERVICE AGREEMENTS, SUSPENDING SUCH SERVICE AGREEMENTS AND PROVIDING FOR CONSOLIDATED HEARING

United Gas Pipe Line Company (United), on January 25, 1954, tendered for filing two proposed service agreements with Arkansas Louisiana Gas Company (Arkansas) for sale to the latter company of 50 percent of its natural gas requirements in Shreveport, Louisiana, and vicinity. Billing for the proposed service agreements, for which a March 1, 1954, effective date is requested, would be made under applicable standard rate schedules, and would increase the cost of natural gas to Arkansas by approximately $347,000, or 45 percent per year, based on estimated sales for 1954.

United represents that one of the proposed service agreements is applicable to general service sales while the other relates to sales of natural gas resold to three special large industrial customers.

The present contract between United and Arkansas, entered into in 1929, is an effective rate schedule on file with the Commission as United's Rate Schedule FPC No. 69, and supplements thereto. It provides, through a single service at a single rate and without separate provision for sales of industrial gas, for the supply by United of 50 percent of Arkansas' requirements of natural gas in the Shreveport area. The rate is 50 percent of the average rate collected by Arkansas in that area.

At the time United filed its conversion tariff in 1952, it proposed to cancel this contract as non-jurisdictional. This cancellation notice was suspended by the order issued August 1, 1952, in Docket No. G-2019, until January 3, 1953, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act. To date, the operation of such notice of cancellation has continued to be deferred and in its tender of January 25, 1954, United requests permission to withdraw that notice of cancellation.

The tendered agreements propose to effect changes in the rates, classifications, practices, terms and conditions of the service rendered by United under its Rate Schedule FPC No. 69, as supplemented, and the notice of cancellation presently under suspension in Docket No. G-2019.

On the basis of the facts presented it has not been shown that the sales of gas under the proposed agreements would constitute separate and distinct transactions or that the changes proposed are lawful.

United specifically requests that it be granted any special permissions that may be required with respect to its proposed filings.

The Commission finds:

(1) It is necessary and proper in the public interest and in aid of the enforcement of the provisions of the Natural Gas Act that the Commission allow the withdrawal of the notice of cancellation of United's Rate Schedule FPC 69, as supplemented which was suspended by order issued August 1, 1952 in Docket No. G-2019; that the Commission permit the filing of the proposed service agreements tendered January 25, 1954, and that said service agreements be suspended and the use thereof be deferred, as hereinafter provided, pending hearing and decision thereon.

(2) It is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act to consolidate for the purposes of hearing and decision thereon the proceedings involved in United's proposed service agreements tendered for filing on January 25, 1954, described above, with the consolidated proceedings in Docket No. G-1142, et al., and to hold hearings in the proceedings so consolidated at such time and place as the Commission may direct by further order.

The Commission orders:

(A) The aforesaid proceedings as noted in finding (2) above, be and the same hereby are consolidated for purposes of hearing and decision.

(B) The public hearing heretofore ordered to be reconvened upon a date to be fixed by further order of the Commission in the consolidated proceedings in Docket No. G-1142, et al., shall be concerned also with the lawfulness of the rates, charges, and classifications contained in United's proposed service agreements tendered for filing on January 25, 1954, described above.

(C) Pending such hearing and decision thereon, United's proposed service agreements tendered for filing on January 25, 1954, and described above, be and the same hereby are suspended and the use thereof deferred until August 1, 1954, and until such further time thereafter as said service agreements may be made effective in the manner prescribed by the Natural Gas Act.

(D) United be and it hereby is permitted to withdraw its notice of cancellation of Rate Schedule FPC No. 69 filed July 3, 1952, and suspended by Commission order issued August 1, 1952, in Docket No. G-2019.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: February 26, 1954.

Issued: March 1, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1562; Filed, Mar. 4, 1954; 8:46 a. m.]

NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF ORGANIZATION [1]

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 3 (a) (1) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and concurrently publishes in the Notices section of the FEDERAL REGISTER the following amendments to its description of organization in the field in respect to the places at which the public may secure information or make submittals or requests.

The boundary line between the Thirteenth Region and the Thirty-fifth Sub-Region in Indiana is hereby moved to the northern boundary lines of the following counties: Benton, White, Cass, Miami, Wabash, Huntington, Wells, and Adams and therefore adds the following counties to the Thirty-fifth Sub-Region: Warren, Tippecanoe, Carroll, Fountain, Clinton, Howard, Tipton, and Grant, effective March 1, 1954.

The counties of Dearborn, Clark and Floyd in Indiana are hereby removed from the Thirty-fifth Sub-Region and placed in the Ninth Region and Daviess County and Henderson County, Kentucky are hereby removed from the Ninth Region and placed in the Thirty-fifth Sub-Region, effective March 1, 1954.

The Thirty-fourth Sub-Regional Office with headquarters at 1831 Nissen Building, Winston-Salem, North Carolina (for North Carolina) is hereby designated as the Eleventh Regional Office. Therefore North Carolina is removed from the Fifth Region.

The Thirty-seventh Sub-Regional Office with headquarters at 334 Federal Building, Honolulu 3, Territory of Hawaii, is hereby transferred from the Twenty-first Region and placed under the Twentieth Regional Office. Therefore the Territory of Hawaii is removed from the Twenty-first Region.

The addresses of the Regional and Sub-Regional Offices are corrected as of March 1, 1954, as follows:

First Region—Boston 8, Mass., 24 School Street.

Second Region—New York 16, N. Y., 2 Park Avenue.

Third Region—Buffalo 2, N. Y., Room 112, United States Courthouse Building, 68 Court Street.

Fourth Region—Philadelphia 7, Pa., 1500 Bankers' Securities Building.

Fifth Region—Baltimore 2, Md., 6th Floor, 37 Commerce Street.

Sixth Region—Pittsburgh 22, Pa., 2107 Clark Building.

Seventh Region—Detroit 26, Mich., 1740 National Bank Building.

Eighth Region—Cleveland 14, Ohio, Ninth-Chester Building.

Ninth Region—Cincinnati 2, Ohio, Ingalls Building, Fourth and Vine Streets.

Thirty-fifth Sub-Region—Indianapolis 4, Ind., 319 North Pennsylvania Street.

Tenth Region—Atlanta 3, Ga., 50 Seventh Street NE.

Eleventh Region—Winston-Salem, N. C., 1831 Nissen Building.

Thirteenth Region—Chicago 3, Ill., 176 West Adams Street.

Fourteenth Region—St. Louis 1, Mo., Room 935, United States Court and Custom House, 1114 Market Street.

Fifteenth Region—New Orleans 13, La., 820 Lowich Building, 2026 St. Charles Street.

Thirty-second Sub-Region — Memphis, Tenn., 714 Falls Building, 22 North Front Street.

Sixteenth Region—Fort Worth 4, Tex., 300 West Vickery, Room 2093.

Thirty-third Sub-Region—El Paso, Tex., 504 North Kansas.

Thirty-ninth Sub-Region—Houston, Tex., 6 Federal Land Bank Building, 430 Lamar Avenue.

Seventeenth Region—Kansas City 6, Mo., 1400 Federal Office Building, 911 Walnut Street.

Thirtieth Sub-Region—Denver 2, Colo., 403 United States Post Office Building.

Eighteenth Region—Minneapolis 1, Minn., 601 Metropolitan Building, Second Avenue and Third Street.

Nineteenth Region—Seattle 4, Wash., 407 United States Court House, Fifth Avenue and Spring.

Thirty-sixth Sub-Region—Portland 4, Oreg., 715 Mead Building.

Twentieth Region—San Francisco, Calif., 818 United States Appraisers Building, 630 Sansome Street.

Thirty-seventh Sub-Region—Honolulu 3, Territory of Hawaii, 334 Federal Building.

Twenty-first Region—Los Angeles 14, Calif., 111 West Seventh Street.

Twenty-fourth Region—Santurce, Puerto Rico, Post Office Box 9176.

Dated: Washington, D. C., March 2, 1954.

By direction of the Board.

FRANK M. KLEILER,
Executive Secretary.

[F. R. Doc. 54-1576; Filed, Mar. 4, 1954; 8:50 a. m.]

[1] This amends Description of Organization which appeared at 13 F. R. 3090, with amendments appearing at 13 F. R. 6266, 15 F. R. 973, and 16 F. R. 1969.

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-177]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER WITH RESPECT TO FILING OF REPORTS CONCERNING FEES AND EXPENSES IN CONNECTION WITH SECTION 11 (e) PLANS

FEBRUARY 26, 1954.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Crystal City Gas Company, Penn-Western Service Corporation, File No. 54-177

The above-entitled consolidated proceedings involve plans and amendments thereto filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") and a proceeding instituted pursuant to section 11 (b) of the act designed to bring the system of Pennsylvania Gas & Electric Corporation, a registered holding company, into compliance with section 11 (b) of the act. The Commission has heretofore reserved jurisdiction with respect to the fees and expenses paid or to be paid by the several companies concerned with these plans for services rendered in connection therewith and related proceedings.

Applications for allowances or approval of amounts already paid have been filed with the Commission but no procedure with respect to the disposition of such applications has been fixed.

The Commission has decided it to be necessary or appropriate in the public interest or for the protection of investors or consumers that, as a first step in fixing the ultimate procedure to be followed and as an aid to the Commission in determining what fees and expenses it should ultimately approve, an order should be entered, under the authority conferred by section 11 (f) of the act, requiring that certain of the companies concerned with said section 11 (e) plans, file with the Commission, either jointly or severally, a report or reports setting forth certain information.

It is therefore ordered, That on or before May 31, 1954, Pennsylvania Gas & Electric Corporation and North Penn Gas Company shall file with the Commission, either jointly or severally, 10 copies of a report or reports which shall set forth in a manner so as to indicate the proposed allocation thereof between such companies:

(1) The amounts of fees and expenses claimed by the respective applicants for services rendered in connection with the above-entitled and related proceedings;

(2) The amounts of fees and expenses which the paying company has already paid or is prepared to pay without modification;

(3) The amounts of fees and expenses, if any, which each company is willing to pay and which the claimants after negotiation with the company or companies involved have indicated a willingness to accept; and

(4) In cases where such negotiations have been unsuccessful, the amounts of fees and expenses which each company considers to be reasonable and which it is willing to pay.

It is further ordered, That any agreement as to amounts as contemplated by paragraph (3) above shall be subject to the provisions of the plans and to approval by the Commission and the exercise by the Commission of its full powers with respect to fees and expenses conferred by the Act in connection with plans filed under section 11 (e) thereof.

It is further ordered, That with respect to the information required to be furnished by paragraph (4) above, such information shall be submitted directly

to the Chairman of this Commission and be kept confidential unless and until a further order of this Commission shall require otherwise.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54–1565; Filed, Mar. 4, 1954; 8:47 a. m.]

[File No. 68–163]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION AS TO SOLICITATION IN CONNECTION WITH NOMINATION AND ELECTION OF DIRECTORS TO BECOME EFFECTIVE

FEBRUARY 26, 1954.

Paul H. Todd and William K. Jacobs, Jr. ("declarants"), Class A stockholders of International Hydro-Electric System, a registered holding company undergoing reorganization pursuant to section 11 (d) of the Public Utility Holding Company Act of 1935 ("act") and now in process of nominating and electing a new board of directors, having filed with the Commission a declaration as to their solicitation of the Class A stockholders in connection with such election, pursuant to Rule U-62 promulgated under the act, and having at the same time filed an application pursuant to Rule U-100 requesting exemption from paragraphs (g) and (h) of said Rule U-62 and qualified exemption with respect to Items (4) and (8) of Form U-R–1 thereunder, and requesting acceleration of the effective date of their declaration pursuant to Rule U-62 (d); and

It appearing to the Commission that, in view of the nature of the election now being conducted by International Hydro-Electric System and in view of the character and purpose of the solicitation proposed to be conducted by the declarants, the conditions imposed in Rule U- respect to purchases and sales of securities and giving investment advice are inapplicable and inappropriate; that the information which the declarants have given in Item (4) of Form U-R–1 with respect to purchases and sales of securities by themselves and their associates is sufficiently informative; that the first letter of solicitation to be used by the declarants, a copy of which is annexed to their declaration, satisfies in all essential respects the applicable requirements in Item (8) of said form, and that said first letter likewise substantially satisfies the relevant requirements of Schedule 14A of the regulations under the Securities Exchange Act of 1934 as amended, which provisions normally govern the solicitation of proxies for the election of corporate directors; and

It further appearing to the Commission that it is appropriate to grant declarants' request that the effective date of their declaration be accelerated, pursuant to Rule U-62 (d), and that said declaration become effective forthwith:

It is therefore ordered, That the application filed by declarants seeking exemption pursuant to Rule U-100 from paragraphs (g) and (h) of Rule U-62 and seeking qualified exemption with respect to Items (4) and (8) of Form U-R–1 thereunder, be and the same hereby is granted;

It is further ordered, That the declaration filed by the declarants pursuant to Rule U-62, with modifications as hereinabove approved, be and is hereby made effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54–1566; Filed, Mar. 4, 1954; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 45

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, § 6.136 (b) is revoked and § 6.111 (1) (5) is amended as set out below.

§ 6.111 *Department of Agriculture.*

* * *

(1) *Farmers Home Administration.*

* * *

(5) Employees appointed for not to exceed one year to engage exclusively in the making and servicing of the following three types of emergency loans (pursuant to section 2 (a), (b), and (c) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress): (i) Production disaster loans required as a result of floods, freezes, storms, or other natural calamities, (ii) economic disaster loans, and, (iii) special livestock loans: *Provided*, That an appointment may, with the prior approval of the Commission, be extended for additional periods of not to exceed one year each.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-1611; Filed, Mar. 5, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, subparagraphs (8) and (9) are added to § 6.302 (d), subparagraph (4) is added to § 6.309 (a), subparagraph (7) is added to § 6.313 (a) and subparagraph (10) is added to § 6.323 (a).

§ 6.302 *Department of State.* * * *

(d) *Office of the Assistant Secretary for public Affairs.* * * *

(8) One Review Officer.

(9) Director, Official Position Program.

§ 6.309 *Post Office Department*—(a) *Office of the Postmaster General.* * * *

(4) One Receptionist.

§ 6.313 *Department of Labor*—(a) *Office of the Secretary.* * * *

(7) Private Secretary to the Secretary.

§ 6.323 *Department of Health, Education and Welfare*—(a) *Office of the Secretary.* * * *

(10) One Special Adviser to the Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-1613; Filed, Mar. 5, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, subparagraphs (1), (4) and (6) of § 6.342 (c) are revoked; the title of the position listed in § 6.342 (c) (7) is changed from "Assistant Commissioner for Management and Disposition" to "Assistant Commissioner for Programs"; and subparagraphs (9) and (10) are added to § 6.342 (c).

§ 6.342 *Housing and Home Finance Agency.* * * *

(c) *Public Housing Administration.*

* * *

(7) Assistant Commissioner for Programs.

* * * * * *

(9) One Deputy Commissioner.

(10) One Assistant Commissioner.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-1612; Filed, Mar. 5, 1954; 8:49 a. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 18 ($0.45)

Title 25 ($0.45)

Title 49: Parts 1 to 70 ($0.60)

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TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR WATERMELONS [1]

On January 27, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 454) regarding a proposed revision of United States Standards for Watermelons.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Watermelons are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Sec.
51.1970 U. S. No. 1.
51.1971 U. S. Commercial.
51.1972 U. S. No. 2.
UNCLASSIFIED
51.1973 Unclassified.
APPLICATION OF TOLERANCES
51.1974 Application of tolerances.
SIZE
51.1975 Size.
DEFINITIONS
51.1976 Mature.
51.1977 Fairly well formed.
51.1978 Damage.
51.1979 Free from damage by anthracnose.
51.1980 Not badly misshapen.
51.1981 Serious damage.

AUTHORITY: §§ 51.1970 to 51.1981 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624.

GRADES

§ 51.1970 *U. S. No. 1.* U. S. No. 1 consists of watermelons of similar varietal characteristics which are mature but not overripe, fairly well formed, and which are free from anthracnose, decay, sunscald and free from damage caused by other diseases, sunburn, hail, scars, insects, hollow heart, whiteheart or mechanical or other means. (See §§ 51.1974 and 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the watermelons in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, may be badly misshapen, or seriously damaged by any means, including therein not more than 1 percent for decay.

§ 51.1971 *U. S. Commercial.* U. S. Commercial consists of watermelons which meet all the requirements of U. S. No. 1 grade except for anthracnose spots. In this grade each watermelon shall be free from damage by anthracnose. (See §§ 51.1974 and 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of watermelons in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, may be badly misshapen or seriously damaged by any means, including therein not more than 1 percent for decay.

§ 51.1972 *U. S. No. 2.* U. S. No. 2 consists of watermelons of similar varietal characteristics which are mature but not overripe; which are not badly misshapen and which are free from decay, sunscald and free from serious damage caused by anthracnose, other diseases, sunburn, hail, scars, insects, hollow heart, whiteheart or mechanical or other means. (See §§ 51.1974 and 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the watermelons in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for decay.

UNCLASSIFIED

§ 51.1973 *Unclassified.* Unclassified consists of watermelons which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1974 *Application of tolerances.* (a) When packed in crates or other types of containers the contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one specimen which does not meet the requirements shall be allowed in any package.

§ 51.1975 *Size.* (a) Where the size of watermelons is stated in terms of average weight, unless otherwise specified, the melons in any lot averaging less than 30 pounds shall not vary more than 4 pounds below the stated average, and the melons in any lot averaging 30 pounds or more shall not vary more than 6 pounds below the stated average. Size may also be stated in terms of minimum weight, or minimum and maximum weights.

TABLE OF WEIGHTS

Average weight	Minimum weight (unless otherwise specified)	Tolerance permitted for melons below the minimum weight
Pounds	*Pounds*	*Percent*
20	16	5
22	18	5
24	20	5
26	22	5
28	24	5
30	24	5
32	26	5
34	28	5
36	30	5
38	32	5
40	34	5
42	36	5

(b) In order to allow for variations, incident to proper sizing, not more than 5 percent, by count, of the watermelons in any lot may be below the minimum size requirements: *Provided,* That when

minimum and maximum weights are specified, not more than 5 percent, by count, may be below the specified minimum weight and not more than 5 percent, may be above the specified maximum weight.

DEFINITIONS

§ 51.1976 *Mature.* "Mature" means that the melon has reached the stage of development at which the flesh is at least fairly sweet and shows characteristic color of a mature melon for the variety.

§ 51.1977 *Fairly well formed.* "Fairly well formed" means having the characteristic shape but not necessarily the perfect type of the variety.

§ 51.1978 *Damage.* "Damage" means any defect which materially affects the appearance or the edible or shipping quality of the melon. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Sunburn when affecting the appearance to a greater extent than 9 square inches of greenish-yellow sunburn on a 30-pound melon.

(b) Hail, scars and other external defects, except anthracnose, when affecting the appearance to a greater extent than 9 square inches of greenish-yellow sunburn on a 30-pound melon; and,

(c) Hollow heart when the internal appearance is affected to a greater extent than that of a 30-pound, long type melon having cracks which aggregate three-fourths inch in width, or that of a 30-pound, round type melon having cracks which aggregate 1¼ inches in width.

§ 51.1979 *Free from damage by anthracnose.* "Free from damage by anthracnose" means that each melon may have not more than 5 anthracnose spots which are not cracked or sunken below the contour of the surface of the melon.

§ 51.1980 *Not badly misshapen.* "Not badly misshapen" means that the melons are not bottlenecks or gourdnecks, but may be tapered at the ends or slightly constricted.

§ 51.1981 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance or the edible quality of the melon. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Anthracnose when there are more than 15 anthracnose spots, or when any spot is cracked or sunken below the contour of the surface of the melon;

(b) Sunburn when affecting the appearance to a greater extent than 20 square inches of greenish-yellow sunburn on a 30-pound melon;

(c) Hail, scars and other external defects, except anthracnose, when affecting the appearance to a greater extent than 20 square inches of greenish-yellow sunburn on a 30-pound melon; and,

(d) Hollow heart when the internal appearance is affected to a greater extent than that of a 30-pound, long type melon having cracks which aggregate 1½ inches in width, or that of a 30-pound, round type melon having cracks which aggregate 2½ inches in width.

The United States Standards for Watermelons contained in this subpart shall become effective 15 days after publication hereof in the FEDERAL REGISTER, and thereupon supersede the United States Standards for Watermelons which have been in effect since February 12, 1945 (7 CFR Part 51; 18 F. R. 7146).

It is hereby found that it is impractical, unnecessary, and contrary to the public interest to postpone the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER because the shipping season for watermelons will begin around March 20 and it is in the public interest that the standards be in effect at the start of the shipping season; and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

Dated: March 3, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-1627; Filed, Mar. 5, 1954; 8:52 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 608]

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF MANGOES FROM THE WEST INDIES

Pursuant to the authority conferred on him by § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR and Supp. 319.56) under section 5 of the Plant Quarantine Act of 1912 (7 U. S. C. 159), the Chief of the Plant Quarantine Branch hereby issues administrative instructions to appear as § 319.56–2i in Title 7, Code of Federal Regulations, as follows:

§ 319.56–2i *Administrative instructions prescribing method of treatment of mangoes from the West Indies.* Approved fumigation with ethylene dibromide at normal atmospheric pressure, in accordance with the following procedure, is hereby prescribed as a condition of entry under permit for all shipments of mangoes from the West Indies:

(a) *West Indies.* As used in this section, the term "West Indies" means the foreign islands lying between North and South America, the Carribean sea, and the Atlantic Ocean, including, among others, Cuba, Jamaica, Dominican Republic, and the Bahama, Leeward and Windward Islands, but excluding the chain of islands adjacent and parallel to the north coast of South America (the largest of which are Aruba, Curacao, Bonaire, Tortuga, Margarita, Trinidad, and Tobago).

(b) *Ports of entry.* Mangoes to be offered for entry must be shipped direct from the country of origin to New York or such other North Atlantic ports as may be named in the permit.

(c) *Precooling of fruit.* Mangoes to be offered for entry must be cooled to a maximum temperature of 50° F. prior to unloading from the ship. The fruit may not be removed from the vessel until the plant quarantine inspector has satisfied himself that this requirement has been complied with and that the fruit can be moved promptly to the fumigation chamber.

(d) *Approved fumigation.* (1) The approved fumigation shall consist of fumigation with ethylene dibromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Branch. The dosage shall be applied at the following rates:

6 ounces of ethylene dibromide per 1,000 cubic feet of space for 2 hours at 80° F.
8 ounces of ethylene dibromide per 1,000 cubic feet of space for 2 hours at 70° F.

Cubic feet of space shall include the load. The 2-hour period of exposure shall begin when all of the fumigant has been introduced into the chamber. The required temperatures apply to both air and fruit. The ethylene dibromide must be applied in the liquid state and volatilized within the sealed fumigation chamber by direct contact with a highly heated metal surface over an electric hot plate or other suitable heating medium. The gas shall be circulated within the chamber continuously for the 2-hour period by an electric fan or blower.

(2) Mangoes to be fumigated may be packed in crates with shredded packing material. When fruits are individually wrapped in paper the wrappings must be removed before fumigation. When loaded in the fumigation chamber the crates or other containers shall be separated at least 2 inches on all sides by wooden strips or other means. The chamber shall not be loaded to more than 50 percent of capacity.

(e) *Other conditions.* The unloading of fruit from the vessel, its delivery to an approved fumigation plant, and the fumigation procedure will be under the supervision of a plant quarantine inspector. Final release of the fruit for entry into the United States will be conditioned upon compliance with prescribed regulations.

(f) *Costs.* All costs of treatment and prescribed safeguards, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the mangoes, or his representative.

(g) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with mangoes, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or in the precooling of fruit required prior to unloading from the vessel.

The purpose of these instructions is to authorize the importation from the West Indies under permit of mangoes that are to be given an approved fumigation treatment. Heretofore such movement has been prohibited. This newly authorized treatment therefore removes a restriction previously imposed. In order to be of maximum benefit to mango importers, the newly authorized procedure should be made available as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and public procedure on the foregoing administrative instructions are unnecessary, impracticable, and contrary to the public interest, and since these instructions relieve restrictions they may properly be made effective under said section 4 less than thirty days after their publication in the FEDERAL REGISTER.

These administrative instructions shall be effective March 6, 1954.

(Sec. 5, 37 Stat. 316; 7 U. S. C. 159)

Done at Washington, D. C., this 2d day of March 1954.

[SEAL] E. P. REAGAN,
Chief, Plant Quarantine Branch.

[F. R. Doc. 54-1629; Filed, Mar. 5, 1954; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 21]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.321 *Navel Orange Regulation 21*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on March 4, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 7, 1954, and ending at 12:01 a. m., P. s. t., March 14, 1954, is hereby fixed as follows:

(i) District 1: 115,500 boxes;
(ii) District 2: 311,850 boxes;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section, "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Mar. 7 to 12:01 a. m., P. s. t., Mar. 14, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

Handler	Prorate base (percent)
Total	100.0000
A. N. F. Lindsay	1.7945
A. N. F. Porterville	2.6496
Ivanhoe Cooperative Association	.5006
Anderson Packing Co.	1.2990
Euclid Avenue Orange Association	0.9699
Lindsay Mutual Groves	1.5788
Martin Ranch	.0000
Orange Cove Orange Growers	2.8236
Woodlake Packing House	1.9605
Doffemyer & Son, W. Todd	.5243
Earlibest Orange Association	1.7265
Elderwood Citrus Association	.6348
Exeter Citrus Association	3.6966
Exeter Orange Growers Association	1.5786
Exeter Orchards Association	1.5145
Hillside Packing Association	1.5395
Ivanhoe Mutual Orange Association	1.1610
Klink Citrus Association	4.1934
Lemon Cove Association	.9899
Lindsay Citrus Growers Association	2.3559
Lindsay Cooperative Citrus Association	1.5761
Lindsay Fruit Association	2.4077
Lindsay Orange Growers Association	.9047
Naranjo Packing House Co.	1.2840
Orang Cove Citrus Association	4.1427
Orange Packing Co.	1.1099
Orosi Foothill Citrus Association	1.5366
Paloma Citrus Fruit Association	.8211
Rocky Hill Citrus Association	1.6695
Sanger Citrus Association	3.5335
Sequoia Citrus Association	.4188
Stark Packing Co.	2.8678
Visalia Citrus Association	2.4389
Waddell & Son	2.7014
Baird-Neece Corp.	2.0063
Beattie Association, D. A.	.5512
Grand View Height Citrus Association	3.5998
Magnolia Citrus Association	2.6403
Porterville Citrus Association	1.7287
Randolph Marketing Co.	1.7779
Richgrove-Jasmine Citrus Association	1.2585
Strathmore Cooperative Citrus Association	.8618
Strathmore Dist. Orange Association	1.4710
Strathmore Packing House	2.2607
Sunflower Citrus Growers	2.9297
Sunland Packing House Co.	2.9322
Terra Bella Citrus Association	1.3549
Tule River Citrus Association	.9577
Adams, Thomas	.0071
Baker Ranch Packing House	.1787
Batkins, Jr., Fred A.	.0222
Calif. Citrus Groves, Inc., Ltd.	3.0259
Darby, Fred J.	.0250
Dubendorf, John	.1569
Evans Brothers Packing Co.	.2900
Far West Produce Distributors	.0647
Feltes, A. E.	.0000
Foothill Packing Co.	.0178
Haas & Ferry	.2019
Harding & Leggett	1.9277
Independent Growers, Inc.	.9719
Lo Bue Brothers	.7098
Maas, W. A.	.0411
Marks, W. & M.	.1921
Morin, Carl W.	.0216
Orange Belt Fruit Distributors	.6464
Paramount Citrus Association	2.1373
Reimers, Don H.	.2535
Riverside Fruit Co.	.2316
Sequoia Cider Mill	.0178
Stephens & Cain	.3224
Zaninovich Bros., Inc.	1.3027

PRORATE DISTRICT NO. 2

Total	100.0000
A. N. F. Corona	.4955
A. N. F. Fullerton	.0149

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
A. N. F. Orange	0.0218
A. N. F. Riverside	1.4865
A. N. F. Santa Paula	.1107
Eadington Fruit Co	.7156
Signal Fruit Association	1.0007
Bryn Mawr Mutual Orange Association	.4214
Chula Vista Mutual Lemon Association	.0606
Euclid Avenue Orange Association	2.5029
Foothill Citrus Union, Inc	.2922
Index Mutual Association	.0081
La Verne Cooperative Citrus Association	3.0854
Olive Hillside Groves, Inc	.0070
Redlands Foothill Grooves	3.0846
Redlands Mutual Orange Association	1.2209
Ventura County Fruit Growers, Inc	.3684
Azusa Citrus Association	.7101
Covina Citrus Association	2.1716
Glendora Citrus Association	1.0551
Valencia Heights Orchards Association	.6804
Gold Buckle Association	3.7445
La Verne Orange Association	5.0777
Anaheim Valencia Orange Association	.0000
Fullerton Mutual Orange Association	.3651
La Habra Citrus Association	.1276
Yorba Linda Citrus Association	.0520
El Cajon Valley Citrus Association	.0805
Escondido Orange Association	.5499
Citrus Fruit Growers	.4569
Cucamonga Mesa Growers	.7810
Etiwanda Citrus Fruit Association	.1389
Upland Citrus Association	2.6104
Consolidated Orange Growers	.0311
Garden Grove Citrus Association	.0017
Goldenwest Citrus Association	.2051
Olive Heights Citrus Association	.0619
Santiago Orange Growers Association	.1310
Villa Park Orchards Association	.0199
Bradford Bros., Inc	.2008
Placentia Mutual Orange Association	.1891
Placentia Orange Growers Association	.2967
Yorba Orange Growers Association	.0591
Corona Citrus Association	1.3369
Jameson Co	.6301
Orange Heights Orange Association	4.6389
Crafton Orange Growers Association	1.5976
East Highlands Citrus Association	.4963
Redlands Heights Groves	.9537
Redlands Orangedale Association	1.2518
Rialto-Fontana Citrus Association	.1642
Bryn Mawr Fruit Growers Association	1.1316
Mission Citrus Association	.8440
Redlands Cooperative Fruit Association	2.1717
Redlands Orange Growers Association	1.3470
Redlands Select Groves	.5636
Rialto Orange Co	.4591
Southern Citrus Growers	1.0218
United Citrus Growers	.7578
Arlington Heights Citrus Co	1.8218
Blue Banner, Inc	2.6914
Brown Estate, L. V. W	2.4210
Gavilan Citrus Association	2.2555
McDermont Fruit Co	1.5750
Monte Vista Citrus Association	1.8176
National Orange Co	1.7976
Riverside-Highgrove Citrus Association	1.8334
Victoria Avenue Citrus Association	3.5654
Claremont Citrus Association	.6742
College Heights Orange & Lemon Association	1.9838
Indian Hill Citrus Association	1.3624
Pomona Fruit Growers Exchange	1.2451
Walnut Fruit Growers Association	.7635
West Ontario Citrus Association	.9022
Escondido Cooperative Citrus Association	.1150
Camarillo Citrus Association	.0050
Fillmore Citrus Association	1.3058
Mupu Citrus Association	.0053
Ojai Orange Association	1.2506
Piru Citrus Association	1.4964
Rancho Sespe	.0016
San Fernando Heights Orange Association	.6764
Santa Paula Orange Association	.0559
Tapo Citrus Association	.0156
Ventura County Citrus Association	.0214
East Whittier Citrus Association	.0051
North Whittier Heights	.0818
Sierra Madre-Lamanda Citrus Association	.0415
A. J. Packing Co	.1430
Babijuice Corp. of California	.0000
Cherokee Citrus Co., Inc	.9852
Dunning, Vera Hueck	.1753
Evans Bros. Packing Co	.8592
Far West Produce Distributors	.1708
Gold Banner Association	2.6006
Gold Seal Producers, Inc	.1707
Granada Packing House	.0185
Holland, M. J	.0264
Orange Belt Fruit Distributors	.7563
Panno Fruit Co., Carlo	.0044
Paramount Citrus Association	.2249
Prescott, John A	.0044
Riverside Fruit Co	.3044
Rotolo Brothers	.0220
San Antonio Orchards Co	1.2147
Small wood, Luella L	.0087
Spire, Frank S	.0089
Stephens & Cain	.1816
Wall, E. T., Grower-Shipper	2.1795
Western Fruit Growers, Inc	4.2218

[F. R. Doc. 54-1669; Filed, Mar. 5, 1954; 11:49 a. m.]

[Lemon Reg. 527]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.634 *Lemon Regulation 527*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 3, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 7, 1954, and ending at 12:01 a. m., P. s. t., March 14, 1954, is hereby fixed as follows:

(i) District 1: 25 carloads;

(ii) District 2: 250 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

Storage Date: Feb. 28, 1954

[12:01 a. m. Mar. 7, 1954, to 12:01 a. m. Mar. 21, 1954]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	31.849
Lemon Cove Association	17.571
Tulare County Lemon and Grapefruit Association	41.092
California Citrus Groves, Inc., Ltd	.003
Far West Produce Distributors	.411
Harding & Leggett	3.467
Paramount Citrus Association, Inc	2.665
Santa Rosa Lemon Co	.153
Zaninovich Bros. Inc	2.789

DISTRICT NO. 2

Total	100.000
American National Foods, Inc., Corona	.698
American National Foods, Inc., Fullerton	.830
American National Foods, Inc., Upland	1.135
Buenaventura Lemon Co	.688
Consolidated Lemon Co	1.617
Ventura Pacific Co	2.046
Chula Vista Mutual Lemon Association	.545
Euclid Lemon Association	1.641
Index Mutual Association	.395
La Verne Cooperative Citrus Association	2.445
Ventura Coastal Lemon Co	.977
Ventura Processors	1.577
Glendora Lemon Growers Association	2.333
La Verne Lemon Association	1.057
La Habra Lemon Association	1.178
Yorba Linda Citrus Association	.573
Escondido Lemon Association	3.787
Cucamonga Mesa Growers	2.736
Etiwanda Citrus Fruit Association	1.208
San Dimas Lemon Association	1.791
Upland Lemon Growers Association	9.690
Central Lemon Association	.749
Irvine Citrus Association, The	.631
Placentia Mutual Orange Association	1.271
Corona Citrus Association	.443
Corona Foothill Lemon Co	3.260
Jameson Co	1.260
Arlington Heights Citrus Co	2.114
College Heights Orange & Lemon Association	4.590
Chula Vista Citrus Association, The	.722
Escondido Cooperative Citrus Association	.278
Fallbrook Citrus Association	2.302
Lemon Grove Association	.352
Carpinteria Lemon Association	1.747
Carpinteria Mutual Citrus Association	2.026
Goleta Lemon Association	2.311
Johnston Fruit Co	3.674
Briggs Lemon Association	1.076
Fillmore Lemon Association	1.625
Oxnard Citrus Association	3.629
Rancho Sespe	.883
San Fernando Heights Lemon Association	4.350
Santa Clara Lemon Association	3.161
Santa Paula Citrus Fruit Association	2.430
Saticoy Lemon Association	1.777
Seaboard Lemon Association	2.938
Somis Lemon Association	2.976
Ventura Citrus Association	.693
Ventura County Citrus Association	.163

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Limoneira Co	0.987
Teague-McKevett Association	.820
East Whittier Citrus Association	.338
Murphy Ranch Co	.940
North Whittier Heights Citrus Association	.750
Sierra Madre-Lamanda Citrus Association	.944
Far West Produce Distributors	.080
Paramount Citrus Association, Inc	2.704
Santa Rosa Lemon Co	.079

[F. R. Doc. 54-1655; Filed, Mar. 5, 1954; 8:54 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1954, Supp. 5]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1954

INITIAL ESTABLISHMENT IN CROPPING SYSTEM OF SUMMER ANNUAL LEGUMES AND ADAPTED NONLEGUMES FOR SUMMER PROTECTION FROM EROSION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1954, the 1954 National Agricultural Conservation Program, issued August 3, 1953 (18 F. R. 4643), as amended August 3, 1953 (18 F. R. 4761), November 4, 1953 (18 F. R. 7024), January 6, 1954 (19 F. R. 160), and February 15, 1954 (19 F. R. 972), is further amended as follows:

Section 1101.559 is amended by adding the following as the last sentence preceding "Maximum Federal cost-share":

§ 1101.559 *Practice D-2: Initial establishment in the cropping system of summer annual legumes and adapted nonlegumes for summer protection from erosion.* * * * Notwithstanding any limitations in this practice as to the acreage on a farm on which Federal cost-sharing may be authorized, Federal cost-sharing may be authorized for an acreage equal to the net reduction in 1954 in allotment crops from the acreage of those crops in 1953.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended, Pub. Law 156, 83d Cong.; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 3d day of March 1954.

[SEAL] J. EARL COKE,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1625; Filed, Mar. 5, 1954; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. P. L. 69 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List. These commodities were formerly licensed by the Department of State. All outstanding licenses for these commodities issued by the Department of State prior to January 1, 1954, remain valid until they expire or are revoked.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
900238	Photomicrographic, oscillograph and similar cameras [1]...	No.	FILM	None	RO

[1] These commodities are subject to the IC/DV procedure (see § 371.2 of this subchapter), effective April 12, 1954, and may be exported under the Foreign Distribution licensing procedure (see Part 376 of this subchapter)

This part of the amendment shall become effective as of 12:01 a. m., January 1, 1954.

2. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
630300	Acids and anhydrides: Organic Adipic acid (formerly 802490).

This part of the amendment shall become effective as of 12:01 a. m., February 25, 1954.

[1] This amendment was published in Current Export Bulletin No. 725, dated February 25, 1954.

3 The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference enclosed in parentheses following the commodity description in the revised entry.

Dept of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Metal powders:				
619159	Tungsten	Lb.	MINL	None	RO
664571	Titanium	Lb.	MINL	None	RO
664573	Metal scrap (other than crude form), and scrap (specify by name) (4)	Lb.	MINL	None	RO
709865	Insulated wire and cable: Automotive, aircraft, and missile wire in reels, reels, or spools in length specified in footnote (1)	Lb.	TRAN 6	500	R
711310	Steam engines and turbines, n. e. c., and parts, n. e. c.: Steam turbogenerators	No.	GIEQ 9	None	R
711900	Parts, n. e. c., specially fabricated for steam turbines (1)		GIEQ 9	100	R
	Power boilers (steam generators), and parts:				
713200	Fire tube boilers, capable of generating 15,000 pounds or more of steam per hour, at any pressure greater than 15 p. s. i. gage, or capable of obtaining greater than 15 pounds per hour of steam at any pressure	Lb. per hr. and sq. ft.	GIEQ 23	None	R
713300	Water tube boilers, having a capacity to generate 15,000 pounds or more of steam per hour at any pressure greater than 15 p. s. i. gage, or capable of obtaining greater than 15 pounds per hour of steam at any pressure		GIEQ 23	None	R
713920	Parts, n. e. c., for fabricated (field erected) boilers (report boiler tubes, superheaters, economizers, and other boiler components under appropriate classification in Schedule B)		GIEQ 23	250	R
	Internal-combustion engines, n. e. c., and parts, n. e. c.:				
	Gasoline:				
714200	Water-cooled engines, n. e. c., over 100 horsepower (1)	No.	TRAN 7	None	R
	Diesel and semi-Diesel:				
714300	Marine, 200 brake horsepower and under (at normal speed), except those (specify brake horsepower) (1)	No.	TRAN 7	None	R
	Other, including tractor engines (specify brake horsepower):				
714710	200 brake horsepower and under (at normal speed)	No.	TRAN 7	None	R
	Kerosene:				
714910	Other gasoline engines, over 10 horsepower, including tractor	No.	TRAN 7	250	R
	Power transmission equipment, including machine, and parts:				
	Excavating machines (power cranes and shovels), new (report used in 705230):				
720112	Other, except rail, full revolving, convertible, 2 and [illegible] cu. yd. dipper capacity, new (1)	No.	CONS 1	None	R
720112	Crawler mounted, rail revolving, convertible, less than 2 cu. yd. dipper capacity, new	No.	CONS 1	None	R
720117	Crawler or wheel mounted, full revolving, convertible, over ½ cu. yd. dipper capacity, new	No.	CONS 1	None	R
720122	Other rubber tired mounted, truck or wagon mounted, full revolving, convertible, 2 cu. yd. dipper capacity and over, new (2)	No.	CONS 1	None	R
720122	Other rubber tired mounted, including truck or wagon mounted, full revolving, convertible, less than 2 cu. yd. dipper capacity, new	No.	CONS 1	None	R
720127	Full revolving, unmounted, 2 cu. yd. dipper capacity and over, new (1)	No.	CONS 1	None	R
720127	Full revolving, unmounted, less than 2 cu. yd. dipper capacity, new (2)	No.	CONS 1	None	R
720147	Dredging machines, new (specify by name) (report used in 705230; dredges fully equipped as vessels in 705130)	No.	MINE	100	R
	Power excavators and dredging machines, used and rebuilt (report new in 720112-720147):				
720160	Power cranes and shovels, full revolving, mounted and unmounted, 2 cu. yd. dipper capacity and over, used and rebuilt (2)	No.	CONS 1	None	R
720160	Other power cranes and shovels, full revolving, mounted and unmounted, less than 2 cu. yd. dipper capacity, used and rebuilt (2)	No.	CONS 1	None	R
720160	Dredging machines, used and rebuilt (2)	No.	MINE	100	R

See footnotes at end of table.

Dept of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Power excavators and dredging machines, and parts—Continued				
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for other full revolving power cranes and shovels of 2 cu. yd. dipper capacity and over (2)		CONS 1	1,000	R
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for other full revolving power cranes and shovels of less than 2 cu. yd. dipper capacity (2)		CONS 1	1,000	R
720210	Parts, accessories and attachments, n. e. c., specially fabricated for dredging machines (specify by name) (2)		MINE	1,000	R
720240	Loaders (loading machines), nonexcavating, new and used, and specially fabricated parts, n. e. c., (report excavating loaders in 720112)		CONS 1	500	R
	Crushing, pulverizing and screening machines (mobile, portable, and semiportable), and parts:				
720315	Crushers, construction and mining types (formerly 720300) (1)	No.	MINE	None	R
720355	Grinders, pulverizers, and granulators, construction and mining types (formerly 720350) (1)	No.	MINE	None	R
720395	Screening machines, construction and mining types (formerly 720360) (1)	No.	MINE	None	R
720410	Aggregate crushing-screening outfits (prefabricated or unitized), capacity not exceeding 175 tons per hour, mobile and semiportable only (1)	No.	MINE	None	R
720495	Parts, attachments, and accessories, n. e. c., specially fabricated for construction and mining types of crushers, pulverizers, grinders, granulators, screening machines, and crushing-screening outfits (formerly 720400) (1)		MINE	500	R
721510	Bituminous mixing equipment, stationary, mobile, and semiportable, for mixing aggregate with bituminous materials, bituminous pavers and bituminous mixer-paver combinations	No.	CONS 1	None	R
721530	Bituminous combination batching-mixing outfits (prefabricated or unitized, mobile, portable and semiportable) capacity not exceeding 175 tons per hour (report outfits of greater capacity under classifications applicable to individual components) (1)	No.	CONS 1	None	R
721535	Concrete pavers, paving spreaders, and paving finishers, self-propelled (1)	No.	CONS 1	None	R
721535	Concrete mixers, stationary and portable, including truck and trailer-mounted, and concrete transport truck mounted agitators, 18 cu. ft. capacity and over (3)	No.	CONS 1	None	R
721540	Parts and accessories, n. e. c., specially fabricated for the equipment included on the Positive List under schedule B Nos. 721510 through 721535 (1 and 2)		CONS 1	500	R
722012	Scrapers (report tractors in 722024, 787410-787590, according to type) (1)	No.	CONS 1	None	R
722015	Graders, self-propelled (1)	No.	CONS 1	None	R
	Off-the-road haulage vehicles (trucks, wagons and trailers) (report tractors separately under appropriate Schedule B number):				
722027	Over 10 cu. yd. struck load capacity (1)	No.	CONS 1	None	R
722027	10 cu. yd. struck load capacity and under (2)	No.	CONS 1	None	R
722040	Jacks, with lifting capacity of 10 tons and over, and specially fabricated parts, n. e. c. (1)		CONS 1	100	R
	Construction and maintenance equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name):				
722045	Jacks, with lifting capacity of 10 tons and over, and specially fabricated parts (2)		CONS 1	80	R
722045	Subgraders and fine graders (3)	No.	CONS 1	250	R
722045	Specially fabricated parts for contractors' off-the-road haulage vehicles (trucks, wagons, and trailers), over 10 cu. yd. struck load capacity (1)		CONS 1	250	R
722045	Specially fabricated parts for contractors' off-the-road haulage vehicles (trucks, wagons, and trailers), 10 cu. yd. struck load capacity and under (2)		CONS 1	500	R
722045	Specially fabricated parts for subgraders and fine graders (3)		CON S1	250	R
722045	Specially fabricated parts for logging arches and sulkies for use with tracklaying tractors and contractors' wheel type tractors, and rotary snowplows (2)		CONS 1	500	R
722045	Parts, accessories, and attachments, n. e. c., specially fabricated for pneumatic-tired compactors, 10 tons and over (net vehicle weight) (11)		CONS 1	250	RO

Dept of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Construction and maintenance equipment, n. e. c., and specially fabricated parts, n. e. c., (specify by name)—Continued				
722045	Parts, accessories, and attachments, n. e. c., specially fabricated for scrapers and graders (13)		CONS 1	250	R
722045	Parts and accessories, n. e. c., specially fabricated for contractors' wheel-type tractors (14)		CONS 1	500	R
722045	Parts and accessories, n. e. c., specially fabricated for the following attachments for tracklaying tractors and contractors' wheel-type tractors, angle dozers, brush cutters or rakes, bulldozers, cable controls, cranes, dragline, clamshell, bucket and shovel excavating and loading attachments, hydraulic controls, pipe layers, rippers, or rooters, scrapers, Sno-plow Blades, trail-builders, tree dozers, and winches (15)		CONS 1	500	R
	Cranes, except excavator type) and derricks, n. e. c., and parts, n. e. c.:				
723010	Railway cranes, 30 tons maximum rated crane lifting capacity and over, including industrial yard, locomotive and wrecking types (4)	No.	CONS 1	None	R
723010	Railway cranes, under 30 tons maximum rated crane lifting capacity (including industrial yard, locomotive and wrecking types) (1)	No.	CONS 1	None	R
723020	Cranes, overhead, electric traveling (elevated track, gantry, and semi-gantry types) (1)	No.	CONS 1	None	R
723040	Full circle revolving cranes, 40 net tons and over maximum rated capacity (1) (4)	No.	CONS 1	None	R
723070	Pillar cranes, 40 net tons and over maximum rated capacity (1) (4)	No.	CONS 1	None	R
723080	Specially fabricated parts, n. e. c., for cranes included on the Positive List under Schedule B Nos. 723010 through 723070 (1 and 2) (3)		CONS 1	500	R
723125	Electric hoists, n. e. c., 200 horsepower and over (except marine hoists, report ships and shaft mine hoists in 730700) (2)	No.	MINE	None	R
724965	Magnetic pulleys and drums 30 inches in diameter and over, either inclined or primary, and specially fabricated parts (1)		MINE	None	R
	Industrial type trucks, tractors, trailers, and stackers (specially designed for materials handling in and around industrial plants, depots, docks, terminals and similar installations), and parts:				
	Industrial type trucks, fully powered (operator-riding or walk-by):				
725003	Straddle carriers (1)	No.	CONS 1	500	R
725005	Industrial combustion engine powered trucks, except straddle carriers (1)	No.	CONS 1	500	R
725015	Electric powered trucks (1)	No.	CONS 1	500	R
725017	Other industrial type trucks, partially powered (1)	No.	CONS 1	500	R
725020	Industrial type tractors (whether for towing or provided with crane booms or winches) (report standard tractors in 78,510-787890) (1)	No.	CONS 1	500	R
725050	Parts, accessories, and attachments, n. e. c., specially fabricated for fully or partially powered industrial trucks and tractors (1)		CONS 1	500	R
	Specialized mining machines and equipment, n. e. c., and parts, n. e. c.:				
730500	Coal cutting machines (1)	No.	MINE 2	None	R
730550	Combination coal cutting loading machines (1)	No.	MINE 2	None	R
730750	Ore dressing and coal separating, concentrating, and cleaning machines: Equipment for the beneficiation of ores, coal and other minerals (classifying or sizing, conditioning, including flotation and concentrating, including flotation and sink-float specify by name) (1)	No.	MINE 2	None	R
730760	Electric mine hoists, 200 horsepower and over (2) (1)	No.	MINE 2	None	R
730780	Mine shuttle cars (1)	No.	MINE 2	None	R
	Specialized mining machines and equipment, n. e. c., and specially fabricated parts and accessories, n. e. c. (specify by name):				
730810	Jacks, with lifting capacity of 10 tons and over, and specially fabricated parts, n. e. c. (1) (2)		CONS 8	100	R
730810	Underground self-propelled carriages (mine trucks) for mounting mining equipment, n. e. c., drills, compressors, timber setters, etc., and specially fabricated parts, n. e. c. (2) (3)		MINE 2	500	R
730810	Specially fabricated parts for mine shuttle cars. (6) (1)		MINE 2	500	R

See footnotes at end of table.

Dept of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Earth and rock drilling machines, n. e. c., and parts, n. e. c.:				
	Rock drill bits, core drill bits, and reamers (including well drilling machine bits and reamers):				
730870	Rock drill bits, percussion types, containing tungsten carbide (1) (2)	No.	MINE	100	R
731000	Well drilling machines, and parts (report oil-country tubular products in 690210-690290)	No.	MINE 4	None	R
	Cable tool drill rigs (including truck or trailer-mounted) (1)	No.	MINE 4	None	R
750850	Textile machinery: Filament extrusion and spinning machines and spinnerets, pumps (1)		GIEQ 12	None	R
761650	Air conditioning and refrigerating equipment, n. e. c., and parts, n. e. c.: Reciprocating compressor units, over 10 horsepower, for air delivery pressure or intake capacity, except (1) when the delivery pressure is 15 p. s. i. g. or lower and intake capacity is 1,000 cu. ft. or lower, and (2) when pressure parts are of fabricated steel or cast iron with no corrosion resistant materials as defined in the "Numerical Index to Appendix A" (specify horsepower, delivery pressure, intake capacity, and whether pressure parts are corrosion resistant) (1)	No.	GIEQ	None	R
766010	Auxiliary and accessory equipment, commercial, n. e. c., and specially fabricated parts for air conditioning and refrigeration industry, except humidifiers (1)		GIEQ	100	R
766970	Industrial process indicating (measuring), recording, and/or controlling instruments, n. e. c., and specially fabricated parts, n. e. c. (for measuring and/or controlling temperatures, pressure, head flow, humidity, moisture content, chemical composition, chemical properties, and viscosities, specify by name) (1)		GIEQ	100	R
	pH (hydrogen ion) meters and pH control apparatus, continuous measuring type, and specially fabricated parts, n. e. c. (report noncontinuous pH meters in 699850) (3)				
766970	Strain gages, electric (2) (1)		GIEQ	None	R
771140	Condensers, n. e. c., and specially fabricated parts, n. e. c. (specify by name; report air conditioning and refrigeration condensers, compressors, and heat transfer equipment in 761001-764910, heat exchangers in 771200) (1)		GIEQ 22	250	R
	Heat exchangers (except refrigeration type), and steam specialty heaters, and specially fabricated parts, n. e. c. (specify by name):				
771200	Boiler superheaters, and specially fabricated parts, n. e. c. (1)		GIEQ 23	250	R
771200	Feedwater heaters for pressure greater than 15 psig, and specially fabricated parts, n. e. c. (specify continuous steaming capacity and designed operating pressure of boiler) (2) (1)		GIEQ 23	250	R
771200	Tubular heat exchangers for industrial processes, and specially fabricated parts, n. e. c. (3) (1)		GIEQ	250	R
778030	Optical curve generators (grinders, surfacers and polishers) and parts, capable of producing forms, cylinder, spherical surface, cuspless or other materials without the use of mating surfaces or laps (report parts containing diamonds as instructed in § 373.49 (f) of this subchapter) (4) (2)		GIEQ	100	RO
778030	Optical curve generators, cylinder and spherical surfacing (grinding and polishing machines, and parts, which use laps or mating surfaces, lap truing machines, and parts; flat grinders, surfacers and polishers, and parts (report parts containing diamonds as instructed in § 373.49 (f) of this subchapter) (5) (2)		GIEQ	100	RO
778030	Optical centering, edging and drilling machines, and parts, all types, when incorporating diamonds (report parts containing diamonds as instructed in § 373.49 (f) of this subchapter) (6) (2)		GIEQ	100	RO

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 738650; report furnaces under appropriate Schedule B No. according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals, 707445):				
774055	Other chemical and pharmaceutical processing and manufacturing machines, and specially fabricated parts, n. e. c. (except after-treating equipment for filament rayon cake, steeping presses, and ventilation units (flotation churns). (23) [14]	.....	GIEQ 1	250	R
	Processing vessels, non-mixing, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name):				
774330	Tanks, vats, kettles, and allied fixtures, and specially fabricated parts, n. e. c., fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A." (2) [9]	.....	GIEQ	100	R
	Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name):				
774369	Electromagnetic separators of the following types: (a) cross-belt types; (b) revolving disc or ring types; (c) induced roll types, either induced or primary; (d) magnetic pulleys or drums 20 inches in diameter and over, either induced or primary; and specially fabricated parts, n. e. c. (4) [9]	.....	GIEQ	100	R
	Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n. e. c. (specify by name):				
774698	Ampoule-filling, sorting, and washing machines, and specially fabricated parts, n. e. c. (1) [9]	.....	GIEQ 1	100	R
774698	Jacks, power, n. e. c., with lifting capacity of 10 tons and over, and specially fabricated parts, n. e. c. (3) [14]	.....	CONS 8	[redacted]	R
774698	Piping specially fabricated for industrial manufacturing and service-industries machines, n. e. c., and made of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A." (5) [9]	.....	GIEQ	None	R
788901	Parts and accessories, n. e. c., specially fabricated for tracklaying tractors (report engines in 714320-714360 and 714710-714910; attachments in 723400).[1]	.....	CONS 1	500	R
792230	Parts for commercial automobiles, trucks and busses: Vitameters, and specially fabricated parts and accessories, n. e. c. (formerly 709230).[9]	.....	TRAN 6	500	R
793188	Jacks, with lifting capacity of 10 tons and over; and specially fabricated parts. (1) [14]	.....	CONS 8	100	R
	Aircraft training equipment, n. e. c., and ground handling and maintenance equipment, and specially fabricated parts, n. e. c. (specify by name):				
794980	Jacks, with lifting capacity of 10 tons and over, and specially fabricated parts, n. e. c. (1) [14]	.....	CONS 8	100	R
795170	Boat propellers, brass or bronze, of 12-inch diameter and over, and blade[illegible] for such propellers (report those for military water craft in 795165). (1) [9]	Lb.	TRAN 10	None	R
795170	Boat propellers, metal, except brass or bronze, for watercraft 18 feet in length and over, and blades for such propellers (specify metal) (report those for military watercraft in 795165). (1) [9]	Lb.	TRAN 10	100	R
900208	H[illegible] cameras, capable of recording rates in excess of 250 frames per second [9]	No.	FILM	None	RO
900609	Parts, n. e. c., specially fabricated for high speed cameras capable of recording at rates in excess of 250 frames per second [9]	.....	FILM	25	RO
900640	Accessories and parts, n. e. c., specially fabricated for photomicrographic, oscillograph, and similar cameras (2) [9]	.....	FILM	100	RO

[1] The GLV dollar-value limit is increased.
[2] The GLV dollar-value limit is decreased, effective March 4, 1954.
[4] The letter "A" is added in the column headed "Commodity Lists," indicating that the commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective April 12, 1954.
[9] The letter "F" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under the Foreign Distribution licensing procedure (see Part 378 of this subchapter).
[14] The letter "G" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under general license GLV to R and O destinations, only within the dollar value limit specified on the Positive List (see § 371.10 (c) of this subchapter), effective March 27, 1954.
[15] The destination control is changed from R to RO, effective March 4, 1954.
[17] The destination control is changed from RO to R.
[18] The commodity description is revised without substantive change.
[21] Titanium metal powder is presently included in the last entry on the Positive List under Schedule B No. 619159.
[24] The destination control is changed from RO to R for the specially fabricated parts included in the first entry presently on the Positive List under Schedule B No. 721540.
[25] "off the-road haulage vehicles of 10 cu. yd. struck load capacity, and specially fabricated parts therefor, are no longer subject to the IC/DV procedure (see § 373.2 of this subchapter).
[26] The destination control is changed from RO to R for the specially fabricated parts included in the first entry presently on the Positive List under Schedule B No. 723080.

This part of the amendment shall become effective as of February 25, 1954, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from General License to Country Group R or Country Group O destinations as a result of changes set forth in Part 3 of this Amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., March 4, 1954, may be exported under the previous general license provisions up to and including March 27, 1954. Any such shipment not laden aboard the exporting carrier on or before March 27, 1954, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-1539; Filed, Mar. 5, 1954; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 2—SPECIAL PROVISIONS APPLICABLE TO GRAINS, FLAXSEED, AND SOYBEANS

PART 3—SPECIAL PROVISIONS APPLICABLE TO COTTON

PART 4—SPECIAL PROVISIONS APPLICABLE TO BUTTER

PART 5—SPECIAL PROVISIONS APPLICABLE TO EGGS

PART 6—SPECIAL PROVISIONS APPLICABLE TO POTATOES

PART 7—SPECIAL PROVISIONS APPLICABLE TO MILLFEEDS

PART 8—SPECIAL PROVISIONS APPLICABLE TO WOOL TOPS

PART 9—SPECIAL PROVISIONS APPLICABLE TO FATS

PART 10—SPECIAL PROVISIONS APPLICABLE TO OILS

PART 11—SPECIAL PROVISIONS APPLICABLE TO COTTONSEED MEAL AND SOYBEAN MEAL

REPORT FORMS FOR IDENTIFYING "SPECIAL ACCOUNTS"

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U. S. C. 1–17a), Parts 2 through 11, Chapter I, Title 17, Code of Federal Regulations (17 CFR, Parts 2–11), are hereby amended as follows:

1. By deleting the numerals "202", "302", "402", "502", "602", "702", "802", "902", "1002", and "1102", wherever they appear in Parts 2 through 11, and inserting the numeral "102" in lieu thereof.

2. By deleting the word "spreading," in §§ 2.09, 4.09, 5.09, 6.09, and 7.09 of Parts 2, 4, 5, 6, and 7, respectively.

3. By deleting the word "straddling" in §§ 3.09 and 8.09 of Parts 3 and 8, respectively.

4. By deleting the words "spreading (straddling)" in §§ 9.09, 10.09, and 11.09, of Parts 9, 10, and 11, respectively.

The amendments reflect the discontinuance of Forms 202, 302, 402, 502, 602, 702, 802, 902, 1002, and 1102 and the substitution therefor of a single form for the identification of "special accounts", designated as Form 102, and in connection therewith eliminate reference to the spreading or straddling classification in identifying accounts on the identification report form.

The amendments either relate to matters of form or relieve restrictions and will not adversely affect the public. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is hereby found that notice and other public procedure are unnecessary, and that the amendments should be made effective within less than thirty days after publication in the FEDERAL REGISTER.

The amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U. S. C. 7, 6g)

Issued this 2d day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-1614; Filed, Mar. 5, 1954; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6125]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

I. Z. HARRIS ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods;* § 3.135 *Nature;* Product or Service; § 3.170 *Qualities or properties of product or services.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1895 *Scientific or relevant facts.* In connection with the offering for sale, sale and distribution of a drug preparation known and designated as "The New Improved V–T Preparation" or any other similar drug in commerce, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase of said preparation in commerce, which advertisements represent directly or by implication: (a) That said preparation is of any therapeutic value in the treatment of aches, pains, weakness, tiredness, loss of pep, nervousness, sleeplessness, nausea, headache or gas pains, unless it is revealed with equal conspicuousness and in immediate connection with any reference to the aforesaid symptoms or conditions, that said preparation is of value for such symptoms or conditions only when they are caused by deficiencies of Vitamins B_1, B_2, niacinamide or iron; (b) that said preparation gives fast relief from any of the symptoms or conditions enumerated in prohibition (a); (c) that said preparation is an adequate vitamin or mineral supplement, or provides all the essential vitamins or minerals; (d) that the quantities of yeast or liver extract contained in said preparation are sufficient to be of substantial therapeutic value; and (e) that the formation of red blood, or red blood cells, will be stimulated by said preparation, unless the representation be expressly limited to cases where a deficiency of such blood or blood cells has resulted solely from iron deficiency anemia; or which advertisements fail to comply with the affirmative requirements of prohibitions (a) and (e) above; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, I. Z. Harris et al. d. b. a. Veltex Company, Birmingham, Ala., Docket 6125, February 7, 1954]

In the Matter of I. Z. Harris and Pauline D. Harris, Individually and as Copartners Trading and Doing Business Under the Name of Veltex Company

This proceeding was heard by Everett F. Haycraft, Hearing Examiner, upon the complaint of the Commission and respondents' answer in which they admitted all the material allegations of fact charged in the complaint, reserved the right to submit full findings and conclusions of fact or law and the right to appeal, and stated that they had ceased from using the advertisements described in the complaint, some for a period of three years and others for 18 months.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and answer, proposed findings and conclusion submitted by counsel in support of the complaint, no such findings and conclusions having been filed by respondents although given opportunity to do so, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] and conclusion[1] drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on February 7, 1954.

Said order to cease and desist is as follows:

It is ordered, That the respondents I. Z. Harris and Pauline D. Harris, individually and as copartners, trading and doing business under the name of Veltex Company, their officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of a drug preparation known and designated as "The New Improved V–T Preparation" or any other similar drug in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication:

(a) That said preparation is of any therapeutic value in the treatment of aches, pains, weakness, tiredness, loss of pep, nervousness, sleeplessness, nausea, headache or gas pains, unless it is revealed with equal conspicuousness and in immediate connection with any reference to the aforesaid symptoms or conditions, that said preparation is of value for such symptoms or conditions only when they are caused by deficiencies of Vitamins B_1, B_2, niacinamide or iron;

(b) That said preparation gives fast relief from any of the symptoms or conditions enumerated in subparagraph (a) hereof;

(c) That said preparation is an adequate vitamin or mineral supplement, or provides all the essential vitamins or minerals;

(d) That the quantities of yeast or liver extract contained in said preparation are sufficient to be of substantial therapeutic value;

(e) That the formation of red blood, or red blood cells, will be stimulated by said preparation, unless the representation be expressly limited to cases where a deficiency of such blood or blood cells has resulted solely from iron deficiency anemia;

II. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph I above, or which fails to comply with the affirmative requirements set forth in subparagraphs (a) and (e) of Paragraph I above.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6125, February 5, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 5, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, JR.,
Secretary.

[F. R. Doc. 54-1602; Filed, Mar. 5, 1954; 8:47 a. m.]

[1] Filed as part of the original document.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

DETERMINATION INCLUDING HANDLING AND RECEIVING OF SOYBEANS FOR STORAGE BY COTTONSEED CRUSHING MILLS AS AN INDUSTRY OF A SEASONAL NATURE

On October 5, 1950, it was found that the receiving of soybeans for storage in

cottonseed crushing mills is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act (15 F. R. 6696). Notice was published in the FEDERAL REGISTER on January 26, 1954 (19 F. R. 431), that a prima facie case had been shown for amending the aforesaid determination to include the handling of soybeans. Interested persons were given 15 days from such date to file objection and request for hearing on this preliminary determination.

No objection and request for hearing has been received within the said 15 days.

Accordingly, pursuant to § 526.6 (b) (2) of the regulations contained in this part, the determination made on October 5, 1950, is amended to include the handling of soybeans. As amended, the determination will apply to the unloading, weighing, placing into storage, storing, and handling of soybeans in cottonseed crushing mills and any operations or services necessary or incident to the foregoing, including incidental selling and shipping, during the period or periods when soybeans are being received for storage or handling.

NOTE: This determination affects tabulation in § 526.101.

(52 Stat. 1060; 29 U. S. C. 210 et seq.)

This determination shall become effective 30 days after publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 2d day of March 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-1593; Filed, Mar. 5, 1954; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

AMENDMENTS

The Foreign Assets Control Regulations, 31 CFR 500.101 to 500.808, are hereby amended by the amendment of § 500.204. The principal effect of this amendment is to add bristle paint brushes valued at more than twenty-four dollars per dozen to the lists of commodities dealings in which are prohibited except under license. Other items added to the prohibited lists are: Yak hair, Castor bean, and Castor oil.

§ 500.204 *Importation of and dealings in certain merchandise.* (a) Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, or rulings, instructions, licenses, or otherwise, no person subject to the jurisdiction of the United States may purchase, transport, import, or otherwise deal in or engage in any transaction with respect to any merchandise outside the United States if such merchandise is:

• • • • • •

(2) Merchandise specified in this subparagraph, however processed, unless such merchandise is imported directly from a country named as excepted for that type of merchandise:

Type of merchandise:	*Exceptions*
(i) All merchandise, not elsewhere specified in this paragraph, if prior to Dec. 17, 1950, imports thereof into the United States were chiefly of Chinese origin within the meaning of this chapter, and	None
(ii) All of the following specified types of merchandise:	
• • • • •	
Brushes, paint (containing hog bristles) valued at more than twenty four dollars ($24.00) per dozen	None
• • • • •	
Yak hair	None

(3) Merchandise specified in this subparagraph, howsoever processed, if such merchandise is or has been located in or transported from or through Hong Kong, Macao, or any country not in the authorized trade territory.

Type of merchandise:
• • • • •
Castor bean
Castor oil
• • • • •

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, 1943 Cum. Supp. E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR, 1948 Supp.)

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-1537; Filed, Mar. 5, 1954; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter J—Procurement Procedures

PART 1005—FOREIGN PURCHASES

POLICY REGARDING MILITARY PURCHASES FROM SOURCES WITHIN SOVIET-CONTROLLED COUNTRIES OR AREAS

Section 1005.108 is changed to read as follows:

§ 1005.108 *Policy regarding military purchases from sources within Soviet-controlled countries or areas.* (a) Effective on and after February 1, 1954, the general policy of the Department of Defense is that contracts for the procurement of supplies or manufactured products originating from sources within Soviet-controlled countries or areas will not be awarded notwithstanding the provisions of Subpart A, Part 405 of this title, or Subpart A of this part. Soviet-controlled areas shall consist of those countries or areas included in Subgroup A, of Country Group R, of the Comprehensive Export Schedule issued by the Office of International Trade, Department of Commerce, listed below:

Albania, Bulgaria, China, including the provinces of Suiyuan, Chahar, Ningsia, and Jehol (sometimes referred to as Inner Mongolia); the provinces of Chinghai (Tsinghai) and Sikang; Sinkiang; Tibet; and Outer Mongolia; but excluding Manchuria, and excluding Taiwan (Formosa), Czechoslovakia, Estonia, Germany (Russian-Occupied Zone only), Hungary, Latvia, Lithuania, Manchuria, including the former Kwangtung Leased Territory (the present Port Arthur Naval Base Area and the Liaoning Province), North Korea, Poland and Danzig, Rumania, Union of Soviet Socialist Republics.

(b) Departures from this general policy will be made only in the most exceptional situations, such as in cases of emergency or where supplies or manufactured products are not available from any other source. In the case of purchases of $1,000 or less, contracting officers are authorized to make the determination as to the need for departure from the general policy and to effect such purchases. Purchases in excess of $1,000 may be made only after specific approval by the Secretary of the Air Force.

(c) Nothing in this section shall be construed to authorize purchases in violation of the provisions of § 500.204 (a) (1), (2), or (3), of the Foreign Assets Control Regulations issued by the Treasury Department (31 CFR 500.204). These regulations prohibit persons subject to the jurisdiction of the United States from purchasing or otherwise dealing in any merchandise:

(1) Known or believed to be of Communist Chinese (including Manchuria) or North Korean origin as specified in § 500.204 (a) (1) (31 CFR 500.204), except pursuant to a specific Foreign Assets Control license, or,

(2) Listed in § 500.204 (a) (2) (31 CFR 500.204), unless such merchandise is imported direct from a country named in § 500.204 (a) (2) (31 CFR 500.204) as excepted for that type of merchandise, or

(3) Listed in § 500.204 (a) (3) (31 CFR 500.204), if such merchandise is imported from or through Hong Kong, Macao, or Albania, Bulgaria, Czechoslovakia, Eastern Zone of Germany, Eastern Section of Berlin, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, or the U. S. S. R., unless such merchandise under subparagraph (2) of this paragraph, and this subparagraph, is covered by an appropriate license or certificate of origin.

(d) Prior to making a determination to depart from this general policy, or forwarding a request for an exception from the policy, an opinion shall be obtained from the staff judge advocate that such departure or exception will not violate the provisions of § 500.204 (a) (1), (2), or (3) of the Treasury Department Foreign Assets Control Regulation (31 CFR 500.204). The request for exception shall specifically state that such an opinion has been obtained.

(e) Requests for exceptions to this general policy, in the case of purchases in excess of $1,000, shall be submitted to the Director of Procurement and Production Engineering, Headquarters USAF, Washington 25, D. C.

(AFL 70-102J) (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interprets or applies 62 Stat. 21; 41 U. S. C. 151-161)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-1591; Filed, Mar. 5, 1954; 8:45 a. m.]

PART 1007—TERMINATION OF CONTRACTS

PART 1012—GOVERNMENT PROPERTY

MISCELLANEOUS AMENDMENTS

1. Section 1007.705 is changed to read as follows:

§ 1007.705 *Termination clause for fixed-price contracts for personal services.* The following clause shall be used in any fixed-price contract for personal services:

Termination:

(a) The clause appearing in ASPR-7-503.7.

(b) After receipt of a Notice of Termination, or subsequent to the written consent of the Contracting Officer as hereinabove provided, the Contractor shall (1) discontinue all work to the extent and on the date specified in such Notice, and (2) transfer title and deliver to the Government, in the manner, to the extent and at the times directed by the Contracting Officer, the completed and partially completed work, material, plans, drawings, data, information, reports, and other property produced as a part of, or acquired in connection with the performance of, the work terminated in such Notice.

(c) Upon termination of work as provided in this clause, the Contractor shall be paid that part of the fixed-price set forth in the clause of this contract entitled "Payments" which has accrued for services rendered hereunder up to the effective date of such Notice and any other amounts properly owing to the Contractor under the said "Payments" clause which are theretofore unpaid. Settlement of the termination of the contract under the provisions of this paragraph (c) shall be evidenced by a Supplemental Agreement to the contract. In the event of the failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amount so determined.

(d) Any dispute arising out of the termination of the contract under this clause shall be decided in accordance with the procedure prescribed in the "Disputes" clause hereof.

NOTE: Provisions of the reference "ASPR-7-503.7" in the foregoing clause are contained in § 406.503-7 of this title (18 F. R. 1227).

(R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161)

2. Paragraph (f) is added to § 1012.802 as follows:

§ 1012.802 *Applicability.* [103] • • •

(f) The provisions of the Manual do not apply to local purchase contracts for construction, repair, rehabilitation, alteration, and maintenance of structures, ground facilities or utilities at an Air Force activity. Government property furnished to contractors under such local purchase contracts shall be controlled and accounted for as provided in current directives.

3. Subpart I, comprising §§ 1012.901 to 1012.912, is added to Part 1012, as follows:

SUBPART I—IMPLEMENTATION OF MANUAL FOR CONTROL OF GOVERNMENT PROPERTY IN POSSESSION OF NON-PROFIT RESEARCH AND DEVELOPMENT CONTRACTORS

INTRODUCTION

Sec.
1012.901 Scope.
1012.902 Applicability.

GOVERNMENT ADMINISTRATIVE PROVISIONS

1012.903 Designation of property administrator.
1012.904 Duties and responsibilities of the property administrator.
1012.905 Sources from which Government property may be furnished or acquired.
1012.906 Contractors records.
1012.907 Identification and marking.
1012.908 Physical inventories.
1012.909 Records to be maintained by Government personnel.
1012.910 Numbering property accounts.

CONTRACTOR'S OBLIGATIONS

1012.911 Contractor's responsibility.
1012.912 Identification and marking.

AUTHORITY: §§ 1012.901 to 1012.912 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161.

SOURCE: AFL 70-102I.

INTRODUCTION

§ 1012.901 *Scope.* [100] This subpart implements the Manual for Control of Government Property in the Possession of Non-profit Research and Development Contractors (Appendix C, Part 413, Subchapter A of this title) hereinafter referred to as the Manual. The number in parentheses after each section title and after certain paragraphs in the text indicates the number of the paragraph in the Manual which is being implemented.

§ 1012.902 *Applicability.* [102] (a) Contracts which provide that records of Government property be maintained in accordance with the requirements of WD Memo 35-6520-1 may be amended to provide that Government property shall be controlled in accordance with the provisions of the Manual.

(b) Compliance with the provisions of the Manual and this subchapter is mandatory on the part of the contractors and Air Force personnel, in connection with contracts, wherein the terms specifically provide for the application of the provisions of the Manual.

(c) The policy of the Department of the Air Force is that maximum efficiency and economy of operation shall be obtained by the utilization of the contractor's property records as the official Government records in connection with those contracts executed prior to the effective date of Part 412 of this title, which required the Government to maintain property control records in accordance with WD Memo 35-6520-1. With respect to those contracts requiring compliance with WD Memo 35-6520-1, in the control of Government property, Government personnel are not required to comply with such provisions above and beyond the requirements of the Manual, although the contractor has a continuing obligation of compliance with the directive required and specified by its contract.

(d) The prime contractor is responsible for insuring, in all sub-contracts, that Government property provided to such subcontractors shall be protected, preserved, and maintained in accordance with sound industrial practice.

GOVERNMENT ADMINISTRATIVE PROVISIONS

§ 1012.903 *Designation of property administrator.* [202] (a) Property administrators serve in the capacity of an authorized representative of the contracting officer, and will be designated in accordance with § 1000.406 of this subchapter.

(b) The contract administrator will not perform the duties of the property administrator without prior approval of the head of the procuring activity or his duly designated representative.

(c) Assistant property administrators may be appointed in accordance with § 1000.406 of this subchapter.

(d) Property administrators may be either civilian or military personnel, and shall be appointed on the basis of experience and qualification for the position.

(e) The property administrator shall not be required to post a bond unless Government property is in his care and custody and he is responsible for such property.

§ 1012.904 *Duties and responsibilities of the property administrator.* [203] (a) The property administrator shall be familiar with the functions of other Air Force personnel who have a duty or responsibility in connection with Government property. These other Air Force activities include, but are not limited to, plant clearance (property disposal), quality control, and Auditor General.

(b) The property administrator shall advise the contract administrator in regard to any act of noncompliance by the contractor with regard to the contract requirements and all obligations imposed by the Manual. The contract administrator is responsible for directing the contractor to comply with the contract requirements and the provisions of the Manual.

(c) In maintaining surveillance over the contractor's system of property controls, the property administrator shall give due consideration to the contractor's system of internal controls, and he shall conduct such examinations as shall be necessary to determine the accuracy and completeness of the contractor's records, and adequately protect the interests of the Government. Exhaustive verification and time-consuming analysis shall not be performed in connection with those operations which are considered to be commercially sound. The property administrator shall confer with the resident auditor, or other responsible audit office of the Auditor General, on accounting and audit matters, and he shall ascertain the extent to which the records, data, and reports of such audit activities can be utilized in determining the adequacy of the contractor's prop-

erty controls. Ordinarily, it shall not be necessary for the property administrator to duplicate any examination or examinations made by the staff of the Auditor General.

(d) The property administrator shall utilize and rely on the assistance of Air Force personnel, such as plant clearance (property disposal), quality control, and Auditor General personnel, to ascertain whether the contractor is using property for the purposes authorized by the contract, and whether the contractor is exercising the necessary degree of care in the handling of the Government property.

(e) The property administrator shall perform only those examinations necessary to determine reasonableness of usage. Records of the contractor and records of other Air Force personnel, including, but not limited to, plant clearance (property disposal), quality control, and Auditor General personnel, shall be used at all times to the extent that the property administrator shall not prepare or maintain any records which are obtainable from the contractor or other Air Force personnel indicated above. Work papers shall be kept to a minimum.

(f) The property administrator shall perform his examination of the property records through the evaluation of the contractor's internal controls, and he shall conduct tests to determine whether the contractor's records properly reflect the status of Government property. In this connection, the property administrator will confer with Auditor General personnel to obtain information of any known deficiencies in the contractor's property control system. The property administrator shall review and consider the information and examinations of other Government personnel, and if he determines that such information and examination are adequate to comply with the requirements of the Manual and this subchapter, he shall not duplicate such examinations and the like, but will make appropriate reference thereto in his work papers.

§ 1012.905 *Sources from which Government property may be furnished or acquired.* [205] In accordance with the policy contained in Part 412 of this title, and the Manual, Government property shall be furnished to a contractor only when specifically provided for by the terms of a written contract. Any deviation from this policy shall be granted only by the prior written approval of the Director of Procurement and Production Engineering, Office, Deputy Chief of Staff, Materiel, Headquarters USAF. When the fact is disclosed that Government property is in the possession of the contractor without contractual coverage, the property administrator shall take immediate action to return the property to the shipping organization or obtain appropriate contractual coverage.

§ 1012.906 *Contractor's records.* [207] (a) The contractor is obligated by virtue of the provisions of the contract to maintain adequate property control records, which are designated and utilized as the official contract records. Air Force property personnel shall not maintain duplications of the official contract records or any part thereof. [207.1]

(b) The authority to grant exceptions to the policy that the contractor's records shall be designated and used as the official contract records is delegated to the Commander, Air Research and Development Command, or his duly authorized representative: *Provided, however,* That such representative shall not be an individual below the level of Director or Deputy Director of Procurement, Office, Deputy Chief of Staff, Materiel, Air Research and Development Command. Such exceptions, however, may be authorized, in writing, only in unusual circumstances. Class or group exceptions are not authorized. Each exception authorized must relate to a specific contract, a specific invitation for bid, or specific request for proposals, and must be covered by an adequate provision in the contract clause. [207.1]

(c) Generally, contractors have established procedures, methods, and controls which may be described and set forth in various manuals, documents, memoranda, and the like, or which may be in the form of a written statement prepared by the contractor all of which serve to prescribe the techniques of property control. These procedures, methods, controls, and techniques comprise the contractor's property control system. If such property control system fulfills the basic requirements of the Manual, it shall be approved in accordance with the provisions of the Manual, and the contractor shall not be required to prepare an additional composite manual solely to obtain the requisite approval. [207.2]

(d) When a contractor has an established property audit unit, whose operations are considered to be adequate for safeguarding the interest of the Government, the contract administrator may advise the property administrator that the selective examination program of the property control system shall be reduced to a minimum.

(e) Individual item records of plant equipment, in accordance with paragraph 207.5 of the Manual, when priced at $100 or under, are not required.

(f) Separate unit prices shall be applied to items of special tooling fabricated by the contractor: *Provided, however,* That when the costs of establishing or maintaining detailed itemized records for individual items of special tooling are considered to be excessive and not practicable in the light of all the circumstances, then it may be permissible to utilize "group pricing" for special tooling. Group pricing may be utilized for "work-in-process."

§ 1012.907 *Identification and marking.* [209] Plant equipment, other than that included within the Industrial Mobilization Program, shall be assigned an identification number and marked in accordance with a system of identification and marking as agreed to by the contractor and the contract administrator: *Provided,* That such system conforms to the requirements of the Manual. Numbers and tags will be permanent and will not be changed as long as the equipment remains under the control of the Air Force. When plant equipment is provided to contractors, and is marked and identified in substantial compliance with the requirements of the Manual, it shall not be required that such markings be changed or altered.

§ 1012.908 *Physical inventories.* [211] The contract administrator shall utilize, to the extent possible, the services of other technical Air Force personnel, such as plant clearance (property disposal) personnel, in connection with physical inventories.

§ 1012.909 *Records to be maintained by Government personnel.* [213] (a) The property administrator shall not be required to duplicate records maintained by other Government personnel but will rely on such records: *Provided,* That, in connection with those records maintained by other Government personnel, the property administrator has determined that such records comply with the provisions of the Manual, and the personnel responsible for maintaining the records have been informed by the property administrator, in writing, of the requirements of the Manual.

(b) Deviations shall be processed and approved in accordance with § 1000.109 of this subchapter. [213.1 (b) (xi)]

(c) The property administrator shall maintain for each contract a file containing copies of such determinations as are made under the circumstances set forth in paragraph 304 of the Manual, whereby the contract administrator has rendered a determination regarding the liability of the contractor. The property administrator shall not be required to maintain duplicate copies of such instrument or instruments as the contract administrator may issue under the provisions of paragraph 303 of the Manual, or such other instrument or instruments that are readily available in the files of the contractor or other Government personnel, such as plant clearance, quality control, and Auditor General personnel.

§ 1012.910 *Numbering property accounts.* [214] Property accounts shall be assigned the same number as that of the prime contract. However, to expedite and insure proper distribution of documents, each property account assigned to a single property administrator shall be assigned the identification number of the property administrator as a prefix to the contract number.

CONTRACTOR'S OBLIGATIONS

§ 1012.911 *Contractor's responsibility* [303] See § 1012.902 (d) concerning the responsibility of the prime contractor with respect to provisions in subcontracts.

§ 1012.912 *Identification and marking.* [307] (a) The method of marking and identifying Government-owned special tooling shall be agreed to by the contractor and the contract administrator. The contractor will be responsible for determining whether the marking will damage the tooling or is otherwise impracticable. The contractor shall advise the contract administrator, in writing, of any such determination.

(b) Plant equipment, other than that included within the Industrial Mobilization Program, shall be assigned an identification number and marked in accordance with a system of identification and marking as agreed to by the contractor and the contract administrator; *Provided,* That such system conforms to the requirements of the Manual. Numbers and tags will be permanent and will not be changed as long as the equipment remains under the control of the Air Force. When plant equipment is provided to contractors, and is marked and identified in substantial compliance with the requirements of the Manual, it shall not be required that such markings be changed or altered.

(AFL 70-102I) (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-1590; Filed, Mar. 5, 1954; 8:45 a. m.]

Chapter XIV—The Renegotiation Board

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

EXTENSION OF TIME FOR FILING FINANCIAL STATEMENTS UNDER RENEGOTIATION ACT OF 1951 [1]

Every person having a fiscal year which ended during the month of December 1953 is hereby granted an extension of time, until not later than May 1, 1954, to file the financial statement for such year required of such person by section 105 (e) (1) of the Renegotiation Act of 1951.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: March 2, 1954.

By order of The Renegotiation Board.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-1596; Filed, Mar. 5, 1954; 8:46 a. m.]

[1] This affects § 1470.3 (d).

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

ST. MARYS FALLS CANAL AND LOCKS, MICHIGAN

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.441 governing the security of St. Marys Falls Canal and Locks, Michigan, is hereby amended by the elimination of paragraph (b) relating to photography and modification of paragraph (e) on inspection of vessels and other minor revisions in the wording of the section, as follows:

§ 207.441 *St. Marys Falls Canal and Locks, Mich.; security*—(a) *Purpose and scope of the regulations.* The regulations in this section are prescribed as protective measures during the present emergency. They supplement the general regulations contained in § 207.440 the provisions of which shall remain in full force and effect except as modified by this section.

(b) *Restrictions on transit of vessels.* The following classes of vessels will not be permitted to transit the United States locks or enter any of the United States approach canals:

(1) All foreign vessels except those of Canadian registry.

(2) All vessels commercially engaged in carrying passengers, including those of United States registry.

(3) All pleasure craft.

(4) All work craft and plant other than United States Government craft and local harbor tugs regularly engaged in assisting vessels in transit and tugs regularly engaged in interlake towing of commercial freight barges.

(5) All oil tankers having draft and beam permitting transit through the Canadian lock; those having too great a draft or beam to transit the Canadian lock may continue to use the United States locks. Tankers using the United States locks will not be transited through the MacArthur Lock unless their drafts make it necessary. All tanker transits shall be in single lockages. While in the lock area, smoking by personnel aboard tankers is prohibited in any part of the vessel regardless of locations.

(6) All vessels carrying explosives.

(c) *Personnel restrictions.* The following procedures are established for the control of persons embarking or debarking from vessels while transiting the locks.

(1) The master or mate and not more than three deckhands will be permitted to go ashore from transiting vessels and then only for normal operations and business incident to the transit. A maximum of four men will be permitted ashore at any one time from any one ship.

(2) Vessel personnel:

(i) *Embarking.* Personnel will be permitted to embark at the locks if they are in possession of a letter addressed to the Area Engineer, St. Marys Falls Canal, Sault Ste. Marie, Michigan, from the vessel master, the operators of the vessel, or the Lake Carriers' Association, requesting that the individual named therein be permitted to embark on a particular vessel. Vessel personnel must also be in possession of a specially validated seaman's document issued by the United States Coast Guard. These papers will be presented to the civilian guard on duty at the main gate on Portage Avenue who will arrange escort from the gate to the vessel. Hand luggage will be subject to inspection.

(ii) *Debarking.* The vessel's captain will furnish prior notification to the Chief Lockmaster at St. Marys Falls Canal Tower (Radio call WUD-31) that he has personnel aboard who are authorized to debark or whom he desires to debark by reason of medical emergency. Personnel will not debark until they have been properly identified by a licensed officer of the vessel to the escort provided from the civilian guard detail at the lock who will escort personnel to the gate. Vessel personnel requesting permission to debark for medical attention at Sault Ste. Marie should be furnished a letter authorizing them to re-embark at that point if such procedure is planned. In the event a person debarking is a litter case, notification will be made sufficiently in advance to permit the Chief Lockmaster to route the vessel into the MacArthur Lock in order that the long carry over the lock gates can be avoided. The Area Engineer will make necessary arrangements for clearance of ambulances and medical personnel into the lock area.

(3) All persons, other than those enumerated in subparagraphs (1) and (2) of this paragraph, including technicians, repairmen and company officials who desire to embark or debark within the lock area must direct written requests therefor to the Area Engineer, St. Marys Falls Canal, Sault Ste Marie, Michigan, sufficiently in advance so that written authority for the action, if approved, may be delivered to the person or persons affected prior to their arrival at the canal. Any such person embarking shall present his letter of authority to the civilian guard at the main gate on Portage Avenue who will arrange escort from the gate to the vessel. Any such person debarking will proceed in accordance with subparagraph (2) (ii) of this paragraph, and in addition shall also present his letter of authority to the civilian guard meeting his vessel when in the lock chamber.

(4) Letters cited in subparagraphs (2) and (3) of this paragraph are valid only for a single passage through the lock area. In the event frequent access to the area is required, a request for extended access with reasons therefor will be submitted to the Area Engineer, St. Marys Falls Canal, Sault Ste. Marie, Michigan, who will arrange for the necessary clearance.

(5) Emergency needs to embark or debark which develop with insufficient time to follow the procedure outlined in this paragraph will be approved or disapproved by the Area Engineer, St. Marys Falls Canal, Sault Ste. Marie, Michigan, according to the circumstances of the individual case, and requests therefor should be promptly directed to him.

(d) *Inspection of vessels.* (1) Immediately prior to arrival at the canal the master shall make or cause to be made by a licensed officer a special inspection of the ship. Such inspection shall include a check of the ship's officers on duty in accordance with paragraph (e) of the general regulations contained in § 207.440 and an examination of openings to all closed compartments, the forepeak and afterpeak, blind hold, dunnage room, windlass room and chain locker and examination of bolt fastenings for signs of any tampering. Masters of oil tankers shall, in addition to the preceding examinations, make or cause to be made by a licensed officer,

a complete inspection of the tanker's fire fighting equipment to determine their being in proper operating condition, with particular emphasis on detection of any indication of sabotage or other tampering. Separate entry of such inspection shall be made in the ship's log.

(2) After making the inspection, a yellow flag three feet square showing a black ball in the center (International Signal Code "1") shall be displayed from the forward part of the ship to notify canal officials that the required inspection has been made. The privileges of passing through the canal will be granted only when the flag is flown.

(3) Ships complying with the regulations and displaying the flag may be permitted to enter the canal at the discretion of the United States Coast Guard. The Coast Guard has authority to board vessels at any time for the purpose of making investigations or examinations.

[Regs., Feb. 19, 1954, 800.2121 (St. Marys River, Michigan)—ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-1588; Filed, Mar. 5, 1954; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Order 13; Docket No. 3666]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of February 1954.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831–835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made a part thereof.

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F. R. 8263, 8264, 8265, 8267, 8268, 8269, 8270, 8271, 8272, 8273, Dec. 2, 1950) (18 F. R. 3133, June 2, 1953) (18 F. R. 6776, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(*Change*)				
*Aluminum, metallic, powdered	F.S.	73.153, 73.154	Yellow	100 pounds.
Aluminum nitrate	Oxy. M.	73.153, 73.182	do	Do.
*Aluminum scrap (borings, chunks, clippings, shavings, sheets, or turnings).	F.S.	73.153, 73.220	do	Do.
Ammonium nitrate	Oxy. M.	73.153, 73.182	do	Do.
Ammonium nitrate fertilizer	Oxy. M.	73.153, 73.182	do	Do.
Barium nitrate	Oxy. M.	73.153, 73.182	do	Do.
Calcium nitrate	Oxy. M.	73.153, 73.182	do	Do.
‡Carbon dioxide, liquefied	Nonf. G.	73.302, 73.308, 73.314, 73.315	Green	300 pounds.
Guanidine nitrate	Oxy. M.	73.153, 73.182	Yellow	100 pounds.
Lead nitrate	Oxy. M.	73.153, 73.182	do	Do.
‡Liquefied carbon dioxide. *See* Carbon dioxide, liquefied				
Magnesium nitrate	Oxy. M.	73.153, 73.182	do	Do.
Nitrates, n. o. s.	Oxy. M.	73.153, 73.182	do	Do.
Nitrate of soda and potash	Oxy. M.	73.153, 73.182	do	Do.
Nitor carbo nitrate	Oxy. M.	73.153, 73.182	do	Do.
Potassium nitrate	Oxy. M.	73.153, 73.182	do	Do.
Potassium nitrate mixed (fused) with sodium nitrate	Oxy. M.	73.153, 73.183	do	Do.
Sodium nitrate	Oxy. M.	73.153, 73.182	do	Do.
Sodium nitrite	Oxy. M.	73.153, 73.154, 73.234	do	Do.
Sodium nitrite mixed (fused) with potassium nitrate	Oxy. M.	73.153, 73.183	do	Do.
Strontium nitrate. See Nitrates, n. o. s.				
Zinc nitrate. See Nitrates, n. o. s.				
(*Add*)				
Ammonium nitrate limestone	Oxy. M.	73.153, 73.182	do	Do.
Calcium ammonium nitrate	Oxy. M.	73.153, 73.182	do	Do.
4 Chloro-o-toluidine hydrochloride	Pois. B.	No exemption, 73.302.	Poison	1 quart.
Guided missiles with war heads. See Explosive projectile.				
Guided missiles without war heads. See Propellant explosive, class B.				
*Nitrate fertilizer mixture	Oxy. M.	73.153, 73.182	Yellow	100 pounds.
Rocket heads. See Explosive projectiles.				
Ship distress signals. See Special fireworks.				
Silver nitrate	Oxy. M.	73.153, 73.182	do	Do.
War heads. See Explosive projectiles.				

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Add paragraph (e) to § 73.22 (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.22, 1950 Rev.) to read as follows:

§ 73.22 *Specification containers prescribed.* • • •

(e) Spec. 5G metal drums manufactured prior to May 12, 1954, may be continued in service until further order of the Commission.

2. Amend § 73.33 paragraphs (k) (3), (m) (6), and (o) (3) (15 F. R. 8281, 8282, Dec. 2, 1950) (17 F. R. 7280, Aug. 9, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.33) to read as follows:

§ 73.33 *Qualification, maintenance, and use of cargo tanks.* • • •

(k) • • •

(3) The tank shall be inspected for corroded areas, bad dents, or other conditions, including leakage under test pressure, which indicate weakness that might render the tank unsafe for transportation service, and shall be rejected if evidence of any such unsafe condition is discovered.

• • • • •

(m) • • •

(6) All piping, valves, and fittings on every tank motor vehicle shall be proved free from leaks at not less than the design working pressure for the tank. This condition will be considered to have been met when such piping, valves, and fittings have been tested for leakage with gas or air after installation and proved tight at not less than the design working pressure marked on the cargo tank with which they are used. In the event of replacement, all such piping, valves, or fittings so replaced shall be tested in accordance with the requirements of this section before the tank is returned to transportation service. The requirements of this section shall apply with equal force to all hose used on such tanks, except that such hose may be so tested either before or after installation on the tank.

• • • • •

(o) • • •

(3) Filling and discharge lines shall be provided with a shut-off valve located as close to the tank as is practicable, except where an automatic quick-closing internal valve or an automatic shut-off valve is used, in which case a manually operated shut-off valve shall be located anywhere in the line ahead of the hose connection.

NOTE 1: The use of so-called "Stop-Check" or excess flow valves to satisfy with one valve the requirements of this rule and of paragraph (o) of this section is forbidden.

• • • • •

3. Amend § 73.34 introductory text of paragraph (k) (17 F. R. 4293, May 10, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.34) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* • • •

(k) The tests prescribed by paragraph (j) of this section must be (for exceptions see subparagraphs (1) to (12) of this paragraph):

• • • • •

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.53 paragraphs (g) and (k) (15 F. R. 8285, Dec. 2, 1950) (18 F. R. 6777, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.53) to read as follows:

§ 73.53 *Definition of class A explosives.* • • •

(g) *Type 7.* Blasting caps (see Note 5) are small tubes, usually made of an alloy of either copper or aluminum, or of molded plastic, closed at one end and loaded with a charge of initiating or priming explosives, class A—Type 4, either with or without other suitable explosives. The total weight of explosives per unit shall not exceed 150 grains. Blasting caps (see Note 5) which have been provided with a means for firing by an electric current, and sealed, are known as electric blasting caps.

• • • • •

(k) *Explosive projectiles.* Explosive projectiles are shells, projectiles, guided missiles with war heads, war heads, or rocket heads, loaded with explosives or bursting charges, with or without other materials, for use in cannons, guns, tubes, mortars or other firing or launching devices.

• • • • •

2. Amend § 73.55 paragraph (a) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.55 1950 Rev.) to read as follows:

§ 73.55 *Ammunition, nonexplosive.* (a) Nonexplosive ammunition is devices containing no explosives, or other dangerous article, such as cartridge cases, dummy or drill cartridges; empty, sand-loaded or solid projectiles with or without tracers (containing not in excess of 1 ounce of tracer composition), empty mines, empty bombs, solid projectiles, or empty torpedoes, and is exempt from Parts 71–78 of this chapter. Rotating bands should be protected against deformation by method of packing or loading.

3. Amend § 73.88 paragraph (e) (1) (18 F. R. 6777, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.88) to read as follows:

§ 73.88 *Definition of class B explosives.* • • •

(e) • • •

(1) Igniters, jet thrust, are devices consisting of an electrically operated or remotely controlled igniting element and a fast-burning composition assembled in a unit for use in igniting the propelling charge of jet thrust units.

• • • • •

4. Amend § 73.93 heading and introductory text of paragraph (a); add paragraphs (a) (11) and (a) (12) (17 F. R. 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.93) to read as follows:

§ 73.93 *Propellant explosives for cannon, small arms, rockets, guided missiles, or other devices.* (a) Propellant explosives for cannon, small arms, rockets, guided missiles, or other devices, when offered for transportation by carriers by rail freight, highway, or water must be packed in containers complying with the following specifications (see paragraph (f) (1) and (2) of this section and § 75.675 of this chapter for shipments by rail express):

• • • • •

(11) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes, not lined, authorized only for grains not less than 1-inch in diameter or 3 inches in length, provided such grains are tightly packed and are coated with a protective material. Gross weight not to exceed 200 pounds.

(12) Propellant explosives packed in any manner other than as specifically provided for in this paragraph must be in containers approved by the Bureau of Explosives.

• • • • •

5. Amend § 73.105 paragraphs (a) and (b) (15 F. R. 8296, Dec. 2, 1950) (49 CFR 73.105, 1950 Rev.) to read as follows:

§ 73.105 *Percussion, tracer, combination, time fuzes and tracers.* (a) Percussion, tracer, combination, time fuzes and tracers must be packed in strong, tight, outside wooden boxes or spec. 23F (§ 78.214 of this chapter) fiberboard boxes, with special provision for securing individual packages of fuzes or tracers against movement in the box.

(b) The gross weight of one outside wooden box must not exceed 150 pounds, and the gross weight of one outside fiberboard box must not exceed 65 pounds.

• • • • •

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.119 paragraphs (a) (2), (8) and (m) (4) (15 F. R. 8298, 8300, Dec. 2, 1950) (18 F. R. 5271, 5272, Sept. 1, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.119) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* (a) • • •

(2) Spec. 5, 5A, 5B, 5C, or 5M (§§ 78.80, 78.81, 78.82, 78.83, or 78.90 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

• • • • •

(8) Spec. 15A, 15B, 15C, 16A, 19A, or 19B (§§ 78.168, 78.169, 78.170, 78.185, 78.190, or 78.191 of this chapter). Wooden boxes with inside containers which must be metal pails, kits, or cans, not over 10 gallons each or inside glass or earthenware containers not over 1 gallon each, except that glass or earthenware containers up to 3 gallons each are authorized when only one inside container is packed in each outside container.

• • • • •

(m) • • •

(4) Spec. 5, 5A, 5B, 5C, 17C (single-trip), or 17E (single-trip) (§§ 78.80, 78.81, 78.82, 78.83, 78.115, or 78.116 of this chapter). Metal barrels or drums not over 15 gallons capacity. Authorized only for materials which will not react dangerously with the drum metal, or be decomposed by contact with it.

2. Amend § 73.127 paragraph (a) (1) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.127, 1950 Rev.) to read as follows:

§ 73.127 *Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet; colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, wet.* (a) • • •

(1) Containers, except cargo tanks or tank cars, as prescribed in § 73.119.

• • • • •

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend § 73.153 paragraph (b) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(b) Liquid or solid organic peroxides, (see § 73.244 (a)), acetyl benzoyl peroxide, solid, and benzoyl peroxide in strong outside containers having not over 1 pint or 1 pound net weight of the material in any one such package, having inside containers securely packed and cushioned with incombustible cushioning, are exempt from specification packaging, marking, and labeling requirements, unless otherwise provided, for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

• • • • •

2. Amend § 73.163 paragraph (a) (7) (16 F. R. 9374, Sept. 15, 1951) (49 CFR 1950 Rev., 1953 Supp., 73.163) to read as follows:

§ 73.163 *Chlorate of soda, chlorate of potash, and other chlorates.* (a) • • •

(7) Chlorate of soda is authorized for shipment in tank cars, spec. 103 or 103W (§§ 78.265 or 78.280 of this chapter), or in tight sift-proof covered hopper cars. Cars must be thoroughly cleaned before loading.

3. Amend entire § 73.182 (15 F. R. 8307, 8308, Dec. 2, 1950) (49 CFR 73.182, 1950 Rev.) to read as follows:

§ 73.182 *Nitrates.* (a) Aluminum nitrate, ammonium nitrate, ammonium nitrate fertilizer, barium nitrate, calcium ammonium nitrate, calcium nitrate, guanidine nitrate, lead nitrate, magnesium nitrate, nitrates, n. o. s., nitrate fertilizer mixture,[1] nitrate of soda and potash, nitro carbo nitrate, potassium nitrate, silver nitrate, and sodium nitrate, when offered for transportation by rail freight, rail express, highway, or carriers by water shall be packed in containers as follows:

(1) Wooden or fiberboard boxes with glass, metal, or other strong inside containers; in metal or fiber drums; in kegs or barrels; or in strong metal cans. When so packed, they are exempt from specification packaging and labeling requirements.

(b) Aluminum nitrate, ammonium nitrate, ammonium nitrate fertilizer, barium nitrate, calcium ammonium nitrate, calcium nitrate, guanidine nitrate, nitrate fertilizer mixture,[1] nitrate of soda and potash, potassium nitrate, and sodium nitrate, when offered for transportation by rail freight, rail express, highway, or carriers by water, in addition to containers prescribed in paragraph (a) of this section, may be packed as follows:

[1] Applies only to materials classed as dangerous under definition in § 73.150.

(1) In bulk in tight closed freight cars which shall be free of loose boards, cracks, holes, or exposed decayed spots; interior of cars must be swept clean, doors of cars must have tight closure; journals and boxes must be in good condition; and ammonium nitrate, ammonium nitrate fertilizer, or guanidine nitrate must not be shipped in all-metal cars.

(2) In bulk in siftproof closed or open type motor vehicles which must be swept clean.

(3) In bulk on cargo vessels subject to the Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146).

(4) In bags not exceeding 200 pounds net weight, moisture-proof, made tight against sifting, and of strength not less than bags made of 8 ounce burlap. Ammonium nitrate limestone, calcium ammonium nitrate, calcium nitrate, sodium nitrate, or nitrate of soda and potash when so packed are exempt from labeling requirements. Rail shipments must be in clean closed cars which shall be free of loose boards, cracks, holes, or exposed decayed spots; interior of cars must be swept clean and be free of any projections capable of injuring bags; doors of cars must have tight closures; journals and boxes must be in good condition; and ammonium nitrate, ammonium nitrate fertilizer, or guanidine nitrate must not be shipped in all-metal cars (see also § 74.541 (a) (1) of this chapter). Highway shipments must be in closed or open type motor vehicles which must be swept clean and be free of any projections capable of injuring bags; and when shipped in open type motor vehicles the lading shall be suitably covered (see also § 77.823 (a) (4) and (a) (5) of this chapter). Water shipments are also subject to Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146).

4. Amend entire § 73.183 (15 F. R. 8308, Dec. 2, 1950) (18 F. R. 3135, June 2, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.183) to read as follows:

§ 73.183 *Potassium nitrate mixed (fused) with sodium nitrite.* (a) Potassium nitrate mixed (fused) with sodium nitrite must be packed in containers as follows:

(1) In containers as prescribed in § 73.182 (a).

(2) Spec. 103–W (§ 78.280 of this chapter). Tank cars specially designed, equipped and approved for this service without bottom discharge outlet and with heavier plate thicknesses than the minimum prescribed for cars built under this specification. For specification 103–W tank cars made of plates having the minimum prescribed thicknesses, internal reinforcement of the upper sheets of tank in the region of the dome and reinforcing plates attached to the bottom sheet of the tank which rests on bolsters is required, and these tanks must be equipped with baffle plates. Heater pipes must be of welded construction designed for a test pressure of 500 pounds per square inch. A 1-inch woven asbestos lining must be placed between bolster slabbing and bottom of tank to prevent heat transmission. Safety vents of the frangible disc type may be used and if used the frangible discs must be perforated with ⅛ inch hole. If safety valves are used, a vacuum relief valve must be installed on the dome. Tanks must be stenciled on both sides "Fused Potassium Nitrate and Sodium Nitrite Only".

5. Amend § 73.201 heading and introductory text of paragraph (a), (a) (8) and amend entire paragraph (b) (16 F. R. 5324, June 6, 1951) (49 CFR 1950 Rev., 1953 Supp., 73.201) to read as follows:

§ 73.201 *Rubber scrap, rubber buffings, reclaimed rubber, or regenerated rubber.* (a) Rubber scrap, if ground, powdered, or pulverized, and the rubber content of which exceeds 45 percent, as determined by subtracting the sum of the percentage of ash and the percentage of acetone extract from 100; rubber buffings from any grade of rubber, irrespective of the percentage of rubber content; and reclaimed rubber or regenerated rubber, must be packed in specification containers as follows (see paragraph (b) of this section):

• • • • •

(8) Spec. 36A, 36B, 36C, 44B, or 44E (§§ 78.230, 78.233, 78.234, 78.236, or 78.239 of this chapter). Bags.

(b) Rubber scrap, reclaimed rubber, or regenerated rubber are not subject to Parts 71–78 of this chapter if shipped in the following forms:

(1) Rubber scrap, not ground or ground with cord or fabric insertion, or ground without cord or fabric insertion the particles of which pass over a screen of not less than 5-mesh.

(2) Reclaimed rubber or regenerated rubber when in the form of dense homogeneous nonporous sheets or rolls, the sheets of thickness of ⅛ inch or greater, packed flat or in rolls, or in pelletized form if not less than ¼ inch in diameter, or ground, the particles of which pass over a screen of not less than 5-mesh, all properly cooled before shipment.

(3) Rubber scrap, reclaimed rubber, or regenerated rubber in any form when shipped in covered steel hopper cars, tank cars, or tank or hopper trucks.

6. Amend § 73.206 heading and introductory text of paragraph (a) (18 F. R. 6778, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.206) to read as follows:

§ 73.206 *Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.* (a) Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride, must be packed in specification containers as follows:

• • • • •

7. Amend § 73.217 paragraph (b) (17 F. R. 1561, Feb. 20, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.217) to read as follows:

§ 73.217 *Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.* • • •

(b) Strong outside wooden or fiberboard packages containing inside containers of glass or metal not over five pounds capacity each, except that metal inside containers not over seven and one-half pounds capacity each are authorized for material in tablet form only, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway. When for transportation by water, strong wooden or fiberboard packages containing inside containers of metal not over five pounds capacity each are exempt from specification packaging only.

8. Add § 73.234 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.234, 1950 Rev.) to read as follows:

§ 73.234 *Sodium nitrite.* (a) Sodium nitrite must be packed in specification containers as follows:

(1) In containers as prescribed in § 73.154.

(2) Spec. 44C (§ 78.237 of this chapter). Multi-wall paper bags constructed of at least 5 thicknesses of heavy duty shipping sack Kraft paper, or equivalent, with a minimum total basis weight of 320 pounds including a polyethylene, or other suitable pliable plastic material, inner sheet having a minimum basis weight of 20 pounds. All closures must be of such design as to provide a moisture-resistant package when closed for shipment. Net weight not over 100 pounds each. Authorized for carload or truckload shipments only.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.244 paragraph (a) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.244, 1950 Rev.) to read as follows:

§ 73.244 *Exemptions for acids and other corrosive liquids.* (a) Acids and other corrosive liquids, except those enumerated in paragraph (c) of this section, in inside bottles having a capacity not over 1 pound or 16 ounces by volume each inclosed in a metal can in the outside container are exempt from specification packaging, marking, and labeling requirements unless otherwise provided, for transportation by rail freight or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements, unless otherwise provided.

• • • • •

2. Add paragraph (a) (14) to § 73.245 (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.245, 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • • •

(14) Spec. 17C, 17E, or 17F (§§ 78.115, 78.116, or 78.117 of this chapter). Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter.

3. Amend § 73.249 paragraphs (a) (4) and (b) (3) (15 F. R. 8314, Dec. 2, 1950) (18 F. R. 803, Feb. 7, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.249) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids.* (a) • • •

(4) Spec. 17H (§ 78.118 of this chapter). Metal drums (single-trip). Authorized only for liquid boiler compounds or liquid water treatment compounds.

• • • • •

(b) • • •

(3) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers not over 1 gallon each, or with metal cans not over 5 gallons each.

• • • • •

4. Amend § 73.276 paragraph (a) (3) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.276, 1950 Rev.) to read as follows:

§ 73.276 *Anhydrous hydrazine and hydrazine solution.* (a) • • •

(3) Spec. 5, 5A, 5C, or 17E (single-trip) (§§ 78.80, 78.81, 78.83, or 78.116 of this chapter). Metal barrels or drums which shall be of type 304 or 347 stainless steel, with openings not exceeding 2.3 inches in diameter.

5. Amend § 73.279 paragraph (a) (2) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.279, 1950 Rev.) to read as follows:

§ 73.279 *Anisoyl chloride.* (a) • • •

(2) Spec. 5 (§ 78.80 of this chapter). Metal barrels or drums of stainless steel only, with flanges for closures welded in place and having no opening exceeding 2.3 inches in diameter.

• • • • •

6. Amend § 73.289 paragraph (a) (6) (16 F. R. 11779, Nov. 21, 1951) (49 CFR 1950 Rev., 1953 Supp., 73.289) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(6) Spec. 5 (§ 78.80 of this chapter). Metal barrels or drums of stainless steel only, with flanges for closures welded in place and having no opening exceeding 2.3 inches in diameter.

• • • • •

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.302 paragraph (a) (5) (15 F. R. 8325, Dec. 2, 1950) (49 CFR 73.302, 1950 Rev.) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) • • •

(5) Foodstuffs or soaps in metal cans with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 105 pounds per square inch absolute at 70° F. or 140 pounds per square inch absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of contents at 70° F. or one and one-half times the pressure of the contents at 130° F., whichever is greater.

• • • • •

2. Amend § 73.304 Note 1 to paragraph (c) (15 F. R. 8325, Dec. 2, 1950) (49 CFR 73.304, 1950 Rev.) to read as follows:

§ 73.304 *Filling limits.* • • •

(c) • • •

NOTE 1: Because of the present emergency and until July 1, 1954, or until further order of the Commission, the requirements of paragraph (d) of this section are waived and ICC-3A and 3AA (§§ 78.36 and 78.37 of this chapter) cylinders may be charged with compressed gases, other than liquefied or dissolved gases, to a pressure 10 percent in excess of their marked service pressures.

• • • • • •

3. Amend § 73.306 heading and introductory text of paragraph (a) and add paragraph (d) (15 F. R. 8325, 8326, Dec. 2, 1950) (49 CFR 73.306, 1950 Rev.) to read as follows:

§ 73.306 *Liquefied gases, except acetylene in solution.* (a) Liquefied gases, except acetylene in solution, for which charging requirements are not definitely prescribed in §§ 73.308 or 73.312, must be shipped subject to §§ 73.301 (a), (b), (c), (d), (e), (h), 73.303 (a), 73.304, 73.305, and 73.308 Note 12 in cylinders made under specification containers as follows:

• • • • • •

(d) Mixtures containing compressed gas or gases which are nonpoisonous but which are flammable as determined by Bureau of Explosives' flammability test, as provided in § 73.300 (b) (2), (3), and (4), except that the material shall not have a flame flashback in the prescribed test, nor shall the flame be sustained at any degree of the valve opening, must be shipped in cylinders as prescribed in paragraph (a) of this section or in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter) fiberboard boxes or spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter) wooden boxes, with inside metal containers not over 30 cubic inches (16.6 fluid ounces) capacity each. Pressure in inside containers shall not exceed 55 pounds per square inch absolute at 70° F. and the liquid content of the mixture must not completely fill the container at 130° F. Each completed container filled for shipment must have been heated until contents reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect.

(2) Spec. 2P (§ 78.33 of this chapter). Inside metal containers packed in strong wooden or fiberboard boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 75 pounds per square inch absolute at 70° F. Each completed metal container filled for shipment must be heated until contents reach a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "Inside containers comply with prescribed specifications".

4. In § 73.308 paragraph (a) Table, amend the entry "Anhydrous ammonia" (17 F. R. 9837, Nov. 1, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.308) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

Kind of gas	Maximum permitted filling density (see Note 12)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
	Percent	
Anhydrous ammonia	54	ICC-4; ICC-3A480; ICC-3AA480; ICC-3A480X; ICC-4A480; ICC-4AA480, ICC-3.

• • • • • • •

5. Amend § 73.312 paragraph (c) (15 F. R. 8327, Dec. 2, 1950) (49 CFR 73.312, 1950 Rev.) to read as follows:

§ 73.312 *Liquefied petroleum gas.* • • •

(c) Subject to § 73.304 (e), any filling density percentage prescribed in this section is authorized to be increased by 2 for liquefied petroleum gas in spec. 26[1] or 3[1] cylinders or in spec. 3A (§ 78.36 of this chapter) marked for 1800 pounds, or higher, service pressure.

6. In § 73.314 paragraph (a) Table, add the entry "Carbon dioxide, liquefied" and cancel the entry "Liquid carbon dioxide"; amend the entry "Liquid hydrocarbon gas" by inserting in its place the six related entries listed below. (17 F. R. 9838, Nov. 1, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.314) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
	Percent	
Carbon dioxide, liquefied	Note 10	ICC-105A500, 105A500W, 105A600, 105A600W, Note 11.
Liquid hydrocarbon gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6	ICC-104A, 104A-W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 225 pounds per square inch at 105° F.).	do	ICC-105A300, 105A300W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 300 pounds per square inch at 105° F.).	do	ICC-105A400, 105A400W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 105° F.).	do	ICC-105A500, 105A500W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 120° F.).	do	ICC-106A500, 106A500X.
Liquid hydrocarbon gas (pressure not exceeding 450 pounds per square inch at 105° F.).	do	ICC-105A600, 105A600W, Note 9.

• • • • • • •

7. In § 73.315 paragraph (a) (1) Table amend the entry "Carbon dioxide"; amend the entry "Anhydrous ammonia" in paragraph (h) Table; amend paragraph (i) (9) and paragraph (j) (1) (15 F. R. 8331, Dec. 2, 1950) (17 F. R. 9839, Nov. 1, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.315) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.*

(a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (psig)
Carbon dioxide, liquefied	See par. (c) of this section.	95	ICC-51, MC-330	200; see Note 3.

• • • • •

(h) • • •

Kind of gas	Permitted gauging device
Anhydrous ammonia.	Rotary tube; adjustable slip tube; fixed length dip tube.

• • • • •

(i) • • •

(9) Additional restrictions as specified in Notes 1, 2, and 3 of this subparagraph apply to safety relief devices on tanks for carbon dioxide or nitrous oxide.

[No change in Notes 1, 2, and 3.]

• • • • •

(j) • • •

(1) The containers shall comply with the construction requirements of one of the following pressure vessel codes and shall be marked to indicate compliance as specified in the code:

The 1952 Edition of the Unfired Pressure Vessel Code of the A. S. M. E., no revisions.

The 1950 Edition of the Unfired Pressure Vessel Code of the A. S. M. E., no revisions.

The 1949 Edition of the Unfired Pressure Vessel Code of the A. S. M. E.

The 1951 Edition of the joint Unfired Pressure Vessel Code of the A. P. I. and A. S. M. E., no revisions.

The 1943 Edition of the joint Unfired Pressure Vessel Code of the A. P. I. and A. S. M. E.

• • • • •

SUBPART C—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.329 paragraph (b) (1) (16 F. R. 9378, Sept. 15, 1951) (49 CFR 1950 Rev., 1953 Supp., 73.329) to read as follows:

§ 73.329 *Bromacetone; chlorpicrin and methyl chloride mixtures.* • • •

(b) *Chlorpicrin and methyl chloride mixtures.* • • •

(1) Spec. 3A, 3AA, 3B, 3C, 3E, 4A, 4B, 4BA, or 4C (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.49, 78.50, 78.51, or 78.52 of this chapter) not over 250 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.10 inch must be packed in boxes or crates (see § 73.25).

2. Amend § 73.345 introductory text of paragraph (a); amend paragraphs (b) (9), (10), (11), (12) and (13); add paragraph (b) (14) (15 F. R. 8334, Dec. 2, 1950) (16 F. R. 11779, Nov. 21, 1951) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.345) to read as follows:

§ 73.345 *Exemptions for poisonous liquids, class B.* (a) Poisonous liquids, class B, as defined in § 73.343, except those as enumerated in paragraph (b) of this section, or as provided for in § 73.359 (c), in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water are exempt from specification packaging, marking other than name of contents, and labeling requirements:

• • • • •

(b) • • •

(9) Parathion and parathion mixtures containing more than 25 percent parathion by weight.

(10) Hexaethyl tetraphosphate and hexaethyl tetraphosphate mixtures containing more than 25 percent hexaethyl tetraphosphate by weight.

(11) Methyl parathion and methyl parathion mixtures containing more than 25 percent methyl parathion by weight.

(12) Tetraethyl dithio pyrophosphate and tetraethyl dithio pyrophosphate mixtures containing more than 25 percent tetraethyl dithio pyrophosphate by weight.

(13) Tetraethyl pyrophosphate and tetraethyl pyrophosphate mixtures containing more than 25 percent tetraethyl pyrophosphate by weight.

(14) 4 Chloro-o-toluidine hydrochloride.

3. Add paragraph (a) (14) to § 73.346 (15 F. R. 8335, Dec. 2, 1950) (49 CFR 73.346, 1950 Rev.) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) • • •

(14) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than one inside glass container of not over 1 gallon capacity, securely cushioned. Completed package, with glass container filled with water, when closed for shipment, must be capable of withstanding six four-foot drops onto solid concrete in the order bottom, four sides, and top without breakage.

4. Add paragraph (a) (8) to § 73.358 (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.358) to read as follows:

§ 73.358 *Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.* (a) • • •

(8) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than one inside glass container of not over 1 gallon capacity, securely cushioned. Completed package, with glass container filled with water, when closed for shipment, must be capable of withstanding six four-foot drops onto solid concrete in the order bottom, four sides, and top without breakage.

5. Add paragraphs (a) (9) and (b) (7) to § 73.359 (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.359) to read as follows:

§ 73.359 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.* (a) • • •

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than one inside glass container of not over 1 gallon capacity, securely cushioned. Completed package, with glass container filled with water, when closed for shipment, must be capable of withstanding six four-foot drops onto solid concrete in the order bottom, four sides, and top without breakage.

(b) • • •

(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than one inside glass container of not over 1 gallon capacity securely cushioned. Completed package, with glass container filled with water, when closed for shipment, must be capable of withstanding six four-foot drops onto solid concrete in the order bottom, four sides, and top without breakage.

• • • • •

6. Add § 73.362 (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.362, 1950 Rev.) to read as follows:

§ 73.362 *4 Chloro-o-toluidine hydrochloride.* (a) 4 Chloro-o-toluidine hydrochloride must be shipped in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with glass polyethylene, or equally efficient inside containers not over 1 quart capacity each, securely packed in a tightly closed metal container.

(2) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with glass, polyethylene, or equally efficient inside containers not over 1 quart capacity each. Glass containers must be securely packed in tightly closed metal containers.

(3) Spec. 17C or 17H (§§ 78.115 or 78.118 of this chapter). Metal drums (single-trip).

(4) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums.

7. Amend 73.364 introductory text of paragraph (a) (18 F. R. 804, Feb. 7, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.364) to read as follows:

§ 73.364 *Exemptions for poisonous solids, class B.* (a) Poisonous solids, class B, except beryllium metal powder; cyanides, other than as specified in § 73.370 (b) and (d); hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, other than as specified in § 73.377 (e); in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

• • • • •

8. Amend § 73.377 paragraph (a) (1) (16 F. R. 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1953 Supp., 73.377) to read as follows:

§ 73.377 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.* (a) • • •

(1) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter). Fiberboard boxes, with inside containers which must be metal or fiber cans not over 12 pounds capacity each, or paper bags, spec. 2D (§ 78.23 of this chapter), not over 12 pounds capacity each. Inside containers and the completed package must be capable of withstanding the tests prescribed in paragraphs (b), (c), and (d) of this section.

• • • • •

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend entire § 73.426 (15 F. R. 8343, Dec. 2, 1950) (49 CFR 73.426, 1950 Rev.) to read as follows:

§ 73.426 *Cars containing lading which has been fumigated or treated with flammable liquids, flammable gases, poisonous liquids or solids, or poisonous gases.* (a) Delivery to carrier of cars containing lading fumigated or treated with flammable liquid or flammable gas is prohibited until 48 hours have elapsed after such fumigation or treatment, or until car has been ventilated so as to remove danger of fire or explosion due to the presence of flammable vapors.

(b) Cars containing lading which has been fumigated or treated with poisonous liquid, solid, or gas, such as carbolic acid, liquid or solid, chlorpicrin, hydrocyanic acid, methyl bromide, etc., must be placarded on each door or near thereto with placard reading as follows (for cleaning cars, see § 74.566 of this chapter):

(Reduced size)
(Red lettering on white cardboard)

10 inches

DANGER

The lading of this car has been FUMIGATED or TREATED with

(Name of poisonous liquid, solid, or gas)

BEFORE UNLOADING, open both doors and DO NOT ENTER until car is free of gas. REMOVE ALL POISONOUS MATERIAL before release of empty car.

8 inches

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CAR; LOADING PACKAGES INTO CARS

1. Amend § 74.532 paragraph (k) (15 F. R. 8348, Dec. 2, 1950) (49 CFR 74.532, 1950 Rev.) to read as follows:

§ 74.532 *Loading other dangerous articles.* • • •

(k) Ammonium nitrate, ammonium nitrate fertilizer, and guanidine nitrate in bags must be loaded in all wood box cars, or wooden box cars with steel roofs, or steel box cars with wooden floors. Only clean cars must be used and must be free of any projections that would injure bags.

• • • • •

2. Amend § 74.533 paragraph (a) (18 F. R. 3138, June 2, 1953) (49 CFR 1950 Rev., 1953 Supp., 74.533) to read as follows:

§ 74.533 *Truck bodies or trailers on flat cars.* (a) Truck bodies or trailers containing explosives, class B, explosives, class C, or other dangerous articles as provided in Parts 71–78 of this chapter must be of such design and loaded so that they will not rupture or become permanently distorted under conditions normally incident to transportation and must be so braced and stayed on the flat car that they cannot change position during transit. Packages of explosives and dangerous articles contained therein must be loaded and braced as provided by §§ 74.529, 74.530, and 74.532. Placards must be applied when prescribed by §§ 74.541 and 74.542.

• • • • •

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend § 74.538 paragraph (a) Chart, item (b) and item (11) vertical and horizontal columns by inserting the footnote "e" at the respective intersections; add footnote "e" to paragraph (a) Chart (15 F. R. 8349, Dec. 2, 1950) (49 CFR 74.538, 1950 Rev.) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

• Does not include nitro carbo nitrate which may be loaded, transported or stored with high explosives.

• • • • •

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

Amend § 74.585 paragraph (a) (15 F. R. 8355, Dec. 2, 1950) (49 CFR 74.585, 1950 Rev.) to read as follows:

§ 74.585 *Nonagency shipments.* (a) If shipments of explosives are accepted at nonagency stations, provisions must be made for the proper certification and placarding of cars, examination of shipments, and loading and staying of packages in cars.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend § 77.848 paragraph (a) Chart, item (b) and item (11) vertical and horizontal columns by inserting the footnote "e" at the respective intersections; add footnote "e" to paragraph (a) Chart (15 F. R. 8369, Dec. 2, 1950) (49 CFR 77.848, 1950 Rev.) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

• Does not include nitro carbo nitrate which may be loaded, transported or stored with high explosives.

• • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

Add paragraph (d) to § 78.11–3 and add Note 1 to paragraph (a) in § 78.11–4 (18 F. R. 805, Feb. 7, 1953) (49 CFR 1950 Rev., 1953 Supp., 78.11–3, 78.11–4) to read as follows:

§ 78.11 *Specification 1G; polyethylene carboys in wooden or glued plywood boxes.*

• • • • •

§ 78.11–3 *Polyethylene carboys.* • • •

(d) Polyethylene carboys formed by blow-molded process must comply with the requirements of § 78.10–3 and are not required to be tested as prescribed in paragraph (c) of this section.

§ 78.11–4 *Outside containers.* (a) • • •

NOTE 1: Vertical openings not exceeding 3/8 inch in width and extending to within 3 inches of top or bottom on 2 opposite sides of box are permitted.

• • • • •

SUBPART C—SPECIFICATIONS FOR CYLINDERS

Add § 78.56 (15 F. R. 8419, Dec. 2, 1950) (49 CFR 78.56, 1950 Rev.) to read as follows:

§ 78.56 *Specification 4AA480; welded steel cylinders made of definitely prescribed steels.*

§ 78.56–1 *Compliance.* (a) Required in all details.

§ 78.56–2 *Type, size, and service pressure.* (a) Must be welded type, having not over 278 pounds nominal water capacity. Closures welded by spinning process not permitted.

(b) Service pressure 480 pounds per square inch.

§ 78.56–3 *Inspection by whom and where.* (a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

§ 78.56–4 *Duties of inspector.* (a) Inspect all material and reject any not complying with requirements of this specification. For cylinders made by the billet piercing process, billets to be inspected after nick and cold break.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided*, That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with specification requirements including markings, condition of inside, tests, threads, heat treatment. Obtain samples for all tests; check chemical analyses; witness all tests; report volumetric capacity, tare weight (see report form), and minimum thickness of wall noted.

(d) Render complete report (§ 78.56–21) to purchaser, cylinder maker, and the Bureau of Explosives.

§ 78.56–5 *Steel.* (a) The limiting chemical composition of steel authorized by this specification shall be as shown in § 78.56–20, table I.

§ 78.56–6 *Identification of material.* (a) Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with the heat number.

§ 78.56–7 *Defects.* (a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

§ 78.56–8 *Manufacture.* (a) By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Exposed bottom welds on cylinders over 18 inches long must be protected by footrings. Minimum thickness of heads and bottoms shall be not less than 90 percent of the required thickness of the side wall. Seams must be made as follows:

(b) Circumferential seams: By welding. Brazing is not authorized.

(c) Longitudinal seams: Not permitted.

§ 78.56–9 *Welding.* (a) The attachment to the tops and bottoms only of cylinders by welding of neckrings, footrings, bosses, pads, and valve protection rings is authorized provided that such attachments are made of weldable steel, the carbon content of which does not exceed 0.25 percent.

§ 78.56–10 *Wall thickness.* (a) For outside diameters over 5 inches the minimum wall thickness shall be 0.078 inch. In any case the minimum wall thickness shall be such that the calculated wall stress at minimum test pressure (§ 78.56–14) shall not exceed the lesser value of either of the following:

(1) One-half of the minimum tensile strength of the material determined as required in § 78.56–15, or,

(2) 35,000 pounds per square inch.

(b) Calculation must be made by the formula:

$$S=\frac{P\ (1.3D^2+0.4d^2)}{D^2-d^2}$$

where

S = wall stress in pounds per square inch;
P = minimum test pressure prescribed for water jacket test;
D = outside diameter in inches;
d = inside diameter in inches.

(c) Cylinders with wall thickness less than 0.100 inch, the ratio of tangential length to outside diameter shall not exceed 4.0.

§ 78.56–11 *Heat treatment.* (a) Each cylinder must be uniformly and properly heat treated prior to test. Any suitable heat treatment in excess of 1100° F., is authorized, except that liquid quenching is not permitted. Heat treatment must be accomplished after all forming and welding operations.

(b) Heat treatment is not required after welding weldable low carbon parts to attachments of similar material which have been previously welded to the top or bottom of cylinders and properly heat treated, provided such subsequent welding does not produce a temperature in excess of 400° F., in any part of the top or bottom material.

§ 78.56–12 *Openings in cylinders.* (a) All openings must be in the heads or bases.

(b) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by welding or by threads. If threads are used they must comply with the following:

(1) Threads must be clean-cut, even, without checks and cut to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads having at least 6 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(c) Closure of fitting, boss or pad must be adequate to prevent leakage.

§ 78.56–13 *Safety devices and protection for valves, safety devices, and other connections, if applied.* (a) Must be as required by the Interstate Commerce Commission's Regulations that apply (see §§ 73.34 (f), 73.124 (a), and 73.301 (f) of this chapter).

§ 78.56–14 *Hydrostatic test.* (a) By water jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy of either 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat treatment and previous to the official test must not exceed 90 percent of the test pressure.

(c) Permanent volumetric expansion must not exceed 10 percent of the total volumetric expansion at test pressure.

(d) Cylinders must be tested as follows:

(1) Each cylinder, to at least 2 times service pressure.

(2) Or, 1 cylinder out of each lot of 200 or less; to at least 3 times service pressure. Others must be examined under pressure of 2 times service pressure and show no defect.

§ 78.56–15 *Physical test.* (a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from one cylinder having passed the hydrostatic test, or part thereof heat-treated as required, taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches, provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over 3/16 inch thick. The specimen, exclusive of grip ends, must not be flattened Grip ends may be flattened to within one inch of each end of the reduced section When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–46.

(2) In using the "extension under load" method, the total strain (or "extension under load"), corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2 percent offset.

(3) For the purpose of strain measurement, the initial strain reference shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

§ 78.56–16 *Elongation.* (a) Physical test specimens must show at least 40 percent for 2-inch gauge length or at least 20 percent in other cases, except that these elongation percentages may be reduced numerically by 2 for 2-inch specimens and by 1 in other cases for each 7,500 pounds per square inch increment of tensile strength above 50,000 pounds per square inch to a maximum of four such increments.

§ 78.56–17 *Weld tests*—(a) *Reduced section tensile test.* A specimen shall be cut from the cylinder used for the physical tests specified in § 78.56–15 Specimen shall be taken across the seam edges shall be parallel for a distance of approximately 2 inches on either side of the weld. The specimen must be fractured in tension. The breaking stress calculated on the parent metal area must be at least equal to two (2) times the stress calculated under § 78.56–10 (b). Should this specimen fail to meet the requirements, specimen may be taken from two additional cylinders from the same lot and tested. If either of the latter specimens fails to meet requirements, the entire lot represented shall be rejected.

(b) *Guided bend test.* A bend test specimen shall be cut from the cylinder used for the physical tests specified in § 78.56–15. Specimen shall be taken across the seam, shall be 1½ inches wide, edges shall be parallel and rounded with a file, and back-up strip, if used, shall be removed by machining. The specimen shall be bent to refusal in the guided bend test jig illustrated in § 78.56–22. The root of the weld (inside surface of the cylinder), shall be located away from the ram of the jig. No specimen shall show a crack or other open defect exceeding ⅛ inch in any direction upon completion of the test. Should this specimen fail to meet the requirements, specimens may be taken from each of two additional cylinders from the same lot and tested. If either of the latter specimens fails to meet requirements, the entire lot represented shall be rejected.

(c) *Alternate guided bend test.* An alternate guided bend test jig, as illustrated in § 78.56–23 (a) and (b), may be used for testing the soundness of fillet welded lap joints and joggle butt joints. The test specimen shall be bent across the weld as illustrated in sketch A or B for fillet welded lap joints and as illustrated in sketch C or D for joggle butt joints. The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gauge lines—a to b, shall be at least 20 percent; except that this percentage may be reduced for steels having a tensile strength in excess of 50,000 pounds per square inch, as provided in § 78.56–16. No tested specimens shall show a crack, or other defect, as specified in paragraph (b) of this section. The gauge lines shall be lightly scribed before bending. The amount of elongation may be conveniently determined with a Brinell microscope or any other suitable method may be employed.

§ 78.56–18 *Rejected cylinders.* (a) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair of welded seams by welding is authorized.

§ 78.56–19 *Marking.* (a) Marking on each cylinder stamped as follows:

(1) ICC 4AA480.

(2) A serial number and an identifying symbol, both to be of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives. Duplications unauthorized.

(3) Inspector's official mark.

(4) Date of test (such as 1–54 for January 1954).

(5) Additional markings are permitted.

(b) Sequence of marks. Number shall be just below the ICC marking; identifying symbol shall be just below the number; inspector's official mark shall be near the serial number. Date of test shall be so placed that dates of subsequent test can easily be added. Symbol in front of or following the number with space between, or symbol and serial number stamped into welded valve spud directly above the ICC mark located on head of cylinder are also authorized. Other variations in sequence of marks authorized only when necessitated by lack of space.

(c) Location of markings. Markings may be stamped plainly and permanently in the following locations on the cylinder:

(1) On shoulders and top heads not less than 0.087 inch thick.

(2) On neck, valve boss, valve protection sleeve, or similar part permanently attached to top end of cylinder.

(3) On a plate attached to the top of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must be at least 1/16 inch thick and must be attached by welding, or by brazing at a temperature of at least 1,100° F., throughout all edges of the plate.

(4) Variations in location of markings authorized only when necessitated by lack of space.

(d) Size of marks. Space permitting, at least ¼ inch high.

§ 78.56–20 *Authorized steel.* (a) Open hearth or electric steel of uniform quality and of the following chemical analyses is authorized (see footnote 1):

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent			
	1315 [2]	NAX [2]	SCX [2]	4017 [2]
Carbon	0.10/0.20	0.20 max	0.20 max	0.13/0.20
Manganese	1.10/1.65	0.45/0.75	0.60/1.00	0.75/1.10
Phosphorus	0.045 max	0.045 max	0.045 max	0.04 max.
Sulfur	0.05 max	[illegible]	[illegible]	[illegible]
Silicon	0.15/0.35	0.20/0.80	0.15/0.40	[illegible]
Chromium		0.45/0.70	0.15/0.50	
Molybdenum			0.15/0.35	0.25/0.35.
Zirconium		0.05/0.25		
Copper	0.40 max		0.20/0.50	

[1] Heat of steel made under the above specification, chemical [illegible] of which [illegible] of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits [illegible] Specifications, Tariff No. [illegible] Explosives Regulations, Explosives and Other Dangerous Articles, Including Radioactive Materials, Explosives and Other Dangerous Articles Products Manual, section 10, dated June 1, 1945 are not exceeded in the aggregate. This [illegible] test.

[2] Addition of other elements to obtain [illegible] is permitted.

[3] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.

§ 78.56–21 *Inspector's report.* (a) Required to be clear, legible and in following form:

(Place) _____
(Date) _____

Steel gas cylinders

Manufactured for _____
Location at _____
Manufactured by _____
Location at _____
Consigned to _____
Location at _____
Quantity _____ Size _____ inches outside diameter by _____ inches long.
Marks stamped into the _____
_____
(Location of marking)
of the cylinder are:
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks _____

These cylinders were made by process of _____

The material used was type _____ authorized in table I of Spec. No. 4AA480.

The material used was identified by the following _____
(Heat-purchase order)
numbers _____

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____
_____
(Were—were not)
marked on the material.

All material was inspected and all that was accepted was found free from seams, cracks, laminations and other injurious defects.

The compliance of cylinders with specification requirements was verified including markings, condition of inside, tests, threads, etc. All cylinders with defects which might prove injurious were rejected. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, tensile tests of material, and other tests as prescribed in specification ICC 4AA480 were made in the presence of the inspector and all cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

Each cylinder _____ been equipped
(Has—has not)
with safety devices as follows: _____
_____

I hereby certify that all of those cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4AA480 except as follows:

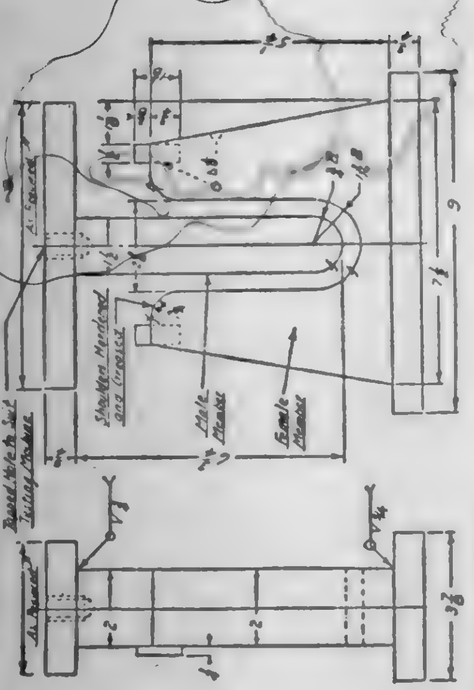
Exceptions _____
_____
(Manufacturer's name)
Signed _____
(Inspector)
By _____

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

§ 78.56–23 *Guided bend test jig.* (a) Dimensions as follows:


Shelton Hardened and Ground
Male Member
Female Member
Test Specimen with ASME Code for Unfired Pressure Vessels 1949 Edition
Bend Width Not Less Than Tubing Thickness
As Rolled
As Rolled
9
7½
3⅜
2
2
1
1
1

(b) Adhesive between paper and burlap to be asphalt, any desirable type, at a minimum rate of 110 pounds per ream.

§ 78.234–6 *Stretch of paper lining.* (a) At least equal to that of burlap in direction of warp and fill and equal to 10 percent in diagonal direction.

§ 78.234–7 *Seams.* (a) By cementing or taping to give seam strength at least equal to that of bag material and prevent sifting.

§ 78.234–8 *Test.* (a) The finished container, filled and closed as for shipment, must be capable of withstanding drop test of 4 feet on the butt without sifting or rupture of burlap liners.

§ 78.234–9 *Marking.* (a) Marking on each container by marks at least 1" high as follows:

(1) ICC–36C; this mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of maker; located above or below the mark specified in subparagraph (1) of this paragraph; symbol (letters) authorized if registered with the Bureau of Explosives.

§ 78.234–10 *Closing for shipment.* (a) As specified for seams, § 78.234–7; or, by tying with 2 steel wires of at least No. 16 Birmingham wire gauge, or any other type of equal efficiency that will be sift-proof and insure equal strength to body of bag.

2. Add § 78.239 (15 F. R. 8483, Dec. 2, 1950) (49 CFR 78.239, 1950 Rev.) to read as follows:

§ 78.239 *Specification 44E; multiwall paper bags.*

§ 78.239–1 *Construction and capacity.* (a) Bags must be at least 3 thicknesses of paper; this must be heavy duty shipping sack Kraft paper No. 1, or equivalent, with a minimum total basis weight of 130 pounds of paper (500 sheets, 24" x 36"). Outer sheet must be of water-resistant stock and at least 50 pounds basis weight, inner sheets not less than 40 pounds basis weight. Bags to be of sewn and taped, cemented, taped, satchel bottom or other construction of equal efficiency to form a sift-proof and reasonably air-tight container. Authorized for not over 50 pounds net weight, except that bags having a minimum total basis weight of 160 pounds of paper (500 sheets, 24" x 36") with outer sheet of water-resistant stock and at least 60 pounds basis weight, inner sheets not less than 50 pounds basis weight, are authorized for not to exceed 100 pounds net weight of contents.

§ 78.239–2 *Mullen or Cady test.* (a) Mullen or Cady test of all Kraft paper used must be not less than 90 percent of basis weight. Laminated sheets of paper are to be considered as one thickness of paper.

§ 78.239–3 *Adhesive.* (a) Moisture resistant adhesive must be used on all seams, joints, and bottom patch, if any.

§ 78.239–4 *Closure.* (a) For all bags: Any closure for the top which is equal in efficiency to that of the bottom, is authorized.

§ 78.239–5 *Tests for shipment.* (a) Bags as prepared for shipment must be able to withstand four 4-foot drops, one on each end and one each on opposite sides, without sifting or rupture.

§ 78.239–6 *Marking.* (a) On each bag with letters and figures at least ½ inch high in rectangle as follows:

ICC–44E

(1) This mark shall be understood to certify bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in this paragraph; symbol (letters) authorized if registered with the Bureau of Explosives.

SUBPART H—SPECIFICATIONS FOR PORTABLE TANKS

Amend § 78.245–1 paragraph (a) (15 F. R. 8483, Dec. 2, 1950) (49 CFR 78.245–1, 1950 Rev.) to read as follows:

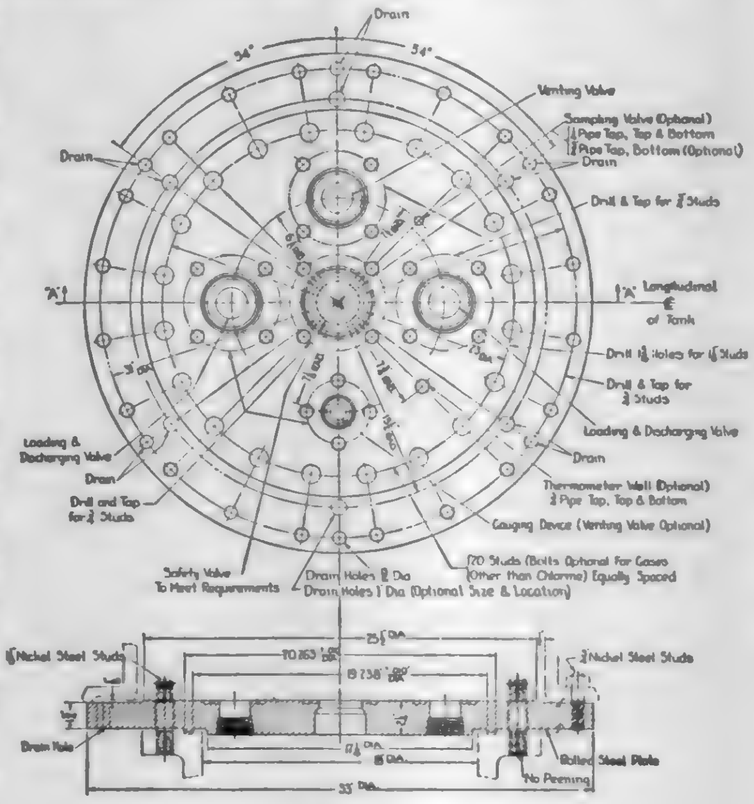
§ 78.245 *Specification 51; steel portable tanks.*

§ 78.245–1 *Requirements for design and construction.* (a) Tanks shall be of seamless or welded steel construction or combination of both and shall have in excess of 1,000 pounds water capacity. Fusion-welded tanks shall be fully radiographed and stress-relieved. Tanks shall be designed and constructed in accordance with and fulfill the requirements of (1) Par. U–68 or U–200 of Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1949 Edition; or (2) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1950 Edition; or (3) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1952 Edition; or (4) the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1943 Edition; or (5) the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1951 Edition; no revisions (any or all of which hereinafter referred to as "the Code").

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SUBPART I—SPECIFICATIONS FOR TANK CARS

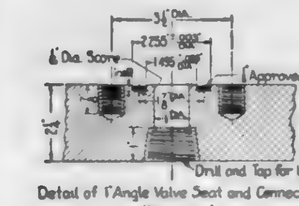
Amend Figure 8 in Appendix C (15 F. R. 8533, 8534, Dec. 2, 1950) (49 CFR Figure 8, Appendix C, 1950 Rev.) as follows:



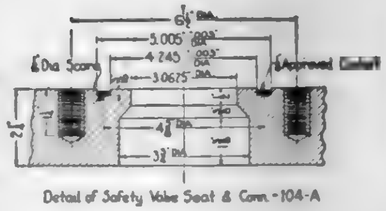
MANHOLE COVER FOR ICC 104A, ICC 104A-W, ICC 105-A SERIES AND ICC 105-A-W SERIES TANK CARS

Standard Dimensions and Tolerances

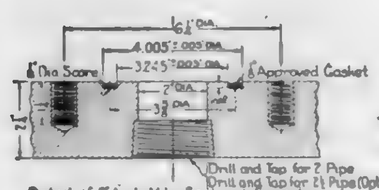
FIG-8 - REV. 1953



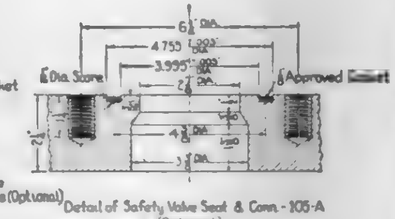
Detail of 1" Angle Valve Seat and Connection (Optional)



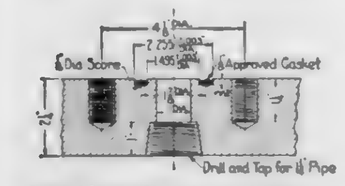
Detail of Safety Valve Seat & Conn.-104-A



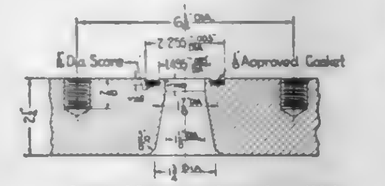
Detail of 2" Angle Valve Seat and Connection (Optional)



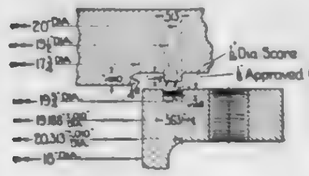
Detail of Safety Valve Seat & Conn.-105-A (Optional)



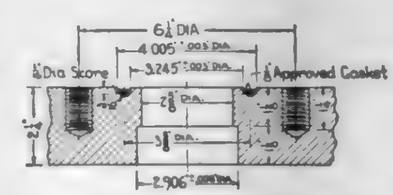
Detail of Gauging Device Seat and Connection (Optional)



Detail of Safety Valve Seat & Conn.-105-A (Optional)



Detail Of Cover and Nozzle Joint



Detail of 2" Angle Valve Seat and Connection (Optional)

STUD AND BOLT MATERIAL
MINIMUM PHYSICAL PROPERTIES

Tensile Strength--110,000psi Elongation in 2 inches----16 %
Yield Point-----100,000psi Reduction in Area-----50 %

Impact Values at Minus 50°F:

Impact specimens shall be prepared and tested in accordance with ASTM Specification E-23 (current issue). The specimens & handling tongs shall be uniformly cooled to the test temperature for at least 30 minutes. The test shall be made within 8 seconds after removal from the cooling medium.

Charpy Keyhole Notch Test: Minimum impact value required for each one of set of three specimens------15 ft. lbs.

SUBPART J—SPECIFICATION FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

Amend § 78.336–1 paragraph (a) (15 F. R. 8556, Dec. 2, 1950) (49 CFR 78.336–1, 1950 Rev.) to read as follows:

§ 78.336 *Specification MC 330; steel cargo tanks.*

§ 78.336–1 *Requirements for design and construction.* (a) Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill the requirements of (1) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1949 Edition, except that construction under Par. U-70 is not authorized; or (2) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1950 Edition; or (3) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1952 Edition; or (4) the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1943 Edition; or (5) the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1951 Edition; no revisions (any or all of which hereinafter referred to as "the Code").

• • • • •

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on May 12, 1954, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–1533; Filed, Mar. 5, 1954; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127, International Postal Service: Postage Rates, Service Available and Instructions for Mailing, make the following changes:

a. In § 127.131 *Preparation for mailing; declaration of value* add new paragraphs (f) and (g) to read as follows:

(f) Valuable registered mail for other countries shall be identified by a blue check mark at least 1 inch long directly above the name of the addressee as in the case of valuable domestic registered mail.

(g) When valuable registered mail is presented on firm mailing sheets, the mailer shall indicate the values opposite the respective entries.

b. In § 127.276 *Indonesia* amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 85 cents for the first 2 ounces and 65 cents for each additional 2 ounces. (See § 127.20.)

c. In § 127.305 *Mexico* amend the last sentence of subdivision (xiii) of paragraph (b) (8) to read as follows: "Information as to Mexican import duties

applicable to specific items and their status under Mexican import control may be obtained from the American Republics Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., or from any field office of that Department."

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF, *Solicitor.*

[F. R. Doc. 54-1595; Filed, Mar. 5, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR TOPPED CARROTS[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Topped Carrots pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

[redacted]

51.2360 U. S. Extra No. 1.
51.2361 U. S. No. 1.
51.2362 U. S. No. 2.

[redacted]

51.2363 Unclassified.

APPLICATION OF TOLERANCES

51.2364 Application of tolerances.
51.2365 Basis for calculating percentages.

[redacted]

51.[redacted] Standard sizing.

DEFINITIONS

51.[redacted] Similar varietal characteristics.
51.[redacted] Well trimmed.
51.2369 Firm.
51.[redacted] Clean.
51.2371 Fairly well colored.
51.[redacted] Fairly well formed.
51.[redacted] Fairly smooth.
51.2374 Damage.
51.[redacted] Diameter.
51.[redacted] Length.
51.2377 Badly misshapen.
51.[redacted] Excessively rough.
51.[redacted] Seriously misshapen.
51.2380 Serious damage.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

AUTHORITY: §§ 51.2360 to 51.2380 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624; Pub. Law 156, 83d Cong.

GRADES

§ 51.2360 *U. S. Extra No. 1.* U. S. Extra No. 1 consists of carrots of similar varietal characteristics which are well trimmed, firm, clean, fairly well colored, fairly well formed, fairly smooth, and which are free from soft rot, and free from damage caused by freezing, growth cracks, sunburn, pithiness, woodiness, internal discoloration, oil spray, dry rot, other disease, insects or mechanical or other means.

(a) *Minimum size.* Unless otherwise specified, the diameter of each carrot shall be not less than three-fourths inch nor more than 1½ inches, and the length shall be not less than 5 inches.

(b) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances (see § 51.2365) shall be permitted:

(1) 10 percent for carrots which are larger than the specified maximum diameter;

(2) 5 percent for carrots which are smaller than the specified minimum diameter or minimum length; and,

(3) 10 percent for carrots which fail to meet the remaining requirements of this grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for carrots affected by soft rot.

§ 51.2361 *U. S. No. 1:* U. S. No. 1 consists of carrots of similar varietal characteristics which are well trimmed, firm, fairly smooth, and not badly misshapen, and which are free from soft rot, and free from damage caused by dirt or other foreign matter, freezing, growth cracks, sunburn, pithiness, woodiness, internal discoloration, oil spray, dry rot, other disease, insects or mechanical or other means.

(a) *Minimum size.* Unless otherwise specified, the diameter of each carrot shall be not less than 1 inch nor more than 3 inches, and the length shall be not less than 3 inches.

(b) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances (see § 51.2365) shall be permitted:

(1) 10 percent for carrots which are larger than the specified maximum diameter;

(2) 5 percent for carrots which are smaller than the specified minimum diameter or minimum length; and,

(3) 10 percent for carrots which fail to meet the remaining requirements of this grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 2 percent for carrots affected by soft rot.

§ 51.2362 *U. S. No. 2.* U. S. No. 2 consists of carrots of similar varietal characteristic which are well trimmed, firm, not excessively rough, not seriously misshapen, and which are free from soft rot and free from serious damage caused by dirt, freezing, growth cracks, sunburn, pithiness, woodiness, internal discoloration, oil spray, dry rot, other disease, insects or mechanical or other means.

(a) *Minimum size.* Unless otherwise specified, the diameter of each carrot shall be not less than 1 inch nor more than 3 inches, and the length shall be not less than 3 inches.

(b) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances (see § 51.2365) shall be permitted:

(1) 10 percent for carrots which are larger than the specified maximum diameter;

(2) 5 percent for carrots which are smaller than the specified minimum diameter or minimum length; and,

(3) 10 percent for carrots which fail to meet the remaining requirements of this grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 2 percent for carrots affected by soft rot.

UNCLASSIFIED

§ 51.2363 *Unclassified.* Unclassified consists of carrots which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

APLICATION OF TOLERANCES

§ 51.2364 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds and a tolerance of 10 percent, or more, is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified except that at least one defective specimen shall be permitted in a package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one carrot which is frozen or affected by soft rot may be permitted in any package.

§ 51.2365 *Basis for calculating percentages.* Percentages shall be calculated on the basis of weight for packages containing more than 2 pounds and on the basis of count for packages containing 2 pounds or less.

STANDARD SIZING

§ 51.2366 *Standard sizing.* (a) Carrots in packages of 2 pounds or less may be certified as "Standard Sizing", provided the variation in diameter of the carrots in such packages is not more than ⅜ inch and the variation in length is not more than 2½ inches.

(b) Not more than 20 percent of the packages in any lot may contain carrots which fail to meet the requirements for "Standard Sizing".

DEFINITIONS

§ 51.2367 *Similar varietal characteristics.* "Similar varietal characteristics" means that the carrots in any lot are of the same general type. For example, carrots with a short, but blunt growth like the Oxheart variety, shall not be mixed with long or half-long carrots like the Imperator or Danvers varieties.

§ 51.2368 *Well trimmed.* "Well trimmed" means that the tops shall be cut back to not more than 1 inch in length, except that occasional uncut leaves or leafstems or new top growth exceeding this length which do not materially affect the appearance of the carrots in the container shall be permitted. Carrots may have tips of roots cut or broken off: *Provided*, That these cuts or breaks are small and fairly smooth and do not materially affect the appearance of carrots in the container.

§ 51.2369 *Firm.* "Firm" means that the carrot is not soft, flabby or shriveled.

§ 51.2370 *Clean.* "Clean" means that the individual carrot is practically free from dirt or other foreign matter.

§ 51.2371 *Fairly well colored.* "Fairly well colored" means that the carrot has an orange, orange red, or orange scarlet color, but not a pale orange or distinct yellow color.

§ 51.2372 *Fairly well formed.* "Fairly well formed" means that the carrot is not so forked or misshapen as to materially affect its appearance or cause a loss of more than 5 percent, by weight, in the ordinary preparation for use.

§ 51.2373 *Fairly smooth.* "Fairly smooth" means that the carrot is not rough, ridged, or covered with secondary rootlets to an extent which materially affects its appearance or causes a loss of more than 5 percent, by weight, in the ordinary preparation for use.

§ 51.2374 *Damage.* "Damage" means any defect which materially affects the appearance or the edible or shipping quality of the individual carrot or the general appearance of the carrots in the container, or causes a loss of more than 5 percent, by weight, in the ordinary preparation for use. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Growth cracks which are unhealed, or healed growth cracks which are not shallow and not smooth, or which materially affect the appearance of the carrot;

(b) Sunburn which causes a loss of more than 5 percent, by weight, in the ordinary preparation for use, except that superficial light green color at the stem end, which does not materially affect the appearance of the root shall be permitted; and,

(c) Dirt or other foreign matter when the general appearance of the carrots in the lot is materially affected, or when individual carrots are badly caked with dirt or badly stained.

§ 51.2375 *Diameter* "Diameter" means the greatest dimension of the root measured at right angles to the longitudinal axis.

§ 51.2376 *Length.* "Length" means the greatest dimension of the root measured from the crown to the lowest point which is not less than one-fourth inch in diameter.

§ 51.2377 *Badly misshapen.* "Badly misshapen" means that the carrot is so forked or misshapen as to materially affect its appearance, or cause a loss of more than 5 percent, by weight, in the ordinary preparation for use.

§ 51.2378 *Excessively rough.* "Excessively rough" means that the carrot is so rough or ridged as to seriously affect its appearance or cause a loss of more than 20 percent, by weight, in the ordinary preparation for use.

§ 51.2379 *Seriously misshapen.* "Seriously misshapen" means that the carrot is so forked or misshapen as to seriously affect its appearance or cause a loss of more than 20 percent, by weight, in the ordinary preparation for use.

§ 51.2380 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance or the edible or shipping quality of the individual carrot or the general appearance of the carrots in the container, or causes a loss of more than 20 percent, by weight, in the ordinary preparation for use.

Dated: March 3, 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator, Marketing Service.*

[F. R. Doc. 54-1626; Filed, Mar. 5, 1954; 8:51 a. m.]

[7 CFR Part 930]

[Docket No. AO-72-A-19]

MILK IN TOLEDO, OHIO, MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON HANDLING OF MILK

Notice is hereby given that the hearing on proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Toledo, Ohio, marketing area originally scheduled to begin at 10:00 a. m., e. s. t., March 15, 1954 (19 F. R. 1120), at the Hillcrest Hotel, Madison and Sixteenth Streets, Toledo, Ohio, is hereby postponed to March 29, 1954, at the same time and place.

Done at Washington, D. C., this 3d day of March 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-1628; Filed, Mar. 5, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

RACHEL LEQUET AND COLETTE MICHELE DEVAUCHELLE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Mme. Rachel Lequet (widow of Henri L. Bourdin), 52, Boulevard de Bellevue a Dravell (Seine & Oise), France, $82.31 in the Treasury of the United States; Mme. Colette Michele Devauchelle (nee Bourdin), 52, Boulevard Bellevue a Dravell (Seine & Oise), France, $44.03 in the Treasury of the United States; Claim No. 6507; all right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the works entitled "Erckmann-Chatrian's Waterloo" and "French Reader for Beginners," as listed in Exhibit A to Vesting Order 3430 (9 F. R. 6464, June 13, 1944), to the extent owned by Mrs. Rachel Bourdin immediately prior to the vesting thereof by Vesting Order 3430.

Executed at Washington, D. C., on March 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-1615; Filed, Mar. 5, 1954; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F. P. No. 7]

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY

MARCH 1, 1954.

Notice is given that the plat accepted June 29, 1953, of certain omitted lands in T. 39 N., R. 9E., which represents a retracement and reestablishment of the boundaries of Secs. 32 and 33, designed to restore the corners in their original location according to the best available evidence, and the survey of public lands which were erroneously omitted from the original survey and not shown upon the plat approved June 9, 1864, will be officially filed in the Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective at 10:00 a. m., on the 35th day after the date of this notice as to the following described lands:

4TH PRINCIPAL MERIDIAN, WISCONSIN

T. 39 N., R. 9 E.,
Section 32, lots 8 and 9.
Section 33, lots 6, 7, 8, 9, 10.

The area described aggregates 123.42 [illegible].

Available information indicates that the lands are rolling upland, gently rolling upland, and level swamp land; that the upland reaches approximately 40 feet above the water level of Echo Lake; that the soil is sandy loam with gravel and some stone; that the upland supports a coverage crop of poplar, birch, maple, and oak, ranging from 4 to 8 inches in diameter with several groves of norway pine; that balsam, spruce, and ash are found in and near the swamp [illegible].

According to the field notes and as shown by the plat, lot 8, sec. 33, is principally swamp in character and appears to be swamp and overflowed within the meaning of the act of September 28, 1850 (9 Stat. 519). Should the land finally be determined to be swamp and overflowed in character, it must be held to have inured to the State, and any application adverse to the State in conflict with swamp land claim will be governed by § 271.2 of Title 43 of the Code of Federal Regulations.

No application for the described lands may be allowed under the homestead or the small tract laws unless the lands have already been classified as valuable or suitable for such application, or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one-day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to Regional Administrator, Region VI, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

For the Director.

R. J. MCCORMICK,
Acting Regional Administrator,
Region VI.

[F. R. Doc. 54–1616; Filed, Mar. 5, 1954; 8:50 a. m.]

Bureau of Reclamation

[Public Announcement 18]

COLUMBIA BASIN PROJECT, WASHINGTON, EAST-COLUMBIA BASIN IRRIGATION DISTRICT

SALE OF FULL-TIME FARM UNITS

FEBRUARY 15, 1954.

Columbia Basin Project, Washington, East-Columbia Basin Irrigation District; public announcement of the sale of full-time farm units.

LANDS COVERED

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the East-Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase farm units may be submitted beginning at 2 p. m., March 5, 1954.

In order to permit the continued orderly development and settlement of project lands this public announcement is issued irrespective of there being pending applications for exchange pursuant to the act of August 13, 1953 (67 Stat. 566) and regulations for the administration thereof.

a. *Farm units presently owned.* The farm units which are presently owned by the United States, and hereby offered for sale, are described as follows:

Irrigation block No.	Farm unit No.	Total acreage	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class I	Class II	Class III		
44	2	61.1	50.2	33.2	16.8	0.2	10.9	$1,[illegible]
	3	76.5	69.7	51.0	12.5	6.2	6.8	1,[illegible]
	81	140.6	86.7		81.8	4.9	53.9	1,[illegible]
	86	82.5	62.7	45.6	10.5	6.6	19.8	3,[illegible]
	87	71.0	66.5	37.7	26.0	2.8	4.5	3,[illegible]
	89	67.8	66.6	35.6	30.3	0.7	1.2	3,[illegible]
	90	64.6	63.3	3.3	53.7	6.3	1.3	2,[illegible]
	91	86.5	81.1	39.3	37.8	4.0	5.4	2,[illegible]
	92	98.1	91.6	9.7	66.1	20.8	6.5	2,[illegible]
	93	72.5	70.8	32.3	[illegible]	1.9	1.7	2,121 [illegible]
	94	70.4	67.5	14.5	46.2	6.8	2.9	3,[illegible]
	95	74.4	67.6	39.7	27.9	[illegible]	6.8	1,[illegible]
	99	75.3	72.7	40.5	17.9	14.3	2.6	1,[illegible]
	101	118.1	89.6	30.1	31.1	28.4	28.5	2,[illegible]
	102	115.4	83.2	31.1	35.5	16.6	32.2	1,[illegible]
	112	69.3	58.1	46.1	8.4	3.6	11.2	3,641 [illegible]
	113	91.6	75.2	13.1	29.3	32.8	16.4	3,[illegible]
	138	68.8	61.5	55.5	4.6	1.4	7.3	3,731 [illegible]
	139	81.8	61.1	36.8	12.7	11.6	20.7	3,[illegible]
	167	111.6	85.8	27.1	54.9	3.8	25.7	2,[illegible]
	168	146.4	81.4	2.1	68.4	10.9	65.0	1,[illegible]
	169	142.9	97.7	16.1	30.0	11.6	85.2	1,[illegible]
	170	121.3	89.2	14.2	61.3	13.7	32.1	2,[illegible]
	171	121.0	78.2	0.8	55.9	21.8	42.8	2,[illegible]
	180	98.0	[illegible]	58.4	3.8	0.7	5.1	4,[illegible]
	187	120.0	65.4	...	22.4	43.0	54.7	1,[illegible]
	211	164.1	100.3	...	25.6	74.7	63.8	2,[illegible]
	212	163.6	84.8	...	27.8	[illegible]	78.8	1,[illegible]
	213	161.2	130.9	...	66.7	64.2	30.3	2,[illegible]
	214	135.9	98.0	...	80.3	17.7	37.9	1,[illegible]
	215	146.6	118.9	35.7	69.6	13.6	27.7	2,[illegible]
	216	144.8	111.5	23.0	76.3	12.2	33.3	3,[illegible]

b. *Additional farm units.* It is expected that, through the operation of its land acquisition program the United States may, within twelve (12) months following the date of this announcement, own additional farm units in Irrigation Block 44 and in other irrigation blocks in the East-Columbia Basin Irrigation District which are scheduled to receive water before the close of the 1955 irrigation season. Such farm units may be offered for sale under the provisions of this announcement.

The official plats of these irrigation blocks are on file in the office of the County Auditors of Grant County and Adams County at Ephrata, and Ritzville, Washington, and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region I, Bureau of Reclamation, will support an average-size family at a suitable level of living. The law provides that with certain minor exceptions not more than one farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the act of August 13, 1953 (67 Stat. 566), preference right to purchase the farm units described above will be given to veterans (and in some cases to their husbands or wives or guardians of minor children) who submit applications during a 45-day period beginning at 2 p. m., March 5, 1954, and ending at 2 p. m., April 19, 1954, and who, at the time of making application, are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least (90) days at any time between September 16, 1940, and July 3, 1952, inclusive, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States during the period prescribed in subsection a. of this section regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 7. c. of this announcement regarding the provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a. of this section, or in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region I, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application, and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants must meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* An applicant must possess assets worth at least $4,500 in excess of liabilities. Assets must consist of cash, property readily convertible into cash or property such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. Assets not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form before execution of a purchase contract.

SEC. 7. *Other qualifications required.* Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, more than ten acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 8. *Filing application blanks.* Any person desiring to purchase a farm

unit offered for sale by this announcement must fill out the attached application blank and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington, Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 9. *Priority of applications.* All applications except those received from qualified exchange applicants prior to 2 p. m., April 19, 1954, which shall be given prior preference, will be classified for priority purposes as follows:

a. *First Priority Group.* All complete applications filed prior to 2 p. m., April 19, 1954, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

b. *Second Priority Group.* All complete applications filed prior to 2 p. m., April 19, 1954, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

c. *Third Group.* All complete applications filed after 2 p. m., April 19, 1954. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 10. *Public drawing.* After the priority classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9.a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 11. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification, showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 12. *Examination and interview.* After the information outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications together with the evidence of qualification submitted to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (a) Affording the Board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

SEC. 13. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the Board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the Board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the Project Manager, Columbia Basin Project, Bureau of Reclamation, may sell, lease or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

SEC. 14. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 15. *Execution of purchase contract.* When a farm unit is selected by an applicant as provided in section 13 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execution and return. In that notice the Project Manager will also inform the applicant of the amount of the irrigation charges assessed by the East-Columbia Basin Irrigation District or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the Project Manager.

If the purchase is made subsequent to April 1 of any year following the first year of the development period, a deposit will be required to cover the payment of water charges for the next full irrigation season following the purchase.

SEC. 16. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain among others, the following principal provisions:

a. *Down payment.* An initial or down payment of not less than 20 percent of the purchase price of the lands being purchased from the United States will be required. Larger proportions, or the entire amount of the price, may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of 3 percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the Project Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below, and to maintain in crops thereafter, the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year.)			
	2d year	3d year	4th year	5th year
10 to 40	75	.....	.....	.....
41 to 60	50	75	.....	.....
61 to 80	50	65	75	.....
81 to 100	40	60	70	75
101 to 160	35	50	65	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) within one year from the date of his contract, or within one year from the date that water is available to the irrigation block in which the farm unit is located, whichever is later, to initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the purchase contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above. In extraordinary situations, the requirements under (1) and (2) above may be waived entirely upon the determination by the Regional Director, after recommendation by the Project Manager, that such waiver will be in the interest of orderly development of the block. Any such waiver, however, shall be conditioned on the requirement that the purchaser reside close enough to his unit to permit him to develop it through his own efforts.

e. *Speculation and landholding limitations.* Purchase contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable land; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the project whether as lessee or as owner or both.

f. *Copies of contract form.* The terms listed above, and all other standard contract provisions, are contained in the purchase contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 17. *Water rental charges.* During the irrigation season of 1955, while some construction activities will be continuing and the system is being tested, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 18. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the East-Columbia Basin Irrigation District in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1956. During the development period, water rental charges will average an estimated $5.50 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year, by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (a) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water to be specified by the Regional Director, varying with the water requirement, classification of the land and the size of the farm unit.

In addition to the water rental charges, the Irrigation District will levy an additional charge to cover administrative costs and probable delinquencies in collections.

SEC. 19. *Construction period repayment charges—a. Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will

be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the East-Columbia Basin Irrigation District. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The contract between the United States and the East-Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed $280,782,180 as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

FEBRUARY 15, 1954.

[F. R. Doc. 54-1592; Filed, Mar. 5, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E 6549]

MINNESOTA POWER & LIGHT CO.

NOTICE OF APPLICATION

MARCH 2, 1954.

Take notice that on March 2, 1954, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Minnesota Power & Light Company, a corporation organized under the laws of the state of Minnesota and doing business in said state with its principal business office at Duluth, Minnesota, seeking an order authorizing the issuance of $4,100,000 principal amount of promissory notes. Applicant proposes to issue, from time to time, on various dates prior to April 1, 1956, and in various amounts, and to deliver to Mellon National Bank and Trust Company, Pittsburgh, Pennsylvania, notes in amounts not to exceed $7,000,000 principal amount. The notes will bear interest at the prime commercial bank rate in effect at the time of issue, will be dated as and when funds are required by applicant, may be prepaid at any time on ten days' notice and will mature not later than one year from date of issue. From the proceeds to be derived from issue of such notes, applicant proposes to pay off $2,900,000 of borrowings which will be outstanding after March 15, 1954; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 15th day of March 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1594 Filed, Mar. 5, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5779]

AERO FINANCE CORP; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Aero Finance Corporation enforcement proceeding.

Notice is hereby given that hearing in the above-entitled proceeding, previously assigned to be held on March 16, 1954, is postponed to April 13, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., March 3, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1622; Filed, Mar. 5, 1954; 8:51 a. m.]

[Docket No. 6432]

NORTH CENTRAL AIRLINES, INC.; SEGMENT 5; RENEWAL CASE

NOTICE OF HEARING

In the matter of an investigation to determine whether the public convenience and necessity require that North Central's amended temporary certificate for route No. 86 be renewed, altered, amended, or modified insofar as said certificate authorizes service by North Central over segment 5 of the above route.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that public hearing in the above-entitled proceeding is assigned to be held on March 23, 1954 at 10:00 a. m., c. s. t., in Rooms 1, 2 and 3, Second Floor, 1022 Nicollet Avenue, Minneapolis, Minnesota, before Examiner Joseph L. Fitzmaurice.

Without limiting the scope of the issues presented by the applications in this proceeding, particular attention will be directed to the following questions:

1. Do the public convenience and necessity require that North Central's amended temporary certificate of public convenience and necessity for route No. 86 be altered, amended, or modified insofar as said certificate authorizes service by North Central over segment 5 of said route?

2. Is North Central fit, willing and able to perform the transportation in question properly, and to conform to the provisions of the act and the rules, regulations, and requirements thereunder?

For further details of the issues involved in this proceeding interested persons are referred to the Board's order instituting the investigation (Order No. E-7943), the report of the prehearing conference, and other documents of record in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before March 23, 1954, a statement setting forth the issues of fact or law raised by the investigation which he desires to controvert.

Dated at Washington, D. C., March 2, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1621; Filed, Mar. 5, 1954; 8:51 a. m.]

[Docket No. 6507]

CURREY AIR TRANSPORT LTD. ET AL.; FAMILY PLAN FARE PROPOSAL

NOTICE OF PREHEARING CONFERENCE

In the matter of the proposals of Currey Air Transport Limited, Great Lakes Airlines, Inc., and Monarch Air Service to establish family plan fares.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 16, 1954, at 10:00 a. m., e. s. t., in Room 7852, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Barron Fredericks.

Dated at Washington, D. C., March 3, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1620; Filed, Mar. 5, 1954; 8:50 a. m.]

[Docket No. 6548]

PAN AMERICAN WORLD AIRWAYS, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Pan American World Airways, Inc., for amendment of its U. S.-Europe-Middle East-India Certificate and its Approved Service Plan to authorize service to Damascus, Syria.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 15, 1954, at 10:00 a. m., e. s. t., in Room 7852, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., March 3, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1619; Filed, Mar. 5, 1954; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

Office of the Administrator

ASSISTANT ADMINISTRATOR

DELEGATION OF AUTHORITY TO PERFORM CERTAIN FUNCTIONS FROM MARCH 5, 1954, TO MARCH 12, 1954

1. Pursuant to the authority vested in me by section 205 (d) of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Congress), as amended, I hereby delegate to the Assistant Administrator full authority to exercise from March 5, 1954, to March 12, 1954, all of the powers, authorities, and functions vested in me as Administrator of General Services by the Federal Property and Administrative Services Act, 1949, and any other law, except those powers, authorities, and functions which can only be exercised by the Administrator or the Deputy Administrator of General Services pursuant to the provisions of section 101 (c) and 205 (d) of the Federal Property and Administrative Services Act, 1949, or pursuant to the provisions of other law.

2. The authority contained herein may not be redelegated and shall be exercised in accordance with such administrative procedures and controls as are in force on or after the effective date hereof.

3. This delegation of authority shall be effective March 5, 1954, to March 12, 1954.

Dated: March 2, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54-1617; Filed, Mar. 5, 1954; 8:50 a. m.]

Public Buildings Service

[Wildlife Order 24]

TRANSFER OF PROPERTY KNOWN AS SABINE PASS LIGHTHOUSE RESERVATION TO THE STATE OF LOUISIANA

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated January 28, 1954, to the State of Louisiana, a portion of that property known as Sabine Pass Lighthouse Reservation, and more particularly described in said deed, has been transferred from the United States to the State of Louisiana.

2. The above described property is transferred to the State of Louisiana for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

EDMUND F. MANSURE,
Administrator of General Services.

MARCH 2, 1954.

[F. R. Doc. 54-1618; Filed, Mar. 5, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-68]

DERBY GAS AND ELECTRIC CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING REGISTERED HOLDING COMPANY HAS CEASED TO BE A HOLDING COMPANY

MARCH 2, 1954.

Notice is hereby given that The Housatonic Public Service Company ("Housatonic"), a public-utility company and the successor of Derby Gas & Electric Corporation ("Derby"), a registered holding company, has filed an application on behalf of Derby for an order pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act") declaring that such company has ceased to be a holding company.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the facts contained therein, which are summarized as follows:

Derby was organized under the laws of the State of Delaware as a holding company and registered with the Commission as such on November 5, 1936. Prior to December 31, 1953, Derby owned all of the outstanding voting securities, except directors' qualifying shares, of The Derby Gas and Electric Company, The Danbury and Bethel Gas and Electric Company and The Wallingford Gas Light Company, all of which were public-utility companies, and The Derby Gas and Electric Corporation of Connecticut, an inactive company.

In March 1953, Derby and its subsidiaries filed a plan with this Commission under section 11 (e) of the act under which Derby and its subsidiaries (other than The Derby Gas and Electric Corporation of Connecticut) proposed to merge into and with said The Derby Gas and Electric Corporation of Connecticut and, as a part of said merger, to change the name of the surviving corporation to The Housatonic Public Service Company which would continue the business of the Derby system as a single operating utility company. Such plan was approved by the Commission on October 9, 1953 (Holding Company Act Release No. 12165) and said plan and merger became effective at the close of business on December 31, 1953. On February 10, 1954, a Certificate of Notification was filed with the Commission stating that the merger has been carried out in accordance with the terms of the plan as approved by the Commission.

Pursuant to the provisions of the Joint Agreement of Merger between Derby and its subsidiaries and section 259 of the Delaware Corporation Law, it is represented that Derby ceased to be a holding company on December 31, 1953 since (a) it ceased to be a corporate entity and (b) it ceased to hold any voting securities of its former subsidiary companies.

Housatonic has requested that the Commission issue an order declaring that Derby has ceased to be a holding company and that its registration as such under the act unconditionally ceased to be in effect as of the close of business on December 31, 1953, subject, however, to the continuation of the reservations of jurisdiction with respect to the allowance and payment of fees and expenses incurred in connection with the foregoing plan and merger and the proceedings had with respect thereto contained in the Commission's order of October 9, 1953.

Notice is further given that any interested person may, not later than March 17, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on said application, stating the nature of his interest, the reason or reasons for such request, and the issues of fact or law raised by such matter which he proposes to controvert, or he may request to be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application, as filed or amended, may be granted at any time after said date.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1599; Filed, Mar. 5, 1954; 8:46 a. m.]

[File No. 70-3188]

EASTERN UTILITIES ASSOCIATES

ORDER AUTHORIZING ISSUANCE AND SALE OF BONDS BY NEGOTIATION AND GRANTING REQUEST FOR AN EXCEPTION

MARCH 2, 1954.

Eastern Utilities Associates ("EUA"), a registered holding company, has filed with this Commission an application-declaration and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-23, U-42 (b) (2), U-44 and U-50 thereunder, with respect to the following proposed transactions:

EUA presently has outstanding a $9,000,000 bank note, due April 19, 1954. As a means of retiring $7,000,000 of such bank note and in accordance with its recent reorganization plan, EUA proposes to issues and sell to institutional investors $7,000,000 principal amount of Collateral Trust Bonds, 4⅜ Percent Series, due 1978, at 100 percent of their principal amount. The application-declaration indicates that the remaining $2,000,000 of bank indebtedness will be paid from the proceeds of the sale of EUA common stock which it is stated "will take place at the earliest practicable date but not later than October 1, 1954, market conditions for the EUA shares being favorable."

The bonds will be secured by an Indenture and Deed of Trust, dated October 1, 1953, which provides for the pledging by EUA of all of the voting stock, now held or hereafter acquired, of its present public-utility subsidiaries and for an annual sinking fund of 1 percent for the first three years, 2 percent for the second three years, 3 percent for the third three years, 4 percent for the fourth three years and 5 percent thereafter.

EUA has agreed that so long as any of the bonds remain outstanding, if at the end of any calendar year the consolidated common equity ratio of EUA and its subsidiaries applicable to its common shares is less than 30 percent of total consolidated capitalization, or if at the end of any calendar year the consolidated funded debt ratio is in excess of 60 percent of such total capitalization, EUA will initiate, within 90 days after the year-end figures have been determined, appropriate proceedings, to be approved by this Commission, designed to bring such equity ratio above 30 percent or such debt ratio below 60 percent as the case may be. EUA reserves the right to request the Commission for modification of such agreement if future circumstances make such action desirable.

EUA considers Rule U-50 applicable to the proposed sale of bonds but has requested an exception from the competitive requirements of said rule. In support thereof, EUA states that in his opinion a material saving in financing costs and expenses will be effected through a private sale of its bonds, because, among other reasons, EUA has never issued any senior securities and because of the changes in its structure which occurred as a result of its recent reorganization. EUA further states that after first securing permission from this Commission, officers of EUA negotiated with various institutions but were unable to place the bonds and, again with the permission of this Commission, selected Kidder, Peabody & Co. as EUA's agent to sell the bonds. Thereafter, the bonds were placed with sixteen institutional investors, subject to the Commission's approval of the terms of the sale. EUA represents that the proposed sale will be in accordance with its aforesaid plan which provides, among other things, for the sale "to the public" of $7,000,000 of debentures or collateral trust bonds because the purpose of this language, according to EUA, was to indicate that the sale of such securities would be to purchasers other than companies within the EUA system.

The fees and expenses in connection with the issue and sale of the proposed bonds, including a finder's fee of $30,000 to Kidder, Peabody & Co. and legal fees of $26,615, are estimated to amount to $77,240.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed issue and sale of said bonds.

EUA requests that the Commission's order herein became effective upon the issuance thereof.

Due notice having been given of the filing of the application-declaration, as amended, and a hearing not having been requested of or ordered by the Commission; and

The Commission finding that the proposed sale of bonds by EUA is not inconsistent with the provisions of the aforesaid reorganization plan and that compliance with the competitive bidding requirements of Rule U-50 is not appropriate to aid the Commission in carrying out the provisions of section 7 of the act and it appearing to the Commission that EUA's request for an exception from the provisions of Rule U-50 with respect to the proposed sale of bonds should be granted; and

The Commission further finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration, as amended, should be granted and permitted to become effective forthwith, except that jurisdiction should be reserved over the payment of all fees and expenses of counsel as to which the record has not been completed:

It is ordered, That EUA's application for an exception from the competitive bidding requirements of Rule U-50 with respect to the proposed sale of bonds, be, and the same hereby is, granted forthwith.

It is further ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration, as amended, with respect to the proposed issue and sale of bonds, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and the same hereby is, reserved with respect to the payment of fees and expenses of counsel.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1597; Filed, Mar. 5, 1954; 8:46 a. m.]

[File No. 70-3192]

CENTRAL AND SOUTH WEST CORP. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE FOR ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARIES AND FOR ACQUISITION THEREOF BY PARENT

MARCH 2, 1954.

In the matter of Central and South West Corporation, Central Power and Light Company, Southwestern Gas and Electric Company; File No. 70-3192.

Central and South West Corporation ("Central"), a registered holding company, and its public-utility subsidiaries, Central Power and Light Company ("Power and Light") and Southwestern Gas and Electric Company ("Southwestern"), all of whose common stocks are owned by Central, having filed with the Commission a joint application-declaration pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-50 (a) (3) of the rules and regulations promulgated thereunder with respect to the following transactions:

A. Power and Light proposes:

(1) To amend its Charter to increase the total number of authorized shares of its common stock, par value $10 per share, from 2,697,300 shares to 3,197,300 shares.

(2) To issue and sell 500,000 shares of its common stock, par value $10 per share, to Central for the sum of $5,000,000 cash.

B. Southwestern proposes to issue and sell 200,000 shares of its common stock, par value $10 per share, to Central for the sum of $2,000,000 cash.

C. Central proposes to purchase and pay for the 500,000 shares of common stock of Power and Light and the 200,000 shares of common stock of Southwestern, upon the terms stated in the foregoing paragraphs A (2) and B, respectively, except that said purchases are not interdependent. It is contemplated that the proposed transactions will be consummated on or about March 10, 1954, or within thirty days thereafter.

Applicants-declarants state that the proposed issue and sale of said shares of common stock by Power and Light and Southwestern to Central are necessary to finance, in part, the cost of the construction programs of the respective subsidiary companies.

The proposed purchase of the said shares of stock of Power and Light and Southwestern by Central will be financed with the proceeds of one or more borrowings, aggregating not to exceed $7,000,000 in principal amount, proposed to be made by Central from The First National Bank of Chicago, Bankers Trust Company, The Chase National Bank of the City of New York, Harris Trust and Savings Bank and Equitable Security Trust Company pursuant to the terms of a Loan Agreement dated as of December 17, 1953, between Central and said Banks, and in accordance with the Commission's order dated December 18, 1953 (File No. 70-3150).

Applicants-declarants state that no State commission or Federal commission, other than this Commission, has jurisdiction with respect to any of the proposed transactions.

No fees, commissions or other remuneration will be paid in connection with the proposed transactions. The estimated expenses of Central in connection with its proposed acquisition of securities will be nominal. The estimated expenses of Power and Light and Southwestern will amount to $6,500 and $3,000, respectively, and will consist primarily of the Federal stamp tax on the original issue of said shares (in the total amount of $7,700) and incidental expenses.

Applicants-declarants having requested that the Commission's order herein become effective upon issuance; and

Due notice having been given of the filing of said joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and that the expenses as estimated are not unreasonable; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1600; Filed, Mar. 5, 1954; 8:47 a. m.]

[File No. 70-3200]

BERKSHIRE GAS CO.

ORDER AUTHORIZING ISSUE AND SALE OF PROMISSORY NOTES

MARCH 1, 1954.

Berkshire Gas Company ("Berkshire"), a gas utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-42 (b) (2) promulgated thereunder with respect to the following proposed transactions:

Berkshire proposes to issue to five banks, from time to time but not later than April 26, 1954, unsecured promissory notes in the aggregate principal amount of $680,000. Each of said notes will mature six months after its date of issuance, and will bear interest at the prime rate of interest at the time of issuance plus ¼ of 1 percent. It is stated that said prime interest rate at the present time is 3¼ percent per annum. The purpose of said borrowing is to repay notes payable to banks aggregating $680,000, bearing interest at 3½ percent per annum, the last of which is due April 26, 1954.

Berkshire's expenses in connection with the issuance of said notes are estimated at $500. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order be made effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1598; Filed, Mar. 5, 1954; 8:46 a. m.]

[File No. 70-3204]

LOUISIANA POWER & LIGHT CO

NOTICE OF FILING REGARDING AUTHORIZATION AND ISSUE AND SALE OF NEW SERIES OF PREFERRED STOCK BY PUBLIC-UTILITY COMPANY

MARCH 2, 1954.

Notice is hereby given that Louisiana Power & Light Company ("Louisiana"), a public-utility company and a subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission under the Public Utility Holding Company Act of 1935 ("act"), regarding its proposal to amend its charter to authorize 70,000 shares of a new series of preferred stock and to issue and sell such stock to the public. Declarant has designated sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of the Commission for a statement of the proposed transactions and the facts contained therein which are summarized as follows:

Louisiana now has outstanding 60,000 shares of 4.96 percent cumulative preferred stock, par value $100 per share, the entire amount of preferred stock authorized by its charter. Louisiana proposes to amend its charter so as to authorize 70,000 shares of an additional series of preferred stock to be known as Second Series Preferred Stock (its presently outstanding preferred stock to become known as First Series Preferred Stock), par value $100 per share. Each series of Louisiana's preferred stock will rank pari passu and have identical characteristics, except as to the number of shares of each series, the distinctive designation, dividend rate, date of payment of dividends, the date from which such dividends shall commence to accumulate, and the amount or amounts payable upon redemption thereof.

The Certificate of Amendment of Louisiana's charter will contain certain protective provisions regarding its preferred stock including the right, voting as a class, to elect a majority of the board of directors upon default in the payment of dividends in an amount equal to four full quarterly payments or more per share.

Louisiana proposes to obtain the consent of Middle South Utilities, Inc., the holder of all of its common stock, the only class of stock entitled to vote thereon, for authorization of the proposed new series of preferred stock.

Louisiana proposes to issue and sell, pursuant to Rule U-50, the proposed 70,000 shares of Second Series Preferred Stock in order to provide a portion of the funds needed for its 1954 construction program, estimated at approximately $19,000,000, and for other corporate purposes. The dividend rate, to be a multiple of 1/20 of 1 percent, and the price to be paid to the company for the new series of preferred stock, to be not less than $100 or more than $102.75 per share, plus accrued dividends, will be fixed by proposals to be publicly invited by the company.

Louisiana estimates that the fees and expenses to be incurred in connection with the foregoing transactions will amount to $52,000, including legal fees of $14,000, printing and engraving of $15,700 and Federal stamp taxes of $7,700.

Declarant has advised that no State, or Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

Louisiana requests that the Commission's order herein be issued on March 16, 1954 pursuant to Rule U-23 of the rules and regulations under the act and that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, on or before March 15, 1954, request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason or reasons for such request and the issues of fact or law raised by such declaration which he proposes to controvert, or he may request that he be notified if this Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 15, 1954, the Commission may permit such declaration, as filed or as amended, to become effective forthwith as provided in Rule U-23 under the act, or may exempt such proposals from the provisions of the act as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1601; Filed, Mar. 5, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28963]

PLASTER, GYPSUM WALLBOARD, AND RELATED ARTICLES BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MARCH 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Plaster, gypsum wallboard, and related articles, carloads.

Between: Points in official territory.

Grounds for relief: Competition with rail carriers, motor carriers, circuity, and to apply rates on short-line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4577, Supplement 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–1603; Filed, Mar. 5, 1954; 8:47 a. m.]

[4th Sec. Application 28964]

SODA ASH AND CAUSTIC SODA FROM LAKE CHARLES AND WEST LAKE CHARLES, LA., TO ST. LOUIS, MO. DISTRICT

APPLICATION FOR RELIEF

MARCH 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for and on behalf of the Kansas City Southern Railway Company and Gulf, Mobile and Ohio Railroad Company.

Commodities involved: Soda ash and caustic soda.

From: Lake Charles and West Lake Charles, La.

To: St. Louis, Mo., East St. Louis, Alton, Federal, Roxana and Wood River, Ill.

Grounds for relief: Competition with rail carriers, circuity, additional route.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4087, supplement 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–1604; Filed, Mar. 5, 1954; 8:48 a. m.]

[4th Sec. Application 28965]

SAND FROM MARION, KY., TO OFFICIAL AND ILLINOIS TERRITORIES INCLUDING OLIVE HILL AND ASHLAND, KY.

APPLICATION FOR RELIEF

MARCH 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sand, carloads.

From: Marion, Ky.

To: Specified points in official and Illinois territories including Olive Hill and Ashland, Ky.

Grounds for relief: Competition with rail carriers, circuity, and to apply rates on short-line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, supplement 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–1605; Filed, Mar. 5, 1954; 8:48 a. m.]

[4th Sec. Application 28966]

TILE, FACING OR FLOORING FROM CHICAGO, JOLIET, AND KANKAKEE, ILL., TO OMAHA, NEBR.

APPLICATION FOR RELIEF

MARCH 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Tile, facing or flooring, asphalt composition, carloads.

From: Chicago, Ill., and points taking same rates, Joliet and Kankakee, Ill.

To: Omaha, Nebr.

Grounds for relief: Competition with rail carriers, motor carriers, circuity.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A–3733, supplement 100.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–1606; Filed, Mar. 5, 1954; 8:48 a. m.]

[4th Sec. Application 28967]

WATER-RAIL RATES ON SUGAR FROM BALTIMORE, MD., TO VIRGINIA, NORTH CAROLINA, AND TENNESSEE.

APPLICATION FOR RELIEF

MARCH 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sugar, carloads.

From: Baltimore, Md.

To: Specified points in North Carolina, Tennessee and Virginia (water-rail routes).

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1217, supplement 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–1607; Filed, Mar. 5, 1954; 8:48 a. m.]

[4th Sec. Application 28969]

SCRAP IRON FROM MILWAUKEE, WIS., TO HAMILTON, ONTARIO

APPLICATION FOR RELIEF

MARCH 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedules listed below.

Commodities involved: Scrap iron or steel, carloads.

From: Milwaukee, Wis.

To: Hamilton, Ont.

Grounds for relief: Competition with rail carriers, water carriers, and circuity.

Schedules filed containing proposed rates: Chesapeake and Ohio Railway Company, I. C. C. No. 13099, supplement 82; Grand Trunk Western Railroad Company, I. C. C. No. A–2909, supplement 127.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–1608; Filed, Mar. 5, 1954; 8:48 a. m.]

[4th Sec. Application 28970]

FERTILIZER COMPOUNDS AND AMMONIUM SULPHATE FROM LOUISIANA TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Fertilizer compounds and ammonium sulphate, carloads.

From: Luling, Boutte and Avondale, La.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, market competition, circuity, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 144; C. A. Spaninger, Agent, I. C. C. No. 1221, supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–1609; Filed, Mar. 5, 1954; 8:48 a. m.]

[4th Sec. Application 28968]

ISOBUTYL ALCOHOL AND ETHYL ETHER FROM LONGVIEW, TEX. TO HOLSTON AND KINGSPORT, TENN.

APPLICATION FOR RELIEF

MARCH 3, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Isobutyl alcohol, and ethyl ether (sulphuric ether) other than anesthesia ether, in tank-car loads.

From: Longview, Texas.

To: Holston and Kingsport, Tenn.

Grounds for relief: Competition with rail carriers, circuity, additional related commodities.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4094, supplement 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–1610; Filed, Mar. 5, 1954; 8:48 a. m.]

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VOLUME 19 NUMBER 46

Washington, Tuesday, March 9, 1954

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 526, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.633 (Lemon Reg. 526, 19 F. R. 1111) are hereby amended to read as follows:

(ii) District 2, 250 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1654; Filed, Mar. 8, 1954; 8:50 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

SUBPART—ORDER REGULATING HANDLING

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FEDERAL REGISTER

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(For use during 1954)

The following Supplements are now available:

Title 18 ($0.45)

Title 25 ($0.45)

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AUTHORITY: §§ 993.1 to 993.97 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 993.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* (1) The findings hereinafter set forth are supplementary and in addition to the findings and determinations which were made in connection with the original issuance of (14 F. R. 5254) of the marketing agreement and order, as supplemented by the findings and determinations which were made in connection with the issuance (16 F. R. 8437) of the amendment of such marketing agreement and order which was issued on August 17, 1951, and all of said previous findings and determinations, except the findings as to the base period for the parity computation, are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein; (2) the amended order, as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act; (3) said amended order will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included, in the proposals upon which the amendment hearing has been held; and (4) there are no differences in the production and marketing of dried prunes in the production area covered by said amended order, which make necessary different terms applicable to different parts of such area.

(b) *Additional findings.* It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date of this further amended order until 30 days after publication in the FEDERAL REGISTER (see 5 U. S. C. 1001 et seq.). Included in the further amended order is a provision relating to the election of independent producer member and alternate member nominees which requires that prior to March 1 of each election year (of which 1954 is one) the committee shall cause a meeting to be held in each of the seven election districts for the purpose of obtaining names of proposed candidates for nomination to the Secretary for selection as members and alternate members for the respective districts. Provisions also are made for balloting by mail for the independent producer nominees subsequent to such meetings. Heretofore, nominees were elected directly in meetings held for that purpose prior to March 31 of each election year. In order to insure operations in conformity with the new provisions relating to nominations of committee members and alternate members and to effectuate the declared policy of the act, it is necessary that this further amended order be made effective as soon as practicable. The provisions of the further amended order are well known to the handlers of dried prunes since the public hearing on the proposed amendments was held in April 1953, and the recommended decision and the final decision were published in the FEDERAL REGISTER on September 2, 1953 (18 F. R. 5304), and January 1, 1954 (19 F. R. 17), respectively; and copies of the regulatory provisions of said regulation have been made available to all known interested persons.

In view of such advance information, compliance with the provisions of the further amended order by handlers will not require any advance preparation. In these circumstances, the provisions of this further amended order are hereby made effective as of the date of the publication of this document in the FEDERAL REGISTER.

(c) *Determinations.* It is hereby determined that: (1) The marketing agreement, as further amended, regulating the handling of dried prunes produced in California, which includes amendments upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping dried prunes covered by this amended order) who handled not less than 50 percent of the volume of such dried prunes covered by this amended order;

(2) The issuance of this further amended order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1952 through July 31, 1953), were engaged, within the State of California, in the production for market of prune plums for drying or dehydrating into prunes; and

(3) The issuance of this further amended order is favored or approved by producers who participated in a referendum on the question of its approval and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of prune plums for drying or dehydrating into prunes represented in such referendum and produced within the State of California for market.

Order relative to handling. It is, therefore, ordered, that the handling of dried prunes produced in California shall, from the effective time of this amended order, be in conformity to, and in compliance with, the terms and conditions of this amended order.

DEFINITIONS

§ 993.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary under the act.

§ 993.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 993.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 993.4 *Prunes.* "Prunes" means and includes all sun-dried or artificially dehydrated plums, of any type or variety, produced from plums grown in the State of California, except: (a) Sulfur-bleached prunes which are produced from yellow varieties of plums and are commonly known as silver prunes; (b) plums which have not been dried or dehydrated to a point where they are capable of being stored prior to packaging, without deterioration or spoilage, unless refrigeration or other artificial means of preservation are used, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California, for the specialty pack known as "high moisture content prunes," but this exception shall not apply if and when such plums are dried to the point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved; and (c) prunes as used in § 993.62.

§ 993.5 *Natural condition prunes.* "Natural condition prunes" means prunes which have not been processed.

§ 993.6 *Processed prunes.* "Processed prunes" means prunes which have been cleaned, or treated with water or steam: *Provided*, That prunes shall not become processed prunes at the time they are cleaned by a producer or a dehydrator in the course of preparing them for delivery to a producer, dehydrator, or handler.

§ 993.7 *Standard prunes.* "Standard prunes" means any lot of natural condition prunes meeting the applicable grade and size standards prescribed pursuant to § 993.48.

§ 993.8 *Standard processed prunes.* "Standard processed prunes" means any lot of processed prunes meeting the applicable grade and size standards prescribed pursuant to § 993.49.

§ 993.9 *Substandard prunes.* "Substandard prunes" means any lot of processed or natural condition prunes failing to meet the applicable grade and size standards prescribed pursuant to §§ 993.48 and 993.49.

§ 993.10 *Handle.* "Handle" means to receive, process, package, sell, consign, transport, or ship or in any other way to place prunes in the current of commerce (except as a carrier of prunes owned by another person), whatever may be the ultimate destination or end use of the prunes: *Provided*, That this term shall not include: (a) The selling or delivering of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the State of California; (b) the receiving of prunes by a producer or dehydrator from a producer or dehydrator; and (c) the buying, receiving, selling, or otherwise dealing by a person with prunes which have already been handled within the meaning of this definition by another person, but this exclusion shall be of no effect for the purpose of applying the applicable restrictions of § 993.49 or § 993.50 to the subsequent handling of prunes in the event a handler's prunes are excepted from restrictions in the manner specified in § 993.49 (e) (1) or § 993.50 (c).

§ 993.11 *Handler.* "Handler" means any person who handles prunes.

§ 993.12 *Dehydrator.* "Dehydrator" means any person who produces prunes by drying or dehydrating plums by means of sun-drying or artificial heat.

§ 993.13 *Producer.* "Producer" means any person who is engaged, in a proprietary capacity, in growing plums for drying or dehydrating into prunes.

§ 993.14 *Ton.* "Ton" means a short ton of 2,000 pounds.

§ 993.15 *Grade.* "Grade" means the classification of prunes for quality and condition according to the grading specifications established pursuant to the provisions of this subpart.

§ 993.16 *Size.* "Size" means the number of prunes contained in a pound or the classification of prunes into their various count groups in accordance with the usual practice of the industry.

§ 993.17 *Crop year.* "Crop year" means the 12-month period beginning August 1 of any year and ending July 31 of the following year.

§ 993.18 *Domestic.* "Domestic" means the continental United States, Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands, and Canada.

§ 993.19 *Proper storage.* "Proper storage" means storage of such character as will maintain prunes in the same condition as when received by the handler, except for normal and natural deterioration and shrinkage.

§ 993.20 *Part and subpart.* "Part" means the order regulating the handling of dried prunes produced in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of dried prunes produced in California shall be a "subpart" of such part.

PRUNE ADMINISTRATIVE COMMITTEE

§ 993.24 *Establishment of Prune Administrative Committee.* A Prune Administrative Committee (hereinafter referred to as the "committee"), consisting of 21 members, with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom, with their respective alternates, 14 shall represent producers and 7 shall represent handlers.

§ 993.25 *Term of office.* The term of office of members, and their respective alternates, shall be two years, ending on May 31 of even numbered years, and any later date which may be necessary for the selection and qualification of their respective successors.

§ 993.26 *Selection.* Selection of members of the committee, and their respective alternates, shall be made by the Secretary, for the producer and handler groups from the nominations submitted for that purpose by the respective groups except as otherwise provided in § 993.32, or from among other qualified persons, in the discretion of the Secretary, but such selections shall be made by the Secretary from the classes within each group and in the proportions set forth in § 993.28.

§ 993.27 *Eligibility.* Each producer member and alternate member of the committee selected to represent a district described in § 993.28 (a) (1) shall be, at the time of his selection and during his term of office, a producer in the district for which he is selected, and shall not be engaged in the handling of prunes, either in a proprietary capacity or as a director, officer, or employee. Each producer member and alternate member of the committee selected to represent producers-at-large in the manner contemplated in §§ 993.26 and 993.28 (a) (3) may be, at the time of his selection and during his term of office, a producer in any district, but he shall not be engaged in the handling of prunes, either in a proprietary capacity or as a director, officer, or employee. Each handler member and alternate member of the committee shall be either a handler of prunes, or an employee, or agent of a handler of prunes, actually engaged in the handling of prunes while he is such member or alternate member.

§ 993.28 *Nominees*—(a) *Producer nominees*—(1) *Independent producers.* Prior to March 1 of each election year, the committee shall cause to be held, in each of the seven election districts which are described below in this subparagraph, a meeting for the purpose of obtaining names of proposed candidates for nomination to the Secretary for selection as members and alternate members for the respective districts. Each such candidate must be a producer in the district for which he is proposed. Prior to March 15 of that election year, the committee shall prepare for each district and mail to each producer of record in that district who is not a member of a cooperative marketing association a ballot containing the names of such proposed candidates for that district, and the ballot shall also contain blank spaces for use by the voters in writing in the names of any other eligible producers for whom they may wish to vote in lieu of any of those listed. However, the committee may, if it should deem such action to be desirable, use such a ballot for two or more districts jointly: *Provided*, That the returns shall be considered in the light of the voting by each district separately, and subject to the terms and conditions specified herein which are applicable to voting in the individual districts. Each voter shall be entitled to cast only one vote for a member nominee and only one vote for an alternate member nominee in a district in which he is a producer, and no voter shall vote for candidates in more than one district. In case he is a producer in more than one district, he shall elect in which of such districts he will vote and notify the committee as to his choice. In order to be counted, such a mail ballot must be executed and returned to the committee postmarked not later than the following March 31. One nominee for member and one nominee for alternate member for each district shall be submitted to the Secretary by the committee on the basis of those receiving the plurality of the mail ballots cast for the respective positions in the particular district. The seven districts which are referred to above are described as follows:

District No. 1. The counties of Modoc, Lassen, Plumas, Sierra, Butte, Sutter, Yuba, Nevada, and Placer.

District No. 2. The counties of Napa and Solano.

District No. 3. The counties of Mendocino, Lake, Sonoma, Marin, Del Norte, and Humboldt.

District No. 4. The counties of San Francisco, San Mateo, and Santa Cruz, and all that portion of the territory in Santa Clara County west of a line described as follows: Beginning at the intersection of Alviso Road and San Francisco Bay in Alviso; thence south via Alviso Road to First Street in San Jose; thence south on said First Street to San Carlos Street in San Jose; thence west on San Carlos Street to Meridian Road; thence south on Meridian Road to Dry Creek Road; thence west on Dry Creek Road to the San Jose-Los Gatos Highway; thence southwesterly on the San Jose-Los Gatos Highway to Union Avenue, also known as Ware Avenue; thence south on Union Avenue, also known as Ware Avenue, along a straight line continuing to the Santa Cruz County line.

District No. 5. All of Alameda County and that part of Santa Clara County east and south of District No. 4, extending in a southerly direction to a straight line extending from along the main portion of the Cochran Road, northeasterly to the Stanislaus County line and southwesterly to the Santa Cruz County line.

District No. 6. The counties of San Benito, Monterey, and San Luis Obispo, and all of that portion of Santa Clara County not included in Districts No. 4 and No. 5.

District No. 7. All of the counties in the State of California not included in Districts No. 1 to No. 6, inclusive.

At any time the Secretary concludes that the respective areas covered by the aforementioned seven districts, as delineated above, no longer represent approximately equal segments from the standpoints of numbers of producers of prunes or productions of prune tonnages, he may change such areas with a view to reestablishing such equalization on the basis of the existing situations.

(2) *Cooperative producers.* Prior to March 1 of each election year, the committee shall report to the Secretary the total tonnage of prunes handled by all handlers as the first handlers thereof and the total tonnage of prunes handled by cooperative marketing associations as the first handlers thereof during the crop year preceding such election year. Prior to March 15 of each election year, the Secretary shall determine and announce the number of producer member nominees and producer alternate member nominees which shall be nominated by cooperative marketing associations handling prunes on behalf of their members. Such number of nominees shall bear, as far as practicable, the same percentage compared to the total of 14 producer members and their alternates as the prune tonnage handled by cooperative marketing associations as the first handlers thereof bears to the total tonnage handled by all handlers as the first handlers thereof during the crop year preceding such election year. Prior to March 31 of each election year the cooperative marketing associations handling prunes shall nominate to the Secretary on behalf of their members such number of producer nominees and their respective alternates.

(3) *Producers-at-large.* The number of nominees and their respective alternates then required to make up the total of 14 producer member nominees and their alternates shall be nominated to the Secretary by the seven independent producer nominees nominated for members on the committee pursuant to the provisions of this section. Such nominations shall be made prior to April 15 and shall be by majority vote.

(b) *Handler nominees.* Prior to March 15 of each election year, the Secretary shall determine and announce the number of handler member nominees and handler alternate member nominees which shall be nominated by cooperative marketing associations handling prunes, on the same basis as his determination of the number of cooperative producer nominees, as set forth in paragraph (a) (2) of this section, and at the same time he shall determine and announce, for those handlers who are not cooperative marketing associations (referred to in this subpart as "independent handlers"), the number of handler member nominees and handler alternate member nominees to be nominated by large handlers, the number to be nominated by medium handlers, and the number to be nominated by small handlers. Large handlers shall be deemed to be those who during the preceding crop year individually handled as the first handlers thereof, 17 or more percent of the total tonnage handled by independent handlers as the first handlers thereof; medium handlers, those who during the preceding crop year individually handled as the first handlers thereof, eight or more percent but less than 17 percent of the total tonnage handled by independent handlers as the first handlers thereof; and small handlers, those who during the preceding crop year individually handled as the first handlers thereof, less than eight percent of the total tonnage handled by independent handlers as the first handlers thereof. The Secretary shall, in his discretion and insofar as it is possible to do so, apportion 40 percent of the independent handler nominees to large handlers, 20 percent of the independent handler nominees to medium handlers, and 40 percent of the independent handler nominees to small handlers, but in the event that these proportions cannot be followed, there shall be at least one independent handler member nominee and handler alternate member nominee apportioned to each of the three classes of independent handlers, and the nominees for any remaining member positions, including the respective alternates, shall be apportioned to the size class or classes as determined at a general meeting of independent handlers which shall be called for that purpose by the committee, such determination to be made on the basis of a majority vote of all independent handlers who are present at such meeting and participate in the voting, and on the further basis of one vote for each such handler in each balloting. Prior to March 31 of each election year, the cooperative marketing associations handling prunes shall nominate to the Secretary such number of handler member nominees and their respective alternates as the Secretary has determined and announced for cooperative marketing associations. Prior to March 31, at a meeting called for that purpose by the committee, each class of independent handlers shall nominate the number of handler member nominees and their respective alternates as determined and announced by the Secretary for each class, respectively. At such meeting, nominations shall be made by each class of independent handlers for nominees of that class, on the basis of a majority vote of all handler members of that class present and participating in the voting and on the further basis of one vote for each handler in each class in each balloting for nominees of that class.

§ 993.29 *Alternates.* An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 993.30 *Failure to nominate.* In the event nominations for any positions on the committee are not received within the prescribed periods, the Secretary may select such members or their alternates, without regard to nominations, but each such selection shall be on the bases prescribed in § 993.28.

§ 993.31 *Acceptance.* Each person selected as a member or alternate member of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance within 15 days after receiving notice of his selection.

§ 993.32 *Vacancies.* In the event of any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify, or, by the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated within 60 calendar days after such vacancy occurs. Such nomination shall be made in the manner provided for in this subpart, insofar as applicable, except that nominations for independent producer member and alternate member positions may, at the discretion of the committee, be made to the committee by the incumbents of the remaining independent producer member positions.

§ 993.33 *Obligations.* Upon the removal, resignation, disqualification, or expiration of the term of office of any member or alternate member of the committee, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary all property (including, but not limited to, all books and records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property, funds, and claims vested in such member or alternate member shall be vested in his successor or, until such successor has been selected and has qualified, in the committee.

§ 993.34 *Voting procedure and verbatim record.* Except as specifically otherwise provided in this section, all decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present. A quorum shall consist of at least 12 members of whom at least eight must be producer members and at least four must be handler members. Except in case of emergency, a minimum of five days' advance notice must be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption. Any recommenda-

tion submitted to the Secretary by the committee, pursuant to the requirements of §§ 993.41 through 993.45, §§ 993.48 through 993.50, or §§ 993.59 through 993.63, shall be on the basis of an affirmative vote by at least 75 percent of the members present (in case of fractional numbers, expressed in terms of the next highest whole number): *Provided*, That, at least 11 members vote affirmatively on any such recommendation. The committee shall file with the Secretary, along with recommendations submitted to the Secretary pursuant to the requirements of §§ 993.41 through 993.45, §§ 993.48 through 993.50, or §§ 993.59 through 993.61, a verbatim record of those portions of its meetings relative to such requirements. Whenever the committee votes on any matter involving a recommendation or proposal to the Secretary, it shall report promptly to the Secretary the individual votes cast in connection therewith, and, in addition, the committee shall report to the Secretary the individual votes cast in connection with any other matter on which there is a roll call.

§ 993.35 *Compensation and expenses.* The members of the committee, and their alternates when acting as members, shall receive $10.00 per day for each day devoted to performing their duties hereunder, plus their reasonably necessary expenses.

§ 993.36 *Powers.* The committee shall have the following powers:

(a) To administer the terms and provisions of this subpart;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 993.37 *Duties.* The committee shall have, among others, the following duties:

(a) To act as intermediary between the Secretary and any producer, dehydrator, or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(c) To make, subject to the prior approval of the Secretary, scientific and other studies, and assemble data on the producing, handling, shipping, and marketing conditions relative to prunes, which are necessary in connection with the performance of its official duties;

(d) To select, from among its members, a chairman and other appropriate officers, and to adopt such rules and regulations for the conduct of the business of the committee as it may deem advisable;

(e) To appoint or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of such persons;

(f) To submit to the Secretary not later than the fourth Tuesday of July of each year, a budget of its anticipated expenditures and the recommended rate of assessment for the ensuing crop year, and the supporting data therefor;

(g) To submit to the Secretary such available information with respect to prunes as the committee may deem appropriate, or as the Secretary may request;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee, exclusive of surplus tonnage operations, and to make such statements, together with the minutes of the meetings of said committee, available for inspection at the offices of the committee, by producers, dehydrators, and handlers;

(i) To prepare and submit to the Secretary annually, as soon as practicable after the end of each crop year and at such other times as the committee may deem appropriate or the Secretary may request, a statement of the financial operations of the committee with respect to the surplus tonnage for such crop year and to make such statement available at the offices of the committee, for inspection by producers, dehydrators, and handlers;

(j) To cause the books of the committee to be audited by a certified public accountant at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request. Such report shall show, among other things, the receipt and expenditures of funds. At least two copies of such audit report shall be submitted to the Secretary; a copy of each such report shall be available, at the offices of the committee, for inspection by producers, dehydrators, and handlers;

(k) To give the Secretary the same notice of meetings of the committee as is given to the members of the committee;

(l) To give producers, dehydrators, and handlers reasonable advance notice of meetings of the committee, and to maintain all such meetings open to such persons;

(m) To investigate compliance with the provisions of this subpart and with any rules and regulations established pursuant to such provisions; and

(n) To establish, with the approval of the Secretary, such rules and procedures relative to administration of this subpart as may be consistent with the provisions contained in this subpart and as may be necessary to accomplish the purposes of the act and the efficient administration of this subpart.

MARKETING POLICY

§ 993.41 *Report of marketing policy.* Prior to the beginning of each crop year, the committee shall prepare and submit to the Secretary a report setting forth its marketing policy for the regulation of the handling of prunes in such crop year, pursuant to §§ 993.48 through 993.63. Such report shall include the data and information used by the committee in the formulation of such marketing policy. In developing the marketing policy, the committee shall give consideration to the following factors:

(a) The estimated tonnage of prunes from preceding crop years held by handlers;

(b) The estimated tonnage of prunes from preceding crop years held by producers and dehydrators;

(c) The estimated production of prunes in such crop year;

(d) An appraisal of the quality and size of prunes of the crop to be produced in such crop year;

(e) The estimated tonnage of prunes marketed in recent crop years in domestic commerce, segregated by uses;

(f) The estimated tonnage of prunes marketed in recent crop years in foreign commerce, segregated by countries or groups of countries in such a way as to indicate the variables, if any, in the tonnages marketed in each such country or groups of countries under different pricing conditions;

(g) The current prices being received for prunes by producers, dehydrators, and handlers;

(h) The trend and level of consumer income;

(i) The estimated probable market requirements for prunes in such crop year in domestic commerce, segregated by uses;

(j) The estimated probable market requirements for prunes in such crop year in foreign commerce, segregated by countries or groups of countries in such a way as to reflect the apparent variables, if any, in such requirements under different pricing conditions;

(k) Such factors, in supplying foreign commerce, as may tend to directly affect, burden, and obstruct the normal channels of domestic commerce;

(l) Such other factors as may have a bearing on the marketing of prunes; and

(m) In the event that the committee contemplates that it will recommend to the Secretary that the salable and surplus percentages for a particular crop year should be established pursuant to the provisions of § 993.59 (b), it shall also consider, formulate, and include in its marketing policy its recommendations as to terms and conditions, including pricing formulae, for the sale of surplus tonnage that may be disposed of pursuant to the provisions of § 993.63 (b) (2), and a compensating payment calculated to move the desired quantity of prunes in export in accordance with said § 993.63 (b) (2).

§ 993.42 *Policy meeting.* The committee shall hold its initial policy meeting for the purpose of formulating and adopting the marketing policy for any crop year not later than the third Tuesday in June preceding the beginning of such crop year. It shall hold another meeting in this connection not later than the following July 12 (except that, if such date should fall on a legal holiday, a Saturday, or a Sunday, not later than the following work day) for the purpose of reconsidering its original marketing policy for the ensuing crop year, including the consideration of the Secretary's tentative views in respect thereto, submitted pursuant to § 993.43. The committee shall submit to the Secretary, as promptly as practicable after the conclusion of this second policy meeting, a report showing any revisions or changes it desires to make in its marketing policy for the ensuing crop year as formulated at its first meeting, together with the supporting data and reasons therefor. In the event the committee has recommended that the salable and surplus percentages for the ensuing crop year should be established pursuant to the provisions of § 993.59 (b), the Secretary shall have the right to disapprove any terms and conditions, including pricing formulae and compensating payment, submitted by the committee pursuant to the provisions of § 993.41 (m), within seven calendar days after he receives in Washington, D. C., the committee's policy report developed at said second marketing policy meeting.

§ 993.43 *Time of submission and Secretary's tentative views.* The original marketing policy report, together with any committee recommendation pursuant to § 993.41 (m), for any crop year shall be submitted to the Secretary within ten days after the policy meeting specified in § 993.42. The Secretary shall notify the committee of his tentative views in respect to the committee's marketing policy as soon as reasonably practicable after he receives the report thereon.

§ 993.44 *Subsequent modifications or changes.* In the event the committee subsequently determines that the marketing policy developed pursuant to § 993.42 should be modified or changed by reason of changes in economic or other conditions, it shall make such modification or change in the manner provided for above for the original formulation of a marketing policy, insofar as applicable, and shall submit promptly a report of such modified or changed marketing policy to the Secretary, along with the data which it considered in connection with the making of such modification or change: *Provided*, That, in case the salable and surplus percentages for the particular crop year were established pursuant to the provisions of § 993.59 (b), the Secretary shall notify the committee promptly of his views in regard to such modifications or changes, including any disapproval thereof.

§ 993.45 *Notice.* The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of the contents of each marketing policy report submitted to the Secretary and of each report modifying or changing a marketing policy. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. Copies of all such reports shall be maintained in the offices of the committee where they shall be available for examination by producers, dehydrators, and handlers.

GRADE AND SIZE REGULATIONS

§ 993.48 *Receiving of natural condition prunes by handlers*—(a) *General.* In order to effectuate the declared policy of the act, no handler shall receive prunes from producers or dehydrators, except in accordance with the terms and conditions with respect to grades and sizes set forth in this section: *Provided*, That no handler shall receive any prunes (either as standard prunes or as substandard prunes) from producers or dehydrators, unless such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. Any high moisture content prunes, as described in the exception in § 993.4 (b), in the possession of a handler, shall be held separate and apart from any surplus prunes (including both standard and substandard prunes) held by him. If, and so long as, a handler commingles his salable prunes with any surplus prunes, this prohibition as to storage shall apply to the entire mass. In the event such high moisture content prunes are dried or dehydrated to a point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved, they shall be deemed, at that time, to have been received by such handler as prunes, and to be subject to all of the conditions and restrictions of this subpart.

(b) *Regulation.* Continuing until such regulation is superseded by other regulations prescribed by the Secretary, no handler shall receive prunes from producers or dehydrators, other than as substandard prunes, unless they meet the minimum standards for natural condition prunes as set forth in § 993.97 (Exhibit A).

(c) *Superseding regulation.* In case the committee should recommend to the Secretary that the minimum standards as to grade, as provided for in paragraph (b) of this section, should be superseded by other minimum standards as to grades and sizes, it shall submit its recommendation to the Secretary, together with the data and information upon which it acted in making such recommendation, including information as to factors affecting the supply of, and demand for, prunes by grades and sizes, and such other information as the Secretary may request. The Secretary shall issue such superseding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any such superseding regulation, insofar as it applies to grades, shall not be below the applicable minimum standards for grades of natural condition prunes as set forth in § 993.97 (Exhibit A), and any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulations issued by the Secretary shall subsequently be modified, suspended, or terminated, in case he finds that the pertinent facts and circumstances so warrant; and the committee, in submitting any recommendation therefor to the Secretary, shall, in each instance, submit to him the information and data on the basis of which such recommendation is made. The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. In addition, the committee shall give written notice by registered mail of each superseding regulation issued by the Secretary to all handlers of whom the committee has a record.

(d) *Inspection.* Each handler shall, at his own expense, cause an inspection to be made of prunes tendered to him by any producer or dehydrator. Prior to accepting any such tender of prunes as prunes meeting the applicable minimum standards for grades and sizes, each such handler shall obtain a certificate that the prunes meet the aforementioned requirements for standard prunes as established pursuant to the provisions of paragraphs (b) or (c) of this section, and said handler shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory. Any prunes so certified as meeting the applicable requirements shall be known and referred to as standard prunes.

(e) *Substandard natural condition prunes*—(1) *Producer's or dehydrator's options.* Any natural condition prunes tendered to a handler by a producer or dehydrator which fail to meet the applicable minimum standards as to grades and sizes, may: (i) At the producer's or dehydrator's option, be returned to such producer or dehydrator for sorting; or, (ii) by agreement between such producer and handler or dehydrator and handler, be received pursuant to the provisions of subparagraph (2) of this paragraph; or, (iii) be turned over to the handler unsorted to be held by him, as substandard natural condition prunes, for the account of the committee. Any such substandard prunes, except as otherwise specifically provided, shall be treated the same as, and be subject to, the same provisions respecting surplus prunes, as contained in §§ 993.59 through 993.63, and, except those referred to in subparagraph (2) of this paragraph, shall be held by a handler separate and apart from any standard prunes held by him.

(2) *Equivalent quantity basis.* In the event a producer or dehydrator should elect to arrange with a handler for the receiving of substandard prunes tendered by him to such handler for sorting or disposing of such prunes unsorted in conformity with the provisions of this subpart, the inspection agency designated to make inspections of prunes shall issue, at the handler's expense, a certificate of appraisal on such prunes so tendered, which shall show the percentage thereof comprising offgrade prunes necessary to be removed therefrom for the remainder to be standard prunes. A quantity of prunes equivalent to the weight of such offgrade prunes represented by the application of such

percentage to the total tonnage so appraised and certified shall be treated as substandard prunes and held as such for the account of the committee: *Provided*, That any prunes so treated as substandard prunes shall be in conformity with the applicable requirements as set forth in subparagraph (3) of this paragraph and § 993.63 (f). No certificate of inspection on such substandard natural condition prunes so tendered shall be required pursuant to this section after a certificate of appraisal has been issued applicable to such prunes.

(3) *Comparable size requirement of prunes treated as surplus substandard prunes.* The weighted average size count of substandard prunes of a size count of 121 or less prunes per pound which are held for the account of the committee by a handler on the equivalent quantity basis prescribed in subparagraph (2) of this paragraph shall not exceed by more than five prunes per pound, when delivered to the committee the weighted average size count of such offgrade prunes in appraisal lots as shown on the applicable certificates of appraisal issued to the handler for that crop year. The weighted average size count of substandard prunes of a size count of 121 or less prunes per pound, which are turned over to a handler unsorted to be held by him as substandard prunes, for the account of the committee, shall be no greater when delivered to the committee than the weighted average size count of such offgrade prunes as shown on the applicable certificates of inspection issued to the handler for that crop year, except for such tolerance allowances in connection with shrinkage in weight as the committee may establish. Any substandard prunes of a size count of 122 or more prunes per pound, whether received as such or in appraisal lots, which are held for the account of the committee by a handler shall have no limitation with respect to the weighted average size count thereof when delivered to the committee: *Provided*, That such substandard prunes shall be treated as a size category separate and apart from any other substandard prunes held by the handler, and when delivered to the committee, the weighted average size count thereof shall not be averaged in with nor affect the weighted average size count of any other substandard prunes which the handler delivers to the committee.

§ 993.49 *Regulation of the handling of prunes subsequent to their receipt by handlers*—(a) *General.* In order to effectuate the declared policy of the act, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, except in accordance with the terms and conditions of this section.

(b) *Regulation.* Continuing until such regulation is superseded by other regulations prescribed by the Secretary, except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for standard prunes or standard processed prunes.

(c) *Superseding regulation.* In case the committee should recommend to the Secretary that the minimum standards as to grade, as provided for in paragraph (b) of this section, should be superseded by other minimum standards as to grades and sizes, it shall submit its recommendation to the Secretary together with the data and information upon which it acted in making such recommendation, including information as to factors affecting the supply of, and demand for, prunes by grades and sizes, and such other information as the Secretary may request. The Secretary shall issue such superseding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any such superseding regulation, insofar as it applies to grades, shall not be below the applicable minimum standards for grades of standard prunes or standard processed prunes, as set forth in § 993.97 (Exhibit A), and any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulation issued by the Secretary may subsequently be modified, suspended, or terminated in case he finds that the pertinent facts and circumstances so warrant, and the committee, in submitting any recommendation therefor to the Secretary shall, in each instance, submit to him the information and data on the basis of which such recommendation is made: *Provided*, That, at all times, the regulation shall be comparable so far as practicable, to the then current regulation in effect with respect to the receiving of natural condition prunes by handlers from producers or dehydrators. The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. In addition, the committee shall give written notice by registered mail of each superseding regulation issued by the Secretary to all handlers of whom the committee has a record.

(d) *Inspection.* Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, unless they are specifically excepted in this section, cause an inspection to be made of such prunes to determine whether they meet the then applicable grade and size standards for standard prunes or standard processed prunes. Each such handler shall not ship or otherwise make final disposition of such prunes, for any use unless they are specifically excepted in this section, if they do not meet such minimum standards. Such handler shall obtain a certificate that such prunes meet the aforementioned minimum standards and such handler shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory.

(e) *Exceptions to restrictions*—(1) *Inter-plant and inter-handler transfers.* Notwithstanding the restrictions contained in paragraphs (b) or (c) of this section, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California without having any inspection made as provided for in paragraph (d) of this section, and any handler may ship prunes from his plant to another handler's plant within the State of California without having an inspection made as provided for in paragraph (d) of this section. A report of such inter-handler transfer shall be made promptly by the transferring handler to the committee. The receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this section.

(2) *Defective prunes accumulated from standard prunes and prunes received by a handler for his own account which fail to meet the quality standards for disposition.* Any defective prunes which may be accumulated by a handler by removing them from his standard prunes and any prunes received by a handler for his own account which fail to meet the quality standards for the disposition of prunes, may be disposed of, or marketed for disposition, as animal feed, pitted prunes, or as other prune products in which they lose their form and character as prunes by conversion prior to consumption: *Provided*, That any such prunes which are disposed of, or marketed for disposition, for human consumption shall meet those minimum standards prescribed in § 993.97 (Exhibit A) as relate to the defects of mold, imbedded dirt, insect infestation, and decay. The committee shall issue any such rules and regulations as may be necessary to insure such uses. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes under this subparagraph, cause an inspection to be made of such prunes by the inspection agency. Such handler shall obtain from the inspection agency a certificate that such prunes meet the applicable conditions contained in this subparagraph, and submit it, or cause it to be submitted together with such other instruments and records as the committee may require, to the committee. Otherwise, such prunes may be shipped or disposed of for the purposes specified in this subparagraph without regard to the restrictions contained in paragraphs (b), (c), and (d) of this section.

§ 993.50 *Regulation of the handling of prunes during any crop year when the estimated seasonal average price is in excess of parity*—(a) *Determination.* If the Secretary should find that the estimated seasonal average price for prunes for any crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order in which such finding is set forth, and, in such order, he may provide that, for such crop year, the handling of prunes shall be in accordance with the provisions set forth in this section.

(b) *Receiving of prunes by handlers.* In lieu of the provisions set forth in § 993.48, a handler may receive any tender of prunes from a producer or dehydrator: *Provided*, That such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. For the assistance of the committee in its supervision of operations under this section, each handler shall, at his own expense, cause an inspection to be made by the inspection agency for the purpose of ascertaining the net weight of the delivery and the percentage of defective prunes in such delivery which is in excess of the maximum tolerances specified in § 993.97 (Exhibit A, paragraph C of subdivision I), and whether the prunes in the delivery meet the requirements of paragraph D of said subdivision I. In the case of each such inspection, the handler shall obtain from the inspection agency a certificate showing the results of the inspection including the percentage of such excess by defects or groups of defects, as the committee may require, and he shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee.

(c) *Disposition of prunes by handlers.* In lieu of the requirements set forth in § 993.49, no handler shall ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be. Also, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. Any handler may ship or otherwise make final disposition of any natural condition prunes or of any processed prunes, as the case may be, for any use other than those referred to in the two preceding sentences. Such disposition without regard to the quality of prunes shall include, but is not limited to, disposition for animal feed, botanicals, and distillation. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, cause an inspection to be made by the inspection agency to determine whether they meet the applicable grade standards, as set forth in this paragraph, and he shall obtain from the inspection agency a certificate that such prunes meet the aforementioned applicable minimum standards and submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Notwithstanding the aforesaid restrictions, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California, and any handler may ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and certificate issued. A report of each inter-handler transfer shall be made promptly by the transferring handler to the committee, and the receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this paragraph. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that prunes are disposed of for the respective uses for which they were intended, and that the prunes used for each particular purpose meet the applicable minimum grade standards prescribed in this paragraph.

(d) *Inspection agency.* The inspection agency referred to in this section shall be the same as the inspection agency which is provided for in §§ 993.48 and 993.49.

(e) *Assessments.* In lieu of the payment of assessments pursuant to the computation method prescribed in § 993.81 (a), each handler shall pay to the committee, upon demand, with respect to all prunes received by him as the first handler thereof, his pro rata share of such expenses which the Secretary finds will be incurred pursuant to the provisions of § 993.80 by the committee during such crop year. Also, in such an event, each handler's pro rata share of such expenses shall be equal to the ratio between the total tonnage received by him as the first handler thereof during such crop year and the total tonnage received by all handlers as the first handlers thereof during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all prunes received by handlers as the first handlers thereof during such crop year to obtain sufficient funds to cover any finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage during the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its authorized functions. In all other respects, the provisions of §§ 993.80 through 993.82 shall remain in full force and effect.

(f) *Effective provisions.* In any crop year while the provisions of this section are in effect, the provisions of §§ 993.1 through 993.45, §§ 993.71 through 993.77 and §§ 993.84 through 993.93 shall remain in full force and effect, except to the extent that they may be in conflict with the provisions of this section or of the act.

SALABLE AND SURPLUS TONNAGE REGULATIONS

§ 993.59 *Salable and surplus percentages*—(a) *Method of establishment.* (1) After considering all available information and factors used in formulating the marketing policy, the committee, not later than the third Tuesday of June in any crop year, shall recommend to the Secretary the establishment of a salable percentage and a surplus percentage during the crop year for which the marketing policy is developed. The committee shall submit such recommendation to the Secretary within ten days after the initial policy meeting specified in § 993.42. The Secretary shall notify the committee promptly of his tentative views in respect to the committee's initial recommendation as to such percentages. The committee shall hold another meeting in this connection not later than the following July 12 (except that, if such date should fall on a legal holiday, a Saturday, or a Sunday, not later than the following work day) to reconsider its initial recommendations in the matter, including the Secretary's tentative views in respect to such initial recommendations. The committee shall submit to the Secretary, as soon as practicable after the conclusion of this second meeting, a report showing any revisions or changes it desires to make in its initial recommendations on the matter, together with the supporting data and reasons therefor. Whenever the Secretary finds from the recommendation and information submitted by the committee, or from other available information, that to establish a salable percentage and surplus percentage of prunes for any crop year would tend to effectuate the declared policy of the act, he shall so establish such percentages. The total of the salable and surplus percentages fixed each crop year shall equal 100 percent. The salable and surplus percentages fixed for any crop year shall remain in full force and effect throughout the remainder of that crop year and during the following crop year until such percentages are fixed for the following crop year.

(2) The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of any such percentages made effective by the Secretary. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media.

(3) In addition, the committee shall give written notice by registered mail of the percentages made effective by the Secretary to all handlers of whom the committee has a record.

(b) *Special conditions under which probable market requirements for prunes in foreign commerce may be excluded, in whole or in part, from the estimates upon which the salable percentage is based.* In the event the committee determines that, based upon then existing conditions,

the total estimated supply of prunes in any crop year will exceed the total probable market requirements in domestic and foreign commerce for such crop year, to such an extent that to include all of such probable market requirements in the estimates upon which the salable percentage is based would not tend adequately to effectuate the declared policy of the act, the committee may recommend a salable percentage which excludes the estimated market requirements for prunes of any foreign country, or any group of foreign countries, designated by the committee in its recommendation: *Provided*, That the committee, in formulating its marketing policy, has determined that the market requirements for prunes of such country or group of countries, based on the factors expressed in paragraphs (f), (j), and (k) of § 993.41 and the projections derived therefrom, can be increased, to an extent sufficient to effectuate the declared policy of the act more adequately if such market requirements are supplied pursuant to the provisions of §§ 993.41 (m) and 993.63 (b) (2).

§ 993.60 *Salable tonnage.* The salable tonnage of prunes of a handler shall be the sum of the salable tonnage portions of the prunes delivered to the handler by individual producers and dehydrators. The salable tonnage portion of prunes delivered to the handler by an individual producer or dehydrator shall be the tonnage resulting from the application of the salable percentage to the quantity of prunes (including standard and substandard prunes) so delivered, plus any tonnage of standard prunes delivered by such producer or dehydrator to the handler and covered by a diversion certificate; however, if the salable tonnage portion so computed exceeds the quantity of standard prunes delivered to the handler by the individual producer or dehydrator, it shall be reduced to the quantity of standard prunes so delivered. The handler may sell such salable tonnage in any manner he deems advisable subject to the applicable requirements specified in §§ 993.48 and 993.49. No handler shall handle any quantity of prunes in excess of his salable tonnage, except such prunes as may be obtained from surplus tonnage as specified in § 993.63, and except as provided in paragraph (g) of § 993.61. In no event, however, shall a handler be prevented from handling salable tonnage acquired by him from another handler who has received such tonnage from producers, dehydrators, or other handlers in accordance with all the provisions of this subpart.

§ 993.61 *Surplus tonnage*—(a) *Computation.* The surplus tonnage of prunes of a handler shall be the sum of the surplus tonnage portions of the prunes delivered to the handler by individual producers and dehydrators. The surplus tonnage portion of prunes delivered to the handler by an individual producer or dehydrator shall be the tonnage resulting from the application of the surplus percentage to the quantity of prunes (including standard and substandard prunes) so delivered, less any tonnage of standard prunes delivered by such producer or dehydrator to the handler and covered by a diversion certificate; however, if the surplus tonnage portion so computed is less than the quantity of substandard prunes delivered to the handler by the individual producer or dehydrator, it shall be increased to the quantity of substandard prunes so delivered. The committee shall authorize and permit a nonprofit cooperative agricultural marketing association, which has contractual authority to so pool the tonnage of its members, to concentrate the tonnage of its producer members before applying the surplus tonnage provision of this subpart.

(b) *Holding and delivery.* Each handler shall hold for the committee in proper storage, all surplus tonnage received by him until relieved of such obligation by the committee. The committee may, at any time, require a handler to deliver to it, or to anyone designated by it, at such handler's warehouse or at such other place as the prunes may be stored by the handler, surplus tonnage held by him. The committee may require that such delivery consist of natural condition prunes or it may arrange for such delivery to consist of processed prunes.

(c) *Substandard surplus prunes.* Substandard prunes, except defective prunes referred to in § 993.49 (e) (2), shall be held separate from other prunes held by any handler. The committee shall dispose of substandard prunes as expeditiously as it is practicable to do so, in any manner designated by the committee which is not contrary to any provisions of this subpart for the disposition of substandard prunes.

(d) *Storage facilities.* The committee may rent and operate, or arrange for the use of, facilities for storage and handling of surplus tonnage.

(e) *Exchange.* The committee may establish methods and procedures, including compensating payments, for the exchange by handlers of salable tonnage prunes for surplus standard prunes held by or for the committee, of the various grades and sizes of prunes: *Provided, however,* That no such exchange shall be permitted of substandard prunes. Such transfers shall be on a negotiated basis.

(f) *Payment for services.* Handlers shall be paid for necessary services rendered by them in connection with surplus tonnage, including, but not limited to, receiving, storing, grading, and fumigating, in accordance with a schedule of payments established by the committee and approved by the Secretary. If any handler, prior to December 1 of the crop year, demands removal of such surplus tonnage by the committee, such handler automatically waives payment for any and all charges that may have accrued for storing such surplus tonnage, including in and out charges. When any demand for removal is made, the committee shall remove such surplus tonnage from said handler's possession as expeditiously as practicable, and in any event within 30 days following receipt of written notice.

(g) *Deferment of obligation.* The committee may defer, upon the written request of any handler and for good and sufficient cause, the fulfilling by such handler of his surplus tonnage obligation for a specified period ending not later than November 15 of the then current crop year: *Provided*, That no handler shall dispose of any tonnage of standard prunes during such deferment period in excess of the tonnage he is authorized to handle as specified in § 993.60 plus the tonnage for which such handler holds purchase contracts with producers and dehydrators. As a condition to the granting of any such deferment, the committee shall require the handler to obtain and file with it a written undertaking that by the end of the deferment period he will have fully satisfied his obligation with respect to the holding or control by him of the surplus tonnage applicable to his receipts of prunes from producers and dehydrators. Such undertaking shall be secured by a bond or bonds to be filed with, and acceptable to, the committee, with surety or sureties satisfactory to the committee, running in favor of the committee and the Secretary, and for an amount computed on the basis of the then current market value of the prunes in the quantity for which the deferment is granted. The cost of such bond shall be borne by the handler filing same. Any sums collected through default of a handler on his bond shall, after reimbursement of the committee for any expenses incurred by it in effecting collection, be deposited with the funds obtained by it from the disposition of the surplus tonnage and disbursed by it to persons as set forth in § 993.63 (i) (2). In addition to the foregoing, the committee may establish other reasonable terms and conditions upon which such deferments may be granted.

§ 993.62 *Diversion privileges.* The word "prunes" as used in this section means plums of a variety used in the production of prunes. No producer shall be required to divert all or any portion of these prunes. Any producer may, if he chooses, participate to the extent set forth in this section, by diverting all or a portion of his production of prunes to nonhuman uses or may divert such prunes by leaving them unharvested, or may divert them to such other uses as may be approved by the committee, subject to the following terms and conditions:

(a) The producer shall first make application in writing to the committee for permission to divert prunes, disclosing in such application whether such prunes are to be diverted to nonhuman use, whether they are to be left unharvested, or to what other use they are to be diverted, and describing in detail the location of such prunes or portion thereof.

(b) If the committee approves such application, it shall estimate the amount of the production to be so diverted, on a dried weight basis, and shall advise the applicant, in writing, of its estimate of such dried production and of its approval of the application to divert, subject to satisfactory proof by the applicant that such prunes have actually been diverted as stated in his application.

(c) After receipt by the committee of satisfactory proof of such diversion, the committee shall issue to the applicant and made out in his name, a certificate of salable tonnage or diversion certificate for the dried weight of such prunes equal to the salable percentage as applied to the estimated dried production.

(d) Such diversion certificate shall not be transferable to another producer, or a handler, or any other person, except with the approval of the committee, evidenced by its endorsement of approval on the certificate.

(e) A certificate of salable tonnage or diversion certificate, so issued, shall entitle a producer to deliver to a handler, and a handler to receive, the specified dried weight of prunes free from all surplus set aside requirements in addition to the portion of all of such producer's delivery which would otherwise constitute salable tonnage, and shall entitle a handler, upon presentation of such certificate to the committee to satisfy his surplus tonnage requirements to the extent of the dried weight of prunes specified in such certificate.

(f) Any producer who diverts prunes pursuant to the provisions of this section and any other holder of diversion certificate, shall not be entitled to participate in the proceeds of the surplus tonnage for any prunes so diverted.

(g) Prior to the delivery of the diversion certificate to the producer, he shall pay to the committee the reasonable expense assessed by the committee for examining, estimating, weighing, or otherwise supervising the diversion.

§ 993.63 *Disposition of surplus tonnage*—(a) *Sales to United States Government and foreign governments.* (1) The committee is authorized to sell direct, or to sell to handlers for resale, surplus tonnage to the United States Government or to any agency thereof (including, but not limited to, sales for domestic or foreign relief purposes, school lunch and institutional feeding, or for foreign economic assistance), or to any foreign government. Such sales may be at negotiated prices with adequate consideration to probable processing costs.

(2) The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell to any foreign government, surplus prunes pursuant to this paragraph, complete information with respect thereto, including the basis therefor. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(b) *Sales for export*—(1) *Countries included in estimate of salable percentage.* In the event it appears that the total salable tonnage is not, or will not be, sufficient to meet the estimated domestic and foreign requirements due to the expansion of foreign markets in countries which were included in the estimates upon which the salable percentage was based, to a greater extent than was anticipated at the time the salable percentage was recommended to the Secretary, the committee may offer to sell, and sell, to handlers for resale, surplus standard prunes sufficient to meet such deficiency in the salable tonnage. The quantity of prunes included in any offer to sell to individual handlers shall be in such proportion as the committee determines will effect equity among all handlers. Prior to making any offer, the committee shall determine the price at which the prunes included in such offer shall be sold, taking into consideration factors and conditions affecting the marketing of prunes at the time of such offer and establishing a price consistent with such factors and conditions.

(2) *Countries not included in estimate of salable percentage.* In any crop year in which the estimated market requirements of a foreign country or group of foreign countries are excluded from the estimates upon which the salable percentage is based, the committee shall offer to sell, and sell, to handlers, a quantity of surplus standard prunes not greater than the aggregate quantity of standard prunes, and standard processed prunes calculated on the basis of natural condition weight, sold and shipped by all handlers for use in or shipment to such country or group of countries during such crop year. At the end of each month, or at the end of any period shorter than a month that the committee may establish, to the extent that surplus standard prunes are available and uncommitted, the committee shall offer a quantity thereof equivalent to the aggregate quantity of standard prunes, and standard processed prunes calculated on the basis of natural condition weight, sold by all handlers for use in or shipment to such foreign country or group of foreign countries during the period just ended. Any cancellation of a sale in or for shipment to such foreign country or group of foreign countries shall be adjusted in the period in which such cancellation occurs, or as soon thereafter as is reasonably practicable, by reducing the quantity of prunes subsequently offered by the quantity of prunes included in such cancelled sale. In any offer by the committee to sell surplus standard prunes to handlers pursuant to this subparagraph, each handler shall be given the first opportunity to purchase his share of the offer, which share shall be determined as the same proportion that the respective surplus tonnage held by him is of the total surplus tonnage held by all handlers. In the event that any handler declines or fails to purchase any or all of his share of such offer, the remaining portion thereof shall be reoffered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to their respective shares: *Provided*, That unless otherwise authorized by the committee the total quantity of prunes that may be offered hereunder to an individual handler shall not exceed the total quantity of uncommitted surplus standard prunes held by him for the account of the committee at the time of the offer. Any such sales to handlers shall be made in accordance with the established terms and conditions, including pricing formulae, which are in effect at the time of the sale. The committee shall withhold from the proceeds from each pound of prunes it sells hereunder to handlers for each period an amount equal to that established by the committee as the compensating payment calculated for that period to be paid to handlers for supplying the market requirements of a foreign country or group of foreign countries excluded from the estimates upon which the salable percentage for such crop year was based. The total amount of money distributed among handlers as compensating payments for such period shall be limited to the funds so withheld from the proceeds of the surplus standard prunes sold hereunder to handlers for such period. Such funds shall be allocated equitably among handlers in accordance with terms and conditions established by the committee. Handlers who have purchased their full shares of the surplus standard prunes offered for such period shall have priority in such allocation over handlers who shall have failed to purchase their full shares of such offer. No handler shall be compensated at a rate greater than that established as the compensating payment for such period. In the event the rate of such compensation to any handler is less than that established as the compensating payment for such period, the committee shall release to such handler, in lieu of money and for use as salable tonnage, a quantity of surplus standard prunes held by him for the account of the committee sufficient to rectify the deficiency in the rate paid to such handler, the value of the surplus standard prunes so released to be established on the basis of the price at which such prunes were offered during such period. The compensating payments, applicable to any prunes sold by any handler for shipment to or use in a foreign country or group of foreign countries excluded from the estimates upon which the salable percentage was based, shall not be made until satisfactory proof of the shipment of such prunes has been furnished to the committee. The committee shall establish for each period a final date before which the shipment of prunes so sold during such period shall be made in order for the handler making the sale thereof to qualify for the compensating payment applicable thereto: *Provided*, That the committee shall not establish any such date for any period during a crop year that will permit a handler to ship any such prunes later than July 31 of such crop year and to qualify for the compensating payment for such period. The maximum quantity of prunes for which a handler shall be entitled to receive compensating payments hereunder during any crop year shall be limited to the total quantity of surplus standard prunes, received from producers and dehydrators during such crop year and held by him for the account of the committee, uncommitted to anyone other than to him: *Provided*, That in the event that the committee shall have given such handler specific authority to sell, for shipment during such crop year to a foreign country or group of foreign countries excluded from the estimates upon which the salable percentage was based, a quantity of

standard prunes, or standard processed prunes, in excess of such uncommitted surplus standard prunes so received and held by him, he shall be entitled to receive compensating payments applicable thereto after qualifying hereunder for such compensating payments.

(3) *Countries estimated to have no probable market requirements.* In case a handler, during any crop year, sells a quantity of prunes for shipment to and for use in a foreign country which, at the time the salable and surplus percentages for such crop year were recommended, the committee estimated would have no probable market requirement, the committee may, upon adequate proof of such sale, offer to sell, and sell, to such handler a quantity of surplus standard prunes, held by him for the account of the committee, and uncommitted, equivalent to the quantity so sold for use in such foreign country calculated on the basis of natural condition weight. Prior to making any offer, the committee shall determine the price at which the prunes included in such offer shall be sold, taking into consideration the price received for the quantity of salable tonnage prunes sold for use in such country by the handler, together with other factors and conditions affecting the marketing of prunes at the time of such offer. The committee may also sell direct to such a foreign market surplus standard prunes or surplus standard processed prunes for use in the foreign country in which such market develops if it determines that the sale cannot reasonably be made by handlers from salable tonnage. Any such direct sale by the committee may be made at a negotiated price.

(4) *Notice to Secretary of proposed sales for export.* The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell under either subparagraph (1) or subparagraph (3) of this paragraph, surplus standard prunes or surplus standard processed prunes pursuant to this paragraph, complete information with respect thereto, including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period the making of such an offer or any term or condition thereof. No such notice of individual offers under subparagraph (2) of this paragraph shall be required, but the committee shall keep the Secretary currently informed in respect thereto.

(c) *Sales for animal feed and certain manufacturing uses.* The committee may sell any surplus prunes for animal feed, botanicals, distillation, or for any manufacturing uses which were not provided for in estimating the salable quantity of standard prunes for the then current crop year. Such sales may be made at negotiated prices. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such prunes are disposed of for the respective uses for which they are sold.

(d) *Sales to handlers*—(1) *Authorization under specified supply conditions.* If the committee finds that total contracted sales by all handlers during the crop year exceeds 80 percent of the total salable tonnage received by all handlers plus 80 percent of the estimated tonnage held unsold by producers and dehydrators which would become salable tonnage; or, if the committee finds that more than 20 percent of the uncontracted salable tonnage is being held so tightly by relatively few handlers, dehydrators, or producers as seriously to restrict commerce in prunes, and if 75 percent of all handlers have made a written request therefor and such requesting handlers have purchased over 65 percent of the salable tonnage purchased from producers and dehydrators, the committee may, in either event, sell to handlers standard prunes from the surplus tonnage for use as salable tonnage, subject to the additional conditions set forth in subparagraphs (2), (3), (4), (5) and (6) of this paragraph.

(2) *Authorized commencement date.* No such sale shall be made prior to December 15 of the crop year.

(3) *Quantity limitation.* No single sales offer of surplus tonnage to handlers shall exceed 20 percent of the original estimated salable tonnage.

(4) *Prices.* If any such sale is made for manufacturing purposes in which the prunes will lose their form and character as prunes by conversion prior to consumption, it may be made by the committee at a negotiated price; otherwise, such sales shall not be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.73, plus accrued charges for receiving and storing of surplus tonnage.

(5) *Pro rata shares and termination of offers.* In any offer by the committee to sell surplus tonnage to handlers pursuant to this paragraph, each handler shall be given the first opportunity to purchase his share of the offer, which share shall be determined as the same proportion that the respective surplus tonnage held by him is of the surplus tonnage held by all handlers. In the event that any handler declines or fails to purchase any or all of his share of any such offer, the remaining portion thereof shall be re-offered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to their respective shares. Any balance remaining unsold after such re-offer shall be withdrawn from the particular offer. Any offer outstanding as of July 5 of any crop year shall be withdrawn and the committee shall not make any further offer to sell surplus tonnage to handlers after that date, except that if the committee determines, with the approval of the Secretary, that a major change in conditions has occurred, such as the involvement of the United States in war or a crop failure in the following year, or any other significant development, which indicates a shortage of supply, the said July 5 limitation shall no longer apply.

(6) *Notice to Secretary of proposed sales to handlers.* The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell surplus prunes pursuant to this paragraph, complete information with respect thereto, including the basis therefor. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(e) *Sales of standard prunes for manufacturing purposes*—(1) *Manufacturing outlets included in estimate of salable percentage.* In the event it appears that the total salable tonnage is not sufficient to meet the estimated domestic and foreign requirements due to the expansion of manufacturing outlets, which outlets were provided for in estimating the salable percentage, to a greater extent than was anticipated at the time of estimating the salable percentage, the committee may offer to sell, and sell, surplus standard prunes to handlers for resale or use for such manufacturing purposes in which such prunes will lose their form and character as prunes by conversion prior to consumption, in such quantities as are necessary to meet the increased demand. The quantity of prunes offered to individual handlers to meet such deficiency shall be in the proportion that the respective handler's sales or uses for manufacturing bears to sales or uses for manufacturing by all handlers. No such sale shall be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.73, plus accrued charges for receiving and storing of surplus tonnage.

(2) *Manufacturing outlets not included in estimate of salable percentage.* The committee may offer to sell, and sell, to any handler, a quantity of surplus standard prunes for any manufacturing use, which manufacturing use was not included in the estimates upon which the salable percentage was based either because it was considered to have no probable market requirement or because it was not considered in any way by the committee, in the event of proof of demand for such quantity for such purpose. Such sale may be made at a negotiated price. The committee shall require proof that any standard prunes so sold were used for the purpose for which they were sold.

(3) *Notice to Secretary of proposed sales of standard prunes for manufacturing purposes.* The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell under either subparagraph (1) or subparagraph (2) of this paragraph surplus standard prunes to handlers pursuant to this paragraph, complete information with respect thereto including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period, the making of such offer or any term or condition thereof.

(f) *Sales of substandard prunes for animal feed and for manufacturing purposes.* Except as provided in the next two succeeding sentences of this paragraph, the committee may sell direct, or sell to handlers for resale, substandard prunes for animal feed, and for any manufacturing purpose in which such prunes will lose their form and character as prunes by conversion prior to consumption: *Provided*, That any such prunes which are sold for disposition for manufacturing purposes for human consumption, either directly to handlers, or for resale by handlers, shall, at the time of such disposition or use, meet those minimum standards prescribed in § 993.97 (Exhibit A) as relate to the defects of mold, imbedded dirt, insect infestation, and decay, and any such prunes so sold by the committee to a person who is not a handler shall meet those quality standards at the time of disposition by the committee. Whenever a certificate of inspection applicable to prunes turned over to a handler unsorted by a producer or dehydrator to be held by such handler as substandard natural condition prunes for the account of the committee pursuant to the provisions of § 993.48 (e) (1) (iii) shows that such prunes fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A), when considered in terms of the entire lot, as they relate to the defects of mold, imbedded dirt, insect infestation, and decay, such prunes shall be sold or disposed of by the committee only to persons who are not handlers of prunes and only for disposition as animal feed, for distillation, or for any use other than for human consumption. Whenever a certificate of appraisal issued pursuant to the provisions of § 993.48 (e) (2) shows that if the quantity of substandard prunes to which such certificate applies were to have all offgrade prunes removed therefrom such offgrade prunes would fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) as they relate to the defects of mold, imbedded dirt, insect infestation, and decay, a quantity of prunes equivalent to the weight of such offgrade prunes necessary to be removed from the total tonnage shown on the applicable certificate in order for the remainder to be standard prunes shall be sold or disposed of by the committee only to persons who are not handlers of prunes and only for disposition as animal feed, for distillation, or for any use other than for human consumption. No sales of substandard prunes for manufacturing purposes for human consumption shall be made while standard prunes are available in the surplus tonnage. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that substandard prunes are disposed of for the respective uses for which they were sold. All such sales may be made at negotiated prices.

(g) *Donations of surplus prunes.* The committee may donate limited quantities of surplus prunes for use in research or promotional activities.

(h) *Unsold surplus tonnage.* The committee shall endeavor to sell all prunes in the surplus tonnage at a rate so as to achieve, as nearly as may be practicable, the complete disposition of the surplus tonnage not later than July 31 of the crop year. Any surplus tonnage remaining unsold as of July 31 shall be disposed of as soon as practicable for animal feed, distillation, or in any other outlets which are not competitive with the sale of prunes in normal marketing channels, not otherwise provided for in this paragraph, unless determination with respect to a shortage of supply has been made as provided for in paragraph (d) (5) of this section. The committee may dispose of unsold surplus prunes after July 31 at negotiated prices.

(i) *Proceeds of sales of surplus tonnage*—(1) *Charges against proceeds.* Expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of surplus tonnage shall be charged against the proceeds of sales of surplus tonnage.

(2) *Distribution of net proceeds.* Net proceeds from the disposition of surplus tonnage shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to persons in proportion to their contributions thereto, or to assignees of such interests, with appropriate grade and size differentials as established by the committee. Progress payments may be made by the committee in the same manner, as sufficient funds accumulate. Distribution of the proceeds in connection with the surplus tonnage contributed by a nonprofit cooperative agricultural marketing association which has authority to market prunes of its members and to allocate the proceeds therefrom to such members shall be made to such association, if it so requests. Prior to making any such distribution, the committee shall submit to the Secretary a report including all pertinent details with respect thereto.

(j) *Prohibition against the hypothecation of surplus.* In no event shall the committee hypothecate surplus tonnage.

(k) *Hypothecation of binding written contracts for the sales of surplus prunes.* The committee may hypothecate binding written contracts for the sale of surplus prunes, for the purpose of obtaining funds for the distribution of proceeds of the sales of surplus tonnage prunes in accordance with the provisions of subparagraph (2) of paragraph (i) of this section: *Provided*, There are included in, and made a part of, the loan agreement in connection with each such loan the following terms and conditions: (1) The recourse of the lender shall be confined to the particular sale contract, or the proceeds which are derived therefrom; (2) neither the Secretary, the committee, any of the committee's members, alternate members, officers, employees, and agents, nor any distributees as such (including their respective officers and employees) of the loan proceeds, shall be liable for the repayment, either in whole or in part, of the particular loan; and (3) the lender waives any right which he might otherwise have, in case of default in repayment, to obtain either possession or control of the surplus prunes involved.

REPORTS AND BOOKS AND OTHER RECORDS

§ 993.71 *Confidential information.* All reports and records furnished or submitted by handlers to the committee which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be received by, and at all times kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this section, information may be disclosed to the committee when reasonably necessary to enable the committee to carry out its functions under this subpart.

§ 993.72 *Reports of acquisitions, sales, uses, and shipments.* Each handler shall file such reports of his acquisitions, sales, uses, and shipments of prunes, as may be requested by the committee.

§ 993.73 *Reports of prices.* Each handler shall file with the committee such price reports as may be requested by the committee, showing the weighted average price paid by such handlers to producers and dehydrators for each size of prunes and the quantity purchased at each such price, to enable the committee to determine the average price received by producers for the purposes set forth in § 993.63.

§ 993.74 *Reports of surplus tonnage.* Each handler shall file with the committee such reports of the total substandard prunes and other surplus tonnage by grade and size classifications thereof, held in his warehouses or under his control and the location thereof, as may be requested by the committee.

§ 993.75 *Other reports.* Upon the request of the committee, each handler shall furnish such other reports and information as are needed to enable the committee to perform its functions under this subpart.

§ 993.76 *Records.* Each handler shall maintain such records of prunes received, held, and disposed of by him as are prescribed by the committee and needed by it to perform its functions under this subpart.

§ 993.77 *Verification of reports.* For the purpose of checking and verifying reports filed by handlers or the operation of handlers under the provisions of this subpart, the committee, through its duly authorized agents, shall have access to any premises where prunes may be held by any handler and at any time during reasonable business hours, shall be permitted to inspect any prunes so held by such handler and any and all records of such handler with respect to the holding or disposition of all prunes which may be held or which may have been disposed of by him.

EXPENSES AND ASSESSMENTS

§ 993.80 *Expenses.* The committee is authorized to incur such expenses (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant

to the provisions of this subpart, determine to be appropriate. The recommendation of the committee as to these expenses and the recommended rate of assessment for each crop year, together with all data supporting such recommendations, shall be filed with the Secretary not later than the fourth Tuesday of July preceding the crop year in connection with which such recommendations are made.

§ 993.81 *Assessments*—(a) *Requirement for payment and rate of assessment.* The funds to cover the expenses of the committee (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) shall be acquired by levying assessments. Each handler shall pay to the committee, upon demand, with respect to all salable tonnage prunes handled by him as the first handler thereof and on all prunes sold to him from surplus tonnage for resale to other than Federal governmental agencies, his pro rata share of such expenses which the Secretary finds will be incurred as aforesaid, by the committee during each crop year. Each handler's pro rata share of such expenses shall be equal to the ratio between the total salable tonnage handled by him as the first handler thereof plus the tonnage sold to him from surplus tonnage for resale to other than Federal governmental agencies, during the applicable crop year, and the total salable tonnage prunes handled by all handlers as the first handlers thereof plus tonnage sold to such handlers from surplus tonnage for resale to other than Federal governmental agencies, during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all salable tonnage prunes handled by handlers as the first handlers thereof and on all tonnage sold to handlers from surplus tonnage for resale to others than Federal governmental agencies during such crop year to obtain sufficient funds to cover any finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage during the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its functions under this subpart.

(b) *Advance payments.* In order to provide funds to carry out the functions of the committee, the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against the respective handler.

(c) *Use and refund of excess funds from assessments.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations hereunder may be used and shall be refunded by the committee in accordance with the provisions hereof. Such excess funds may be used by the committee during the period of five months subsequent to such crop year in paying the expenses of the committee incurred in connection with the new crop year. The committee shall, however, from funds on hand, including assessments collected during the new crop year, distribute or otherwise make available, within six months after the beginning of the new crop year, the aforesaid excess, as verified by audit, to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said previous crop year. Any money collected from assessments hereunder and remaining unexpended in the possession of the committee upon the termination hereof shall be distributed in such manner as the Secretary may direct.

(d) *Suits for collection.* The committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, a suit against any handler for the collection of such handler's assessment.

§ 993.82 *Funds.* All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes authorized in this subpart and shall be accounted for in the manner provided for in this subpart. The Secretary may, at any time, require the committee or its members and alternate members to account for all receipts and disbursements.

MISCELLANEOUS PROVISIONS

§ 993.84 *Personal liability.* No member or alternate member of the committee, or any employee, representative, or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 993.85 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 993.86 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 993.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 993.88 *Agents*—(a) *Authorization by Secretary.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

(b) *Authorization by committee.* The committee may authorize any person or persons or agency to act as its agent or representative in connection with the provisions of this subpart.

§ 993.89 *Effective time.* The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated, or during suspension, in one of the ways specified in § 993.90.

§ 993.90 *Termination or suspension*—(a) *Failure to effectuate policy of act.* The Secretary may, at any time, terminate the provisions of this subpart, by giving at least one day's notice by means of a press release or in any other manner which he may determine. The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the fifteenth day of July of any crop year, to be effective at the end of such crop year, whenever he is required to do so by the provisions of section 8c (16) (B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, beginning with 1951, if the Secretary receives a recommendation, adopted by at least a majority vote of the producer members of the committee, requesting the holding of such a referendum, the Secretary shall hold such a referendum: *Provided*, That the Secretary shall not be required to hold such a referendum upon the basis of such a request more than once every two years.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ 993.91 *Procedure upon termination.* Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustee shall require the concurrence of a majority of the said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon said joint trustees.

§ 993.92 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 993.93 *Amendments.* Amendments to this subpart may be proposed from time to time, by any person or by the committee, and may be made a part of this subpart by the procedures provided under the act.

§ 993.97 *Exhibit A; minimum standards.*

I. Minimum standards for natural condition prunes:

A. *Defects.* Defects are: (1) Off-color; (2) inferior meat condition; (3) end cracks; (4) fermentation; (5) skin or flesh damage; (6) scab; (7) burned; (8) mold; (9) imbedded dirt; (10) insect infestation; (11) decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "End cracks" means callous growth cracks, at the blossom end of prunes, aggregating more than three-eighths of one inch (⅜") but not more than one-half of one inch (½") in length.

(4) "Fermentation" means damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(5) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, except end cracks as defined in this section, aggregating more than three-eighths of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and affecting materially the normal appearance of the prunes;

(c) Any cracks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which materially affect appearance, edibility or keeping quality;

(e) Skin damage caused by rain or overdipping to the extent that the prunes cannot be processed normally without material sloughing of the skin.

(6) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths of one inch (⅜") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths of one inch (¾") in diameter.

(7) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(8) "Mold" means a characteristic fungus growth and is self-explanatory.

(9) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in, or adhering to, the prune that it cannot be removed in normal processing.

(10) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) The tolerance allowance for decay shall not exceed one percent (1%).

(2) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(3) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed eight percent (8%).

(4) The combined tolerance allowance for end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed ten percent (10%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(5) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed twenty percent (20%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(6) Prunes showing obvious live insect infestation shall be fumigated prior to acceptance.

D. Natural condition prunes must be properly dried and cured in original natural condition, without the addition of water, and free from active infestation, so that they are capable of being received, stored and packed without deterioration or spoilage.

II. Minimum standards for processed prunes:

A. *Defects.* Defects are: (1) Off-color; (2) inferior meat condition; (3) end cracks; (4) fermentation; (5) skin or flesh damage; (6) scab; (7) burned; (8) mold; (9) imbedded dirt; (10) insect infestation; (11) decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "End cracks" means callous growth cracks, at the blossom end of prunes, aggregating more than three-eighths of one inch (⅜") but not more than one-half of one inch (½") in length.

(4) "Fermentation" means damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(5) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, except end cracks as defined in this section, aggregating more than three-eighths of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and materially affecting the normal appearance of French prunes; or markedly affecting the normal appearance of varieties other than the French variety;

(c) Any cracks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which materially affect appearance, edibility or keeping quality.

(6) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths of one inch (⅜") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths of one inch (¾") in diameter.

(7) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(8) "Mold" means a characteristic fungus growth and is self-explanatory.

(9) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in, or adhering to, the prune that it cannot be readily removed in washing the fruit.

(10) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) There shall be no tolerance allowance for live insect infestation.

(2) The tolerance allowance for decay shall not exceed one percent (1%).

(3) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(4) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed eight percent (8%).

(5) The combined tolerance allowance for end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed ten percent (10%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(6) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed twenty percent (20%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

Issued at Washington, D. C., this 3d day of March 1954, to be, and become, effective as of the date of the publication hereof in the FEDERAL REGISTER.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-1658; Filed, Mar. 8, 1954; 8:51 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

AMENDMENT OF AMENDED ADMINISTRATIVE RULES AND PROCEDURES

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and of Marketing Agreement No. 110, as amended, and Order

No. 93, as amended (7 CFR, 1952 Rev., Part 993), regulating the handling of dried prunes produced in California, § 993.148 (d) of the amended administrative rules and procedures (7 CFR, 1952 Rev., § 993.148 (d)) issued pursuant to the applicable provisions of the said marketing agreement and order, as amended, is hereby amended by deleting the same, effective as of the time of the publication of this document in the FEDERAL REGISTER.

Said § 993.148 (d) contains provisions as to comparable size requirements of prunes which are treated as substandard prunes and which are delivered as such by prune handlers to the Prune Administrative Committee, the administrative agency for the operation of this program. Said provisions are now obsolete in that comparable, but modified, provisions in that connection are set forth in § 993.48 (e) (3) of a further amended marketing agreement and order[1] which is being issued and made effective concurrently herewith. This matter was discussed (see 18 F. R. 5307) in the Recommended Decision which was issued in connection with such amended regulation, and it was specifically stated in such discussion that the present action would be taken in the event said § 993.48 (e) (3) should be put into effect. While a reasonable time was afforded interested parties to file an exception in that connection, no such exception was filed. Therefore, the circumstances are such that the further continuance in effect of the provisions of said § 993.148 (d) would not be appropriate, but they would, to the extent of the indicated modifications, conflict with the provisions of § 993.48 (e) (3).

Notice of proposed rule making, public procedure thereon, and publication or service of this order 30 days prior to its effective date (see 5 U. S. C. 1001 et seq.), are impracticable, unnecessary, and contrary to the public interest in that (1) as indicated above, rule making actions and public participation therein were previously had in connection with the issuance of the further amended marketing agreement and order, (2) the circumstances are such that the continuance in effect of the provisions of § 993.148 (d) would not be appropriate and would conflict, to some extent, with the substitute provisions now contained in § 993.48 (e) (3), and (3) handlers will need no advance notice of this action.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 2d day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1657; Filed, Mar. 8, 1954; 8:50 a. m.]

[1] See F. R. Doc. 54-1658, *supra*.

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

ORDER TERMINATING SUSPENSION OF CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and of then existing Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, 1952 Rev., Part 993), regulating the handling of dried prunes produced in California, an order (17 F. R. 5209) was issued on June 5, 1952, effective on and after the time of its execution, suspending the following provisions: The words "to handlers" appearing in the first sentence of § 993.63 (b) (1) of the order, and the last two sentences of § 993.63 (b) (1) of the said order.

The reasons for the aforementioned action in connection with the then existing § 993.63 (b) (1) were set forth in such suspension order. However, said § 993.63 (b) (1) is revised concurrently herewith in a further amended marketing agreement and order[1] which has just been issued and made effective, and such revised § 993.63 (b) (1) eliminates or avoids the objectionable aspects which made it desirable to suspend the indicated provisions in previous § 993.63 (b) (1). This matter was discussed (see 18 F. R. 5312) in the Recommended Decision which was issued in connection with such amended regulation, and, while interested parties were afforded a reasonable time to file exceptions thereto, no such exceptions were filed. These suspensions are not applicable or appropriate to present § 993.63 (b) (1), and such present section is believed to be adequate in the present connection.

It is therefore ordered, That the aforementioned suspension order is terminated as of the date of the publication of this document in the FEDERAL REGISTER.

Notice of proposed rule making, public procedure thereon, and publication or service of this termination order 30 days prior to its effective date (see 5 U. S. C. 1001 et seq.), are impracticable, unnecessary, and contrary to the public interest in that (1) as indicated above, rule-making actions and public participation therein were previously had in connection with the issuance of the further amended marketing agreement and order, (2) the circumstances are such that the continuance in effect of the suspension action would not only serve no useful purpose, but would not be appropriate, and (3) handlers will need no advance notice of this action.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 3d day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-1659; Filed, Mar. 8, 1954; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6144]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JOE FRIED WOOLEN CORP. AND JOSEPH FRIED

Subpart—*Concealing or obliterating law required and informative marking:* § 3.525 *Wool products tags or identification.* Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition:* Wool Products Labeling Act. I. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, of woolen fabrics or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939; which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding such products by: (1) Falsely or deceptively stamping, tagging, labeling or otherwise falsely identifying such products as to the character or amount of the constituent fibers contained therein; and, II, in connection with the purchase, offering for sale, sale, or distribution of "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, causing or participating in the removal of any stamp, tag, label, or other means of identification affixed to any such "wool product" pursuant to said act, with intent to violate the provisions thereof, and which stamp, tag, label, or other means of identification purports to contain all or any part of the information required thereby; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Joe Fried Woolen Corporation et al., New York, N. Y., Docket 6144, Feb. 9, 1954]

In the Matter of Joe Fried Woolen Corporation, a Corporation, and Joseph Fried, Individually

This proceeding was intituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

It was disposed of, as announced by the Commission's "Notice", dated February 16, 1954, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on February 9, 1954, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

It is ordered, That the respondent Joe Fried Woolen Corporation, a corporation, and its officers, and respondent Joseph Fried, individually, and respondents' respective agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of woolen fabrics or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939; which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise falsely identifying such products as to the character or amount of the constituent fibers contained therein;

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraph (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That said respondent Joe Fried Woolen Corporation, a corporation, and its officers, and respondent Joseph Fried, individually, and respondents' respective agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase, offering for sale, sale or distribution of "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from causing or participating in the removal of any stamp, tag, label, or other means of identification affixed to any such "wool product" pursuant to the Wool Products Labeling Act of 1939, with intent to violate the provisions of said act, and which stamp, tag, label or other means of identification purports to contain all or any part of the information required by said act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 16, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-1651; Filed, Mar. 8, 1954; 8:49 a. m.]

[1] Filed as part of original document.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

DECLARING EFFECTIVE AMENDED EXCHANGE DISTRIBUTION PLAN OF THE NEW YORK STOCK EXCHANGE

The Securities and Exchange Commission has declared effective for a period of six months, expiring at the close of business on August 27, 1954, an amended Exchange Distribution Plan filed by the New York Stock Exchange. This amended Plan is substantially the same as the Exchange Distribution Plan previously declared effective until February 26, 1954.

The amended Plan, as did the previous Plan, permits members, member firms and member corporations (hereinafter referred to as participating members) to make a distribution of a block of securities at the market on the Exchange when the regular market on the Exchange cannot otherwise absorb the block of securities within a reasonable time and at a reasonable price or prices. The Plan contains certain anti-manipulative controls and also requires participating members to make certain disclosures to persons whose orders are solicited. The amended Plan differs from the Plan previously declared effective in the two following minor respects: (1) The provision prohibiting participating members and others from bidding for or purchasing the security during the distribution has been modified to permit the purchases required solely in connection with the "crossing" of orders on the floor of the Exchange (this "crossing" procedure was provided for under the Plan before it was amended) and (2) there is a specific provision in the amended Plan that transactions effected when orders are "crossed" on the floor shall be printed on the ticker tape.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof and § 240.10b-2 (d) (Rule X-10B-2 (d)) thereunder, deeming it necessary for the exercise of the functions vested in it, and having due regard for the public interest and for the protection of investors, does hereby declare effective the amended Exchange Distribution Plan of the New York Stock Exchange until the close of business on August 27, 1954, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do the Commission may suspend or terminate the effectiveness of said Plan by sending at least ten days' written notice to the New York Stock Exchange.

The Commission for good cause finds that the notice and public procedure specified in paragraphs 4 (a) and (b) of the Administrative Procedure Act are unnecessary since the amended Exchange Distribution Plan is substantially the same as that heretofore declared effective for such Exchange; and the Commission further finds, in accordance with the provisions of section 4 (c) of the Administrative Procedure Act, that paragraph (d) of § 240.10b-2 and this action have the effect of granting exemption and relieving restriction, and that, therefore, this action may be and is hereby declared effective March 1, 1954.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 26, 1954.

[F. R. Doc. 54-1635; Filed, Mar. 8, 1954; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter IV—Federal National Mortgage Association, Housing and Home Finance Agency

PART 400—MORTGAGE PURCHASES, SERVICING AND SALES

Correction

The following changes should be made in F. R. Doc. 54-1563, appearing at page 1240 of the issue for Friday, March 5, 1954:

1. In the 16th line of paragraph (a) of § 400.107, "agains et" should read "against."

2. In the 10th line of § 400.303, "4½ percent" should read "4¼ percent."

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 779—RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

COMMERCIAL STATIONERS AND SCHOOL SUPPLY DISTRIBUTORS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), Part 779 (CFR, Part 779) is hereby amended by the addition of §§ 779.33 and 779.34 to read as follows:

§ 779.33 *Application of the 13 (a) (2) and 13 (a) (4) exemptions to commerical stationers.* (a) It is the purpose of this section to show generally how the principles governing the application of the 13 (a) (2) exemption apply to commercial stationers' establishments and how the principles governing the application of the 13 (a) (4) exemption apply to such establishments that are also engaged in printing and engraving.

(b) In order to qualify for exemption under section 13 (a) (2) an establishment must show that more than 50 percent of its total annual dollar volume of sales of goods or services, or both, is made within the state in which the establishment is located and that at least 75 percent of its total annual dollar volume of sales is derived from sales of goods or services which are both (1) recognized as retail sales or services in the particular industry and (2) not for resale. (See § 779.6.) Paragraphs (c) to (e) of this section deal only with the question of what sales are recognized as retail in the commercial stationers' establishments.

(c) The commercial stationer ordinarily has a store on the street level located in the shopping section of the community where other stores are located and many people pass by. He has store clerks who sell over the counter to the consuming public and may have outside salesmen who sell to offices. He makes very few, if any, sales to other dealers for resale. He keeps in stock and displays the various items sold over the counter and by outside salesmen. The number of items in stock typically ranges from 5,000 to 15,000. Primarily, items sold are stationery, pens, pencils, blotters, brief cases, calendars, clocks, greeting cards, thumb tacks, typewriter ribbons, carbon paper, paper clips, ink, commercial envelopes and typewriter paper, filing supplies and similar items. In addition they may also sell filing cabinets, office desks and chairs, other items of office furniture and supplies and equipment generally, as well as standard and portable typewriters and certain other small office machines.

(d) With respect to the status, under section 13 (a) (2) of the act, of sales made by commercial stationery establishments which in general operate as described in paragraph (c) of this section, the following position is adopted for enforcement purposes: All sales of stationery, office supplies and equipment, office furniture and office machinery commonly stocked by commercial stationers, including typewriters, adding machines, small duplicating machines, checkwriters, and the like, will be considered to be retail except for the sales set out below:

(1) Sales made on a competitive bid basis. This term covers sales made pursuant to an invitation to bid, particularly sales to Federal, state and local governments; sales made in a like manner to commercial and industrial concerns and institutions are also included.

(2) Sales made pursuant to a requirements contract or other contractual arrangement involving the sale of a large quantity of goods over a period of time with a substantially lower price structure for the individual deliveries than would prevail for the usual sales of the quantities delivered.

(3) Sales made at a quantity discount of 30 percent or more from the price of the ordinary unit of sale.

(4) Sales of school supplies to municipalities, boards of education, or schools in the same manner as the sales of school supply distributors described in § 779.34.

(5) Sales of job printing and engraving other than (i) sales of social printing and engraving and (ii) sales of printing and engraving of business envelops, letterheads and calling cards.

(6) Sales of specialized machinery and equipment.

(e) Where the establishment meets the tests of the 13 (a) (2) exemption (see § 779.6) all employees employed by the establishment will be exempt, except any employees who are engaged in the making or processing of goods, such as printing and engraving.

(f) An establishment which is engaged in printing and engraving is not recognized as a retail establishment for purposes of section 13 (a) (4). Therefore, employees of a stationery establishment engaged in printing or engraving do not come within the exemption. This fact will not affect the exemption under section 13 (a) (2) of employees of stationery establishments who are not engaged in printing or engraving.

(g) In a combined stationery and printing or engraving establishment there are employees who operate the machines in the printing or engraving department and there may be other employees who also perform work primarily or exclusively for that department. There are in addition various employees in such combined establishments whose work relates to the stationery portion of the business but who also perform some work for the printing department. For example, office workers may keep records of both the printing plant and stationery department, maintenance workers may clean up in both departments; and warehousemen, messengers and stock clerks may handle material for both departments. In some establishments these workers spend relatively little time in the work of the printing department. As an enforcement policy an auxiliary employee will not be considered to be engaged in the making or processing of goods for purposes of the exemption under section 13 (a) (2) in any workweek in which an insubstantial amount of his time (20 percent or less) is allocable to the clerical, messenger, or custodial work of the printing department.

§ 779.34 *Application of the 13 (a) (2) exemption to school supply distributors.* (a) School supply distributors are dealers who specialize in the sale of school supplies and equipment to educational institutions and municipal boards of education. They handle all types of school supplies, other than text books, such as pencils, chalk, paper, maps and globes, as well as blackboards, school furniture, laboratory and playground equipment. They generally buy direct from the manufacturer. On the larger and more expensive items, such as classroom seating and audio-visual equipment, they are usually granted exclusive franchises. They operate almost exclusively through outside salesmen who regularly call on all the schools and school boards within their assigned area.

(b) School supply distributors do not, generally, operate stores with stocks of merchandise from which over-the-counter sales are made, nor do they attempt to sell to the general consuming public. Where they do maintain stores, they are operated in effect as showrooms for displaying their merchandise to school officials. The distributors warehouse most of the supplies. However, heavy equipment, such as classroom seating and laboratory equipment, are shipped directly from the manufacturer to the school. The distributor is responsible for the delivery of this equipment and also arranges for and supervises its installation.

(c) The supplies and equipment are specially designed for school use. Nearly all of the sales are made to schools or school systems. Their price lists are established for the purpose of dealing with schools. Their occasional sales to dealers for resale are made at small discounts from these school prices. Many of the sales to schools are made on a contract basis as a result of competitive bidding.

(d) On the basis of all available information, it is the Divisions' position that school supply distributors do not qualify for exemption under section 13 (a) (2) of the Fair Labor Standards Act because their sales are not recognized as retail in the particular industry.

Signed at Washington, D. C., this 3d day of March 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-1647; Filed, Mar. 8, 1954; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

MAYBERRY SLOUGH, CALIFORNIA

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), paragraph (f) of § 202.224 establishing a restricted anchorage for vessels of the United States, is hereby revoked as follows:

§ 202.224 *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.*

• • •

(f) *Mayberry Slough, Sherman Island; restricted anchorage for vessels of the United States Government.* [Revoked.]

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[Regs., Feb. 16, 1954, 800.2121 (San Francisco Bay-Calif.)—ENGWO] (38 Stat. 1053; 33 U. S. C. 471)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-1630; Filed, Mar. 8, 1954; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

ELIGIBILITY

In § 8.0 paragraph (e) (1) (iii) is amended to read as follows:

§ 8.0 *Eligibility.* • • •

(e) *Applications for insurance under section 620 of the National Service Life Insurance Act, as amended April 25, 1951.* • • •

(1) • • •

(iii) Written application for such insurance must be submitted within 1 year from the date service-connection of such disability is first determined by the Veterans' Administration by a rating made subsequent to discharge: *Provided,* That if the disability was incurred under the conditions stated in the last proviso of section 2 of the Servicemen's Indemnity Act of 1951, the application for insurance must be filed within 1 year after the incurrence of such disability (last proviso of section 620 of Public Law 23, 82d Congress).

• • • • •

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interprets or applies sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective March 9, 1954.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 54-1623; Filed, Mar. 8, 1954; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 59]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.13 *Green civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Sinclair, Wyo. (LFR) [1]	Medicine Bow (INT), Wyo.	11,000

[1] 11,000'—Minimum crossing altitude at Sinclair (LFR), eastbound.

2. Section 610.102 *Amber civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Chena (INT), Alaska	Fairbanks, Alaska (LFR).	2,400

3. Section 610.108 *Amber civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Los Angeles, Calif. (LFR)	Malibu (INT), Calif [1]	2,000
Malibu (INT), Calif [1]	Camarillo, Calif. (LFR).	5,000

[1] 3,500'—Minimum crossing altitude at Malibu (INT), northwest-bound.

4. Section 610.260 *Red civil airway No. 60* is amended to read in part:

From—	To—	Minimum altitude
Stockton, Calif. (LFR)	Copper (INT), Calif.	2,000

5. Section 610.282 *Red civil airway No. 82* is amended to read in part:

From—	To—	Minimum altitude
Skwentna, Alaska (LFR).	Willow (INT), Alaska.	4,200

6. Section 610.292 *Red civil airway No. 92* is added to read:

From—	To—	Minimum altitude
Sault Ste Marie, Mich. (LFR).	Sudbury, Ont., Canada (LFR). [1]	3,000

[1] For that airspace over U. S. Territory.

7. Section 610.655 *Blue civil airway No. 55* is amended to read in part:

From—	To—	Minimum altitude
Crestview, Fla. (LFR)	Maxwell AFB, Ala.	1,700

8. Section 610.1001 *Direct routes—United States* is amended to read in part:

From—	To—	Minimum altitude
Mobile, Ala. (LFR)	Pensacola, Fla. (LFR).	1,600

9. Section 610.1001 *Direct routes—United States* is amended by adding:

From—	To—	Minimum altitude
Rochester, Minn. (VOR)	Diamond Bluff (INT), Wis.	2,800
Salinas, Calif. (VOR)	Moffett, Calif. (LFR)	6,000
Los Gatos (INT), Calif	Moffett, Calif. (LFR) (northbound only).	4,000

10. Section 610.6002 *VOR civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Alexandria, Minn. (VOR).	Minneapolis, Minn. (VOR).	2,600
Minneapolis, Minn. (VOR).	Wabasha (INT), Wis. [1]	2,500
Wabasha (INT), Wis. [1]	La Crosse, Wis. (VOR).	2,600
Minneapolis, Minn. (VOR), via N alter.	Elmo (INT), Wis., via N alter.	2,500
Elmo (INT), Wis., via N alter.	La Crosse, Wis. (VOR), via N alter.	2,600
Alexandria, Minn. (VOR), via S alter.	St. Nicholas (INT), Minn., via S alter. [1]	2,500
St. Nicholas (INT), Minn., via S alter. [1]	Hamel (INT), Minn., via S alter.	3,000
Hamel (INT), Minn., via S alter.	Minneapolis, Minn. (ILS localizer), via S alter.	2,500
Minneapolis, Minn. (ILS localizer), via S alter.	Diamond Bluff (INT), Wis., via S alter.	2,400
Diamond Bluff (INT), Wis., via S alter.	Wabasha (INT), Wis., via S alter. [1]	2,600
Wabasha (INT), Wis., via S alter. [1]	La Crosse, Wis., (VOR), via S alter.	2,600

[1] 3,000'—Minimum reception altitude.

11. Section 610.6004 *VOR civil airway No. 4* is amended by adding:

From—	To—	Minimum altitude
La Grande, Oreg. (FM).	Pendleton, Oreg. (VOR), (northwest-bound only).	7,000

12. Section 610.6004 *VOR civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Boise, Idaho (VOR)	Twin Falls, Idaho (VOR)	8,500
Mountain Home, Idaho (FM).	Boise, Idaho (VOR), (northwest-bound only).	7,000
Twin Falls, Idaho (VOR).	Burley, Idaho (VOR).	8,500
Burley, Idaho (VOR) [1]	Malad City, Idaho	11,000

[1] 7,100'—Minimum crossing altitude at Burley (VOR), eastbound.

13. Section 610.6012 *VOR civil airway No. 12* is amended to read in part:

From—	To—	Minimum altitude
Palmdale, Calif. (VOR)	Daggett, Calif. (VOR)	6,000

14. Section 610.6013 *VOR civil airway No. 13* is amended to read in part:

From—	To—	Minimum altitude
Mason City, Iowa (VOR)	Lakeville (INT), Minn.	[1] 3,300
Lakeville (INT), Minn	Minneapolis, Minn. (VOR).	2,500
Minneapolis, Minn. (VOR)	Grantsburg, Wis. (VOR).	2,500
Mason City, Iowa (VOR), via W alter.	Prior (INT), Minn., via W alter.	[1] 3,400
Prior (INT), Minn., via W alter.	Minneapolis, Minn. via W alter.	2,500

[1] 2,600'—Minimum terrain clearance altitude.

15. Section 610.6016 *VOR civil airway No. 16* is amended to read in part:

From—	To—	Minimum altitude
Gordonsville, Va. (VOR).[1]	Locustgrove (INT) Va.[2]	3,000

[1] 3,000'—Minimum crossing altitude at Gordonsville (VOR), eastbound.
[2] 2,000'—Minimum reception altitude.

16. Section 610.6026 *VOR civil airway No. 26* is amended to read in part:

From—	To—	Minimum altitude
Huron, S. D. (VOR)	Oakwood (INT), S. D	[1] 3,900
Oakwood (INT), S. D	Redwood Falls, Minn. (VOR).	[1] 3,900
Huron, S. D. (VOR), via S alter.	Redwood Falls, Minn. (VOR), via S alter.	[1] 4,700
Redwood Falls, Minn. (VOR).	Minneapolis, Minn. (VOR), Via S alter.	2,200
Minneapolis, Minn. (VOR	Houlton (INT), Wis..	2,500
Houlton (INT), Wis...	Eau Claire, Wis. (VOR).	2,800

[1] 2,800'—Minimum terrain clearance altitude.

17. Section 610.6075 *VOR civil airway No. 75* is amended to read in part:

From—	To—	Minimum altitude
Flat Rock, Va. (VOR	Gordonsville, Va. (VOR).	2,000

18. Section 610.6082 *VOR civil airway No. 82* is amended to read in part:

From—	To—	Minimum altitude
Minneapolis, Minn. (VOR)	Rochester, Minn. (VOR).	2,800
Rochester, Minn. (VOR)	La Crosse, Wis. (VOR).	2,600
Minneapolis, Minn. (VOR), via S alter.	Lakeville (INT), Minn., via S alter.	2,500
Lakeville (INT), Minn., via S alter.	Rochester, Minn. (VOR), via S alter.	2,500
Rochester, Minn. (VOR), via S alter.	La Crosse, Wis. (VOR), via S alter.	2,500

19. Section 610.6089 *VOR civil airway No. 89* is amended to read in part:

From—	To—	Minimum altitude
Chadron, Wyo. (VOR)	Rapid City, S. D. (VOR).	5,600
Via W alter	Via W alter	8,000

20. Section 610.6097 *VOR civil airway No. 97* is amended to read in part:

From—	To—	Minimum altitude
La Crosse, Wis. (VOR).	Wabasha (INT), Wis.[1]	2,600
Wabasha (INT), Wis.[1]	Minneapolis, Minn. (VOR).	2,500

[1] 3,000'—Minimum reception altitude.

21. Section 610.6100 *VOR civil airway No. 100* is amended to read in part:

From—	To—	Minimum altitude
San Francisco, Calif (VOR).	Los Banos (INT), Calif	7,000
Los Banos (INT), Calif	Fresno, Calif (VOR)	3,000

22. Section 610.6103 *VOR civil airway No. 103* is amended to read in part:

From—	To—	Minimum altitude
Pendleton, Ore. (VOR)	Lamar (INT), Wash	4,000
Lamar (INT), Wash...	Spokane, Wash. (VOR).	5,000

23. Section 610.6401 *Hawaiian VOR civil airway No. 1* is amended to read in part:

From—	To—	Minimum altitude
Hilo, T. H. (VOR).....	Hibiscus (INT), T. H	[1] 3,000

[1] 1,000'—Minimum terrain clearance altitude.

24. Section 610.6402 *Hawaiian VOR civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Lihue, T. H. (VOR)...	Makai (INT, T. H.)...	[1] 5,000
Lihue, T. H. (VOR)...	Hula Girl (INT), T. H., via S alter.	[2] 4,000

[1] 5,000'—Minimum crossing altitude at Makai (INT), westbound.
[2] 3,000'—Minimum terrain clearance altitude.
[3] 3,000'—Minimum terrain clearance altitude.

25. Section 610.6402 *Hawaiian VOR civil airway No. 2* is amended by adding:

From—	To—	Minimum altitude
Hilo, T. H. (VOR).....	25 miles east of Hilo..	[1] 2,000

[1] 1,000'—Minimum terrain clearance altitude.

26. Section 610.6403 *Hawaiian VOR civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Hilo, T. H. (VOR).....	Grass Shack (INT), T. H.	[1] 7,000

[1] 1,000'—Minimum terrain clearance altitude.

27. Section 610.6404 *Hawaiian VOR civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
South Port Allen (INT), T. H.	Hula Girl (INT), T. H.	[1] 7,000
Hula Girl (INT), T. H	Barbers Point, T. H. (FM).	[2] 4,000
Kaneohe (INT), T. H	North Lanai (INT), T. H.	[2] 9,000
North Lanai (INT), T. H.	North Maui, T. H. (VOR).	[1] 14,500

[1] 1,000'—Minimum terrain clearance altitude.
[2] 2,000'—Minimum terrain clearance altitude, north east-bound; 1,000'—Minimum terrain clearance altitude, southwest-bound.
[3] 1,000'—Minimum terrain clearance altitude.
[4] 1,000'—Minimum terrain clearance altitude.

28. Section 610.6405 *Hawaiian VOR civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Maui, T. H. (VOR)...	North Maui (INT), T. H.	[1] 14,700

[1] 7,000'—Minimum terrain clearance altitude.

29. Section 610.6407 *Hawaiian VOR civil airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Lanai, T. H. (VOR)...	North Lanai (INT), T. H.	[1] 9,000

[1] 5,500'—Minimum terrain clearance altitude.

30. Section 610.6409 *Hawaiian VOR civil airway No. 9* is amended to read in part:

From—	To—	Minimum altitude
South Honolulu (INT), T. H.	Honolulu, T. H. (VOR)	[1] 6,000

[1] 5,000'—Minimum terrain clearance altitude, northbound; 1,000'—Minimum terrain clearance altitude, southbound.

31. Section 610.6410 *Hawaiian VOR civil airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Paradise (INT), T. H.	Grass Shack (INT), T. H.	[1] 3,000

[1] 1,000'—Minimum terrain clearance altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective March 9, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1555; Filed, Mar. 8, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

INDUSTRIES OF A SEASONAL NATURE

NOTICE OF PRELIMINARY DETERMINATION REGARDING PELLETING OF DEHYDRATED ALFALFA

On December 2, 1940, the Administrator found that the artificial drying of alfalfa hay and the subsequent manufacture of meal therefrom is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act. An application has been filed by the American Dehydrators Association for amendment of that determination. The applicant asks that pelleting of dehydrated alfalfa be included within the determination.

It appears from the application that:

1. Pelleting of dehydrated alfalfa has become a part of the dehydrated alfalfa industry since the original determination was issued.

2. Nearly all pelleting of dehydrated alfalfa is done in the same plants that do the dehydrating. The pelleting is generally done as a part of a connected and continuous series of operations; i. e., the operations continue in an unbroken series from dehydrating to grinding to pelleting. In some instances small amounts of molasses, oil seed meal or grain are added to the pellets. Pelleting done in a continuous series of operations takes place during the same period as the dehydrating and consequently does not lengthen the operating season.

3. An insubstantial amount of pelleting in these plants is performed on dehydrated alfalfa shipped in from other plants. Practically all of this pelleting is done during the dehydrating period by the same employees who are engaged in the other operations at the plant, and appears to be a minor and incidental part of the operations. Such pelleting when done in insubstantial amounts during the dehydrating period does not alter the operating season nor the characteristics of the industry.

4. To an insignificant extent, pelleting operations are performed on a year-round basis in plants which blend and pellet alfalfa dehydrated in other plants. Such pelleting is done in only a limited number of plants, and in a limited amount. So long as it remains insignificant, it seems appropriate to disregard this activity for purposes of this determination.

Accordingly, upon consideration of the facts stated in the application, the Administrator hereby determines, pursuant to § 526.6 (b) (2) of the regulations applicable to industries of a seasonal nature, that a prima facie case has been shown for amendment of the determination made on December 2, 1940 (5 F. R. 4801), to include the making of dehydrated alfalfa pellets which contain not more than 20 percent of ingredients other than alfalfa, during the period when dehydrating operations are carried on, when performed in a continuous series of operations with the dehydrating operations. A prima facie case has also been shown for including within the determination similar pelleting by dehydrating plants of an insubstantial amount of alfalfa which has been dehydrated at other plants, when such pelleting is done while the dehydrating is in process.

As amended, the determination will apply to the dehydrating of alfalfa and the subsequent manufacture of meal therefrom, and the following operations when performed at dehydrating plants during the period or periods when dehydrating operations are carried on: the making of dehydrated alfalfa pellets containing not more than 20 percent of ingredients other than alfalfa, including the pelleting of alfalfa dehydrated at other plants in any workweek when such pelleting constitutes no more than 20 percent of the pelleting volume; and any operations necessary or incident to the foregoing.

If no objection and request for hearing is received within 15 days following the publication of this preliminary determination, the Administrator pursuant to § 526.6 (b) (2) of the regulations, will make a finding upon the prima facie case. Objections and requests for hearing from any interested person should be submitted in writing to the Wage and Hour and Public Contracts Divisions, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C. The application for exemption may be examined in Room 5137 at this address.

Signed at Washington, D. C. this 4th day of March 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-1648; Filed, Mar. 8, 1954; 8:48 a. m.]

[29 CFR Part 541]

DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL OR LOCAL RETAILING CAPACITY, OR IN THE CAPACITY OF AN OUTSIDE SALESMAN"

COMPENSATION "ON A SALARY BASIS"

Notice is hereby given that the Administrator of the Wage and Hour Division of the United States Department of Labor, proposes to amend § 541.118 of Part 541, Subpart B (29 CFR Part 541), as follows:

§ 541.118 *Salary basis.* (a) (1) An employee will be considered to be paid "on a salary basis" within the meaning of the regulations in Subpart A of this part if under his employment agreement he regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of his compensation, which amount is not subject to reduction because of variations in the quality or quantity of the work performed. Subject to the exceptions provided below, the employee must receive his full salary for any week in which he performs any work without regard to the number of days or hours worked. This policy is also subject to the general rule that an employee need not be paid for any workweek in which he performs no work.

(2) An employee will not be considered to be "on a salary basis" if deductions from his predetermined compensation are made for absences occasioned by the employer or by the operating requirements of the business. Accordingly, if the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

(3) Deductions may be made, however, when the employee absents himself from work for a day or more for personal reasons, other than sickness or accident. Thus, if an employee is absent for a day or longer to handle personal affairs, his salaried status will not be affected if deductions are made from his salary for such absences.

(4) Deductions may also be made for absences of a day or more occasioned by sickness or disability (including industrial accidents), if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by both sickness and disability. Thus, if the employer's particular plan, policy or practice provides compensation for such absences, deductions for absences of a day or longer because of sickness or disability may be made before an employee has qualified under such plan, policy or practice, and after he has exhausted his leave allowance thereunder. It is not required that the employee be paid any portion of his salary for any day for which he receives compensation for leave under such plan, policy or practice. Similarly, if the employer operates under a State sickness and disability insurance law, or a private sickness and disability insurance plan, deductions may be made for absences of a working day or longer if benefits are provided in accordance with

the particular law or plan. In the case of an industrial accident, the "salary basis" requirement will be met if the employee is compensated for loss of salary in accordance with the applicable compensation law or the plan adopted by the employer, provided the employer also has some plan, policy or practice of providing compensation for sickness and disability other than that relating to industrial accidents.

(5) Deductions may not be made for absences of an employee caused by jury duty, attendance as a witness, or temporary military leave. The employer may, however, offset any amounts received by an employee as jury or witness fees or military pay for a particular week against the salary due for that particular week without loss of the exemption. Penalties imposed in good faith for infractions of safety rules, or for other major disciplinary reasons, will not affect the employee's salaried status.

(6) The effect of making a deduction which is not permitted under these interpretations will depend upon the facts in the particular case. Where deductions are generally made when there is no work available, it indicates that there was no intention to pay the employee on a salary basis. In such a case the exemption would not be applicable to him during the entire period when such deductions were being made. On the other hand, where a deduction not permitted by these interpretations is inadvertent, or is made for reasons other than lack of work, the exemption will not be considered to have been lost if the employer reimburses the employee for such deductions and promises to comply in the future.

(b) *Minimum guarantee plus extras.* It should be noted that the salary may consist of a predetermined amount constituting all or part of the employee's compensation. In other words, additional compensation besides the salary is not inconsistent with the salary basis of payment. The requirement will be met, for example, by a branch manager who receives a salary of $55 or more per week and, in addition, a commission of 1 percent of the branch sales. The requirement will also be met by a branch manager who receives a percentage of the sales or profits of his branch if the employment arrangement also includes a guarantee of at least the minimum weekly salary (or the equivalent for a monthly or other period) required by the regulations. Another type of situation in which the requirement will be met is that of an employee paid on a daily or shift basis, if the employment arrangement includes a provision that he will receive not less than the amount specified in the regulations in any week in which he performs any work. Such arrangements are subject to the exceptions in paragraph (a) of this section. The test of payment on a salary basis will not be met, however, if the salary is divided into two parts for the purpose of circumventing the requirement of payment "on a salary basis." For example, a salary of of $100 a week may not arbitrarily be divided into a guaranteed minimum of $55 paid in each week in which any work is performed, and an additional $45 which is made subject to deductions which are not permitted under paragraph (a) of this section.

(c) *Initial and terminal weeks.* Failure to pay the full salary in the initial or terminal week of employment is not considered inconsistent with the salary basis of payment. In such weeks the payment of a proportionate part of the employee's salary for the time actually worked will meet the requirement. However, this should not be construed to mean that an employee is on a salary basis within the meaning of the regulations if he is employed occassionally for a few days and is paid a proportionate part of the weekly salary when so employed. Moreover, even payment of the full weekly salary under such circumstances would not meet the requirement, since casual or occasional employment for a few days at a time is inconsistent with employment on a salary basis within the meaning of the regulations.

Prior to the final adoption of the proposed amendment set forth above, consideration will be given to any views, arguments or data pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.)

Signed at Washington, D. C. this 3d day of March 1954.

WM. R. MCCOMB,
Administrator,
Wage and hour Division.

[F. R. Doc. 54-1649; Filed, Mar. 8, 1954; 8:49 a. m.]

Wage and Hour and Public Contracts Divisions

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS

HOSIERY INDUSTRY

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, (section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214) the Administrator has heretofore issued regulations (§§ 522.40 through 522.51) providing for the employment of learners in the hosiery industry at wages lower than the minimum wage applicable under section 6 of the act.

Such regulations have been re-examined in the light of recent changes in wage levels, administrative experience in the operation of the regulations, and after consultation with interested parties in the industry. All relevant information available indicates that it is necessary to amend the learner regulations for this industry by increasing the subminimum learner wage rates from 63 cents and 68 cents per hour to 67½ cents and 72½ cents per hour in the seamless hosiery branch, and from 65 cents and 70 cents to 70 cents and 72½ cents per hour in the full-fashioned hosiery branch, and by eliminating knitting and looping as occupations in which learners may be authorized to be employed at subminimum wage rates in the full-fashioned hosiery branch. In addition, certain other provisions of these regulations have been clarified.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), that under the authority provided in section 14 of the Fair Labor Standards Act of 1938, as amended (section 14, 52 Stat. 1068; 29 U. S. C. 214), the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to revise §§ 522.40 through 522.51 as hereinafter set forth. Prior to adoption of the revised regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 15 days from publication of this notice in the FEDERAL REGISTER.

Sec.
522.40 Issuance of learner certificates in the hosiery industry.
522.41 Number or proportion of learners.
522.42 Learner occupations, learning periods, and subminimum rates.
522.43 Effective period of certificates.
522.44 Cancellation of special learner certificates.
522.45 Applicability of §§ 522.40 to 522.44.
522.46 Applicability of general learner regulations (§§ 522.1 to 522.14).

AUTHORITY: §§ 522.40 to 522.46 issued under sec. 14, 52 Stat. 1068; 29 U. S. C. 214.

§ 522.40 *Issuance of special learner certificates in the hosiery industry.* (a) When necessary in order to prevent the curtailment of opportunities for employment, special certificates authorizing the employment of learners in the occupations and subject to the terms set forth in §§ 522.40 to 522.46 shall be issued to any plant in the hosiery industry making application therefor on forms furnished by the Wage and Hour Division, providing that,

(1) Experienced workers in the occupations named in §§ 522.40 to 522.46 are not available for such employment, except as provided in § 522.42 (d), and that

(2) The issuance of a special certificate will not create unfair competitive labor cost advantages or impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

(b) Application must be made on the official form furnished by these Divisions and must contain all information required by the form, including among other things, information concerning efforts made by the applicant to obtain experienced workers, the occupations in which learners are to be employed, the number of learners previously hired, the number of learners requested, their proposed hourly rates and learning periods in number of hours, the number of experienced workers in such occupations and their straight-time average hourly earnings during the last payroll period, the number of plant workers employed during previous periods, and the type of equipment to be used by learners.

§ 522.41 *Number or proportion of learners.* (a) The number of learners which any employer may be authorized to employ by any special certificate issued to meet normal labor turnover needs shall not exceed on any one workday five percent of the total number of productive factory workers in the plant; provided that, in plants employing less than 100 workers, a maximum of 5 learners may be authorized.

(b) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need. A "new plant" means a plant which is newly established and is being operated for the first time, or which has not been operated more than 8 months and in which a substantial number of workers must be trained for the manufacture of the products of the plant. An "expanding plant" means a plant which is being expanded by the installation of additional mechanical equipment or other production facilities, by again placing into operation machinery which has been idle for an appreciable period, or by adding an additional shift.

§ 522.42 *Learner occupations, learning periods and subminimum rates.* (a) A person who has had no previous experience in any of the following occupations in the hosiery industry may be employed as a learner in any one of the following occupations for the number of hours and at the subminimum rates set forth below:

(1) *Seamless Branch:*

Learner occupations, learning periods, and subminimum rates

Knitting, transfer top only, 960 hours; looping, 960 hours; pairing, women's nylon only, 960 hours; mending,[1] women's nylon only, 960 hours; 67½ cents, first 480 hours; 72½ cents, remaining 480 hours.

Topping, 480 hours; boarding, 480 hours; folding, women's nylon and rayon, 480 hours; welting, 480 hours; mending, other than women's nylon, 480 hours; pairing, other than women's nylon, 480 hours; 67½ cents per hour.

Knitting, except transfer top, 240 hours; seaming, 240 hours; examining and inspecting, 240 hours; folding, other than women's nylon and rayon, 240 hours; 67½ cents per hour.

(2) *Full-fashioned Branch:*

Pairing, 960 hours; mending,[1] 960 hours; seaming, 960 hours; 70 cents, first 480 hours; 72½ cents, remaining 480 hours.

Folding, 480 hours; 70 cents per hour.

Boarding, examining and inspecting, 240 hours; 70 cents per hour.

(b) If experienced workers are paid on a piece rate basis, learners shall be paid at least the same piece rates as experienced workers employed on similar work in the plant and shall receive earnings based on such piece rates whenever such earnings exceed the subminimum wage rates permitted in the certificate.

(c) A person who has had previous experience or training in the hosiery industry at any time in any authorized learner occupation for less than the authorized learning period may be employed as a learner in the same occupation at the applicable subminimum rates until the number of hours authorized for that occupation are completed.

(d) A worker who has had full training in any authorized learner occupation may be transferred to any other learner occupation for a period not to exceed one-half of the learning period authorized for that occupation at not less than 72½ cents an hour. A worker who has had partial training in any authorized learner occupation may be transferred to any other learner occupation or either: (1) A period not to exceed one-half of the learning period authorized for that occupation, at not less than 72½ cents an hour; or (2) the balance of the number of hours permitted as a learning period for the occupation to which he or she is being transferred, at the applicable subminimum rates set forth in § 522.42 (a): *Provided however*, That (i) no worker may be employed as a learner at learner rates in more than two authorized occupations; (ii) no worker who has completed the authorized learning period in the occupation of pairing may be employed as a learner at learner rates in the occupations of folding or inspecting; and (iii) no worker who has completed the authorized learning period may be employed as a learner at learner rates when transferring from the seamless branch of the hosiery industry to the full-fashioned or from the full-fashioned branch to the seamless, if the worker is employed in the same occupation as that in which he or she has been previously employed.

§ 522.43 *Effective period of certificates.* (a) Special certificates issued to meet labor turnover needs shall be effective for a period not longer than one year.

(b) Special certificates issued to new or expanding plants shall be effective for a period not longer than six months.

§ 522.44 *Cancellation of special learner certificates.* (a) The Administrator or his authorized representative may cancel any certificate for cause. A certificate may be canceled (1) as of the date of issuance, if it is found that the applicant set forth any fact or facts in the application which he knew or had reasonable cause to believe to be false; (2) as of the date of violation, if it is found that any of its terms have been violated; or (3) prospectively, if it is found that the conditions of employment of the learner have changed or that the purposes for which the certificate was originally issued no longer obtain.

(b) Except in cases of wilfulness or those in which the public interest requires otherwise, before any special certificate for the employment of a learner will be canceled, facts or conduct which may warrant such action will be called to the attention of the employer in writing and he shall be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 522.45 *Applicability of §§ 522.40 to 522.44.* (a) For purposes of §§ 522.40 to 522.44, the "hosiery industry" is defined as follows: The manufacture or processing of hosiery including, among other processes, the knitting, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

(b) Sections 522.40 to 522.44 do not apply to Puerto Rico or the Virgin Islands.

§ 522.46 *Applicability of general learner regulations* (§§ 522.1 to 522.14). The employment of learners pursuant to the provisions of §§ 522.40 through 522.45 shall be subject to all provisions of the general regulations governing the employment of learners (§§ 522.1 to 522.14), except to the extent to which any provision of such general regulations is inconsistent with any provision of §§ 522.40 through 522.45.

Signed at Washington, D. C., this 4th day of March 1954.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 54-1646; Filed, Mar. 8, 1954; 8:48 a. m.]

[1] For purposes of §§ 522.40 to 522.46, this occupation is defined as the process of hand-mending hosiery, either in the greige or finished condition, excluding snagging or scratching performed as a full-time and continuous process, and excluding the operation of various types of mending machines, such as Vitos, Vanitas, Stelos or Marvel, except where the operation of such machines is incidental to the hand-mending operation and the use of such machinery is an adjunct to the hand-mending process.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 24]

U. S. STANDARDS FOR GRADES OF BUTTER[1]

NOTICE OF PROPOSED RULE MAKING

On February 8, 1952, notice was published in the FEDERAL REGISTER (F. R. Doc. 52-1577; 17 F. R. 1224-1226) regarding the issuance of United States Standards for Grades of Butter to supersede "Official United States Standards for Grades of Creamery Butter" that have been in effect since February 1, 1943.

In view of the widespread interest in the aforesaid standards, the final issuance of the standards was delayed. All views have now been received and based upon those views the revised standards are set forth again as proposed standards pursuant to the authority contained in the Agricultural Marketing Act, 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The revised standards are substantially the same as those proposed in 1952 except that the grade nomenclature of U. S. Grade AA or U. S. 93 Score, U. S. Grade A or U. S. 92 Score, U. S. Grade B or U. S. 90 Score, and U. S. Grade C or U. S. 89 Score has been used; the flavor of wild onion or garlic has been

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

permitted to a slight degree in Grade C or 89 Score butter; the flavor of neutralizer has been changed from "definite" to "slight" for Grade B or 90 Score butter; and other minor revisions have been made. Both the letter nomenclature of AA, A, B, and C and the numerical nomenclature of 93, 92, 90, and 89 are part of the 1943 standards. All major provisions of the revised standards are the same as those previously proposed and general agreement has been reached among interested parties on the changes proposed.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Director, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after publication of this notice in the FEDERAL REGISTER.

In view of the fact that a new marketing years begins on April 1, 1954, it is contemplated that the new standards will be made effective April 1, so as to eliminate the confusion of change of standards after the new program has been placed in operation.

The proposed standards are as follows:

UNITED STATES STANDARDS FOR GRADES OF BUTTER

DEFINITIONS

§ 24.10 *Butter.* Butter is the food product made from milk or cream, or both, with or without common salt or additional coloring matter, and containing not less than 80 percent by weight of milk fat, all tolerance having been allowed for.

(a) *Cream.* The term "cream" when used in this subpart means cream separated from milk produced by healthy cows. The cream shall be pasteurized at a temperature of not less than 165° F. and held continuously at such temperature for at least 30 min.; or by any other method of pasteurization which gives equivalent results in the destruction of the phosphatase enzyme.

U. S. GRADES

§ 24.2 *Nomenclature of U. S. grades.* (a) The nomenclature of U. S. grades is as follows: (1) U. S. Grade AA or U. S. 93 Score; (2) U. S. Grade A or U. S. 92 Score; (3) U. S. Grade B or U. S. 90 Score; and (4) U. S. Grade C or U. S. 89 Score.

§ 24.3 *Basis for determination of U. S. grades.* (a) The basis for the determination of U. S. grades of butter shall be as follows: (1) The flavor shall be classified in accordance with § 24.4; (2) The defects in body, color, and salt shall be classified in accordance with § 24.5; (3) The relation of the U. S. grade of the butter to the flavor classification of it, as affected by total defects in body, color, and salt shall be determined in accordance with § 24.6.

§ 24.4 *Classification of flavors in butter.* (a) Various identified flavors in butter shall be classified as follows:

TABLE I

Identified flavors[1]	Flavor classification			
	AA[2]	A[3]	B	C
Feed	Slight	Definite		
Cooked (fine)	Definite			
Acid		Slight	Definite	
Bitter		do	do	
Coarse acid		do	do	
Flat		do		
Smothered		do	Definite	
Storage		do	do	
Cooked (coarse)		Definite		
Musty			Slight	Definite.
Neutralizer			do	Do.
Scorched			do	Do.
Utensil			do	Do.
Weed			do	Do.
Whey			do	Do.
Woody[2]			do	Do.
Old cream			Definite	
Barny				Slight.
Cheesy				Do.
Fruity				Do.
Metallic				Do.
Oily				Do.
Sour				Do.
Wild onion or garlic				Do.
Yeasty				Do.
Stale				Definite.

[1] When more than one flavor is discernible in a sample of butter, the flavor classification of the sample shall be established on the basis of the flavor that carries the lowest classification.
[2] Shall be fine, highly pleasing.
[3] Shall be pleasing and desirable.

§ 24.5 *Classification of defects in body, color, and salt.* The classification of defects in body, color, and salt shall be established in accordance with the following:

TABLE II

Defect:	Rating
BODY	
Slight crumbly	½
Slight gummy	½
Slight leaky	½
Slight mealy	½
Slight short	½
Slight spongy or weak	½
Slight sticky	½
Slight ragged boring	1
Slight grainy	1
Definite crumbly	1
Definite gummy	1
Definite leaky	1
Definite mealy	1
Definite short	1
Definite spongy or weak	1
Definite sticky	1
Definite ragged boring	2
Definite grainy	2
COLOR	
Slight wavy	½
Slight mottled	1
Slight streaked	1
Slight color specks	1
Definite high color	1
Definite wavy	1
Definite color specks	2
Definite mottled	2
Definite streaked	2

TABLE II—Continued

Defect:	Rating
SALT	
Slight sharp salt	½
Slight gritty salt	1
Definite sharp salt	1
Definite gritty salt	2

§ 24.6 *Relation of U. S. grade of butter to the flavor classification as affected by total defects in body, color, and salt.* (a) The flavor classification and maximum defects in body, color, and salt permitted for each U. S. grade are as follows:

TABLE III

Flavor classification	Maximum defects permitted	U. S. grade
AA	½	AA or 93
AA	1	A or 92
A	½	A or 92
AA	2	B or 90
A	1½	B or 90
B	1	B or 90
A	2½	C or 89
B	1½	C or 89
C	1½	C or 89

(b) Examples of the relation of U. S. grades to flavor classification and total defects in body, color, and salt are as follows:

TABLE IV

Example No.	Flavor classification	Defects			Total defects	Permitted total defects	Defects in excess of those permitted	U. S. grade
		Body	Color	Salt				
1	AA	½	0	0	½	½	0	AA or 93
2	AA	0	1	0	1	½	½	A or 92
3	AA	1	0	½	1½	½	1	B or 90
4	AA	1	1	0	2	½	1½	B or 90
5	AA	1	1	½	2½	½	2	B or 90
6	A	½	0	0	½	½	0	A or 92
7	A	0	1	0	1	½	½	B or 90
8	A	1	0	½	1½	½	1	B or 90
9	A	1	1	0	2	½	1½	C or 89
10	A	1	1	½	2½	½	2	C or 89
11	B	½	0	0	½	½	0	B or 90
12	B	0	1	0	1	½	½	C or 89
13	B	1	0	½	1½	½	1	C or 89
14	C	1	0	0	1	1½	0	C or 89
15	C	1	½	0	1½	1½	0	C or 89

§ 24.7 *Specifications for U. S. grades of butter.* (a) The specifications for the U. S. grades of butter are as follows:

(1) *General.* Butter of all U. S. grades shall be free of visible mold, and foreign materials.

(2) *U. S. Grade AA or U. S. 93 Score.* U. S. Grade AA or U. S. 93 Score butter conforms to the following: Possesses a fine highly pleasing flavor. May possess a slight food and a definite cooked (fine) flavor. It is made from sweet cream or cream of low natural acid to which a culture (starter) may or may not have been added. The permitted total defects in body, color, and salt are limited to one-half (½) in accordance with Table II.

(3) *U. S. Grade A or U. S. 92 Score.* U. S. Grade A or U. S 92 Score butter conforms to the following: Possesses a pleasing and desirable flavor. May possess any of the following flavors to a slight degree: Aged, bitter, coarse-acid, flat, smothered, and storage. May possess feed and cooked (coarse) flavors to a definite degree. The permitted total defects in body, color, and salt are limited to one-half (½) in accordance with Table II unless the flavor classification permits these defects to exceed one-half. Butter that has a flavor classification of AA and total defects in body, color, and salt which exceed one-half (½) but do not exceed one (1) in accordance with Table II shall be U. S. Grade A or U. S. 92 Score.

(4) *U. S. Grade B or U. S. 90 Score.* U. S. Grade B or U. S 90 Score butter conforms to the following: May possess any of the following flavors to a slight degree: Musty, neutralizer, scorched, woody, weed, whey, and utensil. May possess any of the following flavors to a definite degree: Aged, bitter, coarse-acid, old cream, smothered, and storage. The permitted total defects in body, color, and salt are limited to a total of one-half (½) unless the flavor classification permits these defects to exceed one-half (½) in accordance with Table II. Butter that has a flavor classification of AA and total defects in body, color, and salt which exceed one (1) but do not exceed two-and-one-half (2½) in accordance with Table II shall be U. S. Grade B or U. S. 90 Score. Butter that has a flavor classification of A and total defects in body, color, and salt which exceed one-half (½) but do not exceed one-and-one-half (1½) in accordance with Table II shall be U. S. Grade B or U. S. 90 Score.

(5) *U. S. Grade C or U. S. 89 Score.* U. S. Grade C or U. S. 89 Score butter conforms to the following: May possess any of the following flavors to a slight degree: Barny, cheesy, fruity, metallic, oily, sour, wild onion or garlic, and yeasty. May possess any of the following flavors to a definite degree: Musty, neutralizer, scorched, stale, weed, whey, woody, and utensil. The permitted defects in body, color, and salt are limited to a total of one-and-one-half (1½) unless the flavor classification permits these defects to exceed one-and-one-half (1½) in accordance with Table II. Butter that has a flavor classification of A and total defects in body, color, and salt which exceed one-and-one-half (1½) but do not exceed two-and-one-half (2½) in accordance with Table II shall be U. S. Grade C or U. S. 89 Score. Butter that has a flavor classification of B and total defects in body, color, and salt which exceed one-half (½) but do not exceed one-and-one-half (1½) in accordance with Table II shall be U. S. Grade C or U. S. 89 Score.

EXPLANATION OF TERMS

§ 24.8 *Explanation of terms.*—(a) *With respect to flavor.*—(1) *Slight.* Detected only upon critical examination.

(2) *Definite.* Not intense but readily detectable.

(3) *Aged.* Characterized by lack of freshness. Attributable to short or extended storage periods of the butter above freezer temperatures.

(4) *Barny.* Associated with cow or stable odors. Attributable to odor absorption or bacterial action.

(5) *Bitter.* Puckery, astringent taste.

(6) *Cheesy.* Suggestive of cheese.

(7) *Coarse acid.* Lacks fine flavor, but has no definite acid flavor.

(8) *Cooked (fine).* Resulting from heat application to the cream, but not an intense flavor.

(9) *Cooked (coarse).* An intense flavor resulting from heat application to the cream.

(10) *Feed.* Feed flavors (from normal feeds, such as alfalfa, sweet clover, silage, or similar feed) in milk carried through into the butter.

(11) *Flat.* Lacks definite natural butter flavor.

(12) *Fruity.* A sweetish fruit flavor.

(13) *Metallic.* Suggestive of metal. Attributable to contact with metal surfaces or bacterial action.

(14) *Musty.* Suggestive of storage in damp cellar or cave.

(15) *Neutralizer.* Flavor characteristic of neutralizing agents.

(16) *Oily.* Suggestive of oil; characterized by an oily-like taste with an accompanying suggestion of oxidation of the fat.

(17) *Old cream.* Aged cream characterized by lack of freshness.

(18) *Sour.* Acid flavor and aroma.

(19) *Scorched.* A more intensified flavor than cooked (coarse).

(20) *Smothered.* Suggestive of improperly cooled milk or cream; containers exposed to hot sun.

(21) *Stale.* Characterized by aged cream of poor quality.

(22) *Storage.* Characterized by lack of freshness. Attributable to extended storage periods of the butter.

(23) *Utensil.* Suggestive of improper or inadequate washing and sanitizing of milking machines, separators, utensils, or factory equipment; or of poorly tinned equipment.

(24) *Weed.* Weed flavors from common weeds, that may be present in butter derived from milk or cream of cows that have eaten weedy hay or have grazed on weed-infested pastures. Free from offensive weed flavors (such as, pepper grass or french weed).

(25) *Whey.* Mildly acid flavor and aroma characteristic of whey. Resulting from use of whey cream.

(26) *Wild onion or garlic.* May be present in butter derived from milk or cream of cows that have eaten wild onion or garlic.

(27) *Woody.* Suggestive of wood. Attributable to absorption from wood equipment.

(28) *Yeasty.* Indicating yeast fermentation.

(b) *With respect to body.*—(1) *Crumbly.* Particles lack cohesion.

(2) *Gummy.* Does not melt readily.

(3) *Grainy.* Granular consistency; more intense granular condition than mealy.

(4) *Mealy.* Coarse granular consistency.

(5) *Leaky.* Free water appearing as beads on the surface of the butter.

(6) *Ragged boring.* Sticky-crumbly condition preventing drawing of a full trier.

(7) *Short.* Excessively tight, fine texture.

(8) *Spongy or weak.* Lacks compactness or firmness.

(9) *Sticky.* Adheres to trier as a smear.

(c) *With respect to color.*—(1) *High color.* Excessive coloring; unnatural.

(2) *Mottled.* Light-colored areas giving a marbled appearance.

(3) *Specks.* Color specks appearing in the butter.

(4) *Streaked.* Long streaks of light-colored portions.

(5) *Wavy.* Uneveness of color appearing as waves of different shades of yellow.

(d) *With respect to salt.*—(1) *Sharp.* Characterized by taste suggestive of excessive salt.

(2) *Gritty.* Coarse, or sandlike particles.

(60 Stat. 1090; 7 U. S. C. 1624 et seq.)

Done at Washington, D. C., this 4th day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-1656; Filed, Mar. 8, 1954; 8:50 a. m.]

[7 CFR Part 922]

[Docket No. AO-250]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

EDITORIAL NOTE: The material set forth below should have been published as the introductory text and order in connection with Federal Register Document 54-1499, appearing at page 1177 of the issue for Wednesday, March 3, 1954.

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing

was held at Los Angeles, California, from December 7 to December 10, 1953, both dates inclusive, after notice thereof published in the FEDERAL REGISTER (18 F. R. 7358), on a proposed marketing agreement and order regulating the handling of Valencia oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 2, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 54-841; 19 F. R. 695; 801). No exception to said recommended decision was filed.

Findings and conclusions. The material issues and the findings and conclusions of the aforesaid recommended decision are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except for the correction set forth below which is made for the purpose of clarification.

Delete the penultimate sentence in subparagraph (i) of paragraph (5) (19 F. R. 706) which reads: "Similarly, while the exporting of oranges should not be subject to regulation, all prior handling of such oranges should be regulated."

and insert, in lieu thereof, the following: "Similarly, the person who handles oranges directly to an exporter for export purposes, or who exports them himself, should be exempt."

In § 922.67 (19 F. R. 712) delete paragraph (e) reading "export oranges;" and insert, in lieu thereof "(e) export or handle oranges to exporters for export purposes."

General findings. The general findings of the said recommended decision are hereby approved and adopted as the general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California" and "Order Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Agricultural Research Service

[9 CFR Parts 1, 40]

MEAT INSPECTION REGULATIONS

NOTICE OF PROPOSED AMENDMENTS

Notice of proposed identification and marketing service for certain meats, meat byproducts, and meat food products.

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Department of Agriculture is considering the issuance of regulations providing for the furnishing of a service for the identification and marketing, as federally inspected and passed, of divided portions of meats, meat byproducts, and meat food products which have been federally inspected and passed and so marked, but all divided portions of which do not bear the marks of Federal meat inspection, and the collection of fees for such service, under the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U. S. C. 1622 and 1624), section 520 of the Revised Statutes (5 U. S. C. 511) and provisions in the item for Marketing Services in the Department of Agriculture Appropriation Act, 1954 (67 Stat. 205; 7 U. S. C. Supp. 414). It is proposed to issue such regulations as new Part 40 of Title 9, Code of Federal Regulations, to read as follows:

PART 40—IDENTIFICATION SERVICE FOR MEAT AND OTHER PRODUCT

Sec.
40.1 Meaning of words.
40.2 Definitions.
40.3 Kind of service.
40.4 Availability of service.
40.5 Application for service.
40.6 Denial or withdrawal of service.
40.7 Fees and charges.

§ 40.1 *Meaning of words.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 40.2 *Definitions.* For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Department.* The United States Department of Agriculture.

(b) *Service.* The Agricultural Research Service of the Department.

(c) *Administrator.* The Administrator of the Service or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) *Chief.* The Chief, Meat Inspection Branch of the Service, or any officer or employee of the Department, to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(e) *Inspector.* Any officer or employee of the Department authorized to perform any duties under the regulations in this part.

(f) *Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company, or other organized group of any of the foregoing.

(g) *Federally inspected and passed.* Inspected and passed under the Meat Inspection Act, as amended (21 U. S. C. 71 et seq.) or under the provisions in paragraphs 306 (b) and (c) of the Tariff Act of 1930 (19 U. S. C. 1306 (b) and (c)).

(h) *Official establishment.* An establishment operated under Federal meat inspection pursuant to the Meat Inspection Act, as amended (21 U. S. C. 71 et seq.).

§ 40.3 *Kind of service.* Meat or other product that is federally inspected and passed at an official establishment or upon importation is officially marked at such establishment or the port of entry with sufficient marks of Federal meat inspection to identify, as federally inspected and passed, the carcass, tank carload, or other basic unit constituting the product when it leaves such establishment or is allowed importation. In order to facilitate the division of such carcass, tank carload, or other unit into smaller portions and to maintain the identity of such portions as federally inspected and passed, service may be furnished, upon application, under the regulations in this part to identify such portions as part of a unit which was federally inspected and passed and so marked and to mark such portions with the marks of Federal meat inspection.

§ 40.4 *Availability of service.* Service under the regulations in this part will be available only with respect to meat or other product which is on premises other than those of an official establishment; which is sound, healthful, wholesome, and fit for human food at the time the service would be furnished; and which can be identified as a portion of a carcass, tank carload, or other basic unit which was federally inspected and passed and so marked.

§ 40.5 *Application for service.* Any person who desires to receive service under the regulations in this part for meat or other product eligible therefor under such regulations may make application for service to the Chief, upon an application form which will be furnished by the Chief upon request.

§ 40.6 *Denial or withdrawal of service.* (a) If any person has applied for service for meat or other product not eligible therefor under the regulations in this part, or has failed to make proper application for service or to pay fees and charges due for service furnished or to be furnished to him under the regulations in this part, or if the service cannot be furnished to any person applying therefor because of lack of available inspectors or other administrative reasons, the service may be denied to such person by the Chief until the condition justifying such denial is corrected.

(b) Service under the regulations in this part may also be denied to any person by the Administrator for such period as he may deem proper, if it is determined, after opportunity for hearing before a proper official in the Department, that such person has been responsible for any willful misrepresentation to the Department concerning any meat or other product for which service has been requested under the regulations, in this part, or that such person has been responsible for the use without authority, or the imitation, of any marks or certificates of Federal meat inspection on or with respect to any meat or other product, or has otherwise been responsible for any fraudulent or deceptive practice with respect to such service, or that such person has interfered with or obstructed any inspector in the performance of his duties under the regulations in this part, or attempted to do so. Pending final determination of the matter, the Chief may deny or withdraw service without hearing in those cases where the public interests so require. In other cases prior to the institution of proceedings for denial of service under this paragraph, the facts or conduct which may warrant such action shall be called to the attention of the person involved, in writing, and he shall be given an opportunity to demonstrate or achieve compliance with all applicable requirements.

§ 40.7 *Fees and charges.* (a) Fees and charges for service under the regulations in this part shall be paid by the applicant for the service in accordance with this section, and, if required by the Administrator, the fees and charges shall be paid in advance.

(b) The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Treasurer of the United States and shall be remitted promptly to the Administrator upon furnishing to the applicant of a statement as to the amount due.

(c) The fees to be charged and collected for service under the regulations in this part shall be based on the time required to render such service, including but not limited to the time required for the travel of the inspector or inspectors in connection therewith, at a rate to be determined by the Chief, which shall be not more than $3.20 per hour for each hour for each inspector for the time required.

(d) Charges may also be made to cover the cost of travel and other expenses incurred by the Service in connection with the furnishing of the service.

Section 1.1 of Title 9, Code of Federal Regulations, would be amended by deleting from the introductory phrase the term "this subchapter" and substituting therefor the term "Parts 1 through 29".

Any person who wishes to submit written data, views, or arguments concerning the proposed regulations may do so by filing them with the Chief, Meat Inspection Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 4th day of March 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator.

[F. R. Doc. 54-1660; Filed, Mar. 8, 1954; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 135]

[Docket No. F. D. C. 60]

CERTIFICATION OF COAL TAR COLORS

EXTENSION OF TIME FOR FILING WRITTEN BRIEFS IN HEARING

On January 19, 1954, a hearing was held for the purpose of receiving evidence concerning the proposal of the Secretary of Health, Education, and Welfare to amend the regulations for the certification of coal-tar colors (21 CFR 135, as amended, 21 CFR, 1952 Supp.). Upon completion of the hearing, Mr. Leonard D. Hardy, presiding officer, granted interested parties until March 1, 1954, for filing briefs.

The Secretary of the Department of Health, Education, and Welfare, having been petitioned by interested parties to extend the time within which such briefs may be filed, and good cause therefor appearing: *It is ordered*, That the time for filing briefs be extended until March 31, 1954, and that said extension shall apply to all interested persons whose appearances were filed at the hearing.

Dated: March 3, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-1650; Filed, Mar. 8, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53443]

COAL, COKE, AND BRIQUETTES IMPORTED FROM CERTAIN COUNTRIES

TAXABLE STATUS

MARCH 4, 1954.

Coal, coke made from coal, and coal or coke briquettes imported from the following countries and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to December 31, 1954, inclusive, will not be subject to the tax of 10 cents per 100 pounds prescribed in the Internal Revenue Code, section 3423:

Canada.	Italy.
France.	Netherlands.
French Morocco.	Netherlands Antilles.

Coal, coke made from coal, and coal or coke briquettes produced in the United Kingdom, imported into the United States directly or indirectly therefrom, and entered for consumption or withdrawn from warehouse for consumption during the calendar year 1954 will be exempt from the tax by virtue of the Internal Revenue Code, section 3420.

Certain countries from which there have been no importations of coal or allied fuels since January 1, 1952, are not included in the above list. Further information concerning the taxable status of coal or allied fuels imported during the calendar year 1954 from countries not listed above will be furnished upon application therefor to the Bureau.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

[F. R. Doc. 54-1652; Filed, Mar. 8, 1954; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2640, Amdt. 6]

NATIONAL PARK SERVICE

DELEGATIONS OF AUTHORITY

MARCH 2, 1954.

Order No. 2640, as amended (16 F. R. 5846, 11934; 17 F. R. 482, 964; 18 F. R. 2832, 6789), as further amended as follows:

1. A new section, numbered 36 and reading as follows, is added:

SEC. 36. *Authority under the act of August 8, 1953.* The Director is authorized to exercise all of the authority vested in the Secretary of the Interior by the act of August 8, 1953 (67 Stat. 495; Pub. Law 230, 83d Cong.), which pertains to the transportation of employees of Carlsbad Caverns National Park, to the furnishing of services and facilities, and to other matters relating to the National Park System and miscellaneous areas as defined in the act.

2. Section 99 is amended to read as follows:

SEC. 99. *Redelegation.* The Director may, in writing, redelegate to any officer or employee of the Service the authority vested in him by this order, and he may authorize written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C., 1946 ed., Supp. V, sec. 133z-15, note)

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-1633; Filed, Mar. 8, 1954; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 167]

CHING SEN LEE AND AMERICAN INDUSTRIAL PRODUCTS CO.

ORDER DENYING EXPORT PRIVILEGES

In the matter of Ching Sen Lee (sometimes known as Lee Ching Sen), individually and d/b/a under firm name and style of American Industrial Products Company, 111 Broadway, New York 6, New York, respondent.

The respondent, Ching Sen Lee, having been charged by the Director, Investigation Staff, Bureau of Foreign Commerce (formerly the Office of International Trade), Department of Commerce, with having violated the Export Control Act of 1949, and the regulations promulgated thereunder, and having been duly served with the charging letter dated March 19, 1952, duly appeared herein by acknowledging in person receipt of the charging letter, retaining an attorney to represent him herein and by such attorney demanded an oral hearing. Due notice of hearing to be held April 2, 1953, was given to respondent's attorney but neither respondent nor his attorney appeared at the time and place set for said hearing and, after noting the failure of respondent to so appear, the Compliance Commissioner proceeded to hear and receive the evidence in support of the charges contained in the charging letter on April 2 and 3, 1953, and the presentation of proof not having been completed, the hearing was continued to August 7, 1953, on which day the case was submitted for report and recommendation.

The Compliance Commissioner, in his report, has set forth all the facts found by him together with his recommendation, and has transmitted the entire record to the undersigned Director, Office of Export Supply.

Now, upon considering the facts of this case, after reviewing the entire record and the report of the Compliance Commissioner, I hereby make the following

FINDINGS OF FACT

(1) At all times hereinafter mentioned, Ching Sen Lee was engaged in the export business in the City of New York under the firm name and style of American Industrial Products Company. Lee also has done and is doing business through the medium of corporations known as American Industrial Products Co., Inc., American Industrial Products Co., Ltd., and other similar names. Lee is the respondent herein.

(2) On the 24th day of May 1949, respondent caused to be submitted to the Office of International Trade, now the Bureau of Foreign Commerce, an application for a license to export fifty long tons of steel strapping to a company in Hong Kong as ultimate purchaser and consignee, falsely representing that Hong Kong was the country of ultimate destination. Such a license was granted on June 30, 1949.

(3) For the purpose of effectuating the exportation of approximately 100,000 pounds of steel strapping from the United States under said license, respondent on or about July 18, 1949, caused a shipper's export declaration to be authenticated by the Collector of Customs in which he represented that the country of ultimate destination was Hong Kong, although he knew at that time that said steel strapping was ultimately destined for Tientsin, China. He thereupon exported the steel strapping on July 22, 1949.

(4) Prior to May 1949, respondent had obtained from the Office of International Trade three export licenses authorizing the exportation of tinplate from the United States to Shanghai, China, in which licenses two different Shanghai firms were named as intermediate and ultimate consignees. In May 1949, a third firm in Hong Kong contracted to purchase from respondent 100 long tons of tinplate and in June 1949, respondent learned that the said tinplate was destined ultimately for Tientsin, China. On June 16, 1949, respondent caused to be requested and obtained from the Office of International Trade an amendment of the three licenses granted prior to May 1949 whereby the addresses of the two firms therein mentioned were changed from Shanghai to Hong Kong but he failed to request an amendment changing the name of either the intermediate or ultimate consignee to that of the third firm to which he had contracted to sell the 100 long tons of tinplate.

(5) Thereafter, on July 22, 1949, for the purpose of effectuating the exportation from the United States of 222,340 pounds of tinplate to said third purchaser for ultimate shipment to Tientsin, he caused to be authenticated by the Collector of Customs a shipper's export declaration, based on said three export licenses, in which he represented and stated that the purchaser and ultimate consignee was one of the two firms mentioned in the license (not the third firm, the actual purchaser), and Hong Kong as the country of ultimate destination, not mentioning Tientsin, China, which he then knew was the place of ultimate destination. The said tinplate was thereupon exported from the United States.

(6) On or about July 20, 1949, respondent caused to be submitted to the Office of International Trade an application for license to export 4,000 pieces of crucibles to a named purchaser in Hong Kong as ultimate consignee, naming Hong Kong as the country of ultimate destination. Shortly thereafter, the named purchaser informed respondent that the ultimate destination of the crucibles was Tientsin, China, and reduced the order to 1,000 pieces. Respondent, having this knowledge, at no time prior to the rejection of this application notified the Office of International Trade of the true ultimate destination or of the reduction in quantity.

(7) Thereafter, on or about July 28, 1949, for the purpose of obtaining an export license to export said 1,000 pieces of crucibles known by him to be ultimately destined for Tientsin, China, respondent caused to be submitted to the Office of International Trade an application to export 1,000 pieces of crucibles to Hong Kong, as the country of ultimate destination and named therein as the purchaser and ultimate consignee, his own company, American Industrial Products Company, with Hong Kong as its address. As part of the said application he caused to be represented to the Office of International Trade that he had a contract with American Industrial Products Company to sell it 1,000 pieces of crucibles for "Hong Kong, Br. Crn. Colony," as the country of ultimate destination. He did this knowing he had no such contract and that the 1,000 pieces were the reduced portion of the order which had been the subject of the first application.

From the foregoing, I conclude (A) that the respondent falsely stated and caused to be stated falsely the country of ultimate destination and the name of the ultimate consignee and purchaser on export license applications and export declarations, and made exportations under validated licenses with the knowledge that the commodities so exported were to be reexported to a country other than the country named therein as the country of ultimate destination, in violation of the regulations then cited as 15 CFR 372.12 (a), §§ 381.1 (b) (1), (2), 3 (i), (ii), 381.3 (a); 14 F. R. 3013, 3032; (B) that respondent without authorization used validated export licenses to effectuate an exportation different from that in such licenses authorized and contrary to the authority thereof, in violation of the regulation then cited as 15 CFR 381.3 (a) and § 372.2 (a), 14 F. R. 3032 and 3008; and (C) knowingly made false representations to and concealed material facts from the Office of International Trade (now the Bureau of Foreign Commerce), in violation of regulations then cited as 15 CFR 381.1 (b) (1), (2), and (3) (i), (ii), (iv), 14 F. R. 3032.

In his report the Compliance Commissioner has recommended that the respondent be suspended from all export privileges for a period of five years from the date of this order or for the duration of export controls, whichever occurs first. This respondent was suspended from export privileges relating to commodities on the Positive List in another proceeding, Case No. 106, from August 8, 1951, until February 7, 1953, and he has been temporarily suspended from validated export license privileges since that time pursuant to an order entered in this proceeding on January 30, 1953. Respondent is presently under indictment in the Federal Court for the Southern District of New York for criminal violations of the export control law, and he is a fugitive from justice in such proceedings.

After careful consideration of the report and recommendation, and taking into consideration the fact that respondent has been suspended from export privileges, as stated, from August 8, 1951, until now, I have concluded that the terms of the recommended order are reasonable, necessary, and proper to achieve effective enforcement of the law and they are accordingly adopted. Now, therefore, it is ordered, as follows:

I. Respondent Ching Sen Lee, sometimes known as Lee Ching Sen, trading as American Industrial Products Company, American Industrial Products Co., Inc., Brussels, Belgium, American Industrial Products Co., Ltd., London, England, and American Industrial Products Co., G. m. b. H. (Aminprocom), Hamburg, Germany, their successors or assigns, directors, officers, stockholders, partners, representatives, agents, and employees be and they hereby are denied and declared ineligible to exercise any privileges of participation directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, including Canada, for a period of five (5) years from the date hereof or for the duration of export controls, whichever shall be the shorter period. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit respondents' participation, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the persons and companies mentioned in and within the scope of Part I hereof, but also to any person, firm, corporation, or business organization with which such persons and companies may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

III. No Person, firm, corporation, or other business organization shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of Parts I and II hereof have any interest of any kind or nature, direct or indirect.

Dated: March 3, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-1637; Filed, Mar. 8, 1954; 8:46 a. m.]

Federal Maritime Board

MEMBER LINES OF WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 2846-5, between the Member Lines of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference (W. I. N. A. C.) modifies the basic agreement of that conference (No. 2846) to provide that the presence of at least six representatives of member lines shall constitute a quorum at meetings of the Rate Committee, and that such meetings shall be held as and when required. The agreement presently provides that three fourths of the representatives of member lines shall constitute a quorum at meetings of the Rate Committee, and that such meetings will be held every week, if there are items on the agenda, and that special meetings may be called at any time upon agreement of three-fourths of the committee.

(2) Agreement No. 7860-6, between the Member Lines of the Swiss/North Atlantic Freight Conference, modifies the basic agreement of that conference (No. 7860) to provide that new conference members will automatically become a party to, and members withdrawing from the conference will automatically cease to be a party to any agreement entered into between the members and any other carrier or other person subject to the Shipping Act, 1916, as amended.

(3) Agreement No. 7636-1, between N. V. Stoomvaart Maatschappij "Nederland" and Koninklijke Rotterdamsche Lloyd, N. V., modifies the basic agreement of the Java Pacific Line Joint Service (No. 7636) to limit the scope of the agreement to the trades (a) between U. S. and Canadian Pacific Coast ports and the Hawaiian Islands, on the one hand, and ports in the Philippine Islands, Indo-China, Siam, Indonesia, Colony of Singapore, Malayan Union, Ceylon, Pakistan, Burma, India and the Territory of the Persian Gulf, on the other hand, and (b) from ports in India, Pakistan, Ceylon, Burma, Colony of Singapore, Malayan Union, Netherland East Indies and Philippine Islands to United States Gulf ports.

(4) Agreement No. 7838-1, between the Carriers Comprising the Java Pacific & Hoegh Lines Joint Service, modifies the basic Joint Service Agreement (No. 7838) to limit the scope of the agreement to the trades (a) between U. S. and Canadian Pacific Coast ports and the Hawaiian Islands, on the one hand, and ports in the Philippine Islands, Indo-China, Siam, Indonesia, Colony of Singapore, Federation of Malaya, Ceylon, India, Pakistan, Burma, and the Territory of the Persion Gulf, on the other hand, and (b) from ports in India, Pakistan, Ceylon, Burma, Colony of Singapore, Federation of Malaya, Indonesia, Indo-China, Siam and Philippine Islands to United States Gulf ports.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together witn request for hearing should such hearing be desired.

Dated: March 3, 1954.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 54-1645; Filed, Mar. 8, 1954; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Barad Lingerie Co., Salem, Mo., effective 2-25-54 to 2-24-55; 10 learners for normal labor turnover purposes (ladies' underwear).

Barrow Manufacturing Co., Statham, Ga., effective 2-26-54 to 2-25-55; 10 learners for normal labor turnover purposes (sport shirts).

Blue Bell, Inc., Arab, Ala., effective 3-2-54 to 3-1-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Blue Bell, Inc., Oneonta, Ala., effective 3-2-54 to 3-1-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls).

Brooks Uniform Co., Clarksville, Tex., effective 2-26-54 to 2-25-55; 10 learners for normal labor turnover purposes (women's uniforms).

"Bundle O' Joy" Baby Wear Co., 43 South Pennsylvania Avenue, Wilkes-Barre, Pa., ef-

fective 2-24-54 to 2-23-55; 10 learners for normal labor turnover purposes (infant's gowns, etc.).

Cluett, Peabody & Co., Inc., Buchanan, Ga., effective 3-1-54 to 2-28-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts).

Cowden Mfg. Co., East Main Street, Stanford, Ky., effective 3-15-54 to 3-14-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls).

Dublin Garment Co., Dublin, Ga., effective 2-26-54 to 2-25-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Fruhauf Southwest Garment Co., Inc., 146 East Sixth Street, Pawhuska, Okla., effective 3-1-54 to 2-28-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (shell field jackets).

Gort Girls' Frocks, Inc., 75 Stark Street NE., Wilkes-Barre, Pa., effective 3-17-54 to 3-16-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

W. Koury Co., 633 Chatham Street, Sanford, N. C., effective 2-23-54 to 2-22-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' pants, men's work pants and shirts).

Lady Ester Lingerie Corp., Tenth and Walnut Streets, Berwick, Pa., effective 3-16-54 to 3-15-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's slips).

Plains Manufacturing Co., Inc., 61 Hudson Road, Plains, Pa., effective 2-25-54 to 2-24-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Sandye Shirt Corp., Portland, Tenn., effective 2-24-54 to 8-15-54; 100 learners for plant expansion purposes (sport shirts) (supplemental certificate).

Spring Hope Manufacturing Co., Spring Hope, N. C., effective 3-2-54 to 3-1-55; 10 learners for normal labor turnover purposes (ladies' and children's dungarees, etc.).

Walls Manufacturing Co., Inc., Cleburne, Tex., effective 3-1-54 to 2-28-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (coveralls, jeans, etc.).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Louis Gallet Knitting Mills, Inc., Uniontown, Pa., effective 3-15-54 to 4-30-54; 40 learners for expansion purposes (men's and ladies' full fashioned sweaters) (replacement certificate).

Louis Gallet Knitting Mills, Inc., Uniontown, Pa., effective 3-15-54 to 4-30-54; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and ladies' full fashioned sweaters), (replacement certificate).

Nescopeck Knitting Mills, Inc., 213 West Third Street, Nescopeck, Pa., effective 2-26-54 to 2-25-55; 5 learners for normal labor turnover purposes (sport shirts and coat sweaters).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

The Carib Co., Inc., Aibonito, P. R., effective 2-23-54 to 8-22-54; 10 learners; machine stitching woven and knitted fabric gloves, 240 hours at 32 cents an hour, 240 hours at 40 cents an hour (fabric gloves).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 1st day of March 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-1638; Filed, Mar. 8, 1954; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

Patent Compensation Board

[Docket No. 15]

ARNOLD KRAMISH

NOTICE OF APPLICATION

Notice is hereby given that Arnold Kramish has filed an application before the Patent Compensation Board, United States Atomic Energy Commission, for an award. The application is based on three disclosures identified as follows:

I. Atomic Refrigerating Device. 1. Externally Powered.
II. Atomic Refrigerating Device. 2. With Internal Moderator.
III. Atomic Refrigerating Device. 3. Internally Powered.

The application of Arnold Kramish is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

SARAH K. GRANDSTAFF,
Acting Clerk,
Patent Compensation Board.

FEBRUARY 25, 1954.

[F. R. Doc. 54-1631; Filed, Mar. 8, 1954; 8:45 a. m.]

[Docket No. 16]

N. V. PHILLIPS' GLOEILAMPENFABRIEKEN AND HARTFORD NATIONAL BANK AND TRUST CO.

NOTICE OF APPEARANCE

Notice is hereby given that N. V. Phillips' Gloeilampenfabrieken and Hartford National Bank and Trust Company have filed an application before the Patent Compensation Board, United States Atomic Energy Commission, for just compensation and award. The application, among other things, is based on an alleged revocation of license rights in United States Letters Patent No. 2,206,634.

The application of N. V. Phillips' Gloeilampenfabrieken and Hartford National Bank and Trust Company is on file with the Patent Compensation Board. Any person other than the applicants desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of publication of this notice, a statement of fact concerning the nature of his interest.

SARAH K. GRANDSTAFF,
Acting Clerk,
Patent Compensation Board.

FEBRUARY 25, 1954.

[F. R. Doc. 54-1632; Filed, Mar. 8, 1954; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF CHEMICAL CORPS CHLORINE PLANT

MARCH 3, 1954.

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, (hereinafter referred to as "the act") authority is hereby delegated to the Secretary of Defense to determine that the property known as the Chemical Corps Chlorine Plant, located at Muscle Shoals, Alabama is not required for the needs and responsibilities of Federal agencies; and thereafter to dispose of such property by sale or lease as the interest of the Government may require.

2. Prior to such determination and disposal of the property, the Secretary of Defense shall take such steps as may be appropriate to determine whether any Federal agency has need therefor, and if so, shall transfer the property to such agency upon such terms as to reimbursement as may be prescribed in accordance with section 202 (a) of the act, as amended.

3. The authority conferred herein shall be exercised in accordance with the act and regulations issued pursuant thereto, and in particular section 203 (e) of the act, as amended by section 1 (i) of Public Law 522, 82d Congress requiring that an explanatory statement shall be prepared and submitted to the appropriate committees of Congress and a copy preserved in the file of all cases where negotiated disposal occurs. Such statements shall be submitted to the committees at least thirty (30) days prior to consummation of any negotiated disposal, and a copy of each such statement shall be furnished this Administration.

4. The authority herein delegated may be redelegated to any officer, official, or employee of the Department of Defense.

5. This delegation of authority shall be effective as of the date hereof.

Dated: March 3, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54-1653; Filed, Mar. 8, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3203]

WISCONSIN ELECTRIC POWER CO. AND MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO.

NOTICE OF PROPOSED RETIREMENT BY SUBSIDIARY OF SHARES OF ITS CAPITAL STOCK

MARCH 2, 1954.

Notice is hereby given that Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company, and its wholly owned subsidiary the Milwaukee Electric Railway & Transport Company ("Transport Company") have filed with this Commission a joint declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 12 (c) and 12 (f) of the act and Rules U-42 and U-43 promulgated thereunder as applicable to the proposed transaction, which is summarized as follows:

Wisconsin Electric proposes to sell, and Transport Company proposes to buy, for $700,000 in cash, 7,000 shares of Transport Company's common stock, of the par value of $100 per share. Transport Company proposes to retire and cancel such stock, and to amend its Articles of Incorporation to reflect a corresponding reduction in its authorized capital stock.

It is stated that Wisconsin Electric holds all of Transport Company's outstanding securities, consisting of 58,350 common shares; that in December 1952 Transport Company sold all of its passenger transportation properties, since which time its business operations have been greatly curtailed; that it has reduced to cash certain assets reserved from such sale, principally $659,366 in tax refunds; that the funds which it will use in retiring the 7,000 shares of its capital stock are not needed for its continuing operations; that Wisconsin Electric needs and will use the funds for its current construction of new utility plant.

Wisconsin Electric has applied to the Public Service Commission of Wisconsin for approval of its proposed sale of the 7,000 shares of Transport Company's stock.

No fees, commissions or other remuneration will be paid in connection with the transaction.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than March 18, 1954, at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1634; Filed, Mar. 8, 1954; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request No. 6]

ASSOCIATED PACIFIC AND U M & F MANUFACTURING CORP.

ADDITIONAL COMPANIES ACCEPTING REQUESTS TO PARTICIPATE IN OPERATIONS OF UNITED WESTERN MANUFACTURERS, INC. OF INGLEWOOD, CALIFORNIA

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies which have accepted the requests to participate in the operations of United Western Manufacturers, Inc. of Inglewood, California, are herewith published. The original list of companies accepting such requests was published on September 19, 1953, in 18 F. R. 5632.

Associated Pacific, 4253 South Lincoln Boulevard, Venice, Calif.

U M & F Manufacturing Corp., 10929 Vanowen Street, North Hollywood, Calif.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, October 16, 1953, 18 F. R. 6583)

Dated: March 3, 1954.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 54-1636; Filed, Mar. 8, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28971]

LIQUEFIED PETROLEUM GAS FROM TUSCOLA, ILL., TO POINTS IN WISCONSIN AND UPPER PENINSULA OF MICHIGAN

APPLICATION FOR RELIEF

MARCH, 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Tuscola, Ill.

To: Points in Wisconsin and upper peninsula of Michigan.

Grounds for relief: Competition with rail carriers, circuity and to maintain grouping.

Schedules filed containing proposed rates; W. J. Prueter, Agent, I. C. C. No. A-3976, supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1639; Filed, Mar. 8, 1954; 8:47 a. m.]

[4th Sec. Application 28973]

PROPORTIONAL GRAIN RATES FROM MISSISSIPPI RIVER CROSSINGS TO SOUTH

APPLICATION FOR RELIEF

MARCH 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Grain and grain products, carloads and less-than-carloads.

From: Memphis, Tenn., Vicksburg, Miss., and New Orleans, La.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, market competition, to maintain grouping, and to establish rates prescribed in Docket No. 29777.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1325, supp. 34; C. A. Spaninger, Agent, I. C. C. No. 1353, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is

found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1641; Filed, Mar. 8, 1954; 8:47 a. m.]

[4th Sec. Application 28974]

BITUMINOUS FINE COAL FROM ILLINOIS, INDIANA AND WESTERN KENTUCKY TO DAKOTA CITY, IOWA

APPLICATION FOR RELIEF

MARCH 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedules listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Illinois, Indiana and western Kentucky.

To: Dakota City, Iowa.

Grounds for relief: Competition with rail carriers, circuity and market competition.

Schedules filed containing proposed rates:

Carrier (except as noted)	Supplement No.	I. C. C. No.
AT & SF	11	14708
B & O	23	C & C 3040
C & EI	140	2
C & IM	40	B-295
C & NW	22	11288
CB & Q	56	20331
CI & L	26	4798
CMStP & P	24	B-7717
GM & O	17	262
IC	50	E-1869
MP	43	A-10201
NYC	49	1906
PRR	26	3210
WAB	44	7549
SFTB	56	[1] 1224

[1] C. A. Spaninger, Agent

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1642; Filed, Mar. 8, 1954; 8:47 a. m.]

[4th Sec. Application 28975]

DRIED EDIBLE BEANS FROM MICHIGAN AND NEW YORK TO BATON ROUGE AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

MARCH 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-968 and Agent H. R. Hinsch's tariff I. C. C. No. 4367, pursuant to fourth-section order No. 16101.

Commodities involved: Dried edible beans, carloads.

From: Michigan and New York.

To: Baton Rouge and New Orleans, La.

Grounds for relief: Rail competition, circuity and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1643; Filed, Mar. 8, 1954; 8:47 a. m.]

[4th Sec. Application 28976]

CARBON DIOXIDE FROM NEW MEXICO TO TEXAS AND LOUISIANA

APPLICATION FOR RELIEF

MARCH 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 4046, pursuant to fourth-section order No. 17220.

Commodities involved: Carbon dioxide, solidified, carloads.

From: Dioxice and Mosquero, New Mexico.

To: Shreveport, La., Amarillo, Dallas, El Paso and Houston, Texas.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1644; Filed, Mar. 8, 1954; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 47

Washington, Wednesday, March 10, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10519

SPECIFICATION OF LAWS FROM WHICH FUNCTIONS AUTHORIZED BY MUTUAL SECURITY ACT OF 1951, AS AMENDED, SHALL BE EXEMPT

By virtue of the authority vested in me by section 532 of the Mutual Security Act of 1951, as added by section 7 (m) of the Mutual Security Act of 1952 (Public Law 400, approved June 20, 1952, 66 Stat. 146), it is hereby determined that, to the extent hereinafter indicated, the performance of functions authorized by the said Mutual Security Act of 1951, as amended (including, except as hereinafter otherwise specified, the performance of functions authorized by the Act for International Development, as amended, the Institute of Inter-American Affairs Act, as amended, and the Mutual Defense Assistance Act of 1949, as amended), without regard to the laws specified in the lettered subdivisions of sections 1 and 2 of this order will further the purposes of the said Mutual Security Act of 1951, as amended.

SECTION 1. With respect to functions authorized by the Mutual Security Act of 1951, as amended, except those exercised by the Department of Defense under authority of section 506 of said Act or the Mutual Defense Assistance Act of 1949, as amended:

(a) The act of March 26, 1934, c. 90, 48 Stat. 500, as amended (15 U. S. C. 616a).

(b) Section 3648 of the Revised Statutes, as amended, 60 Stat. 809 (31 U. S. C. 529).

(c) Section 305 of the act of June 30, 1949 (the Federal Property and Administrative Services Act of 1949), c. 288, 63 Stat. 396 (41 U. S. C. 255).

(d) Section 3709 of the Revised Statutes, as amended (41 U. S. C. 5).

(e) Section 3710 of the Revised Statutes (41 U. S. C. 8).

(f) Section 2 of the act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U. S. C. 10a).

(g) Section 3735 of the Revised Statutes (41 U. S. C. 13).

(h) Section 901 of the act of June 29, 1936, c. 858, 49 Stat. 2015 (46 U. S. C. 1241).

SEC. 2. With respect to purchases authorized to be made outside the continental limits of the United States under the Mutual Security Act of 1951, as amended.

(a) Section 10 (1) of the act of July 2, 1926, c. 721, 44 Stat. 787, as amended (10 U. S. C. 310 (1)).

(b) Section 4 (c) of the act of February 19, 1948 (the Armed Services Procurement Act of 1947), c. 65, 62 Stat. 23, as amended, 65 Stat. 700 (41 U. S. C. 153 (c)).

(c) Section 304 (c) of the act of June 30, 1949 (the Federal Property and Administrative Services Act of 1949), c. 288, 63 Stat. 395, as amended, 65 Stat. 700 (41 U. S. C. 254 (c)).

(d) The last proviso of section 201 of the act of December 18, 1941 (the First War Powers Act, 1941), c. 593, 55 Stat. 839, as amended, 64 Stat. 1257 (50 U. S. C. App. 611).

(e) Section 1301 of the act of March 27, 1942 (the Second War Powers Act, 1942), c. 199, 56 Stat. 185 (50 U. S. C. App. 643).

This order supersedes Executive Order No. 10387 of August 25, 1952, 17 F. R. 7799, entitled "Specification of Laws from Which Certain Functions Authorized by the Mutual Security Act of 1951, as amended, shall be Exempt," and Executive Order No. 10446 of April 17, 1953, 18 F. R. 2209, entitled "Specification of Laws from Which the Escapee Program Administered by the Department of State shall be Exempt."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
March 5, 1954.

[F. R. Doc. 54-1764; Filed, Mar. 9, 1954; 12:08 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 3747]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PROGRESS TAILORING CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Plant and equipment; Retailer as wholesaler, jobber or factory distributor; Size and ex-

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Agriculture Department
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tent; § 3.65 *Fictitious affidavits;* § 3.75 *Free goods or services;* § 3.155 *Prices:* Retail or selling as wholesale, jobbing, factory distributors', etc., or discounted; § 3.260 *Terms and conditions.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1940 *Fictitious affidavits;* § 3.1955 *Free goods;* § 3.2080 *Terms and conditions.* Subpart—*Securing agents or representatives falsely or misleadingly:* § 3.2165 *Terms and conditions.* In connection with the offering for sale, sale and distribution of wearing apparel and other similar items of merchandise in commerce: (1) Using the term "free" or any other term of similar import or meaning to designate, describe, or refer to wearing apparel or other items of merchandise which are furnished as compensation for services rendered, unless in close connection therewith all of the conditions, obligations, or other prerequisites to the receipt and retention of said wearing apparel or other items of merchandise are clearly and conspicuously set forth; (2) using the term "free" or any other term of similar import or meaning to describe or refer to linings, trimmings, or other portions of garments which constitute a part of any garment, and the price of which is included in the price of the entire garment; (3) using a pictorial representation of a building, in advertising or in any other manner, which inaccurately portrays or misrepresents the size or extent of respondent's business or the comparative volume of business transacted by the respondents; (4) representing directly or by implication that respondents are selling their garments at manufacturers' prices or at prices which save the purchaser the cost or profit of the retailer or middleman; (5) representing that respondents are wholesale tailors or that their garments are supplied to purchasers at wholesale prices or that respondents are engaged in any business other than the sale of garments at retail; and (6) the use of reproductions of any fictitious affidavit in advertising material or in any other manner; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Modified cease and desist order, Progress Tailoring Company et al., Chicago, Ill., Docket 3747, February 16, 1954]

In the Matter of Progress Tailoring Company, Also Trading as J. C. Field & Son; Stone-Field Corporation, W. Z. Gibson, Inc., Pioneer Tailoring Company, and Certified Tailoring Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before trial examiners of the Commission theretofore duly designated by it, report of the trial examiners upon the evidence, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondents had violated the provisions of the Federal Trade Commission Act, and on July 20, 1943, issued an order to cease and desist against respondents Progress Tailoring Company, a corporation, trading under its own name and also as J. C. Field & Son; Stone-Field Corporation, a corporation; W. Z. Gibson, Inc., a corporation; Pioneer Tailoring Company, a corporation; and Certified Tailoring Company, a corporation; and their respective officers, representatives, agents and employees; and

The aforesaid respondents, having filed in the United States Court of Appeals for the Seventh Circuit their petition to review and set aside said order to cease and desist; and that Court having heard the matter on briefs and oral argument and having thereafter, on January 28, 1946, affirmed said order and on February 21, 1946, entered its final decree enforcing said order; and

Respondents Progress Tailoring Company, Stone-Field Corporation, W. Z. Gibson, Inc., and Pioneer Tailoring Company, respondent Certified Tailoring Company having been dissolved, and the Commission having, on December 4, 1953, jointly moved the Court to modify said final decree to accord with the change in the Commission's interpretation of the application of section 5 of the Federal Trade Commission Act to the use of such terms as "free" in advertising or other offers to the public, as announced in its decision of the proceeding in Docket No. 5571, "In the Matter of Walter J. Black, Inc.," and the Court having, on December 9, 1953, entered an order modifying its final decree in the manner requested by the parties as aforesaid; and

The Commission being of the opinion that its order should be modified so as to accord with the aforesaid change in its interpretation of section 5 of the Federal Trade Commission Act and to conform to the aforesaid order of the United States Court of Appeals for the Seventh Circuit:

It is ordered, therefore, That respondents Progress Tailoring Company, a corporation, trading under its own name and also as J. C. Field & Son; Stone-Field Corporation, a corporation; W. Z. Gibson, Inc., a corporation; and Pioneer Tailoring Company, a corporation; and their respective officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of wearing apparel and other similar items of merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "free" or any other term of similar import or meaning to designate, describe, or refer to wearing apparel or other items of merchandise which are furnished as compensation for services rendered, unless in close connection therewith all of the conditions, obligations, or other prerequisites to the receipt and retention of said wearing apparel or other items of merchandise are clearly and conspicuously set forth.

2. Using the term "free" or any other term of similar import or meaning to describe or refer to linings, trimmings, or other portions of garments which constitute a part of any garment, and the price of which is included in the price of the entire garment.

3. Using a pictorial representation of a building, in advertising or in any other manner, which inaccurately portrays or misrepresents the size or extent of respondents' business or the comparative volume of business transacted by the respondents.

4. Representing directly or by implication that respondents are selling their garments at manufacturers' prices or at prices which save the purchaser the cost or profit of the retailer or middleman.

5. Representing that respondents are wholesale tailors or that their garments are supplied to purchasers at wholesale prices or that respondents are engaged in any business other than the sale of garments at retail.

6. The use of reproductions of any fictitious affidavit in advertising material or in any other manner.

It is further ordered, That, within sixty days after service upon them of this order, said respondents shall file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It appearing that respondent Certified Tailoring Company, a corporation, has been dissolved since issuance of the original order to cease and desist herein: *It is further ordered,* That the complaint herein be, and it hereby is, dismissed as to said former respondent.

Issued: February 16, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 54-1712; Filed, Mar. 9, 1954; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture.

Subchapter C—International Wheat Agreement

PART 481—COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

SUBPART—TERMS AND CONDITIONS OF 1953–54 PROGRAM

EDITORIAL NOTE: Part 571 of Title 6, Chapter IV, which was transferred from Chapter V of this title at 19 F. R. 743, issue of February 9, 1954, is hereby redesignated Part 481 as set forth above.

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

[Amdt. 3]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—ORANGE AND GRAPEFRUIT EXPORT PAYMENT PROGRAM UMX 135a (FISCAL YEAR 1954)

PRODUCT SPECIFICATIONS

1. Section 517.424 (a) (2) is hereby amended to read as follows:

§ 517.424 *Product specifications.* • • •

(a) *Fresh fruit.* • • •

(2) Fresh oranges produced in Florida and Texas shall meet the requirements for Standard Pack provided that such fruit shall be individually wrapped, or packed in boxes treated with diphenyl or lined with diphenyl paper. When wrapped, each fruit shall be fairly well enclosed in its individual wrapper. Also, except for discoloration, not less than 85 percent of the oranges in any lot shall meet the requirements for U. S. No. 1 Grade and the remainder U. S. No. 2 Grade. The oranges shall meet the requirements for U. S. No. 1 Bronze Grade for discoloration, and shall also meet the following standards for export: Not more than a total of 10 percent, by count, of the fruit in any container shall be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, growth cracks, damage by creasing, or serious damage by dryness or mushy condition, except that for any lot:

Not more than 5 percent of the fruit shall be soft;

Not more than ½ of one percent of the fruit shall be affected by decay;

Not more than 5 percent of the fruit shall be damaged by skin breakdown;

Not more than 3 percent of the fruit shall have broken skins which are not healed;

Not more than 3 percent of the fruit shall have growth cracks;

Not more than 5 percent of the fruit shall be damaged by creasing; and

Not more than 5 percent of the fruit shall be seriously damaged by dryness or mushy condition.

Any lot of fruit shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the fruit in any container has any of the defects enumerated in the standards for export. "Standard Pack," "U. S. No. 1," "U. S. No. 2," and "U. S. No. 1 Bronze" shall have the same meanings as defined in "U. S. Standards for Florida Oranges," effective September 28, 1952, and "U. S. Standards for Oranges," effective November 15, 1949, for Texas oranges.

2. Section 517.424 (b) (8) is hereby amended to read as follows:

(b) *Processed products.* • • •

(8) Canned or frozen grapefruit sections shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Grapefruit," effective November 25, 1952, and as amended January 19, 1954, or as defined in "United States Standards for Grades of Frozen Grapefruit" effective February 20, 1948, whichever is applicable.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. Sup. 612c)

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., March 9, 1954.

Dated this 5th day of March 1954.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 54-1713; Filed, Mar. 9, 1954; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

PART 728—WHEAT

SUBPART—1954–55 MARKETING YEAR

Basis and purpose. The amendments herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of increased 1954 farm wheat acreage allotments to provide additional production of Class II Durum Wheat in 1954 to meet indicated market demands and carry-over requirements for the 1953–54 and 1954–55 marketing years. A proclamation by the Secretary of Agriculture issued February 26, 1954, pursuant to Public Law 290, 83d Congress, announced that farm acreage allotments for the 1954 crop of wheat would be increased to the extent necessary to meet the indicated shortage of Class II Durum Wheat.

In order that producers may proceed with plans for seeding Class II Durum and other classes of wheat as expeditiously as possible, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendments herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

1. Section 728.411 is amended by adding a new paragraph (n) to read as follows:

(n) "Class II Durum Wheat" means the three sub-classes of Durum Wheat (Class II) specified in the "Handbook of Official Grain Standards of the United States," which are: Sub-class (A) Hard Amber Durum, Sub-class (B) Amber Durum, and Sub-class (C) Durum.

2. A new § 728.425 is added to read as follows:

§ 728.425 *Conditional increases in acreage allotments for production of Class II Durum Wheat.* (a) The acreage allotment established under the provisions of §§ 728.410 to 728.424 for any farm on which Class II Durum Wheat was seeded for one or more of the years 1951, 1952, and 1953 shall be increased upon application filed by or on behalf of the operator on Form GR–371–Wheat (1954). Such application shall include information certified to by or for the operator relative to the acreage seeded for the production of Class II Durum Wheat for each of the years 1951, 1952, and 1953. The 1954 wheat acreage allotment for each such eligible farm for which an application is filed shall be determined as follows:

(1) The proportion of the base acreage for the farm seeded to Class II Durum Wheat shall be computed by applying to such base acreage that percentage of the average acreage of wheat in 1952 and 1953 which was seeded to Class II Durum Wheat.

(2) The proportion of the acreage allotment determined under §§ 728.410 to 728.424 applicable to wheat other than Class II Durum Wheat shall be computed by first applying the percentage determined under subparagraph (1) of this paragraph to such allotment and subtracting the product from such allotment.

(3) The allotment for such farm shall be the sum of the proportion of the base acreage seeded to Class II Durum Wheat as computed under subparagraph (1) of this paragraph, plus 50 percent thereof, plus the proportion of the acreage allotment applicable to wheat other than Class II Durum Wheat as computed under subparagraph (2) of this paragraph: *Provided*, That the farm acreage allotment established in accordance with the provisions of this section:

(i) Shall be upon the condition that the acreage seeded to wheat other than Class II Durum will not exceed the proportion of the acreage allotment applicable to such wheat as computed under subparagraph (2) of this paragraph;

(ii) Shall represent an increase of not less than 20 acres over the proportion of the acreage allotment applicable to wheat other than Class II Durum as computed under subparagraph (2) of this paragraph; and

(iii) Notwithstanding the minimum requirement of subdivision (ii), of this subparagraph, shall not exceed the cropland well suited for wheat as established for the farm for which an application is filed as provided in this section.

(b) In the event the acreage seeded to wheat other than Class II Durum exceeds the acreage as computed under paragraph (a) (2) of this section, the farm acreage allotment shall be redetermined by adding to the allotment established under §§ 728.410 to 728.424 the smaller of (1) the acres seeded to Class II Durum Wheat in excess of the proportion of such allotment applicable to Class II Durum Wheat, determined by applying the percentage computed under paragraph (a) (1) of this section to such allotment; or (2) the increase in such allotment as computed under paragraph (a) (3) of this section.

(c) The increases in farm acreage allotments under this section shall be determined by the county committee and notifications of such conditional allotments shall be issued by the county committee on Forms GR–308–Wheat (1954) Supplement. The provisions of § 728.422 and the last sentence of § 728.420 shall not be applicable to farm acreage allotments determined under this section, but § 728.423 shall apply thereto.

(d) The additional acreage required by this section shall be in addition to the national wheat acreage allotment and such acreage shall not be considered in establishing future State, county, and farm acreage allotments.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 334, 52 Stat. 53, as amended, Pub. Law 290, 83d Cong.; 7 U. S. C. 1334)

Done at Washington, D. C., this 4th day of March 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-1671; Filed, Mar. 9, 1954; 8:47 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.21, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1954

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of revising Sugar Regulation 814.21 (18 F. R. 8886) which established preliminary allotments of the 1954 sugar quota for the Mainland Cane Sugar area.

Omission of recommended decision and effective date. Allotments established by this order are in some cases smaller and in others larger than the preliminary allotments established in Sugar Regulation 814.21. To afford those receiving increased allotments adequate opportunities to market the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

To avoid the possibility of some allottees marketing shortly after January 1, 1954, a quantity of sugar larger than their eventual allotment, the Department requested and received from each allottee a stipulation which enabled the Secretary to issue a preliminary allotment order (S. R. 814.21) effective January 1, 1954, establishing a 1954 allotment for each allottee equal to 80 percent of the 1953 allotment for such allottee as established in Sugar Regulation 814.20 (18 F. R. 5289) effective September 2, 1953.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a notice was issued on December 8, 1953, of a public hearing to be held at New Orleans, Louisiana, on January 6, 1954, for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the 1954 sugar quota for the mainland cane sugar area.

As stated above the act requires a preliminary finding of necessity for allotment of a quota as a condition precedent to the calling of a hearing. Accordingly, the notice of hearing issued by the Secretary provided in part as follows:

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 316; 7 U. S. C. Sup. 1100), and in accordance with the applicable rules of practice and procedure (12 F. R. 8225, 13 F. R. 127, 2063; 7 CFR 801, et seq), and on the basis of information before me, I do hereby find that the allotment of the 1954 sugar quota for the Mainland Cane Sugar area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at the Hotel Monteleone, New Orleans, Louisiana, on January 6, 1954, beginning at 10:00 a. m., e. s. t.

Summary of testimony. With respect to the necessity for allotment of the 1954 sugar quota for the mainland cane sugar area, the government witness testified that sugar from the 1953-crop cane available for marketing in 1954 totalled about 290,000 short tons, raw value, leaving 210,000 short tons, raw value, of quota for new-crop sugar marketings. The lowest new-crop marketing for any of the last six years was about 282,000 short tons, raw value, and the highest was about 432,000 tons. Thus, in the absence of some device to prevent exceeding the quota, marketings in 1954 would range upward from 572,000 short tons, raw value, possibly as high as 642,000 tons. No change in crop prospects within the range of recent experience could bring the quantity available for marketing safely within the statutory quota (R. 9). This testimony on the necessity for allotments was not controverted by any witness.

With respect to the manner in which the allotments should be made, the government witness proposed that the factors to be considered in allotting the 1954 sugar quota for the Mainland and Cane Sugar Area be measured and weighted as follows: (1) Processings from proportionate shares, to be measured by each processor's production from 1953-crop cane and given a weight of 40 percent; (2) past marketings, to be measured by each processor's annual average marketings for the years 1948–53, inclusive, and given a weight of 20 percent; and (3) ability to market, to be measured by each processor's sum of (a) production from 1953-crop cane, and (b) stocks on hand January 1, 1954, in excess of the 1948–53 average, and given a weight of 40 percent (R. 14).

The applicable weighting would be applied to the absolute data used as the measurement of each of the factors and a total of the three measures so weighted would be computed for each of the allottees. The cumulation of these totals for all allottees would exceed the total quota. Thus, the totals for the individual allottees would have to be adjusted downward by multiplying them by the proportion that the quota is to the total of the weighted measures for all allottees (R. 17).

The government witness testified that use of revised data in place of that used in demonstrating the government proposal was contemplated in developing the allotment order regardless of the allotment method followed (R. 18). In demonstrating the effect of the proposed allotment formula the government witness stated that production from 1953-crop cane was based on late November estimates provided by the individual processors, and the allotments established in Amendment 1 to Sugar Regulation 814.20 (18 F. R. 7842) were used as estimates of 1953 marketings in computing 1948–53 average marketings and January 1, 1954, effective inventory. The 1948–52 average marketings data were taken from official records of the Department of Agriculture and, therefore, no changes in such data appear necessary for use in the allotment order (R. 12). The substitution of final data as proposed by the government witness was agreed to by all allottees in the stipulation set out below.

The government witness proposed that since use of preliminary and estimated data is anticipated in the initial allotment order and final data may result in reduction of some allotments, either allotments or marketings under allotments be restricted to 80 to 90 percent of the quota pending issuance of an allotment

order based on final data (R. 29). No witness took exception to this proposal.

A written statement was submitted at the time of the hearing by one allottee urging a minimum allotment of 1,000 tons for each allottee (R. 28). One witness, representing 45 allottees, testified that after carefully considering the government proposal as well as other alternatives in the light of existing circumstances the processors he represented had concluded not to offer another basic allotment formula (R. 46). He emphasized, however, that without alteration the allotment formula proposed by the government witness would cause undue hardship to a few processors who have greater than average stocks of sugar (R. 39–44). To alleviate this condition, the witness proposed that a processor's allotment should be in no event less than the sum of such processor's January 1, 1954, stock of sugar on hand plus 25 percent of the amount of sugar produced by such processor from the 1953-crop sugarcane (R. 40). This proposal was made a part of the stipulation, the complete text of which is set out below, which was agreed to by all allottees.

The incorporation in the 1954 allotment order of provisions similar to paragraphs (b) and (c) of S. R. 814.20 relating to transfer of allotments and exchange of sugar between allottees was recommended by a representative of 45 allottees (R. 46–47). There was no testimony in opposition to the inclusion of such provisions.

A representative of 45 allottees recommended that some action be taken by the Department to require each allottee to report his estimated 1954 calendar year production and estimated 1954 marketings no later than December 10, 1954, and to report in writing his inability to market a portion of his allotment and to tender such deficit for reallotment immediately on such factors becoming apparent (R. 48). In this regard the government witness testified that in light of present stocks held by the allottees the likelihood of deficits was rather remote (R. 50).

All of the 51 allottees stipulated for the record at the hearing (R. 72–76) or subsequently in writing as follows:

1. To the extent that 1953 marketings are concerned in measuring "past marketings" or computing January 1, 1954 inventories, the initial order allotting the 1954 sugar quota for the mainland cane sugar area issued after public hearing shall be based on the final 1953 allotments to all allottees. Further, to the extent that processings of sugar from 1953-crop cane are concerned the best estimates thereof shall be used in the basis of such initial allotment order. Without further hearing and without change in the formula adopted therein, such initial allotment order shall be revised to substitute actual 1953-crop processings and 1953 marketings as shown by official records of the Sugar Division after submission of such figures to the respective processors and opportunity afforded to make any necessary corrections therein.

2. To give effect to any change in the 1954 sugar quota for the mainland cane area made after the issuance of the initial allotment order, the order in effect at that time shall be revised without further hearing, using the same allotment formula used in the initial order issued after the January 6, 1954 hearing.

3. That there be alloted to the Louisiana State University for its experimental Sugar Factory at Baton Rouge, Louisiana, 125 tons of quota regardless of the allotment to which it would be entitled under the allotment formula.

4. If any allottee notifies the Department in writing that it will be unable to fill its 1954 allotment, an amount of sugar equal to such deficit shall be allotted, without further hearing and without change in the original allotment formula, to other allottees able to supply the additional sugar.

5. That the determination specifically provide that in no event shall the allotment to any processor be an amount less than the sum of such processor's January 1, 1954 actual stock of sugar on hand plus 25% of the amount of sugar produced by such processor from the 1953 crop, provided, however, that no allottee's allotment shall be reduced by virtue of this paragraph 5 more than 1.5% of the amount of such allotment computed without the adjustment necessitated by this paragraph.

6. Each allottee waives its (his) right to object to the validity of the 1954 allotment order by reason of any action taken by the Secretary of Agriculture in conformity with the provisions of this stipulation hereinabove set out in paragraphs one to five, inclusive; provided however, such waiver shall not preclude any allottee from contesting the validity of any other feature or provisions of said allotment order, or any other action taken by the Secretary of Agriculture thereunder or with respect thereto.

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. • • •

The three factors cited above are measured and weighted as proposed in the testimony of the government witness. However, higher allotments are established for 4 allottees. Pursuant to paragraph 3 of the stipulation, an allotment of 125 short tons, raw value, was established for the Louisiana State University and, pursuant to paragraph 5 of the stipulation, allotments for Burton-Sutton Oil Co., Inc., Columbia Sugar Company and Southdown Sugars, Inc., were established equal to the sum of the January 1, 1954, stocks and 25 percent of sugar produced from the 1953 crop for each of the three processors. To offset the increases in these four allotments, allotments for the remaining 47 allottees are reduced about 1.42 percent.

The data used are as provided for in paragraph 1 of the stipulation. Since allotments established by this order are based upon estimates of both production from 1953-crop cane and 1953 marketings, and final production and marketing data are to be substituted when available, the amount of each allotment which may be marketed prior to September 1, 1954, is limited to 85 percent of such allotment. This limitation is necessary to prevent any processor from marketing more than the share of the quota to which it will ultimately be entitled on the basis of its actual marketings in 1953 and production from 1953-crop cane.

Provision is made for the transfer of allotments under circumstances deemed necessary to insure the processing of all sugarcane to which proportionate shares pertain. The geographical distribution of sugarcane acreage and mills, differences in the operating conditions of various mills and marketing practices for sugarcane in some parts of the area, appear to make such a provision necessary. It was proposed on behalf of many processors and no testimony appears in opposition to it.

The substance of the provision of § 816.3 (14 F. R. 2163) is included in § 814.21 (c) so that this section continues its applicability in the Mainland Cane Sugar Area if deleted from Part 816 as has been proposed. Assurance that this provision would continue to apply to this area was requested by various processors at the hearing and no evidence was presented against it.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1954 Mainland Cane sugar processors will have available for marketing from 1953-crop cane about 290,000 short tons, raw value, and if marketing of sugar from 1954-crop cane is equal to or exceeds the lowest new-crop marketing for any of the last six years, the quota of 500,000 short tons, raw value, would be exceeded by 72,000 tons or more.

(2) The allotment of the 1954 mainland cane sugar area quota is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugarcane produced in that area.

(3) To assure a fair, efficient and equitable distribution of the Mainland Cane Sugar Area quota the three statutory standards should be weighted as follows: "Processings • • • from • • • proportionate shares," 40 percent; "past marketings," 20 percent; and "ability to market," 40 percent.

(4) Each allottee's production from 1953-crop cane constitutes a fair and equitable measure of "processings • • • from • • • proportionate shares," and this revised order should be based on the allottee's estimates of 1953-crop production which were made a part of the record of the hearing.

(5) A fair and equitable measure of past marketings for each allottee is the average of such marketing for the period 1948–53 with 1953 marketing estimated to be equal to the allotments established in Sugar Regulation 814.20, Amendment 2 (18 F. R. 8818).

(6) The sum of each allottee's production from 1953-crop cane plus stocks of sugar on hand January 1, 1954, in excess of the average of January 1, 1948–53 stocks is a fair and equitable measure of ability to market.

(7) The quantities of sugar referred to in (4), (5) and (6) above are as set forth in the following table:

[Short tons, raw value]

Processor	[illegible] produced from 1953 crop cane (1)	Average annual marketings 1948–53 (2)	Sugar produced from 1953 crop cane plus stocks of sugar on hand 1–1–54 in excess of average 1–1–48–53 stocks (3)
Albania Sugar Coop., Inc.	6,521	5,332	7,596
Alice C. Refining & Planting, Inc.	7,566	6,355	8,493
Alma Plantation, Ltd.	7,179	6,825	8,032
J. Aron & Co., Inc.	13,934	10,637	16,528
Billeaud Sugar Factory	9,017	8,036	10,126
Breaux Bridge Sugar Coop., Inc.	6,297	6,432	6,297
Burton-Sutton Oil Co., Inc.	7,270	5,148	10,524
Cairo & Grunigard	3,662	3,840	3,662
Caldwell Sugar Coop., Inc.	12,575	8,284	15,780
Catherine Sugar Co., Inc.	6,959	8,929	8,196
Columbia Sugar Co.	5,728	4,010	7,614
Cora-Texas Manufacturing Co., Inc.	2,418	2,440	2,460
Cypremort Sugar Co., Inc.	5,600	4,708	6,190
Dugas & LeBlanc, Ltd.	12,593	9,970	15,283
Duhe & Bourgeois Sugar Co., Inc.	8,650	7,611	9,610
Erath Sugar Co., Ltd.	5,323	5,201	5,690
Evan Hall Sugar Coop., Inc.	20,180	17,156	23,099
Evangeline Pepper & Food Products, Inc.	4,841	5,122	4,841
Fellsmere Sugar Products Association	10,709	8,011	11,978
Frisco Cane Co., Inc.	859	678	1,018
Glenwood Coop., Inc.	11,044	8,022	13,722
Godchaux Sugars, Inc.	37,250	31,600	47,141
Helvetia Sugar Coop., Inc.	7,037	5,740	8,108
Iberia Sugar Coop., Inc.	14,[illegible]	12,700	15,787
Lafourche Sugar Co.	15,972	10,928	18,520
Harry L. Laws & Co., Inc.	9,997	8,021	11,669
Levert-St. John, Inc.	9,960	9,301	9,960
Loisel Sugar Co., Inc.	6,725	5,654	6,909
Louisiana State Penitentiary	3,250	3,668	3,250
Lulu Factory, Inc.	12,695	10,484	14,781
Meeker Sugar Coop., Inc.	3,622	5,001	3,622
Milliken & Farwell, Inc.	12,679	9,726	16,294
Okeelanta Sugar Refinery, Inc.	18,000	6,184	23,971
M. A. Patout & Son, Ltd.	9,329	7,845	11,037
Poplar Grove Plt'g. and Ref. Co., Inc.	6,061	5,690	6,681
E. G. Robichaux Company, Ltd.	5,110	3,700	6,113
St. James Sugar Coop., Inc.	11,852	9,495	13,903
St. Mary Sugar Coop., Inc.	11,660	11,672	11,660
Shack Bros., Inc.	3,646	2,873	4,119
Smedes Bros., Inc.	4,675	4,035	5,115
South Coast Corp.	43,[illegible]	36,227	48,836
Southdown Sugars, Inc.	45,392	33,687	60,365
Sterling Sugars, Inc.	9,375	9,661	9,375
J. Supple's Sons Planting Co., Inc.	4,017	3,820	4,217
United States Sugar Corp.	122,000	92,440	154,991
Valentine Sugars, Inc.	11,200	9,999	11,577
Vermilion Sugar Co., Inc.	2,874	2,371	3,050
Vida Sugars, Inc.	4,828	4,461	5,023
A. Wilbert's Sons Lbr. & Sh. Co.	9,269	6,945	10,882
Young's Industries, Inc.	7,912	5,585	9,799
Louisiana State University	.....	.....	.....
All other persons	0	0	0
Total	533,[illegible]	509,432	753,635

(8) When available, final data on production of sugar from 1953-crop cane and marketings of sugar in the calendar year 1953 should be substituted for the estimates of such data which are used in this order.

(9) The quota should be allotted by applying the weightings specified in paragraph (3) above to the measures of the three factors listed for each allottee in paragraph (7) above; and by making appropriate adjustments (a) to allot 125 short tons, raw value, to the Louisiana State University, (b) to allot to no allottee less than the sum of its inventory of sugar on January 1, 1954, plus 25 percent of the sugar produced by it from 1953-crop cane and (c) to bring the total of all allotments within the area quota.

(10) In order to prevent any allottee from marketing a quantity of sugar in excess of the allotments established therefor on the basis of final data relating to production of sugar from 1953-crop cane and quantities of sugar marketed in 1953, allotments under this order should be limited to 85 percent of the quota.

(11) An efficient distribution of the quota requires a provision permitting the transfer of allotments deemed necessary to assure the processing of all proportionate shares sugarcane.

(12) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient and equitable distribution of the quota as required by section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered that § 814.21 be revised to read as follows:

§ 814.21 *Allotment of the 1954 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1954 sugar quota for the Mainland Cane Sugar Area is hereby allotted to the following processors in amounts which appear in column (1) opposite their respective names:

Processors	Allotments	
	Total (1)	85 percent (2)
	(Short tons, raw value)	
Albania Sugar Coop., Inc.	5,038	4,283
Alice C. Ref. & Plntg., Inc.	5,776	4,910
Alma Plantation, Ltd.	5,591	4,752
J. Aron & Co., Inc.	10,831	9,206
Billeaud Sugar Factory	6,954	5,911
Breaux Bridge Sugar Coop., Inc.	4,747	4,035
Burton-Sutton Oil Co., Inc.	7,814	6,642
Cairo & Grunigard	2,777	2,360
Caldwell Sugar Coop., Inc.	9,750	8,295
Catherine Sugar Co., Inc.	5,440	4,624
Columbia Sugar Co.	4,677	3,975
Cora-Texas Manufacturing Co., Inc.	1,530	1,356
Cypremort Sugar Co., Inc.	4,261	3,622
Dugas & LeBlanc, Ltd.	9,956	8,386
Duhe & Bourgeois Sugar Co., Inc.	6,625	5,631
Erath Sugar Co., Ltd.	4,085	3,474
Evan Hall Sugar Coop., Inc.	15,569	13,234
Evangeline Pepper & Food Products, Inc.	3,675	3,124
Fellsmere Sugar Products Association	6,012	6,810
Frisco Cane Company, Inc.	602	763
Glenwood Coop., Inc.	8,640	7,344
Godchaux Sugars, Inc.	30,091	25,580
Helvetia Sugar Coop., Inc.	5,408	4,597
Iberia Sugar Coop., Inc.	11,023	9,370
LaFourche Sugar Co.	11,965	10,166
Harry L. Laws & Co., Inc.	7,682	6,530
Levert-St. John, Inc.	7,377	6,270
Loisel Sugar Co., Inc.	4,942	4,201
Louisiana State Penitentiary	2,507	2,131
Lulu Factory, Inc.	9,822	8,349
Meeker Sugar Coop., Inc.	2,926	2,487
Milliken & Farwell, Inc.	10,158	8,634
Okeelanta Sugar Refinery, Inc.	13,729	11,670
M. A. Patout & Son, Ltd.	7,292	6,198
Poplar Grove Plt'g and Ref. Co., Inc.	4,681	3,979
E. G. Robichaux Co., Ltd.	3,933	3,343
St. James Sugar Coop., Inc.	9,120	7,752
St. Mary Sugar Coop., Inc.	8,718	7,410
Shack Bros., Inc.	2,763	2,349
Smedes Bros., Inc.	3,545	3,013
South Coast Corp.	33,104	28,138
Southdown Sugars, Inc.	42,131	35,811
Sterling Sugars, Inc.	7,079	6,017
J. Supple's Sons Planting Co., Inc.	3,046	2,589
U. S. Sugar Corp.	[illegible]	82,479
Valentine Sugars, Inc.	8,340	7,089
Vermilion Sugar Co., Inc.	2,134	1,814
Vida Sugars, Inc.	3,027	2,683
A. Wilbert's Sons Lbr. & Sh. Co.	7,092	6,028
Young's Industries, Inc.	6,155	5,232
Louisiana State University	125	106
All other persons	0	0
Total	500,000	425,000

(b) *Restrictions on shipment and marketing.* Prior to September 1, 1954, each person named in paragraph (a) of this section, is hereby prohibited from shipping, transporting or marketing in interstate commerce or in competition with sugar or liquid sugar in interstate commerce, any sugar or liquid sugar produced from sugarcane grown in the mainland cane sugar area in excess of 85 percent of the allotments established in paragraph (a) of this section.

(c) *Transfer of allotment.* When approved in writing by the Director, Sugar Division, Commodity Stabilization Service, of the Department, allotments made in paragraph (a) of this section may be transferred, in whole or in part, to another allottee thereunder upon a showing that the transferee has processed or will process 1954-crop sugarcane because of inability of the transferor, arising subsequently to the processing of the 1953-crop, to process the tonnage of sugarcane which otherwise would be processed by him.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Director of the Sugar Division, or the Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section, may ship, transport or market an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 4th day of March 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–1670; Filed, Mar. 9, 1954; 8:46 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO–176–A10]

PART 974—MILK IN THE COLUMBUS, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 974.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determina-

tions may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk: as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this amendatory order effective April 1, 1954. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the orderly marketing of available milk supplies. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk in the Columbus, Ohio, marketing area. The provisions of the said amendatory order are well known to handlers and producers, the public hearing having been held on June 8, 9, and 15, 1953 and a final decision on the amendment provisions having been issued February 15, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendatory order for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, as amended, and as hereby further amended, which is marketed within the Columbus, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1953), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 974.22 (l) (1) by changing the reference "§§ 974.51, 974.52 and 974.53" appearing therein to read "§§ 974.51 through 974.54".

2. Amend § 974.22 (k) by changing the terms "Class I milk, Class II milk, and Class III milk" appearing therein to read "Class I milk, Class II milk, Class III milk, and Class IV milk."

3. Amend § 974.41 (a) (3) by changing the terms "Class II milk or Class III milk" appearing therein to read "Class II milk, Class III milk, or Class IV milk."

4. Amend § 974.41 (b) (1) and (2) to read as follows:

(1) Disposed of in fluid form for consumption as sweet or sour cream or any mixture of cream and milk (or skim milk), including eggnog, containing more than 6 percent of butterfat;

(2) Used to produce aerated products containing milk, cream, or any combination thereof (such as "Reddi-Wip", "Instant Whip", etc.); and

5. Delete that portion of § 974.41 (c) preceding subparagraph (2) thereof and substitute therefor the following:

(c) Class III milk shall be all skim milk and butterfat used to produce frozen cream, condensed milk and condensed skim milk (except evaporated milk or skim milk in hermetically sealed cans), ice cream, ice cream mix, ice cream novelties, ice sherberts, or imitation ice cream.

(d) Class IV milk shall be all skim milk and butterfat specifically accounted for as:

(1) Having been used to produce any milk product other than as specified in paragraphs (a) (1) or (2), (b), or (c) of this section;

6. Amend § 974.43 (a) (3) by changing the terms "Class II milk or Class III milk" appearing therein to read "Class II milk, Class III milk, or Class IV milk".

7. Amend § 974.43 (b) (3) by changing the terms "Class I milk or Class III milk" appearing therein to read "Class I milk, Class III milk, or Class IV milk".

8. Amend § 974.44 by changing the terms "Class I milk, Class II milk and Class III milk" appearing therein to read "Class I milk, Class II milk, Class III milk, and Class IV milk".

9. Amend § 974.44 (d) (2) and (e) (3) by changing the terms "Class II milk or Class III milk" appearing therein to read "Class II milk, Class III milk, or Class IV milk".

10. Amend § 974.44 (h) to read as follows:

(h) Determine the total pounds of butterfat in Class III milk by computing the aggregate amount of butterfat used to produce each of the several items of Class III milk;

11. Delete § 974.44 (i) (2) and (3) and substitute therefor the following:

(2) Subtracting the result obtained in paragraph (h) of this section;

(j) Determine the total pounds of butterfat in Class IV milk by:

(1) Computing the aggregate amount of butterfat used to produce each of the several items of Class IV milk; and

(2) Adding actual plant shrinkage of butterfat referred to in § 974.41 (d) (3) and (4); and

(k) Determine the total pounds of skim milk in Class IV milk by:

(1) Computing the aggregate amount of skim milk and butterfat (in whatever form) used to produce each of the several items of Class IV milk;

(2) Subtracting the result obtained in paragraph (j) (1) of this section; and

(3) Adding actual plant shrinkage of skim milk referred to in § 974.41 (d) (3) and (4).

12. Amend § 974.45 by changing the terms "Class I milk, Class II milk and Class III milk" appearing therein to read "Class I milk, Class II milk, Class III milk, and Class IV milk".

13. Amend § 974.45 (a) to read as follows:

(a) Subtracting from Class IV milk (other than butterfat used in butter making) the actual plant shrinkage of skim milk and butterfat, respectively, allowed pursuant to § 974.41 (d) (3) and (4);

14. Amend § 974.45 (d) by changing the term "Class III milk" appearing therein to read "Class IV milk".

15. Amend § 974.45 (f) to read as follows:

(f) Subtracting from the remaining pounds of skim mik and butterfat in each class (not including plant shrinkage on producer milk in Class IV milk), the total pounds of skim milk and butterfat, respectively, received from other handlers (except those referred to in paragraph (c) of this section) and stated by the transferring handler and

receiver to have been used in such class, to the extent of the amounts of skim milk and butterfat remaining in such class after making the computation pursuant to paragraphs (b) and (c) of this section: *Provided*, That skim milk or butterfat allocated by such statements to Class II milk, Class III milk, or Class IV milk in excess of amounts subtracted above pursuant to this paragraph shall be subtracted from Class I milk; and

16. Amend §§ 974.51 and 974.52 by changing the reference "§ 974.54" appearing therein to read "§ 974.55".

17. Amend § 974.52 (b) by changing the reference "paragraph (b) of § 974.53" appearing therein to read "§ 974.54 (b)".

18. Insert immediately before paragraph (a) of § 974.53 the following:

(a) For each of the months of August through March the prices for skim milk and butterfat shall be those computed pursuant to § 974.52; and

(b) For each of the months of April through July the prices for skim milk and butterfat shall be computed as follows:

(1) Add 20 cents to the basic formula price;

(2) Multiply the price computed in subparagraph (1) of this paragraph by the percentage computed in § 974.51 (b) and then divide by 0.035, and the resulting amount shall be the Class III butterfat price per hundredweight: *Provided*, That in no event shall the price of Class III butterfat be less than the price computed pursuant to § 974.54 (b) prior to the proviso; and

(3) Subtract from the price computed pursuant to subparagraph (1) of this paragraph the amount computed pursuant to subparagraph (2) of this paragraph times 0.035, and divide the result by 0.965, and the resulting amount shall be the Class III skim milk price per hundredweight.

§ 974.54 *Class IV milk prices.* The respective minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class IV milk shall be as follows, as computed by the market administrator:

19. Renumber § 974.54 as § 974.55.

20. Amend § 974.60 by changing the terms "Class II and Class III prices" appearing in the last proviso thereof to read "Class III and Class IV prices"; and by changing the terms "Class I milk or Class II milk" appearing in the last proviso thereof to read "Class I milk, Class II milk or Class III milk".

21. Amend § 974.63 (e) to read as follows:

(e) Deducting for each of the months of April, May, June, and July an amount computed by multiplying the hundredweight of milk which was received from producers during each such month by 35 cents;

22. Amend § 974.91 to read as follows:

§ 974.91 *Producer-handlers.* Sections 974.50 through 974.62 and 974.70 through 974.78 shall not apply to a handler who handles only milk from his own farm production or received from other handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 5th day of March 1954 to be effective on and after April 1, 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-1714; Filed, Mar. 9, 1954; 8:55 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. 82]

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS (AS APPLIED TO SELECTED U. S. IMPORTS)

IMPORT CERTIFICATE AND DELIVERY VERIFICATION ON SELECTED IMPORTS INTO THE UNITED STATES

Section 368.1 *Import certificate and delivery verification on selected imports into the United States* is amended in the following particulars:

Subparagraph (1) *General* of paragraph (b) *Import certificate covering imports into the United States* is amended to read as follows:

(1) *General.* Where a person in the United States is purchasing or intending to receive, or receiving, commodities from a foreign country and is required by such country, in connection with the granting of an export license, to furnish an import certificate, such person shall apply for his certification by filling out and executing Form IT-826, in triplicate (in quadruplicate for "source material," or "facilities for the production of fissionable material," as defined and described in the Atomic Energy Act of 1946, and regulations of the Atomic Energy Commission).

This amendment shall become effective as of April 1, 1954.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945; 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-1668; Filed, Mar. 9, 1954; 8:46 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.214]

PART 96—PARCEL POST SHIPMENTS OF INDIVIDUAL RELIEF PACKAGES

WITHDRAWAL FROM PUBLICATION

The following part in Chapter I, Title 22, Code of Federal Regulations, is withdrawn from publication:

Part 96, "Parcel Post Shipments of Individual Relief Packages", which has now become obsolete.

For the Secretary of State.

EDWARD T. WAILES,
Assistant Secretary.

MARCH 4, 1954.

[F. R. Doc. 54-1673; Filed, Mar. 9, 1954; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

OWNERSHIP REPORTS, BROADCAST LICENSEES AND PERMITTEES

In the matter of amendment of § 1.343 of the Commission's rules and regulations and FCC Form 303.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of March 1954;

The Commission has before it for consideration § 1.343 of its rules and regulations relating to the filing of ownership reports by licensees of broadcast stations. In an order effective February 1, 1954, the Commission amended § 1.343 to relax the rule to provide for the filing of an ownership report together with the application for renewal of license in lieu of the filing of an annual ownership report.

The Commission was of the view that the filing of an ownership report every three years at the time of the application for renewal of license together with the supplemental ownership report required to be flied under § 1.343 (b) would provide the Commission with sufficient data concerning the ownership of broadcast facilities and that the filing of an annual ownership report was, therefore, unnecessary. It now appears, however, that the rule as revised operates to require owners of multiple broadcast facilities to file unnecessary and repetitious data with the Commission. For such multiple licensees must file an ownership report with each application for renewal of each station license.

We are of the view that the rules should be further revised so as to eliminate such unnecessary and repetitious filings by the owners of multiple broadcast facilities. We also note that the rule as revised requires that the ownership data be submitted "as of the date of filing." It appears that in many instances it is difficult, if not impossible, to comply with this requirement. Accordingly, we are revising the rule to provide that the data required to be furnished in the ownership report shall be submited as of a date not more than 30 days prior to the filing of the report. Finally, it is necessary to make minor editorial changes in FCC Form 303 to reflect the rule as revised herein.

The amendments adopted herein are procedural in nature and prior notice of rule making is therefore not required. The amendments adopted herein represent a relaxation of the requirements of

the present rule and may therefore be made effective immediately.

In view of the foregoing: *It is ordered*, That effective immediately, § 1.343 of the Commission's rules and regulations is amended by deleting that portion of paragraph (a) which begins "the licensee of each broadcast station • • •" and ends "• • • as of the date of filing:" and substituting therefor the following:

(a) The licensee of each broadcast station shall file an Ownership Report (FCC Form 323) at the time the application for renewal of station license is required to be filed: *Provided, however*, That licensees owning more than one Standard, FM or Television broadcast station shall file the Ownership Report together with the first application for renewal of station license filed on or after February 1, 1954, and at three-year intervals thereafter. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

It is further ordered, That effective immediately, paragraph 4 of section 1 of FCC Form 303 is amended to read as follows:

4. Is the applicant's Ownership Report filed with this application? (See § 1.343 (a) of Commission's rules.) Yes ☐ No ☐.
If answer is "No", give date of filing of last Ownership Report and call letters, station location and file number of renewal application with which it was filed.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: March 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1708; Filed, Mar. 9, 1954; 8:53 a. m.]

PART 3—RADIO BROADCAST SERVICES

STATUTE MILE FIGURE

In the matter of amendment of Part 3 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission desires to make a change in Part 3, Radio Broadcast Services (Revised to June 30, 1953), to correct a typographical error contained in Table III of Appendix II to Subpart E.

The amendment adopted herein is editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately.

The amendment adopted herein is issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's order defining the functions and establishing the organizational structure of the Office of the Secretary, dated February 14, 1952, as amended.

It is ordered, This 4th day of March 1954, that, effective immediately, Part 3 of the Commission's rules and regulations is revised as set forth below:

Table III of Appendix II to Subpart E is amended as follows: Change the statute mile figure for 40° 2' to read "53.037" instead of "53.137".

Released: March 4, 1954.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 5, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1709; Filed, Mar. 9, 1954; 8:54 a. m.]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

PART 12—AMATEUR RADIO SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 7, 8, and 12 of the Commission's rules and regulations. Modification of Part 7 Appendix 1, Part 8 Appendix 1 and Part 12 Appendix 1, with reference to Regional Managers and District Field office areas.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 1st day of March 1954;

The Commission having under consideration possible reduction in the number of Regional offices, reorganization of the areas embraced by its San Francisco Regional office and its Denver District office and the desirability of designating regions numerically rather than by the geographical system; and

It appearing, that the Houston, Texas, Regional office should be eliminated by including the State of New Mexico within the area embraced by the San Francisco Regional office and the States of Texas, Oklahoma, Arkansas, Louisiana and Mississippi within the area embraced by the Atlanta Regional office; and

It further appearing, that the State of New Mexico which has heretofore been embraced by the Commission's District office No. 10 at Dallas, Texas should be included in the area embraced by the Commission's District office No. 15 at Denver, Colorado.

It is ordered, Pursuant to sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended, that Parts 7, 8 and 12 of the Commission's rules are hereby amended effective April 1, 1954, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: March 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend Part 7, Appendix 1, by deleting "New Mexico all counties" from the listing opposite Radio District No. 10 (Dallas, Texas) and adding "New Mexico all counties" to the listing opposite Radio District No. 15 (Denver, Colorado).

2. Amend Part 7, Appendix 1, by deleting subheading "The offices of the Regional Managers of the Field Engineering and Monitoring Division, Bureau of Engineering, are located at the following addresses:" and the listings thereunder and substitute the following: "The offices of the Regional Managers of the Field Engineering and Monitoring Bureau are located at the following addresses:"

Region No. 1, 954 Federal Building, 641 Washington Street, New York 14, N. Y.—To include: Districts Nos. 1, 2, 3, 4, 5, and 24.

Region No. 2, 411 Federal Annex, Atlanta, Ga.—To include: Districts Nos. 6, 7, 8, 9, 10, and 22.

Region No. 3, 323-A Customhouse, San Francisco 26, Calif.—To include: Districts Nos. 11, 12, and 15.

Region No. 4, 802 Federal Office Building, Seattle 4, Wash.—To include: Districts Nos. 13 and 14.

Region No. 5, P. O. Box 1142, Lanikai, Oahu, T. H.—To include: District No. 21.

Region No. 6, P. O. Box 644, (Rm. 52 U. S. P. O. and Courthouse), Anchorage, Alaska—To include: District No. 23.

Region No. 7, 832 U. S. Courthouse, Chicago 4, Illinois—To include: Districts Nos. 16, 17, and 18.

Region No. 8, 1029 New Federal Building, Detroit 26, Michigan—To include: Districts Nos. 19 and 20.

3. Amend Part 8, Appendix 1, by deleting all reference to "New Mexico, all counties" opposite Radio District No. 10 (Dallas, Texas) and adding "New Mexico all counties" to the listing opposite Radio District No. 15 (Denver, Colorado).

4. Amend Part 8, Appendix 1, by deleting the subheading "The offices of the Regional Managers of the Field Engineering and Monitoring Division, Bureau of Engineering, are located at the following addresses:" and the listings thereunder and substitute the following: "The offices of the Regional Managers of the Field Engineering and Monitoring Bureau are located at the following addresses:"

Region No. 1, 954 Federal Building, 641 Washington Street, New York 14, N. Y.—To include: Districts Nos. 1, 2, 3, 4, 5, and 24.

Region No. 2, 411 Federal Annex, Atlanta, Ga.—To include: Districts Nos. 6, 7, 8, 9, 10, and 22.

Region No. 3, 323-A Customhouse, San Francisco 26, Calif.—To include: Districts Nos. 11, 12, and 15.

Region No. 4,802 Federal Office Bldg., Seattle 4, Washington—To include: Districts Nos. 13 and 14.

Region No. 5, P. O. Box 1142, Lanikai, Oahu, T. H.—To include: District No. 21.

Region No. 6, P. O. Box 644, (Room 52 U. S. P. O. and Courthouse), Anchorage, Alaska—To include: District No. 23.

Region No. 7, 832 U. S. Courthouse, Chicago 4, Ill.—To include: Districts Nos. 16, 17, and 18.

Region No. 8, 1029 New Federal Building, Detroit 26, Mich.—To include: Districts Nos. 19 and 20.

5. Amend Part 12, Appendix 1, by deleting under "Radio Districts" all references to New Mexico opposite Radio District No. 10 (Dallas, Texas) and adding "New Mexico all counties" opposite Radio District No. 15 (Denver, Colorado).

[F. R. Doc. 54-1710; Filed, Mar. 9, 1954; 8:54 a. m.]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

POSTPONEMENT OF EFFECTIVE DATE OF AVAILABILITY OF FREQUENCY

In the matter of amendment of § 8.351 (a) of the Commission's rules postponing the effective date of the availability of the frequency 2830 kc to the Maritime Mobile Radio Telephone Service.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of March 1954;

The Commission, having before it a petition filed February 18, 1954 by Aeronautical Radio, Inc., requesting that the Commission postpone the availability on March 15, 1954 of the frequency 2830 kc in the maritime mobile service because of the possibility, based upon their experience with the use of 2738 kc by ship radiotelephone stations, that second harmonic radiations from ship transmitters operating on 2830 kc will result in interference to operations on the aeronautical mobile frequency 5656.5 kc;

It appearing, that the said petition raises serious questions which can not be resolved prior to March 15, 1954; and

It further appearing, that in view of the foregoing the public interest would be served by postponing the March 15, 1954 effective date for the availability of 2830 kc and although the Commission will give the highest priority to the resolution of the questions raised, it is not feasible at this time to name a date certain for said availability; and

It further appearing, that notice of proposed rule making as required by section 4 of the Administrative Procedure Act is impractical because of the time element involved;

It is ordered, That pursuant to the provisions of sections 4 (i) and 303 (f) of the Communications Act of 1934, as amended, § 8.351 (a) of the Commission's rule is amended, effective immediately, by adding footnote designator 8 following the frequency 2830 listed therein, said footnote to read as follows:

[8] Not available until a date to be determined.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, 47 U. S. C. 303)

Released: March 4, 1954

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1711; Filed, Mar. 9, 1954; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 24]

U. S. STANDARDS FOR GRADES OF BUTTER

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 54-1656, appearing at page 1323 of the issue for Tuesday, March 9, 1954, the following changes should be made:

1. In the table in § 24.4 the footnote reference "2" following the item "Woody" should be deleted.

2. In the second sentence of subparagraph (2) of § 24.7 (a) the word "food" should read "feed".

[7 CFR Part 995]

[Docket No. AO-197-A2]

HANDLING OF MILK IN LIMA, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

MARCH 5, 1954.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, amending the order, as amended, regulating the handling of milk in the Lima, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Lima, Ohio, on August 17-19, 1953, pursuant to notice thereof which was issued on July 23, 1953 (18 F. R. 4407).

The material issues of record were concerned with the following:

(1) Extending the marketing area to include all of Allen County, instead of only the city of Lima, and to include Hancock County, and the city of Findlay, its principal center of population;

(2) Modifying the definition of a producer-handler;

(3) Including a cheese pricing formula as one of the basic formula prices;

(4) Increasing the Class I differentials;

(5) Modifying the provisions applicable to milk received from sources other than producers;

(6) Reclassifying and raising the price of milk used in ice cream and cottage cheese;

(7) Stating class prices in terms of an amount per hundredweight of milk of a basic butterfat content, instead of quoting separate prices for the butterfat and skim milk components;

(8) Modifying the pooling provisions to provide for an adjustment of prices paid to producers that would be based upon the respective utilization of milk in the Lima and the Findlay portions of the marketing area;

(9) Adopting a modified form of the base-rating plan for encouraging a more uniform seasonal pattern of production;

(10) Modifying the determination of the rate of partial payments to producers for milk delivered during the first 15 days of the month; and

(11) Modifying the provision relating to payments to cooperative associations for services performed on behalf of producer-members.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) *Marketing area.* The marketing area should be expanded by including the city of Findlay, Ohio. However, the territory in Allen County which is outside of the corporate limits of Lima and that in Hancock County which is outside of the corporate limits of Findlay should not be included.

Findlay is located 32 miles northeast of Lima. The city had a 1950 population of 24,000, as compared with a population in Lima of 50,000. The need for extending Federal regulation to Findlay arises primarily from pricing problems. Handlers in Findlay pay for milk purchased from producers at a flat price rather than at prices determined in accordance with the classified use of milk.

Under this method of pricing producers are unable to ascertain the quantities of milk used by the handlers for fluid milk purposes or the quantities of daily and seasonal excess which must be converted into manufactured dairy products. In the absence of this information they cannot determine the appropriate level of price for the milk they sell to handlers. Under a classified price plan all handlers are charged the same Class I price for all milk utilized

in bottled form, such price being higher than prices paid for milk for manufacture by an amount sufficient to compensate producers for the added costs involved in meeting the higher sanitary standards, providing a year-around supply, and transporting the milk for the longer distances which usually characterize a city milk suply. Class II milk, not needed for fluid purposes, is priced at the manufacturing level.

The absence of a classified price plan also results in differences in the cost of milk for each use as between handlers in the Findlay area. If, for example, all handlers paid the same flat price to producers, a handler who sold a larger than average proportion of his milk in bottled form would have a competitive advantage in the sale of his product over the other handlers. However, the Findlay handlers have not paid the same flat prices in recent months. Without consulting the officials of the producers' association one of the major handlers in Findlay has paid an average of the blend prices under the Toledo and Lima orders, whereas the other also averages in the minimum order price payable to producers at the Cleveland pool plant located in Findlay.

The difference in handlers' costs is an obvious problem in the areas where handlers under the Lima order are directly competitive with Findlay handlers. The Lima handlers, of course, purchase their milk under a classified price plan and are obligated to pay the full Class I price on all sales of fluid milk.

These variations in price plans and in net prices paid to producers as between the Findlay handlers themselves and as between the Findlay and Lima handlers have created dissatisfaction among producers and have further implications. A condition of unequal costs among the handlers, in accordance with use, may cause them to attempt to economize by reducing prices to producers. This in turn would tend to stimulate successive price reductions by competitors. This development is contrary to the interests of producers and over a period of time may jeopardize an adequate supply of milk.

Extending the order to the Findlay handlers will price milk to each handler strictly in accordance with the use each individual handler makes of the milk. Such utilization will be subject to audit by the market administrator. Under an order the butterfat tests and weight of producer milk delivered by any shippers who are not members of a cooperative association already furnishing such service will be checked by the market administrator. Also publication of complete data on supplies and utilization will promote stability in the market through the availability of accurate information to all interested parties and to the public at large.

The need for an order in Findlay could conceivably be met either by establishing a separate order for that territory or by combining it with Lima. Despite the distance between the two cities, milk marketing conditions are sufficiently interrelated to make it desirable to combine them in a single marketing area.

The supply interrelationships are close in several respects. The Lima and Findlay milksheds are virtually co-extensive; only a comparatively small portion of the Findlay supply area, to the east of Findlay and in Seneca County is outside of the procurement area of Lima. Another common element of supply is that a large proportion of the producers supplying milk to each market are members of the Northwestern Cooperative Sales Association. A third similarity is that the supply area for the Toledo, Ohio market overlaps the northern portions of both the Findlay and Lima milksheds, and the bulk of the Toledo shippers are also members of the Northwestern Cooperative Sales Association. Finally, both the Lima and Findlay milksheds are integral parts of the Cleveland milkshed. Cleveland draws its supplies from the entire northern portion of Ohio, the northeast portion of Indiana, and southeastern Michigan. The Belle-Vernon Milk Company of Cleveland operates supply plants both in Lima and in Findlay. A portion of the milk is bottled and distributed locally from the Lima plant though that at Findlay is strictly a supply plant for Cleveland and no sales are made locally. Producers shipping to these Cleveland plants in Lima and Findlay are, of course, interspersed among producers shipping to the local handlers in Lima and Findlay and in each case the number of Cleveland shippers is a substantial proportion of the total shippers.

There is also considerable competition between Lima and Findlay distributors. One of the major Lima handlers distributes milk in and around Findlay. Handlers from both markets compete extensively with each other in territories outside of the two cities and one handler from each market competes with the other in sales territory extending over much of northwestern Ohio.

The health regulations applicable to milk sold in both Lima and Findlay are substantially equal. Both ordinances are patterned after the United States Public Health Service's model for Grade A milk. A demonstration of the similarity is the fact, previously mentioned, that a Lima handler distributes milk in Findlay. It follows that, insofar as health department regulations and procedures are concerned, the two cities may properly be considered as a single marketing area.

In June, 1952 producers and handlers in Lima supported the inclusion of all of Allen County in the marketing area. All milk sold in the County for Class I purposes would be subject to the order. In the current proceeding, the Lima handlers incorporated their previous testimony to support the inclusion of Allen County at the present time. However, it is clear from evidence at the hearing that a Grade A milk ordinance is still not in effect in Allen County except in the City of Lima. Until the health requirements applicable to the milk sold in Allen County are substantially as high as those applicable to milk sold within Lima, the pricing provisions of the order are not applicable.

Much the same situation prevails in Hancock County in regard to health regulations. There is no effective Grade A ordinance in Hancock County outside the city of Findlay and the price structure which is suitable for encouraging a supply of Grade A milk is not applicable to the production of non Grade A milk. The territory outside of Findlay should not, therefore, be included in the marketing area.

(2) *Producer-handler.* Handlers proposed that the definition of producer-handler be limited to a handler who obtained his entire supply from his own production.

The order now provides only that a producer-handler not receive any milk from other producers. He is permitted, however, to purchase supplemental supplies of milk either from regulated handlers or from plants which are not regulated under the order.

It was maintained that this provision would allow a producer-handler to purchase non Grade A milk from manufacturing plants at lower prices than handlers are required to pay for Grade A milk for Class I purposes, thereby allowing the producer-handler a competitive advantage. However, the health regulations requiring that only Grade A milk be sold in the marketing area are as fully applicable to that sold by handlers qualifying under the order as producer-handlers as to other handlers. It is concluded that no change should be made in the definition of a producer-handler.

(3) *Basic formula price.* Considerable attention was given at the hearing to a proposal by producers that a basic formula price representing the value of milk used for cheese making be included as one of the basic formula prices. However, in view of the recommended adoption of the Cleveland Class I price less a location differential, there is no need for separate basic formula price computations for the Lima marketing area and they should be deleted.

(4) *Class I price.* The Class I price should be equal to the Class I price under Order No. 75 regulating the handling of milk in the Cleveland, Ohio, marketing area, less the average of the location adjustments to handlers applicable at Lima and Findlay, Ohio.

Milk marketing conditions in Lima and Findlay are closely related to those prevailing in the Cleveland market. Several elements which these markets have in common were described in the preceding section on marketing area.

Supply conditions in Lima and Findlay are particularly closely related to those in Cleveland. The volume of milk received at the Cleveland pool plant in Lima is three-fourths as large as that received at the local distributing plants in Lima. In Findlay the volume received at the Cleveland pool plant is as large as the total locally used supply. The producers delivering to the Cleveland pool plants are, of course, interspersed with those delivering to the local handlers. In addition the Cleveland milkshed completely envelops the Lima and Findlay supply area.

Distribution of milk in Lima and Findlay is also in direct competition with Cleveland. The operator of the Cleveland pool plant in Lima also distributes milk in and around Lima from such

plant, in direct competition with the other Lima handlers. One other Cleveland handler also distributes milk in Lima and in other territory in northwestern Ohio in direct competition with Lima handlers. This milk is processed and delivered from the handler's plant located in the city of Cleveland. The extent of competition between the Lima and Findlay handlers has already been described.

The Class I location differential under the Cleveland order is 22 cents at Findlay and 28 cents at Lima. Such differential applies to milk shipped into Cleveland from supply plants in Lima and Findlay and also applies to the local Class I sales of milk by the Cleveland pool plant located in Lima. The same differentials apply to payments to producers at the Cleveland pool plants. It is, therefore, appropriate that the average of these differentials be applied to milk which is utilized locally for Class I purposes. By adopting the Cleveland Class I price less the location differential as the local price, the local handlers will be on a uniform competitive basis with each other and on a substantially uniform basis with the Cleveland handler whose plant is located in Lima. Blend prices payable to producers will not necessarily be uniform as between the Cleveland and local shippers; rather the blend prices will reflect any differences which may prevail between the local markets and Cleveland in the level of Class II and Class III prices and in the proportion of milk which is utilized for Class I purpose.

The stated Class I differentials in Cleveland, less a location adjustment of 25 cents are at an annual average of $1.31 per hundredweight. The annual average Class I differential under the present order in Lima is $1.225. However, the Cleveland differential is subject to a supply-demand adjustment. Supplies in the Cleveland market had been larger than normal in relation to sales in each month from March 1952 to the date of the hearing and would have resulted in negative supply-demand adjustments throughout the period of a magnitude which would have more than offset the 8½ cent difference.

In any event the change in pricing is not designed either to raise or lower price levels but rather to integrate pricing in Lima and Findlay with that prevailing in Cleveland.

Cleveland pricing will provide greater seasonal variation. The recommended Class I price differentials, exclusive of the operation of the supply-demand adjustment, will be 75 cents in April, May and June, $1.20 in February, March, and July, and $1.65 in August through January compared with prices of 85 cents, $1.15, and $1.45 in corresponding months under the present Lima order.

A single Class I price should be applied in Lima and Findlay in lieu of a 6-cent difference in prices proposed by producers. The Lima and Findlay handlers are so directly competitive that no Class I price differential between them is justified.

(5) *Other source milk.* In the Lima marketing area there are several sources of milk received by handlers other than the regular shippers which are defined as "producers" under the order. Substantial quantities of other source milk come from other Federally regulated marketing areas. As previously mentioned, milk is distributed in the Lima area from the Cleveland pool plant located in that city. Another example consists of the distribution of milk in Lima by a Cleveland handler who supplies such milk from his Cleveland plant. Also, it was testified at the hearing that sizeable quantities of milk in two-quart containers of milk packaged in Toledo are sold by a Findlay handler. Such milk will have been already classified and priced under the other order and poses no significant problem under this order. The adoption of Cleveland pricing in Lima removes any possibility of difference between the Cleveland and Lima orders. In the case of Toledo, the order provides that any milk sold in another federally regulated marketing area, such as Lima, shall be priced at the other Federal order price in the event such price is in excess of the prices provided under the Toledo order.

Other source milk may, of course, be received from sources which are not under Federal regulation. Handlers in both Lima and Findlay purchase manufacturing grades of milk and cream for ice cream and other Class II uses. Such purchases do not, however, constitute any problem in the actual or potential displacement of Class I sales of producer milk since such milk is not eligible for sale as bottled milk. The principal category of other source milk which is purchased by handlers for Class I purposes consists of milk packaged in two-quart containers. Handlers who do not have two-quart bottling facilities in their Lima and Findlay plants obtain such milk from sources which do not qualify as fluid milk plants under the Lima order. The order presently provides that such other source milk be allocated to each handler's Class II utilization, thereby giving producer milk the priority on Class I utilization. It follows that so long as each handler's Class II utilization exceeds the quantities of milk in two-quart containers sold as Class I in the marketing area, the other source milk will not displace producer milk in Class I. Any supplemental milk which might be purchased by a handler in bulk form is subject to the same allocation provisions. These allocation provisions of the order appear to have been adequate to prevent milk from unregulated sources from being assigned to Class I to displace producer milk. The local handlers have maintained adequate supplies of milk from the regularly inspected producers. It appears from the record that a similar situation exists in Findlay.

(6) *Class II price.* Producers originally proposed that butterfat and skim milk used in the manufacture of ice cream and cottage cheese be classified separately and priced on the basis of market prices for butter and non-fat dry milk solids. At the hearing this proposal was modified to leave the classification system unchanged but raise the price of all Class II milk by 10 cents per hundredweight in the months of August through March. The Class II price is determined by averaging the prices paid for milk of 3.5 percent butterfat content at five local milk manufacturing plants.

The recommended increase in prices was based mainly on a contention that premiums in excess of the stated prices are commonly paid to shippers at the local manufacturing plants. However, actual data with respect to such premiums were too few to be representative of the entire group of plants and did not cover a sufficient period of time to permit an analysis of the conditions under which premiums are most likely to prevail.

The point was also made that most Class II milk in the Lima market is utilized in the manufacture of ice cream and cottage cheese and that skim milk and cream so utilized commands a higher price than milk for general manufacturing purposes. Data were presented to show that cottage cheese and ice cream are not always the principal outlet for Class II milk. In all of the first 7 months of 1953 the quantities of producer skim milk classified as Class II were substantially in excess of the total quantities of skim milk utilized by the regulated handlers for ice cream and cottage cheese. Producer butterfat was also in excess of the quantities used in these two products during the period January through April but not in the months of May, June, and July. A review of similar data for the 41-month period from the inception of the order in August 1949 through December 1952 shows that producer skim milk was in excess of ice cream and cottage cheese requirements only during six months and that butterfat was in excess only within 14 months. However, it is problematical whether the quantities of producer milk classified as Class II will again decline to the point where the skim milk and butterfat can be utilized principally in ice cream and cottage cheese.

It is concluded that the Class II price should not be changed.

(7) *Method of stating class prices.* A proposal to state class prices in terms of a hundredweight of milk of basic butterfat content, with differentials for each one-tenth of a percent that actual butterfat test varied from the base test was included in the hearing notice. The order now provides that class prices be announced per hundred pounds of the butterfat and skim milk components. However, no evidence was offered in support of the proposal.

(8) *Pooling.* The order should be amended to provide for the distribution of returns to producers on the basis of individual-handler pools instead of a marketwide pool.

The producers originally proposed that handlers be identified with either the Findlay or Lima portion of the marketing area and that payments to producers be adjusted in accordance with the average utilization of the group of handlers to whom they ship. The proposal was based upon partial data indicating that the handlers in Findlay have a higher proportion of Class I sales than those in Lima.

However, the possibility of achieving essentially the same result by individual-handler pooling throughout the extended marketing area was also discussed at the hearing and strongly endorsed by producers. They cited their satisfactory experience with individual-handler pooling under the Toledo order and their original support for the same type of pooling at the promulgation hearing in Lima as grounds for such endorsement.

Under this method of distributing returns to producers each handler's obligations are the same as under a marketwide pool. Each handler pays for milk at Class prices in accordance with the quantities utilized in each Class. However, the producers supplying each handler are paid the blend price resulting from that handler's utilization instead of being paid the blend price equal to the average utilization of all handlers in the market.

Handlers in the Findlay portion of the marketing area, not heretofore subject to an order, have been purchasing milk under procedures more nearly analogous to individual-handler than to marketwide pooling to the extent that they have had to compete directly with each other in the purchase of milk without sharing any differences in utilization through the mechanism of a marketwide pool and equalization fund. It was testified that in Lima none of the handlers have made such substantial changes in their operations under a marketwide pool as to create undue difficulty in adjusting their purchasing of milk from producers to a system of individual-handler pooling.

(9) *Seasonal variation in production.* Producers proposed that a modified form of the base-rating plan be adopted to encourage more even production throughout all seasons of the year. It would apply only during May and June of each year. In these months a producer who delivered more than twice as much milk per day as during the preceding October, November, and December would be paid for such excess at the Class II price. In successive years the excess production in May and June would be computed at 180 percent, 160 percent, and 140 percent of production in the previous fall.

The order now relies upon seasonal variation in the stated Class I price differential and basic formula prices to encourage level production. The stated Class I differential ranges from 85 cents in 3 spring months to $1.45 in 6 late summer and fall months. Adoption of Cleveland pricing for Lima would provide a greater seasonal variation, namely from 75 cents to $1.65.

Where primary reliance is placed on a base-rating plan, there is usually no seasonal variation in the Class I differential. Any lower price in the spring months, when the base plan is designed to exert its greatest effect, would reduce the difference between the base and excess prices, thereby reducing the price reward for the producer who achieved a high base the previous fall, while correspondingly reducing the price penalty on the uneven, low-base producer. Another shortcoming of the proposal is that no rules are provided for producers who failed to deliver throughout the October-December period, for producers who joined the market in the spring, or for changes in partnership status.

It is concluded that the base-rating proposal should not be adopted.

(10) *Partial payments.* The order now provides that each handler shall pay producers for milk received during the first 15 days of the delivery month at a rate equal to the uniform price during the preceding month. This payment is designed to serve as an advance to producers, the final payment for the deliveries during the entire month being made on or before the 18th of the following month.

The rate at which advance payments are computed under the order has occasionally caused difficulty. These problems are particularly likely to arise during the spring months when Class I prices decline seasonally. In such circumstances a partial payment based upon the previous month's prices accounts for considerably more than half of the total amount due for the month. In occasional instances, when a producer's deliveries during the second half of the month are substantially less than deliveries during the first 15 days, a producer may actually receive a greater partial payment than the total amount due him for the entire month.

The partial payments should be so computed as to make them more accurately reflect prices during the delivery month. Producers proposed that the rate of partial payment be 75 cents less than the proceeding month's uniform price. This rate would be further subject to adjustment by any changes in the Class I price differential. For example, the stated Class I differential herein recommended for April is 45 cents less than that prevailing during March. Exclusive of any possible effects of the supply-demand adjustment, therefore, the rate of advance payment in April would be $1.20 ($0.75 and $0.45) per hundredweight below the uniform price for March. It was further proposed that the rate be rounded off to the nearest 10 cents in order to facilitate computations.

It is concluded that the above technique will provide an equitable rate of partial payments and should be adopted.

(11) *Cooperative associations.* The order now provides that under certain circumstances handlers shall make such deductions from the payments due to producer-members of a cooperative association "as may be authorized by the membership agreement or contract between such cooperative association and such producers" and pay the funds so deducted to the cooperative association. An association must fulfill the several requirements contained in the definition of a cooperative association under the order and, for this particular purpose, must also provide for its members certain minimum marketing services as determined by the market administrator. However, the deductions here involved are the deductions incidental to membership status. Hence they are usually of a sufficient amount to support all the activities of the association and are not limited to those necessary to the performance of the more limited marketing service functions performed by the market administrator for nonmember producers. In cases where the membership contract or agreement or other conditions of membership provides for deductions, the deductions authorized in accordance therewith have been considered by the Secretary as having been appropriately authorized by the individual producers.

It was proposed by the producers' association that the order language be changed by deleting the phrase "as may be authorized by the membership agreement or contract between such cooperative association and such producers" and substituting therefor the phrase "as may be properly authorized by such cooperative association". It was testified that handlers under the Toledo, Ohio milk marketing order had questioned whether the membership contract between this same association and the producer members was sufficient authorization by the producers for such deductions to be made under that order. It was further testified that all Lima handlers are making deductions at the rate specified by the association and remitting such deductions to the association.

Within the limitations, if any, of the state statute under which a cooperative association is organized, producers are at liberty to determine for themselves, through the adoption of by-laws and their amendment from time to time or through the provisions of a membership contract, or both, what contributions are to be made by members to support their organization and how such amounts may be changed. By accepting membership, new members accept previously established requirements and these new members also become participants in the making of subsequent changes. Should directors or officers exceed their authority under such instruments of organization, an adequate remedy lies within the organization itself rather than with a third party. On the other hand, the authority to require handlers to make such deductions and pay them over to the association resides in the act and not in the contracts or arrangements between the cooperative and its member producer.

There is one potential problem which was not specifically dealt with in the producers' proposal. This relates to possible errors in the list of producer-member names submitted to the handler. If, as a result of change in status, lack of sufficient identification, or otherwise, a handler pays to the association a deduction subsequently found to be owing to a non-member producer, the association should reimburse the handler the amount erroneously paid to it.

It is concluded that the order should be revised to specify that action taken by cooperative association, in accordance with stated conditions, constitutes appropriate authorization for deductions on behalf of its producer-members.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order as hereby proposed to be amended will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and certain handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Change § 995.5 to read as follows:

§ 995.5 *Lima, Ohio, marketing area.* "Lima, Ohio, marketing area" called the "marketing area" in this subpart means the territory within the corporate limits of Lima, in the County of Allen, and of Findlay, in the County of Hancock, both in the State of Ohio.

2. In § 995.6 delete the phrase "Lima, Ohio, Board of Health" and substitute therefor the phrase "Board of Health of Lima or of Findlay, Ohio,".

3. In § 995.22 paragraph (f), delete "§ 995.73".

4. In § 995.45 insert after the phrase "in producer milk" the phrase "received by each handler".

5. Delete § 995.50.

6. Change § 995.51 to read as follows:

§ 995.51 *Class I price.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class I milk, shall be determined by the market administrator as follows:

(a) Ascertain the Class I minimum price for milk of 3.5 percent butterfat content for the month as determined pursuant to the order, as amended, regulating the handling of milk in the Cleveland, Ohio marketing area (Order No. 75) and as adjusted by the average of the location adjustment rates on Class I milk which would be applicable pursuant to Order No. 75 at pool plants located at Lima and at Findlay.

(b) Divide the amount determined in subparagraph (1) of this paragraph by the sum of the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph, and multiply by 100.

(1) From the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.6.

(2) From the simple average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for each month by the U. S. D. A. deduct 5.5 cents, and multiply the result by 8.2.

(c) Multiply the price determined in paragraph (a) of this section by the percent determined in paragraph (b) of this section and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(d) From the price determined in paragraph (a) of this section subtract the amount computed in paragraph (c) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight.

7. Change the heading "Determination of Uniform Price" and §§ 995.60, 995.61, and 995.62 to read as follows:

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 995.60 *Value of producer milk.* The value of producer milk received by each handler during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, and adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator: *Provided*, That, if a handler after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his reports for the month, pursuant to § 995.30, has been credited to his producers as having been received from them, there shall be added to the value of his producer milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to §§ 995.45 (d) and 995.46 by the applicable class price.

§ 995.61 *Computation of uniform price.* For each month the market administrator shall compute for each handler a "uniform price" per hundredweight of producer milk received by such handler by:

(a) Subtracting from the value of milk computed for such handler pursuant to § 995.60, if the weighted average butterfat test of all producer milk represented by such value is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 995.75 multiplied by 10;

(b) Adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator;

(c) Adjusting the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph (e) of this section for the previous month to the nearest cent;

(d) Dividing the result by the total hundredweight of producer milk represented by the amounts computed pursuant to § 995.60; and,

(e) Adjusting the resulting figure to the nearest cent.

§ 995.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price for such handler computed pursuant to § 995.61, and the butterfat differential computed pursuant to § 995.75; and,

(c) The amounts to be paid by such handler pursuant to §§ 995.76 and 995.77.

8. In § 995.70 insert after the phrase "not less than the uniform price" the phrase "for such handler".

9. Amend § 995.71 to read as follows:

§ 995.71 *Partial payments.* On or before the last day of each month each handler shall pay to each producer, or to a cooperative association authorized to collect payment, for the milk received from such producer or caused to be delivered to such handler by such cooperative association during the first fifteen days of each month at a rate computed as follows:

(a) Deduct 75 cents from the uniform price for such handler for the preceding month.

(b) Add or subtract any amount by which the Class I price differential for the current month is greater than or less than, respectively, the differential for the preceding month.

(c) Round off the result to the nearest multiple of 10 cents.

Provided, That in the event any producer discontinues shipping to such handler during any month, such partial payments need not be made and full payment for all milk received from such producer during such month shall be

made pursuant to the provisions of § 995.70.

10. Delete §§ 995.72, 995.73, and 995.74.

11. In § 995.75 insert after the phrase "the uniform price" the phrase "for each handler".

12. Change § 995.77 paragraph (b) to read as follows:

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the Association has an unterminated membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the Association's claim and shall pay the amount deducted to the Association within 18 days after the end of the month.

13. In § 995.78 change the phrase "pursuant to §§ 995.73, 995.74, 995.76, 995.77, or 995.80" to read "pursuant to §§ 995.76 or 995.77".

14. Change § 995.80 to read as follows:

§ 995.80 *Milk subject to other Federal orders.* Milk received by a handler the handling of which is subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act shall not be subject to the pricing and payment provisions of this subpart.

Filed at Washington, D. C. this 5th day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1715; Filed, Mar. 9, 1954; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3, 4]

[Docket No. 10832]

FM BROADCAST STATIONS; SPECIFIED NON-BROADCAST ACTIVITIES ON SIMPLEX AND/OR MULTIPLEX BASIS

ORDER AND NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS; ERRATA

In the matter of amendment of Parts 2, 3 and 4 of the Commission's rules and regulations and the Standards of Good Engineering Practice Concerning FM Broadcast Stations to permit FM Broadcast Stations to engage in specified non-broadcast activities on a simplex and or multiplex basis; Docket No. 10832.

The dates set out in paragraph 6 of the order and notice of extension of time for filing comments, issued February 26, 1954, are incorrect. As corrected, this paragraph reads:

6. Notice is hereby given that the time for filing comments in the above-entitled matter is extended to March 13, 1954. Replies to such comments may be filed on or before March 23, 1954.

Released: March 1, 1954.

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1706; Filed, Mar. 9, 1954; 8:53 a. m.]

[47 CFR Part 11]

[Docket No. 10946]

INDUSTRIAL RADIO SERVICES

LOW POWER INDUSTRIAL RADIO SERVICE; SPECIAL RESTRICTIONS

In the matter of amendment of Part 11 Industrial Radio Service, to make changes in the Low Power Industrial Radio Service; Docket No. 10946.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes to amend its rules governing the Low Power Industrial Radio Service (Supart L of Part 11, Industrial Radio Services) to provide that transmitters operated as Base Stations shall not be used for communication with vehicles while such vehicles are on public streets or highways.

3. The Low Power Industrial Radio Service was established primarily for use by those industrial and commercial activities having a requirement for short range communication systems operated on their own property, and persons having a requirement for short-range vehicle-to-vehicle communications or for intermittent use of hand-carried and pack-carried communications equipment at "on-the-job" locations. The proposed amendment is for the purpose of protecting such uses from other types of operations which tend to create excessive interference thereto.

4. The proposed amendment is set forth below. It is issued under authority of sections 4 (i), 303 (b) and 303 (r) of the Communications Act of 1934, as amended.

5. Furthermore, it is proposed that the limited number of licensees who may be using Low Power Industrial facilities at permanent locations primarily for the purpose of dispatching vehicles over public streets and highways, be given five years from the date of final action in this proceeding within which to amortize their investment in equipment. All grants made during the pendency of this proceeding will be made subject to such modification without hearing as may be necessary to effect compliance with the rules as finalized.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before April 5, 1954 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 3, 1954.

Released: March 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

Amend § 11.554 *Special restrictions* by adding a new paragraph (i), as follows:

(i) When a transmitter licensed in this Service is used as a Base Station, it shall not be used for communication with vehicles while such vehicles are on public streets or highways.

[F. R. Doc. 54-1707; Filed, Mar. 9, 1954; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 17, Region II]

CALIFORNIA

AIR-NAVIGATION SITE WITHDRAWAL NO. 200, REVOKED

FEBRUARY 26, 1954.

Pursuant to authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U. S. C. 214), and in accordance with section 2.22 (a), of Delegation Order No. 427, of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Departmental Order No. 200, dated March 27, 1943, withdrawing the W½ Section 27 and the NW¼ Section 34, T. 24 S., R. 43 E., M. D. M., California, containing 480 acres, for use by the Civil Aeronautics Administration of the Department of Commerce in maintenance of air-navigation facilities, is hereby revoked, and the lands are hereby restored to disposition under the public land laws, subject to valid existing rights and provisions of existing withdrawals.

The lands are desert in character and relatively flat, located four miles north of the American Potash and Chemical Corporation Town of Trona, California, and situated just above the old shore line of a desert playa known as Searles Lake. Owing to poor soils and lack of water for irrigation, the lands are unsuitable for agricultural purposes, and because of their poor climate, remote location and lack of water for domestic use, they are valueless for home, cabin, or business site purposes.

However, due to their proximity to a small industrial area, coupled with the fact that they contain an aviation landing strip and appurtenant air-navigation facilities, make the lands chiefly valuable for airport purposes. While any application that is filed will be considered on its merits, it is unlikely that any part of the lands will be classified for any use other than for airport purposes.

This order shall not become effective to change the status of the above-described lands until 10:00 a. m., P. s. t., on the 35th day after the date of this order. At that time the lands shall become subject to application, petition, location or selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications on the lands, may be obtained on request from the Manager of the Land Office, 1512 Post Office Building, Los Angeles, California.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 54-1662; Filed, Mar. 9, 1954; 8:45 a. m.]

[Docket DA-417, Oregon]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

MARCH 2, 1954.

Pursuant to determination DA-417, Oregon, issued by the Federal Power Commission January 29, 1954, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described within the Mt. Hood National Forest, insofar as they are withdrawn and reserved for power purposes, are hereby restored, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended.

WILLAMETTE MERIDIAN, OREGON

T. 4 S., R. 6 E.,
Section 15, W½NW¼SW¼, SE¼NW¼SW¼, SW¼SW¼;
Section 16, SW¼NE¼NE¼, S½NW¼NE¼, W½SE¼NE¼, SW¼NE¼, S½S½;
Section 17, S½NE¼NE¼, SE¼NW¼NE¼, SE¼NE¼, E½SW¼NE¼, SW¼SW¼NE¼, S½S½NW¼, S½;
Section 18, E½NE¼SE¼, SW¼NE¼SE¼, SE¼NW¼SE¼, S½SE¼;
Section 19, N½NE¼, N½SE¼NE¼, SE¼SE¼NE¼, NE¼SW¼NE¼;
Section 20, N½, N½N½SE¼, N½NE¼SW¼;
Section 21, N½, W½SE¼, W½NE¼SE¼, NW¼SE¼SE¼, E½SW¼, NW¼SW¼, NE¼SW¼SW¼;
Section 22, NW¼NW¼.

T. 4 S., R. 6½ E.,
Section 12, S½ lot 4;
Section 13, lots 1, 2, 3, N½ lot 4, E½NW¼NE¼, SW¼NW¼NE¼, SW¼NE¼, SE¼NW¼, S½SW¼NW¼, W½SE¼, SW¼;
Section 14, E½E½SE¼.

T. 3 S., R. 9 E.,
Section 19, W½ and SE ¼ of lot 4, S½N½SE¼, S½SE¼, SE¼SE¼SW¼;
Section 20, SW¼NE¼SE¼, S½NW¼SE¼, S½N½SW¼, S½S½;
Section 29, N½, N½N½SE¼, SW¼NW¼SE¼, N½SW¼, N½SE¼SW¼, SW¼SW¼;
Section 30, E¼ of Lots 1, 2, 3, NE¼ lot 4, E½, E½W½;
Section 31, NE¼, NE¼NW¼, NE¼SE¼NE¼;
Section 32, NW¼NW¼NW¼.

T. 4 S., R. 9 E.,
Section 6, SW¼SE¼, SE¼SW¼;
Section 7, E½ of lots 1 and 2, lots 3, 4, W½NE¼NE¼, SE¼NE¼, W½NE¼, SE¼, E½W½;
Section 8, W½W½SW¼;
Section 18, lots 1, 2, 3, N½ lot 4, N½NE¼, W½SE¼NE¼, W½NE¼, E½NW¼, NW¼NW¼SE¼, NE¼SW¼.

The areas described aggregate 5,619.55 acres.

The above described lands within the boundaries of the Mt. Hood National Forest remain unaffected by the restoration as far as entry or disposal under the public land laws are concerned, location and entry under the mining laws excepted.

The Federal Power Commission under DA-417 also vacated reservation made pursuant to applications for Project No. 529 and the withdrawal affecting application for Project No. 1294 and released the following described lands from Water Power Designation No. 14 and Power Site Reserve Nos. 660, 663, and 730:

T. 1 S., R. 4 E.,
Section 28, SE¼NE¼, NE¼NW¼.

T. 2 S., R. 6 E.,
Section 17, SE¼SW¼;
Section 19, SW¼NE¼;
Section 23, SW¼NE¼, NW¼, NE¼SW¼, W½SW¼;
Section 25, E½SE¼, SW¼SE¼, SW¼;

T. 2 S., R. 7 E.,
Section 19, NW¼SW¼;
Section 30, E½NE¼;
Section 31, NW¼NW¼;
Section 33, SW¼NE¼.

The areas described aggregate 920 acres.

The NW¼, SW¼NE¼, NE¼SW¼, W½SW¼, section 23; NE¼SE¼, section 25, T. 2 S., R. 6 E., and the E½NE¼, section 30; NW¼NW¼, section 31; SW¼NE¼, section 33, T. 2 S., R. 7 E., have been patented and are privately owned lands and are not subject to classification and disposal under any of the public land laws.

The SE¼NE¼, NE¼SW¼, section 23, T. 1 S., R. 4 E.; the SE¼SW¼, section 17; SW¼NE¼, section 19; SE¼SE¼, SW¼SE¼, SW¼, section 25, T. 2 S., R. 6 E., and the NW¼SW¼, section 19, T. 2 S., R. 7 E., are revested Oregon & California Railroad grant lands, are classified as recreational in character, and chiefly valuable for the production of timber.

Subject to valid existing rights and the provisions of existing laws, the above described revested Oregon & California Railroad grant lands are hereby restored to entry, location, or selection under public land laws. While any application that is filed for any of the described revested lands will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or purpose than that herein indicated. No application for any of the lands may be allowed under the homestead, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The public lands described shall be subject to application by the State of Oregon for a period of 90 days from date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways.

This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time the revested lands described shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request in the Land Office, Portland, Oregon.

J. G. FRIEDLY,
Acting Regional Administrator.

[F. R. Doc. 54-1684; Filed, Mar. 9, 1954; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PENNSYLVANIA STOCK YARDS, PHILADELPHIA, PA.

DEPOSTING OF STOCKYARD

It has been ascertained that the Pennsylvania Stock Yards, 36th Street and Gray's Ferry Avenue, Philadelphia, Pennsylvania, originally posted on July 9, 1931, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under that act for the reason that it no longer meets the area requirements. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not depositing promptly a livestock market which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in the act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after its publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.).

Done at Washington, D. C., this 4th day of March 1954.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 54-1672; Filed, Mar. 9, 1954; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order 36]

PORT OF NEW ORLEANS, LA.

APPLICATION OF BOARD OF COMMISSIONERS TO RE-LOCATE BOUNDARIES OF FOREIGN-TRADE ZONE NO. 2

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U. S. C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Board of Commissioners of the Port of New Orleans, as grantee of Foreign-Trade Zone No. 2, filed an application dated November 16, 1953, requesting that, in connection with the extensive development of the Public Commodity Warehouse, in a part of which the existing zone is now located, and for the more economic utilization of the facilities of the terminal, the boundaries of the zone be re-established to exclude the water area, the wharf apron and marginal tracks, together with the lower sections of Wharfhouse Sections 5 and 6, and to include Building 17 and adjacent land areas; and

Whereas, the Board of Commissioners of the Port of New Orleans states that this alteration of boundaries and the addition of Building 17 will provide for a more economic utilization of the facilities of the zone; and

Whereas, particularly the inclusion of said Building is necessary to accommodate certain new uses and operations of the zone to the benefit of foreign trade in the region.

Now, therefore, the Foreign-Trade Zones Board, after full consideration and a finding that the proposal is in the public interest, hereby orders:

That the boundaries of Foreign-Trade Zone No. 2 be, and they hereby are re-established, to exclude the water area, the wharf apron and marginal tracks, together with the lower sections of Wharfhouse Sections 5 and 6, and to include Building 17 and adjacent upland in zone area, in conformity with revised Exhibit 10 (b), dated November 2, 1953, made a part of the application, provided that the grantee segregates such area in a manner that will comply with the requirements of the Collector of Customs at New Orleans, Louisiana.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary in connection with the issuance of this order, because its application is restricted to one foreign-trade zone, and is of a nature that it imposes no burden on the parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 4th day of March 1954.

FOREIGN-TRADE ZONES BOARD,
[SEAL] SINCLAIR WEEKS,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

THOS. E. LYONS,
Executive Secretary, Foreign-Trade Zones Board.

[F. R. Doc. 54-1682; Filed, Mar. 9, 1954; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

REGIONAL MANAGERS AND DISTRICT FIELD OFFICE AREAS

REORGANIZATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of March 1954;

The Commission having under consideration possible reduction in the number of Regional offices and reorganization of the areas embraced by its San Francisco Regional Office and its Denver District Office; and

It appearing, that the Houston, Texas Regional Office should be eliminated by including the state of New Mexico within the area embraced by the San Francisco Regional Office and the states of Texas, Oklahoma, Arkansas, Louisiana, and Mississippi within the area embraced by the Atlanta Regional Office; and

It further appearing, that the state of New Mexico which has heretofore been embraced by the Commission's District Office No. 10 at Dallas, Texas, should be included in the area embraced by the Commission's District Office No. 15 at Denver, Colorado; and

It further appearing, that a numerical designation of regions would be preferable and more readily understood than that which has been employed.

It is ordered, Pursuant to section 4 (i) and 303 (r) of the Communications Act of 1934, as amended, that Part 0 of the Commission's rules is hereby amended effective April 1, 1954, as shown below.

Released: March 4, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend section 0.40 by deleting the entry "New Mexico all counties" from the listing of Radio District No. 10 (Dallas, Texas).

2. Amend section 0.40 by adding an entry "New Mexico all counties" under Radio District No. 15 (Denver, Colorado) (add between Nebraska and counties and South Dakota and counties).

3. Amend section 0.40 by deleting the subheading "The offices of the Regional Managers of the Field Engineering and Monitoring Division, Bureau of Engineering, are located at the following addresses:" and the listings thereunder and substitute the following: "The offices of the Regional Managers of the Field Engineering and Monitoring Bureau are located at the following addresses:"

Region No. 1, 954 Federal Building, 641 Washington Street, New York 14, N. Y.—To include: Districts Nos. 1, 2, 3, 4, 5, and 24.

Region No. 2, 411 Federal Annex, Atlanta, Ga.—To include: Districts Nos. 6, 7, 8, 9, 10, and 22.

Region No. 3, 323-A Customhouse, San Francisco 26, Calif.—To include: Districts Nos. 11, 12, and 15.

Region No. 4, 802 Federal Office Building, Seattle 4, Wash.—To include: Districts Nos. 13 and 14.

Region No. 5, P. O. Box 1142, Lanikai, Oahu, T. H.—To include: District No. 21.

Region No. 6, P. O. Box 644 (Rm. 52 U. S. P. O. and Courthouse), Anchorage, Alaska—To include: District No. 23

Region No. 7, 832 U. S. Courthouse, Chicago 4, Ill.—To include: Districts Nos. 16, 17, and 18.

Region No. 8, 1029 New Federal Building, Detroit 26, Mich.—To include: Districts Nos. 19 and 20.

[F. R. Doc. 54-1685; Filed, Mar. 9, 1954; 8:49 a. m.]

[Docket No. 8777]

MACKAY RADIO AND TELEGRAPH CO., INC.

ORDER DESIGNATING APPLICATIONS FOR FURTHER HEARING

In the matter of Mackay Radio and Telegraph Company, Inc., applications for radiotelegraph circuits between the United States and Finland, Portugal, Surinam, and The Netherlands; Docket No. 8777.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 1st day of March 1954, the Commission having under consideration:

(a) The record of the proceedings herein;

(b) Its decision herein released February 23, 1951;

(c) The decision of the United States Supreme Court issued on June 8, 1953, (Federal Communications Commission v. RCA Communications, Inc. 346 U. S. 86);

(d) The order of the Court of Appeals for the District of Columbia Circuit herein dated July 30, 1953, remanding the case to the Commission "for such disposition as is open under the opinion of the Supreme Court in this case";

(e) The petition of Mackay Radio and Telegraph Company, dated August 3, 1953, for Reconsideration and Supplement of the Commission's Decision upon Remand from the United States Supreme Court;

(f) The answer of RCA Communications, Inc. to the above Petition of Mackay Radio and Telegraph Company, dated August 13, 1953;

(g) The reply of Mackay Radio and Telegraph Company to the answer of RCA Communications, Inc., dated August 21, 1953;

(h) The transcript of oral argument held herein on February 8, 1954;

It appearing, that, after considering all of the evidence of record, and the other pleadings set forth above in light of the aforementioned decision and mandate and after reviewing the oral argument herein, the Commission is of the opinion that it would serve the public interest and be helpful to the Commission to have available current data in the matter before arriving at a decision herein particularly in view of the fact that the resolution of the issues herein involves important decisions with respect to matters of both policy and fact and since more than five years have elapsed from the time the record herein was closed;

It is ordered, That further hearings shall be held herein for the following purposes:

(a) To obtain current data regarding the operating practices employed by and the facilities presently available to each respondent carrier to provide telegraph service between the United States, on the one hand, and overseas and foreign points, particularly Portugal and The Netherlands, on the other hand;

(b) To obtain current data regarding the use of frequencies by each respondent carrier to provide telegraph service to Portugal and The Netherlands;

(c) To obtain current data with respect to each new communications service instituted between the United States, on the one hand, and Portugal and The Netherlands, on the other hand, by each respondent carrier since the close of the record herein in 1948 together with the revenues derived therefrom;

(d) To obtain data with respect to the volume of message traffic (in words and messages) and the types of non-message communication service as well as the revenues resulting from each such service provided between the United States, on the one hand, and Portugal and The Netherlands, on the other hand, by each respondent carrier for each of the years from 1947 through 1953, inclusive;

(e) To obtain data with respect to the costs properly attributable to and the net operating revenues resulting from message telegraph service and each type of non-message communication service provided by each respondent carrier between the United States, on the one hand, and Portugal and The Netherlands, on the other hand, for each of the years 1947 through 1953, inclusive;

(f) To obtain data with respect to the total volume of message traffic (in words and messages) and the types of non-message communication service as well as the revenues resulting from each such service provided by each respondent carrier between the United States and all foreign and overseas points for each of the years from 1947 through 1953 inclusive;

(g) To obtain current financial data for each respondent carrier including an annual income statement and a year-end balance sheet for each of the years 1947 through 1953, inclusive;

(h) To obtain data with respect to the volume of international airmail and telephone traffic between the United States, on the one hand, and Portugal and The Netherlands on the other hand, for each of the years 1947 through 1953 inclusive to the extent available;

(i) To obtain such other revenue and cost data as are pertinent to a proper decision herein in the light of the aforementioned Supreme Court decision, provided, however, that any party respondent proposing to submit such data shall indicate the nature and extent thereof at the pre-hearing conference provided for herein;

It is further ordered, That Mackay Radio and Telegraph Company, the applicant herein, All America Cables and Radio, Inc., The Commercial Cable Company, RCA Communications, Inc., and The Western Union Telegraph Company are named parties respondent herein;

It is further ordered, That there shall be a pre-hearing conference at a time and place to be fixed by the Hearing Examiner for the purpose of considering what actions may be taken or agreements reached to expedite the further hearing herein;

It is further ordered, That the hearings shall be held in these proceedings at the offices of the commission at Washington, D. C., to begin at 10:00 a. m., on the 5th day of April 1954, and that Annie Neal Huntting is assigned to preside at such hearings;

It is further ordered, That, since due and timely execution of the Commission's functions imperatively and unavoidably require it, the Hearing Examiner shall certify the record to the Commission without preparing either a Recommended or Initial Decision herein.

Released: March 3, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1686; Filed, Mar. 9, 1954; 8:50 a. m.]

[Docket Nos. 8809, 10788, 10789, 10790, 10917]

ST. LOUIS TELECAST, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of St. Louis Telecast, Inc., St. Louis, Missouri, Docket No. 8809, File No. BPCT-294; St. Louis Amusement Company, St. Louis, Missouri, Docket No. 10788, File No. BPCT-745; Columbia Broadcasting System, Inc., St. Louis, Missouri, Docket No. 10789, File No. BPCT-1565; 220 Television, Inc., St. Louis, Missouri, Docket No. 10790, File No. BPCT-1778; Broadcast House, Inc., East St. Louis, Illinois, Docket No. 10917, File No. BPCT-1835; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 3d day of March 1954:

The Commission having under consideration the above-entitled application of Broadcast House, Inc., requesting a construction permit for a new television broadcast station to operate on Channel 11 in East St. Louis, Illinois; and

It appearing, that the other above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 11 in St. Louis, Missouri, were designated for hearing on specified issues by order of the Commission on December 2, 1953; and

It further appearing, that on December 17, 1953, the Commission denied the "Petition for Reconsideration And Acceptance For Filing" submitted by Broadcast House, Inc., requesting that the Commission reconsider its action of November 25, 1953, wherein it declined to accept for filing and hearing the above-entitled application tendered by Broadcast House, Inc., on November 3, 1953; and

It further appearing, that there is presently pending in the United States Court of Appeals for the District of Columbia Circuit an appeal (No. 12040) entitled "Broadcast House, Inc., Appellant, vs. Federal Communications Commission, Appellee, 220 Television, Inc., Intervenor, Columbia Broadcasting System, Inc., Intervenor", in which proceeding an order was filed on January 8, 1954 by said Court directing that the Commission and its agents and examiners be restrained during the pendency of said appeal from conducting any hearing or other proceeding or taking any final action relative to the granting to any applicant therefor of a license to operate on, or a permit to construct facilities for operation on Channel 11 assigned to St. Louis, Missouri: *Provided, however*, That a motion to vacate said order would be entertained by the Court upon adoption by the Commission of any one of the following alternative courses of action:

(1) Issue an order permitting Broadcast House, Incorporated, to enter as an applicant the comparative hearing to be held for determination of the appropriate licensee or permittee for television Channel 11 assigned to St. Louis, Missouri, but requiring that the question as to the standing of Broadcast House, Incorporated, as an applicant be heard upon a specification of issues by the Commission pursuant to the terms of section 309 (b) of the Communications Act of 1934, as amended, and be decided by appropriate order of the Commission either as a preliminary matter before the comparative hearing itself proceeds on the merits or as a part of the final deci-

[1] Commissioners Lee and Webster dissenting in opinion.

sion and order to be entered at the termination of said comparative hearing;

(2) Issue an order permitting the full participation of Broadcast House, Incorporated, as an applicant in the comparative hearing to be held for determination of the appropriate licensee or permittee for television Channel 11 assigned to St. Louis, Missouri, the ultimate status of Broadcast House, Incorporated, in such proceeding to be subject however to the decision of this Court in this appeal;

and it further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, Broadcast House, Inc., was notified by Commission letter of February 1, 1954, that the Commission had determined that it would be in the public interest to adopt the second of the two procedures provided for in alternative "(1)" above; that the application of Broadcast House, Inc., was mutually exclusive with the other above-entitled applications herein; that since operation on Channel 11 as proposed by it and the other above-entitled applicants would result in mutually destructive interference, all of the applications could not be granted; that its application would be designated for consolidated hearing with the other above-entitled applications to determine the question of its standing as an applicant and, pending a decision thereon, to determine which proposal would, on a comparative basis, best serve the public interest; and that its application raised certain questions concerning its legal, technical and other qualifications to construct and operate its proposed television station, which questions would be the subject of inquiry by the Commission at the above hearing; and

It further appearing, that, subject to a final determination by the Commission of the issue stated below, and upon due consideration of the above-entitled application of Broadcast House, Inc., the amendment filed thereto and the reply to the above letter, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory and that Broadcast House, Inc., is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That the Commission's action of December 17, 1953, returning the above-entitled application of Broadcast House, Inc., for a construction permit for Channel 11 at East St. Louis, Illinois, is vacated and set aside; and

It is further ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application of Broadcast House, Inc., is designated for hearing in a consolidated proceeding with the other above-entitled applications upon the issues heretofore specified in the consolidated proceeding upon such applications and upon the following additional issues: To determine, in the light of the fact that Broadcast House, Inc., is the permittee of a television station operating on Channel 36 at St. Louis, Missouri, whether, under the provisions of the Communications Act of 1934, as amended, the Commission's rules and regulations, and its policies adopted thereunder, its above-entitled application is entitled to comparative consideration with the other applications in this proceeding.

It is further ordered, That this order shall become effective upon the vacating of the stay ordered in the above appeal proceedings.

Released: March 3, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1687; Filed, Mar. 9, 1954; 8:50 a. m.]

[Docket No. 10810]

GEORGE R. GODFREY

ORDER CONTINUING HEARING

In re application of George R. Godfrey, Aransas Pass, Texas; order to show cause why the license for Radiotelephone Station WB-5051 should not be revoked; Docket No. 10810.

The Commission having designated the above-entitled matter for hearing to be held at its offices in Washington, D. C., at 10:00 o'clock, a. m., on Wednesday, March 3, 1954; and

It appearing, that on January 26, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission, requesting that the hearing in the said proceeding be dismissed; and

It further appearing, that no action is expected to be taken on the said motion to dismiss on or before March 3, 1954;

It is ordered, By the Commission on its own motion, this 1st day of March 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1688; Filed, Mar. 9, 1954; 8:50 a. m.]

[Docket No. 10811]

SEA FRESH CORP.

ORDER CONTINUING HEARING

In re application of Sea Fresh Corporation, Boston, Massachusetts; order to show cause why the license for Radiotelephone Station WA-7893 should not be revoked; Docket No. 10811.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock, a. m., on Wednesday, March 3, 1954; and

It appearing that on February 26, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission requesting the said Commission to issue a final revocation order and close the proceedings in the above-entitled matter; and

It further appearing, that no action is expected to be taken on the said motion on or before March 3, 1954;

It is ordered, By the Commission on its own motion, this 1st day of March 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1689; Filed, Mar. 9, 1954; 8:50 a. m.]

[Docket No. 10812]

EDGAR W. PEEL

ORDER CONTINUING HEARING

In re application of Edgar W. Peel, Vallejo, California; order to show cause why the license for Radiotelephone Station WE-7412 should not be revoked; Docket No. 10812.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock, a. m., on Thursday, March 4, 1954; and

It appearing, that on January 20, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission, requesting that the hearing in the said proceeding be dismissed; and

It further appearing, that no action is expected to be taken on the said motion to dismiss on or before March 4, 1954;

It is ordered, By the Commission on its own motion; this 1st day of March 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1690; Filed, Mar. 9, 1954; 8:50 a. m.]

[Docket No. 10813]

JAMES R. BUNDESEN

ORDER CONTINUING HEARING

In re application of James R. Bundesen, Pittsburg, California; Order to show cause why the license for Radiotelephone Station WB-6303 should not be revoked; Docket No. 10813.

The Commission having designated the above-entitled matter for a hearing to be held at the offices in Washington, D. C., at 10:00 o'clock, a. m., on Thursday, March 4, 1954; and

It appearing, That on January 20, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission, requesting that the hearing in the said proceeding be dismissed; and

It further appearing, That no action is expected to be taken on the said motion to dismiss on or before March 4, 1954;

It is ordered, By the Commission on its own motion, this 1st day of March 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1691; Filed, Mar. 9, 1954; 8:50 a. m.]

[Docket No. 10814]

ARNOLD B. ENNIS

ORDER CONTINUING HEARING

In re application of Arnold B. Ennis, Astoria, Oregon; order to show cause why the license for Radiotelephone Station WD-6780 should not be revoked; Docket No. 10814.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock, a. m., on Friday, March 5, 1954; and

It appearing, that on February 26, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission requesting the said Commission to issue a final revocation order and close the proceedings in the above-entitled matter; and

It further appearing, that no action is expected to be taken on the said motion on or before March 5, 1954;

It is ordered, By the Commission on its own motion, this 1st day of March 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1692; Filed, Mar. 9, 1954; 8:50 a. m.]

[Docket No. 10815]

DON JACOBSEN

ORDER CONTINUING HEARING

In re application of Don Jacobsen, San Diego, California; order to show cause why the license for Radiotelephone Station WA-5646 should not be revoked; Docket No. 10815.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 oclock a. m., on Friday, March 5, 1954; and

It appearing, that on February 4, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission, requesting that the hearing in the said proceeding be dismissed; and

It further appearing, that no action is expected to be taken on the said motion to dismiss on or before March 5, 1954;

It is ordered, By the Commission on its own motion, this 1st day of March 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1693; Filed, Mar. 9, 1954; 8:51 a. m.]

[Docket No. 10918]

CHARLIE KULLMAN

ORDER TO SHOW CAUSE

In the matter of Charlie Kullman, Aransas Pass, Texas; order to show cause why the license for Radiotelephone Station WB-9777 should not be revoked; Docket No. 10918.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WB-9777 licensed to Charlie Kullman, Aransas Pass, Texas, aboard the vessel "Hustler".

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated October 29, 1953, specifying that at 1513 GMT on October 27, 1953, the transmitter of radio station WB-9777 radiated a strong second harmonic which was a potential source of interference to the aeronautical radio service on 5476 kc and a violation of § 8.108 of the Commission's rules.

(b) At 1513 GMT on October 27, 1953, the operator aboard the vessel "Hustler", while engaged in radio communication with another vessel failed to properly identify his radio station by transmitting the call sign WB-9777 as required by § 8.364 (a) of the Commission's rules.

It further appearing, that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 26th day of February 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Charlie Kullman, Aransas Pass, Texas, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 3d day of May, 1954;

It is further ordered, That the Secretary send a copy of this order by registered mail—return receipt requested to the said Charlie Kullman, P. O. Box 243, Aransas Pass, Texas.

Released: March 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1694; Filed, Mar. 9, 1954; 8:57 a. m.]

[Docket No. 10919]

JOSEPH COREA, JR.

ORDER TO SHOW CAUSE

In the matter of Joseph Corea, Jr., Provincetown, Massachusetts; order to show cause why the license for Radiotelephone Station WC-3467 should not be revoked; Docket No. 10919.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WC-3467 licensed to Joseph Corea, Jr., Provincetown, Massachusetts, aboard the vessel "Papa Joe".

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated September 24, 1953 specifying that at 1642 GMT, on September 21, 1953, the operator aboard the vessel "Papa Joe", while engaged in radio communication with another vessel failed to properly identify his radio station by transmitting the call sign WC-3467 as required by § 8.364 (a) of the Commission's rules.

It further appearing, that, despite a further notice dated November 24, 1953, calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 26th day of February 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Joseph Corea, Jr., show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 3d day of May, 1954;

It is further ordered, That the Secretary send a copy of this order by registered mail—return receipt requested to the said Joseph Corea, Jr., 8 Cottage Street, Provincetown, Massachusetts.

Released: March 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1695; Filed, Mar. 9, 1954; 8:51 a. m.]

[Docket No. 10920]

WRIGHT & HAWKINS, LTD.

ORDER TO SHOW CAUSE

In the matter of Wright & Hawkins, Ltd., Beaumont, Texas; order to show

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

cause why the license for Radiotelephone Station WB–9374 should not be revoked; Docket No. 10920.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WB–9374 licensed to Wright & Hawkins, Ltd., Beaumont, Texas, aboard the vessel "Lloyd H".

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated November 17, 1953, specifying that at 1838 GMT, on November 8, 1953, the transmitter of radio station WB–9374 radiated a strong second harmonic which was a potential source of interference to the aeronautical radio service on 5476 kc and a violation of § 8.108 of the Commission's rules.

It further appearing, that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 26th day of February 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Wright & Hawkins, Ltd., Beaumont, Texas, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 5th day of May 1954;

It is further ordered, That the Secretary send a copy of this order by registered mail—return receipt requested to the said Wright & Hawkins, Ltd., P. O. Box 848, Gulf States Road, Beaumont, Texas.

Released: March 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–1696; Filed, Mar. 9, 1954; 8:51 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

[Docket No. 10921]

TRAWLER BATAVIA, INC.

ORDER TO SHOW CAUSE

In the matter of Trawler Batavia, Inc., Portland, Maine; order to show cause why the license for Radiotelephone Station WE–3595 should not be revoked; Docket No. 10921.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WE–3595 licensed to Trawler Batavia, Inc., Portland, Maine, aboard the vessel "Batavia".

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated October 28, 1953 specifying that at 1439 GMT, on September 29, 1953, the operator aboard the vessel "Batavia", while engaged in radio communication with another vessel failed to properly identify his radio station by transmitting the call sign WE–3595 as required by § 8.364 (a) of the Commission's rules.

It further appearing, that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 26th day of February 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Trawler Batavia, Inc., Portland, Maine, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 5th day of May 1954;

It is further ordered, That the Secretary send a copy of this order by registered mail—return receipt requested to the said Trawler Batavia, Inc., 83 Exchange Street, Portland, Maine.

Released: March 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1697; Filed, Mar. 9, 1954; 8:51 a. m.]

[Docket No. 10922]

FELIX BRUNEY

ORDER TO SHOW CAUSE

In the matter of Felix Bruney, Aransas Pass, Texas; order to show cause why the license for radiotelephone Station WE–3796 should not be revoked; Docket No. 10922.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WE–3796 licensed to Felix Bruney, Aransas Pass, Texas, aboard the vessel "Charles Schreiner".

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated September 16, 1953, specifying that at 1917 GMT on August 29, 1953, the operator aboard the vessel "Charles Schreiner", while engaged in radio communication with another vessel failed to properly identify his radio station by transmitting the call sign WE–3796 as required by § 8.364 (a) of the Commission's rules.

It further appearing, that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 26th day of February 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Felix Bruney, Aransas Pass, Texas, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 7th day of May 1954;

It is further ordered, That the Secretary send a copy of this order by registered mail—return receipt requested to the said Felix Bruney, P. O. Box 792, Aransas Pass, Texas.

Released: March 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–1698; Filed, Mar. 9, 1954; 8:51 a. m.]

[Docket No. 10926]

SPENTONBUSH FUEL TRANSPORTATION SERVICE, INC.

ORDER TO SHOW CAUSE

In the matter of Spentonbush Fuel Transportation Service, Inc., Brooklyn, New York; order to show cause why the license for Radiotelephone Station WE–5512 should not be revoked; Docket No. 10926.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WE–5512 licensed to Spentonbush Fuel Transportation Service, Inc., Brooklyn, New York, aboard the vessel "J. A. Martin."

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated November 18, 1953 specifying that

At 9:32 a. m., e. s. t., on November 6, 1953, the transmitter of radio station WE–5512 radiated a strong second harmonic which was a potential source of interference to the aeronautical radio service on 5476 kc and a violation of § 8.108 of the Commission's rules.

It further appearing, that, despite a further notice, dated January 11, 1954, calling attention to the foregoing notice of violations and the failure to reply thereto in acordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 26th day of February 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Spentonbush Fuel Transportation Service, Inc., Brooklyn, New York, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 7th day of May 1954;

It is further ordered, That the Secretary send a copy of this order by registered mail—return receipt requested to the said Spentonbush Fuel Transportation Service, Inc., c/o Mr. Rossiter, Diesel Vessel Operators, Inc., 764 Court Street, Brooklyn 31, New York.

Released: March 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–1699; Filed, Mar. 9, 1954; 8:52 a. m.]

[Docket No. 10939]

ALTMAN PLASTIC CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of cease and desist order to be directed to Harold Altman and Sol Altman, tr/as Altman Plastic Company, 464 Liberty Avenue, Brooklyn 7, New York; Docket No. 10939.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended to Harold Altman and Sol Altman, tr/as Altman Plastic Company (hereinafter referred to as Altman Plastic Company) to cease and desist from violating Part 18 of the Commission's rules by operating electronic heating equipment which (1) is the source of interference to authorized radio services, and (2) is not certified or licensed in accordance with the Commission's rules;

It appearing, that Altman Plastic Company operates in its plant at 464 Liberty Avenue, Brooklyn, N. Y., certain industrial heating equipment operating on approximately 30 Mc which is subject to the requirements of §§ 18.1, 18.2 (c), 18.3, 18.4, 18.21, 18.22, 18.23, 18.24 and 18.41 through 18.49 of the Commission's rules; and

It further appearing, that the aforementioned equipment causes interference to an authorized radio communication system operated by the United States Army in the vicinity of New York, N. Y. and to authorized radio communications operated by the CAA at La Guardia and International Airports, New York, N. Y.; and

It further appearing, that the aforementioned equipment has not been certified by a duly qualified engineer or the manufacturer of the equipment as required by § 18.22 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.41 of the Commission's rules; and

It further appearing, that the above facts have been called to the attention of the Altman Plastic Company by the Commission both orally and in writing, and that the Company has been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered, This 26th day of February, 1954, pursuant to section 312 (c) of the Communications Act of 1934, as amended, and pursuant to the Commission's order of September 30, 1953, delegating authority to the Chief, Field Engineering and Monitoring Bureau to issue orders to show cause why cease and desist orders should not be issued with respect to Indutrial Scientific and Medical Equipment, that the Altman Plastic Company be and is hereby directed to show cause why there should not be issued an order commanding it to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial heating equipment without the certification or license required by Part 18 of the Commission's rules, and by operating such equipment in a manner which causes interference to authorized radio services; and

It is further ordered, That a hearing in this matter be held in New York, N. Y. at 10: 00 a. m., on the 7th day of April 1954, in order to determine whether said cease and desist order should be issued, and that Altman Plastic Company is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.402 of the rules, that said Altman Plastic Company is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that the Company will appear and present evidence on the matter specified in this order if the Company desires to avail itself of its opportunity to appear before the Commission. If said Altman Plastic Company does not desire to appear before the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Altman Plastic Company believes that a cease and desist order should not be issued, and

It is further ordered, That failure of said Altman Plastic Company timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: March 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–1700; Filed, Mar. 9, 1954; 8: 52 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

[Docket No. 10941]

MILS PRODUCTS, INC.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of cease and desist order to be directed to Mils Products, Incorporated, 1142 Broad Street, Newark, New Jersey; Docket No. 10941.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to Mils Products, Incorporated to cease and desist from violating Part 18 of the Commission's rules by operating electronic heating equipment which (1) is the source of interference to authorized radio services, and (2) is not certified or licensed in accordance with the Commission's rules;

It appearing, that Mils Products, Inc. operates in its plant at 1142 Broad Street, Newark, New Jersey, certain industrial heating equipment operating on approximately 30 Mc which is subject to the requirements of §§ 18.1, 18.2 (c), 18.3, 18.4, 18.21, 18.22, 18.23, 18.24 and 18.41 through 18.49 of the Commission's rules; and

It further appearing, that the aforementioned equipment causes interference to an authorized radio communication system operated by the United States Army in the vicinity of New York, N. Y.; and

It further appearing, that the aforementioned equipment has not been certified by a duly qualified engineer or the manufacturer of the equipment as required by § 18.22 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.41 of the Commission's rules; and

It further appearing, that the above facts have been called to the attention of the Mils Products, Inc. by the Commission both orally and in writing, and that the Company has been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered, This 26th day of February 1954, pursuant to section 312 (c) of the Communications Act of 1934, as amended, and pursuant to the Commission's order of September 30, 1953, delegating authority to the Chief, Field Engineering and Monitoring Bureau to issue orders to show cause why cease and desist orders should not be issued with respect to Industrial, Scientific and Medical Equipment, that Mils Products, Inc. be and is hereby directed to show cause why there should not be issued an order commanding it to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial heating equipment without the certification or license required by Part 18 of the Commission's rules, and by operating such equipment in a manner which causes interference to authorized radio services; and

It is further ordered, That a hearing in this matter be held in New York, N. Y. at 10:00 a. m. on the 12th day of April 1954, in order to determine whether said cease and desist order should be issued, and that Mils Products, Inc. is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.402 of the rules, that said Mils Products, Inc. is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that the Company will appear and present evidence on the matter specified in this order if the Company desires to avail itself of its opportunity to appear before the Commission. If said Mils Products, Inc. does not desire to appear before the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Mils Products, Inc. believes that a cease and desist order should not be issued, and

It is further ordered, That failure of said Mils Products, Inc. timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: March 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1701; Filed, Mar. 9, 1954; 8:52 a. m.]

[Docket No. 10942]

JOELL MANUFACTURING CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of cease and desist order to be directed to Murray Menschiks, tr/as Joell Manufacturing Company, 2516 Atlantic Avenue, Brooklyn 7, New York; Docket No. 10942.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to Murray Menschiks tr/as Joell Manufacturing Company (hereinafter referred to as Joell Manufacturing Company) to cease and desist from violating Part 18 of the Commission's rules by operating electronic heating equipment which (1) is the source of interference to authorized radio services, and (2) is not certified or licensed in accordance with the Commission's rules;

It appearing, that Joell Manufacturing Company operates in its plant at 2516 Atlantic Avenue, Brooklyn 7, New York, certain industrial heating equipment operating on approximately 30 Mc which is subject to the requirements of §§ 18.1, 18.2 (c), 18.3, 18.4, 18.21, 18.22, 18.23, 18.24 and 18.41 through 18.49 of the Commission's rules; and

It further appearing, that the aforementioned equipment causes interference to an authorized radio communication system operated by the United States Army in the vicinity of New York, N. Y.; and

It further appearing, that the aforementioned equipment has not been certified by a duly qualified engineer or the manufacturer of the equipment as required by § 18.22 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.41 of the Commission's rules; and

It further appearing, that the above facts have been called to the attention of the Joell Manufacturing Company by the Commission both orally and in writing, and that the Company has been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered, This 26th day of February 1954, pursuant to section 312 (c) of the Communications Act of 1934, as amended, and pursuant to the Commission's order of September 30, 1953, delegating authority to the Chief, Field Engineering and Monitoring Bureau to issue orders to show cause why cease and desist orders should not be issued with respect to Industrial, Scientific and Medical Equipment, that the Joell Manufacturing Company be and is hereby directed to show cause why there should not be issued an order commanding it to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial heating equipment without the certification or license required by Part 18 of the Commission's rules and by operating such equipment in a manner which causes interference to authorized radio services; and

It is further ordered, That a hearing in this matter be held in New York, N. Y., at 10:00 a. m., on the 14th day of April 1954, in order to determine whether said cease and desist order should be issued, and that Joell Manufacturing Company is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.402 of the rules, that said Joell Manufacturing Company is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that the Company will appear and present evidence on the matter specified in this order if the Company desires to avail itself of its opportunity to appear before the Commission. If said Joell Manufacturing Company does not desire to appear before the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Joell Manufacturing Company believes that a cease and desist order should not be issued, and

It is further ordered, That failure of said Joell Manufacturing Company timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: March 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1702; Filed, Mar. 9, 1954; 8:52 a. m.]

[Docket No. 10943]

KLEIN PRODUCTS CO., INC.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of cease and desist order to be directed to Klein Products Company, Inc., 47 Great Jones Street, New York 12, New York; Docket No. 10943.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to Klein Products Company, Incorporated (hereinafter referred to as Klein Products) to cease and desist from violating Part 18 of the Commission's rules by operating electronic heating equipment which (1) is the source of interference to authorized radio services, and (2) is not certified or licensed in accordance with the Commission's rules;

It appearing, that Klein Products operates in its plant at 47 Great Jones Street, New York 12, New York, certain industrial heating equipment operating on approximately 30 Mc which is subject to the requirements of §§ 18.1, 18.2 (c), 18.3, 18.4, 18.21, 18.22, 18.23, 18.24 and 18.41 through 18.49 of the Commission's rules; and

It further appearing, that the aforementioned equipment causes interference to an authorized radio communication system operated by the United States Army in the vicinity of New York, N. Y.; and

It further appearing, that the aforementioned equipment has not been certified by a duly qualified engineer or the manufacturer of the equipment as required by § 18.22 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.41 of the Commission's rules; and

It further appearing, that the above facts have been called to the attention of Klein Products by the Commission both orally and in writing, and that the Company has been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered, This 26th day of February 1954, pursuant to section 312 (c) of the Communications Act of 1934, as amended, and pursuant to the Commission's order of September 30, 1953, delegating authority to the Chief, Field Engineering and Monitoring Bureau to issue orders to show cause why cease and desist orders should not be issued with respect to Industrial, Scientific and Medical Equipment, that Klein Products be and is hereby directed to show cause why there should not be issued an order commanding it to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial heating equipment without the certification or license required by Part 18 of the Commission's rules, and by operating such equipment in a manner which causes interference to authorized radio services; and

It is further ordered, That a hearing in this matter be held in New York, N. Y. at 10:00 a. m., on the 16th day of April 1954, in order to determine whether said cease and desist order should be issued, and that Klein Products is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.402 of the rules, that said Klein Products is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that the Company will appear and present evidence on the matter specified in this order if the Company desires to avail itself of its opportunity to appear before the Commission. If said Klein Products does not desire to appear before the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Klein Products believes that a cease and desist order should not be issued, and

It is further ordered, That failure of said Klein Products timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: March 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1703; Filed, Mar. 9, 1954; 8:52 a. m.]

[Docket No. 10944]

PORT HURON BROADCASTING CO. (WLEW)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Harmon LeRoy Stevens, Herman LeRoy, Stevens and John F. Wismer d/b as Port Huron Broadcasting Company (WLEW), Bad Axe, Michigan; for construction permit; Docket No. 10944, File No. BP-8958.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of March 1954;

The Commission having under consideration the above-entitled application of Port Huron Broadcasting Company, licensee of Station WLEW (1540 kc, 250 w, daytime only) in Bad Axe, Michigan, for a construction permit to change frequency and operate both night and day; and

It appearing, that the applicant is legally, financially, technically and otherwise qualified to operate the proposed station, but that operating as proposed, Station WLEW would cause interference to and receive interference from Station WEXL, Royal Oak, Michigan (1340 kc, 250 w, U) and Station WBBC, Flint, Michigan (1330 kc, 1 kw, DA, U) and would fail to comply with the provisions of the Standards of Good Engineering Practice with respect to providing the recommended minimum of interference-free service to the area within the station's proposed normally protected daytime contour (0.5 mv/m); and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated January 13, 1954, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the Commission after consideration of the reply of the applicant requesting a hearing and the opposition of Station WEXL, Royal Oak, Michigan, is still of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of the station, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WLEW would involve objectional interference with Station WEXL, Royal Oak, Michigan, and Station WBBC, Flint, Michigan, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the installation and proposed operation of the station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning Standard Broadcast Stations with particular reference to providing the recommended minimum of interference-free service to the area within the station's proposed normally protected daytime contour (0.5 mv/m).

It is further ordered, That Sparks Broadcasting Company, licensee of Station WEXL, Royal Oak, Michigan, and Booth Radio and Television Stations, Inc., licensee of Station WBBC, Flint, Michigan, are made parties to said hearing.

Released: March 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1704; Filed, Mar. 9, 1954; 8:53 a. m.]

[Docket No. 10945]

CARTHAGE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Lloyd C. McKenney & John J. Daly d/b as Carthage Broadcasting Company, Fort Scott, Kansas; for construction permit; Docket No. 10945, File No. BP-8948.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 4th day of March 1954;

The Commission having under consideration a pleading entitled "Petition for Reconsideration and Hearing" filed on February 18, 1954 "pursuant to the provisions of Sections 405 and 309 of the Communications Act of 1934" by William R. Tedrick, licensee of Station KWRT, Boonville, Missouri requesting the Commission to reconsider its action of January 27, 1954 in granting the above-entitled application of Carthage Broadcasting Company for construction permit for a new station at Fort Scott, Kansas to operate on 1370 kc, 500 watts, daytime only, and to designate said application for hearing with the petitioner made a party thereto;

It appearing, that the engineering affidavit, together with supporting field intensity measurements attached to the KWRT protest, indicates that the proposed Fort Scott operation will cause objectionable interference to KWRT and that the Commission's further study of the matter, including an analysis of the field intensity measurements submitted by the KWRT, also indicates that the proposed Fort Scott operation will cause objectionable interference to KWRT;

It is ordered, That pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application of Carthage Broadcasting Company is designated for hearing at the offices of the Commission in Washington, D. C. on April 6th, 1954 at 10:00 a. m., upon the following issues:

1. To determine the areas and populations which may be expected to gain

or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed Fort Scott station would involve objectionable interference with Station KWRT, Boonville, Missouri and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof is placed upon Carthage Broadcasting Company;

It is further ordered, That William R. Tedrick, licensee of Station KWRT, Boonville, Missouri, is made a party to the proceeding;

It is further ordered, That the above-described pleading of William R. Tedrick is granted;

It is further ordered, That the effective date of the Commission's action of January 27, 1954, in granting the above-entitled application of Carthage Broadcasting Company is stayed pending the conclusion of the aforementioned hearing.

Released: March 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1705; Filed, Mar. 9, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1142, G-1508, G-2019, G-2074, G-2210, G-2220, G-2378]

UNITED GAS PIPE LINE CO.

ORDER RECONVENING HEARING

On July 20, 1953, the hearing in the consolidated proceedings at Docket Nos. G-1142, G-1508, G-2019, G-2074, and G-2210, was recessed by the Presiding Examiner subject to further order of the Commission, United Gas Pipe Line Company (United) having completed its direct case at Docket Nos. G-2019, G-2074, and G-2210 and having rested.

Subsequently, by orders issued July 31, 1953, and March 1, 1954, respectively, proceedings at Docket Nos. G-2220 and G-2378 were consolidated with the foregoing proceedings.

The Commission finds: It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest that the procedure hereinafter prescribed shall be followed at the hearing in order to conduct these proceedings with reasonable dispatch.

The Commission orders:

(A) The hearing in the above-entitled consolidated proceedings be reconvened on March 23, 1954, at 10:00 a. m., in a Hearing Room of the Federal Power Commission, Washington, D. C.

(B) In addition to the procedural requirements of the orders issued herein on November 26, 1952, and July 31, 1953, with respect to the order of presentation of evidence, United shall go forward and complete its direct case at Docket No. G-2378 before cross-examination is undertaken of United's presentations in the consolidated proceedings.

Adopted: March 3, 1954.

Issued: March 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1681; Filed, Mar. 8, 1954; 8:49 a. m.]

[Docket Nos. G-2332, G-2333]

ARKANSAS-OKLAHOMA GAS CO. AND FORT SMITH GAS CORP.

NOTICE OF FINDINGS AND ORDER

MARCH 4, 1954.

In the matters of Arkansas-Oklahoma Gas Company, Docket No. G-2332; Fort Smith Gas Corporation, Docket No. G-2333.

Notice is hereby given that on March 1, 1954, the Federal Power Commission issued its order adopted March 1, 1954, in the above-entitled matters, issuing a certificate of public convenience and necessity to Fort Smith Gas Corporation, Docket No. G-2333 to acquire certain natural gas facilities approved for abandonment by Arkansas-Oklahoma Gas Company, Docket No. G-2332.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1663; Filed, Mar. 9, 1954; 8:45 a. m.]

[Docket No. E-6482]

PACIFIC GAS AND ELECTRIC CO.

ORDER DENYING MOTIONS TO ENLARGE RECORD WITHOUT HEARING AND SETTING FURTHER HEARING

Upon consideration of the motions and responses filed by Pacific Gas and Electric Company November 16, 1953, December 28, 1953, and March 1, 1954; by Sierra Pacific Power Company January 4, 1954, and February 18, 1954; and by Staff Counsel March 1, 1954, including the objections made to requests for enlarging the record without a further hearing, the Commission finds it appropriate in carrying out the provisions of the Federal Power Act, to order as hereinafter provided.

The Commission orders:

(A) The requests for receipt in evidence without further hearing of proffered exhibits in addition to the record made at the hearing which was concluded May 1, 1953, are hereby denied without prejudice to the reoffering thereof at the further hearing to be held as hereinafter provided for.

(B) The record in this proceeding be and the same is hereby reopened and a further hearing set to commence at 10 a. m., e. s. t., March 23, 1954, in the Commission's hearing room at 441 G Street NW., Washington, D. C., such further hearing to be limited to the receipt of evidence relating to the answering of the questions set forth in the Commission's order issued September 21, 1953.

Adopted: March 3, 1954.

Issued: March 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1680; Filed, Mar. 9, 1954; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATION OF ARKANSAS-LOUISIANA GAS CO. FOR AUTHORITY TO INCREASE GAS RATES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Application of Arkansas-Louisiana Gas Company for Authority to Increase Gas Rates, Docket No. 6445, before the Louisiana Public Service Commission, and Docket No. U-903, before the Arkansas Public Service Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official, or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials, and employees of such Administration.

4. This delegation of authority shall be effective immediately.

Dated: March 5, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54-1728; Filed, Mar. 8, 1954; 4:38 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2832]

HINDE & DAUCH PAPER CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MARCH 4, 1954.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Common Stock, $10 Par Value, of The Hinde & Dauch Paper Co.

The application alleges that the reasons for striking this security from listing and registration on this exchange are:

(1) As a result of acceptance by holders of 947,796 shares of the above security of an offer to exchange each of their shares for 1½ shares of $5 Par Value Common Stock of the West Virginia Pulp and Paper Company, there remained outstanding in the hands of the public on January 18, 1954, 4,962 shares of the above security in the hands of 62 shareholders other than West Virginia Pulp and Paper Company.

(2) Further dealings on applicant exchange in the above security are inadvisable in view of the small amount thereof outstanding in the hands of the public after deducting concentrated holdings by West Virginia Pulp and Paper Company, and in view of the inadequacy of the distribution of the issue when considered in the light of the small indicated aggregate market value of the issue outstanding in the hands of other than West Virginia Pulp and Paper Company.

Upon receipt of a request, prior to April 1, 1954, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 54-1664; Filed, Mar. 9, 1954; 8:45 a. m.]

[File No. 70-3210]

COLUMBIA GAS SYSTEM, INC.

NOTICE AND ORDER FOR HEARING REGARDING ISSUANCE AND SALE OF SUBORDINATED DEBENTURES CONVERTIBLE INTO COMMON STOCK

MARCH 4, 1954.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 6 and 7 of the act and Rule U-50 promulgated thereunder as being applicable to the proposed transactions, which are summarized as follows:

Columbia proposes to offer to its stockholders the right to purchase $50,000,000 principal amount of Subordinated Debentures, convertible into shares of common stock, without par value, of Columbia on and after January 1, 1955 to and including December 31, 1958, except that only $25,000,000 principal amount would be accepted for conversion during the year 1955.

It is proposed that the offer will be made to stockholders of record on or about April 21, 1954, and will give such stockholders the right to subscribe, at 100 percent of principal amount, for Subordinated Debentures on the basis of $100 principal amount of such debentures for each thirty-six (36) shares of common stock held of record. The subscription rights will be evidenced by transferable Registered Warrants which will be issued to stockholders as soon as practicable after favorable Commission action in respect of the present proposal. The Subordinated Debentures will be issued only in multiples of $100 principal amount.

Columbia's offer to its stockholders is to be underwritten and Columbia proposes to publicly invite sealed bids on or about April 13, 1954, for the purchase of such principal amount of the Subordinated Debentures as are not disposed of pursuant to the stockholders offering. Columbia will notify the prospective bidders prior to the time specified for the opening of bids of the coupon rate and the price at which the Subordinated Debentures may be converted into common stock.

The Subordinated Debentures are to be issued under an indenture from Columbia to Chemical Bank & Trust Company, are to be dated as of May 10, 1954, are to mature May 10, 1964, and interest will be payable semi-annually on May 10, and November 10 of each year.

The Subordinated Debentures are to be subordinated to all Senior Indebtedness of Columbia in the event of any distribution of assets of Columbia upon any distribution, winding up, liquidation or reorganization of the company. Senior Indebtedness is defined in the indenture as:

(i) All debentures issued or to be issued and from time to time outstanding under the Indenture dated as of June 1, 1950, as from time to time supplemented or amended, between the Company and Guaranty Trust Company of New York, as Trustee; and

(ii) Any other indebtedness of the Company, other than indebtedness evidenced by the Debentures, unless by its terms it is provided that such indebtedness is not senior to the Debentures.

According to Columbia, the proposed issue and sale of $50,000,000 of Subordinated Debentures constitutes the first step in its overall financing program for 1954 involving the subsequent issue and sale of an additional $80,000,000 of Senior Debentures, the proceeds of which financings are to cover the cost of net construction expenditures of approximately $105,000,000 and to repay a $25,000,000 bank loan maturing on September 30, 1954.

Columbia states that the $80,000,000 of Senior Debentures must be sold later in 1954 and that such sales will probably be made in two issues of $40,000,000 each, the proceeds of the last issue to be used, in part, to repay the $25,000,000 bank loan. It is Columbia's present intention to file a declaration with the Commission regarding the issue and sale of $40,000,000 of Senior Debentures, or such lesser amount as may be issuable under existing indenture restrictions, early in June 1954. Columbia anticipates the filing of a further declaration with the Commission during 1954 regarding the borrowing of $35,000,000 from commercial banks on a short-term basis to provide funds for the purchasing of gas for current inventory purposes.

Columbia further states that it is faced with the problem of financing the largest construction program the System has yet experienced in any one year and attributes the necessity of an expenditure of in excess of $100,000,000 to the cost of constructing facilities to transport and distribute natural gas which one of Columbia's subsidiary companies is under contract to purchase. In this connection, it is stated that about 2½ years ago it became apparent that the Columbia System could not look to its present southwest suppliers of gas for the additional gas which would be required to meet the demands of the System's markets. Accordingly, a Columbia subsidiary, United Fuel Gas Company ("United"), began contracting for gas in southern Louisiana and also contracted with Gulf Interstate Gas Company ("Gulf"), a newly formed and nonaffiliated pipeline company, to transport such gas for it. After gas contracts, sufficient to insure average daily deliveries of 300 million cubic feet for a period of at least 20 years, had been obtained, a certificate was issued by the Federal Power Commission to Gulf for the construction of its pipeline. The line has now been partially completed and deliveries of gas to the Columbia System will begin in the fall of 1954. The line will have an initial capacity of 375 million cubic feet per day and when fully powered the capacity will be increased to 560 million cubic feet per day. Under its gas purchase and its Gulf contracts, United is obligated to take or pay for stipulated quantities of gas and to reimburse Gulf for its cost of service in connection with the operation of the latter's pipeline. According to Columbia, at the present time United, under these contracts, has assumed a minimum annual obligation of approximately 30 million dollars. Columbia further states that United's obligation as well as the necessity of making additional supplies of gas available to the System's markets makes it imperative that the facilities needed by the System to handle the gas to be delivered by Gulf be built and that the funds be provided to cover the cost of constructing such facilities.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to said declaration, and that said declaration should not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said declaration, pursuant to the applicable sections of the act and the rules thereunder, be held on March 22, 1954, at 10 a. m., at the offices of the Securities and Exchange Commission, 425 Second

Street NW., Washington 25, D. C. in such room as may be designated on that date by the hearing room clerk in Room 193. Any person desiring to be heard, or otherwise wishing to participate, in the proceedings shall file with the Secretary of the Commission on or before March 18, 1954, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed issuance and sale of Subordinated Debentures, Registered Warrants and shares of common stock, in the event of conversion, are solely for necessary and urgent corporate purposes of Columbia.

2. Whether the issuance and sale of the type of a security enumerated in section 7 (c) (1) of the act (a common stock or a secured bond, etc.) in lieu of the proposed Subordinated Debentures would impose an unreasonable financial burden upon Columbia and are not necessary or appropriate in the public interest or for the protection of investors or consumers.

3. Whether adverse findings are required under the standards of section 7 (d) of the act in respect of the adaptability of the proposed securities to the security structure of Columbia and its subsidiary companies and in respect of the earning power of Columbia.

4. Whether financing by the issuance and sale of the proposed securities is necessary or appropriate to the economical and efficient operation of the business in which Columbia lawfully is engaged or has an interest.

5. Whether the fees, commissions, or other remuneration to be paid in connection with the issue, sale, or distribution of the proposed securities are reasonable.

6. Whether the terms and conditions of the issue or sale of the proposed securities are detrimental to the public interest or the interest of investors or consumers.

7. Whether the proposed accounting treatment of the transactions is proper and in conformity with sound accounting principles.

8. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and rules and regulations thereunder, and if not, what modifications or terms and conditions should be required or imposed to meet such requirements.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to Columbia, Federal Power Commission, Guaranty Trust Company of New York, Trustee, Kentucky Public Service Commission, Maryland Public Service Commission, New York Public Service Commission, Ohio Public Utilities Commission, Pennsylvania Public Utility Commission, Virginia State Corporation Commission and West Virginia Public Service Commission, and that notice shall be given to all other persons by a general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list of this Commission for releases under the act; and that further notice be given to all persons by publication of a copy of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 54-1665; Filed, Mar. 9, 1954; 8:45 a. m.]

[File No. 70-3184]

WEST PENN ELECTRIC CO. AND POTOMAC EDISON CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING TRANSFER BY REGISTERED HOLDING COMPANY TO PUBLIC-UTILITY SUBSIDIARY OF CAPITAL STOCK OF NON-UTILITY COMPANY

MARCH 4, 1954.

The West Penn Electric Company ("West Penn"), a registered holding company, and The Potomac Edison Company ("Potomac"), a public-utility subsidiary of West Penn, have filed a joint application-declaration, and an amendment thereto, pursuant to sections 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 thereunder regarding the following proposed transactions:

West Penn owns all of the outstanding capital stock of White Star Lines, Inc. ("White Star"), consisting of 2,100 shares of common stock of the par value of $100 per share. White Star, a Pennsylvania corporation, operates motor vehicles primarily for the transportation of passengers. White Star is directed and supervised from the office of Potomac in Hagerstown, Maryland, together with The Blue Ridge Transportation Company ("Blue Ridge"), a wholly-owned subsidiary of Potomac, and Penn Bus Company ("Penn Bus"), a 50 percent owned subsidiary of West Penn (the other 50 percent of its capital stock being owned by Pennsylvania Greyhound Lines, Inc., a non-affiliate), as a unified and coordinated bus system under the name of "Blue Ridge Lines".

West Penn proposes to transfer to Potomac, as and for a contribution to the capital of Potomac, and Potomac proposes to acquire, all of the outstanding capital stock of White Star. Applicant and declarant represent that the proposed transactions will result in further simplification of the West Penn holding-company system and will facilitate the sale of the properties of White Star, Blue Ridge and Penn Bus.

West Penn has advised the Commission that expenses to be incurred will be nominal, consisting principally of legal fees of $200 and stock transfer stamp taxes of $147.

Due notice having been given of the filing of said amended application-declaration, and a hearing thereon not having been requested of or ordered by the Commission; the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied; and it appearing to the Commission that said amended application-declaration should be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act that the said amended application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 54-1666; Filed, Mar. 9, 1954; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request No. 5]

W & S SURGICAL INSTRUMENT CORP.

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN OPERATIONS OF SMALL MANUFACTURERS COOPERATIVE OF BRIDGEPORT, CONNECTICUT

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following company which has accepted the request to participate in the operations of the Small Manufacturers Cooperative of Bridgeport, Connecticut, is herewith published. The original list of companies accepting such request was published on February 16, 1952, in 17 F. R. 1509.

W & S Surgical Instrument Corporation, 358 Bishop Avenue, Bridgeport 8, Connecticut.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, Oct. 16, 1953, 18 F. R. 6583)

Dated: March 3, 1954.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 54-1667; Filed, Mar. 9, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28972]

SCRAP IRON FROM CHICAGO, ILL., TO HAMILTON, ONT.

APPLICATION FOR RELIEF

MARCH 4, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedules listed below.

Commodities involved: Scrap iron and steel, carloads.

From: Chicago, Ill., and points taking same rates.

To: Hamilton, Ont.

Grounds for relief: Competition with rail carriers, competition with water carriers.

Schedules filed containing proposed rates:

	Supplement No.	I. C. C. No.
Baltimore and Ohio R. R.	32	2045
Chesapeake and Ohio Ry.	82	1999
Chicago, South Shore and South Bend R. R.	12	198
Elgin, Joliet and Eastern Ry.	7	224
Erie R. R.	6	A-7907
Grand Trunk Western R. R.	127	A-2989
New York Central R. R.	68	1389
New York, Chicago and St. Louis R. R.	50	6995
Pittsburgh and L. E. R. R.	142	3195
Wabash R. R.	25	7073

[1] Effective April 5, 1954.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1640; Filed, Mar. 8, 1954; 8:47 a. m.]

[4th Sec. Application 28977]

PAPER, COATED OR IMPREGNATED, FROM WISCONSIN TO CENTRAL AND TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

MARCH 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariffs I. C. C. Nos. A-3715 and A-3940, pursuant to fourth-section order No. 17220.

Commodities involved: Paper, coated or impregnated, carloads.

From: Points in Wisconsin.

To: Specified points in central and trunk-line territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1674; Filed, Mar. 9, 1954; 8:47 a. m.]

[4th Sec. Application 28978]

BLACKS, DRY FROM THE SOUTHWEST TO MISSISSIPPI RIVER CROSSINGS, ST. LOUIS, MO., AND ILLINOIS

APPLICATION FOR RELIEF

MARCH 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Blacks, dry, carloads.

From: Points in Kansas, Louisiana, New Mexico, Oklahoma and Texas.

To: Mississippi River Crossings, St. Louis, Mo., East St. Louis, Ill., and south thereof, Pinckneyville, Pyatts and Tamms, Ill.

Grounds for relief: Rail competition, circuity, market competition and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3744, supp. 130.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1675; Filed, Mar. 9, 1954; 8:48 a. m.]

[4th Sec. Application 28979]

EXPORT CLASS AND COMMODITY RATES FROM CHICAGO, ILL., TO NEW ORLEANS, LA., AND MOBILE, ALA.

APPLICATION FOR RELIEF

MARCH 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. M. Engdahl, Agent, for carriers parties to schedule listed below.

Involving: Class and commodity rates.

From: Chicago, Ill., and points in Chicago switching district.

To: New Orleans, La., and Mobile, Ala.

Grounds for relief: Rail competition, circuity, to maintain grouping and additional routes.

Schedules filed containing proposed rates: H. M. Engdahl, Agent, I. C. C. No. 119, supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1676; Filed, Mar. 9, 1954; 8:48 a. m.]

[4th Sec. Application 28980]

LUMBER FROM JACKSONVILLE, FLA., TO PORT EVERGLADES, FLA., FOR EXPORT

APPLICATION FOR RELIEF

MARCH 5, 1954.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Seaboard Air Line Railroad Company.

Commodities involved: Lumber and timbers, carloads.

From: Jacksonville, Fla.

To: Port Everglades, Fla., (applicable for export to Cuba via car-ferry service).

Grounds for relief: Competition with rail carriers, circuity and Port competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1314, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1677; Filed, Mar. 9, 1954; 8:48 a. m.]

[4th Sec. Application 28981]

BITUMINOUS FINE COAL BETWEEN POINTS IN THE SOUTH

APPLICATION FOR RELIEF

MARCH 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in southeastern Kentucky, eastern Tennessee, southwest Virginia and West Virginia, and mines in Alabama on the N. C. & St. L. Ry.

To: Points in North Carolina, South Carolina, southern Virginia, and certain points in Georgia.

Grounds for relief: Rail competition, circuity, market competition, to maintain grouping, and rates reduced 35 cents per ton under those included in report 289 I. C. C. 341.

Schedules filed containing proposed rates:

	I. C. C. No.	Supplement No.
C C & O Ry	2[illegible]	15
C & O Ry	13174	13
L & N RR	A 16745	39 and 40
N & W Ry	3574 B	9
N & W Ry	3597 B	4
Sou. Ry	A 11105	54 and 57
Virginian Ry	2582	8
Agent Spaninger	1463	1

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1678; Filed, Mar. 9, 1954; 8:48 a. m.]

[4th Sec. Application 28982]

CRUDE PETROLEUM OIL FROM WATFORD CITY, N. DAK., TO APPLETON, MILWAUKEE AND SHEBOYGAN, WIS.

APPLICATION FOR RELIEF

MARCH 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Great Northern Railway Company for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Crude petroleum oil, in tank-car loads.

From: Watford City, N. Dak.

To: Appleton, Milwaukee and Sheboygan, Wis.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: Great Northern Railway Company, I. C. C. No. A-8051, supp. 233.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1679; Filed, Mar. 9, 1954; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 48

Washington, Thursday, March 11, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

Subpart B, Part 311, Title 6, Code of Federal Regulations (13 F. R. 9380, 16 F. R. 3399) is revised to provide for determinations by the Administrator of the Farmers Home Administration or his delegate of "average values" of farms; to eliminate the term "investment limit"; to remove limits on the amount a loan applicant may invest in a farm; and to renumber the sections in this subpart. As revised, said subpart reads as follows:

Sec.
311.21 General.
311.22 Average value.
311.23 Fair and reasonable value of farm.
311.24 Average value limitation.
311.25 Limit on amount of direct loan.
311.26 Limit on amount of insured loan.
311.27 Farm situated in more than one county.
311.28 Territorial subdivisions in Alaska, Puerto Rico, and the Virgin Islands.
311.29 Average values of farms.

AUTHORITY: §§ 311.21 to 311.29 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (l). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 311.21 *General.* No loan under title I of the Bankhead-Jones Farm Tenant Act, as amended, may be made or insured for the acquisition, enlargement, or improvement of a farm which has a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-type farm-management units in the county, parish, or locality in which the farm is situated. Direct or insured Farm Ownership loans will be made only in counties, parishes, and localities for which such average values have been established (see § 311.29).

(Sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

§ 311.22 *Average value.* The term "average value" for a county, parish, or locality means the average value, as determined by the Secretary of Agriculture or by the Administrator of the Farmers Home Administration (or his delegate) for the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, of efficient family-type farm-management units situated in the county, parish, or locality.

(Sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

§ 311.23 *Fair and reasonable value of farm.* The fair and reasonable value of a farm is determined by the County Committee in accordance with §§ 321.41 to 321.44 of this chapter and is the amount certified by the Committee (on Form FHA–491, "County Committee Certification," or on Form FHA–499, "Recertification by County Committee,") to be the fair and reasonable value of the farm, based upon its normal earning capacity, after contemplated improvements are made.

(Sec. 2 (b), 60 Stat. 1074; 7 U. S. C. 1002 (b))

§ 311.24 *Average value limitation.* No direct or insured loan (initial or subsequent) for the acquisition, enlargement, or development of any farm and no credit sale by the Farmers Home Administration of a farm on title I terms will be approved if the fair and reasonable value of the farm exceeds the applicable average value.

(Secs. 3 (a), 43 (b), 51, 60 Stat. 1074, 1067, 1070; 7 U. S. C. 1003 (a), 1017 (b), 1025)

§ 311.25 *Limit on amount of direct loan.* No direct loan (initial or subsequent) or transfer or credit sale of land on title I terms which will result in a direct Farm Ownership indebtedness in an amount which exceeds the fair and reasonable value of the farm will be approved.

(Secs. 3 (a), 43 (b), 44 (b), 51, 60 Stat. 1074, 1067, 1069, 1070; 7 U. S. C. 1003 (a), 1017 (b), 1018 (b), 1025)

§ 311.26 *Limit on amount of insured loan.* No insured Farm Enlargement or Farm Development loan and no insured Tenant Purchase loan where the applicant owns an undivided interest in the farm will be approved in an amount which exceeds 90 percent of the fair and reasonable value of the farm. An insured Tenant Purchase loan where the applicant does not own an undivided interest in the farm shall not be approved in an amount which exceeds 90 percent of the lesser of the fair and reasonable value of the farm or the sum of:

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FEDERAL REGISTER

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(a) The price of all land to be acquired by the applicant;

(b) The amount necessary for all planned construction and land development; and

(c) The amount of any necessary fees and expenses which are required to be paid by the applicant.

(Secs. 12 (c) (5), 44 (b), 60 Stat. 1076, 1069; 7 U. S. C. 1005b (c) (5), 1018 (b))

§ 311.27 *Farm situated in more than one county.* For the purposes of this subpart, if a farm lies in more than one county, parish, or locality, it will be deemed to be located in the county, parish, or locality in which the residence building of the farm is located or is to be constructed.

(Sec. 44 (b), 60 Stat. 1069; 7 U. S. C. 1018 (b))

§ 311.28 *Territorial subdivisions in Alaska, Puerto Rico, and the Virgin Islands.* In Alaska, Puerto Rico, and the Virgin Islands, for the purposes of title I, title II, and the related provisions of title IV of the Bankhead-Jones Farm Tenant Act, as amended, each of the areas identified below is designated a subdivision to be deemed synonymous with the term "county," as the term is used in said titles. Each such subdivision consists of, and is coextensive with the geographical limits of, the area set forth opposite the name of the subdivision.

ALASKA

Name of Subdivision and Divisions or Precincts Comprising Subdivision

Anchorage: Recording Precincts of Anchorage, Kenai-Anchorage, Seward, Whittier.
Fairbanks: Fourth Division.
Homer: Recording Precincts of Seldovia, Kodiak, Kvichak, Iliamna, Bristol Bay.
Palmer: Recording Precincts of Palmer, Wasilla, Talkeetna, Chitna.

PUERTO RICO

Name of Subdivision and Municipalities Comprising Subdivision

Adjuntas: Adjuntas.
Aguadilla: Aguada, Aguadilla, Isabela, Moca.
Angeles: The Wards of Angeles, Caguanas, Roncador, Santa Isabel, and Santa Rosa in the municipality of Utuado.
Arecibo: Arecibo.
Arroyo: Arroyo, Guayama, Maunabo, Patillas, Salinas.
Barranquitas: Aibonito, Barranquitas.
Bayamon: Buyamon, Catano, Toa Alta, Toa Baja.
Caguas: Caguas, Curabo.
Camuy: Camuy, Hatillo, Quebradillas.
Canovanas: Canovanas, Rio Grande.
Carolina: Carolina, Trujillo Alto.
Cayey: Cayey, Cidra.
Ciales: Ciales, Morovis.
Comerio: Aguas Buenas, Comerio.
Corozal: Corozal, Naranjito.
Fajardo: Ceiba, Culebra, Fajardo, Luquillo, Vieques.
Humacao: Humacao, Naguabo.
Jayuya: Jayuya.
Juana Diaz: Coamo, Juana Diaz, Santa Isabel, Villalba.
Juncos: Juncos, Las Piedras.
Lares: Lares.
Manati: Barceloneta, Manati.
Mayaguez: Anasco, Hormigueros, Las Marias, Maricao, Mayaguez, Rincon.
Orocovis: Orocovis.
Ponce: Penuelas, Ponce.
Rio Piedras: Guaynabo, Rio Piedras, San Juan.
San German: Cabo Rojo, Lajas, San German, Sabana Grande.
San Lorenzo: San Lorenzo.
San Sebastian: San Sebastian.
Utuado: Utuado, except the Wards of Angeles, Caguanas, Roncador, Santa Isabel, and Santa Rosa.
Vega Baja: Dorado, Vega Alta, Vega Baja.
Yabucoa: Yabucoa.
Yauco: Guanica, Guayanilla, Yauco.

VIRGIN ISLANDS

Name of Subdivision and Area Comprising Subdivision

Christiansted: All of Saint John Island, all of Saint Thomas Island, and that portion of Saint Croix Island which is bounded on the north, south, and east by the sea, and is bounded on the west by the estates of Sweet Bottom, Fountain, River, Hermitage, Blue Mountain, Colquhoun, Mount Pleasant, and Bethlehem.
Frederiksted: That portion of Saint Croix Island which is not included in the area comprising Christiansted Subdivision.

(Sec. 54, 60 Stat. 1071, sec. 1 (b), 61 Stat. 493; 7 U. S. C. 1028)

§ 311.29 *Average values of farms.* For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined as follows:

NOTE: The tables[1] setting forth States, counties, and average values, as amended, heretofore published under § 311.30 of this chapter, are transferred to this § 311.29. All columns entitled "Investment limit" contained in said tables and the amounts set forth in said columns are hereby revoked.

(Sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Issued this 3d day of March 1954.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 54-1741; Filed, Mar. 10, 1954; 8:50 a. m.]

[1] For amendment of tables, see F. R. Doc. 54-1740, *infra.*

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; ILLINOIS, INDIANA, MARYLAND, MONTANA, AND OHIO

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

County	ILLINOIS	*Average value*
Bond		$20,000
Clay		20,000
Crawford		19,000
Edwards		20,000
Effingham		20,000
Fayette		19,000
Jasper		20,000
Jefferson		20,000
Lawrence		19,000
Marion		20,000
Richland		20,000
Wabash		19,000
Wayne		20,000
White		22,000
	INDIANA	
Adams		$25,000
Allen		25,000
Bartholomew		25,000
Benton		30,000
Blackford		25,000
Boone		28,000
Brown		20,000
Carroll		28,000
Cass		27,000
Clark		20,000
Clay		22,000
Clinton		28,000
Crawford		19,000
Daviess		25,000
Dearborn		19,000
Decatur		27,000
De Kalb		25,000
Delaware		28,000
Dubois		21,000
Elkhart		26,000
Fayette		25,000
Floyd		19,000
Fountain		29,000
Franklin		20,000
Fulton		27,000
Gibson		27,000
Grant		28,000
Greene		25,000
Hamilton		28,000
Hancock		28,000
Harrison		19,000
Hendricks		26,000
Henry		27,000
Howard		29,000
Huntington		25,000
Jackson		25,000
Jasper		$29,000
Jay		25,000
Jefferson		19,000
Jennings		19,000
Johnson		29,000
Knox		29,000
Kosciusko		25,000
LaGrange		25,000
Lake		26,000
La Porte		26,000
Lawrence		24,000
Madison		29,000
Marion		28,000
Marshall		27,000
Martin		20,000
Miami		28,000
Monroe		21,000
Montgomery		29,000
Morgan		24,000
Newton		30,000
Noble		25,000
Ohio		19,000
Orange		20,000
Owen		22,000
Parke		25,000
Perry		19,000
Pike		20,000
Porter		25,000
Posey		27,000
Pulaski		26,000
Putnam		25,000
Randolph		25,000
Ripley		19,000
Rush		28,000
Saint Joseph		25,000
Scott		19,000
Shelby		29,000
Spencer		21,000
Starke		25,000
Steuben		25,000
Sullivan		25,000
Switzerland		19,000
Tippecanoe		30,000
Tipton		30,000
Union		25,000
Vanderburg		25,000
Vermillion		25,000
Vigo		20,000
Wabash		26,000
Warren		28,000
Warrick		19,000
Washington		19,000
Wayne		27,000
Wells		25,000
White		28,000
Whitley		25,000
	MARYLAND	
Allegany		$15,000
Anne Arundel		15,000
Baltimore		20,500
Calvert		13,000
Carroll		18,500
Cecil		25,500
Charles		15,000
Frederick		25,500
Howard		20,500
Kent		25,500
Prince Georges		15,500
Queen Annes		25,500
Washington		20,500
Wicomico		14,000
Worcester		15,000
	MONTANA	
Beaverhead		$30,000
Big Horn		25,000
Blaine		21,000
Broadwater		30,000
Carbon		25,000
Carter		20,000
Cascade		28,000
Chouteau		30,000
Custer		22,000
Daniels		23,000
Dawson		22,000
Deer Lodge		30,000
Fallon		22,000
Fergus		28,000

County	Montana—Con.	Average value
Flathead		$24,000
Gallatin		30,000
Garfield		18,000
Glacier		28,000
Golden Valley		22,000
Granite		30,000
Hill		25,000
Jefferson		30,000
Judith Basin		28,000
Lake		24,000
Lewis and Clark		24,000
Liberty		25,000
Lincoln		24,000
McCone		22,000
Madison		30,000
Meagher		25,000
Mineral		18,000
Missoula		20,000
Musselshell		22,000
Park		30,000
Petroleum		22,000
Phillips		21,000
Pondera		28,000
Powder River		21,000
Powell		30,000
Prairie		22,000
Ravalli		25,000
Richland		23,000
Roosevelt		23,000
Rosebud		22,000
Sanders		24,000
Sheridan		23,000
Silver Bow		30,000
Stillwater		25,000
Sweet Grass		25,000
Teton		28,000
Toole		28,000
Treasure		22,000
Valley		21,000
Wheatland		22,000
Wibaux		22,000
Yellowstone		30,000
	Ohio	
Adams		$16,000
Allen		25,000
Ashland		23,000
Ashtabula		18,000
Athens		15,000
Auglaize		25,000
Belmont		18,000
Brown		18,000
Butler		28,000
Carroll		16,000
Champaign		25,000
Clark		25,000
Clermont		16,000
Clinton		25,000
Columbiana		17,000
Coshocton		16,000
Crawford		25,000
Cuyahoga		22,000
Darke		25,000
Defiance		25,000
Delaware		20,000
Erie		21,000
Fairfield		22,000
Fayette		25,000
Franklin		25,000
Fulton		30,000
Gallia		15,000
Geauga		20,000
Greene		26,000
Guernsey		18,000
Hamilton		20,000
Hancock		25,000
Hardin		24,000
Harrison		16,000
Henry		30,000
Highland		20,000
Hocking		15,000
Holmes		17,000
Huron		22,000
Jackson		15,000
Jefferson		14,000
Knox		20,000

County	Ohio—Con.	Average value
Lake		$17,000
Lawrence		14,000
Licking		22,000
Logan		23,000
Lorain		21,000
Lucas		25,000
Madison		25,000
Marion		25,000
Medina		22,000
Meigs		15,000
Mercer		26,000
Miami		26,000
Monroe		15,000
Montgomery		25,000
Morgan		17,000
Morrow		20,000
Muskingum		18,000
Noble		15,000
Ottawa		25,000
Paulding		25,000
Perry		15,000
Pickaway		25,000
Pike		18,000
Preble		28,000
Putnam		23,000
Richland		23,000
Ross		22,000
Sandusky		25,000
Scioto		17,000
Seneca		25,000
Shelby		23,000
Stark		20,000
Summit		18,000
Trumbull		18,000
Tuscarawas		18,000
Union		24,000
Van Wert		26,000
Vinton		13,000
Warren		20,000
Washington		20,000
Wayne		25,000
Williams		25,000
Wood		30,000
Wyandot		25,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Issued this 3d day of March 1954.

[SEAL] R. B. McLeaish,
Administrator,
Farmers Home Administration.

[F. R. Doc. 54-1740; Filed, Mar. 10, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 583, Amdt.]

Part 319—Foreign Quarantine Notices

Subpart—Fruits and Vegetables

Amendment of Administrative Instructions for Cold Treatments of Imported Vinifera Grapes and Certain Other Fruits

Pursuant to the authority conferred on him by § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR and Supp. 319.56) under section 5 of the Plant Quarantine Act of 1912 (7 U. S. C. 159), the Chief of the Plant Quarantine Branch hereby amends § 319.56–2d (a) (2) of administrative instructions now appearing as § 319.56–2d in Title 7, Code of Federal Regulations, to read as follows:

§ 319.56–2d *Administrative instructions for cold treatments of imported Vinifera grapes and certain other fruits*—(a) *Treatments authorized.* * * *

(2) *Refrigeration temperatures and periods.* Fruit cold treated because of the Mediterranean fruit fly shall be refrigerated for one of the following periods at or below the respective temperature designated:

10 days—32° F.
11 days—33° F.
12 days—34° F.
14 days—35° F.
16 days—36° F.

Fruit cold treated because of fruit flies of the genus Anastrepha shall be refrigerated for one of the following periods at or below the respective temperature designated:

11 days—32° F.
13 days—33° F.
15 days—34° F.
17 days—35° F.

Refrigeration temperatures and periods for fruit to be cold treated because of other species of fruit flies may be designated by the Chief of the Plant Quarantine Branch, if experimental data are available concerning applicable treatments of known effectiveness.

The purpose of this amendment is to provide a greater range of temperatures at which, and to reduce some of the periods during which, Vinifera grapes and other fresh fruits importable under permit under § 319.56–2 are to be held under refrigeration. Approval of these additional schedules is of considerable advantage to fruit importers, in that a greater range of treating periods has been provided in the case of fruit cold treated because of the Mediterranean fruit fly, and periods of treatment have been shortened in the case of fruit cold treated because of fruit flies of the genus Anastrepha. The amendment therefore relieves restrictions heretofore imposed. In order to be of maximum benefit to fruit importers, it should be made effective as soon as possible. Therefore, pursuant to section 4 (a) and (c) of the Administrative Procedure Act (5 U. S. C. 1003 (a), (c)), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for the issuance hereof effective less than 30 days after publication in the Federal Register.

(Sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U. S. C. 159)

This amendment shall be effective March 11, 1954.

Done at Washington, D. C., this 25th day of February, 1954.

[SEAL] E. P. Reagan,
Chief,
Plant Quarantine Branch.

[F. R. Doc. 54-1737; Filed, Mar. 10, 1954; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 21]

Part 76—Hog Cholera, Swine Plague, and Other Communicable Swine Diseases

Subpart B—Vesicular Exanthema

Changes in Areas Quarantined and Amendment of Regulations

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), the regulations restricting the interstate movement of swine and certain swine products because of vesicular exanthema (9 CFR, Part 76, Subpart B (18 F. R. 3636), as amended) are hereby amended by deleting §§ 76.27 and 76.27a and adding a new § 76.27 to read as follows:

§ 76.27 *Notice and quarantine.* Notice is hereby given that swine in the following areas in the specified States are affected with vesicular exanthema. Such areas are hereby quarantined because of said disease.

(a) *Arkansas:* Brodie Township in Pulaski County.

(b) *California:* The entire State of California.

(c) *Connecticut:* (1) The Town of Manchester in Hartford County.

(2) All of New Haven County except that part of the Town of Branford lying west, south, and east of Laurel Hill Road and north of Pond Lily Stream; that part of the Town of Branford lying west of Brushy Plains Road, north of Parish Farm Road, east of Todd's Hill Road, and south of Hosley Road; that part of the Town of Branford lying west of Farmington Avenue, east of Plant's Orchard, south of U. S. Route No. 1, and north of Burban Drive; that part of the Town of New Haven lying east of the Quinnipiac River and northwest of State Route No. 17; that part of the Town of New Haven lying east of Eastern Street and south of State Route No. 80; and that part of the Town of North Haven lying east of the Quinnipiac River, west of U. S. Route No. 5–A, and south of Waterman's Brook.

(d) *Maine:* (1) The Town of Lewiston in Androscoggin County.

(2) That area consisting of the Towns of Portland, South Portland, and Scarboro in Cumberland County, and the Towns of Biddeford, Kennebunk, and Alfred in York County.

(3) That area consisting of the Towns of Cumberland and Yarmouth in Cumberland County.

(4) That area consisting of the Towns of Chelsea and Hallowell in Kennebec County.

(e) *Massachusetts:* (1) Suffolk County.

(2) All of Bristol County except that part of the City of Fall River lying southeast of Blossom Road, southwest of Yellow Hill Road, and north of Indian Town Road; that part of the City of Fall River lying north of President Avenue, south of Driftwood Street, west of Meriden Street, and east of Highland Avenue; that part of the Town of Mansfield lying south of West Street, west of the New York, New Haven and Hartford Railroad, north of Pine and School Streets, and east of Tremont Street; that part of the Town of Norton lying northeast of Mansfield Avenue, southwest of Elm Street, northwest of State Route No. 123, and southeast of Reservoir Street; that part of the Town of Norton lying northeast of Elm Street, northwest of State Route No. 123, southeast of Cross Street, and southwest of North Washington Street; that part of the Town of North Dartmouth lying south of Hicksville Road, east of Cross Street, west of Bellen Street, and northeast of Cross Road and U. S. Route No. 6; that part of the Town of North Easton lying north of Rockland Street, west of Bay Road, and east of Massapoag Avenue; that part of the Town of North Easton lying north of Lincoln Street, east of Bay Street, south of Canton Street, and west of Main Street; that part of the Town of Raynham lying north of Mill Street, east of State Route No. 104, south of Gardner Street, and west of King Phillip Street; that part of the Town of South Dartmouth lying north of Russell Mills Road, south of Allen Street, west of Slocum Road, and east of Tucker Road; that part of the Town of South Dartmouth lying south of Roger Street; east of Dartmouth Street, north of Sol-E. Mar Street, and west of Clark's Cove; that part of the Town of South Easton lying south of Main Street, north of Central Street, east of Washington Street and State Route No. 138, and west of the New York, New Haven and Hartford Railroad; that part of the Town of Swansea lying north of Haile's Hill Road, south of Stevens Road, west of Sharpiot Road, and east of Box Street; the Myles Standish State School in the Town of Taunton lying east of State Route No. 140, south and west of Bassett Street, and north of the New York, New Haven and Hartford Railroad; that part of the City of Taunton lying south of Norton Avenue, west of Crane Avenue, north of the New York, New Haven and Hartford Railroad, and east of State Route No. 140; that part of the City of Taunton lying south of Thrasher Street, north of Longmeadow and Winter Streets and U. S. Route No. 44, east of School Street, and west of King Phillip Street; that part of the City of Taunton lying south of East Brittania, north of Thrasher Street, east of Washington Street and west of King Phillip Street; and that part of the Town of Kirby Road, north of Kirby Road, west of Drift Road and south of Old County Road.

(3) All of Essex County except that part of the Town of Andover lying north of Rattlesnake Hill Road, east of Woburn Street, west of Wood's Road, and south of Ballardvale Road; the Town of Ballardvale; the Town of Byfield; the Town of Essex; that part of the City of Danvers lying north of State Route No. 62, south of Nicholas Street, and west of U. S. Route No. 1; that part of the Town of Georgetown lying north of State Route No. 133, west of Bailey Lane, and south and east of Hampshire Lane; that part of the City of Gloucester lying north of State Route No. 121, south of Walker Street, and west of Lincoln Street; the Town of Groveland; that part of the City of Haverhill lying north of State Route No. 125, south and east of the Boston and Maine Railroad and the Merrimac River, and east of Main Street; that part of the City of Haverhill lying northeast of County Bridge Road and State Route No. 110; that part of the City of Haverhill lying west of the Boston and Maine Railroad, east of Hilldale Avenue, and north of State Route No. 97; the Town of Merrimac; that part of the Town of Methuen lying south of Brookdale Avenue, east of Jasper Street, west of State Route No. 110, and north of Steele Street; that part of the Town of Methuen lying south of Renfrew Street, east of Jasper Street, west of State Route No. 110, and North of Baremeadow Brook; that part of the Town of Methuen lying north of State Route No. 113, southeast of Baremeadow Brook, and west of State Route No. 110; that part of the Town of Methuen lying north of Walton Avenue, west of the Merrimac River, south of Pitman Street, and east of State Route No. 110; that part of the Town of Methuen lying east of Howe Street, south of Archibald Street, west of Washington Street, and north of Roosevelt Street; that part of the Town of Methuen lying north and east of Forest Street, south of Pelham Street, and west of State Route No. 113; that part of the Town of Methuen lying east of Washington Street, southwest of Drew Street, and north of State Route No. 113; that part of the Town of Middleton lying southwest of State Route No. 114 and northwest of Forest Street; that part of the Town of North Andover lying north of State Route No. 125, east of Baker Street, and west of State Route No. 133; that part of the Town of North Andover lying north of Salem Street, south of Winter Street, east of Dale and Bradford Streets, and west of Foster Street; that part of the City of Peabody lying northeast of Lake Street (rear), northwest of the Boston and Maine Railroad, and southwest of Lake Street; that part of the City of Peabody lying north of Goodale Street, south of the Middleton Town Foundry, west of U. S. Route No. 1, and east of Morris Brooks; that part of the City of Peabody lying east of Farm Avenue, south of Forest Street, and north and west of Goldthwaite Brook; that part of the City of Peabody lying north of Lowell Street and east, west, and south of Goodale Street; the City of Revere; the Town of Rockport; that part of the City of West Peabody lying east of the Boston and Maine Railroad, south of Lake Street (rear), and west of U. S. Route No. 1; and the Town of Wenham.

(4) All of Hampden County except that part of the Town of East Longmeadow lying north of Hampden Road, south of Springfield Road, east of State Route No. 83, and west of Carmoody Road; that part of the Town of East Longmeadow lying south of Springfield Road, north and west of Hampden Road, and east of State Route No. 83; that part of the Town of Hampden lying south of Carmoody Road, north of State Route No. 83, east of Hampden Road and west of Wilbraham Road; that part of the City of West Springfield lying south of U. S. Route No. 202 and State Route No. 10, north and east of U. S. Route No. 20, and west of the Connecticut River.

(5) All of Middlesex County except that part of the Town of Ashland lying east of Oak Street, south of Oregon Street, and northeast of Winter Street; that part of the Town of Bedford lying south and west of Spring Brook, north of Page Road, and east of Springs Road; that part of the Town of Bedford lying east of Crosby Road and the Shawsheen River, south of the Middlesex Turnpike, and north of State Route No. 62; that part of the Town of Billerica lying northeast of U. S. Route No. 3, and northwest of Andover Road; that part of the Town of Billerica lying south of Dudley Road and west of Concord Road; that part of the Town of Billerica lying east of Lexington Road and southwest of U. S. Route No. 3; that part of the Town of Billerica lying east of Treble Cove Road, north of State Route No. 4, west of the Concord River, and south of U. S. Route No. 3; that part of the Town of Boxboro lying south of State Route No. 111; that part of the Town of Burlington lying southwest of U. S. Route No. 3, southeast of Francis Wyman Road, and north of Bedford Street; that part of the Town of Burlington lying southeast of Dug Way, northeast of Winn Street, and northwest of Peach Orchard Road; the Town of Carlisle; the Town of Chelmsford; that part of the Town of Concord lying north of Main Street, southeast of Marlborough Road, and southwest of State Route No. 2; that part of the Town of Dracut lying east of Gumpas Avenue and west of Mammoth Road; that part of the Town of Dracut lying west and south

of Lakeview Avenue from the Lowell town line to the Tyngsboro town line; that part of the Town of Dracut lying south of Marsh Hill Road, north and west of State Route No. 113, and east of State Route No. 38; that part of the Town of Dracut lying south and east of Cross Street to State Routes No. 38 and No. 113, and north and west of Hildrith Street to Pelham Brook; that part of the Town of Framingham lying south and west of Indian Head Road, east of Prospect Street, and north of State Route No. 9; that part of the Town of Holliston lying South of Central Street, west of Pisk Street, and east of Norfolk Street; that part of the town of Holliston lying southeast of State Route No. 16, southwest of the New York Central Railroad, and north of Woodland and Lowland Streets; that part of the Town of Hopkinton lying east of Front Street, southeast of Mill Street, and northwest of Ash Street; that part of the Town of Hopkinton lying north of Main Street and east of Cedar Street; that part of the Town of Hudson lying west of Chapin Street, and northwest of Brigham Street and the Assabet River; that part of the Town of Hudson lying northwest of State Route No. 62 and northeast of Cox Street and Cemetery Road; that part of the Town of Lexington lying west of Westview Road and south of State Routes No. 4 and No. 25; that part of the Town of Lexington lying south of Moreland Avenue, west of Pleasant Street, east of Meadowbrook Avenue, and north of State Route No. 2; that part of the Town of Lincoln lying north of State Route No. 2, south of State Route No. 2A, east of Bedford Road, and west of Mill Street; that part of the Town of Marlboro lying south of Robin Hill Road, east of Millham Road, west of Bigelow Street, and north of Elm Street; that part of the Town of North Reading lying north of State Route No. 62 and east of State Route No. 28; that part of the Town of North Wilmington lying east of Andover and Woburn Streets and north of Park Street; the Town of Peppertil; the Town of Reading; the Town of Shirley; that part of the Town of Stow lying south of State Route No. 117, west of Athens Road, and north of Bolton Road; that part of the Town of Sudbury lying south of Lincoln Road, north and west of Water Street, and east of Concord Road; that part of the Town of Sudbury lying north of State Route No. 117, east of Dakin Road, and west of the Old Colony Railroad; that part of the Town of Sudbury lying south of Concord Road, north of Lincoln Road, west of Corner Road, and east of Old Marlboro Road; that part of the Town of Sudbury lying north of the Boston and Maine Railroad, east of Horse Pond Road, southeast of Peakham Road, and west of the Old Colony Railroad; that part of the Town of Tewksbury lying northwest of the Shawsheen River, northeast of State Route No. 38, and south of Salem Street; that part of the City of Waltham lying east of Wyman Street, south and west of Lincoln Street, and north of Winter Street; that part of the Town of Wayland lying north of Thompson Street, west of Rice Road, east of Loker Road, and south of Old Connecticut Path; that part of the Town of Westford lying south and west of State Route No. 25; that part of the Town of Weston lying south of U. S. Route No. 20, west of School Street, north of Chestnut and Wellesley Streets, and east of Golden Ball Road and Chestnut Street; that part of the Town of Weston lying north of U. S. Route No. 20; that part of the Town of Wilmington lying north of Salem Street, northwest of State Route No. 62, west of Ballardvale Street, southwest of the Salem and Lowell Branch of the Boston and Maine Railroad, and east of the Portland Division of the Western Branch of the Boston and Maine Railroad; that part of the Town of Wilmington lying northeast of State Route No. 38, west of the Wilmington Branch of the Boston and Maine Railroad, and south of Salem Street; that part of the Town of Wilmington lying east of the Wilmington Branch of the Boston and Maine Railroad, west of the Portland Branch of the Boston and Maine Railroad, and north of Salem Road; and that part of the Town of Wilmington lying east of Woburn Street, north of Concord Road, and south of Park Street.

(6) All of Norfolk County except that part of the Town of Bellingham lying north of Farm Street and west of Hartford Street; that part of the Town of Canton lying south of Randolph Street, east of York Street, north of Willow Street, and west of Old Randolph Street; that part of the Town of Dedham lying southeast of State Route No. 109 and northwest of U. S. Route No. 1; that part of the Town of Dover lying south of Powisset Street, east of Walpole Street, and north of Hartford Street; that part of the Town of Foxboro lying east of Central Street, south of Spring Street, and west of Belcher Street; that part of the Town of Holbrook lying south of State Route No. 139; that part of the Town of Norfolk lying west of Massapoag Avenue and south and east of Mansfield Street; the Town of Norwood; that part of the Town of Randolph lying east of High Street, north of Chestnut Street, west of Overlook Road, and south of Canton Street; that part of the Town of Sharon lying north of Main Street; that part of the Town of South Bellingham lying south and east of Pulaski Boulevard; the Town of South Walpole; the Town of Walpole; the Town of Wellesley; the Town of Westwood; that part of the Town of Wrentham lying north of State Route No. 11 and south of State Route No. 140; that part of the Town of Wrentham lying south and east of State Route No. 11 and west of U. S. Route 1-A; and the Town of Stoughton.

(7) All of Plymouth County except that part of the Town of Abington lying south of Randolph Street, north of Rockland Street, west of Bedford Street, and east of Hancock Street; that part of the Town of Bridgewater lying southwest of Winter Street, north of Auburn Street, and east of Beaver Street; that part of the City of Bridgewater lying north of Flagg Street, southwest of Conant Street, and southeast of Summer Street; that part of the Town of Brockton lying south of East Ashland Street, north of Court Street, and east of North Quincy Street; that part of the Town of Hanson lying north of Main Street, east of Washington Street, south of Holmes Street, and west of Philips Street; that part of the Town of Lakeville lying east of State Route No. 105, southwest of Baughn Street and north of the Assawompset Lake; that part of the Town of Mattapoisett lying south of Aucoot Road, west of Peasespoint Road, and east of Bowman Road; that part of the Town of Middleborough lying south of Smith Street, east of the New York, New Haven and Hartford Railroad, west of State Route No. 28, and north of Spruce Street; that part of the Town of Middleborough lying south of Plymouth Street, north of Centre Street, east of Vernon Street, and west of Pleasant Street; that part of the Town of Middleborough lying west of Pleasant Street, east of Vernon Street and the Poquoy River, north of Mill and Clay Streets, and south of Centre Street; that part of the Town of Rochester lying east of the Mattapoisett-Rochester Road and south of New Bedford Road and State Route No. 105; that part of the Town of Rochester lying south of State Route No. 105, north of Perry Hill Road, west of Herring Run River, and east of Cushman Road; that part of the Town of Rochester lying east of Vaughns Hill Road, south of Hartlet Road, west of Mandall Road, and north of Taunton Road; that part of the Town of Rockland lying south of Summer Street and east of Beach Street; that part of the Town of Rockland lying south of Forest Street, west of Union Street, and east of Weymouth Street; and that part of the City of West Bridgewater lying northeast of State Route No. 28 and southwest of Ash Street.

(8) All of Worcester County except the Town of Ashburnham; that part of the Town of Blackstone lying west of Mendon Street and north and east of Chestnut Street; that part of the Town of Blackstone lying north of Lincoln and Orchard Streets, south of Town Farm Road and Chestnut Street, and west of Meadow Street; the Town of Gardner; that part of the Town of Grafton lying east of State Routes No. 140 and No. 30; that part of the Town of Grafton lying north of Follett Street, south of Millbury Street, and west of Fitzpatric Street; that part of the Town of Mendon lying north of Bellingham Road and south and east of Hartford Avenue East; the Town of Milford; that part of the Town of Oxford lying south of State Route No. 12; that part of the Town of Sutton lying south of Boston Road, north of State Route CD-520, east of Singletary Avenue, and west of State Route No. 146; the Town of Templeton; and that part of the Town of Westboro lying north of State Route No. 9.

(f) *New Jersey:* (1) Atlantic, Bergen, Camden, Gloucester, Hudson, Hunterdon, and Morris Counties.

(2) That area consisting of Union, Monmouth, Ocean Counties and all of Middlesex County except that part of the City of New Brunswick lying east of U. S. Route No. 130, south of State Route No. 18, west of U. S. Route No. 1, and north of the North Brunswick Township line; and except that part of North Brunswick Township lying south of the New Brunswick City line, northeast of the Raritan River Railroad, and northwest of U. S. Route No. 1.

(3) That area in Lower Township in Cape May County lying east of U. S. Highway No. 9.

(4) That area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east and State Highway No. 550 on the north and west and State Highway Spur No. 550 on the west.

(5) All of Burlington County except Delran, Washington, Shamong, Tabernacle, and Bass River Townships, and except that part of North Hanover Township lying south of Old Monmouth Road.

(g) *New York:* (1) The Town of Poland in Chautauqua County.

(2) The Town of Poughkeepsie in Dutchess County.

(3) That area in the Town of Clarkstown lying north of State Route No. 59 in Rockland County.

(h) *Pennsylvania:* Bucks and Delaware Counties.

(i) *Rhode Island:* Bristol, Kent, and Providence Counties.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), no longer apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas contained in said Subpart B, as amended, apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. The amendment also deletes §§ 76.27 and 76.27a and adds the new § 76.27 in order to conform the regulations to the delegation of authority by the Secretary of Agriculture to the Administrator of the Agricultural Research Service in connection with the reorganization of the Department of Agriculture. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 5th day of March 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-1738; Filed, Mar. 10, 1954; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 18-2]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

APPROVAL OF REPAIRS AND ALTERATIONS TO PRODUCTS MANUFACTURED UNDER A TECHNICAL STANDARD ORDER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 4th day of March 1954.

Currently effective § 18.11 (b) of Part 18 of the Civil Air Regulations permits an appropriately rated certificated repair station, a manufacturer, or an appropriately certificated air carrier to approve major alterations and repairs on airframes, powerplants, propellers, or appliances, if the repairs or alterations have been made in accordance with a manual, specification, or other technical data approved by the Administrator. This requirement permits, for example, an air carrier to approve repairs made to a product manufactured under a Technical Standard Order (TSO) in accordance with certain data, provided he has obtained approval of the data from the Administrator. In the case of such repairs, however, made in accordance with technical data furnished by the product manufacturer, the approval of the Administrator is required under § 18.11 (b). This latter procedure is not considered to be necessary so long as the repairs are accomplished in accordance with data furnished by the product manufacturer which he asserts meet the terms of the TSO. This amendment permits such approval of major repairs and alterations by an appropriately rated certificated repair station, a manufacturer, or an appropriately certificated air carrier.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 18 (14 CFR Part 18, as amended) effective immediately:

By adding a new subparagraph to § 18.11 (b) to read as follows:

§ 18.11 *Persons authorized to approve maintenance, repair, and alterations.* * * *

(b) *Major repairs and major alterations.* * * *

(5) An appropriately rated certificated repair station, a manufacturer, or an appropriately certificated air carrier, if the product has been approved under the terms of a Technical Standard Order and the work is performed in accordance with data furnished by the product manufacturer which he asserts meet the terms of the Technical Standard Order.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 605; 52 Stat. 1007, 1010; 49 U. S. C. 551, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-1732; Filed, Mar. 10, 1954; 8:48 a. m.]

[Reg. SR-402]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; CERTIFICATION AND OPERATION RULES FOR STAR ROUTE AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 4th day of March 1954.

When the nature of the terrain in particular sections of the country is such as to make surface transportation impracticable, the Postmaster General has authority under the Experimental Air Mail Act of 1938, as amended, to award contracts for the transportation of all classes of mail by airplane. The routes for which these contracts are awarded are known as "star routes" and are generally in isolated areas and of comparatively short distance. In a few instances these routes are located completely within a state.

An "air carrier" under the Civil Aeronautics Act of 1938, as amended, is defined as anyone who engages in air transportation. "Air transportation" is defined as interstate, overseas, and foreign air transportation or the transportation of mail by aircraft. Thus, a "star route" operator, including one otherwise engaged exclusively in intrastate air transportation, is an "air carrier" within the meaning of the act.

While "star route" air carriers are exempted from certain areas of the Board's economic jurisdiction, they are subject to the Board's safety jurisdiction over air carriers. However, presently effective Parts 40 and 42 of the Civil Air Regulations apply to air carriers when engaged in interstate air transportation, but are not applicable to "star route" air carriers who are engaged only in intrastate transportation of mail. In view of the fact that the Civil Aeronautics Act requires each air carrier to have an air carrier operating certificate, it is necessary to make provision in the Civil Air Regulations for the issuance of this certificate to these "star route" air carriers.

This Special Civil Air Regulation provides air carrier certification and operation rules for all carriers engaged in carriage of mail pursuant to "star route" contracts. In view of the fact that these air carriers generally operate small planes and carry out relatively small operations, it appears desirable that they be certificated and comply with the provisions of Part 42 which are also applicable to air taxi operators. Thus, under this regulation, these air carriers are required to be certificated in accordance with Part 42 and to comply with the provisions of Part 42. Since it will require a certain amount of time to accomplish this certification, this regulation will become effective in ninety days.

Interested persons have been afforded an oportunity to participate in the making of this regulation, and due consideration has been given to all the relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective June 2, 1954.

Persons engaged in the carriage of mail by aircraft pursuant to "star route" contracts awarded under the Experimental Air Mail Act of 1938, as amended, shall, for such operations, be certificated in accordance with and comply with the provisions of Part 42 of the Civil Air Regulations.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604; 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-1731; Filed, Mar. 10, 1954; 8:48 a. m.]

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 4th day of March 1954.

This revision of Part 45 of the Civil Air Regulations brings the references to current Parts 40 and 61, which are contained in §§ 45.3 and 45.4, into accord with revised Part 40 which is to become effective on April 1, 1954, and deletes certain rules which are no longer applicable.

On April 13, 1953, the Board adopted revised Part 40 which consolidates and replaces the certification and operating rules for scheduled air carriers currently contained in Parts 40 and 61. Section 45.3 currently states that an applicant for a commercial operator's certificate who carries or intends to carry passengers in large aircraft for compensation

or hire as a common carrier between any two points entirely within any State in excess of a certain frequency shall demonstrate that he is capable of conducting his operations in accordance with the provisions of Part 40 with the exception of certain sections. Section 45.4 currently states that persons subject to the provisions of Part 45 who conduct common carrier operations subject to this part in large aircraft carrying passengers between points entirely within a State in excess of a certain frequency shall comply with the requirements of Part 61 with the exception of certain sections. This revision changes the references to Parts 40 and 61 to conform to the appropriate sections of revised Part 40. Subparagraph (1) of § 45.2 (a) permitted operation without a commercial operator's certificate until April 1, 1950, if certain conditions were met. Since this date has long since passed, this paragraph is no longer applicable and is being deleted.

Since these changes are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 45 of the Civil Air Regulations (14 CFR Part 45, as amended) effective April 1, 1954, to read as follows:

Sec.
45.1 Applicability of part.
45.2 Certificate required.
45.3 Certification requirements.
45.4 Operating rules.
45.5 Certificate rules.

AUTHORITY: §§ 45.1 to 45.5 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 607, 52 Stat. 1007, 1011, as amended; 49 U. S. C. 551, 557.

§ 45.1 *Applicability of part.* The provisions of this part shall be applicable to citizens of the United States engaging in the carriage in air commerce of goods or passengers for compensation or hire, unless such carriage is conducted under the provisions of an air carrier operating certificate issued by the Administrator. For the purpose of this part, student instruction, banner towing, crop dusting, seeding, and similar operations shall not be considered as the carriage of goods or persons for compensation or hire.[1]

§ 45.2 *Certificate required.* No person subject to the provisions of this part shall engage in air commerce using aircraft of more than 12,500 pounds maximum certificated take-off weight until he has obtained from the Administrator a commercial operator certificate: *Provided*, That no person holding an air carrier operating certificate shall be required to obtain or be eligible for any commercial operator certificate unless he holds only an air carrier operating certificate issued pursuant to Part 42 of this subchapter and carries or intends to carry passengers for compensation or hire as a common carrier between any two points within a State with the frequency set forth in § 45.3 (a).

§ 45.3 *Certification requirements.* A commercial operator certificate shall be issued to an applicant who demonstrates to the Administrator that he is capable of conducting his operations in accordance with the provisions of Part 42 of this subchapter, as heretofore or hereafter amended, or at an equivalent level of safety: *Provided*, That an applicant who carries or intends to carry passengers for compensation or hire as a common carrier between two points[2] entirely within any State with the frequency set forth in paragraph (a) of this section shall demonstrate that he is capable of conducting these operations in accordance with the requirements of Part 40 of this subchapter, as heretofore or hereafter amended, except §§ 40.1, 40.10, and 40.12 through 40.17, or with such other certification requirements as the Administrator finds will provide an appropriate level of safety for the operation.[3]

(a) Two flights, or one round trip, a week on the same day or days of the week for any eight or more weeks in any 90 consecutive days; or a total of 36 or more flights, or 18 or more round trips, in any 90 consecutive days.

§ 45.4 *Operating rules.* (a) Except as provided in paragraph (b) of this section, all persons subject to the provisions of this part shall, in the conduct of operations subject hereto, comply with the operating requirements of Part 42 of this subchapter, as heretofore or hereafter amended. Operating requirements shall be deemed to include requirements relating to aircraft and equipment, maintenance, flight crew, flight time limitations, flight operation, aircraft operating limitations, and related record-keeping and reporting requirements.

(b) Persons subject to the provisions of this part who conduct common carrier operations subject hereto in aircraft of more than 12,500 pounds maximum certificated take-off weight carrying passengers between points entirely within a State with the frequency described in § 45.3 (a) shall, in the conduct of all passenger operations between such points, comply with the requirements of Part 40 of this subchapter, as heretofore or hereafter amended, except §§ 40.1, 40.10, and 40.12 through 40.17, or with such other operating requirements as the Administrator finds will provide an appropriate level of safety for the operation.

§ 45.5 *Certificate rules.* The certificate rules prescribed in §§ 42.5 through 42.9 of this subchapter shall be applicable to commercial operator certificates, except that for those persons complying with the certification requirements of Part 40 of this subchapter, §§ 40.11, and 40.18 shall apply in lieu of § 42.5.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-1733; Filed, Mar. 10, 1954; 8:49 a. m.]

[1] Under circumstances where it is doubtful whether the operations are for "compensation or hire," the test to be applied is whether the air carriage is merely incidental to the operator's other business or is, in and of itself, a major enterprise for profit.

[2] The term "point" as used in this section shall have the same meaning as that established by § 291.1 (b) of this chapter. Section 291.1 (b) defines point to include "any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place."

[3] Note that an air carrier holding an air carrier operating certificate issued under the provisions of Part 42 of this subchapter may not conduct intrastate operations with the frequency specified in paragraph (a) of this section without first obtaining a commercial operator certificate.

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

RAW MATERIALS

Section 1453.2 (b) *Raw materials* is amended by inserting the following immediately after the words "Vermiculite ore, crude, crushed and expanded" appearing in the list following subparagraph (3):

Wattle bark; wattle and chestnut tannin extract.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: March 4, 1954.

GEORGE C. MCCONNAUGHEY, *Chairman.*

[F. R. Doc. 54-1724; Filed, Mar. 10, 1954; 8:46 a. m.]

PART 1480—CONTROL OF RENEGOTIATION RECORDS AND INFORMATION CONTAINED THEREIN

DISCLOSURE OF CONFIDENTIAL INFORMATION

This part is amended by deleting the last sentence of § 1480.1 and inserting in lieu thereof the following:

Nothing contained in this part will authorize the transmission or disclosure of any information or material classified as "Top Secret", or "Secret" or "Confidential" within the meanings assigned to those terms in Executive Order 10501, dated November 5, 1953 (18 F. R. 7049), or of any "restricted data" as that term is defined in the Atomic Energy Act of 1946, as amended. All officers and employees of the Board are subject to the provisions of section 1905, title 18, United States Code, which reads as follows:

SEC. 1905. *Disclosure of confidential information generally.* Whoever, being an officer or employee of the United States or of any department or agency thereof, publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be fined not more than $1,000, or imprisoned not more than one year, or both; and shall be removed from office or employment.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: March 4, 1954.

GEORGE C. MCCONNAUGHEY, *Chairman.*

[F. R. Doc. 54-1725; Filed, Mar. 10, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 201]

Geological Survey

[30 CFR Part 250]

OUTER CONTINENTAL SHELF

NOTICE OF EXTENSION OF TIME TO SUBMIT COMMENTS ON REGULATIONS CONCERNING OIL, GAS AND SULPHUR LEASES AND OPERATIONS

Notice is hereby given that the Secretary of the Interior extends the time within which written comments, suggestions or objections to the proposed regulations concerning oil, gas, and sulphur leases and operations on the Outer Continental Shelf may be submitted to March 26, 1954.

The notice published in the FEDERAL REGISTER on February 11, 1954,[1] in all other respects remains unchanged.

Dated: March 5, 1954.

DOUGLAS MCKAY, *Secretary of the Interior.*

[F. R. Doc. 54-1719; Filed, Mar. 10, 1954; 8:45 a. m.]

[1] See also FEDERAL REGISTER of February 16, 1954.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 941]

[Docket No. AO-101-A17]

MILK IN CHICAGO, ILLINOIS, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hollywood Room, Morrison Hotel, Clark and Madison Streets, Chicago, Illinois, beginning at 10:00 a. m., c. s. t., on March 15, 1954.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Chicago, Illinois, marketing area and to the proposed amendments set forth herein below, or modifications thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Pure Milk Association:

1. Add § 941.69 as follows:

§ 941.69 *Handling allowance credit.* For each handler who receives milk from producers during the delivery periods of April, May, and June 1954, a handling allowance credit shall be computed as follows:

(a) Determine the total pounds of producer milk classified as Class III (a) milk, Class III milk, and Class IV milk (other than shrinkage and inventory variation) during the current delivery period, and the same delivery period in 1953;

(b) If the total pounds of milk computed pursuant to paragraph (a) of this section for the current delivery period is greater than the amount so computed for the same delivery period during 1953, the difference less any increase in the pounds of Class III (a) milk and Class III milk combined shall be the pounds of milk subject to a handling allowance credit;

(c) Multiply the pounds of milk computed pursuant to paragraph (b) of this section by $0.30 per hundredweight. The result is the handling allowance credit.

2. Amend § 941.70 as follows:

a. Delete "and" in paragraph (c);

b. Replace the period at the end of paragraph (d) with a semicolon and add the word "and"; and

c. Add paragraph (e):

(e) Subtract for each of the months of April, May, and June, 1954, the handling allowance credit computed pursuant to § 941.69.

3. Amend § 941.40, paragraph (b), by the addition of "Grant County, Indiana, and Boone County, Indiana" to the area referred to therein as the "Surplus Milk Manufacturing Area."

By the Dairy Division, Agricultural Marketing Service:

4. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the said order as amended, may be procured from the Market Administrator, 73 West Monroe Street, Chicago 3, Illinois, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 8, 1954, at Washington, D. C.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-1743; Filed, Mar. 10, 1954; 8:51 a. m.]

Commodity Stabilization Service

[7 CFR Part 729]

PEANUTS

NOTICE OF PROPOSED DETERMINATIONS WITH RESPECT TO THE SUPPLY OF THE SEVERAL TYPES OF PEANUTS FOR THE 1954-55 MARKETING YEAR

Pursuant to section 358 (c) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1358 (c)), the Secretary of Agriculture is preparing to determine whether the supply of any type or types of peanuts for the 1954-55 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. Section 358 (c) of the act, as amended, reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951-1952 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The ad-

ditional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Prior to determining whether the supply of any type or types of peanuts for the 1954–55 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes, consideration will be given to any data, views, and recommendations relating thereto, which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than 10 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of March, 1954.

[SEAL] J. A. McCONNELL,
Administrator.

[F. R. Doc. 54-1739; Filed, Mar. 10, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 121]

SEPARATION OF OPERATING EXPENSES BETWEEN FREIGHT AND PASSENGER SERVICES

APPROVAL OF INCLUSION OF SWITCHING AND TERMINAL COMPANIES OF CLASS I STEAM RAILROADS

MARCH 8, 1954.

Having under consideration the provisions of the order of November 18, 1952, in the matter of rules governing the separation of operating expenses, taxes, equipment rents, and joint facility rents between freight service and passenger service on class I line-haul steam railroad companies (49 CFR 121.0 to 121.78), the Commission, by Division 1, has approved the inclusion of switching and terminal companies of class I steam railroads in the terms of such order.

Any interested person may on or before May 15, 1954, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consideration of representations so received, an order will be entered making the modification.

[SEAL] G. W. LAIRD,
Secretary.

[F. R. Doc. 54-1736; Filed, Mar. 10, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 24 (R-IV)]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 26, 1954.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 8 N., R. 93 W.,
Sec. 16, S½SW¼.

The area described contains 80 acres.

This land has been classified as possibly suitable for the production of cultivated crops by dry-farm methods.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, 437 Post Office Building, Denver, Colorado.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-1716; Filed, Mar. 10, 1954; 8:45 a. m.]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 2, 1954.

An application, serial number Utah 011099, for the withdrawal from prospecting, location, entry or purchase under the mining laws, of the lands described below was filed on January 15, 1954, by the Atomic Energy Commission. The purposes of the proposed withdrawal: For use by the Atomic Energy Commission.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region IV, Bureau of Land Management, Department of the Interior at Salt Lake City, Utah, P. O. Box 659. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 32 S., R. 26 E.,
Sec. 26: Lots 1, 2, 3, and 4;
Sec. 27: E½NE¼, W½SW¼, SE¼SW¼, S½SE¼, NE¼SE¼;
Sec. 33: E½NE¼, SW¼NE¼, NE¼SE¼;
Sec. 34: N½, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 35: Lots 1 and 2.
T. 33 S., R. 26 E.,
Sec. 3: NW¼, N½SW¼;
Sec. 4: S½NE¼, W½NW¼, S½.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-1717; Filed, Mar. 10, 1954; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Fairbanks 010570, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on July 30, 1953, by the Department of the Air Force. The purposes of the proposed withdrawal: Not stated.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 1 N., R. 1 E., F. M.,
Sec. 27: N½NW¼SW¼NW¼;

containing approximately 5 acres.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 54-1718; Filed, Mar. 10, 1954; 8:45 a. m.]

[Misc. 5-11]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 5, 1954.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 20 S., R. 20 E.,
Sec. 25, NE¼NE¼, S½NE¼, E½W½, SE¼;
Sec. 26, lot 1, NE¼SW¼, SW¼SW¼, SE¼;
Sec. 36
T. 21 S., R. 20 E.,
Sec. 12;
Sec. 13, NE¼.
T. 20 S., R. 21 E.,
Sec. 19, NE¼;
Sec. 20;
Sec. 21, W½;
Sec. 29, W½, NE¼;
Sec. 30.
T. 21 S., R. 21 E.,
Sec. 3, lots 6, 7, W½SE¼, SW¼;
Sec. 6, SE¼;
Sec. 7, NE¼;
Sec. 16.
T. 9 S., R. 28 E.,
Sec. 36, NW¼, NW¼NE¼.
T. 12 S., R. 29 E.,
Secs. 3, 10, 11, 12, 13, 14, 15, 16;
Sec. 5, W½, NE¼;
Sec. 6, E½SW¼, SE¼, lots 5, 6, 7;
Sec. 25, N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 28, S½, NE¼, N½NW¼;
Sec. 30, N½.
T. 12 S., R. 30 E.,
Sec. 34, SE¼SW¼.

No application for these lands may be allowed under the homestead, small tract, desert-land or any other nonmineral public-land laws unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. The lands in Ts. 20 and 21 S., Rs. 20 and 21 E. are in an area that the State of Arizona desires to use for National Guard activities. The lands in T. 12 S., Rs. 29 and 30 E. are in an area where considerable work has been done by the Federal Government in connection with soil and moisture conservation. It is unlikely that these areas will be classified for disposal under the homestead, desert-land, or small tract laws. Any application filed on lands described in this order will be considered on its merits.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall

be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-1726; Filed, Mar. 10, 1954; 8:47 a. m.]

[Misc. No. 10]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 4, 1954.

Pursuant to exchanges made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315g) the following described lands have been reconveyed to the United States:

BOISE MERIDIAN

T. 6 N., R. 25 E.,
Sec. 26, NW¼SE¼,
Sec. 33, W½NE¼NE¼.

The areas described aggregate 60 acres.

The lands described lie at an elevation of 5800 feet and the topography is gently rolling; the soil is silt loam intermingled with boulders; and the lands are within a reseeded project and are classified for retention in public ownership for the production of forage under the administration of the Bureau of Land Management.

While any application that is filed will be considered on its merits, it is unlikely that any part of the lands will be classified for any use or disposal other than that shown above.

No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws unless the lands have been classified as valuable or suitable for such type of classification or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day, shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Land Office, Boise, Idaho.

J. G. FRIEDLY,
Acting Regional Administrator.

[F. R. Doc. 54-1727; Filed, Mar. 10, 1954; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2370]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 5, 1954.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in El Paso, Texas, filed, on February 16, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 3½-inch pipeline approximately 8 miles in length, from a point of connection with Applicant's 26-inch and 30-inch lines in Cochise County, Arizona, to a point near the Town of Bowie, Arizona, together with metering and regulating equipment for the sale of natural gas to Arizona Public Service Company for resale at Bowie and the nearby farming community in Cochise County, Arizona.

Applicant estimates the cost of the proposed facilities at $75,855, and proposes to finance their construction out of its current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of March 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1720; Filed, Mar. 10, 1954; 8:45 a. m.]

[Docket No. G-2371]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 5, 1954.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in El Paso, Texas, filed, on February 17, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas pipeline and appurtenant facilities, consisting principally of the following facilities:

(1) A 16-inch O. D. pipeline, approximately 5.5 miles in length, from the proposed purification and dehydration plant to be located adjacent to the existing Monument Compressor Station located in Lea County, New Mexico, to a point of connection with the existing 24-inch O. D. Dumas pipeline;

(2) An 8⅝-inch O. D. loop line, approximately 6.5 miles in length, from the existing Monument plant in Lea County, New Mexico, parallel to the existing 8⅝-inch O. D. Hobbs pipeline;

(3) Additional compressor equipment of a capacity of 1,100 horsepower to the existing Hobbs Compressor Station located in Lea County, New Mexico;

(4) A compressor station of a capacity of 440 horsepower to be known as the Waddell Compressor Station to be located near the Gulf Oil Corporation's residue plant in Crane County, Texas;

(5) A purification and dehydration plant with an inlet designed capacity of up to 111,270 Mcf per day, to be located adjacent to the existing Monument Compressor Station, in Lea County, New Mexico, together with necessary piping and cylinder changes at the Monument Compressor Station to handle increased volumes of gas to be compressed at such location; and

(6) A 16-inch O. D. pipeline, approximately 1.3 miles in length from the existing high pressure system 16-inch trunk line to the proposed purification and dehydration plant to be located adjacent to the Monument Plant.

The proposed facilities would provide more flexibility in Applicant's operations in the Permian area and enable it to transport additional volumes of natural gas from the Hobbs-Monument areas of Lea County, New Mexico and from the Waddell (Sandhill) area in Pecos County, Texas, to points of connection with its presently authorized pipeline system.

Applicant estimates the cost of the proposed facilities at $3,295,589, and proposes to finance their construction out of its current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of March 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1721; Filed, Mar. 10, 1954; 8:46 a. m.]

[Docket No. G-2372]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 5, 1954.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in El Paso, Texas, filed on February 17, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of an 8⅝-inch pipeline approximately 8.2 miles in length, from the outlet side of the Denton Gasoline Plant in Lea County, New Mexico, to a point of connection with Applicant's existing 30-inch Permian-San Juan crossover line at approximately mile post 23.6, together with necessary metering facilities, for the purpose of transporting residue gas from the Denton Gasoline Plant to Applicant's existing pipeline system.

Applicant estimates the cost of the proposed facilities at $175,654 and proposes to finance their construction out of its current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of March 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1722; Filed, Mar. 10, 1954; 8:46 a. m.]

[Docket No. G-2374]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

MARCH 5, 1954.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address Kansas City, Missouri, filed on February 23, 1954, an application pursuant to section 7 (b) of the Natural Gas Act for an order permitting and approving abandonment of service rendered to Cities Service Company (Cities Service) by way of an exchange agreement with said company.

The service Applicant proposes to abandon consists of delivery of natural gas to Cities Service at a point in Johnson County, Missouri, known as the Knobnoster connection, where the so-called Carrollton lateral of Cities Service crosses the main pipeline system of Applicant. The deliveries of natural gas by Cities Service to Applicant under the exchange agreement are at points (1) in Johnson County, Missouri, at a connection on Cities Service's Sedalia lateral, sometimes referred to as the Windsor connection and (2) in Jackson County, Missouri, in the suburban area of Kansas City at a connection on Applicant's Louisburg lateral, sometimes referred to as the Bannister connection. Applicant's deliveries to Cities Service under the agreement have totalled 819,540 Mcf over the 12 months period ending January 1954, while the aggregate of Cities Service's deliveries to Applicant over the same period has been 855,988 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of March 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1723; Filed, Mar. 10, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

COLORADO

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of February 26, 1954, to be in the area affected by the major disaster occasioned by drought determined by the President on July 1, 1953, pursuant to Public Law 875, 81st Congress:

COLORADO

Cheyenne. Crowley. Lincoln.

Done this 8th day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-1742; Filed, Mar. 10, 1954; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

Office of the Administrator

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATION OF CALIFORNIA ELECTRIC POWER CO. FOR AUTHORITY TO INCREASE ELECTRIC POWER RATES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Application of California Electric Power Company for Authority to Increase Electric Power Rates, Application No. 34958, before the California Public Utilities Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective immediately.

Dated: March 5, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54-1752; Filed, Mar. 9, 1954; 8:51 p. m.]

Public Buildings Service

[Wildlife Order 25]

SWANTON FISH CULTURAL STATION, SWANTON, VERMONT

TRANSFER OF PROPERTY TO STATE FOR WILDLIFE CONSERVATION PURPOSES

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated February 3, 1954, to the State of Vermont, that property known as the Swanton Fish Cultural Station, Swanton, Vermont, and more particularly described in said deed, has been transferred from the United States to the State of Vermont.

2. The above described property is transferred to the State of Vermont for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

EDMUND F. MANSURE,
Administrator of General Services.

MARCH 5, 1954.

[F. R. Doc. 54-1729; Filed, Mar. 10, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28983]

GRAIN BETWEEN KANSAS CITY, MO., AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

MARCH 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Gulf, Mobile and Ohio Railroad Company.

Commodities involved: Grain, grain products and related articles, carloads.

Between: Kansas City, Mo., and New Orleans, La.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3940, supp. 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1734; Filed, Mar. 10, 1954; 8:49 a. m.]

[4th Sec. Application 28984]

COMMODITY RATES FROM CHICAGO, ILL., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Involving: Commodity rates.

From: Chicago, Ill.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 776, supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1735; Filed, Mar. 10, 1954; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 21—DPAV-27 (b)]

BULOVA WATCH CO.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN ACTIVITIES OF ARMY ORDNANCE INTEGRATION COMMITTEE ON ARTILLERY MECHANICAL TIME FUZES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is herewith published the name of the following company which has accepted the request to participate in the activities of Integration Committee on Artillery Mechanical Time Fuzes in accordance with the voluntary plan entitled, "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Artillery Mechanical Time Fuzes," dated August 13, 1951, which request and original list of companies accepting such request were published in 17 F. R. 2939 on April 4, 1952.

Bulova Watch Co., 62-10 Woodside Avenue, Woodside, L. I., N. Y.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: March 5, 1954.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-1730; Filed, Mar. 10, 1954; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 49

Washington, Friday, March 12, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10520

TRANSFERRING CERTAIN LANDS FROM THE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF THE ARMY

NORTH DAKOTA

By virtue of the authority vested in me by section 32 of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522, 525, 7 U. S. C. 1011), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, jurisdiction over the following-described lands acquired under Title III of the said Bankhead-Jones Farm Tenant Act, or transferred by Executive Order No. 7908 of June 9, 1938, as amended by Executive Orders Nos. 8531 of August 31, 1940, and 10175 of October 25, 1950, to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of the said act, together with waters or water rights, improvements, and structures acquired or constructed in connection with the use and administration of said lands, is hereby transferred to the Department of the Army for use in connection with the construction, operation, and maintenance of the Garrison Dam and Reservoir Project, North Dakota:

NORTH DAKOTA

WESTERN NORTH DAKOTA PROJECT (ND-LU-24)

Fifth Principal Meridian

T. 153 N., R. 93 W.,
Sec. 7, Lot 7, SE¼SW¼;
Sec. 17, Lots 2, 3, 6, plus accretions;
Sec. 18, Lots 1, 2, NE¼, E½NW¼, N½SE¼;
Sec. 32, SW¼NE¼.
T. 153 N., R. 94 W.,
Sec. 9, S½NE¼, E½NW¼, E½NE¼SE¼;
Sec. 10, Lots 4, 5, 6, 7, NW¼SW¼, plus accretions;
Sec. 11, Lot 5;
Sec. 12, SE¼SE¼;
Sec. 13, NE¼, E½NW¼, SW¼;
Sec. 14, N½SE¼;
Sec. 24, SE¼NE¼, NE¼SE¼, and also a parcel of land described as follows: Beginning at the Southeast corner of the N½NE¼ of aforesaid Section 24, thence due N. 330 ft., thence due W. 1,349.8 ft. to center line of a county highway, thence along center line of said highway N. 50° W. a distance of 619 ft., thence along center line of said highway N. 72° W a distance of 858 ft. to the W. line of aforesaid N½NE¼, thence due S. a distance of 993 ft., thence due E. 2,640 ft. to the point of beginning.
T. 154 N., R. 94 W
Sec. 28, Lot 6, plus accretions;
Sec. 31, Lots 1, 6, NE¼SW¼, NW¼SE¼.
T. 154 N., R. 95 W.,
Sec. 25, Lots 5, 6, plus accretions;
Sec. 26, Lot 8, SE¼SW¼, SW¼SE¼, plus accretions;
Sec. 27, Lot 7;
Sec. 33, SE¼SE¼;
Sec. 34, NE¼;
Sec. 35, N½, N½N½S½.
T. 154 N., R. 96 W.,
Sec. 26, Lots 5, 6;
Sec. 29, Lot 5, plus accretions;
Sec. 30, Lot 7, plus accretions, and Lot 8;
Sec. 31, Lots 1, 2;
Sec. 35, SE¼SE¼.
T. 154 N., R. 97 W.,
Sec. 25, Lots 3, 4, 6, 7, plus accretions.

The above-described lands administered under Title III of the Bankhead-Jones Farm Tenant Act aggregate approximately 2,863.82 acres.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
March 10, 1954.

[F. R. Doc. 54-1812; Filed, Mar. 10, 1954; 5:03 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.215]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following March 13, 1954, paragraph (a) is amended by the deletion of the following posts:

Liberia, all posts except Harbel.

2. Effective as of the beginning of the first pay period following March 13,

(Continued on next page)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 3, 1953 Supp. ($1.50)
Title 18 ($0.45)
Title 25 ($0.45)
Title 49: Parts 1 to 70 ($0.60)
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Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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1954, paragraph (b) is amended by the deletion of the following posts:

Darwin, Australia.
Harbel, Liberia.
Luanda, Angola.

3. Effective as of the beginning of the first pay period following March 13, 1954, paragraph (c) is amended by the deletion of the following post:

Guaymas, Mexico.

4. Effective as of the beginning of the first pay period following March 13, 1954, paragraph (d) is amended by the deletion of the following post:

Headquarters, Fifth Air Division, Rabat, Morocco.

5. Effective as of the beginning of the first pay period following January 31, 1953, paragraph (a) is amended by the addition of the following post:

Hue, Vietnam

6. Effective as of the beginning of the first pay period following March 13, 1954, paragraph (a) is amended by the addition of the following posts:

Liberia, all posts.

7. Effective as of the beginning of the first pay period following March 13, 1954, paragraph (c) is amended by the addition of the following post:

Luanda, Angola.

8. Effective as of the beginning of the first pay period following March 13, 1954, paragraph (d) is amended by the addition of the following post:

Guaymas, Mexico.

Effective: March 15, 1954.

Dated: March 3, 1954, at Washington, D. C.

For the Secretary of State.

THRUSTON B. MORTON,
Acting Deputy Under Secretary.

[F. R. Doc. 54-1760; Filed, Mar. 11, 1954; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

SUBPART—RULES AND REGULATIONS

Pursuant to the provisions of Marketing Agreement No. 117 and Order No. 14 (7 CFR Part 914; 18 F. R. 5638) regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Navel Orange Administrative Committee, established under the aforesaid marketing agreement and order, has adopted rules and regulations, hereinafter set forth, to effectuate the provisions of the said marketing agreement and order.

It is hereby found and determined that the said rules and regulations are in accordance with the provisions of the

said marketing agreement and order and will tend to effectuate the declared policy of the act; and the said rules and regulations, which are in addition to the nomination procedure (§ 914.102; 18 F. R. 5645) issued on September 16, 1953, are hereby approved as follows:

DEFINITIONS

Sec.
914.100 Definitions.

GENERAL

914.101 Communications.

STORAGE OF ORANGES WITHIN PRODUCTION

914.105 Oranges stored within the production area.

PRORATE BASES AND ALLOTMENTS

914.110 Prorate bases and allotments.
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914.120 Exemptions from size regulation.

ORANGES NOT SUBJECT TO REGULATION

914.130 Exemptions under § 914.67.
914.131 By-product oranges.
914.132 Oranges for export to Mexico.
914.133 Minimum quantities and types of shipments.
914.140 Weekly reports.
914.141 Manifest reports.

AUTHORITY: §§ 914.100 to 914.141 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

DEFINITIONS

§ 914.100 *Definitions.* (a) "Rules and regulations" means the provisions of this subpart.

(b) "Order No. 14" means Marketing Agreement No. 117 and Order No. 14 (§§ 914.0 to 914.90, inclusive, 18 F. R. 5638) regulating the handling of navel oranges grown in Arizona and a designated part of California, as from time to time amended.

(c) Except as otherwise prescribed in this subpart, terms used in the rules and regulations shall have the same meaning as when used in §§ 914.0 to 914.90.

(d) "Commercial processing into by-products" is synonymous with "commercial processing into products, including juice" and means the processing of oranges on a commercial scale into products. The term includes the processing of oranges into juice only when such juice is extracted on a commercial scale for sale at the wholesale level.

GENERAL

§ 914.101 *Communications.* Unless otherwise prescribed in this subpart or in §§ 914.0 to 914.90 or required by the Navel Orange Administrative Committee, all reports, applications, submittals, requests, and communications in connection with this part shall be addressed as follows:

Navel Orange Administrative Committee, 111 West Seventh Street, Room 500, Los Angeles 14, Calif.

STORAGE OF ORANGES WITHIN PRODUCTION AREA

§ 914.105 *Oranges stored within the production area.* Any person who has oranges available for current shipment and controls such oranges within the meaning of § 914.53 may place such oranges in storage within the production area. Thereafter, such person shall, except with respect to oranges stored where prepared for market, report to the committee, on N. O. A. C. Form No. 17, not later than Monday noon of the next calendar week, all oranges so stored.

PRORATE BASES AND ALLOTMENTS

§ 914.110 *Prorate bases and allotments*—(a) *Application to be filed.* Each person who has oranges available for current shipment and desires to handle such oranges shall submit to the committee upon request, on N. O. A. C. Form No. 1, an application for a prorate base and allotments. Such application shall contain the information required pursuant to § 914.53 (b) and (c) and a certification to the United States Department of Agriculture and the Navel Orange Administrative Committee as to its truthfulness. In addition, such application shall be supported by a list of growers, on N. O. A. C. Form 1-A, whose oranges the applicant controls, showing for each listed grower's oranges, the name and address of the grower and the location, acreage and estimated yield of each grove or portion thereof.

(b) *Control of oranges.* In order to control oranges within the meaning of § 914.53 (c) (1) or (3) the applicant must have executed the requisite bona fide written agreement with a grower, which shall contain all of the basic requirements of a legal contract, including, but not being limited to, the requirements of this paragraph.

(1) The agreement shall be supported by legal consideration, such as mutual promises, which may be enforced by either party in an action at law.

(2) The agreement shall be certain as to its parties, the quantity of oranges involved, and the amount to be received for the fruit. The agreement will be deemed sufficiently definite (i) as to the quantity of fruit if it specifies all the oranges of a described acreage, and (ii) as to the amount to be received for the fruit if it specifies a definite amount or sets forth a definite method of determining the amount to be paid.

(3) The agreement shall have been entered into by both parties in good faith. The purpose of the agreement must be to give absolute control of the oranges to the applicant; and any such agreement which (i) has as its primary purpose the giving of the prorate base and allotment to the applicant, or (ii) is subject to some other written or oral agreement or understanding altering its terms, or (iii) is subject to an oral or written agreement or understanding that neither of the parties will enforce the agreement, or (iv) contains a statement which permits termination thereof without legal liability, will be considered evidence of lack of good faith.

(4) The agreement shall give the applicant control of the oranges for such period of time as may be necessary to handle the oranges.

(c) *Loss of control of oranges.* If a person loses control of oranges and has handled a quantity thereof less than the quantity that could have been handled under allotments issued thereon, the quantity of oranges available for current shipment by such person shall be adjusted by deducting therefrom a quantity of oranges equivalent to the quantity upon which allotments were issued, but which were not utilized thereon. The quantity so determined shall be deducted during a period of 3 consecutive weeks in Prorate District 1, 4 consecutive weeks in Prorate District 2, 3 consecutive weeks in Prorate District 3, and 2 consecutive weeks in Prorate District 4 (or during the remainder of the applicable marketing season for the respective prorate district if of shorter duration than the period designated for such district): *Provided*, That, insofar as practicable, such deduction for any weekly period shall not exceed the amount which would decrease by one-half the allotment, other than short-life allotment, that otherwise would be issued to such person for such weekly period in the absence of such deduction, and, if necessary to effect this requirement, the applicable period specified in this section for making such deductions may be extended.

(d) *Adjustment of prorate bases.* (1) The prorate bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies, as provided in Order No. 14, during a period of 3 consecutive weeks in Prorate District 1, 4 consecutive weeks in Prorate District 2, 3 consecutive weeks in Prorate District 3, and 2 consecutive weeks in Prorate District 4 (or during the remainder of the applicable marketing season for the respective district if of shorter duration than the period designated for such district): *Provided*, That, insofar as practicable, such deduction for any weekly period shall not exceed the amount which would decrease by one-half the allotment, other than short-life allotment, that otherwise would be issued to such person for such weekly period in the absence of such deduction, and, if necessary to effect this requirement, the applicable period specified in this section for making such deductions may be extended.

(2) When a handler has moved all of the oranges under his control in a particular district and has received allotment sufficient to repay all loans of allotments received by him under the provisions of § 914.57, such handler shall receive no further allotment for such oranges unless, during the same marketing season, he subsequently gains control of oranges, in the same district, which he desires to handle and promptly submits a report thereon to the committee in accordance with § 914.53 (d).

§ 914.111 *Allotment loans.* Loan transactions shall be subject to the following:

(a) *Payback date.* Each allotment loan agreement entered into by a handler must provide for a definite payback date during the actual shipping period of the lending handler.

(b) *Loans to handlers who receive short-life allotments.* Each loan agreement entered into by a handler to whom short-life allotments have been issued shall provide for the repayment of the loan at or prior to the time when such handler will have been issued total allot-

ment equal to the average to be issued to all handlers in the same prorate district.

(3) *All oranges moved prior to payback date.* If prior to the payback date specified in any of his loan agreements the borrowing handler has moved all his oranges, the loans shall thereupon become immediately repayable, and thereafter allotments shall continue to be issued to the borrowing handler until all his outstanding loan obligations have been met.

§ 914.112 *Assignment of allotment certificates.* In connection with all handling of oranges other than shipments by rail car, each handler at the time of handling of each lot of oranges shall issue to the purchaser or consignee an assignment of allotment certificate covering each quantity of oranges so handled. Such assignment of allotment certificate shall be on N. O. A. C. Form 8 and shall contain the following information: (a) Current weekly regulation period; (b) name and address of purchaser or consignee; (c) quantity of oranges in terms of the number of standard packed boxes of oranges; (d) prorate district in which such oranges were produced; (e) name and address of the person to whom such oranges were delivered; (f) the license number of the truck transporting such oranges from handler's place of business; (g) the size of the oranges; (h) the date of issue; and (i) the name of the person or firm issuing the assignment of allotment certificate. Such assignment shall also contain a certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown thereon.

§ 914.113 *Early maturity allotments*—(a) *Applications to be filed.* On or before 12 o'clock noon of the day preceding the regular weekly meeting of the committee, any handler controlling early maturity oranges who desires to receive allotment therefor for use during the following week must file with the committee, at any of its designated offices, an application on N. O. A. C. Form No. 9, showing the name and address of the applicant, the location of the early maturity oranges for which he desires allotment, by whom and to what extent tests of such oranges have been made to determine their maturity, the total quantity of such early maturity oranges available for shipment during the week for which the committee may make recommendations for regulation at the aforesaid meeting, the number of boxes of allotment desired, and such other information as the committee may from time to time request. An application for early maturity allotment shall not exceed the total quantity of early maturity oranges the applicant has available for shipment.

§ 914.114 *Short-life allotments*—(a) *Qualification for short-life allotment.* A handler shall be considered to have short-life oranges when he has oranges which historically are known to lack keeping qualities which will permit him to handle, during the normal marketing period for the oranges grown in the prorate district, the same proportion of his oranges as the average which will be handled by all handlers.

(b) *Application to be filed.* Each handler controlling short-life oranges who desires to obtain short-life allotments shall file with the committee, at the time of filing of his application for a Prorate Base and Allotments, an application for such allotment on N. O. A. C. Form No. 10. The application shall contain the following information: Name and address of applicant; location of each grove having short-life oranges; a record covering a period of at least the ten immediately preceding years showing the marketing period of the oranges covered by the application; a suggested shortened marketing season showing the final date when the short-life oranges covered by the application would be marketed; and a showing satisfactory to the committee why the oranges controlled by the applicant cannot be marketed during the normal marketing period for the applicable district through appropriate adjustment within the handler's packinghouse.

EXEMPTION CERTIFICATES

§ 914.120 *Exemptions from size regulation*—(a) *Application to be filed.* Each grower, entitled to be exempted from the provisions of any size regulation established by the Secretary, may file with the committee an application for an exemption certificate on N. O. A. C. Form No. 11. Such application must be received by the committee not later than Friday preceding the regular weekly meeting of the committee at which action is to be taken thereon and shall contain the following information: (1) Name and address of applicant; (2) location of oranges which the grower wishes covered by the exemption certificate; (3) the estimated sizes of the oranges contained in the applicant's groves and the percentage of each; (4) the size tests or other facts upon which such estimates are based, showing the number of oranges per tree tested and the total number of oranges tested per acre; (5) the number of boxes of oranges which applicant estimates will be needed to be exempted from size regulation to permit applicant to have handled the equivalent of the average that may be handled on behalf of all growers in the same prorate district; (6) the name of each packinghouse through which the applicant's oranges are to be handled.

(b) *Final dates for filing applications.* The committee may provide final dates for the filing of applications for exemptions from size regulations in each prorate district: *Provided*, That at least two weeks' advance notice shall be given to all handlers of the final date for each prorate district.

(c) *Investigation by Field Department.* Immediately upon receiving an application for an exemption certificate, the committee shall refer such application to its Field Department for investigation. The Field Department shall conduct an investigation and shall report its findings to the committee at its next regular meeting.

(d) *Determination by the committee.* If the committee determines that the information submitted in the application for an exemption certificate is inadequate, it may require the submission of additional information, including additional size tests. Based on all available information, the committee may authorize the issuance of a size exemption certificate, N. O. A. C. Form No. 12, which will permit the applicants to have as large a proportion of his oranges handled as the average proportion that will be handled for all other producers in the same prorate district. The percentage relation of a grower's restricted sizes to his total tree crop shall be used in determining the extent to which such grower is entitled to exemption from size regulation.

(e) *Exemption certificate.* If volume regulation is in effect at the time exemption certificates are issued, such exemption certificates may be used only to the extent that allotment has been issued under volume regulations for the oranges covered thereby. Exemption may be granted by issuing one or more exemption certificates and the initial certificate may be restricted to 75 percent of the estimated quantity to which a grower is entitled. Upon authorization of the committee, the manager shall issue to growers who have applied therefor, exemption certificates which shall contain the following information: (1) Name and address of person to whom issued; (2) location of grove or groves; (3) quantity of oranges of each size permitted to be handled without regard of existing size regulation; and (4) period covered by the exemption certificate. The exemption certificate shall be issued in quadruplicate, one copy to be retained by the committee, and three copies to be issued to the grower. The grower is to retain the original copy and endorse and turn over to the packinghouse, through which the oranges are to be handled, the remaining two copies. The packinghouse shall sign and immediately mail one copy to the committee, retaining one copy for filing purposes. Exemption certificates issued under this paragraph may be used only for the handling of the oranges covered by the certificate. Each certificate shall be valid at any time during which the size regulation remains in effect and, subject to the handler's allotment under volume regulation, the total quantity of the oranges covered thereby, or any part thereof, may be shipped at one time.

ORANGES NOT SUBJECT TO REGULATION

§ 914.130 *Exemptions under § 914.67.* (a) The exemptions authorized by § 914.67 apply in any prorate district during any week for which the Secretary has not fixed the quantity of oranges which may be handled in such district. However, during any week for which the Secretary fixes the quantity of oranges which may be handled in such district, the exemptions apply only to such persons as are notified by the committee of the respective allotment computed for them and who directly handle the oranges for one of the specified purposes.

(b) With respect to any such person who packs oranges and straps and stencils or otherwise marks the container thereof for export purposes and forwards the oranges to the destination for export, such person shall be deemed to have handled the oranges for export within the meaning of the exemption.

§ 914.131 *By-product oranges*—(a) *Notice to committee.* No person shall handle oranges for commercial processing into by-products unless (1) such oranges are, or have been, handled pursuant to an allotment therefor; (2) prior to each such handling, such person notifies the committee of the proposed handling and furnishes the committee with a statement executed by the intended processor of the oranges that the oranges will be used for the stated purpose only; or (3) the processor is an approved by-product manufacturer, as prescribed in paragraph (b) of this section.

(b) *Approved by-product manufacturers.* Any person who desires to buy, as an approved by-product manufacturer, oranges for commercial processing into by-products shall, prior thereto, submit to the committee an application on N. O. A. C. Form No. 14 which shall contain the following information: (1) Name and address of applicant; (2) proposed type of by-product to be made or derived from oranges; (3) approximate quantity of oranges used each month; (4) a statement that the oranges obtained for conversion into by-products will be used for that purpose only and will not be resold or disposed of in fresh fruit channels; and (5) an agreement to submit such reports as are required by the committee. Such application will be referred to the committee's Compliance Department for investigation. The Compliance Department shall make an investigation of such applicant and shall report back to the committee at its next regular meeting. Based upon the report of the Compliance Department, and other available information, the committee shall approve or disapprove the application and notify the applicant accordingly. If the application is approved, the applicant's name shall be placed upon the list of approved by-product manufacturers.

(c) *Certificate by by-product manufacturers.* Upon request, each approved by-product manufacturer shall submit to the committee, on forms prescribed by the committee, on or before the 10th day of each month, a report of the Navel oranges used during the preceding calendar month. Each report shall contain a certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown therein.

(d) *Orange diversion report.* Each handler shall, with respect to each quantity of oranges he diverts for commercial processing into by-products or to charitable organizations, or eliminates from the channels of human consumption, report to the committee, on N. O. A. C. Form No. 15: (1) Name and address of the by-products plant or charitable organization to which the oranges were diverted; (2) the prorate district in which the oranges were produced; (3) the respective quantities of oranges in terms of the number of boxes (i) diverted to by-products, (ii) diverted to charitable organization, and (iii) eliminated; (4) net weight of such oranges; and (5) if oranges were eliminated, the place and means of elimination. This report shall be prepared in quadruplicate. One copy signed by the handler shall be submitted to the committee promptly upon the diversion or elimination of the oranges covered thereby, one copy shall be retained by the handler, and two copies shall be forwarded by the handler to the by-product manufacturer or charitable organization with the understanding that the by-product manufacturer or charitable organization will retain one copy thereof, inserting on the other copy the actual net weight or number of standard packed boxes of oranges received, and forward such copy to the committee.

§ 914.132 *Oranges for export to Mexico.* With respect to each export shipment of oranges to Mexico, the handler shall obtain from the purchaser, at time of delivery of such oranges, a certification on N. O. A. C. Form 16, to the United States Department of Agriculture and the Navel Orange Administrative Committee that such oranges are to be exported to Mexico and will not re-enter the Continental United States or be reshipped to Canada or Alaska. Such certificate shall State the date of shipment, the quantity of oranges included in such shipment, the truck license number or other identification of the carrier of such oranges, the purchaser's permit, identification, or border crossing number, the name of the packinghouse from whom the oranges were purchased, the destination of such oranges, and the signature and address of the purchaser. The certificate shall also be signed by the handler or his authorized representative and the original shall be forwarded by the handler to the committee at the close of each day's business. The duplicate and triplicate shall accompany such oranges and shall be surrendered to the Customs Inspector at the Mexican border. The quadruplicate shall be retained by the handler.

§ 914.133 *Minimum quantities and types of shipments.* (a) Any producer, other than a producer whose principal occupation is that of food distribution, who desires to sell oranges produced by him direct to consumers without regard to volume and size restrictions may file with the committee at the beginning of each marketing season an application for exemption on N. O. A. C. Form 18. Such application shall show: (1) The name and address of the producer; (2) the location at which the producer desires to sell oranges to consumers; (3) the estimated quantity of oranges which will be sold in this manner during the marketing year; and (4) evidence that his principal occupation is not that of food distribution. The producer shall be notified in writing of the action taken by the committee on his application. Upon approval of the application, the producer may sell oranges produced by him direct to a consumer without regard to the restrictions of volume or size prescribed pursuant to Order No. 14. This exemption shall not apply to sales of oranges made at a packinghouse.

(b) Such oranges as are prepared for market by the model packing plant at the National Orange Show, San Bernardino, California, may be handled by the National Orange Show pursuant to § 914.67 if the committee issues assignment of allotment certificates thereon.

§ 914.140 *Weekly reports.* Weekly reports on N. O. A. C. Form No. 4 shall be submitted by all handlers to the committee each Monday, and shall contain the information as is set forth in § 914.70, and shall include the name of the boat used in connection with export shipments.

§ 914.141 *Manifest reports.* Within 24 hours after shipment is made by a handler, he shall submit to the committee, on N. O. A. C. Form No. 3, a manifest report of all oranges so shipped. Such report shall show the rail car number or the serial number of the Certificate of Assignment of Allotment for each shipment, together with the quantity by sizes per standard packed box, or its equivalent, of each shipment made within the United States or to Canada, or to Alaska. If the shipment was made under a size regulation and was covered by an exemption certificate, the certificate number shall also be shown. All manifest reports shall be certified by the handler to the United States Department of Agriculture and to Navel Orange Administrative Committee as to the correctness of the information shown thereon.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date of this subpart until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of Navel oranges are now being made and are currently regulated pursuant to §§ 914.51 through 914.67 of the said marketing agreement and order; (2) it is essential that the said rules and regulations be issued as soon as possible so as to enable the Navel Orange Administrative Committee effectively to perform its duties in accordance with the said marketing agreement and order; and (3) handlers have been notified of the adoption, and recommendation to the Secretary, by the said committee of the said rules and regulations.

Issued at Washington, D. C., this 9th day of March 1954, to be effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1779; Filed, Mar. 11, 1954; 8:52 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

MISCELLANEOUS AMENDMENTS

1. In § 21.201, paragraph (c) (3) is amended (entire content deleted), and the introduction of paragraph (h) (1)

is amended and paragraph (h) (2) is deleted, so that the amended material reads as follows:

§ 21.201 *Types of courses.* • • •
(c) *Combination course.* • • •
(3) *Institutional on-farm course.* (See § 21.201a.)
• • • • • •
(h) *Independent instructor course.* • • •

(1) An independent instructor course will be prescribed only when the course of vocational rehabilitation is not available through an established school, training on-the-job establishment, or sheltered workshop within a reasonable commuting distance from the veteran's home, and the handicap caused by the veteran's disability precludes requiring his going elsewhere for training.
• • • • • •
(2) [Deleted.]

2. A new § 21.201a is added as follows:

§ 21.201a *Institutional on-farm course.* For purposes of Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), an institutional on-farm course is one which is designed to restore employability by training a veteran to operate a farm over which he has control or to manage a farm as the employee of another. Such course shall be carefully planned and developed by the Veterans' Administration in collaboration with the instructor to suit the needs of the individual veteran with full consideration to the size and character of the farm on which the veteran is to receive the on-farm part of his course and to the need for making the veteran proficient in the type farming for which he is training—in planning, producing, marketing, farm mechanics, conservation of farm resources, conservation of food, farm financing, farm management, and the keeping of farm and home accounts. The course shall have the following constituents:

(a) Instruction which will satisfy the requirements of either of the following:

(1) Organized group instruction (classroom) in agricultural and related subjects of at least 200 hours per year (not less than 8 hours in any one month and sufficiently more in other months to aggregate the required 200 hours per year) at an agricultural school or other educational agency, plus individual instruction in accord with either of the following:

(i) Where the farm is under the veteran's own control 100 hours of individual instruction per year, not less than 50 hours of which shall be on such farm with at least two visits by the instructor to such farm each month.

(ii) Where the veteran is to be trained to manage a farm of another, not less than 50 hours of individual instruction per year with at least one visit by the instructor to such farm each month.

(2) On-farm instruction of at least 200 hours per year (not less than 10 hours in any one month and sufficiently more in other months to aggregate the required 200 hours per year) given by a fully qualified individual instructor either by contract with an educational agency or directly with the individual instructor, subject to the following:

(i) It has been definitely found that there is not available within reasonable commuting distance of the veteran's farm organized group instruction (classroom) or that the major portion of such organized group instruction (classroom) as is available does not have direct relation to the veteran's farming operation and the records are clearly and fully documented accordingly, and

(ii) Such instruction is limited to situations where the veteran is being trained to operate a farm over which he has control, and

(iii) Such instruction will be given as individual instruction with at least one visit by the instructor to the farm per week except that, where there are two or more veterans with similar farming operations within reasonable commuting distance of each other enrolled under the same individual instructor, 100 hours (not less than 5 hours per month) of the required 200 hours of on-farm instruction will be given as group on-farm instruction on one of the veterans' farms. The remaining 100 hours of instruction will be given as individual instruction with at least one visit by the instructor to the farm each week.

(b) A plan for training developed by the Veterans' Administration in collaboration with the instructor which will satisfy either of the following requirements:

(1) Where the course is designed to train a veteran to operate a farm under his own control:

(i) A complete, written survey of the farm on which the veteran is to pursue training made by a Veterans' Administration training officer at the veteran's farm prior to induction of the veteran into training and showing for each of the farming enterprises on the farm and for all other factors thereon all characteristics which stand as favorable and unfavorable indications to the pursuit of satisfactory farming on that farm; and showing as further basis for approval or disapproval of the farm for purposes of training under Part VII, an evaluation of the practical potentialities of the farm.

(ii) An overall, long term farm and home plan based upon the survey of the farm showing all farm enterprises which are to be operated and showing for each enterprise the goal in terms of size and/or increased production to which the enterprise must be developed incident to the training and during the training period in order to afford the veteran training to employability as required by the law—not necessarily the maximum potential of each enterprise; showing also the projects and improved practices necessary and which are planned to accomplish the goal in each enterprise; and showing the improvements to be made in family living, i. e., food, shelter, etc.

(iii) An annual farm and home plan prepared before the beginning of each crop year of the prescribed course based upon the overall, long term farm and home plan and showing the veteran's assets and liabilities at the beginning of the crop year and, for each enterprise, the portion of the overall goal that is to be accomplished that crop year and the improvements including projects to be undertaken to accomplish each of the annual goals with the month that each improvement or project is to be started, and the planned expenses and income. The annual farm and home plan also will provide for posting the month that each improvement or project is satisfactorily completed and the actual expenses and income.

(iv) A detailed individual training program showing the kind and amount of instruction—classroom and individual, or on-farm group and individual, or individual—needed and planned for each farm enterprise and/or each assigned project to make the veteran able to accomplish the projects and improved practices in the farm and home plans and providing for recording under each enterprise the total time spent on those projects and the total time devoted to instruction—classroom, on-farm group, or individual as appropriate—and to related home study assignments.

(v) The individual instruction and on-farm group instruction shall be directly concerned with carrying out the overall and annual farm and home plans and the individual training program based thereon and shall consist of teaching the veteran the specific practices and methods appropriate to his particular farm; and teaching him the managerial aspects of farming appropriate to the efficient operation of his particular farm and which are necessary to carry out the veteran's farm and home plan, including the setting up and maintaining of farm and home accounts. It shall include also assigning home studies directly related to particular assigned jobs or projects, the successful accomplishment of which requires the technical information from such related study.

(vi) The major part of the classroom instruction shall have direct relation to the farming activities on the veteran's farm.

(vii) The individual instruction on the farm shall be given by the instructor who gives the organized group (classroom or on-farm) instruction. Where the course consists of individual instruction only, such instruction shall be given by the regularly assigned school instructor or the individual who contracts to furnish the course.

(viii) The operation of the farm shall be under the control of the veteran by ownership, lease, or other written tenure arrangement. Where the tenure arrangement is other than by ownership, the lease or other written agreement shall afford the veteran control of the farm at least until the completion of his course. Also, the lease or agreement must provide for capital improvements to be made which are necessary for carrying out the farm and home plan, with the veteran furnishing no greater portion of the costs thereof than the benefits accruing to him warrant. Furthermore, it must provide for the landlord to share the costs of improved practices put into effect in proportion to the returns he will receive from such practices. The veteran's control must be such that he actually will be free to carry out the teachings of his training program and to operate the farm according to a farm and home plan developed by the Veterans' Administration in collaboration with the instructor, the veteran, and, when appropriate and feasible, the landlord. If the Veterans' Administration finds that because of the limitations imposed by the conditions of tenure, the veteran is not free or will not be free to carry out the teachings of his training program and to operate the farm according to the farm and home plan, the veteran will be deemed not to have operational control of the farm as required by this subdivision. Ordinarily, training under Part VII, Veterans Regulation 1 (a), as amended, will be approved for only one veteran on a single farm. However, where the Veterans' Administration finds that conditions with respect to a particular farm are so highly favorable with regard to its size, character, productivity, and equipment as to assure the successful rehabilitation of a veteran in partnership with another person, such veteran may be placed in training under Part VII with one, but not more than one, other person on a single farm: *Provided*, That that person is a veteran who is, or immediately will be, in IOF training or has satisfactorily pursued IOF training under Part VII, Public Law 346, 78th Congress, as amended, or Public Law 550, 82d Congress: *And provided further*, That there be furnished documentary evidence that the two principals have entered into a bona fide partnership agreement which provides for equal authority between the partners in the management and operation of the farm. Any veteran placed into training under a partnership arrangement will be notified in writing that he will be allowed to remain in training only as long as the stated conditions and other applicable requirements of Veterans' Administration regulations continue to be met. (The foregoing does not prevent a veteran from pursuing IOF training under Part VII on a farm, the control of which he acquires by entering into an agreement, sometimes alluded to as a partnership, whereby the trainee clearly has sole management and operating control of the farm and the "partner" shares only in the returns from the farm.)

(ix) The farm at the time of induction of the veteran into training and throughout the period of training shall be of such size and character that, together with the instruction part of the course, it will occupy the full time of the veteran, will permit instruction in planning, management, and operation of most of the major farming enterprises in the veteran's farm and home plan and, at least by the end of the necessary minimum period of training, will assure him a reasonably satisfactory living under normal economic conditions.

(x) The farm must be equipped with the necessary buildings and equipment to enable the veteran satisfactorily to commence pursuit of the course of institutional on-farm training, and there must be present conditions which give reasonable promise that any additional items required for pursuit of the course, including livestock, will be available as they become necessary.

(xi) The duration of the prescribed course shall represent a reasonable estimate—subject to lengthening or shortening, as necessary, of how long it will take to accomplish the goals set out in the overall farm and home plan. The estimate will be arrived at by determining what portions of the overall goals can be started and completed in the year covered by the first annual farm and home plan; by determining what portions remain uncompleted at the end of the first year; and by determining in what part of what subsequent year the uncompleted portions of the overall goals can be completed.

(2) Where the course is designed to train the veteran to manage a farm as the employee of another:

(i) A complete written survey of the farm on which the veteran is to pursue training made by a Veterans' Administration training officer at the farm prior to induction of the veteran into training and showing the kind and size of each enterprise being conducted on the farm, the kind and amount of equipment being used, the number of employees, and such other factors which would indicate whether the farm facility is satisfactory or unsatisfactory for purposes of training under Part VII.

(ii) The employer-trainer shall have agreed to employ the veteran as manager of the farm on which he is being trained (provided the veteran's conduct and progress are satisfactory) or there shall be definite assurance that the veteran will be employed as manager of a specified comparable farm: *Provided however*, That:

(a) A veteran may be provided a brief period of training not to exceed 1 year as a trainee on a farm of another preparatory to entering training on a farm under his own control, if a course pursued on his own farm cannot be approved at the outset because the veteran lacks the necessary experience in the fundamentals of farming or the history of his past performance is such as to preclude good promise of success in training by the self-proprietorship method. In the first case, a foundation of training in the common farming operations may be provided with an experienced farmer for a brief period not to exceed 1 year, at the end of which period training on a farm under the veteran's control may be entered into contingent upon the successful completion of the training under the employer-trainer. Such a veteran's training program must be carefully developed and must include the arrangement described in this subdivision. In the second case, training may be provided with an experienced farmer for a brief period not to exceed 1 year, carefully observing the veteran throughout the period to determine whether the weaknesses earlier displayed have been satisfactorily overcome. If so, the veteran may be entered into training on a farm under his own control. In either case the plan to train the veteran must be carefully developed and must include the arrangement described in this subdivision.

(iii) The individual instruction on the farm shall be given by the veteran's school instructor.

(iv) The employer-trainer's farm shall be of a size and character which, together with the group instruction part of the course, will occupy the full time of the veteran and will permit instruction in all aspects of the management of a farm of the type for which the veteran is being trained.

(v) The employer-trainer shall agree to instruct the veteran in various aspects of farm management in accordance with the individual training program developed by the Veterans' Administration in collaboration with the instructor and employer-trainer. This program will show for each enterprise or other major heading the kind and amount of instruction—classroom and individual—needed and planned and the various skills and practices relating to the management of the farm which are to be learned by the veteran. Also, the training program will provide for recording the total time devoted to instruction—classroom and individual, the time devoted to each skill and practice, and the time devoted to home study assignments.

(vi) The employer-trainer's farm shall be equipped with the necessary supplies and equipment which will permit instruction in all aspects of the management and operation of a farm of the type on which the veteran is being trained.

(vii) The employer-trainer shall have agreed to pay the veteran for each successive period of training a salary or wage rate commensurate with the value of the veteran's productive labor and not less than that customarily paid to a non-veteran trainee in the same or similar training situation in the community.

3. In § 21.206, paragraph (a) (1) (i) is amended to read as follows:

§ 21.206 *Limitations on training in excess of 4 years.* • • •
(a) *Conditions for approval of training in excess of 4 years.* (1) • • •
(i) The veteran cannot be trained to employability in an occupation, consistent with the vocational handicap resulting from his disability and suitable in terms of his aptitudes, abilities, and interests, without exceeding 4 years of training time: *Provided*, That where more than one objective is determined to be suitable, the one requiring the shortest period of training is selected; or
• • • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective March 12, 1954.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 54-1776; Filed, Mar. 11, 1954; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

WHEAT

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES

Notice is hereby given that the United States Department of Agriculture has under consideration a proposed change in the official grain standards of the United States for wheat (7 CFR 26.101 et seq.) promulgated under the authority of the United States Grain Standards Act, as amended (39 Stat. 482; 54 Stat. 765; 7 U. S. C. 71 et seq.).

A representative group of wheat growers in the Pacific Northwest has requested that consideration be given to revising the wheat standards with respect to the percentages used in stating the quantity of smut dockage in wheat. The wording in this respect in the present standards reads as follows (§ 26.116 (a) (1)): "The percentage so calculated shall be stated in terms of half percent, whole percent, or whole and half percent, as the case may be. A fraction of a half percent shall be disregarded."

It is proposed that the above statement be revised to read as follows: "The percentage so calculated shall be stated in terms of half percent when smut dockage is present in a quantity equal to less than 1 percent, and in terms of whole percent when present in a quantity equal to 1 percent or more. A fraction of a half percent shall be disregarded when smut dockage is present in a quantity equal to less than 1 percent, and a fraction of a percent shall be disregarded when smut dockage is present in a quantity equal to 1 percent or more."

Pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), an informal public hearing will be held and written communications will be received in order that all interested persons may have opportunity to express their views on the proposal to amend the standards. The hearing will be held Friday, April 2, 1954, at 1:00 p. m., P. s. t., in the Veterans Administration Conference Room, 210 Lincoln Building, 5th and Oak Streets, Portland, Oregon, at which interested persons may submit their views and opinions, orally or in writing, with respect to the desirability of promulgating the proposed revision.

Interested persons may also submit written data, views, or arguments to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than April 9, 1954.

Consideration will be given to all information obtained at the hearing, to written data, views, and arguments received by the Director, and to other information available in the U. S. Department of Agriculture, before a decision is made as to what revision, if any, shall be promulgated.

B. W. Whitlock, Grain Division, Agricultural Marketing Service, is hereby designated to conduct the hearing pursuant to this notice and in case he is unable to conduct the hearing any other officer of the Department designated by the Director, Grain Division, Agricultural Marketing Service, is hereby authorized to conduct the hearing.

Issued this 8th day of March 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

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[7 CFR Parts 904, 934, 947, 996, 999]

[Docket Nos. AO-14-A22, AO-83-A18, AO-203-A4, AO-204-A4, AO-113-A15]

HANDLING OF MILK IN GREATER BOSTON, MERRIMACK VALLEY (LOWELL-LAWRENCE), FALL RIVER, SPRINGFIELD, AND WORCESTER, MASSACHUSETTS, MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING ORDERS, AS NOW IN EFFECT, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Worcester, Massachusetts, on September 30, 1953, and at Boston, Massachusetts, October 1 and 2, 1953, pursuant to a notice thereof which was published in the FEDERAL REGISTER (18 F. R. 5652) upon proposed amendments to the tentative marketing agreements and to the orders now in effect, regulating the handling of milk in the Greater Boston, Merrimac Valley (Lowell-Lawrence), Fall River, Springfield, and Worcester, Massachusetts, marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on January 13, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decisions and opportunity to file written exceptions thereto which were published in the FEDERAL REGISTER January 19, 1954 (19 F. R. 333).

The material issues considered at the hearing were concerned with the following:

1. The definition of "receiving plant."
2. The level and basis of pricing Class II milk.
3. The allocation and pricing of milk from other Federal order markets and from unregulated sources.
4. The nearby location differential areas.
5. Marketing service assessment under the Boston order.
6. Extension of the exempt milk definition.
7. A base excess price plan for the Fall River market.
8. Administrative changes.

Rulings. Within the periods reserved for exceptions, interested parties filed exceptions to certain of the findings, conclusions, and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing:

1. *Definition of receiving station.* The present receiving plant definitions of the Greater Boston, Lowell-Lawrence, Worcester, and Springfield orders should be expanded to include a plant where milk is received in bulk from tank trucks which pick up such milk from the bulk farm tanks of individual dairy farmers. The present receiving plant is restricted by definition to a plant, where among other things, milk is received in cans direct from dairy farms.

At the present time considerable attention is being focused on the installation of bulk farm tanks into which the individual farmer places his milk, immediately after milking, for cooling and holding, and from which the hauler transfers the milk to a tank truck for delivery to the milk plant. This type of handling, commonly called "bulk tank pickup", is in its initial phases of development in the New England area and while it is a subject of great interest, it is impossible at this stage of development to envision its ultimate impact on the handling and processing operations of the fluid milk industry. Many problems, particularly with reference to hauling rates and diversions, will undoubtedly be precipitated as application of the method develops. At this time the form and extent of the problems which may arise are speculative and it is unwise to make anticipatory changes in the order language based on conjecture. Such a course of action could result in strangulation of the process or unduly promote it. It is concluded, therefore, that a decision on these matters should be deferred until a later date when experience will indicate the necessary order revisions. In the meantime, however, in order that producers of such milk disposed of to plants associated with the fluid milk operation of the Boston and three secondary markets may continue to be producers under the terms of their respective orders with the privilege of sharing in the equalization pools, and the plants may continue as pool plants, the receiving plant definition in each of these orders should be extended to include a plant where the commingled milk of individual dairy farmers is received in bulk tank trucks direct from the dairy farmers' farms.

Under a bulk tank type of pickup, milk of individual producers is commingled in the bulk tank truck at the time the milk is drawn from the farm tank. Once the milk leaves the farm tank it loses its individual identity. Hence any verification program with reference to weights and tests must begin at the farm tank itself. In order that the market administrator can effectively carry out his responsibilities in this regard he must be advised promptly whenever a producer installs a farm tank and initiates bulk tank shipments. The reporting provisions should, therefore, be amended to place the responsibility of notification on the individual handler to whom the producer disposes of his milk.

2. *Class II prices.* The provisions of the orders which establish floor prices for Class II milk should be amended to provide a floor at the level of prices being paid at all manufacturing plants in the United States on a month to month basis. Although the long time floor price feature presently contained in the several New England orders tends to maintain prices for Class II milk in the Boston area in line with the United States manufacturing milk price, it is possible for the month to month prices in the Boston area to become seriously out of line with the national average. These differences are largely a result of variable cream price quotations when very little cream is being purchased for the Boston market from sources outside the pool.

The record shows that in periods of several months' duration the Boston Class II price has dropped below the level of prices paid at manufacturing plants, even after allowance is made for the different seasonality of the two price series. The floor price factor based on a 12-month average has failed to reflect the divergence of the Boston Class II price at the time the price dropped below the manufacturing plant price to producers.

At the time the present floor price feature was considered for the Boston order in 1951, the series of United States manufacturing milk prices had been available only for a limited period, and there was some uncertainty concerning the short time relationship between this price series and the Boston price. We now have data for seven full years to compare the Class II price with this price series for manufacturing milk purchased at plants throughout the United States. With the data now available it is possible to calculate the normal difference in the seasonal pattern of the Boston Class II prices and the prices paid at manufacturing plants in the United States. By applying this normal seasonal adjustment factor to current prices it is possible to judge whether the level of the Class II price has fallen below the average of prices paid at these manufacturing plants.

The adoption of a floor price related to the current level of prices paid at manufacturing plants rather than a 12-month average should not affect the price level over a period of time. In periods of declining prices the current floor price would be lower than the 12-month average and in periods of rising prices the floor price based on a current relationship of prices would be higher. The floor price feature based on current prices would establish a minimum price for Class II milk in the Boston market in line with current prices for milk used in manufacturing in the country as a whole.

A floor pricing mechanism based on current conditions is needed also to establish Class II prices for New England markets in those periods when cream purchases are insufficient upon which to rely for pricing the large quantity of surplus milk available in the region.

Certain proponents of revisions in the floor price provisions relating to the Class II price asked that the floor be established at the level of price established for milk utilized to make salted butter and cheddar cheese during the period April through July. Others requested that the floor be established at the level of prices paid at a selected group of evaporated milk plants in the midwestern dairy region. Either of these proposals if adopted would raise the price of Class II milk primarily in the season of flush milk production without affecting the price materially in other periods of the year. The evidence in this record supports the need for a year around floor under the Class II price rather than a reduction in the seasonal variable by raising only the flush season prices. It would be possible to apply a seasonal adjustment factor to either the prices paid at plants which manufacture evaporated milk, butter and creamery by-products, or American cheese. However, the price series presently used to compute floor prices reflects the prices paid at all of these types of plants. The record fails to show any need for relating the floor price to prices paid at only certain types of manufacturing plants. It appears therefore, that the floor price should continue to be computed on the basis of the price series reflecting several types of milk manufacturing operations.

A comparison of the simple average of the difference between the prices for Class II milk under the Boston order and the United States manufacturing milk price, adusted by direct ratio to a 3.7 percent butterfat test, for the years 1949 through 1952 shows the Boston price deviated by months by the following amounts:

	Cents		Cents
January	+11	July	+6
February	+10	August	+15
March	−7	September	+12
April	−11	October	+14
May	−14	November	+15
June	−13	December	+15

This variable pattern of Class II prices encourages handlers to accept milk in excess of Class I requirements during the months when seasonally excessive supplies normally exist. On the other hand as supplies relative to Class I sales decline seasonally the Class II prices are normally higher than the United States average for manufacturing milk. This difference in the seasonal pattern of prices should be applied to the calculated allowance.

Although a simple comparison of these seasonal adjustment factors appears to indicate a higher Boston Class II price than the United States manufacturing milk prices, the seasonal pattern of prices in the Boston market results in a lower weighted average figure for all milk going into regular Class II uses as compared to a weighted average of all milk for manufacturing in United States plants, which is handled on a less seasonal basis. We do not have information in this record on which to establish the exact pattern of seasonal deliveries to manufacturing plants in the United States. It may be assumed that such deliveries would more nearly resemble the pattern of all deliveries by producers to Boston pool plants than the pattern of Class II milk. On that assumption, by weighting the seasonal adjustment factors recommended herein by the difference in the seasonal variation of the United States manufacturing milk volumes and the Boston Class II milk utilization, the recommended factors would have raised the annual price level approximately 2½ cents in 1952. Accordingly a factor of minus 3 cents should apply to this floor price formula.

A simple comparison of the Class II price with the United States average furthermore does not take into account the fact that the level of the annual return for Class II milk in recent years has been reduced from ½ cent to 2 cents per hundredweight as a result of the lower prices established for milk which is utilized in salted butter and cheddar type cheeses during certain months in the Boston market.

The proposed floor would have established slightly higher prices for Class II milk during seven of the nine months from October 1949 to June 1950. This was a period in which the cream purchases on which the Boston weighted average price is computed were relatively small. Cream purchases moved up substantially in the last half of 1950 and in those months the Boston Class II price exceeded the proposed floor. Cream purchases were low in 1951 until November and in that year the floor price would have established the Class II price at slightly higher levels in each month from January through September except April and June.

The most important change in the price in recent years would have resulted under the proposed formula during the period November 1952 through March 1953. The adjustments in each of those months would have increased the price 2.7 cents in November, 5.1 cents in December, 10.9 cents in January, 11.7 cents in February and 2 cents in March. This was a period in which cream receipts were exceptionally low for the period of the year. In both January and February there were less than 7,000 cans of cream purchased from nonpool sources by Boston cream buyers.

The recommended formula for establishing a floor price should be used also to determine the Class II price whenever the Boston weighted average cream price is not reported. As heretofore stated the floor price feature is needed particularly when cream purchases are below normal and it is reasonable therefore to use it directly when the market is too thin to warrant a quotation.

Exceptions were filed to the use of the proposed formula as a floor below which Class II prices could not drop although these exceptors conceded that the proposed formula appeared to be reasonable as an alternative when the Boston cream price is not published. Furthermore, each of the exceptors who took this view recommended that publication of the Boston cream price not be made when the receipts of cream are small and the number of buyers or sellers few. If the publication of the cream price is omitted more frequently the use of an alternative would of course be increased. Certain exceptions described the proposed floor feature as a gamble and made much of an alleged uncertainty which might result from the use of such a floor. Contrarily, the element of uncertainty concerning the value of milk used in the manufacture of dairy products would appear to be substantially reduced by the use of a price reported for the entire country and averaging prices paid by such a large number of plants. If any uncertainty remains under this pricing plan it is in the determinations of how much more than milk for manufactured dairy products is milk used for fluid cream and ice cream worth in the New England region. The Boston weighted average cream price has been used as a determinant of that added value and would continue to be used under the proposal for that purpose.

A group of cooperative association handlers urged the use of the Boston cream price whenever it is available on the grounds that such price under normal conditions would return a higher value to producers than the manufacturing milk price. Certainly if we are to regard normal as a period in which the market receipts and sales of Class I milk are balanced at the normal levels recognized in the Class I pricing plan this is true. The only period in the last five years in which the supply was approximately normal as measured by the Class I pricing formula was from October 1951 through October 1952. In that 13 month period the Boston Class II price based on the cream price averaged 14 cents higher than the manufacturing milk price. Since under the proposed price plan such premiums would be continued, producers would receive the higher prices when market cream purchases reflect the higher value.

The same cooperative representatives pointed to the importance of the Boston cream price as a pricing factor for sales at all levels of trade in cream. They asked that the cream price be used whenever possible to facilitate their practice of billing for cream sold on a relationship to the cream price. This difficulty is one which cream buyers and sellers must meet in the absence of a cream quotation. With large prospective supplies of milk in the region it is likely that the cream price will not be published for several months in 1954. During such months the trade will be forced to resort to some other basis of pricing.

If the cream price is published in any month in 1954, the generally large supplies of milk in the region would tend to depress the price and it is not likely that the proposed floor could exceed the cream formula price by any substantial amount. Furthermore, the proposed formula can be expected to be effective as an alternative during several months. It is concluded, therefore, that the floor price feature can be deferred until November 1, 1954, without unduly depressing Class II prices in the region. This period will permit handlers to become accustomed to the new pricing plan during those months in which it is used as an alternative.

In the absence of a cream quotation the butterfat differential should be computed by multiplying the average price for the period of 92 score butter sold wholesale at Chicago by .1.25 to determine a value per pound of butterfat. This factor will approximate the butterfat differential computed at present price levels on the cream price quotation.

The recommended changes in the Boston Class II price and butterfat differential should be adopted also in the similar provisions of the orders regulating the handling of milk in the Fall River, Lowell - Lawrence, Springfield and Worcester markets.

No other changes should be made at this time in these secondary market Class II prices. At the present time the secondary market city plant Class II prices are established at the Boston country plant level, plus the cost of shipping cream to the market. A producer cooperative association proposed that the secondary market Class II city plant prices be increased to the level of the Boston city plant price which is 38.1 cents above the 201–210 mile zone country plant price.

Since most of the milk supply in the secondary markets is received directly at the city plants the problem of disposing of surplus milk at city plants is essentially the same as that at Boston country plants. Butterfat is sold as fluid cream or is frozen and stored for later disposition while skim milk is primarily disposed of as nonfat dry milk powder in competition with products manufactured at Boston country plants or in other surplus production areas. Accordingly it is concluded that the Class II price for secondary market city plants should be maintained in its present relationship with Boston country plant prices.

A handler operating under the Fall River order proposed that in the computation of his uniform price the price actually received for Class II milk disposed of through a producers' association be used in lieu of the specified order price. He contended that he does not realize the full Class II price from the sale of such milk and, accordingly he should not be so charged. The evidence presented in connection with proposals involving the level of Class II price, and discussed elsewhere in this decision, support a strengthening of this price. Accordingly the proposal is denied.

3. *Classification and pricing of milk from nonproducer sources.* The assignment provisions of the Boston, Lowell-Lawrence, Springfield and Worcester orders should be amended to permit the assignment of receipts from New York order pool plants to Class I only to the extent of their classification and actual pricing as pool milk in Class I–A or I–B at the New York order plant. The assignment provisions of the New York order are so constructed that milk may be classified without actually being priced. As a result milk classified as I–A or I–B, but actually unpriced under the New York order passes through New York pool plants and into pool plants under the New England orders. Milk so handled replaces regular producer milk in Class I under the New England orders and may be obtained at considerable saving in cost to the handler.

Only that milk classified as I-A or I-B for which the market administrator is furnished documentary proof of actual pricing in such class should be assigned to Class I under the New England orders. Since proof of pricing can be furnished only by the handler subject to the New York order such receipts from New York order plants should be considered as receipts of outside milk on which the receiving handler must pay the difference between the Class I and the Class II price, unless he obtains from the New York handler satisfactory evidence of the fact that the milk has been priced under the New York order. If such proof is not furnished at the time of the transaction and the milk is treated as outside milk, a subsequent audit adjustment credit would be given the handler for the amount of reimbursement due when satisfactory proof of actual pricing as Class I-A or I-B under the New York order is furnished.

The provisions of the Boston order should be revised to permit sales of Class I milk direct to consumers in the Boston marketing area by Worcester handlers without payment to the Boston pool. The Boston and Worcester marketing areas are so near one to the other that there is considerable overlapping of retail routes of Boston handlers and Worcester handlers. Under the present provisions of the two orders Worcester handlers must pay to the Boston pool the difference between the Class I and Class II prices on all sales of Class I milk which they make within the Boston area while at the same time all Class I sales by Boston handlers in the Worcester market also accrue to the Boston pool. Boston producers thus receive the benefit of all Class I sales in the Boston market irrespective of plant or origin and at the same time receive credit for all Class I sales made by Boston handlers in the Worcester market.

Competition for consumer sales should not be discouraged by Federal regulation. If Worcester handlers extend their sales direct to consumers in the Boston area such sales are a part of the regular fluid market which Worcester producers may expect to supply. This does not extend to all dispositions of packaged Class I milk products since packaging of special products is sometimes accomplished in one plant for more than one market and would therefore not identify the area of a handler's regular business. The Worcester pool should therefore receive credit only for Class I sales direct to consumers in the Boston area.

No change should be made in the present Boston order assignment provision to permit the crediting of a Worcester handler with Class I sales resulting from packaged receipts from the Boston pool plant of the same handler. Proponents of a change asked that the Worcester market be credited with such sales up to the amount of bulk milk moved from the secondary market plant to the Boston plant of such handler. They contended that their proposal is merely an extension of the exempt milk provision as presently applied between Boston handlers and nonfederal unregulated plants.

While the transfer of milk between Worcester and Boston may have some aspects of the practices permitted under the exempt milk provision the situation is fundamentally different. Some Boston handlers who also operate Worcester pool plants regularly supply the Worcester requirements for special types and packages of milk from their Boston plant. Whenever their Worcester receipts exceed their requirements for other fluid sales not regularly supplied from Boston, such excess milk is transferred or diverted to the Boston plant. Accordingly, while receipts from Boston are continuing, regular operations, diversions to Boston are varying and intermittent, occurring usually as surplus milk accumulates in the Worcester market. The problem is one of determining what producers should receive credit for sales made by Boston handlers through their secondary market plant. A revision in the present scheme of allocation to credit such sales to secondary markets would represent a basic departure from the principles under which the present order relationships were established. Insufficient evidence was adduced in this hearing to consider such a fundamental revision at this time.

The present outside milk provisions of the Boston order should be revised to provide that compensatory payments on outside milk be computed at the difference between the zone Class I price and the lowest price for which such milk might logically be obtained at the plant of origin.

The present order provisions provide for a compensatory payment on outside milk received at Boston City plants computed on the basis of the difference between the Boston city plant Class I and Class II prices. The city plant Class II price is the 201–210 mile zone price plus the milk freight to Boston. Under the present scheme of pricing outside milk Boston handlers have been able to receive both unregulated milk and milk regulated under other Federal orders at their city plants at substantial savings in cost over the order prices for such milk. Milk regulated under the Worcester order has been regularly diverted to a Boston city plant and such milk is priced approximately 32 cents under the Boston city plant price. In the case of unregulated milk the primary source of supply has been nonpool milk from plants located in the State of Maine. As a result of a low price for surplus milk in local Maine markets certain Boston handlers have regularly shipped nonpool milk to Boston in increasing volumes. Although other provisions of the Boston order require an additional payment of approximately 13.9 cents on each hundredweight of milk so received, handlers have been able to secure a substantial competitive advantage as a result of the saving in cost of such milk used for fluid sales in the marketing area.

If outside milk is regularly received in the market because of a monetary advantage which accrues to the handler it is obvious that producers of such milk are deprived of the actual use value of their milk. As regular suppliers of the market they should enjoy the same pooling privilege as other producers under the order. Unless handlers are required to pay prices equivalent to actual order prices for outside milk it is likely that a greater and greater proportion of the market supply will come from such nonpool sources.

In the absence of any competitive or regulatory force which compels all handlers to pay producers for milk used in fluid outlets at a rate commensurate with its value for such use, the position of any handler who pays Class I prices is insecure, if not untenable, whenever cheaper milk is available to the market.

A classified pricing program under regulation cannot hope to be successful in the long run in insuring returns to producers at rates contemplated by the act if it is possible for some handlers to purchase outside milk at less than the Class I producer price and sell it for Class I use. Any handler who finds himself in a situation where his competitors pay less for fluid milk than he pays will be compelled to resort to the same methods, if possible. A price advantage in using outside milk is a compelling force in promoting its greater use and as a result it is probable that regular sources of regulated milk would eventually be abandoned by handlers, thus creating insecurity for themselves, producers, and consumers alike.

Sale of lower priced milk and consequent displacement of producer milk can occur under the order if plants distributing milk in the marketing area simply shift their purchases of milk to unregulated sources. By restricting or discontinuing purchases of milk from regulated sources, a handler could distribute such lower priced milk as Class I. Alternative supplies of milk for the purpose might be obtained from any unregulated source which was acceptable to the appropriate health authority in the marketing area. Such sources would not become regulated unless they met the pooling requirements for supply plants and the handler had not requested a nonpool plant status.

Producer milk might also be displaced to the extent that handlers not qualified under the performance standards of the order distributed milk directly to consumers in the marketing area. This would be possible to some extent, under the provisions of the order, since a distributing plant must sell certain minimum percentages of its milk in the marketing area in order to qualify for pooling.

It is concluded, therefore, that the compensation provisions of the order are necessary to insure against the displacement of producer milk for the purpose of cost advantage. This is essential to preserve uniformity of pricing to all handlers under the classified pricing program of the order. If intermittent supplies are not to be subject to the full regulation of the order, there is no choice as to what type of provision can be used for this purpose since minimum class prices may not be set under the order for handlers who do not participate in market-wide equalization. The only alternative is to levy a charge against unpriced milk to the extent necessary for the removal of any advantage there may be in using unregulated milk in Class I instead of regulated producer milk.

Several methods might be suggested for determining what rate of compensation payment would be appropriate. One of these is to ascertain the actual cost to the regulated handler of milk which he purchases from unregulated plants and charge as a compensation payment any amount by which the Class I price exceeded the cost of the unregulated milk used in Class I. Such a scheme is not sound from the standpoint of administrative feasibility and it would not necessarily remove the advantage in using unregulated milk even though it were feasible. Billing prices between dealers may not represent actual cost. In the case of a firm which owns or controls pool plants under the Boston order as well as unregulated plants, the rate of payment from one plant to another if any were made would have little or no significance. If such a provision were to be adopted, the billing rate might be deliberately set in each instance at a level which would avoid any payments without regard to the value of the milk.

A handler having no unregulated plants would no doubt find it possible to arrange a billing price on purchased milk which would avoid any compensatory payments. If a handler had the choice of paying money to the market-wide pool or to a person from whom he was buying milk, he would probably choose the latter. A kick-back arrangement or offsetting purchase and sale might readily be arranged, perhaps through a third party. Since the billing price for milk would be a selfserving figure for both parties to the transaction, it would be virtually impossible to ascertain that it represented true cost to the purchaser.

If the stated purchase price were a true cost, it would still not fulfill the purpose of removing the advantage to unregulated milk to base compensation payments on the difference between such price and the Class I price. The record discloses that sales of priced milk between regulated handlers ordinarily take place at the class price plus a handling charge. This handling charge may vary according to circumstances, but represents a payment to the receiver

of the milk to offset his purchasing and handling costs, such as receiving, weighing, testing and cooling the milk, paying the producers, profit margin, and so on. The cost of receiving the milk in bulk form is somewhat less than receiving it from producers. Thus, in order to remove the advantage to unregulated milk, it would be necessary to provide that the cost of bulk unregulated milk be somewhat more than the Class I price. It would be exceedingly difficult to determine what this excess rate should be.

Another method is to determine the price actually paid dairy farmers by the unregulated milk dealer who first received the milk, and base the compensation payment thereon. This method has several shortcomings. The various payment plans which might be and are used in paying farmers for milk would make the determination of pay rates to each farmer an extremely complicated task. For example, unregulated milk dealers may use varying rates of butterfat differentials, different types of base rating plans, various premium payments, and so on. These various schemes used by dealers for paying farmers could make it impossible to determine the actual rate of payment. Stated prices can be an illusion since actual cost of milk may be modified by items such as hauling subsidies or overcharges, and all kinds of supplies and services which might be overpriced or underpriced to the farmer. Whatever payment plan an unregulated milk dealer may use is a matter of his own choice. Determination of pay rates to farmers by unregulated dealers is handicapped also by the lack of verification of butterfat tests and weights. In the case of cooperatives, part of the proceeds from the sale of milk is often distributed at the end of a fiscal year.

Another possible method for determining the rate of compensation payments would be to base the rate of payment on the difference between blend prices prevailing in an area and the Class I price. This would presume that unregulated handlers will be forced by competition to pay farmers approximately average blend prices. While this may be true in many instances, it is not necessarily always true, and a payment based on the difference between such prices could not be expected to insure that unregulated milk would not be used to displace regulated milk for cost reasons at all times throughout the year. Unregulated plants, as well as regulated plants, have some surplus milk at all times and particularly during the seasons of flush production. As a result, prices paid farmers are, in fact, blend prices made up of returns from the sale of milk in Class I outlets, as well as sales to the surplus market. If an unregulated plant were in a position to sell its surplus milk for Class I use in the marketing area and maintain its own Class I outlets, it would have a competitive advantage over unregulated handlers who found it necessary to dispose of part of their milk as surplus.

In the absence of a compensation payment, the unregulated plant might sell its milk for Class I use in other markets at substantial handling charges whenever fluid milk tended to be in short supply, and then dispose of milk for Class I use in the regulated market to maintain its blend price during the season of flush production when Class I sales elsewhere were difficult to make. A plant which could thus keep its disposition of milk largely as Class I and avoid qualification as a pool plant would be in a position to pay its farmers at a higher rate than that received by producers under the order, or it could retain the extra money as profits. In either case, however, pool milk would be at a disadvantage relative to unregulated milk.

Since none of these suggestions presents an acceptable approach to the problem of compensation payments, it is necessary to resort to a different procedure. The only sound method of dealing with this problem seems to be one based on a recognition of the economics involved as they affect producers and handlers. This approach resolves itself primarily into a question of market values for milk.

Handlers under the order seeking to purchase unregulated milk will naturally resort to the lowest cost source from which suitable milk is available. In fixing the rate of compensation payment, it is necessary, therefore, to determine what the lowest cost source may be and to base the payment on the difference between the cost of such milk and the cost of milk for Class I use as priced under the order.

For the most part milk produced in the New England area and not regulated under Federal orders is regulated by the individual states. In general the alignment as between State and Federal minimum prices has been reasonably close, most of the states following the Boston order prices. It is concluded that fixing the compensatory payment rate at the difference between the Boston Class I and Class II prices in the mileage zone in which the originating plant is located would accomplish the desired pricing, except under the special circumstances discussed below.

In the case of the nearby area of Massachusetts, Rhode Island, and Connecticut, location with respect to centers of distribution has a direct and positive effect on prevailing prices with the result that the city plant prices established under Federal regulation represent prevailing prices at the point of origin. Consequently, it is concluded that for receipts of outside milk from within the State of Massachusetts and from nearby States of Rhode Island and Connecticut the compensatory payment rate should be the difference between the secondary market city plant Class I and Class II prices.

Outside milk receipts from points within the State of Maine must be accorded somewhat different treatment since on the basis of the record surplus prices are established under the Maine State Milk Commission lower than the surplus prices prevailing in other parts of New England. Maine has a very high potential as a continuing source of supply in substantial and increasing volume. Under the present pricing scheme in effect under the Maine State order the Class II or surplus price is based solely on the weighted average cream price at Boston and includes no value for skim. During the months of April, May and June the price for surplus in excess of 15 percent is established 35 cents below "cream value." Since milk would logically move from the cheapest available source it is from these prices which we must compute our compensatory payment. Accordingly, it is concluded that on all outside milk received at Boston plants direct from plants located within the State of Maine the compensatory payment should be the difference between the Class I price established under the Boston order for the zone in which the originating plant is located and the Boston order Class II price for such zone or, in the event the Maine State order surplus price is below the Boston order Class II price, the lowest price for Class II milk established for the month under the provisions of such Maine State order.

Such payments are necessary to sustain the classification and pricing of milk according to its use in the market. In the current economic circumstances they will remove any unfair competitive advantage of outside, unpriced milk in relation to priced milk and thereby will avoid displacement of producer milk. However, if experience proves that milk is available to handlers at any time of the year at prices lower than those anticipated, the rates of compensation payments should be reviewed on the base of such experience.

The implementation of the recommended method of computing compensatory payment charges requires some revision of the method of determining the quantities of Class I milk of producers which should be allocated to each of a handler's plants. Such changes are provided in the recommended amendment set forth in this decision.

4. *Location differential areas.* No change should be made at this time in the boundaries of the nearby differential areas as set forth under the provisions of the Boston, Springfield, Worcester and Lowell-Lawrence orders.

Springfield producers operating in Berkshire County proposed that the nearby differential area boundary which presently terminates at the Berkshire County line be extended to include the County of Berkshire. They contended that their exclusion from the area deprives them of an additional 46 cents per hundredweight which their neighbors across the county line enjoy. Producers in the easternmost tier of towns in Berkshire County are included in the intermediate area and receive a differential of 23 cents per hundredweight. Producers in the remainder of the county receive the basic blended price.

The record indicates that Berkshire producers have access to only limited outlets for their milk. With the exception of a New York order pool plant located at Great Barrington, there is no practical outlet for present Springfield producers in this area. As a result virtually all of the milk produced in the upper two thirds of the county, except that disposed of in limited local markets, moves to Springfield. There is no evidence that present prices have resulted in any shift of these producers away from the Springfield market.

The present scheme of pricing under the Springfield order is designed to provide prices generally in line with Boston and New York order prices at competing points. Blended prices which Springfield producers located in Berkshire County have actually received have consistently exceeded the Great Barrington plant prices. Any change in the pricing structure which would increase the disparity between Springfield and New York blend producer prices would tend to promote shifts of producers away from the New York market and would tend to disrupt the orderly marketing of milk in both the Springfield and New York markets.

One handler asserted that the areas to which the nearby location differentials apply under the Boston, Springfield, Lowell-Lawrence and Worcester orders should be revised. These differentials have been established on the records of previous hearings with respect to these several orders and no new evidence was presented on the record of this hearing which would alter the earlier conclusions.

5. *Marketing service under the Boston order.* Order provisions requiring that marketing services be rendered to producers who are not members of cooperative associations should not be incorporated into the Boston order at this time. Under the present order provisions a limited check testing program and market information program is carried on with administrative funds. Certain cooperative associations proposed that a marketing service assessment be established under the Boston order and a comprehensive marketing service program be initiated for nonmember producers.

The act is specific with reference to a marketing service deduction. The language is permissive rather than mandatory. Most of the Federal milk marketing orders now in effect do make provision for a marketing service program financed through a marketing service assessment. Each of the New England secondary market orders now has such a provision for a marketing service program.

The evidence on the record suggests the need for a more comprehensive marketing service program under the Boston order. However, evidence is incomplete concerning the scope of the program now in effect, the type of program desirable under the Boston order, and the extent of personnel and funds which would be necessary to carry it out. The question should be further explored at a future hearing with particular attention as to the details on type and extent of program needed and the estimated cost thereof. It is concluded that no action should be taken on this issue on the basis of this record.

The reporting provisions of the Boston order should be amended to require that a handler promptly report to a cooperative association of producers the date on which any member producer, for whom the handler has had prior notification of association membership, begins or terminates his deliveries of milk to such handler.

If an association of producers is to effectively consumate its marketing obligations under its membership contracts it is essential that it have up to date knowledge as to the plant to which the milk of its members is disposed of. In a market the size of Boston shifts of producers from one handler to another are a common occurrence. Unless some formal procedure for notification is followed, an association cannot effectively follow the disposition of its members' milk for purpose of checking weights and tests.

Furthermore, since the order presently provides that authorized deductions be made by the handler and turned over to the association it is desirable that a more effective procedure be devised for following producer changes as between handlers. A positive system for following producer changes gives a cooperative association greater assurance of collecting authorized operating revenues while, at the same time, providing member producers greater assurance of the performance of effective marketing services by their association.

Since information on "starts and stops" are now required to be reported to the market administrator the job of notifying the several cooperative associations of changing status of their producer members might be considerably simplified if it were made a permissive task of the market administrator on specific authorization by the handler. Accordingly it is provided that the handler may discharge his responsibility by authorizing the market administrator to furnish the several associations such information with reference to its membership.

6. *Definition of exempt milk.* No revision should be made in the Springfield order provisions which would alter the procedure for computing charges presently assessed against a handler doing only a minor portion of his business within the marketing area.

Under the present order provisions a handler's plant is required to pool if at least 10 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk within the marketing area. The operator of a plant not qualifying for pooling must either purchase pool milk in a volume equivalent to his sales of Class I milk in the marketing area, or pay on the volume of milk so disposed of, the difference between the Class I and Class II price.

A handler presently doing only a minor portion of his business in the marketing area asked that the order be amended to provide that a handler operating a nonpool plant and disposing of less than 10 percent of his Class I business, but not more than 200 quarts of milk daily, to consumers within the marketing area be exempted from any pool payment if he purchased an equivalent volume of milk from a dairy farmer located within the marketing area. He maintained that small handlers operating in the area immediately adjacent to the marketing area are severely penalized as a result of any minor sales made within the marketing area. They must either buy pool milk to cover the volume of such sales in which case they are charged premiums over the Class I price, or they must pay the difference between the Class I and Class II price in event they buy no pool milk. In either case their milk costs are in excess of the Class I price.

The problem of fringe area sales exists whenever marketing area boundaries are established. Handlers within the regulated area normally have some sales outside the area and outside handlers normally have or desire sales on routes extending into the area.

The present order provisions are written to assure producers regularly supplying the market priority in the Class I sales of the market, and an equal share in the distribution of the pool. A handler operating only nominally within the marketing area has the alternative of increasing his market area business to meet minimum pooling requirements, withdrawing entirely from the area of regulation, or buying pool milk to cover his market area Class I sales. If his within-area sales are sought as an outlet for milk surplus to his regular sales he should be required to make retribution to the pool. Since the pool does not share in his regular Class I sales, it is not reasonable that his excess milk should replace producer milk in Class I sales of the market.

7. *Base excess price plan for Fall River market.* The proposal for the inclusion of a base-rating plan in the Fall River order should not be adopted at this time. The proposal was made by a handler operating under the order with the view of promoting a more desirable pattern of milk production among his several producers. A base rating plan is a price plan employed in fluid milk markets to promote a pattern of production compatible with market requirements. A base rating plan does not affect the handlers' costs of milk but is a method of distributing monies as between producers. Such a plan should have general producer support to be considered. The record fails to show that producers were consulted or would support a base rating plan.

8. *Administrative changes.* Other order changes herein recommended for adoption are of an administrative nature, largely nonsubstantive in effect, and their adoption was not contested by either producers or handlers. These changes would correct the references to the New England Joint Tariff rates, delete volume and city plant location differentials as set forth under the Boston order, correlate the numbering scheme under the Boston and secondary market orders, provide a uniform monthly date for adjustment payments due to and from the market administrator, change the due date of market service assessments in the secondary markets to conform with the due date of other payments to the market administrator, and substitute the name "Merrimack Valley" in place of "Lowell-Lawrence" as the marketing area defined by Order No. 34.

The "other differentials" set forth in section 65 of the Boston order provide permissive deductions in the case of city plants located outside the marketing area and in the case of small country plants. No handlers have taken advan-

tage of these permissive differentials in recent years and very few handlers have operations which would permit them to qualify in any event. It is unlikely that competition would enable any handler to take advantage of this permission. The differential rates set forth were established early in the period of regulation in the market and there is no reason to expect that they would be appropriate at the present time. It is concluded therefore that the provision should be deleted.

Changing the name of the marketing area under order No. 34 to the "Merrimack Valley" provides a more appropriate name for the area now covered by the order. Ever since the addition of Haverhill as a part of the marketing area, considerable confusion has occurred locally because of the restricted nature of the name Lowell-Lawrence. "Merrimack Valley" is the name by which the area actually regulated is usually referred to and its use is more appropriate under the circumstances.

General findings. (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable only to, persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and in the orders, now in effect, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest.

Marketing agreements and orders. Annexed hereto and made a part hereof are separate marketing agreements and orders amending the orders regulating the handling of milk in the Greater Boston, Merrimack Valley (Lowell-Lawrence), Springfield, Worcester, and Fall River, Massachusetts, marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Order of the Secretary directing that referenda be conducted; determination of representative periods and designation of agents to conduct such referenda. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608 (c) (19)), it is hereby directed that referenda be conducted among the producers (as defined in the orders, as amended, and as hereby proposed to be further amended, regulating the handling of milk in the Greater Boston, Merrimack Valley, Fall River, Springfield and Worcester marketing areas) who, during the determined representative periods, were engaged in the production of milk for sale in the respective marketing areas, specified in the aforesaid orders, as amended, and as hereby proposed to be further amended, to determine whether such producers favor the issuance of the orders amending the orders, as amended, which are a part of this decision.

The representative period for the conduct of these referenda are hereby determined to be:

Greater Boston, September 1953.
Merrimack Valley, November 1953.
Springfield, November 1953.
Worcester, November 1953.
Fall River, December 1953.

John J. Hogan is hereby designated as agent of the Secretary to conduct the referendum with respect to the Fall River order and Richard D. Aplin is hereby designated as agent of the Secretary to conduct the referenda on each of the other aforesaid orders. Such referenda shall be conducted in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the attached orders amending the orders, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 8th day of March 1954.

[SEAL] JOHN H. DAVIS,
Acting Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area

§ 904.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and hereby further amended:

1. In §§ 904.2 (e) and 904.48 (b) (1), delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley."

2. Delete § 904.3 (d) and substitute therefor the following:

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

3. Delete § 904.4 (f) (3) and substitute therefor the following:

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a Worcester regulated plant, without its intermediate movement to another plant.

4. Delete § 904.27 and substitute therefor the following:

§ 904.27 *Assignment of receipts from New York order pool plants.* Receipts from New York order pool plants shall be assigned to Class II milk, except as provided in § 904.28, and except that receipts during the months of August through March which are classified and priced in Class I–A or I–B under the New York order shall be assigned to Class I milk.

5. Delete § 904.29 (a) and substitute therefor the following:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(a) Subject to the provisions of §§ 904.47 and 904.65, all receipts of outside milk shall be considered as receipts of Class II milk, and shall be assigned to that class without regard to the specific use of such receipts.

6. Delete § 904.32 (a) and substitute therefor the following:

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

7. In § 904.32 add a new paragraph (c) as follows:

(c) Each handler who is not an association of producers shall, upon request from any such association, promptly furnish it with information with respect to each of its producer members who starts, resumes, or stops deliveries to any of the handler's pool plants. Such information shall include the date on which the change took place, the producer member's post office address and farm location, and, if known, the plant to which he previously delivered, or the reason for his failure to continue deliveries. In lieu of his providing the information directly to the association, the handler may authorize the market administrator to furnish the association with such information, derived from the handler's reports and records.

8. Delete the title and first sentence of § 904.41 and substitute therefor the following:

§ 904.41 *Class II Price.* The Class II price per hundredweight at plants located in the 201–210 mile zone shall be determined for each month pursuant to this section.

* * * * *

9. Delete § 904.41 (a) and substitute therefor the following:

(a) Subject to § 904.43 (c), subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month, divide the remainder by 33, multiply by 0.98, and multiply the result by 3.7.

10. Delete § 904.41 (c) and substitute therefor the following:

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month. Subject to paragraph (d) of this section, the result is the Class II price per hundredweight for milk received from producers at plants located in the 201–210 railroad freight mileage zone.

Month:	Amount (cents)
January and February	67
March and April	79
May and June	85
July	79
August and September	73
October, November, and December	67

11. Delete § 904.41 (d) and substitute therefor the following:

(d) For each month in which no cream price, as described in paragraph (a) of this section, is reported, and for each month beginning with November 1954 in which the amount determined pursuant to this paragraph is greater, than the amount computed pursuant to paragraph (c) of this section, the amount determined pursuant to this paragraph shall be the Class II price per hundredweight of milk received from producers at plants located in the 201–210 railroad freight mileage zone.

(1) Divide the average price for milk for manufacturing purposes, f. o. b. plants United States as reported on a preliminary basis by the United States Department of Agriculture for the month by the average butterfat test of such milk and multiply by 3.7.

(2) Adjust the result obtained in subparagraph (1) by the amount shown below for the applicable month:

Month:	Amount (cents)
January	+8
February	+7
March	−10
April	−14
May	−17
June	−16
July	+3
August	+12
September	+9
October	+11
November	+12
December	+12

12. In the first sentence of § 904.43 change the reference "New England Joint Tariff—M No. 6" to "New England Joint Tariff—M No. 7."

13. In § 904.44 (b) insert a new sentence immediately following the first sentence as follows: "If the Class II price is determined pursuant to § 904.41 (d), subtract the amount determined pursuant to paragraph (a) of this section from the simple average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market, as reported for the month by the United States Department of Agriculture multiplied by 1.22."

14. Delete § 904.47 and substitute therefor the following:

§ 904.47 *Allocation of Class I milk to plants.* For the purpose of determining the respective quantities of Class I milk subject to the applicable zone prices, each pool handler's Class I milk during the month, after excluding receipts assigned to Class I pursuant to §§ 904.25 through 904.28, shall be allocated to plants as follows:

(a) His Class I milk first shall be allocated to receipts at his city plants of milk from producers' farms; and then to the receipts of outside milk at his city plants from unregulated plants located in Connecticut, Massachusetts, or Rhode Island.

(b) Thereafter, his Class I milk shall be allocated to other plants in the order of the nearness of the plants to Boston by railroad freight mileage distance. The quantity allocated to any of his pool plants shall be equal to its shipments of fluid milk products, other than cream, to the limit of its receipts from producers' farms. The quantity allocated to any unregulated plant shall be equal to its shipments of outside milk to the handler's regulated plants. However, shipments to plants located in the States of Maine, New Hampshire, Vermont, or New York, with respect to which utilization as Class II is established shall not be allocated to Class I milk.

(c) For the purpose of this section, a handler's receipts of outside milk from dairy farmers for other markets shall be considered as shipped from the unregulated plant to which such farmers ordinarily delivered.

15. In § 904.51 renumber the present paragraphs (e) and (f) as paragraph (d) and (e), respectively, and change in paragraphs (a) and (b) the reference "§ 904.66" to "§ 904.65."

16. Delete § 904.62 and substitute therefor the following:

§ 904.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 904.61 (b) and 904.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 904.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

17. In § 904.63 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92 score) butter at wholesale in the Chicago market as reported for the period betwen the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture, and then dividing by 10."

18. Delete §§ 904.65 and 904.66 and substitute therefor the following:

§ 904.65 *Payments on outside milk.* Within 23 days after the end of each month, each handler who handles outside milk shall make such payment thereon to producers, through the market administrator, as is required by the applicable provisions of this section.

(a) Each pool handler who receives outside milk which is allocated to Class I milk in accordance with § 904.47, and each buyer-handler or producer-handler whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such allocated quantity or excess quantity as follows:

(1) On outside milk received at a regulated city plant from an unregulated plant located in Connecticut, Massachusetts, or Rhode Island, the payment shall be at the difference between the Class I price applicable to milk received from producers at city plants and the Class II price applicable to milk received from producers at plants located in the 201–210 freight mileage zone plus 5.8 cents.

(2) On outside milk received at any regulated plant from an unregulated plant located in Maine, the payment shall be at the difference between the price pursuant to § 904.40 applicable at the freight mileage zone of the unregulated plant and the lesser of either the simple average for the month of the lowest minimum semimonthly prices for Class II milk containing 3.7 percent butterfat which are established by the Maine Milk Commission for the market in which such unregulated plant is located or the price determined pursuant to § 904.41 applicable at the freight mileage zone of such plant.

(3) Except as provided in subparagraphs (1) and (2) of this paragraph, the payment on outside milk received at any regulated plant from an unregulated plant shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the location or freight mileage zone of the unregulated plant.

(4) For the purposes of this paragraph, outside milk received from dairy farmers for other markets shall be considered as received from the unregulated plant to which they ordinarily delivered.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the location or freight mileage zone of the handler's plant.

19. Renumber § 904.75 as § 904.66.

20. In § 904.67 change the reference "§ 904.66" to "§ 904.65".

21. In § 904.68 (e), delete the reference "§§ 904.65 and 904.75," and substitute therefor "§ 904.66".

22. Renumber §§ 904.77 and 904.78 as §§ 904.72 and 904.73, respectively.

23. In § 904.12 (c), change the reference "§ 904.77" to "§ 904.72".

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Merrimack Valley (Lowell-Lawrence), Massachusetts, Marketing Area

§ 934.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Merrimack Valley (Lowell-Lawrence), Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Merrimack Valley (Lowell-Lawrence), Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and hereby further amended:

1. In § 934.1 (b) and (c), delete the words "Lowell-Lawrence, Massachusetts, marketing area" and substitute therefor the words "Merrimack Valley, Massachusetts marketing area".

2. Delete § 934.3 (b) and substitute therefor the following:

(b) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank trucks; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

3. In § 934.12 (b), change the reference "§ 934.71" to "§ 934.72".

4. Delete § 934.27 (c) and substitute therefor the following:

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I–A or I–B under the New York order.

5. Delete § 934.32 (a) and substitute therefor the following:

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

6. Delete all of the language of § 934.40 following the words "plus 52 cents".

7. Delete § 934.41 and substitute therefor the following:

§ 934.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of this subchapter plus 5.8 cents.

8. In § 934.42, change the heading of the table from "Differentials for Determination of Country Plant Prices" to "Differentials for Determination of Zone Prices".

9. Delete § 934.43 and substitute therefor the following:

§ 934.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 934.42 and the price factors specified in §§ 934.40 and 934.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a), (b), and (c) of this section shall be made to the nearest one-half cent per hundredweight, and adjustments pursuant to paragraph (d) shall be made to the nearest one-tenth cent per hundredweight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201–210 miles is changed, the price factor of 52 cents specified in § 934.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans for mileage distances of 201–210 miles is changed, the price factor of 5.8 cents specified in § 934.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

10. In § 934.48 (b) (1) delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley".

11. In § 934.50 (g) delete the reference "§ 904.66 (b)" and substitute therefor "§ 904.65 (b)".

12. Delete § 934.62 and substitute therefor the following:

§ 934.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 934.61 (b), 934.65, and 934.66, the market administrator shall promptly issue to the handler a charge bill or credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 934.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

13. In § 934.63 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92 score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the United States Department of Agriculture, and then dividing by 10."

14. In § 934.68 (e), delete the reference "§§ 934.69 and 934.70," and substitute therefor "§§ 934.70 and 934.71,".

15. In the first sentence of § 934.69 delete the words "25th day" and substitute therefor the words "23d day".

16. Renumber §§ 934.69 through 934.72 as §§ 934.70 through 934.73, respectively.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Order[1] Amending the Order, As Amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area

§ 947.0 *Findings and determinations.—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and hereby further amended:

1. In §§ 947.50 and 947.53 delete the reference "New England Joint Tariff M No. 6" and substitute therefor the reference "New England Joint Tariff M No. 7".

2. Delete § 947.51 and substitute therefor the following:

§ 947.51 *Class II prices.* Each handler shall pay producers or cooperative associations for Class II milk containing 3.7 percent butterfat delivered by them to plants located within 100 miles of the City Hall in Fall River, not less than the Class II price determined for the month pursuant to § 904.41 of this subchapter for Class II milk received from producers at plants located in the 201–210 freight mileage zone under such order, plus the amount of 5.8 cents: *Provided*, That the factor 5.8 cents shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof. The adjusted rate shall be computed by dividing such cream freight rate by 9.05, then multiplying by 1.03 and adjusting the result to the nearest one-tenth cent. Any such adjusted rate shall become effective in the first complete month in which such increase or decrease in the tariff applies.

3. In § 947.54 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the United States Department of Agriculture, and then dividing by 10."

4. In § 947.48 (b) (1) delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley".

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area

§ 996.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and hereby further amended:

1. Delete § 996.3 (b) and substitute therefor the following:

(b) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

2. Delete § 996.27 (c) and substitute therefor the following:

(c) Receipts from New York order pool plants shall be assigned to Class I if classified and priced in Classes I–A or I–B under the New York order.

3. Delete § 996.32 (a) and substitute therefor the following:

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

4. Delete all of the language of § 996.40 following the words "plus 52 cents".

5. Delete § 996.41 and substitute therefor the following:

§ 996.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of this subchapter plus 5.8 cents.

6. In §§ 996.2 (e), 996.4 (f) (2), 996.16 (c), (d), and (e), 996.20 (c), 996.27 (b), 996.48 (b) (1), and 996.66, delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley".

7. Delete § 996.43 and substitute therefor the following:

§ 996.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 996.42 and the price factors specified in §§ 996.40 and 996.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a), (b), and (c) of this section shall be made to the nearest one-half cent per hundredweight, and adjustments pursuant to paragraph (d) of this section shall be made to the nearest one-tenth cent per hundredweight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201–210 miles is changed, the price factor of 52 cents specified in § 996.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans for mileage distances of 201–210 miles is changed, the price factor of 5.8 cents specified in § 996.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

8. Delete § 996.62 and substitute therefor the following:

§ 996.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 996.61 (b), 996.65, and 996.66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 996.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

9. In § 996.63 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the United States Department of Agriculture, and then dividing by 10."

10. In the first sentence of § 996.70 delete the words "25th day" and substitute therefor the words "23d day".

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area*

§ 999.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and hereby further amended:

1. Delete § 999.3 (b) and substitute therefor the following:

(b) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

2. In §§ 999.2 (e), 999.4 (f) (2), 999.16 (c), (d), and (e), 999.20 (c), 999.27 (b), 999.48 (b) (1), and 999.66, delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley".

3. Delete § 99.27 (c) and substitute therefor the following:

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I–A or I–B under the New York order.

4. Delete § 999.32 (a) and substitute therefor the following:

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

5. Delete all of the language of § 999.40 following the words "plus 52 cents".

6. Delete § 999.41 and substitute therefor the following:

§ 999.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.8 cents.

7. Delete § 999.43 and substitute therefor the following:

§ 999.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 999.42 and the price factors specified in §§ 999 40 and 999.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a), (b), and (c) of this section shall be made to the nearest one-half cent per hundredweight and adjustments pursuant to paragraph (d) of this section shall be made to the nearest one-tenth cent per hundredweight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201-210 miles is changed, the price factor of 52 cents specified in § 999.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100-199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100-199 cans for mileage distances of 201-210 miles is changed, the price factor of 5.8 cents specified in § 999.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

8. Delete § 999.50 (g).

9. Delete § 999 62 and substitute therefor the following:

§ 999.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 999.61 (b), 999 65, and 999.66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 999.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

10. In § 999.63 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the United States Department of Agriculture, and then dividing by 10."

11. In the first sentence of § 999.70 delete the words "25th day" and substitute therefor the word "23d day".

[F. R. Doc. 54-1761; Filed, Mar. 11, 1954; 8:49 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 907]

[Docket No. AO 212-A7]

Handling of Milk in Milwaukee, Wisconsin, Marketing Area

Notice of Hearing on Proposed Amendments to Tentatively Approved Marketing Agreement and to Order, as Amended

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 322, Federal Building, 517 East Wisconsin Avenue, Milwaukee, Wisconsin, beginning at 10:00 a. m., c. s. t., March 16, 1954.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Milwaukee, Wisconsin, marketing area and to the proposed amendments set forth herein below, or modifications thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Blochowiak Dairy; Borden Company; Gehl's Dairy; Layton Park Dairy; Wern Farms; Wilke Dairy; Hawthorn Mellody Farms Dairy; and Wm. H. Heinemann Creameries, Inc.:

1. Add paragraph (f) to § 907.51 as follows:

(f) *Handling allowance credit.* Subtract for each of the months of April, May and June 1954, a handling allowance credit computed as follows:

(1) Determine the total pounds of producer milk classified as Class III (a) milk, Class III milk, and Class IV milk (other than shrinkage and inventory variation) during the current delivery period, and the same delivery period in 1953;

(2) If the total pounds of milk computed pursuant to subparagraph (1) of this paragraph for the current delivery period is greater than the amount so computed for the same delivery period during 1953, the difference less any increase in the pounds of Class III (a) milk and Class III milk combined shall be the pounds of milk subject to a handling allowance credit;

(3) Multiply the pounds of milk computed pursuant to subparagraph (2) of this paragraph by $0.30 per hundredweight. The result is the handling allowance credit.

By Wm. H. Heinemann Creameries, Inc.:

2. Delete § 907.41 (d) (1) reading: "(1) Contained in butter, cheese (except cottage cheese) and livestock feed," and delete the following proviso from § 907.51 (c): "*Provided also,* That whenever the price for Class IV milk for the month is higher than the price computed pursuant to this paragraph, the price for Class III (a) milk shall be the latter price and the price for all other Class III milk shall be the same as the price for Class IV milk."

By the Dairy Division, Agricultural Marketing Service:

UNIVERSITY OF MICHIGAN LIBRARIES

3. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the said order as amended, may be procured from the Market Administrator, 956 North Twelfth Street, Milwaukee 3, Wisconsin, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 9, 1954, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1780; Filed, Mar. 11, 1954; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 11]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 4, 1954.

Pursuant to exchanges made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315g) the following described lands have been reconveyed to the United States:

BOISE MERIDIAN

T. 14 S., R. 16 E.,
Sec. 30, SE¼, E½SW¼.
Sec. 31, NE¼, E½SE¼, E½NW¼.
Sec. 32, W½W½, SE¼SW¼.
T. 12 S., R. 16 E.,
Sec. 23, W½NW¼.

The areas described aggregate 840 acres.

Based on available information, the lands described appear to be primarily grazing in character and are suitable for retention in public ownership for range management purposes under the administration of the Bureau of Land Management.

While any application that is filed will be considered on its merits, it is unlikely that any part of the lands will be classified for any use or disposal other than that shown above.

No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws unless the lands have been classified as valuable or suitable for such type of classification or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Land Office, Boise, Idaho.

J. G. FRIEDLY,
Acting Regional Administrator.

[F. R. Doc. 54-1774; Filed, Mar. 11, 1954; 8:52 a. m.]

[Docket Nos. DA-96, 115]

WASHINGTON

RESTORATION ORDER UNDER FEDERAL POWER ACT

MARCH 4, 1954.

Pursuant to determinations DA-96 and 115, Washington, of the Federal Power Commission, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described, insofar as they are withdrawn and reserved for power purposes, are hereby restored, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920, (41 Stat. 1075; 16 U. S. C. section 818),

WILLAMETTE MERIDIAN, WASHINGTON

T. 28 N., R. 34 E.,
Sec. 28, Lot 8
Sec. 29, Lots 3 and 4
Sec. 32, Lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, and 12
Sec. 33, Lots 9, 10, 13, 14, and 16

The areas described aggregate 345.15 acres.

The lands described lie at an elevation of 1290 feet on Franklin D. Roosevelt Lake, and the major portion of the lands are exceedingly rough and form a sharp break from a high plateau into the lake, and they are classified as primarily valuable for recreational purposes and suitable for State lieu selection.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Washington for a period of 90 days from date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request in the Land Office, Spokane, Washington.

J. G. FRIEDLY,
Acting Regional Administrator.

[F. R. Doc. 54-1773; Filed, Mar. 11, 1954; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DRIED PRUNES PRODUCED IN CALIFORNIA

PRUNE ADMINISTRATIVE COMMITTEE NOMINEES

Determination with respect to number of nominees which may be nominated by cooperative marketing associations and number of handler member nominees which may be nominated by large, medium and small independent handlers, respectively, as members of Prune Administrative Committee in 1954 election year.

It is provided in § 993.28 (a) (2) of Marketing Agreement No. 110, as amended, and Marketing Order No. 93, as amended, (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), that: (1) Prior to March 1 of each election year, the committee shall report to the Secretary the total tonnage of prunes handled by all handlers as the first handlers thereof and the total tonnage of prunes handled by cooperative marketing associations as the first handlers thereof during the crop year preceding such election year; (2) prior to March 15 of each election year, the Secretary shall determine and announce the number of producer member nominees and producer alternate member nominees which shall be nominated by cooperative marketing associations handling prunes on behalf of their members; and (3) such number of nominees shall bear, as far as practicable, the same percentage compared to the total of 14 producer members and their alternates as the prune tonnage handled by cooperative marketing associations as the first handlers thereof bears to the total tonnage handled by all handlers as the first handlers thereof during the crop year preceding such election year.

It is provided in § 993.28 (b) of said marketing agreement and order that: (1) Prior to March 15 of each election year the Secretary shall determine and announce the number of handler member nominees and handler alternate member nominees which shall be nominated by cooperative marketing associations handling prunes, on the same basis as his determination of the number of cooperative producer nominees, as set forth in paragraph (a) of such section; (2) at the same time he shall determine and announce, for those handlers who are not cooperative marketing associations (referred to as "independent handlers"), the number of handler member nominees and handler alternate member nominees to be nominated by large handlers, the number to be nominated by medium handlers, and the number to be nominated by small handlers; and (3) large handlers shall be deemed to be those who during the preceding crop year individually handled as the first handlers thereof, 17 or more percent of the total tonnage handled by independent handlers as the first handlers thereof; medium handlers, those who durifig the preceding crop year individually handled as the first handlers thereof, 8 or more percent but less than 17 percent of the total tonnage handled by independent handlers as the first handlers thereof; and small handlers, those who during the preceding crop year individually handled as the first handlers thereof, less than 8 percent of the total tonnage handled by independent handlers as the first handlers thereof.

It is further provided in said § 993.28 (b) that the Secretary shall, in his discretion and insofar as it is possible to do so, apportion 40 percent of the independent handler nominees to large handlers, 20 percent of the independent handler nominees to medium handlers, and 40 percent of the independent handler nominees to small handlers, but in the event that these proportions cannot be followed, there shall be at least one independent handler member nominee and handler alternate member nominee apportioned to each of the three classes of independent handlers, and the nominees for any remaining member positions, including the respective alternates, shall be apportioned to the size class or classes as determined at a general meeting of independent handlers which shall be called for that purpose by the committee, such determination to be made on the basis of a majority vote of all independent handlers who are present at such meeting and participate in the voting, and on the further basis of one vote for each such handler in each balloting.

Pursuant to the aforesaid provisions and on the basis of available information, it is hereby determined and announced that: (1) Cooperative marketing associations handling prunes on behalf of their members shall nominate, pursuant to § 993.28 (a) (2) of the aforesaid marketing agreement and order, five producer member nominees and five producer alternate member nominees and, pursuant to § 993.28 (b) of the aforesaid marketing agreement and order, three handler member nominees and three handler alternate member nominees; (2) each of the three respective classes of independent handlers, large, medium, and small, as defined in the aforesaid § 993.28 (b) shall nominate, pursuant to the provisions of that section, one handler member nominee and one handler alternate member nominee; and (3) independent handlers, in a meeting called for that purpose by the committee, shall determine, pursuant to the applicable provisions of the aforesaid § 993.28 (b), the size class to which one handler member nominee and one handler alternate member nominee shall be apportioned.

It is hereby found that it is impracticable and unnecessary to give preliminary notice, engage in public rule making and postpone the determination and announcement of the number of member and alternate member nominees to be nominated by cooperative marketing associations handling prunes on behalf of their members and the number of handler member nominees and handler alternate member nominees to be nominated by large, medium, and small independent handlers, respectively, until 30 days after publication thereof in the FEDERAL REGISTER because: (1) the determinations are the result of mathematical computations based upon the tonnages handled by all handlers and by each cooperative marketing association, as already reported to the Prune Administrative Committee by each individual handler; (2) these determinations and this announcement are required to be made by March 15, 1954; (3) the names of the nominees must be submitted to the Secretary of Agriculture before March 31, 1954; and (4) compliance with these determinations will not require any special preparation on the part of interested parties, and a reasonable time is permitted, in the circumstances, for such compliance.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 605c; 7 CFR 993.28 (a) and (b))

Done at Washington, D. C., this 9th day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1778; Filed, Mar. 11, 1954; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938,

GOVERNMENT DOCUMENTS LIBRARIES

as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214, as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops, wage rates and the effective and expiration dates of the certificates are set forth below. In each case, the wage rates are established at rates not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or at wage rates stipulated in the certificate, whichever is higher.

New Hampshire Association for the Blind, 155 North Main Street, Concord, N. H.; at a rate of not less than 5 cents per hour for a training period of 160 hours and 15 cents thereafter. Certificate is effective February 1, 1954, and expires January 31, 1955.

New York Guild for the Jewish Blind, 1880 Broadway, New York 23, N. Y.; at a rate of not less than 20 cents per hour. Certificate is effective March 1, 1954, and expires February 28, 1955.

Albany Association of the Blind, Inc., 19 Chestnut Street, Albany, N. Y.; at a rate of not less than 34 cents per hour. Certificate is effective February 19, 1954, and expires January 31, 1955.

Goodwill Industries of New Jersey, 288 Clark Street, Jersey City 4, N. J.; at a rate of not less than 50 cents per hour. Certificate is effective February 1, 1954, and expires January 31, 1955.

Goodwill Industries of New Jersey, 574 Jersey Avenue, Jersey City, N. J.; at a rate of not less than 50 cents per hour. Certificate is effective February 1, 1954, and expires January 31, 1955.

Altro Work Shops, Inc., 1021 Jennings Street, Bronx 60, N. Y.; at a rate of not less than 20 cents per hour. Certificate is effective February 4, 1954, and expires January 31, 1955.

Albany Association of the Blind, Inc., 208 State Street, Albany, N. Y.; at a rate of not less than 34 cents per hour. Certificate is effective February 5, 1954, and expires January 31, 1955.

The Industrial Home for the Blind, 520 Gates Avenue, Brooklyn, N. Y.; at a rate of not less than 10 cents per hour for a training period of 480 hours and 40 cents thereafter in the Broom Department; 40 cents per hour for a training period of 400 hours and 60 cents thereafter in the Brush Department; 10 cents per hour in the Homework Department; 10 cents per hour for a training period of 320 hours and 35 cents thereafter in the Mop Department; 10 cents per hour for a training period of 100 hours and 40 cents thereafter in the Part-Time Work Department; 30 cents per hour in the Work Research Department. Certificate is effective January 26, 1954, and expires May 31, 1954.

Northampton County Branch, Pennsylvania Association for the Blind, 129 East Broad Street, Bethlehem, Pa.; at a rate of not less than 10 cents per hour for a training period of 200 hours and 35 cents thereafter. Certificate is effective February 1, 1954, and expires January 31, 1955.

United Vocational Employment Service, 931 Penn Avenue, Pittsburgh, Pa.; at a rate of not less than 10 cents per hour for a training period of 160 hours and 25 cents thereafter. Certificate is effective March 1, 1954, and expires February 28, 1955.

Association of the Blind of South Caroline, P. O. Box 2, Columbia, S. C.; at a rate of not less than 57½ cents per hour. Certificate is effective March 1, 1954, and expires February 28, 1955.

Cincinnati Goodwill Industries & Rehabilitation Center, 514 East Pearl Street, Cincinnati 2, Ohio; at a rate of not less than 20 cents per hour for a training period of 160 hours and 30 cents thereafter in the contract shop; 20 cents per hour for a training period of 40 hours and 30 cents thereafter in the warehouse and other departments. Certificate is effective February 18, 1954, and expires January 31, 1955.

Cincinnati Association for the Blind, 1548 Central Parkway, Cincinnati, Ohio; at a rate of not less than 15 cents per hour for a training period of 120 hours and 40 cents thereafter in the broom and brush division; 15 cents per hour for a training period of 120 hours and 40 cents thereafter in the mop making division; 15 cents per hour for a training period of 120 hours and 20 cents thereafter in the contract shop. Certificate is effective February 1, 1954, and expires January 31, 1955.

Goodwill Industries of Akron, Inc., 119 North Howard Street, Akron, Ohio; at a rate of not less than 40 cents per hour for a training period of 40 hours and 45 cents thereafter in the sort belt department; 25 cents per hour for a training period of 40 hours and 45 cents thereafter in the baler and warehouse department; 25 cents per hour for a training period of 120 hours and 50 cents thereafter in the contract department. Certificate is effective February 1, 1954, and expires January 31, 1955.

Goodwill Industries of Dayton, Inc., 201 West Fifth Street, Dayton, Ohio; at a rate of not less than 15 cents per hour for a training period of 80 hours and 40 cents thereafter. Certificate is effective February 1, 1954, and expires January 31, 1955.

The Volunteers of America, 290 North Main Street, Mansfield, Ohio; at a rate of not less than 40 cents per hour for a training period of 40 hours and 70 cents thereafter in the warehouse; 40 cents per hour for a training period of 40 hours and 45 cents thereafter in other departments. Certificate is effective February 18, 1954, and expires January 31, 1955.

Wabash Valley Goodwill Industries, Inc., 120–122 North Fifth Street, Terre Haute, Ind.; at a rate of not less than 50 cents per hour for a training period of 160 hours and 75 cents thereafter. Certificate is effective March 1, 1954, and expires February 28, 1955.

Goodwill Industries, Inc., 316 Chapin Street, South Bend 25, Ind.; at a rate of not less than 50 cents per hour. Certificate is effective February 1, 1954, and expires January 31, 1955.

Evansville Goodwill Industries, 18 Locust Street, Evansville, Ind.; at a rate of not less than 60 cents per hour. Certificate is effective February 1, 1954, and expires January 31, 1955.

Arkansas Lighthouse for the Blind, 1706 East Ninth Street, Little Rock, Ark.; at a rate of not less than 25 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective March 1, 1954, and expires February 28, 1955.

Daisy Ann Originals Manufacturing Company, 2710 Elm Street, Dallas, Tex.; at a rate of not less than 30 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective February 1, 1954, and expires July 31, 1954.

San Mateo County Society for Crippled Children and Adults, Inc., P. O. Box 308, Burlingame, Calif.; at a rate of not less than 25 cents per hour. Certificate is effective March 1, 1954, and expires February 28, 1955.

Occupation Exchange, 1843 Empire Street, Burbank, Calif.; at a rate of not less than 25 cents per hour for a training period of 160 hours and 75 cents thereafter. Certificate is effective February 15, 1954, and expires February 14, 1955.

Oakland Center—California Industries for the Blind, 570 36th Street, Oakland, Calif.; at a rate of not less than 25 cents per hour for residents; 25 cents per hour for a training period of 160 hours and 50 cents thereafter for non-residents. Certificate is effective February 1, 1954, and expires January 31, 1955.

Volunteers of America, 2300 East 14th Street, Oakland 1, Calif.; at a rate of not less than 55 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective January 25, 1954, and expires January 15, 1955.

Union Gospel Mission, 716½ First Avenue, Seattle 11, Wash.; at a rate of not less than 25 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective February 6, 1954, and expires January 31, 1955.

Saint Vincent DePaul Society of Los Angeles, Inc., 717 South Burlington Avenue, Los Angeles 57, Calif.; at a rate of not less than 50 cents per hour for a training period of 160 hours and 75 cents thereafter. Certificate is effective February 16, 1954, and expires February 15, 1955.

Richmond Goodwill Industries, Inc., 1903 East Marshall Street, Richmond, Va.; at a rate of not less than 40 cents per hour. Certificate is effective March 1, 1954, and expires February 28, 1955.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 2d day of March 1954.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 54-1744; Filed, Mar. 11, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6529]

WEST PENN POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ACQUISITION AND MERGER OR CONSOLIDATION OF FACILITIES

MARCH 8, 1954.

Notice is hereby given that on March 5, 1954, the Federal Power Commission issued its order adopted March 3, 1954, authorizing and approving acquisition and merger or consolidation of facilities in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1745; Filed, Mar. 11, 1954; 8:45 a. m.]

[Docket No. E-6541]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SHORT-TERM PROMISSORY NOTES

MARCH 8, 1954.

Notice is hereby given that on March 4, 1954, the Federal Power Commission issued its order adopted March 3, 1954, authorizing issuance of short-term promissory notes in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1746; Filed, Mar. 11, 1954; 8:45 a. m.]

[Docket No. E-6542]

EL PASO ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PREFERRED STOCK AND FIRST MORTGAGE BONDS

MARCH 8, 1954.

Notice is hereby given that on March 4, 1954, the Federal Power Commission issued its order adopted March 3, 1954, authorizing issuance of preferred stock and first mortgage bonds in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1747; Filed, Mar. 11, 1954; 8:45 a. m.]

[Docket No. G-2078]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF ORDER AFFIRMING DECISION

MARCH 8, 1954.

Notice is hereby given that on March 4, 1954, the Federal Power Commission issued its order adopted March 3, 1954, affirming decision of Presiding Examiner in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1748; Filed, Mar. 11, 1954; 8:46 a. m.]

[Docket No. G-2339]

EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 8, 1954.

Notice is hereby given that on March 5, 1954, the Federal Power Commission issued its order adopted March 3, 1954, issuing certificate of public convenience and necessity in the the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1749; Filed, Mar. 11, 1954; 8:46 a. m.]

[Docket No. G-2347]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 8, 1954.

Notice is hereby given that on March 5, 1954, the Federal Power Commission issued its order adopted March 3, 1954, issuing certificate of public convenience and necessity and approving abandonment of interstate operation of facilities in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1750; Filed, Mar. 11, 1954; 8:46 a. m.]

[Docket Nos. IT-5696, 5697, 5698]

ALUMINUM CO. OF AMERICA ET AL.

NOTICE OF OPINION NO. 267 AND ORDER

MARCH 8, 1954.

In the matters of Aluminum Company of America, Knoxville Power Company, and Carolina Aluminum Company; Docket Nos. IT-5696, 5697, 5698.

Notice is hereby given that on March 4, 1954, the Federal Power Commission issued its opinion and order adopted March 3, 1954, requiring Knoxville Power Company and Carolina Aluminum Company to apply for licenses for the continued operation and maintenance of their respective developments in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1751; Filed, Mar. 11, 1954; 8:46 a. m.]

[Project No. 1432]

KADIAK FISHERIES CO.

NOTICE OF ORDER AMENDING LICENSE (MAJOR)

MARCH 8, 1954.

Notice is hereby given that on March 8, 1954, the Federal Power Commission issued its order adopted March 3, 1954, amending license (Major) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1762; Filed, Mar. 11, 1954; 8:50 a. m.]

[Project No. 2150]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MARCH 8, 1954.

Public notice is hereby given that Puget Sound Power & Light Company, of Seattle, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for preliminary permit for proposed Project No. 2150 to be located on the Baker River in Whatcom County, Washington, and affecting lands of the United States within Mt. Baker National Forest. The proposed project would consist of a concrete dam at the Engletrout damsite, a short distance above the head of Lake Shannon reservoir; a reservoir about 9 miles long with water surface 704 feet above sea level; a tunnel about ¼ mile long and penstocks; a powerhouse having an installation of about 60,000 kilowatts; and appurtenant facilities. The project will operate as an integral part of applicant's power system and power generated will be distributed to customers throughout the system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before April 21, 1954. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1763; Filed, Mar. 11, 1954; 8:50 a. m.]

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SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3198]

ALABAMA POWER CO.

ORDER AUTHORIZING SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

MARCH 8, 1954.

Alabama Power Company ("Alabama"), a public utility subsidiary of The Southern Company, a registered holding company, having filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly section 6 (b) of the act and Rule U-50 thereunder, with respect to the following proposed transaction:

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $17,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1984. The new Bonds will be secured by a Supplemental Indenture to be dated as of March 1, 1954, between Alabama and Chemical Bank & Trust Company, Trustee. The interest rate and the price to be paid to Alabama will be determined by competitive bidding.

Alabama proposes to use the proceeds from the sale of the new bonds for the construction or acquisition of permanent improvements, extensions and additions to its property and for the payment of short-term bank loans in the amount of $4,790,000 incurred for such purpose.

The issue and sale of said bonds have been expressly authorized by the Public Service Commission of Alabama, in which State Alabama is organized and doing business.

The fees and expenses to be incurred in connection with the issue and sale of the bonds, except underwriting discounts and commissions, are estimated by Alabama as follows:

Alabama mortgage privilege tax	$25,500
Federal original issue tax	18,700
Filing fee, Securities and Exchange Commission	1,751
Listing on New York Stock Exchange	2,040
Charges of trustee (including counsel)	11,100
Cost of temporary and definitive bonds	9,000
Printing	20,000
Recording supplemental indenture	1,500
Fees of counsel:	
Winthrop, Stimson, Putnam & Roberts, counsel to company	10,000
Reid & Priest, counsel to the purchasers (fee to be paid by purchasers)	7,000
Fees of accountants	6,000
Fees of Southern Services, Inc	7,000
Miscellaneous	3,000
	122,591

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and it appearing to the Commission that the fees and expenses, as estimated, are not unreasonable and that the application should be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1753; Filed, Mar. 11, 1954; 8:46 a. m.]

[File No. 30-82]

WEST PENN RAILWAYS CO.

NOTICE OF FILING FOR AN ORDER THAT APPLICANT HAS CEASED TO BE A HOLDING COMPANY

MARCH 8, 1954.

Notice is hereby given that West Penn Railways Company ("Railways"), a registered holding company, has filed an application under section 5 (d) of the Public Utility Holding Company Act of 1935 ("act"), requesting the Commission to declare by order that Railways has ceased to be a holding company.

Railways registered as a holding company under section 5 of the act by filing its Notification of Registration on Form U5A, dated March 2, 1937. At the time of such registration, Railways owned 866,000 shares of common stock of West Penn Power Company, a public utility company, such shares constituting 31.207 percent of the outstanding voting securities of West Penn Power Company.

Pursuant to a plan under section 11 (e) of the act, approved by order of the Commission dated July 28, 1949 and enforced by an order of the United States District Court for the Southern District of New York dated August 23, 1949, Railways was reorganized and, on August 25, 1949, distributed to its parent, The West Penn Electric Company, certain of its assets including said 866,000 shares of the outstanding common stock of West Penn Power Company. Railways does not now, directly or indirectly, own, control, or hold with power to vote any outstanding voting securities of a public-utility company or of a company which is a holding company.

Notice is further given that any interested person may, not later than March 19, 1954, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed, or as amended, may be granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1754; Filed, Mar. 11, 1954; 8:47 a. m.]

[File No. 70-3196]

GENERAL PUBLIC UTILITIES CORP. ET AL.

ORDER GRANTING AND PERMITTING TO BECOME EFFECTIVE JOINT APPLICATION-DECLARATION REGARDING PROPOSED BANK BORROWINGS BY REGISTERED HOLDING COMPANY; ISSUANCE AND SALE OF COMMON STOCK BY PUBLIC-UTILITY COMPANY TO PARENT; AND AMENDMENT OF CHARTER BY PUBLIC-UTILITY COMPANY

MARCH 8, 1954.

In the matter of General Public Utilities Corporation, Associated Electric Company, Pennsylvania Electric Company; File No. 70-3196.

General Public Utilities Corporation ("GPU"), a registered holding company, Associated Electric Company ("Aelec"), a registered holding company and a subsidiary of GPU, and Pennsylvania Electric Company ("Penelec"), a public-utility subsidiary of Aelec, have filed a joint application-declaration, and amendments thereto, with this Commission pursuant to sections 6 (a), 6 (b), 7, 9 (a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-45 and U-50 (a) (3) thereunder regarding the following proposed transactions:

GPU proposes to make borrowings and reborrowings from one or more commercial banks from time to time, but not later than December 31, 1954, provided, however, that no such borrowings or reborrowings will be made after GPU shall have completed its 1954 common stock financing program. The aggregate amount of such borrowings to be outstanding at any one time will not exceed $7,500,000. Each borrowing will bear interest at the then prime interest rate for commercial loans (such rate now being 3¼ percent) but not in excess of 3¾ percent per annum. Each borrowing will mature 10 months from the date it is effected, but will be prepayable without premium. GPU states that it will utilize the proceeds from such borrowings to make additional investments in the common stock of its subsidiaries and represents that it will sell additional shares of its own common stock, from time to time during 1954, in order to obtain the funds necessary to repay such borrowings.

GPU proposes to make cash capital contributions to Aelec from time to time, but not later than June 30, 1954, in an aggregate amount not to exceed $6,235,000. Aelec proposes to use such funds to purchase from Penelec, and Penelec proposes to issue and sell to Aelec a total of 311,750 additional shares of Penelec's common stock, par value $20 per share, at the aggregate par value thereof of $6,235,000. Penelec represents that the funds received by it from the sale of the additional shares of its common stock will constitute the common stock component of its 1954 financing program. Penelec states that the proceeds from the sale of its additional common stock will be applied by it toward the cost of its 1954 construction program, or to reimburse its treasury for expenditures heretofore made for construction.

Penelec also proposes, subject to obtaining the consent of the holders of its common stock, to amend its charter so as (1) to increase from $150,000,000 to $250,000,000 the amount of its indebtedness authorized by such charter to be outstanding at any one time and (2) to increase its authorized common stock from 3,000,000 shares par value $20 per share, to 3,100,000 shares, par value $20 per share.

Applicants-declarants represent that no Federal or State regulatory agency, other than this Commission, has jurisdiction over any of the proposed transactions except the sale by Penelec of additional shares of its common stock as to which the Pennsylvania Public Utility Commission has jurisdiction. The proposed sale by Penelec of additional shares of its common stock has been expressly authorized by the Pennsylvania commission.

The filing states that the expenses to be incurred in connection with the proposed transactions, other than the Federal issue taxes amounting to $6,858.50 and Pennsylvania Excise tax amounting to $28,000 on the sale of Penelec's common stock, are estimated at not to exceed $500 for each company.

Applicants-declarants request that the Commission's order herein be issued pursuant to Rule U-23 of the rules and regulations promulgated under the act, waive the 30-day waiting period and request that the Commission's order become effective upon issuance.

Due notice having been given of the filing of said joint application-declaration, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied, and observing no basis for adverse findings; and deeming it appropriate in the public interest and the interests of investors and consumers to grant and permit said amended joint application-declaration to become effective forthwith:

It is hereby ordered, That said amended joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, pursuant to Rule U-23, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1755; Filed, Mar. 11, 1954; 8:47 a. m.]

[File No. 70-3199]

PENNSYLVANIA ELECTRIC CO.

ORDER REGARDING SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

MARCH 8, 1954.

Pennsylvania Electric Company ("Penelec"), a public-utility subsidiary of Associated Electric Company and of General Public Utilities Corporation, both registered holding companies, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder regarding certain proposed transactions which are summarized as follows:

Penelec proposes to issue and sell for cash, after competitive bidding in accordance with the requirements of Rule U-50, $12,000,000 principal amount of additional First Mortgage Bonds ("New Bonds"). The New Bonds will be issued under the Mortgage and Deed of Trust, dated as of January 1, 1942, between Penelec and Bankers Trust Company, as Trustee, as heretofore amended and supplemented and as to be amended and supplemented by a further supplemental indenture to be dated March 1, 1954.

The net proceeds of the New Bonds will be used to retire $10,000,000 of notes heretofore issued under a credit agreement to finance construction, and the balance together with other corporate funds, will be used to finance further construction. The $10,000,000 so paid on outstanding notes out of the proceeds of the New Bonds will be reborrowed under said credit agreement on or before September 30, 1954, to mature on December 31, 1957. It is stated that Penelec's 1954–1956 construction program contemplates cash expenditures of $78,000,000.

The issuance and sale of said bonds have been expressly authorized by the Pennsylvania Public Utility Commission, the State Commission in which Penelec is organized and doing business.

The fees and expenses to be incurred in connection with the issuance and sale of the bonds, except underwriting discounts and commissions, are estimated by Penelec as follows:

Securities and Exchange Commission filing fee	$1,236
Federal issue tax	13,200
Printing registration statement, prospectus, exhibits, engraving and other incidental expenses	23,500
Legal fees (including $7,500 to Ballard, Spahr, Andrews & Ingersoll and $3,500 to Berlack, Israels & Liberman)	16,000
Accounting services	3,000
Indenture trustee fees and expenses	6,400
Fees for recording supplemental indenture	800
Miscellaneous	5,864
	70,000

The fee of Beekman & Bogue, counsel for the successful bidders, to be paid by the latter, is estimated at $7,000.

Penelec requests that the Commission's order become effective upon issuance.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and it appearing to the Commission that the estimated fees and expenses are not unreasonable, provided they do not exceed the amounts estimated, and that the application should be granted.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1756; Filed, Mar. 11, 1954; 8:47 a. m.]

[File No. 70-3205]

NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF PROPOSED AMENDMENT OF DECLARATION OF TRUST AND SOLICITATION OF SHAREHOLDERS IN CONNECTION THEREWITH

MARCH 8, 1954.

Notice is hereby given that New England Gas and Electric Association ("Association"), a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a), 7, and 12 (e) of the act and Rules U-61 and U-62 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

The management of the Association proposes that the first and last paragraphs of section 22 of the Association's Declaration of Trust be amended as follows:

Proposal No. 1. The proposed amendment of the first paragraph of section 22 would expand and clarify the power of the Trustees of the Association to issue authorized but unissued common shares without further vote of the preferred and common shares. In addition to the clarification of existing powers, the amendment would permit the investment of proceeds of the sale of Association common shares in debt securities, as well as in stock, of subsidiaries including Algonquin Gas Transmission Company.

The amendment would also permit the exchange of Association common shares for publicly held stock of any subsidiary of the Association, or for stock of any Massachusetts gas or electric company if as a result of such exchange the Association will own 51 percent or more of such stock.

In the opinion of Association's counsel, this amendment requires the consent of a majority of the outstanding common shares, and of a majority of the outstanding preferred shares, of the Association.

Proposal No. 2. The proposed amendment of the last paragraph of section 22 would amend the preemptive rights provision insofar as fractional shares are concerned. Under the proposed amendment the Trustees would have express power to eliminate subscription rights for fractional shares, provided each such holder is given (a) the cash equivalent of the fractional interests to which he would otherwise be entitled, or (b) sufficient subscription rights to enable said holder to subscribe for one whole share.

In the opinion of Association's counsel, this amendment requires the consent of two-thirds of the outstanding common

shares, and of a majority of the outstanding preferred shares, of the Association.

The management further proposes to submit these amendments to the shareholders of the Association at the annual meeting to be held on May 4, 1954, and to solicit proxies in favor of said amendments. On or about April 3, 1954, the Association will mail Notice of Annual Meeting of Shareholders, Proxy Statement, and Proxy to shareholders of record on March 30, 1954. Expenses of solicitation will be borne by the Association. It is estimated that expenditures other than ordinary expenditures in connection with preparing, assembling and mailing proxies and proxy statements will not exceed $1,000.

Notice is further given that any interested person may, not later than March 22, 1954, at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1757; Filed, Mar. 11, 1954; 8:47 a. m.]

[File No. 70-3206]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF FILING REGARDING BORROWING OF NOT TO EXCEED $8,500,000 FROM A COMMERCIAL BANK

MARCH 8, 1954.

Notice is hereby given that Arkansas Louisiana Gas Company ("Arkansas"), a public utility subsidiary of Cities Service Company, a registered holding company, has filed a declaration with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"). All interested persons are referred to said declaration which is on file in the office of this Commission for a more detailed statement of the transaction therein proposed, which is summarized as follows:

Pursuant to a Credit Agreement to be entered into between Arkansas and Guaranty Trust Company of New York ("Guaranty") Arkansas proposes to borrow from Guaranty not to exceed in the aggregate $8,500,000 from time to time not later than November 1, 1954, in amounts of $100,000 or any multiple thereof. To evidence each such borrowing, Arkansas will issue and deliver to Guaranty a Promissory Note in the principal amount of such borrowing, maturing February 1, 1956, and bearing interest at the rate of 3¼ percent per annum payable on the first days of February, May, August, and November of each year.

Under the Credit Agreement, Arkansas will have the right, at any time prior to November 1, 1954, by three business days' notice in writing to Guaranty, to reduce the aggregate amount which Guaranty is obligated to lend to Arkansas to $5,000,000 or any amount between $5,000,000 and $8,500,000 which is a multiple of $100,000. As consideration for Guaranty's commitment, Arkansas will be obligated to pay Guaranty on November 1, 1954, a commitment fee equal to one-half of 1 percent per annum on the daily average unborrowed amount which Guaranty shall have been obligated to lend from the date of the Credit Agreement to November 1, 1954.

The proceeds of the loans are to be used for construction expenditures during 1954, which are estimated to aggregate $12,830,000. Certain of the facilities to be constructed will enable Arkansas to increase the amount of gas to be furnished to Arkansas Power and Light Company, one of its largest industrial customers; and upon completion and connection of such facilities, Arkansas Power and Light Company will advance $3,694,000 to Arkansas to be refunded by credits on the purchase price of gas thereafter furnished by Arkansas. The amount of the advance to be refunded subsequent to 1954 is expected to be $3,500,000. Approximately $4,330,000 of said construction expenditures will be obtained from depreciation and depletion accruals, and up to $8,500,000 from borrowings under the Credit Agreement.

Arkansas will have the privilege of prepaying the Notes at any time and from time to time without premium in amounts of $100,000 or multiples thereof, provided the funds therefor are derived only from (i) the issue and sale of additional bonds, (ii) payments of not to exceed $3,500,000 to be received by Arkansas from Arkansas Power and Light Company, or (iii) Arkansas' own operations in the normal course of business. If prepayment is made from funds derived from any other source, Arkansas will pay a premium calculated at the rate of ¼ of 1 percent per annum of the principal amount of the Note or Notes so prepaid from the date of such payment to the maturity date thereof.

Upon receipt of the aforesaid advance from Arkansas Power and Light Company, Arkansas proposes, to the extent then deemed appropriate, to reduce the amount which Guaranty shall be obligated to lend under the Credit Agreement to an amount between $5,000,000 and $8,500,000 which is a multiple of $100,000, as permitted by the Credit Agreement, and may also prepay without premium one or more of the Notes.

Fees and expenses are estimated at $6,750 which includes counsel fees of $5,000. It is stated that no State or Federal Commission other than this Commission has jurisdiction over the proposed transaction. It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than March 19, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1758; Filed, Mar. 11, 1954; 8:48 a. m.]

[File No. 70-3209]

CENTRAL POWER AND LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING THE ISSUANCE AND SALE OF NEW BONDS AND PARTIAL REDEMPTION OF OUTSTANDING BONDS

MARCH 8, 1954.

Notice is hereby given that Central Power and Light Company ("Central"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Central has designated sections 6 (a), 7, and 12 (c) of the act and Rules U-42 and U-50 as applicable to the proposed transactions, which are summarized as follows:

Central proposes (a) to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $18,000,000 in principal amount of its First Mortgage Bonds ("New Bonds") Series F, ____ percent, to be dated April 1, 1954, and to mature April 1, 1984, and (b) to redeem in May 1954, at 105.68 percent of principal and accrued interest to the redemption date, the $8,000,000 in principal amount of its presently outstanding First Mortgage Bonds, Series E, 4⅛ percent, due May 1, 1983.

The New Bonds will be issued under and secured by an Indenture of Mortgage, dated November 1, 1943, between Central and The First National Bank of Chicago and Robert L. Grinnell, as Trustees, as amended by indentures supplemental thereto (the last supplemental indenture being dated May 1, 1953) and to be further amended by a proposed Supplemental Indenture to be dated April 1, 1954. The interest rate and the price to be paid Central for the New Bonds will be determined by the bidding, except that the invitation for bids will specify that the price (exclusive of accrued interest) to be paid the company shall not be less than 100 percent nor more than 102.750 of the principal amount thereof.

Central represents that the net proceeds (exclusive of accrued interest) to be received from the issuance and sale of the New Bonds will be used as follows: (a) Approximately $10,000,000 will be applied toward the payment of the cost of Central's construction program, estimated in the amount of $48,000,000 for the years 1954–1955, and (b) approximately $8,000,000, together with other company funds, will be used to redeem as aforesaid Central's presently outstanding First Mortgage Bonds, Series E, which redemption will require approximately $8,454,000, exclusive of accrued interest.

No State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred in connection with the proposed transactions are estimated in the amount of $57,000, exclusive of certain counsel fees which are covered by annual retainer.

Central requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than March 22, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 22, 1954, such declaration may be permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1759; Filed, Mar. 11, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28985]

ACETONE AND RELATED ARTICLES FROM KINGS MILL, TEX., TO ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

MARCH 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Acetone, methanol, antifreeze preparations, alcohols, and related articles.

From: Kings Mill, Tex.

To: Points in Illinois and western trunk-line territories.

Grounds for relief: Rail competition, circuity, market competition, to maintain grouping, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4064, supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1765; Filed, Mar. 11, 1954; 8:50 a. m.]

[4th Sec. Application 28986]

COAL FROM EASTERN KENTUCKY AND TENNESSEE TO CHATTAHOOCHEE VALLEY RAILWAY STATIONS

APPLICATION FOR RELIEF

MARCH 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for the Central of Georgia Railway Company, Chattahoochee Valley Railway Company, and Louisville and Nashville Railroad Company.

Commodities involved: Coal, in carloads.

From: Mines in eastern Kentucky and Tennessee.

To: Points in Alabama and West Point, Ga., on Chattahoochee Valley Railway.

Grounds for relief: Rail competition, circuity, market competition and to maintain grouping.

Schedules filed containing proposed rates: Louisville and Nashville Railroad Company, I. C. C. No. A-16745, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1766; Filed, Mar. 11, 1954; 8:50 a. m.]

[4th Sec. Application 28987]

LIQUEFIED CHLORINE GAS FROM ALA. TO CINCINNATI, OHIO, AND LOUISVILLE, KY.

APPLICATION FOR RELIEF

MARCH 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Huntsville, Redstone Arsenal, and McIntosh, Ala.

To: Cincinnati, Ohio, and Louisville, Ky.

Grounds for relief: Competition with rail carriers, circuity, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1351, supp. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1767; Filed, Mar. 11, 1954; 8:50 a. m.]

[4th Sec. Application 28986]

NEWSPRINT PAPER FROM COOSA PINES AND CHILDERSBURG, ALA., TO HOT SPRINGS, ARK., AND MONROE, LA.

APPLICATION FOR RELIEF

MARCH 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Paper, newsprint, carloads.

From: Coosa Pines and Childersburg, Ala.

To: Hot Springs, Ark., and Monroe, La.

Grounds for relief: Competition with rail carriers, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4063, supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1768; Filed, Mar. 11, 1954; 8:50 a. m.]

[4th Sec. Application 28989]

SALT FROM TEXAS AND LOUISIANA TO NEW JERSEY, NEW HAMPSHIRE, AND PENNSYLVANIA

APPLICATION FOR RELIEF

MARCH 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt, carloads.

From: Points in Texas and Louisiana.

To: Phillipsburg, N. J., Woodsville, N. H., and York, Pa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3668, supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1769; Filed, Mar. 11, 1954; 8:51 a. m.]

[4th Sec. Application 28990]

SHALE CINDERS FROM KENLITE, KY., TO BROWNSTOWN AND TELL CITY, IND.

APPLICATION FOR RELIEF

MARCH 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cinders, shale, carloads.

From: Kenlite, Ky.

To: Brownstown and Tell City, Ind.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1770; Filed, Mar. 11, 1954; 8:51 a. m.]

[4th Sec. Application 28991]

SPENT SULPHURIC ACID FROM TYNER, TENN., TO DECATUR, ALA.

APPLICATION FOR RELIEF

MARCH 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Louisville and Nashville Railroad Company and the Nashville, Chattanooga & St. Louis Railway.

Commodities involved: Spent sulphuric acid, in tank-car loads.

From: Tyner, Tenn.

To: Decatur, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1771; Filed, Mar. 11, 1954; 8:51 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 19 NUMBER 50

Washington, Saturday, March 13, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to § 6.109 (a).

§ 6.109 *Post Office Department*—(a) *General.* • • •

(7) One Administrative Assistant to each Regional Office Manager (15 positions).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-1799; Filed, Mar. 12, 1954; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 592, Amdt.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

REMOVAL OF AVOCADOS AND BELL PEPPERS FROM LIST OF PRODUCTS THAT MAY BE FUMIGATED AND CERTIFIED FOR MOVEMENT FROM HAWAII

Pursuant to the authority conferred on him by § 301.13–4 (b) of the regulations supplemental to the Hawaiian Fruit and Vegetable Quarantine (Notice of Quarantine No. 13, 7 CFR 301.13, as amended) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), the Chief of the Plant Quarantine Branch hereby amends the administrative instructions in § 301.13–4b (a) in Title 7, Code of Federal Regulations (B. E. P. Q. 592; 18 F. R. 947, 1431) by deleting from the list of products designated therein the words "avocado" and "bell pepper."

This amendment shall be effective on and after March 16, 1954.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

This amendment removes avocados and bell peppers from the list of products that may be moved from Hawaii under certificate after fumigation with ethylene dibromide as heretofore prescribed in administrative instructions. Recent experience in the fumigation with ethylene dibromide of avocados and bell peppers in Hawaii at the rate prescribed in the administrative instructions has indicated that such treatment is not entirely satisfactory in eliminating insect pest risk. Further tests have been made to determine an increased dosage of the fumigant that would destroy insect infestations present. However, avocados and bell peppers have not proved tolerant to the increased dosages of ethylene dibromide that would be necessary to destroy all insects that may be present. Pending the development of additional information on fumigation tolerances of avocados and bell peppers and mortality of insects present, the authorization of movement of these products from Hawaii after fumigation and certification is being withdrawn, and such movement will generally be prohibited.

In order to prevent the possible spread of injurious insects to other parts of the United States in avocados and bell peppers from Hawaii, it is essential that this amendment be made effective as promptly as possible. Accordingly, pursuant to paragraphs 4 (a) and (c) of the Administrative Procedure Act (5 U. S. C. 1003 (a), (c)), it is found upon good cause that notice and public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for the issuance of this amendment less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 1st day of March 1954.

[SEAL] E. P. REAGAN,
Chief,
Plant Quarantine Branch.

[F. R. Doc. 54-1818; Filed, Mar. 12, 1954; 8:51 a. m.]

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 3, 1953 Supp. ($1.50)
Title 8 ($0.35)
Titles 10–13 ($0.50)
Titles 40–42 ($0.50)
Title 49: Parts 71 to 90 ($0.65)

Previously announced: Title 1B ($0.45); Title 25 ($0.45); Title 49: Parts 1 to 70 ($0.60); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 22]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.322 *Navel Orange Regulation 22*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on March 11, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 14, 1954, and ending at 12:01 a. m., P. s. t., March 21, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 323,400 boxes;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section, "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[Orange Regulation Period No. 22]

[12:01 a. m., P. s. t., Mar. 14, to 12.01 a. m., P. s. t., Mar. 21, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. N. F. Corona	.3932
A. N. F. Fullerton	.0148
A. N. F. Orange	.0217
A. N. F. Riverside	1.4798
A. N. F. Santa Paula	.1101
Eadington Fruit Co.	.7334
Signal Fruit Association	1.1316
Bryn Mawr Mutual Orange Association	.4194
Chula Vista Mutual Lemon Association	.0603
Euclid Avenue Orange Association	2.4915
Foothill Citrus Union, Inc.	.0773
Index Mutual Association	.0068
La Verne Cooperative Citrus Association	3.0890
Olive Hillside Grooves, Inc.	.0069
Redlands Foothill Groves	3.0705
Redlands Mutual Orange Association	1.4198
Ventura County Fruit Growers, Inc.	.3530
Azusa Citrus Association	.8396
Covina Citrus Association	1.9958
Glendora Citrus Association	.9980
Valencia Heights Orchards Association	.6574
Gold Buckle Association	4.0727
La Verne Orange Association	5.0544
Anaheim Valencia Orange Association	.0000
Fullerton Mutual Orange Association	.3634
La Habra Citrus Association	.1271
Yorba Linda Citrus Association	.0614
El Cajon Valley Citrus Association	.0508
Escondido Orange Association	.5364
Citrus Fruit Growers	.4548
Cucamonga Mesa Growers	.7774
Etiwanda Citrus Fruit Association	.1382
Upland Citrus Association	2.6168
Consolidated Orange Growers	.0236
Garden Grove Citrus Association	.0065
Goldenwest Citrus Association	.2041
Olive Heights Citrus Association	.0114
Santiago Orange Growers Association	.1110
Villa Park Orchards Association	.0199
Bradford Bros., Inc.	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.1222
Yorba Orange Growers Association	.0589
Corona Citrus Association	1.4464
Jameson Co.	.6033
Orange Heights Orange Association	4.6823
Crafton Orange Growers Association	1.5200

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
East Highland Citrus Association	0.4940
Redlands Heights Groves	.9494
Redlands Orangedale Association	1.2461
Rialto-Fontana Citrus Association	.1834
Bryn Mawr Fruit Growers Association	1.2178
Mission Citrus Association	.8401
Redlands Cooperative Fruit Association	2.1615
Redlands Orange Growers Association	1.5641
Redlands Select Groves	.5611
Rialto Orange Co	.6147
Southern Citrus Growers	1.0405
United Citrus Growers	.7455
Arlington Heights Citrus Co	1.8156
Blue Banner, Inc	3.0274
Brown Estate, L. V. W	3.4099
Gavilan Citrus Association	2.2451
McDermont Fruit Co	1.7447
Monte Vista Citrus Association	1.7970
National Orange Co	1.7395
Riverside-Highgrove Citrus Association	2.0378
Victoria Avenue Citrus Association	3.5491
Claremont Citrus Association	.5859
College Heights Orange & Lemon Association	1.9748
Indian Hill Citrus Association	1.1404
Pomona Fruit Growers Exchange	1.2393
Walnut Fruit Growers Association	.6782
West Ontario Citrus Association	.8980
Escondido Cooperative Citrus Association	.0000
Camarillo Citrus Association	.0050
Fillmore Citrus Association	1.0666
Mupu Citrus Association	.0053
Ojai Orange Association	1.1332
Piru Citrus Association	1.4695
Rancho Sespe	.0016
San Fernando Heights Orange Association	.6733
Santa Paula Orange Association	.0556
Tapo Citrus Association	.0155
Ventura County Citrus Association	.0214
East Whittier Citrus Association	.0050
North Whittier Heights	.0795
Sierra Madre-Lamanda Citrus Association	.0414
A. J. Packing Co	.1423
Babijuice Corp. of California	.0000
Cherokee Citrus Co., Inc	.9380
Dunning, Vera Hueck	.1745
Evans Bros. Packing Co	.6875
Far West Produce Distributors	.1764
Gold Banner Association	2.6071
Gold Seal Producers, Inc	.1730
Granada Packing House	.0064
Holland, M. J	.0262
Orange Belt Fruit Distributors	.7499
Panno Fruit Co., Carlo	.0000
Paramount Citrus Association	.2239
Prescott, John A	.0043
Riverside Fruit Co	.2786
Rotolo Bros	.0218
San Antonio Orchards Co	1.2091
Smallwood, Luella L	.0087
Spire, Frank S	.0089
Stephens & Cain	.1807
Torn Ranch	.0305
Wall, E. T., Grower-Shipper	2.4940
Western Fruit Growers, Inc	4.2832

[F. R. Doc. 54-1865; Filed, Mar. 12, 1954; 11:30 a. m.]

[Orange Reg. 253]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.672 *Orange Regulation 253*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than March 15, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until March 15; the recommendation and supporting information for continued regulation subsequent to March 14, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 9; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 15, 1954, and ending at 12:01 a. m., e. s. t., March 29, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box," shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140–51.1186 of this title).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647 of this title; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1816; Filed, Mar. 12, 1954; 8:51 a. m.]

[Grapefruit Reg. 197]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.673 *Grapefruit Regulation 197*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than March 15, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until March 15, 1954; the recommendation and supporting information for continued regulation subsequent to March 14, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 9; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 15, 1954, and ending at 12:01 a. m., e. s. t., March 29, 1954, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U S. No. 1 Russet;

(ii) Any white seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any white seedless grapefruit, grown in Regulation Area I, that grade U. S. No. 2 Russet, U. S. No. 2 or U. S. No. 2 Bright, (*a*) which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or (*b*) which are of a size larger than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any white seedless grapefruit, grown in Regulation Area I, that grade U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1 Bright or U. S. Fancy, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(vi) Any white seedless grapefruit, grown in Regulation Area II, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any pink grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet.

(2) As used in this section "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1813; Filed, Mar. 12, 1954; 8:50 a. m.]

[Tangerine Reg. 148]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.674 *Tangerine Regulation 148*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than March 15, 1954. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and, unless sooner terminated, will so continue until July 31, 1954; the recommendation and supporting information for continued regulation subsequent to March 14, and in the manner herein provided, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 9; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time of this section.

(b) *Order.* (1) Tangerine Regulation 147 (7 CFR 933.667; 19 F. R. 745) is hereby terminated at 12:01 a. m., e. s. t., March 15, 1954.

(2) During the period beginning at 12:01 a. m., e. s. t., March 15, 1954, and ending at 12:01 a. m., e. s. t., July 31, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2 Russet; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 294 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810–51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1814; Filed, Mar. 12, 1954; 8:51 a. m.]

PART 942—MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

CORRECTION TO ORDER AMENDING ORDER, AS AMENDED

In F. R. Doc. 54-1495, which appeared in the FEDERAL REGISTER March 3, 1954, the following correction is made:

At the end of § 942.51 (b) add the following: "and divide by 0.96."

Issued at Washington, D. C., this 10th day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1817; Filed, Mar. 12, 1954; 8:51 a. m.]

[Lemon Reg. 528]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.635 *Lemon Regulation 528*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 10, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 14, 1954, and ending at 12:01 a. m., P. s. t., March 21, 1954, is hereby fixed as follows:

(i) District 1: 25 carloads;
(ii) District 2: 275 carloads;
(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 527 (19 F. R. 1266) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of March 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1851; Filed, Mar. 12, 1954; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Flaxseed Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 TEXAS FLAXSEED PURCHASE PROGRAM

Correction

In Federal Register Document 54-1411, published at page 1105 of the issue for Saturday, February 27, 1954, the following changes should be made:

1. In the table under § 421.679 (a) the basic purchase rate for Bexar County, Tex., should read "2.88".

2. In the second line of paragraph (d) of § 421.679 the word "required" should read "acquired".

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 47 (AGE-4, Amdt. 5)]

AGE-4—COMPENSATION PAYABLE TO AGENTS, GENERAL AGENTS AND BERTH AGENTS

COMPENSATION OF GENERAL AGENTS FOR HUSBANDING SERVICES, ETC.

Subparagraph (3), paragraph (a) of section 2, *Compensation of General Agents for husbanding services, etc.* of NSA Order 47 (AGE-4) published in the FEDERAL REGISTER issue of September 29, 1951 (16 F. R. 9983) as amended by Amendment 1 (16 F. R. 12019) and Amendment 4 (18 F. R. 2174) is hereby amended by deleting the word "Atlantic", appearing before the words "Coast Director".

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Approved: March 5, 1954.

[SEAL] C. H. MCGUIRE,
Director, National Shipping Authority and Government Aid.

[F. R. Doc. 54-1797; Filed, Mar. 12, 1954; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

DISPATCH OF AIRCRAFT EQUIPPED WITH ONE VHF AND ONE LOW FREQUENCY RADIO RECEIVER

The purpose of this supplement is to outline the alternate airport requirements which apply when aircraft equipped with one VHF and one low frequency radio receiver are dispatched under IFR or over-the-top during weather conditions requiring an alternate airport.

The following interpretations are hereby adopted:

§ 40.232-1 *Dispatch of aircraft equipped with one VHF and one low frequency radio receiver (CAA interpretations which apply to § 40.232 (c)).* When an aircraft equipped with one VHF radio navigation receiver and one low frequency radio navigation receiver is dispatched under conditions requiring an alternate airport for departure or destination, such alternate airport must be:

(a) An alternate airport served by both low frequency and VOR (or VAR) radio navigation facilities each of which has an approved instrument approach procedure established for such airport, or

(b) An alternate airport served by a VOR (or VAR) radio navigation facility, provided another alternate airport is specified which is served by a low frequency radio navigation facility and an approved instrument approach procedure is established at each such airport, or

(c) An alternate airport for which the weather reports and forecasts, or a combination thereof, indicate that the weather conditions will remain at or above the weather minimums prescribed in § 40.390 (c) until such time as the flight would arrive at such alternate airport.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective April 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1811; Filed, Mar. 12, 1954; 8:50 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 69]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

L/F STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If no L/F instrument approach is contained in the basic part, all operations conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum alt. rule (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	If visual contact not established at authorized landing minimums after passing (within distance specified, or if landing not accomplished
					Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	Ceiling and visibility minimums: Condition
1	2	3	4	5	9	10	8	11
KANSAS CITY, MO. Municipal, 758' KBRA-2 VIII TX-MKC Procedure No. 1 March 1, 1954	Kansas City VOR	184–8.0	2,400	E side NW course: 324° outbound, 144° inbound, 2 sec. within 10 miles, NA beyond 10 miles	300–1 500–1 800–2	300–1 500–1½ 800–2	T-dn A-dn	Within 2.9 miles, immediately turn right. Climb to 2,200' on SW course within 25 miles or when directed by ATC immediately turn right, climb to 2,200' and intercept the ADF track to Bailey RBn said to be 20 miles SW.
	Linkville FM (final)	145–11.3	1,600		300–1 500–1 800–2	300–1 500–1½ 800–2	T-dn C-dn S-dn 22 A-dn	Within 3.4 miles, climb to 1,800' on SW course.
ORLANDO, FLA. Orlando Airport, 113' KBRA-2 VIII TX-MKC ORL Procedure No. 1 February 11, 1954	Orlando FM (final)	220–10	700	S side NE course: 040° outbound, 220° inbound, 1,200' within 25 miles.	300–1 500–1½ 800–2	300–1 500–1½ 800–2	T-dn C-dn S-dn 23 A-dn	Within 3.1 miles climb to 3,500' on NW course within 25 miles. Pilot may be authorized only for emergency landing approval of their arrangement of this airport. Radio and communications Note: Building 1307 MSL 2.3 miles SW of airport.
	Orlando VOR	035–4.0	1,500					
WINSTON-SALEM, N. C. Smith Reynolds, 969' KBRA-2 VIII TX-MKC INT Restricted Procedure No. 1 February 18, 1954	Wallburg Int (final)	325–7	1,700	W side of NE course: 145° outbound, 325° inbound, 2,500' within 25 miles.	300–1 500–1 800–2	300–1 500–1½ 800–2	T-dn C-dn S-dn 23 A-dn	Within 3.1 miles climb to 3,500' on NW course within 25 miles. Pilot may be authorized only for emergency landing approval of their arrangement of this airport. Radio and communications Note: Building 1307 MSL 2.3 miles SW of airport.
	High Point FM (final)	325–11	1,700					
	Int. Danville VOR (final) and Salem NW course (Salem Int.)	145–20	3,000					
YOUNGSTOWN, OHIO Youngstown Airport, 1,066' KBRA-2 VIII TX-MKC Procedure No. 1 March 18, 1954	Gustavus FM (final)	185–10	1,700	W side N course: 005° outbound, 185° inbound, 2,500' within 10 miles.	300–1 500–1½ 800–2	300–1 500–1½ 800–2	T-dn C-dn S-dn 18 A-dn	Within 3.4 miles climb to 3,000' for higher altitude when directed by ATC) on S course. Youngstown LFR within 10 miles. Cyclone Tower 2,683' MSL 16 miles S of Youngstown LFR.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
COLUMBIA, S. C. Columbia Airport, 244' LOM-CA Procedure No. 1 August 1, 1952	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED FEBRUARY 3, 1954.									
LANCASTER, PA. Municipal, 401' MEW LRP Procedure No. 1 March 21, 1954	Int. Harrisburg VOR radial 132° and 058° bearing to Lancaster Rbn (final).	058—10	1,500	S side course: 238° outbound 058° inbound. 1,800' within 10 miles.	1,500	058—4.6	T-dn C-dn S-dn 8 A-dn	300-1 500-1 500-1 1,000-2 BCOB	300-1 600-1½ 500-1 1,000-2 BCOB	Within 4.6 miles, make a climbing left turn and return to Lancaster Rbn at 2,000'.
NIAGARA FALLS, N. Y. Municipal Airport, 590' LOM-OF Procedure No. 1 May 29, 1953	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED MARCH 1, 1954.									
NORFOLK, VA. Municipal, 26' LOM-OR Procedure No. 1 Feb. 1, 1953	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED FEBRUARY 8, 1954.									
ORLANDO, FLA. Orlando, 115' LOM-OR Procedure No. 1 August 1, 1952	SUPERSEDED BY COMBINATION ILS-ADF PROCEDURE DATED FEBRUARY 11, 1954.									
TULSA, OKLA. Municipal, 674' LOM-TU Procedure No. 1 October 7, 1953	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED DECEMBER 29, 1953.									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility class and identification, procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
NIAGARA FALLS, N. Y. Municipal, 590' ILS-OFS LOM-OF LMM-FS Procedure No. 1 Combination ILS-ADF March 1, 1954	Buffalo VOR	LOM	330—16	2,000	N side course: 098° outbound. 278° inbound. 1,800' within 10 miles of LOM.	ILS 1,800 ADF 1,300	1,755—4.6	805—0.7	T-dn	300-1	300-1	Within 4.6 miles after passing LOM (ADF), climb to 2,000' (or higher altitude when directed by ATC) on W course ILS or bearing 278° from LOM within 25 miles.
	Wolcottsville FM	LOM	286—14	1,800					C-dn	500-1	500-1½	
	Int. ILS E course and NE course Buffalo.	LOM	278—16	1,800					S-dn 28R ILS	400-¾	400-¾	
	Buffalo LFR	LOM	338—12	2,000					ADF	500-1	500-1	
	Int. SE course Toronto and bearing 223°.	LOM	223—4	1,800					A-dn	800-2	800-2	
ORLANDO, FLA. Orlando Airport, 115' ILS-IORL LOM-OR Procedure No. 1 Combination ILS-ADF February 11, 1954	Orlando LFR	LOM	100—7.0	1,300	N side course: 130° outbound. 310° inbound. 1,800' within 25 miles.	ILS 1,300 ADF 1,300 over LOM	1,300—4.8	340—0.68	T-dn	300-1	300-1	Climb to 1,600' on NW course of ILS or 310° track from LOM within 25 miles. NOTE. No approach lights.
	Oviedo FM	LOM	197—15.0	1,300					C-dn	500-1	500-1½	
	Orlando VOR	OM	128—5.0						S-dn 11 ILS	400-¾	400-¾	
									ADF	500-1	500-1	
									A-dn	800-2	800-2	

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area, maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Condition	Precision approach (PAR): 75 m. p. h. or less	Precision approach (PAR): More than 75 m. p. h.	Surveillance approach (ASR): 75 m. p. h. or less	Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller, (c) visual reference is not established upon descent to the authorized landing minimums, or (d) landing is not accomplished.
1	2	3	4	5	6	7	8	9
BIRMINGHAM, ALA. Municipal, 643' Procedure No. 1 February 11, 1954	#2,500' within 25 miles		T-dn A-dn			300-1 1,000-2	300-1 1,000-2	Climb to 2,500' on N course of Birmingham LF or 355° course from Birmingham VOR within 25 miles.
		5, 18, 36, 23, 8	C-dn			600-1	900-1¼	#Radar control must provide 2 miles separation from radio tower 1,700' located 5 miles SW of airport or maintain 2,600'.
		26				NA	NA	

5. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility, class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ORLANDO, FLA. Orlando Airport, 115' BVOR-ORL Procedure No. 1 February 11, 1954	Orlando LFR	215—4.0	1,500	N side course: 190° outbound. 310° inbound. 1,500' within 25 miles.	700	On airport	T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1½ 800-2	Within 0.0 mile, climb to 1,600' on course of 310° within 25 miles. CAUTION: Obstructions 319' MSL 2.25 W of airport.
WATERTOWN, N. Y. Municipal, 325' BVOR DVJ ART Procedure No. 1 February 22, 1954				N side course: 228° outbound. 048° inbound. 1,600' within 10 miles.	1,100	048—3.2	T-dn C-dn S-dn 6 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 600-1 800-2	Within 3.2 miles, climb to 2,000' on course of 048° within 25 miles of VOR. NOTE: Procedure turn conducted N to avoid terrain to S.
YOUNGSTOWN, OHIO Youngstown Airport, 1,196' BVOR YNG Procedure No. 1 March 19, 1954	Youngstown LFR Gustavus FM (final)	359—1.4 183—9.1	2,200 1,700	W side course 003° outbound. 183° inbound 2,200' within 10 miles NA beyond 10 miles.	1,700	183—4.6	T-dn C-dn S-dn 18 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1½ 800-2	Climb to 3,000' on outbound course 183° within 10 miles of Youngstown VOR. NOTE: Television tower 2,033' MSL 18 miles S of VOR.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1661; Filed, Mar. 12, 1954; 9:26 a. m.]

[Amdt. 70]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility, class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
COLUMBIA, S. C. Columbia Airport, 244' SBRAZ-DTV 277 kc, CAE Procedure No. 1 October 16, 1953	Int. SE course Spartanburg LFR.#		1,900	S side E course:* 088° outbound. 268° inbound 1,500' within 25 miles.	1,200	268—7.4	T-dn C-dn A-dn	300-1.0 500-1.0 800-2.0	300-1.0 500-1.5 800-2.0	Within 7.4 miles, climb to 1,600' on W course within 25 miles, or as directed by ATC. CAUTION: Tower 510' MSL located 1¼ miles, NW of Columbia LFR. 900' TV tower 4½ miles, NW of Columbia LFR. *Deviation from standard criteria authorized in obstruction clearance on final approach between Columbia LFR and airport, and in direction of procedure turn to avoid danger area. #Columbia VOR to Columbia LFR, 093°, 14 miles, 1,900'.
Owens Field, 102' Procedure No. 1 October 16, 1953				E side SE course: 150° outbound. 330° inbound. 1,500' within 25 miles.	1,200	330—1.9	T-dn C-d C-n A-dn	300-1.0 1,000-1.0 1,000-2.0 1,000-2.0	300-1.0 1,000-1.5 1,000-2.0 1,000-2.0	Within 1.9 miles, climb to 1,500' on NW course within 25 miles. CAUTION: Tower 920' MSL 1½ miles, NW of field. Columbia VOR to LFR, 093°, 14 miles, 1,900'.
MORIARTY, N. MEX. Otto Airport, 6,226' BMRLZ-DTV 290 kc, OTO Procedure No. 1 November 2, 1953	Int. SW course Las Vegas LFR.		8,500	E side S course: 164° outbound. 344° inbound. 8,000' within 25 miles.	7,220	074—0.2	T-1 T-n C-d C-n A-dn	500-1.0 500-2.0 1,000-1.0 1,000-2.0 1,000-2.0	NA NA NA NA NA	Within 0.0 mile, climb to 9,500' on E course. NOTE: ADF procedure not authorized.
TULSA, OKLA. Tulsa Airport, 674' SBRAZ-DTV 245 kc, TUL Procedure No. 1 November 4, 1953	Verdigris River FM (final) Skiatook FM		1,300 2,000	N side NE course: 052° outbound. 232° inbound. 1,800' within 10 miles. 2,000' within 25 miles.	*1,300	220—1.0	T-dn# C-dn A-dn	300-1.0 500-1.0 800-2.0	300-1.0 500-1.5 800-2.0	Within 1.0 mile, climb to 2,400' on SW course within 25 miles. *Maintain procedure turn altitude until within 10 miles of LFR on final #Runway 17R closed for all takeoffs.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
HYANNIS, MASS. Barnstable Airport, 56' MHW 239 kc; HYA Procedure No. 1 October 2, 1953	.....	.....	.....	S side course.* 110° outbound. 290° inbound. 1,900' within 10 miles. (NA beyond 10 miles.)	700	At airport	T-dn C-dn A-dn	300–1 0 600–1 0 1,000–2 0 (BCOB)	300–1 0 600–1 5 1 000–2 0 (BCOB)	Within 0 0 mile, make a climbing left turn, return to Hyannis Rbn at 1,500'. *To avoid aircraft activities NE of Otis AFB.
PINE BLUFF, ARK. Grider Field, 205' BMH 265 kc PBF Procedure No 1 October 9, 1953	Pine Bluff VOR.....	179—4.5	1,500	E side course: 170° outbound. 350° inbound 1,400' within 10 miles (NA beyond 10 miles.)	800	At airport	T-dn C-dn A-dn	300–1.0 600–1.0 1,000–2 0 (BCOB)	300–1 0 600–1.5 1,000–2 0 (BCOB)	Within 0 0 mile, make 180° left turn climb to 1,500' on course of 170° within 15 miles of Rbn.
TULSA, OKLA. Tulsa Airport, 674' LOM 219 kc; TU Procedure No 1 October 8, 1953	Int. SE course Tulsa LFR..	250—9.0	2,200	E side course: 174° outbound. 354° inbound 2,200' within 25 miles.	2,000	354—6.1	T-dn C-dn S-dn 35R A-dn	300–1.0 500–1.0 500–1.0 1,000–2 0 (BCOB)	300–1.0 500–1 5 500–1.0 1,000–2 0 (BCOB)	Within 6.1 miles, climb to 2,000' on NE course of Tulsa LFR within 25 miles of LOM or as directed by ATC, climb to 2,000' on NW course, Tulsa LFR within 25 miles, or climb to 2,000' on course 354° from Tulsa LOM within 25 miles. CAUTION: 1,100' MSL tower 2.3 miles NW of LOM.
	Verdigris River FM	211—16.0	2,200							
	Tulsa LFR.....	182—8.0	2,200							
	Tulsa VOR.....	165—13.0	2,200							
	Red Fork FM.....	082—10.0	2,400							
	Skiatook FM	140—23.0	2,200							
WILMINGTON, N. C. New Hanover County Airport, 31' LOM 219 kc; IM Procedure No 1 November 3, 1953	Wilmington VAR.....	177—11	1,200	E side course 168° outbound. 348° inbound 1,400' within 25 miles	1,400	343—5.4	T-dn C-dn S-dn 34 A-dn	300 1 0 500 1 0 800–1.0 1,000–2 0 (BCOB)	300–1 0 500–1 5 800–1.0 1,000–2 0 (BCOB)	Within 5.4 miles, climb to 1,400' on course of 343° within 25 miles of ILS-LOM.
	Wilmington "H".....	102—6.0	1,200							
BMH TV 368 kc IMN Procedure No. 2 January 15, 1953	Wilmington VAR.....	195—5.0	1,200	W side course 343° outbound. 163° inbound. 1,200' within 25 miles.	500	At airport	T-dn C-dn A-dn	300 1 0 500 1 0 800–2.0	300–1 0 500–1 5 800–2.0	Within 0.0 mile, climb to 1,200' on course of 161° within 15 miles.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation. Localizer frequency and identification. LMM frequency and identification. LOM; frequency and identification procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	Type aircraft		
										75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11	12	13
CHARLOTTE, N. C. Douglas Field, 748' 109.5 mc; CLT LMM. 233 kc, LT LOM 254 kc, CL Procedure No. 1 October 30, 1953	Charlotte LFR.....	LOM.....	251—5.5	2,200	S side SW course: 230° outbound. 050° inbound. 2,100' within 5 miles of LOM.	2,100	2,110—5.43	930—0.61	T-dn C-dn S-dn 5 A-dn	300–1.0 300–1 0 400–¾ 800–2.0	300–1 0 300–1 5 400–¾ 800–2.0	Climb to 2,500' on NE course ILS within 25 miles, or when directed by ATC, turn left, climb to 2,500' on N course Charlotte LFR within 25 miles. CAUTION: Radio towers exceeding 1,100' in E quadrants of LFR.
	Int. N course Charlotte LFR and SW course ILS.	LOM.....	230—7.0	2,200								
	Fort Mill FM.....	LOM.....	321—8.0	2,200								
	Sharon Int. (Spartanburg VOR 105° and SW course ILS).	LOM.....	050—24.0	2,200								
HOUSTON, TEX. Houston Airport, 50' 109.9 mc; HOU Procedure No. 2 November 23, 1953	Houston VOR.....	Monument Rbn	035—14.0	1,400	N side NE course: 035° outbound. 215° inbound 1,500' within 5 miles of Monument Rbn.	.....	Pasadena Fix#	900**	T-dn C-dn S-dn 21 A-dn	300–1.0 500–1 0 400–1.0 800–2.0	300–1.0 500–1 5 400–1.0 800–2.0	Climb to 1,200' on SW course, Houston ILS within 15 miles, or when directed by ATC, turn right, climb to 1,700' on NW course, of Houston LFR or Houston VOR course 305° from Houston VOR within 25 miles. *Except when in accordance with approved radar vectoring procedures, final approach must be initiated from Monument Rbn. Aircraft must be in contact with Houston Radar prior to leaving Monument Rbn on final. #Procedure Fix is a Houston Radar (ASR) fix 4.0 miles NE of Houston Airport on the NE course of Houston ILS. **Descent below 900' MSL not authorized unless position advisory over Pasadena Fix received from Houston Radar.
	Houston LFR.....	Monument Rbn	024—15.0	1,400								
	Monument Rbn*.....	Pasadena Fix (final).#	215—9.0	900								
ISLIP, N. Y. MacArthur Field, 98' 110.1 mc; ISL LMM 257 kc, SL LOM None Procedure No. 1 August 1, 1953	Int. NW course Islip VAR and NE course ILS.	LMM.....	237—8.0	1,700	S side SW course 247° outbound. 057° inbound. 1,500' within 5 miles of OM.	1,500	1540—6.10	300—0.7	T-dn C-dn S-dn 6 A-dn	300–1. 500–1 0 400–¾ 800–2.0	300–1 0 600 1 5 400 ¾ 800–2.0	Make a right climbing turn as soon as practicable, climb to 1,500' returning to ILS LMM. Runway 10–28 closed nights.
	Int. E course Mitchel LFR and SW course ILS.	Outer marker.	057—8.0	1,500								
	Islip VAR	LMM.....	256—9.0	1,500								
JACKSON, MISS. Hawkins Field, 343' 109.9 mc, JAN LMM 201 kc, AM LOM None Procedure No. 1 January 1, 1953	Jackson LFR	Outer marker.	256—5.0	1,500	S side SW course. 288° outbound. 108° inbound 1,500' within 5 miles of OM.	1,500	1,480—4.43	539 0.70	T-dn C-dn S-dn 11 A-dn	300–1 0 500–1 0 400–¾ 800–2.0	300–1 0 500–1 5 400 ¾ 800–2.0	Climb to 1,800' on E course Jackson LFR within 25 miles. NOTE Tower 1,019' MSL located 4.1 miles SW of airport.
	Int. S course Jackson LFR and ILS localizer.	Outer marker	288—5.0	1,500								
	Int. W course Jackson LFR and NW course ILS.	Outer marker.	108—2.5	1,500								
	Jackson VOR.....	Outer marker.	211—4.5	1,500								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, Localizer frequency and identification, LMM frequency and identification, LOM frequency and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
KANSAS CITY, MO. Kansas City Airport, 758' 109.9 mc; MKC LMM 201 kc, KC LOM 219 kc, MK Procedure No 1 November 10, 1953	Farley Rbn	LOM	116—16.0	2,500	W side N course: 004° outbound. 184° inbound. 2,500' within 5 miles of LOM (NA beyond 5 miles).	2,500	2,506—6.23	1,031—0.75	°T-dn	800-1.0	800-1.0	If contact not established at authorized landing minimums at ILS LMM, or if landing not accomplished, immediately execute right climbing turn to 2,500' on ADF course of 275° magnetic outbound from Kansas City LFR, or as directed by ATC. °Takeoffs to S and SW, when weather is below 1,000-3 will intercept a 210° magnetic bearing from LMM as soon as practicable and will maintain 210° until reaching 2,500' prior to making left turn. ØWhen approach lights or glide path inoperative, cross Bluff FM at not less than 1,460', and circling minimums will apply for all aircraft, except four engine aircraft, which are authorized 700-1. When approach lights or glide path inoperative and Bluff FM inoperative, straight-in landing minimums for all aircraft 700-1. CAUTION. Cracking plant 911' and TV tower 1,870' MSL 2.9 miles S of airport. Congested building 1,423' MSL within 1 mile S and SE. Grain elevators 903' MSL (not obstruction lighted and railroad lights 857' MSL ½ mile NNE of approach end of Runway 18. Deviations from standard criteria authorized in obstruction clearance for landing and in procedure turn and missed approach areas. Obstructions 911' and 853' ½ mile WNW of airport.
	Int. 72° bearing on Kansas City VOR, and S course St. Joseph LFR or st Joseph ILS.	LOM	085—19.0	2,500					C-dn	800-1.0	700-1.5	
									S-dØ	800-1.0	800-1.0	
									S-nØ	800-1.0	800-1.0	
									18			
									A-dn	800-2.0	800-2.0	
	Kansas City VOR	LOM	152—4.0	2,500								
	Kansas City LFR	LOM	028—5.0	2,500								
	Linkville FM	N course ILS.	110—9.0	2,500								
	Liberty FM and Rbn	N course ILS.	251—11.0	2,500								

4. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name; elevation; facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
COLUMBIA, S. C. Columbia Airport, 244' BVOR 114.7 MC, CAE Procedure No. 1 November 8, 1953	Columbia LFR	275—14.0	1,900	S side course 284° outbound. 104° inbound 1,700' within 25 miles.	1,200	103—5.7	T-dn	300-1.0	300-1.0	Within 5.7 miles, climb to 1,500' on course of 103° within 25 miles, of VOR. CAUTION. 900' TV tower 3.5 miles, NW Columbia LFR.
							C-dn	600-1.0	600-1.5	
							S-dn	600-1.0	600-1.0	
							10			
							A-dn	800-2.0	800-2.0	
TULSA, OKLA. Tulsa Airport, 674' BVOR 114.1 MC; TUL Procedure No. 1 November 4, 1953	Skiatook FM	106-13.0	2,000	W side course 330° outbound. 150° inbound. 2,000' within 15 miles. 2,100' within 25 miles.	1,500	150—5.0	T-dn*	300-1.0	300-1.0	Within 5.0 miles, turn right and climb to 2,400' on course of 231° within 25 miles of VOR, or as directed by ATC. *Runway 17R closed to all take-offs. NOTE: Maintain procedure turn altitude until within 10 miles of VOR on final.
	Verdigris River FM	262—12.0	1,800				C-dn	500-1.0	500-1.5	
	Tulsa LFR	317—6.0	1,700				S-dn	500-1.0	500-1.0	
							17L			
							A-dn	800-2.0	800-2.0	
WALNUT RIDGE, ARK. Walnut Ridge Airport, 275' BVOR-DTV 115.7 mc; ARG Procedure No. 1 November 2, 1953	Walnut Ridge LFR	188—7.0	1,500	S side course 238° outbound. 058° inbound. 1,600' within 10 miles (NA beyond 10 miles).	1,100	059—1.3	T-d	300-1.0	300-1.0	Within 1.3 miles, climb to 2,700' on course of 014° within 25 miles of VOR.
							T-n	NA	NA	
							C-d	500-1.0	500-1.5	
							C-n	NA	NA	
							A-d	800-2.0	800-2.0	
							A-n	NA	NA	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1683; Filed, Mar. 12, 1954; 9:26 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

DECLARING EFFECTIVE AMENDED EXCHANGE DISTRIBUTION PLAN OF THE AMERICAN STOCK EXCHANGE

The Securities and Exchange Commission has declared effective for a period of six months, expiring at the close of business on August 27, 1954, an amended Exchange Distribution Plan filed by the American Stock Exchange. This amended Plan is substantially the same as the Exchange Distribution Plan previously declared effective until February 26, 1954.

The amended Plan, as did the previous Plan, permits members, member firms and member corporations (hereinafter referred to as participating members) to make a distribution of a block of securities at the market on the Exchange when the regular market on the Exchange cannot otherwise absorb the block of securities within a reasonable time and at a reasonable price or prices. The Plan contains certain anti-manipulative controls and also requires participating members to make certain disclosures to persons whose orders are solicited. The amended Plan differs from the Plan previously declared effective in the two following minor respects: (1) The provision prohibiting participating members and others from bidding for or purchasing the security during the distribution has been modified to permit the purchases required solely in connection with the "crossing" of orders on the floor of the Exchange (this "crossing" procedure was provided for under the Plan before it was amended) and (2) there is a specific provision in the amended Plan that transactions effected when orders are "crossed" on the floor shall be printed on the ticker tape.

The text of the Commission's action follows:

The Securities and Exchange Commission acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof and § 240.10b-2 (d) (Rule X-10B-2 (d)) thereunder, deeming it necessary for the exercise of the functions vested in it, and having due regard for the public interest and for the protection of investors, does hereby declare effective the amended Exchange Distribution Plan of the American Stock Exchange until the close of business on August 27, 1954, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do the Commission may suspend or terminate the effectiveness of said Plan by sending at least ten days' written notice to the American Stock Exchange.

The Commission for good cause finds that the notice and public procedure specified in paragraphs 4 (a) and (b) of the Administrative Procedure Act are unnecessary since the amended Exchange Distribution Plan is substantially the same as that heretofore declared effective for such Exchange; and the

Commission further finds, in accordance with the provisions of section 4 (c) of the Administrative Procedure Act, that paragraph (d) of § 240.10b–2 and this action have the effect of granting exemption and relieving restriction, and that, therefore, this action may be and is hereby declared effective March 4, 1954.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 4, 1954.

[F. R. Doc. 54–1784; Filed, Mar. 12, 1954; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53447]

PART 3—DOCUMENTATION OF VESSELS

CHANGE OF NAME OF DOCUMENTED VESSEL

In accordance with a recent employee suggestion, it has been concluded that it would be advantageous to the service to adopt and provide for the use of a form of application for change of name of a vessel documented as a vessel of the United States. Accordingly, paragraphs (b), (c), and (d), § 3.51 of the Customs Regulations, are amended as follows:

§ 3.51 *Change of name of documented vessel.* • • •

(b) Each application for change of name shall be executed on customs Form 1323 by the owner or owners of the vessel, addressed to the collector and shall be submitted in triplicate to the deputy collector at the vessel's home port.

(c) The following papers shall be obtained by the applicant and submitted with the application: (1) If the vessel is not subject to inspection, a certificate of seaworthiness issued by an officer in charge, marine inspection, United States Coast Guard; (2) a certificate of ownership on customs Form 1330 issued by the deputy collector at the vessel's home port; (3) the consent of the mortgagee or other beneficiary under each lien, mortgage, or other encumbrance of record at the vessel's home port; and (4) a certified copy of any approval of the Maritime Administration required by subsection O (a) of the Ship Mortgage Act, 1920.[46]

(d) If the application is approved by the collector or assistant collector, he shall note his approval in the appropriate space provided on customs Form 1323, a copy of which shall be delivered to the applicant by the deputy collector at the vessel's home port. If the application is disapproved, the collector or assistant collector shall notify the deputy collector at the vessel's home port of that fact in writing.

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3. Interprets or applies R. S. 4179, secs. 1–3, 41 Stat. 436, as amended, 437, as amended; 46 U. S. C. 50–53)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: MARCH 8, 1954.

H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*

[F. R. Doc. 54–1804; Filed, Mar. 12, 1954; 8:49 a. m.]

[T. D. 53449]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

NOTICE OF WAIVER OF CERTAIN NAVIGATION LAWS

MARCH 8, 1954.

Upon the written request of the Secretary of Defense, who deems such action necessary in the interest of national defense, and by virtue of the authority vested in me by the Act of December 27, 1950 (64 Stat. 1120), and the order of the Acting Secretary of the Treasury dated January 23, 1951 (16 F. R. 731; T. D. 52672), I hereby waive compliance with the navigation laws relating to clearances of vessels to the extent necessary to permit:

(1) The clearance for an unnamed destination of any vessel owned by, Government-allocated to, or chartered by the Military Sea Transportation Service of the Department of Defense, other than those used on berth-term (shipping contract or Government bill-of-lading) arrangements, which is certified by the Commander of the Military Sea Transportation Service or his duly authorized representative as (a) in ballast or laden only with Department of Defense cargo, or (b) having on board passengers, each of whom is either a member of the Armed Forces or a civilian noncombatant employed by, serving with, or accompanying the Armed Forces of the United States;

(2) The clearance of any vessel with Department of Defense cargo on the basis of a manifest which describes that cargo only as "_____ (Approximate quantity) of Department of Defense cargo."

(Sec. 1, 64 Stat. 1120; 46 U. S. C. prec. sec. 1)

This waiver shall be effective on and after April 15, 1954.

[SEAL] C. A. EMERICK, *Acting Commissioner of Customs.*

[F. R. Doc. 54–1805; Filed, Mar. 12, 1954; 8:51 a. m.]

[T. D. 53448]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

INWARD FOREIGN MANIFESTS; VESSEL SUPPLIES

MARCH 9, 1954.

In order to simplify customs requirements, reduce work, and thereby conserve manpower, the Customs Regulations are hereby amended as follows:

1. Section 4.7 (b) is amended by deleting ", one copy to the discharging inspector, when required," from the first sentence.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3. Interprets or applies sec. 431, 46 Stat. 710; 19 U. S. C. 1431)

2. Section 10.61 (b) is amended by substituting "a declaration" for "an affidavit" in the first sentence and by changing the initial letter in the word in the last sentence to lower case and inserting at the beginning of the sentence: "Except when the procedure prescribed by § 10.62 is followed,".

3. A new § 10.62 is added to read:

§ 10.62 *Bunker oil.* (a) When fuel oil is withdrawn under section 309, Tariff Act of 1930, as amended, or section 3451, Internal Revenue Code, for delivery by barge or lighter to the vessel on which it is to be used, sealing of the transporting vessel, the issuance of a lighterage ticket or other document to cover the transportation for delivery, and immediate customs supervision of the transfer of the oil from the delivering vessel to the vessel on which it is to be used may be dispensed with if the person making the withdrawal undertakes to file with the customs warehouse officer in charge of the bonded tank from which the oil is to be withdrawn the following:

(1) A legible receipt signed by the master or person in charge of the delivering vessel, showing—

(i) The respective quantities of (*a*) bonded fuel oil and (*b*) domestic fuel oil on the delivering vessel at the time the oil covered by the current withdrawal is laden on such vessel;

(ii) The quantity of oil laden on the delivering vessel from the bonded tank under the withdrawal;

(iii) The date the oil was laden on his vessel; and

(iv) The quantity of the oil remaining on his vessel after delivery to the vessel on which the oil is to be used.

(2) A legible copy of the receipt given to the master or person in charge of the delivering vessel by the receiving officer of the vessel on which the oil is to be used, showing—

(i) The number of the warehouse entry covering the oil;

(ii) The number of the vessel supply withdrawal covering the oil;

(iii) The number or other identification of the sales order for the oil;

(iv) The identification number of the delivering vessel;

(v) The name and location of the vessel to which the oil was delivered for use;

(vi) The quantity of oil delivered to such vessel;

(vii) The date of delivery to such vessel; and

(viii) The signature and title of the officer receiving the oil on such vessel.

(b) When the procedure prescribed in paragraph (a) of this section is followed, representatives of the Commissioner of Customs will from time to time verify various withdrawals against all pertinent records, including financial records, of the withdrawers, deliverers, and receivers of the oil.

(R. S. 161, 251, sec. 624, 46 Stat. 759, 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interpret or apply sec. 309 (a), 46 Stat. 690, as amended; 19 U. S. C. 1309 (a))

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: March 8, 1954.

H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*

[F. R. Doc. 54–1807; Filed, Mar. 12, 1954; 8:49 a. m.]

[T. D. 53446]

PART 16—LIQUIDATION OF DUTIES

COUNTERVAILING DUTIES; WOOL TOPS FROM URUGUAY

The Bureau has received information concerning the export of wool tops to the United States from Uruguay which satisfies the Bureau that such exports which are registered by the Contralor de Exportaciones e Importaciones of Uruguay on or after January 23, 1954, receive bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U. S. C. 1303) in a lesser amount than was announced in T. D. 53257 (18 F. R. 2653).

In accordance with section 303, it is hereby estimated and determined that the net amount of such bounty or grant with respect to wool tops registered as stated above is 6 percent of the sum of the invoice value of the wool tops per se and any dutiable charges applicable to such tops. Until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of dutiable wool tops, imported directly or indirectly from Uruguay, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount of 6 percent of the invoice value of the tops per se, plus the dutiable charges applicable thereto, if satisfactory proof is furnished that such wool tops were registered by the Contralor de Exportaciones e Importaciones of Uruguay on or after January 23, 1954. In all other respects T. D. 53257 shall remain in full force and effect.

Section 16.24 (a) of the Customs Regulations (19 CFR 16.24 (a)), as amended, is further amended by adding the number of this Treasury Decision immediately below "53257" and inserting opposite such new number in the "Action" column "New rate".

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624. Interprets or applies sec. 303, 46 Stat. 687; 19 U. S. C. 1303)

[SEAL] C. A. EMERICK, *Acting Commissioner of Customs.*

Approved: March 5, 1954.

H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*

[F. R. Doc. 54–1806; Filed, Mar. 12, 1954; 8:49 a. m.]

No. 50——3

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, Parts 146a, 146b, 146e; 18 F. R. 2784, 6773, 7294, 7673, 8477; 19 F. R. 671, 1141) are amended as indicated below:

1. In § 146a.31 *Penicillin dental cones* • • •, paragraph (c) *Labeling* is amended by changing the figure "18" in subparagraph (1) (iv) to read "36".

2. Section 146a.45 *Procaine penicillin in oil* is amended as follows:

a. Paragraph (a) *Standards of identity* • • • is amended by deleting the period at the end of the fifth sentence and adding the words "or subcutaneous injection in fowl.", and by inserting in the sixth sentence, after the word "cattle", the words "or subcutaneous injection in fowl,".

b. Paragraph (b) *Packaging* is amended by changing the first sentence to read as follows: "The immediate container of procaine penicillin in oil shall be of colorless transparent glass (unless it is packaged to contain a single dose), so closed as to be a tight container as defined by the U. S. P., shall be sterile at the time of filling and closing, and shall be so sealed that its contents cannot be used without destroying such seal, except if it is labeled solely for udder instillations of cattle or subcutaneous injection in fowl it may be packaged in plastic or collapsible tubes which shall be well-closed containers as defined by the U. S. P."

c. Subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by inserting after the word "cattle" the words "or subcutaneous injection in fowl,".

d. Paragraph (c) (3) (ii) is amended to read:

(3) • • •

(ii) If it does not contain adrenocorticotropic hormone, adequate directions and warnings for the veterinary use of such drug by the laity, including a statement, if it is intended for subcutaneous injection in fowl, that it should be injected in the neck immediately behind the head.

e. Subparagraph (2) (i) and (ii) of paragraph (d) *Request for certification* • • • is amended by inserting after the word "cattle" the words "or subcutaneous injection in fowl", at both places at which it occurs.

3. Section 146a.57 *Procaine penicillin and streptomycin in oil* • • • is amended as follows:

a. Paragraph (a) is amended to read:

(a) Procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil conform to all requirements and to all procedures prescribed by § 146a.45 for procaine penicillin in oil for udder instillations of cattle or subcutaneous injection in fowl, except that:

• • • • • •

b. Paragraph (a) (3) is amended by changing the first sentence to read as follows: "In lieu of the labeling prescribed for procaine penicillin in oil by § 146a.45 (c) (1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin per milliliter or prescribed dose; if it contains one or more of the active ingredients specified in subparagraph (2) of this paragraph, the name and quantity of each; the statement "For udder instillations of cattle only" or the statement "For subcutaneous injection in fowl only"; and if it is a multiple-dose container, the statement "Shake well."

c. Paragraph (a) (4) is amended by deleting the period at the end of the first sentence and adding the following words: "or in each prescribed dose."

4. In § 146b.106 *Streptomycin sulfate solution* • • •, paragraph (c) *Labeling*, subparagraph (1) (iii) is amended by changing the words "18 months or 24 months" to read: "18 months or 24 months or 36 months".

5. Section 146e.411 *Bacitracin-neomycin ointment* is amended as follows:

a. In paragraph (a), subparagraphs (2) and (3) are renumbered as (3) and (4), respectively.

b. A new subparagraph (2), reading as follows, is inserted between subparagraph (1) and renumbered subparagraph (3):

(2) It may contain hydrocortisone acetate.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: March 9, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54–1800; Filed, Mar. 12, 1954; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 54-12]

MISCELLANEOUS EDITORIAL AMENDMENTS

The miscellaneous editorial amendments contained in this document clarify the requirements and bring them up to date. The amendments to 46 CFR 2.01–5 and 2.75–10 revise and bring up to date procedures followed in connection with vessel inspections. The amendments to 46 CFR 24.01–10 (c), 25.35–1, and 25.40–1 clarify the requirements for carburetor backfire flame arresters and ventilation for uninspected pleasure vessels. These changes contain the determination that the regulations in Part 25 do not interpret or apply the provisions of section 2 of the act of October 9, 1940, as amended (46 U. S. C. 463a). The amendment to 46 CFR 137.09–50 (a) removes the mandatory requirement that the witness must identify the person charged. The purpose of this change is to prevent the miscarriage of justice by preventing a witness to testify who cannot identify the person charged. The requirements in this section set forth in chronological sequence the procedural steps incident to the orderly presentation of evidence through witnesses. The revision will permit a witness to testify without requiring the witness to identify the person charged.

It is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003), is not necessary because the amendments set forth in this document either clarify the requirements, or are procedural rules published for the benefit of the public.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

Subchapter A—Procedure Applicable to the Public

PART 2—VESSEL INSPECTIONS

SUBPART 2.01—INSPECTING AND CERTIFICATING OF VESSELS

Section 2.01–5 is amended to read as follows:

§ 2.01–5 *Certificate of inspection*—(a) *Issuance of certificates.* Upon completion of the inspection of a vessel and on condition that the vessel and her equipment are approved by the inspectors, a certificate on one or more of the following Coast Guard forms will be issued by the Officer in Charge, Marine Inspection:

(1) CG–841—Certificate of Inspection.

(2) CG–854—Temporary Certificate of Inspection.

(3) CG–989—Certificate of Examination of Foreign Passenger Vessel of Country Having Inspection Laws, Approximating Those of the United States.

(4) CG–3463—Certificate for Foreign Vessel to Carry Persons in Addition to Crew.

(b) *Vessels issued certificates.* (1) All domestic vessels shall be issued a Temporary Certificate of Inspection (CG–854) and a Certificate of Inspection (CG–841).

(2) Foreign passenger vessels of countries signatory to the International Convention for the Safety of Life at Sea, 1948, shall be issued a Certificate of Examination.

(3) Foreign passenger vessels of countries which are nonsignatory to the International Convention for the Safety of Life at Sea, 1948 shall be issued a Temporary Certificate of Inspection (CG–854) and a Certificate of Inspection (CG–841).

(4) All foreign freight vessels carrying 12 or less passengers shall be issued a Certificate for Foreign Vessels to Carry Persons In Addition to Crew (CG–3463).

(c) *Description of certificates.* These certificates describe the vessel; the route which she may travel; the minimum manning requirements; the safety equipment and appliances required to be carried on board; the total number of persons which may be carried; the names of the operators and the owners. The duration of the certificates is for a period of 1 year after which they must be renewed by making application for inspection as provided for in § 2.01–1.

(d) *Amending certificates.* Where by reason of a change in the character of a vessel or in her route, equipment, etc., the vessel will not comply with the requirements of the certificate of inspection previously issued, a certificate amending such certificate may be issued at the discretion of the Officer in Charge, Marine Inspection, to whom request is made, on Coast Guard Form 858, Certificate Amending Certificate of Inspection by Changing Character of Vessel, Route, Equipment, Etc.

SUBPART 2.75—APPROVALS OF SAFETY, EQUIPMENT, MATERIALS AND INSTALLATIONS, AND QUALIFICATIONS FOR CONSTRUCTION PERSONNEL

Section 2.75–10 (d) is amended to read as follows:

§ 2.75–10 *Requirements and tests.*

* * *

(d) Affidavits and/or certifications stating that certain items will comply with the applicable rules and specifications are required from manufacturers as follows:

(1) For engineering material and appliances see Subpart 61.45 of Subchapter F (Marine Engineering) of this chapter.

(2) For standard buoyant cushion see § 160.007–7 of Subchapter Q (Specifications) of this chapter.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply E. O. 10402, 17 F. R. 9917; 3 CFR 1952 Supp.)

Subchapter C—Uninspected Vessels

PART 24—GENERAL PROVISIONS

SUBPART 24.01—AUTHORITY AND PURPOSE

Section 24.01–10 (c) is amended to read as follows:

§ 24.01–10 *Authority for regulations.*

* * *

(c) *Fire protection equipment.* (1) The regulations regarding fire protection equipment interpret or apply section 8 of the Motorboat Act of April 25, 1940, as amended (46 U. S. C. 526g).

(R. S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 416, 526p)

PART 25—REQUIREMENTS

NOTE: The authority for the regulations in this part is amended by deleting the statement that these regulations interpret or apply section 2, 54 Stat. 1028, as amended; 46 U. S. C. 463a.

SUBPART 25.35—CARBURETOR BACKFIRE FLAME ARRESTERS

Section 25.35–1 is amended to read as follows:

§ 25.35–1 *Must be approved.* (a) The carburetor of every gasoline engine installed in a motorboat or motor vessel after April 25, 1940, except outboard motors, shall be fitted with an approved device for arresting backfire, constructed in accordance with Subpart 162.015 of Subchapter Q (Specifications) of this chapter. Installations made before November 19, 1952, need not meet the detailed requirements of the specification and may be continued in use so long as they are in good condition.

SUBPART 25.40—VENTILATION

Section 25.40–1 is amended to read as follows:

§ 25.40–1 *Tanks and engine spaces.* (a) All motorboats or motor vessels the construction or decking over of which is commenced after April 25, 1940, and which use fuel having a flash point of 110 degrees F. or less shall have at least 2 ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove any inflammable or explosive gases. Such motorboats or motor vessels so constructed as to have the greater portion of the bilges under the engines and fuel tanks open and exposed to the natural atmosphere at all times need not be required to be fitted with such ventilators.

(R. S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 416, 526p)

Subchapter K—Marine Investigations and Suspension and Revocation Proceedings

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

SUBPART 137.09—HEARINGS

Section 137.09–50 (a) is amended by adding the phrase "whenever practicable or possible" to the end of the fifth sentence thereof so that this sentence will read as follows:

§ 137.09–50 *Witnesses.* (a) * * * The witness shall be required to identify the person charged whenever practicable or possible. * * *

(R. S. 4405, as amended, secs. 1, 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 375, 367, 50 U. S. C. 1275. Interprets or applies R. S. 4450, as amended; 46 U. S. C. 239)

Dated: March 9, 1954.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 54–1803; Filed, Mar. 12, 1954; 8:49 a. m.]

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[General Order 59, Revised, Amdt. 1]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

APPROVAL OF CHARTERS OF CERTAIN VESSELS TO ALIENS

General Order 59, Revised (§ 221.7 *Approval of charters of certain vessels to aliens*), published in the FEDERAL REGISTER (16 F. R. 691) is hereby amended by deleting subparagraph (2) of paragraph (a) of § 221.7, so that said § 221.7, amended as aforesaid, shall read as follows:

§ 221.7 *Approval of charters of certain vessels to aliens.* (a) The Department of Commerce, Maritime Administration, hereby approves under sections 9 and 37 of the Shipping Act, 1916, as amended (52 Stat. 964; 40 Stat. 901; 46 U. S. C. 808 and 835) the charter to a person not a citizen of the United States of any vessel (including space in such vessel) documented under the laws of the United States, or the last documentation of which was under the laws of the United States, or owned in whole or in part by any person a citizen of the United States, or by a corporation organized under the laws of the United States or of any State, Territory, District or possession thereof, for a period not more than six (6) months, or for a voyage or voyages the duration of which will probably not exceed six (6) months, except:

(1) Demise or bareboat charters;

(2) For the carriage of cargoes of any kind to or from the Soviet Union, Latvia, Lithuania, Estonia, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, North Korea, the Soviet Zone of Germany, Manchuria, or Communist China;

(3) Extension or renewals of a charter approved by this section. The Maritime Administration will consider each request for such an extension or renewal on its merits.

(4) For use in the fisheries.

(b) A copy of any such charter, as executed, which is approved by this section shall be filed with the Secretary of the Maritime Administration as soon as may be practicable but in any event not later than twenty (20) days after the beginning of the charter period or within such further time as may be permitted by the Maritime Administration.

(Sec. 19, 41 Stat. 995, Sec. 204, 49 Stat. 1987 as amended; 46 U. S. C. 1114, 876. Interpret or apply Sec. 9, 39 Stat. 730, as amended, sec. 37, 40 Stat. 901, as amended; 46 U. S. C. 808, 835)

Effective date. This amendment shall be effective on the date of publication in the FEDERAL REGISTER.

Dated: March 5, 1954.

[SEAL] LOUIS S. ROTHSCHILD,
Maritime Administrator.

[F. R. Doc. 54–1798; Filed, Mar. 12, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 8]

LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

INVOICING AND LABELING OF CERTAIN COAL-TAR PRODUCTS

On July 8, 1953, notice was given in the FEDERAL REGISTER (18 F. R. 3969) that, pursuant to paragraph 28 (f), Tariff Act of 1930 (19 U. S. C. 1001, par. 28 (f)), the Bureau of Customs was considering amending § 8.13 (i) of the Customs Regulations (19 CFR 8.13 (i)) and Treasury Decision 39744 (44 Treas. Dec. 41) with reference to the information required to be furnished on invoices covering importations of any coal-tar color, dye, stain, color acid, color base, color lake, leuco-compound, indoxyl, or indoxyl compound.

In response to this notice numerous representations were received that the proposed regulations were unreasonable in certain respects. Accordingly, the matter was given further consideration and notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, in order to facilitate the identification and examination of imported dyestuffs it is proposed to require information as to trade name, manufacturer's name, percentage of dyestuff, number of the dyestuff in a recognized index of dyestuffs, and, when necessary, information indicating method of application, chemical classification, and composition to be furnished with respect to each kind of coal-tar dyestuff in each importation of coal-tar dyestuffs. The information shall be furnished in quintuple, two copies to be attached to the original of the certified invoice and one copy attached to each of the other copies of the certified invoice. The information shall be furnished on separate sheets of paper presenting the information in the order and approximate position set forth in the sample form below. The information required by this regulation shall be given for shipments subsequent to (date to be announced) of any product covered by this regulation. However, for second and successive shipments to the same port of identical merchandise, of the same name and strength this form need not be executed, a reference to the date of first shipment subsequent to (date to be announced) being sufficient.

COAL-TAR DYES, COLORS, LAKES, COLOR ACIDS, COLOR BASES, LEUCO AND INDOXYL COMPOUNDS

1. Invoice name of product _____
2. Trade name of product _____
3. Name of manufacturer _____
4. Name(s) under which sold in country of production _____
5. Name of comparable American-made product with name of the U. S. manufacturer (if none or unknown, so state) _____
6. Percentage of active ingredient _____
7. Schultz number (if none, so state) _____
8. Colour index number (if none, so state) _____
9. U. S. standard number (if none, so state) _____

If no number is inserted in item 6, 7, or 8 the following additional information must be submitted:

10. Foreign prototype number (if none or unknown, so state) _____
11. Method of application (state whether acid, basic, direct, direct and developed, mordant, mordant acid, neutral, oil, oil and spirit, printing, spirit soluble, vat (soluble), vat (insoluble), or other (describe) and state nature of pre-treatment or after-treatment if any _____
12. Material to which applied (cotton, wool, silk, acetate, rayon, viscose, other (e. g.—polyamides, vinyls, acrylates, etc.)). Name the type or types of material for which the product is designed to be used _____
13. Chemical classification (acridine, aminoketone, anthraquinone, azine, azoic, azomethine, color acid, color base, color lake, cyanine, diazo, diphenylnaphthylmethane, esters of leuco indigoid, esters of leuco vat, fluorescent white, hydroxyketone, indamine, indigoid, indoaniline, indophenol, indoxyl, indoxyl compound, ketol, ketonimine, lactone, leuco compound, monoazo, nitro, nitroso, oxazine, phthalocyanine, polyazo, polymethine, quinoline, quinonoid, stilbene, sulfur or sulfide, tetrakisazo, thiazine, thiazole, thioindigoid, triphenylmethane, trisazo, xanthene, (rhodamine, rhodol, fluorone (3-isoxanthone type)), or other. Describe the class or classes to which the product belongs and the sub-class, if any.) _____
14. The scientific name or common name of the intermediate or intermediates used in the final stages of production of the finished product _____

Note: If the product consists of a mixture of two or more active ingredients the information required above shall be given for each active ingredient in the mixture, together with the proportions of each active ingredient in the mixture.

Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Customs, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the

FEDERAL REGISTER. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 8, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-1808; Filed, Mar. 12, 1954; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 915]

[Docket No. AO 246-RO 1]

HANDLING OF OLIVES GROWN IN CALIFORNIA OR ARIZONA

NOTICE OF REOPENING OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900; 19 F. R. 57), and the notice of the Secretary of Agriculture issued August 18, 1953 (18 F. R. 4997) with respect to the proposed marketing agreement and order regulating the handling of olives grown in California or Arizona, notice is hereby given of a public hearing to be held in the Venetian Room, Sacramento Hotel, Tenth and K Streets, Sacramento, California, beginning at 10:00 a. m., P. s. t., April 12, 1954.

The hearing is a continuation of the public hearing held at Stockton, California, May 6–14, 1953, on the aforesaid proposed marketing agreement and order. The reopened hearing will be held for the purpose of receiving additional evidence with respect to economic and marketing conditions relating to (1) the provisions of the proposed marketing agreement and order, as set forth in the notice of hearing dated April 14, 1953 (18 F. R. 2176), (2) the Notice of Recommended Decision and Opportunity to File Written Exceptions With Respect to the Proposed Marketing Agreement and Order dated July 20, 1953 (18 F. R. 4294), and (3) appropriate modifications of (1) and (2).

The reopened hearing is held also for the purpose of receiving evidence with respect to economic and marketing conditions relating to additional proposed amendments, as hereinafter set forth, to the aforesaid marketing agreement and order, or appropriate modifications thereof.

Neither the foregoing proposals and recommendations nor the following proposals have received the approval of the Secretary of Agriculture:

Proposal submitted by Olive Growers Committee for a Federal Marketing Order.

Add to the proposed marketing agreement and order the following provision: "Nothing in the agreement or order shall authorize, or be construed to authorize, the canning of any olives the canning of which is prohibited under any law of the State of California or any regulation or order issued thereunder."

Proposals submitted by C. C. Graber Company of Ontario, California, with respect to provisions in the recommended marketing agreement and order set forth in the aforesaid recommended decision:

1. Amend the definition of "Area" to read:

§ 915.4 *Area.* "Area" means that portion of the State of California lying and being north of San Luis Obisbo, Kern and San Bernardino Counties.

2. Revise § 915.27 *District* in conformity with the area proposed to be established under Proposal No. 1.

3. Amend the definition of "Canning olives" to read:

§ 915.9 *Canning olives.* "Canning olives" are olives acquired by a handler which he considers suitable for "canned olives" hereinafter defined.

4. Amend the definition of "Canned olives" to read:

§ 915.10 *Canned olives.* "Canned olives" means olives which have been placed in hermetically sealed containers and heat-sterilized under pressure, either whole or pitted and not divided into more than four parts exclusive of pits and which are not fully matured tree-ripened olives as hereinafter defined. Tree-ripened olives means olives which are fully matured and have attained a cherry-red color at the time of harvesting.

5. Amend the definition of "Handle" to read:

§ 915.16 *Handle.* "Handle" means (a) to size-grade olives, or (b) to can olives.

6. Delete §§ 915.58 (b), 915.59 (b), 915.59 (e) (2), and 915.61 (b).

7. Introduce additional testimony with respect to (a) estimated costs of operations; (b) anticipated rates of assessments; and (c) economic justification for the program.

Proposal submitted by Hemet Packing Company of Hemet, California:

Exclude from the proposed marketing agreement and order that portion of the State of California lying south of Tehachapi Pass.

Proposal submitted by Del Rosa Packing Company of Del Rosa, California:

Exclude from the proposed marketing agreement and order that portion of the State of California lying south of the Tehachapi Mountains, on a line from Santa Barbara on the west to a line east to Mojave and on east to the east line of San Bernardino County.

Copies of this notice of hearing may be obtained from the offices of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1000 Geary Street, San Francisco, California.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1816; Filed, Mar. 12, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 153, 157]

[Docket No. R-133]

APPLICATIONS FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS AND FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; FILING, AUTHORIZATION AND CERTIFICATE FEES REQUIRED

EXTENSION OF TIME FOR FILING COMMENTS

MARCH 9, 1954.

Upon consideration of the request filed March 5, 1954, on behalf of the Federal Power Bar Association;

Notice is hereby given that an extension of time is granted to and including April 9, 1954, within which to file comments and suggestions regarding the rules proposed in this matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1795; Filed, Mar. 12, 1954; 8:48 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Abbottstown Garment Co., Abbottstown, Pa., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' jackets).

Biflex Bishopville, Inc., Bishopville, S. C., effective 3-20-54 to 3-19-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres, garter belts).

Blue Bell, Inc., Luray, Va., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Blue Bell, Inc., Woodstock, Va., effective 3-6-54 to 3-5-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Blue Bell, Inc., Shenandoah, Va., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Blue Bell, Inc., Ruckersville, Va., effective 3-6-54 to 3-5-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Blue Bell, Inc., Mt. Jackson, Va., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Blue Bell, Inc., Elkton, Va., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Blue Bell, Inc., Madison, Va., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

The Chaffee Manufacturing Co., Inc., Chaffee, Mo., effective 4-3-54 to 4-2-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

Danville Manufacturing Co., Inc., 328 Ferry Street, Danville, Pa., effective 3-2-54 to 9-1-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' pajamas and nightgowns).

Dixie Lou Frocks, Inc., 120 South Water Street, Henderson, Ky., effective 3-4-54 to 3-3-55; 10 learners for normal labor turnover purposes (dresses, housecoats, etc.).

Dunhill Shirt Co., Glasgow, Mo., effective 3-5-54 to 3-4-55; 10 learners for normal labor turnover purposes (men's shirts).

Granby Manufacturing Co., Inc., Granby, Mo., effective 3-10-54 to 3-9-55; 10 learners for normal labor turnover purposes (trousers).

Jantus Manufacturing Co., 606 West 11th Street, Gary, Ind., effective 3-8-54 to 3-7-55; 10 percent of the total number of factory production workers for normal labor turnover purposes. Learners are not authorized to be employed at subminimum wage rates in the production of skirts and lined jackets (ladies' shorts, pedal pushers, etc.).

Jasper Brassiere Co., Inc., Bankhead Farmsteads Route 5, Jasper, Ala., effective 3-4-54 to 3-3-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Kane Manufacturing Co., Morgantown, Ky., effective 3-3-54 to 3-2-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport jackets).

Kane Manufacturing Co., Morgantown, Ky., effective 3-3-54 to 9-2-54; 25 learners for plant expansion purposes (sport jackets).

Karen Sportswear, Shickshinny, Pa., effective 4-1-54 to 3-31-55; 5 learners for normal labor turnover purposes (dresses).

Loungeray Inc., Canal Street, Hollidaysburg, Pa., effective 3-5-54 to 3-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' negligees and robes).

Manchester Pants Co., Manchester, Md., effective 3-13-54 to 3-12-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Mt. Vernon Garment Co., Sixteenth and Herbert Streets, Mt. Vernon, Ill., effective 3-8-54 to 3-7-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Nuremberg Dress Co., Nuremberg, Pa., effective 3-20-54 to 3-19-55; 10 learners for normal labor turnover purposes (dresses).

Perry Manufacturing Co., Box 349, Lowgap Road, Mt. Airy, N. C., effective 3-1-54 to 2-28-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' shorts, halters, pedal pushers, etc.).

Rainfair, Inc., Wynn, Ark., effective 3-2-54 to 7-3-54; 35 additional learners for plant expansion purposes (dress pants) (supplemental certificate).

Rice-Stix Factory No. 26, Thayer, Mo.: effective 3-10-54 to 3-9-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Rob Roy Co., Inc., Cambridge, Md., effective 3-19-54 to 3-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Sunstate Slacks, Inc., 900 North Howard Avenue, Tampa, Fla., effective 3-8-54 to 3-7-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress slacks).

I. Taitel & Son, 12 South Prettyman Street, Knox, Ind., effective 1-12-54 to 3-11-55; 10 learners for normal labor turnover purposes (work pants).

Tempest Shirt Manufacturing Co., Inc., 461 Cherry Street, Jesup, Ga., effective 3-5-54 to 3-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts).

The Turner Manufacturing Co., West Cedar Street, Goodlettsville, Tenn., effective 3-3-54 to 9-2-54; 50 learners for expansion purposes (shirts).

Sol Walter Contracting Co., 16 Burd Street, Nyack, N. Y., effective 3-5-54 to 3-4-55; 10 learners for normal labor turnover purposes (dresses).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Good Luck Glove Co., Metropolis, Ill., effective 3-10-54 to 3-9-55; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Bland Hosiery Mills, Inc., Bland, Va., effective 3-5-54 to 3-4-55; 5 learners for normal labor turnover purposes.

Gulf Stream Products Corp., Green Cove, Fla., effective 3-5-54 to 3-4-55; 3 learners for normal labor turnover purposes.

Hansen Hosiery Mills, Inc., 178 South Coldbrook Avenue, Chambersburg, Pa., effective 3-10-54 to 3-9-55; 5 learners for normal labor turnover purposes.

Vermont Hosiery and Machinery Co., Northfield, Vt., effective 3-10-54 to 3-9-55; 5 learners for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Seamprufe, Inc., Holdenville, Okla., effective 3-6-54 to 3-6-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips and lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Mohawk Manufacturing Corp., 215 West San Antonio Street, El Paso, Tex., effective 3-5-54 to 9-4-54; 6 learners; sewing, lacing, beading, each 160 hours at 65 cents per hour (moccasins and handbags).

The following special learner certificates were issued to the school-operated industries listed below:

Hawaiian Mission Academy, 1438 Pensacola Street, Honolulu, T. H., effective 3-1-54 to 8-31-54; print shop—compositor, pressman, and related skilled and semiskilled occupations; 5 learners; 500 hours at 65 cents per hour, 500 hours at 70 cents per hour; clerical—typist, bookkeeper, related skilled and semiskilled occupations; 5 learners; 300 hours at 65 cents per hour, 300 hours at 70 cents per hour.

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

V'Soske Shops, Inc., Bo. Pugnado Afuera, Vega Baja, P. R., effective 3-1-54 to 8-31-54; 10 learners; machine tufting, 120 hours at 30 cents an hour, 120 hours at 34 cents an hour, 120 hours at 38 cents an hour (wool rugs and carpets).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 8th day of March 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-1781; Filed, Mar. 12, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2377]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 9, 1954.

Take notice that on February 25, 1954, El Paso Natural Gas Company (Applicant), a Delaware corporation having

its principal place of business at El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a main line tap and a meter station to be located in Cochise County, Arizona.

The proposed facilities will be operated in conjunction with Applicant's existing facilities and will be utilized for the purpose of making deliveries of natural gas to Geronimo Natural Gas Company for resale in Cochise County.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of March 1954. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1796; Filed, Mar. 12, 1954; 8:48 a. m.]

[Docket No. G-2380]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 9, 1954.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in El Paso, Texas, filed, on March 1, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 4½-inch pipeline approximately 7 miles in length, from a point of connection with Applicant's 16-inch lines in Hudspeth County, Texas, to a point near Dell City, Texas, together with metering and regulating equipment for the sale of natural gas to Newel R. Hays, doing business as Dell City Gas Company for resale at Dell City and the nearby farming community in Hudspeth County, Texas.

Applicant estimates the cost of the proposed facilities at $92,444, and proposes to finance their construction out of its current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of March, 1954. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1782; Filed, Mar. 12, 1954; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 95th Supp.]

WESTERN NATIONAL INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS, REVOCATION OF AUTHORITY

MARCH 5, 1954.

The certificate of authority issued by the Secretary of the Treasury to Western National Insurance Company, San Francisco, California, under the provisions of the act of Congress approved July 30, 1947 (6 U. S. C. 6–13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, has been revoked effective as of the close of business on December 31, 1953.

Fireman's Fund Insurance Company, a California corporation, holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States, and under a merger effected on December 31, 1953, by the filing on that date with the Secretary of State of the State of California, of a certificate of ownership in accordance with the provisions of section 4124 of the California Corporations Code, merged into itself Western National Insurance Company and acquired all of the assets and assumed all of the liabilities of Western National Insurance Company. Further details as to this merger may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

The merger of the two companies will not affect the underwriting limitation for the surviving corporation, Fireman's Fund Insurance Company, which will remain at $8,433,000.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-1809; Filed, Mar. 12, 1954; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 174]

EMERY F. KEMENY ET AL.

ORDER REVOKING LICENSES, DENYING EXPORT PRIVILEGES, AND BARRING PRACTISE BEFORE THE BUREAU OF FOREIGN COMMERCE

In the matter of: Emery F. Kemeny, Andre Gabor, Kemeny Overseas Products Co., Inc., Wabash Products Corporation, 209 South LaSalle Street, Chicago 4, Illinois; Dorothy M. Marnocha, 5415 Connecticut Avenue NW., Washington, D. C.; Respondents.

An administrative compliance proceeding was instituted by the Director of the Investigation Staff of the Office of International Trade ("OIT"), now the Bureau of Foreign Commerce, on October 12, 1953, by the transmission of a charging letter issued against the above named individuals and corporations charging them with having violated the Export Control Act of 1949, as amended, and the regulations issued thereunder.

The charges are, in substance, that said respondents engaged in unethical activities contrary to the regulations in that respondents Emery F. Kemeny and Andre Gabor, principal officers and owners of Kemeny Overseas Products Co., Inc., and Wabash Products Corporation ("Kemeny"), interrelated companies dealing in primary and secondary tinplate for export, by and through respondent Dorothy M. Marnocha, Washington representative of the Kemeny respondents before OIT, gave to a then tinplate license officer of OIT, on July 7, 1951, the sum of $350.00 for a television set, and, on October 13, 1951, a sterling silver coffee service valued at $110.00, to induce such license officer to take action with respect to the issuance of export licenses and other aspects of the administration of the export control law and regulations.

The said charging letter contains a provision declaring the said respondents as temporarily ineligible to participate in validated license transactions, and suspending the validated license privileges of said respondents until determination of the compliance proceeding instituted by the letter.

By petition dated October 23, 1953, the Kemeny respondents moved to vacate or modify the temporary suspension in the charging letter, but such motion was denied after a hearing before the Compliance Commissioner on October 27, 1953, although said respondents were granted relief to the extent of being permitted to complete three exportations of validated license commodities abroad upon showing that the foreign customers for such commodities might suffer irreparable damages if the exportations were not authorized.

After receiving the charging letter respondent Marnocha submitted to the Bureau a letter dated October 22, 1953, purporting to be an answer to the charges applicable to her, in which she denies knowledge of or participation in the giving of gifts to the license officer as charged and asserts her innocence therein; she also waives oral hearing on the charges intimating that since she no longer is engaged in the export field that deprivation of export privileges is not a matter of concern to her.

Following the hearing on the motion to vacate the temporary suspension, the Kemeny respondents conferred, by and through their counsel, with officials of the Bureau and thereafter submitted to the Bureau, with the advice of and through such counsel, a statement dated January 21, 1954, proposing, for the purposes of the compliance proceeding only, not to contest the charges applicable to them, waiving all rights to a hearing thereon, and consenting to the entry of an order against them, the terms of which are set forth below.

A consolidated hearing on the charges against respondent Marnocha and on the consent proposal of the Kemeny respondents was duly held before the Compliance Commissioner on February 5, 1954, at Washington, D. C. Respondent

Marnocha did not appear nor was she represented by counsel. The Kemeny respondents were represented by counsel and respondent Emery F. Kemeny appeared in person; the Bureau was also represented by counsel.

After reviewing the evidence in support of the charges presented by counsel for the Bureau, the mitigating circumstances claimed by the Kemeny respondents, the answer to the charges by respondent Marnocha, and the entire record, the Compliance Commissioner filed his report containing his finding that the evidence received sustained the charges and that said respondents had violated the law and regulations as charged, and his recommendations that the proposal of the Kemeny respondents for the issuance of an order should be accepted and an order entered accordingly, and that respondent Marnocha be barred from practice before the Bureau and be denied other privileges until April 15, 1955, subject to restoration on and after October 12, 1954, upon such terms and conditions as may be required by the Bureau to assure her future compliance with the export control law and regulations.

The Compliance Commissioner points out in his report that in making his recommendations he has taken into consideration the absence of any record of prior export control violations by respondents, their subjection to suspension of validated license privileges since October 12, 1953, the cooperation given to the Investigation Staff by the Kemeny respondents in other investigations of the license officer which followed his dismissal from the Bureau, and other circumstances tending to be in mitigation of their acts.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the answer of respondent Marnocha, the proposal for a consent order against the Kemeny respondents, the evidentiary material, and the entire record. It appears therefrom that the Compliance Commissioner's findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses held by or issued in the names of respondents Kemeny Overseas Products Co., Inc., Wabash Products Corporation, Emery F. Kemeny, Andre Gabor, and Dorothy M. Marnocha, or any of them, or any person, firm, corporation, or other business organization with which they, or any of them, are now related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith, are revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(2) In addition to the prohibitions and denials of privileges set forth below, and except as this order may hereafter be modified or amended in accordance with the provisions thereof or of the export control regulations, respondent Dorothy M. Marnocha is hereby excluded until April 15, 1955, from practice before the Bureau of Foreign Commerce, as defined in § 384.2 of the regulations; and respondents Kemeny Overseas Products Co., Inc., Wabash Products Corporation, Andre Gabor and Emery F. Kemeny, for themselves or by and through any party in their behalf, are hereby prohibited until April 15, 1955, from communicating in person or by telephone with any official or employee of the Department of Commerce in connection with any export control matter within the jurisdiction of the Bureau.

(3) Effective as of the date of issuance hereof, respondent Dorothy M. Marnocha is hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, including Canada, until April 15, 1955.

(4) Effective as of the date of issuance hereof, respondents Emery F. Kemeny, Andre Gabor, Kemeny Overseas Products Co., Inc., and Wabash Products Corporation, their officers, directors, agents, and employees, are hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination pursuant to validated export licenses, and in the exportation under any general export license of any steel mill products coded TNPL, by § 399.3, Appendix C, of the Comprehensive Export Schedule, until April 15, 1955; *Provided, however,* That after April 14, 1954, the validated license privileges and the general license privileges which are herein denied to said respondents shall be restored to them without further order of the Bureau of Foreign Commerce, but no validated licenses which have been revoked and canceled under this order shall thereby be restored.

(5) With respect to respondent Dorothy M. Marnocha, and without limitation of the generality of the denial of export privileges contained in paragraph (3) above, participation in an exportation is deemed to include and prohibit said respondents' participation (a) as a party or as a representative of a party to any validated export license application, (b) in the applying, submitting, obtaining, or using of any validated or general export license or any application therefor, or other export control document, (c) in the receiving in any foreign country of any exportation from the United States, and (d) in the financing, forwarding, transporting, or servicing of exports from the United States, or the servicing of export control documents.

(6) With respect to respondents Kemeny Overseas Products Co., Inc., Wabash Products Corporation, Emery F. Kemeny and Andre Gabor, and each of them, and without limitation of the generality of the denial of export privileges contained in paragraph (4) above, participation in an exportation shall be deemed to include and prohibit (a) the filing of any validated export license application, (b) the obtaining or using any validated export license, or the using of any general license for the export of any steel mill product coded TNPL, and any export control documents relating thereto, (c) the receiving in any foreign country of any validated license exportation from the United States, and any steel mill product coded TNPL exported under any general license, and (d) the financing, forwarding, transporting, or other servicing of any such exportations from the United States.

(7) The denial of export privileges as contained in paragraphs (3) and (4) above shall extend not only to the respondents named therein, but also to any person, firm, corporation, or other business organization with which they, or any of them, may be now and hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(8) Commencing on October 12, 1954, and at anytime thereafter prior to the expiration date of this order, respondent Dorothy M. Marnocha shall have the privilege of applying in writing to the Bureau for restoration of the privileges denied to her by paragraphs (2) and (3) above, and the Bureau may, upon evidence satisfactory to it, restore all or part of such privileges to said respondent upon such terms and conditions as may be deemed necessary to assure compliance by said respondent with the export law and regulations in the future.

(9) In the event that any of the named respondents shall knowingly violate the terms of this order or any of the laws or regulations related to export control during the entire period of the order, the Bureau may summarily and without notice to the respondent or respondents responsible for such violation, at such time as it shall determine that such violation has occurred, issue a supplemental order which may deny to such respondent or respondents all export privileges for a period up to twelve months from the date of such supplemental order, and may revoke and cancel all outstanding validated export licenses as to which such respondent or respondents may be a party directly or indirectly, without thereby limiting the Bureau from taking such other and further action based on such violation as it shall deem warranted.

(10) No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States, or finance, service, transport, forward, or receive any such exportations to or for the named respondents, or any of them, which are barred to said respondents, or any of them, by the terms of this order, or to or for any person, firm, corporation, or other business organization covered by and included in paragraph (7) above, without prior disclosure of such facts to, and specific authorization from, the Bureau.

(11) The temporary suspension of validated license privileges imposed upon the named respondents by the terms of

the charging letter dated and issued against them on October 12, 1953, is hereby vacated and declared of no effect, it being the purpose of this order to supersede and replace the said temporary suspension.

Dated: March 8, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-1786; Filed, Mar. 12, 1954; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6382]

ALLEGHENY AIRLINES, INC.; PHILIPSBURG AIRPORT CASE

NOTICE OF ORAL ARGUMENT

In the matter of Allegheny Airlines, Inc., to serve Clearfield-Du Bois-Philipsburg, Pa., through the Philipsburg Airport.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 25, 1954, at 10:00 a. m., e. s. t. in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 11, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1810; Filed, Mar. 12, 1954; 8:50 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request 7]

REQUEST TO WYOMING VALLEY MANUFACTURERS POOL, INC., TO OPERATE AS A SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN THE OPERATIONS OF SUCH POOL

Pursuant to section 217 of the Small Business Act of 1953, the request to Wyoming Valley Manufacturers Pool, Inc., to operate as a small business production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Small Business Administration. The voluntary program, in accordance with which the pool shall operate, has been approved by the Administrator of the Small Business Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO WYOMING VALLEY MANUFACTURERS POOL, INC.

I hereby approve your proposed voluntary program to operate as a small business production pool and find it to be in the public interest as contributing to the national defense.

In my opinion, the operations of your organization as a small business production pool will assist in the accomplishment of our national defense. Therefore, in accordance with the provisions of section 217 of the Small Business Act of 1953, you are hereby requested to operate as such a pool in the manner set forth in the approved voluntary program.

While no obligation is imposed upon you, by virtue of this request, to operate as such a pool or to seek or obtain any Government contracts, if you wish to commence operations as a small business production pool you may do so upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved voluntary program.

The Attorney General has approved this request after consultations with respect thereto among his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 217 of the Small Business Act of 1953.

Sincerely yours,

WENDELL B. BARNES,
Administrator.

REQUEST TO COMPANIES

The voluntary program of Wyoming Valley Manufacturers Pool, Inc., to operate as a small business production pool has been found to be in the public interest as contributing to the national defense and has therefore been approved.

Inasmuch as your concern is included among the prospective members of the pool, in my opinion your participation in its operations will assist in the accomplishment of our national defense program. Therefore, in accordance with the provisions of section 217 of the Small Business Act of 1953, you are hereby requested to participate in the operations of the pool in the manner set forth in its voluntary program.

While no obligation is imposed upon you, by virtue of this request, to participate in the operations of this pool, if you wish to participate you may do so by notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved voluntary program.

The Attorney General has approved this request after consultations with respect thereto among his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 217 of the Small Business Act of 1953.

Sincerely yours,

WENDELL B. BARNES,
Administrator.

The Wyoming Valley Manufacturers Pool, Inc., accepted the request set forth above to operate as a small business production pool.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Anthracite Foundry & Machine Co., 380 North Main Street, Plains, Pa.

Ashley Machine Tool Co., 275 Susquehanna Avenue, Wyoming, Pa.

Atha Tool & Machine Co., Warden Avenue, Trucksville, Pa.

Coal-O-Matic Co., Trucksville, Pa.

S. A. Farris, Plating, 274 Chapel Street, Luzerne, Pa.

Hillside Manufacturing Co., Trucksville, Pa.

R. & K. Manufacturing Co., 43 Pike Street, Port Jervis, N. Y.

J. Frank Seely & Son, 184 Railroad Street, Plymouth, Pa.

(Sec. 217, Pub. Law 163, 83d Cong.; sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10483, October 16, 1953, 18 F. R. 6583)

Dated: March 9, 1954.

D. A. HIPKINS,
Deputy Administrator.

[F. R. Doc. 54-1785; Filed, Mar. 12, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3186]

UTAH POWER & LIGHT CO. AND WESTERN COLORADO POWER CO.

ORDER AUTHORIZING SALE OF SECURITIES BY SUBSIDIARY TO PARENT HOLDING COMPANY

MARCH 9, 1954.

Utah Power & Light Company ("Utah"), a registered holding company, and its wholly owned electric utility subsidiary, The Western Colorado Power Company ("Colorado"), having filed with this Commission a joint application-declaration and an amendment thereto designating sections 6 (b), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 thereunder as applicable to the proposed transactions, as follows:

Applicants-declarants propose that Colorado will (a) refinance $1,000,000 principal amount of 11-month notes issued and delivered to Utah during the year 1953, by issuing and delivering to Utah its note in the principal amount of $1,000,000 bearing interest payable semi-annually at the rate of 4½ percent per annum and maturing July 1, 1963, upon receipt of which note Utah will cancel and return said 11-month notes to Colorado; (b) during the period ending March 31, 1955, issue and sell to Utah up to, but not more than, 20,000 shares of Colorado's common stock at the par value of $20 per share, payable in cash; (c) during the period ending March 31, 1955, borrow from Utah up to, but not more than, $1,000,000, to be evidenced by Colorado's promissory note or notes executed from time to time as such borrowings are made, such notes to bear interest at the rate of 4 percent per annum, payable quarterly, and to mature not more than 11 months from the dates thereof. It is stated that at the end of the period, March 31, 1955, the ratio of the amount of notes to the amount of stock issued will not exceed ten of notes to four of stock.

Colorado proposes to use the funds so received to finance its current construction program. The company estimates that it will require, in addition to $350,000 of its own cash, approximately $1,400,000 to complete its 1954 construction program and to carry the program forward into 1955.

The issuance and sale by Colorado of its note maturing July 1, 1963, and additional shares of its common stock, proposed in items (a) and (b) above, have been expressly authorized by the Public Utilities Commission of Colorado, in

which State said utility company is organized and doing business; but it is represented that said Commission does not have jurisdiction over the short-term notes proposed in item (c) above.

Applicants-declarants request that the Commission's order herein be made effective forthwith upon issuance.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested of or ordered by the Commisison; and the Commission deeming it appropriate to consider the application filed pursuant to section 6 (b) of the act with respect to the issuance and sale of the short-term notes by Colorado as a declaration under section 7 of the act; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder with respect to all the proposed transactions are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1783; Filed, Mar. 12, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28992]

PULPBOARD AND FIBREBOARD FROM THE SOUTH TO ILLINOIS AND INDIANA

APPLICATION FOR RELIEF

MARCH 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to Agent C. A. Spaningers tariff I. C. C. No. 1349, pursuant to fourth-section order No. 16101.

Commodities involved: Pulpboard and fibreboard carloads.

From: Points in southern territory.

To: Chicago, Ill., and other points in Illinois and Indiana.

Grounds for relief: Competition with rail carriers, circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1772; Filed, Mar. 11, 1954; 8:51 a. m.]

[4th Sec. Application 28993]

BITUMINOUS COAL FROM INDIANA MINES TO AURORA, ILL.

APPLICATION FOR RELIEF

MARCH 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedules listed below.

Commodities involved: Bituminous coal, carloads.

From: Mines in Indiana in the Brazil-Clinton, Linton-Sullivan, and Princeton, Ind., groups.

To: Aurora, Ill.

Grounds for relief: Competition with rail carriers, circuity, market competition, and to maintain grouping.

Schedules filed containing proposed rates:

Carrier	Supplement No.	I. C. C. No.
B & O	2	C & C 3000
C & EI	Inc	2
CI & L	26	4788
CMStP & P	21	B-7717
IC	70	E 19000
NYC	60	16965
PRR	20	3200

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1787; Filed, Mar. 12, 1954; 8:46 a. m.]

[4th Sec. Application 28994]

GRAIN FROM ARKANSAS, LOUISIANA AND MISSOURI TO POINTS IN TEXAS

APPLICATION FOR RELIEF

MARCH 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Grain, grain products and related articles, carloads.

From: Points in Arkansas, Louisiana, and Missouri.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3941, supp. 74.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1788; Filed, Mar. 12, 1954; 8:47 a. m.]

[4th Sec. Application 28995]

SUPERPHOSPHATE FROM HOUSTON, TEX., TO HUTCHINSON AND TOPEKA, KANS.

APPLICATION FOR RELIEF

MARCH 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate) other than ammoniated, in bulk, carloads.

From: Houston, Tex.

To: Hutchinson and Topeka, Kans.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 318.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1789; Filed, Mar. 12, 1954; 8:47 a. m.]

[4th Sec. Application 28996]

LIQUEFIED CHLORINE GAS FROM MEMPHIS, TENN., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1062.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Memphis, Tenn.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1062, supp. 139.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1790; Filed, Mar. 12, 1954; 8:47 a. m.]

[4th Sec. Application 28997]

FOREIGN WOODS FROM ELIZABETH CITY, N. C., TO CENTRAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

MARCH 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber, logs or flitches of mahogany and Philippine woods, built-up woods, and veneer, carloads.

From: Elizabeth City, N. C.

To: Points in central and Illinois territories.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1238, supp. 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1791; Filed, Mar. 12, 1954; 8:47 a. m.]

[4th Sec. Application 28998]

SODA ASH FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO PENSACOLA AND NORTH PENSACOLA, FLA.

APPLICATION FOR RELIEF

MARCH 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Soda ash, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Pensacola and North Pensacola, Fla.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1400, supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1792; Filed, Mar. 12, 1954; 8:47 a. m.]

[4th Sec. Application 28999]

PETROLEUM PRODUCTS FROM PANAMA CITY, FLA., TO GADSDEN, ALA.

APPLICATION FOR RELIEF

MARCH 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum products, carloads, as described in item 785 series of Agent C. A. Spaninger's tariff I. C. C. No. 1253.

From: Panama City, Fla.

To: Gadsden, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger Agent, I. C. C. No. 1253, supp. 135.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1793; Filed, Mar. 12, 1954; 8:47 a. m.]

[4th Sec. Application 29000]

SULPHURIC ACID FROM MCINTOSH, ALA., TO TUPELO, MISS.

APPLICATION FOR RELIEF

MARCH 10, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Gulf, Mobile and Ohio Railroad Company, St. Louis-San Francisco Railway Company, and Southern Railway Company.

Commodities involved: Sulphuric Acid, in tank-car loads.

From: McIntosh, Ala.

To: Tupelo, Miss.

Grounds for relief: Competition with rail carriers, circuitous routes and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1357, supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1794; Filed, Mar. 12, 1954; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JOHANNA ALMA ELKAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Johanna Alma Elkan, Berlin-Charlottenburg, Germany; Claim No. 57543, Vesting Order No. 3950; $271.92 in the Treasury of the United States.

Executed at Washington, D. C., on March 8, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-1801; Filed, Mar. 12, 1954; 8:49 a. m.]

WILHELMINA STOHANDL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Wilhelmina Stohandl, also known as Wilhelmine Schwertner Stohandl, Buenos Aires, Argentina, Claim No. 46408; cash in the Treasury of the United States in the amount of $43,703.83.

Executed at Washington, D. C., on March 8, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-1802; Filed, Mar. 12, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 51

Washington, Tuesday, March 16, 1954

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5965]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ANCHOR SERUM CO.

Subpart—*Dealing on exclusive and tying basis:* § 3.670 *Dealing on exclusive and tying basis.* In connection with the offer for sale, sale, or distribution of anti-hog-cholera serum or hog-cholera virus in commerce: (1) Selling or making a contract or agreement for the sale of any such products on the condition, agreement, or understanding that the purchaser of said products shall purchase all of his (its) requirements from respondent or that otherwise requires that the purchaser thereof shall not use or deal in or sell the goods, wares, and merchandise of a competitor or competitors of the respondent; and (2) enforcing or continuing in operation or effect any condition, agreement, or understanding in, or in connection with, any existing sales contract, which condition, agreement, or understanding is to the effect that the purchaser of said products shall purchase all of his (its) requirements from respondent or which otherwise requires that the purchaser thereof shall not use or deal in the goods, wares, and merchandise of a competitor or competitors of the respondent; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 3, 38 Stat. 731; 15 U. S. C. 14) [Cease and desist order, Anchor Serum Company, South Saint Joseph, Mo., Docket 5965, Feb. 16, 1954]

Pursuant to the provisions of an act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), the Federal Trade Commission, on March 14, 1952, issued and subsequently served its complaint in this proceeding upon Anchor Serum Company, a corporation, charging it with violation of the provisions of section 3 of the said Clayton Act. After the issuance of said complaint and the filing of respondent's answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it and said testimony and other evidence were duly recorded in the office of the Commission. Thereafter, the proceeding regularly came on for final consideration by said hearing examiner upon the complaint, answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel (oral argument not having been requested); and said hearing examiner, on April 10, 1953, filed his initial decision herein.

Within the time permitted by the Commission's rules of practice, respondent filed an appeal from said initial decision, and the Commission after duly considering said appeal and briefs of counsel in support thereof and in opposition thereto, and the record herein, issued its order granting in part and denying in part the said appeal.

Thereafter, this matter regularly came on for final consideration by the Commission upon the entire record herein, and the Commission, being now fully advised in the premises, makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent, Anchor Serum Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of anti-hog cholera serum or hog cholera virus in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Selling or making a contract or agreement for the sale of any such products on the condition, agreement, or understanding that the purchaser of said products shall purchase all of his (its) requirements from respondent or that otherwise requires that the purchaser thereof shall not use or deal in or sell the goods, wares, and merchandise of a competitor or competitors of the respondent.

[1] Filed as part of the original document.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 3, 1953 Supp. ($1.50)

Title 8 ($0.35)

Titles 10–13 ($0.50)

Titles 40–42 ($0.50)

Title 49: Parts 71 to 90 ($0.65)

Previously announced: Title 18 ($0.45); Title 25 ($0.45); Title 49: Parts 1 to 70 ($0.60); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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2. Enforcing or continuing in operation or effect any condition, agreement, or understanding in, or in connection with, any existing sales contract, which condition, agreement, or understanding is to the effect that the purchaser of said products shall purchase all of his (its) requirements from respondent or which otherwise requires that the purchaser thereof shall not use or deal in the goods, wares, and merchandise of a competitor or competitors of the respondent.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 16, 1954.

By the Commission.[1]

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 54–1835; Filed, Mar. 15, 1954; 8:48 a. m.]

[1] Dissenting opinion of Commissioners Mason and Carretta filed as part of original document.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 71]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is established at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name; elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances
1	2	3	4	5
MIDLAND, TEX. Air Terminal, 2,857 Hdf Terminal, 2,857 MAF Procedure No. 1 Mar. 24, 1954	Midland BVOR	200—9.0	4,000	S side of SW course: 225° outbound; 045° inbound; 4,300' within 10 miles, 4,600' within 25 miles.
RALEIGH, N. C. Raleigh Durham, 435' RHAZ-DTV RDU Procedure No. 1 Mar. 24, 1954	Raleigh BVOR Smithfield FM (final)	348—9.0 209—11	2,600 1,400	N side SE course: 135° outbound; 315° inbound; 1,900' within 25 miles.
CLEVELAND, OHIO Cleveland Hopkins Airport, 787 LOM CT Procedure No. 1 Dec. 17, 1952	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED DEC. 8, 1953.			

City and State; airport name; elevation; facility; class and identification; procedure No.; effective date	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.
1	6	9	10
MIDLAND, TEX. Air Terminal, 2,857 Hdf Terminal, 2,857 MAF Procedure No. 1 Mar. 24, 1954	T–dn C–dn S–dn 4 A–dn	300–1 500–1 500–1 800–2	300–1 500–1½ 500–1 800–2
RALEIGH, N. C. Raleigh Durham, 435' RHAZ-DTV RDU Procedure No. 1 Mar. 24, 1954	T–dn C–dn S–dn 32 A–dn	300–1 500–1½ 500–1 800–2	300–1 500–1½ 500–1 800–2

City and State; airport name; elevation; facility; class and identification; procedure No.; effective date	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.
1	8	9	10
MIDLAND, TEX. Air Terminal, 2,857 Hdf Terminal, 2,857 MAF Procedure No. 1 Mar. 24, 1954	T–dn C–dn S–dn 4 A–dn	300–1 500–1½ 500–1 800–2	300–1 500–1½ 500–1 800–2
RALEIGH, N. C. Raleigh Durham, 435' RHAZ-DTV RDU Procedure No. 1 Mar. 24, 1954	T–dn C–dn S–dn 32 A–dn	300–1 500–1½ 500–1 800–2	300–1 500–1½ 500–1 800–2

If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished

11

Within 3.8 miles climb to 4,000' on S course of LFR within 10 miles. ADF procedure not authorized.

Within 4.0 miles climb to 2,000' on NW course within 25 miles, or when directed by ATC climb to 1,900' on NE course of Raleigh LFR within 25 miles.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is established at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name; elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances
1	2	3	4	5

City and State; airport name; elevation; facility; class and identification; procedure No.; effective date	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.
1	8	9	10

If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished

11

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DODGE CITY, KANS. Dodge City, 2,594' BMH DDC Procedure No. 1 Mar. 22, 1954	Int. E course OCK LFR and 169° course to DDC BMH.	169—18.0	3,900	W side of course: 349° outbound. 169° inbound. 3,900' within 25 miles.	3,200	Facility on airport	T-dn C-dn C-dn A-dn	300-1 600-1 600-1½ 800-2	300-1 600-1½ 600-2 800-2	Climb to 3,900' on outbound course of 169 within 25 miles. CAUTION 2,731' MSL tower 3 miles NW of airport and 2,894' MSL tower 3 miles W of airport.
	Dodge City VOR	150—6.0	3,900							
JACKSONVILLE, FLA. Imeson, 52' ILS-LOM JA Procedure No. 1 Aug. 1, 1952	PROCEDURE CANCELED, SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE, DATED FEB. 24, 1954.									
MIAMI, FLA. Miami International, 9' LOM-MI Procedure No. 1 Dec. 18, 1952	PROCEDURE CANCELED, SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE, DATED MAR. 24, 1954.									
PITTSBURGH, PA. Greater Pittsburgh, 1,151' Rbn GBW Procedure No. 3 Oct. 25, 1952	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED JAN. 19, 1954.									
TULSA, OKLA. Municipal, 674' Owasso MHW-OWS Procedure No. 2 Mar. 23, 1954.	Verdigris River FM	270—10	1,800	W side of course: 354° outbound. 174° inbound. 2,000' within 15 miles. Beyond 15 miles not authorized.	1,500	174—6.2	T-dn C-dn S-dn 17L A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 6.5 miles, climb to 2,200' on SE course of TUL LFR within 25 miles, or when directed by ATC climb to 2,400' on SW course TUL LFR within 25 miles.
	Tulsa LFR	342—6.0	1,700							
	Skiatook FM	107—14	1,900							
	Tulsa VOR	045—2.5	2,000							
VALDOSTA, GA. Valdosta Airport, 203' BMH TV VLD Procedure No. 1 Mar. 24, 1954	Valdosta VOR	003—7.0	1,400	S side course: 135° outbound. 315° inbound. 1,400' within 25 miles.	800		T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1½ 800-2	Within 0.6 mile, make immediate left turn and climb to 1,300' on course of 135° within 25 miles of Rbn.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
JACKSONVILLE, FLA. Imeson 52' ILS-JAX LOM-JA Procedure No. 1 Combination ILS-ADF Feb. 24, 1954	Int N course Jacksonville LFR and NE course ILS	LOM	224—10.0	1,300	N side SW course: 224° outbound. 044° inbound. 1,300' within 5 mile of LOM.# Beyond 5 miles not authorized.	ILS 1,200 ADF 1,200 over LOM	1,180—4.6	220—0.7	T-dn C-dn S-dn 5 ILS ADF A-dn	300-1 500-1 400-¾ 500-1 800-2	300-1 500-1½ 400-¾ 500-1 800-2	Climb to 1,300' on NE course ILS or 044° track from LOM within 25 miles. When directed by ATC climb to 1,300' on 090° track from the Jacksonville VOR within 25 miles. #Procedure turn non-standard and limited to 5 miles account danger area and obstruction.
	Jacksonville LFR	LOM	237—7.0	1,300								
	Jacksonville VOR	LOM	234—10.0	1,300								
	Bryceville FM	LOM	108—14.0	1,200								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
MIAMI, FLA. Miami International, 9' ILS-MIA LOM-MI Procedure No. 1 Combination ILS-ADF Mar. 24, 1954	Miami LFR	LOM#	085—1.3	1,100	N side W course: 267° outbound. 085° inbound. 1,100' within 25 miles.	ILS 1,100 ADF 1,100 over LOM	1,100—4.6	200—0.7	T-dn C-dn S-dn 9-R ILS ADF A-dn	300-1 500-1 400-¾ 500-1 800-2	300-1 500-1½ 400-¾ 500-1 800-2	Climb to 1,400' on E course of ILS or 085° track from LOM within 25 miles. #Right turn from S, or left turn from N from MIA-LFR to LOM NA.
	Miami VOR	LOM	260—1.4	1,100								
	Krome FM	LOM	091—10.0	1,100								

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Condition	Precision approach (PAR): 75 m. p. h. or less	Precision approach (PAR): More than 75 m. p. h.	Surveillance approach (ASR): 75 m. p. h. or less	Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds, (b) directed by ground controller, (c) visual reference is not established upon descent to the authorized landing minimums, or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
DALLAS, TEX. Love Field, 483' Feb. 19, 1954	2,000' within 20 miles. Radar control must provide 3 miles lateral or 1,000' vertical separation from radio tower 1,230' MSL on bearing of 294° at 12 miles from DAL LFR.	7, 13, 18, 31 #	C—dn	----------	----------	500-1	500-1½	All runways, climb to 2,000', proceed direct to DAL VOR and hold E on radial 093° within 25 miles or proceed direct to DAL LFR and hold S within 25 miles. #When approaching Runway 31 maintain at least 1,540' MSL until within 4 miles of runway. *Due ground clutter.
		25	C—dn	----------	----------	600-1	600-1½	
		36	ALL	----------	----------	NA*	NA*	
		ALL	T-dn	----------	----------	300-1	300-1	
		7, 13, 18, 31, 25	A—dn	----------	----------	800-2	800-2	
		36	A—dn	----------	----------	NA*	NA*	
MINNEAPOLIS, MINN. Minneapolis-St. Paul International, 840' Procedure No. 1 Mar. 30, 1954	Minimum instrument altitude within 25 miles area radius 2,600' MSL.	29L	T-dn	200-½	200-½	----------	----------	Climb to 2,600' and proceed to Hamel FM via NW course MSP-LFR or via back course from MSP-ILS. Alternate missed approach when directed by ATC. 1. Make left climbing turn to 2,200' proceeding out SW course MSP to Jordan FM. 2. Make left climbing turn to 2,100' returning to MSP-LFR.
			C—dn	500-1	500-1½	----------	----------	
			S—dn	200-½	200-½	----------	----------	
			A—dn	600-2	600-2	----------	----------	
		4-20L	T-dn	----------	----------	300-1	300-½	
			C—dn	----------	----------	500-1	500-1½	
			S—dn	----------	----------	500-1	500-1½	
			A—dn	----------	----------	600-2	600-2	
		11R-22	T-dn	----------	----------	300-1	300-½	
			C—dn	----------	----------	600-1	600-1½	
			S—dn	----------	----------	600-1	600-1½	
			A—dn	----------	----------	600-2	600-2	

5. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitude; limiting distances	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
					Condition	Type aircraft		
						75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	8	9	10	11
DODGE CITY, KANS. Dodge City, 2,564' BVOR-TTV Procedure No. 1 Mar. 22, 1954	Dodge City BMH	330—6.0	3,900	W side of course: 330° outbound. 150° inbound. 3,000' within 25 miles.	T-dn C-dn S-dn 8-in 14 A-dn	300-1 500-1½ 500-2 500-1 500-2 800-2	300-1 500-1½ 500-2 500-1 500-2 800-2	Within 6.3 miles, climb to 3,900' on outbound course of 330° within 25 miles. CAUTION: 2,841' MSL radio tower 3 miles NW of airport and 1½ miles W of final approach course. 2,856' MSL radio tower 3 miles W of airport.
GRAND ISLAND, NEBR. Grand Island, 1,840' BVOR GRI Procedure No. 1 Mar. 22, 1954	Grand Island LFR	165—0.8	3,100	West side of course: 349° outbound. 169° inbound. 3,100' within 15 miles. 3,300' within 25 miles.	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 0.5 mile climb to 3,200' on course of 169° from OKI-VOR within 25 miles.
KANSAS CITY, MO. Municipal, 750' BVOR-YKC Procedure No. 1 Mar. 22, 1954	Kansas City LFR	004—8.0 ↓ ↑	2,500	W side of course: 319° outbound. 139° inbound. 2,500' within 25 miles.	T-dn C-dn A-dn	300-1 1,000-3 1,000-3	300-1 1,000-3 1,000-3	Within 10 miles, immediately turn right climb to 2,500' on track of 224° within 25 miles of YKC VOR. Takeoffs S and SW when weather is below 1,000-3 will take up a heading of 210° as soon as practicable after takeoff and maintain heading until reaching 2,500' prior to making left turn. CAUTION: Numerous 993' MSL and 1,000' MSL flash lights 857' MSL, 4½ mile east of runway 18; smoking plant and stack 856' MSL, 1½ mile WNW of airport. TV tower 1,670' MSL, 2½ miles S of airport; composed buildings 1,423' MSL 1 mile SSE of airport.
MIDLAND, TEX. Air Terminal, 2,857' BVOR-MAF Procedure No. 1 Mar. 24, 1954	Midland LFR	020—9.0	4,000	W side of course: 300° outbound. 120° inbound. 4,000' within 10 miles. 4,100' within 20 miles. 4,200' within 25 miles.	T-dn C-dn S-dn 10R A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 4.2 miles climb to 4,000' on course of 132° within 25 miles.
VERO BEACH, FLA. Vero Beach Airport, 23' BVOR TV VRB Procedure No. 1 Mar. 24, 1954	Vero Beach Rbn	200—6.5	1,100	S side course: 290° outbound. 110° inbound. 1,100' within 25 miles.	T-dn C-dn S-dn 11 A-dn	300-1 500-1½ 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 2 miles, climb to 1,200' on course of 110° within 10 miles of VOR.* *CAUTION NOTE: Warning area beyond 10 miles.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE, *Administrator of Civil Aeronautics.*

[F. R. Doc. 54-1850; Filed, Mar. 15, 1954; 8:51 a. m.]

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE, *Administrator of Civil Aeronautics.*

[F. R. Doc. 54-1850; Filed, Mar. 15, 1954; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VI-4]

DMO VI-4—PROTECTIVE CONSTRUCTION FOR INDUSTRIAL FACILITIES AND AVAILABILITY OF TAX AMORTIZATION INCENTIVE

By virtue of the authority vested in me by the Defense Production Act of 1950, as amended, Executive Order 10438 and Executive Order 10480, it is hereby ordered:

1. *Protective construction.* Protective construction, appropriate to the type of facility and its location, shall be encouraged for facilities important to the industrial mobilization base which are not or cannot be located at safe distances from probable targets.

2. *Definition.* Protective construction is that extraordinary construction, above and below ground, designed to resist weapons effects, including structural strengthening of buildings, installation of damage-resistant materials, compartmentation, special shelters for personnel and equipment, and protection for plant services and utility systems.

3. *Accelerated tax amortization.* Capital expenditures for protective construction may be fully amortized over a five-year period under the provisions of section 124A of the Internal Revenue Code provided:

a. Such expenditures are not deductible as a business expense under section 23 (a) (1) of the Internal Revenue Code;

b. The proposed protective construction meets the technical standards established by the Federal Civil Defense Administration and is so certified by an architect or engineers and the local Civil Defense Director; and

c. The proposed protective construction is for facilities (1) which produce or will produce a material or service for which the Office of Defense Mobilization has established a general or special expansion goal, regardless of whether said goal is open or closed; and (2) which are located in target areas as defined by the Federal Civil Defense Administration, or close to installations which the Office of Defense Mobilization, after consultation with the Department of Defense, identifies as special targets.

4. *Application for accelerated tax amortization.* a. Applications for accelerated tax amortization of the cost of protective construction shall be made by filing standard form ODMF-2, "Application for a Necessity Certificate" or, if the protective construction pertains to a facility already covered by a Necessity Certificate, by filing an amended Appendix A to form ODMF-2.

b. The application will be accompanied by (1) a certification by an architect or engineer that the proposed protective construction is in general conformity with the latest standards and criteria for protective construction published by the Federal Civil Defense Administration, and that the estimated cost thereof is attributable solely to protective construction; and (2) a certification by the local Civil Defense Director that the proposed protective construction complies with the standards established by the Federal Civil Defense Administration.

c. Application forms may be obtained from the field offices of the U. S. Department of Commerce and the Small Business Administration.

5. This order is effective immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-1868; Filed, Mar. 12, 1954; 2:39 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127, International Postal Service: Postage Rates, Service Available and Instructions for Mailing, 39 CFR Part 127, make the following changes:

a. In § 127.136 *Restricted delivery by senders* make the following changes in the list appearing in paragraph (a):

1. Delete "Poland" and its endorsement.

2. Insert the following in alphabetical order:

Philippines (Republic of the).	"To be delivered to Addressee only."
Saudi Arabia	"A remettre personnelle-ment."
Spain	"A remettre en main propre" or "A entregar en propia mano."

b. In § 127.210 *Austria* make the following changes:

1. Amend paragraph (b) (5) to read as follows:

(5) *Prohibitions.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

2. In paragraph (b) (6), add subdivision (iv) to read as follows:

(iv) It is understood that addressees may be required to obtain permission from the authorities in Austria for the importation of the following: Medicines, meat products (except in individual gift parcels), arms.

c. In § 127.286 *Kenya and Uganda* amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles 65 cents for the first 2 ounces and 45 cents for each additional 2 ounces. (See § 127.20.)

d. In § 127.332 *Poland* make the following changes:

1. Add the following to paragraph (b) (5):

(vi) Senders should be cautioned that the contents of gift parcels will invariably be subject to very rates of customs duty in Poland, and are not delivered unless this duty is paid by the addressees. In addition, many items require import permits to be obtained by the addressees from the Polish authorities. Senders presenting parcels for mailing on which they would not be willing to pay return postage if delivery is not effected in Poland should be asked to complete Forms 2922 and 2966 to show that their parcels are to be treated as abandoned if undeliverable as addressed.

(vii) Patrons desiring information as to the amount of duty chargeable on any particular items should be referred to the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., or to any field office of that Department.

2. Amend subdivision (i) of paragraph (b) (7) to read as follows:

(i) See subparagraph (5) of this paragraph for restrictions on gift parcels.

e. In § 127.363 *Tanganyika Territory* amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles 65 cents for the first 2 ounces and 45 cents for each additional 2 ounces. (See § 127.20.)

f. In § 127.383 *Zanzibar and Pemba* amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles 65 cents for the first 2 ounces and 45 cents for each additional 2 ounces. (See § 127.20.)

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-1823; Filed, Mar. 15, 1954; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10604]

PART 3—RADIO BROADCAST SERVICES

ESTIMATED GROUND CONDUCTIVITY IN UNITED STATES

In the matter of amendment of Part 3, Radio Broadcast Services, of the Commission's rules and regulations and the Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

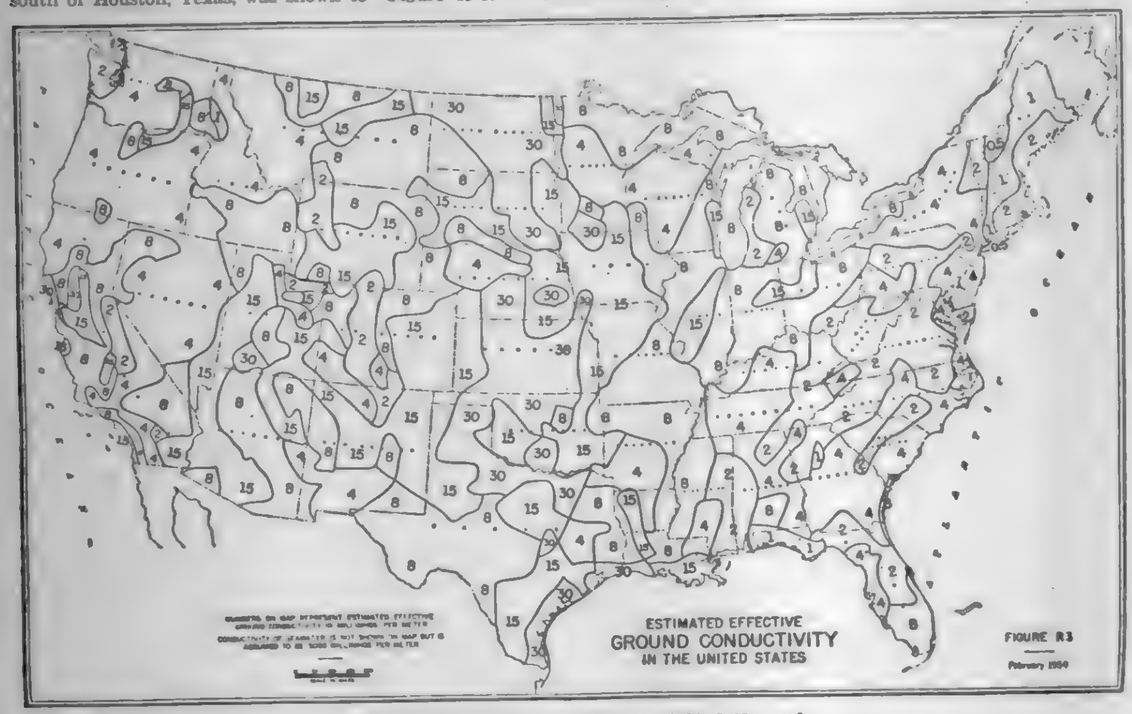
The Commission on February 25, 1954 (19 F. R. 1247), issued a Report and Order (FCC 54-263) in the above matter.

It has been found that an error was made in drafting the Figure R3—Estimated Ground Conductivity in the United States—in that a small area south of Houston, Texas, was shown to have a conductivity 4 mmhos/meter. This area should be shown as having a conductivity of 30 mmhos/m and accordingly the line of demarcation between it and the adjacent area having a value of 30 mmhos/m should be removed.

There is attached a corrected copy of Figure R-3. The conductivity is correctly shown on Figure M-3, available from the Superintendent of Documents.

Released: March 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.



[F. R. Doc. 54-1775; Filed, Mar. 15, 1954; 8:45 a. m.]

[Docket No. 10377]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

FREQUENCIES FOR TELEPHONY

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation by coast stations, ship stations, and aircraft stations on currently assignable frequencies for telephony within the band 4000 kc to 18000 kc and to include authority for operation by such stations on other frequencies for telephony within the same band; Docket No. 10377.

At a session of the Federal Communications Commmission held at its offices in Washington, D. C. on the 10th day of March 1954;

The Commission having under consideration that portion of its proposal in the above entitled matter embodied in its third further notice of proposed rule making which relates to dates of availability and deletion of certain of the high seas frequencies; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter, which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on December 16, 1953 (18 F. R. 8248) and that the period for the filing of comments has now expired; and

It further appearing that although not objecting to the proposed amendments, Aeronautical Radio, Inc. noted the proximity of the new ship frequency 8212.6 kc to the aeronautical frequency 8220 kc; and

It further appearing that mutual harmful interference between the two frequencies is not likely to occur and that as soon as possible a substitue frequency for 8220 kc will be made available; and

It further appearing that the public interest, convenience, and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c), (f) and (r) of the Communications, Act of 1934, as amended;

It is ordered, That, effective April 12, 1954, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: March 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

a. Part 7 of the Commission's rules is amended in the following particulars:

1. Section 7.304 (a) is amended by deleting from the table of frequencies the frequency 4287.5 kc and by adding thereto the frequencies 4427.6 and 17302.1 kc.

2. Section 7.306 (a) (2) is amended by adding to the table of "Additional working carrier frequencies in this band" under the respective column headings the following:

Coast station transmitting frequency (kilocycles)	Coast station location in the vicinity of—	Coast station receiving carrier frequency (kilocycles)
17,302.1	Hawaii	16,471.9

3. Section 7.306 (b) is amended by revising the table of frequencies as follows: In the second column opposite the item concerning Miami, Florida, and under the heading "*Coast Station Transmitting Carrier Frequency*" delete 4287.5 and in lieu thereof insert 4427.6.

b. Part 8 of the Commission's rules is amended in the following particulars:

1. Section 8.351 (a) is amended by adding the frequency 8212.6 kc to the table of frequencies.

2. Section 8.354 (a) (1) is amended by revising the table of frequencies as follows: In the third column opposite the item concerning Miami, Florida, and under the heading "*Associated Coast Station Carrier Frequency*", delete 4287.5 and in lieu thereof insert 4427.6.

3. Section 8.355 (a) (1) is amended by adding the frequency 8212.6 kc to the table of frequencies.

[F. R. Doc. 54-1848; Filed, Mar. 15, 1954; 8:51 a. m.]

[Docket No. 10750]

PART 16—LAND TRANSPORTATION RADIO SERVICES

TAXICAB RADIO SERVICE; SPECIAL LIMITATIONS

In the matter of amendment of Part 16, rules governing Land Transportation Radio Services, to make changes in the rules governing Taxicab Radio Service; Docket No. 10750.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 10th day of March 1954:

The Commission having under consideration the matter of amending the rules governing the Taxicab Radio Service to provide for the use, in vehicles operated by supervisory personnel, of frequencies normally available only to Base Stations; and

It appearing that on November 13, 1953, the Commission issued a notice of proposed rule making in the above entitled matter (18 F. R. 7366), making Base Station frequencies available to mobile taxicab supervisory personnel, under certain circumstances, and also revising the marking requirements for radio-equipped vehicles operated by such personnel in order that such vehicles would not be required to bear markings identical to those used on passenger carrying vehicles; and

It further appearing that written comment favoring adoption of the amendment, as proposed, was received from the American Taxicab Association, Inc.; and

It further appearing that no comment expressing opposition was received by the Commission in connection with this proceeding; and

It further appearing that the demonstrated need for Base Station frequency usage, in the manner proposed, would serve the public interest and convenience by permitting greater flexibility in taxicab operations; and

It further appearing that the changes herein ordered impose no new burden on applicants or licensees, relax existing requirements, and may therefor be made effective immediately:

It is ordered, That, pursuant to authority contained in sections 4 (i), 303 (c) and 303 (r) of the Communications Act of 1934, as amended, Part 16 of the Commission's rules is hereby amended, effective immediately, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: March 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Delete the present title and text of § 16.403 *Limitation on installation of mobile units*, and substitute the following:

§ 16.403 *Special limitations.* (a) All mobile units authorized in the Taxicab Radio Service shall be permanently installed in motor vehicles, and such installation shall be made only in vehicles used (1) for the carriage of passengers for hire, (2) by supervisory personnel in the discharge of their official duties, or (3) for the towing or repair of disabled motor vehicles of the licensee.

(b) Use of Mobile Station facilities by supervisory personnel shall be limited as follows:

(1) Communications addressed to other mobile units shall relate directly to safety of life or property, routing or rerouting of taxicabs to avoid hazards or abnormal traffic conditions, or enforcement of public laws and company instructions; and

(2) Communications addressed to the licensee's Base Station shall relate directly to safety of life or property or supervisory control of motor vehicles of the licensee.

(c) Each radio-equipped vehicle which is used by supervisory personnel in the discharge of their official duties shall be conspicuously and permanently marked with the name under which the licensee conducts his taxicab business.

(d) Mobile units installed in vehicles used by supervisory personnel in the discharge of their official duties may be authorized, upon application, to operate on Base Station frequencies.

[F. R. Doc. 54-1849; Filed, Mar. 15, 1954; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 168—APPLICATIONS FOR CERTIFICATES AND PERMITS

FORM BMC 78

In the matter of applications under sections 206, 207, 209, and 210, Interstate Commerce Act.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 9th day of March A. D. 1954.

The matter of applications designated Form BMC 78 (49 CFR 7.78), prescribed by order entered January 15, 1951, being under consideration:

It is ordered, That Part 168 be, and it is hereby, amended as follows:

§ 168.1 *Applications*—(a) *Form.* Applications for motor carrier certificates and permits to continue, institute, change, or extend motor carrier operations, or to engage in dual operations, in interstate or foreign commerce under the Interstate Commerce Act, shall be in the form and contain the information called for in the form of application designated as BMC 78 (§ 7.78 of this chapter.)

(b) *Filing and service.* The verified original of each such application shall be filed with this Commission, one true copy thereof shall be furnished the District Director or Supervisor of the Bureau of Motor Carriers located in the district wherein applicant is domiciled, and one true copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or official (or Governor if there is no Board, Commission or official) having authority to regulate the business of transportation by motor vehicles, of each State in or through which applicant operates or proposes to operate. If the authority sought is for the transportation of passengers, a notice of the filing of such application, Form BMC 15 (Revised) (§ 7.15 of this chapter), must also be delivered, in person or by registered or receipted mail, to each motor carrier and each carrier by rail or water, known to the applicant, with whose service the operations described in such application are or will be directly competitive. If the authority sought is for the transportation of property, applicant is not required to give notice to competitors since notice of such filing will be by publication in the FEDERAL REGISTER.

(49 Stat. 546, as amended; 49 U. S. C. 304)

It is further ordered, That except as hereby amended, the order herein dated January 15, 1951, shall remain in full force and effect.

And it is further ordered, That this order shall become effective on the 22d day of March 1954.

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1833; Filed, Mar. 15, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 983]

TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

PROPOSED EXPENSES AND RATE OF ASSESSMENT FOR THE FISCAL PERIOD BEGINNING FEBRUARY 1, 1954

Consideration is being given to the following proposals submitted by the

Control Committee, established under Marketing Agreement No. 112 and Order No. 83 (7 CFR Part 983), regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated area of Florida and Georgia, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses in the amount of $5,300 are reasonable and are likely to be incured by the Control Committee (established under the foregoing marketing agreement and order) for its maintenance and functioning during the fiscal period beginning February 1, 1954, and ending January 31, 1955, inclusive, and (2) that the Secretary fix the rate of assessment, which each handler shall pay during the aforesaid fiscal period in accordance with the applicable provisions of the said marketing agreement and order as the respective handler's pro rata share of the aforesaid expenses, at $1.25 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period beginning February 1, 1954, and ending January 31, 1955, inclusive.

The terms used herein shall have the same meaning as when used in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals may file the same with the Director, Tobacco Division, Agricultural Marketing Service, Room 4741, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 10th day of March 1954.

[SEAL] STEPHEN E. WRATHER,
Director, Tobacco Division.
Agricultural Marketing Service.

[F. R. Doc. 54-1852; Filed, Mar. 15, 1954; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 10848]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 10848.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of March 1954;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing that notice of proposed rule making (FCC 54-143) setting forth the above amendment was issued by the Commission on February 5, 1954 and was duly published in the FEDERAL REGISTER (19 F. R. 840), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before March 5, 1954; and

It further appearing that no comments were received either favoring or opposing the adoption of the proposed reallocation;

It further appearing that the immediate adoption of the proposed reallocation would facilitate consideration of a pending application requesting a Class B assignment in Paris, Tennessee;

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channels	
	Delete	Add
Paris, Tenn		250
Memphis, Tenn	250	

Released: March 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1838; Filed, Mar. 15, 1954; 8:49 a. m.]

[47 CFR Part 12]

[Docket No. 10927]

AMATEUR RADIO SERVICE

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of petitions of the American Radio Relay League for amendment of Part 12, rules governing amateur radio service; Docket No. 10927.

A notice of proposed rule making in the above-designated proceeding, released on February 23, 1954, afforded an opportunity to interested parties to file on or before May 17, 1954, written statements or briefs setting forth their comments, and provided that comments or briefs in reply to the original comments could be filed within fifteen (15) days from the last day for filing the said original comments.

The Commission has received a request filed by the American Radio Relay League, Inc. for an 11-day extension because it needs additional time to formulate policy concerning its comments at an annual meeting of its board of directors to be held May 14, 1954.

It appears that the request of the American Radio Relay League, Inc. is reasonable, and

Therefore, it is ordered, This 9th day of March 1954, that the date for filing written statements or briefs setting forth comments of the interested parties in this proceeding is extended until May 28, 1954, and the date for filing comments or briefs in reply to the original comments is extended to June 14, 1954.

Released: March 10, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1839; Filed, Mar. 15, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 5, 1954.

An application, serial number Montana 012561, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws, but not the mineral-leasing laws, of the lands described below was filed on February 8, 1954, by Department of the Interior, Fish and Wildlife Service. The purposes of the proposed withdrawal: For wildlife purposes in connection with the Dodson Waterfowl Management Area.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region III, Bureau of Land Management, Department of the Interior at Billings, Montana. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

T. 31 N., R. 26 E.,
Sec. 23: SW¼NW¼, NE¼SW¼, NW¼SE¼.

The area described aggregates 120 acres.

W. B. WALLACE,
Regional Administrator.

[F. R. Doc. 54-1836; Filed, Mar. 15, 1954; 8:48 a. m.]

Bureau of Reclamation

[No. 49]

PAYETTE DIVISION, BOISE PROJECT, IDAHO

PUBLIC NOTICE OF TERMS GOVERNING DELIVERY OF WATER FOR 1954 IRRIGATION SEASON

MARCH 2, 1954.

1. On February 27 and March 9, 1948, Public Notices Nos. 38 and 39 were issued, one announcing the availability of water under the contract of October 3, 1927, between the United States and the Black Canyon Irrigation District, as amended by the contract of July 15, 1936, to the lands comprising the gravity areas of the Payette Division; the other announcing the rental charge, in addition to the construction charge against the land covered by Public Notice No. 38, for all lands to which water would be delivered for 1948. On September 14, 1949, Public Notice No. 41 was issued opening land to entry and announcing that water would be furnished therefor for the irrigation season of 1950. On March 25, 1949, Public Notice No. 42 was issued announcing terms governing delivery of water for the 1949 irrigation season, on February 24, 1950, Public Notice No. 44 was issued announcing terms governing delivery of water for the 1950 irrigation season, on March 5, 1951, Public Notice No. 46 was issued announcing terms governing delivery of water for the 1951 irrigation season, on April 11, 1952, Public Notice No. 47 was issued announcing terms governing delivery of water for the 1952 irrigation season and on March 30, 1953, Public Notice No. 48 was issued announcing terms governing delivery of water for the 1953 irrigation season. These notices were issued having regard for the provisions of the Federal Reclamation Laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto) prohibiting the delivery of water upon the completion of any new project or new division of a project until a contract approved by the Secretary of the Interior had been made with an irrigation district providing for payment by the district of all the costs of constructing and operating and maintaining the irrigation works.

2. Public Notices Nos. 42, 44, 46, 47 and 48 were issued for the purpose of providing a temporary arrangement for furnishing water to the lands of the District during the 1949, 1950, 1951, 1952 and 1953 irrigation seasons. It is unlikely that an amendatory repayment contract will be entered into between the United States and the District prior to the beginning of the irrigation season of 1954. Exercising my general supervisory authority over the works of the Payette Division, I have determined that, notwithstanding the inadequacy of the existing repayment contract and outside the provisions of the contract, water will be furnished for the 1954 irrigation season only on a temporary rental basis as follows:

(a) For lands served by gravity canals in the Payette Division, the minimum water charge for the 1954 irrigation season for water delivered to or for the farms by Government forces will be $5.60 per irrigable acre, said payment to be made by each landowner for his total irrigable area. Included in said water rental charge for lands served by gravity canals is a construction charge component of $1.60. If the total cost of operating and maintaining the works of the Payette Division, including the charge for power for irrigation pumping for the year 1954 is less than, or equals, the amount paid by the District on the basis of $4.00 per irrigable acre, such construction component of $1.60 may be credited on the instalment that would have been due for 1953 under the contract of October 3, 1927, as amended, and Public Notice No. 38. The said minimum water rental charge per irrigable acre shall be payable whether or not water is used and will entitle the water user to three acre-feet of water per irrigable acre for the 1954 irrigation season. Of the said minimum charge, the landowners shall pay to the District and the District shall pay to the United States $4.00 per irrigable acre in advance of the delivery of water, and $1.60 per irrigable acre one-half on or before December 31, 1954 and one-half on or before July 1, 1955. Additional water, if available, will be furnished for the 1954 irrigation season at the rate of $1.10 per acre-foot of excess. Payment for all excess water shall be payable by each landowner to the District on or before December 20, 1954. Payments by the District to the United States for such excess water shall be made on or before December 31, 1954. The minimum charge on account of lands which do not receive water for the irrigation season of 1954 shall be payable by the District to the United States on or before December 31, 1954, and the District shall make the necessary assessments therefor against the lands involved.

(b) For the rental of water during the irrigation season of 1954 for lands under the pump system of the Payette Division, there will be a minimum charge of $4.00 per irrigable acre, such payment to be made by each landowner for his total irrigable area. The said minimum charge shall be payable whether or not water is used and will entutle the water user to three acre-feet per irrigable acre for the 1954 irrigation season. The landowner shall pay to the District and the District shall pay to the United States the full minimum charge of $4.00 per irrigable acre in advance of the delivery of water. Additional water, if available, will be furnished for the 1954 irrigation season at the rate of $1.10 per acre-foot of excess. Payment for all excess water shall be payable by each landowner to the District on or before December 20, 1954. Payment by the District to the United States for excess water shall be made on or before December 31, 1954. The minimum charge on account of lands which do not receive water for the irrigation season of 1954 shall be payable by the District to the United States on or before December 31, 1954, and the District shall make the necessary assessments therefor against the lands involved.

3. The foregoing arrangements are a temporary expedient for the 1954 irrigation season only. The District's board of directors and the Bureau of Reclamation have reached agreement on a long-range repayment plan which is embodied in an amendatory repayment contract draft. The present arrangements are made with the understanding that all reasonable effort will be made by the District's board of directors to present the amendatory contract to the District's electors at the earliest possible date.

4. Water for Payette Division lands will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

5. Any charge, or any part thereof, required to be paid to the United States under this notice, and which remains unpaid after it shall become due and payable, shall be subject to, and there shall be paid a penalty at the rate of one-half percent per month from the date of delinquency.

6. Individual landowners in the Payette Division will make their applications for water and the payments required by this public notice direct to the Black Canyon Irrigation District Office, Notus, Idaho. Applications by the irrigation district for water and payments by the District to the United States on the basis of this public notice will be received at the office of the Bureau of Reclamation, Box 937, Boise, Idaho.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 54-1819; Filed, Mar. 15, 1954; 8:45 a. m.]

Office of the Secretary

[Order 2285, Amdt. 1]

OREGON

ORDER ESTABLISHING SIUSLAW MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESCRIBING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD LANDS WITHIN SUCH UNIT

MARCH 9, 1954.

Order 2285 which among other matters established the boundaries of the Siuslaw Master Unit and prescribed the annual productive capacity of such unit, and Order 2380 which among other matters established the boundaries of the Alsea-Rickreall Master Unit contemplated that the northern boundary of the former and the southern boundary of the latter would be a common boundary extending westward from the Willamette River in Sec. 8, T. 15 S., R. 4 W., W. M. to the west line of Sec. 19, T. 15 S., R. 8 W., W. M. In the period between the promulgation of the two orders, incomplete field investigations revealed that a certain area of land in ranges 7 and 8 West, Township 15 South might well be placed in either master unit, and such land was not included in any master unit.

Recently, investigations upon the ground have been completed, and it is now possible to determine the master unit location for such lands. I find it

to be in the public interest that such omitted land be included within one or the other of the two units and that based upon such ground examination, other minor adjustments be made in the common boundary between the two master units. This adjustment, together with recently completed inventory data, will require a consequent adjustment in the determination of the annual productive capacity of the revested Oregon and California Railroad grant lands within the Siuslaw Master Unit. Accordingly, pursuant to the authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874), I hereby amend sections 1 and 3 of Order 2285 to read as follows:

1. The Siuslaw Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning in Sec. 17, T. 15 S., R. 8 W., W. M., Oregon, at the summit of Taylor Butte, thence along the lines of legal subdivisions, southwesterly, 7½ miles, around the headwaters of Deadwood Creek; southerly, 9½ miles, to the Siuslaw River; southeasterly, 8½ miles, around the headwaters of the drainage into the Siuslaw River, to the line between Lane and Douglas Counties, sections 1, 2, 11, and 12, T. 19 S., R. 9 W.; southeasterly, 33½ miles, around the headwaters of the drainage into the Siuslaw, on and adjacent to the boundary line between Lane and Douglas Counties to the ¼ section corner between sections 26 and 35, T. 21 S., R. 4 W.; northeasterly and westerly, 15 miles, around the headwaters of the drainage into the Siuslaw River, northerly, 24 miles, around the headwaters of Wolf Creek, Noti Creek, and Long Creek to the line between Lane and Benton counties in Sec. 12, T. 15 S., R. 6 W., W. M.; westerly from the east line of said Sec. 12, along the Lane-Benton county line, 7½ miles, to the center line of Sec. 11, T. 15 S., R. 7 W., W. M.; thence along legal subdivisions north, ¼ mile; west, 1¼ miles; north ¼ mile, west 1¼ miles; south, ¼ mile; west, ½ mile; south, ¼ mile; west, ½ mile; south, approximately ¼ mile; west, ½ mile; south, approximately ¼ mile; thence along logging setting boundaries, southerly approximately ⅜ mile; southeasterly, approximately ½ mile; southwesterly approximately 2 miles; southeasterly, approximately ¾ mile to the east section line of Sec. 25, T. 15 S., R. 8 W., W. M.; thence along legal subdivisions, south approximately ¾ mile to the northeast corner of Sec. 36, T. 15 S., R. 8 W.; west, ½ mile; south, ¾ mile; west, ⅜ mile; northerly, ½ mile; west, ¾ mile; north, ¼ mile; west, 1 mile to the northwest corner of Sec. 34, T. 15 S., R. 8 W., W. M.; north, 1½ miles; west, ⅜ mile; north, ⅛ mile; west, ¼ mile; north, ¾ mile; west to the summit of Taylor Butte, the place of beginning; all as shown in more detail on maps dated September 27, 1951, on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., and Portland, Eugene, Salem, Roseburg, Medford, and Coos Bay, Oregon.

3. The annual productive capacity of the revested Oregon and California Railroad grant lands within the Siuslaw Master Unit shall be 57,000,000 feet board measure.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-1820; Filed, Mar. 15, 1954; 8:45 a. m.]

[Order 2380, Amdt. 1]

OREGON

ORDER ESTABLISHING ALSEA-RICKREALL MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESENTING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD LANDS WITHIN SUCH UNIT

MARCH 9, 1954.

Order 2380 which among other matters established the boundaries of the Alsea-Rickreall Master Unit and prescribed the annual productive capacity of such unit, and Order 2285 which among other matters established the boundaries of the Siuslaw Master Unit contemplated that the southern boundary of the former and the northern boundary of the latter would be a common boundary extending westward from the Willamette River in Sec. 8, T. 15 S., R. 4 W., W. M. to the west line of Sec. 19, T. 15 S., R. 8 W., W. M. In the period between the promulgation of the two orders, incomplete field investigations revealed that a cetrain area of land in ranges 7 and 8 West, Township 15 South might well be placed in either master unit, and such land was not included in any master unit.

Recently, investigations upon the ground have been completed, and it is now possible to determine the master unit location for such lands. I find it to be in the public interest that such omitted land be included within one or the other of the two units and that based upon such ground examination, other minor adjustments be made in the common boundary between the two master units. Accordingly, pursuant to the authority vested in me by Section 1 of the act of August 28, 1937 (50 Stat. 874), I hereby amend section 1 of Order 2380 to read as follows:

1. The Alsea-Rickreall Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning at the NE corner of Sec. 24, T. 6 S., R. 6 W., W. M., Oregon, thence following lines of legal subdivisions west 4 miles; southerly 4 miles; westerly 18 miles to the NW corner Sec. 14, T. 7 S., R. 9 W.; southeasterly 11 miles to the NE corner Sec. 16, T. 8 S., R. 8 W.; south 10 miles; west 3 miles; southerly 33 miles to the SW corner Sec. 13, T. 15 S., R. 9 W.; east 1 mile; south ¼ mile to the boundary of the Siuslaw Master Unit at the southeast corner of NE¼NE¼, Sec. 24, T. 15 S., R. 9 W.; thence following said Siuslaw Master Unit boundary east ½ mile; north ¼ mile; east ½ mile; north ½ mile; east 1 mile; south ¾ mile; east ¼ mile; south ⅛ mile; east ¾ mile; south 1½ miles; east 1 mile; south ⅛ mile; east ¾ mile; southerly ½ mile; east ⅝ mile; north ¾ mile; east ½ mile; north approximately ¾ mile along the east section line of Sec. 25, T. 15 S., R. 8 W.; northwesterly approximately ¾ mile; northeasterly approximately 2 miles; northwesterly approximately ½ mile; northerly approximately ¾ mile; north approximately ¼ mile; east ½ mile; north approximately ½ mile; east ½ mile; north ¼ mile, east ½ mile; north ¼ mile; east 1¼ miles; south ¼ mile; east 1½ miles; south ⅛ mile along the center line of Sec. 11, T. 15 S., R. 7 W. to the line between Benton and Lane Counties; east along Benton-Lane county line to the Willamette River in Sec. 8, T. 15 S., R. 4 W.; northerly along said river to the Polk-Benton county line at north boundary of Sec. 11, T. 10 S., R. 4 W.; west 10½ miles to the SW corner Sec. 6, T. 10 S., R. 5 W.; north 22 miles to place of beginning, as shown in detail on maps dated September 27, 1951 on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., and Portland, Salem, Eugene, Roseburg, Coos Bay, and Medford, Oregon.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-1821; Filed, Mar. 15, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH CAROLINA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, it is found that in Clarendon County, South Carolina, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

After December 31, 1954, loans under section 2 (a) of Public Law 38, 81st Congress, will not be made in Clarendon County, South Carolina, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 10th day of March 1954.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-1834; Filed, Mar. 15, 1954; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8906, 8908, 10947, 10948]

INDIANAPOLIS BROADCASTING, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Indianapolis Broadcasting, Incorporated, Indianapolis, Indiana, Docket No. 8906, File No. BPCT-281; WIBC, Inc., Indianapolis, Indiana, Docket No. 8908, File No. BPCT-328; Mid-West T. V. Corporation, Indianapolis, Indiana, Docket No. 10947, File No. BPCT-1599; Crosley Broadcasting Corporation, Indianapolis, Indiana, Docket No. 10948, File No. BPCT-1837; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Indianapolis, Indiana; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 9th day of April 1954 in Washington, D. C. to determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1840; Filed, Mar. 15, 1954; 8:49 a. m.]

[Docket No. 10806]

SPENTONBUSH FUEL TRANSPORTATION SERVICE, INC.

ORDER CONTINUING HEARING

In re application of Spentonbush Fuel Transportation Service, Inc., New York, New York; order to show cause why the license for Radiotelephone Station WC-6204 should not be revoked; Docket No. 10806.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock a. m., on Monday, March 1, 1954; and

It appearing, that on February 9, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission, requesting that the hearing in the said proceeding be dismissed; and

It further appearing, that no action is expected to be taken on the said motion to dismiss on or before March 1, 1954;

It is ordered, By the Commission on its own motion, this 26th day of February 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1841; Filed, Mar. 15, 1954; 8:49 a. m.]

[Docket No. 10807]

JOSEPH F. ALLEN AND JOHN W. NELSON

ORDER CONTINUING HEARING

In re application of Joseph F. Allen and John W. Nelson, Aransas Pass, Texas; order to show cause why the license for Radiotelephone Station WB-3767 should not be revoked; Docket No. 10807.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock a. m., on Monday, March 1, 1954; and

It appearing, that on January 20, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission, requesting that the hearing in the said proceeding be dismissed; and

It further appearing, that no action is expected to be taken on the said motion to dismiss on or before March 1, 1954;

It is ordered, By the Commission on its own motion, this 26th day of February 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1842; Filed, Mar. 15, 1954; 8:50 a. m.]

[Docket No. 10808]

JAMES DEPOLO

ORDER CONTINUING HEARING

In re application of James Depolo, Tacoma, Washington; order to show cause why the license for Radiotelephone Station WA-6405 should not be revoked; Docket No. 10808.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock a. m., on Tuesday, March 2, 1954; and

It appearing, that on January 26, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission, requesting that the hearing in the said proceeding be dismissed; and

It further appearing, that no action is expected to be taken on the said Motion to Dismiss on or before March 2, 1954;

It is ordered, By the Commission on its own motion, this 26th day of February 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1843; Filed, Mar. 15, 1954; 8:50 a. m.]

[Docket No. 10809]

WILLIAM TEAF SAVAGE

ORDER CONTINUING HEARING

In re application of William Teaf Savage, Chincoteague, Virginia; order to show cause why the license for Radiotelephone Station WD-2457 should not be revoked; Docket No. 10809.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock a. m., on Tuesday, March 2, 1954; and

It appearing, that on February 12, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission, requesting that the hearing in the said proceeding be dismissed; and

It further appearing, that no action is expected to be taken on the said motion to dismiss on or before March 2, 1954;

It is ordered, By the Commission on its own motion, this 26th day of February 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1844; Filed, Mar. 15, 1954; 8:50 a. m.]

[Docket No. 10949]

RCA COMMUNICATIONS, INC., ET AL.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of RCA Communications, Inc.; proposed amendment of Tariff F. C. C. No. 58 to permit aviation companies to qualify as authorized users without being directly connected to a leased radio channel; Docket No. 10949.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1954;

The Commission having under consideration:

(a) Definition (4) of 3d Revised Page No. 4 of RCA Communications, Inc. (RCAC) Tariff F. C. C. No. 58, filed on February 9, 1954, to become effective on March 11, 1954, whereby the provision relating to "authorized users" would be amended to permit companies in the overseas aviation service to be served via the office of the "customer", another "authorized user" or by printer on his premises directly connected to the radio channel instead of limiting the "authorized user" to one served by printer on his premises directly connected to the radio channel;

(b) A letter dated February 24, 1954, from The Western Union Telegraph Company (Western Union) wherein various objections are raised to the proposed tariff provisions of RCAC and wherein it is requested that the Commission enter into an investigation on its own motion to determine whether the proposed provisions are just and reasonable under the Communications Act of 1934, as amended;

(c) A letter dated March 3, 1954, from RCAC in response to the aforementioned letter from Western Union wherein it is requested that the Commission reject Western Union's request and that it not suspend the proposed tariff because in the opinion of RCAC the proposed tariff is just and reasonable and otherwise lawful;

(d) The tariffs of the American Telephone and Telegraph Company, All America Cables and Radio, Inc., the Commercial Cable Company, Mackay Radio and Telegraph Company and Western Union which contain rules and regulations governing the terms or conditions under which leased line service is furnished;

It appearing, that the tariffs of all companies referred to in subparagraph (d) above, in so far as they provide for "authorized users", require that "authorized users" be directly connected to the leased channel;

It further appearing, that questions are presented as to the justness and reasonableness under section 201 of the Communications Act of 1934, as amended, of the practices and regulations provided for in the proposed tariff schedule of RCAC;

It further appearing, that questions are presented whether the proposed tariff schedule of RCAC makes any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities or services for or in connection with like communication service directly or indirectly by any means or device, or makes or gives any undue or unreasonable preference or advantage to companies engaged in the overseas aviation service in violation of the provisions of section 202 of the Communications Act of 1934, as amended;

It is ordered, That, pursuant to the provisions of sections 201, 202, 204 and 403 of the Communications Act of 1934, as amended, a public hearing shall be held herein to determine:

(a) Whether the practices and regulations in the proposed tariff schedule which would permit service to authorized users engaged in the overseas aviation service are just, reasonable, and lawful practices and regulations;

(b) Whether the provisions of the proposed tariff schedule which would limit authorized users who may receive service without being directly connected to the radio channel to those engaged in providing international aviation service result in undue, unjust or unreasonable discrimination or preference;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the above described revised tariff schedule of RCAC is hereby suspended until June 10, 1954, unless otherwise ordered by the Commission, and that during said period of suspension no changes shall be made in said tariff schedule or in the tariff schedule sought to be altered thereby unless authorized by special permission of the Commission;

It is further ordered, That the American Telephone and Telegraph Company, All America Cables and Radio, Inc., the Commercial Cable Company, Mackay Radio and Telegraph Company, RCA Communications, Inc., and the Western Union Telegraph Company are named parties respondent herein;

It is further ordered, That the hearings herein shall be held in the offices of the Commission in Washington, D. C., beginning at 10:00 o'clock a. m. on the 26th day of April 1954;

It is further ordered, That the hearing examiner to be named herein shall certify the record to the Commission without preparing either an initial or a recommended decision herein;

It is further ordered, That a copy of this order shall be filed in the offices of the Commission with the tariff schedule herein suspended, and that copies of this order shall be served upon all the parties respondent herein.

Released: March 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1845; Filed, Mar. 15, 1954; 8:50 a. m.]

CANADIAN-UNITED STATES TELEVISION AGREEMENT

ADDITIONS TO RECAPITULATION OF CANADIAN TV NOTIFICATIONS

MARCH 5, 1954.

Additions to the recapitulation of notifications dated October 12, 1953, Mimeo 97106, as received from the Canadian Government authorizing construction of television broadcast stations in accordance with Part B of the Canadian-U. S. A. Television Agreement.

Calgary, Alberta, Calgary TV, Ltd., 10.9 kw 287T 370G, 51-04-31N 114-08-29W—Ch-2+.

Edmonton, Alberta, Sunwapta Broadcasting Company, Ltd., 23.9 kw 480T 464G, 53-32-40N 113-38-50W—CFRN-TV, Ch-3.

Vancouver, British Columbia, Canadian Broadcasting Corp., 102 kw 2400T 190G, 49-21-12N 122-57-18W—CBUT, DA, CH-2+.

Hamilton, Ontario, Niagara TV, Ltd., 16.9 kw 622T 536G, 43-12-27N 79-46-05W—CHCH-TV, DA, Ch-11+.

Kingston, Ontario, The Brookland Co., Ltd., 99 kw 419T 377G, 44-11-42N 76-47-00W—Ch-11—.

Kitchener, Ontario, Central Ontario TV, Ltd., 16 kw 501T 210G, 43-24-15N 80-38-05W—DA, Ch-13+.

Ottawa, Ontario, Canadian Broadcasting Corp., 50.1 kw 321T 406G, 45-23-50N 75-45-10W—CBOT-TV, DA, Ch-4+.

Port Arthur, Ontario, Ralph H. Parker, Ltd., 5.10 kw 174T 225G, 48-26-30N 89-14-03W—CFPA-TV, Ch-2.

Sydney, Nova Scotia, Cape Breton Broadcasters, Ltd., 99.5 kw 322T 223G, 46-07-19N 60-10-26W—CJCB-TV, DA, Ch-4.

Sudbury, Ontario, CKSO Radio, Ltd., 1.74 kw 276T 262G, 46-29-37N 81-00-32W—CKSO-TV, Ch-5.

Windsor, Ontario, Western Ontario Broadcasting Co., Ltd., 18.7 kw 631T 626G, 42-18-59N 83-02-58W—CKLW-TV, DA, Ch-9—.

Montreal, Quebec, Canadian Broadcasting Corp., Ottawa, Canada, 43.8 kw 820T 167G, 45-30-20N 73-35-32W—CBMT-TV, Ch-6—.

Sherbrooke, Quebec, LaTribune, Ltd., 17.3 kw 1848T 71G, 45-18-43N 72-14-32W—DA, Ch-7.

Saskatoon, Saskatchewan, A. A. Murphy & Sons, Ltd., 35.8 kw 173.3T 194.3G, 52-07-56T 106-39-42W—CFQC-TV, Ch-8+.

CODE

T—Antenna height above average terrain.
G—Antenna height above ground.
DA—Directional Antenna.
01-02-03N 01-02-03W—Latitude and Longitude.
00.0 kw—Effective radiated power (visual).

The following changes have been made in Table A, Canadian Assignments, contained in the Canadian-U. S. A. Television Agreement, revised October 12, 1953.

City	Former channel assignment	Revised assignment
London, Ontario	10,13—	10,13
Peterborough, Ontario	22	12+, 22

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1846; Filed, Mar. 15, 1954; 8:50 a. m.]

UNITED STATES-MEXICAN AGREEMENT ON TELEVISION CHANNEL ASSIGNMENTS

RECAPITULATION OF MEXICAN TV NOTIFICATIONS

MARCH 5, 1954.

Recapitulation of notifications received from the Mexican Government authorizing construction of television broadcast stations in accordance with Part E of the U. S.-Mexican Agreement on Television Channel Assignments.

Mexicali, Baja California, 5 kw transmitter, 32-37-21N 115-34-54W—XEBC-TV, Ch-3

Tijuana, Baja California, 5 kw transmitter, 32-30-49N 117-01-08W—XETV, Ch-6.

Tijuana, Baja California, 5 kw transmitter, 32-30-50N 117-01-08W, XETC-TV, Ch-12

Juarez, Chihuahua, 5 kw transmitter, 31-44-41N 106-28-42W, XECZ-TV, CH-2

Juarez, Chihuahua, 5 kw transmitter, 31-44-23N 106-28-41W, XECJ-TV, Ch-5

Juarez, Chihuahua, 5 kw transmitter, 31-44-24N 106-28-41W, XEDI-TV, Ch-11

Piedras Negras, Coahuila, 5 kw transmitter, 28-42-27N 100-30-57W, XEPN-TV, Ch-2.

Nogales, Sonora, 5 kw transmitter, 31-19-45N 110-56-35W, XENS-TV, Ch-2.

Matamoros, Tamaulipas, 5 kw transmitter, 25-58-00N 97-40-00W, XELD-TV, Ch-7.

Nuevo Laredo, Tamaulipas, 5 kw transmitter, 27-29-47N 99-30-03W, XELN-TV, Ch-3.

Reynosa, Tamaulipas, 5 kw transmitter, 26-05-45N 98-17-11W, XERO-TV, Ch-9.

Reynosa, Tamaulipas, 5 kw transmitter, 26-05-46N 98-17-11W, XERA-TV, Ch-12.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1847; Filed, Mar. 15, 1954; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-290]

INVESTIGATION OF ACCIDENT OCCURRING AT BRISTOL, TENN.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 43V, which occurred at Tri-City Airport, Bristol, Tennessee, on February 28, 1954.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on March 18, 1954, at 9:00 a. m., local time, at the Robert E. Lee Hotel, North Cherry and Fifth Street, Winston-Salem, North Carolina.

Dated at Washington, D. C., March 10, 1954.

[SEAL] VAN R. O'BRIEN,
Presiding Officer.

[F. R. Doc. 54-1888; Filed, Mar. 15, 1954; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2143, G-2310, G-2316, G-2321, G-2330, G-2331, G-2367]

NEW YORK STATE NATURAL GAS CORP. ET AL.

ORDER FURTHER CONSOLIDATING PROCEEDINGS, FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

In the matters of New York State Natural Gas Corporation, Docket No. G-2143; Iroquois Gas Corporation and Tennessee Gas Transmission Company, Docket No. G-2310; Tennessee Gas Transmission Company, Docket No. G-2316; West Tennessee Public Utility District of Weakley, Carroll, and Benton Counties, Tennessee, Docket No. G-2321; New York State Natural Gas Corporation and Tennessee Gas Transmission Company, Docket No. G-2330; Tennessee Gas Transmission Company, Docket No. G-2331; Transcontinental Gas Pipe Line Corporation, Docket No. G-2367.

By order of the Commission issued February 16, 1954, the proceedings in Docket Nos. G-2310, G-2316, G-2321, G-2330, and G-2331 were consolidated for purposes of hearing, a public hearing was ordered commencing on March 15, 1954, concerning the matters involved and the issues presented by the applications in said proceedings, and the order or presentation of evidence by the several Applicants was specified.

The records of the Commission show that on March 31, 1953, New York State Natural Gas Corporation (New York Natural) filed an application in Docket No. G-2143 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the operation of certain natural gas underground storage facilities, known as the Harrison Storage Pool, and the construction of certain facilities necessary to the operation of said project. Pursuant to the request of New York Natural, the Commission, on August 7, 1953, granted temporary authorization to utilize the then existing pipelines and wells for the purpose of injecting gas into the Harrison Storage Pool until December 1, 1953. Said temporary authorization has not been extended beyond December 1, 1953, nor has the proceeding in Docket No. G-2143 been disposed of by final order of the Commission. The applications in Docket Nos. G-2143 and G-2330 appear to involve either the same or common questions of fact.

On February 10, 1954, Transcontinental Gas Pipe Line Corporation (Transcontinental), a Delaware corporation with its principal place of business in Houston, Texas, filed an application in Docket No. G-2367, as supplemented on February 23, 1954, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities proposed to be used for the sale and delivery of approximately 93,490 Mcf additional firm quantities of natural gas per day to its existing customers in the New York-New Jersey metropolitan area. The service proposed by Transcontinental is substantially the same as that proposed by Tennessee Gas Transmission Company in its application in Docket No. G-2331. Due notice of the filing of the application in Docket No. G-2367 has been given, including publication in the FEDERAL REGISTER on March 3, 1954 (19 F. R. 1190-91).

The operations, as described in the applications in Docket Nos. G-2143 and G-2330 are interrelated.

The operations, as described in the applications in Docket Nos. G-2331 and G-2367 involve common questions of fact.

The Commission finds:

(1) Good cause exists and it is in the public interest to consolidate all the proceedings listed in the heading hereof for the purpose of hearing.

(2) Good cause exists and it is in the public interest that the hearing in Docket No. G-2143 commence prior to and in connection with the hearing in Docket No. G-2330, and that the hearing in Docket No. G-2367 commence following the termination of all direct and cross and other examination of witnesses appearing on behalf of Applicants in the hearing in Docket No. G-2310 and those other dockets heretofore ordered to be consolidated and heard by order of the Commission issued February 16, 1954.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and it is in the public interest that the procedure heretofore prescribed in paragraph (C) of the order issued February 16, 1954, with respect to the presentation of evidence be revised as hereinafter ordered.

The Commission orders:

(A) The aforesaid proceedings in Docket Nos. G-2143 and G-2367 be and the same hereby are consolidated with the heretofore consolidated proceedings in Docket Nos. G-2310, G-2316, G-2330, and G-2331 for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing shall be held commencing on March 15, 1954, at 10 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the proceeding at Docket No. G-2143.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing shall be held in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the proceeding at Docket No. G-2367, said hearing to commence following the termination of all direct and cross and other examination of witnesses appearing on behalf of Applicants in these consolidated proceedings, but not before March 22, 1954, and at such time as the Presiding Examiner shall fix.

(D) The procedure specified by paragraph (C) of said order of February 16, 1954, is no longer appropriate and evidence presented by the Applicants in these proceedings shall be in the following order:

Docket No. G-2310
Docket No. G-2143
Docket No. G-2330
Docket No. G-2316
Docket No. G-2331
Docket No. G-2321
Docket No. G-2367

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Adopted: March 9, 1954.

Issued: March 10, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1822; Filed, Mar. 15, 1954; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-454]

WATERPROOF PAPER INDUSTRY (ASPHALTIC TYPE)

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Waterproof Paper Industry (Asphaltic Type), to present to the Commission such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose copies of the proposed rules may be obtained upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than April 2, 1954. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. s. t., April 2, 1954, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington 25, D. C., to any person who desires to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which these rules are proposed is composed of persons, firms, corporations and organizations engaged in the manufacture, sale, offering for sale, or distribution of laminated paper products, the bond being asphalt or an asphaltic compound, or a sheet infused or coated with asphalt or an asphaltic compound.

Issued: March 11, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, JR., *Secretary.*

[F. R. Doc. 54-1837; Filed, Mar. 15, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-849]

INVESTORS DIVERSIFIED SERVICES, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PROPOSED STOCK SPLIT OF NON-VOTING COMMON STOCK

MARCH 9, 1954.

Notice is hereby given that Investors Diversified Services, Inc. ("IDS"), a registered face-amount certificate investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order exempting from the provisions of section 18 (j) (1) of the act, the change of 175,836.37 shares of non-voting Class "A" Common Stock with a par value of $5 per share into 879,181.85 shares of non-voting Class "A" Common Stock with a par value of $1 per share in connection with a contemplated 5 for 1 split of all of the existing capital stock of IDS.

IDS has outstanding 175,836.37 shares of $5 par value non-voting Class "A" Common Stock and 114,908.16 shares of $5 par value voting Common Stock. The number of shares of non-voting stock and voting stock outstanding represent 60.5 percent and 39.5 percent, respectively, of the aggregate number of shares of capital stock outstanding. If the contemplated stock split is consummated, IDS would have outstanding 879,181.85 shares of $1 par value non-voting Class "A" Common Stock, and 574,540.80 shares of $1 par value voting Common Stock. Except for the difference in voting rights of the two classes of shares, they rank equally in all respects. The application states that the change of 114,908.16 shares of voting Common Stock into 574,540.80 shares of voting Common Stock is not subject to any restriction of the act. No Commission action is requested with respect to the contemplated split of such voting stock.

Section 18 (j) (1) of the act prohibits, among other things, any registered face-amount certificate investment company from issuing, except in accordance with such rules, regulations or orders as the Commission may prescribe in the public interest or as necessary or appropriate for the protection of investors, any equity security other than a common stock having at least equal voting rights with any outstanding security of such company and having a par value and being without preference as to dividends or distributions. Section 6 (c) of the act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

IDS points out in its application that the contemplated stock split will not change the proportionate amounts of voting and non-voting stock outstanding or the relative interest of each holder of non-voting stock in the company. IDS believes that the comparatively high price at which its shares are currently selling and have been selling, coupled with a limited number of stockholders, have resulted in undue price fluctuation and in lack of market ability. IDS states that it believes that the contemplated stock split will create a broader, more stable and readier market for its stock and will facilitate dealing by the public holders thereof.

Notice is further given that any interested person may, not later than March 25, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be disposed of as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1824; Filed, Mar. 15, 1954; 8:46 a. m.]

[File No. 1-933]

GALLAHER DRUG CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MARCH 9, 1954.

The Cincinnati Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Common Stock, No Par Value, of the Gallaher Drug Company.

The application alleges that the reasons for striking this security from listing and registration on this exchange are:

(1) There have been no transactions in the above security on applicant exchange since 1949.

(2) All the outstanding shares of the above security are owned by 45 shareholders.

(3) The above security is too closely held and too inactive to be suitable for trading on applicant exchange.

Upon receipt of a request, prior to April 5, 1954, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1825; Filed, Mar. 15, 1954; 8:46 a. m.]

[File No. 70-3213]

NORTHERN PENNSYLVANIA POWER CO.

NOTICE OF REQUEST FOR AUTHORITY TO ISSUE SHORT-TERM NOTES IN EXCESS OF FIVE PERCENT LIMITATION

MARCH 10, 1954.

Notice is hereby given that Northern Pennsylvania Power Company ("Applicant"), an electric utility subsidiary of General Public Utilities Corporation, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) of the act as applicable to the proposed transaction, which is summarized as follows:

Applicant proposes to issue and sell to one or more commercial banks its unsecured promissory notes in an aggregate principal amount outstanding at any one time (including notes issued to refund the unsecured promissory notes of the company now outstanding in the aggregate principal amount of $1,100,000) of not to exceed $2,000,000. Such notes will be issued from time to time but no such note will be issued later than December 31, 1954. Each such note will mature not more than nine months after the issue thereof. The prime interest rate for commercial borrowing at the date of this application is 3¼ percent per annum. The interest rate to be borne by each note issued pursuant to this application will be the interest rate which is the prime interest rate for commercial borrowing at the time of the issue of such note.

Proceeds of the notes will be used for construction purposes or to repay notes issued for such purposes or to reimburse the company's treasury for construction expenditures.

It is stated that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transaction.

Applicant's expenses, including legal fees, are estimated at $100.

It is requested that the Commission's Order be made effective upon issuance.

Notice is further given that any interested person may, not later than March 23, 1954 at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25 D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1826; Filed, Mar. 15, 1954; 8:46 a. m.]

No. 51——3

[File No. 70-3207]

GEORGIA POWER CO.

NOTICE OF PROPOSED ISSUE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

MARCH 10, 1954.

Notice is hereby given that Georgia Power Company ("Company"), a public utility subsidiary of the Southern Company, a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) of the act and Rule U-50 thereunder as applicable to the proposed transaction, which is summarized as follows:

The Company proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $11,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1984. The interest rate (which shall be a multiple of ⅛ of 1 percent and the price to be paid to the Company (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount, exclusive of accrued interest from April 1, 1954 to date of payment and delivery) will be determined by competitive bidding. The new Bonds will be secured by the Mortgage and Deed of Trust executed by the Company to the New York Trust Company, Trustee, dated as of March 1, 1941, as heretofore supplemented and as further supplemented by Supplemental Indenture to be dated as of April 1, 1954.

The Company proposes to use the net proceeds from the sale of the new Bonds, together with other available funds, for the construction or acquisition of permanent improvements, extensions, and additions to its property. The Company estimates that its 1954 construction program will require expenditures of approximately $33,000,000.

The estimated fees and expenses to be paid in connection with the issue and sale of the new Bonds will be supplied by amendment.

The issue and sale of said Bonds have been expressly authorized by the Public Service Commission of Georgia, in which State the Company is organized and doing business.

The Company requests that the order of the Commission herein be made effective upon issuance.

Notice is further given that any interested person may, not later than March 26, 1954 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such mater, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1827; Filed, Mar. 15, 1954; 8:47 a. m.]

[File No. 70-3211]

AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING REGARDING ISSUANCE OF COMMON STOCK BY REGISTERED HOLDING COMPANY IN EXCHANGE FOR COMMON STOCK OF NON-AFFILIATED PUBLIC-UTILITY COMPANY

MARCH 10, 1954.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, has filed an application-declaration with this Commission under the Public Utility Holding Company Act of 1935 ("act") regarding its proposal to issue and exchange shares of its common stock for the outstanding common stock of Flat Top Power Company ("Flat Top"), a non-affiliated public-utility company. Applicant-declarant has designated sections 6, 7, 9, and 10 and Rule U-50 (a) (4) thereunder as applicable to the proposed transactions:

All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transactions and facts contained therein, which are summarized as follows:

American Gas proposes to issue 3½ shares of its authorized but unissued $5 par value common stock in exchange for each of the 1,900 outstanding shares of common stock, par value $50 per share, of Flat Top. No fractional shares of American Gas common stock will be issued but an appropriate adjustment will be made in lieu thereof. American Gas reserves the right to reject any acceptance unless the exchange is acceptable to the holders of all 1,900 shares of Flat Top stock outstanding. American Gas states that it has been advised that the 1,900 shares of common stock constitute Flat Top's only outstanding security and that all stockholders of Flat Top have agreed to make the exchange on the basis set forth above.

Flat Top, a West Virginia corporation, operates an electric power distribution system in the communities of Northfork, Kyle and Clark, near Welch, West Virginia. It owns about six miles of distribution line and serves approximately 800 customers. All of its electric power requirements are purchased from Appalachian Electric Power Company, an operating electric utility subsidiary of American Gas.

American Gas represents that negotiation of the proposed exchange was carried out at arm's-length and that no finder's fees or commissions are to be paid in connection therewith.

American Gas states that the territory served by Flat Top is surrounded by the territory served by the American

Gas system and that Flat Top can immediately become a part of the American Gas integrated system. American Gas states that consummation of the proposed exchange will benefit investors and consumers since Flat Top can be more efficiently and economically operated as part of the American Gas system and will be able to render improved service to its present consumers and assure prospective consumers of adequate power.

American Gas states that no State or Federal regulatory agency, other than this Commission, has jurisdiction over any part of the proposed transactions.

American Gas requests that the Commission's order herein be issued pursuant to Rule U-23, waives the 30-day waiting period, and requests that said order become effective upon issuance.

Notice is further given that any interested person may, not later than March 25, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason or reasons for such request, and the issues of fact or law raised by said application-declaration which he proposes to controvert, or he may request to be advised if the Commission should order a hearing thereon. Any such request should be adressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date such application-declaration, as filed or as amended, may be granted and permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1828; Filed, Mar. 15, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29001]

LIQUID WOOD PRESERVATIVES FROM SOUTHERN TERRITORY TO PACIFIC COAST TERRITORY

APPLICATION FOR RELIEF

MARCH 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Wood preservatives, liquid (with chlorinated phenol base or petroleum base), carloads and less-than-carloads.

From: Points in southern territory.

To: Pacific coast territory.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. 1559, supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1829; Filed, Mar. 15, 1954; 8:47 a. m.]

[4th Sec. Application 29002]

BROME SEED AND CRESTED WHEAT GRASS FROM COLORADO, IDAHO, UTAH, AND OREGON TO WESTERN TRUNK-LINE AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

MARCH 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff I. C. C. No. A-3881.

Commodities involved: Brome seed and crested wheat grass, carloads.

From: Points in Colorado, Idaho, Utah and Oregon.

To: Points in western trunk-line and Illinois territories.

Grounds for relief: Competition with rail carriers, circuitous routes and additional related commodities.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1830; Filed, Mar. 15, 1954; 8:47 a. m.]

[4th Sec. Application 29003]

LIQUEFIED PETROLEUM GAS FROM SPECIFIED ORIGINS IN TEXAS TO BROWNSVILLE AND LAREDO, TEX.

APPLICATION FOR RELIEF

MARCH 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglas, Agent for Texas and New Orleans Railroad Company and the Texas Mexican Railway Company.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Specified origins in Texas.

To: Brownsville and Laredo, Texas.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Lee Douglas, Agent, I. C. C. No. 825, supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1831; Filed, Mar. 15, 1954; 8:48 a. m.]

[4th Sec. Application 29004]

SODA ASH FROM BATON ROUGE, LA., TO BOYLSTON, ALA.

APPLICATION FOR RELIEF

MARCH 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Soda ash, carloads.

From: Baton Rouge, La.

To: Boylston, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes and additional route.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. 1400, supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1832; Filed, Mar. 15, 1954; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 52

Washington, Wednesday, March 17, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, the position listed below is added to § 6.309 (c).

§ 6.309 *Post Office Department.*

* * *

(c) *Bureau of Transportation.* * * *

(4) One Confidential Assistant (Field Operations).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-1859; Filed, Mar. 16, 1954; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 527, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.634 (Lemon Regulation 527, 19 F. R. 1266) are hereby amended to read as follows:

(ii) District 2, 275 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-1866; Filed, Mar. 16, 1954; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 21-17]

PART 21—AIRLINE TRANSPORT PILOT RATING

ELIMINATION OF NIGHT LANDING AND TAKE-OFF REQUIREMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of March 1954.

Revised Part 40, which sets forth certification and operation rules for scheduled interstate air carriers, was adopted

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 3, 1953 Supp. ($1.50)

Title 8 ($0.35)

Titles 10–13 ($0.50)

Titles 40–42 ($0.50)

Title 49: Parts 71 to 90 ($0.65)

Previously announced: Title 18 ($0.45); Title 25 ($0.45); Title 49: Parts 1 to 70 ($0.60); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 21 of the Civil Air Regulations (14 CFR Part 21, as amended) effective April 1, 1954, as follows:

By amending § 21.42 (a) by deleting the last sentence thereof.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 560)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-1890; Filed, Mar. 16, 1954; 8:52 a. m.]

[Civil Air Regs., Amdt. 40-3]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of March 1954.

Revised Part 40 was adopted by the Civil Aeronautics Board April 13, 1953, and is to become effective April 1, 1954. Since the adoption of this part, the Civil Aeronautics Administration has been engaged in the preparation of Civil Aeronautics Manual material and other administrative documents, the purpose of which is to establish policy and interpretation, and to promulgate those supplemental regulations, authority for which has been delegated to the Administrator. The air carriers, on the other hand, have been engaged in the preparation of company manuals and other personnel training media in order to insure that the necessary administrative changes will have been accomplished in sufficient time and that the personnel to be affected by the provisions of this part will have been fully familiarized with respect to their details. In the course of these activities, detailed reexamination of the provisions of revised Part 40 was inevitable. Certain errors of a typographical or clerical nature were discovered. Certain ambiguities heretofore unnoticed were recognized. Some unintended restrictions were discovered to result from inadvertent construction of certain regulations. In still other instances relief has been requested from certain provisions which, although intended by the Board to become applicable, had not previously been recognized as creating undue hardship upon the persons affected.

One of the proposed changes which concerned the flight checking of flight engineers was published as a notice of proposed rule making in the FEDERAL REGISTER (18 F. R. 5436) on September 9, 1953. The remaining proposed changes were consolidated into a notice of proposed rule making and published on November 19, 1953, in the FEDERAL REGISTER (18 F. R. 7324). As a result of the comment received it has not been deemed necessary to implement all the proposed changes, but only those set forth herein. The following discussion, however, concerns only the more important matters involved.

The Board's attention has been called to the fact that § 40.34 has been construed by some persons so as to impose an absolute condition upon air carrier communications. The provision for "reliable and rapid communications" required by this section was intended to be subject to a determination by the Administrator that reliability and rapidity are reasonably assured in the light of the current state of the aeronautical and communications arts. Since some difficulty has been experienced in the interpretation of this requirement, the words "under normal operating conditions" are being added to protect against unreasonable restrictiveness in its enforcement.

The Board contemplated that some time would be required after the effective date of revised Part 40 for compliance with certain requirements necessitating modification of aircraft. Inasmuch as the effective date of revised Part 40 has been extended from October 1, 1953, to April 1, 1954, an extension of the compliance date of certain sections appears desirable. Moreover, the Board has been advised that requirements for certain new equipment and instruments imposed by revised Part 40 may in certain instances require extensive fleet modifications. In some instances the instruments and equipment involved will require several months for procurement. Since it is considered desirable that air carriers be permitted to schedule necessary modifications consistent with normal maintenance schedules, additional time should be provided to permit compliance with such requirements. Also, the requirement for duplicate sources of power and power distribution systems in Part 40 is new. This requirement parallels current requirements of the airworthiness parts of the Civil Air Regulations relating to transport category airplanes. The Board's attention has been drawn to the fact, however, that certain existing aircraft types do not now meet these provisions and in order to insure compliance must be subject to considerable engineering study and probable subsequent modification. Requirements for duplicate sources of energy for certain flight instruments, on the other hand, have been contained in the operating parts of the Civil Air Regulations for a considerable period of time. It would appear, therefore, that additional time should be allowed for compliance with the provisions applicable to required instruments and equipment other than flight instruments. In view of the foregoing, this amendment extends the date for compliance with §§ 40.172 (k) and 40.173 (d) until January 1, 1955, with § 40.173 (b) (3) until November 1, 1954, with § 40.175 (e) until July 1, 1955, for other than flight instruments, and with § 40.175 (d) until December 1, 1954.

The nontransport category performance operating limitations of revised Part 40 contain no landing distance requirement specifically applicable to alternate airports. The Board has been advised that the absence of a landing distance requirement directed specifically to alternate airports has given rise to a question as to whether the landing distance at alternate airports was intended to be the same as that for airports of intended destination. The Board did not intend that the requirement concerning runway margins in the nontransport category performance limitation be any more stringent than that contained in the transport category performance limitations. This intent is clarified by inserting a new § 40.94 prescribing the same landing distance limitations at alternate airports for the nontransport category operating limitations as are presently prescribed for transport category airplanes.

The Board's attention has been drawn to the fact that § 40.176 implies major differences in cockpit procedures between certain aircraft of the same type operated by the same air carrier. It appears that a greater contribution to safety is made when cockpit check procedures are standardized to the extent practicable and that the language of this section appears to render such standardization more difficult. Therefore, the portion of the requirement tending to discourage standardization is deleted.

The Board's attention has been directed to the fact that the language of §§ 40.231 and 40.232 literally requires a duplication of equipment not intended by the Board. The various requirements of this section were intended to define functions to be served by the radio equipment carried aboard aircraft and duplication of equipment for each function was intended to be required only where a reference to duplication was explicitly made. For instance, a single piece of radio equipment may be used to fulfill several functions. Sections 40.231 and 40.232 are being amended, therefore, to clarify and emphasize the functional nature of the requirements and to avoid unintended duplications.

The Board's attention has been drawn to the fact that § 40.176 implies major differences in cockpit procedures between certain aircraft of the same type operated by the same air carrier. It appears that a greater contribution to safety is made when cockpit check procedures are standardized to the extent practicable and that the language of this section appears to render such standardization more difficult. Therefore, the portion of the requirement tending to discourage standardization is deleted.

The Board's attention has been directed to the fact that the language of §§ 40.231 and 40.232 literally requires a duplication of equipment not intended by the Board. The various requirements of this section were intended to define functions to be served by the radio equipment carried aboard aircraft and duplication of equipment for each function was intended to be required only where a reference to duplication was explicitly made. For instance, a single piece of radio equipment may be used to fulfill several functions. Sections 40.231 and 40.232 are being amended, therefore, to clarify and emphasize the functional nature of the requirements and to avoid unintended duplications.

The Board's attention has been called to the fact that certain existing labor contracts would be voided by the fact that the equivalent duty provision contained in current Part 61 does not exist in revised Part 40. Since it does not appear that safety will be compromised by continuing the flexibility currently provided in Part 61, and since such flexibility appears to be desirable under existing contractual arrangements between air carriers and certain mechanical employee groups, §§ 40.243 and 40.340 (b) (3) are being amended to include equivalent duty provisions similar to those currently in Part 61.

Since it is intended that an aircraft, the maximum certificated weight of which is exactly 12,500 pounds be regarded as a "small aircraft," § 40.261 (c) is amended to bring this section in accord with the definition of large aircraft elsewhere in the Civil Air Regulations.

Section 40.280 (b) states that there shall be provided for flight checking a sufficient number of check airmen holding the same airman certificates and ratings as are required for the airman being checked. Section 40.307 states that under certain conditions the air carrier or an authorized representative of the Administrator shall check a flight engineer prior to assignment to duty. This latter section creates some doubt as to whether the check includes

a flight check, thus requiring, under § 40.280 (b), an airman holding a flight engineer certificate to conduct the check. Section 40.280 (b) also is not clear as to whether it concerns any flight check or just those required by revised Part 40. To clarify the intent of these provisions, § 40.280 (b) is being amended to indicate [illegible] required only for [illegible] that are required, and § 40.307 is being amended so that when the checking of a flight engineer [illegible] flight [illegible] engineer has [illegible] pe airtrainer. [illegible] to pre- [illegible] for the [illegible] pt be as [illegible] n 40.30,1 (c) is being amended to clarify this intent.

[illegible] and [illegible] tween terminals into which he is scheduled to fly, (2) make one actual or one [illegible] uled to fly, and (3), if applicable, comply with the provisions of § 40.303 (d). The Board has received comment contending that the requirement for an actual entry or a simulated entry into each airport constitutes an undue administrative burden. It has been argued that the questionable contribution to safety which this requirement makes can scarcely justify the administrative burden it creates. In reexamining this requirement it appears that the clerical problem created is indeed a considerable one in that the compilation of a great number of additional records would be necessary and a continuous review of these records required in order to insure continued compliance. Therefore, the requirement in § 40.304 (a) for an actual entry or a simulated entry into each airport every 12 months is deleted.

The preamble of revised Part 40 makes clear that the Board intended in this part "to continue in effect the (weekly) limitation as contained in Part 61." Section 40.320 (a) (3), however, renders the thirty-hour limitation application on a "calendar week" basis rather than a "seven consecutive days" basis. Until such time as it is possible for the Board to complete certain separate [illegible] procedures in the matter o[illegible] limitations, the provisions contained in current Part 61 should be retained. Section 40.320 (a) (3) is bei[illegible] bring the wee[illegible] limitations into accord with the cu[illegible] requirements of Part 61.

[illegible] (b) provides that an [illegible] for those conditions will be [illegible] The [illegible] d en the malfunc- [illegible] 09 (c) is bein: [illegible] the door from [illegible] event of an acci- [illegible] mitted to be closed but remain un- [illegible] d. It appears from comment received, however, that the door may become jammed even though unlocked. In view of this, the proposed change has not b[illegible]

Section 40.178 (b) requires that certain markings be made on the exterior of the fuselage of an airplane which would assist in evacuation and rescue of passengers from the outside in the event of an accident. As originally adopted, this provision was to become effective on December 31, 1953, three months after the intended effective date of the part. When revised Part 40 was first extended for three months, it was proposed to extend the effective date of this provision to March 1, 1954. Comment received in response to this indicated that these provisions could be complied with by this date. In view of the extension of the effective date of this part to April 1, 1954, the proposed amendment is no longer necessary.

Section 40.304 requires an instrument approach to be made in accordance with the operations specification of the air carrier. In view of certain practices of air traffic control to clear aircraft for "contact" approaches under conditions of [illegible] ceiling and visibility, it was believed that there might be some doubt as to whether this practice would continue to apply to scheduled air transportation [illegible] result of comment received, how- [illegible] v to amend [illegible] not intend [illegible] that this se[illegible] tice of air t[illegible] [illegible] ons have been afforded [illegible] Civil Air R[illegible] 40, as amende[illegible] n "T[illegible] ne t[illegible] word [illegible] 2. I[illegible] [illegible] ces "communica- [illegible] 1 (a) (16) b[illegible] [illegible] fore the word [illegible] [illegible] stituting in lie[illegible] [illegible] 40.90 by deleting the reference "40.93" and substituting "40.91" in lieu thereof in each place where it [illegible] rs.

By adding a new § 40.94 to read [illegible]

§ 40.94 *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 40.93: *Provided*, That the airplane can be brought to rest within 70 percent of the effective length of the runway.

6. By amending § 40.172 (k) by deleting "December 31, 1953" and inserting "January 1, 1955" in lieu thereof.

7. By amending § 40.173 (b) (3) by adding "On and after November 1, 1954," at the beginning thereof.

8. By amending § 40.173 (d) by adding "On and after January 1, 1955," at the beginning thereof after the heading "crash ax".

9. By amending § 40.175 (c) by adding at the end thereof the following: "*And provided further*, That the provisions of this paragraph with respect to required instruments and equipment other than flight instruments shall not be mandatory prior to July 1, 1955."

10. By amending § 40.175 (d) by adding "On and after December 1, 1954," at the beginning thereof.

11. By amending § 40.176 by deleting the words "adapted to each operation in which the airplane is to be utilized" in the first sentence thereof.

12. By amending § 40.231 to read as follows:

§ 40.231 *Radio equipment for operations under VFR over routes navigated by pilotage.* (a) For operations conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the following functions:

(1) Communicate with at least one appropriate ground station (as specified in § 40.34) from any point on the route and other airplanes operated by the air carrier;

(2) Communicate with airport traffic control towers from any point in the control zone within which flights are intended; and

(3) Receive meteorological information from any point en route by either of two independent systems.

(b) For all operations at night conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section and to receive radio navigation signals applicable to the route flown except that no marker beacon receiver or ILS receiver need be provided.

13. By amending § 40.232 (a) to read as follows:

§ 40.232 *Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.* (a) For operations conducted under VFR over routes on which navigation cannot be accomplished by pilotage or for operations conducted under IFR or over-the-top each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in § 40.231 (a) and to receive satisfactorily by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used, except that only one marker beacon receiver which provides visual and aural signals and one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach, if it is capable of receiving both signals.

14. By amending § 40.243 by adding the words "or equivalent thereof within any one month" at the end thereof.

15. By amending § 40.261 (c) by deleting the words "12,500 pounds or more" and inserting in lieu thereof the words "more than 12,500 pounds".

16. By deleting the second sentence of § 40.280 (b) and inserting in lieu thereof the following: "There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as are required for the airman being checked."

17. By amending § 40.282 (a) by deleting the words "all pilots" and substituting in lieu thereof the words "each pilot".

18. By amending § 40.303 (c) to read as follows:

§ 40.303 *Pilot route and airport qualification requirements.* * * *

(c) Each pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. Unless impracticable, such entry shall include a landing and take-off under day VFR to permit the qualifying pilot to observe the airport and surrounding terrain, including any obstructions to landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment and shall be accompanied by a pilot who is qualified at the airport.

19. By amending § 40.303 (d) by deleting the words "Where an en route operation" and inserting in lieu thereof the words "On routes on which navigation must be accomplished by pilotage and on which flight".

20. By amending § 40.304 (a) to read as follows:

§ 40.304 *Maintenance and reestablishment of pilot route and airport qualifications for particular trips.* (a) To maintain pilot route and airport qualifications, each pilot being utilized as pilot in command, within the preceding 12-month period, shall have made at least one trip as pilot or other member of the flight crew between terminals into which he is scheduled to fly and shall have complied with the provisions of § 40.303 (d), if applicable.

21. By amending § 40.304 by deleting the proviso at the end thereof.

22. By amending § 40.307 by adding a new sentence at the end thereof to read as follows: "This check shall include a check in flight: *Provided*, That in the case of a flight engineer who has been previously qualified in the type airplane, the check may be accomplished in a synthetic trainer in lieu of a check in flight."

23. By amending § 40.320 (a) (3) by deleting the word "week" and inserting in lieu thereof the words "seven consecutive days".

24. By amending § 40.340 (b) (3) by adding the words "or the equivalent thereof within any one month" at the end thereof.

25. By amending § 40.363 (b) (2) by deleting the word "feathered" and inserting in lieu thereof the word "inoperative".

26. By amending § 40.385 by deleting the word "aircraft" and inserting in lieu thereof the word "airplane".

27. By amending § 40.387 by deleting the word "aircraft" and inserting in lieu thereof the word "airplanes".

28. By amending § 40.388 (a) by deleting the proviso and inserting in lieu thereof the following: "*Provided*, That such alternate need not be selected if the ceiling and visibility respectively at the take-off airport are at least 300 feet and one mile, 400 feet and three-quarters mile, or 500 feet and one-half mile."

29. By amending § 40.389 (a) by deleting the proviso and substituting in lieu thereof the following: "*Provided*, That no alternate need be designated when, for the period two hours before to two hours after the estimated time of arrival, the ceiling at the airport to which the flight is dispatched is forecast to be at least 1,000 feet above the minimum initial approach altitude applicable to such airport and the visibility at such airport is forecast to be at least three miles."

30. By amending § 40.391 (a) by deleting the word "aircraft" and inserting in lieu thereof the word "airplane".

31. By amending § 40.393 (c) by deleting the word "flight" before the word "release" and inserting in lieu thereof the word "dispatch" and by deleting the word "aircraft" and inserting in lieu thereof the word "airplane".

32. By amending § 40.393 (d) by deleting the word "flight" and inserting in lieu thereof the word "dispatch" and by deleting the word "aircraft" and inserting in lieu thereof the word "airplane".

33. By amending § 40.406 (a) by deleting the word "aircraft" and inserting in lieu thereof the word "airplane".

34. By amending § 40.509 (c) by adding a sentence at the end thereof to read as follows: "Propeller featherings accomplished for training, demonstration, or flight check purposes need not be reported."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-1889; Filed, Mar. 16, 1954; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 27]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.214 is amended by changing caption to read: "*Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.)*," and by deleting the last portion which reads: "From the intersection

of a line bearing 354° True from the Godman AFB, Fort Knox, Ky., nondirectional radio beacon and the west course of the Louisville, Ky., radio range via the Godman AFB nondirectional radio beacon to the intersection of a line bearing 171° True from the Godman AFB nondirectional radio beacon and the northeast course of the Bowling Green, Ky., radio range, excluding the portion which overlaps danger areas."

2. Section 600.268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.)* is amended by changing the last portion to read: "From the Duncanville, Tex., nondirectional radio beacon via the Tyler, Tex., radio range station to the Shreveport, La., radio range station."

3. Section 600.292 is added to read:

§ 600.292 *Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).* That airspace over United States territory from the Sault Ste. Marie, Mich., radio range station to the Sudbury, Ontario, Canada, radio range station.

4. Section 600.6002 *VOR civil airway No. 2 (Seattle., Wash., to Boston, Mass.)* is amended between the Fargo, N. Dak., omnirange station and the Lone Rock, Wis., omnirange station to read: "Fargo, N. Dak., omnirange station, including a north alternate; Alexandria, Minn., omnirange station, including a north alternate; Minneapolis, Minn., omnirange station; La Crosse, Wis., omnirange station, including a north alternate from the Minneapolis, Minn., omnirange to the La Crosse, Wis., omnirange station and also a south alternate from the Alexandria, Minn., omnirange station via the intersection of the Alexandria omnirange 137° True radial and the Minneapolis-St. Paul International Airport ILS 301° True localizer course, the Minneapolis-St. Paul International Airport ILS localizer, the intersection of the Minneapolis-St. Paul International Airport ILS 121° True localizer course and the La Crosse omnirange 311° True radial to the La Crosse, Wis., omnirange station;".

5. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Bangor, Maine)* is amended after the Lumberton, N. C., omnirange station to read: "Lumberton, N. C., omnirange station; Raleigh, N. C., omnirange station, including an east alternate; Lawrenceville, Va., omnirange station; intersection of the Lawrenceville, omnirange 039° True and the Flat Rock, Va., omnirange 171° True radials to the Flat Rock, Va., omnirange station. From the point of intersection of the Herndon, Va., omnirange 089° True and the Washington, D. C., terminal omnirange 351° True radials via the intersection of the Herndon omnirange 045° True and the Martinsburg, W. Va., 100° True radials; intersection of the Herndon omnirange 045° True and the West Chester omnirange 253° True radials; West Chester, Pa., omnirange station; Wilton, Conn., omnirange station; Hartford, Conn., omnirange station; intersection of the Hartford omnirange 045° True and the Boston omnirange 256° True radials; Boston, Mass., omnirange station; Kennebunk, Maine, omnirange station; Augusta, Maine, omnirange station to the Bangor, Maine, omnirange station."

6. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended between the Baker, Oreg., omnirange station and the Malad City, Idaho, omnirange station to read: "Baker, Oreg., omnirange station; Boise, Idaho, omnirange station; Twin Falls, Idaho, omnirange station; Burley, Idaho, omnirange station, including a north alternate from the Boise omnirange station to the Burley omnirange station via the intersection of the Boise omnirange 129° True and the Burley omnirange 292° True radials; Malad City, Idaho, omnirange station;".

7. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended between the Dodge City, Kans., omnirange station and the Emporia, Kans., omnirange station by deleting the portion which reads: "Hutchinson, Kans., omnirange station, including a south alternate and also a north alternate via the intersection of the Dodge City omnirange 060° True and the Hutchinson omnirange 296° True radials excluding the airspace between this north alternate and the main airway;" and substituting the following in lieu thereof: "Hutchinson, Kans., omnirange station including a south alternate and also a north alternate via the intersection of the Dodge City omnirange 060° True and the Hutchinson omnirange 296° True radials;".

8. Section 600.6077 *VOR civil airway No. 77 (San Angelo, Tex., to St. Joseph, Mo.)* is amended between the Abilene, Tex., omnirange station and the Ponca City, Okla., omnirange station to read: "Abilene, Tex., omnirange station; Wichita Falls omnirange station, including an east alternate; Oklahoma City, Okla., omnirange station, including an east alternate and also excluding those portions of this airway which overlap the Fort Sill danger area (D-208); Ponca City, Okla., omnirange station;".

9. Section 600.6082 is amended to read:

§ 600.6082 *VOR civil airway No. 82 (Minneapolis, Minn., to La Crosse, Wis.).* From the Minneapolis, Minn., omnirange station via the Rochester, Minn., omnirange station, including a south alternate via the intersection of the Minneapolis omnirange 179° True and the Rochester omnirange 318° True radials; to the La Crosse, Wis., omnirange station, including a south alternate.

10. Section 600.6134 is added to read:

§ 600.6134 *VOR civil airway No. 134 (Evergreen, Ala., to Atlanta, Ga.).* From the Evergreen, Ala., omnirange station via the Columbus, Ga., omnirange station to the Atlanta, Ga., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. March 16, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1892; Filed, Mar. 15, 1954; 1:22 p. m.]

[Amdt. 27]

PART 601—DESIGNATION OF CONTROL AREAS CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.214 is amended by changing caption to read: *"Red civil airway No. 14 control areas (Lone Rock, Wis., to Louisville, Ky.)."*

2. Section 601.292 is added to read:

§ 601.292 *Red civil airway No. 92 control areas (Sault Ste. Marie, Mich., to United States-Canadian Border).* All of Red civil airway No. 92.

3. Section 601.1102 *Control area extension (Minneapolis, Minn.)* is amended by adding the following portion to present control area extension: "and the airspace north of Minneapolis bounded on the northwest by VOR civil airway No. 13, on the east by Blue civil airway No. 9 and on the southwest by VOR civil airway No. 26.

4. Section 601.1199 is added to read:

§ 601.1199 *Control area extension (St. Cloud, Minn.).* That airspace within 5 miles either side of a line bearing 57° True from the St. Cloud Airport extending from the airport to a point 20 miles northeast.

5. Section 601.1288 *Control area extension (Sault Ste. Marie, Mich.)* is amended by adding the following portion to present control area extension: "and the airspace southeast of Sault Ste. Marie bounded on the northeast by Red civil airway No. 97 and the United States-Canadian Border, on the south by Lat. 46°09'00", and on the west by Blue civil airway No. 3."

6. Section 601.2304 *Fort Knox, Ky., control zone* is revoked.

7. Section 601.2288 is amended to read:

§ 601.2288 *Longview, Tex., control zone.* Within a 5-mile radius of Gregg County Airport, within 2 miles either side of a line bearing 188° True from the airport extending from the airport to a point 10 miles south, and within 2 miles either side of the 313° True radial of the Gregg County, Tex., omnirange extending from the omnirange station to a point 10 miles north.

8. Section 601.4108 *Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.)* is amended by deleting the following reporting point: "The intersection of the west course of the Los Angeles, Calif., VHF radio range and the southeast course of the Camarillo, Calif., radio range;".

9. Section 601.4213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.)* is amended before "Wilkes-Barre, Pa., radio range station;" by adding the following reporting point: "Westover, Pa., nondirectional radio beacon;".

10. Section 601.4214 is amended by changing caption to read: *"Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.)."*

11. Section 601.4292 is added to read:

§ 601.4292 *Red civil airway No. 92 (Sault Ste. Marie, Mich., to United States-Canadian Border).* No reporting point designation.

12. Section 601.6010 is amended to read:

§ 601.6010 *VOR civil airway No. 10 control areas (Pueblo, Colo., to New York, N. Y.).* All of VOR civil airway No. 10 including north and south alternates, excluding the airspace between the north alternate from the Dodge City, Kans., omnirange station to the Hutchinson, Kans., omnirange station and the main airway.

13. Section 601.6134 is added to read:

§ 601.6134 *VOR civil airway No. 134 control areas (Evergreen, Ala., to Atlanta, Ga.).* All of VOR civil airway No. 134.

14. Section 601.7001 *Domestic VOR reporting points,* is amended by adding the following reporting points:

Paynesville Intersection: The intersection of the Pulaski, Va., omnirange 285° True and the Tri-City, Tenn., omnirange 012° True radials.

Adamsville Interesection: The intersection of the Columbus, Ohio, omnirange 062° True and the Mansfield, Ohio, omnirange 149° True radials.

Kokomo Intersection: The intersection of the Indianapolis, Ind., omnirange 021° True and the Lafayette, Ind., omnirange 079° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 E. S. T. March 16, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1893; Filed, Mar. 15, 1954; 1:22 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6012]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PAMCO, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.70 *Fictitious or misleading guarantees;* § 3.155 *Prices:* Exaggerated as regular and customary; § 3.235 *Source or origin:* Maker; place: *Imported products or parts as domestic.* Subpart—*Appropriating trade name or mark wrongfully:* § 3.295 *Appropriating trade name or mark wrongfully:* Product. Subpart—*Misbranding or mislabeling:* § 1.325 *Source or origin:* Maker or seller; place: *Imported product or parts as domestic.* Subpart—*Misrepresenting oneself and goods;* Goods: § 3.1745 *Source or origin:* Maker; place: *Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1980 *Guarantee, in general.* Subpart—*Passing off:* § 3.2105 *Passing off.* Subpart—*Simulating competitor or another or product thereof:* § 3.2240 *Trade name of competitor or another;* § 3.2245 *Trade name of competitor's or other's product.* Subpart—*Using misleading name*—Goods: § 3.2345 *Source or origin:* Maker; place: *Foreign product or parts as domestic.* In connection with the offering for sale, sale, or distribution of sewing machine heads or sewing machines in commerce on the part of respondents Chissik and Foyer, their representatives, etc.: (1) Offering for sale, selling, or distributing foreign-made sewing machine heads, or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated; (2) using the word "Champion" or any simulation thereof as a brand or trade name to designate, describe, or refer to their sewing machines, or sewing machine heads; or representing, through the use of any other word or in any other manner, that the sewing machines or sewing machine heads are manufactured by anyone other than the actual manufacturer; (3) representing, directly or by implication, that certain amounts are the prices of their sewing machines when such amounts are in excess of the prices at which their said sewing machines are ordinarily sold in the usual and regular course of business; and (4) representing, directly or by implication, that their sewing machine heads or sewing machines are guaranteed, unless the nature and extent of the guarantee and the manner in which the seller will perform thereunder are clearly and conspicuously disclosed; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Pamco, Inc.; and Max Chissik and Arthur Foyer, doing business as Sewing Machine Factors, San Francisco, Calif., Docket 6012, Feb. 17, 1954]

In the Matter of Pamco, Inc., a Corporation, and Arthur Foyer, Julius Foyer, Edward Sassoon and H. P. Haslehurst, Individually and as Officers of Said Corporation; and Max Chissik and Arthur Foyer, Copartners, Doing Business as Sewing Machine Factors

Pursuant to the provisions of the Federal Trade Commission Act, the Commission, on July 18, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof except Edward Sassoon and H. P. Haslehurst (upon whom service of the complaint was not made), charging them with the use of unfair methods of competition and unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answers thereto a hearing was held before a hearing examiner of the Commission theretofore duly designated by it, at which testimony and other evidence, including two written stipulations as to the facts entered into by and between counsel supporting the complaint and counsel for the respondents, in support of and in opposition to the allegations of the complaint were introduced. Such testimony and other evidence were duly recorded and filed in the office of the Commission, and the hearing examiner, on February 25, 1953, filed his initial decision.

Within the time permitted by the Commission's rules of practice, counsel supporting the complaint filed with the Commission an appeal from said initial decision and thereafter this proceeding came on for final consideration by the Commission upon the record, including briefs of counsel in support of and in opposition to the said appeal (oral argument not having been requested); and the Commission, having entered its order granting in part and denying in part said appeal and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That respondents Max Chissik and Arthur Foyer, individually and as copartners doing business as Sewing Machine Factors, or doing business under any other name, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling, or distributing foreign-made sewing machine heads, or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated.

2. Using the word "champion" or any simulation thereof as a brand or trade name to designate, describe, or refer to their sewing machines, or sewing machine heads; or representing, through the use of any other word or in any other manner, that the sewing machines or sewing machine heads are manufactured by anyone other than the actual manufacturer.

3. Representing, directly or by implication, that certain amounts are the prices of their sewing machines when such amounts are in excess of the prices at which their said sewing machines are ordinarily sold in the usual and regular course of business.

4. Representing, directly or by implication, that their sewing machine heads or sewing machines are guaranteed, un-

[1] Filed as part of the original document.

less the nature and extent of the guarantee and the manner in which the seller will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Pamco, Inc., and its officers, and respondents Julius Foyer, Edward Sassoon, and H. P. Haslehurst, individually and as officers of said corporation.

It is further ordered, That respondents Max Chissik and Arthur Foyer shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 17, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 54-1856; Filed, Mar. 16, 1954; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, Part 141c; 18 F. R. 5366, 7309; 19 F. R. 1141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, Part 146c; 18 F. R. 3533, 7311; 19 F. R. 673, 1141) are amended as indicated below:

1. Section 141c.205 is amended by changing the headnote and paragraph (a) to read:

§ 141c.205 *Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder*—(a) *Potency.* Using a 3.0-gram sample or the entire contents of the immediate container for each determination, proceed as directed in § 141c.203 (a) if it is chlortetracycline powder or as directed in §141c.218 (a) if it is tetracycline hydrochloride powder or tetracycline powder. The average potency of the powder is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline or tetracycline hydrochloride or tetracycline per gram or per immediate container that it is represented to contain.

2. Part 141c is amended by adding the following new section:

§ 141c.220 *Tetracycline*—(a) *Moisture.* Proceed as directed in § 141a.26 (c) of this chapter. Use the value obtained to calculate the weighed samples used in paragraphs (b), (c), and (f) of this section to the anhydrous compound.

(b) *Potency.* Proceed as directed in § 141c.218 (a), except in the preparation of the solution of the sample dissolve 40 milligrams (as the anhydrous compound) in 2.0 milliliters 0.1 *N* HCl and dilute with water to 1,000 micrograms per milliliter. Further dilute this stock solution with *M*/10 monopotassium phosphate buffer pH 4.5 to an estimated concentration of 0.24 microgram per milliliter.

(c) *Toxicity.* Proceed as directed in § 141b.103 of this chapter, using as a test dose 0.5 milliliter of an aqueous solution containing 2.0 milligrams per milliliter prepared by dissolving 40 milligrams (as the anhydrous compound) in 1.0 milliliter of 0.1 *N* HCl and diluting with the required amount of water.

(d) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using an aqueous suspension prepared by adding 10 milligrams per milliliter.

(e) *Crystallinity.* Proceed as directed in § 141a.5 (c) of this chapter.

(f) *Extinction coefficient.* Proceed as directed in § 141c.218 (e), except dissolve 40 milligrams (as the anhydrous compound) in 2.0 milliliters 0.1 *N* HCl and dilute to 250 milliliters with distilled water.

3. a. In § 146c.205, the headnote and paragraph (a) are amended to read:

§ 146c.205 *Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline powder, tetracycline hydrochloride powder, and tetracycline powder are crystalline chlortetracycline hydrochloride, tetracycline hydrochloride, or tetracycline, with or without suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings. The content of chlortetracycline or tetracycline hydrochloride or tetracycline is not less than 15 milligrams per gram of powder. The moisture content of chlortetracycline powder or tetracycline hydrochloride powder is not more than 2 percent. The moisture content of tetracycline powder is not more than 7.5 percent. The chlortetracycline used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except subparagraphs (2), (4), and (5) of that paragraph. The tetracycline used conforms to the requirements of § 146c.220 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Section 146c.205 (c) (1) (ii) is amended to read:

(c) *Labeling.* • • •

(1) • • •

(ii) The number of milligrams of chlortetracycline or tetracycline hydrochloride or tetracycline (expressed in terms of equivalency of tetracycline hydrochloride) per gram; or if it is intended for use solely as an ingredient in the drinking water of animals and is conspicuously so labeled, the number of grams of drug per pound in the immediate container;

c. In § 146c.205, subparagraph (1) of paragraph (d) *Request for certification* • • • is amended by changing the words "the chlortetracycline or tetracycline used" to read "the chlortetracycline, tetracycline hydrochloride, or tetracycline used".

d. Paragraph (d) (2) (ii) and (3) (ii) of § 146c.205 is amended to read:

(2) • • •

(ii) The chlortetracycline, tetracycline hydrochloride, or tetracycline used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is tetracycline hydrochloride or tetracycline.

• • • • •

(3) • • •

(ii) The chlortetracycline, tetracycline hydrochloride, or tetracycline used in making the batch; 10 packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146c.201 (b).

4. Part 146c is amended by adding the following new section:

§ 146c.220 *Tetracycline*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline is the hydrated or anhydrous crystalline compound of the deschloro derivative of a kind of chlortetracycline, or a mixture of two or more such compounds. It is so purified that:

(1) Its potency is not less than 975 micrograms per milligram on the anhydrous basis.

(2) It is nontoxic.

(3) Its moisture content is not more than 13 percent.

(4) Its pH in an aqueous suspension prepared by adding 10 milligrams per milliliter is not less than 3.0 and not more than 7.0.

(5) Its extinction coefficient $E\frac{1\%}{1\text{ cm.}}$ is 402±15 at 380 mμ calculated on the anhydrous basis.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of tetracycline shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The number of micrograms of tetracycline per milligram expressed in terms of its equivalency of tetracycline hydrochloride, and the total number of grams in the immediate container.

(3) The statement "Expiration date _____," the blank being filled in with the date which is 24 months after the month during which it was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For use only in the manufacture of nonparenteral drugs."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, and extinction coefficient.

(2) Such person shall submit with his request an accurately representative sample of the batch consisting of 10 packages, each containing approximately 60 milligrams taken from a different part of such batch and each packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which tetracycline is to be used, the manufacturer of the batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer the results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) and (3) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: March 11, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-1871; Filed, Mar. 16, 1954; 8:48 a. m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC- AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

REDESIGNATION OF SECTION NUMBERS

Sections 146a.53, 146a.61, 146a.62, 146a.72, 146a.73, and 146a.83, now contained in part 146a, are redesignated as §§ 146.24, 146.25, 146.26, 146.27, 146.28, and 146.29, respectively, and removed to Part 146. No other change is made in the context of any of these sections.

Dated: March 11, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-1870; Filed, Mar. 16, 1954; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

CLASS IV STATIONS ON REGIONAL CHANNELS

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954.

2. The Commission has under consideration the desirability of making certain changes in Part 3 of its rules and regulations to delete certain obsolete provisions.

3. The Commission on December 18, 1952, adopted a Report and Order (FCC 52-1618) eliminating the assignment of Class IV stations on regional channels. However, the Commission provided that applications which were on file as of that date would be considered upon the basis of rules in existence prior to December 18, 1952.

4. All such applications have now been acted upon and there are no applications for Class IV operation on regional channels pending. Therefore, §§ 3.26 and 3.29 of the rules are being amended to delete the reference to applications which were on file prior to December 18, 1952.

5. The amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately.

6. The amendments adopted herein are issued pursuant to authority contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

7. *It is ordered*, That effective immediately, §§ 3.26 and 3.29 of the Commission's rules and regulations are amended as set forth below:

I. Section 3.26 is amended by the deletion of footnote 8.

II. Section 3.29 is amended to read as follows:

§ 3.29 *Class IV stations on regional channels.* No license will be granted for the operation of a Class IV station on a regional channel: *Provided, however,* That Class IV stations presently authorized to operate on regional channels will not be required to change frequency, or power but will not be protected against interference from Class III stations.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-1879; Filed, Mar. 16, 1954; 8:50 a. m.]

[Docket No. 10712]

PART 12—AMATEUR RADIO SERVICE

OPERATOR EXAMINATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of March 1954;

The Commission having under consideration its notice of proposed rule making in the above entitled matter wherein it was proposed to amend §§ 12.44 (a) and 12.44 (c) of Part 12 to provide for the examination of candidates for Novice and Technician Class amateur operator licenses by mail only, and to amend §§ 12.21 (d), 12.44 (a) (1) and (b) of Part 12 to reduce, from 125 to 50 miles, the distance from Commission examination points beyond which resident applicants are eligible to take a Conditional Class amateur operator examination; and

It appearing, that the foregoing proposal and correction thereto was duly published in the FEDERAL REGISTER (18 F. R. 6438 and 18 F. R. 6547) on October 9 and 14, 1953, respectively, and that written comment was received from interested parties; and

It further appearing, that the Commission has considered all written comments received, the weight of which (a) favors the giving of Novice and Tech-

nician Class amateur operator examinations by mail only and (b) opposes the extent of change in eligibility to take a Conditional Class amateur operator examination whereby the residence distance from Commission examination points would be reduced from 125 to 50 miles; and

It further appearing, that the public interest would be served by amending the rules so that (a) Novice and Technician Class Amateur Operator examinations be given by mail only and (b) the residence distance from Commission examination points be reduced from 125 to 75 miles:

It is ordered, That under the authority contained in section 4 (i) and 303 (r) of the Communications Act of 1934, as amended, effective June 10, 1954, §§ 12.21 (d), 12.44 (a), (b), (c) of the Commission's rules are amended without further proceeding, in the particulars set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303; 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: March 11, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 12—Amateur radio service is amended in the following particulars:

1. Amend § 12.21 (d) to read as follows:

(d) *Conditional class.* Any citizen of the United States whose actual residence and amateur station location are more than 75 miles airline distance from the nearest location at which examinations are held at intervals of not more than 3 months for General Class amateur operator license; or who is shown by physician's certificate to be unable to appear for examination because of protracted disability; or who is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

2. Amend § 12.44 (a) to read as follows:

(a) The examinations for Extra and General Classes of amateur operator licenses will be conducted by an authorized Commission employee or representative at locations and at times specified by the Commission. The examinations for Conditional Class, as well as Technician and Novice Class licenses, will be conducted in accordance with the provisions of paragraph (c) of this section. The examinations for Conditional Class will be available only under one or more of the following conditions:

(1) If the applicant's actual residence and proposed amateur station location are more than 75 miles airline distance from the nearest location at which examinations are conducted by an authorized Commission employee or representative at intervals of not more than 3 months for amateur operator licenses; or

(2) If the applicant is shown by physician's certificate to be unable to appear for examination because of protracted disability; or

(3) If the applicant is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force, or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

3. Amend § 12.44 (b) to read as follows:

(b) A holder of a conditional, technician, or novice class license obtained on the basis of an examination under the provisions of paragraph (c) of this section is not required to be re-examined when changing residence and station location to within a regular examination area, nor when a new examination location is established within 75 miles of such licensee's residence and station location.

4. Amend § 12.44 (c) to read as follows:

(c) Each examination for Conditional Class license, or for Technician, or Novice Class license shall be conducted and supervised by not more than two volunteer examiners, whom the Commission may designate or permit the applicant to select (not more than one examiner for the code test and not more than one examiner for the complete written examination). In the event the examiner for the code test is selected by the applicant, such examiner shall be the holder of an Extra Class, Advanced Class, or General Class amateur operator license; or shall have held, within the 5 years prior to the date of the examination, a commercial radiotelegraph operator license issued by the Commission, or within that time shall have been employed in the service of the United States as the operator of a manually operated radiotelegraph station. The examiner for the written test shall be at least 21 years of age. Examinations for Conditional Class will be available only under special conditions set forth in paragraph (a) (1), (2), or (3) of this section.

[F. R. Doc. 54-1880; Filed, Mar. 16, 1954; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 180—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 10th day of March A. D. 1954.

The matter of applications designated Forms B. M. C.-44, B. M. C.-45, and B. M. C.-46 (§§ 7.44, 7.45, and 7.46), and notices of filing and protests relating thereto, prescribed by orders entered November 12, 1940 (5 F. R. 4698), and March 19, 1942 (7 F. R. 2601), as amended and supplemented by orders entered September 17, 1943 (8 F. R. 13193), December 11, 1945 (11 F. R. 746, 747), December 27, 1951 (17 F. R. 234), June 13, 1952 (17 F. R. 5952–5953), and July 1, 1953 (§§ 180.1, 180.50, 180.6, and 180.70), being under consideration:

It is ordered, That Part 180 be, and it is hereby, amended as follows:

In § 180.1 *Application for authority to merge properties or franchises*, retain paragraphs (a) and (c), and amend paragraph (b) so as to read as follows:

(b) The verified original of each such application and five copies thereof shall be filed with this Commission, one true copy thereof shall be furnished to each of the Directors of Districts of the Bureau of Motor Carriers in which the headquarters of applicants are located, and one true copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or Official (or to the Governor where there is no Board, Commission, or Official) having authority to regulate the business of transportation by motor vehicle in each State in which the applicants operate. If the application pertains to the transportation of passengers, a notice of the filing of such application, Form B. M. C. 15A (Revised) (§ 7.15a of this chapter), must also be delivered, in person or by registered or receipted mail, to each motor carrier and each carrier by rail or water, known to the applicants, with whose service the operations described in the separately filed application under section 5 are or will be directly competitive. If the application pertains to the transportation of property, applicants are not required to give notice to competitors since notice of such filing will be by publication in the FEDERAL REGISTER.

In § 180.50 *Application for authority to acquire control*, retain paragraphs (a) and (c), and amend paragraph (b) so as to read as follows:

(b) The verified original of each such application and five copies thereof shall be filed with this Commission, one true copy thereof shall be furnished to each of the Directors of Districts of the Bureau of Motor Carriers in which the headquarters of applicants are located, and one true copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or Official (or to the Governor where there is no Board, Commission, or Official) having authority to regulate the business of transportation by motor vehicle in each State in which the applicants operate. If the application pertains to the transportation of passengers, a notice of the filing of such application, Form B. M. C. 15A (Revised) (§ 7.15a of this chapter), must also be delivered, in person or by registered or receipted mail, to each motor carrier and each carrier by rail or water, known to the applicants, with whose service the operations described in the separately filed application under section 5 are or will be directly competitive. If the application pertains to the transportation of property, applicants are not required to give notice to competitors since notice of such filing will be by publication in the FEDERAL REGISTER.

In § 180.6 *Application for approval of temporary operation*, retain paragraphs (a) and (c) in their present form, and amend paragraph (b) so as to read as follows:

(b) The verified original of each such application and five copies thereof, shall be filed with this Commission, one true copy thereof shall be furnished to each of the Directors of Districts of the Bureau of Motor Carriers in which the headquarters of applicants are located, and one true copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or Official (or to the Governor where there is no Board, Commission, or Official) having authority to regulate the business of transportation by motor vehicle in each State in which the applicants operate. If the application pertains to the transportation of passengers, a notice of the filing of such application, Form B. M. C. 15A (Revised) (§ 7.15a of this chapter), must also be delivered, in person or by registered or receipted mail, to each motor carrier and each carrier by rail or water, known to the applicants, with whose service the operations described in the separately filed application under section 5 are or will be directly competitive. If the application pertains to the transportation of property, applicants are not required to give notice to competitors since notice of such filing will be by publication in the FEDERAL REGISTER.

In § 180.70 *Protests against applications*, amend headnote to read *Protests against applications pertaining to the transportation of passengers*, and retain paragraphs (a), (b), (c), and (d) thereunder, in their present form.

It is further ordered, That except as hereby amended, the said orders of November 12, 1940, and March 19, 1942, as amended and supplemented by orders of September 17, 1943, December 11, 1945, December 27, 1951, June 13, 1952, and July 1, 1953, shall remain in full force and effect.

And it is further ordered, That this order shall become effective on the 22d day of March A. D. 1954.

(24 Stat. 383, as amended, 49 Stat. 546, as amended; 49 U. S. C. 12, 304. Interpret or apply secs. 1, 5, 24 Stat. 379, as amended, 380 as amended, 49 Stat. 544, as amended, 555, as amended; 49 U. S. C. 1, 5, 303, 312)

By the Commission, Division 4.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1864; Filed, Mar. 16, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 968]

HANDLING OF MILK IN THE WICHITA, KANSAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Wichita, Kansas, on October 7–9 and December 1–3, 1953, pursuant to notice thereof which was issued on November 20, 1953 (18 F. R. 5629 and 7547).

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service, on February 15, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto. This decision was published in the FEDERAL REGISTER on February 18, 1954 (19 F. R. 948).

The material issues, findings and conclusions, and general findings of the recommended decision (19 F. R. 948; Doc. 54-1159) are hereby adopted by this decision as if set forth in full herein.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of January 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 12th day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area

Sec.
968.0 Findings and determinations.

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968.2 Secretary
968.3 Wichita, Kansas, marketing area.
968.4 Person.
968.5 Approved dairy farmer.
968.6 Producer.
968.7 Approved plant.
968.8 Pool plant.
968.9 Handler.
968.10 Cooperative association.
968.11 Producer-handler.
968.12 Market administrator.
968.13 Producer milk.
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968.15 Route.
968.16 Base milk
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MARKET ADMINISTRATOR

968.20 Designation.
968.21 Powers.
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968.30 Periodic reports.
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968.40 Skim milk and butterfat to be classified.
968.41 Classes of utilization.
968.42 Shrinkage.
968.43 Responsibility of handlers and reclassification of milk.
968.44 Transfer.
968.45 Computation of the skim milk and butterfat in each class.
968.46 Allocation of skim milk and butterfat classified.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

MINIMUM PRICES

Sec.
968.50 Basic formula price to be used in determining Class I prices.
968.51 Class prices.
968.52 Handler butterfat differential.

APPLICATION OF PROVISIONS

968.60 Producer-handlers.
968.61 Handlers subject to other orders.
968.62 Handler operating an approved plant which is not a pool plant.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

968.70 Net pool obligations of handlers operating pool plants.
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968.80 Time and method of payment.
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968.84 Payments out of the producer-settlement fund.
968.85 Adjustment of errors in payments.
968.86 Marketing services.
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968.88 Termination of obligation.

BASE RATING

968.90 Determination of daily base.
968.91 Base rules.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

968.100 Effective time.
968.101 Suspension or termination.
968.102 Continuing power and duty of the market administrator.
968.103 Liquidation after suspension or termination.

AGENTS

968.110 Agents.

AUTHORITY: §§ 968.1 to 968.110 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 968.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of this hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held:

(4) All milk and milk products handled by handlers as defined in this order amending the order, as amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk and its products; and

(5) The necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro-rata share of such expense an amount not to exceed 4 cents per hundredweight with respect to all milk received from approved dairy farmers during the month, which amount shall be determined by the market administrator subject to review by the Secretary.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 968.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 968.3 *Wichita, Kansas, marketing area.* "Wichita, Kansas, marketing area" means all the territory within the corporate limits of the City of Wichita, Kansas, and the territory within Delano, Kechi, Minneha, Riverside, Waco, Gypsum, Park, Payne and Wichita Townships, and the City of Eastborough, all in Sedgwick County, Kansas.

§ 968.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 968.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who holds a currently valid permit or license issued by the Health Department of the City of Wichita or of Sedgwick County for the production of milk to be disposed of as Grade "A" milk, or produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type II, No. 1, or Type III, No. 1 which is received at a plant supplying Class I milk to such an institution or base in the marketing area.

§ 968.6 *Producer.* "Producer" means any approved dairy farmer, other than a producer-handler, whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association. "Producer" does not mean any approved dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this order pursuant to § 968.61.

§ 968.7 *Approved plant.* "Approved plant" means any plant (a) approved by the health authorities of the City of Wichita, Kansas, or of Sedgwick County, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area at which milk is received from approved dairy farmers, or (b) supplying to any agency of the United States Government located within the marketing area Class I milk products accepted as meeting the requirements of Type II, No. 1 or Type III, No. 1.

§ 968.8 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler.

(a) During any of the months of March, April, May, or June within which such plant disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 20 percent or more of such plant's total receipts from approved dairy farmers;

(b) During any of the other months within which such plant disposes of as Class I milk an amount equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 25 percent or more of such plant's total receipts from approved dairy farmers; and

(c) For the purpose of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 968.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; and

(b) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 968.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 968.11 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates an approved plant, but who receives no milk from other approved dairy farmers.

§ 968.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 968.20 as the agency for the administration of this part.

§ 968.13 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received at a pool plant either directly from such producer or from other handlers.

§ 968.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 968.15 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to § 968.41 (a), other than a delivery to any milk processing plant.

§ 968.16 *Base milk.* "Base milk" means producer milk received by handlers from a producer which is not in excess of such producer's daily base determined pursuant to § 968.90 multiplied by the number of days during the month for which milk was received from such producer.

§ 968.17 *Excess milk.* "Excess milk" means producer milk received by handlers from a producer which is in excess of base milk received from such producer during the month.

MARKET ADMINISTRATOR

§ 968.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 968.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 968.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 968.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 968.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to § 968.30 through § 968.32, or

(2) Made payments pursuant to § 968.80 through § 968.86.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 968.51 (a) and the Class I butterfat differential pursuant to § 968.52 both for the current month; and the minimum price for Class II milk computed pursuant to § 968.51 (b) and the Class II butterfat differential pursuant to § 968.52 both for the previous month;

(2) On or before the 10th day of each month the uniform price computed pursuant to § 968.71 and the butterfat differential computed pursuant to § 968.81 both for the previous month;

(j) Prepare and disseminate such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 12th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers in each class by each handler who in the previous month received milk from members of such cooperative association.

REPORTS, RECORDS AND FACILITIES

§ 968.30 *Periodic reports.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall, with respect to milk or milk products which were received or produced by such handler during such month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer or approved dairy farmer, and the number of days for which milk was received from each producer;

(b) The quantities of skim milk and butterfat contained in receipts of milk, and milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat the receipt of which is required to be reported pursuant to this section;

(e) The pounds of skim milk and butterfat contained in all milk, skim milk, and cream and other Class I products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the receipts and use of milk as the market administrator may request, including a separate statement of skim milk and butterfat disposed of as Class I milk on routes within the marketing area.

§ 968.31 *Payroll reports.* On or before the 20th day after the end of each month each handler shall submit to the market administrator his producer payroll for such month which shall show for each producer and each approved dairy farmer:

(a) His total deliveries of base milk and total deliveries of milk in excess of base milk;

(b) The average butterfat content of his milk; and

(c) The net amount of such handler's payments to such producer or approved dairy farmer with the prices, deductions, and charges involved.

§ 968.32 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

§ 968.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year periods, the market administrator notified the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 968.40 *Skim milk and butterfat to be classified.* All skim and butterfat received within the month by a handler which is required to be reported pursuant to § 968.30 shall be classified by the market administrator pursuant to the provisions contained in § 968.41 through § 968.46.

§ 968.41 *Classes of utilization.* Subject to conditions set forth in §§ 968.43 and 968.44, classes of utilization shall be:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, (3) skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese, and (4) all other skim milk and butterfat not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce butter, cheese (including skim milk used to produce cottage cheese curd, but not including skim milk or butterfat used in creaming cottage cheese disposed of as creamed cottage cheese) plain or sweetened condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, ice cream mix, frozen desserts, aerated cream, eggnog, casein or margarine; (2) in cream frozen and stored; (3) used for starter churning, wholesale baking and candy making; (4) disposed of as livestock feed; (5) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (6) in shrinkage up to 2 percent of producer receipts to be prorated pursuant to § 968.46; (7) in shrinkage of other source milk; and (8) in inventory at the end of the month as milk, skim milk, cream (except frozen) or any product specified in paragraph (a) of this section.

§ 968.42 *Shrinkage.* The market administrator shall prorate shrinkage of skim milk and butterfat classified in Class II milk between the receipts of skim milk and butterfat, respectively, in milk from producers and from other sources. For the purpose of prorating shrinkage of skim milk and butterfat, skim milk and butterfat in milk diverted directly from producers' farms to another handler shall be included as a receipt of the handler to whom such milk and butterfat was diverted, and excluded from receipts of the diverting handler.

§ 968.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to § 968.41 (b) (8) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 968.46 (a) (4), or the corresponding step of § 968.46 (b).

§ 968.44 *Transfers.* Skim milk and butterfat transferred or diverted from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler, subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located more than 250 miles from the approved plant by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternative utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant distributing fluid milk or cream and located less than 250 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant.

(e) As Class II milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant, located not more than 250 miles from the approved plant, and which does not distribute fluid milk or cream, except that where such unapproved plant is operated by a person who is also a handler or an affiliate of a handler, (1) the market administrator shall be permitted to audit the records of receipts and utilization at such unapproved plant, and (2) to the extent that skim milk or butterfat is disposed of from such unapproved plant to any other milk plant in the form of milk, skim milk or cream, skim milk or butterfat so transferred or diverted to such unapproved plant shall be classified as if moved directly from the approved plant to such other milk plant.

(f) Skim milk or butterfat transferred to a nonpool plant from which fluid milk, skim milk or cream is transferred to a pool plant shall be subject to reclassification to the extent of the amount so transferred from such nonpool plant.

§ 968.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and in Class II milk for such handler.

§ 968.46 *Allocation of skim milk and butterfat classified.* After making the computation pursuant to § 968.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 968.41 (b) (6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other pool plants in a form other than milk, skim milk or cream according to its classification pursuant to § 968.41;

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in receipts of other source milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen) or any product specified in § 968.41 (a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 968.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

§ 968.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof and multiply by 3.8.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot price per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 968.51 *Class prices.* Subject to the provisions of § 968.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.65.

(b) *Class II milk.* The price per hundredweight shall be:

(1) For the months of March, April, May and June, the average of the prices reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the United States Department of Agriculture:

Present Operator and Location

Arkansas City Cooperative Milk Association, Arkansas City, Kans.
Bennett Creamery Co., Ottawa, Kans.
Page Milk Co., Coffeyville, Kans.
Pet Milk Co., Iola, Kans.

(2) For all other months, the higher of such price or the average price reported by the United States Department of Agriculture for the current month for milk for manufacturing purposes f. o. b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio.

§ 968.52 *Handler butterfat differential.* If the average butterfat test of Class I milk or Class II milk as calculated pursuant to § 968.46 is more or less than 3.8 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below 3.8 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.120;

(b) *Class II milk.* Multiply such price for the current month by 0.115.

APPLICATION OF PROVISIONS

§ 968.60 *Producer-handlers.* Sections 968.40 through 968.46, 968.50 through 968.52, 968.61, 968.62, 968.70, 968.71 and 968.80 through 968.88 shall not apply to a producer-handler.

§ 968.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this part is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund with respect to all skim milk and butterfat disposed of (except to other handlers) as Class I milk within the marketing area, an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this part and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day after the end of each delivery period.

§ 968.62 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a month, shall in lieu of the payments required pursuant to § 968.80 through § 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The product of the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I milk during the month multiplied by the difference between the price for Class I milk pursuant to § 968.51 and the price for Class II milk pursuant to § 968.51 (b).

(b) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such month if such handler operated a pool plant deduct the gross payments made by such handler to approved dairy farmers for milk received during such month.

§ 968.70 *Net pool obligations of handlers operating pool plants.* The net pool

obligation for milk received during each month by each handler from producers at pool plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 968.46 (c) by the applicable respective class prices (adjusted pursuant to § 968.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 968.46 (a) (7) by the applicable respective class prices;

(c) Add a reclassification charge computed at a rate equal to the difference between the Class I and Class II prices for the current month for skim milk and butterfat in inventory which is subtracted from Class I pursuant to § 968.46 (a) (4) and the corresponding step of § 968.46 (b) which is not in excess of the skim milk and butterfat, respectively, remaining in Class II milk in the previous month pursuant to § 968.46 (a) (5) and the corresponding step of § 968.46 (b).

(d) For any other source skim milk or butterfat subtracted from Class I milk pursuant to § 968.46 (a) (3) and (b), add an amount equal to the difference between the values of such skim milk and butterfat at the Class I price and at the Class II price, unless the handler can prove to the satisfaction of the market administrator that such other source skim milk and butterfat was used only to the extent that producer milk was not available either directly from producers or at the plant of another handler at the Class I price.

§ 968.71 *Computation of uniform prices for base milk and excess milk.* For each month, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the values computed pursuant to § 968.70 for all handlers who made the reports prescribed in § 968.30 and who made the payments pursuant to § 968.80 and § 968.83 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent; or add if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 968.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 3.8 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price of Class II milk of 3.8 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price of Class I milk of 3.8 percent butterfat content and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat content received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content received from producers.

PAYMENTS

§ 968.80 *Time and method of payment.* Each handler operating a pool plant shall make payment as follows:

(a) On or before the 12th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform prices computed pursuant to § 968.71 (h) and (e) for such producers deliveries of base milk and excess milk, respectively, adjusted by the butterfat differential computed pursuant to § 968.81, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date, such handler has not received full payment pursuant to § 968.84 he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 27th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of such month, at the approximate value of such milk.

(c) On or before the 11th day after the end of each month and on or before the 24th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which it caused to be delivered to such handler from producers, and for which such association is determined by the market administrator to be authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments due on or before the 11th day after the end of the month shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 968.31, and payments due on or before the 24th day of the month shall be accompanied by a statement of the amount of money for each producer.

§ 968.81 *Producer butterfat differential.* In making payments pursuant to § 968.80 (a) there shall be added to or subtracted from the uniform prices per hundredweight for each one-tenth of one percent that the average butterfat content is above or below 3.8 percent an amount computed by multiplying by 0.12 the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the mid-point of any range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the month and rounding to the nearest one-tenth cent.

§ 968.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.83, 968.85, 968.61 and 968.62, and out of which he shall make all payments to handlers pursuant to §§ 968.84 and 968.85: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.83 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 968.80.

§ 968.84 *Payments out of the producer-settlement fund.* (a) On or before the 12th day after the end of each month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 968.80 is greater than the net pool obligation of such handler.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 968.85 *Adjustment of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 968.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.84, the market administrator shall, within 5 days make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

(b) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation payment to such producer was in an amount more than was required to be paid pursuant to § 968.80, no handler shall be deemed to be in violation of § 968.80 if he reduces his payment to such producer next following discovery of such error by not more than such overpayment.

§ 968.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80 (a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 968.80 (a) as are authorized by such producers, and, on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members. Such payment shall be accompanied by a statement showing for each producer for which such deduction is made the amount of such deduction, the total delivery of milk, and unless otherwise previously provided, the butterfat test.

§ 968.87 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler with respect to all milk received from approved dairy farmers during the month, shall pay to the market administrator, on or before the 12th day after the end of such month, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary.

§ 968.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

BASE RATING

§ 968.90 *Determination of daily base.* (a) Through December 31, 1954, the daily average base of each producer who regularly delivered milk to a handler during the months of August through November 1953 shall be that effective for January 1954. Effective January 1, 1955, the daily average base of each producer who regularly delivered milk to a handler for 60 days or more during August through November of the next preceding calendar year shall be computed by the market administrator by dividing the total pounds of milk received by a handler from such producer during such months by the number of days within the period during which such producer made regular deliveries of milk in such months, or 90, whichever is greater.

(b) The daily average base of each producer for whom no daily base may be established pursuant to paragraph (a) of this section shall be computed by the market administrator as follows:

(1) Multiply such producer's daily average deliveries of milk during the current month by the percentage that total deliveries of base milk in the current month by producers for whom daily bases are computed pursuant to paragraph (a) of this section are to total deliveries of milk in the current month by all producers; and

(2) Effective January 1, 1955, for the months of January through July only, divide the result obtained in subparagraph (1) of this paragraph by 2.

§ 968.91 *Base rules.* (a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in § 968.90 (b).

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions: (1) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (2) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section and § 968.90 only, the term "producer" shall include any person who has been a producer as defined in § 968.6 but whom the City of Wichita or Sedgwick County has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the City of Wichita or Sedgwick County, Kansas.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 968.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 968.101.

§ 968.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 968.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

AGENTS

§ 968.110 *Agents.* The Secretary may, by designation, in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F. R. Doc. 54-1891; Filed, Mar. 16, 1954; 8:53 a. m.]

Agricultural Research Service

[9 CFR Part 102]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

SPECIAL LICENSES

On August 15, 1953, notice was published in the FEDERAL REGISTER (18 F. R. 4893) concerning a proposed amendment of § 102.7 of the regulations relating to viruses, serums, toxins, and analogous products (9 CFR 102.7) under the virus-serum-toxin provisions of the act of March 4, 1913 (21 U. S. C. 151–158). Numerous comments with respect to the proposed amendment were received from various members of the affected industry and other interested persons. After careful consideration of all comments received, it is now proposed to amend § 102.7 to read as follows:

§ 102.7 *Special licenses.* (a) Special licenses may be issued in particular cases for preparation of a biological product when, in the opinion of the Chief, the laboratory and other research data and other information available with respect to the product show that the product has value in the treatment of domestic animals but that the results of its use under a larger variety of conditions should be further evaluated prior to release under a regular license. A special license for such a product may include any or all of the following requirements as may be prescribed by the Chief to protect the livestock industry or other segments of the public:

(1) The product shall be prepared under Branch inspection and tested in such manner as may be administratively determined by the Chief.

(2) The applicant for a license shall currently file with the Chief a statement of all claims proposed to be made for the product at any time while the product is under special license, and the product shall be recommended for use only under such conditions as the Chief deems warranted by the laboratory and other research data and other information currently available concerning it.

(3) Where the nature of the product so requires for the protection of the public, the product shall be recommended for use only by trained personnel.

(4) No change shall be made in the composition or method of preparation of the product without prior approval of the Chief.

(5) The licensee shall distribute the product in any State or other jurisdiction only in accordance with the requirements of such State or other jurisdiction.

(6) The licensee shall request the handlers to whom he distributes the product to (i) keep complete records showing the name and address of each purchaser of the product and the name, serial number and quantity of the product sold to such purchaser; (ii) furnish to each veterinarian, animal owner, or other person using the product, a report form, approved by the Branch, which shall contain blank spaces for stating pertinent information concerning the results obtained from use of the product; and (iii) request users of the product to complete and return the report form to an official of the Department specified by the Chief.

(b) Special licenses may include such other requirements as the Chief may impose to protect the livestock industry and other segments of the public when the Chief finds that adequate protection thereof will not be afforded by the requirements set forth in paragraph (a) of this section.

(c) Notice of all requirements to be imposed under paragraph (a) or paragraph (b) of this section shall be given to the applicant for license for any product under the act as soon as possible after it is determined that such product may be licensed only under special license.

(d) Each applicant for a special license shall furnish all information required by other provisions of the regulations in this subchapter, and all provisions of such regulations in terms applicable to a product for which a special license has been or is to be issued shall apply to such product, except insofar as such provisions are inconsistent with any requirement under this section.

(e) Each applicant for a special license shall agree to distribute the product to be covered by the license only for such use as may be authorized under the license.

(f) Violation of any of the conditions of a special license shall constitute a violation of this section and may be grounds for suspension or revocation of the special license under § 102.51.

(g) Special licenses shall be converted to regular licenses as soon as field data and other available information justify the change.

In the preparation of the foregoing proposal thorough consideration has been given to the comments submitted with respect to the proposed amendment of the regulations set forth in the FEDERAL REGISTER of August 15, 1953 (18 F. R. 4893). Any interested person who wishes to submit additional comments on the new proposal may do so by filing them with the Chief, Animal Disease Eradication Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 10th day of March 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-1867; Filed, Mar. 16, 1954; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10953]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10953

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it a petition filed on February 11, 1954, by Sarkes Tarzian, Inc., Bloomington, Indiana, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations as follows:

City	Channel No.	
	Add	Delete
Huntington, Ind.	21+	
Anderson, Ind.	23	61
Logansport, Ind.	25	51
[illegible]	38	2
[illegible], Ind.	45	38
South Bend, Ind.	*72	*46
[illegible], Ind.	75	18

3. The Commission on this date has adopted a memorandum opinion and order denying the request for the institution of rule making in so far as it has been proposed to amend channel assignments in Anderson, Logansport, Connersville, Madison, South Bend, and Lebanon. Accordingly, the petition for the institution of rule making is being granted only insofar as it requests the institution of rule-making proceedings to add Channel 21 to Huntington, Indiana.

4. In support of the requested amendment, petitioner urges that it expects to file applications for UHF stations in Huntington, Anderson, and Logansport, Indiana; that the proposed stations will stimulate the growth of UHF in the area; that they would provide the areas with educational and other types of programs; and that the assignments as proposed conform with the Commission's rules.

5. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before April 9, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 11, 1954.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1873; Filed, Mar. 16, 1954; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 10954]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10954.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it a petition filed on February 9, 1954, by WGOV-TV, Inc., Valdosta, Georgia, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations as follows:

City	Channel No.	
	Present	Proposed
Fitzgerald, Ga.	2-	51+

3. In support of its requested amendment, petitioner urges that it is the permittee of Station WGOV-TV on Channel 37 at Valdosta, Georgia; that efforts have been made to select a suitable site for this station; that such a site meeting the approval of zoning and aeronautical authorities has been selected; that this site is a few miles short of the required spacing to the assignment of Channel 23 at Fitzgerald, Georgia; and that the requested amendment would remove this conflict and conform to the Commission's rules.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before April 9, 1954 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 11, 1954.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1874; Filed, Mar. 16, 1954; 8:49 a. m.]

[1] Commissioner Bartley dissenting and stating: "I would issue as a Notice of Rule Making the proposal of the petitioner."

[47 CFR Part 3]

[Docket No. 10952]

TELEVISION BROADCAST STATIONS

TRANSMITTER POWER AND HEIGHT REQUIREMENTS

In the matter of amendment of § 3.614, rules governing television broadcast stations; Docket No. 10952.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 3.614 (a) of the Commission's rules specifies the minimum visual effective radiated power for television broadcast stations. At the time of the adoption of this rule in the Sixth Report and Order, high power equipment for television stations was not available, especially for stations operating on Channels 14–83. Such equipment is presently becoming available and in order to assure the best possible technical service, the Commission proposes to amend the rule governing minimum powers and heights so as to require the use of a transmitter with a minimum rated power of 5 kilowatts for Channels 14–83. Stations which are presently authorized with transmitters below the proposed minimum rating will not be required to comply at this time. It is also proposed to cease the issuance of Special Temporary Authorizations for operation with lower powers than those specified in stations' construction permits, except upon a showing that the specified transmitting equipment is not available.

3. In view of the above, it is proposed to amend Part 3 as follows:

A. In § 3.614:

I. The heading of paragraph (a) is changed to read:

(a) *Minimum requirements for Channels 2–13.*

II. A new paragraph (b) is added to read as follows:

(b) *Minimum requirements for Channels 14–83.* Applications filed for television broadcast stations on Channels 14–83 will not be accepted for filing if they fail to specify a transmitter with at least a rated power of 7 dbk (5 kw).[*]

III. Redesignate present paragraphs (b) and (c) as (c) and (d).

B. Figure 1 of Appendix III to Subpart E is amended by the addition of the following to the title: "For Channels 2–13."

4. Authority for the issuance of the proposed amendment is contained in sections 303 (a), (b), (c), (d), (e), (f), (g), (r), and 4 (i) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 16, 1954, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulatons, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 11, 1954.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1872; Filed, Mar. 16, 1954; 8:48 a. m.]

[*] Stations authorized prior to the effective date of this paragraph will not be required to conform to this section.

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 141, 187]

[No. 31450]

FREIGHT SCHEDULES AND FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS

PUBLICATION OF RULES AND CHARGES FOR ACCESSORIAL SERVICES BY RAIL AND MOTOR CARRIERS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 5th day of March A. D. 1954.

It appearing, that under date of January 22, 1954, Division 2, issued a notice of proposed rule making in the above proceeding, which provided that respondents and other interested parties may file, on or before April 12, 1954, with this Commission written statements containing data, views, or arguments concerning the proposed revised rules.

It further appearing, that the National Traffic Committee of the Trucking Industry requested an extension of time for filing views and arguments concerning these proposed rules.

It is ordered, That the respondents herein and other interested parties may file, on or before June 15, 1954, written statements containing data, views or arguments concerning the proposed revised rules. Such statements shall conform to the specifications provided in Rule 15 of this Commission's general rules of practice and an original and signed copy and 5 copies shall be furnished for the use of the Commission.

And it is further ordered, That notice to the respondents and to the general public shall be given by depositing a copy in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1863; Filed, Mar. 16, 1954; 8:47 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10215]

ARTHUR WESTLUND

ORDER CONTINUING HEARING

In re application of Arthur Westlund, Walnut Creek, California, Docket No. 10215, File No. BP-8321; for construction permit.

The Commission having under consideration a petition filed on March 5, 1954, by counsel for Arthur Westlund, petitioner herein, and counsel for Finley Broadcasting Company, requesting a continuance for a period of ninety days of the hearing scheduled to begin in this proceeding on March 16, 1954; and

It appearing, that counsel for the Broadcast Bureau has consented to said postponement and that a grant of the postponement requested may enable the parties to resolve the matters in issue and thus avoid the necessity for a hearing;

It is ordered, This 10th day of March 1954, that the petition for continuance is granted and the hearing heretofore scheduled for March 16, 1954, is postponed until June 15, 1954, at 10 o'clock a. m., in the Commission's offices, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1875; Filed, Mar. 16, 1954; 8:49 a. m.]

[Docket No. 10950]

ROBERT LEX EASLEY

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Robert Lex Easley, 2950 S. Broadway, Albuquerque, New Mexico, Docket No. 10950; application for renewal of Radiotelephone First-Class Operator License, P-2-4503.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of March 1954;

The Commission having under consideration the application of Robert Lex Easley for renewal of his Radiotelephone First-Class Operator License, P-2-4503; and

It appearing, that Robert Lex Easley, in the District of Columbia, operated and caused to be operated a business and enterprise under the trade name of Consulting Radio Engineers and/or Mason & Dixon, Engineers, 945 Pennsylvania Avenue, Washington, D. C. which purported to be a legitimate, responsible and reputable business; and

It further appearing, that there is evidence that Robert Lex Easley has transmitted through the United States Mail, false and fraudulent correspondence and misrepresentations designed and intended to induce and procure a class of persons who could or might be induced to erect, construct, or support new radio broadcasting stations and induce that class of persons to contact and communicate with the applicant and to become customers and deliver to the applicant their money and property for the express purpose of obtaining for such persons, Radio Broadcasting Station Construction Permits, and providing complete service including all the required technical assistance for obtaining such permits; the installation of radio station equipment, engineering supervision and recruiting of a suitable staff; and

It further appearing, that certain persons hereinafter named, paid sums of money to the applicant to obtain such services as a result of the applicant's pretenses and misrepresentations; and

It further appearing, that the applicant did not intend to file and did not in fact file such applications;

It further appearing, that there is evidence that Robert Lex Easley, while employed by the State Highway Department of South Carolina as a radio engineer prior to October 18, 1947, without authority from the State of South Carolina, converted State material to his own use and the use of other persons in the construction of a privately owned radio station, and wilfully damaged or altered or permitted radio equipment to be damaged or altered; and

It further appearing, that the Commission is unable to determine from consideration of the application before it that a grant of renewal of a Radiotelephone First-Class Operator License to the said Robert Lex Easley would be in the public interest;

It is ordered, That the above-entitled application is hereby designated for hearing at 10:00 a. m., May 19, 1954, at the Commission's offices in Washington, D. C., on the following issues:

(1) To obtain full information with respect to representations made by Robert Lex Easley to Dallam R. Jackson; Tri-State Broadcasting Company, or representatives thereof, and full information with respect to all contracts and agreements which have been entered into between those persons in connection with the filing of applications before the F. C. C.

(2) To obtain full information with respect to representations made by Robert Lex Easley to Howard N. Lee; Horace Danley; the Opp Broadcasting Company, or representatives thereof, and full information with respect to all contracts and agreements which have been entered into between those persons in connection with the filing of applications before the F. C. C.

(3) To obtain full information with respect to Robert Lex Easley's use, disposition, damage or alteration of radio equipment and other property owned by the State of Carolina while he was employed as radio engineer by the Highway Department of that State prior to September 15, 1947.

(4) To determine in the light of evidence adduced in the foregoing issues, whether the applicant's character qualifications are such and his conduct as a radio operator has been such that it would be in the public interest to grant the applicant a renewal of his Radiotelephone First-Class Operator License.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1876; Filed, Mar. 16, 1954; 8:50 a. m.]

SCHEDULED TRANSMISSION AND RECEPTION OF MARINE WEATHER BULLETINS FOR GREAT LAKES REGION

EXTENSION OF TIME

MARCH 11, 1954.

The Federal Communications Commission, on December 21, 1953, announced a change in policy in reference to the use of certain radio channels for the scheduled transmission of Government weather information to ships navigating the Great Lakes, beginning with the 1954 season of navigation.

In its announcement, the Commission for reasons set forth therein informed all interested persons that, in granting authority for coast stations in the Great Lakes region to transmit by telephony (after March 15, 1954) marine weather information in accordance with an approved schedule, it would expect any person who might request approval of the use of any radio channel in the 2000–3000 kc band for this purpose, other than the channel utilizing the carrier frequency 2514 kc, to show, before February 15, 1954, why the desired service cannot be effectively provided in this band on the 2514 kc channel only.

Under date of February 1, 1954, the Commission was advised formally of the fact that, because of the widespread lack of equipment capable of receiving on the 2514 kc frequency on vessels of the Lake Carriers' Association, Cleveland, Ohio, and because of the short time available between the time of the Commission's related December 21, 1953 notice and March 15, 1954, in which to obtain such equipment, the matter had become the subject of a resolution adopted unanimously by the Dominion Marine Association (Toronto, Canada) and the Lake Carriers' Association at a joint meeting of the two Associations in January, 1954. This resolution, copies of which were forwarded to the Commission, proposes that:

(a) Canadian weather broadcasts be transmitted on 2514 kc as planned.

(b) United States weather broadcasts be transmitted on 2514 kc as of March 15, 1954, but that they also be transmitted on 2550 kc during the 1954 navigation season.

In consideration of this resolution and the associated request of the Lake Carriers' Association under date of February 1, 1954, together with representation by that Association that over two hundred of its vessels are not yet equipped to receive on 2514 kc and that it "will do everything possible to see that United States vessels are equipped to receive on Channel 39 (2514 kc) before 1955", the Commission will continue to authorize on a temporary basis until not later than March 15, 1955, the use of the 2550 kc frequency, in addition to the frequency 2514 kc in this band, by public coast stations for the scheduled transmission of Government weather information to ships navigating the Great Lakes.

Authorizations for this purpose for particular coast stations will be subject to an approved schedule as contemplated by § 7.185 of the Commission's rules.

Adopted: March 10, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1877; Filed, Mar. 16, 1954; 8:50 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1954, 90th. Supp.]

EXCESS INSURANCE COMPANY OF AMERICA

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS, REVOCATION OF AUTHORITY

MARCH 11, 1954.

The certificate of authority issued by the Secretary of the Treasury to Excess Insurance Company of America, New York, New York, under the provisions of the act of Congress approved July 30, 1947 (6 U. S. C. 6–13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, has been revoked effective as of the close of business on December 28, 1953.

American Motorists Insurance Company, an Illinois corporation, holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States, and as the sole surviving corporation under an agreement of merger dated December 10, 1953, and effective December 28, 1953, approved by the Department of Insurance of the State of Illinois on December 15, 1953, and the Insurance Department of the State of New York on December 17, 1953, acquired all of the assets and assumed all of the liabilities of American Motorists Insurance Company and Excess Insurance Company of America. Further details as to this agreement of merger may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

The underwriting limitations as of May 1, 1953, of American Motorists Insurance Company and Excess Insurance Company of America are $400,000 and $197,000, respectively. The merger of the two companies results in a combined underwriting limitation of $597,000 for the surviving corporation, American Motorists Insurance Company.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-1869; Filed, Mar. 16, 1954; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2284]

CENTRAL KENTUCKY NATURAL GAS CO.

ORDER RESCINDING ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND RECONVENING HEARING

The Commission on January 22, 1954, issued an order denying the request of Central Kentucky Natural Gas Company (Applicant) that its application in the above-entitled proceeding be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) and fixed February 23, 1954, as the date for an unabridged hearing upon said application.

In said order the Commission found that although no formal protests to said application had been filed, the Commis-

sion had received a letter from Kentucky Creosoting Company (Kentucky Creosoting) on December 24, 1953, in which it was alleged, among other things, that Kentucky Creosoting Company had refused to sign a service agreement with Applicant for the sale of natural gas which is the subject of said application. Said letter has been designated as an informal complaint by Kentucky Creosoting and assigned Docket No. IN–863 by the Commission.

The Commission on February 8, 1954, received a letter from Kentucky Creosoting wherein it alleges that certain alterations have been made in Applicant's facilities by mutual agreement, and it believes the supply pressure problems have been alleviated. Kentucky Creosoting requests permission to withdraw its letter designated Docket No. IN–863.

On February 10, 1954, Applicant filed a petition for reconsideration of the Commission's order issued on January 22, 1954 and requests that its application herein be disposed of under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure, in view of the changes in operations which have been effected and the requested withdrawal of Kentucky Creosoting's letter in Docket No. IN–863.

At the hearing on February 23, 1954, in response to a motion by counsel for Applicant, concurred in by Staff Counsel, the Presiding Examiner recessed said hearing subject to further order of the Commission, to enable the Commission to act upon Applicant's petition for reconsideration.

The Commission has reconsidered its order issued on January 22, 1954, and in the circumstances has concluded that this matter is appropriate for disposition pursuant to § 1.32 (b) of its rules of practice and procedure. The Commission is of opinion that the request of Kentucky Creosoting for withdrawal of its informal complaint in Docket IN–863 should be granted. No protest or petition to intervene in Docket No. G–2284 has been received.

The Commission finds:

(1) Good cause has been shown for rescinding the order of the Commission issued on January 22, 1954 denying Applicant's request for disposition of its application under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure.

(2) The request of Kentucky to withdraw its informal complaint should be granted.

(3) This proceeding is now a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The request of Kentucky Creosoting Company to withdraw its informal complaint be and the same hereby is granted.

(B) The order of the Commission issued on January 22, 1954 so far as it denies the request of Central Kentucky Natural Gas Company that its application herein be disposed of pursuant to the provisions of § 1.32 (b) be and the same hereby is rescinded.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the hearing heretofore commenced and recessed on February 23, 1954 be and the same hereby is ordered reconvened on April 2, 1954, at 9:30 a. m. in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., for the purpose of receiving evidence concerning the matters involved and the issues presented by the application herein: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: March 10, 1954.

Issued: March 11, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–1854; Filed, Mar. 16, 1954; 8:45 a. m.]

[Docket No. G–2335]

OLIN INTERSTATE CORP.

ORDER FIXING DATE OF ORAL ARGUMENT

Public hearings were concluded February 2, 1954, and the filing of briefs was completed on March 9, 1954, in the above-entitled proceeding, which involves the application filed on December 14, 1953, by Olin Interstate Corporation (Applicant) for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition and operation of the facilities owned and operated by Interstate Natural Gas Company, Incorporated.

It appearing that this proceeding involves important issues, as reflected in the briefs heretofore filed by Applicant and Commission Staff Counsel, the Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act, and good cause exists, to hold oral argument, as hereinafter provided and ordered.

The Commission orders: Oral argument be held before the Commission, commencing on March 19, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by this proceeding.

Adopted: March 10, 1954.

Issued: March 11, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–1853; Filed, Mar. 16, 1954; 8:45 a. m.]

[Docket No. G–2355]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

The applicant in this proceeding has requested that its application for a certificate of public convenience and necessity to construct and operate certain facilities and to sell and deliver natural gas as described in its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application was filed on January 18, 1954, pursuant to section 7 of the Natural Gas Act. No request to be heard, protest or petition has been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on February 18, 1954 (19 F. R. 964). This proceeding is, therefore, a proper one for disposition under the provisions of the aforesaid rule for non-contested proceedings.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 1, 1954 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: March 10, 1954.

Issued: March 11, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–1855; Filed, Mar. 16, 1954; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3208]

NATIONAL FUEL GAS CO. ET AL.

NOTICE OF PROPOSED ISSUANCE AND SALE AT COMPETITIVE BIDDING OF DEBENTURES BY HOLDING COMPANY AND OF COMMON STOCKS AND NOTES BY SUBSIDIARY COMPANIES

MARCH 11, 1954

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, United Natural Gas Company, Pennsylvania Gas Company, Republic Light, Heat and Power Company, Inc.; File No. 70–3208.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and its gas utility-company subsidiaries Iroquois Gas Corporation ("Iroquois"), United Natural Gas Company ("United"), Pennsylvania Gas Company ("Pennsylvania"), and Republic Light, Heat and Power Company, Inc. ("Republic") have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 7, 9 (a), 10 and 12 (f) of the act and Rules U-43 and U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

It is stated that Iroquois, United, Pennsylvania and Republic have substantial construction programs during 1954 involving additional plant facilities needed to provide adequate service to the public, the total estimated cost of which is $11,364,250; that Republic has a bank loan of $1,500,000 maturing in 1954, the payment of which is contemplated; that Republic plans also to conduct a conversion program during 1954, involving alteration of its gas distribution plant and facilities to provide gas of higher thermal content and adjustment of the gas burning appliances in over 34,000 dwelling units at an estimated cost of approximately $720,000; and that, in order to provide the funds so required by these companies, the following transactions are proposed:

Transaction No. 1. National proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of its ____ percent Sinking Fund Debentures due 1979. The interest rate on the debentures (which shall be a multiple of ⅛ of 1 percent and the price (exclusive of accrued interest) to be paid for the Debentures (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by the competitive bidding. The Debentures will be issued pursuant to the provisions of an Indenture between National and The Hanover Bank, Trustee, to be dated as of April 15, 1954.

National proposes to use the net proceeds from the sale of these Debentures to purchase the capital stocks of or to make loans to its said subsidiaries and to apply any balance of the net proceeds not so needed, which is estimated will approximate $2,500,000, to reduce its outstanding bank loans which aggregated $13,000,000 principal amount as at December 31, 1953.

Transaction No. 2. Iroquois proposes to issue and sell, and National proposes to buy, 45,000 shares of Iroquois' common capital stock, of a par value of $100 per share, for $4,500,000 cash.

Iroquois proposes to use the net proceeds from the sale of this stock, together with funds from current operations, to finance its 1954 construction program, estimated at $4,695,000, and to discharge short-term bank loans aggregating $1,000,000 made in connection with the company's 1953 construction program.

Iroquois has petitioned the New York Public Service Commission for approval of this transaction.

Transaction No. 3. United proposes to issue and sell, and National proposes to buy, 92,000 shares of United's no par common capital stock (having a stated value of $25 per share) for $2,300,000 cash.

United proposes to use the net proceeds from the sale of this stock, together with funds from current operations, to finance its 1954 construction program, estimated at $2,889,100.

United has applied to the Pennsylvania Public Utility Commission for permission to register a securities certificate with respect to the issuance and sale of its common stock as proposed.

Transaction No. 4. Pennsylvania proposes to issue and offer for sale to its stockholders, pursuant to their preemptive rights, on the basis of one share for each 12½ shares held on the record date (March 19, 1954), 46,080 shares without par value (having a stated value of $12.50 per share) of its common capital stock at a subscription price of $15 per share.

It is stated that National owns 356,931 shares (61.97 percent) of the common stock of Pennsylvania now outstanding; that National proposes to exercise its preemptive right and subscribe for 28,554 shares for a total purchase price of $428,310; that the remaining stockholders of Pennsylvania will be entitled to subscribe for 17,526 shares for a total purchase price of $262,890; that in addition to their primary subscription rights, all stockholders will be accorded a conditional purchase privilege, subject to allotment pro rata according to their primary subscription rights exercised, to subscribe for additional shares of the stock allocated for public subscription; that subscription rights and conditional purchase privileges will be evidenced by negotiable warrants expiring on April 26, 1954; that no fractional shares will be issued; that Warren National Bank, of Warren, Pennsylvania, will act as subscription agent and will assist, without charge to the subscribers for such services, in buying and selling rights in order that subscriptions may be made for full shares; that, according to the "Weekly Over-the-Counter List" published by The Wall Street Journal for February 23, 1954, the market prices for Pennsylvania's common stock were $15.50 bid and $17.00 asked.

National states that it intends to subscribe for 28,554 additional shares, and to exercise its conditional purchase privilege and purchase such shares as are allotted to it under such privilege. Pennsylvania has entered into an agreement with National whereby Pennsylvania agrees to sell to National, and National agrees to purchase, at the subscription price of $15 per share, the total number of additional shares not taken by other stockholders.

Pennsylvania proposes to apply the proceeds from the sale of said stock to finance its 1954 construction program, estimated at $2,108,650, and to increase its supply of gas in underground storage.

Pennsylvania has applied to the Pennsylvania Public Utility Commission for permission to register a securities certificate with respect to its issuance and sale of its common stock as proposed.

Transaction No. 5. Pennsylvania also proposes to issue and sell, and National proposes to buy, from time to time during 1954, promissory notes aggregating in principal amount not to exceed $1,500,000. Such notes will be unsecured and each will be in the principal amount of $125,000. The notes will mature at annual intervals beginning April 1, 1967. Each note will bear interest at a rate per annum equal to the interest rate applicable to National's 1954 Debenture issue, plus ⅛ of 1 percent, payable semi-annually on April 1 and October 1 of each year until paid in full. Pennsylvania will have the option of prepaying these notes in whole or in part, after payment in full of all notes presently outstanding which aggregated $5,400,000 as at December 31, 1953, and which are held by National.

Pennsylvania will use the proceeds from the sale of said notes, together with funds to become available through the sale of its common stock as aforesaid, to finance its 1954 construction program.

Pennsylvania has applied to the Pennsylvania Public Utility Commission for permission to register a securities certificate with respect to its issue and sale of its notes as proposed.

Transaction No. 6. Republic proposes to issue and sell, and National proposes to buy 30,000 shares of Republic's capital stock, of a par value of $100 per share, for $3,000,000 cash.

Republic proposes to apply the net proceeds from the sale of this stock (1) To repay bank loans due October 1, 1954, in the amount of $1,500,000, and (2) To finance, in part, its 1954 construction program, estimated at $1,671,500.

Republic has petitioned the New York Public Service Commission for permission to issue and sell its common stock as proposed.

Transaction No. 7. Republic proposes to issue and sell, and National proposes to buy, from time to time during 1954, promissory notes aggregating in principal amount not to exceed $720,000. Such notes will mature in the aggregate amount of $90,000 on May 15 of each year beginning with the year 1955, and will bear interest at a rate per annum equal to the coupon interest rate applicable to National's 1954 Debenture issue, plus ⅛ of 1 percent, payable semi-annually.

Republic proposes to use the net proceeds from the sale of these notes to pay the cost of its 1954 conversion program aforesaid.

Republic has petitioned the New York Public Service Commission for permission to issue and sell its promissory notes as proposed.

Notice is further given that any interested person may, not later than March 26, 1954 at 12:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as pro-

vided in Rule U-3 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1857; Filed, Mar. 16, 1954; 8:46 a. m.]

[File No. 70-3217]

COLUMBIA GAS SYSTEM, INC.

NOTICE REGARDING PROPOSED EXTENSION OF SHORT-TERM NOTES

MARCH 11, 1954.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated sections 6 and 7 thereof as applicable to the proposed transaction which is summarized as follows:

By order dated May 21, 1953, the Commission permitted to become effective a declaration filed by Columbia regarding the borrowing of not in excess of $30,000,000 from certain designated banking institutions. (Holding Company Act Release No. 11931.) Pursuant thereto, Columbia issued short-term 3 percent notes, evidencing the bank borrowing, to be repaid in installments of $9,000,000 on February 26, 1954, $9,000,000 on March 31, 1954, and $12,000,000 on April 30, 1954.

Columbia paid the first installment of $9,000,000 on February 26, 1954, and has made arrangements with the lending banks to extend the maturity dates of the last two installments (aggregating $21,000,000) to May 31, 1954. Interest on the $9,000,000 installment due March 31, 1954, will accrue from March 31 to May 31, 1954, at the prime rate for short-term money as at March 31, 1954. Interest on the $12,000,000 installment due April 30, 1954, will accrue from April 30, 1954, to May 31, 1954, at the prime rate for short-term money as at April 30, 1954. Under the new arrangements Columbia has the option to prepay the $9,000,000 installment presently due on March 31, 1954, at any time after April 30, 1954.

According to Columbia, the original $30,000,000 of bank indebtedness was incurred for the purpose of obtaining funds to advance to its subsidiaries to finance their purchase of inventory gas. The proposed extension of the unpaid balance of the bank loans is considered an interim arrangement to enable Columbia to meet a portion of the cash requirements of its subsidiaries in connection with their 1954 construction program until funds are obtained by Columbia from the sale of securities which are the subject of a declaration filed with the Commission on March 2, 1954 (File No. 70-3210) which contemplates the issuance and sale on or before May 14, 1954, of $50,000,000 principal amount of Subordinated Debentures, the proceeds of which are to finance, in part, the cost of the system's overall construction requirements for 1954. The Commission has ordered that a public hearing be held on March 22, 1954, in connection with the proposed issuance and sale of Subordinated Debentures. (See Holding Company Act Release No. 12388.) Columbia estimates that the fees and expenses to be incurred in connection with the proposed extension of bank loans will not exceed $500.

Notice is further given that any interested person may, not later than March 26, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after that date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1858; Filed, Mar. 16, 1954; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANTONIO PISANI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Antonio Pisani, Rome, Italy, Claim No. 58603; $220.09 in the Treasury of the United States.

Clementina Pisani Belli, Potenza, Italy, Claim No. 44816; $220.09 in the Treasury of the United States.

Lucia Belli, Andrea Belli, Luigi Belli, Maria Belli, Ernestina Belli, Potenza, Italy; Rosina Belli, Bari, Italy; Eleonora Pisani Tacchetti, Andrea Pisani and Gina Ida Pisani Governatori, Rome, Italy; Claim No. 35353; all right, title and interest of Antonio Pisani, Clementina Pisani Belli, Lucia Belli, Andrea Belli, Luigi Belli, Maria Belli, Ernestina Belli, Rosina Belli, Ida Pisani, Andrea Pisani and Eleanora Pisani in and to the trust created under the will of Nicola Belezza, deceased; People's Savings and Trust Company, Hazleton, Pennsylvania, Trustee.

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-1881; Filed, Mar. 16, 1954; 8:50 a. m.]

DAVID KRIGLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

David Krigler, Shikhum Hapoel Hamizrachi, Rehovoth, Israel, Claim No. 60892; $448.15 in the Treasury of the United States.

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-1882; Filed, Mar. 16, 1954; 8:50 a. m.]

GIUSEPPE BUFFATO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Giuseppe Buffato, Varese, Italy, Claim No. 35472; Vesting Order No. 870; $117.88 in the Treasury of the United States.

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-1883; Filed, Mar. 16, 1954; 8:51 a. m.]

MME. VVE. GASTON LEROUX ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended,

notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Marie Vve. Gaston Leroux, 23, rue Verdi, Nice (Alpes-Maritimes), France; $637.50 in [illegible] Louise [illegible] ce; $105.25 [illegible] x, 22 Odol [illegible] No. 58845 [illegible]

[illegible] Lefoux and

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-1884; Filed, Mar. 16, 1954; 8:51 a. m.]

JOHAN HENRIK L'ABEE-LUND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Johan Henrik L'Abee-Lund, Nordstrand per Oslo, Norway; Claim No. 36146; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943) relating to United States Letters Patent Nos. 2,108,263 and 2,274,073.

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-1887; Filed, Mar. 16, 1954; 8:52 a. m.]

EUGENIA CIPRIANI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Eugenia Cipriani, Conte Monferrato, Italy, Claim No. 43799; Vesting Order No. 2947; All right, title, interest and claim of any kind or character whatsoever of Eugenia Cipriani in [illegible]

[illegible] e of Nevada, in and for the County of [illegible]

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-1885; Filed, Mar. 16, 1954; 8:51 a. m.]

LIDO NOMELLINI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from [illegible] of publication hereof, the [illegible] property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lido Nomellini, Massa Macinola, Lucca, Italy; Marina Nomellini Michell, Massa Macinola, Lucca, Italy; Vittorio Nomellini, San Francisco, California; John (G[illegible] D[illegible] Buscaglia, Sacramento, Calif[illegible] Claim No. 39317, Vesting Order No. 4599; $7,837.73 in the Treasury of the United States, one-half thereof to Lido Nomellini, one-sixth each to Vittorio Nomellini and Marina Nomellini Michell and one-twelfth each to John (Giovanni) Buscaglia and Rose Buscaglia Sapharo.

Executed at Washington, D. C., on March 10, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-1886; Filed, Mar. 16, 1954; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29935]

VARIOUS COMMODITIES FROM ILLINOIS AND IOWA TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 12, 1954

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Enasch, Agent for carriers parties to schedules listed in exhibit A of the application pursuant to fourth-s[illegible] [illegible] Various com[illegible] [illegible] and Iowa.

To: Specified points in southern territory.

Grounds for relief: C[illegible] with rail carri[illegible]

Any i[illegible] ning the C[illegible] upon such appli[illegible] Commission in w[illegible] n 15 days from ther[illegible] provided by the Co[illegible] ce of the Com[illegible] ther than appli[illegible] lose their interest, and [illegible] y intend to take at the [illegible] the application. C[illegible] ion, in [illegible] esti-mate [illegible] olved in such application [illegible] further or formal hearing. If [illegible] an emergency a grant of [illegible] relief is found to [illegible] he expiration of th[illegible] ing upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1889; Filed, Mar. 16, 1954; 8:47 a. m.]

[4th Sec. Application 29936]

GRAIN, GRAIN PRODUCTS AND RELATED ARTICLES BETWEEN POINTS IN TEXAS INCLUDING ADJACENT POINTS

APPLICATION FOR RELIEF

MARCH 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglas, Agent for carriers parties to his tariff I. C. C. No. 764.

Commodities involved: Grain, grain products and related articles, carloads.

Between: Points in Texas including adjacent points.

Grounds for relief: Rail competition, to maintain grouping and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1861; Filed, Mar. 16, 1954; 8:47 a. m.]

[4th Sec. Application 29007]

ROCK SALT FROM GRAND SALINE, TEX., TO POINTS IN TEXAS

APPLICATION FOR RELIEF

MARCH 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglas, Agent, for the Kansas City Southern Railway Company and the Texas and Pacific Railway Company.

Commodities involved: Rock salt, crushed or screened, but not otherwise processed, carloads.

From: Grand Saline, Tex.

To: Beaumont, Chaison, Nederland, Port Arthur, Port Neches, Ruliff, Smiths Bluff, West Port Arthur and Zummo, Texas.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: Lee Douglas, Agent, I. C. C. No. 807, supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1862; Filed, Mar. 16, 1954; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 53

Washington, Thursday, March 18, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.216]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective as of the beginning of the first pay period following March 13, 1954:

1. Paragraph (b) is amended by the deletion of the following post:

Jidda, Saudi Arabia.

2. Paragraph (a) is amended by the addition of the following post:

Jidda, Saudi Arabia.

3. Paragraph (d) is amended by the addition of the following post:

Nairobi, Kenya.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Effective: March 15, 1954.

For the Acting Secretary of State.

EDWARD T. WAILES,
Assistant Secretary.

MARCH 5, 1954.

[F. R. Doc. 54-1911; Filed, Mar. 17, 1954; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

ADDITION OF FOXHEADS OR NIPPLE FRUITS TO LIST OF PRODUCTS WHICH MAY BE MOVED FROM HAWAII AFTER INSPECTION AND CERTIFICATION

Pursuant to the authority conferred by sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), § 301.13–2 (b) of the regulations supplemental to the quarantine relating to the domestic movement of Hawaiian fruits and vegetables (7 CFR 301.13–2 (b), as amended) is hereby amended by inserting "Foxheads or Nipple fruits (Solanum mammosum)" after the term "Dropwort, water (Oenanthe stolonifera)" in the list of fruits and vegetables allowed movement from Hawaii throughout the year in compliance with the inspection and certification requirements of the regulations.

The purpose of this amendment is to authorize the movement from Hawaii throughout the year of untreated fruit of Solanum mammosum, commonly known as foxheads or nipple fruits. At present treatment is required as a condition of such movement. The amendment therefore relieves a restriction on the movement of such fruit. Extensive experimental work conducted in Hawaii has disclosed that such fruit is not a host of the oriental, melon, or Mediterranean fruit fly. Consequently, it has been determined that treatment is not necessary as a condition of the movement of the fruit and that inspection and certification procedures will give adequate protection. This fruit is used as a decorative material, and commercial growers and florists in Hawaii desire to ship it to mainland markets. In order to be of maximum benefit to persons subject to the present restrictions the amendment should be made effective as promptly as possible. Therefore, pursuant to paragraphs 4 (a) and (c) of the Administrative Procedure Act (5 U. S. C. 1003 (a) and (c)), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for the issuance of the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interprets or applies sec. 8, 37 Stat. 316, as amended; 7 U. S. C. 161)

This amendment shall be effective March 18, 1954.

Done at Washington, D. C., this 15th day of March 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-1927; Filed, Mar. 17, 1954; 8:52 a. m.]

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FEDERAL REGISTER

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Title 8 ($0.35)

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Titles 40–42 ($0.50)

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Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

[Amdt. 4]

PART 722—COTTON

MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT FOR 1954 CROP OF UPLAND COTTON TO STATES, COUNTIES AND FARMS

Basis and purpose. The amendments set forth herein relate to the establishment of acreage allotments for new cotton farms and to the release and reapportionment of farm acreage allotments. The first amendment permits the establishment of allotments for new cotton farms which are comparable with minimum farm allotments determined for old cotton farms in the county in cases where the acreage determined by multiplying the adjusted cropland for the farm by the county cropland factor results in an acreage allotment limitation of less than 5 acres. The second amendment makes two changes in the provisions relating to the release and reapportionment of farm acreage allotments. It is provided that acreage released by the owner or operator of a new cotton farm will not be regarded as planted on such farm unless a part of such allotment is retained and cotton is planted on the farm in 1954. Under the other change, the county committee is authorized to refuse to accept the release of farm acreage allotment under specified conditions.

Farmers in the southern areas of the cotton-belt have begun planting their 1954 cotton crops and farmers in the other areas are making plans, preparing land and purchasing seed, fertilizer, and other supplies and equipment for the planting and production of cotton this year. In order that the additional provisions included in these amendments may be carried out promptly by the State and county Agricultural Stabilization and Conservation Committees, it is essential that the amendments set forth herein be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

The Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Upland Cotton (18 F. R. 7527, 18 F. R. 7836, 19 F. R. 4, 19 F. R. 761) are hereby amended as follows:

1. Section 722.517 (d) (3) (iii) is amended to read as follows:

(iii) *Establishment of acreage allotments for new cotton farms.* If the applicant's farm is eligible for a cotton acreage allotment, such allotment shall be established by the committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton. The acreage allotment so determined for any such farm shall not exceed the smallest of (*a*) the acreage allotment established for old cotton farms in the county which are similar with respect to the foregoing factors, (*b*) the acreage allotment requested by the applicant, and (*c*) the result obtained by multiplying the adjusted cropland for the farm by the final county cropland factor: *Provided*, That in cases where the acreage limitation determined under item (*c*) of this subparagraph is less than 5 acres the acreage so determined may be increased so that it will be comparable with the cotton acreage allotments for comparable old cotton farms but not to exceed 5 acres. The acreage allotments for new cotton farms shall be subject to review and approval by the State committee.

2. Section 722.517 (k) is amended to read as follows:

(k) *Release and reapportionment of cotton acreage allotments.* Any part of any 1954 farm cotton acreage allotment on which cotton will not be planted in 1954 and which is voluntarily released to the county committee by the applicable closing date shall be deducted from the cotton acreage allotment for such farm and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm acreage allotments for cotton in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of cotton, land, labor, and equipment available for the production of cotton, crop-rotation practices, and soil and other physical facilities affecting the production of cotton. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm acreage allotments shall be the date on which the planting of cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which cotton can normally be planted on farms in the State or area with reasonable expectations of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.516 (j). Any farm acreage allotment released for 1954 only shall, in determining future farm cotton acreage allotments, be regarded as having been planted on the farm releasing such allotments if cotton was planted on such farm in at least one of the years in the three-year farm base period, except that acreage released by the owner or operator of a new cotton farm will not be regarded as planted on such farm unless a part of such allotment is retained and cotton is planted on the farm in 1954. Any part of any farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm cotton acreage allotments, the planting in 1954 of reapportioned acreage allotment shall not be considered. For the purpose of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted. Notwithstanding the forgoing provisions of this paragraph, the county committee shall not accept a release of a farm acreage allotment permanently or for 1954 only if (1) such release is opposed by a person whom the county committee determines will subsequently have an interest in the farm as owner or operator, or (2) the county committee determines that the farm is being acquired for governmental or other public purposes.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 342-348, 361-368, 373-374, 388, 52 Stat. 38, as amended. Pub. Law 290, 83d Cong.; 7 U. S. C. 1301, 1342-1348, 1361-1368, 1373, 1374, 1388)

Done at Washington, D. C., this 15th day of March 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-1929; Filed, Mar. 17, 1954; 8:53 a. m.]

[Amdt. 1]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR 1954 CROP

FARM ACREAGE ALLOTMENT; WHEAT ACREAGE

The amendments herein are based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to wheat (7 U. S. C. 1331–1340) and are made for the purpose of amending paragraphs (q) and (r) (1) of § 728.451 of the wheat marketing quota regulations for the 1954 crop relating to the definitions of the terms "farm acreage allotment" and "wheat acreage."

Since wheat farmers are now planning their 1954 operations, it is imperative that they be notified as soon as possible of the changes in the wheat marketing quota regulations made by the amendments herein. Therefore, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure thereon, and effective date is contrary to the public interest, and the amendments herein shall become effective upon the date of their publication in the FEDERAL REGISTER.

Section 728.451 of the 1954 wheat marketing quota regulations is hereby amended as follows:

1. Paragraph (q) is amended to read as follows:

(q) "Farm acreage allotment" means that wheat acreage allotment (including limitations with respect to any class or subclass of wheat) established for the

farm under §§ 728.410 to 728.424 (18 F. R. 3161), and any amendments thereto.

2. Paragraph (r) (1) is amended to read as follows:

(r) (1) "Wheat acreage" means (i) any acreage seeded to wheat, excluding any acreage (*a*) seeded to a wheat mixture in wheat mixture counties approved by the Director, or (*b*) which does not reach maturity because it is, while still green, turned under, pastured off, or cut for hay or silage, and (ii) any acreage of volunteer (self-seeded) wheat which reaches maturity.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 334, 52 Stat. 53, as amended; 7 U. S. C. 1334; sec. 4, Pub. Law 290, 83d Cong.)

Done at Washington, D. C., this 15th day of March 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-1930; Filed, Mar. 17, 1954; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 27—IMPORTED PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by paragraphs 306 (b) and (c) of the Tariff Act of 1930 (19 U. S. C. 1306 (b) and (c)), §§ 27.3 and 27.8 of the Meat Inspection Regulations (9 CFR 27.3 and 27.8, as amended) are hereby amended, respectively, as follows:

1. A new paragraph (f) is added to § 27.3 to read:

(f) No canned product shall be admitted into the United States unless it meets the following requirements:

(1) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation, with the exception of canned product specified by the Chief of Branch which is processed without steam-pressure cooking in accordance with the methods approved by the Chief of Branch and which is labeled "Perishable, Keep Under Refrigeration" where such labeling is required by the Chief of Branch.

(2) Heat processed canned product shall show the external characteristics of sound cans, that is, the cans shall not be overfilled; they shall have concave sides, excepting the seam side, and all ends shall be concave; there shall be no bulging; the sides and ends shall conform to the product; and there shall be no slack or loose tin.

2. A new paragraph (q) is added to § 27.8 to read:

(q) Representative samples of canned shelf size (under 3 lbs.) product such as hams, shoulders, shoulder picnics, and pork loins shall be incubated by holding them for at least ten days at about 98° F. When deemed necessary by the Chief of Branch, incubation may be required for other types of canned product. The necessary incubation facilities shall be provided by the importers or their agents.

These amendments are intended to clarify the fact that certain requirements of the Meat Inspection Regulations are applicable to product offered for importation under the regulations. Application of these requirements to such product is deemed necessary for protection of the public health, and prospective importers should be informed of the applicability of such requirements as soon as possible to avoid undue hardship. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other rule-making procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

(Ch. 2907, 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89)

The foregoing amendments shall be effective March 18, 1954.

Done at Washington, D. C., this 15th day of March 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-1928; Filed, Mar. 17, 1954; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6142]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

INSTITUTE OF APPLIED HYPNOLOGY AND CLARK R. BELLOWS, SR.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Individual or private business as educational, religious or research institution; Personnel or staff; Qualifications and abilities; § 3.55 *Demand, business or other opportunities;* § 3.60 *Earnings;* § 3.135 *Nature:* Product or service; § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 3.1450 *Individual or private business as educational, religious or research institution;* § 3.1520 *Personnel or staff;* § 3.1535 *Qualifications.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal;* § 3.1935 *Earnings;* § 3.2015 *Opportunities in product or service.* Subpart—*Using misleading name*—Vendor: § 3.2410 *Individual or private business being educational, religious or research institution or organization.* In connection with the offering for sale, sale, or distribution in commerce of respondents' courses of instruction in hypnotism: (1) representing, directly or by implication (a) that any one of average intelligence can learn hypnotism by taking respondents' course of instruction by correspondence; (b) that a person practicing hypnotism, as taught by respondents' course, will develop willpower, self-confidence, self-control, courage, poise, polish, or personal force, or can overcome an inferiority complex; (c) that a person practicing autosuggestion, as taught by respondents' course, is enabled to remake, rebuild, or reconstruct his life; (d) that by studying respondents' course one can become a mental giant; (e) that respondents' course is not a mail order course or is an extension course applying resident training methods and principles; (f) that there is a big demand for, or a scarcity of, hypnotists in this country; (g) that persons completing respondents' course are qualified to treat diseases, habits, or abnormal conditions of the human body by hypnotism or can cure or substantially benefit amnesia, complexes, constipation, contractures or paralyses resulting from gross lesion of the brain, dyspepsia, enuresis nocturnia, epilepsy, excesses, facial and other twitchings, hysterias, insomnia, masturbation, menstrual irregularities, morphia or other drug habits, nail-biting, neuralgia, neurasthenia, pains, stammering, stuttering, or obesity; (2) misrepresenting the money-making opportunities of persons completing respondents' course; (3) using the word "Institute" in their trade name or otherwise representing that their business is other than a commercial enterprise operated for profit; (4) using the words "faculty," "institution of learning," or similar words or phrases representing that their business is other than a commercial enterprise operated for profit; and (5) using the title "doctor" or any abbreviation thereof to designate any person identified with respondents' enterprises unless such title has been duly conferred by an accredited educational institution of higher learning; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Clark R. Bellows, Jr., t. a. Institute of Applied Hypnology et al., New York, N. Y., Docket 6142, February 19, 1954]

In the Matter of Clark R. Bellows, Jr., an Individual, Trading Under the Name of Institute of Applied Hypnology, and Clark R. Bellows, Sr.

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission and respondents' answer admitting all the material allegations of fact set forth therein and waiving all intervening procedure and further hearing as to said facts.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and said answer thereto, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on February 19, 1954.

Said order to cease and desist is as follows:

It is ordered, That the respondent Clark R. Bellows, Jr., trading as Institute of Applied Hypnology, or trading under any other name, the respondent Clark R. Bellows, Sr., and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their courses of instruction in hypnotism, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That any one of average intelligence can learn hypnotism by taking respondents' course of instruction by correspondence;

(b) That a person practicing hypnotism, as taught by respondents' course, will develop willpower, self-confidence, self-control, courage, poise, polish or personal force, or can overcome an inferiority complex;

(c) That a person practicing autosuggestion, as taught by respondents' course, is enabled to remake, rebuild or reconstruct his life;

(d) That by studying respondents' course one can become a mental giant;

(e) That respondents' course is not a mail order course or is an extension course applying resident training methods and principles;

(f) That there is a big demand for, or a scarcity of, hypnotists in this country;

(g) That persons completing respondents' course are qualified to treat diseases, habits or abnormal conditions of the human body by hypnotism or can cure or substantially benefit amnesia, complexes, constipation, contractures or paralyses resulting from gross lesion of the brain, dyspepsia, enuresis nocturnia, epilepsy, excesses, facial and other twitchings, hysterias, insomnia, masturbation, menstrual irregularities, morphia or other drug habits, nail-biting, neuralgia, neurasthenia, pains, stammering, stuttering or obesity;

2. Misrepresenting the money-making opportunities of persons completing respondents' course;

3. Using the word "Institute" in their trade name or otherwise representing that their business is other than a commercial enterprise operated for profit;

4. Using the words "faculty," "institution of learning" or similar words or phrases representing that their business is other than a commercial enterprise operated for profit;

5. Using the title "doctor" or any abbreviation thereof to designate any person identified with respondents' enterprises unless such title has been duly conferred by an accredited educational institution of higher learning.

By "Decision of the Commission and order to file report of compliance", Docket 6142, February 19, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, that the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 19, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, JR.,
Secretary.

[F. R. Doc. 54-1906; Filed, Mar. 17, 1954; 8:48 a. m.]

[1] Filed as part of original document.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 201—RULES OF PRACTICE

CHARGES FOR REPRODUCTIONS OF DOCUMENTS AND FOR CERTIFICATIONS

The Securities and Exchange Commission today announced an amendment to § 201.13 (j) (Rule XIII (j)) of its rules of practice providing a revised schedule of photocopy fees and a reduced fee for certifications (with seal).

Statement of purpose. This amendment is to conform the Commission's charges for reproductions of documents and certifications to the general policy set forth in Budget Bureau Circular A-28, dated January 23, 1954. It adopts the 50-cent fee for certification (with seal) and the minimum photocopy fees set forth in the circular.

Statutory basis. This amendment is pursuant to sections 6 (d) and 19 (a) of the Securities Act of 1933, sections 23 (a) and 24 (b) of the Securities Exchange Act of 1934, sections 20 (a) and 22 (a) of the Public Utility Holding Company Act of 1935, sections 307 (a) and 319 (a) of the Trust Indenture Act of 1939, sections 38 (a) and 45 (b) of the Investment Company Act of 1940, sections 210 (a) and 211 (a) of the Investment Advisers Act of 1940, and Title V of the Independent Offices Appropriation Act, 1952 (5 U. S. C. 140), as implemented by Budget Bureau Circular A-28.

Text of rule. Rule XIII (j) is amended to read as follows:

§ 201.13 *Filing papers; docket; computation of time; public information; confidential treatment.* • • •

(j) Matters of public record may be inspected in the Public Reference Room at the principal office of the Commission, and such material on file at regional offices of the Commission may be inspected at those offices during regular business hours. Copies of matters of public record will be sold to any person upon payment of 20 cents for the first reproduction of an original page where the reproduction does not exceed 9 x 12 inches, 30 cents where it is larger but does not exceed 12 x 18 inches, and 50 cents where it is larger but does not exceed 18 x 24 inches. Additional copies of these pages will be at the rate of 15 cents, 25 cents, and 45 cents per page, respectively. In the the absence of special circumstances, documents will be photocopied at a 25 percent reduction in size. In addition to any copying charge a charge of 50 cents will be made for each certification relating to Commission's records without additional charge for the seal of the Commission, which will be affixed in all instances. There will be a minimum charge of 50 cents for each order.

The foregoing action shall be effective March 15, 1954.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U. S. C. 77s, 77sss, 78u, 79t, 80a-37, 80b-11)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 8, 1954.

[F. R. Doc. 54-1904; Filed, Mar. 17, 1954; 8:47 a. m.]

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

TRADING IN GERMAN SECURITIES

The Securities and Exchange Commission has announced that it has amended its § 240.15c2-3 (Rule X-15C2-3) under the Securities Exchange Act of 1934. This rule was announced in Securities Exchange Act Release 4983 on January 11, 1954, in which release the Commission also discussed various other matters pertaining to the resumption of trading in German securities. The amendment was adopted to make it possible for brokers and dealers to trade in interest coupons detached from German bonds which have been duly validated by the Validation Board for German Dollars Bonds.

Rule X-15C2-3 makes it a "fraudulent, deceptive or manipulative act or practice", under section 15 (c) (2) of the act, for any broker or dealer to effect any transaction in a security required to be validated under any laws of the Federal Republic of Germany unless such security has been duly validated. Before the amendment, every such dollar security also had to have attached to it a document of the Validation Board for German Dollar Bonds certifying to its validation. Under the amended rule an interest coupon detached from a validated bond may be traded even though the coupon does not have its own validation certificate attached to it. The

Commission has been informed that it would be unduly expensive and administratively impractical to attempt to attach certificates to such coupons.

The need for the above amendment was indicated by an exchange offer made by the Federal Republic to the holders of Free State of Prussia Sinking Fund Bonds (the 6½ percent External Loan of 1926 due September 15, 1951, and the 6 percent External Loan of 1927 due October 15, 1952) under the terms of which certain of the coupons attached to such bonds were to be retained by the holders. The coupons bearing due dates from March 15, 1933 to and including October 15, 1936, are to be paid 20 years after they mature at the rate of 50 percent of the face amount thereof. The payment of coupons due on or after March 15, 1937 (and of interest from September 15, 1951 to October 1, 1952 on the Prussia Bonds of the External Loan of 1926) is to be the subject of negotiation after territories formerly belonging to the Free State of Prussia and now outside the territory of the Federal Republic are joined to the Federal Republic. In this connection, it should be mentioned that the unusual conditions precedent to the payment of the coupons due on or after March 15, 1937 would constitute a material fact within the meaning of the anti-fraud provisions contained in section 17 (a) of the Securities Act of 1933; and §§ 240.10b–5 and 240.15c1–2 (Rules X-10B–5 and X-15C1–2) adopted under sections 10 (b) and 15 (c) (1), respectively, of the Securities Exchange Act of 1934; and persons offering or selling such coupons, particularly brokers and dealers, who wish to avoid the possibility of violating such provisions should consider the need to disclose this information to persons to whom such coupons are offered.

It is also appropriate to point out here that the Commission has been informed that four different issues of certificates of deposit or participation issued against four German issues[1] which certificates are not now required to be validated, have been the subject of looting after the occupation of Germany in 1945 by the Soviet armed forces, and that an arrangement may be entered into between the United States and the Federal Republic of Germany, under which such certificates of deposit or participation may be made subject to validation. The Commission is also informed that such German debtors are taking the position that present or future holders of looted certificates should not participate in any payments, or in any exchange offers, which may be made by such debtors. While the Commission can express no opinion as to whether the position taken by such German debtors can or cannot be legally sustained, brokers, dealers or other persons who effect transactions in such securities should take all of the above factors into consideration, and should also consider the applicability of the anti-fraud provisions mentioned above in connection with any purchase or sale of such securities.

As Securities Exchange Act Release 4983 pointed out, registration of securities with the Validation Board for German dollar bonds began in September 1953. In January 1954 the Validation Board validated and released substantial amounts of four issues: Two issues of the Federal Republic and two issues of the Free State of Prussia. These issues and five new issues of the Federal Republic are now being traded. The Validation Board has now informed the Commission that varying amounts of some of the remaining issues required to be validated, including many corporate issues, have been validated and returned to the registrants who deposited such securities for validation; and these validation procedures are continuing.

In this connection, the Commission wishes to point out again that it has been continuously concerned with obtaining for investors recent information about the issuers of various German dollar securities. Such information is considered desirable in connection with the resumption of trading in such securities. In November 1952 the Commission initiated steps through the Government of the Federal Republic looking to the furnishing of current information by the German issuers. Such information about the Federal Republic is now available in a circular dated October 6, 1953 which relates to the exchange offer which it is making. Since information about the other German issuers had not been furnished, in November 1953 the Commission, after consultation with the Department of State, sent direct requests to 63 issuers of German dollar obligations and again requested the assistance of the Government of the Federal Republic. As a result of such efforts, 22 German issuers[2] have transmitted to the Commission copies (in the German language) of their annual reports, or similar information, but the remaining 41 issuers have failed to send any information. The information on hand is available for public inspection in the Commission's Washington Office and, where sufficient copies have been received, is also available for public inspection in the Commission's regional offices in New York, Chicago, and San Francisco. Reports received from other German issuers will likewise be made available for public inspection as rapidly as they are received.

The Commission considers it important to point out the absence of or the limited amount of information available, particularly about some of the German corporate issuers whose validated securities may be available for trading. In this connection, persons effecting transactions in these securities should also consider the applicability of the anti-fraud provisions mentioned above. These provisions would be particularly pertinent in the event that any person, whether or not a broker or dealer, should undertake to acquire any of the securities on behalf of the issuer thereof or any "insider", since such persons may have knowledge of material information necessary to make an informed judgment as to whether and at what price the transaction should be effected. The failure to disclose such information to the person from whom the securities are purchased may in some cases involve the violation of the Commission's Rule X-10B-5.

Statutory basis. Section 240.15c2–3 is amended pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 15 (c) (2) and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it under the act. The Commission finds that notice and public procedure pursuant to the provisions of section 4 (a) and (b) of the Administrative Procedure Act are impracticable and unnecessary since the amendment furthers the principal purposes and functions of the rule as originally adopted. The Commission further finds, in accordance with the provisions of section 4 (c) of the Administrative Procedure Act, that the amendment has the effect of relieving restriction and that it may be declared effective before the expiration of 30 days after the publication thereof.

Text of rule. Section 240.15c2–3 is amended to read as follows:

§ 240.15c2–3 *Prohibiting trading in German securities unless validated.* The term "fraudulent, deceptive, or manipulative act or practice," as used in section 15 (c) (2) of the act, is hereby defined to include any act of any broker or dealer designed to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security required to be validated under any applicable validation law of the Federal Republic of Germany unless (a) such security has been duly validated, and (b) if such security is a dollar security (other than an interest coupon detached from a bond which has been duly validated by the Validation Board for German Dollar Bonds) there is attached a document of the Validation Board for German Dollar Bonds certifying to the validation of such security.

Effective: March 9, 1954.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 8, 1954.

[F. R. Doc. 54–1903; Filed, Mar. 17, 1954; 8:47 a. m.]

[1] Participation Certificates for 6½ percent Secured Collateral Gold Bonds, due January 1, 1948, of the German Building and Land Bank (Deutsche Bau und Boden Bank A. G.); Participation Certificates for 5 percent–6 percent Gold Notes due March 1, 1933, extended to March 1, 1941, of the Provincial Bank of Westphalia (Landesbank fuer Westfalen); Participation Certificates for 6½ percent First Mortgage Collateral Sinking Fund Gold Notes, due March 1, 1938, of the Nassau Land Bank (Nassauische Landesbank) (The Nassau Land Bank has been succeeded by the Hessian National Bank—Central Clearing Institution—Hessische Landesbank-Girozentrale); Certificate of Deposit for First Collateral Sinking Fund Gold 6 percent Bonds, due November 1, 1943, of Rudolph Karstadt, Inc. (Rudolph Karstadt A. G.).

[2] City of Cologne; City of Frankfurt am Main; City of Munich; Dortmunder Stadtwerke A. G. (Dortmund Municipal Utilities); Electrowerke A. G. su Berlin (Electric Power Corporation of Berlin); Energie-Versorgung Schwaben A. G. (Consolidated Hydro-Electric Works of Upper Wurttemberg); Feldmuehle Papier & Zellstoffwerke, A. G. (Feldmuehle Paper & Cellulose Works Corp.); Hamburger Hochbahn A. G. (Hamburg Elevated, Underground & Street Railways Co.); Hamburgische Electricitaets-Werke A. G. (Hamburg Electric Company and Unterelbe Power & Light Co.); Rudolph Karstadt A. G.; Rhein-Main-Donau A. G. (Rhine-Main-Danube Corporation); Energie-Versorgung Ostbayern A. G. (Oberpfalz Electric Power Corporation); Harpener Bergbau—A. G. (Harpen Mining Corp.); City of Heidelberg; Siemens-Halske A. G.; Vereinigte Elektrizitaetswerke Westfalen A. G. (Westphalia United Electric Power Corporation); Allgemeine Elektrizitaets-Gesellschaft (General Electric Company); Gutehoffnumgshutte Aktienverin fuer Bergbau und Huttenbetrieb (Good Hope Steel & Iron Works); Preussische Elektrizitaets A. G. (Prussian Electric Company); Kaufhof A. G. (Leonhard Tiels, Incorporated); Deutsch-Atlantische Telegraphengesellschaft (German Atlantic Cable Company); Ilseder Huette (Ilseder Steel Corporation).

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1869]

PART 69—MINERAL LANDS: GENERAL MINING REGULATIONS

LOCATION AND ENTRY OF MINERAL LANDS IN ALASKA; EVIDENCE OF TITLE

Section 69.7 is amended to read as follows:

§ 69.7 *Evidence of title.* (a) Each patent application must be supported by either a certificate of title or an abstract of title certified to by the legal custodian of the records of locations and transfers of mining claims or by an abstracter of titles. The certificate of title or certificate to an abstract of title must be by a person, association, or corporation authorized by the Territorial laws to execute such a certificate and acceptable to the Bureau of Land Management.

(b) A certificate of title must conform substantially to Form 4–1246.

(c) Each certificate of title or abstract of title must be accompanied by single copies of the certificate or notice of the original location of each claim, and of the certificates of amended or supplemental locations thereof, certified to by the legal custodian of the record of mining locations.

(d) A certificate to an abstract of title must state that the abstract is a full, true, and complete abstract of the location certificates or notices, and all amendments thereof, and of all deeds, instruments, or actions appearing of record purporting to convey or to affect the title to each claim.

(e) The application for patent will be received and filed if the certificate of title or an abstract is brought down to a day reasonably near the date of the presentation of the application and shows full title in the applicant, who must as soon as practicable thereafter file a supplemental certificate of title or an abstract brought down so as to include the date of the filing of the application. Publication will not be ordered until the showing as to title is thus completed and the manager is satisfied that full title was in the applicant on the day of the filing of the application.

(R. S. 2478; 43 U. S. C. 1201)

DOUGLAS MCKAY, *Secretary of the Interior.*

MARCH 12, 1954.

[F. R. Doc. 54–1895; Filed, Mar. 17, 1954; 8:45 a. m.]

[Circular 1870]

PART 185—GENERAL MINING REGULATIONS

SUBPART D—PROCEDURE TO OBTAIN PATENT

LODE CLAIMS; EVIDENCE OF TITLE

Section 185.56 is amended to read as follows:

§ 185.56 *Evidence of title.* (a) Each patent application must be supported by either a certificate of title or an abstract of title certified to by the legal custodian of the records of locations and transfers of mining claims or by an abstracter of titles. The certificate of title or certificate to an abstract of title must be by a person, association, or corporation authorized by the State laws to execute such a certificate and acceptable to the Bureau of Land Management.

(b) A certificate of title must conform substantially to Form 4–1246.

(c) Each certificate of title or abstract of title must be accompanied by single copies of the certificate or notice of the original location of each claim, and of the certificates of amended or supplemental locations thereof, certified to by the legal custodian of the record of mining locations.

(d) A certificate to an abstract of title must state that the abstract is a full, true, and complete abstract of the location certificates or notices, and all amendments thereof, and of all deeds, instruments, or actions appearing of record purporting to convey or to affect the title to each claim.

(e) The application for patent will be received and filed if the certificate of title or an abstract is brought down to a day reasonably near the date of the presentation of the application and shows full title in the applicant, who must as soon as practicable thereafter file a supplemental certificate of title or an abstract brought down so as to include the date of the filing of the application. Publication will not be ordered until the showing as to title is thus completed and the manager is satisfied that full title was in the applicant on the day of the filing of the application.

(R. S. 2478; 43 U. S. C. 1201)

DOUGLAS MCKAY, *Secretary of the Interior.*

MARCH 12, 1954.

[F. R. Doc. 54–1895; Filed, Mar. 17, 1954; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10492]

PART 3—RADIO BROADCAST SERVICES

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

In the matter of amendment of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations; Docket No. 10492.

1. The Commission has under consideration its notice of proposed rule making, issued on May 8, 1953, proposing to delete the sections of the Standards providing that the intensity of skywave broadcast signals may be computed on the basis of individual measurements and prescribing the method of making such measurements. The provisions involved are section 1 (the first, second, and third paragraphs appearing after Table III, which specify, in part, that the existence or the absence of objectionable skywave interference may be established by skywave field intensity measurements) and Annex III and subsection C of section 2, which set out detailed procedures for the making and submission of such measurements. The latter subsection also provides that these measurements take precedence over results obtained by use of appropriate skywave curves contained in the Standards.

2. A written comment in favor of the proposal was submitted by American Broadcasting-Paramount Theatres, Inc. This comment pointed out that because of numerous factors, skywave transmission phenomena vary continuously and therefore, skywave measurements made over relatively short periods of time yield results which may be widely different from those obtained by use of the Standards' curves; that such measurements do not give more accurate results; and that broadcasting assignments which are relatively permanent cannot be constantly adjusted to varying interference conditions. It accordingly favors the adoption of the outstanding proposal in order to prevent the introduction of skywave measurements in all proceedings except a general rule-making one looking toward possible revision of Figures 1 and 1–A and the development of additional curves.

3. Comments in opposition were filed by WNEW, Inc., A. Earl Cullum, Jr., Pacific Coast Broadcasting Company (KXLA), National Broadcasting Company, Inc., Westinghouse Radio Stations, Inc., George P. Adair, Clear Channel Broadcasting Service, Storer Broadcasting Company, and the Association of Federal Communications Consulting Engineers.

4. The main argument advanced by these parties is that in many cases and particularly those involving directional antennas, application of the general curves will lead to erroneous conclusions. It is pointed out that the fields delivered in theoretical vertical nulls are many times the theoretical values, that electrical energy arrives at distant points by

way of several paths, and accordingly, that the use of the skywave curves to determine the extent of interference from directional antennas is unrealistic and unacceptable. The parties contend that correct conclusions can be drawn only through the application of data and information gathered from analysis of actual propagation conditions over the paths involved and that therefore, the provisions in the Standards permitting the consideration of skywave recordings should be retained. In more general terms, it is argued that no rule should be enacted "prohibiting the introduction of any relevant engineering facts in case by case consideration"; and that skywave field intensity measurements, properly taken, constitute relevant engineering facts. While conceding that the portions of the Standards here involved require revision, the parties urge that skywave measurements, taken under revised procedures, should be received in individual cases and weighed with the other evidence in the record.

5. We believe that examination of the cases in which introduction of skywave recordings has been attempted supplies desirable background and indeed, in our opinion, establishes the invalidity of the foregoing contentions. The provisions here involved, including the Commission's skywave curves, were adopted in their present form in 1939. In a 1940 proceeding, In re Application of Salt River Valley Broadcasting Company, Inc., 8 F. C. C. 26, the question was raised as to the appropriateness of utilizing skywave measurements to disprove data obtained by use of the curves. The Commission stated:

> The Commission's curves are careful actual measurement of a great number of signals in all portions of the country and over a long period of time. Their accuracy as reflecting the average situation has been confirmed many times and is now well established. Even more important, although based on averages, their applicability in specific cases has rarely been opposed, in view of the diverse conditions (e. g. seasons, sun spot cycles) taken into account in the figures on which they are based, which conditions are not reflected in a limited set of measurements. Enough has been said to indicate the basis for declining to accept results inconsistent with the curves unless scrupulous attention is given to employing accurate methods of measurement and to obtaining sufficient data upon which to base a conclusion * * * Under all the circumstances, as between the [skywave measurement] evidence and the average curve, the latter must be accepted.

6. This position was reiterated again in 1947 in In re Application of Capitol Broadcasting Corp., 3 Pike & Fischer, R. R. 1431, where the Commission asserted: "These [skywave] curves are periodically revised, using Commission and industry data, and therefore are very much more conducive to rational analysis of skywave interference problems than individual measurements could possibly be * * *" And in In re Application of North Jersey Broadcasting Company, Inc. (WPAT), 4 Pike & Fischer, R. R. 1247, the Commission emphasized that "* * * the best and most farsighted allocations practice demands that we adhere to the [skywave curves of the] Standards rather than to WPAT's [skywave] recordings * * *" The following quotation from the most recent case dealing with this matter, In re Application of Donze Enterprises, Inc. (KSGM) is particularly illuminating:

> The intensity of a radio signal received at a distant point by means of skywave transmission varies continuously over quite wide limits. The reasons for the variation have to do with the complex structure of the ionospheric medium which reflects the signals back to earth and to other factors. Predictions with respect to the behavior of these skywaves, the expected intensity etc., can generally be made only on a statistical basis involving probabilities rather than uncertainties. Some variations appear to follow cycles that extend over considerable periods of time. Accordingly skywave measurements taken over so short a period as 30 days cannot be depended upon as representative of average conditions. In particular, an extensive variation in skywave propagation is caused by various phenomena associated with sun spot activity. A complete sun spot cycle embraces approximately eleven years. It is accepted theory that periods of maximum skywave field coincide very closely with periods of minimum sun spot activity.
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> * * * * *
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> In contrast with petitioner's meager data the skywave propagation curves in Figure 1A of the Commission's Standards of Good Engineering Practice were compiled from a very large number of measurements made over considerable periods of time and for a considerable number of paths. Thus while not necessarily indicative of conditions existing at any particular place or over a particular path at any particular time, the curves are in our judgment a better basis for estimating long term probabilities than a limited number of measurements made over short periods.
>
> Since nighttime interference conditions vary with changes in sun spot activity it is necessary in the interest of consistency that allocation policy be predicated upon conditions existing at some chosen point in the sun spot cycle. The Commission has chosen a year of minimum spot activity as a basis for the allocation of stations involving nighttime interference problems. Petitioner in relying on measurements made during a year when sun spot activity was not at a minimum is in effect requesting a change in our basic allocation policy, an action which could appropriately be taken only in a rule-making proceeding.
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> * * * * *
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> The Commisison has consistently rejected skywave field intensity measurements of the type submitted by WSLX as a basis for allocation. In re Application of North Jersey Broadcasting Co., Inc. (WPAT), Paterson, New Jersey, File No. BP-4613, Docket No. 8285, 4 R. R. 1247 and In re Application of Capitol Broadcasting Corporation (WISH), File No. BP-4979, Docket No. 7671, 3 R. R. 1438. We adhere to the opinion expressed in the WPAT case, *supra*, that "measurements of this nature are not proper for consideration in connection with the processing of individual applications, whether for consideration by the staff without a hearing, or in a hearing on such application." We believe the place for a submission of such measurements to be in a general rule-making proceeding.

7. The question here presented is the propriety of employing skywave measurements in other than an appropriate rule-making proceeding. We have quoted extensively from the above opinions because they demonstrate the impropriety of using skywave measurements in the individual assignment proceeding.[1] No party has put forth any argument which impairs the validity of the conclusions reached in these cases nor have any satisfactory suggestions been made to correct the obvious deficiencies of skywave measurements when used in the licensing proceeding. It is to be emphasized that these cases have established a clear practice or policy and that the subject proposal represents merely a codification of that practice.

8. To recapitulate briefly the development of this matter, the skywave curves (figure 1), at the time of their adoption, were believed sufficient to afford an adequate statistical basis for describing the intensity of skywave broadcast signals, but it was expected that there might be substantial variation in individual cases. It was felt that this deficiency in the specific case could be obviated by permitting the taking of skywave recordings and accordingly, provision for such measurements was made in the Standards at the time of their promulgation. It was early recognized, however, that these measurement provisions could not accomplish their purpose because of inherent deficiencies: The deficiencies center on the limited size of the sample of data taken in such measurements and the inability to properly adjust or extrapolate such data so as to arrive at reasonably accurate results. As an example of this latter factor, it should be noted that the present skywave measurement provisions require certain manipulations to be performed so as to adjust the measurements for the effects of sunspot activity. At the time of the provisions' promulgation, we believed that skywave propagation at broadcast frequencies would fit a fairly simple cyclic pattern corresponding to sunspot activity. However, recordings which the Commission has since made and is continuing to make indicate the inadequacy of this simple theory in many instances: Deviations of annual hourly median values taken on the same stations over identical transmission paths at corresponding times in the sunspot cycle have been observed to approximate −6 decibels.[2] Without a valid conversion formula, the skywave recordings made in the individual case cannot be properly adjusted and thus, are inappropriate for use in broadcast station allocation. Accordingly, we conclude that in the present state of the art, the statistical approach represented by the skywave curves is the only satisfactory one.

9. We believe the foregoing discussion disposes of the main objection to the proposal.[3] We turn now to those specific objections which warrant discussion.

10. The argument is made that the proposal will prevent the employment of useful measuring techniques and in particular, certain skywave ratio measurements made at points distant from the antenna by switching the antenna system alternately from directional to nondirectional operation; it is contended that this technique has been very valuable in adjusting directional arrays and in determining the performance of directional antenna systems.

11. But the Standards do not now provide for the taking of skywave ratio measurements (Annex III and subsection C of section 2) and therefore, this proceeding does not affect the status of this measuring technique.[4] On the question of amending the Standards to recognize this technique, we believe that a thorough examination, from both an experimental and a theoretical viewpoint, is necessary before such a step could appropriately be taken. No party here has adduced the necessary data or supporting theory.

12. Some of the parties argue that the instant proposal should be modified to permit the taking of skywave measurements when the source of the radiation is a station in another country over whose path the transmission has never been measured and to which figures 1 and 1–A have not been shown to apply; otherwise, it is contended, the effect of the proposal will be to write out of the 1950 NARBA Agreement, so far as United States stations are concerned, the important protective provision which states that the extent of objectionable interference may be determined by actual field intensity measurements or recordings (Part III, E 1 (b)). A further argument with respect to the NARBA is that since the latitude effect upon skywave propagation utilized in Figure 1A of the Standards is not recognized in the NARBA (1950), skywave measurements provide the sole basis for the determination of the "presence, degree or absence" of objectionable interference (Part III E 1). The cited provision of the NARBA states that "1. The presence, degree, or absence of objectionable interference on the same or adjacent broadcasting channels shall be determined * * * (a) by reference to certain propagation curves or, * * * (b) by actual field intensity measurements or recordings."[5] The contentions made are patently incorrect: The NARBA is not involved in this proceeding and the question as to the adequacy of the propagation curves referred to in 1 (a) or whether actual measurements provided for under 1 (b) should be employed in situations arising under the Agreement is not governed or affected by the instant proposal; accordingly, the taking of measurements under 1 (b) is not precluded.

13. It is urged that the proposal be revised to permit the use of skywave recordings in "unique" cases such as those involving soil having a high conductivity because of salt water surroundings. In this connection, it is pointed out that the Commission's skywave curves are the result of averaging skywave measurements taken on stations none of which had an initial salt water path. We believe this argument to be without merit. First, we point out that several factors, including the effect of conductivity of significant points along the transmission path, have been taken into consideration in the promulgation of our skywave curves. It was felt, however, that the eeffcts of conductivity in this connection were a relatively unimportant factor.[6] The measurements taken in connection with the 1935 Allocation Survey, upon which the skywave curves are based, were recorded on about 500 transmission paths, none of which, concededly, involved salt water. However, the data was adjusted so as to remove the effects of earth losses about the transmitting antennas recorded. In any case, use of skywave recordings in such "unique" cases faces the same obstacles detailed in paragraphs 5–8, supra: Whatever slight improvement might be effected through such a refined consideration would be completely obscured by the obvious deficiencies of the presently authorized skywave measurement system.

14. It is contended that the Commission should not revise its Standards on a piecemeal basis but all proposed changes in the Standards should be consolidated and considered in a single proceeding. Along the same line, it is urged that this matter be referred to the Radio Propagation Advisory Committee.[7]

15. Little discussion is needed with respect to these suggestions. The changes here involved do not conflict with those in other rule-making proceedings and are appropriate for consideration without relation to other proposals now outstanding or contemplated. In any event, the suggestion of such a single over-all proceeding is not feasible in view of our present workload; and delay of needed revisions pending some indefinite future time clearly would not be in the public interest. We are similarly unable to concur in the suggestion that these matters be referred to the Radio Propagation Advisory Committee. As stated, we believe the skywave measuring technique presently contained in the Standards to be unsatisfactory. Since no party has suggested any satisfactory techniques to remedy their serious deficiencies, it follows that they should be deleted. The possibility of devising new techniques at some future time clearly should not delay such deletion. Further studies along this line which may be made by any group of experts will, of course, be welcomed and carefully examined.

16. In view of the foregoing, we adhere to the conclusion reached in the cited decisions that the use of the limited amount of data available in individual cases through the measurements provided for in the existing rules cannot be relied upon to refute the validity and applicability of the skywave curves contained in the Standards, and that skywave recordings should be submitted only in a general rulemaking proceeding. As the art develops, such proceedings may provide techniques which permit the proper evaluation of skywave data on a case-to-case basis. However, upon the basis of our experience and the comments received, we do not perceive any other types of individual measurements which can now be said to be practical to prescribe. Accordingly, we conclude that the outstanding proposal, which conforms the Standards to the Commission's long established policy, should be adopted.

17. Authority for this action is contained in section 303 of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

18. *It is ordered*, That effective April 19, 1954, the Standards of Good Engi-

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[1] One party, KXLA, argues that if the proposed rule be adopted, there should be an exception for pending cases where hearing has taken place and evidence of skywave measurements been offered. In support of this contention, it points out that the Standards now authorize the use of such measurements in license proceedings; that it went to great effort and expense to obtain measurements in 1947 and 1949 when there was no challenge to the clear language of the Standards on the probative value of such measurements; and that there is a precedent in the "grandfathering" action of the Commission with respect to pending applications which contravened the then proposed rule to preclude further assignments of Class IV stations to regional channels (Docket 9991).

But the historical background and cases cited above show KXLA's argument to be without merit: As early as 1940, the Commission established as its policy the inadmissibility of skywave measurements to disprove data obtained by employment of the skywave curves. No equitable reason presents itself why KXLA should be given an exemption from that policy or from the proposal here under consideration.

[2] It should be noted, however, that in contrast to the median (or 50 percent) values, there is some indication that the 10 percent values may vary very little from year to year.

[3] That discussion also answers several of the more minor objections raised. Thus, the contention that skywave curves be used only for the paths on which the measurements were taken when the curves were promulgated and not for determining interference signals from directional antennas in null directions, merits no further consideration. Even assuming that there is room for improvement in the application of the curves to the described situation, nothing is accomplished by retention of the totally inadequate skywave recording provisions in our Standards.

[4] It should be noted that skywave ratio measurements and other similar techniques not recognized by the Standards have been employed in experimental programs carried on jointly by industry and government. Thus, during the period January–May 1949, a joint industry-government committee made skywave ratio measurement tests on certain broadcast stations (Project XC–44).

[5] Subsection 2 of this particular provision reads: "2. The field intensity measurements, or recordings shall be made with mutually acceptable apparatus, fully calibrated, and shall be carried out by technicians designed by the interested Governments. Such field intensity measurements shall be made in the manner, and for the periods of time, agreed upon by the Governments concerned. The Contracting Governments shall facilitate the making of the measurements by requiring the broadcasting stations involved to suspend operation or to operate in the manner such Governments deem necessary."

[6] This judgment was implicitly reaffirmed in 1946. At that time, the various factors influencing skywave propagation were reviewed by a joint industry-government committee (Committee III, Clear Channel proceeding, Docket 6741), which recognized as an additional parameter only the effect of latitude.

[7] It is also requested that the skywave curve figure 1–A be used in lieu of figure 1 with respect to clear channels; this obviously is not relevant to the question of deleting the skywave measurement provisions of the Standards and, accordingly, will not be treated here.

neering Practice Concerning Standard Broadcast Stations are amended as set forth below.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: March 11, 1954.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Standards of Good Engineering Practice Concerning Standard Broadcast Stations:

1 Section 1 of these Standards is amended as follows:

a. Delete the first, second and third paragraphs appearing after Table III and substitute the following:

In case a directional antenna is employed, the interfering signal of a broadcasting station wil vary in different directions, being greater than the above values in certain directions and less in others, depending upon the design and adjustment of the directional antenna system. To determine the interference in any direction the measured or calculated radiated field (unabsorbed field intensity at 1 mile from the array) must be used in conjunction with the appropriate propagation curves.*

The existence or absence of objectionable groundwave interference from stations on the same or adjacent channels shall be determined by actual measurements made according to the method hereinafter described, or, in the absence of such measurements, by reference to the propagation curves of Appendix I. The existence or absence of objectionable interference due to skywave propagation shall be determined by reference to the appropriate propagation curves in figure 1 or figure 1–A.

In computing the fifty (50) percent skywave field intensity values and the ten (10) percent skywave field intensity values of a station on a clear channel, use shall be made of the appropriate graph set forth in Figure 1 entitled "Average Skywave Field Intensity" (corresponding to the second hour after sunset at the recording station). These graphs are drawn for a radiated field of 100 mv/m at 1 mile in the horizontal plane from a 0.311 wavelength antenna. In computing the ten (10) percent skywave field intensity of a regional channel station, use shall be made of the appropriate curve in figure 1–A entitled "10 percent Skywave Signal Range." This graph is drawn for a radiated field of 100 mv/m at 1 mile at the vertical angle pertinent to transmission by one reflection. This curve supersedes the ten (10) percent skywave curve of figure 1, only for regional and local channels at the present time.* Adoption of revised skywave curves for use on clear channels will await the outcome of the Clear Channel Hearing (Docket No. 6741).

b. Delete Annex III.

2. Section 2 of these Standards is is amended as follows:

a. Change parenthetical expression appearing in the fifth paragraph of subsection A from "(See § 3.16)" to "(See § 3.14)".

b. Delete first four paragraphs in subsection C and substitute the following:

In the determination of interference, groundwave field intensity measurements will take precedence over theoretical values provided such measurements are properly taken and presented. When measurements of groundwave signal intensity are presented, they shall be sufficiently complete in accordance with subsections A and B above to determine the field at 1 mile in the pertinent directions for that station.

[F. R. Doc. 54–1923; Filed, Mar. 17, 1954; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

ORDER FURTHER AMENDING ORDER PERMITTING KILLING OF WATERFOWL OR COOT IN AGRICULTURAL AREAS OF CALIFORNIA

Pursuant to the authority conferred upon me by the Acting Secretary of the Interior dated December 31, 1953 (19 F. R. 70), I have determined that widgeon are not likely to cause serious injury to agricultural crops in Imperial County, California, after March 21, 1954. Accordingly, the order permitting the killing of waterfowl or coot in agricultural areas of California, dated January 6, 1954 (19 F. R. 173), and the amendment thereto of January 12, 1954 (19 F. R. 354), are hereby so amended as to terminate, effective midnight March 21, 1954, the permission therein granted for the killing of widgeon in Imperial County, California.

In all other respects the said order of January 6, 1954, as amended January 12, 1954, shall remain in full force and effect.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704)

Dated: March 12, 1954.

ARNIE J. SUOMELA,
Acting Director.

[F. R. Doc. 54–1907; Filed, Mar. 17, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

BARLEY

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES

Notice is hereby given that the United States Department of Agriculture has under consideration proposed changes in the official grain standards of the United States for barley (7 CFR 26.201 et seq.) promulgated under the authority of the United States Grain Standards Act, as amended (39 Stat. 482; 54 Stat. 765; 7 U. S. C. 71 et seq.).

A representative group of the malting industry in the Western States has requested that consideration be given to excluding from the special grades Choice Malting Two-rowed Western Barley and Malting Two-rowed Western Barley, any barley that is weevily, or that has been injured by heat or by mold; also that certain changes be made in these special grades in regard to limitations on seeds of wild brome grass, varietal types of barley other than Hannchen or Hanna, mellow kernels, thin barley, and skinned and broken kernels.

It is proposed that § 26.209 (c) and (e) of the official grain standards of the United States for barley be revised to read as follows:

(c) *Choice Malting Two-rowed Western Barley; definition.* Choice Malting Two-rowed Western Barley shall be Two-rowed Barley of the class Western Barley which consists of the Hannchen or Hanna varietal types; which contains not more than 3 percent of varietal types of barley other than Hannchen or Hanna; which meets the requirements for grade No. 1 except that the limitation on seeds of wild brome grass shall be disregarded; which has a test weight per bushel of 52 pounds or more; which contains 90 percent or more of mellow kernels; which is not semi-steely in mass; which contains not more than 5 percent of barley and other matter that will pass readily through a sieve 0.032 inch thick with perforations 0.086 by 0.750 ($5\frac{1}{2}$/64 x 3/4) inch; which contains not more than 5 percent of skinned and/or broken kernels; which does not contain barley injured by frost, by heat, or by mold; and shall not include barley of the special grades stained, smutty, garlicky, weevily, ergoty, or bleached.

* * * * *

(e) *Malting Two-rowed Western Barley; definition.* Malting Two-rowed Western Barley shall be Two-rowed Barley of the class Western Barley which consists of the Hannchen or Hanna varietal types; which contains not more than 5 percent of varietal types of barley other than Hannchen or Hanna; which meets the requirements for grade No. 1 except that the limitation on seeds of wild brome grass shall be disregarded; which has a test weight per bushel of 52 pounds or more; which contains 90 percent or more of mellow kernels; which is not semi-steely in mass; which contains not more than 5 percent of barley and other matter that will pass readily through a sieve 0.032 inch thick with perforations 0.086 by 0.750 ($5\frac{1}{2}$/64 x 3/4) inch; which contains not more than 5 percent of skinned and/or broken kernels; which does not contain barley injured by frost, by heat, or by mold; and shall not include barley of the special grades stained, smutty, garlicky, weevily, ergoty, or bleached.

* * * * *

*See Annex II for further discussion and solution of a typical directional antenna case.

*The Commission will not authorize a directive antenna for a Class IV station assigned a local channel.

the requirements for any of the grades No. 1 to No. 3, inclusive, except that the limitation on seeds of wild brome grass shall be disregarded; which does not meet the requirements for the special grade Choice Malting Two-rowed Western Barley; which has a test weight per bushel of 50 pounds or more; which contains 70 percent or more of mellow kernels; which is not semi-steely in mass; which contains not more than 10 percent of barley and other matter that will pass readily through a sieve 0.032 inch thick with perforations 0.086 x 0.750 ($5\frac{1}{2}$/64 x 3/4) inch; which contains not more than 10 percent of skinned and/or broken kernels; which does not contain barley injured by frost, by heat, or by mold; and shall not include barley of the special grades stained, blighted, smutty, garlicky, weevily, ergoty, or bleached: *Provided*, That Malting Two-rowed Western Barley of grade No. 1 shall contain not less than 80 percent of mellow kernels; and may contain not more than 3 percent of varietal types of barley other than Hannchen or Hanna, not more than 7 percent of barley and other matter that will pass readily through a sieve 0.032 inch thick with perforations 0.086 x 0.750 ($5\frac{1}{2}$/64 x 3/4) inch, and not more than 7 percent of skinned and/or broken kernels.

Pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), informal public hearings will be held and written communications will be reecived in order that all interested persons may have opportunity to express their views on the proposal to revise the standards. The informal public hearings will be held at Portland, Oregon, and Milwaukee, Wisconsin, at which interested persons may submit their views and opinions, orally or in writing, with respect to the desirability of promulgating the proposed revisions. The hearing will be held at Portland, Oregon, on Thursday, April 1, 1954, at 1.00 p. m., P. s. t., in the Veterans' Administration Conference Room, 210 Lincoln Building, Fifth and Oak Streets. The hearing will be held at Milwaukee, Wisconsin, on Friday, April 2, at 2:00 p. m., c. s. t., in the Directors Room of the Milwaukee Grain Exchange.

Interested persons may also submit written data, views, or arguments to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than April 9, 1954.

Consideration will be given to all information obtained at the hearings, to written data, views, and arguments received by the Director not later than April 9, 1954, and to other information available in the United States Department of Agriculture before a decision is made as to what revision, if any, shall be promulgated.

B. W. Whitlock, Grain Division, Agricultural Marketing Service, is hereby designated to conduct the hearing to be held at Portland, Oregon, and H. P. English, Grain Division, Agricultural Marketing Service, is hereby designated to conduct the hearing to be held at Milwaukee, Wisconsin. In case either of these designees is unable to conduct the specified hearing, any other officer of the Department designated by the Director, Grain Division, Agricultural Marketing Service, is hereby authorized to conduct the hearing.

Issued this 15th day of March 1954.

[SEAL] ROY W. LENNARTSON,
Administrator.

[F. R. Doc. 54-1926; Filed, Mar. 17, 1954; 8:52 a. m.]

Commodity Stabilization Service

[7 CFR Part 729]

PEANUTS

NOTICE OF INTENTION TO FORMULATE AND ISSUE REGULATIONS GOVERNING MARKETINGS, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS FOR 1954 CROP

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, (7 U. S. C. and Sup. 1301, 1358–1359, 1372–1375), the Secretary of Agriculture is preparing to formulate marketing quota regulations governing the issuance of marketing cards, the identification of peanuts, the collection and refund of penalties, and the records and reports incident thereto on the marketing of peanuts for the 1954–55 marketing year. It is proposed that the regulations will be substantially the same as the 1953-crop regulations (18 F. R. 3316).

Prior to issuance of such regulations, consideration will be given to any data, views, and recommendation relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C. this 15th day of March 1954.

[SEAL] J. A. MCCONNELL,
Administrator.

[F. R. Doc. 54 1931; Filed, Mar. 17, 1954; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10951]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10951.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on February 17, 1954 by West Virginia's Research Center, Inc., Salem, West Virginia, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations so as to reserve for non-commercial use Channel 5, presently assigned to Weston, West Virginia for commercial use.

3. In support of the requested amendment petitioner urges that there does not appear to be any demand for the use of Channel 5 at Weston as a commercial assignment; that there is a need for an educational station in this area in view of the large population and the number of colleges and educational institutions in the general area; and that in the event the proposed amendment is adopted, an application will be filed for a construction permit for a non-commercial educational station as soon as possible.

4. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before April 9, 1954, a written statement or brief setting his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 11, 1954.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1925; Filed, Mar. 17, 1954; 8:52 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 8]

LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

INVOICING AND LABELING OF CERTAIN COAL-TAR PRODUCTS

Correction

The following change should be made in F. R. Doc. 54-1808, appearing at page 1423 of the issue for Saturday, March 13, 1954:

In the paragraph following item 9 in the sample form, "item 6, 7, or 8" should read "item 7, 8, or 9".

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 11, 1954.

An application, serial number Colorado 07783, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on January 21, 1954, by the Atomic Energy Commission.

The purposes of the proposed withdrawal: For use of Atomic Energy Commission as site for ore sampling and purchasing plant for stockpiling of uranium ores.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region IV, Bureau of Land Management, Department of the Interior at Salt Lake City, Utah, P. O. Box 659. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 46 N., R. 17 W.,
Sec. 9: SW¼, S½SE¼.
Sec. 16: N½NE¼.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-1896; Filed, Mar. 17, 1954; 8:45 a. m.]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 10, 1954.

An application, serial number Montana 011811, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws, but not the mineral-leasing laws, of the lands described below was filed on June 25, 1953, by Department of Agriculture, Forest Service.

The purposes of the proposed withdrawal: For use in connection with the Philipsburg Administrative Site.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region III, Bureau of Land Management, Department of the Interior at Billings, Montana. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

T. 7 N., R. 14 W.,
Sec. 36: Lots 3, 4 and 5.

The area described aggregates 77.38 acres.

W. B. WALLACE,
Regional Administrator.

[F. R. Doc. 54-1897; Filed, Mar. 17, 1954; 8:46 a. m.]

[Montana 01250]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 10, 1954.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

T. 12 N., R. 20 E.
Sec. 14: S½S½,
23: N½, E½SW¼,
26: N½NW¼.

The areas described aggregate 640 acres.

The lands are rolling to mountainous in topography and are primarily suited for summer grazing and watershed purposes. Due to the topography, the land is not suitable for cultivation.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Billings, Montana.

W. B. WALLACE,
Regional Administrator.

[F. R. Doc. 54-1898; Filed, Mar. 17, 1954; 8:46 a. m.]

MONTANA

RESTORATION ORDER UNDER FEDERAL POWER ACT; POWER SITE RESERVE NO. 449

MARCH 8, 1954.

Pursuant to determination DA-125, Montana, of the Federal Power Commission issued June 12, 1952, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn and reserved for power purposes, are hereby restored to the status of public domain under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the reservation and stipulation of the right of the United States, its permittees or licensees to use the land for power purposes;

(a) That no use shall be made by others which will in any way interfere or be inconsistent with the use of the land by the United States, its permittees or licensees for power purposes;

(b) That any structures, machinery or improvements placed thereon which shall be found to interfere with power development shall be removed or relocated as may be necessary to eliminate interference with such development without expense to the United States, its permittees or licensees;

(c) And that the United States, its permittees or licensees shall not be held liable for any damage to structures, machinery or improvements placed thereon resulting from construction, operation or maintenance of hydroelectric power facilities authorized by the United States.

MONTANA PRINCIPAL MERIDIAN

T. 5 S., R. 1 W.
Sec. 10: NE¼NW¼.

The area described aggregates 40 acres.

The State of Montana was apprised of the proposed restoration of these lands in order that they would be afforded a preference right as provided for by the act of May 28, 1948 (62 Stat. 275; 16 U. S. C. 1946 ed., Supp. III, Sec. 818), but they advised by letter that they do not care to exercise their preference right for right of way or as a material site involving the land. The State of Montana has indicated an interest in developing and administering part of the tract as a public recreational area.

There are 9.2 acres of the land within the Madison Reservoir. The remaining area is level benchland with one steep escarpment sloping to the lake, and the vegetative cover consists chiefly of native grass. The soil is shallow and rocky, which prohibits cultivation of the land. The land is not suitable for classification under the homestead or desert land laws. The land is primarily suited for public recreational purposes and grazing. It is unlikely that it will be classified for any other use, but applications that are filed will be considered upon their merits.

This order shall not become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall be subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager of the Land Office, Billings, Montana.

W. B. WALLACE,
Regional Administrator.

[F. R. Doc. 54-1899; Filed, Mar. 17, 1954; 8:46 a. m.]

[Cheyenne 070278]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 10, 1954.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 56 N., R. 101 W.,
Tract 40.
Tract 43
T. 57 N., R. 101 W.,
All Secs. 25, 27, 29, 33 and 35.

The areas described aggregate 3,633.42 acres.

The topography of the land is steeply rolling to rough, and the soils are poorly developed. The vegetative cover consists of a desert type, principally sagebrush, salt bush and short grass. The land is primarily suited for grazing purposes.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day, shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Billings, Montana.

W. B. WALLACE,
Regional Administrator.

[F. R. Doc. 54-1900; Filed, Mar. 17, 1954; 8:47 a. m.]

[Docket DA-394]

IDAHO

RESTORATION ORDER UNDER FEDERAL POWER ACT

MARCH 8, 1954.

Pursuant to determination DA-394, Idaho, of the Federal Power Commission and in accordance with Order No. 427 section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described insofar as they are withdrawn for power purposes, are hereby restored, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818) as amended, and subject to the stipulation that if and when the lands are required wholly or in part for purposes of power development, any structures, machinery, or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States or its permittees or licensees.

BOISE MERIDIAN

T 3 N., R. 41 E.,
Sec. 8, Lot 1,
Sec. 9, Lot 1.

The areas described aggregate 49.54 acres.

The lands described lie at an elevation of 5000 feet along the Snake River; and the soil varies from a silt loam to lava outbreaks; and the topography is generally too rough for cultivation; and the lands are classified as primarily valuable for recreational purposes.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request in the Land Office, Boise, Idaho.

T. M. TYRRELL,
Acting Regional Administrator.

[F. R. Doc. 54-1922; Filed, Mar. 17, 1954; 8:51 a. m.]

Office of the Secretary

[Order 2750]

EVERGLADES NATIONAL PARK, FLORIDA

ORDER ENLARGING LANDS

MARCH 12, 1954.

Whereas Everglades National Park was established pursuant to the order of the Secretary of the Interior published in the FEDERAL REGISTER on June 27, 1947 (12 F. R. 4189), and

Whereas the Park boundaries were enlarged pursuant to the order of the Secretary of the Interior published in the FEDERAL REGISTER on March 1, 1950 (15 F. R. 1120), and

Whereas it has been determined that it is desirable to enlarge further said boundaries to include all lands within the area hereinafter described, and

Whereas title to a major portion of the lands within the said Park boundaries, as hereby extended, is vested in the United States; *It is ordered*, That:

1. Pursuant to the authority contained in the act of May 30, 1934 (48 Stat. 816; 16 U. S. C., 1946 ed., secs. 410-410c), and the act of December 6, 1944 (58 Stat. 794; 16 U. S. C., 1946 ed., sec. 410d), the Everglades National Park is hereby enlarged to include all land, water, and submerged land lying within the area described below, estimated to contain 271,000 acres:

TALLAHASSEE BASE AND MERIDIAN

Beginning at a point in the Gulf of Mexico approximately three (3) miles west of the mean highwater mark on the western shore of the State of Florida in Fractional Sec. 29, T. 56 S., R. 31 E., being the intersection of longitude 81° 17' W., with a line projected due west from the northwest corner of Fractional Sec. 28 in said township and range

Thence in a straight line to a point three (3) miles due west of the southwest corner of Fractional Sec. 31, T. 54 S., R. 30 E.;

Thence in a straight line to the southeast corner of the northwest quarter of the southwest quarter (NW¼SW¼) Sec. 31, T. 53 S., R. 30 E.;

Thence in a straight line to the northwest corner of Sec. 16, T. 53 S., R. 30 E.;

Thence easterly along the north lines of Secs. 16, 15, 14, and 13, T. 53 S., R. 30 E. to the northeast corner of said Sec. 13;

Thence southerly along the east lines of Secs. 13, 24, 25, and 36, T. 53 S., R. 30 E. to the southeast corner of said Sec. 36;

Thence easterly along the north lines of T. 54 S., R. 31 E., and T. 54 S., R. 32 E., to the southwest corner of the southeast quarter (SE¼) of Sec. 34, T. 53 S., R. 32 E.;

Thence northerly along the mid-section lines of Secs. 34, 27, 22, 15, and 10 to the south right-of-way line of U. S. Highway No. 41, also known as Tamiami Trail;

Thence southeasterly along the south right-of-way line of said Highway to its intersection with the north-south mid-section line of Sec. 14, T. 53 S., R. 32 E.;

Thence southerly along the mid-section lines of Secs. 14, 23, 26, and 35, T. 53 S., R. 32 E., to the southwest corner of the southeast quarter (SE¼) of said Sec. 35;

Thence easterly along the north lines of Secs. 2 and 1, T. 54 S., R. 32 E., to the northeast corner of said Sec. 1;

Thence southerly along the east lines of Secs. 1, 12, and 13, T. 53 S., R. 32 E., to a point 500 feet northerly from the southeast corner of said Sec. 13;

Thence easterly along a line 500 feet north of, and parallel to, the south lines of Secs. 18, 17, 16, 15, 14, and 13, T. 54 S., R. 33 E.; Secs. 18, 17, 16, 15, 14, and 13, T. 54 S., R. 34 E.; and Sec. 18, T. 54 S., R. 35 E.;

Thence southerly along the west line of Secs. 17, 20, 29, and 32, T. 54 S., R. 35 E. the west line of Secs. 5, 8, 17, 20, 29, and 32, T. 55 S., R. 35 E.; and the west line of Sec. 5, T. 56 S., R. 35 E., to the southwest corner of Sec. 5, or the northeast corner of Sec. 7, T. 56 S., R. 35 E.;

Thence westerly along the north line of Sec. 7, T. 56 S., R. 35 E.; the north line of Secs. 12, 11, 10, 9, 8, and 7, T. 56 S., R. 34 E.; the north line of Secs. 12, 11, 10, 9, 8, and 7 T. 56 S., R. 33 E.; the north line of Secs. 12, 11, 10, 9, 8, and 7, T. 56 S., R. 32 E., to the northwest corner of Sec. 7, T. 56 S., R. 32 E.;

Thence southerly along the west line of Sec. 7, T. 56 S., R. 32 E., to the southwest corner of said Sec. 7;

Thence westerly along the north line of Sec. 13, T. 56 S., R. 31 E., to the northwest corner of said Sec. 13;

Thence southerly along the west line of Sec. 13, T. 56 S., R. 31 E., to the southwest corner of said Sec. 13;

Thence westerly along the north line of Sec. 23, T. 56 S., R. 31 E., to the northwest corner of said Sec. 23;

Thence southerly along the west line of Sec. 23, T. 56 S., R. 31 E., to the southwest corner of said Sec. 23;

Thence westerly along the north lines of Sec. 27 and Fractional Sec. 28, T. 56 S., R. 31 E., to the northwest corner of said Fractional Sec. 28;

Thence continuing westerly to a point in the Gulf of Mexico approximately three (3) miles west of the mean highwater mark on the western shore of the State of Florida in Fractional Sec. 29, T. 56 S., R. 31 E., being the intersection with longitude 81° 17' W., the point of beginning.

The lands located within the area hereinbefore described have been surveyed, only in part, by the United States or the State of Florida. Therefore, all references herein to Sections, Townships, and Ranges and to lines thereof are predicated on the projected Sections, Townships, and Ranges as used and shown on a map, NP-EVE-7109, prepared by the United States Department of the Interior, National Park Service, Everglades Land Acquisition Office, Miami, Florida, revised August 10, 1949, entitled, "Base Map, Everglades National Park."

The above-mentioned map bears certification as of November 1, 1949, by the Chief Drainage Engineer, Engineer and Secretary of the Internal Improvement Fund, and the Commissioner of Agriculture of the State of Florida, and is on file in the records of the National Park Service, Department of the Interior, and in the records of the Internal Improvement Fund of the State of Florida, and copies thereof have been recorded in Dade, Monroe, and Collier Counties, Florida.

2. This order shall be published in the FEDERAL REGISTER.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-1905; Filed, Mar. 17, 1954; 8:47 a. m.]

COMMISSION ON ORGANIZATION OF THE EXECUTIVE BRANCH OF THE GOVERNMENT

TASK FORCE ON WATER RESOURCES AND POWER

NOTICE OF PUBLIC HEARINGS

The Task Force on Water Resources and Power will hold public hearings as scheduled hereinafter. Time and place will be announced at least 10 days prior to the hearings and advice thereof will be announced through the press and also furnished all parties scheduled to appear and testify.

A resolution of the Commission on Organization of the Executive Branch of the Government adopted February 8, 1954 reads in pertinent part as follows:

Resolved that the Task Force on Water Resources and Power be directed to hold public hearings, at which may be heard all responsible individuals and representatives of groups wishing to present views on the issues under consideration by the Task Force; that verbatim transcripts of such hearings be made which shall be available to the Commission and may be made available for inspection by the public and the press; • • •.

Scope of hearings. The Task Force is concerned with the water resources and power functions of the Federal Government. These include improvements of rivers, harbors, and waterways for navigation; development of flood protection works; improvements for drainage, irrigation, land reclamation, water supply, pollution abatement, and recreation; and the generation, transmission and distribution of electric energy whether generated at hydro, steam thermal, or other plants.

There are set forth below the pertinent parts of the Congressional enactment (Pub. Law 108, 83d Cong., chapter 184) which governs the work of the Commission and thus defines the area of inquiry of the Task Force in the field of Water Resources and Power:

Sec. 9 (a). *Investigation.* The Commission shall study and investigate the present organization and methods of operation of all departments, bureaus, agencies, boards, commissions, offices, independent establishments and instrumentalities of the Government except the Judiciary and the Congress of the United States to determine what changes therein are necessary in their opinion to accomplish the purposes set forth in section 1 of this act.

Section 1 of the act reads as follows:

It is hereby declared to be the policy of Congress to promote economy, efficiency, and improved service in the transaction of the public business in the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the executive branch of the Government by—

(1) Recommending methods and procedures for reducing expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;

(2) Eliminating duplication and overlapping of services, activities, and functions;

(3) Consolidating services, activities, and functions of a similar nature;

(4) Abolishing services, activities, and functions not necessary to the efficient conduct of government;

(5) Eliminating nonessential services, functions, and activities which are competitive with private enterprise;

(6) Defining responsibilities of officials; and

(7) Relocating agencies now responsible directly to the President in departments or other agencies.

Witnesses and presentation of statements. Responsible individuals and representatives of groups wishing to be heard should so advise the Task Force Administrator at the address given below, setting forth their name, address, and name and address of the organization, if any, they represent, the hearing location at which they desire to be heard, the amount of time they desire to be allotted, and otherwise comply with the procedure described in this notice. Any one individual will be scheduled to be heard at only one time during the course of the hearings. Only one representative of any one organization will be heard. His authority to appear as representative of the organization should be properly established in the advice to the Task Force Administrator.

The requirements of the Legislative Reorganization Act of 1946 relative to hearings held by standing committees of Congress will be observed. All those proposing to appear should file with the Task Force Administrator at his office in Washington forty-five copies of their proposed statements at least two weeks prior to the scheduled date, as shown below, for the location at which they propose to appear. Oral presentations will be limited to brief summaries of the written statements. The written statements in full will be made a part of the record of the hearings. Those appearing should be prepared to answer questions raised by their oral and written statements. Because of time limitations, persons will be required to restrict their statements to matters pertinent to the issues under consideration by the Task Force.

All statements submitted should be reproduced by printing, mimeographing or other processes which are clear and legible. If the statements submitted are not printed, the impression should be on only one side of the paper and double-spaced, except that quotations should preferably be single-spaced and indented. Statements, except exhibits, should be on strong, durable letter size paper, with a left-hand margin 1½ inches wide. Printed statements should be in a clear type (never smaller than small pica or 11-point type), adequately leaded.

Dates and location of hearings. The dates scheduled for hearings are as follows:

San Francisco, Calif., May 3, 1954
Denver, Colo., May 17, 1954.
Chattanooga, Tenn., June 1, 1954.
New York, N. Y., June 14, 1954.

Record. A verbatim transcript of hearings will be taken and a copy may be viewed by the press and the public at the office of the Administrator. Copies may be purchased from the reporter under arrangements therefor to be made directly between the purchaser and the reporter.

Office of the Task Force Administrator. The office of Mr. Charles D. Curran, Task Force Administrator, is at Room 3810, General Accounting Office Building, Washington 25, D. C.

BEN MOREELL,
Chairman.

MARCH 16, 1954.

[F. R. Doc. 54-1921; Filed, Mar. 17, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2137, G-2366]

SOUTHERN TIER GAS CORP.

NOTICE OF CONTINUANCE OF HEARING

MARCH 10, 1954.

Upon consideration of the request of Southern Tier Gas Corporation, filed March 8, 1954, for postponement of the hearing now scheduled for March 29, 1954, and for extension of time for serving copies of its proposed testimony and exhibits to be offered at said hearing;

Notice is hereby given that the hearing now scheduled to commence on March 29, 1954, is hereby postponed to be held at 10:00 a. m., e. s. t., April 26, 1954, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C., and that the time for serving copies of the proposed testimony and exhibits to be offered at said hearing is postponed from March 15, 1954, to April 12, 1954. Paragraphs (B) and (C) of the Commission's

order issued February 11, 1954, are amended accordingly.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 54-1908; Filed, Mar. 17, 1954; 8:48 a. m.]

[Docket No. G-2379]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

MARCH 12, 1954.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed on February 26, 1954, an application pursuant to section 7 (b) of the Natural Gas Act for an order authorizing the abandonment and removal of that portion of Applicant's existing 6-inch Longview-Palestine pipeline between Station 3206+59 near Neches and Station 3757+59 near Palestine in Anderson County, Texas. Applicant states that the section of the line proposed for removal has not been in use since February 23, 1953, and is no longer useful in its present location.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 31st day of March 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1909; Filed, Mar. 17, 1954; 8:48 a. m.]

[Docket No. G-2382]

MONTANA-DAKOTA UTILITIES

NOTICE OF APPLICATION

MARCH 12, 1954.

Take notice that Montana-Dakota Utilities Co. (Applicant), a Delaware corporation having its principal place of business in Minneapolis, Minnesota, filed, on March 2, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities described as follows:

(1) Approximately 4.2 miles of 10¾-inch transmission line in Big Horn County, Wyoming, from a point on the 12-inch Worland-Cabin Creek line operated by Applicant and extending easterly to the Big Horn Processing Plant, together with a metering station adjacent to said processing plant; and

(2) A metering station adjacent to the said Worland-Cabin Creek line near Warren, Carbon County, Montana, for the sale and delivery of natural gas to the Montana Power Company.

Applicant also seeks authority to lease and operate a 2,640 horsepower compressor station to be constructed by Montana-Wyoming Gas Pipe Line Company (Montana-Wyoming) adjacent to the said Worland-Cabin Creek line near Hardin, Big Horn County, Montana.

The proposed facilities would enable Applicant (1) to take delivery of residue gas from the Big Horn Processing Plant, now under construction, (2) to sell and deliver 15 million cubic feet of gas per day to the Montana Power Company, and (3) to increase deliveries to Applicant's Cabin Creek Compressor Station by six to eight million cubic feet of gas per day under peak load conditions.

Applicant estimates the cost of its proposed facilities at $136,602 and proposes to finance their construction from working capital. The estimated cost of the compressor station to be constructed by Montana-Wyoming is $653,074 to be financed with a loan from Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 31st day of March 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1910; Filed, Mar. 17, 1954; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

MARCH 1954 DOMESTIC AND EXPORT PRICE LISTS

Pursuant to the pricing policy of Commodity Credit Corporation issued March 22, 1950, as amended January 9, 1953 (15 F. R. 1593, 18 F. R. 176), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

MARCH 1954 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Cottonseed oil, refined, 920,000,000 pounds.[1]	Bid basis, f. o. b. tankcars or tankwagons at points of storage locations. Available New Orleans CSS Commodity office.
Cottonseed oil, crude, 15,000,000 pounds.[1]	Bid basis in store at port or f. o. b. tankcars or tankwagons at producers' mills. Available New Orleans CSS Commodity office.
Linseed oil, raw, 66,000,000 pounds.[1]	Bid basis f. o. b. tankcars at points of storage locations. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis CSS Commodity offices.
Peanuts, shelled, bagged (for crushing).	Bid basis, f. a. s. vessel at specified ports, subject to terms and conditions of Bid OP 2-54. (Peanuts are also available as farmers' stock for export on bid basis, f. o. b. points of storage locations subject to the terms and conditions of Bid 4 Announcements CCC Peanut Forms 34 and 40). Available through the Oils and Peanut Divisions, CSS, USDA, Washington 25, D. C., and Dallas CSS Commodity office.
Large lima beans (1952 crop), 300,000 hundredweight.[1]	For U. S. No. 1, 35 cents per pounds f. a. s. Hueneme, Long Beach, Los Angeles, or San Francisco, Calif. (CCC option.) For U. S. No. 2, 25 cent discount. U. S. Extra No. 1., 10 cent premium. Subject terms GR 212, as amended. Available Portland CSS Commodity office.
Wheat, bulk	Sales made for export pursuant to Announcements GR 261 and 262
Corn, bulk, 50,000,000 bushels[1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

[1] These same lots also are available from the domestic sales price list announced today.

MARCH 1954 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic price list
Corn, bulk, 185,000,000 bushels (1948, 1949 crop), 50,000,000 bushels[1] (1950, 1951, and 1952 crops).	At points of production, basis in store, the market price but not less than the applicable 1953 county loan rate for No. 3 yellow. At points of production, basis in store, the market price but not less than the applicable 1953 county loan rate for No. 3 yellow, plus: (1) 25 cents per bushel if received by trucks, or (2) 21 cents per bushel if received by rail or barge. At other locations, the foregoing plus average paid-in freight. Examples of minimum price per bushel: Chicago, No. 3 yellow, $1.99; St. Louis, No. 3 yellow, $2.01; Minneapolis, No. 3 yellow, $1.90; Omaha, No. 3 yellow, $1.92; Kansas City, No. 3 yellow, $1.97. For other classes, grades, and quality, market differentials will apply.
Grain sorghum, bulk (for feed only), 23,000 hundredweight.	Market price for feed, basis in store. Small lots available Dallas, and Kansas City CSS Commodity offices.
Barley, bulk (for feed only) 212,000 bushels. (For malting use or use other than feed) 250,000 bushels.	Market price for feed basis in store. Market price but not less than applicable 1953 county loan rate for No. 2 barley, plus: (1) 27 cents per bushel if received by truck, or (2) 23 cents per bushel if received by rail or barge. For other classes, grades and quality, market differentials will apply. Example of minimum price per bushel: Minneapolis, No. 2 Barley, $1.67. Small lots available Chicago, Minneapolis, Kansas City and Portland CSS Commodity offices.
Rye, bulk (for feed only) 144,000 bushels.	Market price for feed only, basis in store. Small lots available Minneapolis, and Kansas City CSS Commodity offices.
Flaxseed, bulk (for crushing only) 181,000 bushels. Largely LCL lots.	Market price on date of sale, basis in store. Available Minneapolis CSS Commodity office. No stocks from the 1953 crop acquired by CCC will be sold at less than the 1953 support price during the period ending July 31, 1954.
Wool, shorn and pulled grease (including some scoured) 92,000,000 pounds.	The higher of (1) the market value, or (2) 108 percent of the price support appraisal value per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area. Sales will be made ex-warehouse where stored. Available Boston CSS Commodity office.

See footnotes at end of table.

MARCH 1954 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic price list
Cottonseed oil, crude 15,000,000 pounds.[1]	Market price but not less than 15 cents per pound prime, Valley basis, f. o. b. tankcars or tankwagons at producers' mills subject to premiums or discounts comparable to Bulletin 3 of the 1953 crop cottonseed price support program. Available New Orleans CSS Commodity office. Price will not be reduced during period ending August 31, 1954.
Cottonseed oil, refined, 920,000,000 pounds.[1]	Market price but not less than the minimum crude price, with appropriate adjustments for refining, location and quality f. o. b. tankcars or tankwagons at points of storage locations. Available New Orleans CSS Commodity office. Price will not be reduced during period ending August 31, 1954.
Linseed oil, raw, 66,000,000 pounds.[1]	Market price on date of sale, but not less than equivalent of the 1953 price support for flaxseed. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis CSS Commodity offices.
Seeds (bagged)	All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. On all seeds except ladino: Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.
Red clover seed (uncertified), 8,782 hundredweight.	$36.75 per 100 pounds. Available Portland, Chicago, Kansas City, Minneapolis, and New Orleans CSS Commodity offices.[2]
Red clover seed (certified); Cumberland, 1,016 hundredweight, Midland, 625 hundredweight.	$36.75 per 100 pounds. Available Portland, Kansas City, and Minneapolis CSS Commodity offices.[2]
Red clover seed (Kenland certified), 140 hundredweight.	$43 per 100 pounds. Available Portland CSS Commodity office.[2]
White clover seed, 903 hundredweight.	$53.50 per 100 pounds. Available New Orleans CSS Commodity office.[2]
Ladino clover seed (certified), 141,420 hundredweight.	$65 per 100 pounds, $60 in lots of 60,000 pounds or more. Available Portland, Minneapolis, and Kansas City CSS Commodity offices.
Crimson clover seed, 2,267 hundredweight.	$18 per 100 pounds. Available Portland and New Orleans CSS Commodity offices.
Biennial sweet clover seed, 15,502 hundredweight.	$9.45 per 100 pounds. Available Kansas City, Minneapolis, and Chicago CSS Commodity offices.[2]
Alsike clover seed, 19,271 hundredweight.	$27 per 100 pounds. Available Portland, Kansas City, Chicago, and Minneapolis CSS Commodity offices.[2]
Smooth bromegrass seed (uncertified), 34 hundredweight.	$15.75 per 100 pounds. Available Portland CSS Commodity office.[2]
Smooth bromegrass seed, Manchar certified, 345 hundredweight.	$22.50 per 100 pounds. Available Portland CSS Commodity office.[2]
Mountain bromegrass seed (Bromar certified), 1,831 hundredweight.	$21 per 100 pounds. Available Portland CSS Commodity office.[2]
Hairy vetch seed, 238,093 hundredweight.	1953 county support rates, ranging from $11.65 to $12.40 plus $1 per 100 pounds.
Birdsfoot trefoil seed, 1,116 hundredweight.	$78.75 per 100 pounds. Available Portland CSS Commodity office.[2]
Slender wheatgrass seed (uncertified), 1,222 hundredweight.	$16 per 100 pounds. Available Minneapolis CSS Commodity office.[2]
Primar slender wheatgrass seed, 272 hundredweight.	$31.50 per 100 pounds. Available Portland CSS Commodity office.[2]
Rough pea, 54 hundredweight	$6.80 per 100 pounds. Available New Orleans CSS Commodity office.
Alfalfa seed, northern, 194,522 hundredweight.	$37.50 per 100 pounds. Available Portland, Chicago, Minneapolis, and Kansas City CSS Commodity offices.[2]
Alfalfa seed, central, 31,887 hundredweight.	$30 per 100 pounds. Available Portland, Dallas, and Kansas City CSS Commodity offices.[2]
Alfalfa seed (certified); Ranger, 84,170 hundredweight; Ladak, 8,107 hundredweight; Grimm, 5,210 hundredweight; Buffalo, 43,010 hundredweight; Atlantic, 6,156 hundredweight.	$43 per 100 pounds. All available in Portland and Kansas City; all but Buffalo and Atlantic in Minneapolis, and only Buffalo and Atlantic in Dallas CSS Commodity offices.[2]
Tall fescue seed (common), 1,000 hundredweight.	$21.50 per 100 pounds. Available Portland, Dallas, Kansas City, Chicago, and New Orleans CSS Commodity offices.[2]
Tall fescue seed (certified), 62,586 hundredweight.	$29 per 100 pounds. Available Portland, New Orleans, Dallas, and Minneapolis CSS Commodity offices.[2]
Large lima beans, bagged, 1952 crop, 316,300 hundredweight.[1]	$12.95 per 100 pounds for U. S. No. 1 basis California points of production. For other grades adjust by market differentials. Amount of paid-in freight to be added, as applicable. Available Portland CSS Commodity office.
Nonfat dry milk solids (in carload lots only), 365,000,000 pounds, Spray, 85,000,000 pounds, Roller.	Spray process, U. S. Extra Grade, 17 cents per pound. Roller process, U. S. Extra Grade, 15 cents per pound. Prices apply "in store" at location of stocks.[3]
Butter (creamery butter (in carload lots only), 270,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 68.75 cents per pound. New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico, 69.50 cents per pound. California, Oregon, and Washington, 69.75 per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Prices apply "in store" at location of stocks.[3]
Cheddar cheese cheddars, flats, twins and rindless blocks (standard moisture basis in carload lots only), 290,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 39 cents per pound. New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico, 40 cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. All prices are subject to usual adjustment for moisture content. Prices apply "in store" at location of stocks.[3]
Peanuts (farmers' stock), 1952 crop, 5,000 tons.	Bid basis, f. o. b. points of storage locations, subject to the terms and conditions of announcement CCC Peanut Form 40. In addition, farmers' stock peanuts from CCC stocks, including any 1953 crop peanuts acquired by calling loans, may be offered under separate announcement for domestic crushing subject to the terms and conditions of CCC Peanut Form 34. Available Dallas CSS Commodity office.

[1] These same lots also are available at export sales prices announced today.
[2] Prices will not be reduced during the period ending June 30, 1954.
[3] "In store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

(Sec. 407, 63 Stat. 1051)

Issued: March 15, 1954.

[SEAL] J. A. MCCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-1878; Filed, Mar. 17, 1954; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

BEEVILLE, TEXAS, AREA

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951, AS AMENDED

Upon a review of specific data presented to me, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951, as amended, exist in the

Beeville, Texas, Area: The area consists of all of Bee County, including the City of Beeville.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Dated: March 16, 1954.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

[F. R. Doc. 54-1961; Filed, Mar. 16, 1954; 4:17 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3201]

UTAH POWER & LIGHT CO.

ORDER AUTHORIZING ISSUE AND SALE AT COMPETITIVE BIDDING OF COMMON STOCK AND PRINCIPAL AMOUNT OF BONDS

MARCH 11, 1954.

Utah Power & Light Company ("Company"), a registered holding company which is also an operating utility company, having filed with this Commission a declaration and an amendment thereto pursuant to sections 7 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 thereunder with respect to the following proposed transactions:

The Company proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, (a) 200,000 shares of its Common Stock, without par or face value, and (b) $15,000,000 aggregate principal amount of First Mortgage Bonds, ... percent Series due 1984.

The interest rate on the Bonds (which shall be a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid for the Bonds (which shall be not less than the principal amount thereof and not more than 102¾ percent of such principal amount), as well as the price to be paid for the Stock, will be fixed by proposals to be invited by the Company, which will reserve the right to reject any or all proposals at or after the opening thereof. The Bonds will be issued under a Mortgage and Deed of Trust dated as of December 1, 1943 from the Company to Guaranty Trust Company of New York and Arthur

E. Burke, trustees, as heretofore supplemented and as further supplemented by a Ninth Supplemental Indenture to be dated as of May 1, 1954. Such Bonds will also be entitled to the benefit of the Indenture dated as of December 1, 1943 between the Company's subsidiary The Western Colorado Power Company and the aforesaid trustees.

Stating that it may desire to acquire not more than 5,000 shares of its Common Stock by purchases on the New York Stock Exchange or otherwise, on the morning of the day on which the bids for the purchase of the Stock are to be opened, for the purpose of facilitating the distribution and offering of said 200,000 shares of Common Stock, the Company requests permission to conduct such limited stabilizing operation. Any shares so acquired are to be purchased from the Company by the underwriters in addition to said 200,000 shares.

According to present schedule, the Company expects to sell said Stock in the latter part of March 1954 and said Bonds about two months later.

The proceeds accruing from the sale of said securities will be applied on the Company's current construction program and to pay off bank loans aggregating $10,000,000 heretofore made in connection therewith.

The issuance and sale of the Common Stock and Bonds as proposed have been expressly authorized by the Public Service Commission of Wyoming and by the Idaho Public Utilities Commission, which commissions, in the opinion of the Company's counsel, are the only state regulatory commissions having jurisdiction in the premises.

The Company estimates its aggregate expenses in connection with the stock financing at $35,000, including attorney's fees of $3,250, and in connection with the bond financing at $65,000, including attorneys' fees of $6,250. The fees of independent counsel to the underwriters, which will be paid by the successful bidders, are estimated at $3,000 for the stock financing and $6,000 for the bond financing.

The Company requests that the Commission's order herein be permitted to become effective forthwith upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1901; Filed, Mar. 17, 1954; 8:47 a. m.]

[File No. 70-3195]

INDIANA & MICHIGAN ELECTRIC CO. ET AL.

ORDER REGARDING MERGER OF TWO PUBLIC UTILITY SUBSIDIARIES OF A REGISTERED HOLDING COMPANY

In the matter of Indiana & Michigan Electric Company, Citizens Heat, Light and Power Company and American Gas and Electric Company; File No. 70-3195.

American Gas and Electric Company ("American Gas"), a registered holding company, and its public-utility subsidiaries, Indiana & Michigan Electric Company ("Indiana") and Citizens Heat, Light and Power Company ("Citizens") having filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly sections 6 (a), 7, 9, 10, 12 (d) and 12 (f) of the Act and Rules U-43, U-44, and U-45 of the rules and regulations promulgated thereunder regarding proposed transactions which are summarized as follows:

In general, the proposed transactions relate to a program involving the acquisition by Indiana of the assets of Citizens and the subsequent liquidation and dissolution of Citizens. It is proposed that the foregoing program will be effected through the consummation of the following transactions:

(1) Citizens will restate the provisions of its Articles of Incorporation to accept the provisions of the Indiana General Corporation Act of 1929 so as to clarify the legal steps to be taken to consummate the transfer of its assets to Indiana and its subsequent dissolution;

(2) Citizens will transfer all of its assets to Indiana and will cease rendering service to the public in Indiana;

(3) Indiana will acquire all of the assets of Citizens and will render service to the public in the area theretofore served by Citizens;

(4) Indiana will issue to Citizens 7,000 shares of Common Stock, without par value, of Indiana and will assume all liabilities, contingent or matured, of Citizens;

(5) Citizens will liquidate and dissolve and, in connection therewith, will transfer to American Gas the 7,000 shares of Common Stock, without par value, of Indiana theretofore received by Citizens; and

(6) American Gas will make a capital contribution to Indiana of the indebtedness of Citizens held by American Gas and assumed by Indiana in connection with the acquisition of the assets of Citizens.

Fees and expenses relating to the transactions are estimated as follows:

Fees and expenses of Counsel:	
Campbell, Livingston, Teeple & Dildine	$5,000.00
Burns, Hadsell & Mollison	1,250.00
Simpson Thacher & Bartlett	5,000.00
Federal issuance tax stamps re: issue of 7,000 shares of Indiana & Michigan Electric Co. common stock	840.00
Printing applications, articles of acceptance, etc	1,300.00
Fee payable to State of Indiana	161.00
Fee payable to State of Michigan	50.00
Travel, telephone, publication of notices, misc	500.00
Total	14,101.00

It is stated that the issuance by Indiana of its common stock to Citizens and the assumption by Indiana of the liabilities of Citizens have been authorized by an order of the Michigan Public Service Commission and that the sale by Citizens of its assets to Indiana, the acquisition thereof by Indiana, the issuance by Indiana, and acquisition by Citizens of the common stock of Indiana, the assumption by Indiana of the liabilities of Citizens and the transfer to American Gas of the common stock of Indiana have been authorized by an order of the Public Service Commission of Indiana. It is requested that the order of this Commission to be entered herein be made effective upon issuance.

Due notice having been given of the filing of said joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration as amended be granted and made effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1902; Filed, Mar. 17, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29008]

OPEN HEARTH BASIC SLAG FROM ENSLEY, ALA., TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Open hearth basic slag, ground, carloads.

From: Ensley, Ala.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, to maintain grouping, short or weak line carrier, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1221, supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1912; Filed, Mar. 17, 1954; 8:49 a. m.]

[No. 31474]

NEW JERSEY COMMUTATION FARES

NOTICE OF INVESTIGATION AND HEARING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of March A. D. 1954.

It appearing, that in Commutation Fares in C. F. A. and T. L. Territories, 284 I. C. C. 129 and 288 I. C. C. 117, the Commission authorized carriers subject to the Interstate Commerce Act, parties thereto, to make certain increases in interstate commutation passenger fares; and that increases under such authorization have ben made;

It further appearing, that a petition, dated February 5, 1954, has been filed on behalf of the Erie Railroad Company, Lehigh Valley Railroad Company, The New Jersey & New York Railroad Company (Peter Duryee, Trustee), and The Pennsylvania Railroad Company, common carriers by railroad operating to, from, and between points in the State of New Jersey, in interstate and intrastate commerce, averring that the refusal of the Board of Public Utility Commissioners of the State of New Jersey to authorize or permit petitioners to increase their New Jersey intrastate commutation passenger fares to the basis approved by this Commission in 284 I. C. C. 129 and 288 I. C. C. 117, causes and results in undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce on the other hand, and undue or unreasonable and unjust discrimination against interstate commerce, in violation of section 13 of the Interstate Commerce Act;

And it further appearing, that the said petition brings in issue passenger fares made or imposed by authority of the State of New Jersey, and that the State of New Jersey, and the Board of Public Utility Commissioners of that State filed a pleading dated February 26, 1954, containing an answer to the said petition, and asking that it be denied, or, in the alternative, that it be assigned for hearing; and for good cause appearing;

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted to determine whether the said intrastate commutation passenger fares made or imposed by the State of New Jersey, cause any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate commerce, on the other, or any undue, unreasonable or unjust discrimination against interstate commerce; and to determine what fares, if any, or what maximum or minimum, or maximum and minimum, fares shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That the Erie Railroad Company, Lehigh Valley Railroad Company, The New Jersey & New York Railroad Company (Peter Duryee, Trustee), and The Pennsylvania Railroad Company be, and they are hereby, made respondents to this proceeding, that a copy of this order be served upon said respondents; and that the State of New Jersey be notified of this proceeding by sending copies of this order by registered mail to the Governor of said State and to the Board of Public Utility Commissioners at Trenton, N. J.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1920; Filed, Mar. 17, 1954; 8:50 a. m.]

[4th Sec. Application 29009]

SCRAP OR WASTE PAPER FROM NEW ORLEANS, LA., TO MIDDLETOWN, OHIO

APPLICATION FOR RELIEF

MARCH 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap or waste paper, carloads.

From: New Orleans, La.

To: Middletown, Ohio.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1377, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1913; Filed, Mar. 17, 1954; 8:49 a. m.]

[4th Sec. Application 29010]

SCRAP IRON AND STEEL FROM SOUTHERN TERRITORY TO HUNTINGTON, W. VA., AND ASHLAND, KY.

APPLICATION FOR RELIEF

MARCH 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap iron or steel, carloads.

From: Points in southern territory.

To: Huntington, W. Va., and Ashland, Ky.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1329, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1914; Filed, Mar. 17, 1954; 8:49 a. m.]

[4th Sec. Application 29011]

FERTILIZERS FROM FARRINGTON, PLYMOUTH AND SWARTZ, N. C., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

MARCH 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Farrington, Plymouth and Swartz, N. C.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, to maintain grouping, to apply rates constructed on the basis of the short line distance formula, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1915; Filed, Mar. 17, 1954; 8:50 a. m.]

[4th Sec. Application 29012]

BLACKS, DRY, FROM PONCA CITY, OKLA., TO LOWER MISSISSIPPI RIVER CROSSINGS

APPLICATION FOR RELIEF

MARCH 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Blacks, dry, carloads.

From: Ponca City, Okla.

To: Vicksburg, Natchez, Miss., Baton Rouge, and New Orleans, La.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3744, supp. 134.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1916; Filed, Mar. 17, 1954; 8:50 a. m.]

[4th Sec. Application 29013]

BRICK FROM OSKALOOSA, IOWA, TO MINNESOTA, AND NORTH DAKOTA

APPLICATION FOR RELIEF

MARCH 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Brick and related articles, also drain tile, carloads.

From: Oskaloosa, Iowa.

To: Points in Minnesota and North Dakota.

Grounds for relief: Rail competition, circuity, market competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Chicago, Rock Island and Pacific Railroad Co., I. C. C. No. C-13468, supp. 5; Minneapolis & St. Louis Railway Co., I. C. C. No. B-12, supp. 88; Great Northern Railway Co., I. C. C. No. A-8051, supp. 243.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1917; Filed, Mar. 17, 1954; 8:50 a. m.]

[4th Sec. Application 29014]

FERTILIZERS FROM LUMBERTON, N. C., TO ILLINOIS AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

MARCH 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent F. C. Kratzmeir's tariff I. C. C. No. 1366, pursuant to fourth-section order No. 16101.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Lumberton, N. C.

To: Points in Illinois and official territories.

Grounds for relief: Competition with rail carriers, circuity, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1918; Filed, Mar. 17, 1954; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 54

Washington, Friday, March 19, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10521

ADMINISTRATION OF SCIENTIFIC RESEARCH BY AGENCIES OF THE FEDERAL GOVERNMENT

WHEREAS the security and welfare of the United States depend increasingly upon the advancement of knowledge in the sciences; and

WHEREAS useful applications of science to defense, humanitarian, and other purposes in the Nation require a strong foundation in basic scientific knowledge and trained scientific manpower; and

WHEREAS the administration of Federal scientific research programs affecting institutions of learning must be consistent with the preservation of the strength, vitality, and independence of higher education in the United States; and

WHEREAS, in order to conserve fiscal and manpower resources, it is necessary that Federal scientific research programs be administered with all practicable efficiency and economy; and

WHEREAS the National Science Foundation has been established by law for the purpose, among others, of developing and encouraging the pursuit of an appropriate and effective national policy for the promotion of basic research and education in the sciences:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. The National Science Foundation (hereinafter referred to as the Foundation) shall from time to time recommend to the President policies for the Federal Government which will strengthen the national scientific effort and furnish guidance toward defining the responsibilities of the Federal Government in the conduct and support of scientific research.

SEC. 2. The Foundation shall continue to make comprehensive studies and recommendations regarding the Nation's scientific research effort and its resources for scientific activities, including facilities and scientific personnel, and its foreseeable scientific needs, with particular attention to the extent of the Federal Government's activities and the resulting effects upon trained scientific personnel. In making such studies, the Foundation shall make full use of existing sources of information and research facilities within the Federal Government.

SEC. 3. The Foundation, in concert with each Federal agency concerned, shall review the scientific research programs and activities of the Federal Government in order, among other purposes, to formulate methods for strengthening the administration of such programs and activities by the responsible agencies, and to study areas of basic research where gaps or undesirable overlapping of support may exist, and shall recommend to the heads of agencies concerning the support given to basic research.

SEC. 4. As now or hereafter authorized or permitted by law, the Foundation shall be increasingly responsible for providing support by the Federal Government for general-purpose basic research through contracts and grants. The conduct and support by other Federal agencies of basic research in areas which are closely related to their missions is recognized as important and desirable, especially in response to current national needs, and shall continue.

SEC. 5. The Foundation, in consultation with educational institutions, the heads of Federal agencies, and the Commissioner of Education of the Department of Health, Education, and Welfare, shall study the effects upon educational institutions of Federal policies and administration of contracts and grants for scientific research and development, and shall recommend policies and procedures which will promote the attainment of general national research objectives and realization of the research needs of Federal agencies while safeguarding the strength and independence of the Nation's institutions of learning.

SEC. 6. The head of each Federal agency engaged in scientific research shall make certain that effective executive, organizational, and fiscal practices exist to ensure (a) that the Foundation is consulted on policies concerning the support of basic research, (b) that approved scientific research programs conducted by the agency are reviewed continuously in order to preserve priorities in research efforts and to adjust programs to meet changing conditions

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FEDERAL REGISTER

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Previously announced: Title 18 ($0.45); Title 25 ($0.45); Title 49: Parts 1 to 70 ($0.60); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Wheat Bulletin A, Rev., Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 WHEAT PRICE SUPPORT PROGRAM

DEFINITIONS

The following amendments to Wheat Bulletin A, Revised, are made in order to incorporate the changes in the definition of wheat acreage made by amendment to the regulations pertaining to farm acreage allotments for the 1954 crop of wheat. The amended definition of wheat acreage excludes in all counties any acreage seeded to wheat which is turned under, pastured off, or cut for hay or silage while still green.

Previously, such acreage was excluded only in certain designated counties and the determination as to whether the wheat acreage exceeded the farm acreage allotment in all other counties was based on planted acreage. Since any overplanted acreage may now be handled in such a manner, a producer who unknowingly overplanted and who is notified of the number of excess acres determined by measurement in time to follow such a practice, must do so in order to be eligible for price support on the wheat produced within his farm acreage allotment.

Section 421.428, (b) and (c) are hereby amended as follows:

§ 421.428 *Definitions.* • • •

(b) *Farm acreage allotment.* Means that wheat acreage allotment (including limitations with respect to any class or subclass of wheat) established for the farm under 7 CFR 728.410 to 728.424 (18 F. R. 3161), and any amendments thereto.

(c) *Wheat acreage.* (1) Wheat acreage means (i) any acreage seeded to wheat, excluding any acreage (*a*) seeded to a wheat mixture in wheat mixture counties approved by the Director of the Grain Division, CSS, or (*b*) which does not reach maturity because it is, while still green, turned under, pastured off, or cut for hay or silage, and (ii) any acreage of volunteer (self-seeded) wheat which reaches maturity.

(2) Acreage seeded to wheat will not be considered as an acreage of wheat for the farm to the extent that (i) it has been totally destroyed by any cause beyond the control of the producer and cannot be reseeded and (ii) an additional acreage of wheat subsequently seeded with prior approval of the county committee, or an acreage of volunteer wheat, with approval of the county committee, or both, is substituted for the destroyed acreage.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 401, 408, 63 Stat. 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1421, 1428)

Done at Washington, D. C., this 15th day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–1985; Filed, Mar. 18, 1954; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 1]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

REQUIREMENTS AND QUOTAS FOR 1954

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1954, and to establish, pursuant to section 202 of the act, sugar quotas for the supplying areas in terms of short tons of sugar, raw value (formerly Part 813), equal to the quantity determined by the Secretary of Agriculture to be needed in 1954.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1954 is necessary. The purpose of

RESEARCH AND DEVELOPMENT

PRESIDENT'S DIRECTIVE

WHEREAS the Congress has declared that the national welfare requires that the Federal Government initiate and support scientific research in fields of importance to the nation; and

WHEREAS the Congress has established the National Science Foundation to promote the progress of science and to advance the national health, prosperity, and welfare; and

WHEREAS the Congress has directed the Foundation to initiate and support basic scientific research in the mathematical, physical, medical, biological, engineering, and other sciences; and

WHEREAS the Congress has directed the Foundation to evaluate the scientific research programs undertaken by agencies of the Federal Government, to plan a central clearinghouse for the collection and dissemination of scientific information, and to undertake such other activities as will effectively promote scientific research and development; and

WHEREAS the Congress has directed the Foundation to maintain a register of scientific and technical personnel and to undertake special studies of the relationship between the supply and demand for such personnel; and

WHEREAS the Congress has directed the Foundation to initiate and support specific scientific activities in connection with matters relating to the national defense; and

WHEREAS the Congress has directed the Foundation to initiate and support scientific research on the mathematical, physical, medical, biological, engineering, and other aspects of weather and the causes and effects of weather modification; and

WHEREAS the Congress has directed the Foundation to initiate and support a program of basic scientific research and education in the mathematical, physical, medical, biological, engineering, and other sciences, including the social sciences, in order to develop and maintain the full potential of the nation for scientific research; and

WHEREAS the Congress has directed the Foundation to foster the interchange of scientific information among scientists in the United States and foreign countries; and

WHEREAS the Congress has directed the Foundation to foster and support the development and use of computers and other scientific methods and technologies, primarily for research and education in the sciences; and

WHEREAS the Congress has directed the Foundation to grant scholarships and graduate fellowships in the mathematical, physical, medical, biological, engineering, and other sciences, including the social sciences, in order to increase the number of persons trained in science and technology and to support such other activities as will effectively promote the development and maintenance of scientific research and education; and

WHEREAS the Congress has directed the Foundation to appraise the impact upon the welfare of the nation, its full employment policies, and its competitive position in the world of discoveries in the sciences and technology and of various proposals for the improvement and coordination of the national research effort for the development of technology; and

WHEREAS the Congress has directed the Foundation to undertake such other activities as will effectively promote scientific research and development; and

WHEREAS the Congress has directed the Foundation to submit annually a report of its activities, its expenditures, and such recommendations for additional legislation as it deems necessary to carry out its purposes

this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act and give effect to the revised determination.

After providing for quotas in specific amounts for domestic sugar producing areas and the Republic of the Philippines, section 202 of the act provides that the difference between the sum of such quotas and total requirements shall be prorated to foreign countries other than the Republic of the Philippines on the basis of stated percentages. Thus, the statute states specifically how quotas are to be revised when there is a change in sugar requirements. Furthermore, in order to make available the additional sugar authorized by this amendement to meet current demand at stable prices and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

Accordingly, §§ 811.60, 811.62, 811.64 (b) and 811.65 of Sugar Regulation 811 (18 F. R. 8257) are amended to read as hereinafter set forth.

1. Section 811.60 is amended to read:

§ 811.60 *Sugar requirements, 1954.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1954 is hereby determined to be 8,200,000 short tons, raw value.

2. Section 811.62 is amended to read:

§ 811.62 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1954 the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Republic of the Philippines	974,000
Cuba	2,670,720
Other foreign countries	111,280

3. Paragraph (b) of § 811.64 is amended to read:

§ 811.64 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* • • •

(b) *Basic prorations.* The 1954 quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Country:	*Proration in short tons, raw value*
Dominican Republic	27,634
El Salvador	4,140
Haiti	2,674
Mexico	11,458
Nicaragua	7,832
Peru	51,978
Unspecified countries	5,564
Total	111,280

4. Paragraph (b) of § 811.65 is amended to read:

§ 811.65 *Direct-consumption portion of quotas or prorations.* • • •

(b) *Other areas.* (1) Pursuant to subsections (d), (e) and (h) of section 207 of the act, the quotas established in § 811.62 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	*Direct-consumption sugar, short tons, raw value*
Republic of the Philippines	59,920
Cuba	375,000
Other foreign countries	37,835

(2) Notwithstanding the foregoing limitation, the following listed countries may enter within the limits of the prorations established in § 811.64 a minimum quantity of sugar for direct consumption equal to the quantities listed below for each such country:

Country:	*Direct-consumption sugar, pounds, raw value*
Canada	7,552
Colombia	857
Costa Rica	2,169
Dominican Republic	2,400,958
El Salvador	4,041,686
Haiti	376,163
Hong Kong	42,987
Mexico	1,287,589
Nicaragua	9,059,531
Peru	4,377,617
United Kingdom	144,490

BASIS AND CONSIDERATIONS

Sugar requirements. On December 14, 1953, it was determined that total sugar quotas of 8,000,000 short tons, raw value, would be required in 1954. It was anticipated that the 1954 consumption of sugar would approximate 8,400,000 tons. The allowance of 400,000 tons was made because of stockpiling during late 1953 and to establish stable prices at levels required by the Sugar Act.

It now appears that stockpiling attributable to sales by beet processors charged to the 1953 quota but physically delivered in 1954, and heavy buying in the eastern area resulting from fears of a strike by longshoremen, approached a total of 200,000 short tons, raw value. This heavy distribution late in the year reduced refiners' year-end stocks of quota sugar but adjustments in refiners' year-end stocks are not a market factor at this time. The net effect of the December action was, therefore, to withhold 200,000 tons for the purpose of supporting the market during the period when it tends to develop a seasonal weakness.

Ordinarily consumer demand is low in the winter and early spring months and rises to a peak during the summer. To date in 1954 approximately 100,000 tons less sugar has been distributed than in the corresponding period of 1953. It appears probable, therefore, that consumers are reducing their inventories and that the coming seasonal increase in the use of sugar will be substantially reflected in concurrent distribution. In terms of supply the harvesting season in the Caribbean area, reaching its peak in March or early April, tends to result in a heavy selling pressure early in the year.

The supply and demand factors prevailing during this time of the year frequently result in seasonal weakness in price. Although prices declined in late 1953, recently both spot prices for raw sugar and prices for refined sugar have increased and futures prices for raw sugar for the more distant months show premiums over those for nearby months. These market developments indicate that in establishing the total of the quotas an allowance is not now needed to assure a level of price consistent with the objectives of the Sugar Act. Accordingly, the total of the sugar quotas (sugar requirements) for 1954 is established at 8,200,000 short tons, raw value.

Quotas. To give effect to the increase in sugar requirements the quotas for Cuba and foreign countries other than Cuba and the Republic of the Philippines have been increased by the amendments made herein to §§ 811.62, 811.64 (b) and 811.65 (b). In § 811.65 (b) the designation "China and Hong Kong" has been changed to "Hong Kong" inasmuch as Hong Kong was the source of all entries upon which the quantity set opposite this designation is based. In the same paragraph the quantity for Mexico has been changed to correct the computation of this quantity from entries for direct consumption in the years 1948, 1949 and 1950.

(Sec. 403, 61 Stat. 932, as amended, 7 U. S. C. Sup. 1153. Interpret or apply secs. 202, 204, 207, 208, 209, 210 and 212, 61 Stat. 924, 925, 927, 928, as amended, 929; 7 U. S. C. Sup. 1112, 1114, 1117, 1118, 1120, 1122)

Done at Washington, D. C., this 16th day of March 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-1986; Filed, Mar. 18, 1954; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 60]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.103 *Amber civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Pueblo, Colo. (LFR)	Colorado Springs, Colo. (ILS/LOM).	8,000
Colorado Springs, Colo. (ILS/LOM).	Denver, Colo. (LFR)	8,900

2. Section 610.214 *Red civil airway No. 14* is amended to eliminate:

From—	To—	Minimum altitude
Lanesville (INT), Ky	Godman AFB, Ky. (LF/RBN).	2,000
Godman AFB, Ky. (LF/RBN).	Upton (INT), Ky.	2,100

3. Section 610.284 *Red civil airway No. 84* is amended to read in part:

From—	To—	Minimum altitude
Meridian, Miss. (LFR)	Marion (INT), Ala.	2,000
Marion (INT), Ala.	Montgomery, Ala. (LFR) (Maxwell AFB).	1,500

4. Section 610.662 *Blue civil airway No. 62* is amended to read in part:

From—	To—	Minimum altitude
Flint, Mich. (LF/RBN)	Saginaw, Mich. (LF/RBN).	2,100

5. Section 610.1001 *Direct routes—United States* is amended by adding:

From—	To—	Minimum altitude
Bair (INT), Mo.[1]	Kansas City, Kans., ILS localizer (southbound).	2,500

[1] 4,500'—Minimum reception altitude.

6. Section 610.6003 *VOR civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Kensington (INT), Md.	Lisbon (INT), Md.	[1] 3,000
Lisbon (INT), Md.	Parkton (INT), Md.	[2] 3,000
Parkton (INT), Md.	West Chester, Pa. (VOR).	[2] 3,000

[1] 2,000'—Minimum terrain clearance altitude.
[2] 2,500'—Minimum terrain clearance altitude.

7. Section 610.6016 *VOR civil airway No. 16* is amended to read in part:

From—	To—	Minimum altitude
Montebello, Va. (VOR)	Gordonsville, Va. (VOR).[1]	6,000

[1] 3,000'—Minimum crossing altitude at Gordonsville (VOR), westbound.

8. Section 610.6018 *VOR civil airway No. 18* is amended to read in part:

From—	To—	Minimum altitude
Jackson, Miss. (LFR), dir. or S. alter.	Meridian, Miss. (LFR), dir. or S. alter.	2,000

9. Section 610.6039 *VOR civil airway No. 39* is amended to read in part:

From—	To—	Minimum altitude
Gordonsville, Va. (VOR).[1]	Herndon, Va. (VOR).	3,000

[1] 3,000'—Minimum crossing altitude at Gordonsville (VOR), northeast-bound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective March 23, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1933; Filed, Mar. 18, 1954; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—ARMY RESERVE

APPOINTMENT OF PROFESSIONAL AND TECHNICAL PERSONNEL

In § 561.20, paragraph (f) (6) is amended as follows:

§ 561.20 *Appointment of professional and technical personnel.* • • •

(f) *Special requirements.* • • •

(6) The Department of the Army will consider on an individual basis requests for waiver of age, education, and/or experience. Request for waivers will be forwarded to The Adjutant General, Department of the Army, Washington 25, D. C., ATTN: AGPR-A.

• • • • • •

[C 3, SR 140-105-8, March 1, 1954] (Sec. 251, 66 Stat. 495)

WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-1956; Filed, Mar. 18, 1954; 8:50 a. m.]

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 889—CIVILIAN PERSONNEL SECURITY PROGRAM

The caption of Part 889 is changed to read as set forth above. Regulations contained in §§ 889.1 to 889.11 (15 F. R. 658; 32 CFR Part 889) are revised as follows:

GENERAL PROVISIONS

Sec.
889.1 General policy statement.
889.2 Definitions.
889.3 Responsibilities.
889.4 Establishment of boards.

STANDARD AND CRITERIA

889.5 Standard.
889.6 Criteria for application of standard.

SENSITIVE POSITIONS AND INVESTIGATIONS FOR EMPLOYMENT

889.7 Designation of sensitive positions.
889.8 Investigative requirements for applicants.
889.9 Investigative requirements for employees.
889.10 Review of reports of investigation of applicants.
889.11 Referral of possible derogatory information.

PROCESSING OF CASES

889.12 Initial action by Director of Special Investigations.
889.13 Action by commanders.
889.14 Action by Central Security Board.
889.15 Proceedings by the hearing boards.
889.16 Conduct of hearings.
889.17 Hearing board findings and recommendations.
889.18 Security Review Board action.
889.19 Notice to employee.
889.20 Release of information.

RESIGNATIONS AND REIMBURSEMENT OF [illegible]

889.21 Resignation policy.
889.22 Reimbursement of employees.

AUTHORITY: §§ 889.1 to 889.22 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 1, 64 Stat. 476, sec. 9A, 53 Stat. 1148, Pub. Law 179, 83d Cong.; 5 U. S. C. 22-1, 116; E. O. 10450, Apr. 27, 1953, 18 F. R. 2489.

DERIVATION: AFR 40-12.

§ 889.1 *General policy statement.* (a) No civilian will be employed for, assigned to, or retained in any position in the Air Force Establishment if such employment, assignment, or retention is not clearly consistent with the interests of the national security.

(b) Established national policies, founded upon statutes of the United States and Executive Orders of the President, require exclusion and removal from Federal employment of individuals who are unfit for employment for security reasons. Public Law 733, 81st Congress (sec. 1, 64 Stat. 476, 5 U. S. C. 22-1) authorizes the Secretary of the Air Force to suspend summarily without pay any civilian officer or employee when he deems such suspension necessary in the interest of national security, and to terminate the employment of such officer or employee if he determines such termi-

nation is necessary or advisable in the interest of national security. Section 9 (a) of the Hatch Act (sec. 9A, 53 Stat. 1148; 5 U. S. C. 118j) makes it unlawful for any employee whose compensation is paid from funds authorized or appropriated by Congress to have membership in any political party or organization which advocates the overthrow of our constitutional form of Government in the United States. That section also provides that any person violating its provisions shall be removed immediately from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position shall be used to pay the compensation of such person. The current appropriation act applicable to the Air Force (Pub. Law 179, 83d Cong.) prohibits payment of funds appropriated by Congress to any employee who advocates or who is a member of an organization that advocates overthrow of the Government of the United States by force or violence. Executive Order 10450 (18 F. R. 2489) provides that the interests of the national security require that all persons privileged to be employed in the Air Force shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States. Executive Order 10450 requires an effective program to insure that the employment or retention in employment of any civilian officer or employee is clearly consistent with the interests of the national security. It also provides that any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with Public Law 733, 81st Congress, or pursuant to Executive Order 9835 (12 F. R. 1935; 3 CFR, 1947 Supp.), or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which findings shall be made a part of the records of such department or agency; and that no person whose employment has been terminated under such authority may be employed thereafter by any other department or agency except after a determination by the Civil Service Commission that such person is eligible for such employment.

(c) It is the policy of the Air Force that every possible safeguard will be provided to insure that no employee of the Air Force is removed from his employment arbitrarily or without full consideration and review of his case. No employee having a permanent or indefinite appointment who has completed his probationary or trial period and who is a citizen of the United States will be removed from his employment without an opportunity for a full and impartial hearing. Other individuals covered by this part may be afforded such a hearing at the discretion of the Central Security Board. It will, however, be the policy of the Board to grant such a hearing in all such cases except where the national security would otherwise be immediately affected.

(d) Security determinations will be made pursuant to the standard and criteria set forth in §§ 889.5 and 889.6. Such determinations, however, cannot be made in the abstract nor can general rules be laid down which will resolve individual cases automatically. In each case consideration should be given first to whether an individual is a suitable Air Force employee in his regularly assigned position. Where it is determined that an individual is not disqualified on security grounds for employment by the Department in any capacity, consideration should be directed to his fitness to hold the particular position to which he is assigned. The habits, activities, attitudes, associations, trustworthiness, reliability, and discretion of the individual involved are all relevant to the question of whether, because of his access to Air Force installations, information or material by virtue of his employment in the position involved, he might, either intentionally or inadvertently, disclose to unauthorized persons classified security information or other information, the disclosure of which is prohibited by law, or otherwise act against the security interests of the United States. In making this determination, the nature of the regularly assigned or official position involved (as distinguished from any position to which an employee may have been temporarily detailed as an interim security measure, and the opportunity afforded to the occupant of such position to have access (authorized or unauthorized) to security information, or to act to the detriment of national security, must be evaluated together with the information available to the Air Force and a common-sense decision rendered as to the ultimate question in each case.

(e) The suspension and removal procedures provided for in this part are based on the authority granted by Public Law 733, 81st Congress, and their use will be limited to cases in which the interests of national security are involved. These procedures will be used to supplement, not to substitute for, applicable civilian personnel removal procedures which will be used as appropriate where national security is not a consideration.

§ 889.2 *Definitions*—(a) *Alien.* As used in this part, the term "alien" means any individual not a citizen of the United States.

(b) *Continental United States.* As used in this part, the term "Continental United States" means the forty-eight States and the District of Columbia.

(c) *National security.* As used in this part, the term "national security" relates to the protection and preservation of the military, economic, and productive strength of the United States, including the security of the Government in domestic and foreign affairs, against or from espionage, sabotage, and subversion, and any and all other illegal acts designed to weaken or destroy the United States.

(d) *United States.* As used in this part in a geographical sense, the term "United States" includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

§ 889.3 *Responsibilities.* In carrying out the objectives and requirements of the security program, the following responsibilities are assigned:

(a) Over-all supervision and responsibility for the program are vested in the Assistant Secretary of the Air Force (Management).

(b) The Deputy Chief of Staff, Personnel, through the Director of Civilian Personnel, is responsible for the general administration of the program and for the continuing appraisal of the adequacy of the program from the standpoint of effective personnel administration.

(c) The Inspector General, Department of the Air Force, is responsible for the continuing appraisal of the adequacy of the program from the standpoint of effective security protection.

(d) Each commander is responsible for taking the action necessary to carry out the policies prescribed in this part, for taking action, as prescribed in this part, for the processing of all security cases involving civilian officers and employees under his command and for providing appropriate support for Security Hearing Boards convened at his installation as prescribed in this part.

§ 889.4 *Establishment of boards.* (a) The Central Loyalty-Security Board, established in the Department of the Air Force, is redesignated the Central Security Board. It will make initial adjudications and prepare charges, when required, in all security cases referred to it in accordance with this part, or by the Secretary of the Air Force. The Board will be composed of at least three members appointed by order of the Secretary of the Air Force. One will be selected by the Deputy Inspector General, Headquarters USAF, from activities under his jurisdiction, one from the Office of the Director of Civilian Personnel, and one from either the Office of the General Counsel or the Office of The Judge Advocate General of the Air Force. One of the members will be appointed to serve as chairman. Any three members of the Board will constitute a quorum

(b) The Loyalty-Security Hearing Boards established at each Air Force activity outside the Continental United States, except those in Alaska, Canal Zone, Hawaii, Puerto Rico, and Virgin Islands, which maintains a central civilian personnel office are redesignated Security Hearing Boards. Each Board will hear and consider all security cases which are referred to it by the Central Security Board. Each Security Hearing Board will be composed of at least three members. Any three or more members of each Board will constitute a quorum, provided a majority of those present are civilians. The commander of the Air Force activity will nominate the members of the Board for confirmation and appointment by order of the Secretary of the Air Force, and will designate a chairman as required from among the members so appointed. The commander is responsible for taking the steps required on his part sufficiently far in advance so that a Board, appointed in accordance with the provisions of this part is available at all times.

(c) Other Security Hearing Boards to hear and consider cases involving civilian personnel of Air Force activities within the Continental Unitel States, Alaska, Canal Zone, Hawaii, Puerto Rico, and Virgin Islands, will be established by the Secretary of the Air Force in appropriate areas.

(d) The Security Review Board is established in the Office of the Secretary of the Air Force to review all security cases submitted to it in accordance with this part and make recommendations thereon to the Secretary. The Board will be composed of members appointed by the Secretary of the Air Force.

(e) The Director of Civilian Personnel will provide an Executive Secretary, Civilian Personnel Security Program, and a Secretariat. The Executive Secretary will perform such administrative duties as are directed by the Secretary of the Air Force, or by the Boards.

STANDARD AND CRITERIA

§ 889.5 *Standard.* The standard for the refusal of employment or the removal from employment in the interests of the national security shall be that, based on all the available information, it is determined that employment or retention in employment of the person concerned is not clearly consistent with the interests of the national security.

§ 889.6 *Criteria for application of standard.* (a) Information regarding an applicant for employment, or an employee, which may preclude a finding that his employment or retention is clearly consistent with the interests of the national security, shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the employment to the national security:

(i) Any behavior, activities or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications, or omission of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(iv) An adjudication of insanity, or treatment for serious mental or neurological disorder without satisfactory evidence of cure.

(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security. Among matters which should be considered in this category would be the presence of a spouse, parent, brother, sister, or offspring in a nation, a satellite thereof, or an occupied area thereof, whose interests might be inimical to the United States.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of Government of the United States by unconstitutional means.

(5) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of Government of the United States by unconstitutional means.

(6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(8) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a Congressional committee regarding charges of his alleged disloyalty or other misconduct.

(9) Participation in the activities of an organization established as a front for an organization referred to in subparagraph (5) of this paragraph when his personal views were sympathetic to the subversive purposes of such organization.

(10) Participation in the activities of an organization with knowledge that it had been infiltrated by members of subversive groups under circumstances indicating that the individual was a part of or sympathetic to the infiltrating element or sympathetic to its purposes.

(11) Participation in the activities of an organization, referred to in subparagraph (5) of this paragraph, in a capacity where he should reasonably have had knowledge of the subversive aims or purposes of the organization.

(12) Sympathetic association with a member or members of an organization referred to in subparagraph (5) of this paragraph (ordinarily this will not include chance or occasional meetings, nor contacts limited to normal business or official relations).

(13) Currently maintaining a close continuing association with a person who has engaged in activities or associations of the type referred to in subparagraphs (2) through (11) of this paragraph. A close continuing association may be deemed to exist if the individual lives at the same premises as, frequently visits, or frequently communicates with such person.

(14) Close continuing association of the type described in subparagraph (13) of this paragraph, even though later separated by distance, if the circumstances indicate that renewal of the association is probable.

(15) Willful violation or disregard of security regulations.

(b) In regard to paragraph (a) (5) of this section, the Attorney General of the United States has advised the Civil Service Commission in substance that membership in, affiliation with, or sympathetic association with any organization designated by him pursuant to Executive Order 10450 is but one of the factors by which a department or agency shall reach its security determination. In regard to paragraphs (a) (9) and (10) of this section, the Attorney General has also advised in substance that mere membership, affiliation, or association with an organization not designated by him should not be considered a relevant factor in making the security determination unless the department or agency first obtains and makes available to the adjudicating authorities the Attorney General's views as to the nature of the organization. In evaluating memberships, affiliations, or associations with organizations, consideration will be given to the employee's statements of his reasons for joining and his knowledge of the purposes of the organization.

(c) The activities and associations listed in paragraph (a) of this section are of varying degrees of seriousness. Therefore, the ultimate determination of whether employment or retention in employment is clearly consistent with the interests of national security must be an overall common-sense one based on all available information.

SENSITIVE POSITIONS AND INVESTIGATIONS FOR EMPLOYMENT

§ 889.7 *Designation of sensitive positions.* (a) A "sensitive position" is any position within the Air Force the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security.

(b) Sensitive positions will include the following:

(1) Any position which involves responsibility for the:

(i) Development or approval of war plans.

(ii) Development or approval of plans or particulars of future major or special operations of war.

(iii) Development or approval of critical and extremely important items of war.

(iv) Development or approval of policies and programs which affect the overall operations of the Department of Defense or the Department of the Air Force.

(2) Any position, the duties of which involve:

(i) Access to Top Secret security information or material.

(ii) Access to classified cryptographic systems or equipment.

(iii) Responsibility for granting personnel security clearances or otherwise passing upon persons officially against whom information exists which indicates that the employment of such persons may not be clearly consistent with the interests of the national security.

(3) Any position, duties of which:

(i) Involve access to Confidential or Secret security information or material.

(ii) Involve performance of functions in connection with the Department of the Air Force program for the information, education, and orientation of personnel, including the training of other individuals for the performance of such functions.

(iii) Involve responsibility for the development of public relations programs or authorizing the release of information to the public.

(iv) Require that an individual work within an office, shop, laboratory or other similar location where classified work is in progress or where important materiel is processed or stored, and the duties would actually afford the individual a real opportunity to commit acts of espionage or sabotage with respect to such work or materiel which in and of themselves would have a material adverse effect on the national security. (Note: The use in this paragraph of the term "national security" is intended to constitute a limitation on the number and types of positions to be designated as sensitive positions. Many Air Force activities do not have such sensitive positions. A position may be designated as a sensitive position under this paragraph only if the possible acts of espionage or sabotage would actually have a material adverse effect on the national security as defined in § 889.2.)

(c) Each commander of a unit down to and including a group or comparable unit is responsible for designating as sensitive positions such specific civilian positions within his headquarters, unit or other activity as fall within the provisions of paragraph (b) of this section. He will require that each position designated as sensitive be reviewed periodically and will cancel its designation as a sensitive position if the duties do not warrant its retention in that category.

§ 889.8 *Investigative requirements for applicants*—(a) *General.* The appointment of each civilian officer or employee in the Air Force will be made subject to investigation. However, certain investigative action will be completed prior to appointment as required in paragraph (f) of this section.

(b) *Minimum requirements.* As a minimum requirement, an investigation after employment will be made of each individual, except as otherwise indicated in paragraphs (d), (e) and (f) of this section, consisting of the following:

(1) A national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation).

(2) Written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation.

(c) *Background Investigation.* A Background Investigation, which is at least equal to a full field investigation as referred to in Executive Order 10450, is required for the following persons (for aliens outside the United States, see paragraph (e) of this section):

(1) United States citizens appointed to a sensitive position referred to in § 889.7 (b) (1) and (2).

(2) Aliens in the United States appointed to a sensitive position referred to in § 889.7 (b) (1), (2) and (3) (i).

(d) *Temporary and seasonal employees.* (1) The appointment of a United States citizen or an alien in the United States to a nonsensitive position in which he will serve in a temporary or seasonal status will be subject to an investigation consistent with the circumstances and the duties involved, as determined by the commander concerned, but normally not in excess of a check of references and local agencies. Persons referred to in this paragraph include "Consultants," "Purchase Hire" employees, "Force Account" employees, and any other individuals who will serve in a temporary or seasonal status for a period not in excess of three months. Persons appointed to a nonsensitive position to serve for a period in excess of three months will be subjected to the investigation referred to in paragraph (b) (1) and (2) of this section.

(2) A national agency check and written inquiry is required for United States citizens and aliens in the United States appointed to a sensitive position referred to in § 889.7 (b) (3), except as otherwise indicated in subparagraph (3) of this paragraph for aliens.

(3) A Background Investigation is required for United States citizens and aliens in the United States who are appointed to a sensitive position referred to in § 889.7 (b) (1) and (2). A Background Investigation is also required for aliens in the United States who are appointed to a sensitive position referred to in § 889.7 (b) (3) (i).

(e) *Aliens outside the United States*—(1) *Nonsensitive positions.* (i) Except as otherwise indicated in subdivision (ii) of this subparagraph, an investigation will be made of each alien employed in a nonsensitive position within an activity located outside the United States consisting of such of the following as may be feasible in the circumstances:

(*a*) A check of the national investigative agencies of the foreign Government.

(*b*) A check of appropriate local law enforcement agencies at the place or places where the individual resides or has resided for the past five years.

(*c*) A check of references, former employers, and supervisors.

(*d*) A check of schools attended by the person under investigation.

(ii) Aliens referred to in subdivision (i) of this subparagraph may be appointed to nonsensitive positions in which they will serve in a temporary or seasonal status for a period not in excess of three months subject to the same investigative requirements as are prescribed in paragraph (d) (1) of this section for persons employed in the United States.

(2) *Sensitive positions.* In no circumstance will an alien outside the United States be appointed to a sensitive position referred to in § 889.7 (b) (1) and (2). When appointment to any other sensitive position is specifically authorized, or appointment to a position involving access to information classified Restricted is authorized, as much of a Background Investigation as is feasible will be made of the individual involved in addition to a check of the national investigative agencies of the foreign Government.

(f) *Preappointment investigations*—(1) *Sensitive position (§ 889.7 (b) (2)).* A sensitive position referred to in § 889.7 (b) (1) will not be filled prior to completion of a Background Investigation of the applicant: *Provided*, That in case of emergency, as determined by the commander responsible for designating the position sensitive (or higher authority in the same chain of command), such position may be filled for a limited period by a person with respect to whom only a National Agency Check has been conducted pending completion of a Background Investigation, if the commander or other authority referred to above finds that such action is necessary in the interests of national defense, which finding will be made a part of the records of the appointing installation.

(2) *Sensitive position (§ 889.7 (b) (2) and (3)).* Except as otherwise required in subparagraph (3) of this paragraph for aliens outside the United States, a sensitive position referred to in § 889.7 (b) (2) and (3) will not be filled prior to completion with satisfactory results of a National Agency Check of the applicant, pending completion of written inquiries or a Background Investigation if one is required by paragraph (c) of this section: *Provided*, That in case of emergency, as determined by the commander responsible for designating the position sensitive (or higher authority in the same chain of command), such position may be filled for a limited period by a person with respect to whom a National Agency Check has not been completed if the commander or other authority referred to above finds that such action is necessary in the interests of national defense, which finding will be made a part of the records of the appointing installation.

(3) *Aliens outside the United States.* When appointment of an alien outside the United States to a sensitive position refered to in § 889.7 (b) (3) is authorized, such appointment will not be made in any circumstances prior to completion with satisfactory results of the investigation prescribed in paragraph (e) (1) (i) of this section, pending completion of a background-type investigation.

(g) *Extension of investigations.* Should there develop at any stage of an investigation information indicating that the employment of the person involved may not be clearly consistent with the interests of the national security, the investigation will be extended as necessary for making a determination as to whether appointment or retention of such person is clearly consistent with the interests of the national security. However, if an alien located outside the United States is involved, the investigation will be subject to such limitations as may be imposed by the foreign government concerned.

§ 889.9 *Investigative requirements for employees*—(a) *General.* Except as prescribed hereinafter, the initiation of investigations of employees currently occupying or reassigned to positions in the Air Force is not required under the provisions of this part.

(b) *United States citizens*—(1) *Sensitive positions (§ 889.7 (b) (1) and (2)).* (i) A background investigation with satisfactory results is required for a United States citizen currently occupying or reassigned to a sensitive position referred to in § 889.7 (b) (1) and (2). However, an incumbent of such a position may continue to occupy the position pending completion of a background investigation if one has not already been conducted. Employees to be reassigned to such a position will be subject to the applicable investigative requirements of § 889.8 (f) if a background investigation has not already been conducted except as authorized in subdivision (ii) of this subparagraph.

(ii) An employee eligible for a final or interim clearance for access to Top Secret security information under the provisions of Air Force Regulation 205–6 may be reassigned to a sensitive position referred to in § 889.7 (b) (2) pending completion of a background investigation if one has not already been conducted.

(2) *Sensitive position (§ 889.7 (b) (3)).* (i) A National Agency Check with satisfactory results is required for a United States citizen currently occupying or reassigned to a sensitive position referred to in § 889.7 (b) (3). However, an incumbent of such a position may continue to occupy the position pending completion of a National Agency Check if one has not already been conducted. Employees to be reassigned to such a position will be subject to the applicable investigative requirements of § 889.8 (f) (less written inquiries) if such requirements have had already been met, except as authorized in subdivision (ii) of this subparagraph.

(ii) An employee eligible for a final or interim clearance for access to Secret security information under the provisions of Air Force Regulation 205–6 may be reassigned to a sensitive position referred to in § 889.7 (b) (3) pending completion of investigative action required in § 889.8 (f) (less written inquiries).

(c) *Alien employees in the United States.* A background investigation with satisfactory results is required of an alien in the United States who is currently occupying or reassigned to a sensitive position referred to in § 889.7 (b) (1), (2), and (3) (i). A National Agency Check is required for such aliens who are currently occupying or are reassigned to other sensitive positions. However, an incumbent may continue to occupy the position referred to pending completion of the prescribed investigation if one has not already been conducted. If reassignment to a sensitive position is to be made, the pertinent provisions of § 889.8 will apply.

(d) *Alien employees outside the United States.* Alien employees outside the United States will be subject to the investigative requirements prescribed in § 889.8 for applicants. However, they may continue to occupy a position to which appointment is authorized pending completion of necessary investigations.

(e) *Additional investigation.* Such additional investigations as are required in accordance with paragraphs (b) (c) and (d) of this section will be requested as soon as practicable by commanders concerned.

§ 889.10 *Review of reports of investigation of applicants.* Commanders concerned will take action as prescribed in this section upon receipt of reports of investigation of applicants. (The provisions of §§ 889.12 to 889.20 apply with regard to reports of investigations which contain derogatory information relating to employees, including persons appointed to positions pending completion of investigative action.)

(a) *Nonderogatory reports.* If information relating to matter enumerated in § 889.6 (a) is not contained in the report, and sufficient investigative action has been completed to accord with the applicable provisions of § 889.8, the individual may be appointed to the position involved.

(b) *Derogatory reports.* (1) If derogatory information relating to the criteria stated in § 889.6 (a) is contained in the report, and the commander concerned is of the opinion that the employment of the applicant in the position involved would not be clearly consistent with the interests of the national security, the commander will not appoint the applicant to such position.

(2) If, notwithstanding the presence of such derogatory information in the report, the commander concerned is of the opinion that the employment of the individual in the position involved would be clearly consistent with the interests of the national security, the commander:

(i) May appoint the individual to the position if it is a nonsensitive position, provided that he is eligible for such appointment under the provisions of other applicable regulations;

(ii) Will not appoint the individual to the position if it is a sensitive position unless the case is processed in accordance with §§ 889.12 to 889.20.

(c) *Disposition of derogatory reports.* Irrespective of the action taken by the commander under this section, reports of investigation containing derogatory information relating to matter enumerated in § 889.6 (a) will be forwarded to the Executive Secretary, Central Security Board, together with a statement by the commander as to the action taken in the particular case. Where an individual has been appointed to a position under the provisions of this section, the commander will include in his statement the position title and organizational location and a detailed description of the duties which the employee is required to perform in the position.

§ 889.11 *Referral of possible derogatory information.* (a) Executive Order 10450 requires that whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information will be forwarded to the head of the employing department or agency or his representative. Such information as may become known to commanders within the Air Force will be furnished promptly to the appropriate Office of Special Investigations, which will be responsible for forwarding the information to the appropriate representative within the department or agency concerned.

(b) In cases referred to the Air Force, other than reports of investigation, the commander concerned will forward the information to the Office of Special Investigations for necessary investigative action. The reports of investigation will be forwarded to the commander concerned in accordance with § 89.12, and the case will be processed in accordance with all other applicable provisions of §§ 889.12 to 889.20.

PROCESSING OF CASES

§ 889.12 *Initial action by Director of Special Investigations.* Reports of investigation which contain information relating to matter enumerated in § 889.6 (a) will be delivered to the Director of Special Investigations, Office of The Inspector General, Department of the Air Force, who will transmit the complete file direct to the installation commander for action under this part. At the same time the Director of Special Investigations will forward a copy of the entire file concerning any employee to the Central Security Board. The Director of Special Investigations will recommend that the Central Security Board direct the immediate suspension of an employee before forwarding the file to the installation commander if, in his opinion, such suspension is necessary in the interest of national security.

§ 889.13 *Action by commanders.* (a) Upon receipt of an investigative file or other information of a derogatory nature reflecting upon an employee's fitness from a security standpoint, the commander will determine whether, in his opinion, the retention of the employee in his regularly assigned position is clearly consistent with the interests of the national security in the light of the standard and criteria set forth in §§ 889.5 and 889.6.

(b) If in the opinion of the commander, the employee's continued employment may not be clearly consistent with the interests of national security, the commander may, subject to the provisions of paragraphs (c) and (d) of this section and only when there is no other practicable method of protecting the security of the installation or of classified security information suspend the employment of the person involved in accordance with paragraph (e) of this section.

(c) Under no circumstances will an employee be suspended under authority provided in this part pending further investigation when the available information indicates that retention in a duty status during such investigation would not be likely to have a material adverse effect on the security of the activity or of classified security information or material, or on mere suspicion, or for disciplinary reasons which can be appropriately handled under some other authority. Interim action other than suspension will be used to the fullest practicable extent. Examples of action which may be appropriate are: temporary removal from the employee's position of those duties which involve access to classified security information, detail of the employee to another position or to other duties, or placing the employee on annual leave.

(d) To avoid unwarranted or premature suspensions and to insure the orderly processing of cases, the commander, wherever possible, will consult by telephone directly with the Executive Secretary before taking suspension action.

(e) Whenever the employee is suspended, notice of suspension will be given on SF 50, which will state under "Remarks" only, "Immediate suspension is necessary in the interest of national security under authority of Public Law 733, 81st Congress, pending adjudication of your case under AFR 40–12", and will be given to the employee in person. Information contained in the investigative file will not be disclosed to the employee. The employee will be furnished a copy of AFR 40-12, and will be advised that he will receive a statement of charges or other instructions from the Central Security Board.

§ 889.14 *Action by Central Security Board.* (a) The Central Security Board will review the case in the light of the standard and criteria set forth in §§ 889.5 and 889.6, and will determine whether the reported information warrants a finding favorable to the individual, further investigation, or further processing with a view to possible removal action. It may, in appropriate cases, recommend other administrative action such as initiation of removal proceedings under other applicable directives instead of under this part.

(b) The Central Security Board, either on its own motion, or on the recommendation of the Director of Special Investigations or the commander of the employing activity, may direct the suspension of an employee under Public Law 733, 81st Congress, if it deems such action necessary in the interest of national security. If suspension has already been effected, the Board will review such action to determine whether the employee should be restored to duty. In making its determination, the Board will take into consideration: (1) The necessity for providing maximum protection to the security of the employing activity or of classified security information or material, (2) the fact that an unwarranted or premature suspension may result in needless effort or embarrassment on the part of the employee of the Air Force, (3) those requirements of Public Law 733, 81st Congress, which provide that a suspended employee will be given a written statement, within 30 days after his suspension, of the charges against him which will be subject to amendment within 30 days thereafter, and which will be stated as specifically as security considerations permit, (4) the instruction in § 889.13 (c), that commanders take interim action other than suspension whenever practicable, (5) the responsibility of the Board to insure that the file and the reported information are as complete as is reasonably practicable before it directs suspension of the employee, issues charges, or takes its final action in the case.

(c) If the Central Security Board finds favorably to the employee, it will prepare its findings in accordance with § 889.17 (d) (2) and (3), and will recommend to the Secretary of the Air Force that action favorable to the employee be taken. Upon approval of such favorable finding, the commander of the employing activity will be so notified. Wherever appropriate, the notice will state that it constitutes the employee's personnel security clearance for access to the specific category of classified security information necessary for his regularly assigned position and to no other information. The commander will make an appropriate notation in the employee's official personnel folder based upon the instructions in the letter.

(d) If the Central Security Board determines that the reported information does not warrant a finding favorable to the individual, it may issue interrogatories to him, request further investigation, or prepare a notice of proposed removal action and statement of charges. The statement of charges will set forth the reasons for initiating the proposed removal action in as great detail as, in the opinion of the Board, security considerations permit in order to provide the employee with sufficient information to prepare his defense. The notice will inform the employee (1) of his right within 30 calendar days from the date of his receipt of the notice (plus an additional 30 days in the event amended charges are issued) to answer the charges in writing under oath or affirmation, together with such statements, affidavits, or other documentary evidence as he may desire to submit by way of defense, (2) of his right to an administrative hearing on the charges before a designated Security Hearing Board upon his request, if one is authorized by law or by the Central Security Board, and (3) when appropriate, of his right to appear before the Security Hearing Board personally, to be represented by counsel or a representative of his own choosing, if he desires, and to present evidence in his own behalf. The notice will state the work and pay status in which he will be carried during the notice period and until notification of the action in the case. The notice will also inform the employee that the proposed removal will not become effective in less than 30 calendar days from the date he receives the notice, and it will state the authority under which the notice is sent.

(e) The Central Security Board will forward the notice and statement of charges direct to the commander of the employing activity and will forward a copy of both, together with the complete file of the case to the designated Security Hearing Board. The Central Security Board normally will instruct the commander to suspend the employee without pay at the time he has the notice and statement of charges delivered to him. The commander will have the notice of proposed removal action and statement of charges delivered to the employee in person, and will obtain a signed receipt therefor; if personal delivery is not practicable, the notice will be sent to the employee by registered mail with a request for a return receipt signed "by addressee only." The signed receipt will be forwarded direct to the designated Security Hearing Board for inclusion in the complete file of the case.

§ 889.15 *Proceedings by the Hearing Board.* (a) Following delivery to the employee of the notice of proposed removal and statement of charges, the designated Security Hearing Board will proceed as follows with respect to cases referred to it:

(1) If the employee does not request a hearing within the time specified in the notice of proposed removal action, the entire file, including any answer to other material submitted by the employee, will be returned to the Executive Secretary for action in accordance with § 889.18.

(2) If the employee requests a hearing within the time specified, the Board will set a time and place for the hearing and will notify the employee thereof regardless of whether the employee submitted a formal reply in writing. The hearing will be held as soon as practicable allowing the employee a reasonable length of time to obtain witnesses if desired.

(b) Each individual case file referred to a Hearing Board will be studied, prior to the hearing, by each Board member who is to participate in the hearing and in the determination of the case. In this way, Board members will be able to conduct the hearing in an intelligent manner by being informed in advance of the facts giving rise to the case, and thereby become aware of those areas of doubt which will require exploration and explanation at the hearing. However, it must be borne in mind constantly when studying the file prior to the hearing that the investigative reports, statement of charges, and other information in the file may represent only one side of the case, and that the employee has not, as yet, introduced his entire defense. Board members should not form any premature conclusions as to the eventual determination of the case.

(c) When the employee requests the assistance of the Board in securing the attendance of witnesses, or when in the opinion of the Board the testimony of persons not confidential informants might be helpful, the Board may invite such witnesses or persons to appear and testify, may endeavor to take their depositions, or may ask them to answer written interrogatories or to submit written statements. All Boards are instructed to invite, in all cases whenever practicable, every witness who (1) is personally identified in the investigative file, (2) has given the investigative agency pertinent information adverse to the employee, and (3) has not expressly indicated his unwillingness to appear at the hearing and to testify in the employee's presence and to subject himself to cross-examination. Invitations should be extended in a suitable manner, a reasonable time in advance of the hearing, if possible, so as to afford witnesses an opportunity to attend. Invitations should state the time and place the hearing will be held and that the Board cannot pay witness fees or reimbursement for travel or other expenses. However, the Board will not be bound by the testimony of such witnesses by reason of having called them. Reasonable cross-examination of witnesses by the Board, by the employee, or by his counsel or representative, will be permitted. The refusal of such witnesses to cooperate with the Board will be taken into consideration in determining the probative value of any information attributed to them in the file.

§ 889.16 *Conduct of hearings.* (a) Hearings are designed to accomplish two major purposes: (1) To permit the employee to present evidence in his behalf and (2) to give the Board an oportunity to consider all available information and make searching inquiry to aid in reaching a fair and impartial determination. Accordingly, such hearings are not to be conducted with the formality of a court proceeding. Rather, the hearings will be conducted as administrative inquiries held for the purpose of affording the employee an opportunity to be heard and to permit the Board to inquire fully into the matters related to the particular case.

(b) Hearings will be conducted in an orderly manner, with dignity and decorum. They may be attended only by the members of the Board participating in the hearing, the employee and his counsel or representative, the legal advisor, other Government personnel authorized by the chairman, and such witnesses as the Government or the employee desires to introduce. The employee and his counsel or representative will be permitted to be present throughout the hearing. Usually a witness may be present only when he is actually testifying.

(c) The Board may consider any information either oral or written which, in the minds of reasonable men, is of probative value to determine the issue involved. Strict rules of evidence will not be followed, but reasonable bounds with respect to relevancy, materiality, and competency will be maintained. Every reasonable effort will be made to obtain the best information available. Hearsay matter may be admitted without regard to technical rules of admissibility and accorded such weight as the circumstances warrant.

(d) Whenever practicable, the Executive Secretary will arrange to have a legal advisor present at the hearing to represent the Assistant Secretary of the Air Force (Management), to furnish legal advice to the Board, and to assist it in making certain that the record is as complete and adequate as possible. The legal advisor may interrogate all witnesses who appear before the Board, including the employee if he chooses to testify. In the event the employee appears without counsel, the legal advisor will advise him of his rights and assist him with respect to procedure. No function performed by the legal advisor, however, will relieve the Board of its responsibility for insuring that the record is complete, that the employee is advised of his rights, and that all pertinent information both favorable and unfavorable to the employee, is considered. The legal advisor is in no sense a prosecutor and he will not conduct himself as such. In the discretion of the Board, the legal advisor may attend executive sessions of the Board but he will not attend the executive session at which the Board arrives at its final findings and recommendation.

(e) Hearings will be called to order by the chairman who will make an opening statement substantially as follows:

> The Security Hearing Board of (name of activity) appointed by order of the Secretary of the Air Force in accordance with Air Force Regulation 40–12, is now ready to proceed with the hearing in the case of (name employee). This is not a court of law and strict rules of evidence and court procedure are not followed. This is an administrative hearing held for the purpose of affording you an opportunity to be heard and to permit the Board to inquire fully into the matters related to your case. You have the right to participate in this hearing and to be represented by counsel or other representative and to present witnesses in your behalf. You can assist the Board in arriving at a fair and just determination in your case by giving full and frank answers to all questions the Board may have and by confining your attention to matters related to your case. The transcript to be made of this hearing will not include all material in the file of the case, in that it will not include reports of investigation. Neither will it contain classified security information, information concerning the identity of confidential informants, or information which will reveal the source of confidential information.

Wherever appropriate, after a careful review of the case in the light of paragraph (h) of this section, the Chairman will include the following sentence in the opening statement:

> However, you are hereby informed that security considerations in this case do not prohibit informing you fully of the relevant information against you and accordingly the substance of all the relevant information against you which has been referred to the Board for its consideration has been made available to you, or will be made available during the course of this hearing. You will be furnished a copy of the transcript to be made of this hearing if you request it.

(f) Following the opening statement, the Chairman will read the statement of charges (and interrogatories issued to the employee if any) and inform the employee that if he so desires he may make any statement he wishes and introduce any witnesses in his behalf. Statements by the employee and all testimony of witnesses must be made under oath or affirmation administered by the Chairman in the following manner:

> Do you, (name of employee or witness) solemnly (swear) (affirm) that the testimony you are about to give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth (so help you God)?

(g) Subsequent to the employee's statement, if any, and the introduction of such witnesses as he may desire, the hearing will proceed as directed by the Board. The Board may recess the hearing at any time and meet in executive session. During an executive session the Board may call the reporter to review any portion of the record of the hearing and may obtain technical assistance as desired from such persons as the legal adviser or a security officer. No transcript of an executive session will be made as such session is not considered a part of the hearing.

(h) Boards are directed to conduct proceedings in such manner as to protect from disclosure classified security information or information tending to compromise investigative sources or methods. While the Board's questions should cover all grounds for proposed removal and should be designed to give employees the fullest possible opportunity consistent with security considerations to explain or refute derogatory information contained in the investigative reports, it is imperative that proposed lines of questioning be considered carefully in the light of security principles. (See § 889.20.) It is particularly important that security considerations be considered before the employee is notified, in accordance with paragraph (e) of this section, that he has been, or will be, informed of the substance of all the relevant information against him. In any case where doubt exists as to the propriety of a question or the advisability of revealing certain information, advice should be obtained, preferably in advance of the hearing. However, no information which does not appear in the statement of charges or which has been excluded from the hearing but which is relevant to the charges against the employee will be used as a basis for terminating his employment unless it has been excluded from the statement of charges and the hearing for valid security reasons, or unless it has been revealed to the employee during the adjudication process in such a manner that his ability to present a defense thereto has not been prejudiced.

(i) In each case, the Board should insure that the case file contains detailed information concerning the employee's regularly assigned position, and the opportunity afforded the occupant of the position to act to the detriment of the national security.

(j) Before the Board adjourns the hearing it should ask the employee or his counsel whether he desires additional time to secure and present evidence to the Board. Any period up to 30 days is permissible, but the employee should be urged to present his evidence as soon as possible. Usually the evidence will be in affidavit or documentary form.

(k) A verbatim stenographic transcript will be made of the hearing (prepared in quadriplicate) by qualified reporters and the transcript will be made

a permanent part of the record in each case. The transcript will include a copy of the statement of charges and interrogatories issued to the employee, if any. No other transcript will be made.

(l) The employee will be furnished a copy of the transcript without cost if he, or his counsel or representative, requests it. The Board will review the copy of the transcript to be given to the employee, before releasing it to him, to insure that it contains no classified security information. Advice on such matters should be requested from the appropriate Air Force security officer when deemed desirable. Deletions will be made only when required by security considerations, and a notation will be made on all copies retained by the Air Force of the portions which were deleted from the copy furnished the employee.

(m) If the employee or his counsel or representative desires to submit corrections in the transcript to the Board, he will note the corrections on a separate statement, designating the page and line. The statement of corrections must be filed within the time set by the Board. The Board will determine what corrections are allowable and will inform the employee thereof. It will enter upon the transcript by marginal notation the corrections which are allowed, and will enter on the statement filed by the employee, his counsel or representative, the corrections which are rejected. The statement filed by the employee, his counsel or representative, will be made a part of the original transcript so that it may be a permanent part of the complete file. The Board in its discretion may call upon the employee, his counsel or his representative, for a discussion of the corrections prior to its determination thereon. Corrections will be allowed solely for the purpose of conforming the transcript to the actual testimony, except as to matters deleted for security reasons as provided in paragraph (l) of this section.

§ 889.17 *Hearing Board findings and recommendations.* (a) As soon as practicable after the close of the hearing, the Hearing Board will meet in executive session for the purpose of arriving at its findings and recommendation. The Board will consider the complete file, including the original file, the transcript of testimony at the hearing, any brief submitted by the employee or by his counsel or representative, and all other relevant material.

(b) The Board will take into consideration the fact that the employee may have been handicapped in his defense by the nondisclosure to him of classified security information or by the lack of opportunity to cross-examine persons constituting sources of information, and will weigh derogatory information carefully in the light of its recency, relative seriousness, attendant circumstances, whether it was given under oath, whether it is relevant to the charges specified, whether the employee has had an opportunity to rebut it, and whether there is similar or supporting information.

(c) The Board will make its findings and recommendation in writing, which will be signed by all members of the Board voting for them. Dissenting opinions may be submitted.

(d) The findings will include:

(1) A finding with respect to each of the allegations set forth in the statement of charges and an analysis of the information and a detailed statement of the reasoning upon which each finding is based. Even though the Board finds that each of the allegations in the statement of charges is true, it need not recommend removal of the employee.

(2) Any other statement which may be helpful to the reviewing authorities.

(3) A finding in the following form:

> Based on all the available information, it is found that the employment or retention in employment of (name of employee) (is) (is not) clearly consistent with the interests of the national security.

This finding will be supported by an analysis of the information and a detailed statement of the reasoning upon which the finding is based.

(e) If the Board finds that the employee's employment is clearly consistent with the interests of the national security, it will recommend that he be restored to his regularly assigned position. If it finds adversely to the employee, it may find further, on the basis of the criteria set forth in § 889.6, that the employee's employment would be clearly consistent with the national security if he were reassigned from his regularly assigned position to a non-sensitive position, and the Board may recommend such reassignment, if it has determined, after consultation with the commander, that a suitable vacancy exists and that the commander concurs in the reassignment. Commanders should positively assure themselves that a suitable vacancy under applicable Civil Service Commission and civilian personnel directives in fact does exist within their area of responsibility prior to concurring in such reassignment. The commander's concurrence will be made a matter of record and included in the file. In other cases, the Board will recommend that the employee's employment be terminated.

(f) The Hearing Board will transmit the complete file directly to the Executive Secretary, Civilian Personnel Security Program. The complete file consists of all reports of investigation or other inquiry, all charges and interrogatories, all transcripts of hearings and exhibits, all memoranda analyzing the evidence or setting forth conclusions, findings, recommendations, determinations, decisions, or other action in the case, and all affidavits, supporting documents, correspondence or memoranda in connection with the investigation and processing of the case.

(g) Upon receipt of the case from the Hearing Board, the Executive Secretary will review the file for completeness and will transmit it to the Security Review Board.

§ 889.18 *Action by Security Review Board.* The Security Review Board will review the file to determine the regularity of the procedures followed, and to determine whether the information supports the findings and recommendation of the Hearing Board. It will consider any additional written evidence or brief submitted by the employee or his counsel or representative. It is authorized to take action necessary to correct any irregularities in the proceedings, and to obtain additional information pertinent to the resolution of issues in the case by remanding the case to the Hearing Board for further action, by requesting further investigation, by obtaining depositions, and otherwise. After the Security Review Board has made its findings and recommendation, it will submit the entire file to the Office of the Secretary of the Air Force for decision.

§ 899.19 *Notice to employee.* The Executive Secretary will notify the employee through the commander of the employing activity of the decision in the case. He will also notify the commander of the action to be taken in the case. Wherever appropriate, the notice will include personnel security clearance authority as prescribed in § 889.14 (c).

§ 889.20 *Release of information.* All Government personnel, including all members of the Boards, will comply with applicable directives pertaining to the safeguarding of classified security information and the handling of investigative reports. No classified security information or any information which might compromise investigative sources, investigative methods, or the identity of confidential informants will be disclosed to any officer or employee whose case is being considered in this program or to his counsel or representative, or to any other person not requiring such information in the performance of his official duties. No information concerning the status of any security case will be disclosed to any person outside the Department of the Air Force or to any other person not requiring the information in the course of his official military or other governmental duties unless approved by the Executive Secretary.

RESIGNATIONS AND REIMBURSEMENT OF EMPLOYEES

§ 889.21 *Resignation policy.* Any employee whose case is being processed under this part may resign at any time. However, if he resigns after he has been suspended, or after he has received an interrogatory or a letter of charges from the Central Security Board, or after he has been informed in some other way that proceedings under this part are pending against him, the SF 50 effecting the resignation will bear the notation, "Resigned while action pending to adjudicate security case under Public Law 733, 81st Congress." In all other cases, the SF 50 will contain only the routine data, and no mention will be made thereon of the pending security case. If the employee resigns, the entire case file will be forwarded without further action to the Central Security Board for appropriate disposition.

§ 889.22 *Reimbursement of employees.* The commander of the Air Force activity concerned usually will be instructed to pay to any employee whose employment is suspended or terminated pursuant to Public Law 733, 81st Congress, and who is later reinstated or restored to duty, compensation for the period of the suspension or termination in an amount equal to the difference between the amount such employee would normally have earned during the period of such suspension or termination at the rate he was receiving on the date of his suspension or termination and his interim net earnings. However, no employee will be compensated for any extension of the period of suspension or termination caused by the employee's voluntary action and not the result of action by the Air Force in suspending or terminating his employment.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-1932; Filed, Mar. 18, 1954; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order V-3]

DMO V-3—POLICY REGARDING SURPLUS MATERIALS ACQUIRED UNDER THE DEFENSE PRODUCTION ACT

1. Under Title III of the Defense Production Act the Government has undertaken to expand the supply of various strategic and critical materials in order to meet the needs of current defense and non-defense production, to provide materials for the national stockpile and to contribute to the mobilization base. To a large extent these objectives have been met or have proceeded sufficiently to permit the removal of virtually all controls over the use or distribution of materials in civilian markets. In the planning and operation of these materials expansion programs, the rate of expansion for particular materials has necessarily been guided by the need for developing quickly an adequate defense materials position. And this, in turn has required forecasts of factors affecting supply and consumption for several years in advance.

For the most part, the increased production from these expansion programs has been readily absorbed by the combined needs of Government and industry. In a few cases, however, the Government has acquired supplies of materials that are surplus to the immediate needs of both. The purpose of this order is to establish a policy for dealing with surplus materials that have been acquired under the Defense Production Act or may be acquired in the future.

2. It is the objective of the Office of Defense Mobilization to make certain that surplus materials acquired by the Government under expansion program contracts do not produce serious adverse market effects or otherwise create major problems for industry. To accomplish this objective, the policy of the Office of Defense Mobilization is declared to be:

a. Within the limits of those portions of the stockpile objectives not on hand or on order, surplus stockpile materials acquired under the expansion programs of the Defense Production Act will be set aside for procurement for the national stockpile.

In addition, stockpile materials acquired under Defense Production Act programs will be held and earmarked against those portions of stockpile objectives on order but not delivered until such delivery is made. At that time they will be handled in accordance with paragraphs b, c, and d below.

b. In each case where surplus materials are acquired by the Government under the Defense Production Act, full consideration will be given to the Defense Production Act Amendments of 1953. These amendments provide that materials acquired under expansion programs "which in the judgment of the President, are excess to the needs of programs under this act, shall be transferred to the national stockpile established pursuant to the act of June 7, 1939, as amended (50 U. S. C. 98–98h), when the President deems such action to be in the public interest."

c. Where the stockpile objective has been completed and it is determined that the public interest will not be served by transfer to the national stockpile of a surplus acquired under an expansion program, the surplus will be held by the Government for eventual disposal. However, such disposal will not be made, either in whole or in part, without clear indication that such action will not have a serious adverse effect upon market prices or create major market fears or uncertainties, and without the prior approval of the President or an official specifically designated by him.

d. Generally where the sale of surplus materials acquired under the Defense Production Act is undertaken and the quantity is substantial in relation to annual market consumption, such disposal will be made only after public announcement, well in advance of disposal, of (a) the total quantity to be sold, (b) the markets in which the material will be offered, (c) the minimum market price or prices that must prevail at the time of sale, and (d) the maximum amounts that will be offered for sale in each calendar quarter or other appropriate period.

3. This order will be effective immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-2033; Filed, Mar. 18, 1954; 11:18 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 74—INTERNATIONAL MONEY ORDER SERVICE

FEES

Section 74.4 *Fees* is amended to read as follows:

§ 74.4 *Fees.* Fees for money orders drawn on the international form for payment in foreign countries are as follows:

For orders from:	
$0.01 to $5	$0.20
$5.01 to $10	.30
$10.01 to $50	.50
$50.01 to $100	.70

(R. S. 161, 396, 4206; Sec. 1, 25 Stat. 654, Secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 712)

The foregoing amendment is effective April 1, 1954.

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-1943; Filed, Mar. 18, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

HANDLING OF MILK IN TULSA-MUSKOGEE, OKLAHOMA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Tulsa, Oklahoma, on November 17–18, 1953, pursuant to notice thereof which was issued on November 13, 1953 (18 F. R. 7195).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 15, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on February 18, 1954 (19 F. R. 945).

The material issues, findings and conclusions, and general findings of the recommended decision (19 F. R. 945; Doc. 54–1158) are hereby approved and adopted by this decision as if set forth in full herein.

Ruling on exceptions. Within the period reserved therefor, exceptions were filed to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, such exceptions were carefully and fully considered

in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

Determination of representative period. The month of January 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such amending order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Tulsa-Muskogee, Oklahoma, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Tulsa-Muskogee, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 16th day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Tulsa-Muskogee, Oklahoma, Marketing Area

§ 906.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

1. Delete § 906.80 (c) and substitute therefor the following:

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative, each handler shall (i) pay to the cooperative association on or before the 13th and 27th day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer, (ii) submit to the cooperative association on or before the 10th day of each month written information which shows for each such member-producer (*a*) the total pounds of milk received during the preceding month, (*b*) the total pounds of butterfat contained in such milk, (*c*) the number of days on which milk was received, (*d*) for the months of April through June, the amount of base and excess milk received, and (*e*) the amounts withheld by the handler in payment for supplies sold, and (iii) submit to the cooperative association on or before the 25th day of each month written information which shows for each such member-producer the total pounds of milk received during the first 15 days of the current month. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

[F. R. Doc. 54-1983; Filed, Mar. 18, 1954; 8:55 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 914]

[Docket No. AO 245-A 1]

HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held on December 9, 1953, at Los Angeles California, after notice thereof published in the FEDERAL REGISTER (18 F. R. 7539), on proposed amendments to Marketing Agreement No. 117, and Order No. 14 (7 CFR Part 914; 18 F. R. 5638), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of navel oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

On the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 18, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 54-1239; 19 F. R. 1043). No exception to said recommended decision was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 54-1239; 19 F. R. 1043) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

Amendments to the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement Regulating the Handling of Navel Oranges Grown in Arizona and Designated Part of California" and "Order Amending the Order Regulating the Handling of Navel Oranges Grown in Arizona and Designated Part of California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid amendments shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Determination of representative period. The period beginning November 1, 1953, and ending July 15, 1953, both dates inclusive, is hereby determined to be a representative period for ascertaining whether the issuance of the order amending the order regulating the handling of navel oranges grown in Arizona and designated part of California, is approved or favored by producers who, during such period, have been engaged in the production of navel oranges within such area.

It is hereby ordered, That all of this decision, except the attached agreement amending the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the marketing agreement are identical with those contained in the attached order which will be published with this decision.

Done at Washington, D. C., this 16th day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Navel Oranges Grown in Arizona and Designated Part of California

§ 914.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held on December 9, 1953, at Los Angeles, California, upon proposed amendments to Marketing Agreement No. 117 and Order No. 14 (7 CFR Part 914) regulating the handling of navel oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of navel oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as hereby amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The said order, as hereby amended, prescribes such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of such oranges; and

(5) All handling of navel oranges, as defined herein, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of navel oranges grown in Arizona and designated part of California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as hereby amended as follows:

1. Delete the first sentence in § 914.20 *Establishment and membership* and insert, in lieu thereof, the following: "There is hereby established a Navel Orange Administrative Committee consisting of eleven members; for each of whom there shall be an alternate member who shall have the same qualifications as the member for whom each is an alternate."

2. Revise the provisions of § 914.22 *Nominations* so that such section shall read as follows:

§ 914.22 *Nominations.* (a) The time and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization, or the growers affiliated therewith, which handled more than 50 percent of the total volume of oranges during the fiscal year in which nominations for members and alternate members of the committee are submitted shall nominate three grower members, three alternate grower members, two handler members, and two alternate handler members of the committee.

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate two grower members, two alternate grower members, one handler member, and one alternate handler member.

(d) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate one grower member, one alternate grower member, one handler member, and one alternate handler member.

(e) When voting for nominees, each grower shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. The votes of cooperative marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of oranges handled during the fiscal year in which such nominations are made.

(f) The members of the committee selected by the Secretary pursuant to § 914.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate a member and an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization.

3. Revise the provisions of § 914.23 *Selection* so that such section shall read as follows:

§ 914.23 *Selection.* From the nominations made pursuant to § 914.22 (b) or from other qualified growers and handlers, the Secretary shall select three grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to § 914.22 (c) or from other qualified growers and handlers, the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 914.22 (d) or from other qualified growers and handlers, the Secretary shall select one grower member of the committee and an alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 914.22 (f) or from other qualified persons, the Secretary shall select one member of the committee and an alternate to such member.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

4. Immediately preceding the period at the end of the first sentence in § 914.26 *Vacancies* insert the following: "or from other qualified persons".

5. Delete the word "and" appearing at the end of paragraph (l) of § 914.29 *Duties* and insert the word "and" at the end of paragraph (m) of such section after changing the period to a semicolon.

6. Add after paragraph (m) of § 914.29 a new paragraph (n) as follows:

(n) with the approval of the Secretary, to reapportion the number of grower members or handler members on the Navel Orange Administrative Committee who are nominated pursuant to paragraphs (c) and (d) of § 914.22. Any such reapportionment shall be based, insofar as practicable, upon the proportionate amount of navel oranges handled by the respective types of marketing organizations: *Provided*, That each of the grower groups described in paragraphs (c) and (d) of § 914.22 shall be entitled to nominate at least one grower member and one handler member together with their respective alternates.

7. Delete paragraph (g) in § 914.53 *Prorate bases* and insert, in lieu thereof, the following:

(g) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute, with respect to each prorate district, the total quantity of oranges available for current shipment by each person who has applied for a prorate base and for allotments. On the basis of such computation, the committee shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of oranges available for current shipment in the particular prorate district by each applicant and the total quantity of oranges available for current shipment in such district by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each person and shall notify each such person of the prorate base fixed for him.

8. Delete paragraph (h) in § 914.53.

9. Delete § 914.54 *Allotments* and insert, in lieu thereof, the following:

§ 914.54 *Allotments.* Whenever the Secretary has fixed the quantity of oranges which may be handled during any week in a prorate district, the committee shall calculate the quantity of oranges which may be handled by each such person during such week. The said quantity shall be the allotment of such person and shall be in an amount equivalent to the product of the prorate base of such person and the total quantity of oranges grown in such prorate district and fixed by the Secretary as the total quantity of oranges which may be handled during such week. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this part.

[F. R. Doc. 54-1984; Filed, Mar. 18, 1954; 8:55 a. m.]

[7 CFR Part 932]

[Docket No. AO-33-A21]

HANDLING OF MILK IN FORT WAYNE, INDIANA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Fort Wayne, Indiana, on February 15, 1954 pursuant to notice thereof which was issued on January 27, 1954 (19 F. R. 535).

The material issues of record related to almost all the substantive provisions of the order, including marketing area, classification and pricing, and the pooling and other features involving the distribution of returns to producers.

This decision will consider only the issues relating to proposals for the separate classification and pricing of milk utilized for the manufacture of butter. The proposals were identified as numbers 1, 2, 3, 4, 5 and 6 in the Notice of Hearing. A recommended decision with respect to all other issues will be issued at a later date.

Findings and conclusions. 1. During April, May, June and July, 1954, the butterfat differential on Class II milk utilized in the manufacture of butter should be computed at 1.08 times the market price of butter instead of at 1.15 times the butter price. However, if milk priced under another Federal order which allows a lower price on butterfat utilized in the manufacture of butter is received at a plant which receives milk priced under the Fort Wayne order, the combined utilization of butterfat as butter under the two orders will be limited to the quantity of butter produced at such plant.

From the available data it appears that the quantities of milk which will be in excess of fluid requirements and which must be converted into manufactured dairy products may be even larger during the flush production months of 1954 than in 1953. Increased milk production is a nationwide phenomenon; U. S. milk production on farms was at an annual rate of 126 billion pounds in November, 1953 and 130 billion in December as compared with a 1952 average of 115 billion and 1953 average of 120 billion.

In the Fort Wayne market there are also indications of increased receipts of milk. The data on total receipts and utilization in the market are affected by changes in the list of pool plants. However, receipts per day per producer allow valid comparisons with previous years. During October, November, and December, 1953 receipts per producer averaged 7.6 percent over those in the same months of 1952, which in turn were 13.6 percent above those of October-December 1951.

Another evidence of currently larger supplies which may be expected to result in larger supplies in the oncoming months of flush production is the declining proportion of the receipts of producer milk which are utilized for Class I purposes. In October, November, and December of 1952, the percentage of milk delivered by producers which was utilized for Class I purposes averaged 72 percent (as compared with a normal for the market of 86 percent) and the percentage dropped to an average of 46 in the following April-June of 1953 (as compared with a normal of 58 percent). In the last three months of 1953 the percent of receipts used in Class I was further reduced, to 67 percent, indicating a still larger excess of supplies over Class I needs for the flush months immediately ahead than in 1953.

A continuation of an adverse price situation is also in prospect. During all months of 1953, the prices paid by the local manufacturing plants were substantially lower than the butter and powder prices which determined the level of the Class II price. During April, May, June and July the local plant prices averaged 43.4 cents below the butter-powder formula. As a consequence, handlers who had to dispose of milk to manufacturing plants commonly received lower prices than those resulting from the Class II butter-powder formula, and sizeable transportation charges were incurred on some of the milk so disposed of. Even those handlers who process the Class II milk in their own plants must pay more for it than the prices paid for milk by the directly competitive non-handler plants. Local plant prices have continued below the level of the butter-powder formula and there is no indication that the relationship will change during the coming months of flush production.

The price relief should be applied to the butterfat utilized in the manufacture of butter. This follows from local experience that, at the comparative values of Class II butterfat and skim milk established by the butterfat differential, it is more difficult to obtain returns commensurate with the market prices of butter than of nonfat dry milk solids. In the case of butter the only means of achieving prices comparable with the Chicago market quotations is to store it locally, under refrigeration, until carload lots can be assembled for shipment to Chicago where commercial storage facilities are available. These additional costs result in local market prices being substantially below the terminal market quotations.

The reduced differential on Class II butterfat utilized in the manufacture of butter should apply during the months of April, May, June, and July. Both the date on quantities of milk utilized in Class II and on the percentages of producer milk in Class II show that the flush production season usually starts in April. The peak falls off quite slowly in this market; the percentage of Class II producer milk in July averaged only 3.7 below June during the past 3 years and actually averaged above the April percentages.

Producers proposed that the butterfat and the comparatively small proportion of skim milk contained in churning cream (30 to 40 percent butterfat) be priced on a separate and somewhat lower formula for 4.0 percent milk than the present Class II price with a butterfat differential of 1.10 times the price of 92 score butter at Chicago in lieu of the present differential of 1.15. However, the value of skim milk in 40 percent cream is small in proportion to the butterfat content and the same objective can be more expeditiously accomplished by lowering the butterfat differential to 1.08 instead of the proposed revision of the hundredweight price with a differential of 1.10. At the prices which prevailed during the calendar year, 1953, the price of 40 percent cream would have averaged the same as that proposed by the producers.

There are milk manufacturing plants in the area at which milk may be received from other Federal order markets in which credits are allowed on butterfat manufactured into butter. The credit should, of course, be allowed under the Fort Wayne order only to the extent that the volume of butter manufactured at the plant is in excess of that claimed to have been manufactured in order to qualify for a credit under the other order.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exception thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective.

Rulings on proposed findings and conclusions. Briefs filed by interested parties contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which effect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The Regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 16th day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area

§ 932.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby amended as follows:

Amend § 932.53 (b) by adding the following: "*Provided*, That during April, May, June, and July, 1954, the differential on butterfat accounted for as manufactured into butter shall be computed by multiplying by 1.08 the average daily wholesale price per pound of 92 score butter in the Chicago market as reported by the Department during the delivery period and dividing the result by 10: *And, provided further*, That butterfat shall not be accounted for as manufactured into butter hereunder to the extent that such utilization is claimed under any other Federal order."

[F. R. Doc. 54-1982; Filed, Mar. 18, 1954; 8:54 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 961]

[Docket No. AO-160-A-15-RO1]

HANDLING OF MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Philadelphia, Pennsylvania, on January 21, 1954, pursuant to notice thereof which was issued on January 11, 1954 (19 F. R. 273).

The material issues on the record of the hearing were:

(1) Whether the 10-cent seasonal reduction in the Class II price should apply in February and March 1954.

(2) Whether certain Class II products should be priced in certain periods in a separate subclass at a price lower than the regular Class II price.

(3) The need for abbreviated procedure to change the Class II price formula.

(4) Revision of the Class II formula on a more permanent basis.

Issues No. 1 and 3 were dealt with in the decision of the Secretary issued February 11, 1954 (19 F. R. 883). This recommended decision deals with the remaining issues.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing:

Price subdivisions in Class II. For the months of April, May, and June, 1954, Class II milk should be priced in two subdivisions: the higher price subdivision should be priced on a formula without the usual 10-cent seasonal adjustment; the lower price subdivision, which would include milk dumped, used for animal feed, or manufactured into butter, cheddar cheese, baker's or any other cheese except cream or cottage cheese, evaporated milk, milk chocolate, nonfat dry milk, soup, candy, or bakery products, should be priced 20 cents less than the higher price subdivision. The pricing formula for the butterfat value during this period should be a value based on the New York price for Grade A (92-score) butter, or that based on cream prices in the Philadelphia market (excluding cream with special municipal qualification), whichever is higher.

In the decision of February 11, 1954, and amendment effective March 1, 1954 (19 F. R. 1081), modification of the Class II price provisions was applied only for the month of March this year. The situation referred to in that decision with respect to the problems of disposal of the increased volume of milk over fluid needs is expected to continue for the other months of seasonally high production this year. Since May has usually been the month of highest production, the burden of surplus may be expected to increase over the March level. Without further price adjustments, unwillingness of handlers to accept all producer milk, and the problem of diversion of such turned-back milk, as described in the previous decision, would be considerably accentuated during coming months.

Producers and handlers urged that certain kinds of utilization in Class II be designated as a subclass, with a price lower than the regular price. Such a subdivision of Class II was presented as a step to induce handlers to accept the larger volume of milk for manufacture in their own plants or shipment to manufacturing plants. In this conjunction, certain allowances also were proposed for handling, and in case of diversion, for transportation.

It may be expected that the marketing conditions during the 1954 flush production season in this market, with respect to excess milk over fluid needs, will be similar to conditions experienced in the flush season of 1953. In the April-June period of last year the Class II price formula reduced the price, in response to the increased supply of milk, to a level, on a 3.5 percent butterfat basis, about 6 percent below the estimated average level paid for manufacturing milk nationally (converted by direct ratio to the same test). The average price during that period also was lower than if it had been based on the butter price specified in the order.

The record does not substantiate a general reduction in producer returns on Class II milk during coming flush months, except insofar as caused by changes in market values of products, and some recognition of greater usage in lower valued products, which in this market will involve greater handling and transportation costs. A subdivision of Class II utilization for pricing purposes will provide such recognition.

Products in which milk diverted to non-handler manufacturing plants would generally be used would include: butter, cheese, evaporated milk, milk chocolate, nonfat dry milk, soup, candy, and bakery products. Milk dumped or disposed or for animal feed should not return more than the lowest utilization price. Utilization in these items should be designated as a subdivision of Class II for the months of April, May and June 1954. Cottage cheese and cream cheese are regularly manufactured in handler plants for their own trade, and should not be included in the proposed subclass.

A 20-cent per hundredweight minus differential should apply to milk used in the lower priced subdivision of Class II. Such a division of Class II, with the proposed price differential, would remove the basis for the 10-cent seasonal adjustment which is now provided in the order in recognition of the higher proportion of Class II utilization in such manufactured products, as named above, during the flush production season. The proposed pricing plan will relate the seasonal change in the Class II prices directly to that portion of the milk going into these manufactured products and most likely to incur extra handling and transportation costs.

Some possibility that the butterfat value based on the price of butter might be higher than the value based on cream prices has been mentioned. Butter is generally a marginal use for butterfat. Butter is one of the products which the Department offers to buy at a specific price under the price support program. Accordingly, it is appropriate that the butterfat value used in this special pricing for Class II milk be based upon cream or butter, whichever yields the higher value.

The proposed amendment, to be effective for April, May and June 1954, would make certain other changes in the mechanics of calculating the Class II price formula, although based on previous experience, such changes will have little effect on the level of the Class II price. These changes are made in the interest of similarity of prices for milk under this order and orders of the Pennsylvania Milk Control Commission.

One such change is use of the average of reported cream prices, not including cream with special municipal approval. Omission of Lower Merion Township approved cream from this calculation reduces the resulting average cream price. The effect of this change on the Class II price would be offset against some changes in the other direction. Deduction of $2.00 from the average cream price and division of the result by 8.50 would give a deduction of about 23.5 cents per hundredweight of milk, as compared to 26.5 cents in the calculation of the cream value under the regular Class II formula. Calculation of the skim milk value by deducting 5 cents per pound from the price of nonfat dry milk, and multiplying by 0.90 and 7.5, would also result in lesser deductions than those specified in calculation of the Class II skim milk value pursuant to § 961.40 (b) (2).

Similarity of Class II prices under the Federal and State orders for this period could not be achieved without equalization of the deductions of 7–13 cents allowed to handlers at plants 11 miles but less than 31 miles from the City Hall in Philadelphia, pursuant to § 961.84. Such deductions are not provided under the State order. This adjustment should be made by adding amounts equal to these deductions in the case of Class II milk at these plants.

The proposed amendment would establish a value for utilization in the lower priced subdivision of Class II, by deducting 20 cents per hundredweight of milk or 5 cents per pound of butterfat, whichever deduction is greater. This method of adjusting to the lower price avoids giving double credit if a handler disposes of milk in nonfat dry milk and butter, and yet allows the 20-cents credit if only the butterfat or only the skim milk is disposed of in the products named in the lower priced subdivision.

Priority for producer milk in the higher priced utilization in Class II, would be maintained by subtracting a handler's receipts of milk, skim milk, or butterfat, or equivalent of any concentrated product, from the quantity on which the handler's credit in this utilization would otherwise be computed.

Revision of class formula. No changes on a permanent basis should be made in the Class II price formula on the basis of this record.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following order amending the order, as amended, regulating the handling of milk in the Philadelphia marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. In § 961.40 (b) delete the introductory words preceding subparagraph (1) and substitute:

(b) *Class II milk.* The price per hundredweight during each month shall be the sum of the values calculated by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph, except as provided in subparagraph (3) of this paragraph.

2. In § 961.40 (b) add subparagraph (3) as follows:

(3) For the months of April, May and June 1954, the price per hundredweight shall be the sum of the amounts calculated by the market administrator pursuant to subdivisions (i) and (ii) of this subparagraph, subject to adjustments provided in subdivision (iii) and (iv) of this subparagraph.

(i) *Butterfat.* Add all market quotations (using the mid-point of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the United States Department of Agriculture, subtract $2.00 and divide by 8.50: *Provided,* That if an amount calculated as 4 times 120 percent of the average of the daily wholesale selling price for Grade A 92-score butter at New York as reported by the United States Department of Agriculture for the month for which payment is to be made, less 19 cents is greater than the butterfat value computed pursuant to this subdivision based on the cream price, the butterfat value computed on the basis of the butter price shall apply.

(ii) *Skim milk.* From the average of all the prices per pound for nonfat dry milk solids made by the roller process, sold as "other brands" for human consumption in bags or barrels by carlots (using mid-point of any range as one quotation), published during such month in "Producer's Price Current", subtract 5 cents, multiply by 0.90 and multiply by 7.5.

(iii) In the case of milk, skim milk, or butterfat, dumped, disposed of for animal feed, or manufactured by the handler or others into butter, Cheddar cheese, Baker's or any other cheese except cream or cottage cheese, evaporated milk, milk chocolate, nonfat dry milk solids, soup, candy or bakery products, less any milk, butterfat, or equivalent of concentrated milk product received from a nonproducer plant, the value shall be adjusted downward at a rate of 20 cents per hundredweight of milk or 5 cents per pound of butterfat, whichever results in the greater aggregate adjustment.

(iv) Add, in the case of Class II milk at plants entitled to additional deductions on all milk pursuant to § 961.84, the amount of such deductions.

Filed at Washington, D. C., this 16th day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-1953; Filed, Mar. 18, 1954; 8:49 a. m.]

[7 CFR Part 975]

[Docket No. AO-179-A-12]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cleveland, Ohio, on February 18, 1954, pursuant to notice thereof which was issued on February 10, 1954 (19 F. R. 866).

The material issue of record related to the pricing of milk utilized for Class III purposes.

Findings and conclusions. 1. During April, May, and June 1954 the present Class III price should be reduced by the amount, if any, that prices paid to farmers for milk of manufacturing quality at a representative group of Ohio plants are below the present Class III price formula which is based upon market prices of butter and nonfat dry milk solids. The amount of the reduction, per hundredweight of 3.5 milk, should be divided equally between the value of the 3.5 pounds of butterfat and the 96.5 pounds of skim milk. This should be accomplished as an emergency action in order to provide affected parties with as much advance notice as possible of the pricing arrangements which will prevail during the months of April, May, and June, 1954.

From the available data it appears that the quantities of milk which will be in excess of fluid requirements and which must be converted into manufactured dairy products may be even larger during the flush production months of 1954 than in 1953. Increased milk production is a nationwide phenomenon; U. S. milk production on farms was at an annual rate of 126 billion pounds in November 1953 and 130 billion in December as compared with a 1952 average of 115 billion and 1953 average of 120 billion.

In the Cleveland market receipts of milk from the regular producers were equal to 129 percent of the total sales of fluid milk and cream in November 1953 and 139 in December. These ratios are even above the abnormally high percentages of 126 and 134 in November and December 1952 which led to record oversupplies in April, May, and June 1953. November is usually the month of shortest supply and receipts equal to 117 percent of sales are considered normal in the market. There is every prospect that the excess of production over fluid requirements in April–June, 1954, will be at least as large as in 1953. Handlers' own facilities will again be unable to accommodate all the Class III milk, and large quantities must be shipped to nonhandler manufacturing plants

A similar price situation is also in prospect. During most months of 1953 the prices paid by manufacturing plants were substantially lower than usual in relation to butter and powder prices.

As a consequence, handlers who had to dispose of milk to manufacturing plants commonly received lower prices than those resulting from the Class III butter-powder formula, and sizeable transportation charges were incurred on some of the milk so disposed of. Even those handlers who process the Class III milk in their own plants must pay more for it than the prices paid for milk by the directly competitive nonhandler plants. To alleviate the 1953 emergency condition a credit was granted during April, May, and June, 1953 on Class III skim milk, based upon prices paid at condenseries rather than the butter-powder formula. Local plant prices have remained substantially below the level of the butter-powder formula. If this situation changes to the extent that local plant prices rise to above the level of the butter-powder formula, no reduction in the Class III price will result.

The Federal order for the Lima, Ohio, milk marketing area utilizes local plant prices in determining the Class II price. The 5 plants specified therein, namely those of the Defiance Milk Products Co. at Defiance, Pet Milk Co. at Coldwater, Nestles Milk Products Co. (uninspected milk price) at Marysville, Fisher Dairy and Cheese Co. at Wapakoneta, and Swift and Co. at Lima, all in Ohio, are also representative of plants throughout the Cleveland milkshed. Their prices are made available regularly to the Lima market administrator and constitute an appropriate measure of the local plant price for use hereunder during April, May, and June, 1954.

Any amount by which the local plant price is below the regular Class III price (for use other than in butter) should be divided equally between the Class III butterfat and skim milk values. The differential per hundredweight of 3.5 percent milk should be multiplied by 14.28571 to convert it to an amount per hundredweight of butterfat (100÷3.5÷2) and by 0.51813 to convert to a hundredweight of skim milk (100÷96.5÷2).

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exception thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective.

Rulings on proposed findings and conclusions. No briefs were filed by interested parties within the time designated.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January, 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Cleveland, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 16th day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area*

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, as amended, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, February 18, 1954, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effecuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby amended as follows:

Amend § 975.63 by adding a paragraph (c) as follows:

(c) If, during any of the months of April, May, or June, 1954, the average (computed to the nearest tenth of a cent) of the basic (or field) prices per hundredweight reported to the market administrator or to the Department of Agriculture to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the plant of the Defiance Milk Products Co. at Defiance, Pet Milk Co. at Coldwater, Nestles Milk Products Co. (uninspected milk price) at Marysville, Fisher Dairy and Cheese Co. at Wapakoneta, and Swift and Co. at Lima, all in Ohio, is less than the price per hundredweight of milk of 3.5 percent butterfat content computed pursuant to paragraphs (a) and (b) of this section (exclusive of the proviso in paragraph (a) of this section), the prices per hundredweight of butterfat computed pursuant to paragraph (a) of this section shall be reduced by an amount obtained by multiplying such difference by 14.28571 and the price per hundredweight of skim milk computed pursuant to paragraph (b) of this section shall be reduced by an amount obtained by multiplying such difference by 0.51813.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

ORDER OF SECRETARY DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS SUPPLYING MILK TO CLEVELAND, OHIO, MARKETING AREA, AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Cleveland, Ohio, marketing area) who, during the month of January 1954 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of January 1954 is hereby determined to be the representative period for the conduct of such referendum.

Howard G. Elsaman is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 10th day from the date this referendum order is issued.

[F. R. Doc. 54-1981; Filed, Mar. 18, 1954; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 20]

[Draft Release No. 54-6]

SPECIAL CIVIL AIR REGULATION: ISSUANCE OF STUDENT GLIDER PILOT CERTIFICATES TO PERSONS THIRTEEN YEARS OF AGE RECEIVING INSTRUCTION AT MISSISSIPPI STATE COLLEGE GLIDER CLUB

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation to permit a student glider pilot certificate to be issued to certain persons who are thirteen years of age.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submited in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by April 20, 1954. Copies of such communications will be available after April 22, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Mr. August Raspet, Head of the Aerophysics Department, Mississippi State College, has requested a waiver of the age requirement for a student glider pilot certificate to permit its issuance to persons of thirteen years of age who are to receive glider training at the Mississippi State College Glider Club. This club, an organized extra curricular activity at Mississippi State College, has a definite glider training syllabus, and a glider instructor who has a commercial glider rating. The club has a single-place glider for training and keeps complete records of all flights. All students are under the personal supervision of the instructor.

As part of their training program, the club is investigating the potential of glider training as an indoctrination of young persons into the medium of flight. In order to carry this out, it is desirable that high school students, many of whom are thirteen years of age, be able to participate. Since the current minimum age requirement for a student glider pilot certificate is fourteen years of age, several high school students desiring training have been refused instruction. The Bureau believes that thirteen-year-old persons should be permitted to receive this training, since the knowledge gained through such a program would be beneficial in the future formulation and revision of Civil Air Regulations.

In view of the foregoing, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may issue or authorize the issuance of a student glider pilot certificate to a person of thirteen years of age who is to receive glider training at the Mississippi State College Glider Club: *Provided,* (1) That the training shall be conducted under the personal supervision of a holder of a commercial glider rating or flight instructor rating for gliders and (2) That the certificate shall bear the following limitation on its face, "Valid only for receiving glider instruction given by the Mississippi State College Glider Club."

It is proposed that this Special Civil Air Regulation be effective for one year.

This Special Civil Air Regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated March 15, 1954, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 54-1963; Filed, Mar. 18, 1954; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations as follows:

General area	Channels	
	Delete	Add
Beaumont, Tex.	227	248
Lake Charles, La.	248	227

It appearing that the Enterprise Company, licensee of Station KRIC-FM, Beaumont, Texas, proposes to change the frequency assignment of Station KRIC-FM from Channel 258 to Channel 248 to eliminate the present condition of interference caused in the Beaumont area to reception of Station KGUL-TV operating television on Channel 11 in Galveston, Texas; and

It further appearing that the interference to the reception of television Station KGUL-TV, Galveston, Texas, in the Beaumont area is primarily internal to the television receivers; that the problem can and should be resolved by remedial measures at the source of the problem—improved designs of television receivers—rather than by manipulation of outstanding frequency assignments or changes in the television and FM and FM allocation plans; that the Commission has taken the position before and is still of the opinion that receiver manufacturers are under an obligation to the consumers purchasing their goods to employ the corrective measures in the manufacture of receiving sets necessary to insure against this and related interference problems and that it is improper to place further restrictions on the use of the very limited spectrum space because of the interference problems that can be entirely avoided by proper receiver design; and that in general, it will not be possible to correct this type of interference by modification of the FM allocation plan that the present limited use of FM broadcasting assignments makes possible in this case; and

It further appearing that the subject proposal to exchange a Lake Charles, Louisiana channel for a Beaumont,

Texas, channel is engineeringly feasible and will not affect the rights of other parties; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended; and

It further appearing that because the proposed change merely represents an interchange of channels between two cities without any appreciable affect on existing FM licensees or applicants, current or prospective, the notice and public procedure provisions of section 4 (a) of the Administrative Procedure Act is unnecessary and that the change should be made effective immediately so that the existing Galveston-Beaumont conflict described above can be eliminated without delay;

It is ordered, That effective immediately, the revised tentative allocation plan for Class B FM Broadcast Stations is amended as follows:

General area	Channels	
	Delete	Add
Beaumont, Tex.	227	218
Lake Charles, La.	248	227

Released: March 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1964; Filed, Mar. 18, 1954; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR Part 163]

[No. 6989]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION OPERATIONS

FEDERAL INSURANCE RESERVE ACCOUNT

MARCH 16, 1954.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for insurance of accounts (24 CFR 167.1), it is hereby proposed that the rules and regulations for insurance of accounts (24 CFR Ch. I, Subch. D) be amended in the following particulars:

(a) Amend the last sentence of § 163.11 *Setting up, designation, and purpose of Federal insurance reserve* (24 CFR 163.11) to read as follows: "The general reserves of Federal savings and loan associations operating under Charter K, Charter K (rev.) or Charter N are deemed to meet the requirements of this section."

(b) Amend § 163.12 (24 CFR 163.12) to read as follows:

§ 163.12 *Original credit to Federal insurance reserve account.* During the fiscal year in which a certificate of insurance is issued to an insured institution, such insured institution shall credit to its insurance reserve an amount at least equal to that fraction of 15 percent of its net income for the fiscal year which the unexpired portion of its fiscal year from the date of such certificate is to its full fiscal year, calculated to the nearest month, and thereafter shall credit its insurance reserve, during each of its fiscal years, as provided in §§ 163.13 and 163.14. The term "net income", as used in §§ 163.12, 163.13 and 163.14 shall mean, with respect to any insured institution, the net operating income of such insured institution for its fiscal year, prior to the declaration of any dividend and the payment of any interest on savings; the term "insurance reserve" shall mean the Federal insurance reserve account; and the term "free reserve and undivided profits accounts" shall mean all accounts evidencing actual net worth of an insured institution, including its insurance reserve.

(c) Amend § 163.13 (24 CFR 163.13) to read as follows:

§ 163.13 *Amount and maintenance of insurance reserve.* Each insured institution shall credit to its insurance reserve, during each of its fiscal years, an amount equal to at least 15 percent of its net income for such period until such insurance reserve equals at least 5 percent of all insured accounts and shall thereafter increase its free reserve and undivided profits accounts during each of its fiscal years by an amount equal to at least 15 percent of its net income for such period until such accounts equal at least 10 percent of all insured accounts; and thereafter, if such accounts shall at any time fall below such 10 percent, it shall resume such 15 percent credits until such accounts again are equal to at least 10 percent of all insured accounts. In any event, each insured institution shall build up its insurance reserve to the following minimum percentages of all insured accounts within the periods specified after the effective date of its insurance:

2 percent within 5 years;
3 percent within 10 years;
4 percent within 15 years;
5 percent within 20 years;

Provided That, if at the end of the fifth, tenth or fifteenth years after the effective date of insurance, the amount in such insurance reserve shall be less than herein required, such insured institution shall thereafter credit, during each fiscal year, an amount equal to at least 25 percent of its net income until its insurance reserve shall meet the minimum requirements of this section. If, upon the expiration of twenty years from the date its accounts were insured, the Federal insurance reserve account of any insured insttiution is less than 5 percent but not less than 3 percent of all insured accounts, such institution may earmark undivided profits in an amount which, when combined with the amount in its insurance reserve will equal 5 percent of all insured accounts; and thereafter such earmarked undivided profits shall be carried in an amount sufficient to maintain such 5 percent of all insured accounts requirement and such earmarked undivided profits shall be considered a part of the insurance reserve and be subject to all the limitations which apply thereto until such reserve account, exclusive of the funds so earmarked, equals 5 percent of all insured accounts. If for any reason, the insurance reserve, exclusive of earmarked undivided profits, of any institution that has been insured for at least twenty years is thereafter reduced to less than 5 percent of all insured accounts, such institution shall transfer to its insurance reserve, for each dividend period, at least 25 percent of its net income until its insurance reserve is again equal to at least the amount which would be the equivalent of 15 percent of its net earnings for each of its fiscal years since the effective date of insurance, but in no event less than 5 percent of all insured accounts. At any time an insured institution shall have in its insurance reserve or its free reserve and undivided profits accounts amounts in excess of the minimum amounts required hereunder, it may take a credit to the extent of such excess in computing additional required credits hereunder, to the extent that such action will not cause the insurance reserve or free reserve and undivided profits accounts to fall below any minimum amounts specified herein. The date of compliance with each time requirement in this section shall be not later than the close of the semi-annual period within which the respective insurance anniversary of the insured institution falls.

(d) Amend § 163.14 (24 CFR 163.14) to read as follows:

§ 163.14 *Charging of losses and payment of dividends.* No insured institution that has charged losses to its insurance reserve during any year shall declare any dividends or pay any interest on savings for such year unless the amount standing to the credit of such account, after deduction of all charges, is equal to at least the amounts required under § 163.13, or such declaration or payment has been approved in writing by the Corporation; *Provided*, That the Corporation hereby approves the declaration of dividends and the payment of interest on savings for any year when losses are charged or are chargeable to such reserve by any insured institution that has complied with the provisions of § 163.13.

Resolved further, that a hearing will be held on April 19, 1954 at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a Hearing Officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendments of the rules and regulations for insurance of accounts, if written notice of intention to appear at said hearing is received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendments which are received by the Secretary to the Home Loan Bank Board on or before April 19, 1954, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendments of the said rules and regulations.

(Secs. 402, 403, 48 Stat. 1256, 1257; 12 U. S. C. 1725, 1726)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 54-1960; Filed, Mar. 18, 1954; 8:51 a. m.]

[24 CFR Part 163]

[No. 6988]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, OPERATIONS

LIMITATIONS WITH RESPECT TO PROMOTIONAL OPERATIONS AND ADVERTISING

MARCH 16, 1954.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for insurance of accounts (24 CFR 167.1), it is hereby proposed that Part 163 of the rules and regulations for insurance of accounts (24 CFR Part 163) be amended in the following particulars:

(a) Amend § 163.24 (24 CFR 163.24) by adding the following sentence at the end thereof: "No insured institution shall give away, offer, promise, or obligate itself to give away for the opening of, or increasing the amount of, any account of an insurable type, any gift, premium, or other reward that has a monetary value in excess of $2.50, which value, in the case of merchandise, shall be determined by the price paid for such merchandise."

(b) Amend § 163.25 (24 CFR 163.25) by adding the following sentence at the end thereof: "No sales commission or other compensation shall be paid directly or indirectly by any insured institution to any salesman, broker, or sales agency, including any individual, partnership, corporation, or association, which advertises any dividend rate of such insured institution in any newspaper, magazine, radio or television broadcasting station or other public media, or which advertises in any manner whatsoever or makes any statement with respect to such insured institution, or the shares, investment certificates, deposits or savings accounts thereof, which the insured institution itself, by law, rules or regulations, is or may be prohibited from doing."

(c) Renumber present § 163.30 (24 CFR 163.30) as § 163.31 and adopt a new § 163.30 reading as follows:

§ 163.30 *Advertising returns paid to investors.* An insured institution may not advertise the rate of dividend, earnings or interest paid on its shares, investment certificates, deposits or savings accounts in any newspaper or magazine which is published, or over any radio or television broadcasting station or other public media which is located, beyond fifty miles from its principal office or outside the territory beyond such fifty mile area within which the institution was operating on June 27, 1934.

Resolved further, that a hearing will be held on April 19, 1954, at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a Hearing Officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendments of the rules and regulations for insurance of accounts, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Home Loan Bank Board on or before April 19, 1954, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendments of the said rules and regulations.

(Sec. 402, 48 Stat. 1256; 12 U. S. C. 1725. Interpret or apply Sec. 403, 48 Stat. 1257, as amended; 12 U. S. C. 1726)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 54-1959; Filed, Mar. 18, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary

BUREAU OF FOREIGN COMMERCE

MISCELLANEOUS AMENDMENTS TO ESTABLISHMENT, ORGANIZATION AND FUNCTIONS

FEBRUARY 16, 1954.

Department Order No. 153 of October 12, 1953 (18 F. R. 6789), is amended as follows:

1. Section 2 (a) (1) is amended by deleting "Assistant Director for Foreign Service Operations" and substituting therefor "Foreign Service Operations Staff";

2. Sectinon 2 (a) (4) is amended by deleting "Executive Officer" and substituting therefor "Administrative Management Staff";

3. The first line of section 5 (b) is amended, in part, to read: "The Foreign Service Operations Staff, under the direction of an Assistant Director, shall * * *";

4. The first line of section 5 (e) is amended, in part, to read: "The Administrative Management Staff shall be under the direction of the Executive Officer who shall * * *"

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54-1957; Filed, Mar. 18, 1954; 8:50 a. m.]

AIR NAVIGATION DEVELOPMENT BOARD

ESTABLISHMENT, ORGANIZATION AND FUNCTIONS

JANUARY 6, 1954.

SECTION 1. *Purpose.* The purpose of this order is to provide information concerning the continuation, reorganization, powers and duties, and administration of the Air Navigation Development Board.

SEC. 2. *Continuation.* By virtue of a new charter of agreement co-signed by the Secretary of Commerce and the Secretary of Defense, effective January 6, 1954, the Air Navigation Development Board (hereinafter called the "Board") is continued for the purpose of guiding the development of a Common System of air navigation and air traffic control.

SEC. 3. *Reorganization.* (a) In accordance with the terms of the charter, the Secretaries of Commerce, Defense, the Army, the Navy, and the Air Force each shall designate a member of the Board and an alternate. Such membership shall consist entirely of personnel of policy stature. The Secretary of Defense, the Army, the Navy, the Air Force, and Commerce each shall provide a full-time officer or official of appropriate rank who shall act as the direct representative of the designated Board member of his department.

(b) The Secretaries of Defense and Commerce shall jointly select the Chairman of the Board either from the Board membership or from other sources.

(c) The Board shall have a full-time director and staff selected by the Board and appointed by the Secretary of Commerce with the concurrence and approval of the Secretary of Defense. The director shall be responsible to the Board for the supervision of its Common System Program and all related technical, administrative, and fiscal matters.

SEC. 4. *Powers and duties of the Board.* (a) The Board shall formulate, guide,

review, and coordinate a unified program of research and development projects for the Common System. With respect to program and funding:

(1) Each year the Board shall prepare a single comprehensive planned program of projects for the next fiscal year. This program shall include estimates of the planned funding requirements for each project;

(2) The Board then shall determine the portions of the total program to be budgeted for by the departments represented on the Board. The portion to be budgeted by the Department of Commerce shall include administrative funds required for the staff and operation of the Board;

(3) Each Board member shall seek budget coverage for that portion of the program assigned by the Board to his department;

(4) Upon review of its program, the Board shall make such revisions of the program and of the apportionment thereof among the departments as it may deem necessary to achieve optimum use of available resources, and as may be practicable within appropriation limitations; and

(5) Funds appropriated for the program and administratoin of the Board shall be expended only for that program and administration as determined by the Board.

(b) Under the direction of the Board, all Common System research and development projects shall be contracted for or performed by the Departments of the Army, the Navy, the Air Force, and Commerce.

(c) In formulating its program, the Board shall be guided by operational requirements received from each of the departments represented and from the Air Coordinating Committee. The Board shall integrate all these requirements to the maximum extent possible.

(d) The Board and its staff shall be authorized to receive, through approved channels, classified information concerning such techniques, facilities, and projects in the Military Departments as may be related to the fields of navigation and traffic control; and suitable provision shall be made for the safeguarding of such classified information in accordance with applicable Department of Defense security procedures and regulations.

(e) To the extent practicable, the Board should utilize the advice and assistance of Government and non-Government personnel concerned with the research and development, manufacture and use of aids to air navigation and air traffic control. The Board is encouraged to make maximum use of such groups as the Radio Technical Commission for Aeronautics.

SEC. 5. *Administration.* (a) The Board shall meet formally at quarterly intervals at the call of its Chairman, or at such other times as it may fix and shall establish such rules of organization, procedure and administration as it may deem necessary.

(b) The Department of Commerce, through the Civil Aeronautics Administration, shall provide all housekeeping services required by the Board and its staff. The Board may utilize the contractual and other facilities of the Administrator of Civil Aeronautics, and the Board staff shall be subject to all administrative policies and procedures of the Administration, except where specifically exempted therefrom in writing by the Administrator.

(c) The Department of Defense and Department of Commerce shall have equal responsibility and authority on the Board. In the event of failure of the Departments of Defense and Commerce to reach agreement on any matter before the Board, it shall be referred to the Secretaries of Defense and Commerce who will make a determination.

(d) The Board shall submit reports of progress and any other items of interest every six months to the Secretaries of Defense and Commerce.

SEC. 6. *Interim operations.* The members of the Board at the effective date of the new charter (January 6, 1954) shall exercise the powers and perform the duties authorized by the charter until the membership of the Board as provided in the charter is appointed and assumes control by formal resolution.

SEC. 7. *Effect on other orders.* This order supersedes Department Order 105 of January 19, 1949 (Subpart G of 16 F. R. 2975). Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby amended or superseded accordingly.

SEC. 8. *Effective date.* This order is effective January 6, 1954.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54-1958; Filed, Mar. 18, 1954; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 922418]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM NEWLANDS PROJECT

MARCH 15, 1954.

An order of the Bureau of Reclamation dated October 26, 1950, concurred in by the Assistant Director, Bureau of Land Management, December 18, 1950, revoked the Departmental Orders of July 2, and August 26, 1902, August 4, 1904, April 28, 1905, April 20, 1907, May 6, 1920, and November 6, 1925, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Newlands Project, Nevada, and provided that such revocation should not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands described:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 29 E.,
Sec. 3, SW¼SW¼.
T. 19 N., R. 29 E.,
Sec. 23, SW¼SW¼.

The areas described aggregate 80 acres.

The soils are silt, loam and clay impregnated with alkali. The land is section 23 is situated about 3½ miles northeast of Fallon, Nevada, and is accessible only by secondary roads. The southeast corner is crossed by an irrigation canal and approximately five acres are suitable for residential purposes. The remainder is suitable only for grazing. The land in section 3 is located 3¼ miles southeast of Fallon, and has a potential value for irrigated farming or pasture. The southwest corner is crossed by a paved road and irrigation canal. Seven acres are suitable for residential purposes. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Reno, Nevada.

EARL G. HARRINGTON,
Acting Assistant Director.

[F. R. Doc. 54-1934; Filed, Mar. 18, 1954; 8:45 a. m.]

[Docket DA-411]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

MARCH 12, 1954.

Pursuant to determination DA-411, Oregon, of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described insofar as they are withdrawn for power purposes, are hereby restored, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818) as amended.

WILLAMETTE MERIDIAN

T. 18 S., R. 41 E.,
Sec. 18, Lot 3,
Sec. 19, Lots 7, 8, and SE¼NE¼

The areas described aggregate 162.50 acres.

The lands described are located on Bully Creek approximately 1-mile west of Westfall, Oregon, at an elevation of approximately 2500 feet. The topography is rough and mountainous; the soil is sandy loam intermingled with rock; and the lands are classified as grazing in character and subject to disposition under the public sale law.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Oregon for a period of 90 days from date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request in the Land Office, Portland, Oregon.

JAMES F. DOYLE,
Acting Regional Administrator.

[F. R. Doc. 54-1935; Filed, Mar. 18, 1954; 8:46 a. m.]

Office of the Secretary

[Order No. 2749]

COMMISSIONER OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO EXCHANGE OF FARM UNITS

MARCH 12, 1954.

This order restates the authority of the Commissioner of Reclamation to exchange farm units, and revises his redelegation authority.

SECTION 1. *Delegation of authority.* The Commissioner of Reclamation may, subject to the requirements of the act of August 13, 1953 (67 Stat. 566), and regulations issued thereunder, approve the exchange or amendment of unpatented farm units and farm units of resident owners of private land on Federal irrigation projects, and perform all other acts necessary to effect their exchange or amendment.

SEC. 2. *Redelegation.* The Commissioner of Reclamation may, in writing, redelegate to officers and employees of the Bureau the authority granted in section 1, and he may authorize written redelegations of such authority.

SEC. 3. *Revocation.* Order No. 2740 (18 F. R. 7663) is revoked, but redelegations of authority made pursuant to Order No. 2740 which are still in force on the date of this order shall remain in effect until superseded or revoked.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-1936; Filed, Mar. 18, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CERTAIN STATES

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress, it has been determined that in each of the counties referred to below as a production disaster area, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies or other responsible sources.

Pursuant to delegation of authority from the Administrator, Federal Civil Defense Administration (18 F. R. 4609) and for the purpose of making economic emergency loans pursuant to section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, it has been determined that each of the counties referred to below as an economic disaster area, is within an area affected by a major disaster determined by the President pursuant to Public Law 875, 81st Congress. It has also been determined that an economic disaster exists in each of said counties that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources. The dates of the respective designations and determinations by this Department are set forth under each State.

ARKANSAS

On November 18, 1953, all counties were designated as economic disaster areas.

All counties had been previously designated as production disaster areas, and on November 18, 1953, the period for making initial production emergency loans was extended to December 31, 1954.

FLORIDA

On October 29, 1953, the following counties were designated as both economic disaster and production disaster areas:

Brevard.	Highlands.
Broward.	Indian River.
Charlotte.	Lee.
Collier.	Martin.
Dade.	Okeechobee.
De Soto.	Palm Beach.
Glades.	St. Lucie.
Hardee.	Seminole.
Hendry.	

On December 28, 1953, Manatee County was designated as both an economic disaster and a production disaster area.

KANSAS

On December 15, 1953, all counties were designated as economic disaster areas.

All counties had been previously designated as production disaster areas, and on December 15, 1953, the period for making initial production emergency loans was extended to December 31, 1954.

KENTUCKY

On November 25, 1953, all counties were designated as economic disaster areas.

All counties had been previously designated as production disaster areas, and on November 25, 1953, the period for making initial production emergency loans was extended to December 31, 1954.

MISSISSIPPI

On November 24, 1953, the following counties were designated as economic disaster areas:

Benton.	Marshall.
Bolivar.	Panola.
Coahoma.	Quitman.
De Soto.	Tallahatchie.
Lafayette.	Tate.
Leflore.	Tunica.

The above named counties had been previously designated as production disaster areas, and on November 24, 1953, the period for making initial production emergency loans was extended to December 31, 1954.

MISSOURI

On October 19, 1953, all counties were designated as economic disaster areas.

On October 19, 1953, the following counties were designated as production disaster areas:

Adair.	Linn.
Andrew.	Livingston.
Atchison.	Macon.
Audrain.	Marion.
Buchanan.	Mercer.
Caldwell.	Monroe.
Callaway.	Montgomery.
Carroll.	Nodaway.
Chariton.	Pike.
Clark.	Platte.
Clay.	Putnam.
Clinton.	Ralls.
Daviess.	Randolph.
De Kalb.	Ray.
Gentry.	St. Charles.
Grundy.	Schuyler.
Harrison.	Scotland.
Holt.	Shelby.
Knox.	Sullivan.
Lewis.	Warren.
Lincoln.	Worth.

NEW MEXICO

On November 19, 1953, all counties were designated as economic disaster areas.

All counties had been previously designated as production disaster areas, and on November 19, 1953, the period for making initial production emergency loans was extended to December 31, 1954.

NORTH CAROLINA

On November 18, 1953, the following counties were designated as economic disaster areas:

Alamance.	Davie.
Bladen.	Durham.
Buncombe.	Forsyth.
Burke.	Franklin.
Caldwell.	Gaston.
Caswell.	Granville.
Chatham.	Guilford.
Cleveland.	Halifax.
Cumberland.	Harnett.
Davidson.	Hoke.

Iredell.	Rockingham.
Lee.	Rowan.
Lincoln.	Rutherford.
McDowell.	Sampson.
Mecklenburg.	Scotland.
Moore.	Stokes.
Nash.	Surry.
Orange.	Union.
Person.	Vance.
Polk.	Wake.
Randolph.	Warren.

All of the above named 42 counties had been previously designated as production disaster areas, and on November 18, 1953, the period for making production emergency loans was extended to December 31, 1954.

On December 4, 1953, the following counties were designated as economic disaster areas:

Alexander.	Montgomery.
Anson.	Richmond.

The above named 4 counties had been previously designated as production disaster areas, and on December 4, 1953, the period for making production emergency loans was extended to December 31, 1954.

OHIO

On December 3, 1953, the following counties were designated as production disaster

[illegible]	Jefferson.
Athens.	Knox.
Athens.	Lawrence.
[illegible]	Licking.
[illegible]	Meigs.
Butler.	Monroe.
Carroll.	Montgomery.
Clermont.	Morgan.
Clinton.	Muskingum.
Coshocton.	Noble.
Fairfield.	Perry.
Fayette.	Pickaway.
Gallia.	Pike.
Greene.	Preble.
Guernsey.	[illegible]
Hamilton.	Scioto.
[illegible]	Tuscarawas.
Highland.	Vinton.
Hocking.	Warren.
Holmes.	Washington.
Jackson.	

SOUTH CAROLINA

On January 18, 1954, the following counties were designated as production disaster areas:

Abbeville.	Greenville.
Allendale.	Jasper.
Anderson.	Kershaw.
Bamberg.	Lancaster.
Beaufort.	Laurens.
Calhoun.	Lexington.
Cherokee.	Marion.
Chester.	Marlboro.
Chesterfield.	Newberry.
Colleton.	Oconee.
Darlington.	Richland.
Dillon.	Saluda.
Dorchester.	Spartanburg.
Fairfield.	Union.
Florence.	Williamsburg.
Georgetown.	York.

[illegible]

On November 25, 1953, all counties were designated as economic disaster areas.

All counties had been previously designated as production disaster areas, and on November 25, 1953, the period for making initial production emergency loans was extended to December 31, 1954.

[illegible]

On November 30, 1953, all counties were designated as economic disaster areas.

All counties had been previously designated as production disaster areas, and on November 30, 1953, the period for making initial production emergency loans was extended to December 31, 1954.

VIRGINIA

On October 19, 1953, the following counties were designated as both economic disaster and production disaster areas:

Bedford.	Halifax.
Brunswick.	Henrico.
Buckingham.	Louisa.
Cumberland.	Lunenburg.
Franklin.	Mecklenburg.
Goochland.	Nottoway.
Greene.	Powhatan.
Greensville.	Spotsylvania.

On October 26, 1953, the following counties were designated as both economic disaster and production disaster areas:

Amelia.	Hanover.
Chesterfield.	James City.
Dinwiddie.	Prince George.
Fluvanna.	Sussex.

On November 9, 1953, Russell and Shenandoah counties were designated as both economic disaster and production disaster areas.

On December 14, 1953, Charles City and New Kent Counties were designated as both economic disaster and production disaster [illegible]

WEST VIRGINIA

On December 9, 1953, the following counties were designated as both economic disaster and production disaster areas:

Barbour.	Mineral.
Berkeley.	Monongalia.
Braxton.	Monroe.
Brooke.	Morgan.
Cabell	Nicholas.
Calhoun.	Ohio.
Clay.	Pendleton.
Doddridge.	[illegible]
Fayette.	Pocahontas.
Gilmer.	Preston.
Grant.	Putnam.
Greenbrier.	Raleigh.
Hampshire.	Randolph.
Hancock.	Ritchie.
Hardy.	Roane.
Harrison.	Summers.
Jackson.	Taylor.
Jefferson.	Tucker.
[illegible]	Tyler.
Lewis.	Upshur.
Lincoln.	Wayne.
[illegible]	Webster.
Marshall.	Wetzel.
[illegible]	Wirt.
Mercer.	Wood.

Loan termination date. After December 31, 1954, no economic emergency or production emergency loans will be made in any of the counties listed in this document, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 15th day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-1954; Filed, Mar. 18, 1954; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6435]

COUNTY OF MERCER, NEW JERSEY

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference on the application of the County of Mercer, New Jersey, Docket No. 6435, for east-west service, is hereby assigned to be held on March 30, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen. Consideration will be given at this conference to consolidating the application of United Air Lines, Docket No. 6153, to delete Trenton, New Jersey, from its certificate and the application of Allegheny Airlines in Docket No. 6517, to extend its system from Philadelphia to New York via Trenton with Docket No. 6435 for hearing and decision.

Dated at Washington, D. C., March 16, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1962; Filed, Mar. 18, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2217, G-1840]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER PERMITTING TARIFF TO BE FILED AND TO TAKE EFFECT AND PERMITTING WITHDRAWAL OF SUSPENDED TARIFF [illegible]

MARCH 15, 1954.

Notice is hereby given that on March 11, 1954, the Federal Power Commission issued its order adopted March 10, 1954, permitting tariff to be filed and to take effect and permitting withdrawal of suspended tariff sheets in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1941; Filed, Mar. 18, 1954; 8:47 a. m.]

[Docket No. G-2063]

NORTHERN NATURAL GAS CO.

NOTICE OF OPINION NO. 268 AND ORDER

MARCH 15, 1954.

Notice is hereby given that on March 11, 1954, the Federal Power Commission issued its opinion and order adopted March 10, 1954, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1939; Filed, Mar. 18, 1954; 8:47 a. m.]

[Docket No. G-2080]

SOUTH JERSEY GAS CO.

NOTICE OF ORDER APPROVING PROPOSED SETTLEMENT AND ALLOWING TARIFF REVISIONS TO TAKE EFFECT

MARCH 15, 1954.

Notice is hereby given that on March 11, 1954, the Federal Power Commission issued its order adopted March 10, 1954, approving proposed settlement and allowing tariff revisions to take effect in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1940; Filed, Mar. 18, 1954; 8:47 a. m.]

[Docket No. G-1972]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF PETITION FOR MODIFICATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 15, 1954.

Take notice that New York State Natural Gas Corporation (Petitioner), a New York corporation with its principal office in New York City, New York, filed on March 8, 1954, a petition pursuant to sections 7 and 16 of the Natural Gas Act for modification of the order of the Commission issued at Docket No. G-1972 on July 10, 1953, authorizing the construction and operation of facilities for the sale and delivery of natural gas to New York State Electric & Gas Corporation at De Ruyter, Madison County, New York, the Commission has authorized the sale and delivery of volumes not to exceed 500,000 Mcf annually and 4,000 Mcf on a maximum day for resale in Norwich and Oneonta, New York and vicinity.

The petition recites that New York State Electric & Gas Corporation has requested that Applicant sell and deliver an additional 400,000 Mcf of natural gas annually and an additional 1,000 Mcf on a maximum day in order that it may supply gas for industrial use on an interruptible basis; and that no additional facilities will be required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of April 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1955; Filed, Mar. 18, 1954; 8:50 a. m.]

[Docket No. G-2365]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed February 9, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on February 27, 1954 (19 F. R. 1131).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on March 31, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: March 12, 1954.

Issued: March 15, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1937; Filed, Mar. 18, 1954; 8:46 a. m.]

[Docket No. G-2383]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

MARCH 15, 1954.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, filed on March 4, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities subject to the jurisdiction of the Commission and described as follows:

(a) Construct a 26" gas pipeline approximately 24 miles in length to replace two 16" gas pipelines beginning at Applicant's Ottawa compressor station located in the Northwest Quarter (NW¼) of Section 32, Township 16 South, Range 20 East, Franklin County, Kansas, and extending northeasterly to the Southwest Quarter (SW¼) of Section 1, Township 14 South, Range 22 East, Johnson County, Kansas.

(b) Construct a 20" gas pipeline approximately nine miles in length to replace a 16" gas pipeline beginning in the Northeast Quarter (NE¼) of Section 28, Township 33 South, Range 25 East, Cherokee County, Kansas, and extending easterly to the Southeast Quarter (SE¼) of Section 15, Township 28 North, Range 33 West, Jasper County, Missouri.

Applicant proposes to construct and operate the described facilities for the purpose of providing an additional capacity of 46,531 Mcf on Applicant's system between Ottawa Station and Kansas City area on the peak day with 300# operating pressure at Ottawa Station.

The application recites that the proposed facilities will enable Applicant to meet increased firm demand and provide a small margin of safety over and above such demand which will be available for interruptible service if not required for firm service.

The estimated overall capital cost of the facilities is $1,860,500 of which $227,500 represents the cost of reclaiming the 16" lines and all of which will be paid for in part from an unsecured bank credit (Docket No. G-2149) arrangement, and in part out of treasury cash.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of April 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1938; Filed, Mar. 18, 1954; 8:46 a. m.]

[Docket Nos. ID-1057, ID-1160]

E. A. HENGST AND H. A. KAMMER

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

MARCH 15, 1954.

Notice is hereby given that on March 11, 1954, the Federal Power Commission issued its orders adopted March 10, 1954, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1942; Filed, Mar. 18, 1954; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10899]

BIL-TO LINE

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed to Leslie Heyden & W. M. Tergler, tr/as Bil-To Line, 333 Lake Street, Woodstock, Illinois; Docket No. 10899.

The Commission having before it (1) a petition filed March 10, 1954, by Karl A. Koch, the attorney for Leslie Hayden & W. M. Tergler, tr/as Bil-To Line, hereinafter referred to as Bil-To Line, requesting that he be admitted to the Bar of the Federal Communications Commission for the purpose of representing Bil-To Line in the above-entitled proceeding; and (2) a motion filed March 10, 1954, by Bil-To Line requesting that the above-entitled proceeding now scheduled to begin on March 17, 1954, be continued to April 21, 1954; and

It appearing that the said Karl A. Koch, attorney for Bil-To Line, is a regular practicing attorney and a member in good standing of the Bar of the Supreme Court of the State of Illinois, of the U. S. District Court for Northern District of Illinois and other courts and is, therefore, qualified to represent Bil-To Line in the above-entitled proceeding; and

It appearing that the motion for continuance of the proceeding arises out of the fact that Bil-To Line has taken and is taking steps designed to eliminate the interference which gave rise to the Commission's cease and desist order of February 5, 1954, directed to Bil-To Line in

that (1) it is in the process of shielding its electronic heating equipment, (2) has employed consulting engineers to aid in the completion of the shielding and other steps designed to eliminate the unauthorized emissions which were causing electrical interference to authorized radio services, and (3) that the steps referred to will be completed within 30 days; and

It appearing that the satisfactory completion within the time specified of the work referred to so as to eliminate electrical interference to authorized radio services and permit the operation of the industrial heating equipment of Bil-To Line without violating the provisions of Part 18 of the Commission's rules will eliminate the necessity of a hearing; and

It appearing that Commission counsel has consented to immediate action on both of the pleadings above-referred to, has consented to the requested continuance, but because of other commitments requests the date for further hearing be April 28, 1954;

It is ordered, This the 11th day of March 1954 that the petition for the admission of Karl A. Koch as an attorney to the Bar of the Federal Communications Commission for the purpose of representing Bil-To Line in the above-entitled proceeding be and the same is granted and the motion for continuance is granted and the hearing in the above-entitled proceeding is continued from March 17, 1954, to April 28, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1956; Filed, Mar. 18, 1954; 8:51 a. m.]

[Docket No. 10955]

HOWARD KING

ORDER TO SHOW CAUSE

In the matter of Howard King, Mayport, Florida, Docket No. 10955; order to show cause why the license for Radiotelephone Station WD-8910 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WD-8910, licensed to Howard King, Mayport, Florida, aboard the vessel David King.

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated December 2, 1953 specifying that at 2245 GMT on November 10, 1953, radio station WD-8910 was operated on the frequency 2214 kc, which was not authorized in the station license, contrary to the provisions of section 301 of the Communications Act of 1934, as amended.

It further appearing, that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee;

It is ordered, This 12th day of March 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Howard King, Mayport, Florida, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 18th day of May 1954;

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Mr. Howard King, P. O. Box 22, Mayport, Florida.

Released: March 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1966; Filed, Mar. 18, 1954; 8:52 a. m.]

[Docket No. 10631]

VOICE OF DIXIE, INC. (WVOK)

ORDER SCHEDULING HEARING

In re application of Voice of Dixie, Inc. (WVOK), Birmingham, Alabama, Docket No. 10631, File No. BP-8548; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 11th day of March 1954;

The Commission having under consideration the above-entitled application which was designated for hearing on August 5, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., April 13, 1954, in Washington, D. C.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1967; Filed, Mar. 18, 1954; 8:52 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

[Docket Nos. 10638, 10639, 10640]

DORSEY EUGENE NEWMAN ET AL.

ORDER SCHEDULING HEARING

In re applications of Dorsey Eugene Newman, Hartselle, Alabama, Docket No. 10638, File No. BP-8334; Radio Atlanta, Inc. (WERD), Atlanta, Georgia, Docket No. 10639, File No. BP-8569; WDMG, Incorporated (WDMG), Douglas, Georgia, Docket No. 10640, File No. BP-8648; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration the above-entitled applications which were designated for hearing on August 12, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., April 15, 1954, in Washington, D. C.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1968; Filed, Mar. 18, 1954; 8:52 a. m.]

[Docket Nos. 10667, 10668]

STRAITS BROADCASTING CO. AND MIDWESTERN BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Richard E. Hunt, tr/as Straits Broadcasting Company, Cheboygan, Michigan, Docket No. 10667, File No. BP-8753; Midwestern Broadcasting Company, Cheboygan, Michigan, Docket No. 10668, File No. BP-8796; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration the above-entitled applications which were designated for hearing on August 26, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., April 20, 1954, in Washington, D. C.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1969; Filed, Mar. 18, 1954; 8:52 a. m.]

[Docket Nos. 10083, 10697, 10698]

WINNEBAGO BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Vincent S. Barker and Howard H. Monk, d/b as Winnebago Broadcasting Company, Rockford, Illinois, Docket No. 10083, File No. BP-8281; Esther Blodgett, Harvard, Illinois, Docket No. 10697, File No. BP-8579; Evanston Broadcasting Company (WNMP), Evanston, Illinois, Docket No. 10698, File No. BP-8861; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration the above-entitled applications which were designated for hearing on September 23, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., April 22, 1954, in Washington, D. C.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1970; Filed, Mar. 18, 1954; 8:52 a. m.]

[Docket No. 10123]

HIGHLITE BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of W. A. Lee, A. W. Stewart and Franklin T. Wilson, d/b as the Highlite Broadcasting Company, Killeen, Texas, Docket No. 10123, File No. BP-8288; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration the above-entitled application which was designated for hearing on September 30, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., April 27, 1954, in Washington, D. C.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1971; Filed, Mar. 18, 1954; 8:52 a. m.]

[Docket No. 10715]

PATCHOGUE BROADCASTING CO., INC. (WPAC)

ORDER SCHEDULING HEARING

In re application of Patchogue Broadcasting Company, Inc. (WPAC), Patchogue, New York, Docket No. 10715, File No. BP-8525; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration the above-entitled application which was designated for hearing on October 14, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., April 29, 1954, in Washington, D. C.

Released: March 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1972; Filed, Mar. 18, 1954; 8:53 a. m.]

[Docket Nos. 10719, 10720]

WHITE RADIO CO. AND LAWTON BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of W. Erle White, tr/as White Radio Company, Wichita Falls, Texas, Docket No. 10719, File No. BP-8615; Lawton Broadcasting Company, Lawton, Oklahoma, Docket No. 10720, File No. BP-8689; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration the above-entitled applications which were designated for hearing on October 14, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., May 4, 1954, in Washington, D. C.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1973; Filed, Mar. 18, 1954; 8:53 a. m.]

[Docket No. 10732]

JET BROADCASTING CO., INC. (WJET)

ORDER SCHEDULING HEARING

In re application of the Jet Broadcasting Company, Inc. (WJET), Erie, Pennsylvania, Docket No. 10732, File No. BP-8739; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration the above-entitled application which was designated for hearing on October 21, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., May 6, 1954 in Washington, D. C.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1974; Filed, Mar. 18, 1954; 8:53 a. m.]

[Docket No. 10749]

PORT BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Charles M. Morgan, tr/as Port Broadcasting Company, Wilmington, North Carolina, Docket No. 10749, File No. BP-8798; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration the above-entitled application which was designated for hearing on November 12, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., May 11, 1954, in Washington, D. C.

Released: March 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1975; Filed, Mar. 18, 1954; 8:53 a. m.]

[Docket No. 10763]

OLE MISS BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re application of Ole Miss Broadcasting Co., Inc., Oxford, Mississippi, Docket No. 10763, File No. BP-8784; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration the above-entitled application which was designated for hearing on November 18, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., May 13, 1954, in Washington, D. C.

Released: March 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1976; Filed, Mar. 18, 1954; 8:53 a. m.]

[Docket No. 10820]

ESTHERVILLE BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re application of Estherville Broadcasting Corporation, Estherville, Iowa, Docket No. 10820, File No. BP-8828; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration the above-entitled application which was designated for hearing on December 23, 1953; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., May 18, 1954, in Washington, D. C.

Released: March 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1977; Filed, Mar. 18, 1954; 8:53 a. m.]

[Docket No. 10851]

AKRON BROADCASTING CORP. (WCUE)

ORDER SCHEDULING HEARING

In re application of Akron Broadcasting Corporation (WCUE), Akron, Ohio, Docket No. 10851, File No. BP-8478; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration the above-entitled application which was designated for hearing on January 13, 1954; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., May 20, 1954, in Washington, D. C.

Released: March 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1978; Filed, Mar. 18, 1954; 8:53 a. m.]

[Docket Nos. 10849, 10850]

CENTRAL CITY-GREENVILLE BROADCASTING CO. AND MUHLENBERG-OHIO-McCLEAN BROADCASTERS

ORDER SCHEDULING HEARING

In re applications of L. L. Stone, A. E. Stone and R. G. Utley, a partnership d/b as Central City-Greenville Broadcasting Company, Central City Kentucky, Docket No. 10849, File No. BP-8951; Hugh O. Potter and Cliffordean H. Potter, a partnership d/b as Muhlenberg-Ohio McLean Broadcasters, Central City, Kentucky, Docket No. 10850, File No. BP-8789; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration the above-entitled applications which were designated for hearing on January 13, 1954; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., May 25, 1954, in Washington, D. C.

Released: March 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1979; Filed, Mar. 18, 1954; 8:53 a. m.]

[Docket Nos. 10881, 10882]

SCOTT COUNTY BROADCASTING CO. AND COLUMBUS BROADCASTING CO., INC. (WCBI)

ORDER SCHEDULING HEARING

In re applications of Roth E. Hook and William E. Farrar, a partnership d/b as Scott County Broadcasting Company, Forrest, Mississippi, Docket No. 10881, File No. BP-8857; Columbus Broadcasting Company, Inc. (WCBI), Columbus, Mississippi, Docket No. 10882, File No. BP-8977; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of March 1954;

The Commission having under consideration the above-entitled applications which were designated for hearing on January 27, 1954; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., May 27, 1954, in Washington, D. C.

Released: March 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1980; Filed, Mar. 18, 1954; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1026]

MIAMI MANUFACTURING CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MARCH 15, 1954.

In the matter of Miami Manufacturing Company, Common Stock, No Par Value, File No. 1-1026.

The Cincinnati Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Common Stock, No Par Value, of Miami Manufacturing Company.

The application alleges that the reasons for striking this security from listing and registration on this exchange are:

(1) The shareholders of the above issuer on January 23, 1954, approved a contract entered into with Wayne Works Inc. providing for the sale to the latter company of substantially all the assets of the issuer, including an option to purchase the land and buildings of the issuer.

(2) Since the issuer is in the process of liquidation, the above security is no longer suitable for trading on the applicant exchange.

Upon receipt of a request, prior to April 6, 1954, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1948; Filed, Mar. 18, 1954; 8:48 a. m.]

[File Nos. 54-127, 59-3, 59-12, 70-1806]

ELECTRIC BOND AND SHARE CO.

ORDER WITH RESPECT TO FILING OF REPORTS CONCERNING FEES AND EXPENSES IN CONNECTION WITH SECTION 11 (E) PLANS AND OTHER PROCEEDINGS

MARCH 15, 1954.

The above-entitled proceedings all involve plans and proposals filed pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935 ("act") to enable the system of Electric Bond and Share Company ("Bond and Share"), a registered holding company, to effectuate compliance with section 11 (b) of the act. In each of the proceedings various orders have heretofore been entered by the Commission reserving jurisdiction with respect to the fees and expenses paid or to be paid for services rendered in connection therewith and related proceedings.

Applications for allowances or approval of amounts already paid have been filed with the Commission, and in some instances with the companies, but no procedure with respect to the disposition of such applications has been fixed.

The Commission has decided it to be necessary or appropriate in the public interest or for the protection of investors or consumers that, as a first step in fixing the ultimate procedure to be followed and as an aid to the Commission in determining what fees and expenses it should ultimately approve, and order should be entered requiring that Bond and Share file with the Commission a report setting forth certain information.

It is therefore ordered, That on or before May 17, 1954, Bond and Share shall file with the Commission 10 copies of a report or reports which shall set forth:

(1) The amounts of fees and expenses claimed by the respective applicants for services rendered in connection with the above-entitled and related proceedings;

(2) The amounts of fees and expenses which Bond and Share has already paid or is prepared to pay without modification;

(3) The amounts of fees and expenses, if any, which Bond and Share is willing to pay and which the claimants after negotiation with the company involved have indicated a willingness to accept; and

(4) In cases where such negotiations have been unsuccessful, the amounts of fees and expenses which Bond and Share considers to be reasonable and which it is willing to pay.

It is further ordered, That any agreement as to amounts as contemplated by paragraph (3) above shall be subject to the provisions of the respective plans and to approval by the Commission and the exercise by the Commission of its full powers with respect to fees and expenses conferred by the act in connection with plans filed under section 11 (e) thereof.

It is further ordered, That with respect to the information required to be furnished by paragraph (4) above, such information shall be submitted directly to the Chairman of this Commission and be kept confidential unless and until a further order of this Commission shall require otherwise.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1952; Filed, Mar. 18, 1954; 8:49 a. m.]

[File No. 70-3212]

UNITED GAS CORP. AND UNION PRODUCING CO.

NOTICE OF FILING REGARDING ISSUANCE OF PROMISSORY NOTES OF SUBSIDIARY TO PARENT

MARCH 15, 1954.

Notice is hereby given that United Gas Corporation ("United") and its nonutility subsidiary, Union Producing Company ("Union"), all the securities of which are owned by United, both of which companies are subsidiaries of Electric Bond and Share Company, a registered holding company, have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating the last clause of the third sentence of section 6 (b) and sections 9, 10, and 12 and Rules U-43 (a) and U-50 (a) (3) of the act as applicable to the proposed transactions, which are summarized as follows:

United proposes to lend to Union and the latter proposes to borrow from United, not to exceed an aggregate amount of $5,000,000 during a period following the date of the entry of the Commission's order herein to the end of 1954 in such installments and at such times as funds may be required and requested from United. The proceeds from the loan will be used by Union to increase its working capital.

The proposed loan will be evidenced by unsecured promissory notes issued by Union to United or order, from time to time, payable on or before six years from the date of issue of such notes, bearing interest at the rate of 5 percent per annum, payable semi-annually on July 1 and January 1 of each year.

Union has presently issued and outstanding $17,000,000 principal amount of its promissory notes consisting of $7,000,000 principal amount of 3 Percent Notes, $4,000,000 principal amount of 4 Percent Notes, and $6,000,000 principal amount of 5 Percent Notes, all such notes being payable on or before six (6) years from dates of issue. All of said notes are owned by United, and $14,000,000 principal amount of such notes are pledged with the Guaranty Trust Company of New York, the Corporate Trustee, under United's Mortgage and Deed of Trust, dated as of October 1, 1944, in favor of Guaranty Trust Company of New York and Henry A. Theis (Herbert E. Twyeffort, Successor Trustee), Trustees, as supplemented. The additional promissory notes of Union to be acquired from time to time by United in connection with the transactions proposed herein, will, upon acquisition by United, be pledged with the Corporate Trustee under its Mortgage and Deed of Trust.

The application-declaration states that as a result of its accelerated leasing, developing and drilling program for the year 1954, it is presently estimated that Union will expend approximately $17,100,000 in connection with such program and increase its supply of casing and tubing by approximately $800,000; that it is estimated that the funds required for such program will be met by cash generated internally through appropriations to the depreciation and depletion and other reserves, and retained earnings, aggregating approximately $13,000,000, and that the remaining $5,000,000 has been estimated to be obtained from borrowings made by Union from United; and that the managements of the Companies feel it appropriate at this time to obtain authority for a loan in the aggregate not to exceed $5,000,000 to augment Union's working capital and enable it to carry out its leasing, development and drilling program as outlined above.

It is further stated that no legal fees will be incurred and that other expenses in connection with the foregoing transactions will be nominal.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than March 29, 1954 at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-1951; Filed, Mar. 18, 1954; 8:49 a. m.]

[File No. 70-3215]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF CAPITAL CONTRIBUTION BY PARENT TO SUBSIDIARY

MARCH 15, 1954.

Notice is hereby given that General Public Utilities Corporation (GPU), a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act"), designating section 12 (b) of the act and Rule U-45 thereunder as applicable to the proposed transactions, which are summarized as follows:

GPU proposes to make cash capital contributions in the aggregate amount of $350,000 to its public utility subsidiary, Northern Pennsylvania Power Company ("North Penn"). Each such contribution will, upon receipt by North Penn, be credited to the stated capital applicable to is Common Stock. Such capital contributions will be made by GPU from time to time, but not later than December 31, 1954, as North Penn requires funds for construction purposes or to reimburse its treasury for expenditures therefrom for construction purposes or to repay bank loans utilized for such purposes. Thus GPU will by these cash capital contributions assist North Penn with its construction program which is designed to insure that North Penn will continue to be in a position to meet the demands of its consuming public.

It is requested that the Commission's order be expedited and made effective forthwith upon issuance and it is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that expenses in connection with the transactions will not exceed $300.

Notice is further given that any interested person may, not later than April 7, 1954 at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commisison should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule-23 of the rules and regulations promulgated under the Act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1949; Filed, Mar. 18, 1954; 8:48 a. m.]

[File No. 70-3216]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS POWER & LIGHT CO.

NOTICE OF PROPOSED SALE OF SECURITIES BY SUBSIDIARY TO PARENT HOLDING COMPANY

MARCH 15, 1954.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its electric-utility subsidiary, Arkansas Power & Light Company ("Arkansas"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 6 (b), 9 (a), 10 and 12 (f) of the act and Rules U-23 and U-43 thereunder as applicable to the proposed transactions, which are summarized as follows:

Arkansas has authorized 5,000,000 shares of Common Stock, of which 4,420,000 shares, having a par value of $12.50 per share, are outstanding. All of such outstanding shares are owned by Middle South. Arkansas proposes to issue and sell to Middle South, and Middle South proposes to acquire, an aggregate of 240,000 additional shares of Arkansas' said Common Stock, the purchase price to be the par value of such stock. The aggregate purchase price for such 240,000 shares of Common Stock will be $3,000,000 (the effect of such transaction being to increase the cash account of Arkansas by $3,000,000) and the cash so received by Arkansas will be employed by it primarily for the purpose of financing in part its business as a public utility, as indicated below.

Arkansas is now actively engaged in an extensive program for the acquisition and construction of new facilities and for the extension and improvement of its present facilities. The present and estimated future demands for service by Arkansas in its service area indicate that such program will require funds in excess of treasury funds available for the purpose. The $3,000,000 to be provided by the issuance and sale of said Common Stock will not provide all the funds needed to complete such program. Such additional funds as may be required will be raised through the sale of such other securities as may be appropriate, which will be the subject of further applications in connection with its financing program.

Arkansas has filed with the Arkansas Public Service Commission an application for approval of its issuance and delivery to Middle South of the 240,000 shares of its Common Stock.

Notice is further given that any interested person may, not later than March 29, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-1950; Filed, Mar. 18, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

INSTALLATION OF BLOCK SIGNAL SYSTEMS, INTERLOCKING, TRAFFIC CONTROL SYSTEMS, AND AUTOMATIC TRAIN STOP, TRAIN CONTROL OR CAB SIGNAL SYSTEMS

INSTRUCTIONS GOVERNING APPLICATIONS FOR APPROVAL OF DISCONTINUANCE OR MATERIAL MODIFICATIONS

MARCH 15, 1954.

Instructions governing applications under section 25 of the Interstate Commerce Act for approval of discontinuance or material modifications of installations of block signal systems, interlocking, traffic control systems, and automatic train stop, train control or cab signal systems (section 25 (b)).

In filing applications with respect to the foregoing matters, the procedure outlined herein should be followed:

1. Applications should be submitted by the President, Vice President, General Manager, Receiver, Trustee or Chief Operating Officer, or other authorized officer.

2. A separate application should be filed for each project.

At a joint facility where changes are proposed in the automatic block signal system, interlocking, traffic control system, automatic train stop, train control or cab signal system on the tracks of more than one carrier or if more than one carrier would be affected by the relief from any provision of the rules, standards and instructions, a joint application signed by all carriers affected should be filed.

At a joint facility where only one carrier would be affected it is the responsibility of the carrier filing the application to notify the other carriers, and it should be stated in the application that such carriers have been so notified.

3. The original and one copy of each application, with supporting papers, should be filed.

4. An application may be submitted in the form of a letter setting forth the required information.

5. Except as provided in paragraph 6 of these instructions, applications should be filed to cover the following:

(A) To discontinue or to decrease the extent of block signal system, traffic control system, automatic train stop, train control or cab signal system, or of other similar appliances, methods and systems, or to discontinue the use of interlocking.

(B) To make material modifications in a block signal system, an interlocking, a traffic control system, or an automatic train stop, train control, or cab signal system:

(a) When the system or device in the installation under consideration is replaced by one of another type.

(b) By the installation, removal or relocation of automatic block signals, automatic train stop, train control or cab signal devices, or interlocking facilities in existing installations where such changes are not required to comply with an order of the Commission.

6. An application is not required to be filed to cover the following:

(a) Relocation or addition of a signal, except when the proposed location is to the left of the track governed.

(b) A modification which is required in order to comply with any section of the rules, standards and instructions, including relocation or removal of signals to provide adequate stopping distances for authorized speeds.

(c) Installation, relocation or removal of signals and/or interlocked switches, derails, movable-point frogs, or electric locks occasioned by extension, shortening or elimination of a passing siding, other track changes, or by a line relocation, not involving change in type of system.

(d) Removal of signals and/or interlocked switches, derails, movable-point frogs or electric locks associated with track being abandoned.

(e) Change of aspects of signals in order to provide adequate stopping distances for authorized speeds.

(f) Change of aspects of signals occasioned by removal of track.

(g) Closing of a manual block station or change in hours during which a manual block station and/or interlocking is attended.

(h) Substitution of other type of protection for crossing gates at railroad crossing at grade.

(i) Change in location of machine from which an interlocking or traffic control system is controlled, if no material modification is made in signal or track arrangement.

(j) To install devices supplementary to automatic block signal system, interlocking, traffic control system, automatic train stop, train control or cab signal system, which supplementary devices do not nullify or impair proper functioning of such systems.

7. Application for approval of discontinuance or material modifications of existing installations should show the following:

(a) The corporate name of each applicant.

(b) The manner in which each is involved.

(c) The location of the project, giving name of operating division and nearest station.

(d) Track or tracks involved.

(e) Brief description of existing equipment and of proposed change.

(f) Reason for proposed change.

(g) Whether necessary expenditure has been authorized.

(h) Action, if any, by state authorities.

(i) Approximate dates of beginning and completion of project.

(j) Changes in operating practices, temporary or permanent.

(k) Whether safety of operation will be affected, and if so, how.

(l) Whether proposed changes will conform to Commission's rules, standards and instructions.

(m) The information specified below, on a print or prints, to scale, or by indicated dimensions, using A. A. R. symbols, size 8" x 10½" or folded to 8" x 10½", namely, present and proposed arrangements of tracks and signal facilities, in color, name of carrier, operating division, place and state, and timetable directions of movements; if stopping distances are involved, curvature and grade, maximum authorized speeds of trains, and the length of the signal control circuits for each indication displayed.

8. Public notice of the filing of an application will be posted in the office of the Secretary of the Commission if the application is deemed of sufficient importance.

9. A protest against the granting of an application should set forth specifically the grounds upon which it is made, and contain a concise statement of the interest of protestant in the proceeding. The original and one copy of any protest should be filed with the Commission, and one copy should be furnished to each applicant.

10. Correspondence in reference to applications should be addressed to Director, Bureau of Safety, Interstate Commerce Commission, Washington 25, D. C.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1947; Filed, Mar. 18, 1954; 8:48 a. m.]

[4th Sec. Application 29015]

FERTILIZERS FROM WOODSTOCK, TENN., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

MARCH 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Woodstock, Tenn.

To: Points in Illinois and official territories.

Grounds for relief: Rail competition, circuity and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1919; Filed, Mar. 17, 1954; 8:50 a. m.]

[4th Sec. Application 29016]

CALCIUM CHLORIDE BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MARCH 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent for carriers parties to schedules listed below.

Commodities involved: Calcium chloride, other than liquid, carloads and tank-car loads, and calcium chloride liquor, in tank-car loads.

Between: Points in official territory, excluding northern Illinois, southern Wisconsin and extended Zone "C" in Wisconsin.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates:

AGENT C. W. BOIN

I. C. C. No.:	Supplement No.
A-848	32

ALTERNATE AGENT H. R. HINSCH

3779	135
2445	316
2446	332
2447	322
2448	312
3685	147
3355	203
2451	322
3425	186
3098	213
3642	228

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-1944; Filed, Mar. 18, 1954; 8:47 a. m.]

[4th Sec. Application 29018]

BULK ROCK SALT FROM RETSOF AND LUDLOWVILLE, N. Y., TO CARNEY'S POINT, N. J.

APPLICATION FOR RELIEF

MARCH 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedules listed below.

Commodities involved: Salt, bulk rock, crushed or screened, carloads.

From: Retsof and Ludlowville, N. Y.

To: Carneys Point, N. J.

Grounds for relief: Rail competition, circuity, competition with water carriers, and foreign competition.

Schedules filed containing proposed rates:

Carrier	I. C. C. No.	Supplement No.
B & O RR	23862	15
DL & W RR	24456	14
Erie RR	28851	15
LV RR	C-9272	15
NYC RR	1142	23
P RR	3045	26

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1946; Filed, Mar. 18, 1954; 8:48 a. m.]

[4th Sec. Application 29017]

SUGAR FROM NEW ORLEANS, LA., DISTRICT TO FRANKLIN, N. C.

APPLICATION FOR RELIEF

MARCH 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sugar, carloads.

From: New Orleans, Gramercy, Reserve and Three Oaks, La., and points taking same rates.

To: Franklin, N. C.

Grounds for relief: Competition with rail carriers, circuity, and market competition.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 380, supp. 204.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-1945; Filed, Mar. 18, 1954; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 55

Washington, Saturday, March 20, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3045

CHILD HEALTH DAY, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress, by joint resolution of May 18, 1928 (45 Stat. 617) authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day; and

WHEREAS children are our Nation's richest resource and our most welcome responsibility; and

WHEREAS home life that is satisfying physically, emotionally, and spiritually is essential to the development of healthy personality in children; and

WHEREAS Child Health Day is a suitable occasion for emphasizing the fundamental importance to our Nation of wholesome family life:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the first day of May, 1954, as Child Health Day; and I urge all families to make this a day when parents and children join in family activity of work or play that will strengthen and enrich the union between them. I also invite all organizations and groups interested in child welfare to unite upon that day in observances designed to enhance family ties throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of March in the year of our Lord nineteen hundred and [SEAL] fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54-2040; Filed, Mar. 18, 1954; 3:29 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 23]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.323 *Navel Orange Regulation 23*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on March 18, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recom-

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FEDERAL REGISTER

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(For use during 1954)

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Title 3, 1953 Supp. ($1.50)

Title 16 ($1.00)

Titles 22–23 ($1.00)

Title 24 ($0.75)

Previously announced: Title 8 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.45); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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mendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 21, 1954, and ending at 12:01 a. m., P. s. t., March 28, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 404,250 boxes;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section, "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 19th day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Mar. 21 to 12:01 a. m., P. s. t., Mar. 28, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. N. P. Corona	.4972
A. N. F. Fullerton	.0000
A. N. F. Orange	.0000
A. N. F. Riverside	1.4320
A. N. F. Santa Paula	.1150
Eadington Fruit Co.	.3894
Signal Fruit Association	1.1413
Bryn Mawr Mutual Orange Association	.4380
Chula Vista Mutual Lemon Association	.0982
Euclid Avenue Orange Association	2.2261
Foothill Citrus Union, Inc.	.0807
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	2.3490
Olive Hillside Groves, Inc.	.0000
Redlands Foothill Groves	3.2065
Redlands Mutual Orange Association	1.4827
Ventura County Fruit Growers, Inc.	.3686
Azusa Citrus Association	.8768
Covina Citrus Association	2.0842
Glendora Citrus Association	1.0432
Valencia Heights Orchards Association	.6865
Gold Buckle Association	4.2531
La Verne Orange Association	4.0796
Anaheim Valley Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Linda Citrus Association	.0000
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0000
Citrus Fruit Growers	.4750
Cucamonga Mesa Growers	.8118
Etiwanda Citrus Fruit Association	.1443
Upland Citrus Association	2.7327
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association	.0000
Olive Heights Citrus Association	.0000
Santiago Orange Growers Association	.1173
Villa Park Orchards Association	.0000
Bradford Bros., Inc.	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0527
Corona Citrus Association	1.5106
Jameson Co.	.6299
Orange Heights Orange Association	4.8897
Crafton Orange Growers Association	1.5873
East Highlands Citrus Association	.5159
Redlands Heights Groves	.9915
Redlands Orangedale Association	1.2947
Rialto-Fontana Citrus Association	.2065
Bryn Mawr Fruit Growers Association	1.2718
Mission Citrus Association	.8773
Redlands Cooperative Fruit Association	2.2575
Redlands Orange Growers Association	1.6289
Redlands Select Groves	.5859
Rialto Orange Co.	.6420
Southern Citrus Growers	1.0866
United Citrus Growers	.9090
Arlington Heights Citrus Co.	1.8960
Blue Banner, Inc.	3.1615
Brown Estate, L. V. W.	2.5166
Gavilan Citrus Association	2.3445
McDermont Fruit Co.	1.8220
Monte Vista Citrus Association	1.8766
National Orange Co.	1.8687
Riverside-Highgrove Citrus Association	2.1851
Victoria Ave. Citrus Association	3.7063
Claremont Citrus Association	.6119
College Heights Orange & Lemon Association	2.0622
Indian Hill Citrus Association	1.1909
Pomona Fruit Growers Exchange	1.0170
Walnut Fruit Growers Association	.7083
West Ontario Citrus Association	.7718
Escondido Cooperative Citrus Association	.0000
Camarillo Citrus Association	.0053
Fillmore Citrus Association	1.1138
Mupu Citrus Association	.0055
Ojai Orange Association	1.1833
Piru Citrus Association	1.5556
Rancho Sespe	.0016
San Fernando Heights Orange Association	.7032
Santa Paula Orange Association	.0580
Tapo Citrus Association	.0162
Ventura County Citrus Association	.0224
East Whittier Citrus Association	.0032
North Whittier Heights	.0829
Sierra Madre-Lamanda Citrus Association	.0432
A. J. Packing Co.	.1487
Babijuice Corp. of California	.0000
Cherokee Citrus Co., Inc.	.9857
Dunning, Vera Hueck	.1822
Evans Brothers Packing Co.	.7376
Far West Produce Distributors	.1842
Gold Banner Association	2.7226
Gold Seal Produce, Inc.	.1775
Granada Packing House	.0048
Holland, M. J.	.0274
Orange Belt Fruit Distributors	.7655
Panno Fruit Co., Carlo	.0000
Paramount Citrus Association	.2388
Prescott, John A.	.0045
Riverside Fruit Co.	.2946
Rotolo Brothers	.0227
San Antonio Orchards Co.	1.2627
Smallwood, Leulla L.	.0091
Spire, Frank S.	.0093
Stephens & Cain	.1887
Torn Ranch	.0319
Wall, E. T., Grower-Shipper	2.6044
Western Fruit Growers, Inc.	4.8015

[F. R. Doc. 54–2061; Filed, Mar. 19, 1954; 11:35 a. m.]

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

[Lemon Reg. 529]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.636 *Lemon Regulation 529*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 17, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 21, 1954, and ending at 12:01 a. m., P. s. t., March 28, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 275 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[Storage date: Mar. 14, 1954]

[12:01 a. m. Mar. 21, 1954, to 12:01 a. m. Apr. 4, 1954]

Handler	Prorate base (percent)
Total	100.000
American National Foods, Inc., Corona	.760
American National Foods, Inc., Fullerton	.951
American National Foods, Inc., Upland	1.046
Buenaventura Lemon Co.	.715
Consolidated Lemon Co.	1.878
Ventura Pacific Co.	2.035
Chula Vista Mutual Lemon Association	.628
Euclid Lemon Association	1.604
Index Mutual Association	.429
La Verne Cooperative Citrus Association	2.461
Ventura Coastal Lemon Co.	.965
Ventura Processors	1.677
Glendora Lemon Growers Association	2.345
La Verne Lemon Association	.979
La Habra Citrus Association	1.330
Yorba Linda Citrus Association	.687
Escondido Lemon Association	3.950
Cucamonga Mesa Growers	2.412
Etiwanda Citrus Fruit Association	1.097
San Dimas Lemon Association	1.696
Upland Lemon Growers Association	8.712
Central Lemon Association	.932
Irvine Citrus Association, The	.726
Placentia Mutual Orange Association	1.658
Corona Citrus Association	.506
Corona Foothill Lemon Co.	3.270
Jameson Co.	1.316
Arlington Heights Citrus Co.	2.106
College Heights Orange & Lemon Association	3.779
Chula Vista Citrus Association, The	.781
Escondido Cooperative Citrus Association	.224
Fallbrook Citrus Association	2.254
Lemon Grove Association	.467
Carpinteria Lemon Association	1.760
Carpinteria Mutual Citrus Association	1.924
Goleta Lemon Association	2.456
Johnston Fruit Co.	4.030
Briggs Lemon Association	1.201
Fillmore Lemon Association	1.659
Oxnard Citrus Association	3.743
Rancho Sespe	.930
San Fernando Heights Lemon Association	3.854
Santa Clara Lemon Association	3.105
Santa Paula Citrus Fruit Association	2.729
Saticoy Lemon Association	1.845
Seaboard Lemon Association	3.843
Somis Lemon Association	3.880
Ventura Citrus Association	.691
Ventura County Citrus Association	.159
Limoneira Company	1.140
Teague-McKevett Association	.880
East Whittier Citrus Association	.460
Murphy Ranch Co.	1.073
North Whittier Heights Citrus Association	.828
Sierra Madre-Lamanda Citrus Association	.909
Far West Produce Distributors	.058
Paramount Citrus Association, Inc.	2.367
Santa Rosa Lemon Co.	.100

[F. R. Doc. 54-2042; Filed, Mar. 19, 1954; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 18]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

[Supp. 21]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

OPERATIONAL USE OF WEATHER REPORTS FOR INSTRUMENT APPROACH, LANDING, OR TAKE-OFF

These rules prescribe the operational use of hourly sequence weather reports, including end-of-runway weather reports, in executing an instrument approach, landing, or take-off. The proposed rules were published on October 13, 1953, in 18 F. R. 6509; interested persons were afforded an opportunity to submit data, views, or arguments; and consideration has been given to all relevant matter presented. The following rules are hereby adopted:

§ 41.119–2 *Take-off and landing weather minimums (CAA rules which apply to §§ 41.96 and 41.119).* (a) Whenever the latest weather report, furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau contains a visibility value specified as a runway visibility for a particular runway of an airport, such visibility shall be used for straight-in instrument approach and landing or take-off for that runway only. The terminal visibility as reported in the main body of such weather report shall be used for instrument approach and landing or take-off for all other runways.

(b) The ceiling value reported in the main body of such weather report shall constitute the ceiling for both circling and straight-in instrument approach and landing or take-off for all runways.

§ 42.56–2 *Take-off and landing weather minimums (CAA rules which apply to §§ 42.55 and 42.56).* See § 41.119–2 of this subchapter.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective April 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1987; Filed, Mar. 19, 1954; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 72]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

OPERATIONAL USE OF WEATHER REPORTS FOR INSTRUMENT APPROACH, LANDING, OR TAKE-OFF

These rules prescribe the operational use of hourly sequence weather reports, including end-of-runway weather reports, in executing an instrument approach, landing, or take-off. The proposed rules were published on October 13, 1953, in 18 F. R. 6509, interested persons were afforded an opportunity to submit data, views, or arguments; and consideration has been given to all relevant matter presented. The following rules are hereby adopted:

§ 609.3 *Introduction.* • • •

(j) *Take-off and landing weather minimums.* (1) Whenever the latest weather report, furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau, contains a visibility value specified as a runway visibility for a particular runway of an airport, such visibility shall be used for straight-in instrument approach and landing or take-off for that runway only. The terminal visibility as reported in the main body of such weather report shall be used for instrument approach and landing or take-off for all other runways.

(2) The ceiling value reported in the main body of such weather report shall constitute the ceiling for both circling and straight-in instrument approach and landing or take-off for all runways.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective April 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1988; Filed, Mar. 19, 1954; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6096]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HAIR & SCALP CLINIC, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Personnel or staff; qualifications and abilities; § 3.90 *History of product or offering;* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale or sale of treatments of the hair and scalp in which certain cosmetic and medicinal preparations are used, namely, preparations referred to and designated by respondents as "Dioxynol", by various numbers and otherwise, such as "#26", "#57", "Spec. #99", "A-1", etc., and as "Special Formula Shampoo", "Hydrosol" (a detergent), and "Sebol" (a hair dressing oil), or in connection with the offering for sale, sale, or distribution of such cosmetic and medicinal preparations, for use in the treatment of conditions of the hair and scalp, or any other preparations of substantially similar composition or possessing substantially similar properties, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase of said preparations in commerce, which advertisements represent, directly or by implication: (a) That treatments of the hair or scalp by respondents or their employees, in which such various cosmetic and medicinal preparations are used, or in which any other preparations of substantially similar composition or possessing substantially similar properties are used, or that the use of said preparations by purchasers in their homes, will: (1) Have any effect in preventing or overcoming baldness or loss of hair; (2) cause the hair to take on new life; (3) induce the growth of new hair or stunted hair; (4) cause the permanent elimination of itching of the scalp, dandruff, dryness, or oiliness of the scalp, or prevent or cure other scalp disorders; (b) that respondents' formulas or preparations or any of them are new or the result of new discoveries; (c) that respondents or any of their employees have had competent training in dermatology or other branches of medicine pertaining to diagnosis or treatment of scalp disorders affecting the hair, or that respondents or any of their employees are trichologists; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Hair & Scalp Clinic, Inc., Washington, D. C., Docket 6096, Feb. 21, 1954]

In the Matter of Hair & Scalp Clinic, Inc., a Corporation, Ray W. Plasterer and Virginia E. Plasterer, Individually and as Officers of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondents' answer, and a stipulation whereby it was stipulated and agreed that a statement of facts executed by counsel supporting the complaint and counsel for respondents might be taken as the facts in the proceeding and in lieu of evidence in support of and in opposition to the charges stated in the complaint, and that the examiner might proceed upon such statement of facts to make his initial decision, stating his findings as to the facts, including inferences which he might draw from the stipulated facts, and his conclusion based thereon and enter his order disposing of the proceedings without the filing of proposed findings and conclusions, respondents, however, reserving the right to present oral argument.

It was further stipulated that if the proceeding should come before the Commission upon appeal from the initial decision of the examiner or by review upon the Commission's own motion, the Commission might, if it so desires, set aside the stipulation and remand the case to the hearing examiner for further hearings under the complaint, and thereafter a hearing was held before said examiner, theretofore duly designated by the Commission, at which counsel were heard in oral argument and certain documentary evidence was made a part of the record.

Subsequently the proceeding regularly came on for final consideration by said examiner upon the complaint, answer, stipulation, which had been approved by said examiner, documentary evidence and oral argument of counsel, and the examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on February 21, 1954.

Said order to cease and desist is as follows:

It is ordered, That the respondents, Hair & Scalp Clinic, Inc., a corporation, and its officers, and Ray W. Plasterer and Virginia E. Plasterer, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of treatments of the hair and scalp in which the various cosmetic and medicinal preparations set out in the findings herein are used; or in connection with the offering for sale, sale or distribution of the various cosmetic and medicinal preparations set out in the findings herein, for use in the treatment of conditions of the hair and scalp, or any other preparations of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

I. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That treatments of the hair or scalp by respondents or their employees, in which the various cosmetic and medicinal preparations set forth in the findings are used, or in which any other preparations of substantially similar composition or possessing substantially similar properties are used, or that the use of said preparations by purchasers in their homes, will:

(1) Have any effect in preventing or overcoming baldness or loss of hair.

(2) Cause the hair to take on new life.

(3) Induce the growth of new hair or stunted hair.

(4) Cause the permanent elimination of itching of the scalp, dandruff, dryness, or oiliness of the scalp, or prevent or cure other scalp disorders.

(b) That respondent's formulas or preparations or any of them are new or the result of new discoveries.

(c) That respondents or any of their employees have had competent training in dermatology or other branches of medicine pertaining to diagnosis or treatment of scalp disorders affecting the

[1] Filed as part of the original document.

hair, or that respondents or any of their employees are trichologists.

II. Disseminating or causing to be disseminated by any means any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in Paragraph I hereof.

By "Decision of the Commission and Order to File Report of Compliance," Docket 6096, February 19, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 19, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-2021; Filed, Mar. 19, 1954; 8:52 a. m.]

[Docket 6131]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LACY'S, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Organization and operation; § 3.55 *Demand, business or other opportunities;* § 3.200 *Sample, offer or order conformance;* § 3.205 *Scientific or other relevant facts.* **Subpart—*Offering unfair, improper, and deceptive inducements to purchase or deal:*** § 3.2015 *Opportunities in product or service;* § 3.2060 *Sample, offer, or order conformance;* § 3.2063 *Scientific or other relevant facts.* In connection with the offering for sale, or distribution in commerce, of electrical appliances, including home freezers and television sets: (1) Representing, through the use of such terms as "Lacy's Family Food Plan" or in any other manner, that respondents are engaged in the operation of a plan for the purchasing of food; (2) representing, directly or by implication, that participants in such plan can eliminate the retailer or buy at wholesale prices or from a wholesaler; (3) representing, directly or by implication, that over-all monetary savings may be effected through the general use of frozen foods in place of corresponding foods in other forms; (4) representing, directly or by implication, that any stated over-all monetary saving can be effected through participation in such plan unless, in immediate connection therewith, the amount of the expenditure for foods available through such plan which is necessary to effect such saving is disclosed; (5) misrepresenting the difference between the price of foods available under the plan and the price of such foods in usual retail channels, or the percentage of food costs which can be saved by participation in such plan; (6) representing that net monetary savings, however expressed, can be effected by the use of freezers purchased from respondents, unless the costs of operation, maintenance and depreciation and, in the event that the freezer is purchased on credit, the costs of such credit, are taken into account; and (7) representing, directly or by implication, that television sets or other appliances are being offered for sale, when such offer is not a genuine and bona fide offer to sell the television sets or other appliances so offered; prohibited.

(Sec. 6, 38 Stat. 722, 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Lacy's, Inc., et al., Washington, D. C., Docket 6131, Feb. 26, 1954]

In the Matter of Lacy's, Inc., a Corporation, and William Warsaw, Eugene H. Rietzke (Referred to in the Complaint as Eugene Rietcky), Hyman Goodbinder, and Hyman M. Goldstein (Referred to in the Complaint as Herman Goldstein), Individually

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, the answer of respondents Rietzke and Goldstein, and the default of respondents, Lacy's, Inc., and respondents Warsaw and Goodbinder, who filed no answers to the complaint and entered no appearance at a hearing held by said examiner, theretofore duly designated by the Commission, in accordance with notice given in the complaint.

Thereafter the proceeding regularly came on for consideration by said examiner upon the complaint, the answers of respondents Rietzke and Goldstein, and the default of the other respondents, and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order, including order to cease and desist as to respondents, Lacy's, Inc., and respondents Warsaw and Goodbinder, and order of dismissal as to respondents Goldstein and Rietzke.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on February 26, 1954.

Said order is as follows:

It is ordered, That respondents, Lacy's, Inc., a corporation, and its officers, and William Warsaw and Hyman Goodbinder, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of electrical appliances, including home freezers and television sets, do forthwith cease and desist from:

1. Representing, through the use of such terms as "Lacy's Family Food Plan" or in any other manner, that they are engaged in the operation of a plan for the purchasing of food.

2. Representing, directly or by implication, that participants in such a plan can eliminate the retailer or buy at wholesale prices or from a wholesaler.

3. Representing, directly or by implication, that over-all monetary savings may be effected through the general use of frozen foods in place of corresponding foods in other forms.

4. Representing, directly or by implication, that any stated over-all monetary saving can be effected through participation in such plan unless, in immediate connection therewith, the amount of the expenditure for foods available through such plan which is necessary to effect such saving is disclosed.

5. Misrepresenting the difference between the price of foods available under the plan and the price of such foods in usual retail channels, or the percentage of food costs which can be saved by participation in such plan.

6. Representing that net monetary savings, however expressed, can be effected by the use of freezers purchased from respondents, unless the costs of operation, maintenance and depreciation and, in the event that the freezer is purchased on credit, the costs of such credit, are taken into account.

7. Representing, directly or by implication, that television sets or other appliances are being offered for sale, when such offer is not a genuine and bona fide offer to sell the television sets or other appliances so offered.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents Hyman M. Goldstein and Eugene H. Rietzke.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6131, February 26, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents, Lacy's Inc., a corporation, William Warsaw and Hyman Goodbinder, individually, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 26, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-2020; Filed, Mar. 19, 1954; 8:52 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Parts 141a, 141b; 19 F. R. 1141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146b, 146e; 18 F. R. 7673; 19 F. R. 672, 674, 1141, 1421) are amended as indicated below:

1a. In § 141a.48, the headnote and paragraph (b) are amended to read:

§ 141a.48 *Dibenzylethylenediamine dipenicillin G oral suspension, dibenzylethylenediamine dipenicillin G for oral suspension.* • • •

(b) *pH.* Proceed as directed in § 141a.5 (b), using the undiluted aqueous suspension or the suspension prepared as directed in the labeling of the drug.

b. Section 141a.48 is further amended by adding the following new paragraph (c):

(c) *Moisture (if it is a dry mixture of the drug).* Proceed as directed in § 141a.26 (e).

2. Part 141a is amended by adding the following new sections:

§ 141a.72 *Dibenzylamine penicillin G (dibenzylamine penicillin G salt)*—(a) *Potency.* Proceed as directed in § 141a.26 (a).

(b) *Sterility.* Proceed as directed in § 141a.2.

(c) *Pyrogens.* Proceed as directed in § 141a.3, except use physiological salt solution as the diluent.

(d) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent, and inject 0.25 milliliter of a solution containing 4,000 units per milliliter.

(e) *Moisture.* Proceed as directed in § 141a.26 (e).

(f) *pH.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

(g) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c).

(h) *Penicillin G content.* Proceed as directed in § 141a.26 (h), using the following formula for calculating the percent of dibenzylamine penicillin G:

$$\text{Percent of dibenzylamine penicillin G} = \frac{\text{N-ethyl piperidine penicillin precipitate} \times 245.5}{\text{Weight of sample in milligrams}}$$

§ 141a.73 *Dibenzylamine penicillin and potassium penicillin powder, buffered*—(a) *Total potency.* Proceed as directed in § 141a.1, using 5 milliliters of the preparation, reconstituted as directed in the labeling.

(b) *Potassium penicillin content.* Centrifuge approximately 10 milliliters of the reconstituted preparation to obtain a clear solution and proceed as directed in § 141a.1, using 5 milliliters of the clear solution. The potency of the clear solution is regarded as the potassium penicillin content. The content of potassium penicillin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(c) *Dibenzylamine penicillin content.* The difference between the total potency as determined by paragraph (a) of this section and the potassium penicillin as determined by paragraph (b) of this section represents the amount of dibenzylamine penicillin present. The content of dibenzylamine penicillin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(d) *Moisture.* Proceed as directed in § 141a.26 (e).

§ 141a.74 *Dibenzylamine penicillin and streptomycin in oil, dibenzylamine penicillin and dihydrostreptomycin in oil*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.27 (a), except the last sentence thereof. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(2) *Streptomycin content.* Using 1.0 milliliter as the test sample, proceed as directed in § 141a.35 (a) (2). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(3) *Dihydrostreptomycin content.* Using 1.0 milliliter as the test sample, proceed as directed in § 141a.35 (a) (3). Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(b) *Moisture.* Using 1.0 milliliter as the test sample, proceed as directed in § 141a.7 (c).

3. Part 141b is amended by adding the following new section:

§ 141b.125 *Dihydrostreptomycin-streptomycin sulfates with isonicotinic acid hydrazide*—(a) *Total potency*—(1) *Preparation of sample*—(i) *Reagents*—(a) *Benzaldehyde.* Boiling point 75–76° C./16 mm.;

(b) *Acetone.* Reagent grade.

(ii) *Apparatus.* An extraction funnel is prepared by fusing a ground-glass stopper to the top of a medium porosity sintered-glass filter funnel (30-millimeter diameter).

(iii) *Procedure.* The entire sample is quantitatively transferred to the funnel as follows: Pour the dry sample into the funnel. Wash any material remaining in the bottle with three 5.0-milliliter portions of benzaldehyde, placing the washings into the funnel. Stopper the funnel and shake occasionally for 3 minutes. Filter off the benzaldehyde by vacuum. Repeat the shaking with two more 15-milliliter portions of benzaldehyde, discarding all benzaldehyde filtrates. Wash the residue in the funnel with about 10 milliliters of acetone, discarding the acetone filtrate. Dissolve the streptomycin and dihydrostreptomycin in the funnel with about 25 milliliters of water and transfer the solution to a 500-milliliter volumetric flask. Wash the funnel with water and transfer the washings to the volumetric flask. Finally, wash the funnel with water by filtering the water by vacuum and add the filtrate to the volumetric flask. Dilute the sample to 500 milliliters with distilled water, then proceed as directed in § 141b.101 (j), using the dihydrostreptomycin working standard as the standard of comparison. The total potency is satisfactory if it contains not less than 90 percent of the combined number of milligrams of dihydrostreptomycin and streptomycin that it is represented to contain.

(b) *Content of streptomycin sulfate.* Using an aliquot of the solution prepared as directed in paragraph (a) of this section, proceed as directed in § 141b.108 (b), making appropriate dilutions so that the aliquot ultimately used for the colorimetric measurement contains 5.0 milligrams of streptomycin (estimated), and modify the calculations in accordance with the dilutions made. Its content of streptomycin is satisfactory if it contains not less than 45 percent and not more than 55 percent of the total potency as determined under paragraph (a) of this section.

(c) *Isonicotinic acid hydrazide content.* Proceed as directed under § 141b.121 (a) (2).

(d) *Sterility, pyrogens, histamine, moisture, pH.* Using the total potency of the sample for preparing dilutions and weighings, proceed as directed in §§ 141b.102, 141b.104, 141b.105, and 141b.106.

(e) *Toxicity.* Proceed as directed under § 141a.4 of this chapter, using as a test dose 0.5 milliliter of a solution containing 1,000 micrograms of total activity per milliliter.

4a. In § 146a.69, the headnote and paragraph (a) are amended to read:

§ 146a.69 *Dibenzylethylenediamine dipenicillin G oral suspension, dibenzylethylenediamine dipenicillin G for oral suspension*—(a) *Standards of identity,*

strength, quality, and purity. Dibenzylethylenediamine dipenicillin G oral suspension is an aqueous suspension of dibenzylethylenediamine dipenicillin G, and dibenzylethylenediamine dipenicillin G for oral suspension is a dry mixture of dibenzylethylenediamine dipenicillin G; each drug may contain one or more suitable and harmless dispersing agents, buffer substances, and preservatives, with or without one or more suitable sulfonamides and suitable and harmless colorings and flavorings. The potency of the oral suspension and of the suspension prepared as directed in its labeling is not less than 20,000 units per milliliter. Its pH is not less than 6.0 and not more than 7.0. If it is a dry mixture of the drug, its moisture content is not more than 6.0 percent. The dibenzylethylenediamine dipenicillin G used conforms to the requirements of § 146a.68 (a), except subparagraphs (2), (4), and, if it is the oral suspension, (5) of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (c) (1) (ii) is amended to read:

(c) *Labeling.* • • •

(1) • • •

(ii) The number of units in each milliliter of the batch, if it is the oral suspension, and the number of units in each immediate container, if it is a dry mixture.

c. Paragraph (c) (3) is amended by changing the words " 'Dibenzylethylenediamine dipenicillin G oral suspension,' " to read " 'dibenzylethylenediamine dipenicillin G oral suspension or dibenzylethylenediamine dipenicillin G for oral suspension,' ".

d. In paragraph (d) *Request for certification; samples*, subparagraph (1) is amended by changing the words "the potency per milliliter of the batch," to read "the potency per milliliter if it is a suspension of the drug and the number of units in each immediate container if it is a dry mixture,".

e. Paragraph (d) (2) (i) is amended to read:

(i) The batch; average potency per milliliter if it is the oral suspension, average potency per immediate container if it is a dry mixture, pH, and moisture if it is a dry mixture of the drug.

f. Paragraph (d) (2) (ii) is amended by inserting the words "moisture (if it is used in the preparation of a dry mixture)," between the words "pH" and "crystallinity".

5. Part 146a is amended by adding the following new sections:

§ 146a.94 *Dibenzylamine penicillin G (dibenzylamine penicillin G salt)*—(a) *Standards of identity, strength, quality, and purity.* Dibenzylamine penicillin G is the crystalline dibenzylamine salt of penicillin G. It contains not less than 85 percent by weight of the dibenzylamine salt of penicillin G. Each such drug is so purified and dried that:

(1) Its potency is not less than 975 units per milligram.

(2) It is sterile.

(3) It is nontoxic.

(4) It is nonpyrogenic.

(5) Its moisture content is not more than 4.0 percent.

(6) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1 The batch mark.

(2) The weight of the drug and the number of units in the immediate container.

(3) The statement "Expiration date _____," the blank being filled in with the date which is 18 months after the month during which the batch was certified: *Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For manufacturing use only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, and the penicillin G content.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility test; 10 packages.

Each such package shall contain approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which dibenzylamine penicillin G is to be used, the manufacturer of a batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section.

(2) If the Commissioner considers that investigations other than the examination of such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.95 *Dibenzylamine penicillin and potassium penicillin powder, buffered*—(a) *Standards of identity, strength, quality, and purity.* Dibenzylamine penicillin and potassium penicillin powder, buffered, is a dry mixture of dibenzylamine penicillin G and potassium penicillin G, with or without one or more suitable sulfonamides, and with one or more suitable and harmless buffer substances, colorings, and flavorings. It shall contain not less than 100,000 units of potassium penicillin G for each 200,000 units of dibenzylamine penicillin G. Its moisture content is not more than 1 percent. Its pH is not less than 5.5 and not more than 7.5. The dibenzylamine penicillin G used conforms to the requirements of § 146a.94 (a), except subparagraphs (2) and (4) of that paragraph. The potassium penicillin used conforms to the requirements of § 146a.24 (a) for potassium penicillin, except subparagraphs (2) and (4) of that paragraph. Each other ingredient used, if its name is recognized in the U. S. P. or N. F. conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of dibenzylamine penicillin and the number of units of potassium penicillin in the immediate container.

(iii) If it contains sulfonamides, the name and quantity of each in the immediate container.

(iv) The name of each buffer substance used in making the batch.

(v) The statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(vi) The statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains sulfonamides, after the name "dibenzylamine penicillin and potassium penicillin powder, buffered," wherever it appears, the words "with sulfonamides," in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest assays of the dibenzylamine penicillin G and the potassium penicillin G used in making the batch were completed, the number of units of dibenzylamine penicillin G and the number of units of potassium penicillin G in each container of the batch, the date on which the latest assay comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The dibenzylamine penicillin G used in making the batch; potency, toxicity, moisture, pH, crystallinity, and penicillin G content.

(iii) The potassium penicillin G used in making the batch; potency, toxicity, moisture, pH, penicillin G content, crystallinity, and heat stability.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 6 or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The dibenzylamine penicillin G used in making the batch; 3 packages, each containing approximately equal portions of not less than 500 milligrams packaged in accordance with the requirements of § 146a.94 (b).

(iii) The potassium penicillin G used in making the batch; 3 packages, each containing approximately equal portions of not less than 250 milligrams packaged in accordance with the requirements of § 146a.24 (b).

(iv) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) and (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such results or samples have been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), (iii), and (iv) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.96 *Dibenzylamine penicillin and streptomycin in oil, dibenzylamine penicillin and dihydrostreptomycin in oil.* Dibenzylamine penicillin and streptomycin in oil and dibenzylamine penicillin and dihydrostreptomycin in oil conform to all the requirements prescribed by § 146a.57 for procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil and are subject to all procedures prescribed by § 146a.57 for procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil, except that dibenzylamine penicillin is used in lieu of procaine penicillin. The dibenzylamine penicillin used conforms to the requirements of § 146a.94 (a), except subparagraphs (2) and (4) of that paragraph.

6. Part 146b is amended by adding the following new section:

§ 146b.120 *Dihydrostreptomycin-streptomycin sulfates with isonicotinic acid hydrazide.* Dihydrostreptomycin-streptomycin sulfates with isonicotinic acid hydrazide conforms to all requirements and is subject to all procedures prescribed by § 146b.113 for dihydrostreptomycin-streptomycin sulfates, except that:

(a) It contains not less than 100 milligrams of isonicotinic acid hydrazide for each 0.5 gram of dihydrostreptomycin-streptomycin sulfates. The isonicotinic acid hydrazide used has a purity of not less than 98 percent and has a melting point of not less than 169° C. and not more than 172° C.

(b) In lieu of the directions prescribed by § 146b.113 (c), it shall be labeled in accordance with the requirements prescribed by § 146b.101 (c), except that each package shall bear on the outside wrapper or container and the immediate container the number of grams of dihydrostreptomycin, the number of grams of streptomycin and the number of grams of isonicotinic acid hydrazide, and the expiration date shall be 18 months after the month during which the batch was certified: *Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(c) In addition to complying with the requirements of § 146b.113 (d), a person who requests certification of a batch shall submit with his request a statement showing the number of grams of isonicotinic acid hydrazide in each package, and in case of an initial request for certification, a sample consisting of approximately 5.0 grams of the isonicotinic acid hydrazide used in making the batch.

(d) The fee for the services rendered with respect to the sample of isonicotinic acid hydrazide submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

7. In § 146e.411 *Bacitracin-neomycin ointment* • • •, subparagraph (2) of paragraph (a) is amended by changing the period at the end thereof to a comma and adding the following new clause:

", except that the blank may be filled in with the date which is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: March 15, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-2018; Filed, Mar. 19, 1954; 8:51 a. m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTICS

Under authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 502 (1), 507 (c), 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 352 (1), 357 (c); 67 Stat. 18), I find that the requirements of sections 502 (1) and 507 of the act with respect to animal feed containing chlortetracycline and certain other designated drugs, when used for the prevention or treatment of diseases of poultry, and conspicuously so labeled, are no longer necessary to insure safety and efficacy of such drugs when used for such purposes, and hereby promulgate the following amendments exempting such drugs from the requirements:

Section 146.26 *Animal feed containing penicillin* • • • is amended in the following respects:

1. Paragraph (h) is amended by changing the last sentence to read: "If it is intended for use solely in poultry, it may contain 0.1 percent of para-aminobenzoic acid or the sodium or potassium salt of para-aminobenzoic acid, or if it is intended for continuation of coccidiosis prevention it shall contain, in the amount specified, one of the ingredients prescribed by paragraph (b) of this section."

2. Paragraph (m) is amended by changing the words "and it contains 0.0056 percent nitrofurazone" to read "and it contains, in the amount specified, one of the ingredients prescribed by paragraph (b) of this section".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it would be against public interest to delay providing for the aforesaid amendments, and since it conditionally releases existing requirements.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 502, 52 Stat. 1050, as amended, sec. 507, 59 Stat. 463, as amended, 67 Stat. 389; 21 U. S. C. 352, 357)

Dated: March 15, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-2019; Filed, Mar. 19, 1954; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Amdt. 2]

DMO VII-6—EXPANSION GOALS

MISCELLANEOUS AMENDMENTS

Defense Mobilization Order VII-6 dated December 3, 1953, (18 F. R. 7876) and Amendment 1 dated January 29, 1954, (19 F. R. 855) are further amended as follows:

Expansion Goal No. 25, Hydrofluoric Acid is hereby transferred from List II, Suspended to List I, Closed.

Expansion Goal No. 215, Titanium Melting Facilities, delegate agency changed from GSA to Commerce.

This amendment shall take effect on March 20, 1954.

OFFICE OF DEFENSE MOBILIZATION, ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 54-2041; Filed, Mar. 18, 1954; 4:13 p. m.]

Chapter XVI—Agricultural Marketing Service, Department of Agriculture

[Defense Food Order 2, Sub-Order 3: Termination]

DFO 2—PROCESSED FRUITS AND VEGETABLES: SET-ASIDE REQUIREMENTS

SO 3—CANNED FRUITS AND CANNED VEGETABLES: SET-ASIDE REQUIREMENTS

TERMINATION

It is hereby found and determined that the provisions of Sub-Order 3 (18 F. R. 2409), issued pursuant to Defense Food Order 2, as amended (16 F. R. 3345, 4981), with respect to the canned fruits and canned vegetables of the 1953 production required to be set aside and reserved for procurement by Government agencies pursuant to Defense Food Order 2, do not now appear necessary or appropriate to promote the national defense; and this termination order is, therefore, hereby made effective. During the administration of Defense Food Order 2, Sub-Order 3, there were frequent consultations with industry representatives relative to its operations. To the extent practicable in the formulation of this order, there has been informal consultation with industry representatives, and consideration has been given to their recommendations.

Summary of termination order. The effect of this action is to terminate the requirement that processors continue to set aside designated canned foods for procurement by Government agencies. In addition, all canned foods that are currently set aside and reserved under Sub-Order 3 are released by this order.

Regulatory provisions. Defense Food Order 2, Sub-Order 3 (18 F. R. 2409) is hereby terminated effective 12:01 a. m., e. s. t., April 1, 1954. With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order 2, Sub-Order 3 prior to the effective time of the provisions hereof, all provisions of said Defense Food Order 2, Sub-Order 3 shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal: *Provided*, That any canned food set aside pursuant to said Defense Food Order 2, Sub-Order 3 is hereby released.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Done at Washington, D. C., this 17th day of March 1954.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 54-2023; Filed, Mar. 19, 1954; 8:53 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (i) of § 1.4 *Fishing* is amended to read as follows:

(i) The canning or curing of fish for the purpose of transporting them out of a park or monument is prohibited except in Isle Royale National Park, where a fisherman is permitted to salt down one day's catch and remove them from the Park.

2. Section 20.38 *Isle Royale National Park* is amended to read as follows:

§ 20.38 *Isle Royale National Park*—(a) *Sport fishing, inland lakes and streams.* (1) The open season for fishing shall be as follows:

Brook trout, rainbow trout, brown trout, steelheads, and lake trout (Mackinaw trout), last Saturday in April to Labor Day, inclusive.

Muskellunge, northern pike, walleyed pike, and yellow perch, 1st of May to November 1st, inclusive.

(2) *Catch limits.* The maximum catch per person per day shall be as follows:

Brook trout, rainbow trout, brown trout, and steelheads, a combined total of 10 fish, but not more than 10 pounds of fish and 1 fish.

Lake trout (Mackinaw trout), 5 fish, but not more than 25 pounds of fish and 1 fish.

Northern pike, walleyed pike, and muskellunge, 5 fish of either species.

(3) *Minimum size limits.* Fish of the following sizes shall not be retained but shall be carefully handled with moist hands and returned at once to the water:

Brook trout, rainbow trout, brown trout, and steelheads, under 7 inches in length.

Northern pike and walleyed pike, under 14 inches in length.

Lake trout (Mackinaw trout), under 15 inches in length.

Yellow perch, under 6 inches in length.

Muskellunge, under 30 inches in length.

(4) *Number of fish in possession.* The number of fish in possession shall not exceed the maximum catch per person per day, as indicated herein.

3. Paragraph (a) of § 20.22 *Grand Teton National Park* is amended to read as follows:

(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed 35 miles per hour on any of the Park roads unless different speed limits are indicated by posted signs or markers.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 15th day of March 1954.

DOUGLAS MCKAY, *Secretary of the Interior.*

MARCH 15, 1954.

[F. R. Doc. 54-1991; Filed, Mar. 19, 1954; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 944]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE OF ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands in Utah are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Atomic Energy Commission:

SALT LAKE MERIDIAN

T. 25 S., R. 21 E.,
Sec. 28, That part of the NE¼ lying southwest of U. S. Highway No. 160, and NE¼SE¼;
Sec. 27, That part of W½NW¼ lying south of U. S. Highway No. 160, and SW¼.

The areas described aggregate approximately 380 acres.

This order shall take precedence over but shall not otherwise modify the departmental order of September 15, 1939, establishing Utah Grazing District No. 9, and shall be subject to exisitng withdrawals for powersite purposes so far as they affect any of the above-described lands.

It is intended that the lands above described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

ORME LEWIS, *Assistant Secretary of the Interior.*

MARCH 16, 1954.

[F. R. Doc. 54-1989; Filed, Mar. 19, 1954; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10444]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

MARITIME MOBILE RADIOTELEPHONE SERVICE IN BAND 2000–2850 KC

The report and order in the above-entitled proceeding, dated February 10, 1954, should be corrected by making the following change: Under § 8.351 (d), the new subparagraph (14) should be designated as new subparagraph (15).

Released: March 17, 1954.

FEDERAL COMMUNICATIONS COMMISSION, [SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-2022; Filed, Mar. 19, 1954; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

ANNOUNCEMENT OF REFERENDUM IN CONNECTION WITH PROPOSED DESIGNATION UNDER TOBACCO INSPECTION ACT OF TOBACCO AUCTION MARKET OF HIGH SPRINGS, FLORIDA

Pursuant to the provisions of The Tobacco Inspection Act (7 U. S. C. 511 et seq.) and in accordance with the applicable regulations (7 CFR 29.74) issued thereunder by the Secretary, notice is given that a referendum of tobacco growers will be conducted from April 15 through April 17, 1954, to determine whether growers favor the designation of the High Springs, Florida, tobacco auction market for free and mandatory inspection of tobacco sold thereon.

Growers who sold tobacco on the aforesaid market during the 1953 marketing season shall be eligible to vote in said referendum. Ballots for use in said referendum will be mailed to all eligible voters insofar as their names and addresses are known. Eligible voters who do not receive ballots by mail may obtain them from (1) the county agent at Gainesville, Florida; (2) the office of the county Agricultural Stabilization and Conservation committee at Gainesville, Florida; or (3) the office of the Chamber of Commerce, City Hall, High Springs, Florida.

All completed ballots shall be mailed to the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P. O. Box 549, Raleigh, North Carolina, and, in order to be counted in said referendum, must be postmarked not later than midnight, April 17, 1954.

Done at Washington, D. C., this 17th day of March 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-2024; Filed, Mar. 19, 1954; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 8333]

STANDARD BROADCAST STATIONS

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING DAYTIME SKYWAVE TRANSMISSIONS

In the matter of promulgation of rules and regulations and Standards of Good Engineering Practice Concerning Daytime Skywave Transmissions of Standard Broadcast Stations; Docket No. 8333.

1. The above-entitled proceeding was instituted May 8, 1947, to determine the existence and extent of skywave transmissions of standard broadcast stations during daylight hours and to formulate necessary changes in the Commission's rules and regulations and Standards of Good Engineering Practice in light of the evidence adduced.

2. The ultimate question here presented is whether the data compiled in the record in this proceeding with respect to skywave transmissions during daytime hours on standard broadcast radio frequencies established that stations receive an adequate or sufficient

degree of protection from interference from such sources in the light of our basic allocation[1] objectives (see paragraphs 5–6, infra); and in the event that they do not, whether the Commission's rules and standards should be revised to accord such a degree of protection. A brief discussion of basic allocation and interference problems, and of the Commission's approach to them in the standard broadcast field is necessary to an understanding of the specific considerations raised by the instant proceeding.

BACKGROUND

3. There is no rule of law or section of the Communications Act which affords broadcast stations protection against "interference", as that term may be defined in the abstract without reference to the Commission rules, regulations and standards. Section 303 (f) of the act provides in pertinent part that the Commission shall "make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations." In this section Congress has delegated to the Commission the authority to determine the extent to which broadcast and other radio stations shall be protected against interference and, necessarily, the concomitant authority to determine the extent to which interference between broadcast and other radio stations shall be permitted to exist. The delegation is broad and leaves within the Commission's discretion, subject to the criterion of the public interest, convenience and necessity, not only the determination of what degree of interference between stations shall be considered excessive but also the methods by which such excessive interference shall be avoided.

4. Whenever two or more radio stations operate simultaneously on the same or closely adjacent frequencies, each will interfere to some extent with reception of the other. Depending upon many factors, but principally the distance between the stations, the power radiated, and the time of operation, the interference may be so slight as to be undetectable within any area where any station produces a usable signal or may be so severe as virtually to destroy the entire service area of all of the stations. The importance of the last factor listed—time of operation—results from the two fundamental modes of propagation of radio signals at standard broadcast frequencies. At these frequencies propagation of radio signals consists of groundwave and skywave. As is generally known, groundwave transmission is more restricted in its coverage but of a steadier nature than skywave transmission, which, being a reflected signal from the ionosphere (an imperfectly reflecting medium) reaches far wider areas. To provide a good grade of skywave service over large areas requires a high power station with a tall antenna, and most important from the viewpoint of this proceeding, operation at night. For at standard broadcast frequencies there is a significant difference between the propagation of radio signals during daytime and nighttime hours. This difference is so consistent and so marked that it is possible to assign a great many more stations to a single frequency daytime than nighttime without excessive interference resulting between stations. At night, however, skywave signals, though continuously varying in intensity, are very much stronger and are capable of providing a useful service, particularly in thinly populated areas, and also of causing severe interference to other services. Thus, an optimum utilization of a frequency daytime might not be optimum at night, and vice versa.

5. In the formulation of basic rules and standards governing the assignment of stations the Commission must determine the point at which on an over-all basis the resulting interference may become so severe as to outweigh the advantages to be gained by assigning additional stations to the available frequencies. But sound rules effectuating such an optimum balance can only be achieved on the basis of postulated objectives and means for its implementation.[2]

6. Following are the general objectives sought to be achieved by the Commission's rules and Standards Governing the Assignment of Standard Broadcast Stations:[3]

(a) To provide some service to all listeners or, what amounts to the same thing, to provide some service to all areas;

(b) To provide as many services or program choices to as many listeners as possible;

(c) To provide service of local origin to as many listeners as possible.

7. With these objectives in view the Commission classified the standard broadcast band of frequencies into classes of channels. Since 1938 this classification has comprised clear channels on which there are assigned relatively few stations, protected from interference to such an extent that their nighttime skywave renders valuable service over wide areas; and two other classes, regional channels, and local channels, on which there are assigned numerous stations that are necessarily protected from interference to a degree insufficient to permit satisfactory wide-area service at night by means of skywave. The clear channels thus are designed primarily to provide service to all areas; the regional and local channels are designed to achieve the other two aims, i. e., provision of the maximum number of facilities and local outlets.

8. As a further step in the realization of the assignment objectives the Commission designated the following main or primary classes of stations for operation on these channels:

(a) Class I–A and I–B stations to operate on clear channels in order to provide service to very extensive areas in furtherance of the objective of rendering some service to all listeners or all areas.[4]

(b) Class III stations to operate on regional channels primarily in order to provide service to large urban areas.

(c) Class IV stations to operate on local channels primarily in order to provide multiple services to small communities.

9. In addition to these main or primary classes of stations the Commission has provided another group of stations, designated as Class II, for operation on clear channels where such operation can be conducted without undue prejudice to the objectives sought to be achieved by operation of Class I stations on these channels. Such stations are in this sense secondary stations. The ability to assign Class II stations is derived from the weakness of daytime skywave transmissions (see paragraph 4, supra). On the clear channels, daytime only,[5] limited-time stations[6] or unlimited-time Class II stations may be assigned which must either cease operation at sunset to protect the I–A station or in the case of the I–B clear channels, employ directional arrays or reduce power or cease operation for the protection of I–B or other Class II stations.

10. In order to effectuate the objectives of the standard broadcast service within the framework of the channel and station structure erected, it is essential to decide the degree or amount of protection from interference to be accorded stations and also the means for determining whether interference, as defined, exists or would exist by a contemplated assignment at any given time and place. The Commission therefore specified the authorized powers for the several classes of stations and with one exception[7] specified the service contour to which stations will normally be protected against "objectionable interference." The Commission did not leave the determination of the existence or absence of objectionable interference within such normally protected contours to an ad hoc application on a case-to-case basis of current engineering theory and subjective value judgments. Rather, it defined exactly what was meant by the term "objectionable interference" and, further, specified methods of determining by calculation or measurement whether, in any particular case, objectionable interference as defined would, for purposes of determining whether a particular station assignment should be made, be considered to exist. Such definition and specification are essential in the interests of orderly and effective allocation and require the exercise of expert judgment based on experience and technical "know-how." For the ability of an individual listener to tolerate without annoyance unwanted and extraneous sounds in reproduced music or speech is subjective and varies not only with the listener but also with the circumstances under which the listening is being done and the nature of the program material listened to. Also, in many instances, the ability of radio receivers to reject unwanted signals is not a constant but varies markedly with the design of the particular receiver. In addition, the strength and quality of transmitted signals, both desired and undesired, vary with the time of day, time of the year, ionospheric conditions, soil conductivity, atmospheric and man-made electrical noise, and many other factors, some of which are not even yet fully understood or susceptible to evaluation. Station assignments cannot be changing constantly to adjust to these changes in transmission. Accordingly, in making station assignments, the determination of what signal is produced by a certain transmitter at any given point is one which can only be approached on an at least partially statistical basis. We must deal with averages and norms rather than actualities, because the actualities are constantly changing and are, moreover, not susceptible to exact prediction.

11. In the 1938 allocation hearings the Commission defined what is meant by interference and its prescribed the specific means for determining whether it exists. First, it conducted certain tests to determine appropriate ratios of desired to undesired signals. Upon the basis of these tests, a ratio of 20 to 1 desired to undesired signal was adopted as the co-channel standard ratio interference. The Commission determined that the service area of a Class I station should be protected during the day to the 100 uv/m contour and designated this contour as the "normally protected contour."[8] At night the usually vastly larger secondary or skywave service is to be protected. Since it is the skywave transmission which is involved, there was the question of what is meant by "protection" of the skywave service. Since skywave propagation results in widely and rapidly fluctuating values, it is apparent that it is practical to "protect" the service areas of stations from skywave interference only from signals which achieve a specified intensity for certain percentages of time; the Commission decided to afford protection against signals which exceed the specified interference ratio 10 percent or more of the time. Study of the basic skywave measurements demonstrated lesser values of transmitted fields prior to the second hour after sunset and somewhat greater values after this hour.[9] The Commission determined upon transmission conditions at the second hour after sunset as best representing nighttime conditions for allocation purposes. As a result, the present skywave curves show average field intensities at varying distances which can be expected to be exceeded for certain percentages of time by skywave transmission at the second hour after sunset at the receiving point. These curves, used for nighttime allocation, are drawn for a radiated field of 100 mv/m at one mile on the horizontal plane from a 0.311 wavelength antenna which was the average electrical height of the stations measured.

12. We come now to the most important decision from the viewpoint of the present proceeding, namely, the point in time at which nighttime protection to the Class I station's service area begins. Since it appeared that high power stations utilizing relatively tall antennas could provide a good grade of skywave service over large areas at night but because of much poorer skywave propagation could not serve such large areas in the day, a proper utilization of clear channels required the Commission to permit assignment of many, generally lower powered, Class II or secondary stations on these channels during the day. But simultaneous operation of these stations at night would have resulted in such interference as to render the service of all virtually worthless. Therefore, in order to preserve the very purpose for which Class I stations were allocated, the Commission required Class II stations to take such measures at night as are necessary for the protection of the secondary service area of the Class I station. Thus, the time when such protection commences is of great importance. For nightfall is not an instantaneous phenomenon. This is particularly true when there is under consideration not a point on the earth's surface, but the path between two radio stations which may be separated by a number of degrees of longitude. Further, and of critical importance, the change in ionospheric conditions that results in the marked change in the behavior of radio waves propagated over long distances is also not instantaneous. To the contrary, there is a period starting approximately two hours before sunset and continuing for two hours after sunset during which skywave transmission gradually builds up. A similar gradual deterioration of skywave transmission takes place during the transitional hours of the sunrise period. Faced with this situation, the Commission determined that daytime allocation policy should be followed until sunset[9] and that nighttime allocation policy should be followed from sunset until sunrise.

13. As a result of this determination, Class II stations were required to refrain from operation after sunset[9] on Class I–A frequencies and required to cease operation or to utilize lower power or directional antennas or both on I–B frequencies. Similarly, stations on regional channels were required to cease operation, reduce power or utilize directional antennas at local sunset to protect other co-channel stations. All computations of interference regardless of the hour with respect to sunset are computed in accordance with the second hour after sunset curves. This decision was reached only after thorough study of available data which showed the gradual build up or deterioration of skywave transmissions in the transitional periods of sunset and sunrise. The selection of sunset and sunrise as the delineation points between daytime and nighttime allocation policy was made in the light of that data and the objectives sought to be achieved. (See paragraphs 5 and 6, supra; paragraph 33, infra.)

HISTORY OF SUBJECT PROCEEDING

14. In the years following 1939, the Commission granted applications for standard broadcast facilities in accordance with the foregoing policy on skywave transmission during transitional daylight hours. During the same period, considerable progress was made in the development of transmitter antennas and associated equipment; and the number of stations operating on the standard broadcast band increased enormously. The effect of this increased utilization of the band on the Commission's daytime skywave policy was called to the Commission's attention in 1947. In that year, affidavits were filed with the Commission alleging that serious interference was being caused to the service areas of clear channel stations from the operation of Class II stations during daylight hours by the ionospheric propagation of their signals.[10] The Commission, in the light of those complaints and its increased knowledge concerning skywave propagation, recognized the need for a re-evaluation of the problems arising during

[1] The term "allocation" as used herein means generally the determination of how a frequency or group of frequencies are to be utilized. More specifically, it involves the determination of the frequency, power, location, and hours of operation of radio stations.

[2] It must be noted that the limitations on possible assignments resulting from the scarcity of frequencies render the full realization of these objectives inconsistent with each other.

[3] We believe it appropriate here to point out that the data utilized by the Commission to establish rules and standards is constantly under review and where new data become available, the rules and standards are revised accordingly. For example, soil conductivity is one of the most important parameters in groundwave propagation. Since it was believed impractical if not impossible to make a prior determination by measurements of the precise values of soil conductivity through the United States, a conductivity map was prepared which was based upon the best information available. While certain provisions were made in the Standards for the taking of groundwave measurements in allocations and calling attention to frailties of the map, a large segment of our assignments have been upon the basis of this map. After having reviewed field intensity data filed with the Commission since the map was prepared, we have noted many inadvertent errors in values shown thereon which we have now corrected (see Docket 10604).

[4] As defined by § 3.25 of the rules and section 1 of the Standards, a Class I station "is a dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances"; interference protection and power requirements are also spelled out here. Class I–A stations operate on frequencies on which no other nighttime operation is permitted.

[5] A daytime-only authorization "permits operation of the secondary station during the hours between average monthly local sunrise and average monthly local sunset" (§ 3.23 (a)).

[6] A limited-time authorization "permits operation of the secondary station during daytime and until local sunset if located west of the dominant station on the channel, or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel" (§ 3.23 (b)).

[7] Class IV stations operating on local channels receive no specified protection but only that which results from application of the daytime allocation rule.

[8] Depending on the particular type of Class II station (that is, limited time or daytime only), the reference point of "sunset" may be either local sunset or sunset at the dominant station on the channel (see notes 4 and 5, supra).

[9] See footnote 8.

[10] Appeals alleging injury through such interference were taken to the United States Court of Appeals for the District of Columbia; in one such case an order was issued by that Court staying the effectiveness of a construction permit issued by the Commission.

transitional hours. Accordingly, on May 9, 1947, the Commission adopted the subject notice of proposed rule making.

15. In accordance with the Commission's notice, a hearing was duly held on June 4, 5, and 6, 1947, before a Board of Commissioners.[11] There was submitted in evidence certain technical data and testimony relating to ionospheric propagation of signals in the standard broadcast band during an extended period which included daylight and transitional hours. Various suggestions as to rules and standards relative to this matter were submitted by parties to the proceeding.

16. On December 4, 1947, the Commission consolidated the subject proceeding with the Clear Channel proceeding (Docket 6741) because "the problems involved in Docket 8333 are also involved in Docket 6741" and "the evidence in Docket 8333 has already been incorporated by reference in Docket 6741." Oral argument was heard by the Commission in these proceedings.

17. With the institution of the clear channel proceeding, the Commission imposed a partial "freeze" on daytime only and limited time applications (see 1946 Public Notices 89273, 95034, and 96934). Following the issuance of the Notice of Proposed Rule Making in Docket 8333, the Commission stated that as a matter of policy it would withhold action, pending the decision in Docket 8333, on all applications proposing new or increased daytime-only facilities on the clear channels. By Commission Order of December 4, 1950, this policy was codified as footnote 10a to § 1.371 of the Commission's rules and regulations. This policy allowed the processing of, and the Commission did in fact continue to process, applications proposing new full-time stations or changes in existing full-time stations on the clear channels. It was thought at the time this policy was adopted that a valid ground for distinguishing between applications involving full-time stations and applications involving daytime-only facilities existed. It was believed that the making of daytime-only assignments, which might not conform to new rules which might later be adopted as a result of the proceeding in Docket 8333, could well render such new rules nugatory or necessitate extensive reassignments or deletions of stations. However, since the Commission believed that full-time stations were required to afford other stations a higher degree of nighttime protection than could reasonably be expected to be required by a decision in Docket 8333, it felt that authorizations for full-time operation might readily be conformed to whatever new rules might be adopted. This, it believed, could be accomplished by modifying these authorizations to require the use during some or all of the daytime hours of the antenna and power specified for use during nighttime hours.

18. The Commission, on August 11, 1953, revised footnote 10a so as to "freeze" the processing of applications by existing full-time Class II stations proposing certain types of operations (see paragraph 38, infra) and those for new unlimited-time stations on clear channels which would operate differently in the daytime from the operation proposed to be used nighttime. The Commission's Order pointed out that "further authorization of such stations may render difficult the proper formulation and effectuation of any new rules which might be adopted as the result of this proceeding, because such stations may incur financial and contractual commitments in reliance on their extended daytime coverage * * * and may develop a listening audience in the extended area * * * which might be discommoded by an future withdrawal of that service * * *"

19. At the same time, the Commission severed the subject proceeding from the clear channel proceeding, stating that a separate decision in the former is feasible and could be obtained more quickly than if left consolidated; the Commission's Order referred to the procedural freeze in footnote 10a as demonstrating the necessity for an early decision and stated that it would "proceed to decide the daytime skywave proceeding with as much dispatch as is practicable."

RESOLUTION OF PROCEEDING

20. Since the adoption of our standard broadcast allocation standards in 1939, there has been considerable progress in the field of radio, including, of course, the intense utilization of the standard broadcast band. Concomitant with this progress has been the advancement in measurement and evaluation techniques, the accumulation of additional technical data, and as a result, better understanding of propagation phenomena. The record in the subject proceeding, and on an even broader basis in the clear channel proceeding, reflects this increased knowledge.

21. With respect to skywave transmission, a Commission witness introduced the tabulated results of 6 years of recordings made at its monitoring stations on certain clear channel stations over 17 transmission paths from which certain families of curves were developed. These curves show, for the extremes and the center of the broadcast band, 10 percent field intensities versus distance, at various hours before and after local sunset for east-west and north-south paths. According to the record, the curves are also appropriate for use with respect to hours before and after sunrise where, for example, the curve for one hour after sunset (SS+1) could also be used for one hour prior to sunrise (SR—1). By use of these or similarly developed curves based on the same data, various parties to the proceeding demonstrated the degree of interference experienced by certain Class I stations within their normally protected contours from the operation of Class II stations in the transitional periods between daylight and dark.[12]

22. The record reveals that certain Class II daytime assignments, made in accordance with our groundwave allocation rules, cause interference during particular periods at the beginning and end of the day. The interference depicted was to the operation of several of the Class I stations and was given in terms of 10 percent of the days in a transmission year like 1944.[13] An example of the most severe interference was that caused by an operation formerly authorized on 1530 kc at Philadelphia, Pennsylvania, to the operation of WCKY, Cincinnati, Ohio. WCKY is a Class I–B station and one of the two dominant stations on the frequency. The station is therefore normally protected during the day to its 0.1 mv/m groundwave contour by cochannel stations. The record reveals that at sunrise at Philadelphia, at which time the Class II station commenced operation, WCKY was limited to its 6.95 mv/m groundwave contour and thus suffered interference to about 96 percent of its normally protected service area, an hour later to its 1.68 mv/m contour or 87 percent of this area, 2 hours later to its 0.45 mv/m contour or 64 percent of the service area, and that in the third hour interference within the 0.1 mv/m contour ceased until the approach of sunset.[14] At about 2 hours prior to sunset at Philadelphia, interference again invaded WCKY's normally protected contour: an hour later it extended to the 0.51 mv/m contour, thus interfering with 66 percent of its normally protected service area, and 2 hours later—sunset at Philadelphia and therefore, sign-off time for the Philadelphia station—to the 2.55 mv/m contour or in 90 percent of the area. The skywave service which WCKY was otherwise capable of rendering was substantially impaired in these periods. Another example demonstrating the seriousness of transitional period interference involves Station KOA, Denver, and KFUO, a limited-time station in Clayton, Missouri. Beginning at 2½ hours prior to sunset at Denver, interference to the groundwave service of KOA grows until at sign-off at Clayton, KOA is limited to its 2.8 mv/m groundwave contour or to approximately 80 percent of the area within its normally protected contour. The record contains other similar examples of interference to Class I stations.[15]

23. We have examined the interference shown and have concluded that Class I stations are not, in fact, receiving an adequate degree of protection from interference during the early morning and late afternoon hours in the light of our existing standard broadcast allocation theory. Here we wish to emphasize again that that theory condoned a certain degree of interference during the transitional period as necessary if the secondary Class II service was to be effectively promoted. But as demonstrated by the WCKY-Philadelphia case, the subject record does reveal that the interference during the transitional hours may reach such a point as to undermine seriously the operation of the Class I station during a fairly substantial and important segment of the broadcast period. As shown earlier, that type of operation is critical to the fulfillment of a major allocation objective, that of providing some service to all areas of the country. We therefore believe that the record supports a readjustment of the conflicting interests of the Class I and Class II services with respect to daytime skywave transmission so that the original and still applicable purpose of our allocation plan may be carried out.

24. It is to be stressed that it is that original purpose which controls here. For it would be obviously inappropriate in this proceeding to make any basic change in fundamental allocation policy. Changes as to the purpose and consequently the overall protection to be given the various classes of stations depends on the policy judgment to be made in the clear channel proceeding and, therefore, can only be effected in that proceeding. Here we should point out that we recognize any revision of our present rules and standards to effectuate more fully our present allocation plan by taking into account new data available may need further revision either of a slight or radical nature—depending on the extent of the basic changes made in the clear channel proceeding. In view of the present status of that proceeding and the pertinent policy considerations previously described, we believe that revision of the rules and standards with respect to daytime skywave transmission is clearly called for at this time, in spite of this possibility of further revision.

25. The question is presented whether we should amend the rules so as to afford greater protection from daytime skywave interference to all classes of stations. For it is clear that the ionosphere supports propagation regardless of the type of channel or the class of station operating thereon. We believe, however, that such protection should be accorded Class I stations only. We are persuaded to this limitation by several reasons: First, the record dealt to a large extent with interference to Class I stations; while it is clear that other stations suffer daytime skywave interference, there is no evidence in this record as to the seriousness of such interference. Further, the factor compelling the subject revision is the necessity of providing some service to all areas or people. The transmissions of Class I stations are not intended to be substantially or drastically limited by interference from other stations. On the other hand, it is intended by your present standards that Class II, III, and IV stations be limited by interference in order to accommodate the many assignments needed to afford multiple services and outlets for local expression.

26. We come now to the form of the revision which should govern the disposition of applications for new and changed facilities. Clearly, a great number of alternative revisions of the rules and standards looking toward the implementation of our basic allocation objectives are possible. In the light of these objectives we have determined upon standards based upon the propagation conditions at the second hour after sunrise and the second hour before sunset, designed to reduce the interference which may be caused to Class I stations; these standards restrict radiation in the direction of Class I stations in the two-hour time segments after sunrise and before sunset. We decided to utilize the propagation conditions proposed herein after considering and rejecting possible alternative bases. For example, we considered a rule based on propagation conditions at sunset and also a rule based on propagation conditions at one hour before sunset. Applying these limitations to the WCKY-Philadelphia situation where the problem has been raised most seriously, we find that the former standard would permit a radiation of 8 mv/m in the direction of WCKY, while the latter would restrict radiation towards WCKY to 25 mv/m. Both these limitations would thus appear to be too severe in view of our over-all objectives and have therefore been rejected. It is our view that the revisions of our rules which are here proposed strike a reasonable balance between the diverse and sometimes conflicting objectives of a radio service in the public interest.

27. Applying the proposed rule to the WCKY-Philadelphia situation, we find that it would permit a radiation of 125 mv/m. This is in contrast with 840 mv/m permitted by the present groundwave rule and thus authorized by the Commission. We are of the opinion that the second hour rule meets our objective—that it will provide considerable assurance against skywave interference in the frequency range where such interference is most effective and yet will not unduly handicap the Class II station. We are aware that such a rule condones a considerable amount of interference in the transitional periods but believe that this interference should be tolerated in view of the over-all objectives.

28. We have also considered the possibility of applying the second hour curve to the entire period from local sunrise to local sunset: And we have rejected this possibility since it would be severely restrictive to the Class II station without affording corresponding benefits to the Class I station. For it would supply greater than the standard degree of protection for the period between two hours after sunrise and two hours prior to sunset. Indeed, the protection rendered in the center of the day would be to signal levels of approximately 15 uv/m, which generally do not constitute an acceptable grade of service. The service thus protected would be virtually useless to the listener: Protection of such low intensity signals contravenes the underlying principles of the Standards of Good Engineering Practice of protecting only listenable signals. Accordingly, we have determined to restrict the second hour curves applicability to 4 daylight hours, from sunrise until 2 hours thereafter and from 2 hours prior to sunset until sunset. For practical purposes the decay of skywave in the morning is symmetrical with the growth of skywave in the evening. Thus, the same radiation restrictions should apply at equal azimuths to the east of north and to the west of north. Further, it appears that the effect of geographic latitude is of minor importance and, therefore, the same radiation values should be permissible at equal azimuths taken from north and from south. We recognize that the same radiation restrictions in morning and evening hours results in a somewhat different degree of protection in these periods. Whether the greater interference occurs in the morning or the evening depends upon whether the interfering station is east or west of the Class I station. For simplicity we have averaged the restrictions necessary to render protection at the second hour after sunrise and the second hour before sunset.

29. The current rule, which is in terms only of groundwave propagation, permits Class I and Class II stations to be assigned at closer spacings at higher frequencies. It now appears on the basis of the record that at higher frequencies skywave interference is greater for a given daytime hour than at lower frequencies. This would require a more restrictive rule at higher frequencies if we are to tend in the direction of equalizing this type of interference across the standard broadcast band. This we believe desirable since higher frequency stations are at some disadvantage in providing groundwave service because of poorer groundwave propagation. Using the propagation curves developed by our staff and introduced in evidence in this

[11] Commissioner Rosel H. Hyde and former Commissioners Ray C. Wakefield and Clifford J. Durr.

[12] With respect to the statistical treatment given certain data submitted in the processing, some question was raised regarding the median field intensity for the hour in which sunset occurs. Data for this hour was taken beginning one-half hour before and ending one-half hour after sunset, on the theory that the instantaneous field at the moment of sunset is fairly given by the field intensity which is exceeded during one-half of the time of this hour interval. The objection made is not that this technique is inexact but that it is inappropriate to employ values taken after sunset, which increase the median value, in view of the fact that daytime stations cease operation at sunset. But the method used is clearly appropriate since the situation is one involving widely varying instantaneous field and thus, the taking of a single measurement at the moment of sunset cannot supply a representative value. The lower fields in the portion of the interval prior to sunset tend to compensate the higher fields after sunset. Finally, we note that the challenge to this statistical technique is unsupported by any expert evidence.

[13] The data introduced was related to Figure I–A of Commission Standards which in turn is representative of a transmission year like 1944, a year of minimum activity which is favorable to skywave transmission.

[14] The limitation figures employed here are estimates set out in evidence submitted by WCKY. Showings based upon the Commission's analysis of the data set forth in FCC Exhibit No. 1 reveal the limitations to be somewhat more severe than indicated by WCKY's analysis of skywave data taken on a path between Cincinnati and Baltimore in the years 1942–1944, inclusive. We have used the lower figures because of the absence of any map exhibits showing the effects of the higher limitations from which percentages can be estimated.

[15] We do not believe any useful purpose would be served by further illustration of the seriousness of the interference suffered during the transitional hours by some Class I stations from the operation of Class II stations. There was also some testimony that interference of a similar nature is caused on other than clear channels. However, the degree, duration and significance of such interference among the stations operating upon these other channels was not adduced since the proceeding primarily centered about clear channel stations.

proceeding, we have prepared permissible radiation curves at each of three frequencies for the second hour before sunset or after sunrise at the station for all azimuthal bearings by determining the radiation necessary to produce 5 uv/m at the 100 uv/m contours at Class I stations at various frequencies, distances and azimuths.[16] In addition, we have prepared a table of interpolation factors to be used for frequencies other than those shown. If adopted, the curves and the table will be incorporated in the Standards of Good Engineering Practice as Appendix II.

30. Our proposed allocation standards would permit radiation towards 0.1mv/m groundwave contours of co-channel Class I stations at or below the values given by these curves in the vertical angles below the pertinent angles[17] in the periods from local sunrise to two hours thereafter and from two hours prior to local sunset to local sunset. These radiation values, however, would be authorized only if they are equal to or less than the values necessary to give protection under our present groundwave rules. The radiation values permitted for other daytime hours would be governed solely by present groundwave rules. Radiation values for all other hours would be governed by the second hour after sunset curves; other related provisions of our Standards would remain unchanged. We have considered the question of daytime protection of Class I stations from skywave propagation emanating from adjacent channel stations and have concluded that likelihood of occurrence at the second hour is so slight as to require no protection rule regulating this source of interference.

31. It will be observed that the proposed revision would permit unlimited-time stations to utilize three modes of operation during their broadcast activities: daytime, nighttime, and a transitional period mode of operation. If during the transitional period the 100 uv/m contour of the Class I station eligible for protection shifts as a result of a change in power or mode of operation, the permissible radiation of the Class II station in the direction of the Class I throughout both transitional periods will be limited to the lowest value obtained by use of the curves in Appendix II of the Standards of Good Engineering Practice. We would permit power reduction to accommodate the restrictions when the power is consistent with the power requirements for the class of station and coverage requirements of the Standards.

32. A proposed change is also made with respect to the time of operation of limited-time Class II stations. We propose to authorize such stations to operate until local sunset no matter where located.[18] This proposal affects only authorizations for limited-time stations located east of the dominant station on the channel, since such stations were previously authorized to operate until sunset at the dominant station.[19] Such operation involves transmission by the "eastern" station over a path substantially of a nighttime nature and thus extremely conducive to skywave transmission. In view of the proposed action with respect to skywave transmission during transitional daytime hours, the propagation of such signals for periods up to 3 hours after sunset represents an a fortiori case requiring protection from skywave interference. The KOA–KFUO example, described in paragraph 22, supra, illustrates the seriousness of this problem. We recognize that in many instances, a similar argument can be made with respect to the limited-time or daytime-only station located west of the dominant station. But as to such stations there are countervailing considerations which are noted in paragraph 37, infra. The authority to broadcast until local sunset was bestowed under the allocation scheme in order to accord the daytime-only station an adequate period of operation and is thus a compromise of conflicting allocation aims. But no such underlying policy considerations are applicable to the operation of the limited-time station located east of the dominant station until sunset at the dominant station. The skywave interference caused by such a station during its "bonus" hours of operation is not counterbalanced by the consideration that if such operation be withdrawn, the station's daily period of operation will be unduly restricted. Therefore, in keeping with the proposed revision with respect to the transitional hours, it is proposed that limited-time stations located east of the dominant station be required to cease operation at local sunset.

33. It is also proposed to continue the "freeze" on processing daytime-only and limited-time applications on the frequencies specified in § 3.25 (a) and (b) in order not to prejudice the outcome of the clear channel proceeding.

34. Next, there is a question of the revisions' applicability to requests by existing daytime-only and limited-time stations to change their operation or facilities. Footnote 10a to Section 1.371 imposed a freeze upon applications from existing daytime-only and limited-time stations proposing either a change in operation which would result in an increase in radiation towards the normally protected contour of a United States Class I station on the channel or proposing a change in transmitter location which would result in a material reduction in the distances from the station to the normally protected contour of a United States Class I station on the channel. In view of the revisions of our Rules and Standards proposed herein, a freeze of this nature would no longer be necessary and accordingly, this provision of the footnote would be deleted. But again, so as not to prejudice the outcome of the clear channel proceeding, we have decided to freeze all applications from existing daytime-only or limited-time stations on Class I–A channels which seek a major improvement in facilities such as an increase in power or a substantial change in the radiation pattern. We have made this distinction between stations operating on Class I–A channels and those on I–B frequencies because of the far greater involvement of the former channels in the clear channel proceeding. Class II stations on I–B frequencies, which seek a change in facilities are cautioned, however, against extensive changes in antenna systems to meet the criteria here proposed since the decisions made in the clear channel proceeding may render useless antennas so designed.

35. Thus far we have set out our views on the changes which we deem necessary in our rules and standards and the applicability of these changes to applications for new or changed facilities. We are advancing our views in the form of a proposed, rather than a final, Report and Order in view of the lengthy time period which has elapsed since the institution of this proceeding. We believe that the Commission will benefit from the views of interested parties directed to the specific proposals made below and the supporting reasons set out in the foregoing proposed Report.[20] The holding of an oral argument is best suited to effect these purposes, and accordingly, we shall designate an appropriate date in the near future for such an argument. We wish to emphasize that the issues to be considered in that argument will encompass the merits of the proposed report set out in the prior paragraphs and the proposed rules set out in the attached appendix. It will not include the question of applying such revisions to existing Class I or to Class II stations. The procedure with respect to that matter will be taken up in the succeeding paragraphs.

NOTICE OF FURTHER RULE MAKING

36. There remains for our consideration the applicability of the foregoing proposals to existing stations (including both permits and licenses). There are four categories of existing stations to which the proposed revisions may be applicable: (1) Class II daytime only stations; (2) Class II limited time stations; (3) Class II unlimited time stations; and (4) Class I–B stations located east of the other I–B station on the channel and commencing nighttime operation at sunset at the other I–B station.

37. With respect to existing Class II daytime only stations and Class II limited time stations (excluding the "bonus" hour operation of such stations), we do not propose at this time that these stations be required to comply with the proposed standards. Such stations have no directional arrays designed to afford nighttime protection and it would appear to be impracticable to require such arrays at this time in view of the pendency of the clear channel proceeding. The alternative is either reduced power or cessation of operation during the transitional hours. But efficient operation during this period represents a substantial and important segment of the daytime-only broadcaster's activities. Authority to broadcast during the transitional hours was bestowed, under the original allocation scheme, in order to accord the daytime-only station an adequate daily period of operation. Revision of that allocation determination involves policy judgments which we believe can be appropriately made only in the clear channel hearing. In view of that consideration, the disruption of broadcast service which would otherwise result, and the fact that the clear channel proceeding could have a marked effect on the status of the daytime-only and limited-time stations through possible changes in the Class I station allocation, we believe it is undesirable to make the permissible radiation standards here proposed applicable at this time to existing daytime-only and limited-time stations.

38. The Commission believes that the comments of interested parties will be of considerable aid in reaching the proper determination with respect to the applicability of the proposed revisions to the categories of existing stations listed above (See par. 36). We believe written comments will afford the most appropriate procedure for the showings and arguments the parties may desire to make in this connection. As stated above, the determination whether to finalize the proposed revisions will be made following the oral argument on the merits of these revisions. The comments on the further rule making should deal only with the propriety of applying those proposals to existing stations.

39. Any interested party who desires to comment on the question of the applicability of the proposed revisions to existing stations may file with the Commission on or before May 3, 1954, written data, views or arguments setting forth his comments. Comments in reply to the original comments may be filed within 15 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of time and place of such oral argument will be given.

ORDER

40. We believe it appropriate to consider here the two petitions filed February 26, 1954, by the Daytime Broadcasters Association, Inc. In one petition the Association petitions to dismiss the subject proceeding (Docket 8333) or in the alternative, to "require clear channel stations to be so placed in the United States that a good and sufficient use may be made of the channels so reserved." In support thereof, petitioner alleges the following: (1) Conditions with respect to the number of daytime stations, the basis of programming of all stations, and listening habits, have changed since the initiation of the proceedings; (2) there is now a need for more daytime stations and not for reduction of the service of such stations "by lessening hours or reducing power"; (3) the record made in 1947 covers mainly technical matters without reference to programs rendered; this omission becomes serious in view of the larger number of daytime stations; and (4) the clear channel stations should be relocated so as to actually cover white areas, thus effecting "an efficient use of the necessary channels and [opening up others] for efficient use."[21]

41. We are not persuaded by these arguments to grant the drastic relief sought by petitioner. The daytime-only stations which are involved in this proceeding, i. e., those on the frequencies specified in § 3.25 (a) and (b), have not increased since the initiation of this proceeding because of the "freeze" which was concurrently imposed. The foregoing discussion demonstrates that excepting the "bonus" hours operation of limited-time stations, there is no proposal which would "reduce the service [of such secondary stations] by lessening hours or reducing power." With respect to the Association's other arguments—the necessity for additional daytime stations because of local needs and changed listening habits and the relocation of the clear channel stations to accommodate that necessity, we point out that such arguments are directed to issues of the clear channel docket and not to those of the subject proceeding. As stated more fully in paragraph 24, supra, it would be inappropriate in this proceeding to make any basic changes in fundamental allocation policy. Changes as to the purpose and consequently, the over-all protection to be given the various classes of stations depend on the policy judgments such as those involved in the clear channel proceeding. The narrower purposes of this proceeding, discussed fully in paragraphs 23–25, inclusive, do not encompass the broad policy reformations sought by petitioner. *Accordingly, it is ordered*, That the Association's petition to dismiss the subject proceeding is denied.

42. In its other pleading, the Association has petitioned the Commission "to permit it to appear in the [subject] proceeding." In so far as the Association desires to participate in the oral argument to be held on the proposed report and rules or to file comments on the question of applying those rules to the existing station categories delineated in paragraph 37, the petition is, of course, granted.

43. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 303 (f), and 303 (r) of the Communications Act of 1934, as amended.

Adopted: March 11, 1954.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[22]

[SEAL] MARY JANE MORRIS, *Secretary.*

1. Footnote 10a to § 1.371 would be amended to read as follows:

[10a] Pending conclusion of the proceeding in Docket No. 6741, action will be withheld on the following:

(1) Applications proposing new daytime or limited-time assignments on any of the frequencies specified in § 3.25 (a) and (b) of this chapter; and

(2) Applications of existing stations proposing to change frequency to any of the frequencies specified in § 3.25 (a) and (b) of this chapter, where the operation proposed is for daytime only or limited time.

(3) Applications from existing daytime or limited-time stations presently assigned to any of the frequencies specified in § 3.25 (a) of this chapter, proposing major improvements of facilities such as an increase in power or a substantial change of the radiation pattern.

2. Section 3.7 would be revised as follows:

§ 3.7 *Nighttime.* The term "nighttime" means that period of time between local sunset and local sunrise.

3. Section 3.23 (b) would be amended to read:

(b) Limited time is applicable to Class II (secondary stations) on a clear channel upon which the priority of Class I use is assigned exclusively to the United States. It permits operation of the secondary station from local sunrise to local sunset and in addition during night hours, if any, not used by the dominant station or stations on the channel.

4. Section 3.24 of the rules would be amended by the addition of a new paragraph (i), which reads:

(i) That applications specifying the frequencies set forth in § 3.25 (a) and (b) of this chapter shall conform to the daytime radiation restrictions contained in the Standards of Good Engineering Practice (Appendix II).[23]

5. The Standards of Good Engineering Practice Concerning Standard Broadcast Stations would be revised as follows:

A. Delete the Introduction and substitute therefor the following:

INTRODUCTION

There are presented herein the Standards of Good Engineering Practice Con-

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[16] The data in evidence do not support skywave curves beyond distances of 800 to 1,000 miles except by extrapolation which is necessary here. The method adopted was to assume that from 1,000 miles outward the curve runs uniformly below the second hour after sunset curve by the amount by which it falls below at 1,000 miles. We believe this assumption to be a conservative one. Another extrapolation was necessary to cover frequencies between 1500 and 1600 kc and was performed by extrapolating from the 500 kc, 1000 kc, and 1500 kc curves at intervals of 200 miles.

[17] Figure 6a, curve 4, Standards of Good Engineering Practice.

[18] Under the proposal, the limited-time station could, however, continue to operate during the nighttime hours not used by the dominant station or stations on the channel.

[19] Roughly half of all the limited-time stations presently authorized are located east of the dominant station on the channel.

[20] Certain other revisions of the Rules and Standards of a minor or editorial nature which can be appropriately made here, have also been proposed.

[21] Several oppositions to the Association's petitions have also been received and studied by the Commission.

[22] Commissioner Hennock's dissenting statement filed as part of the original document.

[23] Pending the conclusion of the proceeding in Docket 6741, presently authorized daytime and limited-time Class II stations are not required to modify their operations to conform to these daytime radiation requirements.

cerning Standard Broadcast Stations giving engineering standards which set forth the principles of application of stations and define the classes of standard broadcast stations, their purposes, the broadcast service rendered by them, and the degree of protection which they are normally afforded. Thus, there are set forth the requirements as to heights of antennas, the powers and hours of operation for which stations are regularly licensed, and groundwave and skywave propagation curves with other curves and related information. These standards also contain the provisions deemed necessary for the construction and operation of standard broadcast stations to meet the requirements of technical regulations and for operation in the public interest along technical lines not specifically enunciated in the regulations. They also provide certain information which may be of assistance, such as in the selection of transmitter sites. These standards augment the rules and regulations and set forth accepted engineering principles and techniques to be used in station allocation.

These standards are based on the best engineering data available supplied in formal and informal hearings and extensive surveys conducted by the Commission. Numerous informal conferences have been held with radio engineers, manufacturers of radio equipment and others for the guidance of the Commission in the formulation of these standards.

These standards set forth the conditions under which they are applicable. They provide for some flexibility and for the exercise of certain engineering judgments. It should be emphasized, however, that no material deviation from the underlying or fundamental principles will be recognized except through established rule-making procedures.

"Broadcast service" and "interference to such service" are dependent upon so many variable factors that it is essential that terms such as these be defined and that specific methods for determining their values be provided. Thus, "service" varies with the individual listener, the particular circumstances, the nature of the program material, and the ability of the particular radio receiver to reject unwanted signals. Moreover, the strength, utility and nature of the received signals both desired and undesired, may vary with the time of day, time of year, weather conditions, and other factors. Accordingly, in these fields, an approach on a substantially statistical basis is called for: We must rely, therefore, on averages and norms.

It is emphasized that the standards and the rules adopted represent what is believed to be a reasonable balance between the diverse and sometimes conflicting objectives of our basic allocation plan.

The Commission will review these Standards of Good Engineering Practice in order to determine that the objectives of the allocation plan of standard broadcast frequencies are being carried out. Further, these Standards of Good Engineering Practice will also necessarily change as progress is made in the art, and accordingly, it will be necessary to make revisions from time to time. The Commission will accumulate and analyze engineering data available as to the progress of the art so that its standards may be kept current with the developments.

B. Section 1. Engineering Standards of Allocation:

a. Delete the 5th and 6th paragraphs appearing after Table II which begin "Section 3.23 provides that—" and "Section 3.24 sets out—".

b. Insert at the above place the following paragraphs:

Of the several classes of domestic stations, Class I stations only are to be afforded daytime protection from the effects of skywave propagation of radio signals radiated by other domestic Class I or Class II stations but only from assignments on the same channel and in the manner herein described. The service of a Class I station shall be protected from the effects of skywave propagation to that degree which will result from restricting the radiation from each co-channel station to the values obtained by use of the curves and Table in Appendix II, in the arc included between the horizontal and the pertinent angle shown on Curve 4 of Figure 6–A, toward all points on the Class I station's 100 uv/m groundwave contour. This radiation restriction shall obtain only from local sunrise at the transmitting station until two hours thereafter, and from two hours prior to local sunset at the station until sunset. In these transition periods the 100 uv/m contour of the Class I station eligible for protection may shift as a result of a change in power or mode of operation. In that event the permissible radiation for the Class II or other Class I station throughout both transition periods is the lowest value obtained by the use of Appendix II.

The radiation restrictions obtained by the use of Appendix II during the specified periods are applicable regardless of whether the Class I station which is eligible for protection from the effects of such skywave propagation in these periods is so protected by existing stations.

It is expressly recognized that even with these restrictions a Class II station or other Class I station may, during certain daytime periods, produce a 10 percent of the time skywave signal in excess of 5 uv/m within the 100 uv/m groundwave contour of a Class I station.

The extent of primary and intermittent service and the absence or presence and degree of objectionable interference to all classes of broadcast stations during the daytime shall be determined by use of the groundwave field intensity curves in Appendix I. Nighttime service and interference are determined by the use of the appropriate second hour after sunset curves[18] (Figure 1 or I–A) and the groundwave versus distance curves of Appendix I.

C. Appendix II, consisting of Table I, Figure I–B, Figure I–C, and Figure I–D is added to the Standards.

APPENDIX II—PERMISSIBLE RADIATION FOR CLASS I-B AND CLASS II STATIONS

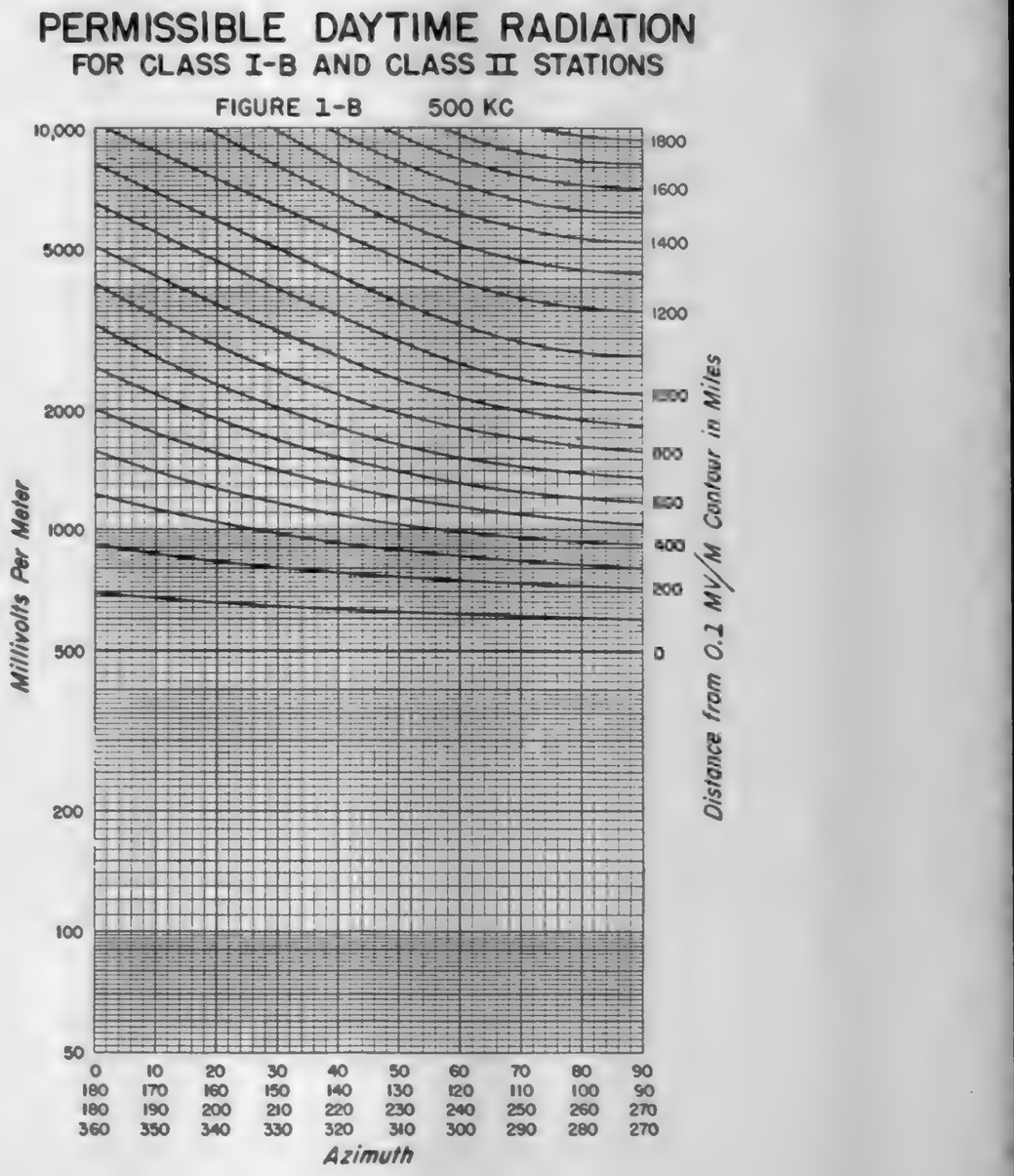
INTERPOLATION FACTORS FOR FREQUENCIES BETWEEN 500, 1000, AND 1600 KC.

TABLE I

f_{kc}	K_{500}	K_{1000}	f'_{kc}	K'_{1000}	K'_{1600}
640	0.720	0.280	1010	0.983	0.017
650	.700	.300	1020	.967	.033
660	.680	.320	1030	.950	.050
670	.660	.340	1040	.933	.067
680	.640	.360	1050	.917	.083
690	.620	.380	1060	.900	.100
700	.600	.400	1070	.883	.117
710	.580	.420	1080	.867	.133
720	.560	.440	1090	.850	.150
730	.540	.460	1100	.833	.167
740	.520	.480	1110	.817	.183
750	.500	.500	1120	.800	.200
760	.480	.520	1130	.783	.217
770	.460	.540	1140	.767	.233
780	.440	.560	1150	.733	.267
800	.400	.600	1170	.717	.283
810	.380	.620	1180	.700	.300
820	.360	.640	1190	.684	.316
830	.340	.660	1200	.667	.333
840	.320	.680	1210	.650	.350
850	.300	.700	1230	.633	.367
860	.280	.720	1300	.167	.833
870	.260	.740	1510	.150	.850
880	.240	.760	1520	.133	.867
890	.220	.780	1530	.117	.883
900	.200	.800	1540	.100	.900
940	.120	.880	1550	.083	.917
990	.020	.980	1560	.067	.933
			1570	.050	.950
			1580	.033	.967

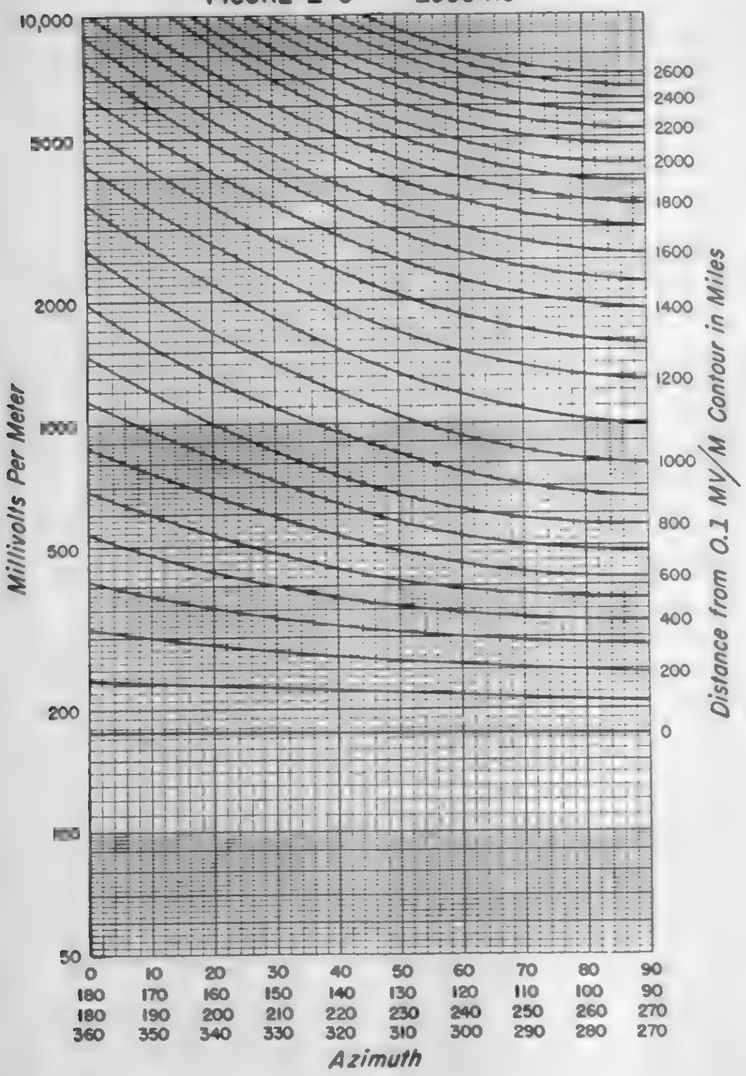
To determine the permissible radiation at f_{kc} multiply the value of radiation at the proper azimuth and distance from the 500 kc chart by K_{500} and from the 1000 kc chart by K_{1000} (for f'_{kc} use K'_{1000} for the value from the 1000 kc chart and K'_{1600} for the value from the 1600 kc chart). Add the products; the sum is the permissible radiation for the frequency f_{kc} (or f'_{kc}).

[18] Nighttime skywave interference to local channel stations is, however, computed in accordance with the method described in footnote 3a.



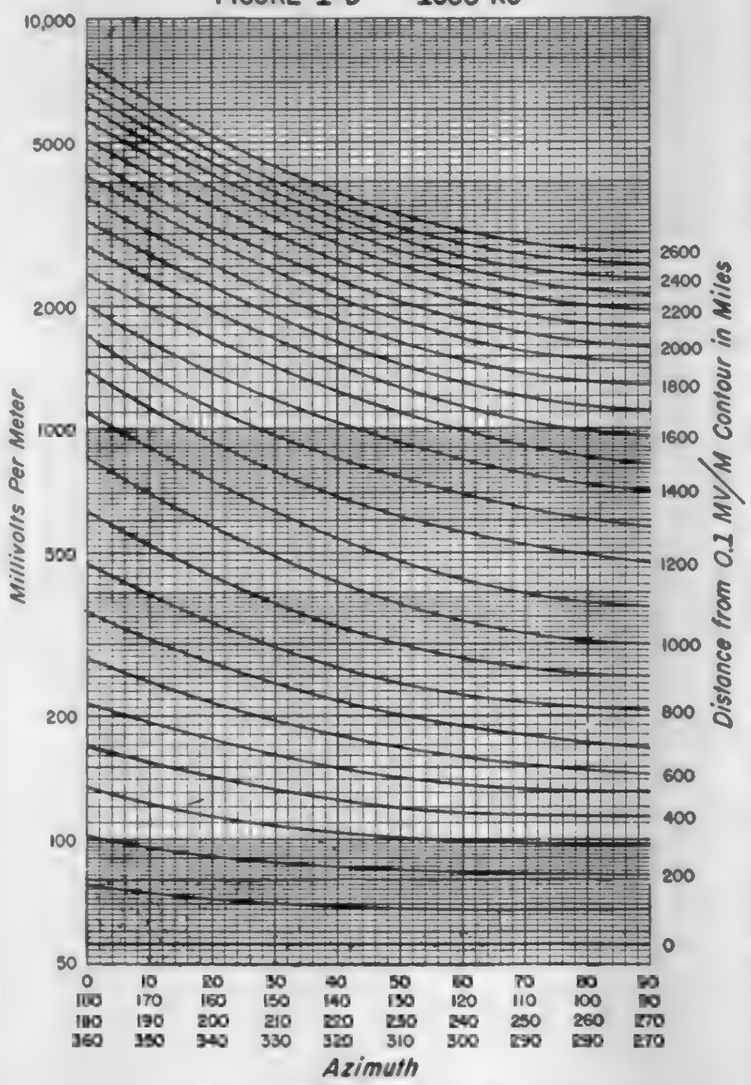
PERMISSIBLE DAYTIME RADIATION
FOR CLASS I-B AND CLASS II STATIONS

FIGURE 1-C 1000 KC



PERMISSIBLE DAYTIME RADIATION
FOR CLASS I-B AND CLASS II STATIONS

FIGURE 1-D 1600 KC



[F. R. Doc. 54-1924; Filed, Mar. 19, 1954; 8:45 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Alan Manufacturing, 695 Hazle Street, Wilkes Barre, Pa., effective 3-11-54 to 3-10-55; 10 learners for normal labor turnover purposes (dresses).

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Ball Bra Manufacturing Co., Inc., Bedford Street, Geistown, Pa., effective 3-12-54 to 9-11-54; 10 learners for expansion purposes (brassieres).

Ball Bra Manufacturing Co., Inc., Bedford Street, Geistown, Pa., effective 3-12-54 to 3-11-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Better Maid Apparel Co., 707 River Street, Peckville, Pa., effective 3-12-54 to 3-11-55; 5 learners for normal labor turnover purposes (dresses).

Blue Bell, Inc., Luray, Va., effective 3-15-54 to 9-14-54; 50 learners for plant expansion purposes (dungarees).

Blue Bell, Inc., Lenoir, N. C., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

E. H. Blum, 1521 Canal Street, New Orleans, La., effective 3-12-54 to 3-11-55; 10 learners for normal labor turnover purposes (dress pants).

Glendale Manufacturing Corp., Glendale Avenue, Biltmore, N. C., effective 3-12-54 to 9-11-54; 30 learners for expansion purposes (ladies' gowns, slips, and pajamas).

Kahn Manufacturing Co., Inc., 150 North Royal Street, Mobile, Ala., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dress trousers).

Mode O'Day Corp., Fourth and Main, Ottawa, Kans., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' dresses and robes).

Quality Sewn Products, Inc., Royston, Ga., effective 3-27-54 to 3-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts).

Reliance Manufacturing Co., "Keystone" Factory, Tyrone, Pa., effective 3-27-54 to 3-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work, sport and flannel shirts).

Reynolds Textile Co., 219 South Main Street, Clinton, Mo., effective 3-16-54 to 3-15-55; 10 percent of the total number of factory production workers engaged in the production of ladies' and children's jeans, for normal labor turnover purposes (ladies' and children's jeans).

Reynolds Textile Co., 219 South Main Street, Clinton, Mo., effective 3-16-54 to 3-15-55; 10 percent of the total number of factory production workers engaged in the

production of men's overalls and dungarees, for normal labor turnover purposes (men's overalls and dungarees).

Richard Frocks, Inc., 701 Washington Avenue, Jermyn, Pa., effective 3-12-54 to 3-11-55; 6 learners for normal labor turnover purposes (dresses).

The Richman Bros. Co., Sixth and Main Streets, Sturgis, Ky., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pants).

Serbian Inc., Fayetteville, Tenn., effective 3-9-54 to 3-8-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (learners are not authorized to be employed at subminimum wage rates in the production of skirts) (ladies' dresses and sportswear).

Southern Manufacturing Co., Fifth and Cedar Streets, Nashville, Tenn., effective 3-9-54 to 3-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Stafford-Hayes, Inc., 502 South State Street, Clarks Summit, Pa., effective 3-26-54 to 3-25-55; 10 learners for normal labor turnover purposes. This certificate does not authorize the employment of learners at subminimum wage rates in the production of skirts (ladies' dresses, blouses, etc.).

Trouser Corp. of America, Meadow Avenue and Maple Street, Scranton, Pa., effective 3-15-54 to 3-14-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Wellington Manufacturing Co., Okolona, Miss., effective 3-15-54 to 9-14-54; 25 learners for plant expansion purposes (men's trousers).

Wentworth Manufacuring Co., Lake City, S. C., effective 3-16-54 to 3-15-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' house dresses).

York Manufacturing Co., Inc., Jeffs, Va., effective 3-8-54 to 3-7-55; 10 learners for normal labor turnover purposes (children's dresses).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Winston Manufacturing Co., Inc., Haleyville, Ala., effective 3-11-54 to 3-10-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (undergarments and sleepwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Brinkley Pearl Works, Brinkley, Ark., effective 3-12-54 to 9-11-54; 5 learners for normal labor turnover purposes. Blank button cutters, 480 hours at 65 cents an hour for the first 320 hours and at least 70 cents an hour for the remaining 160 hours (button blanks).

DeMoulin Bros. & Co., Greenville, Ill., effective 3-12-54 to 3-11-55; 10 learners for normal labor turnover purposes. Machine operators (except cutting), pressers, hand sewers, each 480 hours. At least 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the remaining 240 hours (band uniforms, etc.).

Freeman & Freeman, 229 Franklin Road, Roanoke, Va., effective 3-11-54 to 3-10-55; 5 learners for normal labor turnover purposes. Sewing machine operators, 250 hours at 65 cents an hour (ladies' custom made belts, buckles, buttons).

Richards & Associates, Box 1191, Fort Myers, Fla., effective 3-15-54 to 9-14-54; 10 percent of the total number of factory production workers for normal labor turnover purposes. Sewing machine operator, 480 hours at 65 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (garment bags, etc.).

Wilkes Barre Cap Manufacturing Co., East Market & South State Streets, Wilkes Barre, Pa., effective 3-12-54 to 3-11-55; 2 learners for normal labor turnover purposes. Sewing machine operators, 240 hours at 65 cents an hour (caps).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 15th day of March 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-1992; Filed, Mar. 19, 1954; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9009, 10909]

KFAB BROADCASTING CO. AND HERALD CORP.

ORDER CONTINUING HEARING

In re applications of KFAB Broadcasting Company, Omaha, Nebraska, Docket No. 9009, File No. BPCT-390; Herald Corporation, Omaha, Nebraska, Docket No. 10909, File No. BPCT-1663; for construction permits for new television stations.

The Commission having under consideration a Motion for Continuance filed March 15, 1954, by Herald Corporation, requesting that the hearing in the above-entitled proceeding, now scheduled for March 19, 1954, be continued until 10:00 a. m., Friday, April 2, 1954; and

It appearing that counsel for KFAB Broadcasting Company, as well as counsel for the Chief of the Broadcast Bureau, have waived the 4-day notice requirement of § 1.745 of the Commission's rules and have also consented to the granting of the requested continuance;

It is ordered, This 16th day of March 1954, that the said Motion for Continuance is granted, and that the hearing in this matter, presently scheduled to commence on March 19, 1954, is continued to Friday, April 2, 1954, at 10:00 a. m., in the offices of the Commission at Washington, D. C. Testimony will not be taken at that time and it will not be necessary for witnesses to be present.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2015; Filed, Mar. 19, 1954; 8:51 a. m.]

[Docket Nos. 10907, 10908]

WSAU, INC., AND WISCONSIN VALLEY TELEVISION CORP.

ORDER POSTPONING HEARING DATE

In re applications of WSAU, Inc., Wausau, Wisconsin, Docket No. 10907, File No. BPCT-848; Wisconsin Valley Television Corporation, Wausau, Wisconsin, Docket No. 10908, File No. BPCT-1379; for construction permits for new television stations.

The Commission having heretofore set the hearing conference date in the above-entitled matter as March 19, 1954, and it appearing that the Examiner will still be in hearing on another matter on that date,

It is ordered, This 16th day of March 1954 that the aforesaid hearing conference, pursuant to § 1.841 of the rules, be and it hereby is postponed until 10:00 a. m., e. s. t., Tuesday, March 23, 1954 in the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2016; Filed, Mar. 19, 1954; 8:51 a. m.]

[Docket No. 10956]

MILLER M. DARCE

ORDER TO SHOW CAUSE

In the matter of Miller M. Darce, Aransas Pass, Texas; order to show cause why the license for Radiotelephone Station WC-6339 should not be revoked; Docket No. 10956.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WC-6339, licensed to Miller M. Darce, Aransas Pass, Texas, aboard the vessel "Rio Hondo".

It appearing that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated October 23, 1953 specifying that at 2218 GMT on October 21, 1953, the transmitter of radio station WC-6339 radiated a strong second harmonic which was a source of interference to the aeronautical radio service on 5476 kc and a violation of § 8.108 of the Commission's rules.

(b) Notice dated November 4, 1953 specifying that at 2022 GMT on October 30, 1953, the transmitter of radio station WC-6339 radiated a strong second harmonic which was a source of interference to the aeronautical radio service on 5476 kc and a violation of § 8.108 of the Commission's rules and that during the operation of this radio station as aforesaid the operator thereof failed to properly identify the station by transmitting the call sign WC-6339 as required by § 8.364 of the Commission's rules.

It further appearing that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee;

It further appearing that at 1545 GMT on January 25, 1954, and at 1642 GMT on February 15, 1954, the Commission's Monitoring Station, Kingsville, Texas, observed that the transmitter of radio station WC-6339 was still radiating a strong second harmonic which was capable of causing interference to the Aeronautical Radio Service on 5476 kc and a violation of § 8.108 of the Commission's rules:

It is ordered, This 12th day of March 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Miller M. Darce, Aransas Pass, Texas, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 18th day of May 1954;

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Miller M. Darce, Box 1026, Aransas Pass, Texas.

Released: March 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2017; Filed, Mar. 19, 1954; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

UTAH

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR THE USE OF THE ATOMIC ENERGY COMMISSION[2]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 16, 1954.

[F. R. Doc. 54-1990; Filed, Mar. 19, 1954; 8:46 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

[2] See Title 43, Chapter I, Appendix, PLO 944, *supra*.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3204]

LOUISIANA POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING AUTHORIZATION AND ISSUE AND SALE OF NEW SERIES OF PREFERRED STOCK BY PUBLIC-UTILITY COMPANY

MARCH 16, 1954.

Louisiana Power & Light Company ("Louisiana"), a public-utility company and a subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder regarding the following proposed transactions:

Louisiana now has outstanding 60,000 shares of 4.96 percent cumulative preferred stock, par value $100 per share, the entire amount of preferred stock authorized by its Certificate of Incorporation. Louisiana proposes to amend said Certificate so as to authorize 70,000 shares of an additional series of preferred stock to be known as Second Series Preferred Stock (its presently outstanding preferred stock to become known as First Series Preferred Stock), par value $100 per share. Each series of Louisiana's preferred stock will rank pari passu and have identical characteristics, except as to the number of shares of each series, the distinctive designation, dividend rate, date of payment of dividends, the date from which such dividends shall commence to accumulate, and the amount or amounts payable upon redemption thereof.

Louisiana proposes to obtain the consent of Middle South Utilities, Inc., the holder of all of its common stock, the only class of stock entitled to vote thereon, for authorization of the Amendment to Louisiana's Certificate of Incorporation and for the authorization of the proposed new series of preferred stock.

Louisiana proposes to issue and sell, pursuant to Rule U-50, the proposed 70,000 shares of Second Series Preferred Stock in order to provide a portion of the funds needed for its 1954 construction program, estimated at approximately $19,000,000, and for other corporate purposes. The dividend rate, to be a multiple of 1/25 of 1 percent, and the price to be paid to the company for the new series of preferred stock, to be not less than $100 or more than $102.75 per share, plus accrued dividends, will be fixed by proposals to be publicly invited by the company.

The fees and expenses to be incurred in connection with the issue and sale of said preferred stock, except underwriting discounts and commissions, are estimated by Louisiana as follows:

Federal stamp tax	$7,700
Filing fee—S. E. C.	719
Fees of transfer agent and registrar	1,750
Fees of company's counsel:	
Monroe & Lemann	7,000
Reid & Priest	7,000
Fees of independent counsel for underwriters (to be paid by underwriters): Winthrop, Stimson, Putnam & Roberts	5,000
Auditor's fees: Haskins & Sells	2,500
Printing and engraving	15,700
Miscellaneous	9,631
	57,000

Declarant has advised that no State or Federal regulatory agency, other than this Commission, has jurisdiction over any of the proposed transactions.

Louisiana requests that the Commission's order herein be issued pursuant to Rule U-23 of the rules and regulations under the act, waives the 30-day waiting period, and requests that said order become effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisons of the act and rules promulgated thereunder are satisfied, and it appearing to the Commission that the estimated fees and expenses are not unreasonable, provided they do not exceed the amounts estimated, and that the declaration should be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2000; Filed, Mar. 19, 1954; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2381]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION

MARCH 16, 1954.

Take notice that Colorado-Wyoming Gas Company (Applicant), a Delaware corporation, with its principal place of business in Denver, Colorado, filed, on March 2, 1954, an application for a cer-

tificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of lateral lines and meter stations to supply the following localities with natural gas:

Initial Service to: Rocky Mountain Natural Gas Company, a proposed customer of Applicant, for resale to the towns of Munn and Wellington, Colorado.

Increase supply to: Public Service Company of Colorado for resale to the towns of Brighton, Broomfield, North Westminster, La Porte and Fort Lupton, Colorado.

Construct new metering station at: Greeley, Colorado, to serve the Greeley Gas Company, an existing customer of Applicant.

Applicant also proposes to sell certain facilities, at Greeley, Colorado, to the Greeley Gas Company.

The total cost of the lines and meters is estimated by Applicant to be $158,345 and the total cost of facilities to be retired including those to be sold is estimated to be $24,817.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of April 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1993; Filed, Mar. 19, 1954; 8:47 a. m.]

[Docket No. G-264]

CENTRAL NATURAL GAS CORP.

NOTICE OF ORDER DISMISSING APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 16, 1954.

Notice is hereby given that on March 12, 1954, the Federal Power Commission issued its order adopted March 10, 1954, dismissing application for a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1994; Filed, Mar. 19, 1954; 8:47 a. m.]

[Docket No. G-2254]

LAKE SHORE PIPE LINE CO.

NOTICE OF ORDER APPROVING PROPOSED SETTLEMENT AND ALLOWING TARIFF REVISIONS TO TAKE EFFECT

MARCH 16, 1954.

Notice is hereby given that on March 15, 1954, the Federal Power Commission issued its order adopted March 12, 1954, approving proposed settlement and allowing tariff revisions to take effect in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1995; Filed, Mar. 19, 1954; 8:47 a. m.]

[Docket Nos. ID-1093, ID-1209]

LEO F. CHAMBERS AND CHARLES S. BOWDEN

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

MARCH 16, 1954.

In the matters of Leo F. Chambers, Docket No. ID-1093; Charles S. Bowden, Docket No. ID-1209.

Notice is hereby given that on March 12, 1954, the Federal Power Commission issued its orders adopted March 10, 1954, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1996; Filed, Mar. 19, 1954; 8:48 a. m.]

[Project No. 482]

GILA VALLEY POWER DISTRICT

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (TRANSMISSION LINE)

MARCH 16, 1954.

Notice is hereby given that on March 12, 1954, the Federal Power Commission issued its order adopted March 10, 1954, accepting surrender of license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1997; Filed, Mar. 19, 1954; 8:48 a. m.]

[Project No. 637]

WASHINGTON WATER POWER COMPANY

NOTICE OF ORDER GRANTING REQUEST FOR WITHDRAWAL OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

MARCH 16, 1954.

Notice is hereby given that on March 12, 1954, the Federal Power Commission issued its order adopted March 10, 1954, granting request for withdrawal of application for amendment of license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1998; Filed, Mar. 19, 1954; 8:48 a. m.]

[Project No. 2092]

PORTLAND GENERAL ELECTRIC CO.

NOTICE OF ORDER EXTENDING PERIOD OF PRELIMINARY PERMIT

MARCH 16, 1954.

Notice is hereby given that on March 15, 1954, the Federal Power Commission issued its order adopted March 10, 1954, in the above-entitled matter, extending period of the preliminary permit from April 30, 1954, to and including April 30, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1999; Filed, Mar. 19, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29019]

GRAIN FROM OKLAHOMA AND TEXAS TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Oklahoma and Texas.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4096.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2001; Filed, Mar. 19, 1954; 8:48 a. m.]

[4th Sec. Application 29020]

FORMALDEHYDE FROM BISHOP, TEX., TO NEWARK, N. J.

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Formaldehyde, liquid, in tank-car loads.

From: Bishop, Texas.

To: Newark, N. J.

Grounds for relief: Competition with rail carriers, circuitous routes and competition with motor, motor-rail, or motor-water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 320.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2002; Filed, Mar. 19, 1954; 8:48 a. m.]

[4th Sec. Application 29021]

SCRAP IRON FROM ALLEGAN, MICH., TO MANSFIELD, OHIO

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap iron and steel, carloads.

From: Allegan, Mich.

To: Mansfield, Ohio.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: Chesapeake and Ohio Railway Company, I. C. C. No. 13099, supp. 83.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2003; Filed, Mar. 19, 1954; 8:49 a. m.]

[4th Sec. Application 29022]

PETROLEUM COKE FROM CHICAGO AND LOCKPORT, ILL., TO ONTARIO, CANADA

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Alternate Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum coke, coke breeze and coke screenings, and pitch coke.

From: Chicago and Lockport, Ill.

To: Niagara Falls, Ont., and other points in Ontario, Canada.

Grounds for relief: Rail competition, circuity and competition with water carriers.

Schedules filed containing proposed rates:

Carrier	I. C. C. No.	Supplement No.
Atchison, Topeka and Santa Fe Ry	14535	14
Baltimore and Ohio RR	24615	34
Chesapeake and Ohio Ry	13168	152
Chicago South Shore and South Bend RR	210	9
Elgin, Joliet and Eastern RR	2584	13
Erie RR	A-7807	7
Grand Trunk Western RR	A-35	13
Gulf, Mobile and Ohio RR. (W. T. L. Publication Agent W. J. Prueter)	A-3723	84
New York Central RR	1259	61
New York, Chicago and St. Louis RR	6195	21
Pennsylvania RR	3195	43
Wabash RR	7673	24

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2004; Filed, Mar. 19, 1954; 8:49 a. m.]

[4th Sec. Application 29023]

SAND FROM ILLINOIS TO LEXINGTON, KY.

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Sand, carloads.

From: Millington, Oregon, Sheridan, Wedron, Ottawa and Utica, Ill.

To: Lexington, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 784, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2005; Filed, Mar. 19, 1954; 8:49 a. m.]

[4th Sec. Application 29024]

LIVESTOCK FROM SAVANNA, ILL., TO THE SOUTH

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedules listed below.

Commodities involved: Livestock, carloads.

From: Savanna, Ill.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 776, supp. 27; R. G. Raasch, Agent, I. C. C. No. 784, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or

formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2006; Filed, Mar. 19, 1954; 8:49 a. m.]

[4th Sec. Application 29025]

COTTON RUGS AND BATH MATS, FROM, TO, AND BETWEEN POINTS IN SOUTHWEST

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Cotton rugs and bath mats, carload and less-than-carloads.

Territory: Between points in southwestern territory, also between points in southwestern territory, on the one hand, and points in Kansas-Missouri territory, gateways territory, southern territory and adjacent points, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4020, supp. 67; F. C. Kratzmeir, Agent, I. C. C. No. 3987, supp. 105.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2007; Filed, Mar. 19, 1954; 8:49 a. m.]

[4th Sec. Application 29026]

SALT CAKE FROM LOUISVILLE, KY., TO FLORIDA PORTS

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Salt cake (crude sulphate of soda), carloads.

From: Louisville, Ky.

To: Cantonment, north Pensacola, and Port St. Joe, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes and competition with water, or water-rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1062, supp. 142.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2008; Filed, Mar. 19, 1954; 8:49 a. m.]

[4th Sec. Application 29027]

PAPER AND RELATED ARTICLES FROM BEVERLY, TENN., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and related articles, including paper boxes and pulpboard, carloads.

From: Beverly, Tenn.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, to maintain grouping, to apply rates constructed on the short line distance formula and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1349, supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2009; Filed, Mar. 19, 1954; 8:50 a. m.]

[4th Sec. Application 29028]

PULPBOARD AND FIBREBOARD FROM JACKSONVILLE, FLA., TO NEW YORK, N. Y., AND VICINITY

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Pulpboard and fibreboard, carloads.

From: Jacksonville and south Jacksonville, Fla.

To: Brooklyn and New York, N. Y., Jersey City, N. J., and other points in New Jersey and New York.

Grounds for relief: Rail competition, circuity, competition with water, or water-rail carriers, and competition with motor, mortor-rail, or motor-water carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1349, supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2010; Filed, Mar. 19, 1954; 8:50 a. m.]

[4th Sec. Application 29029]

BITUMINOUS COAL FROM PENNSYLVANIA, MARYLAND AND WEST VIRGINIA TO HARRISBURG, PA., DISTRICT

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedules listed below.

Commodities involved: Bituminous coal, cannel coal and coal briquettes, carloads.

From: Mines in Pennsylvania, Maryland and West Virginia, etc.

To: Harrisburg, Camp Hill, Lemoyne, Steelton, Rutherford and Howell, Pa.

Grounds for relief: Competition with rail carriers, circuity and market competition.

Schedules filed containing proposed rates: B. & O. R. R., I. C. C. No. 3090, supp. No. 13; P. & L E. R. R., I. C. C. No. 3490, supp. No. 21; P. & W. V. Ry., I. C. C. No. 59, supp. No. 5; W. Md. Ry., I. C. C. No. 8722, supp. No. 96; P. R. R. AA, I. C. C. No. 2500, supp. No. 115.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2011; Filed, Mar. 19, 1954; 8:50 a. m.]

[No. 31437]

EASTERN BITUMINOUS COAL ASSOCIATION ET AL. V. BALTIMORE AND OHIO RAILROAD CO. ET AL.

ASSIGNING TIME FOR HEARINGS, PRESCRIBING SPECIAL RULES DIRECTING INTERCHANGE OF PREPARED MATERIAL PRIOR TO HEARINGS, AND RECORDING STIPULATION

It appearing, that upon consideration of the record made in the above-entitled proceeding at the prehearing conference held at Washington, D. C., on February 24, 1954;

It further appearing, that the hearings in this proceeding are to be conducted jointly with the hearings assigned by the Pennsylvania Public Utility Commission in its Docket No. C-16031;

And it further appearing, that the parties have entered into a stipulation that, in lieu of producing copies of the defendants' annual reports filed with this Commission, the parties may incorporate into the record, by specific reference, any portions of such annual reports, and that the Examiner and the Commission, in the consideration and preparation of their reports, may refer to and consider in evidence any overall revenue and expense figures of said defendants contained in said annual reports, and for good cause appearing therefor:

It is ordered, That this proceeding be, and the same is hereby, assigned for hearing on June 8, 1954, at 8:30 o'clock a. m., U. S. s. t. (9:30 o'clock a. m., District of Columbia daylight saving time), and for further hearing on November 29, 1954, at 9:30 o'clock a. m., U. S. s. t., at the office of the Interstate Commerce Commission, Washington, D. C., before Examiner Oren G. Barber;

It is further ordered, That the following special rules shall be applicable herein:

1. *Prepared statement interchange before hearings.* Except as hereinafter provided, the parties shall prepare in writing the testimony of their witnesses and serve upon all other parties, shown on the list later to be issued pursuant to rule 4 hereof, copies thereof together with any exhibits they intend to offer in evidence. All direct testimony and exhibits shall be served by complainants, and interveners supporting complainants, on or before April 26, 1954. The service of all direct evidence by the defendants, interveners supporting defendants, and all other interveners, except those hereinafter specifically provided for, shall be made on or before October 25, 1954. Interveners Bethlehem Steel Company, The Chesapeake and Ohio Railway Company, Norfolk and Western Railway Company, the Virginian Railway Company, Property Owners' Committee, and Virginia State Port Authority may serve their direct testimony and exhibits on or before November 16, 1954. The service of testimony and exhibits by all parties in rebuttal of such direct evidence shall be made on or before November 16, 1954, except that rebuttal of direct evidence served by said interveners on November 16, 1954, may be introduced orally or in written form at the hearing on November 29, 1954. Two copies of all testimony and exhibits served pursuant to this rule shall also be mailed to Examiner Oren G. Barber, Interstate Commerce Commission, Washington 25, D. C., and one copy thereof to Mr. Lloyd Benjamin, Chief Counsel, Pennsylvania Public Utility Commission, North Office Building, Harrisburg, Pa. No other copies thereof need be filed with either commission prior to the hearing at which the material is to be tendered in evidence.

2. *Hearings restricted.* Except for good cause shown, the hearing herein provided on June 8, 1954, shall be confined to the receipt in evidence of the direct testimony and exhibits which shall have been served by the complainants and the interveners supporting complainants on April 26, 1954, and to the cross examination of witnesses offering such testimony; and the hearing herein provided on November 29, 1954, shall be confined to the receipt in evidence of all other testimony and exhibits which will be served or introduced in accordance with the provisions of rule 1 hereof, and to the cross examination of the witnesses offering said testimony.

3. *Participation limited.* Any person whose intervention has not heretofore been granted and who desires to intervene herein, shall, not later than April 1, 1954, file a petition for leave to intervene in accordance with Rule 72 of the general rules of practice; and the subsequent reception of evidence, except as good cause therefor shall otherwise be shown at the hearings, will be limited to complainants, defendants, and parties who shall have been permitted to intervene pursuant to petitions filed not later than April 1, 1954.

4. *Notification of desire to be served with testimony and exhibits.* Any party desiring to be served with exhibits and testimony as hereinbefore provided, must notify the Secretary of the Interstate Commerce Commission on or before April 5, 1954, of such desire, indicating the number if more than one copy is desired. Thereafter, a list of parties upon whom such service should be made will be compiled, and a copy thereof served upon all parties.

5. *General specifications.* Prepared statements shall conform to Rule 15 of the general rules of practice in respect to style, mimeographing or printing, etc. Evidence offered should be prepared carefully with conciseness and clarity and so as to avoid extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony upon any point. The statements should be factual in character. Argument should not be incorporated in the testimony. If not so limited the prepared statement may be excluded in whole or in part. Also the Commission on its own motion or on objection may exclude a statement or any portion thereof which is (a) not material or relevant to the questions presented in the proceeding, or (b) obviously incompetent.

6. *Verification; relief from cross examination and personal appearance.* There is no requirement that a prepared statement shall have an affidavit attached, but this does not preclude attaching an affidavit to the prepared statement. If the latter is done the following, or its equivalent, should appear in the margin on the top of the first sheet of the statement:

> This statement is verified. Unless written request for cross examination is received by affiant or his attorney not later than (June 1, 1954, or November 22, 1954, as the case may be) affiant desires that the statement be considered for incorporation in the record without his personal appearance as a witness.

A witness making such a request and thereafter receiving a demand for cross examination must personally report at the hearing, or his verified statement may not be received. If there is no demand for cross examination as above provided (indiscriminate demands for cross ex-

amination should be avoided), the privilege of cross examination will be deemed to be waived if the statement is verified and the witness making the statement has requested to be relieved from personal appearance as above provided. It will be presumed that a witness preparing an unsworn statement intends personally to appear at the hearing for cross examination and to be sworn at that time. An unsworn statement will be admitted only if the affiant is personally present at the hearing. The original signed and notarized copy of a verified statement should be retained by affiant or his counsel for incorporation of the statement into the record at the appropriate hearing.

7. *Oral evidence limited.* Implementing oral evidence to correct errors or to supply inadvertent omissions in prepared statements is permissible, but direct or rebuttal evidence, except rebuttal evidence permitted under Rule 1 to be filed at the hearing on November 29, 1954, not previously interchanged in writing as herein provided, may not be admitted except as good cause therefor shall be shown at the hearings.

8. *How admitted to the record.* To become a part of the record it is necessary for the witness, or some one qualified to represent him, formally to offer the prepared statement in evidence at the hearings; and unless good reason shall otherwise appear, the statement will be admitted as an exhibit.

9. *Materiality reserved.* A prepared statement received in evidence with or without objection as to its admissibility is subject to subsequent challenge as to the weight to be accorded to the facts in such statement.

10. *Witness examination.* The examination of a witness should be conducted in a manner so as to make it rapid, distinct, and as little annoying to the witness as is consistent with eliciting the facts, and to this end counsel on the same side of an issue should agree upon one person to examine a witness.

11. *Due dates defined.* All dates specified in these rules are the latest dates on which the parties in the performance of an act contemplated by these rules may make deposit in the mails, except (a) as to any date respecting which there is an express provision otherwise, and (b) any date therein provided for the filing of a petition with, or dispatch of notification to, the Commission shall be governed by the provisions of Rule 4 (b) of the general rules of practice, namely, receipt in the Commission and not the date of deposit in the mails shall be determinative.

And it is further ordered, That in addition to service hereof upon all parties of record, a copy hereof also shall be filed with the Director, Division of the Federal Register.

Dated at Washington, D. C., this 12th day of March A. D. 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2012; Filed, Mar. 19, 1954; 8:50 a. m.]

[Ex Parte MC-47]

U. S. GOVERNMENT FREIGHT

TRANSPORTATION BY CONTRACT CARRIERS BY MOTOR VEHICLE

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 2d day of March A. D. 1954.

Upon consideration of a petition of the Contract Carrier Conference of American Trucking Associations, Inc., and a reply of the Regular Common Carrier Conference of American Trucking Associations, Inc.; and good cause appearing therefor:

It is ordered, That a rule-making proceeding be, and it is hereby, instituted by the Commission, Division 2, to determine whether, and the extent to which, contract carriers by motor vehicle should be granted relief from the provisions of section 218 (a) of the Interstate Commerce Act, and the Commission's rules and regulations promulgated thereunder with respect to the filing of schedules or minimum charges for transportation performed under contracts with the United States Government, and to take such other action in the premises as the facts and circumstances shall appear to warrant.

It is further ordered, That the proceeding be, and it is hereby, assigned for hearing before Examiner Michael B. Driscoll at 8:30 o'clock a. m., U. S. S. T. (9:30 o'clock a. m., District of Columbia daylight saving time), on the 18th day of May A. D. 1954, at the office of the Interstate Commerce Commission, Washington, D. C.

And it is further ordered, That notice of this proceeding shall be given to carriers and the general public by posting a copy of this order in the office of the Secretary of this Commission in Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2013; Filed, Mar. 19, 1954; 8:50 a. m.]

Reference Room

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 19 1934 NUMBER 56

Washington, Tuesday, March 23, 1954

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

[Amdt. 3]

PART 722—COTTON

MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT FOR 1954 CROP OF EXTRA LONG STAPLE COTTON TO STATES, COUNTIES AND FARMS

Basis and purpose. The amendment set forth herein makes two changes in the provision relating to the release and reapportionment of farm acreage allotments. It is provided that acreage released by the owner or operator of a new cotton farm will not be regarded as planted on such farm unless a part of such allotment is retained and extra long staple cotton is planted on the farm in 1954. Under the other change the county committee is authorized to refuse to accept the release of farm acreage allotment under specified conditions.

Farmers in Puerto Rico have begun planting their 1954 extra long staple cotton crops and farmers in the continental United States are making plans, preparing land and purchasing seed, fertilizer, and other supplies and equipment for the planting and production of extra long staple cotton this year. In order that the additional provisions included in this amendment may be carried out promptly by the State and county Agricultural Stabilization and Conservation Committees, it is essential that the amendment set forth herein be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.1117 (j) of the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Extra Long Staple Cotton (18 F. R. 7883, 18 F. R. 8109, 19 F. R. 1137) is amended to read as follows:

(j) *Release and reapportionment of farm acreage allotments for extra long staple cotton.* Any part of any 1954 farm acreage allotment for extra long staple cotton on which such cotton will not be planted in 1954 and which is voluntarily released to the county committee by the applicable closing date shall be deducted from the farm acreage allotment for extra long staple cotton and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm acreage allotments for extra long staple cotton in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of extra long staple cotton, land, labor and equipment available for the production of extra long staple cotton, crop-rotation practices and soil and other physical facilities affecting the production of extra long staple cotton. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm acreage allotments shall be the date on which the planting of extra long staple cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which extra long staple cotton can normally be planted on farms in the State or area with reasonable expectations of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.1116 (g). Any farm acreage allotment released for 1954 only shall, in determining future acreage allotments for extra long staple cotton, be regarded as having been planted on the farm releasing such allotment if extra long staple cotton was planted on such farm in at least one of the years in the 3-year farm base period, except that acreage released by the owner or operator of a new cotton farm will not be regarded as planted on such farm unless a part

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FEDERAL REGISTER

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of such allotment is retained and extra long staple cotton is planted on the farm in 1954. Any part of any farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm and reapportioned as provided in this paragraph. In determining future farm acreage allotments for extra long staple cotton the planting in 1954 of reapportioned acreage allotment shall not be considered. For purposes of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted. Notwithstanding the foregoing provisions of this paragraph, the county committee shall not accept a release of a farm acreage allotment permanently or for 1954 only if (1) such release is opposed by a person who the county committee determines will subsequently have an interest in the farm as owner or operator, or (2) the county committee determines that the farm is being acquired for governmental or other public purposes.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 344–348, 361–368, 373–374, 388, 52 Stat. 38, as amended, including Pub. Law 290, 83d Cong., approved January 30, 1954; 7 U. S. C. 1301, 1344–1348, 1361–1368, 1373–1374, 1388)

Done at Washington, D. C., this 18th day of March 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2044; Filed, Mar. 22, 1954; 8:48 a. m.]

PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR 1954 CROP

DETERMINATION OF ACREAGE ALLOTMENTS FOR OLD AND NEW FARMS

Basis and purpose. The amendments herein are issued under the Agricultural Adjustment Act of 1938, as amended, and are for the purpose of making provision for the use of a reserve of not to exceed three per centum of the State wheat acreage allotment for establishing wheat acreage allotments for farms in the State on which wheat will be produced in 1954 for the first time since 1950 instead of a reserve from the county acreage allotment for establishing allotments for "new" farms in the county. This change is required by Public Law 117, 83d Congress.

Since the only purpose of the amendments is to reflect changes in applicable legislation, it is hereby found and determined that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and contrary to the public interest, and the amendments herein shall take effect upon their publication in the FEDERAL REGISTER.

Section 728.417 *Determination of acreage allotments for old farms* is amended by striking out therein the words "and a reserve for new farms of not to exceed 3 percent of the county allotment".

Section 728.419 *Determination of acreage allotments for new farms* is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The sum of all new farm acreage allotments in the State shall not exceed the State reserve set aside for new farm acreage allotments by the State committee which in no case shall exceed 3 percent of the State allotment. The sum of all new farm acreage allotments in the county shall not exceed that portion of the State reserve for new farms set aside by the State committee for new farm acreage allotments in the county."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 334, 52 Stat. 53, as amended; Pub. Law 117, 83d Cong.; 7 U. S. C. 1334.)

Done at Washington, D. C., this 18th day of March 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2045; Filed, Mar. 22, 1954; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 72]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amened as follows:

In § 608.51, the Midland, Texas, area (D–217), published on July 16, 1949, in 14 F. R. 4296, amended on October 31, 1951, in 16 F. R. 11068, and on November 28, 1951, in 16 F. R. 11954, is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on March 15, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2025; Filed, Mar. 22, 1954; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53455]

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

MARKING OF ARTICLES AND CONTAINERS TO INDICATE NAME OF COUNTRY OF ORIGIN

Except in the case of articles which before the repeal by section 4 (a), Customs Simplification Act of 1953, of the marking provisions contained in paragraphs 354, 355, 357, 358, 359, 360, 361, and 1553 of the Tariff Act of 1930 (19 U. S. C. 1001, pars. 354, 355, 357, 358, 359, 360, 361, and 1553) were subject to special marking, the exact method of marking to indicate the country of origin of an imported article (or its container, when the container and not the article must be marked) to meet the requirements of section 304, Tariff Act of 1930, as amended (19 U. S. C. 1304), has not been specified in the Customs Regulations.

In order to indicate with respect to articles not classifiable under paragraph 354, 355, 357, 358, 359, 360, 361, or 1553, supra, the standard of permanency of marking contemplated by section 304, as amended, supra, in the light of the decision of the United States Court of Customs and Patent Appeals in the Gibson-Thomsen case (1940), C. A. D. 98, 27 C. C. P. A. 267, and the requirements of section 304 with respect to legibility and conspicuousness of marking, § 11.8 (d) is hereby amended to read as follows:

§ 11.8 *Marking of articles and containers to indicate name of country of origin.* • • •

(d) Subject to the exceptions specified in section 304 (a) (3), Tariff Act of 1930, as amended, each article classifiable under paragraph 354, 355, 357, 358, 359, 360, 361, or 1553 of that act shall be marked legibly and conspicuously to indicate its origin by die stamping, cast-in-the-mold lettering, etching (acid or electrolytic), engraving, or by means of metal plates which bear the prescribed marking and which are securely attached to the article in a conspicuous place by welding, screws, or rivets. In the case of other classes of articles, the exact method of marking to meet the requirements of section 304, Tariff Act of 1930, as amended, is not specified in these regulations or elsewhere. When an article not classifiable under a paragraph specified above is required to be marked under section 304 to indicate its origin, any method of legible and conspicuous marking is acceptable which will remain on the article (or its container, when the container and not the article is required to be marked) until it reaches the ultimate purchaser. The marking must in all cases be legible and conspicuous and of a degree of permanency which will assure that in any reasonably foreseeable circumstance the marking, unless it is deliberately removed, will remain on the article (or its container) until it reaches the ultimate purchaser. For example, if chinaware is marked by means of paper sticker labels, the labels, legibly indicating the English name of the country of origin, must be affixed to the chinaware in a conspicuous place and so securely that unless deliberately removed they will remain on the chinaware while it is in storage or on display and until it is delivered to the purchaser at retail or other ultimate purchaser. Similarly, when tags are used, the tags, legibly indicating origin, must be attached in a conspicuous place and in a manner which assures that unless deliberately removed they will remain on the article until it reaches the ultimate purchaser.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 304, 46 Stat. 687, as amended; 19 U. S. C. 1304)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 17, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2039; Filed, Mar. 22, 1954; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XII—Defense Minerals Exploration Administration, Department of the Interior

[DMEA Order 1, Amended]

DMEA 1—GOVERNMENT AID IN DEFENSE EXPLORATION PROJECTS

This amended order is found to be necessary and appropriate to carry out the provisions of the Defense Production Act of 1950, as amended, with reference to the encouragement of exploration, development, and mining of critical and strategic minerals and metals pursuant to section 303 (a) of the act. It is a complete restatement and revision of the order as heretofore amended. In the formulation of this amended order there has been no consultation with industry representatives or trade association representatives because special circumstances have rendered such consultation impracticable.

EXPLANATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.

APPLICATIONS

3. Form and filing.
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6. Criteria.

EXPLORATION PROJECT CONTRACTS

7. Ratio of contributions.
8. Operator's property rights.
9. Allowable costs.
10. Repayment by operator.
11. Government not obligated to buy.
12. Title to and disposition of property.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, 65 Stat. 139, 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, 65 Stat. 133; secs. 5–6, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2093; E. O. 10480, Aug. 20, 1953, 18 F. R. 4939.

EXPLANATORY PROVISIONS

SECTION 1. *What this order does.* This order sets forth procedures and regulations for obtaining Government aid in financing the cost of projects for exploration for indicated or undeveloped sources of strategic or critical metals and minerals.

SEC. 2. *Definitions.* As used in this order:

(a) "Exploration project" means the search for indicated or undeveloped sources of strategic or critical metals or minerals within a specified area or parcel of ground in the United States, its territories or possessions, whether conducted from the surface or underground, including recognized and sound procedures for obtaining pertinent geological, geophysical, and geochemical information. The work shall not go beyond a reasonable delineation and sampling of the ore, and shall not include work prosecuted primarily for mining or preparation for mining.

(b) "Operator" means a person, firm, partnership, corporation, association, or other legal entity by whom or for whose account and interest an exploration project is to be carried out.

(c) "Administrator" means the Administrator of Defense Minerals Exploration Administration, or his representative authorized in writing.

(d) "Government" means the United States of America.

APPLICATIONS

SEC. 3. *Form and filing.* An application for aid in any specified exploration project must be in quadruplicate on forms which may be obtained from and filed with either:

The Defense Minerals Exploration Administration.
Department of the Interior,
Washington 25, D. C.

or the nearest Defense Minerals Exploration Administration field executive officer as indicated by the following addresses:

Region	Area served	Address
I	Alaska	Bureau of Mines, P. O. Box 550, Juneau, Alaska.
II	Washington, Oregon, Idaho, and Montana.	South 157 Howard Street, Spokane 4, Wash.
III	California and Nevada.	1012 Flood Building, 870 Market Street, San Francisco 2, Calif.
IV	Arizona, New Mexico, Colorado, Utah, and Wyoming.	Bureau of Mines, 224 New Customhouse Building, Denver 2, Colo.
V	North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, and Michigan.	2908 Colfax Avenue, South Minneapolis 8, Minn.
VI	Kansas, Louisiana, Oklahoma, Texas, Arkansas, and Missouri.	P. O. Box 431, Joplin Mo.
VII	Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi.	Room 13, Post Office Building, Knoxville 2, Tenn.
VIII	Illinois, Indiana, Ohio, Kentucky, Virginia, West Virginia, Maryland, Massachusetts, New York, Vermont, Maine, New Hampshire, Connecticut, Rhode Island, New Jersey, Delaware, and Pennsylvania.	Bureau of Mines, Eastern Experiment Station, College Park, Md.

SEC. 4. *Scope of application.* Each application shall relate to and fully describe the exploration project, which shall be justified by detailed substantiating data as called for by the application form. The Administrator may require the filing of additional information, reports, maps or charts, and exhibits, in connection with the application, and may require such physical examination of the project as he deems necessary.

SEC. 5. *Action on applications.* If the application is approved, the Government, acting through the Administrator, will enter into an exploration project contract with the applicant upon such terms and conditions as are set forth in the contract form which the Administrator will supply. Exploration projects estimated to require more than two years to complete will be approved only if justified in the opinion of the Administrator by special circumstances.

SEC. 6. *Criteria.* The following factors will be considered and weighed in passing upon applications:

(a) The strategic importance of the mineral involved.

(b) The geologic probability of making a significant discovery.

(c) The availability of manpower, materials, supplies, equipment, water, and power.

(d) The accessibility of the project.

(e) The operating experience and background of the applicant.

EXPLORATION PROJECT CONTRACTS

SEC. 7. *Ratio of contributions.* The Government, upon the terms specified in the contract, will contribute a percentage of the total allowable costs of a project, depending upon the mineral or minerals which are the subject of exploration, as follows:

(a) In the case of bauxite, chromium, copper, fluorspar, graphite (crucible flake), lead, molybdenum, zinc, and cadmium—50 percent.

(b) In the case of antimony, asbestos (chrysotile only), beryl, cobalt, columbium, corundum diamonds (industrial), kyanite (strategic), manganese, mercury, mica (strategic), monazite and rare earths, nickel, platinum-group metals, quartz crystals (piezo-electric), rutile-brookite, talc (block-steatite), tantalum, thorium, tin, tungsten, and uranium—75 percent.

(c) In the event that two or more of the minerals named in this section are the subject of the proposed exploration, the allowable percentage shall be apportioned between them.

SEC. 8. *Operator's property rights.* The operator must have, preserve, and maintain a sufficient interest in the land, as owner, lessee, or otherwise, for the purposes of the exploration project contract: *Provided*, That the Administrator may waive any deficiencies in the operator's interest in the land when he finds such action to be in the best interest of the Government. The operator shall devote the land and all existing improvements, facilities, buildings, installations, and appurtenances to the purposes of the exploration project without any allowance for the use, rental value, depreciation, depletion, or other cost of acquiring, owning, or holding possession thereof.

SEC. 9. *Allowable costs.* (a) The Government, to the extent provided in the exploration project contract, will contribute to the necessary, reasonable, direct costs of performing the exploration work, including: The costs of labor, supervision, and consultants; operating materials and supplies; operating equipment; any necessary initial rehabilitation or repairs of existing buildings, installations, fixtures, and operating equipment; any necessary buildings, fixed improvements, or installations; repairs and maintenance, analytical work, accounting, payroll deductions for the account of the operator, and liability insurance covering employment; payments by the operator to independent contractors; costs estimated and agreed upon by the operator and the Government in terms of units of work performed (per foot of drifting, per foot of drilling, etc.); and such other necessary, reasonable, direct costs as may be approved by the Government in the course of the work.

(b) No costs of acquiring, owning, or holding possession of the land, and no items of general overhead, corporate management, interest, taxes (other than payroll and sales taxes), or work performed or costs incurred before the date of the contract, shall be allowed as costs of the contract in which the Government will participate.

SEC. 10. *Repayment by operator.* (a) If the Government considers that a discovery or development from which production may be made has resulted from the work, the Government, within the time limited by the contract, may so certify in writing to the operator. Such certification shall describe broadly or indicate the nature of the discovery or development.

(b) The operator shall pay to the Government a royalty on all minerals mined or produced from the land described in the contract: (1) Regardless of any certification of discovery or development, from the date of the contract until the lapse of time within which the Government may make such certification, or until the total net amount contributed by the Government without interest is fully repaid, whichever occurs first; or (2) if the Government makes a certification of discovery or development, within ten years (or other period fixed by the contract) from the date of the contract, or until the total net amount contributed by the Government is fully repaid, whichever occurs first.

(c) The Government's royalty shall be a percentage of the gross proceeds (including any bonuses, premiums, allowances, or other benefits) from the production sold, in the form sold (ore, concentrates, metal, or equivalent), at the point of delivery (the f. o. b. point); except, that charges of the buyer arising in the regular course of business, and shown as deductions on the buyer's settlement sheets, on account of the cost of treatment processes performed by the buyer, sampling and assaying to determine the value of the production sold, and freight paid by the buyer to a carrier (not the operator), shall be allowed as deductions in arriving at the "gross proceeds" as that term is used herein. Any costs of treatment processes, sampling or assaying, or transportation, performed or paid by the operator or by anyone other than the buyer, are not deductible in arriving at the "gross proceeds" as that term is here used. The term "treatment processes," as here used, means those processes (such as milling, concentrating, smelting, refining, or equivalent) applied to the raw ore or other production after it is extracted from the ground, to put it into a commercially marketable form; excluding fabricating or manufacturing.

(d) If any production (ore, concentrates, metal, or equivalent), after the lapse of six months from the date the ore was extracted from the ground, remains neither sold nor used by the operator in integrated manufacturing or fabricating operations (for instance, if it is stockpiled), the Government, at its option, as long as it so remains, may require the computation and payment of its royalty on the value of such production in the form (ore, concentrates, metal, or equivalent) it is in when the Government elects to require computation and payment. If any production is used by the operator in integrated manufacturing or fabricating operations before the Government makes its election, the Government's royalty on such production shall be computed on the value thereof in the form in which and at the time when it is so used. "Value" as here used means what is or would be gross income from mining operations for percentage depletion purposes in Federal income tax determination, or the market value, whichever is greater.

(e) The percentages of the Government's royalty shall be as follows:

One and one-half (1½) percent of amounts ("gross proceeds" or "value") not in excess of eight dollars ($8.00) per ton of production in the form in which sold, held, or used, plus one-half (½) percent for each additional full fifty cents ($0.50) by which such amounts exceed eight dollars ($8.00) per ton, but not in excess of five (5) percent of such amounts.

(For instance: The royalty on an amount of five dollars ($5.00) per ton, would be one and one-half (1½) percent; on an amount of ten dollars ($10.00) per ton, three and one-half (3½) percent.)

(f) To secure the payment of the Government's percentage royalty, the contract shall provide for a lien upon the land or the operator's interest in the land which is the subject of the contract, and upon any production of minerals therefrom. To the extent provided in the contract, if the operator is not the producer or if the operator transfers his interest in production, the operator shall remain liable as surety for the payment of the Government's royalty, unless such liability is waived by the Administrator.

(g) If, in any particular case, the Administrator finds that it would be more economical or practicable to compute the Government's royalty upon some basis other than "gross proceeds" or "value," as those terms are used in this order, or upon the production in some form other than that in which it is sold, held, or used in integrated operations, he may agree with the operator, either in the original exploration project contract or by an amendment thereof, upon some other basis of computation. The Administrator may, in special cases, fix the term of the Government's percentage royalty and lien at more or less than ten years, when he finds such action to be in the best interest of the Government.

(h) This section is not to be construed as imposing any obligation on the operator or the operator's successor in interest to engage in any mining or production operations.

SEC. 11. *Government not obligated to buy.* Nothing in this order or in any contract entered into pursuant thereto shall be construed as imposing any obligation on the Government to purchase any materials mined or produced from the property which is the subject of such contract.

SEC. 12. *Title to and disposition of property.* All facilities, buildings, fixtures, equipment, or other items costing more than $50.00 each, paid for or purchased with funds contributed jointly by the operator and the Government, although title may be taken in the name of the operator, shall belong to the operator and the Government jointly, in proportion to their respective contribution, and the exploration project contract shall make suitable provisions for their disposal for the joint account of the operator and the Government.

Dated: March 19, 1954.

C. O. MITTENDORF,
Administrator, Defense Minerals Exploration Administration.

[F. R. Doc. 54-2056; Filed, Mar. 22, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 977]

[Docket No. AO 183-A3]

HANDLING OF MILK IN PADUCAH, KENTUCKY, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the McCracken County Courthouse, Paducah, Kentucky, beginning at 10:00 a. m., March 30, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area (7 CFR 977 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Paducah, Kentucky, milk marketing area were proposed as follows:

By the Paducah Graded Milk Producers Association:

1. Amend § 977.6 *Pool plant* by deleting paragraph (b) and substituting therefor the following:

(b) Any plant which is approved by such health department and supplies milk, skim milk, or cream to a plant described in paragraph (a) of this section for disposition as Class I milk in the marketing area, and at which milk is received from producers.

2. Amend § 977.8 *Producer* by adding a new paragraph (c) to read as follows:

(c) Diverted by a cooperative association to a pool plant or a nonpool plant.

3. Amend § 977.50 by deleting paragraph (a) and substitute therefor the following:

(a) *Class I milk.* The price of Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.50 for the delivery periods of August, September, October, November, December, January, February and March; and $0.60 for the delivery periods of April, May, June, and July.

4. Amend § 977.63 by deleting the present language in the order and insert therefor the following:

§ 977.63 *Handlers subject to other orders.* In case of any handler who the Secretary determines disposes of a greater portion of his milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verifications of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund with respect to all skim milk and butterfat disposed of (except to other handlers) as Class I milk within the marketing area, an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day after the end of each delivery period.

5. Add a provision requiring that an operator of a pool plant shall pay the market administrator on any milk received from a nonpool plant and classified as Class I milk an amount calculated as follows:

Multiply the pounds of such milk by the Class I price adjusted by the Class I butterfat differential and subtract therefrom the amount of such milk multiplied by the Class II price adjusted by the Class II butterfat differential; and *Provided*, That money so paid to the market administrator shall be distributed pro rata on the basis of the volume of milk received from producers for distribution to producers.

6. Amend § 977.80 *Payments to producers* by deleting paragraph (a) and substituting therefor the following:

(a) *Partial payment.* On or before the last day of each delivery period, each handler shall make payment to each producer, not a member of a qualified cooperative association and to a qualified cooperative association for milk received from its members, during the first 15 days of the current delivery period at not less than the Class II price of the preceding delivery period.

7. Amend § 977.80 by deleting that part of paragraph (b) preceding subparagraph (1) and substitute therefor the following:

(b) *Final payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer, not a member of a qualified cooperative association, and to a qualified cooperative association, for milk received from its members during such delivery period, at not less than the uniform price per hundredweight, subject to the following adjustments: * * *

By the Midwest Dairy Products Corporation:

8. Delete § 977.51 *Basic formula price* and insert in lieu thereof the following:

§ 977.51 *Basic formula price.* The basic formula price for each delivery period to be used in determining the class prices set forth in this section shall be the higher of the prices computed pursuant to paragraphs (a), (b) or (c) of this section, rounded to the nearest cent.

(a) To the average of the prices paid per hundredweight reported to have been, or to be paid for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the butterfat differential determined pursuant to § 977.85 by 5.

(b) (1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices using the midpoint of any price range as one price of Grade AA (93 score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture, during the delivery period: *Provided*, That if no price is reported for Grade AA (93 score) butter, the highest of the prices reported for Grade A (92 score) butter for the day shall be used in lieu of the price for Grade AA (93 score) butter.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

(4) Add an amount computed by multiplying the butterfat differential determined pursuant to § 977.85 by 5.

(c) Or the price shall be the average of the basic (or field) prices reported to or ascertained by the market administrator to have been paid, or to be paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the delivery period by the Pet Milk Company at its manufacturing plant located at Mayfield, Kentucky.

9. Review the factors in § 977.50 (a) used in establishing the level of prices for Class I milk.

10. Delete § 977.50 (b) *Class II milk* and insert in lieu thereof the following:

(b) *Class II milk.* The Class II price shall be the basic formula price.

11. Delete § 977.52 *Butterfat differential to handlers* and insert in lieu thereof the following:

§ 977.52 *Butterfat differential to handlers.* If any handler has received milk from producers during the delivery period containing more or less than 4.0 percent of butterfat, such handler shall add or deduct per hundredweight of milk for each one-tenth of 1 percent of butterfat above or below 4.0 percent an amount computed as follows:

(a) *Class I milk.* Multiply by 0.120 the average of the daily wholesale prices per pound of 92 score butter (using the midpoint of any price range as one price) as reported by the Department of Agriculture during the previous delivery period and rounded to the nearest one-tenth cent.

(b) *Class II milk.* Multiply by 0.115 the average of the daily wholesale prices using the midpoint of any price range as one price of 92 score bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period and rounded to the nearest one-tenth cent.

12. Add § 977.64 under center heading Application of Provisions.

§ 977.64 *Transportation allowance for movement of Class II milk.* During the months of March, April, May, June, July and August pool plant handlers shall receive credit for transportation based on the actual movement of skim milk and butterfat in milk or cream to a nonpool plant as Class II of the following:

More than 10 but not more than 30 miles	0.10
More than 30 but not more than 70 miles	.18
More than 70 but not more than 110 miles	0.28
More than 110 but not more than 150 miles	.38
More than 150 but not more than 190 miles	.48
More than 190	.58

The above milage shall be the minimum road mileage from the pool plant to the nonpool plant utilizing the milk.

13. Delete paragraph (b) of § 977.6 *Pool plant* and insert in lieu thereof the following:

(b) Any plant which is approved by such health department and furnishes milk to a plant described in paragraph (a) of this section for disposition as Class I milk in the marketing area, and at which milk is received from producers.

14. Add to § 977.63 *Handlers subject to other orders* the following: "If the price which such handler is required to pay under the other Federal Order to which he is subject for skim and butterfat, which would be classified as Class I milk under this order, is less than the price provided by this order such handler shall pay to the market administrator for deposit into the producer-settlement fund, with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area via delivery routes or plant stores, an amount equal to the difference between the value of skim milk or butterfat as computed pursuant to this order to which he is subject."

15. Delete paragraph (a) of § 977.80 *Payment to producers* and insert in lieu thereof the following:

(a) *Partial payment.* On or before the last day of each delivery period, each handler shall make payment to each producer, at not less than the applicable Class II price of the preceding delivery period, for the milk of such producer which was received by such handler during the first 15 days of the current delivery period: *Provided*, That such rate of payment to any producer who has discontinued delivery of milk during the delivery period, may be reduced by not more than 40 percent.

By the Dairy Division, Agricultural Marketing Service:

16. Amend the order as necessary to provide for the classification and pricing of butterfat and skim milk contained in inventories of milk or milk products on hand at the beginning and end of the delivery period.

17. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 18, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2043; Filed, Mar. 22, 1954; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 9]

KENDRICK IRRIGATION PROJECT, WYOMING

NOTICE OF TEMPORARY WATER SERVICE

MARCH 1, 1954.

1. *Water rental.* Irrigation water will be furnished, when available, upon a rental basis under approved applications for temporary water service during the irrigation season of 1954 (May 1 to September 30, inclusive), where the progress of construction will permit, to the irrigable lands in the first unit of the Casper-Alcova Irrigation District.

2. *Charges and terms of payment.* The minimum water rental charge shall be $2.50 for all irrigable areas of land on each 40-acre parcel designated to be irrigated during the year 1954. The minimum payment will entitle the applicant to 2 acre-feet of water per irrigable acre. Additional water, if available, will be furnished during the irrigation season at the rate of $1.50 per acre-foot. All charges shall be payable in advance of the delivery of water and no part thereof shall be refunded.

3. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

4. No water will be delivered to isolated tracts where such service would result in excessive canal losses or excessive costs.

5. Water will be delivered only to lands, the owners of which have executed and delivered recordable contracts as required by articles 38 and 39 of the contract of August 3, 1935, between the United States and the Casper-Alcova Irrigation District.

6. Individual applications for water and the payments required by this notice will be received at the office of the District Manager, Bureau of Reclamation, Reclamation Center, Casper, Wyoming. The United States reserves the right to reject any applications.

R. J. WALTER, Jr.,
Regional Director, Region 7.

[F. R. Doc. 54-2027; Filed, Mar. 22, 1954; 8:45 a. m.]

[No. 53]

KLAMATH IRRIGATION PROJECT, OREGON-CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER CHARGES

FEBRUARY 10, 1954.

1. *Operation and maintenance.* The minimum operation and maintenance charge for the irrigation season of 1954 against all lands of the Main Division lying outside of the Klamath Irrigation District shall be $4.50 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 2½ acre-feet of water per irrigable acre. Additional water, if available, will be furnished during the irrigation season at the rate of $1.80 per acre-foot.

2. The operation and maintenance charge for the irrigation season of 1954 against all lands under individual Warren Act contracts shall be $2.25 per irrigable acre, whether water is used or not.

3. *Water rental.* The minimum water rental charge for the irrigation season of 1954 against all lands of the Tule Lake Division lying outside of the Klamath Irrigation District and subject to Public Orders of January 22, 1927, March 30, 1928, February 6, 1929, September 10, 1930, October 16, 1931, September 9, 1937, August 1, 1946, October 8, 1947, and August 27, 1948, shall be $4.50 per irrigable acre whether water is used or not. Payment of the minimum rental charge shall entitle the water user to 2½ acre-feet of water per irrigable acre. Additional water will be furnished, if available, at a rate of $1.80 per acre-foot.

4. For irrigation or waste water furnished Tule Lake leased lands, the charge, unless otherwise specified in the leases, shall be $1.80 per acre-foot for the season of 1954.

5. For irrigation or waste water furnished lands within the dry bed of or bordering Lower Klamath Lake, the charge shall be $0.50 per acre-foot for the season of 1954.

6. For irrigation water furnished private lands from Klamath or Lost Rivers and Upper Klamath Lake, the charge shall be $0.50 per acre-foot for the season of 1954.

7. For water furnished lands not subject to the operation and maintenance or water rental charges named above, the charge shall be $1.80 per acre-foot for the season of 1954.

8. *Time of payment.* For lands of the Tule Lake Division under public notice or public order lying outside of the Klamath Irrigation District, the minimum charge stated in paragraph 3 above shall be due and payable one-half before the delivery of water if water is delivered before July 1, and one-half on or before July 1. If no water is delivered before July 1, then the entire charge shall become due and payable on that date. For all other lands referred to herein, the minimum charges announced shall be due and payable before the delivery of water and in any event not later than May 1 of the current irrigation season. Payment for all water used in addition to the allowance under the minimum charge shall be made on or before December 1 of the year in which used.

9. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

R. S. CALLAND,
Acting Regional Director.

[F. R. Doc. 54-2028; Filed, Mar. 22, 1954; 8:45 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

DIRECTOR AND ASSISTANT DIRECTOR OF BUREAU OF EMPLOYMENT SECURITY

DELEGATION OF AUTHORITY TO PERFORM CERTAIN DUTIES OF THE SECRETARY

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 287; 5 U. S. C. 1001 et seq.), the Statement of Organization of the Department of Labor heretofore published in the FEDERAL REGISTER is amended to indicate certain additional assignments of functions.

On February 17, 1954, by virtue of authority contained in R. S. 161 (5 U. S. C. 22), in regulations issued by the Administrator, Bureau of Security, Consular Affairs, and Personnel of the Department of State (22 CFR 44.3 (c), in the Refugee Relief Act of 1953 (67 Stat. 400, 50 U. S. C. Appx. 1971), and in Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 5 U. S. C. 1952 ed. 1611), the Secretary of Labor issued General Order No. 71 which authorized the Assistant Secretary of Labor for Employment and Manpower, or such other person as he chose to designate, to certify to the authenticity and bona fides of assurances of employment for aliens submitted under section 7 of the Refugee Relief Act of 1953, and to certify that applicable Employment Service policies have ben observed with respect to said assurances of employment, as provided in 22 CFR 44.3 (c).

This order superseded all prior orders, instructions, regulations and memoranda of the Secretary of Labor to the extent that they were inconsistent therewith.

On March 5, 1954, the Assistant Secretary of Labor for Employment and Manpower authorized the Director of the Bureau of Employment Security to perform the functions designated in General Order No. 71.

Under authority contained in the latter order, the Director of the Bureau of Employment Security, on March 10, 1954, authorized the Assistant Director of Employment Security to perform the above named functions subject to his general direction and control.

Signed at Washington, D. C., this 16th day of March 1954.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 54-2029; Filed, Mar. 22, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6204]

NORTHEAST AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of an investigation to determine whether the certificate of public convenience and necessity for route No. 27 held by Northeast Airlines, Inc., should be altered, amended, or

modified so as to eliminate therefrom authority to serve the intermediate point Provincetown, Massachusetts.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding assigned to be held on March 29, 1954, in Washington, D. C., is hereby postponed and reassigned to be held on March 31, 1954, at 9:30 a. m., e. s. t., in Room No. E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., March 18, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2046; Filed, Mar. 22, 1954; 8:48 a. m.]

[Docket No. 6207]

CITY OF NEWPORT, VERMONT

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of the City of Newport, Vermont, for regularly scheduled airline service.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding assigned to be held on March 29, 1954, in Washington, D. C., is hereby postponed and reassigned to be held on March 31, 1954, at 10:30 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., March 18, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2047; Filed, Mar. 22, 1954; 8:48 a. m.]

[Docket No. 6563]

NORTH CENTRAL AIRLINES, INC.; SERVICE TO INTERNATIONAL FALLS, MINNESOTA, ON A YEAR-ROUND BASIS

NOTICE OF HEARING

In the matter of the application of North Central Airlines, Inc., for an extension of its certificate of public convenience and necessity so as to permit it to serve International Falls, Minnesota, on segment 3 of route 86 on a year-round basis until September 30, 1955.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that public hearing in the above-entitled proceeding is assigned to be held on March 26, 1954 at 10:00 a. m., c. s. t., in Rooms 1, 2 and 3, Second Floor, 1022 Nicollet Avenue, Minneapolis, Minnesota, before Examiner Joseph L. Fitzmaurice.

Without limiting the scope of the issues presented by the applications in this proceeding, particular attention will be directed to the following questions:

1. Do the public convenience and necessity require that North Central's amended temporary certificate of public convenience and necessity for route 86 be altered or amended, so as to provide service to International Falls, Minnesota, on segment 3 of said route on a year-round basis?

2. Is North Central fit, willing and able to perform the transportation in question properly, and to conform to the provisions of the Act and the rules, regulations and requirements thereunder?

For further details of the issues involved in this proceeding interested persons are referred to the papers on file in Docket No. 6563 and other documents of record in this proceeding in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before March 26, 1954, a statement setting forth the issues of fact or law raised by the application which he desires to controvert.

Dated at Washington, D. C., March 18, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2048; Filed, Mar. 22, 1954; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29030]

AGRICULTURAL LIMESTONE FROM VALMEYER, ILL., TO KENTUCKY AND TENNESSEE

APPLICATION FOR RELIEF

MARCH 18, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Agricultural limestone, also ground limestone dust and limestone, ground, carloads.

From: Valmeyer, Ill.

To: Points in Kentucky and Tennessee.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2030; Filed, Mar. 22, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6542]

EL PASO ELECTRIC CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF PREFERRED STOCK AND FIRST MORTGAGE BONDS

MARCH 17, 1954.

Notice is hereby given that on March 17, 1954, the Federal Power Commission issued its supplemental order adopted March 16, 1954, authorizing issuance of preferred stock and first mortgage bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2034; Filed, Mar. 22, 1954; 8:46 a. m.]

[Docket No. E-6546]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF FIRST MORTGAGE BONDS

MARCH 17, 1954.

Notice is hereby given that on March 16, 1954, the Federal Power Commission issued its order adopted March 15, 1954, authorizing issuance of first mortgage bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2035; Filed, Mar. 22, 1954; 8:46 a. m.]

[Docket No. E-6549]

MINNESOTA POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTES

MARCH 17, 1954.

Notice is hereby given that on March 16, 1954, the Federal Power Commission issued its order adopted March 15, 1954, authorizing issuance of promissory notes in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2036; Filed, Mar. 22, 1954; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 14]

GEORGIA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about March 13, 1954 because of the disastrous effects of tornadoes, damage resulted to residences and business property located in certain areas in the State of Georgia; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provision of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Office below indicated from persons or firms whose property situated in the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Bibb, Crawford, Taylor—Small Business Administration Regional Office, Peachtree Seventh Building, Room 263, 50 Seventh Street, NE., Atlanta, Georgia.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster area will be accepted under the authority of this Order subsequent to September 30, 1954.

Dated: March 17, 1954.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 54-2032; Filed, Mar. 22, 1954; 8:46 a. m.]

[Declaration of Disaster Area 15]

ALABAMA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about March 13, 1954, because of the disastrous effects of tornadoes, damage resulted to residences and business property located in certain areas in the State of Alabama; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Office below indicated from persons or firms whose property situated in the following county (hereinafter referred to as "the disaster area") suffered damage or other destruction as a result of the catastrophe above referred to:

County: Russell—Small Business Administration Regional Office, Peachtree Seventh Building, Room 263, 50 Seventh Street NE., Atlanta, Ga.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster area will be accepted under the authority of this Order subsequent to September 30, 1954.

Dated: March 17, 1954.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 54-2031; Filed, Mar. 22, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3214]

WEST TEXAS UTILITIES CO.

NOTICE OF FILING OF DECLARATION FOR ISSUANCE AND SALE BY SUBSIDIARY OF REGISTERED HOLDING COMPANY OF NEW PREFERRED STOCK SUBJECT TO EXCHANGE OFFER AND REDEMPTION OF OUTSTANDING PREFERRED STOCK

MARCH 17, 1954.

Notice is hereby given that West Texas Utilities Company ("West Texas"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. West Texas has designated sections 6 (a), 7 and 12 (c) of the act and Rules U-42 and U-50 as applicable to the proposed transactions, which are summarized as follows:

West Texas at the present time has outstanding 47,370 shares of $6 Cumulative Preferred Stock ("Old Preferred Stock"), without par value, which is redeemable at $110 per share, plus accrued dividends.

West Texas proposes to (a) issue 60,000 shares of __ Percent Cumulative Preferred Stock ("New Preferred Stock"), of the par value of $100 per share, at a price to be determined through competitive bidding; (b) to offer to the holders of the 47,370 shares of Old Preferred Stock the right to exchange their shares of Old Preferred Stock for shares of New Preferred Stock, on a share for share basis, with a cash adjustment for the difference between the initial public offering price of the New Preferred Stock and the redemption price of the Old Preferred Stock, plus accrued dividends; and (c) to sell to underwriters, pursuant to the competitive bidding requirements of Rule U-50, all of the unexchanged shares of New Preferred Stock, together with the additional 12,630 shares of New Preferred Stock proposed to be issued. The exchange offer will be open for a period of from ten to twelve days.

West Texas proposes to redeem all unexchanged shares of Old Preferred Stock at their redemption price of $110 per share, plus accrued dividends to date of redemption, and to retire all shares of Old Preferred Stock acquired pursuant to such redemption or received through the exchange offer, together with 25,643 reacquired shares of said stock now held in the company's treasury.

West Texas will publicly invite, pursuant to Rule U-50, proposals which shall specify (a) the aggregate amount of compensation to be paid by the company to the bidder for its agreement (i) to purchase such number of shares of the New Preferred Stock as shall not be issuable pursuant to acceptances of the exchange offer, (ii) to purchase the 12,630 additional shares of said stock, and (iii) to undertake the formation and management of a group of securities dealers to solicit acceptances of said exchange offer, (b) the dividend rate on the New Preferred Stock, and (c) the price per share to be paid to the company for the unexchanged shares and the additional stock (which shall be not less than $102 nor more than $105 per share) and which will also constitute the initial public offering price. The successful bidder will be required to pay soliciting dealers an amount per share (to be fixed by West Texas and not yet determined) in respect of each share of Old Preferred Stock deposited for exchange. The company will reimburse the successful bidder for the aggregate amount so paid as compensation to soliciting dealers.

In connection with the proposed issue and sale of New Preferred Stock, West Texas will, by appropriate amendment to its charter, authorize the shares of New Preferred Stock to be issued, and establish certain protective provisions for the holders of the New Preferred Stock.

West Texas represents that the proceeds, exclusive of accrued dividends, from the sale of (a) such of the shares of New Preferred Stock as are not to be issued pursuant to said exchange offer and (b) the 12,630 additional shares, will be applied by the company, to the extent required, to the redemption and retirement of the unexchanged shares of Old Preferred Stock and to the payment of the cash adjustment payable to stockholders who accept the exchange offer, and the remainder to pay part of the cost of the company's construction program.

No state commission, or Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 30, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 30, 1954, such declaration may be permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt

such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2037; Filed, Mar. 22, 1954; 8:47 a. m.]

[File No. 70-3220]

CITIES SERVICE CO. ET AL.

NOTICE OF FILING REGARDING SALE BY PARENT OF SUBSIDIARY'S COMMON STOCK AT COMPETITIVE BIDDING AND REQUEST FOR RECITALS REQUIRED

MARCH 17, 1954.

In the matter of Cities Service Company, the Gas Service Company, Gas Advisers, Inc., File No. 70-3220.

Notice is hereby given that Cities Service Company ("Cities"), a registered holding company, The Gas Service Company ("Gas Service"), a wholly-owned utility subsidiary of Cities, and Gas Advisers, Inc. ("Gas Advisers"), a mutual service company owned by various subsidiaries in the Cities system which are served by said service company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants-declarants have designated sections 11 and 12 of the act and Rules U-42, U-43, U-44, and U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Cities has requested withdrawal of its prior application-declaration (File No. 70-3167) which, as amended, proposed the sale of the common stock of Gas Service owned by Cities to Missouri Public Service Company, a non-affiliated company, pursuant to a contract entered into as a result of private negotiation.

Now Cities proposes to sell, pursuant to the competitive bidding requirements of Rule U-50, 1,500,000 shares of $10 par value common stock of Gas Service, being all the capital stock of such company outstanding. One of the terms of the proposed purchase contract, to be entered into by Cities and the successful bidders, is that the latter, as purchasers, agree promptly to make a public offering of the Gas Service common stock.

The proposed sale by Cities of its interest in Gas Service is stated to be in compliance with the Commission's order of May 5, 1944, as modified and clarified by Supplemental Order dated October 12, 1944, pursuant to section 11 (b) (1) of the act, directing, among other things, that Cities dispose of its interest in Gas Service.

Gas Service presently owns 270 shares of the capital stock, par value $100 per share, of Gas Advisers. Subject to, and on the consummation of, Cities' proposed sale of its interest in Gas Service, the latter proposes to sell, and Gas Advisers proposes to purchase for retirement, said 270 shares for a consideration of $27,000; and concurrently therewith the service contract dated January 1, 1938, between Gas Service and Gas Advisers will be terminated.

The application-declaration states that Cities will use the proceeds from the sale of its holdings of common stock of Gas Service to purchase additional common stock of its wholly-owned subsidiary, Empire Gas and Fuel Company.

It is stated that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein make the necessary findings and contain the recitals required by Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, with respect to certain of the proposed transactions, and that the order become effective upon its issuance.

Notice is further given that any interested person may, not later than April 5, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 5, 1954, said application-declaration, as filed or as amended may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2038; Filed, Mar. 22, 1954; 8:47 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 19 NUMBER 57

Washington, Wednesday, March 24, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture.

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1954 crop of barley. The 1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1954 is supplemented as follows:

Sec.
421.451 Purpose.
421.452 Availability of price support.
421.453 Eligible barley.
421.454 Warehouse receipts.
421.455 Determination of quantity.
421.456 Determination of quality.
421.457 Maturity of loans.
421.458 Support rates.
421.459 Warehouse charges.
421.460 Settlement.

AUTHORITY: §§ 421.451 to 421.460 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421.

§ 421.451 *Purpose.* This subpart states additional specific regulations which, together with the general regulations contained in the 1954 C. C. C. Grain Price Support Bulletin 1 (§§ 421.401 to 421.421), apply to loans and purchase agreements under the 1954 Crop Barley Price Support Program.

§ 421.452 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever barley is grown in the continental United States, except that farm-storage loans will not be available in areas where the ASC State committee determines that barley cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the ASC county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1955, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing barley in 1954, as landowner, landlord, tenant, or sharecropper.

§ 421.453 *Eligible barley.* At the time the barley is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The barley must have been produced in the continental United States in 1954 by an eligible producer.

(b) The beneficial interest in the barley must be in the person tendering the barley for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the barley was harvested.

(c) The barley must be of any class grading No. 5 or better (or No. 5 Garlicky or better) except that Class III Western Barley, shall not have a test weight of less than 40 pounds per bushel.

(d) Barley grading Tough, Weevily, Stained, Blighted, Bleached, Ergoty or Smutty shall not be eligible, except that barley represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that barley grading Tough has been processed at the request of the eligible producer, and delivery will be made of eligible barley not grading Tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

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FEDERAL REGISTER

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(For use during 1954)

The following Supplements are now available:

Title 3, 1953 Supp. ($1.50)

Title 16 ($1.00)

Titles 22–23 ($1.00)

Title 24 ($0.75)

Previously announced: Title 8 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.45); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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(e) If offered as security for a farm-storage loan, the barley must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the ASC State committee.

§ 421.454 *Warehouse receipts.* Warehouse receipts representing barley in approved warehouse-storage to be placed under a loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the barley is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show: (i) Gross weight or bushels, (ii) class, (iii) grade (including special grades), (iv) test weight, (v) dockage, and (vi) any other grading factor(s) when such factor(s) and net test weight determine the grade. The warehouse receipt or the supplemental certificate must show whether the barley arrived by rail, truck or barge. In the case of warehouse receipts issued for barley delivered by rail or barge, the grading factors on the warehouse receipts must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(2) If the warehouseman has processed the barley as provided in § 421.453 (d), the supplemental certificate must show the numerical grade and the grading factors changed because of the barley being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade and class of barley.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.459.

(e) Warehouse receipts representing barley which has been shipped by rail or water from a country shipping point to a designated terminal point or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the ASC commodity office which shall be signed by the warehouseman and which may be a part of the supplemental certificate.

§ 421.455 *Determination of quantity.* (a) The quantity of barley placed under farm-storage loan may be determined either by weight or by measurement. The quantity of barley placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 48 pounds, of clean barley free of dockage. In determining the quantity of sacked barley by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 48-pound barley:

For barley testing:	Percent
48 pounds or over	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83
39 pounds or over, but less than 40 pounds	81
38 pounds or over, but less than 39 pounds	79
37 pounds or over, but less than 38 pounds	77
36 pounds or over, but less than 37 pounds	75
35 pounds or over, but less than 36 pounds	73

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the barley in determining the net quantity available for loan or purchase.

§ 421.456 *Determination of quality.* The grade, class, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Barley, whether or not such determinations are made on the basis of an official inspection.

§ 421.457 *Maturity of loans.* Loans mature on demand but not later than April 30, 1955.

§ 421.458 *Support rates.* Basic support rates for barley placed under loan and for barley delivered under purchase agreement are set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per bushel for barley of the Classes I, II, and III grading No. 2 or better, and stored in approved warehouses at the terminal markets listed below are as follows:

Terminal markets:	Rate per bushel
Albany, N. Y.	$1.46
Astoria, Oreg.	1.43
Baltimore, Md.	1.46
Chicago, Ill.	1.39
Duluth, Minn.	1.34
Galveston, Tex.	1.41
Houston, Tex.	1.41
Kansas City, Mo.	1.33
Longview, Wash.	1.43
Los Angeles, Calif.	1.40
Memphis, Tenn.	1.39
Milwaukee, Wis.	1.39
Minneapolis, Minn.	1.34
New Orleans, La.	1.41
New York, N. Y.	1.46
Norfolk, Va.	1.46
Oakland, Calif.	1.40
Omaha, Nebr.	1.33
Philadelphia, Pa.	1.46
Portland, Oreg.	1.43
Saint Joseph, Mo.	1.33
Saint Louis, Mo.	1.39
San Francisco, Calif.	1.40
Seattle, Wash.	1.43
Sioux City, Iowa	1.33
Superior, Wis.	1.34
Tacoma, Wash.	1.43
Vancouver, Wash.	1.43

(2) Barley eligible for loan or purchase at the support rates shown in the above schedule must have been shipped on a domestic interstate freight rate basis. On any barley shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for designated terminal markets apply to barley which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) When shipped by rail or water and stored at any designated terminal market, barley for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 7 cents per bushel.

(5) When received by truck and stored at any designated terminal market, the support rate shall be the terminal rate minus 10½ cents per bushel.

(b) *Support rates for barley in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for barley stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate on amount equal to the transit balance, if any (plus tax) of the through freight rate from point of origin for such barley to such terminal market: *Provided*, That on any barley shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such barley to the point of storage: *And provided further*, That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing barley in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 421.454.

(c) *Basic county support rates.* (1) The following basic county support rates per bushel are established for barley of the Classes I, II, and III grading No. 2 or better. Both farm-storage and country warehouse-storage loans will be based on the support rate established for the county in which the barley is stored: If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA	
County	*Rate per bushel*
All counties	$1.22

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$0.87	Mohave	$0.95
[illegible]	1.00	Navajo	.87
Coconino	.91	Pima	1.12
Gila	.84	Pinal	1.17
Graham	.97	Santa Cruz	1.09
Greenlee	.91	Yavapai	.99
Maricopa	1.17	Yuma	1.18

ARKANSAS

All counties	$1.14

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$1.30	Sacramento	$1.27
Amador	1.25	San Benito	1.27
Butte	1.23	San Bernardino	1.27
Colusa	1.24	San Diego	1.25
Contra Costa	1.30	San Joaquin	1.28
El Dorado	1.22	San Luis Obispo	1.23
Fresno	1.24	San Mateo	1.30
Glenn	1.23	Santa Barbara	1.24
Imperial	1.23	Santa Clara	1.29
Kern	1.24	Santa Cruz	1.27
Kings	1.24	Shasta	1.19
Lake	1.25	Sierra	1.13
Lassen	1.12	Siskiyou	1.15
Los Angeles	1.28	Solano	1.29
Madera	1.25	Stanislaus	1.27
Merced	1.26	Sutter	1.24
Modoc	1.12	Tehama	1.21
Monterey	1.26	Tulare	1.24
Napa	1.30	Ventura	1.29
Orange	1.27	Yolo	1.27
Placer	1.26	Yuba	1.26
Plumas	1.13		
Riverside	1.27		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.05	Kit Carson	$1.07
Alamosa	.98	La Plata	.92
Arapahoe	1.05	Larimer	1.05
Archuleta	.92	Las Animas	1.05
Baca	1.06	Lincoln	1.05
Bent	1.06	Logan	1.05
Boulder	1.05	[illegible]	.92
Chaffee	.95	Moffat	.92
Cheyenne	1.07	Montrose	.92
Conejos	.97	Morgan	1.05
Costilla	.98	Otero	1.05
Crowley	1.05	Ouray	.92
Custer	1.01	Phillips	1.07
Delta	.92	Pitkin	.92
Denver	1.05	Prowers	1.07
Douglas	1.05	Pueblo	1.05
Eagle	.92	Rio Blanco	.92
Elbert	1.05	Rio Grande	.97
El Paso	1.05	Routt	.92
Fremont	1.02	Saguache	.97
Garfield	.92	San Miguel	.80
Grand	.95	Sedgwick	1.07
Gunnison	.92	Summit	.95
Huerfano	1.04	Washington	1.05
Jackson	.70	Weld	1.05
Jefferson	1.05	Yuma	1.06
Kiowa	1.06		

CONNECTICUT

All counties	$1.27

DELAWARE

All counties	$1.27

FLORIDA

All counties	$1.31

GEORGIA

All counties	$1.31

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.09	Bonner	$1.15
Adams	1.07	Bonneville	1.00
Bannock	1.01	Boundary	1.13
Bear Lake	1.02	Butte	1.00
Benewah	1.16	Camas	1.03
Bingham	1.00	Canyon	1.10
Blaine	1.03	Caribou	1.02
Boise	1.09	Cassia	1.03

IDAHO—Continued

County	Rate per bushel	County	Rate per bushel
Clark	$0.98	Lewis	$1.14
Clearwater	1.16	Lincoln	1.04
Custer	1.00	Madison	1.00
Elmore	1.08	Minidoka	1.04
Franklin	1.00	Nez Perce	1.16
Fremont	1.00	Oneida	1.00
Gem	1.10	Owyhee	1.09
Gooding	1.06	Payette	1.11
Idaho	1.15	Power	1.02
Jefferson	1.00	Shoshone	1.14
Jerome	1.06	Teton	1.00
Kootenai	1.16	Twin Falls	1.02
Latah	1.16	Valley	1.08
Lemhi	.99	Washington	1.11

ILLINOIS

Adams	$1.21	Lee	$1.23
Alexander	1.23	Livingston	1.23
Bond	1.24	Logan	1.23
Boone	1.24	McHenry	1.25
Brown	1.21	McLean	1.23
Bureau	1.23	Macoupin	1.25
Calhoun	1.23	Madison	1.25
Carroll	1.22	Marion	1.23
Cass	1.23	Marshall	1.23
Champaign	1.23	Mason	1.23
Christian	1.23	Massac	1.22
Clay	1.23	Mercer	1.21
Clinton	1.25	Monroe	1.24
Cook	1.26	Montgomery	1.23
Crawford	1.22	Morgan	1.23
Cumberland	1.23	Moultrie	1.23
De Kalb	1.25	Ogle	1.23
De Witt	1.23	Peoria	1.23
Douglas	1.23	Perry	1.23
Du Page	1.26	Pike	1.22
Edgar	1.23	Pope	1.22
Edwards	1.23	Pulaski	1.23
Effingham	1.23	Putnam	1.23
Fayette	1.23	Randolph	1.23
Ford	1.23	Richland	1.22
Franklin	1.23	Rock Island	1.21
Fulton	1.22	Saint Clair	1.25
Gallatin	1.19	Saline	1.20
Greene	1.24	Sangamon	1.23
Grundy	1.24	Schuyler	1.22
Hamilton	1.22	Scott	1.23
Hancock	1.20	Shelby	1.23
Henry	1.22	Stark	1.23
Iroquois	1.24	Stephenson	1.22
Jackson	1.23	Tazewell	1.23
Jasper	1.22	Union	1.23
Jefferson	1.23	Vermilion	1.23
Jersey	1.25	Wabash	1.21
Jo Daviess	1.22	Warren	1.21
Johnson	1.18	Washington	1.23
Kane	1.25	Wayne	1.21
Kankakee	1.25	White	1.21
Kendall	1.25	Whiteside	1.22
Knox	1.22	Will	1.26
Lake	1.26	Williamson	1.23
La Salle	1.24	Winnebago	1.23
Lawrence	1.22		

INDIANA

Adams	$1.19	Hamilton	$1.21
Allen	1.20	Hancock	1.19
Bartholomew	1.18	Harrison	1.15
Benton	1.23	Hendricks	1.20
Boone	1.20	Henry	1.20
Carroll	1.23	Huntington	1.20
Cass	1.22	Jackson	1.19
Clark	1.19	Jasper	1.26
Clay	1.24	Jefferson	1.22
Crawford	1.16	Jennings	1.19
Daviess	1.19	Johnson	1.20
Dearborn	1.16	Knox	1.22
De Kalb	1.20	Kosciusko	1.21
Delaware	1.19	Lagrange	1.20
Dubois	1.16	Lake	1.26
Elkhart	1.21	La Porte	1.24
Fayette	1.18	Lawrence	1.21
Floyd	1.22	Madison	1.20
Franklin	1.17	Marion	1.20
Fulton	1.22	Marshall	1.22
Gibson	1.21	Martin	1.17
Grant	1.20	Miami	1.21
Greene	1.21	Monroe	1.23

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Montgomery	$1.22	Shelby	$1.18
Morgan	1.23	Spencer	1.12
Noble	1.20	Starke	1.25
Ohio	1.16	Steuben	1.20
Orange	1.22	Sullivan	1.24
Owen	1.22	Switzerland	1.16
Parke	1.20	Tippecanoe	1.23
Perry	1.12	Tipton	1.21
Pike	1.17	Union	1.18
Porter	1.26	Vanderburgh	1.24
Posey	1.24	Vermillion	1.25
Pulaski	1.25	Wabash	1.21
Putnam	1.23	Warrick	1.15
Randolph	1.20	Washington	1.22
Ripley	1.16	Wayne	1.20
Rush	1.18	Wells	1.19
Saint Joseph	1.23	White	1.25
Scott	1.22	Whitley	1.21

IOWA

Adair	$1.17	Jefferson	$1.18
Adams	1.18	Johnson	1.19
Allamakee	1.17	Jones	1.20
Appanoose	1.18	Keokuk	1.17
Audubon	1.18	Kossuth	1.15
Benton	1.19	Lee	1.20
Black Hawk	1.17	Linn	1.19
Boone	1.16	Louisa	1.20
Bremer	1.17	Lucas	1.16
Buchanan	1.18	Lyon	1.15
Buena Vista	1.15	Madison	1.15
Butler	1.16	Mahaska	1.17
Calhoun	1.16	Marion	1.17
Carroll	1.18	Marshall	1.17
Cass	1.17	Mills	1.20
Cedar	1.20	Mitchell	1.16
Cerro Gordo	1.16	Monona	1.19
Cherokee	1.16	Monroe	1.18
Chickasaw	1.16	Montgomery	1.19
Clarke	1.16	Muscatine	1.20
Clay	1.15	O'Brien	1.18
Clayton	1.18	Osceola	1.15
Clinton	1.21	Page	1.19
Crawford	1.18	Palo Alto	1.15
Dallas	1.16	Plymouth	1.17
Davis	1.19	Pocahontas	1.15
Decatur	1.16	Polk	1.16
Delaware	1.19	Pottawattamie	1.20
Des Moines	1.20	Poweshiek	1.17
Dickinson	1.15	Ringgold	1.15
Dubuque	1.20	Sac	1.16
Emmet	1.16	Scott	1.21
Fayette	1	Shelby	1.19
Floyd	1.16	Sioux	1.16
Franklin	1.16	Story	1.16
Fremont	1.20	Tama	1.17
Greene	1.16	Taylor	1.17
Grundy	1.17	Union	1.17
Guthrie	1.17	Van Buren	1.19
Hamilton	1.16	Wapello	1.18
Hancock	1.16	Warren	1.18
Hardin	1.16	Washington	1.19
Harrison	1.20	Wayne	1.17
Henry	1.19	Webster	1.15
Howard	1.16	Winnebago	1.16
Humboldt	1.15	Winneshiek	1.17
Ida	1.17	Woodbury	1.17
Iowa	1.18	Worth	1.16
Jackson	1.21	Wright	1.15
Jasper	1.16		

KANSAS

Allen	$1.17	Comanche	$1.10
Anderson	1.17	Cowley	1.13
Atchison	1.19	Crawford	1.17
Barber	1.12	Decatur	1.10
Barton	1.12	Dickinson	1.13
Bourbon	1.17	Doniphan	1.17
Brown	1.17	Douglas	1.19
Butler	1.13	Edwards	1.13
Chase	1.15	Elk	1.15
Chautauqua	1.15	Ellis	1.13
Cherokee	1.16	Ellsworth	1.13
Cheyenne	1.08	Finney	1.09
Clark	1.09	Ford	1.11
Clay	1.14	Franklin	1.19
Cloud	1.14	Geary	1.15
Coffey	1.17	Gove	1.10

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Graham	$1.11	Osage	$1.17
Grant	1.08	Osborne	1.13
Gray	1.10	Ottawa	1.13
Greeley	1.08	Pawnee	1.12
Greenwood	1.15	Phillips	1.12
Hamilton	1.08	Pottawatomie	1.17
Harper	1.13	Pratt	1.12
Harvey	1.13	Rawlins	1.09
Haskell	1.09	Reno	1.13
Hodgeman	1.11	Republic	1.14
Jackson	1.17	Rice	1.13
Jefferson	1.19	Riley	1.16
Jewell	1.13	Rooks	1.12
Johnson	1.20	Rush	1.12
Kearny	1.08	Russell	1.12
Kingman	1.13	Saline	1.13
Kiowa	1.12	Scott	1.09
Labette	1.16	Sedgwick	1.13
Lane	1.10	Seward	1.08
Leavenworth	1.20	Shawnee	1.17
Lincoln	1.13	Sheridan	1.10
Linn	1.17	Sherman	1.08
Logan	1.09	Smith	1.13
Lyon	1.16	Stafford	1.12
McPherson	1.13	Stanton	1.08
Marion	1.13	Stevens	1.08
Marshall	1.16	Sumner	1.13
Meade	1.09	Thomas	1.09
Miami	1.19	Trego	1.11
Mitchell	1.13	Wabaunsee	1.16
Montgomery	1.16	Wallace	1.08
Morris	1.15	Washington	1.15
Morton	1.06	Wichita	1.08
Nemaha	1.17	Wilson	1.16
Neosho	1.17	Woodson	1.17
Ness	1.11	Wyandotte	1.21
Norton	1.12		

KENTUCKY

All counties	$1.20

LOUISIANA

All counties	$1.13

MAINE

All counties	$1.27

MARYLAND

All counties	$1.27

MASSACHUSETTS

All counties	$1.27

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.09	Iosco	$1.10
Alger	1.13	Iron	1.14
Allegan	1.19	Isabella	1.16
Alpena	1.09	Jackson	1.19
Antrim	1.10	Kalamazoo	1.21
Arenac	1.13	Kalkaska	1.10
Baraga	1.13	Kent	1.18
Barry	1.19	Lake	1.14
Bay	1.17	Lapeer	1.18
Benzie	1.17	Leelanau	1.10
Berrien	1.21	Lenawee	1.18
Branch	1.19	Livingston	1.19
Calhoun	1.19	Luce	1.10
Cass	1.21	Mackinac	1.10
Charlevoix	1.09	Macomb	1.18
Cheboygan	1.08	Manistee	1.14
Chippewa	1.10	Marquette	1.13
Clare	1.17	Mason	1.14
Clinton	1.18	Mecosta	1.14
Crawford	1.10	Menominee	1.16
Delta	1.15	Midland	1.17
Dickinson	1.15	Missaukee	1.14
Eaton	1.18	Monroe	1.19
Emmet	1.09	Montcalm	1.17
Genesee	1.18	Montmorency	1.08
Gladwin	1.15	Muskegon	1.16
Gogebic	1.14	Newaygo	1.16
Grand Traverse	1.12	Oakland	1.18
Gratiot	1.18	Oceana	1.14
Hillsdale	1.19	Ogemaw	1.15
Houghton	1.11	Ontonagon	1.12
Huron	1.14	Osceola	1.13
Ingham	1.19	Oscoda	1.15
Ionia	1.18	Otsego	1.09
		Ottawa	1.19

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Presque Isle	$1.08	Shiawassee	$1.18
Roscommon	1.15	Tuscola	1.15
Saginaw	1.18	Van Buren	1.20
Saint Clair	1.17	Washtenaw	1.18
Saint Joseph	1.20	Wayne	1.19
Sanilac	1.16	Wexford	1.11
Schoolcraft	1.10		

MINNESOTA

Aitkin	$1.19	Martin	$1.16
Anoka	1.21	Meeker	1.20
Becker	1.15	Mille Lacs	1.20
Beltrami	1.15	Morrison	1.18
Benton	1.19	Mower	1.17
Big Stone	1.15	Murray	1.16
Blue Earth	1.18	Nicollet	1.19
Brown	1.18	Nobles	1.15
Carlton	1.20	Norman	1.14
Carver	1.21	Olmsted	1.18
Cass	1.17	Otter Tail	1.16
Chippewa	1.17	Pennington	1.13
Chisago	1.20	Pine	1.19
Clay	1.14	Pipestone	1.15
Clearwater	1.15	Polk	1.13
Cottonwood	1.17	Pope	1.17
Crow Wing	1.18	Ramsey	1.22
Dakota	1.21	Red Lake	1.14
Dodge	1.18	Redwood	1.17
Douglas	1.17	Renville	1.18
Faribault	1.16	Rice	1.20
Fillmore	1.16	Rock	1.14
Freeborn	1.18	Roseau	1.12
Goodhue	1.19	Saint Louis	1.18
Grant	1.16	Scott	1.21
Hennepin	1.21	Sherburne	1.20
Houston	1.16	Sibley	1.19
Hubbard	1.16	Stearns	1.19
Isanti	1.20	Steele	1.18
Itasca	1.18	Stevens	1.17
Jackson	1.16	Swift	1.17
Kanabec	1.19	Todd	1.17
Kandiyohi	1.19	Traverse	1.15
Kittson	1.11	Wabasha	1.19
Koochiching	1.12	Wadena	1.17
Lac qui Parle	1.16	Waseca	1.18
Lake of the Woods	1.13	Washington	1.21
Le Sueur	1.20	Watonwan	1.17
Lincoln	1.16	Wilkin	1.15
Lyon	1.16	Winona	1.18
McLeod	1.20	Wright	1.20
Mahnomen	1.14	Yellow Medicine	1.17
Marshall	1.12		

MISSISSIPPI

All counties	$1.22

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.20	De Kalb	$1.18
Andrew	1.18	Dent	1.21
Audrain	1.22	Douglas	1.15
Barry	1.15	Dunklin	1.18
Barton	1.17	Franklin	1.25
Bates	1.19	Gasconade	1.23
Benton	1.18	Gentry	1.17
Bollinger	1.22	Greene	1.17
Boone	1.21	Harrison	1.16
Buchanan	1.19	Henry	1.19
Butler	1.20	Hickory	1.17
Caldwell	1.18	Holt	1.17
Callaway	1.22	Howard	1.21
Camden	1.19	Howell	1.14
Cape Girardeau	1.21	Iron	1.23
Carroll	1.18	Jackson	1.20
Carter	1.14	Jasper	1.16
Cass	1.19	Jefferson	1.26
Cedar	1.19	Johnson	1.18
Chariton	1.20	Knox	1.20
Christian	1.15	Laclede	1.19
Clay	1.20	Lafayette	1.19
Cole	1.21	Lawrence	1.15
Cooper	1.20	Lincoln	1.25
Crawford	1.23	Linn	1.19
Dade	1.16	Livingston	1.18
Dallas	1.17	McDonald	1.15
Daviess	1.18	Macon	1.20

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Madison	$1.22	Randolph	$1.21
Maries	1.22	Ray	1.19
Miller	1.20	Reynolds	1.20
Mississippi	1.19	Ripley	1.19
Moniteau	1.20	Saint Charles	1.27
Monroe	1.21	Saint Clair	1.18
Montgomery	1.23	Saint Francois	1.23
Morgan	1.19	Ste. Genevieve	1.23
New Madrid	1.19	Saint Louis	1.27
Newton	1.15	Saline	1.19
Nodaway	1.17	Scotland	1.20
Oregon	1.14	Scott	1.20
Osage	1.21	Shannon	1.14
Ozark	1.15	Stoddard	1.20
Pemiscot	1.19	Stone	1.14
Perry	1.23	Taney	1.14
Pettis	1.18	Texas	1.14
Phelps	1.22	Vernon	1.17
Pike	1.22	Warren	1.25
Platte	1.20	Washington	1.23
Polk	1.16	Wayne	1.21
Pulaski	1.20	Webster	1.17
Putnam	1.15	Worth	1.16
Ralls	1.22	Wright	1.15

MONTANA

Beaverhead	$0.96	Madison	$1.04
Big Horn	.94	Meagher	1.04
Blaine	.99	Mineral	1.07
Broadwater	1.04	Missoula	1.06
Carbon	1.01	Musselshell	1.03
Carter	1.01	Park	1.04
Cascade	1.04	Petroleum	1.04
Chouteau	1.04	Phillips	.99
Custer	1.00	Pondera	1.04
Daniels	.98	Powder River	.99
Dawson	1.01	Powell	1.04
Deer Lodge	1.04	Prairie	1.00
Fallon	1.01	Ravalli	1.05
Fergus	1.04	Richland	1.01
Flathead	1.07	Rosevelt	1.01
Gallatin	1.04	Rosebud	.97
Garfield	.99	Sanders	1.
Glacier	1.05	Sheridan	1.
Golden Valley	1.03	Silver Bow	1.04
Granite	1.05	Stillwater	1.03
Hill	1.04	Sweet Grass	1.03
Jefferson	1.04	Teton	1.
Judith Basin	1.04	Toole	1.04
Lake	1.07	Treasure	.99
Lewis and Clark	1.04	Valley	.
Liberty	1.04	Wheatland	1.04
Lincoln	1.09	Wibaux	1.
McCone	.99	Yellowstone	1.03

NEBRASKA

Adams	$1.15	Frontier	$1.12
Antelope	1.15	Furnas	1.12
Arthur	1.09	Gage	1.18
Banner	1.05	Garden	1.08
Blaine	1.12	Garfield	1.14
Boone	1.17	Gosper	1.13
Box Butte	1.08	Grant	1.09
Boyd	1.13	Greeley	1.16
Brown	1.11	Hall	1.16
Buffalo	1.15	Hamilton	1.16
Burt	1.19	Harlan	1.13
Butler	1.19	Hayes	1.09
Cass	1.20	Hitchcock	1.10
Cedar	1.15	Holt	1.14
Chase	1.09	Hooker	1.10
Cherry	1.10	Howard	1.16
Cheyenne	1.05	Jefferson	1.17
Clay	1.15	Johnson	1.18
Colfax	1.19	Kearney	1.14
Cuming	1.19	Keith	1.09
Custer	1.13	Keya Paha	1.12
Dakota	1.17	Kimball	1.05
Dawes	1.06	Knox	1.14
Dawson	1.13	Lancaster	1.19
Deuel	1.08	Lincoln	1.11
Dixon	1.17	Logan	1.12
Dodge	1.20	Loup	1.14
Douglas	1.20	McPherson	1.10
Dundy	1.09	Madison	1.17
Fillmore	1.16	Merrick	1.17
Franklin	1.14	Morrill	1.07

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Nance	$1.17	Scotts Bluff	$1.06
Nemaha	1.18	Seward	1.19
Nuckolls	1.15	Sheridan	1.08
Otoe	1.19	Sherman	1.15
Pawnee	1.17	Sioux	1.05
Perkins	1.09	Stanton	1.17
Phelps	1.13	Thayer	1.16
Pierce	1.16	Thomas	1.11
Platte	1.18	Thurston	1.18
Polk	1.17	Valley	1.14
Redwillow	1.11	Washington	1.20
Richardson	1.17	Wayne	1.16
Rock	1.12	Webster	1.14
Saline	1.18	Wheeler	1.16
Sarpy	1.20	York	1.17
Saunders	1.20		

NEVADA

All counties	$1.11

NEW HAMPSHIRE

All counties	$1.27

NEW JERSEY

All counties	$1.27

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Bernalillo	$0.98	Mora	$0.98
Catron	.92	Otero	1.00
Chaves	1.06	Quay	1.07
Colfax	1.00	Rio Arriba	.92
Curry	1.08	Roosevelt	1.07
De Baca	1.05	Sandoval	.98
Dona Ana	.98	San Juan	.77
Eddy	1.05	San Miguel	.98
Grant	.88	Santa Fe	.96
Guadalupe	1.02	Sierra	.98
Harding	1.04	Socorro	.98
Hidalgo	.88	Taos	.97
Lea	1.08	Torrance	1.00
Lincoln	1.00	Union	1.01
Luna	.88	Valencia	.95
McKinley	.88		

NEW YORK

All counties	$1.27

NORTH CAROLINA

All counties	$1.27

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$1.05	McLean	$1.07
Barnes	1.12	Mercer	1.06
Benson	1.09	Morton	1.07
Billings	1.05	Mountrail	1.06
Bottineau	1.06	Nelson	1.11
Bowman	1.04	Oliver	1.07
Burke	1.06	Pembina	1.10
Burleigh	1.09	Pierce	1.09
Cass	1.13	Ramsey	1.10
Cavalier	1.09	Ransom	1.12
Dickey	1.12	Renville	1.06
Divide	1.04	Richland	1.14
Dunn	1.05	Rolette	1.08
Eddy	1.10	Sargent	1.13
Emmons	1.08	Sheridan	1.09
Foster	1.11	Sioux	1.07
Golden Valley	1.03	Slope	1.03
Grand Forks	1.12	Stark	1.06
Grant	1.06	Steele	1.12
Griggs	1.12	Stutsman	1.11
Hettinger	1.06	Towner	1.09
Kidder	1.10	Traill	1.12
La Moure	1.11	Walsh	1.11
Logan	1.10	Ward	1.06
McHenry	1.08	Wells	1.10
McIntosh	1.09	Williams	1.05
McKenzie	1.02		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.18	Clark	$1.18
Allen	1.19	Clermont	1.18
Ashland	1.20	Clinton	1.18
Ashtabula	1.22	Columbiana	1.21
Athens	1.19	Coshocton	1.20
Auglaize	1.19	Crawford	1.19
Belmont	1.20	Cuyahoga	1.20
Brown	1.18	Darke	1.19
Butler	1.18	Defiance	1.19
Carroll	1.20	Delaware	1.19
Champaign	1.18	Erie	1.19

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Fairfield	$1.19	Miami	$1.19
Fayette	1.18	Montgomery	1.18
Franklin	1.19	Morgan	1.20
Fulton	1.18	Morrow	1.19
Gallia	1.18	Muskingum	1.20
Geauga	1.22	Noble	1.20
Greene	1.18	Ottawa	1.19
Guernsey	1.20	Paulding	1.19
Hamilton	1.18	Perry	1.19
Hancock	1.19	Pickaway	1.19
Hardin	1.19	Portage	1.20
Harrison	1.20	Preble	1.17
Henry	1.19	Putnam	1.19
Highland	1.18	Richland	1.20
Hocking	1.19	Ross	1.18
Holmes	1.20	Sandusky	1.19
Huron	1.19	Scioto	1.18
Jackson	1.18	Seneca	1.19
Jefferson	1.21	Shelby	1.18
Knox	1.20	Stark	1.20
Lake	1.21	Summit	1.20
Lawrence	1.18	Trumbull	1.22
Licking	1.20	Tuscarawas	1.20
Logan	1.18	Union	1.19
Lorain	1.20	Van Wert	1.19
Lucas	1.19	Vinton	1.19
Madison	1.18	Warren	1.18
Mahoning	1.22	Washington	1.20
Marion	1.19	Wayne	1.20
Medina	1.20	Williams	1.19
Meigs	1.18	Wood	1.19
Mercer	1.19	Wyandot	1.19

OKLAHOMA

Adair	$1.12	Le Flore	$1.08
Alfalfa	1.11	Lincoln	1.08
Atoka	1.06	Logan	1.09
Beaver	1.06	Love	1.06
Beckham	1.06	McClain	1.06
Blaine	1.07	McIntosh	1.11
Bryan	1.06	Major	1.08
Caddo	1.06	Marshall	1.06
Canadian	1.06	Mayes	1.14
Carter	1.06	Murray	1.06
Cherokee	1.13	Muskogee	1.12
Cimarron	1.05	Noble	1.11
Cleveland	1.06	Nowata	1.16
Coal	1.06	Okfuskee	1.09
Comanche	1.06	Oklahoma	1.06
Cotton	1.06	Okmulgee	1.12
Craig	1.16	Osage	1.13
Custer	1.06	Ottawa	1.15
Delaware	1.15	Pawnee	1.12
Dewey	1.06	Payne	1.09
Ellis	1.06	Pittsburg	1.08
Garfield	1.11	Pontotoc	1.06
Garvin	1.06	Pottawatomie	1.06
Grady	1.06	Roger Mills	1.06
Grant	1.12	Rogers	1.14
Greer	1.06	Sequoyah	1.11
Harmon	1.06	Stephens	1.06
Harper	1.08	Texas	1.05
Haskell	1.10	Tillman	1.06
Hughes	1.09	Tulsa	1.14
Jackson	1.06	Wagoner	1.13
Jefferson	1.06	Washington	1.15
Johnston	1.06	Washita	1.06
Kay	1.12	Woods	1.11
Kingfisher	1.08	Woodward	1.07
Kiowa	1.06		

OREGON

Baker	$1.15	Lake	$1.09
Benton	1.28	Lane	1.26
Clackamas	1.30	Linn	1.28
Clatsop	1.27	Malheur	1.10
Columbia	1.29	Marion	1.30
Coos	1.21	Morrow	1.27
Crook	1.27	Multnomah	1.32
Deschutes	1.27	Polk	1.29
Douglas	1.22	Sherman	1.29
Gilliam	1.28	Umatilla	1.22
Grant	1.27	Union	1.15
Harney	1.06	Wallowa	1.15
Hood River	1.31	Wasco	1.30
Jackson	1.17	Washington	1.32
Jefferson	1.28	Wheeler	1.27
Josephine	1.18	Yamhill	1.31
Klamath	1.17		

PENNSYLVANIA

County	Rate per bushel
All counties	$1.27

RHODE ISLAND

All counties	$1.27

SOUTH CAROLINA

All counties	$1.27

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.12	Jackson	$1.05
Beadle	1.13	Jerauld	1.12
Bennett	1.08	Jones	1.07
Bon Homme	1.14	Kingsbury	1.14
Brookings	1.15	Lake	1.14
Brown	1.13	Lawrence	1.03
Brule	1.12	Lincoln	1.15
Buffalo	1.12	Lyman	1.09
Butte	1.03	McCook	1.14
Campbell	1.09	McPherson	1.10
Charles Mix	1.13	Marshall	1.13
Clark	1.14	Meade	1.03
Clay	1.16	Mellette	1.10
Codington	1.14	Miner	1.13
Corson	1.07	Minnehaha	1.14
Custer	1.05	Moody	1.14
Davison	1.13	Pennington	1.04
Day	1.13	Perkins	1.05
Deuel	1.15	Potter	1.10
Dewey	1.07	Roberts	1.14
Douglas	1.13	Sanborn	1.12
Edmunds	1.11	Shannon	1.08
Fall River	1.05	Spink	1.13
Faulk	1.12	Stanley	1.09
Grant	1.15	Sully	1.09
Gregory	1.13	Todd	1.10
Haakon	1.06	Tripp	1.11
Hamlin	1.14	Turner	1.15
Hand	1.12	Union	1.17
Hanson	1.13	Walworth	1.09
Harding	1.05	Washabaugh	1.05
Hughes	1.10	Yankton	1.15
Hutchinson	1.14	Ziebach	1.05
Hyde	1.11		

TENNESSEE

All counties	$1.22

TEXAS

County	Rate per bushel	County	Rate per bushel
Archer	$1.10	Denton	$1.15
Armstrong	1.10	De Witt	1.23
Atascosa	1.16	Dickens	1.10
Bailey	1.10	Donley	1.10
Bamdera	1.15	Eastland	1.14
Baylor	1.10	Edwards	1.09
Bee	1.19	Ellis	1.17
Bell	1.21	El Paso	1.04
Bexar	1.17	Erath	1.14
Blanco	1.20	Falls	1.22
Borden	1.10	Fannin	1.14
Bosque	1.17	Fayette	1.26
Briscoe	1.10	Fisher	1.10
Brown	1.14	Floyd	1.10
Burleson	1.26	Foard	1.10
Burnet	1.17	Gaines	1.10
Callahan	1.11	Gillespie	1.14
Cameron	1.08	Goliad	1.22
Carson	1.10	Gonzales	1.23
Castro	1.10	Gray	1.10
Childress	1.10	Grayson	1.14
Clay	1.11	Gregg	1.17
Cochran	1.10	Guadalupe	1.20
Coke	1.10	Hale	1.10
Coleman	1.14	Hall	1.10
Collin	1.15	Hamilton	1.16
Collingsworth	1.10	Hansford	1.07
Comal	1.20	Hardeman	1.10
Comanche	1.14	Harrison	1.16
Concho	1.13	Hartley	1.08
Cooke	1.14	Haskell	1.10
Coryell	1.19	Hays	1.21
Cottle	1.10	Hemphill	1.08
Crosby	1.10	Hidalgo	1.09
Dallam	1.06	Hill	1.17
Dallas	1.16	Hockley	1.10
Dawson	1.10	Hood	1.15
Deaf Smith	1.10	Houston	1.25
Delta	1.14	Howard	1.10

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Hunt	$1.15	Pecos	$1.05
Hutchinson	1.08	Polk	1.28
Irion	1.08	Potter	1.10
Jack	1.13	Presidio	1.04
Jim Wells	1.16	Randall	1.10
Johnson	1.16	Reeves	1.05
Jones	1.10	Roberts	1.08
Karnes	1.20	Rockwall	1.16
Kaufman	1.16	Runnels	1.10
Kendall	1.14	San Saba	1.16
Kent	1.10	Schleicher	1.08
Kerr	1.14	Scurry	1.10
Kimble	1.14	Shackelford	1.10
Knox	1.10	Sherman	1.07
Lamar	1.13	Somervell	1.15
Lamb	1.10	Stephens	1.10
Lampasas	1.16	Sterling	1.08
Limestone	1.22	Stonewall	1.10
Lipscomb	1.08	Sutton	1.08
Live Oak	1.16	Swisher	1.10
Lubbock	1.10	Tarrant	1.16
Lynn	1.10	Taylor	1.10
McCulloch	1.14	Terry	1.10
McLennan	1.20	Throckmorton	1.10
Martin	1.09	Tom Green	1.10
Mason	1.14	Travis	1.21
Medina	1.17	Uvalde	1.12
Menard	1.13	Val Verde	1.05
Midland	1.08	Van Zandt	1.16
Milam	1.24	Victoria	1.24
Mills	1.16	Ward	1.07
Mitchell	1.10	Wharton	1.28
Montague	1.11	Wheeler	1.10
Moore	1.08	Wichita	1.10
Motley	1.10	Wilbarger	1.10
Navarro	1.19	Willacy	1.10
Nolan	1.10	Williamson	1.22
Ochiltree	1.08	Wilson	1.19
Oldham	1.10	Wise	1.14
Palo Pinto	1.14	Yoakum	1.10
Parker	1.15	Young	1.10
Parmer	1.10		

UTAH

All counties	$1.04

VERMONT

All counties	$1.27

VIRGINIA

All counties	$1.27

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.17	Klickitat	$1.29
Asotin	1.16	Lewis	1.27
Benton	1.23	Lincoln	1.17
Chelan	1.16	Mason	1.23
Clallam	1.08	Okanogan	1.13
Clark	1.32	Pend Oreille	1.15
Columbia	1.21	Pierce	1.24
Cowlitz	1.30	San Juan	1.20
Douglas	1.15	Skagit	1.20
Ferry	1.11	Skamania	1.31
Franklin	1.20	Snohomish	1.21
Garfield	1.21	Spokane	1.17
Grant	1.17	Stevens	1.14
Grays Harbor	1.25	Thurston	1.25
Island	1.21	Walla Walla	1.22
Jefferson	1.08	Whatcom	1.19
King	1.23	Whitman	1.17
Kittitas	1.22	Yakima	1.22

WEST VIRGINIA

All counties	$1.24

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.19	Columbia	$1.20
Ashland	1.16	Crawford	1.18
Barron	1.17	Dane	1.21
Bayfield	1.17	Dodge	1.21
Brown	1.19	Door	1.17
Buffalo	1.18	Douglas	1.20
Burnett	1.19	Dunn	1.18
Calumet	1.20	Eau Claire	1.18
Chippewa	1.17	Florence	1.16
Clark	1.16	Fond du Lac	1.21

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Forest	$1.16	Pierce	$1.20
Grant	1.19	Polk	1.20
Green	1.21	Portage	1.18
Greenlake	1.20	Price	1.15
Iowa	1.19	Racine	1.26
Iron	1.15	Richland	1.19
Jackson	1.18	Rock	1.22
Jefferson	1.22	Rusk	1.17
Juneau	1.19	Saint Croix	1.20
Kenosha	1.26	Sauk	1.20
Kewaunee	1.18	Sawyer	1.17
La Crosse	1.18	Shawano	1.18
Lafayette	1.20	Sheboygan	1.21
Langlade	1.17	Taylor	1.15
Lincoln	1.16	Trempealeau	1.16
Manitowoc	1.20	Vernon	1.18
Marathon	1.18	Vilas	1.14
Marinette	1.16	Walworth	1.23
Marquette	1.12	Washburn	1.18
Milwaukee	1.26	Washington	1.22
Monroe	1.19	Waukesha	1.22
Oconto	1.18	Waupaca	1.19
Oneida	1.16	Waushara	1.19
Outagamie	1.20	Winnebago	1.20
Ozaukee	1.22	Wood	1.18
Pepin	1.18		

WYOMING

Albany	$0.94	Natrona	$0.95
Big Horn	.90	Niobrara	1.03
Campbell	.99	Park	.90
Carbon	.92	Platte	1.03
Converse	.99	Sheridan	.97
Crook	1.00	Sublette	.92
Fremont	.90	Sweetwater	.92
Goshen	1.05	Teton	1.00
Hot Springs	.90	Uinta	.94
Johnson	.97	Washakie	.90
Laramie	1.05	Weston	1.02
Lincoln	.92		

(2) Where the State Committee determines that State or district weed control laws affect the barley crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this paragraph. If upon delivery of the barley to CCC the producer supplies a certificate indicating that the barley complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(d) *Discounts.* The discount for barley which grades No. 3 shall be 3 cents per bushel; for No. 4, 6 cents per bushel and for No. 5, 10 cents per bushel. An additional discount of 10 cents per bushel shall be applied to barley grading "Garlicky." The support rates for "mixed barley" (Class IV) shall be 2 cents per bushel less than the support rates for barley of the Class I, II and III.

§ 421.459 *Warehouse charges.* (a) Warehouse receipts and the barley represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing barley stored in warehouses operating under the Uniform Grain Storage Agreement is on or before April 30, 1955 there shall be deducted in computing the amount of the loan or purchase price the storage charges as determined in accordance with the table of deductions for warehouse charges to be issued at a later date unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the maturity date.

(b) Warehouse receipts and the barley represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or the purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit to the program maturity date unless written evidence has been submitted with the warehouse receipt that the storage charge has been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges.

§ 421.460 *Settlement.*—(a) *Settlement value.* (1) In the case of eligible barley delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with § 421.418 (e). The support rate shall be for the grade and quality of the total quantity of barley eligible for delivery. If, upon delivery, the barley under farm-storage loan is of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and/or quality of the barley placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the barley delivered, as determined by CCC: *Provided, however,* That if such barley is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(2) In the case of eligible barley delivered to CCC under purchase agreement, settlement shall be made at the applicable support rate determined in accordance with § 421.418 (e).

(b) *Storage deduction for early delivery.* Whenever farm-stored barley under loan or purchase agreement is delivered to CCC prior to April 30, 1955, a deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges (§ 421.459), except that no such deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the barley will be sold rather than stored, or if CCC requires early delivery on an area basis.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on barley under loan or purchase agreement (or charges for elevation in the case of warehouses operated by Eastern common carriers), the producer shall, upon de-

livery of the barley to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement (or approved tariff in the case of warehouses operated by Eastern common carriers), provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on barley delivered to CCC on track at a country point.

Issued this 19th day of March, 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2068; Filed, Mar. 23, 1954; 8:49 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1954 crop of flaxseed. The 1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1954 is supplemented as follows:

Sec.
421.651 Purpose.
421.652 Availability of price support.
421.653 Eligible flaxseed.
421.654 Warehouse receipts.
421.655 Determination of quantity.
421.656 Determination of quality.
421.657 Maturity of loans.
421.658 Support rates.
421.659 Warehouse charges.
421.660 Settlement.

AUTHORITY: §§ 421.651 to 421.660 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421.

§ 421.651 *Purpose.* This subpart states additional specific regulations which, together with the general regulations contained in the 1954 C. C. C. Grain Price Support Bulletin 1 (§§ 421.411 to 421.421; 19 F. R. 967), apply to loans and purchase agreements under the 1954-Crop Flaxseed Price Support Program.

§ 421.652 *Availability of price support—(a) Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever flaxseed is grown in the continental United States, except in Texas counties designated under the 1954-Texas Flaxseed Purchase Program (§§ 421.676 to 421.689; 19 F. R. 1105). Farm-storage loans will not be available in areas where the State committee determines that flaxseed cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through November 1, 1954, in Arizona and California, and from the time of harvest through January 31, 1955, in all other States; the applicable documents must be signed by the producer and delivered to the county committee not later than such final dates.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation or other legal entity producing flaxseed in 1954 as landowner, landlord, tenant, or sharecropper.

§ 421.653 *Eligible flaxseed.* At the time the flaxseed is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The flaxseed must have been produced in the continental United States (excluding the Texas counties designated under the 1954-Texas Flaxseed Purchase Program) in 1954 by an eligible producer.

(b) The beneficial interest in the flaxseed must be in the producer tendering the flaxseed for loan or for delivery under a purchase agreement, and must always have been in him or must have been in him and a former producer whom he succeeded before the flaxseed was harvested.

(c) The flaxseed must grade No. 1 or No. 2.

(d) If offered as security for a farm-storage loan, the flaxseed must have been stored in the bin or granary at least 30 days prior to its inspection, measurement, sampling, and sealing unless otherwise approved by the State committee.

§ 421.654 *Warehouse receipts.* Warehouse receipts, representing flaxseed in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the flaxseed is insured, or must be issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) grade, (3) test weight, (4) dockage, and (5) percentage of damage when such factor, and not test weight, determines the grade. The warehouse receipt or the warehouseman's supplemental certificate must show whether the flaxseed arrived by rail, truck or barge. In the case of flaxseed delivered by rail or barge, the grading factors on the warehouse receipt or warehouseman's supplemental certificate must agree with the inbound inspection certificate for the car or barge if such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade of flaxseed.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.659.

(e) Warehouse receipts representing flaxseed which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be part of the supplemental certificate.

§ 421.655 *Determination of quantity.* (a) The quantity of flaxseed placed under farm-storage loan may be determined either by weight or by measurement. The quantity of flaxseed placed under warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 56 pounds of flaxseed free of dockage. In determining the quantity of sacked flaxseed by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of flaxseed is determined by measurement, a bushel shall be 1.25 cubic feet of flaxseed testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound flaxseed:

For flaxseed testing:	Percentage
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	94
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	90
50 pounds or over, but less than 51 pounds	88
49 pounds or over, but less than 50 pounds	86
48 pounds or over, but less than 49 pounds	83
47 pounds or over, but less than 48 pounds	81

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity available for loan or purchase.

§ 421.656 *Determination of quality.* The grade, grading factors, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Flaxseed, whether or not such determinations are made on the basis of an official inspection.

§ 421.657 *Maturity of loans.* Loans mature on demand but not later than January 31, 1955, in Arizona and California, and not later than April 30, 1955, in all other States.

§ 421.658 *Support rates.* Basic support rates for flaxseed placed under loan or delivered under a purchase agreement will be set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per bushel for No. 1 flaxseed stored in approved warehouses at terminal markets listed below are as follows:

Terminal market:	Rate per bushel for No. 1
Los Angeles, Calif.	$3.66
San Francisco, Calif.	3.60
Chicago, Ill.	3.41
Duluth, Minn., and St. Paul, Minn.	3.41
Superior, Wis.	3.41
Fredonia, Kans.	3.16
Corpus Christi and Houston, Tex.	3.16

(2) Flaxseed eligible for loan or purchase at the support rates shown in the above schedule must have been shipped on a domestic interstate freight rate basis. On any flaxseed shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the amount that the rate of the freight paid (plus tax) is lower than the domestic interstate freight rate (plus tax).

(3) The support rates established for the designated terminal markets apply to flaxseed which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) When shipped by rail or water and stored at any designated terminal market, flaxseed for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 8 cents per bushel.

(5) For flaxseed received by truck and stored at any designated terminal market, the support rate shall be the terminal rate minus 12½ cents per bushel.

(b) *Support rates for flaxseed in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for flaxseed stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax), of the through-freight rate from point of origin for such flaxseed to such terminal market: *Provided*, That on any flaxseed shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the amount that the rate of the freight paid (plus tax) is lower than the domestic interstate freight rate (plus tax) from the point of origin of such flaxseed to the point of storage: *And provided further*, That in the case of flaxseed stored at any railroad transit point taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing flaxseed in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 421.654.

(c) *County support rates.* (1) The basic county support rates for No. 1 flaxseed are as follows: (Farm-storage loans and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section, will be based on the support rate established for the county in which the flaxseed is stored. If two or more approved warehouses are located in the same or adjoining towns, villages, or cities having the same interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.)

ARIZONA

County	Rate per bushel	County	Rate per bushel
Graham	$3.05	Pinal	$3.38
Maricopa	3.39	Yavapai	3.09
Pima	3.29	Yuma	3.41

CALIFORNIA

Alameda	$3.47	Riverside	$3.44
Colusa	3.41	Sacramento	3.44
Fresno	3.44	San Benito	3.47
Imperial	3.45	San Joaquin	3.44
Kern	3.46	San Mateo	3.48
Kings	3.46	Santa Clara	3.47
Los Angeles	3.52	Santa Cruz	3.44
Madera	3.43	Sutter	3.41
Merced	3.43	Yolo	3.44
Napa	3.47		

GEORGIA

All counties	$2.60

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$3.08	Buchanan	$3.15
Adams	3.09	Buena Vista	3.15
Allamakee	3.16	Butler	3.16
Appanoose	3.11	Calhoun	3.15
Audubon	3.11	Carroll	3.13
Benton	3.15	Cass	3.09
Black Hawk	3.15	Cedar	3.16
Boone	3.13	Cerro Gordo	3.17
Bremer	3.16	Cherokee	3.14

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Chickasaw	$3.16	Lyon	$3.14
Clarke	3.09	Madison	3.11
Clay	3.16	Mahaska	3.12
Clayton	3.15	Marion	3.11
Clinton	3.17	Marshall	3.15
Crawford	3.12	Mills	3.10
Dallas	3.13	Mitchell	3.18
Davis	3.12	Monona	3.13
Decatur	3.09	Monroe	3.11
Delaware	3.15	Montgomery	3.[illegible]
Des Moines	3.16	Muscatine	3.16
Dickinson	3.16	O'Brien	3.15
Dubuque	3.16	Osceola	3.16
Emmet	3.18	Page	3.09
Fayette	3.16	Palo Alto	3.16
Floyd	3.17	Plymouth	3.13
Franklin	3.16	Pocahontas	3.15
Fremont	3.10	Polk	3.13
Greene	3.14	Pottawattamie	3.[illegible]
Grundy	3.15	Poweshiek	3.13
Guthrie	3.13	Ringgold	3.[illegible]
Hamilton	3.15	Sac	3.14
Hancock	3.17	Scott	3.17
Hardin	3.15	Shelby	3.12
Harrison	3.12	Sioux	3.14
Henry	3.15	Story	3.14
Howard	3.18	Tama	3.15
Humboldt	3.16	Taylor	3.07
Ida	3.13	Union	3.[illegible]
Iowa	3.13	Van Buren	3.13
Jackson	3.17	Wapello	3.12
Jasper	3.13	Warren	3.11
Jefferson	3.13	Washington	3.14
Johnson	3.15	Wayne	3.11
Jones	3.16	Webster	3.15
Keokuk	3.13	Winnebago	3.18
Kossuth	3.17	Winneshiek	3.16
Lee	3.16	Woodbury	3.13
Linn	3.15	Worth	3.18
Louisa	3.16	Wright	3.16
Lucas	3.11		

KANSAS

Allen	$2.96	Leavenworth	$2.90
Anderson	2.94	Lincoln	2.87
Atchison	2.91	Linn	2.[illegible]
Bourbon	2.91	Lyon	2.[illegible]
Brown	2.85	McPherson	2.90
Butler	2.93	Marion	2.90
Chase	2.91	Marshall	2.85
Chautauqua	2.94	Miami	2.[illegible]
Cherokee	2.93	Mitchell	2.85
Clay	2.87	Montgomery	2.98
Cloud	2.85	Morris	2.91
Coffey	2.94	Nemaha	2.84
Cowley	2.93	Neosho	2.97
Crawford	2.94	Osage	2.94
Dickinson	2.90	Osborne	2.84
Douglas	2.94	Ottawa	2.88
Doniphan	2.85	Pawnee	2.85
Elk	2.97	Pottawatomie	2.[illegible]
Ellis	2.84	Reno	2.91
Ellsworth	2.88	Republic	2.85
Finney	2.81	Rice	2.88
Ford	2.84	Riley	2.[illegible]
Franklin	2.94	Russell	2.85
Geary	2.90	Saline	2.[illegible]
Greenwood	2.96	Sedgwick	2.91
Harper	2.90	Shawnee	2.92
Harvey	2.90	Stafford	2.87
Jackson	2.88	Sumner	2.91
Jefferson	2.92	Wabaunsee	2.90
Jewell	2.85	Washington	2.85
Johnson	2.94	Wilson	3.[illegible]
Kingman	2.90	Woodson	2.97
Kiowa	2.85	Wyandotte	2.94
Labette	2.95		

MICHIGAN

Alpena	$3.02	Mackinac	$3.03
Benzie	3.07	Menominee	3.11
Cass	3.15	Midland	3.07
Cheboygan	3.03	Monroe	3.09
Chippewa	3.03	Ontonagon	3.08
Crawford	3.05	Saint Clair	3.07
Iosco	3.[illegible]	Sanilac	3.06
Luce	3.03	Wayne	3.08

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$3.22	Martin	$3.18
Anoka	3.25	Meeker	3.22
Becker	3.17	Mille Lacs	3.22
Beltrami	3.16	Morrison	3.20
Benton	3.21	Mower	3.19
Big Stone	3.16	Murray	3.17
Blue Earth	3.20	Nicollet	3.22
Brown	3.20	Nobles	3.16
Carlton	3.23	Norman	3.15
Carver	3.24	Olmsted	3.20
Cass	3.18	Otter Tail	3.18
Chippewa	3.19	Pennington	3.13
Chisago	3.22	Pine	3.21
Clay	3.15	Pipestone	3.16
Clearwater	3.16	Polk	3.14
Cottonwood	3.18	Pope	3.19
Crow Wing	3.20	Ramsey	3.25
Dakota	3.24	Red Lake	3.14
Dodge	3.20	Redwood	3.19
Douglas	3.19	Renville	3.20
Faribault	3.18	Rice	3.22
Fillmore	3.17	Rock	3.15
Freeborn	3.20	Roseau	3.12
Goodhue	3.21	St. Louis	3.21
Grant	3.18	Scott	3.24
Hennepin	3.24	Sherburne	3.23
Houston	3.17	Sibley	3.22
Hubbard	3.17	Stearns	3.21
Isanti	3.22	Steele	3.20
Itasca	3.20	Stevens	3.18
Jackson	3.17	Swift	3.19
Kanabec	3.22	Todd	3.19
Kandiyohi	3.21	Traverse	3.15
Kittson	3.11	Wabasha	3.21
Koochiching	3.12	Wadena	3.19
Lac Qui Parle	3.17	Waseca	3.20
Lake of the Woods	3.13	Washington	3.25
Le Sueur	3.22	Watonwan	3.19
Lincoln	3.17	Wilkin	3.16
Lyon	3.18	Winona	3.20
McLeod	3.22	Wright	3.23
Mahnomen	3.14	Yellow Medicine	3.18
Marshall	3.13		

MONTANA

Beaverhead	$2.71	Liberty	$2.86
Big Horn	2.80	McCone	2.96
Blaine	2.89	Musselshell	2.89
Broadwater	2.86	Park	2.86
Carbon	2.86	Petroleum	2.86
Carter	2.98	Phillips	2.91
Cascade	2.86	Pondera	2.86
Chouteau	2.86	Powder River	2.95
Custer	2.96	Prairie	2.97
Daniels	2.94	Richland	2.98
Dawson	2.97	Roosevelt	2.98
Deer Lodge	2.82	Rosebud	2.92
Fallon	2.98	Sheridan	2.97
Fergus	2.86	Stillwater	2.86
Gallatin	2.86	Sweet Grass	2.86
Garfield	2.95	Teton	2.86
Glacier	2.86	Toole	2.86
Golden Valley	2.86	Treasure	2.91
Hill	2.86	Valley	2.94
Judith Basin	2.86	Wheatland	2.86
Lewis and Clark	2.85	Wibaux	2.99
		Yellowstone	2.86

NORTH DAKOTA

Adams	$3.03	Grant	$3.05
Barnes	3.13	Griggs	3.12
Benson	3.09	Hettinger	3.04
Billings	3.03	Kidder	3.09
Bottineau	3.05	La Moure	3.11
Bowman	3.02	Logan	3.09
Burke	3.04	McHenry	3.07
Burleigh	3.08	McIntosh	3.09
Cass	3.14	McKenzie	3.00
Cavalier	3.09	McLean	3.06
Dickey	3.12	Mercer	3.04
Divide	3.02	Morton	3.05
Dunn	3.03	Mountrail	3.04
Eddy	3.10	Nelson	3.10
Emmons	3.07	Oliver	3.06
Foster	3.11	Pembina	3.10
Golden Valley	3.00	Pierce	3.08
Grand Forks	3.12	Ramsey	3.09

NORTH DAKOTA—Continued

Ransom	$3.13	Steele	$3.13
Renville	3.11	Stutsman	3.11
Richland	3.15	Towner	3.08
Rolette	3.07	Traill	3.13
Sargent	3.14	Walsh	3.10
Sheridan	3.08	Ward	3.05
Sioux	3.05	Wells	3.08
Slope	3.00	Williams	3.01
Stark	3.04		

OKLAHOMA

Alfalfa	$2.87	Marshall	$2.80
Caddo	2.81	Mayes	2.90
Canadian	2.81	Murray	2.80
Choctaw	2.78	Muskogee	2.87
Comanche	2.80	Noble	2.88
Cotton	2.78	Nowata	2.94
Craig	2.91	Okfuskee	2.83
Delaware	2.90	Okmulgee	2.85
Garfield	2.88	Osage	2.90
Grady	2.81	Ottawa	2.90
Grant	2.88	Pittsburg	2.83
Haskell	2.84	Pontotoc	2.81
Hughes	2.83	Pushmataha	2.80
Johnston	2.80	Rogers	2.91
Kay	2.90	Seminole	2.83
Kingfisher	2.83	Sequoyah	2.84
Latimer	2.81	Tillman	2.78
Le Flore	2.82	Tulsa	2.91
Love	2.79	Wagoner	2.90
McCurtain	2.76	Washington	2.92
McIntosh	2.85	Woods	2.87
Major	2.83	Woodward	2.83

SOUTH DAKOTA

Aurora	$3.09	Jackson	$3.02
Beadle	3.13	Jerauld	3.12
Bennett	2.99	Jones	3.03
Bon Homme	3.10	Kingsbury	3.15
Brookings	3.16	Lake	3.14
Brown	3.13	Lawrence	2.98
Brule	3.07	Lincoln	3.14
Buffalo	3.10	Lyman	3.05
Butte	2.98	McCook	3.14
Campbell	3.08	McPherson	3.10
Charles Mix	3.08	Marshall	3.13
Clark	3.15	Meade	3.01
Clay	3.13	Mellette	3.01
Codington	3.15	Miner	3.14
Corson	3.06	Minnehaha	3.15
Custer	2.98	Moody	3.15
Davison	3.12	Pennington	3.01
Day	3.14	Perkins	3.03
Deuel	3.16	Potter	3.09
Dewey	3.05	Roberts	3.15
Douglas	3.09	Sanborn	3.12
Edmunds	3.11	Shannon	2.98
Fall River	2.92	Spink	3.13
Faulk	3.11	Stanley	3.08
Grant	3.16	Sully	3.08
Gregory	3.05	Todd	3.01
Haakon	3.04	Tripp	3.02
Hamlin	3.15	Turner	3.13
Hand	3.12	Union	3.14
Hanson	3.13	Walworth	3.09
Harding	3.03	Washabaugh	3.02
Hughes	3.09	Yankton	3.12
Hutchinson	3.11	Ziebach	3.03
Hyde	3.10		

TEXAS

Carson	$2.75	Hockley	$2.75
Culberson	2.68	Moore	2.73
Floyd	2.75	Pecos	2.69
Glasscock	2.75		

WISCONSIN

Adams	$3.15	Crawford	$3.15
Ashland	3.18	Dane	3.18
Barron	3.19	Dodge	3.17
Bayfield	3.19	Door	3.12
Brown	3.15	Douglas	3.23
Buffalo	3.19	Dunn	3.20
Burnett	3.21	Eau Claire	3.19
Calumet	3.16	Florence	3.10
Chippewa	3.18	Fond du Lac	3.18
Clark	3.16	Forest	3.12
Columbia	3.16	Grant	3.15

WISCONSIN—Continued

Green	$3.18	Polk	$3.23
Green Lake	3.16	Portage	3.14
Iowa	3.15	Price	3.16
Iron	3.15	Racine	3.24
Jackson	3.18	Richland	3.15
Jefferson	3.19	Rock	3.19
Juneau	3.15	Rusk	3.18
Kenosha	3.24	St. Croix	3.23
Kewaunee	3.13	Sauk	3.16
La Crosse	3.16	Sawyer	3.19
Lafayette	3.16	Shawano	3.14
Langlade	3.12	Sheboygan	3.17
Lincoln	3.11	Taylor	3.16
Manitowoc	3.16	Trempealeau	3.18
Marathon	3.15	Vernon	3.16
Marinette	3.12	Vilas	3.11
Marquette	3.15	Walworth	3.20
Milwaukee	3.23	Washburn	3.20
Monroe	3.16	Washington	3.18
Oconto	3.13	Waukesha	3.19
Oneida	3.11	Waupaca	3.15
Outagamie	3.16	Waushara	3.15
Ozaukee	3.18	Winnebago	3.16
Pepin	3.21	Wood	3.15
Pierce	3.22		

(2) Where the State committee determines that State or district weed control laws affect the flaxseed crop, the support rate will be 15 cents below the applicable county support rate set forth in the schedule under subparagraph (1) of this paragraph. If upon delivery of the flaxseed to CCC, the producer supplies a certificate indicating that the flaxseed complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(d) *Discount.* The support rate for No. 2 flaxseed shall be 6 cents per bushel less than the support rate for No. 1 flaxseed.

§ 421.659 *Warehouse charges.* (a) Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the flaxseed is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing flaxseed stored in warehouses operating under the Uniform Grain Storage Agreement is on or before January 31, 1955, in Arizona and California or, on or before April 30, 1955, in all other States, there shall be deducted in computing the amount of the loan or purchase price the storage charges as determined by the President, CCC (to be published as an amendment to this subpart at a later date), unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the applicable maturity date for the State.

(b) Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan rate or in computing the purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the program maturity date, unless written evidence has been submitted with the warehouse receipt that the storage charge has been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges.

§ 421.660 *Settlement*—(a) *Settlement value.* (1) In the case of eligible flaxseed delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with § 421.418 (e). The support rate shall be for the grade and quality of the total quantity of flaxseed eligible for delivery.

(2) If, upon delivery, the flaxseed under farm-storage loan is of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and/or quality placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the flaxseed delivered, as determined by CCC: *Provided, however,* That if such flaxseed is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(3) In the case of eligible flaxseed delivered to CCC under purchase agreement, settlement shall be made at the applicable support rate determined in accordance with § 421.418 (e).

(b) *Storage deduction for early delivery.* Whenever farm-stored flaxseed under loan or purchase agreement is delivered to CCC prior to January 31, 1955, in Arizona and California, or prior to April 30, 1955, in all other States, a deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges (§421.659), except that no such deductions shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the flaxseed will be sold rather than stored, or if CCC requires early delivery on an area basis.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on flaxseed under loan or purchase agreement (or charges for elevation in the case of warehouses operated by Eastern common carriers), the producer shall, upon delivery of the flaxseed to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, (or approved tariff in the case of warehouses operated by Eastern common carriers) provided, the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on flaxseed delivered to CCC on track at a country point.

Issued this 19th day of March 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2076; Filed, Mar. 23, 1954; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[1061 (53)-1, Supp. 5]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1953

TIME AND MANNER OF FILING APPLICATION AND INFORMATION REQUIRED

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1953 National Agricultural Conservation Program, issued July 28, 1952 (17 F. R. 6995), as amended July 28, 1952 (17 F. R. 7110), October 30, 1952 (17 F. R. 9921), July 24, 1953 (18 F. R. 4419), and July 30, 1953 (18 F. R. 4592), is further amended as follows:

Section 1101.493 (b) is amended by deleting from the first sentence the wording "February 15, 1954, in New Hampshire;" and inserting after the semicolon following the word "Maine" the wording "April 15, 1954, in New Hampshire;".

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 19th day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2060; Filed, Mar. 23, 1954; 8:47 a. m.]

[ACP-1954-P. R. Supp. 2]

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

SUBPART—1954

RESPONSIBILITY FOR TECHNICAL PHASES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1954, the 1954 Agricultural Conservation Program; Puerto Rico, issued December 17, 1953 (18 F. R. 8627), as amended January 29, 1954 (19 F. R. 643), is further amended as follows:

Section 1102.407 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 1102.407 *Responsibility for technical phases.* (a) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1102.411 to 1102.418 and 1102.420. • • •

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended, Pub. Law 156, 83d Cong.; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 19th day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2058; Filed, Mar. 23, 1954; 8:47 a. m.]

[ACP-1954-Alaska, Supp. 2]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1954

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1954, the 1954 Agricultural Conservation Program; Alaska, issued December 11, 1953 (18 F. R. 8260), as amended January 29, 1954 (19 F. R. 643), is further amended as follows:

1. Section 1104.315 is amended by revising the paragraph entitled "Maximum Federal cost-share" to read as follows:

§ 1104.315 *Practice 5: Clearing land to permit land-use adjustments needed in establishing soil conserving cropping systems.* • • •

Maximum Federal cost-share. 50 percent of the cost of clearing and breaking, but not in excess of $40 per acre.

2. Section 1104.332 is amended to read as follows:

§ 1104.332 *Cost to farmer.* The farmer shall pay that part of the cost of the service, as established under instructions issued by the Administrator, which is in excess of the Federal cost-share for the practice in connection with which the service is furnished.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended, Pub. Law 156, 83d Cong.; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 19th day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2059; Filed, Mar. 23, 1954; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

MISCELLANEOUS AMENDMENTS

1. In § 577.15 (c), subparagraphs (18) and (20) are amended as follows:

§ 577.15 *Persons eligible to receive medical care at Army medical treatment facilities.* • • •

(c) *Eligible personnel.* • • •

(18) Female personnel of the Armed Forces discharged from or relieved from extended active duty under honorable conditions because of pregnancy, or who,

although separated under honorable conditions for reasons other than pregnancy, are shown by the record of terminal physical examination to have been pregnant at the time of separation.

* * * * *

(20) Nationals of foreign governments within the continental United States to include foreign military personnel in the attaché system carried on the current "Diplomatic List" (Blue) and those carried and designated as military personnel on the "List of Employees of Diplomatic Missions Not Printed in the Diplomatic List" (White) published by the State Department; foreign military personnel assigned or attached to United States military installations or units for duty or training; foreign military personnel on foreign government military or supply missions accredited to and recognized by one of the military departments; foreign military personnel on duty in the United States at the invitation of the Secretary of Defense or one of the military departments; foreign military personnel accredited to joint United States defense boards or commissions, or assigned to full-time duty with the North Atlantic Treaty Organization when stationed in the United States; Mutual Defense Assistance Program (MDAP) trainees (military or civilian) assigned or attached to United States military installations or units within the continental United States for training; dependents of personnel listed above when they are residing with their principals, except dependents of MDAP trainees (civilian); other foreign personnel under exceptional circumstances; and foreign personnel covered in agreements entered into by the Secretary of Defense or one of the military departments. The following procedures will govern the furnishing of medical care to nationals of foreign governments (hereafter referred to as foreign personnel):

(i) Inpatient care will be limited to cases which, in the judgment of the commanding officer of the medical treatment facility concerned, will be benefited by hospitalization for a reasonable time. Those patients requiring merely domiciliary care or suffering from chronic conditions (e. g., tuberculosis, mental diseases, degenerative neurological diseases) will be admitted only in case of extreme necessity, where such admission will save life or prevent undue suffering.

(ii) When foreign personnel have been admitted to an Army medical treatment facility in the continental United States, and it develops that hospitalization must be prolonged beyond a reasonable length of time (in any event when in excess of 90 days), a written report giving full identification, diagnosis, prognosis, and probable date the patient can be released will be submitted to The Surgeon General, Department of the Army.

(iii) MDAP trainees who have been selected by their country for training in the United States are presumed to be in good physical condition and free from communicable diseases as a prerequisite to selection. If upon arrival in the United States, it is discovered that the trainee cannot qualify for training by reason of physical and/or mental disability, and will require more than nominal medical treatment before entering training, the trainee will be returned to his country immediately or as soon thereafter as his condition permits travel. When the trainee is disabled after starting his training and, in the opinion of the commanding officer of the medical treatment facility concerned in consultation with the commanding officer of the training facility concerned, such disability will prevent continuation of the training for the period in excess of 90 days, the trainee will be returned to his home country as soon as his condition permits travel.

(iv) The transfer of foreign personnel between oversea commands and the continental United States solely for the purpose of providing medical care in Army medical treatment facilities is not authorized, except under unusual circumstances as determined by the Secretary of the Army.

2. Sections 577.19 and 577.20 are revoked, as follows:

§ 577.19 *Civilian hospital employees.* [Revoked.]

§ 577.20 *Hospital laundry service.* [Revoked.]

[AR 40-610, Feb. 4, 1954 and CS, AR 40-506, Mar. 5, 1954] (R. S. 161, 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-2054; Filed, Mar. 23, 1954; 8:46 a. m.]

PART 580—WOMEN'S ARMY CORPS

MATERNITY CARE

In § 580.14, paragraph (a) is amended as follows:

§ 580.14 *Maternity care.* (a) A woman separated from the Army under honorable conditions because of pregnancy, or who, although separated under honorable conditions for other reasons, is shown by the record of her terminal physical examination to have been pregnant at the time of separation, is eligible for maternity care as provided by § 577.15 of this subchapter.

[C1, AR 625-5, Mar. 10, 1954] (Sec. 101, 62 Stat. 356; 10 U. S. C. 316)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-2055; Filed, Mar. 23, 1954; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 54-10]

PART 135—LIGHTS FOR COAST GUARD VESSELS OF SPECIAL CONSTRUCTION

EXEMPTIONS OF STATUTORY REQUIREMENTS FOR COAST GUARD PATROL BOATS

Certain Coast Guard vessels of special construction cannot comply with certain applicable statutory requirements relating to the lights required to be displayed by public and private vessels when navigating on the high seas or navigable waters of the United States, its territories or possessions, without seriously affecting the military characteristics and functions of the vessels concerned.

It is hereby found that the Coast Guard vessels of special construction listed in 33 CFR 135.30 (e) below, cannot comply with the requirement in Rule 3 (a) (iii), International Rules, regarding the height of the forward masthead light, until new masts are installed or suitable alterations are effected to raise the height of the forward masthead light from 17 feet to 20 feet above the hull, and such vessels are, therefore, exempted from this requirement until this alteration can be accomplished or before December 31, 1954. It is hereby found and certified that the requirements in 33 CFR 135.30 (e), regarding the height of the forward masthead light which will be carried by the Coast Guard vessels described, conform as closely as feasible to the applicable statutory requirement.

Except as otherwise provided, the Coast Guard vessels described in this document are in full compliance with the other provisions of the applicable International Rules or Inland Rules governing the areas where the vessels are being operated.

This is the third document describing exemptions of statutory requirements for Coast Guard vessels. The other documents (CGFR 53-50 and 53-61), dated November 25 and December 23, 1953, were published in the FEDERAL REGISTER dated December 1 and 31, 1953 (18 F. R. 7641, 7642, 8897, 8898).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 167-6, dated November 17, 1953 (18 F. R. 7571), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendment is prescribed:

Section 135.30 is amended by adding a new paragraph (e), reading as follows:

§ 135.30 *International Rules; height of forward masthead light.* * * *

(e) The following patrol boats, class WPB, 83 feet long, have a breadth of 16 feet 7 inches and shall carry the forward masthead light at a height of 17 feet above the hull until properly arranged on or before December 31, 1954:

CG-83300	CG-83392	CG-83482
CG-83308	CG-83394	CG-83483
CG-83312	CG-83397	CG-83484
CG-83320	CG-83400	CG-83486
CG-83327	CG-83403	CG-83487
CG-83334	CG-83411	CG-83488
CG-83337	CG-83412	CG-83489
CG-83342	CG-83427	CG-83490
CG-83346	CG-83428	CG-83491
CG-83359	CG-83435	CG-83493
CG-83360	CG-83450	CG-83497
CG-83362	CG-83452	CG-83499
CG-83366	CG-83453	CG-83501
CG-83370	CG-83455	CG-83503
CG-83378	CG-83456	CG-83504
CG-83381	CG-83457	CG-83506
CG-83382	CG-83462	CG-83518
CG-83387	CG-83464	CG-83523
CG-83388	CG-83468	CG-83524
CG-83389	CG-83478	CG-83527
CG-83391	CG-83481	CG-83529

(Sec. 1, 59 Stat. 590, sec. 2, 65 Stat. 407; 33 U. S. C. 360, 143a. Interprets or applies sec. 4, 63 Stat. 250, sec. 6, Rule 13 (b), 65 Stat. 415; 33 U. S. C. 356, 145k)

Dated: March 18, 1954.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 54-2063; Filed, Mar. 23, 1954; 8:47 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

EXEMPTIONS FROM COMPULSORY PILOTAGE

Pursuant to the authority vested in the Governor by §§ 4.11 and 4.22 of Title 35 of the Code of Federal Regulations, § 4.23 is hereby amended to read as follows:

§ 4.23 *Exemptions from compulsory pilotage.* The following vessels are exempt from compulsory pilotage, except when the Port Captain considers a pilot necessary: *Provided, however,* That a pilot will nevertheless be furnished any such exempted vessel if requested by the commander or master thereof:

(a) Vessels of the Fifteenth Naval District, except as limited by paragraph (e) of this section.

(b) Local craft, such as United States Army and United States Navy minesweepers and tugs, and Panama Canal Company tugs and equipment, except as limited by paragraph (e) of this section.

(c) Small craft under 65 feet in length and drawing not over six feet of water that call at terminal ports without transiting the Canal.

(d) Any vessel that makes frequent calls to Canal Zone waters and whose current officers and crew are, in the opinion of the respective Port Captain, capable, by reason of such frequent calls, of safely navigating within Canal Zone waters, except as limited by paragraph (e) of this section.

(e) Vessels and craft enumerated in paragraphs (a), (b), (c) and (d) of this section may be permitted to transit the Canal without a pilot when, in the opinion of the respective Port Captain, the current officers and crew have the necessary experience and ability to make safe transit. Whenever any such vessel or craft makes transit without a pilot the respective Port Captain shall dispatch it with a larger vessel carrying a pilot, and it shall lock through with that vessel. The respective lock superintendents shall determine whether locomotives shall be used. The Port Captain, Balboa, shall control the movement of such vessel or craft through Gaillard Cut so as to minimize the danger of its being a navigational hazard to larger vessels.

(f) Any other vessel or craft as and to the extent exempted by the Marine Director.

(Sec. 5, 37 Stat. 562, as amended; 2 CZ Code 9, 48 U. S. C. 1318. E. O. 9746, 11 F. R. 7329, 3 CFR, 1946 Supp.)

[SEAL] J. S. SEYBOLD,
Governor.

MARCH 15, 1954.

[F. R. Doc. 54-2052; Filed, Mar. 23, 1954; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 945]

ALASKA

REVOKING EXECUTIVE ORDER NO. 5214 OF OCTOBER 30, 1929

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 5214 of October 30, 1929, withdrawing certain areas of land and water in Alaska for use of the United States Navy Department for naval purposes, which was partially revoked by Executive Order No. 8736 of April 14, 1941 and by Public Land Order No. 903 of July 3, 1953, is also revoked so far as it affects the following-described lands:

A. THE COLD BAY-DOLGOI ISLAND AREA

All that area lying between latitude 54°49' North and 55°20' North, longitude 161°38' West and 162°44' West; less a tract of approximately 18 acres included in the revocation made by Executive Order No. 8736 of April 14, 1941.

The area described contains approximately 485,858 acres of land and 517,710 acres of water.

B. THE WIDE BAY AREA

All that area lying between latitude 57°15' North and 57°26' North and longitude 156° 01' West and 156°35' West.

The area described contains 61,162 acres of land and 116,531.20 acres of water.

A substantial portion of the Cold Bay-Dolgoi Island area is included in the withdrawal for military purposes made by Public Land Order No. 103 of March 27, 1943.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the signing of the order, at which time the lands shall, subject to valid existing rights and to the provisions of existing withdrawals, be opened to settlement under the homestead laws and the homesite act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461), and to those forms of appropriation only by qualified veterans of World War II for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such land not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with appropriate laws and regulations.

Applications for the lands, which shall be filed in the Land Office, Bureau of Land Management, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homesite or homestead laws shall be governed by the regulations contained in Parts 64 and 66, inclusive, of Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

[SEAL] ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 18, 1954.

[F. R. Doc. 54-2049; Filed, Mar. 23, 1954; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10783]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations; Docket No. 10783.

1. The Commission issued a notice of proposed rule making (FCC 53-1566), published in the FEDERAL REGISTER on December 3, 1953 (18 F. R. 7801), and on January 29, 1954, the Commission issued a notice of further proposed rule making (FCC 54-118), published in the FEDERAL REGISTER on February 4, 1954 (19 F. R. 654), concerning proposed changes in the television Table of Assignments for Lexington, Rock Island, Sneedville, and Jackson, Tennessee, Tupelo, Mississippi and Munford, Alabama.

2. The time for filing comments in this proceeding expired on February 26, 1954. Comments and counterproposals were filed by the Alabama Educational Television Commission, Mr. Frank Kyle Spain, Mr. Birney Imes, Jr., and the Tennessee Educational Television Commission. In the Commission's notice of further proposed rule making Dixie Broadcasting Company, permittee of Station WDXI-TV, Jackson, Tennessee, was ordered to show cause why its authorization should not be modified so as to specify operation on Channel 11 in lieu of Channel 9. A reply to this order was filed by the Dixie Broadcasting Company.

3. In his petition, Mr. Frank Kyle Spain urged that the following changes in the Table of Assignments be made:

City	Channel No.	
	Present	Proposed
Tupelo, Miss.	38	9—, 38
Jackson, Tenn.	9—, 16+	11, 16+

In support of the proposal petitioner urged that the proposed amendments conform to the Commission's rules and standards; that they constitute a more efficient utilization of the available channels; and that in view of the fact that Station WDXI–TV authorized for operation on Channel 9 at Jackson, Tennessee has not yet been constructed and will not commence operation before June, 1954, the change from Channel 9 to 11 in Jackson would not inconvenience the permittee of WDXI–TV.

4. The Alabama Educational Television Commission had proposed the following changes:

City	Channel No.	
	Present	Proposed
Munford, Ala.	None	*7
University, Ala.	*7	None

In support of the proposal petitioner urged that the proposed amendments conform to the Commission's rules and standards; that it would permit the utilization of Mt. Cheaha, the highest point in the State of Alabama for the educational station thereby providing the greatest possible coverage to the most populated areas of the state; and that an application will be filed for the use of the channel in the event the amendment as proposed is adopted.

5. The Tennessee Educational Television Commission had proposed the following changes in the table:

City	Channel No.	
	Present	Proposed
Lexington, Tenn.	None	*11
Rock Island, Tenn.	None	*7
Sneedville, Tenn.	None	*2+

In support of the requested amendment, petitioner urged that there are presently assigned 4 television channels in the State of Tennessee which are reserved for educational use; that these assignments would not provide for complete coverage of the state; that the addition of the three assignments as requested would provide almost complete coverage of the state; and that these assignments conform to all the requirements of the Commission's rules and may be made without any other changes in the table.

6. The proposal of Frank Kyle Spain conflicted with that of the Tennessee Educational Television Commission in that Channel 11 could not be assigned both to Lexington, Tennessee and Jackson, Tennessee under our assignment spacing requirement rules. Similarly, the proposal of the Alabama Educational Television Commission conflicted with that of the Tennessee Commission in that Channel 7 could not be assigned both to Rock Island, Tenn., and Munford, Alabama. The Tennessee Commission filed comments in which it modified its request so as to delete the request for the assignment of Channel 7 to Rock Island, Tennessee and offered a counterproposal which is aimed at removing the conflicts with the other two proposals as follows:

City	Channel No.	
	Present	Proposed
Munford, Ala.	None	*7
University, Ala.	*7	None
Tupelo, Miss.	38	9—, 38
Cookeville, Tenn.	24	24, *69
Crossville, Tenn.	None	*77
Jackson, Tenn.	9—, 16+	7+, 16+
Lexington, Tenn.	None	*11
Sneedville, Tenn.	None	*2

This proposal would also require a change in the offset requirement only of the assignment of Channel 9 to Hattiesburg, Mississippi, from Channel 9— to Channel 9, and of the assignment of Channel 11 to Meridian, Mississippi, from Channel 11 to Channel 11—. The Tennessee Commission urged that this counterproposal would remove the conflicts with the other two proposals; would be technically feasible; and would make possible almost complete coverage of the State of Tennessee with educational programs. The assignments for Cookeville and Crossville were proposed in order to replace Channel 7 previously proposed for Rock Island. The Alabama Commission filed comments in support of its proposal and stated that the modification of the Tennessee Commission proposal insofar as it deleted the request for Channel 7 at Rock Island, removed the conflict between the two. Petitioner further urged that Channel 74 be made available to University and be reserved for noncommercial educational use as a replacement for Channel 7.

7. Frank Kyle Spain urged that both his proposal and that of the Alabama Commission could be granted and that two assignments could be made available to the Tennessee Commission in the event Channel 7 were assigned to another community instead of Rock Island.

8. In response to the Show Cause Order, The Dixie Broadcasting Company objected to the use of Channel 11 at Jackson on the grounds that second harmonic interference could be expected from the operation of FM Station WTJS–FM operating on 100.7 Mc. at Jackson. Dixie Broadcasting Company, however, consented to the use of Channel 7 at Jackson as proposed by the Tennessee Educational Television Commission.

9. The counterproposal of the Tennessee Commission and the proposal of the Alabama Commission are technically feasible and the Commission is of the view that the reassignment of channels as proposed would more efficiently utilize the available spectrum and would be in the public interest.

Accordingly, it is ordered, That the counterproposal of the Tennessee Educational Television Commission and the petition of the Alabama Educational Television Commission and the petition of Frank Kyle Spain, insofar as it requests the assignment of Channel 9 to Tupelo, are adopted.

It is further ordered, That effective 30 days after publication in the FEDERAL REGISTER the outstanding authorization of Station WDXI-TV in Jackson, Tennessee (BMPCT–1824) will be modified to specify operation on Channel 7 in lieu of Channel 9, and an appropriate authorization will be issued to the Dixie Broadcasting Company. *It is further ordered,* That effective 30 days after publication in the FEDERAL REGISTER, the table of assignments, contained in § 3.606, rules governing television broadcast stations, is amended as follows:

1. Add to the table:

City:	Channel No.
Munford, Ala.	*7
Crossville, Tenn.	*77
Lexington, Tenn.	*11
Sneedville, Tenn.	*2+

2. Amend the table to read:

City:	Channel No.
University, Ala.	*74+
Tupelo, Miss.	9—, 38
Cookeville, Tenn.	24, *69
Jackson, Tenn.	7+, 16+

3. Change the Channel 9 assignment in Hattiesburg, Mississippi, from 9— to 9.

4. Change the Channel 11 assignment in Meridian, Mississippi, from 11 to 11—.

10. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: March 17, 1954.

Released: March 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–2064; Filed, Mar. 23, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 32]

MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

DEFINITION OF SEAMEN

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary, Department of Health, Education, and Welfare, proposes to amend the definition of "seamen" in § 32.1 (d) of the Public Health Service Regulations (42 CFR Part 32) as indicated below. Interested persons may submit written data, views or arguments in regard to the proposed amendment to the Surgeon General of the Public Health Service, Washington 25, D. C. All relevant material received not later than thirty (30) days after the publication of this notice will be considered.

1. Section 32.1 (d) would be revised to read as follows:

(d) The term "seamen" includes any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation, but does not include the owner or joint owners of a vessel or the spouse of any such owner;

(Sec. 215, 321, 58 Stat. 690, 695, 42 U. S. C. 216, 248. Interprets sec. 2 (h), 58 Stat. 682, 42 U. S. C. 201 (h))

Dated: March 18, 1954.

[SEAL] W. PALMER DEARING,
Acting Surgeon General.

Approved:

OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54–2057; Filed, Mar. 23, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 141–148]

TARIFFS AND SCHEDULES

FILING OF REDUCED RATE QUOTATIONS BY CARRIERS OF PROPERTY OR PERSONS AND CERTAIN PROCEDURAL MATTERS WITH RESPECT THERETO

MARCH 15, 1954.

Special rule or regulation governing filing of reduced rate quotations by carriers of property or persons under sections 6, 20 (1), 22, 217 (a), 217 (b), 220 (a), 306 (a), 306 (c), 313 (a), 405 (a), 405 (c), and 412 (a) of the Interstate Commerce Act, and certain procedural matters with respect thereto.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the proposed establishment of the following special rule or regulation governing the filing of reduced rate quotations under section 22 of the Interstate Commerce Act, and certain procedural matters with respect thereto. The proposed special rule or regulation is as follows:

Special rule governing the filing of reduced rate schedules under section 22 of the Interstate Commerce Act. All quotations or tenders by common carriers by rail, motor vehicle, and water, and by freight forwarders, or rates, fares, and charges for the transportation, storage, or handling of property or the transportation of persons free or at reduced rates shall be filed with the Interstate Commerce Commission 30 days prior to the effective date thereof, except that such quotations or tenders may be made effective upon less than 30 days' notice when an authorized official of the Federal department or agency for whose account the proposed services are to be rendered certifies to the Commission that a rate, fare, or charge for such services has been arrived at through negotiation between the said department or agency and the carrier or carriers concerned and that it is desirable, due to the imminence of movement, that the carrier or carriers be permitted to make the same effective upon less than 30 days' notice: *Provided,* That this requirement for filing shall not apply to transportation designated as classified for security reasons by an authorized official of a department or agency of the United States for whose account the services are rendered or proposed to be rendered.

Scope of special rule. This proposed rule governs the filing of quotations for the transportation and handling of property or persons free or at reduced rates for the United States, state or municipal governments, as permitted by section 22 of the Interstate Commerce Act.

Notice to interested persons. Notice of this proposed rule shall be given by publication of the text thereof in the FEDERAL REGISTER and by depositing a copy thereof in the office of the Secretary of the Commission.

Protests and requests for hearing. Protests against the adoption of this proposed rule shall be filed with the Commission within 30 days after the date of such publication in the FEDERAL REGISTER.

Failure seasonably to file a protest will be construed as a waiver of opposition and participation in this rule-making proceeding unless an oral hearing is held.

In addition to the requirements of Rule 40 of the general rules of practice, protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected.

Any request for an oral hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form of affidavits. The Commission will determine whether or not assignment of the matter for hearing is necessary or desirable.

Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication in the FEDERAL REGISTER.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–2075; Filed, Mar. 23, 1954; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10964]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it a petition filed on February 18, 1954, by Van Curler Broadcasting Corporation, Schenectady, New York, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments* rules governing television broadcast stations so as to assign Channel 35 to Albany-Schenectady-Troy, New York, in lieu of Schenectady, New York. An opposition, now also made part of this docket, was filed by Hudson Valley Broadcasting Company, Albany, New York.

3. In support of its requested amendment petitioner urges that Albany-Schenectady-Troy are considered as one business, industrial, and trading area; that the proximity and integration of these three cities warrants the assignment of Channel 35 to the communities in combination; and that the assignment of Channel 35 to Albany and Troy in addition to Schenectady was originally precluded by the inadequate spacing to Channel 42 in Greenfield and that this latter assignment has been changed.

4. In its opposition to the proposed rule making Hudson Valley stated that it was the permittee of Station WROW–TV on Channel 41 at Albany; and that it constructed the station at the cost of $400,000 upon reliance on the Table of Assignments as adopted in the Sixth Report and Order. It urged that Van Curler accepted a grant on Channel 35 for Schenectady but never intended to serve as an outlet for that city; that it will suffer economic injury in the event another television outlet is authorized for Albany; and that petitioner seeks to accomplish by rule making that which it could not by means of an application. Hudson Valley further requests that the Commission not institute rule making proceedings in this matter.

5. The Commission has considered the comments of Hudson Valley and finds no reasons which would warrant a denial of the proposal for institution of rule making in this case. It therefore is proposed to afford interested parties, including Hudson Valley, an opportunity to file comments with regard to the Van Curler proposal. In view of this, the request of Hudson Valley Broadcasting Company for the denial of the instant petition for rule making is denied.

6. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before April 21, 1954 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 17, 1954.

Released: March 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-2071; Filed, Mar. 23, 1954; 8:49 a. m.]

[47 CFR Part 8]

[Docket No. 10961]

STATIONS ON SHIPBOARD IN MARITIME SERVICES

FREQUENCY TOLERANCES FOR SHIP STATIONS OPERATING ON FREQUENCIES BELOW 25 MC

1. Notice is hereby given of proposed rule making in the above-entitled matter. The amendments proposed to be adopted are set forth below.

2. The Commission has received a number of inquiries regarding the effective date of the new frequency tolerances set forth in Part 8 of the Commission's rules for ship station transmitters operating on frequencies below 25 Mc. It is believed to be desirable, therefore, to amend the Commission's rules so as to specify more clearly an effective date for the application of the new frequency tolerances. On the basis of information at hand, it appears to be feasible to specify a date of January 1, 1955 after which all ship station transmitters operating on frequencies between 1.6 and 25 Mc must meet the new frequency tolerances. It is also proposed to amend the rules to show more clearly the frequency tolerances applicable to ship station transmitters operating on frequencies from 100 to 515 kc.

3. The proposed amendment is issued under the authority contained in sections 303 (e), (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before April 26, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing original comments. Interested persons supporting the proposed amendment may file statements or briefs in a similar manner. The Commission will consider all comments and briefs presented to it before taking final action in this matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments should be furnished the Commission.

Adopted: March 17, 1954.

Released: March 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] MARY JANE MORRIS, *Secretary.*

1. Section 8.131 (b) is amended to read as follows:

(b) Authorized frequency tolerances for ship stations operating on frequencies below 515 kc or within the frequency-band 1600 kc to 25000 kc.

Frequency ranges	Applicable until Jan. 1, 1955, to transmitters installed before Jan. 1, 1953	Applicable to transmitters installed after Jan. 1, 1953 and to all transmitters after Jan. 1, 1955
(1) From 100 to 515 kc. (except for emergency transmitters of the class specified in (2) and (3) below)	*Percent* 0.1	*Percent* 0.1
(2) From 100 to 515 kc.; emergency transmitters only, whose use is confined solely to safety communication as defined in section 8.6 (a)	.3	.3
(3) 500 kc. transmitters intended for use solely in lifeboats or other survival craft	.5	.5
(4) From 1600 to 3500 kc. inclusive (except for lifeboat transmitters under the condition specified below in (5))	.04	.02
(5) For emergency transmitters intended for use solely in lifeboats or other survival craft to be used on the telephone distress frequency 2182 kc. or on the telegraph calling frequency 2091 kc.	.05	.05
(6) Stations when using frequencies within the band 4000 to 25000 kc. other than those specified in (7) below	.02	
(7) Stations (including lifeboat transmitters) when using frequencies within the following bands:		
From 4115 to 4165 kc. inclusive	.05	.05
From 6300 to 6250 kc. inclusive	.05	.05
From 8230 to 8330 kc. inclusive	.05	.05
From 12340 to 12540 kc. inclusive (except 12440 and 12460 kc.)	.02	.02
12440 and 12460 kc	.05	.05
From 16400 to 16740 kc. inclusive (except 16530, 16575, and 16590 kc.)	.025	.025
16530 and 16590 kc	.02	.02
16575 kc	.05	.05
22300 to 22350 kc		
(8) Stations when using frequencies within the band 4000 to 25000 kc.:		
For telephony		.05
For other than telephony		.02

2. Section 8.552 (b) is amended by inserting the word "percent" under the heading "Frequency tolerance" in column two of the "Tabulation of basic technical requirements". In the same column, delete the entry opposite the operating carrier frequency 500 kc and enter the figure "0.1".

3. Section 8.553 (b) is amended by inserting the word "percent" under the heading "Frequency tolerance" in column two of the "Tabulation of basic technical requirements". In the same column, delete the entry opposite the operating carrier frequency 500 kc and enter the following: "0.1 percent except for emergency transmitters whose use is confined solely to safety communication as defined in § 8.6 (a). Such transmitters shall maintain a frequency tolerance of 0.3 percent."

[F. R. Doc. 54-2073; Filed, Mar. 23, 1954; 8:50 a. m.]

[1] Dissenting statement of Commissioner Hennock filed as part of original document.

[47 CFR Part 8]

[Docket No. 10963]

STATIONS ON SHIPBOARD IN MARITIME SERVICES

CERTIFICATION OF HARMONIC SUPPRESSION CAPABILITIES OF SHIP TRANSMITTERS OPERATING ON 2738 KC

Notice is hereby given of proposed rule-making in the above-entitled matter.

On December 21, 1953, the Commission issued a public notice which stated that extensive harmful interference was being caused to operations on the aeronautical mobile frequency 5476.5 kc by the radiation of second harmonics from the transmitters of ship stations operating on the frequency 2738 kc. In that notice, the Commission urged ship owners and ship station licensees to take immediate steps to ensure that their equipment was capable of operating without radiation of harmful spurious emissions. Despite this public notice and the initiation of a more vigorous enforcement program, there has been no substantial decrease in the radiation of harmful spurious emissions from ship transmitters operating on 2738 kc. Substantial reduction of such spurious emissions is a matter of urgent necessity in view of the hazard thereby created to aeronautical use of the frequency 5476.5 kc and because of the obstacle thereby created to timely fulfillment by the United States of its international obligations under the agreement entered into by the United States at the Extraordinary Administrative Radio Conference (Geneva, 1951).

In view of the above facts, the Commission is proposing to amend Part 8 of its rules so as to provide that the frequency 2738 kc will not be available for use by ship stations after June 1, 1954, unless an appropriate certificate is filed with the Commission attesting to the elimination or absence of second harmonic radiation capable of causing harmful interference to the operations on 5476.5 kc. In the event these proposed rules are made final as proposed, the Commission plans to initiate immediate action beginning June 1, 1954, to modify the licenses of specific stations found not operating in compliance with the rules so as to delete the authority to operate on the frequency 2738 kc.

Authority for these amendments is contained in the provisions of sections 303 (e), (f) and (r) of the Communications Act of 1934, as amended.

Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner proposed, may file with the Commission on or before April 15, 1954, a statement or brief setting forth his comments. At the same time any person who favors the proposed rules may file a brief or statement in support of the proposal. The Commission will consider all comments, briefs and statements which are filed before taking final action.

In accordance with § 1.784 of the Commission's rules, an original and 14 copies of all comments, briefs and statements shall be furnished the Commission.

Adopted: March 17, 1954.

Released: March 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] MARY JANE MORRIS, *Secretary.*

a. Section 8.351 (d) is amended by inserting a new text in subparagraph (1) to read as follows:

(1) On and after June 1, 1954, the frequency 2738 kc may not be used or assigned unless there has been submitted to the Commission's office at Washington, D. C., by the licensee or the applicant for such assignment, a certification in accordance with the requirements of subparagraph (2) of this paragraph.

b. Section 8.351 (d) is further amended by redesignating subparagraph (2) as subparagraph (3) and adding a new subparagraph (2) to read as follows:

(2) The certification required by subparagraph (1) of this paragraph shall be signed by a person holding at least a second class radiotelephone operator license and shall show the number of such license and the class. It shall state that by reason of tests or measurements of the transmitter therein described and performed by the certifier or under his supervision, he has determined:

(i) That the level of any emission appearing on the second harmonic frequency of the carrier frequency 2738 kc is attenuated below the level of the unmodulated carrier on the frequency 2738 kc by not less than the amount shown in the following table:

Maximum authorized transmitter-power as specifically defined in § 8.7 (ii):	*Attenuation (decibels)*
3 watts or less	40
Over 3 watts up to and including 150 watts	60
Over 150 watts up to and including 600 watts	70
Over 600 watts	80

and

(ii) That the transmitter meets the foregoing requirements without modification or in the event that modification of the transmitter was found to be necessary, a specific description of such modification, including a description of any wave trap or device which was utilized.

[F. R. Doc. 54-2074; Filed, Mar. 23, 1954; 8:50 a. m.]

[47 CFR Part 8]

[Docket No. 10359]

STATIONS ON SHIPBOARD IN MARITIME SERVICES

EMERGENCY ANTENNA ON SHIPS SUBJECT TO SAFETY OF LIFE AT SEA CONVENTION

In the matter of amendment of Subpart U of Part 8 of the Commission's rules regarding the requirement for an emergency antenna on ships subject to the Safety of Life at Sea Convention, London, 1948.

1. These proceedings were instituted by a notice of proposed rule making issued by the Commission on December 29, 1952. An amendment of § 8.704 of the Commission's rules was proposed in order to reflect the requirements of the new Safety Convention with respect to the installation of emergency or spare antennas. The amendment to § 8.704 as then proposed read as follows:

§ 8.704 *Emergency antenna.* (a) After May 1, 1953, a cargo ship shall be provided with an emergency antenna meeting the requirements of § 8.504 (a) (2) unless it is shown that under the circumstances of a particular ship the installation of such an antenna is impracticable or unreasonable, but in such case the ship shall be provided with a spare antenna consisting of a single wire transmitting antenna (including suitable insulators), of the same linear dimensions as the main transmitting antenna completely assembled for immediate replacement.

(b) Until May 1, 1953, cargo ship shall be provided with either an emergency antenna or a spare antenna meeting the respective applicable requirements set forth in paragraph (a) of this section.

2. The period during which comments on this proposal could be filed has expired. Comments were received from the American Merchant Marine Institute, Inc. (formerly the National Federation of American Shipping) and the Sabine Transportation Company, both in opposition to the rule as proposed.

3. The comments received from both of the above-named organizations purported to show (a) that there is lack of justification from a safety standpoint for the requirement of an emergency antenna and (b) that there would be substantial difficulties involved in the installation and maintenance of an efficient emergency antenna on many cargo ships. In effect, the comments sought to categorize the various classes of difficulties which would make the installation of an emergency antenna "impracticable or unreasonable" and then suggested that the rule should provide for exception by reference to specific classes of vessels or to various classes of difficulties.

4. In connection with the comments relating to the lack of justification for the requirement of an emergency antenna, it is pointed out that the Safety of Life at Sea Convention regulation upon which the proposed rule was based reads as follows:

A main and an emergency aerial shall be provided and installed, provided the Administration may except any ship from the provisions of an emergency aerial if it is satisfied that the fitting of such an aerial is impracticable or unreasonable, but in such case a spare aerial completely assembled for immediate replacement shall be carried.

5. The Commission is of the opinion that this regulation fully justifies the emergency antenna as a safety device and establishes a general preference for safety purposes of the emergency antenna over the spare antenna.

6. AMMI's objections, however, were not solely related to justification of the antenna as a safety device, and in this regard, the comments are summarized to a large extent in that portion quoted below:

Industry experience during the war years indicates that the emergency antenna is a bothersome device which interferes with cargo handling gear to the extent that it must be taken down during the loading and unloading operations of many types of vessels. It also prevents the most efficient location of the main antenna installation on certain other vessels, and in some cases conditions are so severe as to raise serious questions as to acceptable efficiency of the emergency antenna itself. Further on certain other vessels additional structures and masts are required. Such additional structures as were on the vessels during war years have in many cases been removed for peacetime operation. These would have to be replaced.

AMMI recommended a method of providing exception of cargo ships from the emergency antenna requirement by which approximately 780 vessels, including bulk carriers, and specified Maritime Administration types such as Liberty, C1, C2, T-2 and Liberty tankers, would

be excepted. Any of the balance of the ships would be excepted if the fitting of the emergency antenna would result in one or more of the following conditions:

(a) A less efficient main antenna installation;

(b) The necessity of lowering the emergency antenna to handle cargo;

(c) The necessity to provide extensive new mast or rigging structures;

(d) An antenna arrangement obviously inefficient for emergency purposes.

It appears that under AMMI's proposal only a small minority of miscellaneous cargo vessels would be compelled to carry emergency antennas.

7. The naming of basic Maritime Administration types of cargo ships such as mentioned above does not appear to be appropriate for the purpose of establishing exception from the emergency antenna requirement because of structural variations within each type which may affect the practicability of installing an emergency antenna. Furthermore, modifications of a specified type of vessel after a vessel is placed in service may affect the practicability of installing an emergency antenna.

8. With respect to the proposal of AMMI for determining exception of the balance of the ships, it is apparent that the procedure would necessitate determination and application of the emergency antenna requirement on a ship-by-ship basis. In view of the comments showing the various circumstances and the number of considerations involved in the case of each ship, it is believed this method of administering the emergency antenna requirement would be unreasonably burdensome to both the shipping industry and the Commission.

9. It appears that the basic difficulty with application of the emergency antenna requirement stems from the fact that the original design of existing cargo vessels did not anticipate mast structures for emergency antennas. The Commission believes, however, that if the original designs of the vessel had contemplated such antenna installations, emergency antennas could be installed in a manner that would result in a minimum of interference with operations of the ship while in port. Therefore, in the light of the above considerations, it is proposed to require that only new cargo ships be equipped with an emergency antenna and that existing cargo ships be equipped with either a spare antenna or an emergency antenna. To accomplish this proposal § 8.704 would be modified as indicated below:

§ 8.704 *Emergency antenna.* A cargo ship, the keel of which is laid on or after June 1, 1954, shall be provided with an emergency antenna meeting the requirements of § 8.504 (a) (2). A cargo ship, the keel of which is laid prior to June 1, 1954, shall be provided with either an emergency antenna meeting the requirements of § 8.504 (a) (2) or with a spare antenna consisting of a single wire transmitting antenna (including suitable insulators) of the same linear dimensions as the main transmitting antenna, completely assembled for immediate replacement.

10. The proposed amendment to the rules is issued under authority of section 303 (r) of the Communications Act of 1934, as amended, and Chapter IV, Regulation 10 of the International Convention for the Safety of Life at Sea, 1948.

11. Any interested person who is of the opinion that the proposed amendment should not be adopted may file with the Commission on or before April 26, 1954, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. Replies to such comments may be filed within ten days from the last day for filing original comments. The Commission will consider all comments and briefs before taking final action with respect to the proposed amendment.

12. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: March 17, 1954.

Released: March 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2072; Filed, Mar. 23, 1954; 8:50 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10928, 10929]

NEWS-JOURNAL CORP. AND TELRAD, INC.

ORDER CONTINUING HEARING

In re applications of News-Journal Corporation, Daytona Beach, Florida, Docket No. 10928, File No. BPCT-1218; Telrad, Inc., Daytona Beach, Florida, Docket No. 10929, File No. BPCT-1219; for construction permits for new television stations.

On oral motion of the parties: *It is ordered*, This 17th day of March 1954, that the hearing in the above-entitled proceeding now scheduled for March 26, 1954, is continued to April 2, 1954, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2065; Filed, Mar. 23, 1954; 8:48 a. m.]

[Docket No. 10957]

CHECKER CAB & BAGGAGE CO.

ORDER TO SHOW CAUSE

In the matter of Checker Cab & Baggage Company, Houston, Texas; order to show cause why the license for Radiotelephone Station KKB-843 should not be revoked; Docket No. 10957.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station KKB-843, licensed to Checker Cab & Baggage Company of Houston, Texas;

It appearing, that notice of violations of the Commission's rules in connection with the operation of the station was given the licensee as follows: Notice dated January 25, 1954, specifying that an inspection of the station on January 18, 1954, indicated noncompliance with §§ 16.403 and 16.160 (a) and (b) in that the supervisor's car (#104) did not bear the name of the cab company and an appropriate number in the same type of printing as used on the cabs and the station records did not contain the required information concerning technical measurements and maintenance of the equipment.

It further appearing, that, despite further notice calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 16.159 of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 17th day of March 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Checker Cab & Baggage Company of Houston, Texas, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 17th day of May 1954;

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Checker Cab and Baggage Company, P. O. Box 18104, Houston, Texas.

Released: March 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2066; Filed, Mar. 23, 1954; 8:48 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

[Docket No. 10958]

YELLOW CAB & TRANSFER CORP.

ORDER TO SHOW CAUSE

In the matter of Yellow Cab & Transfer Corporation, Houston, Texas, order to show cause why the license for Radiotelephone Station KKA 981 should not be revoked; Docket No. 10958.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station KKA 981 licensed to Yellow Cab & Transfer Corporation of Houston, Texas.

It appearing, that notice of violation of the Commission's rules in connection with the operation of the station was given the licensee as follows: Notice dated January 25, 1954, specifying that an inspection of the station on January 18, 1954, indicated noncompliance with § 16.160 (a) and (b) in that the station records did not contain the required information concerning technical measurements and maintenance of the equipment;

It further appearing, that, despite further notice calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 16.159 of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 17th day of March 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Yellow Cab & Transfer Corporation of Houston, Texas, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 17th day of May 1954;

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Yellow Cab & Transfer Corporation, P. O. Box 18104, Houston, Texas.

Released: March 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2067; Filed, Mar. 23, 1954; 8:48 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have this opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period of failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

[Docket No. 10960]

LAKE SHORE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Lake Shore Broadcasting Co., Inc., Sheboygan, Wisconsin, Docket No. 10960, File No. BP-8808; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of March 1954;

The Commission having under consideration two pleadings, one entitled "Petition Protesting Grant" filed on March 5, 1954, pursuant to section 309 (c) of the Communications Act, by Columbia Broadcasting System, Inc., licensee of Station WBBM, Chicago, Illinois (780 kc, 50 kw, U.), and the other entitled "Petition for Reconsideration and Designation for Hearing" filed on March 5, 1954, pursuant to section 405 of the Communications Act, by Radio Station WAIT, licensee of Station WAIT, Chicago, Illinois (820 kc, 5 kw, specified hours) each requesting the Commission to reconsider its action of February 3, 1954, in granting the above-entitled application of Lake Shore Broadcasting Co. for construction permit for a new station at Sheboygan, Wisconsin to operate on 800 kilocycles; 250 watts, daytime only and to designate the application for hearing with the petitioners made parties thereto;

It appearing, that the Commission's further study of the matter, including an analysis of the engineering affidavits and supporting field intensity measurements submitted with the WBBM and WAIT pleadings, indicates that the proposed Sheboygan operation will cause objectionable interference to Stations WBBM and WAIT and that the 25 mv/m contour of the proposed Sheboygan operation and the 2 mv/m contour of Station WBBM will overlap—a condition expressly prohibited by the Commission's Standards of Good Engineering Practice for stations proposing to operate with a frequency separation of 20 kilocycles;

It further appearing, that the Commission is of the opinion that the aforesaid protest of Columbia Broadcasting System, Inc., meets the requirements of section 309 (c) and that a hearing must be held on the above-entitled Sheboygan, Wisconsin application;

It is ordered, That pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, the above-entitled application of Lake Shore Broadcasting Co. is designated for hearing at the offices of the Commission in Washington, D. C., on May 4, 1954, at 10:00 a. m. upon the issues specified in WBBM's protest which issues are specifically adopted by the Commission and read as follows:

1. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the possibility of overlap between the 25 mv/m contour of the proposed station and the 2 mv/m contour of Station WBBM, Chicago, Illinois.

2. To determine whether the operation of the proposed station at Sheboygan, Wisconsin, would involve objectionable interference with Stations WBBM and WAIT, Chicago, Illinois, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary services to such areas and populations.

3. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

4. To determine on the basis of the above issues whether a grant of the above-entitled application (File No. BP-8808) would serve the public interest, convenience and necessity.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof is placed upon Lake Shore Broadcasting Co.;

It is further ordered, That Gene T. Dyer, Evelyn M. Dyer, Adele Moulds, Louise E. Moulds, and Grace V. McNeill d/b as Radio Station WAIT, licensee of Station WAIT, Chicago, Illinois, and Columbia Broadcasting System, Inc., licensee of Station WBBM, Chicago, Illinois, are made parties to the proceeding;

It is further ordered, That the above-described pleadings of Radio Station WAIT and Columbia Broadcasting System, Inc., are granted;

It is further ordered, That the effective date of the Commission's action of February 3, 1954, in granting the above-entitled application of Lake Shore Broadcasting Co. is stayed pending the conclusion of the aforementioned hearing.

Released: March 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2069; Filed, Mar. 23, 1954; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2318, G-2320]

LATERAL GAS PIPELINE CO. AND IOWA ELECTRIC LIGHT AND POWER CO.

ORDER CONSOLIDATING PROCEEDINGS, DENYING REQUESTS FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

In the matters of Lateral Gas Pipeline Company, Docket No. G-2318; Iowa Electric Light and Power Company, Docket No. G-2320.

Lateral Gas Pipeline Company (Lateral), an Iowa corporation with its principal place of business in Cedar Rapids, Iowa, filed in Docket No. G-2318, on November 24, 1953, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of transmission pipe-line facilities to transport natural gas for Iowa Electric Light and Power Company (Iowa Electric) for ultimate distribution in the Towns of Villisca and Clarinda, Iowa.

Iowa Electric Light and Power Company, an Iowa corporation having its principal place of business in Cedar Rapids, Iowa, filed in Docket No. G-2320 on November 25, 1953, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Natural Gas Pipeline Company of America to sell 1,737 Mcf of natural gas per day to Iowa Electric for resale and distribution by Iowa Electric Company in the communities above referred to.

Due notice of the filing of said application has been given, including publication in the FEDERAL REGISTER on December 30, 1953 (Docket Nos. G-2318 and G-2320) (18 F. R. 8880).

Applicants have requested that their respective applications be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings.

The Commission finds:

(1) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for consolidating the proceedings at Docket Nos. G-2318 and G-2320 for the purpose of hearing.

(2) Good cause has not been shown for granting Applicants' requests that their respective applications, filed at Docket Nos. G-2318 and G-2320, be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and requests therefor should be denied as hereinafter ordered.

The Commission orders:

(A) The proceedings in Docket Nos. G-2318 and G-2320 be and the same hereby are consolidated for the purpose of hearing.

(B) The requests of Lateral Gas Pipeline Company at Docket No. G-2318, and Iowa Electric Light and Power Company at Docket No. G-2320, that the applications filed therein be heard under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, be and the same hereby are denied.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15 and 16 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on April 14, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by applications, and supplements thereto.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)).

Adopted: March 17, 1954.

Issued: March 17, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2050; Filed, Mar. 23, 1954; 8:45 a. m.]

[Docket No. G-2354]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

ORDER FIXING DATE OF HEARING

The applicant in this proceeding has requested that its application for a certificate of public convenience and necessity to increase deliveries of certain daily contract quantities of natural gas to the City of Sullivan, Illinois, and to abandon service by decreasing deliveries of daily contract quantities of natural gas to Southeastern Illinois Gas Company, be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application was filed January 14, 1954, pursuant to section 7 of the Natural Gas Act. No request to be heard, protest or petition has been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on February 5, 1954 (19 F. R. 717). This proceeding is, therefore, a proper one for disposition under the provisions of the aforesaid rule for non-contested proceedings.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 5, 1954 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: March 17, 1954.

Issued: March 17, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2051; Filed, Mar. 23, 1954; 8:45 a. m.]

[Project No. 2151]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MARCH 18, 1954.

Public notice is hereby given that Public Utility District No. 1, of Chelan County, Wenatchee, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed Project No. 2151 to be located on the Chiwawa and Wenatchee Rivers in the region of the city of Leavenworth near Lake Wenatchee in Chelan County, Washington and affecting lands of the United States located in the Wenatchee National Forest. The proposed project would consist of: (1) A rockfill dam in Chiwawa River, in Sec. 34, T. 28 N., R. 17 E., creating a reservoir with about 350,000 acre-feet of useful storage, and a power plant at the damsite with 10,000 kw of installed capacity; (2) a regulating dam at outlet of Lake Wenatchee for maintaining the lake during the entire summer recreational season at its maximum experienced high level and providing for use during the remainder of the year of approximately 24,800 acre-feet of storage with 10 feet of drawdown; (3) a dam in Wenatchee River upstream from the confluence of Chiwaukum Creek, creating Tumwater Reservoir with water surface at about elevation 1750 feet, a tunnel and penstock extending approximately six miles to a power plant with 135,000 kw of installed capacity near city of Leavenworth, on the Wenatchee River. The power generated would be fed into applicant's transmission and distribution system to serve retail and wholesale loads of the applicant including municipalities and public agencies.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before April 27, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2062; Filed, Mar. 23, 1954; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS RELATING TO CONDUCT OF PHYSICAL EXAMINATIONS UNDER REFUGEE RELIEF ACT OF 1953

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of Health, Education, and Welfare to negotiate, without advertising, under section 302 (c) (6), (7), and (9) of the act, purchases and contracts for supplies and services required in connection with the conduct of physical examinations under the provisions of the Refugee Relief Act of 1953, 67 Stat. 400; 50 U. S. C. App. 1971-1971q.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304 and 307, and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any officer, official or employee of the Department of Health, Education, and Welfare.

4. This delegation shall be effective as of the date hereof.

Dated: March 19, 1954.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 54-2103; Filed, Mar. 22, 1954; 3:57 p. m.]

DIRECTOR OF THE UNITED STATES INFORMATION AGENCY

DELEGATION OF AUTHORITY TO NEGOTIATE A CONTRACT FOR ARCHITECT-ENGINEER SERVICES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Director of the United States Information Agency, to negotiate, without advertising, under section 302 (c) (4) of the act, a contract for architect-engineer services relating to the construction of studios for the International Broadcast Service.

2. This authority shall be exercised in accordance with the applicable limitations and requirements in the act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any officer or employee of the United States Information Agency.

4. This delegation shall be effective as of the date hereof.

Dated: March 19, 1954.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 54-2099; Filed, Mar. 22, 1954; 4:06 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 68-163]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER GRANTING APPLICATION, AND PERMITTING DECLARATION AS TO SOLICITATION IN CONNECTION WITH ELECTION OF DIRECTORS TO BECOME EFFECTIVE

MARCH 17, 1954.

Christian A. Johnson and Alfred A. Romney ("declarants"), Class A stockholders of International Hydro-Electric System, a registered holding company undergoing reorganization pursuant to section 11 (d) of the Public Utility Holding Company Act of 1935 ("act") and now in process of electing a new board of directors, having filed with the Commission a declaration and amendments thereto relating to their solicitation of the Class A stockholders in connection with such election, pursuant to Rule U-62 promulgated under the act, and having at the same time filed an application pursuant to Rule U-100 requesting exemption from paragraph (g) of Rule U-62 and qualified exemption with respect to Items (4) and (8) of Form U-R-1 thereunder, and requesting acceleration of the effective date of their declaration pursuant to Rule U-62 (d); and

It appearing to the Commission that, in view of the nature of the said election and in view of the character and purpose of the solicitation proposed, the conditions imposed in Rule U-62 (g) against trading and giving investment advice are inapplicable and inappropriate; also that the information which declarants have given in Item (4) of Form U-R-1 with respect to their ownership of system securities is sufficiently informative; that the first letter of solicitation to be used by the declarants, a copy of which is annexed to their declaration, satisfies in all essential respects the applicable requirements in Item (8) of said form, and that said first letter likewise substantially satisfies the relevant requirements of Schedule 14A of the regulations under the Securities Exchange Act of 1934 as amended, which provisions normally govern the solicitation of proxies for the election of corporate directors; and

It further appearing to the Commission that it is appropriate to grant declarants' request that the effective date of their declaration be accelerated, pursuant to Rule U-62 (d), and that said declaration become effective forthwith:

It is therefore ordered, That the application filed by declarants seeking exemption pursuant to Rule U-100 from paragraph (g) of Rule U-62 and seeking qualified exemption with respect to Items (4) and (8) of Form U-R-1 thereunder, be and the same hereby is granted;

It is further ordered, That the declaration filed by the declarants pursuant to Rule U-62, with modifications as hereinabove approved, be and is hereby made effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2053; Filed, Mar. 23, 1954; 8:46 a. m.]

[File No. 70-3221]

NORTHERN STATES POWER CO. (MINNESOTA AND WISCONSIN)

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF COMMON AND PREFERRED STOCK BY REGISTERED HOLDING COMPANY AND ISSUANCE AND SALE OF COMMON STOCK OF SUBSIDIARY TO PARENT

MARCH 22, 1954.

In the matter of Northern States Power Company (a Minnesota Corporation), Northern States Power Company (a Wisconsin Corporation); File No. 70-3221.

Notice is hereby given that Northern States Power Company, a Minnesota Corporation ("Minnesota"), a registered holding company and a public-utility company, and its public-utility subsidiary, Northern States Power Company, a Wisconsin Corporation ("Wisconsin"), have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6, 7, 9, and 10 of said act and Rules U-23, U-24, U-43, and U-50 promulgated thereunder regarding certain proposed transactions which are summarized as follows:

Minnesota proposes to issue and sell 1,219,856 additional shares of its common stock of the par value of $5 per share and 150,000 shares of a new series of its cumulative preferred stock of the par value of $100 per share.

Wisconsin proposes to issue and sell, and Minnesota proposes to purchase and acquire, during the balance of the year 1954, an aggregate of not to exceed 40,000 shares of the par value of $100 per share of the common stock of Wisconsin at $100 per share.

Minnesota proposes to issue and sell the 1,219,856 shares of its common stock by (a) offering said shares to the holders of its common stock on the basis of one share for each ten shares held and at a subscription price to be determined by Minnesota at a later date, the right to subscribe to be evidenced by subscription warrants; and (b) selling at such subscription price, pursuant to the competitive bidding requirements of Rule U-50, such of the above shares of common stock as are not subscribed for plus any of the outstanding shares of common stock of Minnesota acquired by the Company in connection with stabilization transactions. The application-declara-

tion states that Minnesota may make purchases of not to exceed 60,993 shares (being a number of shares equal to approximately 5 percent of the new shares of common stock to be issued by Minnesota) of its presently outstanding stock in order to facilitate the proposed offering and sale of additional shares of its common stock or to stabilize the market price therefor. It is stated that to avoid the complications and expense of issuing subscription warrants in units involving a fraction of a share, Minnesota proposes, if the number of shares of common stock held of record by any shareholder is not evenly divisible by ten, the warrant such shareholder will receive will entitle him to subscribe for one share in lieu of the fraction of a share to which he would otherwise be entitled.

The additional shares of preferred stock of Minnesota, to be known as Cumulative Preferred Stock, $__ Series, will be sold pursuant to the competitive bidding requirements of Rule U-50, the price (which shall be not more than $102.75 per share nor less than $100 per share) and the annual dividend rate (which shall be a multiple of 4 cents) to be fixed as a result of the bidding.

It is stated that the proceeds of the sale of additional shares of common and preferred stock by Minnesota and the proceeds of the sale of additional shares of common stock by Wisconsin, together with other corporate funds, will be used for the purpose of retiring $20,000,000 of bank loans of Minnesota evidenced by its promissory notes maturing July 15, 1954, and $2,500,000 of bank loans of Wisconsin evidenced by its promissory notes maturing June 9, 1954, and to finance new construction. Minnesota estimates that the expenditures of it and its subsidiaries for construction during 1954 will aggregate approximately $52,350,000.

The application-declaration further states that no State commission, other than the Public Service Commission of North Dakota, or Federal commission, other than this Commission, has jurisdiction over the transaction proposed by Minnesota, and that the issuance and sale of common stock by Wisconsin is subject to the authorization by the Public Service Commission of Wisconsin.

Applicants-declarants request that this Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than April 1, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 1, 1954, at 5:30 p. m., said joint application-declaration, as filed, or as amended hereafter, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2094; Filed, Mar. 23, 1954; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 58

Washington, Thursday, March 25, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3046

PAN AMERICAN DAY, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the American Republics jointly and severally honor April 14 as a date of Hemisphere significance, since that day sixty-four years ago marked the beginning of the association which has developed into the Organization of American States and in which the twenty-one American Republics are Member States;

WHEREAS the Tenth Inter-American Conference this year focuses attention once again upon the fundamental importance of inter-American solidarity as an indispensable bulwark of the free world;

WHEREAS the reciprocal friendship, mutual respect, and steadfast cooperation of the American Republics stand as an example which other nations have come to recognize and accept as a working-model for international relationships;

WHEREAS for all of the foregoing reasons April 14 is a recurrent occasion for thanksgiving and rejoicing on the part of the people of the United States in common with the sister nations of America:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim Wednesday, April 14, 1954, as Pan American Day, for celebration by the people of this nation as the day of the Americas and a day for expressing that good will toward the other American peoples and that faith in our mutual adherence to the principles of freedom and democracy which have inspired our independence as nations and cemented our cooperation as neighbors.

I call upon officials of the Federal, State, and local Governments; representatives of civic, educational, and religious organizations; agencies of the press, radio, television, motion picture, and other media of communications; and all the people of the United States of America, to cooperate in fitting observance of Pan American Day, by ceremonies or other public activities appropriate to the occasion, as a symbol of inter-American solidarity.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of March in the year of our Lord nineteen hundred and [SEAL] fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54-2155; Filed, Mar. 23, 1954; 3:25 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture.

Subchapter A—General Regulations and Policies

PART 402—PRICING POLICY FOR CERTAIN COMMODITIES AVAILABLE FOR SALE

RESTRICTIONS ON EXPORT SALES; OTHER SALES

The regulation published in 18 F. R. 1583, containing the pricing policy for certain commodities available for sale, is hereby amended as follows:

1. Section 402.102 *Restrictions on export sales* is amended to read as follows:

§ 402.102 *Restrictions on export sales.* Sales are restricted to buyers not using Foreign Operations Administration funds or other funds of the United States Government. Commodities purchased from CCC may be resold to buyers using any such funds only if it is determined by CCC that the purchase price paid to it by the purchaser is not less than (a) the higher of the support price plus handling and storage costs

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 3, 1953 Supp. ($1.50)

Title 16 ($1.00)

Titles 22–23 ($1.00)

Title 24 ($0.75)

Previously announced: Title 8 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.45); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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or the domestic market price on the date of sale by CCC, in the case of funds appropriated or reappropriated under Title III of the Mutual Security Appropriation Act of 1953, or (b) the higher of the minimum price required by the statutory pricing restriction, if any, applicable to sales made by CCC for other Government funds, or the domestic market price on the date of sale by CCC, in the case of any other such funds.

2. Section 402.105 *Other sales* is amended to read as follows:

§ 402.105 *Other sales.* The general policy of Commodity Credit Corporation of making sales on a bid or negotiated basis will continue to apply to all sales not covered by this announcement, including all sales which involve the use of Foreign Operations Administration or other U. S. Government funds. Inquiries with respect to such sales may be addressed to the Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C.

(Sec. 407, 63 Stat. 1055; 7 U. S. C. Sup. 1427)

Issued: March 19, 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2114; Filed, Mar. 24, 1954; 8:55 a. m.]

Subchapter B—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 18 F. R. 5359 and 6983, and containing the specific requirements for the 1953-Crop Corn Price Support Program are hereby amended as follows:

1. Section 421.52 (d) (formerly § 601.52 (d)) is amended by inserting the words "may not be or" in the first sentence thereof after the word "producers."

2. Section 421.57 (formerly § 601.57) is amended by (1) changing the words "are not" in the first sentence of paragraph (c) to "may not be," by (2) adding a new paragraph (d) to provide that the State committee shall call farm-storage loans and require that deliveries be made under purchase agreements from farm-storage during the earlier delivery period whenever the State committee determines that producers in any area are not in a position to safely store corn for the full storage period, and by (3) changing former paragraph (d) to (e) so that the amended section reads as follows:

§ 421.57 *Maturity of loans and delivery.* (a) Loans mature on demand but not later than July 31, 1954.

(b) Corn may be delivered under purchase agreements and in satisfaction of farm-storage loans after maturity in accordance with § 421.18.

(c) In areas where it is determined by the ASC State committee that some producers may not be in a position to store corn safely for the full storage period (for reasons set forth in § 421.52 (d)), the ASC State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which producers may voluntarily deliver corn in farm-storage under loans and purchase agreements. Such earlier delivery period, if established, shall be the first 10 days of either April, May, June, or July 1954. CCC will accept deliveries of corn during such 10-day period, provided the producer notifies the ASC county committee of his intention to deliver at least 10 days prior to the first day of the 10-day delivery period. The 10-day delivery period may be extended if it is determined by the county committee that more time is needed for the acceptance of deliveries.

(d) If the ASC State committee determines that producers in any area are not in a position to safely store corn for the full storage period (for reasons set forth in § 421.52 (d)), all farm-storage loans in such area shall be called promptly by the ASC State committee, and producers who elect to make deliveries from farm-storage under purchase agreements shall be required to do so during the delivery period for loans. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the ASC State committee, and not before April 1, 1954.

(e) Corn under farm-storage loan may be delivered at any time prior to maturity with the approval of the county committee, if the farm is sold or there is a change of tenancy, or if the corn is going out of condition, or threatened with damage by flood or other conditions which are beyond the control of the producer, or when the delivery is made on demand by CCC and such demand is not due to negligence on the part of the producer.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 19th day of March 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2115; Filed, Mar. 24, 1954; 8:55 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1954-CROP PRICE SUPPORT PROGRAMS FOR GRAINS AND RELATED COMMODITIES

INTEREST RATE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 967 and containing regulations of a general nature with respect to price support programs for certain grains and other commodities produced in 1954 are amended as follows:

Section 421.411 *Interest rate* is amended by inserting "3½" before the word "percent" the first time it appears so that the section begins "Loans shall bear interest at the rate of 3½ percent * * *."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 66 Stat. 758, 15 U. S. C. Sup. 714c; 7 U. S. C. Sup. 1441, 1447, 1421)

Issued this 19th day of March 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2113; Filed, Mar. 24, 1954; 8:55 a. m.]

[1954 C. C. C. Flaxseed Bulletin 1, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 TEXAS FLAXSEED PURCHASE PROGRAM

BASIC PURCHASE PRICES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1105, and containing the specific requirements for the 1954 Texas Flaxseed Purchase Program are amended as follows:

Section 421.679 (a) is amended by adding Red River County, Texas to the list of counties for which the program is authorized and by showing the basic purchase rate per bushel for No. 1 Flaxseed for that county to be $2.78.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054;

15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421)

Issued this 19th day of March 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2112; Filed, Mar. 24, 1954; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 862.6]

PART 862—SUGAR BEETS; REGIONS OTHER THAN STATE OF CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON, AND WESTERN NEVADA

1954 CROP

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in several cities in the sugar beet area during November and December 1953, the following determination is hereby issued:

§ 862.6 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1954 crop of sugar beets in regions other than the State of California, southwestern Arizona, southern Oregon, and western Nevada*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of the 1954 crop of sugar beets in regions other that the State of California, southwestern Arizona, southern Oregon, and western Nevada if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm, or part of the farm covered by a separate labor agreement, shall have been paid in full for all such work and shall have been paid pages in cash therefor at rates as agreed upon between the producer and the laborer but, after the beginning of work on the 1954 crop of sugar beets or the date of issuance of this determination, whichever is later, not less that the following:

(i) *When employed on a time basis.* (*a*) For thinning, hoeing, or weeding: 65 cents per hour.

(*b*) For pulling, topping, or loading: 70 cents per hour.

(*c*) For the operations specified above performed by workers between 14 and 16 years of age the above rates may be reduced by not more than one-third. Maximum employment for workers between 14 and 16 years of age, without deduction from payments under the act to the producer, is 8 hours per day.

(ii) *When employed on a piecework basis for thinning, hoeing, and weeding.*

RATES PER ACRE BY INDICATED WAGE DISTRICTS

Operations	I	II		III	IV		V	VI
	Illinois, Indiana, Michigan, Ohio, Wisconsin	(A) Minnesota (Northwestern), North Dakota (Eastern)	(B) Iowa Minnesota (Southern)	Colorado, Kansas, Nebraska, New Mexico, South Dakota, Texas, Utah (East Central) Wyoming, (Southeastern and Eastern)	(A) Montana (except Western), North Dakota (Western), Wyoming (Northern)	(B) Montana (Western)	Idaho (Southern and Eastern), Nevada (Northern), Utah (except East Central)	Idaho (Western), Oregon (except Southern), Washington
Thinning								
Hoe and finger thinning fields planted with processed seed (note 1):								
Without machine thinning	$13.00	$13.00	$14.00	$13.50	$14.50	$13.50	$13.00	$13.00
With machine thinning	11.00	11.00	12.00	11.50	12.50	11.50	11.00	11.00
Hoe thinning only (any type seed)	9.00	9.00	10.00	9.50	10.50	9.50	9.00	9.00
Weeding								
First hoeing following complete machine thinning (note 2)	[illegible]	9.00	10.00	[illegible]	10.50	9.50	9.00	9.00
First hoeing following hoe thinning only	[illegible]	6.00	[illegible]	[illegible]	7.00	7.00	6.00	[illegible]
First hoeing following hoe and finger thinning or hoe thinning only	4.50	[illegible]	[illegible]	[illegible]	6.00	[illegible]	[illegible]	7.00
Second and each subsequent hoeing or weeding	[illegible]	[illegible]	4.00	4.00	4.50	5.50	4.00	[illegible]

Combined operations. Where a written agreement provides for a combined rate for "summer work", the rate for such work regardless of the number of hoeings or weedings required, shall be the sum of the applicable thinning, hoeing, and weeding rates specified above.

Wide row planting. The above thinning, hoeing, and weeding rates may be reduced by not more than the indicated percentages for the following row spacings: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

Cross cultivation. Where cross cultivation is performed prior to hoeing or weeding the specified first hoeing rate, other than first hoeing following complete machine thinning, may be reduced by not more than $1.00 per acre, and the specified subsequent hoeing or weeding rate may be reduced by not more than 50 cents per acre.

Note 1: The basic piecework rate for hoe and finger thinning fields planted with natural whole seed shall be $2.00 per acre more than the rates specified above.

Note 2: The above rate is applicable on fields which have been completely machine thinned; where the worker is not required to finger thin; and when the operation is performed at the time first hoeing customarily is performed.

(iii) *When employed on a piecework basis for harvesting.* The piecework rates for hand pulling, topping, and loading shall be those agreed upon between the producer and the worker: *Provided,* That the average hourly rate of earnings for each worker for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than 70 cents per hour.

(iv) *When employed on a time or piecework basis for other operations.* For operating mechanical equipment, irrigating, and all other operations in the production, cultivation, or harvesting of sugar beets for which a rate is not specified herein, the rate shall be as agreed upon between the producer and laborer.

(b) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as housing, garden plot, and similar items.

(c) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined in this section through any subterfuge or device whatsoever.

(d) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Agricultural Stabilization and Conservation Office against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at that office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer. The County ASC Committee shall make such investigation as it deems necessary and the producer and laborer shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office of the State in which is located the farm where the work was performed. The address of the State Office will be furnished by the local county office. Upon receipt of the appeal the State ASC Committee shall likewise consider the facts and the producer and laborer shall be notified in writing of its recommendation for settlement of the claim. If the recommendation of the State Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay as a minimum, for work performed by persons employed on the farm in the production, cultivation, or harvesting of the 1954 crop of sugar beets in regions other than the State of California, southwestern Arizona, southern Oregon, and western Nevada as one of the conditions for payment under the act.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates the act requires that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary of Agriculture under the Agricultural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugar beets and cost of production); and (2) the differences in conditions among various sugar producing areas.

(c) *1954 wage determination.* This determination differs from the 1953 wage determination in the following respects: (1) Piecework rates for hand harvesting sugar beets will be as agreed upon between producers and workers, subject to a minimum hourly earnings guarantee, instead of specific piecework rates for harvesting operations; and (2) certain explanations and piecework rate definitions have been clarified or eliminated.

A public hearing was held in Detroit, Michigan; St. Paul, Minnesota; Billings, Montana; Salt Lake City, Utah; and Greeley, Colorado during the period November 30 through December 11, 1953 at which interested parties presented testimony with respect to fair and reasonable wage rates for work on the 1954 crop of sugar beets. At the hearing and through supplemental briefs most of the producer representatives recommended the continuation of the 1953-crop wage rates for the 1954 crop. Producers generally, except in the Great Lakes region, recommended reductions in the wage rate for first hoeing work, following complete machine thinning, of between $1.50 and $3.00 per acre on the basis that wage costs and worker earnings for this operation in 1953 were disproportionate to the other cultivating operations. Certain producer representatives expressed the belief that the differential rates which have been maintained between specific districts because of differences in man-hour requirements, cultivation practices, and soil and weed conditions, have become less pronounced as a result of mechanization and chemical weed control. They suggested a lowering of the rates to the level of the contiguous wage districts. In view of the increase in mechanical thinning some producers also recommended a single pre-weeding rate, that for first hoeing following complete machine thinning, with other pre-weeding wage rates to be as agreed upon between the producer and the worker. In response to questions by the presiding officers seeking views on simplification of the wage structure of the determination, most producer representatives expressed the opinion that specific piecework rates were preferable to a provision which would require piecework rates as agreed upon between the producer and the worker with average earnings of not less than the hourly rates specified in the determination. The reasons for their position were the added supervisory requirements, the keeping of time records, and the family characteristics of most labor crews. However, one producer representative indicated that such a minimum hourly earnings guarantee for piecework employees might be feasible for harvesting work only, since a very large proportion of the sugar beets are now mechanically harvested and the earnings of hand harvesters would probably exceed the minimum hourly wage rate of the determination.

Consideration has been given to recommendations made at the hearing, to current crop and price conditions, to data reflecting the economic position of producers, to the cost of living of workers, to changes occurring in production methods, to investigations, and to other pertinent factors. An analysis of these factors indicates that the wage rates of this determination are within producers' ability to pay and will return to workers average earnings which reflect changes in living costs during recent years.

During the past decade mechanical harvesting of sugar beets has progressed rapidly. It is estimated that about 90 percent of the 1953 crop was machine harvested. Since some farm families hand harvest their own crops, piecework rates are effective for relatively few farms during harvest. The elimination of specific piecework rates for hand harvesting and the provision for agreed upon piecework rates with a minimum hourly earnings guarantee to workers, will provide more flexible wage rate arrangements on farms where hand harvesting is performed. The minimum guarantee of 70 cents per hour is considered to be a reasonable level and there should be no necessity for adjustment of workers' earnings if the agreed upon piecework rates reflect actual field conditions. Certain explanations and definitions of wage rates provided in the 1953 determination have been clarified or eliminated which will result in further simplification of the wage rate structure.

The recommendation of certain producers that rates be reduced to the levels of contiguous districts because of changed production practices, has not been adopted as it appears desirable to give further study to the matter. The recommendation for a general reduction in the rate for first hoeing following complete machine thinning has not been adopted. Analysis indicates that the savings in labor costs for this operation compared with regular cultivation methods appear to be adequate to provide the economic incentive to producers for the further development and utilization of machine thinning.

After full consideration of available economic data, the wage rates provided in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 22d day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2117; Filed, Mar. 24, 1954; 8:56 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 22]

PART 76—HOG CHOLERA, SWINE PLAGUE AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27 of the regulations restricting the interstate movement of swine and certain swine products because of vesicular exanthema (9 CFR, Part 76, Subpart B (18 F. R. 3636, 19 F. R. 1367), as amended) is hereby amended by deleting paragraph (a) relating to Arkansas, and by changing paragraph (b), subparagraph (1) of paragraph (c), and paragraphs (e) and (i), to read as follows:

§ 76.27 *Notice and quarantine.* Notice is hereby given that swine in the following areas in the specified States are affected with vesicular exanthema. Such areas are hereby quarantined because of said disease.

(a) [Deleted.]

(b) *California:* (1) That area consisting of all of those counties south of and including the counties of Sonoma, Napa, Solano, Sacramento, Amador, and Alpine.

(2) That area lying north and west of State Highway 24, south of the Richvale-Oroville Highway, and east of the Feather River; that area lying north of Humboldt Road, south of Eighth Avenue and Big Chico Creek, west of Ponderosa Way, and east of El Monte Avenue; and that area lying north of the Durham-Pentz Road, south of the Pearson Road, west of the Pentz Road, and east of the Clark Road, in Butte County.

(3) That area lying north and east of the U. S. Reclamation Drainage Canal, south of the Sycamore County Road, and west of U. S. Highway 99W; and that area consisting of Parcel 4, Lot 37 of Gibson Colony No. 1 lying along North Freshwater Creek off Freshwater Road, in Colusa County.

(4) That portion of Sec. 28, T. 14 N., R. 1 W., HU. B. & M., which lies west of U. S. Highway 101; Sec. 14, T. 17 N., R. 1 W., HU. B. & M.; Sec. 17, T. 16 N., R. 1 W., HU. B. & M.; and Sec. 23, T. 16 N., R. 1 W., HU. B. & M., in Del Norte County.

(5) NE. ¼ of SE. ¼ Sec. 27, NW. ¼ Sec. 26, T. 10 N., R. 10 E., M. D. B. & M.; and SW. ¼ of SW. ¼ Sec. 1, T. 9 N., R. 10 E., M. D. B. & M., in El Dorado County.

(6) That area lying north of County Road No. 57, south of County Road No. M, and east of Glenn-Colusa Irrigation Canal, in Glenn County.

(7) Sec. 34, T. 6 N., R. 1 W., HU. B. & M.; Secs. 19 and 31, T. 7 N., R. 1 E., HU. B. & M.; Sec. 28, T. 7 N., R. 5 E., HU. B. & M.; Secs. 9, 10, and 15, T. 6 N., R. 3 E., HU. B. & M.; Sec. 24, T. 4 S., R. 3 E., HU. B. & M.; Sec. 7, T. 2 N., R. 1 E., HU. B. & M.; Sec. 26, T. 4 N., R. 1 W., HU. B. & M.; Sec. 19, T. 4 S., R. 4 E., HU. B. & M.; Sec. 20, T. 9 N., R. 1 E., HU. B. & M.; Sec. 30, T. 8 N., R. 1 E., HU. B & M.; and Sec. 17, T. 2 N., R. 1 E., HU. B. & M., in Humboldt County.

(8) Sec. 2, T. 14 N., R. 7 W., M. D. B. & M.; Sec. 3, T. 11 N., R. 8 W., M. D. B. & M.; Sec. 13, T. 15 N., R. 10 W., M. D. B. & M.; Secs. 26 and 27, T. 14 N., R. 10 W., M. D. B. & M.; and Sec. 3, T. 10 N., R. 7 W., M. D. B. & M., in Lake County.

(9) Secs. 5 and 6, T. 29 N., R. 12 E., M. D. B. & M.; Sec. 4, T. 26 N., R. 16 E., M. D. B. & M.; and Sec. 11, T. 26 N., R. 15 E., M. D. B. & M., in Lassen County.

(10) Sec. 24, T. 19 N., R. 14 W., M. D. B. & M.; Secs. 6, 19, and 20, T. 18 N., R. 17 W., M. D. B. & M.; Secs. 27 and 29, T. 20 N., R. 14 W., M. D. B. & M.; Sec. 15, T. 19 N., R. 17 W., M. D. B. & M.; Sec. 3, T. 16 N., R. 12 W., M. D. B. & M.; Secs. 22 and 24, T. 21 N., R. 15 W., M. D. B. & M.; Secs. 4 and 27, T. 15 N., R. 12 W., M. D. B. & M.; Secs. 3, 4, 20, and 21, T. 18 N., R. 13 W., M. D. B. & M.; Sec. 28, T. 17 N., R. 11 W., M. D. B. & M.; Sec. 26, T. 22 N., R. 18 W., M. D. B. & M.; Sec. 29, T. 18 N., R. 13 W., M. D. B. & M.; and Sec. 23, T. 19 N., R. 13 W., M. D. B. & M., in Mendocino County.

(11) Sec. 1 and N. ½ Sec. 12, T. 42 N., R. 12 E., M. D. B. & M.; Sec. 13, T. 42 N., R. 13 E., M. D. B. & M.; and Secs. 18 and 19, T. 42 N., R. 14 E., M. D. B. & M., in Modoc County.

(12) Sec. 7, T. 15 N., R. 8 E., M. D. B. & M.; Secs. 18 and 19, T. 14 N., R. 8 E., M. D. B. & M.; and that area north of the Nevada county line, south of Truckee River adjacent to U. S. Highway 40, west of Truckee-Brockway Shortcut, County Road P151, and east of Truckee River adjacent to State Highway 89, in Nevada County.

(13) That area lying north of State Highway 28, south of the Placer County line, west of Truckee-Brockway Shortcut, County Road P151, and east of Truckee River adjacent to State Highway 89; that area lying north and west of U. S. Highway 40, south of Grove Creek, and east of U. S. Highway 99E; that area lying north of County Road P10, south and east of U. S. Highway 40, and west of County Road P18 and its prolongation to U. S. Highway 40; and that area lying north of Flood Road, south of Dry Creek Road, west of U. S. Highway 40, and east of State Highway 49, in Placer County.

(14) That area lying north of the Quincy-Meadow Valley Road, south of the Oakland Camp Road, and west of Meadow Valley Oakland Camp Road, in Plumas County.

(15) W. ½ of SW. ¼ Sec. 30 and Secs. 15 and 16, T. 32 N., R. 4 W., M. D. B. & M.; and Sec. 32, T. 32 N., R. 5 W., M. D. B. & M., in Shasta County.

(16) N. ½ Sec. 23, S. ½ Sec. 14, and W. ½ of SW. ¼ of SW. ¼ Sec. 26, T. 45 N., R. 7 W., M. D. B. & M.; NW. ¼ Sec. 30, and that portion of SW. ¼ Sec. 19 which lies south of Yreka-Montague Highway, T. 45 N., R. 6 W., M. D. B. & M.; NW. ¼ Sec. 34, T. 40 N., R. 4 E., M. D. B. & M.; Sec. 33, T. 42 N., R. 5 W., M. D. B. & M.; and Secs. 1 and 12, T. 39 N., R. 3 W., M. D. B. & M., in Siskiyou County.

(17) W. ½ of SW. ¼ of NW. ¼ Sec. 26 and NE. ¼ Sec. 32, T. 27 N., R. 4 W., M. D. B. & M., in Tehama County.

(18) Sec. 6, T. 5 N., R. 6 E., HU. B. & M.; and Sec. 30, T. 8 N., R. 1, HU. B. & M., East of Humboldt County, in Trinity County.

(19) NE. ¼ Sec. 36, T. 11 N., R. 2 E., M. D. B. & M.; NW. ¼ Sec. 11 and E. ½ of SE. ¼ Sec. 34, T. 9 N., R. 2 E., M. D. B. & M.; SE. ¼ of NW. ¼ Sec. 30, T. 10 N., R. 2 E., M. D. B. & M.; that area beginning at a point one mile east of the intersection of County Road 93 and State Highway 16, extending east along State Highway 16 for a distance of 176 yards, thence north ¼ mile, thence west 176 yards, thence south to point of origin in Sec. 33, T. 10 N., R. 1 E., M. D. B. & M.; that area beginning at the intersection of County Roads Nos. 32 and 95, extending west along Road No. 32 for 176 yards, thence south 200 yards, thence east 200 yards, thence north 200 yards, thence west 24 yards to point of origin in Secs. 15 and 16 in T. 8 N., R. 1 E., M. D. B. & M.; and that area beginning at the intersection of County Roads Nos. 124 and 126, extending south ¼ mile, thence west ½ mile, thence north ¼ mile, thence east to County Road No. 124, and thence southeast along County Road 124 to the point of origin, in Yolo County.

(20) That area lying north of Simpson Lane County Road, south of Plants Road and its prolongation to the Yuba River, west of the Yuba River, and east of State Highway 20; that area lying north of Old Earle Road, south of Upper Camp Beale Road, west of corner of Camp Beale, and east of Griffith Avenue; that area lying north of Tenth Street, south of Nigger Jack Slough, west of State Highway 24, and east of the Feather River; and Sec. 7, T. 14 N., R. 4 E., M. D. B. & M., in Yuba County.

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(c) *Connecticut:* (1) Hartford County.

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(e) *Massachusetts:* (1) Suffolk County.

(2) All of Bristol County except the following:

(i) That part of the Town of Acushnet lying north of Wing and Hathway Roads, south of Perry Hill Road, east of Main Street, and west of Mandell Road; and that part of the Town of Acushnet lying north and west of Main Street, south of Hamblin Street, and east of Middle Road.

(ii) That part of the City of Fall River lying southeast of Blossom Road, southwest of Yellow Hill Road, and north of Indian Town Road; and that part of the City of Fall River lying north of President Avenue, south of Driftwood Street, west of Meriden Street, and east of Highland Avenue.

(iii) That part of the Town of Mansfield lying south of West Street, west of the New York, New Haven and Hartford Railroad, north of Pine and School Streets, and east of Tremont Street.

(iv) That part of the City of New Bedford lying north of Quanipaugh Road, south of Plainville Road and Tarkin Hill Avenue, west of the New York, New Haven and Hartford Railroad, and east of High Hill Road.

(v) That part of the City of Norton lying north, south and east of Smith Street and west of Mansfield Avenue; that part of the Town of Norton lying northeast of Mansfield Avenue, southwest of Elm Street, northwest of State Route No. 123, and southeast of Reservoir Street; and that part of the Town of Norton lying northeast of Elm Street, northwest of State Route No. 123, southeast of Cross Street, and southwest of North Washington Street.

(vi) That part of the Town of North Dartmouth lying south of Hicksville Road, east of Cross Street, west of Bellen Street, and northeast of Cross Road and U. S. Route No. 6.

(vii) That part of the Town of North Easton lying north of Rockland Street, west of Bay Road, and east of Massapoag Avenue; and that part of the Town of North Easton lying north of Lincoln Street, east of Bay Street, South of Canton Street, and west of Main Street.

(viii) That part of the Town of Raynham lying north of Mill Street, east of State Route No. 104, south of Gardner Street, and west of King Phillip Street.

(ix) That part of the Town of Rehoboth lying west of Reed Street, south of Providence Street, and north and east of Peckham Street.

(x) That part of the Town of South Dartmouth lying north of Russell Mills Road, south of Allen Street, west of Slocum Road, and east of Tucker Road; and that part of the Town of South Dartmouth lying south of Roger Street, east of Dartmouth Street, north of Sol-E-Mar Street, and west of Clark's Cove.

(xi) That part of the Town of South Easton lying south of Main Street, north of Central Street, east of Washington Street and State Route No. 138, and west of the New York, New Haven and Hartford Railroad.

(xii) That part of the City of Swansea lying north of Marvel Road, south of Main Street, west of Sharp Lot Road, and east of Miller's Lane; and that part of the Town of Swansea lying north of Haile's Hill Road, south of Stevens Road, west of Sharp Lot Road, and east of Box Street.

(xiii) The Myles Standish State School in the Town of Taunton lying east of State Route No. 140, south and west of Bassett Street, and north of the New York, New Haven and Hartford Railroad; that part of the City of Taunton lying south of Norton Avenue, west of Crane Avenue, north of the New York, New Haven and Hartford Railroad, and east of State Route No. 140; that part of the City of Taunton lying south of Thrasher Street, north of Longmeadow and Winter Streets and U. S. Route No. 44, east of School Street, and west of King Phillip Street; that part of the City of Taunton lying south of East Brittania, north of Thrasher Street, east of Washington Street and west of King Phillip Street; and that part of the City of Taunton lying south of Tremont Street, north of Glebe Street, east of Burt Street, and west of North Walker Street.

(xiv) That part of the Town of Westport lying east of Main Road, north of Kirby Road, west of Drift Road, and south of Old County Road.

(3) All of Essex County except the following:

(i) That part of the Town of Andover lying north of Rattlesnake Hill Road, east of Woburn Street, west of Wood's Road, and south of Ballardvale Road; that part of the Town of Andover lying south of High Street, west of Greenwood Road, north of State Route No. 133, and east of Woodhill Road; and that part of the Town of Andover lying south of the Lowell Branch of the Boston and Maine Railroad, east of the Shawsheen River, and west of the Western Division of the Portland Branch of the Boston and Maine Railroad.

(ii) The Town of Ballard Vale.

(iii) The Town of Byfield.

(iv) The Town of Essex.

(v) That part of the City of Danvers lying north of State Route No. 62, south of Nicholas Street, and west of U. S. Route No. 1.

(vi) That part of the Town of Georgetown lying north of State Route No. 133, west of Bailey Lane, and south and east of Hampshire Lane; and that part of the Town of Georgetown lying east of Spofford Street, south of State Route No. 133, and west of Baldpate Road.

(vii) That part of the City of Gloucester lying north of State Route No. 121, south of Walker Street, and west of Lincoln Street, and that part of the City of Gloucester lying southwest of Witham Street, north of Thatcher Street, and east of Eastern Street.

(viii) The Town of Groveland.

(ix) That part of the City of Haverhill lying north of State Route No. 125, south and east of the Boston and Maine Railroad and the Merrimac River, and east of Main Street; that part of the City of Haverhill lying northeast of County Bridge Road and State Route No. 110; that part of the City of Haverhill lying west of the Boston and Maine Railroad, east of Hilldale Avenue, and north of State Route No. 97; and that part of the City of Haverhill lying south of State Route No. 97, east of Carleton Street, and northwest of Lowell Street.

(x) That part of the Town of Ipswich lying east of Town Farm Road, south of the Rowley River, west of East Street and Plum Island River, and north of High Street; that part of the Town of Ipswich lying south and east of Pine Swamp Road, north of Topsfield Road, and west of State Route No. 1-A; and that part of the Town of Ipswich lying northwest of East Street, east of Spring Street and Town Farm Road, and south of the Plum Island River.

(xi) The Town of Merrimac.

(xii) That part of the Town of Methuen lying south of Brookdale Avenue, east of Jasper Street, west of State Route No. 110, and north of Steele Street; that part of the Town of Methuen lying south of Renfrew Street, east of Jasper Street, west of State Route No. 110, and north of Baremeadow Brook; that part of the Town of Methuen lying north of State Route No. 113, southeast of Baremeadow Brook, and west of State Route No. 110; that part of the Town of Methuen lying north of Walton Avenue, west of the Merrimac River, south of Pitman Street, and east of State Route No. 110; that part of the Town of Methuen lying east of Howe Street, south of Archibald Street, west of Washington Street, and north of Roosevelt Street; that part of the Town of Methuen lying north and east of Forest Street, south of Pelham Street, and west of State Route No. 113; that part of the Town of Methuen lying east of Washington Street, southwest of Drew Street, and north of State Route No. 113; that part of the Town of Methuen lying north of Pitman Street, south of Gage Ferry Road, west of the Merrimac River, and east of State Route No. 110; and that part of the Town of Methuen lying southwest of the Merrimac River, north of River View Boulevard, and east of State Route No. 110.

(xiii) That part of the Town of Middleton lying southwest of State Route No. 114 and northwest of Forest Street.

(xiv) That part of the Town of North Andover lying north of State Route No. 125, east of Baker Street, and west of State Route No. 133; and that part of the Town of North Andover lying north of Salem Street, south of Winter Street, east of Dale and Bradford Streets, and west of Foster Street.

(xv) That part of the City of Peabody lying northeast of Lake Street (rear), northwest of the Boston and Maine Railroad, and southwest of Lake Street; that part of the City of Peabody lying north of Goodale Street, south of the Middleton Town Foundry, west of U. S. Route No. 1, and east of Morris Brooks; that part of the City of Peabody lying east of Farm Avenue, south of Forest Street, and north and west of Goldthwaite Brook; that part of the City of Peabody lying north of Lowell Street and east, west, and south of Goodale Street; that part of the City of Peabody lying north of Winona Street, south of Lowell Street, and west of Lake Street; that part of the City of Peabody lying south of Forest Street, north of State Route No. 128, east of U. S. Route No. 1, and west of Farm Avenue; that part of the City of Peabody lying south of Lynnfield Street, west of Lynn Street, north of Glenway Street, and east of the junction of Lynnfield and Glenway Streets; and that part of the City of Peabody lying northeast of Russell Street, and southwest of the Boston and Maine Railroad.

(xvi) The City of Revere.

(xvii) The Town of Rockport.

(xviii) That part of the Town of Saugus lying north of Main Street, east of U. S. Route No. 1, south of Prankers Pond, and west of Central Street.

(xix) That part of the City of West Peabody lying east of the Boston and Maine Railroad, south of Lake Street (rear), and west of U. S. Route No. 1.

(xx) The Town of Wenham.

(4) All of Hampden County except the following:

(i) That part of the Town of East Longmeadow lying north of Hampden Road, south of Springfield Road, east of State Route No. 83, and west of Carmoody Road; and that part of the Town of East Longmeadow lying south of Springfield Road, north and west of Hampden Road, and east of State Route No. 83.

(ii) That part of the Town of Hampden lying south of Carmoody Road, north of State Route No. 83, east of Hampden Road, and west of Wilbraham Road.

(iii) That part of the City of Springfield lying north of U. S. Route No. 20, south of Piper Cross and Morgan Roads, west of Westfield Road, and east of U. S. Route No. 5.

(iv) The Town of Tolland.

(v) That part of the City of West Springfield lying south of U. S. Route No. 202 and State Route No. 10, north and east of U. S. Route No. 20, and west of the Connecticut River.

(5) All of Middlesex County except the following:

(i) The Town of Ashby.

(ii) That part of the Town of Ashland lying east of Oak Street, south of Oregon Street, and northeast of Winter Street.

(iii) That part of the Town of Bedford lying south and west of Spring Brook, north of Page Road, and east of Springs Road; and that part of the Town of Bedford lying east of Crosby Road and the Shawsheen River, south of the Middlesex Turnpike, and north of State Route No. 62.

(iv) That part of the Town of Billerica lying northeast of U. S. Route No. 3, and northwest of Andover Road; that part of the Town of Billerica lying south of Dudley Road and west of Concord Road; that part of the Town of Billerica lying east of Lexington Road and southwest of U. S. Route No. 3; that part of the Town of Billerica lying east of Treble Cove Road, north of State Route No. 4, west of the Concord River, and south of U. S. Route No. 3; that part of the Town of Billerica lying south of Andover Road, north of Webb Brook Road, east of Boston Road, and west of Allen Road; and that part of the Town of Billerica lying south of Bridle Road, north of River Street, east of Treble Cove Road, and west of U. S. Route No. 3.

(v) That part of the Town of Boxboro lying south of State Route No. 111.

(vi) That part of the Town of Burlington lying southwest of U. S. Route No. 3, southeast of Francis Wyman Road, and north of Bedford Street; that part of the Town of Burlington lying southeast of Dug Way, northeast of Winn Street, and northwest of Peach Orchard Road; and that part of the Town of Burlington lying west of Middlesex Turnpike and north of Adams Street.

(vii) The Town of Carlisle.

(viii) The Town of Chelmsford.

(ix) That part of the Town of Concord lying north of Main Street, southeast of Marlborough Road, and southwest of State Route No. 2; and that part of the Town of Concord lying south of Laws Brook Road, north of the Boston and Maine Railroad, east of Old Stone Road, and west of Central Street.

(x) That part of the Town of Dracut lying east of Gumpas Avenue and west of Mammoth Road; that part of the Town of Dracut lying west and south of Lakeview Avenue from the Lowell town line to the Tyngsboro town line; that part of the Town of Dracut lying south of Marsh Hill Road, north and west of State Route No. 113, and east of State Route No. 38; and that part of the Town of Dracut lying south and east of Cross Street to State Routes No. 38 and No. 113, and north and west of Hildrith Street to Pelham Brook.

(xi) That part of the Town of Framingham lying south and west of Indian Head Road, east of Prospect Street, and north of State Route No. 9.

(xii) That part of the Town of Holliston lying south of Central Street, west of Fisk Street, and east of Norfolk Street; that part of the Town of Holliston lying southeast of State Route No. 16, southwest of the New York Central Railroad, and north of Woodland and Lowland Streets; that part of the Town of Holliston lying north of Prentice Street, south of Mill Street, and west of North Mill Street; and that part of the Town of Holliston lying north of Underwood Street, south of Prentice Street, east of Marshall Street, and west of Chamberlain Street.

(xiii) That part of the Town of Hopkinton lying east of Front Street, southeast of Mill Street, and northwest of Ash Street; and that part of the Town of Hopkinton lying north of Main Street and east of Cedar Street

(xiv) That part of the Town of Hudson lying west of Chapin Street, and northwest of Brigham Street and the Assabet River; and that part of the Town of Hudson lying northwest of State Route No. 62 and northeast of Cox Street and Cemetery Road.

(xv) That part of the Town of Lexington lying west of Westview Road and south of State Routes No. 4 and No. 25; and that part of the Town of Lexington lying south of Moreland Avenue, west of Pleasant Street, east of Meadowbrook Avenue, and north of State Route No. 2.

(xvi) That part of the Town of Lincoln lying north of State Route No. 2, south of State Route No. 2A, east of Bedford Road, and west of Mill Street.

(xvii) That part of the Town of Marlboro lying south of Robin Hill Road, east of Millham Road, west of Bigelow Street, and north of Elm Street.

(xviii) That part of the Town of North Reading lying north of State Route No. 62 and east of State Route No. 28.

(xix) That part of the Town of North Wilmington lying east of Andover and Woburn Streets and north of Park Street.

(xx) The Town of Pepperill.

(xxi) The Town of Reading.

(xxii) The Town of Shirley.

(xxiii) That part of the Town of Stow lying south of State Route No. 117, west of Athens Road, and north of Bolton Road; and that part of the Town of Stow lying south of State Route No. 117, north of Walcott Street, west of Hudson Street, and east of Athens Street.

(xxiv) That part of the Town of Sudbury lying south of Lincoln Road, north and west of Water Street, and east of Concord Road; that part of the Town of Sudbury lying north of State Route No. 117, east of Dakin Road, and west of the Old Colony Railroad; that part of the Town of Sudbury lying south of Concord Road, north of Lincoln Road, west of Corner Road, and east of Old Marlboro Road; and that part of the Town of Sudbury lying north of the Boston and Maine Railroad, east of Horse Pond Road, southeast of Peakham Road, and west of the Old Colony Railroad.

(xxv) That part of the Town of Tewksbury lying northwest of the Shawsheen River, northeast of State Route No. 38, and south of Salem Street; and that part of the Town of Tewksbury lying south of East Street, north of North Street, east of State Route No. 38, and west of Maple Street.

(xxvi) The Town of Tynsboro.

(xxvii) That part of the City of Waltham lying east of Wyman Street, south and west of Lincoln Street, and north of Winter Street.

(xxviii) That part of the Town of Wayland lying north of Thompson Street, west of Rice Road, east of Loker Road, and south of Old Connecticut Path.

(xxix) That part of the Town of Westford lying south and west of State Route No. 25;

and that part of the Town of Westford lying north of Groton Road and State Route No. 40.

(xxx) That part of the Town of Weston lying south of U. S. Route No. 20, west of School Street, north of Chestnut and Wellesley Streets, and east of Golden Ball Road and Chestnut Street; and that part of the Town of Weston lying north of U. S. Route No. 20.

(xxxi) That part of the Town of Wilmington lying north of Salem Street, northwest of State Route No. 62, west of Ballardvale Street, southwest of the Salem and Lowell Branch of the Boston and Maine Railroad, and east of the Portland Division of the Western Branch of the Boston and Maine Railroad; that part of the Town of Wilmington lying northeast of State Route No. 38, west of the Wilmington Branch of the Boston and Maine Railroad, and south of Salem Street; that part of the Town of Wilmington lying east of the Wilmington Branch of the Boston and Maine Railroad, west of the Portland Branch of the Boston and Maine Railroad, and north of Salem Road; and that part of the Town of Wilmington lying east of Woburn Street, north of Concord Road, and south of Park Street.

(xxxii) That part of the City of Woburn lying south of Putnam Street, north of University Street, east of Middle Street, and west of Ohio Street, and that part of the City of Woburn lying north of Russell Street and west of Cambridge Road.

(xxxiii) That part of the Town of Ashland lying south of Tri Street, west of State Route No. 126, north of Eliot Street, and east of Cedar Street.

(6) All of Norfolk County except the following:

(i) That part of the Town of Avon lying northeast of Central Street and northwest of Pond Street and State Route No. 28.

(ii) That part of the Town of Bellingham lying north of Farm Street and west of Hartford Street.

(iii) That part of the Town of Canton lying south of Randolph Street, east of York Street, north of Willow Street, and west of Old Randolph Street; and that part of the Town of Canton lying south of Randolph and Washington Streets, east of Pleasant Street, and west of State Route No. 138.

(iv) That part of the Town of Dedham lying southeast of State Route No. 109 and northwest of U. S. Route No. 1.

(v) That part of the Town of Dover lying south of Powisset Street, east of Walpole Street, and north of Hartford Street.

(vi) That part of the Town of Foxboro lying east of Central Street, south of Spring Street, and west of Belcher Street; and that part of the Town of Foxboro lying south of Chestnut Street, north and west of Mechanic Streets, and east of Main Street.

(vii) That part of the Town of Holbrook lying south of State Route No. 139.

(viii) That part of the Town of Norfolk lying west of Massapoag Avenue and south and east of Mansfield Street; and that part of the Town of Norfolk lying south of the Midland Division of the New York, New Haven and Hartford Railroad, north of State Route No. 1-A, and east of State Route No. 115.

(ix) The Town of Norwood.

(x) That part of the Town of Plainville lying south of Warren Street, east of High and Hawkins Streets, and west of West Bacon Street.

(xi) That part of the Town of Randolph lying east of High Street, north of Chestnut Street, west of Overlook Road, and south of Canton Street.

(xii) That part of the Town of Sharon lying north of Main Street; and that part of the Town of Sharon lying south of Morse Street, east of Massapoag Avenue, and west of Mountain Street.

(xiii) That part of the Town of South Bellingham lying south and east of Pulaski Boulevard.

(xiv) The Town of South Walpole.

(xv) The Town of Walpole.

(xvi) The Town of Wellesley.

(xvii) The Town of Westwood.

(xviii) That part of the Town of Wrentham lying north of State Route No. 11 and south of State Route No. 140; that part of the Town of Wrentham lying south and east of State Route No. 11 and west of U. S. Route 1-A; that part of the Town of Wrentham lying south of State Route No. 140, east of State Route No. 1-A, and west of U. S. Route No. 1; and that part of the Town of Wrentham lying north of State Route No. 140 and west of State Route No. 1-A.

(xix) The Town of Stoughton.

(7) All of Plymouth County except the following:

(i) That part of the Town of Abington lying south of Randolph Street, north of Rockland Street, west of Bedford Street, and east of Hancock Street.

(ii) That part of the Town of Bridgewater lying southwest of Winter Street, north of Auburn Street, and east of Beaver Street; that part of the City of Bridgewater lying north of Flagg Street, southwest of Conant Street, and southeast of Summer Street; and that part of the Town of Bridgewater lying south of Flagg and Auburn Streets, north and west of the Taunton River, and east of State Route No. 28.

(iii) That part of the Town of Brockton lying south of East Ashland Street, north of Court Street, and east of North Quincy Street; and that part of the Town of Brockton lying south of Edson Street, north of Plain Street, east of Summer Street, and west of East Street.

(iv) That part of the Town of Carver lying north of High Street, west of Plympton Road, and east of Brook Street.

(v) That part of the Town of Halifax lying south of Haywood Street and east of South Street; and that part of the Town of Halifax lying north and east of Wood Street, west of South Street, and south of River Street.

(vi) That part of the Town of Hanson lying north of Main Street, east of Washington Street, south of Holmes Street, and west of Philips Street.

(vii) That part of the Town of Lakeville lying east of State Route No. 105, southwest of Baughn Street, and north of the Assawomset Lake.

(viii) That part of the Town of Mattapoisett lying south of Aucoot Road, west of Peasespoint Road, and east of Bowman Road.

(ix) That part of the Town of Middleborough lying south of Smith Street, east of the New York, New Haven and Hartford Railroad, west of State Route No. 28, and north of Spruce Street; that part of the Town of Middleborough lying south of Plymouth Street, north of Centre Street, east of Vernon Street, and west of Pleasant Street; and that part of the Town of Middleborough lying west of Pleasant Street, east of Vernon Street and the Poquoy River, north of Mill and Clay Streets, and south of Centre Street.

(x) The Town of Norwell.

(xi) That part of the Town of Plymouth lying south of Stafford Street, north of Newfield Street, east of Summer Street, and west of Birch Avenue.

(xii) That part of the Town of Plympton lying south of County Road and northwest of Maple Street; and that part of the Town of Plympton lying south of Ring Road, north of Brook Street, and east of Upland Road.

(xiii) That part of the Town of Rochester lying east of the Mattapoisett-Rochester Road and south of New Bedford Road and State Route No. 105; that part of the Town of Rochester lying south of State Route No. 105, north of Perry Hill Road, west of Herring Run River, and east of Cushman Road; and that part of the Town of Rochester lying east of Vaughns Hill Road, south of Hartlet Road, west of Mendall Road, and north of Taunton Road.

(xiv) That part of the Town of Rockland lying south of Summer Street and east of Beach Street; and that part of the Town of Rockland lying south of Forest Street, west of Union Street, and east of Weymouth Street.

(xv) That part of the City of West Bridgewater lying northeast of State Route No. 28 and southwest of Ash Street.

(8) All of Worcester County except the following:

(i) The Town of Ashburnham.

(ii) That part of the Town of Blackstone lying west of Mendon Street and north and east of Chestnut Street; that part of the Town of Blackstone lying north of Lincoln and Orchard Streets, south of Town Farm Road and Chestnut Street, and west of Meadow Street; and that part of the Town of Blackstone lying northwest of Hill and Grove Streets and south and east of Hill Street.

(iii) That part of the Town of Boylston lying south of Green Street, north of Rocky Pond Road, and east of Warren Street.

(iv) That part of the Town of Fitchburg lying north of Westminster Road, south of MacIntyre Road, east of Alpine Road, and west of Williams Street.

(v) The Town of Gardner.

(vi) That part of the Town of Grafton lying east of State Routes No. 140 and No. 30; and that part of the Town of Grafton lying north of Follett Street, south of Millbury Street, and west of Fitzpatric Street.

(vii) That part of the Town of Harvard lying southeast of Old Mill Road, north of Pinhill Road, and west of Ayer Road.

(viii) That part of the Town of Mendon lying north of Bellingham Road and south and east of Hartford Avenue East.

(ix) The Town of Milford.

(x) That part of the Town of Millville lying north, east, and south of Hill Street and west of Grove Street; and that part of the Town of Millville lying southwest of State Route No. 122 and east of Chestnut Street.

(xi) That part of the town of Oxford lying south of State Route No. 12.

(xii) That part of the Town of Sturbridge lying north of Cooper Road, east of Arnold Road, and west of Brookfield Road.

(xiii) That part of the Town of Sutton lying south of Boston Road, north of State Route CD-520, east of Singletary Avenue, and west of State Route No. 146; and that part of the Town of Sutton lying southeast of Pitman Hill Road, north of Central Street, and west of Uxbridge Road.

(xiv) The Town of Templeton.

(xv) That part of the Town of Westboro lying north of State Route No. 9.

* * * * *

(l) *Rhode Island:* (1) Bristol and Kent Counties.

(2) All of Providence County except the following:

(i) That part of the Town of Cranston lying east of Pippin Orchard Road, west of Seven Mile Road, north of Plainfield Pike, and south of Scituate Avenue.

(ii) That part of the Town of Johnston lying east of Simmonsville Avenue, northwest of Scituate Avenue, and south of Simmonsville Lake.

(iii) That part of the Town of Scituate lying west of Matteson Road, south of Hope Furnace Road, east of Burnt Hill Road, and north of Tunk Hill Road.

Effective date. The foregoing amendment shall become effective upon issuance.

The Town of Manchester in Hartford County in Connecticut was previously included within the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. This amendment includes the remainder of Hartford County within such areas. Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), will apply to Hartford County in Connecticut.

The amendment excludes certain areas in Arkansas, California, Massachusetts, and Rhode Island from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas contained in said Subpart B, as amended, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and relieves certain restrictions presently imposed. The amendment must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 19th day of March 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-2116; Filed Mar. 24, 1954; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 22]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

AIR TAXI OPERATOR CERTIFICATE

The purpose of this supplement is to list by section number the provisions of Part 42 of this subchapter and Civil Aeronautics Manual 42, and provide additional regulations which are applicable to the certification and operation of air taxi service. The proposed rules were published on December 12, 1953, in 18 F. R. 8182; interested persons were afforded an opportunity to submit data, views, or arguments; and consideration has been given to all relevant matter presented. The following rules and interpretations are hereby adopted:

§ 42.0-2 *Provisions of this part which are applicable to air taxi operators (CAA interpretations which apply to § 42.0 and SR-395).*

(a) Under SR-395, the following sections of the certification and operation rules of this part apply to air taxi operators:

42.0 *Applicability of this part.* (a).
42.1 *Definitions.* (a) (2), (4), (5), (6), (7), (12a), (13), (14), (15), (20), (21), (22), (23), (24), (27), (28), (29), (30), (32), (33).
42.5 *Certificate issuance.*
42.7 *Display.*
42.8 *Inspection.*
42.11 *Aircraft required.*
42.14 *Minimum performance requirements for all aircraft.*
42.16 *Aircraft limitations for IFR and land aircraft over water operations.*
42.21 *Basic required instruments and equipment for aircraft.*
42.24 *First aid and emergency equipment.*
42.25 *Cockpit check list.*
42.26 *Supplemental oxygen.*
42.28 *Equipment standards.*
42.29 *Protective breathing equipment for the flight crew.* (b).
42.30 *General.* (Maintenance requirements).
42.31 *Inspections and maintenance.* (a) (2), (b).
42.40 *Airman requirements.*
42.41 *Composition of flight crew.* (a), (b), (c).
42.42 *Pilot qualification for small aircraft.*
42.44 *Recent flight experience requirements for flight crew members.*
42.46 *Logging flight time.*
42.47 *Grace period for airman periodic checks.*
42.51 *Pilot responsibilities.*
42.52 *Fuel supply.* (a) (1), (3), (b).
42.53 *Minimum flight altitude rules.*
42.54 *Flight into known icing conditions.*
42.55 *Weather minimums.*
42.56 *Instrument approach.*
42.57 *Airport lighting for night operations.*
42.58 *Navigational aids for IFR flight.*
42.59 *Passenger use of emergency equipment.*
42.62 *Flight manifest for large aircraft and passenger-carrying aircraft operating under IFR conditions.*
42.91 *Maintenance records.*
42.92 *Airman records.*
42.93 *Emergency flight reports.*
42.94 *Pilot's emergency deviation report.*
42.95 *Flight manifest record.*
42.96 *Reporting of malfunctioning and defects.*

(b) The following sections of CAM 42 are applicable to the provisions of this part listed in paragraph (a):

42.1-1 *Flight time (CAA interpretations which apply to § 42.1 (a) (14)).*
42.1-3 *Twilight (CAA interpretations which apply to § 42.1 (a) (20)).*
42.11-1 *Listing of aircraft (CAA rules which apply to § 42.11).* (a).
42.21-1 *Seats and safety belts (CAA rules which apply to § 42.21 (a) (11)).*
42.21-2 *Fire extinguishers (CAA rules which apply to § 42.21 (a) (12)).*
42.21-3 *Altimeter (CAA policies which apply to § 42.21 (b) (1)).*
42.24-1 *First-aid and emergency equipment (CAA policies which apply to § 42.24).*
42.24-2 *First-aid kit (CAA rules which apply to § 42.24 (a)).*
42.24-4 *Emergency equipment (CAA rules which apply to § 42.24 (b)).*
42.25-1 *Cockpit check list (CAA policies which apply to § 42.25).*
42.25-2 *Minimum-standard cockpit check list (CAA policies which apply to § 42.25).*
42.30-1 *General* (Maintenance) *(CAA policies which apply to § 42.30).*
42.31-2 *Maintenance and inspection—small aircraft (CAA policies which apply to § 42.31 (a) (2)).*
42.31-3 *Maintenance and inspection; all aircraft (CAA policies which apply to § 42.31 (a) (1) and (2)). (c) (1), (2).*
42.31-4 *Maintenance and inspection records (CAA policies which apply to § 42.31 (b)).*
42.51-1 *Responsibilities of the pilot in command (CAA policies which apply to § 42.51).*
42.51-2 *Time of reporting for duty (CAA policies which apply to § 42.51 (b)).*
42.51-3 *Flight equipment (CAA policies which apply to § 42.51 (c)).*
42.51-4 *Serviceability of equipment (CAA policies which apply to § 42.51 (e)).*
42.53-3 *Operation in the territory of Alaska (CAA policies which apply to § 42.52 (b)).*
42.54-1 *Other parts of the aircraft (CAA interpretations which apply to § 42.54).*
42.55-1 *En route weather minimums (CAA interpretations which apply to § 42.55 (a)).*
42.55-2 *Air traffic clearance (CAA interpretations which apply to § 42.55 (a)).*
42.56-1 *Standard instrument approach procedures (CAA rules which apply to § 42.56).*
42.57-1 *Minimum facilities (CAA policies which apply to § 42.57).*
42.58-1 *Off-airway instrument operation (CAA rules which apply to § 42.58).*
42.62-1 *Content of flight manifest (CAA policies which apply to § 42.62).*
42.91-1 *Content of maintenance records (CAA policies which apply to § 42.91).*
42.91-3 *Retention of records (CAA policies which apply to § 42.91).*
42.92-1 *Content of airman records (CAA policies which apply to § 42.92).*
42.92-2 *Availability of records (CAA policies which apply to § 42.92).*
42.92-3 *Retention of records (CAA policies which apply to § 42.92).*
42.93-1 *Submission of emergency flight reports (CAA policies which apply to § 42.93).*
42.94-1 *Submission of pilot's emergency deviation report (CAA policies which apply to § 42.94).*

(c) In addition to the items listed in paragraph (a) and (b) of this section, air taxi operators are governed by the following regulations:

(1) Economic Regulations Part 298.

(2) Economic Regulations Part 242, if aircraft having more than five passenger seats are used.

§ 42.0-3 *Operations for which an air taxi operator certificate is not required. (CAA interpretations which apply to § 42.0 and SR-395).* The following operations which may involve remuneration are not considered as coming within the meaning of carriage by aircraft of persons or property as an air taxi operator:

(a) Student instruction.

(b) Local sightseeing flights which return to the point of departure without landing at other points.

(c) Any crop dusting, spraying, seeding, pest control, or other agricultural operations.

(d) Any industrial aviation operations such as patrol, photography, banner towing, etc.

(e) Any other aviation operation when the carriage of persons or materials is incidental to the main purpose of the flight.

§ 42.5–5 *Application for an air taxi operator certificate (CAA rules which apply to § 42.5 and SR–395).* (a) Application for an Air Taxi Operator Certificate shall be made in triplicate on Form ACA–1602, provided for this purpose by the Administrator. The application form may be obtained by contacting the local Aviation Safety Agent or District Office. When the requirements, as prescribed in this part, have been met (see § 42.0–2), the applicant shall present his application to the local Aviation Safety Agent and arrange for an inspection of his flight equipment and all ground facilities.

(b) Where inspection indicates that the applicant is capable of conducting the proposed operation in accordance with the provisions of § 42.0–2, an Air Taxi Operator Certificate, Form ACA–1603, will be issued, together with operations specifications. The operations specifications which have been approved on the application form become a part of the certificate and specify the carriage of passengers, cargo, or both; the category and class of aircraft (e. g., aircraft single-engine land); and the flight conditions under which operations are authorized (e. g., VFR day, VFR night, IFR day, IFR night).

§ 42.5–6 *Amendment and reissuance of air taxi operator certificates (CAA rules which apply to § 42.5).* (a) Application for amendment and reissuance of an air taxi operator certificate shall be made, in accordance with procedure for original issuance, when the operator desires a change in:

(1) Name or address of operator.
(2) Ownership.
(3) Area of operations.
(4) Base of operations.
(5) Type of operations.

(b) In cases of paragraph (a) (1), (2), and (3) of this section the agent may elect to inspect the aircraft as for original issuance.

(c) In cases set forth in paragraph (a) (4) of this section the agent may elect to inspect the aircraft if the base of operations is not moved out of the region of previous certification. Inspection will be made and a new certificate and number will be issued when the base is moved to another region.

(d) In cases set forth in paragraph (a) (5) of this section, inspection as for original issuance will be made.

§ 42.11–2 *Listing of small aircraft (CAA interpretations which apply to § 42.11).* An air taxi operator is required to have the exclusive use of at least one aircraft. However, such aircraft are not required to be listed on the operations specifications of air carrier operating certificates issued to air taxi operators. Therefore, no amendment of the certificate is required when an air taxi operator changes aircraft.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective April 1, 1954.

F. B. Lee,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–2077; Filed, Mar. 24, 1954; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects; Operation and Maintenance

PART 130—ORDER FIXING OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

MARCH 19, 1954.

On February 18, 1954, there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend §§ 130.16 and 130.17 of the Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project not subject to the jurisdiction of the several irrigation districts. Interested persons were thereby given opportunity to participate in preparing the amendments by submitting data or written arguments within 30 days from the date of publication of the notice. No objections were submitted. Accordingly §§ 130.16 and 130.17 are amended as follows, to be effective for the season of 1954 and thereafter until further order.

§ 130.16 *Charges, Jocko Division.* (a) An annual minimum charge of $2.05 per acre, for the season of 1954 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available will be delivered at the rate of one dollar and thirty-seven cents ($1.37) per acre foot or fraction thereof.

§ 130.17 *Charges, Mission Valley and Camas Divisions.* (a) (1) An annual minimum charge of $2.64 per acre, for the season 1954 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and seventy-six cents ($1.76) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $2.26 per acre, for the season of 1954 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and fifty-one cents ($1.51) per acre foot or fraction thereof.

(Secs. 1, 9, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

Amendment to order dated April 16, 1953 (17 F. R. 3146) signed by Paul L. Fickinger, Area Director.

F. M. Haverland,
Acting Area Director.

[F. R. Doc. 54–2078; Filed, Mar. 24, 1954; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6047]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DISTILLERS CORPORATION-SEAGRAMS, LTD., ET AL.

Subpart—*Combining or conspiring:* § 3.410 *To eliminate or restrain competition in conspirators' goods:* § 3.425 *To enforce or bring about resale price maintenance;* § 3.430 *To enhance, maintain or unify prices.* Subpart—*Dealing on exclusive and tying basis:* § 3.670 *Dealing on exclusive and tying basis.* Subpart—*Maintaining resale prices:* § 3.1130 *Contracts and agreements.* I. In or in connection with the offering for sale, sale, or distribution in commerce of alcoholic beverages, and on the part of respondent Joseph E. Seagram & Sons, Inc., and twelve other corporations, entering into, cooperating in, carrying out, or continuing any combination, conspiracy, cooperation or planned common course of action between any two or more of said respondents engaged in competition in the sale of alcoholic beverages to persons other than those owned or controlled by any of the respondents, or between any one or more of said respondents and any wholly or partly owned subsidiary or affiliated concern not a party, engaged in competition in the sale of alcoholic beverages to persons other than those owned or controlled by any of the respondents, to (1) raise, fix, stabilize, or maintain prices; (2) discuss, confer or exchange information for the purpose or with the effect of establishing or maintaining prices, terms, or conditions of sale, or of securing adherence to prices, terms, or conditions of sale; (3) exchange information with or meet with any retail liquor dealer or with any representative of any retail liquor dealer association, or others for the purpose or with the effect of reaching agreement as to the employment of any resale price maintenance contract or arrangement, of adjusting, or increasing resale prices after tax rate changes, or of reaching agreement as to the use of any resale price maintenance contract or arrangement as a means of raising, fixing, stabilizing, or maintaining prices; (4) use common directors or officers as a means of raising, fixing, stabilizing, or maintaining prices; and (5) enter into any resale price maintenance contract or arrangement, or police, enforce, or attempt to police or enforce any such contract or arrangement; and, II, effecting or maintaining any condition, agreement, contract, understanding, or arrangement, express or implied, on the part of each of said respondents, providing that any distributor or any other purchaser shall be required to give notice in advance of dealing in any alcoholic beverage product produced or sold by any competitor or competitors of respondents; prohibited, subject to the provision, however, that nothing contained in the order shall be construed to limit or otherwise affect any right with respect to resale price maintenance contracts or arrangements which any of the respondents may have under section 5 of the Federal Trade Commission Act as amended by the McGuire Act (Public Law 542, 82d Cong., Chap. 745, 2d Sess., Approved July 14, 1952); and subject to the further proviso that if, as a result of any valid statute or regulation of any state, territory, or possession or subdivision thereof, adopted pursuant to the Twenty-first Amendment to the Constitution of the United States, relating to the offering for sale, sale, or distribution of alcoholic beverages, respondents, or any of them, or one or more of their wholly or partly owned subsidiaries or affiliated concerns, as a condition of doing business in said state, territory, possession or subdivision thereof, engage in acts or practices which, upon a prima facie showing on the record (not overcome by answer) may be construed by the Federal Trade Commission as violating any provision of the foregoing order, the Commission agrees that it will reopen the order solely for the purpose of determining whether to alter, modify, or set aside such provision and that it will suspend such provision of the order, pending disposition of the issue as to whether such provision should be altered, modified, or set aside, it being further provided in the aforesaid connection that said proviso shall be without prejudice to, and that nothing therein contained shall be construed to limit or otherwise affect, any defense which might otherwise be available to any respondent, in any proceeding to enforce the foregoing order or based on an alleged violation thereof.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Distillers Corporation-Seagrams, Ltd., et al., Montreal, Canada, Docket 6047, Mar. 2, 1954]

In the Matter of Distillers Corporation-Seagrams, Ltd., a Corporation, and Its Subsidiaries: Joseph E. Seagram & Sons, Inc., a Corporation, and Its Subsidiaries: Seagram Distillers Corporation, a Corporation, and Its Subsidiary: Distillers Products Sales Corporation, a Corporation, Seagram, Inc., a Corporation, and Its Subsidiaries: Frankfort Distilleries, Incorporated, a Corporation, and Its Subsidiary: Frankfort Distillers Corporation, a Corporation, Distillers Warehouses, Inc., a Corporation, and Its Subsidiary: Paul Jones and Company, Inc., a Corporation, William Jameson & Company, Inc., a Corporation, Hunter-Wilson Distilling Co., Inc., a Corporation, Gallagher & Burton, Inc., a Corporation, Carstairs Bros. Distilling Co., Inc., a Corporation, and Its Subsidiary: Carstairs Distillers Corporation, a Corporation, The Calvert Distilling Co., a Corporation, and Its Subsidiaries: Calvert Distilleries Corporation, a Corporation, Julius Kessler Distilling Co., Inc., a Corporation, Browne-Vintners Co., Inc., a Corporation, Distillers Distributing Corporation, a Corporation, Seagram Sales Corporation, a Corporation, Sea-Cal-Frank Corporation, a Corporation, The Pharma-Craft Corporation, a Corporation

This proceeding was instituted by complaint which charged respondents with the use of unfair methods of competition and/or unfair acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, subject to the exception below set forth, through the consent settlement procedure provided in Rule V of the Commission's rules of practice, as announced by the Commission's "Notice", dated March 8, 1954, as follows:

Counsel supporting the complaint having stated that evidence is not available to support the allegations of the complaint other than those covered by the consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, the said consent settlement was accepted by the Commission on March 2, 1954 and ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

Said order, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondents, Joseph E. Seagram & Sons, Inc., a corporation, Seagram Distillers Corporation, a corporation, Distillers Products Sales Corporation, a corporation, Frankfort Distilleries, Incorporated, a corporation, Frankfort Distillers Corporation, a corporation, Paul Jones and Company, Inc., a corporation, Hunter-Wilson Distilling Co., Inc., a corporation, Gallagher & Burton, Inc., a corporation, Carstairs Bros. Distilling Co., Inc., a corporation, The Calvert Distilling Co., a corporation, Calvert Distillers Corporation, a corporation, Julius Kessler Distilling Co., Inc., a corporation, and Distillers Distributing Corporation, a corporation, directly or indirectly, through their officers, agents, representatives or employees, in or in connection with the offering for sale, sale or distribution in commerce between and among the several States of the United States and in the District of Columbia, of alcoholic beverages, do forthwith cease and desist from entering into, cooperating in, carrying out or continuing any combination, conspiracy, cooperation or planned common course of action between any two or more of said respondents engaged in competition in the sale of alcoholic beverages to persons other than those owned or controlled by any of the respondents, or between any one or more of said respondents and any wholly or partly owned subsidiary or affiliated concern not a party hereto, engaged in competition in the sale of alcoholic beverages to persons other than those owned or controlled by any of the respondents, to do or perform any of the following acts or things:

(1) Raise, fix, stabilize or maintain prices;

(2) Discuss, confer or exchange information for the purpose or with the effect of establishing or maintaining prices, terms or conditions of sale, or of securing adherence to prices, terms or conditions of sale;

(3) Exchange information with or meet with any retail liquor dealer or with any representative of any retail liquor dealer association, or others for the purpose or with the effect of reaching agreement as to the employment of any resale price maintenance contract or arrangement, of adjusting or increasing resale prices after tax rate changes, or of reaching agreement as to the use of any resale price maintenance contract or arrangement as a means of raising, fixing, stabilizing or maintaining prices;

(4) Use common directors or officers as a means of raising, fixing, stabilizing or maintaining prices;

(5) Enter into any resale price maintenance contract or arrangement, or police, enforce, or attempt to police or enforce any such contract or arrangement.

It is further ordered, That each of the respondents, directly or indirectly, through its officers, agents, representatives or employees, do forthwith cease and desist from effecting or maintaining any condition, agreement, contract, understanding or arrangement, express or implied, providing that any distributor or any other purchaser shall be required to give notice in advance of dealing in any alcoholic beverage product produced or sold by any competitor or competitors of respondents.

Provided, That nothing herein contained shall be construed to limit or otherwise affect any right with respect to resale price maintenance contracts or arrangements which any of the respondents may have under section 5 of the Federal Trade Commission Act as amended by the McGuire Act (Public Law 542, 82d Cong., Chap. 745, Second Session, Approved July 14, 1952).

Provided further, That if, as a result of any valid statute or regulation of any state, territory, or possession or subdivi-

[1] Filed as part of the original document.

sion thereof, adopted pursuant to the Twenty-first Amendment to the Constitution of the United States, relating to the offering for sale, sale or distribution of alcoholic beverages, respondents, or any of them, or one or more of their wholly or partly owned subsidiaries or affiliated concerns, as a condition of doing business in said state, territory, possession or subdivision thereof, engage in acts or practices which, upon a prima facie showing on the record herein (not overcome by answer) may be construed by the Federal Trade Commission as violating any provision of the foregoing order, the Commission agrees that it will reopen this order solely for the purpose of determining whether to alter, modify or set aside such provision and that it will suspend such provision of this order, pending disposition of the issue as to whether such provision should be altered, modified or set aside. This proviso shall be without prejudice to, and nothing herein contained shall be construed to limit or otherwise affect, any defense which may otherwise be available to any respondent, in any proceeding to enforce the foregoing order or based on an alleged violation thereof.

It is further ordered, That Distillers Corporation-Seagrams, Ltd., a corporation, Seagram, Inc., a corporation, Distillers Warehouses, Inc., a corporation, William Jameson & Company, Inc., a corporation, Carstairs Distillers Corporation, a corporation, and the Pharma-Craft Corporation, a corporation, are hereby dismissed from this proceeding; such dismissals are without prejudice.

It is further ordered, That Seagram Sales Corporation, a corporation, Sea-Cal-Frank Corporation, a corporation, and Browne-Vintners Co., Inc., a corporation, are hereby dismissed from this proceeding. *Provided, however*, That the dismissal of these three corporations is without prejudice and is not to be construed in any sense as exempting said corporations from the application of any of the provisions of the order to cease and desist as are applicable to any concern wholly or partly owned or controlled by or affiliated with any one or more of the respondents herein.

It is further ordered, That the respondents shall, within twelve months after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 8, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, JR., *Secretary.*

[F. R. Doc. 54-2104; Filed, Mar. 24, 1954; 8:52 a. m.]

[Docket 6048]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SCHENLEY INDUSTRIES, INC., ET AL.

Subpart—*Combining or conspiring:* § 3.410 *To eliminate or restrain competition in conspirators' goods;* § 3.425 *To enforce or bring about resale price maintenance;* § 3.430 *To enhance, maintain or unify prices.* Subpart—*Maintaining resale prices:* § 3.1130 *Contracts and agreements.* In or in connection with the offering for sale, sale, or distribution in commerce of alcoholic beverages, and on the part of respondent Schenley Industries, Inc., and four other corporations, entering into, cooperating in, carrying out or continuing any combination, conspiracy, cooperation or planned common course of action between any two or more of said respondents engaged in competition in the sale of alcoholic beverages to persons other than those owned or controlled by any of the respondents, or between any one or more of said respondents and any wholly or partly owned subsidiary or affiliated concern not a party, engaged in competition in the sale of alcoholic beverages to persons other than those owned or controlled by any of the respondents, to (1) raise, fix, stabilize, or maintain prices; (2) discuss, confer or exchange information for the purpose or with the effect of establishing or maintaining prices, terms or conditions of sale, or of securing adherence to prices, terms, or conditions of sale; (3) exchange information with or meet with any retail liquor dealer or with any representative of any retail liquor dealer association, or others for the purpose or with the effect of reaching agreement as to the employment of any resale price maintenance contract or arrangement, of adjusting or increasing resale prices after tax rate changes, or of reaching agreement as to the use of any resale price maintenance contract or arrangement as a means of raising, fixing, stabilizing, or maintaining prices; (4) use common directors or officers as a means of raising, fixing, stabilizing, or maintaining prices; and (5) enter into any resale price maintenance contract or arrangement, or police, enforce, or attempt to police or enforce any such contract or arrangement; prohibited, subject to the provision, however, that nothing contained in the order shall be construed to limit or otherwise affect any right with respect to resale price maintenance contracts or arrangements which any of the respondents may have under section 5 of the Federal Trade Commission Act as amended by the McGuire Act (Public Law 542, 82d Cong., Chap. 745, 2d Sess., Approved July 14, 1952); and subject to the further proviso that if as a result of any valid statute or regulation of any State, Territory, or possession or subdivision thereof, adopted pursuant to the Twenty-first Amendment to the Constitution of the United States, relating to the offering for sale, sale, or distribution of alcoholic beverages, respondents, or any of them or one or more of their wholly or partly owned subsidiaries or affiliated concerns, as a condition of doing business in said state, territory, possession, or subdivision thereof, engage in acts or practices which, upon a prima facie showing on the record (not overcome by answer) may be construed by the Federal Trade Commission as violating any provision of the foregoing order, the Commission agrees that it will reopen the order solely for the purpose of determining whether to alter, modify, or set aside such provision and that it will suspend such provision of the order, pending disposition of the issue as to whether such provision should be altered, modified, or set aside, it being further provided in the aforesaid connection that said proviso shall be without prejudice to, and that nothing therein contained shall be construed to limit or otherwise affect, any defense which might otherwise be available to any respondent in any proceeding to enforce the foregoing order or based on an alleged violation thereof.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Schenley Industries, Inc., et al., New York, N. Y., Docket 6048, Mar. 2, 1954]

In the Matter of Schenley Industries, Inc., and the following of Its Subsidiaries: Schenley Distillers, Inc., a Corporation, Schenley Distributors, Inc., a Corporation, Melrose Distillers, Inc., a Corporation, Gibson Distillers, Inc., a Corporation, The Straight Whiskey Distilling Company of America, a Corporation, Three Feathers Distributors, Inc., a Corporation, Brandy Distillers Corporation, a Corporation, Bernheim Distilling Co., a Corporation

This proceeding was instituted by complaint which charged respondents with the use of unfair methods of competition and/or unfair acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, subject to the exception below set forth, through the consent settlement procedure provided in Rule V of the Commission's rules of practice, as announced by the Commission's "Notice", dated March 8, 1954, as follows:

Counsel supporting the complaint having stated that evidence is not available to support the allegations of the complaint other than those covered by the consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, the said consent settlement was accepted by the Commission on March 2, 1954, and ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

Said order, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondents, Schenley Industries, Inc., a corporation, Schenley Distillers, Inc., a corporation, Schenley Distributors, Inc., a corporation, Melrose Distillers, Inc., a corporation, and Brandy Distillers Corporation, a corporation, directly or indirectly, through their officers, agents, representatives or employees, in or in connection with the offering for sale, sale or distribution in commerce between and among the several States of the United States and in the District of Columbia, of alcoholic beverages, do forthwith cease and desist from entering into, cooperating in, carrying out or continuing any combination, conspiracy, cooperation or planned common course of action between any two or more of said respondents engaged in competition in the sale of alcoholic beverages to persons other than those owned or controlled by any of the respondents, or between any one or more of said respondents and any wholly or partly owned subsidiary or affiliated concern not a party hereto, engaged in competition in the sale of alcoholic beverages to persons other than those owned or controlled by any of the respondents, to do or perform any of the following acts or things:

(1) Raise, fix, stabilize or maintain prices;

(2) Discuss, confer or exchange information for the purpose or with the effect of establishing or maintaining prices, terms or conditions of sale, or of securing adherence to prices, terms or conditions of sale;

(3) Exchange information with or meet with any retail liquor dealer or with any representative of any retail liquor dealer association, or others for the purpose or with the effect of reaching agreement as to the employment of any resale price maintenance contract or arrangement, of adjusting or increasing resale prices after tax rate changes, or of reaching agrement as to the use of any resale price maintenance contract or arrangement as a means of raising, fixing, stabilizing or maintaining prices;

(4) Use common directors or officers as a means of raising, fixing, stabilizing, or maintaining prices;

(5) Enter into any resale price maintenance contract or arrangement, or police, enforce, or attempt to police or enforce any such contract or arrangement.

Provided, That nothing herein contained shall be construed to limit or otherwise affect any right with respect to resale price maintenance contracts or arrangements which any of the respondents may have under section 5 of the Federal Trade Commission Act as amended by the McGuire Act (Public Law 542, 82d Cong., Chap. 745, 2d Sess., Approved July 14, 1952).

Provided further, That if as a result of any valid statute or regulation of any state, territory or possession or subdivision thereof, adopted pursuant to the Twenty-first Amendment to the Constitution of the United States, relating to the offering for sale, sale or distribution of alcoholic beverages, respondents, or any of them or one or more of their wholly or partly owned subsidiaries or affiliated concerns, as a condition of doing business in said state, territory, possession or subdivision thereof, engage in acts or practices which, upon a prima facie showing on the record herein (not overcome by answer) may be construed by the Federal Trade Commission as violating any provision of the foregoing order, the Commission agrees that it will reopen this order solely for the purpose of determining whether to alter, modify or set aside such provision and that it will suspend such provision of this order, pending disposition of the issue as to whether such provision should be altered, modified or set aside. This proviso shall be without prejudice to, and nothing herein contained shall be construed to limit or otherwise affect, any defense which may otherwise be available to any respondent in any proceeding to enforce the foregoing order or based on an alleged violation thereof.

It is further ordered, That Bernheim Distilling Co., a corporation, is hereby dismissed from this proceeding.

It is further ordered, That Gibson Distillers, Inc., a corporation, The Straight Whiskey Distilling Company of America, a corporation, and Three Feathers Distributors, Inc., a corporation, are hereby dismissed from this proceeding. *Provided, however*, That the dismissal of these three corporations is without prejudice and is not to be construed in any sense as exempting said corporations from the application of any of the provisions of the order to cease and desist as are applicable to any concern wholly or partly owned or controlled by or affiliated with any one or more of the respondents herein.

It is further ordered, That the respondents shall, within twelve months after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 8, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, JR., *Secretary.*

[F. R. Doc. 54-2105; Filed, Mar. 24, 1954; 8:53 a. m.]

[1] Filed as part of the original document.

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6065, Regs. 130]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

TREATMENT OF TAXPAYER'S LIABILITY FOR INCOME AND EXCESS PROFITS TAX FOR PURPOSE OF DETERMINING EQUITY AND EQUITY INVESTED CAPITAL

On December 13, 1952, notice of proposed rule making to amend Regulations 130 (26 CFR Part 40) with respect to the accrual of income and excess profits tax liability for the purpose of determining equity capital under section 437 (c) of the Internal Revenue Code and equity invested capital under section 458 (d) of the Internal Revenue Code was published in the FEDERAL REGISTER (17 F. R. 11350). After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments to Regulations 130 set forth below are hereby adopted.

PARAGRAPH 1. Section 40.437-5, as amended by Treasury Decision 5952, approved December 2, 1952, is further amended by redesignating paragraph "(c)" of such section as paragraph "(c)(1)", and by adding at the end thereof the following:

(2) In computing liabilities as of the beginning of the taxable year, a taxpayer keeping its books and making its income tax returns on the accrual basis shall, in accordance with the principles applicable in the determination of earnings and profits, treat as a liability the Federal income and excess profits taxes imposed for the preceding taxable year. This rule is applicable whether or not such taxes were definite and ascertainable in amount at the close of the preceding year and whether or not such taxes were contested by the taxpayer. The provisions of the Excess Profits Tax Act of 1950 shall be taken into account for this purpose in determining the income and excess profits tax for taxable years ending after June 30, 1950. In general, changes in the Federal income and excess profits tax laws applicable to a taxable year, enacted after the close of such year, will be taken into account in determining liabilities if the last date prescribed for filing the return for such year is subsequent to the date of enactment of such changes.

PAR. 2. Section 40.458-4 is amended by striking the fourth sentence of (a) (1) and by inserting in lieu thereof the following: "In computing accumulated earnings and profits as of the beginning of the taxable year, a taxpayer keeping its books and making its income tax returns on the accrual basis shall, in accordance with the principles applicable in the determination of earnings and profits, subtract the Federal income and excess profits taxes imposed for the preceding taxable year. This rule is applicable whether or not such taxes were definite and ascertainable in amount at the close of the preceding year and whether or not such taxes were contested by the taxpayer. The provisions of the Excess Profits Tax Act of 1950 shall be taken into account for this purpose in determining the income and excess profits tax for taxable years ending after June 30, 1950. In general, changes in the Federal income and excess profits tax laws applicable to a taxable year, enacted after the close of such year, will be taken into account in determining earnings and profits if the last date prescribed for filing the return for such year is subsequent to the date of enactment of such changes."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS, *Commissioner of Internal Revenue.*

Approved: March 19, 1954.

M. B. FOLSOM, *Acting Secretary of the Treasury.*

[F. R. Doc. 54-2095; Filed, Mar. 24, 1954; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

HOW ASSIGNMENT IS MADE

Section 1471.2 *How assignment is made* is amended by deleting paragraph (d) in

its entirety and inserting in lieu thereof the following:

(d) Except in cases governed by paragraph (e) of this section, with respect to contractors whose receipts or accruals are wholly or predominantly under subcontracts described in section 103 (g) (3) of the act, a Class A case will generally be one in which the contractor reports on the Standard Form of Contractor's Report that its aggregate of such receipts or accruals is $50,000 or more and a Class B case will be one in which the contractor reports on the Standard Form of Contractor's Report that its aggregate of such receipts or accruals is less than $50,000. Cases assigned on and after March 25, 1954, will be designated in accordance with the preceding sentence; cases previously assigned will generally be redesignated in accordance therewith upon request of a Regional Board if not already concluded by clearance notice, agreement or order, and if such redesignation is otherwise expedient.

(e) Notwithstanding the foregoing, to facilitate concurrent renegotiation of members of affiliated or related groups when not consolidated (see § 1464.10 of this subchapter), renegotiable members of any such group will generally all be designated at the time of assignment as Class A or Class B cases according to the proper designation of the member having the largest amount of profits from subject contracts for the fiscal year under review. This paragraph shall not apply when the members of the group have differing fiscal years.

(f) Any case initially designated as a Class A or a Class B case according to the amounts reported on the Standard Form of Contractor's Report may, but will not necessarily, be redesignated if further information developed after assignment establishes that the contractor's renegotiable profits, or its renegotiable receipts or accruals, as the case may be, are sufficiently larger or smaller than the amount reported, to make such redesignation appropriate.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: March 18, 1954.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-2089; Filed, Mar. 24, 1954; 8:48 a. m.]

PART 1498—FORMS RELATING TO AGREEMENTS AND ORDERS

VARIATIONS IN FORM OF RENEGOTIATION AGREEMENT

Section 1498.2 (g) is amended by deleting in its entirety the agreement clause set forth in subparagraph (2) and inserting in lieu thereof the following:

It has been determined that the Contractor may realize additional profits not exceeding the sum of ----------
(Margin to clearance level)
($----------) Dollars without incurring any liability for excessive profits for the fiscal year under review. In the event that it is finally determined that the aggregate liability of the Contractor to the Government pursuant to the price adjustment provisions aforesaid, allocable to the fiscal year under review, exceeds the aggregate liability of the Government to the Contractor pursuant thereto, and if such net liability of the Contractor to the Government is less than the amount of the reserve hereinabove described, the difference between such two amounts shall represent the unused portion of the reserve, and the Contractor agrees that the amount by which the unused portion of the reserve exceeds said sum of ---------- ($-----)
(Repeat amount last above stated)
Dollars shall be deemed to be additional profits to be eliminated pursuant to the Act, and the Contractor agrees that it will pay to the Government an amount equal to the difference between the amount of any such additional profits and the amount of the tax credit, if any, provided by section 3806 of the Internal Revenue Code.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: March 19, 1954.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-2090; Filed, Mar. 24, 1954; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 50—CITY DELIVERY

PART 52—RURAL DELIVERY

MISCELLANEOUS AMENDMENTS

a. In § 50.23 *Private mail receptacles* (19 F. R. 558), insert the following as the third sentence of paragraph (b): "Carriers are not required to deliver ordinary mail other than parcel post above the first floor."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

b. Section 52.68 *Rural stations* is amended to read as follows:

§ 52.68 *Rural stations.* Rural stations shall be established and maintained when considered necessary to facilitate the transaction of postal business in communities where a considerable number of people would be seriously inconvenienced if required to transact postal business with rural carriers or star route carriers only, and where it is deemed inadvisable to establish post offices.

c. In § 52.78 *Patrons' boxes* amend paragraph (b) to read as follows:

(b) *Copies of specifications obtainable.* Copies of the specifications and drawings which may be used for guidance in the manufacture of standard mail boxes may be obtained on application to the Assistant Postmaster General, Bureau of Post Office Operations.

d. In § 52.80 Manufacture and sale of boxes make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Approval required.* Individuals, firms or companies proposing to manufacture rural delivery mail boxes for sale shall submit to the Assistant Postmaster General, Bureau of Post Office Operations, Division of Post Office Services, a full-sized sample box for examination. If the sample is approved, the manufacture and sale of the box will be authorized on condition that the manufacturer shall emboss or stamp in a conspicuous place on each box the words "Approved by the Postmaster General", and, inconspicuously, the name of the manufacturer.

2. Amend the list of concerns in paragraph (c) by changing "American Sheet Metal Works, Post Office Box 547, New Orleans 1, La." to read "American Metal Works, Inc., Post Office Box 547, New Orleans 1, La.".

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-2106; Filed, Mar. 24, 1954; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

[Docket No. AO-166-A18-R02]

HANDLING MILK IN THE CINCINNATI, OHIO, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cincinnati, Ohio, on March 8, 1954, pursuant to notice thereof issued on March 1, 1954 (19 F. R. 1220).

The hearing conducted on March 8, 1954, was a second reopening of a hearing begun in October 1953. The material issues of record related to several aspects of the regulation in effect. Previous decisions on the record have dealt with certain of these issues and several other issues are reserved for further consideration. This decision covers only the questions of (1) reconsideration of the seasonal application of the Class III and Class IV price formulas and revision of the butterfat differentials applicable in pricing Class III and Class IV milk to handlers, and (2) adoption of a service charge applicable to milk handled for the account of a bargaining cooperative as the result of the refusal, or release, of such milk by a proprietary handler. It is determined that emergency action is required on these issues. It is concluded that the remaining issues, including the consideration of butterfat differentials applicable in pricing Class I and Class II milk and in making payments to producers, should not be decided under emergency procedure and should not delay action on the issues dealt with herein. Decision on such remaining issues therefore is reserved to a later date.

Rules on proposed findings and conclusions. Briefs were filed on the record. Such briefs contained proposed findings and conclusions with respect to the issues under consideration herein. To the extent that the findings and conclusions of this decision are at variance with such proposed findings and conclusions, the request to make such findings and conclusions is hereby denied.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The application of the price formulas for Class III and Class IV milk should be further modified. The butterfat differentials for Class III and Class IV milk should be revised.

As the result of the first reopening of the hearing on January 28 and 29, 1954, the Class III and Class IV price formulas were modified, effective March 1, 1954, with the results that (1) the Class III price level was reduced 17.5 cents, and (2) the Class IV price level was made the same as that of Class III milk. These revisions were to be effective for the months of March through July 1954 only.

At the reopening of the hearing on March 8 the bargaining cooperatives in the market testified that handlers are not willing to accept milk for Class III and Class IV uses at the modified price levels for such classes and are turning back substantial quantities of milk to such cooperatives to be disposed of at whatever price the cooperatives are able to obtain through disposal to unregulated plants. In accepting milk for such disposal the cooperatives are required to take the milk on their account and to pay into the "producer-settlement fund" the minimum price set by the order for the class of use if the milk involved is to remain in the market pool and receive the price benefits of the order. It was testified that during February and the early part of March milk was so handled by the cooperatives at substantial loss, at times exceeding 90 cents per hundredweight.

Record data indicate that in the flush production months of 1953 the total volume of Class III and Class IV milk was more than twice that disposed of in such classes in 1950. Except for a brief period of drought last fall, production in recent months has continued at a high level in relation to the corresponding month of the preceding year. It appears that the volume of producer milk to be disposed of in Class III and Class IV uses during the spring and summer of 1954 will be the largest in the history of the market.

It is concluded that in the interest of orderly marketing the price level applicable to the reserve supply of producer milk in the months of seasonally heavy production in 1954 should be reduced in relation to both the prices which resulted from the Class III and Class IV price formulas during the recent fall and winter months and those in effect during the flush production months of last year. It should be noted, however, that Class III milk under the Cincinnati order consists of milk utilized for some products which do not require inspected milk and for certain other products which do require such milk. Ice cream manufacture is among the most important outlets for milk in the class and if the resulting ice cream is to be sold within the city of Cincinnati it must be produced from inspected milk. A similar situation may be said to exist with respect to cottage cheese, egenog and whipped cream. Thus, a reduction in price to the same level as other Class III milk under emergency conditions during the flush production period would tend to underprice milk needed for ice cream and such other products requiring inspected milk which represent important dispositions of Class III milk.

Milk which is handled on a "distress" basis is usually picked up at city plants and transported to manufacturing plants from 80 to 100 miles from Cincinnati. The processing facilities available at distributing plants in the marketing area are confined largely to the manufacture of ice cream, and thus reserve milk above the total quantity needed for this purpose must be transported to country locations for manufacture. In many instances it is not practicable to divert milk on farm hauling routes to manufacturing plants prior to its receipt at the city. When so moved to country locations milk is manufactured into such products as butter, nonfat dry milk solids and cheese. The record indicates that the cost of transporting the milk to manufacturing outlets approximates 25 cents per hundredweight. In order to provide incentive for the handling of extra reserve milk this spring in view of the generally high production of milk at plants the Cincinnati milkshed and in the State of Ohio as a whole, the Class III and Class IV price formulas should be modified to provide somewhat more liberal allowances for handling during a temporary period. Quite as important to this problem as the level of Class III and Class IV prices established for milk testing 3.5 percent, however, are the butterfat differentials which apply in adjusting such class prices to the actual test of the milk as disposed of in manufactured products. For example, in January 1954, the weighted average butterfat test of Class III milk was 2.8174 percent while Class IV milk tested 35.8533 percent butterfat. It is obvious, particularly in regard to milk utilized for butter manufacture (Class IV milk), that the butterfat differential contributes more significantly to the handler's cost, and therefore to the problem of Class IV milk disposition, than the class price as computed for milk testing 3.5 percent. It is considered appropriate, therefore, to adjust butterfat differentials for these classes of milk to

align the prices of butterfat therein represented by tests other than 3.5 percent more closely with the prices of butterfat represented in 3.5 percent milk in such classes. This has been accomplished by basing the butterfat differentials directly on the individual prices of skim milk and butterfat included in the formulas which determine the prices for 3.5 percent milk in such manufacturing classes, respectively.

It may be noted that milk used for ice cream and certain other products is priced 25 cents per hundredweight higher than milk utilized in such products as butter, cheese and nonfat dry milk solids. In view of the health requirements applicable in connection with a large proportion of the disposition in such specified uses and the fact such disposition is made primarily from distributing plants located in or close to the marketing area rather than at country locations as in the case of distress milk, such milk should return a somewhat higher price to producers even in the flush production season.

The reduction in the Class III and Class IV prices adopted should be limited to the March-August period of 1954. Because of the particular combination of products covered by such classes and the likelihood that an improved pricing and classification plan, including review and possible modification of the supply-demand utilization percentages in relation to the various requirements of inspected milk as presently covered by Class III milk as well as Class I and Class II milk, might be evolved from more detailed consideration of such provisions, any further revision of reserve milk pricing should be based upon the results of a later hearing. There should be ample time for such review prior to the flush production months of 1955.

(2) The proposed payment to bargaining cooperatives to be based upon certain services as rendered from time to time should not be adopted at this time.

Bargaining cooperatives representing a large number of producers in the market proposed the adoption of a service charge against the producer-settlement fund, and a corresponding payment to bargaining cooperatives of the monies represented, whenever such cooperatives necessarily handle on their account milk for disposition to manufacturing outlets as the result of the refusal or release of producer milk by a proprietary handler. The rate of service payment suggested was 50 cents per hundredweight of milk so handled by the cooperative.

The proposal made was discussed at some length at the hearing. It appears to have considerable merit as a measure designed to achieve maximum returns to producers when it is necessary to remove reserve supplies of milk under distress conditions, by enabling producers to get full value for the portion of milk supplies kept and utilized by handlers during the distress period. The development of a workable provision would require a greater period of time than can be afforded in the present circumstances. In view of the particular pricing provisions adopted it is felt that such provision will not be required for the tem-

porary period involved, and that there will be opportunity for further consideration prior to such time as it may be appropriate to adopt such a provision. The proposal therefore is denied at this time.

(3) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendments. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. Action under the procedure described above was requested at the hearing. No opposition was registered at the hearing to either the objectives of the proposals involved or the use of such emergency promulgation procedure.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Cincinnati, Ohio, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Market Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 19th day of March 1954.

Dated: March 19, 1954, at Washington, D. C.

[SEAL] JOHN H DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings, and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto, and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introducing at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete that portion of § 965.51 (c) which precedes subparagraph (2) thereof and substitute therefor the following:

(c) The price for Class III milk during each of the months of March through August, inclusive, shall be the higher of the prices per hundredweight computed pursuant to subparagraphs (1) and (2) of this paragraph; and the price for Class III milk during each of the months of September through February, inclusive, shall be the higher of such computed prices plus 30 cents:

(1) The price as computed pursuant to § 965.50 (b): *Provided,* That the price per hundredweight for Class III milk during the period ending with August 31, 1954, shall be the higher of the price computed pursuant to subparagraph (2) of this paragraph and a price computed as follows:

(i) Subtract 5.5 cents from the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month for which payment is to be made, multiply by 1.20, and then multiply such result by 3.5;

(ii) From the simple average, as computed by the market administrator, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 6 cents, and multiply the result by 7.7; and

(iii) Deduct 25 cents from the sum of the amounts computed under subdivisions (i) and (ii) of this subparagraph: *Provided,* That the price applicable to milk used to produce ice cream, ice cream mix, eggnog, whipped cream, whipped cream substitutes, and cottage cheese shall be the sum of amounts computed for the month under subdivisions (i) and (ii) of this subparagraph.

2. Delete in § 965.51 (d) the word "July" and substitute therefor the word "August."

3. Delete § 965.52 and substitute therefor the following:

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, from the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows: For Class I milk and Class II milk, respectively, determine the percent of the alternate basic formula price as computed pursuant to § 965.50 (b) represented by the sum computed pursuant to § 965.50 (b) (1), apply the percentage so determined to the respective Class I and Class II prices for 3.5 percent milk computed pursuant to § 965.51 (a) and (b), and divide by 35 (computed to the nearest hundredth of a cent). For Class III milk and Class IV milk subtract $5.50 from the average price per hundred pounds of butter as described in § 965.51 (c) (1) (i), multiply by 120, subtract therefrom the amount per hundredweight computed pursuant to § 965.51 (c) (1) (ii), and divide the result by 1,000: *Provided,* That beginning with September 1, 1954, the butterfat differential for Class III milk shall be computed as follows: Multiply by 120 the average price per hundred pounds of 92-score butter as described in § 965.50 (b) (1), subtract therefrom the price per hundredweight computed pursuant to § 965.50 (b) (2), and divide the result by 1,000 and beginning with such date the butterfat differential for Class IV milk shall be computed as follows: subtract $5.00 from the average price per hundred pounds of 92-score butter as described in § 965.50 (b) (1), multiply by 120, subtract therefrom the price per hundredweight pursuant to § 965.50 (b) (2), and divide the result by 1,000.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[F. R. Doc. 54-2096; Filed, Mar. 24, 1954; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 302]

[File No. 205-1]

FLAMMABLE FABRICS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given all interested parties that the Federal Trade Commission on April 22, 1954, beginning at 10:00 o'clock a. m., e. s. t., at its offices in the city of Washington, D. C., will hold a public hearing on proposed rules and regulations under the Flammable Fabrics Act.

Interested parties may participate by submitting in writing to the Commission on or before such date, their views, arguments, or other pertinent data, or they may be heard orally at such time. Any party wishing to submit further views, arguments or data in response to that submitted at the hearing may do so in writing at any time within ten days after such hearing is closed.

Such action is taken pursuant to the authority given the Federal Trade Commission under section 5 (c) of the Flammable Fabrics Act (Pub. Law 88, 83d Cong., Chap. 164, 1st sess., 67 Stat. 111) "to prescribe such rules and regulations as may be necessary and proper for purposes of administration and enforcement of this act."

The matters to be considered are the proposed rules and regulations set out below together with such amendments, revisions, deletions, and additions thereto as may be proposed.

§ 302.1 *Terms defined.* (a) As used in this part, unless the context otherwise specifically requires:

(1) The term "act" means the "Flammable Fabrics Act" (approved June 30, 1953, Pub. Law 88, 83d Cong., 1st Sess.; 15 U. S. C. A. sec. 1191; 67 Stat. 111).

(2) The terms "rule," "rules," "regulations," and "rules and regulations," mean the rules and regulations prescribed by the Commission pursuant to section 5 (c) of the act.

(3) The term "United States" means the several states, the District of Columbia and the Territories and possessions of the United States.

(4) The terms "marketing or handling," (i) when applied to wearing apparel means manufacturing for sale, offering for sale, selling, importing, delivering, or transporting; and, (ii) when applied to fabric mean offering for sale, selling, importing, delivering, or transporting.

(5) The terms "uncovered or exposed part" of an article of wearing apparel as used in section 4 (a) of the act, mean that part of such article of apparel which during normal and customary course of wear would be open to flame or other means of ignition.

(6) The term "textile fabric" (except those with a nitro-cellulose fiber, finish or coating) means any material subject to the act, woven, knitted, felted, or otherwise produced from any natural or man-made fiber or substitute therefor, or combination thereof, which is in a form or condition ready for use in wearing apparel and shall include coated fabrics.

(7) The term "plain surface textile fabric" means any textile fabric which does not have an intentionally raised fiber or yarn surface such as a pile, nap, or tuft, but shall include those fabrics having fancy woven, knitted or flock printed surfaces.

(8) The term "raised surface textile fabric" means any textile fabric which has an intentionally raised fiber or yarn surface such as a pile, nap or tufting.

(9) The term "film" means any nonrigid, unsupported plastic, rubber or other synthetic or natural film or sheeting, or any combination thereof, including transparent, translucent, and opaque material, whether plain, embossed, molded, or otherwise surface treated, and shall include film or sheeting exceeding 10 mils in thickness.

(10) The term "test" means the application of the relevant test method prescribed in the procedures provided under section 4 (a) of the act.

(11) The term "initial test" means tests made under the procedures prescribed in section 4 (a) of the act of specimens taken from two separate pieces of a textile fabric having the same weight, construction and finish type, or from two separate runs of film having the same formula, color, and thickness.

(12) The definition of terms contained in section 2 of the act shall be applicable also to such terms when used in rules promulgated under the act.

§ 302.2 *General requirements.* No article of wearing apparel or fabric subject to the act and regulations shall be marketed or handled if such article or fabric, when tested according to the procedures prescribed in section 4 (a) of the act, is so highly flammable as to be dangerous when worn by individuals.

§ 302.3 *Test procedures for textile fabrics and film.* (a) All textile fabrics (except those with nitro-cellulose fiber, finish or coating) intended or sold for use in wearing apparel, and all fabrics contained in articles of wearing apparel, shall be subject to the requirements of the act, and shall be deemed to be so highly flammable as to be dangerous when worn by individuals if such fabrics or any uncovered or exposed part of such articles of wearing apparel exhibits rapid and intense burning when tested under the conditions and in the manner prescribed in the Commercial Standard promulgated by the Secretary of Commerce effective January 30, 1953, and identified as "Flammability of Clothing Textiles, Commercial Standard 191-53."

(b) All film, and textile fabrics with a nitro-cellulose fiber, finish or coating, intended or sold for use in wearing apparel, and all film and textile fabrics referred to in this rule which are contained in articles of wearing apparel, shall be subject to the requirements of the act, and shall be deemed to be so highly flammable as to be dangerous when worn by individuals if such film or textile fabrics or any uncovered or exposed part of such articles of wearing apparel exhibit a rate of burning in excess of that specified in paragraph 3.11 of the Commercial Standard promulgated by the Secretary of Commerce effective May 22, 1953, and identified as "General Purpose Vinyl Plastic Film, Commercial Standard 192-53."

§ 302.4 *Only uncovered or exposed parts of wearing apparel to be tested.* In determining whether an article of wearing apparel is so highly flammable as to be dangerous when worn by individuals, only the uncovered or exposed part of such article of wearing apparel shall be tested according to the appli-

cable procedures set forth in section 4 (a) of the act.

§ 302.5 *Testing certain classes of fabrics.* (a) Any textile fabric intended for use in, or used, or contained in an article of wearing apparel, which in its normal and customary use as wearing apparel would not be washed, need not, upon test made under the procedures outlined in Commercial Standard 191–53, be washed as prescribed by paragraph 4.5 of such Commercial Standard: *Provided, however,* That such fabric and article of wearing apparel when marketed or handled are marked in a clear, legible and permanent manner disclosing that they will be dangerously flammable if washed. Examples of the types of fabric referred to are bridal illusion or millinery veiling.

(b) A coated fabric need not, upon test under the procedures outlined in Commercial Standard 191–53, be dry cleaned as set forth in paragraph 4.4 of such Commercial Standard.

(c) In determining whether a textile fabric having a raised-fiber surface, which surface is to be used in the covered or unexposed parts of articles of wearing apparel, is so highly flammable as to be dangerous when worn by individuals, only the opposite surface or surface intended to be exposed need be tested under the applicable procedures set forth in section 4 (a) of the act, providing an invoice or other paper covering the marketing or handling of such fabric is given which clearly designates that the raised-fiber surface is to be used only in the covered or unexposed parts of articles of wearing apparel.

§ 302.6 *Certain fabrics not subject to provisions of section 3 of act.* (a) Fabrics intended for processing into interlinings or other covered or unexposed parts of articles of wearing apparel shall not be subject to the provisions of section 3 of the act, providing an invoice or other paper covering the marketing or handling of such fabrics is given which specifically designates their intended end use.

(b) Fabrics intended or sold for use in those hats, gloves and footwear which are excluded under the definition of articles of wearing apparel in section 2 (d) of the act, shall not be subject to the provisions of section 3 of the act, providing an invoice or other paper covering the marketing or handling of such fabrics is given which specifically designates their intended use in such products.

§ 302.7 *Reasonable and representative tests under section 8 of the act.*

Explanation. Section 8 of the act, among other things, provides that no person shall be subject to prosecution under section 7 of the act for a violation of section 3 of the act if such person establishes a guaranty received in good faith signed by and containing the name and address of the person by whom the wearing apparel or fabric guaranteed was manufactured or from whom it was received, to the effect that reasonable and representative tests made under the procedures provided in section 4 (a) of the act show that the fabric covered by the guaranty, or used, or contained in the wearing apparel, is not, under the provisions of section 4 (a) of the act, so highly flammable as to be dangerous when worn by individuals.

The furnishing of guaranties is not mandatory under the act. The purpose of this rule is to establish minimum requirements for the reasonable and representative tests on which guaranties may be based. The making of these tests and the furnishing of guaranties based thereon will not relieve one making the tests or furnishing guaranties based thereon from prosecution under section 7 of the act for violation of section 3 of the act, nor will it relieve one furnishing or receiving such guaranties from the administrative processes of the Federal Trade Commission under section 5 of the act, nor from the injunction and condemnation procedures under section 6 of the act.

(a) The following shall constitute reasonable and representative tests, as that term is used in section 8 of the act, for those textile fabrics which by reason of their composition, construction, finish and weight may be tested upon a class basis.

(1) *Plain surface textile fabrics weighing two ounces or more per square yard.* (i) One test of any plain surface textile fabric weighing two ounces or more per square yard, exclusive of metallic ornamentation, or one test of any particular class of such fabrics, shall suffice for any such fabric or class of fabrics.

(2) *Plain surface textile fabrics weighing less than two ounces per square yard.* (i) When, on the initial test[1] of any plain surface textile fabric weighing less than two ounces per square yard, and of a particular fiber composition, construction and finish type, such fabric exhibits a burning time of between 4 and 6 seconds, both inclusive, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at least once at intervals of not more than three months thereafter while in production.

(ii) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, and of a particular fiber composition, construction and finish type, such fabric exhibits a burning time in excess of 6 seconds, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at least once at intervals of not more than six months thereafter while in production.

(iii) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, and of a particular fiber composition, construction and finish type, none of the specimens ignite, such initial test may suffice for any fabric of the same fiber composition, construction and finish type.

(3) *Certain raised fiber surface textile fabrics.* (i) When a test of any raised fiber surface textile fabric which has a dense cut pile of uniform short length or looped yarns, and of a particular fiber composition, construction and finish type, does not exhibit a surface flash and does not ignite, such test shall suffice for any such fabric having a dense cut pile of the same length or the same looped yarns and of the same fiber composition, construction and finish type. Examples of the types of fabrics referred to are velvets, velveteens, velours, corduroys and terry cloth.

(ii) One test of any raised fiber surface textile fabric made entirely of protein fibers, exclusive of non-protein fiber ornamentation not to exceed 10 percent by weight, or one test of any particular class of such fabrics, shall suffice for any such fabric or class of fabrics.

(b) The following shall be deemed to be reasonable and representative tests, as that term is used in section 8 of the act, of those textile fabrics which do not fall within any of the foregoing class tests.

(1) *Plain surface textile fabrics weighing less that two ounces per square yard.* (i) When, on the initial test of a plain surface textile fabric weighing less than two ounces per square yard, such fabric exhibits a burning time of between 4 and 6 seconds, both inclusive, the fabric shall be tested at least once at intervals of not more than three months thereafter while in production.

(ii) When, on the initial test of a plain surface textile fabric weighing less than two ounces per square yard, such fabric exhibits a burning time in excess of 6 seconds, the fabric shall be tested at least once at intervals of not more than six months thereafter while in production.

(iii) When, on the initial test of a plain surface textile fabric weighing less than two ounces per square yard, none of the specimens ignite, such initial test shall suffice.

(2) *Raised fiber surface textile fabrics.* When, on the initial test of a raised fiber surface textile fabric, such fabric:

(i) Falls within Class 2 as provided in paragraph 3.1.2.1 of Commercial Standard 191–53, the fabric shall be tested at least once at intervals of not more than one month while in production, or if the production exceeds 50,000 yards per month, the fabric shall be tested thereafter every 50,000 yards or fraction thereof.

If, after two tests have been made as outlined in this section, the test results do not show the flame spread to have been less than 4 seconds, with the base fabric ignited or fused, the fabric shall be tested at least once at intervals of not more than three months while in production, or if the production exceeds 100,000 yards per three months, the fabric shall be tested thereafter every 100,000 yards or fraction thereof.

(ii) Has a flame spread in excess of 7 seconds with the base fabric ignited or fused, the fabric shall be tested at least once at intervals of not more than 6 months thereafter while in production.

(iii) Has a surface flash, but the base fabric does not ignite nor fuse, the fabric shall be tested at least once at intervals of not more than six months thereafter while in production.

(iv) Does not have a surface flash and does not ignite, the initial test shall suffice.

(c) When, on initial test a film or a textile fabric with a nitro-cellulose fiber, finish or coating, does not exhibit a burning rate in excess of 1.2 inches per second, one test each year thereafter while in production shall be deemed reasonable and representative tests for such film or textile fabric.

(d) Reasonable and representative tests of fabrics and fabrics contained in articles of wearing apparel, subject to the act, produced prior to the effective date of the act, and which have not been covered by tests made under the applicable requirements of paragraphs (a), (b), and (c) of this section, shall be an initial test for each class of such fabrics, and such tests shall be applicable to all fabrics having the same fiber composition, construction and finish type.

(e) In the case of articles of wearing apparel which are not made from fabrics but directly from yarns, the fabrics contained in such articles of wearing apparel shall be tested by the testing requirements provided in paragraphs (a) and (b) of this section.

(f) If tests of any textile fabric made subsequent to the initial test show a burning time of another category, then such fabric shall be tested thereafter under the testing requirements of such changed time.

(g) The application of this section, insofar as it relates to the testing of plain surface textile fabrics or such fabrics contained in articles of wearing apparel weighing two ounces or more per square yard, shall be limited to fabrics made of fibers in use or capable of being used as of May 31, 1954. Such fabrics weighing two ounces or more per square yard made in whole or in part of fibers developed and used subsequent to May 31, 1954, shall be tested in accordance with the testing requirements set out in paragraphs (a) (2) and (b) of this section.

§ 302.8 *Maintenance of records by those furnishing guaranties.* (a) In order to properly administer and enforce section 8 of the act relating to guaranties, it is required that any person furnishing either a separate or continuing guaranty who has made the tests prescribed by the act and regulations shall keep and maintain records of such tests. The records to be maintained shall show:

(1) The style or range number, fiber composition, construction and finish type of each textile fabric and each textile fabric used or contained in an article of wearing apparel covered by the guaranty, including a swatch of the fabric tested.

(2) The stock or formula number, color, thickness and general description of each film or film used in an article of wearing apparel covered by the guaranty, including a sample of the film tested.

(3) The results of the actual tests made on the textile fabric and film or the fabric and film used or contained in an article of wearing apparel.

(b) Persons furnishing guaranties based upon class tests shall maintain records showing:

(1) Identification of the class test.

(2) Fiber composition, construction and finish type of the fabrics, or the fabrics used or contained in articles of wearing apparel so guaranteed.

(3) A swatch of such fabric.

(c) The records referred to in this rule shall be preserved for a period of three years from the date the tests were performed.

(d) Any person furnishing a guaranty under section 8 (a) of the act who neglects or refuses to maintain and preserve the records prescribed in this section shall be deemed to have furnished a false guaranty under the provisions of section 8 (b) of the act.

§ 302.9 *Form of separate guaranty.* The following is a suggested form of separate guaranty under section 8 of the act which may be used by a guarantor, residing in the United States, on or as part of an invoice or other paper relating to the marketing or handling of any articles of wearing apparel or fabrics subject to the act listed and designated therein, the date of such invoice or other paper and the signature and address of the guarantor:

The undersigned hereby guarantees that reasonable and representative tests, made according to the procedures prescribed in section 4 (a) of the Flammable Fabrics Act, show that fabrics used or contained in the articles of wearing apparel and fabrics otherwise subject to said Act, covered by and in the form delivered under this document, are not so highly flammable as to be dangerous when worn by individuals.

_____
(Name)

_____
(Address)

NOTE: Wording of suggested form may be varied to limit guaranty to specified items on the invoice or other paper.

§ 302.10 *Continuing guaranties.* (a) (1) Any person residing in the United States may file with the Federal Trade Commission a continuing guaranty under section 8 of the act. When filed with the Commission, a continuing guaranty shall be fully executed in duplicate and execution of each copy shall be acknowledged before a notary public.

(2) Forms for use in preparing continuing guaranties will be supplied by the Commission upon request.

(3) Continuing guaranties filed with the Commission shall be renewed every three (3) years and at such other times as any change occurs in the legal business status of the person filing the continuing guaranty. The guarantor shall promptly report any such change to the Commission and advise the Commission of any change in the address of its principal office and place of business.

(b) The following is the prescribed form of continuing guaranty:

CONTINUING GUARANTY UNDER THE FLAMMABLE FABRICS ACT

The undersigned, _____,
a _____
(Corporation, partnership, proprietorship)
residing in the United States and having principal office and place of business at _____ _____
(Street and number) (City)
_____,
(State or Territory)
and engaged in the marketing or handling of [(articles of wearing apparel) (and) (fabrics)][2] subject to the Flammable Fabrics Act and Regulations thereunder hereby guarantees that reasonable and representative tests, made according to the procedures prescribed in Section 4 (a) of the Flammable Fabrics Act, show or will show that all of the following described [(fabrics) (and) (fabrics used or contained in articles of wearing apparel)][2] _____

(If guaranty is limited to certain products list here. If additional space is necessary, set out on attached sheet)

hereafter marketed or handled by it are not, in the form delivered or to be delivered, so highly flammable as to be dangerous when worn by individuals.

The following execution to be used only by individuals, partnerships and unincorporated associations:

Dated, signed and executed this ____ day of _____, 19__, at _____
(City) (State or Territory)

_____
(Name under which business is conducted)

_____
(Signature of proprietor or partner)

(If firm is a partnership list partners below.)

STATE OF _____,
County of _____, *ss:*

On this ____ day of _____, 19__, before me personally appeared the said _____
(Name of proprietor or partner signing)
to me known to be the person described in and who executed the foregoing instrument and acknowledged the execution of the same for the uses and purposes therein stated.

[Impression of notarial seal required here]

_____
Notary Public in and for
County of _____,
State of _____

My Commission expires _____

The following execution to be used only by corporations:

Dated, signed and executed this ____ day of _____, 19__, at _____
(City) (State or Territory)

[Impression of corporate seal required here]

_____
(Full corporate name)
By _____
(Signature and title of executive officer)

Attest:

_____
(Secretary)

STATE OF _____,
County of _____, *ss:*

On this ___ day of _____, 19__, before me personally appeared _____
(Name of executive officer
_____ of
signing) (Title of executive officer)
_____
(Name of corporation)
to me known to be the person described in and who executed the foregoing instrument and acknowledged the execution of the same on behalf of said corporation for the uses and purposes therein stated.

[Impression of notarial seal required here]

_____
Notary Public in and for
County of _____,
State of _____

My Commission expires _____

[1] See definition of "initial test" in § 302.1 (a) (11).

[2] Strike any wording not applicable.

(c) Any person who has a continuing guaranty on file with the Commission may, during the effective dates of the guaranty, give notice of such fact by setting forth on the invoice or other paper covering the marketing or handling of the product guaranteed the following: "Continuing guaranty under the Flammable Fabrics Act filed with the Federal Trade Commission."

(d) Any person who falsely represents in writing that he has a continuing guaranty on file with the Federal Trade Commission when such is not a fact shall be deemed to have furnished a false guaranty under section 8 (b) of the act.

§ 302.11 *Guaranties furnished by nonresidents of United States no bar to prosecution.* A guaranty furnished under section 8 of the act by a person who is not a resident of the United States may not be relied upon as a bar to prosecution under section 7 of the act for a violation of section 3 of the act.

§ 302.12 *Salvage operations of common carriers and others.* For the purposes of this act the ordinary course of business of common carriers, contract carriers, or freight forwarders, as referred to in section 11 of the act, shall not include the marketing or handling of articles of wearing apparel or fabrics subject to the act in the course of performance of salvage or lien realizing operations.

§ 302.13 *Reference to guaranty by Government prohibited.* No representation nor suggestion shall be made in advertising or otherwise marketing or handling an article of wearing apparel or fabric subject to the act that the act, the Government, or any branch thereof, guarantees in any manner that such article or fabric is not so highly flammable as to be dangerous when worn by individuals.

§ 302.14 *Shipments under section 11 (c) of the act.* The invoice or other paper relating to the shipment or delivery for shipment in commerce of articles of wearing apparel or textile fabrics for the purpose of finishing or processing to render them not so highly flammable as to be dangerous when worn by individuals, shall contain a statement disclosing such purpose.

Issued: March 22, 1954.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-2102; Filed, Mar. 24, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 54-13]

TERMINATIONS OF APPROVALS OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

BUOYANT CUSHIONS, NON-STANDARD

Termination of Approval No. 160.008/400/0, 14" x 29" x 2" rectangular buoyant cushion, 36 oz. kapok, dwg. No. 102 dated October 21, 1948, manufactured by Nappe-Smith Manufacturing Co., Southard Avenue, Farmingdale, N. J. (Approved FEDERAL REGISTER December 2, 1948. Termination of Approval effective December 2, 1953.)

Termination of Approval No. 160.008/401/0, 14" x 18" x 2" rectangular buoyant cushion, 22 oz. kapok, dwg. No. 103 dated December 16, 1948, manufactured by Nappe-Smith Manufacturing Co., Southard Avenue, Farmingdale, N. J. (Approved FEDERAL REGISTER February 8, 1949. Termination of approval effective February 8, 1954.)

Termination of Approval No. 160.008/402/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, plastic film cover, plastic straps, heat sealed seams, stitched ending seam, dwg. No. C-102, rev. December 21, 1948, and dwg. No. A-211 dated December 21, 1948, manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Approved FEDERAL REGISTER February 8, 1949. Termination of approval effective February 8, 1954.)

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 160.008)

BUOYANT APPARATUS

Termination of Approval No. 160.010/16/0, buoyant apparatus, elliptical, solid balsa wood, 5-person capacity, dwg. No. MDC-CG-100, revised October 7, 1948, manufactured by Modecraft Co., Inc., 300 Wyckoff Avenue, Brooklyn 27, N. Y. (Approved FEDERAL REGISTER December 2, 1948. Termination of approval effective December 2, 1953.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.010)

DAVIT, LIFEBOAT

Termination of Approval No. 160.032/103/0, mechanical davit, Type 24-40, straight boom sheath screw, approved for maximum working load of 11,500 pounds per set (5,750 pounds per arm) using six part falls, identified by arrangement dwg. No. DB-201 dated April 20, 1948, and revised November 3, 1948, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER February 8, 1949. Termination of approval effective February 8, 1954.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.032)

LIFEBOATS

Termination of Approval No. 160.035/27/1, 28' x 9' x 4' steel, oar-propelled lifeboat, 59-person capacity, identified by construction and arrangement dwg. No. G-355-F dated June 10, 1948, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER December 2, 1948. Termination of approval effective December 2, 1953.)

Termination of Approval No. 160.035/29/1, 28.0' x 10.0' x 4.0' steel, hand-propelled lifeboat, 67-person capacity, identified by construction and arrangement dwgs. No. G-246-D dated May 1, 1946, and revised Aug. 13, 1946, and No. G-410 dated May 28, 1948, and revised September 16, 1948, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER December 31, 1948. Termination of approval effective December 31, 1953.)

Termination of Approval No. 160.035/166/0, 30' x 10' x 4' steel, hand-propelled lifeboat, 72-person capacity, identified by construction and arrangement dwg. No. G-413 dated July 20, 1948, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER December 2, 1948. Termination of approval effective December 2, 1953.)

Termination of Approval No. 160.035/232/0, 15.0' x 5.42' x 2.25' wood, oar-propelled lifeboat, 10-person capacity, for inland waters other than Great Lakes, identified by dwg. No. 148 L B-1 dated September 20, 1948, submitted by Geo. W. Kneass Co., Eighteenth and Illinois Streets, San Francisco 7, Calif. (Approved FEDERAL REGISTER February 8, 1949. Termination of approval effective February 8, 1954.)

Termination of Approval No. 160.035/237/0, 31.0' x 10.5' x 4.33' steel, hand-propelled lifeboat, 82-person capacity, identified by construction and arrangement dwg. No. 3235 dated August 20, 1948, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER February 8, 1949. Termination of approval effective February 8, 1954.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. App. 1275; 46 CFR 160.035)

VALVES, SAFETY (POWER BOILERS)

Termination of Approval No. 162.001/144/0, Type 1415AS, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings, 650° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 1½" and effective discharge area of 0.307 square inches, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 1, 1951.)

Termination of Approval No. 162.001/145/0, Type 1415BS, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings, 750° F. maximum temperature, dwg. No. 3VB953 issued March 5, 1951, approved for size 1½" and effective discharge area of 0.307 square inches, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 1, 1951.)

Termination of Approval No. 162.001/146/0, Type 1415CS, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings, 900° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 1½" and effective discharge area of 0.307 square inches, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 1, 1951.)

Termination of Approval No. 162.001/147/0, Type 1415GA, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings, 650° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 1½" and effective discharge area of 0.503 square inches, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 1, 1951.)

Termination of Approval No. 162.001/148/0, Type No. 1415GB, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings, 750° F. maximum temperature, dwg. No. 3VB953 issued March 5, 1951, approved for size 1½" and effective discharge area of 0.503 square inches, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 1, 1951.)

Termination of Approval No. 162.001/149/0, Type 1415GC, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure ratings, 900° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 1½" and effective discharge area of 0.503 square inches, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 1, 1951.)

Termination of Approval No. 162.001/150/0, Type 1415JA, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 450 p. s. i. maximum allowable pressure, 650° F. maximum temperature, dwg. No. 3VB953 issued March 5, 1951, approved for size 4" and effective discharge area of 4.340 square inches, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 1, 1951.)

Termination of Approval No. 162.001/151/0, Type 1415JB, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 450 p. s. i. maximum allowable pressure, 750° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 4" and effective discharge area of 4.340 square inches, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 1, 1951.)

Termination of Approval No. 162.001/152/0, Type 1415JC, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 450 p. s. i. maximum allowable pressure, 900° F. maximum temperature, dwg. No. 3VB953, issued March 5, 1951, approved for size 4" and effective discharge area of 4.340 square inches, manufactured by Manning, Maxwell & Moore, Inc., Statford, Conn. (Approved FEDERAL REGISTER June 1, 1951.)

Termination of Approval No. 162.001/157/0, Type 1556HA, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 900 p. s. i. primary service pressure rating, 650° F. maximum temperature, dwg. No. 3VG953 issued April 13, 1951, approved for size 1½" only, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 26, 1951.)

Termination of Approval No. 162.001/159/0, Type 1556HB, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 900 p. s. i. primary service pressure rating, 750° F. maximum temperature, dwg. No. 3VG953 issued April 13, 1951; approved for size 1½" only, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 26, 1951.)

Termination of Approval No. 162.001/161/0, Type 1556HC, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 900 p. s. i. primary service pressure rating, 900° F. maximum temperature, dwg. No. 3VG953 issued April 13, 1951, approved for size 1½" only, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 26, 1951.)

Termination of Approval No. 162.001/163/0, Type 1556HD, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 900 p. s. i. primary service pressure rating, 1,000° F. maximum temperature, dwg. No. 3VG953 issued April 13, 1951, approved for size 1½" only, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 26, 1951.)

Termination of Approval No. 162.001/165/0, Type 1557HRA, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 1,200 p. s. i. maximum pressure, 650° F. maximum temperature, dwg. No. 3VE953 issued April 13, 1951, approved for sizes 2", 2½", 3" and 4", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 26, 1951.)

Termination of Approval No. 162.001/166/0, Type 1557HRB, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 1,200 p. s. i. maximum pressure, 750° F. maximum temperature, dwg. No. 3VE953 issued April 13, 1951, approved for sizes 2", 2½", 3" and 4", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 26, 1951.)

Termination of Approval No. 162.001/167/0, Type 1557HRC, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 1200 p. s. i. maximum pressure, 900° F. maximum temperature, dwg. No. 3VE953 issued April 13, 1951, approved for sizes 2", 2½", 3" and 4", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 26, 1951.)

Termination of Approval No. 162.001/168/0, Type 1557HRD, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 1200 p. s. i. maximum pressure, 1,000° F. maximum temperature, dwg. No. 3VE953 issued April 13, 1951, approved for sizes 2", 2½", 3" and 4", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 26, 1951.)

Termination of Approval No. 162.001/170/0, Type 1557RA, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 1500 p. s. i. primary service pressure rating, 650° F. maximum temperature, dwg. No. 3VF953 issued April 13, 1951, approved for sizes 2", 2½", and 3", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 26, 1951.)

Termination of Approval No. 162.001/172/0, Type 1557RB, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 750° F. maximum temperature, dwg. No. 3VF953 issued April 13, 1951, approved for sizes 2", 2½" and 3", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 26, 1951.)

Termination of Approval No. 162.001/174/0, Type 1557RC, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 1,500 p. s. i. primary service pressure rating,

900° F. maximum temperature, dwg. No. 3VF953 issued April 13, 1951, approved for sizes 2", 2½" and 3", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 26, 1951.)

Termination of Approval No. 162.001/176/0, Type 1557RD, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 1,000° F. maximum temperature, dwg. No. 3VF953 issued April 13, 1951, approved for sizes 2", 2½" and 3", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Approved FEDERAL REGISTER June 26, 1951.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 162.001)

BOILERS, HEATING

Termination of Approval No. 162.003/76/0, Model No. 350A, cast iron hot water heating boiler, maximum working pressure 15 p. s. i., manufactured by Werner Foundry, Inc., Lansdale, Pa. (Approved FEDERAL REGISTER December 31, 1948. Termination of approval effective December 31, 1953.)

Termination of Approval No. 162.003/77/0, Model No. 16, cast iron hot water heating boiler, maximum working pressure 15 p. s. i., manufactured by Werner Foundry, Inc., Lansdale, Pa. (Approved FEDERAL REGISTER December 31, 1948. Termination of approval effective December 31, 1953.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

Dated: March 19, 1954.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 54-2110; Filed, Mar. 24, 1954; 8:54 a. m.]

[CGFR 54-14]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited with each item of equipment: *It is ordered*, That:

(a) All the approvals listed in this document which extend these approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority; and

(c) The document CGFR 53-53 appearing in the FEDERAL REGISTER dated December 15, 1953 (18 F. R. 8210-8212), regarding approval of equipment, shall be corrected as indicated below.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE)

Approval No. 160.002/40/0, Model 2, adult kopok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Stearns Manufacturing Co., West Division Street at Thirtieth, St. Cloud, Minn.

Approval No. 160.002/41/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Stearns Manufacturing Co., West Division Street at Thirtieth, St. Cloud, Minn.

Approval No. 160.002/42/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minn.

Approval No. 160.002/43/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minn.

Approval No. 160.002/44/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Seattle Quilt Manufacturing Co., Inc., 310 First Avenue, South, Seattle 4, Wash.

Approval No. 160.002/45/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Seattle Quilt Manufacturing Co., Inc., 310 First Avenue, South, Seattle 4, Wash.

(R. S. 4405, 4417a, 4426, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 481, 489, 490, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.002)

CLEANING PROCESS FOR LIFE PRESERVERS

NOTE: Where buoyancy fillers are not removed from envelope covers during cleaning process.

Approval No. 160.006/22/0, Northwest cleaning process for cork and kapok life preservers, as outlined in description of process submitted with letter of November 24, 1953, from Northwest Industrial Laundry Co., 1848 Northwest Twenty-third Avenue, Portland 10, Oreg.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.006)

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/76/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Helendon Bedding, Inc., 730 West Lexington Street, Baltimore 1, Md. (Extension of the approval published in the FEDERAL REGISTER December 31, 1948, effective December 31, 1953.)

Approval No. 160.007/139/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn.

Approval No. 160.007/140/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Merit Manufacturing Corp., 92-15 One Hundred and Seventy-second Street, Jamaica 3, N. Y., for Revere Supply Co., Inc., 30 Front Street, New York 4, N. Y.

Approval No. 160.007/141/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Style-Crafters, Inc., Box 3312, Station A, Greenville, S. C., for Southern Sales Co., 920 Lafayette Building, Philadelphia, 6, Pa.

Approval No. 160.007/143/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Style-Crafters, Inc., Box 3312, Station A, Greenville, S. C., for Harry Miller Co., 244 Atlantic Avenue at Central Wharf, Boston 10, Mass.

Approval No. 160.007/144/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Sunde & d'Evers Co., Colman Ferry Terminal, Seattle 4, Wash.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.008/404/0, 15" x 15" x 2" rectangular buoyant cushion, 20-oz. kapok, specifications contained in manufacturer's letter dated January 11, 1949, manufactured by the Holiday Line, Inc (formerly Plastictronics, Inc.), 54 Greene Street, New York 13, N. Y. (Extension of the approval published in FEDERAL REGISTER February 8, 1949, effective February 8, 1954.)

Approval No. 160.008/594/0, 15" x 15" x 2" rectangular buoyant cushion, 36-oz. fibrous glass, dwg. dated October 23, 1953, manufactured by Fiberglass-Evercoat Co., 407 West Court Street, Cincinnati 3, Ohio.

Approval No. 160.008/595/0, 14" x 18" x 2" rectangular buoyant cushion, 22-oz. kapok, American Pad & Textile Co. dwg. Nos. B-66, dated January 23, 1942, revised March 6, 1946, and A-87, dated March 16, 1953, manufactured by the American Pad & Textile Co., Greenfield, Ohio, for Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn.

Rectangular buoyant cushions manufactured by the Safegard Corp., Box 66 Station B, Cincinnati, Ohio, dwg. dated October 31, 1953, in the following sizes with the amount of kapok indicated for each size:

Approval No.	Size (inches)	Kapok (ounces)
160.008/600/0	14 x 18 x 2	22½
160.008/597/0	14 x 20 x 2	25
160.008/598/0	14 x 36 x 2	45
160.008/599/0	14 x 54 x 2	67

Approval No. 160.008/601/0, 15" x 15" x 2" rectangular buoyant cushion, 20-oz. kapok, Merit Manufacturing Corp. dwg. dated November 11, 1953, manufactured by Merit Manufacturing Corp., 92-15 172d St., Jamaica 3, N. Y., for Revere Supply Co., Inc., 30 Front Street, New York 4, N. Y.

Approval No. 160.008/602/0, 13" x 21" x 2" rectangular buoyant cushion, 24-oz. kapok, Style-Crafters, Inc., dwg. No. MKO(S)-21, dated October 29, 1953, manufactured by Style-Crafters, Inc., Box 3312, Station A, Greenville, S. C., for Southern Sales Co., 920 Lafayette Building, Philadelphia 6, Pa.

Approval No. 160.008/603/0, 15" x 15" x 2" rectangular buoyant cushion, 20-oz. kapok, Style-Crafters, Inc., dwg. No. MKP-15, dated December 9, 1952, manufactured by Style-Crafters, Inc., Box 3312, Station A, Greenville, S. C., for Southern Sales Co., 920 Lafayette Building, Philadelphia 6, Pa.

Approval No. 160.008/605/0, 15" x 15" x 2" rectangular buoyant cushion, 20-oz. kapok, specifications dated December 10, 1953, manufactured by Willis Manufacturing Co., 3007 Huldy, Houston, Tex.

Approval No. 160.008/606/0, 15" x 15" x 2" rectangular buoyant cushion, 20-oz. kapok, Style-Crafters, Inc., dwg. No. MKP-15, dated December 9, 1952, manufactured by Style-Crafters, Inc., Box 3312, Station A, Greenville, S. C., for Harry Miller Co., 244 Atlantic Avenue at Central Wharf, Boston 10, Mass.

Approval No. 160.008/607/0, 15" x 24½" x 2" rectangular buoyant cushion, 33-oz. kapok, dwg. No. 10, dated December 24, 1953, manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn.

Approval No. 160.008/608/0, 15" x 27" x 2" rectangular buoyant cushion, 36-oz. kapok, dwg. No. 11, dated December 24, 1953, manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 160.008)

WINCH, LIFEBOAT

Approval No. 160.015/50/1, Type HM lifeboat winch for use with mechanical davits, fitted with wire rope not more than ½-inch in diameter and with not more than 7 wraps of the falls on the drums, approval is limited to mechanical components and for a maximum working load of 6,600 pounds pull at the drums (3,300 pounds per fall); identified by left hand assembly dwg. No. L-22000-E3 dated April 8, 1949, and revised June 19, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.015/50/0 published in the FEDERAL REGISTER October 4, 1951.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.015)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/4/2, Type 241-A embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. 241-A, dated February 21, 1950, revised December 9, 1953, manufactured by Great Bend Manufacturing Corp., George Washington Bridge Plaza, Fort Lee, N. J. (Supersedes Approval No. 160.017/4/1 published in the FEDERAL REGISTER July 25, 1950.)

Approval No. 160.017/5/2, Type 241-B, embarkation-debarkation ladder, chain suspension, aluminum ears, dwg. No. 241-B, dated February 21, 1950, revised December 9, 1953, manufactured by Great Bend Manufacturing Corp., George Washington Bridge Plaza, Fort Lee, N. J. (Supersedes Approval No. 160.017/5/1 published in the FEDERAL REGISTER July 25, 1950.)

Approval No. 160.017/17/1, Fig. 017-S. C. embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. 017-1, rev. F, dated November 24, 1953, manufactured by Allain Marine Sales Co., 2122 Kentucky Street, New Orleans, La. (Supersedes Approval No. 160.017/17/0 published in the FEDERAL REGISTER October 6, 1953.)

Approval No. 160.017/18/1, Fig. 017-A. C. embarkation-debarkation ladder, chain suspension, aluminum ears, dwg. No. 017-1, rev. F, dated November 24, 1953, manufactured by Allain Marine Sales Co., 2122 Kentucky Street, New Orleans, La. (Supersedes Approval No. 160.017/18/0 published in the FEDERAL REGISTER October 6, 1953.)

(R. S. 4405, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 59.63, 76.56a, 94.55a, 113.47a, 160.017)

NOZZLES, WATER SPRAY (1½ INCH FIXED TYPE)

Approval No. 160.025/11/0, Model L-11 A, water spray nozzle, dwg. No. S-120 dated April 18, 1941, rev. January 18, 1944, and dwg. No. S-121 dated April 18, 1941, rev. November 3, 1945, manufactured by Rockwood Sprinkler Co., 38 Harlow Street, Worcester 5, Mass. (Extension of the approval published in FEDERAL REGISTER December 31, 1948, effective December 31, 1953.)

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 463a, 50 U. S. C. App. 1275; 46 CFR 34.10-40, 76.10-10, 95.10-10)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/24/0, Container for emergency drinking water, dwg. dated October 6, 1953, manufactured by Scientific Distilling Co., 12710 Aurora Avenue, Seattle 33, Wash.

(R. S. 4405, 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.15-1, 75.20-15 (kk), 75.20-20 (n), 94.20-15 (ii), 94.20-20 (n))

DAVITS, LIFEBOAT

Approval No. 160.032/47/2, gravity davit, type G-105S (formerly type 60-75), approved for maximum working load of 21,000 pounds per set (10,500 pounds per arm), using 2 part falls, identified by arrangement dwg. No. 3368-2, rev. A dated September 11, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.032/47/1 published in the FEDERAL REGISTER February 18, 1953.)

Approval No. 160.032/142/0, mechanical davit, straight boom sheath screw, type 24-40 MKII, approved for maximum working load of 12,000 pounds per set (6,000 pounds per arm), identified by general arrangement dwg. No. 5011-1E, rev. A dated September 2, 1953, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.032)

LIFEBOATS

Approval No. 160.035/9/1, 14.0' x 5.0' x 2.2' steel, oar-propelled lifeboat, 9-person capacity, identified by construction and arrangement dwg. No. G-1409 dated September 29, 1953, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Reinstates and supersedes Approval No. 160.035/9/0 terminated in the FEDERAL REGISTER October 1, 1952.)

Approval No. 160.035/54/1, 26.0' x 8.3' x 3.6' aluminum, oar-propelled lifeboat, 46-person capacity, identified by construction and arrangement dwg. No. 2815-A dated March 5, 1953, and revised November 2, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/54/0 terminated in the FEDERAL REGISTER October 1, 1952.)

Approval No. 160.035/66/1, 36.5' x 11.75' x 5.25' aluminum, hand-propelled lifeboat, 135-person capacity, identified by construction and arrangement dwg. No. 2894-A dated April 24, 1945, and revised November 12, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/66/0 terminated in the FEDERAL REGISTER October 1, 1952.)

Approval No. 160.035/94/1, 20.0' x 6.0' x 2.5' steel, oar-propelled lifeboat, 18-person capacity, identified by general arrangement and construction dwg. No. 49R-2020 dated May 5, 1950, and revised November 23, 1953, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y. (Reinstates and supersedes Approval No. 160.035/94/0 terminated in the FEDERAL REGISTER October 1, 1952.)

Approval No. 160.035/307/0, 16.0' x 5.5' x 2.38' aluminum, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement dwg. No. 3473 dated April 7, 1953, and revised November 19, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Aproval No. 160.035/315/0, 28.0' x 9.0' x 4.0' steel, motor-propelled lifeboat without radio cabin (Class B), 50-person capacity, identified by construction and arrangement dwg. No. 3486 dated August 10, 1953, and revised January 15, 1954, manufactured by Welin Davit and Boat

Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. App. 1275; 46 CFR 160.035)

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/1/1, automatic floating electric water light (with bracket for mounting), dwg. No. 1000 dated July 16, 1948, alt. 2, manufactured by Sea Light Engineering Co., P. O. Box 409, Silver Spring, Md. (Extension of the approval published in FEDERAL REGISTER December 31, 1948, effective December 31, 1953.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 161.001)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/5/0, No. 1918 watertight flashlight, Type I, size No. 2 (2-cell), identified by assembly dwg. No. F-896-3C dated September 27, 1948, and revised October 6, 1948, manufactured by Bright Star Battery Co., Clifton, N. J. (Extension of the approval published in FEDERAL REGISTER February 8, 1949, effective February 8, 1954.)

Approval No. 161.008/6/0, No. 1925 watertight flashlight, Type I, size No. 3 (3-cell), identified by assembly dwg. No. F-896-3C dated September 27, 1948, and revised October 6, 1948, manufactured by Bright Star Battery Co., Clifton, N. J. (Extension of the approval published in FEDERAL REGISTER February 8, 1949, effective February 8, 1954.)

Approval No. 161.008/7/0, No. 1917 explosion-proof flashlight, Type II, size No. 2 (2-cell), identified by assembly dwg. No. F-894-3C dated September 24, 1948, and revised October 5, 1948, manufactured by Bright Star Battery Co., Clifton, N. J. (Extension of the approval published in FEDERAL REGISTER February 8, 1949, effective February 8, 1954.)

Approval No. 161.008/8/0, No. 1924 explosion-proof flashlight, Type II, size No. 3 (3-cell), identified by assembly dwg. No. F-894-3C dated September 24, 1948, and revised October 5, 1948, manufactured by Bright Star Battery Co., Clifton, N. J. (Extension of the approval published in FEDERAL REGISTER February 8, 1949, effective February 8, 1954.)

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 1333, 50 U. S. C. App. 1275; 46 CFR 161.008)

VALVES, SAFETY (POWER BOILERS)

Approval No. 162.001/64/2, Type Series 1515B, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 750° F., dwg. No. 3VH953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1¼"	1515HB
2"	1515JB
2½"	1515KB
3"	1515LB

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/64/1 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/65/2, Type Series 1515C, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 900° F., dwg. No. 3VH953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1½"	1515HC
2"	1515JC
2½"	1515KC
3"	1515LC

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/65/1 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/66/2, Type Series 1515A, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 650° F., dwg. No. 3VH953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1½"	1515HA
2"	1515JA
2½"	1515KA
3"	1515LA

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/66/1 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/98/1, Series #5-102, bronze body pop safety valve, enclosed spring, maximum pressure 300 p. s. i., maximum temperature 450° F., dwg. No. 5-102, dated December 14, 1948, approved for sizes 1½", 2", 2½", and 3", manufactured by Marine & Industrial Products Co., 3731-35 Filbert Street, Philadelphia 4, Pa. (Supersedes Approval No. 162.001/98/0 published in the FEDERAL REGISTER February 19, 1949.)

Approval No. 162.001/99/1, Series #5-101, bronze body pop safety valve, enclosed spring, maximum pressure 150 p. s. i., maximum temperature 366° F., dwg. No. 5-101, dated December 14, 1948, approved for sizes 1½", 2", 2½", and 3", manufactured by Marine & Industrial Products Co., 3731-35 Filbert Street, Philadelphia 4, Pa. (Supersedes Approval No. 162.001/99/0 published in the FEDERAL REGISTER February 19, 1949.)

Approval No. 162.001/141/1, Type Series 1415A, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 650° F., dwg. No. 3VA953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1½"	1415FA
1½"	1415GA
1½"	1415HA
2"	1415HA
2½"	1415JA
3"	1415KA
4"	1415LA
4"	[1] 1415NA

[1] Maximum pressure limited to 450 p. s. i.

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/141/0 published in the FEDERAL REGISTER June 1, 1951.)

Approval No. 162.001/142/1, Type Series 1415B, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 750° F., dwg. No. 3VA953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1½"	1415FB
1½"	1415GB
1½"	1415HB
2"	1415HB
2½"	1415JB
3"	1415KB
4"	1415LB
4"	[1] 1415NB

[1] Maximum pressure limited to 450 p. s. i.

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/142/0 published in the FEDERAL REGISTER June 1, 1951.)

Approval No. 162.001/143/1, Type Series 1415C, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 900° F., dwg. No. 3VA953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1½"	1415FC
1½"	1415GC
1½"	1415HC
2"	1415HC
2½"	1415JC
3"	1415KC
4"	1415LC
4"	[1] 1415NC

[1] Maximum pressure limited to 450 p. s. i.

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/143/0 published in the FEDERAL REGISTER June 1, 1951.)

Approval No. 162.001/153/1, Type Series 1555A, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 650° F., dwg. No. 3VD953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1½"	1555HA
2"	1555JA
2½"	1555KA
3"	1555LA

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/153/0 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/154/1, Type Series 1555B, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 750° F., dwg. No. 3VD953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1½"	1555HB
2"	1555JB
2½"	1555KB
3"	1555LB

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/154/0 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/155/1, Type Series 1555C, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 900° F., dwg. No. 3VD953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1½"	1555HC
2"	1555JC
2½"	1555KC
3"	1555LC

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/155/0 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/156/1, Type Series 1555D, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 1,000° F., dwg. No. 3VD953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1½"	1555HD
2"	1555JD
2½"	1555KD
3"	1555LD

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/156/0 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/158/1, Type Series 1556A, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p. s. i., maximum temperature 650° F., dwg. No. 3VG953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1½"	1556HA
2"	1556JA
2½"	1556KA
3"	1556LA

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/158/0 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/160/1, Type Series 1556B, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p. s. i., maximum temperature 750° F., dwg. No. 3VG953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1½"	1556HB
2"	1556JB
2½"	1556KB
3"	1556LB

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/160/0 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/162/1, Type Series 1556C, alloy steel body pop safety valve, exposed spring, maximum pressure 900 p. s. i., maximum temperature 900° F., dwg. No. 3VG953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1½"	1556HC
2"	1556JC
2½"	1556KC
3"	1556LC

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/162/0 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/164/1, Type Series 1556D, alloy steel body pop safety valve, exposed spring, maximum pressure 900 p. s. i., maximum temperature 1000° F., dwg. No. 3VG953, revised November 10, 1953, approved for the following sizes and type numbers:

Size:	Type No.
1½"	1556HD
2"	1556JD
2½"	1556KD
3"	1556LD

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/164/0 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/169/1, Type Series 1557A, carbon steel body pop safety valve, exposed spring, maximum pressures 1,200 p. s. i. and 1,500 p. s. i., maximum temperature 650° F., dwg. Nos. 3VE953 and 3VF953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	Type No.	
	1,200 p. s. i.	1,500 p. s. i.
1¼		1557FA
2	1557HA	1557GA
2½	1557JA	1557HA
3	1557KA	1557JA
4	1557LA	

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/169/0 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/171/1, Type Series 1557B, carbon steel body top safety valve, exposed spring, maximum pressures 1,200 p. s. i. and 1,500 p. s. i., maximum temperature 750° F., dwg. Nos. 3VE953 and 3VF953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	Type No.	
	1,200 p. s. i.	1,500 p. s. i.
1¼		1557FB
2	1557HB	1557GB
2½	1557JB	1557HB
3	1557KB	1557JB
4	1557LB	

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/171/0 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/173/1, Type Series 1557C, alloy steel body pop safety valve, exposed spring, maximum pressures 1,200 p. s. i. and 1,500 p. s. i., maximum temperature 900° F., dwg. Nos. 3VE953 and 3VF953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	Type No.	
	1,200 p. s. i.	1,500 p. s. i.
1¼		1557FD
2	1557HD	1557GD
2½	1557JD	1557HD
3	1557KD	1557JD
4	1557LD	

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/173/0 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.001/175/1, Type Series 1557D, alloy steel body pop safety valve, exposed spring, maximum pressures 1,200 p. s. i. and 1,500 p. s. i., maximum temperature 1,000° F., dwg. Nos. 3VE953 and 3VF953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	Type No.	
	1,200 p. s. i.	1,500 p. s. i.
1¼		1557FD
2	1557HD	1557GD
2½	1557JD	1557HD
3	1557KD	1557JD
4	1557LD	

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/175/0 published in the FEDERAL REGISTER June 26, 1951.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 162.001)

BOILER, HEATING

Approval No. 162.003/78/1, Model 523C, horizontal water tube steam heating boiler, 1,075 pounds per hour, dwg. No. 38-8186-2, Rev. 2 dated December 8, 1953, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by The International Boiler Works Co., 1 Birch Street, East Stroudsburg, Pa. (Supersedes Approval No. 162.003/78/0 published in FEDERAL REGISTER February 8, 1949.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-TETRACHLORIDE TYPE

Approval No. 162.004/21/2, General Quick Aid Fire Guard Model 85 HD, 1-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT-185-XK, Rev. C dated December 8, 1952, name plate dwg. No. AT-185-1D dated March 3, 1952, no revision (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Supersedes Approval No. 162.004/21/1 published in FEDERAL REGISTER October 11, 1952.)

Approval No. 162.004/22/2, General Quick Aid Fire Guard Model 95 HD, 1½-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT-195-XK, Rev. D dated December 8, 1952, name plate dwg. No. AT-195-1D dated March 3, 1952, no revision (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Supersedes Approval No. 162.004 22/1 published in FEDERAL REGISTER October 11, 1952.)

Approval No. 162.004/23/3, General Quick Aid Fire Guard Model 85 HD, 1-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT-185-XK, Rev. C dated December 8, 1952, name plate dwg. No. AT-185-1D dated March 3, 1952, no revision (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif. (Supersedes Approval No. 162.004/23/2 published in FEDERAL REGISTER October 11, 1952.)

Approval No. 162.004/54/1, General Quick Aid Fire Guard Model 95 HD, 1½-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT-195-XK, Rev. D dated December 8, 1952, name plate dwg. No. AT-195-1D dated March 3, 1952, no revision (Coast Guard classification: Type B, size I; and Type C, Size I), manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif. (Supersedes Approval No. 162.004/54/0 published in FEDERAL REGISTER October 11, 1952.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.30, 34.25-1, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/13/1, C-O-Two Type PSA-5, 5-lb. carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. C-1102, Rev. 3 dated February 27, 1952, name plate dwg. No. C-1112 dated January 4, 1951 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by C-O-Two Fire Equipment Co., Box 390, Newark 1, N. J. (Supersedes Approval No. 162.005/13/0 published in FEDERAL REGISTER May 19, 1953.)

Approval No. 162.005/19 0, General Quick Aid Sno Fog Fire Guard, Model 10AK, squeeze grip valve, 10-pound carbon-dioxide hand portable fire extinguisher, assembly dwg. No. BC-210-X, Rev. A, dated September 6, 1946, name plate dwg. No. CC-210-1, revised June 27, 1947 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Extension of the approval published in FEDERAL REGISTER February 8, 1949, effective February 8, 1954.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.30, 34.25-1, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, WATER, CARTRIDGE-OPERATED TYPE

Approval No. 162.009/1/1, Kidde Model KAM Anti-Freeze (Symbol AM) cartridge-operated type 2½-gallon hand portable fire extinguisher, assembly dwg. No. 240223, Rev. C-1 dated February 23, 1952, cartridge assembly dwg. No. 907702, Rev. Z dated October 12, 1943, instruction panel dwg. No. 157083, Rev. A dated February 9, 1952 (Coast Guard classification: Type A, Size II), manufactured by Walter Kidde & Co., Inc., Belleville 9, N. J. (Supersedes Approval No. 162.009/1/0 published in FEDERAL REGISTER October 1, 1952.)

Approval No. 162.009/2/1, Kidde Model KWM Water (Symbol AM) cartridge-operated type 2½-gallon hand portable fire extinguisher, assembly dwg. No. 240222, Rev. F dated January 24, 1952, cartridge assembly dwg. No. 907702, Rev. Z dated October 12, 1943, instruction panel dwg. No. 157085, Rev. A dated February 9, 1952 (Coast Guard classification: Type A, Size II), manufactured by Walter Kidde & Co., Inc., Belleville 9, N. J. (Supersedes Approval No. 162.009/2/0 published in FEDERAL REGISTER October 1, 1952.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.30, 34.25, 76.50, 95.50)

APPLIANCE, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/58/0, 9000 Series range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under certificate No. 1-917-57.001, manufactured by the Caloric Stove Corporation, Topton, Pa.

(R. S. 4405, 4417a, 4426, 4491, secs. 1, 2, 49 Stat. 1544, sec. 2, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 55.16-10)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Reliance Eye-Hye secondary type boiler water level indicators, remote reading, 400 p. s. i. maximum pressure, dwg. No. D-6610-2 dated February 19, 1949, manufactured by the Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio, approved for the following model numbers:

Approval No.:	Model No.
162.025/41/0	E400
162.025/42/0	E400-A
162.025/43/0	E400-B
162.025/44/0	E400-C

Reliance Eye-Hye secondary type boiler water level indicators, remote reading, 400 p. s. i. maximum pressure, dwg. No. D-6611-2 dated February 22, 1949, manufactured by the Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio, approved for the following model numbers:

Approval No.:	Model No.
162.025/45/0	E401
162.025/46/0	E401-A
162.025/47/0	E401-B
162.025/48/0	E401-C

Reliance Eye-Hye secondary type boiler water level indicators, remote reading, 600 p. s. i. maximum pressure, dwg. No. 6612-2 dated February 10, 1949, manufactured by the Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio, approved for the following model numbers:

Approval No.:	Model No.
162.025/49/0	E600
162.025/54/0	E601-A
162.025/51/0	E600-B
162.025/52/0	E600-C

Reliance Eye-Hye secondary type boiler water level indicators, remote reading, 600 p. s. i. maximum pressure, dwg. No. 6613-3 dated February 12, 1949, manufactured by the Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio, approved for the following model numbers:

Approval No.:	Model No.
162.025/53/0	E601
162.025/54/0	E601-A
162.025/55/0	E601 B
162.025/56/0	E601-C

Reliance Eye-Hye secondary type boiler water level indicators, remote reading, 900 p. s. i. maximum pressure, dwg. No. 6614-3 dated February 14, 1949, manufactured by the Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio, approved for the following model numbers:

Approval No.:	Model No.
162.025/57/0	E900
162.025/58/0	E900-A
162.025/59/0	E900-B

Reliance Eye-Hye secondary type boiler water level indicators, remote reading, 900 p. s. i. maximum pressure, dwg. No. 6615-3 dated February 18, 1949, manufactured by the Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio, approved for the following model numbers:

Approval No.	Model No.
162.025/60/0	E901
162.025/61/0	E901-A
162.025/62/0	E901-B

Reliance Eye-Hye secondary type boiler water level indicators, remote reading, 1,500 p. s. i. maximum pressure, dwg. No. B-6616-2 dated March 1, 1949, manufactured by the Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio, approved for the following model numbers:

Approval No.	Model No.
162.025/63/0	E-1500
162.025/64/0	E1500-A
162.025/65/0	E1500-B

Reliance Eye-Hye secondary type boiler water level indicators, remote reading, 1,500 p. s. i. maximum pressure, dwg. No. B-6617-2 dated February 25, 1949, manufactured by the Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio, approved for the following model numbers:

Approval No.	Model No.
162.026/66/0	E1501
162.025/67/0	E1501-A
162.025/68/0	E1501-B

Reliance Eye-Hye secondary type boiler water level indicators, remote reading, 2,500 p. s. i. maximum pressure, dwg. No. B-6618-3 dated March 2, 1949, manufactured by the Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio, approved for the following model numbers:

Approval No.	Model No.
162.025/69/0	E2000
162.025/70/0	E2000-A
162.025/71/0	E2000-B

Reliance Eye-Hye secondary type boiler water level indicators, remote reading 2,500 p. s. i. maximum pressure, dwg. No. 6619-3 dated February 24, 1949, manufactured by the Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio, approved for the following model numbers:

Approval No.	Model No.
162.025/72/0	E2001
162.025/73/0	E2001-A
162.025/74/0	E2001-B

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

DECK COVERING

Approval No. 164.006/5/0, "Cel-O-Crete", magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG3610-1232, F. R. 1806, dated October 30, 1940, approved for use without other insulating material as meeting Class A-60 requirements in a 1¾ inch thickness, manufactured by Johns-Manville Sales Corp., 1617 Pennsylvania Boulevard, Philadelphia 3, Pa. (Extension of the approval published in FEDERAL REGISTER December 31, 1948, effective December 31, 1953.)

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR 164.006)

STRUCTURAL INSULATION

Approval No. 164.007/26/0, "Fiberglas Insulation PF-CG", glass wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 10210-1536: FP2661 dated December 1, 1948, bats and blankets approved for use without other insulating material to meet Class A-60 requirements in a 4-inch thickness and 6 pounds per cubic foot density, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio. (Extension of the approval published in FEDERAL REGISTER February 8, 1949, effective February 8, 1954.)

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR 72.05, 92.05)

INCOMBUSTIBLE MATERIAL

Approval No. 164.009/28/0, "Baldwin-Hill Spun Felt" mineral wool insulation type incombustible material identical with that described in National Bureau of Standards Test Report No. TG10210-1921 FP 3257 dated December 16, 1953, approved in a density of from 3 to 4 pounds per cubic foot, manufactured by Baldwin-Hill Co., 500 Breunig Avenue, Trenton 2, N. J.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 50 U. S. C. App. 1275; 46 CFR 164.009)

CORRECTION OF A PRIOR DOCUMENT

The Coast Guard Document CGFR 53-53 and Federal Register Document 53-10418 published in the FEDERAL REGISTER dated December 15, 1953, is corrected by changing the word "fire-tube" to "water tube" in Approval No. 162.003/150/1 under the heading "Boiler, Heating" (18 F. R. 8211); and by inserting the word "Marinwal-A" immediately after the Approval No. 164.008/31/0 appearing under the center heading "Bulkhead Panel" (18 F. R. 8212).

Dated: March 19, 1954.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 54-2109; Filed, Mar. 24, 1954; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FRANZISKA WALTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Franziska Walter, a/k/a Fanny Walter, Furth near Krems, Austria; Claim No. 42069; Vesting Order No. 3265; All right, title and interest of Fanny Walter in and to the estate of J. F. O. Walter, also known as Joseph Francis Oscar Walter, deceased; in the process of administration by Mrs. Francis Horsley, Executrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco.

Executed at Washington, D. C., on March 19, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2111; Filed, Mar. 24, 1954; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 026092, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on March 31, 1952, by the Department of Agriculture. The purposes of the proposed withdrawal: Proposed additions to Forest Service Administrative Sites.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

KETCHIKAN MARINE STATION (ADDITION)

Beginning at corner No. 1 MC. US. Survey 1079 on the north shore of Tongass Narrows; thence by meander following the approximate line of mean high tide: 1. S. 55° 30' E. 106 ft., 2. S. 69° 45' E. 46 ft., 3. S. 60° 15' E. 248 ft. Thence S. 24° 04' W. 245 ft.; thence N. 63° 58' W. 398 ft.; thence N. 24° 04' E. 270 ft. to place of beginning containing 2.34 acres.

JUNEAU ADMINISTRATIVE SITE (ADDITION)

Beginning at Corner No. 5 M. C. U. S. Survey 2313 on the north shore of Gastineau Channel at line of mean high tide: thence S. 47° W. 450 ft.; thence N. 40° 15' W. 1884 ft.; thence N. 47° E 450 ft. to Corner No. 1 M. C. U. S. Survey 2306 on the north shore of Gastineau Channel at line of mean high tide. Thence by meander at line of mean high tide: 1. S. 48° 34' E. 1023.7 ft. 2. S. 50° 45' E. 229 ft.; 3. S. 38° 14' E 450 ft. 4. S. 42° 21' E. 181 ft. to place of beginning containing 18.94 acres.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 54-2086; Filed, Mar. 24, 1954; 8:47 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 508 AND SMALL TRACT CLASSIFICATION NO. 79

MARCH 3, 1954.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to Delegation of Authority contained in sections 2.21 and 2.22 (a) (3) of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), it is ordered as follows:

(a) Subject to valid existing rights, the 80-rod shorespace reserve which is now or may hereafter be created under the act of May 14, 1898 (30 Stat. 409; 48 U. S. C. 371), as amended, is hereby revoked as to the public lands hereinafter described, which are situated in the Anchorage, Alaska, Land District and which

are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

JUNEAU AREA

FOR LEASE AND SALE

For Cabin Sites

U. S. Survey 2388: Lot H.
U. S. Survey 3060: Lots 1, 2, and 4.

Comprising 4 tracts aggregating 7.31 acres.

KETCHIKAN AREA

FOR LEASE AND SALE

For Home Sites

U. S. Survey 3021: Lots 72–83, inclusive.

Comprising 12 tracts aggregating 17.17 acres.

WRANGELL AREA

U. S. Survey 2900: Lots 18 and 19.

Comprising 2 tracts aggregating 5.58 acres.

(b) Subject to valid existing rights, the following described lands, which are situated in the Anchorage, Alaska, Land District are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

KETCHIKAN AREA

FOR LEASE AND SALE

For Home Sites

U. S. Survey 2808: Lots 24, 25, and 27.

Comprising 3 tracts aggregating 9.92 acres.

(c) The following described lands which were classified for lease and sale for home sites under Alaska Small Tract Classification Order No. 45 of October 10, 1951, shall become subject to disposition as provided in paragraph 3 of this order:

JUNEAU AREA

U. S. Survey 2305: Lots 2–15, inclusive.

Comprising 14 tracts aggregating 19.99 acres.

(d) The following described lands which were classified for lease and sale for home sites under Alaska Small Tract Classification Order No. 56 of May 2, 1952, shall become subject to disposition as provided in paragraph 3 of this order:

JUNEAU AREA

U. S. Survey 3159: Lots 2–13, inclusive.

Comprising 12 tracts aggregating 21.29 acres.

2. These lands have become available for Small Tract disposition through survey of open public domain, previous classification of surveyed lands, or restoration from the Tongass National Forest. They are located in the general vicinities of the cities of Juneau, Ketchikan, and Wrangell. The tracts are accessible by road and/or boat and all are covered with moderate to heavy stands of timber. The terrain varies from level to steep and rocky. The climate features the mild temperatures and heavy precipitation typical of southeast Alaska. Sewage disposal can be accomplished on individual tracts through septic tanks or cesspools and water for domestic use is obtainable from hand-dug or drilled wells. The nearby cities provide churches, schools, business establishments, and other community facilities.

3. This classification order shall not otherwise become effective to change the status of any lands described herein or to permit the leasing of any such lands under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on March 31, 1954. At that time the lands described below shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection, as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on March 31, 1954, to close of business on June 29, 1954 inclusive, preference will be given, as set forth above, to:

(1) Applications under the Small Tract Act of June 1, 1938, (52 Stat. 609; 43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and

(2) Applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by veterans and other qualified persons under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph.

(b) *Advance period for simultaneous preference right filings.* All applications filed by such veterans and other qualified persons, or by persons claiming preference rights superior to those of such veterans filed under the preceding paragraph (a) on March 17, 1954 or thereafter, up to and including 10:00 a. m. on March 31, 1954, shall be treated as simultaneously filed. All applications filed under the preceding paragraph (a) after 10:00 a. m. on March 31, 1954, shall be considered in the order of filing.

(c) *Date for non-preference right filings.* Commencing at 10:00 a. m. on June 30, 1954, any lands remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on June 9, 1954, or thereafter, up to and including 10:00 a. m. on June 30, 1954, shall be treated as simultaneously filed. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or which constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be made on Form 4–776 and shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938 shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938 will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, under the circumstances, are substantial, and are appropriate for the use for which the lease is issued. Leases will be issued for a period of two years, at an annual rental of $5 for home sites and cabin sites, payable in advance for the entire lease period. Applications for extension for an additional period of one year shall be considered in appropriate cases. Every lease for land classified for lease and sale will contain an option to purchase clause and every such lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts varying in size from approximately 0.63 acre to approximately 3.67 acres, in accordance with the classification maps on file in the Land Office, Anchorage, Alaska. These tracts are appraised at prices ranging from $75 to $350.

8. Lessees must locate any wells or sewage disposal facilities in accordance with the laws and regulations of the Territory of Alaska.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, as specified in the Classification and Appraisal Report on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, County, or Municipality, or by any agency thereof. In the discretion of the authorized officer of the Bureau of Land Management, these rights-of-way may be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 54–2085; Filed, Mar. 24, 1954; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 025659, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on October 12, 1953, by The Department of the Army. The purposes of the proposed withdrawal: Pipeline System Terminal Site.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T 30 S., R. 59 E., CRM.
Sec. 15: N½NW¼SE¼, N½S½NW¼SE¼.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 54–2098; Filed, Mar. 24, 1954; 8:51 a. m.]

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 14

MARCH 19, 1954.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679, 43 U. S. C. 364a–364e) for industrial and commercial purposes:

Lots 7 and 8, Sec. 25, T. 4 N., R. 12 W., S. M.

Containing 7.26 acres.

The above land will be offered for sale in accordance with regulations contained in 43 CFR 75.23. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

EARL G. HARRINGTON,
Acting Assistant Director.

[F. R. Doc. 54–2079; Filed, Mar. 24, 1954; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; WARM WATER FISHERY; CORRECTION

MARCH 16, 1954.

In FEDERAL REGISTER, Document 54–1506, appearing at page 1225 of the issue for Thursday, March 4, 1954, the time allowed in paragraph three for filing of objections is 30 days from the date of publication of the notice instead of 60 days.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54–2087; Filed, Mar. 24, 1954; 8:47 a. m.]

[Misc. 59320]

NEBRASKA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM NORTH PLATTE PROJECT

MARCH 19, 1954.

An order of the Bureau of Reclamation dated October 25, 1950, concurred in by the Acting Director, Bureau of Land Management, November 20, 1950, revoked the Departmental Order of February 11, 1903, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388) the following described land in connection with the North Platte Project and provided that such revocation should not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

SIXTH PRINCIPAL MERIDIAN

T. 20 N., R. 50 W.,
Sec. 2, S½NW¼.

The area described contains 80 acres.

This land is situated in the North Platte Drainage of Nebraska at an elevation of approximately 3,250 feet where the annual precipitation is approximately twelve inches. The topography is rough and bumpy with a wide draw running east and west through the land. The soil is sandy and subject to blowing when cultivated or when not protected by vegetation. The native vegetation consists of buffalo grass, sand grass and other native grasses. Wind erosion at the present time is moderate to severe. The land is primarily valuable for grazing and is not suitable for crop production. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans of World War II and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Inquiries concerning the lands shall be addressed to the Director, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

EARL G. HARRINGTON,
Acting Assistant Director.

[F. R. Doc. 54–2080; Filed, Mar. 24, 1954; 8:45 a. m.]

[Doc. 18, Region II]

NEVADA

ORDER PROVIDING FOR RESTORATION OF PUBLIC LANDS

MARCH 18, 1954.

In an exchange of lands consummated under the provisions of section 8 of the act of June 28, 1934, 48 Stat. 1272, as amended June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315g), the following-described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 34 N., R. 55 E.:
Sec. 1, Lots 3 and 4, S½NW¼, SW¼NE¼.

In accordance with Delegation of Authority Order 427, section 2.22, of the Director, Bureau of Land Management, Amendment No. 2, dated July 10, 1951, it is ordered that effective on the date of this publication, the above-described lands, comprising 204.59 acres in Elko County, Nevada, are hereby opened to disposition, subject to valid existing rights and the provisions of existing withdrawals.

This restoration, being made in furtherance of an exchange under section 8 of the act of June 28, 1934, 48 Stat. 1272, as amended by section 3 of the act of June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315g), by which the offered lands will benefit federal land programs, it is not subject to the provisions contained in the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II and others.

The restored lands, having been found suitable by appropriate investigation, to exchange in furtherance of the federal land program as indicated above, are classified simultaneously with the time of their restoration for conveyance to the City of Elko, Nevada, in accordance with Exchange Application Nevada 010902.

Inquiries regarding these lands shall be addressed to the Manager, Land and Survey Office, Post Office Box 1950, Reno, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 54–2084; Filed, Mar. 24, 1954; 8:47 a. m.]

[Docket DA–414]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

MARCH 15, 1954.

Pursuant to determination DA–414, Oregon, of the Federal Power Commission and in accordance with Order No. 427 section 2.22 (a) (4) of the Director,

Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended.

WILLAMETTE MERIDIAN

T. 31 S., R. 41 E.:
Sec. 14, SE¼SW¼, W½SW¼.

The areas described contain an aggregate of 120 acres.

The lands described have an elevation of 3,500 feet; the topography is level; and the soil is sandy clay loam. The lands are classified as grazing and agricultural in character and suitable for disposal under the public sale law or entry under the desert land law.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Oregon for a period of 90 days from that of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request in the Land Office, Portland, Oregon.

JOSEPH A. GAUONG,
Acting Regional Administrator.

[F. R. Doc. 54-2081; Filed, Mar. 24, 1954; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 17, 1954.

An application, serial number Idaho 04663, for the withdrawal from all forms of appropriation under the public land laws, except none of the lands described below was filed on February 8, 1950, by United States Fish and Wildlife Service. The purposes of the proposed withdrawal: North Lake Wildlife Management Area, Idaho.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior at Swan Island Station, Portland 18, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 7 N., R. 35 E., B. M., Idaho;
Sec. 20, SE¼, E½SW¼,
Sec. 29, N½, N½SW¼, NW¼SE¼.
Sec. 28, SW¼NW¼, NW¼SW¼, SE¼SW¼,
Sec. 32, Lots 1, 2, 3 and 4.
T. 6 N., R. 35 E., B. M., Idaho;
Sec. 5, Lots 3 and 5;
Sec. 6, Lots 1, 2, 4, 5, and 6.
T. 7 N., R. 34 E., B. M., Idaho;
Sec. 26, S½N½, S½,
Sec. 34, NE¼NE¼, SW¼SE¼.
Sec. 35, N½NW¼, NW¼NE¼, S½SE¼, SE¼SW¼.
T. 6 N., R. 34 E., B. M., Idaho;
Sec. 1, Lots 1, 2, 3, 4, 5, 6 and 7.
Sec. 2, N½N½, S½NE¼,
Sec. 3, N½NE¼.
Sec. 12, NW¼NW¼.

The areas described aggregate 2,392.32 acres.

JOSEPH A. GAUONG,
Acting Regional Administrator.

[F. R. Doc. 54-2083; Filed, Mar. 24, 1954; 8:46 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 17, 1954.

An application, serial number Washinton 0710, for the withdrawal from all forms of appropriation under the public land laws, except none of the lands described below was filed on December 19, 1952, by The Corps of Engineers, U. S. Army. The purposes of the proposed withdrawal: Yakima Artillery and Anti-Aircraft Firing Range.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior at Swan Island Station, Portland 18, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 12 N., R. 22 E., W. M.:
Sec. 2, Lots 1, 2 and 3, SE¼NW¼,
Sec. 4, SE¼SW¼.
T. 12 N., R. 23 E., W. M.;
Sec. 4, All.
T. 13 N., R. 20 E., W. M.;
Sec. 26, All
T. 13 N., R. 21 E., W. M.;
Sec. 30, N½, SW¼, E½SE¼.
T. 13 N., R. 22 E., W. M.;
Sec. 22, SE¼NW¼, S½,
Sec. 24, S½S½,
Sec. 26, All.
Sec. 28, All,
Sec. 34, E½.
T. 13 N., R. 23 E., W. M.;
Sec. 18, Lots 2 & 4, SE¼NE¼, SE¼SW¼,
Sec. 28, E½NE¼, NW¼NE¼, NE¼NW¼, S½,
Sec. 30, Lots 1, 3 & 4, NE¼, E½NW¼, SE¼SW¼, S½SE¼,
Sec. 32, N½, N½S½, S½SE¼.
Sec. 34, All.
T. 14 N., R. 23 E., W. M.;
Sec. 6, Lots 1, 2, 3 & 4,
Sec. 20, W½, W½E½, E½SE¼,
Sec. 28, W½SW¼.
T. 15 N., R. 20 E., W. M.;
Sec. 2, Lots 1, 2, 3 & 4, S½S½.
T. 15 N., R. 22 E., W. M.;
Sec. 24, NE¼NE¼, S½N½, N½SW¼, NW¼SE¼
T. 15 N., R. 23 E., W. M.;
Sec. 4, W½, W½SE¼,
Sec. 8, All,
Sec. 20, W½E½, W½ (excepting that portion lying easterly of the westerly line of the right-of-way of Chicago, Milwaukee, St. Paul and Pacific Railroad Company).
T. 16 N., R. 20 E., W. M.;
Sec. 24, N½, NE¼SW¼, N½SE¼, SE¼SE¼.
Sec. 26, S½N½, S½,
Sec. 34, SW¼SW¼.
T. 16 N., R. 21 E., W. M.;
Sec. 20, All
T. 16 N., R. 22 E., W. M.;
Sec. 26, SW¼, W½SE¼.
Sec. 28, S½,
Sec. 32, All,
Sec. 34, All.
T. 16 N., R. 23 E., W. M.;
Sec. 30, Lots 3 & 4, E½SW¼, SE¼,
Sec. 32, SW¼NE¼, W½, SE¼.
13,298.84 acres

JOSEPH A. GAUONG,
Acting Regional Administrator.

[F. R. Doc. 54-2082; Filed, Mar. 24, 1954; 8:46 a. m.]

Bureau of Reclamation

NORTH PLATTE PROJECT, NEBRASKA

ORDER OF REVOCATION

OCTOBER 23, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of May 3, 1904, insofar as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, NEBRASKA

T. 22 N., R. 52 W.,
Sec. 35, SE¼SE¼.

The above area aggregates 40 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 63850]

MARCH 19, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are grazing lands, located approximately five miles northeast of Bayard, Nebraska. The topography is rolling and the soils are silty sand. Vegetative cover consists principally of blue grama and sand grass. The land lies on the top and slopes of a small divide. Any application that is filed will be considered on its merits. The lands will not be subject to use or occupancy until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans of World War II and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Inquiries concerning the lands shall be addressed to the Director, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

EARL G. HARRINGTON,
Acting Assistant Director,
Bureau of Land Management.

[F. R. Doc. 54-2088; Filed, Mar. 24, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OKLAHOMA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, it is found that in the counties listed below a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the delegation of authority from the Administrator, Federal Civil Defense Administration (18 F. R. 4609) and for the purpose of making loans pursuant to section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, it is determined that the counties listed below are within the area affected by the major disaster occasioned by drought determined by the President on June 26, 1953, pursuant to Public Law 875, 81st Congress. It is also determined that an economic disaster exists in said counties that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources.

OKLAHOMA

Atoka.	Nowata.
Bryan.	Okfuskee.
Choctaw.	Okmulgee.
Coal.	Osage.
Creek	Pawnee.
Haskell	Payne.
Hughes.	Pittsburg.
Johnston.	Pontotoc.
Latimer.	Pottawatomie.
Le Flore.	Pushmataha.
Lincoln.	Seminole.
McCurtain.	Sequoyah.
McIntosh.	Tulsa.
Marshall.	Washington.
Muskogee.	

After December 31, 1954, loans under section 2 (a) or 2 (b) of Public Law 38, 81st Congress, as amended, will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 19th day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-2097; Filed, Mar. 24, 1954; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10346]

JAMES GERITY, JR.

MEMORANDUM OPINION AND ORDER MODIFYING ISSUES

In re application of James Gerity, Jr., Pontiac, Michigan, Docket No. 10346, File No. BP-8651; for construction permit.

1. This proceeding involves a petition by WKMH, Inc., licensee of Station WKMF, which it submits in connection with the above-entitled application which was designated for hearing following a protest under section 309 (c) of the Act against an earlier grant of the application without hearing. The matter was designated for hearing by the Commission's memorandum opinion and order released August 7, 1953. Certain issues were specified in that order, and the Commission placed on the protestant the burden of proof and the burden of proceeding with the introduction of evidence. The WKMF petition asks that the burdens of proof and of proceeding with the introduction of evidence be placed on Gerity, and that certain changes be made in the designated hearing issues. These matters are set out in detail below.

2. On November 12, 1952, the Commission adopted an order providing for a consolidated hearing on the Gerity and two other mutually exclusive applications to use 1460 kilocycles in Pontiac, Michigan. Because of the prospect of interference which the proposed Gerity station would cause, the Commission designated an issue to that effect and WKMF (then called WCLC) was made a party respondent. Subsequently, the other two applicants dismissed their applications. On January 22, 1953, Gerity petitioned for reconsideration and grant of his application without hearing. On May 8, the Commission granted Gerity's petition and application.

3. On June 8, WKMF filed a petition renewing its objection to the proposed Gerity station and asking the Commission, under the authority of section 405 of the Communications Act, to (1) reconsider its grant to Gerity, (2) designate the application for hearing on the original issues of November 12, 1952, and (3) set aside the Gerity grant until final disposition of the hearing. WKMF asked that if section 405 were not applicable, its petition be treated as a protest under section 309 (c) of the act.

4. After holding several discussions relative to elimination of the prospective interference, Gerity and WKMF filed a joint motion on June 17, 1953 in which Gerity consented to WKMF's petition insofar as it constituted a protest under section 309 (c), and WKMF withdrew its petition insofar as it constituted a request for reconsideration under section 405 and asked that its petition be considered solely as a section 309 (c) protest.

5. On August 7, 1953, the Commission released its memorandum opinion and order in which it postponed the effective date of the grant to Gerity, designated the application for hearing pursuant to section 309 (c), and listed, but specifically refused to adopt as its own,[1] the following hearing issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of the proposed station would involve objectionable interference with Station WKMF.

[1] Section 309 (c) provides in pertinent part, as follows: "* * * In any hearing subsequently held * * * with respect to all issues set forth in the protest and not specifically adopted by the Commission, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant * * *"

Flint, Michigan, and, if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other primary service to such areas and populations, and the nature and character of the program service now being rendered by Station WKMF to such areas and populations.

Although the August 7 document inadvertently contained some ambiguous language, it is clear that the parties had intended that the pleading be considered a section 309 (c) protest and that the relief afforded by the Commission was in significant respects that contemplated by that section.

6. In its instant petition, WKMF requests that the Commission transfer the burdens of proof and of proceeding with the introduction of evidence to applicant Gerity, and asks that the issues be amended to read as follows:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the primary services and the nature and character of program services available to such areas and populations.

2. To determine the type and character of program service proposed to be rendered by the applicant and whether it would meet the requirements of the areas and populations proposed to be served.

3. To determine whether the operation of the proposed station would involve objectionable interference with Station WKMF, Flint, Michigan, and, if so, the nature and extent thereof, the areas and populations affected thereby, the primary services available to such areas and populations, and the nature and character of program services now being rendered to such areas and populations.

4. To determine the nature and character of the program service Station WCAR will render to the areas and populations proposed to be served by the applicant after Station WCAR has moved to Detroit, Michigan.

5. To determine whether, based on the findings made pursuant to the issues above, the public interest, convenience or necessity would be served by the grant of the above-entitled application.

7. Briefly, we are disposed to revise the issues in accordance with WKMF's requested issues, 1, 2, 3, and 5 since these are basically the issues specified by reference in the WKMF pleading of June 8, 1953 which was later clearly labeled by the parties as a section 309 (c) protest. We will decline WKMF's suggested issue 4 since this request comes long after the expiration of the 30-day protest period of section 309 (c), and we are not inclined on our own motion to include the issue. Lastly, we are of the view that the proceeding on the Gerity application is clearly a section 309 (c) hearing, and we can find no reason for reversing our original position that the burdens of proof and of going forward shall be placed upon the protestant.

8. Accordingly: *It is ordered*, This 18th day of March 1954, that the issues for hearing on the above-captioned application are modified to read as follows:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the primary services and the nature and character of program services available to such areas and populations.

2. To determine the type and character of program service proposed to be rendered by the applicant and whether it would meet the requirements of the areas and populations proposed to be served.

3. To determine whether the operation of the proposed station would involve objectionable interference with Station WKMF, Flint, Michigan, and, if so, the nature and extent thereof, the areas and populations affected thereby, the primary services available to such areas and populations, and the nature and character of program services now being rendered to such areas and populations.

4. To determine whether, based on the findings made pursuant to the issues above, the public interest, convenience or necessity would be served by the grant of the above-entitled application.

9. *It is further ordered*, That the above issues are not adopted by the Commission, and that, therefore, pursuant to the provisions of section 309 (c) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence and the burden of proof shall be on the protestant.

Released: March 22, 1954.

FEDERAL COMMUNICATIONS COMMISSION [1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-2107; Filed, Mar. 24, 1954; 8:53 a. m.]

[Docket Nos. 10959, 10911]

LAWTON BROADCASTING CO., INC., AND PHIL BIRD

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Lawton Broadcasting Company, Inc., Lawton, Oklahoma, File No. BP-8840, Docket No. 10959; Phil Bird, Lawton, Oklahoma, File No. BP-9018, Docket No. 10911; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of March 1954;

The Commission having under consideration the above-entitled application of Lawton Broadcasting Company, Inc., for a construction permit for a standard broadcast station in Lawton, Oklahoma, to operate on 1600 kilocycles, with a power of 1,000 watts, unlimited time;

It appearing, that the Lawton Broadcasting Company is legally, technically and financially qualified to operate the station as proposed, but that the operation as proposed would result in mutually prohibitive interference with the proposed operation of Phil Bird at Lawton, Oklahoma (Docket No. 10911; File No. BP-9018) and that the proposed operation would not provide the minimum of interference-free service as recommended by the Standards of Good Engineering Practice within the proposed station's normally protected nighttime 4 mv/m and daytime (0.5 mv/m) contours; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated November 25, 1953, of the above deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant failed to respond to the Commission's letter of November 25, 1953, and, as result thereof, the Commission on February 15, 1954, dismissed subject application of Lawton Broadcasting Company; and

It further appearing, that on February 24, 1954, the applicant requested the Commission to reconsider its action of February 15, 1954, dismissing its application and the Commission, after reconsidering, reinstated subject application effective March 3, 1954.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application of Lawton Broadcasting Company is designated for hearing in a consolidated proceeding with the application of Phil Bird of Lawton, Oklahoma (Docket No. 10911, File No. BP-9018) at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning Standard Broadcast Stations with particular reference to providing the recommended minimum of interference-free service within the proposed station's normally protected nighttime (4 mv/m) and daytime (0.5 mv/m) contours.

3. To determine, on a comparative basis, whether the operation proposed in the above-entitled application or that proposed in the application submitted by Phil Bird for Lawton, Oklahoma (File No. BP-9018) would best serve the public interest, convenience or necessity in light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the applicants to own and operate the proposed stations.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

It is further ordered, That issue 3 set forth above is made one of the issues in the hearing designed by the Commission in its order of February 17, 1954, concerning the application of Phil Bird, Lawton, Oklahoma (Docket No. 10911; File No. BP-9018).

Released: March 22, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-2108; Filed, Mar. 24, 1954; 8:53 a. m.]

[1] Dissenting statement of Commissioner Hennock filed as part of original document.

FEDERAL POWER COMMISSION

[Docket No. E-6545]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

MARCH 19, 1954.

Notice is hereby given that on March 18, 1954, the Federal Power Commission issued its order adopted March 17, 1954, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2100; Filed, Mar. 24, 1954; 8:51 a. m.]

[Docket Nos. IT-6087, IT-6088, IT-6089, IT-6090, E 6331]

BONNEVILLE PROJECT, COLUMBIA RIVER, WASHINGTON-OREGON

NOTICE OF ORDER CONFIRMING AND APPROVING RATE SCHEDULES

MARCH 19, 1954.

Notice is hereby given that on March 18, 1954, the Federal Power Commission issued its order adopted March 17, 1954, confirming and approving rate schedules in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2101; Filed, Mar. 24, 1954; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-68]

DERBY GAS & ELECTRIC CORP.

ORDER DECLARING REGISTERED HOLDING COMPANY HAS CEASED TO BE HOLDING COMPANY AND TERMINATING REGISTRATION

MARCH 18, 1954.

The Housatonic Public Service Company, a public-utility company, and the successor of Derby Gas & Electric Corporation ("Derby"), a registered holding company, has filed an application with this Commission for an order under section 5 (d) of the Public Utility Holding Company Act of 1935 ("act") declaring that Derby has ceased to be a holding company and that its registration as such under the act unconditionally ceased to be in effect as of the close of business on December 31, 1953, subject, however, to the continuation of the reservations of jurisdiction with respect to the allowance and payment of fees and expenses incurred in connection with the plan and merger of Derby and its subsidiaries (other than the Derby Gas and Electric Corporation of Connecticut) into and with said the Derby Gas and Electric Corporation of Connecticut and the proceedings had with respect thereto contained in the Commission's order of October 9, 1953 (Holding Company Act Release No. 12165).

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and it appearing to the Commission that Derby has ceased to be a holding company and the said application should be granted:

It is hereby ordered and declared, That Derby has ceased to be a holding company, and that the registration of Derby as a holding company has ceased to be in effect as of the close of business on December 31, 1953, subject, however, to a continuation of the reservations of jurisdiction with respect to the allowance and payment of fees and expenses incurred in connection with the foregoing plan and merger and the proceedings had with respect thereto contained in the Commission's order of October 9, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2091; Filed, Mar. 24, 1954; 8:49 a. m.]

[File No. 812-826]

NATIONAL FOOD PRODUCTS CORP.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY IS NOT AN INVESTMENT COMPANY

MARCH 18, 1954.

Notice is hereby given that National Food Products Corporation ("National Food"), Boston, Massachusetts, has filed an application pursuant to section 3 (b) (2) of the Investment Company Act of 1940 ("act") for an order declaring it to be primarily engaged through a controlled company in a business other than that of investing, reinvesting, owning, holding, or trading in securities.

The application states that for several years prior to 1940 National Food, a Maryland corporation organized in 1925, controlled two subsidiaries each of which was engaged in operating a chain of food stores, and that during 1940 these subsidiaries were merged and the name of the surviving corporation was changed to Colonial Stores, Incorporated ("Colonial Stores"). Since the merger Colonial Stores has been continuously engaged in the operation of a chain of food stores, or supermarkets, and now operates in the States of Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, and Florida. Colonial Stores' sales amounted to $214,995,018 for the fiscal year ended December 27, 1952.

The application also states that as of December 31, 1940, following the merger, National Food owned 149,590 shares or 61 percent of the common stock of Colonial stores then outstanding. In addition National Food also owned 21,500 shares of the common stock of H. C. Bohack Company, Inc., or about 20 percent of that company's then outstanding common stock; 4,330 shares of common stock of United States Stores Corporation; and 600 shares of common stock of Philadelphia Dairy Products Company, Inc. At that time, the market value of National Food's majority holdings of the common stock of Colonial Stores exceeded 95 percent of the value of National Food's total assets, exclusive of Government securities and cash items.

Subsequently, as a result of a split of Colonial Stores' common stock, and the distribution by that company of dividends payable in its common stock, and the purchase by National Food of additional shares of Colonial Stores' common stock, National Food's holdings of Colonial Stores' common stock have increased to 400,830 shares. However, as a result of the acquisition of Colonial Stores' common stock during that period by others than National Food and despite the fact that National Food has not disposed of any shares of such stock, National Food's proportionate ownership of such stock has declined to 49.7 percent of the total outstanding.

As of February 1953, National Food's interest in the common stock of Colonial Stores had a market value of approximately $12,000,000, equal to about 85.7 percent of the then value of National Food's total assets. National Food's income in 1952 totalled $776,798 of which $668,048 or 86 percent thereof was derived from dividends on Colonial Stores' common stock.

The changes in National Food's portfolio since 1940 other than those relating to Colonial Stores are as follows: The 21,500 shares of common stock of H. C. Bohack Company, Inc. have been changed into 86,000 shares as a result of a 4 for 1 stock split; National Food has sold for an aggregate consideration of about $4,500 its interests in Philadelphia Dairy Products Company, Inc., and P. H. Butler Company (which National Food had received during 1941 in exchange for its holdings of United States Stores Corporation as a result of the reorganization thereof); in 1950 and 1951 National Food acquired for a consideration of $100,000 an interest in Everywoman's Magazine, Inc., which company publishes a magazine for sale in chain food stores.

National Food states that since the 1940 merger it has controlled Colonial Stores; that National Food's officers and directors have supervised the affairs of Colonial Stores, formulated the latter's major policies and controlled its major business decisions, and that National Food has been primarily engaged in the chain food store business through Colonial Stores and intends to remain in such business through Colonial Stores. All of National Food's eight directors are now members of Colonial Stores' board of directors of 15 members and three of National Food's directors, including its president, are members of Colonial Stores' five member Executive Committee.

Section 3 (b) (2) of the act, among other things, excepts from the definition of an investment company contained in

section 3 (a) (3), any issuer which the Commission finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than March 31, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2092; Filed, Mar. 24, 1954; 8:49 a. m.]

[File No. 70-3202]

CAPE & VINEYARD ELECTRIC CO. ET AL.

NOTICE OF PROPOSED BANK BORROWINGS

In the matter of Cape & Vineyard Electric Company, New Bedford Gas and Edison Light Company, New Hampshire Electric Company, Plymouth County Electric Company, File No. 70-3202.

Notice is hereby given that Cape & Vineyard Electric Company ("Cape"), New Bedford Gas and Edison Light Company ("New Bedford"), New Hampshire Electric Company ("New Hampshire"), and Plymouth County Electric Company ("Plymouth"), public-utility subsidiaries of New England Gas and Electric Association, a registered holding company, have filed with this Commission a joint application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) thereof as applicable to the several proposed transactions, which are summarized as follows:

The applicants propose to borrow, on notes payable to The First National Bank of Boston, funds not exceeding the aggregate amounts set forth below:

Cape	$2,700,000
New Bedford	2,500,000
Plymouth	1,200,000
New Hampshire	500,000

Cape, New Bedford and Plymouth propose to borrow funds from time to time prior to December 31, 1955, evidenced by notes maturing more than one year after date thereof but not later than December 31, 1957, bearing interest at the prime Boston rate for commercial paper plus ½ of 1 percent, with a maximum of 3¾ percent and a minimum of 3¼ percent, such interest rate to be adjusted every 90 days for any change in the existing prime rate within said maximum and minimum limits. The proceeds of the borrowings are to be used: (1) To repay notes of the several companies, in the aggregate principal amount of $1,850,000, and payable to said bank on December 31, 1954, and executed for the purpose of temporarily financing additions to property, plant and equipment; and (2) to apply the balance ($1,950,000 for Cape, $1,650,000 for New Bedford, $950,000 for Plymouth) to reimburse, in whole or in part, the Plant Replacement Fund of the several companies for expenditures made therefrom to finance extensions, additions and improvements to property, plant and equipment, and (as respects Cape and Plymouth) to finance temporarily their respective construction programs.

The Department of Public Utilities of Massachusetts, the regulatory commission of the state in which Cape, New Bedford and Plymouth are organized and doing business, has expressly authorized their respective borrowings as aforesaid.

New Hampshire proposes to borrow funds from time to time prior to December 31, 1954, evidenced by notes maturing more than one year after date thereof but not later than December 31, 1956, bearing interest at the prime Boston rate for commercial paper plus ¼ of 1 percent, with a maximum of 3½ percent and a minimum of 3 percent, such interest rate to be adjusted every 90 days for any change in the existing prime rate within said maximum and minimum limits. The proceeds of the borrowing are to be used to reimburse, in part, the company's treasury for costs already incurred for capital expenditures.

The Public Utilities Commission of the State of New Hampshire, the regulatory commission of the state in which New Hampshire is organized and doing business, has expressly authorized the company's borrowing as aforesaid.

The expenses to be incurred by the several companies in connection with said borrowings are estimated as follows:

	NEGEA Service Corporation (services at cost)	Legal services (Wm. A. Hill)	Miscellaneous	Total
Cape	$500	$150	$150	$800
New Bedford	500	150	150	800
Plymouth	500	150	150	800
New Hampshire	500	150	[1] 250	900

[1] Including estimated legal fees of $100 to associate counsel.

Notice is further given that any interested person may, not later than April 6, 1954, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2093; Filed, Mar. 24, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 59

Washington, Friday, March 26, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture.

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1954-crop of wheat. The 1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1954 is supplemented as follows:

Sec.
421.431 Purpose.
421.432 Availability of price support.
421.433 Eligible wheat.
421.434 Warehouse receipts.
421.435 Determination of quantity.
421.436 Determination of quality.
421.437 Maturity of loans.
421.438 Determination of support rates.
421.439 Warehouse charges.
421.440 Settlement.

AUTHORITY: §§ 421.431 to 421.440 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421.

§ 421.431 *Purpose.* Sections 421.431 to 421.440 state additional specific requirements which together with the general regulations contained in the 1954 C. C. C. Grain Price Support Bulletin 1 (§§ 421.401 to 421.421) apply to loans and purchase agreements under the 1954-Crop Wheat Price Support Program.

§ 421.432 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever wheat is grown in the continental United States except that farm-storage loans will not be available in areas where the State committee determines that wheat cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1955, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing wheat in 1954 as landowner, landlord, tenant, or sharecropper: *Provided*, That a producer shall not be an eligible producer unless he is in compliance with the Regulations pertaining to Farm Acreage Allotments for the 1954 crop as determined in accordance with 1954 CCC Wheat Bulletin A, Revised, as amended.

§ 421.433 *Eligible wheat.* At the time the wheat is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The wheat must have been produced in the continental United States in 1954 by an eligible producer.

(b) The beneficial interest in the wheat must be in the eligible producer tendering the wheat for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the wheat was harvested.

(c) Such wheat must be: (1) Wheat of any class grading No. 3 or better; or (2) wheat of any class grading No. 4 or 5 on the factor or "test weight" and/or because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; or (3) wheat of the class Mixed Wheat, consisting of mixtures of grades of eligible wheat as stated in subparagraphs (1) or (2) of this paragraph provided such mixtures are the natural products of the field.

(d) Wheat grading Tough, Weevily, Ergoty or Treated shall not be eligible, except that wheat represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on

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the supplemental certificate or on a statement attached to the warehouse receipt that "Wheat grading Tough has been processed at the request of the eligible producer, and delivery will be made of the same country-run quality, quantity, grade and protein (if any), not tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequest holder of said warehouse receipt."

(e) Except as provided in paragraph (d) of this section, wheat of the class hard red spring, durum, or red durum, shall not contain more than 14½ percent moisture, and wheat of any other class shall not contain more than 14 percent moisture.

(f) If offered as security for a farm-storage loan, the wheat must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

§ 421.434 *Warehouse receipts.* Warehouse receipts, representing wheat in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the wheat is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show: (i) Gross weight or bushels, (ii) class and subclass, (iii) grade (including special grades), (iv) test weight, (v) dockage, (vi) protein content (where determined by protein analysis or station average), and (vii) any other grading factor(s) when such factor(s), and not test weight, determine the grade. Also, the warehouse receipt or the warehouseman's supplemental certificate must show whether the wheat arrived by rail, truck, or barge. In the case of wheat delivered by rail or barge, the grading factors, classes and subclasses, protein content (where determined by protein analysis) on the warehouse receipt or warehouseman's supplemental certificate must agree with the inbound inspection and protein certificates for the car or barge if such certificates are issued.

(2) If the warehouseman has processed the wheat as provided in § 421.433 (d), the supplemental certificate must show the numerical grade and the grading factors changed because of the wheat being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) In the case of wheat delivered by rail or barge, the protein content, as determined by a recognized protein testing laboratory, must be shown on each warehouse receipt (or supplemental certificate accompanying the warehouse receipt) representing wheat of the subclasses of hard red spring and hard red winter and the varieties of Baart and Bluestem of the subclass hard white wheat, except that protein content need not be shown for the subclasses hard winter and yellow hard winter produced in States or areas tributary to markets where a showing of protein content is not customarily required.

(d) A separate warehouse receipt must be submitted for each grade and subclass of wheat.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.439.

(f) Warehouse receipts representing wheat which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be part of the supplemental certificate.

§ 421.435 *Determination of quantity.* (a) The quantity of wheat placed under farm-storage loan may be determined either by weight or by measurement. The quantity of wheat placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 60 pounds of wheat free of dockage. In determining the quantity of sacked wheat by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of wheat is determined by measurement, a bushel shall be 1.25 cubic feet of wheat testing 60 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 60-pound wheat:

For wheat testing:	Percent
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan or purchase.

§ 421.436 *Determination of quality.* (a) The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Wheat, whether or not such determinations are made on the basis of an official inspection.

(b) In the States of California, Idaho, New Mexico, Nevada, Oregon, Utah, Washington, and the counties in Montana where it is a normal practice to determine smut on a percentage basis, the quantity of smut shall be stated in terms of half percent, whole percent, or whole and half percent, and the quantity of smut so determined in pounds shall be deducted from the weight of the wheat after deduction of dockage. Elsewhere the smut condition of the wheat shall be determined on a degree basis. Where applicable, the words "Light Smutty" or "Smutty" shall be added to, and made a part of, the grade determination.

(c) The garlicky condition of the wheat shall be made a part of the grade designation by addition of the words "Light Garlicky" or the word "Garlicky."

§ 421.437 *Maturity of loans.* Loans mature on demand but not later than February 28, 1955, in the States of Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than March 31, 1955, in all other States.

§ 421.438 *Determination of support rates.* Basic support rates for wheat will be set forth in 1954 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Wheat. Support rates will be established for wheat stored in approved warehouse storage at designated terminal markets, and for wheat stored in approved country warehouses and in approved farm storage. The support rate for the quality of wheat placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section and 1954 C. C. C. Grain Price Support Bulletin 1, Supplement 2 Wheat.

(a) *Support rates at designated terminal markets.* (1) (i) Wheat eligible for loan or purchase at the support rate

established for designated terminal markets must have been shipped on a domestic interstate freight rate basis. On any wheat shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(ii) The support rates established for designated terminal markets apply to wheat which has been shipped by rail or water from a country shipping point to one of the designated terminal markets as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(2) (i) When shipped by rail or water and stored at any designated terminal market, except the terminal markets listed in subparagraph (3) of this paragraph, wheat for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 8 cents per bushel.

(ii) For wheat received by truck and stored at any designated terminal market, except the terminal markets listed in subparagraph (3) of this paragraph, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal located in:	Amount of deduction (cents per bushel)
Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington	12½
Area II: Minnesota, Montana, North Dakota, South Dakota, also Superior, Wis.	12½
Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin, except Superior	13
Area IV: All States not listed in Area I, II, and III above	14

(3) (i) Wheat shipped by rail or water and stored at any of the following terminal markets and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal rate:

Los Angeles, San Francisco, and Oakland, Calif.
New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N. Y.
Philadelphia, Pa.
Galveston and Houston, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma and Vancouver, Wash.
Superior, Wis.

(ii) For wheat received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal:	Amount of deduction (cents per bushel)
Los Angeles, San Francisco, and Oakland, Calif.; Duluth, Minn.; Portland and Astoria, Oreg.; Seattle, Longview, Tacoma, and Vancouver, Wash.; Superior, Wis.	4½
New Orleans, La.; Baltimore, Md.; Philadelphia, Pa.; Galveston and Houston, Tex.; Norfolk, Va.; Albany and New York, N. Y.	6

(b) *Support rates for wheat in approved warehouse storage at other than designated terminal markets.* (1) Except for the States designated in subparagraph (2) of this paragraph, the support rate for wheat stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such wheat to such terminal market: *Provided*, That on any wheat shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such wheat to the point of storage: *And provided further*, That in the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing wheat in such position.

(2) In the States of Delaware, Kentucky, Maryland, New Jersey, North Carolina, Tennessee, Virginia, and West Virginia, the CSS commodity office shall upon request of the county committee, determine the support rate for wheat stored in approved warehouses (except those situated at designated terminal markets) which was shipped by rail in the movement of natural market direction as approved by CCC, by adding to the county rate for the county from which the wheat was shipped an amount per bushel equal to the receiving and loading-out charges computed in accordance with the applicable rates of the Uniform Grain Storage Agreement for the 1954 crop and an amount equal to the transit value of the freight paid (plus tax) from points of origin to markets designated by CCC. The warehouse receipts must be accompanied by the original paid freight bills or a certificate signed by the warehouseman as set forth in § 421.434 (f). If the wheat is stored in approved warehouses located at transit points, taking a penalty by reason of backhaul, or out-of-line of natural market movements, such penalty or other costs by reason of such movement, as determined by CCC shall be deducted from the support rates as determined in this paragraph.

(c) *Discounts and premiums.* The basic support rates shall be adjusted by all applicable premiums and discounts listed in 1954 CCC Grain Price Support Bulletin 1, Supplement 2, Wheat.

§ 421.439 *Warehouse charges.* (a) Warehouse receipts and the wheat represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing wheat stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 28, or March 31, 1955, the applicable date to be determined in accordance with § 421.437, there shall be deducted in computing the amount of the loan or purchase price the storage charges as determined in accordance with the table of deductions for warehouse charges to be issued at a later date unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through February 28, or March 31, 1955, the applicable date to be determined in accordance with § 421.437.

(b) Warehouse receipts and the wheat represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rates for storage (not including elevation), which will accumulate from the date of deposit through February 28, or March 31, 1955, whichever date is applicable to the point of storage as determined in accordance with § 421.437, unless written evidence has been submitted with the warehouse receipt that the storage charge has been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges.

§ 421.440 *Settlement*—(a) *Settlement value.* (1) In the case of eligible wheat delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with § 421.418 (e). The support rate shall be for the grade and quality of the total quantity of wheat eligible for delivery. If, upon delivery, the wheat under farm-storage loan is of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and/or quality of the wheat placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the wheat delivered, as determined by CCC: *Provided, however*, That if such wheat is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price.

(2) In the case of eligible wheat delivered to CCC under purchase agreement, settlement shall be made at the applicable support rate determined in accordance with § 421.418 (e).

(b) *Storage deduction for early delivery.* Whenever farm-stored wheat under loan or purchase agreement is delivered to CCC prior to the loan maturity date for the State, a deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges (§ 421.439), except that no such deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the wheat will be sold rather than stored, or if CCC requires early delivery on an area basis.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on wheat under loan or purchase agreement (or charges for elevation in the case of warehouses operated by Eastern common carriers), the producer shall, upon delivery of the wheat to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, (or approved tariff in the case of warehouses operated by Eastern common carriers) provided, the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on wheat delivered to CCC on track at a country point.

Issued this 23d day of March 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2158; Filed, Mar. 25, 1954; 8:54 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES.

SUBPART—1954 CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for 1954 crop oats. The 1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1954, is supplemented as follows:

Sec.
421.551 Purpose.
421.552 Availability of price support.
421.553 Eligible oats.
421.554 Warehouse receipts.
421.555 Determination of quantity.
421.556 Determination of quality.
421.557 Maturity of loans.
421.558 Support rates.
421.559 Warehouse charges.
421.560 Settlement.

AUTHORITY: §§ 421.551 to 421.560 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C., Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714c; 7 U. S. C. Sup. 1447, 1421.

§ 421.551 *Purpose.* Sections 421.551 to 421.560 state additional specific requirements which, together with the general regulations contained in the 1954 C. C. C. Grain Price Support Bulletin 1 (§§ 421.401 to 421.421), apply to loans and purchase agreements under the 1954 Crop Oats Price Support Program.

§ 421.552 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever oats are grown in the continental United States, except that farm-storage loans will not be available in areas where the ASC State committee determines that oats cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the ASC county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1955, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing oats in 1954 as landowner, landlord, tenant, or sharecropper.

§ 421.553 *Eligible oats.* At the time the oats are placed under loan or delivered under a purchase agreement, the oats must meet the following requirements:

(a) The oats must have been produced in the continental United States in 1954 by an eligible producer.

(b) The beneficial interest in the oats must be in the eligible producer tendering the oats for loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the oats were harvested.

(c) The oats must grade No. 3 or better. Feed oats and mixed feed oats will not be eligible.

(d) Oats grading Tough, Weevily, Smutty, Ergoty, Garlicky, Bleached or Thin, or oats otherwise of low quality will not be eligible, except that oats represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that "Oats grading Tough have been processed at the request of the eligible producer, and delivery will be made of the same country run quality, quantity and grade, not Tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt."

(e) If offered as security for a farm-storage loan, the oats must have been stored in the granary at least 30 days prior to their inspection for measurement, sampling and sealing, unless otherwise approved by the ASC State committee.

§ 421.554 *Warehouse receipts.* Warehouse receipts representing oats in approved warehouse-storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the oats are insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipts must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, and (5) any other grading factor(s) when such factor(s) and not test weight determine the grade.

(c) A separate warehouse receipt must be submitted for each grade of oats.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.559.

(e) If the warehouseman has processed the oats as provided in § 421.553 (d), the supplemental certificate must show the numerical grade and the grading factors changed because of the oats being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

§ 421.555 *Determination of quantity.* (a) The quantity of oats placed under farm-storage loan may be determined either by weight or by measurement. The quantity of oats placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 32 pounds of oats. In determining the quantity of sacked oats by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) When the quantity of oats is determined by measurement, a bushel shall

be 1.25 cubic feet of oats testing 32 pounds per bushel. The quantity so determined shall be adjusted for test weight by applying the applicable percentage as shown in the following table.

For oats testing:	Percent
40 pounds or over	125
39 pounds or over, but less than 40 pounds	121
38 pounds or over, but less than 39 pounds	118
37 pounds or over, but less than 38 pounds	115
36 pounds or over, but less than 37 pounds	112
35 pounds or over, but less than 36 pounds	109
34 pounds or over, but less than 35 pounds	106
33 pounds or over, but less than 34 pounds	103
32 pounds or over, but less than 33 pounds	100
31 pounds or over, but less than 32 pounds	96
30 pounds or over, but less than 31 pounds	93
29 pounds or over, but less than 30 pounds	90
28 pounds or over, but less than 29 pounds	87
27 pounds or over, but less than 28 pounds	84

(d) Since the percentage of dockage is not a grade factor in the case of oats, the quantity of oats will be determined without reference to dockage.

§ 421.556 *Determination of quality.* The grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Oats, whether or not such determinations are made on the basis of an official inspection.

§ 421.557 *Maturity of loans.* Loans mature on demand but not later than April 30, 1955.

§ 421.558 *Support rates.* (a) Loans will be made, and oats delivered under purchase agreements will be purchased at the support rates set forth in this section. Both farm-storage and warehouse-storage loans will be based on the support rate established for the county in which the oats are stored. If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved. Support rates per bushel for oats grading No. 3 or better, are set forth below:

County	Rate per bushel
Alabama	
All counties	$0.93
Arizona	
All counties	$0.91
Arkansas	
All counties	$0.87
California	
Alameda	$0.93
Alpine	.89
Amador	.90
Butte	.89
Calaveras	.90
Colusa	.90
Contra Costa	.93
Del Norte	.88
El Dorado	.89
Fresno	.91
Glenn	.89
Humboldt	.90
Imperial	.91
Inyo	.91
Kern	.91
Kings	.91
Lake	.90
Lassen	.86
Los Angeles	.93
Madera	.91
Marin	.93
Mariposa	.91
Mendocino	.90
Merced	.91
Modoc	.83
Mono	.90
Monterey	.91
Napa	.92
Nevada	.86
Orange	.92
Placer	$0.86
Plumas	.86
Riverside	.91
Sacramento	.90
San Benito	.91
San Bernardino	.91
San Diego	.91
San Francisco	.93
San Joaquin	.92
San Luis Obispo	.91
San Mateo	.93
Santa Barbara	.91
Santa Clara	.93
Santa Cruz	.92
Shasta	.86
Sierra	.86
Siskiyou	.83
Solano	.93
Sonoma	.92
Stanislaus	.92
Sutter	.90
Tehama	.88
Trinity	.90
Tulare	.91
Tuolumne	.90
Ventura	.92
Yolo	.91
Yuba	.89
Colorado	
All counties	$0.76
Connecticut	
All counties	$0.86
Delaware	
All counties	$0.86
Florida	
All counties	$0.97
Georgia	
All counties	$0.93
Idaho	
Ada	$0.77
Adams	.75
Bannock	.75
Bear Lake	.75
Benewah	.76
Bingham	.73
Blaine	.75
Boise	.77
Bonner	.74
Bonneville	.73
Boundary	.74
Butte	.75
Camas	.76
Canyon	.77
Caribou	.74
Cassia	.76
Clark	.73
Clearwater	.76
Custer	.75
Elmore	.77
Franklin	.75
Fremont	.73
Gem	$0.77
Gooding	.76
Idaho	.74
Jefferson	.73
Jerome	.76
Kootenai	.76
Latah	.77
Lemhi	.74
Lewis	.76
Lincoln	.76
Madison	.73
Minidoka	.76
Nez Perce	.77
Oneida	.75
Owyhee	.77
Payette	.77
Power	.75
Shoshone	.74
Teton	.73
Twin Falls	.76
Valley	.75
Washington	.76
Illinois	
Adams	$0.75
Alexander	.77
Bond	.76
Boone	.75
Brown	.75
Bureau	.75
Calhoun	.76
Carroll	.75
Cass	.75
Champaign	.75
Christian	.75
Clark	.75
Clay	.76
Clinton	$0.76
Coles	.75
Cook	.77
Crawford	.76
Cumberland	.75
De Kalb	.75
De Witt	.75
Douglas	.75
Du Page	.75
Edgar	.75
Edwards	.77
Effingham	.76
Fayette	.76
Ford	$0.75
Franklin	.77
Fulton	.75
Gallatin	.78
Greene	.76
Grundy	.75
Hamilton	.77
Hancock	.75
Hardin	.78
Henderson	.75
Henry	.75
Iroquois	.75
Jackson	.77
Jasper	.76
Jefferson	.77
Jersey	.76
Jo Daviess	.75
Johnson	.77
Kane	.75
Kankakee	.75
Kendall	.75
Knox	.75
Lake	.76
La Salle	.75
Lawrence	.76
Lee	.75
Livingston	.75
Logan	.75
McDonough	.75
McHenry	.75
McLean	.75
Macon	.75
Macoupin	.76
Madison	.77
Marion	.76
Marshall	.75
Mason	.75
Massac	.77
Menard	$0.75
Mercer	.75
Monroe	.77
Montgomery	.76
Morgan	.75
Moultrie	.75
Ogle	.75
Peoria	.75
Perry	.77
Piatt	.75
Pike	.75
Pope	.78
Pulaski	.77
Putnam	.75
Randolph	.77
Richland	.76
Rock Island	.75
Saint Clair	.77
Saline	.78
Sangamon	.75
Schuyler	.75
Scott	.75
Shelby	.75
Stark	.75
Stephenson	.75
Tazewell	.75
Union	.77
Vermilion	.75
Wabash	.77
Warren	.75
Washington	.77
Wayne	.77
White	.77
Whiteside	.75
Will	.76
Williamson	.77
Winnebago	.75
Woodford	.75
Indiana	
Adams	$0.76
Allen	.76
Bartholomew	.77
Benton	.75
Blackford	.76
Boone	.76
Brown	.77
Carroll	.76
Cass	.76
Clark	.77
Clay	.75
Clinton	.76
Crawford	.77
Daviess	.77
Dearborn	.78
Decatur	.77
De Kalb	.76
Delaware	.76
Dubois	.77
Elkhart	.77
Fayette	.76
Floyd	.77
Fountain	.75
Franklin	.77
Fulton	.76
Gibson	.77
Grant	.76
Greene	.77
Hamilton	.76
Hancock	.76
Harrison	.77
Hendricks	.76
Henry	.76
Howard	.76
Huntington	.76
Jackson	.77
Jasper	.75
Jay	.76
Jefferson	.78
Jennings	.78
Johnson	.76
Knox	.77
Kosciusko	.76
Lagrange	.77
Lake	.76
La Porte	.77
Lawrence	$0.77
Madison	.76
Marion	.76
Marshall	.76
Martin	.77
Miami	.76
Monroe	.77
Montgomery	.76
Morgan	.76
Newton	.75
Noble	.76
Ohio	.78
Orange	.77
Owen	.76
Parke	.75
Perry	.77
Pike	.77
Porter	.76
Posey	.77
Pulaski	.76
Putnam	.76
Randolph	.78
Ripley	.78
Rush	.76
St. Joseph	.77
Scott	.78
Shelby	.76
Spencer	.77
Starke	.76
Steuben	.76
Sullivan	.78
Switzerland	.76
Tippecanoe	.76
Tipton	.76
Union	.75
Vanderburgh	.77
Vermillion	.75
Vigo	.76
Wabash	.76
Warren	.77
Warrick	.77
Washington	.77
Wayne	.76
Wells	.76
White	.76
Whitley	.76

County	Rate per bushel
Iowa	
Adair	$0.73
Adams	.73
Allamakee	.74
Appanoose	.74
Audubon	.73
Benton	.74
Black Hawk	.74
Boone	.73
Bremer	.74
Buchanan	.74
Buena Vista	.73
Butler	.73
Calhoun	.73
Carroll	.73
Cass	.73
Cedar	.75
Cerro Gordo	.73
Cherokee	.72
Chickasaw	.74
Clarke	.73
Clay	.73
Clayton	.74
Clinton	.75
Crawford	.72
Dallas	.73
Davis	.75
Decatur	.74
Delaware	.75
Des Moines	.75
Dickinson	.72
Dubuque	.75
Emmet	.72
Fayette	.74
Floyd	.73
Franklin	.73
Fremont	.73
Greene	.73
Grundy	.74
Guthrie	.73
Hamilton	.73
Hancock	.73
Hardin	.73
Harrison	.73
Henry	.75
Howard	.74
Humboldt	.73
Ida	.72
Iowa	.74
Jackson	.75
Jasper	.74
Jefferson	$0.75
Johnson	.75
Jones	.75
Keokuk	.74
Kossuth	.73
Lee	.75
Linn	.75
Louisa	.75
Lucas	.74
Lyon	.71
Madison	.73
Mahaska	.74
Marion	.74
Marshall	.74
Mills	.73
Mitchell	.73
Monona	.72
Monroe	.74
Montgomery	.73
Muscatine	.75
O'Brien	.72
Osceola	.71
Page	.73
Palo Alto	.73
Plymouth	.72
Pocahontas	.73
Polk	.74
Pottawattamie	.73
Poweshiek	.74
Ringgold	.73
Sac	.73
Scott	.75
Shelby	.73
Sioux	.71
Story	.73
Tama	.74
Taylor	.73
Union	.73
Van Buren	.75
Wapello	.74
Warren	.74
Washington	.75
Wayne	.74
Webster	.73
Winnebago	.73
Winneshiek	.74
Woodbury	.72
Worth	.73
Wright	.73
Kansas	
Allen	$0.76
Anderson	.76
Atchison	.76
Barber	.79
Barton	.77
Bourbon	.77
Brown	.75
Butler	.78
Chase	.77
Chautauqua	.78
Cherokee	.78
Cheyenne	.76
Clark	.79
Clay	.75
Cloud	.75
Coffey	.76
Comanche	.79
Cowley	.78
Crawford	.77
Decatur	.75
Dickinson	.76
Doniphan	.76
Douglas	.76
Edwards	.77
Elk	.77
Ellis	.76
Ellsworth	.76
Finney	.78
Ford	.78
Franklin	.76
Geary	.76
Gove	.77
Graham	.76
Grant	.78
Gray	.78
Greeley	.77
Greenwood	$0.77
Hamilton	.78
Harper	.79
Harvey	.77
Haskell	.78
Hodgeman	.77
Jackson	.76
Jefferson	.76
Jewell	.74
Johnson	.77
Kearny	.78
Kingman	.78
Kiowa	.78
Labette	.78
Lane	.77
Leavenworth	.77
Lincoln	.75
Linn	.76
Logan	.77
Lyon	.76
McPherson	.77
Marion	.77
Marshall	.75
Meade	.79
Miami	.76
Mitchell	.75
Montgomery	.78
Morris	.76
Morton	.79
Nemaha	.75
Neosho	.77
Ness	.77
Norton	.75
Osage	.76
Osborne	.75
Ottawa	.75
Pawnee	$0.76
Phillips	.74
Pottawatomie	.75
Pratt	.78
Rawlins	.76
Reno	.77
Republic	.74
Rice	.77
Riley	.75
Rooks	.75
Rush	.77
Russell	.76
Saline	.76
Scott	.77
Sedgwick	.78
Seward	.79
Shawnee	.76
Sheridan	$0.76
Sherman	.76
Smith	.74
Stafford	.77
Stanton	.78
Stevens	.79
Sumner	.79
Thomas	.76
Trego	.76
Wabaunsee	.76
Wallace	.77
Washington	.74
Wichita	.77
Wilson	.77
Woodson	.76
Wyandotte	.77
Kentucky	
All counties	$0.87
Louisiana	
All counties	$0.91
Maine	
All counties	$0.86
Maryland	
All counties	$0.86
Massachusetts	
All counties	$0.86
Michigan	
Alcona	$0.76
Alger	.78
Allegan	.78
Alpena	.76
Antrim	.77
Arenac	.76
Baraga	.77
Barry	.78
Bay	.76
Benzie	.77
Berrien	.77
Branch	.77
Calhoun	.77
Cass	.77
Charlevoix	.77
Cheboygan	.77
Chippewa	.78
Clare	.77
Clinton	.77
Crawford	.76
Delta	.77
Dickinson	.76
Eaton	.77
Emmet	.77
Genesee	.76
Gladwin	.76
Gogebic	.76
Grand Traverse	.77
Gratiot	.77
Hillsdale	.77
Houghton	.77
Huron	.76
Ingham	.77
Ionia	.77
Iosco	.76
Iron	.77
Isabella	.77
Jackson	.77
Kalamazoo	.78
Kalkaska	.77
Kent	.78
Keweenaw	$0.77
Lake	.78
Lapeer	.76
Leelanau	.77
Lenawee	.77
Livingston	.77
Luce	.78
Mackinac	.78
Macomb	.77
Manistee	.78
Marquette	.77
Mason	.78
Mecosta	.77
Menominee	.76
Midland	.76
Missaukee	.77
Monroe	.77
Montcalm	.77
Montmorency	.76
Muskegon	.78
Newaygo	.78
Oakland	.77
Oceana	.78
Ogemaw	.76
Ontonagon	.77
Osceola	.77
Oscoda	.76
Otsego	.77
Ottawa	.78
Presque Isle	.76
Roscommon	.76
Saginaw	.76
Saint Clair	.77
Saint Joseph	.77
Sanilac	.76
Schoolcraft	.78
Shiawassee	.76
Tuscola	.76
Van Buren	.78
Washtenaw	.77
Wayne	.77
Wexford	.78
Minnesota	
Aitkin	$0.70
Anoka	.72
Becker	.68
Beltrami	.67
Benton	.70
Big Stone	.68
Blue Earth	.71
Brown	.70
Carlton	.71
Carver	$0.72
Cass	.69
Chippewa	.68
Chisago	.72
Clay	.68
Clearwater	.68
Cook	.72
Cottonwood	.69
Crow Wing	.69
Dakota	$0.72
Dodge	.71
Douglas	.68
Faribault	.71
Fillmore	.72
Freeborn	.71
Goodhue	.71
Grant	.68
Hennepin	.72
Houston	.72
Hubbard	.68
Isanti	.71
Itasca	.69
Jackson	.70
Kanabec	.71
Kandiyohi	.70
Kittson	.67
Koochiching	.69
Lac Qui Parle	.68
Lake	.72
Lake of the Woods	.67
Le Sueur	.71
Lincoln	.68
Lyon	.68
McLeod	.71
Mahnomen	.68
Marshall	.67
Martin	.70
Meeker	.70
Mille Lacs	.70
Morrison	.69
Mower	.71
Murray	.68
Nicollet	.71
Nobles	.69
Norman	$0.68
Olmsted	.71
Otter Tail	.68
Pennington	.68
Pine	.71
Pipestone	.68
Polk	.68
Pope	.68
Ramsey	.72
Red Lake	.68
Redwood	.69
Renville	.70
Rice	.71
Rock	.69
Roseau	.67
St. Louis	.71
Scott	.72
Sherburne	.71
Sibley	.71
Stearns	.70
Steele	.71
Stevens	.68
Swift	.68
Todd	.69
Traverse	.67
Wabasha	.71
Wadena	.68
Waseca	.71
Washington	.72
Watonwan	.70
Wilkin	.67
Winona	.72
Wright	.71
Yellow Medicine	.68
Mississippi	
All counties	$0.92
Missouri	
Adair	$0.77
Andrew	.75
Atchison	.74
Audrain	.77
Barry	.79
Barton	.78
Bates	.77
Benton	.77
Bollinger	.79
Boone	.78
Buchanan	.77
Butler	.79
Caldwell	.77
Callaway	.78
Camden	.78
Cape Girardeau	.78
Carroll	.77
Carter	.79
Cass	.77
Cedar	.77
Chariton	.77
Christian	.78
Clark	.76
Clay	.77
Clinton	.77
Cole	.78
Cooper	.78
Crawford	.79
Dade	.77
Dallas	.78
Daviess	.76
De Kalb	.76
Dent	.79
Douglas	.79
Dunklin	.79
Franklin	.79
Gasconade	.79
Gentry	.75
Greene	.78
Grundy	.76
Harrison	.75
Henry	.77
Hickory	.77
Holt	.75
Howard	.78
Howell	.80
Iron	$0.79
Jackson	.77
Jasper	.78
Jefferson	.78
Johnson	.77
Knox	.77
Laclede	.78
LaFayette	.77
Lawrence	.78
Lewis	.76
Lincoln	.77
Linn	.77
Livingston	.77
McDonald	.79
Macon	.77
Madison	.79
Maries	.79
Marion	.76
Mercer	.75
Miller	.78
Mississippi	.78
Moniteau	.78
Monroe	.77
Montgomery	.78
Morgan	.78
New Madrid	.79
Newton	.78
Nodaway	.74
Oregon	.80
Osage	.79
Ozark	.80
Pemiscot	.79
Perry	.78
Pettis	.78
Phelps	.79
Pike	.76
Platte	.77
Polk	.77
Pulaski	.78
Putnam	.75
Ralls	.76
Randolph	.77
Ray	.77
Reynolds	.79
Ripley	.80
St. Charles	.77
St. Clair	.77

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Ste. Genevieve	$0.78	Sullivan	$0.76
St. Francois	.79	Taney	.80
St. Louis	.78	Texas	.78
Saline	.77	Vernon	.77
Schuyler	.76	Warren	.78
Scotland	.76	Washington	.79
Scott	.78	Wayne	.79
Shannon	.79	Webster	.78
Shelby	.77	Worth	.74
Stoddard	.79	Wright	.78
Stone	.79		

MONTANA

Beaverhead	$0.70	Madison	$0.68
Big Horn	.66	Meagher	.66
Blaine	.63	Mineral	.71
Broadwater	.66	Missoula	.69
Carbon	.66	Musselshell	.65
Carter	.66	Park	.66
Cascade	.66	Petroleum	.64
Chouteau	.64	Phillips	.63
Custer	.65	Pondera	.65
Daniels	.63	Powder River	.66
Dawson	.63	Powell	.68
Deer Lodge	.68	Prairie	.64
Fallon	.65	Ravalli	.70
Fergus	.64	Richland	.63
Flathead	.68	Roosevelt	.63
Gallatin	.66	Rosebud	.65
Garfield	.63	Sanders	.71
Glacier	.66	Sheridan	.63
Golden Valley	.65	Silver Bow	.68
Granite	.69	Stillwater	.66
Hill	.64	Sweet Grass	.66
Jefferson	.67	Teton	.65
Judith Basin	.65	Toole	.65
Lake	.69	Treasure	.66
Lewis and Clark	.67	Valley	.63
Liberty	.65	Wheatland	.65
Lincoln	.71	Wibaux	.64
McCone	.63	Yellowstone	.66

NEBRASKA

Adams	$0.73	Holt	$0.70
Antelope	.70	Hooker	.70
Arthur	.71	Howard	.71
Banner	.71	Jefferson	.73
Blaine	.70	Johnson	.74
Boone	.71	Kearney	.73
Box Butte	.69	Keith	.72
Boyd	.69	Keya Paha	.69
Brown	.70	Kimball	.72
Buffalo	.72	Knox	.70
Burt	.72	Lancaster	.73
Butler	.72	Lincoln	.72
Cass	.73	Logan	.71
Cedar	.71	Loup	.70
Chase	.74	McPherson	.71
Cherry	.69	Madison	.71
Cheyenne	.72	Merrick	.71
Clay	.73	Morrill	.71
Colfax	.72	Nance	.71
Cuming	.72	Nemaha	.73
Custer	.71	Nuckolls	.73
Dakota	.72	Otoe	.73
Dawes	.68	Pawnee	.74
Dawson	.72	Perkins	.73
Deuel	.72	Phelps	.73
Dixon	.72	Pierce	.71
Dodge	.73	Platte	.71
Douglas	.73	Polk	.71
Dundy	.75	Red Willow	.74
Fillmore	.73	Richardson	.74
Franklin	.73	Rock	.70
Frontier	.73	Saline	.73
Furnas	.74	Sarpy	.73
Gage	.74	Saunders	.73
Garden	.71	Scotts Bluff	.70
Garfield	.70	Seward	.72
Gosper	.73	Sheridan	.69
Grant	.70	Sherman	.71
Greeley	.71	Sioux	.69
Hall	.72	Stanton	.71
Hamilton	.72	Thayer	.73
Harlan	.73	Thomas	.70
Hayes	.74	Thurston	.72
Hitchcock	.75	Valley	.71

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Washington	$0.73	Wheeler	$0.70
Wayne	.71	York	.72
Webster	.73		

NEVADA

All counties $0.88

NEW JERSEY

All counties $0.85

NEW MEXICO

All counties $0.83

NEW YORK

All counties $0.84

NORTH CAROLINA

All counties $0.93

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.65	McLean	$0.65
Barnes	.67	Mercer	.65
Benson	.66	Morton	.66
Billings	.64	Mountrail	.64
Bottineau	.65	Nelson	.67
Bowman	.65	Oliver	.65
Burke	.64	Pembina	.66
Burleigh	.66	Pierce	.65
Cass	.67	Ramsey	.66
Cavalier	.66	Ranson	.67
Dickey	.67	Renville	.65
Divide	.64	Richland	.67
Dunn	.64	Rolette	.65
Eddy	.67	Sargent	.67
Emmons	.66	Sheridan	.66
Foster	.67	Sioux	.66
Golden Valley	.64	Slope	.64
Grank Forks	.67	Stark	.64
Grant	.66	Steele	.67
Griggs	.67	Stutsman	.67
Hettinger	.64	Towner	.66
Kidder	.66	Traill	.67
La Moure	.67	Walsh	.66
Logan	.66	Ward	.65
McHenry	.65	Wells	.66
McIntosh	.66	Williams	.64
McKenzie	.64		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$0.81	Jackson	$0.81
Allen	.78	Jefferson	.83
Ashland	.79	Knox	.79
Ashtabula	.82	Lake	.81
Athens	.82	Lawrence	.81
Auglaize	.78	Licking	.79
Belmont	.83	Logan	.79
Brown	.80	Lorain	.80
Butler	.78	Lucas	.78
Carroll	.82	Madison	.79
Champaign	.79	Mahoning	.82
Clark	.79	Marion	.79
Clermont	.80	Medina	.80
Clinton	.80	Meigs	.82
Columbiana	.82	Mercer	.77
Coshocton	.80	Miami	.78
Crawford	.79	Monroe	.83
Cuyahoga	.80	Montgomery	.78
Drake	.77	Morgan	.82
Defiance	.77	Morrow	.79
Delaware	.79	Muskingum	.81
Erie	.79	Noble	.82
Fairfield	.79	Ottawa	.79
Fayette	.79	Paulding	.77
Franklin	.79	Perry	.80
Fulton	.78	Pickaway	.79
Gallia	.82	Pike	.81
Genuga	.81	Portage	.81
Greene	.79	Preble	.77
Guernsey	.82	Putnam	.78
Hamilton	.79	Richland	.79
Hancock	.78	Ross	.80
Hardin	.78	Sandusky	.79
Harrison	.82	Scioto	.81
Henry	.78	Seneca	.79
Highland	.80	Shelby	.78
Hocking	.80	Stark	.81
Holmes	.80	Summit	.80
Huron	.79	Trumbull	.82

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Tuscarawas	$0.81	Washington	$0.83
Union	.79	Wayne	.80
Van Wert	.77	Williams	.78
Vinton	.81	Wood	.78
Warren	.79	Wyandot	.79

OKLAHOMA

Adair	$0.80	Le Flore	$0.83
Alfalfa	.79	Lincoln	.81
Atoka	.82	Logan	.81
Beaver	.80	Love	.81
Beckham	.80	McClain	.81
Blaine	.80	McCurtain	.83
Bryan	.82	McIntosh	.81
Caddo	.80	Major	.80
Canadian	.81	Marshall	.82
Carter	.81	Mayes	.79
Cherokee	.80	Murray	.81
Choctaw	.83	Muskogee	.81
Cimarron	.80	Noble	.80
Cleveland	.81	Nowata	.78
Coal	.82	Okfuskee	.81
Comanche	.80	Oklahoma	.81
Cotton	.80	Okmulgee	.80
Craig	.78	Osage	.78
Creek	.80	Ottawa	.78
Custer	.80	Pawnee	.79
Delaware	.79	Payne	.80
Dewey	.80	Pittsburg	.82
Ellis	.80	Pontotoc	.82
Garfield	.80	Pottawatomie	.81
Garvin	.81	Pushmataha	.83
Grady	.81	Roger Mills	.80
Grant	.79	Rogers	.79
Greer	.80	Seminole	.81
Harmon	.80	Sequoyah	.81
Harper	.80	Stephens	.81
Haskell	.82	Texas	.80
Hughes	.83	Tillman	.80
Jackson	.80	Tulsa	.80
Jefferson	.81	Wagoner	.80
Johnston	.82	Washington	.78
Kay	.79	Washita	.80
Kingfisher	.81	Woods	.79
Kiowa	.80	Woodward	.80
Latimer	.83		

OREGON

Baker	$0.79	Lake	$0.83
Benton	.85	Lane	.84
Clackamas	.85	Lincoln	.85
Clatsop	.84	Linn	.84
Columbia	.85	Malheur	.79
Coos	.85	Marion	.85
Crook	.83	Morrow	.82
Curry	.85	Multnomah	.85
Deschutes	.83	Polk	.85
Douglas	.84	Sherman	.83
Gilliam	.83	Tillamook	.85
Grant	.82	Umatilla	.81
Harney	.82	Union	.80
Hood River	.85	Wallowa	.79
Jackson	.84	Wasco	.83
Jefferson	.83	Washington	.85
Josephine	.84	Wheeler	.83
Klamath	.83	Yamhill	.85

PENNSYLVANIA

All counties $0.84

RHODE ISLAND

All counties $0.86

SOUTH CAROLINA

All counties $0.93

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Armstrong	$0.66	Campbell	$0.66
Aurora	.67	Charles Mix	.67
Beadle	.67	Clark	.67
Bennett	.66	Clay	.70
Bon Homme	.68	Codington	.67
Brookings	.68	Corson	.66
Brown	.67	Custer	.66
Brule	.67	Davison	.67
Buffalo	.67	Day	.67
Butte	.65	Deuel	.68

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Dewey	$0.66	Marshall	$0.67
Douglas	.67	Meade	.65
Edmunds	.66	Mellette	.66
Fall River	.66	Miner	.67
Faulk	.66	Minnehaha	.68
Grant	.68	Moody	.68
Gregory	.67	Pennington	.65
Haakon	.66	Perkins	.65
Hamlin	.67	Potter	.66
Hand	.67	Roberts	.67
Hanson	.67	Sanborn	.67
Harding	.65	Shannon	.66
Hughes	.66	Spink	.67
Hutchinson	.68	Stanley	.66
Hyde	.66	Sully	.66
Jackson	.66	Todd	.66
Jerauld	.67	Tripp	.67
Jones	.66	Turner	.69
Kingsbury	.67	Union	.70
Lake	.67	Walworth	.66
Lawrence	.65	Washabaugh	.66
Lincoln	.69	Washington	.66
Lyman	.66	Yankton	.69
McCook	.67	Ziebach	.66
McPherson	.66		

TENNESSEE

All counties $0.89

TEXAS

County	Rate per bushel	County	Rate per bushel
Anderson	$0.83	Dallas	$0.82
Andrews	.82	Dawson	.82
Angelina	.85	Deaf Smith	.80
Aransas	.84	Delta	.83
Archer	.80	Denton	.82
Armstrong	.80	De Witt	.84
Atascosa	.82	Dickens	.81
Austin	.86	Dimmit	.82
Bailey	.81	Donley	.80
Bandera	.82	Duval	.82
Bastrop	.84	Eastland	.80
Baylor	.80	Ector	.82
Bee	.83	Edwards	.81
Bell	.83	Ellis	.82
Bexar	.82	El Paso	.83
Blanco	.82	Erath	.81
Borden	.82	Falls	.83
Bosque	.82	Fannin	.82
Bowie	.84	Fayette	.85
Brazoria	.86	Fisher	.81
Brazos	.84	Floyd	.80
Brewster	.83	Foard	.80
Briscoe	.80	Fort Bend	.86
Brooks	.83	Franklin	.83
Brown	.81	Freestone	.83
Burleson	.84	Frio	.82
Burnet	.82	Gaines	.82
Caldwell	.83	Galveston	.87
Calhoun	.84	Garza	.82
Callahan	.80	Gillespie	.81
Cameron	.83	Glasscock	.82
Camp	.83	Goliad	.84
Carson	.80	Gonzales	.84
Cass	.84	Gray	.80
Castro	.81	Grayson	.82
Chambers	.87	Gregg	.84
Cherokee	.84	Grimes	.85
Childress	.80	Guadalupe	.83
Clay	.80	Hale	.80
Cochran	.82	Hall	.80
Coke	.81	Hamilton	.82
Coleman	.81	Hansford	.80
Collin	.82	Hardeman	.80
Collingsworth	.80	Hardin	.87
Colorado	.86	Harris	.87
Comal	.82	Harrison	.85
Comanche	.81	Hartley	.80
Concho	.81	Haskell	.80
Cooke	.81	Hays	.82
Coryell	.82	Hemphill	.80
Cottle	.80	Henderson	.83
Crane	.82	Hidalgo	.83
Crockett	.81	Hill	.82
Crosby	.81	Hockley	.82
Culberson	.83	Hood	.82
Dallam	.80	Hopkins	.83

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Houston	$0.84	Parker	$0.81
Howard	.82	Parmer	.81
Hudspeth	.83	Pecos	.82
Hunt	.82	Polk	.86
Hutchinson	.80	Potter	.81
Irion	.81	Presidio	.83
Jack	.80	Rains	.83
Jackson	.85	Randall	.80
Jasper	.87	Reagan	.82
Jeff Davis	.83	Real	.82
Jefferson	.87	Red River	.83
Jim Hogg	.82	Reeves	.82
Jim Wells	.83	Refugio	.84
Johnson	.82	Roberts	.80
Jones	.80	Robertson	.83
Karnes	.83	Rockwall	.82
Kaufman	.82	Runnels	.81
Kendall	.82	Rusk	.84
Kenedy	.83	Sabine	.86
Kent	.81	San Augustine	.86
Kerr	.82	San Jacinto	.86
Kimble	.81	San Patricio	.83
King	.81	San Saba	.81
Kinney	.82	Schleicher	.81
Kleberg	.83	Scurry	.81
Knox	.80	Shackelford	.80
Lamar	.83	Shelby	.86
Lamb	.81	Sherman	.80
Lampasas	.82	Smith	.83
La Salle	.82	Somervell	.82
Lavaca	.85	Starr	.82
Lee	.84	Stephens	.80
Leon	.83	Sterling	.81
Liberty	.87	Stonewall	.81
Limestone	.83	Sutton	.81
Lipscomb	.80	Swisher	.80
Live Oak	.83	Tarrant	.82
Llano	.81	Taylor	.80
Loving	.82	Terrell	.82
Lubbock	.81	Terry	.82
Lynn	.82	Throckmorton	.80
McCulloch	.81	Titus	.83
McLennan	.83	Tom Green	.81
McMullen	.82	Travis	.83
Madison	.84	Trinity	.85
Marion	.84	Tyler	.86
Martin	.82	Upshur	.83
Mason	.81	Upton	.82
Matagorda	.86	Uvalde	.82
Maverick	.82	Val Verde	.81
Medina	.82	Van Zandt	.83
Menard	.81	Victoria	.84
Midland	.82	Walker	.85
Milam	.83	Waller	.86
Mills	.82	Ward	.82
Mitchell	.81	Washington	.85
Montague	.81	Webb	.82
Montgomery	.86	Wharton	.86
Moore	.80	Wheeler	.80
Morris	.83	Wichita	.80
Motley	.80	Wilbarger	.80
Nacogdoches	.85	Willacy	.83
Navarro	.83	Williamson	.83
Newton	.87	Wilson	.83
Nolan	.81	Winkler	.82
Nueces	.83	Wise	.81
Ochiltree	.80	Wood	.83
Oldham	.80	Yoakum	.82
Orange	.87	Young	.80
Palo Pinto	.80	Zapata	.82
Panola	.85	Zavala	.82

UTAH

All counties $0.83

VIRGINIA

All counties $0.86

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$0.79	Douglas	$0.80
Asotin	.79	Ferry	.80
Benton	.80	Franklin	.79
Chelan	.81	Garfield	.79
Clallam	.83	Grant	.80
Clark	.85	Grays Harbor	.83
Columbia	.79	Island	.83
Cowlitz	.84	Jefferson	.83

WASHINGTON—Continued

County	Rate per bushel	County	Rate per bushel
King	$0.84	Skagit	$0.83
Kitsap	.83	Skamania	.84
Kittitas	.81	Snohomish	.83
Klickitat	.81	Spokane	.79
Lewis	.83	Stevens	.79
Lincoln	.79	Thurston	.83
Mason	.83	Wahkiakum	.83
Okanogan	.81	Walla Walla	.79
Pacific	.83	Whatcom	.83
Pend Oreille	.78	Whitman	.79
Pierce	.84	Yakima	.81
San Juan	.83		

WEST VIRGINIA

All counties $0.87

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.74	Marathon	$0.75
Ashland	.75	Marinette	.76
Barron	.73	Marquette	.74
Bayfield	.74	Milwaukee	.77
Brown	.74	Monroe	.74
Buffalo	.73	Oconto	.75
Burnett	.73	Oneida	.76
Calumet	.74	Outagamie	.74
Chippewa	.74	Ozaukee	.76
Clark	.74	Pepin	.73
Columbia	.75	Pierce	.73
Crawford	.74	Polk	.73
Dane	.76	Portage	.74
Dodge	.75	Price	.75
Door	.74	Racine	.77
Douglas	.73	Richland	.75
Dunn	.73	Rock	.76
Eau Claire	.73	Rusk	.74
Florence	.77	St. Croix	.73
Fon du Lac	.74	Sauk	.75
Forest	.76	Sawyer	.74
Grant	.75	Shawano	.75
Green	.76	Sheboygan	.75
Green Lake	.74	Taylor	.75
Iowa	.76	Trempealeau	.73
Iron	.76	Vernon	.73
Jackson	.74	Vilas	.77
Jefferson	.76	Walworth	.76
Juneau	.74	Washburn	.73
Kenosha	.77	Washington	.76
Kewaunee	.74	Waukesha	.77
La Crosse	.73	Waupaca	.74
Lafayette	.76	Waushara	.74
Langlade	.75	Winnebago	.74
Lincoln	.75	Wood	.74
Manitowoc	.74		

WYOMING

All counties $0.73

(b) Where the State committee determines that State or district weed control laws affect the oats crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in paragraph (a) of this section. If upon delivery of the oats to CCC, the producer supplies a certificate indicating that the oats comply with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

§ 421 559 *Warehouse charges.* (a) Warehouse receipts and the oats represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing oats stored in warehouses oper-

ating under the Uniform Grain Storage Agreement is on or before April 30, 1955, there shall be deducted in computing the amount of the loan or purchase price the storage charges as determined in accordance with the table of deductions for warehouse charges to be issued at a later date, unless written evidence is submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges have been prepaid through April 30, 1955.

(b) Warehouse receipts and the oats represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rates for storage (not including elevation), which will accumulate from the date of deposit through April 30, 1955, unless written evidence has been submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges.

§ 421.560 *Settlement*—(a) *Settlement value.* (1) in the case of eligible oats delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with §§ 421.558 and 421.418 (e). The support rate shall be for the grade and quality of the total quantity of oats eligible for delivery. If, upon delivery, the oats under farm-storage loan are of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and/or quality of the oats placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the oats delivered, as determined by CCC: *Provided, however,* That if such oats are sold by CCC in order to determine their market price the settlement value shall not be less than such sales price.

(2) In the case of eligible oats delivered to CCC under purchase agreement, settlement shall be made at the applicable support rate determined in accordance with §§ 421.558 and 421.418 (e).

(b) *Storage deduction for early delivery.* Whenever farm-stored oats under loan or purchase agreement are delivered to CCC prior to April 30, 1955, a deduction for storage shall be made in accordance with the schedule of deduction for warehouse charges (§ 421.559), except that no such deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the oats will be sold rather than stored, or if CCC requires early delivery on an area basis.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on oats under loan or purchase agreement (or charges for elevation in the case of warehouses operated by Eastern common carriers), the producer shall, upon delivery of the oats to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement (or approved tariff in the case of warehouses operated by Eastern common carriers) provided, the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on oats delivered to CCC on track at a country point.

Issued this 23d day of March 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2157; Filed, Mar. 25, 1954; 8:53 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

GOVERNMENT PATENTS BOARD

Effective upon publication in the FEDERAL REGISTER, § 6.152 (a) is revoked, and § 6.352 (a) is added as set out below.

§ 6.352 *Government Patents Board.* (a) One Confidential Assistant to the Chairman.

(R S 1753, sec. 2, 22 Stat. 403; 5 U S C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2152; Filed, Mar. 25, 1954; 8:52 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

UNITED STATES INFORMATION AGENCY

Effective upon publication in the FEDERAL REGISTER, the positions listed below are added to § 6.363.

§ 6.363 *United States Information Agency.* • • •

(g) One Chief, Public Information Staff.

(h) One Deputy Chief, Public Information Staff.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2153; Filed, Mar. 25, 1954; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

CHARGES FOR PERFORMING GRADING AND INSPECTION SERVICES

A notice of a proposed amendment to the regulations governing the grading and inspection of domestic rabbits and edible products thereof and United States specifications for classes, standards, and grades with respect thereto (7 CFR Part 54) was published in the FEDERAL REGISTER on January 27, 1954 (19 F. R. 459). This program is currently in effect pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong. approved July 28, 1953). The amendment, hereinafter set forth, provides for an increase in the charges for performing grading and inspection service. The hourly charge for performing these services is changed from $3.60 to $4.00, and the fee schedules applicable to domestic rabbit grading are also changed. The revision of the fees and charges should result in an increase in total collections of about 10 percent which is approximately the amount needed to make these programs self-supporting as required by the applicable legislation.

After consideration of all relevant material presented by interested parties, including the proposals set forth in the aforesaid notice, the regulations governing the grading and inspection of domestic rabbits and edible products thereof and United States specifications for classes, standards, and grades with respect thereto are hereby amended to become effective April 1, 1954.

It is hereby found that it is impractical, unnecessary, and contrary to public interest to postpone the effective date of this amendment for 30 days after publication in the FEDERAL REGISTER for the reasons that (1) legislation requires that the fees charged shall cover the cost of the service and the costs of the services are peculiarly within the knowledge of the Department, and the fees set forth herein are necessary to cover such costs; (2) fees and charges for performing services on a contract basis will be increased on April 1, 1954, and it is equitable that the changes in charges for services performed on a fee basis as set forth herein be made effective at the same time; and (3) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The amendment is as follows:

1. Change paragraph (b) of § 54.101 *Grading service on a fee basis* to read as follows:

(b) In the event the aforesaid applicable rates specified in § 54.103 are deemed by the Administrator to be inadequate fully to reimburse the Service for all costs and other items paid or incurred by the Service in connection with such grading service the fees for such service shall not be based on the rates specified in § 54.103, but shall be based on the time required to perform such grading service and the travel of each grader at the rate of $4.00 per hour for the time actually required.

2. Change § 54.103 *Domestic rabbits grading fees* to read as follows:

§ 54.103 *Domestic rabbits grading fees.* For each grading of any lot of domestic rabbits, whether live or ready-to-cook, the following fees shall be applicable:

For 500 pounds or less	$1.80
For 501 to 1,500 pounds, inclusive	3.00
For 1,501 to 3,000 pounds, inclusive	4.00
For 3,001 to 6,000 pounds, inclusive	5.50
For 6,001 to 10,000 pounds, inclusive	8.50
For 10,001 to 15,000 pounds, inclusive	11.50
For 15,001 to 20,000 pounds, inclusive	14.00
For 20,001 to 25,000 pounds, inclusive	17.50
For 25,001 to 30,000 pounds, inclusive	20.00
For each additional 5,000 pounds, or fraction thereof, in excess of 30,000 pounds	2.00

3. Change § 54.104 *Inspection service on a fee basis* to read as follows:

§ 54.104 *Inspection service on a fee basis.* Fees to be charged and collected for inspection services furnished on a fee basis shall be based on the time required to render such services including, but not being limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of $4.00 per hour for each inspector for the time actually required.

4. Change § 54.105 *Fees for additional copies of grading certificates and inspection certificates* to read as follows:

§ 54.105 *Fees for additional copies of grading certificates and inspection certificates.* Additional copies, other than those provided for in §§ 54.141 and 54.171, of any grading certificates or inspection certificates, may be supplied to any interested party upon payment of a fee of $1.50 for each set of five or fewer copies.

5. Change § 54.106 *Traveling expenses and other charges* to read as follows:

§ 54.106 *Travel expenses and other charges.* Charges may be made to cover the cost of travel and other expenses incurred by the Service in connection with the performance of any grading service. Such charges shall include: (a) A charge of $0.50 for each grading made on a fee basis within the metropolitan area of the grader's official station, or (b) charges to cover the cost of travel (common carrier or automobile mileage) and per diem for each grading made on a fee basis outside the metropolitan area of the grader's official station, plus a charge of 10 percent of the amount charged for said per diem and travel costs.

(Sec 205, 60 Stat. 1090, 67 Stat. 205; 7 U. S. C. 1624)

Issued at Washington, D. C., this 24th day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-2177; Filed, Mar. 25, 1954; 8:54 a. m.]

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF EGGS AND EGG PRODUCTS

CHARGES FOR PERFORMING GRADING AND INSPECTION SERVICES

A notice of a proposed amendment to the regulations governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products (7 CFR Part 55) was published in the FEDERAL REGISTER on January 27, 1954 (19 F. R. 459). This program is effective pursuant to the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953). The amendment hereinafter set forth increases the charges for performing grading and inspection service. The hourly charge is raised from $3.60 to $4.00 and the fee schedules for grading service on a package or lot basis are also increased. The increased fees and charges set forth herein will result in an increase in total collections of about 10 percent. The additional revenue is needed to cover the full costs of the grading and inspection service which legislation requires to be self-supporting.

After consideration of all relevant material presented by interested parties, including the proposals set forth in the aforesaid notice, the regulations governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products are hereby amended to become effective April 1, 1954.

It is hereby found that it is impractical, unnecessary, and contrary to public interest to postpone the effective date of this amendment for 30 days after publication in the FEDERAL REGISTER for the reasons that (1) legislation requires that the fees charged shall cover the cost of the service and the costs of the service are peculiarly within the knowledge of the Department, and the fees set forth herein are necessary to cover such costs; (2) fees and charges for performing services on a contract basis will be increased on April 1, 1954, and it is equitable that the changes in charges for services performed on a fee basis as set forth herein be made effective at the same time; and (3) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The amendment is as follows:

1. Change paragraph (b) of § 55.39 *On a fee basis* to read as follows:

(b) In the event the aforesaid applicable rates are deemed by the Administrator to be inadequate fully to reimburse the Service for all costs and other items paid or incurred by the Service in connection with such grading service, the fees for such service shall not be based on the rates specified in §§ 55.43 to 55.45, both inclusive, but shall be based on the time required to perform such service and the travel of each sampler, grader, inspector, and supervisor of packaging at the rate of $4.00 per hour for the time actually required.

2. Change § 55.42 *Traveling expenses and other charges* to read as follows:

§ 55.42 *Travel expenses and other charges.* Charges may be made to cover the cost of travel and other expenses incurred by the Service in connection with the performance of any grading service. Such charges shall include: (a) A charge of $0.50 for each grading made on a fee basis within the metropolitan area of the grader's official station, or (b) charges to cover the cost of travel (common carrier or automobile mileage) and per diem for each grading made on a fee basis outside the metropolitan area of the grader's official station, plus a charge of 10 percent of the amount charged for said per diem and travel costs.

3. Change § 55.43 *Egg grading and inspection fees* to read as follows:

§ 55.43 *Egg grading and inspection fees.* For each grading, or regrading pursuant to § 55.30 (b), of any lot of eggs, the following fees shall be applicable and shall be computed on the basis of the number of packages in such lot:

(a) *Shell eggs.*

	Fee
For 10 packages or less	$1.80
For 11 to 25 packages, inclusive	3.00
For 26 to 50 packages, inclusive	4.00
For 51 to 100 packages, inclusive	5.50
For 101 to 200 packages, inclusive	8.50
For 201 to 300 packages, inclusive	11.50
For 301 to 400 packages, inclusive	13.50
For 401 to 500 packages, inclusive	15.50
For 501 to 600 packages, inclusive	17.50
For each additional 35 packages, or fraction thereof, in excess of 600 packages	1.00

(b) *Frozen eggs*—(1) *Inspection for condition only.*

	Fee
For 50 packages or less	$2.00
For 51 to 100 packages, inclusive	3.00
For each additional 100 packages, or fraction thereof, in excess of 100 packages	1.00
When each individual package in any lot is inspected for condition only, the fee for each package inspected shall be	.20

(2) *Inspection for condition and sampling for laboratory analysis.*

	Fee
For 50 packages or less	$4.00
For 51 to 100 packages, inclusive	5.00
For each additional 100 packages, or fraction thereof, in excess of 100 packages	1.00

4. Change § 55.49 *Approval of official identification* to read as follows:

§ 55.49 *Approval of official identification.* Any grade label, inspection mark or packaging material which is to be used as official identification shall be used only in such manner as the Administrator may prescribe; and such label, inspection mark, and packaging material shall be of such form and contain such information as the Administrator may require. No grade label, inspection mark, or packaging material may be used in the identification of any graded or

inspected product unless finished copies or samples of such grade label, inspection mark, and packaging material have been approved by the Service.

(Sec. 205, 60 Stat. 1090, 67 Stat. 205; 7 U. S. C. 1624)

Issued at Washington, D. C., this 24th day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-2179; Filed, Mar. 25, 1954; 8:54 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

CHARGES FOR PERFORMING GRADING AND INSPECTION SERVICES

A notice of a proposed amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70) was published in the FEDERAL REGISTER on January 27, 1954 (19 F. R. 460). This program is currently in effect pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 *et seq.*) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong. approved July 28, 1953). The amendment, hereinafter set forth, provides for an increase in the charges for performing grading and inspection service. The hourly charge for performing these services is changed from $3.60 to $4.00, and the fee schedules applicable to poultry grading are also changed. The revision of the fees and charges should result in total collections of about 10 percent which is approximately the amount needed to make these programs self-supporting as required by the applicable legislation.

After consideration of all relevant material presented by interested parties, including the proposals set forth in the aforesaid notice, the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto are hereby amended to become effective April 1, 1954.

It is hereby found that it is impractical, unnecessary, and contrary to public interest to postpone the effective date of this amendment for 30 days after publication in the FEDERAL REGISTER for the reasons that (1) legislation requires that the fees charged shall cover the cost of the service and the costs of the service are peculiarly within the knowledge of the Department, and the fees set forth herein are necessary to cover such costs; (2) fees and charges for performing services on a contract basis will be increased on April 1, 1954, and it is equitable that the changes in charges for services performed on a fee basis as set forth herein be made effective at the same time; and (3) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The amendment is as follows:

1. Change paragraph (b) of § 70.131 *Grading service on a fee basis* to read as follows:

(b) In the event the aforesaid applicable rates specified in § 70.133 are deemed by the Administrator to be inadequate fully to reimburse the Service for all costs and other items paid or incurred by the Service in connection with such grading service the fees for such service shall not be based on the rates specified in § 70.133, but shall be based on the time required to perform such grading service and the travel of each grader at the rate of $4.00 per hour for the time actually required.

2. Change § 70.133 *Poultry grading fees* to read as follows:

§ 70.133 *Poultry grading fees.* For each grading of any lot of poultry whether live, dressed, or ready-to-cook, the following fees shall be applicable:

For 500 pounds or less	$1.80
For 501 to 1,500 pounds, inclusive	3.00
For 1,501 to 3,000 pounds, inclusive	4.00
For 3,001 to 6,000 pounds, inclusive	5.50
For 6,001 to 10,000 pounds, inclusive	8.50
For 10,001 to 15,000 pounds, inclusive	11.50
For 15,001 to 20,000 pounds, inclusive	14.00
For 20,001 to 25,000 pounds, inclusive	17.50
For 25,001 to 30,000 pounds, inclusive	20.00
For each additional 5,000 pounds, or fraction thereof, in excess of 30,000 pounds	2.00

3. Change § 70.134 *Inspection service on a fee basis* to read as follows:

§ 70.134 *Inspection service on a fee basis.* Fees to be charged and collected for inspection services furnished on a fee basis shall be based on the time required to render such service including, but not being limited to, the time required for the travel of the inspector, or inspectors, in connection therewith, at the rate of $4.00 per hour for each inspector for the time actually required.

4. Change § 70.135 *Fees for additional copies of grading certificates and inspection certificates* to read as follows:

§ 70.135 *Fees for additional copies of grading certificates and inspection certificates.* Additional copies, other than those provided for in §§ 70.171 to 70.173, 70.201 and 70.211, of any grading certificates or inspection certificates may be supplied to any interested party upon payment of a fee of $1.50 for each set of five or fewer copies.

5. Change § 70.136 *Traveling expenses and other charges* to read as follows:

§ 70.136 *Travel expenses and other charges.* Charges may be made to cover the cost of travel and other expenses incurred by the Service in connection with the performance of any grading service. Such charges shall include: (a) A charge of $0.50 for each grading made on a fee basis within the metropolitan area of the grader's official station, or (b) charges to cover the cost of travel (common carrier or automobile mileage) and per diem for each grading made on a fee basis outside the metropolitan area of the grader's official station, plus a charge of 10 percent of the amount charged for said per diem and travel costs.

(Sec. 205, 60 Stat. 1090, 67 Stat. 205; 7 U. S. C. 1624)

Issued at Washington, D. C., this 24th day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-2178; Filed, Mar. 25, 1954; 8:54 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 20]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

INTERPRETATION CONCERNING NONECONOMIC POISON CLAIMS AND DIRECTIONS FOR USE, AND ECONOMIC POISONS SUBJECT TO REQUIREMENTS OF OTHER STATUTES

Pursuant to the authority vested in me by § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 135–135k), Interpretation 20 concerning noneconomic poison claims and directions for use and economic poisons subject to the requirements of other statutes, is hereby issued as § 362.118 of Part 362, Title 7, Code of Federal Regulations, to read as follows:

§ 362.118 *Interpretation concerning noneconomic poison claims and directions for use, and economic poisons subject to requirements of other statutes.* (a) Certain products are sold for both "economic poison" and "noneconomic poison" uses and the labeling of these products bears directions for use and claims which relate to both economic poison and noneconomic poison uses. For example, a product may be sold as a weed killer and also as a spray for potatoes to prevent sprouting. If such article were recomended only for use on potatoes to prevent sprouting, it would not be subject to the requirements of the act. The product, however, becomes subject to the requirements of the act by being recommended for use as an economic poison. The question has arisen concerning the extent to which the requirements of the act and regulations apply to the noneconomic poison claims and directions for use.

(b) A product which is subject to the act as an economic poison is subject to the act in all respects. Therefore, any statement relative to the article or its ingredients, including a statement relative to the noneconomic poison use of the product, which is false or misleading will result in the product being considered as misbranded under the act. Likewise, the directions for use, including directions for noneconomic poison use, must be such that no injury to the public will result if such directions are followed. For example, a product may be intended to be used as an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act and as a drug within the meaning of the Federal Food, Drug, and Cosmetic Act. If the directions for use of the product as a drug are such that injury will result to the user, the product will not be considered to be in compliance with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, even though the directions for use of the product as an economic poison appear to be adequate and safe.

(c) The situation may also arise where economic loss or other injury might result from either a noneconomic poison or an economic poison use of a product by virtue of the application of another statute. In the first example mentioned above, the use of the product to prevent potato sprouting might result in a residue being left in the potatoes. Furthermore, economic poisons are frequently used on or about foods other than in their production as, for example, to reduce decay of fruits during transportation or storage, thus contaminating the food with a residue of economic poison. Even though such a residue might not be hazardous to man or other animals, it might be that it would be considered as an added poisonous or deleterious substance that is not required in the production of the food or that could be avoided by good manufacturing practice, resulting in the food being adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act. Economic loss could result to the user of the product if such a determination were made and seizure action instituted against the food. Likewise, the shipper of the food might be subject to criminal prosecution for introducing into interstate commerce a food considered to be adulterated under the Federal Food, Drug, and Cosmetic Act. However, in such a situation, the action would be contingent upon independent determination by another Federal agency; that is, an interpretation of another Federal statute would have to be made and positive action taken by another agency. Consequently, this Department could not say whether injury to the user would result if the directions for use were followed.

(d) Therefore, if the proposed usage of the economic poison conforms to good practice but results in contamination of food or feed which is, however, not injurious to human or animal health, the possibility of legal action by other administrative agencies of the Government against such food or feed, or the shipper of the food or feed, will not be taken into consideration in determining whether the economic poison, its labeling and the other material required to be submitted comply with the Federal Insecticide, Fungicide, and Rodenticide Act.

(e) The registration of an economic poison intended for use on or about food or feed is not to be construed as implying that the treated material will be in compliance with the Federal Food, Drug, and Cosmetic Act or other applicable laws.

The foregoing interpretation shall become effective upon its publication in the FEDERAL REGISTER.

(Sec. 6, 61 Stat. 168; 7 U. S. C. Sup. 135d)

Done at Washington, D. C., this 19th day of March 1954.

[SEAL] W. L. POPHAM,
Chief, Plant Pest Control Branch,
Agricultural Research Service.

[F. R. Doc. 54-2138; Filed, Mar. 25, 1954; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 25]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.325 *Navel Orange Regulation 25*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and this regulation relieves restriction on the handling of navel oranges grown in Arizona and designated part of California.

(b) *Order.* (1) Navel Orange Regulation 3 (§ 914.303; 18 F. R. 7223), and Navel Orange Regulation 8 (§ 914.308; 18 F. R. 8170) are hereby terminated at 12:01 a. m., P. s. t., March 28, 1954.

(2) During the period beginning at 12:01 a. m., P. s. t., March 28, 1954, and ending at 12:01 a. m., P. s. t., May 2, 1954, no handler shall handle any Navel oranges, grown in District 1, which are smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum diameter shall be permitted in any type of container: *Provided,* That in addition to such tolerance, each handler may, during each calendar week of the aforesaid period, handle a quantity of such oranges which are smaller than 2.31 inches in diameter but not smaller than 2.20 inches in diameter, except that a tolerance of 5 percent, by count, of oranges smaller than 2.20 inches in diameter shall be permitted in any container of oranges which are smaller than 2.31 inches in diameter, if such quantity does not exceed 5 percent of the total quantity of navel oranges handled by such handler during such week.

(3) During the period beginning at 12:01 a. m., P. s. t., March 28, 1954, and ending at 12:01 a. m., P. s. t., August 1, 1954, no handler shall handle any navel oranges, grown in District 2, which are smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum diameter shall be permitted in any type of container: *Provided,* That in addition to such tolerance, each handler may, during each calendar week of the aforesaid period, handle a quantity of such oranges which are smaller than 2.31 inches in diameter but not smaller than 2.20 inches in diameter, except that a tolerance of 5 percent, by count, of oranges smaller than 2.20 inches in diameter shall be permitted in any container of oranges which are smaller than 2.31 inches in diameter, if such quantity does not exceed 5 percent of the total quantity of navel oranges handled by such handler during such week.

(4) As used in this section, "handler," "handle," "District 1," and "District 2," shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-2156; Filed, Mar. 25, 1954; 8:53 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1954, Supp. 6]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1954

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1954, the 1954 National

Agricultural Conservation Program, issued August 3, 1953 (18 F. R. 4643), as amended August 3, 1953 (18 F. R. 4761), November 4, 1953 (18 F. R. 7024), January 6, 1954 (19 F. R. 160), February 15, 1954 (19 F. R. 972), and March 3, 1954 (19 F. R. 1267), is further amended as follows:

Section 1101.515 is amended by revising the third sentence in paragraph (b) to read as follows:

§ 1101.515 *Conservation practices and maximum rates of cost-sharing.* * * *

(b) * * * In addition, the Soil Conservation Service is responsible for determining that the practices contained in §§ 1101.516, 1101.520, 1101.521, 1101.527 to 1101.531, 1101.533, 1101.534, 1101.540, 1101.541, and 1101.565 are needed and practical on the farm, and also the practices contained in §§ 1101.517 and 1101.518 where the county committee requests such a determination because of doubt as to the need and practicability of applying the practice to the land to be treated. * * *

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended. Pub. Law 156, 83d Cong.; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 22d day of March 1954.

[SEAL] J. EARL COKE,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2136; Filed, Mar. 25, 1954; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6109]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PAUL R. DOOLEY, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Personnel or staff; Qualifications and Abilities; § 3.145 *Patent or other rights:* In General; § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts;* § 3.271 *Trade secrets;* § 3.280 *Unique nature or advantages.* In connection with the offering for sale, or sale of treatments of the hair and scalp in which various medicinal preparations designated by different numbers, such as "No. 22", "No. 11", etc., or any other preparations of substantially similar composition or possessing substantially similar properties, are used, or in connection with the sale, offering for sale, or distribution of such various medicinal preparations, for use in the treatment of the hair and scalp, or of any other preparations of substantially similar composition or possessing substantially similar properties, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., the purchase of said preparations in commerce, which advertisements represent, directly or by implication: (a) That the use of said preparations, alone or in conjunction with, the methods of treatments by respondents or their employees in respondents' places of business or that the use of said preparations by purchasers in their homes will: (1) Have any effect in preventing or overcoming baldness or hair loss; (2) cause hair or scalp health to be regained in all instances; (3) cause "fuzz" or thin hair to be replaced by thick hair; (4) prevent or overcome all scalp disorders; (5) cause the permanent elimination of itching of the scalp, dandruff, dryness, or oiliness of the scalp; (b) that baldness is usually caused by infection, local disease of the scalp, neglect, or abuse; and (c) that the formulas used are exclusively their own or are unknown to, or cannot be used by, others; or which advertisements represent, directly or by implication, that respondent Paul R. Dooley or any of respondents' employees who have not had competent training in dermatology or other branches of medicine having to do with the examination and treatment of scalp disorders affecting the hair have had such training or are trichologists; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Paul R. Dooley, Inc., et al., San Diego, Calif., Docket 6109, March 2, 1954]

In the Matter of Paul R. Dooley, Inc., a Corporation, Paul R. Dooley Associates, a Corporation, Dooley Hair Experts, Inc., a Corporation; Paul R. Dooley, Eugene P. Dooley and Constance R. Dooley, Individually

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in violation of provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated March 5, 1954, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on March 2, 1954, and ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondents Paul R. Dooley, Inc., a corporation, Dooley Hair Experts, Inc., a corporation, and the officers of said corporations, and Paul R. Dooley, Eugene P. Dooley, and Constance R. Dooley, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale or sale of treatments of the hair and scalp in which the various medicinal preparations as set out in the findings herein or any other preparations of substantially similar composition or possessing substantially similar properties are used, or in connection with the sale, offering for sale or distribution of the various medicinal preparations as set out in the findings herein, for use in the treatment of the hair and scalp, or of any other preparations of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That the use of said preparations, alone or in conjunction with, the methods of treatments by respondents or their employees in respondents' places of business or that the use of said preparations by purchasers in their homes will:

(1) Have any effect in preventing or overcoming baldness or hair loss;

(2) Cause hair or scalp health to be regained in all instances;

(3) Cause "fuzz" or thin hair to be replaced by thick hair;

(4) Prevent or overcome all scalp disorders;

(5) Cause the permanent elimination of itching of the scalp, dandruff, dryness or oiliness of the scalp;

(b) That baldness is usually caused by infection, local disease of the scalp, neglect or abuse;

(c) That the formulas used are exclusively their own or are unknown to, or cannot be used by, others;

2. Disseminating or causing to be disseminated by any means any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in subparagraphs (a) and (b) of paragraph 1 hereof or which represents, directly or by implication, that respondent Paul R. Dooley or any of respondents' employees who have not had competent training in dermatology or other branches of medicine having to do with the examination and treatment of scalp disorders affecting the hair have had such training or are trichologists.

It is further ordered, That respondents shall within sixty (60) days after service upon them of this order file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-2151; Filed, Mar. 25, 1954; 8:52 a. m.]

[1] Filed as part of original document.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 73]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is completed at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name; elevation; facility identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	Ceiling and visibility minimums: Condition	Course and distance, facility to airport	Minimum altitude over facility on final approach course (ft.)	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
ARCATA, CALIF. Arcata Airport, 217' ERNRLZ-DTV ACV Procedure No. 1 March 17, 1954	Initial approaches must be made on or above 10,000 MSL.									
	Int. W course FIG (LFR) and radial 063° FOT (VOR).	164–35	6,000	S side W course. 274° outbound. 094° inbound. 1,500' within 10 miles. Beyond 10 miles N.A.	300–1 500–2 1,000–2	300–1 500–2 1,000–2	T–dn C–dn A–dn			
Procedure No. 2 March 17, 1954	FOT VOR	199–18.5	2,000							
	Int. W course ACV (LFR) and radial 199° (CF) (VOR) or radial 341° FOT (VOR).	094–6.5	1,500							
	NOTE: Approaches from all other directions must be made above 10,000 MSL.									
KEY WEST, FLA. Meacham, 4' ERNRLZ-DTV EYW Procedure No. 1 April 4, 1954	Stock Island FM	290–4.1	1,200	S side W course. 295° outbound. 065° inbound. 1,300' within 25 miles.	300–1 500–1 800–2	300–1 500–1 800–2	T–dn C–dn A–dn	300–1 NA 800–2 NA	600	Within 5.7 miles, climb to 1,400' on E course of LFR. Procedure turn non-standard to avoid trafic around Tamiami Airport.
	Key West VOR	133–1.7	1,300							
MIAMI, FLA. International, 9' ERNRLZ-DTV MIA Procedure No. 1 March 28, 1954	Krome FM 600' (final)	092–9.0	600	N side W course: 272° outbound. 092° inbound. 1,200' within 25 miles.	300–1 500–1½ 800–1 800–2	300–1 500–1 800–2	T–dn C–dn A–dn	300–1 500–1 800–2	1,500*	Within 5.7 miles, climb to 1,400' on E course of LFR. Procedure turn non-standard to avoid traffic around Tamiami Airport.
SEATTLE, WASH. Boeing Field, 17' ERNRLZ-DTV EXP SEA Procedure No. 1 March 26, 1954	Monroe Int	146–26.0	3,000	E side S course: 2,000' with 15 miles of S.F.A. L.F.R. 20 and 25 miles N.A.	300–1 800–2	300–1 800–2	T–dn C–dn A–dn	300–1 800–2	2,000*	Within 2.4 miles, climb to 2,000' on NW course SEA L.F.R. within 24 miles. *Increased to 1,200' (final) authorized after passing SEA LOM. If SEA LOM not received, maintain 1,500' over SEA L.F.R. CAUTION: Radio towers 646' 7 miles SW, and 787' 5 miles E of SEA L.F.R.
	Hobart FM	249–15.0	4,000							
	Kitsap INT	117–22.0	2,000							
	Harbor Island FM	117–8.0	2,000							
	TCM LFR	346–33.0	3,000							
	TCM LFR to SEA LOM	356–25.0	2,000							
	SEA LOM (final)	356–9.0	1,200							

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SEATTLE, WASH. Seattle-Tacoma International, 416' SBKAZ-VDTXP SEA Procedure No. 1 March 25, 1954	Monroe INT	186—26.0	3,000	W side NW course: 297° outbound. 117° inbound. 2,000 within 10 miles. 15, 20, and 25 miles NA.	1,200	194—4.0	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 4.0 miles, climb to 2,000' on S course within 25 miles of SEA LFR. CAUTION: Radio towers 906' 7 miles SW and 787' 5 miles E of SEA LFR.
	Hobart FM	269—15.0	4,000							
	TCM LFR	356—33.0	3,000							
	TCM LFR to SEA LOM	356—25.0	2,000							
	SEA LOM	356—9.0	2,000							
	Kitsap INT	117—22.0	2,000							
	Harbor Island FM (final)	117—8.0	1,300							
SIOUX CITY, IOWA Sioux City, 1,097' SBMRL-ZVDT-SU■ Procedure No. 1 March 30, 1954	Sloan FM (final)	334—8.0	1,900	E side S course 154° outbound. 334° inbound. 2,400' within 25 miles.	1,900	330—1.9	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 600-1½ 800-2	1.9 miles, climb to 3,000' on N course or when directed by ATC turn left, climb to 3,000' on W course within 25 miles. CAUTION: 1,318' terrain 1.5 miles ENE of airport.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility; class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ARCATA, CALIF. Arcata Airport, 217' SBMRLZ-DTV ACV Procedure No. 1 February 1, 1951	PROCEDURE CANCELED EFFECTIVE MARCH 24, 1954.									
CEDAR RAPIDS, IOWA Municipal, 863' "H" CID Procedure No. 2 March 30, 1954	All aircraft will proceed en route to CID "H", thence to Walford Int.**. Initial approach to Walford Int.** from CID "H."	260—5.0	2,000	S side of course: 260° outbound. 80° inbound. 2,000' within 25 miles.	Walford Int.** 1,500'	Walford Int.** 080—5.0	T-dn C-d C-n S-dn 8 A-dn	300-1 500-1 500-2 500-1 800-2	300-1 500-1¾ 500-2 500-1 800-2	Within 5.0 miles, climb to 2,100' on 84° course from CID "H" facility within 25 miles. *Procedure not authorized unless aircraft equipped to receive ADF and VOR simultaneously. **Walford Int. 330° radial of Iowa City VOR and 80° bearing to CID "H" facility.
	Iowa City VOR	343—26.0	2,000							
Procedure No. 3 March 30, 1954	All aircraft will proceed en route to CID "H" thence to Ely Int.** Initial approach to Ely Int.** from CID "H."	084—5.0	2,100	S side of course: 084° outbound. 264° inbound. 2,100' within 25 miles.	1,500	Ely Int.** 264—5.0	T-dn C-d C-n S-dn 26 A-dn	300-1 500-1 500-2 500-1 800-2	300-1 500-1½ 500-2 500-1 800-2	Within 5.0 miles, climb to 2,000' on 260° outbound course from CID "H" facility within 25 miles. *Procedure NA unless aircraft equipped to receive ADF and VOR. **Ely Int. 355° radial of Iowa City VOR and 264° bearing to CID "H" facility.
	Iowa City VOR	343—26.0	2,000							

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DENVER, COLO. Stapleton Airfield, 5,325' LOM DE LMM EN Procedure No. 1 August 1, 1952	PROCEDURE CANCELED, EFFECTIVE MARCH 17, 1954.									
GREAT FALLS, MONT. Great Falls, 3,671' LOM GT GTF Procedure No. 1 January 6, 1953	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE, DATED MARCH 10, 1954.									
KANSAS CITY, MO. Municipal, 785' LOM MK Procedure No. 1 September 22, 1952	SUPERSEDED BY COMBINATION ILS-ADF PROCEDURE, DATED MARCH 22, 1954.									
VERO BEACH, FLA. Vero Beach, 25' BMH TV VRB Procedure No. 1 March 25, 1954	Vero Beach VOR	110—6.5	1,100	S side course 290° outbound. 110° inbound. 1,100' within 25 miles.	600	On airport	T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1½ 800-2	Within 0.0 mile, climb to 1,200' on course of 110 within 10 miles of VRB-RBN* *CAUTION: Warning area beyond 10 miles.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation, facility class and identification, procedure No., effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes; limiting distances	Minimum altitude at glide slope intercept point (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
GREAT FALLS, MONT. Great Falls, 3,671' ILS IOTF LOM GT Procedure No. 1 Combination ILS and ADF March 10, 1954	Great Falls LFR	LOM	152—6.0	5,700	W* side of S course 161° outbound. 341° inbound. 5,700' within 5 miles 6,000' within 10 miles 15, 20, and 25 miles NA due high terrain.	ILS 5,700 ADF 5,000 over LOM	5,700—7.1	3,900—0.7	T-dn C-d C-n S-dn #34 ILS ADF A-dn	300-1 500-1 500-1½ 400-¾ 500-1 800-2	300-1 500-1¾ 500-1½ 400-¾ 500-1 800-2	Within 7.1 miles after passing LOM (ADF) climb to 6,000' on back course GTF ILS or on 341° outbound track LOM within 25 miles. Or when directed by ATC, climb to 5,000' on NW course GTF LFR or on 312° outbound course GTF VOR within 15 miles. *Procedure turn on W side for more favorable terrain. CAUTION: 9,816' MSL LFR towers 1.5 miles SW of airport.
	Great Falls VOR	LOM	140—6.0	5,700								
	Belt FM	LOM	255—20.0	5,700								
	Cascade FM (final)	LOM	035—16.0	5,700								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility, class and identification, procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m.p.h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
KANSAS CITY, MO. Municipal, 785' ILS-MKC LOM-MK Procedure No. 1 Combination ILS and ADF March 22, 1954	Kansas City LFR	LOM	028—5.0	2,500	W side N course: 004° outbound, 184° inbound, 2,500' within 10 miles NA beyond 10 miles.	ILS 2,500	2,558—6.2	1,030—0.7	T-dn#	300-1	300-1	Within 5.5 miles after passing LOM (ADF) or at ILS LMM, make right climbing turn, climb to 2,500' and intercept 310° ADF track and proceed to Farley Rbn and hold, or when directed by ATC, make right climbing turn, climb to 2,200' on SW course. MKC LFR within 25 miles, or if VHF equipped only, make right climbing turn, climb to 2,500' on 210° outbound course from MKC-VOR within 25 miles.
	Kansas City VOR	LOM	152—4.0	2,500		ADF 2,900 over LOM			C-dn	##800-1	700-1½	
	Kansas City VOR	N course ILS	131—3.0	2,500					S-dn ILS 18##	400-1	400-1	
	Liberty FM and Rbn	LOM	241—12.0	2,500					S-dn ADF 18	##500-1	700-1	
	Liberty FM and Rbn	N course ILS	250—11.0	2,500					A-dn	800-2	800-2	
	Farley Rbn	LOM	107—15.0	2,500								
	Farley Rbn	N course ILS	098—15.0	2,500								
	Linkville FM	N course ILS	110—9.0	2,500								

CAUTION: Grain elevators 903' MSL and railroad floodlights 857' MSL ¾ mile NNE of runway 18; cracking plant and stack 858' MSL ½ mile WNW of airport. TV tower 1,670' MSL 2.9 miles S of airport. Congested buildings 1,423' MSL 1 mile SSE of airport.

#Take-offs to S or SW when weather is below 1,000-3 will intercept a 210° ADF track from ILS-LMM or 185° outbound course from MKC-VOR as soon as practical after take-off and maintain track on course until reaching 2,500' prior to making left turn.

##When approach lights or glide slope inoperative, cross Bluff FM at not less than 1,460' MSL and circling minimums apply all aircraft except 4-engine authorized 700-1, when approach lights or glide slope inoperative and bluff FM inoperative, 700-1 minimums apply.

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility, class and identification, procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m.p.h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
OAKLAND, CALIF. Oakland Municipal, 5' ILS-OAK Procedure No. 1 March 17, 1954	Newark FMHW	Hayward MHW	339—7	2,600	S# side E course: 095 outbound, 275° inbound, 3,500' within 10 miles of HWD MHW.	2,600	HWD MHW 2,590—9.4 OM 1,320—4.72	230—0.66	T-dn	300-1	300-1	Climb to 2,000' on NW course Oak LFR within 15 miles or to 2,000' on 310.5° radial from Oak VOR within 15 miles (Richmond Int'l). All maneuvering W of course. Missed or aborted approaches must cross Oak LFR or VOR at not above 1,500'.
	Oak LFR	Hayward MHW	099—11	3,500					C-dn	500-1	600-1½	
	Oak VOR	Hayward MHW	094—12	3,500					S-dn 27R	400-½	400-½	
	Baypoint FM*	Hayward MHW	167—24	6,000					A-dn	800-2	800-2	
	Altamont Int.*	Hayward MHW	227—21	5,000								
	Decoto Int. (Int. of 113° radial from Oak VOR and 333° radial from SFO VOR).	Hayward MHW	333—7	2,600								
	SFO LOM	Newark MHW	075—13	4,000								
	SFO LFR	Newark MHW	078—16	4,000								
	SFO VOR	Newark MHW	329—12	3,500								
	Altamont Int.	Newark MHW	212—25	5,000								
	NUQ LFR	Newark MHW	342—13	3,500								

*These transitions authorized day only.

#Procedure turn on Oak LFR or VOR transition only. Upon completion of procedure turn and transition to localizer course inbound, descent from glide path intercept is authorized to cross Hayward MHW at 2,500'. Deviation from standard terrain clearance authorized in missed approach altitude.

SIOUX CITY, IOWA Sioux City, 1,097' ILS-SUX LOM-SU Procedure No. 1 Combination ILS-ADF March 30, 1954	Sioux City LFR	LOM	112—3.0	2,400	E side SF course: 127° outbound, 307° inbound, 2,400' within 25 miles.	ILS 2,200	2,216—4.6	1,293—0.7	T-dn	300-1	300-1	4.6 miles after passing LOM (ADF) climb to 3,000' on NW course ILS within 25 miles of LOM, or when directed by ATC, turn left and climb to 3,000' on W course SUX-LFR within 25 miles. CAUTION: Terrain 1,318' MSL 1½ miles ENE of airport.
	Sioux City VOR	LOM	084—0.7	2,400		ADF 2,200			C-dn	600-1	600-1½	
	Sloan FM	LOM	351—7.0	2,400					S-dn ILS	400-¾	400-¾	
									ADF	500-1	500-1	
									A-dn	800-2	800-2	
SOUTH BEND, IND. St. Joseph County, 778' ILS-SBN Procedure No. 2 Back course approach March 30, 1954	South Bend LFR	Int.* or Int.**	002—1.0	2,000	N side W course: 268° outbound, 088° inbound, 2,100' within 10, 15, 20, 25 miles.	No glide slope	No outer marker	No middle marker	T-dn	300-1	300-1	Within 3.1 miles, climb to 2,000' on E course SBN-LFR within 25 miles.
	South Bend LOM	Int.* or Int.**	268—3.0	2,000		1,500' over Int.* or Int.**	1,500—3.1		C-dn	500-1	500-1½	
	South Bend VOR	Int.* or Int.**	215—5.0	2,000			From over Int.* or Int.**		S-dn 9	500-1	500-1	
	Int. E course ILS and E course SBN LFR.	Int.* or Int.**	268—4.0	2,000					A-dn	800-2	800-2	
	Int. W course ILS and W course South Bend LFR	Int.* or Int.**	88—6.0 (final)	1,500								
	New Carlisle fan marker (via W course SBN ILS).	Int.* or Int.**	88—10.0 (final)	1,500								

*Intersection W course SBN ILS and N course SBN LFR.

**Intersection W course SBN ILS and 45° course to SBN VOR. Authorized only when aircraft equipped to receive ILS and VOR simultaneously.

4. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is published for use at an airport, it shall be in accordance with the following unless a different procedure is authorized by the Administrator for civil aeronautics for such airport. Initial approaches shall be made over specific facilities with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility, class and identification, procedure No., effective date	Minimum altitude over facility for procedure indicated (ft.)	Course and distance from facility to airport	Ceiling and visibility minimums: Type aircraft: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less (ft.)	Ceiling and visibility minimums: More than 75 m. p. h.	Procedure turn (—) side of final approach course (outbound and inbound altitudes, intercepting the fixes)	Minimum altitude (ft.)	Course and distance from facility to airport	Ceiling and visibility minimums: Type aircraft: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less (ft.)	Ceiling and visibility minimums: More than 75 m. p. h.	Procedure turn (—) side of final approach course (outbound and inbound altitudes, intercepting the fixes)
1	6	7	8	9	10	5	4	3	8	9	10	5
CLINTON, IOWA Municipal, 2nd; BVOR-MH1 Procedure No. 1 March 30, 1954	1,400	330—7.2	T—dn C—dn A—dn	300–1 500–1 500–2 800–2	300–1 500–1 500–2 800–2	E side of course; 1½° outbound, 3½° inbound. 1,900' within 25 miles.	2,100	078—22.0	T—dn C—dn A—dn	300–1 500–1 500–2 800–2	300–1 500–1 500–2 800–2	E side of course; 1½° outbound, 3½° inbound. 1,900' within 25 miles.
							2,500	254—73.0				
HUNTSVILLE, ALA. Municipal, 6th; VORW HSV Procedure No. 1 February 15, 1954	PROCEDURE CANCELED EFFECTIVE FEBRUARY 25, 1954.											
KEY WEST, FLA. Municipal, 4th; BVOR KW Procedure No. 1 April 4, 1954	800	134—2.2	T—d C—d A—d	300–1 N A 800–2	300–1 N A 800–2	Within 2.2 miles climb to 1,100' on course 144° within 25 miles.	1,400	066—1.7	T—dn C—dn A—dn	300–1 N A 800–2	300–1 N A 800–2	W side course. 324° outbound. 144° inbound. 1,500' within 25 miles.
MIAMI, FLA. Miami International, 8th; BVOR ITY MIA Procedure No. 1 March 25, 1954	1,400	060—3.5	T—dn C—dn A—dn	300–1 500–1 500–2 800–2	300–1 500–1 500–2 800–2	Within 3.5 miles climb to 1,400' on course 060° within 25 miles or proceed to Tamiami Airport.	600	060—2.7	T—dn C—dn A—dn	300–1 500–1 500–2 800–2	300–1 500–1 500–2 800–2	N side course. 240° outbound. 060° inbound. 1,500' within 25 miles.
MUSKEGON, MICH. Muskegon County, 6th; BVOR MKG Procedure No. 1 March 30, 1954	1,400	352—2.0	T—dn C—dn A—dn	300–1 500–1 800–2	300–1 500–1 800–2	Within 2.0 miles, climb to 1,800' on outbound course 352° within 25 miles.	1,800	281—10.7	T—dn C—dn A—dn	300–1 500–1 800–2	300–1 500–1 800–2	E side of course. 101° outbound. 281° inbound. 1,800' within 10 miles. 2,000' within 25 miles.
SALINAS, CALIF. Salinas Airport, 9th; BVOR SNS Procedure No. 1 March 24, 1954	1,100	124—3.4	T—dn C—dn A—dn	300–1 600–1½ 800–2	300–1 600–1½ 800–2	Within 3.4 miles, climb to 5,000' on the 124° radial from SNS-VOR within 25 miles.	1,800	.....	.....	.....	.....	W side of course. 304° outbound. 124° inbound. 2,000' within 25 miles.
SIOUX CITY, IOWA Sioux City, 10th; BVOR ST X Procedure No. 1 March 30, 1954	1,000	313—4.0	T—dn C—dn B—dn 31 A—dn	300–1 500–1 500–2 800–2	300–1 500–1 500–2 800–2	4.0 miles, climb to 3,000' on course of 313° continuous, or when directed by ATC. Circling minimums will be outbound from BUX-COM; terrain 1.5 miles ENE of airport.	2,400	114—4.0	T—dn C—dn A—dn	300–1 500–1 800–2	300–1 500–1 800–2	E side of course; 134° outbound. 314° inbound. 2,600' within 25 miles.
							1,900	330—7.0				

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2026, Filed, Mar. 25, 1954, 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Part 141b; 19 F. R. 1141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146c; 18 F. R. 5366, 5448, 7311; 19 F. R. 1141) are amended as indicated below:

1. Section 141b.114 (a) is amended to read:

§ 141b.114 *Streptomycin-bacitracin-polymyxin gauze pads*—(a) *Potency.* Proceed as directed in § 141b.112 (a) (1), except soak the sample for not less than 1 hour with frequent agitation.

2a. In § 146a.54 *Penicillin-streptomycin ointment* • • •, paragraph (a) (3) is amended to read as follows:

(3) If it is intended solely for veterinary use and it is conspicuously so labeled, it may contain a suitable and harmless salt of cobalt, one or more sulfonamides, and one or more suitable and harmless preservatives.

b. Section 146a.54 (b) is amended by changing the words "and if it contains one or more preservatives or sulfonamides" to read "and if it contains cobalt, preservatives, or sulfonamides".

3. Section 146c.207 *Chlortetracycline tablets* • • • is amended by changing the period at the end thereof to a comma and by adding the following new clause: "except that the average moisture content of tetracycline hydrochloride tablets is not more than 3.0 percent."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: March 19, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-2154; Filed, Mar. 25, 1954; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

NUMBER, TYPE, AND LOCATION OF CAMPS

Paragraph (b) of § 562.59 is rescinded and the following substituted therefor:

§ 562.59 *Number, type, and location of camps.* • • •

(b) The only camps provided for by §§ 562.58 to 562.67 are senior division advanced course camps. The Department of the Army does not maintain camps for the instruction of students in the junior division ROTC. Where such camps are maintained by institutions, equipment allotted to such institutions may be used for this purpose, providing such use does not obligate the Government financially beyond the normal cost of maintenance of this equipment at the institution. The personnel assigned to these institutions may be used providing there is no other requirement for their services and written permission is obtained from the appropriate continental Army or overseas commander.

[C1, AR 145-30, 8 Mar. 1954] (Sec. 34, 41 Stat. 778; 10 U. S. C. 441)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-2130; Filed, Mar. 25, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10962]

RADIO BROADCAST SERVICES

INTERNATIONAL BROADCAST STATIONS

In the matter of amendment of Part 3, Subpart F of the Commission's rules governing international broadcast stations to provide for the use of the high frequency broadcasting bands between 5950 and 26100 kc by international broadcast stations; Docket No. 10962.

Notice is hereby given of proposed rule making in the above-entitled matter.

During World War II and for some time thereafter, most of the high frequency broadcasting in the United States was carried on by Commission licensees under contract with an agency of the United States Government. Now, however, it is anticipated that more international high frequency broadcasting will be carried out on a private basis. In order to provide for private high frequency broadcasting by licensees of the Commission in a manner consistent with international treaties and agreements to which this Government is a party, it is proposed to amend Part 3, Subpart F of the Commission's rules as set forth below.

It is also proposed to rescind Commission Order No. 108, adopted by the Commission on December 22, 1942, a copy of which is set forth below:

Authority for the proposed amendments is contained in section 303 (a), (b), (c), (e), (f), (h), (i), (j), (l), (q), and (r) of the Communications Act of 1934, as amended.

Any interested person may file with the Commission, on or before May 19, 1954, a written statement or brief in support of, or in opposition to, the proposed amendment. Comments or briefs in reply to the original comments or briefs may be filed within 7 days from the last day for filing the described original comments or briefs. The Commission will consider all comments, briefs, and statements before taking final action in this proceeding. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given such interested parties.

In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 17, 1954.

Released: March 18, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[Order No. 108]

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of December 1942;

It appearing that the Interdepartmental Committee for International Radiobroadcasting Facilities, with the approval of the Board of War Communications and the Commission, has arranged through the Office of War Information and the Office of Coordinator of Inter-American Affairs to coordinate the operation of all international broadcast stations in the interests of the Government for the conduct of psychological warfare; and

It appearing that international broadcast stations are now under direct supervision of the Government and that the suspension until further order of the Commission of certain sections of the rules and regulations

of the Commission governing international broadcast stations will insure maximum flexibility of operation.

It is ordered, That the following sections or portion thereof, of the rules and regulations of the Commission be, and they are hereby, suspended until further order of the Commission:

a. Paragraph (f) (1), (2), and (3) of § 4.43 [a] which reads as follows:

(f) (1) Each licensee of an international broadcast station shall make verbatim mechanical records of all international programs transmitted.

(2) The mechanical records, and such manuscripts, transcripts, and translations of international broadcast programs as are made shall be kept by the licensee for a period of two years after the date of broadcast and shall be furnished the Commission or be available for inspection by representatives of the Commission upon request.

(3) If the broadcast is in a language other than English the licensee shall furnish to the Commission upon request such record and scripts together with complete translations in English.

b Paragraphs (d) and (e) of § 4.44 [b] which read as follows:

(d) An international broadcast station will not be authorized to use more than one frequency listed in any group listed in paragraph (a) of this section without a showing of technical necessity.

(e) Not more than one frequency shall be used simultaneously under the same authorization and call letter designation.

c. Section 4.46 [c] which reads as follows:

§ 4.46 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) The number of hours operated on each frequency.

(b) A list of programs transmitted of special international interest.

(c) Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

It is proposed to amend Subpart F-Rules Governing International Broadcast Stations of Part 3 as follows:

1. Delete § 3.701 and substitute the following:

§ 3.701 *Definitions*—(a) *International Broadcast Station.* A broadcasting station employing frequencies allocated to the broadcasting service between 5950 and 26100 kc, whose transmissions are intended to be received directly by the general public in foreign countries.

(b) *Frequency-hour.* One frequency used for one hour.

(c) *Day.* Any twenty-four hour period beginning 0000 e. s. t. and ending 2400 e. s. t.

(d) *Sunspot number.* The predicted 12 month running average of the number of sunspots for any month as indicated in the National Bureau of Standards CRPL Series D publications.

(e) *Vernal equinox season.* That period of any calendar year starting at 0000 e. s. t. on March 1, and ending at 2400 e. s. t. on April 30.

(f) *Summer season.* That period of any calendar year starting at 0000 e. s. t. on May 1, and ending at 2400 e. s. t. on August 31.

(g) *Autumnal equinox season.* That period of any calendar year starting at 0000 e. s. t. on September 1, and ending at 2400 e. s. t. on October 31.

(h) *Winter season.* That period of any calendar year starting at 0000 e. s. t. on November 1, and ending at 2400 e. s. t. on February 28 (or 29).

(i) *Maximum usable frequency (MUF).* The highest frequency that would normally be returned to the surface of the earth by the ionosphere, considering a specific path.

(j) *Optimum working frequency (OWF).* The frequency which is returned to the surface of the earth for a particular path and time of day on 90 percent of the days of the given month.[1]

(k) *Delivered median field intensity.* The field intensity incident upon the target area (Table A) expressed in microvolts per meter, or decibels above one microvolt per meter, which is exceeded by the hourly median value on 50 percent of the days of the month.

(l) *Target area.* Area of intended reception. Target areas are set forth in figure 1 of the Appendix and are identified by number. The latitude and longitude of the reference points to be assumed for each target area in calculating the Delivered Median Field Intensity are given in table A of the Appendix.

(m) *Contract operation.* Operation of an international broadcast station pursuant to a contract with an agency of the United States Government covering operation and program costs and subject to Governmental control as to the specific target areas to be covered and the times of the broadcasts.

(n) *Private operation.* Any non-government operation of an international broadcast station which is not contract operation.

2. Delete § 3.702 and substitute the following:

§ 3.702 *Application for international broadcast stations.* (a) Each applicant for a construction permit for a new international broadcast station, modification of such a permit, or international broadcast station license or modification or renewal of license for such a station shall file with the Commission in Washington, D. C., three copies of applications and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. Applications for construction permits for new stations or modifications of existing construction permits shall be filed on FCC Form 309; for station licenses, on FCC Form 310 for renewal of licenses, on FCC Form 311; for modification of license on Form 312.

(b) Authorizations issued to international broadcast stations by the Commission will not specify the frequencies, hours of use, or antenna directivity, but will be authorizations for use of a particular transmitter for international broadcasting to specified target area.

3. Delete § 3.711 and substitute the following:

§ 3.711 *Assignment and use of frequencies.* (a) Frequencies will be assigned by the Commission from time to time and in accordance with the provisions of this section, to authorized international broadcast stations for use at specified hours and for transmission to specified target areas. Licensees may request the assignment of specific frequencies for transmission during given hours of operation to specified target areas by filing informal requests in triplicate with the Commission no less than 30 days prior to the start of a new season. Such requests will be honored to the extent that interference and propagation conditions permit and that they are otherwise in accordance with the provisions of this section. Requests for changes in frequency or hour assignments at other times during the year or which are received less than 30 days before the start of a new season will be processed as rapidly as practical, but only after consideration has been given to all timely filed requests for assignments for the next season. All specific frequency authorizations will be made only on the express understanding that they are subject to immediate cancellation or change without hearing whenever the Chief Engineer of the Commission determines that interference or propagation conditions so require and that each assignment of frequency hours for a given season is unique unto itself and not subject to renewal, with the result that completely new assignments must be secured for the forthcoming season. Where a station is simultaneously engaged in both private and contract broadcasting as defined in this part of the rules it must receive separate frequency hour authorizations for each of these operations.

(b) Frequencies assigned by the Commission will be within the following bands:

Band A: 5950–6200 kc.
Band B: 9500–9775 kc.
Band C: 11700–11975 kc.
Band D: 15100–15450 kc.
Band E: 17700–17900 kc.
Band F: 21450–21750 kc.
Band G: 25850–26100 kc.

(c) Frequencies assigned will be as near as possible to the Optimum Working Frequency. In no case will they exceed the Maximum Usable Frequency for more than a total of 15 minutes during any period of transmission.[2] [3]

(d) No frequency will be assigned which would provide a Delivered Median Field Intensity, either measured or calculated, of less than 150 uv/m —50 percent or 43.5 decibels above one uv/m at the distant target area. This value of Median Field Intensity is expected to provide protection against atmospheric and industrial noise for at least 90 percent of each hour during 90 percent of the days of the month.[3] [4]

(e) Not more than one frequency will be authorized for use at any one time for any one program transmission except in instances where a program is intended for reception in more than one target area and the intended target areas cannot be served by a single frequency.[5]

(f) No authorization for use of a particular frequency will be issued which fails to provide a minimum co-channel median field intensity protection ratio of 40 db to the transmissions of other broadcasting stations at the reference point in the target area being served by such stations which, in the opinion of the Commission, have priority of assignment.[6]

(g) Authorization for use of a particular frequency will not be issued which does not provide a minimum adjacent channel median field intensity protection ratio of 11 db to the transmissions of other international broadcasting stations at the reference points in the target areas being served by such stations which, in the opinion of the Commission have priority of assignment.[6]

(h) Any frequency authorized to an international broadcast station shall also be available for assignment to other international broadcast stations.[6]

(i) No more than one frequency shall be used simultaneously under the same authorization and call letter and equipment installation number designation.

(j) Subject to all other pertinent provisions of this part, the total maximum number of frequency-hours which will be authorized to all licensees of private international broadcast stations for private operation combined in any frequency band for any pertinent season during any one day will be those in Table B of the Appendix less the number of frequency-hours in these bands scheduled for use by both (1) government international broadcasting stations, and (2) international broadcast stations licensed by the Commission to use frequencies in these bands for contract operations.

(k) In the event the total number of frequency hours in any band scheduled for both (1) government international broadcasting stations, and (2) international broadcast stations licensed by the Commission to use frequencies in these bands for contract operations equals or exceeds 75 percent of the frequency-hour figures given in Table B of the Appendix, the maximum number of frequency-hours which will be authorized to all licensees of international broadcast stations for private operation in any frequency band for any pertinent season during any one day will be 25 percent of the combined total of Government and contract operations.[3]

(l) If the requests for international broadcasting frequency-hours for private operation in any band or bands exceed those available under the terms of this part, in the absence of any voluntary agreement for reduction of frequency-hours requested, the Commission will designate all requests for frequency-hours in the band or bands in question for hearing. Pending such hearing the Commission will temporarily assign the available frequency-hours equally among the several applicants: *Provided, however*, That with respect to such temporary allocation:

(1) An existing licensee shall not, to the extent such frequency hours are available, receive less than the number of frequency-hours utilized during the preceeding season or requested for the forthcoming season, whichever is lesser.

(2) Where the number of frequency-hours available for private international broadcasting during a forthcoming season are insufficient to permit existing licensees to secure a temporary allocation equal to that previously utilized or requested, whichever is lesser, the allocation shall be pro-rated among such persons in a manner which will give them a share of the available frequency-hours proportionate to that utilized in the preceeding season.

(3) In any event, where an applicant's share of the available frequency hours would be more than requested, the surplus shall be divided among the remaining applicants in the manner herein prescribed.

4. Delete § 3.713 and substitute the following:

§ 3.713 *Installation or removal of apparatus.* Applications for construction permit or modification thereof, involving the installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated installation.

5. Add paragraph (c) to § 3.715 as follows:

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

6. Delete § 3.716 and substitute the following:

§ 3.716 *Equipment tests.* (a) During the process of construction of an international broadcast station, the permittee after notifying the Commission and Engineer in Charge of the Radio district in which the station is located may, without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefore, and the rules and regulations. No programming will be conducted during equipment tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of program tests. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefore, and the rules and regulations, the permittee should notify the Engineer in Charge of the radio district in which the station is located that it is ready for inspection

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to

[a] Presently designated as § 3.781.
[b] Presently designated as § 3.702.
[c] Presently designated as § 3.791.

[1] Optimum Working Frequency and Delivered Median Field Intensity data for the entire sunspot cycle and for the various seasons covering major transmission paths are available for consultation in the Office of the Chief Engineer of the Commission. In lieu of that data, any applicant may use published data of the National Bureau of Standards known as the CRPL Series D, Basic Radio Propagation Conditions, published monthly in conjunction with National Bureau of Standards Circular 465, "Instructions for the Use of Basic Radio Propagation Predictions." These publications are available from the Superintendent of Documents, Washington 25, D. C.

[2] Optimum Working Frequency and Delivered Median Field Intensity data for the entire sunspot cycle and for the various seasons covering major transmission paths are available for consultation in the Office of the Chief Engineer of the Commission. In lieu of that data, any applicant may use published data of the National Bureau of Standards known as the CRPL Series D, Basic Radio Propagation Predictions, published monthly in conjunction with National Bureau of Standards Circular 465, "Instructions for the Use of Basic Radio Propagation Predictions." These publications are available from the Superintendent of Documents, Washington 25, D. C.

[3] This rule does not apply to international broadcast stations when engaged in contract operations.

[4] Computation of the delivered median field intensity for each transmission path may be made in accordance with the data available for consultation in the Office of the Chief Engineer of the Commission. The methods used in the calculation of these data are described in Chapter 7, Paragraph 7.7 of the National Bureau of Standards Circular 462. These data were reproduced in quantity at the Mexico City High Frequency Broadcasting Conference (1948–1949). A typical example of a computation for a transmission path is from New York (Area 8) to Buenos Aires (Area 15). The delivered median field intensity for the equinox season, sunspot 5, and for the 6 Mc band for the hours 0200 to 0400 GMT is indicated as 24 decibels above one microvolt per meter for 1 KW radiated power. The transmitter power output of 20 decibels (100 kw) is added. The transmitting antenna gain of 12 decibels is added. The resultant total (56 decibels) exceeds the level of 43.5 decibels required to deliver a median field intensity of 150 uv/m at the distant target area.

[5] Not applicable to international broadcast stations when engaged in contract operations.

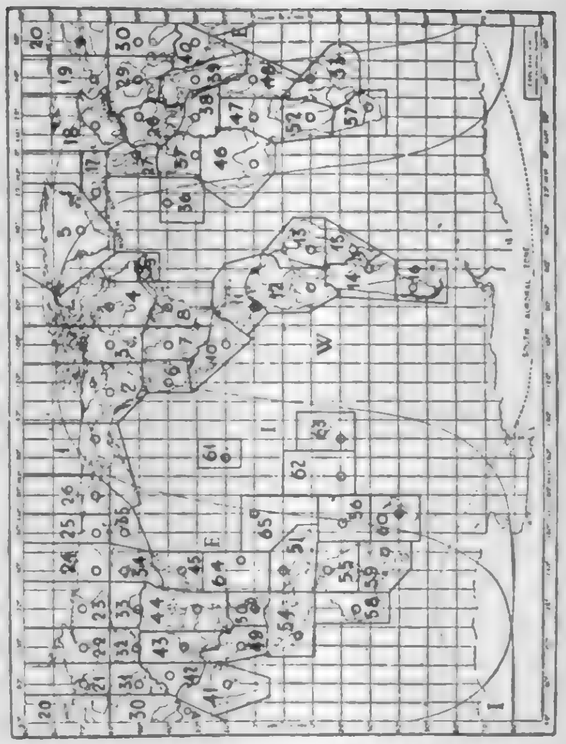
[6] Not applicable to international broadcast stations when engaged in contract operations.

TABLE B—FREQUENCY HOURS AVAILABLE FOR U. S. INTERNATIONAL BROADCASTING

Band	Mc	Season	0-20	20-40	40-60	60-80	80-100	100-110	110-125	125-140
6										
9										
11										
15										
17										
21										
26										
Totals										

[1] Nonlinear.

FIGURE 1.



World map showing zones covered by predicted charts, and auroral zones.

[F. R. Doc. 54-2070; Filed, Mar. 25, 1954; 8:45 a. m.]

operate but as a necessary part of construction.

7. Delete § 3.717.

8. Change the expression "60" in the fifth line of § 3.720 (a) to read "90".

9. Delete paragraph (c), including footnote 2, of § 3.731, and redesignate paragraphs (d), (e), (f), and (g) as (c), (d), (e) and (f).

10. Change the expression "50" in § 3.751 to read "100".

11. Change the expression "0.005" in § 3.752 to read "$\sqrt{P}$ - 20 cs".

12. Delete § 3.756 and substitute the following:

§ 3.756 *Required transmitter performance.* (a) All spurious emissions (including harmonics) shall be attenuated below the level of the unmodulated carrier at least to the limits derived from the following formula:

Attenuation in db = 80 + 10 log P

Where P is the transmitter output power (unmodulated) in kilowatts.

(b) The construction, installation, operation, and performance of the international broadcast transmitter system shall be in accordance with good engineering practice.

13. Change the expression "0.005" in § 3.767 to read "0.003 percent."

14. Delete footnote 4 and designator from § 3.781.

15. Change § 3.872 to read § 3.782

16. Delete paragraphs (b), (c), and (d) of § 3.788 and substitute the following:

(5) In case of any other type of advertising, such advertising is directed to the foreign country or countries to which the program is directed and is consistent with the purpose and intent of this section.

(c) The areas established to be served by international broadcast stations are those given in figure 1, and directive antennas shall be employed to direct the signals to specific areas.

(d) An international broadcast station may transmit the program of a standard broadcast station or network system:

Provided, The conditions in paragraph (b) of this section in regard to any communications

TABLE A—LATITUDE AND LONGITUDE OF AREAS USED FOR DETERMINING FREQUENCY HOURS AVAILABLE

Area No.	Lati-tude (de-grees)	Longi-tude (de-grees)	Area No.	Lati-tude (de-grees)	Longi-tude (de-grees)
1	65	170 W	34		140 W
2	65	125 W	35		100 W
3	65	100 W	36		80 W
4	65	80 W	37		60 W
5	65	60 W	38		40 W
6	65	40 W	39		20 W
7	65	20 W	40		0°
8	65	0°	41		20 E
9	65	20 E	42		40 E
10	65	40 E	43		60 E
11	65	60 E	44		80 E
12	65	80 E	45		100 E
13	65	100 E	46		120 E
14	65	120 E	47		140 E
15	65	140 E	48		160 E
16	65	160 E	49		180 E
17	65	180 E	50		160 W
18	50	170 W	51		140 W
19	50	150 W	52		120 W
20	50	130 W	53		100 W
21	50	110 W	54		80 W
22	50	90 W	55		60 W
23	50	70 W	56		40 W
24	50	50 W	57		20 W
25	50	30 W	58		0°
26	50	10 W	59		20 E
27	50	10 E	60		40 E
28	50	30 E	61		60 E
29	50	50 E	62		80 E
30	50	70 E	63		100 E
31	50	90 E	64		120 E
32	50	110 E	65		140 E
33	50	130 E			

[1] See section 3 (p) of the Communications Act of 1934 for the definition of "chain broadcasting."

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN STRAWBERRIES

NOTICE OF NON-ISSUANCE OF REVISED STANDARDS FOR GRADES

A notice was published in the January 28, 1954, issue of the FEDERAL REGISTER (19 F. R. 480) concerning the issuance of revised United States Standards for Grades of Frozen Strawberries, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C., 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

This notice provided a period of 30 days for all persons to submit written data, views, or arguments for consideration in connection with the proposed amendment. On the basis of all such data, views, or arguments which have been filed with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, and all relevant matters presented pursuant to such notice, it has been concluded that it is not desirable to issue the proposed revision at this time.

It is determined, therefore, that the revised United States Standards, as proposed in the aforementioned notice, will not be made effective at this time.

Done this 22d day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-2137; Filed, Mar. 25, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

BLOCKED STEEL MILL EQUIPMENT BELONGING TO CZECHOSLOVAKIA OR NATIONALS THEREOF

ORDER DIRECTING SALE

I, George M. Humphrey, Secretary of the Treasury, acting under and by virtue of the authority which the President of the United States has delegated to the Secretary of the Treasury by Executive Order No. 9193, which was issued by virtue of and pursuant to the authority vested in the President by the Constitution, by the First War Powers Act of 1941, and by section 5 (b) of the Trading With the Enemy Act of 1917, as amended:

(a) Hereby make the following findings about and with respect to certain steel mill components and equipment auxiliary thereto belonging to Czechoslovakia or nationals thereof and blocked by an order of the Secretary of the Treasury, dated January 17, 1952, 17 F. R. 614:

(1) The interests of the United States Government in protecting its unsatisfied claims and those of United States nationals against Czechoslovakia require that the said property or the proceeds of any sale thereof remain available for use in connection with the settlement of these claims.

(2) The owners of the said property have not paid storage and other charges which have accrued thereon and failure to pay such charges has deprived the persons storing the said property of moneys properly due and owing to them. Although the persons presently storing the property have liens thereon arising out of unpaid charges in connection with the property, the interests of the United States Government, of the owners of the property, and of such other persons as may have an interest therein would not be best served by uncoordinated sales of various portions of the property to satisfy such liens. Uncoordinated sales would not be conducive to bids by persons desirous of acquiring the blocked property as an entirety or integral components thereof and such sales would probably result in smaller proceeds than those which could be expected from a coordinated sale.

(3) Before being placed in storage, the property was not packed in contemplation of long-term storage and the owners of the property have not taken steps to insure its physical maintenance. Accordingly, the property is likely to deteriorate under continued storage.

(4) The continued accumulation of liens against the property and its possible deterioration will decrease the value of the property contrary to the interest of the United States Government in protecting its claims and those of American nationals against Czechoslovakia.

(5) The interests of the United States require that the property be sold and that the proceeds thereof remain available for use in connection with the settlement of United States claims against Czechoslovakia.

(6) The Czechoslovak authorities have not sold, indicated a willingness to sell, or permitted the sale of the property under terms and conditions which would allow the proceeds received therefrom to remain available for use in connection with the settlement of United States claims against Czechoslovakia.

(b) Hereby order Laurence B. Robbins, hereinafter referred to as the Receiver, to take the following action with respect to the property blocked by the order of January 17, 1952.

(1) The Receiver shall receive sealed bids for the sale of the blocked property. Such bids, which shall be opened on April 28, 1954, unless the Receiver shall specify a later date, shall be subject to the terms and conditions of this order and such other terms and conditions as may be established by the Receiver.

(2) The Receiver shall promptly transmit a copy of this order to all persons on whose account any of the blocked property is stored and to all persons believed by him to claim an interest in the property. The Receiver shall promptly make public advertisement of the sale and invite bids for the purchase of the blocked property. He shall also make available a prospectus relating to the blocked property.

(3) The Receiver shall receive bids for:

Lot I—All of the property included in Lots III through XI below, as a unit.

Lot II—All of the property included in Lots III through X below, as a unit.

Lot III—A 66" 10-Stand Continuous Hot Strip Mill with flying shear, 2 down coilers, coil conveyors, sheet piler, and auxiliary motors and controls, but excluding slab reheating furnaces and furnace charging equipment, skids and bumpers, and main drive motors, controls and high voltage switchgear.

Lot IV—Certain parts for a 62" Continuous Strip Pickler, including processing uncoiler, flash welder and trimmer, stitcher, hot air dryer and electrical equipment for flash welder only, but excluding motors and controls.

Lot V—A 21" & 53" x 64" 4-High 4-Stand Tandem Cold Strip Mill for sheets and tin plate, including complete main drive and auxiliary motors and controls but excluding high voltage switch gear.

Lot VI—A 44" Electrolytic Clearing Line with Motor Generator Sets and Controls but excluding tanks, hoods, exhaust duct system, main drive motors and controls, and auxiliary motors and controls.

Lot VII—A 21" & 53" x 64" 4-High Single Stand Skin Pass Mill for sheet stock in coils, including complete main drive and auxiliary drive motors and controls but excluding high voltage switchgear.

Lot VIII—A 18" & 53" x 48" 4-High Single Stand Skin Pass Mill for tin plate, including complete main drive and auxiliary drive motors and controls but excluding high voltage switchgear.

Lot IX—A 38" Drum Type Tin Plate Flying Shear Line, including classifier with magnets, counters and pinhole detector, but excluding all motors and controls.

Lot X—A 16½" & 53" x 80" 4-High Cold Sheet Mill, including entry and delivery conveyors, leveller, oiling machine, pilers, but excluding all electrical equipment.

Lot XI—Electrical equipment for a 46" Blooming Mill, comprising auxiliary motors, auxiliary motor generators and controls only.

A more complete description of each of the above components will be found in the prospectus. Drawings are not included in the property to be sold since they are not available to the Receiver.

(4) The Receiver shall receive bids for the blocked property subject to the following terms and conditions:

(i) No bid shall be accepted unless it receives the approval of the Secretary of the Treasury, who reserves the right to reject any or all bids for the blocked property and to waive any defects in any bid.

(ii) Each bidder, in a form satisfactory to the Receiver, shall furnish a deposit with his bid in the amount of five per-

cent thereof. Each bidder shall agree that his bid shall not be withdrawn within twenty calendar days after the opening of the bids and that his bid will during that time remain firm and irrevocable.

(iii) Each bidder shall state whether he is acting as agent or principal, and if as agent, shall fully disclose the principal. Each bidder bidding on behalf of a corporation or other principal shall furnish satisfactory proof of his authority to bid.

(iv) Any bidder who is acting on behalf of a foreign principal or who is bidding with the intention of exporting some or all of the property may specifically condition his bid on his being able to obtain an export license with respect to the property involved. Any such condition must appear in the sealed bid and shall state the country to which exportation will be made if the bid is accepted and the export license granted.

(5) After any bid has been accepted, the Receiver shall notify the successful bidder and demand that he tender the balance of the purchase price within ten days. Upon receipt of the amount demanded, the Receiver shall execute a bill of sale transferring the property to the purchaser subject to existing liens. Any such bill of sale shall state that it is executed under authority of this order and section 5 (b) of the Trading With the Enemy Act, as amended, which provides in part that: "the President may, through any agency that he may designate, * * * direct and compel, nullify, void, prevent or prohibit any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to * * * any property in which any foreign country or a national thereof has any interest, by any person, or with respect to any property, subject to the jurisdiction of the United States * * *."

(6) Immediately upon receipt of payment the Receiver shall order and direct each person having possession of property covered by the bills of sale to hold said property, subject to existing liens, for the disposition of the purchasers set forth thereon, pointing out in each such order that section 5 (b) of the Trading With the Enemy Act, as amended, provides in part that: "no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance, on, this subdivision, or any rule, regulation, instruction, or direction issued hereunder."

(7) From the proceeds of the sale the Receiver shall pay or make reimbursement of all expenses of the sale which the Government may have incurred or paid.

(8) The Receiver shall deposit the net proceeds, that is, any proceeds remaining after the payments specified above have been made, in a Federal Reserve Bank in the State in which the property sold had been stored, with the amount deposited in each such bank representing in the judgment of the Receiver the value of the property stored in such State that has been sold pursuant to this order. The amounts so deposited shall be placed in accounts denominated as being under the control of the Secretary of the Treasury for the benefit of the former owners of the property which has been sold and such other persons as may have had an interest therein. To the extent that any person or persons had an interest in any of the blocked property that is sold pursuant to this order, such interest shall exist in the net proceeds received for said property in any sale under this order: *Provided, However,* That the net proceeds shall be subject to all of the provisions of paragraphs (1) and (2) of the order of January 17, 1952, 17 F. R. 614, to the same extent that the property specified in that order was subject thereto: *And further provided,* That no portion of the net proceeds may be used to satisfy any claim which was secured by a lien against the property at the time of sale. To the extent that any of the blocked property afforded the courts of any state jurisdiction to adjudicate the rights of any person claiming an interest in the property, the net proceeds received for said property in any sale under this order shall be considered to afford the same basis for jurisdiction.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 54-2118; Filed, Mar. 25, 1954; 8:45 a. m.]

CERTAIN STEEL MILL COMPONENTS AND AUXILIARY EQUIPMENT BELONGING TO CZECHOSLOVAKIA OR NATIONALS THEREOF

NOTICE OF SALE

Laurence B. Robbins, Receiver under an order of the Secretary of the Treasury, dated March 25, 1954, invites bids for the purchase of certain steel mill components and auxiliary equipment belonging to Czechoslovakia or nationals thereof and blocked by an order of the Secretary of the Treasury, dated January 17, 1952, 17 F. R. 614. The property offered for sale and which is more fully described in a Prospectus is as follows:

(a) A 66" 10-Stand Continuous Hot Strip Mill with flying shear, 2 down coilers, coil conveyors, sheet piler, and auxiliary motors and controls, but excluding slab reheating furnaces and furnace charging equipment, skids and bumpers, and main drive motors, controls and high voltage switchgear.

(b) Certain parts for a 62" Continuous Strip Pickler, including processing uncoiler, flash welder and trimmer, stitcher, hot air dryer and electrical equipment for flash welder only, but excluding motors and controls.

(c) A 21" & 53" x 64" 4-High 4-Stand Tandem Cold Strip Mill for sheets and tin plate, including complete main drive and auxiliary motors and controls but excluding high voltage switchgear.

(d) A 44" Electrolytic Cleaning Line with Motor Generator Sets and Controls but excluding tanks, hoods, exhaust duct system, main drive motors and controls, and auxiliary motors and controls.

(e) A 21" & 53" x 64" 4-High Single Stand Skin Pass Mill for sheet stock in coils, including complete main drive and auxiliary drive motors and controls but excluding high voltage switchgear.

(f) A 18" & 53" x 48" 4-High Single Stand Skin Pass Mill for tin plate, including complete main drive and auxiliary drive motors and controls but excluding high voltage switchgear.

(g) A 38" Drum Type Tin Plate Flying Shear Line, including classifier with magnetic counters and pinhole detector, but excluding all motors and controls.

(h) A 16½" & 53" x 80" 4-High Cold Sheet Mill, including entry and delivery conveyors, leveller, oiling machine, pilers, but excluding all electrical equipment.

(i) Electrical equipment for a 46" Blooming Mill, comprising auxiliary motors, auxiliary motor generators and controls only.

Drawings will not be furnished and are not for sale by the Receiver.

Bids will be received for the above property as a whole, or for items (a) through (h) as a unit, or for any or all of the items as separate units. All bids should be made in accordance with and subject to the terms and conditions set forth in the order of March 25, 1954, and the Statement of Terms and Conditions of Sale. The property is offered for sale subject to existing liens which are described in the Prospectus.

All bids must be received by the Receiver on or before 11:00 a. m., April 28, 1954, at which time bids will be publicly opened in Room 4121, Treasury Department, Washington 25, D. C. The Secretary of the Treasury reserves the right to reject any or all bids for the blocked property and to waive any defects in any bid.

The property to be sold is stored on the premises of (1) United Engineering and Foundry Company at New Castle, Pennsylvania, and Youngstown, Ohio, (2) the Pennsylvania Railroad Company at Philadelphia, Pennsylvania, (3) General Public Warehouse Company, Inc., at Philadelphia, Pennsylvania, and (4) Sperry Warehouses, Inc., at Troy, New York. Arrangements to inspect the property or parts thereof may be made upon request with the above firms. Any such inspection shall be at the expense of the person desiring the inspection and must take place in the presence of an officer, employee or agent of the firm having custody of the property inspected.

Copies of the orders of the Secretary of the Treasury referred to above, the Statement of Terms and Conditions of Sale, the Form of Bid and Affidavit, and the Prospectus describing the property offered for sale are available free of charge on application. Copies of a packing list of the property offered for sale are available at a cost of $5.00 each. Checks should be drawn payable to the Treasurer of the United States. Application for the foregoing documents may be made to the Receiver, in case of Foreign Assets Control, Treasury Department, Washington 25, D. C., at whose offices the packing list is also available for inspection free of charge.

[SEAL] LAURENCE B. ROBBINS,
Receiver.

[F. R. Doc. 54-2119; Filed, Mar. 25, 1954; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket DA-444]

IDAHO

RESTORATION ORDER UNDER FEDERAL POWER

MARCH 18, 1954.

Pursuant to determination DA-444, Idaho, of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24, of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and the stipulation that if and when the land is required in whole or in part for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

BOISE MERIDIAN

T. 8 S., R. 30 E.,
Sec. 11, Lots 7 and 8.

The areas described aggregate 95.20 [illegible].

The lands described are located on the north bank of the Snake River at an elevation of 4,300 feet; the soil is alluvial clay; and the topography is generally rough and not suitable for cultivation. A portion of the lands contain improvements consisting of a dam, ponds, and waste gate. The lands are classified as primarily valuable for fish culture purposes.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended and the special stipulation herein provided. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request in the Land Office, Boise, Idaho.

JOSEPH A. GAUONG,
Acting Regional Administrator.

[F. R. Doc. 54-2121; Filed, Mar. 25, 1954; 8:46 a. m.]

[Misc. 61569]

WASHINGTON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM COLUMBIA BASIN PROJECT

MARCH 22, 1954.

An order of the Bureau of Reclamation dated April 13, 1951, concurred in by the Acting Director, Bureau of Land Management, May 16, 1951, revoked the Departmental Orders of May 4, 1934, and May 11, 1934, so far as they withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described lands in connection with the Columbia Basin Project, Washington, and provided that such revocation should not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands described:

WILLAMETTE MERIDIAN

T. 26 N., R. 29 E.,
Sec. 5, E½SE¼;
Sec. 8, N½NE¼.
T. 27 N., R. 29 E.,
Sec. 23, SE¼NE¼, N½SE¼;
Sec. 27, NE¼NE¼;
Sec. 33, E½SW¼.
T. 28 N., R. 29 E.,
Sec. 32, NE¼SW¼.
T. 28 N., R. 30 E.,
Sec. 31, E½SE¼.

The areas described aggregate 520 acres.

The lands in Tps. 26 and 27 N., R. 29 E. are mainly rolling bench land, with some cliffs. Those in T. 28 N., R. 30 E. are mountainous while those in T. 28 N., R. 29 E. contain cliffs. The soil is generally shallow and rocky. The vegetation is grass and sagebrush. The lands are not suitable for cultivation and are generally suitable for grazing, although such use is limited in some areas due to unaccessibility. Any application that is filed will be considered on its merits.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location, and selection under the applicable public-land laws subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans of World War II and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Spokane, Washington.

EARL G. HARRINGTON,
Acting Assistant Director.

[F. R. Doc. 54-2122; Filed, Mar. 25, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6543]

KENTUCKY UTILITIES CO. AND DIXIE POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING MERGER OR CONSOLIDATION OF FACILITIES

MARCH 22, 1954.

Notice is hereby given that on March 19, 1954, the Federal Power Commission issued its order adopted March 17, 1954, authorizing merger or consolidation of facilities in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2124; Filed, Mar. 25, 1954; 8:47 a. m.]

[Docket Nos. G-1198, G-1232]

ARLINGTON COUNTY BOARD OF VIRGINIA ET AL.

NOTICE OF ORDER DISMISSING COMPLAINT AND TERMINATING INVESTIGATION

MARCH 22, 1954.

In the matters of Arlington County Board of Virginia v. Potomac Gas Company and Washington Gas Light Company, Docket No. G-1198; and Washington Gas Light Company, Potomac Gas Company, and Prince George's Gas Corporation, Docket No. G-1232.

Notice is hereby given that on March 18, 1954, the Federal Power Commission issued its order adopted March 17, 1954, dismissing complaint and terminating investigation in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2125; Filed, Mar. 25, 1954; 8:47 a. m.]

[Docket No. G-2141]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER OMITTING INTERMEDIATE DECISION PROCEDURE AND APPROVING PROPOSED SETTLEMENT

MARCH 22, 1954.

Notice is hereby given that on March 18, 1954, the Federal Power Commission issued its order adopted March 17, 1954,

omitting intermediate decision procedure and approving proposed settlement in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2126; Filed, Mar. 25, 1954; 8:47 a. m.]

[Docket Nos. G-2253, G-2336]

ALABAMA-TENNESSEE NATURAL GAS CO.

NOTICE OF ORDER APPROVING PROPOSED SETTLEMENT AND REQUIRING TARIFF REVISIONS TO BE FILED

MARCH 22, 1954.

Notice is hereby given that on March 18, 1954, the Federal Power Commission issued its order adopted March 17, 1954, approving proposed settlement and requiring tariff revisions to be filed in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2127; Filed, Mar. 25, 1954; 8:48 a. m.]

[Docket No. G-2334]

NORTHERN NATURAL GAS CO. AND INDEPENDENT NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 22, 1954.

Notice is hereby given that on March 18, 1954, the Federal Power Commission issued its order adopted March 17, 1954, in the above-entitled matter, issuing a certificate of public convenience and necessity to Northern Natural Gas Company to acquire certain natural gas facilities approved for abandonment by Independent Natural Gas Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2128; Filed, Mar. 25, 1954; 8:48 a. m.]

[Docket Nos. ID-943, ID-1210, ID-1211]

WILLIAM H. ZIMMER ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

MARCH 22, 1954.

In the matters of William H. Zimmer, Docket No. ID-943; G. P. Gamble, Docket No. ID-1210; Stuart V. Willson, Docket No. ID-1211.

Notice is hereby given that on March 19, 1954, the Federal Power Commission issued its orders adopted March 17, 1954, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2129; Filed, Mar. 25, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2745]

NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

ORDER POSTPONING HEARING

MARCH 22, 1954.

New England Gas and Electric Association ("Negas") having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), requesting an exception from Rule U-45; and

The Commission having on February 17, 1954, issued notice of the filing and notice of and order for hearing, to be held on March 31, 1954, in respect of said application-declaration; and

Negas having filed a request that said hearing be postponed for at least sixty days; and the Commission deeming it appropriate to grant such request, and that the order granting such postponement shall become effective forthwith:

It is ordered, That the hearing scheduled for March 31, 1954, in respect of the application-declaration of Negas for an exception from Rule U-45, be, and it hereby is, postponed to June 1, 1954, at 10:00 a. m., Washington, D. C. time on said date, at the office of the Commission, 425 Second Street NW., Washington, D. C.

It is further ordered, That this order shall become effective immediately upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2131; Filed, Mar. 25, 1954; 8:48 a. m.]

[File No. 70-3203]

WISCONSIN ELECTRIC POWER CO. AND MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO.

ORDER AUTHORIZING RETIREMENT BY SUBSIDIARY OF CERTAIN SHARES OF ITS CAPITAL STOCK

MARCH 22, 1954.

Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company which is also an operating utility company, and its wholly-owned subsidiary the Milwaukee Electric Railway & Transport Company ("Transport Company") having filed with this Commission a joint declaration pursuant to sections 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following proposed transaction:

Wisconsin Electric proposes to sell, and Transport Company proposes to buy, for $700,000 in cash, 7,000 shares of Transport Company's common stock, of the par value of $100 per share. Transport Company proposes to retire and cancel such stock, and to amend its Articles of Incorporation to reflect a corresponding reduction in its authorized capital stock.

It is stated that Wisconsin Electric holds all of Transport Company's outstanding securities, consisting of 58,350 common shares; that in December 1952 Transport Company sold all of its passenger transportation properties, since which time its business operations have been greatly curtailed; that it has reduced to cash certain assets reserved from such sale, principally $659,366 in tax refunds; that the funds which it will use in retiring the 7,000 shares of its capital stock are not needed for its continuing operations; that Wisconsin Electric needs and will use the funds for its current construction of new utility plant.

It is requested that the Commission's order be made effective upon issuance

The Public Service Commission of Wisconsin, in which state Wisconsin Electric is organized and doing business, has expressly authorized its sale of said shares.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2132; Filed, Mar. 25, 1954; 8:49 a. m.]

[File No. 70-3206]

ARKANSAS LOUISIANA GAS CO.

ORDER REGARDING BORROWING FROM A COMMERCIAL BANK

MARCH 22, 1954.

Arkansas Louisiana Gas Company ("Arkansas"), a public utility subsidiary of Cities Service Company, a registered holding company, having filed a declaration with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), which is summarized as follows:

Pursuant to a Credit Agreement to be entered into between Arkansas and Guaranty Trust Company of New York ("Guaranty") Arkansas proposes to borrow from Guaranty not to exceed in the aggregate $8,500,000 from time to time not later than November 1, 1954, in amounts of $100,000 or any multiple thereof. To evidence each such borrowing, Arkansas will issue and deliver to Guaranty a Promissory Note in the principal amount of such borrowing, maturing February 1, 1956, and bearing interest at the rate of 3¼ percent per annum payable on the first days of February, May, August, and November of each year

Under the Credit Agreement, Arkansas will have the right, at any time prior to November 1, 1954, by three business days' notice in writing to Guaranty, to reduce the aggregate amount which Guaranty is obligated to lend to Arkansas to $5,000,000 or any amount between $5,000,000 and $8,500,000 which is a multiple of $100,00. As consideration for Guaranty's commitment, Arkansas will be obligated to pay Guaranty on November 1, 1954, a commitment fee equal to one-half of 1 percent per annum on the daily average unborrowed amount which Guaranty shall have been obligated to lend from the date of the Credit Agreement to November 1, 1954.

The proceeds of the loans are to be used for construction expenditures during 1954, which are estimated to aggregate $12,830,000. Certain of the facilities to be constructed will enable Arkansas to increase the amount of gas to be furnished to Arkansas Power and Light Company, one of its largest industrial customers; and upon completion and connection with such facilities, Arkansas Power and Light Company will advance $3,694,000 to Arkansas to be refunded by credits on the purchase price of gas thereafter furnished by Arkansas. The amount of the advance to be refunded subsequent to 1954 is expected to be $3,500,000. Approximately $4,330,000 of said construction expenditures will be obtained from depreciation and depletion accruals, and up to $8,500,000 from borrowings under the Credit Agreement.

Arkansas will have the privilege of prepaying the Notes at any time and from time to time without premium in amounts of $100,000 or multiples thereof, provided the funds therefor are derived only from (i) the issue and sale of additional bonds, (ii) payments of not to exceed $3,500,000 to be received from Arkansas Power and Light Company, or (iii) Arkansas' own operations in the normal course of business. If prepayment is made from funds derived from any other source, Arkansas will pay a premium calculated at the rate of ¼ of 1 percent per annum of the principal amount of the Note or Notes so prepaid from the date of such payment to the maturity date thereof.

Upon receipt of the aforesaid advance from Arkansas Power and Light Company, Arkansas proposes, to the extent then deemed appropriate, to reduce the amount which Guaranty shall be obligated to lend under the Credit Agreement to an amount between $5,000,000 and $8,500,000 which is a multiple of $100,000, as permitted by the Credit Agreement, and may also prepay without premium one or more of the Notes.

Fees and expenses are estimated at $6,750 which includes counsel fees not to exceed $2,500 to Davis, Polk, Wardwell, Sunderland & Kiendl, counsel for Guaranty and $2,500 to Frueauff, Burns, Farrell, Shanley & Johnson, counsel for Arkansas. It is stated that no State or Federal Commission other than this Commission has jurisdiction over the proposed transaction. It is requested that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2133; Filed, Mar. 25, 1954; 8:49 a. m.]

[File No. 70-3222]

COLUMBIA GAS SYSTEM, INC., AND ATLANTIC SEABOARD CORP.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

MARCH 22, 1954.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and one of its wholly owned subsidiary companies, Atlantic Seaboard Corporation ("Seaboard"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 7, 9, and 10 of the act and Rule U-50 (a) (3) as applicable to proposed transactions which are summarized as follows:

Seaboard proposes to increase its authorized common stock, $25 par value, from 1,000,000 to 1,080,000 shares and to issue and sell to Columbia 237,000 shares of such stock at a price equivalent to the par value thereof.

Seaboard also proposes to issue and sell to Columbia $8,125,000 principal amount of __ Percent Installment Promissory Notes at a price equivalent to the principal amount of such notes. The notes are to be registered and will be payable in 25 equal annual installments on February 15 of each of the years 1956 to 1980 inclusive. Interest on the unpaid principal amount of the notes is to be payable semi-annually on February 15 and August 15 at the rate of 4 percent per annum or such lower rate, being a multiple of ⅛ of 1 percent, as shall be not less than the "cost of money" to Columbia in respect of its next sale of Senior Debentures. It is Columbia's present intention to sell Senior Debentures later this year and during the interim period the proposed installment notes will carry interest at the rate of 4 percent per annum subject, however, to an adjustment in the rate following the sale of Senior Debentures.

It is anticipated that Seaboard will first issue and sell its common stock when and as funds are required by it up to a maximum amount of $5,925,000, and thereafter Seaboard will sell its installment notes to Columbia up to a maximum amount of $8,125,000. However, none of the common stock or installment notes will be sold or purchased subsequent to March 31, 1955.

According to the filing the financing is for the purpose of supplying Seaboard with funds which are urgently needed in connection with its 1954 construction program involving estimated expenditures of $15,178,500 for transmission lines, compressor stations, and other facilities.

The estimated fees and expenses aggregate $15,855 of which $15,455 is attributable to the Federal original issue tax.

Notice is further given that any interested person may, not later than April 14, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 14, 1954, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the Rules and Regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2134; Filed, Mar. 25, 1954; 8:49 a. m.]

[File No. 70-3219]

OHIO POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING OF APPLICATION TO SELL FIRST MORTGAGE BONDS AND SHARES OF PREFERRED STOCK AT COMPETITIVE BIDDING AND SHARES OF COMMON STOCK TO PARENT

MARCH 22, 1954.

Notice is hereby given that an application has been filed with this Commission by American Gas and Electric Company ("American Gas"), a registered holding company, and its public-utility subsidiary the Ohio Power Company ("Ohio"). The application designates sections 6 (b), 10, and 12 (c) of the act and Rules U-42 and U-50 of the Commission's general rules and regulations promulgated under the act as applicable to the proposed transactions, which are summarized as follows:

Ohio proposes to issue and sell $20,000,000 aggregate principal amount of its First Mortgage Bonds, __ Percent Series due 1984 or 1989. The maturity date will be set forth in an amendment to be filed with the Commission prior to the effective date of the order to be issued herein. Such Bonds will be sold under competitive bidding pursuant to Rule U-50. The coupon rate (which

shall be expressed in a multiple of ⅛th of 1 percent) and the price to be paid to Ohio, which shall be not less than 100 percent or more than 102¾ percent of the principal amount of the bonds proposed to be sold, will be determined by competitive bidding.

Ohio proposes to issue and sell 50,000 shares of __ Percent Cumulative Preferred Stock, par value $100 per share. Such shares of Preferred Stock will be sold under competitive bidding pursuant to Rule U-50. The dividend rate (which shall be expressed in a multiple of 0.04 of 1 percent) and the price to be paid to Ohio, which shall be not less than $100 per share or more than $102.75 per share, will be determined by competitive bidding.

Ohio proposes to issue and sell, prior to or concurrently with the sale of the Bonds and Preferred Stock, 50,000 shares of its Common Stock, no par value, to American Gas for $1,000,000 cash.

The proceeds of the sales of the First Mortgage Bonds, Preferred Stock and Common Stock described above are to be applied to the prepayment, without premium, of Notes Payable to Banks aggregating $23,000,000. The remaining proceeds will be added to Ohio's treasury funds and will be applied to extensions, additions and improvements to its properties.

The application states that the issue and sale of the Bonds, the Preferred Stock and Common Stock are solely for the purpose of financing the business of Ohio, and will be expressly authorized by the Public Utilities Commission of Ohio, the State in which Ohio is organized and doing business.

Notice is further given that any interested person may, not later than April 5, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 5, 1954, said application, as filed or as amended, may be granted as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2135; Filed, Mar. 25, 1954; 8:49 a. m.]

[File No. 812-866]

A. C. ALLYN AND CO., INC.

NOTICE OF FILING OF APPLICATION REQUESTING ORDER EXEMPTING TRANSACTION BETWEEN PRINCIPAL UNDERWRITER AND INVESTMENT COMPANY

Notice is hereby given that A. C. Allyn and Company, Incorporated ("Allyn"), a Delaware corporation and principal underwriter for Concord Fund, Inc. ("Concord"), a Massachusetts corporation and a registered open-end diversified management investment company, has filed an application under section 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 17 (a) of the act the sale by Allyn to Concord of 25,000 shares of common stock of General Stores Corporation ("General Stores"), a New York corporation.

General Stores (formerly known as D. A. Schulte, Inc.) has outstanding 2,053,922 shares of common stock and has entered into an agreement to sell Allyn an additional 300,000 shares of its common stock for $1.375 per share. Allyn in turn has entered into agreements to sell to various persons 275,000 shares of said stock, including 25,000 shares to Concord, at the price paid by Allyn, namely $1.375 per share. Allyn's obligation to purchase the General Stores common stock is conditioned, among other things, (i) upon the contemporaneous resale of the 275,000 shares as described above and (ii) upon the simultaneous consummation of an agreement for the purchase by General Stores of substantially all of the outstanding capital stock of Ford Hopkins Company ("Ford Hopkins"), a Delaware corporation. General Stores will pay Allyn $5,000 for financial services and advice.

Section 17 (a) of the act makes it unlawful, subject to certain exceptions not relevant here, for a principal underwriter of a registered investment company to sell any security to such registered company, unless the Commission, upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a) of the act. Such an application shall be granted if the Commission finds that the terms of the proposed transaction, including the consideration, are reasonable and fair and do not involve overreaching on the part of anyone concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and with the general purposes of the act.

The application discloses the following facts:

Except as principal underwriter, neither Allyn or its affiliated persons have, or have had, any affiliation with Concord or its investment adviser, Concord Counselors, Inc. ("Concord Counselors").

As of December 31, 1953, Concord owned 50,000 shares of General Stores' common stock. Two of Concord's officers, who are also directors of General Stores, own in the aggregate 15,882 shares of General Stores common stock, and hold options to purchase a like number of shares of such stock from General Stores at a price of $1.70 per share. One of said officers has agreed to purchase from Allyn 5,000 shares of such stock, and the wife of the other has agreed to purchase 25,000 shares.

General Stores has been engaged principally in the operation of a chain of retail stores, known as the Schulte stores. In each of the past five years ended October 31, 1953, and in the two months ended December 31, 1953, General Stores has sustained losses which have averaged approximately $611,000 per year. Within recent years, new management has been brought in to direct the company's affairs and various economy measures have been introduced. The average annual loss sustained by the company for its last two fiscal years ending October 31, 1953, was about $490,000.

On August 26, 1953, General Stores acquired at a cost of $1,254,045 all of the capital stock of Stineway Drug Company which operates a chain of 23 retail drug stores and a public cafeteria in the Chicago area. The average annual net income of Stineway for its past three fiscal years ending April 30, 1953, has been approximately $170,000 before taxes and $91,000 after taxes. General Stores is negotiating for the acquisition of Ford Hopkins, which operates a chain of 48 retail drug stores and 3 restaurants principally in Chicago as well as in other mid-western cities. The average annual net income of Ford Hopkins for its past three fiscal years ending October 3, 1953, has been approximately $179,000 before taxes and $100,000 after taxes.

Although negotiations are still continuing, General Stores, expects to acquire all of the outstanding capital stock of Ford Hopkins for $2,800,000 of which $735,000 is to be paid upon the signing of the contract of acquisition. The cash needed by General Stores to meet the downpayment will be obtained in part by the proposed sale of 300,000 shares of its common stock, the net proceeds of which are estimated to amount to $387,500

An oral agreement betwen General Stores and Allyn for the sale of this stock at $1.375 per share was entered into on December 7, 1953. The closing market price per share of the outstanding General Stores stock traded on the American Stock Exchange on that day was $1.375 per share. The agreement was approved by the Board of Directors of General Stores on December 17, 1953, and the closing market price on that date was $1.25 per share. In the intervening period, the price of the stock ranged between $1.125 to $1.375 per share. Since then, the stock has ranged in price between $1.125 and $1.75 per share and the closing market price on March 22, 1954 was $1.625 per share.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than April 5 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2180; Filed, Mar. 25, 1954; 8:54 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 26]

TENNESSEE

TRANSFER OF PROPERTY KNOWN AS THE FLINTVILLE FISH CULTURAL STATION, FLINTVILLE, TENNESSEE

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated March 11, 1954, to the State of Tennessee, that property known as the Flintville Fish Cultural Station, Flintville, Tennessee, and more particularly described in said deed, has been transferred from the United States to the State of Tennessee.

2. The above described property is transferred to the State of Tennessee for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

EDMUND F. MANSURE, *Administrator of General Services.*

MARCH 22, 1954.

[F. R. Doc. 54-2170; Filed, Mar. 25, 1954; 8:58 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th sec. Application 29031]

MERCHANDISE IN MIXED CARLOADS FROM TRUNK-LINE AND NEW ENGLAND TERRITORIES TO POINTS IN GEORGIA AND TENNESSEE

APPLICATION FOR RELIEF

MARCH 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Points in trunk-line and New England territories.

To: East Point, Fort McPherson, Hapeville, Decatur, Lakewood Station, Oakland City, and Ormewood, Ga., and Warner Robins, Ga., Nashville and Knoxville, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-1013.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2139; Filed, Mar. 25, 1954; 8:50 a. m.]

[4th Sec. Application 29034]

GRAIN BETWEEN POINTS IN OKLAHOMA

APPLICATION FOR RELIEF

MARCH 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Atchison, Topeka and Santa Fe Railway Company, and Chicago, Rock Island and Pacific Railroad Company.

Commodities involved: Grain, grain products and related articles, carloads.

Between: Points in Oklahoma.

Grounds for relief: Competition with rail carriers, circuitous routing and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3826, supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2142; Filed, Mar. 25, 1954; 8:51 a. m.]

[4th Sec. Application 29033]

BRICK FROM SOUTHERN OHIO AND OLIVE HILL, KY., DISTRICTS TO KENTUCKY AND TENNESSEE

APPLICATION FOR RELIEF

MARCH 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Brick, refractories and related articles, carloads.

From: Points in southern Ohio and Olive Hill, Ky., districts.

To: Points in Kentucky and Tennessee.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1127, supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2141; Filed, Mar. 25, 1954; 8:51 a. m.]

[4th Sec. Application 29035]

PHOSPHATE ROCK, CRUDE, FROM NASHVILLE, TENN., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

MARCH 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Illinois Central Railroad Company and Louisville and Nashville Railroad Company.

Commodities involved: Phosphate Rock, crude, acidulated, rough, unscreened, carloads.

From: Nashville, Tenn.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1221, supp. 51.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2143; Filed, Mar. 25, 1954; 8:51 a. m.]

[4th Sec. Application 29037]

GRAIN FROM ST. LOUIS, MO., EAST ST. LOUIS, ILL., AND INTERMEDIATE POINTS TO BATON ROUGE-NEW ORLEANS, LA., DISTRICT

APPLICATION FOR RELIEF

MARCH 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Grain, grain products, and related articles, carloads.

From: St. Louis, Mo., East St. Louis, Ill., and intermediate points.

To: Baton Rouge and New Orleans, La., and points located between those points.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3940, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2145; Filed, Mar. 25, 1954; 8:51 a. m.]

[4th Sec. Application 29039]

CAUSTIC SODA FROM HUNTSVILLE AND REDSTONE ARSENAL, ALA., TO AUSTIN, IND.

APPLICATION FOR RELIEF

MARCH 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Caustic soda, liquid, in tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Austin, Ind.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1351, supp. 62.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2147; Filed, Mar. 25, 1954; 8:52 a. m.]

[4th Sec. Application 29041]

BITUMINOUS FINE COAL FROM MINES IN BEVIER, MO., GROUP TO WATERLOO AND CEDAR FALLS, IOWA

APPLICATION FOR RELIEF

MARCH 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Bituminous fine coal, carloads

From: Mines in the Bevier, Mo., group.

To: Waterloo and Cedar Falls, Iowa.

Grounds for relief: Rail competition, circuity, to maintain grouping and additional routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3969, supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2149; Filed, Mar. 25, 1954; 8:52 a. m.]

[4th Sec. Application 29042]

WROUGHT IRON AND STEEL PIPE FROM HOUSTON, TEX., TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 23, 1954

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Pipe, wrought iron and steel, welded and seamless, carloads.

From: Houston, Texas.

To: Specified points in Alabama and Mississippi, and points grouped therewith.

Grounds for relief: Rail competition, market competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 321.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2150; Filed, Mar. 25, 1954; 8:52 a. m.]

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VOLUME 19 1934 NUMBER 60

Washington, Saturday, March 27, 1954

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 24]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.324 *Navel Orange Regulation 24*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on March 25, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 28, 1954, and ending at 12:01 a. m., P. s. t., April 4, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 346,500 boxes;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section, "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of March 1954.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 3, 1953 Supp. ($1.50)
Title 16 ($1.00)
Titles 22–23 ($1.00)
Title 24 ($0.75)

Previously announced: Title 8 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.45); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Mar. 28 to 12:01 a. m., P. s. t., Apr. 4, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.0000
A. N. F. Corona	.3428
A. N. F. Fullerton	.0000
A. N. F. Orange	.0000
A. N. F. Riverside	1.4396
A. N. F. Santa Paula	.0971
Eadington Fruit Co.	.3901
Signal Fruit Association	1.1225
Bryn Mawr Mutual Orange Association	.4258
Chula Vista Mutual Lemon Association	.0000
Euclid Avenue Orange Association	2.2300
Foothill Citrus Union, Inc.	.0809
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	2.3506
Olive Hillside Groves, Inc.	.0000
Redlands Foothill Groves	3.2122
Redlands Mutual Orange Association	1.5307
Ventura County Fruit Growers, Inc.	.3144
Azusa Citrus Association	.9443

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Covina Citrus Association	2.0880
Glendora Citrus Association	1.3140
Valencia Heights Orchards Association	.6877
Gold Buckle Association	4.3177
La Verne Orange Association	4.0870
Anaheim Valley Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Linda Citrus Association	.0000
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0000
Citrus Fruit Growers	.4758
Cucamonga Mesa Growers	.7221
Etiwanda Citrus Fruit Association	.1446
Upland Citrus Association	2.3456
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association	.0000
Olive Heights Citrus Association	.0000
Santiago Orange Growers Association	.1176
Villa Park Orchards Association	.0000
Bradford Bros., Inc.	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0070
Corona Citrus Association	1.5278
Jameson Company	.6595
Orange Heights Orange Association	4.9025
Crafton Orange Growers Association	1.5775
East Highlands Citrus Association	.5169
Redlands Heights Groves	.9932
Redlands Orangedale Association	1.5157
Rialto-Fontana Citrus Association	.2074
Bryn Mawr Fruit Growers Association	1.2804
Mission Citrus Association	.9072
Redlands Cooperative Fruit Association	2.2616
Redlands Orange Growers Association	1.6223
Redlands Select Groves	.5722
Rialto Orange Company	.7654
Southern Citrus Association	1.0649
United Citrus Growers	.9093
Arlington Heights Citrus Co.	1.8065
Blue Banner, Inc.	3.1703
Brown Estate, L. V. W.	2.5211
Gavilan Citrus Association	2.3488
McDermont Fruit Co.	1.8499
Monte Vista Citrus Association	1.8351
National Orange Co.	1.8721
Riverside-Highgrove Citrus Association	2.2238
Victoria Avenue Citrus Association	3.7129
Claremont Citrus Association	.6004
College Heights Orange & Lemon Association	1.8986
Indian Hill Citrus Association	1.1742
Pomona Fruit Growers Exchange	1.0188
Walnut Fruit Growers Association	.6965
West Ontario Citrus Association	.8349
Escondido Cooperative Citrus Association	.0000
Camarillo Citrus Association	.0053
Fillmore Citrus Association	1.0968
Mupu Citrus Association	.0000
Ojai Orange Association	1.1679
Piru Citrus Association	1.5583
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[F. R. Doc. 54-2260; Filed, Mar. 26, 1954; 11:50 a. m.]

[Orange Reg. 254]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.675 *Orange Regulation 254*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than March 29, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until March 29; the recommendation and supporting information for continued regulation subsequent to March 28, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 23; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 29, 1954, and ending at 12:01 a. m., e. s. t., April 12, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box," shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647 of this title; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 24th day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-2206; Filed, Mar. 26, 1954; 8:50 a. m.]

[Grapefruit Reg. 198]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.676 *Grapefruit Regulation 198*—(a) *Findings.* (1) Pursuant to the mar-

keting agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than March 29, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until March 29, 1954; the recommendation and supporting information for continued regulation subsequent to March 28, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 23; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 29, 1954, and ending at 12:01 a. m., e. s. t., April 12, 1954, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any white seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any white seedless grapefruit, grown in Regulation Area I, that grade U. S. No. 2 Russet, U. S. No. 2 or U. S. No. 2 Bright, (*a*) which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or (*b*) which are of a size larger than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any white seedless grapefruit, grown in Regulation Area I, that grade U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1 Bright or U. S. Fancy, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any white seedless grapefruit, grown in Regulation Area II, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any pink grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet.

(2) As used in this section "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 24th day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-2211; Filed, Mar. 26, 1954; 8:51 a. m.]

[Lemon Reg. 530]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.637 *Lemon Regulation 530*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 24, 1954, such meeting, was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 28, 1954, and ending at 12:01 a. m., P. s. t., April 4, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 275 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 529 (19 F. R. 1535) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of March 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-2236; Filed, Mar. 26, 1954; 8:56 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

RECONSTRUCTION FINANCE CORPORATION

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (2), (3), (4), and (7), (b) (5), and (h) (1) of § 6.121 are revoked, and paragraphs (a) (5) and (6), (b) (1), (2), (3) and (4), (c) (1), (d) (1), (e) (1), and (f) (1) are amended as set out below.

§ 6.121 *Reconstruction Finance Corporation*—(a) *General.* • • •

(5) Until June 30, 1954, not to exceed 8 positions as Loan Agency Manager and not to exceed 8 positions of Assistant Loan Agency Manager.

(6) Until June 30, 1954, Inventory Custodians, Watchmen, Caretakers, and Laborers engaged in the care and preservation of property held by the Corporation and its subsidiaries.

(b) *Office of the Administrator.* (1) Until June 30, 1954, two Private Secretaries or Confidential Assistants to the Administrator; and one Assistant to the Administrator.

(2) Until June 30, 1954, two Assistants to the Administrator; six Special Assistants to the Administrator; four Special Representatives (Field).

(3) Until June 30, 1954, six Administrative Assistants, and one Junior Administrative Assistant.

(4) Until June 30, 1954, one Chauffeur for the Administrator.

(c) *Office of the Secretary.* (1) Until June 30, 1954, a Secretary of the Corporation; one Assistant Secretary and one Assistant to the Secretary.

(d) *Office of the Treasurer.* (1) Until June 30, 1954, a Treasurer of the Corporation and one Assistant Treasurer.

(e) *Office of the Controller.* (1) Until June 30, 1954, a Controller of the Corporation; one Assistant Controller; and the Chief of the Audit Division.

(f) *Office of the General Counsel.* (1) Until June 30, 1954, a General Counsel of the Corporation; two Special Counsel and four Assistants General Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2186; Filed, Mar. 26, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FOREIGN OPERATIONS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, the headnote of § 6.149 is changed from Mutual Security Agency to Foreign Operations Administration; paragraph (d) of § 6.149 is revoked; paragraph (e) is added to § 6.149 and § 6.349 is added as set out below.

§ 6.149 *Foreign Operations Administration.* • • •

(e) The positions of Director for Personnel Security and Integrity, Deputy Director for Personnel Security and Integrity, and Director of the Inspections Division.

§ 6.349 *Foreign Operations Administration*—(a) *Office of the Director.* (1) Two Assistants to the Director.

(2) One Confidential Assistant (Private Secretary) to the Director.

(3) One Private Secretary to the Director.

(4) One Confidential Assistant to the Deputy Director of Foreign Operations.

(5) Two Chauffeur-Guards for the Director.

(b) *Office of the Deputy Director for Management.* (1) Deputy Director for Management.

(2) Director for Research, Statistics and Reports.

(3) One Confidential Assistant to the Director for Research, Statistics and Reports.

(4) Deputy General Counsel.

(5) Director for Public Reports.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] W. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2185; Filed, Mar. 26, 1954; 8:49 a. m.]

TITLE 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

AMENDMENT OF ASSESSMENT AND OTHER PROVISIONS

Effective March 30, 1954, the amendments of Parts 302, 326, and 327 of the rules and regulations of the Corporation which were published in the FEDERAL REGISTER of February 20, 1954 (19 F. R. 1019–1021) under notice of proposed rule making, are adopted, after consideration of all relevant matter presented by interested persons on the proposed amendments, with further amendments. The amended regulations as adopted are set forth below. Parts 326 and 327 are applicable to the assessment base days commencing March 31, 1954, and thereafter. Any changes made by these amendments of regulations are not retroactive.

Amendments of Parts 302–309, 328 and 333 as set forth below are adopted effective March 30, 1954, and as these changes are in the nature of a clarification and do not diminish the rights of insured banks, notice of them as proposed rules is found to be unnecessary.

The amendments of the regulations, as adopted, are as follows:

1. Part 327 is amended to read as follows:

PART 327—ASSESSMENTS

Sec.
327.1 Definitions and periods of deduction for uncollected items.
327.2 Payment of assessments by banks whose insured status has terminated.
327.3 Time of payment.

AUTHORITY: §§ 327.1 to 327.3 issued under sec. 9, 64 Stat. 882; 12 U. S. C. 1819. Interpret or apply secs. 7, 8, 64 Stat. 876–881; 12 U. S. C. 1817, 1818.

§ 327.1 *Definitions and periods of deductions for uncollected items.* As used in section 7 (a) of the Federal Deposit Insurance Act and in this part:

(a) *Base day; definition.* The term "base day" shall be the period of time beginning with the time of the closing of the books[1] of the bank on the last business day immediately preceding the assessment base day to the time of the closing of the books of the bank on the base day according to the normal practice of the bank. Holidays and other nonbusiness days intervening between the preceding business day and the base day are a part of the base day.

(b) *Cash item; definition.* The term "cash item" means any instrument providing for the payment of money which the reporting bank has received in the regular course of business and in exchange therefor has given credit to a deposit account or has issued an instrument evidencing or constituting a deposit as defined in such Act or in Part 326 of this chapter, or has paid in the regular course of business: *Provided,* That the instrument is in the process of collection and is payable on presentation: *Provided further,* That the payer or drawee of the instrument is not the reporting bank or a branch or office thereof. The term reporting bank as used in this part means the bank filing the certified statement for assessment purposes. For the purpose of this paragraph a cash item shall be deemed paid by the reporting bank if the bank has given cash therefor or credit as a payment on a debt due to the bank, or has received it in payment for a Series "E" bond or other security (not an asset of the bank), or as a collection for public utility service, or in a similar transaction: *Provided, however,* That an instrument received by a bank in payment of, or arising from, the sale or other disposition of any of its assets is not a cash item.

(c) *Maintenance of assessment records.* Each insured bank, as a condition to the right to make any deduction or exclusion in determining its assessment base, shall maintain such records as will readily permit verification of the correctness thereof.

[1] The phrase "closing of the books" on a business day, frequently referred to as the "cutoff time," here means the time to which transactions are reflected on the books as part of the busines of that day, even though such transactions may not actually be recorded until a later time.

(d) *Cash items eligible for deduction.* (1) In computing the assessment base only cash items, as defined in this section, may be deducted under either of the two alternative methods described in this section. Such cash items may be deducted without regard to whether withdrawal has been made against the credit given to deposit accounts therefor: *Provided*, That such cash items are credited and withdrawals are made in the normal course of business.

(2) No deductions may be made or claimed:

(i) For cash items after the reporting bank has received payment or notice of dishonor thereof;

(ii) For instruments received in payment for cash items previously paid or credited to deposit accounts and forwarded for collection;

(iii) For instruments received in payment of clearings;

(iv) By the issuing or drawer bank for drafts transferring its own funds;

(v) For drafts drawn and delivered or exchanged for the purpose of reducing the assessment base;

(vi) For any cash item drawn by an officer, director, stockholder, or affiliate of the reporting bank, or any person or corporation at its, his, or their suggestion or direction for the purpose of abnormally increasing the deposits on the base day or for the purpose of obtaining abnormal deductions. The length of time such funds remain on deposit will be a factor in determining their purpose.

(3) No two reporting banks may deduct the same cash item under the (aa) method [1] for computing deductible cash items unless one of the banks normally, and in the regular course of business, is a collecting and check clearing agent for the other bank. Cash items reaching another bank or banks by special handling on the base day, other than in the normal and regular practice, may not be deducted under the (aa) method by such other bank or banks but such other bank or banks may claim deduction therefor in the actual amount if included in the reported deposit liabilities.

(e) *Process of collection.* (1) A cash item is deemed to be in the process of collection from the time it is either credited to a deposit account or paid by the reporting bank and until the reporting bank has received acceptable payment in the form of cash, credit, draft, or officer's check, or notice of dishonor, but such draft or officer's check so received is not a cash item for the purpose of claiming deductions: *Provided*, That an item shall not be considered as uncollected at the close of business on the base day if such item has been outstanding for a period in excess of the time necessary to send the item in due course to the Federal Reserve Bank of the Federal Reserve district or a branch thereof in which the reporting bank is located, plus the time allowed for collection from the place where the item is payable, as shown on the current Time Schedule of such Federal Reserve Bank or branch thereof: *Provided further*, That in the case of an insured bank or branch located outside of any Federal Reserve district, an item shall not be considered as uncollected at the close of business on the base day if such item has been outstanding for a period in excess of the time from the date the cash item is paid or credited to a deposit account and the date of receipt (in the usual course of business) by the correspondent bank to which the item is forwarded for collection plus the collection time allowed by the Federal Reserve Time Schedule for the district in which the correspondent bank is located.

(2) A cash item drawn on a place not included in the Federal Reserve Time Schedule, or a cash item not collectible through a Federal Reserve Bank or branch thereof, may be considered to be in the process of collection for the actual time required to collect it.

(3) This section is not to be construed as requiring any bank to clear items through any Federal Reserve Bank or branch thereof.

(f) *Forwarded for collection.* A cash item shall be deemed to have been forwarded for collection on the base day if it has been received for collection on the base day and has been either forwarded for collection on that day or is in the process of forwarding in accordance with the normal procedure of the bank, even though the item may be in the possession of the bank at the time of the closing of the books on the base day. When holidays and other nonbusiness days are a part of the base day the cash items transmitted for collection on any such nonbusiness day may not be treated as cash items forwarded for collection on the base day if the items are collected at the time of the closing of the books on the base day, or if the maximum period for deductions prescribed in paragraph (e) of this section shall have expired at the time of the closing of the books on that day.

(g) *Held for clearings.* A cash item is considered to be held for clearings at the close of business on the base day if:

(1) It has been received in the usual course of business on the base day before the closing of the books on that day;

(2) It is held for clearance or presentment at the time of the said closing in conformity with the normal practice of the reporting bank;

(3) The payer or drawee of the instrument is a bank or person, other than the reporting bank, located in the same city or local clearing area or is a member of or affiliated with the same clearing house as the reporting bank or regularly clears through such clearing house or a member or an affiliate thereof.

(h) *Payable on presentation.* An item is deemed to be "payable on presentation" when the payer or drawee is required to pay it forthwith upon presentation. The reference includes such items as warrants directed to a public official to pay on demand the amount thereof, matured bonds or bonds presented for redemption, matured coupons, "payable through" items, and sight drafts with or without bills of lading, securities, or other similar documents attached. It does not include items payable upon arrival or inspection of certain goods nor other items which are not customarily cleared or collected by the reporting bank as cash items.

(i) *Choice of method in computing deductible cash items.* An insured bank may, at its option, compute its deductible cash items by either of the two following methods, designated (aa) and (bb), namely:

(aa) Under this method a bank may deduct twice the amount of the total of the cash items forwarded for collection on the base day and cash items held for clearings at the close of business on said day which are in the process of collection and which were received and reflected on the books as part of the business of the base day, all in accordance with the normal procedure of the bank.

(bb) Under this method a bank may deduct the total of the cash items forwarded for collection on the base day and cash items held for clearings at the close of business on said day which are in the process of collection and which were received and reflected on the books as part of the business of the base day, plus the amount of the cash items paid or credited on the preceding days which are in the process of collection and which remain uncollected on the assessment base day, all in accordance with the normal procedure of the bank. If the (bb) method is used, no cash item may be considered uncollected for any period in excess of that prescribed in paragraph (e) of this section.

(j) *Option to claim deductions for uncollected items; change of method.* The reporting bank may select either of the two alternate methods, (aa) or (bb), for claiming deductions for cash items, provided this same method is used for both base days in the semiannual assessment period. After this selection is made and a certified statement filed, the bank may, within two years from the date on which such certified statement was required to be filed, file an amendment of such certified statement for the purpose of changing to the other alternate method. When a bank has elected not to claim any deductions for cash items in a certified statement, it may, within two years from the date on which such certified statement was required to be filed, file an amendment of such certified statement claiming deductions for cash items.

(k) *Direct sendings of uncollected items.* For the purposes of this part a cash item received on a base day by a correspondent bank or a Federal Reserve Bank or branch thereof is considered as being received by the reporting bank on the base day if, in the normal course of the bank's business, the cash item has been forwarded direct to such correspondent or Federal Reserve Bank or branch thereof by a depositor of the reporting bank for credit to the depositor's account in the reporting bank and the reporting bank enters such credit to the account of the depositor on the base day. Deductions may be claimed by the reporting bank for only the cash items in such direct sendings which remain uncollected at the time of the closing of the books on the base day. No deduction may be taken for any such cash item which would have been collected if the item had been forwarded directly to the reporting bank instead of to the correspondent, and all deductions claimed must be supported by proper records maintained by the reporting bank.

(l) *Interbranch items.* An item which is drawn against a deposit account maintained in the main office or a branch office of the reporting bank and which is received by an office of the reporting bank other than the office where the deposit account is carried and which has been paid or credited to a deposit account is not a cash item eligible for deduction. If the item is not reflected on the books of the bank on the base day as a charge against deposit liabilities, it may be subtracted therefrom in its actual amount.

(m) *Reciprocal bank balances.* A reciprocal bank balance for the purpose of this part is where the reporting bank has a deposit balance due to another insured bank and such reporting bank has a deposit balance due from the same insured bank, disregarding for this purpose balances representing deposits of trust funds. The reporting bank must include in the total of its deposit liabilities for assessment purposes the total of its deposit liability to the said other insured bank as shown on the books of the reporting bank at the time of the closing of its books on the base day. It may deduct from such total deposit liabilities the amount of the deposit balance due from such other insured bank but not in an amount in excess of the balance due to such insured bank. For the purpose of computing the reciprocal bank balance deduction the balances used must be subject to immediate withdrawal. This means that items in the process of collection must be excluded from the computation of both the "due to" and "due from" balances as shown on the books of the reporting bank. Any outstanding unpaid draft credited to the "due from" account may be added back to the book balance to show the actual collected balance due from the other insured bank in computing this deduction.

(n) *Trust funds deposited in other insured banks; deduction.* The term "trust funds" means funds held by an insured bank in a fiduciary capacity, whether held in its trust department or deposited in any other department or in another bank, and includes, without being limited to, funds held as trustee, executor, administrator, guardian, or agent. The reporting bank shall include in its total deposit liabilities for assessment purposes all trust funds so held by it in a fiduciary capacity. It may, however, deduct from such reported total deposit liabilities the following portion of such trust funds so held:

(1) Trust funds received by the reporting bank in its trust department which the reporting bank has deposited directly from its trust department to a depositary insured bank;

(2) Trust funds received by other departments of the reporting bank from sources other than the trust department which funds the reporting bank has deposited directly from such department or from its trust department to the depositary insured bank;

(3) Trust funds deposited directly to the account of the reporting bank in a depositary insured bank by a person or persons other than the reporting bank;

(4) Trust funds originating from a pre-existing deposit account in another insured bank to which the reporting bank has become entitled in its fiduciary capacity: *Provided*, That in each of the foregoing instances:

(i) The account is maintained in the depositary insured bank by the reporting bank as fiduciary and the account is appropriately entitled to show that the funds therein are trust funds;

(ii) The funds in such account are used exclusively for their trust purposes by the reporting bank; and

(iii) Records are kept which clearly show that the trust funds have been deposited and maintained in the manner above stated.

§ 327.2 *Payment of assessments by banks whose insured status has terminated*—(a) *Assumed deposits of terminating bank become deposits of assuming bank.* The deposit liabilities of an insured bank, if assumed by another insured bank, will, except to the extent that depositors of the first bank by affirmative action signify their express intention to hold the first bank liable as a debtor, be presumed for assessment purposes to cease being deposit liabilities of the first bank on the date the assumption becomes effective: *Provided*, That the requisite notice of assumption be given to the depositors of the terminating bank.[2] The assumed deposits, for assessment purposes, are deposit liabilities of the assuming bank from the date of assumption, whether or not the requisite notice of assumption has been given to the depositors.

(b) *Payment of assessments by assuming bank on assumed deposits of terminating bank.* Where the deposit liabilities of an insured bank are assumed by another insured bank and the assuming bank agrees to file the certified statement which the terminating bank is required to file, the filing of such certified statement and the payment of the assessment thereon by the assuming bank shall be deemed the acts of the terminating bank: *Provided*, That the requisite notice of assumption [3] be given to the depositors of the terminating bank, and *Provided further*, That such certified statement shall be filed separately from that required to be filed by the assuming bank.

(c) *Resumption of insured status before insurance of deposits ceases.* If a bank whose insured status has been terminated under section 8 (a) or (b) of the Federal Deposit Insurance Act, makes application to the Corporation, before the insurance of its deposits shall have ceased, to be permitted to continue or to resume its staus as an insured bank and if the Board of Directors grants the application, the bank will be deemed, for assessment purposes, to continue as an insured bank and must thereafter furnish certified statements and pay assessments as though its insured status had not ben terminated. For the procedure to be followed in making such application, see § 303.7 of this chapter.

§ 327.3 *Time of payment.* Each insured bank shall pay to the Corporation the amount of the semiannual assessment due to the Corporation, as shown on its certified statement,[4] at the time such statement is required to be filed under section 7 (b) of the Federal Deposit Insurance Act.

2. Part 326 is amended to read as follows:

PART 326—BANK OBLIGATIONS PRESCRIBED AS DEPOSITS

Sec.
326.1 Deposits.
326.2 Money or its equivalent.

AUTHORITY: §§ 326.1 and 326.2 issued under sec. 9, 64 Stat. 882; 12 U. S. C. 1819. Interpret or apply sec. 3, 64 Stat. 874; 12 U. S. C. 1813.

§ 326.1 *Deposits.* The term "deposit" as used in section 3 (l) of the Federal Deposit Insurance Act, shall include the following obligations.

(a) *Outstanding drafts, cashiers' checks and other officers' checks.* Outstanding drafts,[1] cashiers' checks, and other officers' checks issued under any of the following circumstances:

(1) For money or its equivalent received by the issuing bank; or

(2) For a charge against a deposit account in the issuing bank; or

(3) In settlement of checks, drafts, or other instruments forwarded to the issuing bank for collection.

(b) *Certified checks.* Checks drawn against a deposit account and certified by the drawee bank.

(c) *Letters of credit and traveler's checks.*[2] Outstanding letters of credit or traveler's checks on which the bank is primarily liable issued under either of the following circumstances:

(1) For money or its equivalent received by the issuing bank; or

(2) For a charge against a deposit account in the issuing bank.

(d) *Special purpose funds.* Money received or held by the bank, or the credit given therefor to an account including a special or memorandum account, which money or credit is held for a special or specific purpose, regardless of whether the relationship thereby created is that of debtor-creditor, fiduciary, or any other relationship.[3]

---

[1] See sec. 7 (a), Federal Deposit Insurance Act, 12 U. S. C. 1817 (a); also paragraph (l) of this § 327.1.

[2] The requisite notice of assumption shall be the notice prescribed in § 307.3 of this chapter.

[1] Drafts drawn on foreign correspondents or foreign branches and payable only in foreign countries are not included in the term "deposit".

[2] The change in the wording of this paragraph is a clarification of the consistent interpretation by the Corporation of the term "letters of credit" to include all letters of credit issued under the circumstances stated in this paragraph.

[3] Special purpose funds, defined in § 326.1 (d), include, among others and without limitation to those mentioned here, escrow funds, funds held as collateral security for an obligation due the bank or others, withheld taxes, funds held for distribution or for purchase of securities or currency, or funds held by the bank to meet its acceptances or letters of credit. The Corporation has consistently interpreted the term "deposit", as defined in the Federal Deposit Insurance Act since 1935, to include special purpose funds as defined in § 326.1 (d). These special purpose funds are also deposits by general usage. This clarification is made with the realization that some or all of the funds defined as special purpose funds in § 326.1 (d) may be within the term "deposit" as defined in the Federal Deposit Insurance Act since 1935.

[4] See §§ 304.1 and 304.3 of this chapter.

§ 326.2 *Money or its equivalent.* Under paragraphs (a) and (c) of § 326.1 drafts, cashiers' checks, and other officers' checks, letters of credit and traveler's checks must be regarded as issued for the equivalent of money when issued in exchange for checks or drafts or for promissory notes upon which the person procuring any of the enumerated instruments is primarily or secondarily liable.

3. Section 302.3 is amended by deleting the words "Committee on Administration" and substituting therefor the words "Special Committee".

4. Sections 303.1 and 303.2 are amended by deleting in § 303.1 the footnote reference number "2" and the footnote numbered "2" and substituting in § 303.2 the number "2" for the footnote reference number "3" and renumbering footnote "3" as footnote "2".

5. Section 304.2 is amended by deleting the word "should" and substituting therefor the word "shall".

6. Section 305.1 is amended by changing the sixth sentence thereof to read as follows: "The Corporation is authorized to make payment of the insured deposits in cash or by making available to each depositor a transferred deposit in a 'new bank,'[4] which is insured, in the same community or in another insured bank in an amount equal to the insured deposit of such depositor," with the following footnote:

[4] See section 11 (h)-(1) of the Federal Deposit Insurance Act, 12 U. S. C. 1821 (h)-(1).

7. Section 306.1 is amended by adding the words "and deposits" after the word "purchases" in the caption of the section and by deleting the word "from" in the first sentence of the section and substituting therefor the words "or deposits with" and by deleting the words "attorneys' fees" in the fifth sentence of the section.

8. Section 306.2 is amended by changing the twelfth sentence thereof to read as follows: "Attorney fees are submitted by the Legal Division to the Special Committee for recommendation to and determination by the Board of Directors."

9. Section 306.3 is amended by deleting the footnote reference number "4" and substituting therefor the number "2".

10. Footnote numbered 8 to paragraph (a) of § 307.2 is amended by deleting the following: "footnote 13" and substituting therefor the following: "footnote 12".

11. Footnote numbered 11 to paragraph (b) of § 307.3 is amended by deleting the number "327.3" and substituting therefor the number "327.2".

12. Section 308.14 is amended by deleting from the caption thereof the words "Service; proof of service" and substituting therefor the word "Service".

13. Part 309 is amended to read as follows:

PART 309—CONFIDENTIAL AND PRIVILEGED RECORDS AND INFORMATION

Sec.
309.1 Unpublished information.
309.2 Opinions and orders.

AUTHORITY: §§ 309.1 and 309.2 issued under sec. 9, 64 Stat. 882; 12 U. S. C. 1819. Interpret or apply sec. 10, 64 Stat. 882-883; 12 U. S. C. 1820.

§ 309.1 *Unpublished information—*(a) *Confidential information and records.* All files, documents, reports, books, accounts, and records (collectively referred to as "records" in this section) pertaining to any bank, or the internal operations and affairs of the Corporation, in the possession or under the control of the Corporation or any officer, employee, or agent thereof, including but not limited to (1) reports of examinations or investigations of any bank, (2) applications, statements, and reports to the Corporation by any bank, (3) proceedings for the termination of the insured status of any bank, or (4) the internal operations of the corporation including minutes of the meetings of the Board of Directors and authorized committees and exhibits filed therewith, and all facts or information contained in such records or acquired by the officers, employees, or agents of the Corporation in the performance of their official duties (collectively referred to as "information" in this section), are confidential and privileged.

(b) *Disclosure prohibited.* (1) Officers, employees, and agents of the Corporation are prohibited from allowing any person to inspect, examine, or copy any of said confidential or privileged records, or furnishing copies thereof, or from disclosing any confidential and privileged information, except as herein provided:

(i) The Chief of any Division having custody thereof, in his discretion, may release or furnish any records or information, other than records enumerated in paragraph (a) (1), (2), (3), and (4) of this section and information acquired in reference thereto, to any governmental agency, State or Federal, for use in the exercise of its official duties; and to any other person upon a verified written application which shall show that the applicant has a substantial interest therein and the purpose for which it is to be used: *Provided, however,* That when such records or information are requested by any person other than a governmental agency, the Division Chief shall find, and such finding shall be supported by opinion of the General Counsel, that the release or disclosure is not detrimental or prejudicial to the bank or banks or person or persons from whom the records or information were obtained or received, nor contrary to the public interest.

(ii) The Chief of the Division of Examination may furnish to any bank copies of any reports of examination or investigation of such bank (except the section of the report designated "confidential") and other information pertaining to its affairs: *Provided,* That copies of such reports of examination and other information so furnished to any bank shall remain the property of the Corporation and under no circumstances shall the bank or any of its directors, officials, or employees disclose or otherwise make public in any manner such reports or any portion thereof or other information so furnished.

(iii) The Chief of the Division of Examination may furnish to the Comptroller of the Currency, to any Federal Reserve Bank, and to any commission, board, or authority having supervision of a State nonmember bank, and to the Reconstruction Finance Corporation, or its successor Federal agency, if it owns or holds as pledgee, or has under consideration an application for the purchase of any preferred stock, capital notes, or debentures in such bank, copies of reports of examination made on behalf of the Corporation and other information pertaining to insured nonmember banks for use in the exercise of their official duties: *Provided,* That such reports of examination and other information so furnished to such officials or agency shall remain the property of the Corporation and under no circumstances shall any such official or agency disclose or make public in any manner such reports or any portion thereof or other information so furnished.

(iv) The Chief of the Division of Examination may furnish to any official of the Department of Justice or to any State prosecuting authority any information regarding defalcations, burglaries, or robberies affecting insured banks, when, in his opinion, there is urgent need for immediate action to be taken by such Department or authority in the investigation thereof or the apprehension or prosecution of persons responsible therefor.

(v) The Chief of the Division of Research and Statistics may furnish to the Comptroller of the Currency, to any Federal Reserve Bank, and to any commission, board, or authority having supervision of a State nonmember bank, copies of reports of condition made by insured banks to the Corporation including statements of assets, liabilities, and capital accounts, and of earnings, expenses, and distribution of profits, for use in the exercise of their official duties: *Provided,* That under no circumstances shall such Federal or State officials make public the contents of such reports or any portion thereof, except in the publication of general statistical reports.

(vi) The General Counsel of the Corporation may disclose to the proper Federal or State prosecuting authorities any and all records and information relating to irregularities discovered in open and closed insured banks believed to constitute violations of any Federal or State statute.

(vii) The General Counsel may authorize the production of any record, the disclosure of any information, and the giving of any testimony with respect thereto, by any officer, employee, or agent of the Corporation, upon any proceeding, hearing, or trial, civil or criminal, in any Federal or State court or before any administrative board, commission, or committee, on behalf of or at the request of the Corporation, the United States, or State prosecuting official, or the bank or person from whom such confidential and privileged records and information were received or obtained.

(2) The authorizations hereunder may be given only in response to a subpena or other legal process duly issued and served upon the Corporation at its principal office, which service may be by registered mail addressed to the Corporation at Washington, D. C., specifying the record requested, the nature and scope of the testimony to be elicted, the name of the witness and the place and time of appearance: *Provided,* That the General Counsel, in his discretion, may waive the requirement of service of subpena or process when he believes it to be in the interest of justice to do so. Without such prior authorization, any officer, employee or agent of the Corporation required to respond to a subpena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce any record or disclose any information or give any testimony with respect thereto, basing his refusal upon this rule.

(c) *Application for disclosure without subpena.* Applications for disclosure of information or records hereunder should be addressed to the appropriate Division Chief or the General Counsel of the Corporation, as the case may be.

(d) *Service of process on officer, employee, or agent.* Any officer, employee, or agent of the Corporation served with a subpena, order, or other process requiring his personal attendance as a witness or the production of records or information upon any proceeding mentioned in paragraph (b) (1) (vii) of this section shall promptly advise (1) the court or tribunal which issued the process, and the attorney for the party at whose instance the process was issued, if known, of the substance of this rule, and (2) the General Counsel of the Corporation at Washington, D. C., of such service and of the records and information requested and of any facts which may be of assistance to the General Counsel in determining whether such records and information should be made available.

(e) *Authority of Chairman of Board of Directors.* Notwithstanding any of the foregoing provisions, the Chairman of the Board of Directors, in his discretion and pursuant to law, may authorize the production, examination, or inspection of any records, or the furnishing of copies thereof, or the disclosure of any information, or the Chairman, in his discretion, may direct the General Counsel or the Chief of any Division to refuse to permit the production, examination, or inspection of any records, or the furnishing of copies thereof, or the disclosure of any information, if he shall find such action to be in the best interests of the Corporation and consistent with the public interest.

(f) *Publication of data.* The Board of Directors or the Chairman may from time to time authorize and direct the publication and public distribution of information and data compiled from the records of the Corporation.

§ 309.2 *Opinions and orders.* (a) A survey and review of the opinions and orders heretofore made by the Board of Directors of the Corporation in the adjudication of cases, in connection with licensing, supervision, investigation, termination of insured status, payment of insured deposits, and the administration of liquidations and receiverships, disclose that their publication would not be of current interest or importance, they are not cited as precedents, and are required for good cause to be held confidential. Accordingly, they will not be published nor made available to public inspection.

(b) The Board of Directors will, however, either publish, or, in accordance with published rule, make available for public inspection, final opinions and orders in the adjudication of cases which are cited as precedents and which are not required for good cause to be held confidential.

14. Paragraph (b) of § 328.1 is amended by adding in the second sentence after the words "any other sign of" the word "substantially".

15. Section 328.2 is amended (1) by deleting in paragraph (a) the words "in paragraph (c)" and substituting therefor the words "in paragraph (d)"; (2) by changing the designations of paragraphs (c), (d) and (e) to (d), (e) and (f), respectively and (3) by adding thereto the following paragraph:

(c) *Use of emblem containing official advertising statement.* (1) The Corporation has approved for use by insured banks on all of its advertisements and bank supplies the following emblem containing the official advertising statement, and its use in advertisements requiring the official advertising statement will satisfy the mandatory requirements of paragraph (a) of this section:



(2) An insured bank may use any other emblem containing reference to deposit insurance or membership in the Corporation which shall have been approved in writing by the Corporation; however, no such other emblem will satisfy the mandatory requirements of paragraph (a) of this section.

16. Section 328.3 is amended to read as follows:

§ 328.3 *Short title.* The short title "Member of FDIC" may be used by insured banks; however, such short title will not satisfy the mandatory requirements of paragraph (a) of § 328.2.

17. Section 333.101 is amended by deleting the words "those of a commercial bank" and substituting therefor the words "the business of a commercial bank".

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

MARCH 23, 1954.

[F. R. Doc. 54-2181; Filed, Mar. 26, 1954; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 535—PAYMENT OF BILLS AND ACCOUNTS

MISCELLANEOUS AMENDMENTS

1. In § 535.22, paragraphs (a) (1) and (b) (2) are revised and a new subparagraph (3) is added to paragraph (b) as follows:

§ 535.22 *By whom paid—*(a) *Within continental limits of United States and Alaska—*(1) *Finance Center, U. S. Army, Transportation Division, Indianapolis 49, Indiana.* (i) All transportation accounts for Department of the Army bills of lading and transportation requests issued for service to and from and within the continental limits of the United States and Alaska (except those payable from appropriations for civil functions of the Corps of Engineers and transoceanic shipments from and to foreign countries moving by water) will be paid by the disbursing officer of the Finance Center, U. S. Army Transportation Division, Indianapolis 49, Indiana.

(ii) Bills for miscellaneous charges such as demurrage, icing, salting, switching, reweiging, storage, etc., accruing in connection with shipments under Department of the Army bills of lading and transportation requests will be paid by the disbursing officer of the Finance Center, U. S. Army, Transportation Division, Indianapolis 49, Indiana.

* * * * *

(b) *Outside continental United States.*
* * *

(2) Transportation requests (Standard Forms 1139 and 1141) issued for service within the Caribbean or Pacific area, Philippine Islands, and in foreign countries will be paid by a disbursing officer in the area concerned except that the Finance Center, U. S. Army, Transportation Division, Indianapolis 49, Indiana, will pay transportation requests issued for travel in Canada and Mexico and may pay for service in a foreign country when billed for in United States currency.

(3) Transportation accounts of household goods by commercial motor van carriers on Government warrants, purchase orders and contracts issued for service within the Caribbean or Pacific areas, Philippine Islands and in foreign countries, will be paid by a disbursing officer in the area concerned.

* * * * *

2. Section 535.29 is revised as follows:

§ 535.29 *Settlement of claims of vendors for prepaid transportation costs.* The disbursing officer of the Finance Center, U. S. Army, Transportation Division, Indianapolis 49, Indiana, is designated as the paying officer for transportation accounts only in those cases where shipment moves on Government bill of lading, or there is a conversion to Government bill of lading prior to payment and a properly certified bill supported by such document is submitted by a carrier. It is not the function of the Finance Center, U. S. Army, Transportation Division, Indianapolis 49, In-

diana, to make reimbursement, either in the full amount, or in part, of a claim arising out of prepayment of transportation costs by a commercial concern under a procurement instrument which provides directly or indirectly for shipment at the expense of the United States. Such reimbursement may be made by the disbursing officer designated to make payment under the procurement instrument in question to the extent of the constructive transportation cost for shipment on Government bill of lading, which cost may be ascertained from the Finance Center, U. S. Army, Transportation Division, Indianapolis 49, Indiana. In doubtful cases, such claims may be prepared for transmission to the General Accounting Office and submitted to the Chief of Finance, Washington 25, D. C., Attention: Receipts and Disbursements Division, for consideration. In no event will the disbursing officer forward, or instruct a vendor to forward, such claim to the Finance Center, U. S. Army, Transportation Division, Indianapolis 49, Indiana, for settlement.

3. In § 535.33, paragraph (d) is revised as follows:

§ 535.33 *Overpayments.* • • •

(d) Where it is determined that overpayments have been made to a transportation company as a result of overcharges made by such transportation company to a cost-plus-a-fixed-fee contractor who, in turn, has been reimbursed by the Government, the General Accounting Office will send notices of such overpayments to the disbursing officer of the Finance Center, U. S. Army, Transportation Division, Indianapolis 49, Indiana, who will make the deductions from subsequent carrier bills and advise the sender in the General Accounting Office and the carrier of the deductions made. From that point on, the matter of correctness of the original deductions will be a matter for settlement between the carrier involved and the General Accounting Office. All questions received from carriers as to the correctness of the original deductions should be referred to the Freight Transportation Section, Claims Division, General Accounting Office, Washington 25, D. C.

[C1, SR 35-3260-1, February 8, 1954] (R. S. 161; 5 U. S. C. 22. Interpret or apply 54 Stat. 954 as amended; 49 U. S. C. 65)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-2184; Filed, Mar. 26, 1954; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.180 governing the use, administration, and navigation of all waterways tributary to the Gulf of Mexico, except the Mississippi River, its tributaries and outlets, from St. Marks, Florida, to the Rio Grande, Texas, both inclusive, and the Intracoastal Waterway from Apalachee Bay, Fla., to Brownsville, Texas, is hereby amended to increase the maximum allowable length of all tows to 1,000 feet exclusive of the towing vessel, as follows:

§ 207.180 *All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries and outlets) from St. Marks, Fla., to the Rio Grande; use, administration, and navigation.* (a) The regulations in this section shall apply to:

(1) *Waterways.* All navigable waters of the United States which are tributary to or connected by other waterways with the Gulf of Mexico, except the Mississippi River, its tributaries and outlets, between St. Marks, Fla., and the Rio Grande, Texas, both inclusive, and the Intracoastal Waterway from Apalachee Bay, Fla., to Brownsville, Texas.

• • • • • •

(e) *Waterways.* • • •

(4) *Size, assembly, and handling of tows.* On waterways 150 feet wide or less, tows will not be allowed which are longer than 1,000 feet, exclusive of the towing vessel and hawser, or wider than one-half the bottom width of the channel or 55 feet, whichever width is less, except on waterways exempted by the District Engineer or on other waterways by special permission of the District Engineer.

(i) All vessels drawing tows not equipped with rudders in restricted channels and land cuts shall use two towlines, or a bridle on one towline, shortened to the greatest possible extent so as to have maximum control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. In open water, the towlines and fastenings between barges may be lengthened so as to accommodate the wave surge. In the case of lengthy or cumbersome tows, or tows in restricted channels, the District Engineer may require that tows be broken up, and may require the installation of a rudder or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others. Pushing barges with towing vessel astern, towing barges with towing vessel alongside, or pushing and pulling barges with units of the tow made up both ahead and astern of the towing vessel is permissible provided that adequate power is employed to keep the tow under full control at all times.

(ii) No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(iii) No vessel or tow shall navigate through a drawbridge until the movable span is fully opened.

• • • • • •

(h) *Marine accidents.* Masters, mates, pilots, owners, or other persons using the waterways to which the regulations in this section apply shall report to the District Engineer or his authorized representative by the most expeditious means available all marine accidents, such as fire, collision, sinking, or stranding, where there is possible obstruction of the channel or interference with navigation, furnishing a clear statement as to the name, address, and ownership of the vessel or vessels involved, the time and place, and the action taken. In all cases, the owner of a sunken vessel shall take immediate steps to mark the wreck properly.

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[Regs., Mar. 10, 1954, 800.211 (Gulf Intracoastal Waterways)—ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 54-2183; Filed, Mar. 26, 1954; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 946]

ARKANSAS

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 8591 OF NOVEMBER 8, 1940

By virtue of the authority vested in the President by the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 8591 of November 8, 1940, withdrawing certain public lands in Arkansas in connection with the construction of the Norfolk Dam and Reservoir under the supervision of the War Department, is hereby revoked so far as it affects the following-described lands:

FIFTH PRINCIPAL MERIDIAN

T. 20 N., R. 12 W.,
Sec. 8, NE¼NE¼, N½SE¼NE¼.

The area described contains 60 acres.

The lands are included in power site classification No. 33, Arkansas No. 2, by departmental order of April 29, 1922. The W½NE¼NE¼ is included in Federal Power Project No. 654 by application filed June 6, 1930.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 23, 1954.

[F. R. Doc. 54-2161; Filed, Mar. 26, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

GREEN ASPARAGUS

NOTICE OF NONISSUANCE OF REVISED STANDARDS FOR CANNING OR FREEZING

A notice was published in the January 20, 1954, issue of the FEDERAL REGISTER (19 F. R. 354) concerning the issuance of revised United States Standards for Green Asparagus for Canning or Freezing, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C., 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

This notice provided a period of 30 days for all persons to submit written data, views or arguments for consideration in connection with the proposed standards.

On the basis of all such data, views or arguments which have been filed with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, and all relevant matters presented pursuant to such notice, it has been concluded that it is not desirable to issue the proposed revision at this time.

It is determined, therefore, that the revised United States Standards, as proposed in the aforementioned notice, will not be made effective at this time.

Dated: March 24, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-2208; Filed, Mar. 26, 1954; 8:51 a. m.]

[7 CFR Part 52]

DEHYDRATED (LOW-MOISTURE) APPLES[1]

UNITED STATES STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of United States Standards for Grades of Dehydrated (Low-moisture) Apples pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.2341 Product description.
52.2342 Styles of dehydrated apples.
52.2343 Grades of dehydrated apples.

FACTORS OF QUALITY

52.2344 Ascertaining the grade.
52.2345 Ascertaining the rating for the factors which are scored.
52.2346 Color.
52.2347 Uniformity of size.
52.2348 Absence of defects.
52.2349 Texture.

EXPLANATIONS AND METHODS OF ANALYSES

52.2350 Explanation of methods and analyses.

LOT CERTIFICATION TOLERANCES

52.2351 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2352 Score sheet for dehydrated apples.

AUTHORITY: §§ 52.2341 to 52.2352 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624; Pub. Law 156, 83d Cong.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2341 *Product description.* Dehydrated (low moisture) apples, hereinafter referred to as "dehydrated apples," are prepared from clean and sound fresh or previously dried (or evaporated) apples from which the peels and cores have been removed and are cut into segments. The dried (or evaporated) apple segments may be cut further into smaller segments in preparation for dehydration whereby practically all of the moisture is removed to produce a very dry texture. The sulphur dioxide content of the finished product may not exceed 500 parts per million but no other additives may be present.

§ 52.2342 *Styles of dehydrated apples*—(a) *Pie pieces.* Pie pieces consist predominantly of parallel-cut, irregularly shaped pieces, approximating 3/16-inch or less in thickness and ¾-inch or longer in their longest dimension.

(b) *Flakes.* Flakes consist predominantly of parallel-cut, irregularly shaped pieces, approximately 3/16-inch or less in thickness and less than ¾-inch in their longest dimension.

(c) *Wedges.* Wedges are fairly thick sectors, approximating no more than ⅜-inch at their greatest thickness.

(d) *Sauce pieces.* Sauce pieces are small popcornlike units of varying shapes and sizes, not otherwise conforming to the style of flakes, and in which practically all of the units when free-flowing will pass through 0.446-inch square openings. Sauce pieces of this style, when practically all of the units will pass through ⅜-inch square openings, are considered "finely-cut."

§ 52.2343 *Grades of dehydrated apples.* (a) "U. S. Grade A" or "U. S. Fancy" dehydrated apples is the quality of dehydrated apples in which the moisture content of the finished product is not more than 2.5 percent by weight; that possess a normal flavor and odor, that possess a good color, that are reasonably uniform in size, that are practically free from defects, that possess a good texture, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Choice" dehydrated apples is the quality of dehydrated apples in which the moisture content of the finished product is not more than 3.5 percent by weight; that possess a normal flavor and odor, that possess a reasonably good color, that are fairly uniform in size, that are reasonably free from defects, that possess a reasonably good texture, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" dehydrated apples is the quality of dehydrated apples that fail to meet the requirements of U. S. Grade B or U. S. Choice.

FACTORS OF QUALITY

§ 52.2344 *Ascertaining the grade.* (a) The grade of dehydrated apples is ascertained by considering the factors of moisture content and flavor and odor which are not scored and the respective ratings for the factors of color, uniformity of size, absence of defects, and texture which are scored.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Uniformity of size	20
Absence of defects	40
Texture	20
Total score	100

(c) The factors of flavor and odor, color, and texture are ascertained both upon the dehydrated apples and the cooked product as outlined in this subpart.

(d) "Normal flavor and odor" means that the dehydrated apples and the cooked product possess a characteristic flavor and odor that is free from objectionable flavors and objectionable odors of any kind.

§ 52.2345 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 52.2346 *Color*—(a) *(A) classification.* Dehydrated apples that possess a good color may be given a score of 17 to 20 points. "Good color" means that the dehydrated apples possess a reasonably uniform, reasonably bright, light yellow to yellow-white characteristic color which, upon cooking, is a reasonably bright color typical of cooked dehydrated apples that have been properly prepared and processed.

(b) *(B) classification.* If the dehydrated apples possess a reasonably good color, a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the dehydrated apples possess a fairly uniform, fairly bright, light yellow-amber or light yellow to yellow-white characteristic color and which, upon cooking, may be variable in color but typical of cooked dehydrated apples that have been properly prepared and processed.

(c) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2347 *Uniformity of size*—(a) *(A) classification.* Dehydrated apples that are reasonably uniform in size may be given a score of 17 to 20 points. "Reasonably uniform in size" has the following meanings for the respective styles:

(1) *Pie pieces.* (i) Not less than 75 percent, by weight, of all the units are ¾-inch or more in their longest dimension and including not less than 35 percent, by weight, of all the units are 1 inch or more in their longest dimension;

(ii) Practically all of the units ¾-inch or more in their longest dimension are 3/16-inch or less at their greatest thickness; and

(iii) Not more than 10 percent, by weight, of all the units may be of such size in their greatest width or greatest thickness as to pass through meshes of a U. S. Standard No. 4 sieve (0.187-inch, ±3 percent, square openings); but

(iv) Not more than 5 percent, by weight, of all the units may pass through meshes of a U. S. Standard No. 8 sieve (0.0937-inch, ±3 percent, square openings).

(2) *Flakes.* (i) Not less than 85 percent, by weight, of all the units are less than ¾-inch in their longest dimension;

(ii) Practically all of such sized units are 3/16-inch or less at their greatest thickness; and

(iii) Not more than 10 percent, by weight, of all the units may be of such size in their greatest width or greatest thickness as to pass through meshes of a U. S. Standard No. 8 sieve (0.0937-inch, ±3 percent, square openings); but

(iv) Practically none may pass through meshes of a U. S. Standard No. 16 sieve (0.0469-inch ±3 percent, square openings).

(3) *Wedges.* (i) Not less than 95 percent, by weight, of all the units are 1 inch or longer in their longest dimension; and

(ii) Practically all of such sized units are ⅝-inch or less at their greatest thickness.

(4) *Sauce pieces.* (i) Not less than 95 percent, by weight, of all the units are of such size as to pass through 0.446-inch square openings;

(ii) Not more than 10 percent, by weight, of all the units may pass through meshes of a U. S. Standard No. 8 sieve (0.0937-inch, ±3 percent, square openings); but

(iii) Practically none may pass through meshes of a U. S. Standard No. 16 sieve (0.0469-inch, ±3 percent, square openings).

(b) *(B) classification.* If the dehydrated apples are fairly uniform in size a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size" has the following meanings for the respective styles:

(1) *Pie pieces.* (i) Not less than 60 percent, by weight, of all the units are ¾-inch or more in their longest dimension and including not less than 25 percent, by weight, of all the units are 1 inch or more in their longest dimension;

(ii) Practically all of the units ¾-inch or more in their longest dimension are 3/16-inch or less at their greatest thickness; and

(iii) Not more than 15 percent, by weight, of all the units may be of such size in their greatest width or greatest thickness as to pass through meshes of a U. S. Standard No. 4 sieve (0.187-inch, ±3 percent, square openings); but

(iv) Not more than 5 percent, by weight, of all the units may pass through meshes of a U. S. Standard No. 8 sieve (0.0937-inch, ±3 percent, square openings).

(2) *Flakes.* (i) Not less than 85 percent, by weight, of all the units are less than ¾-inch in their longest dimension;

(ii) Practically all of such sized units are 3/16-inch or less at their greatest thickness; and

(iii) Not more than 5 percent, by weight, of the product may pass through meshes of a U. S. Standard No. 16 sieve (0.0469-inch, ±3 percent, square openings).

(3) *Wedges.* (i) Not less than 85 percent, by weight, of all the units are 1 inch or longer in their longest dimension; and

(ii) Practically all of such sized units are ⅝-inch or less at their greatest thickness.

(4) *Sauce pieces.* (i) Not less than 85 percent, by weight, of all the units are of such size as to pass through 0.446-inch square openings;

(ii) Not more than 5 percent, by weight, of the product may pass through meshes of a U. S. Standard No. 16 sieve (0.0469-inch, ±3 percent, square openings).

(c) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2348 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from carpel tissue; from units damaged by pieces of skin, bruises or other discoloration, bitter pit or corky tissue, water core, or damaged by other means; and from units damaged by calyxes and stems, or portions thereof.

(1) "Practically free from carpel tissue" means that for each 2 ounces of dehydrated apples any carpel tissue that may be present does not exceed in the aggregate an area equal to ½-square inch.

(2) "Reasonably free from carpel tissue" means that for each 2 ounces of dehydrated apples any carpel tissue that may be present in the aggregate exceeds an area equal to ½-square inch but does not exceed an area equal to 1 square inch.

(3) "Damaged by pieces of skin" means pieces of skin, regardles of color, which in their greatest dimension exceeds ⅛-inch.

(4) "Damaged by other means" means defects not specifically mentioned which affect materially the appearance or edibility, or both, of the piece so damaged.

(5) "Damaged by bruises or other discoloration, bitter pit or corky tissue, water core, and other similar defects" means the appearance or eating quality, or both, of the unit is materially affected by such defects.

(6) "Damaged by calyxes and stems or portions thereof" means the appearance or eating quality, or both, of the unit is materially affected by such defects.

(b) *(A) classification.* Dehydrated apples that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that dehydrated apples of any style are practically free from carpel tissue and, in addition, has the following meanings for the respective styles:

(1) *Pie pieces; and wedges.* Not more than 10 percent, by weight, of all the units may be damaged by pieces of skin, bruises or other discoloration, bitter pit or corky tissue, water core, other means, calyxes, and stems: *Provided*, That not more than 1 percent, by weight, of all the units may be damaged by calyxes and stems.

(2) *Flakes; and sauce pieces.* Not more than 5 percent, by weight, of all the units may be damaged by pieces of skin, bruises or other discoloration, bitter pit or corky tissue, water core, other means, calyxes, and stems: *Provided*, That not more than 1 percent, by weight, of all the units may be damaged by calyxes and stems.

(c) *(B) classification.* If the dehydrated apples are reasonably free from defects, a score of 28 to 33 points may be given. Apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that dehydrated apples of any style are reasonably free from carpel tissue, and, in addition, has the following meanings for the respective styles:

(1) *Pie pieces; and wedges.* Not more than 15 percent, by weight, of all the units may be damaged by pieces of skin, bruises or other discoloration, bitter pit or corky tissue, water core, other means, calyxes, and stems: *Provided*, That not more than 2 percent, by weight, of all the units may be damaged by calyxes and stems.

(2) *Flakes; and sauce pieces.* Not more than 8 percent, by weight, of all the units may be damaged by pieces of skin, bruises or other discoloration, bitter pit or corky tissue, water core, other means, calyxes, and stems: *Provided*, That not more than 1 percent, by weight, of all the units may be damaged by calyxes and stems.

(d) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2349 *Texture*—(a) *(A) classification.* Dehydrated apples that possess a good texture may be given a score of 17 to 20 points. "Good texture" means with respect to the dehydrated product that the units are brittle; and, upon cooking in accordance with the methods outlined in this subpart, the textures of the respective styles are as follows:

(1) *Pie pieces; and wedges.* The units are reasonably uniform in tenderness and texture; are practically free from any tough (or "leathery") units; and there is no more than moderate disintegration except for small pieces that may have been present.

(2) *Flakes.* The units are reasonably uniform in tenderness and texture; are practically free from any tough (or "leathery") units; and there may be considerable distintegration of the pieces but not to the degree of a grainy applesauce consistency.

(3) *Sauce pieces.* The mass has a reasonably uniform texture and finish ranging from that of a coarse, grainy applesauce to a fine, grainy applesauce, without practically any hard particles.

(b) *(B) classification.* If the dehydrated apples possess a reasonably good texture, a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product. "Reasonably good texture" means that the units need not be free-flowing but are brittle; and, upon cooking in accordance with the methods outlined in this subpart, the textures of the respective styles are as follows:

(1) *Pie pieces; and wedges.* The units are fairly uniform in tenderness and texture but moderately free from any tough (or "leathery") units; and there may be more than moderate disintegration except for small pieces that may have been present.

(2) *Flakes.* The units are fairly uniform in tenderness and texture but moderately free from any tough (or "leathery") units; and the pieces may have become disintegrated to the degree of a grainy applesauce consistency.

(3) *Sauce pieces.* The mass has a fairly uniform texture and finish ranging from that of a coarse, grainy applesauce to a fine, grainy applesauce; and hard particles may be noticeable but not objectionable.

(c) *(SStd) classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2350 *Explanations of methods and analyses.* (a) "Moisture" in the dehydrated apples is determined in accordance with the official method applicable to dried fruits as outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists."

(b) The methods for cooking to ascertain compliance with requirements for color and texture are as follows for the respective styles; a representative sample of not less than 2 ounces avoirdupois to approximately 4 ounces avoirdupois is recommended for purposes of the cooking tests which follow:

(1) *Pie pieces.* Add 1 part, by weight, of pie pieces to 6 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 20 minutes.

(2) *Flakes.* Add 1 part, by weight, of the flakes to 5 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 15 minutes.

(3) *Wedges.* Add 1 part, by weight, of the wedges to 6 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 30 minutes.

(4) *Sauce pieces.* Add 1 part, by weight, of the sauce pieces to 8 parts, by weight of water just below the boiling point; cover, bring to a boil, and simmer for 15 minutes.

(c) The technique for ascertaining compliance with the requirements for pieces that pass through U. S. Standard No. 4, No. 8, and No. 16 sieves is as follows:

(1) *Pie pieces.* (i) From a 4-ounce representative sample of dehydrated apple "pie pieces," remove all pieces which are ¾-inch or more in their longest dimension;

(ii) Place the remaining pieces on a U. S. Standard No. 4, 8-inch diameter, full-height sieve nested on top of a U. S. Standard No. 8, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under subdivision (i) of this subparagraph) as the percentage which passed through the No. 16 sieve; and

(v) Weigh the material sifted through the No. 8 sieve and remaining on the No. 16 sieve; calculate on the basis of the original sample (under subdivision (i) of this subparagraph) and add the percentage which remained on the No. 16 sieve to the percentage which passed through the No. 16 sieve (under subdivision (iv) of this subparagraph) as the total percentage which passed through the No. 8 sieve.

(2) *Flakes.* (i) From a 4-ounce representative sample of dehydrated apple "flakes" remove all pieces which are ¾-inch or more in their longest dimension;

(ii) Place the remaining sample on a U. S. Standard No. 8, 8-inch diameter, full-height sieve nested on top of a U. S. Standard No. 16, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under subdivision (i) of this subparagraph) as the percentage which passed through the No. 16 sieve; and

(v) Weigh the material sifted through the No. 8 sieve and remaining on the No. 16 sieve; calculate on the basis of the original sample (under subdivision (i) of this subparagraph) and add the percentage which remained on the No. 16 sieve to the percentage which passed through the No. 16 sieve (under subdivision (iv) of this subparagraph) as the total percentage which passed through the No. 8 sieve.

(3) *Sauce pieces.* (i) From a 4-ounce representative sample of dehydrated apple "sauce pieces" remove all pieces which will not pass through 0.446-inch square openings;

(ii) Place the remaining sample on a U. S. Standard No. 8, 8-inch diameter, full-height sieve nested on top of a U. S. Standard No. 16, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under subdivision (i) of this subparagraph) as the percentage which passed through the No. 16 sieve; and

(v) Weigh the material sifted through the No. 8 sieve and remaining on the No. 16 sieve; calculate on the basis of the original sample (under the foregoing subdivision (i) of this subparagraph) and add the percentage which remained on the No. 16 sieve to the percentage which passed through the No. 16 sieve (under subdivision (iv) of this subparagraph) as the total percentage which passed through the No. 8 sieve.

LOT CERTIFICATION TOLERANCES

§ 52.2351 *Tolerances for certification of officially drawn samples.* (a) When

certifying samples that have been officially drawn and which represent a specific lot of dehydrated apples the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2352 *Score sheet for dehydrated apples.*

Size and kind of container	...
Container mark or identification	...
Label (including SO_2 content, if any)	...
Net weight	...
Moisture content (percent)	...
Style	...

Factors		Score points	
Color	20	(A)	17-20
		(B)	14-16
		(SStd)	0-13
Uniformity of size	20	(A)	17-20
		(B)	14-16
		(SStd)	0-13
Absence of defects	40	(A)	34-40
		(B)	28-33
		(SStd)	0-27
Texture	20	(A)	17-20
		(B)	14-16
		(SStd)	0-13
Total score	100		

Normal flavor and odor	...
Grade	...

* Indicates limiting rule.

Done at Washington, D. C., this 24th day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-2209; Filed, Mar. 26, 1954; 8:51 a. m.]

[7 CFR Part 927]

[Docket No. AO 71-A25]

HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the findings, conclusions and proposed amendment hereinafter set forth were formulated, was conducted at Utica, New York during the period October 19 through November 20, 1953, and at Albany, New York on November 23 and 24, 1953, pursuant to notice thereof issued on October 6, 1953 (18 F. R. 6457).

All of the material issues considered at the hearing relate to the classification and pricing of milk now in Class III (plus the question of eliminating existing differences between Class II and Class III in the nonfat dry milk solids market quotations and yield factors used). Such issues are concerned with:

1. The level of the Class III price and the pricing of those portions of Class III milk used for butter, cheese and candy products.

2. Whether the Boston weighted average cream price should continue to be used during the months of August through February in the pricing of all or a portion of the Class III milk.

3. Whether different market quotations and yield factors for nonfat dry milk solids should be used in the pricing of Class III milk, and whether such factors should be uniform for both Class II and Class III.

4. Pricing Class III milk on the basis of prices paid at selected Midwest condenseries.

5. Making provision in the order for separate allowances to handlers for Class III milk transferred from receiving plants to manufacturing plants.

6. Adoption of a so-called "flexible pricing plan."

Findings and conclusions. The findings and conclusions hereinafter set forth are based upon the evidence in the record of the hearing and relate only to the above listed issues numbered 1 and 2. Findings and conclusions concerning the remaining issues (3 through 6) are being deferred temporarily in order to expedite final action of issues 1 and 2. In arriving at the findings and conclusions herein official notice is being taken of (1) announcements of the United States Department of Agriculture issued on February 15 and 18, 1954, relating to the dairy price support level and the prices at which dairy products will be purchased by the Commodity Credit Corporation during the period April 1, 1954, through March 31, 1955, (2) monthly announcements for months since September 1953 issued to date by the market administrator showing class prices, product prices used in calculating class prices, the uniform price, receipts of pool milk and utilization, (3) announcement by the market administrator on December 29, 1953 of the estimated monthly production of pool milk and Class I-A and uniform prices for the first half of 1954, and (4) provisions for the pricing of Class II milk under Orders No. 4 and 61 regulating the handling of milk in Boston and Philadelphia.

Issues 1 and 2. It is concluded with respect to these issues that:

(1) The general level of the Class III price should be reduced 10 cents per hundredweight for the months of May and June 1954.

(2) The butter-cheese adjustment should be revised to provide a downward adjustment during the months of March through July in the price of milk for American cheese in the event of an unusually low market price for cheese in relation to the market price for butter and nonfat dry milk solids.

(3) No additional separate adjustment should be made in the price established for milk used for butter or for milk chocolate and other candy products.

(4) Use of the Boston weighted average cream price in the pricing of Class III milk during the months of August through February should be discontinued, but in lieu thereof, an additional 3 cents (total of 5) should be added to the market price of butter used in pricing Class III milk during any of the months of August through February for which the utilization adjustment percentage is 92 or higher.

The prospective volume of Class III milk during the months of seasonally highest production this year is larger than in 1953. For the months of January and February 1954 (the latest months for which data are available) the volume of pool milk was about 5 percent larger than a year earlier. The volume of Class III milk in those months was larger by 23 and 27 million pounds, respectively, than in January and February 1953. The estimate of the market administrator released December 29, 1953, is that the volume of pool milk in each of the months of May and June this year will be approximately 40 to 45 million pounds larger than in the same month in 1953. With no apparent indication of significantly larger volumes being utilized in Class I and II, indications are that the volume of Class III milk during the peak production season this year will be substantially larger than last year.

Numerous cooperative and proprietary handlers reported experiencing considerable difficulty in disposing of Class III milk during the flush season of 1953, at which time the volume to be disposed of was considerably larger than previously, but less than in prospect for this year. Handling charges obtained on milk for fluid use, both in the spot market and for contract sales, appear to have been at unusually low levels during the first half of 1953. Handlers attributed this condition, at least in part, to the inability to arrange for the disposition of Class III milk on more favorable terms. With the additional volume of Class III milk in prospect this year, a lower Class III price during the period of peak production this year appears necessary in order to avoid a considerable degree of disorder in the disposition of all milk in excess of fluid requirements.

The disposition of Class III milk in competition, both with unregulated milk and with milk for which a lower minimum price is established under other orders, was reported to be one of the problems involved. In this connection, recognition is given to recently adopted or recommended amendments to Orders No. 4 and 61 for Boston and Philadelphia, respectively, under which minimum prices established for milk for manufacturing probably will be somewhat lower during the present flush season than the Class III price as now established. The prices established by State agencies for milk in manufacturing uses and disposed of in competition with Class III milk in most instances are lower than the Class III price under Order No. 27. The price adjustment herein recommended for May and June will bring the price for Class III milk more nearly in line with the minimum prices established under these other orders.

Recognition is also given to the somewhat larger margin for handling and processing contemplated under the 1954–1955 price support program for milk and butterfat than under the 1953–1954 program. The Class III price adjustment herein provided will result in a correspondingly larger margin between the minimum producer price and the market price of manufactured products during the period when the largest volume of Class III milk is utilized in those manufactured products which are purchased under the price support program. This record provides no basis however for concluding that lower prices should be provided for Class III milk other than for the flush production season this year. Whether or not a similar price adjustment should be applicable during the flush season of 1955 cannot be determined on this record.

It was contended at the hearing that failure to price milk utilized for the manufacture of American cheese more nearly in line with the market price of cheese constituted a handicap to the disposition of milk for use in cheese. It was proposed that milk used in the manufacture of American cheese be priced on the basis of cheese price quotations on the Wisconsin Cheese Exchange. It was contended that cheese made from pool milk customarily is sold on the basis of such quotations. Evidence was not presented to show the actual price at which cheese made from pool milk is sold and it was not established that such price bears any fixed or constant relationship to the price on the Exchange. Consequently, it cannot be concluded that the Exchange price constitutes a true indicator of the value of pool milk for cheese. It it recognized, however, that it is necessary for a portion of the Class III milk to be manufactured into American cheese during months of hightest production.

There appears to be no necessity for establishing a price for milk used for cheese lower than for milk used for butter and nonfat dry milk solids over any extended period of time. Although averaging about the same over long periods of time, there frequently are periods of several months during which there is considerable difference between the unregulated prices paid for milk at creameries and the prices paid at cheese factories in the same general competitive area. This fact was cited at the hearing in support of the proposal to establish a separate classification for milk used for American cheese and for pricing it on the basis of the market price of cheese independent of the price established for milk utilized for butter and nonfat dry milk solids. The order now provides, by means of the butter-cheese adjustment, for pricing milk at the same level when used either for cheese or for butter and for pricing milk for both uses at a moderately higher level whenever the market price of cheese is unusually high in relation to the market price of butter and nonfat dry milk solids.

Producers would not be receiving the full value of the milk, however, if milk for cheese was priced lower than for butter during those periods when all of the milk could be used for butter. On the other hand, during months of highest seasonal production when it is necessary to utilize pool milk in both butter and cheese there appears to be merit in the proposal to relate prices established for milk used for cheese more closely than at present to the market price for cheese. Accordingly, the butter-cheese adjustment provision should be revised to provide a price for milk made into cheese lower than for butter and nonfat dry milk solids during the months of March through July if during such months the market price for cheese is unusually low in relation to the market price for butter and nonfat dry milk solids. The amendment herein set forth provides that for each 0.05 of a point by which the normal ratio of 2.5 is lower than the ratio existing for the current month of the market price for butter and nonfat dry milk solids to the price of cheese there shall be a reduction of 1 cent per pound of butterfat in the price otherwise established for milk utilized for cheese. This will provide a relatively prompt downward adjustment in the price for milk used for cheese whenever the price of cheese becomes relatively low, and such adjustment will be at double the rate at which the price of milk both for butter and cheese is now increased when the market price of cheese is unusually high in relation to butter and nonfat dry milk solids. The market prices of butter and nonfat dry milk solids in relation to the market price of cheese has not deviated from the ratio of 2.5 during any month since November 1952. The ratio was less than 2.5 during the months of September, October, and November 1952 resulting in a slight increase in the price of milk for butter and cheese during those months. The only time during the past three years when the ratio was higher than 2.5 was during the period November 1951 through March 1952. Being applicable only during the months of March through July, the proposed new provision would have operated to reduce the price only during the month of March 1952.

Except for this revision in the butter-cheese adjustment, designed to facilitate the utilization of milk for cheese at times when such utilization is necessary, there should be no change in relationship between the price established for milk for butter and cheese and the price established for other Class III uses. Any further widening of the differential between the price of milk for butter and cheese and the price of other Class III milk, as would result, for example, from adoption of the proposal to discontinue adding 2 cents to the butter price in calculating the price of milk for butter, would have the undesirable effect of making the utilization of milk in butter and cheese more advantageous than at present in relation to other Class III uses. The adjustments herein provided effecting the general level of the Class III price apply, of course, to milk used for butter, and appear to constitute a more appropriate means of adjusting the price of milk for butter than to change the present pricing arrangement in a way which might result in unnecessary shifts of milk to butter from other Class III uses.

A proposal was considered at the hearing that the price for milk used for milk chocolate and other candy products be established at the same level as for butter and cheese. It was contended in support of the proposal that milk solids and butterfat in concentrated form are available from Midwest plants (condenseries) operated by the proponent chocolate manufacturer at a price about 15 cents below the price paid a pool plant handler for fresh bulk whole fluid milk. The reported comparative cost of concentrated supplies from plants of the same company was not shown to have been arrived at in a manner suitable for use as a basis for pricing pool milk. Such comparative cost apparently was calculated from an assigned cost of such milk to the shipping plant of less than the price paid to farmers at the plant. It was characterized by the proponent as extra milk "dumped" on the market for whatever they could get. There would be no apparent stopping point if pool milk was to be priced on that basis. It was not shown that, except for such "dumped" milk, that alternative supplies are available for chocolate manufacture at prices below the full Class III price. If they are, there appears to be no reason why such supplies are available only to chocolate manufacturers, and not to such other users of Class III milk as ice cream manufacturers. The record does not justify a provision pricing milk for milk chocolate and other candy products lower than for other Class III uses particularly in view of the overall reduction in price applicable in May and June.

The rejection, except to the limited extent herein provided, of proposals for the pricing of certain uses of Class III milk independently is largely in recognition of the manner in which milk in excess of fluid requirements has been utilized since the present pricing system was adopted in 1949. The volume of Class III milk in 1953 was 1,719 million

pounds larger than the volume of pool milk in equivalent uses in 1948, an increase of about 110 percent. A reduction from 1948 to 1953 of 20 million pounds in the volume of milk used for storage cream means that the volume in other uses was 1,739 million pounds larger in 1953 than in 1948.

Increases in volumes for other uses from 1948 to 1953 were (in millions of pounds): for fluid cream outside the marketing area—from 161 to 715, an increase of 344 percent; for ice cream—from 337 to 770, an increase of 128 percent; cream cheese—from 21 to 111, an increase of 429 percent; for whole milk products other than American cheese—from 387 to 423, an increase of 9 percent; for Cheddar cheese—from 185 to 299, an increase of 62 percent; and for butter—from 131 to 643, an increase of 391 percent.

Nearly two-thirds of the increase in volume has gone into uses to which the full Class III price applies. Nevertheless, there has been a marked increase in the actual volume used for butter and cheese. The proportion of all Class III milk used for butter and cheese increased from about 20 percent in 1948 to about 29 percent in 1953. Actual volume in these uses was about 3 times larger in 1953 than in 1948. Milk for fluid cream has increased about 4½ times and in terms of actual volume is greater than the increase in the volume used for butter. Ice cream constitutes the largest single outlet for Class III milk and the volume so used has more than doubled since 1948. The increase in actual volume, however, has been less than for butter. The volume of pool milk used for ice cream in 1953 in relation to the volume of ice cream produced in the Northeast is much larger than in 1948 and has increased in 1953 after dropping slightly in 1951 and 1952 from the levels of 1949 and 1950. In spite of the rather substantial gains in expanding outlets for Class III milk in uses yielding a higher return to producers than for milk used for butter and cheese, the fact that a larger proportion of the Class III milk was used for butter and cheese in 1953 than in 1948 does not appear to support a pricing program under which economic incentives for utilizing Class III milk for other than butter and cheese would be reduced.

The conclusion to eliminate use of the Boston weighted average cream price in establishing the price of Class III milk during the months of August through February has been reached primarily on evidence indicating that it does not constitute a satisfactory measure of the value of Class III milk under existing conditions.

The Boston weighted average cream price has been used in calculating the Class III price on the belief that it was the best available measure of the value of Class III butterfat during periods when milk in excess of fluid requirements is in relatively short supply. It does not appear, however, that the Boston weighted average cream price serves that purpose satisfactorily with the increase in the volume of Class III milk recently prevailing and in prospect for this year. The volume of Class III milk during the months of August through February has increased materially while at the same time the volume of cream used in computing the Boston weighted average has declined. During the period August through February 1952–1953 and 1953–1954, the volume of Class III milk was 38 and 52 percent, respectively, higher than for the same period 1950–1951. The volume of Class III milk used in butter was about ten times larger during the period August through February 1952–1953 than for the same period 1950–1951. The volume of cream in the Boston weighted average declined nearly 50 percent during the three year period and for the months of August through February 1952–1953 represented a milk equivalent only about one-fourth as large as the volume of pool milk used for butter.

Notwithstanding, this material increase in the volume of Class III milk, however, and the decline in the volume of cream in the Boston weighted average, the price per pound of butterfat based on the Boston weighted average cream price averaged about 4 cents higher that the Class III formula price per pound of butterfat based on butter during the period August 1952 through February 1953. It was during this period particularly that handling margins on milk for fluid purposes were reported to have been depressed. Handlers also reported considerable difficulty in disposing of Class III milk on reasonable terms during this period.

Again during the period August 1953 through February 1954, the volume of Class III milk was at a relatively high level and greatly exceeded the milk equivalent of cream used in computing the Boston weighted average cream price. For three of those months no Boston weighted average was published due to the extremely small volume of cream traded in the Boston market. Instead of being higher than the price of butterfat in butter, as was the case during the last half of 1952, the price of butterfat in Boston cream averaged slightly less during the months August 1953 through February 1954 than the price of butterfat in butter. This change in relationship in 1952–1953 makes it appear extremely doubtful that the Boston weighted average cream price continues to reflect the value of Class III milk with a reasonable degree of accuracy under existing conditions. Fluctuations in the margin in the price of butterfat reflected in the Boston weighted average cream price over the price of butterfat in butter do not appear to coincide with changes in the market value of most of the products for which Class III milk is utilized. Uncertainty as to what this relationship will be from one month to the next under a given set of circumstances was reported to have an adverse effect upon efforts to maintain and expand outlets for Class III milk, particularly for use in ice cream.

The disadvantages of retaining the Boston weighted average cream price as a basis for pricing that portion of Class III milk used for fluid cream outside the marketing area, as distinguished from Class III milk for other uses, appear to out-weigh the advantages to be derived. Such modification was suggested at the hearing. It was not established, however, that the Boston weighted average cream price can be relied upon to reflect the value of Class III milk for fluid cream more accurately than for other purposes. Furthermore, it was shown that such a pricing arrangement would tend to jeopardize outlets for Class III milk for reasons associated with the necessity thus created for more complete verification of utilization at nonpool plants utilizing Class III milk. Although difficult to measure with accuracy, it is concluded that this factor could reasonably be expected to virtually offset any minor enhancement in returns to producers which would result from use of the Boston weighted average in establishing the price of milk used for fluid cream.

Even though the Boston weighted average cream price is found to be no longer suitable for the purpose, some provision should be made in the order for reflecting the higher value of Class III milk which appears to be obtainable at times when there is a smaller volume of Class III milk to be disposed of. While other factors may be involved affecting the marketability of Class III milk, the volume to be disposed of appears to be one of the major factors in determining the price obtainable. With the volume of Class III milk which prevailed prior to 1952 the price established for Class III milk during the months of August through February was somewhat higher than would have resulted from the use of New York 92-score butter plus 2 cents, the level at which it was priced during the months of March through July. The average premium over butter plus 2 was equivalent to slightly more than 3 cents per pound of butter for the August through February periods ending in 1951 and 1952.

During those years, however, the outlets for Class III milk continued to expand and the difficulties experienced in disposing of Class III milk were less pronounced than during the past two years when the volume of Class III milk became substantially higher. The larger volume of Class III milk which has prevailed in 1952 appears to be associated with marketing conditions under which it is difficult to obtain as high a price for Class III milk as formerly. Under these circumstances, it appears appropriate to make provision for increasing the price of Class III milk by the addition of an additional premium over the market price of butter whenever the volume of Class III milk approximates the level prevailing during the years 1950 and 1951.

As a means of effectuating that principle, it seems appropriate to relate the price of Class III milk during the months of August through February to the utilization adjustment percentage which is now used in calculating the price of Class I–A milk. This percentage reflects the relative volume of pooled milk in excess of Class I uses, and is announced for each month by not later than the 25th day of the preceding month. Calculation of a separate Class III percentage by omission of the percentage of milk utilized in Class II would make no significant difference in the result obtained. The utilization adjustment percentages for the months of August through February ending in 1951–1952 averaged slightly in excess of 92. There has been no month since February 1952 for which the utilization adjustment percentage has been as high as 92. There were nine months during the 2-year period ending in February 1952 for which the utilization adjustment percentage was 92 or higher. Accordingly, it is concluded that an additional 3 cents, or a total of 5 cents, should be added to the New York market price for 92-score butter during any of the months of August through February for which the utilization adjustment percentage is 92 or higher. This should result in a Class III price during the month of August through February averaging about the same as in 1950 and 1951 in relation to the market price of butter, while at the same time eliminating the unpredictable month to month fluctuations in relation to the market price of butter.

General findings. (a) The tentative marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested persons. The briefs contained suggested findings of facts, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and order. The following amendments to the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed amendments to the tentative marketing agreement are not repeated in this decision because the regulatory provisions thereof would be the same as those contained in the order with the following amendments:

1. Amend § 927.40 (f) to read as follows:

(f) For Class III milk, the price shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph minus 80 cents: *Provided*, That for the months of May and June 1954 an additional 10 cents shall be subtracted from such sum.

(1) To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during such month by the United States Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market, add two cents and multiply by 1.22: *Provided*, That for any of the months from August through February for which the utilization adjustment percentage announced pursuant to § 927.46 (a) (2) is 92 or larger, there shall be an additional three cents added to such average butter price.

(2) Multiply by 7.8 the weighted average, as computed by the market administrator using a weight of 70 for roller process prices and a weight of 30 for spray process prices, of the prices per pound of roller process and spray process nonfat dry milk solids, for human consumption in carlots f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

2. Amend § 927.43 by adding after the first proviso therein, the following: "*Provided further*, That for milk received from producers during any of the months of March through July which is classified on the basis of one of the types of cheese named in this section, the amount so credited shall be increased one cent per pound of butterfat for each five hundredths by which the ratio of 2.5 is lower than the ratio computed pursuant to the first proviso of this section."

3. Amend paragraph (b) of § 927.46 by deleting subparagraph (5) thereof, and by renumbering other subparagraphs accordingly.

Filed at Washington, D. C., this 24th day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2207; Filed, Mar. 26, 1954; 8:50 a. m.]

[7 CFR Part 949]

[Docket No. AO-232-A-2]

HANDLING OF MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at San Antonio, Texas, on January 11–12, 1954, pursuant to notice thereof which was issued on January 6, 1954 (19 F. R. 71).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Production and Marketing Administration, on March 2, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on March 5, 1954 (19 F. R. 1252).

Within the period reserved, no exceptions were filed to the findings, conclusions and actions recommended by the Deputy Administrator.

The material issues of record were concerned with:

1. The pricing of Class I milk, and

2. The classification and pricing of milk presently classified as Class II milk.

A decision of the Secretary of Agriculture issued January 28, 1954 (19 F. R. 561) and subsequent amendment to the order disposed of the issue concerned with the pricing of Class I milk and that portion of the issue concerned with the pricing of Class II milk which related to the pricing of milk disposed of for the manufacture of cheddar cheese through July 1954.

Findings and conclusions. The findings and conclusions with respect to the material issues herein decided, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. The Class II pricing provisions of the order should be modified to promote more orderly marketing of reserve supplies of producer milk.

The present Class II pricing provisions of the order have hindered the maximum utilization of available supplies of producer milk by handlers in the San Antonio market. On a market wide basis, the supply of producer milk has been extremely short in relation to Class I sales. In spite of this fact, some handlers have at times refused to accept all of the milk from producers and transferred the burden of finding outlets to individual producers or their cooperative association. Handlers have procured other source milk for Class II usage at the same time producer milk has been refused.

Receipts of producer milk during the last six months of 1953 exceeded receipts during the corresponding period a year ago by more than 15 percent. Class I sales remained at about the same level. With indications that reserve supplies will be much larger during the spring and summer months than in the past, a separate lower price for milk used for cheddar cheese was incorporated in the order (19 F. R. 575) for a limited period of 1954. At the same time Class I prices were reduced. This emergency action was taken to encourage greater usage of producer milk in Class I and to facilitate the disposal of reserve producer milk

which must be marketed outside of normal marketing channels. The present Class II pricing formula was included in the order when it was promulgated in 1952. At that time the market was extremely deficient in local producer milk. The record indicates that with increased production, a somewhat lower level of Class II prices will contribute to the full marketing of producer milk by handlers and the maximizing of returns to producers. Milk that now may be temporarily diverted to cheese plants at relatively low prices could be used by handlers at the regular Class II price.

The principal Class II uses for reserve milk by handlers are in ice cream, condensed skim milk, cottage cheese, and butter. Because of past shortages of locally produced milk, few handlers now have condensing facilities or cottage cheese equipment. Handlers testified that milk ingredients for ice cream, frozen desserts, and cottage cheese were purchased from outside sources at less than order prices. Considerable quantities of reserve producer milk could be utilized by handlers in place of other source milk in meeting their requirements for these products. With a general trend to higher receipts of producer milk and the presence of some reserve supplies above Class I sales, it is necessary to readjust the level of Class II prices to afford producers an outlet for these supplies through handlers' fluid milk plants.

The record shows that a butter and nonfat solids formula is an appropriate basis for reflecting changes in Class II prices in this market during most of the year. However, there is some problem in pricing on this basis during the flush production season. The record indicates that manufacturing milk prices rather than dairy product prices may be a more appropriate basis of pricing during this season of the year.

For the immediate future, the problems of pricing Class II milk in this market are those of (1) a closer alignment of butterfat prices with prices at which handlers can procure butterfat from outside sources and (2) a closer alignment of whole milk prices with competitive manufacturing prices particularly during the flush production season.

This may be accomplished by modifying the butterfat component of the present Class II butter and nonfat solids formula and by applying prices paid by manufacturing plants for ungraded milk during April through June of each year.

Producers proposed that the present Class II butter and nonfat solids formula be amended to reduce the price for 4.0 percent milk approximately 38 cents per hundredweight based on the 1953 level of butter prices.

The butterfat component of the present formula price for 4.0 percent milk is derived by subtracting three cents from the Chicago wholesale 92-score butter price and multiplying by a factor of 4.8. The Class II butterfat differential is 0.120 times the price of butter.

The record indicates that the present factors for determining butterfat values results in prices for butterfat at considerably higher levels than butterfat can be procured from outside sources or at which it could be disposed of by handlers to local unapproved plants. It is concluded that the Clas II pricing formula should be changed by using the 92-score butter price multiplied by a factor of 4.4 for the period of July through March. At the current level of butter prices, this change will have the effect of reducing the Class II formula price for 4.0 percent milk during these months approximately 12 cents per hundred.

During the months of April through June the Class II price should be the average price paid dairy farmers for ungraded milk of 4.0 percent butterfat content by the following Texas manufacturing plants:

Carnation Company, Sulphur Springs, Tex.
The Borden Company, Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

These plants are located in Northeastern Texas and are used in certain months as a basis for pricing Class II milk under the North Texas Order (943). One of these plants disposes of ice cream mix and other products in the San Antonio area in direct competition with regulated handlers. There are no sizable manufacturing plants located in the San Antonio area which engage in manufacturing operations and procure a major portion of their supplies of milk from ungraded dairy farmers. There are plants, in this general area, however, which purchase graded surplus milk from other markets and small quantities of ungraded milk from farmers. These plants are available sources of cream and nonfat solids for handlers. The record contains little or no information, however, with respect to prices paid for milk at such plants.

As a further means of assuring appropriate prices for Class II milk, provision should be made to apply the three-plant manufacturing milk price in any month that it is higher than the price resulting from the butter and nonfat milk solids formula.

The adoption of the paying price of the above stated plants during the months of April through June of 1953 would have reduced the Class II price for 4.0 percent milk from $3.85 to $3.38 per hundredweight, a reduction of 47 cents per hundredweight.

The average butterfat content of Class II producer milk has been considerably above 4.0 percent. It has ranged from approximately 5.0 percent in the spring months to more than 10 percent in other months. Therefore, the Class II butterfat differential has a significant effect on the cost of Class II milk. The Class II butterfat differential should be reduced from 0.120 to 0.108 times the price of 92-score butter. This reduction in the butterfat differential will bring the price of butterfat derived from producer milk in close alignment with prices of butterfat procured in the form of cream from other sources.

It is concluded that the proposed changes will provide appropriate prices for Class II milk and promote more orderly marketing of reserve supplies of producer milk.

General findings. (a) The tentative marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1954, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as amended, and as hereby proposed to be further amended by the attached order, which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] as Amended, Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area

§ 949.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to a tentative marketing agreement and to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of this order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended, as set forth below:

1. Delete § 949.53 and substitute therefor the following:

§ 949.53 *Class II milk.* The prices, rounded to the nearest full cent, for Class II milk shall be determined pursuant to paragraph (a) of this section for the months of April, May, and June and the higher of the prices determined pursuant to paragraphs (a) and (b) of this section for all other months: *Provided*, That from the effective date of this proviso through July 1954 the price for Class II milk disposed of for use in cheese other than cottage cheese shall be the simple average of the prices paid dairy farmers for milk containing 4 percent of butterfat delivered during the month for which prices are being computed to cheese plants located at Alice and Round Rock, Texas, and operated by the Fort Worth Poultry and Egg Company.

(a) The average of the basic or field prices per hundredweight reported to have been or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the United States Department of Agriculture:

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

(b) The sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 4.4 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month;

(2) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray process, f. o. b. manufacturing plants in the Chicago area as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the current month, subtract 5 cents, multiply by 8.16.

2. In § 949.54 (b) delete "0.120" and substitute therefor "0.108".

[F. R. Doc. 54-2166; Filed, Mar. 26, 1954; 8:47 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 995]

[Docket No. AO-197-A2]

HANDLING OF MILK IN THE LIMA, OHIO, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision, with respect to a proposed marketing agreement and a proposed order, amending the order, as amended, regulating the handling of milk in the Lima, Ohio, marketing area, which was issued March 5, 1954 (19 F. R. 1343), is hereby extended to April 2, 1954.

Dated: March 24, 1954, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2165; Filed, Mar. 26, 1954; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 703, 710]

PUERTO RICO; SPECIAL INDUSTRY COMMITTEE NO. 15

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATIONS FOR CORSETS, BRASSIERES, AND ALLIED GARMENTS INDUSTRY; AND MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY

MARCH 22, 1954.

The Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), on December 8, 1953, by Administrative Order No. 433 appointed Special Industry Committee No. 15 for Puerto Rico[1] to investigate conditions and to recommend minimum wages for employees engaged in commerce or in the production of goods for commerce in a number of industries in Puerto Rico including the Corsets, Brassieres, and Allied Garments Industry, and the Men's and Boys' Clothing and Related Products Industry.

The Committee included three disinterested persons representing the public, a like number representing employees in these industries, and a like number representing employers in these industries.

The Committee has defined and made separate minimum wage recommendations for each of these industries and the divisions thereof, and has duly filed reports containing their recommendations with the Administrator, pursuant to section 8 (d) of the act and § 511.9 of the regulations issued under the act.

The Administrator is required by section 8 (d) of the act, after giving due notice to interested persons and affording them opportunity to be heard, to approve and carry into effect each of the recommendations of the Committee if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the act. If he finds otherwise, he is required to disapprove such recommendations.

[1] Published in the FEDERAL REGISTER December 11, 1953 (18 F. R. 8139), as amended by Administrative Order No. 434 (19 F. R. 72); Administrative Order No. 435 (19 F. R. 187); Administrative Order No. 437 (19 F. R. 356); and Administrative Order No. 439 (19 F. R. 839).

Now, therefore, notice is hereby given that:

A. The separate minimum wage recommendations of Special Industry Committee No. 15 for employees engaged in commerce or in the production of goods for commerce in the above-named industries in Puerto Rico are as follows:

Industry and Recommended Minimum

1. Corsets, Brassieres, and Allied Garments Industry, 55 cents an hour.
2. Men's and Boys' Clothing and Related Products Industry; a. Suits, Coats, and Jackets Division, 55 cents an hour.
b. Necktie Division, 55 cents an hour.
c. Hat and Cap Division, 55 cents an hour.
d. General Division, 47½ cents an hour.

B. The definitions of the above-named Industries in Puerto Rico (as set forth in Administrative Order No. 433) and of the separate divisions thereof, for which Special Industry Committee No. 15 for Puerto Rico has made the foregoing separate minimum wage recommendations, are as follows:

1. *Corsets, Brassieres, and Allied Garments Industry.* The manufacture of corsets, brassieres, brassiere pads, girdles, sanitary belts, foundation garments, and similar items.

After due consideration the Committee determined that no classification within the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico was justified for purposes of the act.

2. *Men's and Boys' Clothing and Related Products Industry.* The manufacture from any material of men's and boys' clothing and related products, including, but without limitation, suits, coats, overcoats, trousers, shirts, underwear, nightwear, work clothing, sportswear (including bathing suits, riding habits and athletic uniforms), heavy outerwear, neckties, caps, hats (except hand-made straw hats), belts (except leather belts), robes and dressing gowns, raincoats, suspenders, garters, academic caps and gowns, vestments, costumes, and other items of apparel and accessories (except gloves, handkerchiefs, scarves and mufflers, hosiery and shoes).

The Committee recommended that the Men's and Boys' Clothing and Related Products Industry, as defined in Administrative Order No. 433, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be entitled and defined as follows:

(a) *Suits, Coats, and Jackets Division.* The manufacture of men's, youths' and boys' suits, coats and jackets (except cotton work coats and jackets), overcoats, topcoats, fabric raincoats, and similar outerwear.

(b) *Necktie Division.* The manufacture of men's, youths' and boys' neckties.

(c) *Hat and Cap Division.* The manufacture of men's, youths', and boys' hats and caps.

(d) *General Division.* The manufacture of all products included in the Men's and Boys' Clothing and Related Products Industry in Puerto Rico, as defined herein, except those included in the Suits, Coats and Jackets Division, the Necktie Division, and the Hat and Cap Division, as defined herein.

C. The full texts of the reports and recommendations of Special Industry Committee No. 15 for Puerto Rico for each of the above industries will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

18 Oliver Street, Boston 10, Mass.
525 Lafayette Building, 437 Chestnut Street, Philadelphia 6, Pa.
216 Engineers Building, 1365 Ontario Avenue, Cleveland 14, Ohio.
600 Federal Office Building, 911 Walnut Street, Kansas City 6, Mo.
150 Fulton and Leavenworth Streets, San Francisco 2, Calif.
Fourteenth Street and Constitution Avenue NW., Washington 25, D. C.
900 U. S. Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.
1007 Comer Building, 2026 Second Avenue North, Birmingham 3, Ala.
105 West Adams Street, Chicago 3, Ill.
222 Fidelity Building, 1114 Commerce Street, Dallas 2, Tex.
United States Court House, 801 Broad Street, Nashville 3, Tenn.
412 New York Department Store Building, Post Office Box 9061, Santurce 29, P. R.

Copies of the Committee's reports and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or the Wage and Hour Division, United States Department of Labor, Room 412 New York Department Store Building, Stop 16½ Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico.

D. Public hearings will be held at 10:00 a. m. on the dates and at the places set forth below before the Administrator of the Wage and Hour Division or a representative designated to preside in his place, for the purpose of taking evidence on the question of whether the separate recommendations of Special Industry Committee No. 15 for Puerto Rico set forth above shall be approved or disapproved.

Corsets, Brassieres, and Allied Garments Industry; April 27, 1954, in Room 5406, Department of Labor Building, Washington 25, D. C.

Men's and Boys' Clothing and Related Products Industry; May 5, 1954, in Room 5406, Department of Labor Building, Washington 25, D. C.

E. Any interested person supporting or opposing any of the recommendations of Special Industry Committee No. 15 for Puerto Rico which are set forth above may appear at any of the aforesaid hearings to offer evidence either on his own behalf or on behalf of any other person; provided that, not later than seven days preceding any hearing at which he intends to appear, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or the Office of the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, notice of his intention to appear which shall contain the following information:

1. The name and address of the person appearing;
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing;
3. The recommendation or recommendations of Special Industry Committee No. 15 for Puerto Rico in which he is interested and whether he proposes to appear for or against such recommendation or recommendations;
4. The approximate length of time requested for his presentation.

Such notice may be mailed to either of the offices indicated above and will be considered as filed upon receipt.

F. The records made at the public hearing on conditions in the above named industries in Puerto Rico held before Special Industry Committee No. 15 in Santurce, San Juan, Puerto Rico may be examined at the Offices of the Wage and Hour Division, United States Department of Labor, at Fourteenth Street and Constitution Avenue NW., Washington 25, D. C., and Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico. The records of the public hearing before the Industry Committee with respect to each of the above named industries will be available for 30 days prior to the date fixed herein for the hearing on the Committee's recommendations for such industry. Such records for each industry will be offered in evidence at the appropriate public hearing before the Administrator or the his representative.

G. The hearings will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Presiding Officer (the Administrator or his authorized representative) as are deemed appropriate

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, Constitution Avenue and Fourteenth Street NW., Washington 25, D. C
2. At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing, or by other appropriate notice.
3. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.
4. All evidence must be presented under oath or affirmation.
5. Except as otherwise permitted by the Presiding Officer, written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof. Written, sworn statements may be filed any time prior to the date of hearing by persons who cannot appear personally.
6. Written documents and exhibits shall be tendered in quadruplicate. When evidence is embraced in a document containing matter not intended to be put in evidence, such document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.
7. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the Administrator upon request and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply to the Administrator for the issuance of the subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.
8. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the Courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing a subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.
9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.
10. The Presiding Officer shall, upon request, permit any person appearing in the proceeding to conduct such cross examination of any witness offered by another person as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or inclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer.
11. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matters in issue. If the Administrator, in his discretion allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.
12. Briefs (4 copies) on particular questions may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.
13. (a) Where the hearing is held before the Administrator, within fifteen (15) days after the close of the hearing, any interested person appearing at the hearing may submit for the consideration of the Administrator an original and four copies of a statement, in writing, containing proposed findings and conclusions, together with supporting reasons therefor.

(b) Where the hearing is held before a representative of the Administrator designated to preside in his place, a complete record of proceedings shall be certified to the Administrator upon the close of the hearing. The Administrator shall thereupon issue a tentative decision in the matter, which shall become a part of the record and include therein (1) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all of the material issues of fact, law or discretion presented upon the record, and (2) the appropriate order. Notice of the Administrator's tentative decision shall be published in the FEDERAL REGISTER.

(c) Within fifteen (15) days after such notice of the Administrator's tentative decision is published in the FEDERAL REGISTER, any interested person appearing at the hearing may file with the Administrator a statement in writing (original and four copies) setting forth any exceptions he may have to such decision, together with supporting reasons for such exceptions.

(d) After the expiration of the fifteen-day periods referred to in paragraphs 13 (a) and (c) above, and after consideration of all relevant matter presented as provided in such paragraphs, the Administrator shall make his final decision in the matter, and shall issue an order approving or disapproving the recommendations of the Industry Committee. Such order shall be published in the FEDERAL REGISTER.

14. Any wage order issued as a result of hearings held hereunder shall take effect 30 days after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

Signed at Washington, D. C., this 22d day of March 1954.

WM R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-2123; Filed, Mar. 26, 1954; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 22, 1954.

An application, serial number Los Angeles 0101904, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on February 25, 1953, by the Department of the Navy.

The purposes of the proposed withdrawal: Military training.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region II, Bureau of Land Management, Department of the Interior at 630 Sansome Street, San Francisco, California. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 11 N., R. 10 W., S. B. M.
Sec. 18, All.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 54-2160; Filed, Mar. 26, 1954; 8:45 a. m.]

Office of the Secretary

[Order 2752]

FISH AND WILDLIFE SERVICE

DESIGNATION AND FUNCTIONS OF ACTING DIRECTOR

MARCH 22, 1954.

SECTION 1. *Succession.* (a) In the event of the absence, sickness, resignation, or death of the Director of the Fish and Wildlife Service, his duties shall be performed by an Assistant Director. If more than one Assistant Director is available the duties of the Director shall be performed by the Assistant Director whose appointment bears the earliest date.

(b) Albert M. Day, Assistant to the Director, shall perform the duties of the Director in the event of the absence, sickness, resignation or death of the Director and the Assistant Directors.

(c) Clarence Cottam, Assistant to the Director, shall perform the duties of the Director in the event of the absence, sickness, resignation or death of the Director, the Assistant Directors and Albert M. Day.

SEC. 2. *Title.* The officer performing under authority of section 1 of this order shall sign documents under the title "Acting Director."

SEC. 3. *Revocation.* Order No. 2743, dated January 7, 1954 (19 F. R. 252), is hereby revoked.

(Reorganization Plan No. 3 of 1950, 16 F. R. 3174)

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-2162; Filed, Mar. 26, 1954; 8:45 a. m.]

WISCONSIN

ORDER RESTORING FORMER RAILROAD GRANT LANDS TO PUBLIC DOMAIN

Claims to the public lands in the State of Wisconsin within the limits of the grants made to the Northern Pacific Railroad, now Railway, Company by the act of July 2, 1864 (13 Stat. 365), and joint resolution of May 31, 1870 (16 Stat. 378), and acts amendatory thereof and supplemental thereto, the grants made to the State of Wisconsin by the acts of June 3, 1856 (11 Stat. 20), and May 5, 1864 (13 Stat. 66), and acts amendatory thereof and supplemental thereto, of which the Chicago, St. Paul, Minneapolis and Omaha Railway Company is successor in interest, the grants by these acts of which the Chicago and Northwestern Railway Company is successor, and the grant made by the act of June 3, 1856, and acts amendatory thereof and supplemental thereto of which the Wisconsin Central Railroad Company is successor, have been released under section 321b, Part II, Title III of the Transportation Act of 1940 (54 Stat. 954, 49 U. S. C. sec. 65), by the above-mentioned companies. Subject to existing valid rights and existing Forest and Indian and all other existing withdrawals and reservations, all of the lands, claims to which were released, located within the primary limits of the grants and such lands located in the indemnity limits for which selections were pending on September 18, 1940, are hereby made available for disposal, use and management under the public land laws in accordance with the terms of this order.

Applications for these lands under the homestead, small tract or other nonmineral public land laws will be allowed only if the land is classified pursuant to the application as valuable or suitable for the type of disposition applied for or has been previously so classified.

The lands restored include but are not limited to the following described tract: [1]

4TH P. M., WISCONSIN

T. 18 N., R. 17 E.,
Sec. 7, lot 6.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the office of the Regional Administrator, Region VI, Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Regional Administrator, Region VI, Bureau of Land Management, Washington 25, D. C.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 23, 1954.

[F. R. Doc. 54-2163; Filed, Mar. 26, 1954; 8:46 a. m.]

[1] In the preparation of this order, no effort has been made to ascertain and describe each and every tract affected. Facilities were not available at this time for the compilation of a complete and accurate list of the lands affected.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10945]

CARTHAGE BROADCASTING CO.

NOTICE OF PREHEARING CONFERENCE

In re application of Lloyd C. McKenney & John J. Daly d/b as Carthage Broadcasting Company, Fort Scott, Kansas, Docket No. 10945, File No. BP-8948; for construction permit

Notice is hereby given to the above-named applicant and to William R. Tedrick, licensee of Station KWRT, Boonville, Missouri, that, pursuant to § 1.813 of the Commission's rules, a prehearing conference will be held at Washington, D. C., beginning at 10:00 a. m., Thursday, April 1, 1954, in regard to the above-entitled proceeding for the purpose of considering: The procedure to be followed in the hearing; the necessity or desirability of simplification, clarification, amplification or limitation of the issues; the possibility of stipulating facts and limiting the number of witnesses; the necessity or desirability of prior mutual exchange of exhibits among the parties; and such other matters as may be deemed helpful in the proceeding.

Dated at Washington, D. C., this 23d day of March 1954.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM G. BUTTS,
Hearing Examiner.

[F. R. Doc. 54-2187; Filed, Mar. 26, 1954; 8:49 a. m.]

[Docket No. 10957]

CHECKER CAB & BAGGAGE CO.

ORDER TO SHOW CAUSE

In the matter of Checker Cab & Baggage Company, Houston, Texas, order to show cause why the license for radiotelephone Station KKB-843 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station KKB-843, licensed to Checker Cab & Baggage Company of Houston, Texas;

It appearing, that notice of violations of the Commission's rules in connection with the operation of the station was given the licensee as follows:

Notice dated January 25, 1954, specifying that an inspection of the station on January 18, 1954, indicated non-compliance with § 16.403 and 16.160 (a) and (b) in that the supervisor's car (#104) did not bear the name of the cab company and an appropriate number in the same type of printing as used on the cabs and the station records did not contain the required information concerning technical measurements and maintenance of the equipment.

It further appearing, that, despite further notice calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 16.159 of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 17th day of March 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Checker Cab & Baggage Company of Houston, Texas, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 17th day of May, 1954;

It is further ordered, That the Secretary send a copy of this Order by Registered Mail—Return Receipt Requested to the said Checker Cab and Baggage Company, P. O. Box 18104, Houston, Texas.

Released: March 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2188; Filed, Mar. 26, 1954; 8:50 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

[Docket No. 10958]

YELLOW CAB & TRANSFER CORP.

ORDER TO SHOW CAUSE

In the matter of Yellow Cab & Transfer Corporation, Houston, Texas, order to show cause why the license for Radiotelephone Station KKA 981 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station KKA 981 licensed to Yellow Cab & Transfer Corporation of Houston, Texas.

It appearing, that notice of violation of the Commission's rules in connection with the operation of the station was given the licensee as follows:

Notice dated January 25, 1954, specifying that an inspection of the station on January 18, 1954, indicated non-compliance with § 16.160 (a) and (b) in that the station records did not contain the required information concerning technical measurements and maintenance of the equipment;

It further appearing, that, despite further notice calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 16.159 of the Commission's rules, no explanation or other response has been received from the licensee;

It is ordered, This 17th day of March 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Yellow Cab & Transfer Corporation of Houston, Texas, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 17th day of May 1954;

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Yellow Cab & Transfer Corporation, P. O. Box 18104, Houston, Texas.

Released: March 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2189; Filed, Mar. 26, 1954; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

WATERMAN STEAMSHIP CORP. ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. Section 814.

(1) Agreement No. 7956, between Waterman Steamship Corporation and Black Diamond Steamship Corporation, covers the transportation of canned pineapple and pineapple juice under through bills of lading from the Hawaiian Islands to ports in the Netherlands, Belgium, and Germany, with transshipment at New York.

(2) Agreement No. 7967 between American President Lines, Ltd., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Japan, China (including Hong Kong), India, Federation of Malaya, Colony of Singapore, and Indonesia to Puerto Rico with transshipment at New York. Agreement No. 7967 supersedes and cancels Agreement No. 7934.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: March 23, 1954.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 54-2176; Filed, Mar. 26, 1954; 8:48 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

DESCRIPTION OF ORGANIZATION

The Description of Organization (formerly contained in 12 CFR Part 302) has been amended to read as follows:

Sec.
1. Central organization.
2. Field organization.
3. Delegations of final authority.

SECTION 1. *Central organization—(a) Board of Directors.* (1) The Federal Deposit Insurance Act (64 Stat. 873; 12 U. S. C. 1811–1831) vests the management of the Federal Deposit Insurance Corporation (hereinafter referred to as the Corporation) in a Board of Directors consisting of three members. Two members are appointed by the President, by and with the advice and consent of the Senate for terms of six years. The Comptroller of the Currency is the other member by virtue of his office. One of the appointive members, designated by the Board of Directors, acts as its Chairman and presides at all its meetings. The Acting Comptroller of the Currency is a member of the Board in the place and stead of the Comptroller in the event of a vacancy in the office of the Comptroller, and pending the appointment of his successor, or during his absence from Washington, D. C. In the event of a vacancy in the office of the Chairman, and pending the appointment of his successor, the Comptroller of the Currency acts as Chairman. The Board of Directors is responsible for the performance of all duties and exercises all powers vested by law in the Corporation. The Board of Directors has assigned certain functions to the several officers, committees, and Divisions of the Corporation for the performance of which they are responsible to the Board.

(2) The principal office of the Corporation, and the offices of the members of the Board and of the Secretary of the Corporation, are located in the National Press Building, Fourteenth and F Streets NW., Washington 25, D. C.

(b) *Secretary.* The Secretary of the Corporation is the chief recording and custodial officer of the Board of Directors and of the Corporation, has legal custody of the seal of the Corporation, and is responsible for the maintenance and custody of the minutes and other official records of the Board, and, except as otherwise directed by the Board, the furnishing of notice of matters acted upon by the Board, the certification and ensealing of all resolutions, papers, and documents requiring certification on behalf of the Corporation or the affixation of its corporate seal, the issuance of certificates of membership, or duplicates thereof, to insured banks.

(c) *Committees.* (1) *Board of Review.* A Board of Review, consisting of a member of the Board of Directors and such staff members of the Corporation as are thereto appointed by the Board of Directors, has been established to consider recommendations from the Division of Examination relative to applications from banks for deposit insurance; for consent by the Corporation to retirement or reduction of capital, change of location of main office, establishment, operation, or change of location of branches, conversions into, mergers or consolidations with, or assumptions of deposit liabilities of, another bank or institution, transfers of assets to a noninsured bank or institution, extensions by State nonmember insured banks (except District banks) of corporate or charter powers, and to the service of bank directors, officers and employees convicted of certain offenses, and other similar requests; to consider recommendations to terminate the insured status of a bank, and to recommend to the Board of Directors the action to be taken thereon.

(2) *Committee on Liquidations, Loans, and Purchases of Assets.* A Committee on Liquidations, Loans, and Purchases of Assets, consisting of a member of the Board of Directors and such staff members of the Corporation as are thereto appointed by the Board, has been established to consider recommendations from the Division of Examination relative to applications by insured banks for financial assistance by means of loans to, or purchases of assets from, or deposits by the Corporation in insured banks, and recommendations from the Division of Liquidation relative to payment of insured deposits and liquidation activities, and to recommend to the Board of Directors the action to be taken thereon.

(3) *Special Committee.* A Special Committee, consisting of a member of the Board of Directors and such staff members of the Corporation as are thereto appointed by the Board, has been established to consider recommendations from the Legal Division with respect to legal matters requiring action of the Board, including applications for exemption from the advertising regulations of the Corporation, compromises or settlements of litigation in which the Corporation has an interest, claims by or against the Corporation which are not in connection with matters considered by the Committee on Liquidations, Loans, and Purchases of Assets, fixing of fees of attorneys retained by the Corporation; and to consider administrative procedure, rules, regulations, and forms of the Corporation, proposed changes in laws and regulations on assessment matters, instructions on preparation of certified statements and payment of assessments and problems of field audit of certified statements; and to consider recommendations from the several Divisions of the Corporation which are referred to it with respect to matters requiring Board action, except as otherwise prescribed by these rules; and to recommend to the Board of Directors the action to be taken thereon.

(d) *Divisions*—(1) *Division of Examination.* The Division of Examination, headed by a Chief, is responsible for the examination of insured State nonmember banks, State nonmember banks applying to become insured banks, closed insured banks, and for the special examination of other insured banks; reviews reports of such examinations as well as reports of examinations made by the office of the Comptroller of the Currency, in the case of national and District banks, and by the Federal Reserve banks, in the case of State member banks; advises, assists, and makes recommendations to, the Board of Directors with respect to any supervisory action pertaining to insured banks, including termination of insured status, applications for deposit insurance from noninsured State banks, proposed new State nonmember banks, and State member banks applying to be insured as State nonmember banks; applications for consent to the retirement or reduction of capital by State nonmember insured banks (except District banks),[1] the establishment and operation of branches by State nonmember insured banks (except District banks), the change of location of the main office, or any branch, by State nonmember insured banks, the extension by State nonmember insured banks (except District banks) of corporate or charter powers, the service of bank directors, officers and employees convicted of certain offenses, and the merger or consolidation with, or assumption of deposit liabilities of, another bank or institution and the transfer of assets to a noninsured bank or institution.

(2) *Office of the Controller.* The Office of the Controller, headed by a Controller, who is the chief financial, fiscal, and accounting officer of the Corporation, is responsible for the maintenance and custody of all accounting records, for prescribing accounting methods and procedures, for the custody, safekeeping, receipt, deposit, and disbursement of all funds of the Corporation and accountability therefor, for the custody of all assets other than those within the responsibility of the Chief of the Division of Liquidation, for supervision over and responsibility for the administration of assessment laws and regulations and for the supervision and direction of all personnel, budget, and services and supply functions of the Corporation.

(i) *Accounting and Budget Branch.* The Accounting and Budget Branch, headed by a Deputy Controller, is responsible for maintaining accounting records and developing accounting methods and procedures, for the collection and disbursement of funds and custody of assets, and for the preparation and administration of the Corporation's budget.

(ii) *Assessment Branch.* The Assessment Branch, headed by a Fiscal Agent, is responsible for the administration of assessment laws and regulations, for the receipt and desk audit of certified statements from insured banks certifying the amount of assessment due, for the collection of unpaid assessments and application of assessment credits, for review of field assessment audit reports and for the adjustment of assessment errors.

(iii) *Personnel Branch.* The Personnel Branch, headed by a Director of Personnel, supervises and advises with respect to procedures for personnel matters, including recruitment, appointment, placement, classification, promotion, training, payroll, leave, and retirement and maintains appropriate records pertaining thereto.

(iv) *Service Branch.* The Service Branch, headed by a Director of Services, supervises and advises with respect to the purchase of materials, supplies, and equipment for the central and field offices, and is responsible for general maintenance services for the Corporation.

(3) *Division of Liquidation.* The Division of Liquidation, headed by a Chief, supervises, is responsible for, and advises, assists, and makes recommendations to the Board of Directors with respect to payments to depositors of closed insured banks, the liquidation of national banks and insured State banks for which the Corporation is appointed receiver, the liquidation of closed insured banks for which the Corporation is not receiver and with respect to loans to, purchases of assets from, or deposits by the Corporation in, open or closed insured banks and the liquidation of assets acquired thereby.

(4) *Legal Division.* The Legal Division, headed by a General Counsel, advises and assists the Board of Directors and the several Divisions of the Corporation with respects to all legal matters concerning the functions, activities, and operations of the Corporation, including all litigation, correspondence of a legal character, interpretation of organic law and Federal and State laws applicable to or affecting the Corporation or its activities, and the preparation of rules, regulations, orders, opinions, and documents of a legal character.

(5) *Division of Research and Statistics.* The Division of Research and Statistics, headed by a Chief, provides economic counsel to the Board of Directors. It supervises, is responsible for, and advises and assists the Board of Directors with respect to continuing and special studies pertaining to deposit insurance, banking, finance, and economic matters, preparation of security analyses, collection, compilation, and interpretation of statistical data relating to the condition and operations of banks, and the preparation of the Annual Report of the Corporation to Congress.

(6) *Audit Division.* The Audit Division, headed by a Chief, conducts and is responsible for a continuous administrative audit of all fiscal and accounting activities of the Corporation and evaluation of internal audit and fiscal controls, the preparation of detailed and summary audit reports to the Board of Directors, and audits the books and records of insured banks pertaining to certified statements for assessment purposes.

(e) *Location of divisions.* All of the Divisions of the Corporation are located at the principal office of the Corporation, Fourteenth and F Streets NW., Washington 25, D. C.

SEC. 2. *Field organization*—(a) *District offices.* The United States is divided into twelve (12) Federal Deposit Insurance Districts. The Corporation maintains an office in each of such Districts. Each District office is headed by a Supervising Examiner who is appointed by the Board of Directors and functions under the supervision of the Chief of the Division of Examination. Each Supervising Examiner is assisted by a staff of examiners, assistant examiners, and clerical and stenographic employes. The Supervising Examiner supervises the examination by the Corporation of insured banks located within the States and Territories comprising the District, makes recommendations to the Chief of the Division of Examination with respect to applications from banks (or proposed banks) for deposit insurance, for consent to capital reduction or retirement, change of location of main office, establishment and operation or change of location of branches, extensions of corporate or charter powers, and mergers of insured with noninsured banks or institutions; and with respect to the termination of insured status of banks and other supervisory matters; and acts as the Corporation's representative in dealing directly with insured banks and State bank supervisory authorities in his District regarding bank supervisory matters. The location of the District offices and the States and Territories comprising each District are as follows:

District No., Address, Area in District

1. Room 1365, No. 10 Post Office Square, Boston 9, Mass., Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

2. Room 1900, 14 Wall Street, New York 5, N. Y., Delaware, New Jersey, New York, Puerto Rico, Virgin Islands.

3. City National Bank Building, 20 East Broad Street, Columbus 15, Ohio, Ohio, Pennsylvania.

4. 200 The Bank of Virginia Building, Fourth and Grace Streets, Richmond 19, Va., District of Columbia, Maryland, North Carolina, South Carolina, Virginia, West Virginia.

5. Fifth Floor, 114 Marietta Street, NW., Atlanta 3, Ga., Alabama, Florida, Georgia, Mississippi.

6. 1059 Arcade Building, St. Louis 1, Mo., Arkansas, Kentucky, Missouri, Tennessee.

7. 715 Tenney Building, Madison 3, Wis., Indiana, Michigan, Wisconsin.

8. 164 West Jackson Boulevard, Chicago 4, Ill., Illinois, Iowa.

9. 1200 Minnesota Building, St. Paul 1, Minn., Minnesota, Montana, North Dakota, South Dakota.

10. 1201 Federal Reserve Bank Building, Kansas City 6, Mo., Colorado, Kansas, Nebraska, Oklahoma, Wyoming.

11. Station K, Dallas 13, Tex., Arizona, Louisiana, New Mexico, Texas.

12. 315 Montgomery Street, Suite 1120, San Francisco 4, Calif., Alaska, California, Hawaii, Idaho, Nevada, Oregon, Utah, Washington.

(b) *Agents for service of process.* The Board of Directors, in accordance with the provisions of section 9 Fourth of the Federal Deposit Insurance Act (12 U. S. C. 1819) has designated an agent upon whom service of process may be made in each State, Territory, and other jurisdiction in which an insured bank is located. Persons desiring to serve process upon the Corporation in any jurisdiction may obtain the name and address of the proper agent by communicating with the Secretary of State or corresponding official in such jurisdiction, the Supervising Examiner for the District including such jurisdiction, or the General Counsel of the Corporation at Washington, D. C.

(c) *Liquidators.* The Corporation appoints a Liquidator for each receivership of an insured national bank or District bank or insured State bank for which the Corporation is appointed receiver, as well as for the liquidation of the assets acquired by the Corporation pursuant to a loan or purchase of assets. Under the control of the Board of Directors, and subject to the supervision of the Chief of the Division of Liquidation, a Liquidator is the official representative of the Corporation with respect to the receivership or liquidation entrusted to his charge, and, in general, is the supervisor immediately in charge of the liquidation or receivership on behalf of the Corporation. Local field offices are ordinarily maintained by such Liquidators with respect to such receiverships and liquidations and located in the community in which the closed insured bank was engaged in business. Persons desiring to communicate or transact business with any such Liquidator may obtain his name and address by communicating with the Chief of the Division of Liquidation.

(d) *Claim agents.* Pursuant to the provisions of subsection (b) of section 10 of the Federal Deposit Insurance Act (12 U. S. C. 1820 (b)), the Corporation appoints one or more Claim Agents for each insured bank which shall have been closed under circumstances requiring the Corporation, in accordance with applicable law, to make payment of the insured deposits therein. Under the control of the Board of Directors, and subject to the supervision of the Chief of the Division of Liquidation, the Claim Agent exercises the powers prescribed by law and is the official representative of the Corporation with respect to the payment of insured deposits in such closed bank and, in general, supervises the payoff of the insured depositors on behalf of the Corporation. Local field offices, as authorized by the Board of Directors, are maintained by such Claim Agents with respect to each such payoff and ordinarily are located at the site of the closed insured bank until the payoff has been fully or substantially completed. Persons desiring to communicate or transact business with any such Claim Agent may obtain his name and address by communicating with the Chief of the Division of Liquidation.

SEC. 3. *Delegations of final authority.* Except as otherwise provided by rule, or with respect to matters which generally involve conditions or circumstances requiring prompt action in the field for the better protection of the interests of the Corporation and to achieve flexibility and expedition in its operations and in the exercise of its functions, such as arise in connection with the Corporation's litigation and liquidation matters and with the payment of claims for insured deposits, the Board of Directors does not delegate its authority and no delegations of final authority within the statutory meaning of that phrase are made by the Board of Directors. Any person having a proper and direct concern therein may ascertain the scope of authority of any officer, agent, or employe of the Corporation by communicating with the Secretary of the Corporation.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

MARCH 23, 1954.

[F. R. Doc. 54-2182; Filed, Mar. 26, 1954; 8:48 a. m.]

[1] Section 9 of the Federal Deposit Insurance Act provides (18 U. S. C. 1813 (a), (b), (c)):

(a) The term "State bank" means any bank, banking association, trust company, savings bank, or other banking institution which is engaged in the business of receiving deposits, other than trust funds as herein defined, and which is incorporated under the laws of any State, any Territory of the United States, Puerto Rico, or the Virgin Islands, or which is operating under the Code of Law for the District of Columbia (except a national bank), and includes any unincorporated bank the deposits of which are insured on the effective date of this amendment

(b) * * * the term "State nonmember bank" means any State bank which is not a member of the Federal Reserve System.

(c) The term "District bank" means any State bank operating under the Code of Law for the District of Columbia.

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-82]

WEST PENN RAILWAYS CO.

ORDER DECLARING THAT APPLICANT HAS CEASED TO BE A HOLDING COMPANY

MARCH 23, 1954.

West Penn Railways Company ("Railways"), a registered holding company, having filed an application under section 5 (d) of the Public Utility Holding Company Act of 1935 ("act"), requesting the Commission to declare by order that Railways has ceased to be a holding company;

It appearing that Railways registered as a holding company under section 5 of the act by filing its Notification of Registration on Form U5A, dated March 2, 1937, and that at the time of such registration, Railways owned 866,000 shares of common stock of West Penn Power Company, a public utility company, such shares constituting 31.207 percent of the outstanding voting securities of West Penn Power Company;

It further appearing that pursuant to a plan under section 11 (e) of the act, approved by order of the Commission dated July 28, 1949, and enforced by an order of the United States District Court for the Southern District of New York dated August 23, 1949, Railways was reorganized and, on August 25, 1949, distributed to its parent, The West Penn Electric Company, certain of its assets including said 866,000 shares of the outstanding common stock of West Penn Power Company and that Railways does not now, directly or indirectly, own, control, or hold with power to vote any outstanding voting securities of a public-utility company or of a company which is a holding company;

The Commission finding that Railways has ceased to be a holding company and that the registration of Railways as a holding company shall cease to be in effect:

It is therefore ordered, Pursuant to the provisions of section 5 (d) of the act, that Railways has ceased to be a holding company and that the registration of Railways as a holding company shall cease to be in effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2167; Filed, Mar. 26, 1954; 8:47 a. m.]

[File No. 70-3194]

POTOMAC EDISON CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE FOR ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT

MARCH 23, 1954.

In the matter of The Potomac Edison Company, Northern Virginia Power Company, Potomac Light and Power Company; File No. 70-3194. The Potomac Edison Company ("Potomac Edison"), a registered holding company and a Maryland corporation, and its public-utility subsidiaries, Northern Virginia Power Company, ("Northern Virginia"), a Virginia corporation, and Potomac Light and Power Company ("Potomac Light"), a West Virginia corporation, having filed a joint application-declaration and amendments thereto, pursuant to sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43, U-44 and U-50 (a) (3) and (a) (4) promulgated thereunder with respect to the following proposed transactions:

Northern Virginia proposes to issue and sell for cash, 7,515 shares of its unissued common stock, of the par value of $100 per share, to Potomac Edison at a price equal to the par value thereof, or a total consideration of $751,500.

Potomac Light proposes to issue and sell for cash 6,900 shares of its unissued common stock, of the par value of $100 per share, to Potomac Edison at a price equal to the par value thereof, or a total consideration of $690,000.

Potomac Edison proposes to acquire and purchase the additional shares of common stock proposed to be issued and sold by Northern Virginia and Potomac Light for a cash consideration equal to the aggregate par value of said common stocks.

Northern Virginia and Potomac Light each proposes to use the proceeds derived from the sale of such additional shares of common stocks for the payment, in part, of the cost of construction of property additions during 1954. Such expenditures are estimated in the amount of $1,280,400 for Northern Virginia and in the amount of $1,159,800 for Potomac Light.

Northern Virginia and Potomac Light will issue the shares of common stock from time to time prior to December 31, 1954. On acquisition by Potomac Edison such shares will be pledged as collateral security for Potomac Edison's First Mortgage and Collateral Trust Bonds, in accordance with the terms of the Indenture, dated October 1, 1944, as supplemented, between Potomac Edison and Chemical Bank & Trust Company (New York) as Trustee.

No fees or commissions are to be paid in connection with the proposed transactions. The expenses, consisting chiefly of United States documentary tax stamps, are estimated in the amount of $2,250.

The Public Service Commission of Maryland and the Public Service Commission of West Virginia, which have jurisdiction over the proposed acquisition by Potomac Edison of the common stocks of Northern Virginia and Potomac Light have each issued orders authorizing the proposed acquisition and the State Corporation Commission of Virginia, which has jurisdiction over the proposed issuance and sale of common stock by Northern Virginia, has issued an order authorizing the proposed issuance and sale of common stock by that company.

Applicants-declarants having requested that the Commission's order herein issue pursuant to Rule U-23 and that said order become effective upon issuance; and

Due notice having been given of the filing of said joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and that the expenses, as estimated, are not unreasonable; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and it hereby is, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2168; Filed, Mar. 26, 1954; 8:47 a. m.]

[File No. 70-3205]

NEW ENGLAND GAS AND ELECTRIC ASSN.

ORDER AUTHORIZING PROPOSED AMENDMENT OF DECLARATION OF TRUST, AND SOLICITATION OF SHAREHOLDERS IN CONNECTION THEREWITH

MARCH 23, 1954.

New England Gas and Electric Association ("Association"), a registered holding company, having filed with this Commission a declaration and an amendment thereto pursuant to sections 6 (a), 7, and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-62 thereunder, with respect to the following proposed transactions:

The management of the Association proposes that the first and last paragraphs of section 22 of the Association's Declaration of Trust be amended as follows:

Proposal No. 1. The proposed amendment of the first paragraph of section 22 would expand and clarify the power of the Trustees of the Association to issue authorized but unissued common shares without further vote of the preferred and common shares. In addition to the clarification of existing powers, the amendment would permit the investment of proceeds of the sale of Association common shares in debt securities, as well as in stock, of subsidiaries including Algonquin Gas Transmission Company.

The amendment would also permit the exchange of Association common shares for publicly held stock of any subsidiary of the Association, or for stock of any Massachusetts gas or electric company if as a result of such exchange the Association will own 51 percent or more of such stock.

In the opinion of Association's counsel, this amendment requires the consent of a majority of the outstanding common shares, and of a majority of the outstanding preferred shares, of the Association.

Proposal No. 2. The proposed amendment of the last paragraph of section 22 would amend the preemptive rights provision insofar as fractional shares are concerned. Under the proposed amendment the Trustees would have express power to eliminate subscription rights for fractional shares, provided each such holder is given (a) the cash equivalent of the fractional interests to which he would otherwise be entitled, or (b) sufficient subscription rights to enable said holder to subscribe for one whole share.

In the opinion of Association's counsel, this amendment requires the consent of two-thirds of the outstanding common shares, and of a majority of the outstanding preferred shares, of the Association.

The management further proposes to submit these amendments to the shareholders of the Association at the annual meeting to be held on May 4, 1954, and to solicit proxies in favor of said amendments. On or about April 3, 1954, the Association will mail Notice of Annual Meeting of Shareholders, Proxy Statement, and Proxy to shareholders of record on March 30, 1954. Expenses of solicitation will be borne by the Association. It is estimated that expenditures other than ordinary expenditures in connection with preparing, assembling and mailing proxies and proxy statements will not exceed $1,000.

The Association has requested that this order be permitted to become effective forthwith.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2169; Filed, Mar. 26, 1954; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request No. 8]

REQUEST TO ALLIED CONSTRUCTION CONTRACTORS TO OPERATE AS SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to section 217 of the Small Business Act of 1953, the request to Allied Construction Contractors to operate as a small business production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Small Business Administration. The voluntary program, in accordance with which the pool shall operate, has been approved by the Administrator of the Small Business Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO ALLIED CONSTRUCTION CONTRACTORS

I hereby approve your proposed voluntary program to operate as a small business production pool and find it to be in the public interest as contributing to the national defense.

In my opinion, the operations of your organization as a small business production pool will assist in the accomplishment of our national defense program.

Therefore, in accordance with the provisions of Section 217 of the Small Business Act of 1953, you are requested to operate as such a pool in the manner set forth in the approved voluntary program. While no obligation is imposed upon you by virtue of this request, to operate as such a pool or to seek or obtain any Government contracts, if you wish to commence operations as a small business production pool you may do so upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved voluntary program.

The Attorney General has approved this request after consultations with respect thereto among his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 217 of the Small Business Act of 1953.

Sincerely yours,

WENDELL B. BARNES, *Administrator.*

REQUEST TO COMPANIES

The voluntary program of Allied Construction Contractors to operate as a small business production pool has been found to be in the public interest as contributing to the national defense and has therefore been approved.

Inasmuch as your concern is included among the prospective members of the pool, in my opinion your participation in its operations will assist in the accomplishment of our national defense program. Therefore, in accordance with the provisions of section 217 of the Small Business Act of 1953, you are requested to participate in the operations of the pool in the manner set forth in its voluntary program.

While no obligation is imposed upon you, by virtue of this request, to participate in the operations of this pool, if you wish to participate you may do so by notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved voluntary program.

The Attorney General has approved this request after consultations with respect thereto among his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 217 of the Small Business Act of 1953.

Sincerely yours,

WENDELL B. BARNES, *Administrator.*

Allied Construction Contractors accepted the request set forth above to operate as a small business production pool.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Blackhawk Contractors, Inc., P. O. Box 13, Hampton, Ill.

Jolerich Construction Co., 105 Earl Avenue, Joliet, Ill.

Klise Construction, 1719½ State Street, Bettendorf, Iowa.

Fred Meyers, Jr., 1651 Elgin Avenue, Joliet, Ill.

Rose Overbey, d/b/a Waterproof Co., 14 North Chicago Street, Joliet, Ill.

Tri-County Quarries, 610 North Adams Street, Polo, Ill.

(Sec. 217 of Pub. Law 163, 83d Cong.; sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, October 16, 1953, 18 F. R. 6583)

Dated: March 23, 1954.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 54-2164; Filed, Mar. 26, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29032]

TOBACCO FROM MADISON, IND., TO VIRGINIA

APPLICATION FOR RELIEF

MARCH 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Tobacco, unmanufactured, leaf or scrap, including cuttings, carloads.

From: Madison, Ind.

To: Farmville, Lynchburg, Norfolk, Petersburg, Pinners Point, Portsmouth, and Richmond, Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2140; Filed, Mar. 25, 1954; 8:50 a. m.]

[4th Sec. Application 29036]

PETROLEUM PRODUCTS FROM ARCADIA, LA., TO TEXAS

APPLICATION FOR RELIEF

MARCH 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum products, carloads.

From: Arcadia, La.

To: Points in Texas.

Grounds for relief: Rail competition, circuity, to maintain grouping and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3821, supp. 137.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2144; Filed, Mar. 25, 1954; 8:51 a. m.]

[4th Sec. Application 29038]

SODA ASH FROM MICHIGAN, OHIO, NEW YORK AND VIRGINIA TO JOLIET, ILL.

APPLICATION FOR RELIEF

MARCH 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4175.

Commodities involved: Soda ash, in bulk in cars, carloads.

From: Detroit and Wyandotte, Mich., Barberton, Fairport Harbor, Painesville, and Perry, Ohio, Solvay and Syracuse, N. Y., and Saltville, Va.

To: Joliet, Ill.

Grounds for relief: Competition with water carriers and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2145; Filed, March 25, 1954; 8.52 a. m.]

[4th Sec. Application 29040]

CLAY BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Clay, kaolin or pyrophyllite, carloads.

From: Points in Georgia, North Carolina, South Carolina, Alabama, and Florida.

To: Summerdale, Ala., Lake Wales, Fla., Dunn, Pine Level, Rocky Mount, and Wilson, N. C.

Grounds for relief: Rail competition, circuity and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1323, supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2146; Filed, March 25, 1954; 8.52 a. m.]

[4th Sec. Application 29043]

PHOSPHATE OF SODA FROM CARTERET, N. J., TO FORE RIVER STATION, MASS.

APPLICATION FOR RELIEF

MARCH 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and Frank Van Ummersen, Agents, for the New York, New Haven and Hartford Railroad Company, and Fore River Railroad Corporation.

Commodities involved: Soda or sodium, viz.: phosphate of, carloads.

From: Carteret, N. J.

To: Fore River Station, Mass.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: Central Railroad Company of New Jersey tariff I. C. C. No. F-175, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2171; Filed, Mar. 26, 1954; 8:47 a. m.]

[4th Sec. Application 29044]

COAL FROM MINES IN TENNESSEE AND ALABAMA TO KRANNERT, GA.

APPLICATION FOR RELIEF

MARCH 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Central of Georgia Railway Company, The Nashville, Chattanooga & St. Louis Railway and the Southern Railway Company.

Commodities involved: Coal, run of the mine, and slack coal, all of which has passed through a four-inch screen, carloads.

From: Mines in Tennessee and Alabama.

To: Krannert, Ga.

Grounds for relief: Competition with motor-carriers and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1403, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2172; Filed, Mar. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29045]

PLASTER, GYPSUM WALLBOARD, AND RELATED ARTICLES IN ILLINOIS TERRITORY

APPLICATION FOR RELIEF

MARCH 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Plaster, and related articles, gypsum wallboard and related articles, carloads.

Between: Points in Illinois territory.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 808

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2173; Filed, Mar. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29046]

IMPORT SUGAR FROM PORT EVERGLADES, FLA., TO POINTS IN FLORIDA

APPLICATION FOR RELIEF

MARCH 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sugar, beet or cane, also liquid or invert sugar, carloads.

From: Port Everglades, Fla. (import traffic).

To: Points in Florida.

Grounds for relief: Competition with rail carriers, circuity, and port rate relations.

Schedules filed containing proposed rates: Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 380, supp. 206.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2174; Filed, Mar. 26, 1954; 8.48 a. m.]

[4th Sec. Application 29047]

SUGAR FROM PORT EVERGLADES TO JACKSONVILLE, FLA.

APPLICATION FOR RELIEF

MARCH 24, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Seaboard Air Line Railroad Company.

Commodities involved: Sugar, carloads.

From: Port Everglades, Fla. (import traffic).

To: Jacksonville, Fla.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 380, supp. 206.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2175; Filed, Mar. 26, 1954; 8.48 a. m.]

ference Room

THE NATIONAL ARCHIVES

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10522

AUTHORIZING THE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY TO CARRY OUT CERTAIN FUNCTIONS OF THE BOARD OF THE FOREIGN SERVICE

By virtue of the authority vested in me by Chapter III of the Supplemental Appropriation Act of 1954 (Public Law 207, 83d Congress; 67 Stat. 419), and as President of the United States, it is ordered as follows:

SECTION 1. The Director of the United States Information Agency is hereby authorized to carry out the functions of the Board of the Foreign Service, provided for by the Foreign Service Act of 1946 (60 Stat. 999; 22 U. S. C. 801 *et seq.*), with respect to personnel appointed or assigned for service in the United States Information Agency under the provisions of such Act, as amended: *Provided*, that nothing herein contained shall be construed as transferring to the said Director any function of the said Board relating to any Foreign Service Officer.

SEC. 2. The Director of the United States Information Agency is hereby authorized to prescribe such regulations and issue such orders and instructions, not inconsistent with law, as may be necessary or desirable for carrying out his functions under section 1 of this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
March 26, 1954.

[F. R. Doc. 54-2811; Filed, Mar. 29, 1954; 10:13 a. m.]

EXECUTIVE ORDER 10523

DESIGNATING MARCH 31, 1954, AS THE DAY FOR DEDICATION OF THE MEMORIAL TO MAJOR GENERAL GEORGE W. GOETHALS AND EXCUSING FEDERAL EMPLOYEES ON THE ISTHMUS OF PANAMA FROM DUTY ON THAT DAY

WHEREAS the Congress, by act of August 24, 1935, 49 Stat. 743, authorized the President, through such person or persons as he might designate, to cause to be erected within the Canal Zone a suitable memorial to Major General George W. Goethals in commemoration of his signally distinguished services in connection with the construction and operation of the Panama Canal, and, by acts of July 19, 1937, 50 Stat. 515, 520, and May 2, 1939, 53 Stat. 626, 642, appropriated the necessary funds for such purpose; and

WHEREAS the Commission designated by the President to secure the erection of such memorial has reported the completion of its work; and

WHEREAS the year 1954 is the 40th anniversary of the appointment of General Goethals as first Governor of the Panama Canal, the 47th anniversary of his appointment as Chairman and Chief Engineer of the Isthmian Canal Commission, and the 50th anniversary of the taking over of the construction of the Panama Canal by the United States; and

WHEREAS it is appropriate that the memorial to General Goethals be dedicated with suitable ceremonies and observances:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. Wednesday, March 31, 1954, is hereby designated as the day for the dedication of the memorial erected within the Canal Zone in honor of Major General George W. Goethals, and the Governor of the Canal Zone may arrange for suitable ceremonies in connection with such dedication.

2. All officers and employees of the Federal Government on the Isthmus of Panama, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty on March 31, 1954; and such day shall be considered a holiday on the Isthmus of Panama within the meaning of Executive Order No. 10358 of June 9, 1952, and of all statutes so far as they relate to the compensation and leave of employees of the United States.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
March 26, 1954.

[F. R. Doc. 54-2812; Filed, Mar. 29, 1954; 10:13 a. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 3, 1953 Supp. ($1.50)
Title 16 ($1.00)
Titles 22–23 ($1.00)
Title 24 ($0.75)

Previously announced: Title 8 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.45); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

APPOINTMENTS SUBJECT TO INVESTIGATION

Section 2.112 is amended to read as follows:

§ 2.112 *Appointments subject to investigation.* (a) The following types of appointment are "subject to investigation" by the Commission to establish the individual's qualifications and suitability for employment in the competitive service:

(1) Probational.
(2) Reinstatements.
(3) Temporary.
(4) Indefinite appointments under Parts 2, 7, and 8 of this chapter.
(5) All conversion actions.
(6) Transfers.
(7) Reemployments.

(b) Except in cases involving intentional false statements, deception or fraud in examination or appointment under § 2.104 (a) (4), the condition "subject to investigation" shall expire automatically at the end of 18 months from the effective date of the appointment.

(c) For a period of 18 months from the effective date of one of the types of appointment in paragraph (a) of this section, the Commission may order removal if investigation discloses that the employee is disqualified for any of the reasons listed in § 2.104. After 18 months from the effective date of such appointment the Commission may order removal only on the basis of the disqualifications listed in § 2.104 (a) (4).

(d) Appointments are made conditional under this section to retain the Commission's jurisdiction to investigate the qualifications of an applicant after appointment, and to order removal when it finds an employee is disqualified for Federal employment.

(e) Parts 9 and 22 of this chapter shall not apply when an agency removes an employee pursuant to an order by the Commission.

(f) Part 9 or 22 of this chapter, whichever is appropriate, shall apply if removal action is initiated by an agency. The condition "subject to investigation" shall not be construed as requiring any employee to serve a new probationary or trial period, nor as extending the probationary or trial period of any employee.

(R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2226; Filed, Mar. 29, 1954; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP GRAIN SORGHUMS RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1953-crop grain sorghums. The 1953 C. C. C. Grain Price Support Bulletin 1 (18 F. R. 1960, 3705 and 19 F. R. 1149), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1953, supplemented by Supplement 1, Grain Sorghums (18 F. R. 1969, 4787, 4990, 5725, 7377, and 8577), containing the specific requirements for the 1953-crop grain sorghums price support program, is hereby further supplemented as follows:

Sec.
421.136 Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Grain Sorghums.
421.137 Availability.
421.138 Eligible producer.
421.139 Eligible grain sorghums.
421.140 Approved storage.
421.141 Approved forms.
421.142 Quantity eligible for resealing.
421.143 Additional service charges.
421.144 Interest rate.
421.145 Transfer of producer's equity.
421.146 Storage and track-loading payments.
421.147 Maturity and satisfaction.
421.148 Support rates.
421.149 CSS Commodity offices.

AUTHORITY: §§ 421.136 to 421.149 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs 301, 401, 63 Stat. 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup. 1421, 1447.

§ 421.136 *Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1 and Supplement 1, Grain Sorghums.* The following sections of the 1953 C. C. C. Price Support Bulletin 1, and Supplement 1, Grain Sorghums, published in 18 F. R. 1960, 1969, 3705, 4787, 4990, 5725, 7377, and 8577 and 19 F. R. 1149, shall be applicable to the 1953 Grain Sorghum Reseal Loan Program: § 421.1 *Administration;* § 421.5 *Approved lending agencies;* § 421.8 *Liens;* § 421.10 *Set-offs;* §421.13 *Safeguarding the commodity;* § 421.14 *Insurance on farm-storage loans;* § 421.15 *Loss or damage to the commodity;* § 421.16 *Personal liability of the producer;* § 421.17 *Release of the commodity under loan;* § 421.19 *Foreclosure;* § 421.20 *Purchase of notes;* § 421.130 *Determination of quantity,* § 421.131 *Determination of quality.* Other sections of the 1953 Grain Sorghums Price Support Program shall be applicable to the extent indicated in this subpart.

§ 421.137 *Availability*—(a) *Area.* The reseal program will be available in the States of California, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, and Texas. Under this program, 1953-crop farm-storage loans will be extended and farm-storage loans will be made on 1953-crop grain sorghums covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (i) The producer who desires to participate in the reseal loan program must file an application for a

farm-storage reseal loan with the county committee. In the case of a farm-storage loan, the producer will be required to apply for his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(ii) The producer who signed a purchase agreement on farm-stored grain sorghums is required, under the 1953 Grain Sorghums Price Support Program to notify the county committee not later than March 31, 1954, if he intends to deliver the grain sorghums to CCC. If the producer has notified the county committee, on or before March 31, 1954, of his intention to deliver the grain sorghums or to participate in this program, he may obtain a farm-storage loan on the grain sorghums. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before May 31, 1954, if the producer has not requested delivery instructions The loan documents must be presented for disbursement within 15 days after execution.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on grain sorghums covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 421.138 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the grain sorghums in 1953 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage grain sorghums of the 1953 crop.

§ 421.139 *Eligible grain sorghums.* To be eligible, the grain sorghums must have been produced in 1953, must meet the requirements for eligible grain sorghums set forth in § 421.128 (c) of 1953 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Grain Sorghums, and, in addition, must contain not in excess of 12 percent moisture, must be in farm storage, must never have been commingled with grain sorghums produced by others, and must be under loan or covered by a purchase agreement.

(a) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the grain sorghums and the farm-storage structure in which the grain sorghums are stored. The commodity loan inspector shall draw a sample of the grain sorghums and submit the sample for grade and moisture content analysis.

(b) *Farm-storage grain sorghums covered by purchase agreement.* If a producer makes application for a farm-storage loan on grain sorghums covered by a purchase agreement, the commodity loan inspector shall inspect the grain sorghums and storage structure, obtain a sample if the grain sorghums and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

§ 421.140 *Approved storage.* Grain sorghums covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.6 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending May 31, 1955, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to May 31, 1955.

§ 421.141 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall be a producer's note, Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, an application form, and such other forms as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.142 *Quantity eligible for reseal-ing.* (a) The quantity of grain sorghums eligible for reseal on an extended farm-storage loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of grain sorghums specified in the purchase agreement, minus any quantity of the grain sorghums under such purchase agreement (1) which has been previously placed under a loan or (2) on which he exercises his option to sell to CCC.

§ 421.143 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on grain sorghums covered by a purchase agreement, the producer shall pay an additional service charge of 1 cent per 100 pounds on the quantity placed under loan, or $1.50, whicheverIs greater. No refund of service charges will be made.

§ 421.144 *Interest rate.* Beginning April 1, 1954, reseal loans shall bear interest at the rate of 3½ percent per annum, except that where there is a default in satisfaction of the loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 421.145 *Transfer of producers' equity.* The producer shall not transfer either his remaining interest in or his right to redeem the grain sorghums mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the grain sorghums must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the grain sorghums from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.146 *Storage and track-loading payments.*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment in line with the 1954 Uniform Grain Storage Agreement yearly rate will be made to the producer on the quantity involved if he (i) redeems from the loan on or after March 31, 1955, (ii) delivers the grain sorghums to CCC on or after March 31, 1955, or (iii) delivers the grain sorghums to CCC prior to March 31, 1955, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC, if the commodity was not damaged, abandoned, or otherwise impaired due to negligence on the part of the producer.

(2) *Prorated storage payment.* (i) A storage payment determined by prorating such yearly rate according to the length of time the quantity of grain sorghums involved was in store after May 31, 1954 will be made to the producer, (*a*) in the case of grain sorghums delivered to CCC pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC, prior to March 31, 1955: *Provided, however,* That no storage payment will be made where the commodity is damaged or otherwise impaired due to negligence on the part of the producer, (*b*) in the case of loss assumed by CCC under the provisions of the loan program, and (*c*) in the case of grain sorghums redeemed from the loan prior to March 31, 1955. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, through the date of repayment.

(ii) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the commodity has been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 4 cents per 100 pounds will be made to the producer on grain sorghums delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.147 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than March 31, 1955. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged grain sorghums in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity delivered, provided the total quantity delivered was stored in the structure(s) in which the grain sorghums under loan were stored. The provisions of § 421.18 (a) (1), (e) and (f) and of § 421.135 (a) (1) and (2) shall be applicable hereto.

(b) If the settlement value of the grain sorghums delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the ASC county office.

(c) If the settlement value of the grain sorghums delivered is less than the amount due on the loan, the amount of the deficiency plus interest thereon shall be paid by the producer to CCC or may be set off against any payment which would otherwise be paid to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

§ 421.148 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for grain sorghums covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the grain sorghums in § 421.133 (c).

(b) Any discounts established for variation in quality as shown in the 1953 Grain Sorghums Price Support Program Bulletin shall apply.

§ 421.149 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Tex., 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Mo., 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minn., 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oreg., 515 S. W. Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 25th day of March 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2238; Filed, Mar. 29, 1954; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 24—UNITED STATES STANDARDS FOR GRADES OF BUTTER [1]

On February 8, 1952, notice was published in the FEDERAL REGISTER (F. R. Doc. 52-1577; 17 F. R. 1224-1226) regarding proposed United States Standards for Grades of Butter. As a result of the widespread interest in the proposed standards, the final issuance of the standards was delayed. The proposed standards were revised and again published as a proposed rule making on March 9, 1954 (F. R. Doc. 54-1656, 19 F. R. 1323-1325. 19 F. R. 1343).

After consideration of all relevant matters presented, including the proposals in the aforesaid notices, the following United States standards are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act, 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

It is hereby found that good cause exists for making these standards effective April 1, 1954, for the reason that on this date the new price support program becomes effective, and new standards after this date would cause confusion. It has also been found that industry does not require additional time to make preparation for compliance with the standards.

The standards are as follows:

DEFINITIONS

Sec.
24.1 Butter.

U. S. GRADES

24.2 Nomenclature of U. S. grades.
24.3 Basis for determination of U. S. grades.
24.4 Classification of flavors in butter.
24.5 Classification of defects in body, color, and salt.
24.6 Relation of U. S. grade of butter to the flavor classification as affected by total defects in body, color, and salt.
24.7 Specifications for U. S. grades of butter.

EXPLANATION OF TERMS

24.8 Explanation of terms.

AUTHORITY: §§ 24.1 to 24.8 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 2624.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

DEFINITIONS

§ 24.1 *Butter.* Butter is the food product made from milk or cream, or both, with or without common salt or additional coloring matter, and containing not less than 80 percent by weight of milk fat, all tolerance having been allowed for.

(a) *Cream.* The term "cream" when used in this subpart means cream separated from milk produced by healthy cows. The cream shall be pasteurized at a temperature of not less than 165° F. and held continuously at such temperature for at least 30 min.; or by any other method of pasteurization which gives equivalent results in the destruction of the phosphatase enzyme.

U. S. GRADES

§ 24.2 *Nomenclature of U. S. grades.* (a) The nomenclature of U. S. grades is as follows: (1) U. S. Grade AA or U. S. 93 Score; (2) U. S. Grade A or U. S. 92 Score; (3) U. S. Grade B or U. S. 90 Score; and (4) U. S. Grade C or U. S. 89 Score.

§ 24.3 *Basis for determination of U. S. grades.* (a) The basis for the determination of U. S. grades of butter shall be as follows: (1) The flavor shall be classified in accordance with § 24.4; (2) The defects in body, color, and salt shall be classified in accordance with § 24.5; (3) The relation of the U. S. grade of the butter to the flavor classification of it, as affected by total defects in body, color, and salt shall be determined in accordance with § 24.6.

§ 24.4 *Classification of flavors in butter.* (a) Various identified flavors in butter shall be classified as follows:

TABLE I

Identified flavors [1]	Flavor classification			
	AA [2]	A [3]	B	C
Feed	Slight	Definite		
Cooked (fine)	Definite			
Aged		Slight	Definite	
Bitter		do	do	
Coarse acid		do	do	
Flat		do		
Smothered		do	Definite	
Storage		do	do	
Cooked (coarse)		Definite		
Musty			Slight	Definite.
Neutralizer			do	Do.
Scorched			do	Do.
Utensil			do	Do.
Weed			do	Do.
Whey			do	Do.
Woody			do	Do.
Old cream			Definite	
Barny				Slight.
Cheesy				Do.
Fruity				Do.
Metallic				Do.
Oily				Do.
Sour				Do.
Wild onion or garlic				Do.
Yeasty				Do.
Stale				Definite.

[1] When more than one flavor is discernible in a sample of butter, the flavor classification of the sample shall be established on the basis of the flavor that carries the lowest classification.
[2] Shall be fine, highly pleasing.
[3] Shall be pleasing and desirable.

§ 24.5 *Classification of defects in body, color, and salt.* The classification of defects in body, color, and salt shall be established in accordance with the following:

TABLE II

Defect:	Rating
BODY	
Slight crumbly	½
Slight gummy	½
Slight leaky	½
Slight mealy	½
Slight short	½
Slight spongy or weak	½
Slight sticky	½
Slight ragged boring	1
Slight grainy	1
Definite crumbly	1
Definite gummy	1
Definite leaky	1
Definite mealy	1
Definite short	1
Definite spongy or weak	1
Definite sticky	1
Definite ragged boring	2
Definite grainy	2
COLOR	
Slight wavy	½
Slight mottled	1
Slight streaked	1
Slight color specks	1
Definite high color	1
Definite wavy	1
Definite color specks	2
Definite mottled	2
Definite streaked	2
SALT	
Slight sharp salt	½
Slight gritty salt	1
Definite sharp salt	1
Definite gritty salt	2

§ 24.6 *Relation of U. S. grade of butter to the flavor classification as affected by total defects in body, color, and salt.* (a) The flavor classification and maximum defects in body, color, and salt permitted for each U. S. grade are as follows:

TABLE III

Flavor classification	Maximum defects permitted	U. S. grade
AA	½	AA or 93
AA	1	A or 92
A	½	A or 92
AA	2½	B or 90
A	1½	B or 90
B	½	B or 90
A	2½	C or 89
B	1½	C or 89
C	1½	C or 89

(b) Examples of the relation of U. S. grades to flavor classification and total defects in body, color, and salt are as follows:

TABLE IV

Example No.	Flavor classification	Defects: Body	Color	Salt	Total defects	Permitted total defects	Defects in excess of total permitted	U. S. grade
1	AA	½	0	0	½	½	0	AA or 93
2	AA	0	1	E	1	1½	0	A or 92
3	AA	1	0	½	1½	1½	0	B or 90
4	AA	1	1	E	2	1½	½	B or 90
5	AA	1	1	½	2½	1½	1	B or 90
6	A	½	0	0	½	1½	0	A or 92
7	A	0	1	0	1	1½	0	B or 90
8	A	1	0	½	1½	1½	½	B or 90
9	A	1	1	0	2	1½	½	C or 89
10	A	1	1	½	2½	1½	1	C or 89
11	B	½	0	0	½	2½	0	B or 90
12	B	0	1	0	1	2½	0	C or 89
13	B	1	E	½	1½	2½	0	C or 89
14	C	1	E	0	1	1½	0	C or 89
15	C	1	½	0	1½	1½	0	C or 89

§ 24.7 *Specifications for U. S. grades of butter.* (a) The specifications for the U. S. grades of butter are as follows:

(1) *General.* Butter of all U. S. grades shall be free of visible mold, and foreign materials.

(2) *U. S. Grade AA or U. S. 93 Score.* U. S. Grade AA or U. S. 93 Score butter conforms to the following: Possesses a fine highly pleasing flavor. May possess a slight feed and a definite cooked (fine) flavor. It is made from sweet cream or cream of low natural acid to which a culture (starter) may or may not have been added. The permitted total defects in body, color, and salt are limited to one-half (½) in accordance with Table II.

(3) *U. S. Grade A or U. S. 92 Score.* U. S. Grade A or U. S 92 Score butter conforms to the following: Possesses a pleasing and desirable flavor. May possess any of the following flavors to a slight degree: Aged, bitter, coarse-acid, flat, smothered, and storage. May possess feed and cooked (coarse) flavors to a definite degree. The permitted total defects in body, color, and salt are limited to one-half (½) in accordance with Table II unless the flavor classification permits these defects to exceed one-half (½). Butter that has a flavor classification of AA and total defects in body, color, and salt which exceed one-half (½) but do not exceed one (1) in accordance with Table II shall be U. S. Grade A or U. S. 92 Score.

(4) *U. S. Grade B or U. S. 90 Score.* U. S. Grade B or U. S 90 Score butter conforms to the following: May possess any of the following flavors to a slight degree: Musty, neutralizer, scorched, woody, weed, whey, and utensil. May possess any of the following flavors to a definite degree: Aged, bitter, coarse-acid, old cream, smothered, and storage. The permitted total defects in body, color, and salt are limited to a total of one-half (½) in accordance with Table II unless the flavor classification permits these defects to exceed one-half (½). Butter that has a flavor classification of AA and total defects in body, color, and salt which exceed one (1) but do not exceed two-and-one-half (2½) in accordance with Table II shall be U. S. Grade B or U. S. 90 Score. Butter that has a flavor classification of A and total defects in body, color, and salt which exceed one-half (½) but do not exceed one-and-one-half (1½) in accordance with Table II shall be U. S. Grade B or U. S. 90 Score.

(5) *U. S. Grade C or U. S. 89 Score.* U. S. Grade C or U. S. 89 Score butter conforms to the following: May possess any of the following flavors to a slight degree: Barny, cheesy, fruity, metallic, oily, sour, wild onion or garlic, and yeasty. May possess any of the following flavors to a definite degree: Musty, neutralizer, scorched, stale, weed, whey, woody, and utensil. The permitted defects in body, color, and salt are limited to a total of one-and-one-half (1½) in accordance with Table II unless the flavor classification permits these defects to exceed one-and-one-half (1½). Butter that has a flavor classification of A and total defects in body, color, and salt which exceed one-and-one-half (1½) but do not exceed two-and-one-half (2½) in accordance with Table II shall be U. S. Grade C or U. S. 89 Score. Butter that has a flavor classification of B and total defects in body, color, and salt which exceed one-half (½) but do not exceed one-and-one-half (1½) in accordance with Table II shall be U. S. Grade C or U. S. 89 Score.

EXPLANATION OF TERMS

§ 24.8 *Explanation of terms.*—(a) *With respect to flavor.*—(1) *Slight.* Detected only upon critical examination.

(2) *Definite.* Not intense but readily detectable.

(3) *Aged.* Characterized by lack of freshness. Attributable to short or extended storage periods of the butter above freezer temperatures.

(4) *Barny.* Associated with cow or stable odors. Attributable to odor absorption or bacterial action.

(5) *Bitter.* Puckery, astringent taste.

(6) *Cheesy.* Suggestive of cheese

(7) *Coarse acid.* Lacks fine flavor, but has no definite acid flavor.

(8) *Cooked (fine).* Resulting from heat application to the cream, but not an intense flavor.

(9) *Cooked (coarse).* An intense flavor resulting from heat application to the cream.

(10) *Feed.* Feed flavors (from normal feeds, such as alfalfa, sweet clover, silage, or similar feed) in milk carried through into the butter.

(11) *Flat.* Lacks definite natural butter flavor.

(12) *Fruity.* A sweetish fruit flavor.

(13) *Metallic.* Suggestive of metal. Attributable to contact with metal surfaces or bacterial action.

(14) *Musty.* Suggestive of storage in damp cellar or cave.

(15) *Neutralizer.* Flavor characteristic of neutralizing agents.

(16) *Oily.* Suggestive of oil; characterized by an oily-like taste with an accompanying suggestion of oxidation of the fat.

(17) *Old cream.* Aged cream characterized by lack of freshness.

(18) *Sour.* Acid flavor and aroma.

(19) *Scorched.* A more intensified flavor than cooked (coarse).

(20) *Smothered.* Suggestive of improperly cooled milk or cream; containers exposed to hot sun.

(21) *Stale.* Characterized by aged cream of poor quality.

(22) *Storage.* Characterized by lack of freshness. Attributable to extended storage periods of the butter.

(23) *Utensil.* Suggestive of improper or inadequate washing and sanitizing of milking machines, separators, utensils, or factory equipment; or of poorly tinned equipment.

(24) *Weed.* Weed flavors from common weeds, that may be present in butter derived from milk or cream of cows that have eaten weedy hay or have grazed on weed-infested pastures. Free from offensive weed flavors (such as, pepper grass or french weed).

(25) *Whey.* Mildly acid flavor and aroma characteristic of whey. Resulting from use of whey cream.

(26) *Wild onion or garlic.* May be present in butter derived from milk or cream of cows that have eaten wild onion or garlic.

(27) *Woody.* Suggestive of wood. Attributable to absorption from wood equipment.

(28) *Yeasty.* Indicating yeast fermentation.

(b) *With respect to body.*—(1) *Crumbly.* Particles lack cohesion.

(2) *Gummy.* Does not melt readily.

(3) *Grainy.* Granular consistency; more intense granular condition than mealy.

(4) *Mealy.* Coarse granular consistency.

(5) *Leaky.* Free water appearing as beads on the surface of the butter.

(6) *Ragged boring.* Sticky-crumbly condition preventing drawing of a full trier.

(7) *Short.* Excessively tight, fine texture.

(8) *Spongy or weak.* Lacks compactness or firmness.

(9) *Sticky.* Adheres to trier as a smear.

(c) *With respect to color.*—(1) *High color.* Excessive coloring; unnatural.

(2) *Mottled.* Light-colored areas giving a marbled appearance.

(3) *Specks.* Color specks appearing in the butter.

(4) *Streaked.* Long streaks of light-colored portions.

(5) *Wavy.* Uneveness of color appearing as waves of different shades of yellow.

(d) *With respect to salt.*—(1) *Sharp.* Characterized by taste suggestive of excessive salt.

(2) *Gritty.* Coarse, or sandlike particles.

Done at Washington, D. C., this 26th day of March 1954, to become effective April 1, 1954. These U. S. Standards for Grades of Butter shall, upon becoming effective, supersede Official United States Standards for Grades of Creamery Butter which have been in effect since February 1, 1943.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-2285; Filed, Mar. 29, 1954; 8:56 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—U. S. STANDARDS FOR GRADES OF CUCUMBER PICKLES[1]

On October 15, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 6566) regarding a proposed revision of United States Standards for Grades of Cucumber Pickles.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Cucumber Pickles are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C., 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

PRODUCT DESCRIPTION, STYLES, TYPES, AND GRADES

Sec.
52.1681 Product description.
52.1682 Styles of cucumber pickles.
52.1683 Types of cucumber pickles.
52.1684 Grades of cucumber pickles.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.1685 Recommended fill of container.
52.1686 Recommended minimum drained weight.
52.1687 Compliance with recommended minimum drained weights.

SIZES AND COUNTS

52.1688 Sizes of cucumber pickles in whole cucumber pickles.
52.1689 Sizes of cucumber pickles sliced crosswise.
52.1690 Sizes of cucumber pickles sliced lengthwise.

FACTORS OF QUALITY

52.1691 Ascertaining the grade.
52.1692 Ascertaining the rating of the factors which are scored.
52.1693 Color.
52.1694 Uniformity of size.
52.1695 Defects.
52.1696 Texture.

DEFINITIONS, METHODS OF ANALYSES, AND ILLUSTRATIONS

52.1697 Definition of terms, methods of analyses, and illustrations.

LOT CERTIFICATION TOLERANCES

52.1698 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1699 Score sheet for cucumber pickles.

AUTHORITY: §§ 52.1681 to 52.1698 issued under sec. 205, 60 Stat. 1090, 67 Stat. 205; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, TYPES, AND GRADES

§ 52.1681 *Product description.* "Cucumber pickles" means the pickled product prepared from clean, sound, fresh, immature cucumbers which have been cured by natural fermentation in a solution of common salt with or without the addition of dill herbs and processed or preserved in a liquid packing medium which may be seasoned with suitable nutritive sweetening ingredients, salt, a vinegar or vinegars, spices or flavoring or both, and onions or garlic or both, and with or without other seasoning or flavoring ingredients to give the product a flavor and characteristics of the respective type, with or without the addition of any other ingredient or ingredients which may be permissible under the provisions of the Federal Food, Drug, and Cosmetic Act. Cucumber pickles may be processed or preserved with or without the addition of other pickled vegetables which have been cured as aforesaid. The pickles may be sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.1682 *Styles of cucumber pickles.* (a) "Whole" means cucumber pickles consisting of whole cucumbers.

(b) "Sliced crosswise" or "cross cut" means cucumber pickles consisting of units cut at right angles to the longitudinal axis into slices of approximately uniform thickness with parallel surfaces.

(c) "Sliced lengthwise" means cucumber pickles consisting of units cut longitudinally into halves, triangular shaped units, or cut longitudinally into units with parallel surfaces.

(d) "Cut" means cucumber pickles cut into units which are not uniform in size or shape or which do not conform to any of the foregoing styles.

(e) "Finely cut" means cucumber pickles which have been finely cut or finely chopped, such as in pickle relish.

§ 52.1683 *Types of cucumber pickles.*—(a) *Dill pickles (natural).* Dill pickles consist of cucumber pickles prepared from fresh immature cucumbers cured by natural fermentation in a solution of common salt with dill herb, with or without dill flavoring, packed in a liquid packing medium, with or without additional spices, spice flavorings, or other seasoning or flavoring ingredients. Dill herb and other herbs may be added.

(b) *Dill pickles (processed).* Dill pickles which have been prepared from salt stock consist of cucumber pickles prepared from fresh immature cucumbers cured by natural fermentation in a solution of common salt packed in a liquid packing medium containing dill flavored brine, a vinegar or vinegars, spices, spice flavoring, or other seasoning or flavoring ingredients. Dill herb and other herbs may be added.

(c) *Sour pickles.* Sour pickles consist of cucumber pickles packed in a liquid packing medium to which has been added salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients.

(d) *Sweet pickles.* Sweet pickles consist of cucumber pickles packed in a liquid packing medium to which has been added suitable nutritive sweetening ingredients, salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients.

(e) *Sour mixed pickles.* Sour mixed pickles consist of cucumber pickles which

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

may be of any of the foregoing styles except finely cut or finely chopped cucumber pickles to which has been added onions and cut cauliflower, with or without the addition of red peppers, pimientos, or pieces of red peppers or pimientos packed in a liquid packing medium with the addition of salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients. Sour mixed pickles consist of the pickle ingredients in the following proportions:

	Percent by weight
Cucumber	60 to 80.
Cauliflower	10 to 30.
Onions (not to exceed 1¼ inches in diameter).	5 to 12.
Red peppers or pimientos	Optional ingredient.

(f) *Sweet mixed pickles.* Sweet mixed pickles consist of cucumber pickles which may be of any of the foregoing styles except finely cut or finely chopped cucumber pickles to which has been added onions and cut cauliflower, with or without the addition of red peppers, pimientos, or pieces of red peppers or pimientos packed in a liquid packing medium with the addition of suitable nutritive sweetening ingredients, salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients. Sweet mixed pickles shall consist of the pickle ingredients in the following proportions:

	Percent by weight
Cucumber	60 to 80.
Cauliflower	10 to 30.
Onions (not to exceed 1¼ inches in diameter).	5 to 12.
Red peppers or pimientos	Optional ingredient.

(g) *Sour chow chow pickle.* Sour chow chow pickle consists of cucumber pickle which may be of any of the foregoing styles, except finely cut or finely chopped cucumber pickles to which has been added onions and cut cauliflower, with or without the addition of red peppers, pimientos, or pieces of red peppers or pimientos, packed in a sauce of proper consistency, with the addition of salt, a vinegar or vinegars, and mustard, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients. Sour chow chow pickle consists of the pickle ingredients in the following proportions:

	Percent by weight
Cucumber	60 to 80.
Cauliflower	10 to 30.
Onions (not to exceed 1¼ inches in diameter).	5 to 12.
Red peppers or pimientos	Optional ingredient.

(h) *Sweet chow chow pickle.* Sweet chow chow pickle consists of cucumber pickle which may be of any of the foregoing styles, except finely cut or finely chopped cucumber pickles, to which has been added onions and cut cauliflower, with or without the addition of red peppers, pimientos, or pieces of red peppers or pimientos, packed in a sauce of proper consistency to which has been added suitable nutritive sweetening ingredients, salt, a vinegar or vinegars, and mustard, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients. Sweet chow chow pickle shall consist of the pickle ingredients in the following proportions:

	Percent by weight
Cucumber	60 to 80.
Cauliflower	10 to 30.
Onions (not to exceed 1¼ inches in diameter).	5 to 12.
Red peppers or pimientos	Optional ingredient.

(i) *Sour pickle relish.* Sour pickle relish consists of finely cut or finely chopped cucumber pickles to which may be added onions and cauliflower, with or without the addition of green tomatoes, red peppers or pimientos, packed in a liquid packing medium, with the addition of salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients. Sour pickle relish shall consist of the pickle ingredients in the following proportions:

	Percent by weight
Cucumber	60 to 100.
Cauliflower [2]	10 to 30.
Onions [1]	5 to 12.
Green tomatoes	([3])
Red peppers or pimientos	Optional ingredient.

[1] Optional.
[2] Optional. Not to exceed 10 percent, by weight, when used in lieu of equal quantities of cauliflower.

(j) *Sweet pickle relish.* Sweet pickle relish consists of finely cut or finely chopped cucumber pickles to which may be added onions and cauliflower, with or without the addition of green tomatoes, red peppers or pimientos, packed in a liquid packing medium, with the addition of suitable nutritive sweetening ingredients, salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients. Sweet pickle relish consists of the pickle ingredients in the following proportions:

	Percent by weight
Cucumber	60 to 100.
Cauliflower [2]	10 to 30.
Onions [1]	5 to 12
Green tomatoes	([3])
Red peppers or pimientos	Optional ingredient.

[1] Optional.
[2] Optional. Not to exceed 10 percent, by weight, when used in lieu of equal quantities of cauliflower.

§ 52.1684 *Grades of cucumber pickles.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of cucumber pickles that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically uniform in size; that are practically free from defects; that possess a good texture; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the cucumber pickles may be reasonably uniform in size if the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of cucumber pickles that possess similar varietal characteristics; that possess a reasonably good flavor; that possess a reasonably good color; that are reasonably uniform in size; that are reasonably free from defects; that possess a reasonably good texture; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points. *Provided*, That the cucumber pickles may fall below the requirements of reasonably uniform in size if the total score is not less than 70 points.

(c) "Substandard" is the quality of cucumber pickles that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.1685 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since the fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled as full as practicable with pickles without impairment of quality, that the product be entirely covered with the packing medium, and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

§ 52.1686 *Recommended minimum drained weight.* (a) The minimum drained weight recommendations in Table No. I are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of all types of cucumber pickles, except chow chow pickle, is determined by emptying the contents of the container upon a United States Standard No. 8 sieve of proper diameter so as to distribute the product evenly, inclining the sieve to facilitate drainage and allow to drain for two minutes. The drained weight is the weight of the sieve and the pickles less the weight of the dry sieve. A sieve 8 inches in diameter is used for one-quart and smaller size containers and a sieve 12 inches in diameter is used for containers larger than one quart in size.

(b) The drained weight of chow chow cucumber pickle is determined by emptying the contents of the container upon a United States Standard No. 8 sieve of proper diameter so as to distribute the product evenly. Wash off all adhering sauce under a spray of water at a temperature of approximately 20° C. (68° F.). Incline the sieve to facilitate drainage and allow to drain for two minutes. Calculate drained weight and follow requirements with respect to size and diameter of sieve as specified in this subpart.

§ 52.1687 *Compliance with recommended minimum drained weights.* Compliance with the recommended minimum drained weights for cucumber pickles is determined by averaging the drained weights of all containers which are representative of a specific lot. Such lot is considered as meeting recommendations, if:

(a) The average drained weight of all the containers meets the recommended minimum drained weight, except that when whole pickles are packed in containers of less than one-quart capacity and the containers are filled as full as practicable, the average drained weight may be 20 percent less than the recommended minimum drained weight for such containers;

(b) At least one-half of the containers meet the recommended minimum drained weight; and

(c) The drained weights of the containers which do not meet the recommended minimum drained weight are within the range of variability of good commercial practice.

TABLE No. I

RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF WHOLE PICKLES IN LARGE CONTAINERS

Metal or glass container designation	Capacity (fluid ounces)	Count	Whole, sour and dill	Whole, sweet
No. 10 jar	105.62	29 or less	66.0	...
		30-39	66.5	72.0
		40-74	68.0	72.5
		75-99	69.0	74.0
		100 and over	70.0	76.0
No. 10	105.10	29 or less	66.0	...
		30-39	66.5	72.0
		40-74	68.0	72.5
		75-99	69.0	74.0
		100 and over	70.0	76.0
Gallon jar	130.5	39 or less	82.0	...
		40-51	84.0	90.0
		52-99	85.0	91.0
		100-134	86.5	92.5
		135 and over	88.0	94.0
No. 12	132.8	39 or less	82.0	...
		40-51	84.0	90.0
		52-99	85.0	91.0
		100-134	86.5	92.5
		135 and over	88.0	94.0

RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF PICKLES (OTHER THAN WHOLE IN LARGE CONTAINERS)

Metal or glass container designation	Capacity Fl. Oz.	Whole; sour and dill	Whole; sweet	Sliced cross cut mixed chow chow; sour	Sliced cross cut mixed chow chow; sweet	Relish	
						Sour	Sweet
Pint jar	16.8	11	12	10	12	12.50	14
Quart jar	32.02	21	22	22	24	25.75	29
No. 300 jar	17.0	10.75	11.50	10	11	13.50	15
No. 303	16.2	10.75	11.50	10	11	13.50	15
No. 2½ jar	28.3	19	20.5	19.5	21	25.75	28
No. 2½	28.5	19	20.5	19.5	21	25.75	28
No. 10 jar	105.62	.....	.....	72	78	91.75	100
No. 10	105.1	.....	.....	72	78	91.75	100
Gallon jar	130.5	.....	.....	90	95	114.50	125
No. 12	132.8	.....	.....	90	95	114.50	125

SIZES AND COUNTS

§ 52.1688 *Sizes of cucumber pickles in whole cucumber pickles.* The size of any whole cucumber pickle is determined by measuring the shortest diameter transverse to the longitudinal axis at the thickest portion of the pickle and by measuring the distance from stem to blossom end.

TABLE No. II

Size		Approximate count per gallon	Recommended maximum and minimum length (inches)
Word designation	Number designation		
Midgets	1	445-545	1½ and less.
Midgets	2	330-444	Over 1½ but not over 2.
Gherkins	1	225-329	Over 2 but not over 2¼.
Gherkins	2	135-224	Over 2¼ but not over 2½.
Gherkins	3	100-134	Over 2½ but not over 2¾.
Small	1	80-99	Over 2¾ but not over 3.
Small	2	66-79	Over 3 but not over 3¼.
Small	3	52-65	Over 3¼ but not over 3½.
Medium	.....	40-51	Over 3½ but not over 4.
Large	1	30-39	Over 4 but not over 4¼.
Large	2	22-29	Over 4¼ but not over 4¾.
Extra large	.....	16-21	Over 4¾ but not over 5¾.

§ 52.1689 *Sizes of cucumber pickles sliced crosswise.* The size of any unit cut at right angles to the longitudinal axis is determined by measuring the shortest diameter of the cut surface of the unit.

§ 52.1690 *Sizes of cucumber pickles sliced lengthwise.* The size of any unit cut longitudinally is determined by measuring the longest distance parallel to the longitudinal axis.

FACTORS OF QUALITY

§ 52.1691 *Ascertaining the grade.* (a) The grade of cucumber pickles is ascertained by considering the requirements with respect to varietal characteristics and flavor, which are not scored, and the factors of color, uniformity of size, defects, and texture, which are scored.

(b) *Good flavor.* "Good flavor" means that the product possesses a good characteristic normal flavor for the type of pickle and meets the following additional requirements for the type indicated:

(1) *Dill pickles (natural).* After equalization, the packing medium contains not less than 0.6 gram of acid (calculated as lactic) per 100 milliliters and the salt content is not less than 10° nor more than 19° Salometer at 20° C. (68° F.).

(2) *Dill pickles (processed).* After equalization, the packing medium contains not less than 0.6 gram of acid (calculated as acetic) per 100 milliliters and the salt content is not less than 10° nor more than 19° Salometer at 20° C. (68° F.).

(3) *Sour pickles, sour mixed pickles, sour pickle relish.* After equalization, the packing medium contains not less than 1.7 grams nor more than 2.7 grams of acid (calculated as acetic) per 100 milliliters and the salt content is not less than 10° nor more than 19° Salometer at 20° C. (68° F.).

(4) *Sweet pickles, sweet mixed pickles, sweet pickle relish.* After equalization, the density of the packing medium is not less than 18° Baumé (32.64° Brix) at 20° C. (68° F.), and contains not more than 3.0 grams of salt (NaCl) per 100 milliliters, and not less than 1.7 grams nor more than 2.7 grams of acid (calculated as acetic) per 100 milliliters.

(5) *Sour chow chow pickle.* After equalization, the packing medium contains not less than 1.7 grams nor more than 2.7 grams of acid (calculated as acetic) per 100 milliliters, and not more than 3.0 grams of salt (NaCl) per 100 milliliters.

(6) *Sweet chow chow pickle.* After equalization, the density of the packing medium is not less than 15.5° Baumé (28.0° Brix) at 20° C. (68° F.), and contains not more than 3.0 grams of salt (NaCl) per 100 milliliters, and not less than 1.7 grams nor more than 2.7 grams of acid (calculated as acetic) per 100 milliliters.

(c) *Reasonably good flavor.* "Reasonably good flavor" means that the product possesses a normal flavor which may be lacking in good characteristic flavor for the type but is free from objectionable flavor or off flavor of any kind, and meets the following additional requirements for the type indicated:

(1) *Dill pickles (natural).* After equalization, the packing medium contains not less than 0.5 gram of acid (calculated as lactic) per 100 milliliters and the salt content is not less than 8° nor more than 21° Salometer at 20° C. (68° F.).

(2) *Dill pickles (processed).* After equalization, the packing medium contains not less than .5 gram of acid (calculated as acetic) per 100 milliliters and the salt content is not less than 8° nor more than 21° Salometer at 20° C. (68° F.).

(3) *Sour pickles, sour mixed pickles, and sour pickle relish.* After equalization, the packing medium contains not less than 1.3 grams nor more than 3.0 grams of acid (calculated as acetic) per 100 milliliters and the salt content is not less than 8° nor more than 21° Salometer at 20° C. (68° F.).

(4) *Sweet pickles, sweet mixed pickles, and sweet pickle relish.* After equalization, the density of the packing medium is not less than 15° Baume' (27.2° Brix) at 20° C. (68° F.), and contain not more than 3.5 grams of salt (NaCl) per 100 milliliters, and not less than 1.3 grams nor more than 3.0 grams of acid (calculated as acetic) per 100 milliliters.

(5) *Sour chow chow pickle.* After equalization, the packing medium contains not less than 1.3 grams nor more than 3.0 grams of acid (calculated as acetic), and not more than 3.5 grams of salt (NaCl) per 100 milliliters.

(6) *Sweet chow chow pickle.* After equalization, the density of the packing medium is not less than 12.5° Baume' (22.6° Brix) at 20° C. (68° F.), and contains not more than 3.5 grams of salt (NaCl) per 100 milliliters, and not less than 1.3 grams nor more than 3.0 grams

of acid (calculated as acetic) per 100 milliliters.

(d) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	20
Uniformity of size	20
Defects	30
Texture	30
Total score	100

§ 52.1692 *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "16 to 20 points" means 16, 17, 18, 19, or 20 points).

§ 52.1693 *Color*—(a) *(A) classification.* Cucumber pickles that possess a good color may be given a score of 16 to 20 points. "Good color" means that the skin of the cucumber ingredient possesses a good, practically uniform typical color and is practically free from bleached areas; that the skin of not more than 10 percent, by weight, of the cucumber ingredient may vary markedly from a typical yellow-green to typical green color; and that in mixed pickles, chow chow pickle, and pickle relish all of the pickle ingredients possess a good practically uniform typical color for the respective ingredient.

(b) *(B) classification.* If the cucumber pickles possess a reasonably good color, a score of 13 to 15 points may be given. Cucumber pickles that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the skin of the cucumber ingredient possesses a reasonably good, reasonably uniform typical color and is reasonably free from bleached areas; that the skin of not more than 25 percent, by weight, of the cucumber ingredient may vary markedly from a typical yellow-green to typical green color; and that in mixed pickles, chow chow pickle, and pickle relish all of the pickle ingredients possess a reasonably uniform typical color for the respective ingredient.

(c) *(SStd.) classification.* Cucumber pickles that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 12 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1694 *Uniformity of size*—(a) *(A) classification.* Cucumber pickles that are practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" has the following meanings with respect to the various styles of cucumber pickles:

(1) *Whole pickles.* The units may vary moderately in size and fall within the following limits for the sizes designated:

(i) *2¾ inches in length and less.* (a) In 90 percent, by count, of units with the most uniform length the length of the longest unit may exceed the length of the shortest unit by not more than ½ inch, and of all the units the length of the longest unit may exceed the length of the shortest unit by not more than ¾ inch.

(b) In 90 percent, by count, of units with the most uniform diameter, the diameter of the largest unit does not exceed the diameter of the smallest unit by more than 3/16 inch, and of all the units the diameter of the largest unit may exceed the diameter of the smallest unit by not more than 5/16 inch.

(ii) *Over 2¾ inches but not over 4 inches.* (a) In 90 percent, by count, of units with the most uniform length, the length of the longest unit may exceed the length of the shortest unit by not more than ¾ inch, and of all the units the length of the longest unit may exceed the length of the shortest unit by not more than 1 inch.

(b) In 90 percent, by count, of units with the most uniform diameter, the diameter of the largest unit does not exceed the diameter of the smallest unit by more than ⅛ inch, and of all the units the diameter of the largest unit may exceed the diameter of the smallest unit by not more than ⅜ inch.

(iii) *Over 4 inches in length.* (a) In 90 percent, by count, of units with the most uniform length, the length of the longest unit may exceed the length of the shortest unit by not more than 1 inch, and of all the units the length of the longest unit may exceed the length of the shortest unit by not more than 1¼ inches.

(b) In 90 percent, by count, of units with the most uniform diameter, the diameter of the largest unit does not exceed the diameter of the smallest unit by more than 5/16 inch, and of all the units the diameter of the largest unit may exceed the diameter of the smallest unit by not more than 7/16 inch.

(2) *Sliced crosswise or cross cut.* The units may vary moderately in size but not to the extent that the appearance is materially affected and meet the following additional requirements:

(i) The largest unit is not more than 2 inches in diameter and when measured at the thickest portion the individual unit is not less than ⅛ inch nor more than ⅜ inch in thickness.

(3) *Sliced lengthwise.* The units may vary moderately in size but not to the extent that the appearance is materially affected and meet the following additional requirements:

(i) When sliced lengthwise into halves or triangular shaped units, in 90 percent, by count, of units with the most uniform length, the length of the longest unit may exceed the length of the shortest unit by not more than ½ inch, and of all the units the length of the longest unit may exceed the length of the shortest unit by not more than 1 inch.

(ii) When sliced lengthwise into units with parallel surfaces, in 90 percent, by count, of units with the most uniform length, the length of the longest unit may exceed the length of the shortest unit by not more than ½ inch, and of all the units the length of the longest unit may exceed the length of the shortest unit by not more than 1 inch. The individual unit is not less than ⅛ inch nor more than ⅜ inch in thickness when measured at the thickest portion.

(4) *Cut pickles.* The units may vary moderately in size but not to the extent that the appearance is materially affected and meet the following additional requirements:

(i) The weight of the largest unit of cucumber ingredient does not exceed the weight of the smallest such unit by more than four times the weight of the smallest unit.

(ii) Not more than 5 percent, by weight, of all the units (exclusive of peppers, pimientos, and onions) are smaller than ⅛ ounce each.

(5) *Finely cut.* The pickle ingredients may vary moderately in size but not to the extent that the appearance is materially affected.

(b) *(B) classification.* If the cucumber pickles are reasonably uniform in size, a score of 13 to 16 points may be given. "Reasonably uniform in size" has the following meanings with respect to the various styles of cucumber pickles:

(1) *Whole pickles.* The units may vary considerably in size but not to the extent that the appearance is seriously affected.

(2) *Sliced crosswise or cross cut.* The units may vary considerably in size but not to the extent that the appearance is seriously affected and meet the following additional requirements:

(i) The largest unit is not more than 2¼ inches in diameter and when measured at the thickest portion the individual unit is not less than ⅛ inch nor more than ⅜ inch in thickness.

(3) *Sliced lengthwise.* The units may vary considerably in size but not to the extent that the appearance is seriously affected and meet the following additional requirements:

(i) The weight of the largest unit of cucumber ingredient does not exceed the weight of the smallest such unit by more than eight times the weight of the smallest unit.

(ii) Not more than 10 percent, by weight, of all the units (exclusive of peppers, pimientos, and onions) are smaller than ⅛ ounce each.

(4) *Cut pickles.* The units may vary considerably in size but not to the extent that the appearance is seriously affected and meet the following additional requirements:

(i) The weight of the largest unit of cucumber ingredient does not exceed the weight of the smallest such unit by more than eight times the weight of the smallest unit.

(ii) Not more than 10 percent, by weight, of all the units (exclusive of peppers, pimientos, and onions) are smaller than ⅛ ounce each.

(5) *Finely cut.* The pickle ingredient may vary considerably in size but not to the extent that the appearance is seriously affected.

(c) *(SStd.) classification.* Cucumber pickles that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 12 points and shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a partial limiting rule).

§ 52.1695 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from grit, sand, or silt, from attached stems, curved pickles, misshapen pickles, end cuts, units damaged by mechanical injury, units blemished by brown or black discoloration, or by scars, and units blemished by other means.

(1) "Curved" means pickles that are curved at an angle of 35° or more but not more than 60°.

(2) "Misshapen" means pickles that are curved at more than a 60-degree angle, "nubbins," and other badly crooked or misshapen pickles.

(3) "Grit, sand, or silt" means any particle of earthy material, whether in the liquid packing medium or imbedded in the skin or flesh of the pickle.

(4) "Blemished" means any unit which is blemished by discoloration or blemished by other means to such an extent that the appearance or eating quality of the unit is materially affected.

(5) "Seriously blemished" means any unit blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(6) "Mechanical damage" means crushed or broken units or units damaged by other means to such an extent that the appearance or eating quality of the unit is materially affected.

(7) "Stem" means any attached stem longer than ¼ inch.

(8) "End cut" or "end cuts" means any portion of a whole pickle obtained in the preparation of pickles sliced crosswise possessing only one cut surface.

(b) *(A) classification.* Cucumber pickles that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the aforesaid defects, individually or collectively, do not materially affect the appearance or eating quality of the product and that there may be present not more than:

(1) 10 percent, by count, of curved pickles;

(2) 2 percent, by count, of misshapen pickles;

(3) 10 percent, by count, of pickles with attached stems and of such 10 percent not more than 1/10 thereof or 1 percent, by count, of all the units may have attached stems more than ½ inch in length;

(4) 10 percent, by count, of blemished units: *Provided*, That not more than 1 percent, by count, of all the units may consist of seriously blemished units;

(5) 5 percent, by weight, of end cuts in pickles sliced crosswise; and

(6) 5 percent, by count, of units damaged by mechanical injury.

(c) *(B) classification.* If the cucumber pickles are reasonably free from defects, a score of 22 to 25 points may be given. Cucumber pickles that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the aforesaid defects, individually or collectively, do not seriously affect the appearance or eating quality of the product and that there may be present not more than:

(1) 20 percent, by count, of curved pickles;

(2) 5 percent, by count, of misshapen pickles;

(3) 20 percent, by count, of pickles with attached stems and of such 20 percent not more than ⅓ thereof or 4 percent, by count, of all the units may have attached stems that exceed ½ inch in length;

(4) 20 percent, by count, of blemished units: *Provided*, That not more than 3 percent, by count, of all the units may consist of seriously blemished units;

(5) 15 percent, by weight, of end cuts in pickles sliced crosswise; and

(6) 10 percent, by count, of units damaged by mechanical injury.

(d) *(SStd.) classification.* Cucumber pickles that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1696 *Texture*—(a) *General.* The factor of texture refers to the firmness, crispness, and the condition of the cucumber pickles.

(1) "Chalky white area" means a pronounced opaque, chalky white internal area exceeding ⅓ of the diameter of the pickle. Very pale green to translucent white internal areas should not be classified as chalky white.

(b) *(A) classification.* Cucumber pickles that possess a good texture may be given a score of 26 to 30 points. "Good texture" means that the cucumber pickles are firm and crisp for the respective style and type of pack and are practically free from seedy pickles and detached seeds and that there may be present not more than:

(1) 5 percent, by count, of units, exclusive of insignificant shriveling in sweet pickles, which may be slightly shriveled, soft, or slippery;

(2) 5 percent, by count, of hollow pickles; and

(3) 10 percent, by count, of units having chalky white areas.

(c) *(B) classification.* If the cucumber pickles possess a reasonably good texture, a score of 22 to 25 points may be given. Cucumber pickles that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good texture" means that the cucumber pickles are reasonably firm and crisp, for the respective style and type of pack, and are reasonably free from seedy pickles and detached seeds and that there may be present not more than:

(1) 10 percent, by count, of units which may be markedly shriveled, soft, or slippery;

(2) 10 percent, by count, of hollow pickles; and

(3) 20 percent, by count, of units having chalky white areas.

(d) *(SStd.) classification.* Cucumber pickles that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

DEFINITIONS, METHODS OF ANALYSES, AND ILLUSTRATIONS

§ 52.1697 *Definition of terms, methods of anaylses, and illustrations.* (a) "Baumé" means the density of the packing medium determined by means of a Baumé hydrometer corrected to 20° C. (68° F.).

(b) "Brix" means the density of the packing medium determined by means of a Brix hydrometer corrected to 20° C. (68° F.).

(c) "Degrees Salometer" means the salt (NaCl) content of the packing medium determined by means of a hydrometer reading in degrees Salometer corrected to 20° C. (68° F.), without correction for other soluble solids. Degrees Salometer correspond to the percent of saturation of salt (NaCl) in aqueous solution. 3.7873° Salometer is the equivalent of 1 percent, by weight, of salt (NaCl) in aqueous solution.

(d) "Salt" means grams of salt (NaCl) per 100 milliliters of the packing medium.

(e) "Acid" means grams of acid (calculated as lactic or acetic, as the case may be) per 100 ml. of the packing medium, determined by titration with standard sodium hydroxide solution using phenolphthalein indicator.

(f) "After equalization" has the following meanings with respect to the different types and styles of cucumber pickles packed in a packing medium with or without the additional of a nutritive sweetening ingredient:

(1) When cucumber pickles are packed in a packing medium containing a nutritive sweetening ingredient, "after equalization" means the density of the packing medium, grams of salt, and grams of acid per 100 milliliters of the packing medium as determined by analysis 15 days or more after packing.

(2) When cucumber pickles are packed in a packing medium without the addition of a nutritive sweetening ingredient, "after equalization" means the degrees Salometer and grams of acid per 100 milliliters of the packing medium as determined by analysis 10 days or more after packing.

(3) "After equalization" has the following meanings with respect to the different types and styles of cucumber pickles when analyses are made prior to the elapsed time after packing indicated in this paragraph:

(i) *Whole pickles and pickles sliced lengthwise.* The pickle ingredient is prepared by taking sections ½ to 1 inch in length from the approximate midsection of a representative number of pickles. When there is a noticeable variation in the size of the pickles, select some of both large and small sizes in preparing the sample. Take proportionate quantities, by weight, of the pickle ingredient and the packing medium to make 200–250 grams and place in a Waring blendor with an equal weight of distilled water. Comminute in Waring blendor for about two minutes. Strain through a United States Standard No. 20 sieve. Make Baumé, Brix, or Salometer determinations on the strained liquid. A sufficient quantity of the strained liquid should be filtered to ob-

tain a clear sample for salt and acidity determinations. Multiply results of analysis by 2 to obtain final results.

(ii) *Cut, sliced crosswise, or cross cut.* The pickle ingredient in cut pickles and pickles sliced crosswise or cross cut is usually in pieces which can be readily comminuted in a Waring blendor without further cutting. Take proportionate quantities, by weight, of the pickle ingredient and the packing medium to make 200–250 grams and place in Waring blendor with an equal weight of distilled water. Proportionate quantities of onions and cauliflower, when present, should be selected in making up the sample. Comminute in Waring blendor for about 2 minutes. Strain through a United States Standard No. 20 sieve and proceed with the analyses as outlined in subdivision (i) of this subparagraph.

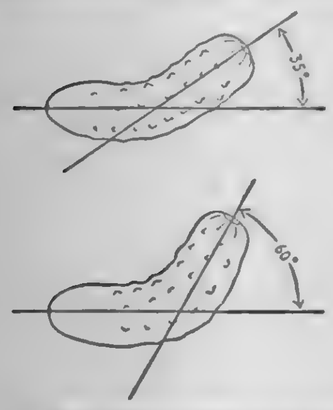
(iii) *Finely cut.* Mix the contents of the container thoroughly before taking a sub-sample of pickle relish. Take 200–250 grams of the well mixed sample and place in a Waring blendor with an equal weight of distilled water. Comminute in Waring blendor for about 2 minutes. Strain through a United States Standard No. 20 sieve and proceed with the analyses as outlined in subdivision (i) of this subparagraph.

(g) *Methods of analyses.* The analyses indicated in this section shall be made in accordance with methods of analysis specified in official methods of analysis of the Association of Official Agricultural Chemists or by any other method which gives equivalent results.

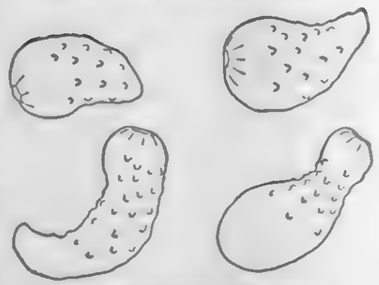
(h) "Unit" means an individual cucumber pickle or portion of pickle ingredient in cucumber pickles.

(i) *Measurement of curved pickles.* The angle of a curved pickle means the angle formed by the intersection of lines projected from either end approximately parallel to the sides of the pickle adjoining the stem and blossom ends, respectively.

(j) *Illustrations of curved pickles.* The following diagrams illustrate pickles curved at angles of 35 degrees and 60 degrees, respectively, the maximum and minimum curvature for "curved" pickles.



(k) *Illustrations of misshapen pickles.* The following diagrams illustrate nubbins and other badly crooked or misshapen pickles:



LOT CERTIFICATION TOLERANCES

§ 52.1698 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of cucumber pickles the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to the containers comprising the sample:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of such total scores; and

(5) All containers meet all applicable standards of quality promulgated by the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1699 *Score sheet for cucumber pickles.*

Size and kind of container ....
Container code or marking ....
Label ....
Net weight (ounces) ....
Vacuum (inches) ....
Drained weight (ounces) ....
Style ....
Type ....
Density of syrup (° Baumé or ° Brix) ....
Salometer degrees ....
Acidity—grams per 100 ml ....
Salt (NaCl)—grams per 100 ml ....
Size count (if whole) ....
Ingredients (if mixed or chow chow):
% Cucumbers. % Cauliflower.
% Onions. % Peppers.

Factors		Score Points	
Color	20	(A)	16-20
		(B)	13-15
		(SStd.)	10-12
Uniformity of size	20	(A)	17-20
		(B)	13-16
		(SStd.)	10-12
Defects	30	(A)	[illegible]
		(B)	22-[illegible]
		(SStd.)	16-21
Texture	30	(A)	26-30
		(B)	20-25
		(SStd.)	16-21
Total score	100		

Flavor ....
Grade ....

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

The United States Standards for Grades of Cucumber Pickles (which is the second issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Grades of Cucumber Pickles which have been in effect since August 23, 1948 (7 CFR, Part 52; 18 F. R. 8029).

Dated: March 24, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-2210; Filed, Mar. 29, 1954; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-14-A-22]

PART 904—MILK IN THE GREATER BOSTON MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than April 1, 1954. Any delay beyond that date in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Greater Boston, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on September 30–October 2, 1953, the recommended decision having been published in the FEDERAL REGISTER on January 19, 1954 (19 F. R. 333) and the final decision having been published in the FEDERAL REGISTER on March 12, 1954 (19 F. R. 1384). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective April 1, 1954, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the milk covered by the order amending the order, as amended, which is marketed within the Greater Boston, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (September 1953), were engaged in the production of milk for sale in the said marketing area and who participated in a referendum on the question of approval of its issuance.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and hereby further amended:

1. In §§ 904.2 (e) and 904.48 (b) (1), delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley."

2. Delete § 904.3 (d) and substitute therefor the following:

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

3. Delete § 904.4 (f) (3) and substitute therefor the following:

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a Worcester regulated plant, without its intermediate movement to another plant.

4. Delete § 904.27 and substitute therefor the following:

§ 904.27 *Assignment of receipts from New York order pool plants.* Receipts from New York order pool plants shall be assigned to Class II milk, except as provided in § 904.28, and except that receipts during the months of August through March which are classified and priced in Class I–A or I–B under the New York order shall be assigned to Class I milk.

5. Delete § 904.29 (a) and substitute therefor the following:

(a) Subject to the provisions of §§ 904.47 and 904.65, all receipts of outside milk shall be considered as receipts of Class II milk, and shall be assigned to that class without regard to the specific use of such receipts.

6. Delete § 904.32 (a) and substitute therefor the following:

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

7. In § 904.32 add a new paragraph (c) as follows:

(c) Each handler who is not an association of producers shall, upon request from any such association, promptly furnish it with information with respect to each of its producer members who starts, resumes, or stops deliveries to any of the handler's pool plants. Such information shall include the date on which the change took place, the producer member's post office address and farm location, and, if known, the plant to which he previously delivered, or the reason for his failure to continue deliveries. In lieu of his providing the information directly to the association, the handler may authorize the market administrator to furnish the association with such information, derived from the handler's reports and records.

8. Delete the title and first sentence of § 904.41 and substitute therefor the following:

§ 904.41 *Class II Price.* The Class II price per hundredweight at plants located in the 201–210 mile zone shall be determined for each month pursuant to this section.

* * * * * *

9. Delete § 904.41 (a) and substitute therefor the following:

(a) Subject to § 904.43 (c), subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month, divide the remainder by 33, multiply by 0.98, and multiply the result by 3.7.

10. Delete § 904.41 (c) and substitute therefor the following:

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month. Subject to paragraph (d) of this section, the result is the Class II price per hundredweight for milk received from producers at plants located in the 201–210 railroad freight mileage zone.

Month:	Amount (cents)
January and February	67
March and April	79
May and June	85
July	79
August and September	73
October, November, and December	67

11. Delete § 904.41 (d) and substitute therefor the following:

(d) For each month in which no cream price, as described in paragraph (a) of this section, is reported, and for each month beginning with November 1954 in which the amount determined pursuant to this paragraph is greater, than the amount computed pursuant to paragraph (c) of this section, the amount determined pursuant to this paragraph shall be the Class II price per hundredweight of milk received from producers at plants located in the 201–210 railroad freight mileage zone.

(1) Divide the average price for milk for manufacturing purposes, f. o. b. plants United States as reported on a preliminary basis by the United States Department of Agriculture for the month by the average butterfat test of such milk and multiply by 3.7.

(2) Adjust the result obtained in subparagraph (1) by the amount shown below for the applicable month:

Month:	Amount (cents)
January	+8
February	+7
March	−10
April	−14
May	−17
June	−16
July	+3
August	+12
September	+9
October	+11
November	+12
December	+12

12. In the first sentence of § 904.43 change the reference "New England Joint Tariff—M No. 6" to "New England Joint Tariff—M No. 7."

13. In § 904.44 (b) insert a new sentence immediately following the first sentence as follows: "If the Class II price is determined pursuant to § 904.41 (d), subtract the amount determined pursuant to paragraph (a) of this section from the simple average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market, as reported for the month by the United States Department of Agriculture multiplied by 1.22."

14. Delete § 904.47 and substitute therefor the following:

§ 904.47 *Allocation of Class I milk to plants.* For the purpose of determining the respective quantities of Class I milk subject to the applicable zone prices, each pool handler's Class I milk during the month, after excluding receipts assigned to Class I pursuant to §§ 904.25 through 904.28, shall be allocated to plants as follows:

(a) His Class I milk first shall be allocated to receipts at his city plants of milk from producers' farms; and then to the receipts of outside milk at his city plants from unregulated plants located in Connecticut, Massachusetts, or Rhode Island.

(b) Thereafter, his Class I milk shall be allocated to other plants in the order of the nearness of the plants to Boston by railroad freight mileage distance. The quantity allocated to any of his pool plants shall be equal to its shipments of fluid milk products, other than cream, to the limit of its receipts from producers' farms. The quantity allocated to any unregulated plant shall be equal to its shipments of outside milk to the handler's regulated plants. However, shipments to plants located in the States of Maine, New Hampshire, Vermont, or New York, with respect to which utilization as Class II is established shall not be allocated to Class I milk.

(c) For the purpose of this section, a handler's receipts of outside milk from dairy farmers for other markets shall be considered as shipped from the unregulated plant to which such farmers ordinarily delivered.

15. In § 904.51 renumber the present paragraphs (e) and (f) as paragraph (d) and (e), respectively, and change in paragraphs (a) and (b) the reference "§ 904.66" to "§ 904.65."

16. Delete § 904.62 and substitute therefor the following:

§ 904.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 904.61 (b) and 904.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 904.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

17. In § 904.63 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92 score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture, and then dividing by 10."

18. Delete §§ 904.65 and 904.66 and substitute therefor the following:

§ 904.65 *Payments on outside milk.* Within 23 days after the end of each month, each handler who handles outside milk shall make such payment thereon to producers, through the market administrator, as is required by the applicable provisions of this section.

(a) Each pool handler who receives outside milk which is allocated to Class I milk in accordance with § 904.47, and each buyer-handler or producer-handler whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such allocated quantity or excess quantity as follows:

(1) On outside milk received at a regulated city plant from an unregulated plant located in Connecticut, Massachusetts, or Rhode Island, the payment shall be at the difference between the Class I price applicable to milk received from producers at city plants and the Class II price applicable to milk received from producers at plants located in the 201–210 freight mileage zone plus 5.8 cents.

(2) On outside milk received at any regulated plant from an unregulated plant located in Maine, the payment shall be at the difference between the price pursuant to § 904.40 applicable at the freight mileage zone of the unregulated plant and the lesser of either the simple average for the month of the lowest minimum semimonthly prices for Class II milk containing 3.7 percent butterfat which are established by the Maine Milk Commission for the market in which such unregulated plant is located or the price determined pursuant to § 904.41 applicable at the freight mileage zone of such plant.

(3) Except as provided in subparagraphs (1) and (2) of this paragraph, the payment on outside milk received at any regulated plant from an unregulated plant shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the location or freight mileage zone of the unregulated plant.

(4) For the purposes of this paragraph, outside milk received from dairy farmers for other markets shall be considered as received from the unregulated plant to which they ordinarily delivered.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the location or freight mileage zone of the handler's plant.

19. Renumber § 904.75 as § 904.66.

20. In § 904.67 change the reference "§ 904.66" to "§ 904.65".

21. In § 904.68 (e), delete the reference "§§ 904.65 and 904.75," and substitute therefor "§ 904.66".

22. Renumber §§ 904.77 and 904.78 as §§ 904.72 and 904.73, respectively.

23. In § 904.12 (c), change the reference "§ 904.77" to "§ 904.72".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of March 1954 to be effective on and after April 1, 1954.

[SEAL] JOHN A. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2222; Filed, Mar. 29, 1954; 8:51 a. m.]

[Docket No. AO-33-A21]

PART 932—MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 932.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effecuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this amendatory order effective on April 1, 1954. Such action is necessary in the public interest in order to reflect current marketing conditions and to facilitate the orderly marketing of milk produced for the Fort Wayne, Indiana marketing area. Accordingly, any further delay in the effective date of this order will seriously threaten the orderly marketing of milk in the marketing area. The provisions of this amendatory order are well known to handlers and producers, the public hearing having been convened on February 15, 1954, and a decision containing the terms and provisions of the order having been issued on March 16, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations or producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended,) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (January 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby amended as follows:

Amend § 932.53 (b) by adding the following: "*Provided*, That during April, May, June, and July, 1954 the differential on butterfat accounted for as manufactured into butter shall be computed by multiplying by 1.08 the average daily wholesale price per pound of 92 score butter in the Chicago market as reported by the Department during the delivery period, and dividing the result by 10: *And, provided further*, That butterfat shall not be accounted for as manufactured into butter, hereunder to the extent that such utilization is claimed under any other Federal order."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of March 1954, to be effective on and after the 1st day of April 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2225; Filed, Mar. 29, 1954; 8:52 a. m.]

[Docket No. AO-83-A-18]

PART 934—MILK IN THE MERRIMACK VALLEY, MASSACHUSETTS, MILK MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *The findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Merrimack Valley (Lowell-Lawrence), Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than April 1, 1954. Any delay beyond that date in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Merrimack Valley, Massachusetts, marketing area. The provisions of the said order are well known to handlers; the public hearing having been held on September 30–October 2, 1953, the recommended decision having been published in the FEDERAL REGISTER on January 19, 1954 (19 F. R. 333) and the final decision having been published in the FEDERAL REGISTER on March 12, 1954 (19 F. R. 1384). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective April 1, 1954, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the milk covered by the order amending the order, as amended, which is marketed within the Merrimack Valley, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the

interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (November 1953), were engaged in the production of milk for sale in the said marketing area and who participated in a referendum on the question of approval of its issuance.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Merrimack Valley (Lowell-Lawrence), Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and hereby further amended:

The part heading for Part 934 is amended to read as set forth above and further changes are set forth below:

1. In § 934.1 (b) and (c), delete the words "Lowell-Lawrence, Massachusetts, marketing area" and substitute therefor the words "Merrimack Valley, Massachusetts marketing area".

2. Delete § 934.3 (b) and substitute therefor the following:

(b) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank trucks; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

3. In § 934.12 (b), change the reference "§ 934.71" to "§ 934.72".

4. Delete § 934.27 (c) and substitute therefor the following:

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I–A or I–B under the New York order.

5. Delete § 934.32 (a) and substitute therefor the following:

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

6. Delete all of the language of § 934.40 following the words "plus 52 cents".

7. Delete § 934.41 and substitute therefor the following:

§ 934.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of this subchapter (the Boston Order) plus 5.8 cents.

8. In § 934.42, change the heading of the table from "Differentials for Determination of Country Plant Prices" to "Differentials for Determination of Zone Prices".

9. Delete § 934.43 and substitute therefor the following:

§ 934.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 934.42 and the price factors specified in §§ 934.40 and 934.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a), (b), and (c) of this section shall be made to the nearest one-half cent per hundredweight, and adjustments pursuant to paragraph (d) shall be made to the nearest one-tenth cent per hundredweight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201–210 miles is changed, the price factor of 52 cents specified in § 934.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans for mileage distances of 201–210 miles is changed, the price factor of 5.8 cents specified in § 934.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

10. In § 934.48 (b) (1) delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley".

11. In § 934.50 (g) delete the reference "§ 904.66 (b)" and substitute therefor "§ 904.65 (b)".

12. Delete § 934.62 and substitute therefor the following:

§ 934.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 934.61 (b), 934.65, and 934.66, the market administrator shall promptly issue to the handler a charge bill or credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 934.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

13. In § 934.63 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92 score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the United States Department of Agriculture, and then dividing by 10."

14. In § 934.68 (e), delete the reference "§§ 934.69 and 934.70," and substitute therefor "§§ 934.70 and 934.71,".

15. In the first sentence of § 934.69 delete the words "25th day" and substitute therefor the words "23d day".

16. Renumber §§ 934.69 through 934.72 as §§ 934.70 through 934.73, respectively.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of March 1954 to be effective on and after April 1, 1954.

[SEAL] JOHN H. DAVIS.
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2221; Filed, Mar. 29, 1954; 8:51 a. m.]

[Docket No. AO-113-A15]

PART 947—MILK IN THE FALL RIVER, MASSACHUSETTS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 947.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than April 1, 1954. Any delay beyond that date in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Fall River, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on September 30–October 2, 1953, the recommended decision having been published in the FEDERAL REGISTER on January 19, 1954 (19 F. R. 333) and the final decision having been published in the FEDERAL REGISTER on March 12, 1954 (19 F. R. 1384). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective April 1, 1954, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the milk covered by the order amending the order, as amended, which is marketed within the Fall River, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1953), were engaged in the production of milk for sale in the said marketing area and who participated in a referendum on the question of approval of its issuance.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and hereby further amended:

1. In §§ 947.50 and 947.53 delete the reference "New England Joint Tariff M No. 6" and substitute therefor the reference "New England Joint Tariff M No. 7".

2. Delete § 947.51 and substitute therefor the following:

§ 947.51 *Class II prices.* Each handler shall pay producers or cooperative associations for Class II milk containing 3.7 percent butterfat delivered by them to plants located within 100 miles of the City Hall in Fall River, not less than the Class II price determined for the month pursuant to § 904.41 of this subchapter (the Boston order) for Class II milk received from producers at plants located in the 201–210 freight mileage zone under such order, plus the amount of 5.8 cents: *Provided*, That the factor 5.8 cents shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof. The adjusted rate shall be computed by dividing such cream freight rate by 9.05, then multiplying by 1.03 and adjusting the result to the nearest one-tenth cent. Any such adjusted rate shall become effective in the first complete month in which such increase or decrease in the tariff applies.

3. In § 947.54 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the United States Department of Agriculture, and then dividing by 10."

4. In § 947.48 (b) (1) delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of March 1954 to be effective on and after April 1, 1954.

[SEAL] JOHN H. DAVIS.
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2223; Filed, Mar. 29, 1954; 8:51 a. m.]

[Docket No. AO-203-A4]

PART 996—MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 996.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than April 1, 1954. Any delay beyond that date in the effective date of this order amending the order, as amended, will seriously threat-

en the orderly marketing of milk in the Springfield, Massachusetts, marketing area. The provisions of the said order are well known to handlers—the public hearing having been held on September 30–October 2, 1953, the recommended decision having been published in the FEDERAL REGISTER on January 19, 1954 (19 F. R. 333) and the final decision having been published in the FEDERAL REGISTER on March 12, 1954 (19 F. R. 1384). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective April 1, 1954, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the milk covered by the order amending the order, as amended, which is marketed within the Springfield, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (November 1953), were engaged in the production of milk for sale in the said marketing area and who participated in a referendum on the question of approval of its issuance.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and hereby further amended:

1. Delete § 996.3 (b) and substitute therefor the following:

(b) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

2. Delete § 996.27 (c) and substitute therefor the following:

(c) Receipts from New York order pool plants shall be assigned to Class I if classified and priced in Classes I–A or I–B under the New York order.

3. Delete § 996.32 (a) and substitute therefor the following:

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

4. Delete all of the language of § 996.40 following the words "plus 52 cents".

5. Delete § 996.41 and substitute therefor the following:

§ 996.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of this subchapter (the Boston order) plus 5.8 cents.

6. In §§ 996.2 (e), 996.4 (f) (2), 996.16 (c), (d), and (e), 996.20 (c), 996.27 (b), 996.48 (b) (1), and 996.66, delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley".

7. Delete § 996.43 and substitute therefor the following:

§ 996.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 996.42 and the price factors specified in § § 996.40 and 996.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a), (b), and (c) of this section shall be made to the nearest one-half cent per hundredweight, and adjustments pursuant to paragraph (d) of this section shall be made to the nearest one-tenth cent per hundredweight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201–210 miles is changed, the price factor of 52 cents specified in § 996.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans for mileage distances of 201–210 miles is changed, the price factor of 5.8 cents specified in § 996.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

8. Delete § 996.62 and substitute therefor the following:

§ 996.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 996.61 (b), 996.65, and 996.66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 996.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

9. In § 996.63 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the United States Department of Agriculture, and then dividing by 10."

10. In the first sentence of § 996.76 delete the words "25th day" and substitute therefor the words "23d day".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of March 1954 to be effective on and after April 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54–2220; Filed, Mar. 29, 1954; 8:50 a. m.]

[Docket No. AO–204–A4]

PART 999—MILK IN THE WORCESTER, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 999.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than April 1, 1954. Any delay beyond that date in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Worcester, Massachusetts, marketing area. The provisions of the said order are well known to handlers—the public hearing having been held on September 30–October 2, 1953, the recommended decision having been published in the FEDERAL REGISTER on January 19, 1954 (19 F. R. 333) and the final decision having been published in the FEDERAL REGISTER on March 12, 1954 (19 F. R. 1384). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective April 1, 1954, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the milk covered by the order amending the order, as amended, which is marketed within the Worcester, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (November 1953), were engaged in the production of milk for sale in the said marketing area and who participated in a referendum on the question of approval of its issuance.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and hereby further amended:

1. Delete § 999.3 (b) and substitute therefor the following:

(b) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

2. In §§ 999.2 (e), 999.4 (f) (2), 999.16 (c), (d), and (e), 999.20 (c), 999.27 (b), 999.48 (b) (1), and 999.66, delete the words "Lowell-Lawrence" and substitute therefor the words "Merrimack Valley".

3. Delete § 999.27 (c) and substitute therefor the following:

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I–A or I–B under the New York order.

4. Delete § 999.32 (a) and substitute therefor the following:

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

5. Delete all of the language of § 999.40 following the words "plus 52 cents".

6. Delete § 999.41 and substitute therefor the following:

§ 999.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of this subchapter (the Boston order) plus 5.8 cents.

7. Delete § 999.43 and substitute therefor the following:

§ 999.43 *Automatic changes in zone price differentials and other price factors.* In case the rail tariff for the transportation of milk or cream, as published in New England Joint Tariff M No. 7 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in the table in § 999.42 and the price factors specified in §§ 999.40 and 999.41 shall be correspondingly increased or decreased. Such adjustments shall become effective in the first complete month in which the changes in rail tariffs apply. Adjustments pursuant to paragraphs (a), (b), and (c) of this section shall be made to the nearest one-half cent per hundredweight and adjustments pursuant to paragraph (d) of this section shall be made to the nearest one-tenth cent per hundredweight.

(a) If the rail tariff for transporting milk in 40-quart cans in carlots of 200 or more cans is changed, the differentials set forth in column B of the table shall be adjusted to the extent of the change.

(b) If the rail tariff for transporting milk in carlots in tank cars for mileage distances of 201–210 miles is changed, the price factor of 52 cents specified in § 999.40 shall be adjusted to the extent of the change.

(c) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans is changed, the differentials set forth in column C of the table shall be adjusted by the result obtained by dividing the tariff change by 9.05.

(d) If the rail tariff for transporting cream in 40-quart cans in carlots of 100–199 cans for mileage distances of 201–210 miles is changed, the price factor of 5.8 cents specified in § 999.41 shall be adjusted by the result obtained by multiplying the tariff change by 1.03 and then dividing by 9.05.

8. Delete § 999.50 (g).

9. Delete § 999.62 and substitute therefor the following:

§ 999.62 *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 999.61 (b), 999.65, and 999.66, the mar-

ket administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 16th day of the prior month through the 15th day of the current month shall be payable by the handler to the market administrator on or before the 23d day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 25th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 999.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

10. In § 999.63 delete all of the language beginning with the second sentence and substitute therefor the following: "If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market as reported for the period between the 16th day of the preceding month and the 15th day inclusive of the current month by the United States Department of Agriculture, and then dividing by 10."

11. In the first sentence of § 999.70 delete the words "25th day" and substitute therefor the word "23d day".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. [illegible])

Issued at Washington, D. C., this 24th day of March 1954 to be effective on and after April 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2224; Filed, Mar. 29, 1954; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20-18]

PART 20—PILOT CERTIFICATES

CITIZENSHIP REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Currently effective § 20.31 of Part 20 requires that an applicant for a commercial pilot certificate, who is not a United States citizen or an individual who has been admitted to the United States for permanent residence, must be a citizen of a country whose government grants or has undertaken to grant to citizens of the United States airman privileges and employment rights equivalent to those which such government grants to its own citizens.

The Administrator of Civil Aeronautics has experienced the utmost difficulty in implementing and administering these current citizenship rules. He has found that some of the provisions are in some cases impossible of determination and that in all cases inquiries are required, some of which it is estimated may take as long as two years for completion. Moreover, the Board finds that the current regulations are not serving the best interests of the United States in the manner originally contemplated and that the administrative detail of their implementation has unduly burdened the staff of the Administrator. In view of the foregoing, this amendment changes the citizenship requirements to permit an applicant regardless of citizenship to receive any pilot certificate for which he is otherwise qualified upon passing the required technical examinations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended) effective immediately:

By amending § 20.31 to read as follows:

§ 20.31 *Citizenship.* An applicant for a pilot certificate with a commercial pilot rating may be a citizen of any country or a person without nationality.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602; 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-2194; Filed, Mar. 29, 1954; 8:46 a. m.]

[Civil Air Regs., Amdt. 21-18]

PART 21—AIRLINE TRANSPORT PILOT RATING

CITIZENSHIP REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Currently effective § 21.12 of Part 21 requires that an applicant for a pilot certificate with an airline transport pilot ratings be a citizen of the United States or an individual who has been admitted to the United States for permanent residence, or a citizen of any other country whose government grants or undertakes to grant to citizens of the United States airline transport pilot privileges and employment rights equivalent to those which such government grants to its own citizens.

The Administrator of Civil Aeronautics has experienced the utmost difficulty in implementing and administering these current citizenship rules. He has found that some of the provisions are in some cases impossible of determination and that in all cases inquiries are required, some of which it is estimated may take as long as two years for completion. Moreover, the Board finds that the current regulations are not serving the best interests of the United States in the manner originally contemplated and that the administrative detail of their implementation has unduly burdened the staff of the Administrator. In view of the foregoing, this amendment changes the citizenship requirements to permit an applicant regardless of citizenship to receive an airline transport pilot rating for which he is otherwise qualified upon passing the required technical examinations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foreging, the Civil Aeronautics Board hereby amends Part 21 of the Civil Air Regulations (14 CFR Part 21, as amended) effective immediately:

By amending § 21.12 to read as follows:

§ 21.12 *Citizenship.* An applicant for a pilot certificate with an airline transport pilot rating may be a citizen of any country or a person without nationality.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602; 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-2195; Filed, Mar. 29, 1954; 8:46 a. m.]

[Civil Air Regs., Amdt. 22-9]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

CITIZENSHIP REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Currently effective § 22.12 (c) of Part 22 requires that an applicant for a lighter-than-air pilot certificate with commercial rating shall be a citizen of the United States, or an individual who has been admitted to the United States for permanent residence, or a citizen of any other country whose government grants or has undertaken to grant to citizens of the United States commercial lighter-than-air pilot privileges and employment rights equivalent to those which such government grants to its own citizens.

The Administrator of Civil Aeronautics has experienced the utmost difficulty in implementing and administering these current citizenship rules. He has found that some of the provisions are in some cases impossible of determination and that in all cases inquiries are required, some of which it is estimated may take as long as two years for completion. Moreover, the Board finds that the current regulations are not serving the best interests of the United States in the manner originally contemplated and that the administrative detail of their implementation has unduly burdened the staff of the Administrator. In view of the foregoing, this amendment changes the citizenship requirements to permit an applicant regardless of citizenship to receive a commercial lighter-than-air pilot certificate for which he is otherwise qualified upon passing the required technical examinations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 22 of the Civil Air Regulations (14 CFR Part 22, as amended) effective immediately:

By amending § 22.12 (c) to read as follows:

§ 22.12 *Commercial lighter-than-air pilot certificate.* * * *

(c) *Citizenship.* An applicant for a lighter-than-air pilot certificate with commercial rating may be a citizen of any country or a person without nationality.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602; 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-2196; Filed, Mar. 29, 1954; 8:47 a. m.]

[Civil Air Regs., Amdt. 24-3]

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

CITIZENSHIP REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Currently effective §§ 24.15 and 24.110 of Part 24 require that an applicant for a mechanic certificate or a repairman certificate be a citizen of the United States or an individual who has been admitted to the United States for permanent residence; or a citizen of any other country whose government grants or has undertaken to grant to citizens of the United States mechanic or repairman privileges and employment rights equivalent to those which such government grants to its own citizens; or a citizen of any country or a person without nationality who is in the employ of a United States air carrier, in the employ of a holder of a United States air agency certificate, or who does not meet either of the immediate preceding requirements but who will in the opinion of the Administrator perform duties under his certificate which will benefit the operation of United States aircraft. The holder of a certificate issued under this last provision may not exercise the privileges conferred by the certificate within the United States.

The Administrator of Civil Aeronautics has experienced the utmost difficulty in implementing and administering these current citizenship rules. He has found that some of the provisions are in some cases impossible of determination and that in all cases inquiries are required, some of which it is estimated may take as long as two years for completion. Moreover, the Board finds that the current regulations are not serving the best interests of the United States in the manner originally contemplated and that the administrative detail of their implementation has unduly burdened the staff of the Administrator. In view of the foregoing, this amendment changes the citizenship requirements to permit an applicant regardless of citizenship to receive a mechanic or repairman certificate for which he is otherwise qualified upon passing the required technical examinations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 24 of the Civil Air Regulations (14 CFR Part 24, as amended) effective immediately:

1. By amending § 24.15 to read as follows:

§ 24.15 *Citizenship.* An applicant for a mechanic certificate may be a citizen of any country or a person without nationality.

2. By amending § 24.110 to read as follows:

§ 24.110 *Citizenship.* An applicant for a repairman certificate may be a citizen of any country or a person without nationality.

(Sec. 205; 52 Stat. 984; 49 U. S. C 425. Interprets or applies secs. 601, 602; 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-2197; Filed, Mar. 29, 1954; 8:47 a. m.]

[Civil Air Regs., Amdt. 25-5]

PART 25—PARACHUTE RIGGER CERTIFICATES

CITIZENSHIP REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Currently effective § 25.21 of Part 25 requires that an applicant for a parachute rigger certificate be a citizen of the United States or an individual who has been admitted to the United States for permanent residence; or a citizen of any other country whose government grants or has undertaken to grant to citizens of the United States parachute rigger privileges and employment rights equivalent to those which such government grants to its own citizens; or a citizen of any country or a person without nationality who is in the employ of a United States air carrier, in the employ of a holder of a United States air agency certificate, or who does not meet either of the immediate preceding requirements but who will in the opinion of the Administrator perform duties under his certificate which will benefit the operation of United States aircraft. The holder of a certificate issued under this last provision may not exercise the privileges conferred by the certificate within the United States.

The Administrator of Civil Aeronautics has experienced the utmost difficulty in implementing and administering these current citizenship rules. He has found that some of the provisions are in some cases impossible of determination and that in all cases inquiries are required, some of which it is estimated may take as long as two years for completion. Moreover, the Board finds that the current regulations are not serving the best interests of the United States in the manner originally contemplated and that the administrative detail of their implementation has unduly burdened the staff of the Administrator. In view of the foregoing, this amendment changes the citizenship requirements to permit an applicant regardless of citizenship to receive a parachute rigger certificate for which he is otherwise qualified upon passing the required technical examinations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 25 of the Civil Air Regulations (14 CFR Part 25, as amended) effective immediately:

By amending § 25.21 to read as follows:

§ 25.21 *Citizenship.* An applicant for a parachute rigger certificate may be a citizen of any country or a person without nationality.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602; 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-2198; Filed, Mar. 29, 1954; 8:47 a. m.]

[Civil Air Regs., Amdt. 26-8]

PART 26—AIR TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

CITIZENSHIP REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Currently effective § 26.1 (d) of Part 26 requires that an applicant for a control-tower operator certificate be a citizen of the United States or an individual who has been admitted to the United States for permanent residence; or a citizen of any other country whose government grants or has undertaken to grant to citizens of the United States control-tower operator privileges and employment rights equivalent to those which such government grants to its own citizens; or a citizen of any country or a person without nationality who is in the employ of a United States air carrier, in the employ of a holder of a United States air agency certificate, or who does not meet either of the immediate preceding requirements but who will in the opinion of the Administrator perform duties under his certificate which will benefit the operation of United States aircraft. The holder of a certificate issued under this last provision may not exercise the privileges conferred by the certificate within the United States.

The Administrator of Civil Aeronautics has experienced the utmost difficulty in implementing and administering these current citizenship rules. He has found that some of the provisions are in some cases impossible of determination and that in all cases inquiries are required, some of which it is estimated may take as long as two years for completion. Moreover, the Board finds that the current regulations are not serving the best interests of the United States in the manner originally contemplated and that the administrative detail of their implementation has unduly burdened the staff of the Administrator. In view of the foregoing, this amendment changes the citizenship requirements to permit an applicant regardless of citizenship to receive a control-tower operator certificate for which he is otherwise qualified upon passing the required technical examinations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 26 of the Civil Air Regulations (14 CFR Part 26, as amended) effective immediately:

By amending § 26.1 (d) to read as follows:

§ 26.1 *Control-tower operator certificate requirements.* * * *

(d) *Citizenship.* An applicant for a control-tower operator certificate may be a citizen of any country or a person without nationality.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602; 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2199; Filed, Mar. 29, 1954; 8:47 a. m.]

[Civil Air Regs., Amdt. 27-7]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

CITIZENSHIP REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Currently effective § 27.4 of Part 27 requires that an applicant for an aircraft dispatcher certificate be a citizen of the United States or an individual who has been admitted to the United States for permanent residence; or a citizen of any other country whose government grants or has undertaken to grant to citizens of the United States aircraft dispatcher privileges and employment rights equivalent to those which such government grants to its own citizens; or a citizen of any country or a person without nationality who is in the employ of a United States air carrier, in the employ of a holder of a United States air agency certificate, or who does not meet either of the immediate preceding requirements but who will in the opinion of the Administrator perform duties under his certificate which will benefit the operation of United States aircraft. The holder of a certificate issued under this last provision may not exercise the privileges conferred by the certificate within the United States.

The Administrator of Civil Aeronautics has experienced the utmost difficulty in implementing and administering these current citizenship rules. He has found that some of the provisions are in some cases impossible of determination and that in all cases inquiries are required, some of which it is estimated may take as long as two years for completion. Moreover, the Board finds that the current regulations are not serving the best interests of the United States in the manner originally contemplated and that the administrative detail of their implementation has unduly burdened the staff of the Administrator. In view of the foregoing, this amendment changes the citizenship requirements to permit an applicant regardless of citizenship to receive an aircraft dispatcher certificate for which he is otherwise qualified upon passing the required technical examinations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 27 of the Civil Air Regulations (14 CFR Part 27, as amended) effective immediately:

By amending § 27.4 to read as follows:

§ 27.4 *Citizenship.* An applicant for an aircraft dispatcher certificate may be a citizen of any country or a person without nationality.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602; 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2200; Filed, Mar. 29, 1954; 8:47 a. m.]

[Civil Air Regs., Amdt. 33-8]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

CITIZENSHIP REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Currently effective § 33.21 of Part 33 requires that an applicant for a flight radio operator certificate be a citizen of the United States or an individual who has been admitted to the United States for permanent residence, or a citizen of any other country whose government grants or has undertaken to grant to citizens of the United States flight radio operator privileges and employment rights equivalent to those which such government grants to its own citizens.

The Administrator of Civil Aeronautics has experienced the utmost difficulty in implementing and administering these current citizenship rules. He has found that some of the provisions are in some cases impossible of determination and that in all cases inquiries are required, some of which it is estimated may take as long as two years for completion. Moreover, the Board finds that the current regulations are not serving the best interests of the United States in the manner originally contemplated and that the administrative detail of their implementation has unduly burdened the staff of the Administrator. In view of the foregoing, this amendment changes the citizenship requirements to permit an applicant regardless of citizenship to receive a flight radio operator certificate for which he is otherwise qualified upon passing the required technical examinations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 33 of the Civil Air Regulations (14 CFR Part 33, as amended) effective immediately:

By amending § 33.21 to read as follows:

§ 33.21 *Citizenship.* An applicant for a flight radio operator certificate may be a citizen of any country or a person without nationality.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602; 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2201; Filed, Mar. 29, 1954; 8:48 a. m.]

[Civil Air Regs., Amdt. 34-7]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

CITIZENSHIP REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Currently effective § 34.3 of Part 34 requires that an applicant for a flight navigator certificate be a citizen of the United States or an individual who has been admitted to the United States for permanent residence, or a citizen of any other country whose government grants or has undertaken to grant to citizens of the United States flight navigator privileges and employment rights equivalent to those which such government grants to its own citizens.

The Administrator of Civil Aeronautics has experienced the utmost difficulty in implementing and administering these current citizenship rules. He has found that some of the provisions are in some cases impossible of determination and that in all cases inquiries are required, some of which it is estimated may take as long as two years for completion. Moreover, the Board finds that the current regulations are not serving the best interests of the United States in the manner originally contemplated and that the administrative detail of their implementation has unduly burdened the staff of the Administrator. In view of the foregoing, this amendment changes the citizenship requirements to permit an applicant regardless of citizenship to receive a flight navigator certificate for which he is otherwise qualified upon passing the required technical examinations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 34 of the Civil Air Regulations (14 CFR Part 34, as amended) effective immediately:

By amending § 34.3 to read as follows:

§ 34.3 *Citizenship.* An applicant for a flight navigator certificate may be a citizen of any country or a person without nationality.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602; 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2202; Filed, Mar. 29, 1954; 8:48 a. m.]

[Civil Air Regs., Amdt. 35-7]

PART 35—FLIGHT ENGINEER CERTIFICATES

CITIZENSHIP REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Currently effective § 35.3 of Part 35 requires that an applicant for a flight engineer certificate be a citizen of the United States or an individual who has been admitted to the United States for permanent residence, or a citizen of any other country whose government grants or has undertaken to grant to citizens of the United States flight engineer privileges and employment rights equivalent to those which such government grants to its own citizens.

The Administrator of Civil Aeronautics has experienced the utmost difficulty in implementing and administering these current citizenship rules. He has found that some of the provisions are in some cases impossible of determination and that in all cases inquiries are required, some of which it is estimated may take as long as two years for completion. Moreover, the Board finds that the current regulations are not serving the best interests of the United States in the manner originally contemplated and that the administrative detail of their implementation has unduly burdened the staff of the Administrator. In view of the foregoing, this amendment changes the citizenship requirements to permit an applicant regardless of citizenship to receive a flight engineer certificate for which he is otherwise qualified upon passing the required technical examinations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 35 of the Civil Air Regulations (14 CFR Part 35, as amended) effective immediately:

By amending § 35.3 to read as follows:

§ 35.3 *Citizenship.* An applicant for a flight engineer certificate may be a citizen of any country or a person without nationality.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602; 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2203; Filed, Mar. 29, 1954; 8:48 a. m.]

[Civil Air Regs., Amdt. 40-4]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATING RULES

AIR-SPEED INDICATORS AND ASSOCIATED OPERATIONS REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Revised Part 40 of the Civil Air Regulations contains no requirements specifying the dimensional units to be used in air carrier operations. It has been recommended, however, by the Air Coordinating Committee, the Department of Defense, the Air Transport Association of America, and the Air Line Pilots Association, that the regulations should require the use of nautical miles instead of statute miles, and the use of air-speed expressed in knots instead of miles per hour. A notice of proposed rule making was published on December 2, 1953, in the FEDERAL REGISTER (18 F. R. 7659), in which it was proposed that the operations requirements pertaining to air carriers be amended to require that air-speed limitations and related information be in knots and nautical miles. It was further proposed that after January 1, 1956, all air-speed indicators in aircraft operated under this part should be calibrated in knots. While comment received indicated diverse views, the organizations most concerned with this part favored the proposed changes; namely, the Air Transport Association of America and the Air Line Pilots Association.

This amendment, accordingly, requires that air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards be in the same units as used on the air-speed indicator, that all such indicators be calibrated in the same units when more than one air-speed indicator is required, and, for air-speed indicators calibrated in statute miles per hour, that a readily usable means shall be provided for the flight crew to convert statute miles per hour to knots. Since it will require a certain amount of time to comply with these requirements they will become effective on October 1, 1954. This amendment also contemplates that in the future all air-speed indicators in aircraft operated under this part will be calibrated in knots and that all air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards will be expressed in knots. Since it will take about two years for airplanes to be equipped with these indicators, these latter provisions will become effective April 1, 1956.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective October 1, 1954:

By amending § 40.170 by changing present paragraph (b) to paragraph (c) and adding a new paragraph (b) to read as follows:

§ 40.170 *Aircraft instruments and equipment for all operations.* * * *

(b) The following provisions apply to air-speed limitations, air-speed indicators, and related information:

(1) Air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in the same units as used on the air-speed indicator.

(2) When more than one air-speed indicator is required, all such indicators shall be calibrated to read in the same units.

(3) When an air-speed indicator is calibrated in statute miles per hour, a readily usable means shall be provided for the flight crew to convert statute miles per hour to knots.

(4) On and after April 1, 1956, all air-speed indicators shall be calibrated in knots, and all air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2190; Filed, Mar. 29, 1954; 8:45 a. m.]

[Civil Air Regs., Amdt. 41-11]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

AIR-SPEED INDICATORS AND ASSOCIATED OPERATIONS REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Presently effective Part 41 of the Civil Air Regulations contains no requirements specifying the dimensional units to be used in air carrier operations. It has been recommended, however, by the Air Coordinating Committee, the Department of Defense, the Air Transport Association of America, and the Air Line Pilots Association, that the regulations should require the use of nautical miles instead of statute miles, and the use of air speed expressed in knots instead of miles per hour. A notice of proposed rule making was published on December 2, 1953, in the FEDERAL REGISTER (18 F. R. 7659), in which it was proposed that the operations requirements pertaining to air carriers be amended to require that air-speed limitations and related information be in knots and nautical miles. It was further proposed that after January 1, 1956, all air-speed indicators in aircraft operated under this part should be calibrated in knots. While comment received indicated diverse views, the organizations most concerned with this part favored the proposed changes; namely, the Air Transport Association of America and the Air Line Pilots Association.

This amendment, accordingly, requires that air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards be in the same units as used on the air-speed indicator, that all such indicators be calibrated in the same units when more than one air-speed indicator is required, and, for air-speed indicators calibrated in statute miles per hour, that a readily usable means shall be provided for the flight crew to convert statute miles per hour to knots. Since it will require a certain amount of time to comply with these requirements they will become effective October 1, 1954. This amendment also contemplates that in the future all air-speed indicators in aircraft operated under this part will be calibrated in knots and that all air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards will be expressed in knots. Since it will take about two years for airplanes to be equipped with these indicators, these latter provisions will become effective April 1, 1956.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective October 1, 1954:

By adding a new § 41.45 to read as follows:

§ 41.45 *Air-speed indicators, limitations, and related information.* (a) Air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in the same units as used on the air-speed indicator.

(b) When more than one air-speed indicator is required, all such indicators shall be calibrated to read in the same units.

(c) When an air-speed indicator is calibrated in statute miles per hour, a readily usable means shall be provided for the flight crew to convert statute miles per hour to knots.

(d) On and after April 1, 1956, all air-speed indicators shall be calibrated in knots, and all air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2191; Filed, Mar. 29, 1954; 8:45 a. m.]

[Civil Air Regs. Amdt. 42-21]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

AIR-SPEED INDICATORS AND ASSOCIATED OPERATIONS REQUIREMENTS FOR LARGE AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Presently effective Part 42 of the Civil Air Regulations contains no requirements specifying the dimensional units to be used in air carrier operations. It has been recommended, however, by the Air Coodinating Committee, the Department of Defense, the Air Transport Association of America, and the Air Line Pilots Association, that the regulations should require the use of nautical miles instead of statute miles, and the use of air speed expressed in knots instead of miles per hour. A notice of proposed rule making was published on December 2, 1953, in the FEDERAL REGISTER (18 F. R. 7659), in which it was proposed that the operations requirements pertaining to air carriers be amended to require that air-speed limitations and related information be in knots and nautical miles. It was further proposed that after January 1, 1956, all air-speed indicators in large aircraft operated under this part should be calibrated in knots. While comment received indicated diverse views, those operators primarily affected by this amendment offered no objection to the proposed changes.

This amendment, accordingly, requires for the operation of large aircraft that air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards be in the same units as used on the air-speed indicator, that all such indicators be calibrated in the same units when more than one air-speed indicator is required, and, for air-speed indicators calibrated in statute miles per hour, that a readily usable means shall be provided for the flight crew to convert statute miles per hour to knots. Since it will require a certain amount of time to comply with these requirements they will become effective on October 1, 1954. This amendment also contemplates that in the future all air-speed indicators in large aircraft operated under this part will be calibrated in knots and that all air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards will be expressed in knots. Since it will take about two years for airplanes to be equipped with these indicators, these latter provisions will become effective April 1, 1956.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective October 1, 1954:

By adding a new § 42.22a to read as follows:

§ 42.22a *Air-speed indicators, limitations, and related information for large aircraft.* (a) Air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in the same units as used on the air-speed indicator.

(b) When more than one air-speed indicator is required, all such indicators shall be calibrated to read in the same units.

(c) When an air-speed indicator is calibrated in statute miles per hour, a readily usable means shall be provided for the flight crew to convert statute miles per hour to knots.

(d) On and after April 1, 1956, all air-speed indicators shall be calibrated in knots, and all air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2192; Filed, Mar. 29, 1954; 8:46 a. m.]

[Civil Air Regs., Amdt. 51-5]

PART 51—GROUND INSTRUCTOR RATING

CITIZENSHIP REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Currently effective § 51.1 (c) of Part 51 requires that an applicant for a ground instructor rating and certificate be a citizen of the United States or an individual who has been admitted to the United States for permanent residence; or a citizen of any other country whose government grants or has undertaken to grant to citizens of the United States ground instructor privileges and employment rights equivalent to those which such government grants to its own citizens; or a citizen of any country or a person without nationality who is in the employ of a United States air carrier, in the employ of a holder of a United States air agency certificate, or who does not meet either of the immediate preceding requirements but who will in the opinion of the Administrator perform duties under his certificate which will benefit the operation of United States aircraft. The holder of a certificate issued under this last provision may not exercise the privileges conferred by the certificate within the United States.

The Administrator of Civil Aeronautics has experienced the utmost difficulty in implementing and administering these current citizenship rules. He has found that some of the provisions are in some cases impossible of determination and that in all cases inquiries are required, some of which it is estimated may take as long as two years for completion. Moreover, the Board finds that the current regulations are not serving the best interests of the United States in the manner originally contemplated and that the administrative detail of their implementation has unduly burdened the staff of the Administrator. In view of the foregoing, this amendment changes the citizenship requirements to permit an applicant regardless of citizenship to receive a ground instructor rating and certificate for which he is otherwise qualified upon passing the required technical examinations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 51 of the Civil Air Regulations (14 CFR Part 51, as amended) effective immediately:

By amending § 51.1 (c) to read as follows:

§ 51.1 *Ground instructor rating and certificate requirements.* • • •

(c) *Citizenship.* An applicant for a ground instructor rating and certificate may be a citizen of any country or a person without nationality.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 607; 52 Stat. 1007, 1011; 49 U. S. C. 551, 557)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2204; Filed, Mar. 29, 1954; 8:48 a. m.]

[Civil Air Regs., Amdt. 60-3]

PART 60—AIR TRAFFIC RULES

IFR FLIGHT PLAN

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of March 1954.

Currently effective § 60.41 (g) requires a pilot, in filing an IFR flight plan, to set forth his proposed true air speed at cruising altitude in miles per hour. It has been recommended by the Air Coordinating Committee, the Department of Defense, the Air Transport Association of America, and the Air Line Pilots Association, that provisions be made in the Civil Air Regulations to permit the use of nautical units in the control of air traffic. A notice of proposed rule making was published on December 2, 1953, in the FEDERAL REGISTER (18 F. R. 7659) and concurrently circulated as Draft Release 53-30, in which it was proposed that the requirement for setting forth in the flight plan proposed true air speed in miles per hour be eliminated, thus permitting a pilot to list the speed in either knots or miles per hour. Comment has been received expressing diverse views on this matter, and has been considered. The proposed change will affect appreciably only those persons who operate IFR. The heretofore named groups, who represent persons comprising the most frequent users of the airways under IFR, commented favorably on this proposal.

Much of the comment received from general aviation indicated that there exists great apprehension that this proposal will impose a hardship on private pilots in particular. The Board wishes therefore to reaffirm its intent as stated in Draft Release 53-30 that no change will be necessitated by reason of this amendment in the dimensional units currently associated with visibilities, approach charts, radio facility charts, airway widths, control zone dimensions, and non-air-carrier aircraft instruments. Although the normal operation of the Federal Airways System will be based upon the nautical system, it may be stated that no burden will be placed on general aviation either for VFR or IFR operations.

In view of the fact that the most frequent users of the airways under IFR favor the use of nautical units in air traffic control, and since such use will not create an undue burden on other users of the airways, and since § 60.41 (g) prevents the use of nautical units in IFR flight plans, the Board believes that the amendment is in the public interest.

Accordingly, this amendment eliminates the requirement that the proposed air speed must be listed on an IFR flight plan in miles per hour, merely requiring that the air speed must be listed thus permitting the pilot to use either nautical or statute units of air speed. It is expected that flight information relating to distance and speed generally will be provided in nautical miles and knots. However, upon specific request from the pilots of small civil aircraft and of large civil aircraft other than those under Parts 40, 41, and 42, this information, with the exception of that involving radar control, will be provided in statute miles and miles per hour

It is expected that the Civil Aeronautics Administration will not be providing flight information in terms of nautical miles and knots for about six months. This amendment will, therefore, become effective October 1, 1954

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matters presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective October 1, 1954:

By amending § 60.41 (g) to read as follows:

§ 60.41 *IFR flight plan* • • •

(g) Proposed true air speed at cruising altitude;

(Sec. 205, 52 Stat. 984; 49 U S C 425. Interprets or applies sec. 601, 52 Stat. 1007; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2193; Filed, Mar. 29, 1954; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

DECLARING EFFECTIVE AMENDED EXCHANGE DISTRIBUTION PLAN OF THE SAN FRANCISCO STOCK EXCHANGE

The Securities and Exchange Commission has declared effective until the close of business on August 27, 1954, an amended Exchange Distribution Plan filed by the San Francisco Stock Exchange. This amended Plan is substantially the same as the Exchange Distribution Plan previously declared effective for a six month period.

The amended Plan, as did the previous Plan, permits members, member firms, and member corporations (hereinafter referred to as participating members) to make a distribution of a block of securities at the market on the Exchange when the regular market on the Exchange cannot otherwise absorb the block of securities within a reasonable time and at a reasonable price or prices. The Plan contains certain anti-manipulative controls and also requires participating members to make certain disclosures to persons whose orders are solicited. The amended Plan differs from the Plan previously declared effective in the two following minor respects: (1) The provision prohibiting participating members and others from bidding for or purchasing the security during the distribution has been modified to permit the purchases required solely in connection with the "crossing" of orders on the floor of the Exchange (this "crossing" procedure was provided for under the Plan before it was amended) and (2) there is a specific provision in the amended Plan that transactions effected when orders are "crossed" on the floor shall be printed on the ticker tape.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof and § 240.10b–2 (d) (Rule X-10B–2 (d)) thereunder, deeming it necessary for the exercise of the functions vested in it, and having due regard for the public interest and for the protection of investors, does hereby declare effective the amended Exchange Distribution Plan of the San Francisco Stock Exchange until the close of business on August 27, 1954 on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do the Commission may suspend or terminate the effectiveness of said Plan by sending at least ten days' written notice to the San Francisco Stock Exchange.

The Commission for good cause finds that the notice and public procedure specified in paragraphs 4 (a) and (b) of the Administrative Procedure Act are unnecessary since the amended Exchange Distribution Plan is substantially the same as that heretofore declared effective for such Exchange; and the Commission further finds, in accordance with the provisions of section 4 (c) of the Administrative Procedure Act, that paragraph (d) of Rule X-10B–2 and this action have the effect of granting exemption and relieving restriction, and that, therefore, this action may be and is hereby declared effective March 22, 1954.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 22, 1954.

[F. R. Doc. 54–2227; Filed, Mar. 29, 1954; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 576—CARE AND DISPOSITION OF THE PSYCHOTIC

APPLICANTS FOR ENLISTMENT AND SELECTIVE SERVICE REGISTRANTS; PSYCHOTIC NONMILITARY CASES

Sections 576.1 and 576.2 are rescinded and the following substituted therefor:

§ 576.1 *Applicants for enlistment and Selective Service registrants.* If applicants for enlistment and Selective Service registrants are discovered to be psychotic after arrival at a Recruiting Main Station, an Induction Station, or Armed Forces Examining Station and before they are enlisted or inducted, they will be disposed of as follows:

(a) Those whose release will not be dangerous to themselves or others will be rejected and disposed of under the regulations governing the disposal of rejected applicants and registrants.

(b) Those whose psychosis is of a type that would probably make their release dangerous to themselves or others will be delivered to relatives or to the civil authorities designated by law to apply for the commitment of psychotic or insane persons residing in the place where they applied for enlistment or at place of induction. The station commander will provide the necessary escort for such delivery and issue the necessary travel orders, transportation, and subsistence (in kind or by commutation, as may be most suitable).

§ 576.2 *Psychotic nonmilitary cases*—(a) *Hospitalization.* (1) Section 577.15 of this subchapter authorizes the admission to and treatment in Army hospitals of certain nonmilitary categories of personnel. Mental illness is not a bar to admission provided adequate facilities for such treatment are determined to be available by the local commanding officer.

(2) Army hospitals are not authorized to accept patients permanently committed by civilian legal authority.

(b) *Disposition.* (1) Military facilities are designed for the care and treatment of active duty military patients. Nonmilitary mentally ill patients will be hospitalized only under emergency conditions or where civilian facilities are not available.

(2) No civilian patient may be retained without his consent in the absence of competent civil legal authorization. However, there is a moral responsibility not to release civilian patients who are so mentally ill that they cannot reasonably care for themselves or who are dangerous to themselves or others until adequate provision can be made for the patient's safety and welfare.

(i) Disposition will ordinarily be made to the care of a responsible relative or to appropriate civilian authorities as may be indicated. When a psychotic nonmilitary patient requires further hospitalization, the hospital commander will communicate with the next of kin to ascertain whether the relative wishes to assume the custody and responsibility for the care of the patient. In each case the relative will be fully advised of the facts which render acceptance of the patient inadvisable and of the difficulty and responsibility involved in the care of such patient. The relative who elects to receive the patient will be required to produce satisfactory evidence that proper care will be furnished. This evidence should be in the form of an affidavit from the next of kin declaring that he or she is willing to assume responsibility for the patient and has the necessary financial means to provide adequate care and treatment.

(ii) When transfer to next of kin is inappropriate, the commander of the military hospital will communicate with the appropriate civilian authorities of the State which is claimed as residence for the purpose of obtaining authorization to transfer the patient to their custody.

(iii) In order to aid the civilian agencies in arriving at a decision with the least practicable delay they should be given information as to the diagnosis, the date of onset of the condition, history of previous hospitalization for mental illness, legal residence, place and date of birth, race, and name and address of the next of kin.

(iv) Inasmuch as commitment proceedings or laws for involuntary hospitalization vary among the states, appropriate personnel of Army hospitals should be thoroughly familiar with local requirements for emergency involuntary admission to or retention in local civilian facilities designated for the care of the psychotic or mentally ill.

(c) *Transportation.* In order to effect proper disposition of nonmilitary psychotic patients to other hospitals, to proper civilian authorities or when indicated, to the care of relatives, it may be necessary to arrange transportation to relatively distant areas. Such transportation of nonmilitary patients will be performed by the Military Air Transport Service in accordance with pertinent Army Regulations. Nonmilitary patients are subject to reimbursing the Military Air Transport Service for their own transportation in appropriate circumstances.

[SR 40–680–5, Mar. 10, 1954] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 54–2228; Filed, Mar. 29, 1954; 8:52 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 74—INTERNATIONAL MONEY-ORDER SERVICE

INTERNATIONAL MONEY-ORDERS CERTIFIED BY ITALY

In Part 74, International Money-Order Service, insert new § 74.6a to read as follows:

§ 74.6a *International money orders certified by Italy.* Italy is certifying international money orders for payment in the United States. The amounts of such money orders are limited to $10 in terms of United States currency and will be reissued by the New York International Money Order Exchange Office in the usual manner. They will be paid and processed after payment in accordance with current practices governing other money orders of foreign origin.

(R. S. 161, 396, 4028; sec. 1, 25 Stat. 654, secs 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 712)

[SEAL] ABE MCGREGOR GOFF, *Solicitor.*

[F. R. Doc. 54–2218; Filed, Mar. 29, 1954; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

APPLICATIONS FOR CONSOLIDATION OF TELEPHONE COMPANIES; COPIES REQUIRED

In the matter of amendment of § 1.527 of the Commission's rules relating to practice and procedure.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of March 1954;

The Commission having under consideration the provisions of paragraph (c), § 1.527 of Part 1 of its rules, which requires that 15 copies of applications filed under section 221 (a) of the act shall be furnished to the Commission for its use, that two additional copies shall be furnished for each additional State in which the property is located, and that, in addition, a copy should be served on any other party to the proceeding; and

It appearing that under the current methods of processing such applications, the Commission requires only 5 copies of each application filed under section 221 (a) of the act;

It further appearing that notice of proposed rule making and public rule making procedure may be omitted as being unnecessary in accordance with section 4 (a) of the Administrative Procedure Act since the amendment herein ordered is minor and non-substantive in nature;

It further appearing that authority for the proposed amendment to § 1.527 is contained in sections 4 (i) and 221 of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, § 1.527 (c) is amended to read as follows:

§ 1.527 *Applications for consolidation of telephone companies.* * * *

(c) *Copies required.* Five copies shall be furnished to the Commission for its use. In addition, a copy should be served on any other party to the proceeding.

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154. Interprets or applies sec. 221, 48 Stat. 1080, 47 U. S. C. 221)

Released: March 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54–2230; Filed, Mar. 29, 1954; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 29, 39]

[Regs. 111, 118]

INCOME TAX

DISALLOWANCE OF DEDUCTIONS FOR CERTAIN UNPAID EXPENSES AND INTEREST

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791) and under the authority of section 202 of the Technical Changes Act of 1953 (67 Stat. 617).

[SEAL] T. COLEMAN ANDREWS, *Commissioner of Internal Revenue.*

In order to conform Regulations 111 (26 CFR Part 29) and Regulations 118 (26 CFR Part 39) to section 202 of the Technical Changes Act of 1953, approved August 15, 1953, which amends section 24 (c) of the Internal Revenue Code, relating to the disallowance of deductions for certain unpaid expenses and interest, such regulations are amended as follows:

Regulations 111 (26 CFR Part 29) are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.24–1 the following:

SEC. 202. DEDUCTION OF CERTAIN UNPAID EXPENSES AND INTEREST (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 15, 1953).

(a) *Amendment of section 24 (c).* Paragraph (1) of section 24 (c) (relating to disallowance of certain deductions for expenses incurred and interest accrued) is hereby amended to read as follows:

(1) If within the period consisting of the taxable year of the taxpayer and two and one-half months after the close thereof (A) such expenses or interest are not paid, and (B) the amount thereof is not includible in the gross income of the person to whom the payment is to be made; and

(b) *Effective date.* (1) Except as otherwise provided in paragraph (2), the amendment made by subsection (a) shall apply only with respect to taxable years beginning after December 31, 1950.

(2) At the election of a taxpayer (hereinafter in this paragraph referred to as the "payor") made within one year after the date of the enactment of this Act, the amendment made by subsection (a) shall also apply with respect to such taxable years of the payor beginning after December 31, 1945, and before January 1, 1951, as are specified by the payor in making such election. Such election for any taxable year shall not be valid as to any amount unless, at or before the time when such election is filed:

(A) The person (hereinafter in this paragraph referred to as the "payee") to whom such amount was payable included such amount in gross income for his taxable year for which such amount was includible in gross income, or

(B) The payee files a written consent to the assessment and collection of any deficiency and interest resulting from the payee's failure to include such amount in gross income for such taxable year, or

(C) The payor pays an amount equal to the deficiency and interest which would be payable by the payee pursuant to subparagraph (B) if he filed such consent. (Any amount paid under this subparagraph shall be assessed, notwithstanding any law or rule of law to the contrary, as an addition to the tax of the payor for the year for which the election is filed.)

The periods of limitation provided in sections 275 and 276 of the Internal Revenue Code on the making of an assessment and the beginning of distraint or a proceeding in court for collection shall, with respect to any deficiency and interest thereon resulting from any consent filed pursuant to subparagraph (B), include one year immediately following the date such consent is filed, and such assessment and collection may be made notwithstanding any provision of law or any rule of law which otherwise would prevent such assessment and collection. If an election by a payor should be filed for a taxable year of the payor for which allowance of credit or refund of an overpayment is barred (at the time of such filing) by any law or rule of law, any consent filed by the payee in respect of any amount which represents expenses incurred or interest accrued by the payor for such year shall be void. If a consent requires the inclusion in the gross income of the payee for any taxable year of an amount which was erroneously included in the gross income of the payee for another taxable year and, on the date the consent is filed, correction of the effect of the error is prevented by the operation of any provision of the internal-revenue laws other than section 3761 of the Internal Revenue Code (relating to compromises), then the effect of the error shall be corrected in accordance with section 3801 of the Internal Revenue Code as if the consent were a determination under such section 3801 in which there is adopted a position maintained by the Secretary of the Treasury. The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the provisions of this paragraph.

PAR. 2. Section 29.24–7 is amended to read as follows:

§ 29.24–7 *Disallowance of deductions for unpaid expenses and interest*—(a) *In general.* Section 24 (c) provides for

the disallowance of a deduction for accrued but unpaid expenses and interest under the circumstances prescribed in paragraphs (1), (2), and (3) of section 24 (c). Unless all the conditions prescribed therein exist, the deduction is not disallowed. The provisions of section 24 (c) do not otherwise affect the general rules governing the allowance of deductions under the accrual method. Hence, if the expenses or interest are paid after the deduction has been disallowed, no deduction would be allowable for the taxable year in which payment is made.

(b) *Taxable years beginning before January 1, 1951, where no election made.* For taxable years beginning before January 1, 1951, where no election is made in accordance with paragraph (d) (2) of this section, the application of section 24 (c) may be illustrated by the following example:

Example. A is the holder and owner of an interest-bearing note executed by the M Corporation all of the stock of which is owned by him. A and the M Corporation make their income tax returns on the basis of a calendar year, but the M Corporation makes its returns on the accrual basis and A makes his returns on the cash receipts and disbursements basis. The M Corporation does not pay any interest on such note during the calendar year 1948 or within two and one-half months after the close thereof, but claims a deduction for the year 1948 with respect to the interest accruing on the note in that year. A, being on the cash receipts and disbursements basis, such interest is not includible in his gross income for the year 1948. By the application of section 24 (c), no deduction for such interest is allowable in computing the net income of the M Corporation for the year 1948.

(c) *Taxable years beginning after December 31, 1950.* For taxable years beginning after December 31, 1950, the application of section 24 (c) may be illustrated by the following example:

Example. Assume the same facts as in the example in paragraph (b) except that the year involved is 1952, and, in addition, that on January 15, 1953, the M Corporation prepared a check payable to the order of A in the amount of the interest for the year 1952. At all times thereafter, the check was available to A, and there were sufficient funds in the bank to cover the check. The check was not received by A until January 10, 1954. Under the circumstances, the amount is includible in the gross income of A when made available to him although not then actually reduced to possession. By reason of paragraph (1) (B) of section 24 (c), a deduction by M Corporation for the interest accrued for 1952 is not disallowed under the section even though the interest would not be includible in the gross income of A for the year 1952 provided that the interest is includible within two and one-half months thereafter. If the amount is actually paid before two and one-half months after the close of the taxable year, or if for tax purposes, it is to be treated by the payee as constructively received within that period, section 24 (c) does not disallow the deduction. For examples of constructive receipt of items of gross income, see § 29.42–3.

(d) *Taxable years beginning after December 31, 1945, and before January 1, 1951, where election made*—(1) *General rule.* For taxable years beginning after December 31, 1945, and before January 1, 1951, if the taxpayer makes an election as provided in subparagraph (2) of this paragraph, the provisions of section 24 (c), as amended by section 202 of the Technical Changes Act of 1953, and the principles set forth in the example in paragraph (c) of this section shall be applicable.

(2) *Rules relating to election.* (i) Section 202 (b) (2) of the Technical Changes Act of 1953 provides three alternative prerequisites to the making of an election to be subject to section 24 (c) as amended—either, under subparagraph (A), the payee included the amount in his gross income for the year in which it was includible; or, under subparagraph (B), the payee consents to the assessment and collection of any deficiency and interest due to the payee's failure to include the amount in gross income for such taxable year; or, under subparagraph (C), the taxpayer pays the amount which would be payable under subparagraph (B) had the payee filed a consent. The condition relied upon, that is, the inclusion in income by the payee, consent to assessment and collection by the payee, or payment by the payor, must be satisfied at or before the time when the election is filed.

(ii) The election shall be in the form of a statement in writing and shall state the name and address of the taxpayer making the election, and that the taxpayer elects to have the provisions of section 24 (c), as amended by section 202 of the Technical Changes Act of 1953, apply to specified taxable years beginning after December 31, 1945, and before January 1, 1951. A separate election shall be filed for each year. The election shall also include the name of the payee, the taxable year in which the amount was included in gross income by the payee (if included), and the district in which the return of the payee for that taxable year was filed. If the taxpayer is relying upon a consent by the payee pursuant to subparagraph (B) of said section 202 (b) (2), the taxpayer shall attach a copy of the consent upon which there is noted the time and place of filing of the original. If the taxpayer pays or has paid an amount pursuant to subparagraph (C) of said section 202 (b) (2) he shall state the amount of the payment and the date thereof. The election shall be signed by the taxpayer, if an individual, or, if the taxpayer is not an individual, the election shall be signed in the same manner as the income tax return of the taxpayer.

(iii) The written election must be filed on or before August 15, 1954, in the office of the district director of internal revenue for the district in which the return was filed for the taxable year to which the election relates. An election shall be considered as timely filed if it is placed in the mail on or before midnight of August 15, 1954, as shown by the postmark on the envelope containing the election or as shown by other available evidence of the mailing date.

(iv) A consent by a payee shall be filed in the office of the district director of internal revenue for the district in which his return was filed for the year to which the consent relates. A separate writing, signed by the payee, shall be filed for each year for which a consent is made.

(v) Payment by the taxpayer of an amount pursuant to subparagraph (C) of said section 202 (b) (2) shall be made to the district director of internal revenue for the district in which the taxpayer filed his return for the year to which the election relates.

(vi) A copy of the election must be filed with a claim for refund filed on or after the date on which the election is made. Section 202 of the Technical Changes Act of 1953 does not authorize a refund with respect to any taxable year which is barred by any law or rule of law.

(vii) An election which conforms in substance to the provisions of this section shall not be deemed invalid solely because it was filed prior to the date on which the amendment to the regulations in this section was promulgated.

Regulations 118 (26 CFR Part 39) are amended as follows:

PAR. 3. There is inserted immediately preceding § 39.24 (c)–1 the following:

SEC. 202. DEDUCTION OF CERTAIN UNPAID EXPENSES AND INTEREST (TECHNICAL CHANGES ACT OF 1953, APPROVED AUGUST 15, 1953).

(a) *Amendment of section 24 (c).* Paragraph (1) of section 24 (c) (relating to disallowance of certain deductions for expenses incurred and interest accrued) is hereby amended to read as follows:

(1) If within the period consisting of the taxable year of the taxpayer and two and one-half months after the close thereof (A) such expenses or interest are not paid, and (B) the amount thereof is not includible in the gross income of the person to whom the payment is to be made; and

(b) *Effective date.*

(1) * * * the amendment made by subsection (a) shall apply only with respect to taxable years beginning after December 31, 1950.

PAR. 4. Section 39.24 (c)–1 is amended to read as follows:

§ 39.24 (c)–1 *Disallowance of deductions for unpaid expenses and interest*—(a) *In general.* Section 24 (c) provides for the disallowance of a deduction for accrued but unpaid expenses and interest under the circumstances prescribed in paragraphs (1), (2), and (3) of section 24 (c). Unless all the conditions prescribed therein exist, the deduction is not disallowed. The provisions of section 24 (c) do not otherwise affect the general rules governing the allowance of deductions under the accrual method. Hence, if the expenses or interest are paid after the deduction has been disallowed, no deduction would be allowable for the taxable year in which payment is made.

(b) *Example.* The application of section 24 (c) may be illustrated by the following example:

A is the holder and owner of an interest bearing note executed by the M Corporation all of the stock of which is owned by him. A and the M Corporation make their income tax returns on the basis of a calendar year, but the M Corporation makes its returns on the accrual basis and A makes his returns on the cash receipts and disbursements basis. The M Corporation does not pay any interest on such note during the calendar year 1952 or within two and one-half months after the close thereof, but claims a deduction for the year 1952 with respect to the interest accruing on the note in that year. A, being on the cash receipts and disbursements basis, such interest is not includible in his gross income for the year 1952 or within two and one-half months thereafter. By the application of section 24 (c), no deduction for such interest is allowable in computing the net income of the M Corporation for the year 1952. However, if the interest payment had been made available to A on January 15, 1953, and the amount thereof was therefore includible in the gross income of A at that time, a deduction by M Corporation for the interest accrued for 1952 would not be disallowed under the section, since the condition of section 24 (c) (1) (B) (that the amount be not includible in the gross income of the payee during 1952 or the first two and one-half months of 1953) would not be satisfied. If the amount is actually paid before two and one-half months after the close of the taxable year, or if for tax purposes, it is to be treated by the payee, as constructively received within that period, section 24 (c) does not disallow the deduction. For examples of constructive receipt of items of gross income, see § 39.42–3.

[P. R. Doc. 54-2229; Filed, Mar. 29, 1954; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 918]

[Docket No. AO 219–A3]

HANDLING OF MILK IN MEMPHIS, TENNESSEE, MARETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Memphis, Tennessee, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C. not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the following findings and conclusions were formulated, was held at Memphis, Tennessee, on December 17, 18, 19 and 21, 1953, pursuant to notice thereof which was issued on November 25, 1953 (18 F. R. 7643).

The material issues of record related to:

1. The expansion of the marketing area to include all of Shelby county, Tennessee, and the city of West Memphis, Arkansas;

2. A change in the producer definition so that milk received at a fluid milk plant from any dairy farmer, which milk is eligible for sale as Class I milk in the marketing area would be priced under the order;

3. A change in the definition of fluid milk plant to include any milk distributing plant which disposes of at least 1 percent of its Class I milk to outlets located in the marketing area, and supply plants furnishing a substantial share of their milk to such distributing plants;

4. The inclusion in the order of specific language concerning the method to be used in accounting for skim milk sold in concentrated form;

5. The method to be used in the classification of inventories;

6. The inclusion of a price reflecting the value of milk used in cheese making as an additional alternative in calculating the basic formula price;

7. A revision in the basic utilization percentages and rates of price change used in the supply-demand adjustment;

8. A change in the bracket ranges used for determining the Class I price to bring about more gradual price changes;

9. The level of the Class II price;

10. The butterfat differentials used in adjusting the Class I and Class II prices;

11. The question of which plants and which milk would be eligible to receive the location adjustment credit;

12. A modification in the methods used for calculating equalization payments to prorate utilization of milk in different classes between producer members of cooperative associations and nonmembers; and

13. Miscellaneous administrative provisions.

Findings and conclusions. The findings and conclusions with respect to the material issues herein decided, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. The marketing area should be enlarged to include all of Shelby county, Tennessee, and to include the city of West Memphis in Arkansas.

The record shows that marketing conditions are similar throughout the proposed area and that the areas to be added are now served primarily by handlers subject to the order. The West Memphis portion of the market has developed rapidly during recent years. Population data show that the city has more than tripled in size since 1940. Much of this increase represents transfer in population from Memphis occasioned by the increase of suburbanization of the market and facilitated by the completion of a new bridge across the Mississippi River.

Until the latter part of 1952 this portion of the market was served exclusively by regulated handlers. Since that time, unpriced milk has begun to enter the market and has displaced an important share of the business of some regulated distributors. While the record indicates that base and excess prices paid producers by plants distributing this unpriced milk were not materially different from prices paid by regulated handlers, the unpriced milk was not purchased on a utilization basis. It is not possible to determine whether producers were paid a price for such milk which reflects its value for Class I use.

The quality of milk distributed in West Memphis is comparable to that distributed in the present marketing area. The city of West Memphis is under the jurisdiction of the Arkansas State Health Department. This department and the health authority of the city of Little Rock inspect the producers and plants supplying the unpriced milk sold in West Memphis. Regulations and enforcement thereof are on a comparable level with those in effect in the cities of Memphis and Jackson.

All of the milk sold in West Memphis by regulated handlers, which constitutes a substantial majority of the Class I sales in this area, is in the current of interstate commerce.

Ninety percent or more of the Class I milk distributed in Shelby county, Tennessee, except Memphis, comes from regulated plants. Three plants not under Order No. 18 distributed milk in this area during 1953. One additional plant which sells milk there is subject to Federal Order No. 77, regulating the handling of milk in the Paducah, Kentucky, marketing area.

Much of the populated area of Shelby county outside Memphis is part of the natural trade territory of the Memphis market. Commerce between Memphis and adjacent portions of Shelby county is such that the two areas should be considered part of the same market.

Health regulations in Shelby county are under the jurisdiction and enforcement of the Memphis City Health Department. The record indicates that the standards, degree of enforcement and quality of milk required to be distributed in Shelby county are equivalent to the standards applied in the present market area. The Millington Naval Base, which would be included in the marketing area pursuant to this decision, is under the jurisdiction of the health officer at the base. The record indicates that the quality of milk required by such authority is comparable to the quality of that distributed in the areas surrounding the base.

The milk supplied into Shelby county from the Paducah market is subject to the classification and pricing provisions of the Paducah order. Milk distributed by one of the distributors who is located in Covington, Tennessee, is paid for on a utilization basis and at prices comparable to those provided under the Memphis order. Milk may be and has been distributed in this area from unregulated sources and plants which do not pay for milk on a utilization basis.

The milk supplied into Shelby county from the Paducah handler is all in the current of interstate commerce. The milk from the Covington handler comes in part, particularly during the winter months, in bulk form from the out-of-State sources to the north. Other plants located in Conway, Arkansas, and Cape Girardeau, Missouri, distributed milk in Shelby county last year.

Inclusion of this enlarged area as part of the regulated market will insure against the displacement of producer milk by virtue of temporary advantage which other plants may obtain by not

meeting the standards of classified pricing provided under the Memphis order. This will tend to stabilize marketing conditions in these areas and place all milk distributors on an equal footing in competing for further business in the area. It will also assure producers supplying such milk of returns equal to those provided under the minimum prices of the order.

2. The producer definition should be amended so that the milk of any Grade A dairyman delivering to a fluid milk plant will be fully subject to the classification and pricing provisions of the order.

The order now provides that only milk produced by dairymen holding permits issued by the Memphis or Jackson health authorities and received by handlers under the order will be priced.

At the time the order was originally promulgated, the practices in the market were such that only plants which were receiving milk from producers holding permits issued by the appropriate health authorities were allowed to distribute milk in the market. Since that time, approval has been extended by the city of Memphis to plants in Arkansas which are under the inspection of the Little Rock and the State of Arkansas health authorities. The record indicates that inspection by a duly constituted health authority enforcing acceptable standards may now be accepted by the Memphis City Health Department with only occasional spot checks on the quality of the milk and the facilities through which it is handled. Producers supplying such plants are not required to hold Memphis City Health Department permits. Under the present order, milk so distributed in Memphis from such a plant is unpriced.

The record indicates that about 35 percent of the milk of an unregulated distributor is now being sold as Class I milk in Memphis. The volume of this milk is sufficiently important that it has been an important competitive factor in the market.

It is concluded, therefore, that the producer definition should be modified so that milk of Grade A quality received from producers at any fluid milk plant and distributed in the marketing area will be fully subject to the pricing provisions of the order.

3. The definition of a fluid milk plant should be amended to provide for two categories of such plants, namely distributing plants and supply plants.

All distributing plants should be fully subject to the classification and pricing provisions of the order if they dispose of 5 percent or more of their Class I sales to outlets (other than fluid milk plants) located in the marketing area. Included as part or all of the 5 percent may be sales through vendors or plant stores. It is necessary in order to stabilize marketing conditions in the market to provide that no plant may distribute as unpriced milk a substantial quantity of milk in competition with milk priced under the order. At the present time, one plant is distributing about one-third of its milk as unpriced milk in the marketing area. These sales have displaced sales of producer milk. The proposed definition of a fluid milk plant will help insure that displacement of milk may not be brought about with milk for which producers have not been paid at a full utilization value.

A 5 percent exemption should be provided, however, so that a plant from which only minor quantities of milk are distributed in the marketing area will not come under full regulation. It is concluded that the volume of milk represented by 5 percent of the Class I sales of any unregulated handler who might conceivably distribute milk in the marketing area would not be sufficient to disturb the competitive structure in the market. A larger percentage of the sales of such a handler might present an unstabilizing influence and the provisions of the attached order would present adequate justification for bringing such a handler under the pricing provisions of the order.

The record indicates that one of the major distributors who sells fluid milk throughout a large portion of the State of Arkansas does distribute some milk in West Memphis. Sales in the latter area represent a small proportion of such distributor's business. It is concluded that it would be inappropriate to regulate such a distributor with respect to his entire business, most of which is in competition with other unregulated distributors, if his sales in West Memphis amount to less than 5 percent of his total Class I business.

A plant which is not a fluid milk plant is not subject to the transfer provisions of the order. The determination as to the total Class I sales of such plant, in ascertaining whether or not it has 5 percent of its Class I sales in the area, should be based therefore on the form in which skim milk and butterfat is moved from the plant.

The definition of a fluid milk plant should include also those supply plants which furnish milk to distributing plants qualifying under the first portion of the definition. Furthermore, such supply plants must receive milk from producers who hold permits issued by a health authority having jurisdiction in the marketing area. This will insure that under present circumstances plants primarily in the business of supplying milk to Memphis distributing plants will be fully regulated.

On the other hand, plants furnishing only incidental or supplemental supplies would not be regulated. Considerable volumes of supplemental milk have been required in recent years to supply Memphis and Jackson Class I sales during months of short production. It might represent an unnecessary hardship to the market and interfere with the acquisition of needed supplemental supplies if the plants furnishing such milk were brought under the regulation of the Memphis order. The record does not indicate that producer milk has been displaced with unpriced milk obtained from such supply plants, or that the dairy farmers supplying such milk are not receiving the equivalent of Class I prices under the order for incidental or supplemental milk. A large share of the supplemental milk brought into the Memphis market comes from plants regulated pursuant to other Federal orders. Such milk would not in any case be subject to the pricing provisions of the Memphis order.

A definition of an approved plant should be included in the order to bring under the definition all plants selling Class I milk in the marketing area. An approved plant should be defined as a fluid milk plant or a plant from which Class I milk is sold to outlets located in the marketing area. Any person operating an approved plant should be defined as a handler and be subject to the reporting provisions of the order.

4. The order should be clarified with respect to the accounting procedure to be applied to condensed or concentrated nonfat milk solids classified as Class I milk.

The volume of skim milk used or disposed of as Class I milk products which contain condensed or concentrated nonfat milk solids in any form should be considered to be an amount equivalent to the volume of skim milk required to produce the nonfat solids contained in such products. The primary Class I milk products which would be affected by such accounting procedure under the Memphis order are buttermilk and low fat milk drinks.

Nonfat milk solids used to produce Class I milk products for sale in the Memphis market must come from Grade A sources. This is true whether or not such solids come from producers or from unregulated sources. It is also true regardless of the form in which such nonfat milk solids may be received. For this reason, fortified products or products containing added nonfat milk solids should continue to be considered as Class I milk. No question was raised at the hearing as to the propriety of such classification.

Buttermilk or low fat milk drinks are sometimes fortified by the addition of extra solids in order to improve their quality and acceptability to consumers. Increased content of nonfat milk solids improves the salability and value of such product.

The additional value of such products should be reflected back to producers to the extent that such solids or an equivalent volume of solids were provided by producers. The rate of return for such solids, and therefore the price under the order, should be the same for each pound of nonfat milk solids disposed of in a Class I product regardless of the actual form in which it may be marketed to consumers. No reason is recognized why one portion of the nonfat solids contained in fortified Class I milk products is different from any other portion with respect to cost of production, quality standards, need for regularity of supply, or value to consumers.

The pricing provisions of the order are designed to encourage production of adequate quantities of pure and wholesome milk for all Class I uses. The price required to insure such supplies of nonfat milk solids should be adequate to insure supplies of such solids for any Class I use. Solids used in fortified products should therefore be priced at the full Class I rate. In the absence of specific language in the order, the question may be raised whether the accounting system to be used in charging for nonfat solids in Class I could result in charges for skim milk only on the basis of the actual hundredweight of Class I milk disposed of, with no recognition of the actual nonfat solids content of such product.

The order provides that prices for Class I milk will be adjusted according to the actual butterfat content of the product. The amended order, as herein provided, would bring about a similar adjustment in price according to the nonfat milk solids content of the product.

No basis was suggested whereby it would be possible to adjust prices for nonfat solids content on a basis of an actual measurement of such content as is now done in connection with the butterfat differential provision of the order. As an alternative, to accomplish such an adjustment it is considered necessary to make an adjustment in the pounds of skim milk considered to have been disposed of when a Class I product is disposed of in a form of a product from which part of the original water content has been removed and not replaced. Such adjustment should be made on the basis of a determination of unconcentrated skim milk, disregarding any plant loss which may be involved, that would be required to produce the nonfat milk solids content in the end product.

This adjustment should be made without regard to the source of the milk solids used in Class I. The relationship between other source milk and producer milk now provided in the order with respect to allocation and classification should be the same regardless of the form in which the milk solids are obtained or utilized. Other source concentrated skim milk products utilized in a plant should be considered as receipt of the equivalent volume of skim milk which would be required in the production of such products.

In order to maintain a uniform accounting method, the volume of skim milk considered to have been received in concentrated form should be the same whether its ultimate disposition is as Class I or Class II milk. Such accounting system will have no effect on the classification of other souce milk used in Class II.

5. The order language should be clarified with respect to the classification and allocation of milk and milk products on hand at the beginning and end of the month.

The record indicates that more specific language should be included in the order with respect to (i) the products that should be considered as "inventory," (ii) the classification and allocation of butterfat and skim milk on hand at the end and the beginning of the month, and (iii) changes in inventory values as a result of the seasonal change in the Class I price differential.

The present method of considering bulk milk and cream and other Class I products on hand at the beginning and end of the month as inventory and classifying inventory in Class I should be continued. This procedure should be clarified by including inventory on hand at the end of the month in the definition of Class I milk and including a step in the allocation provision for subtracting beginning inventory from Class I milk.

Skim milk and butterfat which is used to produce or is disposed of as Class II milk is accounted for at the time of such use or disposition. It is not necessary, therefore, to include in the inventory account the Class II manufactured products on hand at the beginning or end of the month. Handlers are required to keep stock records of such products to facilitate the market administrator's auditing program. The accounting and reclassification procedures of the order may be simplified, however, by redefining other source milk to include skim milk and butterfat contained in all manufactured products which are reprocessed or used by the handler to produce another product. Such manufactured products include those originally manufactured by the handler, as well as products purchased from other handlers or from unregulated sources. By considering such products as other source milk receipts at the time they are reprocessed, and by subtracting receipts of other source milk from the available Class II utilization in the allocation procedure, current receipts of producer milk retain their priority on current sales of Class I milk.

In classifying inventories as Class I milk some safeguard should be provided to prevent any handler from obtaining supplies of producer milk at a lower cost than other handlers, through undue increases in inventory at the end of August just prior to the 40-cent seasonal increase in the Class I differential. Any gains experienced by a handler on such price increases may be offset in part, however, by losses on inventory at the end of February. The Class I differential is decreased 40 cents per hundredweight on March 1 of each year. Therefore, a safeguard against unfair gains may be provided by including a provision in § 918.70 ("Computation of Value of Milk") which requires an addition, in the month of September of each year, of an amount equal to 40 cents per hundredweight for any increase in ending inventory in August over the ending inventory of the preceding February. Under this provision a handler who had no inventory, or was not subject to regulation in the previous March would be charged 40 cents per hundredweight on all inventory of Class I milk carried from August to September.

Similar safeguards should be afforded current receipts of producer milk in any month during which a handler is subject to the regulation after having been unregulated during the previous month. This may be accomplished by adding to the pool value of such handler's producer milk, in the month when he becomes subject to regulation, an amount equal to the difference between the Class I and the Class II price on any decrease in inventory from the beginning to the end of such month. By following this procedure, current receipts of producer milk are assured full priority on Class I sales during the current month, and equity of cost is assured among handlers on all producer milk which is disposed of as Class I milk during such month.

6. A new formula to represent the general level of the value of milk used for cheese-making should be incorporated into the order as part of the basic formula price.

The basic formula price is now determined by using the higher of the prices calculated on the basis of a formula which reflects the value of milk used for butter and nonfat dry milk solids and the average of prices paid by 15 Midwestern condenseries. Two of the major outlets for manufacturing milk are represented by these two alternative prices. Inclusion of the formula herein recommended will provide for the reflection of the value of milk for cheese, the third major outlet for manufacturing grade milk.

The Class I price differential provided in the order is designed to provide the premium over manufacturing grade milk necessary to insure the market of an adequate supply of pure and wholesome milk for fluid use. It is necessary that this premium be added to the value of milk for the highest priced manufacturing outlet in order to avoid impairment of the differential. If one outlet for manufacturing milk were to yield a higher return to farmers than other outlets and such higher return were not reflected in increased Class I prices, the incentive to producers for producing milk for the fluid market as compared to manufacturing milk would be reduced. Supplies of milk for the fluid market might suffer as a result.

The record discloses that cheese manufacturing is one of the primary outlets for ungraded milk in the Memphis milkshed. It is considered appropriate, therefore, that the value for cheese-making be part of the basic formula under the order.

The cheese formula herein recommended provides an estimate of the value of milk for cheese manufacture on the basis of the monthly price for cheddar cheese in primary markets in Wisconsin, and the price of 92-score butter in Chicago. The 92-score butter price at Chicago is widely recognized and is now used for various purposes in the order. The price quotation for cheese in the primary markets of Wisconsin is based on a substantially larger volume of trading than other available cheese quotations. The price data for this quotation are gathered and reported by the official price reporting service of the Department of Agriculture. Fluctuations in these quotations reflect actual changes in rate of return to plants for a large share of the cheese produced in the State of Wisconsin.

Coupled with the yield factors for cheese and whey fat, and making allowance herein found appropriate, the above quotations have, in the past, produced an estimated price which was in close alignment with the prices actually paid farmers by Wisconsin cheese plants. The pay prices used for this comparison are those reported by the Agricultural Marketing Service.

Since the purchases of milk for cheese is highly competitive in the State of Wisconsin, the changes in value of milk

for cheese-making can be expected to be reflected more promptly in the cheese factory pay prices in that State than in less competitive areas. A substantial proportion of the cheese manufactured in the country is made in Wisconsin and quotations of prices received for cheese by Wisconsin plants are considered to be an adequate sample to reflect changes in the market value of cheese.

Use of Wisconsin prices for cheese and use of a formula based on prices paid farmers by Wisconsin cheese plants are considered appropriate also because most of the condenseries whose pay prices are included as one of the other basic formula factors are located in Wisconsin.

7. The basic utilization percentages in the supply-demand provision should be adjusted so they will not result in a lowering of Class I prices while the volume of producer milk is less than the market requires to keep Class I outlets supplied.

The schedule of utilization percentages which became effective November 1953 provides that the Class I price will be increased in the month of January if the supply of producer milk in October and November is less than 100 percent of Class I sales for the same months. These are the months when supplies of producer milk are at their lowest level in relation to Class I sales. Minimum utilization percentages below which Class I prices will be increased are varied upward from this point for other months according to the normal seasonal variations in the percentage of producer milk utilized in Class I milk.

Reductions in the Class I price are brought about whenever the volume of producer milk is more than 105 percent of Class I sales in October and November. Seasonal increases are reflected for other months in the maximum utilization percentage above which prices will be decreased.

Producer representatives stated that such reductions in price may be unwarranted. It was contended that the market is still short of milk when supplies are somewhat above the 105 percent level. Evidence was presented for the hearing record to show that other source fluid milk has been required by Memphis handlers in considerable volume in some months when milk shipments by producer members of the major cooperative association exceeded 105 percent of the Class I sales of such association for the month. This is to be explained in part because of fluctuations in production or sales during the month. While supplies of producer milk may have been adequate or more than adequate at one time in the month, they may have fallen short of requirements at another. Total supplies of milk (including other source milk) have exceeded 110 percent of Class I sales during some months when the market was short of producer milk.

Since the supply-demand provision of the order is based on two-month averages, it may bring about price reductions when substantial imports are required.

It is concluded, therefore, that the maximum percentage of 105 in the base utilization range for October and November should be amended to become 110 percent. The percentages for other months should be increased accordingly.

This change will make it unlikely that the Class I prices to producers will be decreased unless producers are expanding their production beyond the level which is necessary to keep Class I outlets fully supplied. Some price decreases could still result under this amendment even though minor quantities of milk were required to be imported. These should not be serious, however, and would come about only when production or consumption changes materially during a two-month base period.

It was contended at the hearing that both the upper and lower limits of the base utilization range should be increased. Producer representatives stated that the Class I price should be increased whenever production falls below 110 percent of Class I sales in the months of lowest production with corresponding increases in other months. Such a change would result in an increase in the Class I price of 10 to 40 cents over what it would otherwise be.

The hearing record does not warrant such an increase at this time. It was not shown that present prices will not result in adequate milk production over a period of time, or that the market is capable of handling efficiently all the Class II milk which might be forthcoming if the Class I price were increased. Percent of producer milk in Class II increased in 1952 over 1951, and was somewhat higher in the first seven months of 1953 than during similar months of 1952. Premiums over order prices were paid producers during the first part of this period, but not during 1953. In addition, the record discloses that an additional handler receiving milk from more than 100 producers not formerly supplying the Memphis market has recently started serving the market.

A serious drought was experienced in the milkshed during the latter part of 1953. Milk production fell off and Class I prices were increased under the supply-demand provision. No conclusion can be drawn on the basis of this period as to what long-term level of milk production may be expected with present prices by the producers who would be subject to the amended order herewith provided.

It is concluded, therefore, that no change should be made in the supply-demand provision of the order which would bring about earlier increases in the Class I price than now provided.

It was proposed at the hearing that the rate of price adjustment under the supply-demand provision be increased somewhat as milk supplies exceed or fall short of desirable levels. The proposal called for a greater rate of price increase or decrease in March and September than the order now provides. It was contended that the months proposed to be changed belong more appropriately, from the standpoint of supply conditions, to the month groups with higher rates of change. In order to make an adequate price adjustment in line with such supply conditions, and to offset to a limited extent the reduced sensitivity in the supply-demand adjustment which would result from the amendments heretofore proposed, it is concluded that the rate of price adjustment should be increased one cent for each point variation in the utilization percentage for the months of March and September.

8. The bracket ranges used in determining the Class I price should be eliminated and a stated differential provided in the order. It was contended on the hearing record that the 40 cent steps now called for under the order are too large. Such abrupt changes as have taken place in the past under the order call for too great an adjustment on the part of producers at one time.

The proposal originally submitted by the Mid-South Milk Producers Association would call for 20-cent steps and a somewhat lower average premium over the basic formula price. This proposal was amended at the hearing in such a way that it might result in an average increase in Class I prices over a period of time. For reasons stated heretofore, no changes in the Class I price, except those previously recommended, appear justified at this time. It is concluded, however, that more gradual Class I price changes would be desirable. For this reason the brackets should be eliminated and Class I differentials set at the midpoints of the present bracket ranges. This will eliminate the 20-cent steps as proposed. However, the Class I price may change in smaller steps than this because of the operation of the supply-demand adjustment. It is considered unnecessary, therefore, to try to preserve any bracket changes in the Class I price.

9. Under the present order the Class II price is determined by averaging the price paid farmers for ungraded milk at seven listed manufacturing plants. Four of these are condenseries and three are cheese plants. Of the three cheese plants, two have suspended operations and no longer buy milk from farmers. Thus, the Class II price is now determined by five manufacturing plants, four of which are condenseries.

It was proposed that two other cheese plants be substituted for the two plants which have discontinued operations. The Armour Cheese Plant, New Albany, Miss., and the Kraft Foods Plant at Corinth, Miss., were suggested for this purpose. The record shows that it is appropriate to provide a Class II price which reflects the competitive level of prices for manufacturing milk in this general area. The substitution of the two proposed plants will broaden the price determining base and more nearly reflect competitive manufacturing prices than the five plants presently employed. The proposal should be adopted.

The record also shows that, during the flush production season of 1953, handlers were unable to use the entire output of producer milk in Class II operations conducted in their plants. Substantial volumes of producer milk were transferred or diverted to nearby cheese plants for processing. A substantial proportion of this milk was transferred to one of the cheese plants now listed in the order and located at Olive Branch, Miss., eighteen miles from Memphis. This is the nearest, and the principal, outlet for seasonal reserve milk from this market. During April 1953 more than 60 percent of the total market volume of milk used in manufactured products was diverted to cheese plants. The corresponding figures for other months were—March 38 percent, May 45 percent, and June 17 percent. Prices paid by this plant for milk have been lower than the Class II prices under the order. The record shows that prior to the drought in the latter part of 1953 the level of production from local producers increased substantially. With the increase in milk production prevailing generally, the seasonal reserve supply of milk in the Memphis market during the Spring of 1954, which may have to be moved to cheese plants, may be even greater than during 1953. In order to promote more orderly marketing of such reserve supplies it is concluded that milk used in the production of cheddar cheese, from the effective date of this amendment through July 1954, should be priced at the average price paid by the three cheese plants which are proposed for use in determining the regular Class II price.

10. The butterfat differentials used in adjusting Class I and Class II milk prices should be reduced.

At present the Class I and Class II prices are subject to butterfat differentials, determined by multiplying the Chicago 92-score butter price by 0.125 and 0.120, respectively. It was proposed that the Class I differential be reduced to 0.120 for all months and the Class II differential reduced to 0.115 during the months of April through June of each year.

Data with respect to the Memphis market, since the order became effective, show that the average butterfat test of Class I milk has declined from 3.9 percent in 1951 to 3.7 percent in 1953. According to records of the proponent cooperative association, the average test of producer milk has shown a slight downward trend from an average of 4.4 early in 1940 to 4.2 percent during the past few years. The present butterfat differential to producers is slightly less than 0.110 times the price of butter.

Nevertheless, the butterfat contained in total receipts of producer milk has exceeded total Class I utilization of butterfat in each month since the order has been in effect. In contrast, the skim milk contained in producer milk has been insufficient to supply Class I requirements for several months in each year. The adoption of a lower butterfat differential for Class I milk will tend to encourage greater use of butterfat by handlers in their Class I operations and bring about a closer balance between producer receipts and Class I utilization of butterfat.

The present Class II butterfat differential of 0.120 times the price of butter has overstated the value of butterfat in Class II milk. When the value of four pounds of butterfat has been subtracted from the Class II price it has resulted in a negative value for skim milk in Class II milk during several months of 1953. A reduction of the Class II butterfat differential from 0.120 to 0.115 will bring about a more reasonable allocation of the Class II milk price between the skim milk and butterfat components. A somewhat lower differential should be provided during April, May, and June than in other months. This is the season of the year when the greatest quantity of reserve milk must be used by handlers for Class II products or diverted to manufacturing plants. A lower differential is necessary at this time to enable handlers to dispose of seasonal surpluses.

It is concluded, therefore, that the Class I butterfat differential should be 0.120 and the Class II differential 0.115 except during the months of April, May, and June, when such ratio should be 0.110 times the price of butter.

11. The location differential provision with respect to Class I milk should not be amended to make them dependent upon the type of plant where the milk is received or the form in which the milk may be moved. It was contended on the hearing record that the f. o. b. market Class I price should apply to all fluid milk distributing plants regardless of their location.

The Class I price under the Memphis order is established at a level which is intended to reflect the price necessary to yield a sufficient supply of pure and wholesome milk for the Memphis market. The price quoted reflects the value of such milk f. o. b. Memphis. Milk produced at a distance from the center of consumption in the regulated market is worth less than the Class I price, so far as the market is concerned, by the amount of the cost involved in transporting such milk to the market center. Provision is made in the order, therefore, that if the handler receives Class I milk at a distance from the market, he may reduce the price paid producers for such milk by an amount which is related to the cost of hauling such milk by an efficient means to the market.

Once the value of the milk to the Memphis market has been established on the basis of its distance from the market, the Class I price fixed under the order at such location should be the same for all persons who buy Class I milk at that location, regardless of how the milk may be moved, or where or to whom it may be marketed.

Since the milk is being priced under the order only in relation to the regulated market, values of individual lots of milk for sale to alternative markets must be ignored. If any milk at any location has a greater value for sale in another market than it has for sale in Memphis, reliance must be placed on the price competition from such market to bring about the sale of milk to the most advantageous outlet. The general level of Class I prices under the Memphis order must reflect overall competition but cannot be subject to individually tailored price adjustments in different portions of the potential supply area. It would be impossible to price milk under the Memphis order at any location in relation to its value for sale to the many other markets to which it might be sold.

The purpose of the pricing provisions of the Memphis order is not to price milk for such markets but only for the regulated market. To price milk on the basis of the type of plant which receives the milk, or the form in which milk is moved, or the location to which marketed outside the regulated area would result in a cost inequity as among handlers for milk in relation to the marketing area. The provisions herein recommended will result in an equality of minimum cost for Class I milk for all handlers in view of the cost of hauling such milk to market. Milk purchased at a distance from the market cannot be sold in the market without incurring costs of movement for all milk so marketed. The rate of location differential allowed in the order represents an equitable allowance to reflect costs of hauling bulk tank milk.

Producer representatives from the Jackson, Tennessee, portion of the marketing area contended that that section of the market should not be subject to a location differential. Milk is not ordinarily moved from Jackson to Memphis and, therefore, no such transportation cost is involved. Said representatives did contend, however, that the Class I price should be less in Jackson by approximately the amount of the present location differential, since Class I milk in that market is worth less than in Memphis because of the competitive conditions that have prevailed in the area. An f. o. b. Memphis price, it was contended, would place Jackson producers and handlers in an unsound situation.

As stated heretofore, the location differential provisions of the order do not contemplate that the Class I milk so priced will necessarily be transported to the central market. They merely establish the pattern of minimum pricing levels to be charged Order No. 18 handlers for milk at the various distances in relation to the central market in Memphis. To make the changes as proposed by the Jackson producers would merely accomplish an unnecessary change in terminology of the order.

The order should be amended to specify which milk shall be assigned to Class I milk (and therefore subject to a location differential) when milk is moved between fluid milk plants.

The order presently provides that the same minimum price shall be paid for Class II milk wherever it may be received. There is little, if any, difference in the value of milk for manufacturing in the various locations of the milkshed which may be attributed to its location with respect to the market.

Under the present provisions of the order all handlers are charged the same price for the Class II milk they receive, and are then free to market such milk through whatever movements or dispositions they find most advantageous to themselves. Producers are not expected to bear any of the costs associated with the methods by which the various handlers market such milk.

In case a handler receives milk at a fluid milk plant located some distance from the market, such handler should be expected either to leave such milk in the country for processing, or if he finds it preferable to transport such milk to the city for Class II use, the cost of such haul should not be charged against the producer's price for the milk.

Therefore, an amendment is provided in the attached order which would assign any milk brought to a plant in Memphis

from a plant in the areas where location differentials apply, to any Class II use in the Memphis plant. This will allow a handler to recover transportation costs on necessary movements of Class I milk, and will encourage efficiency in the marketing of Class II milk.

12. The method used for calculating equalization payments for pro-rating the utilization of milk between producer members of cooperative associations and non-members should be modified.

The present method of determining each handler's base and excess price for producer milk during March through August provides for an adjustment when the association handles more than its pro-rata share of any reserve milk supply in Class II milk. This adjustment is intended to equalize the prices received for milk by members of an association and non-member producers. The present order (§ 918.72 (c)) does not accomplish full equalization of returns as intended. This can be remedied by dividing the adjustment provided under the present order by the proportion of the handler's total receipts of producer milk received from non-member producers during the month. The record indicates that the entire provision should be rewritten for clarification and changed to accomplish its intended purpose.

13. A number of miscellaneous changes of an administrative nature are required in order to effectuate the changes in regulation found necessary in this decision. These changes involve primarily the definitions and reporting provisions of the order.

Pursuant to this decision, an approved plant which disposes of less than 5 percent of its Class I milk in the marketing area would not be fully regulated. Such plant should submit regular monthly reports, however, which will permit determination of its status under the order. Also, the plant should be subject to the administrative assessment on that milk distributed in the marketing area. This will help defray the costs of administering the order with respect to such plant. Also, it will mean that all Class I milk disposed of in the marketing area by all handlers will be subject to such assessment.

As a conforming change, all Class II products used or reprocessed in the plant out of inventory or from other handlers or from any other source are designated as other source milk. This will facilitate reporting and accounting and classification of inventories.

All Class I milk products transferred between fluid milk plants would be subject to reporting and to reclassification under the transfer rules. This will avoid unnecessary accounting, but will provide adequate safeguards to insure the proper classification of producer milk.

Pursuant to this decision, members of cooperative associations which do not pay producers may become subject to the order. Changes in order language provided herewith would assure proper treatment of such producers and associations.

The entire order has been redrafted, including the proposed amendments, so that the various changes herein found necessary may be more readily appraised in relation to the overall order.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons concerning issues on which decision is herein recommended were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order, as amended. The following order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the following order, as amended:

DEFINITIONS

§ 918.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 918.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the power or to perform the duties of the said Secretary of Agriculture.

§ 918.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 918.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 918.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congres of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 918.6 *Memphis, Tennessee, marketing area.* "Memphis, Tennessee, marketing area," hereinafter called the "marketing area", means all the territory within the boundaries of the following political subdivisons: Shelby County and the city of Jackson, both in Tennessee and the city of West Memphis in Arkansas.

§ 918.7 *Fluid milk plant.* "Fluid milk plant" means (a) any plant from which not less than 5.0 percent of the Class I milk of such plant is disposed of during the month on routes (including sales through vendors or plant stores) to retail or wholesale outlets (except other fluid milk plants) located in the marketing area, or (b) any plant receiving milk from farmers holding dairy farm permits or ratings issued by a health authority having jurisdiction in the marketing area, and from which milk, skim milk or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section.

§ 918.8 *Approved plant.* "Approved plant" means a fluid milk plant or any plant from which Class I milk is disposed of during the month on routes (including sales through vendors or plant stores) to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

§ 918.9 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing or bottling plant other than a fluid milk plant.

§ 918.10 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant, or (b) any cooperative association with respect to milk of its producer members diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such cooperative association.

§ 918.11 *Producer.* "Producer" means any person except a producer-handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is (a) received at a fluid milk plant or (b) diverted from a fluid milk plant to a nonfluid milk plant for the account of a handler: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

§ 918.12 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer and received at the fluid milk plant directly from producers, or diverted pursuant to § 918.11.

§ 918.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 918.41 (a) (1) except (1) such products received from other fluid milk plants or (2) producer milk; and

(b) Products from any source (including those produced by the handler) designated as Class II milk pursuant to § 918.41 (b) (1) which are reprocessed or converted to another product during the month.

§ 918.14 *Producer-handler.* "Producer-handler" means any person who operates an approved plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers.

§ 918.15 *Chicago butter price.* "Chicago buter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 918.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 918.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 918.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 918.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 918.96, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 918.30 and 918.31 or payments pursuant to § 918.90;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing on or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 918.51 (a) and the Class I butterfat differential computed pursuant to § 918.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 918.51 (b) and the Class II butterfat differential computed pursuant to § 918.52 (b), both for the previous month;

(j) Notify each handler in writing on or before the 11th day of each month the amount of the net obligation of such handler for milk received from producers during the previous month. Such notification shall show the amount and the value of milk in each class, the amount and the value of overage, and the amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the 13th day after the end of each of the months of September through February, the uniform price and the location differential for each handler computed pursuant to §§ 918.71 and 918.93, respectively, and the butterfat differential computed pursuant to § 918.92, and

(2) On or before the 13th day after the end of each of the months of March through August, the uniform prices for base milk and for excess milk and the location differential for each handler computed pursuant to §§ 918.72 and 918.93, respectively, and the butterfat differential computed pursuant to § 918.92; and

(l) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 918.30 *Reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 918.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of Class I milk on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 918.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 8th day after the end of the month, for each of his fluid milk plants the correct name and address or appropriate identification of each producer, the total pounds of milk received from each producer, the number of days on which milk was received from each producer, the amount of any deductions authorized in writing by the producer to be made in making payments to such producer, and the average butterfat content of the milk received from each producer.

(2) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 918.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled; and

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 918.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 918.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at fluid milk plants and which is required to be reported pursuant to § 918.30 shall be classified by the market administrator pursuant to the provisions of §§ 918.41 through 918.46.

§ 918.41 *Classes of utilization.* Subject to the conditions set forth in §§ 918.43 and 918.44, the class of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (including sour cream) and any mixture in fluid form of skim milk and cream (except eggnog, ice cream mix, and milk or skim milk disposed of and used for livestock feed); (2) contained in inventory of milk and milk products designated as Class I milk pursuant to subparagraph (1) of this paragraph, on hand at the end of the month; and (3) not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section, (2) disposed of and used for livestock feed, and (3) in shrinkage up to 2 percent of skim milk and butterfat in producer milk and other source milk.

§ 918.42 *Shrinkage.* The market administrator shall allocate shrinkage over receipts at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat assigned to Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 918.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect, or if reused in Class I milk after first being classified as Class II milk.

§ 918.44 *Transfers.* Skim milk or butterfat disposed of from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 918.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 918.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 918.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to producer milk;

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 918.41 (a) (1);

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonfluid milk plant, unless the following conditions are met:

(1) The transferring handler claims utilization in a product specified in § 918.41 (b);

(2) The operator of the nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant, and the market administrator is permitted to audit such books and records for the purpose of verification; and

(3) An amount of skim milk and butterfat not less than that so transferred or diverted from fluid milk plants was used during the month in the nonfluid milk plant in the Class II milk product in which utilization was claimed: *Provided*, That skim milk and butterfat so transferred or diverted in excess of such utilization shall be assigned to Class I milk.

§ 918.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plants of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 918.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 918.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 918.42 (b);

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk contained in inventory on hand at the beginning of the month which were classified as Class I milk in the preceding month;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from the fluid milk plants of other handlers in the form of products designated as Class I milk in § 918.41 (a) (1), according to its classification as determined pursuant to § 918.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 918.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section and § 918.51 (b), rounded to the nearest whole cent, shall be known as the basic formula price.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the month by 0.6;

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct five cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, and multiply by 7.5.

(c) The price resulting from the following calculations:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("cheddars," f. o. b. Wisconsin assembly points, cars or truckloads) as reported by the U. S. D. A. during the month;

(2) Add 0.902 times the Chicago butter price for the month;

(3) Subtract 34.3 cents; and

(4) Add an amount computed by multiplying the Chicago butter price for the month by 0.6.

§ 918.51 *Class prices.* Subject to the provisions of §§ 918.52 and 918.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.28 for the months of March through August, and $1.68 for all other months;

(2) Add if the net utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than the base utilization range, an amount determined by multiplying such net utilization percentage by the appropriate rate as follows:

Pricing months:	Rate (cents)
January-March	3
April-June	1
July-August	3
September-December	4

(3) The figure calculated for each month as follows shall be known as the net utilization percentage: Divide the net pounds of Class I milk disposed of from all fluid milk plants for the second and third preceding months into the total volume of producer milk for the same months, multiply by 100, round to the nearest whole percentage number and determine the amount by which such number exceeds the higher figure or is less than the lower figure of the appropriate base utilization range in the following table:

Pricing month	Second and third preceding month	Base utilization range
January	October-November	105-110
February	November-December	101-111
March	December-January	106-116
April	January-February	110-120
May	February-March	112-122
June	March-April	119-129
July	April-May	128-138
August	May-June	128-138
September	June-July	124-134
October	July-August	122-132
November	August-September	115-125
December	September-October	109-116

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Olive Branch Cheese Co., Olive Branch, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Kosciusko, Miss.
Kraft Foods Co., Corinth, Miss.
Armour Creameries, New Albany, Miss.

§ 918.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 918.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the previous month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11 for the months of April through June, and by 0.115 for all other months.

§ 918.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located 40 miles or more from the City Hall in Memphis, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 918.41 (a) (1) to another fluid milk plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 918.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the fluid milk plant where such milk is received from producers:

Distance from the City Hall in Memphis (miles):	Rate per hundredweight (cents)
40 but less than 50	17
50 but less than 60	18
For each additional 10 miles or fraction thereof	An additional 1 cent

Provided, That for purposes of calculating such location differential, products so designated as Class I milk which are transferred between fluid milk plants shall be assigned to any Class II milk remaining in the transferee-plant after making the calculations prescribed in § 918.46 (a) (1) and (2) and the comparable steps in § 918.46 (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

APPLICATION OF PROVISIONS

§ 918.60 *Producer-handlers.* Sections 918.40 through 918.46, 918.50 through 918.53, 918.70 through 918.72, 918.80 through 918.83, and 918.90 through 918.97 shall not apply to a producer-handler.

§ 918.61 *Plants subject to other Federal orders.* In the case of any fluid milk plant which the Secretary determines disposes of a greater portion of its milk as Class I milk on retail or wholesale routes in another marketing area regulated by another order issued pursuant to the act that is disposed of as Class I milk on retail or wholesale routes (including sales through vendors) in the Memphis marketing area, and which would be subject to the classification and pricing provisions of such order, the provisions of this order shall not apply except as follows: The operator of such plant shall, with respect to the total receipts and utilization of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 918.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plants during each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; (e) from the effective date hereof through July 1954, deduct for each hundredweight of producer milk which was allocated to Class II pursuant to § 918.46 and which was either used in the production of American type cheeses or assigned to such products pursuant to § 918.44 (c), any amount by which the price of Class II milk exceeds the average of the prices reported pursuant to § 918.51 (b) for the plants located at Corinth, New Albany and Olive Branch, Mississippi; and (f) add for each month of September an amount calculated by multiplying by 40 cents the hundred-

weight by which the inventory classified pursuant to § 918.41 (a) (2) for the preceding month exceeds such inventory for the preceding February.

§ 918.71 *Computation of uniform prices for handlers.* For each of the months of September through February, the market administrator shall compute for each handler with respect to his producer milk a uniform price as follows:

(a) Add to the amount computed pursuant to § 918.70 the total of the location differential deduction made pursuant to § 918.93;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for the preceding month;

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. market.

§ 918.72 *Computation of the uniform price for base milk and for excess milk for handlers.* For each of the months of March through August, the market administrator shall compute for each handler with respect to his producer milk a uniform price for base milk and for excess milk as follows:

(a) Add to the amount computed pursuant to § 918.70 the total of the location differential deductions made pursuant to § 918.93;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Subtract, for each of the months of March through August, any amounts resulting from the following computations for each cooperative association which is a handler pursuant to § 918.10 (b) and from whose producers the handler receives milk:

(1) Compute the percentage which milk received from members of the cooperative association was of total producer milk during the preceding period of September through February;

(2) Compute the percentage which milk received from members of such cooperative association was of total producer milk during the month;

(3) Multiply any amount by which the percentage computed pursuant to subparagraph (1) of this paragraph exceeds the percentage computed pursuant to subparagraph (2) of this paragraph by the total hundredweight of Class I milk allocated to producer milk during the month; and

(4) Multiply this resultant quantity of milk by the difference between the Class I price and the Class II price for the month and divide the resultant figure by the proportion of producer milk which was purchased from producers not members of such cooperative association: *Provided*, That if the combined deductions so calculated for all handlers with respect to the milk of any cooperative association exceed an allowable credit calculated by multiplying the difference between the Class I and Class II prices by the total quantity of Class II milk allocated to all producer members of such cooperative association during the month, such deductions shall be reduced pro rata for each handler to equal such allowable credit:

(d) Add, for each cooperative association which is a handler, the sum of the deductions made for such cooperative association pursuant to paragraph (c) of this section;

(e) Add the amount represented by any deductions made for eliminating fractions of a cent in computing uniform price(s) for the preceding month;

(f) Subject to the conditions set forth in paragraph (g) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(g) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (f) of this section from the value obtained pursuant to paragraphs (a) through (e) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (f) of this section;

(h) Divide the value obtained pursuant to paragraph (g) of this section by the hundredweight of base milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. the market; and

(i) Divide the value obtained pursuant to paragraph (f) of this section by the hundredweight of excess milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 918.80 *Determination of daily base of each producer.* For the months of March through August of each year, the daily base of each producer shall be an amount of milk computed by the market administrator by dividing the total pounds of milk received from such producer by handlers during the preceding months of September through February by the total number of days in such period.

§ 918.81 *Determination of monthly base of each producer.* For each of the months of March through August of each year, the monthly base of each producer shall be an amount of milk computed by the market administrator by multiplying the daily base of such producer by the number of days on which milk was received during such month from such producer by a handler.

§ 918.82 *Base rules.* (a) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle.

(b) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of the landlord and tenant may be combined and may be divided when such relationship is terminated.

(c) The base of a producer may be moved from one handler to another and may be transferred from such producer to another producer.

§ 918.83 *Announcement of daily bases.* On or before March 20 of each year, the market administrator shall notify each producer of his daily base.

PAYMENTS

§ 918.90 *Payments to market administrator.* On or before the 12th day of each month, each handler shall pay to the market administrator an amount equal to such handler's net obligation for the previous month for milk received from producers at his fluid milk plant(s) as determined pursuant to § 918.70, less proper deductions authorized in writing by such producers. The market administrator shall maintain a separate fund into which he shall deposit all payments of handlers received pursuant to this section and out of which he shall make all payments pursuant to § 918.91.

§ 918.91 *Payments to producers.* The market administrator shall pay each producer in the manner prescribed in paragraphs (a) and (b), or (c) of this section for milk received by a handler from such producer: *Provided*, That if such handler has not made full payment for the month pursuant to § 918.90, the market administrator shall reduce uniformly payments to such handler's producers and shall complete such payments after receiving the balance due from such handler.

(a) On or before the 15th day after the end of the months of September through February, the market administrator shall pay each producer for milk received by a handler from such producer during the month an amount computed by multiplying the hundredweight of such milk by not less than the uniform price computed for such handler pursuant to § 918.71, subject to the adjustments specified in §§ 918.92, 918.93, and 918.96, and less proper deductions authorized in writing by such producer.

(b) On or before the 15th day after the end of each of the months of March through August, the market administrator shall pay each producer for milk received by a handler from such producer during the month, subject to proper deductions authorized in writing by such producer and subject to the adjustments specified in §§ 918.92, 918.93 and 918.96, an amount computed as follows:

(1) Multiply the hundredweight of base milk received from such producer by such handler by not less than the uniform price for base milk computed for such handler pursuant to § 918.72;

(2) Multply the hundredweight of excess milk received from such producer by such handler by not less than the uniform price for excess milk computed for such handler pursuant to § 918.72; and

(3) Add together the resulting sums.

(c) In the case of a cooperative association which is authorized by its members to collect payment for milk and which has so requested, the market administrator shall pay, on or before the 2d day prior to the date payments are due pursuant to paragraphs (a) and (b) of this section, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to this section.

§ 918.92 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 918.91 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate shown in the schedule below, according to the price range within which the Chicago butter price for the month falls:

Butter price range (cents):	Rate (cents)
Not more than 17.500	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

§ 918.93 *Location differentials to producers.* In making payment to producers pursuant to § 918.91, the applicable uniform prices to be paid for producer milk received at a fluid milk plant located 40 miles or more from the City Hall in Memphis, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the fluid milk plant where such milk was received at the following rate:

Distance from the City Hall in Memphis (miles):	Rate per hundredweight (cents)
40 but less than 50	17
50 but less than 60	18
For each 10 miles or fraction thereof	An additional 1 cent.

§ 918.94 *Statement to producers.* In making the payments pursuant to § 918.91, the market administrator shall furnish each producer or cooperative association with a statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The delivery period and the identity of the handler and the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer;

(c) The minimum rates at which payment to the producer or cooperative association is required under the provisions of §§ 918.91, 918.92 and 918.93.

(d) The amount or rates per hundredweight of each deduction, together with a description of the respective deductions; and

(e) The net amount of payment to the producer or cooperative association.

§ 918.95 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due the market administrator from such handler, or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 918.96 *Marketing services*—(a) *Deductions.* The market administrator in making payments to producers pursuant to § 918.91 shall (1) deduct 7 cents per hundredweight or such amount not exceeding 7 cents per hundredweight as may be prescribed by the Secretary, with respect to milk (other than milk of a handler's own production) of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association or (2) if so requested by a cooperative association, deduct such amount as may be authorized by the producer members of such association from the payment to be made to such producers for whom the cooperative is performing the services specified in paragraph (b) of this section and pay such amounts to the cooperative association on or before the date for making payment to producers.

(b) *Marketing services to be rendered.* The moneys received by the market administrator pursuant to paragraph (a) (1) of this section shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

§ 918.97 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, for such month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk received at a fluid milk plant and classified as Class I milk and (c) Class I milk distributed to retail or wholesale outlets (including sales through vendors or plant stores) in the marketing area from a plant other than a fluid milk plant.

§ 918.98 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was re-

ceived if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 918.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 918.101.

§ 918.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision hereof whenever he finds this subpart or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 918.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 918.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 918.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 918.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 25th day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2237; Filed, Mar. 29, 1954; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 64]

[Docket No. 10971]

CHARGES FOR GOVERNMENT TELEGRAPH COMMUNICATIONS

TERM

In the matter of charges for United States Government Telegraph Communications, amendment of Part 64 of the Commission's rules and regulations (miscellaneous rules relating to Common Carriers); Docket No. 10971.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 64.310 *Term* of Subpart C (United States Government Foreign and Overseas Telegraph Communications), of Part 64 of the Commission's rules and regulations, to read as follows:

§ 64.310 *Term.* The provisions of this subpart shall continue in effect through June 30, 1955, unles changed by order of the Commission.

Reason for change. It is necessary under the applicable cable landing licenses that the Commission act annually and the section in its present form provides that the provisions of Subpart C shall continue in effect through June 30, 1954.

3. No changes are now being proposed in the other provisions of Subpart C

4. The proposed amendment is issued under authority of sections 4 (i) and 601 (b) of the Communications Act of 1934, as amended, and pursuant to the provisions of the permits or licenses granted by the President of the United States, giving the Postmaster General authority to fix rates and charges for United States Government telegraph communications transmitted by any carrier or carriers subject to the terms of such permits or licenses, which authority was transferred to the Commission by section 601 (b) of the Communications Act.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 30, 1954, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: March 24, 1954.

Released: March 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2231; Filed, Mar. 29, 1954; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARKANSAS

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 24, 1954.

An application, number 1814073, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, of the lands described below was filed on February 26, 1954, by the Department of the Army, Office of the Chief of Engineers.

The purposes of the proposed withdrawal: Construction, operation and maintenance of the Norfolk Reservoir.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VI, Bureau of Land Management, Department of the Interior at Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN

T. 20 N., R. 13 W.,
Sec. 12, SE¼NE¼ and NE¼SE¼.

R. J. MCCORMICK,
Acting Regional Administrator.

[F. R. Doc. 54-2212; Filed, Mar. 29, 1954; 8:49 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 19, 1953.

An application, serial number BLM 036169, for the withdrawal from all forms of appropriation under the public land laws, except mining laws and mineral leasing laws of the lands described below was filed on January 23, 1953, by the Department of Agriculture. The purposes of the proposed withdrawal: Transfer of public lands in South Dakota to Department of Agriculture for administration by the Forest Service.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region III, Bureau of Land Management, Department of the Interior, at Billings, Montana. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN

T. 6 N., R. 1 E.:
Sec. 17: W½SW¼,
18: E½SE¼.
T. 2 S., R. 7 E.:
Sec. 19: W½NE¼SW¼,
29: E½W½NE¼, W½SE¼NW¼.
T. 3 S., R. 1 E.:
Sec. 20: N½NW¼, SE¼SE¼SE¼.
21: S½S½,
28: SE¼SW¼,
29: N½NE¼,
30: Lot 1,
31: SE¼NE¼.
T. 4 S., R. 1 E.:
Sec. 4: SW¼NW¼,
33: NW¼NE¼, S½NE¼, SE¼,
34: N½SW¼, SW¼SW¼.
T. 4 S., R. 2 E.:
Sec. 31: Lots 2, 4,
32: SW¼SE¼.
T. 5 S., R. 1 E.:
Sec. 1: Lot 2,
2: Lot 3, SW¼NE¼, SE¼NW¼, N½SE¼,
10: NW¼SE¼,
22: W½SW¼, SE¼,
25: SW¼NE¼, W½SE¼,
26: SE¼SE¼,
27: SW¼NW¼, NE¼SE¼,
35: NE¼, NE¼SE¼, Lot 4.
T. 5 S., R. 2 E.:
Sec. 18: NE¼NW¼,
30: SE¼SW¼,
31: NE¼NW¼,
32: S½NE¼, SE¼, S½SW¼,
33: SW¼, N½SE¼.
T. 5 S., R. 6 E.:
Sec. 28: SW¼SW¼.
T. 6 S., R. 1 E.:
Sec. 1: Lots 2, 3, 4, S½NW¼, SW¼, SW¼NE¼,
2: Lot 1, SE¼NE¼, E½SE¼, SW¼SE¼,
6: SE¼NE¼,
8: Lot 2,
12: W½NW¼,
21: SW¼SE¼,
28: W½NE¼, SE¼NW¼.
T. 6 S., R. 2 E.:
Sec. 1: N½NE¼, NE¼NW¼,
3: N½SW¼,
4: NE¼SE¼,
5: N½N½, SE¼NE¼,
6: N½NE¼, E½NW¼, Lots 1, 2.
T. 6 S., R. 2 E.:
Sec. 7: SE¼SW¼,
11: NW¼SE¼,
12: W½SE¼, SE¼SE¼,
25: NE¼NW¼,
34: Lot 3, NW¼SE¼.
T. 6 S., R. 3 E.:
Sec. 3: Lot 3,
6: Lots 3, 4, SE¼SW¼,
10: SE¼SW¼,
15: W½NW¼, SE¼NW¼, SW¼NE¼,
24: N½NE¼SW¼NE¼,
31: Lots 1, 2.
T. 6 S., R. 6 E.:
Sec. 30: Lot 1,
32: SW¼SE¼.
T. 7 S., R. 1 E.:
Sec. 3: SE¼SE¼,
4: E½SW¼,
8: N½SW¼,
10: NE¼SE¼,
11: W½NW¼, NW¼SW¼,
12: NE¼SW¼,
14: SE¼NE¼,
17: N½SE¼, NE¼SW¼,
18: N½NE¼,
24: SE¼SE¼,
26: NW¼NW¼,
27: NE¼NE¼.
T. 7 S., R. 2 E.:
Sec. 3: SE¼NE¼,
18: NE¼SW¼,
34: NE¼, SE¼NW¼.
T. 7 S., R. 3 E.:
Sec. 3: Lots 3, 4, S½SW¼,
10: NE¼NE¼, N½SE¼, NE¼SW¼,
11: W½NW¼.
T. 7 S., R. 6 E.:
Sec. 5: SE¼SE¼,
8: NE¼NE¼,
20: SE¼,
21: SW¼, SW¼SE¼,
26: W½SE¼, SE¼SE¼,
28: SW¼NW¼,
29: N½NE¼, SE¼NE¼,
35: NE¼, E½SW¼.
T. 8 S., R. 2 E.:
Sec. 2: SW¼SW¼,
3: SE¼SE¼, Lot 2,
8: SE¼SW¼, SW¼SE¼,
10: NE¼,
11: N½NW¼,
12: NW¼NE¼,
22: NE¼SE¼,
27: NE¼NW¼.
T. 8 S., R. 3 E.:
Sec. 21: S½NE¼, N½SE¼,
22: SW¼NW¼, N½SW¼, SE¼SW¼,
28: SE¼NW¼, SW¼NE¼, NW¼SE¼, NE¼SW¼.
T. 9 S., R. 3 E.:
Sec. 2: SE¼SE¼, W½SE¼,
11: N½NE¼,
13: SW¼NE¼.
T. 9 S., R. 4 E.:
Sec. 3: SW¼SE¼,
10: NW¼NE¼,
11: NE¼NE¼.
T. 9 S., R. 5 E.:
Sec. 11: S½SW¼, NE¼SW¼,
14: N½NW¼, N½SW¼,
15: N½, NW¼SW¼,
17: S½N½, N½NE¼,
24: NE¼NE¼.
T. 9 S., R. 6 E.:
Sec. 10: NW¼SE¼.

The areas described aggregate 10,246.35 acres.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 54-2213; Filed, Mar. 29, 1954; 8:49 a. m.]

WYOMING

RESTORATION ORDER UNDER FEDERAL POWER ACT

MARCH 19, 1954.

Pursuant to determination DA-127, Wyoming, of the Federal Power Commission issued October 13, 1953, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to entry under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and provided further that the United States, its permittees or licensees shall not be held liable for any damage to the entryman's workings or improvements resulting from the construction, operation, or maintenance of hydroelectric power facilities authorized by the United States.

SIXTH PRINCIPAL MERIDIAN

T. 55 N., R. 94 W.:
Sec. 4: Lot 7,
5: SE¼SE¼,
8: NE¼NE¼,
9: Lots 2 and 3.

The areas described aggregate 211.62 acres.

The topography of the land is gently rolling, and the vegetative cover is of a desert type consisting principally of saltbrush, sagebrush, needle-and-thread grass and blue-bunch wheat grass.

The Yellowtail Reservoir as presently proposed for construction by the Bureau of Reclamation will inundate a small area in the southeast corner of Lot 7, Sec. 4, and therefore will be required by the Bureau of Reclamation. This lot is classified as primarily valuable and suitable for use in connection with the development program of the Bureau of Reclamation and is proposed for withdrawal for such purposes.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application,

or shall be so classified upon consideration of an application.

The land described shall be subject to application by the State of Wyoming for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right of way for public highways or as a source of materials for the construction and maintenance of such highways, subject to section 24 of the Federal Power Act as amended.

This order shall not otherwise affect the status of the land until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time the land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. Sec. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager of the Land and Survey Office, Cheyenne, Wyoming.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 54-2214; Filed, Mar. 29, 1954; 8:49 a. m.]

[Wyoming O22477]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 19, 1954.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 14 N., R. 114 W.;
Sec. 36. SW¼.

The area described aggregates 160 acres.

The lands are rolling to steep in topography, and the soil is sandy and gravelly with some clay. Sustained cultivation of the land is prohibited due to the rough topography and unfavorable soil. The lands are entirely surrounded by other public land, and Sage Creek, a perennial stream, flows through the land in a southwesterly to northeasterly direction. The lands afford access to Sage Creek for stock watering purposes. The natural drift of livestock to and from seasonal ranges is along Sage Creek. The land is primarily suited for grazing use, access to Sage Creek for stock water and stock trailing purposes.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90 day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request from the Manager of the Land and Survey Office, Cheyenne, Wyoming.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 54-2240; Filed, Mar. 29, 1954; 8:49 a. m.]

Office of the Secretary

OUTER CONTINENTAL SHELF

GEOLOGICAL AND GEOPHYSICAL EXPLORATIONS

Pursuant to the notice issued by the Secretary of the Interior on September 17, 1953, concerning geological and geophysical explorations in the outer Continental Shelf (18 F. R. 5667), a cooperative agreement has been entered into with the Louisiana Wild Life and Fisheries Commission covering the protection and conservation of aquatic life. In accordance with the provisions of the said notice as supplemented by the cooperative agreement, any person, as defined in section 2 (d) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462), is hereby authorized to conduct geological and geophysical explorations in that part of the outer Continental Shelf seaward of the submerged lands of the State of Louisiana upon condition (1) that his operations shall be confined to such area or areas as may be designated and approved by the Regional Oil and Gas Supervisor of the United States Geological Survey, (2) that he has obtained appropriate permission for such explorations from the Corps of Engineers, Department of the Army, and (3) that, for the protection and conservation of aquatic life, he files with the said Regional Oil and Gas Supervisor and with the Louisiana Wild Life and Fisheries Commission his stipulation agreeing to comply with the requirements of the regulations of the said Commission governing the methods and inspection of and restrictions upon geological and geophysical explorations in the submerged lands of the State of Louisiana, which regulations are hereby adopted as the regulations of the Secretary of the Interior applicable to that part of the outer Continental Shelf seaward of the submerged lands of the State of Louisiana.

The enforcement of the regulations hereby adopted is delegated to the Regional Oil and Gas Supervisor of the United States Geological Survey, and he may accept the assistance of the State of Louisiana in the enforcement of the said regulations. This general authorization to conduct geological and geophysical explorations is subject to termination upon not less than 60 days' notice published in the FEDERAL REGISTER, and the authorization to conduct such explorations may be terminated as to any person upon reasonable notice.

Dated: March 23, 1954.

DOUGLAS MCKAY,
Secretary of the Interior

[F. R. Doc. 54-2215; Filed, Mar. 29, 1954; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 46 (Amended)]

DIRECTOR OF OFFICE OF FACILITIES OPERATIONS AND MANAGEMENT AND HEADS OF CERTAIN PRIMARY ORGANIZATION UNITS

DELEGATION OF CONTRACTING AUTHORITY

SECTION 1. *Purpose.* The purpose of this order is to delegate contracting authority to the Director of the Office of Facilities Operations and Management and to the heads of certain primary organization units of the Department of Commerce and to provide for the redelegation of such authority.

SEC. 2. *Delegation.* .01 Pursuant to the provisions of section 161 R. S. (5 U. S. C. 22), and Reorganization Plan No. 5 of 1950, the Director of the Office of Facilities Operations and Management for those primary organization units served by the Office of Facilities Operations and Management (which include the Office of the Secretary, Office of Business Economics, Business and Defense Services Administration and the Bureau of Foreign Commerce) and the head of each other primary organization unit of the Department of Commerce are hereby authorized, subject to provisions of applicable laws and regulations, to approve and execute:

(1) Advertised contracts and accompanying bonds, including annual bid bonds;

(2) Any contract which is supplemental to an advertised contract; and

(3) Negotiated contracts and accompanying bonds, including annual bid bonds, or any contract supplemental thereto. (For the purpose of this order, a negotiated contract is one entered into without advertising, whether or not it falls within any of the exceptions mentioned in R. S. 3709 (41 U. S. C. 5).)

.02 Any contract and supplement thereto and amendments thereof for services by a management or any other consulting firm shall be approved by the Assistant Secretary of Commerce for Administration, regardless of amount, prior to execution.

.03 The authority delegated by section 2.01 of this order shall not include authority to execute negotiated contracts under Executive Order No. 10210 of February 2, 1951, unless and until appropriate regulations relating thereto are issued by the Secretary.

.04 The Director of the Office of Facilities Operations and Management and the heads of primary organization units delegated authority under section 2.01 of this order may redelegate such authority whenever they deem it necessary or desirable.

SEC. 3 *Services of the Office of the General Counsel.* .01 Primary organization units other than the Civil Aeronautics Administration, Bureau of Public Roads, and the Maritime Administration shall submit (a) any advertised contract and accompanying bonds, including annual bid bonds, in excess of $25,000, (b) any contract in excess of $10,000 which is supplemental to an advertised contract, and (c) any negotiated contract and accompanying bonds, including annual bid bonds, in excess of $500 or any contract supplemental thereto to the Office of the General Counsel for legal clearance prior to approval and execution.

.02 The services of the Office of the General Counsel shall continue to be available to all primary units of the Department for legal advice on matters pertaining to contracts, supplements thereto, and bonds. Any such instruments involving unusual circumstances, regardless of the amount involved, shall be submitted to this Office for approval as to legal form and effect.

SEC. 4 *Effect on other orders.* This order supersedes Department Order No. 46 (Amended) of August 16, 1951 (16 F. R. 8298), and Amendment 1 thereto of August 13, 1953 (18 F. R. 4895). Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby amended or superseded accordingly.

Effective date: March 16, 1954.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54-2219; Filed, Mar. 29, 1954; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Alabama Textile Products Corp., Panama City, Fla., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Alabama Textile Products Corp., Brantley, Ala., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Alabama Textile Products Corp., Andalusia, Ala., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts, work pants, etc.).

Altoona Factories, Inc., 1715 Eleventh Avenue, Altoona, Pa., effective 3–25–54 to 3–24–55; 10 learners for normal labor turnover purposes (hunting coats, pants and vests).

The Andala Co., Andalusia, Ala., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts and pants).

Barbizon of Utah, Inc., 150 West Twelfth N. Provo, Utah, effective 4–10–54 to 4–9–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Brook Manufacturing Co., Inc., First and Miles Streets, Old Forge, Pa., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Burlington Manufacturing Co., Concordia, Mo., effective 3–30–54 to 3–29–55; 10 learners for normal labor turnover purposes (pants, shirts and jackets).

Dickson-Jenkins Manufacturing Co., 202 St. Louis, Fort Worth, Tex., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (pants, shirts, jackets, etc).

Edgefield Shirt Co., Inc., Swainsboro, Ga., effective 4–1–54 to 3–31–55; 5 learners for normal labor turnover purposes (work shirts).

El-Jay Dress Manufacturing, Inc., Main Street, Childs, Pa., effective 3–18–54 to 3–17–55; 6 learners for normal labor turnover purposes (ladies' dresses).

Elloree Garment Corp., Elloree, S. C., effective 3–19–54 to 3–18–55; 10 learners for normal labor turnover purposes (night gowns and pajamas).

Enterprise Manufacturing Co., Enterprise, Ala., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Glen of Michigan, Div., Rhea Manufacturing Co., 77 Hancock St., Manistee, Michigan, effective 3–18–54 to 3–17–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (learners are not authorized to be employed at subminimum wage rates in the production of skirts) (dresses, blouses, etc.).

The Hercules Trouser Co., Manchester, Ohio, effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pants).

Humberland Dress Co., 31 North Spruce Street, Mount Carmel, Pa., effective 3–23–54 to 3–22–55; 10 learners for normal labor turnover purposes (children's dresses).

The Jay Garment Co., Brookville, Ind., effective 4–1–54 to 3–31–55; 10 learners for normal labor turnover purposes (children's overalls).

The Jay Garment Co., Portland, Ind., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work clothing).

K & K Novelty Co., 882 Market Street, Kingston, Pa., effective 3–19–54 to 3–18–55; 5 learners for normal labor turnover purposes (learners are not authorized to be employed at subminimum wage rates in the production of skirts) (ladies' dresses and blouses).

A. Lore, Inc., 53 Pike Street, Port Jervis, N. Y., effective 3–18–54 to 3–17–55; 5 learners for normal labor turnover purposes (children's underwear).

McNeer Dillon Co., 550 South Center, 433½ Western Avenue, 739 Shelton Avenue, Statesville, N. C., effective 3–18–54 to 3–17–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

New England Shirt Co., Inc., 7 Montgomery Street, Danbury, Conn., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal turnover purposes (shirts).

Regal Mfg. Co., 3915 Main Street, Dallas, Tex., effective 3–16–54 to 3–15–55; 5 learners for normal labor turnover purposes (service uniforms).

Sancar Corp., 28 West Rock Street, Harrisonburg, Va., effective 3–28–54 to 3–27–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Semco, Inc., 145 Maxwell Avenue, Greenwood, S. C., effective 3–17–54 to 3–16–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

The Shirtcraft Co., Inc., Lurgan Street, Shippensburg, Pa., effective 3–18–54 to 3–17–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress and sport shirts).

The Solomon Co., Leeds, Ala., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dress trousers and jackets).

Strutwear, Inc., Glencoe, Minn., effective 3–23–54 to 3–22–55; 7 learners for normal labor turnover purposes in the production of women's blouses and women's lingerie from purchased woven fabric (women's blouses and lingerie).

Sun Garment Co., Twelfth and Penn Streets, St. Joseph, Mo., effective 3–23–54 to 3–22–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Triple A Trouser Manufacturing Co., 1431 Capouse Avenue, Scranton, Pa., effective 3–25–54 to 3–24–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers).

Troy Textiles, Inc., Troy, Ala., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

United Pants Co., Inc., Shoemaker Street, Swoyerville, Pa., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (pants and jackets).

United Pants Co., Inc., 222–228 Beade Street, Plymouth, Pa., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (pants).

The Warner Brothers Co., Thomasville, Ga., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (corsets and brassieres).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F. R. 8633).

Budd Cigar Co., 309 Sixth Avenue, Dothan, Ala., effective 4-1-54 to 9-30-54; 140 learners for expansion purposes. Cigar machine operating, 320 hours; Cigar packing (cigars retailing for 6c or less), 160 hours; Machine stripping, 160 hours; each 65c an hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Wells Lamont Corp., Mount Vernon, Tex., effective 3-17-54 to 3-16-55; 10 learners for normal labor turnover purposes (leather work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Bachelors' Friend Hosiery Co., 1200 West Market Street, York, Pa., effective 3-23-54 to 3-22-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Murray Hosiery Mills Co., Murray, Ky., effective 3-16-54 to 3-15-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Burlington Mfg. Co., Inc., 130 South Street, Waymart, Pa., effective 3-23-54 to 3-22-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's polo shirts).

Emkay Mfg. Co., 205 West Sixth Street, West Wyoming, Pa., effective 3-19-54 to 3-18-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (swimsuits, girdles and brassieres).

Hamburg Knitting Mills, Inc., Hamburg, Pa., effective 4-1-54 to 3-31-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies', men's and children's underwear).

Holeproof Hosiery Co., Luxite Division, Cullman, Ala., effective 4-4-54 to 4-3-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and sleepwear).

Strutwear, Inc., Glencoe, Minn., effective 3-23-54 to 3-22-55; 3 learners for normal labor turnover purposes in the production of women's lingerie from purchased knit fabric (women's lingerie).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

Diane Footwear, Inc., 92 South Empire Street, Wilkes-Barre, Pa., effective 3-19-54 to 3-18-55; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Penn Footwear Co., Corner Line and Grove Streets, Nanticoke, Pa., effective 3-19-54 to 3-18-55; 10 learners for normal labor turnover purposes.

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Airflex, Inc., Military Road, K 11 H 7, Bayamon, P. R., effective 3-15-54 to 9-14-54; 24 learners. Assembly operations and polishing, 160 hours at 45¢ an hour (metal expansion watch bands).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C. this 22d day of March 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-2216; Filed, Mar. 29, 1954; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6078]

AIR AMERICA, INC., ET AL.; COMPLIANCE PROCEEDING

NOTICE OF ORAL ARGUMENT

In the matter of a complaint against Air America, Inc., and certain allegedly associated companies, including Air America Agency Corporation, Air America Agency, Inc., Airline Reservations, Inc. (New York), Airline Reservations, Inc. (Illinois), and Airline Tickets, Inc., filed by American Airlines, Inc., and charging aforesaid respondents, together and severally, with violations of section 411 of the Civil Aeronautics Act of 1938, as amended, and with violations of § 291.1 (a) of the Board's Economic Regulations.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on April 20, 1954, at 10:00 a.m., (e. s. t.), in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 24, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2205; Filed, Mar. 29, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Memorandum No. 1346]

ASSIGNMENT OF DEFENSE MOBILIZATION FUNCTIONS WITHIN THE U. S. DEPARTMENT OF AGRICULTURE AND RELATED DELEGATIONS OF AUTHORITY

A. *Purpose.* The purpose of this memorandum is to assign responsibility and to delegate authority within the U. S. Department of Agriculture for the administration of designated defense mobilization functions assigned or delegated to the Secretary of Agriculture or the Department in Executive orders and defense mobilization or other directives under the Defense Production Act of 1950 as amended, the Universal Military Training and Service Act, the National Security Act, the Export Control Act, and the Strategic and Critical Materials Stock Piling Act.

B. *Explanation of attached schedule.* The attached schedule, which is a part of this memorandum, indicates the assignment of major defense mobilization functions within the U. S. Department of Agriculture. Functions have been decentralized whenever possible, although some central coordination is necessary in order to provide a balanced and integrated program. Responsibility for central liaison and coordination is placed in the Commodity Stabilization Service. Coordinating functions are listed in the right-hand column of the schedule. The remaining functions are listed in the left-hand column together with the name of the responsible Service or other agency. Functions are arranged according to the legal authority under which they are conducted.

C. *Official responsibility.* 1. Acting under general supervision of the appropriate Assistant Secretary or group director, the head of each Service or other agency of the Department designated in the schedule shall see that the defense mobilization functions assigned to his agency are carried out. The necessary authority is hereby delegated to him. He may, at his discretion, reassign or redelegate such responsibility and authority within his agency.

2. Close cooperation will be necessary among all officials of the Department to whom these assignments and delegations are made. It is suggested that the head of each agency named designate an official to serve as liaison on such matters with other agencies so as to facilitate central coordination.

D. *General.* This memorandum supersedes Secretary's Memorandum No. 1270 of September 15, 1950, "Delegation of Functions under the Defense Production Act" [1] as revised on March 9, 1951,[2] and Secretary's Memorandum No. 1283 of February 26, 1951, "Assignment of Manpower Responsibilities." Other documents are superseded to the extent they are inconsistent, but nothing in this memorandum shall affect the validity or force of actions taken under previous assignments of responsibility or delegations of authority relating to defense mobilization functions.

The foregoing provisions constituting Secretary's Memorandum No. 1346 were issued March 3, 1954.

This notice is issued at Washington, D. C., this 23d of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[1] 15 F. R. 6424.
[2] 16 F. R. 2446.

DEFENSE MOBILIZATION FUNCTIONS OF THE U. S. DEPARTMENT OF AGRICULTURE

I. FUNCTIONS UNDER DEFENSE PRODUCTION ACT AND EXECUTIVE ORDER 10480 WHICH PERTAIN TO FOOD—INCLUDING RELATED PLANNING FOR VARIOUS STAGES OF MOBILIZATION

A. Food [1] requirements and allocations

Specific functions	Agency assignments	Central coordinating functions—CSS
[illegible] requirements and distribution controls for individual food [illegible] Determining supplies for current period and for stepped-up and [illegible]n (through supply estimates committees). [illegible]ing supplies with requirements (and adjusting requirements if necessary) in current period and for stepped-up and full mobilization, and determining probable deficiencies as a basis for current allocation recommendations or for any expansion of stocks or production which might be needed in relation to stepped-up and full mobilization (through commodity allocation subcommittees or comparable device). Planning stand-by distribution system for stepped-up and full mobilization. Administering food orders as necessary (e. g., foodorder applicable to fruits and vegetables for military procurement).	CSS [2]—Cotton. AMS—Dairy. CSS [2]—Fats and oils. AMS—Fruits and vegetables. CSS [2]—Grain. AMS—Livestock, meat and wool. AMS—Poultry. [illegible] [illegible]	Cooperating with the Office of Defense Mobilization in development of overall assumptions to be used in determining supplies and requirements under stepped-up and full mobilization. Gathering food requirements from civilian, military and foreign claimants in current period, and for stepped-up and full mobilization in accordance with prescribed assumptions. Correlating overall food requirements and supplies currently and for stepped-up and full mobilization. Participating in analysis of requirements and capacity sponsored by the Office of Defense Mobilization. Making recommendations regarding food production and stock levels under conditions of stepped-up and full mobilization. Analyzing and making recommendations regarding current allocations and food orders and following up with approval authority.[3] Providing membership on Interagency Food Committee.
Civilian claimant: Serving as claimant for civilian requirements for current period and stepped-up and full mobilization. Determining arrangements to relate over-all allocations to consumer [illegible] (See V-H below)	AMS [illegible]	(Coordinating functions same as above.)
Foreign claimant: Serving as claimant agent for foreign requirements in current period and stepped-up and full mobilization. Determining shares to be distributed to individual foreign claimants.	FAS [illegible]	

B. Production-procurement programs under section 303 of the Defense Production Act

Program and policy formulation: Formulating production-procurement programs for certification by the Office of Defense Mobilization and approval of Directors of Commodity Credit Corporation. Preparing instructions for guidance of Commodity offices and State and county offices. Formulating policy with respect to disposal of stocks acquired under such programs. Following up to determine results.	CSS [illegible]	Maintaining liaison with the Office of Defense Mobilization regarding program certification. Coordinating Office of Defense Mobilization action with Board of Directors of Commodity Credit Corporation. Providing representation on Interagency Materials Advisory Committee of the Office of Defense Mobilization in order to assist in formulation of overall policy relating to production-procurement functions.
Field operations: Issuing operating instructions to field offices. Carrying out procurement and sales operations for all commodities (through Commodity offices). Applying incentives to encourage expansion of domestic production (through State and county committees).	CSS [illegible]	

C. Non-food materials and facilities essential to production, processing, and distribution of food

[illegible]nts, capacity and distribution actions for individual non-food [illegible] [illegible]mining requirements for current period and under stepped-up [illegible]mobilization and full mobilization. [illegible]ing existing capacity for production and distribution. [illegible]mending necessary facilities expansion programs to produce [illegible]tal requirements in light of any current, stepped-up and [illegible]mobilization deficiencies. [illegible]ing recommendations regarding special tax amortization [illegible]section 302 loan cases for essential facilities. [illegible]ping plans and procedures for domestic distribution control in event of stepped-up or full mobilization. (For farm machinery and equipment, fertilizer, and farm construction materials only.)	CSS—Farm machinery and equipment for all farm commodities. CSS—Fertilizer. CSS—Pesticides. CSS—Farm supplies. CSS—Fuels and energy. CSS—Farm transportation. CSS—[illegible]tion material Food processing machinery; equipment [illegible] and containers and processing materials used in food production, processing and distribution of: AMS—Cotton. AMS—Dairy. CSS—Fats and oils. AMS—Fruits and vegetables. AMS—Grain. AMS—Livestock, meat, and wool. AMS—Poultry. CSS—Sugar. AMS—Tobacco.	Correlating and assembling requirements for current period, stepped-up mobilization, and full mobilization covering all non-food and facility requisites and presenting to the Office of Defense Mobilization or appropriate delegate agencies. Participating in analysis of requirements and capacity sponsored by the Office of Defense Mobilization. Reviewing and approving proposed expansion goals and justifying before the Office of Defense Mobilization or other delegate agencies. Correlating and recommending to the Office of Defense Mobilization tax amortization and Section 302 loan actions. Correlating and approving plans for domestic distribution of farm machinery and equipment, commercial fertilizer and allocation of construction materials under stepped-up and full mobilization. Participating with the Office of Defense Mobilization and other delegate agencies in the development of stand-by basic materials distribution systems and stand-by orders applicable to non-food materials generally as they relate to food requisites. Providing representation on related committees of the Office of Defense Mobilization and appropriate delegate agencies. (Coordinating functions same as above.)
Requirements and capacity for particular types of food processing and distribution facilities (including private storage). Analyzing and determining existing processing and distribution capacity. Determining requirements under stepped-up and full mobilization. Recommending necessary expansion programs in light of possible current period and stepped-up and full mobilization deficiencies. Preparing recommendations regarding specific tax amortization [illegible]section 302 loan cases. Determining requirements for construction materials in stepped-up and full mobilization. [illegible]ring stand-by plans for allocation of construction materials.	AMS—Cotton. AMS—Dairy. CSS—Fats and oils. AMS—Fruits and vegetables. AMS—Grain. AMS—Livestock, meat and wool. AMS—Poultry. CSS—Sugar. AMS—Tobacco. AMS—Distribution facilities through the wholesale level.	

[1] The term "food" is used generally in this schedule as it is defined in Executive Order 10480, namely:
All commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing [illegible] the products thereof in vendible form for human or animal consumption. * * * The term "food" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wood, mohair, hemp, flax fiber, and naval stores, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product.

[2] Commodity Stabilization Service (CSS) will plan stand-by food distribution systems in cooperation with Agricultural Marketing Service (AMS).

[3] Approving or certifying authority will work closely with officials responsible for central coordination.

DEFENSE MOBILIZATION FUNCTIONS OF THE U. S. DEPARTMENT OF AGRICULTURE—Continued

I. FUNCTIONS UNDER DEFENSE PRODUCTION ACT AND EXECUTIVE ORDER 10480 WHICH PERTAIN TO FOOD—INCLUDING RELATED PLANNING FOR VARIOUS STAGES OF MOBILIZATION—continued

C. Non-food materials and facilities essential to production, processing, and distribution of food—Continued

Specific functions	Agency assignments	Central coordinating functions—CSS
Requirements relating to particular types of transportation and warehousing. Determining probable requirements for transportation and warehousing for food in period of stepped-up and full mobilization.	AMS—Cotton. AMS—Dairy. CSS—Fats and oils. AMS—Fruits and vegetables. AMS—Grain. AMS—Livestock, meat and wool. AMS—Poultry. CSS—Sugar. AMS—Tobacco. AMS—Distribution facilities through the wholesale level.	

D. Manpower related to food

On farm Determining relation of food requirements to manpower needs in general farm production in current period, and in stepped-up and full mobilization. Developing recommendations on essential activities and critical occupations.	CSS	Coordinating all manpower activities in USDA. Compiling and submitting production, processing and marketing data and data on manpower implications to manpower agencies as basis for planning current period and stepped-up and full mobilization requirements. Working with manpower agencies in development of programs and policies for current period, and for stepped-up and full mobilization. Cooperating with the Office of Defense Mobilization and Department of Labor in relation to manpower phases of the analysis of requirements and capacity sponsored by the Office of Defense Mobilization. Providing representation on: Interagency Committee on Essential Activities and Critical Occupations—Departments of Commerce and Labor. Special Farm Labor Advisory Committee—Department of Labor. Interdepartmental Committee on International Labor Policy—Department of State.
Food processing and distribution: Determining relation of food requirements to manpower needs in current period and in stepped-up and full mobilization. Developing recommendations on essential activities and critical occupations.	AMS—Cotton. AMS—Dairy. CSS—Fats and oils. AMS—Fruits and vegetables. AMS—Grain. AMS—Livestock, meat, and wool. AMS—Poultry. CSS—Sugar. AMS—Tobacco. AMS—Food distribution generally through wholesale level.	
Manpower research relating to farm matters: Studies relating to on-farm labor saving equipment and practices, farm man-hour requirements and special area surveys.	ARS	
Manpower research relating to marketing: Studies relating to manpower in marketing channels and overall labor studies.	AMS	
Manpower education and training.	Extension Service	

E. General

Representation on Defense Mobilization Board of Office of Defense Mobilization.[6]	Secretary	
Representation on Manpower Policy Committee of Office of Defense Mobilization.[6]	Under Secretary	
Representation on Central Coordinating Committee and Interagency Regional Committees on Defense Mobilization of Office of Defense Mobilization.	CSS	

II. MISCELLANEOUS DEFENSE PRODUCTION ACT FUNCTIONS NOT DIRECTLY RELATED TO FOOD—INCLUDING RELATED PLANNING FOR VARIOUS STAGES OF MOBILIZATION

A. REA borrowers

Requirements for REA borrowers: Estimating electric power requirements for REA borrowers in stepped-up and in full mobilization for submission to claimant agency. Preparing stand-by plans for distribution of construction materials to borrowers.	REA	

B. U. S. Department of Agriculture

Requirements for construction and repair: Estimating construction and repair materials and facilities required by USDA in stepped-up as well as full mobilization for submission to claimant agency.	Office of Plant and Operations	
Requirements for operating equipment and supplies: Estimating operating equipment and supplies required by USDA in stepped-up as well as full mobilization for submission to claimant agency.	Office of Budget and Finance	

C. Forest products

Forest products production Participating with the Office of Defense Mobilization and the Department of Commerce in connection with activities related to production of forest products.	Forest Service	

[6] This representation should be coordinated with defense mobilization work generally through Item 1 of this schedule.

DEFENSE MOBILIZATION FUNCTIONS OF THE U. S. DEPARTMENT OF AGRICULTURE—Continued

III. FUNCTIONS RELATING TO SELECTIVE SERVICE UNDER UNIVERSAL MILITARY TRAINING AND SERVICE ACT

Specific functions	Agency assignments	Central coordinating functions—CSS
[illegible] [illegible]sisting Selective Service in applying farm deferment policies in [illegible]al areas (through State and county committees).	CSS	Assisting Selective Service in working out policies regarding deferments on farm and in the food industry generally. Preparing instructions and procedures for issuance to field offices with respect to USDA participation in Selective Service activities.
[illegible]ocessing and distribution: [illegible]mining relation of Selective Service program to manpower [illegible]ds in food processing and distribution.	AMS—Cotton. AMS—Dairy. CSS—Fats and oils. AMS—Fruits and vegetables. AMS—Grain. AMS—Livestock, meat and wool. AMS—Poultry. CSS—Sugar. AMS—Tobacco. AMS—Food distribution generally through wholesale level.	

IV. FUNCTIONS RELATING TO PLANNING FOR FACILITIES PROTECTION AND POST-ATTACK REHABILITATION UNDER NATIONAL SECURITY ACT

[illegible]s protection and post-attack rehabilitation for particular types [illegible] Determining critical food facilities of national significance and [illegible]veloping criteria for the designation of facilities which are [illegible]itical in local areas. [illegible]eloping and recommending physical protection standards for [illegible]al facilities and food inventories. [illegible]eloping a program of post-attack rehabilitation for food facilities [illegible]which are significant to national food supplies and for categories of [illegible]cilities likely to have local significance. [illegible]sting in carrying out pre-attack actions for physical protection [illegible]d physical rehabilitation. This will involve working directly [illegible]th major food facilities and advising community organizations [illegible]n measures which relate to facilities of local significance.	AMS[5]—Cotton. AMS[5]—Dairy. CSS[5]—Fats and oils. AMS[5]—Fruits and vegetables. AMS[5]—Grain. AMS[5]—Livestock, meat, and wool. AMS[5]—Poultry. CSS[5]—Sugar. AMS[5]—Tobacco. AMS[5]—Food distribution generally through wholesale level.	Correlating work and preparing overall program and reports. Providing representation on Facilities Protection Board and Industrial Defense Committee, both of the Office of Defense Mobilization; also participating as necessary in work of Industry Evaluation Board of the Department of Commerce.

V. FUNCTIONS RELATING TO STABILIZATION PLANNING UNDER NATIONAL SECURITY ACT

A. Price stabilization planning for full mobilization[6]

Price controls for individual commodities: Planning minimum level of control, keeping in mind other USDA program objectives and commodities to be controlled. Planning the point or points in farm-to-market system at which prices should be frozen. Planning price differentials which could be applied under longer range regulation.	CSS—Cotton. AMS—Dairy. CSS—Fats and oils. AMS—Fruits and vegetables. CSS—Grain. AMS—Livestock, meat, and wool. AMS—Poultry. CSS—Sugar. CSS—Tobacco.	Maintaining liaison and coordinating action with the Office of Defense Mobilization.
Intercommodity problems and overall plans: Making recommendations with respect to intercommodity problems in price plans. Planning best type of long-range regulations and relationship to regular price programs of USDA.	CSS	(Coordinating functions same as above.)

B. Consumer rationing[7]

		Consumer rationing planning for full mobilization. Maintaining liaison with the Office of Defense Mobilization.

VI. FUNCTIONS RELATING TO FOOD PROCUREMENT COORDINATION UNDER NATIONAL SECURITY ACT

		Developing overall plan for coordination of all Government food procurement in full mobilization, taking into account relation to allocations, area and timing of purchases and availability of manpower.

VII. FUNCTIONS RELATING TO ASSISTANCE TO INTERNATIONAL ORGANIZATIONS ENGAGED IN MOBILIZATION PLANNING (I. E., NORTH ATLANTIC TREATY ORGANIZATION)

International data, overall reports and liaison: Preparing data relating to international situation. Preparing overall reports and position papers. Maintaining liaison with backstopping group in Department of State. Providing representation on international committees.	FAS	Preparing data and reports relating to domestic mobilization plans.

VIII. FUNCTIONS RELATING TO SECURITY PHASES OF EXPORT CONTROL UNDER EXPORT CONTROL ACT

International data, overall reports and liaison: Determining relation of security export program to international situation. Preparing or reviewing overall reports. Providing representation on Advisory Committee on Export Policy of the Department of Commerce and related committees.	FAS	Determining relation of security export programs to domestic supplies (chiefly supplies of non-food materials).

[5] If a project affects other areas, appropriate assignments will be made to other agencies of USDA.

[6] Wherever price stabilization planning involves technical computations relating to parity prices, it is understood that data will be obtained from the Agricultural Marketing Service.

[7] If planning of consumer food rationing and food procurement coordination becomes more active, it may be necessary to decentralize some of the work following a pattern somewhat similar to that used for price stabilization planning. Rationing planning should also be correlated with civilian requirements planning.

DEFENSE MOBILIZATION FUNCTIONS OF THE U. S. DEPARTMENT OF AGRICULTURE—Continued

IX. FUNCTIONS UNDER STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT [1]

A. Commodities in which USDA has direct interest (i. e., oils such as castor oil, coconut oil, palm oil, sperm oil; cordage fiber and wool; medicines or insecticides from plant derivatives such as quinine, quinadine, pyrethrum; rubber, tannin)

Specific functions	Agency assignments	Central coordinating functions—CSS
Basic data and expansion of domestic supplies: Participating with representatives of other agencies in preparing basic data sheets which are used in determining stockpile objectives. Determining extent to which domestic supplies can be expanded.	CSS	Insuring consistency of policy followed by USDA representatives. Preparing overall reports.
Research: Conducting research on substitutes, etc.	ARS	
Relation to foreign trade Participating in consideration of stockpile objectives and actions affecting foreign trade.	FAS	
B. Commodities in which USDA has indirect interest (i. e., aluminum, copper, tin, nickel)		
Basic data: Participating in development of basic data sheets to assure that essential agricultural requirements are included in stockpiling objectives.	CSS	Insuring consistency of policy followed by USDA representatives. Preparing overall reports.
C. General		
Representation: Providing representation on Interagency Materials Advisory Committee of the Office of Defense Mobilization with respect to stockpile matters.	CSS	(Coordinating functions same as above.)
X. PROGRESS REPORTING		
Preparing periodic progress reports of defense mobilization functions.	Each agency responsible for specific functions.	Coordinating defense mobilization reporting functions. Preparing overall defense mobilization reports for USDA

The letter designations used in the schedule have the following meaning:

USDA—U. S. Department of Agriculture.
AMS—Agricultural Marketing Service.
ARS—Agricultural Research Service.
CSS—Commodity Stabilization Service.
FAS—Foreign Agricultural Service.
REA—Rural Electrification Administration.

[1] The program by which commodities owned by the Commodity Credit Corporation may be bartered for strategic and critical commodities under Pub. Law 85 of the 81st Cong. also supports objectives of the stockpiling program.

[F. R. Doc. 54-2159; Filed, Mar. 29, 1954; 8:45 a. m.]

VIRGINIA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS AND ECONOMIC EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, it is found that in King William County, Virginia, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the delegation of authority from the Administrator, Federal Civil Defense Administration (18 F. R. 4609) and for the purpose of making loans pursuant to section 2 (b) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, it is determined that King William County, Virginia, is within the area affected by the major disaster occasioned by drought determined by the President on September 26, 1953, pursuant to Public Law 875, 81st Congress. It is also determined that an economic disaster exists in said county that has caused a need for agricultural credit that cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular loan programs, or other responsible sources.

After December 31, 1954, loans under section 2 (a) or 2 (b) of Public Law 38, 81st Congress, as amended, will not be made in the above named county except to borrowers who previously received such assistance.

Done at Washington D. C., this 24th day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 54-2239; Filed, Mar. 29, 1954; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2389]

CITY GAS COMPANY OF NEWTON, N. J.
NOTICE OF APPLICATION

MARCH 24, 1954.

Take notice that the City Gas Company of Newton, New Jersey (Applicant), a New Jersey Corporation, with offices in Flemington, New Jersey, filed on March 9, 1954, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Tennessee Gas Transmission Company (Tennessee) to establish a physical connection of its proposed gas transmission line (Docket No. G-2331) with Applicant's facilities and to sell natural gas to Applicant for local distribution in the Town of Newton, New Jersey, and environs.

Applicant requests delivery of a maximum of 780 Mcf of natural gas per day.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of April 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2217; Filed, Mar. 29, 1954; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

ASSISTANT ADMINISTRATOR

DELEGATION OF AUTHORITY TO PERFORM CERTAIN FUNCTIONS DURING DISABILITY OR ABSENCE OF ADMINISTRATOR

1. Pursuant to the authority vested in me by section 205 (d) of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Congress), as amended, I hereby delegate to the Assistant Administrator full authority to exercise, during any period of (a) disability of the Administrator or (b) absence of the Administrator from the Central Office of the General Services Administration, all of the powers, authorities, and functions vested in me as Administrator of General Services by the Federal Property and Administrative Services Act of 1949, as amended, and any other law, except those powers, authorities, and functions which can only be exercised by the Administrator or the Deputy Administrator of General Services pursuant to the provisions of section 101 (c) and 205 (d) of the Federal Property and Administrative Services Act of 1949, as amended, or pursuant to the provisions of other law.

2. The authority contained herein may not be redelegated.

3. This delegation of authority shall be effective March 24, 1954.

Dated: March 24, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54-2284; Filed, Mar. 26, 1954; 2:53 p. m.]

DISPOSITION OF WHOLE BLACK PEPPER HELD IN NATIONAL STOCK PILE

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 596, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 161,617 pounds of whole black pepper now held in the National Stock Pile. The material to be disposed of is no longer needed in the Stock Pile because of a revised determination by the Office of Defense Mobilization, dated February 11, 1954, that by reason of obsolescence pepper is no longer a strategic and critical material within the purview of the above act.

The Office of The Quartermaster General, Department of the Army, which has a continuing requirement for ground black pepper, has expressed itself as interested in acquiring this pepper for the current consumption of the armed forces. Accordingly, it is proposed to transfer the approximately 161,617 pounds of pepper to the Office of The Quartermaster General.

In the event that for any reason the Office of The Quartermaster General is unable to effect this transaction, in whole or in part, within a reasonable time, it is proposed that the remaining pepper shall be disposed of in accordance with the procedures for property utilization and disposal of surplus property established under the regulations issued by General Services Administration pursuant to Title II of the Federal Property and Administrative Services Act of 1949, as amended.

Any transfer authorized hereunder to the Office of The Quartermaster General, Department of the Army, or to any other Federal activity, shall be at the market price at the time of transfer for material of equivalent quality and condition. In the event of the disposition of any of the pepper as surplus, it shall be sold by competitive bid, after advertising, to the highest bidder.

The material will be made available for disposition on and after October 1, 1954. Since the quantity of pepper to be disposed of under this plan represents only a small portion of the normal annual consumption by the armed forces and a very small proportion of the total annual consumption of the country, it is anticipated that the proposed disposition will have no disruptive effect on the market for pepper.

Disposal of the approximately 161,617 pounds of whole black pepper as outlined above has been proposed in order to avoid expensive and costly waste by obsolescence of a material which is subject to slow deterioration, and continuing storage costs.

Dated: March 24, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54-2292; Filed, Mar. 26, 1954; 4:1½ p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10667, 10668]

STRAITS BROADCASTING CO. AND MIDWESTERN BROADCASTING CO.

NOTICE OF PREHEARING CONFERENCE

In re applications of Richard E. Hunt, tr/as Straits Broadcasting Company, Cheboygan, Michigan, Docket No. 10667, File No. BP-8753; Midwestern Broadcasting Company, Cheboygan, Michigan, Docket No. 10668; File No. BP-8795; for construction permits.

In accordance with § 1.813 of the Commission's rules, a pre-hearing conference of all counsel in the above-entitled matter will be held in the offices of the Commission, Washington, D. C., beginning at 10:00 a. m., e. s. t., Thursday, April 8, 1954.

Dated: March 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CHARLES J. FREDERICK,
Hearing Examiner.

[F. R. Doc. 54-2232; Filed, Mar. 29, 1954; 8:53 a. m.]

[Docket Nos. 10965, 10966]

SEATON PUBLISHING CO. AND STRAND AMUSEMENT CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Seaton Publishing Company, Hastings, Nebraska, Docket No. 10965, File No. BPCT-1265; Strand Amusement Company, Hastings, Nebraska, Docket No. 10966, File No. BPCT-1272; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of March 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 5 in Hastings, Nebraska; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that The Seaton Publishing Company is legally qualified to construct, own and operate a television broadcast station, and is technically so qualified except as to the matter referred to in issue "4" below; and that the Strand Amusement Company is legally qualified to construct, own and operate a television broadcast station and is technically so qualified except as to the matters referred to in issues "2", "3", and "4" set forth below; and

It further appearing that by letter dated March 17, 1954, the Strand Amusement Company requested a two weeks to thirty-day extension of time within which to reply to the Commission's letter of March 5, 1954; and that the reasons set forth in support of its request do not warrant the granting of said request;

It is ordered, That the request of the Strand Amusement Company for extension of time to reply to the Commission's letter of March 5, 1954, is denied;

It is further ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 23d day of April 1954 in Washington, D. C., upon the following issues:

1. To determine whether The Seaton Publishing Company and the Strand Amusement Company are financially qualified to construct, own and operate their proposed television broadcast stations.

2. To determine the power gain of the antenna system of the Strand Amusement Company and the effect thereof on the calculated effective radiated power.

3. To determine the loss due to the transmission line specified in the application of the Strand Amusement Company and the effect thereof on the calculated effective radiated power.

4. To determine whether the installation of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the

management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: March 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2233; Filed, Mar. 29, 1954; 8:54 a. m.]

[Docket Nos. 10967-10970]

COMMUNITY TELEVISION CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of M. J. Montesano, J. C. Stiglmeier, C. C. Grimm, G. E. Adema d/b as Community Television Company, Buffalo, New York, Docket No. 10967, File No. BPCT-1793; Great Lakes Television, Inc., Buffalo, New York, Docket No. 10968, File No. BPCT-1812; Leon Wyszatycki, d/b as Greater Erie Broadcasting Company, Buffalo, New York, Docket No. 10969, File No. BPCT-1827; WKBW-TV, Inc., Buffalo, New York, Docket No. 10970, File No. BPCT-1841; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 24th day of March 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Buffalo, New York; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Community Television Company, Great Lakes Television, Inc. and WKBW-TV, Inc. are legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Greater Erie Broadcasting Company is legally and financially so qualified and is technically so qualified except as to the matter referred to in issue "1" below; and

It further appearing that Great Lakes Television, Inc. proposes an antenna of 1,555 feet above average terrain; that it may be necessary to specify special appropriate hazard markings therefor; and that a grant, if made, of the aforementioned application should be subject to the following condition: "That the obstruction markings shall be in accordance with such hazard markings as the Commission may find necessary and appropriate."

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 23d day of April 1954, in Washington, D. C., upon the following issues:

1. To determine whether the installation of the station proposed by Greater Erie Broadcasting Company in its above-entitled application would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: March 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2234; Filed, Mar. 29, 1954; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 51]

INDIANA MOTOR RATE AND TARIFF BUREAU, INC.

APPLICATION FOR APPROVAL OF AGREEMENT

MARCH 25, 1954

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed March 22, 1954, by: Lawrence W. Cannon, Attorney-in-Fact, Indiana Motor Rate and Tariff Bureau, Inc., 8 East Market St., Indianapolis 4, Ind.

Agreement involved: An agreement between and among common carriers by motor vehicle, members of the Indiana Motor Rate and Tariff Bureau, Inc., relating to tariffs or rates, exceptions to classification ratings, rules, regulations or practices governing the transportation of property in interstate commerce between points in Indiana, and procedures for the joint consideration, initiation and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2235; Filed, Mar. 29, 1954; 8:54 a. m.]

ference Room

FEDERAL REGISTER

VOLUME 19 NUMBER 62

Washington, Wednesday, March 31, 1954

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 906—MILK IN TULSA-MUSKOGEE, OKLAHOMA, MARKETING AREA

ORDER AMENDING THE ORDER AS AMENDED

§ 906.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Tulsa-Muskogee, Oklahoma, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

1. Delete § 906.80 (c) and substitute therefor the following:

§ 906.80 *Time and method of payment.* * * *

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual

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FEDERAL REGISTER

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loss incurred by him because of any improper claim on the part of the cooperative, each handler shall (i) pay to the cooperative association on or before the 13th and 27th day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer, (ii) submit to the cooperative association on or before the 10th day of each month written information which shows for each member-producer (*a*) the total pounds of milk received during the preceding month, (*b*) the total pounds of butterfat contained in such milk, (*c*) the number of days on which milk was received, (*d*) for the months of April through June, the amount of base and excess milk received, and (*e*) the amounts withheld by the handler in payment for supplies sold, and (iii) submit to the cooperative association on or before the 25th day of each month written information which shows for each such member-producer the total pounds of milk received during the first 15 days of the current month. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of March 1954, to be effective on and after the 1st day of May 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2266; Filed, Mar. 30, 1954; 8:51 a. m.]

PART 913—MILK IN THE GREATER KANSAS CITY MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISION

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area, hereinafter referred to as the "order" it is hereby found and determined that the provisions of § 913.71 (c) of the order do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order for the delivery period of April 1954.

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that the (1) information upon which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; and (3) this action will affect only seasonality of returns to producers and will in no way affect the obligations of handlers subject to the order. The changes caused by this suspension order do not require of persons affected any preparation prior to its effective date.

It is therefore ordered, That the following provision of the order be and it is hereby suspended with respect to all milk subject to the provisions of the order for the delivery period of April 1954:

1. Section 913.71 (c) in its entirety.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 26th day of March 1954, to be effective April 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2300; Filed, Mar. 30, 1954; 8:57 a. m.]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

SUBPART—ORDER REGULATING HANDLING

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AUTHORITY: §§ 922.0 to 922.90 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 922.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Los Angeles, California, from December 7 to December 10, 1953, both dates inclusive, upon a proposed marketing agreement and a proposed marketing order regulating the handling of Valencia oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of Valencia oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the proposed marketing agreement upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The said order prescribes such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Valencia oranges covered thereby; and

(5) All handling of Valencia oranges, as defined herein, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found that good cause exists for making the provisions of this order effective not later than the time hereinafter specified because the harvesting and marketing of the 1953–54 Valencia orange crop grown in the production area have already begun; and this regulatory program should be made applicable to the handling of the largest practicable portion of such orange crop in order to maximize the benefits that may be derived under the act from such program. Promptly after such effective date, it will be necessary for the industry to elect, pursuant to rules and regulations prescribed by the Secretary, nominees from which the Secretary may select members and alternate members of the Valencia Orange Administrative Committee; and such rules and regulations should be made effective as soon as practicable. Subsequently, and prior to the initial imposition of regulations pursuant to this order, it will be necessary for the Committee and the Secretary to initiate, and complete, various actions of both organizational and regulatory natures, including the formulation and promulgation of the rules and regulations under the program. The time during which such actions will be concluded should be ample to permit growers and handlers to receive such notice thereof as will enable them reasonably and adequately to prepare for operations thereunder. The provisions of the order are well known to the growers and handlers of Valencia oranges, since the public hearing in connection with the order was concluded on December 10, 1953, and the recommended decision and final decision were issued on February 2, 1954 (19 F. R. 695, 801) and February 26, 1954 (19 F. R. 1177, 1325), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties, and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping oranges covered by this order) of more than 80 percent of the volume of such oranges covered by this order refused or failed to sign the proposed marketing agreement regulating the handling of Valencia oranges grown in Arizona and designated part of California; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign the proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of the producers of such oranges; and

(3) The issuance of this order is approved or favored by the producers who participated in a referendum on the question of the approval of the order and who, during the determined representative period (February 1, 1953, through January 31, 1954), produced for market at least two-thirds of the volume of Valencia oranges produced for market within Arizona and designated part of California.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of Valencia oranges grown in Arizona and designated part of California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order; and the terms and conditions of said order are as follows:

DEFINITIONS

§ 922.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

§ 922.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 922.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 922.4 *Production area.* "Production area" means the State of Arizona and that part of the State of California south of the 37th Parallel.

§ 922.5 *Oranges.* "Oranges" means any and all strains of the Valencia variety of oranges grown in the production area.

§ 922.6 *Fiscal year.* "Fiscal year" means the twelve-month period ending October 31 of each year: *Provided, however*, That the initial fiscal year shall begin with the effective date of this part and end October 31, 1954.

§ 922.7 *Marketing year.* "Marketing year" means the twelve-month period ending January 31 of each year.

§ 922.8 *Committee.* "Committee" means the Valencia Orange Administrative Committee established pursuant to § 922.20.

§ 922.9 *Grower.* "Grower" and "producer" are synonymous and mean any person who produces oranges for market.

§ 922.10 *Handler.* "Handler" means any person who handles oranges.

§ 922.11 *Handle.* "Handle" means to buy, sell, consign, transport, or ship oranges (except as a common or contract carrier of oranges owned by another person), or in any other way to place oranges in the current of commerce, between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of California, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of Arizona. The term "handle" does not include (a) the sale of oranges on the tree; (b) the transportation of oranges to a packinghouse for the purpose of having such oranges prepared for market and such preparation for market; (c) the transportation of oranges for storage within the production area under such rules and regulations as the committee, with the approval of the Secretary, may prescribe; or (d) the sale of oranges at retail by a person in his capacity as such retailer.

§ 922.12 *Oranges available for current shipment.* "Oranges available for current shipment" means all oranges as measured by the tree crop.

§ 922.13 *Tree crop.* "Tree crop" means the total quantity of oranges on the trees as determined by the committee.

§ 922.14 *Early maturity oranges.* "Early maturity oranges" means any oranges that have reached maturity, as measured by applicable State laws, in advance of general maturity in the same prorate district.

§ 922.15 *General maturity.* "General maturity" shall have been reached in any prorate district at such time as the committee determines that allotment shall be distributed to all handlers in such prorate district.

§ 922.16 *Box.* "Box" means a standard two-compartment orange box, as defined in section 828.83 of the Agricultural Code of California, of a capacity of approximately 77 pounds of oranges, or such other container and weight as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

§ 922.17 *Central marketing organization.* "Central marketing organization" means any organization which markets oranges for more than one handler pursuant to a written contract between such organization and each such handler.

§ 922.18 *Carload.* "Carload" means a quantity of oranges equivalent to 462 boxes of oranges or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

§ 922.19 *Export.* "Export" means to ship oranges to points outside the continental United States, Canada, and Alaska.

ADMINISTRATIVE BODY

§ 922.20 *Establishment and membership.* There is hereby established a Valencia Orange Administrative Committee consisting of eleven members; for each of whom there shall be an alternate member who shall have the same qualifications as the member for whom each is an alternate. Six of the members and their respective alternates shall be growers who shall not be handlers, or employees of handlers, or employees of central marketing organizations. Four of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations. One member of the committee and the alternate of such member shall be persons possessing the qualifications provided in paragraph (f) of § 922.22. The six members of the committee who shall be growers and who shall not be handlers, or employees of handlers, or employees of central marketing organizations are hereinafter referred to as "grower" members of the committee and the four members who shall be handlers, or employees of handlers, or employees of central marketing organizations are hereinafter referred to as "handler" members of the committee.

§ 922.21 *Term of office.* The term of office of each initial member and alternate member of the committee shall begin with the effective date of this part and shall terminate on January 31, 1956. The term of office of each subsequent member and alternate member of the committee shall be for a period of two marketing years, and such terms shall begin on February 1 of each even-numbered year: *Provided*, That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

§ 922.22 *Nominations.* (a) The time and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization, or the growers affiliated therewith, which handled more than 50 percent of the total volume of oranges handled during the marketing year in which nominations for members and alternate members of the committee are submitted (except that the marketing year for initial nominations shall be the year beginning February 1, 1953 and ending January 31, 1954), shall nominate three grower members, three alternate grower members, two handler members, and two alternate handler members.

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate two grower members, two alternate grower members, one handler member, and one alternate handler member.

(d) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate one grower member, one alternate grower member, one handler member, and one alternate handler member.

(e) When voting for nominees, each grower shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. The votes of cooperative marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of oranges handled during the marketing year in which such nominations are made, except that the marketing year for initial nominations shall be the year beginning February 1, 1953, and ending January 31, 1954.

(f) The members of the committee selected by the Secretary pursuant to § 922.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate a member and an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization.

§ 922.23 *Selection.* From the nominations made pursuant to § 922.22 (b) or from other qualified growers and handlers the Secretary shall select three grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to § 922.22 (c) or from other qualified growers and handlers the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 922.22 (d) or from other qualified growers and handlers the Secretary shall select one grower member of the committee and an alternate

to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 922.22 (f) or from other qualified persons the Secretary shall select one member of the committee and an alternate to such member.

§ 922.24 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 922.22 (a), the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 922.23.

§ 922.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 922.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify or in the event of death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor to the unexpired term of such member or alternate member of the committee shall be selected by the Secretary from nominations made in the manner specified in § 922.22 or from other qualified persons. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 922.23.

§ 922.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member: *Provided*, That a member may designate an alternate member other than his own alternate member to serve in the place and stead of such member, if the alternate member so designated was selected from the same group which was authorized to nominate the member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 922.28 *Powers.* The Committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make and adopt rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 922.29 *Duties.* The committee shall have the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary at the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare a monthly statement of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To provide an adequate system for determining the total quantity of oranges available for current shipment, and to make such determinations, including determinations by grade, size, and maturity conditions, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part;

(i) To investigate the growing, handling, and marketing conditions with respect to oranges, and to assemble data in connection therewith;

(j) To submit to the Secretary such available information, including verified reports, as he may request;

(k) To notify producers and handlers of meetings of the committee to consider recommendations for regulation;

(l) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided*, That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee;

(m) To investigate compliance with the provisions of this part; and

(n) With the approval of the Secretary, to reapportion the number of grower members or handler members on the Valencia Orange Administrative Committee who are nominated pursuant to paragraphs (c) and (d) of § 922.22. Any such changes shall be based, insofar as practicable, upon the proportionate amount of Valencia oranges handled by the respective types of marketing organizations, provided that each of the grower groups described in paragraphs (c) and (d) of § 922.22 shall be entitled to nominate at least one grower and one handler member together with their respective alternates.

§ 922.30 *Procedure.* (a) A majority of the committee shall constitute a quorum; and any action of the committee shall require at least six concurring votes.

(b) The committee may vote by telegraph, telephone, or other means of communication; and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 922.31 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties under this part and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10 per day or portion thereof spent in performing such duties.

§ 922.32 *Annual review and meeting.* The committee shall, prior to December 15 of each marketing year, prepare and mail an annual report to the Secretary and to each handler and grower of record. This annual report shall contain at least: (a) A complete review, by prorate districts, of the regulatory operations during the marketing year, as conducted under the marketing policy established pursuant to § 922.50 (a); (b) an appraisal of the effect of such regulatory operations upon the competitive status of the Valencia orange industry; (c) recommendations for changes in the program; and (d) notice of the time and place of an open meeting, to be held prior to January 31, to review the whole record of the operations of this part.

EXPENSES AND ASSESSMENTS

§ 922.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year.

§ 922.41 *Assessments.* (a) Each person who first handles oranges shall, with respect to the oranges so handled by him, pay to the committee, upon demand, such person's pro rata share of the expenses which the Secretary finds are necessary during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of such oranges handled by him as the first handler thereof during the applicable fiscal year, and the total quantity of such oranges so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all oranges handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then current fiscal year.

(c) The committee may, with the approval of the Secretary, maintain a suit in its own name, or in the names of its members, to enforce the payment of assessments levied under this section.

§ 922.42 *Accounting.* (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

REGULATION

§ 922.50 *Marketing policy.* (a) Prior to the recommendation for regulation for each prorate district, the committee shall submit to the Secretary its marketing policy for the ensuing season. Such marketing policy shall contain the following information: (1) The available crop of oranges in the prorate district, including estimated quality and composition of sizes; (2) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments to be recommended to the Secretary during the ensuing season; (4) available supplies of competitive oranges in all producing areas of the United States; (5) level and trend of consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of oranges. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this paragraph.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers. The committee shall give notice to growers by publication of notice of such meetings in such newspapers as they deem appropriate and shall advise all handlers by mail of such meetings.

(c) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 922.51 *Recommendations for volume regulation.* (a) The committee may recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district. If, for any reason, the committee recommends the issuance of volume regulation but fails to recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district, reports representing the respective views of the committee members with respect to its failure to act shall be submitted to the Secretary.

(b) In making its recommendations, the committee shall give due consideration to the following factors: (1) Market prices for oranges, including market prices by grades and sizes; (2) supply of oranges on track at, and en route to, the principal markets; (3) supply, maturity, and condition of oranges in the area of production, including the grade and size composition thereof; (4) market prices and supplies of citrus fruits from California, Arizona, and competitive producing areas, and supplies of other competitive fruits; (5) trend and level in consumer income; and (6) other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 922.52, has fixed the quantity of oranges which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

§ 922.52 *Issuance of volume regulation.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of oranges which may be handled in each prorate district during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity. The quantity so fixed may be increased by the Secretary at any time during such week.

§ 922.53 *Prorate bases.* (a) Each person who has oranges available for current shipment and who desires to handle such oranges, shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this part.

(b) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require, and shall include at least (1) the name and address of the producer or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of oranges available for current shipment by the applicant; (2) an accurate description of the location of each such grove or portion thereof, including the number of acres contained therein; and (3) an estimate of the total quantity of oranges available for current shipment by the applicant in terms of the unit of measure designated by the committee.

(c) Such application shall include only such oranges available for current shipment which the applicant controls (1) by a bona fide written contract giving the applicant authority to handle such oranges, or (2) by having legal title or possession thereof, or (3) by having executed a bona fide written agreement to purchase such oranges. If an applicant controls oranges pursuant to subparagraphs (1) or (3) of this paragraph, he shall submit a copy of each type of such contract or agreement to the committee, together with a statement that no other types of contracts or agreements are used, and shall maintain a file of all original contracts evidencing such control which shall be subject to examination by the committee.

(d) If the quantity of oranges available for current shipment by any person is increased or decreased by the acquisition or loss of the control required by paragraph (c) of this section, such person shall submit promptly a report thereon to the committee upon forms made available by it, which report shall be verified in such manner as the committee may require.

(e) If any person gains or loses the control of oranges required by paragraph (c) of this section, there shall be a corresponding increase or decrease in the quantity of oranges available for current shipment by such person. If it is determined by the committee that any person who has lost the control of oranges required by paragraph (c) of this section has handled a quantity of such oranges less than the quantity that could have been handled under the allotments issued thereon, the quantity of oranges available for current shipment by such person shall be adjusted by deducting therefrom, over such period as may be determined by the committee, a quantity of oranges equivalent to the quantity upon which allotments were issued but which were not utilized thereon.

(f) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in the establishment of a smaller or a larger quantity of oranges available for current shipment than that to which a person was entitled under this part, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission, or inaccuracy.

(g) Each week during the marketing season when volume regulation is likely to be recommended the committee shall compute, with respect to each prorate district, the total quantity of oranges available for current shipment by each person who has applied for a prorate base and for allotments. On the basis of such computation, the committee shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of oranges available for current shipment in the particular prorate district by such applicant and the total quantity of oranges available for current shipment in such district by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each person and shall notify each such person of the prorate base fixed for him.

§ 922.54 *Allotments.* Whenever the Secretary has fixed the quantity of oranges which may be handled during any week in a prorate district, the committee shall calculate the quantity of oranges which may be handled by each person during such week. The said quantity shall be the allotment of such person and shall be in an amount equivalent to the product of the prorate base for such person and the total quantity of oranges grown in such prorate district and fixed by the Secretary as the total quantity of oranges which may be handled during such week. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this part.

§ 922.55 *Overshipments.* During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment and is not required to reduce the quantity of oranges which he may handle during such week, as provided in this section, or whose total allotment is not required for the repayment of an allotment loan, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment or one carload of oranges, whichever is greater. The quantity of oranges so handled in excess of such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That no overshipment incurred during a marketing year shall be deducted from allotments issued during the following marketing year.

§ 922.56 *Undershipments.* If any person handles during any week a quantity of oranges, covered by a regulation issued pursuant to § 922.52, in an amount less than his allotment of oranges for such week, he may handle, in addition to his allotment for the next week only, a quantity of such oranges equivalent to such undershipment.

§ 922.57 *Allotment loans.* (a) A person to whom allotments have been issued, whether under the provisions of early maturity, short life, or general maturity, may lend such allotments to other persons within the same prorate district to whom allotments have also been issued: *Provided*, That allotments issued under the short life provisions of this part may be loaned only to other persons to whom such allotments have also been issued. Such loans shall be confirmed to the committee by both parties thereto within 48 hours after any such agreement has been entered into, and such agreements shall include a date for the repayment of such allotments to the lender during the then current marketing year. If, on the date of repayment specified in the loan agreement, the borrower has insufficient allotment to repay such loan, he shall repay such loan as soon after the repayment date as he has allotments available to him for that purpose: *Provided*, That no loans made during a marketing year shall be required to be repaid from allotments issued during the following marketing year.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to a confirmation of the loan agreement to the committee.

(c) An allotment shall be loaned, pursuant to paragraph (a) of this section for use only during the week for which such allotment was issued. Persons securing repayment of an allotment loan may use such allotment only during the week in which the repayment is made.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after the repayment thereof.

§ 922.58 *Assignment of allotment certificates.* In connection with all handling of oranges other than shipments by rail car, each handler who first handles oranges shall at the time of handling issue to the consignee thereof, or his agent, an assignment of allotment certificate covering each quantity of oranges so handled. Such assignment of allotment certificate shall be on such forms and shall be issued in such manner as prescribed by the committee and shall contain such information as the committee may require.

§ 922.59 *Priority of allotments.* During any week in which a person receives an allotment, and has the right to handle a quantity of oranges in addition to the quantity represented by his allotment, by reason of (a) an undershipment of an allotment, pursuant to § 922.56; or (b) the repayment of a loaned allotment, pursuant to § 922.57; or (c) a borrowed allotment, pursuant to § 922.57; and such person handles a quantity of oranges which is less than the total quantity of such oranges which such person may handle during such week, the amount of such oranges handled shall first apply to such person's current weekly allotment (or to that portion which is not used pursuant to § 922.55 or § 922.57). The remainder, if any, shall be applied in the following order; second, to any undershipment of allotments, pursuant to § 922.56; third, to any allotment repaid to him, pursuant to § 922.57; fourth, to any allotment borrowed, pursuant to § 922.57.

§ 922.60 *Early maturity allotments.* Notwithstanding the provisions of § 922.54 the committee shall, prior to the reaching of general maturity, issue special allotments for the handling of early maturity oranges. Handlers controlling early maturity oranges may apply to the committee for such allotments on forms prescribed by the committee and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 922.51 (b), the committee shall determine the extent to which early maturity allotment shall be granted. Total early maturity allotments approved by the committee for each prorate district shall be distributed to all handlers who qualify therefor in proportion to the quantity requested by each handler in his application: *Provided, however*, That early maturity allotments issued to any handler prior to the reaching of general maturity shall not permit the handling of a larger share of the oranges available for current shipment controlled by such handler than the share of oranges available for current shipment in the prorate district estimated to be allotted to all handlers in the utilization schedule established by the committee at the beginning of the season. Early maturity allotments may be loaned only to handlers to whom early maturity allotments have been granted. Upon the reaching of general maturity, allotments issued for early maturity oranges shall be offset or repaid by reducing the oranges available for current shipment of each handler who has received early maturity allotments by the quantity of oranges for which early maturity allotments were issued him, plus his proportionate share of the quantity of oranges that will be used for by-products and elimination in his prorate district. Such proportionate share shall be based upon the utilization schedule established by the committee at the beginning of the season. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Allotments issued and allocated under this section shall be on a prorate district basis.

§ 922.61 *Short life allotments.* Notwithstanding the provisions of § 922.54 the committee shall withhold from the allotment of handlers on a uniform proportionate basis for all handlers, an amount sufficient to permit handlers controlling oranges of short life to handle during the normal marketing period of such short life oranges as large a proportion of oranges as the average which will be handled by all handlers. Handlers controlling oranges of short life may apply for such withheld allotment, and such application shall be made on forms supplied by the committee and shall be accompanied by information necessary to permit the committee to determine the validity of such applicant's claim to allotment. The committee shall determine, on the basis of all available information, the extent to which a handler needs allotment under the provisions of this section and pursuant to such determination shall allocate such allotment to such handler at a uniform weekly rate, insofar as practicable, during the normal marketing period of his short life oranges. Such determination and allotment issued pursuant thereto shall not permit a handler to receive more allotment proportionately than the average allotment to be issued to all handlers of oranges. After a handler of short life oranges has received allotment sufficient to make the total allotment issued to him equal proportionately to the average allotment to be issued to all handlers of oranges, allotment thereafter due such handler of short life oranges shall be allocated to handlers from whom allotment has been withheld. Short life allotments may be used only in the handling of short life oranges. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Allotments issued and allocated under this section shall be on a prorate district basis.

§ 922.62 *Information to central marketing organizations.* The committee shall give any central marketing organization, upon its request, the same notice with respect to prorate bases and allotments applicable to each handler for whom it markets oranges as is given to such handler.

§ 922.63 *Recommendations for size regulation.* (a) Whenever the committee finds that the supply and demand conditions for sizes of oranges make it advisable to regulate the handling of sizes of oranges during any period, it shall recommend to the Secretary the sizes of oranges grown in each prorate district which it deems advisable to be handled during said period. The committee shall promptly submit such findings and recommendations, together with supporting information to the Secretary.

(b) In making its recommendations the committee shall give due consideration to the factors referred to in § 922.51 (b).

§ 922.64 *Issuance of size regulation.* Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of oranges grown in any prorate district or districts by sizes would tend to effectuate the declared policy of the act, he shall fix the sizes of oranges grown in each such prorate district which may be handled during the specified period. The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give adequate notice thereof to all handlers.

§ 922.65 *Exemptions from size regulation.* In the event the handling of oranges is limited pursuant to § 922.64, the committee shall issue one or more exemption certificates to any producer who furnishes evidence satisfactory to the committee that he will be prevented by reason of such regulation from having as large a proportion of his oranges handled as the average proportion of oranges which may be handled by all other producers in the same prorate district. Such exemption certificate shall permit the respective producer to whom the certificate is issued to handle or have handled a percentage of his oranges equal to the percentage determined as aforesaid. Shipments of oranges under exemption certificates issued pursuant to this section shall be subject to and limited by such regulations as may be effective under § 922.52 at the time of the respective shipment. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers when accompanied by oranges covered by such certificates.

§ 922.66 *Prorate districts.* For purposes of administration of this part and in recognition of the fact that there are general differences in maturity and keeping quality of oranges between certain geographical sections of the production area, the production area shall be divided in three prorate districts as follows:

(a) District 1 shall include that portion of the State of California which is north of the 35th Parallel and south of the 37th Parallel.

(b) District 2 shall include that portion of the State of California which is south of the 35th Parallel, but shall exclude Imperial County and that area in Riverside and San Bernardino counties situated east of a line due north and south through White Water, California.

(c) District 3 shall include the State of Arizona, Imperial County, California, and that area in Riverside and San Bernardino Counties, California, situated south of the 35th Parallel and east of a line due north and south through White Water, California.

§ 922.67 *Oranges not subject to regulation.* Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to: (a) Handle oranges to charitable institutions for consumption by such institutions or for distribution by relief agencies; (b) handle oranges to commercial processors for processing into products, including juice; (c) export or handle oranges to exporters for export purposes; (d) handle oranges by parcel post or by express; or (e) handle oranges in such minimum quantities or types of shipments as the committee may, with the approval of the Secretary, prescribe. No assessment shall be levied pursuant to § 922.41 on oranges disposed of for any of the purposes specified in this section. The committee shall prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as it may deem necessary to prevent oranges disposed of under the provisions of this section from entering into commercial channels of trade contrary to or in violation of this part.

REPORTS

§ 922.70 *Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, in such manner as may be designated and on forms made available by it, the following information with respect to the total of all oranges disposed of by each such handler during the immediately preceding week: (a) The total quantity handled; (b) the total quantity disposed of for manufacture into by-products, showing the identity of each by-product processor involved and the quantity of each; (c) the total quantity disposed of for export, showing the destination and quantity of each such disposition; (d) the total quantity shipped for disposition to persons on relief, including quantities donated for charitable purposes; (e) the total quantity shipped by parcel post or express, showing the destination and quantity of each such shipment; and (f) the total quantity disposed of otherwise, showing the manner and quantity of each such disposition.

§ 922.71 *Manifest report.* Each handler shall furnish to the committee information regarding the size of oranges in each box handled by such handler and shall mail or deliver such information to said committee or its duly authorized representative within 24 hours after shipment is made in such manner as the committee shall prescribe and upon forms prepared by it.

§ 922.72 *Other reports.* Upon request of the committee, made with the approval of the Secretary, every person subject to regulation under this part shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as will enable the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

§ 922.80 *Compliance.* Except as provided in this part, no person shall handle oranges during any week in which a regulation issued by the Secretary pursuant to § 922.52 is in effect, unless such oranges are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such oranges under the provisions of this part, and no person shall handle oranges except in conformity with the provisions of this part and the regulations issued under this part.

§ 922.81 *Right of the Secretary.* The members of the committee (including successors and alternates), and all agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing

right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. If the committee, for any reason, fails to perform its duties or exercise its powers under this part, the Secretary may designate another agency to perform such duties and exercise such powers.

§ 922.82 *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 922.83.

§ 922.83 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) (1) The Secretary shall terminate the provisions of this part at the end of any marketing year, whenever he finds that continuance is not favored by producers; but such termination shall be effective only if announced on or before January 15 of the then current marketing year.

(2) To determine whether continuance is favored by producers, the required percentages set forth in the act with respect to producer approval of the issuance of a marketing order regulating the handling of citrus fruits produced in any area producing what is known as California citrus fruits (approval by three-fourths of the producers who, during a representative period, determined by the Secretary, have been engaged, within the production area in the production of Valencia oranges for market; or by producers who, during such representative period, have produced for market at least two-thirds of the volume of Valencia oranges produced within the production area for market) shall be used. In the event that a referendum is utilized to aid in making this determination, such required percentages for continuance shall be held to be complied with if, of the total number of producers, or the total volume of Valencia oranges produced for market, as the case may be, represented in such referendum, the percentage favoring continuance is equal to or in excess of the percentage required.

(3) The Secretary shall, prior to December 15, 1956, conduct a referendum to ascertain whether continuance of this part is favored by the producers. The Secretary shall conduct such a referendum prior to December 15 of each even-numbered year thereafter.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 922.84 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (3) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 922.85 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 922.86 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 922.87 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 922.88 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 922.89 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 922.90 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Issued at Washington, D. C. this 26th day of March 1954, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2296; Filed, Mar. 30, 1954; 8:55 a. m.]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

SUBPART—RULES AND REGULATIONS

The order[1] regulating the handling of Valencia oranges grown in Arizona and designated part of California (Order No. 22), filed simultaneously herewith, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), provides in § 922.22 thereof, that the Secretary shall prescribe the time and manner of nominating members and alternate members of the Valencia Orange Administrative Committee, the agency charged with the administration of such order. In order that eligible persons may participate in selecting nominees for member and alternate member positions on the Valencia Orange Administrative Committee, the rules and regulations, hereinafter set forth, governing the procedure to be followed in effecting such nominations, are hereby promulgated:

§ 922.102 *Nomination procedure.* (a) The time of nominating grower and handler members and alternate members of the committee shall be not later than 20 days preceding the date of expiration of the terms of the members and alternate members of the committee, except that the time of nominating the grower and handler initial members and alternate members shall not be later than 30 days after the effective date of this part. The manner of nominating members and alternate members of said committee shall be as follows:

(1) Any cooperative marketing organizantion which handled more than 50 percent of the total volume of Valencia oranges handled during the marketing year in which nominations for members and alternate members of the committee are submitted by such organization shall, by resolution adopted by its board of

[1] See F. R. Doc. 54-2296, *supra*.

directors, nominate members and alternate members as provided in § 922.22 (b).

(2) A meeting shall be held at such time and place as may be designated by the agent of the Secretary, at which all cooperative marketing organizations which market Valencia oranges, and which are not qualified under § 922.22 (b), or the growers affiliated therewith, shall nominate members and alternate members, as provided in § 922.22 (c). The vote of each such organization shall be weighted, as provided in § 922.22 (e), by the quantity of oranges which it handled during the marketing year in which such nominations are made.

(3) Not less than seven meetings shall be held at such times and places throughout the production area as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included under subparagraphs (1) and (2) of this paragraph may vote. At each such meeting, the growers present shall nominate not less than one grower member, one alternate grower member, one handler member, and one alternate handler member. The number of ballots to be cast in selecting the nominees at each meeting shall be determined at the respective meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

(4) The agent of the Secretary shall give adequate notice of each meeting to be held pursuant to this section.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of the rules and regulations until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) for the reasons set forth in § 922.0 (b) of said Order No. 22, and to enable eligible persons to participate within the limited time available in the selection of nominees for member and alternate member positions on the committee.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of March 1954, to be, and become effective upon publication in the FEDERAL REGISTER.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2313; Filed, Mar. 30, 1954; 8:55 a. m.]

[Docket No. AO-166-A18-RO2]

PART 965—MILK IN THE CINCINNATI, OHIO, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 100), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors; insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective not later than April 1, 1954. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the orderly marketing of available milk supplies. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk produced for the Cincinnati, Ohio, marketing area. The regulatory provisions of this order amending the order, as amended, are such that little or no preparation prior to its effective date will be required of handlers regulated thereunder. Under these circumstances the handlers will be afforded reasonable time for any such preparations as may be necessary. Therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order amending the order, as amended, until at least 30 days after its publication in the FEDERAL REGISTER, and good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) for making this order amending the order, as amended, effective April 1, 1954.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended, and as hereby further amended, which is marketed within the Cincinnati, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1953), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete that portion of § 965.51 (c) which precedes subparagraph (2) thereof and substitute therefor the following:

(c) The price for Class III milk during each of the months of March through August, inclusive, shall be the higher of the prices per hundredweight computed pursuant to subparagraphs (1) and (2) of this paragraph; and the price for Class III milk during each of the months of September through February, inclusive, shall be the higher of such computed prices plus 30 cents:

(1) The price as computed pursuant to § 965.50 (b): *Provided,* That the price per hundredweight for Class III milk during the period ending with August 31, 1954, shall be the higher of the price computed pursuant to subparagraph (2) of this paragraph and a price computed as follows:

(i) Subtract 5.5 cents from the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month for which payment is to be made, multiply by 1.20, and then multiply such result by 3.5;

(ii) From the simple average, as computed by the market administrator, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the

period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 6 cents, and multiply the result by 7.7; and

(iii) Deduct 25 cents from the sum of the amounts computed under subdivisions (i) and (ii) of this subparagraph: *Provided*, That the price applicable to milk used to produce ice cream, ice cream mix, eggnog, whipped cream, whipped cream substitutes, and cottage cheese shall be the sum of amounts computed for the month under subdivisions (i) and (ii) of this subparagraph.

2. Delete in § 965.51 (d) the word "July" and substitute therefor the word "August."

3. Delete § 965.52 and substitute therefor the following:

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows: For Class I milk and Class II milk, respectively, determine the percent of the alternate basic formula price as computed pursuant to § 965.50 (b) represented by the sum computed pursuant to § 965.50 (b) (1), apply the percentage so determined to the respective Class I and Class II prices for 3.5 percent milk computed pursuant to § 965.51 (a) and (b), and divide by 35 (computed to the nearest hundredth of a cent). For Class III milk and Class IV milk subtract $5.50 from the average price per hundred pounds of butter as described in § 965.51 (c) (1) (i), multiply by 1.20, subtract therefrom the amount per hundredweight computed pursuant to § 965.51 (c) (1) (ii), and divide the result by 1,000: *Provided*, That beginning with September 1, 1954, the butterfat differential for Class III milk shall be computed as follows: Multiply by 1.20 the average price per hundred pounds of 92-score butter as described in § 965.50 (b) (1), subtract therefrom the price per hundredweight computed pursuant to § 965.50 (b) (2), and divide the result by 1000; and beginning with such date the butterfat differential for Class IV milk shall be computed as follows: Subtract $5.00 from the average price per hundred pounds of 92-score butter as described in § 965.50 (b) (1), multiply by 1.20, subtract therefrom the price per hundredweight pursuant to § 965.50 (b) (2), and divide the result by 1,000.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of March 1954 to be effective on and after April 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2262; Filed, Mar. 30, 1954; 8:49 a. m.]

PART 968—HANDLING OF MILK IN THE WICHITA, KANSAS, MARKETING AREA

SUBPART—ORDER REGULATING HANDLING

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AUTHORITY: §§ 968.1 to 968.110 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 968.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of this hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers as defined in this order amending the order, as amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk and its products; and

(5) The necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro-rata share of such expense an amount not to exceed 4 cents per hundredweight with respect to all milk received from approved dairy farmers during the month, which amount shall be determined by the market administrator subject to review by the Secretary.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective not later than April 1, 1954, so as to reflect current marketing conditions. Any delay beyond April 1, 1954, in the effective date of this order amending the order, as amended, would tend to disrupt the orderly marketing of milk for the Wichita, Kansas, marketing area. The provisions of the said amendatory order are known to handlers, the public hearings having been held on October 7-9, 1953 and December 1-3, 1953, the recommended decision having been issued on February 15, 1954 and the final decision having been issued on March 12, 1954. Therefore, rasonable time under the circumstances has been afforded persons affected to prepare for its effective date. The changes effected by this amendatory order will not require extensive preparation or substantial alteration in the methods of their operations. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective April 1, 1954 and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Wichita, Kansas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 968.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 968.3 *Wichita, Kansas, marketing area.* "Wichita, Kansas, marketing area" means all the territory within the corporate limits of the City of Wichita, Kansas, and the territory within Delano, Kechi, Minneha, Riverside, Waco, Gypsum, Park, Payne and Wichita Townships, and the City of Eastborough, all in Sedgwick County, Kansas.

§ 968.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 968.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who holds a currently valid permit or license issued by the Health Department of the City of Wichita or of Sedgwick County for the production of milk to be disposed of as Grade "A" milk, or produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type II, No. 1, or Type III, No. 1 which is received at a plant supplying Class I milk to such an institution or base in the marketing area.

§ 968.6 *Producer.* "Producer" means any approved dairy farmer, other than a producer-handler, whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association. "Producer" does not mean any approved dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this order pursuant to § 968.61.

§ 968.7 *Approved plant.* "Approved plant" means any plant (a) approved by the health authorities of the City of Wichita, Kansas, or of Sedgwick County, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area at which milk is received from approved dairy farmers, or (b) supplying to any agency of the United States Government located within the marketing area Class I milk products accepted as meeting the requirements of Type II, No. 1 or Type III, No. 1.

§ 968.8 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler.

(a) During any of the months of March, April, May, or June within which such plant disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 20 percent or more of such plant's total receipts from approved dairy farmers;

(b) During any of the other months within which such plant disposes of as Class I milk an amount equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 25 percent or more of such plant's total receipts from approved dairy farmers; and

(c) For the purpose of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 968.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; and

(b) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 968.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 968.11 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates an approved plant, but who receives no milk from other approved dairy farmers.

§ 968.12 *Market administrator.* "Market administrator" means the person designated pursuant to § 968.20 as the agency for the administration of this part.

§ 968.13 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received at a pool plant either directly from such producer or from other handlers.

§ 968.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 968.15 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to § 968.41 (a), other than a delivery to any milk processing plant.

§ 968.16 *Base milk.* "Base milk" means producer milk received by handlers from a producer which is not in excess of such producer's daily base determined pursuant to § 968.90 multiplied

by the number of days during the month for which milk was received from such producer.

§ 968.17 *Excess milk.* "Excess milk" means producer milk received by handlers from a producer which is in excess of base milk received from such producer during the month.

MARKET ADMINISTRATOR

§ 968.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 968.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 968.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 968.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 968.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to § 968.30 through § 968.32, or

(2) Made payments pursuant to § 968.80 through § 968.86.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 968.51 (a) and the Class I butterfat differential pursuant to § 968.52 both for the current month; and the minimum price for Class II milk computed pursuant to § 968.51 (b) and the Class II butterfat differential pursuant to § 968.52 both for the previous month;

(2) On or before the 10th day of each month the uniform price computed pursuant to § 968.71 and the butterfat differential computed pursuant to § 968.81 both for the previous month;

(j) Prepare and disseminate such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 12th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers in each class by each handler who in the previous month received milk from members of such cooperative association.

REPORTS, RECORDS AND FACILITIES

§ 968.30 *Periodic reports.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall, with respect to milk or milk products which were received or produced by such handler during such month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer or approved dairy farmer, and the number of days for which milk was received from each producer;

(b) The quantities of skim milk and butterfat contained in receipts of milk, and milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat the receipt of which is required to be reported pursuant to this section;

(e) The pounds of skim milk and butterfat contained in all milk, skim milk, and cream and other Class I products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the receipts and use of milk as the market administrator may request, including a separate statement of skim milk and butterfat disposed of as Class I milk on routes within the marketing area.

§ 968.31 *Payroll reports.* On or before the 20th day after the end of each month each handler shall submit to the market administrator his producer payroll for such month which shall show for each producer and each approved dairy farmer:

(a) His total deliveries of base milk and total deliveries of milk in excess of base milk;

(b) The average butterfat content of his milk; and

(c) The net amount of such handler's payments to such producer or approved dairy farmer with the prices, deductions, and charges involved.

§ 968.32 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

§ 968.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year periods, the market administrator notified the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 968.40 *Skim milk and butterfat to be classified.* All skim and butterfat received within the month by a handler which is required to be reported pursuant to § 968.30 shall be classified by the market administrator pursuant to the provisions contained in § 968.41 through § 968.46.

§ 968.41 *Classes of utilization.* Subject to conditions set forth in §§ 968.43 and 968.44, classes of utilization shall be:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, (3) skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese, and (4) all other skim milk and butterfat not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce butter, cheese (including skim milk used to produce cottage cheese curd, but not including skim milk or butterfat used in creaming cottage cheese disposed of as creamed cottage cheese) plain or sweetened condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, ice cream mix, frozen desserts, aerated cream, eggnog, casein or margarine; (2) in cream frozen and stored; (3) used for starter churning, wholesale baking and candy making; (4) disposed of as livestock feed; (5) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (6) in shrinkage up to 2 percent of producer receipts to be prorated pursuant to § 968.42; (7) in shrinkage of other source milk; and (8) in inventory at the end of the month as milk, skim milk, cream (except frozen) or any product specified in paragraph (a) of this section.

§ 968.42 *Shrinkage.* The market administrator shall prorate shrinkage of skim milk and butterfat classified in Class II milk between the receipts of skim milk and butterfat, respectively, in milk from producers and from other sources. For the purpose of prorating shrinkage of skim milk and butterfat, skim milk and butterfat in milk diverted directly from producers' farms to another handler shall be included as a receipt of the handler to whom such milk and butterfat was diverted, and excluded from receipts of the diverting handler.

§ 968.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to § 968.41 (b) (8) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 968.46 (a) (4), or the corresponding step of § 968.46 (b).

§ 968.44 *Transfers.* Skim milk and butterfat transferred or diverted from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler, subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located more than 250 miles from the approved plant by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternative utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant distributing fluid milk or cream and located less than 250 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant.

(e) As Class II milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant, located not more than 250 miles from the approved plant, and which does not distribute fluid milk or cream, except that where such unapproved plant is operated by a person who is also a handler or an affiliate of a handler, (1) the market administrator shall be permitted to audit the records of receipts and utilization at such unapproved plant, and (2) to the extent that skim milk or butterfat is disposed of from such unapproved plant to any other milk plant in the form of milk, skim milk or cream, skim milk or butterfat so transferred or diverted to such unapproved plant shall be classified as if moved directly from the approved plant to such other milk plant.

(f) Skim milk or butterfat transferred to a nonpool plant from which fluid milk, skim milk or cream is transferred to a pool plant shall be subject to reclassification to the extent of the amount so transferred from such nonpool plant.

§ 968.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and in Class II milk for such handler.

§ 968.46 *Allocation of skim milk and butterfat classified.* After making the computation pursuant to § 968.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 968.41 (b) (6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other pool plants in a form other than milk, skim milk or cream according to its classification pursuant to § 968.41;

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in receipts of other source milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen) or any product specified in § 968.41 (a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 968.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 968.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in deter-

mining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof and multiply by 3.8.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot price per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 968.51 *Class prices.* Subject to the provisions of § 968.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.65.

(b) *Class II milk.* The price per hundredweight shall be:

(1) For the months of March, April, May and June, the average of the prices reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the United States Department of Agriculture:

Present Operator and Location

Arkansas City Cooperative Milk Association, Arkansas City, Kans.
Bennett Creamery Co., Ottawa, Kans.
Page Milk Co., Coffeyville, Kans.
Pet Milk Co., Iola, Kans.

(2) For all other months, the higher of such price or the average price reported by the United States Department of Agriculture for the current month for milk for manufacturing purposes f. o. b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio.

§ 968.52 *Handler butterfat differential.* If the average butterfat test of Class I milk or Class II milk as calculated pursuant to § 968.46 is more or less than 3.8 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below 3.8 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.120;

(b) *Class II milk.* Multiply such price for the current month by 0.115.

APPLICATION OF PROVISIONS

§ 968.60 *Producer-handlers.* Sections 968.40 through 968.46, 968.50 through 968.52, 968.61, 968.62, 968.70, 968.71 and 968.80 through 968.88 shall not apply to a producer-handler.

§ 968.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this part is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund with respect to all skim milk and butterfat disposed of (except to other handlers) as Class I milk within the marketing area, an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this part and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day after the end of each delivery period.

§ 968.62 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a month, shall in lieu of the payments required pursuant to § 968.80 through § 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The product of the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I milk during the month multiplied by the difference between the price for Class I milk pursuant to § 968.51 and the price for Class II milk pursuant to § 968.51 (b),

(b) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such month if such handler operated a pool plant deduct the gross payments made by such handler to approved dairy farmers for milk received during such month.

§ 968.70 *Net pool obligations of handlers operating pool plants.* The net pool obligation for milk received during each month by each handler from producers at pool plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 968.46 (c) by the applicable respective class prices (adjusted pursuant to § 968.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 968.46 (a) (7) by the applicable respective class prices;

(c) Add a reclassification charge computed at a rate equal to the difference between the Class I and Class II prices for the current month for skim milk and butterfat in inventory which is subtracted from Class I pursuant to § 968.46 (a) (4) and the corresponding step of § 968.46 (b) which is not in excess of the skim milk and butterfat, respectively, remaining in Class II milk in the previous month pursuant to § 968.46 (a) (5) and the corresponding step of § 968.46 (b).

(d) For any other source skim milk or butterfat subtracted from Class I milk pursuant to § 968.46 (a) (3) and (b), add an amount equal to the difference between the values of such skim milk and butterfat at the Class I price and at the Class II price, unless the handler can prove to the satisfaction of the market administrator that such other source skim milk and butterfat was used only to the extent that producer milk was not available either directly from producers or at the plant of another handler at the Class I price.

§ 968.71 *Computation of uniform prices for base milk and excess milk.* For each month, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the values computed pursuant to § 968.70 for all handlers who made the reports prescribed in § 968.30 and who made the payments pursuant to § 968.80 and § 968.83 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent; or add if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 968.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 3.8 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price of Class II milk of 3.8 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price of Class I milk of 3.8 percent butterfat content and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat content received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content received from producers.

PAYMENTS

§ 968.80 *Time and method of payment.* Each handler operating a pool plant shall make payment as follows:

(a) On or before the 12th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform prices computed pursuant to § 968.71 (h) and (e) for such producers deliveries of base milk and excess milk, respectively, adjusted by the butterfat differential computed pursuant to § 968.81, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date, such handler has not received full payment pursuant to § 968.84 he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 27th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of such month, at the approximate value of such milk.

(c) On or before the 11th day after the end of each month and on or before the 24th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which it caused to be delivered to such handler from producers, and for which such association is determined by the market administrator to be authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments due on or before the 11th day after the end of the month shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 968.31, and payments due on or before the 24th day of the month shall be accompanied by a statement of the amount of money for each producer.

§ 968.81 *Producer butterfat differential.* In making payments pursuant to § 968.80 (a) there shall be added to or subtracted from the uniform prices per hundredweight for each one-tenth of one percent that the average butterfat content is above or below 3.8 percent an amount computed by multiplying by 0.12 the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the mid-point of any range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the month and rounding to the nearest one-tenth cent.

§ 968.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.83, 968.85, 968.61 and 968.62, and out of which he shall make all payments to handlers pursuant to §§ 968.84 and 968.85: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.83 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 968.80.

§ 968.84 *Payments out of the producer-settlement fund.* (a) On or before the 12th day after the end of each month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 968.80 is greater than the net pool obligation of such handler.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 968.85 *Adjustment of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 968.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.84, the market administrator shall, within 5 days make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

(b) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation payment to such producer was in an amount more than was required to be paid pursuant to § 968.80, no handler shall be deemed to be in violation of § 968.80 if he reduces his payment to such producer next following discovery of such error by not more than such overpayment.

§ 968.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80 (a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market

information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 968.80 (a) as are authorized by such producers, and, on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members. Such payment shall be accompanied by a statement showing for each producer for which such deduction is made the amount of such deduction, the total delivery of milk, and unless otherwise previously provided, the butterfat test.

§ 968.87 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler with respect to all milk received from approved dairy farmers during the month, shall pay to the market administrator, on or before the 12th day after the end of such month, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary.

§ 968.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

BASE RATING

§ 968.90 *Determination of daily base.* (a) Through December 31, 1954, the daily average base of each producer who regularly delivered milk to a handler during the months of August through November 1953 shall be that effective for January 1954. Effective January 1, 1955, the daily average base of each producer who regularly delivered milk to a handler for 60 days or more during August through November of the next preceding calendar year shall be computed by the market administrator by dividing the total pounds of milk received by a handler from such producer during such months by the number of days within the period during which such producer made regular deliveries of milk in such months, or 90, whichever is greater.

(b) The daily average base of each producer for whom no daily base may be established pursuant to paragraph (a) of this section shall be computed by the market administrator as follows:

(1) Multiply such producer's daily average deliveries of milk during the current month by the percentage that total deliveries of base milk in the current month by producers for whom daily bases are computed pursuant to paragraph (a) of this section are to total deliveries of milk in the current month by all producers; and

(2) Effective January 1, 1955, for the months of January through July only, divide the result obtained in subparagraph (1) of this paragraph by 2.

§ 968.91 *Base rules.* (a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in § 968.90 (b).

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions: (1) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (2) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section and § 968.90 only, the term "producer" shall include any person who has been a producer as defined in § 968.6 but whom the City of Wichita or Sedgwick County has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the City of Wichita or Sedgwick County, Kansas.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 968.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 968.101.

§ 968.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 968.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

AGENTS

§ 968.110 *Agents.* The Secretary may, by designation, in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 25th day of March 1954, to be effective on and after April 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

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[Docket No. AO-179-A12]

PART 975—MILK IN THE CLEVELAND, OHIO, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this amendatory order effective on April 1, 1954. Such action is necessary in the public interest in order to reflect current marketing conditions and to facilitate the orderly marketing of milk produced for the Cleveland, Ohio, marketing area. Accordingly, any further delay in the effective date of this order will seriously threaten the orderly marketing of milk in the marketing area. The provisions of this amendatory order are well known to handlers and producers, the public hearing having been convened on February 18, 1954, and a decision containing the terms and provisions of the order having been issued on March 16, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations or producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended), of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers, who participated in a referendum on the question of its approval and who, during the determined representative period (January 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Amend § 975.63 by adding a paragraph (c) as follows:

(c) If, during any of the months of April, May, or June, 1954, the average (computed to the nearest tenth of a cent) of the basic (or field) prices per hundredweight reported to the market administrator or to the Department of Agriculture to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the plant of the Defiance Milk Products Co. at Defiance, Pet Milk Co. at Coldwater, Nestles Milk Products Co. (uninspected milk price) at Marysville, Fisher Dairy and Cheese Co. at Wapakoneta, and Swift and Co. at Lima, all in Ohio, is less than the price per hundredweight of milk of 3.5 percent butterfat content computed pursuant to paragraphs (a) and (b) of this section (exclusive of the proviso in paragraph (a) of this section), the prices per hundredweight of butterfat computed pursuant to paragraph (a) of this section shall be reduced by an amount obtained by multiplying such difference by 14.28571 and the price per hundredweight of skim milk computed pursuant to paragraph (b) of this section shall be reduced by an amount obtained by multiplying such difference by 0.51813.

Issued at Washington, D. C., this 25th day of March 1954, to be effective on and after the 1st day of April 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2263; Filed, Mar. 30, 1954; 8:50 a. m.]

PART 980—MILK IN THE TOPEKA, KANSAS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISION

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area, hereinafter referred to as the "order" it is hereby found and determined that the provisions of § 980.70 (b) of the order do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order for the delivery period of April 1954.

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that the (1) information upon which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; and (3) this action will affect only seasonality of returns to producers and will in no way affect the obligations of handlers subject to the order. The changes caused by this suspension order do not require of persons affected any preparation prior to its effective date.

It is therefore ordered, That the following provision of the order be and it is hereby suspended with respect to all milk subject to the provisions of the order for the delivery period of April 1954:

1. Section 980.70 (b) in its entirety.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 26th day of March 1954, to be effective April 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2301; Filed, Mar. 30, 1954; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Interpretation No. 1]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PILOT IN COMMAND

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of March 1954.

The Board has been asked for an interpretation of the duties, power and responsibilities of a pilot in command as delineated in revised Part 40, which will become effective on April 1, 1954.

"Crew member" is defined in Part 40 as an individual who is assigned by the air carrier for performance of duty in flight. Within the classification of crew members is a "flight crew member" who is defined as "a crew member assigned to duty on an airplane as a pilot or flight engineer".

The pilot in command, by definition, is the pilot designated by the carrier as being responsible for the operation and safety of the airplane during flight time. It is axiomatic that a single individual must have complete control and responsibility for an airplane in flight. One of the functions of command is the power to override the decisions of subordinate crew members. In accordance with the responsibility vested in the pilot in command, § 40.351 (c) states that "The pilot in command shall during flight time be in command of the airplane and crew and shall be responsible for the safety of the passengers, crew members, cargo, and airplane". It should be noted at this point that the only crew member specifically delegated emergency authority in Part 40 is the pilot in command (§ 40.360).

The Board had no desire at the time of the promulgation of revised Part 40 and has no desire now to invade the prerogative of management to apportion the various duties of operating its aircraft among the flight crew members as it may see fit, subject of course, to review by the Administrator of the safety aspects thereof. Indeed, §§ 40.50 and 40.51 (a) (2) provide that the carrier is responsible to prepare and maintain a manual which sets forth the duties and responsibilities of each crew member. However, § 40.51 (a) also provides that nothing in the manual may be contrary to any Federal regulation. It follows, then, that no assignment of duties or responsibilities by an air carrier may in any way derogate from the responsibilities, powers or prerogatives vested by the Board's regulations in the pilot in command.

The Board has been informed that some persons interpret the final sentence of § 40.261 (d) as a limitation on the authority of the pilot in command over a flight engineer unless the pilot in command himself holds a flight engineer certificate. The Board intended, and the regulatory history clearly indicates, that the sentence in question was intended to provide specific authority for a pilot to serve in the capacity of a flight engineer in the event of an emergency without the necessity of holding a flight engineer certificate in addition to his pilot certificate. Conversely, however, if a pilot were scheduled for a flight in the capacity of a flight engineer, he would be required specifically to hold a valid flight engineer certificate (see §§ 40.260-40.263). Further, the definition of "flight engineer" clearly indicates that the flight engineer is subordinate to the pilot in command.

In view of the foregoing, the Board hereby issues the following interpretation, which in accordance with section 3 (a) of the Administrative Procedure Act will be published in the FEDERAL REGISTER and will be incorporated in Part 40 of the Civil Air Regulations, which becomes effective on April 1, 1954.

PILOT IN COMMAND

The Board interprets and construes § 40.351 (c) as conferring on the pilot in command, with respect to matters concerning the operation of the airplane, full control and authority without limitation over all other crew members and their duties during flight time, whether or not he holds a valid certificate authorizing him to perform the duties and functions of such other crew member.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-2302; Filed, Mar. 30, 1954; 8:57 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 28]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.)* is amended by changing the portion after the Lexington, Ky., nondirectional radio beacon to read: "Lexington, Ky., nondirectional radio beacon to the intersection of a line bearing 358° True from the Lexington, Ky., nondirectional radio beacon with the east course of the Louisville, Ky., radio range. From the Findlay, Ohio, nondirectional radio beacon via the Toledo, Ohio, radio range station to the intersection of the north course of the Toledo, Ohio, radio range and the west course of the Detroit, Mich., radio range."

2. Section 600.285 is amended to read:

§ 600.285 *Red civil airway No. 85 (Akron, Ohio, to Altoona, Pa.).* From the intersection of the southeast course of the Akron, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range via the Butler, Pa., nondirectional radio beacon to the Altoona, Pa., radio range station.

3. Section 600.303 is amended to read:

§ 600.303 *Red civil airway No. 103 (Kenai, Alaska, to Middleton Island, Alaska).* From the Kenai, Alaska, radio range station via the intersection of the southeast course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range to the Middleton Island, Alaska, nondirectional radio beacon.

4. Section 600.680 is added to read:

§ 600.680 *Blue civil airway No. 80 (Unalakleet, Alaska, to Moses Point, Alaska).* From the intersection of the northwest course of the Unalakleet, Alaska, radio range and the south course of the Moses Point, Alaska, radio range to the Moses Point, Alaska, radio range station.

5. Section 600.686 is amended to read:

§ 600.686 *Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.).* From the intersection of the east course of the Goshen, Ind., radio range and the northwest course of the Fort Wayne, Ind., radio range to the Fort Wayne, Ind., radio range station.

6. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by changing all before the Fresno, Calif., omnirange station to read: "From the San Diego, Calif., omnirange station via the intersection of the San Diego omnirange 336° True and the Long Beach omnirange 137° True radials to the Long Beach, Calif., omnirange station. From the point of intersection of the Palmdale, Calif., omnirange station 292° True and the Bakersfield omnirange 159° True radials via the Bakersfield, Calif., omnirange station; Fresno, Calif., omnirange station;"

7. Section 600.6064 is amended to read:

§ 600.6064 *VOR civil airway No. 64 (Long Beach, Calif., to Blythe, Calif.).* From the Long Beach, Calif., omnirange station via the Thermal, Calif., omnirange station to the Blythe, Calif., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. April 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2242; Filed, Mar. 30, 1954; 8:45 a. m.]

[Amdt. 28]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.285 is amended by changing caption to read: *"Red civil airway No. 85 control areas (Akron, Ohio, to Altoona, Pa.)."*

2. Section 601.680 is added to read:

§ 601.680 *Blue civil airway No. 80 control areas (Unalakleet, Alaska, to Moses Point, Alaska).* All of Blue civil airway No. 80.

3. Section 601.686 is amended by changing caption to read: *"Blue civil airway No. 86 control areas (Goshen, Ind., to Fort Wayne, Ind.)."*

4. Section 601.1042 *Control area extension (Columbus, Ohio)* is amended by changing the portion bounded "on the west by Red civil airway No. 27" to read: "on the west by VOR civil airway No. 47".

5. Section 601.1067 is amended to read:

§ 601.1067 *Control area extension (Dayton, Ohio).* That airspace within a 15-mile radius of the Dayton, Ohio omnirange station including the airspace within 5 miles either side of the Dayton ILS localizer course extending from the localizer to a point 20 miles southwest of the ILS outer marker.

6. Section 601.1068 is amended to read:

§ 601.1068 *Control area extension (Riverside, Calif.).* That airspace bounded on the east by a line extending between a point at Lat. 33°51'00", Long. 116°50'40" and a point at Lat. 33°45'45", Long. 116°50'00", on the south by VOR civil airway No. 64, on the northwest by VOR civil airway No. 8 and on the north by Green civil airway No. 5, and that airspace bounded by lines beginning at a point at Lat. 33°36'45", Long. 116°48'-40", thence to Lat. 33°30'00", Long. 116°47'55", thence to Lat. 33°30'00", Long. 116°48'40", thence to Lat. 33°12'-00", Long. 116°33'20", thence to Lat. 33°10'25", Long. 116°35'35", thence to Lat. 33°12'00", Long. 116°46'00", thence to Lat. 33°38'45", Long. 117°14'30", thence to point of beginning.

7. Section 601.1089 is amended to read:

§ 601.1089 *Control area extension (Cincinnati, Ohio).* All that airspace within a 15-mile radius of the Cincinnati, Ohio, omnirange station and that airspace northwest of Cincinnati bounded on the north by Red civil airway No. 18, on the east by VOR civil airway No. 47 and on the southwest by the east alternate of VOR civil airway No. 97.

8. Section 601.1139 *Control area extension (Lexington, Ky.)* is amended by deleting the last portion which reads: "and the airspace northwest of Lexington bounded on the east by Red civil airway No. 27, on the south by Red civil airway No. 11 and on the northwest by VOR civil airway No. 5."

9. Section 601.1984 *Five-mile radius zones* is amended by adding the following airport:

Kenai, Alaska: Kenai Airport.

10. Section 601.2091 *Dayton, Ohio, control zone* is amended by deleting the portion which reads: "extending 2 miles either side of the west course of the Dayton radio range from the radio range station to the Verona fan marker,".

11. Section 601.2253 *Kenai, Alaska control zone* is revoked.

12. Section 601.4014 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* is amended between Indianapolis, Ind., radio range station and Columbus, Ohio, radio range station to read: "Indianapolis, Ind., radio range station; the intersection of the northeast course of the Indianapolis, Ind., radio range and the northwest course of the Cincinnati, Ohio, radio range; Columbus, Ohio, radio range station;".

13. Section 601.4101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska)* is amended after "Unalakleet, Alaska, radio range station;" by adding the following reporting point: "the intersection of the northwest course of the Unalakleet, Alaska, radio range and the south course of the Moses Point, Alaska, radio range;".

14. Section 601.4208 *Red civil airway No. 8 (Dayton, Ohio to Newark, N. J.)* is amended by deleting the following reporting point: "The intersection of the south course of the Dayton, Ohio radio range and the west course of the Wright-Patterson, Ohio, AFB radio range;".

15. Section 601.4227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.)* is amended by deleting the following reporting point: "Dayton, Ohio, radio range station".

16. Section 601.4285 is amended by changing caption to read: *"Red civil airway No. 85 (Akron, Ohio, to Altoona, Pa.)."*

17. Section 601.4680 is added to read:

§ 601.4680 *Blue civil airway No. 80 (Unalakleet, Alaska, to Moses Point, Alaska).* No reporting point designation.

18. Section 601.4686 is amended by changing caption to read: *"Blue civil airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.)."*

19. Section 601.6002 is amended to read:

§ 601.6002 *VOR civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).* All of VOR civil airway No. 2 including north and south alternates, excluding the airspace between the south alternate from the Alexandria, Minn., omnirange station to the La Crosse, Wis., omnirange station and the main airway.

20. Section 601.6013 is amended to read:

§ 601.6013 *VOR civil airway No. 13 control areas (Houston, Tex., to Duluth, Minn.).* All of VOR civil airway No. 13 including east and west alternates, excluding the airspace between the west alternate from the Mason City, Iowa, omnirange station to the Minneapolis, Minn., omnirange station and the main airway.

21. Section 601.6064 is amended to read:

§ 601.6064 *VOR civil airway No. 64 control areas (Long Beach, Calif., to Blythe, Calif.).* All of VOR civil airway No. 64.

22. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting points:

Winslow, Ariz., omnirange station.
Prescott, Ariz., omnirange station.
Larry Intersection: The intersection of the Oakland, Calif., omnirange 130° True and the San Francisco, Calif., omnirange 111° True radials.

and by revoking the following reporting points:

Northfield Intersection: The intersection of the Minneapolis, Minn., omnirange 184° True and the Rochester, Minn., omnirange 319° True radials.

Conowingo Intersection: The intersection of the Baltimore, Md., omnirange 036° True and the West Chester, Pa., omnirange 241° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., April 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2243; Filed, Mar. 30, 1954; 8:45 a. m.]

[Amdt. 73]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.27, the Presque Isle, Maine, area (D-80), published on September 7, 1951, in 16 F. R. 9070, amended on October 31, 1951, in 16 F. R. 11068, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 47°00'00" N, long. 68°25'00" W; SW to lat. 46°10'00" N, long. 68°43'00" W; W to lat. 46°-10'00" N, long. 70°08'00" W; NE to lat. 47°00'00" N, long. 69°35'00" W; thence E to point of beginning," and by changeing the "Designated Altitudes" column to read: "3500' MSL to unlimited."

2. In § 608.52, the Carrington Island, Utah, area (D-256), published on June 3, 1952, in 17 F. R. 4977, is rescinded.

3. In § 608.14, the Antioch area (D-264), published on July 16, 1949, in 14 F. R. 4288, amended on October 14, 1950, in 15 F. R. 6908, and on December 13, 1952, in 17 F. R. 11256, and on November 10, 1953, in 18 F. R. 7056, is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 9, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2244; Filed, Mar. 30, 1954; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. 83]

PART 384—GENERAL ORDERS

ORDERS MODIFYING VALIDITY OF CERTAIN EXPORT LICENSES

Section 384.8 *Orders modifying validity of certain export licenses* is amended by adding the following paragraph (g):

(g) *Extension of validity period of licenses covering exportations from the Port of New York.* The validity period of any export license, covering an exportation to be made by water from the Port of New York, which expires between March 31, 1954, and the last day of the month during which the work stoppage at the Port of New York terminates is hereby extended to the last day of the month following the month in which the work stoppage terminates.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945; 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-2293; Filed, Mar. 30, 1954; 8:55 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANTIBIOTICS FOR AGRICULTURAL USE

Under the authority of section 507 (a) and (c) of the Federal Food, Drug, and Cosmetic Act, I find that antibiotic and antibiotic-containing substances intended solely for application to plants for the control of plant diseases and conspicuously so labeled are not subject to the requirements of sections 502 (1) and 507 of the act, with respect to certification of antibiotics, and therefore promulgate the following interpretive regulation relative to such substances:

§ 146.9 *Antibiotics for agricultural use.* An article that contains one or more of the antibiotic substances described in this part and intended solely for application to plants for the control of plant diseases caused by microorganisms and conspicuously so labeled is not subject to the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act, if it contains one or more suitable denaturants that make it unfit for drug use; but in no case shall it be exempt from the requirements of sections 502 (1) and 507 of the act if it is represented or intended to be administered to man or other animals for the cure, mitigation, treatment, or prevention of disease or as an animal feed supplement.

Notice and public procedure are not necessary prerequisites to this interpretive regulation.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 502, 507, 59 Stat. 463, as amended, 67 Stat. 389; 21 U. S. C. 352, 357)

Dated: March 25, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-2287; Filed, Mar. 30, 1954; 8:54 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 18—REGULATIONS GOVERNING THE ELECTION OF OFFICERS OF THE OSAGE TRIBE

MISCELLANEOUS AMENDMENTS

§ 18.19 *Manner of counting following the close of polls.* Promptly at one minute past 8:00 o'clock p. m. the Supervisor in the presence of the election board shall open the ballot box and move slide on inside of box closing the opening in which ballots are inserted and thereafter shall immediately and in the presence of said board close and lock the ballot box until the count of the ballot is to be started. The Supervisor shall then in the presence of the election board unlock and open ballot box, after which the count shall be started. The Supervisor and not less than two of the Judges shall remain continuously in the room until the ballots are finally counted. Two Judges shall act as official counters and the Clerks shall each record the vote upon a sheet opposite the name of the respective candidate for which the vote is cast, and shall continue this manner of recording until all votes have been counted. The duties of the remaining officials of the election board will be to assist in the counting and recording of each vote cast correctly and after the ballot has been counted it shall be pierced by a needle and string and after all ballots have been so treated both ends of the string shall be tied and the ballots deposited with the list of names of voters kept by the Clerk during the election in the ballot box which shall then again be locked and the keys retained by the Supervisor. After the ballot box is securely locked the Supervisor shall not again open it, but shall deliver said box in that condition to the Superintendent of the Osage Agency, and the box shall be retained in a safe place by said Superintendent, until opened by order of the Supervisor or the election board in the event a contest is filed. In no event shall the ballots be destroyed for a period of at least 180 days after the election is held.

§ 18.23 *Manner of contesting election.* Any candidate for the office of Principal Chief, Assistant Principal Chief or the Osage Tribal Council may, at any time before noon on Monday next following the Tribal election, file with the Supervisor, or in his absence, the Assistant Supervisor, a challenge of the correctness of the announced results of said Tribal election and request a recount of the ballots and shall accompany his application with the sum of not less than $60.00. It shall then be the duty of the election board or the Supervisor to order said recount and proceed with the same as herein provided.

§ 18.24 *Deposit for expenses.* Said deposits shall be used by the said board to defray the actual expenses of said recount and any balance not so used shall be returned to said contestant.

§ 18.25 *Notice of contest.* It shall be the duty of the Supervisor, or in his absence, the Assistant Supervisor, to serve upon the contestee, or contestees, directly affected by such challenge or contest, a true copy of said written application, the original of which is required to be filed with the Supervisor. Said service shall be made in person, where possible, within twenty-four hours after the filing of said original challenge or contest, and where personal service is impossible within such time, on account of the absence of contestee, or contestees, from Osage County, or for any other reason, it is hereby made the duty of the Supervisor to serve said true copy upon the Superintendent of the Osage Indian Agency, provided that for the purpose of such constructive service, the Superintendent of the Osage Indian Agency is hereby made and constituted the service agent of each and every candidate in all Tribal elections, and by filing petition as a candidate, such candidate shall thereby be presumed conclusively to have accepted the terms and provisions hereof and specifically the constructive service as aforesaid.

(Sec. 7, 45 Stat. 1481)

GLENN L. EMMONS,
Commissioner,
Bureau of Indian Affairs.

MARCH 25, 1954.

[F. R. Doc. 54-2283; Filed, Mar. 30, 1954; 8:53 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6066; Regs. 76]

PART 141—SHIPMENT OR DELIVERY OF MANUFACTURED TOBACCO, SNUFF, CIGARS, CIGARETTES, AND CIGARETTE PAPERS OR TUBES, FOR USE AS SEA STORES WITHOUT PAYMENT OF INTERNAL REVENUE TAX

TOBACCO SEA STORES BONDS

In order to establish maximum penal sums for tobacco sea stores bonds, required of manufacturers of tobacco products and cigarette papers and tubes, and proprietors of tobacco sea stores warehouses, Regulations 76 (26 CFR Part 141), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939, are hereby amended as follows:

PARAGRAPH 1. Section 1, act of August 4, 1886, set forth immediately preceding article 3 (26 CFR 141.3) is stricken out, and there is inserted in lieu thereof:

SEC. 2135. INTERNAL REVENUE CODE, EXEMPTION FROM TAX.

(a) *Shipments to foreign countries and possessions of the United States—(1) Manufacturers.* Manufactured tobacco, snuff, cigars or cigarettes may be removed for export to a foreign country or for shipment to a possession of the United States without payment of tax under such rules and regulations and the making of such entries, and the filing of such bonds and bills of lading as the Commissioner, with the approval of the Secretary, shall prescribe.

* * * * * *

(3) *Cigarette papers and tubes.* Under such rules and regulations as the Commissioner with the approval of the Secretary may prescribe, the taxes imposed by subsection (d) of section 2000 shall not apply in respect of cigarette papers or tubes sold for export or for shipment to a possession of the United States and in due course so exported or shipped.

PAR. 2. The second and third sentences of article 3 (a) (26 CFR 141.3 (a)), as amended by Treasury Decision 5205 (8 F. R. 74), are amended to read as follows: "A separate bond must be filed for each such factory from which withdrawals without payment of tax under this part are to be made. The penal sum of the bond must be sufficient to cover the estimated amount of tax which may at any time constitute a charge against the bond: *Provided*, That the penal sum of the bond furnished under this section shall not exceed $100,000 nor be less than $500, in the case of a bond covering withdrawals of cigars and cigarettes, and shall not exceed $25,000 nor be less than $500, in the case of a bond covering withdrawals of tobacco and snuff, or cigarette papers and tubes."

PAR. 3. The fifth and sixth sentences of article 3 (a) (26 CFR 141.3 (a)), as amended by Treasury Decision 5205 (8 F. R. 74), are stricken out and in lieu thereof is added a new sentence reading as follows: "When the limit of liability under a bond given in less than the maximum penal sum has been reached, no further shipments shall be made until the liability has been decreased, as provided in this part, or an additional or strengthening bond, with the same surety as that on the original bond, or a new or superseding bond, is furnished."

PAR. 4. The first sentence of article 12 (26 CFR 141.12), as amended by Treasury Decision 5205 (8 F. R. 74), is amended by striking out the words "and in no case less than $1,000", and inserting in lieu thereof ": *Provided*, That the penal sum of any such bond shall not exceed $200,000 nor be less than $1,000".

PAR. 5. The fourth sentence of article 12 (26 CFR 141.12), as amended by Treasury Decision 5205 (8 F. R. 74), is amended to read as follows: "When the limit of liability under a bond given in less than the maximum penal sum has been reached, no additional shipments shall be received into the warehouse until an additional or strengthening bond, with the same surety as that on the original bond, or a new or superseding bond, is furnished."

Because the amendments made by this Treasury decision are of a liberalizing character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective on the date of its publication in the FEDERAL REGISTER.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: March 25, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2290; Filed, Mar. 30, 1954; 8:54 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

HOSIERY INDUSTRY

On March 9, 1954 (19 F. R. 1322), proposed amendments to the regulations governing the employment of learners in the hosiery industry were published in the FEDERAL REGISTER. Interested persons were given an opportunity to submit data, views or arguments pertaining thereto.

After careful consideration of all the comments received, I have concluded that no changes in the proposed amendments are required. Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended, §§ 522.40 through 522.51 are hereby revised to read as set forth in the FEDERAL REGISTER of March 9, 1954, (19 F. R. 1322) and as shown below:

Sec.
522.40 Issuance of learner certificates in the hosiery industry.
522.41 Number or proportion of learners.
522.42 Learner occupations, learning periods, and subminimum rates.
522.43 Effective period of certificates.
522.44 Cancellation of special learner certificates.
522.45 Applicability of §§ 522.40 to 522.44.
522.46 Applicability of general learner regulations (§§ 522.1 to 522.14).

AUTHORITY: §§ 522.40 to 522.46 issued under sec. 14, 52 Stat. 1068; 29 U. S. C. 214.

§ 522.40 *Issuance of special learner certificates in the hosiery industry.* (a) When necessary in order to prevent the curtailment of opportunities for employment, special certificates authorizing the employment of learners in the occupations and subject to the terms set forth in §§ 522.40 to 522.46 shall be issued to any plant in the hosiery industry making application therefor on forms furnished by the Wage and Hour Division, providing that,

(1) Experienced workers in the occupations named in §§ 522.40 to 522.46 are not available for such employment, except as provided in § 522.42 (d), and that

(2) The issuance of a special certificate will not create unfair competitive labor cost advantages or impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

(b) Application must be made on the official form furnished by these Divisions and must contain all information re-

quired by the form, including among other things, information concerning efforts made by the applicant to obtain experienced workers, the occupations in which learners are to be employed, the number of learners previously hired, the number of learners requested, their proposed hourly rates and learning periods in number of hours, the number of experienced workers in such occupations and their straight-time average hourly earnings during the last payroll period, the number of plant workers employed during previous periods, and the type of equipment to be used by learners.

§ 522.41 *Number or proportion of learners.* (a) The number of learners which any employer may be authorized to employ by any special certificate issued to meet normal labor turnover needs shall not exceed on any one workday five percent of the total number of productive factory workers in the plant; provided that, in plants employing less than 100 workers, a maximum of 5 learners may be authorized.

(b) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need. A "new plant" means a plant which is newly established and is being operated for the first time, or which has not been operated more than 8 months and in which a substantial number of workers must be trained for the manufacture of the products of the plant. An "expanding plant" means a plant which is being expanded by the installation of additional mechanical equipment or other production facilities, by again placing into operation machinery which has been idle for an appreciable period, or by adding an additional shift.

§ 522.42 *Learner occupations, learning periods and subminimum rates.* (a) A person who has had no previous experience in any of the following occupations in the hosiery industry may be employed as a learner in any one of the following occupations for the number of hours and at the subminimum rates set forth below:

(1) *Seamless Branch:*

Learner occupations, learning periods, and subminimum rates
Knitting, transfer top only, 960 hours; looping, 960 hours; pairing, women's nylon only, 960 hours; mending,[1] women's nylon only, 960 hours; 67½ cents, first 480 hours; 72½ cents, remaining 480 hours.
Topping, 480 hours; boarding, 480 hours; folding, women's nylon and rayon, 480 hours; welting, 480 hours; mending, other than women's nylon, 480 hours; pairing, other than women's nylon, 480 hours; 67½ cents per hour.
Knitting, except transfer top, 240 hours; seaming, 240 hours; examining and inspecting, 240 hours; folding, other than women's nylon and rayon, 240 hours; 67½ cents per hour.

(2) *Full-fashioned Branch:*

Pairing, 960 hours; mending,[1] 960 hours; seaming, 960 hours; 70 cents, first 480 hours; 72½ cents, remaining 480 hours.
Folding, 480 hours; 70 cents per hour.
Boarding, examining and inspecting, 240 hours; 70 cents per hour.

(b) If experienced workers are paid on a piece rate basis, learners shall be paid at least the same piece rates as experienced workers employed on similar work in the plant and shall receive earnings based on such piece rates whenever such earnings exceed the subminimum wage rates permitted in the certificate.

(c) A person who has had previous experience or training in the hosiery industry at any time in any authorized learner occupation for less than the authorized learning period may be employed as a learner in the same occupation at the applicable subminimum rates until the number of hours authorized for that occupation are completed.

(d) A worker who has had full training in any authorized learner occupation may be transferred to any other learner occupation for a period not to exceed one-half of the learning period authorized for that occupation at not less than 72½ cents an hour. A worker who has had partial training in any authorized learner occupation may be transferred to any other learner occupation or either: (1) A period not to exceed one-half of the learning period authorized for that occupation, at not less than 72½ cents an hour; or (2) the balance of the number of hours permitted as a learning period for the occupation to which he or she is being transferred, at the applicable subminimum rates set forth in § 522.42 (a): *Provided however,* That (i) no worker may be employed as a learner at learner rates in more than two authorized occupations; (ii) no worker who has completed the authorized learning period in the occupation of pairing may be employed as a learner at learner rates in the occupations of folding or inspecting; and (iii) no worker who has completed the authorized learning period may be employed as a learner at learner rates when transferring from the seamless branch of the hosiery industry to the full-fashioned or from the full-fashioned branch to the seamless, if the worker is employed in the same occupation as that in which he or she has been previously employed.

§ 522.43 *Effective period of certificates.* (a) Special certificates issued to meet labor turnover needs shall be effective for a period not longer than one year.

(b) Special certificates issued to new or expanding plants shall be effective for a period not longer than six months.

§ 522.44 *Cancellation of special learner certificates.* (a) The Administrator or his authorized representative may cancel any certificate for cause. A certificate may be canceled (1) as of the date of issuance, if it is found that the applicant set forth any fact or facts in the application which he knew or had reasonable cause to believe to be false; (2) as of the date of violation, if it is found that any of its terms have been violated; or (3) prospectively, if it is found that the conditions of employment of the learner have changed or that the purposes for which the certificate was originally issued no longer obtain.

(b) Except in cases of wilfulness or those in which the public interest requires otherwise, before any special certificate for the employment of a learner will be canceled, facts or conduct which may warrant such action will be called to the attention of the employer in writing and he shall be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 522.45 *Applicability of §§ 522.40 to 522.44.* (a) For purposes of §§ 522.40 to 522.44, the "hosiery industry" is defined as follows: The manufacture or processing of hosiery including, among other processes, the knitting, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

(b) Sections 522.40 to 522.44 do not apply to Puerto Rico or the Virgin Islands.

§ 522.46 *Applicability of general learner regulations* (§§ 522.1 to 522.14). The employment of learners pursuant to the provisions of §§ 522.40 through 522.45 shall be subject to all provisions of the general regulations governing the employment of learners (§§ 522.1 to 522.14), except to the extent to which any provision of such general regulations is inconsistent with any provision of §§ 522.40 through 522.45.

The above revisions shall become effective May 3, 1954.

Signed at Washington, D. C., this 26th day of March 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-2288; Filed, Mar. 30, 1954; 8:54 a. m.]

[1] For purposes of §§ 522.40 to 522.46, this occupation is defined as the process of hand-mending hosiery, either in the greige or finished condition, excluding snagging or scratching performed as a full-time and continuous process, and excluding the operation of various types of mending machines, such as Vitos, Vanitas, Stelos or Marvel, except where the operation of such machines is incidental to the hand-mending operation and the use of such machinery is an adjunct to the hand-mending process.

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

PART 555—MOTION PICTURE SERVICE

ADMISSION CHARGES

Section 555.5 is rescinded and the following substituted therefor:

§ 555.5 *Admission charges.* (a) The basic charges for admission to Army and Air Force theaters operated under §§ 555.1–555.7 are 25 cents, tax included where applicable, for adults, and 18 cents, tax included where applicable, for children under 12 years of age. If considered advisable by the installation commander, and the seating capacity of the theater permits, children under 6 years of age may be admitted free of charge.

(b) An admission rate higher than the basic rate (not to exceed 50 cents) may be announced for special attractions. When such special attractions are scheduled, the Army Air Force Motion Picture Service will give appropriate advance notification to the installation commander and the Joint Welfare Board.

[SR 110-105-1, February 5, 1954] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-2241; Filed, Mar. 30, 1954; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PART 84—PAYMENT OF CERTIFICATES AND INTEREST

MISCELLANEOUS AMENDMENTS

a. In § 34.52 *Sample copies mailed as second-class matter* make the following changes:

1. Amend paragraph (d) to read as follows:

(d) *Limit of weight each year.* Sample copies may be mailed at the second-class pound rates at any time during a calendar year to the extent of 10 percent of the total estimated weight of copies to be mailed to subscribers during the calendar year. Sample copies mailed in excess of the 10-percent limit shall be charged with postage at the transient second-class rate prescribed by § 34.42. Excess sample copies accepted under deposits as provided for by § 34.30 while an application for second-class entry is pending shall be charged with postage at the transient second-class rate when the application is approved.

2. Rescind paragraph (e).

3. Redesignate paragraphs (f), (g), and (h) as paragraphs (e), (f), and (g), respectively.

(R. S. 161, 396; ch. 73, 23 Stat. 40, as amended; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 287)

b. In § 84.6 *Payment of accounts of deceased or incompetent depositors* make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Specific authority required except when deceased depositor's account is $20 or less.* Payment of the amount on deposit, or any part thereof, to the credit of a deceased, insane, or otherwise legally incompetent depositor shall not be made until specific authority therefor has first been obtained from the Assistant Postmaster General, Bureau of Finance, except when the amount on deposit to the credit of a deceased depositor is $20 or less. After the death of a depositor his account shall not be increased by further deposits.

2. Amend the first sentence of paragraph (e) (1) to read as follows: "If the depositor dies intestate; the amount on deposit is more than $20 and is such that not more than $500 will be available for distribution after allowing for payment of preferred claims; or the laws of the State in which the money is deposited provide, either specifically or by court decision, for the payment of a larger amount without administration, the postmaster shall obtain an application for payment on Form PS 114 from one of the next of kin or the person who paid the funeral expenses."

3. Redesignate paragraphs (f), (g), (h), (i), and (j) as paragraphs (g), (h), (i), (j), and (k), respectively, and insert new paragraph (f) to read as follows:

(f) *Accounts of $20 or less.* A postmaster having an account of $20 or less belonging to a deceased depositor is authorized to pay the account without reference to the Assistant Postmaster General, Bureau of Finance, under the following circumstances:

(1) To an administrator or executor upon evidence of his authority and submission of his written request.

(2) To an entitled distributee or legatee on behalf of other distributees or legatees under a decree of distribution upon evidence thereof and submission of his written request.

(3) To the surviving spouse, a child, or a parent, in the order named, or in the absence of any one of these, a brother or sister, if no administration on the depositor's estate has been asked for or granted, upon the applicant's written statement and request.

(4) To the undertaker or other preferred creditor in the absence of administration or next of kin on submission of the unpaid funeral bill signed by the undertaker or signed statement covering the amount of the claim.

4. In redesignated paragraph (k) *Authority for payment to be attached to certificates* add the following sentence: "For accounts of $20 or less the written request of the payee, with the endorsement of the postmaster stating the amount of the deposit, shall be affixed to the certificates."

(R. S. 161, 396; sec. 10, 37 Stat. 559; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 29 U. S. C. 768)

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-2256; Filed, Mar. 30, 1954; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 947]

NEW MEXICO

TRANSFER OF LANDS FROM CARSON NATIONAL FOREST TO THE SANTA FE NATIONAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

The following-described lands within the exterior boundaries of the Carson National Forest are hereby transferred to the Santa Fe National Forest, effective July 1, 1954.

NEW MEXICO PRINCIPAL MERIDAN

T. 25 N., R. 2 E.,
Secs. 2 and 11;
Sec. 12, W½;
Sec. 13, W½, SE¼;
Secs. 14, 23, 24, 25, and 36.
T. 26 N., R. 2 E.,
Secs. 26 and 35.
T. 24 N., R. 3 E., unsurveyed,
Sec. 3, W¼;
Secs. 4, 5 and 6;
Secs. 8 to 15, inclusive;
Sec. 24.
T. 25 N., R. 3 E.,
Secs. 30 and 31.
T. 24 N., R. 4 E.,
Sec. 7;
Sec. 8, W½;
Secs. 17, 18 and 19.

The exterior boundaries of the forests involved are hereby adjusted in accordance with the transfers made by this order, and any transferred land now having a national-forest status shall become a part of the forest to which it is transferred.

This order shall not be construed as giving a national-forest status, to any lands which do not now have such status, or as changing the status of any lands which now have a national-forest status.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 25, 1954.

[F. R. Doc. 54-2248; Filed, Mar. 30, 1954; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

PART 301—GENERAL REGULATIONS

PART 304—LABOR

AWARD OR APPROVAL OF ISSUANCE OF MEDAL, DECORATION, INSIGNE, OR CERTIFICATE

Notice is hereby given that, effective on June 30, 1954, no action will be taken to award or approve issuance of any medal, decoration, insigne, or certificate prescribed or authorized in the act of April 11, 1942 (Pub. Law 524, 77th Cong.; 56 Stat. 217); the act of May 10, 1943 (Pub. Law 52, 78th Cong.; 57 Stat. 81); the act of August 8, 1946 (Pub. Law 698, 79th Cong.; 60 Stat. 960); the act of June 23, 1943 (Pub. Law 87, 78th Cong.; 60 Stat. 905, sec. 1 (b)) (all as amended), Executive Order 9472, October 29, 1944 (9 F. R. 10613), and Executive Order 9692, February 5, 1946 (11 F. R. 1421), for which application or request has not been received.

Dated: March 26, 1954.

[SEAL] LOUIS S. ROTHSCHILD,
Maritime Administrator.

[F. R. Doc. 54-2294; Filed, Mar. 30, 1954; 8:55 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

ANNUAL REPORTS OF CARRIERS OF PROPERTY OTHER THAN CLASS I CARRIERS

At a session of the Interstate Commerce Commission, Division 1, held in its office in Washington, D. C., on the 6th day of January A. D. 1954.

The matter of annual reports from Motor Carriers of Property other than Class I carriers being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished and that public rule-making procedures are unnecessary.

It is ordered, That the order dated March 12, 1953, in the matter of annual reports from Motor Carriers of Property other than Class I (49 CFR 205.3) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1953, and subsequent years, as follows:

§ 205.3 *Annual reports of carriers of property other than Class I carriers.* Each Common and Contract Motor Carrier of Property other than Class I Carriers (§ 181.02–1 of this subchapter) shall file an annual report for the year ending December 31, 1953, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form B which is hereby approved and made a part of this section[1]. The annual report shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before April 30 of the year following the one to which it relates.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–2280; Filed, Mar. 30, 1954; 8:53 a. m.]

PART 205—REPORTS OF MOTOR CARRIERS

ANNUAL REPORTS OF CARRIERS OF PASSENGERS OTHER THAN CLASS I CARRIERS

At a session of the Interstate Commerce Commission, Division 1, held in its office in Washington, D. C., on the 6th day of January A. D. 1954.

The matter of annual reports from Motor Carriers of Passengers other than Class I carriers being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished and that public rule-making procedures are unnecessary.

It is ordered, That the order dated March 12, 1953, in the matter of annual reports from Motor Carriers of Passengers other than Class I (49 CFR 205.4) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1953, and subsequent years, as follows:

§ 205.4 *Annual reports of carriers of passengers other than Class I carriers.* Each Common and Contract Motor Carrier of Passengers other than Class I Carriers (§ 181.02–1 of this subchapter) shall file an annual report for the year ending December 31, 1953, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form C which is hereby approved and made a part of this section.[1] The annual report shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before April 30 of the year following the one to which it relates.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–2281; Filed, Mar. 30, 1954; 8:53 a. m.]

[Ex Parte No. MC–43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

[illegible]

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23d day of March A. D. 1954.

Upon consideration of the record in the above-entitled proceeding, and of petition of Refrigerated Transport Co., Inc., Watkins Motor Lines, Inc., C. E. McBride, doing business as Colonial Fast Freight, Belford Trucking Co., Inc., Alterman Transport Lines, Clay Hyder Trucking Lines, Tompkins Motor Lines, Inc., Arctic Express, Inc., Seaboard Food Express, Bonney Motor Express, Inc., Frigidways, Inc., Frozen Food Express, and C & D Transportation Co., dated February 2, 1954, for exemption of all carriers of commodities requiring refrigeration from § 207.5 (c) of the leasing rules; and good cause appearing therefor;

It is ordered, That on and after the date of this order and until March 1, 1955, authorized common carriers, holding certificates of public convenience and necessity from this Commission authorizing the transportation, in interstate or foreign commerce over irregular routes, of perishable commodities in refrigerated equipment be, and they are hereby, exempted from complying with the provisions of § 207.5 (c) of the rules and regulations prescribed in the above-entitled proceeding;

It is further ordered, That the said § 207.5 (c) of the rules and regulations prescribed in the above-entitled proceeding, except insofar as it relates to the inspection of equipment, be, and it is hereby, reopened for further hearing at a time and place to be hereafter fixed;

It is further ordered, That the said petition, insofar as it seeks relief from § 207.4 (a) (3) of the rules and regulations prescribed in the above-entitled proceeding, be, and it is hereby, denied, for the reason that our notice of March 4, 1954, provides for further hearing on April 14, 1954, solely with respect to that section;

And it is further ordered, That this order shall be effective as of the date hereof.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–2278; Filed, Mar. 30, 1954; 8:52 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 207]

[Ex Parte No. MC–43]

LEASE AND INTERCHANGE OF VEHICLES

MOTOR CARRIERS; AUGMENTING EQUIPMENT

In the matters of (1) determining the manner in which evidence shall be presented at the further hearing in this proceeding; (2) the order of presentation of testimony; (3) special rules directing the interchange of prepared testimony prior to the hearing, and (4) reassigning the proceeding for further hearing.

It appearing, that this proceeding has been reopened for further hearing solely with respect to:

1. Those provisions of § 207.4 (a) (3) of the rules and regulations prescribed by the Commission's order of May 8, 1951, as heretofore modified, which require that any contract, lease or other arrangement for the use of equipment shall specify a period of not less than 30 days.

2. The following proviso of § 207.4 (a) (5) of said rules and regulations: "*Provided, however*, That such compensation shall not be computed on the basis of any division or percentage of any applicable rate or rates on any commodity or commodities transported in said vehicle or on a division or percentage of any revenue earned by said vehicle during the period for which the lease is effective."

and that in order to afford the fullest opportunity to be heard to all interested parties and to conserve the time of the parties and the Commission it is desirable in the public interest that all direct testimony of every witness shall be reduced to writing and served on the parties in advance of the hearing; that the order in which testimony shall be received and cross-examination conducted thereon be prescribed in advance of the hearing; that this procedure is authorized by section 7 (c) of the Administrative Procedure Act, and that the interests of the parties will not be prejudiced thereby; and that in order to comply with the hereinafter prescribed special rules it is necessary to postpone the further hearing now assigned on the 14th day of April A. D. 1954, at 9:30 o'clock a. m., United States standard time, at Washington, D. C.;

It is ordered, That the further hearing in the above-entitled proceeding, now assigned for April 14, 1954, at 9:30 o'clock a. m., United States standard time, at Washington, D. C., before Examiner Henry C. Lawton be, and the same is hereby, postponed to June 14, 1954, at 9.30 o'clock a. m., eastern daylight saving time, at the office of the Interstate Commerce Commission, Washington, D. C., before Examiner Henry C. Lawton;

It is further ordered, That the following special rules shall be applicable to the further hearing in this proceeding:

1. *Appearances and testimony.* Any person intending to appear in a representative capacity at the further hearing herein shall so advise the Commission by letter to the Secretary on or before April 12, 1954. Such letter shall indicate on whose behalf the appearance will be made and whether testimony in written form will be offered, and if so, the witness by whom the testimony will be offered, to which of the two provisions the testimony is intended to relate, and whether it will be offered in support of, or in opposition to, the elimination or modification of such provision. Such letter shall also indicate whether the person so appearing desires to receive a list of the appearances and witnesses. Such list will be furnished by the Commission to the parties requesting the same. Except for good cause shown, only parties notifying the Commission of their intended appearance as provided in this rule shall participate in the further hearing and be deemed parties to the further hearing.

2. *Request for prepared testimony.* Any party who has complied with rule 1 hereof, and desires to receive a copy of the prepared testimony of any witness shall so advise the party on whose behalf the witness is to testify by letter on or before April 26, 1954, and shall mail a copy of such letter to the Secretary of the Commission.

3. *Interchange of prepared testimony.* The direct testimony of every witness shall be prepared in writing and verified. The prepared statement shall conform to the general rules of practice as to style, mimeographing, printing, verification, etc. It shall be restricted to facts of which the witness has personal knowledge and as to which he is prepared to stand cross-examination, and shall not contain conjectures or conclusions of the witness, or irrelevant, immaterial or argumentative matter. Upon the timely request of any party, as provided in Rule 2 hereof, the party intending to offer such prepared testimony at the hearing, shall furnish a copy thereof to the party requesting the same, on or before May 10, 1954, and at the same time shall mail a copy to the presiding examiner, in care of the Interstate Commerce Commission at Washington, D. C. The original and verified copy of such prepared testimony together with a certification that it has been furnished to the parties requesting it, shall be tendered for the record at the further hearing by the party on whose behalf it is offered.

4. *Cross-examination on prepared testimony.* Any party to the proceeding, who desires to cross-examine any witness on any prepared testimony, shall advise the party who has indicated an intention of offering such testimony, by letter on or before May 24, 1954, and at the same time shall mail a copy of such letter to the Secretary of the Commission. No verified statement as to which cross-examination has been requested will be received in evidence unless the witness making the statement is available for cross-examination at the further hearing, or the request for such cross-examination is withdrawn by the party making it. Subject to objection thereto for cause, prepared and verified statements of testimony will be received in evidence.

5. *Oral evidence.* Implementing oral evidence in order to correct errors, or to supply inadvertent omissions in prepared statements is permissible, in the discretion of the presiding examiner, but evidence in chief not previously prepared in writing and interchanged as herein provided will not be admitted unless good cause therefor shall be shown at the hearing.

6. *Order of presentation of testimony.* Upon compliance by the parties with rules 1 to 4, inclusive hereof, the Commission by appropriate notice to the parties will specify, so far as practicable, the dates on which, and the order in which, prepared statements will be considered and received and cross-examination conducted at the further hearing, beginning June 14, 1954.

7. *Additional hearings.* Hearings at places other than Washington, D. C., may be later assigned, if found necessary.

8. *Hearing date change.* If the hearing date should be changed the requirements of these rules shall apply in connection with the new hearing date, and new dates for compliance with the rules may be specified.

Dated at Washington, D. C., this 24th day of March A. D. 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–2279; Filed, Mar. 30, 1954; 8:53 a. m.]

[1] Filed as part of original document.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 907]

[Docket No. AO–212–A7]

MILK IN MILWAUKEE, WISCONSIN, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER NOW IN EFFECT REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Milwaukee, Wisconsin, on March 16, 1954, pursuant to notice thereof which was issued on March 9, 1954 (19 F. R. 1395).

The material issues of record related to:

(1) Whether certain price adjustments should apply to Class III, or Class IV milk, or portions thereof; and

(2) The need for immediate change in the order provisions with respect to issue No. 1.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing.

(1) The Class IV formula price should be reduced 10 cents per hundredweight for the months of April, May and June, 1954.

Proposals were made by handlers which would have the general effect of reducing the price for milk in various manufacturing uses. One proposal would apply a 30-cent per hundredweight handling credit to any increase in April, May, and June, 1954, of the volume of Class IV milk over the same month last year, to the extent such increase is not attributable to shift of utilization from Class III. Another proposal would classify milk used for butter, cheese and livestock feed in Class III instead of Class IV, and would change the price provisions for Class III milk by removing the alternative use of the Class IV price if it is higher than the Class III price.

The conditions complained of as the basis for such proposals related to the increased volume of milk delivered by producers for this market, and difficulty in finding manufacturing outlets for the excess over needs for the fluid market.

Handlers in the Milwaukee market generally do not have facilities for manufacturing milk in excess of needs for the fluid market. Generally such excess is diverted to non-handler manufacturing plants.

Receipts of milk from producers have been, during the last 12 months of record, at a higher level than at any prior time since the order was established in 1950. In February 1954, receipts were about 8.5 percent more than a year earlier. Utilization in Class I and Class II has not increased as much as receipts, and accordingly the proportion in Classes

III and IV has grown. In February 1954, the volume of milk accounted for in Class III and IV (after reconciliation) was about 54 percent more than in February 1953. In February 1954, such utilization (after reconciliation) amounted to about 7.3 million pounds of milk equivalent, or about 18.6 percent of receipts.

Testimony of handlers indicated that the sharp increase in production throughout the milkshed has made it difficult to find outlets for milk in manufacturing uses at the Class IV price. Condensery paying prices are currently lower than the Class IV price and accordingly operators of manufacturing plants may be expected to be reluctant to take on increased supplies of milk at the Class IV price while other source milk is available at the lower price. The condensery paying price used in the order was in February 1954, 15.5 cents lower than the Class IV price.

In view of marketing conditions as shown on this record, some price adjustment with respect to milk used in Class IV is needed for the orderly marketing of the increase in milk production for this market. It is questionable whether a price adjustment on only the increased volume in certain uses as compared to last year could be made to apply equitably. A flat adjustment of the Class IV price would not be subject to this objection. A deduction of 10 cents per hundredweight from the Class IV formula price would be the same as the simultaneous adjustment proposed in a decision on the order regulating the handling of milk in Chicago on the basis of similar conditions in that market, and would thus tend to preserve alignment of prices in these two markets. It is concluded on the basis of this record that such adjustment would aid materially in the orderly marketing of surplus milk in this market, and is more appropriate than other methods of adjustment proposed at the hearing.

It is concluded that this price adjustment should apply only during the months of April, May, and June, 1954. This record deals primarily with an emergency situation and is not an adequate basis for more permanent changes proposed with respect to prices and classification.

The Class IV price serves as an alternate price for a portion of Class III milk. The adjusted Class IV formula price, as herein proposed for April, May and June this year, would similarly be the alternate price for such Class III milk if it is higher than the Class III prices. The provisions for the basic formula price should be modified so that this temporary change in the Class IV price does not affect the basic formula price.

(2) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto.

The conditions complained of are such that it is urgent that remedial action be taken not later than April 1, 1954, or as soon thereafter as possible. In accordance with the findings and conclusions under issue No. 1, it is necessary to make the proposed amendment effective at the same time as a similar amendment to the order regulating the handling of milk in the Chicago, Illinois, marketing area. Delay beyond the minimum time required to make the order set forth below effective would defeat the purpose of such amendment. The time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would reduce the effectiveness of such relief and would tend to prevent the effectuation of the declared policy of the act. The record shows that interested parties did not enter any objection to the omission of the recommended decision and filing of exceptions thereto.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 26th day of March 1954.

[SEAL] JOHN H DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 907.51 (d) change the period at the end of the sentence to a comma and add the following: "except for the months of April, May, and June of 1954, deduct 10 cents from the price computed pursuant to § 907.50 (c)."

[F. R. Doc. 54-2297; Filed, Mar. 30, 1954; 8:56 a. m.]

[7 CFR Part 925]

[Docket No. AO-226-A3-RO1]

HANDLING OF MILK IN THE PUGET SOUND, WASHINGTON, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Seattle, Washington, on August 10–11, 1953, pursuant to notice thereof issued on July 23, 1953 (18 F. R. 4381) and reopened on February 10, 1954, pursuant to notice thereof issued on February 1, 1954 (19 F. R. 653).

Preliminary statement. The major issues presented on the record of the hearing were concerned with the following:

1. The application of producer bases and to the rule governing transfers of such bases.

2. Modification of the definition of "handler" to include bargaining cooperatives which do not operate plants.

3. Revision of location adjustments applicable to Class I milk and deliveries of base milk.

4. A proposed expansion of the "marketing area," as defined in the order.

5. Revision of the method of computing the price differential for butterfat in Class I milk.

6. Modification of the provisions under which milk is moved between plants by transfer and diversion.

7. The proposed use of price estimates as the basis of settlement with producers for milk.

8. Revision of the application of the location adjustment on certain Class II milk in District No. 1 of the marketing area.

9. Revision of the method of computing, for classification and pricing purposes, the volume of condensed skim milk, nonfat dry milk solids, or other products condensed from skim milk utilized in Class I milk products.

10. Revision of the definition of "producer-handler."

11. Clarification of the location adjustment on certain Class II milk as to its application to milk used in the manufacture of various types of cheese.

12. Review of the provisions which require payments on "other source milk" used by handlers as Class I milk at a rate equal to the difference between the Class I and Class II prices.

13. Clarification of the provisions under which marketing service deductions are made from payments due producers.

14. Several proposed changes in other provisions for the purpose of clarification and to improve administrative procedures.

Findings and conclusions with respect to all issues except issues Nos. 3 and 6 were completely reported in two decisions of the Secretary issued on September 10, 1953 and January 22, 1954. Following issuance of a recommended decision on December 3, 1953 proponents requested that a final decision on issue No. 3 dealing with the revision of location adjustments applicable to Class I milk and to the uniform prices to producers, and that part of issue No. 6 concerning proposed revisions in the definition of producer milk, be deferred pending a reopening of the public hearing for the purpose of receiving supplemental evidence thereon. In light of this request the public hearing was reopened on February 10, 1954 for the purpose of receiving further evidence on these matters.

Rulings on proposed findings and conclusions. Only one brief on the record was filed on behalf of producers or handlers. Such brief contained proposed findings and conclusions with respect to the issue under consideration herein. To the extent that the findings and conclusions of this decision are at variance with such proposed findings and conclusions, the request to make such findings and conclusions is hereby denied.

Findings and conclusions. The following findings and conclusions on the issue decided herein are hereby made upon the basis of the record of the hearing:

(1) Current provisions for price adjustments, based on the location of the regulated plant where producer milk is first received, should be revised by (a) designating a new district within the marketing area to be known as "District No. 4" and (b) by adjusting location differentials applicable to the prices of Class I milk and base milk to reflect economies in receiving and transportation which bulk farm tank pickup have effected.

Under the present order provisions District 2 of the marketing area is comprised of Skagit and Whatcom Counties. Producer associations proposed that Skagit County be removed from such district and be established separately as "District No. 4." Such redesignation would be made for the purpose of applying a location adjustment for plants located in Skagit County different from that applicable at plants in Whatcom County which presently constitutes the remainder of present District No. 2. Producer proponents further proposed that the present 40 cent per hundredweight location adjustment applicable to Whatcom County since December 1, 1952 be reduced to 30 cents and that the adjustment applicable to the nearby proposed District No. 4 be established at 20 cents per hundredweight. The location adjustments herein proposed would establish the differentials for Whatcom and Skagit Counties in accordance with proponents proposals. In addition adjustments applicable to other parts of the milkshed would be adjusted to reflect economies in handling effected by the development of farm tank pickup.

Present location adjustments were established on the basis of a system of handling and transporting milk under which milk is delivered from farm to country plants in cans; is weighed, tested, precooled and assembled in large quantities at the receiving plant prior to shipment in "over-the-road" tank trucks to District 1 plants. The rapid growth of the farm tank method of collecting and transporting milk has effected substantial economies in the cost of collecting and delivering milk direct from the farm to District 1 plants. It has become practical, from a cost standpoint, for farm tankers, which carry the equivalent of 250–300 ten gallon cans of milk, to deliver milk directly to city plants in Seattle or to other cities in District No. 1. As a result regulated plants located outside District No. 1 are being by-passed by farm hauling routes which move milk directly from farms to fluid milk plants within District No. 1.

The cost of moving producer milk from the outlying districts to plants in District No. 1 exceeds the cost of delivery to such plants from farms located in District No. 1. The purpose of the location adjustments is to reflect the additional costs of services to the outlying producers as compared to the near-in producers. At the time of the hearing in March 1952 most milk in the outlying districts was received at country plants prior to shipment to District 1. The total value of services performed on milk received from producers in District 2, as shown by the record, was about 63.5 cents per hundredweight, including country plant transportation of 28.5 cents; country plants handling of 10 cents; and country plant to District 1 plant transportation of 25 cents. The cost of performing such services for milk received from producers in District 1 was 22.7

cents. The additional cost of performing services for milk received in District 2 was about 40.8 cents per hundredweight (63.5¢ less 22.7¢), and a location allowance for District 2 was established at 40 cents per hundredweight as a reasonable measure of the cost of the additional services on milk received in District 2. For the same reasons a like allowance was established for District 3.

While there have been no changes in the filed rates for hauling milk by common carrier in cans from farms in District No. 1 to Seattle, the applicable rate per hundredweight of milk in bulk tank trucks is now the same as the published can rate (for approximately 82.5 lbs.). Economies in bulk tank hauling are substantiated by hauling rates presently being negotiated by cooperatives in District No. 1 and by actual hauling cost figures introduced in the record by these same cooperatives. Whereas the average hauling cost per can established on the record of the original hearing was approximately 22.7 cents it now appears that actual average costs per hundredweight for hauling milk in District 1 ranges from about 17.7 to 20.7 cents.

Milk moving directly from farms in Skagit County (proposed District No. 4) to city plants now moves exclusively by farm tank method. The greater hauling distance, and added cost of hauling direct to the city in small farm tank pickup trucks or of hauling such milk to central collecting points for transfer into larger "over-the-road tankers" for delivery to city plants, results in substantially higher hauling costs for milk from this area than from District No. 1. Notwithstanding, such costs are far below the 63.5 cents per hundredweight computed from the record of the hearing held in March 1952 as the then prevailing cost of handling and hauling milk from District 2.

With the growth of the farm tank system of delivery an active competition for milk supplies has developed between operators of farm tank pick-up routes which extend into Skagit County from District 1 plants and the Skagit County association. Milk is being hauled from Skagit County farms to Seattle on farm tank pick-up routes at a cost to the producer ranging from 37.5 to 39 cents per hundredweight, approximately 20 cents over similar costs for District No. 1. The growth of the farm tank system also has reduced the cost of moving milk from farms to the Burlington plant of the Skagit County association so that milk now can be delivered from farms to the plant, reloaded and shipped to Seattle in over-the-road tank trucks at a total cost of approximately 38 cents per hundredweight.

In Whatcom County insufficient progress had been made in converting from can shipments to farm tank pickup at the time of the August 1953 hearing to justify a change in the present 40 cent location adjustment. While substantial milk was being delivered by tank direct from the farm to Whatcom County plants the relative distance to Seattle did not appear to lend itself to consideration of direct deliveries from farm to District No. 1 plants and it was considered unlikely that any further significant changes in farm delivery methods would occur in the near future.

During the subsequent months Whatcom County, like Skagit County, has progressed rapidly in its changeover from can handling to farm tanks and direct bulk tank shipments now represent the most economical method of handling milk. Well in excess of 50 percent of all producer milk is Whatcom County is presently handled through bulk farm tanks and one handler has initiated direct tank deliveries from farms in Whatcom County to Everett city plants.

A commercial hauler has indicated a willingness to haul milk directly from Whatcom County farms to Seattle plants by tank for 46.4 cents which when added to incidental and overhead costs of the association for handling such milk in the amount of an estimated 7 cents gives an overall cost estimate of 53.4 cents. The association testified that it can perform this type of handling with its own equipment for an overall cost of 49.3 cents per hundredweight, approximately 30 cents over the cost of hauling for District No. 1. As further conversions to farm tanks occur more economical handling likely will result. Accordingly, it appears that a differential 10 cents in excess of that for Skagit County adjustment would be appropriate for Whatcom County. This aligns favorably with a filed hauling rate of 11 cents per hundredweight for typical shipments (in excess of 26,500 pounds) transported between the Linden plant in Whatcom County and the Burlington plant in Skagit County.

Producers associations active in District No. 3 and on the Olympic Peninsula contend that local hauling conditions in those areas are different from those in either Skagit or Whatcom Counties and that while some substantial changeover from can hauling, to farm tank pickup has occurred in each area it is unlikely that a significant additional transition will occur in the near future.

The present location adjustment for District No. 3 as set forth in the order is 40 cents. The producer association in District No. 3 contends that unless this present differential is maintained it is unlikely that their milk will be made available for fluid use in District No. 1. In support of their position they submitted figures showing an overall cost of 72 cents per hundredweight to deliver milk from the farm in District No. 3, put the milk through the receiving plant, and transport it to fluid milk plants in District No. 1.

The plant through which the milk of these producers passes en route to District No. 1 plants is a pasteurizing and bottling plant and therefore is not primarily engaged in receiving and collecting milk supplies for District No. 1 outlets. Only a relatively small proportion of the total plant supply of milk is transhipped to District No. 1. It is apparent that the facilities would be maintained and operated without substantial change even if no milk were moved through to District No. 1 plants. Accordingly, it is doubtful that more than a small proportion of the plant handling charge of 16 cents, which the producer association has included in arriving at its overall cost of 72 cents per hundredweight, should be a consideration in establishing a location adjustment for District No. 3. If such plant handling charge is excluded entirely the overall cost of moving milk from the farm in District No. 3 to fluid milk plants in District No. 1 is reduced to 56 cents per hundredweight. This compares with an average hauling charge for District No. 1 of slightly under 20 cents, as previously stated. It may be noted in this connection that the cost of moving milk from alternative sources outside District No. 1 to Tacoma and to other towns in the southern portion of District No. 1 approximates 40 cents. Since milk moving from District No. 3 is largely disposed of to plants in the southern portion of District No. 1 at a cost approximating 40 cents per hundredweight more than the cost of obtaining milk from producers within District No. 1, it is concluded that no change should be made at this time in the location adjustment effective for District No. 3.

Farm tank pickup on the Olympic Peninsula has developed more rapidly than in District No. 3. The record indicates that more than 50 percent of the milk in this area is presently marketed through farm tank pickup. A substantial volume of milk now moves directly from farms to Seattle plants by this method at a cost of 63 cents (plus tax) per hundredweight. The producer association operating a receiving plant on the peninsula states, however, that it cannot attain maximum efficiency in farm to market tanking at this time because economies of time and hauling space require that the farm tank pickup trucks stop at their receiving plant to supplement their loads with can-received milk. They therefore contend that handling costs are not significantly reduced and that plant operating and can-handling costs continue to be properly included in a location adjustment for the peninsula.

Since such association maintains no processing facilities on the peninsula virtually all of the milk moves to Seattle and adjacent areas. It may be noted from the record that a substantially greater proportion of the producer milk from this area moves for classification as Class I milk, subject to the handler location adjustment, than is true for the market generally. Also, the location adjustment for the peninsula is higher than for any other segment of the supply area. Since the respective rates of the handler Class I location adjustments are equivalent to those of the producer location adjustments on base milk, and since the aggregate volume of base milk of the producers delivering to the subject plant on the peninsula is less, on an annual basis, than the volume of milk moving from the area on which handler Class I location adjustments are allowed, returns to all producers in the market are directly affected by the amount of the adjustment allowed to move milk from this area to Seattle. While it is undoubtedly true that the producers' association has not been able to attain maximum efficiency in the handling of member milk at such plant the fact that the rate established does tend to reduce the returns to all producers on the market should not be disregarded. In the interest of producers generally location adjustments applicable to any given area should be based upon the costs at which milk from that area may be moved most efficiently to the central portion of the market. Unless rates are so adjusted handlers are under no pressure to maintain maximum efficiencies of operation in the hauling of producer milk. In view of the very substantial transition from can shipment to tank hauling which has occurred on the peninsula, it is concluded that the location adjustment for plants in Clallam and Jefferson Counties should be established on the basis of direct farm tank hauling costs as in the case of Districts Nos. 2 and 4. Since this cost is shown to be approximately 65 cents, or 45 cents in excess of hauling costs within District No. 1, it is concluded that a reduction in the location adjustment from 50 to 45 cents per hundredweight is appropriate at this time for any plant in Clallam County or Jefferson County.

(2) The present order provisions should be revised to require the application of the handler and producer location differentials on the basis of the location of the plant where the milk is physically received from producers. Exception should be made, however, to permit milk, received at a plant(s) in one price district on at least 60 percent of the days of delivery during the month, to be priced during the entire month as if received in such district. Further exception should be made to expedite the handling of milk during the flush months of production by permitting milk of a producer which is regularly received in one price district during the short production months to be priced in such district during the following months of April through June even though diverted or transferred to a plant in another price district for processing during such months.

Under the present order provisions a handler may divert producer milk from his pool plant to a nonpool plant. Such milk is deemed to have been received, and is priced as if received, at the plant from which it was diverted. Similarly, milk frequently is transferred between handlers without being physically received at the plant of the handler responsible for accounting and payment. Under these two types of transaction it has been possible for a handler to assign producers to a particular regulated plant and then to divert, or so transfer, a portion of, or all, the milk of such producers to a plant in another district where, by virtue of the location adjustment provisions, a lower price level prevails under the order. In this circumstance the producers involved are paid on the basis of the price level of the higher-priced district.

Under these provisions milk which never was intended to be utilized to fulfill District No. 1 fluid requirements, and with respect to which no transportation cost to such district was incurred, can be "diverted" or "transferred" at the will of the handler for indefinite periods of time. For example, for accounting and payment purposes such milk may be regarded as received at a District No. 1 plant where no location adjustment is deductible, and may be priced as District No. 1 milk, although the milk actually was received and utilized in another district where lower prices obtain. Thus, a handler may draw from the pool sufficient money to pay the producers of such milk a higher minimum price than that applicable under the order for the area where such milk actually was received. In addition such provisions make possible a significant gain to the handler from hauling allowances customarily paid by producers.

Cooperative associations of producers, representing a substantial proportion of all producers on the market, contend that the practice of diverting milk to non-pool plants results in an inequitable distribution of pool monies among producers. They proposed that except during the flush months of April through June, producer milk diverted from any fluid milk plant or country plant to any non-pool plant located in a district different from that in which the transferor plant is located be restricted to the milk of those producers whose milk was received at the latter plant on at least 20 days during the month of diversion. It was proposed further that during the months of April, May, and June the physical shipment to the original plant not be required if the milk of the particular producers involved was actually received at such plant during a specified minimum period in the short production season.

Adoption of the proponents' proposal without certain modifications would either (1) force a substantial uneconomic movement of producer milk or (2) cause a considerable number of dairy farmers, whose milk is presently handled by diversion, to lose their status as producers. Further, no provision is made in the proposal to limit the present practice of "transfer without prior receipt" between regulated plants which may as readily result in inequities of pricing, based on the relative values of the services required to move the milk to the principal consuming centers from various supply points, as the movements to non-pool plants covered by the proposal.

Provisions for the diversion of milk from a regulated to an unregulated plant without forcing the producers involved to lose their status as producers was adopted in the original order primarily to minimize the hauling necessary to move milk into manufacturing channels when the regulated plant lacks adequate manufacturing facilities to handle reserve milk supplies. Location adjustments have been established under the order to reflect reasonable returns to the entire group of producers based on the relative values of the services required in moving milk to the principal markets covered by the order, and any marketing practices which jeopardize the proper distribution of returns tend to undermine the effectiveness of the order.

No changes should be made in the order provisions at this time which would jeopardize the status of producers on the market whose milk may be diverted currently to a non-pool plant. However, the practices of diversion and transfer without prior receipt which have been followed in the market, should not be permitted to affect the distribution of monies to producers in a manner other than that intended under the location adjustment provisions. This problem can be met by applying handler and producer location differentials in the manner outlined below on the basis of the location of the plant of actual physical receipt, whether a regulated or an un-regulated plant. Under such a provision any handler could continue to move milk in the manner which is most economical to his particular operations However, producers generally would have assurance that all milk will be priced at the location of the plant of normal receipt.

Because fluid milk plants in District No. 1 operate only six days a week and adequate processing facilities are not locally available in District No. 1, it is generally necessary to hold back in other districts on weekends milk which customarily moves to fluid plants in District No. 1. Likewise, it is necessary to move milk produced within District No. 1 to processing plants located in proposed District No. 4 or in other districts. It is not intended in such circumstances that the producers involved should be penalized by application of location differentials to their milk. Therefore, it is provided that producer milk which moves to a plant(s) in District No. 1 on at least 60 percent of the days of delivery during the month shall be priced during the entire month on the basis of the prices applicable to such district. While diversions involving any two plants, both of which are entirely outside District No. 1 do not appear frequent, a similar application of adjustments should apply whenever such milk movements do occur.

Milk from certain locations may move regularly during much of the year to fluid milk plants in District No. 1 for fluid use and yet during the months of flush production may not be needed there. In the latter months it is retained in its originating district or is diverted elsewhere outside District No. 1 for processing into milk products. Milk which has demonstrated a bonafide association with a particular district, and is regularly needed for fluid use during much of the year in such district, should be priced during the flush production months as though actually received at a plant in such district. It is further provided, therefore, that milk which is received at a plant(s) in one district on at least 60 percent of the days of delivery during the August-December period (also the base-forming period) need not be received at a plant in such district during the months of April, May, and June to be priced at such location.

In the case of a producer entering the market after the month of August in any year, whose milk cannot qualify for diversion during April-June on the basis of the conditions outlined in the preceding paragraph, it is provided that delivery on not less than 60 percent of the period from the date of his initial shipment through March 31 shall con-

stitute the basis of qualification for diversion during April, May, and June.

Since under the proposed changes milk would be priced during the flush production months at the point of usual receipt during the previous short production season, any application of this provision during the following flush production months would of necessity be retroactive. It is concluded therefore that the effective date of this particular amendment should be delayed until August 1, 1954, the first shipping month for qualification for the succeeding April-June period.

Producer proponents contend that certain producers whose farms are located in District No. 1, and who in past years were associated with now defunct District No. 1 plants, should continue to have their milk priced as if received in District No. 1 even though such milk is regularly received at plants in proposed District No. 4 by diversion from a District No. 1 plant. Proponents state in support of their position that the milk in question is available at all times if wanted by handlers for use in District No. 1. The record indicates that such milk seldom moves from the farms to a District No. 1 plant for use in such district. It is delivered regularly to a Skagit County (District No. 4) plant for manufacturing purposes. Frequently milk from Whatcom County (District No. 2) is tanked a much greater distance to District No. 1 plants for Class I use while at the same time the subject milk is diverted to District No. 4 for manufacturing purposes. Consideration was given at the hearing to the possible reestablishment of the boundary separating District No. 1 and the new District No. 4, to determine whether a relocated boundary would conform more realistically to the actual direction of the movement of milk from farms to plants in such districts and would provide a solution to the pricing problem involved. However, no practical basis for relocating the district boundary may be developed from the evidence. There was no indication that any revision of such boundary presently foreseeable by proponents would not create a similar problem. It appears that while the particular producers referred to were once directly associated with a plant operation located in District No. 1, changing conditions affecting the costs of moving milk have removed the location advantage such producers previously enjoyed. As costs of moving milk to the populus communities of the marketing area may be further reduced through greater transportation efficiencies, it must be expected that the location advantage currently enjoyed by District No. 1 producers generally will diminish accordingly, and, in this circumstance, the type of problem now encountered by producers at the northern edge of District No. 1 may expand to other portions of the district.

(3) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. Action under the procedure described above was requested by proponents at the hearing. No opposition was registered at the hearing to either the objectives of the proposal or the use of such emergency promulgation procedure.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Puget Sound, Washington, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 25th day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area

§ 925.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto, and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the last two sentences in § 925.6 (definition of "marketing area") and substitute therefor the following: "'District No. 1' of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, Thurston, and Grays Harbor. 'District No. 2' of the marketing area shall include that part of the marketing area lying within Whatcom County. 'District No. 3' of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific, and 'District No. 4' of the marketing area shall include that part of the marketing area lying within Skagit County."

2. Delete § 925.13 and substitute therefor the following:

§ 925.13 *Producer milk.* "Producer milk" or "milk received from producers" means milk qualified as described in § 925.12 and either received directly from a farm at a fluid milk plant or country plant or caused to be diverted by a handler for his account from such plant to a non-pool plant: *Provided*, That prior to August 1, 1954, milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted: *And provided further*, That on and after August 1, 1954, any such milk either diverted to a nonpool plant or transferred pursuant to § 925.44 (a) (5) or (b) (5) shall be deemed to have been received by the diverting (or transferor) handler at the plant from which it was diverted (or so transferred), except that the application of §§ 925.53 and 925.81 to any such milk shall be made on the basis of the location of the plant of actual physical receipt, subject to the following conditions:

(a) Producer milk which is physically received from a farm at a plant(s) in one price district on not less than 60 percent of the days of its delivery during the month shall be priced as if received in such price district during the entire month;

(b) Producer milk which (1) was qualified under paragraph (a) of this section in one price district in each month during any August-December period, or (2) was not qualified under subparagraph (1) of this paragraph but which was delivered to a plant(s) in one price district on not less than 60 percent of the days of delivery from the date of first delivery of such milk through March 31, shall be priced during the next following April-June period as if received in such price district; and

(c) For purposes of applying the provisions of paragraphs (a) and (b) of this section in the case of a producer on every-other-day delivery, the days of non-delivery shall be considered as days of delivery.

3. Delete the language of § 925.44 through paragraph (a) (3) and substitute therefor the following:

§ 925.44 *Interplant movements.* Skim milk and butterfat transferred as any item specified in § 925.41 (a) (1) from a fluid milk plant or country plant to another plant shall be assigned (separately) to each class, in the following manner:

(a) From a country plant or fluid milk plant to a fluid milk plant: As Class I milk to the extent Class I milk is available at the transferee plant, subject to the following provisions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other handlers at the transferor plant, such excess shall be assigned last to the Class I available at the transferee plant;

(2) If more than one transferor plant is involved, the available Class I milk shall be assigned to the transferor plants in the following order:

(i) To fluid milk plants located in District No. 1;

(ii) To country plants located in District No. 1 or in the counties of Kitsap and Mason;

(iii) To fluid milk plants located in District No. 4;

(iv) To country plants located in District No. 4;

(v) To fluid milk plants located in District No. 2;

(vi) To country plants located in District No. 2;

(vii) To fluid milk plants not located in District No. 1, District No. 4, District No. 2, or the countries of Kitsap and Mason;

(viii) To country plants not located in District No. 1, District No. 4, District No. 2, or the counties of Kitsap and Mason;

(3) If Class I is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph, the transferee handler may designate, within each of the eight categories of plants listed in such subparagraph, the plant(s) to which the available Class I milk shall be assigned.

4. Delete the language of § 925.44 (b) (2) and (3) and substitute therefor the following:

(2) If more than one transferor plant is involved, the available Class II milk shall be assigned to the transferor plant in the following order:

(i) To country plants not located in District No. 1, District No. 4, District No. 2, or the counties of Kitsap and Mason;

(ii) To fluid milk plants not located in District No. 1, District No. 4, District No. 2, or the counties of Kitsap and Mason;

(iii) To country plants in District No. 2;

(iv) To fluid milk plants in District No. 2;

(v) To country plants in District No. 4;

(vi) To fluid milk plants in District No. 4;

(vii) To country plants located in District No. 1 or in the counties of Kitsap and Mason; and

(viii) To fluid milk plants located in District No. 1 or in the counties of Kitsap and Mason.

(3) If Class II milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph, the transferee handler may designate, within each of the eight categories of plants listed in such subparagraph, the plant(s) to which the available Class II milk shall be assigned.

5. Delete § 925.53 and substitute therefor the following:

§ 925.53 *Location adjustments to handlers on Class I milk.* In computing the value of each handler's milk pursuant to § 925.70 the following location adjustments shall be credited with respect to each hundredweight of skim milk and butterfat, respectively, in producer milk received (including milk diverted or transferred without prior physical receipt in accordance with the provisions of § 925.13) at a plant not located in District No. 1 or in the counties of Kitsap and Mason and classified as Class I milk: 45 cents at any plant located in Clallam or Jefferson Counties; 30 cents at any plant located in District No. 2; 20 cents at any plant located in District No. 4; and 40 cents at any other plant located outside of District No. 1 and the counties of Kitsap and Mason.

6. Delete § 925.70 (a) (6) and (b) and substitute therefor the following:

(6) Add, with respect to other source milk (including overage allocated to other source milk) received at each fluid milk plant and country plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District No. 1 or in the counties of Kitsap or Mason, such difference shall be reduced as follows: 45 cents at any such plant located in Clallam or Jefferson Counties, 30 cents at any plant located in District No. 2, 20 cents at any plant located in District No. 4, and 40 cents at any other plant located outside of District No. 1 or the counties of Kitsap or Mason.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials pro-

vided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was restricted to Districts Nos. 2, 3, or 4, such difference shall be reduced by 30 cents, 40 cents and 20 cents per hundredweight, respectively.

7. Delete the present text of § 925.81 through paragraph (a) and substitute therefor the following:

§ 925.81 *Location adjustment to producers.* In making payments to producers pursuant to § 925.80 (a) (1) and subject to the application of § 925.13 the following adjustments for location are applicable:

(a) Deductions may be made per hundredweight of base milk received from producers as follows: 45 cents at plants located in Clallam and Jefferson Counties, 30 cents at plants located in District No. 2, 20 cents at plants located in District No. 4, and 40 cents at other plants located outside of District No. 1 and the counties of Kitsap and Mason.

ORDER OF THE SECRETARY DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS SUPPLYING MILK IN THE PUGET SOUND, WASHINGTON, MARKETING AREA, AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area) who, during the month of January 1954 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Nicholas L. Keyock is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 54-2261; Filed, Mar. 30, 1954; 8:49 a. m.]

[7 CFR Part 941]

[Docket No. AO-101-A17]

MILK IN CHICAGO, ILLINOIS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER IN EFFECT REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Chicago, Illinois, on March 15, 1954, pursuant to notice thereof which was issued on March 8, 1954 (19 F. R. 1371).

The material issues of record related to:

(1) Whether certain price adjustments should apply in the case of Class III (a), or Class IV milk, or portions thereof, during the months of April, May and June, 1954.

(2) Whether the surplus milk manufacturing area should be temporarily enlarged.

(3) The need for immediate change in order provisions with respect to these issues.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing.

(1) The Class IV formula price should be reduced 10 cents per hundredweight for the months of April, May and June, 1954.

A 30-cents per hundredweight handling credit was proposed to be allowed to handlers during April, May and June, 1954, on the increased volume of Class IV milk over the same month last year, insofar as such increased volume is not attributable to shifting of utilization from Class III or III (a), such calculation to be based on volumes after reconciliation. This proposal was made by a producer organization with limited handling facilities for surplus milk utilization, and was supported by a group of handlers. Some handlers proposed also a similar handling credit to apply to increased volume in Class III (a). Such handling credits were proposed as inducements to handlers to accept the increased volume of producer milk in view of extraordinary costs or possible loss involved.

Other representatives of producer organizations which operate plants with Class III (a) and Class IV milk utilization confirmed the seriousness of the situation but questioned the proposed changes in order provisions. One objection raised was that the handling credit would not provide uniform pricing to handlers. It was also pointed out, that in some areas of the milkshed the uniform price is currently lower than the Class IV price. A reduction in the uniform price such as is likely to result from the proposed handling allowance credits might increase the difficulties of some plants in these areas.

The considerable increase in production of milk for this market since late 1952 has been accompanied by relatively small increase in Class I utilization. Class II utilization has shown a downward trend in recent years. As a result, a greater quantity and proportion of producer milk deliveries are utilized in classes III and IV. In February 1954, utilization in these classes, including III (a), was about 24 percent greater than in February 1953.

Representatives of producer organizations and handlers testified that this year some difficulty is being experienced in disposing of the increase in production at prices which enable them to return the Class IV price to producers. One factor is the cost of handling diverted milk, and another is the unwillingness of manufacturing operators to take milk at the Class IV price plus any expense involved in delivery to the manufacturing plant.

Because of the general increase in production throughout the milkshed, some of the facilities usually relied upon for disposal of milk in manufacturing uses are not available for the additional quantities of milk handlers have for these uses this year. Some additional difficulty may be expected in diverting milk to facilities where it might be used as Class IV milk, since the price paid by condenseries is currently lower than the Class IV price. In February, the condensery paying price used in the order was 21.5 cents per hundredweight less than the Class IV price. In view of this difference, manufacturing plant operators may be expected to be reluctant to take on increased supplies of milk at the Class IV price while other source milk is available at the lower price.

Under these circumstances some price adjustment with respect to milk used in Class IV is needed for the orderly marketing of the increase in milk production for this market. It is questionable whether a price adjustment on only the increased volume in certain uses as compared to last year could be made to apply equitably. A flat adjustment of the Class IV price would not be subject to this objection. A temporary deduction of 10 cents from the formula price would result in about the same total effect on the cost of milk to handlers as the proposed adjustment applying to only the increase in Class IV milk over last year. Based on price relationships in recent months, this may not result in a price as low as the price for Class III (a) milk. It is not possible to estimate reliably what this corresponding price relationship would be in the coming spring months, but such adjustment would appear likely to result in a closer alignment than without such adjustment.

The Class IV price serves as an alternate price for a portion of Class III milk. The adjusted Class IV price as herein proposed for April, May and June this year, would similarly be the alternate price for such Class III milk if it is higher than the Class III price. The provisions for the basis formula price should be modified so that this temporary adjustment of the Class IV price will not affect the basic formula price.

2. The counties of Boone, Grant and Knox, all in Indiana, should be included in the surplus milk manufacturing area for the months of April, May and June of 1954. Inclusion of these counties was requested by handlers who are encountering difficulty in providing or finding outlets for surplus milk. It was indicated on the record that in these localities manufacturing capacity is available for handling some of the increased volume of milk expected to be produced for this market during spring months of this year. If these counties were included in the area designated as the surplus milk manufacturing area, milk moved to plants located therein could be classified as Class III, III (a) or IV, depending on utilization. Inasmuch as there are many indications in the record of difficulty experienced by handlers in finding facilities able to handle additional quantities of milk and operators willing to accept such additional milk, it is concluded that these counties should be included in the designated area.

3. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto.

The conditions complained of are such that it is urgent that remedial action be taken not later than April 1, 1954 or as soon thereafter as possible. Delay beyond the minimum time required to make the amending order set forth below effective would defeat the purpose of such amendment. The time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would reduce the effectiveness of such relief and would tend to prevent the effectuation of the declared policy of the act. The record shows that interested parties did not enter any objection to omission of the recommended decision and opportunity to file exceptions thereto.

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

General findings. (a) The proposed marketing agreements and the orders as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and in the orders, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The proposed marketing agreements and the orders, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreements upon which a hearing has been held.

Determination of representative period. The month of January 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Chicago, Illinois, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreements and orders. Annexed hereto and made a part hereof are documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders, as amended, and as hereby proposed to be further amended by the attached orders which will be published with this decision.

This decision filed at Washington, D. C., this 26th day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area*

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Chicago, Illinois marketing area shall be in conformity to and compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 941.50 change the period at the end of the sentence to a comma and add: "except that for each of the delivery periods of May, June, and July of 1954, the basic formula price shall not be less than the price for Class IV milk as computed by the market administrator pursuant to § 941.52 (d) for the delivery period next preceding plus 10 cents."

2. In § 941.52 (d) add a subparagraph (4) as follows:

(4) For the delivery periods of April, May, and June of 1954, subtract 10 cents from the result pursuant to subparagraph (3) of this paragraph.

3. In § 941.40 (b) insert the county names "Boone, Grant, Knox," after the county of Wabash in Indiana.

[F. R. Doc. 54-2298; Filed, Mar. 30, 1954; 8:56 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 943]

[Docket No. AO-231-A-4]

HANDLING OF MILK IN THE NORTH TEXAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.),

and the applicable rules of practice and procedure as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Dallas, Texas, on January 26–27, 1954, pursuant to notice thereof which was issued on January 11, 1954, and published in the FEDERAL REGISTER on January 15, 1954 (19 F. R. 272) upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the North Texas marketing area.

A portion of the issues considered at this hearing was the subject of a decision issued on February 26, 1954 (19 F. R. 1183) and an order amending the order as amended issued on February 26, 1954 (19 F. R. 1205).

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service, on March 2, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions on the remaining issues, which was published in the FEDERAL REGISTER on March 5, 1954 (19 F. R. 1250).

Within the period reserved for exceptions, the producers associations and certain handlers filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon are at variance with the exceptions, such exceptions are overruled.

The material issues of record are concerned with the following:

1. A revision in the method of pricing of Class II milk,
2. The elimination of the administrative assessment on milk diverted to unapproved plants, and
3. The classification of ungraded milk for certain uses.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing and the record thereof:

1. *Pricing Class II milk.* The alternative formula for determining the Class II price on the basis of butter and nonfat dry milk solids prices should be reduced 16 cents per hundredweight of milk containing 4 percent of butterfat for each of the months of July 1954 through March 1955. The price of milk disposed of for use in the manufacture of cheddar cheese during April, May, June, and July 1954, should be computed by multiplying the price of cheese at Wisconsin assembly points by 8.0. The butterfat differential for Class II milk should be reduced from 0.115 to 0.108 times the price of butter for each of the months of April 1954 through June 1955.

Producer milk supplies are now about adequate to meet market requirements for Class I milk at all seasons of the year. The number of producers supplying the market increased substantially from the time the order was promulgated in October 1951 until the middle of 1953. Since that time, producer numbers have remained relatively stable. Receipts of producer milk during the last quarter of 1953 increased approximately 15 percent over the corresponding period of 1952 and 38 percent over 1951. This increase indicates that the Class II price in the past has not discouraged handlers from developing adequate supplies of producer milk.

The record indicates, however, that the present Class II pricing arrangement is not promoting the usage of reserve supplies of producer milk in the manufacturing operations usually conducted by handlers in conjunction with their fluid operations. Not all handlers have the necessary equipment to process the entire reserve supplies of milk that normally accompany a fluid milk operation. Milk for all Class II uses however can not be priced to handlers so that each handler can be assured of a profit in handling it. Handlers, who lack facilities or who receive milk in excess of their capacity, must procure their fluid milk supply in competition with handlers who are able to process or dispose of reserve supplies. Furthermore, the pricing arrangement for Class II milk should not result in handlers soliciting for additional supplies or retaining sources of supply of producer milk in excess of their normal reserve requirements throughout the year solely for manufacturing purposes.

With the increase in the receipts of producer milk, the total volume of Class II milk at approved plants during 1953 was about 65 percent greater than in 1952. If market supplies are maintained at a level to supply the year around Class I sales, the volume of Class II milk can be expected to continue at about 1953 levels. The record shows that difficulty was encountered in disposing of reserve milk supplies during 1953. The proportion of total producer receipts classified as Class II milk for the year 1953 however was less than 20 percent. It ranged from 7.2 percent in October to 29.8 percent in April.

During each of the years of 1952 and 1953 over 85 percent of the total volume of Class II milk was utilized at approved plants in frozen desserts, condensed milk or skim milk, or cottage cheese or was transferred or diverted from approved plants to unapproved plants in the form of milk, skim milk, or cream. From 1952 to 1953 utilization in each of these four major outlets increased as follows: frozen desserts, 28 percent; condensed milk or skim milk, 36 percent; cottage cheese, 27 percent; and milk, skim milk, or cream transferred or diverted to unapproved plants, 335 percent. This shows that the utilization of Class II milk at approved plants increased at a much smaller rate than the rate at which the total volume of Class II milk increased. Accordingly, a greatly increased disposition of Class II milk to unapproved plants has been necessary.

In 1953 almost one-fourth of the total volume of Class II milk at approved plants was other source milk received in forms other than milk. While these Class II other source milk products were being received at approved plants, large volumes of milk, cream, or skim milk were at the same time being disposed of by approved plants through transfer or diversion to unapproved plants. Thus, the problem of finding outlets for Class II milk was aggravated by some of the handlers who acquired other source milk for uses which otherwise represented outlets for Class II producer milk.

During 1953 the prices paid for milk at the three manufacturing plants, which are used as a basis for the Class II price in April, May, and June, and as an alternative basis during the other months of the year, declined considerably in relation to the butter-nonfat dry milk solids formula. In 1952 the three-plant price averaged about 13 cents per hundredweight higher than the butter-nonfat dry milk solids formula price whereas in 1953, the three-plant price averaged 25 cents lower. From 1952 to 1953 the three-plant price declined about 38 cents in relation to the butter and nonfat dry milk solids prices. The butter-nonfat dry milk solids formula was higher than the three-plant price in every month of 1953 except January. These changed relationships have aggravated the problem of pricing Class II milk under the order.

Ice cream is a desirable outlet for Class II producer milk because ice cream sales are seasonally high at about the same time of the year that supplies of producer milk are greatest. A substantial portion of the ice cream sold in the marketing area is manufactured and distributed by operators of unapproved plants. Reserve supplies of producer milk or ice cream ingredients made by approved plants cannot be disposed of to such unapproved plants unless they are available at prices that are competitive with prices for ingredients from other sources. Class II milk should be priced, therefore, at a level which will result in a cost for ice cream ingredients that is competitive with costs of ingredients from other sources. Using this criterion, it appears that during the latter part of 1953, ice cream ingredients were available from unregulated sources at prices reflecting a value for milk at somewhat less than the Class II price; therefore some reduction from the level of the Class II prices during that period appears appropriate.

Proposals were considered to price Class II milk on the basis of prices paid for milk at manufacturing plants located in or near the milkshed throughout the year. As previously stated above, prices paid for milk at these plants has declined substantially in the last year in relation to butter and nonfat dry milk solids prices. The reasons for this decline are not apparent, and the extent to which this changed relationship should influence Class II prices is not discernible. The lowering of Class II prices at all seasons of the year to the full extent of this decline is not necessary. This decline may be accompanied by larger profit margins, which if allowed handlers, might cause them to obtain supplies of producer milk solely for manufacturing purposes. Normal seasonal reserve supplies have some value to a handler in addition to their intrinsic value as milk

products. This is due to the fact that the producers of such milk will be needed, and they will be available, in the short production season to meet fluid milk requirements. It is concluded that a reduction in the butter-nonfat dry milk solids formula price of 16 cents per hundredweight of milk containing 4 percent of butterfat will result in an appropriate level of Class II prices through March 1955 and will promote greater utilization of reserve supplies of producer milk by regulated handlers. In the event the butter and nonfat dry milk solids formula prices decline in relation to local manufacturing plant prices, then the three plant price should be used as a basis for the Class II price as it now is.

Proposals to include additional plants along with the three whose prices are averaged and used as a basis for the Class II price should be denied. All of the plants suggested or proposed as possible additions pay generally lower prices than the three now used. Any addition of other plants would tend to reduce the Class II price below the competitive price being paid by local plants for ungraded milk. The need for a reduction in prices to this extent was not shown. Nor was it shown that the addition of other plants would result in more timely changes in the Class II price.

The average butterfat content of Class II producer milk has been considerably above 4 percent. In 1953, it ranged from 4.713 percent in April to 10.721 percent in October; therefore the Class II butterfat differential has a significant effect on the handlers' cost of Class II milk. A comparison of butter prices with prices at which cream has been available from competitive sources indicates that a butterfat differential of 0.108 times the price of butter would closely reflect this relationship. It is therefore concluded that the Class II butterfat differential should be the price of butter times 0.108 through June 1955.

In the few weeks immediately preceding the hearing producer milk supplies had increased considerably—apparently more than the usual seasonal increase during that period. It cannot be determined at this time whether this represents a new trend in increased supplies of producer milk or a changed seasonal pattern or merely a short term shift in production. If this increase continues into the months of heavy production in 1954, the problems of disposing of the seasonal reserve supplies will be further complicated and the need for disposing of milk to unapproved plants will be that much greater. With the limited existing outlets to unapproved plants, it might become necessary to move substantial volumes of producer milk to cheddar cheese plants. Returns available for milk disposed of to local cheese plants have been considerably lower than for milk disposed of to most other manufacturing outlets. Therefore, a special price for any milk which may be used to produce cheese is necessary to promote the orderly marketing of seasonal reserve milk during the flush production season of 1954. This special price should be applicable only during the flush production months of 1954 because it cannot yet be determined that similar problems will recur in subsequent years. The problems of disposing of Class II milk can be expected to be greatest, during April through July. It is concluded, therefore, on the basis of this record, that the special pricing of milk used for cheese be applicable only during April, May, June, and July 1954.

The price of Class II milk disposed of during this four-month period for use in the manufacture of Cheddar cheese should be priced on the basis of cheese prices. The value of milk for cheese has a close relationship to the price of cheese. The price paid for Cheddar cheese at Wisconsin primary markets is considered representative of changes in the price of cheese. A comparison of this cheese price with prices paid for milk by plants engaged in manufacturing cheese in this area indicates the value of milk for cheese to be about 8.0 times the price of cheese. It is concluded that milk for use in Cheddar cheese should be priced on the basis of this relationship.

A number of uncertainties existing at the time of the hearing contribute greatly to the difficulty of determining an appropriate level of Class II prices. Two mentioned earlier in this decision concern (1) the future relationship between prices paid for milk by local manufacturing plants and butter and nonfat dry milk solids prices, and (2) the volume of Class II producer milk during the next few months. Others include the effect of the change in the level of Government support prices for manufactured milk products on prices of milk and dairy product prices locally; the ability and willingness of handlers to utilize increased quantities of producer milk in Class II operations; the progress made on plans to expand local manufacturing facilities; and the extent to which Class II milk and milk products can be disposed of to existing unapproved plants. In view of the uncertainties, it is concluded that changes in Class II pricing to reflect current conditions should be temporary. Use of the lower butter-nonfat dry milk solids formula price through March 1955 and the lower Class II butterfat differential through June 1955 will continue the level of Class II prices herein concluded to be appropriate, through the 1955 season of high production. It will be desirable after time has resolved some of these uncertainties to reconsider the problem of pricing reserve milk at a hearing late in 1954 or early in 1955.

2. *Expense of administration.* The proposal to make the administration assessment inapplicable to producer milk diverted to an unapproved plant should be denied. It cannot be concluded from the record that the proposal, if adopted, would result in a more equitable distribution of the expenses of administration among handlers. To some degree, the problems sought to be corrected by this proposal are pricing problems and to that extent, have been considered in arriving at the conclusions contained herein concerning pricing.

3. *Classification of ungraded milk for certain uses.* A proposal to classify as Class II milk, ungraded milk or skim milk disposed of by handlers for use in oleomargarine or mellorine should be adopted. Ungraded milk disposed of from an approved plant for such purposes is presently classified as Class I milk during each of the months of September through February and as Class II milk during the other months.

At least one handler receives both graded and ungraded milk at his approved plant, as defined in the order. Separate facilities for receiving and processing both graded and ungraded milk are maintained in the same building. Such handlers are required to report their total receipts and utilization of all milk received at their approved plants. The provisions of the order for allocating milk from sources other than producers, to the various dispositions of the approved plant, are such that producer milk is given priority of allocation to all Class I dispositions from such plant. Any ungraded milk or skim milk, received at an approved plant and disposed of for the manufacture of oleomargarine or mellorine is classified as Class I milk during the months of September through February. This higher classification assigned to such usage for ungraded milk accrues to the benefit of producers. Inasmuch as ungraded milk received at unapproved plants is available as a source of supply for these products, the higher classification assigned to ungraded milk (for similar disposition) which is received at approved plants places a handler at a competitive disadvantage in supplying these outlets. The adoption of this proposal will remove this disadvantage.

General findings. (a) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the North Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Delete paragraph (b) of § 943.51 and substitute therefor the following:

(b) *Class II milk.* For each of the months of April, May and June, the price computed pursuant to § 943.50 (c), rounded to the nearest one-tenth cent; for each of the months of July 1954 through March 1955, the price computed pursuant to § 943.50 (b) less 16 cents or the price computed pursuant to § 943.50 (c), whichever is higher, rounded to the nearest one-tenth cent; and for each of the other months of the year, the price computed pursuant to § 943.50 (b) or the price computed pursuant to § 943.50 (c), whichever is higher, rounded to the nearest one-tenth cent: *Provided*, That for each of the months of April, May, June, and July 1954, the minimum price per hundredweight for Class II milk disposed of for use in Cheddar cheese shall be computed by multiplying the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembly points, as reported by the Department for the trading days during such month, by 8.0.

2. Amend § 943.52 (b) to read as follows:

(b) *Class II milk.* For each of the months of April 1954 through June 1955, multiply such price for the current month by 1.08 and for each month after June 1955, multiply such price for the current month by 1.15.

3. Delete paragraph (b) (2) of § 943.41 and substitute therefor the following:

(2) Disposed of (i) as bulk milk or skim milk during the months of March through August, (ii) as bulk cream during any month, and (iii) as ungraded bulk milk or skim milk during any month, to commercial bakeries or food product manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption. *Provided*, That the amount of skim milk or butterfat so classified pursuant to subdivision (iii) of this subparagraph shall not exceed the butterfat and skim milk contained in ungraded milk received by such handler from dairy farmers during the month.

[F. R. Doc. 54-2264; Filed, Mar. 30, 1954; 8:50 a. m.]

[7 CFR Part 988]

[Docket No. AO 195-A6]

Handling of Milk in the Knoxville, Tennessee, Marketing Area

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and to Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Farragut Hotel, 530 South Gay Street, Knoxville, Tennessee, beginning at 10:00 a. m., April 15, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area (7 CFR 988 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposal No. 2, relative to the enlargement of the marketing area, raises the issue as to whether the provisions of the present order would tend to effectuate the declared policy of the act if applied to the marketing area as proposed to be extended, or if not, what modifications of the classification, pricing (including differentials) and payment provisions of the order, as amended, are appropriate to effectuate the declared policy of the act.

Amendments to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, milk marketing area were proposed as follows:

By R. T. Cochran on behalf of handlers regulated by Order No. 88:

1. Add the following proviso to § 988.51 (b): "*Provided*, That from the effective date hereof the price per hundredweight for all producer milk received at a fluid milk plant that is used to produce butter, or is transferred by a handler, including a cooperative association as a handler, and used to produce any item other than those as set forth in § 988.41 (a) (1) shall be the price computed above less the appropriate amount that will effectuate the orderly marketing of such milk."

2. Delete § 988.5, and substitute therefor:

§ 988.5 *Knoxville, Tennessee, Marketing area.* "Knoxville, Tennessee, marketing area" called the "marketing area" in this subpart means the territories within the counties of Knox, Blount, Anderson, Campbell, and Jefferson, all in Tennessee, including but not being limited to all municipal corporations in said counties.

By the Knoxville Milk Producers Association:

3. Amend § 988.61 by deleting (b) and substituting therefor the following:

(b) An entire base may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice: *Provided*, That if a base is held jointly and such joint holding is terminated any portion of such base may be transferred as indicated by the joint holders.

By the Dairy Division, Agricultural Marketing Service:

4. Make such changes as may be required to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 205 Flatiron Building, 705 Broadway NE., Knoxville, Tennessee, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 26, 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-2299; Filed, Mar. 30, 1954; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150-35]

Commissioner of Internal Revenue

Delegation of Authority Respecting Certain Tax Returns

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950, there are hereby conferred and imposed upon the Commissioner of Internal Revenue the functions of the Secretary of the Treasury prescribed by sections 463C.32 and 463C.33 (a) of Treasury Decision 4929, approved by the President on August 28, 1939, as amended by Treasury Decision 4991, approved on July 20, 1940 (C. B. 1939-2, 91, C. B. 1940-2, 92; 26 CFR 458.65, 458.66 (a)), with respect to permission to the head of a bureau or office of the Treasury Department, not a part of the Internal Revenue Service, or an employee in such bureau or office, or to the head of an executive department (other than the Treasury Department) or any other establishment in the Executive Branch of the United States Government, or an officer or employee in such department or establishment, to inspect a return made under the Internal Revenue Code to which Treasury Decision 4929, as amended, applies. The functions herein conferred and imposed upon the Commissioner of Internal Revenue may be exercised by any officer or employee of the Internal Revenue Service who is so authorized by the Commissioner, under such rules as may be prescribed by him.

[SEAL] M. B. FOLSOM, *Acting Secretary of the Treasury.*

MARCH 25, 1954.

[F. R. Doc. 54-2291; Filed, Mar. 30, 1954; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska

Notice of Proposed Withdrawal and Reservation of Lands

An application, serial number Anchorage 025198, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on August 11, 1953, by Department of the Army.

The purposes of the proposed withdrawal: A recreation and training site.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

A parcel of land located on the south shore of Lake Louise, approximately 140 miles northeast of Anchorage, more particularly described as follows:

Beginning at a point on the mean high water line of Lake Louise at approximate Latitude 62°16'55" North and Longitude 146°31'10" West; thence north 2117 feet, more or less, to the mean high water line of a small promontory extending into Lake Louise; thence in a generally southeasterly direction along said high water line to the east end of the aforementioned promontory; thence continuing along the mean high water line in a generally southwesterly direction to the point of beginning, containing approximately 29.50 acres.

LOWELL M. PUCKETT, *Regional Administrator.*

[F. R. Doc. 54-2245; Filed, Mar. 30, 1954; 8:46 a. m.]

Colorado

Restoration Order No. 19 (R-IV) Under Federal Power Act

MARCH 19, 1954.

Pursuant to determination No. DA-328-Colorado dated November 10, 1952, of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (2) (4) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes pursuant to Power Site Reserves No. 116 dated February 18, 1910, and No. 253 dated March 23, 1912, are hereby opened to disposition under the applicable public-land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

SIXTH PRINCIPAL MERIDIAN

T 4 S., R. 83 W.
Sec. 17, Lots 1, 3, and 4
Sec. 18, Lots 7 and 9.

These lands are primarily valuable for grazing, and it is unlikely that they can be classified for disposal under the homestead, desert-land, or small tract laws.

The lands described shall be subject to application by the State of Colorado for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 91st day after the date of publication. At that time the above-described land in DA-328 shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Bureau of Land Management, Land and Survey Office, 437 Post Office Building, Denver, Colorado.

RALPH J. MITCHELL, *Acting Regional Administrator.*

[F. R. Doc. 54-2247; Filed, Mar. 30, 1954; 8:46 a. m.]

Montana Grazing District No. 1 (Malta)

Federal Range Code for Grazing Districts; Notice of Range Improvement Fee

MARCH 24, 1954.

Pursuant to the authority delegated to me by Order No. 2583 of August 16, 1950, of the Secretary of the Interior, and in accordance with the provisions of § 161.8 (b), and note, of the Federal Range Code for Grazing Districts (43 CFR Part 161), and upon the recommendation of the District Advisory Board, notice is hereby given that for a period of three years commencing with the 1954 grazing season and terminating at the end of the 1956 grazing season, the range improvement fee per animal unit month to be charged in portions of Montana Grazing District No. 1, hereafter described, will be 15 cents per animal unit month for each month of the grazing period covered by the license or permit, i. e., at the rate of 15 cents per head per month for cattle and horses and 3 cents per head per month for sheep and goats, all animals being over six months of age.

The Federal range to which this range improvement fee will apply is described as follows:

That portion of Phillips and Blaine Counties within the following described line: Starting at the NW corner of sec. 27, T. 25 N., R. 22 E., M. P. M.; thence east on the section line to the NE corner of sec. 27; thence south on the section line to the SE corner of sec. 27; thence east along the section lines to the NE corner of sec. 36, T. 25 N., R. 22 E.; thence east along the section line to the NE corner of sec. 31, T. 25 N., R. 23 E.; thence south to the SE corner of sec. 31; thence east along the township line to the NW corner of sec. 3, T. 24 N., R. 23 E.; thence south along the section line to the SW corner of sec. 3; thence east to the SE corner of sec. 3; thence north to the NW corner of the $SW\frac{1}{4}SW\frac{1}{4}$ of sec. 2; thence east to the NE corner of the $SE\frac{1}{4}SE\frac{1}{4}$ of sec. 1, T. 24 N., R. 23 E.; thence south along the range line to the SW corner of sec. 6, T. 24 N., R. 24 E.; thence east to the SE corner of sec. 6; thence south to the SW corner of the $SW\frac{1}{4}NW\frac{1}{4}$ of sec. 8; thence east to the NE corner of the $NW\frac{1}{4}SE\frac{1}{4}$ of sec. 8; thence south to the NW corner of the $NE\frac{1}{4}NE\frac{1}{4}$; section 17; thence east to the NW corner of sec. 16; thence south along the section line to the SW corner of sec. 16; thence west to the NW corner of the $NE\frac{1}{4}NE\frac{1}{4}$, sec. 20; thence south to the SW corner of the $SE\frac{1}{4}SE\frac{1}{4}$, sec. 20; thence east to the NW corner of sec. 27; thence south to the SW corner of the $SW\frac{1}{4}NW\frac{1}{4}$, sec. 27; thence east to the SE corner of $SE\frac{1}{4}NE\frac{1}{4}$, sec. 25, T. 24 N. R. 24 E.; thence east to the SE corner of the $SE\frac{1}{4}NE\frac{1}{4}$, sec. 30, T. 24 N., R. 25 E.; thence north to the NE corner of sec. 30; thence east along the section line to the SE corner of sec. 23; thence north to NW corner of sec. 24; thence east to the NE corner, sec. 24, T. 24 N., R. 25 E.; thence south to the SW corner of sec. 19, T. 24 N., R. 26 E.; thence east to the NW corner of the $NE\frac{1}{4}NE\frac{1}{4}$, sec. 30; thence south to the SW corner of the $NE\frac{1}{4}NE\frac{1}{4}$, sec. 31; thence east to the NW corner of the $SE\frac{1}{4}NW\frac{1}{4}$, sec. 32; thence south to the SW corner of the $SE\frac{1}{4}SW\frac{1}{4}$, sec. 32, T. 24 N., R. 26 E.; thence east to the NE corner of lot 2, sec. 6, T. 23 N., R. 26 E.; thence south to the SE corner of the $SW\frac{1}{4}NE\frac{1}{4}$, sec. 7; thence west to the SW corner of the $SW\frac{1}{4}NE\frac{1}{4}$, sec. 7; thence south to the SW corner of the $SW\frac{1}{4}SE\frac{1}{4}$, sec. 7; thence west to the NE corner of the $NW\frac{1}{4}NW\frac{1}{4}$, sec. 18; thence south to the SE corner of the $SW\frac{1}{4}SW\frac{1}{4}$, sec. 18; thence east to the NE corner of the $NE\frac{1}{4}NW\frac{1}{4}$, sec. 19; thence south to the SE corner of the $NE\frac{1}{4}NW\frac{1}{4}$, sec. 19; thence east to the SE corner of the $NW\frac{1}{4}NW\frac{1}{4}$, sec. 20; thence north to the NW corner of the $NE\frac{1}{4}NW\frac{1}{4}$, sec. 20; thence east to the SE corner of the $SE\frac{1}{4}SW\frac{1}{4}$, sec. 17; thence north to the NW corner of the $NW\frac{1}{4}SE\frac{1}{4}$, sec. 17; thence east to the NW corner of the $NW\frac{1}{4}SW\frac{1}{4}$, sec. 16; thence north to the NW corner, sec. 16; thence east to the NE corner of sec. 15; thence north to the NW corner, sec. 2, T. 23 N., R. 26 E.; thence north to the SW corner, sec. 24, T. 24 N., R. 26 E.; thence west to the SW corner, sec. 22; thence north to the NW corner, sec. 3, T. 24 N., R. 26 E.; thence north to Fort Belknap Indian Reservation Boundary at the NW corner of sec. 33, T. 25 N., R. 26 E.; thence northeasterly along the reservation line to the NW corner of the $NW\frac{1}{4}NE\frac{1}{4}$, sec. 35, T. 27 N., R. 26 E.; thence east to the NE corner of sec. 36, T. 27 N., R. 26 E.; thence south to the SW corner of sec. 6, T. 26 N., R. 27 E.; thence east to the NE corner of sec. 8; thence south to the SE corner of sec. 8; thence east to the NE corner of the $NW\frac{1}{4}NW\frac{1}{4}$, sec. 15; thence south to the SE corner of the $NW\frac{1}{4}NW\frac{1}{4}$, sec. 15; thence west to the SW corner of the $NW\frac{1}{4}NW\frac{1}{4}$, sec. 15; thence south to the SE corner, sec.

28; thence west to the NW corner, sec. 32, T. 26 N., R. 27 E.; thence south to the SE corner, sec. 18, T. 25 N., R. 27 E.; thence east to the SE corner, sec. 16; thence south to the SE corner, sec. 21; thence east to the SE corner, sec. 24, T. 25 N., R. 27 E.; thence east to the NE corner, sec. 30, T. 25 N., R. 28 E.; thence south to the SE corner, sec. 31, T. 25 N., R. 28 E.; thence east to the NE corner of lot 2, sec. 5, T. 24 N., R. 28 E.; thence south to the SE corner of the SW¼SE¼, sec. 17; thence east to the NE corner of the NW¼NW¼, sec. 21; thence south to the SE corner of the SW¼SW¼, sec. 21; thence east to the NW corner, sec. 26; thence south to the NE corner of the SE¼SE¼, sec. 27; thence east to the NE corner of the SE¼SE¼, sec. 25, T. 24 N., R. 28 E.; thence south to the SW corner of lot 5, sec. 6, T. 23 N., R. 29 E.; thence east to the NE corner of the NE¼SW¼, sec. 4; thence south to the NE corner of the NE¼NW¼, sec. 16; thence west to the NW corner, sec. 16; thence south to the SW corner, sec. 16; thence east to the NE corner of the NW¼NW¼, sec. 21; thence south to the SE corner of the SW¼SW¼, sec. 21; thence west to the SW corner, sec. 21; thence north to the NE corner of the NE¼SE¼, sec. 20; thence west to the NE corner of the NE¼SE¼, sec. 19; thence north to the NE corner, sec. 19, T. 23 N., R. 29 E.; thence west to the NE corner of the NW¼NE¼, sec. 23, T. 23 N., R. 28 E.; thence south to the SW corner of the SE¼SE¼, sec. 35, T. 23 N., R. 28 E.; thence east to the NW corner, sec. 1, T. 22 N., R. 28 E.; thence south to the SW corner, sec. 1; thence west to the NW corner of the NE¼NE¼, sec. 11; thence south to the SW corner of the SE¼SE¼, sec. 11; thence east to the NE corner, sec. 14; thence south to the SW corner, sec. 13; thence east to the SE corner, sec. 13, T. 22 N., R. 28 E.; thence east to the NW corner of the NE¼NE¼, sec. 21, T. 22 N., R. 29 E.; thence south to the SW corner of the SE¼SE¼, sec. 21; thence west to the NE corner of the NW¼NW¼, sec. 30; thence south to the SE corner of the SW¼SW¼, sec. 30, T. 22 N., R. 29 E., thence west to the NE corner, sec. 36, T. 22 N., R. 28 E.; thence south to the SE corner of lot 1, sec. 1, T. 21 N., R. 28 E.; thence west to the SW corner of lot 4; thence south to the SW corner of the SW¼NW¼, sec. 1; thence west to Fort Peck Lake at the SW corner of the SE¼NW¼, sec. 2, T. 21 N., R. 28 E.; thence west up the Missouri River to the SW corner of lot 21, sec. 6, T. 23 N., R. 22 E.; thence east to the SE corner of lot 17, sec. 5; thence north to the NE corner of lot 2, sec. 5, T. 23 N., R. 22 E.; thence north to the NW corner, sec. 33, T. 24 N., R. 22 E.; thence north to the NW corner, sec. 4, T. 24 N., R. 22 E.; thence north to the NW corner, sec. 28, T. 25 N., R. 22 E.; thence east to the NW corner, sec. 27, T. 25 N., R. 22 E., the starting place.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 54-2246; Filed, Mar. 30, 1954; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 22, 1954.

An application, serial number Idaho 04381, for the withdrawal from all forms of appropriation under the public land laws, except as noted below of the lands described below was filed on December 16, 1952, by Corps of Engineers, U. S. Army.

The purposes of the proposed withdrawal: Lucky Peak Reservoir Dam Project.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior, at Swan Island Station, Portland 18, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 2 N., R. 3 E., B. M., Idaho,
Sec. 11, Lots 5 and 9, NW¼SW¼, SE¼SW¼;
Sec. 12, Lot 5, NE¼SE¼;
Sec. 13, NW¼;
Sec. 14, NE¼.
T. 2 N., R. 4 E., B. M.,
Sec. 4, W½W½SW¼SW¼;
Sec. 5, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, N½SE¼, SE¼SE¼;
Sec. 6, Lots 6, 8, 9 and 10, S½S½NE¼, NW¼SE¼, S½NE¼SW¼;
Sec. 7, NE¼NE¼.
T. 3 N., R. 4 E., B. M.,
Sec. 8, NE¼NE¼, E½NW¼NE¼;
Sec. 9, S½NE¼NW¼, NW¼NW¼, W½SW¼;
Sec. 11, Lots 1, 2, 3, 4, pors. 5, 6 and 7, NW¼SW¼;
Sec. 12, Lots 1, 2, and 3, S½SW¼NW¼, W½W½SE¼SW¼, S½W½W½NE¼SW¼;
Sec. 14, Lots 2, 3, 4, 5 and 6;
Sec. 15, Lots 1, 2, 3, 7, 8 and 9;
Sec. 17, NW¼SE¼;
Sec. 21, Lots 4, 5 and 8, SE¼NW¼;
Sec. 22, N½SW¼NE¼;
Sec. 28, Lots 1, 4 and 5, NE¼NE¼, SW¼NE¼, NE¼SW¼;
Sec. 29, Lot 3;
Sec. 31, E½SE¼NE¼, E½NE¼SE¼, NE¼SE¼SE¼;
Sec. 32, Lots 1, 4, 5, 6, 8, 9 and 10.

The areas described aggregate 2650.23 acres.

Portions of the lands described are within the Boise National Forest and within Reclamation withdrawals. The proposed withdrawal order will provide that as to the lands within the National Forest, the withdrawal will take precedence, but the lands will otherwise remain subject to administration for National Forest purposes, and as to the vacant public domain lands, the withdrawal will be subject to the administration of the lands by the Bureau of Land Management for grazing purposes until such time as the lands are required in connection with the operation of the reservoir.

JAMES F. DOYLE,
Acting Regional Administrator.

[F. R. Doc. 54-2282; Filed, Mar. 30, 1954; 8:53 a. m.]

Office of the Secretary

PRAIRIE ISLAND INDIAN RESERVATION

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Prairie Island Indian Reservation was duly adopted by the Prairie Island Indian Community of Minnesota which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor law, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Prairie Island Indian Community, provided, that such introduction, sale or possession is in conformity with the laws of Minnesota

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 25, 1954.

[F. R. Doc. 54-2249; Filed, Mar. 30, 1954; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF GULF/MEDITERRANEAN PORTS CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 134–19, between the Member Lines of the Gulf Mediterranean Ports Conference, modifies the basic agreement of that Conference (No. 134) to provide that the Executive Secretary of the Conference shall also be the Chairman and preside at all meetings, except in instances where a conference member shall be designated to serve as Chairman of the meeting.

(2) Agreement No. 140–16, between the Member Lines of the Gulf/French Atlantic Hamburg Range Freight Conference, modifies the basic agreement of that Conference (No. 140–1) to provide that the Executive Secretary of the Conference shall also be the Chairman and preside at all meetings, except in instances where a conference member shall be designated to serve as Chairman of the meeting.

(3) Agreement No. 161–19, between the Member Lines of the Gulf/United Kingdom Conference, modifies the basic agreement of that Conference (No. 161) to provide that the Executive Secretary of the Conference shall also be the Chairman and preside at all meetings, except in instances where a conference member shall be designated to serve as Chairman of the meeting.

(4) Agreement No. 5400–2, between the Member Lines of the Gulf Scandinavian and Baltic Sea Ports Conference, modifies the basic agreement of that Conference (No. 5400) to provide for the appointment of an Executive Secretary who shall also be the Chairman of the Conference and preside at all meetings of the Conference, except in instances where a member shall be designated as Chairman to preside at the meeting.

(5) Agreement No. 6400–7, between the Member Lines of the Pacific Coast River Plate Brazil Conference, modifies the basic agreement of that Conference (No. 6400) to include a provision enabling the members to establish conditions governing the payment of brokerage.

(6) Agreement No. 7780–2, between the member Lines of the Gulf South and East African Conference, modifies the basic agreement of that Conference (No. 7780) to provide for the appointment of an Executive Secretary, who shall also be the Chairman of the Conference and preside at all meetings of the Conference, except in instances where the Conference shall designate a member to serve as Chairman of the meeting.

(7) Agreement No. 7964, between Alcoa Steamship Company, Inc., and Osaka Shosen Kaisha, Ltd., covers the transportation of cargo under through bills of lading from the Philippine Islands, Hong Kong, and Japan to Puerto Rico, with transhipment at New York, Baltimore or Norfolk.

(8) Agreement No. 7971, between Black Diamond Steamship Corp., and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Holland, Belgium and Germany to Puerto Rico, with transhipment at New York, Baltimore or Norfolk. Agreement No. 7971 supersedes and cancels Agreement No. 7924.

(9) Agreement No. 7792–A, between Flota Mercante Grancolombiana, S. A., Compania Colombiana De Navegacion Maritima, Compania Sud Americana De Vapores, Grace Line Inc., Gulf and South American Steamship Co., Inc., Lykes Bros. Steamship Co., Inc., United Fruit Company, Rederiet Ocean a/s (J. Lauritzen, Managing Owners) and West Coast Line, Inc., has the effect of extending the terms and conditions of Agreement No. 7792 to the period from December 20, 1953, to December 31, 1953, both dates inclusive. Agreement No. 7792 provided that Flota Mercante Grancolombiana S. A. would be entitled to carry a minimum of 35 percent of the coffee moving on vessels of the parties from Colombia to New York, New Orleans and Houston and provided for compensatory payments to that line should its carryings fall below the specified minimum. Agreement No. 7792–A further provides that any payments due Flota Mercante Grancolombiana, S. A., for the additional period will be in accordance with the terms and conditions as set forth in Agreement No. 7795.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 26, 1954.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 54-2295; Filed, Mar. 30, 1954; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6551]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

MARCH 24, 1954.

Take notice that on March 24, 1954, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office in Minneapolis, Minnesota, seeking an order authorizing the issuance of $10,000,000 of Promissory Notes to be due on or before June 1, 1955 and to bear interest at the prime commercial bank rate or rates in effect at the date or dates of their respective issue. Applicant proposes to issue said notes payable to the National City Bank of New York, dated as of the dates of their respective issue, due not more than one year after the dates of their respective issue. The Northwestern National Bank of Minneapolis will have a 25 percent participation in each note and the First National Bank of Minneapolis will have a 15 percent participation in each note; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application, should on or before the 14th day of April 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2250; Filed, Mar. 30, 1954; 8:47 a. m.]

[Projects Nos. 1971, 2132, 2133]

IDAHO POWER CO.

ORDER UPON MOTION APPEALING PRESIDING EXAMINER'S RULING ON RECESS

Upon motion made by counsel for Lewis County Public Utility District, et al., interveners in these proceedings for a recess of the public hearing until May 10, 1954, the Presiding Examiner on March 5, 1954, recessed the hearing to reconvene on April 7, 1954.

On March 9, 1954, counsel for Lewis County Public Utility District, et al., interveners, filed a motion appealing the Presiding Examiner's ruling upon the motion for recess. In the motion the interveners requested that the Commission order a recess of two months beginning from the date of such order and set forth reasons in support of the motion.

The Commission finds: It is not inconsistent with the public interest to extend the recess granted by the Presiding Examiner as hereinafter provided.

The Commission orders: The public hearing in the above-designated matters, which was recessed by the Presiding Examiner on March 5, 1954, to reconvene on April 7, 1954, shall reconvene at 10:00 a. m. on May 10, 1954, in the Hearing Room of the Commission at 441 G Street NW., Washington, D. C.

Adopted: March 24, 1954.

Issued: March 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2251; Filed, Mar. 30, 1954; 8:47 a. m.]

[Docket Nos. G-2306, G-2311, G-2327, G-2328]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

ORDER EXTENDING PERIOD OF RECESS ALLOWED BY PRESIDING EXAMINER

In the matters of American Louisiana Pipe Line Company, Docket No. G-2306; Texas Gas Transmission Corporation, Docket No. G-2311; Michigan-Wisconsin Pipe Line Company, Docket No. G-2327; Michigan Consolidated Gas Company, Docket No. G-2328.

The Examiner presiding at the hearing in the above-docketed matters on March 15, 1954, upon completion of the taking of direct testimony concerning the matters and issues as limited by the Commission's order issued February 8, 1954, adjourned such hearing until March 29, 1954, for the purpose of permitting preparation of cross-examination. Prior to such adjournment, Staff Counsel had moved on the record that the hearing be adjourned to April 19, 1954. This motion was denied by the Presiding Examiner.

Staff Counsel, on March 16, 1954, filed with the Commission a motion for an extension of the period of the recess and appeal from the ruling of the Presiding Examiner denying the motion made upon the record for an adjournment to April 19, 1954. Concurrences in Staff Coun-

sel's motion and appeal have been filed by Panhandle Eastern Pipe Line Company and, jointly, by National Coal Association, United Mine Workers of America, Fuels Research Council, Inc., Anthracite Institute and Chesapeake and Ohio Railway Company. Answers and objections to the aforesaid motion and appeal have been filed by Milwaukee Gas Light Company, Wisconsin Natural Gas Company and Wisconsin Michigan Power Company (jointly), and American Louisiana Pipe Line Company, Michigan-Wisconsin Pipe Line Company and Michigan Consolidated Gas Company (jointly).

Upon consideration of the motion and appeal of Staff Counsel, the concurrences therein and the answers and objections thereto, the Commission finds that good cause exists for extending the period of the adjournment of the hearing to April 12, 1954.

The Commission orders:

(A) The ruling of the Presiding Examiner made on March 15, 1954, adjourning the hearing in the above-styled matters until March 29, 1954, be and the same is hereby vacated.

(B) The hearing in these proceedings be reconvened on April 12, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Adopted: March 24, 1954.

Issued: March 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2252; Filed, Mar. 30, 1954; 8:47 a. m.]

[Docket No. G-1915]

SOUTH GEORGIA NATURAL GAS CO.

ORDER POSTPONING HEARING

The Commission, upon consideration of the record and pleadings in this matter, issued its order on November 13, 1953, reopening these proceedings to permit each of the parties to introduce further evidence on all issues respecting South Georgia Natural Gas Company's (South Georgia) application for a certificate of public convenience and necessity. In its order the Commission directed that the reopened proceedings commence on January 18, 1954.

By order issued December 18, 1953, the Commission granted South Georgia's motion for continuance of the reopened proceeding until March 29, 1964

On March 11, 1954, South Georgia filed a second motion requesting further continuance of this proceeding until May 17, 1954, or such other date as the Commission may consider appropriate, and extension of date for serving copies of its testimony and exhibits until May 3, 1954.

South Georgia avers that it needs additional time to prepare its final estimates and data. It also indicates that its presentation of evidence in the reopened proceedings may relate to substantial changes in operations, facilities and customers, not included in the original application and hearings. However, no amendment to the existing application has been filed.

The Commission finds: It is appropriate that a continuance of hearing in this reopened proceeding be granted as hereinafter provided.

The Commission orders:

(A) The hearing in this proceeding, reopened by our order issued November 13, 1953, be convened on May 24, 1954, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.: *Provided however*, That South Georgia's evidence of record in that reopened proceeding shall constitute a full and complete presentation of all pertinent facts and data necessary for a determination of its application.

(B) South Georgia, on or before May 3, 1954, shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the reopened proceedings, including five (5) copies upon Commission Staff Counsel: *Provided*, That, to the extent that South Georgia relies on oral testimony, exhibits and other matter heretofore received in this docket or in any connected proceeding as relevant and material to the reopened proceeding, it shall specify with particularity such oral testimony, exhibits and other matters.

(C) In all other respects the order issued November 13, 1953, in this matter, shall remain in full force and effect.

Adopted: March 24, 1954.

Issued: March 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2256; Filed, Mar. 30, 1954; 8:48 a. m.]

[Docket No. G-2350]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application, filed January 13, 1954, and supplement thereto filed January 20, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities, insofar as the interstate operation thereof is concerned, as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on January 29, 1954 (19 F. R. 520-521).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 19, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D .C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: March 24, 1954.

Issued: March 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2254; Filed, Mar. 30, 1954; 8:48 a. m.]

[Docket No. G-2369]

IROQUOIS GAS CORP.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application, filed February 12, 1954, pursuant to section 7 of the Natural Gas Act, to construct and operate certain transmission facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 27, 1954 (19 F. R. 1132).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 19, 1954, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: March 24, 1954.

Issued: March 25, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2255; Filed, Mar. 30, 1954; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-461]

CORSET, BRASSIERE, AND ALLIED PRODUCTS INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

In the matter of trade practice conference proceedings for the Corset, Brassiere, and Allied Products Industry; File No. 21-461.

Notice is hereby given that a trade practice conference for the Corset, Brassiere, and Allied Products Industry will be held by the Federal Trade Commission in the Hotel New Yorker, Eighth Avenue and Thirty-fourth Street, New York City, on April 22, 1954, commencing at 10 a. m., e. s. t.

The purpose of the conference is to afford all industry members an opportunity to propose, consider, and recommend for Commission approval a comprehensive set of trade practice rules for the industry. Such rules are to be directed to the elimination and prevention of unfair methods of competition and other unlawful trade practices or abuses within the jurisdiction of the Commission, and to the maintenance of high standards of fair competition for protection of the industry and the public.

Products of the industry covered under the rules are corsets, brassieres, girdles, combinations, garter belts, bust pads, and related foundation garments. All persons, firms, corporations, and organizations engaged in the importation, production, and marketing at all levels of distribution of the industry products are cordially invited to attend and participate in the scheduled trade practice conference.

By direction of the Commission.

Issued: March 26, 1954.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 54-2289; Filed, Mar. 30, 1954; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-3127, 70-3128]

DUQUESNE LIGHT CO. AND STANDARD POWER AND LIGHT CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES OF COUNSEL AND ACCOUNTANTS

MARCH 25, 1954.

In the matter of Duquesne Light Company, File No. 70-3127; Standard Power and Light Corporation, File No. 70-3128.

The Commission by orders dated September 8, 1953 and November 30, 1953, having granted and permitted to become effective amended applications-declarations filed pursuant to the Public Utility Holding Company Act of 1935 ("act") by Duquesne Light Company, a public utility subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies, and by Standard Power, regarding (a) the issue and sale by Duquesne, pursuant to Rule U-50, of 150,000 additional shares of Common Stock, par value $10 per share; 100,000 shares of 4.20 percent Preferred Stock, par value $50 per share; and $12,000,000 principal amount of 3⅝ Percent First Mortgage Bonds, Series due September 1, 1983; and (b) the sale by Standard Power, pursuant to Rule U-50, of 34,739 shares of the outstanding Common Stock of Duquesne, owned by Standard Power, simultaneously with the proposed sale by Duquesne of additional shares of its Common Stock;

The Commission in its aforesaid orders dated September 8, 1953, and November 30, 1953, having reserved jurisdiction over, among other things, all fees and expenses incurred in connection with the issue and sale of said common stock, preferred stock, and bonds;

The Commission in its orders dated November 13, 1953, and January 29, 1954, having released jurisdiction with respect to the aforesaid fees and expenses, other than fees and expenses for accounting and legal services;

The record now having been completed with respect to the fees and expenses for accounting and legal services incurred in connection with the issue and sale of the securities hereinbefore described, and it appearing that the fees and expenses to be paid by Standard Power aggregate $2,982, including a counsel fee of $2,500 payable to Reed, Smith, Shaw & McClay, plus expenses of $237, and an accountant's fee, inclusive of expenses, of $245 payable to Haskins & Sells; it further appearing that the fees and expenses to be paid by Duquesne aggregate $36,144, including a counsel fee to Reed, Smith, Shaw, & McClay of $26,000 plus expenses of $4,312 and an accountant's fee, inclusive of expenses, of $5,832 payable to Haskins & Sells; and it further appearing that the fee and expenses of counsel for the underwriters amount to $19,500 and $1,825.50, respectively, and are payable by the purchasers of such securities to Cahill, Gordon, Zachry & Reindel;

It appearing to the Commission that said accounting and legal fees and expenses are not unreasonable, and that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved with respect to accounting and legal fees and expenses be, and the same hereby is, released, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2257; Filed, Mar. 30, 1954; 8:48 a. m.]

[File No. 70-3167]

CITIES SERVICE CO. ET AL.

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION-DECLARATION

MARCH 25, 1954.

In the matter of Cities Service Company, the Gas Service Company, Gas Advisers, Inc., File No. 70-3167.

Cities Service Company, a registered holding company, and its subsidiaries, the Gas Service Company and Gas Advisers, Inc., having filed an application-declaration which, as amended, proposed, among other things, the sale by Cities Service Company of 1,500,000 shares of the capital stock of the Gas Service Company, being all of the shares of such stock outstanding, to Missouri Public Service Company pursuant to a contract entered into as a result of private negotiation; and

Applicants-declarants having now requested that said application-declaration be withdrawn, stating that the contract with Missouri Public Service Company expired on February 25, 1954, that Cities Service Company desires to proceed with the sale of the stock of the Gas Service Company pursuant to the competitive bidding requirements of Rule U-50, and is concurrently filing a new application-declaration requesting, among other things, an order which would permit Cities Service Company to sell at competitive bidding such shares to underwriters for public offering:

It is ordered, That said application-declaration be, and the same hereby is, considered as withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2258; Filed, Mar. 30, 1954; 8:49 a. m.]

[File No. 70-3213]

NORTHERN PENNSYLVANIA POWER CO.

ORDER GRANTING AUTHORITY TO ISSUE SHORT-TERM NOTES IN EXCESS OF FIVE PERCENT LIMITATION

MARCH 25, 1954.

Northern Pennsylvania Power Company ("Applicant"), an electric utility subsidiary of General Public Utilities Corporation, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act"), regarding a proposed transaction, which is summarized as follows:

Applicant proposes to issue and sell to one or more commercial banks its unsecured promissory notes in an aggregate principal amount outstanding at any one time (including notes issued to refund the unsecured promissory notes of the company now outstanding in the aggregate principal amount of $1,100,000) of not to exceed $2,000,000. Such notes will be issued from time to time but no such note will be issued later than December 31, 1954. Each such note will mature not more than nine months after the issue thereof. The prime interest rate for commercial borrowing at the date of the application was 3¼ percent per annum. The interest rate to be borne by each note issued will be the interest rate which is the prime interest rate for commercial borrowing at the time of the issue of such note.

Proceeds of the notes will be used for construction purposes or to repay notes issued for such purposes or to reimburse

the company's treasury for construction expenditures.

It is stated that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Applicant's expenses, including legal fees, are estimated at $100.

It is requested that the Commission's order be made effective upon issuance.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that the application should be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2259; Filed, Mar. 30, 1954; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

NOTICE OF CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

MARCH 29, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series E, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1954, on which date interest on such debentures shall cease:

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

Denomination:	Serial numbers (all numbers inclusive)
$50	327 to 934
$100	1,293 to 1,527
	2,101 to 2,495
$500	383 to 606
	649 to 651
$1,000	1,099 to 1,288
	2,150 to 2,440
$5,000	493 to 678
	805 to 806
$10,000	138 to 177

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1954, and provision will be made for the payment of final interest due on July 1, 1954, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1954 to June 30, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1954, or for purchase prior to that date will be given by the Secretary of the Treasury.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1954 to June 30, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1954, or for purchase prior to that date will be given by the Secretary of the Treasury.

GUY T. O. HOLLYDAY, *Commissioner.*

Approved: March 29, 1954.

A. N. OVERBY, *Acting Secretary of the Treasury.*

[F. R. Doc. 54-2339; Filed, Mar. 30, 1954; 8:56 a. m.]

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

NOTICE OF CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

MARCH 29, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Title I Housing Insurance Fund Debentures, Series L, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1954, on which date interest on such debentures shall cease:

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

Denomination:	Serial numbers (all numbers inclusive)
$50	1 to 3
	53
$100	1 to 13
$500	1 to 54
$1,000	1 to 206
$5,000	1
	51

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1954, and provision will be made for the payment of final interest due on July 1, 1954, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1954 to June 30, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1954, or for purchase prior to that date will be given by the Secretary of the Treasury.

GUY T. O. HOLLYDAY, *Commissioner.*

Approved: March 29, 1954.

A. N. OVERBY, *Acting Secretary of the Treasury.*

[F. R. Doc. 54-2340; Filed, Mar. 30, 1954; 8:56 a. m.]

2½ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES K

NOTICE OF CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

MARCH 29, 1954

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Mutual Mortgage Insurance Fund Debentures, Series K, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1954, on which date interest on such debentures shall cease:

2½ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES K

Denomination:	Serial numbers (all numbers inclusive)
$50	4 to 30
$100	5 to 103
$500	4 to 77
$1,000	5 to 179
$5,000	5 to 28
$10,000	1 to 27

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1954, and provision will be made for the payment of final interest due on July 1, 1954, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1954 to June 30, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1954, or for purchase prior to that date will be given by the Secretary of the Treasury.

GUY T. O. HOLLYDAY, *Commissioner.*

Approved: March 29, 1954.

A. N. OVERBY, *Acting Secretary of the Treasury.*

[F. R. Doc. 54-2341; Filed, Mar. 30, 1954; 8:56 a. m.]

2½ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES M AND Q

NOTICE OF CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

MARCH 29, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Housing Insurance Fund Debentures, Series M and Q, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1954, on which date interest on such debentures shall cease:

2½ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES M

Denomination:	Serial numbers (all numbers inclusive)
$50	1 to 3
$100	1 to 4
$500	1
$1,000	1 to 6
$5,000	1 to 2
$10,000	1 to 88

2½ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES Q

Denomination:	Serial numbers (all numbers inclusive)
$50	1 to 3
$100	1
$500	1 to 3
$1,000	1 to 38
$5,000	1 to 3
$10,000	1 to 316

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1954, and provision will be made for the payment of final interest due on July 1, 1954, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1954 to June 30, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1954, or for purchase prior to that date will be given by the Secretary of the Treasury.

GUY T. O. HOLLYDAY, *Commissioner.*

Approved: March 29, 1954.

A. N. OVERBY, *Acting Secretary of the Treasury.*

[F. R. Doc. 54-2342; Filed, Mar. 30, 1954; 8:57 a. m.]

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H AND J

NOTICE OF CALL FOR PARTIAL REDEMPTION BEFORE MATURITY

MARCH 29, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H and J, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1954, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	Serial numbers (all numbers inclusive)
$50	921 to 3,004
	3,526 to 3,571
$100	2,803 to 6,605
	10,928 to 11,097
$500	986 to 1,409
	1,810 to 2,810
$1,000	4,525 to 5,389
	5,397 to 5,399
	5,402 to 6,054
	6,339 to 8,703
$5,000	1,252 to 2,439
	2,580 to 2,849
$10,000	8,502 to 22,051

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES J

Denomination:	Serial numbers (all numbers inclusive)
$100	38 to 40
$1,000	47 to 49

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1954, and provision will be made for the payment of final interest due on July 1, 1954, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1954 to June 30, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1954, or for purchase prior to that date will be given by the Secretary of the Treasury.

GUY T. O. HOLLYDAY, *Commissioner.*

Approved: March 30, 1954.

A. N. OVERBY, *Acting Secretary of the Treasury.*

[F. R. Doc. 54-2343; Filed, Mar. 30, 1954; 8:57 a. m.]

Office of the Administrator

COMMISSIONER, COMMUNITY FACILITIES AND SPECIAL OPERATIONS

DELEGATION OF AUTHORITY TO PERFORM CERTAIN FUNCTIONS WITH RESPECT TO THE SECOND ADVANCE PLANNING PROGRAM

The Commissioner, Community Facilities and Special Operations, is hereby authorized to execute the powers and functions under section 4 of Public Law 352, 81st Congress (63 Stat. 841, 40 U. S. C., 1946 ed. Sup. III 451), including the power to make determinations thereunder, which powers and functions were transferred to the Housing and Home Finance Administrator under Reorganization Plan No. 17 of 1950 (64 Stat. 1269, 5 U. S. C., 1946 ed. Sup. III 133z-15),

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1946 ed. Sup. V 1701c)

Effective as of the 31st day of March 1954.

ALBERT M. COLE, *Housing and Home Finance Administrator.*

[F. R. Doc. 54-2286; Filed, Mar. 30, 1954; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29048]

SUGAR FROM CALIFORNIA TO EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

MARCH 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Sugar, beet or cane, carloads.

From: Points in California.

To: East St. Louis, Ill.

Grounds for relief: Rail competition, circuity, market competition, and to maintain grouping.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. 1561, supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2267; Filed, Mar. 30, 1954; 8:51 a. m.]

[4th Sec. Application 29049]

BOARDS, WALL OR INSULATING, FROM PENSACOLA, FLA., TO DOTHAN, ALA.

APPLICATION FOR RELIEF

MARCH 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and Louisville and Nashville Railroad Company.

Commodities involved: Boards, wall or insulating, viz.: fibreboard, pulpboard or strawboard, etc., carloads.

From: Pensacola, Fla.

To: Dothan, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes and additional route.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 418, supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2263; Filed, Mar. 30, 1954; 8:51 a. m.]

[4th Sec. Application 29050]

CAUSTIC SODA FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO BOGALUSA, LA.

APPLICATION FOR RELIEF

MARCH 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Caustic soda, liquid, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Bogalusa, La.

Grounds for relief: Competition with rail carriers, competition with motor carriers and to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1400, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc 54-2269; Filed, Mar. 30, 1954; 8:51 a. m.]

[4th Sec. Application 29051]

NEWSPRINT PAPER, ETC., FROM EASTERN CANADA TO NASHVILLE, TENN.

APPLICATION FOR RELIEF

MARCH 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Newsprint paper, and ground wood papers, carloads.

From: Points in Quebec and New Brunswick, Canada.

To: Nashville, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: Canadian Pacific Railway Company, I. C. C. No. E-2601, supp. 4; Canadian National Railway Company, I. C. C. No. E-480, supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2270; Filed, Mar. 30, 1954; 8:51 a. m.]

[4th Sec. Application 29052]

COTTONSEED OIL CAKE OR MEAL AND RELATED ARTICLES FROM POINTS IN SOUTH TO FLORIDA

APPLICATION FOR RELIEF

MARCH 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Oil cake or meal, viz.: cottonseed, peanut or soybean.

From: Base points in Alabama, Florida, Georgia, and South Carolina, and points grouped therewith.

To: Points in Florida.

Grounds for relief: Competition with rail carriers, circuitous routes and competition with motor, motor-water carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1411, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2271; Filed, Mar. 30, 1954; 8:52 a. m.]

[4th Sec. Application 29053]

WOODPULP FROM CLYATTVILLE AND ESKAY GA., TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

MARCH 26, 1954

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, carloads.

From: Clyattville and Eskay, Ga.

To: Points in western trunk-line territory.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, supp. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2272; Filed, Mar. 30, 1954; 8:52 a. m.]

[4th Sec. Application 29054]

SULPHUR FROM CHACAHOULA, LA., TO SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

MARCH 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Sulphur, crude and refined, carloads.

From: Chacahoula, La.

To: Points in southern and official territories.

Grounds for relief: Rail competition, circuity, to maintain grouping, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4020, supp. 69; F. C. Kratzmeir, Agent, I. C. C. No. 3987, supp. 107; F. C. Kratzmeir, Agent I. C. C. No. 3571, supp. 274.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54 2273; Filed, Mar. 30, 1954; 8:52 a. m.]

BUREAU OF SAFETY AND SERVICE

NOTICE OF CONSOLIDATION

MARCH 26, 1954.

The Interstate Commerce Commission announces the consolidation of its Bureaus of Locomotive Inspection, Safety, and Service, effective May 1.

The name of the new Bureau will be the Bureau of Safety and Service.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54 2276; Filed, Mar. 30, 1954; 8:52 a. m.]

[4th Sec. Application 29055]

SULPHUR FROM CHACAHOULA, LA., TO CERTAIN STATES

APPLICATION FOR RELIEF

MARCH 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphur, crude and refined, carloads.

From: Chacahoula, La.

To: Denver and Ladora, Colo., Miami, Okla., and points in central and southern territories, Iowa and Wisconsin.

Grounds for relief: Competition with rail carriers, circuity, to maintain grouping and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3862, supp. 215.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54 2274; Filed, Mar. 30, 1954; 8:52 a. m.]

[4th Sec. Application 29056]

COFFEE, EXTRACT OF, FROM HOUSTON TO EL PASO, TEX.

APPLICATION FOR RELIEF

MARCH 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for the Atchison, Topeka and Sante Fe Railway Company, Gulf, Colorado and Sante Fe Railway Company, and Panhandle and Sante Fe Railway Company.

Commodity involved: Coffee, extract of, dry, carloads.

From: Houston, Texas.

To: El Paso, Texas.

Grounds for relief: Competition with rail carriers and to meet intrastate rates.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 843, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2275; Filed, Mar. 30, 1954; 8:52 a. m.]

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Washington, Thursday, April 1, 1954

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Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL AERONAUTICS BOARD

Effective upon publication in the FEDERAL REGISTER, paragraph (d) of § 6.137 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2338; Filed, Mar. 31, 1954; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINES

SUBPART—PINK BOLLWORM

MISCELLANEOUS AMENDMENTS

On December 24, 1953, and March 5, 1954, there were published in the FEDERAL REGISTER (18 F. R. 8701, 19 F. R. 1254) notices of public hearing and of proposed rule making concerning amendments of the pink bollworm quarantine and the regulations thereunder (7 CFR 301.52, 301.52–1 et seq., as amended, 18 F. R. 6348, 7339) to quarantine the State of Arkansas because of the pink bollworm, to designate as lightly infested regulated areas certain counties and parishes in Arkansas, Louisiana, and Oklahoma, and to redesignate as a heavily infested regulated area the county of Bexar, in Texas, which is currently designated as a lightly infested regulated area.

After public hearing and due consideration of all relevant matters presented pursuant to the notices, and under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), it has been determined that it is necessary to quarantine the State of Arkansas to prevent the spread of the pink bollworm, a dangerous insect infestation, not heretofore widely prevalent or distributed within and throughout the United States, and the provisions of the pink bollworm quarantine and regulations contained, respectively, in 7 CFR 301.52 and 301.52–2, as amended, are hereby further amended in the following respects:

1. In § 301.52 the first sentence is amended to read: "Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161) and after public hearings as required thereunder, the States of Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, and Texas are hereby quarantined to prevent the spread of the pink bollworm, and under the authority contained in said Plant Quarantine Act (7 U. S. C. 151 et seq.) and in the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.), the regulations hereinafter set forth shall govern the movement of pink bollworms and carriers thereof."

2. Section 301.52–2 (a) is amended by inserting the word "Bexar" after the word "Bee", in the list of counties in Texas designated as heavily infested areas.

3. Section 301.52–2 (b) is amended by inserting the following new paragraph between the paragraph beginning with the word *"Arizona"* and the paragraph beginning with the word *"Louisiana"*:

Arkansas. Counties of Columbia, Hempstead, Howard, Lafayette, Little River, Miller, Nevada, and Sevier.

4. Section 301.52–2 (b) is further amended by deleting the paragraph beginning with the word *"Louisiana"* and substituting therefor the following:

Louisiana. Parishes of Acadia, Allen, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Cameron, Claiborne, De Soto, Evangeline, Iberia, Jefferson Davis, Lafayette, Lincoln, Natchitoches, Red River, Sabine, St. Landry, St. Martin, Union, Vermilion, Vernon, and Webster.

5. Section 301.52–2 (b) is further amended by deleting the paragraph beginning with the word *"Oklahoma"* and substituting therefor the following:

Oklahoma. The entire State.

The purposes of these amendments are to include the State of Arkansas under the pink bollworm quarantine, to regulate Bexar County, Texas, as a heavily

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(For use during 1954)

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infested, instead of a lightly infested, area, and to regulate as lightly infested areas Bienville and Webster parishes in Louisiana, the Arkansas counties indicated above, and all presently nonregulated counties in Oklahoma, in addition to the other counties and parishes in the quarantined States presently designated as lightly infested areas.

The amendment with respect to Arkansas parallels quarantine action already taken by that State.

Bienville and Webster Parishes, Louisiana, although not known to be infested, are located between infested parishes and because of interchange of cotton products are being included in the regulated areas.

All presently nonregulated counties in Oklahoma are included in the regulated areas for several reasons. Pink bollworm infestations have been found in the counties of Blaine, Kingfisher, Logan, and Roger Mills, north of the presently regulated areas. There are also now three isolated regulated areas in the southeastern quarter of the State. Both Oklahoma and Arkansas plant quarantine officials agree that addition of all presently nonregulated counties in Oklahoma to the regulated areas would be advisable to protect Arkansas against spread of the pink bollworm. Cotton production in the presently nonregulated areas of Northern Oklahoma is very limited, with only a few scattered gins. Consequently, from the standpoint of effective quarantine enforcement and to reduce the volume of intrastate permit work, Federal and State officials concur in the action to include the entire State of Oklahoma in the regulated areas.

Redesignation of Bexar County, Texas as heavily infested instead of lightly infested area is essential because pink bollworm infestation there is sufficiently heavy at the time of the State's stalk-destruction date to cause pink bollworms, when deprived of their primary host, to infest pods of commercial plantings of okra. Such a redesignation of Bexar County imposes stricter requirements on shipments of okra, the pods of which often become heavily infested with pink bollworm.

These amendments should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of pink bollworms. Good cause is found, therefore, for issuing this document effective less than 30 days after its publication in the FEDERAL REGISTER, as provided in section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

These amendments shall be effective on and after April 1, 1954.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 29th day of March 1954.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54-2337; Filed, Mar. 31, 1954; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-231-A4]

PART 943—MILK IN THE NORTH TEXAS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 943.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this section.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the rspective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective not later than April 1, 1954. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the orderly marketing of available milk supplies. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk produced for the North Texas marketing area. The regulatory provisions of this order amending the order, as amended, are such that little or no preparation prior to its effective date will be required of handlers regulated thereunder. Under these circumstances the handlers will be afforded reasonable time for any such preparations as may be necessary. Therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order amending the order, as amended, until at least 30 days after its publication in the FEDERAL REGISTER, and good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) for making this order amending the order, as amended, effective April 1, 1954.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended, and as hereby further amended, which is marketed within the North Texas marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete paragraph (b) of § 943.51 and substitute therefor the following:

(b) *Class II milk.* For each of the months of April, May and June, the price computed pursuant to § 943.50 (c), rounded to the nearest one-tenth cent; for each of the months of July 1954 through March 1955, the price computed pursuant to § 943.50 (b) less 16 cents or the price computed pursuant to § 943.50 (c), whichever is higher, rounded to the nearest one-tenth cent; and for each of the other months of the year, the price computed pursuant to § 943.50 (b) or the price computed pursuant to § 943.50 (c), whichever is higher, rounded to the nearest one-tenth cent: *Provided*, That for each of the months of April, May, June, and July 1954, the minimum price per hundredweight for Class II milk disposed of for use in Cheddar cheese shall be computed by multiplying the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembly points, as reported by the Department for the trading days during such month, by 8.0.

2. Amend § 943.52 (b) to read as follows:

(b) *Class II milk.* For each of the months of April 1954 through June 1955, multiply such price for the current month by 1.08 and for each month after June 1955, multiply such price for the current month by 1.15.

3. Delete paragraph (b) (3) of § 943.41 and substitute therefor the following:

(3) Disposed of (i) as bulk milk or skim milk during the months of March through August, (ii) as bulk cream during any month, and (iii) as ungraded bulk milk or skim milk during any month, to commercial bakeries or food product manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption: *Provided*, That the amount of skim milk or butterfat so classified pursuant to subdivision (iii) of this subparagraph shall not exceed the butterfat and skim milk contained in ungraded milk received by such handler from dairy farmers during the month.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 29th day of March 1954 to be effective on and after April 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2369; Filed, Mar. 31, 1954; 8:56 a. m.]

PART 949—MILK IN THE SAN ANTONIO, TEX., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 949.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this section.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order, amending the order, as amended, effective not later than April 1, 1954. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the orderly marketing of available milk supplies. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk produced for the San Antonio, Texas, marketing area. The regulatory provisions of this order amending the order, as amended, are such that little or no preparation prior to its effective date will be required of handlers regulated thereunder. Under these circumstances the handlers will be afforded reasonable time for any such preparations as may be necessary. Therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the affective date of this order amending the order, as amended, until at least 30 days after its publication in the FEDERAL REGISTER, and good cause exists pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1000) for making this order amending the order, as amended, effective April 1, 1954.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the San Antonio, Texas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of this order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended, as set forth below:

1. Delete § 949.53 and substitute therefor the following:

§ 949.53 *Class II milk.* The prices, rounded to the nearest full cent, for Class II milk shall be determined pursuant to paragraph (a) of this section for the months of April, May, and June and the higher of the prices determined pursuant to paragraphs (a) and (b) of this section for all other months: *Provided*, That from the effective date of this proviso through July 1954 the price for Class II milk disposed of for use in cheese other than cottage cheese shall be the simple average of the prices paid dairy farmers for milk containing 4 percent of butterfat delivered during the month for which prices are being computed to cheese plants located at Alice and Round Rock, Texas, and operated by the Fort Worth Poultry and Egg Company.

(a) The average of the basic or field prices per hundredweight reported to have been or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the United States Department of Agriculture:

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

(b) The sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 4.4 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month;

(2) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray process, f. o. b. manufacturing plants in the Chicago area as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the current month, subtract 5 cents, multiply by 8.16.

2. In § 949.54 (b) delete "0.120" and substitute therefor "0.108".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 29th day of March 1954, to be effective on and after April 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2366; Filed, Mar. 31, 1954; 8:56 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1954, Supp. 7]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1954

[REVISIONS]

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1954, the 1954 National Agricultural Conservation Program, issued August 3, 1953 (18 F. R. 4643), as amended August 3, 1953 (18 F. R. 4761), November 4, 1953 (18 F. R. 7024), January 6, 1954 (19 F. R. 160), February 15, 1954 (19 F. R. 972), March 3, 1954 (19 F. R. 1267), and March 22, 1954 (19 F. R. 1639), is further amended as follows:

Section 1101.596 (h) is amended by adding the following as the second sentence:

§ 1101.596 *Definitions.* • • •
(h) • • • Notwithstanding any limitation in this paragraph concerning the type or use of land, a farm may include or may consist entirely of woodland which is being operated for the production and sale of forest products. • • •

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, Pub. Law 156, 83d Cong.; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 26th day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2314; Filed, Mar. 31, 1954; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 3]

PART 8—AIRCRAFT AIRWORTHINESS; RESTRICTED CATEGORY

MISCELLANEOUS INTERPRETATIONS AND POLICIES

Interpretations and policies of the Administrator of Civil Aeronautics pertaining to §§ 8.0, 8.10, 8.20, and 8.21 were published on December 23, 1950, in 15 F. R. 9223-9231, and amended on December 25, 1952, in 17 F. R. 11737. They included references to sections in other parts and to various forms. The purpose of this supplement is to bring the references to the sections and forms up to date.

1. Section 8.0-2 (b) (1), as published in 15 F. R. 9224, is amended by deleting "issue a revised Operation Limitations Form ACA-309" and substituting "prescribe revised aircraft operating limitations".

2. Section 8.0-3 (b), as published in 15 F. R. 9224, is amended by deleting "issue both a revised Certificate of Airworthiness and revised Operation Limitations" and substituting "issue a revised Certificate of Airworthiness and prescribe appropriate operating limitations".

3. Section 8.10-3 (d) (1), as published in 15 F. R. 9226, is amended by deleting "item 7" and substituting "item 8".

4. Section 8.10-3 (d) (3), as published in 15 F. R. 9226, is amended by deleting "paragraph (d)" and substituting "paragraph (e)".

5. Section 8.10-3 (f) (2) (ii), last sentence, as published in 15 F. R. 9226, is amended by deleting "§ 8.3-1 (a) (2) (i)" and substituting "§ 8.30-1 (b) (2) (i)".

6. The last sentence of the second paragraph of § 8.10-4 (a) is amended to read as follows: "Sections 18.30-1 through 18.30-17, manufacturer's bulletins, military manuals, industry specifications, and previous satisfactory modifications may also be used as guides in modifying aircraft."

7. Section 8.10-4 (c) (1), last sentence, as published in 15 F. R. 9227, is amended by deleting "§ 18.20-15" and substituting "§ 18.30-16".

8. Section 8.20-1 (a), second and third paragraphs, as published in 15 F. R. 9227, are deleted.

9. Section 8.20-1 (b) (3), as published in 15 F. R. 9227, is amended by deleting "§ 43.10 of this subchapter as amended effective October 11, 1950" and substituting "§§ 1.101 through 1.108 of this subchapter".

10. Section 8.20-3, first paragraph, as published in 15 F. R. 9227 and amended in 17 F. R. 11737, is amended by deleting the last sentence (which is in parentheses).

11. Section 8.20-3 (b) (2) (ii), as published in 15 F. R. 9228 and amended in 17 F. R. 11737, is amended by deleting "item 7" wherever it appears and substituting "item 8".

12. Section 8.21-1 (a) (3), last sentence, as published in 15 F. R. 9229, is amended by deleting "§ 18.71-1" and substituting "§ 18.1-4".

13. Section 8.21-1 (c) (1) (i), last sentence, as published in 15 F. R. 9229, is amended by deleting "§ 18.16" and substituting "Civil Aeronautics Manual 18, Appendix A".[1]

14. Section 8.21-1 (d) (2), as published in 15 F. R. 9229, is amended by deleting "§ 43.10 (c) (6), as amended effective October 11, 1950" and substituting "§§ 1.101 through 1.108 of this subchapter".

15. Section 8.21-1 (d) (3), as published in 15 F. R. 9229, is amended by deleting "and Operation Limitations, Form ACA-309" and substituting "prescribing the appropriate aircraft operating limitations,".

16. Section 8.21-1 (e) (2), as published in 15 F. R. 9229, is amended by deleting "Operation Limitations, Form ACA-309, described in § 8.34-1, specifically states" and substituting "aircraft operating limitations described in § 8.34-1 specifically state".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 603, 52 Stat. 1009, as amended; 49 U. S. C. 553)

This supplement shall become effective on April 30, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2305; Filed, Mar. 31, 1954; 8:45 a. m.]

[1] Not filed for publication in the FEDERAL REGISTER.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 61]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.13 *Green civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Moline, Ill. (LFR).....	Harmon (INT), Ill...	2,300

2. Section 610.105 *Amber civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Greenwood, Miss. (LFR)	Memphis, Tenn. (LFR).	1,800
Nesbitt, Tenn. (FM).	Memphis, Tenn. (LFR) (northbound only).	1,500

3. Section 610.285 *Red civil airway No. 85* is amended to eliminate:

From—	To—	Minimum altitude
Dayton, Ohio (LFR)...	Mansfield, Ohio (LF/RBN).	2,500

4. Section 610.610 *Blue civil airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Fresno, Calif (LFR)..	Los Banos (INT), Calif.	3,000

5. Section 610.638 *Blue civil airway No. 38* is amended to read in part:

From—	To—	Minimum altitude
Sitka Island, Alaska LF/RBG).	Gustavus, Alaska (LFR).	4,500

6. Section 610.1001 *Direct routes—United States* is amended by adding:

From—	To—	Minimum altitude
Ponca City, Okla (LF/RBN).	Viola, Kans. (LF/RBN)	2,500
Oxford, Kans (LF/RBN)	Viola, Kans. (LF/RBN)	2,500
Hutchinson, Kans. (LFR).	Viola, Kans. (LF/RBN)	2,800
North Fork, Kans. (LF/RBN)	Wichita, Kans. (ILS/LOM)	2,800
Hutchinson, Kans. (VOR).	Wichita, Kans. (ILS/LOM)	2,800

7. Section 610.6012 *VOR civil airway No. 12* is amended to read in part:

From—	To—	Minimum altitude
Anthony, Kans (VOR), via S alter	Wellington (INT), Kans., via S alter.	2,500
Wellington (INT), Kans., via S alter	Wichita, Kans. (VOR), via S alter	3,000
Anthony, Kans (VOR), dir. or N alter.	Wichita, Kans. (VOR), dir. or N alter.	3,000

8. Section 610.6016 *VOR civil airway No. 16* is amended by adding:

From—	To—	Minimum altitude
Dover, Del. (VOR)...	Atlantic City, N. J. (VAR).	1,500

9. Section 610.6063 *VOR civil airway No. 63* is amended to read in part:

From—	To—	Minimum altitude
Burlington, Iowa (VOR)	Moline, Ill. (VOR)...	2,300

10. Section 610.6077 *VOR civil airway No. 77* is amended to read in part:

From—	To—	Minimum altitude
Ponca City, Okla. (VOR), via Walter.	Wellington (INT), Kans., via Walter.	2,500
Wellington (INT), Kans. via Walter	Wichita, Kans. (VOR), via Walter	3,000
Ponca City, Okla. (VOR).	Wichita, Kans. (VOR).	3,000

11. Section 610.6131 *VOR civil airway No. 131* is amended to read:

From—	To—	Minimum altitude
Ponca City, Okla. (VOR)	Emporia, Kans. (VOR)	[1] 3,500
Cambridge (INT), Kans.[2]	Ponca City, Okla. (VOR) (southwest-bound only).	2,300

[1] 2,900'—Minimum terrain clearance altitude.
[2] 5,000'—Minimum reception altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective April 6, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2303; Filed, Mar. 31, 1954; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5943]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

TRACTOR TRAINING SERVICE ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.60 *Earnings;* § 3.105 *Individual's special selection or situation;* § 3.115 *Jobs and employment service;* § 3.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 3.1395 *Connections and arrangements with others;* § 3.1513 *Operations generally;* [*Misrepresenting oneself and goods*]—Goods: § 3.1735 *Sample, offer, or order conformance.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1935 *Earnings;* § 3.1985 *Individual's special selection or situation;* § 3.1995 *Job guarantee and employment;* § 3.2060 *Sample, offer or order conformance;* § 3.2063 *Scientific or other relevant facts;* § 3.2080 *Terms and conditions.* In connection with the offering for sale, sale, and distribution of a course of study and instruction in diesel training and training in heavy equipment in commerce, and on the part of respondent Tractor Training Service, respondent Tractor Training Service, Inc., and respondent Joy E. Badley, individually and as an officer of said corporations, and on the part of said respondents' agents, etc., representing directly or by implication: (1) That there is a great demand for individuals completing the respondents' course of study on diesel engines, or that their employment as diesel mechanics, service men or in similar positions is assured; or misrepresenting in any manner the opportunities for employment in the diesel engine and allied products industry; (2) that the respondents have working arrangements or other contracts with members of the diesel engine manufacturing industry whereby individuals completing the respondents' course of study are assured employment, or that respondents customarily secure employment for such individuals; (3) that individuals purchasing the respondents' courses of study are afforded "on-the-job training", or part-time employment, for which they are paid; (4) that shop training is provided by respondents to students at no cost or only nominal cost unless such training is in fact available without cost or at nominal cost as designated; (5) that individuals to whom the respondents' courses of study are sold are selected on any basis other than their ability to make the required down payment; and (6) that the earnings of individuals completing respondents' course of study are in excess of the average net earnings consistently made by individuals who have completed such course over substantial periods of time under normal conditions and circumstances; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Tractor Training Service et al., Portland, Oreg., and Chicago, Ill., Docket 5943, March 3, 1954]

In the Matter of Tractor Training Service, an Oregon Corporation; Tractor Training Diesel Institute, a Corporation; and Joy E. Badley, Ray J. Watson (Erroneously Designated in the Complaint as Roy J. Watson) and McDannell Brown, Individually and as Officers of the Aforesaid Corporations; Tractor Training Service, Inc. (Erroneously Designated in the Complaint as Tractor Training Service), an Illinois Corporation, and Joy E. Badley, Fred L. Innes and McDannell Brown, Individually and as Officers of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on January 18, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the filing of respondents' answer thereto, a hearing was held at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission originally designated by the Commission to act in this proceeding, and additional testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced in the course of hearings subsequently held before a substitute hearing examiner designated to act in the place and stead of the original hearing examiner, and said testimony and other evidence were duly recorded and filed in the office of the Commission.

On May 1, 1953, the hearing examiner designated to act in the place and stead of the original hearing examiner filed his initial decision. Within the time permitted by the rules of practice of the Commission, respondents appealed therefrom, and this matter came on for final hearing upon the record, including briefs in support of and in opposition to the appeal, and oral argument; and the Commission, having duly considered the record and having ruled upon said appeal and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision.

It is ordered, That the respondents Tractor Training Service, a corporation, and Tractor Training Service, Inc., a corporation, and their officers, and Joy E. Badley, individually and as an officer of said corporations, and said respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of a course of study and instruction in diesel training and training in heavy equipment in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

1. That there is a great demand for individuals completing the respondents' course of study on diesel engines, or that their employment as diesel mechanics, service men or in similar positions is assured; or misrepresenting in any manner the opportunities for employment in the diesel engine and allied products industry.

2. That the respondents have working arrangements or other contracts with members of the diesel engine manufacturing industry whereby individuals completing the respondents' course of study are assured employment, or that respondents customarily secure employment for such individuals.

3. That individuals purchasing the respondents' course of study are afforded "on-the-job training," or part-time employment, for which they are paid.

4. That shop training is provided by respondents to students at no cost or only nominal cost unless such training is in fact available without cost or at nominal cost as designated.

5. That individuals to whom the respondents' courses of study are sold are selected on any basis other than their ability to make the required down payment.

6. That the earnings of individuals completing respondents' course of study are in excess of the average net earnings consistently made by individuals who have completed such course over substantial periods of time under normal conditions and circumstances.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Tractor Training Diesel Institute, a corporation, and as to respondents Ray J. Watson, McDannell Brown, and Fred L. Innes, in their capacity as individuals but not in their capacity as officers of the respondent corporations.

It is further ordered, That respondents Tractor Training Service, Tractor Training Service, Inc., and Joy E. Badley, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 3, 1954.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[1] Filed as part of the original document.

[F. R. Doc. 54-2327; Filed, Mar. 31, 1954; 8:50 a. m.]

[Docket 5572]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BOOK-OF-THE-MONTH CLUB, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.75 *Free goods or services.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods.* In connection with the offering for sale, sale, and distribution of books in commerce: Using the word "free", or any other word or words of similar import or meaning, in advertising or in other offers to the public, to designate or describe any book, or other article of merchandise: (1) When all of the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise are not clearly and conspicuously explained or set forth at the outset so as to leave no reasonable probability that the terms of the advertisement or offer might be misunderstood; or (2) when, with respect to the article of merchandise required to be purchased in order to obtain the "free" article, the offerer either (a) increases the ordinary and usual price; or (b) reduces the quality; or (c) reduces the quantity or size of such article of merchandise; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Modified cease and desist order, Book-of-the-Month Club, Inc., et al., New York, N. Y., Docket 5572, March 9, 1954]

In the Matter of Book-of-the-Month Club, Inc., a Corporation; Harry Scherman and Meredith Wood, Individually and as Officers of Book-of-the-Month Club, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, testimony and other evidence introduced before a hearing examiner of the Commission theretofore duly designated by it, recommended decision of the hearing examiner and exceptions thereto, and briefs and oral argument of counsel, and the Commission, having made its findings as to the facts and its conclusion that the respondent Book-of-the-Month Club, Inc., had violated the provisions of the Federal Trade Commission Act, on May 8, 1952, issued its order to cease and desist, which order was subsequently affirmed by the United States Court of Appeals for the Second Circuit; and

Said Court of Appeals, acting on a petition filed by the respondents, having remanded this proceeding to the Commission for the purpose of considering appropriate action in connection with the order to cease and desist in the light of the present policy of the Commission regarding the use of the word "free," in advertising, as announced in the Commission's opinion in the proceeding entitled "In the Matter of Walter J. Black, Inc., a corporation, trading as The Classics Club and Detective Book Club"; and

The respondents having thereafter filed with the Commission a motion to vacate or modify said order to cease and desist and to dismiss the complaint, and the Commission having entered its order granting said motion in part and denying it in part and being of the opinion that its order to cease and desist issued on May 8, 1952, should be modified in certain respects:

It is ordered, That the respondent, Book-of-the-Month Club, Inc., its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the word "free," or any other word or words of similar import or meaning, in advertising or in other offers to the public, to designate or describe any book, or other article of merchandise:

(1) When all of the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise are not clearly and conspicuously explained or set forth at the outset so as to leave no reasonable probability that the terms of the advertisement or offer might be misunderstood; or

(2) When, with respect to the article of merchandise required to be purchased in order to obtain the "free" article, the offerer either (a) increases the ordinary and usual price; or (b) reduces the quality; or (c) reduces the quantity or size of such article of merchandise.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to Harry Scherman and Meredith Wood as individuals but not in their capacity as officers of respondent Book-of-the-Month Club, Inc.

It is further ordered, That the respondent, Book-of-the-Month Club, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: March 9, 1954.

By the Commission.[1]

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[1] Opinion of the Commission filed as part of original document. Commissioner Mead dissenting in opinion.

[F. R. Doc. 54-2328; Filed, Mar. 31, 1954; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 687—HOSIERY INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

WAGE RATE

Pursuant to the requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on March 4, 1954 (19 F. R. 1221), of my decision to approve the recommendation of Special Industry Committee No. 14 for the Hosiery Industry in Puerto Rico. The Wage Order which I proposed to issue to carry such recommendation into effect also was published therewith.

As indicated in the notice, my findings and conclusions in this matter were set forth in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 14 for Puerto Rico for the Hosiery Industry in Puerto Rico."

Interested parties were given an opportunity to file exceptions to the proposed actions within fifteen days of the date of publication of the notice. One such exception has been filed by Mr. Alfred D. Williams, Vice President of Coral Textiles, Inc., Juana Diaz, Puerto Rico. This exception, in the form of an unsworn letter, states inter alia, as follows:

> Coral Textiles, Inc., ceased operations on March 10, 1954 * * *.
>
> In our annual stockholders meeting on March 8, 1954 cessation of operations was felt necessary due to the excessively large losses sustained to date. It can not, of course, be attributed solely to your order, however, the order was discussed and did have a bearing on the final decision. It will definitely have a large bearing on whether or not we can reopen.
>
> Those of us close to our operation here feel that hosiery can be manufactured successfully here and that after a nucleus of highly trained workers are available, the industry will be able to pay wages comparable to those in the States. We are, as you point out, in our infancy now and the increase will substantially curtail employment now and also discourage any further expansion of the industry on the island.

As I pointed out in my proposed findings and opinion, the Hosiery Industry is highly competitive and has been characterized by a marked degree of business turnover. The industry in Puerto Rico can not reasonably be expected to escape the usual risks of competitive enterprise, whatever the level of the minimum wage. Under such circumstances, it would normally be anticipated that one or two relatively new companies may experience management or training difficulties that can not be readily overcome. However, this probability does not constitute sufficient ground for denying the vast majority of workers in the Hosiery Industry the benefits of a higher minimum wage which is economically feasible. This is particularly true since the maintenance of the current minimum wage would not assure the continued operation of each firm in the industry.

I find that no substantive issue has been raised in the exception which has not been taken into consideration in my proposed findings and opinion. No exceptions have been received from any of the nine other hosiery firms in Puerto Rico.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), the said decision is affirmed and made final; the recommendation of Special Industry Committee No. 14 for a minimum wage rate in the Hosiery Industry in Puerto Rico is hereby approved; and the Wage Order contained in 29 CFR, Part 687, is hereby amended, as set forth in the March 4, 1954, issue of the FEDERAL REGISTER (19 F. R. 1221), and as follows:

Delete § 687.2 *Wage rate* and substitute the following:

§ 687.2 *Wage rate.* Wages at the rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hosiery industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(Sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208)

The above amendment shall become effective May 3, 1954.

Signed at Washington, D. C., this 26th day of March 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-2330; Filed, Mar. 31, 1954; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter C—Military Education

PART 543—PROMOTION OF RIFLE PRACTICE

USE OF RIFLE RANGES FOR PRACTICE BY CIVILIANS

In § 543.3, paragraph (d) (1) is amended as follows:

§ 543.3 *Use of rifle ranges for rifle practice by civilians.* * * *

(d) *Issue and care of arms.* (1) Commanding officers, when necessary, will requisition Rifle, U. S., Caliber .30, M1 and appurtenances for civilian target practice on the basis of 4 rifles for each target available on the range, but not to exceed 50 rifles for any one post. Such rifles will be issued daily to members of organizations who apply for the use of the same. Civilians using these rifles will be required to complete their daily practice at such time as will permit of their properly cleaning the rifle before leaving the rifle range, and such care and preservation of the arm by the individual using the same will be considered as a necessary part of his instruction and will be required.

[C1, AR 920-20, Mar. 16, 1954] (43 Stat. 510, as amended; 32 U. S. C. 181)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-2326; Filed, Mar. 31, 1954; 8:49 a. m.]

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

NONESTABLISHMENT OF NEW JUNIOR UNITS; REQUIREMENTS FOR CONTINUANCE IN ROTC PROGRAM

1. Section 562.16 is rescinded and the following substituted therefor:

§ 562.16 *Nonestablishment of new junior units.* (a) Until such time as instructor personnel and funds for the necessary supplies and equipment are available to implement the senior division, ROTC, at the capacity required to produce annually the graduates needed by the Department of the Army, it is not planned to increase the number of junior division units currently established, nor to increase the number of subunits in any school or school system.

(b) Authorities of educational institutions who indicate a desire to participate in the junior division, ROTC program will be advised by army commanders of the policy stated above, and as an alternative, be invited to consider establishment of a 55c unit. Applications submitted for junior ROTC units will be held by the Department of the Army for consideration at such time as an activation program is authorized.

2. In § 562.23, paragraph (a) is rescinded and the following substituted therefor:

§ 562.23 *Requirements for continuance in ROTC program.* (a) Students formally enrolled in the ROTC who fail to maintain satisfactory scholastic standing as required by the institution attended and in ROTC courses will, with the approval of the Army commander, be discharged for the convenience of the Government.

[C2, AR 145-350, Mar. 18, 1954] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-2329; Filed, Mar. 31, 1954; 8:50 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

GRAND TETON NATIONAL PARK; FISHING

Paragraph (b) *Fishing* of § 20.22 *Grand Teton National Park* is amended to read as follows:

(b) *Fishing.* (1) (i) Jenny Lake, Phelps Lake, Leigh Lake, and String Lake; Braman Ponds, McKinstry Ponds, Sawmill Ponds, J. O. Ponds, Budge Ponds, Farrel Ponds, Jenny Lake Moose Ponds, and Jackson Lake Lodge Ponds; First, Second, and Third Creeks; and the Snake River, Gros Ventre, and Buffalo Fork Rivers proper shall be open for fishing from May 1 through October 31.

(ii) Jackson Lake shall be open during the calendar year, except from September 11 through November 30.

(iii) There shall be an open season for whitefish fishing only, from January 1 through March 15, on Snake River proper for a distance of one-half mile upstream and downstream from the U. S. Highway 89 bridge at Moose, Wyoming.

(2) The following waters shall be closed to fishing at all times: Emma Matilda Lake; Two Ocean Lake and Two Ocean Creek; Snake River for a distance of 150 feet below the lower face of Moran Dam; and Cottonwood Creek, from the outlet of Jenny Lake to the Horse Concession Bridge.

(3) There shall be a creel limit of twelve fish or fourteen pounds and one fish per day, or in possession, no more than six of which may be trout of any species.

(4) The use or possession of fish eggs, fish, minnows, and other bait fish is prohibited, except that it is permissible to use and have in possession dead fish, dead minnows, and other dead bait fish on or along the shores of Jackson Lake and Snake River for a distance of 1,000 feet downstream from the Jackson Lake dam except as posted.

(5) Fishing from any bridge or boat dock in the Park is prohibited.

(6) The use of rafts or boats propelled by any type of motor is prohibited on Leigh Lake, and the use of rafts or boats of any type is prohibited within 1,000 feet of the lower face of Jackson Lake dam.

(Sec. 8, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 26th day of March 1954.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-2308; Filed, Mar. 31, 1954; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 54-1823, appearing on page 1439 of the issue for Tuesday, March 16, 1954, make the following changes:

1. In § 127.332 *Poland*, the addition of subdivisions (vi) and (vii) to paragraph (b) (5) should read subdivisions (ii) and (iii).

2. In view of the above change paragraph (b) (5) will be redesignated as paragraph (b) (5) (i).

TITLE 50—WILDLIFE

Chapter II—Alaska Game Commission

PART 161—GUIDES

PART 165—SPECIAL PERMIT HUNTS

EMPLOYMENT OF GUIDES BY NONRESIDENTS AND ALIENS; SPECIAL PERMIT HUNTS

Basis and purpose. The deer herds in Alaska are presently increasing in abundance and can now stand additional hunting pressure. Deer are predominately hunted for meat and are seldom hunted for a trophy and it is not now considered necessary that experienced guides accompany non-resident hunters while hunting deer. Accordingly, it is considered advisable to no longer require non-residents to employ registered and licensed guides while hunting these game animals.

1. Section 161.1 is amended to read as follows:

§ 161.1 *Employment of guides by nonresidents and aliens.* (a) Nonresidents of the Territory or aliens taking big game animals, except deer, for any purpose, or going afield to photograph large brown or grizzly bears, except nonresident Federal officials engaged in wildlife investigations in Alaska exempted by special permit of the Commission, are required to employ and be accompanied by a guide registered and licensed by the Commission: *Provided,* That one such guide may conduct a party of nonresident or alien hunters if he provides a resident, licensed hunter over 21 years of age to accompany each hunter not personally accompanied in the field by the registered guide; but no such guide, or resident assistant under the supervision of a registered and licensed guide, shall accompany in the field more than one nonresident or alien, except husband and wife and minor child, all of whom are in possession of the required hunting license: *Provided further,* That the registered guide in charge of each party shall be held responsible by the Alaska Game Commission for observance of all conservation regulations by all members of his party including the provisions of section 5093 C. L. A. 1933 (Wanton Destruction of Game), which fully applies to all meat acquired on trophy hunts.

(b) No guide or resident assistant under the supervision of a registered and licensed guide may take any big game animal while guiding, except in cases of actual emergency when a bear is attacking or is about to escape after being wounded, it shall be the duty of the guide to take such action as he deems necessary.

(c) All hunting shall be conducted from a single camp with the registered guide in charge of the party at all times remaining in the field to supervise personally the activities of his hunters and assistants.

2. The following sections remain in effect as published, except § 165.1 which shall be deleted in its entirety:

§ 161.2 *Qualifications for guide licenses and issuance thereof.*
§ 162.1 *Designation and use of poison.*
§ 163.1 *Resident trapping, hunting, and fishing licenses.*
§ 164.1 *Fur management areas.*
§ 165.1 *Special permit hunts.* [Delete § 165.1]

(Sec. 10, 43 Stat. 744, as amended; 48 U. S. C. 199)

The above enumerated regulations were adopted at a meeting of the Alaska Game Commission held for that purpose, at which all of the members were present, in the City of Juneau, Alaska, on the 19th day of February, 1954.

In testimony whereof, we have set our hands and have caused the official seal of the said Commission to be affixed in the City of Juneau, Alaska, this 19th day of February 1954.

[SEAL] EARL N. OHMER,
Commissioner,
1st Judicial Division and Chairman.
HARRY O. BROWN,
Commissioner,
2d Judicial Division.
ANDREW A. SIMONS,
Commissioner,
3d Judicial Division.
FORBES L. BAKER,
Commissioner,
4th Judicial Division.
CLARENCE J. RHODE,
Executive Officer.

[F. R. Doc. 54-2334; Filed, Mar. 31, 1954; 8:52 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1–7]

ESTABLISHMENT OF FEES FOR LICENSING AND RELATED ACTIVITIES

NOTICE OF EXTENSION OF TIME FOR FILING DATA, VIEWS, OR ARGUMENTS

MARCH 29, 1954.

In the notice of proposed rule-making of February 16, 1954, in the above-entitled matter (19 F. R. 1061), interested parties were afforded an opportunity to submit to the Commission written data, views or arguments concerning the proposed rules on or before March 31, 1954.

Upon consideration of requests for extensions of time made by interested parties desiring to submit written data, views or arguments but who find it impracticable to do so by March 31, it appears desirable to extend this period. Accordingly, the time within which interested parties may submit to the Commission written data, views or arguments

concerning the proposed rules is hereby extended to May 15, 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2335; Filed, Mar. 31, 1954; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

[Draft Release No. 54-7]

AIR TRAFFIC RULES

CHANGES IN TERMINOLOGY OF AIRSPACE

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Part 60 of the Civil Air Regulations to set forth different terminology for the definition of airspace restricted areas and danger areas.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by May 5, 1954. Copies of such communications will be available after May 7, 1954 for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Section 60.13 of Part 60 of the Civil Air Regulations, covering airspace restricted areas, currently states that the Administrator may designate as a danger area an area within which he has determined that an invisible hazard to aircraft in flight exists. It also states that no person shall operate an aircraft within an airspace reservation or danger area unless permission has been obtained from the appropriate authority. Section 60.65 defines an airspace reservation as an area established by Executive Order of the President of the United States or by any State of the United States, and defines danger area as an area designated by the Administrator within which an invisible hazard to aircraft in flight exists. These areas are shown on aeronautical charts and in publications of aids to air navigation. It would appear from these definitions and their use in § 60.13 that the flight of aircraft is prohibited in both an airspace reservation and a danger area unless prior approval has been obtained. This is not necessarily true, however, since flight in both areas may not be completely prohibited but limited only in accordance with restrictions which have been placed on the area.

The term "prohibited area" describes more completely and accurately the airspace in which flight is prohibited at all times except when appropriate permission is obtained, and the term "restricted area" more aptly describes the airspace in which flight is subject to certain stated restrictions. It is, therefore, proposed that the terms "danger area" and "airspace restricted areas" be eliminated and that the terms "prohibited area" and "restricted area" be defined so as to include an airspace reservation, or other airspace area within which the flight of aircraft is either prohibited or restricted, pursuant to the provisions of the Civil Aeronautics Act. The proposed terminology will tend to eliminate any confusion that may currently exist in having different terms apply to the same type of area on domestic and international aeronautical charts since the proposed terms are currently used on international charts. The proposed terms will also conform with the definitions of such airspace areas by the International Civil Aviation Organization.

It is also proposed to amend § 60.13 to authorize the Administrator to designate restricted areas. A new § 60.13a is proposed which will make clear the extent to which avoidance of prohibited and restricted areas is necessary and the necessity of obtaining permission for flight in such areas contrary to the restriction or prohibition applicable thereto. Restriction to flight in such areas will be prescribed in the Flight Information Manual and on the backs of aeronautical charts.

In view of the foregoing, it is proposed that Part 60 of the Civil Air Regulations be amended as follows:

1. By amending § 60.13 to read as follows:

§ 60.13 *Designation of restricted areas.* The Administrator is authorized to designate restricted areas when he finds that a hazard to aircraft in flight exists. (Areas previously designated as danger areas will hereafter be designated as restricted areas.)

2. By adding a new § 60.13a to read as follows:

§ 60.13a *Avoidance of prohibited and restricted areas*—(a) *Prohibited area.* No person shall operate an aircraft within a prohibited area unless prior permission has been obtained from the authority having jurisdiction over the area.

(b) *Restricted area.* No person shall operate an aircraft within a restricted area contrary to the restrictions imposed unless prior permission has been obtained from the authority having jurisdiction over the area.

NOTE: Prohibited and restricted areas are established in order to conduct certain essential activities either on the ground or within the airspace area. Avoidance of such areas is imperative to the safety of flight or the protection of the activity on the ground. Prior permission must be secured for flight at any time within the area contrary to the prohibitions or restrictions placed on the area. Any person desiring to secure such permission should contact an Aviation Safety Agent of the Civil Aeronautics Administration. Prohibited and restricted areas, indicating the prohibitions or restrictions to flight, are shown on aeronautical charts or in publications of aids to air navigation.

3. By amending § 60.65 to read as follows:

§ 60.65 *Airspace reservation.* An area established by Executive Order of the President of the United States or by any State of the United States pursuant to section 4 of the Air Commerce Act of 1926.

4. By adding new §§ 60.65a and 60.65b to read as follows:

§ 60.65a *Prohibited area.* An airspace reservation within which the flight of aircraft is prohibited, or any other airspace identified by an area on the surface of the earth, established pursuant to the Civil Aeronautics Act of 1938, as amended, within which the flight of aircraft is prohibited.

§ 60.65b *Restricted area.* An airspace reservation within which the flight of aircraft is restricted, or any other airspace identified by an area on the surface of the earth, established pursuant to the Civil Aeronautics Act of 1938, as amended, within which the flight of aircraft is restricted.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560; 62 Stat. 1216)

Dated: March 26, 1954, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 54-2336; Filed, Mar. 31, 1954; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 14]

[Docket No. 10972]

RADIO STATIONS IN ALASKA OTHER THAN AMATEUR AND BROADCAST

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 14 of the Commission's rules to delete authority for operation by fixed, coast and ship stations in Alaska on the frequency 3265 kc and substituting 3261 kc in lieu thereof; Docket No. 10972.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes to amend §§ 14.15, 14.31 and 14.52 of Part 14 of its rules as of June 1, 1954, to delete authority for operation by fixed, coast and ship stations in Alaska on the frequency 3265 kc and to substitute 3261 kc in lieu thereof, in order to aid the United States in the implementation of certain portions of the new International Frequency List for Region 2 with regard to the frequency band 2000-3500 kc.

3. The proposed amendment is issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conference, Atlantic City (1947), and the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

4. Any interested person who is of the opinion that the amendment proposed herein should not be adopted and any person desiring to support this proposal may file with the Commission on or before April 30, 1954 a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing the original comments. Fifteen copies of all such comments shall be furnished. The Commission will consider all comments received before taking final action in this matter.

Adopted: March 24, 1954.

Released: March 26, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2333; Filed, Mar. 31, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 23, 1954.

An application, serial number Colorado 07761, for the withdrawal from prospecting, location, entry, or purchase under the mining laws, of the lands described below was filed on January 15, 1954, by the Atomic Energy Commission.

The purposes of the proposed withdrawal: For use by Atomic Energy Commission.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region IV, Bureau of Land Management, Department of the Interior, at Salt Lake City, Utah, P. O. Box 659. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 42 N., R. 20 W., Sec. 2, lot 6.
T. 42 N., R. 19 W., Sec. 1, N½; Sec. 4, SE¼NW¼, NE¼SW¼, SW¼SW¼; Sec. 5; N½NE¼, SW¼NE¼, N½NW¼, NW¼SE¼, S½SE¼; Sec. 9, NW¼NW¼, NE¼SW¼, NW¼SE¼; Sec. 12.
T. 42 N., R. 18 W., Secs. 4-9 inclusive.
T. 43 N., R. 20 W., Sec. 11, lots 1, 2, 3, and 4; Sec. 12, W½NW¼; Sec. 13, S½NE¼, S½NW¼, S½; Sec. 14, NE¼NE¼, and lots 1, 2, and 3; Sec. 23, lots 2, 3, and 4.
T. 43 N., R. 20 W., Sec. 25, N½NE¼, SW¼NE¼, N½SW¼; Sec. 26, N½SE¼, and lots 1, 2, 3, and 4; Sec. 35, lots 1, 2, 3, and 4.
T. 43 N., R. 19 W., Sec. 7, E½; Sec. 19, E½; Sec. 20, W½; Sec. 26, E½; Sec. 27, S½SW¼; Sec. 29, W½; Sec. 30, N½NE¼, SE¼NE¼, N½NW¼, E½SE¼; Sec. 31, NE¼NE¼, E½SE¼; Sec. 32; Sec. 33, NW¼NE¼, N½NW¼, SW¼NW¼, SW¼; Sec. 34, N½NW¼; Sec. 36, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼.
T. 43 N., R. 18 W., Sec. 3, E½NW¼, N½S½, SW¼SW¼, SE¼SE¼, NE¼; Secs. 4 and 10.
T. 44 N., R. 18 W., Secs. 14, 23, 24, and 25; Sec. 26, N½; Sec. 27, SW¼; Sec. 28, S½; Sec. 29, lots 3 and 4; Sec. 32, lots 1, 2, 3, 4, and 5; Sec. 33; Sec. 34, S½NE¼, W½, SE¼; Sec. 36.
T. 44 N., R. 17 W., Secs. 29, 30, and 31; Sec. 32, E½; Sec. 33, N¼, N½S½.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-2307; Filed, Mar. 31, 1954; 8:45 a. m.]

[Docket DA-387]

IDAHO

RESTORATION ORDER UNDER FEDERAL POWER ACT

MARCH 24, 1954.

Pursuant to determination DA-387, Idaho, of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended.

BOISE MERIDIAN

T. 10 S., R. 21 E.,
Sec. 29, Lot 5;
Sec. 30, Lots 7 and 8.

The areas described contain an aggregate of 112.15 acres.

The lands described lie along the Snake River at an elevation of 4100 feet. The topography varies from gently sloping to rough canyon walls, and the soil is silt wash and rocky.

Lot 5 of Sec. 29 described is classified as valuable for recreational, fish and game purposes and suitable for retention in public ownership for the benefit of the State of Idaho. Lots 7 and 8 of Sec. 30 containing 91.30 acres are classified as suitable for disposal under the public sale law subject to a 66 foot public access right-of-way.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request in the Land Office, Boise, Idaho.

CHESLEY P. SEELY,
Acting Regional Administrator.

[F. R. Doc. 54-2317; Filed, Mar. 31, 1954; 8:47 a. m.]

NORTH FORK OF JOHN DAY BIG GAME WINTER RANGE, OREGON

NOTICE OF HEARING ON WITHDRAWAL OF PUBLIC LANDS

MARCH 22, 1954.

Notice is hereby given that a public hearing will be held by the Regional Administrator, Region I, Bureau of Land Management, or such employee of the Bureau as may be designated by him, at 9:00 a. m., Thursday, April 22, 1954, at the Vert Memorial Building at Pendleton, Oregon, pertaining to public land order No. 904 issued July 6, 1953, at the instance of the Oregon State Game Commission and which withdrew the following described public lands in connection with the North Fork of the John Day River Big Game Winter Range.

WILLAMETTE MERIDIAN, OREGON

T. 7 S., R. 28 E.,
Sec. 1, NE¼SW¼;
Sec. 12, NE¼NE¼.

T. 6 S., R. 29 E.,
Sec. 31, NE¼NE¼, lots 1, 5, 6, 8, 12, 13;
Sec. 33, N½NW¼;
Sec. 34, W½NE¼, NE¼NW¼;
Sec. 35, E½NE¼, NW¼NW¼;
T. 7 S., R. 29 E.,
Sec. 1, S½NE¼, SE¼NW¼, NE¼SW¼, SW¼SW¼;
Sec. 2, SW¼, NW¼SE¼;
Sec. 3, lot 4, SW¼NW¼, SW¼;
Sec. 5, S½SE¼;
Sec. 6, S½SE¼;
Sec. 7, N½NE¼, SE¼NE¼, lots 1, 2, 11, 14, 15, 22, 23, 24, NE¼SE¼;
Sec. 8, NW¼NW¼.
T. 6 S., R. 30 E.,
Sec. 26, E½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 32, SE¼SW¼;
Sec. 33, SW¼NE¼;
Sec. 34, NW¼, NE¼SW¼;
Sec. 35, NE¼NE¼, N½SW¼, SW¼SW¼, SE¼SE¼.
T. 7 S., R. 30 E.,
Sec. 3, lots 1, 2, 3, S½NW¼;
Sec. 5, NW¼NE¼.
T. 6 S., R. 31 E.,
Sec. 29, NE¼NW¼, SE¼SW¼;
Sec. 30, lot 4;
Sec. 31, NE¼NE¼.

The areas described aggregate 3,085.29 acres.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and the proponents of the withdrawal who may explain its purpose, intent, and extent, and to all interested persons who desire to be heard on the subject. Those who desire to be heard in person at the hearing should give notice thereof, and those desiring to submit written statements should file them not later than April 16, 1954, with the Regional Administrator, Region I, Bureau of Land Management, Swan Island Station, Portland 18, Oregon.

Information relating to the lands affected or other matters pertaining to the withdrawal may be obtained from the Regional Administrator.

JAMES F. DOYLE,
Acting Regional Administrator.

[F. R. Doc. 54-2315; Filed, Mar. 31, 1954; 8:47 a. m.]

[Docket DA-62]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER

MARCH 25, 1954.

Pursuant to determination DA-62, Oregon, of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended.

WILLAMETTE MERIDIAN

T. 36 S., R. 2 W.,
Sec. 13, Lot 7.

The area described contains 23.39 acres.

The land described is revested Oregon and California Railroad grant land and it lies along the Rogue River at an elevation of 1,100 feet. The topography is level; the soil is alluvium, silt to gravel; and the land is classified for public recreational purposes and suitable for retention in public ownership and leasing to the State of Oregon.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The land described shall be subject to application by the State of Oregon for a period of 90 days from date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request in the Land Office, Portland, Oregon.

JAMES F. DOYLE,
Acting Regional Administrator.

[F. R. Doc. 54-2316; Filed, Mar. 31, 1954; 8:47 a. m.]

[No. 25 (R-IV)]

UTAH

AIR-NAVIGATION SITE REVOKED

MARCH 19, 1954.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 2.22 (a) (2), of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Air Navigation Site Withdrawal No. 121 dated June 11, 1938, is hereby revoked as to Site 44, Los Angeles-Salt Lake Airway. This site involved the following described land:

SALT LAKE MERIDIAN

T. 29 S., R. 12 W.,
Sec. 25, NE¼NE¼.

This tract is primarily valuable for grazing, will be administered as part of Utah Grazing District No. 3, and is not open to entry or location under the nonmineral public land laws until further notice.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-2306; Filed, Mar. 31, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8837, 10846, 10847]

RADIO STATION WSOC, INC., ET AL.

MEMORANDUM OPINION AND ORDER ENLARGING ISSUES

In re applications of Radio Station WSOC, Incorporated, Charlotte, North Carolina, Docket No. 8837, File No. BPCT-304; Piedmont Electronics and Fixture Corporation, Charlotte, North Carolina, Docket No. 10846, File No. BPCT-1621; Carolinas' Television Corporation, Charlotte, North Carolina, Docket No. 10847, File No. BPCT-1817; for construction permits for new television stations.

1. On March 8, 1954, Carolinas' Television Corporation filed a petition with the Examiner requesting that the issues in the above-entitled proceeding be enlarged to include the following: [1]

To determine whether the funds available to Radio Station WSOC, Incorporated, will give reasonable assurance that the proposals set forth in its application will be effectuated.

The proposed issue relates solely to the application of Radio Station WSOC, Incorporated, and the petitioner's showing was made with respect to that applicant. On March 16, 1954, Piedmont Electronics and Fixture Corporation joined in the request to add the above-quoted issue. WSOC filed an opposition on March 19, 1954. Oral argument in which all counsel participated was held before the Examiner at an informal session on March 22, 1954. At this argument, counsel for the Broadcast Bureau expressed opposition to the petition.

2. As modified and explained by the petitioner during the course of oral argument the charge against WSOC relates to only two matters. These are the allocation of funds by WSOC for the construction of its proposed studios and for operational expenses prior to going on the air and for the first two months of operation. There was no dispute that if WSOC can have its studios erected for the sum which has been estimated, the amount reserved for pre-operational and early operating expenses would be sufficient. Thus, the only factual area wherein there is controversy is that which pertains to the construction of studios although there is a contingent problem as to whether this construction would not deplete funds now set aside for early operation.

3. It has been estimated by WSOC that the cost for acquiring or constructing buildings will be $93,800, of which the main portion will go toward erecting additions to the existing studio buildings. Carolinas' Television has challenged this, saying that the construction proposal of WSOC would cost in excess of $214,000 based upon normal first-class construction estimates. Furthermore, the petitioner has challenged by allegations, which need not be recited in detail, that the WSOC contractor is not competent to perform his commitment nor to make a sound estimate in support of his bid. In support of its allegation as to probable construction cost, the petitioner filed an affidavit from the president of a construction company operating in the area of Charlotte. The reply of WSOC reaffirmed its belief that the construction could be done for $93,800 and attached an affidavit from the contractor in support of this estimate.

4. In this situation there is an allegation of fact on one side with a denial in the nature of a traverse on the other. It is impossible to determine from the pleadings by themselves the true facts. Consequently it is proper to grant the requested issue to the extent that it will permit a determination of the facts relating to the probable cost of constructing the studio proposed by Radio Station WSOC. The Commission has said that its initial determination of the applicant's financial qualifications (a determination which was made as regards WSOC in the hearing order of January 13, 1954) includes a prima facie determination that available funds will be sufficient to effectuate all proposals contained in the application. In re South Central Broadcasting Corporation, 9 R. R. 1035. It is clear that this prima facie determination remains until either Carolinas' Television or Piedmont Electronics succeeds through competent evidence in proving that the WSOC proposed studios will not or cannot be constructed for the sum allocated.

5. It is to be noted that while the issues are being enlarged as requested, the areas of fact on which testimony will be permitted are confined to the cost of studio construction and the estimated expenses for the period prior to and immediately succeeding the commencement of broadcast operations.

6. *It is ordered*, This 24th day of March 1954, that the petition of Carolinas' Television Corporation filed March 8, 1954, joined in by Piedmont Electronics and Fixture Corporation, is granted with the qualifications enumerated above and the following issue is added to the proceeding: To determine whether the funds available to Radio Station WSOC, Incorporated, will give reasonable assurance that the proposals set forth in its application will be effectuated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2331; Filed, Mar. 31, 1954; 8:51 a. m.]

[1] Authority to add the issue is contained in the hearing order of January 13, 1954.

[Docket No. 10938]

PLASTOY CO., INC.

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed to Plastoy Company, Incorporated, 814 West Palisade Avenue, Englewood, New Jersey; Docket No. 10938.

The Commission having under consideration a request for continuance filed on March 19, 1954 by counsel for the Chief of the Commission's Field Engineering and Monitoring Bureau, requesting that the hearing in the above-entitled proceeding scheduled for April 5, 1954, at New York, New York, be continued to a date to be set by further order; and

It appearing, that the purpose of the requested continuance is to afford the Commission time to consider dismissal of this proceeding; and

It further appearing, that the said request for continuance has been on file for the time required by the Commission's rules, that no objection to the grant of said request has been filed, and that good cause for the granting thereof has been shown.

It is ordered, This 26th day of March 1954 that the request for continuance is granted, and that the hearing in the above-entitled proceeding now scheduled for April 5, 1954, is continued until a later date to be designated by further order of the Hearing Examiner.

Released: March 29, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2332; Filed, Mar. 31, 1954; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3211]

AMERICAN GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUANCE OF COMMON STOCK BY REGISTERED HOLDING COMPANY IN EXCHANGE FOR COMMON STOCK OF NON-AFFILIATED PUBLIC-UTILITY COMPANY

MARCH 26, 1954.

American Gas and Electric Company ("American Gas"), has filed an application-declaration, and an amendment thereto, with this Commission under sections 6, 7, 9, and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 (a) (4) thereunder regarding the following proposed transactions:

American Gas proposes to issue 3⅓ shares of its authorized but unissued $5 par value common stock in exchange for each of the 1,900 outstanding shares of common stock, par value $50 per share, of Flat Top Power Company ("Flat Top"). No fractional shares of American Gas common stock will be issued but an appropriate adjustment will be made in lieu thereof. American Gas reserves the right to reject any acceptance unless the exchange is acceptable to the holders of all 1,900 shares of Flat Top stock outstanding. American Gas states that it has been advised that the 1,900 shares of common stock constitute Flat Top's only outstanding security and that all stockholders of Flat Top have agreed to make the exchange on the basis set forth above.

Flat Top, a West Virginia corporation, operates an electric power distribution system in the communities of Northfork, Kyle and Clark, near Welch, West Virginia. It owns about six miles of distribution line and serves approximately 800 customers. All of its electric power requirements are purchased from Appalachian Electric Power Company, an operating electric utility subsidiary of American Gas.

American Gas represents that negotiation of the proposed exchange was carried out at arm's-length and that no finder's fees or commissions are to be paid in connection therewith. Fees and expenses to be incurred in connection with the proposed transaction, including a legal fee of $1,250 to Simpson Thacher & Bartlett, are estimated not to exceed $1,500.

American Gas states that the territory served by Flat Top is surrounded by the territory served by the American Gas system and that Flat Top can immediately become a part of the American Gas integrated system. American Gas states that consummation of the proposed exchange will benefit investors and consumers since Flat Top can be more efficiently and economically operated as part of the American Gas system and will be able to render improved service to its present consumers and assure prospective consumers of adequate power.

American Gas states that no State or Federal regulatory agency, other than this Commission, has jurisdiction over any part of the proposed transactions.

American Gas requests that the Commission's order herein be issued pursuant to Rule U-23, waives the 30-day waiting period, and requests that said order become effective upon issuance.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2309; Filed, Mar. 31, 1954; 8:46 a. m.]

[File No. 70-3223]

ARKANSAS POWER & LIGHT CO.

NOTICE OF FILING REGARDING ISSUE AND SALE OF SHARES OF PREFERRED STOCK AT COMPETITIVE BIDDING

MARCH 26, 1954.

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application, and an amendment thereto, regarding its proposal to issue and sell at competitive bidding 70,000 shares of a new series of preferred stock. Applicant has designated section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder as applicable to such proposed transaction.

All interested persons are referred to said application, which is on file in the offices of the Commission, for a statement of the proposed transaction and the facts contained therein, which are summarized as follows:

Arkansas proposes to issue and sell 70,000 shares of a new series of preferred stock, par value $100 per share, to provide a portion of $25,000,000 it contemplates expending in 1954 for the construction of new facilities and the extension and improvement of its present facilities to provide service to its customers. Such series of preferred stock is to be created out of a new class of 250,000 shares of preferred stock proposed to be authorized by an amendment of the Certificate of Consolidation of Arkansas which was approved by an Order of the Commission dated February 19, 1954 (Holding Company Act Release No. 12370).

The dividend rate of such preferred stock, to be a multiple of ⅛ of 1 percent, and the price to be paid to the company, to be not less than $100 nor more than $102.75 per share plus accrued dividends, will be fixed by proposals to be invited by the company pursuant to the requirements of Rule U-50. The company will reserve the right to reject any or all proposals at or after the opening thereof.

The filing states that no State commission, other than the Arkansas Public Service Commission, and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transaction. The Arkansas commission has expressly authorized the proposed sale of preferred stock.

Arkansas states that it estimates the fees and expenses to be incurred in connection with the issuance of its new series of preferred stock, other than the fee of independent counsel for underwriters, will amount to approximately $50,000, including the fees of company counsel in the amount of $12,750, printing and engraving of $17,700 and Federal stamp taxes of $7,700.

Arkansas requests that the Commission's order become effective pursuant to Rule U-23 under the act, and requests that there be no waiting period between the date of the Commission's order and its effective date.

Notice is further given that any interested person may, not later than April 12, 1954, at 5:30 p. m., request that the Commission hold a hearing on this matter, stating the nature of his interest, the reason for such request, and the issue or issues of fact or law raised by such application which he proposes to controvert, or he may request that he be notified if the Commission shall order a hearing hereon. Any such request shall bear the caption of this notice and be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, such application, as amended, or as further amended, may be granted, or such proposed transaction may be exempted as provided by Rules U-20 (a) and U-100.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2310; Filed, Mar. 31, 1954; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

THE ATTORNEY GENERAL

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS FOR TECHNICAL EQUIPMENT

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Attorney General of the United States to negotiate, without advertising, under section 302 (c) (12) of the act, contracts for the purchase of portable two-way radio sets.

2. This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. The authority herein delegated may not be redelegated but may be exercised as provided in section 309 (a) of the act.

4. This delegation shall be effective as of the date hereof.

Dated: March 29, 1954.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 54-2309; Filed, Mar. 31, 1954; 8:57 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 108-53]

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER, V. VETERANS OF THE ABRAHAM LINCOLN BRIGADE, RESPONDENT

NOTICE OF HEARING

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong. 50 U. S. C. 781 et seq.), particularly section 13 of said act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the Respondent to register pursuant to section 7 of said act (50 U. S. C. 786), will be held commencing on Monday, May 3, 1954, at 10:00 a. m., d. s. t., in Hearing Room 113 in the Lafayette Building, 811 Vermont Avenue NW., Washington, D. C.

Dated at Washington, D. C., March 29, 1954.

THOMAS J. HERBERT, *Chairman.*

[F. R. Doc. 54-2364; Filed, Mar. 31, 1954; 8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29057]

HIDES, PELTS AND SKINS FROM SOUTHERN TERRITORY TO READING, PA.

APPLICATION FOR RELIEF

MARCH 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Hides, pelts, and skins, carloads.

From: Specified points in southern territory.

To: Reading, Pa.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1324, supp. 66; W. P. Emerson, Jr., Agent, I. C. C. No. 422, supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2316; Filed, Mar. 31, 1954; 8:48 a. m.]

[4th Sec. Application 29058]

COAL FROM MINES IN SOUTHERN ILLINOIS AND WESTERN KENTUCKY TO MITCHELL AND PUTNEY, GA.

APPLICATION FOR RELIEF

MARCH 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Bituminous coal and coal briquettes, carloads.

From: Mines in southern Illinois and western Kentucky.

To: Mitchell and Putney, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1414, supp. 4; Illinois Central Railroad Company, I. C. C. No. E-1860, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2319; Filed, Mar. 31, 1954; 8:48 a. m.]

[4th Sec. Application 29059]

DI-SODIUM PHOSPHATE FROM CHICAGO HEIGHTS AND JOLIET, ILL., TO OMAHA, NEBR.

APPLICATION FOR RELIEF

MARCH 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Phosphate; disodium and tri-sodium, and sodium phosphate, carloads.

From: Chicago Heights and Joliet, Ill.

To: Omaha, Nebr.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3733, supp. 103.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2320; Filed, Mar. 31, 1954; 8:48 a. m.]

[4th Sec. Application 29060]

BAKERY GOODS FROM CHICAGO, ILL. GROUP AND ZION, ILL., TO COUNCIL BLUFFS, IOWA, KANSAS CITY, MO.-KANS., AND OMAHA, NEBR.

APPLICATION FOR RELIEF

MARCH 29, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Bakery goods, carloads.

From Chicago, Ill., and points grouped therewith to Council Bluffs, Iowa, Kansas City, Mo.-Kans., and Omaha, Nebr., and from Zion, Ill., to Kansas City, Mo.-Kans.

Grounds for relief: Rail competition, circuity, and competition with motor carriers.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3733, supp. 103.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2321; Filed, Mar. 31, 1954; 8:48 a. m.]

[No. MC-C-1629]

IRON AND STEEL ARTICLES; EASTERN CONTRACT CARRIERS

INVESTIGATION OF RATES AND CHARGES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 25th day of March A. D. 1954.

The matter of minimum rates and charges maintained by motor contract carriers on iron and steel articles between points in various States and the District of Columbia being under consideration; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted into and concerning the reasonableness, and the lawfulness otherwise, of the rates and charges, rules, regulations, and practices affecting such charges and the value of the service thereunder applicable to the transportation by motor contract carriers in interstate or foreign commerce of the iron and steel articles listed in the appendix below and made a part hereof between points in Connecticut, Delaware, District of Columbia, Kentucky, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Ohio, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, with a view to determining whether the rates or charges, or the rules, regulations, or practices affecting such rates or charges and the value of the service thereunder, of the respondent motor contract carriers, or any of them applicable to such transportation are in any respect in violation of the law, and of making such findings and entering such order or orders in the premises, and of taking such other action, as the facts and circumstances shall appear to warrant.

It is further ordered, That all contract carriers by motor vehicle engaged in the transportation described in the next preceding paragraph be, and they are hereby, made respondents in this proceeding.

It is further ordered, That notice of this proceeding be given to the respondents and to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

It is further ordered, That questions of operating authorities shall not be considered in issue in this proceeding.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as may hereafter be fixed.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

Appliances
Anchor chain parts.
Anchors.
Angles.
Arches, floor.
Armor or deck plate.
Arms.
Axles.
Balls.
Band or bands:
  Hay.
  Shingle.
  Wire.
  Structural.
  Wheel.
  Hay, wire.
Bars.
Base, cove.
Bases, structural.
Basins, catch.
Bead, corner.
Beams.
Bearings, car bolster.
Belting, chain or link.
Billets.
Blades, road grader, scraper, etc.
Blanks:
  Gear.
  Shovel.
  Wheel.
  Stampings or unfinished shapes.
Blooms.
Boiler or tank parts.
Bolts or nuts.
Bonds, brick or wall ties.
Borings.
Brackets.
Boxes:
  Annealing.
  Charging.
Braces:
  Cross arm.
  Structural.
  Tank.
Brackets:
  Insulator pin.
  Structural.
Bridge.
Buckles:
  Baling tie.
  Turn.
  Wrought Truss
Bumpers, structural.
Cable, chain.
Calks, toe.
Caps or capitals.
Casings, ingot mold hot top.
Castings.
Cast-iron or steel ore-drying plates.
Catch basin covers.
Chain or chain cable.
Channels.
Circles.
Clamps, cable and fence.
Clevises.
Clips.
Cocks.
Collars.
Columns.
Covers.
Covers, manhole
Crabs, boiler.
Crop ends.
Cross Ties.
Culvert:
  End sections.
  Pipe sections.
  Cast.
  Plate or sheet.
Culverts
Dogs, timber.
Dowels or dowel pins.
Electrodes, welding.
Fabric, welded.
Fastenings.
Fencing:
  Wire
  Welded or woven.
  Galvanized or plain, in rolls, etc.
Fittings, cable, rope or guy wire.
Flanges.
Fixtures, post, fence.
Flues, boiler.
Fluxes.
Foot Walks.
Forgings.
Forms or moulds, column or floor paving construction.
Forms, structural.
Frames, manhole.
Furring or studding.
Gates, fence.
Girders.
Grounds.
Ground rods.
Guard rails, highway.
Guards.
Guides, elevator.
Hangers, joist.
Heads, boiler.
Harrow spikes or teeth.
Hooks.
Hoop or hoops.
Housings.
Ingot mold hot top casings.
Ingot mold hot top casing bottoms.
Ingot mold hot top casing covers.
Ingots.
Inlets, sewer.
Inserts, structural.
Insulator brackets.
Iron or steel railway material and pins:
  Equipment:
    Anchors.
    Anti-checking irons.
    Anti-creepers.
    Arms, cross.
    Axles.
    Bars.
    Beams, brake.
    Bearings, car.
    Blocks, filler.
    Bolsters.
    Bolts.
    Boxes, journal.
    Braces.
    Buffers.
    Bumpers.
    Caps.
    Carlines.
    Castings.
    Chairs.
    Clamps.
    Couplers.
    Covers, journal box.
    Cross overs.
    Cross ties.
    Crossings.
    Derailers.
    Drawbars.
    Drawbridge guides.
    Drawhead.
    Ends, car.
    Fastenings.
    Filler, frog.
    Floors.
    Foot guards.
    Foundations, crossing.
    Frames.
    Frogs.
    Gear, draft.
    Guard rail clamps.
    Guards, cattle.
    Guards, tee rail.
    Irons.
    Jaws, brake.
    Joints, rail.
    Knuckles.
    Links, coupling.
    Locks, coupler.
    Nuts, track.
    Parts viz:
      Castings.
      Forgings or stampings.
      Coupling
    Plates: Angle; base; center, fish, spring; tie.
    Pockets, car.
    Points, switch.
    Poles.
    Rails.
    Rigging, draft.
    Rods.
    Shafts, brake.
    Shoe parts, brake.
Iron or steel railway material and pins—Continued
  Equipment—Continued
    Shoes, brake.
    Sides, car.
    Sides, track.
    Sills, car.
    Space bars.
    Spikes.
    Splices.
    Stabilizer buffers.
    Stakes, car.
    Stands, switch.
    Stays.
    Switch points.
    Switches.
    Targets, switch.
    Tie anti-checking irons.
    Ties.
    Tires.
    Turnouts.
    Turntables.
    Underframes.
    Washers, track.
    Wedges, track.
    Welder bars.
    Wheels.
    Yokes.
  Irons, pole.
  Jaws, brake.
  Joints, concrete road.
  Joists.
  Lathing or ribbing.
  Lintels.
  Locks, nut.
  Lugs.
  Machine bed plates.
  Mesh.
  Metal.
  Mouldboards.
  Moulding.
  Molds, ingot.
  Moulds.
  Nails.
  Netting.
  Nozzles.
  Nuts.
  Nut locks.
  Pans:
    Galvanizing.
    Galvanized.
    Tinning.
  Parts, brake shoe.
  Pebbles, grinding or polishing.
  Pig iron.
  Piling, steel.
  Pinions.
  Pins:
    Bridge.
    Cotter.
  Pipe.
  Pipe hangers.
  Pipe fittings.
  Pipe sections.
  Plaster grounds.
  Plate:
    Tin mill black.
    Boiler.
    Nail.
    Tack.
    Galvanized.
    Plain.
    Floor.
    Structural.
  Plugs, paper roll.
  Pole line construction material:
    Arms.
    Braces.
    Brackets.
    Irons.
    Pins.
    Poles.
    Protractors.
    Rods.
    Steps.
  Poles: Electric wire, telephone, telegraph, or electric railway.
  Polls, axe.
  Posts:
    Structural.
    Fence.
    Sign.

Pots, annealing, cast (other than cast iron foundry annealing pots).
Pots: Annealing, welded, not riveted.
Pots, galvanizing.
Pots:
  Melting.
  Slag.
  Tinning.
Protectors, pole (bar plate or sheet).
Punchings.
Reinforcements for concrete or plaster.
Retaining wall spacers.
Ribbing.
Rings or circles for protecting threads of iron or steel pipe.
Rings, steel, in the rough.
Rivets.
Rods:
  Guy, anchor.
  Pull.
  Structural.
  Sucker.
  Coiled.
Rolls: Machinery, rolling mill.
Roofing.
Rope, wire.
Scrap.
Screws.
Separators (structural).
Shafting (not including crank shafts).
Shafts, brake.
Shapes.
Sheet:
  Corrugated.
  Galvanized.
  Leaded.
  Plain.
  Planished.
  Lacquered or painted.
Sheets.
Shingles.
Shoes, horse, mule, or ox.
Shoes, pile.
Shoes (structural).
Siding.
Skelp.
Slabs.
Snow plow blades.
Sockets.
Spacers.
Spiegel-iron.
Spikes.
Splicers.
Spreaders.
Stampings.
Staples.
Stars, tumbling mill, in the rough.
Stays, fence wire.
Steps, pole.
Stiffeners.
Stirrups, joist.
Stools, ingot mold.
Straps or strapping.
Stretchers, fence and wire.
Stringers.
Strip iron or steel.
Struts (structural).
Studding.
Tacks.
Tees.
Teeth, harrow, straight.
Thimbles.
Ties, baling or binding, band or wire.
Ties, cotton.
Ties, wall.
Tin plate.
Tops, fence post.
Trusses, roof.
Tubes, boiler.
Tubing.
Turnbuckles
Turnings.
Tuyeres.
Valves.
Walks, foot.
Washers.
Wedges.
Weights, counterbalance (not machined).
Weights, elevator.
Weights for folding beds.
Weights, sash.
Welding, bed, machine.
Welding bars, rods, or wire.
Weldings.
Well points.
Wire.
Wire rope or strand.
Zees.
Iron or steel articles, n. o. s.

[F. R. Doc. 54-2322; Filed, Mar. 31, 1954; 8:48 a. m.]

[No. 31487]

IRON AND STEEL ARTICLES; EASTERN TERRITORY

INVESTIGATION OF RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 22d day of March A. D. 1954.

There being under consideration the matter of rates and charges, and regulations affecting such rates and charges, for the transportation in interstate or foreign commerce of manufactured iron or steel articles from, to and between points in eastern territory, including Illinois territory, as set forth in the following schedules:

C. W. Boin, Agent: Tariffs I. C. C. Nos. A-686 and A-1011;

H. R. Hinsch, Alternate Agent: Tariffs I. C. C. Nos. 3388, 3422 and 4954;

Frank Van Ummersen, Alternate Agent: Tariffs I. C. C. Nos. 272 and 670;

R. B. LeGrande, Agent: Tariffs I. C. C. Nos. 202 and 230;

R. G. Raasch, Agent: Tariff I. C. C. No. 749;

The Baltimore and Ohio Railroad Company: Tariffs I. C. C. Nos. 23250 and 23583;

Bessemer and Lake Erie Railroad Company: Tariff I. C. C. No. 1257;

Boston and Maine Railroad: Tariffs I. C. C. Nos. A-3001 and A-3002;

The Central Railroad Company of New Jersey: Tariff I. C. C. No. G-5760;

Central Vermont Railway, Inc.: Tariffs I. C. C. Nos. A-6942 and A-7020;

The Delaware, Lackawanna and Western Railroad Company: Tariffs I. C. C. Nos. 24041 and 24106;

The Delaware and Hudson Railroad Corporation: Tariff I. C. C. No. 3;

Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East): Tariff I. C. C. No. 19973;

Grand Trunk Railway System (Lines in the United States, East of the West Bank of the Detroit and St. Clair Rivers), comprising the following carriers: Canadian National Railway Company; The Champlain and St. Lawrence Railroad Company (Canadian National Railway Company, Lessee); The United States and Canada Rail Road Company (Canadian National Railway Company, Lessee): Tariffs I. C. C. Nos. 243 and 277;

Lehigh and New England Railroad Company: Tariff I. C. C. No. A-6600;

Lehigh Valley Railroad Company: Tariff I. C. C. No. C-9075;

The New York Central Railroad Company: Tariffs I. C. C. Nos. NYC 17050, 1072, 9455 and 9458;

The New York, Chicago and St. Louis Railroad Company: Tariff I. C. C. No. 6140;

The New York, New Haven and Hartford Railroad Company: Tariffs I. C. C. Nos. F 3695, F 4105 and F 4170;

New York, Ontario and Western Railway Company (Ferdinand J. Sieghardt, Trustee): Tariffs I. C. C. Nos. 9931 and 10083;

The Pennsylvania Railroad Company: Tariffs I. C. C. Nos. 2510, 3054, 3126, 3153, 3161, 3176, 3181, 3189, 3194, 3213, 3234 and 3327;

The Pittsburgh and Lake Erie Railroad Company: Tariffs I. C. C. Nos. 3364 and 3371;

The Pittsburgh & West Virginia Railway Company: Tariff I. C. C. Nos. 443 and 505;

Reading Company: Tariff I. C. C. No. 2115;

Western Maryland Railway Company: Tariff I. C. C. No. 8529;

And supplements thereto or reissues thereof; and all other tariffs, supplements and schedules not designated in this order insofar as they contain the same provisions, or provisions of the same import, as those set forth in the aforenamed schedules; or as the same may be amended or reissued; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted by said Division 2, upon its own motion, into and concerning the lawfulness of the rates, charges and regulations contained in said schedules, with a view to the making by the Commission of such findings and orders as the circumstances shall appear to warrant.

It is further ordered, That all carriers parties to the said schedules be, and they are hereby, made respondents to this proceeding; that a copy of this order be forthwith served upon each of them; that they be duly notified of the time and place of the hearing herein; and that notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2323; Filed, Mar. 31, 1954; 8:49 a. m.]

[No. MC-C-1510]

IRON AND STEEL ARTICLES; EASTERN COMMON CARRIERS

INVESTIGATION OF RATES AND CHARGES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 25th day of March A. D. 1954.

Iron and steel articles—Eastern common carriers (former title: Iron or Steel Articles; Middle Atlantic Territory); fourth supplemental order.

The matter of rates and charges maintained by motor common carriers on iron and steel articles between points in various States and the District of Columbia being under consideration; and good cause appearing therefor:

It is ordered, That this investigation be, and it is hereby, broadened to include investigation into and concerning the reasonableness, and the lawfulness otherwise, of the rates, charges, rules, and regulations maintained by motor common carriers for the transportation in interstate or foreign commerce of the iron or steel articles listed in the appendix below and made a part hereof between points in Connecticut, Delaware, District of Columbia, Kentucky, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Ohio, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, with a view to making

such findings and entering such order or orders or taking such other action, as the facts and circumstances shall appear to warrant.

It is further ordered, That all common carriers by motor vehicle engaged in the transportation described in the next preceding paragraph be, and they are hereby, made respondents in this proceeding.

It is further ordered, That notice of this proceeding be given to the respondents and to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

It is further ordered, That questions of operating authorities shall not be considered in issue in this proceeding.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as may hereafter be fixed.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

APPENDIX

Anchor chain parts.
Anchors.
Angles.
Arches, floor
Armor or deck plate.
Arms.
Axles.
Balls.
Band or bands:
  Hay.
  Shingle.
  Wire.
  Structural.
  Wheel.
  Hay, wire.
Barrels.
Base, cove.
Bases, structural.
Basins, catch.
Bead, corner.
Beams.
Bearings, car bolster.
Belting, chain or link.
Billets.
Blades, road grader, scraper, etc.
Blanks:
  Gear.
  Shovel.
  Wheel.
  Stampings or unfinished shapes.
Blooms.
Boiler or tank parts.
Bolts or nuts.
Bonds, brick or wall ties.
Borings.
Bottoms.
Brasses.
  Annealing.
  Charging.
Braces:
  Cross arm.
  Structural.
  Tank.
Brackets:
  Insulator pin.
  Structural.
Bridge.
Buckles:
  Baling tie.
  Turn.
  Wrought truss.
Bumpers, structural.
Cable, chain.
Calks, toe.
Caps or capitals.
Casings, ingot mold hot top.
Castings.
Cast-iron or steel ore-drying plates.
Catch basin covers.
Chain or chain cable.
Channels.
Circles.
Clamps, cable and fence.
Clevises.
Clips.
Cocks.
Collars.
Columns.
Covers.
Covers, manhole.
Crabs, boiler.
Crop ends.
Cross ties.
Culvert:
  End sections.
  Pipe sections.
  Cast.
  Plate or sheet.
Culverts.
Dogs, timber.
Dowels or dowel pins.
Electrodes, welding.
Fabric, welded.
Fastenings.
Fencing:
  Wire.
  Welded or woven.
  Galvanized or plain, in rolls, etc.
Fittings, cable, rope or guy wire.
Flanges.
Fixtures, post, fence.
Flues, boiler.
Flumes.
Foot walks.
Forgings.
Forms or moulds, column or floor paving construction.
Forms, structural.
Frames, manhole.
Furring or studding.
Gates, fence.
Girders.
Grounds.
Ground rods.
Guard rails, highway.
Guards.
Guides, elevator.
Hangers, joist.
Heads, boiler.
Harrow spikes or teeth.
Hooks.
Hoop or hoops.
Housings.
Ingot mold hot top casings.
Ingot mold hot top casing bottoms.
Ingot mold hot top casing covers.
Ingots.
Inlets, sewer.
Inserts, structural.
Insulator brackets.
Iron or steel railway material and pins:
  Equipment:
    Anchors.
    Anti-checking irons.
    Anti-creepers.
    Arms, cross.
    Axles.
    Bars.
    Beams, brake.
    Bearings, car.
    Blocks, filler.
    Bolsters.
    Bolts.
    Boxes, journal.
    Braces.
    Buffers.
    Bumpers.
    Caps.
    Carlines.
    Castings.
    Chairs.
    Clamps.
    Couplers.
    Covers, journal box.
    Cross overs.
    Cross ties.
    Crossings.
    Derailers.
    Drawbars.
Iron or steel railway material and pins—Continued
  Equipment—Continued
    Draw bridge guides.
    Drawhead.
    Ends, car.
    Fastenings.
    Filler, frog.
    Floors.
    Foot guards.
    Foundations, crossing.
    Frames.
    Frogs.
    Gear, draft.
    Guard rail clamps.
    Guards, cattle.
    Guards, tee rail.
    Irons.
    Jaws, brake.
    Joints, rail.
    Knuckles.
    Links, coupling.
    Locks, coupler.
    Nuts, track.
    Parts viz:
      Castings.
      Forgings or stampings.
      Coupling.
    Plates: Angle; base; center, fish, spring; tie.
    Pockets, car.
    Points, switch.
    Poles.
    Rails.
    Rigging, draft.
    Rods.
    Shafts, brake.
    Shoe parts, brake.
    Shoes, brake.
    Sides, car.
    Sides, track.
    Sills, car.
    Space Bars.
    Spikes.
    Splices.
    Stabilizer buffers.
    Stakes, car.
    Stands, switch.
    Stays.
    Switch points.
    Switches.
    Targets, switch.
    Tie anti-checking irons.
    Ties.
    Tires.
    Turnouts.
    Turntables.
    Underframes.
    Washers, track.
    Wedges, track.
    Welder bars.
    Wheels.
    Yokes.
Irons, pole.
Jaws, brake.
Joints, concrete road.
Joists.
Lathing or ribbing.
Lintels.
Locks, nut.
Lugs.
Machine bed plates.
Mesh.
Metal.
Mouldboards.
Moulding.
Molds, ingot.
Moulds.
Nails.
Netting.
Nozzles.
Nuts.
Nut locks.
Pans:
  Galvanizing.
  Galvanized.
  Tinning.
Parts, brake shoe.
Pebbles, grinding or polishing.
Pig iron.
Piling, steel.

Pinions.
Pins:
  Bridge.
  Cotter.
Pipe.
Pipe hangars.
Pipe fittings.
Pipe sections.
Plaster grounds.
Plate:
  Tin mill black.
  Boiler.
  Nail.
  Tack.
  Galvanized.
  Plain.
  Floor.
  Structural.
Plugs, paper roll.
Pole line construction material:
  Arms.
  Braces.
  Brackets.
  Irons.
  Pins.
  Poles.
  Protractors.
  Rods.
  Steps.
Poles: Electric wire, telephone, telegraph, or electric railway.
Polls, axe.
Posts:
  Structural.
  Fence.
  Sign.
Pots, annealing, cast (other than cast iron foundry annealing pots).
Pots: Annealing, welded, not riveted.
Pots, galvanizing.
Pots:
  Melting.
  Slag.
  Tinning.
Protectors, pole (bar plate or sheet).
Punchings.
Reinforcements for concrete or plaster.
Retaining wall spacers.
Ribbing.
Rings or circles for protecting threads of iron or steel pipe.
Rings, steel, in the rough.
Rivets.
Rods:
  Guy.
  Anchor.
  Pull.
  Structural.
  Sucker.
  Coiled.
Rolls: Machinery, rolling mill.
Roofing.
Rope, wire.
Scrap.
Screws.
Separators (structural).
Shafting (not including crank shafts).
Shafts, brake.
Shapes.
Sheet:
  Corrugated.
  Galvanized.
  Leaded.
  Plain
  Planished.
  Lacquered or painted.
Sheets.
Shingles.
Shoes, horse, mule, or ox.
Shoes, pile.
Shoes (structural).
Siding.
Skelp.
Slabs.
Snow plow blades.
Sockets.
Spacers.
Spiegel-iron.
Spikes.
Splicers.
Spreaders.
Stampings.
Staples.
Stars, tumbling mill, in the rough.
Stays, fence wire.
Steps, pole.
Stiffeners.
Stirrups, joist.
Stools, ingot mold.
Straps or strapping.
Stretchers, fence and wire.
Stringers.
Strip iron or steel.
Strutts (structural).
Studding.
Tacks.
Tees.
Teeth, harrow, straight.
Thimbles.
Ties, baling or binding, band or wire.
Ties, cotton.
Ties, wall.
Tin plate.
Tops, fence post.
Trusses, roof.
Tubes, boiler.
Tubing.
Turnbuckles
Turnings.
Tuyeres.
Valves.
Walks, foot.
Washers.
Wedges.
Weights, counterbalance (not machined).
Weights, elevator.
Weights for folding beds.
Weights, sash.
Welding, bed, machine.
Welding bars, rods or wire.
Weldings
Well points.
Wire.
Wire rope or strand.
Zees.
Iron or steel articles, n. o. s.

[F. R. Doc. 54-2324; Filed, Mar. 31, 1954; 8:49 a. m.]

[Nos. MC-C-1510, MC-C-1629, 31487]

TRANSPORTATION OF IRON AND STEEL ARTICLES IN EASTERN TERRITORY BY COMMON AND CONTRACT CARRIERS; INVESTIGATION OF RATES AND CHARGES

NOTICE OF PRE-HEARING CONFERENCE

MARCH 26, 1954.

Iron and steel articles—eastern common carriers (formerly: Iron or Steel Articles; Middle Atlantic Territory); No. MC-C-1510; Iron and steel articles—Eastern contract carriers; No. MC-C-1629; Iron and steel articles—Eastern territory; No. 31487.

In accordance with Rule 68 of the Commission's general rules of practice, notice is hereby given to all parties interested that a pre-hearing conference [1] in the above-entitled proceedings will be held at 10:00 o'clock a. m., United States Standard Time, on April 8, 1954, at the Interstate Commerce Commission, Washington, D. C., with Division 2 presiding along with Examiner Michael T. Corcoran.

At the pre-hearing conference it is contemplated that the following matters will be discussed:

(1) The issues in the proceedings;

(2) The evidence to be offered by the parties;

(3) The possibility of stipulations by the parties of material and relevant facts which are not in the dispute and of the use by all parties and the Commission of matters of public record, such as annual and other reports filed with the Commission by respondents:

(4) The number of witnesses to be presented and the time required for such presentation by: (1) The railroads, (2) the motor common carriers, (3) the motor contract carriers, and (4) shippers and other interested parties:

(5) The extent to which the evidence, particularly direct testimony, can be submitted in written form;

(6) The prior mutual exchange among the parties of prepared testimony and exhibits;

(7) The need or desirability of special rules of procedure;

(8) The date and place of hearing;

(9) Whether these proceedings shall be heard on a consolidated record; and

(10) Such other matters as may facilitate an early decision in the proceedings.

The Commission wants the discerning aid of all interested persons in the making of a record which will contain the reliable, probative, and substantial evidence upon which the issues in these proceedings should be determined and which will be free of irrelevant, immaterial, and unduly repetitious evidence. It is expected that the pre-hearing conference will result in agreement of the parties for the provision of this aid in a sincere and orderly manner.

Lucid statements by respondents and by all other interested persons who intend to participite in the hearing of their positions and of the evidence which they intend to offer should be carefully prepared in writing in advance of the pre-hearing conference. To the fullest extent possible the evidence which will be offered should be described in such statements so that any questions with respect to it which might be raised at the conference can be frankly discussed and, if possible, settled by agreement of the parties. This includes, among other things, evidence showing (a) the present rates and charges of respondents, their history, and the earnings thereunder, (b) the volume of traffic of iron and steel articles and its relative importance to respondents, (c) the financial condition of respondents, (d) the economy and efficiency of management and operations of the respective respondents, (e) the quality of the service of the respective respondents, (f) the competition among the respective respondents, (g) the value of the service of the respective respondents, (h) the costs incurred by respondents in transporting iron and steel articles, and (i) the bases upon which rates and charges which will be just and reasonable and which will conform with the National Transportation Policy should be determined. Cooperation among interested persons in the making of cost studies and in the preparation of documentary evidence will contribute to the prevention of repetitious evidence and will result in advantage to everyone

[1] Further pre-hearing conference in No. MC-C-1510.

without in any way lessening the preservation of the rights of anyone.

Adequate preparation by interested parties prior to the pre-hearing conference is essential to the accomplishment of the purposes of the conference and, in turn, to the timely determination of the issues presented in these proceedings. It is expected that the parties will be ready to proceed promptly with the hearings.

Any person desiring to be notified of the time and place of hearing or of any change in the time or place of any conference or of any hearing (at his own expense if telegraphic notice becomes necessary) shall inform the Interstate Commerce Commission, Washington, D. C., to that effect by notice which must reach the Commission not later than April 5, 1954.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2325; Filed, Mar. 31, 1954; 8:49 a. m.]

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TITLE 3—THE PRESIDENT

PROCLAMATION 3047

NATIONAL FARM SAFETY WEEK, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS more accidental deaths occur in farming than in any other major industry in this country; and

WHEREAS a disabling injury strikes some farm person in America every twenty-six seconds, on an average, as the result of an avoidable accident; and

WHEREAS this appalling loss can be greatly reduced by the exercise of care and caution on the part of farm people:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the Nation to observe the week beginning July 25, 1954, as National Farm Safety Week; and I urgently request all farm residents to make every effort to develop safe work habits and skills, so that they may "Farm To Live and Live To Farm". I also request all persons and organizations interested in farm life and welfare to join in a campaign to free as many farm homes as possible from the tragedies and losses caused by needless accidents.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of March in the year of our Lord nineteen hundred and [SEAL] fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[P. R. Doc. 54-2422; Filed, Mar. 31, 1954; 2:22 p. m.]

PROCLAMATION 3048

IMPOSING A QUOTA ON IMPORTS OF RYE, RYE FLOUR, AND RYE MEAL

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as added by section 31 of the act of August 24, 1935, 49 Stat. 773, reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246, and as amended by section 3 of the act of July 3, 1948, 62 Stat. 1248, section 3 of the act of June 28, 1950, 64 Stat. 261, and section 8 (b) of the act of June 16, 1951, 65 Stat. 72 (7 U. S. C. 624), the Secretary of Agriculture advised me there was reason to believe that rye, rye flour, and rye meal are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program undertaken by the Department of Agriculture with respect to rye pursuant to sections 301 and 401 of the Agricultural Act of 1949, as amended, or to reduce substantially the amount of products processed in the United States from domestic rye with respect to which such program of the Department of Agriculture is being undertaken;

WHEREAS, on December 9, 1953, I caused the United States Tariff Commission to make an investigation under the said section 22 with respect to this matter;

WHEREAS the said Tariff Commission has made such investigation and has reported to me its findings and recommendations made in connection therewith;

WHEREAS, on the basis of the said investigation and report of the Tariff Commission, I find that rye, rye flour, and rye meal, in the aggregate, are being and are practically certain to continue to be imported into the United States

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under such conditions and in such quantities as to interfere materially with and to tend to render ineffective the said price-support program with respect to rye, and to reduce substantially the amount of products processed in the United States from domestic rye with respect to which said price-support program is being undertaken; and

WHEREAS I find and declare that the imposition of the quantitative limitations hereinafter proclaimed is shown by such investigation of the Tariff Commission to be necessary in order that the entry, or withdrawal from warehouse, for consumption of rye, rye flour, and rye meal will not render ineffective, or materially interfere with, the said price-support program:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that

(1) the total aggregate quantity of rye, rye flour, and rye meal which may be entered, or withdrawn from warehouse, for consumption in the period beginning on the date of this proclamation and ending at the close of June 30, 1954, shall not exceed 31,000,000 pounds, of which not more than 2,500 pounds may be in the form of rye flour or rye meal; and

(2) the total aggregate quantity of rye, rye flour, and rye meal which may be entered, or withdrawn from warehouse, for consumption in the 12-month period beginning July 1, 1954, shall not exceed 186,000,000 pounds, of which not more than 15,000 pounds may be in the form of rye flour or rye meal,

which permissible total quantities I find and declare to be proportionately not less than 50 per centum of the total quantity of such rye, rye flour, and rye meal entered, or withdrawn from warehouse, for consumption during the representative period July 1, 1950 to June 30, 1953, inclusive.

The provisions of this proclamation shall not apply to certified or registered seed rye for use for seeding and crop-improvement purposes, in bags tagged and sealed by an officially recognized seed-certifying agency of the country of production, if

(a) the individual shipment amounts to 100 bushels (of 56 pounds each) or less, or

(b) the individual shipment amounts to more than 100 bushels (of 56 pounds each) and the written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry, or bond is furnished in a form prescribed by the Commissioner of Customs in an amount equal to the value of the merchandise as set forth in the entry, plus the estimated duty as determined at the time of entry, conditioned upon the production of such written approval within six months from the date of entry.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of March in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54-2436; Filed, Mar. 31, 1954; 5.00 p. m.]

EXECUTIVE ORDER 10524

DELEGATING CERTAIN FUNCTIONS OF THE PRESIDENT RESPECTING SCHOOL-CONSTRUCTION ASSISTANCE

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Health, Education, and Welfare is hereby authorized and empowered, without the approval, ratification, or other action of the President, to make the findings authorized to be made by the President under section 305 (a) (3) of the act of September 23, 1950, entitled "An Act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes", as added by section 1 of the act of August 8, 1953, Public Law 246, 83rd Congress (67 Stat. 523; 20 U. S. C. 295 (a) (3)).

SEC. 2. In making the findings described in clause (A) of the said section 305 (a) (3), the Secretary of Health, Education, and Welfare shall follow and be bound by the recommendations of the Director of the Office of Defense Mobilization with respect thereto, and in making the findings described in clause (B) of the said section, the Secretary of Health, Education, and Welfare shall follow and be bound by the recommen-

dations of the Secretary of Labor with respect thereto. The recommendations of the Director of the Office of Defense Mobilization and of the Secretary of Labor shall be furnished promptly to the Secretary of Health, Education, and Welfare upon the latter's request therefor from time to time.

SEC. 3. Except as may be incompatible with the requirements of national security as determined by the Secretary of Defense, the said Secretary shall furnish the Secretary of Labor, upon request made from time to time by the Secretary of Labor, information respecting the immigration of military personnel as referred to in clause (B) of the said section 305 (a) (3).

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
March 31, 1954.

[F. R. Doc. 54-2452; Filed, Apr. 1, 1954; 10:17 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

VETERANS' ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (e) is added to § 6.122 as set out below.

§ 6.122 *Veterans' Administration.* * * *

(e) *Department of Veterans' Benefits.* (1) Assistant Deputy Administrator (Field)—(not to exceed March 31, 1955).

(2) Executive Director for Supervision.

(3) Five Area Management Supervisors.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2398; Filed, Apr. 1, 1954; 8:55 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, subparagraph (15) is added to § 6.302 (a) as set out below.

§ 6.302 *Department of State*—(a) *Office of the Secretary.* * * *

(15) Secretary of the International Joint Commission—United States and Candada.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2397; Filed, Apr. 1, 1954; 8:55 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER § 6.308 (1) (2) is added as set out below.

§ 6.308 *Department of Justice.* * * * (1) Office of Legal Counsel. * * *

(2) The First Assistant to the Assistant Attorney General.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2362; Filed, Apr. 1, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

THE TAX COURT OF THE UNITED STATES

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) and (c) of § 6.120 are revoked and § 6.320 (a) is added as set out below:

§ 6.320 *The Tax Court of the United States.* (a) One Private Secretary and two Technical Assistants for the Chief Judge and each Judge.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2363; Filed, Apr. 1, 1954; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for 1954-crop rye. The 1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967), issued by the Commodity Credit Corporation and containing regulations of a general nature with respect to price support operations for certain grains and related commodities produced in 1954 is supplemented as follows:

Sec.
421.601 Purpose.
421.602 Availability of price support
421.603 Eligible rye.
421.604 Warehouse receipts.
421.605 Determination of quantity.
421.606 Determination of quality.
421.607 Maturity of loans.
421.608 Support rates.
421.609 Warehouse charges.
421.610 Settlement.

AUTHORITY: §§ 421.601 to 421.610 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat 1053, 1054, 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421.

§ 421.601 *Purpose.* This subpart states additional specific regulations which, together with the general regulations contained in the 1954 C. C. C. Grain Price Support Bulletin 1 (§§ 421.401 to 421.421), apply to loans and purchase agreements under the 1954-Crop Rye Price Support Program.

§ 421.602 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever rye is grown in the continental United States, except that farm-storage loans will not be available in areas where the ASC State committee determines that rye cannot be safely stored on the farm

(c) *Where to apply.* Application for price support should be made at the office of the ASC county committee which keeps the farm-program records for the farm

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1955, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing rye in 1954 as landowner, landlord, tenant, or sharecropper.

§ 421.603 *Eligible rye.* At the time the rye is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The rye must have been produced in the continental United States in 1954 by an eligible producer.

(b) The beneficial interest in the rye must be in the eligible producer tendering the rye for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the rye was harvested.

(c) Such rye must be rye grading No. 2 or better, or rye grading No. 3 on the factor of "test weight" only, but otherwise grading No. 2 or better.

(d) The rye must not grade Tough, Light Smutty, Smutty, Light Garlicky, Garlicky, Weevily or contain in excess of 1 percent ergot, except that rye represented by warehouse receipts grading tough will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt "Rye grading Tough has been processed at the request of the eligible producer, and delivery will be made of the same country-run quality, quantity, and grade not Tough and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(e) If offered as security for a farm-storage loan, the rye must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the ASC State committee.

§ 421.604 *Warehouse receipts.* Warehouse receipts, representing rye in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the rye is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (i) Gross weight or bushels, (ii) grade (including special grades), (iii) percentage of ergot for rye containing in excess of $\frac{1}{10}$ of 1 percent of ergot, (iv) test weight, (v) dockage, and (vi) any other grading factor(s) when such factor(s) and not test weight determine the grade. The warehouse receipt or supplemental certificate must show whether the rye arrived by rail, truck or barge. In the case of warehouse receipts issued for rye delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(2) If the warehouseman has processed the rye as provided in § 421.603 (d), the supplemental certificate must show the numerical grade and the grading factors changed because of the rye being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade of rye.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.609.

(e) Warehouse receipts representing rye which has been shipped by rail or water from a country shipping point to a designated terminal point or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be part of the supplemental certificate.

§ 421.605 *Determination of quantity.* (a) The quantity of rye placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rye placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 56 pounds of rye free of dockage. In determining the quantity of sacked rye by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound rye:

For rye testing:	Percent
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	92

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the rye in determining the net quantity available for loan or purchase.

§ 421.606 *Determination of quality.* (a) The grade, grading factors and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Rye, whether or not such determinations are made on the basis of an official inspection.

(b) The quantity of ergot shall be stated in terms of tenths of one percent and where applicable, the word "Ergoty" shall be added to, and made a part of, the grade designation.

§ 421.607 *Maturity of loans.* Loans mature on demand but not later than April 30, 1955.

§ 421.608 *Support rates.* Basic support rates for rye will be set forth in 1954 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Rye. These support rates will be established for rye stored in approved warehouse storage at designated terminal markets, and for rye stored in approved country warehouses and in approved farm storage. The support rate for the quality of rye placed under a loan or delivered under a purchase agreement shall be the applicable basic suport rate adjusted in accordance with the provisions of this section.

(a) *Support rates at designated terminal markets.* (1) (i) Rye eligible for loan or purchase at the support rates established at designated terminal markets must have been shipped on a domestic interstate freight rate basis. On any rye shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(ii) The support rates established for designated terminal markets will apply to rye which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(2) (i) When shipped by rail or water and stored at any designated terminal market, rye for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal rate minus 8 cents per bushel.

(ii) For rye received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the applicable terminal rate as follows:

Terminal located in	Amount of deduction (cents per bushel)
Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington	12½
Area II: Minnesota, Montana, North Dakota, South Dakota, also Superior, Wisconsin	12½
Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin, except Superior	13
Area IV: All States not listed in Areas I, II, and III above	14

(b) *Support rates for rye in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for rye stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin

for such rye to such terminal market: *Provided*, That on any rye shipped at other than the domestic interstate freight rate the support rate shall be further reduced by the difference between the rate of freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such rye to the point of storage: *And provided further*, That in the case of rye stored at any railroad transit point, taking a penalty by reason of out-of-line movement or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing rye in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 421.604.

(c) *Discounts.* The basic support rates shall be adjusted by all applicable discounts listed in 1954 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Rye.

§ 421.609 *Warehouse charges.* (a) Warehouse receipts and the rye represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges not to exceed the Uniform Grain Storage Agreement rates from the date the rye is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing rye stored in warehouses operating under the Uniform Grain Storage Agreement is on or before April 30, 1955, there shall be deducted in computing the amount of the loan or purchase price the storage charges as determined in accordance with the table of deductions for warehouse charges to be issued on a later date, unless written evidence is submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges have been prepaid through April 30, 1955.

(b) Warehouse receipts and the rye represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through April 30, 1955, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges.

§ 421.610 *Settlement*—(a) *Settlement value.* (1) In the case of eligible rye delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with § 421.418 (e). The support rate shall be for the grade and quality of the total quantity of rye eligible for delivery. If, upon delivery, the rye under farm-storage loan is of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and/or quality of the rye placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the rye delivered, as determined by CCC: *Provided, however*, That if such rye is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price.

(2) In the case of eligible rye delivered to CCC under purchase agreement, settlement shall be made at the applicable support rate determined in accordance with § 421.603 and § 421.418 (e).

(b) *Storage deduction for early delivery.* Whenever farm-stored rye under loan or purchase agreement is delivered to CCC prior to April 30, 1955, a deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges (§ 421.609), except that no such deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the rye will be sold rather than stored, or if CCC requires early delivery on an area basis.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on rye under loan or purchase agreement (or charges for elevation in the case of warehouses operated by Eastern common carriers), the producer shall, upon delivery of the rye to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement (or approved tariff in the case of warehouses operated by Eastern common carriers) provided, the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on rye delivered to CCC on track at a country point.

Issued this 29th day of March 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2372; Filed, Apr. 1, 1954; 8:51 a. m.]

[1954 C. C. C. Corn Bulletin A, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 CROP CORN PRICE SUPPORT PROGRAM

UNDERPLANTED CORN ACREAGE

Section 421.478 (g) is amended by adding the word "allotment" at the end of the paragraph so that it will read as follows:

§ 421.478 *Definitions.* • • •

(g) *Underplanted corn acreage.* Means the number of acres by which the 1954 corn acreage on the farm is less than the farm acreage allotment.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 401, 408, 63 Stat. 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1421, 1428)

Done at Washington, D. C., this 29th day of March 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2371; Filed, Apr. 1, 1954; 8:51 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 524—HONEY

SUBPART—HONEY DIVERSION PROGRAM VMD 66a (1954 MARKETING SEASON)

Sec
524.345 General statement.
524.346 Rate of payment.
524.347 Eligibility for payment.
524.348 Applications and approvals
524.349 Minimum grade and inspection.
524.350 Period of diversion.
524.351 Net price to diverter.
524.352 Claims for payment supported by evidence of compliance.
524.353 Records and accounts.
524.354 Amendment and termination.
524.355 Persons not eligible for payment
524.356 Set-off.
524.357 Joint payee or assignment.
524.358 Good faith.
524.359 Definitions.

AUTHORITY: §§ 524.345 to 524.359 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 524.345 *General statement.* (a) In order to encourage the domestic consumption of honey produced in the continental United States by diverting it from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Pub. Law 320, 74th Congress, as amended, offers to make payments to eligible persons complying with the terms and conditions hereinafter set forth.

(b) Information pertaining to this program and forms prescribed for use may be obtained from the following:

Erwin M. Graham, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Fourteenth Street and Independence Avenue, SW., Washington 25, D. C.

Minard F. Miller, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, P. O. Box 19, Lakeland, Fla.

John W. Gannaway, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 549, New Custom House, Denver 2, Colo.

Michael T. Coogan, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1031 South Broadway, Room 1005, Los Angeles 15, Calif.

Werner Allmandinger, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1000 Geary Street, San Francisco 9, Calif.

Robert H. Eaton, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Eastern Building, 515 Southwest Tenth Avenue, Portland 5, Oreg.

§ 524.346 *Rate of payment.* The rate of payment applicable to honey of U. S. Grade C or better diverted in accordance with the terms and conditions of this subpart shall be 3.75 cents per pound.

§ 524.347 *Eligibility for payment.* Payments will be made to any individual, partnership, association, corporation or other legal entity located in and maintaining a business organization within the continental United States (a) who executes and files with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. in triplicate an application on Form FV-457 [1] (Revised March 15, 1954), "Application for Honey Diversion Program VMD 66a (1954 Marketing Season) and for Approval of Diversion Product," (b) whose application is approved by the Administrator, (c) who diverts honey produced in the continental United States or sells such honey for diversion into a product for which his application has been approved, and (d) who files claim as provided in § 524.352 and otherwise complies with all the terms and conditions of this subpart.

§ 524.348 *Applications and approvals.* Applications may be based (a) on intent of the applicant to divert, (b) on sales contracts, or (c) on sales negotiations. Applications will be considered for approval in the order submitted and in accordance with the availability of funds. Approval of applications based on sales negotiations shall be subject to the filing with the Administrator of a notification of completion of negotiations. If such notification is not filed within 30 days from date of approval of the application, the Administrator may cancel the approval. Such notification shall list the quantity and floral source of the honey to be diverted and any differences between the details in the approved application and those set forth in the sales contract. The Administrator reserves the right to cancel the approval of any application based on sales negotiations, but notice of such cancellation must be mailed prior to the filing of notice of completion of the sales negotiations. An application based on a sales contract must be filed with the Administrator within seven days of the execution of the sales contract. Applications must be approved before diversion of the honey. If a sales contract with respect to which the Administrator has approved an application is modified in any respect, the applicant shall notify the Administrator promptly of such modification. The Administrator will give notice to the applicant of the approval or nonapproval of such modification.

[1] Filed as part of the original document.

§ 524.349 *Minimum grade and inspection.* Honey diverted under this subpart shall be equal to, or better than, U. S. Grade C of the "United States Standards for Grades of Extracted Honey," effective April 16, 1951. It shall have been inspected prior to diversion at either the applicant's or at the diverter's plant or warehouse. Such inspection shall be performed by an inspector of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture. The cost of the inspection and issuance of certificates shall be borne by the applicant.

§ 524.350 *Period of diversion.* No payment under this subpart will be made in connection with any honey diverted by the applicant or sold into an approved diversion outlet unless the diversion was accomplished by the applicant or the sales contract was entered into after the effective date hereof and prior to 12 o'clock midnight, e. s. t., March 31, 1955. Where diversion is by someone other than the applicant, the time for diversion shall extend to 12 o'clock midnight, e. s. t., April 30, 1955.

§ 524.351 *Net price to diverter.* The net price per unit of weight charged the diverter shall be established by deducting the rate of payment under this offer from the gross sales price of such unit of weight.

§ 524.352 *Claims for payment supported by evidence of compliance.* (a) Applicants shall file claims for payment not later than May 31, 1955, with the Director, Cincinnati CSS Commodity Office, United States Department of Agriculture, 1010 Broadway, Cincinnati 2, Ohio. Each claim for payment shall be filed in an original and two copies on Form FDA-564 (Public Voucher—Diversion Programs) and shall show the number assigned by the United States Department of Agriculture on the related approved application, and shall be supported by:

(1) The original or a signed copy of the inspection certificate required in § 524.349;

(2) A certified statement by the applicant that the honey has been diverted in the manner specified in his application and within the applicable period specified in § 524.350, or that the honey has been sold and delivered for diversion in accordance with the terms and conditions of this subpart, and that such honey was produced in the continental United States;

(3) Where diverter is other than applicant, a signed or certified true copy of the sales contract;

(4) Where diverter is other than applicant, a certification from the diverter of such honey that diversion has been accomplished and the manner and date of such diversion; and,

(5) Such other documents as may be required by the Administrator as evidence of the diversion of the honey.

(b) Each sales contract shall show the date of sale, the price per unit of weight charged to the diverter, the quantity (net weight) of honey sold, and the floral source of such honey. If the price per unit of weight charged the diverter, shown in the sales contract, is on a basis other than delivered to diverter's plant or warehouse, the applicant shall certify on the copy of the sales contract that the delivered price is the equivalent of the price actually charged to the diverter.

§ 524.353 *Records and accounts.* Each applicant shall maintain accurate records with respect to the honey he diverts and sells for diversion. With respect to sales, such records shall show the quantities, sales prices, dates of delivery, and the dates of completion of diversion. Such records and accounts and other documents relating to any transaction in connection with this program shall be preserved until at least March 31, 1957, and shall be available as long as preserved, during regular business hours, for inspection and audit by authorized employees of the United States Department of Agriculture. Applicants who sell honey for diversion shall also obtain and furnish to the Administrator a statement signed by the person who diverts the honey (a) that he will keep records showing, in respect to each lot of honey received, the quantity, weight, date of receipt, price paid, date when diversion was completed, and manner of diversion; (b) that the records pertaining to such diversion shall be preserved until at least March 31, 1957; (c) that such records shall be available during regular business hours for inspection by authorized employees of the United States Department of Agriculture until at least March 31, 1957; and (d) that the diversion plant shall be available for inspection by such authorized employees.

§ 524.354 *Amendment and termination.* This subpart may be amended or terminated by the Administrator at any time by public announcement of such amendment or termination. No amendment or termination shall be applicable to any honey covered by an approved application.

§ 524.355 *Persons not eligible for payment.* No member of, or delegate to, Congress, or Resident Commissioner, shall be admitted to any share or part of any contract resulting from this subpart or to any benefits that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit, or to any such person acting in his capacity as a beekeeper.

§ 524.356 *Set-off.* The Administrator may set off, against any amount owed to any applicant under this subpart, any amount owed by such applicant to the United States Department of Agriculture, Commodity Credit Corporation, or any other agency of the United States.

§ 524.357 *Joint payee or assignment.* The applicant may name a joint payee on vouchers or invoices for payment or may assign the proceeds of the approved application to a recognized financing institution as provided in this subpart. No assignment by the applicant shall be made of an approved application, or any

rights thereunder, except that the applicant may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, as amended (31 U. S. C. 203, 41 U. S. C. 15), the proceeds of the approved application, to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment, in accordance with the instructions on Form CSS–66, "Notice of Assignment," which form must be used in giving notice of assignment to the Administrator. The "Instrument of Assignment" may be executed on Form CSS–347 or the assignee may use his own form of assignment. The CSS forms may be obtained from the Administrator or the Cincinnati CSS Commodity Office.

§ 524.358 *Good faith.* If the Secretary determines that any applicant or diverter has not acted in good faith in connection with any transaction under this subpart or has failed to discharge fully any obligation assumed by him under this subpart, the applicant may be denied the right to continue participating in this program or the right to receive payment under this subpart in connection with any sale or diversion previously made under this subpart, or both.

§ 524.359 *Definitions.* As used in §§ 524.345 through 524.359, the following terms have the following meanings:

(a) "Administrator" means the Administrator, Agricultural Marketing Service, United States Department of Agriculture, Washington, D. C., or any person to whom the Administrator has subdelegated authority to perform, as Representative of the Secretary of Agriculture, the functions vested in the Administrator in this subpart.

(b) "Diversion" means the utilization of honey produced in the continental United States in the manufacture of a product approved by the Administrator, by blending with one or more other commodities, by coating of a food, feed, or tobacco product, or by any other method approved by the Administrator, so as to preclude re-use or consumption of the honey as honey. Approval of diversion products shall be restricted to those (1) in which no honey has been utilized by any manufacturer since January 1, 1948, except pursuant to an approved diversion application under prior section 32 programs, or (2) in which the use of honey has been negligible as to either the number of manufacturers or the percentage of the total sweetening agents employed in the product, or both.

(c) "Sales contract" means a contract for the sale of honey under which the applicant is clearly obligated to sell, and the diverter is clearly obligated to buy, a definite quantity of honey at a definite price. The contract shall consist of a written instrument signed by the applicant and the diverter, or a written offer and acceptance evidenced by an exchange of telegrams or letters. However, such a sales contract may be subject to the condition that a diversion payment under this subpart will be made in connection with such sale.

(d) "Applicant" is the individual, partnership, association, corporation or other legal entity which files a diversion application and receives approval of the Administrator pursuant to § 524.348. Only applicants are eligible to receive diversion payments.

(e) "Diverter" is the individual, partnership, association, corporation or other legal entity which performs diversion as defined in paragraph (b) of this section. Diverter and applicant may be one and the same.

(f) "Date of sale" means the date on which both applicant and diverter signed a sales contract, or the date of written acceptance of either a written offer or counter offer to buy or sell by which a sales contract is effectuated.

(g) "Filed." Applications, claims, and related documents are deemed to be filed when received by the appropriate USDA office.

(h) "Certified" or "certification" means a written, signed declaration, contained in or attached to any document, stating that the document is a true and correct copy of the original of such document.

(i) "Public announcement" means the issuance of a USDA press release or the publication of a notice in the FEDERAL REGISTER.

Effective date. This subpart shall become effective at 12:01 a. m., e. s. t., April 1, 1954.

NOTE: The record-keeping and reporting requirements contained in this program have been approved by, and subsequent reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated this 30th day of March 1954.

[SEAL] S. R. SMITH,
Representative of the Secretary of Agriculture.

[F. R. Doc. 54–2365; Filed, Apr. 1, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

[Amdt. 1]

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

INCREASE IN NATIONAL MARKETING QUOTAS AND FARM ACREAGE ALLOTMENTS

Basis and purpose. The amendments set forth herein are for the purpose of increasing the national marketing quotas for fire-cured tobacco and for dark air-cured tobacco for the 1954-55 marketing year proclaimed on November 27, 1953 (18 F. R. 7653), and increasing, by the same ratio, each farm acreage allotment for the production of such kinds of tobacco. The increases are made pursuant to subsections (b) and (c) of section 371 of the Agricultural Adjustment Act of 1938, as amended.

The findings and determinations by the Secretary contained in §§ 726.502 and 726.503 have been made after investigation and upon the basis of the latest available statistics of the Federal Government.

Since fire-cured and dark air-cured tobacco growers have already seeded plant beds and are now purchasing fertilizer and other supplies and equipment and are preparing land for transplanting, it is imperative that they be notified as soon as possible of the increase in acreage allotments established for their farms. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendments contained herein shall be effective upon filing of this document with the Director, Division of Federal Register.

1. Upon the basis of an investigation it has been determined that in order to meet a material increase in export demand, the amount of the national marketing quotas for fire-cured tobacco and dark air-cured tobacco for the marketing year beginning October 1, 1954, as proclaimed in §§ 726.502 and 726.503, shall be increased. Therefore, §§ 726.502 and 726.503 are amended by adding new paragraphs (f) as follows:

§ 726.502 *Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1954.* • • •

(f) It hereby being found that because of a material increase in export demand it is necessary to increase the national marketing quota for fire-cured tobacco, the national marketing quota for such tobacco established in paragraph (d) of this section in the amount of 59,400,000 pounds is increased by eleven per centum to 65,934,000 pounds.

§ 726.503 *Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1954.* • • •

(f) It hereby being found that because of a material increase in export demand it is necessary to increase the national marketing quota for dark air-cured tobacco, the national marketing quota for such tobacco established in paragraph (d) of this section in the amount of 24,200,000 pounds is increased by ten per centum to 26,620,000 pounds.

2. To give effect to the increases in national marketing quotas for fire-cured tobacco and dark air-cured tobacco heretofore proclaimed, and in accordance with paragraph (c) of section 371 of the Agricultural Adjustment Act of 1938, as amended, the Marketing Quota Regulations, 1954–55 Marketing Year, governing the establishment of 1954 farm acreage allotments for fire-cured and dark air-cured tobacco (18 F. R. 3825) are hereby amended by adding a new § 726.529, as follows:

§ 726.529 *Increase in farm acreage allotments for the production of fire-cured and dark air-cured tobacco.* Notwithstanding the provisions of §§ 726.515 to 726.528 the farm acreage allotments established thereunder for fire-cured tobacco and dark air-cured tobacco are increased by eleven per centum and ten per centum, respectively: *Provided*, That the acreage allotment for any old farm as increased pursuant to this section in the case of fire-cured tobacco shall not be less than the 1954 preliminary acreage allotment for such farm under § 726.516, and in the case of dark air-cured tobacco shall not be less than the 1954 preliminary acreage allotment for such farm under § 726.516 or 0.6 acre, whichever is smaller. An official notice of the increased farm acreage allotment shall be mailed to each farm operator.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 371, 52 Stat. 64; 7 U. S. C. 1371)

Done at Washington, D. C., this 30th day of March 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54–2405; Filed, Apr. 1, 1954; 8:56 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO–212–A7]

PART 907—MILK IN THE MILWAUKEE, WISCONSIN, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Milwaukee, Wisconsin, on March 16, 1954 upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than April 1, 1954, this order amending the order, as amended. This action is necessary in the public interest to reflect the current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Milwaukee, Wisconsin, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on March 16, 1954, and a decision having been issued on March 26, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Milwaukee, Wisconsin, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (January 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

In § 907.51 (d) change the period at the end of the sentence to a comma and add the following: "except for the months of April, May, and June of 1954, deduct 10 cents from the price computed pursuant to § 907.50 (c)."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 30th day of March 1954, to be effective on and after the 1st day of April 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54–2403; Filed, Apr. 1, 1954; 8:55 a. m.]

[Docket No. AO–101–A17]

PART 941—MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Chicago, Illinois, on March 15, 1954, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk and the minimum prices specified in the order, as amended, and as hereby fur-

ther amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than April 1, 1954, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Chicago, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on March 15, 1954, and a decision having been issued on March 26, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Chicago, Illinois, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (January 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 941.50 change the period at the end of the sentence to a comma and add: "except that for each of the delivery periods of May, June, and July of 1954, the basic formula price shall not be less than the price for Class IV milk as computed by the market administrator pursuant to § 941.52 (d) for the delivery period next preceding plus 10 cents."

2. In § 941.52 (d) add a subparagraph (4) as follows:

(4) For the delivery periods of April, May, and June of 1954, subtract 10 cents from the result pursuant to subparagraph (3) of this paragraph.

3. In § 941.40 (b) insert the county names "Boone, Grant, Knox," after the county of Wabash in Indiana.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 30th day of March 1954, to be effective on and after the 1st day of April 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2404; Filed, Apr. 1, 1954; 8:56 a. m.]

[Docket No. AO-160-A-15-RO1]

PART 961—MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Philadelphia, Pennsylvania, on January 21, 1954, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than April 1, 1954, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Philadelphia, Pennsylvania, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on January 21, 1954, and a decision having been issued on March 29, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Philadelphia, Pennsylvania, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative

period (January 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 961.40 (b) and substitute the following:

(b) *Class II milk.* The price per hundredweight during each month shall be the sum of the values calculated by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph, except as provided in subparagraph (3) of this paragraph.

(1) *Butterfat.* Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00 and divide by 8.50: *Provided*, That such butterfat value shall not be less than 4 times 120 percent of the average of the daily wholesale selling price for Grade A (92-score) butter at New York as reported by the United States Department of Agriculture for the month for which payment is to be made, less 19 cents.

(2) *Skim milk.* From the average of all the prices per pound for nonfat dry milk solids made by the roller process, sold as "other brands" for human consumption in bags or barrels by carlots (using mid-point of any range as one quotation), published during such month in "Producer's Price Current", subtract 5 cents, multiply by .90 and multiply by 7.5.

(3) For the months of April, May, and June 1954, in the case of milk, skim milk, or butterfat, dumped, disposed of for animal feed, or manufactured by the handler or others into butter, Cheddar cheese, Baker's or any other cheese except cream or cottage cheese, evaporated milk, milk chocolate, nonfat dry milk solids, soup, candy or bakery products, less any milk, butterfat, or equivalent of concentrated milk product received from a nonproducer plant, the value shall be adjusted downward at the rate, applied to the total utilization during the month in such products, of 20 cents per hundredweight of such total quantity, or 5 cents per pound of butterfat in such total quantity, whichever results in the greater aggregate adjustment.

2. In § 961.41 delete paragraph (b) and substitute:

(b) The Class II price shall be subject to a butterfat differential for each one-tenth of one percent variation above or below 4 percent which is the butterfat value computed pursuant to § 961.40 (b) (1) divided by 40.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 30th day of March 1954, to be effective on and after the 1st day of April 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2402; Filed, Apr. 1, 1954; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 23]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

An automatic propeller feathering device is a design feature not specifically covered in the Civil Air Regulations. This supplement outlines the Civil Aeronautics Administration's policies governing the approval of aircraft incorporating an automatic propeller feathering device. These policies have previously been applied in the approval of particular automatic propeller feathering devices. The supplement also contains a table of standard vapor pressures for correcting engine power for humidity, and acceptable methods for establishing downwind take-off and landing performance. The following policies are adopted to read as follows:

§ 4b.10–2 *Approval of automatic propeller feathering installations (CAA policies which apply to § 4b.10).* An automatic propeller feathering device is a design feature not specifically covered in the Civil Air Regulations. When an airplane incorporates an automatic feathering device, it will be acceptable under the provisions of § 4b.10 as providing an equivalent level of safety in showing compliance with §§ 4b.115, 4b.116, 4b.120 and 4b.133 if it complies with policies prescribed in §§ 4b.115–2, 4b.116–1, 4b.120–1, 4b.401–1, and 4b.700–1, and if there are no features or characteristics which make it unsafe for use on transport aircraft.

§ 4b.110–1 *Engine power corrections (CAA policies which apply to § 4b.110)*—(a) *Engine power corrections for vapor pressure.* The following standard vapor pressures versus altitude have been established for the purpose of correcting airplane performance data in accordance with § 4b.110:

Altitude (feet):	Vapor pressure (in. hg.)
0	0.400
2,000	.307
4,000	.237
6,000	.179
8,000	.133
10,000	.096
12,000	.069
14,000	.049
16,000	.035
18,000	.025
20,000	.016
25,000	.005

(b) *Engine power corrections for cylinder head temperatures.* Official flight tests should be discontinued whenever engine limitations are exceeded. This procedure automatically makes corrections of this type unnecessary.

(c) *Engine power corrections for fuel flow.* Official flight tests should not be conducted when the metering characteristics of the carburetor are outside the range of acceptable tolerances. This procedure automatically makes corrections for fuel-air mixture ratio in performance evaluation unnecessary.

§ 4b.113–1 *Downwind take-off (CAA policies which apply to § 4b.113).* Downwind take-off data may be approved on the following basis to provide for situations where geographic locations and terrain indicate they are desirable:

(a) *Performance.* In determining the required distances for take-off in downwind the data should be substantiated by actual flight tests. The general methods and procedures would be comparable to those for substantiating take-off distances in no wind. The flight tests should be conducted in tailwind components up to 150 percent of the maximum velocity for which approval is desired except that the performance tests may be simulated in zero wind as outlined below:

(1) The accelerate portions of the "take-off" and "accelerate-stop" should be demonstrated at speeds corresponding to the zero wind plus 150 percent of the tailwind component for which approval is desired. The calculated distances for entry in the Airplane Flight Manual should also be based on 1.5 times the tailwind component. (See subparagraph (3) of this paragraph.)

(2) The decelerate portion of the "accelerate-stop" should be demonstrated by stopping from a speed corresponding to V_1 plus 1.5 times the tailwind velocity for which certification is desired.

(3) In determining the take-off distances for the Airplane Flight Manual performance data, 150 percent of the effect of the reported tailwind component should be taken into account. (See § 4b.740–1 (a) (2) (x).) This may in some cases, permit calculating the required distances without further tests providing sufficiently high speed take-offs and decelerations were made in the original type tests. However, except in the circumstances outlined in paragraph (d) of this section, actual take-offs should be made under the conditions outlined in paragraph (b) of this section to check the flight and ground handling characteristics.

(b) *Controllability.* Take-offs should be made in steady downwind velocities equal to 1.5 times the maximum velocity for which approval is granted to check the controllability at the higher ground speeds with correspondingly reduced aerodynamic control forces, dynamic balance of landing gear, nose gear shimmy or vibration, etc.

(c) *Brakes.* At present it is believed that the existing brake capacity requirements are sufficient to cover take-offs in downwind velocities of 10 mph. measured at 50' height. However, in wind velocities above 10 mph. and in unusual cases or special types of operation additional

tests or substantiation of the adequacy of the brakes may be necessary.

(d) *Tolerances.* (1) With regard to performance tests outlined in paragraph (a) of this section, approval may be given for calculated take-off distances for reported tailwind velocities up to 10 mph. measured at 50' height without camera tests additional to those required for approval of the no wind data.

(2) With regard to controllability tests outlined in paragraph (b) of this section, approval may be given for reported downwind velocities up to 10 mph. measured at 50' height without additional flight tests.

§ 4b.115–2 *Approval of automatic propeller feathering installations for use in establishing accelerate-stop distance (CAA policies which apply to § 4b.115).* The accelerate-stop distance should be determined with the automatic propeller feathering installation feathering the propeller of the critical engine and with the other throttles closed at the instant of attainment of V_1. (See §§ 4b.10–2, 4b.401–1, 4b.700–1, and Civil Air Regulations Part 4b Interpretation No. 1)

§ 4b.116–1 *Approval of automatic propeller feathering installations for use in establishing the take-off path (CAA policies which apply to § 4b.116).* The take-off path may be modified by permitting a feathered propeller instead of windmilling after the necessary time interval has elapsed from the instant of engine failure to complete feathering of the propeller. If it can be shown that the net work produced by the feathering propeller from the instant of engine failure to completion of feathering under all types of engine failure is positive using a datum based on feathered propeller drag, then it is permissible to assume that the propeller of the failed engine is in the feathered drag condition from the instant of attainment of the take-off climb speed V_2. (See §§ 4b.10–2, 4b.401–1, and 4b.700–1.)

§ 4b.120–1 *Approval of automatic propeller feathering installations for use in establishing flaps in take-off position climb (CAA policies which apply to § 4b.120 (a) and (b)).* The propeller of the inoperative engine may be in the feathered condition during either or both of the landing gear extended or retracted conditions if:

(a) The propeller would be completely feathered at the beginning of these segments of the take-off flight path, or

(b) It can be shown that the network produced by the feathering propeller during the segment is positive using a datum based on feathered propeller drag. (See §§ 4b.10–2, 4b.401–1, and 4b.700–1.)

§ 4b.122–1 *Downwind landings (CAA policies which apply to § 4b.122).* Downwind landing data will be approved on the following basis to provide for situations where geographic locations and terrain indicate they are desirable, as well as for use with ILS:

(a) *Performance.* In determining the required distances for landing downwind, the data should be substantiated by actual flight tests. The general methods and procedures should be comparable to those for substantiating landing distances in no wind. The flight tests should be conducted in tailwind velocities up to the maximum velocity for which approval is desired except that the performance tests may be simulated in zero wind as outlined below:

(1) Landings should be demonstrated by approaching and contacting at speeds corresponding to the zero wind speed plus 150 percent of the tailwind velocity for which approval is desired.

(2) In determining the downwind landing distances for the Airplane Flight Manual data, 150 percent of the effect of the reported tailwind velocity should be taken into account. (See § 4b.740–1 (d) (2) (x).) This may, in some cases, permit calculating the required distances without further tests providing sufficiently high speed landings and decelerations were made in the original type tests. However, except in the cases outlined in paragraph (d) of this section, actual landings should be made under the conditions described in paragraph (b) of this section to check the flight and ground handling characteristics.

(b) *Controllability.* Landings should be made in steady downwind velocities equal to 1.5 times the maximum velocity for which approval is desired to check the controllability at the higher ground speed with correspondingly reduced aerodynamic control forces, dynamic balance of landing gear, nose gear shimmy or vibration, etc. Also actual approaches should be demonstrated under the above wind conditions at an approach angle corresponding to the maximum ILS beam angle (3° 18') to determine the minimum altitude on the glide path from which the airplane can be readily flared for landing.

(c) *Brakes.* At present it is believed that the existing brake capacity requirements are sufficient to cover landings in downwind velocities of 5 mph. However, in wind velocities above 5 mph. and in unusual cases or special types of operation, a revision to the braking system may be required. In determining the landing distances under paragraph (a) of this section, normal braking as outlined in § 4b.123 "Landplanes" should not be exceeded.

(d) *Tolerances.* (1) With regard to performance tests outlined in paragraph (a) of this section, approval will be given for calculated landing distances for reported tailwind velocities up to 10 mph. measured at 50 feet height without camera tests additional to those required for approval of the no wind data.

(2) With regard to controllability tests outlined in paragraph (b) of this section, approval will be given for reported downwind velocities up to 10 mph. measured at 50 feet without additional flight tests.

§ 4b.401–1 *Approval of automatic propeller feathering system (CAA policies which apply to § 4b.401 (c)).* All parts of the feathering device which are integral with the propeller or attached to it in a manner that may affect propeller airworthiness should be considered from the standpoint of the applicable provisions of Part 14 of this subchapter. The determination of the continuing eligibility of the propeller under the existing type certificate, when the device is installed or attached, will be made on the following basis:

(a) The automatic propeller feathering system should not adversely affect normal propeller operation and should function properly under all temperature, altitude, airspeed, vibration, acceleration, and other conditions to be expected in normal ground and flight operation.

(b) The automatic device should be demonstrated to be free from malfunctioning which may cause feathering under any conditions other than those under which it is intended to operate. For example, it should not cause feathering during:

(1) Momentary loss of power,

(2) Approaches with reduced throttle settings.

(c) The automatic propeller feathering system should be capable of operating in its intended manner whenever the throttle control is in the normal position to provide take-off power. No special operations at the time of engine failure should be necessary on the part of the crew in order to make the automatic feathering system operative.

(d) The automatic propeller feathering installation should be such that not more than one engine will be feathered automatically even if more than one engine fails simultaneously.

(e) The automatic propeller feathering installation should be such that normal operation may be regained after the propeller has begun to feather automatically.

(f) The automatic propeller feathering installation should incorporate a switch or equivalent means by which to make the system inoperative. (See also § 4b. 10–2.)

§ 4b.700–1 *Automatic propeller feathering operating limitations and information (CAA policies which apply to § 4b.700).* (a) All limitations on the use of automatic feathering system, including flight conditions when the system must be operative or inoperative should be determined and noted when appropriate.

(b) Any placards found necessary should be provided in the airplane.

(c) A complete statement of operating limitations and instructions for the use of the system should be included in the Airplane Flight Manual.

(d) If certification is desired both with and without the feathering system operative, two corresponding sets of performance data properly identified should be included in the Airplane Flight Manual. (See also § 4b.10–2.)

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009 as amended, 49 U. S. C. 553)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–2344; Filed, Apr. 1, 1954; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

FILING OF REPORTS TO STOCKHOLDERS AND STATE COMMISSIONS

On February 10, 1954, the Securities and Exchange Commission published for comments and suggestions a proposed revision of Form U5S (17 CFR 259.5s) and a proposed new Rule U-29 (§ 250.29). After considering all of the comments and suggestions received, the Commission has adopted the proposed revision of the form and the proposed rule with certain modifications.

The text of Rule U-29 (§ 250.29) is as follows:

§ 250.29 *Filing of reports to stockholders and State Commissions.*[1] (a) Two copies of each report submitted by any registered holding company or any subsidiary thereof to its stockholders generally shall be filed with the Commission not later than ten days after such submission.

(b) A copy of each annual report submitted by any registered holding company or any subsidiary thereof to a State Commission covering operations not reported to the Federal Power Commission shall be filed with the Securities and Exchange Commission not later than ten days after such submission.

The foregoing action has been taken pursuant to the Public Utility Holding Company Act of 1935, particularly sections 14, 15, and 20 (a) thereof and pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15 (d), and 23 (a) thereof.

Rule U-29 (§ 250.29) shall become effective on April 30, 1954, except that reports of the character referred to in the rule submitted by any registered holding company or any subsidiary thereof prior to April 30, 1954 and not previously filed pursuant to the public Utility Holding Company Act of 1935 shall be filed prior to May 10, 1954.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t. Interprets or applies secs. 13, 15, 23, 48 Stat. 894, 895, 901, as amended, secs. 14, 15, 49 Stat. 827, 828; 15 U. S. C. 78m, 78o, 78w, 79n)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 25, 1954.

[F. R. Doc. 54–2360; Filed, Apr. 1, 1954; 8:49 a. m.]

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

FORMS FOR REGISTRATION AND ANNUAL SUPPLEMENTS

On February 10, 1954, the Securities and Exchange Commission published for comments and suggestions a proposed revision of Form U5S (17 CFR 259.5s) and a proposed new Rule U-29 (§ 250.29 of this chapter). After considering all of the comments and suggestions received, the Commission has adopted the proposed revision of the form and the proposed rule with certain modifications.

Form U5S is the system annual reporting form for registered holding companies and could, prior to the present revision, also be used by registered holding companies to satisfy annual reporting requirements under the Securities Exchange Act of 1934. The revision is designed to modify items of the form which, in the Commission's experience, now serve little useful regulatory or disclosure purpose and impose a substantial reporting burden. In addition, the form can now be used to satisfy annual reporting requirements of the Securities Exchange Act of 1934, not only for registered holding companies but also for their subsidiaries. This should eliminate substantial duplicate reporting.

While retaining the requirement for consolidating financial statements, which appear material to an appraisal of system and intra-system operations, the revised form no longer requires the filing of Federal Power Commission and State Commission reports or stockholder reports as exhibits. Federal Power Commission reports are readily available to the public at the Federal Power Commission's offices. Stockholder reports are usually furnished to the Commission by holding companies and their subsidiaries when available and Rule U-29 (which is similiar to the Commission's Rule N-30B2–1 (§ 270.30b2–1 of this chapter) under the Investment Company Act of 1940)) formalizes the practice. Rule U-29 also requires the filing of State Commission reports covering operations not reported to the Federal Power Commission, since this information would otherwise be not readily available to the Commission. Reports covered by the rule which were distributed prior to April 30, 1954, the effective date of the rule, and have not already been filed, should be filed prior to May 10, 1954.

The revised Form U5S[2] requires aggregate remuneration information but does not require individual reporting of remuneration. Individual remuneration data for parent companies will, of course, continue to be available in proxy statements filed pursuant to Rule U-61 (§ 250.61 of this chapter) and Regulation X-14 and similar data for substantially all utility subsidiaries is available in the public Federal Power Commission reports, and in many cases, in State Commission reports.

The form has been drafted with particular reference to the reporting requirements of continuing holding company systems. It is recognized that, in the case of the few remaining complex systems still in process of reorganization under section 11 of the act, modifications of certain requirements of the form may be necessary. The Commission proposes to continue to consider requests for such modifications in appropriate cases.

A copy of the revised Form U5S may be obtained by any interested person on request.

The foregoing action has been taken pursuant to the Public Utility Holding Company Act of 1935, particularly sections 14, 15, and 20 (a) thereof and pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15 (d), and 23 (a) thereof.

The revision of Form U5S shall become effective immediately upon publication, March 29, 1954, except that any registrant which so desires may file its report for the calendar year 1953 on the form as previously in effect. The Commission has extended to May 31, 1954, the time for filing an annual report on Form U5S for the year 1953 pursuant to section 14 of the Public Utility Holding Company Act of 1935 or pursuant to section 13 or 15 (d) of the Securities Exchange Act of 1934.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t. Interprets or applies secs. 13, 15, 23, 48 Stat. 894, 895, 901, as amended; secs. 14, 15, 49 Stat. 827, 828; 15 U. S. C. 78m, 78o, 78w, 79n)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 25, 1954.

[F. R. Doc. 54–2359; Filed, Apr. 1, 1954; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt 84]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

IRON AND STEEL

Section 373.40 *Iron and steel* is amended by deleting therefrom paragraph (e) *Iron and steel scrap.*

This amendment shall become effective as of April 1, 1954.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945; 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9918, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54–2395; Filed, Apr. 1, 1954; 8:55 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 70]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

COMMODITIES NO LONGER SUBJECT TO EVIDENCE OF AVAILABILITY REQUIREMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended by deleting the letter "D" in the column headed "Commodity Lists" with respect

[1] Sections 14 and 15.

[2] Filed as part of the original document.

to the following commodities, indicating that such commodities are no longer subject to evidence of availability requirements (see § 373.3 of this subchapter):

Dept. of Commerce Schedule B No.	Commodity
601010	Melting steel scrap (No. 1 heavy and No. 2).
601040	Baled sheet melting scrap.
601050	Borings, shovelings, and turnings (steel melting scrap).
601070	Iron scrap.
601090	Other scrap (specify type).

This amendment shall become effective as of April 1, 1954.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-2396; Filed, Apr. 1, 1954; 8:55 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53461]

PART [redacted]SELS IN FOREIGN AND DOMESTIC TRADES

MISCELLANEOUS AMENDMENTS

Single applications for overtime services of customs officers have been required to specify the nature of the services desired and the exact times that they will be needed. Compliance with this requirement has resulted in unnecessary work because of the necessity in many cases of filing several applications for overtime services of customs officers in connection with only one arrival of a vessel at a United States port.

Accordingly, in order (1) to simplify customs requirements and procedures in connection with requests for overtime services of customs officers in entering and clearing vessels, supervising the unlading or lading thereof, and related activities, (2) to authorize the use of customs Form 3171, Application and Permit To Lade or Unlade Vessels of 5 Net Tons or More, as an application and permit to retain unentered goods on the wharf for more than 5 days, and (3) to bring the regulations into conformity with the amendment of section 484 (a), Tariff Act of 1930, by section 16 (b), Customs Simplification Act of 1953, the Customs Regulations are amended as follows:

1. Section 4.10 is amended by inserting the following sentence after the first sentence:

§ 4.10 *Request for overtime services.* * * * Such request for overtime services must specify the nature of the services desired and the exact times when they will be needed, unless arrangements are made locally so that the proper customs officer will be seasonably notified during official hours in advance of the rendering of the services as to the nature of services desired and the exact times that they will be needed.

(Secs. 448, 451, 624, 46 Stat. 714, 715, as amended, 759; 19 U. S. C. 1448, 1451, 1624)

2. Section 4.30 (c) is amended by inserting the following sentence after the third sentence:

§ 4.30 *Permits and special licenses for unlading and lading.* * * *

(c) * * * Such request for overtime services must specify the nature of the services desired and the exact times when they will be needed, unless arrangements are made locally so that the proper customs officer will be seasonably notified during official hours in advance of the rendering of the services as to the nature of the services desired and the exact times that they will be needed.

(R. S. 2793, as amended, secs. 446, 448, 450, 451, 452, 453, 454, 490, 624, 46 Stat. 713, 714, 715, as amended, 716, 726, 759; 19 U. S. C. 288, 1446, 1448, 1450, 1451, 1452, 1453, 1454, 1490, 1624)

3. Section 4.37 *Lay order; general order* is amended as follows:

a. Paragraph (a) is amended by substituting "fifth" for "second" in the first sentence and by adding the following sentence: "The application for an initial lay order to allow the merchandise to remain on the wharf or pier beyond the fifth working day may be included, if the collector approves, in the space provided therefor in the application made on customs Form 3171 for a permit to lade or unlade."

b. Paragraph (b) is amended by substituting "5-day period" for "2-day period".

(Secs. 448, 457, 490, 624, 46 Stat. 714, 716, 726, 759; 19 U. S. C. 1448, 1457, 1490, 1624)

When arrangements are made to notify the proper local customs officer seasonably and during official hours in advance of the rendering of the overtime services as to the nature of the services desired and the exact times that they will be needed, as provided for in the above amendments to §§ 4.10 and 4.30 (c) of the Customs Regulations, the words "as per supplemental oral request" shall be noted by the applicant in his request for overtime services. Customs Forms 3171 and 3853 will so specify when they are again reprinted.

The above amendment which adds a new sentence to § 4.37 (a) of the Customs Regulations shall be effective as soon as customs Form 3171, revised as indicated by the amendment, has been reprinted and is ready for distribution. The other amendments above shall be effective on the date of publication in the FEDERAL REGISTER.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: March 25, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2392; Filed, Apr. 1, 1954; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Reg. 2 (Formerly NPA Reg. 2), Amdt. 1 of March 31, 1954]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

LIMITATION ON USE AND DISPOSITION OF CERTAIN MATERIALS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment affects BDSA Reg. 2 (formerly NPA Reg. 2) by the addition of a new paragraph (d) to section 17 and by the addition of List B to the regulation. Additional formal changes of an editorial nature are made in section 17 (a), (b), and (c) to correspond with the transition from NPA to BDSA and to reflect the addition of paragraph (d) to the section.

Section 17 of BDSA Reg. 2 (formerly NPA Reg. 2), dated March 23, 1953, is hereby amended to read as follows:

SEC. 17. *Use or disposition of material acquired under this regulation.* (a) Any person who gets material with a rating or through a specific authorization or a directive of BDSA must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. However, material obtained with any DO rating may be used to fill any DX rated order. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(b) The restriction in paragraph (a) of this section does not apply when a material, or a product in which it has been incorporated, can no longer be used for the purpose for which the priority assistance was given; for example, when the assistance was given to fill a particular order and the material or product does not meet the customer's specifications or the contract or order is cancelled. In such cases the rules on further use and disposition in paragraphs (c) and (d) of this section must be observed.

(c) Except as provided in paragraph (d) of this section, the holder of a material or product subject to paragraph (b) of this section may sell it as long as he complies with all requirements of other applicable sections of this regulation and of other orders and regulations of BDSA, or he may use it himself in any manner or for any purpose as long as he complies with such requirements.

(d) When a material appearing on List B of this regulation which has been acquired with a rating or through a specific authorization or directive of BDSA, or when a product into which such material has been incorporated, can no longer be used for the purpose for which the priority assistance was given, the following rules apply:

(1) To the extent that such material or product can be used to fill other orders then on hand which are accompanied by a rating or a specific authorization or directive of BDSA, and with respect to which such holder has not already received other material of the same kind by the use of priority assistance for the purpose of filling such other orders, it must be so used.

(2) To the extent that such material or product can be used for the purpose specified in subparagraph (1) of this paragraph but where material of the same kind to fill such other orders has been ordered by the use of priority assistance and has not been received, it must be so used, and the provisions of section 12 (b) apply.

(3) To the extent that such material can not be used for the purpose and in the manner specified in subparagraphs (1) and (2) of this paragraph, the holder of such material must immediately notify BDSA in writing of the description, quantity, and location and his proposed use, sale, or disposition of such material, and may not use, sell, or dispose of such material for a period of 10 days after the date of mailing such written notification except as specifically authorized or directed in writing by BDSA. If no written authorization or direction is issued by BDSA within such period, the rules stated in paragraph (c) of this section apply.

BDSA Reg. 2 (formerly NPA Reg. 2), dated March 23, 1953, is further amended by the addition thereto of List B of BDSA Reg. 2 immediately following list A of such regulation. List B of BDSA Reg. 2 is as follows:

LIST B OF BDSA REG. 2 (FORMERLY NPA REG. 2)

1. Primary Nickel in the following forms:
Electrolytic nickel.
Ingots.
Pigs.
Rondelles.
Cubes and pellets.
Rolled and cast anodes.
Shot.
Oxides.
Salts.
Chemicals.

(64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect March 31, 1954.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 54-2421; Filed, Mar. 31, 1954; 1:54 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1954 Dept. Circular 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING APRIL 1, 1954

APRIL 1, 1954.

§ 129.17 *Calendar year, 1954.* * * *

(b) *Quarter beginning April 1, 1954.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning April 1, 1954, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Colombia	Peso	$0.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.5063 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.178	Parity of 0.158,957 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.1927	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By monetary law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0020	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15.5 21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932, exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.1927	Conversion of notes into gold suspended Sept. 29, 1931.
Uruguay	Peso	.6583	Present gold content of 0.585035 grain fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2393; Filed, Apr. 1, 1954; 8:54 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1871]

PART 191—GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES AND LICENSES

SUSPENSION OF OPERATIONS AND PRODUCTION

Section 191.26 is amended to read as follows:

§ 191.26 *Suspension of operations and production.* (a) Applications by lessees for relief from the producing requirements or from all operating and producing requirements of mineral leases shall be filed in triplicate in the office of the regional oil and gas supervisor for oil and gas leases, and in the office of the regional mining supervisor for all other leases.[1] As to oil and gas leases, no suspension of operations and production will be granted on any lease in the absence of a well capable of production on the leasehold, except where the Secretary directs a suspension in the interest of conservation. Complete information must be furnished showing the necessity for such relief.

(b) The term of any lease will be extended by adding thereto any period of suspension of all operations and production during such term pursuant to any direction or assent of the Secretary.

(c) A suspension shall take effect as of the time specified in the direction or assent of the Secretary. Rental and minimum royalty payments will be suspended during any period of suspension of all operations and production directed or assented to by the Secretary, beginning with the first day of the lease

[1] By Departmental Order No. 2699 and Geological Survey Order No. 218 of August 11, 1952, the regional oil and gas supervisors and the regional mining supervisors are authorized to act on applications for suspension of operations or production or both filed pursuant to this section and to terminate suspensions of this kind which have been or may be granted.

month on which the suspension of operations and production becomes effective or, if the suspension of operations and production becomes effective on any date other than the first day of a lease month, beginning with the first day of the lease month following such effective date. The suspension of rental and minimum royalty payments shall end on the first day of the lease month in which operations or production is resumed. Where rentals are creditable against royalties and have been paid in advance, proper credit will be allowed on the next rental or royalty due under the lease.

(d) No lease will be deemed to expire by reason of a suspension of production only pursuant to any direction or assent of the Secretary.

(e) If there is a well capable of producing on the leased premises and all operations and production are suspended pursuant to any direction or assent of the Secretary, the commencement of drilling operations only will be regarded as terminating the suspension as to operations but not as to production, and as terminating the period of suspension to be added to the term of the lease as provided in paragraph (b) of this section and the period of suspension of rental and minimum royalty payments as provided in paragraph (c) of this section. However, as provided in paragraph (d) of this section, the term of the lease will not be deemed to expire so long as the suspension of production remains in effect.

(f) The minimum annual production requirements of a lease issued under the act for coal, phosphate, potassium, sodium, oil shale or sulphur shall be proportionately reduced for that portion of a lease year for which suspension of operations and production is directed or granted by the Secretary of the Interior in the interest of conservation.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

DOUGLAS MCKAY,
Secretary of the Interior.

MARCH 29, 1954.

[F. R. Doc. 54-2345; Filed, Apr. 1, 1954; 8:45 a. m.]

Appendix—Public Land Orders

[Public Land Order 948]

CALIFORNIA

PARTIAL REVOCATION OF PUBLIC LAND ORDER NO. 125 WHICH WITHDREW PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 125 of May 28, 1943, withdrawing public lands for the use of the War Department as bombing target sites which was partially revoked by Public Land Orders No. 442, 581, and 807, is hereby revoked so far as it affects the following-described lands:

SAN BERNARDINO MERIDIAN

T. 6 N., R. 1 W.,
Sec. 4.
T. 6 N., R. 3 W.,
Sec. 21, NW¼.
T. 4 N., R. 2 E.,
Sec. 1, SE¼SE¼;
Sec. 12, E½NE¼, NE¼SE¼.
T. 4 N., R. 3 E.,
Sec. 6, S½SW¼, SW¼SE¼;
Sec. 7, NW¼, W½NE¼, N½SW¼, NW¼SE¼.
T. 6 N., R. 3 E.,
Sec. 35, E½.
T. 3 N., R. 4 E.,
Sec. 6.
T. 4 N., R. 4 E.,
Sec. 5, N½.
T. 5 N., R. 4 E.,
Sec. 32, S½.
T. 6 N., R. 5 E.,
Sec. 30.
T. 3 N., R. 6 E.,
Sec. 24, SE¼;
Sec. 25, NE¼.
T. 3 N., R. 7 E.,
Sec. 19, SW¼;
Sec. 30, NW¼.

The areas described aggregate approximately 4,320 acres.

2. The following-described lands released from withdrawal by this order shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, with a 91-day preference-right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended:

SAN BERNARDINO MERIDIAN

T. 6 N., R. 3 W.,
Sec. 21, NW¼.

The area described contains 160 acres.

3. The remaining lands released from withdrawal by this order are located in a somewhat remote arid desert area where irrigation is necessary for crop production, and where irrigation water is in short supply. Creosote bush is the dominant vegetative cover. The lands will not be subject to occupancy or disposition until they have been classified. Any application that is filed will be considered on its merits.

4. This order shall not otherwise become effective to change the status of the lands referred to in paragraph 3 until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans of World War II and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Los Angeles, California.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 29, 1954.

[F. R. Doc. 54-2347; Filed, Apr. 1, 1954; 8:46 a. m.]

[Public Land Order 949]

WASHINGTON

ORDER REVOKING EXECUTIVE ORDER NO. 8622 OF DECEMBER 27, 1940

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 c. 421 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 8622 of December 27, 1940, reserving the following-described lands under the jurisdiction of the Department of the Interior for use by the Game Commission of the State of Washington in connection with the Squaw Creek Antelope Range and Wildlife Refuge is hereby revoked:

WILLAMETTE MERIDIAN

T. 15 N., R. 20 E.,
Sec. 30.

The area described contains 646.78 acres.

The lands are located about fifteen miles north of Yakima and are accessible by a state highway and a private road. They lie at an elevation between 2000 and 2500 feet. Annual precipitation is about seven inches. The topography is rough and mountainous with steep westerly breaks. The soils are a rocky, shallow, brown, silty clay loam. The vegetation consists of bluebunch wheat grass, cheat, sage, and sandberg bluegrass. The lands are best adaptable to grazing. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans of World War II and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Inquiries regarding the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Spokane, Washington.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 29, 1954.

[F. R. Doc. 54-2346; Filed, Apr. 1, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 919]

HANDLING OF MILK IN SOUTHWEST KANSAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Dodge City, Kansas, on August 18–21, inclusive, 1953, pursuant to notice thereof which was issued on July 29, 1953 (18 F. R. 4519).

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service, on February 12, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on February 17, 1954 (19 F. R. 898).

The material issues of record related to:

1. The character of commerce in the handling of milk;
2. The need for regulation;
3. The extent of the marketing area;
4. The scope of regulation;
5. The classification of milk;
6. Class prices;
7. Payments to producers;
8. The administrative assessment;
9. Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the Southwest Kansas marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products.

Milk produced for the Southwest Kansas marketing area is regularly distributed on routes extending into the States of Colorado, Oklahoma and Texas. The principal distribution in these states is by a handler whose plant is located in Dodge City, Kansas, although there is lesser distribution in the State of Oklahoma by a handler whose plant is in Liberal, Kansas. The Dodge City handler competes in procurement and sales with all other handlers of the Southwest Kansas area.

Milk produced in Colorado and Oklahoma is distributed in Kansas in competition with milk produced for the Southwest Kansas marketing area. Some of this distribution is by handlers whose plants are located in Colorado and Oklahoma. Other distribution is by handlers from the Wichita, Kansas, market which receives supplies from producers whose farms are located in Oklahoma.

During periods when milk production is in excess of the needs for fluid sales, producer milk is manufactured into products such as ice cream, butter and cheese which are disposed of over a wide area including states other than Kansas. In periods when milk production is short of the needs for fluid sales, milk is imported from other areas. Some of such imports are from states other than Kansas.

2. *The need for regulation.* The issuance of an order to regulate the handling of milk in the Southwest Kansas marketing area will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act.

Under short supply conditions that prevailed in the Southwest Kansas area through 1952 a cooperative association of producers had succeeded in establishing a nominal class use basis for pricing milk of its members and other producers disposed of to a number of the principal handlers of the area. The arrangements in effect followed generally the classification and pricing pattern in effect in the Wichita market, including the premium in excess of minimum order prices that were negotiated in the Wichita market. Returns to producers were based upon the average utilization by classes of the milk received by each handler.

Milk production in the Southwest Kansas area increased substantially early in 1953 in common with the experience in many other areas. The marketing system that appeared to work with reasonable satisfaction under conditions of short supply has not been adequate for the changed conditions. The handling and pricing of surplus milk has not been uniform. All handlers do not have adequate facilities for handling milk in excess of their fluid needs. While reasonable uniformity has prevailed in the prices at which handlers have accounted to producers for the milk used for their fluid sales there have been considerable differences in the prices at which they have accounted for the milk used in other ways. A considerable disparity in the blend prices of individual handlers has occurred through some handlers providing a market for only that milk needed for their fluid sales while other handlers have attempted to provide a market for the increased production through their manufacturing facilities.

After failure to reach an agreement with one handler concerning the price for milk in excess of fluid needs early this spring, the association retailed the milk of some 17 of its member producers for some weeks in competition with this handler and others, and for this time pooled the proceeds of the sales of all of its members. When retail sales were discontinued and the milk of these producers was placed with another handler who needed it only for manufacturing purposes, the association pool was also discontinued because nonmember producers were receiving higher blend prices from certain handlers.

It is evident that the area requires a marketing system whereby all producers share equitably the fluid sales of the area and also share equally the burden of seasonal and cyclic surpluses of milk. The distribution of facilities for handling milk in excess of fluid requirements do not permit these results through even distribution of milk supplies to handlers.

Producers and handlers have failed to agree upon any uniform plan designed to bring about a more uniform seasonal pattern of production to meet the needs of the market. One attempt to establish a base plan was abandoned after a short period of operation apparently because its provisions were not well understood by all elements of the market. Attempts to reach agreement on other increases have failed.

No testimony was offered at the hearing in opposition to the issuance of an order. It is concluded that the issuance of a marketing order will provide stability to the market and tend to effectuate the declared policy of the act.

3. *The extent of the marketing area.* The marketing area should be defined to include 26 cities, all in the Southwestern portion of Kansas, and 14 townships located in 7 counties which include or are adjacent to 9 of these cities.

Producers proposed that the marketing area be defined to include the corporate limits of the Cities of Dodge City, Garden City, Pratt, Great Bend, Larned, Kinsley and Scott City, all in Kansas, and supported the addition of the City of Liberal, Kansas, to this list of cities. Handlers proposed that the marketing area be defined as 29 counties plus two small municipalities in a 30th county.

Southwest Kansas is predominantly a rural area with no large centers of population. The cities which producers support as the marketing area are the largest cities in this portion of the state, and vary from approximately 3,000 to 15,000 in population. They are also the places at which are located the principal milk processing plants at which milk is received from producers for distribution in the area. There are, however, numerous smaller towns in which milk received at plants in these larger towns is distributed. In only three of these—Hoisington, Ellinwod, and Elkhart are there any milk plants which receive milk from dairy farmers and distribute fluid milk. Hoisington and Ellinwood are in the immediate vicinity of Great Bend.

Throughout a considerable portion of the surrounding area distribution of Grade A milk for fluid consumption is exclusively from (1) plants located within the area proposed, (2) plants regulated by the order for the Wichita, Kansas, market, and (3) producers retailing their own milk. There is little if any distribution of non-Grade A milk other than by farmer retailers. The regulation proposed is restricted to pric-

ing Grade A milk eligible for fluid consumption that is received by handlers from producers. While it is not feasible to define a marketing area to include all territory within which regulated handlers may extend their sales it is considered advisable that the area defined include that territory within which they are the principal or sole suppliers of the kind of milk to be regulated and in which their sales are a significant portion of their business.

One Dodge City handler who distributes milk throughout the entire 29 county area proposed has about 13 percent of his sales in Dodge City and less than half of his sales in the 8 cities which producers proposed. A Garden City handler with distribution in 15 counties has slightly more than half of his sales in three of these cities. While the record does not show the percentage distribution of their sales, it shows that another Dodge City handler and a handler whose plant is located at Pratt each distribute milk in eight counties.

It is concluded that the marketing area should be defined to include the cities of Ashland, Cimarron, Coldwater, Dodge City, Ellinwood, Garden City, Great Bend, Greensburg, Hoisington, Hugoton, Johnson, Jetmore, Kinsley, La Crosse, Lakin, Larned, Liberal, Meade, Medicine Lodge, Ness City, Pratt St. John, Scott City, Stafford, Syracuse, and Ulysses and certain townships which are adjacent to or include the Cities of Dodge City, Ellinwood, Garden City, Great Bend, Hoisington, Kinsley, Larned and Pratt. The marketing area so defined will include the principal points at which handlers of the larger cities are the suppliers of Grade A milk. It will accomplish the intent of handlers in requesting regulation by county boundaries and at the same time will present less administrative problems.

Population is not dense in the rural areas of Southwest Kansas. The geographical location and population of smaller towns is such as to make it impractical for there to be any substantial milk distribution in the area without sales in the defined marketing area. The inclusion of townships surrounding or adjacent to the principal cities will prevent the establishment of retail sales of unregulated milk adjacent to the boundaries of these cities.

Sales in Greeley, Wichita, Morton, Lane, and Kingman counties are not a significant part of the milk sales of the major handlers who will be regulated by the area herein proposed. For this reason the defined marketing area does not include cities in these counties. The recommended decision included the City of Elkhart in Morton County in the area to be defined and did not include Scott City in Scott County. A review of the record in the light of exceptions received indicates that with respect to milk supplies and sales, Scott City is more closely related to the other portions of the area than is Elkhart. It is therefore concluded that Scott City should be included in the defined marketing area and that Elkhart need not be included.

Within the defined area, milk labeled Grade "A" must be produced and handled under local or state supervision in accordance with the standards of the United States Public Health Service Standard Milk Ordinance. These standards have been adopted by the Kansas State Board of Agriculture and are contained in the ordinances of the principal cities. While not all of the cities of the defined marketing area require milk of Grade "A" quality, distribution of non-Grade "A" milk appears to be limited to that of producer-retailers. As indicated by the area of distribution of major handlers, milk of Grade "A" quality moves freely within the defined area. While only one handler distributes throughout the entire area, several handlers distribute their milk throughout a considerable portion of the area. A single cooperative association represents a majority of the producers supplying the principal handlers who would be regulated.

4. *The scope of regulation.* The minimum class prices of the orders should apply to milk of Grade A quality received directly from the farm on which it is produced, at a milk plant from which fluid milk is distributed on routes in the marketing area, or at a receiving plant closely associated with and regularly supplying such a plant.

Health authorities of most cities of the marketing area in which bottling plants are located inspect the farms of and issue permits or ratings to those producers whose milk is eligible for distribution as Grade A Milk. In at least one instance, Liberal, the record indicates that currently farm inspections are made and ratings issued by the State of Kansas. However the City of Liberal is proposing to adopt an ordinance under which these functions will be performed by municipal authorities.

In order to distinguish clearly what milk is to be subject to the order, which processors and distributors are to be subject to regulation, and which dairy farmers will have their milk priced and pooled, it is necessary to include in the order definitions of "approved plant", "handler", "producer" and "other source milk".

"Approved plant" should be defined to include those milk plants approved by the appropriate health authorities having jurisdiction in the marketing area from which Class I milk (fluid milk items specifically named elsewhere in the order) is disposed of under Grade A label on routes in the marketing area. The definition should also include the plants which regularly receive milk from producers under inspection of the health authority of a municipality of the marketing area and move it to a plant under common ownership from which Grade A milk is disposed of on routes in the marketing area. The definition will thus be restricted to those plants regularly supplying the fluid milk needs of the area and will not include outside plants which from time to time furnish supplementary supplies to plants regularly supplying the area. There are presently no plants operating as receiving stations. One handler however, has a second plant which until recently was operated as a receiving and bottling plant and where milk from producers is presently collected and moved in farmer's cans to the handler's principal plant. Provision is made for this plant to be considered an approved plant should the handler choose to receive and commingle milk there for more economical handling.

It was contended that the benefits of market-wide pooling shall not be extended to dairy farms or fluid milk plants having only casual association with the market. Accordingly a proposal was made that a plant which disposed of less than 15 percent of its receipts of Grade A milk on routes in the marketing area be excluded from pooling. The need for such a provision at this time appears largely speculative and accordingly no action is herein considered on the basis of this record.

"Handler" should be defined as any person in his capacity as the operator of an approved plant and any cooperative association with respect to milk of producers which it may divert for its own account to an unapproved plant. The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and for paying producers minimum prices. A cooperative association in its role of marketing milk of its producer members may need for short periods to divert producers milk from approved plants to unapproved plants for its own account. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price established under the order and their milk will be available for fluid use when needed.

"Producer" should be defined as any person, other than a producer-handler who produces milk received at an approved plant, or diverted from an approved plant to an unapproved plant for the account of a handler, which milk is produced under a Grade A dairy farm permit or rating issued by the appropriate health authority of a municipality of the marketing area or by the State of Kansas. Provision should be made to exclude any person whose milk is priced under another Federal order as a producer under this order, since this would result in such persons' milk being priced and pooled under two separate regulations.

The order does not propose to price the milk or pool the Class I sales of a producer-handler, who is a person operating an approved plant and produces milk but receives no milk from producers. The producer-handler is his own marketing agent and is thus in a position to regulate his production to his sales and completely control its disposition. Producer-handlers are thus in an entirely different position from producers whose milk is marketed through a handler, and a producer-handler's milk should not be subject to the pricing and pooling provisions of the order. Any milk that producer-handlers sell to handlers is normally surplus to their own operations; to pool such milk without also pooling the Class I sales producer-handlers make directly would result in a preferential market to producer-handlers as compared with producers regularly supplying handlers. Producer-handlers should therefore be excluded from the definition of producers and any milk they deliver to buying handlers be treated as other source milk.

"Other source milk" should be defined to include all skim milk and butterfat other than that contained in producer milk. When received at an approved plant, such milk would be from dairy farmers not approved for producing Grade A milk or from a plant which does not qualify as an approved plant. Other source milk would not be priced under the order, but would be allocated to the lowest use in the handler's plant to prevent its displacing producer milk, which constitutes the regular supply of the market, from Class I.

5. *Classification of milk.* Milk should be classified in two classes. Class I milk should include all skim milk and butterfat disposed of as milk, skim milk, buttermilk, flavored milk drinks, and cream or cream mixtures. These are the products which are required by health regulations to be Grade A milk. Class II milk should include all skim milk and butterfat used to produce products not required to be from Grade A milk, disposed of for livestock feed, and allowable shrinkage.

Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I milk in order to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for this purpose under most conditions. For the flush production months of April, May and June the maximum allowance with respect to skim milk is established at 5 percent of receipts in order that handlers with skim milk in excess of their needs in volumes too small to justify transportation to manufacturing plants or other disposition as Class II milk may not suffer undue hardships. No limit need be put on shrinkage of other source milk since such milk is deducted from the lowest use class under the allocation provisions. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts.

To prevent other source milk, which is unpriced, from displacing from Class I producer milk which is the regular supply for the market, other source milk should be allocated to the lowest class uses in a handler's plant. In establishing the classification of milk, responsibility should be placed upon the handler who first receives milk from producers to account for all milk and milk products received, and to prove to the market administrator his claim that such receipts should be classified as other than Class I. The handler who first receives milk from producers is the person who is in position to satisfy this primary requirement of a class price plan. Such a handler must be held responsible for reporting properly the utilization of such milk and making full payment for it. He must, therefore, maintain records to establish unquestionable proof of the utilization of all milk he receives.

Provision should be made to cover the classification of milk, skim milk and cream transferred to other milk plants since such disposition may be for either fluid (Class I) or manufacturing (Class II) use. Transfers to the approved plants of other handlers may be at classification agreed upon between the handlers, provided the transferee plant has use in the agreed class and the prior claim of producer milk in Class I utilization is maintained. This is the most practical method of dealing with inter-handler transfers since it is convenient to handlers and under the market-wide pool neither the total cost of milk to handlers nor returns to producers are changed. Transfers to a producer-handler should be Class I since producer-handlers normally purchase from handlers only for fluid use. Transfers from approved plants to fluid milk plants within 300 miles of Dodge City should be classified as Class I milk up to the total disposition of Class I milk from such plant in excess of its receipts from the dairy farmers constituting its regular source of supply. Transfers to manufacturing plants (those with no route distribution of fluid milk) within 300 miles should be Class II milk. Transfers of milk or skim milk to plants located more than 300 miles from Dodge City should be Class I. Milk and skim milk normally cannot economically be transported greater distances for manufacturing use. The 300 mile limit establishes an area within which there are manufacturing facilities adequate to dispose of any prospective excess of producer milk.

Cream may economically be transported considerable distances for manufacturing use. The use of Grade A certification is a reasonably accurate criterion as to whether cream moves for fluid use or manufacturing use. It is provided that transfers of cream to unapproved plants without regard to distance shall be Class I if under Grade A certification, and Class II if without such certification and identified by label and invoice as for manufacturing use.

6. *Class prices.* The minimum price for Class I milk in the Southwest Kansas marketing area should be based upon the value of milk for manufacturing purposes, as reflected by the prices paid for milk by mid-west condenseries and market prices for butter and nonfat dry milk solids. The production of manufacturing quality milk is neither an important agricultural enterprise in the Southwest Kansas area nor a significant factor in the total potential supply for the market. Nevertheless changes in the value of milk for manufacturing purposes have for considerable time been reflected in the prices for fluid use. Such changes have resulted from the relationship of the Wichita market to the Southwest Kansas market. There is considerable competition for milk sales between Wichita handlers and Southwest Kansas handlers. There is also some competition for milk supplies between the two markets. As a result the milk prices in the Southwest Kansas area have followed the pattern in the Wichita market. The minimum prices of the Wichita order are based upon manufacturing milk values. The relationship between the two markets is sufficiently close to make it important that changes in minimum order prices be influenced by the same factors. The basic formula price to be used in establishing the current month price for milk of 3.8 percent butterfat content should be the higher of the prices paid farmers at 15 milk manufacturing plants in Wisconsin and Michigan or a formula price based on market values of butter and nonfat dry milk solids. Such a basic formula parallels closely that in the Wichita order, prices milk at the basic test to which the market is accustomed, and permits handlers to know their costs at the time of purchase.

The Class I price should be the basic formula price plus $1.65 in all months of the year. This is the Class I differential of the Wichita market. Producers proposed that this differential be $1.90 in order to compensate for differences in the classification and method of accounting for milk herein proposed from those applicable under the Wichita order and currently in use in the Southwest Kansas market. They contended that a Class I differential of $1.90 would be required, when applied to the separate classification and accounting for skim milk and butterfat proposed, to produce a blend or uniform price equal to that which would result from a $1.65 Class I differential applied to the milk equivalent classification and accounting system in use heretofore. Computation of the results under the two systems indicates that a differential somewhat less than $1.90 would accomplish this result.

Milk supplies in the Southwest Kansas area have increased substantially throughout 1952 and 1953. For January 1953 receipts were 26 percent greater than for January 1952. For May 1953 the increase over the same month a year earlier was more than 50 percent. Much of this increased supply was needed, as the market was in short supply during much of 1952 and for several years previously. Furthermore the prices paid producers much of this time were substantially in excess of the minimum prices of the Wichita order. The record however indicates that underlying economic conditions in the area have changed in a way which will increase the attractiveness of milk production. The principal agricultural enterprises of the area are wheat and beef cattle. Reductions in wheat acreages under marketing quotas and reduced profits from beef operations will, in the opinion of producer witnesses, increase milk production. These changes may also be reflected in sales volumes in this area in which much of the economy is closely related to agricultural enterprises. Under these circumstances it is considered advisable that the Class I differential be established at $1.65 at this time.

Producers proposed that the Class II price be the butter-powder formula price but that 30 cents for all months other than April, May and June, and 45 cents in these months, less than this price should apply to milk used in certain ways, principally that used for the manufacture of butter and cheese. Handlers proposed that the Class II price be determined by a butter-powder formula price incorporating lower yield factors and larger manufacturing al-

lowances than those included in the attached order. For July the handler proposal was 47 cents less than the butter-powder formula price adopted as an alternative basic formula.

There is little production of milk for manufacturing use in the Southwest Kansas area and consequently limited facilities for processing milk into manufactured dairy products. Major milk handlers have facilities for making ice cream and cottage cheese and until recently all Grade A milk in excess of fluid needs was used in these products. Some handlers have limited facilities for making butter and cheese, and there is one cheese plant of limited capacity in the area. Increased supplies of milk in the flush season of 1953 were sufficient to require use of these facilities in disposition of surplus Grade A milk. The limited volume and facilities for manufacturing milk in the area provide no basis for pricing Class II milk on the basis of local paying prices.

National market values appear to be appropriate for pricing Class II uses with the possible exception of butter and hard-type cheese during spring months of flush production. The butter-powder formula has over the past seven years averaged within four cents per hundredweight of the United States average price paid for manufacturing milk shown in the record. For 1953 however, the U. S. average price paid was 19 cents less than the butter-powder formula price, indicating that under current dairy marketing conditions in the country there has been a widening of the gross margin between market values of dairy products and the prices plants generally pay for manufacturing milk.

The proposals received at the hearing apparently presuppose an indefinite continuation of these wider gross margins. While such margins have widened under somewhat similar conditions in the past they have reduced as marketing conditions change. In order that the current marketing situation may be reflected in the Class II price without freezing the price at an arbitrarily low level, it is concluded that the national average price for manufacturing milk should determine the Class II price. For July 1953 this price was 21.8 cents less than the butter-powder formula price. A preliminary estimate of this price is published by the Department by the end of the month to which it applies. The price per hundredweight and the average test of milk are given. While this preliminary estimate is subject to later revision, comparisons of preliminary and final figures show that these seldom show a revised price that is not related to a corresponding change in the butterfat test reported. It appears that when converted to a 3.8 percent basis by direct ratio the price reported currently is appropriate for use in determining the Class II price of the Southwest Kansas order.

In the recommended decision provision was made for a credit of four cents per pound applicable to butterfat in producer milk classified as Class II and used in the manufacture of butter and cheese during the months of March through June 1954. It is not now expected that an order will be issued which will be effective for pricing purposes before the expiration of this period, hence the provision is not included in the order.

The minimum class prices thus determined apply to milk of 3.8 percent butterfat content. Such prices to handlers should be adjusted for the actual butterfat test of the milk classified in each class. Butterfat differentials to handlers accomplish this result. For Class I milk the handler butterfat differential should be .125 times the Chicago butter price of the preceding month for each one-tenth percent variation from 3.8 percent. For Class II milk the differential should be .115 times the butter price of the current month. Such differentials reflect an appropriate difference in the value of butterfat in Class I milk and in Class II milk in this market.

7. *Payments to producers.* The proposed order provides for a market-wide pool under which all producers supplying the market would receive the same price for their milk regardless of its utilization by the handler who received the milk. Under present arrangements in the market the returns of producers supplying each handler are based on that handler's utilization of milk, and consequently prices vary among handlers. These variations were minor when the market was in short supply and practically all milk received was used as Class I milk. With more ample supplies considerably wider variations have occurred. Some handlers do not have facilities for handling any volume of milk in excess of their fluid needs and consequently have restricted their receipts to approximately their fluid needs. Other handlers with manufacturing facilities handle the reserve supply and seasonal surpluses of the area. For a period the cooperative association attempted to pool the returns of their members as a means of equalizing returns. During this period non-member producers in high utilization plants received returns in excess of member-producers. As a result of the past experiences in the market the cooperative association recommends that market-wide pooling of all producers be provided in the order.

The record indicates that steps should be taken to level out production on the market. At the present time there is a wide variation between the high and low months of production. Alignment of Class I prices with those of the Wichita market does not provide for seasonal differences in Class I prices beyond those that are in the basic formula price. Producers have proposed a fall incentive plan whereby 50 cents per hundredweight would be deducted in computing the uniform price during each of the months of April, May and June, and one-third of the total amount deducted would be disbursed to producers on the basis of their deliveries during each of the following months of August, September and October. This plan has the effect of applying a seasonal element in the pricing of milk to producers. It is concluded it should be adopted as a means of encouraging a more uniform pattern of production.

The practice of paying producers twice monthly now prevails in the market and should be continued under the order. Uniform prices, however, should be computed only once each month. Provision should be made for an advance payment with respect to milk delivered during the first half of the month at not less than the previous months' Class II price with final settlement for all deliveries at the uniform price of the order.

The butterfat differential to be used in making payments to producers should be the Chicago butter price times .12. This is the differential used in the Wichita order and in the Southwest Kansas market at this time. Handler's costs are not affected by this differential as it is merely a means of prorating returns to producers delivering milk of varying butterfat tests.

Provision is made for payments to a cooperative association of the amounts due its member producers if the cooperative association has such authority, as determined by the market administrator, and requests that payments be so made. This practice was used for a time by a cooperative association in the market.

8. *The administrative assessment.* It appears that an administrative assessment of 5 cents per hundredweight on all producer milk and on other source milk used in Class I will be required to defray the cost of administering the order, at least during its initial stages.

The market administrator is required to verify the use of all milk received at approved plants and must have sufficient funds to enable him to administer properly the terms of the order. In view of the anticipated volume of milk to be regulated and the costs incident to regulation over a widespread area, a maximum rate of 5 cents per hundredweight should be adopted to guarantee a sufficient income for proper administration. Expenses are normally relatively high at the beginning of a program. Should experience show that a lesser rate will suffice, provision is made that the Secretary may reduce the assessment to whatever amount is necessary to meet expenses without amending the order.

9. *Administrative provisions.* The remaining provisions of the order are of a general administrative nature, are incidental to the other provisions of the order, and are necessary for the proper and efficient administration of the order. They provide for the selection of a market administrator, define his powers and duties, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required by the order. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in the event of its suspension or termination. They are similar to like provisions of other orders and except as set forth below require no comment.

Producer-handlers should be exempt from the regulatory provisions of the order except that requiring the filing of reports as requested by the market administrator. Reports are required from the producer-handler in order to verify his continued status as a producer-handler and to suplement market information.

A handler who operates an approved plant which is subject to the regulatory provisions of another milk marketing agreement or order issued pursuant to the act should be exempt from the provisions of this order other than for reporting his volume of Class I sales in the marketing area. It would be impractical to attempt to regulate a handler under two separate orders with respect to the same milk. It appears reasonable that the effective regulation should be that of the area in which such a handler makes the greater portion of his sales. Such a provision will conform to the parallel provisions of the Wichita order. A proposal that such a handler be required to pay any amount by which the value of Class I milk disposed of in the Southwest Kansas marketing area (at the minimum prices of this order) exceeds that charged under the other order need not be adopted. Handlers subject to the Wichita order are the only ones likely to be affected by such a provision. The pricing provisions herein recommended are so aligned with those of the Wichita order as to make the provision unnecessary.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Provision should be made for the dissemination of market information to producers, for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. The order should provide that 6 cents per hundredweight, or such lesser amount as the Secretary may determine be deducted from payments to such producers and be turned over to the market administrator to finance the cost of such services. The percent costs of rendering such services are increased in the Southwest Kansas area by the distances between handler plants and the relatively small number of producers. For producers for whom a cooperative association is rendering such services, the handler should pay to the cooperative association such deductions as the producer has authorized the cooperative to collect, such payments to be in lieu of those to the market administrator.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Ruling on exceptions. Within the period reserved therefor, exceptions were filed to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

Determination of representative period. The month of January 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order to regulate the handling of milk in the Southwest Kansas marketing area in the manner set forth in the attached order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Southwest Kansas Marketing Area," and "Order Regulating the Handling of Milk in the Southwest Kansas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 29th day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Southwest Kansas Marketing Area

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919.0 Findings and determinations.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

MISCELLANEOUS PROVISIONS

Sec.
919.100 Agents.
919.101 Separability of provisions.

AUTHORITY: §§ 919.0 to 919.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 919.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Southwest Kansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts within the month of (i) other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Southwest Kansas marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 919.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 919.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 919.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 919.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 919.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 919.6 *Southwest Kansas marketing area.* "Southwest Kansas marketing area", hereinafter called "the marketing area", means all territory within the cities of:

Ashland.	La Crosse.
Cimarron.	Lakin.
Coldwater.	Larned.
Dodge City.	Liberal.
Ellinwood.	Meade.
Garden City.	Medicine Lodge.
Great Bend.	Ness City.
Greensburg.	Pratt.
Hoisington.	St. John.
Hugoton.	Scott City
Johnson.	Stafford.
Jetmore.	Syracuse.
Kinsley.	Ulysses.

And within the townships of Great Bend, South Bend, North Homestead, South Homestead, and Lakin in Barton County, Kinsley in Edwards County, Garden City in Finney County, Dodge and Richland in Ford County, Larned and Pleasant Grove in Pawnee County, Canter and Saratoga in Pratt County, and Liberal in Seward County, all in the State of Kansas.

§ 919.7 *Approved plant.* "Approved plant" means any milk plant approved by the appropriate health authority having jurisdiction in the marketing area:

(a) From which milk is disposed of under a Grade A label on wholesale or retail routes (including plant stores) as Class I milk in the marketing area, or

(b) Where milk of producers for whom permits or ratings are issued by a municipality of the marketing area is regularly received, tested, weighed, and commingled for shipment to a plant described in paragraph (a) of this section under the same ownership.

§ 919.8 *Unapproved plant.* "Unapproved Plant" means any milk plant which is not an approved plant.

§ 919.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; or

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 919.10 *Producer.* (a) "Producer" means any person, other than a producer-handler, who produces milk which (1) is received at an approved plant directly from the farm at which produced, and (2) is produced under a dairy farm permit or rating for the production of milk to be disposed of as Grade A milk issued by the appropriate health authority of a municipality of the marketing area or by the State of Kansas.

(b) "Producer" shall include any such person whose milk is regularly received at an approved plant but which is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this order pursuant to § 919.61.

§ 919.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 919.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 919.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 919.14 *Route.* "Route" means any delivery (including a delivery by a vendor or at a plant store) of milk, skim milk, buttermilk, or flavored milk drink other than in bulk to a milk processing plant.

MARKET ADMINISTRATOR

§ 919.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 919.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 919.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 919.88:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 919.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this subpart, and, upon request by the Secretary, surrender, the same to such other person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, the name of any person who, 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 919.30 and 919.31, or (2) payments pursuant to §§ 919.80 to 919.88, inclusive;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(i) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum prices for Class I milk pursuant to § 919.51 (a) and the Class I butterfat differential pursuant to § 919.52 (a), both for the current month, and the minimum price for Class II milk pursuant to § 919.51 (b) and the Class II butterfat differential pursuant to § 919.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month the uniform price, computed pursuant to § 919.71 and the butterfat differential computed pursuant to § 919.81, both for the preceding month;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 919.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The quantity of skim milk and butterfat contained in all milk, skim milk, cream and products specified as Class I milk pursuant to § 919.41 (a) on hand at the beginning and end of each month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 919.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 919.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 919.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and,

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 919.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 919.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 919.30 shall be classified by the market administrator pursuant to the provisions of §§ 919.41 to 919.46, inclusive.

§ 919.41 *Class of utilization.* Subject to the conditions set forth in §§ 919.42 through 919.46, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog, aerated cream, and bulk ice cream mix) of cream and milk or skim milk, and (2) all others skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat;

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In cream frozen and stored;

(4) In shrinkage of producer milk that is not in excess of 2 percent (5 percent with respect to skim milk during the months of April, May and June) of receipts from producers;

(5) In shrinkage of other source milk; and

(6) In inventory at the end of the month as milk, skim milk, cream, or any product specified in paragraph (a) of this section.

§ 919.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in receipts from producers and of other source milk.

§ 919.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II milk in the previous month pursuant to § 919.41 (b) (6) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 919.46 (a) (4).

§ 919.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator on or before the 7th day after the end of the month within which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk, or cream to the approved plant of another handler (except a producer-handler), subject in either event to the following conditions:

(1) The receiving handler has use in such class of an equivalent amount of skim milk and butterfat, respectively;

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest total Class I utilization in the two plants.

(b) As Class I milk, if transferred or diverted to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant more than 300 miles from the courthouse at Dodge City, Kansas, by the shortest highway distance as determined by the market administrator.

(d) As Class I milk, if transferred to an unapproved plant in the form of cream under Grade A certification, or unless the handler claims Class II classification and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are for manufacturing use only and that the shipment was so invoiced.

(e) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located not more than 300 miles from the courthouse at Dodge City, Kansas, by shortest highway distance, as determined by the market administrator, and from which fluid milk is disposed of on wholesale or retail routes, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred from the approved plant shall be allocated to the highest use remaining after subtracting in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant direct from dairy farmers who the market administrator determines constitute the regular source of supply of such plant for fluid usage.

(f) As Class II milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant located not more than 300 miles from the courthouse at Dodge City, Kansas, by shortest highway distance as determined by the market administrator, and from which fluid milk is not disposed of on wholesale or retail routes.

§ 919.45 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk of such handler.

§ 919.46 *Allocation of skim milk and butterfat classified.* After making the computation pursuant to § 919.45, the market administrator shall determine the classification of producer milk as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 919.41 (b) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 919.41;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in other source milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen cream), or any other product specified in § 919.41 (a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 919.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) If the remaining pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the percent of butterfat content in such milk in each class.

MINIMUM PRICES

§ 919.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., West Bend, Wis.
White House Milk Co., Manitowoc, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 919.51 *Class prices.* Subject to the provisions of § 919.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight shall be the basic formula price plus $1.65 during all months of the year.

(b) *Class II milk.* The price per hundredweight shall be the average price reported by the Department for the current month for milk for manufacturing purposes, f. o. b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio.

§ 919.52 *Butterfat differential to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 919.46 is more or less than 3.8 percent, there shall be added to the respective class price, computed pursuant to § 919.51 (a) and (b) for each one-tenth of one percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the appropriate month, by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: Multiply such price for the preceding month by 1.25; and

(b) Class II milk: Multiply such price for the current month by 1.15.

APPLICATION OF PROVISIONS

§ 919.60 *Producer-handlers.* Sections 919.40 through 919.46, 919.50 through 919.52, 919.70 through 919.71, 919.80 through 919.89 shall not apply to a producer-handler.

§ 919.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply except that the handler shall with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator pursuant to § 919.33.

DETERMINATION OF UNIFORM PRICE

§ 919.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices (adjusted pursuant to § 919.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 919.46 (a) (7) by the applicable class price(s);

(c) Add any charges computed as follows:

(1) For any skim milk or butterfat in inventory reclassified pursuant to § 919.43 (b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month;

(2) For any other skim milk or butterfat reclassified pursuant to § 919.43 (b) a charge shall be computed at the difference between its value at the Class I price and its value at the Class II price both, for the month in which previously classified as Class II milk.

§ 919.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight for all milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 919.70 for all handlers who made the reports prescribed in § 919.30 and who made the payments pursuant to §§ 919.80 and 919.83 for the preceding month;

(b) For each of the months of April through June subtract an amount equal to 50 cents per hundredweight on the total amount of producer milk included in these computations to be retained in the producer-settlement fund for the purpose specified in § 919.85;

(c) Add not less than one-half of the unobligated cash balance on hand in the producer-settlement fund;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent or add if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 919.81 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received from producers.

PAYMENTS

§ 919.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 919.71 adjusted by the butterfat differential computed pursuant to § 919.81, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 919.84, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the last day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received during the first 15 days of such month, at not less than the Class II price of the preceding month.

(c) On or before the 13th and 27th days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 919.31.

§ 919.81 *Producer-butterfat differential.* In making payments pursuant to § 919.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 919.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 919.83 and 919.86, and out of which he shall make all payments pursuant to §§ 919.84, 919.85, and 919.86.

§ 919.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any by which the value of the milk received by such handler from producers as determined pursuant to § 919.70 is greater than the amount required to be paid producers by such handler pursuant to § 919.80.

§ 919.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount,

if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 919.70 is less than the amount required to be paid producers by such handler pursuant to § 919.80: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 919.85 *Fall incentive payment.* On or before the 15th day after the end of each of the months of August, September and October, the market administrator shall pay out of the producer-settlement fund to each producer from whom milk was received by handlers during the month, an amount computed as follows:

(a) Divide one-third of the total amount held pursuant to § 919.71 (b) by the total hundredweight of producer milk received by all handlers during the month and multiply the resulting amount (computed to the nearest cent per hundredweight) by the hundredweight of milk received from each such producer during the month: *Provided*, That payment under this paragraph due any producer who has given authority to a cooperative association to receive payments for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payment.

§ 919.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or,

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 919.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 919.80, shall deduct 6 cents per hundredweight or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 919.31 in lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 919.31.

§ 919.88 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the month of (a) other source milk which is classified as Class I, and (b) milk from producers including such handler's own production.

§ 919.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 919.90 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 919.91.

§ 919.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it ceases to be in effect.

§ 919.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 919.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 919.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 919.101 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart, to other persons or circumstances, shall not be affected thereby.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Southwest Kansas Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Southwest Kansas marketing area) who, during the month of January 1954 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of January 1954 is hereby determined to be the representative period for the conduct of such referendum.

Hobart E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 35th day from the date this referendum order is issued.

Done at Washington, D. C., this 29th day of March 1954.

[F. R. Doc. 54-2367; Filed, Apr. 1, 1954; 8:50 a. m.]

[7 CFR Part 943]

[Docket No. AO-231-A-4]

HANDLING OF MILK IN THE NORTH TEXAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Correction

The following should be added to F. R. Doc. 54-2264, appearing at page 1773 of the issue for Wednesday, March 31, 1954:

This decision filed at Washington, D. C., this 25th day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[7 CFR Part 961]

[Docket No. AO-160-A-15-RO1]

HANDLING OF MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Philadelphia, Pennsylvania, on January 21, 1954, pursuant to notice thereof which was issued on January 11, 1954 (19 F. R. 273) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. On the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 16, 1954 (19 F. R. 1516) filed with the Hearing Clerk, United States Department of Agriculture, a recommended decision on issues listed as No. 2 and No. 4 herein. Issues No. 1 and No. 3 had been previously dealt with in the decision of the Secretary issued February 11, 1954 (19 F. R. 883).

The material issues on the record of the hearing were:

(1) Whether the 10-cent seasonal reduction in the Class II price should apply in February and March 1954.

(2) Whether certain Class II products should be priced in certain periods in a separate subclass at a price lower than the regular Class II price.

(3) The need for abbreviated procedure to change the Class II price formula.

(4) Revision of the Class II formula on a more permanent basis.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing:

2. *Price subdivisions in Class II.* For the months of April, May, and June, 1954 Class II milk should be priced in two subdivisions: the higher price subdivision should be priced on a formula without the usual 10-cent seasonal adjustment; the lower price subdivision, which would include milk dumped, used for animal feed, or manufactured into butter, cheddar cheese, baker's or any other cheese except cream or cottage cheese, evaporated milk, milk chocolate, nonfat dry milk, soup, candy, or bakery products, should be priced 20 cents less than the higher price subdivision. The pricing formula for the butterfat value during this period should be a value based on the New York price for Grade A (92-score) butter, or that based on cream prices in the Philadelphia market (excluding cream with special municipal qualification), whichever is higher.

In the decision of February 11, 1954, and amendment effective March 1, 1954 (19 F. R. 1081), modification of the Class II price provisions was applied only for the month of March this year. The situation referred to in that decision with respect to the problems of disposal of the increased volume of milk over fluid needs is expected to continue for the other months of seasonally high production this year. Since May has usually been the month of highest production, the burden of surplus may be expected to increase over the March level. Without further price adjustments, unwillingness of handlers to accept all producer milk, and the problem of diversion of such turned-back milk, as described in the previous decision, would be considerably accentuated during coming months.

Producers and handlers urged that certain kinds of utilization in Class II be designated as a subclass, with a price lower than the regular price. Such a subdivision of Class II was presented as a step to induce handlers to accept the larger volume of milk for manufacture in their own plants or shipment to manufacturing plants. In this conjunction, certain allowances also were proposed for handling, and in case of diversion, for transportation.

It may be expected that the marketing conditions during the 1954 flush production season in this market, with respect to excess milk over fluid needs, will be similar to conditions experienced in the flush season of 1953. In the April-June period of last year the Class II price formula reduced the price, in response to the increased supply of milk, to a level, on a 3.5 percent butterfat basis, about 6 percent below the estimated average level paid for manufacturing milk nationally (converted by direct ratio to the same test). The average price during that period also was lower than if it had been based on the butter price specified in the order.

The record does not substantiate a general reduction in producer returns on Class II milk during coming flush months, except insofar as caused by changes in market values of products, and some recognition of greater usage in lower valued products, which in this market will involve greater handling and transportation costs. A subdivision of Class II utilization for pricing purposes will provide such recognition.

Products in which milk diverted to non-handler manufacturing plants would generally be used would include: butter, cheese, evaporated milk, milk chocolate, nonfat dry milk, soup, candy, and bakery products. Milk dumped or disposed or for animal feed should not return more than the lowest utilization price. Utilization in these items should be designated as a subdivision of Class II for the months of April, May and June 1954. Cottage cheese and cream cheese are regularly manufactured in handler plants for their own trade, and should not be included in the proposed subclass.

A 20-cent per hundredweight minus differential should apply to milk used in the lower priced subdivision of Class II. Such a division of Class II, with the proposed price differential, would remove the basis for the 10-cent seasonal adjustment which is now provided in the order in recognition of the higher proportion of Class II utilization in such manufactured products, as named above, during

the flush production season. The proposed pricing plan will relate the seasonal change in the Class II prices directly to that portion of the milk going into these manufactured products and most likely to incur extra handling and transportation costs.

Some possibility that the butterfat value based on the price of butter might be higher than the value based on cream prices has been mentioned. Butter is generally a marginal use for butterfat. Butter is one of the products which the Department offers to buy at a specific price under the price support program. Accordingly, it is appropriate that the butterfat value used in this special pricing for Class II milk be based upon cream or butter, whichever yields the higher value.

The proposed amendment would establish a value for utilization in the lower priced subdivision of Class II, by deducting 20 cents per hundredweight of milk or 5 cents per pound of butterfat, whichever deduction is greater. This method of adjusting to the lower price avoids giving double credit if a handler disposes of milk in nonfat dry milk and butter, and yet allows the 20 cents credit if only the butterfat or only the skim milk is disposed of in the products named in the lower priced subdivision.

Priority for producer milk in the higher priced utilization in Class II, would be maintained by subtracting a handler's receipts from non-producer sources of milk, skim milk, or butterfat, or equivalent of any concentrated product, from the quantity on which the handler's credit in this utilization would otherwise be computed.

It is further concluded that the suitability of the proposed subdivision of Class II, and special pricing thereof, cannot be decided on this record for periods beyond the current period of April, May and June of 1954.

4. *Revision of Class II formula.* Producers and handlers, in their exceptions to the recommended decision, requested that certain changes proposed in the recommended decision for a temporary period, be made permanent provisions of the order. The changes referred to were modifications of the Class II price formula made in the interest of similarity of prices under this order and orders of the Pennsylvania Milk Control Commission. From data in the record it appears such changes would not greatly affect the general level of the resulting Class II prices, and it is concluded that they should be adopted on a continuing basis.

One such change is use of the average of reported cream prices, not including cream with special municipal approval. Omission of lower Merion Township approved cream from this calculation reduces the resulting average cream price. The effect of this change on the Class II price would be offset against some changes in the other direction. Deduction of $2.00 from the average cream price and division of the result by 8.50 would give a deduction of about 23.5 cents per hundredweight of milk, as compared to 26.5 cents in the calculation of the cream value under the current Class II formula. Calculation of the skim milk value by deducting 5 cents per pound from the price of nonfat dry milk, and multiplying by 0.90 and 7.5 would, at current levels of the nonfat dry milk solids price described in the order, result in about the same value for the skim milk portion of the Class II price formula. The butterfat differential provision would be modified to simplify this calculation.

Handlers excepted to adjustments to the Class II price offsetting deductions allowed to handlers at plants 11 miles but less than 31 miles from City Hall in Philadelphia. Such adjustments are not included in the proposed amendment contained herein.

Rulings on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, amending the order, now in effect, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 29th day of March 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the said order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 961.40 (b) and substitute the following:

(b) *Class II milk.* The price per hundredweight during each month shall be the sum of the values calculated by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph, except as provided in subparagraph (3) of this paragraph.

(1) *Butterfat.* Add all market quotations (using the mid-point of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00 and divide by 8.50: *Provided,* That such butterfat value shall not be less than 4 times 120 percent of the average of the daily wholesale selling price for Grade A (92-score) butter at New York as reported by the United States Department of Agriculture for the month for which payment is to be made, less 19 cents.

(2) *Skim milk.* From the average of all the prices per pound for nonfat dry milk solids made by the roller process, sold as "other brands" for human consumption in bags or barrels by carlots (using mid-point of any range as one quotation), published during such month in "Producer's Price Current", subtract 5 cents, multiply by 0.90 and multiply by 7.5.

(3) For the months of April, May, and June 1954, in the case of milk, skim milk, or butterfat, dumped, disposed of for animal feed, or manufactured by the handler or others into butter, Cheddar cheese, Baker's or any other cheese except cream or cottage cheese, evaporated milk, milk chocolate, nonfat dry milk solids, soup, candy or bakery products, less any milk, butterfat, or equivalent of concentrated milk product received from a non-producer plant, the value shall be adjusted downward at the rate, applied to the total utilization during the month in such products, of 20 cents per hundredweight of such total quantity, or 5 cents per pound of butterfat in such total quantity, whichever results in the greater aggregate adjustment.

2. In § 961.41 delete paragraph (b) and substitute:

(b) The Class II price shall be subject to a butterfat differential for each one-tenth of one percent variation above or below 4 percent which is the butterfat value computed pursuant to § 961.40 (b) (1) divided by 40.

[F. R. Doc. 54-2368; Filed, Apr. 1, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72–74, 77, 78]

[Notice 14; Docket 3666]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

MARCH 26, 1954.

The Commission is in receipt of applications for early amendment of the above entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code and Part II of the Interstate Commerce Act.

Application for these amendment ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix, hereof.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] GEORGE W. LAIRD,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 commodity list (15 F. R. 8265, 8266, 8270, 8273, Dec. 2, 1950) (18 F. R. 3133, June 2, 1953) (19 F. R. 1276, Mar. 6, 1954) (49 CFR 1950 Rev., 1953 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as—	Exemptions and packaging	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Coal gas. See Hydrocarbon gas, non-liquefied				
Ethyldichlorarsine	Pois. A	No exemption, 73.328	Poison Gas	Not accepted.
Paranitraniline (paranitroaniline), solid	Pois. B	73.364, 73.373	Poison	200 pounds.
Trifluorochloroethylene	F. G	[illegible]	Red Gas	300 pounds.
(Add)				
Methyl methacrylate monomer	F. L	73.118, 73.119	Red	10 gallons.
(Cancel)				
Aluminum scrap [illegible] chips, clippings, shavings, sheets, or turnings	F. S	73.153, 73.229	Yellow	100 pounds.
Xylidene	Pois. B	73.345, 73.346	Poison	55 gallons.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Amend § 73.25 paragraph (a) (18 F. R. 6776, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.25) to read as follows:

§ 73.25 *Specification containers in outside containers.* (a) Outside specification shipping containers containing no acids or other corrosive liquids may be shipped when tightly packed in strong outside fiberboard boxes or drums, wooden boxes, barrels or crates, metal barrels or drums, or other enclosures. The outside shipping container must be marked with the prescribed name of contents and labeled as required. Packages required by the regulations in this part to be marked "This Side Up" or "This End Up" must be packed in the outside packing with their filling holes up, and the outside package must be marked "THIS SIDE UP" or "THIS END UP". The outside container must also be marked "INSIDE PACKAGES COMPLY WITH PRESCRIBED SPECIFICATIONS" unless the specification markings on the inside packages are visible through openings in the outside package.

• • • • •

2. Amend § 73.31 paragraph (a) table, and notes 1 and 2 to paragraph (g) (18 F. R. 3134, June 2, 1953) (18 F. R. 6776, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.31) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* (a) • • •

Where these regulations call for specification Nos.—	These specification containers may also be used—
103 [4] [6] and 103W [4] [6]	A. R. A. II [4] [6], III [4] [6], and IV.[4]
103A [4] and 103A-W [4]	A. R. A. II [3] [4] and III [3] [4]
103B [4] and 103B-W [4]	A. R. A. II [3] [4] and III [3] [4] rubber lined.
104 [4] and 104W [4]	A. R. A. IV.[4]
105A300 and 105A300W	A. R. A. V [3] and I. C. C. 105.[3]
106A500 and 106A500X	I. C. C. 27 cylinders mounted on or forming part of a car and classified as multi-unit tank car prior to October 1, 1930.[6]
106A800 and 106A800X	None.
107A	None.
108	Wooden tanks built and authorized prior to July 1, 1927.
109A	Wooden tanks built and authorized prior to July 1, 1927.

(No change in notes.)

• • • • • •

(g) • • •

NOTE 1: Periodic retests of metal tanks, safety valves, and heater systems of tank cars, except as provided in Note 2, except those in chlorine service, and except tanks made to specification 106A500, 106A500X, 106A800, 106A800X, or 107A, (§§ 78.275, 78.276, 78.277 of this chapter) now required to be made as prescribed in paragraph (g) of this section, may be waived because of the present emergency and until December 31, 1954, or until further order of the Commission.

NOTE 2: Periodic retests of metal tanks, safety valves, and heater systems of specification 103A, 103A-W, 103C, 103C-W and 103C-AL, (§§ 78.266, 78.281, 78.268, 78.283 of this chapter) tank cars, now required to be made as prescribed in paragraph (g) of this section, may be made at 5-year intervals up to 10 years of service, thereafter at 3-year intervals up to 22 years of service, and annually after 22 years of service until December 31, 1954, or until further order of the Commission.

• • • • •

3. Amend § 73.33 introductory text of paragraph (g), and paragraph (k) (11) (18 F. R. 6776, 6777, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.33) to read as follows:

§ 73.33 *Qualification, maintenance, and use of cargo tanks.* • • •

(g) Cargo tanks of the specifications shown in subparagraph (1) of this paragraph, made prior to December 31, 1953, authorized for use under regulations of the Commission effective March 1, 1935, those effective June 15, 1940, or February 1, 1942, may be continued in use as previously authorized until further order of the Commission. Tanks now under construction under specification MC 310 may be so marked.

• • • • •

(k) • • •

(11) Every cargo tank authorized for the transportation of flammable liquids and/or corrosive liquids under specifications MC 300 to MC 303 inclusive, MC 310, or MC 311 (§§ 78.321 to 78.324, 78.330, or 78.331 of this chapter) must be retested as provided in the applicable specification, except that retests not required on tanks equipped with rubber lining but retests must be made before such tanks are relined.

• • • • •

4. Amend § 73.34 paragraph (f) (3), (4), and paragraph (k) (12) (16 F. R. 9373, Sept. 15, 1951) (18 F. R. 6777, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.34) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* • • •

(f) *Safety devices.* • • •

(3) Cylinders containing methyl mercaptan or mono, di, or trimethylamine, anhydrous. Cylinders containing not over 10 pounds of nitrosyl chloride or cylinders containing less than 165 pounds of anhydrous ammonia.

(4) Safety devices are prohibited on cylinders containing fluorine or poisonous gas or liquid as defined in § 73.326 (a).

• • • • •

(k) • • •

(12) Cylinders made in compliance with specifications ICC–4B, ICC–4BA (§§ 78.50, 78.51 of this chapter), ICC–26–240,[1] or ICC–26–300,[1] used exclusively for liquefied petroleum gas which is commercially free from corroding components, may, in lieu of the periodic hydrostatic retest, be given a complete external visual inspection at the time such periodic retest becomes due. When this inspection is used in lieu of hydrostatic retesting, subsequent inspections are required 5 years after the first such inspection and periodically at 5-year intervals thereafter. Inspections shall be made only by competent persons and the results shall be recorded on a suitable data sheet, the completed copies of which shall be kept as a permanent record. The points to be recorded and checked on these data sheets are: Date of inspection (month and year); ICC specification number; cylinder identification (registered symbol and serial number, date of manufacture, and ownership symbol (if needed for adequate identification)); type cylinder protective coating (painted, galvanized, etc. and statement as to need of refinishing or recoating); conditions checked (leakage, corrosion, gouges, dents or digs in shell or heads, broken or damaged footring or protective ring, or fire damage); disposition of cylinders (returned to service, to cylinder manufacturer for repairs, or scrapped); a cylinder which passes the inspection prescribed shall have the date recorded in the manner presently prescribed for the recording of the retest date, except that an "E" is to follow the date (month and year) indicating requalification by the external inspection method.

• • • • •

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.65 paragraph (h) (17 F. R. 1559, Feb. 20, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.65) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* • • •

(h) Shaped charges, commercial, having exposed lined conical cavities must have such cavities effectively filled; those having conical cavities that are covered shall be paired together with the cavities facing each other and with one or more pairs in a fiber tube, or so arranged that the conical cavities of the shaped charges at the ends of the column face toward the center of the tube. The shaped charges in the fiber tubes must fit snugly with no excess space and the fiber tubes containing the shaped charges must be packed snugly with no excess space in the outside containers. Shaped charges, commercial, must be packed in specification containers as follows:

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes. Gross weight not to exceed 140 pounds.

(2) Spec. 23F or 23H (§§ 78.214 or 78.219 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes which must be manufactured of at least 275-pound strength (Mullen or Cady test) double-wall corrugated fiberboard and shall be provided with double-faced corrugated lining board (see § 78.205–15 of this chapter) having minimum strength (Mullen or Cady test) of 200 pounds. Individual charges of explosives shall be packed in inside securely closed, waterproof plastic containers, or in securely closed waterproof fiberboard containers having metal ends. Gross weight not to exceed 65 pounds. Inside individual containers shall be separated by means of double-faced corrugated fiberboard partitions of material not less than 175-pound Mullen or Cady test.

• • • • •

2. Amend § 73.66 paragraphs (d) (1) and (e) (1); cancel Note 1 to paragraphs (d) (1) and (e) (1) (15 F. R. 8290, Dec. 2, 1950) (49 CFR 73.66, 1950 Rev.) to read as follows:

§ 73.66 *Blasting caps and electric blasting caps.* • • •

(d) • • •

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 23F or 23H (§§ 78.214 or 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartons or wrappings with inside containers as prescribed in paragraph (c) of this section, which must be separated from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material. Gross weight not to exceed 150 pounds.

Note 1: [Canceled.]

(e) • • •

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 23F or 23H (§§ 78.214 or 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartons or wrappings with inner containers as prescribed in paragraph (c) of this section, packed in an inside box made of sound lumber or a hermetically sealed metal box of metal not less than 30 gauge United States standard. The inside wooden or metal box must be separated at all points from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material. Gross weight not to exceed 150 pounds.

Note 1: [Canceled.]

• • • • •

3. Amend § 73.67 paragraph (a) (1); cancel Note 2 to paragraph (a) (1) (15 F. R. 8290, Dec. 2, 1950) (17 F. R. 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.67) to read as follows:

§ 73.67 *Blasting caps with safety fuse.* (a) • • •

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes (see Note 1 of this paragraph) or spec. 23F or 23H (§ 78.214 or 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartons or wrappings with inner containers as prescribed in § 73.66 (c), placed in the center of a coil of fuse and secured and cushioned therein to prevent movement therefrom. Gross weight not to exceed 150 pounds.

(No change in Note 1)

Note 2: [Canceled.]

• • • • •

4. Amend § 73.100 paragraph (q) (15 F. R. 8236, Dec. 2, 1950) (49 CFR 73.100, 1950 Rev.) to read as follows:

§ 73.100 *Definitions of class C explosives.* • • •

(q) Explosive rivets, each containing not more than 375 milligrams of explosive composition, are exempt from specification packaging and labeling requirements when packed in pasteboard or other inside boxes in securely closed strong wooden boxes, fiberboard boxes or metal containers. Each outside container must be marked "EXPLOSIVE RIVETS". No other restrictions apply in this part.

• • • • •

5. Add paragraph (a) (2) to § 73.143 (18 F. R. 5272, Sept. 1, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.143) to read as follows:

§ 73.143 *Methylchloromethyl ether, anhydrous.* (a) • • •

(2) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass or earthenware, not over 1 gallon capacity each, except that inside containers up to 3 gallons each are authorized when only one inside container is packed in each outside container.

• • • • •

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend § 73.153 paragraph (b) (19 F. R. 1277, Mar. 6, 1954) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(b) Liquid or solid organic peroxides, (see § 73.244 (a)), except acetyl benzoyl peroxide, solid, and benzoyl peroxide in strong outside containers having not over 1 pint or 1 pound net weight of the material in any one such package, having inside containers securely packed and cushioned with incombustible cushioning, are exempt from specification packaging, marking, and labeling requirements, unless otherwise provided, for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

• • • • •

2. Amend § 73.182 introductory text of paragraph (a) and introductory text of paragraph (b) (19 F. R. 1277, Mar. 6, 1954) (49 CFR 73.182, 1950 Rev.) to read as follows:

§ 73.182 *Nitrates.* (a) Aluminum nitrate, ammonium nitrate, ammonium nitrate fertilizer, ammonium nitrate, limestone, barium nitrate, calcium ammonium nitrate, calcium nitrate, guanidine nitrate, lead nitrate, magnesium nitrate, nitrates, n. o. s., nitrate fertilizer mixture,[1] nitrate of soda and potash, nitro carbo nitrate, potassium nitrate, silver nitrate, and sodium nitrate, when offered for transportation by rail freight, rail express, highway, or carriers by water shall be packed in containers as follows:

• • • • • •

(b) Aluminum nitrate, ammonium nitrate, ammonium nitrate fertilizer, ammonium nitrate limestone, barium nitrate, calcium ammonium nitrate, calcium nitrate, guanidine nitrate, nitrate fertilizer mixture,[1] nitrate of soda and potash, potassium nitrate, and sodium nitrate, when offered for transportation by rail freight, rail express, highway, or carriers by water, in addition to containers prescribed in paragraph (a) of this section, may be packed as follows:

• • • • •

3. Amend entire § 73.220 (17 F. R. 7281, Aug. 9, 1952) (49 CFR 1950 Rev., 1953 Supp., 73.220) to read as follows:

§ 73.220 *Magnesium scrap (borings, chunks, clippings, shavings, sheets, or turnings).* (a) Magnesium scrap consisting of borings, shavings, or turnings, when shipped in carloads or truckloads, must be packed in closed metal barrels, wooden barrels, metal pails, or four-ply paper bags. In less-than-carload or less-than-truckload quantities it must be packed in closed metal drums, metal pails, or wooden barrels.

(b) Magnesium scrap consisting of chunks, clippings, or sheets may be shipped in bulk in carload or truckload quantities. Cars must be tight box cars or tightly closed steel covered gondola cars and trucks or trailers must have closed or completely covered bodies.

(c) Magnesium scrap consisting of chunks, clippings, or sheets in closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking, or labeling requirements.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.247 paragraph (a) (6) and add paragraph (a) (14) (16 F. R. 9375, Sept. 15, 1951) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 1950 Rev., 1953 Supp., 73.247) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) • • •

(6) Spec. 103A, 103A–W, 105A300, or 105A300W (§§ 78.266, 78.281, 78.271, or 78.286 of this chapter). Tank cars, except that for tin tetrachloride (anhydrous) spec. 105A300 or 105A300W tank cars must be used. Benzyl chloride must be stabilized when loaded in unlined tanks.

• • • • •

(14) Spec. 1F or 1G (§§ 78.10 or 78.11 of this chapter). Polyethylene carboys in plywood boxes or drums, or wooden boxes. Authorized for benzoyl chloride and benzyl chloride only.

2. Amend § 73.257 entire paragraph (b) (18 F. R. 803, Feb. 7, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.257) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* • • •

(b) Shipments of electrolyte (acid) or corrosive battery fluid with vehicles offered for transportation by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government are exempt from Parts 71–78 of this chapter when packed as follows:

(1) In one inside glass bottle of not over 1 gallon capacity, tightly and securely closed, packed in a strong outside container and cushioned therein on all sides with incombustible absorbent material in sufficient quantity to completely absorb liquid contents in event of breakage. Outside container must be so blocked, braced or stayed within the vehicle that it cannot change position during transit.

3. Amend § 73.260 paragraph (a) (3), (4), and entire paragraph (b) (15 F. R. 8315, 8316, Dec. 2, 1950) (49 CFR 73.260, 1950 Rev.) to read as follows:

§ 73 260 *Electric storage batteries.* (a) • • •

(3) Electric storage batteries with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type, protected against short circuits and firmly secured to skids or pallets capable of withstanding the shocks normally incident to transportation, are exempt from specification packing requirements for transportation by rail freight, highway, or water. Not more than one layer of batteries may be loaded on a skid or pallet. The height of the completed unit must not exceed $1\frac{1}{2}$ times the width of the skid or pallet. The unit must weigh not less than 300 pounds gross and must not fail under a superimposed weight equal to two times the weight of the unit or a superimposed weight of 4,000 pounds if the weight of the unit exceeds 2,000 pounds. Battery terminals must not be relied upon to support any part of the superimposed weight.

(4) Electric storage batteries weighing 500 pounds or more, with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type, consisting of carriers' equipment may be shipped by rail freight when mounted on suitable skids and protected against

short circuits. Such shipments must not be offered in interchange.

(b) Electric storage batteries with case of asphaltum composition impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type; packing authorized as follows:

(1) One to three batteries not over 25 pounds each in outside box, gross weight not over 75 pounds; specification container not required.

• • • • • •

4. Amend § 73.272 paragraph (h) (2) (18 F. R. 6779, Oct. 27, 1953) (49 CFR 1950 Rev., 1953 Supp., 73.272) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(h) • • •

(2) Spec. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles.

• • • • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
	Percent.	
Chlorine	125	ICC–106A500, 106A500X, Note 12
	125	ICC–105A300, 105A300W, Notes 8 and 18.

• • • • • • • • •

NOTE 11: Before an ICC–105A500, ICC–105A500–W, ICC–105A600 or ICC–105A600–W tank car may be used for the transportation of liquefied carbon dioxide, the following requirements must be met: Tank must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B. t. u. per square foot per degree F. differential in temperature per hour; except that the insulation thickness directly over the center sills may be reduced to give a thermal conductance not exceeding 0.04 B. t. u. per square foot, per degree F. differential in temperature per hour; this reduction is to permit an anchorage which must not exceed seven (7) inches from top of center sills to bottom of tank. Tank must be equipped with one safety valve of approved design set to open at a pressure not exceeding three-fourths of the test pressure of the tank and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up of pressure in tank in excess of three-fourths of the test pressure of the tank. Tank must be equipped with two (2) pressure-regulating valves of approved design, one set to open at three-fifths of the test pressure of the tank and one set to open at two-thirds of the test pressure of the tank. Each regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

• • • • • •

NOTE 18: The maximum quantity of liquefied chlorine gas loaded into tanks mounted on one car structure must not exceed 60,000 pounds. *Provided*, That for single-unit tank car tanks having water weight capacities not less than 86,240 pounds nor over 90,640 pounds, lagged with 4 inches of corkboard, equipped with one or more safety valves set to open at a pressure of 225 pounds per square inch, the total discharge capacity of which must be sufficient to prevent building up of pressure in the tank in excess of 225 pounds per square inch, tank jackets stenciled ICC–105A300 or ICC–105A300W (§§ 78.271 or 78.286 of this chapter) and in all other respects constructed and maintained in full compliance with I. C. C. shipping container specification 105A500 or 105A500W (§§ 78.273 or 78.288 of this chapter), respectively, the quantity of gas loaded into such tanks must be not more than 110,000 pounds nor less than 107,800 pounds.

• • • • • •

(g) [Canceled.]

7. In § 73.315 add the entries "Methyl chloride" and "Methyl chloride (optional portable tank 2,000 pounds water capacity, fusible plug)" to paragraph (a) (1) table; amend the entry "Carbon dioxide" and add the entry "Methyl chloride" in paragraph (h) table and paragraph (i) (2) table; amend Note 1 to paragraph (i) (9) (18 F. R. 6779, 6780, Oct. 27, 1953) (17 F. R. 9839, Nov. 1, 1952) (15 F. R. 8331, Dec. 2, 1950) (49 CFR 1950 Rev., 1953 Supp., 73.315) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.*

(a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (psig)
Methyl chloride	84	88.5	ICC–51, MC–330	150.
Methyl chloride (optional portable tank 2,000 pounds water capacity, fusible plug).	84	See Note 6	ICC–51	225.

• • • • • • •

(h) • • •

Kind of gas	Permitted gauging device
Carbon dioxide, liquefied	Rotary tube; adjustable slip tube; fixed length dip tube.
Methyl chloride	Fixed length dip tube.

• • • • • •

(i) • • •

(2) • • •

Kind of gas	Minimum start-to-discharge pressure (psig)
Carbon dioxide, liquefied	See paragraph (j) (1) of this section.
Methyl chloride	150.

• • • • • •

(9) • • •

NOTE 1: The maximum operating pressure in the tank may be regulated by the use of one or more pressure controlling devices, which devices shall not be in lieu of the safety relief valve required in paragraph (i) of this section.

• • • • • •

SUBPART C—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.346 paragraph (a) (13) (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.346, 1950 Rev.) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) • • •

(13) Spec. 1A, 1D, or 1E (§§ 78.1, 78.4, or 78.7 of this chapter). Glass carboys in wooden boxes or plywood drums.

2. Amend § 73.367 paragraph (a) (2) (15 F. R. 8337, Dec. 2, 1950) (49 CFR 73.367, 1950 Rev.) to read as follows:

§ 73.367 *Arsenical compounds n. o. s., arsenate of lead, calcium arsenate, Paris green, and arsenical mixtures.* (a) • • •

(2) Spec. 36A or 36B (§§ 78.230 or 78.233 of this chapter). Triplex bags. Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide.

• • • • • •

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

Add paragraph (c) to § 74.533 (18 F. R. 3138, June 2, 1953) (49 CFR 1950 Rev., 1953 Supp., 74.533) to read as follows:

§ 74.533 *Truck bodies or trailers on flat cars.* • • •

(c) A truck body or trailer on which is mounted any cargo tank containing any dangerous article shall not be accepted for transportation or transported except under conditions approved by the Bureau of Explosives.

SUBPART E—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 74.538 paragraph (a) Chart, amend Item 2 vertical and horizontal columns (17 F. R. 1563, Feb. 20, 1952) (49 CFR 1950 Rev., 1953 Supp., 74.538) to read as follows :

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.*

(a) • • •

"2" Propellant explosives, jet thrust units (jato), class B, or igniters, jet thrust

• • • • • •

SUBPART D—UNLOADING FROM CARS

1. Amend § 74.560 paragraph (b) (2) (18 F. R. 3138, June 2, 1953) (49 CFR 1950 Rev., 1953 Supp., 74.560) to read as follows:

§ 74.560 *Tank car delivery.* • • •

(b) • • •

(2) Any tank car of other than ICC–106A or 110A type (see §§ 78.275, 78.276, or 78.293 of this chapter), containing anhydrous ammonia, liquefied hydrocarbon or liquefied petroleum gas, and having interior pipes of liquid and gas discharge valves equipped with check valves, may be delivered and unloaded on carrier tracks, if the lading is piped directly from the car to permanent storage tanks of sufficient capacity to receive the entire contents of the car. Such cars may also be stored on a private track or on a carrier track when designated by the carrier for such storage.

• • • • •

(No change in Notes 1 and 2.)

2. Amend § 74.566 paragraph (a) (15 F. R. 8353, Dec. 2, 1950) (49 CFR 74.566, 1950 Rev.) to read as follows:

§ 74.566 *Cleaning cars.* (a) Cars which have contained arsenic, arsenate of lead, sodium arsenate, calcium arsenate, Paris green, calcium cyanide, potassium cyanide, sodium cyanide, or other poisonous articles, which show any evidence of leakage from packages, must be thoroughly cleaned after unloading before cars are again placed in service.

• • • • • •

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

Amend entire § 74.579 (15 F. R. 8354, Dec. 2, 1950) (49 CFR 74.579, 1950 Rev.) to read as follows:

§ 74.579 *Cars containing lading which has been fumigated or treated with flammable liquid, flammable gases, poisonous liquids or solids, or poisonous gases.* (a) Delivery to carrier or transportation of cars containing lading fumigated or treated with flammable liquid or flammable gas is prohibited until 48 hours have elapsed after such fumigation or treatment, or until car has been ventilated so as to remove danger of fire or explosion due to the presence of flammable vapors.

(b) Cars containing lading which has been fumigated or treated with poisonous liquid, solid, or gas, such as carbolic acid, liquid or solid, chlorpicrin, hydrocyanic acid, methyl bromide, etc., must be placarded on each door or near thereto with placard reading as follows (for cleaning cars, see § 74.566):

(Reduced size)

(Red lettering on white cardboard)

10 inches × 8 inches

DANGER

The lading of this car has been FUMIGATED or TREATED with

(Name of poisonous liquid, solid, or gas)

BEFORE UNLOADING, open both doors and DO NOT ENTER until car is free of gas. REMOVE ALL POISONOUS MATERIALS before release of empty car.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. In § 77.848 paragraph (a) Chart, amend Item 2 vertical and horizontal columns (17 F. R. 1564, Feb. 20, 1952) (49 CFR 1950 Rev., 1953 Supp., 77.848) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.*

(a) • • •

"2" Propellant explosives, jet thrust units (jato), class B, or igniters, jet thrust.

• • • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. Amend § 78.36–3 paragraph (a) (15 F. R. 8381, Dec. 2, 1950) (49 CFR 78.36–3, 1950 Rev.) to read as follows:

§ 78.36 *Specification 3A; seamless steel cylinders.*

• • • • • •

§ 78.36–3 *Inspection by whom and where.* (a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

2. Amend § 78.37–3 paragraph (a) (15 F. R. 8384, Dec. 2, 1950) (49 CFR 78.37–3, 1950 Rev.) to read as follows:

§ 78.37 *Specification 3AA; seamless steel cylinders, made of definitely prescribed steels.*

• • • • • •

§ 78.37–3 *Inspection by whom and where.* (a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

3. Amend § 78.41–3 paragraph (a) (15 F. R. 8393, Dec. 2, 1950) (49 CFR 78.41–3, 1950 Rev.) to read as follows:

§ 78.41 *Specification 3D; seamless steel cylinders.*

• • • • • •

§ 78.41–3 *Inspection by whom and where.* (a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

4. Amend § 78.43–3 paragraph (a) (15 F. R. 8397, Dec. 2, 1950) (49 CFR 78.43–3, 1950 Rev.) to read as follows:

§ 78.43 *Specification 3A480X; seamless steel cylinders.*

• • • • • •

§ 78.43–3 *Inspection by whom and where.* (a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

5. Amend § 78.48–3 paragraph (a) (15 F. R. 8399, Dec. 2, 1950) (49 CFR 78.48–3, 1950 Rev.) to read as follows:

§ 78.48 *Specification 4; forge welded steel cylinders.*

• • • • • •

§ 78.48–3 *Inspection by whom and where.* (a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

6. Amend § 78.49–3 paragraph (a) (15 F. R. 8401, Dec. 2, 1950) (49 CFR 78.49–3, 1950 Rev.) to read as follows:

§ 78.49 *Specification 4A; forge welded steel cylinders.*

• • • • • •

§ 78.49–3 *Inspection by whom and where.* (a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

7. Amend § 78.54–3 paragraph (a) (15 F. R. 8414, Dec. 2, 1950) (49 CFR 78.54–3, 1950 Rev.) to read as follows:

§ 78.54 *Specification 4B240–FLW; welded or welded and brazed cylinders with fusion-welded longitudinal seam.*

• • • • • •

§ 78.54–3 *Inspection by whom and where.* (a) By competent and disinterested inspector acceptable to the Bureau of Explosives; chemical analyses and tests, as specified, to be made within limits of the United States.

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Amend § 78.92–14 (15 F. R. 8442, Dec. 2, 1950) (49 CFR 78.92–14, 1950 Rev.) to read as follows:

§ 78.92 *Specification 5P; lagged steel drums.*

• • • • • •

§ 78.92–14 *Leakage test.* (a) Each container shall be subjected to a pressure test of at least 125 pounds per square inch sustained for at least 30 seconds. Test shall be applied to inner container before lagging material or outer shell is assembled. Failures shall be rejected or repaired and retested.

NOTE 1: If air or other gas is the pressurizing medium, the test should be conducted in a pit or equivalent means of safeguarding personnel.

(b) Subsequent to the test specified in paragraph (a) each container shall be tested with seams under water or covered with soapsuds or other suitable material by interior air pressure of at least 75 pounds per square inch. Leakage test shall be applied to finished inner container before lagging or outer shell is assembled. Leakers shall be rejected or repaired and retested.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. Amend § 78.205–9 introductory text of paragraph (a) (15 F. R. 8475, Dec. 2, 1950) (49 CFR 78.205–9, 1950 Rev.) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

• • • • • •

§ 78.205–9 *Types authorized.* (a) To be of solid or corrugated fiberboard of the following types, or as specifically provided for in §§ 78.205–19 to 78.205–29.

• • • • • •

2. Add paragraph (c) to § 78.214–6; amend § 78.214–15 paragraph (a); add paragraphs (d) and (e) to § 78.214–16 (15 F. R. 8479, 8480, Dec. 2, 1950) (16 F. R. 9381, Sept. 15, 1951) (49 CFR 1950 Rev., 1953 Supp., 78.214–6, 78.214–15, 78.214–16) to read as follows:

§ 78.214 *Specification 23F; fiberboard boxes.*

• • • • • •

§ 78.214–6 *Tape.* • • •

(c) Pressure sensitive tape for closure, paper backed. The basic weight of the paper shall be not less than 70 pounds per ream after sizing and coating. Longitudinal tensile strength shall be not less than 50 pounds per inch of width and the latitudinal strength shall be not less than 11 pounds per inch of width, or for application as provided by § 78.214–16 (d) tape must be pressure sensitive, filament reinforced. Tape backing shall have a minimum longitudinal tensile strength of 160 pounds per inch of width and a minimum elongation of 12 percent at break. The tape shall have sufficient transverse strength to prevent raveling or separation of the filaments. Tape shall have an adhesion of 18 ounces per inch of width minimum when tested according to acceptable methods. Tape shall adhere immediately and firmly to fiberboard surface when applied with hand pressure in the temperature range of 0° to 120° F. No solvent or heat shall be necessary to activate the adhesive.

(1) The tape authorized must be manufactured of material which will not separate or delaminate when submerged in water for 72 hours and which will not show any delamination or bleeding up to 160° F. and which will not lose its strength, delaminate, or become brittle at 0° F.

(2) Water activated tapes are authorized when approved by the Bureau of Explosives.

§ 78.214–15 *Authorized gross weight (when packed) and parts required.* (a) Box to be of solid fiberboard, special waterproofed, at least 300-pound test, and weighing at least 250 pounds per thousand square feet. Tubes to be of solid or corrugated fiberboard at least 200-pound test and of 1-piece, or as provided in subparagraph (1), with adjoining edges stitched, taped, or glued. Glued lap not less than 1¼ inches; others 1½ inches. Lap must be firmly glued throughout entire area of contact with glue or adhesive which cannot be dissolved in water after the film application has dried.

(1) Or, box shall have one tube liner of 0.120" solid fiberboard with joint or joints either stitched or glued as prescribed in paragraph (a). One end of the tube made have a handhole approximately ¾ inch deep located at the center of the top and a perforation with a minimum of ⅛ inch cuts and ⅛ inch webs extending from the handhole to the bottom.

• • • • • •

§ 78.214–16 *Closing for shipment.* • • •

(d) Or, for end opening type boxes, the container may be closed by use of pressure sensitive tape as specified in § 78.214–6 (c). When closed by this method, single strips of tape, not less than ½ inch wide, shall be applied as follows:

(1) For boxes less than 18 inches wide, 2 strips placed at right angles to the seam formed by overlapping outer flaps and not less than 3 inches from and parallel to the side score lines, each of which shall extend over the seam not less than 3 inches in each direction.

(2) For boxes more than 18 inches wide, a third strip of tape, shall be applied at the center of the seam.

(e) Tape used in closing must be at least equal in efficiency to that used on boxes passing the drum test prescribed in § 78.214–20.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Amend § 78 265 paragraph ICC–14 (d) (15 F. R. 8489, Dec. 2, 1950) (49 CFR 78.265, 1950 Rev.) to read as follows:

§ 78.265 *Specification for tank cars having riveted steel tanks Class ICC–103.* • • •

ICC-14. *Safety valves.* • • •

ICC–14. (d) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials or poisonous liquids or solids, Class B, need not be equipped with safety valves, but if not so equipped must have one safety vent made of approved material at least 1¾ inches inside diameter closed with a frangible disc of suitable material, of a thickness that will hold a pressure of 30 pounds per square inch for a period of at least one hour but will rupture within eight hours. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. An additional sealed vent of approved design, to prevent use of unloading pressures in excess of 45 pounds per square inch may be applied. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

2. Amend § 78.266 paragraph ICC–14 (d) and paragraph ICC–19 (a) (15 F. R. 8491, Dec. 2, 1950) (49 CFR 78.266, 1950 Rev.) to read as follows:

§ 78.266 *Specification for tank cars having riveted steel tanks, Class ICC–103A.* • • •

ICC–14. *Safety vents.* • • •

ICC–14. (d) Each tank or compartment thereof must be equipped with one safety vent at least 1¾ inches inside diameter, closed with a frangible disc of lead or other suitable material of a thickness that will hold a pressure of 30 pounds per square inch for a period of at least one hour but will rupture within eight hours. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. An additional sealed vent of approved design, to prevent use of unloading pressures in excess of 45 pounds per square inch, may be applied

ICC–19. *Retests of tanks and interior heater systems.* (a) Tanks and interior heater systems must be retested as prescribed for original tests in paragraph ICC–17, except that a commodity for which the tank is approved may be used for filling the tank and dome when testing tanks which have been in service not more than 10 years. The first retest of tank and interior heater system must be conducted within five years after the original test, and subsequent retests at five-year intervals up to 10 years of service, thereafter at three-year intervals up to 22 years of service, and annually after 22 years of service. Tanks in service over 10 years must be internally inspected when periodic retests are made. Interior heater systems must be tested with water only and inspected for defects which would make leakage or failure probable during transit. Tanks must also be retested before being returned to service after riveting, calking or other repairs. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

3. Amend § 78.267 paragraph ICC–19 (a) (15 F. R. 8492, Dec. 2, 1950) (49 CFR 78.267, 1950 Rev.) to read as follows:

§ 78.267 *Specification for tank cars having rubber lined riveted steel tanks Class ICC–103B.* • • •

ICC–19. *Retests of tanks and interior heater systems.* (a) Periodic retests of tanks are not required. Tanks must be retested before rubber lining is renewed. The first retest of interior heater systems must be conducted within five years after the original test and subsequent retests at five-year intervals up to 10 years of service, thereafter at three-year intervals up to 22 years of service, and annually after 22 years of service. Interior heater systems must be tested with water only and inspected for defects which would make leakage or failure probable during transit. Tanks must also be retested before being returned to service after any repairs requiring riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

4. Amend § 78.268 paragraph ICC–19 (a) (15 F. R. 8493, Dec. 2, 1950) (49 CFR 78.268, 1950 Rev.) to read as follows:

§ 78.268 *Specification for tank cars having riveted alloy steel tanks Class ICC–103C.* • • •

ICC–19. *Retests of tanks and safety valves.* (a) Tanks and safety valves must be retested as prescribed for original tests in paragraphs ICC–17 and ICC–18, except that a commodity for which the tank is approved may be used for filling tank and dome when testing tanks which have been in service not more than 10 years. The first retest must be conducted within five years after the original test and subsequent retests at five-year intervals up to 10 years of service, thereafter at three-year intervals up to 22 years of service, and annually after 22 years of service. Tanks in service over 10 years must be internally inspected for defects which would make leakage or failure probable during transit. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting, or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

5. Amend § 78.280 paragraph ICC–14 (d) (15 F. R. 8507, 8509, Dec. 2, 1950) (49 CFR 78.280, 1950 Rev.) to read as follows:

§ 78.280 *Specification for tank cars having fusion-welded steel tanks Class ICC–103–W.* • • •

ICC–14. *Safety valves.* • • •

ICC–14. (d) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials or poisonous liquids or solids, Class B, need not be equipped with safety valves, but if not so equipped must have one safety vent made of approved material at least 1¾ inches inside diameter closed with a frangible disc of suitable material, of a thickness that will hold a pressure of 30 pounds per square inch for a period of at least one hour but will rupture within eight hours. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. An additional sealed vent of approved design, to prevent use of unloading pressures in excess of 45 pounds per square inch may be applied. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

6. Amend § 78.281 paragraph ICC–14 (d) and paragraph ICC–19 (a) (15 F. R. 8510, Dec. 2, 1950) (49 CFR 78.281, 1950 Rev.) to read as follows:

§ 78.281 *Specification for tank cars having fusion-welded steel tanks, class ICC–103A–W.* • • •

ICC-14. *Safety vents.* • • •

ICC–14. (a) Each tank or compartment thereof must be equipped with one safety vent at least 1¾ inches inside diameter, closed with a frangible disc of lead or other suitable material of a thickness that will hold a pressure of 30 pounds per square inch for a period of at least one hour but will rupture within eight hours. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. An additional sealed vent of approved design, to prevent use of unloading pressures in excess of 45 pounds per square inch, may be applied.

ICC–19. *Retests of tanks and interior heater systems.* (a) Tanks and interior heater systems must be retested as prescribed for original tests in paragraph ICC–17, except that a commodity for which the tank is approved may be used for filling the tank and dome when testing tanks which have been in service not more than 10 years. The first retest of tank and interior heater system must be conducted within five years after the original test, and subsequent retests at five-year intervals up to 10 years of service, thereafter at three-year intervals up to 22 years of service, and annually after 22 years of service. Tanks in service over 10 years must be internally inspected when periodic retests are made. Interior heater systems must be tested with water only and inspected for defects which would make leakage or failure probable during transit. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting, or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

7. Amend § 78.282 paragraph ICC–19 (a) (15 F. R. 8511, Dec. 2, 1950) (49 CFR 78.282, 1950 Rev.) to read as follows:

§ 78.282 *Specification for tank cars having rubber-lined fusion-welded steel tanks, class ICC–103B–W.* • • •

ICC–19. *Retests of tanks and interior heater systems.* (a) Periodic retests of tanks are not required. Tanks must be retested before rubber lining is renewed. The first retest of interior heater systems must be conducted within five years after the original test and subsequent retests at five-year intervals up to 10 years of service, thereafter at three-year intervals up to 22 years of service, and annually after 22 years of service. Interior heater systems must be tested with water only and inspected for defects which would make leakage or failure probable during transit. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

8. Amend § 78.283 paragraph ICC–19 (a) (15 F. R. 8513, Dec. 2, 1950) (49 CFR 78.283, 1950 Rev.) to read as follows:

§ 78.283 *Specification for tank cars having fusion-welded alloy steel tanks Class ICC–103C–W.* • • •

ICC–19. *Retests of tanks, safety valves and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested as prescribed for original tests in paragraphs ICC–17 and ICC–18, except that a commodity for which the tank is approved may be used for filling tank and dome when testing tanks which have been in service not more than 10 years. The first retest must be conducted within five years after the original test and subsequent retests at five-year intervals up to 10 years of service, thereafter at three-year intervals up to 22 years of service, and annually after 22 years of service. Tanks in service over 10 years must be internally inspected when pericdic retests are made. Interior heater systems must be tested with water only and inspected for defects which would make leakage or failure probable during transit. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Safety valves and interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

9. In § 78.288 amend paragraph ICC–1 (b); Add paragraphs ICC–3 (b), AAR–3 (b), AAR–6 (e–2), AAR–6 (J–1) Note 2, and AAR–8 (b) (15 F. R. 8518, Dec. 2, 1950) (49 CFR 78.288, 1950 Rev.) to read as follows:

§ 78.288 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–105A500–W.* • • •

ICC–1. *Type.* • • •

ICC–1. (b) The tank shell and manhole nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour. The entire insulation must be covered with a metal jacket, efficiently flashed around all openings so as to be weathertight. When heater systems are attached to exterior of tank, the lagging over each pipe may be reduced in thickness equivalent to one-half that required for shell. Tanks for use in transportation of liquefied carbon dioxide must have tank shell and manhole nozzle lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B. t. u. per square foot, per degree Fahrenheit differential in temperature, per hour, except that the insulation thickness directly over the center sills may be reduced to give a thermal conductance not exceeding 0.04 B. t. u. per square foot per degree Fahrenheit differential in temperature per hour; this reduction is to permit an anchorage which must not exceed seven (7) inches from top of center sills to bottom of tank.

The entire insulation must be covered with a metal jacket, efficiently flashed around all openings so as to be weathertight.

ICC–3. (b) All plates for tank, manway nozzle and anchorage for tanks used in the transportation of liquefied carbon dioxide must be made of steel to an approved specification suitable for service at low temperatures.

AAR–3. (b) All plates for tank, manway nozzle and anchorage of tanks used in the transportation of liquefied carbon dioxide must be made of steel complying with requirements of A. S. T. M. Specification A–300 (current issue) titled "Steel Plates for Pressure Vessels for Service at Low Temperatures", Class 1, Grade "A", flange or fire box quality. Impact test specimens made by the plate manufacturer shall be of the Charpy Keyhole notch type and must meet impact requirements (in both longitudinal and transverse directions of rolling) of this specification at a temperature of minus 50° F.

AAR–6. (e–2) For tanks used in the transportation of liquefied carbon dioxide, impact test specimens made by the tank fabricator may be in one direction of rolling only and shall be heat treated with the tank. The fabricator shall prepare at least one set of three specimens taken from plates used in the tank shell and anchorage; and at least one set of three specimens taken from plates used in the tank heads, such specimens to be representative of plates in each tank or group of tanks heat treated at the same time.

Weld test specimens shall be prepared from plates used in the tank and both electrode and welding procedure shall be the same as used in the fabrication of the tank. At least one set of three specimens shall be taken across the weld with the notch in the adjacent metal in the heat affected zone; and at least one set of three specimens shall be prepared from all weld metal, such specimens to be representative of each tank or group of tanks heat treated at the same time.

Impact test specimens shall be of the Charpy Keyhole notch type, standard 10 mm x 10 mm size, and shall be prepared in accordance with A. S. T. M. Specification E–23 (current issue). The specimens should be taken from a location as near as practicable to a point mid-way between the surface and center of thickness. The base of the notch should be perpendicular (normal) to the surface.

Impact test specimens shall be tested at a temperature of minus 50° Fahrenheit. The test specimen, as well as the handling tongs shall be cooled for the sufficient length of time to reach the test temperature. The test temperature shall be maintained within a range of plus or minus 3° Fahrenheit. The specimen shall be quickly transferred from the cooling device to the anvil of the testing machine and broken within a time lapse of not more than 6 seconds. The minimum impact value required for average of each set of three specimens shall be 15 ft.-lbs. The minimum impact value permitted on one specimen only of a set shall be 10 ft.-lbs. When the average value of the three specimens equals or exceeds the minimum

value permitted for a single specimen and the value for more than one specimen is below the required average value, or when the value for one specimen is below the minimum value permitted for a single specimen, a retest of three additional specimens shall be made. The value for each of these retest specimens shall equal or exceed 15 ft.-lbs. Records of impact test results shall be retained for not less than ten years by the tank builder or by the car owner if he so requests.

AAR-6. (j-1) • • •

NOTE 2: Tanks used for the transportation of liquefied carbon dioxide must have the anchor welds examined by radiography or by magnetic particle testing.

AAR-8. (b) Tank cars used for the transportation of liquefied carbon dioxide must have anchors so designed that the space between the top of center sills and bottom of tank does not exceed seven (7) inches.

• • • • •

10. In § 78.289 amend paragraph ICC-1 (b); add paragraphs ICC-3 (b), AAR-3 (b), AAR-6 (e-2), AAR-6 (j-1) Note 2, and AAR-8 (b) (15 F. R. 8519, Dec. 2, 1950) (49 CFR 78.289, 1950 Rev.) to read as follows:

§ 78.289 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC-105A600-W.* • • •

ICC-1. *Type.* • • •

ICC-1. (b) The tank shell and manhole nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour. The entire insulation must be covered with a metal jacket, efficiently flashed around all openings so as to be weather-tight. When heater systems are attached to exterior of tank, the lagging over each pipe may be reduced in thickness equivalent to one-half that required for shell. Tanks for use in transportation of liquefied carbon dioxide must have tank shell and manhole nozzle lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B. t. u. per square foot, per degree Fahrenheit differential in temperature, per hour, except that the insulation thickness directly over the center sills may be reduced to give a thermal conductance not exceeding 0.04 B. t. u. per square foot per degree Fahrenheit differential in temperature per hour; this reduction is to permit an anchorage which must not exceed seven (7) inches from top of center sills to bottom of tank.

The entire insulation must be covered with a metal jacket, efficiently flashed around all openings so as to be weathertight.

ICC-3. (b) All plates for tank, manway nozzle and anchorage for tanks used in the transportation of liquefied carbon dioxide must be made of steel to an approved specification suitable for service at low temperatures.

AAR-3. (b) All plates for tank, manway nozzle and anchorage of tanks used in the transportation of liquefied carbon dioxide must be made of steel complying with requirements of A. S. T. M. Specification A-300 (current issue) titled "Steel Plates for Pressure Vessels for Service at Low Temperatures", Class 1, Grade "A", flange or fire box quality. Impact test specimens made by the plate manufacturer shall be of the Charpy Keyhole notch type and must meet impact requirements (in both longitudinal and transverse directions of rolling) of this specification at a temperature of minus 50°F.

AAR-6. (e-2) For tanks used in the transportation of liquefied carbon dioxide, impact test specimens made by the tank fabricator may be in one direction of rolling only and shall be heat treated with the tank. The fabricator shall prepare at least one set of three specimens taken from plates used in the tank shell and anchorage; and at least one set of three specimens taken from plates used in the tank heads, such specimens to be representative of plates in each tank or group of tanks heat treated at the same time.

Weld test specimens shall be prepared from plates used in the tank and both electrode and welding procedure shall be the same as used in the fabrication of the tank. At least one set of three specimens shall be taken across the weld with the notch in the adjacent metal in the heat affected zone; and at least one set of three specimens shall be prepared from all weld metal, such specimens to be representative of each tank or group of tanks heat treated at the same time.

Impact test specimens shall be of the Charpy Keyhole notch type, standard 10 mm x 10 mm size, and shall be prepared in accordance with A. S. T. M. Specification E-23 (current issue). The specimens should be taken from a location as near as practicable to a point mid-way between the surface and center of thickness. The base of the notch should be perpendicular (normal) to the surface.

Impact test specimens shall be tested at a temperature of minus 50° Fahrenheit. The test specimen, as well as the handling tongs shall be cooled for the sufficient length of time to reach the test temperature. The test temperature shall be maintained within a range of plus or minus 3° Fahrenheit. The specimen shall be quickly transferred from the cooling device to the anvil of the testing machine and broken within a time lapse of not more than 6 seconds. The minimum impact value required for average of each set of three specimens shall be 15 ft.-lbs. The minimum impact value permitted on one specimen only of a set shall be 10 ft.-lbs. When the average value of the three specimens equals or exceeds the minimum value permitted for a single specimen and the value for more than one specimen is below the required average value, or when the value for one specimen is below the minimum value permitted for a single specimen, a retest of three additional specimens shall be made. The value for each of these retest specimens shall equal or exceed 15 ft.-lbs. Records of impact test results shall be retained for not less than ten years by the tank builder or by the car owner if he so requests.

AAR-6. (j-1) • • •

NOTE 2: Tanks used for the transportation of liquefied carbon dioxide must have the anchor welds examined by radiography or by magnetic particle testing.

AAR-8. (b) Tank cars used for the transportation of liquefied carbon dioxide must have anchors so designed that the space between the top of center sills and bottom of tank does not exceed seven (7) inches.

• • • • •

11. Amend § 78.291 paragraph ICC-14 (d) (16 F. R. 5333, June 6, 1951) (49 CFR 1950 Rev., 1953 Supp., 78.291) to read as follows:

§ 78.291 *Specification for tank cars having fusion-welded aluminum tanks Class ICC-103-AL-W.* • • •

ICC-14. *Safety valves.* • • •

ICC-14. (d) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials or poisonous liquids or solids, Class B, need not be equipped with safety valves, but if not so equipped must have one safety vent made of approved material at least 1¾ inches inside diameter closed with a frangible disc of suitable material, of a thickness that will hold a pressure of 45 pounds per square inch for a period of at least one hour, but will rupture within eight hours. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. An additional sealed vent of approved design, to prevent use of unloading pressures in excess of 45 pounds per square inch, may be applied. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

12. Amend § 78.292 paragraph ICC-19 (a) (16 F. R. 5335, June 6, 1951) (49 CFR 1950 Rev., 1953 Supp., 78.292) to read as follows:

§ 78.292 *Specification for tank cars having fusion-welded aluminum tanks Class ICC-103-A-AL-W.* • • •

ICC-19. *Retests of tanks, safety valves and interior heater systems.* (a) Tanks, safety valves and interior heater systems must be retested as prescribed for original tests in paragraphs ICC-17 and ICC-18, except that a commodity for which the tank is authorized may be used for filling tank and dome when testing tanks which have been in service not more than 10 years. The first retest must be conducted within five years after the original test and subsequent retests at five-year intervals up to 10 years of service, thereafter at three-year intervals up to 22 years of service, and annually after 22 years of service. Tanks in service over 10 years must be internally inspected when periodic retests are made. Interior heater systems must be tested with water only and inspected for defects which would make leakage or failure probable during transit. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Safety valves and interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC-21.

13. Cancel the following reference to Special Order in Appendix D, Part 78 (15 F. R. 8543, Dec. 2, 1950) (49 CFR Appendix D, Part 78, 1950 Rev.):

APPENDIX D—SPECIAL ORDERS • • •

"Order approved December 18, 1941, in No. 3666, authorizing trial transportation of liquid chlorine in single-unit, 55-ton capacity tank cars, specification 105A500. Pertinent sections of regulations amended accordingly. Authority noted in § 73.314 (g) of this chapter".

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. Amend § 78.330-9 paragraph (b) (15 F. R. 8555, Dec. 2, 1950) (49 CFR 78.330-9, 1950 Rev.) to read as follows:

§ 78.330 *Specification MC310; cargo tanks.*

• • • • •

§ 78.330-9 *Material.* • • •

(b) *Lining.* Except as provided in paragraph (c) of this section, cargo tanks must be lined and the material used for lining each cargo tank subject to this specification shall be homogeneous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities transported therein. It shall be of substantially uniform thickness, and it shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

• • • • •

APPENDIX

Section, Paragraph and Reason for Amendment

72.5 (a) commodity list, to provide shipping containers for new commodities; to properly reclassify trifluorochloroethylene; to delete xylidene from the commodity list as a class B poison.

73.25 (a), to provide for enclosures other than those named when the specification container affords protection of the contents but marking is concealed.

73.31 (a) table, to provide reference to footnote 2 for rubber-lined A. R. A. II tank cars.

73.31 (g) notes 1 and 2, to extend the expiration date of periodic retests that are presently waived for certain tank cars.

73.33 (g), to specify December 31, 1953 as expiration date for construction of cargo tanks shown in paragraph (g) (1).

73.33 (k) (11), to provide reference to MC 310 cargo tank inadvertently omitted in Order No. 12.

73.34 (f) (3), (f) (4), to prohibit safety devices on cylinders containing flourine, or poisonous gas or liquid.

73.34 (k) (12), to include ICC specification 26-240 as a cylinder that may be given external visual inspection in lieu of the periodic hydrostatic retest.

73.65 (h), to provide spec. 12B fiberboard box as an additional shipping container for shaped charges.

73.66 (d) (1), (e) (1), to provide spec. 23F or 23H fiberboard box as an additional shipping container for blasting caps and electric blasting caps.

73.67 (a) (1), to allow permanent use of spec. 23F or 23H fiberboard box for blasting caps with safety fuse.

73.100 (q), to increase the amount of explosive composition in explosive rivets that is exempted from certain requirements of the regulations.

73.143 (a) (2), to provide spec. 15A, 15B, 15C, 16A, or 19A wooden boxes as additional shipping containers for methylchloromethyl ether, anhydrous.

73.153 (b), to correct an omission in previous order.

73.182 (a) and (b), to provide for the transportation of ammonium nitrate limestone.

73.220, to eliminate necessity of shipping aluminum scrap in closed containers.

73.247 (a) (6), to provide for the use of additional type tank cars for materials listed.

73.247 (a) (14), to provide for the use of spec. 1F and 1G polyethylene carboys for benzoyl chloride and benzyl chloride.

73.257 (b), to provide additional means of shipment for electrolyte (acid) or corrosive battery fluid.

73.260 (a) (3), (a) (4), and (b), to provide for the use of additional type outside container for electric storage batteries.

73.272 (h) (2), to make consistent with correlated regulations.

73.289 (a) (1), to delete extraneous words.

73.314 (a) table, to provide reference to Note 18 containing requirements previously covered in paragraph (g).

73.314 (a) table, note 11, to provide for an improved type of anchorage on tank cars for liquefied carbon dioxide.

73.314 (a) table, note 18, to provide restrictions for certain shipments of liquefied chlorine gas.

73.314 (g), to eliminate the restriction against the maximum quantity of a compressed gas which could be shipped in a tank car.

73.315 (a) (1) table, to provide for the transportation of methyl chloride in cargo and portable tanks.

73.315 (h) table, to provide for the use of gauging device on cargo and portable tanks containing methyl chloride; to make the entry "carbon dioxide, liquefied" consistent with the regulations.

73.315 (i) (2) table, to make the entry "carbon dioxide, liquefied" consistent with the regulations; to provide start-to-discharge pressure for methyl chloride.

73.315 (i) (9), note 1, to provide optional action in the use of a pressure controlling device.

73.346 (a) (13), to provide spec. 1D or 1E for shipping poisonous liquids.

73.367 (a) (2), to correct a printing error.

74.533 (c), to restrict shipments of cargo tanks containing any dangerous articles on flat cars by rail freight unless the tank and method of handling have been approved.

74.538 (a) chart, to provide loading and storing requirements for igniters, jet thrust.

74.560 (b) (2), to provide for the storage of tank cars containing certain compressed gases on a private or carrier track.

74.566 (a), to correct a printing error.

74.579, to provide placard for cars which have been fumigated or present other hazards.

77.848 (a) chart, to provide loading and storing requirements for igniters, jet thrust.

78.36-3 (a), to require stated inspection on permanent basis.

78.37-3 (a), same as § 78.36-3 (a).

78.41-3 (a), same as § 78.36-3 (a).

78.43-3 (a), same as § 78.36-3 (a).

78.48-3 (a), same as § 78.36-3 (a).

78.49-3 (a), same as § 78.36-3 (a).

78.54-3 (a), same as § 78.36-3 (a).

78.92-14, to provide more detailed requirements for pressure test for spec. 5P lagged steel drums.

78.205-9 (a), to provide reference to a new container.

78.214-6 (c), to provide for the use of an additional pressure sensitive tape for closure for spec. 23F fiberboard box.

78.214-15 (a), to provide for fabrication of lining tube of more than one-piece construction.

78.214-15 (a) (1), to provide for type of box having a lining tube provided with a handhole.

78.214-16 (d) and (e), to provide additional method of closure for spec. 23F fiberboard box.

78.265 ICC-14 (d), to provide for the use of a smaller safety vent and consequently permit the use of a heavier pipe than is presently used on class 103 tank cars.

78.266 ICC-14 (d), same as § 78.265 ICC-14 (d), applicable to class 103A tank cars.

78.266 ICC-19 (a), to provide for extended retest periods for class 103A tank cars.

78.267 ICC-19 (a), to provide for extended retest periods for class 103B tank cars.

78.268 ICC-19 (a), to provide for extended retest periods for class 103C tank cars.

78.280 ICC-14 (d), to provide for the use of a smaller safety vent and consequently permit the use of a heavier pipe than is presently used on class 103-W tank cars.

78.281 ICC-14 (d), to provide for the use of a smaller safety vent and consequently permit the use of a heavier pipe than is presently used on class 103A-W tank cars.

78.281 ICC-19 (a), to provide for extended retest periods for class 103A-W tank cars.

78.282 ICC-19 (a), to provide for extended retest periods for class 103B W tank cars.

78.283 ICC-19 (a), to provide for extended retest periods for class 103C-W tank cars.

78.288 ICC-1 (b), ICC-3 (b), AAR-3 (b), AAR-6 (e-2), AAR-6 (j-1) note 2, and AAR-8 (b), to provide for insulation, anchorage and other constructional details of class 105A500-W tank cars.

78.289 ICC-1 (b), ICC-3 (b), AAR-3 (b), AAR-6 (e-2), AAR-6 (j-1) note 2 and AAR-8 (b), to provide for insulation, anchorage and other constructional details of class 105A500 W tank cars.

78.291 ICC-14 (d), to provide for the use of a smaller safety vent and consequently permit the use of a heavier pipe than is presently used on class 103-AL-W tank cars.

78.292 ICC-19 (a), to provide for extended retest periods for class 103A-AL-W tank cars.

Part 78 Appendix D, special orders, reference to this Order is no longer necessary.

78.330-9 (b), to permit use of present lining materials for which minimum thickness requirement is not necessary and to make consistent with spec. MC 311.

[F. R. Doc. 54-2277; Filed, Apr. 1, 1954; 8:45 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 6606]

BRITISH WEST INDIAN AIRWAYS, LTD.

NOTICE OF HEARING

In the matter of the application of British West Indian Airways Limited for amendment to its foreign air carrier permit by the inclusion of British Guiana, British Honduras, Grenada, St. Thomas, Cuba, Nassau, and Bermuda.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on April 13, 1954, at 10:00 a. m., e. s. t., in the Foyer of the Auditorium, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., March 30, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-2400; Filed, Apr. 1, 1954; 8:55 a. m.]

[Docket No. 6328 et al.]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL.; STATES-ALASKA FARE CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled case is assigned to be held on April 12, 1954, at 10:00 a. m., in the Foyer of the Auditorium, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

The following dockets will be considered at the conference: Pan American World Airways, Inc., Docket No. 6493; Alaska Airlines, Inc., Docket No. 6495; Alaska Coastal Airlines, Docket No. 6513; Pan American World Airways, Inc., Docket No. 6546; and Pacific Northern Airlines, Inc., Docket No. 6566.

Dated at Washington, D. C., March 30, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2401; Filed, Apr. 1, 1954; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-683, G-1180, G-1532, G-1683, G-1857, G-2186]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER REOPENING PROCEEDINGS, CONSOLIDATING PROCEEDINGS, GRANTING INTERVENTION, DENYING SHORTENED PROCEDURE AND FIXING DATE OF HEARING

Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas corporation having principal places of business at Phillipsburg, Kansas, and Hastings, Nebraska, on June 11, 1953, filed an application in Docket No. G-2186 pursuant to sections 7, 15, and 16 of the Natural Gas Act (1) for permission and approval to abandon natural gas facilities (2) to modify an order of the Commission issued February 26, 1953, in Docket No. G-1857, affirming as modified the initial decision of the Presiding Examiner issued January 19, 1953, and (3) for a certificate of public convenience and necessity authorizing the construction and operation of facilities subject to the jurisdiction of the Commission, all as described in the application on file with the Commission and open to public inspection. Notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on July 4, 1953 (18 F. R. 3918). Supplementary data was filed by Applicant on February 23 and March 2, 1954.

Applicant, on April 27, 1953, filed, pursuant to section 16 of the Natural Gas Act, a petition for modification of the Commission's order issued February 26, 1953, in Docket No. G-1857, affirming as modified the initial decision of the Presiding Examiner issued January 19, 1953, all as described in the petition on file with the Commission and open to public inspection. Notice of the filing of the petition has been given including publication in the FEDERAL REGISTER on May 14, 1953 (18 F. R. 2805). Modification is also requested with respect to orders of the Commission (a) dated March 30, 1946, Docket No. G-683, (b) issued July 29, 1949, Docket No. G-1180, and (c) issued February 28, 1951, Docket No. G-1532.

Central Electric & Gas Company (Central), a Delaware corporation with its principal place of business in Lincoln, Nebraska, on July 20, 1953, filed a petition with the Commission for leave to intervene in Docket Nos. G-1857 and G-2186.

The Commission, on September 18, 1953, issued an order in Docket No. G-1857, and the proceedings consolidated therewith, extending the date for acceptance by Applicant of the certificate of public convenience and necessity issued to the Applicant under the terms of the initial decision of the Presiding Examiner issued January 19, 1953, as modified by the Commission order affirming and modifying said decision, issued February 26, 1953. The date for acceptance was extended until 15 days after the Commission issues its decision and order upon the petition for modification filed in Docket No. G-1857, et al., April 27, 1953.

The proceedings in Docket Nos. G-683, G-1180, G-1532, G-1683, G-1857 and G-2186, and the orders of the Commission entered in connection therewith on various dates relate to the matters in issue presented by the application filed in Docket No. G-1857, et al., and in the petition for modification filed by Applicant in Docket No. G-1857 on April 27, 1953.

Applicant has requested that the application filed at Docket No. G-2186 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for a non-contested proceeding.

The Commission finds:

(1) It is appropriate for carrying out the provisions of the Natural Gas Act that the Commission reopen the proceedings in Docket Nos. G-683, G-1180, G-1532, G-1683, and G-1857, for the sole purpose of determining whether the orders therein should be modified as requested by Applicant in the application filed June 11, 1953, and the petition for modification filed April 27, 1953, in Docket No. G-1857.

(2) Good cause exists to consolidate the proceeding in Docket No. G-2186, and the reopened proceeding referred to in finding (1) above.

(3) Good cause has not been shown for granting the Applicant's request that the application filed at Docket No. G-2186 be heard under the shortened procedure, as provided by the Commission's rules of practice and procedure, and said request should be denied

(4) The participation of the Central Electric & Gas Company in the proceedings at Docket Nos. G-1857 and G-2186 may be in the public interest.

The Commission orders:

(A) The proceedings in Docket Nos. G-683, G-1180, G-1532, G-1683 and G-1857 be, and the same hereby are on the Commission's own motion, reopened for the sole purpose of determining whether the orders therein should be modified as requested by Applicant in the application filed June 11, 1953, and the petition for modification filed April 27, 1953.

(B) The proceeding in Docket Nos. G-2186 and the reopened proceeding referred to in paragraph (A) above, be, and hereby are consolidated for purpose of hearing.

(C) The request of the Applicant in Docket No. G-2186 for disposition of the proceeding in accordance with the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be, and hereby is denied.

(D) Central Electric & Gas Company be and the same is hereby permitted to become an intervener in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such petitioner shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene; and *Provided, further,* That the admission of such petitioner shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7, 15 and 16 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on April 19, 1954 at 10:00 a. m. e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid reopened and consolidated proceedings.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: March 24, 1954.

Issued: March 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2350; Filed, Apr. 1, 1954; 8:47 a. m.]

[Docket Nos. G-1142, G-1508, G-2019, G-2074, G-2210, G-2220, G-2378]

UNITED GAS PIPE LINE CO.

ORDER AFFIRMING CERTAIN RULINGS OF PRESIDING EXAMINER AND FIXING DATE FOR RECONVENING HEARING

These matters are before the Commission pursuant to the provisions of § 1.28 of the Commission's rules of practice and procedure (18 CFR 1.28) on certification by the Presiding Examiner respecting two rulings rendered on March 24, 1954, during the course of hearings. The rulings certified were: (1) A ruling recessing the hearings herein until further order of the Commission, and (2) a ruling upon Staff Counsel's request that United be required to complete its direct case in support of all dockets at this session of the hearings, that failing to do so now United would not be permitted at a later date subsequent to cross-examination as a part of its direct case to present further evidence as to 1953 costs reflecting known changes to July 31, 1954.

Upon consideration of the arguments and contentions of the parties set forth in the portion of the transcript of the testimony certified by the Examiner, we find that the rulings should be affirmed and the hearing reconvened at the earliest practicable time.

The Commission orders:

(A) The rulings of the Presiding Examiner certified to the Commission be and they hereby are affirmed.

(B) The hearing herein shall reconvene on May 3, 1954 at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

Adopted: March 25, 1954.

Issued: March 26, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2351; Filed, Apr. 1, 1954; 8:47 a. m.]

[Docket Nos. G-1982, G-1983, G-1984, G-2147, G-2148]

TREASURE STATE PIPE LINE CO.

NOTICE OF APPLICATIONS

MARCH 29, 1954.

Take notice that Treasure State Pipe Line Company (Applicant), a Montana corporation, address, Great Falls, Montana, filed on March 15, 1954, three applications in the above-entitled dockets, requesting (1) an order of the Commission amending its order in Docket No. G-1982, issued on November 19, 1953, as amended by an order in Docket Nos. G-1982 and G-2147 issued on September 8, 1953, authorizing Applicant, pursuant to section 3 of the Natural Gas Act, to export natural gas from the United States to the Dominion of Canada; (2) an order of the Commission amending its order in Docket No. G-1984, issued on November 19, 1952, as amended by an order issued on September 8, 1953, issuing a certificate of public convenience and necessity authorizing Applicant to construct and operate certain natural-gas facilities used for the exportation of natural gas from the United States to the Dominion of Canada; and (3) an order of the Commission amending the Presidential Permit in Docket No. G-1983 which was signed by the President of the United States on October 30, 1952, pursuant to Executive Order No. 8202, dated July 13, 1939. The amended Permit was issued, pursuant to applications filed by Applicant in Docket Nos. G-1983 and G-2148, through signature by the President of the United States on August 15, 1953, which permit, as amended, authorized the construction, operation, maintenance and connection at the international boundary of facilities for the exportation of natural gas from the United States into the Dominion of Canada.

Applicant presently is authorized to export natural gas into Canada and to construct, operate, maintain, and connect the facilities required for such exportation pursuant to the authorizations hereinbefore described. Said authorizations, as amended, limit such exportation of natural gas to a maximum annual quantity of 80,000 Mcf for use only in Coutts and Milk River, Alberta, Canada. Applicant now proposes to increase the volumes which it is authorized to export by 40,000 Mcf annually to supply the village of Milk River, Alberta.

Applicant states that the reason it requests authority to export an additional 40,000 Mcf of natural gas annually is that the Petroleum and Natural Gas Conservation Board of the Province of Alberta has indicated that it will not permit the installation of a gas system to supply the village of Milk River unless an additional 40,000 Mcf of natural gas is authorized for export.

Applicant estimates that the total number of possible connections in the village of Milk River for the use of the natural gas which it proposes to export will be approximately 180, and that the potential market in said village will be approximately 50,000 Mcf of natural gas annually.

Applicant does not propose to construct any additional facilities and will use those facilities heretofore authorized in rendering the proposed service to Milk River.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of April 1954. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2373; Filed, Apr. 1, 1954; 8:51 a. m.]

[Docket Nos. G-1786, G-1965]

OHIO FUEL GAS CO.

ORDER OMITTING INTERMEDIATE DECISION PROCEDURE AND FIXING DATE FOR ORAL ARGUMENT

On March 11, 1954, the Ohio Fuel Gas Company (Ohio Fuel) filed a motion, pursuant to the authority contained in section 4 (a) of the Natural Gas Act and in § 1.30, paragraph (c) (2), of the Commission's general rules and regulations, for omission of the intermediate decision procedure in the above-entitled matters and for oral argument on any points of issue raised in these proceedings which cannot be resolved by negotiation between the interested parties as proposed in said motion. Answers to said motion were filed by the Dayton Power and Light Company and by the City of Lancaster, Ohio, on March 17 and March 19, respectively.

In support of its motion, Ohio Fuel alleges that it and certain affiliated companies in the Columbia Gas System propose to augment substantially their facilities during the year 1954 in order to meet the gas requirements of their markets; that as of January 31, 1954 Ohio Fuel had on its books $6,023,615 of contingent revenues collected under the rates in question in these dockets; that the contingent nature of such revenues and the effect upon the results of the financial operations of Ohio Fuel present difficulties with respect to financing the 1954 construction program; and that it is urgent that the contingent aspect of such revenues be resolved as quickly as possible. The motion further states that most if not all of the issues between Ohio Fuel, the intervenors, and the Commission's Staff might be resolved by negotiations between the parties; that, if the motion is granted, steps might be taken to work out a negotiated settlement of all or as many as possible of the issues in these proceedings; and that thereafter any remaining issues not settled by negotiation could be submitted to the Commission for decision after oral argument.

We take notice of the fact that there is pending before the Commission an application by Ohio Fuel in Docket No. G-2281 for an increase in its rates over and above its proposals in Docket Nos. G-1786 and G-1965. A hearing has been scheduled to commence on May 3, 1954, with respect to the issues presented by that application. Since some of the issues therein presented are related to those involved in Docket Nos. G-1786 and G-1965, early resolution of the issues in the latter two dockets may be of material assistance in enabling prompt determination of the issues in Docket No. G-2281. Likewise, it appears that final disposition of Docket Nos. G-1786 and G-1965 should be made at the earliest possible date if Ohio Fuel is to be enabled to enter into positive financial commitments required by its proposed 1954 construction program. Finally, it is urgent, particularly in view of the fact that monies in excess of $6,000,000 have been collected under bond by Ohio Fuel under the rates involved in Docket Nos. G-1786 and G-1965, that these proceedings be disposed of expeditiously for the benefit of all parties. Accordingly, we find, although the motion by Ohio Fuel was not timely filed, that the public convenience and necessity imperatively and unavoidably require omission of the intermediate decision procedure in these proceedings. The order herein will so provide.

The Commission orders:

(A) The intermediate decision procedure in the above-entitled matters be and the same hereby is omitted, and the record herein be certified forthwith by the Presiding Examiner to the Commission.

(B) Oral argument concerning the matters and issues involved in these consolidated proceedings be held commencing at 10 a. m., e. s. t., on April 19, 1954, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

(C) On or before April 9, 1954, each party, including staff counsel, shall notify the Secretary of the Commission in writing (i) whether it will participate in the oral argument on April 19, and (ii) the amount of time, if any, desired for such oral argument.

(D) To the extent not herein granted, the motion by Ohio Fuel be and the same hereby is denied.

Adopted: March 24, 1954.

Issued: March 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2374; Filed, Apr. 1, 1954; 8:51 a. m.]

[Docket Nos. G–1966, G–2175, G–1967, G–2176]

HOME GAS CO. AND MANUFACTURERS LIGHT AND HEAT CO.

ORDER OMITTING INTERMEDIATE DECISION PROCEDURE AND FIXING DATE FOR ORAL [illegible]

In the matters of Home Gas Company, Docket Nos. G–1966 and G–2175; the Manufacturers Light and Heat Company, Docket Nos. G–1967 and G–2176.

At the conclusion of hearing in the above-entitled proceeding on December 10, 1953, Rockland Light & Power Company (Rockland) moved to omit the intermediate decision on the ground that due and timely disposition of the matter imperatively required such action by the Commission. This motion was opposed by the Respondents and by certain other intervenors to the proceeding. By order issued January 4, 1954, the Commission denied the motion for omission of the intermediate decision. Thereafter on January 14, 1954, Rockland filed a motion for reconsideration of the Commission's order denying omission of the intermediate decision. On January 20, 1954, Respondents filed an answer opposing Rockland's motion. On March 11, 1954, the Respondents filed a motion for omission of the intermediate decision procedure; and on March 23, 1954, United Gas Improvement Company joined in Respondents' motion. Respondents assert in support of their motion that large amounts of revenues are reported on their books as contingent revenues, and that the contingent nature of such revenues presents considerable difficulties with respect to financing their 1954 construction program. Although the motion by Respondents was not within the time limits of § 1.30 (c) (3), we have considered it in conjunction with Rockland's motion.

Rockland in support of its motion for reconsideration submits that rates involved in these proceedings have been collected under bond since November 1, 1952; that the rates collected in the past and presently being collected are admitted to be excessive by the Respondents; and that the requirements of section 4 of the Natural Gas Act and the rules and regulations of the Commission require the omission of the intermediate decision procedure. The hearings in these proceedings were completed on December 10, 1953, and the final brief was filed by Respondents on March 5, 1954. We take notice of the fact that the Presiding Examiner, who presided over these hearings, is retiring during the month of March and will, therefore, be unavailable to prepare the intermediate decision. In view of the length of time during which the rates here involved have been in effect, the circumstance that the rates charged are admitted to be in part excessive, and the unavailability of the Presiding Examiner who heard the proceedings to prepare the intermediate decision, we shall omit the intermediate decision procedure and set the matter for oral argument before the Commission.

The Commission finds:

(1) Due and timely execution of the Commission's functions imperatively and unavoidably requires that the intermediate decision procedure be omitted in these proceedings.

(2) It is appropriate and in the public interest to hear oral argument concerning the matters involved and issues presented in these proceedings.

The Commission orders:

(A) The intermediate decision procedure be, and it hereby is, omitted, and the record in these proceedings be certified forthwith by the Presiding Examiner to the Commission.

(B) Oral argument be had before the Commission on April 22, 1954 at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in these proceedings.

(C) Each party, including Staff counsel, on or before April 12, 1954 shall notify the Secretary of the Commission, in writing, as to whether such party will participate in the oral argument, and the amount of time desired for presentation of argument.

Adopted: March 24, 1954.

Issued: March 29, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–2375; Filed, Apr. 1, 1954; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice 45]

MINIDOKA IRRIGATION PROJECT, IDAHO; NORTH SIDE PUMPING DIVISION

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC LANDS AND OPENING OF PUBLIC LANDS TO ENTRY

MARCH 5, 1954.

LANDS COVERED

SECTION 1. *Lands for which water will be available.* Water will be available for the irrigation season of 1955 and thereafter for certain irrigable lands on the North Side Pumping Division of the Minidoka Irrigation Project, as shown on approved farm unit plats on file in the office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, and in the Land and Survey Office at Boise, Idaho.

Applications may be made in accordance with this notice, beginning at 2:00 p. m., March 30, 1954, for a certificate of qualification which will entitle the holder to file an application for entry on the public lands shown on the plats. In order to permit the continued orderly development and settlement of project lands, this public notice is issued irrespective of there being pending applications for exchange pursuant to the act of August 13, 1953 (67 Stat. 566), and regulations for the administration thereof.

The lands to which this notice pertains are described as follows:

BOISE MERIDIAN, IDAHO—PUBLIC LAND

IRRIGATION BLOCK NO. 3

Township 7 South, Range 24 East

Section	Farm unit	Description	Total irrigable acres
31	A	Tract A	97.4
	B	Tract B	5.1
	C	Tract C	35.9
32	A	Tract A	4
	C	Tract C	129.1
	D	Tract D	28.3
33	B	Tract B	6.7
	E	Tract E	31.7
34	A	Tract A	128.8
	B	Tract B	116.9
	C	Tract C	1.4
	D	Tract D	28.4
35	A	Tract A	1.6
	B	Tract B	28.8
	E	Tract E	128.8

Township 8 South, Range 24 East

1	A	Tract A	108.7
	F	Tract F	17.6
	B	Tract B	112.3
	C	Tract C	2.2
2	D	Tract D	6.5
	J	Tract J	91.2
	A	Tract A	94.6
	B	Tract B	44.0
3	C	Tract C	10.4
	F	Tract F	86.2
	H	Tract H	110.1
	I	Tract J	90.6
	C	Tract C	101.9
	D	Tract D	10.0
4	F	Tract F	9.2
	G	Tract G	115.9
	K	Tract K	132.0
	B	Tract B	81.1
	C	Tract C	9.1
5	D	Tract D	87.3
	E	Tract E	88.4
	F	Tract F	98.6
	G	Tract G	80.0
	H	Tract H	93.4
6	F	Tract F	97.1
9	E	Tract F	114.1
11	E	Tract E	13.0
	F	Tract F	128.7
	B	Tract B	91.6
	C	Tract C	97.4
	D	Tract D	98.4
13	E	Tract E	100.9
	H	Tract H	1.4
	K	Tract K	100.7
	A	Tract A	134.1
14	F	Tract F	101.2
	B	Tract B	11.1
23	D	Tract D	104.3
	K	Tract K	125.0
	E	Tract E	91.6
21	F	Tract F	87.1
	B	Tract B	105.1
	C	Tract C	110.2
	D	Tract D	97.2
22	G	Tract G	70.8
	H	Tract H	84.1
	J	Tract J	83.7
	C	Tract C	90.2
23	D	Tract D	4.9
	E	Tract E	8.1
24	B	Tract B	113.5
	F	Tract F	85.2
	C	Tract C	109.0
25	D	Tract D	7.5
	E	Tract E	105.7
26	A	Tract A	107.5
	B	Tract B	111.6
	H	Tract H	110.1

Township 8 South, Range 25 East

7	B	Tract B	126.9
17	B	Tract B	100.2
	D	Tract D	95.9
	A	Tract A	95.7
	C	Tract C	121.0
18	D	Tract D	118.8
	G	Tract G	117.3
	H	Tract H	84.3
	A	Tract A	98.1
19	K	Tract K	121.9
20	A	Tract A	100.6
	B	Tract B	107.3

The Reclamation law provides that the Secretary of the Interior may designate an area of land in a project which, in his judgment, should be reclaimed and put under irrigation at substantially the same time as an irrigation block. Pursuant to section 2 (k) of the Reclamation Project Act of 1939, the farm units described above are designated as Irrigation Block No. 3.

SEC. 2. *Limit of acreage for which entry may be made or water secured.* The public lands covered by this notice have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Secretary of the Interior, may reasonably be required for the support of a family upon such land. The areas in the different units are fixed at the amounts shown upon the farm unit plats referred to in section 1 of this notice. The maximum acreage of land in private ownership for which application for delivery of water may be made is 160 acres of irrigable land for each landowner.

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange of farm units under the provisions of the act of August 13, 1953 (67 Stat. 566), who are hereinafter called "exchange applicants," a preference right shall be given to applications which are made by certain veterans (and in some cases by their wives, husbands, or guardians of minor children) and which are filed within 90 days after the opening of the lands. The five classes of persons who are entitled to this veterans preference are set forth in section 4 of this notice.

Therefore, except for those received from qualified exchange applicants, which shall be given prior preference, applications for farm units on public lands covered by this notice which are made by persons coming within one of the five classes listed in section 4 of this notice will be given first consideration if submitted before 2:00 p. m., June 28, 1954.

In order to be eligible to receive farm units, all applicants, other than qualified exchange applicants, whether or not entitled to veterans preference, must possess the necessary qualifications as to industry, experience, character, capital, and physical fitness (see section 7 of this notice) and (except for duly appointed guardians) must be qualified to make entry under the homestead laws.

SEC. 4. *Persons entitled to veterans preference.* The classes of persons who are entitled to the veterans preference described in section 3 of this notice are as follows:

(a) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least 90 days at any time between September 16, 1940, and July 3, 1952, inclusive, and who have been honorably discharged.

(b) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection (a) of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurrred during such period in the line of duty, or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

(c) The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See section 8 of this notice regarding provision that a married woman must be head of a family.)

(d) The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(e) The surviving spouse of any person whose death has resulted from wounds received or disability incurred in line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection (a) of this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

SEC. 5. *Definition of honorable discharge.* An honorable discharge means:

(a) Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

(b) Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED BY THE RECLAMATION AND HOMESTEAD LAWS

SEC. 6. *Examining board.* An examining board of 3 members, including the Superintendent of the Minidoka Project, who will act as secretary of the board, has been approved by the Commissioner of Reclamation to determine the qualifications and fitness of applicants to undertake the development and operation of a farm on the Minidoka Project. The board will make careful investigations to verify the statements made by applicants. Any false statement may constitute grounds for rejection of an application, cancellation of award, or cancellation of an entry.

SEC. 7. *Minimum qualifications.* This section sets forth the minimum qualifications which are necessary to give reasonable assurance of success of an entryman or entrywoman on a Reclamation farm unit. Applicants, unless qualified exchange applicants, must, in the judgment of the examining board, meet these qualifications in order to be considered for entry. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum.

The minimum qualifications are as follows:

(a) *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

(b) *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years' (24 months) full-time farm experience which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agriculture college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board, will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such a nature as, in the judgment of the examining board, will qualify the applicants to undertake the development and operation of an irrigated farm by modern methods.

(c) *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

(d) *Capital.* An applicant must possess assets worth at least $4,500 in excess of liabilities. Assets must consist of cash, property or assets readily convertible into cash, or assets such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. An applicant may be required to furnish a certified financial statement showing all of his assets and all of his liabilities. (See section 15 of this notice.) Assets not useful in the development of a farm will be considered if the applicant furnishes, at the board's request, evidence of the value of the property and proof of its conversion into useful form before the issuance of a certificate of qualification.

SEC. 8. *Other qualifications required.* Except for qualified exchange applicants, all applicants (except guardians) must

meet the requirements of the homestead laws. The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Must not have exhausted the right to make homestead entry on public land.

(c) Must not own more than 160 acres of land in the United States.

(d) Must, if a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family. Complete information concerning qualifications for homesteading may be obtained from the Land and Survey Office of the Bureau of Land Management at Boise, Idaho, or from the Director of that Bureau, Washington 25, D. C.

SEC. 9. *Restriction on ownership of project lands.* Applicants, other than qualified exchange applicants, for certificates of qualification must not hold or own, within any Federal Reclamation project, irrigable land for which construction charges payable to the United States have not been fully paid, except that this restriction does not apply to small tracts used exclusively for residential purposes.

Prior to the issuance of a certificate of qualification and not later than the time of the personal interview, an applicant who owns lands in a Federal Reclamation project must furnish satisfactory evidence that the total construction charges allocated against the land owned by the applicant have been paid in full.

WHERE AND HOW TO APPLY FOR A FARM UNIT

SEC. 10. *Application blanks.* Any person desiring to enter any of the public land farm units described in this notice must fill out the attached application blank. Additional application blanks may be obtained from the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho; the Regional Director, Bureau of Reclamation, Boise, Idaho; or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C.

SEC. 11. *The filing of application.* An application for a certificate of qualification for a farm unit listed in this notice must be filed with the Bureau of Reclamation, Eleventh and E Streets, Rupert, Idaho, in person or by mail. No advantage will accrue to an applicant who presents an application in person.

SEC. 12. *Applications become Department records.* Each application submitted, including evidence of qualification to be submitted following the public drawing, will become a part of the records of the Department of the Interior and cannot be returned to the applicant. For this reason, original discharge or citizenship papers should not be submitted. In case an applicant is awarded a farm, the copy of his discharge papers will be attached to his certificate of qualification (see section 19 of this notice) for submission to the Bureau of Land Management.

SELECTION OF QUALIFIED APPLICANTS

SEC. 13. *Priority of applications.* All applications, including those filed by exchange applicants, must be received prior to 2:00 p. m., June 28, 1954. All applications, except those received from exchange applicants will be classified for priority purposes and considered in the following order:

(a) *First Priority Group.* All complete applications filed prior to 2:00 p. m., June 28, 1954, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

(b) *Second Priority Group.* All complete applications filed prior to 2:00 p. m., June 28, 1954, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

(c) *Third Group.* All complete applications filed after 2:00 p. m., June 28, 1954. Such applications will be considered in the order in which they are filed if any farm units are available for award to applicants within this group.

SEC. 14. *Public drawing.* After the priority classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 13 (a) of this notice. Applicants need not be present at the drawing in order to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be awarded) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this notice, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 15. *Submission of evidence of qualification.* After the drawing a sufficient number of applicants, in the order of their priority as established in the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications set forth in sections 7 and 8 of this public notice and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 4 of this public notice. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the Bureau of Reclamation, Eleventh and E Streets, Rupert, Idaho, within 30 days of the date the form is mailed to the last known address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the period specified will subject his application to rejection.

SEC. 16. *Final examination.* After the information requested as outlined in section 15 of this notice has been received or the time for submitting such statements has expired, the board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants to whom certificates of qualification will be issued. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants. If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the board for the purpose of: (a) Affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units. If the applicant fails to appear before the board for a personal interview when requested, he shall thereby forfeit his priority as established by the drawing.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this notice, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units then available. A certificate of qualification will not be issued to an applicant who owns more than 160 acres of land in the United States. Therefore, an applicant may be required by the examining board, prior to the issuance of a certificate of qualification, to submit evidence satisfactory to the board that he does not own more than 160 acres.

If the applicant fails to supply any of the information required or the board finds that the applicant's qualifications do not meet the requirements prescribed in this notice, the applicant shall be disqualified and shall be notified by the board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Bureau of Reclamation, Eleventh and E Streets, Rupert, Idaho, within 15 days of the applicant's receipt of such notice, or in any event, within 30 days from the date the notice is mailed to the last address furnished by the applicant. The Office of the Bureau of Reclamation, Eleventh and E Streets, Rupert, Idaho, will forward the appeals promptly to the Regional Director. The Regional Director's decision on all appeals shall be final.

SELECTION OF FARM UNITS

SEC. 17. *Order of selection.* The applicants who have been notified of their qualification for the award of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his entry filing with the Bureau of Land Management, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this notice remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outlined in section 14 of this notice in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this notice.

In the event, however, that a farm unit remains unentered at the expiration of two years following the date of the notice, unless the unit is withdrawn from the notice, new applications will be accepted in respect to the unit and it shall be awarded to the first applicant who files an application after the expiration of the two-year period and who meets the qualifications prescribed by the notice, without regard to veterans preference.

SEC. 18. *Failure to select.* If any applicant, except a qualified exchange applicant, refuses to select a farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

SEC. 19. *Payment of charges and filing homestead applications.* After each qualified applicant has advised the board of his selection of a farm unit, he shall be notified by the board of the annual construction, water rental, or other charges and shall be furnished with copies of the contracts to be executed by him as required by subsections 20 (b) and (c) of this notice. The required payment and executed contracts must be received in the office of the Bureau of Reclamation, 11th and E Streets, Rupert, Idaho, within 15 days of the receipt by the applicant of such notice and contracts. Upon receipt of such payment and of the contracts fully executed before the expiration of said 15-day period, the board shall furnish each applicant, by registered mail or by delivery in person, a certificate of qualification stating that the applicant's qualifications to enter public lands have been examined and approved by the board. Such certificate must be attached by the applicant to the homestead application, which application must be filed in the Land and Survey Office, Bureau of Land Management, Boise, Idaho. Such homestead application must be filed within 15 days from the date of the receipt by the applicant of such certificate. Failure to pay annual construction, water rental, or other charges, to execute the required contracts, or to make application for homestead entry within the period specified herein will render the application subject to rejection.

SEC. 20. *Repayment obligations required to be undertaken under Federal Reclamation laws*—(a) *Establishment of development period.* Section 9 (d) (1) of the Reclamation Project Act of 1939 provides that, if, as in the case of the lands involved in this public notice, the lands are for the most part lands owned by the United States, the Secretary, prior to the execution of a repayment contract, may fix a development period and provide for the delivery of water during that period to the individual landowners on the basis of annual payments in advance of delivery of water.

Pursuant to that authority, the development period is hereby fixed as 10 years for the lands comprising Irrigation Block No. 3 commencing January 1, 1955, subject, however, to the right of the Secretary by a supplemental notice to shorten this period should it be determined that the full period is not justified.

(b) *Repayment organization and contract.* The Reclamation Project Act of 1939 requires that, as a condition precedent to the continued delivery of water after the close of the development period, the water users must form an organization, satisfactory in form and powers to the Secretary, to contract with the United States to repay the reimbursable construction costs incurred and to be incurred by the United States in the construction and operation and maintenance of the North Side Pumping Division. The organization proposed for the area comprising the North Side Pumping Division is an irrigation district to be created under the laws of the State of Idaho embracing all the lands proposed to be served by the works of the Division as authorized by the act of September 30, 1950. Before the end of the development period for Irrigation Block No. 1, the United States will request the landowners involved to organize such a district and to enter into an appropriate repayment contract with the United States in conformity with the requirements of the Federal Reclamation laws. To insure fulfillment of this requirement, each qualified applicant will be required, as a condition precedent to the issuance of a certificate of qualification, to agree to join in a petition for the creation of such a district and to include his lands in such a district when requested so to do by the United States.

(c) *Charges payable during development period.* (1) During the development period, a minimum amount of water will be furnished at an annual charge per irrigable acre to be paid in advance of delivery of water. The quantity of water to be delivered for the minimum charge each year will be specified by the Regional Director and water in excess of the amount to be furnished for the minimum charge will be furnished on an acre-foot basis in accordance with an ascending scale of rates. It is estimated that over the development period charges for water will average $8.30 per year for each irrigable acre. It is also the present plan to set a small minimum charge for the first year and to increase it each year during the development period with the object of having the charge for the last year of the development period approximately equal to the estimated combined construction and operation and maintenance charges for the first year that construction charges are required to be paid under the repayment contract. This combined operation and maintenance and construction charge is presently estimated at $10.60 per irrigable acre annually. Charges during the development period are expected to equal operation and maintenance costs during that period and are not intended to return any of the construction costs. Prior to the execution of the repayment contract, payments required to be made during the development period will be paid by the individual water users to the United States pursuant to announcements made by the Regional Director. After the repayment contract has been executed, payments by the water users will be made to the irrigation districts which will in turn make payment to the United States.

(2) For the 1955 irrigation season a minimum charge of $4.20 per irrigable acre shall be required to be paid for each irrigable acre for which water is requested except that each entryman in the block must pay this minimum charge for at least 50 per cent of the irrigable acreage of his farm unit.

Water users will be furnished three acre-feet of water for each irrigable acre in their farm units for which payment of the minimum charge is made. Water, in excess of three acre-feet for each irrigable acre, if available, will be furnished during the 1955 irrigation season at the following rates:

Fourth acre-foot per acre	$1.70
Fifth acre-foot per acre	2.25
Sixth acre-foot per acre	2.80

(3) The foregoing charges are subject to all provisions of the Federal Reclamation laws relating to collections and penalties for delinquencies.

(d) *Construction charges required to be paid.* After the development period has ended as to each irrigation block, the water users of the block will be required

to pay, in accordance with the terms of the repayment contract, an annual charge per irrigable acre to meet operation and maintenance costs and to repay to the United States that portion of the cost of construction of the North Side Pumping Division which is assigned for repayment by the water users. The repayment contract may provide for such payment over a 50-year period following the development period and the law requires that the construction charge obligation shall be distributed equally to like classes of land, both annual instalments to be adjusted on the basis of crop returns, as adjusted for agricultural parity. It is now estimated that a basic annual payment of $2.30 per irrigable acre for the entire North Side Pumping Division will be sufficient to return the current estimate of the costs of the Division required to be repaid by the water users, this representing an estimated total construction charge of $115 per irrigable acre. It is currently estimated that the average annual charge per irrigable acre for operation and maintenance will be $8.30. This estimate includes replacements required during the repayment period and the costs of power for irrigation pumping. The figures given both as to the construction obligation and the annual operation and maintenance costs are estimates only and subject to change in terms of costs as actually incurred. These estimates of the construction and operation and maintenance charges and the average estimated charges for water during the development period, as set out in subsection 20 (c) (1) of this notice, are based on the assumption that power will be furnished by the Bureau under a wheeling arrangement with the Idaho Power Company on terms similar to those provided by the existing contract with the Company, dated December 15, 1950.

(e) *Recordable contracts required.* Applicants for entry of public land will be required as a condition precedent to the issuance of a certificate of qualification, to execute and deliver a recordable contract which is intended to discourage the sale of land while it is in a developmental stage at prices in excess of its fair market value and to discourage speculation in such lands. Under present policies such contracts will remain in effect until the end of the fifth year after the commencement of payment of construction charges on the lands involved. As a basis for operation of such contracts, all the lands of the Division will be appraised at their fair market value without regard to increments by reason of the prospect of obtaining water, and the contracts will provide that, in the event lands are sold at prices in excess of their appraised values, as these are revised from time to time, a portion of the excess shall be applied in payment of construction charges against the land.

GENERAL PROVISIONS

SEC. 21. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice.

SEC. 22. *Reservation of rights of way for public roads.* Rights of way along section lines and other lines shown in red on the farm unit plats described in section 1 of this notice are reserved for county, state, and Federal highways and access roads to the farm units shown on said farm unit plats.

SEC. 23. *Reservation of rights-of-way for utilities.* Rights-of-way are reserved for Government-owned telephone, electric transmission, water and sewer lines, and water treating and pumping plants, as now constructed, and the Secretary of the Interior reserves the right to locate such other Government-owned facilities over and across the farm units above-described as hereafter, in his opinion, may be necessary for the proper construction, operation, and maintenance of the said project. Existing rights-of-way granted by the United States are also reserved.

SEC. 24. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management; otherwise, the homestead applications will be rejected or the homestead entry or entries cancelled.

SEC. 25. *Effect of relinquishment or cancellation.* In the event that any entry of public land made hereunder shall be relinquished by the entryman or cancelled for any cause, other than by contest, the farm unit affected by such relinquishment or cancellation shall be disposed of as follows:

(a) If the entry is relinquished or cancelled within two years after the date of the notice, such unit shall be offered without delay to the qualified applicant next in order of priority as established in the drawing who will be treated as a standing applicant therefor under this notice. Such applicant shall be required to furnish such additional information as may be necessary to satisfy the board that he is still qualified under the terms of the notice. In the event that an award cannot be made to a qualified applicant, the unit shall be offered as prescribed in subsection (b) below.

(b) If an entry is relinquished or cancelled at any time after the expiration of 2 years following the date of the notice, unless the unit is withdrawn from the notice, new applications will be accepted in respect to the unit and it shall be awarded to the first applicant who files an application after the effective date of the relinquishment or cancellation and who meets the qualifications prescribed by the notice without regard to veterans preference.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MARCH 5, 1954.

[F. R. Doc. 54-2349; Filed, Apr. 1, 1954; 8:47 a. m.]

[Commissioner's Order 20]

CHIEF, ADMINISTRATIVE SERVICES DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO SUPPLY AND SERVICE CONTRACTS, ADVERTISING AND PERSONAL PROPERTY

MARCH 26, 1954.

This order sets forth certain authorities of the "Chief, Administrative Services Division", which were heretofore exercised by the "Chief, Supply Field Division" or "Chief, Supply Services Division" pursuant to Circular Letter No. 3509, Commissioner's Orders Nos. 4 and 12, and Departmental Order No. 2341.

SECTION 1. *Delegation of authority.* The Chief, Administrative Services Division, Office of the Assistant Commissioner and Chief Engineer, Denver, Colorado, may exercise the following authority:

(a) *Supply and service contracts.* Approve, award, and execute contracts for supplies or services in conformity with applicable regulations and statutory requirements, and subject to the availability of funds therefor, where the amount involved does not exceed $200,000.

Approve and execute change orders and extra work orders pursuant to contracts for supplies or services where the amount involved does not exceed $200,000.

Approve and enter into modifications of contracts for supplies or services which are legally permissible and terminate such contracts if such action is legally authorized, where the amount does not exceed $200,000.

(Departmental Order No. 2509, Amt. No. 16, 17 F. R. 6793, and Amt. No. 18, 19 F. R. 433, Departmental Order No. 2585, 15 F. R. 6094)

(b) *Advertising.* Authorize the publication of advertisements, notices, or proposals.

(Departmental Order No. 2735)

(c) *Personal property.* Dispose of by sale, transfer, donation, or otherwise, personal property excess to the needs of the Bureau in accordance with the Federal Property and Administrative Services Act of 1949 as amended, and regulations issued thereunder by the Administrator of General Services.

(Departmental Order No. 2642, 16 F. R. 6318, as amended)

W. A. DEXHEIMER,
Commissioner.

[F. R. Doc. 54-2348; Filed, Apr. 1, 1954; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-451]

CHEMICAL SOIL CONDITIONER INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Chemical Soil Conditioner Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than April 23, 1954. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. s. t., April 23, 1954, in Room 3004 of the United States Court House, Foley Square, New York City, to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through these proceedings is composed of persons, firms, corporations, and organizations engaged in the production or marketing of commercial products having as their active ingredients materials falling within the following groups: Polyelectrolytes such as polyvinyls, and polyacrylics, and cellulose derivatives, and lignin derivatives, which are represented as having a primary function of forming soil aggregates in soil to which they have been applied and thereby improving the resistance of such soil to the slaking action of water, increasing its water and air permeability, improving the resistance of its surface to crusting, improving its ease of cultivation, and/or otherwise favorably modifying its structural or physical properties.

Issued: March 30, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-2394; Filed, Apr. 1, 1954; 8:54 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CENTRAL OFFICE

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATION OF AUTHORITY

Section II, delegations of final authority, is amended as follows:

1. Paragraph G 2 is amended by changing the first sentence to read as follows:

2. To accept service of process pursuant to attachment or garnishment proceedings served upon the Public Housing Administration with regard to any debtor-employee of the PHA, to execute all necessary and proper documents required in connection therewith, and to appear to testify therein for the PHA when so ordered by a court of competent jurisdiction and upon proper legal notice. • • •

2. Subparagraphs 12 and 13 are added to paragraph E as follows:

12. To execute dedications, licenses, permits and easements; to execute contracts with brokers, local authorities, or others for management or disposition; to execute contracts for the services of surveyors and appraisers; to consent to the annexation of project property by a political subdivision if necessary to facilitate disposition.

Assistant Director for Disposition, Chicago Field Office

13. To execute contracts of sale, removal or demolition, deeds, and transfer documents (other than documents relating to transfers of jurisdiction without reimbursement to other Federal agencies); to execute lease cancellations and settlements; to order and execute contracts for advertisements in connection with disposition of housing.

Assistant Director for Disposition, Chicago Field Office
Chief of the Disposition Section, Chicago Field Office.

Date approved: March 22, 1954.

CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 54-2352; Filed, Apr. 1, 1954; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 30-58, 54-196, 59-97, 70-2681, 70-3156]

MISSION OIL CO. ET AL.

ORDER TERMINATING SOUTHWESTERN DEVELOPMENT CO. REGISTRATION AS HOLDING COMPANY AND RESERVING JURISDICTION OVER FEES AND EXPENSES

MARCH 29, 1954.

In the matter of the Mission Oil Company, Southwestern Development Company, and Subsidiaries, and Sinclair Oil Corporation, File Nos. 54-196, 59-97; Albert R. Jones, et al., File No. 70-2681; Southwestern Development Company, Amarillo Gas Company, Amarillo Oil Company, Clayton Gas Company, Dalhart Gas Company, Red River Gas Company, West Texas Gas Company, File No. 70-3156; Southwestern Development Company, File No. 30-58.

The Commission having on December 24, 1953 granted and permitted to become effective an application-declaration filed by Southwestern Development Company ("Southwestern"), a registered holding company, and its subsidiary companies, pursuant to sections 7, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") in which it was proposed, among other things, that all of the properties of the Southwestern holding-company system should be placed in Amarillo Gas Company, whose name would be changed to Pioneer Natural Gas Company ("Pioneer"), and in Pioneer's proposed non-utility subsidiary, Amarillo Oil Company, and that Southwestern should be liquidated and dissolved after distributing to its stockholders, in exchange for their shares of Southwestern, a pro rata amount of the common stock of Pioneer; and

Southwestern having requested that upon consummation of the proposed transactions and the filing of a Certificate of Notification with respect thereto, the Commission enter an order, pursuant to section 5 (d) of the act that Southwestern has ceased to be a holding company and that its Registration Statement under the act has ceased to be in effect; and the Commission in its order of December 24, 1953, having reserved jurisdiction to enter such an order; and

Southwestern now having filed its Certificate of Notification No. 1, which represents:

1. That on December 31, 1953, the steps required to place all of the properties of the Southwestern holding-company system in Pioneer and its single nonutility subsidiary, Amarillo Oil Company, were completed leaving as the only asset of Southwestern 1,455,514 shares of Pioneer capital stock, $7.50 par value, and that Clayton Gas Company, Dalhart Gas Company, Red River Gas Company and West Texas Gas Company were dissolved.

2. That on February 15, 1954, pursuant to appropriate resolutions of its stockholders and directors, Southwestern assigned and delivered the 1,455,514 outstanding shares of Pioneer stock to Guaranty Trust Company of New York, the Transfer Agent of Pioneer, with instructions for the transfer of said shares on the books of Pioneer to the Southwestern stockholders, on the basis of two shares of Pioneer stock for one share of Southwestern stock, and that on February 18, 1954, Southwestern filed an appropriate Notice of Dissolution which, it is stated, will become effective on April 6, 1954.

It appearing to the Commission that Southwestern no longer, either directly or indirectly, owns, controls or holds with power to vote, any stock of any public-utility or holding company and that it is appropriate to enter an order pursuant to section 5 (d) of the act declaring that Southwestern has ceased to be a holding company and that, subject to the condition set forth below, the registration of such company has ceased to be in effect:

It is ordered, That Southwestern has ceased to be a holding company and that its registration has ceased to be in effect, upon the condition, however, that the jurisdiction over fees and expenses heretofore reserved in the Commission's orders of December 21, 1951, and December 24, 1953, be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2354; Filed, Apr. 1, 1954; 8:48 a. m.]

[File No. 70-3207]

GEORGIA POWER CO.

ORDER AUTHORIZING PROPOSED ISSUE AND SALE OF FIRST MORTGAGE BONDS

MARCH 29, 1954.

Georgia Power Company ("Company"), a public utility subsidiary of The Southern Company, a registered holding

company, having filed with this Commission an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder, with respect to the following proposed transaction:

The Company proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $11,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1984. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be paid to the Company (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount, exclusive of accrued interest from April 1, 1954 to date of payment and delivery) will be determined by competitive bidding. The new Bonds will be secured by the Mortgage and Deed of Trust executed by the Company to The New York Trust Company, Trustee, dated as of March 1, 1941, as heretofore supplemented and as further supplemented by Supplemental Indenture to be dated as of April 1, 1954.

The Company proposes to use the net proceeds from the sale of the new Bonds, together with other available funds, for the construction or acquisition of permanent improvements, extensions, and additions to its property. The Company estimates that its 1954 construction program will require expenditures of approximately $33,000,000.

The issue and sale of said Bonds have been expressly authorized by the Public Service Commission of Georgia, in which State the Company is organized and doing business.

The Company requests that the order of the Commission herein be made effective upon issuance.

Fees and expenses of issuance and distribution, payable by the Company, are estimated not to exceed the following amounts:

Federal original issue tax	$12,100
Filing fee—Securities and Exchange Commission	1,133
Listing on New York Stock Exchange	1,320
Charges of trustee (including counsel)	7,800
Cost of temporary and definitive bonds	8,000
Printing and preparation of registration statement, financial statements, prospectus, competitive bidding papers, supplemental indenture, etc.	20,000
Recording supplemental indenture	4,000
Services of Southern Services, Inc. (mutual service company)	7,000
Fees and expenses of counsel (Winthrop, Stimson, Putnam & Roberts)	9,100
Fees and expenses of accountants (Arthur Andersen & Co.)	4,350
Miscellaneous, including telephone and telegraph charges and traveling expenses	3,000
Total	77,803

The above fees and expenses do not include a fee of $6,000 payable by the successful bidders to their counsel, Simpson, Thacher & Bartlett.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that said application as amended be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and Rule U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2355; Filed, Apr. 1, 1954; 8:48 a. m.]

[File No. 70-3208]

NATIONAL FUEL GAS CO. ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE OF DEBENTURES BY HOLDING COMPANY, AND OF COMMON STOCKS AND NOTES BY SUBSIDIARY COMPANIES

MARCH 29, 1954.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, United Natural Gas Company, Pennsylvania Gas Company, Republic Light, Heat and Power Company, Inc.; File No. 70-3208.

National Fuel Gas Company ("National"), a registered holding company, and its gas utility subsidiaries, Iroquois Gas Corporation ("Iroquois"), United Natural Gas Company ("United"), Pennsylvania Gas Company ("Pennsylvania"), and Republic Light, Heat and Power Company, Inc. ("Republic"), having filed with this Commission a joint application-declaration and amendments thereto pursuant to sections 6, 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-50 thereunder, with respect to the following proposed transactions:

It is stated that Iroquois, United, Pennsylvania and Republic have substantial construction programs during 1954 involving additional plant facilities needed to provide adequate service to the public, the total estimated cost of which is $11,364,250; that Republic has a bank loan of $1,500,000 maturing in 1954, the payment of which is contemplated; that Republic plans also to conduct a conversion program during 1954, involving alteration of its gas distribution plant and facilities to provide gas of higher thermal content and adjustment of the gas burning appliances in over 34,000 dwelling units at an estimated cost of approximately $720,000; and that, in order to provide the funds so required by these companies, the following transactions are proposed:

Transaction No. 1. National proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of its __ Percent Sinking Fund Debentures due 1979. The interest rate on the Debentures (which shall be a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid for the Debentures (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by the competitive bidding. The Debentures will be issued pursuant to the provisions of an Indenture between National and The Hanover Bank, Trustee, to be dated as of April 15, 1954.

National proposes to use the net proceeds from the sale of these Debentures to purchase the capital stocks of or to make loans to its said subsidiaries, and to apply any balance of the net proceeds not so needed, estimated at approximately $2,500,000, to reduce its outstanding bank loans, which aggregated $13,000,000 in principal amount at December 31, 1953.

Transaction No. 2. Iroquois proposes to issue and sell, and National proposes to buy, 45,000 shares of Iroquois' common capital stock, of a par value of $100 per share, for $4,500,000 cash.

Iroquois proposes to use the net proceeds from the sale of this stock, together with funds from current operations, to finance its 1954 construction program, estimated at $4,695,000, and to discharge short-term bank loans aggregating $1,000,000 made in connection with the company's 1953 construction program.

Transaction No. 3. United proposes to issue and sell, and National proposes to buy, 92,000 shares of United's no par common capital stock (having a stated value of $25 per share) for $2,300,000 cash.

United proposes to use the net proceeds from the sale of this stock, together with funds from current operations, to finance its 1954 construction program, estimated at $2,889,100.

Transaction No. 4. Pennsylvania proposes to issue and offer for sale to its stockholders, pursuant to their preemptive rights, on the basis of one share for each 12½ shares held on the record date, 46,080 shares without par value (having a stated value of $12.50 per share) of its common capital stock at a subscription price of $15 per share.

It is stated that National owns 356,931 shares (61.97 percent) of the common stock of Pennsylvania now outstanding; that National proposes to exercise its preemptive right and subscribe for 28,554 shares for a total purchase price of $428,310; that the remaining stockholders of Pennsylvania will be entitled to subscribe for 17,526 shares for a total purchase price of $262,890; that in addition to their primary subscription rights, all stockholders will be accorded a conditional purchase privilege, subject to allotment pro rata according to their primary subscription rights exercised, to subscribe for additional shares of the stock allocated for public subscription; that subscription rights and conditional purchase privileges will be evidenced by negotiable warrants expiring on April 26, 1954; that no fractional shares will be issued; that Warren National Bank, of Warren, Pennsylvania, will act as subscription agent and will assist, without charge to the subscribers for such services, in buying and selling rights in order that subscriptions may be made for full shares; that, according to the "Weekly Over-the-Counter List" published by The Wall Street Journal for February 23, 1954, the market prices for Pennsylvania's common stock were $15.50 bid and $17.00 asked.

National states that it intends to subscribe for 28,554 additional shares, and to exercise its conditional purchase privilege and purchase such shares as are allotted to it under such privilege. Pennsylvania has entered into an agreement with National whereby Pennsylvania agrees to sell to National, and National agreed to purchase, at the subscription price of $15 per share, the total number of additional shares not taken by other stockholders.

Pennsylvania proposes to apply the proceeds from the sale of said stock to finance its 1954 construction program, estimated at $2,108,650, and to increase its supply of gas in underground storage.

Transaction No. 5. Pennsylvania also proposes to issue and sell, and National proposes to buy, from time to time during 1954, promissory notes aggregating in principal amount not to exceed $1,500,000. Such notes will be unsecured and each will be in the principal amount of $125,000. The notes will mature at annual intervals beginning April 1, 1967. Each note will bear interest at a rate per annum equal to the interest rate applicable to National's 1954 Debenture issue, plus ⅛ of 1 percent, payable semi-annually on April 1 and October 1 of each year until paid in full. Pennsylvania will have the option of prepaying these notes in whole or in part, after payment in full of all notes presently outstanding, which aggregated $5,400,000 at December 31, 1953 and which are held by National.

Pennsylvania will use the proceeds from the sale of said notes, together with funds to become available through the sale of its common stock as aforesaid, to finance its 1954 construction program.

Transaction No. 6. Republic proposes to issue and sell, and National proposes to buy 30,00 shares of Republic's capital stock, of a par value of $100 per share, for $3,000,000 cash.

Republic proposes to apply the net proceeds from the sale of this stock (1) to repay back loans due October 1, 1954 in the amount of $1,500,000, and (2) to finance, in part, its 1954 construction program, estimated at $1,671,500.

Transaction No. 7. Republic proposes to issue and sell, and National proposes to buy, from time to time during 1954, promissory notes aggregating in principal amount not to exceed $720,000. Such notes will mature in the aggregate amount of $90,000 on May 15 of each year beginning with the year 1955, and will bear interest at a rate per annum equal to the coupon interest rate applicable to National's 1954 Debenture issue, plus ⅛ of 1 percent, payable semiannually.

Republic proposes to use the net proceeds from the sale of these notes to pay the cost of its 1954 conversion program aforesaid.

Transactions Nos. 2, 6, and 7 aforesaid have been expressly authorized by the Public Service Commission of New York, in which State Iroquois and Republic are organized and doing business. The securities proposed to be issued under Transactions Nos. 3, 4, and 5 have been duly registered by order of the Public Utility Commission of Pennsylvania, in which State United and Pennsylvania are organized and doing business.

National has estimated that its expenses of issuance and distribution in connection with Transaction No. 1 will aggregate $90,000, including fees of the trustee (including trustee's counsel) in the amount of $7,500, fee of National's counsel in the amount of $8,000, and an engineer's fee in the amount of $15,000. No estimate has been filed with respect to the fees and expenses to be incurred in connection with Transactions Nos. 2 to 7 inclusive, nor have supporting affidavits been filed with respect to any of said fees and expenses.

Applicants-declarants request that the Commission's order to be entered herein become effective upon issuance.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration as amended should be granted and permitted to become effective herewith, subject to the conditions and reservations below set out:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50, and subject also to reservation of jurisdiction with respect to all fees and expenses to be paid in the several transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2356; Filed, Apr. 1, 1954; 8:48 a. m.]

[File No. 70-3217]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING EXTENSION OF SHORT-TERM BANK NOTES

MARCH 29, 1954.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, having filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding a proposed transaction which is summarized as follows:

By order dated May 21, 1953, the Commission permitted to become effective a declaration filed by Columbia regarding the borrowing of not in excess of $30,000,000 from certain designated banking institutions. (Holding Company Act Release No. 11931.) Pursuant thereto, Columbia issued short-term 3 percent notes, evidencing the bank borrowing, to be repaid in installments of $9,000,000 on February 26, 1954, $9,000,000 on March 31, 1954, and $12,000,000 on April 30, 1954.

Columbia paid the first installment of $9,000,000 on February 26, 1954, and has made arrangements with the lending banks to extend the maturity dates of the last two installments (aggregating $21,000,000) to May 31, 1954. Interest on the $9,000,000 installment due March 31, 1954, will accrue from March 31 to May 31, 1954, at the prime rate for short-term money as at March 31, 1954. Interest on the $12,000,000 installment due April 30, 1954, will accrue from April 30, 1954, to May 31, 1954, at the prime rate for short-term money as at April 30, 1954. Under the new arrangements Columbia has the option to prepay either or both of the installments presently due on March 31, 1954 and April 30, 1954 at any time after April 30, 1954.

According to Columbia, the original $30,000,000 of bank indebtedness was incurred for the purpose of obtaining funds to advance to its subsidiaries to finance their purchase of inventory gas. The proposed extension of the unpaid balance of the bank loans is considered an interim arrangement to enable Columbia to meet a portion of the cash requirements of its subsidiaries in connection with their 1954 construction program until funds are obtained by Columbia from the sale of securities which is the subject of a declaration now pending before the Commission (File No. 70-3210).

It is stated that no State commission has jurisdiction over the proposed transaction. It is requested that the Commission's orders herein be made effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commision.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2361; Filed, Apr. 1, 1954; 8:49 a. m.]

[File No. 812-867]

EQUITY CORP. ET AL.

NOTICE OF FILING OF APPLICATION REQUESTING ORDER PERMITTING AFFILIATE TO REDEEM ITS PREFERRED STOCK

MARCH 29, 1954.

In the matter of The Equity Corporation, Electromode Corporation, Commer-

cial Controls Corporation; File No. 812-867.

Notice is hereby given that The Equity Corporation ("Equity"), a registered closed-end, non-diversified management investment company, and Electromode Corporation ("Electromode"), an affiliate of Equity, on behalf of themselves and also of Commercial Controls Corporation ("Commercial"), a majority-owned subsidiary of Equity, have filed an application under section 17 (b) of the Investment Company Act of 1940 ("act"), for an order exempting from the provisions of section 17 (a) of the act the redemption by Electromode of all (18,000 shares) of its outstanding 80-cent Cumulative Preferred Stock, 40 cents par value, of Electromode, all of which is owned by Commercial.

The sole business of Electromode consists of the manufacture and distribution of space heaters. In addition to preferred stock, Electromode has outstanding 2,000 shares of common stock, par value 10 cents per share, of which Equity holds 868.6 shares (43.43 percent) and Commercial holds 1,001 shares (50.05 percent). The common and preferred stocks of Electromode have one vote per share, and Equity and Commercial presently control 99.35 percent of the voting power; if the preferred stock is redeemed, as is proposed, Commercial and Equity will control 93.4 percent of the voting power.

Commercial manufactures and markets tape-controlled automatic typing machines, mail room machines and equipment and production control machines and systems. The capitalization of Commercial consists of 3 percent notes due serially from 1961 to 1970 in the principal amount of $2,678,000 of which Equity owns $1,325,500 (49.48 percent) and 100,000 shares of common stock, par value 10 cents per share, of which Equity owns 54,000 shares (54 percent).

Electromode proposes to redeem and retire its outstanding 18,000 shares of preferred stock at the redemption price of $20 per share, plus accrued and unpaid cumulative dividends. The aggregate redemption price of the outstanding shares will be $360,000 plus dividends which have accrued from January 1, 1954.

In support of the proposed transaction, the application states that the cash needs of the company do not require the retention of the cash which is proposed to be used to redeem the preferred stock. It is further stated that any necessary funds can be obtained from a local bank up to a maximum of $250,000 at any one time outstanding at a current rate of interest of 3¼ percent. The application states that even if the maximum borrowing is required, which is not anticipated, substantial savings will result due to the fact that the interest cost on the loan will be materially less than the dividend requirements on the preferred stock.

Section 17 (a) of the act makes it unlawful, subject to certain exceptions not relevant here, for an affiliated person of a registered investment company, or an affiliate of such a person, to sell to or purchase from such registered company, or any company controlled by such registered company, any security or other property. However, under section 17 (b) of the act, the Commission upon application shall grant an exemption from the provisions of section 17 (a) of the act if it finds that the terms of the proposed transaction, including the consideration, are reasonable and fair and do not involve overreaching on the part of anyone concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and with the general purposes of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than April 12, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2357; Filed, Apr. 1, 1954; 8:49 a. m.]

[File No. 812-870]

COMPOSITE BOND AND STOCK FUND, INC., ET AL.

NOTICE OF APPLICATION FOR ORDER EXEMPTING SALE OF INVESTMENT COMPANY SHARES TO EMPLOYEES, SALES REPRESENTATIVES, OFFICERS OR DIRECTORS AT LESS THAN PUBLIC OFFERING PRICE

MARCH 29, 1954.

In the matter of Composite Bond and Stock Fund, Inc., Composite Fund, Inc., Composite Research & Management Co., and Murphey Favre, Inc.; File No. 812-870.

Notice is hereby given that Composite Bond and Stock Fund, Inc. ("Bond") and Composite Fund, Inc. ("Fund"), both registered open-end diversified management investment companies, and Composite Research & Management Co. ("Research"), the investment manager of Bond and Fund, and Murphey Favre, Inc. ("Favre"), the principal underwriter-distributor of Bond and Fund, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 22 (d) of the act the offering of shares of both Bond and Fund at reduced offering prices, but not less than their respective net asset values, to employees, sales representatives, officers or directors of Bond, Fund, Research and Favre.

It is proposed that the sales made to any of the above-mentioned persons will be on the same basis and any person making a purchase will be required to sign a statement agreeing not to resell such shares except by regular redemption, in the usual manner, to the company issuing the shares. It is the present intention of Favre to waive any sales load to which it would be entitled and to make all sales to such persons at net asset value.

The application states that the shares of Bond and Fund are offered and sold by Favre, primarily through its own sales organization by means of a prospectus in the form required by the Securities Act of 1933, as amended. Such prospectus states the public offering price, or prices, at which shares are to be sold and will include complete information with respect to the offering price of shares as proposed in this application, if the requested exemption is granted.

Section 22 (d) of the act, among other things, prohibits the sale of redeemable securities of a registered investment company below the current public offering price described in the prospectus, with certain exceptions. Section 6 (c) of the act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Applicants assert that the instant proposal will in no way adversely affect the shareholders of Bond or Fund, nor will it adversely affect the interests of any future purchasers of their shares since Bond and Fund will continue to receive the full net asset value for all shares sold. The proposed waiver of sales commissions will be entirely a concession by Favre, however, since Favre will incur very little expense because of this proposal and the amount of the sales load it will forego will be relatively insignificant, it is the viewpoint of all the applicant companies that the proposal is a desirable personnel move and will produce lasting benefits to the applicants through the improvement in employee goodwill, all without detriment to the interest of any shareholder of the investment companies or the management and research companies.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than April 12, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2358; Filed, Apr. 1, 1954; 8:49 a. m.]

[File No. 812-872]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND CONTROL ENGINEERING CORP.

NOTICE OF FILING OF APPLICATION REQUESTING ORDER EXEMPTING BORROWING OF MONEY BY AFFILIATE FROM INVESTMENT COMPANY

MARCH 29, 1954.

Notice is hereby given that American Research and Development Corporation ("Research"), a Massachusetts corporation, and a registered closed-end, non-diversified management investment company and Control Engineering Corporation ("Control"), a Massachusetts corporation, and an affiliate of Research, have filed an application, as amended, for an order under section 17 (b) of the Investment Company Act of 1940 ("act") exempting from the provisions of section 17 (a) thereof the proposed purchase by Research of up to $200,000 of the Ten Year 5¾ Percent Convertible Notes proposed to be issued by Control in the principal amount of $250,000.

Control has as its principal business the design and manufacture of precision mechanical, hydraulic and electronic instruments and controls. Prior to the issuance of the proposed note, control proposes to split its common stock, Class A, and its common stock, Class B, five for one, and the par value of the Class A stock will become $4 per share and the stated value of the Class B stock will become $2 per share. In addition, Control has on March 26, 1954 offered to the holders of its Class A stock, on a pro rata basis, 700 shares of Class A stock at $50 per share (or 3,500 shares at $10 per share after the five for one split-up). Of this amount, it is expected that Research will subscribe for its pro rata share and will purchase 245 shares (or 1,227 shares after the five for one split-up).

Reflecting the split-up and the proposed sale of additional common stock mentioned above, the capitalization of Control, as forecast by the company as at March 31, 1954, will consist of $1,054,385 of notes payable to a bank; $21,825 of mortgage loans on machinery and equipment; 30,915 shares of Class A, non-voting, common stock; and 17,600 shares of Class B, voting common stock. Research will own 13,967 shares, or 45.2 percent of the outstanding Class A, non-voting, common stock and 3,105 shares, or 17.6 percent of the outstanding Class B, voting common stock. Since Research holds more than 5 per centum of the outstanding voting securities of Control, Research and Control are affiliated persons of one another, as defined in section 2 (a) (3) of the act.

Control proposes to issue and sell $250,000 of Ten Year 5¾ Percent Convertible Notes at a discount of 10 percent, by offering to each stockholder of Control the right to purchase his pro-rata share of the notes, plus a pro-rata share of any notes not purchased by any other stockholder. As noted before, Research has agreed to underwrite the proposal to the extent of agreeing to purchase up to $200,000 of the notes, which is approximately $112,000 in excess of Research's pro-rata share. The notes may be prepaid by Control after one year from the date of issue by paying a premium of 10 percent during the first six years, 7½ percent during the seventh year, 5 percent during the eighth year, and 2½ percent during the ninth year. During the tenth year, the notes may be prepaid without premium.

After one year from the date of issue, the notes may be converted into shares of Class A common stock at the rate of exchange of 61.8 shares of said Class A common stock for each $1,000 of the principal sum so converted. The Class A and Class B common stocks are pari passu except that the Class A common stock has no voting rights but has a priority in liquidation to the extent of its per value of $4 per share. It is also proposed that the notes will be fully subordinated as to principal with respect to all present and future V-loan borrowings for the financing of defense production contracts, and any indebtedness incurred in the ordinary course of business and maturing by its terms within twelve months from the date on which such indebtedness was incurred.

Control proposes to use the proceeds of the notes to consummate an agreement to purchase additional land and buildings in order to expand its plant facilities.

Section 17 (a) of the act, among other things, makes it unlawful for any affiliated person of a registered investment company to borrow money or other property from such registered company, with certain exceptions not pertinent here. However, under section 17 (b) of the act, the Commission, upon application shall grant an exemption from the provisions of section 17 (a) of the act if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and with the general purposes of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than April 12, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time, after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2353; Filed, Apr. 1, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29061]

WINDOW GLASS FROM ARKANSAS, OKLAHOMA, AND LOUISIANA TO MOBILE, ALA.

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Window glass, carloads.

From: Fort Smith, Ark., Henryetta and Okmulgee, Okla., and Shreveport, La.

To: Mobile, Ala.

Grounds for relief: Rail competition, competition with water carriers, market competition, and foreign competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3841, supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2376; Filed, Apr. 1, 1954; 8:52 a. m.]

[4th Sec. Application 29062]

GRAIN FROM OKLAHOMA TO NORTHERN TEXAS

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Grain, grain products and related articles, carloads.

From: Points in Oklahoma.

To: Points in northern Texas.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3941, supp. 75.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2377; Filed, Apr. 1, 1954; 8:52 a. m.]

[4th Sec. Application 29063]

PIPE, STEEL OR WROUGHT IRON FROM GALVESTON, HOUSTON, AND ORANGE, TEX., TO HAVANA, ILL.

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Pipe, steel or wrought iron, welded or seamless, carloads.

From: Galveston, Houston and Orange, Texas.

To: Havana, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 322.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2378; Filed, Apr. 1, 1954; 8:52 a. m.]

[4th Sec. Application 29064]

CAUSTIC SODA FROM MCINTOSH, ALA., TO EAST ALTON, HARTFORD, AND MURPHYSBORO, ILL.

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Caustic soda (sodium hydroxide), liquid, in tank-car loads.

From: McIntosh, Ala.

To: East Alton, Hartford and Murphysboro, Ill.

Grounds for relief: Rail competition, market competition, to maintain grouping and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1351, supp. 64.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2379; Filed, Apr. 1, 1954; 8:52 a. m.]

[4th Sec. Application 29065]

ALCOHOL FROM TUSCOLA, ILL., TO BALTIMORE, MD., NEWARK AND CARNEY'S POINT, N. J.

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Denatured alcohol, and alcohol, in bond, in tank-car loads.

From: Tuscola, Ill.

To: Carney's Point and Newark, N. J., and Baltimore, Md.

Grounds for relief: Competition with water-rail carriers.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4542, supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2380; Filed, Apr. 1, 1954; 8:52 a. m.]

[4th Sec. Application 29066]

SUGAR FROM SAVANNAH AND PORT WENTWORTH, GA., TO CINCINNATI, OHIO, AND LOUISVILLE, KY.

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sugar, in carloads

From: Savannah and Port Wentworth, Ga., and points grouped therewith.

To: Cincinnati, Ohio, and Louisville, Ky., and points grouped therewith.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 380, supp. 207.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2381; Filed, Apr. 1, 1954; 8:52 a. m.]

[4th Sec. Application 29067]

SULPHURIC ACID FROM MOBILE TO DECATUR, ALA.

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Mobile, Ala.

To: Decatur, Ala.

Grounds for relief: Competition with rail carriers, circuity, and to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1357, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2382; Filed, Apr. 1, 1954; 8:53 a. m.]

[4th Sec. Application 29068]

LUMBER FROM SOUTHWEST TO POINTS IN KENTUCKY

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber and related articles, carloads.

From: Points in southwestern territory.

To: Masonville, Fidelio, Thompsonville and Edgoten, Ky.

Grounds for relief: Rail competition, circuity, to maintain grouping, and additional destinations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3949, supp. 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2383; Filed, Apr. 1, 1954; 8:53 a. m.]

[4th Sec. Application 29069]

WOODPULP FROM NAIRNS FALLS, QUEBEC, CANADA, TO CHESTER AND PHILADELPHIA, PA., AND WILMINGTON, DEL.

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp and woodpulp screenings, carloads.

From: Nairns Falls, Quebec, Canada.

To: Chester and Philadelphia, Pa., and Wilmington, Del.

Grounds for relief: Rail competition, circuity, market competition, and foreign competition.

Schedules filed containing proposed rates: Canadian National Railways tariff I. C. C. No. E-500, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2384; Filed, Apr. 1, 1954; 8:53 a. m.]

[4th Sec. Application 29070]

BAKERY GOODS BETWEEN MISSOURI RIVER CITIES

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Bakery goods, carloads.

Between: Atchison and Leavenworth, Kans., Kansas City, Mo.-Kans., and St. Joseph, Mo., on the one hand and Council Bluffs, Iowa, Omaha and South Omaha, Nebr., on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3748, supp. 118.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to

take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2385; Filed, Apr. 1, 1954; 8:53 a. m.]

[4th Sec. Application 29071]

CARBIDE OF CALCIUM FROM SAULT STE. MARIE, MICH., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Calcium, carbide of, carloads.

From: Sault Ste. Marie, Mich.

To: St. Louis, Mo.

Grounds for relief: Rail competition, competition with water carriers, and market competition.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3910, supp. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2386; Filed, Apr. 1, 1954; 8:53 a. m.]

[4th Sec. Application 29072]

LUMBER FROM NORTH PACIFIC COAST TERRITORY TO ARKANSAS, LOUISIANA, AND MISSOURI

APPLICATION FOR RELIEF

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber, shingles, and related articles, carloads.

From: Points in north Pacific Coast territory.

To: Points in Arkansas, Louisiana, and Missouri.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. 1545, supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2387; Filed, Apr. 1, 1954; 8:53 a. m.]

[4th Sec. Application 29073]

PETROLEUM PRODUCTS FROM CONWAY, KANS., TO POINTS IN SOUTHWESTERN, SOUTHERN, OFFICIAL AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum products, carloads.

From: Conway, Kans.

To: Points in southwestern, southern, official and western trunk-line territories.

Grounds for relief: Rail competition, circuity, to maintain grouping, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3821, supp. 138; F. C. Kratzmeir, Agent, I. C. C. No. 3802, supp. 159; F. C. Kratzmeir, Agent, I. C. C. No. 3825, supp. 201; F. C. Kratzmeir, Agent, I. C. C. No. 3651, supp. 333; F. C. Kratzmeir, Agent, I. C. C. No. 4056, supp. 18; F. C. Kratzmeir, Agent, I. C. C. No. 4066, supp. 19; W. J. Prueter, Agent, I. C. C. No. A-3578, supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2388; Filed, Apr. 1, 1954; 8:54 a. m.]

[4th Sec. Application 29074]

GARNET SAND FROM MELBOURNE, FLA., TO BARRE, VT.

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Garnet sand, carloads.

From: Melbourne, Fla.

To: Barre, Vt.

Grounds for relief: Rail competition, circuity, to maintain grouping, to apply rates constructed on the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1346, supp. 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2389; Filed, Apr. 1, 1954; 8:54 a. m.]

[4th Sec. Application 29075]

PHOSPHATIC FEED SUPPLEMENTS FROM CHICAGO, CHICAGO HEIGHTS, AND JOLIET, ILL., TO ILLINOIS TERRITORY

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Phosphatic feed supplements, viz.: defluorinated phosphate or superphosphate, and phosphate di-calcium, carloads.

From: Chicago, Chicago Heights and Joliet, Ill.

To: Points in Illinois territory.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 809.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2390; Filed, Apr. 1, 1954; 8:54 a. m.]

[4th Sec. Application 29076]

BRICK FROM SIOUX CITY AND SERGEANT BLUFF, IOWA TO MINNESOTA

APPLICATION FOR RELIEF

MARCH 30, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for the Chicago, Milwaukee, St. Paul and Pacific Railway Company, and Chicago and Northwestern Railway Company.

Commodities involved: Brick and related articles, also drain tile, carloads.

From: Sioux City and Sergeant Bluff, Iowa.

To: Specified points in Minnesota.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2391; Filed, Apr. 1, 1954; 8:54 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 65

Washington, Saturday, April 3, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10525

TRANSFERRING FROM THE SECRETARY OF THE NAVY TO THE SECRETARY OF THE INTERIOR INTEREST IN AND CONTROL OVER CERTAIN FUNDS

By virtue of the authority vested in me as President of the United States, and in the interest of the internal management of the Government, it is hereby ordered as follows:

The Secretary of the Navy's interest in, and control over, the moneys deposited by him in accordance with the provisions of Executive Order No. 10426 of January 16, 1953, entitled "Setting aside Submerged Lands of the Continental Shelf as a Naval Petroleum Reserve", in a suspense account in the Treasury of the United States, shall hereafter be vested in and exercised by the Secretary of the Interior, in the same manner as in the case of the moneys deposited in a special account in the Treasury of the United States in accordance with the provisions of the notice of the Secretary of the Interior dated December 11, 1950 (15 F. R. 8835), as amended and supplemented, such moneys to be expended or deposited as provided by the Submerged Lands Act (67 Stat. 29) and the Outer Continental Shelf Lands Act (67 Stat. 462).

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 1, 1954.

[F. R. Doc. 54-2525; Filed, Apr. 2, 1954; 8:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter C—Civil Service Commission

PART 350—TERRITORIAL POST DIFFERENTIALS AND TERRITORIAL COST-OF-LIVING ALLOWANCES

PUERTO RICO AND VIRGIN ISLANDS

Effective upon publication in the FEDERAL REGISTER, the item in § 350.10 *Places and rates at which territorial post differentials shall be paid* which reads "Puerto Rico and Virgin Islands of the United States: 15 percent of rate of basic compensation" is revoked and an item for Puerto Rico and Virgin Islands is added to § 350.11. As amended, §§ 350.10 and 350.11 read in pertinent part as follows:

§ 350.10 *Places and rates at which territorial post differentials shall be paid.* • • •

American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoan group east of longitude 171 degrees west of Greenwich, together with Swains Island): 25 percent of rate of basic compensation.

Guam: 25 percent of rate of basic compensation.

Johnston or Cornwallis Island, and Sand Island: 25 percent of rate of basic compensation.

Midway Islands: 25 percent of rate of basic compensation.

Wake Island: 25 percent of rate of basic compensation.

Swan Islands: 25 percent of rate of basic compensation.

Canton Island: 25 percent of rate of basic compensation.

The Trust Territory of the Pacific Islands (which comprises the Caroline, Marshall, and Mariana Islands, except Guam): 25 percent of rate of basic compensation.

§ 350.11 *Places and rates at which territorial cost-of-living allowances shall be paid.* • • •

Alaska (including all the Aleutian Islands east of longitude 167 degrees east of Greenwich): 25 percent of rate of basic compensation.

Hawaii (excluding Ocean or Kure Island and Palmyra Island): 20 percent of rate of basic compensation.

Puerto Rico and Virgin Islands of the United States: 25 percent of rate of basic compensation.

(Sec. 202, Part II, E. O. 10,000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2470; Filed, Apr. 2, 1954; 8:55 a. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 3, 1953 Supp. ($1.50)
Title 16 ($1.00)
Titles 22–23 ($1.00)
Title 24 ($0.75)

Previously announced: Title 8 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.45); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 Honey Bulletin 1]

PART 434—HONEY

SUBPART—1954 HONEY PRICE SUPPORT PROGRAM

This bulletin contains the regulations applicable to the 1954 Honey Price Support Program whereby the Secretary of Agriculture makes price support for extracted honey available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as CCC and CSS respectively).

Sec.
434.501 Administration.
434.502 Availability of price support.
434.503 Eligible honey.
434.504 Ineligible honey.
434.505 Disbursement of loans.
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434.507 Approved storage.
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434.522 Liquidation of loans and delivery under purchase agreements.
434.523 Purchase of notes.
434.524 Charges not to be assumed by CCC.
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434.526 CSS commodity offices.

AUTHORITY: §§ 434.501 to 434.526 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1446, 1421.

§ 434.501 *Administration.* This subpart will be administered by the Sugar Division, CSS, under the general direction and supervision of the Executive Vice-President, CCC, and in the field will be carried out by State and County Agricultural Stabilization and Conservation Committees (hereinafter called State and county committees) and CSS commodity offices. Producers interested in participating in the program should contact their county committees, through which the price support documents will be distributed. All documents will be completed and approved by the county committees, which will retain copies thereof. A State committee may authorize a county committee to designate in writing certain employees of the county committee to approve documents on behalf of the county committee. The names of the employees delegated to approve documents on behalf of a county committee shall be submitted in writing to the State committee for approval. State and county committees and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart, or any amendments or supplements to this subpart.

§ 434.502 *Availability of price support*—(a) *Method of support.* Price support on extracted honey will be made available to producers through loans on such honey stored in approved farm storage, and through purchase agreements.

(b) *Area.* Farm-storage loans and purchase agreements will be available wherever eligible honey is produced in the continental United States.

(c) *Where to apply.* Application for price support should be made at the office of the county committee of the county in which the producer's place of operation is located or, if producer has more than one place of operation, at the office of the county committee of the county in which the honey is stored.

(d) *When to apply.* Loans and purchase agreements will be available from April 1, 1954 through December 31, 1954, in Florida, Georgia, South Carolina, Alabama, Mississippi, Louisiana, Texas, New Mexico, Arizona and California. In all other States, loans and purchase agreements will be available from July 1, 1954 through December 31, 1954. Applicable documents must be signed by the producer and delivered to the county committee not later than December 31, 1954.

(e) *Eligible producer.* (1) An eligible producer shall be any individual, partnership, association or corporation producing extracted honey in 1954. Any group of eligible producers may designate in writing, in the form or forms prescribed by CCC, an agent to act in their behalf in obtaining price support under this subpart. A copy of each designation of agent signed by one or more producers, and indicating the maximum quantity of honey on which each producer wishes either a loan or purchase agreement, must be delivered to the county committee before any purchase agreement or loan documents on behalf of the group are approved by the county committee.

(2) Cooperative marketing associations of producers shall be deemed to be eligible producers for loans and purchase agreements on eligible honey received from the producers thereof: *Provided*, That (i) the producer members are bound by contract to deliver their eligible honey to the association free from all liens and encumbrances; (ii) the proceeds of the eligible honey marketed by the association are shared proportionately among the eligible producers according to the grade and quantity of such honey each delivers to the association; (iii) the association has authority to obtain a loan on the security of the honey and to give a lien thereon as well as authority to sell such honey. Only honey received from producers under such conditions may be delivered to CCC under a loan or purchase agreement. All determinations with respect to whether or not a given organization is a cooperative marketing association of

producers pursuant to this section shall be made by or under the direction of the State committee.

§ 434.503 *Eligible honey.* Any honey other than that described in § 434.504 which meets the following requirements is eligible for price support.

(a) The honey must be of the 1954 crop, produced and extracted in continental United States by an eligible producer.

(b) The honey shall be packed in containers of a capacity of not less than 5 gallons nor greater than 70 gallons, and of a style used in normal commercial practice in the honey industry. Five-gallon containers shall be filled with 60 pounds net of honey. Larger containers shall be filled to their rated capacities.

(1) The 5-gallon containers shall be new, clean, sound, uncased and free from appreciable dents and rust. The handle of each container shall be firm and strong enough to permit carrying the filled can. The can closures shall be complete, including the cap liner prescribed for the particular style of can. The threads on both the cap and the can opening shall not be damaged in any way that will prevent a tight seal. Cans which are punctured, or which have been punctured and resealed by soldering, will not be acceptable.

(2) Steel drums shall be new drums, or used drums which have been reconditioned both inside and outside. Steel drums must be clean, and treated to prevent rusting. The drums must be fitted with gaskets which will provide a tight seal when closed.

(3) Other commercial containers, such as wooden barrels or kegs, which are new or which have been reconditioned, are acceptable if sound, clean and leakproof. Such containers must be closed with bungs or other appropriate leakproof closures.

(c) The beneficial interest in the honey must be in the producer tendering the honey for loans, or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom, before the honey was extracted, he succeeded as owner of the bees producing the honey. In the case of a cooperative marketing association these stipulations as to beneficial interest shall apply to each producer delivering to the association.

(d) The honey must be equal to or better than Grade C of the United States Standards for Grades of Extracted Honey, effective April 16, 1951: *Provided, however,* That in areas in which the State Committee determines that existing conditions make fermentation of high moisture honey probable during the period of storage, the maximum moisture content allowable may, with the approval of the Executive Vice President, CCC, be reduced from 20 percent to 18.6 percent for any or all floral sources.

(e) Honey offered for a farm-storage loan must have been stored, in containers specified in paragraph (b) of this section, for at least 15 days prior to drawing the inspection samples. The containers shall be stacked upright in a manner which will prevent damage to the containers in the stacks, and so arranged that the containers in the stacks are easily accessible for inspection.

§ 434.504 *Ineligible honey.* Athel, Avocado, Bitterweed, Broomweed, Carrot, Chinquapin, Dog Fennel, Desert Hollyhock, Eucalyptus, Gumweed, Mesca, Onion, Prickly Pear, Prune, Queen's Delight, Snowbrush (Ceanothus), Snow-On-The-Mountain, Tarweed, and similar objectionably-flavored honeys or objectionably-flavored blends of honey as determined by the Director, Sugar Division, CSS, will not be eligible for price support regardless of whether they meet other eligibility requirements.

§ 434.505 *Disbursement of loans.* Disbursement of loans will be made to producers by county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreement with CCC. No disbursement shall be made later than 15 days after the final date of the availability of loans, unless recommended by the State committee and approved by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft, shall constitute disbursement. The producer shall not present the loan documents for disbursement of funds unless the honey is in existence, in approved storage, and in good condition. If the commodity was not in existence, in approved storage, or in good condition at the time the producer received the disbursement, the proceeds shall be promptly refunded by the producer.

§ 434.506 *Approved lending agencies.* An approved lending agency shall be any bank, corporation, partnership, individual or legal entity with which CCC has entered into a lending agency agreement (CCC Form 292 or other form prescribed by CCC).

§ 434.507 *Approved storage.* Loans will be made only on honey in approved storage. Purchase agreements may be executed without regard to whether the honey is in approved storage.

(a) *Farm storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses) which are determined by the county committee to be so located and of such substantial and permanent construction as to afford safe storage of the honey. In carrying out its responsibility the county committee should consider the extent to which the storage structures for honey are clean, dry, weatherproof and able to be locked. Where such structure is used to house honey other than that which is covered by a single price support loan, a suitable partition should be used to preserve the identity of the honey covered by each price support loan and segregate it from any other honey in the storage structure.

(b) *Cooperative storage.* Approved storage for cooperative marketing associations shall meet the requirements stated in paragraph (a) of this section. Preservation will not be required of the identity of each producer's honey in the lot covered by the mortgage.

§ 434.508 *Applicable forms.* The approved forms consist of the loan and purchase agreement forms and such other forms and documents as are specified in this subpart which, together with the provisions of this subpart, govern the rights and responsibilities of the producer. Note and supplemental loan agreements, chattel mortgages, and purchase agreements, must be dated, signed by the producer, and delivered to the county committee on or before the final date of availability of loans or purchase agreements. Note and supplemental loan agreements, and chattel mortgages, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(a) *Farm-storage loans.* Approved forms shall consist of Commodity Loan Form A, Producer's Note and Supplemental Loan Agreement, secured by Commodity Loan Form AA, Commodity Chattel Mortgage, and such other forms and documents as may be required by CCC. These forms shall also be used for honey stored by cooperative marketing associations of producers in warehouses under their control.

(b) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement (Commodity Purchase Form 1) and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, and such other forms and documents as may be required by CCC.

(c) *Designation of agent by a group of producers.* Producers who designate an agent to act in their joint behalf in obtaining price support shall execute a proper designation of agent on a form approved by CCC.

§ 434.509 *Liens.* If there are any liens or encumbrances on honey placed under loan or delivered under purchase agreement, waivers acceptable to the county committee must be obtained.

§ 434.510 *Service charges.* Producers shall pay the following service charges on the quantity of honey placed under loan or specified in the purchase agreement. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a loan.

(a) Rates:

Method of price support	Rate (per 100 pounds net)	Minimum
	Cents	$
Farm-storage loan	5	[illegible]
Purchase agreement	2½	[illegible]

(b) State committees are authorized to require prepayment of $3.00 of the service charge on a farm-storage loan.

(c) No refund of service charges will be made.

§ 434.511 *Determination of quantity.* (a) Determination of quantity of honey in connection with applications for farm-storage loans, shall be computed on the basis of 55 pounds for each 5 gallon can and 11 pounds for each gallon of rated capacity for containers larger than 5 gallon.

(b) Determination of quantity, at time of delivery to CCC, of honey under loan or purchase agreement shall be made by or under the direction of the State committee. The quantity determination of honey delivered in 5-gallon cans shall be based upon the number of 5-gallon cans times the average per can net weight of honey rounded to the next lowest whole pound, or 60 pounds per can net weight of honey, whichever is lower. The weight determination of honey delivered in larger containers shall be based upon the actual net weight of honey.

§ 434.512 *Determination of grade and color.* (a) Determination of grade and color in connection with applications for farm-storage loans shall be made on the basis of samples drawn by the county committee and transmitted prepaid to an office of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service. Samples shall be provided by the producer at no cost to CCC. The cost of inspection shall be collected for the account of the Processed Products Standardization and Inspection Branch by the county committee from the producer at the time samples are drawn.

(b) Determination of grade and color, at time of delivery to CCC, of honey under loan or purchase agreement, including the drawing of the samples, shall be by representatives of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS. Samples shall be provided by the producer at no cost to CCC. The cost of such sampling, and of grade, and color determination at time of delivery, shall be paid by CCC.

(c) Table honey should be so segregated according to color that the color for the lot as a whole is within the tolerances for color variations as outlined in the United States Standards for Grades of Extracted Honey, effective April 16, 1951. If a lot of honey is not segregated so that it can be certified in accordance with the foregoing, the loan, settlement for the loan, or purchase under purchase agreement, shall be made on the basis of the darkest color shown on the inspection certificate.

(d) Table honey should be so segregated from nontable honey that it can be certified for loan, settlement under loan, or purchase under purchase agreement, in accordance with the categories outlined in § 434.525. If a lot of honey is not segregated so that it can be given a single classification as either table or nontable honey, the loan, settlement for the loan, or purchase under purchase agreement, shall be made on the basis of nontable honey.

(e) In the case of blends of table and nontable honeys, the loan, settlement under loan, or purchase under purchase agreement, shall be made on the basis of nontable honey. If any blends of honey contain ineligible honey, the lot as a whole is ineligible.

§ 434.513 *Maturity of loans.* Loans mature on demand, but not later than March 31, 1955, in all States.

§ 434.514 *Set-offs.* If the producer is indebted to CCC on any accured obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or payable or prepayable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support purchase or loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or legal action.

§ 434.515 *Interest rate.* Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that where there is a default in satisfaction of the loan the amount of the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 434.516 *Transfer of producer's interest.*—(a) *Farm-storage loans.* The producer shall not transfer either his remaining interest in, or his right to redeem, honey mortgaged as security for a farm-storage loan. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the honey, must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the honey from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

(b) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 434.517 *Safeguarding the honey.* The producer obtaining a farm-storage loan is obligated to maintain the storage structure in good repair and to keep the honey in good condition, until the loan is liquidated.

§ 434.518 *Insurance.* CCC will not require the producer to insure the honey placed under loan; however, if the producer insures such honey and indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the honey involved in the loss.

§ 434.519 *Loss or damage to honey.* If the honey is going out of condition, or is in danger of going out of condition, the producer shall notify the county committee. The producer is responsible for any loss in quantity or quality of the honey placed under farm-storage loan, except that, subject to the provisions of § 434.518, physical loss or damage occurring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer, resulting solely from external causes other than insect infestation, vermin, rodents, or wild animals, will be assumed by CCC to the extent of the settlement value of the quantity of the honey lost, stolen, or destroyed, or to the extent of the damage as determined by CCC, provided the producer has given the county committee immediate notice, confirmed in writing, of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer shall be assumed by CCC. Where disbursement of funds is made by sight draft or check, the date of the draft or check shall constitute the date of disbursement of the funds.

§ 434.520 *Personal liability of the producer for the honey.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the honey by him, may render the producer subject to criminal prosecution under Federal law and will render him personally liable for the amount of the loan (including interest), and for any resulting expense incurred by any holder of the note.

§ 434.521 *Release of the honey under loan.* A producer may at any time obtain release of the honey remaining under loan by paying to the holder of the note and supplemental loan agreement, the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county committee shall arrange for the release of the chattel mortgage. Partial release of the honey prior to maturity may be arranged with the county committee after making payment to the holder of the note for the quantity of the honey released, plus charges and accrued interest. However, in the event the quantity of the honey contained in the storage structure and covered by the chattel mortgage is greater than the quantity with respect to which the amount was computed, application may be made to the county committee for release of all or part of such excess without payment on the loan.

§ 434.522 *Liquidation of loans and delivery under purchase agreements.*—(a) *Farm-storage loans.* The producer is required to pay off his loan on or before maturity, or to deliver the honey in accordance with instructions of the county committee. Delivery points for farm-

storage loans shall be limited to those recommended by the State committee and approved by the Director, Sugar Division, CSS. If the producer desires to deliver the honey, he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his honey at any time prior to delivery to CCC or removal by CCC. In the event the farm is sold or there is a change of tenancy, the honey under a farm-storage loan may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the Executive Vice President of CCC. Settlement will be made at the applicable support price in effect at the approval point of delivery subject to the provisions of the producer's note and supplemental loan agreement and this subpart, on the basis of the quantity, floral source, color and grade at the time of delivery as determined in accordance with §§ 434.511 (b) and 434.512 (b), (c), (d) and (e). If farm-stored honey is delivered to CCC prior to March 31, 1955, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced at the rate of 1/20 of a cent per pound per month or fraction thereof, from the date delivery is accomplished, or the final date for delivery shown in the delivery instructions issued by the county committee, whichever is earlier, to and including March 31, 1955. Settlement value for honey delivered which does not meet the eligibility requirements with respect to grade shall be determined at the support price for the honey placed under loan less the estimated cost, as determined by CCC, for conditioning such honey to conform to the grade of honey described in the loan documents. The settlement value for honey delivered which does not meet eligibility requirements because of floral source, or which cannot be conditioned to meet grade requirements, shall be the actual market value of such honey, if any, as determined by CCC. The producer shall pay CCC for any deficiency in quantity, floral source, grade or color. Any payment due the producer on settlement may be made by sight draft drawn on CCC by the county office.

(b) *Handling small amounts on settlement.* If the settlement value of the honey delivered under a farm-storage loan exceeds the amount due on the loan (excluding interest) by more than $3.00, such amount will be paid to the producer on the basis of the settlement documents. To avoid administrative costs of making small payments, if the amount found due the producer in such settlement is $3.00 or less such amount will be paid only upon his request. If the settlement value of the honey is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest, shall be paid to CCC, or may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. To avoid administrative costs of handling small accounts a deficiency of $3.00 or less, including interest, may be disregarded unless demand therefor is made by CCC upon the producer.

(c) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase Form 1) shall not be obligated to sell any quantity of the honey to CCC. However, the quantity stated in the purchase agreement will be the maximum quantity he may sell to CCC. If the producer who signs a purchase agreement wishes to sell the commodity to CCC, he shall have a 30-day period prior to the loan maturity date during which he must notify the county committee of his intention to sell. Deliveries shall not be accepted before March 31, 1955, or such earlier date as prescribed by the Executive Vice President, CCC. The producer may be required to retain the honey for a period of 60 days after the loan maturity date, without any cost to CCC. Delivery under purchase agreements shall be made in accordance with instructions issued by the county committee. Delivery points for purchase agreements shall be limited to those recommended by the State committee and approved by the Director, Sugar Division, CSS. Honey delivered under a purchase agreement must meet the requirements for eligible honey as set forth in §§ 434.503 and 434.512 (e). Payment for eligible honey delivered to CCC under purchase agreements shall be at the applicable support price in effect at the approved delivery point, on the basis of the quantity, floral source, color and grade at the time of delivery as determined in accordance with §§ 434.511 (b) and 434.512 (b), (c), (d), and (e). Such payment will be made to the producer by sight draft drawn on CCC by the county office.

§ 434.523 *Purchase of notes.* County committees will purchase notes evidencing loans from approved lending agencies in accordance with the lending agency agreement. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500, or such other form as CCC may prescribe, for all payments received on producers' notes held by them, and are required to remit to CCC a part of the interest collected, computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the ASC county office where the loan documents were approved.

§ 434.524 *Charges not to be assumed by CCC.* CCC will not pay or assume any insurance, or storage charges, inspection charges to determine eligibility for a loan, or any handling or processing charges necessary to make the honey meet the eligibility requirements.

§ 434.525 *Support prices.* Loans will be made, and honey delivered under purchase agreements will be purchased, at the support prices set forth below:

For States of Montana, Wyoming, Colorado, New Mexico and States West Thereof

	Rate (cents per pound)
1. White and lighter table honey	10 4
2. Extra Light Amber table honey	9 9
3. Nontable and other table honey	8 4

For All States East of Montana, Wyoming, Colorado and New Mexico

	Rate (cents per pound)
1. White and lighter table honey	11 3
2. Extra Light Amber table honey	10 8
3. Nontable and other table honey	9 3

Loans will be made at the applicable support price established for the State in which the honey is stored.

(a) "Table honey" means honey having the predominant flavor of not more than two floral sources, and preferably one, which can be readily marketed for table use in all parts of the country. Such honey includes those with the predominant flavors of Alfalfa, Brazil Brush, Catsclaw, Clover, Cotton, Fireweed, Gallberry, Huajillo, Lima Bean, Mesquite, Orange, Raspberry, Sage, Sourwood, Star Thistle, Sweetclover, Tupelo, Vetch, Western Wild Buckwheat, and similar predominatly mild-flavored honeys, or predominantly mild-flavored blends of honey, as determined by the Director, Sugar Division, CSS.

(b) "Nontable honey" means honey having a predominant flavor of limited national acceptability for table use but considered to be suitable for table use in most areas in which it is produced. Such honeys include those with the predominant flavors of Aster, Buckwheat (except Western Wild Buckwheat), Goldenrod, Heartsease (Smartweed), Horsemint, Mangrove-Palmetto, Manzanita, Mint, Partridge Pea, Rattan Vine, Salt Cedar (Tamarix gallica), Spanish Needle, Ti-ti, Toyon (Christmas Berry), Tulip-Poplar, and similarly-flavored honeys, or blends of such honeys, as determined by the Director, Sugar Division, CSS.

§ 434.526 *CSS commodity offices:* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia.

Kansas City 6, Missouri, Federal Office Building, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, Eastern Building, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 30th day of March 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

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TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 74]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude as shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility, class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility, within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	11
ALBANY, N. Y. Albany Airport, 258' FBR AZ TIV ABLB Procedure No. 1 April 1, 1954	Saratoga Springs FM	208—24	1,800	W side N course: 026° outbound, 206° inbound, 1,800 within 10 miles.	T-4n C-4n S-4n A-4n	300-1 (600-1½) 500-1 500-2	300-1 (600-1½) 500-1 500-2	Within 2.8 miles, climb to 1,000' on S course. Make right climbing turn and proceed out W course, climbing to 3,000', or when directed by ATC, climb to 5,000' on S course. *Straight-in observation clearance not provided over tank 256/4.9 miles W of Albany LFR.
Procedure No. 2 April 1, 1954 (Using Delmar FM)	Round Lake FM (final)	208—10	*1,100					
	Grafton FM	293—19	3,000					
	Coxsackie FM	015—24	2,200					
	Delmar FM	113—9	1,800					
	Schenectady FM	113—9	1,800		T-4n C-4n S-4n A-4n	300-1 (600-1½) 500-1 500-2	300-1 (600-1½) 500-1 500-2	Within 3.4 miles after passing Delmar FM, climb to 3,000' on N course within 25 miles or when directed by ATC, climb to 5,000' on W course. Albany LFR within distance. *Straight-in observation clearance not provided over tank 256/4.9 miles W of Albany LFR.
	Saratoga Springs FM	208—24	1,800	E side S course: 194° outbound, 014° inbound, 2,300 within 10 miles of Delmar FM.				
	Grafton FM	293—19	3,000					
	Coxsackie FM (final)	015—24 / (To Delmar FM)	1,700		T-4n C-4n S-4n A-4n	300-1 (600-1½) 500-1 500-2	300-1 (600-1½) 500-1 500-2	Within 2½ miles, climb to 2,500' on SW course. Make left climbing turn and proceed out N side NE course, climbing to 3,000', or when directed by ATC, climb to 5,000' on NE course. *Straight-in observation clearance not provided over tank 256/4.9 miles W of the N L course.
	Schenectady FM	113—9	1,800					
ALLENTOWN, PA. Allentown-Bethlehem-Easton Airport, 392' FBR AZ TIV ABL Procedure No. 1 April 1, 1954								
	Cliffy Int.	90—45	2,000	NE side SE course: 136° outbound, 316° inbound, 1,800 within 10 miles.	T-4n C-4n S-4n A-4n	300-1 (600-1½) 500-1 500-2	300-1 (600-1½) 500-1 500-2	Within 3.4 miles, climb to 2,000' on W course.
BOWLING GREEN, KY. Bowling Green Airport, 540' FBR NA (W) Procedure No. 1 April 1, 1954								

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BUFFALO, N. Y. Municipal, 711' SBRAZ DTV BUF Procedure No. 1 April 1, 1954	Wolcottsville FM (final)	230—11	1,300	N side, NE course: 055° outbound. 235° inbound. 1,800' within 15 miles.	1,300	214—0.9	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 0.9 mile, climb to 2,000' on SW course, or (when directed by ATC) climb to 2,100' on W course.
	E. Pembroke FM	272—18	1,900							
Procedure No. 2 April 1, 1954 (Using Cheektowaga FM)	Wolcottsville FM	230—11	1,800	S side SW course: 240° outbound. 060° inbound. 2,000' within 10 miles (from Cheektowaga FM).	1,500 (Over Cheektowaga FM).	055—2.7 (From Cheektowaga FM)	T-dn C-dn S-dn 5 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 2.7 miles after passing Cheektowaga FM, climb to 2,000' on NE course or (when directed by APCC) make right climbing turn to 2,100' on E course within 10 miles. Deviation from criteria authorized in straight-in landing minimums. Distance from Angola FM exceeds standard for final approach.
	E. Pembroke FM	272—18	1,900							
	Angola FM (final)	050—19 (From Cheektowaga FM)	1,500							
CHARLESTON, W. VA. Kanawha County Mil' SBRAZ CHW Procedure No. 1 April 1, 1954				N side W course.* 240° outbound. 100° inbound. 2,500' within 10 miles.	2,000	112—10.7	T-dn C-dn C-n A-dn	300-1 1,000-2 1,500-2 1,500-2	300-1 1,000-2 1,500-2 1,500-2	Within 0 mile, make a left turn and climb to 2,500' on W. course. *Procedure turn conducted N. to avoid tradin. on Victor 4. Shuttle on W course descending to 2,500' within 10 miles
CHATTANOOGA, TENN. Lovell Field, 682' SBRAZ-DTV CHA Procedure No. 1 April 5, 1954	Chattanooga VOR	048—8.0	2,000	E side of course 012° outbound. 212° inbound. 2,500' within 25 miles.	1,700	203—3.2	T-dn C-dn A-dn	300-1 600-1½ 800-2	300-1 700-2 900-2	Within 3.2 miles climb to 4,000' on SE course CHA LFR within 2 miles NOTE 1: Procedure turn nonstandard due to high terrain to the W.
	Daisy FM	212—9	2,500 1,900 on final							
	Int NW course CHA LFR and bearing 090° M on N. CHA MHW (Signal Mtn Int.).	129—10	2,300							
	Int SW course CHA LFR and CHA VOR Radial 280 Rossville Int.).	049—10	2,300							
COLUMBUS, OHIO Port Columbus, 816' SBRAZ DTV CMH Procedure No. 1 April 1, 1954	Hilliard FM (final)	094—10	1,900	S side W course: 274° outbound. 094° inbound. 2,400' within 10 miles. NA beyond 10 miles.	1,900	072—1.2	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 2 miles, climb to 2,400' on E course of Columbus LFR within 10 miles.
	Mt. Liberty FM	206—28	2,300							
	Radar terminal area transition altitudes.	All sectors within 25 miles 2,500'; 25-40 miles 3,000'.								
ELKINS, W. VA. Elkins Airport, 1,987' SBMRAZ-DTV EKN Procedure No. 1 April 1, 1954				W side N course 353° outbound. 173° inbound. 4,500' within 10 miles.	4,300	175—3.1	T-d T-n C-d C-n A-d A-n	1,000-2 NA 2,000-2 NA 2,000-3 NA	1,000-2 NA 2,000-2 NA 2,000-3 NA	Within 3.1 miles, climb to 6,000' on S course within 25 miles.
ELMIRA, N. Y. Chemung County Airport, 971' SBRAZ-DTV ELM Procedure No. 1 April 1, 1954				S side SW course: 224° outbound. 045° inbound. 3,000' within 15 miles.	2,500	075—1.7	T-d T-n C-d C-n A-d A-n	800-2 800-3 1,200-2 1,200-3 1,800-2 1,800-3	800-2 800-3 1,200-2 1,200-3 1,800-2 1,800-3	Within 1.7 miles, climb to 3,500' on NE course within 10 miles.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ROANOKE, VA. Woodrum Field, 1,174' SBRAZ ROA Procedure No. 1 April 1, 1954	Red Hill FM (final)	349—9	(*)	E side S course: 160° outbound. 340° inbound. 4,600' within 10 miles of Red Hill FM.	*4,600	349—1.7	T-dn C-d C-n A-dn	1,000-2 1,500-2 2,000-2 2,500-2	1,000-2 1,500-2 2,000-2 2,500-2	Within 0.0 mile, climb to 5,000' on N course within 15 miles of LFR, maintaining at least 500' per minute rate of climb. Return to Roanoke LFR at 5,000'. If unable to maintain 500' per minute climb, notify ATC and make right turn climbing to 5,000' on S course. *After passing Red Hill FM, descend to cross range station at authorized minimums. Take-off on Runway 33 and landing on Runway 15 not authorized at night for air carrier aircraft.
ROCHESTER, N. Y. Rochester Airport, 560' SBMRLZ-DTV ROC Procedure No. 1 April 1, 1954				N side E course 118° outbound. 298° inbound. 2,000' within 10 miles.	1,500	312—2.1	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 600-1½ 800-2	Within 2.1 miles, climb to 2,000' on W course. NOTE: Take-offs on Runway 12 and landings on Runway 30 not authorized for air carrier aircraft.
SYRACUSE, N. Y. Hancock, 419' SBRAZ-DTV SYR Procedure No. 1 April 1, 1954				S side W course: 277° outbound. 097° inbound. 2,000' within 10 miles.	1,400	100—7.7	*T-dn C-dn S-dn 10 A-dn	300-1 700-2 600-2 800-2	300-1 700-2 600-2 800-2	Within 7.7 miles, make a climbing left turn to 2,000' and return to Syracuse LFR, or when directed by ATC, climb to 3,000' on E course. *600-1 required for take-off to SE. CAUTION: 833' radio mast located 1.3 miles SE of airport.
WESTFIELD, MASS. Barnes Airport, 270' MRLZ-VDT BAF Procedure No. 1 April 1, 1954	Int. SW course Chicopee LFR and S course Westfield LFR (final).	027—7	1,500	E side S course: 207° outbound. 027° inbound. 2,500' within 10 miles.	1,500	27—1.3	*T-d *T-n C-dn A-dn	700-1 700-2 800-2 1,500-3	700-1 700-2 800-2 1,500-3	Within 1.3 miles, climb to 3,000' on N course within 15 miles. This procedure not approved for ADF approach *800-1 day, 800-2 night required for takeoff to E on runway 9 and SE on Runway 15.
WILKES-BARRE, PA. Wilkes-Barre-Scranton Airport, 956' SBMRAZ DTV AVP Procedure No. 1 April 1, 1954	Plymouth Int.	*067—13	3,500	S side SW course: 247° outbound. 067° inbound. 3,500' within 10 miles	#2,300	086—4.2	T-d T-n C-d C-n A-d A-n	600-2 800-2 900-1½ 1,000-2 1,200-2 1,600-3	600-2 800-2 1,000-2 1,000-2 1,200-2 1,600-3	Within 4.2 miles, immediately make a climbing left turn to 4,000' on SW course within 15 miles of Wilkes-Barre LFR. #CAUTION: Do not descend to final approach altitude until on the SW course of the range. High terrain to E, SE, and S of airport within 3 miles.

2. The automatic direction finding procedures prescribed in § 609.1 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BUTLER, PA. Graham Airport, 1,248' HW BTP Procedure No. 1 April 1, 1954.	Pittsburgh surveillance radar	Within 40 miles of Greater Pittsburgh Airport	3,000 or MFA when lower	E side of course: 185° outbound. 005° inbound. 3,000' within 7 miles. NA beyond 7 miles.	2,400	005—4.6	T-dn C-d C-n A-dn	300–1 600–1 600–1½ 800–2	300–1 600–1 600–1½ 800–2	Within 4.6 miles after passing Butler, climb to 2,400' on track of 356° within 10 miles. NOTE: Radar transition may be conducted by Pittsburgh surveillance radar. Descent to final approach altitude authorized upon intercepting 005° inbound track to Butler and passing 5-mile fix as determined by surveillance radar. CAUTION Unlighted tower 1,491' 1 mile ESE of runway 25.
	Pittsburgh surveillance radar fix (final).	005—5	2,400							
CHATTANOOGA, TENN. Lovell Field, 682' Outer Compass Locator CH Procedure No. 2 February 1, 1952	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE, DATED MARCH 5, 1954.									
KEENE, N. H. Dillant-Hopkins, 482' MHW KNE Procedure No. 1 April 1, 1954 Facility owned and operated by the State of New Hampshire	----------	----------	----------	W side of course 201° outbound. 021° inbound. 3,500' within 10 miles.	2,500	021—3.2	*T-dn C-dn A-d A-n	1,500–2 1,500–2 2,500–2 4,000–3	----------	Within 3.2 miles, make a left climbing turn to 5,000', return to Keene MHW. Hold N of Keene MHW on track of 015°, turns to the W. #Procedure turn conducted W to avoid higher terrain E of final approach course. *Night takeoff to SE not authorized for air carrier operations.
LEBANON, N. H. Lebanon Municipal, 579' BH LEB Procedure No. 1 April 1, 1954	----------	----------	----------	W side of course: 004° outbound. 184° inbound. 4,000' within 10 miles.	3,000'	184—4.4	T-d T-n C-d C-n A-dn	1,000–2 2,000–2 1,500–2 2,000–2 2,500–2	1,000–2 2,000–2 1,500–2 2,000–2 2,500–2	Within 4.4 miles, climb to 5,000' on track of 184° within 10 miles of Lebanon "H" facility. Air carrier operations on Runway 7 not authorized at night. Runway 25 authorized at night for takeoff only.
SPRINGFIELD, OHIO Springfield Airport, 1,049' MHW SGH Procedure No. 1 April 1, 1954	West Jefferson Int.	254—27	2,300	N side of course: 055° outbound. 235° inbound. 2,300' within 10 miles. NA beyond 10 miles.	1,800	235—3.5	T-dn C-dn S-dn 23 A-dn	300–1 500–1 500–1	300–1 500–1½ 500–1 800–2	Within 3.6 miles make climbing left turn to 2,300' to turn to Springfield MHW. NOTE: Wright-Patterson tower controls all instrument approaches into Springfield.
	Wright-Patterson I.F.R.	068—17	2,300							
	South Solon Int	306—13	2,300							
	North Hampton Int	146—11	2,300							
ZANESVILLE, OHIO Municipal, 899' BMH VT ZZV Procedure No. 1 April 1, 1954	Adamsville Int.	180—12	2,400	E side of course: 212° outbound. 032° inbound. 2,400' within 10 miles.	*1,700	032—2.7	T-dn C-dn S-dn 3 A-dn	300–1 500–1	300–1 500–1½ 500–1 800–2	Within 2.7 miles, make right climbing turn to 2,400' and return to Zanesville Rbn *CAUTION. Standard clearance not provided over tower 1,410' approximately 3.5 miles W of Zanesville Rbn.
	Int. 115° course from Columbus VOR or 308° course from Parkersburg VOR and 032° course to Zanesville Rbn.	032—10	2,400 *1,700 (final)							

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below-named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes; limiting distances	Minimum altitude at glide slope intercept (inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m.p.h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
ALBANY, N. Y. Albany Airport, 288' ILS ALB LOM AL Procedure No. 1 April 1, 1954	Albany LFR	LOM	002—1.5	1,800	W side N course: 011° outbound. 191° inbound. 1,800' within 10 miles.	ILS 1,600 ADF 1,700 over LOM.	1,536—4.4	402—0.7	T-dn C-dn S-dn 19 ILS ADF A-dn	300–1 500–1 400–¾ 500–1 800–2	300–1 600–1½ 400–¾ 500–1 800–2	4.4 miles after passing LOM (ADF), climb to 1,900' on S course ILS, make a right climbing turn and proceed out W course Albany LFR at 3,000'. Alternate missed approach procedure when requested by ATC; climb to 5,000' on S course ILS.
	Schenectady FM	LOM	103—9	1,800								
	Round Lake FM (final)	LOM	212—8	1,600								
	Albany VOR	LOM	011—5	1,800								
BINGHAMTON, N. Y. Broome County, 1,629' ILS BGM LOM BG Procedure No. 1 April 1, 1954	Binghamton VOR	LOM	103—11	3,500	E side SE course: 138° outbound. 318° inbound 3,100' within 10 miles.	ILS 2,800 ADF 2,600 over LOM	2,750—4.6	1,825—0.7	T-dn C-dn S-dn 34 ILS ADF A-dn	300–1 500–1 400–¾ 500–1 800–2	300–1 500–1½ 400–¾ 500–1 800–2	4.6 miles after passing LOM (ADF), climb to 3,500' on course of 318° outbound from LOM within 25 miles.
	Elmira LFR	LOM	100—51	3,500								
	INT S course Syracuse and bearing 100° to ILS LOM.	LOM	100—11	3,500								
	INT bearing 266° to Elmira LFR and 225° to ILS LMM.	LMM	225—14	3,500								
	Wilkes - Barre - Scranton VOR.	LOM	343—52	4,000								
BOSTON, MASS. Logan Airport 19' ILS IBOS Procedure No. 2 (Back course ILS) April 1, 1954	Peabody Int. (final)	ILS N course	215—0.0	1,300–800	W side N course: 45° outbound. 225° inbound. 1,500' within 10 miles of *Revere Int.	No glide path or marker 800' over Revere Int.*	7 miles from Revere Int.*	----------	T-dn C-dn S-dn 22 A-dn	300–1 600–1 500–1 800–2	300–1 600–1½ 500–1 800–2	Within 5 miles after passing Revere Int * climb to 1,700 on SW course Boston ILS within 15 miles from Revere Int. *Revere Int.—Int. E course Bedford ILS and N course Boston ILS. Position over Revere Int. may be established by use of radar fix.
	Radar terminal area transition altitude.		Within 25	1,800								
BUFFALO, N. Y. Municipal, 711' ILS BUF Procedure No. 1 April 1, 1954	SW course Buffalo LFR	SW course ILS	052—0	2,000	N side NE course: 052° outbound. 232° inbound. 1,800' within 10 miles of LOM	1,800	1,750—4.2	930—0.7	T-dn C-dn S-dn 23 A-dn	300–1 500–1 400–¾ 800–2	300–1 500–1½ 400–¾ 800–2	Climb to 2,000' on SW course ILS or (when requested by ATC) climb to 2,000' on W course Buffalo LFR.
	Wolcottsville FM (final)	LOM	224—8	1,800								
	Buffalo VOR	LOM	354—4	1,800								
Procedure No. 2 (Back course ILS) April 1, 1954 (Using Cheektowaga FM)	SW course Buffalo LFR	SW course ILS	052—0	2,000	S side SW course: 242° outbound. 052° inbound. 2,000' within 10 miles of Cheektowaga FM.	No glide path or middle markers 1,500' over Cheektowaga FM).	2.7 (From Cheektowaga FM).	----------	T-dn C-dn S-dn 5 A-dn	300–1 500–1 400–1 800–2	300–1 500–1½ 400–1 800–2	Within 2.7 miles of Cheektowaga FM, climb to 2,000' on NE course ILS (or when requested by ATC), make a climbing right turn to 2,100' on E course Buffalo LFR within 10 miles.
	Angola FM (final)	SW course ILS	052—0	1,500								
	Buffalo VOR	SW course ILS	264—7	2,000								
CHARLESTON, W. VA. Kanawha County, 981' ILS CHW LOM CH Procedure No. 1 April 1, 1954	Int. NE course ILS and bearing 234° to Charleston LFR.	ILS LOM	220—12	2,500	N side NE course: 070° outbound. 250° inbound. 2,300' within 10 miles.	No glide slope 1,800 over LOM	3.0	0.6	T-dn C-dn S-dn 23 ILS ADF A-dn	300–1 600–1 500–1 600–1 800–2	300–1 600–1½ 500–1 600–1 800–2	5.0 miles after passing LOM (ADF), climb to 2,500' proceeding to Charleston LFR, or (when requested by ATC) climb to 2,500' proceeding to Charleston VOR.
	Charleston LFR	ILS LOM	91—14	2,500								
	Charleston VOR	ILS LOM	58—17	2,500								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	♦ Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
CHATTANOOGA, TENN. Lovell Field, 682' ILS-ICHA N CHA MHW-CQN Procedure No. 1 Combination ILS-ADF March 5, 1954	Chattanooga LFR	N CHA MHW	357—6	2,200	E side of MW course: 013° outbound. 193° inbound. 2,500' within 25 miles of N CHA MHW	ILS 2,500 ADF 2,500 over N CHA MHW	1900—4.7 ADF over OM 1,900	890—0.7	T-dn	300-1	300-1	Climb to 3,300' on SW course localizer or on track of 195° from CQN within 25 miles. NOTE: 1. 500-1 required for ILS with glide path inoperative. 2. No approach lights. 3. CHA LFR "Z" Marker will be received passing LFR on final. 4. Procedure turn nonstandard-high terrain to the W.
	Daisy FM	N CHA MHW	230—3.8	2,200					C-dn	600-1½	700-2	
	NW course Chattanooga LFR and bearing of 060° M to N. Chattanooga MHW (Signal Mt. Int)	N CHA MHW	090—9	2,200					ILS	600-1½	700-2	
									A-dn	800-2	800-2	
	Chattanooga VOR	ILS OM	350—10	2,300					S-dn 4 ILS	400-1	400-1	
									ADF	500-1	500-1	
CHATTANOOGA, TENN. Lovell Field, 682' ILS ICHA VOR CHA-112.8 Procedure No. 2 March 5, 1954	N Chattanooga MHW	Ft. Oglethorpe Int.	195—14	2,300	E side of SW course: 195° outbound. 015° inbound. 2,200' within 10 miles of Ft. Oglethorpe intersection. 2,500' within 15 miles of Ft. Oglethorpe intersection 3,300' within 25 miles of Ft. Oglethorpe intersection.	Over Ft Oglethorpe Int. 1,000	Ft. Oglethorpe Int. 3.9	.....	T-dn	300-1	300-1	Climb to 2,500' on NE course ILS within 25 miles of Ft. Oglethorpe Int NOTE 1. This procedure not based on use of glide path. 2 Chattanooga VOR must be in normal operation. 3. Int. Back course ILS localizer and VOR Radial 280 is the Ft. Oglethorpe Int. 4. Int. SW course Chattanooga LFR & VOR Rad. 280 is the Rossville Int.
	ILS OM	Ft. Oglethorpe Int.	195—9	2,300					C-dn	600-1½	700-2	
	Chattanooga VOR	Ft Oglethorpe Int.	280—4	2,100					S-dn	500-1	500-1	
	Chattanooga LFR	Ft Oglethorpe Int	193—8	2,300					A-dn	800-2	800-2	
	Rossville Int	Ft Oglethorpe Int.	100—5	2,300								
NEWARK, N. J. Newark Airport; 18' ILS EWR LOM EW Procedure No. 1 April 1, 1954	New Brunswick Int	Woodbridge Int.#	074—14	1,500	E side SW course: 217° outbound. 037° inbound. 1,500' within 10 miles.	ILS 1,500 ADF 1,000 over LOM	1,525—5.6	250—0.7	T-dn	300-1	300-1	Climb to 1,000' on NE course ILS or 037° track from LOM, make left climbing turn to 2,000' direct to Paterson Rbn or when directed by ATC (1) make climbing left turn to 2,000' direct to Chatham Rbn (2) make a right climbing turn to 1,500' return to LOM. #Straight-in approach authorized from Woodbridge Int. (Int. 352° course from Colts Neck VOR and SW course ILS or 037° bearing to LOM.)
	Colts Neck VOR	Woodbridge Int #	352—17	1,500					C-dn	600-1	600-1½	
	Flatbush Rbn	LOM	276—11	1,500					S-dn 4 ILS	400-¾	400-¾	
	Newark LFR	LOM	207—5	1,500					ADF	600-1	600-1	
	Chatham Rbn	LOM	140—14	2,000					A-dn	800-2	800-2	
	Radar transition altitudes 3 quadrant of Newark LFR.	.....	Within 15	1,500								
	All other directions	.....	Within 20	2,500								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility, class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
NEW YORK, N. Y. LaGuardia, 20' ILS LGA LOM LG Procedure No. 1* April 1, 1954	LaGuardia LFR	LOM	223—9	2,500	S side SW course: 224° outbound. 044° inbound. 1,500' within 10 miles.	ILS 1,500 ADF 1,200 over LOM	1,310—4.5	295—0.8	T-dn	300-1	300-1	4.5 miles after passing LOM, climb to 1,500' (or at a higher altitude when requested by ATC) on NE course La Guardia ILS or LFR. LaGuardia LFR must be monitored during ADF approach.
	Glen Cove Int	LOM	251—17	2,500					C-dn	600-1	600-1½	
	Ridgewood Int	LOM	159—17	2,500					S-dn 4 ILS	400-1	400-1	
	Flatbush Rbn (final)	LOM	043—7	1,500					ADF	600-1	600-1	
	Colts Neck VOR	Flatbush Rbn	032—23	1,500					A-dn	800-2	800-2	
	Procedure No. 2* (using back course La Guardia ILS and New Rochelle MHW RWC) April 1, 1954	Port Chester Int	RWC MHW	223—14	1,500	W side NE course: 043° outbound. 223° inbound. 1,500' within 10 miles.	No glide slope. Final approach altitudes and distances to R W 22 RWC MHW 1,000' 8.9 miles LGA LFR 800' 3.2 miles.			T-dn	300-1	300-1	3.2 miles after passing LGA LFR, climb to 1,500' (or higher altitude when requested by ATC) on SW course La Guardia ILS or LFR. La Guardia LFR must be monitored during ADF approach. *The above procedures and airport minimums do not provide standard clearance over the following obstructions: 422' tank 2 miles N of airport, 903' building 4 miles W of LOM, 299' tower 1.7 miles SW of airport; 930' broadcast tower 10 miles NW of range station; Empire State Bldg. 3.8 miles W of LOM; 578' building 3 miles SW of LOM; 393' bridge towers 2.2 miles NE of airport.
		Ridgewood Int	RWC MHW	109—16	1,900					C-dn	600-1	600-1½
		LaGuardia LFR	RWC MHW	043—6	1,500					S-dn 22 ILS	500-1	500-1
		Port Chester FM (final)	RWC MHW	223—10	1,000					ADF	600-1	600-1½
		Glen Cove Int	RWC MHW	305—8	1,500					A-dn	800-2	800-2
PROVIDENCE, R. I. Green Airport 56' ILS PVD Procedure No. 1 April 1, 1954	Providence LFR	LOM	218—3	1,600	W side SW course: 226° outbound. 046° inbound. 1,600' within 10 miles. NA beyond 10 miles.	1,600	1,610—6.2	240—0.6	T-dn	300-1	300-1	Climb to 1,000' on course 046° then make a climbing right turn and return to Providence LFR at 1,700'. Alternate missed approach (when directed by ATC) climb to 2,700' on SW course Squantum LFR. Deviation from standard authorized in procedure turn which is conducted W to provide separation from traffic at Quonset Point NAS.
	Wyoming Int	ILS SW course	86—0.8	1,600					C-dn	500-1	500-1½	
	Moosup Int	LOM	115—18	1,600					S-dn 5R	400-¼	400-¼	
	Wyoming FM (final)	LOM	046—9	1,600					A-dn	800-2	800-2	
READING, PA. General Spaatz 343' ILS RDG LOM RD Procedure No. 1 April 1, 1954	Int. SW course Allentown LFR and N course ILS or 181° course TO LOM.	LOM	181—4.0	2,500	E side S course: 181° outbound. 001° inbound. 2,100' within 10 miles.	ILS 2,100' ADF 1,600' over LOM	1,540—4.3	535—0.5	*T-dn	300-1	300-1	4.3 miles after passing LOM (ADF) climb to 2,500' on course 001° from LOM within 10 miles. *Takeoff on Runways 18 and 13, make right turn as soon as practical to avoid towers 1,510' and high terrain 3.0 miles SE.
									C-dn			
									ILS	600-2	800-2	
									ADF	1,000-2	1,000-2	
									S-dn 36 ILS	500-1	500-1	
									ADF	1,000-2	1,000-2	
									A-dn	1,000-2	1,000-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility, class and identification, procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
RICHMOND, VA. Byrd Airport 167' ILS RIC LOM RI Procedure No. 1 April 1, 1954	Flat Rock VOR	ILS SW course	120—20	1,500	S side SW course: 243° outbound, 063° inbound. 1,500' within 10 miles.	ILS 1,500 ADF 900 over LOM	1,370—4.4	870—0.7	T-dn	300-1	300-1	Within 4.4 miles after passing LOM (ADF), climb to 1,500' on course of 063° within 10 miles of LOM, alternate procedure (when directed by ATC) make a left climbing turn to 1,500' on N course Richmond LFR.
	Flat Rock VOR	ILS LOM	106—24	2,000					C-dn	500-1	500-1½	
	Richmond LFR	ILS LOM	265—3	1,500					S-dn 6 ILS	400-¾	400-¾	
	Int. N course Richmond LFR and SW course ILS.	ILS LOM	243—3.5	1,500					ADF	500-1	500-1	
	Chester FM	ILS SW course	010—6	1,500					A-dn	800-2	800-2	
	Chester FM	ILS LOM	020—7.5	1,500								
	Manakin Rbn	ILS LOM	130—20	2,000								
SYRACUSE, N. Y. Hancock 419' ILS SYR LOM SY LMM YR Procedure No. 1 April 1, 1954	Syracuse LFR	LOM	099—13	1,900	N side E course: 098° outbound, 278° inbound. 1,600' within 10 miles.	ILS 1,600 ADF 1,100 over LOM	1,535—4.4	635—0.7	#T-dn	300-1	300-1	Within 4.4 miles after passing LOM (ADF), climb to 2,000' on W course ILS or course of 278° within 25 miles of LOM. #600-1 required for take-off to SE. CAUTION: 833' radio mast 1.3 miles SE of airport.
	Syracuse VOR	LOM	121—10	1,900					C-dn	700-1	700-1½	
	Int. E course Syracuse and SW course Utica (final).	E ers ILS	310—13	2,500					S-dn 28 ILS	400-¾	400-¾	
	Int. E course Syracuse and bearing 335° to LOM.	LOM	335—3.5	1,900					ADF	700-1	700-1	
									A-dn	800-2	800-2	
SYRACUSE, N. Y. Hancock 419' ILS SYR Back course ILS localizer Procedure No. 2 April 1, 1954	Int. S course Syracuse LFR and W course ILS (final).	Liverpool Int.*	098—3.7	1,400	S side W course: 278° outbound, 098° inbound. 2,000' within 10 miles of Liverpool Int.	No glide slope or markers. Minimum altitude over Liverpool Int. 1,400'. Course and distance to approach end of runway 098° 4 miles. Descent to indicated landing minimums authorized after passing Liverpool Int.			T-dn	300-1	300-1	Within 4 miles after passing Liverpool Int., make a climbing left turn to 2,000' returning to Syracuse LFR. Alternate missed approach (when directed by ATC) climb to 3,000' on E course ILS. *Int. W course Syracuse ILS and 180° radial from Syracuse VOR. **600-1 required for take-off to the SE. This procedure authorized only for aircraft equipped to receive VOR and ILS simultaneously.
	Syracuse VOR	W course ILS	235—6	1,700					C-dn	700-1	700-1½	
	Int. W course ILS and 235° radial from Syracuse VOR (final).	Liverpool Int.*	098—4	1,400					S-dn 10 ILS	500-1	500-1	
	Syracuse LFR	W course ILS	180—0.5	2,000					A-dn	800-2	800-2	
WHITE PLAINS, N. Y. Westchester County, 410' ILS HPN LOM HP Procedure No. 1 April 1, 1954	Int. S course Pough-keepsie and NW course ILS.	LOM	162—17	2,000	W side NW course: 342° outbound, 162° inbound. 2,000' within 10 miles.	ILS 2,000 ADF 1,500 over LOM	1,975—5.6	630—0.5	T-dn	300-1	300-1	5.6 miles after passing LOM (ADF), make left climbing turn to 2,000' return to outer marker. Alternate missed approach (when requested by ATC) make left climbing turn to 2,000' to Wilton VOR on track of 060°.
	New Rochelle Rbn	LOM	016—18	2,000					C-dn	500-1	500-1½	
	Paterson Rbn	LOM	098—24	2,000					S-dn 16 ILS	400-¾	400-¾	
	Wilton VOR	LOM	260—17	2,000					ADF	500-1	500-1	
									A-dn	800-2	800-2	
WILMINGTON, DEL. New Castle County, 79' ILS ILG LOM IL Procedure No. 1 April 1, 1954	New Castle LFR	LOM	189—3.5	1,500	E side S course: 193° outbound, 013° inbound. 1,600' within 10 miles.	ILS 1,600 ADF 1,000 over LOM	1,600—6.0	295—0.7	T-dn	300-1	300-1	Within 6.0 miles after passing LOM (ADF), make climbing left turn and climb to 1,500' on course of 193° within 10 miles of LOM. CAUTION: Turn left as soon as practicable to avoid bidding pattern at Philadelphia LOM. Maintain 1,500' until S. of Wilmington LFR.
	West Chester VOR	ILS LOM	181—24	1,900					C-dn	500-1½	500-1½	
	Hartly Int	LOM	019—28	1,500					S-dn 1 ILS	400-¾	400-¾	
									ADF	500-1	500-1	
									A-dn	800-2	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility, class and identification, procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
WORCESTER, MASS. Municipal, 1,009' ILS I-ORH LOM OR Procedure No. 1 April 1, 1954					E side SE course: 152° outbound, 332° inbound. 2,300' within 10 miles, NA beyond 10 miles.	ILS 2,300 ADF 1,300 over LOM	2,290—4.6	1,230—0.8	T-dn	300-1	300-1	Within 0.0 mile after passing LOM (ADF), immediately make left climbing turn to 2,400' on SE course ILS or bearing 152° from LOM within 10 miles.
									C-dn	500-1	600-1½	
									S-dn 33 ILS	400-¾	400-¾	
									ADF	500-1	500-1	
									A-dn	800-2	800-2	

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. Form initial contact with GCA at the final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area: maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Precision approach (PAR): 75 m. p. h. or less	Ceiling and visibility minimums: Precision approach (PAR): More than 75 m. p. h.	Ceiling and visibility minimums: Surveillance approach (ASR): 75 m. p. h. or less	Ceiling and visibility minimums: Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when radio communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; or visual reference is not established upon descent to the authorized landing minimums, or (A) landing is not accomplished
1	2	3	4	5	6	7	8	9
MEMPHIS, TENN. Municipal, 269' March 8, 1954	# 2,300' within 25 miles. # 1,700' when radar control provides 3 miles separation from TV towers located 8.5 NNE of airport. 1,500' in Sector S of ILS localizer and within 15 miles.	17-20 9-27 2-35 32-14	C-dn C-dn C-dn C-d T-dn A-dn	---------- ---------- ---------- ---------- ---------- ----------	---------- ---------- ---------- ---------- ---------- ----------	600-2 500-1 500-1 500-1 300-1 800-2	600-2 500-1½ 500-1½ 500-1½ 300-1 800-2	Climb to 2,300', proceed to Memphis VOR or I.F.R. CAUTION: TV towers 1,335' MSL 8.5 miles NNE airport.

5. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
BINGHAMTON, N. Y. Broome County Airport, 1,026' BVOR-DTV BGM Procedure No. 1 April 1, 1954				S side of course: 257° outbound. 077° inbound. 3,000' within 10 miles.	2,500	076—8.1	T-dn C-dn A-dn	300-1 600-2 800-2	300-1 600-2 800-2	Within 8.1 miles, climb to 3,500' on course of 076° within 25 miles of Binghampton VOR.
BOWLING GREEN, KY. Bowling Green-Warren County Airport, 540' BVOR BWG Procedure No. 1 April 1, 1954.				E side of course: 207° outbound. 027° inbound. 1,800' within 10 miles.	1,300	023—2.4	T-dn C-dn C-n S-dn S-n 12 A-dn	300-1 600-1 600-1½ 500-1 500-1½ 500-1½ 800-2	300-1 600-1½ 600-1 600-1½ 600-1½ 600-1½ 800-2	Within 2.4 miles, climb to 2,200' on course 045° within 25 miles.
CHATTANOOGA, TENN. Lovell Field, 682' BVOR CHA-ILS Procedure No. 1 March 8, 1954	Chattanooga LFR	108—10.1	2,400	E side of course: 152° outbound. 332° inbound. 2,500' within 15 miles. 3,000' within 25 miles.	2,000	332—5.6	T-dn C-dn A-dn	300-1 600-1½ 800-2	300-1 700-2 800-2	Within 5.6 miles turn right, climb to 2,500' on course of 069° within 25 miles.
	Dixie FM	069—15.0	2,200							
	Int. SW course CHA LFR and CHA VOR Radial 280 Rossville Int.	280—10.6	2,200							
CONCORD, N. H. Municipal, 345' BVOR CON Procedure No. 1 April 1, 1954	Concord LFR	317—6	2,500	S side of course 300° outbound. 120° inbound 2,500' within 10 miles. Not authorized beyond 10 miles	1,300	120—3.5	T-dn C-dn S-dn 12 A-dn	300-1 600-1 600-1 800-2	300-1 800-1½ 600-1 800-2	Within 3.5 miles after passing Concord VOR climb to 2,000 on 155° radial within 15 miles of Concord VOR.
DES MOINES, IOWA Des Moines, 957' BVOR DSM Procedure No. 1 April 5, 1954	Des Moines LFR	174—4.2	2,100	E side of course: 168° outbound. 348° inbound. 2,100' within 15 miles. 2,500' within 25 miles.	1,600	348—6.2	T-dn C-dn S-dn 3 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 6.2 miles, immediately turn left, climb to 2,600' on outbound course of 348° with 6.2° miles or when directed by ATC, make immediate 60° turn, climb to 2,400' on outbound course of 258° within 25 miles. CAUTION: 1,560' MSL TV tower located 8.2 miles NNE. When TV tower not visible on takeoffs, on N, NW, E and NE climb to 2,100' prior to turning toward TV tower.
	Martensdale FM (final)	009—5.0	1,600							
ELKINS, W. VA. Elkins Airport, 1,987' BVOR EKN Procedure No. 1 April 1, 1954				S side of course 285° outbound. 105° inbound. 4,800' within 10 miles.	4,000	#103—12.7	T-d T-n C-d C-n A-d A-n	1,000-2 NA 2,000-2 NA 2,500-3 NA	1,000-2 NA 2,000-2 NA 2,500-3 NA	With 10.9 miles make a left climbing turn to 7,000' on course 285°. #Flights will be conducted so as to proceed VFR from the VOR to the airport. CAUTION: Terrain reaching 3,490' 3 miles W of airport.
ELMIRA, N. Y. Chemung County, 951' BVOR ELM Procedure No. 1 April 1, 1954				S side of course 246° outbound. 066° inbound 3,000' within 15 miles.	2,500	066—7.5	T-d T-n C-d C-n A-d A-n	800-2 800-3 1,400-2 1,400-3 2,000-2 2,000-3	800-2 800-3 1,400-2 1,400-3 2,000-2 2,000-3	Within 7.5 miles, climb to 3,500' on course of 066° within 15 miles of VOR.
OKLAHOMA CITY, OKLA. Will Rogers, 1,285' VOR-W-DME OKC Procedure No. 1 March 8, 1954	Oklahoma City LFR	252—8.0	2,500	S side of course 277° outbound. 097° inbound 2,400' within 10 miles. 2,500' within 25 miles.	1,900	097—9.3	T-dn C-dn S-dn 12 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 9.3 miles climb to 2,500' on radial of 097° within 25 miles. When directed by ATC, turn left, climb to 2,500' on N course of OKC localizer within 25 miles.

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

City and State; airport name, elevation; facility; class and identification; procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
SYRACUSE, N. Y. Hancock, 412' BVOR-DTV SYR Procedure No. 1 April 1, 1954	Syracuse LFR	56—5	1,700	S side of course: 311° outbound. 131° inbound. 1,700' within 10 miles. (NA beyond 10 miles.)	1,200	131—5.5	*T-dn C-dn S-dn 14 A-dn	300-1 700-1 500-1 800-2	300-1 700-1 500-1 800-2	Within 5.5 miles, climb to 1,900' on course 130° within 25 miles of Syracuse VOR. *600-1 required for takeoff to the SE. CAUTION: 833' radio mast located 1.3 miles SE of the airport.

6. The very high frequency omnirange procedures prescribed in § 609.15 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR), effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums			If visual contact not established at TVOR, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
ALBANY, N. Y. Albany Airport, 288' BVOR ALB TVOR 19 April 1, 1954	Saratoga Springs FM	207—25	1,800	W side course: 010° outbound. 190° inbound. 1,800' within 10 miles.	*1,100	190—2.8 From Albany LFR	T-dn *C-dn *S-dn 19 A-dn	300-1 500-1 500-1 800-2	300-1 600-1½ 500-1 800-2	Climb to 1,000' on course of 190°, then make a climbing right turn climb to 3,000' on outbound course of 297° within 25 miles of VOR, or when directed by ATC) climb to 3,000' on outbound course of 184° within 25 miles. *Descent to indicated landing minimums authorized after passing Albany LFR.
	Round Lake FM (final)	190—14	*1,100							
TVOR-1 April 1, 1954 (Same Delmar FM)	Saratoga Springs FM	207—25	1,800	E side course: 195° outbound. 015° inbound. 2,200' within 10 miles.	*1,700 (Over Delmar FM)	015—5.4 (From Delmar FM)	T-dn C-dn S-dn 1 A-dn	300-1 500-1 500-1 800-2	300-1 600-1½ 500-1 800-2	Within 5.4 miles of Delmar FM, climb to 3,000' on course of 015° within 25 miles of VOR *Descent to indicated landing minimums authorized after passing Delmar FM.
	Cossackie FM (final)	015—20 (To Delmar FM)	1,700							
OKLAHOMA CITY, OKLA. Will Rogers, 1,285' VORW DME OKC Procedure No. 1 February 3, 1954	PROCEDURE CANCELED MARCH 8, 1954.									

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2120; Filed, Apr. 2, 1954, 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON STANDARDS

SUBPART B—STANDARDS

STANDARDS FOR GRADES OF COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES WITHIN UNITED STATES

A notice of the proposed issuance of an amendment to the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States (7 CFR Part 28) was published in the FEDERAL REGISTER on February 12, 1954 (19 F. R. 822). This program is effective pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The amendment requires the use of a linter's factor in determining the quantity index of cottonseed. The linters factor has been developed to adjust the value of cottonseed for varying amounts of linters on the seed. If the amount of linters is above average the linters factor will increase the grade, and with lower than average amounts the linters factor will reduce the grade. If the linters content of cottonseed diminishes below 10 percent the discounts for linters increase at a greater rate. This is because the per pound value of linters produced from cottonseed which has a total linters content below 10 percent is less than those produced from cottonseed with a total linters content of more than 10 percent.

By use of a basic linters factor of 1.5 for average cottonseed with 11 percent total linters, the table of premiums and discounts shown in paragraph (c) of § 28.402 listed below has been prepared on the basis of the following formulas:

Percent linters on cottonseed	Premium or discount factor
11.1 and over	Premium = (percent linters minus 11.0) ×1.5.
11.0	0
10.9–10.0	Discount = (11.0 minus percent linters) ×1.5.
9.9–5.0	Discount = (10.0 minus percent linters) ×1.5.
4.9–0	Discount = (5.0 minus percent linters) ×1.0.

The scale of premiums and discounts will be revised from season to season to reflect changes in the price relationship between linters and other products obtainable from cottonseed.

A period of 30 days was allowed for submitting written data, views, and arguments with respect to the amendment. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the amendment hereinafter set forth is hereby promulgated to become effective June 1, 1954.

The amendment is as follows:

1. Section 28.401 is amended by deleting paragraph (d).

2. Section 28.402 is amended to read:

§ 28.402 *Determination of quantity index.* The quantity index of cottonseed shall be determined as follows:

(a) For cottonseed that by analysis contain 16.5 percent or more of oil, the quantity index shall equal the result of 4 times (percentage of oil), plus 6 times (percentage of ammonia), plus the applicable linters premium or discount shown in paragraph (c) of this section, plus 5.

(b) For cottonseed that by analysis contain less than 16.5 percent of oil, the quantity index shall equal the result of 6 times (percentage of oil), plus 6 times (percentage of ammonia), plus the applicable linters premium or discount shown in paragraph (c) of this section, minus 28.

(c) The premium or discount for total linters content of cottonseed to be used in paragraphs (a) and (b) of this section will be according to the following table:

Total linters content of cottonseed (percent)[1]	Premium or discount (quantity index units)	Total linters content of cottonseed (percent)[1]	Premium or discount (quantity index units)
20.0	+13.5	10.0	−1.5
19.0	+12.0	9.0	−4.0
18.0	+10.5	8.0	−6.5
17.0	+9.0	7.0	−9.0
16.0	+7.5	6.0	−11.5
15.0	+6.0	5.0	−14.0
14.0	+4.5	4.0	−17.0
13.0	+3.0	3.0	−20.0
12.0	+1.5	2.0	−23.0
11.0	0.0	1.0	−26.0

[1] Total linters content to the nearest 0.1 percent will be used in calculating premiums and discounts.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C., this 31st day of March 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-2437; Filed, Apr. 2, 1954; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 26]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.326 *Navel Orange Regulation 26*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 1, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 4, 1954, and ending at 12:01 a. m., P. s. t., April 11, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 392,700 boxes;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section, "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 2d day of April 1954.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Apr. 4, to 12:01 a. m., P. s. t., Apr. 11, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.0000
A. N. F. Corona	.3306
A. N. F. Fullerton	.0000
A. N. F. Orange	.0000
A. N. F. Riverside	1.4327
A. N. F. Santa Paula	.0439
Eadington Fruit Association	.2219
Signal Fruit Association	1.1249
Bryn Mawr Mutual Orange Association	.4315
Chula Vista Mutual Lemon Association	.0000
Euclid Avenue Orange Association	2.1765
Foothill Citrus Union, Inc	.0819
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	2.1877
Olive Hillside Groves, Inc	.0000
Redlands Foothill Groves	3.2531
Redlands Mutual Orange Association	1.5854
Ventura County Fruit Growers, Inc	.3053
Azusa Citrus Association	.9563
Covina Citrus Association	2.1146
Glendora Citrus Association	.9948
Valencia Heights Orchards Association	.6965
Gold Buckle Association	4.4575
La Verne Orange Association	3.8779
Anaheim Valley Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0129
Yorba Linda Citrus Association	.0000
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0000
Citrus Fruit Growers	.4414
Cucamonga Mesa Growers	.8688
Etiwanda Citrus Fruit Association	.1465
Upland Citrus Association	.9671
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association	.0000
Olive Heights Citrus Association	.0000
Santiago Orange Growers Association	.1190
Villa Park Orchards Association	.0000
Bradford Bros., Inc	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0000
Corona Citrus Association	1.5691
Jameson Co	.6581
Orange Heights Orange Association	4.9650
Crafton Orange Growers Association	1.5792
East Highlands Citrus Association	.4251
Redlands Heights Groves	1.0059
Redlands Orangedale Association	1.5350
Rialto-Fontana Citrus Association	.1785
Bryn Mawr Fruit Growers Association	1.2189
Mission Citrus Association	.9187
Redlands Cooperative Fruit Association	2.2891
Redlands Orange Growers Association	1.6770
Redlands Select Groves	.6018

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Rialto Orange Co	0.7752
Southern Citrus Association	1.1402
United Citrus Growers	.9445
Arlington Heights Citrus Co	1.6268
Blue Banner, Inc	3.7535
Brown Estate, L. V. W	2.5533
Gavilan Citrus Association	2.3786
McDermont Fruit Co	1.9102
Monte Vista Citrus Association	1.8052
National Orange Co	1.6810
Riverside-Highgrove Citrus Association	2.2749
Victoria Avenue Citrus Association	3.7603
Claremont Citrus Association	.5844
College Heights Orange & Lemon Association	1.6499
Indian Hill Citrus Association	1.1600
Pomona Fruit Growers Exchange	1.0318
Walnut Fruit Growers Association	.6029
West Ontario Citrus Association	.8455
Escondido Cooperative Citrus Association	.0000
Camarillo Citrus Association	.0053
Fillmore Citrus Association	1.0535
Mupu Citrus Association	.0000
Ojai Orange Association	1.1538
Piru Citrus Association	1.5782
Rancho Sespe	.0000
San Fernando Heights Orange Association	.6387
Santa Paula Orange Association	.0511
Tapo Citrus Association	.0164
Ventura County Citrus Association	.0000
East Whittier Citrus Association	.0016
North Whittier Heights Citrus Association	.0586
Sierra Madre-Lamanda Citrus Association	.0323
A. J. Packing Co	.0554
Babijuice Corp. of Calif	.0000
Cherokee Citrus Co., Inc	.9284
Dunning, Vera Hueck	.0000
Evans Bros. Packing Co	.7082
Far West Produce Distributors	.1411
Gold Banner Association	2.7901
Gold Seal Produce, Inc	.2497
Granada Packing House	.0049
Holland, M. J	.0278
Orange Belt Fruit Distributors	.6593
Panno Fruit Co., Carlo	.0000
Paramount Citrus Association	.1842
Prescott, John A	.0046
Riverside Fruit Co	.168
Rotolo Bros	.0059
San Antonio Orchards Co	1.2810
Smallwood, Luella L	.0093
Spire, Frank S	.0094
Stephens & Cain	.1588
Torn Ranch	.0324
Wall, E. T., Grower Shipper	2.8951
Western Fruit Growers, Inc	5.1684

[F. R. Doc. 54-2542; Filed, Apr. 2, 1954; 11:52 a. m.]

[Lemon Reg. 531]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.638 *Lemon Regulation 531*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 31, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 4, 1954, and ending at 12:01 a. m., P. s. t., April 11, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 275 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when

used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 1st day of April 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

Storage date: March 28, 1954

[12:01 a. m. Apr. 4, 1954, to 12:01 a. m. Apr. 18, 1954]

Handler	Prorate base (percent)
Total	100.000
American National Foods, Inc., Corona	.811
American National Foods, Inc., Fullerton	.942
American National Foods, Inc., Upland	.959
Buenaventura Lemon Co.	.783
Consolidated Lemon Co.	1.846
Ventura Pacific Co.	1.942
Chula Vista Mutual Lemon Association	.544
Euclid Lemon Association	1.620
Index Mutual Association	.409
La Verne Cooperative Citrus Association	2.237
Ventura Coastal Lemon Co.	1.017
Ventura Processors	1.594
Glendora Lemon Growers Association	2.266
La Verne Lemon Association	.929
La Habra Citrus Association	1.370
Yorba Linda Citrus Association	.676
Escondido Lemon Association	3.621
Cucamonga Mesa Growers	2.262
Etiwanda Citrus Fruit Association	.963
San Dimas Lemon Association	1.784
Upland Lemon Growers Association	3.323
Central Lemon Association	.899
Irvine Citrus Association, The	.762
Placentia Mutual Orange Association	1.421
Corona Citrus Association	.469
Corona Foothill Lemon Co.	3.307
Jameson Co.	1.406
Arlington Heights Citrus Co.	2.150
College Heights Orange & Lemon Association	3.403
Chula Vista Citrus Association, The	.715
Escondido Cooperative Citrus Association	.230
Fallbrook Citrus Association	2.408
Lemon Grove Association	.461
Carpinteria Lemon Association	1.812
Carpinteria Mutual Citrus Association	1.933
Goleta Lemon Association	2.860
Johnston Fruit Co.	4.428
Briggs Lemon Association	1.338
Fillmore Lemon Association	1.773
Oxnard Citrus Association	3.979
Rancho Seape	.896
San Fernando Heights Lemon Association	3.451
Santa Clara Lemon Association	3.167
Santa Paula Citrus Fruit Association	3.030
Saticoy Lemon Association	1.830
Seaboard Lemon Association	3.113
Somis Lemon Association	3.181
Ventura Citrus Association	.708
Ventura County Citrus Association	.183
Limoneira Co.	1.428
Teague-McKevett Association	.895
East Whittier Citrus Association	.466
Murphy Ranch Co.	1.170
North Whittier Heights Citrus Association	.822

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Sierra Madre-Lamanda Citrus Association	0.827
Par West Produce Distributors	.041
Paramount Citrus Association, Inc.	2.042
Santa Rosa Lemon Co.	.098

[F. R. Doc. 54-2486; Filed, Apr. 2, 1954; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6032]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AR. WINARICK, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* I. In connection with the offering for sale, sale, or distribution of the preparation "Jeris Antiseptic Hair Tonic" or any product of substantially the same composition or possessing substantially similar properties, in commerce, whether sold under the same name or any other name, disseminating, etc., by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase of said preparations in commerce, any advertisements which represent, directly or by implication, that the use of said preparations will: (a) Relieve or help to prevent excessive falling hair; and (b) promote or help to promote hair growth; and, II, in connection with the offering for sale, sale, or distribution of respondents' preparations "Jeris Antiseptic Hair Tonic" and "Fore", or any other preparation of substantially the same composition or possessing substantially similar properties, in commerce, representing, directly or by implication, that barbers are qualified for or capable of diagnosing or treating diseased conditions of the hair or scalp; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 5 U. S. C. 45) [Cease and desist order, Ar. Winarick, Inc., et al., New York, N. Y., Docket 6032, March 10, 1954]

In the Matter of Ar. Winarick, Inc., a Corporation, and Jules Winarick, Nathan Winarick and Floyd H. Pepper, Individually and as Officers of Said Corporation

The Federal Trade Commission on August 18, 1952, issued a complaint and on November 12, 1952, issued an amended complaint charging respondent Ar. Winarick, Inc., and three of its officers, Jules Winarick, Nathan Winarick and Floyd H. Pepper, with having violated the Federal Trade Commission Act by disseminating false advertisements in connection with the sale of their products "Jeris Antiseptic Hair Tonic" and "Fore," an aftershave loton. Respondents filed an answer denying that their advertisements were in violation of law.

Pursuant to notice, hearings were held in New York City on January 5 and 6 and February 10, 1953, before J. Earl Cox, a hearing examiner, designated by the Commission to hear this proceeding. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded respondents and counsel supporting the complaint. All testimony and other evidence was recorded and filed in the office of the Commission

After receiving proposed findings of fact, the hearing examiner filed this initial decision on May 21, 1953, in which he concluded that respondents had violated the Federal Trade Commission Act by falsely advertising that a bottle of after shave lotion is given free where, in fact, it was given only on the purchase of a bottle of hair tonic and by advertising that barbers are capable of diagnosing and treating diseased conditions of the hair and scalp. He dismissed the other allegations of the complaint which charged respondents with falsely representing that the use of their hair tonic will cure dandruff, relieve itchy scalp, prevent excessive falling hair, promote hair growth and result in a healthy scalp.

Thereafter, counsel supporting the complaint appealed to the Commission from his initial decision. Respondents filed a brief in opposition to this appeal in which they request the Commission to dismiss all of the allegations of the complaint. By agreement of counsel, this appeal was submitted to the Commission for decision without oral argument.

Upon consideration of the entire record herein, the Commission has determined that the rulings of the hearing examiner made at the hearings are free of prejudicial error, and makes the following findings of fact,[1] conclusions of law,[2] order on the appeals,[1] the remedy,[1] and order to cease and desist:

It is ordered, That the respondent Ar. Winarick, Inc., a corporation, and its officers, and respondents Jules Winarick, Nathan Winarick and Floyd H. Pepper, individually and as officers of Ar. Winarick, Inc., and their respective officers, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation "Jeris Antiseptic Hair Tonic" or any product of substantially the same composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that the use of said preparation will:

(a) Relieve or help to prevent excessive falling hair.

(b) Promote or help to promote hair growth.

2. Disseminating or causing to be disseminated, by any means, any advertisement, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

[1] Filed as part of the original document.

It is further ordered, That the respondent Ar. Winarick, Inc., a corporation, and its officers, and respondents Jules Winarick, Nathan Winarick and Floyd H. Pepper, individually and as officers of Ar. Winarick, Inc., and their respective officers, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their preparations "Jeris Antiseptic Hair Tonic" and "Fore," or any other preparation of substantially the same composition or possessing substantially similar properties, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or by implication, that barbers are qualified for or capable of diagnosing or treating diseased conditions of the hair or scalp.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 10, 1954.

By the Commission.[1]

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-2428; Filed, Apr. 2, 1954; 8:51 a. m.]

[Docket 5850]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BURNS CUBOID CO.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* Subpart—*Using misleading name*—Goods: § 3.2325 *Qualities or properties.* I. In connection with the offering for sale, sale, or distribution of respondents' device, designated generally as "Cuboids", "Burns Cuboids", "Cuboid Foot Balancers", or "Doggies", or any device of substantially similar construction or composition, whether sold under the said names or any other names; disseminating, etc., any advertisement by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase of said product in commerce, which advertisements represent directly or by implication: (a) That the wearing of respondents' device will assist in balancing the feet or body; (b) that respondents' device possesses therapeutic value for aching or painful feet; (c) that the wearing of respondents' device will enable the user to achieve better posture or poise or will improve the stance; (d) that the wearing of respondents' device will result in more normal foot action or improved foot action or foot health; (e) that the wearing of respondents' device will afford increased comfort for the feet or decrease the fatigue resulting from housework or other physical efforts except to the extent that respondents' device may in instances reduce or relieve the discomfort associated with strained or tired feet; (f) that the wearing of respondents' device will have beneficial effect upon the distribution of body weight; (g) that the wearing of respondents' device will in any way aid the cuboid bone or its position or stability with respect to other bones of the feet or will serve to readjust, realign, normalize, or improve the position of the bones of the feet; and (h) that said device possesses therapeutic value in the treatment of calloused feet; and, II, in connection with the offering for sale, sale, or distribution in commerce, of respondents' device using the expression "Foot Balancers" or any other term or words of similar import or meaning to designate, describe, or refer to their device; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 5 U. S. C. 45) [Cease and desist order, James H. Sewell and George Pepperdine trading as Burns Cuboid Company Santa Ana, Calif., Docket 5850, March 12, 1954]

In the Matter of James H. Sewell and George Pepperdine, Co-Partners Trading as Burns Cuboid Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on February 21, 1951, issued and subsequently served its complaint in this proceeding upon James H. Sewell and George Pepperdine, co-partners trading as Burns Cuboid Company, charging said respondents with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing by respondents of their answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission, theretofore designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. On December 31, 1952, the hearing examiner filed his initial decision.

Thereafter, within the time permitted by the rules of practice of the Commission, respondent James H. Sewell appealed from the initial decision of the hearing examiner and this matter came on for final hearing upon the complaint, answer, testimony and other evidence, briefs in support of and in opposition to such appeal and oral argument; and the Commission, having duly considered the record herein and having ruled upon said appeal and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondents James H. Sewell and George Pepperdine, individually and as co-partners trading as Burns Cuboid Company, or under any other name, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondents' device, designated generally as "Cuboids," "Burns Cuboids," "Cuboid Foot Balancers," or "Doggies," or any device of substantially similar construction or composition, whether sold under the said names or any other names, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That the wearing of respondents' device will assist in balancing the feet or body.

(b) That respondents' device possesses therapeutic value for aching or painful feet.

(c) That the wearing of respondents' device will enable the user to achieve better posture or poise or will improve the stance.

(d) That the wearing of respondents' device will result in more normal foot action or improved foot action or foot health.

(e) That the wearing of respondents' device will afford increased comfort for the feet or decrease the fatigue resulting from housework or other physical efforts except to the extent that respondents' device may in instances reduce or relieve the discomfort associated with strained or tired feet.

(f) That the wearing of respondents' device will have beneficial effect upon the distribution of body weight.

(g) That the wearing of respondents' device will in any way aid the Cuboid Bone or its position or stability with respect to other bones of the feet or will serve to readjust, realign, normalize or improve the position of the bones of the feet.

(h) That said device possesses therapeutic value in the treatment of calloused feet.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpoose of inducing or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in Paragraph 1 hereof.

It is further ordered, That respondents, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their device, as aforesaid, do forthwith cease and desist from use of the expression "Foot Balancers" or any other term or words of similar import or meaning to designate, describe or refer to their device.

It is further ordered, That the charges of the complaint referred to in subpara-

[1] Dissenting opinions by Commissioners Gwynne and Mason filed as part of the original document. Commissioner Mead concurring except for the finding regarding use of the word "free".

[1] Filed as part of the original document.

graph (a) of Paragraph Ten of the Commission's findings as to the facts be, and the same hereby are, dismissed without prejudice, and that the allegations of said complaint to which subparagraph (b) thereof relates be, and the same hereby are, dismissed.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 12, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 54-2429; Filed, Apr. 2, 1954; 8:52 a. m.]

[Docket 5890]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PICKOW DISTRIBUTING CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.235 *Source or origin:* Maker; place: *Imported products or parts as domestic.* Subpart—*Appropriating trade name or mark wrongfully:* § 3.295 *Appropriating trade name or mark wrongfully:* Product. Subpart—*Misbranding or mislabeling:* § 1.325 *Source or origin:* Maker or seller; place: *Imported product or parts as domestic.* Subpart—*Misrepresenting oneself and goods*—Goods: § 3.1745 *Source or origin:* Maker, place: *Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* Subpart—*Passing off:* § 3.2105 *Passing off.* Subpart—*Simulating competitor or another or product thereof:* § 3.2245 *Trade name of competitor's or others' product.* Subpart—*Using misleading name*—Goods: § 3.2345 *Source or origin:* Maker; place: *Foreign product or parts as domestic.* In connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce: (1) Offering for sale, selling, or distributing foreign-made sewing machine heads or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof; and (2) using the words "Hoover" or "Eureka", or any simulations thereof, as brand or trade names to designate, describe, or refer to their sewing machines or sewing machine heads; or representing through the use of any other words or in any other manner that their sewing machines or sewing machine heads are made by anyone other than the actual manufacturers; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 5 U. S. C. 45) [Cease and desist order, Pickow Distributing Corporation et al., New Haven, Conn., Docket 5890, March 10, 1954]

In the Matter of Pickow Distributing Corporation, a Corporation, and Louis Pickow, Harold Gessner, and Abraham Lippman, Individually and as Officers of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on June 27, 1951, issued and subsequently served its complaint in this proceeding upon the respondents, Pickow Distributing Corporation, a corporation, and Louis Pickow, Harold Gessner, and Abraham Lippman, individually and as officers of said corporation, charging them with the use of unfair methods of competition and unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer and amendment to their answer, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final consideration by said hearing examiner upon the complaint, amended answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel, and said hearing examiner, on May 5, 1953, filed his initial decision herein.

Within the time permitted by the Commission's rules of practice, counsel supporting the complaint filed with the Commission an appeal from said initial decision. Request was made on behalf of The Hoover Company for leave to intervene in the proceeding and said request was granted to the extent of permitting briefs on the said appeal to be filed. Thereafter, this proceeding regularly came on for final consideration by the Commission upon the record, including briefs of counsel supporting the complaint and of special counsel for the intervenor in support of the said appeal and brief of counsel for respondents in opposition thereto (oral argument not having been requested by either counsel supporting the complaint or the respondents); and the Commission, having entered its order granting in part and denying in part the said appeal and being fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts [1] and conclusion [1] drawn therefrom and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondents, Pickow Distributing Corporation, a corporation, and its officers, and Louis Pickow, Harold Gessner, and Abraham Lippman as officers of said corporation, and said respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling, or distributing foreign-made sewing machine heads or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof.

2. Using the words "Hoover" or "Eureka," or any simulations thereof, as brand or trade names to designate, describe, or refer to their sewing machines or sewing machine heads; or representing through the use of any other words or in any other manner that their sewing machines or sewing machine heads are made by anyone other than the actual manufacturers.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 10, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 54-2427; Filed, Apr. 2, 1954; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

EXEMPTING CERTAIN ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS FROM CERTIFICATION

Under authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 507 (c), 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357 (c); 67 Stat. 18), I find that the requirements of sections 502 (l) and 507 of the act with respect to animal feed containing antibiotic drugs and para-aminobenzoic acid or the sodium or potassium salt of para-aminobenzoic acid, when used for the prevention or treatment of certain specified diseases of poultry, are no longer necessary to insure safety and efficacy of such drugs when used in such manner, and hereby promulgate the following amendment exempting such drugs from the requirements:

Section 146.26 *Animal feed containing penicillin* * * * is amended by adding the following new paragraph (n):

(n) It is intended for use solely in the prevention or treatment of chronic respiratory disease (air-sac infection), and sinusitis in poultry; its labeling bears adequate directions and warnings for such use; and it contains not less than 0.1 percent para-aminobenzoic acid or the sodium or potassium salt of para-aminobenzoic acid.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it would be against public interest to delay providing for the aforesaid amendment, and since it conditionally relaxes existing requirements.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: March 30, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-2415; Filed, Apr. 2, 1954; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[DMS Regulation No. 1 as Amended April 1, 1954]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

This amended regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this amended regulation has been rendered impracticable because it affects many different industries.

Sec.

1. What this regulation does.
2. Transition provision for acquisition of controlled materials for production of Class A products by certain persons.
3. Definitions.
4. General production schedule and allotment procedure for production of Class A products by prime and secondary consumers.
5. General self-authorization procedure for production of Class A products by self-authorizing consumers.
6. General self-authorization procedure for production of Class B products.
7. Use of allotment, self-authorization, and rating authority to fill rated orders for Class A and Class B products.
8. Statements of requirements.
9. Applications for authorized production schedules and allotments for Class A products.
10. How production schedules for Class A products are authorized.
11. How allotments are made.
12. Designation and use of allotment numbers.
13. How prime and secondary consumers use allotments.
14. How to cancel or reduce allotments.
15. Adjustments for changes in or correction of requirements.
16. Self-authorization procedure for self-authorizing consumers producing Class A products.
17. Self-authorization procedure for obtaining materials for production of Class B products.
18. Designation and use of ratings.
19. Restrictions on placing authorized controlled material orders and on use of controlled materials.
20. How to place orders with controlled materials producers and distributors.
21. Rules applicable to controlled materials producers.
22. Rules applicable to controlled materials distributors.
23. Production requirements of controlled materials producers.
24. Applicability of other regulations and orders.
25. Records and reports.
26. Requests for adjustment or exception.
27. Communications.
28. False statements.
29. Violations.

Schedule

I. Controlled Materials.
II. Short Form of Allotment.
III. Time for Placing Authorized Controlled Material Orders.
IV. Minimum Mill Quantities.

AUTHORITY: Sections 1 to 29 issued under sec. 704, 64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2071; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939.

SECTION 1. *What this regulation does.* (a) The purpose of this amended regulation is to continue the Defense Materials System with certain important changes and major simplifications. It defines rights and obligations of persons who produce certain products and materials for the defense program. Corresponding rules relating to construction for the defense program are contained in an amended DMS Regulation No. 2.

(b) Under DMS Regulation No. 1, prior to the issuance of this amended regulation, all Class B products for defense programs were produced by means of self-authorization, and all Class A products for defense programs were produced by means of authorized production schedules and allotments. This amended regulation accomplishes a basic simplification in production controls by expanding the area of self-authorization to include a significant segment of Class A product production. Three types of consumers are defined in this amended regulation: prime consumer, who receives an allotment of controlled material from an Allotting Agency; secondary consumer, who receives an allotment of controlled material from a prime consumer; and self-authorizing consumer, who receives authority to obtain controlled material by self-authorization. The latter includes all manufacturers who produce Class B products pursuant to rated orders, and certain manufacturers who produce Class A products pursuant to rated orders.

(c) This amended regulation provides, as heretofore, for authorization of production schedules and allotments by Allotting Agencies to prime consumers manufacturing Class A products. It establishes an optional procedure whereby such prime consumers may acquire limited quantities of Class A products by placing rated orders therefor, without authorizing production schedules and making allotments. It also provides that all secondary consumers and self-authorizing consumers shall acquire Class A products by placing rated orders therefor, without authorizing production schedules and making allotments. In addition, a number of other revisions have been made in the regulation in the interests of simplification. These changes in the Defense Materials System should accomplish important savings in time and money within that segment of the industrial community producing for defense programs, while at the same time retaining the framework of a control system to handle the expanded military and atomic energy needs in the event of total mobilization.

SEC. 2. *Transition provision for acquisition of controlled materials for production of Class A products by certain persons.* (a) Nothing in this amended regulation shall be construed to cancel outstanding allotments of controlled materials. However, a person who has outstanding allotments for the production of Class A products with respect to which he may also obtain controlled materials by self-authorization, shall be subject to the provisions of paragraph (b) of this section.

(b) A person who may obtain controlled materials by self-authorization pursuant to the provisions of this amended regulation to fill a rated order for Class A products and who has received allotments of controlled materials for the production of such Class A products, shall in no event use such self-authorization or allotment authority to obtain more controlled materials than needed to fill such rated order.

SEC. 3. *Definitions.* As used in this regulation and any other DMS regulation (unless otherwise indicated):

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BDSA" means the Business and Defense Services Administration of the United States Department of Commerce.

(c) "Controlled material" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of this regulation, whether new, remelted, rerolled, or redrawn.

(d) "Claimant Agency" means the Department of Defense or the Atomic Energy Commission; and "Allotting Agency" means the Department of Defense, the Atomic Energy Commission, BDSA, or any other Government agency or subdivision thereof designated as such by the Office of Defense Mobilization.

(e) "Prime consumer" means any person who receives an allotment of controlled material from an Allotting Agency.

(f) "Secondary consumer" means any person who receives an allotment of controlled material from a prime consumer.

(g) "Self-authorizing consumer" means any person who receives authority to obtain controlled material by self-authorization pursuant to the provisions of this regulation.

(h) "Allotment" means (1) an authorization by the Office of Defense Mobilization of the amount of controlled materials which may be received and or allotted by a Claimant Agency during a specified period, or (2) an authorization by a Claimant Agency of the amount of controlled materials which may be received and/or allotted by an Allotting Agency or by a prime consumer during a specified period, or (3) an authorization by an Allotting Agency of the amount of controlled materials which may be received and/or allotted by a prime consumer during a specified period, or (4) an authorization by a prime consumer of the amount of controlled materials which may be received by a secondary consumer during a specified period.

(i) "Class A product" means any product which is not a Class B product (as defined in paragraph (j) of this section), and which contains any controlled material, fabricated or assembled beyond the forms and shapes specified in Schedule I of this regulation, other than any controlled material which may be contained in Class B products incorporated in it.

(j) "Class B product" means any product designated as such in the "Official Class B Product List" issued by BDSA, as the same may be modified from time to time, and which contains any controlled material other than any controlled material which may be contained in other Class B products incorporated in it.

(k) "Program" means a statement of the amounts of an item or class of items to be provided in specified periods of time.

(l) "Authorized program" means a program specifically approved by the Office of Defense Mobilization.

(m) "Production schedule" means a statement of the amounts of an item or class of items to be produced by an individual prime or secondary consumer in specified periods of time.

(n) "Authorized production schedule" means a production schedule specifically approved by an Allotting Agency with respect to a prime consumer, or specifically approved by a prime consumer with respect to a secondary consumer.

(o) "Delivery order" means any purchase order, contract, shipping or other instruction calling for delivery of any material or product on a particular date or dates or within specified periods of time.

(p) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment, or pursuant to self-authorization, as provided in section 20 of this regulation, or which is specifically designated to be such an order by any regulation or order of BDSA.

(q) "Rated order" means any delivery order for any product or material other than controlled material bearing an authorized rating and the certification required by this regulation, BDSA Reg. 2 (formerly NPA Reg. 2), or any other applicable regulation or order of BDSA.

(r) "Controlled materials distributor" means (1) a distributor of steel controlled materials as defined in BDSA Order M–1A, (2) a distributor of aluminum controlled materials as defined in BDSA Order M–5A, or (3) a distributor of copper controlled materials as defined in BDSA Order M–11A.

SEC. 4. *General production schedule and allotment procedure for production of Class A products by prime and secondary consumers.* (a) The provisions of this section apply only to the production of Class A products by prime consumers who receive authorized production schedules and allotments from Allotting Agencies, and to the production of Class A products by secondary consumers who receive authorized production schedules and allotments from prime consumers.

(b) Except where otherwise specifically provided by BDSA, each Allotting Agency shall authorize production schedules, pursuant to authorized programs, of prime consumers manufacturing Class A products for it. Subject to the provisions of section 13 of this regulation, each prime consumer who has an authorized production schedule for Class A products shall, pursuant thereto, authorize production schedules of secondary consumers manufacturing Class A products for it.

(c) Except where otherwise specifically provided by BDSA, each Allotting Agency shall make allotments, pursuant to allotments which it has received, to prime consumers manufacturing Class A products for it, to fulfill related authorized production schedules. Subject to the provisions of section 13 of this regulation, each prime consumer manufacturing Class A products who has received an allotment shall, pursuant thereto, make allotments to secondary consumers manufacturing Class A products for it, to fulfill related authorized production schedules.

SEC. 5. *General self-authorization procedure for production of Class A products by self-authorizing consumers.* (a) The provisions of this section apply only to the production of Class A products by self-authorizing consumers who receive rated orders.

(b) Except where otherwise specifically provided by BDSA, no person other than an Allotting Agency or a prime consumer shall authorize production schedules or make allotments for the production of Class A products. Self-authorizing consumers manufacturing Class A products who receive rated orders for such products, without authorized production schedules and allotments, shall obtain their controlled material requirements by self-authorization in accordance with the provisions of section 16 of this regulation.

SEC. 6. *General self-authorization procedure for production of Class B products.* (a) The provisions of this section apply to the production of all Class B products pursuant to rated orders.

(b) Except where otherwise specifically provided by BDSA, no person shall authorize production schedules or make allotments for the production of Class B products. Self-authorizing consumers manufacturing Class B products who receive rated orders for such products shall obtain their controlled material requirements by self-authorization in accordance with the provisions of section 17 of this regulation.

SEC. 7. *Use of allotment, self-authorization, and rating authority to fill rated orders for Class A and Class B products.* (a) Each person who has received a rated order for a Class A or a Class B product must, to fill such order or to replace in inventory products and materials used in the manufacture of the product covered by such order, use the related allotment or self-authorization, whichever is appropriate, to acquire controlled materials, and use the related DO rating to acquire products and materials other than controlled materials.

(b) Notwithstanding the provisions of paragraph (a) of this section or of any other provisions of this regulation, no person, except a prime consumer, shall be required to use an allotment, self-authorization, or DO rating to acquire materials or products where the quantities of such materials or products are insignificant in relation to the total procurement of materials or products by such person.

SEC. 8. *Statements of requirements.* (a) The basis for an allotment to a prime or secondary consumer manufacturing Class A products shall be the actual requirements for controlled materials in connection with the fulfillment of an authorized production schedule.

(b) An application for allotment includes only (1) the quantities of controlled materials required by the submitting prime or secondary consumer for his own production of Class A products to fill rated orders (including the controlled material requirements of any Class A and Class B components or subassemblies which he makes himself for incorporation in his product), and (2) the quantities of controlled materials required by all secondary and self-authorizing consumers in different degrees of remoteness supplying Class A products for incorporation in his product to be delivered on rated orders.

(c) Any manufacturer of Class A products, upon the request of an Allotting Agency or other person for whom he produces Class A products to fill rated orders, shall furnish to such Allotting Agency or other person, the information called for in Form DMS–4A. Such information shall be submitted on Form DMS–4A or in such other manner as may be prescribed.

SEC. 9. *Applications for authorized production schedules and allotments for Class A products.* Production schedules for Class A products may be authorized and related allotments made on the basis of information furnished by application on Form DMS–4A.

SEC. 10. *How production schedules for Class A products are authorized.* (a) A production schedule for each prime consumer producing a Class A product for an authorized program will be authorized by the appropriate Allotting Agency on such form as may be prescribed.

(b) Except as provided in section 13 of this regulation, a production schedule for each secondary consumer producing a Class A product shall be authorized by the prime consumer for whom such Class A product is to be produced, pursuant to an authorized production schedule, on such form as may be prescribed. A prime consumer having two or more authorized production schedules bearing the same program identification may, pursuant thereto, authorize a single production schedule for a secondary consumer.

(c) Except where otherwise specifically provided by BDSA, no Allotting Agency or prime consumer shall authorize a production schedule unless it makes an allotment as provided in section 11 of this regulation, and no Allotting Agency or prime consumer shall make an allotment unless it authorizes a related production schedule as provided in this section.

(d) When the production schedule of a prime or secondary consumer is authorized and a related allotment is made to him, a DO rating, bearing the appropriate program identification consisting of a letter and one digit, shall be assigned or applied to such schedule by the Allotting Agency or prime consumer authorizing the production schedule, for use in accordance with the provisions of this regulation and of BDSA Reg. 2 (formerly NPA Reg. 2).

SEC. 11. *How allotments are made.* (a) Each Allotting Agency or prime consumer authorizing a production schedule for a Class A product as provided in section 10 of this regulation, shall make a related allotment, pursuant to allotments which it has received, to the prime or secondary consumer whose production schedule has been authorized, on such form as may be prescribed.

(b) The allotment shall specify the quantities and the kinds of controlled materials needed for delivery in specified calendar quarters to complete the related authorized production schedule. Allotments shall be made in terms of (1) carbon steel (including wrought iron), (2) alloy steel (except stainless steel), (3) nickel-bearing stainless steel, (4) copper and copper-base alloy brass mill products, (5) copper wire mill products, (6) copper and copper-base alloy foundry products and powder, and (7) aluminum, in each case without further breakdown.

(c) The allotment shall be identified by an allotment number as provided in section 12 of this regulation.

(d) Advance allotments by Allotting Agencies to prime consumers may be made within such limits as may be specified by the Office of Defense Mobilization. Prime consumers receiving such advance allotments shall, in turn, make advance allotments to their secondary consumers in the same manner as in the case of regular allotments, but no prime consumer shall make any allotment before receiving his own allotment.

(e) An Allotting Agency or prime consumer may make allotments only in the same kinds of controlled materials in which it has received its allotment.

SEC. 12. *Designation and use of allotment numbers.* (a) Allotments shall be identified by an allotment number consisting of a program identification bearing a letter and one digit, designating the authorized program of the appropriate Allotting Agency, or such other appropriate program identification specified by this regulation or any other regulation or order of BDSA.

(b) Authorized controlled material orders shall show the related allotment number and the calendar quarter for which the allotment is valid or, in the case of self-authorization, the calendar quarter in which delivery is required. For example, a delivery order for controlled materials placed pursuant to an allotment identified by allotment number A–6 which is valid for the third quarter of 1954 shall be designated as follows: A–6–3Q54. The date or dates on which delivery is required must also be specified on such delivery order.

SEC. 13. *How prime and secondary consumers use allotments.* (a) Each prime consumer receiving an allotment shall use that portion of the allotment which he requires to obtain controlled materials, as such, for his authorized production schedule, and shall deduct from his allotment account the quantities represented by authorized controlled material orders placed by him. Subject to the provisions of paragraph (b) of this section, he shall make allotments to secondary consumers producing Class A products for him, and shall deduct from his allotment account the quantities represented by such allotments. When filing an application for allotments, he shall include the controlled materials needed for the production of Class A products by secondary consumers and also self-authorizing consumers in all degrees of remoteness, in accordance with the provisions of section 8 (b) of this regulation.

(b) At least 85 percent of each kind of controlled material (as specified in section 11 (b) of this regulation) allotted to a prime consumer for an authorized production schedule shall be charged against his appropriate allotment account for (1) authorized controlled material orders placed by him, and (2) allotments made by him to his secondary consumers. With respect to the balance of 15 percent or less of each kind of controlled material required for the production of Class A products by his other suppliers, he may place rated orders for such products without authorizing production schedules and making allotments. If he follows this procedure, he shall charge against his appropriate allotment account the reasonably estimated aggregate controlled material requirements of self-authorizing consumers in all degrees of remoteness supplying Class A products. A prime consumer must furnish each direct self-authorizing consumer supplying Class A products with a written statement advising him that he is required to obtain his material requirements to fill the rated order by self-authorization in accordance with the provisions of DMS Regulation No. 1. The form of statement provided for in section 18 (d) of this regulation may be used for such purpose.

(c) Each secondary consumer receiving an allotment shall use that portion of the allotment which he requires to obtain controlled materials, as such, for his authorized production schedule, and shall deduct from his allotment account the quantities represented by authorized controlled material orders placed by him. He shall make no allotments for the production of Class A products, but shall place rated orders therefor, and shall deduct from his allotment account the reasonably estimated aggregate controlled material requirements of self-authorizing consumers in all degrees of remoteness supplying Class A products. When filing an application for allotments, he shall include the controlled materials needed for the production of Class A products by self-authorizing consumers in all degrees of remoteness, in accordance with the provisions of section 8 (b) of this regulation.

(d) No prime or secondary consumer shall place any rated order for Class A products the controlled material requirements of which exceed the related allotment received by him, after deducting all authorized controlled material orders placed by him and all other charges against his allotment.

(e) No prime consumer shall make any allotment in excess of the amount required, to the best of his knowledge and belief, to fulfill the related authorized production schedule of the secondary consumer to whom the allotment is made.

(f) Except where otherwise specifically provided by BDSA, no person other than an Allotting Agency or a prime consumer shall make, and no person other than a prime or secondary consumer shall accept, any allotment for the production of Class A products. Except where otherwise specifically provided by BDSA, no person shall make, and no person shall accept, any allotment for the production of Class B products. Controlled materials required for the production of Class A products by self-authorizing consumers to fill rated orders shall be obtained in accordance with the self-authorization provisions of section 16 of this regulation. Controlled materials required for the production of Class B products by self-authorizing consumers to fill rated orders shall be obtained in accordance with the self-authorization provisions of section 17 of this regulation.

(g) A prime consumer may make an allotment on such form (including Form DMS–5 set forth in Schedule II of this regulation) as may be prescribed for the purpose. Allotments may be made by telegraphing or telephoning the information required by the appropriate form and confirming the same with such form, within 30 days thereafter.

SEC. 14. *How to cancel or reduce allotments.* A person who has made an al-

lotment may cancel or reduce the same by notice in writing to the person to whom it was made. A person who has received an allotment may cancel or reduce the same by making an appropriate notation thereon and notifying the person from whom he received it. In either case, if an allotment received by a person is canceled, he must cancel all allotments which he has made, and all authorized controlled material orders which he has placed, on the basis of the allotment; and, if an allotment received by a person is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed the allotment as reduced.

SEC. 15. *Adjustments for changes in or correction of requirements.* (a) If a prime or secondary consumer's requirements for controlled materials or Class A products needed to fulfill an authorized production schedule are increased after he receives his allotment, he may apply for an additional allotment to the Allotting Agency or prime consumer which made the allotment for that schedule.

(b) If a prime consumer finds that he has been allotted substantially more than he needs, he must promptly return the excess to his Allotting Agency. To the extent that he fails to make such returns, he will be unable to benefit fully from the procedure provided in section 13 (b) of this regulation for acquiring limited quantities of Class A products without making allotments.

(c) If a secondary consumer finds that he has been allotted substantially more than he needs, he must promptly return the excess to his prime consumer.

(d) The return of an unneeded allotment must be made to the person from whom the allotment was received on such form as may be prescribed. If it is impracticable to obtain the prescribed form, the return may be made by letter setting forth the facts.

SEC. 16. *Self-authorization procedure for self-authorizing consumers producing Class A products.* (a) Except where otherwise specifically provided by BDSA, no person other than an Allotting Agency or a prime consumer shall authorize a production schedule or make an allotment for the production of a Class A product, and no person other than a prime or secondary consumer shall accept an authorized production schedule or an allotment for the production of a Class A product. Instead, persons authorized to use ratings who are not permitted to authorize production schedules or make allotments for the production of Class A products, shall obtain Class A products by placing rated orders therefor.

(b) A manufacturer of Class A products who receives a rated order for such products, without an authorized production schedule and an allotment, shall treat the Class A products covered by such order as Class B products, and shall, with respect to production to fill such order, operate under the self-authorization provisions of paragraphs (a) through (d) of section 17 of this regulation: *Provided, however,* That in lieu of extending the allotment number B-5 and rating DO-B-5, he shall extend the allotment number and rating that accompanied the DO rated order received by him from his customer. For example, if he receives an order rated DO-A-6 he shall extend the allotment number A-6 and the rating DO-A-6. If the requirement that he extend his customer's allotment number and rating works an undue hardship on him he may file a request for adjustment or exception in accordance with section 26 of this regulation.

SEC. 17. *Self-authorization procedure for obtaining materials for production of Class B products.* (a) Except where otherwise specifically provided by BDSA, no person shall authorize a production schedule or make an allotment for the production of a Class B product, and no person shall accept an authorized production schedule or an allotment for the production of a Class B product. Instead, persons authorized to use ratings shall obtain Class B products by placing rated orders therefor.

(b) A manufacturer of Class B products who receives a rated order for such products shall obtain his requirements of controlled materials, and of products and materials other than controlled materials, to fill such rated order, by using the program identification B-5 in accordance with the provisions of this section, in lieu of extending the DO rating received by him from a customer. He may, however, extend any DX rating which he receives, to the extent permitted by BDSA Reg. 2 (formerly NPA Reg. 2).

(c) A manufacturer of a Class B product who receives a rated order for such product shall, by self-authorization and without filing any application, use the allotment number B-5 in obtaining controlled materials needed to fill such rated order or to replace in inventory controlled materials used in the manufacture of the product covered by such rated order: *Provided, however,* That with respect to inventory replacement of controlled materials he may use the allotment number B-5 to place orders for controlled materials only in the calendar quarter in which taken from inventory or in the immediately succeeding calendar quarter. In placing authorized controlled material orders, he shall indicate thereon the allotment number B-5 and the calendar quarter in which delivery of the controlled materials is required. He shall obtain Class A products from persons manufacturing such products for him by placing rated orders therefor as provided in paragraph (d) of this section, without authorizing production schedules or making allotments.

(d) A manufacturer of a Class B product who receives a rated order for such product shall, by self-authorization and without filing any application, use the rating DO-B-5 in obtaining products (including Class A products) and materials other than controlled materials needed to fill such rated order or to replace in inventory products and materials other than controlled materials used in the manufacture of the product covered by such rated order. The rating DO-B-5 shall be used in accordance with the provisions of this regulation and of BDSA Reg. 2 (formerly NPA Reg. 2).

(e) A manufacturer of Class B products who has accepted rated orders for such products may, if it is impracticable for him to determine the exact requirements of controlled materials needed to fill such orders, place authorized controlled material orders calling for delivery in a particular calendar quarter by use of the allotment number B-5 in an amount equal to his best estimates of requirements of controlled materials needed in such quarter to fill such rated orders. A manufacturer of Class B products who has accepted rated orders for such products may, if it is impracticable for him to determine the exact requirements of products and materials other than controlled materials needed to fill such orders, place rated orders calling for delivery in a particular calendar quarter by use of the rating DO-B-5 in an amount equal to his best estimates of requirements of products and materials other than controlled materials needed in such quarter to fill such rated orders.

SEC. 18. *Designation and use of ratings.* (a) DO ratings shall be identified by the prefix DO followed by a program identification bearing a letter and one digit, designating the authorized program of the appropriate Allotting Agency, or such other appropriate program identification specified by this regulation or any other regulation or order of BDSA.

(b) Delivery orders for products and materials other than controlled materials shall show the DO rating authorized, for example, DO-A-6. The date or dates on which delivery is required must also be specified on such delivery orders. Such date or dates, in the case of delivery orders to fulfill an authorized production schedule for Class A products, need not be during the calendar quarter for which such production schedule is authorized and for which the related allotment is valid.

(c) To the extent consistent with this regulation, all the provisions of BDSA Reg. 2 (formerly NPA Reg. 2) shall apply to delivery orders for products and materials other than controlled materials. However, in lieu of the certification prescribed in BDSA Reg. 2 (formerly NPA Reg. 2) for rated orders, the following certification may be used:

Certified under DMS Regulation No. 1

This certification accompanying a rated order shall be deemed to be, and shall have the same force and effect as, a certification under BDSA Reg. 2 (formerly NPA Reg. 2).

(d) Any person who places a rated order for a Class B product, and any person who places a rated order for a Class A product without authorizing a production schedule and making an allotment, may furnish his supplier with a statement reading substantially as follows:

The products covered by this rated order are purchased pursuant to DMS Regulation No. 1. You are a self-authorizing consumer as defined in section 2 (g) of that regulation and are required to use its self-authorization provisions in obtaining controlled materials, as well as products and materials other than controlled materials, needed to fill this rated order.

This statement may appear on the order or on a separate piece of paper attached to the order or clearly identifying it.

SEC. 19. *Restrictions on placing authorized controlled material orders and on use of controlled materials.* (a) In no event shall a person placing an authorized controlled material order request delivery of any controlled material in a greater amount or on an earlier date than required to fill his rated orders. If the quantity of any controlled material required by a person to fill such rated orders is less than the minimum mill quantity specified in Schedule IV of this regulation, and is not procurable from a distributor, he may place an authorized controlled material order for and accept delivery of the full minimum shown in such schedule.

(b) No person shall use any controlled materials obtained pursuant to allotment or self-authorization for any purpose except: (1) To fill rated orders, or (2) to replace in inventory controlled materials used to fill any of such rated orders, or (3) for such other purpose as may be expressly authorized by an Allotting Agency. If he cannot use the controlled materials for any such purpose, he may use or dispose of them subject to restrictions of other regulations or orders of BDSA.

(c) Controlled materials which may be obtained by a person to fill a rated order, include such controlled materials which will be physically incorporated into his product. They also include the portion of such controlled materials normally consumed or converted into scrap in the course of processing, and controlled materials used for packaging or containers required to make delivery. However, they do not include controlled materials for construction, production equipment, or for maintenance, repair, or operating supplies.

SEC. 20. *How to place orders with controlled materials producers and distributors.* (a) A delivery order placed with a controlled materials producer or a controlled materials distributor for controlled material shall be deemed an authorized controlled material order only if (1) it contains an allotment number and the calendar quarter for which the allotment is valid or, in the case of self-authorization, the calendar quarter in which delivery is required, as provided in section 12 of this regulation, and complies with the provisions of this section, or (2) it is specifically designated as an authorized controlled material order by any regulation or order of BDSA.

(b) Except where otherwise specifically provided by BDSA, every authorized controlled material order must contain a certification in addition to specifying the allotment number, the calendar quarter for which the allotment is valid or, in the case of self-authorization, the calendar quarter in which delivery is required, and the delivery date or dates. Unless another form of certification is specifically prescribed by an applicable order or regulation of BDSA, such certification shall be in the following form:

Certified under DMS Regulation No. 1

and shall be signed as provided in BDSA Reg. 2 (formerly NPA Reg. 2). This certification shall constitute a representation to the supplier and to BDSA that, subject to the criminal penalties provided for in applicable United States statutes, (1) the purchaser has received an allotment of controlled material authorizing him, in accordance with the provisions of this regulation, to place such order, and that the amount ordered is within the related allotment received by him, after he has deducted from such allotment all other orders for controlled material placed by him and accepted by suppliers, and all other charges against his allotment, or (2) the amount ordered by the purchaser is within and pursuant to the self-authorization provisions of this regulation, or (3) the purchaser is expressly authorized by BDSA, or by any regulation or order of BDSA, to place such order.

(c) An authorized controlled material order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III of this regulation, or at such later time as the controlled materials producer may find it practicable to accept the same.

(d) A delivery order for controlled materials pursuant to a directive issued by BDSA shall take precedence over any other delivery order (including an authorized controlled material order) previously or subsequently received, unless a contrary instruction appears in the directive. All authorized controlled material orders shall have equal preferential status, and shall take precedence over other orders for controlled materials to the extent provided in this regulation and in BDSA Order M-1A (steel), BDSA Order M-5A (aluminum), and BDSA Order M-11A (copper), and the directions thereto, or in any other applicable regulation or order of BDSA.

(e) A delivery order for controlled materials not covered by an allotment or self-authorization shall not be combined with an authorized controlled material order. However, if the total of such orders is less than the minimum mill quantity specified in Schedule IV of this regulation and is not procurable from a controlled materials distributor, then a combined order may be placed for such minimum mill quantity. Where such orders are combined, the portion covered by allotment or self-authorization must be specifically identified by the appropriate allotment number, and such delivery order must contain the certification provided in paragraph (b) of this section. Authorized controlled material orders identified by different allotment numbers may be combined if the portion covered by each allotment number is specifically identified by the appropriate allotment number, and such delivery order must contain the certification provided in paragraph (b) of this section.

SEC. 21. *Rules applicable to controlled materials producers.* (a) Each controlled materials producer shall comply with such production and other directives as may be issued from time to time by BDSA and with the provisions of all other applicable regulations and orders of BDSA regarding production and delivery of controlled materials.

(b) Each controlled materials producer shall accept all (1) authorized controlled material orders, (2) orders which he is required to accept pursuant to any regulation or order of BDSA, and (3) orders which he is required to accept pursuant to BDSA directive.

(c) A controlled materials producer shall be required to accept orders for controlled materials in conformity with the provisions of this regulation, as the same is or may be modified by the provisions of BDSA Order M-1A (steel), BDSA Order M-5A (aluminum), and BDSA Order M-11A (copper), and the directions thereto, or of any other applicable regulation or order of BDSA.

(d) A controlled materials producer may reject authorized controlled material orders in the following cases, but he shall not discriminate between customers in rejecting or accepting such orders:

(1) If the order is one for less than the minimum mill quantity specified in Schedule IV of this regulation and has not been combined with another order pursuant to section 20 (e) of this regulation.

(2) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(e) In any case where a controlled materials producer is of the opinion that the filling of an order which he is required to accept pursuant to this section would substantially reduce his overall production owing to the large or small size of the order, unusual specifications, or otherwise, he shall promptly notify BDSA, setting forth the pertinent facts. BDSA may, at its discretion, direct that the order be placed with another supplier or take other appropriate action.

(f) A controlled materials producer shall make shipment on each authorized controlled material order as close to the requested delivery date as is practicable. If a producer, after accepting an order within the limits provided in this section, finds that, due to contingencies which he could not reasonably have foreseen, he is obliged to postpone the shipment date, he must promptly advise his customer of the approximate date when shipment can be scheduled, and keep his customer advised of any changes in that date. Shipment of any such carry-over order must be scheduled and made in preference to any order originally scheduled for such later date. When the new date for shipment on a carry-over order falls within a later quarter than that indicated on the original order, the producer must make shipment on the basis of the original order even if that order shows a quarterly identification earlier than the one in which shipment is actually made, and the customer, if the order was placed pursuant to an allotment, is not required to charge his allotment for the quarter during which

shipment on such carry-over order is actually made.

(g) An authorized controlled material order shall not constitute an allotment of controlled material to the controlled materials producer with whom it is placed. If a controlled materials producer requires delivery of controlled materials from other controlled materials producers, to be processed by him and sold against orders which he is required to accept, in another form or shape constituting a controlled material, such delivery may be made or accepted only pursuant to a specific instruction of BDSA, or pursuant to the provisions of section 23 of this regulation.

SEC. 22. *Rules applicable to controlled materials distributors.* (a) Each controlled materials distributor shall comply with such directives as may be issued from time to time by BDSA and with the provisions of all other applicable regulations and orders of BDSA regarding delivery of controlled materials.

(b) Each controlled materials distributor shall accept all (1) authorized controlled material orders, (2) orders which he is required to accept pursuant to any regulation or order of BDSA, and (3) orders which he is required to accept pursuant to BDSA directive.

(c) A controlled materials distributor shall be required to accept orders for controlled materials in conformity with the provisions of this regulation, as the same is or may be modified by the provisions of BDSA Order M–1A (steel), BDSA Order M–5A (aluminum), and BDSA Order M–11A (copper), and the directions thereto, or of any other applicable regulation or order of BDSA.

(d) An authorized controlled material order may be placed with a controlled materials distributor orally or by telephone, provided that the person placing the order makes written confirmation of such order, conforming to the requirements of this regulation, within 15 days thereafter. If such confirmation is not received within 15 days, the controlled materials distributor shall promptly notify BDSA of the circumstances.

(e) A delivery order for controlled material placed with a controlled materials distributor shall be considered as calling for immediate delivery unless such order specifically provides otherwise. A controlled materials distributor may reject any order for controlled material which is not for immediate delivery.

(f) A controlled materials distributor may reject any authorized controlled material order if he does not have the material ordered in his stock, unless he knows that such material is in transit to his stock, but shall not discriminate between customers in rejecting or accepting such orders.

(g) A controlled materials distributor may reject any authorized controlled material order if the person seeking to place the order is unwilling or unable to meet such distributor's regularly established prices and terms of sale or payment, but shall not discriminate between customers in rejecting or accepting such orders.

(h) An authorized controlled material order shall not constitute an allotment of controlled material to the controlled materials distributor with whom it is placed. However, a controlled materials distributor may obtain controlled materials in accordance with and subject to the provisions of BDSA Order M–1A (steel), BDSA Order M–5A (aluminum), and BDSA Order M–11A (copper).

SEC. 23. *Production requirements of controlled materials producers.* (a) For the purposes of this section, "production material" means, with respect to any controlled materials producer, any material (including controlled material) or product which will be physically incorporated into controlled materials which he produces, and includes the portion of such material normally consumed or converted into scrap in the course of processing. It also includes containers and packaging materials required to make delivery of the materials he produces, and also chemicals used directly in the production of the materials he produces. It does not include any items purchased by him for construction, production equipment, or for maintenance, repair, or operating supplies.

(b) A controlled materials producer may, by self-authorization and without filing any application, use the allotment number B–5 in obtaining production materials consisting of controlled materials needed to fill orders for controlled materials which he is required to accept by this regulation, or by any other regulation, order, or directive of BDSA: *Provided, however,* That (1) a steel controlled materials producer shall not use the allotment number B–5 to obtain steel controlled materials but shall obtain such materials in accordance with the provisions of BDSA Order M–1A, (2) an aluminum controlled materials producer shall not use the allotment number B–5 to obtain aluminum controlled materials but shall obtain such materials in accordance with the provisions of BDSA Order M–5A, and (3) a copper controlled materials producer shall not use the allotment number B–5 to obtain copper controlled materials but shall obtain such materials in accordance with the provisions of BDSA Order M–11A. In placing authorized controlled material orders, he shall indicate thereon the allotment number B–5 and the calendar quarter in which delivery of the controlled materials is required. He shall obtain Class A products from persons manufacturing such products for him by placing rated orders therefor as provided in paragraph (c) of this section, without authorizing production schedules or making allotments.

(c) Except where otherwise specifically provided by BDSA, a controlled materials producer may, by self-authorization and without filing any application, use the rating DO–B–5 in obtaining production materials consisting of products and materials other than controlled materials needed to fill orders for controlled materials which he is required to accept by this regulation, or by any other regulation, order, or directive of BDSA. The rating DO–B–5 shall be used in accordance with the provisions of this regulation and of BDSA Reg. 2 (formerly NPA Reg. 2).

SEC. 24. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of BDSA. In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of an authorized production schedule or a rated order, he shall immediately report the matter to BDSA and to the appropriate Allotting Agency. BDSA will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by BDSA, such person shall comply with the provisions of such regulation or order.

SEC. 25. *Records and reports.* (a) Each person participating in any transaction covered by this regulation shall make, and preserve for at least 2 years thereafter, accurate and complete records of receipts and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) Except as otherwise specifically provided, records of allotments received, and records of allotments made or used, shall be kept separately by allotment numbers and shall include separate entries under each allotment number for each prime consumer or Allotting Agency from whom allotments are received, and for each secondary consumer to whom such allotments are made.

(c) Persons subject to this regulation shall make such records and submit such reports to BDSA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 26. *Requests for adjustment or exception.* Any person subject to any provision of this regulation, may file a request for adjustment, or exception, upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The filing of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 27. *Communications.* All communications concerning this regulation, except as otherwise specified in this regulation, shall be addressed to the Business and Defense Services Administration, Washington 25, D. C., Ref: DMS Regulation No. 1.

SEC. 28. *False statements.* The furnishing of false information or the concealment of any material fact in the course of operation under this regulation constitutes a violation of this regulation. The unauthorized placement of any order in the form of, or purporting to be, an authorized controlled material order or a rated order constitutes a false statement and a violation of this regulation.

SEC. 29. *Violations.* Violation of any provision of this regulation may subject any person committing or participating in such violation to administrative action to require compliance with this regulation and correction of such violation. In addition to such administrative action, an injunction and order may be obtained prohibiting any such violation and enforcing compliance with the provisions hereof. Any person who wilfully violates any provision of this regulation, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation as amended shall take effect April 1, 1954.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

SCHEDULE I TO DMS REGULATION NO. 1—CONTROLLED MATERIALS

(See sections 3 (c) and 3 (l))

CARBON STEEL (INCLUDING WROUGHT IRON) [1]

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled, stock for projectile and shell bodies.[2]
Bar, hot-rolled, other (including light shapes).
Bar, reinforcing (straight lengths—as rolled).
Bar, cold-finished.
(b) Sheet, strip (uncoated and coated).
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Sheet, all other coated.
Sheet, enameling.
Roofing, galvanized, corrugated, V-crimped channel drains.
Ridge roll, valley, and flashing.
Siding, corrugated and brick.
Strip, hot-rolled.
Strip, cold-rolled.
Strip, galvanized.
Electrical sheet and strip.
Tin mill black plate.
Tin plate, hot-dipped.
Ternes, special coated manufacturing.
Tin plate, electrolytic.

See footnotes at end of list.

(c) Plate.[3]
(d) Structural shapes,[4] piling.
(e) Pipe, tubing.[5]
Includes:
Standard pipe (including type of couplings furnished by mill).[6]
Oil country goods (casings, tubular goods, type of couplings furnished by mill).
Line pipe (including type of couplings furnished by mill).
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.
(f) Wire, wire products.
Includes:
Wire—drawn.
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted.
Spikes and brads—steel wire, galvanized, and cement-coated.
Staples, bright and galvanized (farm and poultry).
Wire rope and strand.
Welded wire mesh and woven wire netting.
Barbed and twisted wire.
Wire fence, woven and welded (farm and poultry).
Bale ties.
Coiled automatic baler wire.
(g) Tool steel (including die blocks and tool steel forgings).
(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, shell quality for body stock only.[7]
Billets, shell quality for component parts and rockets.
Blooms, slabs, other billets, tube rounds, sheet bars.
Skelp.
Wire rod.
Rails.
Joint Bars (track).
Tie plates (track).
Track spikes.
Wheels, rolled or forged (railroad).
Axles (railroad).
(i) Castings (not including cast iron).

ALLOY STEEL [8] (EXCEPT STAINLESS STEEL [9])

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled projectile and shell quality.
Bar, hot-rolled, other (including light shapes).
Bar, cold-finished.
(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Strip, hot-rolled.
Strip, cold-rolled.
(c) Plates.[10]
Includes:
Rolled armor.
Other.
(d) Structural shapes.
(e) Pipe, tubing.[5]
Includes:
Oil-country goods.
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.
(f) Wire.
(g) Tool steel (including die blocks and tool steel forgings).
(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, projectile and shell quality.
Blooms, slabs, other billets, tube rounds, sheet bars.
Wire rods.
Rails.
Wheels, rolled or forged (railroad).
Axles (railroad).
(i) Castings.

NICKEL-BEARING STAINLESS STEEL [11]

(a) Seamless tubing.[5]
(b) Other mill forms and products (not including forgings).
Includes:
Bar, bar shapes (including light shapes).
Includes:
Bar, hot-rolled (including light shapes).
Bar, cold-finished.
Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Strip, hot-rolled.
Strip, cold-rolled.
Plate.[12]
Structural shapes.[4]
Tubing (except seamless).[5]
Wire, wire products.
Includes:
Wire, drawn.
Wire rope and strand.
Welded wire mesh and woven wire netting.
Ingots, blooms, billets, tube rounds, sheet bars, wire rods.
(c) Castings.[13]

COPPER AND COPPER-BASE ALLOY BRASS MILL PRODUCTS.[14]

Copper (unalloyed):
(a) Bar, rod, shapes, wire (except electrical wire).
(b) Sheet, strip, plate, rolls.
(c) Pipe, tubing (seamless).
Copper-base alloy: [15]
(d) Bar, rod, wire, shapes.
(e) Sheet, strip, plate, rolls, military ammunition cups and discs.
(f) Pipe, tubing (seamless).

COPPER WIRE MILL PRODUCTS

All copper wire and cable for electrical conduction, including but not limited to:
Bare and tinned.
Weatherproof.
Magnet wire.
Insulated building wire.
Paper and lead power cable.
Paper and lead telephone cable.
Asbestos cable.
Portable and flexible cord and cable.
Communication wire and cable.
Shipboard cable.
Automotive and aircraft wire and cable.
Insulated power cable.
Signal and control cable.
Coaxial cable.
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.

COPPER AND COPPER-BASE ALLOY FOUNDRY PRODUCTS AND POWDER

Includes:
Copper, brass, and bronze castings.[16]
Copper, brass, and bronze powder.

ALUMINUM [17]

Rolled bar, rod, wire (including drawn wire), structural shapes.
Aluminum cable steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, tubing (including drawn or welded tubing).
Sheet, strip, plate.
Pig or ingot, granular or shot.

[1] For the purpose of this schedule "carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) Ingot iron; (2) all grades of electrical sheet and strip; (3) low-alloy, high-strength steels; (4) clad and coated carbon steels not included with alloy steels; e. g., galvanized, tin, terne, copper (excluding cop-

per wire mill products) or aluminum clad and /or coated carbon steels; and (5) leaded carbon steels. "Low-alloy, high-strength steels" means only the proprietary grades promoted and sold for this purpose, and Navy high-tensile steel grade HT Specification Mil-S-16113 (Ships).

[2] Includes projectile body stock, sizes under 2⅞ inches and component parts, all sizes.

[3] Carbon plates not only include the following minimum size specifications, but also floor plates of any thickness:

0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 12 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 12 inches wide.

[4] "Structural shapes" means rolled flanged sections having at least one dimension of their cross section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flange sections.

[5] Steel pipe or tubing exceeding 36 inches O. D. is not a controlled material, but is a Class A product.

[6] Standard pipe includes the following:

Ammonia pipe.
Bedstead tubing.
Driven well pipe.
Drive pipe.
Dry kiln pipe.
Dry pipe for locomotives.
English gas and steam pipe.
Furniture pipe.
Ice machine pipe.
Mechanical service pipe.
Nipple pipe.
Pipe for piling.
Pipe for plating and enameling.
Pump pipe.
Signal pipe.
Standard pipe coupling.
Structural pipe.
Turbine pump pipe.
Water main pipe.
Water well casing.
Water well reamed and drifted pipe.

[7] Includes only projectile body stock, sizes 2⅞ inches and larger, rounds, and round-cornered squares.

[8] For purposes of this schedule "alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheet and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium-molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless) are alloy steels.

[9] "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements. However, stainless steel containing less than 1 percent nickel is not a controlled material, nor is it a Class A or a Class B product.

[10] Alloy steel plates include the following size specifications:

0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 12 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 12 inches wide.

[11] "Nickel-bearing stainless steel" means a stainless steel containing 1 percent or more of nickel.

[12] Nickel-bearing stainless steel plates include the following size specifications: 3/16 inch (0.1875) or thicker, over 10 inches wide.

[13] "Nickel-bearing stainless steel castings" means any steel casting which is heat-, corrosion-, or abrasion-resistant, containing 50 percent or more of iron and 8 percent or more of chromium with 1 percent or more of nickel, with or without molybdenum or other alloying elements.

[14] Includes anodes — rolled, forged, or sheared from cathodes.

[15] "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67-38.

[16] Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner and/or outer diameter before delivery to a customer.) Castings include anodes cast in a foundry or by an ingot maker.

[17] Aluminum foil and aluminum powder (atomized or flake, including paste) are not controlled materials or Class A or Class B products.

SCHEDULE II TO DMS REGULATION NO. 1—SHORT FORM OF ALLOTMENT

(Sec. section 13 (g))

FORM DMS-5

Controlled material	Allotment (specify short tons or pounds)			
	....Quarter 195..	....Quarter 195..	....Quarter 195..	....Quarter 195..
Carbon steel (including wrought iron)				
Alloy steel (except stainless steel)				
Nickel-bearing stainless steel				
Copper and copper-base alloy brass mill products				
Copper wire mill products				
Copper and copper-base alloy foundry products and powder				
Aluminum				

Allotment No.----------

Signature and title

Date.----------

Above allotments are made for use in filling this delivery order in compliance with DMS Regulations.

INSTRUCTIONS FOR USE OF SHORT FORM OF ALLOTMENT—FORM DMS-5

The short form of allotment must be either placed on or physically attached to the delivery order. If it is attached, the delivery order number or other identification must be indicated on the form.

The form must be signed by an authorized official of the party making the allotment, but need not be separately signed if it is placed on the delivery order in such a position that the signature of the delivery order by such an authorized official clearly applies to the allotment as well as to the order itself.

The size of the form may be varied, but all information called for by the form must be supplied and the general arrangement and wording of the form must be followed.

SCHEDULE III TO DMS REGULATION NO. 1—TIME FOR DELIVERY OF ALLOTTED CONTROLLED MATERIAL ORDERS (Certified)

Name of product[1]	Number of days in advance of first day of month in which shipment is required: Steel: Carbon	Steel: Low-alloy high-strength	Steel: Stainless	Steel: Alloy[2]	Aluminum and copper
Copper and copper-base alloy brass mill products:					
Copper (unalloyed):					
Bar, rod, shapes, wire (except electrical wire)	45				45
Sheet, strip, plate, foil	45				45
Pipe, tubing (seamless)	45				45
Copper-base alloy:					
Bar, rod, wire, shapes	45				45
Sheet, strip, plate, foil, military ammunition cups	45				45
Pipe, tubing (seamless)	45				45
Copper wire mill products:					
Copper wire and cable	45				35
Bare, uninsulated	45				35
Weatherproof	45				35
Magnet wire	45				60
Insulated building wire	45				60
Paper and lead power cable	45				60
Paper and lead telephone cable	45				60
Asbestos cable	45				60
Flexible cord and cable	45				45
Portable electric wire and cable	45				45
Ship board cable	45				60
Automotive and aircraft shielded cable	45				60
Shielded control cable	45				60
Coaxial cable	45				35
Copper rod stock for wire or cable (containing over 2½ percent copper by weight, regardless of end use)	45				14 to 30
Copper and copper-base alloy foundry products and powder	45				30
Copper, brass, and bronze ingots	45				30
Copper, brass, and bronze powder	45				30
Aluminum and aluminum-base alloy (except electrical wire):					
Aluminum cable steel reinforced (ACSR) and bare aluminum cable	45				60
Insulated or covered wire or cable	45				60
Extruded bar, rod, shapes, tubing (including drawn or welded tubing)	45				60
Sheet, strip, plate	45				60
Pig or ingot, granular or shot	45				60

[1] See definitions contained in footnotes to Schedule I of this regulation.
[2] Alloy steel products as defined in footnote 8 to Schedule II of this regulation.
[3] For unalloyed nickel treated, add an additional 15 days.
[4] For electrical sheet and strip, use this table:

Grade	Lead time	Definition
Low	45	AISI M0, M13, M36.
Medium	45	AISI M15, M22, M14.
High	60	AISI M17, M19, M14, and oriented.

[5] Rolled copper plate is subject to negotiation between mill and its customer. If no acceptable arrangements are worked out, DMS-5 may be filed.
[6] Not applicable to specified shapes including angles and channels.
[7] Applicable to wire 0.0201 inch and smaller.
[8] Drawn finished, cold-rolled steel bond 15 days.
[9] Forged copper pipe fittings for household castings after approval of patterns for production.
[10] Extruded shapes all sizes, 90 days.
[11] Small simple castings to fit 12 x 16 inch flask, 7 days.

SCHEDULE III TO DMS REGULATION NO. 1—TIME FOR DELIVERY OF ALLOTTED CONTROLLED MATERIAL ORDERS (Certified)—Continued

Name of product[1]	Number of days in advance of first day of month in which shipment is required: Steel: Carbon	Steel: Low-alloy high-strength	Steel: Stainless	Steel: Alloy[2]	Aluminum and copper
Steel:					
Bar, bar shapes (including light shapes):					
Bar, hot-rolled prospecting drill steel (quality)	45	75	90	[3] 75	
Bar, hot-rolled, other (including drill steel)	45	75		[3] 75	
Bar, reinforcing, straight lengths—as rolled	45	105		[3] 105	
Bar, cold-finished and coated	45	75	90	75	
Sheet, strip, hot-rolled:					
Sheet, hot-rolled	45	75	105	90	
Sheet, cold-rolled	45				
Sheet, galvanized	45				
Sheet, all other coated	45				
Sheet, enameling	45				
Roofing, galvanized, corrugated, V-crimped channel drains	45				
Ridge roll, valley, and flashing	45				
Siding, corrugated and brick	45				
Strip, hot-rolled	45	75	90	75	
Strip, cold-rolled	45	75	105	90	
Strip, galvanized	45				
Electrical sheet and strip	45				
Tin mill black plate	45				
Tin plate, hot-dipped	45	75	90	[3] 90	
Terne, special coated manufacturing	45				
Tin plate, electrolytic	45	75	90	[3] 75	
Plate	45				
Structural shapes, piling	45				
Pipe, tubing:					
Standard pipe (including couplings furnished by mills)	45	120	120	90	
Oil-country goods (casings, tubular goods, couplings furnished by mills)	45			60	
Line pipe (including couplings furnished by mills)	45		120	120	
Pressure tubing, seamless and welded	45		120	120	
Mechanical tubing, seamless and welded	45	75	90	75	
Wire, wire products:					
Wire, drawn	45				
Nails, brads, staples, steel wire, steel cut, galvanized, or chemically coated, and poultry netting	45		105		
Spokes and bands, steel wire, galvanized, and ornamental	45		105		
Staples, bright and galvanized (farm and poultry)	45				
Wire rope and strand	45				
Welded wire mesh and woven wire netting	45				
Barbed and twisted wire	45				
Wire fence, woven and welded (farm and poultry)	45				
Bale ties	45				
Coil and flat spring steel	45				
Tool steel (including alloy high-speed tool steel) forgings	45		75	[3] 90	75
Other steel forgings and products (not including forgings for wheels):					
Bars, prepared and shaft quality	45		75	[3] 75	75
Blooms, slabs, billets, tube rounds, sheet bars	45				
Skelp	45				
Wire rod	45		90	[3] 90	90
Rods	45				
Rail, light (trams)	45				
Rail, heavy	45				
Tie plates (trams)	45				
Track spikes (not screw)	45				
Axles, rolled or forged (railroad)	45			[3] 90	90
Castings (not including cast iron)	[4] 90		[3] 90	[3] 90	[3] 90

See footnotes at end of table.

SCHEDULE IV TO DMS REGULATION NO. 1—MINIMUM MILL QUANTITIES—Continued

Name of product [1]	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination	Steel [2]		Aluminum and copper (pounds)
		Carbon	Alloy	
Steel—Continued				
Wire, wire products—Continued				
Nails—bright steel wire, steel cut, galvanized, cement-coated, and blued	net tons	.5	.....	.....
Spikes and bolts—steel wire, galvanized, and cement-coated	net tons	.5	.....	.....
Staples, bright and galvanized (farm and poultry)	net tons	.5	.....	.....
Woven wire netting	net tons	(3)	.....	.....
Welded wire fencing	net tons	(3)	.....	.....
Barbed and twisted wire	net tons	.5	.....	.....
Hoop, woven and welded (farm and poultry)	net tons	.5	.....	.....
Bale ties	net tons	.5	.....	.....
Colonial automatic baler wire	net tons	.5	.....	.....
Tool steel (including shock and hot-work steel) forgings	pounds	500	500	.....
Other steel forms and products				
Ingots	net tons	6.25	(4)	.....
Billets, blooms, and slabs	net tons	(3)	(4)	.....
Billets, slabs, other billets, tube rounds, sheet bars	net tons	6.25	(4)	.....
Skelp	net tons	6.25	5	.....
Wire rod	net tons	3	.....	.....
Rods and track accessories				
Wheels, rolled or forged (railroad)	net tons	(3)	(4)	.....
Axles (railroad)	net tons	(3)	(4)	.....
Crankshaft (not including engine) forgings	net tons	(3)	(4)	.....
Copper (not including copper alloy) forms mill products:				
Bar, rod, shapes, wire (except electrical wire)	pounds	.....	.....	500
Sheet, strip, plate, rolls, military ammunition cups and discs	pounds	.....	.....	500
Pipe, tubing (seamless)	pounds	.....	.....	500
Copper base alloy:				
Bar, rod, wire, shapes	pounds	.....	.....	200
Sheet, strip, plate, rolls, military ammunition cups and discs	pounds	.....	.....	200
Pipe, tubing, seamless	pounds	.....	.....	200
Copper wire mill product	pounds	.....	.....	200
Aluminum				
Rolled, bar, rod, wire (including drawn wire), structural shapes	pounds	.....	.....	.....
Aluminum cable, bare (stranded) ACSR and bare aluminum cable	pounds	.....	.....	.....
Extruded tubular rod, bar or tube (including drawn or welded tubing)	pounds	.....	.....	.....
Sheet, plate, foil	pounds	.....	.....	.....
Pig or ingot, or billet or shot	pounds	.....	.....	.....

[1] See definitions contained in footnotes to Schedule I of this regulation.
[2] All stainless steel products are by negotiation. If unacceptable arrangements are worked out, BDSA should be notified.
[3] By negotiation between mill and its customer. If no acceptable arrangements are worked out, BDSA should be notified.
[4] Published carload minimum (mixed sizes and grades).
[5] Quantity refers to any assortment of wire merchant trade products.
[6] For similar quality, product of one heat.
[7] Product of one heat.
[8] Minimum quantities as published by each mill.
[9] Smaller minimum quantities as established by each mill.

[F. R. Doc. 54-2463; Filed, Apr. 1, 1954; 12:32 p. m.]

SCHEDULE IV TO DMS REGULATION NO. 1—MINIMUM MILL QUANTITIES

(See sections 19 (a), 20 (e), and 21 (d))

Name of product [1]	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination	Steel [2]		Aluminum and copper (pounds)
		Carbon	Alloy	
Steel:				
Bar, bar shapes (including light shapes):				
Bar, hot-rolled, merchant and special quality	(3)	(3)	.....	.....
Bar, hot-rolled, other (including light shapes):				
Rounds, squares, hexagons, half rounds, ovals, etc., of approximately equivalent cross-sectional area:				
Round and square bars over 3 inches to, but not including, 7 inches		5	5	.....
Bar-size shapes (angles, tees, channels, and rees under 3 inches		15	15	.....
Bar, reforming (straight lengths, as rolled)	net tons	5	5	.....
Bar, cold-finished	net tons	5	5	.....
Sheet, strip (uncoated and coated):				
Sheet, hot-rolled	net tons	5	(4)	.....
Sheet, cold-rolled	net tons	5	(4)	.....
Sheet, all other coated		(5)	(5)	.....
Sheet, electrical		(5)	(5)	.....
Roofing, siding, corrugated, V-crimped, U-crimped channel drums		(5)	(5)	.....
Rolled rail, rail joints, and fastenings		(5)	(5)	.....
Strip, hot-rolled	net tons	3	(4)	.....
Strip, cold-rolled	net tons	3	(4)	.....
Strip, galvanized		(5)	(5)	.....
Electrical sheet and strip		(5)	(5)	.....
Tin mill black plate	pounds	5,000	.....	.....
Tin plate, hot-dipped	pounds	5,000	.....	.....
Terne, special coated manufacturing	pounds	5,000	.....	.....
Tin plate, electrolytic	pounds	5,000	.....	.....
Plate:				
Rolled armor		(5)	(5)	.....
Continuous-strip mill production	net tons	10	(4)	.....
Sheared, universal, or bar mill production	net tons	3	(4)	.....
Structural shapes, piling		(5)	(5)	.....
Pipe, tubings:				
Standard pipe (including couplings furnished by mill)		(5)	(5)	.....
Oil-country goods (casings, tubular goods, couplings furnished by mill)		(5)	(5)	.....
Line pipe (including couplings furnished by mill)		(5)	(5)	.....
Pressure and mechanical tubing (seamless and welded):				
Seamless cold-drawn (O. D. in inches)				
Up to ¼, inclusive	feet	1,000	1,000	.....
Over ¼ to ⅝, inclusive	feet	500	500	.....
Over ⅝ to 3, inclusive	feet	400	400	.....
Over 3	feet	250	250	.....
Seamless hot-rolled		(7)	(7)	.....
Welded		(7)	(7)	.....
Wire, wire products:				
Wire, drawn			(8)	.....
Low carbon	net tons	1	.....	.....
High carbon (0.40 carbon and higher):				
Under 0.021 inch	pounds	500	.....	.....
From 0.021 inch to 0.0475 inch	pounds	1,000	.....	.....
0.0475 inch and heavier	net ton	1	.....	.....

See footnotes at end of table.

[DMS Regulation No. 1, Directions 1 and 2—Revocation]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DIR. 1—LIMITATIONS ON AUTHORITY TO ACQUIRE NICKEL-BEARING STAINLESS STEEL FOR PURPOSES OTHER THAN CONSTRUCTION

DIR. 2—STATUS OF CERTAIN CARRY-OVER AUTHORIZED CONTROLLED MATERIAL ORDERS

REVOCATION

Direction 1 (18 F. R. 3710) and Direction 2 (18 F. R. 2739) to DMS Regulation No. 1 are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Directions 1 and 2 to DMS Regulation No. 1 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said directions prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective April 1, 1954.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 54-2459; Filed, Apr. 1, 1954; 12:31 p. m.]

[DMS Regulation No. 1, Direction 3 as Amended April 1, 1954]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DIR. 3—SELF-AUTHORIZATION PROCEDURE FOR DEFENSE CONTRACT LABORATORIES

This amended direction under DMS Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable because the direction affects a large number of different kinds of laboratories performing different functions and engaged in a wide variety of projects.

Sec.
1 What this direction does.
2 Definitions.
3 Procurement of products and materials.
4 Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2071; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939.

SECTION 1. *What this direction does.* This direction establishes a self-authorization procedure for priorities assistance by which defense contract laboratories may obtain products and materials needed in the performance of projects covered by contracts awarded by or on behalf of the Department of Defense or the Atomic Energy Commission, bearing a DO rating which includes the program identification A, B, C, D, or E, and one digit.

SEC. 2. *Definitions.* As used in this direction:

(a) "Defense contract laboratory" means any person located in the United States, its territories or possessions, who carries on scientific or technological investigation, testing, development, or experimentation as his regular business or in the course of his business, in the performance of a definite project covered by a contract awarded by or on behalf of the Department of Defense or the Atomic Energy Commission, bearing a DO rating which includes the program identification A, B, C, D, or E, and one digit. The term "laboratory" includes, without limitation, research laboratories, production control laboratories, testing laboratories, analytical laboratories, clinical laboratories, and instructional laboratories.

(b) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind. The term includes, but is not limited to, supplies for laboratories, equipment and instruments designed for use in laboratories, and other materials needed to carry on scientific or technological investigation, testing, development, or experimentation. The term also includes such items as hand tools and safety equipment purchased by a laboratory for sale to its employees or for use in the laboratory activities. However, the term does not include products or materials for use in construction as defined in DMS Regulation No. 2.

SEC. 3. *Procurement of products and materials.* Any defense contract laboratory may, by self-authorization and without filing any application, use the allotment number B-5 and the rating DO-B-5 in obtaining products and materials necessary for the performance of a definite project covered by a contract awarded by or on behalf of the Department of Defense or the Atomic Energy Commission, bearing a DO rating which includes the program identification A, B, C, D, or E, and one digit. He may place authorized controlled material orders in accordance with the provisions of DMS Regulation No. 1, and shall indicate thereon the allotment number B-5 and the calendar quarter in which delivery of the controlled materials is required. He may place rated orders to obtain products and materials other than controlled materials (including Class A products for which no production schedules shall be authorized or allotments made) in accordance with the provisions of BDSA Reg. 2 (formerly NPA Reg. 2), and shall indicate thereon the rating DO-B-5. In no event shall a defense contract laboratory use the allotment number B-5 or the rating DO-B-5 to acquire products and materials in a greater amount or on an earlier date than needed for the performance of a definite project covered by a contract awarded by or on behalf of the Department of Defense or the Atomic Energy Commission, bearing a DO rating which includes the program identification A, B, C, D, or E, and one digit.

SEC. 4. *Applicability of other regulations and orders.* Nothing in this direction shall be construed to relieve any person from complying with all other applicable regulations and orders of BDSA. The provisions of DMS Regulation No. 1 regarding the placing of authorized controlled material orders, and the provisions of BDSA Reg. 2 (formerly NPA Reg. 2) regarding the use of ratings, except as otherwise provided in this direction, shall apply to operations under this direction.

This direction as amended shall take effect April 1, 1954.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 54-2460; Filed, Apr. 1, 1954; 12:31 p. m.]

[DMS Regulation No. 1, Direction 4 as Amended April 1, 1954]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DIR. 4—SELF-AUTHORIZATION PROCEDURE FOR MRO NEEDED BY CERTAIN PERSONS

This amended direction under DMS Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable because the direction affects many different industries.

Sec.
1 What this direction does.
2 Definitions.
3 Procurement of products and materials for MRO.
4 Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 95, 83d Cong; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2071; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939.

SECTION 1. *What this direction does.* This direction establishes a self-authorization procedure for priorities assistance by which certain persons may obtain maintenance, repair, and operating supplies and installation materials (referred to collectively as "MRO"), needed to enable them to fill rated and certain other orders. Suppliers of such MRO items obtain products and materials needed for their production under the provisions of BDSA Reg. 2 (formerly NPA Reg. 2), DMS Regulation No. 1, or other appropriate regulation or order of BDSA.

SEC. 2. *Definitions.* As used in this direction:

(a) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition. "Repair" means, with respect to any person, the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service

by wear and tear, damage, failure of parts, or the like, where such repair is not capitalized according to his established accounting practice. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment; nor does it include the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with material of a new or different kind, quality, or design.

(b) "Operating supplies" means any kind of material carried by a person as operating supplies according to his established accounting practice. It includes expendable tools, jigs, dies, and fixtures used on production equipment, regardless of the accounting practice of the person. It also includes items, such as hand tools, purchased by an employer for sale to his employees solely for use in his business if such items would have constituted operating supplies had they been issued to employees without charge.

(c) "Installation" means the setting up or relocation of machinery, fixtures, or equipment in position for service and connection thereof to existing service facilities.

(d) "MRO" means materials for maintenance, repair, and operating supplies, and for installation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(e) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1952, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1952, the term means the accounting practice established by him in such operation.

SEC. 3. *Procurement of products and materials for MRO.* If inability to obtain MRO would result in failure by a person to fill a rated order, an authorized controlled material order, or any other order which he is required to accept by BDSA, or in failure to comply with a directive of BDSA, he may, by self-authorization and without filing any application, use the allotment number D-9 and the rating DO-D-9 in obtaining products and materials required for such MRO. He may place authorized controlled material orders in accordance with the provisions of DMS Regulation No. 1, and shall indicate thereon the allotment number D-9 and the calendar quarter in which delivery of the controlled materials is required. He may place rated orders to obtain products and materials other than controlled materials (including Class A products for which no production schedules shall be authorized or allotments made) in accordance with the provisions of BDSA Reg. 2 (formerly NPA Reg. 2), and shall indicate thereon the rating DO-D-9. In no event shall a person use the allotment number D-9 or the rating DO-D-9 to acquire products and materials in a greater amount or on an earlier date than required to provide the MRO necessary to enable him to fill his rated orders, authorized controlled material orders, or other orders which he is required to accept by BDSA, or to enable him to comply with directives of BDSA.

SEC. 4. *Applicability of other regulations and orders.* (a) Any person (including, but not limited to, a defense contract laboratory which may obtain MRO pursuant to Direction 3 to DMS Regulation No. 1) who is entitled to obtain MRO materials for a particular purpose under any other regulation, order, or direction of BDSA, shall not use the procedures of this direction to obtain MRO materials for such purpose.

(b) Nothing in this direction shall be construed to relieve any person from complying with all other applicable regulations and orders of BDSA. The provisions of DMS Regulation No. 1 regarding the placing of authorized controlled material orders, and the provisions of BDSA Reg. 2 (formerly NPA Reg. 2) regarding the use of ratings, except as otherwise provided in this direction, shall apply to operations under this direction.

This direction as amended shall take effect April 1, 1954.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 54-2461; Filed, Apr. 1, 1954; 12:31 p. m.]

[DMS Regulation No. 1, Direction 5 of April 1, 1954]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DIR. 5—SPECIAL PROCEDURE FOR PRODUCTION OF APRA B PRODUCTS

This direction under DMS Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1 What this direction does.
2 Definitions.
3 Applicability of DMS Regulation No. 1.
4 Statements of requirements.
5 Production schedule and allotment procedure.
6 How manufacturers of APRA B products use allotment and rating authority.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2071; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939.

SECTION 1. *What this direction does.* This direction establishes a special procedure for production of APRA B products, and provides that manufacturers of such products shall receive authorized production schedules and allotments from the Aircraft Production Resources Agency of the Department of Defense. It further provides that manufacturers of APRA B products shall obtain Class A products from their suppliers by placing rated orders, without authorizing production schedules and making allotments.

SEC. 2. *Definitions.* (a) "APRA" means the Aircraft Production Resources Agency of the Department of Defense.

(b) "APRA B product" means any Class B product listed in Table 1 of this direction.

SEC. 3. *Applicability of DMS Regulation No. 1.* The provisions of DMS Regulation No. 1 are superseded to the extent that they are inconsistent with the provisions of this direction. In all other respects the provisions of DMS Regulation No. 1 shall remain in full force and effect.

SEC. 4. *Statements of requirements.* (a) A manufacturer of APRA B products, when requested by APRA, shall submit a statement of requirements. Such statement is ordinarily submitted as an application for allotment on Form DMS-4 (APRA).

(b) An application for allotment includes only (1) the quantities of controlled materials required by the submitting manufacturer for his own production of APRA B products (including the controlled material requirements of any Class A and Class B components or subassemblies which he makes himself for incorporation in his product), and (2) the quantities of controlled materials required by all suppliers in different degrees of remoteness furnishing Class A products for incorporation in his product.

SEC. 5. *Production schedule and allotment procedure.* APRA will authorize production schedules and make related allotments to manufacturers of APRA B products, pursuant to authorized programs. Such manufacturers shall, in lieu of extending DO ratings received from customers, use the allotment number and rating received from APRA.

SEC. 6. *How manufacturers of APRA B products use allotment and rating authority.* (a) Each manufacturer of APRA B products receiving an allotment shall use that portion of the allotment which he requires to obtain controlled materials, as such, for his authorized production schedule, and shall deduct from his allotment account the quantities represented by authorized controlled material orders placed by him. He shall make no allotments for the production of Class A products, but shall place rated orders therefor without authorizing production schedules, and shall deduct from his allotment account the reasonably estimated aggregate controlled material requirements of his suppliers of Class A products.

(b) A manufacturer of APRA B products must furnish each direct supplier of Class A products with a written statement advising him that he is required to obtain his material requirements to fill the rated order by self-authorization in accordance with the provisions of DMS Regulation No. 1. The form of statement provided for in section 18 (d) of DMS Regulation No. 1 may be used for such purpose.

(c) Each manufacturer of APRA B products must, in manufacturing such products or in replacing in inventory products and materials used in the manufacture of such products, use the related allotment to acquire controlled materials, and use the related DO rating to acquire products and materials other than controlled materials.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction shall take effect April 1, 1954.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

TABLE 1 OF DIRECTION 5 TO DMS REGULATION NO. 1—LIST OF APRA B PRODUCTS

Accumulators, hydraulic, aircraft.
Actuators, linear motion, electric, aircraft.
Actuators (cylinder assemblies), linear motion, hydraulic, aircraft.
Actuators (cylinder assemblies), linear motion, pneumatic, aircraft.
Altimeters, aircraft.
Brakes, aircraft.
Brake deboosters, aircraft.
Compasses, aircraft.
Conduit, electric, braided metallic, aircraft.
Coolers, oil and air, aircraft.
Dampeners, shimmy.
Dampeners, yaw.
Dynamotors, special aircraft.
Filters, engine, air, aircraft.
Filters, engine fuel.
Flight control systems, automatic, aircraft.
Gauges, fuel, capacitor type, aircraft.
Gearmotors, special aircraft.
Generators, electric, special aircraft.
Heat exchanger, aircraft.
Heaters, aircraft.
Inverters, electric, aircraft.
Indicators, airspeed and mach, aircraft.
Indicators, rate of climb, aircraft.
Indicators, turn and bank, aircraft.
Instruments, Bourdon, aircraft.
Instruments, gyro, aircraft.
Instruments, indicating, electric, synchronous, aircraft.
Instruments, temperature indicating, electric, aircraft.
Landing gear struts and assemblies.
Motors, fractional h. p., special aircraft, except synchronous.
Motors, hydraulic, special aircraft.
Motors, rotary pneumatic, aircraft.
Parachute components.
Pilots, automatic, aircraft.
Pumps, accumulators and assemblies, hydraulic, special aircraft.
Pumps and assemblies, fuel, aircraft.
Pumps and assemblies, vacuum, aircraft.
Regulators, oxygen, respiration, aircraft.
Safety belt and harness components, aircraft.
Sextants, periscope, aircraft.
Spark plugs, aircraft.
Starters, electric, aircraft.
Tachometers, electric, aircraft.
Towing equipment, airborne, aircraft.
Valves, control, hydraulic and pneumatic, aircraft.
Wheels, aircraft.

[F. R. Doc. 54-2462; Filed, Apr. 1, 1954; 12:31 p. m.]

[DMS Regulation No. 2 as Amended April 1, 1954]

DMS REG. 2—CONSTRUCTION UNDER THE DEFENSE MATERIALS SYSTEM

This amended regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this amended regulation has been rendered impracticable because it affects many different industries.

Sec.
1. What this regulation does.
2. Transition provision for acquisition of controlled materials for construction by certain persons.
3 Definitions.
4. General construction schedule and allotment procedure for construction by prime contractors and subcontractors.
5. General self-authorization procedure for construction by self-authorizing contractors.
6. Use of allotment, self-authorization, and rating authority.
7. Statements of requirements.
8. Applications for authorized schedules and allotments.
9 How schedules are authorized.
10 How allotments are made
11. Designation and use of allotment numbers.
12. How prime contractors and subcontractors use allotments.
13. How to cancel or reduce allotments.
14. Adjustments for changes in or correction of requirements.
15. Self-authorization procedure for obtaining materials for construction by self-authorizing contractors.
16. Designation and use of ratings.
17. Restrictions on placing authorized controlled material orders and on use of controlled materials.
18. How to place orders with controlled materials producers and distributors.
19. Applicability of other regulations and orders.
20. Scope of this regulation.
21. Records and reports.
22. Requests for adjustment or exception.
23. Communications.
24. False statements.
25. Violations.

AUTHORITY: Sections 1 to 25 issued under sec. 704, 64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2071; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939.

SECTION 1. *What this regulation does.* (a) The purpose of this amended regulation is to continue the Defense Materials System for construction with certain important changes and major simplifications. It defines rights and obligations of contractors engaged in construction for the defense program. Corresponding rules relating to production of certain products and materials for the defense program are contained in an amended DMS Regulation No. 1.

(b) Under DMS Regulation No. 2, prior to the issuance of this amended regulation, all construction for defense programs was accomplished by means of authorized construction schedules and allotments. This amended regulation achieves a basic simplification in construction controls by establishing a procedure whereby a significant segment of defense construction will be accomplished by means of self-authorization. Three types of contractors are defined in this amended regulation: prime contractor, who receives an allotment of controlled material from an Allotting Agency; subcontractor, who receives an allotment of controlled material from a prime contractor; and self-authorizing contractor, who receives authority to obtain controlled material for construction by self-authorization.

(c) This amended regulation provides for authorization of construction schedules and allotments by Allotting Agencies to prime contractors for construction purposes. It establishes an optional procedure whereby such prime contractors may acquire limited amounts of construction services and Class A products by placing rated orders therefor, without authorizing construction or production schedules and making allotments. It also provides that all subcontractors and self-authorizing contractors shall acquire construction services and Class A products by placing rated orders therefor, without authorizing construction or production schedules and making allotments. In addition, a number of other revisions have been made in the regulation in the interests of simplification. These changes in the Defense Materials System for construction should accomplish important savings in time and money within that segment of the construction industry engaged in defense programs, while at the same time retaining the framework of a construction control system to handle the expanded military and atomic energy needs in the event of total mobilization.

(d) Manufacturers of Class A products who receive rated orders for such products with or without allotments and manufacturers of Class B products who receive rated orders for such products, for use in construction under this regulation, are subject to, and obtain their material requirements in accordance with the provisions of, DMS Regulation No. 1.

SEC. 2. *Transition provision for acquisition of controlled materials for construction by certain persons.* (a) Nothing in this amended regulation shall be construed to cancel outstanding allotments of controlled materials. However, a person who has outstanding allotments for construction with respect to which he may also obtain controlled materials by self-authorization, shall be subject to the provisions of paragraph (b) of this section.

(b) A person who may obtain controlled materials by self-authorization pursuant to the provisions of this amended regulation to fill a rated order for construction and who has received allotments of controlled materials for such construction, shall in no event use such self-authorization or allotment authority to obtain more controlled materials than needed to fill such rated order.

SEC. 3. *Definitions.* As used in this regulation and in any other DMS regulation (unless otherwise indicated):

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BDSA" means the Business and Defense Services Administration of the United States Department of Commerce.

(c) "Controlled material" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of DMS Regulation No. 1, whether new, remelted, rerolled, or redrawn.

(d) "Claimant Agency" means the Department of Defense or the Atomic Energy Commission; and "Allotting Agency" means the Department of Defense, the Atomic Energy Commission, BDSA, or any other Government agency or subdivision thereof designated as such by the Office of Defense Mobilization.

(e) "Allotment" means (1) an authorization by the Office of Defense Mobilization of the amount of controlled materials which may be received and/or allotted by a Claimant Agency during a specified period, or (2) an authorization by a Claimant Agency of the amount of controlled materials which may be received and/or allotted by an Allotting Agency or by a prime contractor during a specified period, or (3) an authorization by an Allotting Agency of the amount of controlled materials which may be received and/or allotted by a prime contractor during a specified period, or (4) an authorization by a prime contractor of the amount of controlled materials which may be received by a subcontractor or by a secondary consumer during a specified period.

(f) "Class A product" means any product which is not a Class B product (as defined in paragraph (g) of this section), and which contains any controlled material, fabricated or assembled beyond the forms and shapes specified in Schedule I of DMS Regulation No. 1, other than any controlled material which may be contained in Class B products incorporated in it.

(g) "Class B product" means any product designated as such in the "Official Class B Product List" issued by BDSA, as the same may be modified from time to time, and which contains any controlled material other than any controlled material which may be contained in other Class B products incorporated in it.

(h) "Construction program" means a statement of the types and amounts of construction to be provided in specified periods of time.

(i) "Authorized construction program" means a construction program specifically approved by the Office of Defense Mobilization.

(j) "Construction schedule" means a statement of the type and amount of construction project or projects to be provided by an individual prime contractor or subcontractor in specified periods of time.

(k) "Authorized construction schedule" means a construction schedule specifically approved by an Allotting Agency with respect to a prime contractor, or specifically approved by a prime contractor with respect to a subcontractor.

(l) "Production schedule" means a statement of the amounts of an item or class of items to be produced by an individual secondary consumer supplying Class A products, in specified periods of time.

(m) "Authorized production schedule" means a production schedule for Class A products specifically approved by a prime contractor with respect to a secondary consumer.

(n) "Delivery order" means any purchase order, contract, shipping or other instruction calling for delivery of any material or product, or performance of construction, on a particular date or dates or within specified periods of time.

(o) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment, or pursuant to self-authorization, as provided in section 18 of this regulation, or which is specifically designated to be such an order by any regulation or order of BDSA.

(p) "Rated order" means any delivery order for any product or material other than controlled material bearing an authorized rating and the certification required by this regulation, BDSA Reg. 2 (formerly NPA Reg. 2), or any other applicable regulation or order of BDSA.

(q) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials or products which are to be an integral and permanent part of the building, structure, or project, but it does not include maintenance and repair.

(r) "Project" means a construction plan contemplated for execution, irrespective of the time when it is to be carried into effect in full or in part, involving all or portions of a single building or structure, or involving two or more buildings or structures, or portions thereof, which are physically contiguous, or are parts of an integrated design or plan, so that each is an element of a single operation. In addition, a project also means a type of construction which is not a building or structure, but which requires a construction operation for its completion, such as a freight yard or airport runway.

(s) "Prime contractor" means any person who receives an authorized construction schedule and an allotment of controlled material from an Allotting Agency. A prime contractor may designate another person to act as the prime contractor for him.

(t) "Subcontractor" means any person who receives an authorized construction schedule and an allotment of controlled material from a prime contractor.

(u) "Self-authorizing contractor" means any person who receives authority to obtain controlled material by self-authorization for construction pursuant to the provisions of this regulation.

(v) "Secondary consumer" means any person who receives an authorized production schedule for Class A products and an allotment of controlled material from a prime contractor.

(w) "Self-authorizing consumer" means any person who receives authority to obtain controlled material by self-authorization for the production of Class A products pursuant to the provisions of this regulation.

SEC. 4. *General construction schedule and allotment procedure for construction by prime contractors and subcontractors.* (a) The provisions of this section apply only to construction by prime contractors who receive authorized construction schedules and allotments from Allotting Agencies, and to construction by subcontractors who receive authorized construction schedules and allotments from prime contractors.

(b) Except where otherwise specifically provided by BDSA, each Allotting Agency shall authorize construction schedules, pursuant to authorized construction programs, of prime contractors constructing projects coming within its jurisdiction. Subject to the provisions of section 12 of this regulation, each prime contractor who has an authorized construction schedule shall, pursuant thereto, authorize construction schedules for his subcontractors, or authorize production schedules for his secondary consumers manufacturing Class A products.

(c) Except where otherwise specifically provided by BDSA, each Allotting Agency shall make allotments, pursuant to allotments which it has received, to prime contractors to fulfill related authorized construction schedules. Subject to the provisions of section 12 of this regulation, each prime contractor who has received an allotment shall, pursuant thereto, make allotments to his subcontractors to fulfill related authorized construction schedules, or make allotments to his secondary consumers manufacturing Class A products to fulfill related authorized production schedules.

SEC. 5. *General self-authorization procedure for construction by self-authorizing contractors.* (a) The provisions of this section apply only to construction by self-authorizing contractors who receive rated orders for such construction.

(b) Except where otherwise specifically provided by BDSA, no person other than an Allotting Agency or a prime contractor shall authorize construction schedules or make allotments for construction. Self-authorizing contractors who receive rated orders for construction, without authorized construction schedules and allotments, shall obtain their controlled material requirements by self-authorization in accordance with the provisions of section 15 of this regulation.

SEC. 6. *Use of allotment, self-authorization, and rating authority.* Each person who has received an authorized construction schedule or a rated order for construction must, to fulfill such schedule or order or to replace in inventory products and materials used in the fulfillment of such schedule or order, use the related allotment or self-authorization, whichever is appropriate, to acquire controlled materials, and use the related DO rating to acquire products and materials other than controlled materials.

SEC. 7. *Statements of requirements.* (a) The basis for an allotment to a prime contractor or subcontractor shall be the actual requirements for controlled materials in connection with the fulfillment of an authorized construction schedule.

(b) An application for allotment includes only (1) the quantities of controlled materials required by the submitting prime contractor or subcontractor for the construction project (including the controlled material requirements of any Class A and Class B components or subassemblies which he makes himself for incorporation into the project), and (2) the quantities of controlled materials required by all subcontractors and self-authorizing contractors in different degrees of remoteness, and by all persons in different degrees of remoteness supplying Class A products for incorporation into the project.

(c) Any person, upon the request of an Allotting Agency or other person for whom he performs construction to fulfill authorized construction schedules or rated orders for construction, shall furnish to such Allotting Agency or other person, the information called for in Form DMS–4C. Such information shall be submitted on Form DMS–4C or in such other manner as may be prescribed.

(d) Any person, upon the request of an Allotting Agency or other person for whom he produces Class A products to fill rated orders, shall furnish to such Allotting Agency or other person, the information called for in Form DMS–4A. Such information shall be submitted on Form DMS–4A or in such other manner as may be prescribed.

SEC. 8. *Applications for authorized schedules and allotments.* (a) Construction schedules may be authorized and related allotments made on the basis of information furnished by application on Form DMS–4C.

(b) Production schedules for Class A products, required for fulfillment of authorized construction schedules, may be authorized and related allotments made on the basis of information furnished by application on Form DMS–4A.

SEC. 9. *How schedules are authorized.* (a) A construction schedule for each prime contractor, pursuant to an authorized construction program, will be authorized by the appropriate Allotting Agency on such form as may be prescribed.

(b) Except as provided in section 12 of this regulation, a construction schedule for each subcontractor shall be authorized by the prime contractor for whom the construction is to be performed, pursuant to an authorized construction schedule, on such form as may be prescribed.

(c) Except as provided in section 12 of this regulation, a production schedule for each secondary consumer producing a Class A product shall be authorized by the prime contractor for whom such Class A product is to be produced, pursuant to an authorized construction schedule, on such form as may be prescribed.

(d) Except where otherwise specifically provided by BDSA, no Allotting Agency or prime contractor shall authorize a construction or production schedule unless it makes an allotment as provided in section 10 of this regulation, and no Allotting Agency or prime contractor shall make an allotment unless it authorizes a related construction or production schedule as provided in this section.

(e) When a construction or production schedule is authorized and a related allotment is made, a DO rating, bearing the appropriate program identification consisting of a letter and one digit, shall be assigned or applied to such schedule by the Allotting Agency or prime contractor authorizing the construction or production schedule, for use in accordance with the provisions of this regulation and of BDSA Reg. 2 (formerly NPA Reg. 2).

SEC. 10. *How allotments are made.* (a) Each Allotting Agency or prime contractor authorizing a construction or production schedule as provided in section 9 of this regulation shall make a related allotment, pursuant to allotments which it has received, to the person whose construction or production schedule has been authorized, on such form as may be prescribed.

(b) The allotment shall specify the quantities and the kinds of controlled materials needed for delivery in specified calendar quarters to complete the related authorized construction or production schedule. Allotments shall be made in terms of (1) carbon steel (including wrought iron), (2) alloy steel (except stainless steel), (3) nickel-bearing stainless steel, (4) copper and copper-base alloy brass mill products, (5) copper wire mill products, (6) copper and copper-base alloy foundry products and powder, and (7) aluminum, in each case without further breakdown.

(c) The allotment shall be identified by an allotment number as provided in section 11 of this regulation.

(d) Advance allotments by Allotting Agencies to prime contractors may be made within such limits as may be specified by the Office of Defense Mobilization. Prime contractors receiving such advance allotments shall, in turn, make advance allotments to their subcontractors and secondary consumers in the same manner as in the case of regular allotments, but no prime contractor shall make any allotment before receiving his own allotment.

(e) An Allotting Agency or prime contractor may make allotments only in the same kinds of controlled materials in which it has received its allotment.

SEC. 11. *Designation and use of allotment numbers.* (a) Allotments shall be identified by an allotment number consisting of a program identification bearing a letter and one digit, designating the authorized program of the appropriate Allotting Agency, or such other appropriate program identification specified by this regulation or any other regulation or order of BDSA.

(b) Authorized controlled material orders shall show the related allotment number and the calendar quarter for which the allotment is valid or, in the case of self-authorization, the calendar quarter in which delivery is required. For example, a delivery order for controlled materials placed pursuant to an allotment identified by allotment number E–1 which is valid for the third quarter of 1954 shall be designated as follows: E–1–3Q54. The date or dates on which delivery is required must also be specified on such delivery order.

SEC. 12. *How prime contractors and subcontractors use allotments.* (a) Each prime contractor receiving an allotment shall use that portion of the allotment which he requires to obtain controlled materials, as such, for his authorized construction schedule, and shall deduct from his allotment account the quantities represented by authorized controlled material orders placed by him. Subject to the provisions of paragraph (b) of this section, he shall make allotments to subcontractors performing construction for him and to secondary consumers producing Class A products for him, and shall deduct from his allotment account the quantities represented by such allotments. When filing an application for allotments, he shall include the controlled materials needed for construction by subcontractors and also self-authorizing contractors in all degrees of remoteness, and the controlled materials needed for the production of Class A products by secondary consumers and also self-authorizing consumers in all degrees of remoteness, in accordance with the provisions of section 7 (b) of this regulation.

(b) At least 85 percent of each kind of controlled material (as specified in section 10 (b) of this regulation) allotted to a prime contractor for an authorized construction schedule shall be charged against his appropriate allotment account for (1) authorized controlled material orders placed by him, (2) allotments made by him to his subcontractors, and (3) allotments made by him to his secondary consumers. With respect to the balance of 15 percent or less of each kind of controlled material required for construction by his other contractors and for the production of Class A products by his other suppliers, he may place rated orders for such construction and rated orders for such Class A products, without authorizing construction or production schedules and making allotments. If he follows this procedure, he shall charge against his appropriate allotment account the reasonably estimated aggregate controlled material requirements of self-authorizing contractors in all degrees of remoteness performing construction and self-authorizing consumers in all degrees of remoteness supplying Class A products. A prime contractor must furnish (1) each direct self-authorizing contractor performing construction with a written statement advising him that he is required to obtain his material requirements to fill the rated order by self-authorization in accordance with the provisions of DMS Regulation No. 2, and (2) each direct self-authorizing consumer supplying Class A products with a written statement advising him that he is required to obtain his material requirements to fill the rated order by self-

authorization in accordance with the provisions of DMS Regulation No. 1.

(c) Each subcontractor receiving an allotment shall use that portion of the allotment which he requires to obtain controlled materials, as such, for his authorized construction schedule, and shall deduct from his allotment account the quantities represented by authorized controlled material orders placed by him. He shall make no allotments for construction or for the production of Class A products, but shall place rated orders therefor, and shall deduct from his allotment account the reasonably estimated aggregate controlled material requirements of self-authorizing contractors in all degrees of remoteness performing construction and self-authorizing consumers in all degrees of remoteness supplying Class A products. When filing an application for allotments, he shall include the controlled materials needed for construction by self-authorizing contractors in all degrees of remoteness, and the controlled materials needed for the production of Class A products by self-authorizing consumers in all degrees of remoteness, in accordance with the provisions of section 7 (b) of this regulation.

(d) No prime contractor or subcontractor shall place any rated order for construction or Class A products the controlled material requirements of which exceed the related allotment received by him, after deducting all authorized controlled material orders placed by him and all other charges against his allotment.

(e) No prime contractor shall make any allotment in excess of the amount required, to the best of his knowledge and belief, to fulfill the related authorized construction schedule of the subcontractor to whom the allotment is made, or to fulfill the related authorized production schedule of the secondary consumer to whom the allotment is made.

(f) Except where otherwise specifically provided by BDSA, no person other than an Allotting Agency or a prime contractor shall make, and no person other than a prime contractor or subcontractor shall accept, any allotment for construction. Controlled materials required for construction by self-authorizing contractors to fill rated orders shall be obtained in accordance with the self-authorization provisions of section 15 of this regulation.

(g) Except where otherwise specifically provided by BDSA, no contractor other than a prime contractor shall make, and no person other than a secondary consumer shall accept, any allotment for the production of Class A products. Except where otherwise specifically provided by BDSA, no person shall make, and no person shall accept, any allotment for the production of Class B products. Controlled materials required for the production of Class A products by self-authorizing consumers to fill rated orders shall be obtained in accordance with the self-authorization provisions of section 16 of DMS Regulation No. 1. Controlled materials required for the production of Class B products to fill rated orders shall be obtained in accordance with the self-authorization provisions of section 17 of DMS Regulation No. 1.

(h) A prime contractor may make an allotment on such form (including Form DMS–5 set forth in Schedule II of DMS Regulation No. 1) as may be prescribed for the purpose. Allotments may be made by telegraphing or telephoning the information required by the appropriate form and confirming the same with such form, within 30 days thereafter.

SEC. 13. *How to cancel or reduce allotments.* A person who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. A person who has received an allotment may cancel or reduce the same by making an appropriate notation thereon and notifying the person from whom he received it. In either case, if an allotment received by a person is cancelled, he must cancel all allotments which he has made, and all authorized controlled material orders which he has placed, on the basis of the allotment; and, if an allotment received by a person is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed the allotment as reduced.

SEC. 14. *Adjustments for changes in or correction of requirements.* (a) If a person's requirements for controlled materials or Class A products needed to fulfill an authorized construction or production schedule are increased after he receives his allotment, he may apply for an additional allotment to the person who made the allotment for that schedule.

(b) If a prime contractor finds that he has been allotted substantially more than he needs, he must promptly return the excess to his Allotting Agency. To the extent that he fails to make such returns, he will be unable to benefit fully from the procedure provided in section 12 (b) of this regulation for acquiring limited construction services and limited quantities of Class A products without making allotments.

(c) If a subcontractor or a secondary consumer finds that he has been allotted substantially more than he needs, he must promptly return the excess to his prime contractor.

(d) The return of an unneeded allotment must be made to the person from whom the allotment was received on such form as may be prescribed. If it is impracticable to obtain the prescribed form, the return may be made by letter setting forth the facts.

SEC. 15. *Self-authorization procedure for obtaining materials for construction by self-authorizing contractors.* (a) Except where otherwise specifically provided by BDSA, no person other than an Allotting Agency or a prime contractor shall authorize a construction schedule or make an allotment for construction, and no person other than a prime contractor or a subcontractor shall accept an authorized construction schedule or an allotment for construction. Instead, persons authorized to use ratings who are not permitted to authorize construction schedules or make allotments for construction, shall place rated orders for construction with self-authorizing contractors.

(b) A self-authorizing contractor who receives a rated order for construction, without an authorized construction schedule and an allotment, shall obtain his requirements of controlled materials, and of products and materials other than controlled materials, to fill such rated order, in accordance with the provisions of this section, by extending the allotment number and rating that accompanied the DO rated order received by him from his customer. For example, if he receives an order rated DO–E–1 he shall extend the allotment number E-1 and the rating DO–E–1.

(c) A self-authorizing contractor who receives a rated order for construction shall, by self-authorization and without filing any application, use the allotment number that accompanied the rated order in obtaining controlled materials needed to fill such rated order or to replace in inventory controlled materials used in filling such rated order: *Provided, however,* That with respect to inventory replacement of controlled materials he may use the allotment number that accompanied the rated order to place orders for controlled materials only in the calendar quarter in which taken from inventory or in the immediately succeeding calendar quarter. In placing authorized controlled material orders, he shall indicate thereon the allotment number that accompanied the rated order and the calendar quarter in which delivery of the controlled materials is required. He shall obtain Class A products from persons manufacturing such products for him by placing rated orders therefor as provided in paragraph (d) of this section, without authorizing production schedules or making allotments. He shall place rated orders for construction with his self-authorizing contractors as provided in paragraph (d) of this section, without authorizing construction schedules or making allotments.

(d) A self-authorizing contractor who receives a rated order for construction shall, by self-authorization and without filing any application, use the rating that accompanied the rated order in obtaining products (including Class A products) and materials other than controlled materials needed to fill such rated order or to replace in inventory products and materials other than controlled materials used in filling such rated order. The rating shall be used in accordance with the provisions of this regulation and of BDSA Reg. 2 (formerly NPA Reg. 2).

SEC. 16. *Designation and use of ratings.* (a) DO ratings shall be identified by the prefix DO followed by a program identification bearing a letter and one digit, designating the authorized program of the appropriate Allotting Agency, or such other appropriate program identification specified by this regulation or any other regulation or order of BDSA.

(b) Delivery orders for products and materials other than controlled materials shall show the DO rating authorized, for example, DO–E–1. The date or dates on which delivery or performance is required must also be specified on such delivery orders.

(c) A contractor may use the DO rating received by him on delivery orders for the following purposes only: (1) To acquire products and materials other than controlled materials in the minimum practicable amounts required, and on a date or dates no earlier than required, to fulfill his authorized construction schedule or rated order, as the case may be; (2) to replace in his inventory products and materials other than controlled materials used to fulfill his authorized construction schedule or rated order, as the case may be; (3) to acquire production machinery and production equipment necessary for the operation of the completed construction project covered by his authorized construction schedule or rated order, as the case may be; and (4) such other purpose or purposes as may be expressly authorized by an Allotting Agency.

(d) To the extent consistent with this regulation, all the provisions of BDSA Reg. 2 (formerly NPA Reg. 2) shall apply to delivery orders for products and materials other than controlled materials. However, in lieu of the certification prescribed in BDSA Reg. 2 (formerly NPA Reg. 2) for rated orders, the following certification may be used:

Certified under DMS Regulation No. 2.

This certification accompanying a rated order shall be deemed to be, and shall have the same force and effect as, a certification under BDSA Reg. 2 (formerly NPA Reg. 2).

SEC. 17. *Restrictions on placing authorized controlled material orders and on use of controlled materials.* (a) In no event shall a person placing an authorized controlled material order request delivery of any controlled material in a greater amount or on an earlier date than required to fill his authorized construction schedule or rated order for construction, as the case may be. If the quantity of any controlled material required by any person to fill his authorized construction schedule or rated order for construction is less than the minimum mill quantity specified in Schedule IV of DMS Regulation No. 1, and is not procurable from a distributor, he may place an authorized controlled material order for and accept delivery of the full minimum shown in such schedule.

(b) No person shall use any controlled materials obtained pursuant to allotment or self-authorization for any purpose except: (1) To fill authorized construction schedules or rated orders for construction, or (2) to replace in inventory controlled materials used to fill any of such authorized construction schedules or rated orders for construction, or (3) for such other purpose as may be expressly authorized by an Allotting Agency. If he cannot use the controlled materials for any such purpose, he may use or dispose of them subject to restrictions of other regulations or orders of BDSA.

(c) Controlled materials which may be obtained by a person to fill an authorized construction schedule or rated order for construction, as the case may be, include such controlled materials which will be physically incorporated into the construction project. They also include the portion of such controlled materials normally consumed or converted into scrap in the course of processing, and controlled materials used for packaging or containers required to make delivery. However, they do not include controlled materials for maintenance, repair, or operating supplies.

SEC. 18. *How to place orders with controlled materials producers and distributors.* (a) A delivery order placed with a controlled materials producer or a controlled materials distributor for controlled materials shall be deemed an authorized controlled material order only if (1) it contains an allotment number and the calendar quarter for which the allotment is valid or, in the case of self-authorization, the calendar quarter in which delivery is required, as provided in section 11 of this regulation, and complies with the provisions of this section, or (2) it is specifically designated as an authorized controlled material order by any regulation or order of BDSA.

(b) Except where otherwise specifically provided by BDSA, every authorized controlled material order must contain a certification in addition to specifying the allotment number, the calendar quarter for which the allotment is valid or, in the case of self-authorization, the calendar quarter in which delivery is required, and the delivery date or dates. Unless another form of certification is specifically prescribed by an applicable order or regulation of BDSA, such certification shall be in the following form:

Certified under DMS Regulation No. 2

and shall be signed as provided in BDSA Reg. 2 (formerly NPA Reg. 2). This certification shall constitute a representation to the supplier and to BDSA that, subject to the criminal penalties provided for in applicable United States statutes, (1) the purchaser has received an allotment of controlled material authorizing him, in accordance with the provisions of this regulation, to place such order, and that the amount ordered is within the related allotment received by him, after he has deducted from such allotment all other orders for controlled material placed by him and accepted by suppliers, and all other charges against his allotment, or (2) the amount ordered by the purchaser is within and pursuant to the self-authorization provisions of this regulation, or (3) the purchaser is expressly authorized by BDSA, or by any regulation or order of BDSA, to place such order.

(c) An authorized controlled material order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III of DMS Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same.

(d) A delivery order for controlled materials pursuant to a directive issued by BDSA shall take precedence over any other delivery order (including an authorized controlled material order) previously or subsequently received, unless a contrary instruction appears in the directive. All authorized controlled material orders shall have equal preferential status, and shall take precedence over other orders for controlled materials to the extent provided in DMS Regulation No. 1, and in BDSA Order M–1A (steel), BDSA Order M–5A (aluminum), and BDSA Order M–11A (copper), and the directions thereto, or in any other applicable regulation or order of BDSA.

(e) A delivery order for controlled materials not covered by an allotment or self-authorization shall not be combined with an authorized controlled material order. However, if the total of such orders is less than the minimum mill quantity specified in Schedule IV of DMS Regulation No. 1 and is not procurable from a controlled materials distributor, then a combined order may be placed for such minimum mill quantity. Where such orders are combined, the portion covered by allotment or self-authorization must be specifically identified by the appropriate allotment number, and such delivery order must contain the certification provided in paragraph (b) of this section. Authorized controlled material orders identified by different allotment numbers may be combined if the portion covered by each allotment number is specifically identified by the appropriate allotment number, and such delivery order must contain the certification provided in paragraph (b) of this section.

SEC. 19. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of BDSA. In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of an authorized construction schedule or a rated order for construction, he shall immediately report the matter to BDSA and to the appropriate Allotting Agency. BDSA will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by BDSA, such person shall comply with the provisions of such regulation or order.

SEC. 20. *Scope of this regulation.* This regulation shall apply to construction in the 48 states, the District of Columbia, and in the territories and insular possessions of the United States. However, where construction is being performed by contract with the Department of Defense outside the confines of the area just described, and it is necessary to get materials from the United States or its territories to complete the project, DO ratings and authorizations to obtain controlled materials will be issued in accordance with the provisions of this regulation.

SEC. 21. *Records and reports.* (a) Each person participating in any transaction covered by this regulation shall make, and preserve for at least 2 years thereafter, accurate and complete records of receipts and deliveries in suffi-

cient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) Except as otherwise specifically provided, records of allotments received, and records of allotments made or used, shall be kept separately by allotment numbers and shall include separate entries under each allotment number for each prime contractor or Allotting Agency from whom allotments are received, and for each subcontractor and secondary consumer to whom such allotments are made.

(c) Persons subject to this regulation shall make such records and submit such reports to BDSA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 22. *Requests for adjustment or exception.* Any person subject to any provision of this regulation, may file a request for adjustment, or exception, upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The filing of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 23. *Communications.* All communications concerning this regulation shall be addressed as follows:

All construction by, or for the account of, the Atomic Energy Commission; industrial construction sponsored by the Atomic Energy Commission, federally owned housing on federally owned property under the control of the Atomic Energy Commission	Atomic Energy Commission. Appropriate operations offices of the Atomic Energy Commission, Ref: DMS Regulation No. 2.
Construction by, or for the account of, the Department of Defense; Navy construction, Army construction, Air Force construction, including but not limited to projects of an industrial nature financed by the military departments; housing on military reservations, and all military housing under Public Law 211, 81st Congress. Wherry Act—whether on or off military bases and reservations; military command construction; and construction for the National Advisory Committee for Aeronautics.	Department of Defense. Department of the Navy, Bureau of Yards and Docks, B-620, Washington 25, D. C., Army, Air Force, and Associated Agencies of the Department of Defense: Local representative of the military department or associated agency concerned.

SEC. 24. *False statements.* The furnishing of false information or the concealment of any material fact in the course of operation under this regulation constitutes a violation of this regulation. The unauthorized placement of any order in the form of, or purporting to be, an authorized controlled material order or a rated order constitutes a false statement and a violation of this regulation.

SEC. 25. *Violations.* Violation of any provision of this regulation may subject any person committing or participating in such violation to administrative action to require compliance with this regulation and correction of such violation. In addition to such administrative action, an injunction and order may be obtained prohibiting any such violation and enforcing compliance with the provisions hereof. Any person who wilfully violates any provision of this regulation, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation as amended shall take effect April 1, 1954.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 54-2464; Filed, Apr. 1, 1954; 12:32 p. m.]

[DMS Regulation No. 2, Directions 1 and 2—Revocation]

DMS REG. 2—CONSTRUCTION UNDER THE DEFENSE MATERIALS SYSTEM

DIR. 1—LIMITATIONS ON AUTHORITY TO ACQUIRE NICKEL-BEARING STAINLESS STEEL FOR USE IN CONSTRUCTION

DIR. 2—STATUS OF CERTAIN AUTHORIZED CONSTRUCTION SCHEDULES ISSUED UNDER REVISED CMP REGULATION NO. 6

REVOCATION

Direction 1 (18 F. R. 3712) and Direction 2 (18 F. R. 3441) to DMS Regulation No. 2 are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Directions 1 and 2 to DMS Regulation No. 2 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said directions prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective April 1, 1954.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 54-2465; Filed, Apr. 1, 1954, 12:32 p. m.]

[DMS Regulation No. 2, Direction 3 as Amended April 1, 1954]

DMS REG. 2—CONSTRUCTION UNDER THE DEFENSE MATERIALS SYSTEM

DIR. 3—SELF-AUTHORIZATION PROCEDURE FOR MRO NEEDED BY CERTAIN CONTRACTORS

This amended direction under DMS Regulation No. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable because the direction affects many different industries.

Sec.
1 What this direction does.
2 Definitions.
3 Procurement of products and materials for MRO.
4 Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2071; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939.

SECTION 1. *What this direction does.* This direction establishes a self-authorization procedure for priorities assistance by which contractors may obtain maintenance, repair, and operating supplies, and installation materials (referred to collectively as "MRO"), needed to enable them to fill authorized construction schedules and rated orders for construction. Suppliers of such MRO items obtain products and materials needed for their production under the provisions of BDSA Reg. 2 (formerly NPA Reg. 2), DMS Regulation No. 1, or other appropriate regulation or order of BDSA.

SEC. 2. *Definitions.* As used in this direction: (a) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition. "Repair" means, with respect to any person, the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like, where such repair is not capitalized according to his established accounting practice. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment; nor does it include the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with material of a new or different kind, quality, or design.

(b) "Operating supplies" means any kind of material carried by a person as operating supplies according to his established accounting practice. It includes expendable tools, jigs, dies, and fixtures used on production equipment, regardless of the accounting practice of the person. It also includes items, such as hand tools, purchased by an employer for sale to his employees solely for use in his business if such items would have constituted operating supplies had they been issued to employees without charge.

(c) "Installation" means the setting up or relocation of machinery, fixtures, or equipment in position for service and connection thereof to existing service facilities.

(d) "MRO" means materials for maintenance, repair, and operating supplies, and for installation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(e) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1952, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1952, the term means the accounting practice established by him in such operation.

SEC. 3. *Procurement of products and materials for MRO.* If inability to obtain MRO would result in failure by a contractor to fill an authorized construction schedule or a rated order for construction, or in failure to comply with a directive of BDSA, he may, by self-authorization and without filing any application, use the allotment number D-9 and the rating DO-D-9 in obtaining products and materials required for such MRO. He may place authorized controlled material orders in accordance with the provisions of DMS Regulation No. 2, and shall indicate thereon the allotment number D-9 and the calendar quarter in which delivery of the controlled materials is required. He may place rated orders to obtain products and materials other than controlled materials (including Class A products for which no production schedules shall be authorized or allotments made) in accordance with the provisions of BDSA Reg. 2 (formerly NPA Reg. 2), and shall indicate thereon the rating DO-D-9. In no event shall a contractor use the allotment number D-9 or the rating DO-D-9 to acquire products and materials in a greater amount or on an earlier date than required to provide the MRO necessary to enable him to fill his authorized construction schedule or rated order for construction, or to enable him to comply with a directive of BDSA.

SEC. 4. *Applicability of other regulations and orders.* (a) Any person (including, but not limited to, a defense contract laboratory which may obtain MRO pursuant to Direction 3 to DMS Regulation No. 1) who is entitled to obtain MRO materials for a particular purpose under any other regulation, order, or direction of BDSA, shall not use the procedures of this direction to obtain MRO materials for such purpose.

(b) Nothing in this direction shall be construed to relieve any person from complying with all other applicable regulations and orders of BDSA. The provisions of DMS Regulation No. 2 regarding the placing of authorized controlled material orders, and the provisions of BDSA Reg. 2 (formerly NPA Reg. 2) regarding the use of ratings, except as otherwise provided in this direction, shall apply to operations under this direction.

This direction as amended shall take effect April 1, 1954.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
Administrator.

[F. R. Doc. 54-2466; Filed, Apr. 1, 1954; 12:33 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6067; Regs. 3, 4, 5]

PART 182—INDUSTRIAL ALCOHOL

PART 183—PRODUCTION OF DISTILLED SPIRITS

PART 184—PRODUCTION OF BRANDY

MISCELLANEOUS AMENDMENTS

On December 15, 1953, notice of proposed rule-making, regarding amendments to Regulations 3 (26 CFR Part 182), Regulations 4 (26 CFR Part 183), and Regulations 5 (26 CFR Part 184), to conform the regulations to the provisions of section 2901, Internal Revenue Code, as amended by Public Law 448, 81st Congress, by providing procedure for the remission of tax on distillates lost while in transit in bond from registered or fruit distilleries to denaturing plants, or while on storage at denaturing plants prior to denaturation, and to provide that the proprietor of the denaturing plant to which distillates are being transferred shall be liable for the tax thereon from the time the distillates are removed from a distillery for transfer to his denaturing plant, was published in the FEDERAL REGISTER (18 F. R. 8206). No comments having been received during the thirty-day period prescribed in such notice, the amendments to Regulations 3, 4, and 5 set forth below are hereby adopted:

PARAGRAPH 1. Wherever the term "district supervisor" appears in the sections of the regulations revised by this Treasury decision, such term is hereby amended to read "Assistant Regional Commissioner, Alcohol and Tobacco Tax."

PAR. 2. Regulations 3 (26 CFR Part 182) are amended as follows:

a. Section 182.692 is amended as follows:

1. By striking from the first sentence of paragraph (b) the phrase "to cover the receipt," and inserting in lieu thereof the phrase "to assume liability for the payment of the tax on such distillates from the time they leave the registered distillery or fruit distillery from which they are removed, including the transportation, receipt,".

2. By striking the last sentence of paragraph (c), which begins, "The liability of the distiller".

3. By adding a new paragraph (e) to read as follows:

(e) *Voluntary destruction.* If the distillates, after removal from the registered distillery or fruit distillery where produced, are found to be unfit for denaturation, they may be destroyed at the denaturing plant upon filing notice of intent so to do and application for supervision of destruction. The notice and application shall be filed, in triplicate, with the storekeeper-gauger in charge, and shall contain a description of the distillates as shown on the Form 1520 received from the distillery, and shall show the reasons for destruction. The storekeeper-gauger will verify the description of the distillates, including the quantity reported, and will then supervise their destruction. Upon destruction of the distillates, the storekeeper-gauger will prepare a report on the back of the notice and application showing the method of destruction and certifying to the accuracy of the description of the distillates contained in the notice and application, and will forward the original thereof to the Assistant Regional Commissioner, return one copy to the proprietor, and retain the remaining copy for his files. The proprietor shall make proper entry on Form 1468–A covering the destruction of the distillates.

b. Paragraph (a) of § 182.700 is revoked.

c. There are inserted, immediately following § 182.700, the following new sections:

§ 182.700a *Loss by theft.* The tax shall be collected on distillates stolen while in transit to a denaturing plant or while stored therein prior to denaturation, unless the denaturer submits proof as to the cause of the loss and establishes to the satisfaction of the Assistant Regional Commissioner that it did not occur as the result of connivance, collusion, fraud, or negligence on the part of the denaturer, distiller, consignor, consignee, bailee, or carrier, or the employees of any of them. Claim for remission of tax on distillates lost by theft shall be filed as provided in §§ 182.700f to 182.700h. The tax on distillates lost by theft may be remitted or refunded only to the extent that the claimant is not indemnified or recompensed for such tax.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700b *Unauthorized voluntary destruction.* The tax shall be collected on distillates voluntarily destroyed after removal from the registered distillery or fruit distillery where produced, except as provided in § 182.692 (e).

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700c *Losses except by theft.* The tax on distillates lost otherwise than by theft while in transit to the denaturing plant or while stored therein prior to denaturation, may be remitted. In the case of any such loss, the Assistant Regional Commissioner may require the denaturer to submit proof as to the cause of such loss and, where deemed necessary, to file a claim for remission of the tax as provided in §§ 182.700f to 182.700h.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700d *Report of losses.* Losses of distillates in transit to a denaturing plant or while stored therein prior to denaturation must be reported to the Assistant Regional Commissioner by the denaturer immediately after the losses are discovered. Where losses of distillates in the denaturing plant occur or are discovered while a Government officer is on duty, the officer will immediately make a full report of the loss to the Assistant Regional Commissioner. The reports should set out the nature, cause, and extent of the loss in sufficient detail to bring out all the known material facts and circumstances surrounding the loss. The condition of each tank or other container from which the loss has been sustained, and the quantity lost therefrom, should be reported.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700e *Investigation by Assistant Regional Commissioner.* The Assistant Regional Commissioner will consider the nature and extent of any loss reported by the denaturer or Government officer and will immediately make such investigation and require such evidence to be submitted as he may deem necessary.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700f *Filing of claims.* Claims for remission of tax on distillates lost on the premises of a denaturing plant or in transit thereto, when required, will be filed promptly with the Assistant Regional Commissioner of the region in which the plant is located. Where a required claim for remission of tax on such distillates is not filed as provided in §§ 182.700a and 182.700c, the Assistant Regional Commissioner will require immediate payment of tax on the quantity lost.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700g *Form of claims.* Claims for remission of tax for losses occurring on denaturing plant premises, or in transit thereto, shall be made on letter size paper (original only) and shall set forth, under oath, the following information:

(a) The name of the denaturer and the registry number and location of the denaturing plant;

(b) The serial numbers of the tanks or other containers from which the distillates were lost;

(c) The quantity of distillates lost from each tank or other container, and the total quantity of distillates covered by the claim;

(d) The total amount of tax for which the claim is filed;

(e) The date of the loss or, if such date is not known, the date on which the loss was discovered, and the cause and nature thereof, together with all the facts surrounding the loss;

(f) The name of the carrier, if any;

(g) If lost by theft, whether the loss occurred as a result of connivance, collusion, fraud, or negligence on the part of the denaturer, distiller, owner, consignor, consignee, bailee, or carrier, or the employees of any of them;

(h) Whether the claimant is indemnified or recompensed for the tax, and, if so, the amount and nature of such indemnity or recompense. The actual value of the distillates, less the tax, must be stated explicitly, and where required, certified copies of all policies of insurance or other documents of indemnity covering the distillates must be furnished.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700h *Supporting statements.* Claims for remission of tax on distillates lost while on the premises of a denaturing plant or in transit thereto, must be supported by affidavits of persons having personal knowledge of the loss.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700i *Action on claim by Assistant Regional Commissioner.* When a claim for remission of tax is received by the Assistant Regional Commissioner, he will carefully examine the same to see that all the required information has been furnished, and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of his investigation, if any, the Assistant Regional Commissioner will allow or disallow the claim in accordance with existing law and regulations.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700j *Records.* Losses of distillates in transit to the denaturing plant or while stored therein shall be shown as a separate entry in the same columns in which losses of alcohol are shown on Form 1468–A.

(53 Stat. 346, 358, 364, 375; 26 U. S. C. 2916, 3105, 3124, 3176)

d. Section 182.779 is amended to read as follows:

§ 182.779 *Distillates.* The tax on distillates lost while in transit to a denaturing plant or while stored therein prior to denaturation may be remitted in accordance with the provisions of §§ 182.700a to 182.700i.

PAR. 3. Section 183.408 of Regulations 4 (26 CFR Part 183) is amended by striking therefrom the last sentence, which reads "The liability of the distiller to tax on such distillates removed for denaturation shall continue until they have been deposited in the denaturing plant."

PAR. 4. Section 184.441 of Regulations 5 (26 CFR Part 184) is amended by striking therefrom the last sentence, which reads "The liability of the distiller to tax on such distillates removed for denaturation shall continue until they have been deposited in the denaturing plant."

This Treasury decision will be effective on the 31st day after publication in the FEDERAL REGISTER.

(53 Stat. 358, 364, 375; 26 U. S. C. 3105, 3124, 3176)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: March 29, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54–2424; Filed, Apr. 2, 1954; 8:49 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

WITHDRAWAL OF ORIGINALS AND COPIES FROM DEPARTMENTAL RECORDS

By virtue of and pursuant to the authority vested in me by the act of March 4, 1913 (37 Stat. 736, 5 U. S. C. 611), R. S. 161 (5 U. S. C. 22), and Reorganization Plan No. 6 of 1950 (15 F. R. 3174, 64 Stat. 1263, 5 U. S. C. 611, note), sections 1 and 2 of Article III, entitled "Unofficial Access to Records", in Part V of Regulations of the Department of Labor, effective October 15, 1915, are redesignated as § 2.9 (a) and (b) of this part, and amended, and added to the Code of Federal Regulations, reading as follows:

§ 2.9 *Withdrawal of originals and copies from Departmental records*—(a) *Originals.* No account, letter, record, file, or other document or paper in the custody of the Department, or of any bureau, office or officer thereof, shall on any occasion be taken or withdrawn by any agent, attorney, or other person not officially connected with the Department; no exception will be made without the written consent of the Secretary or his duly authorized representative.

(b) *Copies.* Copies of accounts, letters, records, files and other documents or papers shall not be furnished to any person except with the written consent of the Secretary or his duly authorized representative. Such written consent will be granted only to such persons as may have a personal material interest in the subject matter of the papers or at their request. Applications for copies of documents, accounts, records or files should be made to the Secretary and should be accompanied by an affidavit setting forth the interest of the applicant and showing the reason why and the purpose for which the copies are desired. Except where requests are made by the Attorney General under section 188 of the Revised Statutes (5 U. S. C. 91, 1952 ed.) for evidence touching the claims of persons suing the United States in the Court of Claims, copies of accounts, letters, documents, records, or other papers desired by or on behalf of parties to causes pending in any court shall be furnished only to the court on an order or a rule of the court requesting the Secretary to furnish the same, and then only when the production of such copies will not, in the judgment of the Secretary or his duly authorized representative, be prejudicial to the Government or the public interest. No exception will be made without the written consent of the Secretary or his duly authorized representative.

(R. S. 161; 5 U. S. C. 22)

Dated: April 1, 1954, Washington, D. C.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 54–2478; Filed, Apr. 2, 1954; 8:55 a. m.]

PART 2—GENERAL REGULATIONS

OFFICERS AUTHORIZED TO SIGN AND ISSUE CERTIFICATES OF AUTHENTICATION

By virtue of and pursuant to the authority vested in me by the act of March 4, 1913 (37 Stat. 736, 5 U. S. C. 611), R. S. 161 (5 U. S. C. 22), and Reorganization Plan No. 6 of 1950 (15 F. R. 3174, 64 Stat. 1263, 5 U. S. C. 611, note), Part 2, General Regulations, of Subtitle A, Title 29, Code of Federal Regulations, is amended by adding a new § 2.10 to read as follows:

§ 2.10 *Officers authorized to sign and issue certificates of authentication.* Authority is hereby given to any officer or officers of the Department of Labor designated as Authentication officer or officers of said Department to sign and issue certificates of authentication under the seal of the Department of Labor. The form of authentication shall be as follows:

In witness whereof, I, ... duly designated by the Secretary of Labor as Authentication Officer of the Department of Labor, have hereunto subscribed my name and caused the seal of the Department of Labor to be affixed this ..... day of ....., 19.....

.....
Authentication Officer,
Department of Labor

(R. S. 161; 5 U. S. C. 22)

Dated: April 1, 1954.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 54–2476; Filed, Apr. 2, 1954; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter C—Claims and Accounts

PART 836—CLAIMS AGAINST THE UNITED STATES

TORT CLAIMS

1. Paragraph (d) of § 836.39 is changed to read as follows:

§ 836.39 *Subrogation.* • • •

(d) All designees of the Secretary of the Air Force are authorized to settle any claim involving subrogation, if otherwise within their authority (see § 836.34). Although claims by an insured and/or subrogor are not subrogation claims, such claims involve subrogation and may be settled by a designee in accordance herewith.

2. Paragraph (c) of § 836.41 is changed to read as follows:

§ 836.41 *Acceptance of award.* • • •

(c) *Minors.* Where the amount claimed for personal injury of a minor does not justify the expense incident to the appointment of a statutory guardian, the entire file will be forwarded to The Judge Advocate General, USAF, for appropriate action. However, when the claim involves personal property of a minor, a release executed by him, supported by a release and indemnity agreement executed by his legal or natural guardian, would adequately protect the interests of the Government when local law requires a tender of the consideration in the event the minor subsequently repudiates the settlement.

3. Section 836.44 and the heading thereof is revised to read as follows:

§ 836.44 *Final action by designee.* Claims under the provisions of §§ 836.31 to 836.46 may be approved or disapproved in whole or in part by the appropriate designee of the Secretary of the Air Force. The action of such approving authority, in approving or disapproving a claim in whole or in part, will be final and conclusive for all administrative purposes.

4. Section 836.45 and the heading thereof is revised to read as follows:

§ 836.45 *Disapproval.* Upon disapproval of a claim in whole or in part by the approving authority, the claimant will be notified in writing of the action taken, the reason therefor, and the fact that the action of the designee is final. If a claim is disapproved in part, the claimant will be advised that payment will be forthcoming for the approved part of the claim upon receipt within 30 days of a properly executed settlement agreement, and that upon nonreceipt of the settlement agreement within the time allotted, it will be presumed that it is the claimant's intention to withdraw his claim from further administrative processing.

(AFR 112-4A, Mar. 23, 1954) (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 1, 62 Stat. 983, as amended; 28 U. S. C. 2672)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54–2406; Filed, Apr. 2, 1954; 8:45 a. m.]

Subchapter G—Personnel

PART 878—DECORATIONS AND AWARDS

SERVICE AWARDS, MEDALS, RIBBONS, AND DEVICES

The regulations contained in §§ 878.41 to 878.70 (16 F. R. 5749; 32 CFR and 1952 Supp., 878.41–878.70) are superseded by the following new §§ 878.41 to 878.73.

Sec.
878.41 Purpose.
878.42 Policy.
878.43 Eligibility.
878.44 Application.
878.45 Good Conduct Medal.
878.46 American Defense Service Medal.
878.47 American Campaign Medal.
878.48 Asiatic-Pacific Campaign Medal.
878.49 European - African - Middle Eastern Campaign Medal.
878.50 World War II Victory Medal.
878.51 Army of Occupation Medal.
878.52 Medal for Humane Action.
878.53 Korean Service Medal.
878.54 United Nations Service Medal.
878.55 Armed Forces Reserve Medal.
878.56 Women's Army Corps Service Medal.
878.57 National Defense Service Medal.
878.58 Philippine Service Awards.
878.59 Clasps.
878.60 Service stars.
878.61 Arrowheads.
878.62 Berlin airlift device.
878.63 Service devices.
878.64 Lapel buttons.
878.65 Posthumous awards.
878.66 United States service awards.
878.67 Foreign service awards.
878.68 Method of award.
878.69 Method of wearing.
878.70 Supply and replacement.
878.71 Exhibition.
878.72 Manufacture, sale, and possession.
878.73 Miscellaneous.

AUTHORITY: §§ 878.41 to 878.73 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: AFR 35–50.

§ 878.41 *Purpose.* Sections 878.41 to 878.73 describe service medals, ribbons, and devices awarded by the Air Force with the requirements therefor. Other service awards with which the Air Force is concerned are also included.

§ 878.42 *Policy.* Service awards normally recognize active, honorable Federal military service usually during war or periods of national emergency. Service awards will not be awarded later to any person whose discharge or release from the service for the period covered by the award is under conditions other than honorable. If a person was awarded and presented any medal, ribbon, or device for service prior to any dishonorable behavior, such award will not be revoked.

§ 878.43 *Eligibility.* In general, a person is considered eligible for award of appropriate service medals, ribbons, and devices if:

(a) Assigned or attached to and present for duty with a unit serving within the prescribed geographical area established for the award during the designated time limitations.

(b) Assigned or attached to and present for duty during the prescribed period with a unit designated in general orders as having received the award.

(c) Otherwise meeting the requirements outlined in §§ 878.41 to 878.73.

§ 878.44 *Application.* Members of the Air Force on active duty and members of the Reserve components may obtain Air Force service medals and devices from their immediate commanders. Members of the Air Force Reserve who are not on active duty and who are not assigned to any specific Reserve unit may

obtain Air Force service medals and devices from the Air Reserve Records Center, 3800 York St., Denver, Colorado, which has custody of their personnel records. A person not on active duty and not a member of a Reserve component may apply for his medals in writing to the Air Force Liaison Unit, Military Personnel Records Center, 4300 Goodfellow Boulevard, St. Louis 20, Missouri. Members of the Air Force who were awarded service medals by the Army for service prior to July 2, 1926, may apply to the Department of the Army for such medals.

§ 878.45 *Good Conduct Medal*—(a) *Description.* The Good Conduct Medal is a metal disk 1¼ inches in diameter, bearing in front an eagle standing on a book and a sword, encircled with the inscription "Efficiency-Honor-Fidelity." The ribbon is dark red silk, with three white stripes bordering each edge.

(b) *Requirements for award.* The Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in an enlisted status under the following conditions:

(1) All recorded "character" and "efficiency" ratings in the service record must read "excellent" or "superior," except that ratings of "unknown" are not disqualifying. Service school efficiency ratings below "excellent" awarded prior to March 3, 1946, are not disqualifying.

(2) The service record must not bear any record of a conviction by court-martial during the period considered for the award.

(3) Creditable service will be computed beginning the day following any time lost under section 6 (a) of the act of May 5, 1950 (sec. 6 (a), 64 Stat. 145; 10 U. S. C. 629, formerly AW 107), or the date following approval of a conviction by court-martial in those instances when sentence did not include confinement.

(c) *Time periods of eligibility.* Having met the requirements in paragraph (b) of this section, the different time periods of eligibility for the basic award are:

(1) A period of 3 continuous years of service completed at any time between August 26, 1940 and December 6, 1941, both dates inclusive.

(2) A period of 1 continuous year of service between December 7, 1941 and March 2, 1946.

(3) A period of 3 continuous years of service completed on or after March 3, 1946, except that:

(i) Persons will receive the award who terminate their active Federal military service without having previously received a Good Conduct Medal, and who have completed a minimum of 1 year of service, any part of which is performed after June 27, 1950.

(ii) Persons separated from active Federal military service after June 27, 1950, by reason of physical disability incurred in line of duty will be awarded the Good Conduct Medal without reference to the 1-year minimum period of service. (Those persons separated because of physical disability as described herein will receive the Good Conduct Medal for any period of service performed after June 27, 1950.)

(d) *Time period required after basic award.* After the basic award, a 3-year period of continuous service is always required for additional awards of the Good Conduct Medal. Service must always meet the requirements of paragraph (b) of this section. (See § 878.59.)

(E. O. 8809, June 28, 1941, 6 F. R. 3209; 3 CFR, 1943 Cum. Supp.; as amended by E. O. 9323, Mar. 31, 1943, 8 F. R. 4225, 3 CFR, 1943 Cum. Supp.; as amended by E. O. 10444, Apr. 10, 1953, 18 F. R. 2069)

§ 878.46 *American Defense Service Medal*—(a) *Description.* The American Defense Service Medal is a metal disk 1⅛ inches in diameter, bearing in front an armed figure symbolic of defense under the inscription "American Defense." The ribbon is basically yellow, with blue, white and red stripes right to left, and left to right symmetrically near the edges.

(b) *Requirements for award.* The American Defense Service Medal is awarded to any person who entered military service under orders to active duty for a period of 12 months or more between September 8, 1939 and December 7, 1941. (See § 878.59.)

(E. O. 8808, June 28, 1941, 6 F. R. 3209; 3 CFR, 1943 Cum. Supp.)

§ 878.47 *American Campaign Medal*—(a) *Description.* The American Campaign Medal is a metal disk 1¼ inches in diameter, bearing in front an offshore scene depicting a cruiser, an airplane, and a sinking submarine underneath the inscription "American Campaign." The ribbon is predominantly medium blue-lined white, black, red, and white from right to left and left to right within each edge. In the center are three equal stripes of white and red. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* The American Campaign Medal is awarded for service within the American Theater between December 7, 1941 and March 2, 1946, under any of the following conditions:

(1) Permanent assignment outside the continental United States.

(2) Permanent assignment for 30 days as an aircrew member of an airplane making frequent flights over ocean waters.

(3) Passenger status outside the continental United States (within the American Theater) for 30 consecutive or 60 nonconsecutive days.

(4) Combat for which a combat decoration was awarded or a certificate of participation was furnished by the commander of a unit of which the person was a member during participation in combat.

(5) An aggregate period of 1-year service within the continental limits of the United States.

(c) *"Antisubmarine" campaign.* A person assigned or attached to and present for duty with a unit which was accorded battle credit for the "Antisubmarine" campaign is entitled to wear one bronze service star on the ribbon bar. (See § 878.60.)

(E. O. 9265, Nov. 6, 1942; 7 F. R. 9106; 3 CFR, 1943 Cum. Supp.; as amended by E. O. 9706, March 15, 1946, 11 F. R. 2811; 3 CFR, 1946 Supp.)

§ 878.48 *Asiatic-Pacific Campaign Medal*—(a) *Description.* The Asiatic-Pacific Campaign Medal is a metal disk 1⅛ inches in diameter, depicting in front a tropical landing beneath the words "Asiatic-Pacific Campaign." The ribbon is basically yellow, with yellow, red, and white stripes near each end. In the center are three equal stripes of blue, white, and red. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* The Asiatic-Pacific Campaign Medal is awarded for service within the Asiatic-Pacific Theater between December 7, 1941 and March 2, 1946, under any of the following conditions:

(1) Permanent assignment.

(2) Passenger status or temporary duty for 30 consecutive or 60 nonconsecutive days.

(3) Combat for which a combat decoration was awarded or a certificate was furnished as prescribed in § 878.47 (b) (4). (See § 878.60).

(E. O. 9265, Nov. 6, 1942, 7 F. R. 9106; 3 CFR, 1943 Cum. Supp.; as amended by E. O. 9706, March 15, 1946, 11 F. R. 2811; 3 CFR, 1946 Supp.)

§ 878.49 *European - African - Middle Eastern Campaign Medal*—(a) *Description.* The European - African - Middle Eastern Campaign Medal is a metal disk 1⅛ inches in diameter, depicting a landing scene beneath the words "European-African-Middle Eastern Campaign." The ribbon is principally dark-green, edged with brown bands separated from the green by green, white, and red stripes on the left (wearer's right), and by white, black, and white stripes on the right (wearer's left). In the center are equal stripes of blue, white, and red. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* The European-African-Middle Eastern Campaign Medal is awarded for service within the European-African-Middle Eastern Theater between December 7, 1941 and November 8, 1945, under any of the following conditions:

(1) Permanent assignment.

(2) Passenger status or temporary duty for 30 consecutive or 60 nonconsecutive days.

(3) Combat for which a combat decoration was awarded or a certificate was furnished as prescribed in § 878.47 (b) (4). (See § 878.60).

(E. O. 9265, Nov. 6, 1942, 7 F. R. 9106; 3 CFR, 1943 Cum. Supp.; as amended by E. O. 9706, March 15, 1946, 11 F. R. 2811; 3 CFR, 1946 Supp.)

§ 878.50 *World War II Victory Medal*—(a) *Description.* The World War II Victory Medal is a metal disk 1⅛ inches in diameter, bearing in front the figure of liberation holding a broken sword in the dawn. The ribbon is predominantly red with wide rainbow borders.

(b) *Requirements for award.* The World War II Victory Medal is awarded for any period of service between December 7, 1941 and December 31, 1946.

(59 Stat. 461; 10 U. S. C. 1430c)

§ 878.51 *Army of Occupation Medal*—(a) *Description.* The Army of Occupation Medal is a metal disk 1¼ inches in diameter, bearing on the front of the disk a pictorial representation of the Remagen Bridge and on the reverse Mount Fujiyama and two Japanese junks. The ribbon is bordered with white bands with equal black and red stripes in the center. The black stripe is worn to the wearer's right.

(b) *Requirements for award.* The Army of Occupation Medal, established by War Department General Orders 32, 1946, is awarded for 30 days' consecutive service at a normal post of duty while assigned to United States occupation forces during the prescribed time limits in any of the following areas:

(1) Germany or Austria between May 9, 1945, and a terminal date to be announced later. Service between May 9, 1945, and November 8, 1945, is counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(2) Italy between May 9, 1945 and September 15, 1947, in the compartment of Venezia Giulia E. Zara, Province of the Udine, or with a unit specially designated in Department of the Army General Orders 4, 1947. Service between May 9, 1945, and November 8, 1945, is counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(3) Japan between September 3, 1945, and April 27, 1952, in the four main islands of Hokkaido, Honshu, Shikoku, and Kyushu, the surrounding smaller islands of the Japanese homeland, the Ryukyu Islands and the Bonin-Volcano Islands. Service between September 3, 1945 and March 2, 1946, will be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945. In addition, service which meets the requirements for the Korean Service Medal (see § 878.53) will not be counted in determining eligibility for this award.

(4) Korea between September 3, 1945 and June 29, 1949, inclusive. Service between September 3, 1945 and March 2, 1946, will be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945. (See § 878.59.)

(c) *Berlin airlift.* Service for 90 or more consecutive days between June 26, 1948 and September 30, 1949, while assigned or attached to a unit designated in general orders of the Department of the Air Force for participation in the Berlin airlift qualifies a person for award of the Army of Occupation Medal (Germany) with Berlin Airlift Device. (See § 878.62.)

§ 878.52 *Medal for Humane Action*—(a) *Description.* The Medal for Humane Action is a metal disk 1¼ inches in diameter, depicting a C–54 airplane within a border of wheat centering the coat of arms of Berlin. The ribbon is predominently blue with black edges, followed by white, red, and white stripes. The center bears three stripes, white, red, and white in the order named.

(b) *Requirements for award.* The Medal for Humane Action is awarded to personnel who were assigned or attached to and present for duty for 120 days between June 26, 1948 and September 30, 1949, with any of the units cited in general orders of the Department of the Air Force for participation in the Berlin airlift for direct support thereof. Geographical boundaries of the area of the Berlin airlift operation are as follows:

(1) Northern boundary: 54th parallel north latitude.

(2) Eastern boundary: 14th meridian east longitude.

(3) Southern boundary: 48th parallel north latitude.

(4) Western boundary: 5th meridian west longitude.

(c) *Award to members of foreign armed forces and civilians.* In addition to members of the Armed Forces of the United States, the Medal for Humane Action may be awarded to members of foreign armed forces and civilians upon individual recommendation, indicating meritorious participation in the Berlin airlift.

(d) *Award to persons whose lives were lost participating in Berlin airlift.* The medal may be awarded those persons whose lives were lost while participating in the Berlin airlift or as a direct result of participating therein, without regard to the length of such service; *Provided,* That all other requirements are met.

(Sec. 1, 63 Stat. 447; 10 U. S. C. 1430d)

§ 878.53 *Korean Service Medal*—(a) *Description.* The Korean Service Medal is a metal disk 1¼ inches in diameter (description to be announced later). The medal is suspended by a ring from a silk moire ribbon composed of white piping on the ends, a center of United Nations blue intersected by a white band.

(b) *Requirements for award.* The Korean Service Medal is awarded to persons assigned or attached to combat or service units, designated by the Commander, Far East Air Forces, in general orders for service within the Korean Theater or adjacent areas between June 27, 1950, and a terminal date to be announced later.

(c) *Definition of "Korean Theater."* The term "Korean Theater," as used in paragraph (b) of this section, is defined as those areas which encompass North or South Korea, Korean waters, and the air over North or South Korea or over Korean waters.

(d) *Conditions for award.* The Korean Service Medal is awarded under any of the following conditions:

(1) Participation in any engagement against the enemy in North or South Korean territory, in Korean waters, or in the air over North or South Korea or over Korean waters. A person will also be considered as having participated in an engagement if that person:

(i) Was a member of a designated combat or service unit in the Korean Theater.

(ii) Was a member of a service or combat unit designated by the Far East Air Forces as directly supporting operations in the Korean Theater.

(iii) Was a member of a designated headquarters of the Far East Air Forces who exerted a distinct and contributory effort to operations in the Korean Theater.

(2) The service prescribed must have been performed:

(i) While on permanent assignment, or

(ii) While on temporary duty as a member of a designated unit or headquarters for 30 consecutive or 60 nonconsecutive days, or

(iii) While in actual combat against the enemy and was awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, that the person actually participated in combat.

(e) *Award of Bronze Service Stars.* Bronze Service Stars are awarded to members of designated combat or service units in combat or units assigned to the command of Far East Air Forces, or on temporary duty with Army Ground Forces under any of the following conditions:

(1) If the person was a member assigned or attached to and present for duty with a designated combat or service unit during the period which the unit participated in combat.

(2) If the person was under orders in the combat zone and in addition was awarded a combat decoration, or was furnished a certificate, by a commander of a division, comparable or higher unit, commander of a ship, comparable or higher unit; commander of an Air Force group, comparable or higher unit, or independent force stating that the person actually participated in combat or served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor) or aboard a vessel other than in a passenger status. A certificate must be furnished by the home port commander of the vessel for actual service in the combat zone of the Korean Theater.

(3) If the person was an evadee or escapee in the combat zone or recovered from a prisoner-of-war status in the combat zone during the time limitations of the campaign. Prisoners of war will not be accorded credit for the time spent in confinement or while otherwise in restraint under enemy control. (See § 878.60).

(f) *Award of arrowhead.* An arrowhead is awarded to members of designated combat or service units in combat, units assigned to the command of Far East Air Forces or on temporary duty with Army Ground Forces, who participated in an airborne or amphibious assault within the territorial limits of Korea. (See § 878.61.)

(E. O. 10179, Nov. 8, 1950, 15 F. R. 7665, 3 CFR 1950 Supp.)

§ 878.54 *United Nations Service Medal*—(a) *Description.* The United Nations Service Metal is a metal disk 1¼ inches in diameter, bearing in front the emblem of the United Nations (a polar projection map of the world, taken from the North Pole, embraced in twin olive branches). On the reverse of the medal, within a rim, is the inscription "For Service in Defence of the Principles of the Charter of the United Nations." The medal is suspended from a silk ribbon two inches in length and 1.33 inches in width, consisting of 17 stripes,

nine of United Nations blue and eight of white, alternating, each stripe 0.08 inch in width. A bar 1.5 inches in length and 0.25 inch in width, bearing the word "Korea," constitutes a part of the suspension of the medal from the ribbon.

(b) *Requirements for award.* The United Nations Service Medal established by the United Nations General Assembly Resolution 483 (V), December 12, 1950, is awarded to members of the Armed Forces of the United States dispatched to Korea or adjacent areas of military operations specifically for service on behalf of the United Nations in the Korean Theater between June 27, 1950, and a terminal date to be announced later. Other personnel dispatched to Korea or adjacent areas as members of paramilitary and quasi-military units designated by the United States Government for service in support of the United Nations action in Korea and certified by the United Nations Commander-in-Chief as having directly supported military operations may be awarded the United Nations Service Medal. (The term "Korean Theater" as used herein is defined as those areas which encompass North and South Korea, Korean waters, and the air over North and South Korea, Korean waters.) To qualify for the United Nations Service Medal, the service must have been performed either:

(1) While serving with any designated combat or service unit while:

(i) On permanent assignment to such unit, or

(ii) Attached to such unit for a period of 30 consecutive or nonconsecutive days.

(2) While in active combat against the enemy under conditions other than those conditions prescribed in subparagraph (1) of this paragraph, and was awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, that the person actually participated in combat.

(c) *Persons who will be awarded United Nations Service Medal.* Commanders having custody of individuals' official records will award the United Nations Service Medal to persons who meet the requirements specified in paragraph (b) of this section. In addition, persons whose records indicate award, or eligibility for, the Korean Service Medal will be awarded the United Nations Service Medal.

(d) *Persons ineligible for award of United Nations Service Medal.* Personnel of the United Nations, its specialized agencies, or of any government service other than as prescribed in paragraph (b) of this section, and International Red Cross personnel engaged for service under the United Nations Commander-in-Chief with any United Nations relief team in Korea will not be eligible for the award of the United Nations Service Medal.

§ 878.55 *Armed Forces Reserve Medal*—(a) *Description.* The Armed Forces Reserve Medal consists of a medal and ribbon. (Design of medal will be announced later.) The ribbon suspension is buff bordered with blue and buff stripes and the center section of buff is intersected by a blue line followed by blue and buff stripes.

(b) *Reserve components included.* The Armed Forces Reserve Medal may be awarded to members or former members of the Reserve components of the Armed Forces of the United States who complete or have completed a total of 10 years of honorable and satisfactory service as defined in Pub. Law 810, 80th Cong. (sec. 306, 62 Stat. 1089; 10 U. S. C. 1036e) not necessarily consecutive, provided that such service was performed within a period of 12 consecutive years, except as noted in paragraph (e) (2) of this section. For the purpose of determining eligibility for the award of the Armed Forces Reserve Medal, service as a member of a Reserve component will include those Reserve components enumerated as follows:

(1) The National Guard of the United States.

(2) The National Guard while in the service of the United States.

(3) The federally recognized National Guard prior to 1933.

(4) A federally recognized status in the National Guard.

(5) The Officers' Reserve Corps and the Enlisted Reserve Corps prior to enactment of Pub. Law 460, 80th Cong. (62 Stat. 87; 10 U. S. C. 361, 422; 32 U. S. C. 62, 143, 154; 5 U. S. C. 626k).

(6) The Organized Reserve Corps.

(7) The Army of the United States without component.

(8) The Naval Reserve and the Fleet Naval Reserve transferred thereto after completion of 16 or more years of active naval service.

(9) The Marine Corps Reserve and the Marine Corps Reserve Force, excluding those members of the Fleet Marine Corps Reserve transferred thereto after completion of 16 or more years of active naval service.

(10) The Limited Service Marine Corps Reserve.

(11) The Naval Militia who have conformed to the standards prescribed by the Secretary of the Navy.

(12) The National Naval Volunteers.

(13) The Air National Guard.

(14) The Air Force Reserve (officer or enlisted sections).

(15) The Air Force of the United States without component.

(16) The Coast Guard Reserve.

(c) *Service creditable.* Each year of active or inactive honorable service as a member of any of the Reserve components listed in paragraph (b) of this section may be credited toward award of the Armed Forces Reserve Medal until July 1, 1949. For service performed after July 1, 1949, members may be credited with all periods of active duty or periods during which they meet the minimum requirements of the training category to which assigned (see §§ 861.1 to 861.13 of this chapter) except that those persons in the Army of the United States or Air Force of the United States must compute time as follows:

(1) Active or inactive service prior to July 1, 1948, is creditable for those Army of the United States or Air Force of the United States officers appointed under the act of September 22, 1941 (55 Stat. 728; 10 U. S. C. 484 note). After July 1, 1948, only active duty under such Army of the United States or Air Force of the United States appointments will be creditable.

(2) Active or inactive service prior to July 1, 1949, will be creditable for those Army of the United States or Air Force of the United States officers appointed under section 127a, National Defense Act (sec. 51, 41 Stat. 785, as amended; 10 U. S. C. 513) or section 515 (e) of the Officer Personnel Act of 1947 (sec. 515 (e), 61 Stat. 907; 10 U. S. C. 506d (e)).

(3) For the purpose of computing eligibility for the Armed Forces Reserve Medal, all Army of the United States or Air Force of the United States appointments will be considered as having been made under the act of September 22, 1941 (55 Stat. 728; 10 U. S. C. 484 note) unless otherwise indicated on official records.

(d) *Service not creditable.* Service in the following sections at any time may not be credited:

(1) Inactive National Guard.

(2) Inactive Air National Guard.

(3) Nonfederally recognized status in National Guard or Air National Guard.

(4) Inactive Reserve Section or Honorary Reserve Section of the Officers' Reserve Corps.

(5) Inactive Section or Honorary Section of the Air Force Reserve.

(6) Honorary Retired List of the Naval and Marine Corps Reserve.

(7) Inactive list of Sandby Reserves.

(8) Retired Reserve.

(9) Women's Army Auxiliary Corps.

(e) *Regular service.* Service as a regular officer, warrant officer, or Regular enlisted person in the Armed Forces, including the Coast Guard and service for which the Naval Reserve Medal, Organized Marine Corps Reserve Medal, or the Marine Corps Reserve Ribbon has been or may be awarded, will not be credited toward award of the Armed Forces Reserve Medal, except:

(1) Service in a Reserve component which is concurrent, in whole or in part, with service in a Regular component of the Armed Forces will be included in computing the required 10 years of Reserve service, and

(2) Any period of time during which Reserve service is interrupted by service in a Regular component of the Armed Forces will be excluded in computing, but will not be considered a break in, the said period of 12 consecutive years.

(f) *Attendance at aviation cadet training schools considered Regular services.* For the purpose of §§ 878.41 to 878.73, periods of attendance at aviation cadet training schools (for those persons appointed as "aviation cadets") are considered Regular service.

(g) *Determining eligibility.* Eligibility for the Armed Forces Reserve Medal may be determined from data contained in items 18 and 28 of DA AGO Form 66, "Officer's, Warrant Officer's, and Flight Officer's Qualification Record"; officer's certificate of statement of service; AF Form 190, "USAF Reserve Personnel Record Card"; or a statement from the person concerned certifying that his service in a Reserve component meets the requirements of satisfactory Federal service as defined in Pub. Law 810, 80th Congress.

(h) *Hour-glass device.* One hour-glass device, with a Roman numeral "X" superimposed, may be worn on the suspension and service ribbon of the Armed Forces Reserve Medal to denote service for each 10-year period in addition to, and under the same conditions, as prescribed for the award of the basic medal.

(E. O. 10163, Sept. 25, 1950, 15 F. R. 64, 89; 3 CFR, 1950 Supp.; as amended by E. O. 10439, Mar. 19, 1953, 18 F. R. 1581)

§ 878.56 *Women's Army Corps Service Medal*—(a) *Description.* The Women's Army Corps Service Medal is a metal disk 1¼ inches in diameter, bearing in front the head of Pallas Athene in profile facing dexter, superimposed on a sheathed sword crossed with oak leaves and a palm branch within a circle composed of the words "Women's" in the upper half, and in the lower half "Army Corps." The ribbon is predominantly moss-tone green with gold borders.

(b) *Requirements for award.* The Women's Army Corps Service Medal is awarded to members of the Women's Army Corps for honorable service performed by them in the Women's Army Auxiliary Corps.

(E. O. 9365; July 30, 1943, 8 F. R. 10651, 3 CFR, 1943 Supp.)

§ 878.57 *National Defense Service Medal*—(a) *Description.* The National Defense Service Medal is bronze of a design to be announced later. The medal will be suspended by a ring from a silk moire ribbon of a design identical in color and proportions with the service ribbon. The service ribbon for this medal will be silk moire 1⅜ inches in width and ⅜ inches in length, attached to a bar which is equipped with a suitable attaching device. The design of this ribbon will consist of a red band (7/16 inch), a white stripe (1/32 inch), a blue stripe (1/32 inch), a white stripe (1/32 inch), a red stripe (1/32 inch), a yellow band (¼ inch), a red stripe (1/32 inch), a white stripe (1/32 inch), a blue stripe (1/32 inch), a white stripe (1/32 inch), and a red band (7/16 inch).

(b) *Requirements for award.* The National Defense Service Medal is awarded for any period (1 day or longer) of honorable active duty service on or after June 27, 1950, to a date to be announced later. Inactive Reserve personnel ordered to active duty for short periods of training under the Inactive Reserve training program will not be considered as being on active duty for the purpose of this award. For the purpose of determining the order of wearing of this medal, a person who meets the requirements is considered to have earned it on the first day of honorable active service on or after June 27, 1950. If, in exceptional instances, a person earns the National Defense Service Medal and the Korean Service Medal on the same day, the National Defense Service Medal will be worn immediately before the Korean Service Medal.

(E. O. 10448, April 22, 1953, 18 F. R. 2391)

§ 878.58 *Philippine service awards*—(a) *Philippine Defense Ribbon*—(1) *Description.* The Philippine Defense Ribbon, established by the Philippine Commonwealth Government, consists of a red ribbon divided by wide white bands and centering three white stars which form a triangle. The single star is worn uppermost.

(2) *Requirements for award.* The Philippine Defense Ribbon is awarded for combat service in defense of the Philippines from December 8, 1941 to June 15, 1942, as a member of the Bataan or Manila Bay forces or of a unit, ship, or airplane under enemy attack. A person assigned or stationed in Philippine waters or territories for at least 30 days during the cited period may also be awarded the ribbon. A person who fulfills both of the preceding requirements is entitled to wear one bronze service star on the ribbon.

(b) *Philippine Liberation Ribbon*—(1) *Description.* The Philippine Liberation Ribbon established by the Philippine Commonweath Government consists of a red ribbon with equal stripes of blue and white in the center. The blue stripe is worn to the wearer's right.

(2) *Requirements for award.* The Philippine Liberation Ribbon is awarded for participation in the liberation of the Philippines from October 17, 1944 to September 3, 1945. A person must have participated in the Leyte landings (October 17–20, 1944) or have engaged the enemy on Leyte or adjoining islands. A person assigned or stationed as described for at least 30 days during the period of the campaign may also be awarded the ribbon. Any one of the preceding requirements entitles a person to be awarded the ribbon and for each additional requirement met, one bronze service star worn on the ribbon may be awarded.

(c) *Philippine Independence Ribbon*—(1) *Description.* The Philippine Independence Ribbon, established by the Philippine Commonwealth Government, consists of a predominantly blue ribbon edged with yellow stripes and bearing red, white, and red stripes in the order named in the center.

(2) *Requirements for award.* The Philippine Independence Ribbon is awarded to all personnel who were present for duty in Philippine territories or waters on July 4, 1946, and to all persons awarded the Philippine Defense or the Philippine Liberation Ribbons.

§ 878.59 *Clasps.* (a) Clasps are used to:

(1) Denote additional awards of the same medal, for example, the Good Conduct Medal.

(2) Denote additional honors pertaining to the basic award, for example, the Foreign Service Clasp.

(3) Differentiate areas of service, for example, the "Germany" or "Japan" clasp to the Army of Occupation Medal.

(b) Kinds of clasps are:

(1) The Good Conduct Medal clasp which consists of a metal bar bearing a loop for each period of 3 years' exemplary service, as required for and after original award of the medal, and which will be:

(i) A bronze clasp with from two to five bronze loops for the second to fifth awards. (The second award of the Good Conduct Medal will be a bronze clasp with two bronze loops.)

(ii) A silver clasp with from one to five silver loops for the sixth to tenth awards.

(iii) A gold clasp with from one to five gold loops for the eleventh to fifteenth awards.

(2) Foreign service clasps which are awarded with the American Defense Service Medal and the Army of Occupation Medal (World War II). The American Defense Service Medal Clasp, which is attached to the suspension ribbon of the medal, reads "Foreign Service," and is awarded for service outside the continental United States, including Alaska, under the same requirement as prescribed for the American Defense Service Medal. Instead of the clasp that is worn on the suspension ribbon of the medal, a bronze service star is worn on the ribbon bar to denote award of the clasp.

(3) The Army of Occupation Metal clasps read "Germany" or "Japan," and are awarded to differentiate service in the respective Armies of Occupation. Service with the Armies of Occupation in Germany, Italy, or Austria is represented by the "Germany" clasp. Service with the Army of Occupation in "Japan" or "Korea" is represented by the "Japan" clasp. The clasps are worn on the suspension ribbon of the medal. Service stars or "clasps" are not worn on the ribbon bar of the Army of Occupation Medal.

§ 878.60 *Service stars.* Metal (silver or bronze) stars are worn on the suspension ribbons and ribbon bars of the American Campaign Medal, Asiatic-Pacific Campaign Medal, European-African-Middle Eastern Campaign Medal, and the Korean Service Medal to denote unit battle participation credit as announced in general orders. One silver star is worn in place of five bronze stars. Metal (bronze) stars are also worn on the Philippine Defense, Liberation, and Independence Ribbons to denote additional honors.

§ 878.61 *Arrowheads.* A bronze replica of an Indian arrowhead worn on the suspension ribbons and ribbon bars of the Asiatic-Pacific Campaign Medal, European-African-Middle Eastern Campaign Medal, and Korean Service Medal to denote a combat parachute jump, combat glider landing, or amphibious assault landing. The combat parachute jump or combat glider landing into enemy-held territory must have been made as an assigned or attached member of an organized force carrying out an assigned tactical mission. (An emergency combat parachute jump into enemy-held territory does not constitute eligibility for award of an arrowhead.) In addition, units entitled to this award must be designated in general orders. Only one bronze arrowhead will be worn on any suspension ribbon or ribbon bar regardless of the number of times a person becomes eligible for this award. When worn, the arrowhead will be worn point up in a vertical position to the wearer's right of all service stars.

§ 878.62 *Berlin airlift device.* A miniature C–54 airplane facsimile in gold-colored metal may be awarded with the Army of Occupation Medal (Germany) to denote participation in the Berlin airlift. Service for 90 or more consecutive days while assigned or attached to a unit designated in general orders of the department of the Air Force for participation in the Berlin airlift qualifies a person for this award. This device is worn on both the suspension ribbon and ribbon bar of the Army of Occupation Medal (Germany) with the nose pointed upward at a 30 degree angle toward the wearer's right shoulder.

§ 878.63 *Service devices*—(a) *Federal service stripes.* Federal service stripes are authorized for optional wear by enlisted personnel only. Each stripe represents 3 years of enlisted service in the Armed Forces of the United States.

(b) *Oversea chevrons.* Oversea chevrons are authorized for optional wear by all qualified personnel. Each chevron represents 6 months of oversea duty in a theater of operations during World War I.

NOTE: World War I wound chevron has been replaced by the Purple Heart decoration.

(c) *Oversea bars.* Oversea bars are authorized for optional wear by all qualified personnel. Each bar represents 6 months of duty outside the continental limits of the United States during World War II between December 7, 1941 and September 2, 1946, inclusive. Fractional parts of a 6 month period will not be accredited as another bar.

(d) *Other devices.* Devices, other than those devices described in paragraphs (a), (b) and (c) of this section, are awarded by the Army, Navy, Marine Corps and Coast Guard. Such devices are awarded in conformance with the regulations of the awarding authority and §§ 878.41 to 878.73 will not be construed to nullify them.

§ 878.64 *Lapel buttons.* The lapel buttons outlined in this section are authorized to be worn only with civilian clothes.

(a) *Good Conduct Medal, American Defense Service Medal, and Women's Army Corps Service Medal Lapel Buttons.* The lapel buttons authorized for these medals are enamel replicas of the ribbon bars.

(b) *World War II Honorable Service lapel button.* The World War II Honorable Service lapel button is of gold-colored metal, bearing an eagle on a ring around 13 stripes awarded for service between September 8, 1939 and December 31, 1946, both dates inclusive.

(c) *Air Force lapel button.* The Air Force lapel button consists of the winged Air Force star in gold- and silver-colored metal. All members of the Air Force on active duty and members of the Air Force Reserve, Air National Guard, and Air Force Reserve Officers' Training Corps are entitled to wear this lapel button.

§ 878.65 *Posthumous awards.* Next of kin are entitled to posthumous awards of deceased personnel. Next of kin is determined in the following order: Widow or widower, eldest son or daughter, father, mother, eldest brother or sister, eldest grandchild. The next of kin of an individual entitled to a service medal may make application to the Director of Military Personnel, Headquarters United States Air Force, Washington 25, D. C., Attention: Awards Branch, stating the name, rank, and serial number of the individual.

§ 878.66 *United States service awards.* Service medals, ribbons, and devices are also awarded by the United States Army, Navy, Marine Corps, and Coast Guard. Such awards are made in conformance with the regulations of the awarding authority and §§ 878.41 to 878.73 will not be construed to nullify them. Service medals awarded by agencies of the United States Government, other than those listed in this section, or by States and other jurisdictions subordinate to the Federal Government will not be worn on the uniform.

§ 878.67 *Foreign service awards.* Service awards tendered by foreign governments to an officer or airman may not be accepted or worn on the uniform. However, foreign service awards to a person who was, at the time the award was earned, a member of the armed forces of a friendly foreign power, may be worn on the Air Force uniform provided that prior approval is obtained from the Department of the Air Force. Requests for permission to wear such awards should be addressed to the Director of Military Personnel, Headquarters, USAF, Attention: Personnel Services Division, Washington 25, D. C., and will include any evidence of the award that the recipient may possess. This section does not apply to the Philippine service awards.

§ 878.68 *Method of award*—(a) *When an award is considered as being made to a person.* The award is construed as being made to a person when the appropriate entry is made in the person's records. This should be distinguished from presentation of the award which may be made later.

(b) *By whom made.* Awards of service medals, ribbons, and devices will be made by the commander having custody of the personnel records of members of the Air Force on active duty and members of the Reserve components, causing an appropriate entry to be made in a person's records upon receipt of general orders or other appropriate authority announcing the award, or upon determination that a person meets the requirements for an award.

(c) *Presentation at official ceremony.* Presentation of service awards at an official ceremony is not required, but may be arranged at the discretion of individual commanders.

§ 878.69 *Method of wearing*—(a) *Service medals and ribbons.* Service medals and ribbons are worn from the wearer's right to left and immediately above the pocket on the left breast in one or more lines.

(b) *United States service medals and ribbons.* United States service medals and ribbons are worn following all United States decorations in the following manner:

(1) The Good Conduct Medal is worn immediately following United States decorations.

(2) All other United States service awards follow in the order in which earned (not the date of entry in the records or date upon which the service award is established, but the date upon which the person becomes eligible for the award). For example, the National Defense Service Medal was not established until April 22, 1953, but all personnel upon active duty as of June 27, 1950, becomes entitled to the award as of June 27, 1950. Therefore, the National Defense Service Medal will be worn preceding the Korean Service Medal. The only exception to this rule is the Armed Forces Reserve Medal which is always worn following all other United States service awards.

(3) Philippine service ribbons are worn following United States service awards.

(c) *United Nations Service Medal.* The United Nations Service Medal is worn immediately following all foreign decorations, if any, otherwise, immediately following all United States service awards and Philippine service ribbons.

(d) *Foreign service awards.* Foreign service awards, as authorized, in § 878.67, are worn immediately following any foreign decorations or immediately following United States service medals and or United Nations Service Medal should the person concerned not have any foreign decorations. Foreign service medals are worn in the order earned or in the manner prescribed by the foreign nation awarding the medals. At least one United States decoration or service award must be worn at the same time that a foreign award is worn.

§ 878.70 *Supply and replacement.* Air Forces service medals, ribbon bars, lapel buttons, and other devices are supplied by requisition through normal supply channels. Replacements for medals and appurtenances lost or destroyed through no fault or neglect on the part of the person to whom awarded, will be replaced without charge to members of the Air Force on active duty and members of the Reserve components and to other qualified persons at cost price.

§ 878.71 *Exhibition.* Applications from public institutions for samples of service medals and appurtenances for exhibition purposes may be addressed to the Director of Military Personnel, Headquarters USAF, Washington 25, D. C., for approval by the Secretary of the Air Force. The cost of the medals and appurtenances, plus transportation, packing charges, and the engraving of each medal with the words "Display only" will be borne by the purchaser.

§ 878.72 *Manufacture, sale, and possession.* By law, the manufacture, sale, and possession or the pictorial representation, in regulation size, of the likeness of any Air Force decoration, medal or device, United States or foreign, is prohibited unless authorized by the Department of the Air Force.

[sec. 1, 62 Stat. 732; as amended; 18 U. S. C. 704]

§ 878.73 *Miscellaneous.* (a) Medals and ribbons for service differ from decorations in design and requirements for award. Service medals, in design, are usually circular with pictorial relief.

(b) Only one award of a specific United States service medal or Philippine service award will be made to the same person. Devices will be awarded to persons to denote additional awards in those instances specified in §§ 878.41 to 878.73.

(c) Service awards are not made to civilians or foreign persons, unless otherwise specified.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-2407; Filed, Apr. 2, 1954; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 4—CHARGES FOR CERTIFICATIONS OR VALIDATIONS AND AFFIXING DEPARTMENT SEAL

Pursuant to the provisions of 56 Stat. 1067 (5 U. S. C. 606) and Bureau of the Budget Circular A–28, dated January 23, 1954, notice is hereby given of revised fees for certification or validation of documents with and without the Department of Commerce seal.

§ 4.1 *Charges for certifications or validations and affixing Department seal.* Effective April 1, 1954, and except when otherwise provided by statute, the charge for each certification or validation shall be 25 cents; and where the seal is affixed, the charge shall be 50 cents for each instance, without additional charge for certification or validation.

(56 Stat. 1067; 5 U. S. C. 606)

Insofar as the Administrative Procedure Act may be applicable: Because of the nature of this notice, I find, for good cause shown, that it would be impracticable and unnecessary, and no good reason would be served to give preliminary notice, engage in public rule-making procedure or postpone the effective date hereof.

[SEAL] ROBERT B. MURRAY, Jr.,
Acting Secretary of Commerce.

[F. R. Doc. 54-2417; Filed, Mar. 31, 1954; 4:55 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

FEDERAL AID AREAS

EDITORIAL NOTE: For order affecting the tabulation in § 17.7, see Public Land Order 949 in the Appendix to Title 43, Chapter I, issue of April 2, 1954, 19 F. R. 1822. This order revokes Executive Order 8622 of December 27, 1940, which established the Squaw Creek Antelope Range and Wildlife Refuge in the State of Washington.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 29, 39]

COMPENSATION OF MEMBERS OF THE ARMED FORCES AND DEFINITION OF DEPENDENT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) and 118 (26 CFR Part 39) to sections 1 and 3 of Public Law 213 (83d Cong.), approved August 7, 1953, relating to the extension of the applicable period of section 22 (b) (13) of the Internal Revenue Code and to the definition of dependent, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.25–1 the following:

PUBLIC LAW 213, 83D CONGRESS
APPROVED AUGUST 7, 1953

• • • • • •

SEC. 3. (a) That the third sentence of section 25 (b) (3) of the Internal Revenue Code, relating to the definition of dependent, is amended to read as follows: "For the purposes of determining whether any of the foregoing relationships exist (1) a legally adopted child of a person or (2) a child for which petition for adoption was filed by a person in the appropriate court and denied because of mental incapacity of surviving natural parent to agree to such adoption, shall be considered a child of such person by blood."

(b) The provisions of subsection (a) shall be applicable to taxable years beginning after December 31, 1945.

PAR. 2. Section 29.25–3, as amended by Treasury Decision 5993, approved February 18, 1953, is further amended as follows:

a. By inserting after the eighth sentence of paragraph (b) the following: "See paragraph (d) (5) of this section."

b. By inserting at the end of paragraph (c) the following: "In addition, a child for which petition for adoption was filed by a person in the appropriate court and denied because of the mental incapacity of the surviving natural parent to agree to such adoption shall be considered a child of such person by blood. See paragraph (d) (5) of this section."

c. By deleting the sixth sentence of paragraph (d) (5) and by inserting in lieu thereof the following: "A legally adopted child of a person, or a child for which petition for adoption has been filed by a person in the appropriate court and denied because of the mental incapacity of the surviving natural parent to agree to such adoption, shall be considered to become a child of such person by blood as of the date on which the decree for adoption is issued, or the petition for adoption is denied because of the mental incapacity of the surviving natural parent to agree to such adoption. For the purposes of this section a decree of adoption includes an interlocutory decree of adoption, only if under the applicable State law the legal effect of such decree is to declare the child for all intents and purposes to be the child of the person so adopting. For example, during 1948 a calendar year taxpayer furnished the chief support of a child, who had less than $600 of gross income for that year. A decree of adoption with respect to that child was issued in December 1948. The taxpayer is entitled to an exemption on behalf of the child for the taxable year 1948, provided the other requirements of this paragraph, such as citizenship or residence of the dependent, are met. On the other hand, if the decree was issued in January 1949, no exemption with respect to the child would be allowable to the taxpayer for the taxable year 1948. Similarly, if the petition for adoption was denied in December 1948, because of the mental incapacity of the surviving natural parent to agree to such adoption, the taxpayer would be entitled to an exemption on behalf of the child for the taxable year 1948, provided the requirements of this paragraph are otherwise met. On the other hand, if such a petition was denied in January 1949, no exemption would be allowable to the taxpayer with respect to the child for the taxable year 1948."

PAR. 3. There is inserted immediately preceding § 39.22 (b) (13)–1 the following:

PUBLIC LAW 213, 83D CONGRESS
APPROVED AUGUST 7, 1953

• • • section 22 (b) (13) of the Internal Revenue Code (relating to exclusion from gross income of compensation of certain members of the Armed Forces) is hereby amended by striking out "January 1, 1954" wherever it appears therein and inserting in lieu thereof "January 1, 1955".

• • • • • •

PAR. 4. Section 39.22 (b) (13)–1 is amended as follows:

a. By striking from the heading and from the section the date "January 1,

1954" wherever it appears, and by inserting in lieu thereof "January 1, 1955".

b. By striking from the second sentence of paragraph (b) the parenthetical phrase "(including a year after 1953)" and by inserting in lieu thereof "(including a year after 1954)".

PAR. 5. There is inserted immediately preceding § 39.25–1 the following:

PUBLIC LAW 213, 83D CONGRESS
APPROVED AUGUST 7, 1953

* * * * *

SEC. 2. (a) That the third sentence of section 25 (b) (3) of the Internal Revenue Code, relating to the definition of dependent, is amended to read as follows: "For the purposes of determining whether any of the foregoing relationships exist (1) a legally adopted child of a person or (2) a child for which petition for adoption was filed by a person in the appropriate court and denied because of mental incapacity of surviving natural parent to agree to such adoption, shall be considered a child of such person by blood."

PAR. 6. Section 39.25–2 is amended as follows:

a. By inserting immediately preceding the first sentence of paragraph (e) the numeral "(1)".

b. By striking the sixth sentence of paragraph (e) (1), as so designated above, and by inserting in lieu thereof the following: "A legally adopted child of a person, or a child for which petition for adoption has been filed by a person in the appropriate court and denied because of the mental incapacity of the surviving natural parent to agree to such adoption, shall be considered to become a child of such person by blood as of the date on which the decree for adoption is issued, or the petition for adoption is denied because of the mental incapacity of the surviving natural parent to agree to such adoption. For the purposes of this section a decree of adoption includes an interlocutory decree of adoption, only if under the applicable State law the legal effect of such degree is to declare the child for all intents and purposes to be the child of the person so adopting. For example, during 1952 a calendar year taxpayer furnished the chief support of a child who had less than $600 of gross income for that year. A decree of adoption with respect to that child was issued in December 1952. The taxpayer is entitled to an exemption on behalf of the child for the taxable year 1952, provided the other requirements of this paragraph, such as citizenship or residence of the dependent, are met. On the other hand, if the decree was issued in January 1953, no exemption with respect to the child would be allowable to the taxpayer for the taxable year 1952. Similarly, if the petition for adoption was denied in December 1952, because of the mental incapacity of the surviving natural parent to agree to such adoption, the taxpayer would be entitled to an exemption on behalf of the child for the taxable year 1952, provided the requirements of this paragraph are otherwise met. On the other hand, if such a petition was denied in January 1953, no exemption would be allowable to the taxpayer with respect to the child for the taxable year 1952."

[F. R. Doc. 54–2425; Filed, Apr. 2, 1954; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED PEAS

FURTHER EXTENSION OF TIME FOR FILING COMMENTS WITH RESPECT TO U. S. STANDARDS FOR GRADES

Proposed revised United States Standards for Grades of Canned Peas were set forth in the notice which was published in the FEDERAL REGISTER of January 1, 1954 (19 F. R. 13).

In consideration of comments and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of a further extension until February 1, 1955, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed revision of the United States Standards for Grades of Canned Peas.

Dated: March 30, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54–2370; Filed, Apr. 2, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 141–148]

[Ex Parte No. 192]

TARIFFS AND SCHEDULES

FILING OF REDUCED RATE QUOTATIONS BY CARRIERS OF PROPERTY OR PERSONS AND CERTAIN PROCEDURAL MATTERS WITH RESPECT THERETO; EXTENSION OF DATE FOR FILING PROTESTS

MARCH 29, 1954.

Special rule or regulation governing filing of reduced rate quotations by carriers of property or persons under sections 6, 20 (1), 22, 217 (a), 217 (b), 220 (a), 306 (a), 306 (c), 313 (a), 405 (a), 405 (c), and 412 (a) of the Interstate Commerce Act, and certain procedural matters with respect thereto.

By notice of proposed rule-making, dated March 15, 1954 (published in the FEDERAL REGISTER as of March 24, 1954), which has been given the Ex Parte number and short title designated above, it was provided that protests against the adoption of the rule and requests for a public hearing as specified in the notice, shall be filed with the Commission within 30 days after the date of such publication in the FEDERAL REGISTER (April 23, 1954).

By joint letter dated March 25, 1954, Chairman E. V. Hill, Traffic Executive Association-Eastern Railroads, Chairman J. G. Kerr, Southern Freight Association, and Chairman H. C. Barron, Executive Committee-Western Traffic Association, request an extension of time to May 23, 1954, for filing such protests and requests to afford additional time for group meetings of the railroads concerned to consider the proposed rule and to give consideration to the matters involved.

Upon consideration of the request, the time for filing protests against the adoption of the proposed rule and for requests for a public hearing as specified in the notice is hereby extended to May 23, 1954.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–2420; Filed, Apr. 2, 1954; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10905]

TELEVISION BROADCAST STATIONS

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS WITH RESPECT TO TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations, Docket No. 10905

1. On February 11, 1954, the Commission issued a notice of proposed rule making (FCC 54–184) in the above-entitled matter which specified that comments were to be filed on or before March 15, 1954. Mr. Ed Craney, on behalf of the Pacific Northwest Broadcasters, has requested an extension of time for filing comments until May 1, 1954. Mr. Craney states that investigations are being conducted concerning the suitability of sites for serving the general area and requests that this information be filed before the Commission makes a decision in this matter.

2. It is our view that no showing has been made that warrants an extension of time for filing comments beyond April 12, 1954. Accordingly, notice is hereby given that the time for filing comments in the above-entitled matter is extended to April 12, 1954, and the time for filing replies to these comments is extended to April 22, 1954.

Adopted: March 29, 1954.

Released: March 31, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–2432; Filed, Apr. 2, 1954; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 275, 279]

FORM OF APPLICATION FOR REGISTRATION AS INVESTMENT ADVISER

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Form ADV as the form of application for registration as investment adviser, as the form to amend such an application, and to amend §§ 275.203–1 and 275.204–1 (Rules R-203–1 and R-204–1), applicable thereto. The proposal also contemplates the rescission of Forms 1-R, 2-R, and 3-R (17 CFR 279.1, 279.2, and 279.3) now used in connection with investment adviser registration, and § 275.203–2 (Rule R-203–2). The action would be taken pursuant to the Investment Advisers Act of 1940, particularly sections 203 (c), and 211 (a) thereof.

The above proposals are being considered by the Commission in connection with its comprehensive review of its rules, regulations, forms, and procedures in order to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors.

Under existing requirements the principal form of application for registration as an investment adviser is Form 1-R. This is a 20-page application requiring much information which the Commission no longer considers necessary although it may have served other administrative purposes at one time or another.

As will be seen from the copy of the proposed Form ADV [1] attached hereto it would be a 6-page form containing 15 items generally limited to information concerning the identity of the registrant, its principals, and other person exercising a controlling influence over it; the business and professional connections of all such persons for the past 10 years; specific information with respect to whether the registrant or any of the persons mentioned is subject to any disqualification under section 203 (d) of the act; and information concerning the general nature and scope of the investment adviser's business.

WAYS IN WHICH FORM ADV WOULD BE USED

Form ADV would be used for the following purposes:

1. *As an application for registration of an investment adviser.* For this purpose, category A on page 1 of the form would be checked. The instructions under category A provide that if (1) the investment adviser filing an application is a partnership succeeding to and continuing the business of another investment-adviser partnership registered when the application is filed and (2) the predecessor partnership has filed its application (or supplement) on Form ADV, then the registrant need furnish only such information as is necessary to bring the information previously filed by the predecessor up to date.

2. *To amend an application for registration.* When the form is used for this purpose category B would be checked. The instructions specifically state that when the form is used for this purpose only the corrected information should be furnished.

3. *As a supplement to an application for registration filed on any other form.* There are now approximately 1,100 registered investment advisers who have furnished the information required by Form 1-R. Under existing rules this information must be kept current by semiannual reports. It is felt that when a new simplified form is adopted, all investment advisers (those previously registered and those who become registered on the new form) should be subject to the same simplified requirements.

It appears that the most reasonable and practical way to accomplish this is to provide that all investment advisers whose application has been filed on any form other than Form ADV shall file, as a "supplement" to such application, the information required by Form ADV so that thereafter amendments need apply only to the information in Form ADV. This supplement would have to be filed when any information in the old application becomes inaccurate, but in any event not later than December 31, 1954. Once the investment adviser has filed Form ADV, he would have to file only such amendments as are necessary to keep current the limited information in Form ADV.

PROPOSED RULE REVISIONS

The proposal contemplates that the following rules would be adopted as "amendments" to the existing rules of the same number.

§ 275.203–1 *Application for registration of investment adviser.* (a) An application for registration of an investment adviser filed pursuant to section 203 (c) or 203 (f) of the act, shall be filed on Form ADV in accordance with the instructions contained therein.

(b) A Form ADV filed by an investment adviser partnership which is not registered when such form is filed and which succeeds to and continues the business of a predecessor partnership registered as an investment adviser shall be deemed to be an application for registration even though designated as an amendment if it is filed to reflect the changes in the partnership and to furnish required information concerning any new partners.

§ 275.204–1 *Supplement and amendments to applications*—(a) *Supplement.* Every investment adviser whose registration is effective on July 1, 1954, or whose application for registration is pending on that date, shall file a supplement on Form ADV not later than December 31, 1954: *Provided, however,* That if any information in the application for registration, as amended, is or becomes inaccurate for any reason prior to December 31, 1954, such supplement on Form ADV shall be filed when such information is or becomes inaccurate.

(b) *Amendment.* If the information contained in any application filed on Form ADV for registration of an investment adviser, or in the supplement filed on Form ADV required under paragraph (a) of this section, becomes inaccurate for any reason, the investment adviser shall promptly file an amendment on Form ADV correcting such information.

(c) *Report.* Every supplement and amendment filed by a registered investment adviser under this section shall constitute a "report" within the meaning of section 207 of the act.

The above rules will be understood from the preceding discussion. Some further explanation should be made with respect to § 275.203–1 (b) (Rule R-203–1 (b)) however. Sometimes it is difficult to determine under applicable local law whether the death, withdrawal or admission of a partner effects a dissolution of the old partnership, or sometimes a change of partners technically effects a dissolution but the firm inadvertently files an amendment to report the change when it should file a new application. Paragraph (b) of the section should eliminate the effect of such mistakes. Under the proposed rule, if the form is filed to reflect the change of partners and to furnish the information required concerning any new partners, the firm will have the same protection whether the form is designated as an amendment or an application.

The present § 275.203–2 (Rule R-203–2) would be rescinded, but § 275.203–3 (Rule R-203–3) which provides for withdrawal from registration would stand without modification.

The Commission invites comments and suggestions on these proposals from all interested persons. Comments and suggestions shpuld be submitted in writing to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before May 10, 1954. Unless the person submitting any such comments or suggestions requests in writing that they be held confidential, they will be public records available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 31, 1954.

[F. R. Doc. 54–2412; Filed, Apr. 2, 1954; 8:47 a. m.]

[1] Filed as part of the original document.

[17 CFR Part 275]

CONSENT TO SERVICE OF PROCESS TO BE FURNISHED BY NON-RESIDENT INVESTMENT ADVISERS AND BY NON-RESIDENT GENERAL PARTNERS OF MANAGING AGENTS OF INVESTMENT ADVISERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule which would require each nonresident investment adviser registered or applying for registration and each nonresident general partner or "managing agent" of an unincorporated investment adviser registered or applying for registration to file a written irrevocable consent and power of attorney appointing the Commission as agent to receive process, pleadings and other papers in any civil suit or action, where the cause of action (1) accrues on or after the effective date of the rule, (2) arises out of any activity, in any place subject to the jurisdiction of the United States, occurring in connection with the conduct of business of an investment adviser and (3) is founded, directly or indirectly, upon the provisions of the Investment Advisers Act of 1940, the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or any rule or regulation under any of said acts.

The rule would provide that service shall be made on the Commission by delivering the requisite number of copies to the Secretary of the Commission or to such other person as the Commission may authorize to act in its behalf, and it would also provide that a copy shall be forwarded by the Commission promptly to the appropriate defendants at their last address of record filed with the Commission.

Applicable provisions of the various acts administered by the Commission authorize it to institute injunctive actions in cases involving violations of the respective acts, and violations of provisions of these acts may result in civil liabilities. The statutes contain broad venue provisions for suits or actions brought to enforce liabilities or duties created thereunder and the service of process provisions are also broad. As a practical matter, however, rights arising because of violations of these acts may prove unenforceable against non-resident investment advisers or non-resident partners who should be joined as parties where it is impossible to obtain service upon such persons. The proposed rule is intended to give full effect to the provisions of the acts mentioned and to preserve for and afford to the Commission and others the same opportunity to enforce rights or duties against such persons as they have in the case of resident investment advisers and resident partners of such firms.

The proposed rule would read as follows:

§ 275.— *Consent to service of process to be furnished by non-resident investment advisers and by non-resident general partners or managing agents of investment advisers.* (a) Each non-resident investment adviser registered or applying for registration pursuant to section 203 (c) of the Investment Advisers Act of 1940, each non-resident general partner of an investment adviser partnership which is registered or applying for registration, and each non-resident managing agent of any other unincorporated investment adviser which is registered or applying for registration, shall furnish to the Commission, in a form prescribed by or acceptable to it, a written irrevocable consent and power of attorney which (i) designates the Securities and Exchange Commission as an agent upon whom may be served any process, pleadings, or other papers in any civil suit or action brought in any appropriate court in any place subject to the jurisdiction of the United States, where the cause of action (i) accrues on or after the effective date of this section, (ii) arises out of any activity, in any place subject to the jurisdiction of the United States, occurring in connection with the conduct of business of an investment adviser, and (iii) is founded, directly or indirectly, upon the provisions of the Investment Advisers Act of 1940, the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or any rule or regulation under any of said Acts; and (2) stipulates and agrees that any such civil suit or action may be commenced by the service of process upon the Commission and the forwarding of a copy thereof as provided in paragraph (c) of this section, and that the service as aforesaid of any such process, pleadings, or other papers upon the Commission shall be taken and held in all courts to be as valid and binding as if due personal service thereof had been made.

(b) The required consent and power of attorney shall be furnished to the Commission within the following period of time:

(1) Each non-resident investment adviser registered at the time this section become effective, and each non-resident general partner or managing agent of an unincorporated investment adviser registered at the time this section becomes effective, shall furnish such consent and power of attorney within 60 after such date:

(2) Each investment adviser applying for registration after the effective date of this section shall furnish, at the time of filing such application, all the consents and powers of attorney required to be furnished by such investment adviser and by each general partner or managing agent thereof: *Provided, however,* That where an application for registration of an investment adviser is pending at the time this rule becomes effective such consents and powers of attorney shall be furnished within 30 days after this section becomes effective.

(3) Each investment adviser registered or applying for registration who or which becomes a non-resident investment adviser after the effective date of this section, and each general partner or managing agent, of an unincorporated investment adviser registered or applying for registration, who becomes a non-resident after the effective date of this section shall furnish such consent and power of attorney within 30 days thereafter.

(c) Service of any process, pleadings or other papers on the Commission under this section shall be made by delivering the requisite number of copies thereof to the Secretary of the Commission or to such other person as the Commission may authorize to act in its behalf. Whenever any process, pleadings or other papers as aforesaid are served upon the Commission, it shall promptly forward a copy thereof by registered mail to the appropriate defendants at their last address of record filed with the Commission. The Commission shall be furnished a sufficient number of copies for such purpose, and one copy for its file

(d) For purposes of this section the following definitions shall apply:

(1) The term "investment adviser" shall have the meaning set out in section 202 (a) (11) of the Investment Advisers Act of 1940.

(2) The term "managing agent" shall mean any person, including a trustee, who directs or manages or who participates in the directing or managing of the affairs of any unincorporated organization or association which is not a partnership.

(3) The term "non-resident investment adviser" shall mean (i) in the case of an individual, one who resides in or has his principal place of business in any place not subject to the jurisdiction of the United States; (ii) in the case of a corporation, one incorporated in or having its principal place of business in any place not subject to the jurisdiction of the United States; (iii) in the case of a partnership or other unincorporated organization or association, one having its principal place of business in any place not subject to the jurisdiction of the United States.

(4) A general partner or managing agent of an investment adviser shall be deemed to be a nonresident if he resides in any place not subject to the jurisdiction of the United States.

The rule would be adopted by the Commission pursuant to authority conferred upon it by the Investment Advisers Act of 1940, particularly section 211 (a) thereof, the Securities Exchange Act of 1934, particularly section 23 (a) thereof, the Securities Act of 1933, particularly section 19 (a) thereof, the Trust Indenture Act of 1939, particularly section 319 (a) thereof, and the Investment Company Act of 1940, particularly section 38 (a) thereof. If this rule is adopted, the forms for consent to service by nonresident advisers will be substantially the same as the forms prescribed for consent to service by nonresident brokers and dealers.

The Commission invites comments and suggestions on the proposed regulation from all interested persons. Comments and suggestions should be submitted in writing to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before May 10, 1954. Unless the person submitting any such comments and suggestions requests in writing that they be held confidential, they will be public records available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 31, 1954.

[F. R. Doc. 54-2413; Filed, Apr. 2, 1954; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

RESTORATION ORDER NO. 4, UNDER FEDERAL POWER ACT

MARCH 26, 1954.

Pursuant to the following-listed determination of the Federal Power Commission, and in accordance with section 2.23 (a) (4) of Order No. 427, approved by the Secretary of the Interior August 18, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights, the lands in Alaska, hereinafter described, so far as they are withdrawn for power purposes, are hereby opened to disposition under the public land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended, and subject to the stipulation that the United States, its permittees or licensees shall not be liable for any damages to improvements or structures placed thereon resulting from the construction, operation or maintenance of any power project works authorized by the United States.

Determinations No.	Dates and types of withdrawals	Type of restoration
A-[illegible] Fred A. Henton. A-[illegible] Chester D. Moore. A-[illegible] Harold W. Wilson et al.	Power Site Reserve No. 119 of Dec. 9th, 1929. Power Site Classification No. 409 of June 29, 1950.	Under the applicable public land laws.

Land Description, Seward Meridian, U. S. Survey No. 3037, U. S. Survey No. 2527, Lots 2 and 3, U. S. Survey No. 2523, Lot 2, "together with all other land not specifically described but which remains withdrawn for Project No. 119, or reserved in Power Site Classification No. 409 and as to those lands lying between mean low-water stage in Kenai Lake and an elevation 6 feet above said mean low-water stage."

This order shall not become effective until 10:00 a. m. on the 35th day after the date of this order. At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead (or where surveyed the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 268a) as amended), home or headquarters site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 54-2416; Filed, Apr. 2, 1954; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 754]

MEMBER LINES OF NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE AND ISBRANDTSEN CO., INC.

NOTICE OF HEARING

In the matter of the statement of the member lines of the North Atlantic Continental Freight Conference filed under General Order 76.

At a session of the Federal Maritime Board, held at its office in Washington, D. C., on the 30th day of March A. D. 1954, a certain order was entered in the above entitled cause which reads as follows:

It appearing, that pursuant to § 236.3 of General Order 76 (17 F. R. 10175, Nov. 1, 1952) the members of the North Atlantic Continental Freight Conference on February 25, 1954, filed with the Federal Maritime Board a statement alleging that the Conference proposed the initiatipn in the trade from United States North Atlantic ports to ports in Belgium, Holland, and Germany of certain contract /non-contract rates to become effective April 1, 1954, and stating that the amount of the spread or differential was 10 percent below tariff commodity rates, and stating the reasons for the use of contract /non-contract rates in the particular trade involved, and the basis for the spread or differential between such rates, accompanied by a copy of the form of Merchants' Rate Agreement to be used in connection with the proposed contract rates; and

It further appearing, that a notice of the filing of such statement by the Conference was published in the FEDERAL REGISTER on March 3, 1954 (19 F. R. 1189), pursuant to § 236.6 of General Order 76; and

It further appearing, that Isbrandtsen Company, Inc. filed Comments with supporting affidavit alleging, among other things, that the Statement of the Conference does not comply with the requirements of General Order 76, and that the institution of the proposed contract/noncontract rates in said trade would cause Isbrandtsen Company, Inc. irreparable damage, and requesting a hearing on said Comments, and postponement of initiation of said contract, noncontract rates pending such hearing and pending completion of court review of the Report of the Board dated January 6, 1954, in Docket No. 724, and pending hearing and determination of the Board in Docket No. 725, and until after the filing by the Conference and approval by the Board under section 15 of the Shipping Act, 1916, as amended, of the proposed contract/noncontract rates; and

It further appearing, that the Department of Justice filed Objections and the Secretary of Agriculture and counsel for the Board filed Comments with respect to the proposed rates; and

The Board having heard oral argument from counsel for the Conference

and the various parties above mentioned with respect to the requests of Isbrandtsen and other parties that the Board direct the Conference not to initiate the proposed contract/noncontract rates on April 1, 1954, and the Board having considered the foregoing Statement, Comments, and all papers and documents relating thereto, and the argument of counsel for the several parties; and

It appearing, that there is doubt as to whether aspects of the contract, noncontract rates, other than the amount of the proposed spread or differential between said rates, may be unjustly discriminatory or otherwise in violation of the Shipping Act, 1916, as amended,

It is ordered, That the North Atlantic Continental Freight Conference hold its proposed contract/non-contract rates in abeyance until the Board's further direction and file assurance of compliance herewith with the Board not later than the close of business April 1, 1954; and

It is further ordered, That the requests of the Department of Justice and the Secretary of Agriculture and of Isbrandtsen Company, Inc. for hearing on such objections and comments be granted, and

It is further ordered, That such hearing be held together with the hearing set down in Docket No. 725.

Dated: March 31, 1954.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 54-2426; Filed, Apr. 2, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3216]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS POWER & LIGHT CO.

ORDER REGARDING PROPOSED SALE OF SECURITIES BY SUBSIDIARY TO PARENT HOLDING COMPANY

MARCH 30, 1954.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its electric-utility subsidiary, Arkansas Power & Light Company ("Arkansas"), having filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly sections 6 (b), 9 (a), 10 and 12 (f) thereof and Rules U-23 and U-43 thereunder with respect to proposed transactions, which are summarized as follows:

Arkansas has authorized 5,000,000 shares of Common Stock, of which 4,420,000 shares, having a par value of $12.50 per share, are outstanding. All of such outstanding shares are owned by Middle South. Arkansas proposes to issue and sell to Middle South, and Middle South proposes to acquire, an aggregate of 240,000 additional shares of Arkansas' said Common Stock, the purchase price to be the par value of such stock. The aggregate purchase price for such 240,000 shares of Common Stock will be $3,000,000 (the effect of such transaction being to increase the cash account of Arkansas by $3,000,000 and its common capital stock account by $3,000,000) and the cash so received by Arkansas will be employed by it primarily for the purpose of financing in part its business as a public utility, as indicated below.

Arkansas is now actively engaged in an extensive program for the acquisition and construction of new facilities and for the extension and improvement of its present facilities. The present and estimated future demands for service by Arkansas in its service area indicate that such program will require funds in excess of treasury funds available for the purpose. The $3,000,000 to be provided by the issuance and sale of said Common Stock will not provide all the funds needed to complete such program. Such additional funds as may be required will be raised through the sale of such other securities as may be appropriate, which will be the subject of further applications in connection with its financing program.

The Arkansas Public Service Commission has issued an order authorizing the issuance and delivery to Middle South of the 240,000 shares of Common Stock.

Middle South and Arkansas have requested that the Commission's order herein become effective forthwith upon issuance. No special or separate expenses are anticipated in connection with the proposed transactions excepting taxes and minor incidental expenses.

Due notice having been given of the filing of said joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration should be granted and be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2411; Filed, Apr. 2, 1954; 8:46 a. m.]

[File No. 70-3224]

MARIETTA ELECTRIC CO. AND MONONGAHELA POWER CO.

NOTICE OF FILING OF APPLICATION-DECLARATION FOR ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

MARCH 30, 1954.

Notice is hereby given that Monongahela Power Company ("Monongahela"), a public-utility subsidiary of West Penn Electric Company, a registered holding company, and The Marietta Electric Company ("Marietta"), a public-utility subsidiary of Monongahela, have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6, 7, 9 (a), 10 and 12 (f) thereof and Rules U-43 and U-50 (a) (4) of the rules and regulations promulgated thereunder as being applicable to proposed transactions which are summarized as follows:

Marietta proposes to issue and sell 4,500 shares of its authorized and unissued capital stock, par value $100 per share, and Monongahela proposes to acquire such shares for a cash consideration of $450,000, the aggregate par value thereof.

Monongahela now owns all of the outstanding capital stock of Marietta, consisting of 8,000 shares of capital stock, par value $100 per share. In addition, Marietta is indebted to Monongahela for open account advances in the amount of $200,000. The outstanding shares of capital stock of Marietta are pledged under the Indenture of Monongahela dated as of August 1, 1945, as supplemented, securing its First Mortgage Bonds. The additional shares of capital stock of Marietta proposed to be acquired by Monongahela will be pledged under said Indenture in accordance with the requirements thereof.

Marietta proposes to use the proceeds from the sale of such additional shares of capital stock to pay its indebtedness to Monongahela and for the construction, completion, extension or improvement of its electric facilities in Ohio.

It is stated that the sale of said stock by Marietta is subject to the jurisdiction of The Public Utilities Commission of Ohio and that the acquisition thereof by Monongahela is subject to the jurisdiction of the Public Service Commission of West Virginia. The estimated expenses involved in the proposed transactions will be nominal, consisting chiefly of United States Documentary Tax Stamps and miscellaneous expenses estimated in total at less than $900.

Applicants-declarants request that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than April 14, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 14, 1954, such joint application-declaration as filed or as amended, may be granted, or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions

as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2408; Filed, Apr. 2, 1954; 8:45 a. m.]

[File No. 70-3225]

COLUMBIA GAS SYSTEM, INC., AND CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

MARCH 30, 1954.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and one of its wholly owned subsidiary companies, Central Kentucky Natural Gas Company ("Central Kentucky"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 and 10 of the act and Rule U-50 (a) (3) as applicable to the proposed transactions which are summarized as follows:

Central Kentucky proposes to increase its authorized common stock, $25 par value, from 300,000 to 360,000 shares and to issue and sell to Columbia 37,861 shares of such stock at a price equivalent to the par value thereof.

Central Kentucky also proposes to issue and sell to Columbia $1,053,475 principal amount of __ percent Installment Promissory Notes at a price equivalent to the principal amount of such notes. The notes are to be registered and will be payable in 25 equal annual installments on February 15 of each of the years 1956 to 1980 inclusive. Interest on the unpaid principal mount of the notes is to be payable semi-annually on February 15 and August 15 at the rate of 4 percent per annum or such lower rate, being a multiple of ⅛ of 1 percent, as shall be not less than the "cost of money" to Columbia in respect of its next sale of Senior Debentures. It is Columbia's present intention to sell Senior Debentures later this year and during the interim period the proposed installment notes will carry interest at the rate of 4 percent per anum subject, however, to an adjustment in the rate following the sale of Senior Debentures.

It is anticipated that Central Kentucky will first issue and sell its common stock when and as funds are required by it up to a maximum amount of $946,525 and thereafter Central Kentucky will sell its installment notes to Columbia up to a maximum amount of $1,053,475. However, none of the common stock or installment notes will be sold or purchased subsequent to March 31, 1955.

According to the filing, the financing is for the purpose of supplying Central Kentucky with funds which are urgently needed in connection with its 1954 construction program involving estimated expenditures of $2,085,200 for transmission and distribution lines, compressor stations, and other facilities.

The estimated fees and expenses aggregate $2,650 of which $2,200 is attributable to the Federal original issue tax.

Central Kentucky has applied to the Public Service Commission of Kentucky for approval of the proposed issuance and sale of common stock and notes.

Notice is further given that any interested person may, not later than April 14, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 14, 1954, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the Act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2410; Filed, Apr. 2, 1954; 8:46 a. m.]

[File No. 70-3226]

WEST PENN POWER CO.

NOTICE OF FILING REGARDING ISSUE AND SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

MARCH 30, 1954.

Notice is hereby given that West Penn Power Company, a registered holding company and a public-utility company and a subsidiary company of The West Penn Electric Company, also a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating the third sentence of section 6 (b) of the act, and Rule U-50 promulgated thereunder, as applicable to the proposed transactions, which are summarized as follows:

The Company proposes to issue and sell for cash after competitive bidding pursuant to Rule U-50, $12,000,000 principal amount of its First Mortgage Bonds, Series P.

The net proceeds from the sale of the Series P Bonds are to be used by the Company for the construction of property additions and improvements.

The Series P Bonds are to be issued under the Indenture dated March 1, 1916, as amended and supplemented, between the Company and The Chase National Bank of the City of New York, as Trustee, and an indenture supplemental thereto to be dated as of April 1, 1954; are to be dated as of March 1, 1916 (as required by the Indenture); and are to mature on April 1, 1984. The price to the Company for the bonds (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) and the coupon rate (which shall be a multiple of ¼ percent will be determined by the competitive bidding.

The application states that the issue and sale of the bonds must be authorized by the Pennsylvania Public Utility Commission, the State commission of the State in which applicant is organized and doing business.

Notice is further given that any interested person may, not later than April 12, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 12, 1954, such application, as filed or as amended, may be permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2409; Filed, Apr. 2, 1954; 8:45 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Gen. Order 72]

REQUESTS FOR RELEASE AND AUTHENTICATION OF MATERIAL IN DEPARTMENTAL RECORDS

By virtue of and pursuant to the authority vested in me by the act of March 4, 1913 (37 Stat. 736, 5 U. S. C. 611), R. S. 161 (5 U. S. C. 22), and Reorganization Plan No. 6 of 1950 (15 F. R. 3174, 64 Stat. 1263, 5 U. S. C. 611, note), *It is hereby ordered:*

1. The Solicitor of Labor is authorized to perform the functions of the Secretary under § 2.9[1] of Part 2 of Title 29 of the Code of Federal Regulations, relating to requests for access to materials contained in Departmental records.

2. The Under Secretary and the Administrative Assistant Secretary are designated as Authentication Officers of the Department of Labor and each is authorized to perform the functions of such officer as described in § 2.10[2] of Part 2 of

[1] See Title 29, Subtitle A, Part 2, F. R. Doc. 54-2478, *supra*.

[2] See Title 29, Subtitle A, Part 2, F. R. Doc. 54-2476, *supra*.

Title 29 of the Code of Federal Regulations.

JAMES P. MITCHELL,
Secretary of Labor.

APRIL 1, 1954.

[F. R. Doc. 54-2477; Filed, Apr. 2, 1954; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10800, 10801]

BEACHVIEW BROADCASTING CORP. AND PORTSMOUTH RADIO CORP.

ORDER DELETING ISSUE

In re applications of Beachview Broadcasting Corporation, Norfolk, Virginia, Docket No. 10800, File No. BPCT-1605; Portsmouth Radio Corporation, Portsmouth, Virginia, Docket No. 10801, File No. BPCT-1750; for construction permits for new commercial television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of March 1954;

The Commission having under consideration a petition by Beachview Broadcasting Corporation filed December 24, 1953 seeking the deletion of an issue with respect to its technical qualifications, and a statement in support thereof filed on December 30, 1953 by the Chief of the Broadcast Bureau;

It appearing that in its order of December 9, 1953, designating the above-captioned applications for hearing, the Commission in Issue No. 6 therein proposed inquiry into whether the installation of the station proposed by Beachview would constitute a hazard to air navigation; and

It further appearing that in the instant petition Beachview Broadcasting Corporation seeks the deletion of the above-described issue and in support thereof has submitted a letter dated December 3, 1953 from the New York Regional Airspace Subcommittee of the Air Coordinating Committee to the effect that Beachview's proposed antenna will not constitute a hazard to air navigation and the Antenna Survey Branch of the Commission having been in agreement and the Commission having determined that the antenna as proposed by Beachview will not constitute a hazard to air navigation provided it is properly marked and lighted;

Accordingly, it is ordered, That the above-entitled petition by Beachview Broadcasting Corporation filed December 24, 1953 is granted: *And it is further ordered*, That Issue No. 6 of the Commission's order of December 9, 1953 in the above-entitled proceeding is deleted.

Released: March 30, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2430; Filed, Apr. 2, 1954; 8:52 a. m.]

[Change List 82]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

MARCH 24, 1954.

Notification under the provisions of Part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignment of Canadian Broadcast Stations modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call Letters	Location	Power kw	Antenna	Schedule	Class	Probable date to commence operation
		670 kilocycles				
CJEM	Edmundston, New Brunswick	1	DA-N	U	III	N in O.
		1080 kilocycles				
CHED	Edmonton, Alberta	1	DA-1	U	II	N in O.
		1250 kilocycles				
CKEC	New Glasgow, Nova Scotia	250	ND	U	IV	Assignment of call letters N in O.
		1300 kilocycles				
CBAF	Moncton, New Brunswick	5	DA-1	U	III	N in O.
		1340 kilocycles				
CKOM	Saskatoon, Saskatchewan	250	ND	U	IV	Delete assignment—vice 1420 kc.
		1360 kilocycles				
CKTR	Three Rivers, Province of Quebec.	1	DA-1	U	III	Assignment of call letters N in O.
		1380 kilocycles				
CJEM	Edmundston, New Brunswick	1	DA-1	U	III	Delete assignment—vice 670 kc.
		1420 kilocycles				
CKOM	Saskatoon, Saskatchewan	5	DA-N	U	III-A	N in O.
		1450 kilocycles				
CJMT	Chicoutimi, Province of Quebec.	250	ND	U	IV	Assignment of call letters N in O.
		1570 kilocycles				
CFOR	Orillia, Ontario	5kwD/1kwN	ND	U	II	Increase in day power. Expected to be operated Jan. 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2431; Filed, Apr. 2, 1954; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29077]

VARIOUS COMMODITIES FROM SOUTHERN TERRITORY TO SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

MARCH 31, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules shown in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in southern territory.

To: Points in southern and official territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2418; Filed, Apr. 2, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 66

Washington, Tuesday, April 6, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3049

CANCER CONTROL MONTH, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the disease of cancer takes the lives of nearly a quarter of a million of our citizens every year, many of whom are at the peak of their achievements; and

WHEREAS a democratic Nation which cherishes the life of the individual does not stand idly by in the face of such a challenge; and

WHEREAS the will of this Nation to conquer cancer has been well attested by the work of public and private agencies alike—work which must continue to enlist support and participation by all of us if this disease is to be controlled; and

WHEREAS the Congress, by a joint resolution approved March 28, 1938 (52 Stat. 148), authorized and requested the President to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the month of April 1954 as Cancer Control Month; and I invite the Governors of the States, Territories, and possessions of the United States to issue similar proclamations. I also urge the medical profession, the press, the radio, television, and motion-picture industries, and all interested agencies and individuals, to unite during the appointed month in public dedication to a program for the control of cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of March in the year of our Lord nineteen hundred and [SEAL] fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54-2544; Filed, Apr. 2, 1954; 1:32 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-403]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; CERTIFICATION AND OPERATION OF CERTAIN AIRPLANES FOR DEPARTMENT OF INTERIOR IN TRUST TERRITORY OF PACIFIC ISLANDS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of March 1954.

Special Civil Air Regulations SR-364 and SR-364A now permit Transocean Air Lines to operate PBY-5A airplanes in the Trust Territory of the Pacific Islands, pursuant to a contract with the Department of the Interior, at a maximum allowable weight of 30,000 pounds. This weight was permitted because of the unique operation being conducted, and the fact that all take-offs and landings are at sea level airports or seadromes and over routes which have few, if any, physical obstructions.

As a result of two and one-half years of continuous use and recurrent landings in salt water, the PBY's now require a major and extensive overhaul if they are to be continued in active service. In order to avoid the time and expense involved in such a program, the Department of the Interior has obtained three Grumman SA-16A airplanes from the

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 3, 1953 Supp. ($1.50)

Title 16 ($1.00)

Titles 22–23 ($1.00)

Title 24 ($0.75)

Previously announced: Title 8 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.45); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Air Force as replacements for the PBY's. SA–16A airplanes are of more modern design and construction than the PBY–5A's presently operated and appear to afford an over-all increase in the safety of this operation.

The Department of the Interior proposes that these airplanes be certificated in general in accordance with Part 4b and operated in accordance with Part 42 of the Civil Air Regulations. The Department has also stated that it is not practical to operate these airplanes at less than 29,000 pounds maximum allowable take-off weight and has requested the Board to waive certain provisions of the regulations to permit this. These airplanes were manufactured to military specifications without consideration of civil requirements, and strict compliance with the applicable regulations would prevent their use as desired. Therefore, as in the case of the PBY–5A's, it is necessary to waive certain portions of the certification and operation rules if the proposed use is to be approved. The armed services in operating these airplanes have achieved a satisfactory safety record at weights equal to and above the weight requested by the Department of the Interior. It is understood, however, that in order to comply as fully as practicable with the certification requirements of Part 4b, a number of modifications will be made to these airplanes.

In view of the foregoing and mindful that the factors which prompted the promulgation of Special Civil Air Regulations SR–364 and SR–364A continue to exist, the Board finds that it is in the public interest to grant the request of the Department of the Interior. This regulation provides that the airplanes be operated by Transocean Air Lines under contractual agreement with the Department of the Interior.

Since the use to which these airplanes is to be put is a matter relating to agency management and contract, public notice and procedure hereon are unnecessary. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective immediately, to read as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, the following provisions of Part 4b of the Civil Air Regulations are hereby waived to permit the certification thereunder of three Grumman SA–16A airplanes, owned or controlled by the Department of the Interior, for operation by Transocean Air Lines within the Trust Territory of the Pacific Islands and between these islands and the island of Guam.

a. Section 4b.120 (a) and (b) to the extent that the maximum certificated take-off weight with respect to performance cannot be met at weights of 29,000 pounds or less.

b. Section 4b.120 (c).

c. Sections 4b.115, 4b.116, 4b.117, 4b.122, 4b.123, 4b.124, 4b.324 (a), 4b.337 (a) (1), and (2), 4b.441 (b) (1), 4b.474 (c), 4b.484 (a) (2), 4b.485 (c), 4b.604 (d), (f), and (h), and 4b.622 (c) to the extent that the airplane cannot comply with the provisions of these sections: *Provided*, That the Military Flight Manual, placards, or similar means shall be provided which shall contain the appropriate procedures and warnings necessary to overcome or explain the deficiencies resulting from the waiver of these sections.

d. Sections 4b.226 (b), 4b.352 (b), 4b.356 (b), 4b.383 (b) (2), 4b.612 (d), and (f), and 4b.624 (b) to the extent that the airplane cannot comply with the provisions of these sections.

e. Section 4b.443 to the extent that it requires the oil tank to be located outside a fire zone unless it is constructed of fire-proof materials.

f. Sections 4b.740 through 4b.743: *Provided*, That the Military Flight Manual be used as supplemented by such limitations and procedural data as found necessary by the Administrator, or are required by this regulation.

2. The airworthiness certificate for each airplane certificated hereunder, shall bear the following legend: "This certificate is issued pursuant to Special Civil Air Regulation SR–403 and is valid only for operation by Transocean Air Lines under contract with the Department of the Interior within the Trust Territory of the Pacific Islands and between these islands and the island of Guam."

3. The operations referred to herein shall be conducted in accordance with Part 42 with the exception of those provisions which are inconsistent with the requirements of Part 4b hereby waived: *Provided*, That the Administrator shall establish operating limitations consistent with the standards established herein.

4. The air carrier operating certificate of Transocean Air Lines shall be amended to the extent necessary to permit the use of said Grumman SA–16A airplanes in such operations conducted pursuant to a contract between Transocean Air Lines and the Department of the Interior.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010; 49 U. S. C. 551, 553, 554; 62 Stat. 1216)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54–2482; Filed, Apr. 5, 1954; 8:51 a. m.]

[Civil Air Regs., Amdt. 40-5]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

EXTENSION OF EFFECTIVE DATE OF REQUIREMENT FOR CHOP MARKS ON AIRPLANE EXTERIORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of March 1954.

Revised Part 40 was adopted by the Civil Aeronautics Board April 13, 1953, and is to become effective April 1, 1954. Section 40.178 (b) of this part requires that the exterior area of the fuselage of an airplane be marked to indicate the location of mechanisms of access and areas suitable for cutting to facilitate the escape and rescue of occupants in the event of an accident. Marks indicating areas suitable for cutting are commonly known as "chop marks".

In Civil Air Regulations Draft Release No. 53-26, dated November 17, 1953, it was proposed that § 40.178 (b) be amended by extending the effective date for its compliance therewith until March 1, 1954. The comment received in response to this draft release indicated general concurrence with this proposal. Since the effective date of revised Part 40 was subsequently extended to April 1, 1954, it became unnecesary to include this amendment in Civil Air Regulations Amendment 40-3, adopted on March 11, 1954.

During the period allotted for comment on Draft Release 53-26, however, a proposal was received for the elimination of this requirement on the grounds that airplane fuselages, particularly those of modern pressurized airplanes, are so strongly resistant to chopping or cutting by means of such devices as axes, as to render questionable the justification for this requirement. It was agreed to consider this proposal further in order to determine whether any additional modifications should be made to this section in the future. The Board is advised that certain air carriers misunderstood the result of this exchange of views, and believed that the requirement was to be postponed indefinitely. Accordingly, they made no effort to apply the markings required by this regulation. The Board is of the opinion that this assumption was unwarranted, since the Board cannot, consistent with proper rule-making procedures, commit itself in advance to any course of action, and moreover in this instance there was no more than an agreement to reconsider.

The Board intends that any "chop marks" appearing on airplane exteriors should be applied on the basis of a sound engineering analysis of the airplane structure involved, and that such marks reflect a valid determination that the areas so marked be truly suitable for cutting. In view of the lack of time available prior to the effective date of revised Part 40 it appears that air carriers who have not yet made such an engineering analysis will be unable to apply "chop marks" at the proper places on their airplanes. "Chop marks" applied on the basis of other than a proper analysis may mislead rescue crews to attempt to enter a cabin at a strong structural member. The Board considers that such "chop marks" would create a more hazardous condition than the complete absence of "chop marks". It appears advisable, therefore, to extend the effective date of that portion of § 40.178 (b) which relates to areas suitable for cutting, to allow all carriers to apply "chop marks" on the basis of a proper study. The portion of § 40.178 (b), however, on marking which indicates the location of mechanisms of access will become effective on April 1, 1954, in accordance with the current requirement.

Since this amendment is minor in nature and imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended), effective April 1, 1954:

By adding to the end of § 40.178 (b) the following: "*Provided*, That marking of areas suitable for cutting need not be applied prior to October 1, 1954."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-2483; Filed, Apr. 5, 1954; 8:52 a. m.]

[Reg. No. SR-391c]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; EXTENSION OF DATE FOR APPLICATION OF TRANSPORT CATEGORY PERFORMANCE REQUIREMENTS TO C-46 TYPE AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of March 1954.

Special Civil Air Regulation SR-391 permits operators of C-46 type aircraft used in the carriage of passengers to operate at a maximum certificated takeoff weight of 44,300 pounds except for those airplanes having a certain type propeller which are allowed an additional 1,000 pounds. Special Civil Air Regulation SR-391 originally permitted such operation only until January 1, 1954.

For the past several years it has been anticipated that after December 31, 1953, all airplanes used in irregular passenger operation shall comply with the transport category requirements of Part 4a or Part 4b and with transport category operating limitations. This provision, which was identical to provisions in Parts 40 and 41 of the Civil Air Regulations, was intended to require nontransport category airplanes, principally the Douglas DC-3, the Lockheed L-18, and the Curtiss C-46, to comply with stricter requirements than those now in effect for passenger operations pursuant to Part 42. In the case of the C-46, these operations are further limited by Special Civil Air Regulation SR-391 which temporarily establishes a maximum certificated weight for this airplane of 44,300 pounds with an additional 1,000 pounds for those airplanes having certain type propellers.

In Special Civil Air Regulation SR-391B, adopted December 23, 1953, the date by which nontransport category airplanes used in passenger operations were required to comply with transport category requirements was extended to April 1, 1954. This extension was granted in order to permit certain interested persons to submit proposals for a modification of the current requirements for the C-46 in the transport category. Proposals have been made for modifying the C-46 to increase its performance and other airworthiness capabilities, and are being considered by the Board. This regulation, therefore, extends until July 1, 1954, the date by which the C-46 must comply with the transport category requirements to permit the consideration and evaluation of these proposals. Concurrently with the issuance of this regulation or shortly thereafter, these proposals will be issued as a notice of proposed rule making and circulated to the industry for comment. Because of the time required to perform tests on the C-46 and to present the proposals to the Board, it has not been possible to issue prior notice on the action to be taken in this matter.

For the reasons stated above, notice and public procedure hereon are impracticable. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Special Civil Air Regulation SR-391, effective April 1, 1954:

By amending paragraph 1 of Special Civil Air Regulation SR-391 by deleting the date "April 1, 1954" and inserting in lieu thereof the date "July 1, 1954".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-2481; Filed, Apr. 5, 1954; 8:51 a. m.]

[Civil Air Regs., Amdt. 42-22]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

EXTENSION OF DATE REQUIRING NONTRANSPORT CATEGORY AIRPLANES USED IN PASSENGER OPERATIONS TO BE CERTIFICATED IN TRANSPORT CATEGORY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of March 1954.

Section 42.15 (c) of Part 42 of the Civil Air Regulations for several years stated that after December 31, 1953, all airplanes used in irregular air carrier passenger operation shall comply with the transport category requirements of Parts 4a or 4b and with transport category operating limitations. This provision, which until recently was identical to provisions in Parts 40 and 41, was intended to require nontransport category airplanes, principally the Douglas DC-3, the Lockheed L-18, and the Curtiss C-46, to comply with stricter requirements than those now in effect for passenger operations pursuant to Part 42. In the case of the C-46, these operations are further limited by Special Civil Air Regulation SR-391 which temporarily establishes a maximum certificated weight of 44,300 pounds, with an additional 1,000 pounds for those airplanes having certain type propellers.

In Civil Air Regulations Amendment 42-20, adopted December 23, 1953, the date by which nontransport category airplanes used in passenger operations conducted under this part were required to comply with transport category requirements was extended to April 1, 1954. This extension was granted in order to permit certain interested persons to submit proposals for a modification of the current requirements for certification of the C-46 in the transport category. By that time, however, Parts 40 and 41 had been amended to no longer require that all airplanes used after December 31, 1953, in passenger operations be certificated in the transport category, but only to require that this apply to airplanes certificated as a basic type after June 30, 1942. The effect of this was to permit the DC-3 and the L-18, both of which were certificated prior to June 30, 1942, to continue to operate under their present requirements. In making this change, it was stated that the safety record of the DC-3 and the L-18 clearly justified their continued use under present conditions in scheduled air carrier passenger operations.

The decision to postpone the effective date of the comparable requirement in Part 42 was motivated primarily by our concern with the C-46. This airplane type falls short of compliance with the transport category requirements to a greater degree than the DC-3 and the L-18 which can more than meet the transport category performance requirements at sea level at their currently certificated weights. The C-46, on the other hand, is unable to comply with these requirements at its certificated weight at sea level. In view of this and the action taken in Parts 40 and 41, there appears to be no reason for continuing in Part 42 any provision which would require airplanes certificated as a basic type prior to June 30, 1942, to comply with transport category requirements. This amendment, therefore, permits such airplanes to be used in irregular air carrier passenger operations under their present airworthiness certification status, thus conforming to the requirements in Parts 40 and 41.

It is still doubtful, however, whether the present performance capabilities and other airworthiness features of the C-46 justify its continuation in irregular air carrier passenger operations under the present requirements. Proposals have been made for modifying the C-46 to increase its performance and other airworthiness capabilities, and are being considered by the Board. This amendment, therefore, extends until July 1, 1954, the date by which nontransport category airplanes must comply with the transport category requirements, to permit the consideration and evaluation of these proposals. Concurrently with the issuance of this amendment or shortly therafter, these proposals will also be issued as a notice of proposed rule making and circulated to the industry for comment. Because of the time required to perform tests on the C-46 and to present the proposals to the Board, it has not been possible to issue prior notice on the action to be taken in this matter.

For the reasons stated above, notice and public procedure hereon are impracticable. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR, Part 42, as amended) effective April 1, 1954:

1. By amending § 42.15 to read as follows:

§ 42.15 *Airplane certification requirements for large airplanes used in passenger operations*—(a) *Airplanes certificated on or before June 30, 1942.* Airplanes certificated as a basic type on or before June 30, 1942, shall either:

(1) Retain their present airworthiness certification status and meet the requirements of § 42.80, or

(2) Comply with either the performance requirements of §§ 4a.737-T through 4a.750-T of this subchapter or the performance requirements of §§ 4b.110 through 4b.125 of this subchapter and in addition shall meet the requirements of §§ 42.70 through 42.78: *Provided*, That should any type be so qualified all airplanes of any one operator of the same or related types shall be similarly qualified and operated.

(b) *Airplanes certificated after June 30, 1942.* Airplanes certificated as a basic type after June 30, 1942, shall be certificated as transport category airplanes and shall meet the requirements of § 42.70: *Provided*, That airplanes certificated as a basic type after June 30, 1942, and prior to July 1, 1951, which are not transport category airplanes, need not be so certificated prior to July 1, 1954, in which case such airplanes shall comply with paragraph (a) of this section.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-2484; Filed, Apr. 5, 1954; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 74]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

In § 608.41, a Fort Bragg, North Carolina, Operation TACAIR 54-7, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes (mean sea level)	Time of designation	Using agency
FORT BRAGG: Operation TACAIR 54-7 (Charlotte Chart).	Starting at a point on the northern edge of Victor 3 at lat. 34° 15'30", long. 79°40'00", thence northerly along the meanderings of the Pee Dee River to its intersection with a railroad at lat. 35°12'00", long. 80°04'00", thence northerly and easterly along the meanderings of this railroad to the town of Gulf at lat. 35°34'00", long. 79°17'00", thence southerly along the meanderings of the railroad to Sanford, thence easterly along the railroad to the town of Maners, thence east along the railroad to the western edge of Amber 7 at lat. 35°25'00", long. 78°54'00", thence southerly along the western edge of Amber 7 and Victor 3 to the point of beginning, excluding Fort Bragg Danger Area D-115.	3,000 feet to 40,000 feet.	24 hours daily April 26, 1954, to May 8, 1954, inclusive.	Tactical Air Command, Langley AFB, Va.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 26, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2433; Filed, Apr. 5, 1954; 8:45 a. m.]

[Amdt. 75]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
ANIAK, ALASKA Aniak Airport, 86' BMRLZ-PDV ANI *Procedure No. 1 April 15, 1954	All directions		MEA	S side SW course: 209° outbound. 029° inbound. 1,500' within 15 miles. 2,300' within 25 miles.	1,000	085—1.6	T-dn Runway 28 T-dn Runway 10 C-dn A-dn	500-1 300-1 700-1 900-2	500-1½ 300-1 700-1½ 900-2	Within 1.6 miles, turn right immediately, climb to 2,500' on SW course (209° outbound, 029° inbound) within 25 miles. *ADF approach not authorized.
BETHEL, ALASKA Bethel Airport, 9' SBRAZ-PDV BET Procedure No. 1 March 31, 1954	All directions SHUTTLE—SE course: 108° outbound. 288° inbound. 1,600' within 25 miles.		MEA	N side SE course: 108° outbound. 288° inbound. 1,600' within 25 miles.	640	298—2.4	T-dn C-dn S-dn A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 2.4 miles turn right, climb to 2,300' on NE course (48° outbound, 228° inbound) within 25 miles.
BETTLES, ALASKA Bettles Airport, 935' SBRAZ-VPD BTT Procedure No. 1 March 31, 1954	All directions SHUTTLE—SE course: 128° outbound. 308° inbound. 4,000' within 25 miles.		MEA	W side SE course: 128° outbound. 308° inbound. 2,000' within 10 miles. 3,000' within 25 miles.	1,500	005—1.4	T-dn Runway 18 T-dn Runway 36 #C-dn #A-dn	300-1 500-2 700-2½ 1,000-3	300-1 500-2 700-2 1,000-3	Within 1.4 miles, turn left immediately, climb to 4,000' on SE course (128° outbound, 308° inbound) within 25 miles #Item 8, CAUTION: 1,000' terrain 2 miles NNE, 2,000' hills 5 miles E, 3,000' hills, 7 miles E, 2,000' hills 9 miles W of airport.
ERIE, PA. Port Erie, 732' SBMRAZ-VDT ERI Procedure No. 1 April 1, 1954	North Springfield FM (final)	069—12	1,500	S side SW course: 249° outbound. 069° inbound. 2,000' within 10 miles.	1,500	065—2.0	T-dn C-dn S-dn 6 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1½ 800-2	Within 2.0 miles, climb to 2,500' on NE course Erie LFR.
FAIRBANKS, ALASKA Fairbanks International Airport, 434' SBRAZ-VPDTX FAI Procedure No. 1 March 31, 1954	All directions		MEA	S side E course: 058° outbound. 238° inbound. 2,400' within 10 miles. 2,800' within 20 miles. Beyond 20 miles NA.	1,500	234—11	#T-dn #C-dn #A-dn	300-1 700-2 800-2	300-1 700-2 800-2	Within 2.7 miles, turn left, climb to 2,400' on E course (238° outbound, 058° inbound) between Range Station and Chena Int. Alternate Missed Approach When directed by AFC, turn left, climb to 4,800' SW bound on NE course Nenana LFR (238°) between Fairbanks LFR and a point 25 miles SW. CAUTION: Item 5 High terrain north of final approach course. Item 8—Terrain 800' 1½ miles W of airport, rising to 1,000' 2 miles W of airport. #Restriction Item 8—All maneuvering for approach must be confined to area E of airport.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
GALENA, ALASKA Galena Airport, 120' SBRAZ-PDVT GAL Procedure No. 1 March 31, 1954	All directions SHUTTLE—W course: 245° outbound. 065° inbound. 3,000' within 25 miles.		MEA	S side E course: 065° outbound. 245° inbound. 1,700' within 10 miles. 2,400' within 20 miles. 2,700' within 25 miles.	1,200	245—3.3	T-dn C-dn S-dn A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1½ 800-2	Within 3.3 miles, climb to 3,000' on W course (245° outbound, 065° inbound) within 25 miles. CAUTION: High terrain N of final approach course.
MINCHUMINA, ALASKA Minchumina Airport, 707' BMRL VPD MHM *Procedure No. 1 April 15, 1954	All directions SHUTTLE—SE course: 126° outbound. 306° inbound. 3,100' within 25 miles.		MEA	N side SE course: 126° outbound. 306° inbound. 2,100' within 25 miles.	1,500	146—0.7	T-dn C-dn A-dn	300-1 800-1 900-2	300-1 800-1½ 900-2	Within 0.0 miles, turn left immediately, climb to 3,100' on SE course (126° outbound, 306° inbound) within 25 miles. *ADF approach not authorized.
RICHMOND, VA. Byrd Field, 167' SBRAZ-VDT RIC Procedure No. 1 April 1, 1954	Chester FM (final)	038—9	*700	S side SW course: 218° outbound. 038° inbound. 1,500' within 10 miles.	*700	020—2.0	T-dn C-dn S-dn 2 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Climb to 1,500' on N course, Richmond LFR. *CAUTION: Standard clearance not provided over tower 517' MSL approximately 3.5 miles E of final approach course. Descent below 1,000' not authorized unless SW course. Richmond LFR is maintained.
WICHITA, KANS. Municipal, 1,332' SBRAZ VDT-ICT Procedure No. 1 April 1, 1954	Wichita VOR Int. 115° outbound course ICT VOR and NE course ICT LFR (final).	178—10.3 226—10.0	3,000 2,300	N side of course: 046° outbound. 226° inbound. 3,000' within 25 miles.	2,300	203—8.3	T-dn C-dn A-dn	300-1 800-2 800-2	300-1 800-2 800-2	Within 8.3 miles, turn left, climbing to 2,800' on the SW course of the ICT LFR within 25 miles.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
BINGHAMTON, N. Y. Broome County, 1,630' LOM BG Procedure No. 1 September 1, 1951	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED APRIL 1, 1954.									
CHARLESTON, W. VA. Kanawha County, 981' LOM CH Procedure No. 1 February 1, 1953	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED APRIL 1, 1954.									
KOTZEBUE, ALASKA Ralph Wien Memorial Airport, 9' BH PDTV OTZ Procedure No. 1 March 31, 1954	All directions SHUTTLE—On course of: 029° outbound. 209° inbound. 2,700' within 25 miles.		MEA	N side of course: 029° outbound. 209° inbound. 1,200' within 15 miles. 2,000' within 20 miles. 2,700' within 25 miles.	700	209—1.6	T-dn C-dn S-dn A-dn	300-1 500-1 500-1 1,000-2	300-1 500-1½ 500-1½ 1,000-2	Within 1.6 miles, climb to 6,000' on course of 188° outbound, 008° inbound, within 25 miles.

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
RICHMOND, VA. Byrd, 167' LOM RI Procedure No. 1 April 15, 1951	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED APRIL 1, 1954.									
SYRACUSE, N. Y. Hancock, 419' LOM-SY Procedure No. 1 February 1, 1953	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED APRIL 1, 1954.									
WHITE PLAINS, N. Y. Westchester County, 433' LOM HP Procedure No. 1 April 6, 1953	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED APRIL 1, 1954.									
WICHITA, KANS. Municipal, 1,332' LOM IC Procedure No. 1 April 1, 1954	Wichita LFR	235—11.0	2,500	W side of course: 190° outbound, 010° inbound. 2,500' within 10 miles. Not authorized beyond 10 miles account ATC traffic. Procedure turn nonstandard to avoid ICT AFB traffic.	2,500	010—4.8	T-dn C-dn S-dn 2 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 4.8 miles, climb to 3,000' on outbound ADF course 010° intercept and proceed on NW course ICT LFR within 25 miles or when directed by ATC make 180° left turn climbing to 2,500' proceed to LOM and hold. CAUTION: Simultaneous approaches and holding being conducted on IAB LOM to Wichita AFB, 2,049' MSL TV tower 9.0 miles NNE of airport.
	Wichita VOR	207—19.0	3,000							
	Viola FM or Rbn	039—14.0	2,500							
	Auness Int	062—13.0	2,500							
	Wellington Int	340—23.0	2,500							
	Oxford FM or Rbn or Slate Int.	324—26.0	2,500							
	IAB LOM	277—9.0	2,500							
	Kechi FM	119—17.0	3,000							
WILMINGTON, DEL. New Castle County, 77' LOM-IL Procedure No. 1 February 15, 1951	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED APRIL 1, 1954.									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specific routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation, facility; class and identification, procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude at glide slope intercept in bound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished.
1	2	3	4	5	6	7	8	9	10	11	12	13
DAYTON, OHIO Dayton Airport, 1,008' ILS DAY LOM DA Procedure No. 1 Combination ILS and ADF April 1, 1954	Dayton VOR	LOM	210—8.0	2,300	W side course: 236° outbound, 056° inbound. 2,300' within 19 miles.	ILS 2,300 ADF 1,700 over LOM	2270—4.4	1235—0.7	T-dn C-dn S-dn 6 ILS ADF A-dn	300-1 500-1 400-¼ 500-1 800-2	300-1 500-1½ 400-¼ 500-1 800-2	4.4 miles after passing LOM (ADF), climb to 2,200' on 360° course from Tipp City MHW within 10 miles. *Int W course Wright-Patterson LFR and 016° bearing to Dayton LOM. #Int W course Wright-Patterson LFR and SW course ILS or bearing 056° to LOM.
	Wright-Patterson LFR	LOM	297—12	3,000								
	W course Columbus LFR and ILS NE course or bearing 236° to LOM	LOM	236—18	2,300								
	Liberty Int.*	LOM	016—8	2,300								
	264° course to Dayton VOR and ILS NE course or bearing 236° to LOM.	LOM	236—13	2,300								
	West Alexandria Int.# (final) (ADF final)	LOM	056—16	2,300 1,700								
DAYTON, OHIO Dayton Airport, 1,008' ILS DAY Tipp City MHW TPC Procedure No. 2 Combination ILS and ADF April 1, 1954	Dayton VOR	TPC MHW	105—4.5	2,200	N side NE course (back course ILS): 056° outbound, 236° inbound. 2,200' within 10 miles of Tipp City MHW.	No glide path or markers 1,700 over Tipp City MHW.	Distance from Tipp City MHW 4.6 miles		T-dn C-dn S-dn 24 ILS ADF A-dn	300-1 500-1 400-1 500-1 800-2	300-1 500-1½ 400-1 500-1 800-2	4.6 miles, climb to 2,300' on SW course ILS or 236° bearing outbound from Tipp City MHW within 10 miles.
	Wright-Patterson LFR	TPC MHW	347—12	2,200								
	Springfield MHW	TPC MHW	285—19	2,300								
	Int 023° course to Dayton VOR and ILS SW course or 056° bearing to Tipp City MHW.	TPC MHW	056—8.0	2,200								
	Int W course Columbus LFR and ILS NE course or 236° bearing to Tipp City MHW.	TPC MHW	236—9	1,700 (final)								
	Int 266° course to Dayton VOR and ILS NE course or bearing 236° to Tipp City MHW.	TPC MHW	236—3.0	1,700 (final)								
FAIRBANKS, ALASKA Fairbanks International Airport, 434' ILS FAI LOM FA MHW FOX Procedure No. 1 Combination ILS and ADF March 31, 1954	Fairbanks LFR	LOM	274—8	4,000	W side N course: 008° outbound, 188° inbound. 3,000' within 8 miles LOM. 4,000' within 20 miles LOM.	ILS 3,000 ADF 2,320 over LOM	2,320—6.7	670—0.7	T dn °C-dn S-dn ILS ADF °A-dn	300-1 500-1 400-¾ 500-1 800-2	300-1 500-1½ 400-¾ 500-1 800-2	Within 6.7 miles after passing LOM (ADF), climb to 3,900' on course of 188° to intersect NE course Nenana LFR, thence SW on NE course Nenana LFR within 25 miles of intersection. ##Item 5.- FOX Rbn 12.9 miles from runway; glide slope altitude 4,000' at FOX. Descent inbound not to be started until past FOX Rbn inbound on final. CAUTION: 800' terrain 1¼ miles W of airport, raising to 1,000' 2 miles W of airport. °Item 10.-All maneuvering for approach must be confined to area E of airport.
	NE course Nenana LFR and Intersection of ILS localizer course.	LOM	008—18	4,000								
	Chena Intersection	LOM	257—15	4,000								
	FOX Rbn	LOM (final)	188—6	##								
	Fairbanks LFR	FOX Rbn	315—10	4,000								
	Chena Intersection	FOX Rbn	283 14	4,000								
	NE course Nenana LFR and Intersection of ILS localizer course.	FOX Rbn	008—24	4,000								

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet. MSL. Ceilings are in feet above airport elevation.

If an ASR instrument approach procedure is conducted at the below airport, it shall be in accordance with a different procedure authorized by the Administrator for that airport. Weather minimums shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the aircraft by radar before radar vectoring is commenced. Minimum altitude(s) shall correspond with authorized landing minimums; the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums				Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when the communication on final approach is lost for more than 5 seconds (b) directed by ground controller, (c) visual reference is not established upon descent to the authorized landing minimums, or (d) landing is not accomplished.
		Runway No.	Condition	Precision approach (PAR)		Surveillance approach (ASR)	
				75 m. p. h. or less	More than 75 m. p. h.	75 m. p. h. or less	More than 75 m. p. h.
1	2	3	4	5	6	7	8
NEWARK, N. J. Newark Airport, 18' Procedure No. 1 April 1, 1954	2,900' NE sector (55°-90°). All other sectors 2,000' within 25 miles. Within the S quadrant of the Newark LFR 1,800' within 15 miles.	4	T-tin	300-1	300-1	300-1	300-1
			C-tin	600-1	600-1½	600-1	600-1½
			B-tin	600-2	600-2	600-2	600-2
		20	A-tin	800-2	800-2	800-2	800-2
			T-tin	300-1	300-1	300-1	300-1
			C-tin	600-1	600-1½	600-1	600-1½
			B-tin	600-1½	600-2	600-1½	600-2
		22	A-tin	600-2	800-2	600-2	800-2
			T-tin	300-1	300-1	300-1	300-1
			C-tin	600-1	600-1½	600-1	600-1½
			B-tin	600-1½	800-2	600-1½	800-2
			A-tin	800-2	1,000-2	800-2	1,000-2

Climb to 1,000' on NE course Newark LFR, make left climbing turn, proceed to Paterson Rbn at 2,000'. Alternate missed approach procedures when requested by ATC: (1) climb to 3,000' on 28° course and proceed to Chatham, (2) make right climbing turn to 1,500' and proceed to LOM.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2304; Filed, Apr. 5, 1954; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 438—NAVAL STORES

SUBPART—1954 GUM NAVAL STORES PRICE SUPPORT LOAN PROGRAM

Statement with respect to the Gum Naval Stores Price Support Loan Program for the calendar year 1954, formulated by the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as "CCC" and "CSS").

Sec.
438.501 Administration.
438.502 Eligible producer.
438.503 Eligible naval stores.
438.504 Eligible turpentine.
438.505 Eligible rosin.
438.506 Eligible oleoresin.
438.507 Eligible metal drums.
438.508 Availability of loans.
438.509 Rate of loan to producers.
438.510 Storage provisions.
438.511 Maturity.
438.512 Redemption.
438.513 Rights of CCC upon maturity.
438.514 Disposition of proceeds upon liquidation.
438.515 Personal liability.

AUTHORITY: §§ 438.501 to 438.515 issued under sec. 4, 62 Stat. 1070; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 301, 63 Stat. 1058; 15 U. S. C. 714c, 7 U. S. C. 1447.

§ 438.501 *Administration.* The Naval Stores Branch, Tobacco Division, CSS, will supervise the administration of the program. CCC will make a loan to the American Turpentine Farmers Association Cooperative, Valdosta, Georgia (hereinafter referred to as the "Association"), under a Loan Agreement which will enable the Association in turn to make loans to eligible producers on eligible naval stores, to supervise the maintenance of the collateral in storage, to perform related field administration functions, to arrange for redemptions, and to collaborate in the liquidation of unredeemed collateral. The CSS Commodity Office, Dallas, Texas, will perform accounting and auditing functions.

§ 438.502 *Eligible producer.* A producer will be eligible for loans if he (a) is a member of the Association under membership requirements approved by CCC (no producer who is otherwise eligible may be excluded from membership in the Association), (b) is a cooperator in the 1954 Naval Stores Conservation Program of the United States Department of Agriculture or otherwise follows good conservation practices, as determined by the Association, (c) has made satisfactory arrangements to pay any indebtedness to the United States Department of Agriculture or any agency thereof, as evidenced by the registers of indebtedness maintained by the Agricultural Stabilization and Conservation County Offices of the United States Department of Agriculture, and (d) has executed, and has not breached his obligations under, the Producer's Marketing Agreement (ATFA Form 1–1954), or any other similar agreement.

§ 438.503 *Eligible naval stores.* "Eligible naval stores" are eligible turpentine, eligible rosin and the turpentine and rosin content in eligible oleoresin.

§ 438.504 *Eligible turpentine.* "Eligible turpentine" is gum turpentine which (a) was produced from eligible oleoresin, (b) is free and clear from all liens and encumbrances, (c) has not been theretofore pledged for a loan under this program and in which the beneficial interest is and always has been in the producer, (d) is "waterwhite" in color, (e) is free from excess resin acids, as evidenced by a total acid number of not more than 0.50, and (f) conforms as to specific gravity to Federal Specifications TT-T-801, to wit: A maximum of 0.875 and a minimum of 0.860 taken at 60 degrees Fahrenheit.

§ 438.505 *Eligible rosin.* "Eligible rosin" is gum rosin which (a) was produced from eligible oleoresin, (b) grades "T" or better, (c) is free and clear from all liens and encumbrances, (d) has not been theretofore pledged for a loan under this program and in which the beneficial interest is and always has been in the producer, (e) is packed to the net weight approved by CCC, in eligible metal drums, (f) is transparent, (g) is free from visible foreign materials and contains no extraneous matter resulting from chemical or other treatment of the rosin, or of the oleoresin or the trees from which it came, and (h) conforms as to softening point to not less than Federal Specifications LLL–R–626, to wit: 158 degrees Fahrenheit (American Society for Testing Materials Methods No. E 28–51T). Rosin must be federally inspected and weighed or the weights checked prior to tender for loan.

§ 438.506 *Eligible oleoresin.* "Eligible oleoresin" is oleoresin (a) which was produced in 1954 in the United States by an eligible producer, (b) which is free and clear from all liens and encumbrances, (c) the turpentine or rosin content in which has not been theretofore pledged for a loan under this program and in which the beneficial interest is and always has been in the producer, and (d) which will yield turpentine of the prescribed quality, and rosin of the prescribed grades and quality. When a producer's eligible oleoresin was commingled with oleoresin produced by other producers in the processing operation, the turpentine and rosin tendered for loan by the producer as representing the processed equivalent of his eligible oleoresin will be deemed to be, if otherwise eligible, eligible turpentine and eligible rosin produced by such producer.

§ 438.507 *Eligible metal drums.* "Eligible metal drums" are drums conforming to the specifications for metal drums approved by CCC, obtainable from and on file in the office of the Association.

§ 438.508 *Availability of loans.* (a) Under the Loan Agreement, CCC will make a loan to the Association for the purpose of enabling the Association to make loans available, or to make loans, to eligible producers of eligible naval stores produced in 1954. The loan to the Association will be in an amount equal to (1) the amount of the loans made by the Association to producers, (2) the administrative and operating expenses, approved by CCC, incurred by the Association in connection with making loans available and the making of loans, and the handling and preservation of pledged naval stores, (3) the storage charges after naval stores are pledged, and (4) an indemnification charge to cover the assumption by CCC of the risk of loss on rosin and rosin content in oleoresin (the storage rate for turpentine includes insurance).

(b) Each producer desiring to obtain loans will execute a Producer's Marketing Agreement with the Association. Each loan will be secured by a pledge by the producer to the Association of eligible turpentine, eligible rosin, or unprocessed turpentine or rosin content in eligible oleoresin, and the Association, in turn, will pledge the same to CCC as security for the loan made by CCC to the Association. Loans on rosin will be made only on full drums thereof, and loans on the rosin content in oleoresin, only upon the equivalent of full drums thereof. No loans will be made later than December 31, 1954.

(c) Eligible naval stores will be deemed tendered for loan by the producer to the Association only when such naval stores have been (1) processed (except where unprocessed turpentine or rosin content in oleoresin is offered for loan), (2) placed in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement (ATFA Form 2–1954), and (3) offered for loan on a Producer's Offer (ATFA Form 3A–1954) (the date of which, if subsequent to April 1, 1954, shall be not later than thirty (30) days from the date of delivery of eligible oleoresin for processing). If there are any liens or encumbrances on the naval stores offered for loan, proper waivers are required on a Lienholders' Waiver and Agreement (ATFA Form 3–1954).

§ 438.509 *Rate of loan to producers.* The Association will make loans to producers based on the rate of $130.33 per naval stores production unit, comprised of fifty (50) gallons of turpentine and fourteen hundred (1400) pounds of rosin; this rate will remain fixed throughout the loan period. Initially, the production unit rate of $130.33 will be allocated to the individual commodities to provide a loan rate for turpentine of fifty cents (50¢) per gallon of 7.2 pounds in bulk, and a loan rate of $7.52 for rosin of grades X through WG, and of $7.42 for grades N through I per hundred pounds net packed in eligible metal drums. CCC reserves the right to revise such allocation of loan values between turpentine and rosin during the loan period, within the fixed production unit loan rate. The amount which the Association will lend to any producer will be determined by applying the applicable loan rates in effect for turpentine and rosin on the date of the applicable Producer's Offer to the quantities thereof tendered for loan.

§ 438.510 *Storage provisions.* The producer will be required to place naval stores offered for loan in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement with the Association. This Agreement will be assigned by the Association to CCC. All processing charges, including the cost of eligible metal drums for rosin, and all storage and other warehouse charges to the date of tender for loan will be borne by the producer. Storage charges accruing after the naval stores are pledged are payable by CCC, and comprise part of the loan by CCC to the Association.

§ 438.511 *Maturity.* The loan made by CCC to the Association and the loans made by the Association to producers will be due and payable upon demand, or on July 1, 1955, whichever is earlier.

§ 438.512 *Redemption.* (a) Subject to terms and conditions of the Producer's Marketing Agreement, the producer may redeem pledged naval stores, prior to maturity of the loan, upon application to the Association and payment of the redemption price. The producer's right to redeem may be exercised for him and in his behalf by the Association and the producer's exercise of the right of redemption is subject to the prior exercise thereof by the Association. Subject to the terms and conditions of the Loan Agreement, the Association may redeem naval stores pledged by the Association to CCC, upon application to CCC therefor prior to the maturity of the loan and payment of the redemption price.

(b) The redemption price will be the weighted average amount loaned by Commodity to the Association on pledged turpentine or rosin or the content thereof in oleoresin, including applicable expenses and charges, plus interest at the rate of three and one-half percent (3½ percent) per annum.

§ 438.513 *Rights of CCC upon maturity.* CCC will have the right at any time after maturity of the loan to sell, assign, transfer and deliver the pledged naval stores, or documents evidencing title thereto, at such time, in such manner, and upon such terms and conditions as CCC may determine.

§ 438.514 *Disposition of proceeds upon liquidation.* CCC will apply the net proceeds from the disposition of pledged naval stores (a) towards satisfaction of accrued interest, (b) towards satisfaction of the principal amount loaned, and (c) towards the satisfaction of any other indebtedness of the Association to CCC. In the event that any sum remains after application of these amounts, such sum will be returned to the Association by CCC for disposition by the Association to its producer-member participants, or for and in behalf of its producer-members, on an equitable basis as determined by the Association with the approval of CCC.

§ 438.515 *Personal liability.* The loans will be non-recourse, except that any fraudulent representation by the producer or the Association in the loan documents, or in obtaining a loan, will render him or it subject to criminal prosecution under applicable law, and personally liable for the amount by which the proceeds received upon the disposition of the pledged naval stores are less than the amount of indebtedness incurred by the Association with respect thereto.

Issued this 31st day of March 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 54-2488; Filed, Apr. 5, 1954; 8:52 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, § 6.103 (h) (2) is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2469; Filed, Apr. 5, 1954; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6068; Regs. 4, 5, 10]

PART 183—PRODUCTION OF DISTILLED SPIRITS

PART 184—PRODUCTION OF BRANDY

PART 185—WAREHOUSING OF DISTILLED SPIRITS

WEIGHING OF PACKAGES OF DISTILLED SPIRITS UPON RECEIPT AT INTERNAL REVENUE BONDED WAREHOUSES

In order to eliminate the requirement that storekeeper-gaugers weigh packages of distilled spirits at the time of their receipt after transfer in bond from a distillery not on the same or contiguous premises or from another warehouse when such consignor premises are operated by the consignee or an affiliate or subsidiary thereof in the immediate vicinity, or when such packages of spirits are transferred in conveyances sealed with Government cap seals, the following amendments to the regulations are hereby adopted:

PARAGRAPH 1. Wherever the term "supervisor" or "district supervisor" appears in the sections of the regulations revised by this Treasury decision, such term is hereby amended to read "Assistant Regional Commissioner, Alcohol and Tobacco Tax."

PAR. 2. Regulations 4 (26 CFR Part 183) are amended as follows:

(A) Section 183.561 is amended by:

(1) Striking the words "supervisory district" in the first sentence and inserting in lieu thereof the word "region".

(2) Inserting after the second sentence the following new sentence: "If the applicant desires to receive packages of spirits in sealed conveyances without weighing the packages at time of receipt he should indicate on part 1 of Form 236 that the packages are to be transferred in sealed conveyances by entering the phrase 'Government-sealed conveyance.'"

(B) There is inserted immediately following § 183.564 the following new section:

§ 183.564a *Sealed conveyances for packages.* Each conveyance used to transport packages of distilled spirits in bond, which is to be sealed in order that the weighing of spirits upon receipt at an internal revenue bonded warehouse will not be required, must be constructed in such a manner that all openings may be closed and secured by seals in order that access cannot be gained without showing evidence of tampering. Cap seals to be furnished by the Government will be used in sealing the conveyance and such seals will be affixed as soon as the vehicle is loaded. If the conveyance is not constructed in accordance with the provisions of this section, the storekeeper-gauger will notify the consignor proprietor that its use as a sealed conveyance cannot be authorized and, if distilled spirits are conveyed therein, that weighing of the packages at the consignee premises will be required. Under such circumstances, cap seals will not be applied to the conveyance.

(53 Stat. 375; 26 U. S. C. 3176)

(C) There is inserted after the first sentence in § 183.572 the following new sentence: "If the transfer is to be made by sealed conveyance, the storekeeper-gauger will note on Form 236 in the space provided therefor the serial numbers of the cap seals used."

(D) Section 183.574 is amended by:

(1) Striking the words "supervisory district" in the first sentence and inserting in lieu thereof the word "region".

(2) Inserting after the second sentence the following new sentence: "If the applicant desires to receive packages of spirits without weighing such packages at time of receipt he should indicate on part 1 of Form 236 that the packages are to be transferred in sealed conveyances by entering the phrase 'Government-sealed conveyance.'"

(E) There is inserted immediately following § 183.577 the following new section:

§ 183.577a *Sealed conveyance for packages.* If the packages of distilled spirits are to be transported in a sealed conveyance, in order that the weighing of the spirits upon receipt at an internal revenue bonded warehouse will not be required, such conveyance must be constructed and sealed as provided in § 183.564a.

(53 Stat. 375; 26 U. S. C. 3176)

(F) There is inserted immediately after the first sentence in § 183.580 the following new sentence: "If the transfer is to be made by sealed conveyance, the storekeeper-gauger will note on Form 236 in the space provided therefor the serial numbers of the cap seals used."

PAR. 3. Regulations 5 (26 CFR Part 184) are amended as follows:

(A) Section 184.601 is amended by:

(1) Striking the words "supervisory district" in the first sentence and inserting in lieu thereof the word "region".

(2) Inserting after the second sentence the following new sentence: "If the applicant desires to receive packages of brandy in sealed conveyances without weighing the packages at time of receipt he should indicate on part 1 of Form 236 that the packages are to be transferred in sealed conveyances by entering the phrase 'Government-sealed conveyance.'"

(B) There is inserted immediately following § 184.604 the following new section:

§ 184.604a *Sealed conveyances for packages.* Each conveyance used to transport packages of brandy in bond, which is to be sealed in order that the weighing of the brandy upon receipt at an internal revenue bonded warehouse will not be required, must be constructed in such a manner that all openings may be closed and secured by seals in order that access cannot be gained without showing evidence of tampering. Cap seals to be furnished by the Government will be used in sealing the conveyance and such seals will be affixed as soon as the vehicle is loaded. If the conveyance is not constructed in accordance with the provisions of this section, the storekeeper-gauger will notify the consignor proprietor that its use as a sealed conveyance cannot be authorized and, if distilled spirits are conveyed therein, that weighing of the packages at the consignee premises will be required. Under such circumstances, cap seals will not be applied to the conveyance.

(53 Stat. 375; 26 U. S. C. 3176)

(C) There is inserted after the first sentence in § 184.612 the following new sentence: "If the transfer is to be made by sealed conveyance, the storekeeper-gauger will note on Form 236 in the space provided therefor the serial numbers of the cap seals used."

(D) Section 184.614 is amended by:

(1) Striking the words "supervisory district" in the first sentence and inserting in lieu thereof the word "region."

(2) Inserting after the second sentence the following new sentence: "If the applicant desires to receive packages of brandy without weighing such packages at time of receipt he should indicate on part 1 of Form 236 that the packages are to be transferred in sealed conveyances by entering the phrase 'Government-sealed conveyance.'"

(E) There is inserted immediately following § 184.617 the following new section:

§ 184.617a *Sealed conveyance for packages.* If packages of brandy are to be transported in a sealed conveyance, in order that the weighing of the brandy upon receipt at an internal revenue bonded warehouse will not be required, such conveyance must be constructed and sealed as provided in § 184.604a.

(53 Stat. 375; 26 U. S. C. 3176)

(F) There is inserted immediately after the first sentence in § 184.620 the following new sentence: "If the transfer is to be made by sealed conveyance, the storekeeper-gauger will note on Form 236 in the space provided therefor the serial numbers of the cap seals used."

PAR. 4. Regulations 10 (26 CFR, Part 185) are amended as follows:

(A) Section 185.375 is amended by changing the period at the end of the first sentence to a colon and adding the following proviso: *"Provided,* That the weighing of packages will not be required (a) where spirits are transferred in bond, from any distillery or internal revenue bonded warehouse, in conveyances sealed with Government cap seals in accordance with the provisions of § 185.692 and the conveyances are received with such seals intact, or (b) where spirits are received from a distillery not on the same or contiguous premises, or from another warehouse, operated by the consignee or an affiliate or subsidiary of the consignee in the immediate vicinity so the transfer can be under observation by Government officers at all times; where packages are received without weighing the storekeeper-gauger will so indicate in the appropriate column on Form 1520 or 1619."

(B) Section 185.692 and headnote are amended to read:

§ 185.692 *Sealed conveyances for packages.* Each conveyance used to transport packages of distilled spirits in bond, which is to be sealed in order that the weighing of spirits upon receipt at an internal revenue bonded warehouse will not be required, must be constructed in such a manner that all openings may be closed and secured by seals in order that access cannot be gained without showing evidence of tampering. Cap seals to be furnished by the Government will be used in sealing the conveyance and such seals will be affixed as soon as the vehicle is loaded. If the conveyance is not constructed in accordance with the provisions of this section, the storekeeper-gauger will notify the consignor proprietor that its use as a sealed conveyance cannot be authorized and, if distilled spirits are conveyed therein, that weighing of the packages at the consignee premises will be required. Under such circumstances, cap seals will not be applied to the conveyance.

(C) Section 185.693 is amended by:

(1) Striking the words "supervisory district" in the first sentence and inserting in lieu thereof the word "region".

(2) Inserting after the second sentence the following new sentence: "If the applicant desires to receive packages of spirits in sealed conveyances without weighing the packages at time of receipt he should indicate on part 1 of Form 236 that the packages are to be transferred in sealed conveyances by entering the phrase 'Government-sealed conveyance.'"

(D) Section 185.706 is amended by striking the words "tank car" in the first sentence and inserting in lieu thereof "conveyance sealed with Government cap seals."

(E) Section 185.707 is amended by striking the words "tank car" in the two places they appear in the third sentence and inserting in lieu thereof in the first instance "conveyance sealed with Government cap seals," and in the second instance "conveyance."

(F) Section 185.708 is amended by:

(1) Striking the words "supervisory districts" in the first sentence and inserting in lieu thereof the word "regions."

(2) Inserting after the second sentence the following new sentence: "If the applicant desires to receive packages of spirits without weighing such packages at time of receipt he should indicate on part 1 of Form 236 that the packages are to be transferred in sealed conveyances by entering the phrase 'Government-sealed conveyance.'"

(G) Section 185.711 is amended by striking the words "tank car" in the first sentence and inserting in lieu thereof "conveyance sealed with Government cap seals."

(H) Section 185.712 is amended by:

(1) Striking the words "tank car" in the two places they appear in the third sentence and inserting in lieu thereof in the first instance "conveyance sealed with Government cap seals," and in the second instance "conveyance".

(2) Striking the word "district" where it appears in the fourth and fifth sentences and inserting in lieu thereof the word "region".

Because the changes made are of a liberalizing character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective upon the date of publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: March 31, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2472; Filed, Apr. 5, 1954; 8:50 a. m.]

[T. D. 6069; Regs. 18]

PART 192—FERMENTED MALT LIQUORS

FILLING CASES AND PREPARING FORMS 103 AND 139

On December 10, 1953, notice of proposed rule-making, regarding amendments to Regulations 18 (26 CFR Part 192), to provide for a more accurate determination of a brewer's tax liability by eliminating the present provisions for packaging an indiscriminate mixture of seven and eight ounce bottles or eleven and twelve ounce bottles of beer in one case, and to require that the daily statement of fermented malt liquor bottled be reported on Form 103 in lieu of Form 139 was published in the FEDERAL REGISTER (18 F. R. 8119). No comments having been received during the 30-day period prescribed in such notice, the amendments to Regulations 18 (26 CFR Part 192) set forth below are hereby adopted:

PARAGRAPH 1. Wherever the term "supervisor" or "district supervisor" appears in the sections of the regulations revised by this Treasury decision, such term is hereby amended to read "Assistant Regional Commissioner, Alcohol and Tobacco Tax."

PAR. 2. Section 192.281 is amended by changing the colon in the first sentence to a period and striking the proviso which begins "*Provided,* That due to conditions".

PAR. 3. Section 192.440 is amended as follows:

(A) By inserting in the first sentence, immediately after the words "removed from the brewery premises," the phrase "the quantity of fermented liquor bottled.".

(B) By striking the fifth sentence, which begins "The aggregates of quantities bottled."

PAR. 4. Section 192.441 is amended as follows:

(A) By striking from the second sentence the words "bottled and the aggregate quantity."

(B) By striking from the last sentence the words "bottled and entries as to quantities."

This Treasury decision shall be effective on the first day of the first month which begins not less than thirty days following the date of publication in the FEDERAL REGISTER.

(Sec. 161, 53 Stat. 375, 467; 5 U. S. C. 22, 26 U. S. C. 3176, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: March 31, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2471; Filed, Apr. 5, 1954; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order-VII-6, Amdt. 3]

DMO VII-6—EXPANSION GOALS

NITROGEN

Defense Mobilization Order-VII-6 dated December 3, 1953 (18 F. R. 7876), and Amendment 1, dated January 29, 1954 (19 F. R. 855), are further amended as follows:

Expansion Goal No. 9, Nitrogen is hereby transferred from List III, Open to List I, Closed.

This amendment shall take effect on April 9, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54-2566; Filed, Apr. 2, 1954; 4:19 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 3, paragraph (b) (6) and (7) of § 3.123 is amended to read as follows:

§ 3.123 *Initial determinations and adjudicative action under section 13, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress, and under paragraph 4, Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. Ch. 12).* • • •

(b) • • •

(6) The claimant's willful misconduct or failure to follow instructions, when the proximate cause of the injury suffered in connection with training, hospitilization, medical or surgical treatment, or examination, will bar him from the receipt of compensation hereunder except in the case of incompetent claimants. In this connection, negligence of such character as to evidence disregard of consequences (gross negligence) may be willful misconduct in some factual situations.

(7) Compensation under paragraph 4, Part VII, Veterans Regulation 1 (a), as amended is not payable unless there is established a direct (proximate) causal connection between the injury or aggravation of an existing injury and some essential activity or function which is within the scope of the vocational rehabilitation course—the scope of the vocational rehabilitation course being not necessarily limited to activities or functions specifically designated by the Veterans' Administration in the individual case, since ordinarily it is not to be expected that each and every different function and act of a veteran pursuant to his course of training will be particularly specified in the outline of his course or training program. For example, a disability resulting from the use of an item of mechanical or other equipment is within the purview of the statute if training in its use is implicit within the prescribed program or course outline or if its use is implicit in the performance of some task or operation the veteran trainee must learn to perform, although such use may not be especially mentioned in the training program. In determining whether the element of direct or proximate causation is present, it remains necessary for a distinction to be made between an injury arising out of an act performed in pursuance of the course of training—that is, a required "learning activity"—and one arising out of an activity which is incident to, related to, or coexistent with the pursuit of the program of training. The rule is, therefore, that for a case to fall within the statute there must have been sustained an injury which, but for the performance of a "learning activity" in the prescribed course of training, would not have been sustained. Adjudications under this provision of law require a meticulous examination into all the circumstances including, as a matter of practical necessity, a consideration of the time and place of the incident producing the injury, in order that disabilities flowing from an injury which occurred as a result of the pursuit of the course of training—that is, "arose out of" such performance of training and not the result of the veteran's own willful misconduct—may be accorded the status contemplated by the law. All determinations will be based upon all present and available evidence which is pertinent to the question.

2. In Part 4, paragraph (f) of § 4.86 is amended to read as follows:

§ 4.86 *Public No. 2, 73d Congress (act of March 20, 1933), as amended; sections 28 and 31, Title III, Public No. 141, 73d Congress (act of March 28, 1934), as amended; Public No. 484, 73d Congress (act of June 28, 1934), as amended; and Public Law 301, 79th Congress (act of February 18, 1946).* • • •

(f) *Mother or father; death or cessation of dependency.* Pension or compensation to a dependent mother or father shall be discontinued as of the date of death, or, if no longer dependent, as of the day preceding the date dependency ceased to exist or the date of last payment, whichever is the later. Determination of continuance of dependency and discontinuance for nondependency or failure to file dependency evidence, see § 3.286 of this chapter.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective April 6, 1954.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 54-2475; Filed, Apr. 5, 1954; 8:51 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—EDUCATIONAL BENEFITS

SPECIAL CONSIDERATION CONCERNING PURSUIT OF EDUCATION OR TRAINING AFTER STATUTORY DELIMITING DATE

In § 21.36, paragraph (a) (1) (iii) is amended and paragraph (a) (1) (iv) is deleted as follows:

§ 21.36 *Special considerations concerning the pursuit of education or training after the statutory delimiting date—* (a) *Change of course.* (1) • • •

(iii) As to an individual case however, although the veteran's application was received by the Veterans Administration after expiration of the applicable time limits specified in subdivision (i) or (ii) of this subparagraph, if the facts, the equities, and the demonstrated good faith on the part of the veteran justify such action, such time limits may be waived by the manager upon submission by the chief, vocational rehabilitation and education division of a comprehensive statement of the pertinent facts and circumstances upon which the waiver action is recommended, or may be waived by appellate decision pursuant to the appeal of the veteran: *Provided however,* That all other requirements of subdivision (i) or (ii) of this subparagraph, whichever is applicable, must be met.

(iv) [Deleted.]

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective April 6, 1954.

[SEAL] H. V. STIRLING,
Deputy Administrator,

[F. R. Doc. 54-2474; Filed, Apr. 5, 1954; 8:50 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

AMENDMENT TO THE DETERMINATION OF THE PREVAILING MINIMUM WAGE FOR THE WOOLEN AND WORSTED INDUSTRY

On January 30, 1954, notice was duly published in the FEDERAL REGISTER (19 F. R. 535), of a proposed amendment to the determination of the prevailing minimum wage for the Woolen and Worsted Industry (14 F. R. 1793), as revised (15 F. R. 4634). The notice provided a period of thirty days within which interested parties might submit exceptions to the proposed amendment. The time for filing such exceptions expired on March 1, 1954.

Counsel for the National Association of Wool Manufacturers and for certain woolen and worsted companies, has filed exceptions and objections to the proposed amendment, in the main similar to those previously filed and considered. The Textile Workers' Union of America, C. I. O., restated certain previous contentions.

I have carefully examined each exception and objection which has been filed, and being of the opinion that the record does not support any of them, each is overruled.

Upon consideration of the record and all matters presented in this proceeding, the proposed amendment hereby is adopted.

Accordingly, pursuant to the authority vested in me by the Walsh-Healey Public Contracts Act, the prevailing minimum wage determination for the Woolen and Worsted Industry contained in § 202.47 (41 Code of Federal Regulations, Part 202), is hereby amended as follows:

1. Paragraph (a) of § 202.47 is amended to renumber subparagraphs (6) and (7) as (7) and (8), respectively; to delete the word "and" before the word "(5)", and to add the words "and (6)" to the enumeration of clauses in renumbered subparagraph (8); and to add a new subparagraph (6) to read as follows:

(6) The manufacturing of pressed felt made entirely of wool or animal fiber (other than silk).

2. Paragraph (b) of § 202.47 is amended to read as follows:

(b) *Minimum wage.* (1) The minimum wage for persons employed in the manufacturing or furnishing of the products of the Broad-Woven Goods, Yarn, and Thread Branch of the Woolen and Worsted Industry and Pressed Felt under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.20 an hour arrived at either on a time or piece rate basis. The Broad-Woven Goods, Yarn, and Thread Branch includes the manufacturing, processing (including all preparatory processing), dyeing or other finishing of any of the following items which are within the scope of the Woolen and Worsted Industry, as defined herein: Broad-Woven fabrics (fabrics over 12 inches in width), yarn, thread, blankets.

(2) The minimum wage for persons employed in the manufacturing or furnishing of the products of the Woolen and Worsted Industry, other than the products of the Broad-Woven Goods, Yarn, and Thread Branch of the Industry and Pressed Felt, under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.05 an hour, arrived at either on a time or piece rate basis.

3. Paragraph (c) of § 202.47 is amended to read as follows:

(c) *Subminimum wages authorized.* (1) Learners and beginners may be employed subject to the following terms and conditions:

(i) In the performance of contracts for the products of the Broad-Woven Goods, Yarn and Thread Branch of the Woolen and Worsted Industry and for Pressed Felt, learners and beginners may be paid a subminimum rate of $1.05 an hour, unless experienced workers in the same plant are paid on a piece rate basis, in which case learners and beginners must be paid the same piece rates paid to experienced workers, and earnings based upon these piece rates if such earnings are in excess of $1.05 per hour. In the performance of contracts for products of the Woolen and Worsted Industry, other than the products of the Broad-Woven Goods, Yarn and Thread Branch of the Industry and Pressed Felt, learners and beginners may be paid a subminimum rate of 90 cents an hour unless experienced workers in the same plant are paid on a piece rate basis, in which case learners and beginners must be paid the same piece rates paid to experienced workers and earnings based upon these piece rates, if such earnings are in excess of 90 cents an hour;

(ii) The permitted length of the learning period for learners and beginners shall be 320 hours unless the learner or beginner has had previous experience in the Industry, in which case the number of hours of such experience must be deducted from the 320-hour learning period;

(iii) A learner or beginner for the purpose of this determination is a person who has had less than 320 hours' experience in the Industry.

(2) Handicapped workers may be employed at wages below the applicable minimum wages specified herein upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR, Parts 524 and 525), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

4. Paragraph (e) of § 202.47 is amended to read as follows:

(e) This section, as amended, shall be effective and the minimum wages hereby provided shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited, or negotiations otherwise commenced on or after May 7, 1954. With respect to prior contracts the minimum wages previously provided shall continue to apply.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38. Interprets or applies sec. 1, 49 Stat. 2036; 41 U. S. C. 35)

Signed at Washington, D. C., this 1st day of April 1954.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 54-2543; Filed, Apr. 2, 1954; 1:16 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 950]

UTAH AND WYOMING

TRANSFERRING LANDS FROM ASHLEY TO WASATCH NATIONAL FOREST, FROM WASATCH TO ASHLEY NATIONAL FOREST, FROM WASATCH TO UINTA NATIONAL FOREST AND FROM UINTA TO ASHLEY NATIONAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

The following-described lands within the exterior boundaries of the Ashley National Forest, Utah and Wyoming, are hereby transferred to the Wasatch National Forest, effective July 1, 1954:

Salt Lake Meridian

Tps. 1, 2 and 3 N., R. 13 E., partly unsurveyed, those parts now within the Ashley National Forest.
Tps. 1, 2 and 3 N., R. 14 E., partly unsurveyed.
Tps. 1 and 2 N., R. 15 E., unsurveyed.
T. 3 N., R. 15 E.,
Secs. 18, 19, 28 to 34, inclusive.
Tps. 1 and 2 N., R. 16 E., unsurveyed.
T. 3 N., R. 16 E.,
Secs. 25, 26, 33 to 36, inclusive.
Tps. 1 and 2 N., R. 17 E., partly unsurveyed, that part west of the divide between Sheep Creek and Buck Creek on the east and Burnt Fork and Lost Creek on the west.
T. 3 N., R. 17 E.,
Sec. 30, W½;
Sec. 31, W½.

Sixth Principal Meridian

Tps. 12 and 13 N., R. 114 and 115 W., those parts now within the Ashley National Forest.
T. 12 N., R. 116 W., that part now within the Ashley National Forest.

The following-described lands within the exterior boundaries of the Wasatch National Forest, Utah, are hereby transferred to the Ashley National Forest, effective July 1, 1954:

Uinta Special Meridian

T. 1 N., R. 6 W.,
Secs. 1 to 8, inclusive, 11 to 13, inclusive, 17 and 18.
T. 2 N., R. 6 W., that part now within the Wasatch National Forest.
Tps. 1, 2, 3 and 4 N., R. 7 W., those parts now within the Wasatch National Forest.
T. 1 N., R. 8 W., that part now within the Wasatch National Forest.
T. 2 N., R. 8 W.,
Secs. 1 and 12, and that part of the balance of the township south of the divide between the West Fork and South Fork of Rock Creek.
T. 3 N., R. 8 W.,
Secs. 1, 2 and 12, those parts east of the divide between Rock Creek and the east fork of North Fork of the Duchesne River;
Secs. 13, 24, 25 and 36.
T. 4 N., R. 8 W.,
Secs. 15, 22, 26, 27 and 35, those parts east of the divide between Rock Creek and the east fork of North Fork of the Duchesne River;
Secs. 13, 14, 23, 24, 25 and 36.
T. 1 N., R. 9 W., that part now within the Wasatch National Forest.
T. 2 N., R. 9 W.,
Secs. 1, 2, 11 to 14, inclusive, 19 to 29, inclusive, 32, 34 to 36, inclusive;
Secs. 3, 10 and 15, those parts east of the Duchesne River;
Sec. 33, that part now within the Wasatch National Forest.
T. 2 N., R. 10 W.,
Sec. 24, fractional.

The following-described lands within the exterior boundaries of the Wasatch National Forest, Utah, are hereby transferred to the Uinta National Forest, effective July 1, 1954:

Salt Lake Meridian

T. 3S., Rs. 2 and 3 E., unsurveyed, those parts south of the divide between Little Cottonwood and Big Cottonwood Creeks on the north and American Fork Canyon—Snake Creek on the south.
Tps. 4 and 5 S., Rs. 2 and 3 E., those parts now within the Wasatch National Forest.

The following-described lands within the exterior boundaries of the Uinta National Forest, are hereby transferred to the Ashley National Forest, effective July 1, 1954:

Uinta Special Meridian

T. 1 N., R. 9 W.,
Secs. 3, 4, 10, 11, 13, 14 and 15, those parts now within the Uinta National Forest;
Secs. 5 to 9, inclusive, those parts north and east of the divide between Rhodes Canyon and Wolf Creek.
T. 2 N., R. 9 W.,
Secs. 32 and 33, those parts now within the Uinta National Forest.
T. 6 S., R. 3 W., fractional.
Tps. 6 and 7 S., R. 4 W.
Tps. 6 and 7 S., R. 5 W.
Tps. 6 and 7 S., R. 6 W.
Tps. 6 and 7 S., R. 7 W.

T. 1 S., R. 8 W.,
Secs. 16 to 21, inclusive, and secs. 26 to 33, inclusive.
T. 5 S., R. 8 W.,
Secs. 5 to 18, inclusive, and secs. 17 and 18.
T. 6 S., R. 3 W.,
Secs. 1 to 4, inclusive, secs. 9 to 16, inclusive, and secs. 21 to 36, inclusive.
T. 7 S., R. 8 W., fractional.
T. 1 S., R. 9 W.,
Secs. 13 to 36, inclusive.
T. 4 S., R. 9 W.,
Secs. 25 to 36, inclusive.
T. 5 S., R. 9 W.,
Secs. 1 to 24, inclusive, and secs. 28 to 31, inclusive.
T. 6 S., R. 9 W.,
Secs. 6, 7, 18, 19 and 25 to 36, inclusive.
T. 7 S., R. 9 W., fractional.
T. 1 S., R. 10 W.,
Secs. 9 to 16, inclusive, secs. 22 to 27, inclusive, and secs. 35 and 36, those parts within Red Creek drainage.
T. 5 S., R. 10 W.,
Secs. 1 and 2, secs. 10 to 15, inclusive, secs. 21 to 27, inclusive, secs. 34 to 36, inclusive, and those parts of secs. 3, 4, 8, 9, 16, and 17 east of the divide between Willow Creek and Beaver Canyon.
Tps. 6 and 7 S., R. 10 W., fractional.

The exterior boundaries of the forests involved are hereby adjusted in accordance with the transfer made by this order, and any transferred land now having a national-forest status shall become a part of the forest to which it is transferred.

This order shall not be construed as giving a national-forest status to any lands which do not now have such status, or as changing the status of any lands which now have a national-forest status.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 30, 1954.

[F. R. Doc. 54-2439; Filed, Apr. 5, 1954; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare

PART 405—APPORTIONMENT OF THE APPROPRIATION FOR VOCATIONAL REHABILITATION FOR THE FISCAL YEAR 1954

STATE EXPENDITURES CHARGEABLE TO APPORTIONMENT FOR FISCAL YEAR 1954

Pursuant to the authority conferred by Title II of Public Law 170, 83d Congress, Part 405 of Title 45 C. F. R. is amended by deleting from § 405.3 thereof the phrase "Secs. 405.1 and 405.2" and substituting in lieu thereof the words "this part" and by adding the following new section:

§ 405.4 *State expenditures chargeable to the apportionment for the fiscal year 1954.* Disbursements made by the States for purposes provided for in the approved State Plan for vocational rehabilitation subsequent to June 30, 1954 will be considered as expenditures for the fiscal year 1954 for the purpose of earning such State's final apportionment if under State law and regulations such disbursements (treated as disbursements from State appropriated funds) would be properly chargeable as follows:

(a) In those States where the State fiscal year coincides with the Federal fiscal year to the fiscal year ending June 30, 1954; or

(b) In those States where appropriations are made on a biennial basis and expenditures are not charged or accountable to the separate years within the biennium, to the fiscal year ending June 30, 1954 if said date had been the end of a State biennium; or

(c) In States where the State fiscal year does not coincide with the Federal fiscal year, to the fiscal year ending June 30, 1954 if such fiscal period were substituted for the State fiscal year.

(67 Stat. 248)

Dated: March 31, 1954.

[SEAL] NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 54-2468; Filed, Apr. 5, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

DEHYDRATED (LOW-MOISTURE) APPLES

UNITED STATES STANDARDS FOR GRADES

Correction

In Federal Register Document 54-2209, appearing at page 1669 of the issue for Saturday, March 27, 1954, the following changes are made:

1. In the third line of § 52.2342 (b) "approximately" should read "approximating".

2. In § 52.2347 (a) (2) "85 percent" should read "95 percent".

Agricultural Research Service

[7 CFR Part 321]

FOREIGN POTATOES

PROPOSED AMENDMENT OF REGULATIONS GOVERNING THE IMPORTATION OF POTATOES INTO THE UNITED STATES

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to the authority conferred by sections 1, 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 154, 159, 162), is considering amending § 321.8 of the regulations governing the importation of potatoes into the United States (7 CFR 1952 Supp. 321.8) to read as follows:

§ 321.8 *Special provision for the importation of potatoes from Bermuda and the Dominion of Canada (except Newfoundland).* Potatoes may be imported from Bermuda and the Dominion of Canada (except Newfoundland) into the United States or any of its Territories or Districts, free of any restrictions whatsoever, until otherwise ordered, under the Plant Quarantine Act of August 20, 1912, as amended.

The purpose of this amendment is to eliminate from the potato import regulations the present special provision for the importation of potatoes from the States of Chiapas, Guanajuato, Jalisco, Queretaro, San Luis Potosi, Sonora, and Tamaulipas, Mexico, and the Northern Territory of Baja California (now known as the State of Baja California), Mexico. Few potatoes are imported into this country from Mexico. Several small lots, totaling less than 200 pounds, for home use by Border residents, are all the potatoes that have been imported from that country in the past four years.

The proposed elimination of the special import provision relating to Mexican potatoes is based on the finding of the golden nematode of potatoes, Heterodera rostochiensis Wr., in soil associated with potatoes apparently from widely scattered areas of Mexico.

In addition it has been reported by Dr. John S. Niederhauser of the Rockefeller Foundation that the potato wart, Synchytrium endobioticum, has been collected at three different locations in central Mexico. It is understood that there are no restrictions on the interstate movement of potatoes in Mexico.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Quarantine Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 10 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 1, 5, 9, 37 Stat. 315, as amended; 7 U. S. C. 154, 159, 162)

Done at Washington, D. C., this 31st day of March 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 54-2487; Filed, Apr. 5, 1954; 8:52 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

CHILD LABOR REGULATIONS ORDERS AND STATEMENTS OF INTERPRETATION

OCCUPATIONS PARTICULARLY HAZARDOUS FOR EMPLOYMENT OF MINORS; OCCUPATIONS INVOLVED IN OPERATION OF POWER DRIVEN PAPER-PRODUCTS MACHINES (ORDER 12)

Notice of hearing on proposed finding and order relating to the employment of minors between 16 and 18 years of age in occupations involved in the operation of paper-products machines.

In accordance with the Procedure Governing Determinations of Hazardous-Occupations (29 CFR, Part 4, Subpart D), an investigation has been conducted for the purpose of ascertaining what occupations involved in the operation of power-driven paper-products machines are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being and thus constitute oppressive child labor as defined in section 3 (e) of the Fair Labor Standards Act, as amended (52 Stat. 1060, as amended; 29 U. S. C. and Supp. 201 et seq.).

A report of the investigation, entitled "Occupational Hazards to Young Workers, Report No. 12, The Operation of Paper-Products Machines" has been submitted to the Secretary of Labor. The report concludes that certain occupations involved in the operation of power-driven paper products machines are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being. Copies of this report will be made available to interested persons upon request to the Bureau of Labor Standards, United States Department of Labor, Washington 25, D. C.

On the basis of such conclusions the Secretary of Labor pursuant to the authority conferred by section 3 (l) of the Fair Labor Standards Act, as amended (52 Stat. 1060, as amended; 29 U. S. C. and Sup. 201 et seq.) and Reorganization Plan No. 2, effective July 16, 1946, adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613), proposes to issue a finding and order in the form set forth below.

Accordingly, notice is hereby given of a public hearing to be held May 11, 1954, commencing at 10:00 a. m. in Room 1214, United States Department of Labor Building, 14th Street and Constitution Avenue, Northwest, Washington 25, D. C., before a presiding officer to be hereinafter designated, at which hearing interested parties may appear and be heard with respect to said proposed finding and order. All interested persons desiring to appear at the hearing are requested to notify the Secretary of Labor at least five days prior to the date fixed for the hearing. Any interested person who is unable to appear in person may file a written comment or brief with the Secretary of Labor not later than the day prior to the hearing in order that the same may be made a part of the record at the hearing.

Proposed finding and order. The finding and order which I propose to issue in this matter is as follows:

By virtue of the authority vested in me by section 3 (l) of the Fair Labor Standards Act, as amended (52 Stat. 1060, as amended; 29 U. S. C. and Sup. 201 et seq.) and Reorganization Plan No. 2 of 1946 adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613) and in accordance with the Procedure Governing Determinations of Hazardous Occupations (29 CFR Part 4, Subpart D), an investigation having been conducted with respect to what occupations involved in the operation of paper-products machines are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being and a report of said investigation having been submitted to me:

Now, therefore, I, James P. Mitchell, Secretary of Labor, after reviewing all the evidence and information with respect to the occupations involved, including the report of the investigation, do hereby find, declare and order:

§ 4.63 *Occupations involved in the operation of paper-products machines.*—(a) *Findings and declaration of fact.* The following occupations involved in the operation of power-driven paper-products machines are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.

(1) The occupation of operating or assisting to operate any of the following machines: Arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single- or double-facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap-paper baler, or vertical slotter.

(2) The occupation of operating or assisting to operate any platen die-cutting press, platen printing press, or punch press which involves hand feeding of the machine.

(b) *Definitions.* (1) The term "operating or assisting to operate" shall mean all work which involves starting or stopping the machine, placing materials into or removing them from the machine, setting up or cleaning the machine, or any other work in connection with the operation of the machine.

(2) The term "paper-products machine" shall mean power-driven machines used in the remanufacture or conversion of paper or pulp into a finished product. The term is understood to apply to such machines whether they are used in establishments that manufacture converted paper or pulp products, or in any other type of manufacturing or nonmanufacturing establishment.

(c) This section shall not justify noncompliance with a Federal or State law or municipal ordinance establishing a higher standard than the standard established herein.

(d) This section, when issued, will be made effective 30 days after due publication in the FEDERAL REGISTER.

(Sec. 3 (l), 52 Stat. 1060, as amended; 29 U. S. C. 203)

Signed at Washington, D. C., this 30th day of March 1954.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 54-2423; Filed, Apr. 5, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 40]

[Draft Release No. 54-8]

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

NOTICE OF PROPOSED RULE-MAKING

MARCH 31, 1954.

By petition filed with the Board on March 29, 1954, the Air Transport Association of America (ATA) on behalf of 12 certificated air carriers, has requested the Board to amend Part 40 of the Civil Air Regulations in the manner more particularly set forth hereinafter. The above-mentioned petition requested a postponement of the April 1, 1954, effective date of the provisions in question for a period of 90 days and, should the Board not agree with the proposed amendments, an opportunity to present oral argument to the Board.

The provisions in question are §§ 40.261 (d), 40.263, 40.280 (b), and 40.307. These rules deal with (1) the need for a flight crew member in addition to the flight engineer who is familiar with the flight engineer duties to provide emergency coverage should the flight engineer become incapacitated; (2) the requirement that a certificated flight engineer be a member of the flight crew on certain airplane types; (3) the qualifications of a check airman who gives a flight engineer a flight check required by Part 40; and (4) the recent experience requirements and necessity for a flight check of a flight engineer. The ATA petition requests that the above-mentioned sections be amended (1) to delete the requirement that a crew member in addition to the flight engineer be sufficiently qualified to provide emergency coverage for that function; (2) to allow either a commercial pilot qualified in the type aircraft, in addition to the normal pilot complement, or a certificated flight engineer to satisfy the requirement for a flight engineer; (3) to allow a check pilot to give a flight engineer flight checks required by Part 40 without himself holding a flight engineer certificate; and (4) to allow 50 hours of experience within the preceding 12 months to satisfy the recent experience requirements for flight engineers and to dispense with the necessity for a flight check should such recent experience requirements not be met.

The petition states that the principal concern of the air carriers in filing the request is "related to the authority of the pilot-in-command over the flight engineer's position". In support of this

contention, reference is made therein to resolutions of the Air Line Pilots Association which interpret § 40.261 (d) of the new Part 40 of the Civil Air Regulations as being in derogation of the paramount authority of the pilot-in-command. The statement is also made that "the flight engineer organization has increasingly taken the position that the flight engineer's panel is wholly within their jurisdiction and not subject to the direction of the pilot". The conclusion is drawn by the petitioner that the sections cited create a serious safety hazard in the cockpit and that the safety of airline operations is being endangered by an unfavorable cockpit atmosphere.

Section 4 (d) of the Administrative Procedure Act requires the Board to accord to any interested person the right to petition for the issuance, amendment or repeal of a rule. In accordance therewith, § 301.40 et seq. of 14 CFR Part 301 set forth the Board's Procedural Regulations governing the request for issuance, waiver, reconsideration, amendment, or rescission of a Civil Air Regulation. The above-mentioned petition has been submitted thereunder.

The Board adopted Part 40 of the Civil Air Regulations, which comes into effect on April 1, 1954, after more than 5 years of consideration and discussion with all segments of the aviation industry. This Part was adopted in April, 1953, and initially was to become effective on October 1, 1953. The effective date was subsequently extended on two separate occasions and now stands at April 1, 1954, or almost one year after adoption by the Board. The Board, therefore, will not lightly grant further extensions of the effective date of this Part or any of the provisions thereof. A review of the ATA petition discloses no substantiating data for the statement that the provisions in question "create a safety hazard in the cockpit". Although the petition refers to a general jurisdictional dispute between pilots and flight engineers employed by Eastern Air Lines, which dispute was ostensibly based on the extent of the authority of the pilot-in-command, interpretation No. 1 of Part 40, adopted March 26, 1954, makes abundantly clear the paramount authority of the pilot-in-command. Indeed, the statements of the President of the Flight Engineers' Union attached to the ATA petition, belie the allegation that the Flight Engineers' Union has taken the position that "the flight engineers' panel is wholly within their jurisdiction and not subject to the direction of the pilot". The petition does not set forth any specific instance in which the relationship between the pilot-in-command and the flight engineer became so strained because of the above factors that an unsafe condition was actually created. Nor has the Board received independently any advice of any such incident. Therefore, in the absence of substantiating data, the Board finds no basis for the requested suspension and denies the petition to suspend the effective date of the sections in dispute.

However, in view of the seriousness and complexity of the matter, and as a means for exploring all possibilities of regulatory action which might further clarify the relationship between captain and crew, the Board believes that the petition of ATA should be circulated to the public in accordance with rule-making procedures to afford all interested parties an opportunity to present to the Board such relevant material as they may see fit. Accordingly, notice is hereby given that the Board will consider the promulgation of an amendment to Part 40 of the Civil Air Regulations (14 CFR Part 40) in the form set forth in the attached proposed rule, which is the proposal of the Air Transport Association of America, or such other and different rules as the comments on the issues raised by the petition justify.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, Attention Bureau of Safety Regulation, Washington 25, D. C. All pertinent material contained in communications received on or before June 1, 1954, will be considered by the Board before taking action on the proposed rule. Should comments received indicate the necessity therefor, the Board will set this matter down for oral argument by interested parties.

(Sec. 205 (a); 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610; 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

It is proposed to amend Part 40 of the Civil Air Regulations as follows:

1. Delete § 40.261 (d).

2. Amend § 40.263 to read as follows:

§ 40.263 *Flight engineer.* An airman holding a valid flight engineer certificate, or an airman additional to other requirements of this part holding a valid commercial pilot's license and qualified on the airplane to be used, shall be required on all airplanes certificated for more than 80,000 pounds maximum certificated take-off weight. Such airman shall also be required on all four-engine airplanes certificated for more than 30,000 pounds maximum certificated take-off weight where the Administrator finds that the design of the airplane used or the type of operation is such as to require such additional airman for the safe operation of the airplane.

3. Amend § 40.280 (b) to read as follows:

(b) Each air carrier shall be responsible for providing adequate ground and flight training facilities and properly qualified instructors. There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as are required for the airman being checked: *Provided,* That a check pilot holding a rating on the airplane may flight check any member of the flight crew.

4. Amend § 40.307 to read as follows:

§ 40.307 *Flight engineer qualification for duty.* A flight engineer shall not be assigned to nor perform duties for which he is required to be certificated as a flight engineer unless, within the preceding 12-month period, he has had at least 50 hours of experience as a flight engineer on the type airplane on which he is to serve, or until the air carrier or an authorized representative of the Administrator has checked such flight engineer and determined that he is familiar with all essential current information and operating procedures relating to the type of airplane to which he is to be assigned and is competent with respect to such airplane.

[F. R. Doc. 54-2480; Filed, Apr. 5, 1954; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 270, 274]

REVISION OF ANNUAL AND QUARTERLY REPORTING FORMS AND RULES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration proposals to revise Forms N-30A-1 and N-30B-1[1] (17 CFR 274.101 and 274.106), which are the annual and quarterly reporting forms for registered management investment companies under section 30 of the Investment Company Act of 1940 and sections 13 and 15 (d) of the Securities Exchange Act of 1934. The Commission also has under consideration proposals to amend the related §§ 270.8b-2, 270.8b-23, 270.30a-3 and 270.30b1-2 (Rules N-8B-2, N-8B-23, N-30A-3, and N-30B1-2), to adopt a new § 270.8b-5 (Rule N-8B-5) and to rescind § 270.8c-1 (Rule N-8C-1). The Commission hereby extends to May 31, 1954, the time for filing an annual report on Form N-30A-1 for any fiscal year ended after November 30, 1953, and prior to February 1, 1954.

The revisions in the annual and quarterly reporting forms have been proposed in the light of the recent thorough revision of Form N-8B-1 (17 CFR 274.11), the registration form for management investment companies under section 8 of the Investment Company Act of 1940. The two reporting forms together are, in general, designed to keep up-to-date the information required by Form N-8B-1. Information, which it appears to the Commission, should be reported currently would be supplied in the quarterly report. The quarterly report would not, however, have to be filed automatically for each quarter as at present, but only if one of the events required to be reported occurs and has not been reported elsewhere. The revision of the reporting requirements corresponds to the correlation of the annual report form on Form 10-K (17 CFR 249.310) and the current report form on Form 8-K (17 CFR 249.308), the forms prescribed for general use under sections 13 and 15 (d) of the Securities Exchange Act of 1934.

As a part of the Commission's program to eliminate duplication wherever possible, the proposed Form N-30A-1 provides that many items of information can be omitted if a prospectus containing the same information has been filed with the Commission. This should be particularly helpful to open-end companies which usually file prospectuses at least annually. A similar provision is suggested with respect to information already reported in a proxy statement. In addition, it is proposed to amend the definition of "previously reported" so as to make it unnecessary to file a quarterly report to furnish information already given in a prospectus, a proxy statement, or a report, including a stockholders report, filed with the Commission. The provisions of § 270.8b-23 (Rule N-8B-23) would similarly be broadened so as to make it clear that information in a registration statement, a prospectus, a proxy statement, or a report, may be incorporated by reference. The provisions of this rule also permit incorporation by reference in an annual report of financial statements contained in a stockholders report if they substantially meet the requirements of the annual report form.

The proposed amendment to Rule N-8B-23 mentioned above, would make Rule N-8C-1 unnecessary, and it is, therefore, proposed to rescind that rule. The revision of the annual and quarterly reporting forms would make certain technical amendments in Rule N-30A-3 and N-30B1-2 necessary. The Commission also proposes to adopt N-8B-5 to provide specifically for the time of filing a registration statement under section 8 of the act. Separate instructions with respect to this matter were formerly contained in the registration forms.

Copies of the proposed revised Forms N-30A-1 and N-30B-1 may be obtained by any interested person upon request. The text of the proposed new Rule N-8B-5 and the proposed amended paragraphs of Rules N-8B-2, N-8B-23, N-30A-3 and N-30B1-2 are set forth below. It is proposed to rescind paragraph (d) of Rules N-30A-3 and N-30B1-2, which are no longer necessary.

§ 270.8b-2 *Definitions.* • • •

Previously filed or reported. The terms "previously filed" and "previously reported" mean previously filed with, or reported in, a registration statement filed under section 8 of the act or under the Securities Act of 1933, a report filed under section 30 of the act or section 13 or 15 (d) of the Securities Exchange Act of 1934, a definitive proxy statement filed under section 20 of the act or section 14 of the Securities Exchange Act of 1934, or a prospectus filed under the Securities Act of 1933; provided, that information contained in any such document shall be deemed to have been previously filed with, or reported to, an exchange only if such document is filed with such exchange.

§ 270.8b-5 *Time of filing Original Registration Statement.* An investment company shall file a registration statement with the Commission on the appropriate form within three months after the filing of notification of registration under section 8 (a) of the act, provided that if the fiscal year of the company ends within the three months period, its registration statement may be filed within three months after the end of such fiscal year.

§ 270.8b-23 *Incorporation by reference.* (a) Any registrant may incorporate by reference, in answer or partial answer to any item of a registration statement or report, any information contained elsewhere in the statement or report or any information contained in any other statement, report or prospectus filed with the Commission pursuant to any Act administered by it, provided that a copy of such other statement, report or prospectus is filed with each copy of the registration statement or report in which it is incorporated by reference. Matter contained in an exhibit, however, may be incorporated only to the extent permitted by § 270.8b-24 (Rule N-8B-24).

§ 270.30a-3 *Annual report for totally-held registered investment company subsidiary of registered investment company.* Notwithstanding the provisions of § 270.30a-2 (Rule N-30A-2), a registered management investment company for which Form N-30A-1 (17 CFR 274.101) is appropriate for annual reports and which is a totally-held subsidiary of a registered management investment company may file a statement in the form prescribed by paragraph (b) of this section in lieu of an annual report on Form N-30A-1 (17 CFR 274.101), if the following conditions are met:

(1) The fiscal year of the subsidiary ends as of the same date as the fiscal year of the parent;

(2) The information and exhibits required by Form N-30A-1 (17 CFR 274.101) with respect to the subsidiary are included in the annual report of the parent;

(3) Financial statements for the subsidiary for the period required by Form N-30A-1 (17 CFR 274.101) are included in the annual report of the parent, either on a consolidated or separate basis; and

(4) It is indicated on the facing page of the parent's annual report that such report is filed on behalf of itself and the subsidiary, naming the subsidiary.

§ 270.30b1-2 *Quarterly report for totally-held registered investment company subsidiary of registered investment company.* (a) Notwithstanding the provisions of § 270.30b1-1 (Rule N-30B1-1), a registered management investment company for which Form N-30B-1 (17 CFR 274.106) is appropriate for quarterly reports and which is a totally-held subsidiary of a registered management investment company may file a statement in the form prescribed by paragraph (b) of this section in lieu of a quarterly report on Form N-30B-1 (17 CFR 274.106), if the following conditions are met:

(1) The fiscal quarter of the subsidiary ends as of the same date as the fiscal quarter of the parent;

(2) The information and exhibits required by Form N-30B-1 (17 CFR 274.106) with respect to the subsidiary are included in the quarterly report of the parent; and

(3) It is indicated on the facing page of the parent's quarterly report that such report is filed on behalf of itself and the subsidiary, naming the subsidiary.

The above proposals are made pursuant to the provisions of sections 8, 30, and 38 (a) and (b) of the Investment Company Act of 1940, and sections 13, 15 (d) and 23 (a) of the Securities Exchange Act of 1934.

All interested persons are invited to submit data, views, and comments on these proposals, in writing, to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before April 26, 1954. Unless the person submitting any such data, views or comments requests in writing that they be held confidential, they will be public records available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 30, 1954.

[F. R. Doc. 54-2451; Filed, Apr. 5, 1954; 8:48 a. m.]

[1] Forms filed as part of the original document.

NOTICES

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

ORGANIZATION STATEMENT

MISCELLANEOUS AMENDMENTS

Effective as of April 1, 1954, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (17 F. R. 11613, December 19, 1952), as amended, are prescribed:

1. Subparagraph (1) of paragraph (a) of section 1.50 is amended so that when taken with the introductory material it will read as follows:

SEC. 1.50 *Places where, and methods whereby, information may be secured or submittals or requests made.* (a) Any person desiring information relative to a matter handled by the Immigration and Naturalization Service or any person desiring to make a submittal or request in connection with such a matter should communicate either orally or in writing with whichever of the following offices is most convenient for him:

(1) A district headquarters office of the Service. There are fifteen such of-

fices located in the cities shown in section 1.51.

2. Section 1.51 is amended by eliminating District No. 11, *Kansas City, Missouri*, and by amending Districts numbered 9, 12, 14, and 15, which, when taken with the introductory material, will read as follows:

SEC. 1.51 *Field districts.* The territory within which officials of the Immigration and Naturalization Service are located is divided into districts which are designated by numbers, have fixed headquarters, and are defined as follows:

• • • • •

9. *Chicago, Illinois.* Includes the States of Illinois, Missouri, Iowa, Kansas, and Nebraska; Isle Royale, Michigan; and the States of Wisconsin, Minnesota, North Dakota, and South Dakota; also jurisdiction over the United States immigration station located at Winnipeg, Manitoba, Canada. Menominee, Michigan, is included in District No. 9 solely with respect to the inspection of seamen.

• • • • •

12. *Seattle, Washington.* Includes the States of Idaho, Montana, Oregon, Wyoming, and Washington; and the Territory of Alaska; also jurisdiction over the United States immigration stations located at Sydney, Vancouver, and Victoria, British Columbia, Canada.

• • • • •

14. *San Antonio, Texas.* Includes that part of the State of Texas lying east and south of the counties of Terrell, Pecos, Upton, Midland, Howard, Mitchell, Nolan, Fisher, Stonewall, King, Cottle, and Childress; and the State of Oklahoma.

15. *El Paso, Texas.* Includes that part of the State of Texas lying west and north of the counties of Val Verde, Crockett, Reagan, Glasscock, Sterling, Coke, Taylor, Jones, Haskell, Knox, Foard, and Hardeman; the States of New Mexico and Colorado; and the State of Arizona except the counties of Yuma and Mojave.

Dated: March 30, 1954.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: March 25, 1954.

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 54-2458; Filed, Apr. 5, 1954; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order 551, Amdt. 7]

CENTRAL OFFICE PERSONNEL AND AREA DIRECTORS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

Order 551, as amended (16 F. R. 2939, 2940; 16 F. R. 5456, 5457; 16 F. R. 7467, 7468; 16 F. R. 8252, 17 F. R. 3516, 3517; 17 F. R. 7552; and 18 F. R. 7305), is further amended as hereinafter indicated.

1. Section 2 *Authority of Central Office Personnel* is amended to read as follows:

SEC. 2. *Authority of Central Office Personnel.* (a) The Associate Commissioner, Assistant Commissioners, and those persons authorized to act in their stead during their absence from their respective offices, may severally exercise any and all authority conferred upon the Commissioner of Indian Affairs by the Secretary of the Interior. These officials may, in specific individual cases, redelegate such authority to other employees of the Bureau.

(b) The Chief, Branch of Realty, may exercise the authority conferred upon the Commissioner, Bureau of Indian Affairs, by the Secretary of the Interior (1) in section 13 of his Order 2508, as amended, and (2) in the general regulations in Title 25, Chapter I, Subchapters Q, R, T, and W of the Code of Federal Regulations, insofar as the authority thereby conferred upon the Commissioner relates to action in individual [illegible].

2. Section 3 *Authority of Area Directors*, is amended as follows:

SEC. 3. *Authority of Area Directors.* (a) An Area Director may authorize any employee of his office to perform the functions of the Area Director in case of a vacancy in that office or in case of the absence or sickness of the Area Director. An employee acting under the authority of this subsection shall sign documents under the title "Acting Area Director."

(b) The Associate Area Director, Assistant Area Director, and the Area Administrative Officer under the general direction and supervision of the Area Director may, except for the execution of contracts under section 305 of this order, severally exercise all the power and authority of the Area Director.

(c) An Area Director may, by a written order, redelegate to his subordinates any authority delegated to him by this order subject, however, to the approval of such redelegation order by the Commissioner, Bureau of Indian Affairs, and its publication in the FEDERAL REGISTER.

(d) An Area Director may exercise the authority of the Commissioner as follows:

• • • • •

3. That part of section 305 *Construction contracts*, preceding paragraph (a), is amended to read as follows:

SEC. 305. *Construction contracts.* The execution of construction contracts where the amount involved does not exceed $10,000.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 54-2453; Filed, Apr. 5, 1954; 8:48 a. m.]

[Gallup Area Office Redelegation Order 1]

GENERAL SUPERINTENDENTS OF NAVAJO AND UNITED PUEBLOS AGENCIES

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

SECTION 1. *Authority of the General Superintendents of the Navajo Agency and the United Pueblos Agency.* The General Superintendents of the Navajo Agency and the United Pueblos Agency may exercise the authority delegated to Area Directors pursuant to Order No. 551 of the Bureau of Indian Affairs, as amended (16 F. R. 2939, 2940; 16 F. R. 5456, 5457; 16 F. R. 7467, 7468; 16 F. R. 8252; 17 F. R. 3516, 3517; 17 F. R. 7552; and 18 F. R. 7305), except the authority to redelegate.

SEC. 2. *Termination of authority.* The authority delegated by this order shall terminate on June 30, 1954, unless sooner terminated by an Order of the Area Director published in the FEDERAL REGISTER.

SEC. 3. *Appeals.* Any action taken by General Superintendents pursuant to this order shall be subject to the right of appeal. An appeal may be taken from the decision of the General Superintendent to the Area Director, Gallup Area Office. All appeals must be filed in writing with the General Superintendent. An appeal filed with the General Superintendent shall be promptly transmitted by him with the record in the case to the Area Director, Gallup Area Office. Any action taken by the Area Director pursuant to this order shall be subject to the right of appeal to the Commissioner, Bureau of Indian Affairs, pursuant to section 1 of Order 551, as amended. Any action taken by the Commissioner of the Bureau of Indian Affairs on such an appeal is subject to the right of appeal to the Secretary of the Interior, pursuant to section 1 of Order 2508, as amended, of the Secretary of the Interior.

W. WADE HEAD.
Area Director.

Approved: April 1, 1954.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 54-2454; Filed, Apr. 5, 1954; 8:49 a. m.]

Bureau of Land Management

IOWA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 31, 1954.

An application, number 1622226, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws of the lands described below was filed on November 17, 1952, by the Office of the Chief of Engineers, Department of the Army. The purposes of the proposed withdrawal: For use as a river terminal.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VI, Bureau of Land Management, Department of the Interior at Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Fifth Principal Meridian

T. 92 N., R. 2 W.,
Unnumbered lot containing 4.40 acres, in the NE¼ of the NE¼ of sec. 29, at north end of bayou.

H. S. PRICE,
Regional Administrator.

[F. R. Doc. 54-2438; Filed, Apr. 5, 1954; 8:45 a. m.]

Office of the Secretary

[Order 2583, Amdt. 9]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

MARCH 30, 1954.

Section 2.6, entitled *Enforcement and other actions in connection with certain public parks and other areas*, of Order No. 2583, as amended (15 F. R. 5643, 6997; 16 F. R. 6805; 17 F. R. 7513, 10486; 18 F. R. 161, 3446, 5715; 19 F. R. 1021), is revoked.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z-15, note)

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-2440; Filed, Apr. 5, 1954; 8:46 a. m.]

[Order 2640, Amdt. 7]

NATIONAL PARK SERVICE

DELEGATION OF AUTHORITY WITH RESPECT TO FUNCTIONS RELATING TO SURPLUS LAND

MARCH 30, 1954.

Order No. 2640, as amended (16 F. R. 5846, 11934; 17 F. R. 482, 964; 18 F. R. 2832, 6789), is further amended as follows:

1. Section 13 is amended to read as follows:

SEC. 13. *Functions relating to surplus land.* (a) The Director is authorized to determine, in accordance with subsection (h) of section 13 of the Surplus Property Act of 1944, as amended by the act of June 10, 1948 (62 Stat. 350; 50 U. S. C., 1946 ed., Supp. V, sec. 1622 (h)), whether surplus land is suitable and desirable for use as a public park, public recreational, area, or historic monument, for the benefit of the public, and to inform disposal agencies of such determinations.

(b) The Director is authorized to determine and enforce compliance with the provisions of any instrument of transfer and take other actions necessary, including the issuance of necessary documents, pursuant to the provision of section 203 (k) (2) of the Federal Property and Administrative Services Act of 1949 (40 U. S. C., Supp. V, sec 484 (k) (2)) with respect to property transferred pursuant to the Surplus Property Act of 1944, as amended and extended (50 U. S. C., 1946 ed., Supp. V, sec. 1622 (h)) to States, political subdivisions and instrumentalities thereof, and municipalities, for use as a public park, public recreational areas, or historic monument for the benefit of the public.

(Sec. 2, Reorganization Plan No. 3 of 1950, 5 U. S. C., 1952 ed., sec. 133z-15, note)

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-2441; Filed, Apr. 5, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 4406]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 10, 1953.

Inasmuch as Northern Rio Arriba Electric Cooperative, Inc. has transferred certain of its properties and assets to La Plata Electric Association, Inc., and La Plata Electric Association, Inc. has assumed in part the indebtedness to United States of America, of the Northern Rio Arriba Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 2334, dated October 6, 1949, by changing the project designation appearing therein as "New Mexico 15A Rio Arriba" in the amount of $710,000 to read "New Mexico 15A Rio Arriba" in the amount of $701,000 and "Colorado 32TP1 La Plata (New Mexico 15A Rio Arriba)" in the amount of $9,000.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-2489; Filed, Apr. 5, 1954; 8:53 a. m.]

[Administrative Order 4407]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 10, 1953.

I hereby amend:

(a) Administrative Order No. 3543, dated December 3, 1951, by rescinding the loan of $15,000 therein made for "Wisconsin 59F Washington Island".

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-2490; Filed, Apr. 5, 1954; 8:53 a. m.]

[Administrative Order 4408]

MINNESOTA

LOAN ANNOUNCEMENT

NOVEMBER 13, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 66P Nobles	$332,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-2491; Filed, Apr. 5, 1954; 8:53 a. m.]

[Administrative Order 4409]

NORTH DAKOTA

LOAN ANNOUNCEMENT

NOVEMBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Dakota 21H Sargent	$330,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-2492; Filed, Apr. 5, 1954; 8:53 a. m.]

[Administrative Order 4410]

KENTUCKY

LOAN ANNOUNCEMENT

NOVEMBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 40P Jessamine	$410,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-2493; Filed, Apr. 5, 1954; 8:53 a. m.]

[Administrative Order 4411]

OREGON

LOAN ANNOUNCEMENT

NOVEMBER 24, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oregon 17S Douglas	$445,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 54-2494; Filed, Apr. 5, 1954; 8:53 a. m.]

[Administrative Order 4412]

OKLAHOMA

LOAN ANNOUNCEMENT

NOVEMBER 24, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 37C Wagoner	$1,035,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2495; Filed, Apr. 5, 1954; 8:54 a. m.]

[Administrative Order 4413]

NORTH DAKOTA

LOAN ANNOUNCEMENT

NOVEMBER 25, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Dakota 35P Burleigh	$350,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2496; Filed, Apr. 5, 1954; 8:54 a. m.]

[Administrative Order 4414]

IOWA

LOAN ANNOUNCEMENT

NOVEMBER 27, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 70L Osceola	$113,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-2497; Filed, Apr. 5, 1954; 8:54 a. m.]

[Administrative Order 4415]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 2, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 61U Coleman	$225,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2498; Filed, Apr. 5, 1954; 8:54 a. m.]

[Administrative Order 4416]

GEORGIA

LOAN ANNOUNCEMENT

DECEMBER 2, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 65S Irwin	$630,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2499; Filed, Apr. 5, 1954; 8:54 a. m.]

[Administrative Order 4417]

MICHIGAN

LOAN ANNOUNCEMENT

DECEMBER 4, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Michigan 29K Ontonagon	$15,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-2500; Filed, Apr. 5, 1954; 8:54 a. m.]

[Administrative Order 4418]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 11, 1953.

Inasmuch as Wild Rice Electric Cooperative, Inc. has transferred certain of its properties and assets to Clearwater-Polk Electric Cooperative, Inc., and Clearwater-Polk Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Wild Rice Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 835, dated June 5, 1944, by changing the project designation appearing therein as "Minnesota 4082B1 Becker" in the amount of $150,000 to read "Minnesota 4082B1 Becker" in the amount of $135,821.96 and "Minnesota 101TP4 Clearwater (Minnesota 4082B1 Becker)" in the amount of $14,178.04.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2501; Filed, Apr. 5, 1954; 8:54 a. m.]

[Administrative Order 4419]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 14, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 94 S-T Gonzales	$580,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-2502; Filed, Apr. 5, 1954; 8:54 a. m.]

[Administrative Order 4420]

KENTUCKY

LOAN ANNOUNCEMENT

DECEMBER 14, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 30R Shelby	$305,000

[SEAL] FRED H. STRONG. *Acting Administrator.*

[F. R. Doc. 54-2503; Filed, Apr. 5, 1954; 8:55 a. m.]

[Administrative Order 4421]

COLORADO

LOAN ANNOUNCEMENT

DECEMBER 14, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Colorado 38L Yuma	$440,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-2504; Filed, Apr. 5, 1954; 8:55 a. m.]

[Administrative Order 4422]

VIRGINIA

LOAN ANNOUNCEMENT

DECEMBER 16, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Virginia 30W Bath	$154,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2505; Filed, Apr. 5, 1954; 8:55 a. m.]

[Administrative Order 4423]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 16, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 75N Wharton	$312,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2506; Filed, Apr. 5, 1954; 8:55 a. m.]

[Administrative Order 4424]

ARKANSAS

LOAN ANNOUNCEMENT

DECEMBER 16, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 29P Clark	$389,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2507; Filed, Apr. 5, 1954; 8:55 a. m.]

[Administrative Order 4425]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 16, 1953.

Inasmuch as White River Electric Association, Inc. has transferred certain of its properties and assets to The Gunnison County Electric Association, Inc., and The Gunnison County Electric Association, Inc. has assumed in part the indebtedness to United States of America, of White River Electric Association, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 999, dated December 19, 1945, as amended by Administrative Order No. 3899, dated December 16, 1952, by changing the project designation appearing therein as "Colorado 40TP2 Rio Blanco (New Mexico 11 Taos [Arizona 18A Maricopa])" in the amount of $31,560 to read "Colorado 40TP2 Rio Blanco (New Mexico 11 Taos [Arizona 18A Maricopa])" in the amount of $2,393.49 and "Colorado 18TP1 Gunnison (Colorado 40TP2 Rio Blanco) [(New Mexico 11 Taos) ((Arizona 18A Maricopa))]" in the amount of $29,166.51.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2508; Filed, Apr. 5, 1954; 8:55 a. m.]

[Administrative Order 4426]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 16, 1953.

Inasmuch as Highline Electric Association has transferred certain of its properties and assets to Y-W Electric Association, Inc., and Y-W Electric Association, Inc. has assumed in part the indebtedness to United States of America, of Highline Electric Association, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1245, dated March 31, 1947, by changing the project designation appearing therein as "Colorado 29M Phillips" in the amount of $700,000 to read "Colorado 29M Phillips" in the amount of $686,253.28 and "Colorado 38TP1 Yuma (Colorado 29M Phillips)" in the amount of $13,746.72.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2509; Filed, Apr. 5, 1954; 8:55 a. m.]

[Administrative Order 4427]

NEW MEXICO

LOAN ANNOUNCEMENT

DECEMBER 17, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 20S Socorro	$50,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2510; Filed, Apr. 5, 1954; 8:55 a. m.]

[Administrative Order 4428]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 17, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 119M Kimble	$177,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2511; Filed, Apr. 5, 1954; 8:56 a. m.]

[Administrative Order 4429]

MISSISSIPPI

LOAN ANNOUNCEMENT

DECEMBER 23, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 34S LeFlore	$2,780,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2512; Filed, Apr. 5, 1954; 8:56 a. m.]

[Administrative Order 4430]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 23, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 55AA Floyd	$485,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2513; Filed, Apr. 5, 1954; 8:56 a. m.]

[Administrative Order 4431]

MONTANA

LOAN ANNOUNCEMENT

DECEMBER 23, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Montana 30C Glacier	$1,180,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2514; Filed, Apr. 5, 1954; 8:56 a. m.]

[Administrative Order 4432]

MISSISSIPPI

LOAN ANNOUNCEMENT

DECEMBER 23, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 30AC Lawrence	$350,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2515; Filed, Apr. 5, 1954; 8:56 a. m.]

[Administrative Order 4433]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 23, 1953.

Inasmuch as Presque Isle Electric Cooperative, Inc. has transferred certain of its properties and assets to Northern Michigan Electric Cooperative, Inc., and Northern Michigan Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Presque Isle Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1593, dated August 30, 1948, by changing the project designation appearing therein as "Michigan 28W, X, Y Presque Isle" in the amount of $900,000 to read "Michigan 28W, X, Y Presque Isle" in the amount of $393,096.25 and "Michigan 47TP4 Cheboygan (Michigan 28W, X, Y Presque Isle)" in the amount of $506,903.75; and

(b) Administrative Order No. 2419, dated December 14, 1949, by changing the project designation appearing therein as "Michigan 28Z Presque Isle" in the amount of $689,000 to read "Michigan 47TP4 Cheboygan (Michigan 28Z Presque Isle)".

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2516; Filed, Apr. 5, 1954; 8:56 a. m.]

[Administrative Order 4434]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 23, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 31U Horry	$620,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2517; Filed, Apr. 5, 1954; 8:56 a. m.]

[Administrative Order 4435]

ARIZONA

LOAN ANNOUNCEMENT

DECEMBER 23, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arizona 14V Cochise	$1,340,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2518; Filed, Apr. 5, 1954; 8:57 a. m.]

[Administrative Order 4436]

MISSOURI

LOAN ANNOUNCEMENT

DECEMBER 29, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 51P Nodaway	$500,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2519; Filed, Apr. 5, 1954; 8:57 a. m.]

[Administrative Order 4437]

KENTUCKY

LOAN ANNOUNCEMENT

DECEMBER 29, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 21T Nelson	$345,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2520; Filed, Apr. 5, 1954; 8:57 a. m.

[Administrative Order 4438]

GEORGIA

LOAN ANNOUNCEMENT

DECEMBER 30, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 81S Towns	$725,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2521; Filed, Apr. 5, 1954; 8:57 a. m.]

[Administrative Order 4439]

OKLAHOMA

LOAN ANNOUNCEMENT

DECEMBER 31, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 30U Choctaw	$50,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2522; Filed, Apr. 5, 1954; 8:57 a. m.]

[Administrative Order 4440]

WASHINGTON

LOAN ANNOUNCEMENT

DECEMBER 31, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Washington 39F Nespelem	$25,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2523; Filed, Apr. 5, 1954; 8:57 a. m.]

[Administrative Order 4441]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 31, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 24T Marion	$220,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 54-2524; Filed, Apr. 5, 1954; 8:57 a. m.]

Office of the Secretary

SPECIAL LIVESTOCK LOAN COMMITTEES

NOTICE OF APPOINTMENT TO COMMITTEES

Pursuant to the authority vested in the Secretary of Agriculture by section 2 (c) of the act of April 6, 1949 (63 Stat. 43), as amended by Public Law 115, 83d Congress, and pending the establishment of permanent Special Livestock Loan Committees, pursuant to said section 2 (c), it is hereby ordered:

1. State Farmers Home Administration Directors, Chairmen of State Agricultural Stabilization and Conservation Committees and Directors of Agricultural Extension, or such other persons in their stead as may be designated by the Secretary of Agriculture, are hereby appointed as Special Livestock Loan Committees to perform all committee functions authorized under the foregoing statute with respect to any applications originating anywhere in their respective States which may be presented to them.

2. County Farmers Home Administration Committees appointed pursuant to section 42 of the Bankhead-Jones Farm Tenant Act, as amended, for counties in areas heretofore or hereafter designated as major disaster areas pursuant to the act of September 30, 1950 (64 Stat. 1109), are hereby appointed temporarily as Special Livestock Loan Committees in their respective counties to perform all committee functions authorized under the said act of April 6, 1949, as amended, with respect to any applications originating in their respective counties which may be referred to them.

3. Before Special Livestock Loan Committees appointed hereunder shall exercise any function, State Farmers Home Administration Directors will certify to the Secretary of Agriculture that the committee members have a recognized knowledge of the livestock industry.

4. All committee functions heretofore exercised by County Farmers Home Administration Committees appointed as Special Livestock Loan Committees by the Secretary of Agriculture are hereby ratified and confirmed.

The effective date of this order is July 30, 1953, and reference herein to the Chairmen of the State Agricultural Stabilization and Conservation Committees shall include Chairmen of the State Production and Marketing Administration Committees.

Done at Washington, D. C., this 31st day of March 1954.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 54-2455; Filed, Apr. 5, 1954; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Bernstein Manufacturing Co., 208 Lake St., Salisbury, Md., effective 3-26-54 to 3-25-55; 10 learners for normal labor turnover purposes (learners are not authorized to be employed at subminimum wage rates in the production of skirts) (ladies' sportswear).

Blue Bell, Inc., Tishomingo, Miss., effective 3-30-54 to 3-29-55; 10 learners for normal labor turnover purposes (work pants).

Carthage Corp., Carthage, Miss., effective 3-29-54 to 3-28-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, ladies' dungarees).

Crisfield Shirt & Pajama Co., Princess Anne, Md., effective 3-25-54 to 3-24-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' shirts).

Crisfield Shirt & Pajama Co., Crisfield, Md., effective 3-25-54 to 3-24-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' shirts).

Elder Manufacturing Co., Thirteenth and Lucas Avenue, St. Louis, Mo., effective 3-26-54 to 3-25-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' wearing apparel).

Elder Manufacturing Co., 7025 Pennsylvania Avenue, St. Louis, Mo., effective 3-26-54 to 3-25-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts).

Fuhrman-Levitt, Inc., 1486 Haddon Avenue, Camden, N. J., effective 3-26-54 to 3-25-55; 10 learners for normal labor turnover purposes (children's cotton dresses).

Grafton Manufacturing Co., Riverside Drive, Grafton, W. Va., effective 3-25-54 to 3-24-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' blouses).

Harde Manufacturing Co., Inc., Waverly, Va., effective 3-26-54 to 9-25-54; 35 learners for expansion purposes (boys' jackets).

Hickory Flat Manufacturing Co., Hickory Flat, Miss., effective 4-10-54 to 4-9-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' work shirts).

I. B. S. Manufacturing Co., New Albany, Miss., effective 4-10-54 to 4-9-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

J. A. Lamy Manufacturing Co., Sedalia, Mo., effective 4-10-54 to 4-9-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's, boys' and women's waistband overalls).

Lee Manufacturing Co., Inc., 247 South Main Street, Pittston, Pa., effective 4-7-54 to 4-6-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's dresses).

Logan Manufacturing Co., North Main Street, Russellville, Ky., effective 4-4-54 to 4-3-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

M and S Co., Inc., 2607 DeSiard Street, Monroe, La., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dress pants).

Movie Star of Poplarville, Inc., Poplarville, Miss., effective 3-25-54 to 3-24-55; 10 learners for normal labor turnover purposes (women's slips, petticoats and gowns).

Peerless Sportswear Manufacturing Co., 324 South Main Street, Wilkes-Barre, Pa., effective 3-29-54 to 3-28-55; 10 learners for normal labor turnover purposes (boys' pants).

Southern Textiles, Inc., Alamo, Tenn., effective 3-29-54 to 9-28-54; 10 learners for expansion purposes (foundation garments).

Top Mode Manufacturing Co., Warsaw, N. C., effective 4-15-54 to 4-14-55; 10 learners for normal labor turnover purposes (women's dresses).

Topkis Bros. Co., Corbin, Ky., effective 3-27-54 to 3-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts and jackets).

Vidalia Garment Co., Ltd., Vidalia, Ga., effective 4-11-54 to 4-10-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Union Underwear Co., Inc., Bowling Green, Ky., effective 4-15-54 to 4-14-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shorts and knit athletic undershirts).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

Martinsburg Shoe Co., Inc., 107 Highland Street, Martinsburg, Pa., effective 3-29-54 to 9-28-54; 25 learners for expansion purposes.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Pride Products, Inc., 263 Carpenter Road, Hato Rey, P. R., effective 3-19-54 to 9-18-54; 10 learners. Machine stitching, 240 hours @ 39¢ an hour, 240 hours @ 44¢ an hour; Cutting (hand), 240 hours @ 39¢ an hour; Thumb cutting, 240 hours @ 39¢ an hour (fur lined or fur trimmed gloves).

Rico Glove Corp., Bo. Maton, Cayey, P. R., effective 3-22-54 to 9-21-55; 25 learners. Machine stitching woven and knitted fabric gloves, 240 hours @ 32¢ an hour, 240 @ 40¢ an hour (fabric gloves).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regula-

tions and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 29th day of March 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-2442; Filed, Apr. 5, 1954; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6583]

SEABOARD & WESTERN AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Seaboard & Western Airlines, Inc., for an approval pursuant to section 408 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on April 12, 1954, at 10:00 a. m., e. s. t., in Room 4823, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., April 1, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2479; Filed, Apr. 5, 1954; 8:51 a. m.]

[Docket No. 5476]

TACA INTERNATIONAL AIRLINES, S. A.

NOTICE OF ORAL ARGUMENT

In the matter of the application of TACA International Airlines, S. A., for renewal of its foreign air carrier permit so as to permit it to continue to engage in foreign air transportation with respect to persons, property and mail between the terminal point San Salvador, El Salvador, and the intermediate points Guatemala City, Guatemala, and Belize, British Honduras, and the terminal point New Orleans, Louisiana.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on April 22, 1954, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 1, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2485; Filed, Apr. 5, 1954; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3214]

WEST TEXAS UTILITIES CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE FOR ISSUANCE AND SALE BY SUBSIDIARY OF REGISTERED HOLDING COMPANY OF NEW PREFERRED STOCK SUBJECT TO EXCHANGE OFFER AND REDEMPTION OF OUTSTANDING PREFERRED STOCK

MARCH 31, 1954.

West Texas Utilities Company ("West Texas"), a public utility subsidiary of Central and South West Corporation, a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 (a), 7 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 promulgated thereunder, with respect to the following proposed transactions:

West Texas at the present time has outstanding 47,370 shares of $6 Cumulative Preferred Stock ("Old Preferred Stock"), without par value, which is redeemable at $110 per share, plus accrued dividends.

West Texas proposes to (a) issue 60,000 shares of __ Percent Cumulative Preferred Stock ("New Preferred Stock"), of the par value of $100 per share; (b) to offer to the holders of the 47,370 shares of Old Preferred Stock the right to exchange their shares of Old Preferred Stock for shares of New Preferred Stock, on a share for share basis, with a cash adjustment for the difference between (i) the initial public offering price, plus accrued dividends, of the New Preferred Stock and (ii) the redemption price ($110 per share, plus accrued dividends to redemption date) of the Old Preferred Stock; and (c) to sell to underwriters all of the unexchanged shares of New Preferred Stock, together with the additional 12,630 shares of New Preferred Stock proposed to be issued. The exchange offer will be open for a period of from ten to twelve days.

West Texas proposes to redeem all unexchanged shares of Old Preferred Stock at their redemption price of $110 per share, plus accrued dividends to date of redemption, and to retire all shares of Old Preferred Stock acquired pursuant to such redemption or received through the exchange offer, together with 25,643 reacquired shares of said stock now held in the company's treasury.

West Texas will publicly invite, pursuant to Rule U-50, proposals which shall specify (a) the aggregate amount of compensation to be paid by the company to the bidders for their agreement (i) to purchase such number of shares of the New Preferred Stock as shall not be issuable pursuant to acceptances of the exchange offer, (ii) to purchase 12,630 additional shares of said stock, and (iii) to undertake the formation and management of a group of securities dealers to solicit acceptances of said exchange offer, (b) the dividend rate on the New Preferred Stock, and (c) the price per share to be paid to the company for the unexchanged shares and the additional stock (which price shall be not less than $102 nor more than $105 per share) and which will constitute the initial public offering price. The successful bidder will be required to pay soliciting dealers $0.75 per share in respect of each share of Old Preferred Stock deposited for exchange, provided that the maximum payment to be made in respect of a deposit of shares by any one stockholder shall be $150 and the minimum payment shall be $5. The company will reimburse the successful bidder for the aggregate amount so paid as compensation to soliciting dealers.

West Texas proposes, by appropriate amendment to its Charter, to authorize the shares of New Preferred Stock to be issued and to establish certain protective provisions for the holders of such stock.

West Texas represents that the proceeds, exclusive of accrued dividends, from the sale of the unexchanged shares of New Preferred Stock and the 12,630 additional shares of New Preferred Stock will be applied by the company, to the extent required, to the redemption and the retirement of the unexchanged shares of Old Preferred Stock and to the payment of the cash adjustments payable to stockholders who accept the exchange offer, and the remainder to reimburse the company for a part of the cost of acquisition of 25,643 shares of Old Preferred Stock heretofore reacquired or to pay a part of the cost of the company's construction program.

No state commission, or Federal commission other than this Commission, has jurisdiction over the proposed transactions.

West Texas requests that this Commission's order to be entered herein become effective forthwith upon its issuance.

Fees and expenses of the issuance and sale, other than the redemption premium of the Old Preferred Stock, duplicate dividends, cash adjustments on exchanges and underwriting discounts and commissions, are estimated as follows:

	Amount
Securities and Exchange Commission filing fee	$645
Federal original issue stamp tax	6,600
Printing of Registration Statement, Prospectus, bidding documents, exchange forms, stockholder letters, etc.	12,000
Preparation of stock certificates	900
Accountant's fees	1,500
Exchange Agent's fees	1,900
Transfer Agent's fees	1,650
Registrar fees	770
Fees of Middle West Service Company	6,500
Miscellaneous expenses, including traveling, telephone, etc.	2,535
Total (estimated)	$35,000

Fees of counsel for West Texas are covered by annual retainer agreements. The fee ($5,000) and disbursements (estimated at not more than $250) of Isham, Lincoln & Beale, counsel for the purchasers, are to be paid by the successful bidder. In addition, the company will reimburse the successful bidder for its expenses, estimated at $5,500, and for counsel fees payable to Isham, Lincoln & Beale, estimated at not more than $1,500, in connection with qualification or registration under state securities laws.

Due notice having been given of the filing of the declaration, as amended, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, that no adverse findings are necessary and, that the fees and expenses as estimated are not unreasonable; and the Commission deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be and it hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2450; Filed, Apr. 5, 1954; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6546]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF FIRST MORTGAGE BONDS

MARCH 31, 1954.

Notice is hereby given that on March 30, 1954, the Federal Power Commission issued its order adopted March 29, 1954, authorizing issuance of first mortgage bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2444; Filed, Apr. 5, 1954; 8:46 a. m.]

[Docket Nos. G-1787, G-1850, G-1893, G-1905, G-1911, G-1931, G-1936, G-1943, G-1952, G-2059, G-2062, G-2192, G-2193, G-2194, G-2285, G-2286, G-2287, G-2288, G-2289]

ATLANTIC SEABOARD CORP. ET AL.

NOTICE OF FINDINGS AND ORDER

MARCH 31, 1954.

In the matters of Atlantic Seaboard Corporation, Dockets Nos. G-1850, G-2062, G-2286; The Ohio Fuel Gas Company, Docket Nos. G-1787, G-1911, G-1931, G-1936, G-1943, G-2193, G-2288; The Manufacturers Light and Heat Company, Natural Gas Company of West Virginia, and Home Gas Company, Docket No. G-1893; Central Kentucky Natural Gas Company, Docket No. G-1905; The Manufacturers Light and Heat Company, Natural Gas Company of West Virginia, Cumberland and Allegheny Gas Company, and Home Gas Company, Docket No. G-2059; United Fuel Gas Company, Docket Nos. G-1952, G-2285; The Manufacturers Light and Heat Company, Docket Nos. G-2192, G-2289; United Fuel Gas Company and Central Kentucky Natural Gas Company, Docket No. G-2194; Home Gas Company, Docket No. G-2287.

Notice is hereby given that on March 26, 1954, the Federal Power Commission issued its order adopted March 24, 1954, issuing certificates of public convenience and necessity, terminating proceedings as to limitations upon deliveries of natural gas, and requiring delivery of gas to a new customer in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2447; Filed, Apr. 5, 1954; 8:47 a. m.]

[Docket No. G-2082]

COMMERCIAL GAS PIPELINE CO.

NOTICE OF ORDER DISMISSING APPLICATION

MARCH 31, 1954.

Notice is hereby given that on March 26, 1954, the Federal Power Commission issued its order adopted March 24, 1954, dismissing application in the above-entitled matter.

[SEAL] LEON M FUQUAY,
Secretary.

[F. R. Doc. 54-2445; Filed, Apr. 5, 1954; 8:47 a. m.]

[Docket Nos. G-2119, G-2315]

NEW YORK STATE NATURAL GAS CORP.

ORDER PROVIDING FOR PROCEDURE

On March 24, 1954, the consolidated hearing in the above-entitled proceedings was recessed by the Presiding Examiner until April 5, 1954, at which time New York State Natural Gas Corporation (Applicant) is to present the balance of its direct case, to be followed by cross examination of Applicant's witnesses and, thereafter, the presentation of evidence by interveners and Commission staff.

The Presiding Examiner overruled the request made by Commission Staff Counsel that the hearing stand in recess until April 14, 1954, to permit the Commission Staff to complete its field investigation and to prepare for participation in conferences with Applicant and interveners concerning the possibilities of developing a settlement agreement for presentation to the Commission as a basis for disposition of these proceedings or in the alternative to limit the issues to be heard. Staff Counsel stressed the fact that April 14, 1954, is the earliest date that the Staff could be prepared to participate in conferences with the parties.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act and good cause exists in the circumstances in these proceedings to provide the procedure to be followed herein as hereinafter ordered.

The Commission orders: The hearing in the above-entitled proceedings now scheduled to reconvene on April 5, 1954, shall be solely for the purpose of enabling New York State Natural to complete its direct case and the hearing shall then be recessed until April 14, 1954 at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Adopted: March 31, 1954.

Issued: March 31, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54 2467; Filed, Apr. 5, 1954; 8:49 a. m.]

[Docket Nos. G-2344, G-2351]

EL PASO NATURAL GAS CO. AND NEVADA NATURAL GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDERS

MARCH 31, 1954.

In the matters of El Paso Natural Gas Company, Docket No. G-2344; El Paso Natural Gas Company and Nevada Natural Gas Pipe Line Co., Docket No. G-2351.

Notice is hereby given that on March 26, 1954, the Federal Power Commission issued its orders adopted March 24, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2446; Filed, Apr. 5, 1954; 8:47 a. m.]

[Docket No. G-2380]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed March 1, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, provided that no request to be heard, protest or petition is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on March 13, 1954 (19 F. R. 1426).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 16, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to

the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: March 30, 1954.

Issued: March 31, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2448; Filed, Apr. 5, 1954; 8:47 a. m.]

[Docket No. G-]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

MARCH 30, 1954.

Take notice that Montana-Dakota Utilities Co. (Applicant), a Delaware corporation having its principal place of business in Minneapolis, Minnesota, filed, on March 23, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 56 miles of pipelines, ranging from $6^5/_8$ to $2^3/_8$-inch OD, extending from Applicant's 12-inch Cabin Creek-Bismarck line at a point near Gladstone, North Dakota, to the towns of Lefor, Regent, New England, and Mott, North Dakota, together with appurtenant facilities to extend natural gas service to Lefor, Regent, New England, and Mott.

Applicant estimates the cost of its proposed transmission facilities at $563,807 and proposes to finance their construction from working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 19th day of April 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2443; Filed, Apr. 5, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29078]

MALT LIQUORS FROM WESTERN TRUNK-LINE TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

MARCH 31, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Malt liquors, carloads, also empty containers in reverse direction.

From: Points in western trunk-line territory.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, mark-t competition, to maintain grouping, and to apply over short-haul routes rate constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A 4031.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2419; Filed, Apr. 2, 1954; 8:49 a. m.]

[4th Sec. Application 29079]

LUMBER AND RELATED ARTICLES FROM MISSOURI AND KANSAS TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber and related articles, carloads.

From: Points in Missouri and Kansas.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, to maintain grouping, and additional origins.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3949, supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2457; Filed, Apr. 5, 1954; 8:49 a. m.]

[4th Sec. Application 29080]

ILMENITE ORE FROM JACKSONVILLE, SOUTH JACKSONVILLE AND STARKE, FLA., TO BYESVILLE, OHIO

APPLICATION FOR RELIEF

APRIL 1, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Ilmenite ore and ilmenite ore concentrates, in carloads.

From: Jacksonville, South Jacksonville and Starke, Fla.

To: Byesville, Ohio.

Grounds for relief: Rail competition, circuity, and the short line distance formula and additional destination.

Schedules filed containing proposed rates: C. A. Spanninger, Agent, I. C. C. No. 1346, supp. 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2460; Filed, Apr. 6, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 67

Washington, Wednesday, April 7, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER paragraphs (f), (h) (11), (14) and (15) of § 6.123 and paragraph (a) of § 6.126 are revoked; subparagraphs (16) and (17) paragraph (h) of § 6.123 are added; paragraph (c) of § 6.126 is amended and paragraph (e) of § 6.126 is added, as set out below.

§ 6.123 *Department of Health, Education, and Welfare.* * * *

(h) *Public Health Service.* * * *

(16) Positions of scientific, professional or technical nature when filled by bona fide student enrolled in academic institutions provided that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a specific professional or technical field, and provided further that appropriate exceptions of the positions under the authority of Public Law 330, 80th Congress, have been approved by the Civil Service Commission.

(17) Student Dietitians and Resident Physicians at Freedman's Hospital.

§ 6.126 *Securities and Exchange Commission.* * * *

(a) Director, Division of Corporation Finance; Director, Division of Corporate Regulations; Director, Division of Trading in Exchanges.

(e) *Securities and Exchange Commission.* * * *

(10) Confidential Assistant to each member of the Commission (5 positions).

(R. S. sec. 2, 22 Stat. 403, 5 U. S. C. 631; E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 54-2550; Filed, Apr. 6, 1954; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER paragraph (a) (18) of § 6.303 is revoked and subparagraph (1) is amended as set out below.

§ 6.303 *Treasury Department—(a) Office of the Secretary.* (1) Six Assistants to the Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403, 5 U. S. C. 631; 638 E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 54-2544; Filed, Apr. 6, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, the positions listed below are added to § 6.305 (a).

§ 6.305 *Department of the Army—(a) Office of the Secretary.* * * *

(5) One Special Assistant to the Deputy Under Secretary.

(6) One Publication Writer.

(R. S. 1753, sec. 2, 22 Stat. 403, 5 U. S. C. 631; 638 E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 54-2548; Filed, Apr. 6, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraphs (f) (1), (k) (1) and (3), (m) (2), (3) and (7) of § 6.312 are revoked, and paragraph (e) (11) is amended as set out below.

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(For use during 1954)

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Title 16 ($1.00)
Titles 22–23 ($1.00)
Title 24 ($0.75)

Previously announced: Title 8 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.45); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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6312 *Department of Commerce.* • • •

Business and Defense Services Administration. • • •

(1) One Private Secretary to each of the three Assistant Administrators.

(R. S. 1753, sec. 2, 22 Stat. 403, 5 U. S. C. 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2547; Filed, Apr. 6, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FOREIGN OPERATIONS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, the positions listed below are added to § 6.349.

§ 6.349 *Foreign Operations Administration.* • • •

(c) *Office of the Deputy Director for Operations.* (1) Deputy Director for Operations.

(d) *Office of the Deputy Director for Program and Planning.* (1) Deputy Director for Program and Planning.

(e) *Office of the Assistant Director for Refugees and Migration.* (1) Assistant Director for Refugees and Migration; (2) Deputy Assistant Director for Refugees and Migration.

(f) *Office of the Deputy Director for Congressional Cooperation.* (1) Assistant to the Deputy Director for Congressional Cooperation.

(g) *Office of the Deputy Director for Mutual Defense Assistance Controls.* (1) Assistant Deputy Director for Mutual Defense Assistance Controls.

(h) *Office of the Deputy Director for Technical Services.* (1) Deputy Director for Technical Services; (2) Assistant Deputy Director for Technical Services.

(i) *Executive Secretariat.* (1) Executive Secretary; (2) Executive Secretary to the Public Advisory Board; (3) Executive Secretary to the International Development Advisory Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2551; Filed, Apr. 6, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 27]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.327 *Navel Orange Regulation 27*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and this section relieves restriction on the handling of navel oranges grown in Arizona and designated part of California.

(b) *Order.* (1) Navel Orange Regulation 25 (§ 914.325; 19 F. R. 1639) is hereby terminated at 12:01 a. m., P. s. t., April 4, 1954.

(2) During the period beginning at 12:01 a. m., P. s. t., April 4, 1954, and ending at 12:01 a. m., P. s. t., May 2, 1954, no handler shall handle any navel oranges, grown in District 1, which are smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum diameter shall be permitted in any type of container.

(3) During the period beginning at 12:01 a. m., P. s. t., April 4, 1954, and ending at 12:01 a. m., P. s. t., August 1, 1954, no handler shall handle any navel oranges, grown in District 2, which are smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum diameter shall be permitted in any type of container.

(4) As used in this section, "handler," "handle," "District 1," and "District 2" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Dated: April 2, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-2571; Filed, Apr. 6, 1954; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383 Revised, Amdt. 23]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27 of the regulations restricting the interstate movement of swine and certain swine products because of vesicular exanthema (9 CFR, Part 76, Subpart B (18 F. R. 3636, 19 F. R. 1367), as amended) is hereby amended by changing subparagraphs (3), (7), (8), (10), (13), (14), (15), (17), and (18) of paragraph (b) relating to California; by changing subdivisions (ii), (viii), and (ix) of subparagraph (2), subdivisions (i) and (xii) of subparagraph (3), subdivision (iii) of subparagraph (4), subdivisions (vi), (ix), (x), (xxv), (xxxi), and (xxxii) of subparagraph (5), subdivisions (iii), (v), and (xi) of subparagraph (6), subdivisions (ii) and (ix) of subparagraph (7), subdivision (vii) of subparagraph (8), of paragraph (e) relating to Massachusetts; by adding new subdivisions (xv), (xvi), and (xvii) to subparagraph (2), subdivisions (vi), (vii), and (viii) to subparagraph (4), subdivisions (xxxiv), (xxxv), and (xxxvi) to subparagraph (5), subdivision (xx) to subparagraph (6), subdivision (xvi) to subparagraph (7), and subdivisions (xvi), (xvii), (xviii), and (xix) to subparagraph (8), of paragraph (e) relating to Massachusetts; by changing subparagraph (1) of paragraph (g) relating to New York; and by changing subdivision (ii) of subparagraph (2) of paragraph (i) relating to Rhode Island, to read as follows:

§ 76.27 *Notice and quarantine.* Notice is hereby given that swine in the following areas in the specified States are affected with vesicular exanthema. Such areas are hereby quarantined because of said disease.

• • • • •

(b) *California:* • • •

(3) That area lying north and east of the U. S. Reclamation Drainage Canal, south of the Sycamore County Road, and west of U. S. Highway 99W; that area consisting of Parcel 4, Lot 37 of Gibson Colony No. 1 lying along North Freshwater Creek off Freshwater Road; and that area lying southwest of State Highway No. 20, southeast of Wescott Road, and north of Power line, in Colusa County.

• • • • •

(7) Sec. 34, T. 6 N., R. 1 W., HU. B. & M.; Secs. 19 and 31, T. 7 N., R. 1 E., HU. B. & M.; Sec. 28, T. 7 N., R. 5 E., HU. B. & M.; Secs. 9, 10, and 15, T. 6 N., R. 3 E., HU. B. & M.; Sec. 24, T. 4 S., R. 3 E., HU. B. & M.; Sec. 7, T. 2 N., R. 1 E., HU. B. & M.; Sec. 19, T. 4 S.,

R. 4 E., HU. B. & M.; Sec. 20, T. 9 N., R. 1 E., HU. B. & M.; Sec. 30, T. 5 N., R. 1 E., HU. B. & M.; Sec. 17, T. 2 N., R. 1 E., HU. B. & M.; Sec. 14, T. 4 N., R. 1 W., HU. B. & M.; Sec. 16, T. 6 N., R. 1 E., HU. B. & M.; Sec. 31, T. 2 N., R. 1 E., HU. B. & M.; Sec. 20, T. 6 N., R. 1 E., HU. B. & M.; and that part of the City of Eureka lying south of Huntoon Street, north of Harris Avenue, west of Harrison Avenue, and east of "S" Street, in Humboldt County.

(8) Sec. 2, T. 14 N., R. 7 W., M. D. B. & M.; Secs. 26 and 27, T. 14 N., R. 10 W., M. D. B. & M.; Sec. 3, T. 10 N., R. 7 W., M. D. B. & M.; and Sec. 15, T. 10 N., R. 7 W., M. D. B. & M., in Lake County.

• • • • •

(10) Sec. 24, T. 19 N., R. 14 W., M. D. B. & M.; Secs. 6, 19, and 20, T. 18 N., R. 17 W., M. D. B. & M.; Secs. 27 and 29, T. 20 N., R. 14 W., M. D. B. & M.; Secs. 22 and 24, T. 21 N., R. 15 W., M. D. B. & M.; Secs. 4 and 27, T. 15 N., R. 12 W., M. D. B. & M.; Secs. 3, 4, 20, and 21, T. 18 N., R. 13 W., M. D. B. & M.; Sec. 28, T. 17 N., R. 11 W., M. D. B. & M.; Sec. 26, T. 22 N., R. 18 W., M. D. B. & M.; Sec. 29, T. 18 N., R. 13 W., M. D. B. & M.; Sec. 22, T. 19 N., R. 13 W., M. D. B. & M.; N. ½ Sec. 10, T. 23 N., R. 17 W., M. D. B. & M.; Sec. 1, T. 22 N., R. 13 W., M. D. B. & M.; Sec. 30, T. 13 N., R. 11 W., M. D. B. & M.; S. ½ Sec. 29, T. 13 N., R. 11 W., M. D. B. & M.; Secs. 17 and 20, T. 16 N., R. 11 W., M. D. B. & M.; Sec. 31, T. 17 N., R. 12 W., M. D. B. & M.; Sec. 25, T. 18 N., R. 18 W., M. D. B. & M.; and Sec. 20, T. 19 N., R. 17 W., M. D. B. & M., in Mendocino County.

• • • • •

(13) That area lying north of State Highway 28, south of the Placer County line, west of Truckee-Brockway Shortcut, County Road P151, and east of Truckee River adjacent to State Highway 89; that area lying north and west of U. S. Highway 40, south of Grove Creek, and east of U. S. Highway 99E, that area lying north of County Road P10, south and east of U. S. Highway 40, and west of County Road P18 and its prolongation to U. S. Highway 40; that area lying north of Flood Road, south of Dry Creek Road, west of U. S. Highway 40, and east of State Highway 49; that area lying south of Colfax Iowa Hill Road, north of Bunch Ravine Road, west of the North Fork American River, and east of U. S. Highway No. 40; and Sec. 21, T. 12 N., R. 8 E., N. D. B. & M., in Placer County.

(14) That area lying north of the Quincy-Meadow Valley Road, south of the Oakland Camp Road, and west of Meadow Valley Oakland Camp Road; and Sec. 32, T. 27 N., R. 10 E., M. D. B. & M., in Plumas County.

(15) W. ½ of SW. ¼ Sec. 30 and Secs. 15 and 16, T. 32 N., R. 4 W., M. D. B. & M.; Sec. 32, T. 32 N., R. 5 W., M. D. B. & M.; NE. ¼ and the N. ½ of SE. ¼ Sec. 20 of Pearson B. Reading Grant, T. 31 N., R. 5 W., M. D. B. & M.; and SE. ¼ Sec. 12, T. 32 N., R. 5 W., M. D. B. & M., in Shasta County.

• • • • •

(17) W. ½ of SW. ¼ of NW. ¼ Sec. 26, T. 27 N., R. 4 W., M. D. B. & M.; that portion of Sec. 3, T. 27 N., R. 3 W., M. D. B. & M., that lies between the Sacramento River on the west and the Paynes Creek Road on the east; W. ½ of SE. ¼ Sec. 2, T. 27 N., R. 4 W., M. D. B. & M.; and Lot 50 of Los Molinos Subdivision 10, Sec. 8, T. 25 N., R. 2 W., M. D. B. & M., in Tehama County.

(18) Sec. 9, T. 5 N., R. 6 E., HU. B. & M., in Trinity County.

• • • • •

(e) *Massachusetts:* • • •

(2) All of Bristol County except the following:

• • • • •

(ii) That part of the City of Fall River lying southeast of Blossom Road, southwest of Yellow Hill Road, and north of Indian Town Road; that part of the City of Fall River lying north of President Avenue, south of Driftwood Street, west of Meridian Street, and east of Highland Avenue; and that part of the City of Fall River lying south of Wilson Road, north of New Boston Road, east of Robeson Street, and west of Meridian Street.

• • • • •

(viii) That part of the Town of Raynham lying north of Mill Street, east of State Route No. 104, south of Gardner Street, and west of King Phillip Street; that part of the Town of Raynham lying north of South Street and south, east, and west of South Main Street; and that part of the Town of Raynham lying north of Judson Street, south of King Street, east of Orchard Street, and west of Locust Street.

(ix) That part of the Town of Rehoboth lying west of Reed Street, south of Providence Street, and north and east of Peckham Street; and that part of the Town of Rehoboth lying north of Old Fall River Avenue, west of Barney Avenue, east of Wheaton Avenue, and south of Allen Avenue.

• • • • •

(xv) That part of the Town of Attleboro lying north of Brown Street, south of Highland Avenue, west of Robinson Avenue, and east of Mendon Street; that part of the Town of Attleboro lying north of Highland Avenue, south of May Street, east of Mendon Street and west of Washington Street; and that part of the Town of Attleboro lying south of Payne Road, west of the New York, New Haven, and Hartford Railroad, east of Mendon Road, and North of Hunts Bridge Road.

(xvi) That part of the Town of Seekonk lying north of Asylum Street, south of County Street, west of Miller Street, and east of Bradley Street.

(xvii) That part of the Town of Somerset lying north of Read Street, south of Buffington Street, east of Bark Street, and west of Prospect Street.

(3) All of Essex County except the following:

(i) That part of the Town of Andover lying north of Rattlesnake Hill Road, east of Woburn Street, west of Wood's Road, and south of Ballardvale Road; that part of the Town of Andover lying south of High Street, west of Greenwood Road, north of State Route No. 133, and east of Woodhill Road; that part of the Town of Andover lying south of the Lowell Branch of the Boston and Maine Railroad, east of Shawsheen River, and west of the Western Division of the Portland Branch of the Boston and Maine Railroad; that part of the Town of Andover lying east of Bradford Street, south of Winter Street, west of Foster Street, and north of Salem Street; and that part of the Town of Andover lying south and west of Rocky Hill Road, north of Gould Street, and east of State Route No. 28.

• • • • •

(xii) That part of the Town of Methuen lying south of Brookdale Avenue, east of Jasper Street, west of State Route No. 110, and north of Steele Street; that part of the Town of Methuen lying south of Renfrew Street, east of Jasper Street, west of State Route No. 110, and north of Baremeadow Brook; that part of the Town of Methuen lying north of State Route No. 113, southeast of Baremeadow Brook, and west of State Route No. 110; that part of the Town of Methuen lying north of Walton Avenue, west of the Merrimac River, south of Pitman Street, and east of State Route No. 110; that part of the Town of Methuen lying east of Howe Street, south of Archibald Street, west of Washington Street, and north of Roosevelt Street; that part of the Town of Methuen lying north and east of Forest Street, south of Pelham Street, and west of State Route No. 113; that part of the Town of Methuen lying east of Washington Street, southwest of Drew Street, and north of State Route No. 113; that part of the Town of Methuen lying north of Pitman Street, south of Gage Ferry Road, west of the Merrimac River, and east of State Route No. 110; that part of the Town of Methuen lying southwest of the Merrimac River, north of River View Boulevard, and east of State Route No. 110; that part of the Town of Methuen lying southwest of Pelham Street and northeast of Mystic Street; that part of the Town of Methuen lying east of State Route No. 110, south of Dedham Street, west of the Merrimac River, and north of Loring Street; and that part of the Town of Methuen lying south of Cornlie Road, west of State Route No. 113, and east of Hampshire Street;

• • • • •

(4) All of Hampden County except the following:

• • • • •

(iii) That part of the City of Springfield lying north of U. S. Route No. 20, south of Piper Cross and Morgan Roads, west of Westfield Road, and east of U. S Route No. 5, and that part of the City of Springfield lying south of Prospect Avenue, west of Quarry Road, and east of Riverdale Road.

• • • • •

(vi) That part of the Town of Agawam lying north of State Route No. 57, southwest of Westfield Road, and southeast of Northwest Road.

(vii) That part of the Town of Holyoke lying north of Old Westfield Road, south of Westfield Road, west of Old Homestead Avenue, and east of the Holyoke Water Works.

(viii) That part of the Town of Southwick lying north of State Route No. 57, southwest of West Springfield Road, and east of North Longyard Road.

(5) All of Middlesex County except the following:

• • • • •

(vi) That part of the Town of Burlington lying southwest of U. S. Route No. 3, southeast of Francis Wyman Road, and north of Bedford Street; that part of the Town of Burlington lying southeast of Dug Way, northeast of Winn Street, and northwest of Peach Orchard Road; that part of the Town of Burlington lying west of Middlesex Turnpike and north of Adams Street; and that part of the Town of Burlington lying north of Mill and Winn Streets, and east of Cambridge Road.

• • • • •

(ix) That part of the Town of Concord lying north of Main Street, southeast of Marlborough Road, and southwest of State Route No. 2; that part of the Town of Concord lying south of Laws Brook Road, north of the Boston and Maine Railroad, east of Old Stone Road, and west of Central Street; that part of the Town of Concord lying south of Lowell Road, north of Strawberry Hill Road, and west of the Concord River; and that part of the Town of Concord lying south of the Concord River, north of the Fitchburg Turnpike, and east of Sudbury Road.

(x) That part of the Town of Dracut lying east of Gumpas Avenue and west of Mammoth Road; that part of the Town of Dracut lying west and south of Lakeview Avenue from the Lowell town line to the Tyngsboro town line; that part of the Town of Dracut lying south of Marsh Hill Road, north and west of State Route No. 113, and east of State Route No. 38; that part of the Town of Dracut lying south and east of Cross Street to State Routes No. 38 and No. 113, and north and west of Hildreth Street to Pelham Brook; and that part of the Town of Dracut lying south of Colburn Avenue, east of Hildreth Street, north of State Route No. 110, and west of Bridge Street.

• • • • •

(xxv) That part of the Town of Tewksbury lying northwest of the Shawsheen River, northeast of State Route No. 38, and south of Salem Street; that part of the Town of Tewksbury lying south of East Street, north of North Street, east of State Route No. 38, and west of Maple Street; that part of the Town of Tewksbury lying north of the Shawsheen River and east of State Route No. 38; and that part of the Town of Tewksbury lying north of the Lowell Branch of the Boston and Maine Railroad, west of the Portland Branch of the Boston and Maine Railroad, and east of Sutton Brook.

• • • • •

(xxxi) That part of the Town of Wilmington lying north of Salem Street, northwest of State Route No. 62, west of Ballardvale Street, southwest of the Salem and Lowell Branch of the Boston and Maine Railroad, and east of the Portland Division of the Western Branch of the Boston and Maine Railroad; that part of the Town of Wilmington lying northeast of State Route No. 38, west of the Wilmington Branch of the Boston and Maine Railroad, and south of Salem Street; that part of the Town of Wilmington lying east of the Wilmington Branch of the Boston and Maine Railroad, west of the Portland Branch of the Boston and Maine Railroad, and north of Salem Road; that part of the Town of Wilmington lying east of Woburn Street, north of Concord Road, and south of Park Street; that part of the Town of Wilmington lying south of State Route No. 62; that part of the Town of Wilmington lying north of State Route No. 62 and west of State Route No. 38; and that part of the Town of Wilmington lying north of Salem Street, west of the Wilmington Branch of the Boston and Maine Railroad, and south of Sutton Brook.

(xxxii) That part of the City of Woburn lying south of Putnam Street, north of University Street, east of Middle Street, and west of Ohio Street; that part of the City of Woburn lying north of Russell Street and west of Cambridge Road; that part of the City of Woburn lying south of State Route No. 128, east of Mishawam Road, north of Clinton and Salem Streets, and west of the Western Division of the Portland Branch of the Boston and Maine Railroad; that part of the City of Woburn lying north of Mishawam Road and School Street, east of the Boston and Maine Railroad, south of Boutwell Road, and west of New Boston Street; and that part of the City of Woburn lying south of Lexington, Pleasant, Maine, and Salem Streets.

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(xxxiv) The Town of Dunstable.

(xxxv) That part of the City of Lowell lying east of State Route No. 38 and south of the Merrimac River.

(xxxvi) The Town of Stoneham.

(6) All of Norfolk County except the following:

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(iii) That part of the Town of Canton lying south of Randolph Street, east of York Street, north of Willow Street, and west of Old Randolph Street; that part of the Town of Canton lying south of Randolph and Washington Streets, east of Pleasant Street, and west of State Route No. 138; and that part of the Town of Canton lying southeast of Main Street, southwest of Wolomolopoag Street, and northwest of Furnace Street.

• • • • •

(v) That part of the Town of Dover lying south of Powisset Street, east of Walpole Street, and north of Hartford Street; and that part of the Town of Dover lying south of Springdale and Pegan Streets, and west of Centre Street.

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(xi) That part of the Town of Randolph lying east of High Street, north of Chestnut Street, west of Overlook Road, and south of Canton Street; that part of the Town of Randolph lying south of Canton Street, north of the Braintree Twp. Algonquin Gas Line, and west of Irving Road; and that part of the Town of Randolph lying east of State Route No. 28.

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(xx) That part of the Town of Braintree lying south of State Route No. 128.

(7) All of Plymouth County except the following:

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(ii) That part of the Town of Bridgewater lying southwest of Winter Street, north of Auburn Street, and east of Beaver Street; that part of the City of Bridgewater lying north of Flagg Street, southwest of Conant Street, and southeast of Summer Street; that part of the Town of Bridgewater lying south of Flagg and Auburn Streets, north and west of the Taunton River, and east of State Route No. 28; that part of the Town of Bridgewater lying south of West Center Street, north of Maple Street, and west of Pleasant Street; and that part of the Town of Bridgewater lying south of Cedar Street, north of Pond Street, and east of Washington Street.

• • • • •

(ix) That part of the Town of Middleborough lying south of Smith Street, east of the New York, New Haven and Hartford Railroad, west of State Route No. 28, and north of Spruce Street; that part of the Town of Middleborough lying south of Plymouth Street, north of Centre Street, east of Vernon Street, and west of Pleasant Street; that part of the Town of Middleborough lying west of Pleasant Street, east of Vernon Street and the Poquoy River, north of Mill and Clay Streets, and south of Centre Street; that part of the Town of Middleborough lying north of River Street, and east of Auburn Street; and that part of the Town of Middleborough lying south of Plain Street, north of Precent Street, east of Plymouth Street, and west of Thompson Street.

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(xvi) That part of the Town of Pembroke, lying southeast of Winter Street, northwest of Randall Street, and east of Elm and Spring Streets.

(8) All of Worcester County except the following:

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(vii) That part of the Town of Harvard lying southeast of Old Mill Road, north of Pinhill Road, and west of Ayer Road; and that part of the Town of Harvard lying south of Mead and Stowe Roads, east of the East Bare Hill Road, north of Brown Road, and west of Stowe Road.

• • • • •

(xvi) That part of the Town of Berlin lying southwest of State Route No. 62, and north of Boylston Road.

(xvii) That part of the Town of Northbridge lying south of Mendon Road, east of Quaker Street, north of Mill Road, and west of the West River.

(xviii) That part of the Town of Westminster lying south of State Route No. 2, west of Princeton Road, north of State Route No. 140, and east of Depot Road.

(xix) That part of the City of Worcester lying east of State Route No. 110 and north of Mountain Street.

• • • • •

(g) *New York:* (1) The Town of Poland, and that part of the Town of Pomfret lying south of U. S. Route No. 5, west of Hall Road, and northeast of Van Buren Road, in Chautauqua County.

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(i) *Rhode Island:* • • •

(2) All of Providence County except the following:

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(ii) That part of the Town of Johnston lying east of Simmonsville Avenue, northwest of Scituate Avenue, and south of Simmonsville Lake; and that part of the Town of Johnston lying east of Old Pocasset Road, west of Atwood Avenue, north of Central Pike, and south of U. S. Route No. 6.

• • • • •

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes within the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established:

That part of the Town of Pomfret lying south of U. S. Route No 5, west of Hall Road, and northeast of Van Buren Road, in Chautauqua County, in New York.

That area lying southwest of State Highway No. 20, southeast of Wescott Road, and north of Power line, in Colusa County; Sec. 14, T. 4 N., R. 1 W., HU. B. & M., Sec. 16, T. 6 N., R. 1 E., HU. B. & M., Sec. 31, T. 2 N., R. 1 E., HU. B. & M., Sec. 20, T. 6 N., R. 1 E., HU. B. & M., and that part of the City of Eureka lying south of Huntoon Street, north of Harris Avenue, west of Harrison Avenue, and east of "S" Street, in Humboldt County; Sec. 15, T. 10 N., R. 7 W., M. D. B. & M., in Lake County; N. ½ Sec. 10, T. 23 N., R. 17 W., M. D. B. & M., Sec. 1, T. 22 N., R. 13 W., M. D. B. & M., Sec. 30, T. 13 N., R. 11 W., M. D. B. & M., S. ½ Sec. 29, T. 13 N., R. 11 W., M. D. B. & M., Secs. 17 and 20, T. 16 N., R. 11 W., M. D. B. & M., Sec. 31, T. 17 N., R. 12 W., M. D. B. & M., Sec. 25, T. 18 N., R. 18 W., M. D. B. & M., and Sec. 20, T. 19 N., R. 17 W., M. D. B. & M., in Mendocino County; Sec. 21, T. 12 N., R. 8 E., M. D. B. & M., and that area lying south of Colfax Iowa Hill Road, north of Bunch Ravine Road, west of the North Fork American River, and east of U. S. Highway No. 40, in Placer County; Sec. 32, T. 27 N., R. 10 E., M. D. B. & M., in Plumas County; NE ¼ and the N. ½ of SE. ¼ Sec. 20 of Pearson B. Reading Grant, T. 31 N., R. 5 W., M. D. B. & M., and SE. ¼ Sec. 12, T. 32 N., R. 5 W., M. D. B. & M., in Shasta County; that portion of Sec. 3, T. 27 N., R. 3 W., M. D. B. & M., that lies between the Sacramento River on the west and the Paynes Creek Road on the east, W. ½ of SE ¼ Sec. 2, T. 27 N., R. 4 W., M. D. B. & M., and Lot 50 of Los Molinos Subdivision 10, Sec. 8, T. 25 N., R. 2 W., M. D. B. & M., in Tehama County, California.

Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), will apply to such areas.

The amendment also excludes certain areas in California, Massachusetts, and Rhode Island, from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and relieves certain restrictions presently imposed. The amendment must be made effective immediately to accomplish its purpose in the public interest and to be of maximum

benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264 as amended, 1265 as amended, 21 U. S. C. 111, 117, 120, 123, 125)

Done at Washington, D. C., this 1st day of April 1954.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54-2573; Filed, Apr. 6, 1954; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 2]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

BOLTS, SCREWS, AND MISCELLANEOUS FASTENERS

Section 18.30–6 (d) (1) (ii) as published in 18 F. R. 7407 on November 21, 1953, is amended to standardize self-locking nut installations. This is a relaxation of former practice and permits the industry to use currently acceptable methods of installing self-locking nuts.

Section 18.30–6 (d) (1) (ii) is amended by changing the third sentence to read as follows: "After the nut has been tightened, round or chamfered end bolts, studs or screws should extend at least the full round or chamfer through the nut. Flat end bolts, studs or screws should extend at least $^1/_{32}$ inch through the nut."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 555)

This supplement shall become effective April 1, 1954.

[SEAL] P. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2526; Filed, April 6, 1954; 8:45 a. m.]

[Supp. 8]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

DISTRIBUTION OF MANUAL

The purpose of this supplement is to delete CAA policies relative to distribution of the air carrier manual in response to comments received from interested persons. Section 40.52–1 as published on October 17, 1953 in 18 F. R. 6616, is hereby deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 605, 608, 52 Stat. 1007, 1010, 1011; 49 U. S. C. 551, 554, 555, 558, 559)

This supplement shall become effective April 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2527; Filed, Apr. 6, 1954; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6086]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EMPIRE PRESS, INC., ET AL.

Subpart—*Using, selling, or supplying lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, or other lottery devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Empire Press, Inc., et al., Chicago, Ill., Docket 6086, March 12, 1954.]

In the Matter of Empire Press, Inc., a Corporation, and Sylvea Zimmerman, and Evelyn Zimmerman, Individually and as Officers of Said Corporation, and Joseph Zimmerman

This proceeding was heard by John Lewis, Hearing Examiner, upon the complaint of the Commission, respondents' answer, and hearings, at which testimony and other evidence in support of the allegations of said complaint were introduced before said examiner, theretofore duly designated by the Commission, and were duly recorded and filed in the office of the Commission. Respondents, although they received due notice of all hearings and appeared by counsel at the first of said hearings, made no appearance at subsequent hearings and waived the opportunity afforded them to offer evidence in opposition to the allegations of the complaint.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer, testimony and other evidence, and proposed findings as to the facts and conclusion presented by counsel, oral argument not having been requested, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order, including order to cease and desist and order of dismissal as to one of the respondents.

Thereafter, following cross-appeals by counsel supporting the complaint and respondents from said initial decision, the matter was disposed of by the "Decision of the Commission", dated March 12, 1954, which slightly modified the findings as to the facts in the initial decision, adopted as the findings and conclusion of the Commission, the findings as to the facts and conclusion in the initial decision as so modified, and issued its order to cease and desist in lieu of the order contained in the initial decision, as set forth in said "Decision of the Commission", as follows:

This matter came before the Commission upon cross-appeals by counsel supporting the complaint and respondents from an initial decision prohibiting respondents Empire Press, Inc., Sylvea Zimmerman and Joseph Zimmerman from:

Selling or distributing in commerce as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are *intended to be used or which, due to their design, are commonly and normally* used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme. [Italics supplied]

The complaint was dismissed as to respondent Evelyn Zimmerman.

Both parties in their appeals object to the portion of the order in the initial decision which is italicized above. Both request the Commission to modify this order to conform to the order approved by the courts in United States Printing and Novelty Co., Inc., et al. v. Federal Trade Commission, 204 F. 2d 737 (C. A., D. C. 1953) and Hamilton Manufacturing Co. v. Federal Trade Commission, 194 F. 2d 346 (C. A., D. C. 1952). The change in the order desired by the parties would strike the above italicized words from the order and substitute for them the words "designed or intended to be." This modification would conform the order to those which are currently being issued by the Commission in similar cases and which have been approved by the courts. Such modification would be proper in all respects in this matter and should be granted. Either form of order would prohibit the sale of punch cards or punchboards labeled as merchandise boards or sold for use as merchandise boards.

Respondents' only other contention in their appeal is that they take exception to the finding in the initial decision to the effect that many of respondents' push cards and punchboards have a printed legend or instructions on their face which explain the manner in which they are to be used or may be used in the sale of specified articles of merchandise. Respondents contend that with the possible exception of a cigarette board there is no card or board in evidence which has a label explaining how it is to be used in the sale of specified articles of merchandise.

The record contains two labels for punchboards which explain how they are to be used in the sale of cigarettes. In addition, it contains two of respondents' catalogs which specifically advertise certain of their punchboards as "merchandise boards." Illustrations of certain of these boards show that their labels explain how they are to be used to sell merchandise although the type of merchandise to be sold is not specified. Thus strictly construed, the excepted to finding should be modified by striking from it the words "various specified articles of." This inconsequential modification in the findings, however, in no way changes the conclusion in this case that respondents' acts and practices as found are in violation of the Federal Trade Commission Act.

The Commission being of the opinion that the findings as to the facts and order in the initial decision should be modified as hereinabove indicated and that as so modified it is appropriate in all respects to dispose of this proceeding:

It is ordered, That the appeals of counsel supporting the complaint and of respondent are hereby granted to the extent hereinabove indicated.

It is further ordered, That the initial decision is hereby modified by striking from the first sentence of the second paragraph of Paragraph Two of the findings as to the facts the words "various specified articles of"; that as so modified the findings as to the facts and conclusion in the initial decision are hereby adopted as the findings and conclusion of the Commission; and that in lieu of the order contained in the initial decision the Commission issues the following as its order to cease and desist.

It is ordered, That respondents Empire Press, Inc., a corporation, and its officers and respondent Sylvea Zimmerman, individually and as an officer of said corporation, and Joseph Zimmerman, individually, and their respective agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent Evelyn Zimmerman.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 12, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-2545; Filed, Apr. 6, 1954; 8:48 a. m.]

[Docket 6089]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PERSONAL DRUG CO. AND LEO SAVITCH

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or*

other relevant facts. In connection with the offering for sale, sale, or distribution of respondents' medicinal preparation designated "Quick-Kaps" or "D-Lay Capsules" or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce of said preparations, which advertisements represent, directly or by implication: (a) That the use of said preparation will terminate pregnancy; (b) that said preparation is of any value in cases of delayed menstruation, unless such representations be expressly limited to those cases due to iron deficiency anemia and in which the use of said preparation is continued for a period of time not less than one month; and (c) that borderline anemia will cause delayed menstruation; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Doris Savitch t. a. Personal Drug Co., et al., New York, N. Y., Docket 6089, March 24, 1954]

In the Matter of Doris Savitch, an Individual Trading as Personal Drug Co., and Leo Savitch, Individually and as Manager of Said Company

The Federal Trade Commission on March 31, 1953, issued a complaint charging Doris Savitch, an individual trading as Personal Drug Co., and Leo Savitch, individually and as manager of said company, with having violated the Federal Trade Commission Act by disseminating false advertisements of a drug preparation sold by them under the names "Quick-Kaps" and "D-Lay Capsules." Respondents filed an answer denying that their advertisements were false or misleading.

Pursuant to notice, hearings were held in Washington, D. C., on June 25, 1953, and in New York City on September 9, 1953, before William L. Pack, a hearing examiner, designated by the Commission to hear this proceeding. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties. The testimony and other evidence were recorded and filed in the office of the Commission.

Filing of proposed findings and conclusions having been waived, the hearing examiner filed his initial decision on October 9, 1953, in which he concluded that respondents have not advertised their preparation as an abortifacient as alleged but have violated the Federal Trade Commission Act by falsely advertising that their preparation is effective in the treatment of delayed menstruation due to functional troubles other than iron deficiency anemia.

Thereafter, counsel supporting the complaint appealed to the Commission from this initial decision. This appeal was submitted to the Commission upon briefs of the parties, oral argument not having been requested.

Upon consideration of the entire record herein, the Commission, for the reasons stated in the written opinion of the Commission issued herewith, hereby grants the appeal of counsel supporting the complaint insofar as it takes exception to the conclusion in the initial decision that respondents have not falsely advertised their preparation as an abortifacient and insofar as it does not find that respondents falsely advertised that borderline anemia is a cause of delayed menstruation. In lieu of the initial decision the Commission issues its findings of fact,[1] conclusion [1] and order as follows:

It is ordered, That the respondents, Doris Savitch, individually, trading as Personal Drug Co., or trading under any other name, and Leo Savitch, as manager of her said business, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their medicinal preparation designated "Quick-Kaps" or "D-Lay Capsules" or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That the use of said preparation will terminate pregnancy;

(b) That said preparation is of any value in cases of delayed menstruation unless such representations be expressly limited to those cases due to iron deficiency anemia and in which the use of said preparation is continued for a period of time not less than one month;

(c) That borderline anemia will cause delayed menstruation.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 24, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 54-2546; Filed, Apr. 6, 1954; 8:49 a. m.]

[1] Filed as part of the original document.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 779—RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

LINEN SUPPLY SERVICES

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended 29 U. S. C. 201 et seq.), § 779.24 (b) of Interpretative Bulletin, Part 779 (29 CFR Part 779) is hereby amended to read as follows:

(b) *Linen supply services.* A linen supply service will be regarded as an establishment engaged in the business of laundering, cleaning or repairing of clothing or fabrics which will qualify for the section 13 (a) (3) exemption, if it otherwise meets the statutory tests, even if the clothing or fabrics which it supplies to its customers are not owned by them, and even though it may not, itself, perform the laundering, cleaning or repairing operations.

(52 Stat. 1060, as amended; 29 U. S. C. 201–219)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed in Washington, D. C., this 31st day of March 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-2473; Filed, Apr. 6, 1954; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1954 Dept. Cir. 941]

PART 337—SUPPLEMENTAL REGULATIONS GOVERNING FEDERAL HOUSING ADMINISTRATION DEBENTURES

APRIL 1, 1954.

Sec
337.0 Scope of regulations.
337.1 Transportation charges and risks.
337.2 Termination of transfers and denominational exchange transactions.
337.3 Presentation and surrender.
337.4 Assignments of matured or called debentures or debentures submitted for purchase.
337.5 Payment of final interest.
337.6 Address for further information.
337.7 General provisions.

AUTHORITY: §§ 337.0 to 337.7 issued under R. S. 161, sec. 303, 59 Stat. 601; 5 U. S. C. 22, 31 U. S. C. 868.

§ 337.0 *Scope of regulations.* The United States Treasury Department is the agent of the Federal Housing Administration for transactions in any debentures which have been or may be issued pursuant to the authority conferred by the National Housing Act (48 Stat. 1246), as amended; 12 U. S. C. 1701 et seq.), as amended from time to time, including Mutual Mortgage Insurance Fund Debentures, Housing Insurance Fund Debentures, War Housing Insurance Fund Debentures, Military Housing Insurance Fund Debentures, and National Defense Housing Insurance Fund Debentures. In accordance with the regulations adopted by the Federal Housing Commissioner and approved by the Secretary of the Treasury, such transactions are governed by the general regulations of the Treasury Department governing United States bonds and notes (Part 306[1] of this subchapter) so far as applicable. The following rules and regulations are prescribed to supplement such general regulations.

§ 337.1 *Transportation charges and risks.* Debentures presented for redemption at call or maturity, or for authorized prior purchase, must be delivered to a Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., at the expense and risk of the holder. Debentures bearing restricted assignments may be forwarded by registered mail, but for the owner's protection debentures bearing unrestricted assignments should be forwarded by registered mail insured or by express prepaid.

§ 337.2 *Termination of transfers and denominational exchange transactions.* Debentures, which by their terms are subject to call, may be called for redemption, in whole or in part, at par and accrued interest, on any interest date on three months' notice. No transfers or denominational exchanges in debentures covered by a given call will be made on the books of the Treasury Department on or after the announcement of such call. However, this does not affect the right of a holder of such debenture to sell and assign it on or after the announcement of the call date.

§ 337.3 *Presentation and surrender—*(a) *For redemption.* To facilitate the redemption of called or maturing debentures, they may be presented and surrendered in the manner herein prescribed, in advance (but not more than one month in advance) of the call or maturity date, as the case may be. Early presentation by holders will insure prompt payment of principal and interest when due. The debentures must first be assigned by the registered payee or his assignee, or by his duly constituted representative, in the form and manner indicated in § 337.4, and should then be submitted to any Federal Reserve Bank or to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., accompanied by appropriate written advice. A form for this purpose will be printed on the reverse of the notice of call.

(b) *For purchase.* Debentures, the purchase of which has been authorized prior to call or maturity, may be assigned and immediately submitted as instructed in paragraph (a) of this section, accompanied by written instructions.

§ 337.4 *Assignments of matured or called debentures or debentures submitted for purchase.* (a) If the registered payee, or an assignee holding under proper assignment from the registered payee, desires that payment be made to himself, the debentures should be assigned by such payee or assignee, or on his behalf by a duly constituted representative, to "The Federal Housing Commissioner for redemption" or to "The Federal Housing Commissioner for purchase", according to whether the debentures are to be presented for redemption upon call, or at maturity, or for purchase prior to call if purchase is offered. If the owner desires for any reason that payment be made to another, without intermediate assignment, the debentures should be assigned to "The Federal Housing Commissioner for redemption (or, purchase) for the account of _____", inserting the name and address of the person to whom payment is to be made.

(b) An assignment in blank or other assignment having similar effect will be recognized, but in that event the debenture would be, in effect, payable to bearer, and payment will be made in accordance with the instructions received from the person surrendering the debenture for redemption or purchase. For the owner's protection, such assignments should be avoided unless the owner is willing to lose the protection afforded by registration.

(c) Upon call or at maturity a debenture registered in the name of or assigned to a corporation or unincorporated association will be paid on or after the call or maturity date, upon appropriate assignment for that purpose executed on such organization's behalf by a duly authorized officer thereof. An assignment so executed and duly witnessed in accordance with Treasury Department general bond regulations will ordinarily be accepted without proof of the officer's authority. In such cases payment will be made only by check drawn to the order of the corporation or unincorporated association. If debentures registered in the name of or assigned to a corporation or unincorporated association are presented upon call or at maturity and payment is to be made to some other person, or are presented for purchase prior to the call date if authorized, proof of the authority of the officer assigning on behalf of such organization will be required in accordance with the general regulations.

(d) All assignments must be made on the debentures themselves unless otherwise authorized by the Treasury Department.

§ 337.5 *Payment of final interest.* Final interest on any debenture, whether purchased prior to or redeemed on or after the call or the maturity date, will be paid with the principal in accordance with the assignments on the debentures surrendered. In all cases the check in payment of principal and final interest will be mailed to the address given in the Form of Advice accompanying the debentures surrendered.

§ 337.6 *Address for further information.* Any further information which may be desired regarding the redemption of called or matured debentures, or purchase if authorized, may be obtained from any Federal Reserve Bank or Branch or from the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C.

§ 337.7 *General provisions.* As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to perform any necessary acts under this circular. The Secretary of the Treasury may at any time or from time to time prescribe supplemental and amendatory regulations governing the matters covered by this circular, which shall be communicated promptly to the registered owners of the debentures.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this circular, which supplements existing regulations without adversely affecting the rights of owners of the securities.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2568; Filed, Apr. 6, 1954; 8:53 a. m.]

[1] See also Part 307 of this subchapter.

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter C—Appeals and Hearings

PART 515—APPEALS

Extensive amendments, deletions, and revisions of Part 515 (Appeals) of the War Claims Commission's regulations require revision of that part in its entirety. The following supersedes any and all previous revisions or amendments.

SUBPART A—APPEALS, GENERAL INFORMATION

Sec
515.1 Basis for appeal.
515.2 Appeal form and time limitations.
515.3 Appeals calendar.
515.4 Consideration of appeals.
515.5 Appeal proceedings in general.
515.6 The Appeals Board.

SUBPART B—HEARINGS

515.15 Docketing and notification of hearing.
515.16 Pre-hearing conference.
515.17 Conduct of hearings.
515.18 Oral argument at close of hearing.
515.19 Proposed findings and conclusions.

SUBPART C—FINDINGS AND CONCLUSIONS

515.30 Appeals Board to render decisions on appeals.
515.31 Decision of the Commission.
515.32 Notice of decision.
515.33 Dismissal of appeals.

SUBPART D—REHEARING AND REARGUMENT

515.— Rehearing and reargument.

AUTHORITY: §§ 515.1 to 515.35 issued under sec. 2, 62 Stat. 1240; 50 U. S. C. app. 2001.

SUBPART A—APPEALS, GENERAL INFORMATION

§ 515.1 *Basis for appeal.* Any claimant whose claim is denied or is approved for less than the full allowable amount may appeal to the Commission from such determination.

§ 515.2 *Appeal form and time limitations.* (a) An appeal shall be in writing on WCC Form 1105. Any award authorized to be paid or disallowance made prior to May 1, 1954 may be appealed from at any time within six months from the date of the award check or disallowance letter informing the claimant of the original determination. Any award authorized to be paid or disallowance made on or after May 1, 1954 may be appealed from at any time within three months from the date of the award check or disallowance letter informing the claimant of the original determination.

(b) Upon failure to file an appeal within the appropriate period allowed in paragraph (a) of this section the claimant will be deemed to have waived his right to appeal and the decision of the Commission shall constitute a full and final disposition of the case.

(c) (1) All documents, briefs or other additional evidence relative to an appeal from the award or disallowance of a claim under sections 5 (a) through (e), 6 or 7 (a) of the act shall be filed with the Commission at the time of the filing of WCC Form 1105 or within 30 days thereafter except that if such documents, briefs or other additional evidence are requested by the Commission, they shall be filed within 60 days from the date of request therefor if the claimant is within the continental United States or within 90 days from the date of request therefor if the claimant is outside the continental United States. Failure on the part of the claimant to file such documents, briefs or other additional evidence within the time limits shall be grounds for dismissal of the appeal in accordance with § 515.33.

(2) All documents or other additional evidence relative to an appeal from the award or disallowance of a claim under section 7 (b) or (c) of the act shall be submitted prior to December 1, 1953: *Provided*, That the appellant may at any time prior to December 1, 1953, notify the Commission that all additional evidence has been submitted. Appellants under section 7 (b) or (c) shall file all briefs which they desire to file in connection with their appeals prior to January 31, 1954.

§ 515.3 *Appeals calendar.* Upon receipt in Appeals and Hearings Service of WCC Form 1105 from the Claims Service, the case shall be entered on the Appeals and Hearings Docket. Each appeal shall be assigned a docket number in the order of its receipt. This number shall govern the order in which appeals are considered.

§ 515.4 *Consideration of appeals.* (a) If the appellant has specified on WCC Form 1105 that he does not wish to make a personal appearance or to appear through a representative, his appeal, when reached on the appeals calendar, shall be considered by the Appeals Board in accordance with § 515.30 (b).

(b) If the appellant in executing WCC Form 1105 has requested a personal appearance the hearing date will be set in accordance with Subpart B of this part.

(c) A request for a personal appearance may be waived by the interested parties at any time and the case submitted to the Appeals Board in accordance with § 515.30 (b).

§ 515.5 *Appeal proceedings in general.* Appeal proceedings may consist of:

(a) A hearing before the Commissioners or their representatives when requested by the appellant or by the Commission. (See Subpart B of this part.)

(b) Findings and conclusions of the Commission upon a decision of the Appeals Board. (See Subpart C of this part.)

§ 515.6 *The Appeals Board.* (a) The Appeals Board shall consist of three members, one of whom shall be designated Chairman.

(b) The Appeals Board shall consider appeals within the War Claims Commission and shall render decisions on appeals. (See Subpart C of this part.)

SUBPART B—HEARINGS

§ 515.15 *Docketing and notification of hearing.* (a) If the appellant in executing WCC Form 1105 has requested a personal appearance, the appeal will be set for hearing at the earliest date permitted by the hearing docket. The appellant will be notified of the date set. If the appellant fails to appear, the case will be disposed of in the usual order. The appellant may request that the case be reset for a different date within 30 days of the date of notice of hearing if the appellant resides in the continental United States or 90 days if outside the continental United States. The appellant shall be limited to one such request.

(b) The Commission may, in its discretion, require a hearing in any proceeding and shall set the hearing at the earliest practicable date permitted by the hearing docket. The appellant will be notified of the date set. If the appellant fails to appear the appeal shall be dismissed in accordance with § 515.33. The appellant may request that the case be reset for a different date within 30 days of the notice of hearing if within the continental United States or 90 days if outside the continental United States. The appellant shall be limited to one such request.

§ 515.16 *Pre-hearing conference.* At the request of the appellant or by an order of the Appeals Board at any time prior to the hearing, a conference may be arranged between the appellant or his representative and the Appeals Board or its representative at a designated time and place to consider simplification of the issues and any other matter which would tend to expedite the disposition of the hearing.

§ 515.17 *Conduct of hearings.* (a) Unless otherwise ordered by the Commission, hearings on appeals shall be closed. The hearings shall be stenographically reported and the transcript shall be a part of the record.

(b) Hearings shall be held by the Commissioners or by the Appeals Board or by any combination of Commissioners and members of the Appeals Board as may be designated by the Commission in each instance. The Commission will specify the individual who is to serve as chairman of the hearing.

(c) The chairman of a hearing panel may administer oaths and examine witnesses. The chairman may, in accordance with Part 502, Subchapter A of the Commission's regulations in this chapter,

require by subpoena the attendance and testimony of witnesses, as well as the production of all necessary books, papers, documents, records, correspondence, and other evidence.

(d) The appellant shall have the burden of proof on all issues involved in the appeal proceeding.

(e) The appellant, his authorized representative, the Appeals Board or the appellate attorney shall have the right and power to call, examine and cross-examine witnesses and to introduce for the record documentary or other evidence.

(f) The rules of evidence prevailing in courts of law and equity shall not be controlling. Any testimony or other evidence having probative value shall be received. However, it shall be the policy to exclude irrelevant, incompetent, immaterial or unduly repetitious evidence.

(g) In the discretion of the chairman, the hearing or pre-hearing may be adjourned from day to day, postponed to a later date, or to a different place by announcement thereof at the hearing, or by reasonable notice to the interested parties.

§ 515.18 *Oral argument at close of hearing.* Any party shall be entitled upon request at the close of the hearing, to such time as may be fixed by the chairman for oral argument. Oral argument made with the consent of the chairman shall be included in the stenographic report of the hearing.

§ 515.19 *Proposed findings and conclusions.* At the close of the reception of evidence, or within a reasonable time thereafter, to be fixed by the chairman, any party may submit proposed findings and conclusions, together with a brief in support thereof. Such proposal shall be in writing and shall contain appropriate references to the record. Copies thereof shall be furnished to all parties. Reply briefs may be filed with the permission of and within a reasonable time to be fixed by the chairman.

SUBPART C—FINDINGS AND CONCLUSIONS

§ 515.30 *Appeals Board to render decisions on appeals.* (a) After a hearing upon an appeal has been held, the Appeals Board shall, as soon as practicable after receipt of the transcript of the hearing, consider all evidence presented by the appellant in connection with an appeal and shall render a decision on the appeal. (Subject to § 515.31.)

(b) If no hearing is requested upon the appeal, the Appeals Board shall consider all additional evidence and shall render a decision on the appeal. (Subject to § 515.31.)

§ 515.31 *Decision of the Commission.* The decision of the Appeals Board shall be the final action of the Commission, subject to the provisions of § 515.35: *However, provided,* That in the case of appeals arising under section 7 (b) or (c) of the act, or where it is determined by the Appeals Board that elements of Commission policy are involved, the decision shall be referred to the Commissioners and when approved by two Commissioners, shall become the final decision of the Commission.

§ 515.32 *Notice of decision.* Notice of the final decision of the Commission together with a copy thereof shall be furnished to all interested parties.

§ 515.33 *Dismissal of appeals.* (a) An appeal may be dismissed when on its face it is not allowable or when it appears to have been abandoned or when substantiating evidence has not been furnished in accordance with § 515.2.

(b) The decision dismissing an appeal shall be final. The provisions as to notice of finding in § 515.32 and as to rehearing and reargument in § 515.35 shall apply to decisions of the Commission in dismissing an appeal.

SUBPART D—REHEARING AND REARGUMENT

§ 515.35 *Rehearing and reargument.* Any party desiring a rehearing, reargument or any relief not specifically covered by this part, may file a petition with the Commission within ten (10) days if a resident within the continental United States or within sixty (60) days if outside the continental United States after notice of the decision, stating the relief sought and the reasons in support thereof. Evidence in support of the petition should be attached thereto. The Commission may deny or allow the petition in whole or in part, as it deems proper.

WHITNEY GILLILLAND,
Chairman,
War Claims Commission.

[F. R. Doc. 54-2569; Filed, Apr. 6, 1954; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10888]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing Television Broadcast Stations; Docket No. 10888.

1. The Commission has under consideration its notice of proposed rule making issued on January 28, 1954 (FCC 54-116) and published in the FEDERAL REGISTER on February 3, 1954 (19 F. R. 624) proposing to assign Channel 3 to Rapid City, South Dakota, as requested by The Hills Broadcasting Company, in a petition filed on December 29, 1953.

2. The time for filing comments in this proceeding expired February 26, 1954. No comments have been filed opposing the proposed amendment. The Black Hills Broadcast Company, Rapid City, South Dakota, supported the proposed amendment and stated that it contemplated the filing of an application for a construction permit on Channel 3 in the event the proposed assignment should be made final. It appears that the proposed assignment is technically feasible, may be made without any other changes in the table, and would be in the public interest.

3. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered,* That effective 30 days after publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules governing television broadcast stations is amended as follows:

City:	Channel No.
Rapid City, S. Dak.	3+, 7+, 15-

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084, 47 U. S. C. 301, 303, 307)

Adopted: April 1, 1954.

Released: April 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2552; Filed, Apr. 6, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Accounts

[31 CFR Part 270]

ESTABLISHMENT OF FEES FOR COPYING, CERTIFYING AND SEARCH OF RECORDS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) that the Secretary of the Treasury is considering the establishment pursuant to the provisions of Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290, 5 U. S. C. 140) and Bureau of the Budget Circular No. A-28 dated January 23, 1954, of a schedule of fees for the services of copying, certifying and search of records performed by the Bureau of Accounts.

2. It is proposed to add regulations to 31 CFR Part 270 to provide for the imposition and collection of fees for services performed by the Bureau of Accounts as set forth in paragraphs 3 to 6, inclusive, below.

3. For searching of documents covering mortgages, releases, assignments, claims, loans, deeds, etc., $2.00 per hour, with a minimum charge of $1.00. This item will be applicable primarily to copies of documents furnished by the Investments Branch in connection with requests for copies of claim assignments and for searching the War Finance Corporation's records for mortgage releases.

4. For furnishing special fiscal data that have not been published at the time of the request, $2.50 per hour, with a minimum charge of $1.00. This item will be applicable primarily to special repetitive reports requested at frequent intervals by publishers and compilers of economic data. Where individuals make occasional requests for published data or for unpublished data where the cost of compilation is not significant, no charge will be made.

5. For furnishing facsimile copies of documents by photostatic or similar processes:

Size	First copy of each page (one side)	Additional copies of same page
	Cents, each	*Cents, each*
Up to 9" x 12"	40	20
12" x 18"	40	30
18" x 24"	40	50

6. Certifications and validations of reports and documents, with Treasury seal $1.00, without Treasury seal 50 cents.

7. No charge would be made for services performed at the request of agencies of the Federal Government.

8. Comments on the proposed schedule of fees set forth above are invited and should be submitted in writing to the Commissioner of Accounts, Treasury Department, Washington 25, D. C., in time to be received prior to April 15, 1954. No hearing will be held to consider this matter.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

APRIL 1, 1954.

[F. R. Doc. 54-2567; Filed, Apr. 6, 1954; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 970]

[AO-255]

HANDLING OF IRISH POTATOES GROWN IN MAINE

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.0 et seq.), notice is hereby given of a public hearing to be held at the Northeastland Hotel, Presque Isle, Maine, beginning at 9:30 a. m., e. s. t., April 27, 1954, with respect to a proposed marketing agreement and order authorizing regulation of the handling of Irish potatoes grown in the State of Maine. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of a marketing agreement and order hereinafter set forth, or appropriate modifications thereof.

Growers and shippers in the State of Maine as represented by the Aroostook County Farm Bureau, the Potato Industry Council, Inc., The Fort Fairfield Potato Growers Association, and the Young Farmers of Central Aroostook, requested a hearing on the following proposed marketing agreement and order authorizing regulation of the handling of potatoes in the proposed production area.

DEFINITIONS

§ 970.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 970.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 970.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 970.4 *Production area.* "Production area" means all territory included within the boundaries of the State of Maine.

§ 970.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 970.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes or causes potatoes to be shipped.

§ 970.7 *Ship or handle.* "Ship" or "handle" means to sell or transport potatoes within the production area or between the production area and any point outside thereof.

§ 970.8 *Grading.* "Grading" means the sorting or separation of potatoes into grades and sizes for market purposes.

§ 970.9 *Grade and size.* "Grade" means any one of the officially established grades of potatoes and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title) or amendments thereto, or modification thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture on November 3, 1947, effective December 8, 1947 (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon:

(c) State of Maine Standards for Potatoes issued by the State of Maine Commissioner of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon;

§ 970.10 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 970.11 *Marketing committee.* "Marketing committee" means the Maine Potato Marketing Committee established pursuant to §§ 970.22 to 970.27, inclusive.

§ 970.12 *Administrative committee.* "Administrative committee" means the Maine Potato Administrative Committee established pursuant to §§ 970.22 to 970.27, inclusive.

§ 970.13 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the administrative committee.

§ 970.14 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 970.15 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of Maine or other seed certification agencies which the Secretary may recognize.

§ 970.16 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 970.17 *Pack.* "Pack" means a unit of potatoes contained in a bag, crate, or other type of container, and which falls within specific weight limits or within specific grade limits, or both, as recommended by the marketing committee and approved by the Secretary.

§ 970.18 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 970.19 *District.* "District" means each one of the geographical divisions of the production area initially established pursuant to § 970.28 or as reestablished pursuant to § 970.29.

COMMITTEES

§ 970.22 *Administrative agencies.* The agencies for administering the terms and provisions of this part shall be the marketing committee and the administrative committee, called, respectively, the Maine Potato Marketing Committee and the Maine Potato Administrative Committee. Such agencies shall be selected in accordance with the methods set forth in §§ 970.24 to 970.39, inclusive.

§ 970.23 *Committees' functions.* The marketing committee shall have sole responsibility and authority for recommending marketing regulations and such rules and regulations as may be incidental to the administration thereof. The administrative committee shall have authority for and be responsible for providing the staff and the services for carrying out its and the marketing committee's powers and duties.

§ 970.24 *Marketing Committee.* The Maine Potato Marketing Committee

shall consist of 20 members, of whom 15 shall be producers and 5 shall be handlers.

§ 970.25 *Administrative committee.* The Maine Potato Administrative Committee shall consist of not less than 3 members, and any larger number which the marketing committee may recommend and the Secretary approve. Alternates may be recommended by the marketing committee and approved by the Secretary.

§ 970.26 *Selection.* (a) Marketing committee members shall be selected on the basis of districts as established pursuant to § 970.28 or § 970.29. From each district, three producers shall be selected as marketing committee members and one producer shall be selected as marketing committee alternate. From each district, one handler shall be selected as member and one handler shall be selected as alternate.

(b) The members of the administrative committee and alternates shall be selected from among the marketing committee members or alternates.

§ 970.27 *Qualifications for agency membership.* Persons selected as marketing committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected. Persons selected as marketing committee members or alternates to represent handlers shall be individuals who are handlers in the district for which selected, or officers or employees of a corporate handler, and such persons shall be residents of the district for which selected.

§ 970.28 *Districts.* For the purpose of determining the basis for selecting marketing committee members, the following districts of the production area are hereby initially established:

District No. 1. The towns of Hamlin, Cyr, Township 17, Range 3, townships 16 and 17, Range 4, townships 14, 15, and 16, Range 5, all townships 14, ranges 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, and all area north thereof in Aroostook County, in the State of Maine.

District No. 2. The towns of Fort Fairfield, Caribou, Washburn, Wade, Perham, Woodland, Limestone, Caswell, Connor, New Sweden, Westmanland and Stockholm in Aroostook County, in the State of Maine.

District No. 3. The Town of Bridgewater, Township D, Range 2, all townships 9, ranges 3, 4, and 5, the town of Oxbow, all townships 9, ranges 7, 8, 9, 10, 11, 12, 13, 14 15, 16, 17, and 18, and all area north thereof, not included in Districts 1 and 2, in the State of Maine.

District No. 4. The towns of Orient, Haynesville, Glenwood, Township 2, Range 2, the towns of Silver Ridge, Benedicta, all townships 2, ranges 6, 7, 8 west of the east line of the State 9, 10, 11, 12, townships 2, 3, and 4, Range 13, townships 4 and 5, range 14, all townships 5, ranges 15, 16, 17, 18 19, and 20, and all area north thereof, not included in Districts 1, 2, and 3, in the State of Maine.

District No. 5. All the remaining counties, towns, and townships in the State of Maine not included in Districts 1, 2, 3, and 4.

§ 970.29 *Redistricting.* The marketing committee may recommend, and pursuant thereto, the Secretary may approve, the apportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the marketing committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reestablishment of members within districts; and, (e) other relevant factors. No change in districting or in reestablishment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reestablishment may be made within less than six months prior to such date.

§ 970.30 *Term of office.* (a) The terms of office shall begin as of July 1 and end as of June 30. The term of office of producer members of the marketing committee shall be for three years. The terms of office of the producer members of the initial committee shall be so determined by the Secretary that one third shall be for terms of one year, one third for terms of two years, and one third for terms of three years. The term of office of alternate producer members, and of handler members and alternates shall be for one year. No producer member and no handler member shall serve for more than three consecutive years. The term of office of members and alternates of the administrative committee shall be for one year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 970.31 *Nomination.* The Secretary may select the members of the marketing committee, and alternates, from nominations which may be made in the following manner:

(a) The administrative committee shall hold or cause to be held prior to May 1 of each year, after the effective date of this subpart, a meeting or meetings of producers in each district and a meeting or meetings of handlers in the production area;

(b) In arranging for such meetings the administrative committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the marketing committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(d) Nominations for marketing committee members and alternates, and nominations for administrative committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than June 1 and July 15, respectively, of each year;

(e) Only producers may participate in designating nominees for producer members and alternates on the marketing committee and only handlers may participate in designating nominees for handler members and alternates. Each person who is both a producer and a handler may vote either as a producer or as a handler and he may elect the group in which he votes. In the event a person is engaged in producing or in handling potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees.

(f) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for marketing committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled from the group in the respective district in which he elects to vote.

§ 970.32 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 970.31, the Secretary may, without regard to nominations, select the marketing committee and the administrative committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 970.28 and 970.29.

§ 970.33 *Acceptance.* Any person selected as a marketing committee or as an administrative committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 970.34 *Vacancies.* To fill marketing committee or administrative committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 970.31. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 970.28 and 970.29.

§ 970.35 *Alternate members.* In the event any member of the marketing committee is unable to attend a meeting of the marketing committee, the alternate who was selected from the same district and from the same group as the absent member may act in the place and stead of the absent member. In the event of the death, removal, resignation, or disqualification of a member, a qualified alternate shall act for him until a successor of such member is selected and has qualified. In the event such alternate cannot attend, or there is no alternate available to act in the place and stead of an absent member, an absent member may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting, such temporary substitute may act in the place and stead of such member.

§ 970.36 *Procedure.* (a) A majority of the members of the marketing committee from each of at least four districts shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of such marketing committee will be required to pass any motion or approve any marketing committee action. A majority of the members of the administrative committee shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of such administrative committee will be required to pass any motion or approve any administrative committee action.

(b) Either the marketing committee or the administrative committee, or both, may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 970.37 *Expenses and compensation.* Marketing committee and administrative committee members and alternates shall serve as such members and alternates without compensation, but they shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ 970.38 *Powers.* The administrative agencies shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 970.39 *Duties.* (a) It shall be the duty of the marketing committee: (1) To meet prior to the beginning of the marketing season each year, to organize, to select from among its membership a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(2) To nominate members and alternates for the administrative committee;

(3) To prepare a marketing policy;

(4) To recommend marketing regulations to the Secretary;

(5) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both; and

(6) To set up subcommittees, including a special public relations subcommittee for working with producers, handlers, and the general public in connection with specific regulations, rules, practices, administrative committee services, inspection, terminal marketing practices, transportation, and such other matters as are related to this marketing program.

(b) It shall be the duty of the administrative committee:

(1) To meet each year as soon as possible after selection, to organize, to select from among its membership a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business at it may deem advisable.

(2) To act as intermediary between the Secretary and any producer or handler, and between the Secretary and the marketing committee;

(3) To furnish to the Secretary such available information as he may request;

(4) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(5) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, as may be necessary for administration of this part;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the administrative committee and of the marketing committee, and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers marketing committee voting records on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal period to prepare a budget of its expenses and a proposed rate of assessment for such fiscal period, together with a report thereon;

(9) To cause the books of the administrative committee to be audited by a competent accountant at least once each year, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers;

(10) To investigate an applicant's claim for exemption, and

(11) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper activities and objectives of such committees under this part.

EXPENSES AND ASSESSMENTS

§ 970.43 *Expenses.* The administrative committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by the administrative agencies during each fiscal period for the maintenance and functioning of such agencies and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of each fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes shipped by him as the first applicant for inspection thereof during a fiscal period and the total quantity of potatoes shipped by all handlers as first applicants for inspection thereof during such fiscal period.

§ 970.44 *Budget.* (a) At the beginning of each fiscal period and as may be necessary thereafter, the administrative committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The administrative committee may recommend to the Secretary a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The administrative committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

(b) Whenever the administrative committee finds that the rate of assessment for a fiscal period is not sufficient to provide revenue to defray expenses for such period, it may present an amended budget to the Secretary and recommend that the rate of assessment be changed to cover such expenses.

§ 970.45 *Assessments.* (a) The funds to cover such expenses shall be acquired by the levying of assesments upon handlers as provided in this subpart. Each handler who first applies for inspection of potatoes shall pay assessments to the administrative committee upon demand, which assessments shall be in payment of such handlers pro rata share of the agencies' expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the administrative committee's recomendations and other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during or subsequent to a given fiscal period the administrative committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations or other available information the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were shipped by the first applicant for inspection thereof during such fiscal period.

§ 970.46 *Accounting.* (a) All funds received by the administrative committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the administrative committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of either the administrative committee or the marketing committee he shall account for all

receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committees' activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, agency, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The administrative committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other property of the administrative agencies during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the administrative committee or the marketing committee, or both.

§ 970.47 *Refunds.* At the end of each fiscal period or other representative period used by the administrative committee as a basis for seasonal accounting, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him, or

(b) The Secretary, upon recommendation of the administrative committee, may determine that it is appropriate for the maintenance and functioning of such administrative committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the administrative committee and of the marketing committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall to the extent practical be returned upon a pro rata basis to all persons from whom such funds were collected.

REGULATION

§ 970.50 *Marketing policy—(a) Preparation.* Prior to each marketing season the marketing committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the marketing committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the marketing committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs, or any other shipping unit;

(2) Supply of potatoes by grade, size, and quality in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest, and

(6) Other relevant factors.

(b) *Reports.* (1) The administrative committee shall submit a report for the marketing committee to the Secretary setting forth the aforesaid marketing policy and the administrative committee shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the marketing committee shall prepare a new marketing policy in accordance with the manner previously outlined. The administrative committee shall submit a report thereon for the marketing committee to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 970.51 *Recommendations for regulations.* The marketing committee shall recommend to the Secretary grade, size, and quality regulations, or volume regulations, or both, or amendments thereto, or modifications thereof, whenever it finds that such regulations, as provided in § 970.52 or § 970.53, or both, will tend to effectuate the declared policy of the act. The marketing committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate shipments of potatoes for the purposes authorized in § 970.57. The marketing committee may also recommend termination or suspension of any regulation issued hereunder.

§ 970.52 *Issuance of grade, size, and quality regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the marketing committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate in any or all portions of the production area, the shipment of particular grades, sizes, or qualities of any or all varieties of table stock or of seed potatoes, or both, during any period; or

(b) Regulate the shipment of particular grades, sizes, or qualities of potatoes differently, for different varieties, for table stock or seed, for different portions of the production area, for different packs, or for any combination of the foregoing, during any period; or

(c) Regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 970.53 *Volume regulations.* The Secretary shall limit the shipment of potatoes by establishing salable and surplus percentages whenever he finds from the recommendations and information submitted by the marketing committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(a) Provide that not more than an established percentage of the potatoes grown in any or all portions of the production area may be shipped during any specified period or periods as table stock potatoes or seed potatoes, or both;

(b) Limit the total quantity of table stock potatoes, or of seed potatoes, or both, or of any grade, size, or quality thereof, which may be handled by any and all handlers in any or all portions of the production area during any specified period or periods, by requiring, or providing methods for requiring evidence satisfactory to the administrative committee that each handler shipping table stock potatoes or seed potatoes, or both, has diverted to approved outlets a volume of potatoes proportionate to the surplus percentage recommended by the marketing committee and approved by the Secretary;

(c) Determine, or provide methods for determining, the existence and extent of the surplus of potatoes, or of any grade, size, or quality thereof, in any or all portions of the production area during any season, or portion thereof, and provide for the control and disposition of such surplus, and for equalizing the burden of such surplus elimination or control among the producers and handlers thereof, and such provisions may include the following authorizations which are incidental to, and not inconsistent with the terms and conditions above specified, and necessary to effectuate the provisions of this part;

(d) Authorize the administrative committee, or any agency recommended by the administrative committee and selected by the Secretary, to administer the provisions of this part, which shall include any one or more of the following:

(i) Recommendations for assessments;

(ii) Collection of assessments;

(iii) Disbursement of funds and effecting control and disposition of such surplus;

(iv) To assist in negotiation of contracts for purchase and sale of surplus potatoes;

(v) To require reports by handlers on their sales and contributions to surplus;

(vi) To issue reports to the Secretary and to the industry on stocks of potatoes in the production area, shipments of table stock and seed, contributions to surplus, and on such other information which may be of value to the industry.

§ 970.57 *Modification, suspension, or termination.* Upon the basis of recommendations and information submitted by the marketing committee, or other available information, the Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 970.45, 970.52, 970.53, 970.57, 970.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the act:

(a) For grading or storage within the production area;

(b) For use as seed within the production area;

(c) For export;

(d) For distribution by the Federal Government;

(e) For manufacture or conversion into specified products;

(f) For charitable purposes;

(g) For livestock feed; and

(h) For other purposes which may be specified.

§ 970.58 *Minimum quantity regulation.* The marketing committee with the approval of the Secretary, may establish for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 970.45, 970.52, 970.53, 970.57, 970.65, or any combination thereof.

§ 970.59 *Notification of regulation.* The Secretary shall notify the administrative committee of any regulations issued or of any modification, suspension, or termination thereof. The administrative committee shall give reasonable notice thereof to handlers.

§ 970.60 *Safeguards.* (a) The marketing committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to §§ 970.57 or 970.58 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the marketing committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the administrative committee to ship potatoes pursuant to §§ 970.57 and 970.58.

(2) Handlers shall obtain inspection provided by § 970.65, or pay the pro rata share of expenses provided by § 970.45 or both, in connection with potato shipments effected under the provisions of § 970.57: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the administrative committee for shipments of potatoes effected or to be effected under the provisions of §§ 970.57 and 970.58.

(b) The administrative committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in §§ 970.57 and 970.58 were handled contrary to the provisions of this subpart.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the administrative committee pursuant to the provisions of this section.

(d) The administrative committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 970.65 *Inspection and certification.* (a) During any period in which shipments of potatoes are regulated pursuant to §§ 970.45, 970.52, 970.53, or 970.57, or any combination thereof, no handler shall ship potatoes unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to §§ 970.57 or 970.58, or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall ship potatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each shipment of such potatoes is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the marketing committee with the approval of the Secretary.

(d) Each handler obtaining inspection as required in this section shall make arrangements with the inspection agency to forward promptly to the administrative committee a copy of each inspection certificate.

EXEMPTION

§ 970.70 *Policy.* (a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 970.52, is prevented from shipping during the season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the administrative committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 970.52, is prevented from shipping as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the administrative committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 970.71 *Rules and procedures.* The marketing committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures should provide for handling applications for exemptions, for issuing certificates of exemption, for marketing committee determinations with respect to areas and averages (as required by § 970.70), and for such other procedures as may be necessary to accomplish policies with respect to exemptions.

§ 970.72 *Applications and issuance.* The administrative committee shall issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation;

(b) That by reason of regulations issued pursuant to § 970.52, in case of an applicant who is a producer, he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 970.52, in case of an applicant who is a handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the recipient thereof to ship the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 970.73 *Investigation.* The administrative committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 970.74 *Appeals.* If any applicant for exemption certificate is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the administrative committee. Such an appeal must be taken promptly after the determination from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to such administrative committee for a determination on the appeal. The administrative committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The administrative committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 970.75 *Records.* The administrative committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the

amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the administrative committee upon request of the Secretary.

MISCELLANEOUS PROVISIONS

§ 970.80 *Reports.* Upon the request of the administrative committee with the approval of the Secretary, every handler shall furnish to the administrative committee, in such manner and at such time as may be prescribed, such information as will enable the administrative committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 970.81 *Compliance.* Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

§ 970.82 *Right of the Secretary.* The members of the marketing committee and of the administrative committee (including successors and alternates), and any agent or employee appointed or employed by such committees, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the marketing committee or of the administrative committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said committees shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 970.83 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 970.84 *Termination or suspension.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during the preceding marketing season, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 970.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the members of the administrative committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the marketing committee and of the administrative committee, of all the funds and property then in the possession of or under control of such committees, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committees and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the marketing committee or the administrative committee, or both, or the joint trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims, have been transferred or delivered by the marketing committee or the administrative committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of such committees and upon the said trustees.

§ 970.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (1) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulations issued under this subpart or (3) effect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 970.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 970.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 970.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 970.90 *Personal liability.* No member or alternate of the marketing committee or of the administrative committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent except for acts of dishonesty.

§ 970.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 970.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the marketing committee or by the Secretary.

§ 970.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 970.94 *Additional parties.* After the effective date of this part, any handler who has not previously executed this agreement may become a party to this part if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 970.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 2d day of April 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2572; Filed, Apr 6, 1954, 8:54 a. m.]

[1] Applicable only to the proposed marketing agreement.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 10988]

FREQUENCY ALLOCATIONS

USE OF CERTAIN FREQUENCY BANDS BY RADIOPOSITIONING STATIONS

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the use of the frequency bands 10–14 kc, and 90–110 kc by radiopositioning stations; Docket No. 10988.

Notice is hereby given of proposed rulemaking in the above entitled matter.

The table of frequency allocations contained in Part 2 of the Commission's rules now show the band 10–14 kc allocated exclusively to the radionavigation service and the band 90–110 kc allocated to the fixed, maritime mobile and radionavigation services. The Atlantic City Table of Frequency Allocations specifies that the band 90–110 kc is available for the development of long distance radionavigation systems looking toward the adoption of one such system internationally. Developments in the field of radiolocation indicate that radionavigation techniques may also be employed for radiopositioning (such as radio surveying).

Accordingly, to permit the development of radiolocation equipment which may eventually be used for either radionavigation or radiopositioning it is proposed to amend § 2.104 (a) of the Commission's rules and regulations so that, frequencies in the bands 10–14 kc and 90–110 kc may be authorized for developmental use by radiopositioning stations on a secondary basis to the radionavigation service as shown below. Previously, a similar provision was made with reference to the 3000, 5000 and 9000 Mc Radionavigation bands through the addition of footnote NG 18.

The proposed amendments to the rules are issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before May 3, 1954, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 15 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 31, 1954.

Released: April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

In § 2.104 *Frequency allocations*, amend paragraph (a) (5) as follows:

In the bands 10–14 kc, 90–100 kc and 100–110 kc add footnote in Column 7 to read as follows: "Land radiopositioning stations and mobile radiopositioning stations may be authorized, on a developmental basis, to use frequencies in this band on the condition that harmful interference will not be caused to the radionavigation service."

[F. R. Doc. 54-2553; Filed, Apr. 6, 1954; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 10936]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; NOTICE OF EXTENSION OF TIME FOR FILING REPLIES TO COMMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10936.

1. On February 25, 1954, the Commission issued a notice of proposed rule making (FCC 54–260) in the above-entitled matter which specified that comments were to be filed on or before March 24, 1954. The time for filing replies to such comments was specified as 10 days from the last day for filing original comments. Mr. John H. Phipps has requested an extension of one week for filing a reply to comments filed in the proceeding. Mr. Phipps states that prior commitments require the attention of his counsel outside of Washington and that he has not had an opportunity to study the comments filed and prepare a reply thereto.

2. It is our view that an extension of one week for filing replies to comments in this proceeding is warranted. Accordingly, notice is hereby given that the time for filing replies to comments filed in the above-entitled matter is extended to April 12, 1954.

Adopted: March 31, 1954.

Released: April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2554; Filed, Apr. 6, 1954; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 10989]

AFFILIATION AGREEMENTS; TERRITORIAL EXCLUSIVITY

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.658 (b) of the Commission's rules and regulations; Docket No. 10989.

1. The Commission has under consideration the revision of § 3.658 (b) of its Chain Broadcasting rules relating to the right of television broadcast stations to contract for territorial exclusivity with network organizations.

2. Under the present provisions of § 3.658 (b), a network affiliate which renders coverage to a substantial portion of the service area of a station located in another community may, if it has so contracted with the network, preclude the station in that other community from carrying particular network programs, even though the programs' sponsors and the network desired that they be broadcast by the latter station also.

3. The question before the Commission is whether § 3.658 (b) of its rules should be revised as follows:

(b) *Territorial exclusivity.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station located in the same community[15a] from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station located in a different community from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its community upon the programs of the network organization.

4. It does not appear that adoption of this proposal would require any drastic revision of present network-affiliate relationships. In this connection, we note that two of the four major networks, in most instances, now grant their affiliates "first call" or "the right of first refusal" limited substantially in the manner specified by the proposed revision, while one does not appear to grant any "territorial exclusivity."

5. Authority for the adoption of the proposed amendment is contained in sections 1 and 303 (i) and (r) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before May 3, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will con-

[15a] As employed in this paragraph, the term "community" is defined as the listed city to which the channel of the station is assigned in the Commission's Table of Assignments and all other cities not listed in the Table of Assignments located within 15 miles of the listed community.

sider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 1, 1954.

Released: April 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2555; Filed, Apr. 6, 1954; 8:51 a. m.]

[47 CFR Parts 31, 34, 35]

[Docket No. 10985]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES, RADIOTELEGRAPH CARRIERS, AND WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendments of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, Part 34, Uniform System of Accounts for Radiotelegraph Carriers, and Part 35, Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers, of the Commission's rules and regulations; Docket No. 10985.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the uniform systems of accounts for Class A and Class B telephone carriers, for radiotelegraph carriers, and for wire-telegraph and ocean-cable carriers (Parts 31, 34, and 35, respectively) with regard to accounting for employees pensions and certain other benefits, to become effective six months after publication in the FEDERAL REGISTER of the final order herein: *Provided, however*, That the carriers may, if they so desire, place these amendments, in whole or in part, into effect in less than six months after such publication or retroactively to January 1, 1954.

3. The proposed amendments set forth below provide for inclusion in the appropriate operating expense accounts of the entire cost of pensions whether paid on a current basis or provided for in advance through payments into trust funds irrevocably dedicated to that purpose, so long as such advance provisions meet certain conditions set forth in the texts of the accounts. The proposed amendments also provide for certain modifications and clarifications with respect to accounting for the cost of workmen's compensation and supplementary and special pensions.

4. The proposed amendments are issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before May 3, 1954, a statement or brief setting forth his comments. At the same time, persons favoring the amendments as proposed may file statements in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within ten days of the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing of such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: March 31, 1954.

Released: April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Immediately after the first sentence of paragraph (b) of §§ 31.672, 34.4435, and 35.4327, insert the following: "There may be included in this account reasonable amounts to provide for pension costs based on service rendered prior to the period for which the accruals are made. Such amounts may be spread over a reasonable period of years if inclusion in the current year seriously distorts the expenses of that year."

2. Delete paragraph (c) of §§ 31.672, 34.4435, and 35.4327 and substitute in lieu thereof the following:

(c) There shall be segregated in a separate subaccount any charges representing interest on the unfunded actuarial liability for the purpose of arresting the growth of such liability or any charges designed to dispose of, in a lump sum amount or over a reasonable period of years, such unfunded actuarial liability.

3. To the list of items following the main text of §§ 31.672, 34.4435 and 35.4327 add in alphabetical order the two items set forth below:

Cost of providing workmen's compensation.
Payments for supplementary or special pensions.

4. Delete in its entirety § 35.4323 *Workmen's compensation;* in Note D to § 35.4321, and in Note B to § 35.4325, delete "account 4323, 'Workmen's compensation'" and substitute in lieu thereof "account 4327, 'Relief and pensions'". Delete the reference in § 35.4311 to § 35.4323.

5. Revise § 35.2215 (b) to read as follows:

(b) This account shall also be credited with amounts that are charged to account 4327, "Relief and pensions", when under statutes to which the carrier is subject, self-insurance of risks for workmen's compensation for employees' liability is required or permitted.

6. Delete from Note B to § 35.2215 the words: "workmen's-compensation".

7. Delete from the first sentence of paragraph (a), § 34.4425 *Insurance* the following: "and the amount of insurance premiums paid in compliance with statutes requiring the carrier to provide for workmen's compensation or similar employee protection, except such costs as are includible in the clearing accounts."

[F. R. Doc. 54-2556; Filed, Apr. 6, 1954; 8:51 a. m.]

[47 CFR Parts 34, 35]

[Docket No. 10986]

UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS AND WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendments of Parts 34, Uniform System of Accounts for Radiotelegraph Carriers, and 35, Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers of the Commission's rules and regulations; Docket No. 10986.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend certain provisions of Parts 34 and 35 of the Commission's rules and regulations, relating to depreciation accounting, as set forth below, to become effective six months after publication in the FEDERAL REGISTER of the final order herein, with the provision that these amendments may be made effective immediately upon issuance of a final order herein.

3. It has been found on the basis of studies conducted by this Commission that with respect to most classes of plant the remaining-life principle of computing depreciation is less suitable than the total-life method. Accordingly, the proposed amendments are designed to require the use of the total-life depreciation method except:

(a) Where the Commission after investigation prescribes the remaining-life method of depreciation accounting or

(b) Where the carrier makes proper application to, and receives prior approval from, the Commission to use the remaining-life method of depreciation accounting.

(c) Carriers currently using the remaining-life method may continue to do so, unless specifically directed otherwise by the Commission.

4. The proposed amendments further eliminate the provision in paragraph (a) of § 35.04-3 of the rules, that the accrued depreciation included in the carrier's Allowance for Depreciation (Account 1515) shall at no time exceed the depreciation-allowance requirement. This provision has been found to be burdensome and impracticable of application and, accordingly, is proposed for deletion.

5. The proposed amendments are issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before May 3, 1954 a statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within ten days of the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of time and place of such argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements and briefs filed shall be furnished to the Commission.

Adopted: March 31, 1954.

Released: April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Revise paragraph (c) of §§ 34.04-2 and 35.04-2 to read as follows:

(c) When, with respect to any class or subclass of plant, the rate of depreciation previously applied in the accounts is no longer applicable for any reason, the carrier shall take such steps as are required (see § 43.43 of this subchapter) to put into effect at the earliest practicable date such new depreciation rate (computed as provided in paragraph (a) of this section) as is then appropriate to give recognition to the currently estimated total service-life and net-salvage factors. The carrier, upon receiving prior approval from the Commission or, upon prescription by the Commission, shall apply such depreciation rate as will amortize the difference between the net book cost of a class or subclass of plant and its estimated net salvage value during the known or estimated remaining service life of that plant. However, any carrier which at the effective date of this rule, is applying the remaining-life method of depreciation accounting may continue to do so unless otherwise directed by the Commission.

2. Delete from paragraph (a) of § 35.04-3 the last sentence reading as follows: "The amount remaining in account 1515, with respect to any class or subclass of operated plant for which a separate specific percentage rate is computed, shall at no time be in excess of the depreciation-allowance requirement computed on the basis of the then applicable depreciation rate (see § 35.04-2) and the remaining life expectancy of such class or subclass of operated plant. (See also § 35.03-21.)"

3. Delete from paragraph (a) § 34.04-2 the last part of the first sentence reading as follows: "* * * or to the cost of that portion of such plant with respect to which the estimated service value has not been completely accounted for through the aggregate of prior current allowances for depreciation."

[F. R. Doc. 54-2557; Filed, Apr. 6, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLOCKUM GAME RANGE, WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 29, 1954.

An application, serial number W-01109, for the withdrawal from all forms of appropriation under the public land laws, except none of the lands described below was filed on July 27, 1953, by United States Fish and Wildlife Service.

The purposes of the proposed withdrawal: Colockum Game Range, Washington.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior at Swan Island Station, Portland 18, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLIAMETTE MERIDIAN

T. 20 N., R. 21 E.,
Sec. 2, Lots 1 to 12 inclusive;
Sec. 8, N½NE¼, W½SW¼, S½SE¼;
Sec. 10, W½NE¼, NW¼;
Sec. 12, N½, N½S½.
T. 20 N., R. 22 E.,
Sec. 6, All.
Sec. 8, NE¼SW¼;
Sec. 22, NE¼, N½NW¼, NW¼SW¼, NE¼SE¼, S½SE¼;
Sec. 26, NW¼, S½;
Sec. 32, SE¼NE¼, W½, N½SE¼, W½NE¼.
T. 21 N., R. 22 E.,
Sec. 32, W½W½, SE¼NW¼.

The areas described aggregate 3,695.16 acres.

J. G. FRIEDLY,
Acting Regional Administrator.

[F. R. Doc. 54-2528; Filed, Apr. 6, 1954; 8:45 a. m.]

SIERRA ANCHA EXPERIMENTAL FOREST

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 30, 1954.

An application, serial number AR-05563 (Amended), for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on November 9, 1953, by the United States Department of Agriculture. The purposes of the proposed withdrawal: Sierra Ancha Experimental Forest within the Tonto National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region 5, Bureau of Land Management, Department of the Interior at Post Office Box 1695, Albuquerque, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 13 E.,
Sec. 1, S½N½N½, S½N½, S½;
Sec. 2, E½SE¼;
Sec. 11, NE¼, E½NW¼, S½;
Secs. 12 and 13;
Sec. 14, N½, N½SW¼, SE¼;
Sec. 23, NE¼;
Sec. 24;
Sec. 25, E½, E½NW¼;
Sec. 36, E½NE¼.
T. 5 N., R. 14 E.,
Sec. 3, lots 3, 4 S½NW¼, SW¼;
Secs. 4, 5, 6, 7, 8, 17, 18, 19 and 20;
Sec. 29, W½;
Sec. 30;
Sec. 31, lots 1, 2, NE¼, E½NW¼, NE¼SW¼, N½SE¼.
T. 6 N., R. 14 E.,
Sec. 31, lot 4, SE¼SW¼, S½SE¼;
Sec. 32, E½NE¼, S½SW¼, SE¼;
Sec. 33.
Sec. 34, W½NW¼, SW¼.

The areas described aggregate 13,150.47 acres.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-2529; Filed, Apr. 6, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5779]

AERO FINANCE CORP.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Aero Finance Corporation enforcement proceeding.

Notice is hereby given that a public hearing in the above-entitled proceeding, originally scheduled for March 16, 1954, and subsequently reassigned for April 13, 1954, is hereby postponed until April 21, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., April 2, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2574; Filed, Apr. 6, 1954; 8:55 a. m.]

[Docket No. 6396]

CAPITAL AIRLINES, INC., AND PIEDMONT AVIATION, INC.; CITIES OF HAMPTON AND WARWICK, VIRGINIA

NOTICE OF HEARING

In the matter of the application of the Peninsula Airport Commission under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for amendment of the certificates of public convenience and necessity held by Capital Airlines, Inc., for routes Nos. 14 and 51 and by Piedmont Aviation, Inc., for route No. 87 so as to designate Hampton and Warwick, Va., as co-intermediate points with Newport News, Va.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on April 19, 1954, at 10:00 a. m., e. s. t., in the Foyer of the Commerce Auditorium, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., April 2, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2575; Filed, Apr. 6, 1954; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8777]

MACKAY RADIO AND TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of Mackay Radio and Telegraph Company, applications for radiotelegraph circuits between the United States and Portugal, Surinam and The Netherlands; Docket No. 8777.

The Commission having under consideration a telegram filed by RCA Communications, Inc., on March 30, 1954, requesting postponement of hearing in the above-entitled proceeding for a period not exceeding 30 days, in view of litigation in the United States Court of Appeals for the second circuit, which requires immediate attention of counsel and has created a conflict with the hearing herein on April 5, 1954; also having under consideration telegrams filed on March 30, 1954, by The Western Union Telegraph Company, Mackay Radio and Telegraph Company, and Commercial Cable Company agreeing to such continuance;

It appearing that a continuance of two days may be granted without unduly delaying the hearing or disrupting the Examiner's hearing schedule, but that a longer postponement would cause a conflict with hearings in which the Examiner is assigned to preside in other important cases;

It further appearing that the Commission, in its memorandum opinion and order herein of March 31, 1954, indicated need for a final decision in this matter as quickly as possible;

It is ordered, This 31st day of March, 1954, that the hearing heretofore scheduled herein for April 5, 1954, is continued until 10:00 a. m., April 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2558; Filed, Apr. 6, 1954; 8:51 a. m.]

[Docket No. 8777]

MACKAY RADIO AND TELEGRAPH CO.

MEMORANDUM OPINION AND ORDER AMENDING ISSUE

In the matter of Mackay Radio and Telegraph Company, applications for radiotelegraph circuits between the United States, Portugal, Surinam, and The Netherlands; Docket No. 8777

Preliminary statement. 1. On March 23, 1954, the Commercial Cable Company (Commercial), a respondent herein, filed a petition wherein it was requested that Commercial either be relieved from supplying certain cost data in response to the issues set forth in subparagraph (e) [1] of the first ordering paragraph of the Commission's order of March 1, 1954, herein (released March 3, 1954), setting further hearings in this matter to start on April 5, 1954, or that, in the alternative, the hearing herein be postponed for "at least thirty days in order that some formula may be devised, if possible, and data be prepared under such a formula." On March 24, 1954, The Western Union Telegraph Company (Western Union), a respondent herein, also filed a petition wherein it was requested that Western Union be granted relief from the requirement to respond to the issues set forth in the aforementioned subparagraph (e). On March 30, 1954, RCA Communications Inc. (RCAC), a respondent herein, filed a response to the aforementioned petitions of Commercial and Western Union wherein it opposed such petitions in so far as they contained requests for the relief from the requirements to respond to the issues set forth in subparagraph (e) but wherein no objection was made of a postponement not to exceed thirty days to provide time to devise an appropriate formula and to permit Commercial and Western Union to prepare the data required by the issues set forth in the aforementioned subparagraph (e).

The petitions. 2. In support of its petition Commercial alleges, among other things, that although both it and Western Union provide cable service to practically the entire world their cables, with minor exceptions, extend only to Canada, Eire, The Azores, The United Kingdom, France, Germany, and Holland; [2] that neither Commercial nor Western Union serve Portugal directly; that so far as Commercial is aware no reliable cost allocation studies have been made with respect to cable service and no acceptable formula has been devised on the basis of which such studies could be made. Commercial further alleges that it has discussed this matter with Western Union and that thus far neither company has been able to devise an acceptable formula for making the necessary studies; that any formula which might be devised would have to be tested and rewritten several times before any "fairly acceptable and uniform results could be reached;" that Commercial and the applicant herein, Mackay Radio and Telegraph Company Inc. (Mackay), operate a joint comptrollers department which is engaged in preparing the data in response to all of the issues set forth in the aforementioned Commission Order of March 1, 1954, on behalf of Mackay as well as all issues other than those set forth in subparagraph (e) on behalf of Commercial and is also engaged in several other matters. Commercial also points to the fact that neither it nor Western Union was named a party to the original proceeding although Western Union was an intervener in that proceeding and Commercial's operations were described by a witness for Mackay

3. In support of its petition Western Union alleges among other things that the uniform system of accounts "is not capable of yielding the requisite data" to comply with the issues set forth in subparagraph (e); that Western Union handles its traffic between Portugal and The Netherlands "over many alternate paths and jointly with traffic to and from other foreign countries" as is set forth more fully in its petition so that it is "not practicable to ascertain the amount of such traffic handled over each alternate route." Western Union therefore argues that since its cable operations "involve almost entirely costs which are common and joint to all traffic, it is impossible for the company to show directly the costs assignable to or from a particular country."

4. In view of all of the foregoing, Western Union alleges that to obtain the cost data necessary to respond properly to the issues raised by subparagraph (e) it would have to make allocations based on special studies of traffic loads, use of personnel, use of facilities, etc.; that such cost allocations would be arbitrary and time consuming and in its opinion meaningless and inconclusive. In support of its allegation that the making of an allocation would be time consuming, Western Union advises that an analysis and segregation which it previously made in response to a Commission request required the services of a major number of its cable system accounting personnel almost one full month to complete; that this study did not involve any of the allocations and separations required in order to respond to the issues set forth in subparagraph (e) and that therefore it is conservatively estimated that in order to respond to such issues even if performed in the most arbitrary fashion for the seven year period, would require the major number of * * * ocean cable department accounting personnel to devote a period of from six to nine months to the task."

The RCAC response. 5. In its response to the petitions of Commercial and Western Union, RCAC alleges among other things that economic issues are of primary importance in determining the public interest and that cost data are necessary for the resolution of such issues. RCAC contends that under the Commission's Order of March 1, 1954, the cable carriers as well as the radiotelegraph carriers who are named parties respondent in this proceeding are required to submit the cost data called for by the issues set forth in subparagraph (e); that Commercial's argument that it should not be required to submit cost data since it was not a respondent in the original proceeding is "unconvincing." RCAC argues instead that the designation of cable carriers as respondents in the Commission's Order of March 1, 1954, indicates the Commission's intention to obtain cost data from these carriers. RCAC also contends that economic injury to cable carriers as well as radio carriers from the operation of duplicate circuits cannot be ignored in reaching a decision on the Mackay applications and alleges that data from the cable carriers showing only their gross revenues would be insufficient. RCAC therefore contends that the Commission's Order properly requires cost data from all respondents including cable carriers.

6. In response to the contentions of Commercial and Western Union regarding the difficulty in devising an acceptable formula RCAC alleges that cost data have been submitted to the Commission on many occasions by radio carriers, telephone carriers, domestic telegraph carriers, as well as other common carriers; that these studies have been considered and relied upon by the Commission in numerous proceedings and that it is, therefore, apparent that valid cost studies can also be made for the "relatively less complicated cable operations." RCAC also alleges that it has been making the necessary cost studies to respond to the issues contained in subparagraph (e); and that certain complications involved in its studies do not exist in the case of other respondents, particularly the cable carriers, which provide only message service with Portugal and The Netherlands. RCAC therefore contends that Western Union, with the personnel at its disposal, should be able to complete its cost studies within a period of thirty days, the time within which according to RCAC, Commercial has indicated that it would be able to complete its studies, and that its estimate of six to nine months is unreasonable.

Discussion. 7. It is clear that our order of March 1, 1954, requires all parties respondent, including cable carriers which serve Portugal and The Netherlands, to submit the data required by the issues set forth in subparagraph (e). The question before us now, therefore, is whether we should modify the requirement in the light of the argument advanced by the petitioners, Commercial and Western Union.

8. As is set forth in the first appearing clause of our order of March 1, 1954, we determined to hold further hearings herein because we were of the opinion that the public interest would be served if the data of record were to be brought up to date so that we could have available current data to help us resolve the issues in this proceeding which involve "important decisions with respect to matters of both policy and fact, and since more than five years have elapsed from the time the record herein was closed." In this connection, we note, however, that none of the cable carriers submitted any cost data of the type now required by the issues in subparagraph (e), nor so far as we can determine was any request made that the cable carriers supply such data for the record. Such data was, however, supplied by RCAC which was then the only radiotelegraph carrier serving Portugal and The Netherlands directly.

9. Western Union originally intervened in the proceeding in order to oppose a grant of the Mackay applications. It would appear to us, therefore, that its interests in the proceeding are similar to those of RCAC and that it would not be inclined to exaggerate the difficulties involved in preparing the data at issue or to minimize the validity and reliability of any data which it might submit. We find, however, that Western Union's considered opinion, as set forth in its petition, is that the preparation of this data would require six to nine months of effort on the part of a major portion of its ocean cable accounting personnel, and even then the allocations would be performed "in the most arbitrary fashion." While we do not believe that a proper allocation of expenses is impossible in the case of the cable carriers, we are, nevertheless, aware that there may be numerous difficulties in the way of a proper study, all of which would require considerable time and effort.

10. It may be argued that since neither Mackay nor RCAC have raised any objections to preparing similar studies with respect to radiotelegraph operations in time for the hearing now scheduled for April 5, 1954, it should be possible for the cable carriers to prepare similar studies. We note, however, that in 1947, in connection with the preparation for another proceeding [3] a basic procedure was devised as a result of conferences between the Commission staff members and representatives of interested carriers, for assigning plant investment and operating revenue deductions to individual radio circuits. The procedures so devised were employed by RCAC in arriving at its last allocations which it submitted for the record in the proceeding. We are not aware, however, that similar plans or procedures have been devised for use by cable carriers.

11. We agree with RCAC that it is important that the Commission have available to it data with respect to the economic issues involved in order that it may arrive at a decision herein in the light of the Supreme Court's opinion. We must evaluate the relative importance of any data we require the parties to furnish in the light of its importance to a proper decision herein and in light of the time and effort required to furnish it. If we were of the opinion that the submission of cost data by the cable carriers was essential to a proper decision herein, we would, of course, deny the petitions of Commercial and Western Union in so far as they request that these companies be relieved of the requirement to respond to the issues set forth in subparagraph (e), and would instruct the staff to cooperate with the cable carriers to devise an appropriate basis for making the necessary studies. However, although we are of the opinion that cost allocation data for the cable carriers serving Portugal and The Netherlands are relevant hereto, we cannot conclude, for the reasons set forth below, that such data are indispensable to a proper decision herein.

12. We note first, that other issues herein require the submission of detailed and voluminous data with respect to the volume of message traffic and the types of non-message communication service, as well as the revenues resulting from each such service provided by each of the respondent cable carriers between the United States and Portugal and The Netherlands for each of the years from 1947 to 1953, inclusive. In addition, such other issues require the submission of similar data for each cable carrier respondent with respect to the total volume of message traffic and each type of non-message communication, as well as the revenues resulting therefrom on a world-wide basis for each of the years from 1947 to 1953. Finally, financial data are required for each of the respondent cable carriers, including an annual income statement and a year-end balance sheet for each of the years 1947 to 1953 inclusive. These data, together with data already in the record, will furnish the Commission with detailed information regarding the financial and

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[1] This subparagraph provides as follows: "(e) To obtain data with respect to the costs properly attributable to and the net operating revenues resulting from message telegraph service and each type of non-message communication service provided by each respondent carrier between the United States, on the one hand, and Portugal and The Netherlands, on the other hand, for each of the years 1947 through 1953, inclusive;"

[2] Western Union also has cables between the United States and certain islands in the West Indies.

[3] Docket No. 7974 In the Matter of Radiotelegraph Service between the United States and foreign and overseas points and assignment of frequencies for such service.

economic situation with respect to Commercial and Western Union, for the period prior to the time that Mackay opened its circuits to Portugal and The Netherlands, and will show what has transpired since Mackay opened its circuits to these two points in 1951.

13. More than six years have elapsed since Mackay's applications were originally set for hearing in 1948. We are, therefore, of the opinion that we should reach an ultimate decision on these applications as quickly as possible. If we were to insist that the cable carriers, and particularly Western Union, furnish the data now required by the issues set forth in subparagraph (e), we are of the opinion that it would be improper for us to refuse to afford the cable carriers, which were named parties respondent on the Commission's own Motion, a reasonable time to meet the problems they indicate would confront them in preparing this information. As has been set forth above, Western Union is of the opinion that even the most arbitrary system of allocation would require a major number of its Cable Department accounting personnel to devote a period of from six to nine months to the task. We are not convinced that the public interest would be served by any postponement approximating this length of time to furnish the information at issue herein, particularly in view of the fact that we are of the opinion that these data are not essential to a proper decision herein.

Conclusion. 14. In view of all of the considerations set forth above, and in view of the fact that both Commercial, which is a proponent of Mackay's applications and Western Union, which originally intervened in this proceeding to oppose Mackay's applications, are agreed as to the difficulties involved in preparing cost allocation studies for cable carriers, we conclude that our order should be amended to relieve the cable carriers from submitting information in response to the issues now set forth in subparagraph (e).

15. *Accordingly, it is ordered*, This 31st day of March, 1954, that subparagraph (e) of the Commission's order herein dated March 1, 1954 (released March 3, 1954), is amended to read as follows:

(e) To obtain data with respect to the costs properly attributable to and the net operating revenues resulting from message telegraph service and each type of non-message communication service provided by each respondent carrier furnishing radiotelegraph service between the United States, on the one hand, and Portugal and The Netherlands, on the other hand, for each of the years 1947 through 1953, inclusive;

It is further ordered, That except in so far as granted herein, each of the requests contained in the aforementioned petitions of Commercial and Western Union and in the response of RCAC are denied.

Released: April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2559; Filed, Apr. 6, 1954; 8:52 a. m.]

[Docket Nos. 8917, 10906, 10990]

STATION WBBM-TV ET AL.

MEMORANDUM OPINION AND ORDER DESIGNATING PROCEEDING AND APPLICATIONS FOR HEARING

In the matters of Order to Show Cause Why the License of Station WBBM-TV should not be modified to Specify Channel 2, Chicago, Illinois, in lieu of Channel 4, Docket No. 10906; Application of Zenith Radio Corporation, Chicago, Illinois, for construction permit for a new television broadcast station, Docket No. 8917, File No. BPCT-322; Application of Columbia Broadcasting System, Inc., Chicago, Illinois, for renewal of license, Docket No. 10990, File No. BRCT-5.

1. The Commission has before it for consideration and designation for hearing the above-entitled proceedings and applications. The facts pertinent to such consideration are as follows: On March 21, 1951, the Commission adopted its Third Notice of Further Proposed Rule Making in Dockets 8736 et al., in which it proposed, among other things, to amend its Table of Assignments for television stations and to change the assignments of 31 existing stations, including that of Balaban & Katz Corporation, licensee of television Station WBKB,[1] Channel 4, Chicago, Illinois. Accordingly, paragraph 9 of the Third Notice directed these stations to show cause why their authorizations should not be modified. Specifically, WBKB was directed to show cause why its license should not be modified to specify Channel 2 in lieu of Channel 4 in the event Channel 4 was deleted from Chicago. At that time, and since February 12, 1948, there was pending before the Commission the application of Zenith Radio Corporation (Zenith) for Channel 2 in Chicago.

2. On April 14, 1952, the Commission issued its Sixth Report and Order in Dockets 8736 et al., in which it deleted Channel 4 from Chicago. On February 9, 1953, the Commission adopted a final decision in Dockets 10031 et al., renewing the license of WBKB and approving its transfer to Columbia Broadcasting System, Inc. (CBS). On the same day, the Commission adopted an order which provided that the license of WBKB be modified to provide for operation on Channel 2 in Chicago and that Zenith's application be dismissed. An appeal from the latter order was filed by Zenith on April 21, 1953. Zenith Radio Corporation v. Federal Communications Commission, No. 11772. On May 20, 1953, the United States Court of Appeals for the District of Columbia Circuit stayed the Commission order appealed from pending disposition of the appeal, but without prejudice to the issuance by the Commission of a special temporary authorization for operation on Channel 2 under certain specified conditions. Such an authorization was issued to CBS on June 22, 1953.

3. On January 21, 1954, the Court handed down a decision reversing the Commission's action of February 9, 1953, modifying the CBS license and dismissing the Zenith application. On February 10, 1954, the Commission adopted an order vacating that action. On February 10, 1954, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the Commission wrote to Zenith and CBS advising that a comparative hearing was required which would involve a comparison between Zenith and CBS to determine which of the two should receive an authorization for regular operation on Channel 2 in Chicago that no element of the present operation of CBS under its special temporary authorization, including any expenditures which might have been made in connection with such operation on Channel 2 would be considered by the Commission in the hearing; and that the CBS application for renewal of license for Channel 4, Chicago would be included in the hearing. The letter to Zenith also advised it of the deficiencies which existed in its application, while the letter to CBS also directed it to file a statement with respect to its proposed operation on Channel 2. Both parties were afforded 30 days in which to reply.

4. Zenith filed a reply to the Commission's letter on March 10, 1954 and filed an amendment to its application on March 15, 1954. In its reply, Zenith urged that it is entitled to a comparative hearing with Balaban & Katz Corporation under the decision in Zenith Radio Corporation v. Federal Communications Commission, *supra;* that the course which the Commission was proposing disregarded the Court's opinion in holding a comparative hearing "between Zenith and Columbia, based on Zenith's application of May 29, 1952, for a permit to construct a television station on Channel 2—Chicago and on Columbia's application filed on September 1, 1953 for renewal of license to operate on Channel 4—Chicago"; and that the Commission should withdraw its letters of February 10, 1954 and proceed on the basis that no hearing may be held between Zenith and any other party than Balaban & Katz Corporation.[2]

5. CBS filed its reply and statement of proposed operation on March 12, 1954. In its reply, CBS expressed its opposition to the statement made by the Commission in its letter of February 10, 1954, that no element of the operation by CBS on Channel 2 under its special temporary authorization would be considered by the Commission at the proposed hearing. It was urged that only with respect to expenditures incurred by CBS in its operation on Channel 2 should no consideration be given at the proposed hearing. Finally, on March 18, 1954, CBS filed a letter opposing Zenith's claim to a hearing with Balaban & Katz Corporation and urging that the hearing be limited to Zenith and CBS.

6. The Commission has given careful consideration to Zenith's reply of March 10, 1954. We cannot agree with Zenith's analysis of the Court's opinion. In its decision the Court, having concluded that Zenith was entitled to a hearing on its Channel 2 application, went on to discuss the nature of that hearing. The Court held that at the time of the entry of the order under review, or at some unspecified earlier period, Zenith had been entitled to a comparative hearing with Balaban & Katz Corporation. However, the Court further stated that the renewal of Balaban & Katz's license and the assignment of that license to CBS had not been appealed from, and had become final. The fact of the transfer could not, the Court said, be ignored in any hearing which might be held between Zenith and Balaban & Katz Corporation. The Court further stated, in pertinent part:

> • • • Whatever is left to Station WBKB after the hearing concerning the license, whether that station is authorized to operate on Channel 2 or is left without any authorization at all, belongs to the Columbia Broadcasting System. The comparative hearing, therefore, between Zenith and Balaban & Katz must actually be a comparison between operation by Zenith and operation by the Columbia Broadcasting System.

Upon a careful review of the Court's decision and of Zenith's analysis of that decision as set forth in its letter, we believe that the totality of the Court's opinion clearly contemplates a comparative hearing between Zenith and CBS, which, as the Court recognized, had succeeded Balaban & Katz as licensee of Station WBKB (now WBBM-TV). Moreover, in view of the finality of the Commission's actions renewing Balaban & Katz's license on Channel 4 and transferring it to CBS, we do not understand that the past or present merits or demerits of Balaban & Katz as a licensee could properly be in issue. The Commission recognizes that some of the language in the Court's decision could possibly be construed in terms of a hearing in which Balaban & Katz might at least be named as the nominal applicant competing with Zenith on behalf of its transferee CBS. It is believed that in any such hearing, Balaban & Katz could play no actual role and, as set forth above, its qualifications would not be in issue. Under these circumstances, we believe it entirely consistent with the totality of the Court's decision as well as conducive to the orderly and expeditious hearing of the proceeding to name as parties the real rather than nominal persons involved.

7. With respect to Zenith's contention that the Commission has, in effect, proposed to hold a comparative hearing based on its application and the CBS renewal application for Channel 4, it should be pointed out that the letter to Zenith and that transmitted to CBS (a copy of which was sent to Zenith) stated that the proposed hearing "will involve a comparison between Zenith Radio Corporation and Columbia Broadcasting System, Inc., to determine which of the two should receive an authorization in the light of the public interest, convenience and necessity for regular operation on Channel 2, Chicago, Illinois." The letter to CBS also directed it to file a statement of its proposed operation on Channel 2, and stated that "In the event that no questions with respect to your qualifications are raised by the filing of your statement of proposed operation on Channel 2 and by your reply to this letter, a hearing will be scheduled, as indicated above, on the issues then obtaining." Thus, the Commission made it abundantly clear that the comparative hearing which it proposed to hold would be on the question whether the outstanding show cause order, originally directed to WBKB (now WBBM-TV) should be finalized or whether Zenith's application for a new station on Channel 2 should be granted. The hearing will be based on Zenith's application and the statement of proposed operation filed by CBS. However, the CBS renewal application for Channel 4 in Chicago must also be included in the hearing since the application for renewal of license of WBBM-TV remains undetermined and is actually mutually exclusive with Zenith's application. If Zenith is the successful applicant, the CBS authorization cannot be renewed. If, however, CBS is the successful applicant, its license will be renewed and modified in accordance with the show cause order.

8. As indicated above, in its reply of March 12, 1954, CBS expressed its opposition to the Commission's intention not to consider in the proposed hearing any element of the CBS operation on Channel 2. In its letters of February 10, 1954, to CBS and Zenith, the Commission stated as follows:

> It should be understood that no element of the present operation of Station WBBM-TV under its special temporary authority, including any expenditures which may have been made in connection with such operation on Channel 2, will be considered by the Commission in the forthcoming hearing. We believe this to be a necessary consequence of the Court's order of May 20, 1953, the special temporary authorization issued to Columbia on June 22, 1953, and the Court's Memorandum of July 3, 1953, denying a motion for a temporary restraining order against the Commission's order of June 22, 1953. In that Memorandum, the Court stated that it had been its intention in the May 20, 1953, order that the situation "remains pendente lite unaffected by the grant of the special temporary authorization, not only in form but in actual substance," and that if a comparative hearing should eventually be held, "it will be essential to the validity of subsequent proceedings that Zenith's rights not be affected by the events, orders, etc., occurring during the pendency of the appeal."

We believe that that statement accurately reflects the Court's directive with respect to consideration at the proposed hearing of CBS operations on Channel 2. Consideration of CBS's operation on on Channel 2 under its temporary authorization would mean that Zenith's rights would be substantially affected by events occurring during the course of the appeal. Since, under the Court's decision, Zenith was entitled to a hearing before the temporary operation on that channel had commenced, consideration of the subsequent operation on Channel 2 would be inconsistent with a fair hearing and could hardly be said to be in accordance with the Court's earlier memorandum.

9. Upon due consideration of the proceedings heretofore held herein and in Dockets 8736 et al., the above entitled applications and amendments filed thereto, the replies to the Commission's letters of February 10, 1954, and the decision of the United States Court of Appeals for the District of Columbia Circuit in Zenith Radio Corporation v. Federal Communications Commission (No. 11772), the Commission finds that simultaneous operation on Channel 2, Chicago, Illinois, by Zenith and CBS would result in mutually destructive interference; that under the terms of that decision and sections 303 (f), 309 (b), and 316 (a) of the Communications Act of 1934, as amended, a hearing is mandatory; that Zenith Radio Corporation and Columbia Broadcasting System, Inc. are legally, technically and financially qualified to construct, own and operate their proposed television broadcast stations on Channel 2, Chicago, Illinois; and that, pending a determination of the issues set forth below with respect to the proposed operations by Zenith and CBS on Channel 2, the Commission is unable to find that a grant of the renewal of the license of Station WBBM-TV, Channel 4, Chicago, Illinois, would serve the public interest, convenience and necessity. Accordingly, pursuant to the above-mentioned provisions of the Communications Act of 1934, as amended, the above-entitled proceeding and applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 30th day of April, 1954, in Washington, D. C., upon the following issue: To determine on a comparative basis which of the operations proposed herein by Zenith Radio Corporation and Columbia Broadcasting System, Inc. would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between their proposals as to:

(1) The background and experience of each of the above-named parties having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named parties with respect to the management and operation of the proposed station.

(3) The programming service proposed by each of the above parties.

10. *It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the parties herein will give reasonable assurance that their proposals will be effectuated.

Adopted: April 1, 1954.

Released: April 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2560; Filed, Apr. 6, 1954; 8:52 a. m.]

[1] The call letters have since been changed to WBBM-TV.

[2] Zenith requested the Commission to reply to its letter by March 19, 1954. On said date the Commission advised Zenith by letter that this matter was one of several aspects of the case which would normally be disposed at the same time, and that there appeared to be no reason to deviate from the normal process and act on one special phase of the proceedings by March 19, 1954.

[Docket No. 10945]

CARTHAGE BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Lloyd C. McKenney & John J. Daly d/b as Carthage Broadcasting Company, Fort Scott, Kansas, for construction permit; Docket No. 10945, File No. BP-8948.

The Commission having before it a petition filed March 31, 1954, by the applicant named above that the hearing herein now set for April 6, 1954, be continued and rescheduled for some date subsequent to April 9, 1954; and

It having been agreed by all parties in this proceeding at a prehearing conference held April 1, 1954, that the hearing might be rescheduled for April 15, 1954:

It is ordered, This 1st day of April 1954, that the Petition for Continuance is granted and the hearing herein now scheduled for April 6, 1954, is rescheduled for 10:00 a. m., Thursday, April 15, 1954, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2561; Filed, Apr. 6, 1954; 8:52 a. m.]

[Docket No. 10945]

CARTHAGE BROADCASTING CO.

NOTICE OF FURTHER PREHEARING CONFERENCE

In re application of Lloyd C. McKenney & John J. Daly d/b as Carthage Broadcasting Company, Fort Scott, Kansas, for construction permit; Docket No. 10945, File No. BP-8948.

It was agreed at the prehearing conference held today pursuant to the notice of March 23, 1954, that a further prehearing conference might be held herein on April 13, 1954, to complete the consideration of the matters specified in the original notice.

Accordingly, all parties are hereby notified that such further prehearing conference will be held beginning at 10:00 a. m., Tuesday, April 13, 1954, at Washington, D. C.

Dated at Washington, D. C., this 1st day of April, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WILLIAM G. BUTTS,
Hearing Examiner.

[F. R. Doc. 54-2562; Filed, Apr. 6, 1954; 8:52 a. m.]

[Docket Nos. 10965, 10966]

SEATON PUBLISHING CO. AND STRAND AMUSEMENT CO.

NOTICE OF PRE-HEARING CONFERENCE

In re applications of The Seaton Publishing Company, Hastings, Nebraska, Docket No. 10965, File No. BPCT-1265; Strand Amusement Company, Hastings, Nebraska, Docket No. 10966, File No. BPCT-1272; for construction permits for new television stations.

In accordance with § 1.813 of the Commission's rules, a pre-hearing conference of all counsel in the above-entitled matter will be held in the offices of the Commission, Washington, D. C., beginning at 10:00 a. m., e. s. t., Monday, April 12, 1954.

Dated April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CHARLES J. FREDERICK,
Hearing Examiner.

[F. R. Doc. 54-2563; Filed, Apr. 6, 1954; 8:52 a. m.]

[Docket Nos. 10974-10976]

ECTOR COUNTY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ben Nedow tr/as Ector County Broadcasting Company, Odessa, Texas, Docket No. 10974, File No. BPCT-799; C. L. Trigg, President, Odessa Television Company (a Joint Venture), Odessa, Texas, Docket No. 10975, File No. BPCT-1258; Clarence E. Wilson and Philip D. Jackson, d/b as the Odessa Television Company, Odessa, Texas, Docket No. 10976, File No. BPCT-1761; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Odessa, Texas; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-named applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that C. L. Trigg, President, Odessa Television Company (a Joint Venture), and Clarence E. Wilson and Philip D. Jackson, d. b as The Odessa Television Company are legally, technically and financially qualified to construct, own and operate the proposed television broadcast stations; and that Ector County Broadcasting Company is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "1" above; and

It further appearing that the application of Ector County Broadcasting Company proposes an antenna location in the vicinity of the antenna of standard broadcast station KECK; that the installation and operation of the television antenna as proposed is possible and feasible without adversely affecting the ability of Station KECK to operate in accordance with the terms of its license, that appropriate proof thereof should be submitted after installation and operation of the proposed antenna; and that a grant, if made, of the application should be subject to the following condition:

Before construction of the television antenna proposed by Ector County Broadcasting Company is commenced, request shall be made to the Commission to determine the power of KECK by the indirect method. During the installation of the television antenna, the directional antenna of KECK shall be maintained as closely as possible to the values appearing on its license. Upon completion of the television installation, the KECK field intensity shall be measured at a minimum of three points on each radial and submitted to the Commission together with a tabulation of meter readings. The common point impedance of the KECK antenna system shall be remeasured and the results submitted to the Commission together with Forms 302 if any changes are noted

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 30th day of April, 1954, in Washington, D. C., upon the following issues:

1. To determine whether the installation and operation of the station proposed by Ben Nedow tr/as Ector County Broadcasting Company in the above-entitled application would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 1, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2564; Filed, Apr. 6, 1954; 8:52 a. m.]

[Docket Nos. 10980, 10981]

KFJI BROADCASTERS AND KLAMATH FALLS TELEVISION, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KFJI Broadcasters, Klamath Falls, Oregon, Docket No. 10980, File No. BPCT-1299; Klamath Falls Television, Inc., Klamath Falls, Oregon, Docket No. 10981, File No. BPCT-1620; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1954.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 2 in Klamath Falls, Oregon; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m., on the 30th day of April, 1954 in Washington, D. C., upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2565; Filed, Apr. 6, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-996, G-1429, G-1526, G-1816, G-1817, G-1818, G-1916, G-1917, G-1918, G-1919, G-1920, G-1923, G-1924, G-1926, G-1927, G-2111, G-2121]

NORTHWEST NATURAL GAS CO. ET AL.

ORDER OMITTING INTERMEDIATE DECISION PROCEDURE AND FIXING DATES FOR FILING BRIEFS AND ORAL ARGUMENT

In the matters of Northwest Natural Gas Company, Docket Nos. G-996, G-1916, G-1917; Pacific Northwest Pipeline Corporation, Docket No. G-1429; Westcoast Transmission Company, Inc., Docket Nos. G-1526, G-1919, G-1920; Glacier Gas Company, Docket Nos. G-1816, G-1817, G-1818; Northern Natural Gas Company, Docket Nos. G-1918, G-1926, G-1927; Trans-Northwest Gas, Inc., Docket Nos. G-1923, G-1924, G-2111; Colorado Interstate Gas Company, Docket No. G-2121.

On December 2, 1953, Pacific Northwest Pipeline Corporation filed a motion to omit the intermediate decision procedure in this proceeding. On March 11, 1954, Westcoast Transmission Company, Inc., moved orally on the record that, pursuant to § 1.30 (c) of the Commission's rules of practice and procedure, the intermediate decision procedure be omitted. These motions were opposed by the intervening coal and labor interests. Both motions also requested that briefs be filed and oral argument be presented within specified times after completion of hearings. Staff counsel opposed the motions with respect to the times requested for filing briefs.

Nearly 200 days of hearings in this consolidated proceeding have been held, beginning June 16, 1952. Over 28,000 pages of testimony and over 600 exhibits, many of them voluminous, have been presented. The illness of the Examiner who presided initially over this proceeding has required that a second Examiner preside over the latter part of the hearings and renders infeasible the intermediate decision procedure.

Although the hearings have been unavoidably lengthy due to the various contentions of the applicants, the record amply demonstrates that prompt disposition of these matters is urgently required. Any delay in the disposition of the applications presented in this proceeding will affect not only the applicants but also the potential consumers in the area proposed to be served. Therefore, the public interest clearly requires omission of the intermediate decision procedure and that the times for briefs and oral argument be set as hereinafter ordered.

The Commission finds:

(1) The record in this proceeding demonstrates that due and timely execution of the Commission's functions imperatively and unavoidably requires that the intermediate decision procedure be omitted as hereinafter ordered and provided and that the Commission render the decision in this proceeding.

(2) It is appropriate and in the public interest to hear oral argument concerning the matters involved and the issues presented in this proceeding as hereinafter ordered and provided.

The Commission orders:

(A) The intermediate decision procedure be and is hereby omitted herein in accordance with the provisions of § 1.30 (18 CFR 1.30) of the Commission's rules of practice and procedure.

(B) Main briefs may be filed by the applicants herein on or before April 26, 1954; briefs by staff counsel and all other parties may be filed on or before May 11, 1954; and reply briefs by the applicants who have filed main briefs may be filed on or before May 26, 1954.

(C) Oral argument shall be had before the Commission on June 1, 1954, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(D) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before May 20, 1954, of such intention and of the time required for presentation of their argument.

Adopted: March 31, 1954.

Issued: April 1, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2530; Filed, Apr. 6, 1954; 8:46 a. m.]

[Docket Nos. G-1142, G-1508, G-2019, G-2074, G-2210, G-2220, G-2378]

UNITED GAS PIPE LINE CO.

ORDER SUPPLEMENTING ORDER ISSUED MARCH 26, 1954, AFFIRMING CERTAIN RULINGS OF PRESIDING EXAMINER AND FIXING DATE FOR RECONVENING HEARING

By order issued March 26, 1954, the Commission affirmed two rulings of the

Presiding Examiner upon the record and fixed May 3, 1954, as the date for reconvening the hearing in these proceedings, all as more fully described in the aforesaid order.

Upon full consideration of the arguments and contentions of the parties set forth in the transcript of the testimony certified by the Examiner, we find that it is appropriate and desirable in the public interest and to carry out the provisions of the Natural Gas Act that (1) the data and information hereinafter specified shall be submitted by United as a part of its direct case, and (2) to provide for the conclusion of the hearing in these proceedings at the earliest practicable time the outline of procedure hereinafter set forth shall be followed.

The Commission orders:

(A) At the hearing to be reconvened on May 3, 1954, United Gas Pipe Line Company (United) shall present its full case on direct as to all dockets and without qualification.

(B) If as a part of its direct case United presents evidence with respect to its 1953 operations or 1953 operations adjusted to reflect known changes through July 31, 1954, as contended for on the record, under either circumstance or as to both if evidence on each is submitted, United shall show (1) actual 1953 revenues, expenses, rate base and other relevant costs by each of its operating districts with full explanation for each adjustment and justification therefor; (2) full and complete flow charts showing source of gas and disposition thereof based on actual 1953 sales or as adjusted; and (3) full and complete monthly billing data including monthly peak and billing demands by customers as well as volumes delivered to each customer on the coincidental peak day for the year 1953, or as adjusted, for direct sales and sales for resale.

(C) Upon the conclusion of United's direct case in support of all dockets, other parties, including staff counsel, shall conduct as much of their cross-examination as they are then prepared to undertake. Following such preliminary cross-examination, the hearing shall be further recessed to a date to be fixed by the Presiding Examiner.

(D) At the reconvened proceedings all parties shall conclude their cross-examination of United's witnesses. Immediately following such cross-examination all other parties shall then present testimony and evidence they may have to offer. Thereafter, the hearing may be recessed for two weeks to permit the parties to prepare for cross-examination, and, upon resumption, concluded without further recess.

Adopted: March 31, 1954.

Issued: April 1, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2534; Filed, Apr. 6, 1954; 8:47 a. m.]

[Docket No. G-2352, No. G-2353]

TENNESSEE GAS TRANSMISSION CO. AND NORTHEASTERN GAS TRANSMISSION CO.

ORDER CONSOLIDATING PROCEEDINGS DENYING REQUESTS FOR SHORTENED PROCEDURE, AND FIXING DATE OF HEARING

Tennessee Gas Transmission Company (Tennessee) has requested that application for a certificate of public convenience and necessity to acquire and operate all the facilities of its wholly owned subsidiary, Northeastern Gas Transmission Company (Northeastern), be heard under the shortened procedure provided in § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application was filed on January 14, 1954, pursuant to section 7 of the Natural Gas Act. Concurrently, Northeastern filed an application pursuant to section 7 (b) of the Natural Gas Act requesting permission and approval to abandon all of its facilities for which Tennessee seeks authority to acquire. Northeastern also requested that its application be heard under the shortened procedure provided in § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Subsequent to the giving of due notice of the filing of the applications, including publication in the FEDERAL REGISTER on February 5, 1954 (19 F. R. 717), numerous protests and petitions to intervene have been filed by customers both of Tennessee and Northeastern. These proceedings are, therefore, not proper ones for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission finds:

(1) Common questions of law and fact are involved in Docket Nos. G-2352 and G-2353.

(2) Good cause exists for fixing a date of hearing less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) The proceedings involved in Docket Nos. G-2352 and G-2353 are consolidated for purposes of hearing and decision.

(B) The requests that these proceedings be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure are hereby denied.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 12, 1954, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented in the proceedings consolidated in paragraph (A) hereof.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: March 31, 1954.

Issued: April 1, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2532; Filed, Apr. 6, 1954; 8:46 a. m.]

[Docket No. G-2359]

DOME GAS CO., INC.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application, filed January 25, 1954, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation with its principal office at Owensboro, Kentucky, to sell and deliver natural-gas to Applicant at an existing point of connection as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 4, 1954 (19 F. R. 665).

Texas Gas on February 23, 1954, filed an answer to the application referred to above, acknowledging an ability and willingness to make the sale and delivery of natural gas as requested.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 26, 1954, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: March 31, 1954.

Issued: April 1, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2533; Filed, Apr. 6, 1954; 8:46 a. m.]

[Docket No. G-2364]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed February 9, 1954, pursuant to section 7 of the Natural Gas Act, for (1) a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, and (2) permission and approval to abandon other facilities, all as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on February 20, 1954 (19 F. R. 1024),

Temporary authorization to construct and operate the facilities requested above was granted by the Commission on February 12, 1954.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on May 12, 1954, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: March 31, 1954.

Issued: April 1, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2533; Filed, Apr. 6, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3212]

UNITED GAS CORP. AND UNION PRODUCING CO.

ORDER GRANTING ISSUANCE OF PROMISSORY NOTES OF SUBSIDIARY TO PARENT

MARCH 31, 1954.

United Gas Corporation ("United"), and its non-utility subsidiary, Union Producing Company ("Union"), all the securities of which are owned by United, both of which companies are subsidiaries of Electric Bond and Share Company, a registered holding company, have filed with this Commission a joint application-declaration pursuant to sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-43 (a) promulgated thereunder, with respect to the following proposed transactions:

United proposes to lend to Union and the latter proposes to borrow from United, not to exceed an aggregate amount of $5,000,000 during a period following the date of the entry of the Commission's order herein to the end of 1954 in such installments and at such times as funds may be required and requested from United. The proceeds from the loan will be used by Union to increase its working capital.

The proposed loan will be evidenced by unsecured promissory notes issued by Union to United or order, from time to time, payable on or before six years from the date of issue of such notes, bearing interest at the rate of 5 percent per annum payable semi-annually on July 1 and January 1 of each year.

Union has presently issued and outstanding $17,000,000 principal amount of its promissory notes consisting of $7,000,000 principal amount of 3 percent Notes, $4,000,000 principal amount of 4 percent Notes, and $6,000,000 principal amount of 5 percent Notes, all such notes being payable on or before six (6) years from dates of issue. All of said notes are owned by United, and $14,000,000 principal amount of such notes are pledged with the Guaranty Trust Company of New York, the Corporate Trustee, under United's Mortgage and Deed of Trust, dated as of October 1, 1944, in favor of Guaranty Trust Company of New York and Henry A. Theis (Herbert E. Twyeffort, Successor Trustee), Trustees as supplemented. The additional promissory notes of Union to be acquired from time to time by United in connection with the transactions proposed herein, will, upon acquisition by United, be pledged with the Corporate Trustee under its Mortgage and Deed of Trust.

The application-declaration states that as a result of its accelerated leasing, developing and drilling program for the year 1954, it is presently estimated that Union will expend approximately $17,100,000 in connection with such program and increase its supply of casing and tubing by approximately $800,000; that it is estimated that the funds required for such program will be met to the extent of an aggregate of approximately $13,000,000 from retained earnings and from credits to depreciation, depletion and other reserves, and will be met to the extent of the remaining $5,000,000 by borrowings from United; and that the managements of the Companies feel it appropriate at this time to obtain authority for a loan in the aggregate not to exceed $5,000,000 to augment Union's working capital and enable it to carry out its leasing, development and drilling program as outlined above.

It is further stated that no legal fees will be incurred and that other expenses in connection with the foregoing transactions will be nominal.

It is requested that the Commission's order be made effective upon issuance.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and that the application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2449; Filed, Apr. 5, 1954; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 5, Amdt. 1]

CALIFORNIA

DECLARATION OF DISASTER AREA

Declaration of Disaster Area 5 for the State of California dated November 20, 1953, is hereby amended as follows:

Paragraph 1 of said Declaration of Disaster Area 5, is amended by the addition thereto of the following county: San Bernardino.

Dated: April 1, 1954.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 54-2541; Filed, Apr. 6, 1954; 8:48 a. m.]

[Declaration of Disaster Area 14, Amdt. 1]

GEORGIA

DECLARATION OF DISASTER AREA

Declaration of Disaster Area 14 for the State of Georgia dated March 17, 1954, is hereby amended as follows:

Paragraph 1 of said Declaration of Disaster Area 14, is amended by the addition thereto of the following county: Houston.

Dated: April 1, 1954.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 54-2540; Filed, Apr. 6, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29081]

SODA ASH AND CAUSTIC SODA FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO GULFPORT, MISS.

APPLICATION FOR RELIEF

APRIL 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Fernwood, Columbia & Gulf Railroad Company and the Illinois Central Railroad Company.

Commodities involved: Soda ash, carloads, and caustic soda, in solution, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Gulfport, Miss.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2535; Filed, Apr. 6, 1954; 8:47 a. m.]

[4th Sec. Application 29082]

COKE FROM DETROIT AND WYANDOTTE, MICH., TO CEICO, OHIO

APPLICATION FOR RELIEF

APRIL 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York Central Railroad Company.

Commodities involved: Coke, coke breeze, coke dust and coke screenings, carloads.

From: Detroit and Wyandotte, Mich.

To: Ceico, Ohio.

Grounds for relief: Competition with water, or water-rail carriers.

Schedules filed containing proposed rates: New York Central Railroad Company, I. C. C. No. 1108, supp. 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2536; Filed, Apr. 6, 1954; 8:47 a. m.]

[4th Sec. Application 29083]

CAUSTIC SODA FROM WHITEHALL-MONTAGUE, MICH., TO POINTS IN KANSAS AND MISSOURI

APPLICATION FOR RELIEF

APRIL 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Soda, caustic, in solution, in tank-cars, carloads.

From: Whitehall-Montague, Mich.

To: Atchison and Leavenworth, Kans., Kansas City, Mo.-Kans., and St. Joseph, Mo.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4238, supp. 97.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2537; Filed, Apr. 6, 1954; 8:47 a. m.]

[4th Sec. Application 29084]

FERTILIZER SOLUTIONS FROM SOUTH POINT, OHIO TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Nitrogen fertilizer solution, and fertilizer ammoniating solution, in tank-car loads.

From: South Point, Ohio.

To: Points in Kentucky, North Carolina, Tennessee, and Virginia and points grouped therewith.

Grounds for relief: Rail competition, circuity, competition with motor, motor-water carriers, to maintain grouping, and to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1221, supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2538; Filed, Apr. 6, 1954; 8:47 a. m.]

[4th Sec. Application 29085]

WHEAT BRAN AND WHEAT SHORTS FROM PORT EVERGLADES, FLA., TO LAKELAND, ORLANDO, AND TAMPA, FLA.

APPLICATION FOR RELIEF

APRIL 2, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Atlantic Coast Line Railroad Company, Florida East Coast Railway Company and Seaboard Air Line Railroad Company.

Commodities involved: Wheat bran and wheat shorts, carloads.

From: Port Everglades, Fla. (Import traffic).

To: Lakeland, Orlando, and Tampa, Fla.

Grounds for relief: Competition with rail carriers, circuity, and port competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1369, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2539; Filed, Apr. 6, 1954; 8:48 a. m.]

[Notice No. 1]

MAISLIN TRANSPORT, INC., ET AL.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

APRIL 2, 1954.

Protests to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice (49 CFR 1.240). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice.

APPLICATIONS FOR OPERATING AUTHORITY

No. MC 79007 Sub 1, Maislin Transport, Inc., 43 Clarkson Street, New York, N. Y. Applicant's attorney: William Biederman, 280 Broadway, New York 7, N. Y. For authority to operate as a common carrier over a regular route, transporting: General commodities, except those of unusual value, and except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the junction of New Jersey Highway 17 and U. S. Highway 46, and Binghamton, N. Y., from the junction of New Jersey Highway 17 and U. S. Highway 46, over U. S. Highway 46 to the junction of U. S. Highway 611 at the New Jersey-Pennsylvania State line, thence over U. S. Highway 611 to junction U. S. Highway 11, and thence over U. S. Highway 11 to Binghamton, N. Y., and return over the same route, serving no intermediate points, as an alternative route, in connection with the carrier's regular route operations between New York, N. Y., and Binghamton, N. Y., over U. S. Highway 1, New Jersey Highways 3 and 17, and New York Highway 17, which is a portion of the regular route operations between (1) New York, N. Y., and Watertown, N. Y., (2) New York, N. Y., and Utica, N. Y., and (3) New York, N. Y., and Buffalo, N. Y. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 114639, Howard R. Bartoo, Box 636, Anthony, Tex. For authority to operate as a common carrier, over irregular routes, transporting: Fertilizer, sand, gravel, cottonseed, cottonmeal, hay and vegetables, between points in El Paso County, Tex., on the one hand, and, on the other, points in Dona Ana County, N. Mex.

No. MC 114640, William Belzer, 3214 Everett Avenue, Everett, Wash. Applicant's attorney: Ray H. Culbertson, 15342 Lake Shore Boulevard, Seattle 55, Wash. For authority to operate as a common carrier, over irregular routes, transporting: Ground peat, from the United States-Canada International Boundary line near Blaine, Wash., to points in Whatcom, Skagit, Snohomish, King, Kitsap, Pierce, Thurston, Lewis, Cowlitz, Clark, Chelan, Kittitas, and Yakima Counties, Wash., and no transportation for compensation on return.

APPLICATIONS UNDER SECTIONS 5 AND 210A (B)

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice. If a protest is received prior to action being taken, it will be considered.

No. MC-F-5483. Authority sought for purchase by Refrigerated Transport Co., Inc., 290 University Ave., SW., Atlanta, Ga., of a portion of the operating rights of Frozen Food Express, Inc., 318 Cadiz St., Dallas, Tex., and for acquisition by J. L. Lawhon, R. R. Lawhon, and Winton Teagle, Atlanta, Ga., of control of the operating rights through the purchase. Applicants' attorney: Allan Watkins, 214 Grant Building, Atlanta, Ga. Operating rights sought to be transferred: Frozen foods and fresh meats, as a common carrier, over irregular routes, between Memphis, Tenn., on the one hand, and, on the other, points in Iowa, Kansas, and Nebraska, restricted to the transportation of frozen foods from Topeka and Wichita, Kans., to Memphis, Tenn.; Frozen foods, and meats, meat products, and meat byproducts as defined by the Commission (except canned or packaged meats and canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon), dairy products as defined by the Commission, salad dressing, yeast, and uncooked bakery goods, between Memphis, Tenn., on the one hand, and, on the other, points in Missouri, restricted against the transportation of the commodities specified above except fresh meats, between St. Louis, Mo., on the one hand, and, on the other, Memphis, Tenn. Vendee is authorized to operate in Georgia, Tennessee, North Carolina, South Carolina, Florida, Mississippi, Louisiana, Alabama, Kentucky, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Texas, Kansas, Arkansas, Missouri, Oklahoma, and Ohio. J. L. Lawhon is authorized to operate in Georgia, Florida, and Alabama, as a contract carrier. Application has been filed for temporary authority under Section 210a (b).

No. MC-F-5629. Authority sought for purchase by Refrigerated Transport Co., Inc., 290 University Avenue SW., Atlanta, Ga., of a portion of the operating rights of Frozen Food Express, Inc., 318 Cadiz Street, Dallas, Tex., and for acquisition by J. L. Lawhon, R. R. Lawhon, and Winton Teagle, Atlanta, Ga., of control of the operating rights through the purchase. Applicants' attorney: Allan Watkins, 214 Grant Building, Atlanta, Ga. Operating rights sought to be transferred: Frozen foods, and meats, meat products, and meat byproducts as defined by the Commission, (except canned or packaged meats and canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon), as a common carrier, over irregular routes between points in Mississippi, on the one hand, and, on the other, points in Illinois and Mississippi; Fresh meats, from Memphis, Tenn., to points in Illinois. Vendee is authorized to operate in Georgia, Tennessee, North Carolina, South Carolina, Florida, Mississippi, Louisiana, Alabama, Kentucky, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Texas, Kansas, Arkansas, Missouri, Oklahoma, and Ohio. J. L. Lawhon is authorized to operate in Georgia, Florida, and Alabama, as a contract carrier. Application has been filed for temporary authority under Section 210a (b).

No. MC-F-5667. Contract Carriers, Inc., 2425 Walton Street, Anderson, Ind., seeks to control Ross Transit Company, Inc., 1045 South Park Avenue, Kokomo, Ind., and N. A. Waters and L. L. Waters, Chicago, Ill., seek to acquire control, through the transaction. Applicants' attorney: George O. Cowan, 512 Illinois Building, Indianapolis, Ind. Operating rights sought to be controlled: Wire, bale ties, nails, staples, steel fence and steel fence materials, pipe, sheet steel, steel ridge roll and fence rods, petroleum and petroleum products, in containers, sewer pipe and clay products, iron and steel articles, hides, tallow and grease, grain, livestock, flour, feeds, fertilizer, wire fence, and burlap bags, roofing and roofing materials, clay sewer pipe, drain tile, flue liners, chimney tops, wall coping, hollow building block, stovepipe fittings, agricultural implements and parts, as a contract carrier, over irregular routes,

from, to, and between points in Indiana, Kentucky, Missouri, Illinois, Ohio, Iowa, Michigan, Wisconsin and Tennessee. Contract Carriers, Inc., operates as a contract carrier in Indiana, Missouri, Ohio, Illinois, Michigan, Kentucky, Iowa, and Kansas. Application has been filed for temporary under section 210a (b).

No. MC–F–5668. Authority sought for purchase by Security Storage & Van Company, Inc., 533 City Park Avenue, New Orleans, La., of the operating rights of Ray Cox, doing business as Panhandle Transfer Co., 326 North Philadelphia Street, Amarillo, Tex., and for acquisition by Howard Wolchansky and Louise G. Wolchansky, New Orleans, La., of control of the operating rights through the purchase. Person to whom correspondence should be addressed: Howard Wolchansky, 533 City Park Avenue, New Orleans, La. Operating rights sought to be transferred: Household goods, as defined by the Commission, as a common carrier, over irregular routes, between points in Gray, Hutchinson, Hemphill, Carson, and Wheeler Counties, Tex., on the one hand, and, on the other, points in New Mexico; between points in Gray and Hutchinson Counties, Tex., on the one hand, and, on the other, points in Oklahoma and Kansas; between points in Hemphill, Carson, and Wheeler Counties, Tex., on the one hand, and, on the other, points in Oklahoma and Kansas. Vendee is authorized to operate in Texas, Mississippi, Alabama, Arkansas, Missouri, Illinois, Tennessee, Georgia, South Carolina, North Carolina, Virginia, Maryland, District of Columbia, New Jersey, New York, Louisiana, Texas, Oklahoma, Arizona, California, Oregon, and Washington. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5669. Authority sought for purchase by Newsom Truck Line, Inc., 4703 Chapman Street, Houston, Tex., of the operating rights of W. J. Record, E. A. Record and E. H. Record, doing business as Bill Record & Sons Trucking Co., 5501 Sapulpa Road, Tulsa, Okla., and for acquisition by R. B. Montgomery and D. C. Powell, Houston, Tex., of control of the operating rights through the purchase. Applicants' attorney: A. W. Jenkins, 714 Colcord Building, Oklahoma City, Okla. Operating rights sought to be transferred: Machinery equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, over irregular routes, as a common carrier, between points in Kansas, Oklahoma, and Texas. Vendee is authorized to operate in Louisiana, Texas, Arkansas, New Mexico, Colorado, Utah, and Wyoming. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–2570; Filed, Apr. 6, 1954; 8:53 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 68

Washington, Thursday, April 8, 1954

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 54-3]

PART 146—TRANSPORTATION OR STOWAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—DETAILED REGULATIONS GOVERNING THE TRANSPORTATION OF MILITARY EXPLOSIVES ON BOARD VESSELS [1]

The regulations governing the transportation of military explosives on board vessels are prescribed in lieu of the basic regulations governing commercial transportation of explosives by domestic and foreign vessels. Military explosives consist of all Interstate Commerce Commission's Classes A, B, and C explosives shipped by, for, or to the Department of the Army, the Navy, or the Air Force of the United States, or similar types of explosives shipped by, for, or to the government of any country whose defense is deemed vital to the defense of the United States. The regulations in this document do not apply to explosives which are shipped by, to, or for any private, commercial, or State organization or group.

The regulations governing the transportation of military explosives on board vessels were originally prescribed in order to facilitate the prosecution of World War II in the loading and transportation of military explosives and were published in 1943. The first revision was issued in August 1945. In July 1952 these regulations, with minor amendments, were continued in effect for the duration of the National Emergency proclaimed by the President on December 16, 1950 (Proc. 2914, 3 CFR 1950 Supp.), unless sooner canceled or suspended by proper authority.

In 1952 the Commandant, United States Coast Guard, called a conference to consider a revision of these regulations governing the transportation of military explosives, and representatives of the Army, the Navy, and civilian authorities concerned with the transportation of military explosives participated therein. At a series of meetings they considered the proposed second revision of the regulations governing transportation of military explosives on board vessels. The final meeting was held on October 7, 8, and 9, 1953, with authorized representatives from the Office of the Chief of Transportation and the Office of the Chief of Ordnance of the Department of the Army, Washington, D. C.; Headquarters, Chemical Corps Materiél Command, Baltimore, Maryland; Office of the Chief of Naval Operations, Military Sea Transportation Service, and Bureau of Ordnance of the Department of the Navy, Washington, D. C.; U. S. Navy Ammunition Depot Earle, Red Bank, New Jersey; Bureau of Explosives, New York, New York; and National Cargo Bureau, Inc., New York, New York. After this meeting a draft of the second revision, containing final changes determined necessary, was sent to the Government agencies and organizations represented at the conference for concurrence prior to final approval and publication. All parties concerned are in favor of this second revision of the regulations as set forth in this document.

The purpose of the regulations in this part is to provide requirements governing the transportation of military explosives as cargo on board all domestic and foreign vessels subject to the provisions of R. S. 4472, as amended (46 U. S. C. 170), which apply in lieu of the requirements governing commercial shipments of explosives.

The changes in the detailed regulations governing the transportation of military explosives are for the most part editorial in nature or relaxations found possible through experience and practice in the loading and handling of military explosives.

This second revision of the regulations governing military explosives changes the requirements as follows:

a. Rearranges material in order to have better continuity of subject matter and

(Continued on p. 1977)

[1] Center heading is amended.

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FEDERAL REGISTER

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to provide a clearer presentation of subject matter.

b. Authorizes the use of improved types and methods of packaging various items of military explosives which will reduce the amount of dunnage required for ammunition stowage. This change will not increase the hazard but will reduce the cost of stowing certain classes of military explosives.

c. Revises and brings up to date the classification, handling, and stowage chart. This chart covers new items of military explosives, reclassifies certain items that have been modified in construction, and changes required markings to agree with markings and labeling requirements of the Interstate Commerce Commission, where practicable. The changes in this chart should reduce the number of man hours required to prepare a proper stowage plan for loading military explosives as cargo on board a vessel.

d. Clarifies the requirements regarding screening of smoke pipes and stacks.

e. Adds safety requirements regarding stowage of explosives adjacent to personal and household effects and mail.

The regulations designated 46 CFR 146.29–1 to 146.29–100, inclusive, were rearranged and renumbered in order to have a better continuity of subject matter and to allow for future expansion if necessary. The major new requirements are set forth in 46 CFR 146.29–25, 146.29–29, 146.29–55, 146.29–83, 146.29–99, and 146.29–100. The two tables below set forth a comparison of old section numbers with new section numbers and the new section numbers with the old section numbers:

COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS

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146.29–15	146.29–49
146.29–17	[illegible]
146.29–19	146.29–31
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It is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act and R. S. 4472, as amended (5 U. S. C. 1003; 46 U. S. C. 170), is impracticable and contrary to the public interest. The regulations governing the transportation of military explosives are the results of conferences between the various agencies of the Federal Government and organizations primarily concerned with the transportation of military explosives. The second revision as set forth in this document for the most part effects editorial changes or removes unnecessary restrictions. Any person who may feel aggrieved by the promulgation of the regulations set forth in this document may appeal to the Commandant, (CMC), United States Coast Guard, Washington 25, D. C., in writing within thirty days from the date of publication of this document in the FEDERAL REGISTER. The written appeal shall be presented in triplicate and shall include the section

number, text of regulation objected to, the reason or basis (if any) for the objection, the text of a proposed regulation recommended, and the name, business firm or organization (if any), and the address of the appellant.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on and after May 15, 1954:

1. The center heading following § 146.28–22 "Subpart—Transportation of Military Explosives on Board Vessels During National Emergency or War" is changed to read "Subpart—Detailed Regulations Governing the Transportation of Military Explosives on Board Vessels."

2. Sections 146.29–1 to 146.29–100, inclusive, are amended to read as follows:

Sec.
146.29–1 Effective date.
146.29–3 Scope.
146.29–5 Regulations not applicable.
146.29–7 Port security regulations.
146.29–9 Import shipments
146.29–11 Definitions and abbreviations.
146.29–13 Permit for handling military explosives.
146.29–15 Authority to load, handle or discharge; facilities and use.
146.29–17 Prohibited explosives.
146.29–19 Explosives loading supervisory detail.
146.29–21 Personnel identification.
146.29–23 Ship's officer present.
146.29–25 Fires and fire protection.
146.29–27 Fire hose.
146.29–29 Smoking.
146.29–31 Liquor or drugs.
146.29–33 Cargo working gear and equipment.
146.29–35 Lights, tools and portable equipment.
146.29–37 Handling drafts of lumber.
146.29–39 Handling and slinging of explosives.
146.29–41 Weight per draft.
146.29–43 Requirement for the opening of hatches.
146.29–45 Loading or unloading military explosives and other cargo simultaneously.
146.29–47 Packing and marking.
146.29–49 Stowage on board barges.
146.29–51 Stowage on board vessels.
146.29–53 Stowage of military explosives in holds containing coal.
146.29–55 Stowage of military explosives in holds containing household or personal effects and/or mail as cargo.
146.29–57 "On deck" stowage.
146.29–59 Stowage adjacent to other dangerous articles.
146.29–61 Stowage with nondangerous cargo in the same hold.
146.29–63 Stowage and dunnaging of ammunition and containers of explosives in bulk.
146.29–65 Damaged or leaking containers of explosives.
146.29–67 Defective ammunition.
146.29–69 Recoopering damaged packages.
146.29–71 Constructing magazines.
146.29–73 Preparation of magazines, decks, hatches and holds for handling military explosives.
146.29–75 Location of magazines and ammunition stowage.
146.29–77 Allocation of stowage.
146.29–79 Types of stowage.
146.29–81 Magazine stowage A.
146.29–83 Ammunition stowage.
146.29–85 Chemical ammunition stowage.
146.29–87 Special stowage.
146.29–89 Portable magazine stowage.
146.29–91 Pyrotechnic stowage.
146.29–93 Stowage of blasting caps, detonators, primer detonators, etc.
146.29–95 Ventilation of magazines.
146.29–97 Statements of characteristic properties and hazards.
146.29–99 Explosives admixture chart.
146.29–100 Classification, handling and stowage chart.

AUTHORITY: §§ 146.29–1 to 146.29–100 issued under R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 146.29–1 *Effective date.* The regulations in this subpart will become effective on and after May 15, 1954.

§ 146.29–3 *Scope.* (a) The provisions of the regulations contained in this subpart apply to the transportation of military explosives, as cargo, on board all vessels that are subject to the regulations in this part.

(b) Commercial shipments of explosives shall be tendered and transported in compliance with the applicable provisions of the regulations contained in the other subparts of this part.

(c) Where reference is made to other dangerous articles in this subpart, the regulations contained in §§ 146.02–1 to 146.27–100, inclusive, are applicable except as noted in § 146.29–5.

§ 146.29–5 *Regulations not applicable.* Sections 146.02–11, 146.02–21, 146.03–3, 146.06–9, 146.06–19, 146.09–1 to 146.09–6, inclusive, 146.10–6 (b), 46.20–15 to 146.–20–51, inclusive, 146.20–85, 146.20–87, 146.20–90, 146.20–100 to 146.20–300, inclusive, 146.23–10 (d), 146.23–25 (a), (b) and (c); 146.24–55, the entries "Chemical ammunition containing Class 'A' poisons, liquids or gases," "chemical ammunition containing Class 'B' poisons, liquids or gases," and "chemical ammunition containing Class 'C' liquids, gases or solids" appearing in §§ 146.25–100, 146.25–200, and 146.25–300; 146.27–5 to 146.27–20, inclusive, and 146.27–100 are hereby declared inapplicable to the transportation of military explosives.

§ 146.29–7 *Port security regulations.* The applicable provisions of 33 CFR Parts 6, and 121 to 126, inclusive, shall, unless specifically authorized to the contrary by any provision of this subpart, be complied with by vessels, masters, agents, or charterers thereof and by all persons engaged in handling, loading, stowing or unloading explosives.

§ 146.29–9 *Import shipments.* Import shipments of military explosives shall be made in accordance with the provisions of the regulations in this subpart.

§ 146.29–11 *Definitions and abbreviations.* For the purpose of the regulations in this subpart, military explosives are defined as follows:

(a) *Military explosives.* Military explosives consist of all Interstate Commerce Commission's Classes A, B, and C explosives shipped by, for, or to the Departments of the Army, Navy, or Air Force of the United States or similar types of explosives shipped by, for, or to the government of any country whose defense is deemed vital to the defense of the United States. These explosives are divided into two classes, as follows:

(1) *Ammunition.* Ammunition consists of all types of shells, projectiles, cartridges, grenades, bombs, mines, torpedoes, torpedo warheads, propellent powder charges, pyrotechnics, rockets, chemical, smoke or incendiary ammunition, or other "made up" explosive devices that are utilized by the armed forces in the prosecution of a war.

(2) *Explosives in bulk.* Explosives in bulk consist of any high explosives, black powder, and low explosives or smokeless powder in accordance with the definitions in §§ 146.20–1, 146.20–7, and 146.–20–9, when such substances are shipped in containers other than containers such as shells, bombs, grenades, mines, torpedoes, powder bags in individual containers, cartridges, fuzes, detonators, caps, primers, and similar "made up" ammunition devices.

(b) *Related terms*—(1) *Complete round.* A complete round of "cannon ammunition," "artillery ammunition" or "gun ammunition" includes ammunition used in cannon or gun of caliber .75 in. and above. It includes complete round with components. The complete round comprises all of the components necessary to fire the cannon or gun once. These components are, in general, the projectile (fuzed or unfuzed), the propellent charge and the primer. Depending upon both the type of propellent charge and the method of loading of components into the cannon, complete round of "cannon ammunition," "artillery ammunition" or "gun ammunition" are described as fixed, semi-fixed or separate loading ammunition.

(2) *Fixed ammunition.* Fixed ammunition describes "cannon ammunition," "artillery ammunition" or "gun ammunition" of the type comprising a cartridge case with primer, a propellent charge and a projectile (fuzed or unfuzed) all of these components being assembled as a unit for one firing.

(3) *Semi-fixed ammunition (Army).* Complete rounds composed of a projectile (fuzed) and a cartridge case with a primer and propellent charge which is in a cloth bag or bags of small size. The base of the projectile fits free in the neck of the cartridge case and may be readily detached from the cartridge case. The round is loaded into the cannon with the projectile assembled to the cartridge case and is handled similarly to fixed ammunition in loading. It may be packed with the projectile disassembled from the cartridge case containing the propellent. The projectile is usually assembled loosely in the cartridge case and is packed in the same individual container.

(4) *Semi-fixed ammunition (Navy).* Semi-fixed ammunition is ammunition in which the primer and the propellent charge are firmly secured in the cartridge case with the projectile separate from the cartridge case. The propellent charge is loaded loosely in the cartridge case, differing in this respect from that of the Army which is loaded in a bag. The end of the cartridge case is sealed with a prepared plug or disc which is fired with the powder and is usually shipped stowed in a metal tank. The projectile is shipped separate. The U. S. Army may refer to this ammunition as separate loading ammunition.

(5) *Separate loading ammunition.* Complete rounds in which the separate components—projectile, propellent charge and primer—are loaded into the cannon or gun separately are known as "separate loading ammunition." Although the propellent charge may be in one section, it is usually divided into parts with each part assembled in a bag packed in outside shipping containers which may be of wood, fiber or metal.

(6) *Definitions of other dangerous articles.* For definitions of:

(i) Inflammable liquids, see §§ 146.21–1 and 146.21–5.

(ii) Inflammable solids and oxidizing materials, see § 146.22–1.

(iii) Corrosive liquids, see § 146.23–1.

(iv) Compressed gases, see §§ 146.24–1 and 146.24–5.

(v) Poisons, Class A, see § 146.25–5; Class B, see § 146.25–10; Class C, see § 146.25–15; Class D, see § 146.25–20.

(vi) Combustible liquids, see § 146.26–1.

(vii) Hazardous articles, see § 146.27–1.

(7) *Cargo hold.* A cargo hold is a space allotted entirely to the carriage of cargo and is bounded by permanent steel bulkheads, decks and the shell of the vessel; the deck openings being provided with means of effectively closing the hold against the weather, and in the case of superimposed holds, effectively closing off each hold.

(8) *Tween deck hold.* A tween deck hold is a space located between the weather deck and the lower hold.

(9) *Hatch.* An opening in the weather deck and all decks below in the same vertical plane through which cargo, etc. is passed. This term is also used in the regulations in this subpart to designate the entire series of holds served through one weather deck hatch.

(10) *Compartment.* A compartment is any space formed by permanent steel bulkheads and the ship's side and decks. The limits of a compartment are determined by the integrity of the bulkheads, shell or decks forming its boundaries. Access openings fitted with doors, hatch covers (steel or wood) or bolted plates are accepted as preserving the integrity of deck, bulkhead or shell.

(11) *Shelter deck space.* A shelter deck space is a space available for cargo situated above the uppermost complete continuous deck (main deck) and the deck next above. Normally this space contains no permanent watertight transverse bulkheads except at its forward and aft extremities.

(12) *Adjacent hold; hold adjacent.* Any hold which has as one of its boundaries a permanent steel bulkhead that is common, either partially or in its entirety, to another hold shall be termed "adjacent hold" or hold "adjacent" to the focal hold. This shall not be construed as meaning a hold above or a hold below said hold nor shall it include a hold that is situated diagonally from said hold and has only a corner as a common boundary.

(13) *The hold above.* "The hold above" shall be a hold immediately above another hold having its deck, either partially or in its entirety, common to the overhead of the hold below.

(14) *Any hold above.* "Any hold above" shall mean any hold that is partially or entirely in the same vertical plane over another hold even though there may be a hold or holds intervening.

(15) *The hold below.* "The hold below" shall be a hold immediately below another hold having its overhead, either partially or in its entirety, common to the deck of the hold above.

(16) *Any hold below.* "Any hold below" shall mean any hold that is partially or entirely in the same vertical plane under another hold even though there may be a hold or holds intervening.

(17) *Cargo net.* A cargo net is a net made of fiber rope and used as a means of handling loose or package cargo to and from the hold of a vessel.

(18) *Tray.* A tray is any flat group of boards securely fastened to bearers in order to provide a level surface for the loading of cargo. Trays are given various names, those applied in some ports differing from those in other ports, according to (i) shape, (ii) method of securing to cargo handling gear, or (iii) use or lack of sideboards in conjunction with the tray.

(19) *Skipboard.* A skipboard is the term generally applied to a rectangular or square tray without sideboards.

(20) *Pieplate.* A pieplate is the term generally applied to a round, oval or hexagonal tray without sideboards.

(21) *Pallet.* A pallet is a tray so designed as to be picked up by a fork truck or similar cargo handling equipment. Pallets are not usually equipped with sideboards.

(22) *Palletized unit.* Individual packages or unpackaged items stowed in a compact mass upon a pallet or skids and banded together and to the pallet or skids by metal straps to form a unit consisting of pallet and packages.

(23) *Dunnage.* Lumber of not less than 1-inch commercial thickness laid over tank tops, decks or against bulkheads, frames, plating, ladders, etc., or used for filling up voids, or fitted around the cargo for the purpose of preventing damage during transportation.

(24) *Type "A" dunnage floor.* A type "A" dunnage floor shall be constructed of two layers of commercial 1-inch dunnage of widths not less than 4 inches fitted as close as possible, edge to edge, and butt to butt, the top course being laid crosswise to the lower course, or of a single layer of 2-inch lumber of widths not less than 6 inches fitted as close as possible edge to edge, and butt to butt.

(25) *Type "B" dunnage floor.* A type "B" dunnage floor shall be constructed of one layer of commercial 1-inch thick dunnage of widths not less than 4 inches fitted as close as possible, edge to edge, and butt to butt.

(26) *Partition bulkhead.* A partition bulkhead is a temporary bulkhead constructed of commercial 1-inch lumber of widths not less than 4 inches, secured alternately on both sides of the uprights and spaced not more than 6 inches apart. The uprights are at least 2" x 4" size, spaced not more than 30 inches apart.

(27) *Division bulkhead.* (i) When part of a compartment or hold is utilized for the stowage of military explosives, the remaining portion of such compartment or hold may be utilized for the stowage of general cargo provided a temporary wooden bulkhead is constructed in the compartment or hold to completely divide and protect the stowage of military explosives from the general cargo. The scantlings and construction of such bulkheads shall be as follows: For tween deck compartments or holds construction shall be of commercial 2-inch boarding, secured on 4" x 6" uprights spaced not to exceed 30 inches center to center. For lower holds construction shall be of commercial 2-inch boarding secured on 6" x 6" uprights, spaced not more than 24 inches center to center. Random widths of boarding may be used. The boarding shall be close fitted edge to edge and butt to butt to form a smooth surface facing the explosive stowage. Nails shall not protrude beyond the surface of the boarding.

(ii) See § 146.29–81 (e) for construction of a partition bulkhead within a Class "A" magazine measuring more than 40 feet in any direction.

(iii) When general cargo is to be stowed adjacent to the exterior of the Class "A" magazine see § 146.29–61 (b).

(28) *Shoring.* Shoring is a method of securing cargo against movement sidewise or downward. In this subpart it describes the use of timbers fitted vertically or at an angle to the side of the stowage. It may also describe the use of timber to support a stowage from moving downward.

(29) *Tomming.* Tomming is a method of securing cargo against displacement of movement upwardly. In this subpart it describes the use of timber fitted horizontally or at an angle to the top of the stowage.

(30) *Tween deck height.* (i) For the purpose of load calculations the height of a tween deck is ascertained by measuring the distance from the heel of the overhead deck beam to the heel of the underdeck beam. (The thickness of the plating forming the deck is not deducted from the height.)

(ii) For height of a tween-deck affected by the sheer of a deck measure as above at both the forward and after ends of the hold and divide the sum of these heights by two.

(c) *Abbreviations.*

AA ---------- Anti-aircraft.
AAC ---------- Anti-aircraft common.
AACom ------ Anti-aircraft common.
AC ---------- Aircraft cannon.
AC ---------- Hydrocyanic acid.
A. C. E. I. S. -- Aircraft emergency identification signals.
A. D. F. ------ Auxiliary detonating fuze.
AIC ---------- Ammunition identification code (Army).
ALN --------- Ammunition lot number.
Amm --------- Ammunition.
Ammo ------- Ammunition.
AMSO ------- Ammunition shipping order.
AP ---------- Armor-piercing.

APC ——— Armor-piercing capped.
APT ——— Armor-piercing tracer.
ASSEM ——— Assembled.
AT ——— Anti-tank.
Aux ——— Auxiliary.
Aux Det ——— Auxiliary detonating fuze.
BBC ——— Brombenzylcyanide (tear gas).
BC ——— Bursting charge.
BD ——— Base detonating.
BDF ——— Base detonating fuze.
BIF ——— Base ignition fuze.
BL and P ——— Blind loaded and plugged.
BL and T ——— Blind loaded and tracer.
B/L ——— Bill of lading.
BOSO ——— Bureau of Ordnance shipment order.
BP ——— Black powder.
BUORD ——— Bureau of Ordnance.
B. R CHG ——— Bursting charge.
CAL ——— Caliber.
CCIP ——— Case combination ignition primer.
CHG ——— Charge.
CG ——— Phosgene.
CK ——— Cyanogen chloride.
CL ——— Chlorine.
Cml-C ——— Chemical Corps.
CNS ——— Chloracetophenone solution (tear gas).
COM ——— Common.
CPI ——— Case percussion igniter.
CPP ——— Case percussion primer.
CT-TNT ——— Case TNT.
D ——— Explosive "D" (ammonium picrate).
DA ——— Diphenylchloroarsine.
DC ——— Depth charge.
DDR ——— Dummy drill.
DEMO ——— Demolition.
DM ——— Adamsite (sneeze gas).
DNT ——— Dinitrotoluene.
DP ——— Diphosgene.
EX ——— Experimental.
EXP ——— Expellant or explosive.
EXP "D" ——— Explosive "D".
F ——— Fuze.
FC ——— Full charge.
FFAR ——— Folding fin aircraft rocket.
FFFG ——— Fine fine fine grain (black powder).
FFG ——— Fine fine grain (black powder).
FG ——— Fine grain (black powder).
FNH ——— Flashless, nonhygroscopic.
FP ——— Flashless pellets.
FRAG ——— Fragmentation.
FM ——— FM smoke mix (titanium tetrachloride).
FS ——— FS smoke mix (sulfur trioxide).
GP ——— General purpose.
H ——— Mustard gas.
HBX ——— Desensitized torpex
HC ——— High capacity.
HC ——— Hexachlorethane mixture (smoke).
HE ——— High explosive.
HEAT ——— High explosive anti-tank.
HEI ——— High explosive incendiary.
HEIT ——— High explosive incendiary tracer.
HET ——— High explosive tracer.
HPAG ——— High performance air to ground (rocket).
HN ——— Nitrogen mustard gas.
HVAR ——— High velocity aircraft rocket.
I C ——— Interstate Commerce Commission.
ILLUM ——— Illuminating.
IM ——— Thickened gasoline.
IN ——— Inert.
INCFND ——— Incendiary.
L ——— Lewisite
LC ——— Light case.
LE ——— Low explosive.
L and F ——— Loaded and fused.
L and P ——— Loaded and plugged.
M ——— Model (Army).
Maj Cal ——— Major caliber.
MCBD ——— Major caliber base detonating.
MG ——— Magnesium.
MK ——— Mark.
MM ——— Millimeter.
MIN CAL ——— Minor caliber.
Mod ——— Modification.
MTF ——— Mechanical time fuze.
NC ——— Nitrocellulose.
NF ——— Nose fuze.
NH ——— Non-hygroscopic.
NP ——— Thickened gasoline.
O H ——— Overhauled.
ORD ——— Ordnance.
PD ——— Point detonating.
PDF ——— Point detonating fuze.
PENT ——— Pentolite.
PERC ——— Percussion.
PRAC ——— Practice.
PRI ——— Primer.
PROJ ——— Projectile.
PS ——— Chlorpicrin.
PT ——— Thickened fuel.
PWP ——— Plasticized white phosphorus.
RD ——— Round.
SA ——— Small arms.
SAP ——— Semi-armor piercing.
SCAR ——— Sub-caliber aircraft rocket.
SEIS ——— Ships' emergency identification signals.
SF ——— Semi-fixed.
SP ——— Smokeless powder.
SQ ——— Super quick.
T ——— Tentative model designation.
TET ——— Tetryl (trinitrophenylmethyl nitramine).
TF ——— Time fuze.
TH ——— Thermate or Thermite.
TNT ——— Trinitrotoluene.
TPX ——— Torpex.
VT ——— Variable time (Proximity) (VT).
w ——— with.
w/o ——— without.
WP ——— White phosphorous.

§ 146.29–13 *Permit for handling military explosives.* (a) Shipments of military explosives or military lethal chemicals shall not be laden on nor discharged from any vessel at any port or place in the United States, its territories or possessions (not including the Panama Canal Zone) until authorization has been obtained by the owner, agent, charterer, master, or person in charge of the vessel from the District Commander of the U. S. Coast Guard, Captain of the Port, or other officer designated by the District Commander.

(b) Before a permit is issued authorizing the loading or discharging of military explosives or military lethal chemicals in accordance with paragraph (a) of this section, the permittee shall file a written application for a permit authorizing the loading or discharging. When filed, the application for loading shall be accompanied by a preliminary manifest of all explosives or other dangerous articles comprising the cargo of the vessel together with a preliminary cargo stowage plan showing the proposed stowage of all such cargo. Changes in final stowage from that shown in the preliminary cargo stowage plan may be made upon approval of the issuing officer.

§ 146.29–15 *Authority to load, handle or discharge; facilities and use.* (a) Military explosives shall not be handled, stored, stowed, loaded on, or discharged from a vessel except at one of the following:

(1) Explosives anchorages; areas upon the navigable waters that are designated explosives anchorages under the applicable provisions Title 33 CFR Part 202 (Anchorage Regulations) within which a vessel may anchor or moor to handle, store, stow, load, or discharge explosives as cargo.

(2) Waterfront facilities approved by the Captain of the Port or District Commander as explosives loading piers to which a vessel may moor to handle, store, stow, load, or discharge military explosives as cargo.

(3) Waterfront facilities approved by the Captain of the Port or District Commander as ammunition loading piers to which a vessel may moor to handle, store, stow, load, or discharge ammunition as cargo except the following classes: II–A, IX–A, IX–B, IX–C, X, XI–A and XI–B.

(4) The Captain of the Port or District Commander may designate a temporary location for a specific loading of Class XI–A and Class XI–B ammunition.

(b) A vessel, subject to the regulations in this part, may load or discharge military explosives at any Army or Navy depot, arsenal, navy yard, port of embarkation or other facility under the direct control and operation of the Navy, or Army, provided a permit authorizing such loading has been granted by the Captain of the Port. (See §§ 146.29–19 and 146.29–21.)

(c) In an emergency arising by reason of military necessity or casualty, a vessel may upon authorization by a Captain of the Port, load or discharge military explosives in any location authorized by said Captain of the Port.

§ 146.29–17 *Prohibited explosives.* (a) Explosives prohibited by subsection 3 of R. S. 4472, as amended (46 U. S. C. 170) (fulminates or other detonating compounds in bulk in dry condition, or explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 167 degrees Fahrenheit, or compositions containing an ammonium salt and a chlorate, or other like explosives) shall not be accepted by any vessel.

(b) A passenger vessel shall not accept any Class A or Class B military explosives for transportation as cargo.

§ 146.29–19 *Explosives loading supervisory detail.* (a) There may be assigned to every vessel, subject to the regulations in this part, loading, handling, or discharging military explosives at an explosives anchorage or waterfront facility as may be approved by the Captain of the Port or the District Commander for the loading or unloading of military explosives, a Coast Guard detail to supervise such loading, handling or discharging. The owners, agents, charterers, masters or persons in charge of the vessel and all persons engaged in the handling, loading and stowage of the military explosives shall obey all orders, oral or written, that are given by the person in charge of such assigned detail.

(b) A vessel, subject to the regulations in this part, loading, handling, or discharging military explosives at a Navy or Army depot, arsenal, navy yard, port of embarkation or other facility under the direct control and operation of the Navy or Army shall apply to the Captain of the Port for a permit for such loading, handling or discharging. A Coast Guard detail may be assigned to such a vessel unless the Commanding Officer of such Navy or Army facility declines the detail.

§ 146.29–21 *Personnel identification.* The provisions of this section shall apply to vessels loading, handling or discharging military explosives in accordance with the provisions of § 146.29–19 (a).

(a) No person shall enter upon a vessel loading, handling, or discharging military explosives unless such person first identifies himself to the satisfaction of the Coast Guard detail.

(b) Every person who is permitted to enter into a magazine or a hold or compartment of a vessel wherein military explosives are being handled or stowed shall provide the Coast Guard representative with his name and address and the name and address of the firm employing him, furnishing satisfactory identification to substantiate such information.

(c) A person who, for any reason, is requested to leave a vessel loading, handling or discharging military explosives by the person in charge of the Coast Guard detail shall immediately obey the request and not return until permission is granted.

§ 146.29–23 *Ship's officer present.* (a) During the entire operation involving the building of a magazine, the preparation of holds, and the actual handling and stowage of military explosives, it shall be the responsibility of the master of the vessel to assign a deck officer of the vessel who shall be in constant attendance. It shall be this officer's responsibility to see that the provisions of the regulations in this part, insofar as such provisions apply to the vessel, are complied with.

(b) It shall be this officer's further responsibility at the end of the work shift to see that all means of access to the partially loaded holds are closed off in such a manner as to provide the maximum safety and protection for the explosives stowed within the hold.

§ 146.29–25 *Fires and fire protection.* (a) No unnecessary fire shall be permitted on a dock, lighter, or vessel while loading, handling, or discharging military explosives.

(b) Every fire deemed necessary must be properly safeguarded and for the entire period of cargo transfer shall be in constant charge of a competent person assigned for that purpose by the master or by the person in charge of the vessel or by the person in charge of the dock.

(c) (1) Every vessel engaged in the handling and transfer of military explosives and equipped with means for power, heating, cooking, or lighting involving use of smoke pipes or stacks shall have such smoke pipes and/or stacks protected by spark screens. For the purpose of screening smoke pipes, vessels shall be divided into two categories. Large or ocean vessels shall have their main smoke pipes protected by screens of not larger than 2 x 2 mesh and small or inland vessels and small or auxiliary smoke pipes on large vessels by screens not larger than 4 x 4 mesh.

(2) Insofar as practicable, barges, lighters, towboats, and other types of vessels shall not come alongside a vessel handling, storing, stowing, loading, discharging or transporting military explosives opposite the area where hatches serving a hold containing explosives are open. (See § 146.29–73 (f).)

(3) This paragraph is not applicable to vessels transiting main channels contiguous to explosive loading facilities or anchorages.

(4) Vessels loading or unloading Class I ammunition at waterfront facilities not designated by the Captain of the Port as explosives loading piers do not require screening of smoke pipes and/or stacks.

(d) Welding or cutting operations involving the use of open flames or arc shall not be undertaken on a vessel having military explosives on board as cargo, except in case of an emergency affecting the security of a vessel, or for the purpose of welding pad eyes, angle bars or other devices to the deck for securing deck cargo. Such welding or cutting shall be done only on special permission of the Captain of the Port, and then only in the presence of an officer of the Coast Guard detail and in conformity with said officer's instructions.

(e) The cleaning of fireside of boilers shall not be undertaken on a vessel while at an explosives or ammunition loading facility or anchorage except upon express permission of the Captain of the Port.

(f) All tubes and uptakes of the vessel must be thoroughly swept or blown and reasonably free of soot prior to the arrival of the vessel at an explosives or ammunition loading facility or anchorage. A vessel at an explosives ammunition loading facility or anchorage shall not blow tubes or uptakes except upon permission of the Captain of the Port and then the operation shall be under the supervision of the master or person in charge of the vessel with a licensed engineer in attendance.

(g) Bunkering of a vessel shall not be done while the vessel is at an explosives loading or ammunition loading waterfront facility. When at an anchorage, an explosives laden vessel may engage in bunkering operations provided explosives are not being loaded, handled, or discharged, and all holds in which explosives are stowed are secured.

(h) A vessel at an explosives or ammunition loading facility or anchorage shall not transfer fuel oil between its own fuel oil storage tanks or from its storage tanks to the settling tank, except under the close supervision of a licensed engineer who shall be in constant attendance until the operation is completed.

(j) The transfer of lubricating oils and cleaning oils, either from containers on board the vessel or by pipeline or hose shall be prohibited at an explosives or ammunition loading facility. However, the transfer on board the vessel of gallery fuel oil may be authorized by the Captain of the Port when the galley stove is cold, or when the vessel is equipped with an overflow system which returns surplus fuel oil from the galley tanks back into the main storage tanks provided such transfer is under the supervision of the master or person in charge of the vessel with a licensed engineer in attendance.

(k) The fueling of powered lifeboats or units of the vessel's machinery shall not be done while the vessel is at an explosives or ammunition loading facility.

(l) Boiler room and engine room bilges must be clean and free of oil or unnecessary residue before the vessel proceeds to an explosives or ammunition loading facility or anchorage, and it is further required that the bilges be maintained in this condition during the entire time the vessel is moored at the explosives or ammunition loading facility or anchorage.

(m) On every vessel located at explosives loading facility or anchorage or ammunition loading facility no work shall be undertaken on the main propulsion machinery, auxiliaries or boilers that will render inoperative fire pumps, electric power or propulsion of the vessel without express authority of the Captain of the Port. When the repairs authorized make inoperative the main propulsion unit an auxiliary tug shall stand by.

(n) (1) Every self-propelled vessel having on board military explosives shall at all times maintain means of propulsion. When not under way, such a vessel shall have available on deck, fore and aft, hawsers capable of being used for emergency towing. The eye of such hawser shall be clear of the chock with messenger attached and ready to run and the ship's end shall be stopped off on the bitts to permit reasonable scope of hawser for towing. A heaving line made up and secured to the rail by rope yarn shall be bent to the eye of the hawser. Fire axes shall be kept conveniently at hand, fore and aft, to be used on the ship or passed to the dock for cutting mooring lines in case of an emergency.

(2) Nonself-propelled vessels having on board military explosives when moored or anchored shall have at least one tug for each facility or area at which they are moored or anchored.

§ 146.29–27 *Fire hose.* (a) During the handling, loading, or unloading of military explosives the vessel shall "run out" or otherwise make ready for quick use a minimum of two lines of hose on the weather deck, one fore and one aft. The fire hose valves controlling these lines shall remain "cracked open" (except in freezing weather) so casual observation may indicate that water is available.

(b) Additional fire lines shall be "run out" or otherwise made ready at each hold or compartment working or containing military explosives when the hatch serving the hold is open. These lines shall be of sufficient length to reach all portions of the hold or compartment.

§ 146.29–29 *Smoking.* (a) Smoking is prohibited on or near any vessel handling, loading or unloading military explosives at an explosives or ammunition loading pier. Smoking areas may be designated upon approval by the Captain of the Port provided such areas are located at a safe distance from the vessel. "No Smoking" warning signs shall be posted during operations of handling, loading or unloading such cargo. At least one such "No Smoking" sign shall be located on the pier at a reasonable

distance from the vessel when such handling, loading, or unloading is taking place at a pier.

(b) Smoking is prohibited on or near any vessel handling, loading, or unloading explosives at an explosives anchorage, except the Captain of the Port may, with the concurrence of the master or person in charge of the vessel, designate a compartment as a smoking area. This compartment will be fitted with installed electric lighting devices without open flame. "No Smoking" warning signs shall be posted conspicuously in other parts of the vessel during operations of handling, loading, or unloading.

§ 146.29–31 *Liquor or drugs.* No person who, in the judgment of the master, person in charge of the vessel, or the officer in charge of the Coast Guard detail, is considered as being under the influence of intoxicating liquor or of drugs shall be permitted on board a vessel while operations involving the handling, loading, unloading, or transportation of explosives are being carried on, except if the person under the influence of intoxicating liquor or drugs is a bona-fide member of the crew of the vessel involved, he may at the discretion of the Officer-in-Charge of the Coast Guard detail board the vessel: *Provided*, That the master or person in charge of the vessel will accept custody and full responsibility for said person: *And provided further*, That this person shall not be permitted to perform any work on the vessel while under the influence of intoxicating liquor or drugs.

§ 146.29–33 *Cargo working gear and equipment.* (a) Before military explosives are loaded or unloaded on or from a vessel the master or other person in charge of the vessel is required to ascertain by examination the adequacy, the condition and working order of all working equipment including slings, crates, baskets, boxes, chutes, mattresses and tackle.

(b) Any and all equipment, which in the judgment of the master or other person in charge of the vessel is not adequate or in safe working condition shall be rejected by him and he shall prohibit its use and shall take such precautions as he may deem necessary to be certain such rejected equipment is not used for the purpose of loading or unloading explosives. The master or other person in charge of the vessel shall keep watch of all equipment used during the transfer of explosives and if any part of the equipment shows any defect or is damaged in use, work shall be stopped and the damaged or defective equipment repaired or replaced before permitting the loading or unloading to continue.

(c) This inspection of cargo working equipment shall apply to the vessel's equipment and to stevedores' or other contractor's equipment.

(d) The Captain of the Port or his representative may prohibit the use of any cargo working gear or equipment, including stevedore equipment, which he deems unsafe.

§ 146.29–35 *Lights, tools and portable equipment.* (a) No artificial light except electric lights or electric lamps or flood lights shall be used while loading or unloading military explosives. Such light fixtures shall not be used unless protected against accidental breakage by metal guards. Portable electric lights shall be fitted with stout guards protecting the bulb. Wire of such lights shall be sound and show no evidence of liability to short circuit.

(b) Portable lights shall be so installed as to prevent any part of the light or its cable from coming in contact with the deck or the cargo. A hanging portable light shall not be suspended from its cord but shall be fitted with a gantline so installed that no strain is carried by the light cable. No portable light shall be taken into a hold or compartment in which the stowage of ammunition or explosives has been completed without prior approval by the Captain of the Port or his representative. A portable light that is permitted in a hold under these circumstances shall be so guarded and protected that neither the light nor the light cord shall be in bearing with any metal part of the vessel or with any of the ammunition or explosives, or the containers thereof.

(c) Flashlights of a non-spark type shall be provided by the vessel owner, agent or its master or other person in charge of the vessel, for personnel required to enter holds in which explosives are stowed.

(d) Members of the crew of the vessel and other persons permitted on board the vessel to aid and assist in loading, unloading or handling military explosives shall not be permitted to carry on their persons firearms, matches, flame producing devices, knives, bale hooks, metallic tools except as provided in paragraph (e) of this section or personal packages of any description, except the prohibition against knives shall not apply to the seaman's knife in possession of a member of the crew of the vessel, provided such crew member is not actually working the explosives or amunition. Lunch boxes, pails, thermos bottles, other food containers or personal packages of any description shall not be brought on board a vessel unless such items have been examined and passed by the Coast Guard detail. Food containers that are passed on board the vessel shall not be stored in the hold in which explosives are being worked nor shall their contents be eaten in such hold.

(e) The Captain of the Port may authorize the use of pinch bars of metal or wood, in "breaking out" or stowing unfuzed bombs, large caliber separate loading shells, and packages of ammunition shipped in heavy unit weight containers. He may also permit the use of saws and hammers that are actually powered by the hand or hand and arm, in the hold of a vessel when necessary in fitting dunnage or constructing a partition or a division bulkhead or installing protection required for the stowage of military explosives. No mechanically operated saws or hammers shall be permitted in a hold containing military explosives.

§ 146.29–37 *Handling drafts of lumber.* All lumber in excess of 3 feet in length shall be handled into or out of the holds of vessels loading, unloading or containing military explosives or ammunition by use of a double sling. Small pieces of lumber used in chocking and dunnaging shall be handled in trays with sideboards. Cargo nets may also be used provided they are lined with canvas or similar fabric. Dunnage shall not be lowered directly onto stowages of ammunition or explosives. Landing mats or timbers shall be laid to receive such drafts.

§ 146.29–39 *Handling and slinging of explosives.* (a) All military explosives or chemical warfare agents in bulk shall be handled carefully. Packages and other containers shall not be dropped dragged, tumbled, walked, slid over each other or over the deck or otherwise subjected to shock. They shall not be rolled unless rolling is specifically permitted by the provisions governing handling as set forth in § 146.29–100.

(b) In transferring military explosives between pier facilities and vessels or from vessel to vessel, or within the hold of a vessel the items may be handled by hand, power operated mechanical hoist or power operated conveyor approved by the Captain of the Port, power operated cargo lift truck, hand truck or nonpowered (gravity) roller conveyor (hand controlled); or unless specifically prohibited by the regulations in this subpart, a specification chute and mattress may be used. (Refer to §§ 146.09–11 and 146.09–12 for specifications of chute and mattress.)

(c) Military explosives shall be hoisted and lowered carefully onto a mattress or other shock absorbing material. The Captain of the Port may authorize omission of a mattress when its use is unnecessary due to use of pallets or other special gear except when Classes III, VI, VIII and IX–C are being handled, loaded or unloaded.

(d) The Captain of the Port may permit the use of gasoline-powered or diesel-powered cargo-handling vehicles or equipment on docks, wharves or piers for the handling of military explosives under such conditions as he may prescribe. Such type vehicles or equipment shall not be used within a hatch of a vessel having military explosives in any hold within said hatch. Electric or battery powered vehicles or equipment of explosion-proof or spark-proof type may be used to handle military explosives on docks, wharves, piers or in the holds of vessels under such conditions as the Captain of the Port may prescribed. All power-operated cargo-handling vehicles or equipment shall at all times be maintained in safe mechanical, electrical and operating condition. The use of cargo-handling vehicles or equipment may be suspended or prohibited by the Captain of the Port or his representative when he considers such use inimical to safety.

(e) When handling, loading or unloading by mechanical means, all military explosives shall be handled in the type equipment specified for the various classes of explosives in § 146.29–100. Military explosives shall be arranged on trays so that no portion of the military explosives or containers overhangs the tray. For trays provided with sideboards, military explosives or containers shall not extend above the sideboards to a height exceeding one-third of the vertical dimension of the item as stowed on the tray. Rope net slings with pieplates, pallet, skipboard or similar base shall be so loaded that when lifted a minimum displacement of items shall occur and the cargo net shall completely encompass the entire load except on its topside.

(f) The mesh of a cargo net shall be of such size as will prevent any item or container of military explosives in the draft from passing through the mesh under any possible circumstances.

(g) Drafts shall not be raised or stopped in lowering by sudden application of power or brake. Drafts shall not be unloaded by tripping or freeing one side of the net, tray, or pallet and tumbling the ammunition or explosives out of the gear. All drafts, beams, shackles, bridles, slings, hooks, etc. shall be hand freed before the winch takes control. Slings shall not be disengaged by hand unhooking and then dragged from under draft by means of winch. Handles or beckets on ammunition packages shall not be used for slinging purposes.

(h) Blasting caps, detonators, primer-detonators, fulminate of mercury and initiating or priming explosives as defined in the regulations in this part shall be considered as constituting a distinct class of dangerous explosives, and because of the hazard involved they shall be handled with extreme care.

(j) "Cant" or barrel hooks shall not be used for raising or lowering a barrel, drum, depth bomb, depth charge or other container of military explosives. Metal bale hooks shall not be used in handling packages of explosives.

(k) Combination woven rope and wire slings are not permitted for use in handling explosives. A sling that is formed by use of an open hook shall not be used in hoisting or lowering a draft of military explosives.

(l) Wire rope or wire rope assemblies including splices or fittings thereof, used in handling military explosives shall be kept bare to permit ready inspection of its safe working condition. Mechanical type endings may be used in lieu of hand splices provided such endings have a minimum breaking strength equal to the catalog strength of wire rope from which it is made.

(m) Bombs shall not be handled by attaching cargo gear to the lifting lug or suspension lugs.

§ 146.29–41 *Weight per draft.* The maximum permitted weight per draft of all classes of military explosives shall be as follows:

(a) *Class I.* (1) When handled by pallet, skipboard, or tray fitted with cargo net or sideboards shall not exceed 3,000 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(b) *Classes IIA, IIB, IIC, IID, IIE, IIF, IIG, IIH, IIJ, IVA, IVB, IXA, IXB.* (1) When handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(c) *Classes III, VI.* (1) When handled by tray fitted with sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(d) *Classes V, VII.* (1) When handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(3) Single shells weighing in excess of 2,200 pounds must be loaded or unloaded one at a time.

(e) *Class VIII.* (1) When handled by tray fitted with sideboards shall not exceed 1,000 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 2,400 pounds plus 10 percent.

(3) The maximum permitted weight for lift of a portable magazine containing Class VIII ammunition shall not exceed 2,400 pounds plus 10 percent.

(f) *Class IX–C.* (1) When handled by tray fitted with sideboards shall not exceed 1,000 pounds plus 10 percent.

(2) The maximum permitted weight for purpose of lift of a portable magazine containing IX–C explosives shall not exceed 2,400 pounds plus 10 percent.

(g) *Class X.* (1) When handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) When handling bombs, more than one to a draft, by sling method or in palletized units, the draft shall not exceed 4,000 pounds plus 10 percent.

(3) Table of limiting loads applicable when handling bombs by sling method:

Weight of individual bomb or cluster:	*Maximum limits in units per one draft*
1 lb. to 250 lbs. plus 10% per unit	8
276 lbs. to 500 lbs. plus 10% per unit	6
551 lbs. to 1,000 lbs. plus 10% per unit	4
1,101 lbs. to 2,000 lbs. plus 10% per unit	2
Over 2,200 lbs.	1

(4) Single items or assembled units (other than palletized), designed to be handled as a unit, may be loaded regardless of weight provided the cargo handling gear is of a design capable of handling a working load at least 50 percent additional to the actual weight of the item or unit comprising the draft, and provided further the integrity of the cargo handling gear is unimpaired. (For example, in loading a 6-ton bomb, the working load of a single cargo boom and gear shall not be less than 9 tons.)

(h) *Classes XIA, XIB.* (1) When handled by trays, skipboards, pallets or pieplates fitted with cargo nets or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(3) Single bombs or other unit containers weighing in excess of 2,200 pounds must be loaded or unloaded one at a time.

§ 146.29–43 *Requirement for the opening of hatches.*—(a) *Vessels at explosives loading piers or at ammunition loading piers.* (1) A weather deck hatch through which ammunition or explosives are being worked shall have sufficient hatch covers and hatch beams removed across the entire width of the hatch so that the resulting opening, measured parallel to the side of the vessel, is at least equal to twice the longest axis of the largest draft being loaded.

(2) Strongbacks or hatch beams left in place shall be firmly secured by hatch batten or other approved means.

(b) *Vessels at explosives anchorages.* A weather deck hatch through which ammunition or explosives are being worked shall have all hatch covers and all hatch beams removed unless otherwise authorized by the Captain of the Port.

(c) *Vessels at explosives anchorages having a magazine constructed in the square of a weather deck hatch.* Sufficient hatch covers and hatch beams shall be removed from the weather deck hatch to expose the entire magazine.

(d) *General requirements.* (1) During the working of ammunition and explosives to or from the deep holds, the tween-deck hatch openings shall at all times be equal to, if not greater than, the weather deck hatch openings.

(2) The use of open hooks in removing or replacing hatch beams or hatch strongbacks is prohibited. Closed hooks, shackles or T bars shall be used in this operation.

§ 146.29–45 *Loading or unloading military explosives and other cargo simultaneously.* (a) Military explosives shall not be loaded or unloaded in a hatch at the same time that other cargo is being worked in any of the holds serviced through said hatch.

(b) Military explosives shall not be loaded or unloaded from the same hatch from both sides of the ship simultaneously, unless the hatch is fitted with cargo handling gear located at both the forward and after ends of the hatch. A vessel so equipped may use both sets of cargo handling gear simultaneously from the same side of the vessel.

(c) When military explosives are stowed in a hold below one in which any cargo is being worked the tween-deck hatch dividing the two holds will have all of its covers securely in place.

(d) Military explosives may be loaded in a hold before or after other cargo, provided that all precautions are taken to assure full protection to the explosives against the hazard of articles being dropped from the cargo sling. When possible hatches should be partially covered to assure such protection.

§ 146.29–47 *Packing and marking.* Military explosives shall not be offered to vessels or accepted by vessels subject to the regulations in this part unless they are in proper condition for transportation and are packed, marked, labeled, described, certified and otherwise acceptable in accordance with the applicable provisions of the regulations in this part.

§ 146.29–49 *Stowage on board barges.* (a) Barges subject to the regulations in this part, engaged in the transfer of explosives between receiving points and delivery points within the harbors, bays, sounds, lakes, and rivers, including the explosives anchorages on the navigable waters, shall conform to the applicable provisions of §§ 146.10–1 to 146.10–50, inclusive. Ammunition or explosives in bulk, in combustible outside packages, stowed "On deck in open" shall after loading and during transportation be covered by tarpaulins securely lashed in place.

(b) Notwithstanding the requirements of this subpart relative to the stowage of detonators, blasting caps and fuzes, Class VIII, such articles may be stowed "On deck" on Class AA and Class AB barges with other ammunition or explosives in bulk stowed thereon, provided a sandbag barrier of at least 2 feet in thickness intervenes between the ammunition or explosives in bulk and the detonators, blasting caps or fuzes. When both are stowed "On deck" the height of this barrier shall be at least equal to the height of the stowage of the detonators, blasting caps or fuzes, or the ammunition or explosives in bulk, whichever is highest. The barrier shall either completely surround the detonators, blasting caps or fuzes or extend across the width of the barge. With this type of barrier no additional separation is required. For Class AC barges, the stowage of detonators, blasting caps or fuzes, Class VIII, shall, when no permanent steel bulkhead intervenes, be separated from the stowage of ammunition or explosives in bulk by a distance of 40 feet; with a permanent steel bulkhead intervening, detonators, blasting caps or fuzes shall be separated from the stowage of explosives in bulk by a distance of 25 feet and from the stowage of ammunition by a distance of 10 feet. If, under deck, a 2-foot sandbag barrier is utilized to intervene between the stowage of ammunition or explosives in bulk, it shall be considered as though a permanent steel bulkhead or deck intervenes. Notwithstanding the provisions of § 146.10–50, Class CA and Class CB barges may transport ammunition on deck.

§ 146.29–51 *Stowage on board vessels.* (a) All articles of cargo classified as military explosives by the regulations in this subpart shall be stowed on board a vessel in conformity with the provisions of the regulations in this subpart.

(b) Mixed stowage of ammunition or explosives in bulk with other ammunition or explosives, or other dangerous articles or substances, or combustible liquids or hazardous articles shall be in conformity with the provisions of the explosives admixture chart, § 146.29–99, the classification, handling and stowage chart, § 146.29–100 and other applicable specific provisions of this subpart.

(c) Specifications governing construction and location of magazines and lockers and the preparation of cargo compartments to be used in the stowage of military ammunition are detailed in §§ 146.29–71 to 146.29–95, inclusive.

§ 146.29–53 *Stowage of military explosives in holds containing coal.* Unless expressly authorized by the Commandant of the Coast Guard military explosives shall not be stowed in a hold containing coal as cargo nor in any hold above, below or adjacent to one containing coal.

§ 146.29–55 *Stowage of military explosives in holds containing household or personal effects and/or mail as cargo.* Unless expressly authorized by the Commandant of the Coast Guard military explosives shall not be stowed in a hold containing household or personal effects and/or mail as cargo nor in any hold above, below or adjacent to one containing any of these items. The foregoing does not apply on vessels having on board military explosives of the Class I category only.

§ 146.29–57 *"On deck" stowage.* (a) Articles classified as military explosives, the stowage of which is permitted "On deck" by the regulations in this subpart shall be properly secured. Such security may be obtained by using existing vessel's structures such as bulkwarks, hatch coamings, shelter deck and poop bulkheads, as part boundaries and effectively closing in the cargo by fitting angle bar closing means, secured by bolting to clips or other parts of the ship's structure. Lashing of deck stowage permitted, provided eye pads are fitted to carry such lashings. Guard rails shall not be used to secure such lashings.

(b) Bulky articles may be secured by lashing with individual wire rope lashing or other equally efficient means.

(c) Shoring of such bulky articles of cargo shall be in addition to the foregoing means of securing.

(d) Military explosives stowed "On deck" shall not be stowed within a distance of 20 feet of an incinerator, the topside terminus of an ash hoist or a coal or oil fire galley or bake shop. For vessels fitted with electrically operated galleys and bake shops, the military explosives stowed on deck may be stowed not closer than 10 feet of such galleys and bake shop provided no incinerator or topside terminus ash hoist is within a distance of 20 feet of such stowage.

§ 146.29–59 *Stowage adjacent to other dangerous articles.*—(a) *Flammable liquids.* (1) Military explosives shall not be stowed in the same hold, nor in any hold below, any hold above or a hold adjacent to one in which flammable liquids are stowed. Military vehicles including ducks, buffaloes, alligators and similar amphibious types of craft, referred to in this subpart as "vehicles" or "military vehicles", using a flammable liquid as fuel may be stowed in holds adjacent to a hold in which military explosives are stowed provided the fuel is confined to the vehicle's tank and is not in excess of approximately 75 percent of the capacity of the fuel tank.

(2) Military vehicles, landing craft and small boats using flammable liquid as fuel and having the fuel confined to the vehicle's or boat's tank and not in excess of approximately 75 percent of the capacity of said tank may be stowed "On deck" over a hold in which military explosives are stowed: *Provided*, That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and a platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur: *And further provided*, That such stowage is not made over the square of the hatch.

(3) Flammable liquids as cargo shall not be stowed "On deck" immediately above a hold in which military explosives are stowed. The applicable provisions of §§ 146.21–1 to 146.21–100, inclusive, shall be observed in the stowage of flammable liquids "On deck".

(b) *Flammable solids or oxidizing materials.* (1) Military explosives shall not be stowed in the same hold nor in any hold above or below or a hold adjacent to one in which flammable solids or oxidizing materials are stowed except as specifically authorized by the provisions of § 146.29–100.

(2) Flammable solids or oxidizing materials may be stowed "On deck" over a hold in which military explosives are stowed: *Provided*, That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur: *And provided further*, That such stowage is not made over the square of the hatch.

(c) *Corrosive liquids.* (1) Military explosives shall not be stowed in the same hold nor in the hold below one in which corrosive liquids are stowed except as specifically authorized by the provisions of § 146.29–100. Corrosive liquids may be stowed "On deck" over a hold in which military explosives are stowed: *Provided*, That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and a platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur: *And further provided*, That such stowage is not made over the square of the hatch.

(2) The substances listed below shall not be transported on board a vessel which is carrying in excess of 100 tons of ammunition or explosives:

Acid sludge
Bromine.
Chloracetyl chloride.
Dimethyl sulfate.
Hydrofluoric acid, anhydrous.
Nitrating (mixed) acid.
Nitric acid.
Phosphorous oxychloride.
Phosphorus tribromide.
Phosphorus trichloride.
Spent acid (sulfuric or mixed).
Sulfur chloride.

(d) *Military vehicles with electrolyte* Notwithstanding the provisions of §§ 146.23–1 to 146.23–100, electrolyte of not over 47 percent strength (39° Baumé) may be accepted for transportation and be stowed on board vessels carrying military explosives under the following conditions of packing:

(1) In glass or earthenware containers, not exceeding 160 ounces capacity (one imperial gallon) in fiberboard cartons of a size to permit cushioning with an incombustible, absorbent material of a sufficient amount to absorb the contents of the container in event of breakage. The outside container shall consist of a wooden box (ICC 15A, 16B or Army Specification) in which 1, 2, 3, or 4 fiberboard cartons may be packed. The outside containers shall carry the white (acid) label. No military ammunition shall be included within this package.

(2) Electrolyte packed in accordance with provisions set forth in subparagraph (1) of this paragraph may be stowed:

(i) "On deck in open" including deck areas over holds containing military explosives;

(ii) "Tween-deck" or "Under deck" in holds adjacent to or in any hold below a hold containing military explosives.

(3) Electrolyte, when packed in accordance with the provisions of subparagraph (1) of this paragraph, may be accepted for transportation when securely fastened within or on a military vehicle or other military equipment whether such vehicle or equipment is shipped crated, boxed, or without crating or boxing. Such military vehicle or military equipment, when shipped crated or boxed, may be accepted for transportation when the container of electrolyte is securely fastened on the inside of the shipping crate or box containing the vehicle or military equipment. When so shipped, the over-all crate or box shall carry the white (acid) label and shall be marked "This side up" and "Inside packages comply with prescribed specifications."

(4) Electrolyte packed in accordance with the provisions of subparagraph (1) of this paragraph when offered for transportation under the conditions set forth in subparagraph (3) of this paragraph, may be stowed as follows:

(i) "On deck in open", including deck areas over holds containing military explosives;

(ii) "Tween-deck" or "Under deck" in holds adjacent, any hold below or any hold above holds containing military explosives; or,

(iii) in the same hold containing Class I, IV–B, V, VII, or X, provided the stowage of military vehicles and the stowage of ammunition are separated by a division bulkhead or a 2-inch dunnage floor.

(5) Military vehicles (crated or uncrated) containing an electrolyte storage battery shall not be stowed in the same hold over military explosives stowed therein. Such vehicles may be stowed in the same hold under or alongside of military explosives stowed therein: *Provided*, That all the applicable provisions of this section are observed: *And provided further*, That the vehicles are processed, the fuel tank drained dry, the battery terminal leads disconnected, taped and protected against short circuit.

(6) Military vehicles or military equipment as used in this section includes naval vehicles or naval equipment.

(e) *Flammable compressed gases.* (1) Military explosives shall not be stowed in the same hold nor in any hold below, any hold above or a hold adjacent to one in which flammable compressed gases are stowed.

(2) Flammable compressed gases shall not be stowed "On deck" over a hold in which any Class II–A, II–B, II–C, II–D, II–E, II–G, V, VI, VII, VIII, IX–A, IX–B, IX–C, X, XI–A, or XI–B is stowed.

(3) Flammable compressed gases may be stowed "On deck" over a hold in which Class I, II–F, II–J, III, IV–A, or IV–B is stowed: *Provided*, That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming, and such stowage is accomplished by means of skids at least 6 inches in height off the deck or a crib and platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib. Other applicable provisions of §§ 146.24–1 to 146.24–100, inclusive, shall be observed. Stowage may be over the square of the hatch.

(f) *Non-flammable compressed gases.* Ammunition of the following Classes I, II–G, IV–A, IV–B, V, and VII may be stowed in the same hold or compartment with non-flammable compressed gases provided the two stowages are separated by a type "A" dunnage floor or a division bulkhead. This mixed stowage is not permitted for the following non-flammable gases: Boron trifluoride, chlorine, oxygen and sulphur dioxide.

(g) *Poisons*—(1) *Class "A".* Classes I and II–F ammunition may be stowed in the same hold or compartment with Class "A" poisons provided the two stowages are separated by a type "A" dunnage floor or a division bulkhead.

(2) *Class "B".* Ammunition of the following classes, I, II–F, IV–A, IV–B, V, VII, XI–A, and XI–B may be stowed in the same hold or compartment with class "B" poisons: *Provided*, That the two stowages are separated by a type "A" dunnage floor or a division bulkhead.

(3) *Class "C" (tear gas).* Ammunition of the following Classes I, II–F, II–G, IV–A, IV–B, V, VII, XI–A, and XI–B may be stowed in the same hold or compartment with Class "C" poisons: *Provided*, That the two stowages are separated by a type "A" dunnage floor or a division bulkhead. Class II–B may also be stowed in the same hold with Class "C" poisons: *Provided*, That the two stowages are separated by a type "A" dunnage floor or a division bulkhead: *And provided further*, That the Class II–B ammunition is given top stowage.

(4) *Class "D" (radioactive material).* Military explosives shall not be stowed in the same hold in which Class "D" poisons are stowed.

(h) *Hazardous articles.* Military explosives shall not be stowed in the same hold or in the hold below, the hold above or a hold adjacent to one in which hazardous articles are stowed.

(i) *Combustible liquids.* (1) Military explosives shall not be stowed in the same hold nor in the hold below one in which combustible liquids are stowed.

(2) Combustible liquids may be stowed "On deck" over a hold in which military explosives are stowed: *Provided*, That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and a platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur, *And provided further*, That such stowage is not made over the square of a hatch.

(k) *"On deck" stowage.* When containers of flammable liquids, flammable solids or oxidizing materials, corrosive liquids, compressed gases, poisons, combustible liquids or hazardous articles are stowed "On deck", such containers shall not be stowed within 12 inches of any steam pipe fitted on deck.

§ 146.29–61 *Stowage with nondangerous cargo in the same hold.* (a) Military explosives that are stowed in the same hold with nondangerous cargo shall be protected from damage likely to be caused by heavy nondangerous cargo. Shafting, steel bar, steel shapes, pipe, heavy machinery, military vehicles (uncrated), and similar types of cargo shall, when stowed in the same hold with military explosives be so isolated or dunnaged or secured as to prevent damage to military explosives or magazines containing said substances, or temporary bulkheads protecting explosive stowages, under any conditions likely to be encountered during the voyage.

(b) When nondangerous cargo is to be stowed adjacent to the exterior of a magaine, wooden cargo battens of not less than commercial 2" x 4" size spaced not more than 12 inches, center to center, shall be fitted horizontally to the uprights forming the frame of the magazine.

§ 146.29–63 *Stowage and dunnaging of ammunition and containers of explosives in bulk.* (a) Military explosives shall be so stowed and dunnaged as to prevent damage to the cargo or the vessel from shifting cargo caused by forces incident to the voyage of the vessel.

(b) Containers of military explosives marked, "This side up" or otherwise marked directing their stowage shall be so stowed.

(c) Kegs of black powder shall be stowed in an upright position, the bungs or other filling openings "up". Each tier shall be floored off.

(d) Metal containers of smokeless powder in bulk or metal tanks or other containers of propellant charges having closure means which protrude beyond the chime or the surface of the container shall be so dunnaged as to prevent damage occurring to such closures.

(e) The uppermost tier of military explosives shall be so secured, by tomming, bracing, top stowing with permissible cargo of sufficient unit weight and quantity or other effective means, that no displacement can occur either upwardly or laterally.

(f) Military explosives shall be so stowed that they or the containers are not liable to be pierced by the dunnaging or crushed by superimposed weight.

(g) Containers of military explosives shall not be "cant" stowed. They shall always be stowed in full bearing. Broken stowage may at the turn of the bilge, be dunnaged out with cordwood or otherwise so cribbed as to provide maximum bearing attainable for the container to

be stowed in the tier above. Broken stowage in other locations in the hold may be compensated for by cribbing out or by the insertion of sufficient dunnage to provide proper bearing for packages in the tier above.

(h) Fixed or semi-fixed ammunition in fiber containers, crated or uncrated, may be stowed on its base or on its side. Dunnaging shall be accomplished in such manner as to bear only upon the metal part of the container. No dunnage or weight shall bear directly upon the fiber portion of the container.

(j) Fuzed ammunition shall, when stowed within 8 feet of the ship's side, be stowed in a position with its long axis parallel thereto in the horizontal or vertical plane.

(k) Separate-loading shells, boxed, crated, unboxed, or uncrated may be stowed on their bases or on their sides except as otherwise provided for Army WP filled ammunition in the stowage requirements for Class II–D ammunition, § 146.29–100.

(l) When tween-deck holds of cargo vessels are utilized for the stowage of military explosives, the maximum permissible deck load for such tween decks shall not be in excess of 45 pounds per square foot of tween-deck space for each foot of tween-deck height, except where the deck and hatch structure of ships have been specially designed or reinforced for the carriage of heavy loads the Captain of the Port may permit loading in accordance with these schedules of increased intensity of loading when they are furnished by the master or operator.

§ 146.29–65 *Damaged or leaking containers of explosives.* (a) Any container of explosives or chemical warfare agents showing evidence of failure, leaking of a liquid ingredient or inability to retain its contents shall not be accepted for transportation, storage, or stowage on board any vessel.

(b) Any container of an explosive when offered for transportation, storage, or stowage, showing excessive dampness or which is moldy or shows outward signs of any oil stain or other indications that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part of the explosive is greater than the absorbent can carry, shall not be accepted for transportation. The shipper must substantiate any claim that a stain is due to accidental contact with grease, oil, or similar substances. In case of doubt the container shall be refused.

§ 146.29–67 *Defective ammunition.* Ammunition found to be defective while being unloaded from a barge, freight car, or other vehicle, shall not be placed on board a vessel. If found to be defective while on board the vessel, it shall, if at all possible, be removed from the vessel to an isolated location as quickly as possible.

§ 146.29–69 *Recoopering damaged packages.* Defective packages shall not be recoopered in the hold of a vessel. Such packages shall not be recoopered elsewhere on board the vessel except upon conditions authorized by the Captain of the Port. Replacing bomb shipping bands, loose covers, nose plugs or strapping containers is not classed as recoopering.

§ 146.29–71 *Constructing magazines.* (a) All work in connection with the construction of a magazine, or other conditioning of holds, decks, or hatches shall be completed before the actual loading of military explosives is undertaken except as provided in § 146.29–35 (e). Magazine construction or other conditioning of a hold in which military explosives are not actually being loaded or which do not contain any military explosives is permitted.

(b) Sizes of material used for the construction of a magazine or other conditioning of holds, decks, or hatches, as set forth in the regulations in this subpart, are minimum. Increased sizes may be used, if desired. Nails shall not protrude beyond the surface of the lumber or other material authorized.

§ 146.29–73 *Preparation of magazines, decks, hatches and holds for handling military explosives.* (a) The floors of all magazines and holds shall be cleared of all rubbish and discarded dunnage and be swept broom clean before commencing to load any military explosives. Bilges shall be examined and any residue of previous cargo removed therefrom.

(b) All decks, gangways and hatches over or through which military explosives must be passed or handled in loading or unloading shall be freed of all loose material and shall be swept broom clean both before and after loading or unloading.

(c) The hatches or cargo ports opening into a compartment in which military explosives are stowed shall be kept closed at all times except during the operation of loading or unloading of the compartments or during periods of short stoppages such as lunch breaks or while shifting of barges or railway vehicles. During the period of such stoppages the hold shall be protected as prescribed by the Captain of the Port. When a hatch is closed wooden hatch covers shall be covered with tarpaulins.

(d) No debris of any description which creates a fire hazard or a hazardous condition for persons engaged in the explosives handling operation shall be permitted to stand on the weather deck of a vessel while military explosives are being worked.

(e) (1) Hatch beams and hatch covers shall, where possible, be stowed on the opposite side of the hatch from that over which the military explosives are being worked. If this is impossible, they may be stowed on the working side of the hatch.

(2) Hatch beams shall be stowed or secured in a manner that will prevent them from rolling, rocking, turning or sliding.

(3) Hatch covers shall be so stowed as to form as level a platform as possible.

(f) During the time a hatch is open and military explosives are being worked or stowed, the vessel's officer on duty supervising the handling of explosives shall warn the masters of other vessels coming alongside and the operator of any dock equipment (capable of producing sparks) to stay clear of the area adjacent to open hatches as far as practicable.

§ 146.29–75 *Location of magazines and ammunition stowage.* (a) A cool location being an important factor, magazines shall be built and military explosives stowed in an authorized location in accordance with the following factors in the order listed.

(1) A tween-deck hold, preferably a lower tween-deck.

(2) A lower hold.

(3) In the square of a hatch.

(4) A shelter deck in a location as far removed from uptakes or engine casing as possible.

(5) A forecastle, poop or permanent deck house provided the space is ventilated and does not contain any "In use" crew accommodations, nor vessel stores, and can be closed off from traffic while at sea.

(6) "On deck" stowage.

(7) Insulated spaces normally comprising refrigerator spaces may be used for the stowage of all classes of military explosives, except chemical ammunition; *Provided*, That all regulations relative to stowage of explosives with other dangerous articles of cargo are observed and the spaces may be ventilated sufficiently to provide a temperature consistent with the temperature of other holds of the vessel. When such spaces are fully ceiled, the entire compartment will be considered as a magazine, however, any pipes within the compartment shall be protected by horizontal cargo battens of a size not less than commercial 2" x 4", spaced not more than 12 inches apart, center to center and secured to 4" x 6" uprights spaced not more than 36 inches apart. Refrigerator spaces, the floors of which are lined with lead, shall not be used as a stowage for picric acid in bulk or ammonium picrate.

(b) When it is necessary to construct a magazine or to stow ammunition adjacent to the collision bulkhead, engine room, boiler room or coal bunker bulkheads, or the engine or boiler room uptakes or casings the following provisions shall be complied with.

(1) A tight wooden temporary bulkhead shall be constructed at least one foot off the permanent bulkheads, uptakes or casings with the smooth side facing the stowage of the explosives or ammunition.

(2) When the permanent bulkhead is smooth on the cargo side, construction shall be of commercial 2-inch boarding secured to uprights of 4" x 6" size spaced not more than 30 inches apart in the tween or shelter deck, or 6" x 6" size spaced not more than 24 inches apart in the lower hold. Uprights shall not be stepped directly onto a metal deck or overhead. A 2" x 6" bearer to carry the uprights shall be laid on the metal deck, and a 2" x 6" header shall be fitted against the underside of the overhead deck to receive the top of uprights. Top of uprights fitted against overhead deck beams may be wedged direct to the beam with 2" x 4" spacers fitted between. Suitable horizontal stringers shall be fitted between temporary and permanent bulkhead at the top and bottom, as well as intermediate stringers spaced a maximum of 5 feet. Uprights shall be securely fastened to horizontal stringers or horizontally braced at the top, bottom and center.

(3) When the permanent bulkhead stiffeners are on the cargo side, suitable uprights of not less than 2" x 4" may be installed against the permanent vertical stiffeners to give the required 12 inches off the bulkhead. If the permanent stiffners are over 30 inches apart, center to center, 2½-inch boarding shall be used. Uprights shall be stepped and braced as required by the provisions of subparagraph (1) of this paragraph. Bulkhead stiffeners that do not extend the full depth of the cargo space shall not be used for this purpose.

(4) Other methods of construction using steel or wooden uprights, bolted to plates or lugs welded to deck beams, decks, or tank tops may be used provided the strength is equivalent to that obtained by the foregoing methods of construction.

(c) Stowage provided for military explosives shall be dry and except for deep tanks well ventilated.

(d) Ammunition as cargo shall not be stowed within a distance of 10 feet of a vessel's radio shack, receiving or transmitting apparatus, radio antenna or antenna lead-in.

§ 146.29–77 *Allocation of stowage.* Military explosives that are tendered to a vessel for transportation as cargo shall be stowed on board the vessel utilizing the type of stowage authorized for the particular ammunition or explosives in bulk by the provisions of § 146.29–100.

§ 146.29–79 *Types of stowage.* The types of stowage prescribed for military explosives are described as follows:

(a) Magazine stowage A.
(b) Ammunition stowage.
(c) Chemical ammuntion stowage.
(d) Special stowage.
(e) Portable magazine stowage.
(f) Pyrotechnic stowage.
(g) Stowage of blasting caps, detonators, primer detonators, etc.

§ 146.29–81 *Magazine Stowage A.* The following shall be observed in the construction of a magazine required for "Magazine A" type of stowage:

(a) Magazines may be constructed of steel or wood.

(b) Magazines constructed of steel shall have the whole of the interior thoroughly protected by wood dunnage of a minimum thickness of ¾ inch. This lining may be installed during the progress of the stowage. Metal stanchions within the magazine shall be boxed with wood of a thickness of not less than ¾ inch. Bulkhead stiffeners or other structural members extending into the stowage spaces shall not be protected by dunnaging but shall be completely boarded over. When bare steel decks or tank tops are utilized to form the floor of a magazine, a wooden floor consisting of at least two layers of commercial 1-inch thick dunnaging shall be laid, the top course being laid crosswise to the lower course. When steel decks or tank tops are originally fitted with a wood flooring or are ceiled, it shall be necessary to fit one course of dunnage. All flooring formed by these methods shall be laid with commercial 1-inch lumber of widths not less than 4 inches, fitted as close as possible, edge to edge and butt to butt.

(c) Magazines constructed of wood shall have the bulkheads forming the sides and ends constructed of commercial 1-inch lumber or of ¾-inch tongue and groove sheathing, secured to uprights of at least a 3" x 4" size, spaced not more than 18 inches apart and secured at top, bottom and center with horizontal bracing. Uprights shall not be stepped directly onto a metal deck. A 2" x 4" bearer to carry the uprights shall be laid upon the metal deck. A 2" x 4" header shall be fitted against the underside of an overhead deck to receive the top of uprights. Top of uprights fitted against channel beams may be wedged directly to the beam with 2" x 4" spacers fitted between. Care shall be taken in securing upright framing that no nails penetrate to the interior of the magazine. When a magazine is constructed as a permanent compartment in the vessel, increased size and finish of lumber and other methods of fastening may be used provided such fastenings are recessed below the surface of the boarding to avoid projections within the interior of the magazine. All boardings shall be fitted and finished so as to form a smooth surface within the interior of the magazine. Construction shall be such as to separate all containers of explosives from contact with metal surfaces of the structure of the vessel. When a metal stanchion, post or other obstruction is located within the interior area of the magazine, such obstruction must be completely covered with wood of a thickness of at least ¾ inch secured in place with nails or screws. When screws are used for fastening, the screwheads shall be countersunk below the surface of the wood. The floor of the magazine shall conform to the provisions of paragraph (b) of this section. The door of the magazine shall be of substantial construction, fitted reasonably tight into its jamb. The door may be secured in place by the use of extension battens and wedges.

(d) A magazine constructed in accordance with the provisions of paragraphs (b) and (c) of this section, in which it is proposed to stow containers of explosives within 12 inches of the overdeck beams, or hatch coaming, shall have such deck beams and coaming sheathed with wood similar to that required for metal stanchions, posts or other obstructions by the provisions of paragraph (c) of this section.

(e) When a Class A magazine measures more than 40 feet in any direction, a partition bulkhead shall be fitted within the magazine as near half length as practicable, extending from the deck to at least the top of the stowage. Such partition bulkhead shall be constructed to the same scantlings as the sides of the magazine, except the boarding may be spaced not more than 6 inches apart alternately on both sides of the uprights. This bulkhead shall be constructed before loading commences and care shall be exercised that nail points do not protrude beyond the surface of the boarding.

§ 146.29–83 *Ammunition stowage.* Military explosives that are authorized to be given ammunition stowage by the provisions of § 146.29–100 shall be stowed in a location selected in accordance with the provisions of § 146.29–75. Dunnage shall be laid over metal decks or tank tops. Dunnaging shall be fitted to protect packages or articles or military explosives from damage. Nothing within this paragraph shall be construed as requiring the entire interior of the cargo compartment to be covered with dunnage.

§ 146.29–85 *Chemical ammunition stowage.* Chemical ammunition or chemical agents in bulk that are authorized to be given chemical ammunition stowage by the provisions of § 146.29–100 shall be stowed under the following conditions:

(a) Shall be afforded the same protection as required for ammunition stowage.

(b) Stowage shall preferably be in a deep tank or a lower hold.

(c) When stowed in a deep tank, pump suctions shall be effectively sealed off to prevent the escape of any leakage which may take place. Sealing off shall be accomplished by inserting a blank flange in way of the suction side of the bilge pump manifold.

(d) When stowed in a lower hold or other compartment, the hatch covers, ventilators and pump's suction shall be effectively sealed off to prevent the escape of any leakage which may take place. Sealing off the pump's suction shall be accomplished by inserting a blank flange in way of the suction side of the bilge pump manifold.

(e) When the quantity of chemical ammunition or chemical agents in bulk exceeds the capacity of deep tanks and lower holds, other holds may be used, preference being given to other lower holds or to a tween-deck hold directly over a lower hold in which such substances are stowed.

(f) Chemical ammunition or containers of chemical agents in bulk stowed in a tween-deck shall not be stowed within 8 feet of the side of the vessel.

(g) When the quantity of chemical ammunition to be stowed on board the vessel does not justify the use of a deep tank or lower hold, a suitable tween-deck space may be selected and the ammunition stowed in a portable magazine especially constructed to prevent any leakage from the ammunition escaping outside of the magazine. Such portable magazine shall be located at least 8 feet from the ship's side.

(h) Before entering a deep tank, lower hold or other compartment containing chemical ammunition the air inside the compartment must be tested by competent personnel to ascertain if leakage has taken place. If leakage has occurred, the operation of removing the ammunition or chemical agent shall be conducted by skilled personnel, preferably representatives of the appropriate Army Technical Service (Chemical Corps or Ordnance Corps) or Navy Department.

§ 146.29–87 *Special stowage.* Special stowage may be on deck protected from the elements, in a deck house, mast house, mast locker or in a vacant stateroom: *Provided,* That such a location conforms to the distance separation rule applicable to the item so stowed and adjacent military ammunition: *And provided further,* That the space is ventilated and does not contain any vessel stores or machinery or equipment used during the navigation of the vessel and can be closed off from traffic while at sea. Dunnage shall be fitted to protect packages from damage by contacting any metal parts of the ship.

§ 146.29–89 *Portable magazine stowage.* Military explosives authorized to be given portable magazine stowage by the provisions of § 146.29–100 shall be stowed under the following conditions:

(a) Shall be located in a hold or on deck in accordance with the provisions of § 146.29–100 for the particular class of military explosives stowed therein.

(b) Portable magazines shall be constructed watertight of wood, or of metal lined with wood ¾-inch minimum thickness, and shall be of a size not greater than 100 cu. ft.

(c) All inner surfaces of the magazine shall be smooth and free of nails, screws, or other projections.

(d) When constructed of wood the scantlings shall not be less than those required for a type "A" magazine in § 146.29–79, and a strong, close fitting hinged cover or door with an effective means of securing shall be provided.

(e) When constructed of metal, the minimum thickness of the metal shall be not less than ⅛-inch sheet, or formed material of equal strength.

(f) Ammunition or containers of ammunition or explosives in bulk when stowed in a portable magazine shall be so stowed and secured that no displacement can occur either upwardly or laterally.

(g) When stowed on deck the magazine shall be protected from the direct rays of the sun. Runners, bearers, skids, or other suitable means shall be provided to elevate it a minimum of 4 inches from the deck. Pad eyes, ring bolts, or other suitable means shall be provided for lashing the magazines and they shall be so lashed, chocked or braced as to prevent movement in any direction.

(h) Portable magazines shall carry the legend "Inflammable—Keep Lights and Fire Away", or "Flammable—Keep Lights and Fire Away."

§ 146.29–91 *Pyrotechnic stowage.* (a) Pyrotechnic ammunition shall be afforded ammunition stowage or special stowage in a location away from heat and so protected as to insure no moisture contacting the packages. This class of ammunition shall not be stowed in a hold or compartment with any other military explosives, except as permitted by the admixture chart (§ 146.29–99). Pyrotechnics shall not be overstowed with other cargo.

(b) For limited quantities of pyrotechnic ammunition an alternate stowage may be utilized consisting of stowing in metal lockers or portable magazines so located as to conform with the provisions of paragraph (a) of this section as regards other explosives, overstowage, heat, and moisture.

§ 146.29–93 *Stowage of blasting caps, detonators, primer detonators, etc.* Stowage of Classes III, VI and VIII type ammunition shall conform to the provisions of §§ 146.29–99 and 146.29–100, and to the following requirements:

(a) Class VIII ammunition, when stowed on board the same vessel with Classes II, IV, V, or VII military explosives, shall be separated as follows:

(1) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 10 feet in any direction.

(2) Without a permanent steel deck or bulkhead intervening, the separation shall not be less than 25 feet in any direction.

(b) Class VIII ammunition, when stowed on board the same vessel with Classes IX, X, or XI military explosives, shall be separated as follows:

(1) With a permanent steel deck or bulkhead intervening, the separation shall be not less than 25 feet in any direction.

(2) Without a permanent steel deck or bulkhead intervening, the separation shall be not less than 40 feet in any direction.

(c) Class VIII ammunition shall not be stowed within 8 feet of the vessel's side.

(d) When Class VIII ammunition is stowed over tween-deck hatch covers, and military explosives are stowed in a hold below, a single layer of commercial 2-inch lumber is required over the tween-deck hatch cover to form the floor of the magazine. Under these conditions, wooden hatch covers may be considered an integral part of the permanent steel deck and the separation requirements of paragraphs (a) (1) and (b) (1) of this section shall apply.

(e) When Class III or VI ammunition is stowed with Class VIII ammunition the provisions governing the stowage and separations of Class VIII shall apply.

(f) When a portable magazine is used for detonator stowage, such magazine may be stowed in the square of a weather deck hatch.

(g) Upon approval by the Captain of the Port, a portable magazine containing Class VIII ammunition may be stowed in an isolated cabin or steel deck house secure from aircraft machine-gun fire and not subject to casual contact by persons on board the vessel.

§ 146.29–95 *Ventilation of magazines.* A magazine that is not fitted with ventilating ducts to the atmosphere shall be ventilated by omitting the top course of boarding on the sides of the magazine to provide a clear space at least 1 inch and not more than 6 inches below the lower flange or toe of the deck beam within the compartment or hold in which the magazine is constructed. Ventilators of systems feeding directly into a magazine or a hold in which military explosives are stowed shall be covered with a double layer of wire screen of not less than 8 x 8 mesh at the weather end of the cowl. This screen shall be attached securely in place in such a manner as to insure a positive closure.

§ 146.29–97 *Statements of characteristic properties and hazards.* (a) In § 146.29–100 there are statements in italics setting forth certain characteristics and hazards of the substances or articles listed therein. It is not intended, nor shall it be assumed, that these statements set forth all of the characteristic properties or hazards of the particular substance or article and such statements as are shown are informative only.

(b) For the purpose of the regulations in this subpart Army Class XII explosives are treated as follows:

(1) Ammonium nitrate is classified as an oxidizing material.

(2) Dinitrotoluene (DNT) is classified as a high explosive Class IX.

(3) Wet nitrocellulose wet with 20 percent of water is classified as a flammable solid.

(4) Wet nitrocellulose wet with 30 percent of alcohol or flammable solvent is classified as a flammable liquid.

§ 146.29–99 *Explosives admixture chart.* (a) A shaded block at an intersection of horizontal and vertical columns indicates that the particular class of military explosives shown by the heading of the horizontal column to the left must NOT be stowed in the same hold or compartment with the particular class of military explosives indicated by the heading of the vertical column at the top of the chart. For specific provisions of stowage, and items included in each class, refer to § 146.29–100.

(b) In the chart the letters refer to the following notes:

NOTE A: Class II–F may be stowed in the same lower hold or tween-deck hold with Classes II–C, II–E, II–G, and III provided the Class II–F ammunition is bottom stowed and provided further that no other class of explosive or ammunition is stowed in the hold or tank below.

NOTE B: Class II–F may be stowed in the same deep tank, lower hold or tween-deck hold with Classes IV–A, IV–B, V, and VII: *Provided,* That the Class II–F ammunition is bottom stowed: *And provided further,* That no other class of explosives or ammunition is stowed in the hold or tank below.

NOTE C: Propellant charges Class II–B for separate loading artillery shell filled with Class XI–A or XI–B chemical may be stowed together in the same hold or compartment: *Provided,* That the propellant charges are "top stowed", the two items being separated by a type "A" dunnage floor. When so stowed the propellant charges shall not be overstowed with any other cargo.

NOTE D: Class II–J TH incendiary filled ammunition shall be stowed only in a deep tank or lower hold, and in all cases bottom stowed, except that a limited quantity shipment not in excess of 500 lbs. net TH content may be stowed on deck in a special magazine constructed of material as set forth in § 146.29–81 (c) and provided such magazine has an outer insulation of sand at least 3 feet thick on the bottom and not less than 1 foot thick on each side. There shall be only one such stowage per vessel and that stowage shall not be over a hatch in which military explosives or other dangerous articles are stowed.

NOTE E: Class V (unfuzed and no fuzes packed in container) and Class VII (unfuzed and no fuzes packed in container) may be stowed with Class X.

Shall NOT be stowed together
May be stowed together
1 Check note for proper stowage

CLASS	I	II-A	II-B	II-C	II-D	II-E	II-F	II-G	II-H	II-J	III	IV-A	IV-B	V	VI	VII	VIII	IX-A	IX-B	IX-C	X	XI-A	XI-B
Small-arms ammunition w/o explosive bullets, mechanical time fuze w/o booster and like items	I									D													
Bulk propellents, such as ballistite, cordite, FNH, NH and NC powder	II-A																						
Smokeless powder propellents, "made-up bag charges" in outside shipping containers	II-B																					C	C
Pyrotechnics (Fireworks)	II-C							A		D													
Chemical ammunition - WP or PWP filled (solid)	II-D																						
Chemical ammunition - HC filled (solid)	II-E							A															
Chemical ammunition - FS or FM filled smoke (liquid)	II-F			A		A			A		A	B	B	B		B							
Chemical ammunition - IM, WP or PT filled, incendiary composition (oil gel)	II-G							A		D													
Chemical ammunition - water activated	II-H																						
Chemical ammunition - TH filled incendiary composition (solid)	II-J	D		D				D			D	D											
Fuzes, PD w/o booster; fuzes AT mine (non-chemical) w/o booster; fuzes, bomb tail w/o booster; fuzes, tracer; primers: primer detonators, etc.	III							A		D													
Fixed ammunition w/o explosive projectiles (shell) and like items	IV-A							B		D													
Fixed and semi-fixed ammunition with explosive loaded projectile (shell)	IV-B							B		D													
Separate loading shells filled with explosive "D"	V							B													E		
BD fuzes; PD fuzes with booster; bomb fuzes with booster; rocket fuzes with booster; and like items	VI																						
Separate loading shells filled with HE other than explosive "D"	VII							B													E		
Blasting caps; detonators; AT mine fuzes (chemical); etc.	VIII																						
Explosives in bulk, such as black powder, smokeless powder for small-arms, etc.	IX-A																						
High explosives, such as dynamite TNT, demolition blocks, etc	IX-B																						
Initiating and priming explosives in bulk	IX-C																						
Explosive bombs, mines torpedoes etc.	X														E		E						
Chemical ammunition-lethal	XI-A			C																			
Chemical ammunition - non-lethal	XI-B			C																			

§ 146.29-100 *Classification, handling and stowage chart.*

Class	Description	I. C. C. marking	Hazard	Stowage	Handling
I Small-arms ammunition w/o explosive bullets, mechanical time fuze w/o booster, and like items.	Small-arms ammunition is fixed ammunition, blank ammunition, shotgun shells designed to be fired from a pistol, revolver, rifle, shotgun or similar weapon held by the hand, or by the hand and shoulder, or machine guns of caliber less than .75, or blank remover cartridges for pilot seat ejectors and canopy removing catapults, and consists of a metallic or paper cartridge case, a primer and a propelling charge, with or without bullet, shot, tear gas material, tracer components or incendiary compositions or mixtures, but not including bullets loaded with high explosives. (For small-arms ammunition with explosive bullets or projectiles see Class IV-B.) Other items of ammunition or component parts of ammunition having similar hazard characteristics to small-arms ammunition are also included in this class. Includes but is not limited to: Bouchon ignition fuze (Grenade ignition fuze). Cartridges Aircraft engine starter. Armor piercing. Armor piercing incendiary. Armor piercing incendiary, tracer. Ball Blank. Cartridge. Catapult, aircraft personnel. Gallery practice. Guard High pressure test. Ignition. Incendiary. Powder actuated tool, shipped separately. Remover, aircraft canopy. Rifle grenade. Slick marker (MK1). Subcaliber. Tear gas. Tracer. Catapult w/cartridge, Aircraft Personnel, M1. Chemical delay pencil. Cordeau detonant. Empty cartridge case, primed. Firing device w/o detonator. Grenades, empty primed Grenade projection adapter and similar inert devices when packed with blank small-arms cartridge. Igniter (MK 6). Igniter, torpedo Mechanical time fuze w/o booster. Powder actuated tool w/cartridge packed in the same outside box. Primacord. Primer, lock combination. Primer, lock electric. Primer, small-arms. Primers, percussion cap (such as used in small-arms ammunition). Remover w/cartridge, aircraft canopy, M1. Safety fuse. Shell, shotgun. Small-arms ammunition w/o explosive bullets. T cutter (MK2). NOTE: The U. S. Army and Navy definitions of small-arms is based on tactical considerations. The Coast Guard definition shall take precedence in all cases involving transportation, handling and stowage as cargo on board merchant vessels which are subject to the regulations in this part.	"Cannon primers". "Combination primers." "Cordeau detonant." "Empty cartridge case, primed." "Explosive rivets." "Grenades, empty, primed." "Percussion caps." "Percussion fuze." "Safety fuse." "Small-arms ammunition." "Small-arms ammunition, tear gas cartridge." "Small-arms primers." "Time fuze (mechanical w/o booster)."	The principal hazard in connection with the stowage of this class of ammunition is its involvement in fire from outside source. Under such conditions the presence of this type of ammunition will not contribute excessively to the fire. Fire may be controlled and extinguished by flooding or spraying with large amounts of water. Missiles from burning ammunition will not be projected with any considerable velocity. Fire fighting personnel should take normal precautions and not expose themselves unnecessarily.	Any compartment or hold ... May be stowed in any hold above, any hold below or a hold adjacent to one in which flammable liquids, flammable solids or oxidizing materials, flammable compressed gases, hazardous articles or combustible liquids are stowed. Provisions of § 146.29-59 (Stowage adjacent to other dangerous article) shall be complied with unless specifically exempted by the above paragraph. May be overstowed.	1. Observe marking on package to be certain that no small-arms ammunition with explosive bullets is included 2. Do not subject packages to rough handling 3. Maximum weight per draft shall not exceed 3,000 lbs. plus 1% 4. Drafts consisting of one or more palletised units shall not exceed 4,000 lbs. plus 10%. 5. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

Class	Description	I. C. C. marking	Hazard	Stowage	Handling
II-A Bulk propellants such as: Ballistite, Cordite, FNH, NH, and NC powders.	Smokeless powder for cannon in bulk. Rocket propellants in bulk... Includes but is not limited to: Ballistite (bulk) for any purpose in large grains, sheets, or masses. Cordite. FNH powder. NC powder. NH powder. SPCA powder. SPCG powder.	"Propellant explosives".	Loose powder may be ignited by spark, friction, or intense heat. Powder dust is especially hazardous Burns rapidly with excessive heat. Burning powder in ships hold may explode, producing structural damage and missiles. May become unsafe if subjected to high temperatures If involved in a fire, immediately apply water freely and in quantity.	*Ammunition stowage* Shall not be overstowed with any other kind of cargo except bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. When class I ammunition is stowed in the same hold or magazine with this Class the two stowages must be separated by a partition bulkhead or type "A" dunnage floor. For stowage adjacent to other dangerous articles see § 146.29-59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Packages shall be handled in such a manner as to insure that no spark or friction will occur. 4. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 5. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder. 6. Remove damaged container and residue of powder to a safe location. 7. Gravity roller conveyor shall not be used unless authorized by the Captain of the Port in ports or facilities under his jurisdiction. At other ports or facilities authority for such use may be granted by the Officer in Charge. 8. Cargo handling stevedore gear may be trays, skipboards, pallets, or pie plates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 9. Cargo nets w/o trays, skipboards, pallets, or pie plates are not permitted. 10 The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 11 Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
II-B Smokeless powder propellants, "Made-up bag charges" in outside shipping containers.	Smokeless powder propellant charges (made up charges) in cloth powder bags with igniter attached and with or without its primer and packed in outside metal or fiberpack containers. Includes but is not limited to: Propellant charges for separate loading ammunition such as 4.5", 5"/50, 5"/51, 6"/47, 6"/50, 6"/53, 7", 8", 10", 12", 14", 15", 16", 155-mm, 240mm, 280mm Charge, propelling for rod, earth blast driven.	"Propellant explosives".	Loose powder may be ignited by spark, friction or intense heat. Powder dust is especially hazardous. Burns rapidly with excessive heat Burning powder in ship's hold may explode producing structural damage and missiles. May become unsafe if subjected to high temperatures. If involved in a fire, immediately apply water freely and in quantity.	*Ammunition stowage* Shall not be overstowed with any other kind of cargo except bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. When Class I ammunition is stowed in the same hold or magazine with this class the two stowages must be separated by a partition bulkhead or type "A" dunnage floor. Propellant charges, of this class, for separate loading artillery shell, filled with Class XI A or XI B chemical may be stowed together in the same hold or compartment provided the propellant charges are "top-stowed", the two items being separated by a type "A" dunnage floor. When so stowed the propellant charges shall not be overstowed with any other cargo For stowage adjacent to other dangerous articles see section 146 29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Packages shall be handled in such a manner as to insure that no spark or friction will occur. 4. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 5. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder. 6. Remove damaged container and residue of powder to a safe location. 7. Gravity roller conveyors shall not be used unless authorized by the Captain of the Port in ports or facilities under his jurisdiction. At other ports or facilities authority for such use may be granted by the Officer in Charge 8. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 9. Cargo nets w o trays, skipboards, pallets, or pieplates are not permitted. 10 The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs plus 10%. 11 Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12 Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

Class	Description	I. C. C. marking	Hazard	Stowage	Handling
II-C					
Pyrotechnics (fireworks.)	Fireworks are all manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. Includes but is not limited to: Bee-sump. Bomb, target identification. Bouy, electric, igniters. Depth charge markers, day. Firecrackers. Fire starter. Fireworks—bombs. Fireworks, shell. Flares of all types, such as Aircraft Airport Bombardment. Float Hand identification. High altitude parachute. Hooded (7"). Parachute. Parachute trip. Signal. Tow target. Trip Flash cartridge under 72 grains. Flash crackers. Flash reducer (non black powder) Flash sheets (ltd packing, ICC). Float lights. Fuse igniters. Fuse lighters. Igniters, M1 and M2. Illuminating grenades. Instantaneous fuse. Kit, 4.5" aircraft rocket. Metal powders (ltd. packing ICC) Pinwheels. Photographic flash powder (ltd. packing, ICC). Pull wire fuse lighter. Quick match. Railway fusee. Roman candles. Salutes. Signal flare of tracer incendiary composition. Signals: Aircraft float light. Caterpillar. Chameleon. Day, distress aircraft. Distress hand smoke. Double star. Drift, day (bronze powder, chaff). Drift, night (red phosphorous). Emergency identification, smoke, star, submarine. Ground, cluster. Ground, high burst ranging. Ground, parachute smoke. Ground, parachute star. Highway. Miniature practice bomb. Pepper. Pistol, rocket, Comet, shower, smoke, star. Single star. Submarine float. Slow match. Sprinklers. Spotter cartridges (less than 72 grains). Squibs of all kinds. Tear gas pot fuse. Torches. Torpedoes, including Cap, railway, toy, track. Toy caps. Very signal lights. Tracers. Smoke pots, w/o oil. NOTE: Photoflash bombs, see Class X. Flashlight powder in bulk see Class IX-A. Illuminating projectiles, see Class IV-B.	"Common fireworks". "Explosives, class C". "Fireworks". "Fuse lighters." "Safety squibs." "Special fireworks."	The principal hazard is initiation of fire. Some pyrotechnics may ignite spontaneously if exposed to moisture or high temperatures, but under these conditions most types tend to become less sensitive and more difficult to ignite. Aircraft flares and high burst ranging signals involved in a fire may explode. Most other types burn with intense heat and without serious explosion. If involved in a fire immediately apply water freely and in quantity. Steam or fog is also effective but less so than water. Fire fighting personnel should work from behind barriers and not expose themselves unnecessarily.	*Ammunition stowage, deep tank or between deck cargo* Shall be stowed away from heat and in a dry location, protected against moisture and separating the stowage. Shall not be overstowed with any other kind of cargo. May be stowed in the same deep tank, lower hold or between deck hold with Class II-F provided the Class II-F ammunition is bottom stowed and provided that no other class of explosives or ammunition is stowed in the hold that will present a hazard. May be stowed in the same deep tank or lower hold as Class II-J provided the II-J ammunition is bottom stowed. For stowage adjacent to other dangerous articles see § 146.29-50.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not load during excessive rainy weather, unless complete protection against moisture coming in contact with the packages is provided. 4. Do not use chute in loading or unloading. 5. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 6. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 7. Passengers or containers shall be stowed in the position indicated by their marking. 8. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 9. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

Class	Description	I. C. C. marking	Hazard	Stowage	Handling
II-D					
Chemical ammunition, WP or PWP filled (solid).	All chemical ammunition, including fixed, semi-fixed and separate loading, filled with WP or PWP (white phosphorus) when assembled or packed with or w/o their ignition elements, bursting charges, fuzes or propellants. WP or PWP shipped in bulk in drums, barrels, or other authorized shipping containers shall be classed as a flammable solid. WP or PWP when shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers containing projectiles, bombs, and rocket heads, w/o ignition elements, bursting charges or fuzes, may be handled and stowed either as a flammable solid or as chemical ammunition Class II-D. Includes but is not limited to: Bomb, smoke, aircraft, WP or PWP filled. British Calling Cards. Fire leaves. Grenades, hand, WP or PWP filled. Grenades, rifle, WP or PWP filled. Igniters, phosphorus filled. Projectiles (shells) WP or PWP filled packed w/ or w/o propellants. Rocket Heads, WP or PWP filled. Rockets, assembled w/motors, WP or PWP filled. NOTE: The U. S. Army and Navy, when shipping ammunition filled with white phosphorus mark such ammunition and the containers thereof with the word "smoke" and the symbol WP or PWP. The ammunition is also marked with one yellow band.	"Ammunition for cannon with explosive projectile." "Explosive projectile." "Explosive bomb." "Ammunition for cannon with smoke projectile." "Grenades, hand, smoke."	The principal characteristic of white phosphorus is that of spontaneously igniting upon exposure to air, burning with an intensely hot flame, and giving off large volumes of white smoke. The fumes are highly discomforting. Burning phosphorus gives off phosphorus oxide which is toxic upon sustained exposure thereto. Phosphorus is intensely poisonous when taken internally. It becomes liquid at 111 °F. Leakage which sometimes occurs, usually gives warning by smoke. Ammunition fitted with fuzes and boosters, if involved in a fire will usually explode with moderate violence thus tending to spread the fire rapidly. Apply water freely and in quantity to control spread of fire. Steam or fog is also effective but less so than water. It is necessary to keep the loose WP or PWP completely covered with water to prevent reignition. Organic material contaminated with WP or PWP such as dunnage in the holds of vessels, must be removed and disposed of by burning. Otherwise after drying out, these substances are likely to reignite. Rockets, WP filled, assembled with motor and involved in a fire will present an additional hazard due to the propulsive nature of the rocket. Loose phosphorus in contact with skin tissue will adhere causing painful burns and continue to consume skin tissue until removed. A solution of copper sulphate is effective in counteracting this action. Use rubber protective gloves, boots, aprons, and gas masks to provide effective protection.	*Ammunition stowage, chemical ammunition stowage, or deep tank stowage* It is important to stow in locations not subject to temperatures above 100 °F. When shipments of Army ammunition cannot be so stowed the following shall be complied with: WP or PWP filled rifle grenades or rockets shall be stowed nose down. All other WP or PWP filled items of ammunition shall be stowed in a nose up position. The position of the nose end of the item of ammunition is marked on the outside package or container. Drums or other authorized ICC or Chemical Corps specification containers filled with WP or PWP may be stowed in the same hold or compartment with chemical ammunition Class II-D. For stowage adjacent to other dangerous articles see § 146.29-50. When given chemical ammunition stowage, see § 146.29-85 for additional requirements.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Observe packages or projectiles (shells) for leakage and reject any showing such signs. 5. Packages or containers shall be stowed in the position indicated by their marking. 6. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 7. Cargo nets w/o trays, skipboards, pallets, or pieplates are not permitted. 8. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 9. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with WP or PWP. (See Table Limiting Loads, Class X.) 12. Drums of WP or PWP shall not be handled by attaching hooks to the chime of the drums.

Class	Description	I C C marking	Hazard	Stowage	Handling
II-E					
Chemical ammunition. HC fuzed (solid).	All chemical ammunition loading fixed, semi-fixed and separate loading fuzed with HC (Hexachlorethane-zinc) and pyrotechnic when assembled or packed with other explosive components, bursting charges, propelling charges or propellants. HC munitions shipped in drums, barrels or other authorized shipping containers shall be classified as a flammable solid. HC munitions when shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including bombs and base ejection cartridges without propelling charges) may be handled and stowed either as an oxidizing material or as chemical ammunition, Class II-E. Includes but is not limited to: Bombs, smoke, HC filled. Bombs, floating smoke, HC filled. Bombs, smoke, identification, HC filled. Fuze, smoke, HC filled. Grenades, hand, HC filled. Grenades, signal, HC filled. Grenades, colored smoke, HC filled. Pots, smoke, HC filled. Shells, artillery, smoke, HC filled. Shells, mortar, smoke, HC filled. NOTE: The U. S. Army and Navy when shipping ammunition filled with HC smoke or colored smoke mixtures will segregate the HC smoke or colored smoke unit mark for identification with one yellow band.	"Ammunition, fuzed with explosive projectile." "Fuze, incendiary bomb." "Fuze, explosive projectile." "Grenade, hand, smoke."	HC (hexachloroethane-zinc) mixtures are relatively insensitive to ignition by friction, impact or electrostatic discharge. However, when ignited by the burning fuze of the projectile, the burning mixture will produce large volumes of dense smoke. Containers of HC may be ruptured by the explosive charge of the projectile. Water can be used freely to control a fire in HC. The use of Foam, CO_2 or dry chemicals is not necessary. Personnel handling fire in burning HC ammunition should wear respirators when stowed in the hold of a vessel, should avoid breathing dense smoke if not wearing respirator and should work in well ventilated spaces.	*Ammunition stowage, chemical ammunition stowage, or deep tank stowage* It is important to stow away from heat and temperature above 120° F. and from moisture. May be stowed in the same deep tank, lower hold or between deck hold with Class II-F ammunition provided the Class II-F ammunition is bottom stowed or provided further that no other type of explosives or ammunition is stowed in the hold or tank below. Dumps or other authorized HC or Chemical Corps storage facilities may be used for the storage of HC and Class II-F ammunition in the same hold or compartment provided a bulkhead separates the two types. For stowage adjacent to other dangerous articles, see § 146.29-50. When given chemical ammunition stowage, see § 146.29-85 for additional requirements.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Observe packages, containers or bombs for failure or inability to retain contents and reject any showing such signs. 5. Packages, or containers shall be stowed in the position indicated by their marking. 6. Cargo handling stevedore gear may be trays, skidboards, pallets, or pie plates provided they are fitted with nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 7. Cargo nets w/o trays, skidboards, pallets, or pie plates are not permitted. 8. The maximum permitted weight per draft when handled by pallet, skidboard, tray or pie plate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 9. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with HC. (See Table of Limiting Loads, Class X.) 12. Drums of HC shall not be handled by attaching hooks to the chime of the drums.
II-F					
Chemical ammunition. FS or FM smoke filled (liquid).	All chemical ammunition including fixed, semi-fixed and separate loading fixed with smoke FS or FM, or titanium tetrachloride or FM titanium tetrachloride when assembled or packed with or without bursting charges, fuzes or propellants. FS or FM shipped in drums, barrels, cylinders or other authorized containers shall be classified as a corrosive liquid. FS or FM when shipped in authorized ICC specification containers or Chemical Corps specification containers (integrity equal to ICC containers including bombs w/o fuzes, bursting charges or fuzes) may be handled and stowed either as corrosive liquid or as a chemical ammunition Class II-F. Includes but is not limited to: Grenades, frangible, smoke FS or FM filled. Grenades, smoke, FS or FM filled. Rockets, FS or FM filled. Shell, artillery, FS or FM filled. Shell, mortar, FS or FM filled. Spotting charges, FS filled. NOTE: The U. S. Army and Navy when shipping ammunition filled with FS or FM smoke mixtures with smoke unit and the containers thereof with the word "smoke" and the symbol FS or FM. The ammunition is also marked with one yellow band.	"Ammunition for cannon with smoke projectile." "Explosive projectile." "Grenade, hand, smoke."	FS (sulfur trioxide-in chlorsulfonic acid and FM (titanium tetrachloride) are toxic when fume readily when hot. They react violently with small amounts of water and form a dense white smoke upon release to the atmosphere. FS is highly corrosive both as a liquid and as a smoke. FM is corrosive in liquid form, but its smoke is very irritating. Leakage of FS or FM should be washed off immediately with large volumes of water. Personnel working in a confined space where high concentrations of FS or FM smoke exists should use respirator protective gloves, boots and goggles for effective protection.	*Ammunition stowage, chemical ammunition stowage, deep tank stowage* It is important to stow away from heat and temperature above 120° F. May be stowed in the same deep tank, lower hold or between deck hold with Class II-F, Class III and III-F ammunition. However, stowage is bottom stowed and provided further that no other type of explosives or ammunition is stowed in the hold or tank below. Dumps or other authorized HC or Chemical Corps specification magazines may be used for the storage of FS or FM ammunition in the same hold or compartment with Class II-F ammunition provided a bulkhead separates the two types. Shall not be stowed over other types of ammunition. For stowage with 10 other dangerous articles, see § 146.29-50. When given chemical ammunition stowage, see § 146.29-85 for additional requirements.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Observe packages or projectiles (shells) for leakage and reject any showing such signs. 4. Containers or projectiles shall be stowed in the position indicated by their marking. 5. Cargo handling stevedore gear may be trays, skidboards, pallets, or pie plates provided they are fitted with nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 6. Cargo nets w/o trays, skidboards, pallets, or pie plates are not permitted. 7. The maximum permitted weight per draft when handled by pallet, skidboard, tray or pie plate fitted with cargo nets or sideboards shall not exceed 2,400 lbs. plus 10%. 8. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 9. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 10. Drums of FS or FM shall not be handled by attaching hooks to the chime of the drums.
II-G					
Chemical ammunition. Incendiary composition, IM, PT or NP filled (oil gel).	Chemical ammunition filled with IM, PT or NP (thickened fuels) when assembled or packed with or w/o ignition elements, bursting charges or fuzes. IM, PT or NP shipped in drums, barrels or other authorized shipping containers shall be classified as a flammable solid. IM, PT or NP when shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including bombs w/o ignition elements, bursting charges or fuzes) may be handled and stowed either as a flammable solid or as chemical ammunition Class II-G. Includes but is not limited to: Bombs. Bombs, cluster incendiary. Frangible grenades. NOTE: The U. S. Army and Navy when shipping ammunition filled with incendiary compositions mark such ammunition or containers thereof with the Chemical Corps symbol of the filler and one purple band.	"Explosive bomb". "Grenade, hand." "Incendiary."	The principal hazard of IM, PT or NP filled items is involvement in a fire. They burn rapidly with intense heat. Extinguishment of fires is best accomplished by means of water fog. Foam or a foam steam (mechanical or chemical) is likewise effective. CO_2 should not be used unless the fire is small and in its incipient stage. In holds of a vessel large volumes of water are recommended as a cooling agent provided such may be employed without "floating off" burning gel. The vapors from heated napalm are toxic and rescue breathing apparatus should be worn while working in noticeable concentrations. Clusters of incendiary bombs in this category may contain a certain percentage of bombs having a high explosive charge capable of causing fragments which would be dangerous to fire fighting personnel. Incendiaries of this type may contain ignition components of WP adding an additional hazard.	*Ammunition stowage, chemical ammunition stowage, or deep tank stowage* Shall not be stowed within 10 feet of a heat bulkhead. May be stowed in the same deep tank, lower hold or between deck hold with Class II-F ammunition is bottom stowed in provided further that no other type of explosives or ammunition is stowed in the hold or tank below. May be stowed in a deep tank or lower hold with Class II-J incendiary ammunition provided the Class II-J is bottom stowed. For stowage adjacent to other dangerous articles, see § 146.-29-50. When given chemical ammunition stowage, see § 146.29-85 for additional requirements.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Observe packages, containers or bombs for failure or inability to retain contents and reject any showing such signs. 5. Packages, or containers shall be stowed in the position indicated by their marking. 6. Cargo handling stevedore gear may be trays, skidboards, pallets, or pie plates provided they are fitted with nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 7. Cargo nets w/o trays, skidboards, pallets, or pie plates are not permitted. 8. The maximum permitted weight per draft when handled by pallet, skidboard, tray or pie plate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 9. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with IM, PT or NP. (See Table of Limiting Loads, Class X.) 12. Drums of IM, PT, or NP shall not be handled by attaching hooks to the chime of the drums.
II-H					
Chemical ammunition. Water activated.	Chemical ammunition filled with sodium, calcium carbide, calcium phosphide, lithium hydride, with or w/o explosive components. Includes but is not limited to: Beacons, NEA. Can, false target. Depth charge markers, night. Grenades, sodium filled. Igniters, sodium filled. Pots, torpedo torch. Shell, false target.	There are no provisions in the current ICC regulations for the marking of this class of ammunition	On contact with moisture, metallic sodium or lithium hydride will liberate large quantities of hydrogen gas thus producing an explosive hazard. The reaction of metallic sodium with water is sufficiently violent to cause ignition of the liberated hydrogen. Fumes from burning sodium are caustic. On contact with moisture, calcium carbide or calcium phosphide will liberate phosphine and acetylene gases. The phosphine is toxic but extremely unstable, ignites spontaneously and at the same time ignites the acetylene gas. Fires involving these items cannot be extinguished by water, carbon dioxide or foam. Smothering with an inert substance such as dry sand or dry soda ash offers effective control. Jettisoning should not be accomplished in a port or roadstead as the floats will continue to burn until filler is consumed jeopardizing other vessels and piers.	*Special stowage* On deck in a portable magazine, in a deck house or other location readily accessible for jettisoning. Stowage shall be waterproof. Shall not be stowed with any other class of military explosives or any other dangerous articles.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Do not load during excessive rainy weather unless complete protection against moisture coming in contact with the package is provided. 5. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 6. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder. 7. Remove damaged container and residue of powder to a safe location. 8. Cargo handling stevedore gear may be trays, skidboards, pallets or pie plates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 9. Cargo nets w/o trays, skidboards, pallets or pie plates are not permitted. 10. The maximum permitted weight per draft when handled by pallet, skidboard, tray or pie plate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

Class	Description	I C C marking	Hazard	Stowage	Handling
II-J					
Chemical ammunition. TH or incendiary composition filled souds.	All chemical ammunition filled with incendiary composition TH (thermate, thermite or thermate magnesium), with or w/o fuze or expelling element. Includes but is not limited to: Bombs, incendiary cluster. Grenades, thermate. Incendiary safe destroyers. Thermate burning charges. Thermate charges under water. Thermite igniters. Thermite units 10 lbs. NOTE: The U. S. Army and Navy when shipping ammunition filled with these incendiary compositions mark such ammunition or containers therewith the Chemical Corps symbol of the filler and with one purple band.	"Explosive bomb" "Grenade, hand incendiary."	The principal hazard of TH filled items is involvement in a fire. They burn rapidly with intense heat and usually form large quantities of molten iron. The presence of a small explosive charge in some TH items forms an additional hazard in case of a fire. Carbon dioxide and carbon tetrachloride extinguishers should not be used to combat fires involving TH because the reaction of carbon tetrachloride with molten metal produces toxic gases and that of carbon dioxide on magnesium may produce an explosion. In the hold of a vessel large volumes of water are recommended as an extinguishing agent. Fire fighters should work from behind barriers when possible.	*Deep tank stowage or ammunition stowage ship* Shall be stowed only in a deep tank or lower hold and in a cases bottom stowed. For stowage and segregation with other dangerous articles see § 146.29-61. A limited quantity shipment not in excess of 300 lbs. net TH content may be stowed on deck in a special magazine constructed of material as set forth in § 146.29-61 (c) and provided such magazine has an outer insulation of sand at least three feet thick on the bottom and not less than one foot thick on each side. There shall be only one such stowage per vessel and that stowage shall not be over a hatch or which military explosives or other dangerous articles are stowed.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use cleats in loading or unloading. 4. Observe packages or containers for existence of failure or inability to retain contents and reject any showing such signs. 5. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 6. Cargo nets w/o trays, skipboards, pallets or pieplates are not permitted. 7. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate, fitted with cargo net or sideboards shall not exceed 1,800 lbs. plus 10%. 8. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 9. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 10. Wire rope slings are permitted when handling unboxed bombs or containers filled with TH. (See table of Limiting Loads, Class X.)
III					
Fuzes, PD w/o boosters, fuzes, AT mine, non-chemical, w/o boosters, fuzes, bomb tail, w/o boosters; fuzes, tracer, primer detonators, primers, etc.	Point fuzes w/o boosters for projectiles and rockets; anti-tank mine fuzes (non-chemical) w/o booster, bomb tail fuzes w/o boosters, primer detonators, cannon primers other than lock primers, when packed in separate shipping containers. Includes but is not limited to: Case combination primer. Case electric primer. Case percussion ignition primer. Case percussion primer. Combination electric and percussion primer. Fuze, anti-tank, mine (non-chemical), w/o booster. Fuze, base percussion. Fuze, bomb tail, w/o booster. Fuze, PD w/o booster. Fuze, percussion. Fuze, M1 SQ w/o booster. Fuze, tracer. Fuze, T-SQ w/o booster. Igniter, Jato, such as M151. Magazine, extension primers. Percuss on primers other than lock. Primer detonators.	"Combination fuzes" "Combination primers." "Cannon primers." "Detonating fuzes." "Percussion fuzes." "Tracer fuzes."	The amount of explosives in single items of this class varies from 90 to 900 grains. It is likely they will explode progressively. Structural damage caused by the pressures generated would probably be limited to the immediate vicinity. Missiles are light and usually fall within 600 feet. These types of ammunition are loaded with explosives that are sensitive to shock and friction. Shock and fire are the principal hazards to this type of ammunition. If involved in a fire, fire fighting personnel should take normal precautions and not expose themselves unnecessarily. Fire may be controlled and extinguished by flooding or spraying with large amounts of water.	*Ammunition stowage, special stowage, or portable magazine which may be stowed in a hold or on deck* This class of ammunition shall not be overstowed with any other cargo or ammunition except Classes VI and VIII. May be stowed in the same lower hold or tween-deck hold with Class II F provided the Class II F is bottom stowed and provided further that no other class of military explosives is stowed in the hold or the deck directly below. For stowage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Conveyor or conveyors not authorized. 4. Do not use cleats in loading or unloading. 5. Trays with sideboards shall be used when loading by mechanical means. 6. Packages shall not be stacked on a tray to a height above its sideboards. 7. Trays shall not be stacked unnecessarily over open hatches or holds containing military explosives or other dangerous cargo. 8. Trays shall be hoisted and lowered carefully and lowered without jar or shock on a mattress or other shock absorbing material. 9. Packages shall be stowed in the position indicated by their markings. 10. The maximum permitted weight per draft when handled by tray with sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tiers from shifting or falling from the draft. 13. A portable magazine in which this class of ammunition is stowed and located on board a vessel as a unit load shall not exceed 4,000 lbs. plus 10%.

Class	Description	I C C marking	Hazard	Stowage	Handling
IV-A					
Fixed ammunition without explosive projectile (shell) and like items.	Fixed ammunition with solid projectile, blind loaded projectile, empty projectile or without projectile (the explosive components consisting of the primer and powder charges in a cartridge case; cartridge cases primed and containing powder charges, practice grenades, practice and target rockets. Includes but is not limited to: Ammunition for cannon: Blank. Blind loaded and plugged (BL & P). Blind loaded with tracer (BL & T). Empty projectile. Solid projectile. Without projectile. Ammunition, armor piercing, shot (w/o HE). Cartridges, blank, saluting. Cartridges, semifixed for Navy type guns .5", 38, 5", 51, 5", 54, 6", 47. Cartridges, semi-fixed 4.7" (Army w/o projectile). Charges: Catapult (other than aircraft personnel). "K" gun. Spotting (black powder) M1A1, M3, M4. Torpedo impulse. "Y" gun. Grenade, hand, practice. Rocket—target. Rocket motors (w/o rocket heads). Rocket, packed with but not assembled to inert rocket heads. Rocket, practice, assembled with inert head.	"Ammunition for cannon with empty projectile." "Ammunition for cannon with sand-loaded projectile." "Ammunition for cannon with solid projectile." "Ammunition for cannon w/o projectile."	The principal hazard associated with this class of ammunition is its involvement in a fire. Pressures which would cause serious structural damage are not usually generated. If involved in a fire, it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water. Fire-fighting personnel should take appropriate precautions and not expose themselves.	*Ammunition stowage* Boxed and crated ammunition may be overstowed with nondangerous cargo and permitted explosives. Fixed ammunition may be overstowed with bomb fin assemblies, empty water-fillable practice bombs and empty auxiliary gas tanks. May be stowed in the same deep tank, lower hold or tween-deck hold with Class II F ammunition provided the Class II F is bottom stowed and provided further that no other class of military explosives is stowed in the hold or the tank below. May be stowed in the same deep tank or lower hold with Class II F ammunition provided the Class II J is bottom stowed. For stowage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 4. Cargo nets without trays, skipboards, pallets or pieplates are not authorized. 5. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 6. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 7. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
IV-B					
Fixed and semifixed ammunition with explosive loaded projectile or shell.	Fixed and semifixed ammunition, packed as complete rounds (including artillery, mortar and gun ammunition, grenades and rockets, when assembled with explosive projectile or bursting charge; Small-arms ammunition with explosive bullets or projectiles. Includes but is not limited to: Anti-personnel mine, M2 and M3. Artillery ammunition of calibers 0.75" to 5" inclusive, with explosive, illuminating or incendiary projectiles. Grenades, hand, defensive. Grenades, hand, defensive, TNT filled, fuzed or unfuzed. Grenades, hand, fragmentation. Grenades, rifle, AT. Grenades, rifle, HE filled. Gun ammunition of calibers 0.75" to 5" inclusive, with explosive, illuminating or incendiary projectiles. Mortar ammunition (explosive or illuminating). Rockets 2.36" A T (Bazookas). Rockets, with explosive or illuminating heads packed in the same container with, but not assembled to motors. Rockets, 3.5" HEAT. Rockets, 2.75" FFAR, not assembled to but packed with rocket heads (explosive). Small-arms ammunition with explosive bullets.	"Ammunition for cannon with explosive projectiles." "Ammunition for cannon with incendiary projectile." "Ammunition for small arms with explosive bullets." "Ammunition for small arms with explosive projectiles." "Hand grenades." "Rifle grenades." "Rocket ammunition with explosive projectiles." "Rocket ammunition with illuminating projectiles."	Articles in this class present a severe fire hazard and usually explode progressively, only a few boxes at a time, mass explosions of the total room is being of a very low order. Pressure which would cause serious structural damage is not usually generated. Most missiles would fall within 600 feet. If involved in a fire it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water. Fire fighting personnel should take appropriate precautions and not expose themselves unnecessarily.	*Ammunition stowage* Boxed and crated ammunition may be overstowed with nondangerous cargo. Fixed ammunition may be overstowed with bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. May be stowed in the same deep tank, lower hold or tween-deck hold with Class II F ammunition provided the Class II F is bottom stowed and provided further that no other class of military explosives is stowed in the hold or tank below. May be stowed in the same deep tank or lower hold with Class II J ammunition provided the Class II J is bottom stowed. For stowage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates, provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 4. Cargo nets without trays, skipboards, pallets or pieplates are not authorized. 5. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 6. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 7. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.

Class	Description	I. C. C. marking	Hazard	Stowage	Handling
V					
Separate loading shells with H. E. explosive "D".	Separate loading shell of all calibers filled with explosive "D", fuzed or unfuzed, and shell filled with explosive "D", fuzed or unfuzed, not assembled to or packed with cartridge cases. Explosive "D" is used as a bursting charge for all projectiles which must withstand severe stresses and shocks before detonating, such as armor-piercing projectiles. Includes but is not limited to: Armor piercing shells. Deck piercing shells. NOTE: In general, Classes V and VII types of projectiles will be shipped in accordance with the following basic rules: Point fuzed shell with false ogives will be crated. Point fuzed shell without false ogives will have grommets and eyebolt lifting plugs. Base fuzed shell with relatively fragile parts such as false ogives, steel caps and windshields will be crated. Base fuzed shell without false ogives will not be crated but will have grommets.	"Explosive projectile"	If involved in a fire will very likely detonate as a result of exposure to heat. These shells usually explode one at a time and in projectile all cases with low order explosion. There is no sympathetic detonation mass explosion will not occur. Most missiles will fall within 1,500 feet.	*Ammunition stowage* This ammunition, boxed, unboxed, or palletized units thereof may be overstowed. Care must be taken not to damage rotating bands of shells that are not in containers. May be stowed in the same deep tank, lower hold or tween deck hold with Class II-F ammunition provided the Class II-F is bottom stowed and provided further that no other class of military explosives are used in the same hold below or in the tank below. Class V when palletized and no fuzes packed in cartons may be stowed with Class X. For stowage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject package to shock. 3. Do not use chute in loading or unloading. 4. Bare projectiles (shells) shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Protect rotating bands from damage. Avoid injury to or removal of paint or grease from bourrelet. 6. When handling items packed in outside containers, cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates, provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized. 7. Shell lunge or lifting stud and eye are authorized. Wire slings of a design approved by the Captain of the Port may be used. 8. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 9. The maximum permitted weight per draft when handled by trays, skipboards, pallets, or pieplates fitted with cargo nets or sideboards shall not exceed 2,400 lbs. plus 10%. 10. Single shells weighing in excess of 2,201 lbs. must be loaded or unloaded one at a time. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
VI					
BD fuzes ..... Bomb fuzes with boosters. PD fuzes with boosters. Rocket fuzes with booster.	Base detonating fuzes (for all calibers) and PD fuzes with boosters (bomb and rocket fuzes with boosters, auxiliary booster assembled to or packed with the fuze, depth charge pistol with detonator and with or without booster assembled to or packed with pistol. (For boosters, auxiliary boosters, bursters, etc., having no initiating or priming elements and packed independently, see Class X.) Includes but is not limited to: Adapter booster, with detonator. Auxiliary booster, with detonator. Booster, with detonator. Fuze: Auxiliary detonating. Base detonating (for all calibers). Bomb nose. Bomb tail with booster. Hydrostatic bomb. Hydrostatic bomb tail. Point detonating with booster. Rocket. VT with or without booster. Depth charge pistol, with detonator and with or without booster. Mine firing mechanism, C-1.	"Detonating fuzes"	The amount of explosives in single items does not usually exceed one-half pound. It is likely they would explode progressively. Structural damage caused by the pressure generated would probably be limited to the immediate vicinity. Missiles are light and usually fail with low velocity. These types of ammunition are loaded with explosives that are sensitive to shock and heat. If involved in a fire, it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water. Fire fighting personnel shall take appropriate precautions and not expose themselves unnecessarily.	*Ammunition stowage, special stowage or portable magazine, which may be stowed in a hold or on deck* This class of ammunition shall not be overstowed with any other cargo or military explosives except Classes III and VIII. For stowage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject package to shock. 3. Gravity roller conveyors not authorized. 4. Do not use chute in loading or unloading. 5. Trays with sideboards shall be used when loading by mechanical means. 6. Packages shall not be stacked on a tray to a height above its sideboards. 7. Trays shall not be swung unnecessarily over open hatches or holds containing military explosives or other dangerous articles. 8. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock-absorbing material. 9. Packages shall be stowed in the position indicated by their markings. 10. The maximum permitted weight per draft when handled by trays with sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. A portable magazine in which this class of ammunition is stowed and hoisted on board a vessel as a unit load shall not exceed 4,400 lbs. plus 10%.
VII					
Separate loading shells with H. E. other than explosive "D".	Separate loading shell of all calibers, fuzed or unfuzed, except those loaded with explosive "D", and loaded shell except those loaded with explosive "D" fuzed or unfuzed, not assembled to or packed with cartridge cases; fuzed cluster fragmentation bomb, rocket heads fuzed or unfuzed, unless more than 200 lbs. gross weight, anti-tank mines, packed with fuzes in same container or box. Includes but is not limited to: Anti-tank mines packed with fuzes in same container or box. Cluster fragmentation bomb (with individual bombs fuzed but without cluster fuzed). High explosive anti-tank shell. High explosive shell. Rocket heads fuzed or unfuzed and under 200 lbs. not assembled to or shipped with rocket motors. Wafers of fragmentation bombs (with individual bombs fuzed). NOTE: In general, Classes V and VII types of projectiles will be shipped in accordance with the following basic rules: Point fuzed shell with false ogives will be crated. Point fuzed shell without false ogives will have grommets and eyebolt lifting plugs. Base fuzed shell with relatively fragile parts such as false ogives, steel caps, and windshields will be crated. Base fuzed shells without false ogives will not be crated but will have grommets to protect rotating bands.	"Explosive bomb"... "Explosive mine." "Explosive projectile."	The principal hazard in transportation will be involvement in fire from sources other than the ammunition itself. Shells or bombs in this class may explode progressively but very rarely en masse. Most missiles will fall within 1,500 feet and detonation will result in severe structural damage increasing in severity and range in relation to the amount of high explosives involved.	*Ammunition stowage* This ammunition, boxed, unboxed, or palletized units thereof, may be overstowed. Care must be taken not to damage rotating bands of unboxed shells. This class of ammunition when unfuzed and no fuzes packed in container may be stowed with Class X. For stowage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Bare projectiles (shells) shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Protect rotating bands from damage. Avoid injury to or removal of paint or grease from bourrelet. 6. When handling items packed in outside containers, cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates, provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized. 7. Shell lunge or lifting stud and eye are authorized. Wire slings of a design approved by the Captain of the Port may be used. 8. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 9. The maximum permitted weight per draft when handled by trays, skipboards, pallets, or pieplates fitted with cargo nets or sideboards shall not exceed 2,400 lbs. plus 10%. 10. Single shells weighing in excess of 2,201 lbs. must be loaded or unloaded one at a time. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
VIII					
AT mine fuzes (chemical), etc. Blasting caps. Detonators.	Blasting caps of all types, detonators, grenade fuzes, detonating type fuzes, antitank mine fuzes. Includes but is not limited to: Blasting caps. Blasting caps with safety fuze. Destructor AN-M1 and AN-M3. Detonating grenade fuzes. Detonators, all types. Detonators, torpedo. Electric blasting caps. Fuzes, AT mine (chemical). Percussion elements (Army). Priming assembly for demolition outfit MK IV4.	"Blasting caps" "Blasting caps with safety fuze." "Detonating fuzes."	The two primary hazards in the transportation of these articles are fire and explosive detonation in fire. A collateral hazard is the effect of the detonating of these articles upon other explosives or ammunition stowed in proximity to such articles. All of this class ammunition in a unit stow may explode at one time, but as the total amount of explosives involved is limited structural damage would not tend to be great. Light missiles having limited range would be formed.	*Ammunition stowage, special stowage or portable magazine, which may be stowed in a hold or on deck* The location of magazines is restricted to a hold or compartment in which no other explosives or ammunition (except Classes I, III, and VI) are stowed. Shall not be stored within 8 feet of the vessel's side. This class of ammunition shall not be overstowed with any other cargo. For detail of stowage see § 146.29-03. For stowage with other dangerous articles see § 146.29-59.	Ammunition of Class VIII constitutes a distinct class of ammunition when not assembled in projectiles, bombs, or other ammunition. These types of ammunition are loaded with explosives that are sensitive to shock. The handling and stowage provisions of these regulations give consideration to the probable effect accidental detonation of these devices may have upon other ammunition or explosives stowed within the vessel. 1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject package to shock. 3. Gravity roller conveyors are not authorized. 4. Do not use chute in loading or unloading. 5. Trays with sideboards shall be used when loading by mechanical means. 6. Packages shall not be stacked on a tray to a height above its sideboards. 7. Trays shall not be swung unnecessarily over open hatches or holds containing military explosives or other dangerous articles. 8. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material. 9. Packages shall be stowed in the position indicated by their markings. 10. The maximum permitted weight per draft when handled by tray with sideboards shall not exceed 1,000 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 2,400 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. A portable magazine in which this class of ammunition is stowed and hoisted on board a vessel as a unit load shall not exceed 2,400 lbs. plus 10%.

Class	Description	I. C. C. marking	Hazard	Stowage	Handling
IX-A					
Explosives in bulk such as: Black powder. Smokeless powder for small arms, etc.	Black powder in bulk, ballistite (for small-arms), smokeless powder for small arms, black blasting powder, flash powder and powder having similar hazard characteristics to those named. Includes but is not limited to Ballistite for small arms. Black fuse powder. Black pellet powder. Black powder. Black powder and magnesium mixtures. Black rifle powder. Black shell powder. Bull's eye powder #2. Cannon powder. Charges, Lee gun. Charges, shotgun. F. C. black fire powder. Empty powder bags with black powder igniters. FF black powder. Unglazed black powder. FFFG black powder. Flash cartridges over 72 grains. Flash powder sheets inner unit over 2 ounces. Flash reducer (black powder with potassium sulfate). Fresh stocks in bulk. Fresh short powder in bulk. High velocity #5. Igniter pads. IMR #1855. IMR #4064. IMR #4895. Lea Blasting explosives. Pistol powder #5. Rifle powder. Smoke pull charge. Smokeless powder for small arms. Sodium nitrate black powder. Spherical or granular black powder. Sporting powder. Sporting black powder. Black blasting powder.	"Black powder". "Black explosives". "Low explosives". "Propellant explosives".	Group IX-A explosives consist of a group having relatively similar hazard characteristics which in current grades of loose form are ignitable by an open flame, spark or friction. They burn with explosive violence and under even slight confinement are likely to explode en masse. They are very readily ignited by a hot missile. Powder dust is especially hazardous.	*Magazine stowage "A"* When Class I ammunition is stowed in the same hold or magazine with this class the two shall be separated by a partition bulkhead or type "A" dunnage floor. Shall not be overstowed with any other kind of cargo. For stowage with other dangerous articles see § 146.29-59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Packages shall be handled in such a manner as to insure that no spark or friction will occur. 5. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 6. In event a package is damaged and powder is spilled, immediately stop operations and sweep up loose powder. 7. Remove damaged container and residue of powder to a safe location. 8. Gravity roller conveyors not authorized. 9. Packages or containers shall be stowed in the position indicated by their markings. 10. Cargo handling stevedore gear may be trays, skipboards, pallets, or preplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 11. Cargo nets without trays, skipboards, pallets, or preplates are not permitted. 12. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or preplate fitted with cargo nets or sideboards shall not exceed 2,400 lbs. plus 10%. 13. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 14. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
IX-B					
High explosives such as: Demolition blocks, etc. Dynamite. TNT.	High explosives in bulk, forms of high explosive such as shaped charges for demolition or other purposes, and powder in bulk, possessing other characteristics of being likely to detonate en masse. Includes but is not limited to Amatex. Amatol Ammonite Ammonium perate. Ammonol Anchor charges. Aqueous slurries. A. S. A. powder. Atlas powders. Basis of ammonium nitrate. Butanol. Beehive charges. Blasting gelatin. British bellite. C. E. pellet. Chain demolition. Chlorate explosives, dry. Chlorate propellants. Clams, M3. Composition "A," etc. Composition "B," "B2," etc. Composition "C," "C2," etc. Cratering charges. Cyclonite, RDX. Cyclotol Demolition blocks. Depth bomb explosives. Dinitrotoluene. (DNT) Dynamite. Ednatol Explosive "D." (Ammonium picrate) Explosive gelatin. Gas plastic Gelatin dynamite. Gelignite General wade. Grenite Gunsatton. HBX Hideite Hayrick charges. Hercomite. Heogen. Lumpet. Minol Nitrocellulose, dry. Nitrocellulose, dry. Nitrostarch, dry. Nitrurea Nobel's ammonal (704B). Nobel's explosives (808). PFP, 1, 2 and 3. Pentolite Picratex, dry. Picric acid, dry or wet. Plastic explosives. PTX, 1 and 2. RDX Reddy Fox Scarbost demolition blocks. Shaped charges. Sharite Shrike demolition explosive charges. Supplementary charges. Tetryl Tetrytol. TNT. TNX. Torpex. Tridite Trilite Trimonite Trinitraniline Trinitrobenzene. Trinitrocresol Trinitrophenylmethylnitramine Trinitroresorcinal. Trinitrotal. Trinitrotoluene. Trinitroxylene. Trinitroxylol. Triton blocks Trojan powder Urea nitrate, dry or wet.	"High explosives".	High explosives in bulk and demolition blocks have relatively similar hazard characteristics. They may be considered stable in stowage. Can be ignited by spark or friction and detonated by shock. When ignited will burn vigorously. Bulk shipments in amounts likely to be found on board vessels would, if ignited, be very likely to detonate.	*Ammunition stowage* Shall not be stowed in the same hold or compartment with other permitted ammunition, or explosives, unless the two are separated by a partition bulkhead or a Type "A" dunnage floor. Shall not be overstowed with any other kind of cargo. For stowage adjacent to other dangerous articles see § 146.29-59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Packages shall be handled in such a manner as to insure that no spark or friction will occur. 5. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 6. In event a package is damaged and powder is spilled, immediately stop operations and sweep up loose powder. 7. Remove damaged containers and residue of powder to a safe location. 8. Gravity roller conveyors not authorized. 9. Packages or containers shall be stowed in the position indicated by their markings. 10. Cargo handling stevedore gear may be trays, skipboards, pallets, or preplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 11. Cargo nets without trays, skipboards, pallets, or preplates are not permitted. 12. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or preplate fitted with cargo nets or sideboards shall not exceed 2,400 lbs. plus 10%. 13. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 14. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft.
IX-C					
Initiating and priming explosives in bulk.	Initiating and priming explosives when shipped in bulk. Includes but is not limited to Glazed nitrophenol (DDNP, DINOL). Guanyl nitrosamino-guanidilene-hydrazine. Guanyl nitrosamino-guanyl-tetrazene. Lead azide Lead styphnate Lead trinitroresorcinate. Mercury fulminate. Nitro mannite. Nitrosoguanidine. Pentaerythrite tetranitrate. PETN. Tetrazene. NOTE: Bulk priming or initiating explosives in dry condition are not permitted to be transported on board vessels.	"Initiating explosive".	Bulk initiating and priming explosives constitute a distinct class of explosives. They are extremely sensitive to shock. The only permitted packing for transportation in bulk consists of a soft proof cotton duck, rubber or rubberized cloth bag in a metal barrel or drum or wooden barrel or keg and wet with 20 to 40% of water or water alcohol mixture. Mercury fulminate and lead azide also have 3" of sawdust saturated with water between the bag and the outer container.	*Magazine stowage "A", special stowage or portable magazine stowage* Shall not be stowed in the same magazine with other ammunition or explosives. When tiering containers of explosives of this class in a magazine, have each tier floored off with a type "A" dunnage floor. The location of a magazine is restricted to a hold or compartment in which no other military ammunition (except Class IX) is stowed. Shall not be stowed within 8 feet of vessel's side. This class of ammunition shall not be overstowed with any other cargo. For stowage adjacent to other dangerous articles see § 146.29-59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Do not roll barrels on their bases. 5. Gravity roller conveyor not authorized. 6. Barrels or drums contain 20 to 40% water or water alcohol mixture. 7. Observe barrels, drums or containers for evidence of leakage or inability to retain contents and reject any showing such signs. 8. In event a container is damaged immediately stop operations and carefully remove damaged container to a safe location. 9. Drums and kegs shall be stowed on end with bungs up. Containers shall be stowed in the position indicated by their markings. 10. Trays with sideboards shall be used when handling by mechanical means. 11. Containers shall not be stacked on a tray to a height above its sideboards. 12. The maximum permitted weight per draft when handled by tray fitted with sideboards shall not exceed 1,000 lbs. plus 10%. 13. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material.

Class	Description	I. C. C. marking	Hazard	Stowage	Handling
X					
Explosive bombs, mines, torpedoes, etc.	Bombs, bomblet clusters, mines, depth charges, warheads (all unfuzed), rocket heads fuzed (unexploded) and without motors (inerts or inerts or more gross weight), projector charges (unfuzed and without motors (inerts or more gross weight), projector charges (unfuzed and without motors (inerts or more gross weight), projector charges (unfuzed and without motors (

Class	Description	Hazard	Stowage	Handling	I. C. C. marking
XI-B	Chemical ammunition filled with non-lethal gases such as Chloropicrin (PS), Diphenylchloroarsine (DA), Diphenylaminechloroarsine (DM), Diphenylcyanoarsine (DC), Ethyldichloroarsine (ED), Methyldichloroarsine (MD), Phenyldichloroarsine (PD), Trichloromethyl chloroformate (Diphosgene), Ethyl bromoacetate (SK), Benzyl bromide (CA), Xylyl bromide (CAM), Chloroacetophenone solution (CNB or CNS), Hydrocyanic acid (AC), Cyanogen chloride (CK), Arsine (SA), Cyanogen bromide (BC), Stannic chloride (QM), Sulfuryl chloride (SC), Sulfur trioxide (FS), Titanium tetrachloride (FM), Sulfur trioxide chlorosulfonic acid solution (FS), Silicon tetrachloride (FI), when shipped loaded with or without their ignition elements, burster charges or propelling charges.	Fire and intolerable vapors in the instant of use of some types, irritant vapors of that of smokeless powder. The vapors are rarely lethal as concentrations for below the lethal range are intolerable. Gas mask provides complete protection.	*Chemical ammunition stowage, special stowage, or portable magazine* It is important to store in locations not subject to temperatures above 120° F. Stowage shall be accessible from cargo hatch or other access routes to the hold or compartment. Drums of other authorized ICC or Chemical Corps specification containers filled with Class 8 poisons gas may be stowed in the same hold or compartment with Class XI B. For stowage adjacent to other dangerous articles see § 146.25(j). May be loaded at temporary location authorized by the Captain of the Port for the specific loading. When given chemical ammunition stowage, see § 146.25 for additional requirements.	When possible avoid the amount of such ammunition or containers of these chemical substances warrants, the loading and stowage of chemical ammunition on decks of all ships for such should be supervised by representatives of the appropriate Army Technical Service Chemical or Ordnance Corps or Navy Department. 1. Handle by hand or mechanical means. 2. Do not drop, slide, tumble, walk on or otherwise subject to shocks. 3. Do not use hooks in loading or unloading. 4. Shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Each gas shall be stowed so as to prevent any movement. Dunnage shall be used to prevent movement. Separators shall be stowed in the same manner indicated by the markings. When not so marked, boxes shall be stowed on the most stable side and arranged to shift in a manner that the gaps between boxes are minimized. 6. Not more than 4 tiers high. 7. No hooks used shall be magnetic steel. 8. Insurance shall be applied to the ends and tops of the boxes before treating is applied. 9. Cargo handling slings or gear may be used with cargo nets or pallets. Boxes or crates with reticulated sides or bottoms, pallets, or portables provided they are fitted with cargo nets or sideboards. 10. Cargo nets without tray, skidboards, pallets, or plates are not permitted when handling unpacked items or containers filled with this class of material. 11. Wire rope slings are permitted when handling maximum gross weight per draft when handled by trays, skidboards, pallets, or pallet plates fitted with cargo nets or sideboards shall not exceed 2,400 lbs. plus tare. 12. Single bombs or other unit containers weighing in excess of 2,200 lbs. must be loaded or unloaded one at a time. 13. Trailer consisting of one or more palletized units shall not exceed 4,000 lbs. plus tare. 14. Pallets of palletized units shall not be stored in cargo when using a sling or device to prevent the upper tier or tiers from shifting or falling from the draft.	"Ammunition for non-lethal gases with gas projective bomb." "Explosive projectile." "Explosive hand grenade." "Gas projectile." "Gas grenade."

Dated: April 2, 1954.

[SEAL]

MERLIN O'NEIL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 54-2623; Filed, Apr. 7, 1954; 8:53 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.217]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following April 10, 1954, paragraph (a) is amended by the deletion of the following posts:

Eleuthera Island, British West Indies.
Grand Bahama Island, British West Indies.
Grand Turk Island, British West Indies.
Leeward Islands, British West Indies.
Legaspi, Philippines.
Mayaguana Island, British West Indies.
San Salvador Island, British West Indies.
Tuguegarao, Philippines.

2. Effective as of the beginning of the first pay period following April 10, 1954, paragraph (b) is amended by the deletion of the following posts:

Philippines, all posts except Angeles, Baguio City, Bayombong, Cavite (including Sangley Point), Davao, Legaspi, Manila and Tuguegarao.

3. Effective as of the beginning of the first pay period following April 10, 1954, paragraph (c) is amended by the deletion of the following post:

Narsarssuak, Greenland.

4. Effective as of the beginning of the first pay period following January 17, 1953, paragraph (a) is amended by the addition of the following post:

Run Jungle, Australia.

5. Effective as of the beginning of the first pay period following December 19, 1953, paragraph (b) is amended by the addition of the following post:

Jenane Krater, Morocco.

6. Effective as of the beginning of the first pay period following February 27, 1954, paragraph (b) is amended by the addition of the following post:

Saidia, Morocco.

7. Effective as of the beginning of the first pay period following April 10, 1954, paragraph (b) is amended by the addition of the following posts:

Narsarssuak, Greenland.
Philippines, all posts except Angeles, Baguio City, Bayombong, Cavite (including Sangley Point), Davao and Manila.

Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Effective: April 12, 1954.

For the Secretary of State.

EDWARD T. WAILES,
Assistant Secretary.

MARCH 29, 1954.

[F. R. Doc. 54-2625; Filed, Apr. 7, 1954; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 481]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF VAPOR-HEAT TREATMENT OF CERTAIN FRUITS AND VEGETABLES FROM HAWAII

Pursuant to the authority conferred on him by § 301.13–4 (b) of the regulations supplemental to Hawaiian Fruit and Vegetable Quarantine No. 13 (Notice of Quarantine No. 13, 7 CFR and Supp. 301.13) under section 8 of the Plant Quarantine Act of 1912 (7 U. S. C. 161), the Chief of the Plant Quarantine Branch hereby issues administrative instructions to appear as § 301.13–4c in Title 7, Code of Federal Regulations, as follows:

§ 301.13–4c *Administrative instructions prescribing method of vapor-heat treatment of certain fruits and vegetables from Hawaii.* Approved vapor-heat treatment, in accordance with the following procedure, is hereby designated as an administratively approved procedure that meets the requirements for the certification, in accordance with § 301.13–4 (b), of papayas, bell peppers, eggplants, pineapples (other than smooth Cayenne), Italian squash, and tomatoes for domestic movement from Hawaii:

(a) *Approved vapor-heat method of treatment.* (1) In the approved vapor-heat treatment the fruit and vegetables are heated by saturated vapor at 110° F. which in condensing on the fruit and vegetables gives up its latent heat. This latent heat is essential in assuring mortality of eggs and larvae of the oriental fruit fly, the Mediterranean fruit fly and the melon fly, and in raising the temperature of the fruit and vegetables evenly and quickly so as to prevent damage to the treated products. In applying the treatment the saturated vapor is accompanied by a fine water mist and air admixture. The fruit and vegetables are cooled immediately after treatment and no wax or paraffin, either dry or in solution, may be used until after the treatment has been completed. Vapor-heat treatments are approved only if the vapor conditions within the heat treating room, the manner of stacking the boxes containing the fruit and vegetables in the room, and all other conditions affecting the efficacy of the treatment are satisfactory to the supervising inspector, to assure mortality of eggs and larvae of the oriental fruit fly, the Mediterranean fruit fly, and the melon fly.

(2) In applying this treatment, in accordance with these principles, the temperature of the fruit and vegetables shall be raised to 110° F., at the approximate center of the fruit, within a period designated by the inspector, and shall be held at that level during the following 8¾ hours.

(3) This treatment must be conducted in a heat-treating room approved by the Plant Quarantine Branch and must be conducted under the supervision of an inspector of that Branch, who at all times shall have access to the fruit and vegetables while they are undergoing treatment.

(4) The Branch will approve only those rooms which are properly constructed and adequately equipped to handle and treat the fruit or vegetables, at locations acceptable to the inspector in areas where required supervision can be furnished. Hereafter no treating plant will be approved until it is equipped with a self-recording temperature and humidity indicator acceptable to the inspector.

(b) *Subsequent handling.* All handling in Hawaii subsequent to treatment of fruits and vegetables intended for shipment elsewhere in the United States must be carried out to meet requirements of and under the supervision of the inspector.

(c) *Costs.* All costs of treatment and prescribed post-treatment safeguards, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall, as required by § 301.13–4 (b), be borne by the owner of the fruits or vegetables, or his representative.

(d) *Department not responsible for damage.* In the tests and experiments so far conducted, fruits and vegetables (other than eggplants) have not been injured and the results following treatment have been successful. It is however, emphasized that inexactness and carelessness in using the approved method of treatment may result in injury to the fruit and vegetables treated. In approving this treatment the United States Department of Agriculture does not accept responsibility for fruit or vegetable injury.

(e) *Conditioning.* (1) The treatment set forth in paragraph (a) of this section is in addition to any other procedure or practice that may be found to be desirable to condition or otherwise handle fruit or vegetables that may be offered for treatment.

(2) Eggplants require conditioning before they will tolerate the approved vapor-heat treatment. Even when conditioned, darkening of their seeds usually occurs. In tests of eggplant tolerance to vapor-heat treatment, 6 to 8 hours conditioning at 110° F. and approximately 40 percent relative humidity before the prescribed 8¾-hour holding period has been found effective. This conditioning procedure or any other that the shipper has developed and found satisfactory may be used for eggplants at the shipper's risk.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

The purpose of these instructions is to prescribe a method of vapor-heat treatment that meets the requirements for the certification of papayas, bell peppers, eggplants, pineapples (other than smooth Cayenne), Italian squash, and tomatoes for domestic movement from Hawaii. The Chief of the Bureau of Entomology and Plant Quarantine had previously authorized such treatment as an administratively approved procedure meeting the certification requirements for papayas, bell peppers, pineapples, Italian squash, and tomatoes. These instructions add eggplants to the commodities that may be so treated and certified for domestic movement. Heretofore such movement has been prohibited. The instructions therefore relieve a restriction previously imposed. In order to be of maximum benefit to eggplant shippers, the newly authorized procedure should be made available as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on the foregoing administrative instructions are unnecessary, impracticable, and contrary to the public interest, and since these instructions relieve restrictions they may properly be made effective under said section 4 less than thirty days after publication in the FEDERAL REGISTER.

These administrative instructions shall be effective April 8, 1954.

Done at Washington, D. C., this 29th day of March 1954.

[SEAL] E. P. REAGAN,
Chief,
Plant Quarantine Branch.

[F. R. Doc. 54–2620; Filed, Apr. 7, 1954; 8:53 a. m.]

[P. Q. 609]

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF FUMIGATION OF MANILA MANGOES FROM MEXICO

Pursuant to the authority conferred on him by § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR and Supp. 319.56) under section 5 of the Plant Quarantine Act of 1912 (7 U. S. C. 159), the Chief of the Plant Quarantine Branch hereby issues administrative instructions to appear as § 319.56–2j in Title 7, Code of Federal Regulations, as follows:

§ 319.56–2j *Administrative instructions prescribing method of fumigation*

of Manila mangoes from Mexico. Approved fumigation with ethylene dibromide at normal atmospheric pressure, in accordance with the following procedure, is hereby prescribed as a condition of entry under permit for all shipments of Manila mangoes from Mexico.

(a) *Approved fumigation.* (1) The approved fumigation shall consist of fumigation with ethylene dibromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Branch. Such chambers must be equipped with a gas-tight glass window to permit a view inside the chamber while fumigation is in progress. The Plant Quarantine Branch will approve only those fumigation plants that are properly constructed and adequately equipped to handle and treat Manila mangoes at locations acceptable to the inspector, in areas where required supervision can be furnished. The dosage shall be applied at the rate of 1 pound of ethylene dibromide per 1,000 cubic feet of space for 2 hours at a minimum temperature of 77° F. Cubic feet of space shall include the load. The 2-hour period of exposure shall begin when all of the fumigant has been introduced into the chamber. The required temperature applies to both air and fruit. The ethylene dibromide must be applied in the liquid state and volatilized within the sealed fumigation chamber by direct contact with a highly heated metal surface over an electric hot plate or other suitable heating medium. The gas shall be circulated within the chamber continuously for the 2-hour period by an electric fan or blower.

(2) Manila mangoes to be fumigated must be placed in open field boxes or slatted containers that will cause no interference with the movement of the gas throughout the load. When loaded in the fumigation chamber the boxes or containers shall be separated by at least 2 inches on all sides by wooden strips or other means. The chamber shall not be loaded to more than one-third capacity.

(b) *Supervision of fumigation.* (1) Inspectors of the Plant Quarantine Branch will supervise the fumigation of Manila mangoes and will prescribe such safeguards as may be necessary for the handling, packing, and transportation of the fruit from the time it leaves the treating plant until it reaches the United States port of entry. The final release of the fruit for entry into the United States will be conditioned upon compliance with the prescribed safeguards.

(2) Supervision of fumigation at places in Mexico contiguous to ports of entry where inspectors are regularly stationed will be furnished without cost to the owner of the fruit, or his representative during regularly assigned hours of duty.

(c) *Costs.* All costs of constructing, equipping, maintaining and operating fumigation plants and facilities, and carrying out precautions prescribed for post-treatment safeguards shall be borne by the owner of the fruit or his representative.

(d) *Approval of fumigation plants.* Approval of fumigation plants in the interior of Mexico or at places removed from ports of entry where inspectors are regularly stationed will be contingent upon compliance with the provisions of paragraph (a) (1) of this section and upon the availability of qualified personnel for assignment to supervise the treatment and post-treatment handling of Manila mangoes. Those in interest must make advance arrangements for approval of the fumigation plant and for supervision, and furnish the Chief of the Plant Quarantine Branch with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, all salaries, transportation, per diem, and other incidental expenses for the supervising inspectors, including the payment to the inspectors of additional compensation for their services in excess of 40 hours weekly, according to the rates established for the payment of inspectors of the Plant Quarantine Branch.

(e) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with Manila mangoes, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or because of post-treatment safeguards.

(Sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 316; 7 U. S. C. 143, 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U. S. C. 159)

The purpose of these instructions is to authorize the importation from Mexico under permit of Manila mangoes that have been given an approved fumigation treatment. Heretofore the only method of treatment for such fruit was by means of a vapor-heat treatment. The newly authorized procedure provides an alternative treatment that may be applied in a much shorter time with less expensive equipment. The new treatment therefore is a relieving of restrictions previously imposed. In order to be of maximum benefit to Manila mango importers, the newly authorized precedure should be made available as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and public procedure on the foregoing administrative instructions are unnecessary, impracticable, and contrary to the public interest, and since these instructions relieve restrictions they may be made effective under said section 4 less than thirty days after publication in the FEDERAL REGISTER.

These administrative instructions shall be effective April 8, 1954.

Done at Washington, D. C., this 29th day of March 1954.

[SEAL] C. P. REAGAN,
Chief, Plant Quarantine Branch.

[F. R. Doc. 54-2621; Filed, Apr. 7, 1954; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.11]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1954

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of allotting the 1954 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1954 sugar quota for local consumption in Puerto Rico among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico. The basis of the order is more fully explained below.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments," respectively.

Omission of recommended decision and effective date. The record of the hearing regarding allotment of the 1954 sugar quotas for Puerto Rico shows that production of sugar from the 1953–54 crop, together with stocks in the hands of allottees on January 1, 1954, will exceed by about 150,000 tons the sum of the local and mainland quotas established by the Secretary of Agriculture (R. 6). Some of the allotments made by this order could be exceeded by the marketing of the 1953 carryover plus a comparatively small quantity of new crop sugar. Since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), a preliminary finding was made that allotment of the quotas is necessary and a notice was issued on February 1, 1954 (19 F. R. 654) of a public hearing to be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, ASC, Segarra Building, on February 24, 1954, at 10:00 a. m., for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the 1954 mainland quota (including raw sugar transferred for further processing and shipment within the direct-consumption portion of the quota) and the 1954 local quota among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico.

The hearing was held at the place and time specified in the notice.

Summary of testimony. With respect to the necessity for allotment of the 1954 mainland and local quotas, the government witness testified that the supply of sugar in prospect in 1954 exceeds the combined quotas sufficiently to result in disorderly marketing and that interested persons would not be afforded equitable opportunities to market sugar unless the quotas are allotted (R. 6). This testimony on the necessity for allotments was not controverted by any witness.

With respect to the manner in which the allotment should be made, the government witness proposed that the mainland and local quotas be allotted on the basis of percentages determined as follows (R. 8):

(1) Processings from proportionate shares cane to be measured by the percentage distribution among the allottees of production of sugar from 1953–54 crop sugarcane, weighted 60 percent.

(2) Past marketings to be measured by the percentage distribution among the allottees of average mainland and local marketings (including refined sugar marketed in the Virgin Islands) for the five years 1949–53, weighted 10 percent.

(3) Ability to market to be measured by the percentage distribution among the allottees of the sum of production of sugar from 1953–54 crop sugarcane and sugar which was in inventory on January 1, 1954, weighted 30 percent.

The method of calculation of allotments from the percentages derived from the above weighting of the factors was proposed to be as follows (R. 11–13):

(1) The combined mainland and local allotments for each allottee would be determined by applying the weighted percentages of the three factors as stated above to the total quantity of sugar to be allotted.

(2) To determine the local allotments, the average percentage which the local marketings of each allottee (including shipments to the Virgin Islands) were of its total mainland and local marketings in the years 1952 and 1953 would be multiplied by its combined allotment and the resulting quantities would be adjusted pro rata so that their sum would equal the local quota.

(3) To determine the mainland allotments the local allotments computed under (2) above would be subtracted from the combined allotments computed under (1), above.

The government witness proposed that the provisions of the allotment order dealing with participation in allotments by producers of sugarcane, restrictions on marketings, exchange of allotments and specific charges against allotments, should be substantially the same as in the 1953 order except for changes in dates and citations, and the addition of language to clarify that sugar from previous crops of cane held by producers who do not receive sugar in settlement for 1953–54 crop cane from that processor shall be charged to the allotments of the processor who processed such sugar (R. 13–14).

Representatives of 16 of the allottees testified at the hearing and 3 of these and 1 other allottee submitted briefs. A representative of some producers of sugarcane who settle in sugar also testified.

Testimony of 9 of the allottees supported the government proposal (R. 14, 15, 16, 29, 31, 39, 41). The testimony and briefs of the 6 other allottees and of the producers of sugarcane proposed that the factors, measured as proposed by the government witness should be weighted 80 percent to "processings • • • from proportionate shares," 10 percent to "past marketings" and 10 percent to "ability to market," and argued that these weightings are necessary to make allotments fair and equitable to allottees who sold non-quota sugar at discounted prices in previous years, thereby increasing the current "processings from • • • proportionate shares" for all allottees (R. 16, 35, 41, 44; Briefs of Antonio Roig Sucs. S. en C., Central Mercedita, Inc., Land Authority of Puerto Rico, South Porto Rico Sugar Company of Puerto Rico). Two witnesses proposed the measurment of ability to market by each processor's largest marketings in any of the years 1948 through 1953 as somewhat preferable to that proposed by the government witness (R. 42, 48; Briefs of Antonio Roig Sucs. S. en C., South Porto Rico Sugar Company).

One witness proposed that local allotments should be made only to allottees who are refiners or are closely affiliated with refiners because local demand is now almost wholly for refined sugar (R. 29).

All allottees stipulated for the record at the hearing (R. 51–65) or subsequently in writing as follows:

(1) The initial allotment of the 1954 sugar quotas for Puerto Rico shall be based on the data on processings from proportionate share cane, past marketings and January 1, 1954 carryover included in the record of the hearing. Without further hearing and without change in the initial allotment formula, the order shall be revised on the basis of (1) "processings from proportionate shares" equal to the production from 1954-crop sugarcane by each allottee as shown by the records of the Agricultural Stabilization and Conservation Caribbean Area Office; and (2) the quantity of carryover sugar of each allottee on hand on January 1, 1954, whether in Puerto Rico, afloat, or in bond in continental United States, based on the final outturn weights and polarization of such sugar.

(2) Sugar shipped to the Virgin Islands in past years shall be regarded as sugar marketed for local consumption in Puerto Rico.

(3) Sugar shipped to the Virgin Islands in 1954 shall be regarded as local allotment sugar and charged to the local allotment of the allottee concerned.

(4) To give effect to any change in the 1954 sugar quotas for Puerto Rico made after the issuance of the initial allotment order, such order shall be revised without further hearing, using the same allotment formula as was used in the initial order. This does not apply to changes in the local quota.

(5) If any allottee voluntarily notifies the Department in writing that it will be unable to fill its 1954 allotment, an amount of sugar equal to such deficit shall be allotted, without further hearing and without change in the original allotment formula, to other allottees able to supply the additional sugar.

(6) Each allottee waives its (his) right to object to the validity of the 1954 allotment order by reason of any action taken by the Secretary of Agriculture in conformity with the provisions of this stipulation.

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him • • •

All three factors specified in the foregoing provision of law have been considered and each is given a percental weighting by the formula on which this allotment of the 1954 quotas for Puerto Rico is based. Under this formula the factors are measured and weighted as follows: Processings from sugarcane to which proportionate shares pertained, measured by such processings from the 1953–54 crop proportionate shares cane, 70 percent weight; past marketings, measured by average mainland and local marketings during the years 1949 to 1953, inclusive, 10 percent weight; ability to market, measured by the sum of processings from 1953–54 sugarcane and the quantity of 1952–53 crop sugar carried over into 1954 by such allottee, 20 percent weight.

To determine combined mainland and local allotments the weightings indicated were applied to the percentages for each allottee of the sum for all allottees of the measures for each factor. The sum of such weighted percentages for each allottee was then multiplied by 1,180,000 short tons, raw value, the sum of the 1954 mainland and local quotas for Puerto Rico. The "proportionate shares" certified to and claimed by each allottee as

of January 27, 1954, will be used as estimates of production of sugar from 1953–54 crop sugarcane until actual data are available.

Local allotments are determined by applying to each "combined mainland and local allotment" the percentage that the allottee's local marketings were of its total marketings in the calendar years 1952 and 1953 and by adjusting the resulting quantities so that the total of such allotments will equal the local quota. The mainland allotment for each processor is determined by subtracting such local allotment from the combined allotment.

The conflict in testimony and argument shown in the hearing record centered upon the tendency of allotments to readjust inventories of sugar among the allottees. The government proposed 30 percent weight to "ability to market" measured in part by inventories. A substantial group of allottees contended that 10 percent weight to that factor would be more equitable and there was less support for an alternative measure of "ability" that would give no weight at all to inventories. The treatment and weighting of the "ability" factor in a manner which will permit a gradual readjustment of inventories among processors appears appropriate and the method of allotment adopted involves a rate of readjustment about midway between the extremes proposed.

The initial allotments established by this order are based largely upon incomplete certification to the allottees of the quantities of sugar that may be produced from 1953–54 crop sugarcane to which proportionate shares pertained, for which actual production data are to be substituted later. Therefore, in order to prevent any allottee from marketing sugar in excess of the allotment established on the basis of the completed data, only 80 percent of the allotments may be filled until such time as the order may be revised on the basis of completed data.

Paragraphs (b), Producers Marketings Under Allotments; (c), Restrictions on Marketings; (d), Exchange of Allotments and (e) Specific Charges Against Allotments, in the order are a continuation of provisions which operated satisfactorily in 1953 except that language has been added to paragraph (b) to formalize a practice which has prevailed as a result of the application of paragraph (a) to marketings occurring prior to the effective date of allotments. The added wording is as follows: Further, a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1953–54 shall be permitted to market such sugar within that processor's mainland allotment.

These provisions have provided a satisfactory basis of operations in 1953 and nothing appears in the hearing record that would provide a basis for any other procedure.

Findings and conclusions. On the basis of the record of the hearing and the stipulations of the interested parties, I hereby find and conclude that:

(1) For the calendar year 1954 Puerto Rican processors will have available for marketing on the mainland and in Puerto Rico an amount of sugar which exceeds the combined mainland and local quotas by approximately 150,000 short tons.

(2) The allotment of the 1954 mainland quota for Puerto Rico (including raw sugar transferred for further processing to be brought in within the direct-consumption portion of the quota) and the 1954 local quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons equitable opportunities to market such sugar in the continental United States and in Puerto Rico.

(3) To assure a fair, efficient and equitable distribution of the mainland and local quotas for Puerto Rico for 1954 the three statutory standards should be weighted as follows: "Processings * * * from * * * proportionate shares," 70 percent; "past marketings," 10 percent; and "ability to market," 20 percent.

(4) Actual "processings * * * from * * * proportionate shares," for the 1953–54 crop by each allottee constitutes a fair and equitable measure of such processings and in the initial order the sum of all proportionate shares certified to and claimed by each allottee as of January 27, 1954, should be used as suitable estimates thereof.

(5) A fair and equitable measure of past marketings for each processor is its average mainland and local marketings during the years 1949 to 1953, inclusive.

(6) The sum of processings of sugar from 1953–54 crop sugarcane plus the quantity of sugar carried into 1954 constitutes a fair and equitable measure of the ability of each processor to market sugar during 1954. In the initial order the estimate of processings indicated in paragraph (4), above, shall be used.

(7) The percentages that local marketings were of combined mainland and local marketings for each processor during the years 1952 to 1953, inclusive, are representative for the purpose of dividing the combined 1954 allotment for each processor into a mainland allotment and a local allotment.

(8) The quantities of sugar referred to in paragraphs (4), (5), (6) and (7), above, are as set forth in the following table:

[Short tons, raw value]

Processor	(1) Processings	(2) Average marketings	(3) Ability to market	(4) Local marketings 1952–53 as percent of total marketings
Antonio Roig, Sucesores, S. en C.	50,138	46,261	54,188	47.498
Arturo Lluberas (Estate of) y Sobrinos (San Francisco)	8,113	6,337	9,404	23.167
Asociacion Azucarera Cooperativa (Lafayette)	43,568	34,135	43,568	.000
Central Aguirre Sugar Co., a trust	115,197	113,208	123,254	1.542
Central Coloso, Inc	64,345	52,477	72,804	.749
Central Eureka, Inc	42,958	33,454	47,816	2.473
Central Guanmani, Inc	12,667	10,417	13,689	11.333
Central Igualdad, Inc	47,577	42,238	54,766	41.153
Central Juanita, Inc	47,271	34,179	61,033	4.398
Central Mercedita, Inc	77,145	73,712	78,850	29.544
Central Monserrate, Inc	27,284	25,006	29,675	.470
Central San Vicente, Inc	71,819	53,541	84,452	.574
Compania Azucarera del Camuy, Inc. (Rio Lhano)	16,078	14,089	16,690	.000
Compania Azucarera del Toa	38,378	29,952	48,163	.000
Compañia Azucarera Los Caños	36,747	34,574	41,002	.000
Corporacion Azucarera Saurí & Subira (Constancia Ponce)	12,259	11,716	13,730	11.455
Eastern Sugar Associates, a trust	134,257	127,026	151,972	12.498
Fajardo Sugar Co	127,345	115,888	151,288	.000
Land Authority of Puerto Rico	77,071	71,065	77,071	.000
Mario Mercado e Hijos (Ruffina)	30,501	30,573	38,232	2.606
Mayaguez Sugar Co., Inc. (Rochalaise)	11,076	10,366	11,076	1.272
Plata Sugar Co	55,399	44,465	61,949	.735
Soller Sugar Co	14,692	12,703	14,692	.000
South Porto Rico Sugar Co. of Puerto Rico	99,808	99,761	106,854	17.256
Total	1,267,682	1,126,953	1,406,724	

(9) The combined local and mainland quotas should be allotted on the basis of the weightings of the factors specified in paragraph (3) above and the measures of those factors listed for each allottee in paragraph (8) above; and the combined allotments so established should be divided into local and mainland allotments on the basis of the percentages listed in paragraph (8) above.

(10) Any producer who receives sugar in payment for sugarcane (a) should be permitted to market, within the allotment of the processor who processed his sugarcane, a quantity of sugar equal to the same percentage of the producer's 1953–54 crop sugar that the sum of the processor's mainland and local allotments is of the total of 1953–54 crop proportionate shares certified to be processed by such processor, and (b) such permitted quantity should be within the mainland allotment unless the producer requests local allotment. Further, a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1953–54 shall be permitted to market such sugar within that processor's mainland allotment.

(11) In order to prevent any allottee from marketing a quantity of sugar in excess of the allotments established therefor on the basis of final data relating to carryover and certifications of proportionate shares under this order marketings shall be limited to 80 percent of the allotments.

(12) An efficient distribution of the quotas requires exchanges between allottees of quantities of mainland allotment for like quantities of local allotment, subject to the approval of an officer of the Department designated in the order.

(13) Upon availability of data on processings of 1953–54 crop sugarcane the allotments shall be revised to substitute such processings by each processor for "certified proportionate shares" in the measures of the factors described in (4) and (6), above.

(14) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of the quotas, as required by section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.9 *Allotment of 1954 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1954 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the 1954 sugar quota for local consumption in Puerto Rico, are hereby allotted, to the extent shown herein, to the following processors in amounts which appear in columns (1) and (3) opposite their respective names:

Processor	Mainland		Local	
	(1) Total	(2) 80 percent	(3) Total	(4) 80 percent
Antonio Roig, Sucesores, S. en C.	25,503	20,402	21,107	16,886
Arturo Lluberas (Estate of) y Sobrinos (San Francisco)	5,865	4,692	1,663	1,330
Asociacion Azucarera Cooperativa (Lafayette)	39,000	31,200	164	131
Central Aguirre Sugar Co., a trust	105,010	84,808	1,582	1,266
Central Coloso, Inc	59,223	47,378	426	341
Central Eureka, Inc	38,529	30,823	930	744
Central Guanmani, Inc	10,377	8,302	1,258	1,006
Central Igualdad, Inc	27,026	21,621	17,560	14,052
Central Juanita, Inc	42,745	34,196	1,871	1,497
Central Mercedita, Inc	51,155	40,924	20,058	16,047
Central Monserrate, Inc	25,257	20,206	113	90
Central San Vicente, Inc	66,398	53,118	237	190
Compañia Azucarera del Camuy, Inc. (Rio Lhano)	14,785	11,828		
Compañia Azucarera del Toa	36,226	28,981		
Cooperativa Azucarera Los Caños	34,444	27,555		
Corporacion Azucarera Saurí & Subira (Constancia Ponce)	10,259	8,207	1,258	1,006
Eastern Sugar Associates, a trust	111,246	88,997	15,038	12,030
Fajardo Sugar Co	120,490	96,392		
Land Authority of Puerto Rico	70,588	56,470		
Mario Mercado e Hijos (Ruffina)	32,597	26,078	856	685
Mayaguez Sugar Co., Inc. (Rochelaise)	10,037	8,030	123	98
Plata Sugar Co	50,830	40,664	366	293
Soller Sugar Co	13,369	10,695		
South Porto Rico Sugar Co. of Puerto Rico	78,041	62,433	15,368	12,295
All other persons				
Total	1,080,000	864,000	100,000	80,000

(b) *Producers' marketings under allotments.* Each processor shall reserve a share of its mainland allotment for the marketings of each producer with whom settlement for sugarcane is made in sugar equal to the same percentage of the producer's 1953–54 crop sugar that the sum of the processor's mainland and local allotments is of the processor's total production of 1953–54 crop sugar: *Provided,* That upon written request to the processor within 30 days of the effective date of this order, the producer's share shall be divided between local and mainland allotments as the sum of the processor's allotments is divided between mainland and local allotments. Further, a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1953–54 shall be permitted to market such sugar within that processor's mainland allotment.

(c) *Restrictions on marketing.* (1) During the calendar year 1954 each processor named in paragraph (a) of this section, together with the producers with whom it shares its allotments under paragraph (b) of this section, is hereby prohibited from bringing into the continental United States for consumption therein, or marketing to a local refiner or any other person for that purpose, and from marketing for local consumption in Puerto Rico, any sugar in excess of the applicable quantities established in columns (2) and (4) of the table in paragraph (a) of this section.

(2) During the calendar year 1954 all persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing sugar for local consumption in Puerto Rico in excess of the sum of (i) the quantity of sugar acquired for such purpose under the limitations specified in § 814.9, as amended (18 F. R. 2493, 5053, 7510), and held in inventory on December 31, 1953, and (ii) the quantity of sugar acquired for such purpose within the limits specified in this section.

(d) *Exchange of allotments.* The allotments established in paragraph (a) of this section, or producers' shares thereof established under paragraph (b) of this section, shall not be exchanged without the approval of the Chief of the Quota and Allotment Branch, Sugar Division, Commodity Stabilization Service of the Department.

(e) *Specific charges against allotments.* Sugar produced in Puerto Rico which is brought into the continental United States for consumption therein or marketed for local consumption in Puerto Rico during 1954 shall be charged to the applicable allotment of the processor who processed such sugar.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup., 1115)

Done at Washington, D. C., this 5th day of April 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2637; Filed, Apr. 7, 1954; 8:56 a. m.]

[Sugar Reg. 814.12]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT CONSUMPTION PORTION FOR PUERTO RICO, 1954

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (herein called "act"), for the purpose of allotting the portion of the 1954 sugar quota for Puerto Rico which may be filled by direct-consumption sugar among persons who market such sugar for consumption in the continental United States. The basis and purpose of the order are more fully explained below.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the sum of 126,033 short tons, raw value, of such sugar which may be marketed in the continental United States under the act and the quantity of sugar needed for local consumption in Puerto Rico (R. 67). The proceeding to which this order relates was instituted for the purpose of allotting the direct-consumption portion of the quota to prevent disorderly marketing and to afford each interested person an equitable opportunity to market direct-consumption sugar in the continental United States (R. 68). Some of the allotments made by this order are small and delay in the issuance of the order might result in some persons marketing more than their fair share of the direct-consumption portion of the quota. Therefore, it is imperative that this order become effective at the earliest possible date in order fully to effectuate the purposes of section 205 (a) of the act. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 207 (b) of the act provides that not more than 126,033 short tons, raw value, of the sugar quota for Puerto Rico for any calendar year may be filled by direct-consumption sugar.

Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate

flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for the area. Section 205 (a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the direct-consumption portion of the quota is necessary and a notice was issued on January 29, 1954 (19 F. R. 654) of a public hearing to be held in Santurce, Puerto Rico, on February 24, 1954, for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the direct-consumption portion of the 1954 sugar quota for Puerto Rico.

The hearing was held at the time and place specified in the notice.

Summary of evidence. With respect to the necessity for making allotments, the government witness stated that in the notice of this hearing the Secretary made a preliminary finding that allotment of the direct-consumption portion of the 1954 sugar quota for Puerto Rico is necessary. That finding was based on the fact that the capacity to produce refined sugar in Puerto Rico far exceeds the sum of 126,033 and 100,000 short tons, raw value, which are the maximum quantities of Puerto Rican direct-consumption sugar that may be marketed within the mainland and local quotas. Thirty-six weeks' continuous operation for each of the prospective allottees at its highest biweekly rate for 1953 would result in the production of over 350,000 short tons, raw value, of refined and turbinado sugars. If a suitable market for the sugar were available, the government witness stated, the period of operation could be extended and some of the allottees probably could push their rate of production beyond that demonstrated in 1953 (R. 68). Thus, to prevent disorderly marketing of sugar and to afford each interested person an equitable opportunity to market sugar within the area's quota, as required by section 205 (a) of the act, allotment of the direct-consumption portion of the 1954 sugar quota for Puerto Rico was found to be necessary. This testimony on the necessity for allotments in 1954 was not controverted by any witness.

The government witness presented a proposed method of allotment and estimated individual allotments thereunder. The proposed method of allotment consisted of equal weightings of (1) past marketings as measured by marketings of sugar for direct consumption in the continental United States in the years 1949 through 1953 (R. 70) and (2) ability to market as measured by the highest marketings in any of the years 1935 through 1953 for each allottee (R. 70). This method was applied to 125,500 short tons, raw value, of the quota and the balance of 533 tons would be set aside as an unallotted reserve for the marketing of raw sugar for direct consumption (R. 70). In order to limit effectively the quantity brought into the continental United States by any refiner in Puerto Rico to no more than the allotment of the quota available to him, the witness proposed that a paragraph on Restrictions on Marketings should be included in the order the same, in substance, as that appearing in Sugar Regulation 814.10 (R. 72).

Representatives of four of the five allottees testified at the hearing and all expressed approval of the government proposal (R. 78, 80, 81, 82). One stated a preference for omitting 1935 and one for omitting all years prior to 1945 from the years considered in measuring "ability" (R. 81, 82). A representative of another allottee stated that years prior to 1941 should be included in measuring ability to market (R. 78).

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

> • • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him • • •

In the allotments for the years 1948 through 1953 no percentile weight was given to "processings of sugar or liquid sugar from • • • sugarcane to which proportionate shares • • • pertained" because the allottees accounting for over 95 percent of the marketings of Puerto Rican direct-consumption sugar in the continental United States do not themselves process sugar from sugarcane. This situation continues to prevail and no percentile weight is given this factor in 1954 (R. 68).

The factor of past marketings is measured by marketings of direct-consumption sugar in the continental United States in the years 1949 through 1953. These years represent experience under marketing conditions, including allotments, similar to those which may be expected in 1954 and take into account long-run changes as well. The inclusion of earlier years would not afford as representative a measure of past marketings as the years used. The present action merely adds the most recent year to and drops the most remote year from the series used in allotting the quota for the preceding year. Use of the most recent data provides for progression in the basis data and the period of five years provides adequate stability to offset short-run factors affecting data for a single year.

In five preceding allotments the factor "ability to market" was measured by the largest marketings for each allottee in any year beginning with 1935, expressed as a percentage of the sum of such largest marketings for all allottees. As in prior years, actual performance as reflected in shipments of direct-consumption sugar to the continental United States is considered the most practical measure of ability to market and marketings during a single year is deemed an adequate measure if a year is selected for each refiner which will properly reflect relative abilities. Accordingly, the period was extended back to 1935 in order that a year could be selected for such refiner in which its operations were at or near the highest level in its history. A comparison with present plant capacity show no impairment in the ability of any of the allottees to produce direct-consumption sugar. Therefore, performance in the years selected is considered a reasonable measure of "ability," and this measure is used in determining the allotments established herein.

Since there have been no apparent developments which would indicate the desirability of a change in the formula used for 1953 allotments, equal weighting of the two factors, "past marketings" and "ability," is again used for 1954 allotments. Accordingly, the portion of the 1954 sugar quota for Puerto Rico that may be brought into the continental United States as direct-consumption sugar is allotted by (1) setting aside 533 short tons, raw value, as a reserve for entries of raw sugar for direct consumption and (2) distributing the balance of 125,500 short tons, raw value, among the five allottees on the basis of equal weight to the percentage distribution of the total marketings of all allottees in the five years 1949 through 1953 and the percentage distribution of the sum of the largest marketing of each of the allottees in any calendar year since 1935.

During the calendar years 1950 through 1953 totals of 875, 289, 429 and 533 short tons, respectively, of Puerto Rican raw sugar were marketed for direct consumption in the continental United States. It is not practicable to allot such a small quantity among 24 prospective allottees. Such an allotment would disrupt customary trade practices and interfere with the efficient distribution of such sugar. The 533 short tons set aside as a reserve for the marketings of such sugar is approximately equal to the average actual marketings of Puerto Rican raw sugar for direct consumption in 1950 through 1953.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) The potential capacity of Puerto Rican refiners to produce direct-consumption sugar during the calendar year 1954 exceeds 350,000 short tons and this quantity is far greater than the total quantity of such sugar which may be marketed within the 1954 sugar quotas for Puerto Rico.

(2) The allotment of the direct-consumption portion of the 1954 sugar quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford each interested person an equitable opportunity to market such sugar in the continental United States.

(3) Assignment of a percentile weight to the "proportionate shares" factor in the final allotment formula would not result in fair, efficient and equitable allotment.

(4) The best measure of the "past marketings" factor for each allottee is its percentage of the average marketings of direct-consumption sugar of all allottees in the continental United States during the years 1949 through 1953.

(5) The best measure of the "ability to market" factor for each allottee is its percentage of the sum of the largest quantities of direct-consumption sugar of all allottees marketed in the continental United States during any calendar year during the period 1935–53, inclusive, and the ability so measured is within the present plant capacity of each refiner.

(6) The quantities of sugar marketed referred to in paragraphs (4) and (5) above are as follows:

[Short tons, raw value]

Allottee	Average 1949–53	Highest year 1935–53
Arturo Lluberas, estate of, y Sobrinos (San Francisco)	554	2,500
Central Aguirre Sugar Co., a trust	8,378	10,640
Central Roig Refining Co	20,301	28,605
Porto Rican American Sugar Refinery, Inc	78,599	116,611
Western Sugar Refining Co	19,761	29,988
Total	124,653	188,494

(7) A small part of the direct-consumption portion of the mainland quota is normally marketed in the continental United States as raw sugar for direct consumption. Five hundred and thirty-three short tons, raw value, should be reserved for this purpose in 1954.

(8) Allotments totaling 125,500 short tons, raw value, should be established by giving fifty percent weight to past marketings, measured as provided in paragraph (4) above, and fifty percent weight to ability to market, measured as provided in paragraph (5) above.

(9) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of the direct-consumption portion of the mainland quota, as required by section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.12 *Allotment of the direct-consumption portion of 1954 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1954 sugar quota for Puerto Rico, amounting to 126,033 short tons, raw value, is hereby allotted as follows:

Allottee	Direct-consumption allotment (short tons, raw value)
Arturo Lluberas, estate of, y Sobrinos	1,141
Central Aguirre Sugar Co., a trust	6,249
Central Roig Refining Co	19,805
Porto Rican American Sugar Refinery, Inc	78,377
Western Sugar Refining Co	19,928
All other persons (raw sugar only)	533
Total	126,033

(b) *Restrictions on marketings.* (1) During the calendar year 1954, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the quantity transferred to such allottee and charged against a 1954 mainland allotment under § 814.11.

(2) During the calendar year 1954, all persons other than the allottees specified in paragraph (a) of this section are hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico except (i) that acquired from an allottee within the quantity established in this section, and (ii) or within the quantity established in this section for "all other persons".

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 5th day of April 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2638; Filed, Apr. 7, 1954; 8:56 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 384, Amdt. 5]

PART 79—SCRAPIE IN SHEEP

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 79.2, as amended, Part 79, Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the disease of sheep known as scrapie and establishing a quarantine because of such disease, is hereby further amended to read as follows:

§ 79.2 *Notice and quarantine.* Notice is hereby given that the contagious, infectious, and communicable disease of sheep known as scrapie exists in the following areas in the specified States. Such areas are hereby quarantined because of said disease.

(a) *Connecticut:* That part of the Town of Salisbury, in Litchfield County, lying south of Farnam Road; north of Welles Hill Road, west of Old Asylum Road, and east of U. S. Route No. 44 and State Route No. 41.

(b) *New York:* (1) That part of the Town of Alden, in Erie County, lying east of the Milligrove-West Alden Road, south of North Road, west of the Alden-Chittenden Road, and north of Main Street and U. S. Route No. 20.

(2) That part of the Towns of Bergen and Byron, in Genesee County, lying west of County Route No. 31, south of County Route No. 13, east of Tripp Road and of a line extending south from Tripp Road to the New York Central Railroad, and north of the New York Central Railroad.

(c) *Ohio:* (1) That part of Eden Township, in Licking County, lying west of County Road No. 217, north of County Roads No. 217 and No. 210, and east of County Road No. 209.

(2) That part of Buckskin Township, in Ross County, lying south of State Route No. 28, west of Lyndon-South Salem Road, north of Frogtown Road, and east of Coyner Road and Moon Road.

(3) That part of Turtle Creek Township, in Shelby County, lying south of County Road No. 47, west of County Road No. 49, north of State Route No. 47, and east of County Road No. 85.

(4) That part of Elk and Swan Townships, in Vinton County, lying south of John Lowry Road, west of State Route No. 75, north of Locust Grove Road, and east of George Thomas Road.

Effective date. This amendment shall become effective upon issuance. It includes within the areas in which scrapie has been found to exist, and in which a quarantine has been established:

That part of the Town of Salisbury, in Litchfield County, lying south of Farnam Road, north of Welles Hill Road, west of Old Asylum Road, and east of U. S. Route No. 44 and State Route No. 41, in Connecticut.

That part of the Towns of Bergen and Byron, in Genesee County, lying west of County Route No. 31, south of County Route No. 13, east of Tripp Road and of a line extending south from Tripp Road to the New York Central Railroad, and north of the New York Central Railroad, in New York.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR, 1952 Supp., Part 79, as amended, apply with respect to shipments of sheep from these areas.

The amendment imposes further restrictions necessary to prevent the spread of scrapie, a communicable disease of sheep, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended; 21 U. S. C. 111, 120, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 2d day of April 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-2636; Filed, Apr. 7, 1954; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 2]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

REDESIGNATION OF ADIZ BOUNDARIES AND EXCEPTIONS FOR CERTAIN FLIGHTS ENTERING UNITED STATES FROM CANADA

Part 620 is hereby amended for the purpose of redesignating the boundaries of several existing Domestic, Coastal, and International Boundary ADIZ's. Portions of the Canadian (International) Boundary ADIZ are deleted, and entry is permitted below 4,000 feet into the Traverse City and Bangor ADIZ's from those portions of Canada not served by the revised Canadian (International) Boundary ADIZ. Since a military function of the United States is involved, compliance with notices, procedures, and effective date provisions of section 4 of Administrative Procedure Act is not required.

1. Section 620.13 is amended as follows:

§ 620.13 *Authorized exceptions*—(a) *Altitudes excepted*—(1) *Continental United States.* The provisions of this part are not applicable to aircraft operated at altitudes less than 4,000 feet above the immediate terrain when such aircraft are (i) operated within a domestic ADIZ, located within the Continental United States, (ii) entering a domestic ADIZ from within the Continental United States, or (iii) entering a domestic ADIZ within the Continental United States from Canada without crossing the Canadian (International) Boundary ADIZ.

* * * * *

2. Section 620.21 is amended as follows:

§ 620.21 *Domestic ADIZ's*—(a) *Seattle (Domestic) ADIZ.* The area bounded by a line 49°00′ N., 115°00′ W.; 46°30′ N., 115°00 W.; 42°00′ N., 120°00′ W.; due west to 42°00′ N., 124°38′10″ W.; 43°00′ N., 124°40′ W.; 46°15′ N., 124°30′ W.; 48°00′ N., 125°15′ W.; 48°29′38″ N., 124°43′35″ W.; easterly along the U. S.-Canadian International Boundary to 49°00′ N., 115°00′ W. (point of beginning).

(b) *San Francisco (Domestic) ADIZ.* The area bounded by a line 42°00′ N., 120°00′ W.; 39°00′ N., 120°00′ W.; 37°40′ N., 118°00′ W.; 35°00′ N., 121°16′45″ W.; 38°50′ N., 124°00′ W.; 40°00′ N., 124°35′ W.; 42°00′ N., 124°38′10″ W.; due east to 42°00′ N., 120°00′ W. (point of beginning).

(c) *Los Angeles (Domestic) ADIZ.* The area bounded by a line 37°40′ N., 118°00′ W.; 35°00′ N., 114°30′ W.; due east to 35°00′ N., 113°30′ W.; 32°05′30″ N., 113°30′ W.; westerly along the U. S.-Mexican International Boundary to 32°32′03″ N., 117°07′25″ W.; 32°30′ N., 117°20′ W.; 32°30′ N., 117°45′ W.; 33°15′ N., 118°30′ W.; 34°00′ N., 120°30′ W.; 35°00′ N., 121°16′45″ W.; 37°40′ N., 118°00′ W. (point of beginning).

* * * * *

(e) *Knoxville (Domestic) ADIZ.* The area bounded by a line 38°11′ N., 81°58′ W.; 35°37′ N., 81°01′ W.; 35°09′ N., 82°57′ W.; 34°31′ N., 82°53′ W.; 34°15′ N., 83°23′ W.; due west to 34°15′ N., 84°38′ W.; 35°07′ N., 85°06′ W.; 36°08′ N., 86°30′ W.; 36°25′ N., 86°30′ W.; 36°52′ N., 86°10′ W.; 37°40′ N., 85°30′ W.; 37°50′20″ N., 84°45′40″ W.; 38°11′ N., 81°58′ W. (point of beginning).

* * * * *

(g) *Great Falls (Domestic) ADIZ.* The area bounded by a line 49°00′ N., 104°00′ W.; 46°00′ N., 104°00′ W.; due west to 46°00′ N., 110°39′ W.; 46°18′ N., 110°55′ W.; 46°41′ N., 111°54′ W.; 46°43′ N.; 113°09′ W.; 47°20′N.; 115°00′ W.; 49°00′ N.; 115°00′ W. due east along the U. S.-Canada International Boundary to 49°00′ N.; 104°00′ W. (point of beginning).

(h) *Minneapolis (Domestic) ADIZ.* The area bounded by a line 49°00′ N., 104°00′ W., easterly along the U. S.-Canadian International Boundary to 48°03′ N., 90°00′ W.; 44°00′ N., 90°00′ W.; 46°00′ N., 94°00′ W.; due west to 46°00′ N., 104°00′ W.; 49°00′ N., 104°00′ W. (point of beginning).

* * * * *

3. Section 620.22 is amended as follows:

§ 620.22 *Coastal ADIZ's*—(a) *Atlantic (Coastal) ADIZ.* The area bounded by a line 44°30′ N., 66°45′ W.; 40°00′ N., 64°00′ W.; 32°00′ N., 74°00′ W.; 33°30′ N., 78°00′ W.; 35°10′ N., 75°10′ W.; 36°10′ N., 75°10′ W.; 37°00′ N., 75°30′ W.; 39°30′ N., 73°45′ W.; 40°15′ N., 73°15′ W.; 41°15′ N., 69°30′ W.; 42°00′ N., 69°30′ W.; 42°40′ N., 70°10′ W.; 43°10′ N., 70°00′ W.; 44°30′ N., 67°07′ W.; 44°30′ N., 66°45′ W. (point of beginning).

* * * * *

4. Section 620.23 is amended as follows:

§ 620.23 *International Boundary ADIZ's*—(a) *Canadian (International) Boundary ADIZ.* A line from 44°30′ N., 66°45′ W.; 44°30′ N., 67°07′ W.; 44°46′ 36″ N., 66°54′11″ W.; westerly along the U. S.-Canada International Boundary to 46°00′ N., 70°18′14″ W. and from 46°00′ N., 83°26′05″ W. westerly along the U. S.-Canada International Boundary to 48°29′38″ N., 124°43′35″ W.

(b) *Mexican (International) Boundary ADIZ.* A line from 32°05′30″ N., 113°30′ W. westerly along the U. S.-Mexico International Boundary to 32°32′03″ N., 117°07′25″ W. to 32°30′ N., 117°20′ W.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 1201–1204, 64 Stat. 825; 49 U. S. C. Sup. 701–704)

This amendment shall become effective May 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2578; Filed, Apr. 7, 1954; 8:45 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-135; Order No. 170]

PART 20—AUTHORIZATION OF THE ISSUANCE OF SECURITIES BY LICENSEES AND COMPANIES SUBJECT TO SECTIONS 19 AND 20 OF THE FEDERAL POWER ACT

PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

APPLICABILITY

In the matter of amendment of §§ 20.1 and 34.1 of the Commission's general rules and regulations; Docket No. R-135, Order No. 170.

By this order, the Federal Power Commission is (1) amending § 20.1 (18 CFR 20.1), of its general rules and regulations (rules), by substituting therefor two new sections, to be designated as §§ 20.1 and 20.2, incorporating certain changes which were shown, by the Commission's experience under the present § 20.1, to be necessary for the exercise of the regulatory powers over the issuance of securities, conferred upon the Commission by sections 19 and 20 of Part I of the Federal Power Act (act), in a manner consistent with the exercise of those regulatory powers concerning similar matters conferred upon it by section 204 of Part II of the act; and (2) amending § 34.1 (18 CFR 34.1), of the rules by incorporating therein those minor language changes which consistency dictates to be necessary as a consequence of the changes referred to in (1) above.

The present rule in requiring prior Commission approval of a security issuance by a licensee of the Commission which is a public service company or other company coming within the provisions of sections 19 or 20 of the act except where,

(1) Within the purview of section 19 of the act, "a State in which such licensee or other company included within the provisions of this section [19], is operating in the public service shall have provided a commission or other agency for the regulation and control of the amount and character of securities to be issued by such licensee or company," or

(2) Within the purview of section 20 of the act, "the power or any part thereof generated by such licensee shall enter into interstate commerce and the States concerned agree, through their properly constituted authorities, on the amount or character of securities proposed for issuance,"

it appears, may work inconsistent results, under Parts I and II of the act, in those situations wherein the issuer, of the security thus required to be approved, would be without the scope of any similar requirement under the regulation contemplated by section 204 of the act.

Within the discretion implicit within the provisions of sections 19 and 20 of the act, it was the Commission's intention in adopting the existing rule that security regulation under those provisions be exercised consistently with that under section 204 of the act, insofar as possible.

Accordingly, the Commission by this amendment of § 20.1 of its rules is making plain its intention that prior Commission approval of any security issuance within the provisions of sections 19 or 20 of the act shall not be required if issued by a person organized and operating in a State under the laws of which its security issues are regulated by a State Commission or by anyone enumerated in subsection 201 (f) of the act, in the absence of a special proceeding to provide such regulation.

The Commission finds:

(1) Adoption and promulgation of the respective amendments to the rules as hereinafter ordered and provided are necessary and appropriate for carrying out the provisions of the Federal Power Act.

(2) From the circumstances as set forth in the recital above, it appears that good cause exists and it is unnecessary in the public interest that notice and public proceedings be had prior to the adoption of such amendments.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly section 3 (16) (41 Stat. 1063, 49 Stat. 838, 16 U. S. C. 796), sections 19 and 20 (41 Stat. 1073; 16 U. S. C. 812, 813), 204 and 309 (49 Stat. 850; 16 U. S. C. 824c, 825h), and subject to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), orders:

(A) Effective as of the date of issuance of this order, § 20.1 (18 CFR 20.1), of the rules be and the same is hereby amended by substituting therefor two new sections, to be designated as §§ 20.1 and 20.2, reading as follows:

§ 20.1 *Applicability*—(a) *Without special proceeding for regulation.* Every security issue within the scope of the jurisdiction conferred upon the Commission by sections 19 and 20 of the Federal Power Act shall be subject to the provisions of § 20.2, except a security issue by a person organized and operating in a State under the laws of which its security issues are regulated by a State commission, or by any one described in subsection 201 (f). No other security issue within the scope of sections 19 and 20 shall be subject to § 20.2 except as provided in paragraph (b) of this section.

(b) *Reservation of possibility of regulation in other cases.* Not later than 10 days prior to any proposed security issuance which is within the scope of section 19 or section 20 of the act, but excepted by paragraph (a) of this section, any person or state entitled to do so under section 19 or section 20, may file a complaint or request in accordance with the applicable rules of the Commission, or the Commisison upon its own motion may by order initiate a proceeding, raising the question whether issuance of such security should be subjected by Commission order to the provisions of § 20.2. After notice of such filing or order, and until such request or complaint is denied or dismissed or the proceeding initiated by such order is terminated without subjecting the issuance of the security to the provisions of § 20.2, the security in question shall not be issued except it be issued subject to and in compliance with § 20.2.

§ 20.2 *Regulation of issuance of securities.* The licensee or other person issuing or proposing to issue any security subjected to this section by or pursuant to § 20.1, shall be subject to and shall comply with the same requirements as the Commission would administer to it if it were a public utility issuing the security within the meaning and subject to the requirements of section 204 of the act and Part 34 of this subchapter.

(B) Effective as of the date of issuance of this order, § 34.1 (18 CFR 34.1) of the rules be and the same is hereby amended through incorporation of the underlined portions hereinafter set forth to read as follows:

§ 34.1 *Applicability.* The requirements of this part will apply to licensees and others seeking authority under sections 19 and 20 of the Federal Power Act (41 Stat. 1073; 16 U. S. C. 812, 813) in accordance with Part 20 of this subchapter and to public utilities seeking authority under section 204 of the Federal Power Act (49 Stat. 850; 16 U. S. C. 824c).

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: March 31, 1954.

Issued: April 2, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2601; Filed, Apr. 7, 1954; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

LABELING OF IMPORTED CRABMEAT

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238), the following statement of policy is issued:

§ 3.34 *Labeling of imported crabmeat.* (a) For many years canned crabmeat has been imported into the United States from Japan. Such imports have consisted primarily of a product designated as "King crabmeat." There have been limited importations of articles designated as "Korean crabmeat" and "Snow crabmeat." Two closely allied species of crab have been packed in Japan for export to the United States, under the designation "King crabmeat." These species are Paralithodes camtschatica (taraba-gani) and Paralithodes platypus (abura-gani). A third species of crab, Paralithodes brevipes, has been labeled either as "King crabmeat" or "Hanasaki crabmeat" when intended for export to the United States. The Department of Health, Education, and Welfare considers the term "King crabmeat" as an acceptable common name for the product prepared from any one of the three species Paralithodes camtschatica, Paralithodes platypus, and Paralithodes brevipes. The Department also considers the name "Hanasaki crabmeat" as an alternative common name for the product prepared from Paralithodes brevipes.

(b) Prior to World War II, there was a limited pack of crabmeat from the species Erimacrus isenbeckii at canneries located on the coast of Korea, but only a small quantity of this product was imported into the United States. To distinguish the product from the various species of Paralithodes and to connote its geographic origin, the article was designated by the name "Korean crab." For the past several years there has been a limited amount of the species Erimacrus isenbeckii packed in Japan or on Japanese factory ships operating in the Bering Sea. This species of crab is generally known in Japan as "Kegani." This product, packed in Japan, when offered for entry into the United States has been designated by a variety of names, including "Korean crabmeat," "Snow crabmeat," "Eliza crabmeat," "Kegani crabmeat," and "Zuwai crabmeat," with resulting confusion to importers and consumers. The term "Korean crab" is no longer applicable to the product as an indication of its geographic origin. The long absence of the product from the domestic market, until its recent reintroduction under a variety of names, has largely eliminated consumer recognition of the identity of the product under the name "Korean crabmeat." The Department therefore considers the designation "Korean variety crabmeat" or, alternatively, "Kegani crabmeat" as suitable common names for the product packed from the species Erimacrus isenbeckii.

(c) There has also been a limited pack of Chionoectes opilio (zuwai-gani) offered for entry into the United States. This product has for many years been designated by the name "Snow crabmeat." The Department regards the designation "Snow crabmeat" as the common or usual name for the product when distributed in the United States.

(d) Section 403 (i) (1) of the Federal Food, Drug, and Cosmetic Act requires that the label of a food for which there is no definition and standard of identity shall bear the common or usual name of the food, if any there be. No definition and standard of identity has been established for crabmeat under the act. The Department of Health, Education, and Welfare regards the label designations for canned crabmeat prepared from the various species of crab as stated in paragraphs (a), (b), and (c) of this section as satisfactory compliance with section 403 (i) (1), of the act.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 403, 52 Stat. 1048; 21 U. S. C. 343)

Dated: April 2, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-2608; Filed, Apr. 7, 1954; 8:51 a. m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- OR DIHYDROSTREPTOMYCIN-CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, Parts 146, 146a, 146b, 146e; 18 F. R. 2335, 7673; 19 F. R. 672, 674, 1171, 1421) are amended as indicated below:

1. In § 146.25 *Penicillin for use in animal feed* • • •, change the citation reference "§ 146a.62", in the introduction to the section and in paragraph (b) to read "§ 146.26".

2. In § 146a.66 *l-Ephenamine penicillin G for aqueous injection,* subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the colon after the word "certified" to a comma and by changing the remainder of subdivision (iii) to read as follows: "except that the blank may be filled in with the date which is 24 months after the month in which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container;"

3. In § 146b.111 *Streptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary* • • •, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the colon after the word "certified" to a comma and adding the following clause: "except that the blank may be filled in with the date which is 24 months after the month in which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container."

4a. Section 146e.411 (a) (2) is amended to read:

§ 146e.411 *Bacitracin-neomycin ointment.* (a) • • •

(2) It may contain hydrocortisone or a suitable ester of hydrocortisone.

b. Section 146e.411 (a) (3) is amended by adding the following new sentence at the end thereof: "If it contains hydrocortisone or an ester of hydrocortisone and it is intended for use by humans, its outside wrapper or container shall bear the statement 'Caution: Federal law prohibits dispensing without prescription'."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: April 2, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-2609; Filed, Apr. 7, 1954; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

SHORT AND SPECIAL TOURS OF ACTIVE DUTY

Section 861.1155 is revised to read as follows:

§ 861.1155 *Place of duty.* All reservists ordered to short or special tours of active duty will perform the duty at the place to which assigned, unless otherwise ordered. Reservists not on active duty who are assigned to activities located within the zone of interior will not be ordered to short tours of active duty for training at places located outside the continental limits of the United States; nor will they be ordered to duty within the zone of interior and then placed on temporary duty outside the United States.

[AFR 35-76A] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interprets or applies sec. 32, 41 Stat. 776 as amended; 35 Stat. 780, 40 Stat. 72 as amended; 10 U. S. C. 361, 369, 371, 371b, 422, 426, 427)

[SEAL] K. E. THIEBAUD, *Colonel, U. S. Air Force, Air Adjutant General.*

[F. R. Doc. 54-2570; Filed, Apr. 7, 1954; 8:45 a. m.]

Subchapter G—Personnel

PART 886—MILITARY PERSONNEL SECURITY PROGRAM

The caption of Part 886 (32 CFR Part 886) and the regulations contained therein are revised as follows:

GENERAL PROVISIONS

Sec.
886.1 Purpose.
886.2 Policy.
886.3 Reporting of information.

STANDARD AND CRITERIA

886.4 Standard.
886.5 Criteria for application of standard.
886.6 Type of discharge.

PROCESSING OF CASES

886.7 Action by commander.
886.8 Action by Headquarters USAF.
886.9 Notice of proposed termination and statement of reasons.
886.10 Hearing boards.
886.11 Preparatory action by hearing boards.
886.12 Hearings.
886.13 Findings and recommendations.
886.14 Review.
886.15 Effect of favorable decision.

REJECTION FOR MILITARY SERVICE

886.16 Rejection for military service.
886.17 Loyalty certificate.
886.18 Applicants for appointment.
886.19 Applicants for enlistment.
886.20 Members of components of the Armed Forces.
886.21 Inductees and other nonvolunteers.

AUTHORITY: §§ 886.1 to 886.21 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a.

DERIVATION: AFR 35-62.

GENERAL PROVISIONS

§ 886.1 *Purpose.* The regulations contained in this part prescribe the standard, criteria, and administrative procedures for the discharge of military personnel from the Air Force and the rejection of applicants for appointment or enlistment in the Air Force, when retention in or acceptance into the Air Force is not clearly consistent with the interests of national security. The regulations in this part do not preclude trial by courts-martial when such action is considered appropriate by commanders exercising court-martial jurisdiction, nor do they preclude separation under other applicable regulations on grounds other than security. Further, the regulations in this part should not be used in those cases in which security is not the primary reason for initiation of discharge action (see § 886.5 (f)).

§ 886.2 *Policy.* (a) The Air Force will assume that the acceptance or retention of any officer or airman is clearly consistent with the interests of national security unless information to the contrary is received. However, because of the vital role of the Air Force in national defense, when information which raises the question of security is received, action will be taken to determine whether acceptance or retention of any individual is clearly consistent with the interests of national security.

(b) A person who has been discharged under this part, or whose records reflect that he was separated from the Air Force under other authority prior to final determination after action has been initiated under this part, will not be

appointed or enlisted in the Air Force without the specific approval of the Secretary of the Air Force. Action will be considered to have been initiated as of the date that the Deputy Chief of Staff, Personnel, approves such recommendation of the Military Personnel Security Committee.

§ 886.3 *Reporting information.* (a) Every person in the Air Force will report to his commander information of any sort which may come to his attention which indicates that retention of any member of the military service is not clearly consistent with the interests of the national security. Reports concerning personnel of the Air Force Reserve not on active duty will be referred to the Commander, Air Reserve Records Center (ConAC), 3800 York Street, Denver 5, Colorado. Reports concerning personnel in active military service with the Air Force will be forwarded through channels to the commander of the person who has an inspector general or wing inspector assigned. If the status of the personnel concerned is unknown or if other reasons so indicate, the report will be forwarded through channels to The Inspector General, Headquarters USAF, Attention: Director of Special Investigations, Washington 25, D. C.

(b) Investigations by activities of the Air Force establishment will develop all relevant facts in favor of, as well as against, an investigated person, with special emphasis being given to that information which supports or refutes an allegation stemming from the "criteria" hereinafter described. Whenever possible, information will be so presented that its use is not precluded in the interests of national security and, sufficient information will be reported about informants whose identities are not disclosed to permit adequate evaluation of the information furnished by them.

STANDARD AND CRITERIA

§ 886.4 *Standard.* The basic standard for discharge of military personnel and the rejection of persons for military service will be: That based on all the available information, retention in or acceptance into the Air Force is not clearly consistent with the interests of national security.

§ 886.5 *Criteria for application of standard*—(a) *National security.* As used herein, the term "national security" relates to the protection and preservation of the military, economic, and productive strength of the United States, including the security of the Government in domestic and foreign affairs, against or from espionage, sabotage, and subversion, and any and all other illegal acts designed to destroy or weaken the United States.

(b) *Sensitive and nonsensitive positions.* An officer or warrant officer of the Air Force holds a sensitive position by virtue of his commission or appointment and, therefore, in a case involving an officer or warrant officer his duties and responsibilities in his present assignment will not be considered. Likewise, airmen whose qualifications would normally require that they have access to classified information, their duties and responsibilities in their present assignments need not be considered. On the other hand, airmen whose grade or education and training do not qualify them for assignment to duties which require access to classified information, may be assigned to nonsensitive positions provided that such assignment will not endanger the national security. Nothing herein will serve to preclude the use of assignment to nonsensitive positions as a security measure; however, indefinite assignment to such positions will be made only upon the approval by Headquarters USAF of the recommendation of a board of officers. Upon receipt of a completed investigation, commanders must initiate one of the actions prescribed in § 886.7 on persons assigned to nonsensitive positions for security reasons.

(c) *Factors to be considered in making security determination.* In making the security determination, consideration must be given to loyalty, habits, activities, attitudes, associations, trustworthiness, and discretion, and their bearing on the question, of whether, because of access to Government installations, information and material by virtue of being in the military service, an individual might, either intentionally or inadvertently, disclose classified information to unauthorized persons or otherwise act against the security interests of the United States.

(d) *Grounds for initiation of action.* The following or similar reasons warrant initiation of action:

(1) Commission of any act of sabotage, espionage, treason or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(2) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

(3) Advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of Government of the United States by unconstitutional means.

(4) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violance to deny other persons their rights, under the Constitution of the United States, or which seeks to alter the form of Government of the United States by unconstitutional means.

(5) Willful violation or disregard of security regulations.

(6) Intentional unauthorized disclosure to any person of classified information, or of other information disclosure of which is prohibited by law.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(8) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct.

(9) Participation in the activities of an organization established as a front for an organization referred to in subparagraph (4) of this paragraph, when his personal views were sympathetic to the subversive purposes of such organization.

(10) Participation in the activities of an organization with knowledge that it had been infiltrated by members of subversive groups under circumstances indicating that the individual was a part of or sympathetic to the infiltrating element or sympathetic to its purposes.

(11) Participation in the activities of an organization referred to in subparagraph (4) of this paragraph in a capacity where he should reasonably have had knowledge of the subversive aims or purposes of the organization.

(12) Sympathetic association with a member or members of an organization referred to in subparagraph (4) of this paragraph. (Ordinarily, this will not include chance or occasional meetings, or contacts limited to normal business or official relations.)

(13) Currently maintaining a close continuing association with a person who has engaged in activities or associations of the type referred to in subparagraphs (1) through (11) of this paragraph. A close continuing association may be considered to exist if the individual lives at the same premises as, frequently visits, or frequently communicates with such person.

(14) Close continuing association of the type described in subparagraph (13) of this paragraph, even though later separated by distance, if the circumstances indicate that renewal of the association is probable.

(15) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security. Among matters which should be considered in this category would be the presence of a spouse, parent, brother, sister, or offspring in a nation, a satellite thereof, or an occupied area thereof, whose interests might be inimical to the United States.

(16) Any deliberate misrepresentations, falsifications, or omission of material facts.

(17) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(18) An adjudication of insanity, or treatment for serious mental or neuro-

logical disorder without satisfactory evidence of cure.

(19) All other behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(e) *Application of criteria.* The activities and associations listed in paragraph (d) of this section are of varying degrees of seriousness. Therefore, the ultimate determination of whether acceptance or retention in the Air Force is clearly consistent with the interests of national security must be an over-all common sense one based on all available information.

(f) *Discharge under appropriate regulations.* Persons who fall within the criteria prescribed in paragraphs (d) (16) through (19) of this section, are examples of persons whose retention may not be clearly consistent with the interests of national security. However, action under this part will not be initiated unless action under other regulations has been determined to be inappropriate.

(g) *Proscribed organizations.* A list of organizations designated by the Attorney General is set forth in Air Force Regulation 124–5. Membership in, affiliation with, or sympathetic association with one of those organizations is simply one piece of information which will be considered in arriving at a conclusion as to the action which is to be taken in a particular case.

NOTE: The list of organizations designated by the Attorney General as coming within the purview of E. O. 10450, April 27, 1953, also appear at 18 F. R. 2714, 4240, 6364; and 19 F. R. 655.

§ 886.6 *Type of discharge.* Personnel whose discharge is ordered under this Part ordinarily will be discharged under honorable conditions; however, unless otherwise prescribed by law, personnel may be discharged under other than honorable conditions upon approval of the recommendation of a board of officers. Entry in item 8, DD Form 214, "Report of Separation From the Armed Forces of the United States" will be "AFR 35–62."

PROCESSING OF CASES

§ 886.7 *Action by commander.* (a) Action may be initiated as a result of information received during routine investigation for clearance or as a result of information received as outlined in § 886.3.

(b) A commander receiving a report as outlined in § 886.3 will refer this report to his inspector general or wing inspector who will, in turn, forward a request for investigation to the appropriate district commander, Office of Special Investigations.

(c) During an investigation or upon its completion, the commander will take such interim action as may be considered necessary to preserve the security of his command, including measures designed to deny the investigated person access to classified information. If an investigation is pending, the commander will consult with the nearest representative of the investigative agency prior to effecting a change in duty assignment or clearance status in order to determine whether such action will prejudice the investigation.

(d) Within 10 days following receipt of the results of the investigation requested, or other completed investigation, the commander will initiate action as prescribed in subparagraphs (1) and (2) of this paragraph. A recommendation for "no action" may be made only after receipt of the completed investigation. Further, the commander will include a statement that trial by court-martial or action under other regulations has been considered and is not considered appropriate.

(1) If the commander determines that retention of the individual is clearly consistent with the interests of national security as defined in § 886.5 (a), he will recommend that the case be closed and will forward copies of the reports of investigations and all other information considered with his recommendation through command channels to The Inspector General, Headquarters USAF, Attention: Director of Special Investigations, Washington 25, D. C. The commander will retain copies of all information pertinent to the case in a special file, pending receipt of instructions from the Director of Military Personnel, Headquarters USAF, concerning that file. The commander will provide the appropriate district commander, Office of Special Investigations, with an information copy of the action taken.

(2) If the commander determines that action should be initiated, he will forward his recommendations and reasons therefor, together with copies of the reports of investigations and all other information considered through command channels to The Inspector General, Headquarters USAF, Attention: Director of Special Investigations, Washington 25, D. C. Copies of all information pertinent to the case will be retained in a special file. Unless the following material is already in the file, the commander will include in the file a copy of all security investigative data forms such as DD Form 98, "Loyalty Certificate," and WD AGO Form 643A or DD Form 398, "Statement of Personal History," which the individual has completed, and other similar documents and information which are available to him. If a statement of personal history is not available, the individual will be requested to complete a DD Form 398. If the individual is an airman, the commander will also include a copy of DA AGO Form 20, "Soldier's Qualification Card." The commander will provide the appropriate district commander, Office of Special Investigations, with an information copy of the action taken. Commanders will take necessary action to assure that personnel upon whom action is recommended are not reassigned from the major air command or placed on duty outside the continental United States pending final action under this part, unless otherwise specifically authorized by the Director of Military Personnel, Headquarters USAF.

§ 886.8 *Action by Headquarters USAF.* (a) All cases arising under this part will be reviewed by the Military Personnel Security Committee. Action will be initiated to discharge only after such review and upon the approval of the Deputy Chief of Staff, Personnel.

(b) If the person is not serving in active military service and is a civilian employee of the Air Force establishment, the Director of Special Investigations will forward the case with his recommendation to the Executive Secretary, Central Security Board, for review under Part 889 of this chapter (19 F. R. 1503) When a decision is made under Part 889 of this chapter, a copy of this decision, together with the complete record in the case, will be forwarded to the Director of Military Personnel for consideration by the Military Personnel Security Committee. Actions hereinafter prescribed will then be taken.

(c) If the person does not come within the purview of paragraph (b) of this section, the Director of Special Investigations will forward the case to the Deputy Chief of Staff, Personnel, for consideration by the Military Personnel Security Committee together with a recommendation, and a summary of essential facts upon which the recommendation is based, so presented as to provide clearly a basis for the preparation of specific reasons if, in the opinion of the Military Personnel Security Committee, issuance of a statement of reasons appears warranted.

(d) Whenever the Committee considers it appropriate, a written interrogatory will be prepared and forwarded to the Office of Special Investigations for transmittal to the person or for personal interrogation of the person. The person will be informed that his answers will be considered in determining the action to be taken, and that he is not required to give any answers which might incriminate him.

(e) The Committee may return the case to the Director of Military Personnel with a request for further investigation.

(f) The Committee will make one of the following recommendations and/or such other recommendations as it considers appropriate to the Deputy Chief of Staff, Personnel, stating its reasons for each recommendation:

(1) That the case be submitted to the officer exercising general court-martial jurisdiction for consideration of trial by court-martial.

(2) That action be initiated to discharge under this part. (The Committee will prepare a proposed statement of reasons.)

(3) That the case be considered under Air Force Regulation (appropriate regulation) before being considered further under this part.

(4) That no action be initiated inasmuch as the individual's retention is clearly consistent with the interests of national security.

(g) The Deputy Chief of Staff, Personnel, will instruct the Director of Military Personnel to take one of the actions mentioned in paragraph (f) of this section, or such other action as he considers proper.

(h) In the event consideration of trial by court-martial is directed, the Director of Military Personnel will forward the case to the officer exercising general court-martial jurisdiction. If the officer exercising general court-martial jurisdiction thereafter determines that trial is not appropriate, he will return all papers in the case to the Director of Military Personnel.

(i) If institution of discharge procedures is directed, the Director of Military Personnel will take one of the following actions, as appropriate:

(1) In the case of a Regular commissioned officer with 3 or more years' continuous active commissioned service subsequent to his acceptance of a current Regular commission, the file, including the "statement of reasons" by the Committee, as approved, will be processed under current regulations governing removal from the active list.

(2) In the case of any other Regular officer, or warrant officer, non-Regular commissioned or warrant officer, or airman, the file will be referred to the commander of the major air command concerned for transmission to the appropriate subordinate commander.

(j) Upon approval by the Deputy Chief of Staff, Personnel, of the "no action" recommendation, the Director of Military Personnel will notify the commander concerned of the decision of Headquarters USAF and direct that all information pertinent to the case be removed from the individual field personnel records and the special file, and that a copy of the letter directing those actions be placed in the respondent's field personnel records. Further, the commander will notify the appropriate district office, Office of Special Investigations, of this action.

§ 886.9 *Notice of proposed termination and statement of reasons.* (a) When a case is referred to a subordinate commander under § 886.8 (i) (2), the Director of Military Personnel will prepare in letter form and forward with the file a "Notice of Proposed Termination of Appointment or Enlistment." The subordinate commander will have the notice delivered to the respondent in person, if practicable, and will obtain a signed receipt therefor. If personal delivery is not practicable, the notice will be sent to the respondent by registered mail, with return receipt "addressee only" requested.

(b) The notice will include the "statement of reasons" of the Committee as approved by the Deputy Chief of Staff, Personnel. The "statement of reasons" will be in sufficient detail to enable the individual to prepare his defense and will be as complete as, in the opinion of the Committee, security considerations permit.

(c) The notice will refer specifically to the regulations contained in this part, and a copy of it (AFR 35–62) will be attached. The notice will also refer specifically to § 886.6 relating to the types of discharges which may be given.

(d) The notice will inform the respondent that:

(1) He may request retirement or transfer to the Retired Reserve, if eligible, or, if an officer, he may tender his resignation, or if an airman, he may request discharge, in lieu of further proceedings under this part.

(2) He may answer the statement of reasons in writing within 30 days of his receipt of the notice, and submit, in connection with his answer, such statements, affidavits, or other documentary evidence to justify his retention as he may desire.

(3) He may request a hearing before a hearing board.

(4) He may present evidence, appear in person with or without counsel, or be represented by counsel before the hearing board.

(i) Military counsel will be provided at Government expense.

(ii) Military counsel of his choice will be provided, if, in the opinion of the commander concerned, such person is reasonably available.

(iii) Civilian counsel may be retained at no expense to the Government.

(iv) The board will assist him in procuring witnesses who are reasonably available.

(v) Ordinarily, he may cross-examine witnesses (see § 886.12 (b)).

(vi) He may challenge, for cause only, members of the board.

(vii) He will not be entitled to reimbursement for expenses incurred incident to the appearance or assistance of civilian witnesses or counsel.

(viii) If not in active military service, he will not be entitled to any expenses (including travel) incurred incident to his appearance.

(5) He will acknowledge receipt by indorsement within 5 days and that his indorsement will include:

(i) Date and time notice is received.

(ii) Whether he intends to resign or request discharge in lieu of further proceedings.

(iii) Whether he intends to request retirement, if eligible.

(iv) Whether he intends to answer charges in writing or submit documentary evidence.

(v) Whether he desires to appear before a hearing board, with or without counsel, or be represented by counsel.

(vi) A statement that he has withdrawn the inclosures marked "Respondent."

(e) The notice will advise the respondent that if his reply has not been received within 45 days of his receipt of the notice, his case will be considered on the complete file and without further reference to or representation from him. Further, in such event, his signature on a receipt will constitute his statement in writing that he does not desire to appear or be represented before the board.

(f) If the respondent is an airman, the notice will advise him that all commissions or appointments in the Air Force held by him will also be terminated if he is discharged as a result of this action.

(g) If the respondent is entitled to enlistment as a Regular airman or appointment as a Regular warrant officer in the Air Force, either as a selectee or vacatee, the notice will advise him that such enlistment or appointment may be effected only upon the express approval of the Secretary of the Air Force if he is discharged as a result of this action.

§ 886.10 *Hearing boards.* (a) The commanders of major air commands will appoint and convene hearing boards required under this part. The order will recite the fact that the board is appointed by authority of the Secretary of the Air Force. Prior to convening hearing boards, commanders of major air commands will thoroughly brief board members of their responsibility to carry out the policies announced in this part. In the interest of uniformity, insofar as practical, membership of the board should be stable. Composition of the board for consideration of any particular case will consist of not less than three officers, one of whom will be a Judge Advocate.

(1) All voting members will be serving in the grade of major or above and will be senior to the respondent in both permanent and temporary grade, except that if utilization of a field grade Judge Advocate is impracticable because of exigencies of the service, such member need only be senior in permanent and temporary grade to respondent.

(2) If the respondent is a female, a female officer will be appointed to serve in an advisory, nonvoting capacity.

(3) If the respondent is a member of a Reserve component, a majority of the board members will be Reserve officers.

(b) A standing board in which the numerical strength far exceeds the required membership will not be appointed. Where one or more standing boards are desired for referral of appropriate cases, such boards will be appointed individually with board membership as stated in paragraph (a) of this section, and in addition thereto, three alternate members.

(c) The commander concerned will designate a recorder without vote for the board. The recorder will execute the orders of the board and will supervise the preparation and maintenance of the verbatim record of proceedings.

§ 886.11 *Preparatory action by hearing boards.* (a) On receipt of the file from the commander, the members of the hearing board will review the file in order that they may be informed in advance of those areas in the case which will require exploration and explanation at the hearing. Every possible effort will be made to avoid forming any opinion on the eventual determination of the case until the hearing is concluded and the record complete.

(b) If a hearing is requested, the board will set a time and place for such hearing, giving proper consideration to the convenience of the respondent and the time needed to prepare his defense. Notice of the time and place for such hearing will be delivered or sent to the respondent in the same manner as the "Notice of Proposed Termination of Appointment or Enlistment," and written receipt obtained. The date of the hearing should normally be set at least 5 days after the date upon which the notice may be expected to reach the respondent. The notice will further advise the respondent that:

(1) He may request reasonable postponement of the hearing to obtain evidence and prepare his case.

(2) If he fails without reasonable excuse to appear at the time and place set

for the hearing, the board will consider the case on the complete file.

(c) If the respondent does not resign, apply for retirement, or elect discharge and does not request a hearing, the board will nevertheless give the respondent notice as provided in paragraph (b) of this section, of the time and place at which the board plans to consider the case. The notice will state that, despite his failure to request a hearing, he may appear with his counsel or other representatives and present evidence, and that his presence will greatly assist the board in its determination.

(d) If, after receipt of notification (see § 886.9), the respondent's reply is not received within 45 days or he fails to appear at the time and place set for the hearing, after inability to locate the respondent by reasonable efforts, or upon refusal by the respondent to accept delivery of registered mail, the board will consider the case upon the complete file in the respondent's absence. Dispatch of the registered mail notification and inquiries of local civil authorities or other persons who might reasonably be expected to assist in locating the respondent, will be considered to be reasonable efforts. When such action is taken a complete detailed report of the efforts made to locate the respondent, together with the registered mailing envelope (clearly marked "Return receipt requested—deliver to addressee only") or the signed return receipt will be forwarded with the board proceedings.

(e) When the respondent requests the assistance of the board in obtaining the attendance of witnesses, or when, in the opinion of the board, the testimony of persons not confidential informants might be helpful, the board may invite these witnesses or persons to appear and testify may endeavor to take their depositions, or may ask them to answer written interrogatories or to submit written statements. Hearing boards are not authorized to offer to pay the expenses of such witnesses. The refusal of such witnesses to cooperate with the board will be taken into consideration in determining the probative value of any information attributed to them in the file.

§ 886.12 *Hearings.* (a) Hearings will be conducted in such a way as to prevent unauthorized disclosure of classified information or compromise of investigative sources or methods. Disclosure will not be made which may compromise the identity of confidential informants. Classified information in the file will not be disclosed to the respondent or his counsel or person not requiring such information in the performance of official duties. As far as security considerations permit, however, the board's questions should cover all grounds for proposed discharge and should be designed to give respondent the fullest possible opportunity to explain or rebut all the information considered.

(b) The respondent and his counsel will be allowed to be present at all open sessions of the board. In exceptional circumstances, the board may take the testimony of a witness in executive session, but the fact that respondent had no opportunity to cross-examine will be considered in weighing such testimony. Witnesses will ordinarily be excluded from the hearing room except when testifying. Persons other than those having an official capacity in the case will not be permitted to be present during any of the proceedings.

(c) A verbatim transcript of the hearing will be made by a qualified reporter. At least four copies will be made, and one copy will be furnished to the respondent without cost to him. Any portion of the respondent's copy disclosing classified information will be deleted. A notation will be made on all copies retained by the Air Force of those portions which were deleted from the respondent's copy.

(d) Strict rules of evidence will not be followed, but reasonable bounds of relevancy, competency, and materiality will be maintained.

(e) The hearing will be called to order by the senior member of the board. He will state in substance that the board is not a court of law and strict rules of evidence and court procedure are not followed, that the hearing is an administrative inquiry to provide the respondent with an opportunity to be heard and to permit the board to inquire fully into the matters related to the case, and that the respondent can assist the board in arriving at a fair and just determination in the case by giving full and frank answers to all questions the board may have and by confining his presentation to matters related to the case.

(f) The recorder will then read the "Notice of Proposed Termination of Appointment or Enlistment," and the "Statement of Reasons." The order of further proceedings will lie in the discretion of the board, except that the respondent will have the right to make opening and closing statement either in person or by counsel. Ordinarily, the board will first present the unclassified information available to it, and the respondent will then be permitted to call such witnesses and introduce such evidence as he may consider appropriate. If the respondent does not have counsel, the board will assist him in making an orderly and complete presentation of his case.

(g) The respondent and each witness appearing before the board will be advised as follows:

> You may refuse to answer any question, make any statement, or produce any evidence before the board which may tend to incriminate you or which may tend to degrade you and is not material to the issue.

(h) All witnesses appearing before the board will be administered the following oath by the senior member:

> Do you solemnly swear (or affirm) that the testimony you are about to give in this case shall be the truth, the whole truth, and nothing but the truth, so help you God? (If affirmation is used, "So help you God" will be omitted.)

(i) The president of the board will advise the respondent that an announcement of the determination will not be made in his case except by the Secretary of the Air Force and that the findings and recommendations to be made by that board are not a final determination in the case, that the proceedings will be reviewed by the Air Force Personnel Board which board will recommend action considered appropriate to the Secretary of the Air Force, and that final decision in all cases rests with the Secretary of the Air Force. Therefore, the respondent will be encouraged to take advantage of the opportunity afforded him to submit additional brief, argument or information subsequent to his receipt of the corrected copy of the transcript of the hearing (see § 886.13 (h)).

(j) As soon as practicable, a transcript of the hearing will be provided the respondent for his review and comments. Within 5 days after the receipt of this copy of the transcript, the respondent or his counsel may file with the board such suggested corrections as he may desire and any such suggestions will become a permanent part of the file. The board will accept or reject such suggestions and notify the respondent or his counsel of its actions thereon. Corrections will be allowed solely for the purpose of conforming the transcript to the actual testimony. Marginal notes will be used in explanation of corrections made.

§ 886.13 *Findings and recommendations.* (a) As soon as practicable after the close of the hearing, the hearing board and the recorder will meet in executive session for the purpose of arriving at its findings and recommendations. The board will consider the complete file, including the original file, the transcript of testimony at the hearing, any brief submitted by the respondent and any other relevant information.

(b) The board will take into consideration the fact that the respondent may have been handicapped in his defense by the nondisclosure to him of classified information or by the lack of opportunity to cross-examine persons constituting sources of such information, and will weigh information carefully in the light of its recency, relative seriousness, attendant circumstances, whether it was given under oath, whether it is relevant, whether the person has had an opportunity to rebut it, and whether there is similar or supporting information.

(c) The board's findings and recommendations will be signed by all concurring members. Dissenting opinions will be filed.

(d) The findings will include a determination with respect to each of the statements set forth in the "Statement of Reasons" and an analysis of information and a detailed statement of reasoning upon which each finding is based. Even though the board determines that each of the statements is true, it need not necessarily find the respondent should be discharged.

(e) The findings will also include a separate finding in the following form with respect to security:

> The board finds on all the information that the respondent's retention in the Air Force (is) (is not) clearly consistent with the interests of national security.

(f) If the board finds favorably to the respondent, it will recommend retention.

(g) If the board finds unfavorably to the respondent, it will recommend that:

(1) If an officer, he be discharged from all commissions and appointments held by him in the Air Force, and, if the respondent is entitled to enlist as a Regular airman or appointment as a Regular warrant officer in the Air Force, either as a selectee or vacatee, that he not be enlisted or appointed, as appropriate.

(2) If an airman, he be discharged from his enlistment, and also that the respondent be discharged from all commissions or appointments in the Air Force held by him.

(3) A discharge under honorable conditions be given, or, if in the opinion of the board it is so warranted, that a discharge under other than honorable conditions be given.

(4) In the case of an airman, consideration be given to assignment to a nonsensitive position as prescribed in § 886.5.

(h) The board will deliver or send to the respondent, in the same manner as the "Notice of Proposed Termination of Appointment or Enlistment," a copy of the final transcript of the hearing together with a letter:

(1) Directing him to withdraw the enclosed copy of the hearing and to acknowledge receipt of the letter within 48 hours by indorsement thereon.

(2) Informing him that he may submit to the Director of Military Personnel, Headquarters USAF, Washington 25, D. C., within 20 days of receipt of the letter, any brief, argument, or further information he may desire to have brought before the Air Force Personnel Board, and, that failure to receive additional information within 30 days of his date of receipt of the final transcript of the proceedings will cause his case to be considered without further representation from or for him.

(3) Informing him that he will not appear in person or be represented before the Air Force Personnel Board unless so requested by the board.

(i) The original and one duplicate of the report of proceedings of the board is required by Headquarters USAF. Copies of the transcript referred to the respondent or counsel will not contain classified information and will not be designated as classified information. The report will be forwarded to the convening authority for his action and will then be forwarded through channels to the Director of Military Personnel, Headquarters USAF. The report will include a statement signed by the respondent which will include the following:

(1) A statement that the respondent has read and understands §§ 886.12 (j) and 886.13 (h) (including the subparagraphs thereof).

(2) Date of receipt of copy of the hearing.

§ 886.14 *Review.* (a) The Director of Military Personnel will forward all cases to the Air Force Personnel Board for review. The board may return the case with a request that additional information be obtained. The respondent will not be heard during this review unless his presence is desired by the board.

(b) The recommendation of the Air Force Personnel Board will be transmitted to the Secretary of the Air Force for review and final decision. Appropriate action will be taken in accordance therewith by the Director of Military Personnel.

§ 886.15 *Affect of favorable decision.* A final decision favorable to the individual ordinarily will not be reconsidered within the Air Force except upon the discovery of additional information. The records of such proceedings, together with the contents of any special file theretofore maintained on the respondent, will be forwarded, after the completion of the proceedings, to the Deputy Chief of Staff, Personnel and will not thereafter be available for examination without his permission. Nothing herein contained will relieve commanders of their responsibility for the security of their commands, nor deprive them of their authority over assignments and the extent of access to classified information.

REJECTION FOR MILITARY SERVICE

§ 886.16 *Rejection for military service.* In no case will any person who admits, or whose available records show, that he has at any time engaged in any of the activities listed in § 886.5 be appointed or enlisted in the Air Force without the specific approval of the Secretary of the Air Force.

§ 886.17 *Loyalty certificate.* The following persons will be required to read §§ 886.5 and 886.6 and requested to execute DD Form 98 "Loyalty Certificate," at the following times:

(a) Each applicant for appointment or enlistment, before his appointment or enlistment.

(b) Each member of a component of the Armed Forces voluntarily entering into active military service with the Air Force, immediately before such entry.

(c) Each inductee, member of a component of the Armed Forces entering into active military service with the Air Force other than voluntarily, and other nonvolunteers, at the earliest practicable time subsequent to their entry on active duty.

§ 886.18 *Applicants for appointment.* The completed certificate, DD Form 98, including a consolidated list of organizations designated by the Attorney General, will be attached as an inclosure to the application for appointment. If, after instruction, an applicant fails to execute the certificate in its entirety or indicates, in its execution, that there is any reason to believe that his appointment is not clearly consistent with the interests of national security, his appointment will be withheld and the applicant and allied papers will be forwarded to Director of Personnel Procurement and Training, Headquarters USAF, Attention: Personnel Procurement Division, Washington 25, D. C., for appropriate action and decision.

§ 886.19 *Applicants for enlistment.* When the person acknowledges that he is or has been a member of an organization designated by the Attorney General, the completed DD Form 98, DD Form 398, and any other pertinent data will be forwarded to Director of Personnel Procurement and Training, Headquarters USAF, Attention: Personnel Procurement Division, Washington 25, D. C., for determination on whether he should be enlisted.

§ 886.20 *Members of components of the Armed Forces.* (a) If a member of a component of the Armed Forces voluntarily entering into active military service with the Air Force acknowledges that he is or has been a member of an organization designated by the Attorney General, or if he refuses to sign a loyalty certificate, the procedures prescribed by §§ 886.7 to 886.15 will be followed.

(b) Action concerning a member of a component of the Armed Forces entering into active military service other than voluntarily will be as prescribed in § 886.21.

§ 886.21 *Inductees and other nonvolunteers.* Any inductee or other nonvolunteer who refuses to execute a loyalty certificate or makes any falsification or misrepresentation in executing a loyalty certificate or statement of personal history, or acknowledges that he is or has been a member of an Attorney General cited organization, will be retained in service pending investigation. The procedures prescribed by §§ 886.7 to 886.15 will be followed.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-2577; Filed, Apr. 7, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

[Docket No. AO 225-A5]

HANDLING OF MILK IN THE DETROIT, MICH., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Park-Shelton Hotel, Woodward and Kirby Streets, Detroit, Michigan, beginning at 10:00 a. m., e. s. t., April 20, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amend-

ed, regulating the handling of milk in the Detroit, Michigan, marketing area (7 CFR 924.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, for the Detroit, Michigan, marketing area have been proposed as follows:

By the Michigan Milk Producers' Association:

1. It is proposed to amend § 924.6 (b) of Federal Milk Marketing Order No. 24 to read as follows:

(b) A person who operates a plant other than one described in paragraph (a) of this section (1) which is approved by the Department of Health of the City of Detroit, Ann Arbor, Pontiac or Port Huron for the handling of milk for consumption as Class I milk in the marketing area (2) from which not less than fifty (50) percent of the milk received at such plant in the months of September, October, November and December from dairy farms is moved to a plant described in paragraph (a) of this section and such fifty (50) percent is not in excess of the Class I requirements of the receiving plant after first allocating to such requirements all milk received at such plant from producers or cooperative associations (other than the plant making such qualifying shipments). For the purpose of this paragraph Class I requirements shall mean 115 percent of Class I utilization and all plants operated by one handler, or from which milk is moved to plants operated by one handler, or from which milk is moved to plants as described in paragraph (a) of this section by one cooperative shall be considered as a unit.

2. Make such other changes as are necessary to make the order conform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing and of the order as now in effect may be obtained from the Market Administrator, 5701 Second Boulevard, Detroit 2, Michigan, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 5th day of April 1954.

ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2619; Filed, Apr. 7, 1954; 8:53 a. m.]

Agricultural Research Service

[9 CFR Parts 71, 78, 80]

BRUCELLOSIS AND PARATUBERCULOSIS

INTERSTATE MOVEMENT OF ANIMALS

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to the provisions of sections 6, 7, and 13 of the act of May 29, 1884, as amended (21 U. S. C. 114a-1, 115, 117), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 3 of the act of March 3, 1905, as amended (21 U. S. C. 125), it is proposed to amend Subchapter C, Chapter I, Title 9, Code of Federal Regulations, in the following respects:

1. Section 71.3 of Part 71 would be amended to read as follows:

§ 71.3 *Interstate movement of diseased animals generally prohibited.* Animals affected with splenetic fever, scabies, dourine, hog cholera, swine plague, vesicular exanthema, tuberculosis, brucellosis, scrapie, paratuberculosis, glanders, lip-and-leg ulceration, anthrax or other contagious, infectious, or communicable disease of livestock, or which are tick infested, shall not be moved interstate: *Provided, however,* That domestic animals which have reacted to a test recognized by the Secretary of Agriculture for brucellosis or paratuberculosis, which are not affected with any other disease referred to in this section and are not tick infested, may be moved interstate in accordance with the provisions of Subpart B of Part 78 of this subchapter in the case of brucellosis reactors and with the provisions of Part 80 of this subchapter in the case of paratuberculosis reactors, and that cattle which have reacted to the tuberculin test, which are not affected with any other disease referred to above and are not tick infested, may be moved interstate in accordance with the provisions of § 77.8 of this subchapter. Before offering cattle or other livestock for interstate transportation, transporting them interstate, or introducing them into any stockyards or upon routes of traffic for interstate transportation, all persons or corporations are required to exercise reasonable diligence to ascertain that such animals are not affected with any contagious, infectious, or communicable disease, and have not been exposed to the contagion or infection of any such disease by contact with other animals so diseased or by location in pens, cars, or other vehicles, or upon premises that have contained animals so diseased.

2. Part 78 would be amended to read as follows:

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

SUBPART A—GENERAL PROVISIONS

§ 78.1 *Definitions.* As used in this part, the following terms shall have the meanings set forth in this section except as otherwise clearly indicated.

(a) *Brucellosis.* The infectious and communicable disease of domestic animals commonly known as Bang's disease, abortion disease, contagious abortion, and brucellosis.

(b) *State.* Any State, Territory, or the District of Columbia.

(c) *Interstate.* From one State to any other State.

(d) *Person.* Any person, company, or corporation.

(e) *Moved.* Transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person.

(f) *Certified brucellosis-free herd.* A herd of cattle officially declared by the Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, and a State as free from brucellosis and such declaration being evidenced by a currently effective certificate issued jointly by such Branch and State.

(g) *Modified certified brucellosis-free area.* A State or a political subdivision, or portion thereof, in which the percentage of cattle affected with brucellosis has been determined by the Chief of the Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, not to exceed one percent and the percentage of herds in which brucellosis is present has been determined by such Chief not to exceed five percent.

(h) *Official vaccinate.* A bovine animal of a dairy breed vaccinated for brucellosis when 6 to 8 months of age, or of a beef breed vaccinated for brucellosis when 6 to 12 months of age, under the supervision of a Federal or State livestock sanitary official with a vaccine approved by the Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture; permanently identified as such a vaccinate; and reported at the time of vaccination to the appropriate State and Federal agency cooperating in the eradication of brucellosis.

(i) *Public stockyard.* A stockyard where trading in livestock is carried on; where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company; and where Federal inspection is maintained for the inspection of livestock for communicable diseases.

(j) *Federal inspector.* An inspector of the Livestock Regulatory Programs, Agricultural Research Service, United States Department of Agriculture, responsible for the performance of the function involved.

(k) *State inspector.* An inspector regularly employed in livestock sanitary work of a State or a political subdivision thereof; whose entire salary is paid by such State or political subdivision; and who is authorized by such State or political subdivision to perform the function involved.

(l) *Accredited veterinarian.* A veterinarian approved by the United States Department of Agriculture to perform the function involved.

§ 78.2 *Notice relating to existence of brucellosis.* On June 5, 1952, the Secretary of Agriculture issued a notice that the contagion of brucellosis exists in domestic animals in each State of the United States and in the Territories of Puerto Rico, Alaska, and Hawaii (17 F. R. 5260).

§ 78.3 *Certificates pertaining to movement of animals.* (a) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency issuing waybills or other forms of billing covering the movement, the certificate shall be delivered to such transportation agency by the shipper at the time the animals are delivered for shipment; shall become the property of the transportation agency; shall be attached to the billing by the transportation agency; shall accompany such billing to the destination of the animals; and shall be filed with such billing for future reference.

(b) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency not issuing waybills or other forms of billing, or moved by any other means, the certificate shall accompany the animals to their destination and be delivered to the consignee, or, in case the consignor and the consignee are the same person, to the first person purchasing during or after such movement, or to the person to whom the animals are delivered.

SUBPART B—DOMESTIC ANIMALS AFFECTED WITH BRUCELLOSIS

§ 78.4 *General restriction.* Domestic animals affected with brucellosis may not be moved interstate except in compliance with the regulations in this subpart.

§ 78.5 *Movement of brucellosis reactors.* Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be moved interstate under this subpart for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or to a public stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) Cattle which have reacted to such a test shall be marked for identification by branding the letter "B" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted", or "U. S. Reacted", or a similar State reactor tag. Such a metal tag, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination, in accordance with § 78.3, by a certificate issued by a Federal or State inspector or an accredited veterinarian showing: (1) That the animals have reacted to a test recognized by the Secretary of Agriculture for brucellosis; (2) the reactor tag number of each animal and the name of the owner of such animal when it was tested for brucellosis; (3) that the animals may be moved interstate; (4) the destination to which they are to be moved; and (5) the purpose for which they are to be moved.

§ 78.6 *Reshipment of purebred brucellosis reactors.* Purebred animals which have been moved interstate for breeding purposes, and which, subsequent to such movement, have reacted to a test recognized by the Secretary of Agriculture for brucellosis, may be reshipped interstate under this Subpart for purposes other than immediate slaughter in accordance with the requirements set forth in paragraphs (a) and (b) of § 78.5 and with the following additional requirements:

(a) The reactors shall be returned to the point of origin, consigned to the original owner.

(b) Test charts for the original test and any subsequent retest, showing that such tests were properly conducted, shall be submitted for examination to the person who issues the certificate required by § 78.5 (b).

(c) The reactors shall not be shipped to any State without specific provision by the appropriate livestock sanitary official thereof for the segregation or quarantine of such reactors until their death by slaughter or from natural causes.

(d) The reactors, after return to the point of origin, shall not again be moved interstate except for immediate slaughter in accordance with the provisions of § 78.5.

§ 78.7 *Marking of records.* Each transportation agency moving brucellosis reactors in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, and similar record, which it prepares in connection with such movement, the words "Brucellosis Reactors" and a statement to the effect that the railroad car, boat, truck, or other vehicle, in which the animals are transported is to be cleaned and disinfected.

§ 78.8 *Cleaning and disinfecting vehicles.* (a) Each railroad car, boat, truck, or other vehicle, in which brucellosis reactors are transported interstate shall be cleaned and disinfected in accordance with the provisions of §§ 71.4, 71.7, 71.9, 71.10, and 71.11 of this subchapter: *Provided, however,* That such vehicles may be cleaned and disinfected under the supervision of a Federal or State inspector or an accredited veterinarian.

(b) Each railroad car, boat, truck, or other vehicle, from which brucellosis reactors moved interstate are transferred en route to destination, shall be cleaned and disinfected, by the transportation agency delivering the vehicle to such point of transfer, under the supervision of a Federal or State inspector or an accredited veterinarian, immediately after unloading of the animals and before being moved from such point of transfer, in accordance with the provisions of §§ 71.9 through 71.11 of this subchapter: *Provided, however,* That if such supervision or proper cleaning and disinfecting facilities are not available at such point of transfer, the transportation agency may seal, bill, and forward the vehicle to a point at which such supervision and facilities are available and there clean and disinfect the vehicle.

§ 78.9 *Segregation of brucellosis reactors en route interstate.* Brucellosis reactors shall not be moved interstate in a railroad car, boat, truck, or other vehicle, containing healthy animals susceptible to brucellosis unless all of the animals are for immediate slaughter, or unless the reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle.

SUBPART C—RESTRICTIONS ON MOVEMENT OF CATTLE BECAUSE OF BRUCELLOSIS

§ 78.10 *General restriction.* Cattle may not be moved interstate except as provided in the regulations in this subpart.

§ 78.11 *Movement of brucellosis reactor cattle.* Cattle which have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be moved interstate in accordance with the regulations in Subpart B of this part.

§ 78.12 *Movement of other cattle.* (a) Cattle may be moved interstate under this subpart for any purpose if accompanied by a certificate issued by a Federal or State inspector or an accredited veterinarian showing that the cattle have been subjected to a test recognized by the Secretary of Agriculture for brucellosis under the supervision of a Federal or State livestock sanitary official within 30 days prior to the date of movement and found negative, and showing the identification tag, tattoo, or registration number of each animal.

(b) Cattle of the following classes, not known to be affected with brucellosis, may be moved interstate under this subpart if accompanied by a certificate issued by a Federal or State inspector or an accredited veterinarian showing the specific class in which the cattle fall. The provisions of paragraph (a) of this section shall not be applicable to such movements.

(1) Steers and spayed heifers.

(2) Calves of the beef type under 8 months of age moved interstate for feeding purposes only, and all other calves under 6 months of age.

(3) Bulls and female cattle of the beef type moved interstate for feeding purposes only to a State which has laws, rules, or regulations, which provide for the segregation or quarantine of such cattle brought into the State, under a permit from such State of destination.

(4) Cattle originating in certified brucellosis-free herds.

(5) Cattle originating in modified certified brucellosis-free areas.

(6) Cattle identified as official vaccinates and under 30 months of age on the date of movement interstate.

(7) Cattle identified as official vaccinates and over 30 months of age but under 36 months of age at the time of movement interstate, which do not disclose a reaction to a test for brucellosis exceeding incomplete agglutination in a dilution of 1:100.

(c) Cattle, not known to be affected with brucellosis, may be moved interstate directly to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or to a slaughtering establishment operating under State meat inspection, or to a slaughtering establishment designated by the proper State livestock sanitary official of the State of destination, for immediate slaughter, or may be moved interstate to a public stockyard, without restriction under this part.

3. A new Part 80 would be added to read as follows:

PART 80—PARATUBERCULOSIS IN DOMESTIC ANIMALS

§ 80.1 *Definitions.* As used in this part, the following terms shall have the

meanings set forth in this section except as otherwise clearly indicated.

(a) *Paratuberculosis.* The infectious and communicable disease of domestic animals commonly known as Johne's disease and paratuberculosis.

(b) *State.* Any State, Territory, or the District of Columbia.

(c) *Interstate.* From one State to any other State.

(d) *Person.* Any person, company, or corporation.

(e) *Moved.* Transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person.

(f) *Public stockyard.* A stockyard where trading in livestock is carried on; where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company; and where Federal inspection is maintained for the inspection of livestock for communicable diseases.

(g) *Federal inspector.* An inspector of the Livestock Regulatory Programs, Agricultural Research Service, United States Department of Agriculture, responsible for the performance of the function involved.

(h) *State inspector.* An inspector regularly employed in livestock sanitary work of a State or a political subdivision thereof; whose entire salary is paid by such State or political subdivision; and who is authorized by such State or political subdivision to perform the function involved.

(i) *Accredited veterinarian.* A veterinarian approved by the United States Department of Agriculture to perform the function involved.

§ 80.2 *Notice relating to existence of paratuberculosis.* On June 5, 1952, the Secretary of Agriculture issued a notice that the contagion of paratuberculosis exists in domestic animals in the Territory of Puerto Rico and in each State of the United States except Arizona, Maine, New Hampshire, Rhode Island, Utah, and Wyoming (17 F. R. 5260).

§ 80.3 *General restriction.* Domestic animals affected with paratuberculosis may not be moved interstate except in compliance with the regulations in this part.

§ 80.4 *Movement of paratuberculosis reactors.* Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis may be moved interstate under this part for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or to a public stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) Cattle which have reacted to such a test shall be marked for identification by branding the letter "T" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted", "U. S. Reacted", or a similar State reactor tag. Such a metal tag, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination, in accordance with § 80.9, by a certificate issued by a Federal or State inspector or an accredited veterinarian showing: (1) That the animals have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis; (2) the reactor tag number of each animal and the name of the owner of such animal when it was tested for paratuberculosis; (3) that the animals may be moved interstate; (4) the destination to which they are to be moved; and (5) the purpose for which they are to be moved.

§ 80.5 *Reshipment of purebred paratuberculosis reactors.* Purebred animals which have been moved interstate for breeding purposes, and which, subsequent to such movement, have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis, may be reshipped interstate under this part for purposes other than immediate slaughter in accordance with the requirements set forth in paragraphs (a) and (b) of § 80.4 and with the following additional requirements:

(a) The reactors shall be returned to the point of origin, consigned to the original owner.

(b) Test charts for the original test and any subsequent retest, showing that such tests were properly conducted, shall be submitted for examination to the person who issues the certificate required by § 80.4 (b).

(c) The reactors shall not be shipped to any State without specific provision by the appropriate livestock sanitary official thereof for the segregation or quarantine of such reactors until their death by slaughter or from natural causes.

(d) The reactors, after return to the point of origin, shall not again be moved interstate except for immediate slaughter in accordance with the provisions of § 80.4.

§ 80.6 *Marking of records.* Each transportation agency moving paratuberculosis reactors in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, and similar record, which it prepares in connection with such movement, the words "Paratuberculosis Reactors" and a statement to the effect that the railroad car, boat, truck, or other vehicle, in which the animals are transported is to be cleaned and disinfected.

§ 80.7 *Cleaning and disinfecting vehicles.* (a) Each railroad car, boat, truck, or other vehicle, in which paratuberculosis reactors are transported interstate shall be cleaned and disinfected in accordance with the provisions of §§ 71.4, 71.7, 71.9, 71.10, and 71.11 of this subchapter: *Provided, however,* That such vehicles may be cleaned and disinfected under the supervision of a Federal or State inspector or an accredited veterinarian.

(b) Each railroad car, boat, truck, or other vehicle, from which paratuberculosis reactors moved interstate are transferred en route to destination, shall be cleaned and disinfected, by the transportation agency delivering the vehicle to such point of transfer, under the supervision of a Federal or State inspector or an accredited veterinarian, immediately after unloading of the animals and before being moved from such point of transfer, in accordance with the provisions of §§ 71.9 through 71.11 of this subchapter: *Provided, however,* That if such supervision or proper cleaning and disinfecting facilities are not available at such point of transfer, the transportation agency may seal, bill, and forward the vehicle to a point at which such supervision and facilities are available and there clean and disinfect the vehicle.

§ 80.8 *Segregation of paratuberculosis reactor en route interstate.* Paratuberculosis reactors shall not be moved interstate in a railroad car, boat, truck, or other vehicle, containing healthy animals susceptible to paratuberculosis unless all of the animals are for immediate slaughter, or unless the reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle.

§ 80.9 *Certificates pertaining to movement of animals.* (a) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency issuing waybills or other forms of billing covering the movement, the certificate shall be delivered to such transportation agency by the shipper at the time the animals are delivered for shipment; shall become the property of the transportation agency; shall be attached to the billing by the transportation agency; shall accompany such billing to the destination of the animals; and shall be filed with such billing for future reference.

(b) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency not issuing waybills or other forms of billing, or moved by any other means, the certificate shall accompany the animals to their destination and be delivered to the consignee, or, in case the consignor and consignee are the same person, to the first person purchasing during or after such movement, or to the person to whom the animals are delivered.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Chief, Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, Washington, D. C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 2d day of April 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-2635; Filed, Apr. 7, 1954; 8:55 a. m.]

Commodity Stabilization Service

[7 CFR Part 814]

DOMESTIC BEET SUGAR AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO THE ALLOTMENT OF 1954 SUGAR QUOTA

Pursuant to the provisions of the Sugar Act of 1948, as amended (7 U. S. C. 1100 et seq., hereinafter referred to as the "act"), and the applicable rules of practice and procedure (7 CFR 801.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Administrator, Commodity Stabilization Service, United States Department of Agriculture, with respect to a proposed order of the Secretary of Agriculture for the allotment of the 1954 sugar quota for the domestic beet sugar area. Interested persons may file written exceptions to this recommended decision and proposed order, together with supporting reasons therefor, with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 10 days after the date of filing of the recommended decision with the Hearing Clerk, which date shall be the date of publication of this notice in the FEDERAL REGISTER. The date of filing of written exceptions with the Hearing Clerk by mail shall be the postmark date of submission of such exceptions.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure, a preliminary finding was made that allotment of the quota is necessary and a notice was issued on December 8, 1953 (18 F. R. 8175), of a public hearing to be held at Chicago, Illinois, on January 18, 1954, for the purpose of receiving evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the 1954 sugar quota for the domestic beet sugar area, and also for the purpose of receiving evidence upon which the Secretary may affirm modify or change his preliminary finding that allotment of the quota is necessary.

The hearing was held at the place and time specified in the notice.

Summary of testimony and arguments. With respect to the necessity for allotment of the 1954 sugar quota for the domestic beet sugar area, the government witness testified that about 1,536,000 short tons, raw value, of beet sugar was produced from 1953-crop beets before the end of the calendar year, that additional processings in 1954 are estimated to bring the total for the crop to about 1,876,000 tons, and that price trends and acreage allotment prospects for other crops provide pressure for expanded plantings of beets in 1954. The marketing of available 1953-crop sugar in 1954, amounting to about 1,442,000 tons, will permit the marketing of only about 358,000 tons of 1954-crop sugar during 1954. This quantity was exceeded by the new-crop marketings in 1950 and 1953 by 31 and 22 percent, respectively. Prices for sugar prevailing during the last two months of 1953 in areas where much of the beet sugar was marketed indicate that some disorderly marketing has already taken place as a result of the size of the 1953-crop and 1954-crop prospects. Thus, it seems clear that allotment of the beet sugar quota for 1954 is necessary (R. 27). Testimony of other witnesses generally supported the testimony of the government witness in this respect. However, the National Sugar Manufacturing Company argued in its brief (Brief 3, 4) that allotment of the quota was not necessary.

With respect to the manner in which the allotments should be made, the government witness proposed that the factors to be considered in allotting the 1954 sugar quota for the domestic beet sugar area be measured as follows: (1) "processings of sugar or liquid sugar from sugar beets * * * to which proportionate shares * * * pertained" by production of sugar by each processor from 1953-crop sugar beets; (2) past marketings by average marketings for each of the processors for the calendar years 1949–53, inclusive; and (3) ability to market by the sum of each processor's (i) effective inventory on January 1, 1954, and (ii) the highest new-crop marketings in any of the calendar years 1949 through 1952. Each measure would be converted to a percentage distribution of the total of that measure for all processors, and the factors so measured would be weighted 20, 40 and 40 percent, respectively (R. 40, 45). The allotments for the individual processors would then be computed by applying the sum of the weighted percentages for each processor to the statutory quota (R. 45).

The government witness testified that the data for the years 1948–53, inclusive, for use in measuring the three statutory factors, were derived from information submitted by the processors (R. 34; Ex. 5). The summary of the data derived from such information was introduced into evidence by the government witness (R. 34, 38; Ex. 6).

The government witness testified concerning an agreement entered into between the National Sugar Manufacturing Company and the Holly Sugar Corporation, involving molasses produced by the National Sugar Manufacturing Company and sugar processed by the Holly Sugar Corporation (R. 215). Such testimony also revealed that those companies had disputed whether the agreement was one for an exchange of molasses for sugar or a tolling agreement; and that thereafter a decision was made by the government, prior to the hearing, and based upon the information before it, that such agreement constituted an agreement to exchange molasses for sugar. The figures submitted in the record by the government witness were based on such decision, where applicable.[1]

With respect to the adequacy of the measure and weighting proposed for the factor processings from proportionate shares the government witness stated that the crop year completed in the quota year affords the most current measure of processings which includes the production of sugar from a full crop for each processor. Over 80 percent of the sugar to be marketed in 1954 will be 1953-crop sugar and for most processors no other sugar will be available for marketing during the first three-quarters of the year (R. 41).

With respect to the adequacy of the measure and weighting proposed for the factor past marketings, the government witness stated that marketings of beet sugar during the years 1949–53 include the record crop of 1950 and initial marketings from the second largest crop on record in 1953, as well as three mediocre crops of 1949, 1951, and 1952 and the effective inventory remaining on January 1, 1949, from the very small crop of 1948. This period of years was, therefore, deemed long enough to provide sufficient variety of performance so that the average of marketings in these years should provide a representative measure of past marketings for each processor. Generally speaking, production and marketings from year to year tend to be relatively stable for the large multiplant companies and highly variable for single plant companies. Heavy weighting to the average marketings for the years proposed are deemed to provide a desirable degree of stability for all companies (R. 41, 42).

With respect to the adequacy of the measure and weighting proposed for the factor ability to market the government witness stated that the highest new-crop marketings in any of the calendar years 1949–52, inclusive, appear to be a fair measure of ability to market new-crop sugar in 1954 and when combined with January 1, 1954, effective inventory such measure is a fair and equitable measure of each processor's ability to market sugar within the portion of the 1954 quota allotted to him (R. 43).

The government witness stated that provision should be made for substituting in a revision of the allotment order final figures for the items for all processors whose data now in the record prove to be estimates (R. 39).

The substitution of final data as proposed by the government witness, and the revision of the allotment order for the purpose of allotting deficits in area quotas and individual allotments were agreed to by 18 of the 19 processors in a stipulation set forth in the records as follows:

(1) Without further hearing and without change in the initial allotment method, the allotment order shall be revised as soon as

[1] While the briefs of the National Sugar Manufacturing Company and the Holly Sugar Corporation pertaining to the agreement between those companies have been reviewed, they did not afford a basis for changing the decision that such agreement was one for the exchange of molasses for sugar.

practicable after the data are available, substituting therein the final 1953 marketings, 1953-crop production, and January 1, 1954, inventories of each processor.

(2) Without further hearing, and without change in the initial allotment method, the allotment order shall be revised for the purpose of allotting any additional quota resulting from the proration of area deficits or any deficits in the allotment for any allottee under the order.

(3) Each allottee waives his right to object to the validity of the 1954 allotment order by reason of any action taken by the Secretary of Agriculture in accordance with the provisions of this stipulation (R. 238–243).

The government witness stated that while any estimated data are included in the basis for the allotments, either somewhat less than the quota must be allotted or the use of the allotments must be restricted until the order is revised, using actual data. The error in these estimates is believed small enough to justify allotments totaling 90 percent of the quota (R. 39). There was no objection to the proposal that effective allotments be limited to 90 percent of the quota until final data are substituted for all estimated data.

Representatives of 11 of the 19 processors signified approval of the government proposal (R. 53, 73, 75, 81, 83, 86, 89, 172, 182, 208).

Franklin County Sugar Company proposed that processings from proportionate shares be measured by 1953-crop production and weighted 10 percent; that past marketings be measured by the average of the 3 highest years' marketings, 1941–53, and weighted 80 percent; and that ability to market be measured by effective inventory January 1, 1954, and weighted 10 percent (R. 62–64).

Layton Sugar Company proposed that processings from proportionate shares be measured by each processor's best year of production during the past three years and weighted 10 percent; that past marketings be measured by each processor's best three years during the period 1948–52 and weighted 80 percent; and if the factor, ability to market is measured as proposed by the government witness, that it be weighted 10 percent (Brief 5–10).

The National Sugar Manufacturing Company proposed that processings from proportionate shares be measured by the 1944–53 average production of sugar and weighted 30 percent; that past marketings be measured by the average annual marketings for the period 1944–53 or 1948–52 and weighted 30 percent; and that ability to market be measured by each processor's proportion of the total allotments in 1941 and weighted 40 percent (Brief, 10, 11, 14, 40).

Great Western Sugar Company proposed that processings from proportionate shares be given substantial weight and be measured by the average production of sugar from beets of the last two, three or four crop years; that past marketings be measured by the average annual marketings during the last two, three or four consecutive calendar years and given less weight than processings; and that ability to market need not be given any weight, as such, since this factor is adequately measured by the factors processings and past marketings (R. 142, 160; Brief 26).

Menominee Sugar Company proposed that the years 1940, 1941, 1946, 1947, and 1950 be used for historical purposes in establishing an allotment for Menominee and that it would raise no objection to other processors selecting their best years of production (R. 80).

The representative of Union Sugar Division of Consolidated Grocers Corporation stated that if there was to be any change from the government proposal processings from proportionate shares should be weighted 40 percent and a period not longer than the average of the last three crop years might be used. He further indicated that weighting of the factor past marketings could be reduced to 20 percent and that perhaps a weight of more than 40 percent should be assigned to the factor ability to market (R. 209–211).

The government proposal was criticised in the following respects. The representative of the Great Western Sugar Company testified and argued in its brief that the use of production from one crop was an improper measure of processings from proportionate shares because it does not measure trends and is an inaccurate measure of past relationships (R. 160; Brief 21). This witness questioned the propriety of including in the measure of processings from proportionate shares, 1953-crop beets harvested in 1954 (R. 152–158). National Sugar Manufacturing Company (Brief 5–7) pointed out that processings from 1953-crop beets was lower than average for National Sugar Manufacturing Company, Franklin County Sugar Company, Lake Shore Sugar Company, Garden City Company and Superior Sugar Refining Company due to bad weather, labor shortages and competition from other crops, and thus concluded that production from 1953-crop beets alone would be an improper measure of processings from proportionate shares. Layton Sugar Company also argued in its brief that production from 1953-crop beets alone did not indicate a trend of processings from proportionate shares for single-plant companies (Brief 5). The Garden City Company testified that none of the years subsequent to 1947 were representative for that company because of prices for competing crops and weather and pest problems (R. 67–69).

With respect to the measure of past marketings as proposed by the government witness, the representative of the National Sugar Manufacturing Company objected to the inclusion of 1953 marketings because of the influence of "constructive deliveries" in that year (R. 84). That company also argued in its brief that the exclusion of 1948 marketings had the effect of improving the "relative industry positions" of certain companies (Brief 10–11). The Layton Sugar Company in its brief protested against measuring past marketings by the average of annual marketings for the successive years 1949–1953, inclusive, because of unfortunate production experience during some of those years (Brief 6–7).

With respect to the measure proposed by the government witness for the factor ability to market, the representative of the Great Western Sugar Company stated that the volume of new-crop marketings by individual processors in past years was the result of a combination of conditions prevailing at the time and is in no way a measure of ability to market either in 1954 or at any other time (R. 163). The representative of the Great Western Sugar Company also testified that the inclusion of "highest new-crop marketings" in the years 1948–52, in the measure of ability to market was particularly prejudicial to that processor, since it had on hand on January 1, 1949, over 500,000 bags of 1947-crop sugar (R. 160–161). It was also argued in the Great Western Sugar Company brief that the factor ability to market should be used only to ascertain whether allottees have the ability to market an allotment determined on the basis of the factors, processings from proportionate shares and past marketings (Brief 24).

Three other processors, Layton Sugar Company (Brief 10), Franklin County Sugar Company (Brief 2) and Menominee Sugar Company (Brief 1), objected to the inclusion of new-crop marketing in measuring the factor ability to market because processors have varying periods within which they can market "new-crop" sugar. The National Sugar Manufacturing Company objected in its brief to the inclusion of "January 1, 1954, effective inventory" in the measure of ability to market, first because it would have the effect of placing additional emphasis on 1953-crop processings and secondly because it would include an estimated quantity of sugar to be processed from beets not yet harvested and which may never be harvested or processed (Brief 10, 12).

The representatives of the Holly Sugar Company (R. 192) and Union Sugar Division (R. 210) testified in support of the government proposal to measure ability to market by January 1, 1954, effective inventories and the highest new-crop marketing during the period 1949–52. The Spreckels Sugar Company in its brief stated that the measure of ability to market as proposed by the government witness recognizes the practical necessity and normality of differences between companies as to size of January 1 effective inventories and new-crop marketings, since normally those companies having low January 1 effective inventories have high new-crop marketings, and conversely, companies having high new-crop marketings have low January 1 effective inventories (Brief 5–9).

Extensive testimony was introduced into the record by interested parties to the effect that the government proposal did not make adequate provision for small single-unit companies that had suffered hardship during recent years from crop failures and other causes (R. 60, 72, 76, 79, 85, 88, 100, 106, 169, 196, 208). The representatives of Franklin County Sugar Company (R. 59) and the Great Western Sugar Company (R. 169, 170) proposed that special provision be made for such hardship cases and in order to give effect to such proposals, a stipulation was introduced into the record which would permit such an arbitrary allocation (R. 234, 235). Fourteen of the nineteen processors represented at the hearing agreed to the stipulation.

Special consideration also was requested on behalf of the Menominee Sugar Company and the Superior Sugar Refining Company because of losses resulting from sugar beets freezing in the ground in 1951 (R. 78, 87, 96, 117).

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

> • • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him • • •

All three factors specified in the foregoing provision of law have been considered and each is given a percentile weighting by the formula on which this allotment of the 1954 quota for the domestic sugar beet area is based. Under this formula the factors are measured and weighted as follows: The factor processings from proportionate shares is measured by the larger of (1) each processor's production of beet sugar from 1953-crop beets, or (2) each processor's average production of sugar from 1950, 1951, and 1952-crop beets. The factor past marketings is measured by each processor's annual average marketings of sugar during the calendar years 1949 through 1953. The factor ability to market is measured by the total sugar processed from 1953-crop beets by each processor and available for marketing in 1954 (the January 1, 1954, "effective inventory") plus the largest marketings of sugar for each processor in any one of the years 1949 through 1952 of sugar processed from beets planted in the year in which the sugar was marketed ("new-crop sugar"). The measures of each of the three factors are converted to a percentage distribution of the total of that measure for all processors, and the factors so measured are weighted 20, 50, and 30 percent, respectively. The allotments for the individual processors would then be computed by applying the sum of the weighted percentages for each processor to the statutory quota.

The basis for the allotment as set forth above differs from that proposed by the government witness at the hearing in the following respects: The factor processings from proportionate shares is measured by the larger of (a) each processor's production of sugar from 1953-crop beets or (b) the annual average production of sugar from 1950, 1951, and 1952-crop beets for each processor, instead of by production of sugar from 1953-crop beets alone. The three factors processings from proportionate shares, past marketings and ability to market are given percentile weights of 20, 50 and 30, respectively, instead of 20, 40, 40, respectively.

Testimony at the hearing developed that production from 1953-crop beets alone would not be a proper measure of the processing factor because some processors in 1953, through crop disaster or for other causes, suffered from relatively small crops even though the output of the industry was at a near record level. Such testimony indicated that processings from proportionate shares should be measured over a period of more than one year. On the other hand, as was indicated by testimony at the hearing 1953-crop beet processings, in large measure, have created the situation which necessitates allotment of the beet sugar area quota for 1954, and the sugar from the 1953-crop beets constitutes the major portion of the sugar which will be subject to allotments. It was, therefore, deemed fair and equitable to give effect to both of these considerations by selecting as the measure of processings from proportionate shares for each processor the larger of (1) production of beet sugar from 1953-crop beets or (2) the average of sugar production from 1950, 1951, and 1952-crop beets.

Because the factor past marketings when measured by an average of marketings over the period 1949–53 tends to equalize the good years with the bad, more weight has been assigned to this factor. A corresponding reduction has been made in the weight assigned to the ability to market factor. The result of the changes in weighting is to give past marketings a weighting equal to the combined weights assigned to the other two factors, and thereby provide a balance between the factor allied entirely to the past and the two factors which tend to reflect the sugar actually to be marketed under the allotments. The weights assigned, when applied to the measures adopted, result in allotments higher than those proposed by the government at the hearing for the smaller companies faced with special problems, while minimizing differences from the government proposal for other processors.

The allotments established by this order are based on estimated data on 1953 marketings, 1953-crop production, and January 1, 1954, effective inventories for each processor for which final data are to be substituted later. Therefore, the quantity of sugar which may be marketed within each allotment is limited to 90 percent of such allotment.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) Approximately 1,442,000 short tons, raw value, of sugar produced from beets planted in 1953 will be marketed in 1954. Such marketings will permit the marketing of only about 358,000 tons of beet sugar in 1954 to be produced from beets planted in 1954. This quantity was exceeded by the new-crop marketings in 1950 and 1953 by 31 and 22 percent, respectively. Price trends and acreage allotment prospects for other crops provide pressure for the expansion in plantings of beets in 1954 as compared to plantings in 1953.

(2) In 1953, with production of new-crop sugar smaller than in prospect for 1954, disorderly marketing of beet sugar was in evidence in the last quarter of the year.

(3) The production and marketing situation described in (1) and (2) above make necessary the allotment of the domestic beet sugar quota for 1954 to assure an orderly flow of such sugar in the channels of interstate commerce, to prevent disorderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(4) To assure a fair, efficient and equitable distribution of the domestic beet sugar area quota for 1954 the three factors specified in section 205 (a) of the act should be measured and weighted as follows:

(i) The factor processings from proportionate shares should be measured by the larger of (a) each processor's production of beet sugar from 1953-crop beets, or (b) the average production of sugar from 1950, 1951 and 1952-crop beets for each processor.

(ii) The factor past marketings should be measured by each processor's annual average marketings of sugar during the calendar years 1949 through 1953.

(iii) The factor ability to market should be measured by the total sugar processed from 1953-crop beets by each processor and available for marketing in 1954 (the January 1, 1954, "effective inventory") plus the largest marketings of sugar for each processor in any of the years 1949 through 1952 of sugar processed from beets planted in the year in which the sugar was marketed ("new-crop sugar").

(iv) The measures of each of the three factors as set forth in (v), below, expressed for each processor as a percentage of the total of that measure for all processors should be weighted as follows: processings from proportionate shares, 20 percent; past marketings, 50 percent; and ability to market, 30 percent.

(v) The measures of the three factors computed as provided in (i), (ii) and (iii), above, are the quantities of sugar set forth below:

[100-pound bags, beet sugar]

Processor	Processings from proportionate shares (1)	Past marketings (2)	Ability to market (3)
Amalgamated Sugar Co., The	4,637,543	3,960,915	4,289,904
American Crystal Sugar Co	4,745,370	3,978,841	5,159,164
Buckeye Sugar Co., The	120,561	118,460	121,336
Franklin County Sugar Co	166,333	180,632	184,581
Garden City Co., The	107,966	103,433	99,855
Great Lakes Sugar Co	413,472	495,552	385,569
Great Western Sugar Co	8,626,289	7,926,104	8,720,730
Gunnison Sugar, Inc	219,900	243,387	178,771
Holly Sugar Corp	5,452,145	4,615,666	5,765,836
Lake Shore Sugar Co	147,420	150,245	160,164
Layton Sugar Co	108,977	117,255	88,096
Menominee Sugar Co	96,771	101,974	106,734
Michigan Sugar Co	1,296,140	1,242,167	1,085,638
Monitor Sugar Division of Robert Gage Coal Co	404,040	369,640	378,976
National Sugar Manufacturing Co., The	170,027	178,859	133,945
Spreckels Sugar Co	3,828,841	3,232,104	4,015,436
Superior Sugar Refining Co	137,139	149,809	120,826
Union Sugar Division of Consolidated Grocers Corp	1,513,521	1,119,349	1,585,410
Utah-Idaho Sugar Co	3,354,154	2,641,810	3,136,142
All other persons	-	-	-
Total	35,523,007	30,308,209	35,745,471

(5) To prevent any allottee from marketing a quantity of sugar in excess of revised allotments based on final data relating to 1953 marketings, 1953-crop production and January 1, 1954, effective inventories for each processor, marketings under this order should be limited to 90 percent of each allotment established by this order.

(6) The quota for the domestic beet sugar area of 1,800,000 short tons, raw value, is equivalent to 33,644,860 one-hundred pound bags of beet sugar.

(7) The allotment order should be revised as soon as practicable after the data are available, substituting therein the final 1953 marketings, 1953-crop production and January 1, 1954, inventories of each processor.

(8) The allotment order should be revised for the purpose of alloting any additional quota resulting from the proration of area deficits or any deficit in the allotment for any allottee under the order.

(9) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient and equitable distribution of the quota as required by section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.30 *Allotment of the 1954 sugar quota for the Domestic Beet Sugar Area*—(a) *Allotments.* The 1954 sugar quota for the domestic beet sugar area is hereby allotted to the following processors in amounts which appear in column (1) opposite their respective names:

Processors	Allotments: Total: Short tons, raw value (1)	Allotments: Total: 100-pound bags, beet sugar (2)	Allotments: 90 percent (3)
Amalgamated Sugar Co., The	227,142	4,245,645	3,821,081
American Crystal Sugar Co	241,884	4,521,196	4,069,076
Buckeye Sugar Co., The	6,488	121,458	109,312
Franklin County Sugar Co	10,026	187,402	168,662
Garden City Co., The	5,616	104,972	94,475
Great Lakes Sugar Co	21,444	456,967	411,207
Great Western Sugar Co	450,072	8,412,561	7,571,305
Gunnison Sugar Co	12,024	224,748	202,273
Holly Sugar Corp	276,840	5,174,579	4,657,121
Los Alamos Sugar Co	8,670	162,168	145,951
Lyman Sugar Co	5,850	109,346	98,411
Monitor Sugar Co	5,448	101,828	91,645
Mulhall Sugar Co	65,736	1,228,710	1,105,839
Monitor Sugar Division of Robert Gage Coal Co	20,574	384,561	346,105
National Sugar Manufacturing Co., The	7,380	137,944	124,150
Spreckles Sugar Co	190,878	3,623,899	3,261,499
Superior Sugar Refining Co	7,578	141,645	127,481
Union Sugar Division of Consolidated Oil Corp	71,892	1,343,776	1,209,398
Utah-Idaho Sugar Co	156,292	2,958,729	2,662,856
All other persons			
Total	1,800,000	33,644,860	30,280,374

(b) *Restrictions on shipment and marketings.* Until final data with respect to 1953-crop production, 1953 marketings, and January 1, 1954 effective inventories for each processor are available and a revised order based on such data is issued, each person named in paragraph (a) of this section is hereby prohibited from shipping, transporting or marketing in interstate commerce or in competition with sugar or liquid sugar in interstate commerce, any sugar or liquid sugar produced from sugar beets grown in the domestic beet sugar area in excess of 90 percent of the allotments established in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Issued at Washington, D. C., this 2d day of April 1954.

[SEAL] J. A. McCONNELL,
Administrator.

[F. R. Doc. 54-2622; Filed, Apr. 7, 1954; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 695]

HOMEWORKERS IN INDUSTRIES IN THE VIRGIN ISLANDS

PIECE RATES

Notice is hereby given that, pursuant to authority provided in section 6 (a) (2) of the Fair Labor Standards Act of 1938, as amended, the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to amend the regulations contained in this part, relating to homeworkers in industries in the Virgin Islands, in the following manner:

1. Amend § 695.12 by adding to piece rate Schedules A and B the following items:

SCHEDULE A

Single hemstitiching of linen towels, four threads in a bundle, thread drawing included: Piece rate (based on hourly rate of 20 cents) 13 cents per dozen inches.[1]

SCHEDULE B

Hand-weaving of straw table mats, 11" x 17", from ¼" strips, including the operations of stripping, weaving the body of the mat, weaving braid ½" to ¾" wide, and sewing the braid to the mat (Stock #58): Piece rate (based on hourly rate of 15 cents) 30 cents per mat.[1]

Prior to the final adoption of the above proposed amendments consideration will be given to any data, views or arguments pertaining thereto, which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or to the Territorial Director of the Wage and Hour Division, United States Department of Labor, P. O. Box 906, Santurce, Puerto Rico, within 15 days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 2d day of April 1954.

WM. R. McCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-2590; Filed, Apr. 7, 1954; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 509

MARCH 12, 1954.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 91-day preference right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, the 80-rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order.

ANCHORAGE LAND DISTRICT

A tract of land situated on Jamestown Bay, Alaska, more particularly described as follows:

Beginning at Corner No. 4, MC, U. S. Survey 1947; thence, north 25.66 chains to Corner No. 3, U. S. Survey 1947; thence, westerly 21 chains to Corner No. 4, Tract B, U. S. Survey 407; thence, S. 25° 07' W. 4.5 chains to Corner 6, U. S. Survey 1258; thence, S. 42° 00' E. 27.35 chains to Corner No. 7, U. S. Survey 1258; thence, S. 30° 00' E. 10.21 chains to Corner No. 8, MC, U. S. Survey 1258; thence, easterly along the meander line of Jamestown Bay a distance of 19.6 chains to the point of beginning, but exclusive of U. S. Surveys 2997, 2355, and 2729, the remaining area containing approximately 734 acres.

A tract of land situated on the Kvichak River, Alaska, more particularly described as follows:

Beginning at Corner No. 2, MC, U. S. Survey 2444; thence, northeasterly along the right limit of the Kvichak River 80 chains; thence, northwesterly 20 chains; thence, southwesterly parallel to the river 80 chains; thence, southeasterly 20 chains to the point of beginning, but exclusive of U. S. Surveys 2444, 914, and 1537, the remaining area containing approximately 129.29 acres.

A tract of land situated on Mirror Lake, Alaska, more particularly described as follows:

Beginning at a point on the east shore of Mirror Lake 20 chains southerly from Corner No. 4, U. S. Survey 2736; thence, southerly, westerly and northerly along the line of mean high water of Mirror Lake approximately 36 chains to Corner No. 5, U. S. Survey 2736; thence, west 20 chains; thence, southerly, easterly and northerly parallel to the shore of Mirror Lake approximately 84 chains; thence, west 20 chains to the point of beginning, containing approximately 120 acres.

SEWARD MERIDIAN

T. 13 N., R. 3 W.
Section 5: NW¼, N½NW¼, Lots 2, 3, and 4.
Section 6: Lot 1.
Containing approximately 217.76 acres.

U. S. Survey 2321: Lot L. Containing approximately 3.64 acres.

U. S. Survey 2321: Lot S. Containing approximately 3.71 acres.

U. S. Survey 2321: Lot T. Containing approximately 4.74 acres.

A tract of land situated on Lena Cove, Alaska, identified as Lot A, U. S. Survey 3056, containing approximately 0.66 acres (Petition for Small Tract Classification of Harold R. Brown, Anchorage 022047).

A tract of land situated on Thimbleberry Bay, Alaska, identified as U. S. Survey 2571, containing approximately 9 acres (Petition for Shorespace Restoration of Robert O. Brown, Anchorage 026048).

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 54-2581; Filed, Apr. 7, 1954; 8:46 a. m.]

[1] Piece rates based upon time tests conducted on products handled by Virgin Islands Cooperative, of St. Thomas. The stock number is that used by the company.

ALASKA

NOTICE OF CORRECTION OF SHORESPACE RESTORATION ORDER NO. 509

MARCH 17, 1954.

Alaska Shorespace Restoration Order No. 509 of March 12, 1954, is hereby corrected as follows:

That land description concerning T. 13 N., R. 3 W., Section 5, Seward Meridian, is corrected so that this description now reads as follows:

SEWARD MERIDIAN

T. 13 N., R. 3 W.
Section 5: NW¼NE¼, N½NW¼, Lots 2, 3 and 4.
Section 6: Lot 1.

Containing approximately 217.76 acres.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 54-2582; Filed, Apr. 7, 1954; 8:46 a. m.]

ALASKA

CORRECTION OF AIR NAVIGATION SITE WITHDRAWAL NO. 4

Notice of amended Air Navigation Site Withdrawal Alaska No. 4, issued February 17, 1954 (F. R. Doc. 54-1131) is hereby corrected to read Amended Air Navigation Site Withdrawal No. 5.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 54-2584; Filed, Apr. 7, 1954; 8:46 a. m.]

[Amdt. 2]

ALASKA

PUBLIC SALE ACT CLASSIFICATION NO. 13

MARCH 31, 1954.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), Alaska Public Sale Classification No. 13 of December 29, 1953, is hereby amended as follows:

The classification for industrial and commercial purposes only, which was applied to the lands in Tract F, U. S. Survey 3292, is revised to include classification for housing purposes for Lot 78.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 54-2588; Filed, Apr. 7, 1954; 8:47 a. m.]

[Misc. 5-12]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 31, 1954.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, June 26 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 1 W.,
Sec. 13, SW¼SE¼;
Sec. 24, NW¼NE¼.
T. 1 N., R. 9 W.,
Sec. 34, W½.
T. 18 N., R. 13 W.,
Sec. 33
T. 13 N., R. 17 W.,
Sec. 23;
Sec. 27;
Sec. 33, S½SE¼;
Sec. 35, NW¼.
T. 17 N., R. 20 W.,
Sec. 21;
Sec. 23;
Sec. 25;
Sec. 27;
Sec. 33;
Sec 35.
T. 23 N., R. 21 W.,
Sec. 23, W½.
T. 3 S., R. 1. W.,
Sec. 27, SW¼, E½NW¼, SW¼NW¼.
T. 1 S., R. 9 W.,
Sec. 20, W½.

The lands in T. 2 N., R. 1 W., T. 1 N., R. 9 W., T. 3 S., R. 1 W., and T. 1 S., R. 9 W. are in areas where interest has been shown in development of lands for agricultural purposes. The remaining lands are in rough and mountainous areas and it is unlikely that they will be classified for homestead, desert land or small tract use. Any application filed on lands described in this order will be considered on its merits.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-2587; Filed, Apr. 7, 1954; 8:47 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 31, 1954.

An application, serial number Idaho 04736, for the withdrawal from all forms of appropriation under the public land laws, except none of the lands described below was filed on December 1, 1953, by University of Idaho, College of Agriculture.

The purposes of the proposed withdrawal: Biological research and related purposes.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior at Swan Island Station, Portland 18, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN

T. 11 S., R. 15 E.,
Sec. 23, NW¼.

The area described aggregates 160 acres.

The land described is enclosed and is known as the Berger Plot and has been used many years as an experimental plot by the University of Idaho in conjunction with the Bureau of Plant Industry, United States Department of Agriculture. The maintenance of this plot for biological research and experimental purposes is considered to be in the public interest.

JAMES F. DOYLE,
Acting Regional Administrator.

[F. R. Doc. 54-2583; Filed, Apr. 7, 1954; 8:46 a. m.]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Utah 011705, for the withdrawal from prospecting, location, entry, or purchase under the mining laws of the lands described below was filed on February 24, 1954, by the Atomic Energy Commission.

The purposes of the proposed withdrawal: For use by Atomic Energy Commission.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region IV, Bureau of Land Management, Department of the Interior at Salt Lake City, Utah, P. O. Box 659. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 22 S., R. 10 E.,
Secs. 23, 24, 25, 26, 34, 35, and 36.
T. 22 S., R. 11 E.,
Sec. 19.
Sec. 20, S½.
Secs. 29, 30.
Sec. 31, W½.
T. 23 S., R. 10 E.,
Secs. 1, 2, 3, 4, 9, 10, and 11.
Sec. 12, N½SE¼, N½, SW¼, SW¼SE¼.
Sec. 13, W½.
Secs. 14, 15, and 16.
Sec. 21, N½.
Secs. 22 and 23.
Sec. 24, NW¼.
T. 23 S., R. 11 E.,
Secs. 6 and 7.

RALPH J. MITCHELL,
Acting Regional Administrator.

[F. R. Doc. 54-2586; Filed, Apr. 7, 1954; 8:47 a. m.]

WYOMING

CLASSIFICATION ORDER NO. 56, WYOMING NO. 5, AMENDED

APRIL 1, 1954.

1. On June 15, 1944, the vacant public lands in the following described area in the Cheyenne, Wyoming Land District, were classified as chiefly valuable for development under the Five-Acre Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) and opened for leasing under that act as home and business sites, except certain tracts which may be found necessary for community use:

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 65 W.,
Sec. 3: NW¼SE¼, S½SE¼, 120 acres (subject to rights of way for Ohio Oil Company pipeline, Cheyenne 043163 and Wyoming State Highway Cheyenne 063848).

2. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950 (15 F. R. 5639), I hereby amend the classification order of June 15, 1944 to provide for the classification of the following described lands for lease and sale for the same purposes set forth in the original classification order:

T. 35 N., R. 65 W., 6th P. M.,
Sec. 3: SW¼SE¼ and Lots 39 and 40 in the SE¼SE¼, and that portion of Lot 42 within the SE¼SE¼.

and I hereby rescind Small Tract Classification Order No. 56, Wyoming No. 5 as to the following described land:

T. 35 N., R. 65 W., 6th P. M.,
Sec. 3: NW¼SE¼, SE¼SE¼ except for Lots 39 and 40, and that portion of Lot 42 within the SE¼SE¼.

3. There are 61 lots in this amended classification order that are hereby classified for lease and sale. The lots range in size from 0.076 acre to 4.047 acres. They are located in the central portion of Niobrara County, Wyoming, approximately 48 miles northwest of Lusk, Wyoming, the county seat. Access is by oiled surfaced State Secondary Highway No. 129. The area classified for lease and sale covers substantially all of the land on which the unincorporated town of Lance Creek is situated. A small settlement immediately south of the subject land is called "Gateway".

4. Present lessees are required to construct upon the leased lands, to the satisfaction of the officer of the Bureau of Land Management authorized to sign the lease, improvements which in the circumstances are presentable, substantial and appropriate for the use for which the lease is issued. More detailed specifications as to the improvement requirements will be made part of the terms of all leases issued or renewed after the date of this order. Present lessees who have complied with the terms of their lease may file applications to purchase the lots under lease to them with the Manager, Cheyenne Land and Survey Office, Cheyenne, Wyoming.

5. Lessees or their successors in interest shall comply with all Federal, State, County, and municipal laws and ordinances, especially those governing health and sanitation and failure to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management. All new leases will be issued for a period of three years and will contain an option to purchase clause which will provide for the purchase of lots at the appraised value as follows:

Lots 4 and 18, $100.
Lots 3, 43 and 59, $75.
Lots 1, 23, 30, 31 and 52, $50.
Lots 2, 16, 17, 27, 53 and 54, $30.
Lots 13, 15, 26, 35, 36, 37, 50, 51, 56, 60 and 61, $25.
Lots 5, 6, 11, 22, 25, 29, 32, 48, 49, 55, 57 and 58, $20.
Lots 7, 8, 9, 10, 12, 14, 21, 24, 28, 33, 39, 42 and 46, $15.
Lots 19, 20, 34, 38, 40, 41, 44, 45 and 47, $10.

6. The leases will be made subject to rights of way for roads and public utilities as follows:

15 feet wide along the entire west boundary of Lot 9.
15 feet wide along the entire south boundary and 15 feet wide along the entire west boundary of Lot 10.
15 feet wide along the entire north boundary of Lots 11, 13 and 17.
15 feet wide along the entire south boundary of Lots 16 and 54.
30 feet wide along the entire east boundary of Lots 25 and 27.
30 feet wide along the entire south boundary of Lot 29 and also a strip 30 feet wide along the east boundary of Lot 29 beginning at the southeast corner of the tract extending north a distance of 100 feet.
30 feet wide along the north boundary of Lots 30, 38, 47, 50, 51, 52 and 59.
30 feet wide along the north boundary of Lot 33 where this lot adjoins Lot 27.
40 feet wide along the entire north boundary of Lot 35.
30 feet wide along the south boundary of Lot 44 where this lot adjoins Lot 49.
30 feet wide along the south boundary of Lot 46 where this lot adjoins Lot 23.
30 feet wide along the east boundary of Lot 49 where this lot adjoins Lots 39 and 40.
15 feet wide along the east boundary of Lot 55 where this lot adjoins Lots 9 and 10, and also a strip 40 feet wide along the east boundary of Lot 55 where this lot adjoins Lot 11.
30 feet wide along the east boundary of Lot 56 where this lot adjoins Lot 17, and also a strip 30 feet wide along the entire south boundary of Lot 56.
30 feet wide along the west boundary of Lot 57, commencing at the northwest corner of the lot and extending southward for a distance of 83 feet.
30 feet wide along the north boundary of Lot 60 where this lot adjoins Lot 51.

7. All mineral rights will be reserved to the Federal Government, and the lease and sale of the lots will be made subject to all rights of way of record in addition to those shown in Paragraph 6 above.

8. All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

W. B. WALLACE,
Regional Administrator.

[F. R. Doc. 54-2585; Filed, Apr. 7, 1954; 8:46 a. m.]

Bureau of Reclamation

[Public Announcement 19]

COLUMBIA BASIN PROJECT, WASHINGTON

SALE OF FULL-TIME FARM UNITS

MARCH 18, 1954.

Columbia Basin Project, Washington, South-Columbia Basin Irrigation District; public announcement of the sale of full-time farm units.

LANDS COVERED

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the South-Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase farm units may be submitted beginning at 2 p. m., April 5, 1954. In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the act of August 13, 1953 (67 Stat. 566), and regulations for the administration thereof.

a. *Farm units presently owned.* The farm units which are presently owned by the United States, and hereby offered for sale, are described as follows:

Irrigation block No.	Farm unit No.	Total acreage	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
12	14	109.7	85.1	4.7	74.0	6.4	24.6	$4,970.80
	[illegible]	87.0	76.5	.....	53.6	22.9	10.5	3,251.30
	28	138.8	131.0	.....	96.9	34.1	7.8	7,050.40
	30	96.3	79.3	.....	69.9	9.4	17.0	3,917.60
	44	108.1	98.0	41.5	45.4	11.1	10.1	4,[illegible]80
13	2	112.6	83.4	.....	70.5	3.9	29.2	6,053.80
	22	156.7	75.6	.....	33.7	41.9	81.1	2,931.30
	[illegible]	[illegible]	160.2	.....	41.4	58.8	107.6	5,172.20
	25	160.7	107.6	.....	57.2	50.4	53.1	5,881.90
	26	79.9	75.4	39.5	35.9	.....	4.5	4,577.10
	27	87.4	78.1	44.4	25.8	7.9	9.3	5,035.50
	35	173.9	95.4	.....	47.4	48.0	78.5	1,465.60
	36	136.6	83.9	.....	21.6	62.3	52.7	1,285.60
	37	144.7	103.6	.....	28.8	74.8	41.1	1,[illegible]0
	49	140.2	98.7	.....	74.5	20.2	65.5	1,803.85
	51	89.1	68.7	.....	61.1	7.6	20.4	2,[illegible]80
	[illegible]	185.6	114.5	.....	114.1	.4	71.1	2,211.75
	[illegible]	110.5	60.8	.....	46.0	14.8	49.7	1,[illegible]60
	53	158.5	81.4	10.8	61.8	9.1	77.1	3,337.25
	54	104.8	75.1	9.4	47.1	20.6	29.7	4,190.30
	55	80.8	68.0	38.2	25.5	4.3	12.8	4,[illegible]0
	58	125.0	100.4	25.5	26.7	17.2	65.6	1,581.60
	57	118.4	88.6	34.4	26.0	28.2	29.8	2,055.60
	58	131.4	88.4	23.8	39.1	25.5	43.0	2,[illegible]70
	59	170.0	91.7	34.1	35.9	21.7	78.3	4,357.60
	60	94.3	56.0	11.3	31.6	13.1	38.3	2,489.20
	61	61.2	54.1	.....	51.8	2.3	7.1	8[illegible]0
	62	88.0	78.0	.....	71.1	6.9	10.0	1,230.60
	63	93.5	86.7	.....	75.1	11.6	6.8	2,175.60
	64	96.0	76.5	.....	57.8	18.7	19.5	1,595.95
	65	105.1	88.9	.....	71.6	17.3	16.2	3,395.90
	66	185.4	105.4	.....	63.7	41.7	80.0	3,398.45
15	2	156.7	95.0	12.3	50.8	31.9	41.7	4,993.90
	13	88.5	76.4	52.0	24.4	.....	12.1	5,156.30
	14	72.6	63.7	33.2	30.5	.....	8.9	4,218.60
	109	80.8	72.1	36.9	35.2	.....	8.7	3,648.00
	110	80.1	72.7	.....	70.8	1.9	7.4	3,221.40
	111	74.3	56.9	24.9	30.0	2.0	17.4	2,418.80
	122	124.8	110.7	.....	89.9	20.8	14.1	5,815.20
	124	104.0	108.0	.....	49.2	56.8	58.0	1,832.20
	125	198.9	84.8	.....	.....	84.8	114.1	2,755.30
	126	172.8	84.0	.....	72.5	11.5	88.9	2,131.60
	127	123.5	88.5	.....	84.7	3.8	35.0	4,[illegible]20
16	1	98.6	74.7	9.0	61.7	3.5	23.4	3,915.70
	2	108.4	76.6	24.4	17.8	34.4	31.8	4,770.30
	3	98.0	77.9	25.2	32.7	20.0	20.1	4,137.40
	4	89.8	67.5	.1	65.1	2.3	22.3	3,949.50
	5	119.8	92.0	9.9	60.4	21.7	27.8	5,483.80
	6	82.8	73.0	39.8	33.2	.....	9.8	4,573.10
	7	109.2	69.5	21.0	13.9	34.6	39.7	4,928.30
	8	82.9	65.5	29.0	36.5	.....	17.4	5,583.50
	9	81.4	79.3	61.4	17.0	.9	2.1	5,156.60
	11	81.1	76.9	64.5	12.4	.....	4.2	4,661.40
	12	110.8	73.1	6.9	57.2	10.0	37.7	5,282.50
	13	156.3	49.9	.....	36.3	13.6	80.4	2,946.50
	19	135.8	[illegible]	.....	96.3	19.3	58.2	3,718.80
	20	192.4	101.5	.....	33.8	67.7	90.9	2,687.00
	23	90.4	76.8	3.2	66.9	6.7	13.6	4,842.40
	24	90.7	82.2	59.8	15.2	7.2	8.5	5,542.60
	25	89.8	77.6	50.4	21.2	5.1	12.2	5,492.90
	26	82.5	64.6	52.2	12.4	.....	17.9	4,695.40
	27	80.0	63.4	33.1	30.3	.....	16.6	4,764.60
	28	81.2	56.8	34.1	22.7	.....	22.4	4,565.60
	30	133.3	108.1	63.2	31.1	13.8	25.2	7,764.30
	31	77.7	65.5	29.3	36.1	.1	12.2	4,283.30
	32	151.4	115.9	4.7	75.6	35.6	35.5	8,485.60
	33	90.1	86.2	13.3	63.4	9.5	3.9	5,646.20
	34	82.3	74.4	70.2	4.2	.....	7.9	4,581.60
	35	82.7	74.4	58.9	15.5	.....	8.3	5,121.50
	36	85.3	43.4	23.1	15.5	4.8	41.9	3,300.10
	39	75.2	65.1	.4	57.5	7.2	10.1	3,715.40
	42	127.7	99.1	.....	76.7	22.4	28.6	5,203.40
	43	142.6	111.9	17.4	80.9	13.6	30.7	6,140.60
	47	100.1	75.2	21.3	17.1	36.8	24.9	3,343.70
	48	79.5	68.3	53.6	15.3	.....	11.2	4,401.70
	49	79.1	72.3	58.6	13.6	.1	6.8	4,706.30
	52	126.0	117.9	80.4	37.5	.....	8.1	7,[illegible]30
	54	118.5	98.0	.....	87.8	10.2	20.5	4,542.40
	57	135.4	92.3	30.6	44.9	16.8	43.1	4,521.60
	58	121.2	91.5	.....	41.8	1.1	29.9	4,836.10
	59	181.5	100.2	44.5	38.7	17.0	81.3	5,991.50
	60	222.3	135.0	.....	38.0	97.0	87.3	8,572.50
	61	153.4	121.8	.....	87.9	33.9	31.6	6,779.20
	63	157.9	88.9	.....	88.9	.....	69.0	5,372.30
	64	140.5	113.8	.....	98.1	15.7	26.7	6,023.30
	[illegible]	118.1	75.7	44.5	31.2	.....	42.4	4,658.10
	67	120.9	74.3	.....	33.6	40.7	46.6	3,716.80
	68	85.3	72.3	19.8	39.2	13.3	13.0	3,312.40
	69	109.4	78.1	10.7	62.1	5.3	31.3	1,219.05
	113	101.4	73.8	54.0	19.8	.....	27.6	3,658.50

b. *Additional farm units.* It is expected that, through the operation of its land acquisition program the United States may, within twelve (12) months following the date of this announcement, own additional farm units in the South-Columbia Basin Irrigation District which are scheduled to receive water before the close of the 1955 irrigation season. Such farm units may be offered for sale under the provisions of this announcement.

The official plats of these irrigation blocks are on file in the office of the County Auditor of Franklin County at Pasco, Washington, and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region I, Bureau of Reclamation, will support an average-size family at a suitable level of living. The law provides that with certain minor exceptions not more than one farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the act of August 13, 1953 (67 Stat. 566), preference right to purchase the farm units described above will be given to veterans (and in some cases to their husbands or wives or guardians of minor children) who submit applications during a 45-day period beginning at 2 p. m., April 5, 1954, and ending at 2 p. m., May 20, 1954, and who, at the time of making application, are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940, and July 3, 1952, inclusive, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States during the period prescribed in subsection a. of this section regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 7. c. of this announcement regarding the provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a. of this section, or in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region I, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application, and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants must meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* An applicant must possess assets worth at least $4,500 in excess of liabilities. Assets must consist of cash, property readily convertible into cash or property such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. Assets not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form before execution of a purchase contract.

SEC. 7. *Other qualifications required.* Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, more than ten acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 8. *Filing application blanks.* Any person desiring to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 9. *Priority of applications.* All applications except those received from qualified exchange applicants prior to 2 p. m., May 20, 1954, which shall be given prior preference, will be classified for priority purposes as follows:

a. *First Priority Group.* All complete applications filed prior to 2 p. m., May 20, 1954, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

b. *Second Priority Group.* All complete applications filed prior to 2 p. m., May 20, 1954, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

c. *Third Group.* All complete applications filed after 2 p. m., May 20, 1954. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 10. *Public drawing.* After the priority classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9. a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 11. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification, showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 12. *Examination and interview.* After the information outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications together with the evidence of qualification submitted to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (a) Affording the Board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

SEC. 13. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the Board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the Board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the Project Manager, Columbia Basin Project, Bureau of Reclamation, may sell, lease or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

SEC. 14. *Failure to select.* If any applicant refuses to select a farm unit or

fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 15. *Execution of purchase contract.* When a farm unit is selected by an applicant as provided in section 13 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execution and return. In that notice the Project Manager will also inform the applicant of the amount of the irrigation charges assessed by the South-Columbia Basin Irrigation District or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the Project Manager.

If the purchase is made subsequent to April 1 of any year following the first year of the development period, a deposit will be required to cover the payment of water charges for the next full irrigation season following the purchase.

SEC. 16. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of not less than 20 percent of the purchase price of the lands being purchased from the United States will be required. Larger proportions, or the entire amount of the price, may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the Project Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below, and to maintain in crops thereafter, the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified as tentatively or finally irrigable to be developed by the end of the calendar year indicated (Each year's requirement must be completed and ready for beneficial use by the end of the calendar year. Water will begin with the next calendar year.)			
	2d year	3d year	4th year	5th year
10 to 40	75			
41 to 60	50	75		
61 to 80	25	[illegible]	75	
81 to 100	25	[illegible]	[illegible]	[illegible]
101 to 160	25	50	50	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract, or within one year from the date that water is available to the irrigation block in which the farm unit is located, whichever is later, to initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the purchase contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above. In extraordinary situations, the requirements under (1) and (2) above may be waived entirely upon the determination by the Regional Director, after recommendation by the Project Manager, that such waiver will be in the interest of orderly development of the block. Any such waiver, however, shall be conditioned on the requirement that the purchaser reside close enough to his unit to permit him to develop it through his own efforts.

e. *Speculation and landholding limitations.* Purchase contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable land; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the project whether as lessee or as owner or both.

f. *Copies of contract form.* The terms listed above, and all other standard contract provisions, are contained in the purchase contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 17. *Water rental charges.* In Irrigation Blocks 12 and 15 during the irrigation season of 1954, and in Irrigation Blocks 13 and 16 during the irrigation season of 1955, while some construction activities will be continuing and the system is being tested, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 18. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the South-Columbia Basin Irrigation District in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1955 for Irrigation Blocks 12 and 15, and 1956 for Irrigation Blocks 13 and 16. During the development period, water rental charges will average an estimated $5.50 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year, by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (a) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water to be specified by the Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the Irrigation District will levy an additional charge to cover administrative costs and probable delinquencies in collections.

SEC. 19. *Construction period repayment charges—a. Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system

which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water used to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the South-Columbia Basin Irrigation District. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The contract between the United States and the South-Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed $280,782,180 as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

F. E. WORMSER,
Assistant Secretary of the Interior.

[F. R. Doc. 54-2589; Filed, Apr. 7, 1954; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Case 162]

OSCAR BRUNONI

APPEALS BOARD DECISION

In the matter of: Oscar Brunoni, Bahnhofstrasse 14, Zurich, Switzerland; Case No. 162, Appeals Board Docket No. FC-20.

This appeal arises from an enforcement action by the Office of International Trade (now Bureau of Foreign Commerce, referred to herein as O. I. T.) against A. Ripley and Co., J. W. Krugel, and Oscar Brunoni. It appears that Krugel is the sole proprietor of Ripley and Co., and any reference herein to either Ripley or Krugel may be considered as including both.

The matter was initiated by a charging letter dated January 2, 1953, alleging that in December 1948, Ripley entered into negotiations with Fansteel Metallurgical Corporation (hereafter referred to as Fansteel) of North Chicago, Illinois, for the purchase of approximately $20,000 worth of tantalum wire and sheet to be shipped to London where Ripley was located. Ripley sent an order for the tantalum in June 1949 but when it found that it was unable to obtain a British import license informed Fansteel in July 1949 that Brunoni of Zurich, Switzerland, had been retained to open a letter of credit covering the order. The charging letter further averred that Ripley and Brunoni represented and caused to be represented directly and indirectly to Fansteel that Brunoni was the consignee and purchaser and Switzerland the country of ultimate destination; that in reliance on these representations, communicated to O. I. T. by Fansteel in a license application, O. I. T., on August 22, 1949, issued its license; that shipment was made on March 4, 1950, to Brunoni, notify Furness Shipping and Agent Co., Antwerp, Belgium; that the tantalum was subsequently transshipped to Russia by Ripley and Brunoni; that the respondents knew or had reason to know that the country of ultimate destination would be Russia, and respondents intended upon its arrival in Antwerp to divert the tantalum to Russia, which fact respondents failed to disclose to Fansteel or O. I. T.

The charging letter, as to Brunoni, states that he knowingly caused various representations to be made to, and concealed material facts from, O. I. T. through an applicant for a United States license, in order to induce the issuance of the license and to effect the exportation of commodities from the United States in violation of 15 CFR, § 381.1 (b) (1) and (2) and that in addition he diverted the tantalum in violation of § 381.1 (b) (3) (i). The privileges of the respondents with reference to exports were suspended upon the issuance of the charging letter.

Respondents Krugel and Ripley entered no defense to the charging letter nor did they appear at the hearing before the Compliance Commissioner or take an appeal. The respondent Brunoni filed an answer and supplemental answer through his Swiss counsel, Dr. Herold, and joined issue on the allegations made in the charging letter. Brunoni did not appear in person at the hearing. The Compliance Commissioner found the charges sustained and on the basis of his report of August 21, 1953, an order was entered September 10, 1953, by the Assistant Director for Export Supply revoking licenses and denying export privileges to Brunoni for a period of 18 months from the date of the order and to Krugel and Ripley for the period until June 30, 1956.

An appeal was taken only on behalf of Brunoni, through local counsel who filed a brief and appeared before the Appeals Board and argued the matter.

Because there were no witnesses before the Compliance Commissioner, the matter was heard solely on various items of correspondence, together with the answer and supplemental answer of Brunoni's Swiss counsel, Dr. Herold. In setting forth the facts, therefore, it has been necessary for the Board to set out in greater detail than usual the correspondence between the parties involved in this matter, as this is the only evidence from which the facts in this case may be reconstructed.

Statement of facts. The facts in this matter have been gathered from various documents and letters obtained from O. I. T. and from Brunoni. In addition, the Board has considered the statement and supplemental statement filed on behalf of Brunoni by Dr. Herold, and the brief of counsel on behalf of Brunoni on appeal.

In December 1948, Ripley (in London) wrote Fansteel (in North Chicago, Illinois) that it was in the market for tantalum strip. Fansteel answered Ripley with certain quotations and suggested that Ripley contact Fansteel's representative in England, Captain C. A. Barry of London. In further correspondence, Ripley told Fansteel that it had made application for an import license (for England). There was also correspondence between Fansteel and Captain Barry, who had been brought into the matter by Ripley, pursuant to Fansteel's suggestion to Ripley. In January 1949, Fansteel sent Ripley pro-forma invoices for Ripley's original proposed order, which invoices showed a discount of 30 percent. Ripley then requested Fansteel to send invoices showing the amounts without the 30 percent discount, and Fansteel did so. Ripley then asked for quotations on additional amounts of tantalum and also mentioned that it was negotiating with the English authorities for an import license. On June 9, 1949, Ripley sent a formal order for over $19,000 to Fansteel and in letter of that date Ripley stated that in view of "present currency difficulties" they have authoried their Swiss representatives to "finalize this order with you" and payment will be effected from Zurich; that a new set of invoices should be sent to the Limor, S. A., at Zurich, and that the invoices sent to Limor should show a discount of only 5 percent and the balance of the discount (25 percent) should not be referred to but should be put to Ripley's credit with Fansteel.

Fansteel then made an application to O. I. T. for export license, dated July 5, 1949, showing Limor of Zurich as purchaser and consignee, and Switzerland as country of ultimate destination. An export license was issued on the basis of this application. Fansteel also sent invoices showing a discount of 5 percent to Limor. On July 12, 1949, Limor wrote Fansteel acknowledging receipt of the invoices and advising that they would inform Fansteel when a letter of credit would be opened.

On July 23, 1949, Ripley wrote Fansteel that they felt "unable to place this order with the Limor, S. A." and were making new arrangements. On July 28, 1949, Brunoni wrote Fansteel that per instructions from Ripley, he was preparing a letter of credit and that he would send Fansteel definite instructions later. On this same date, there was executed by Krugel and Brunoni an agency contract whereby Brunoni as agent agreed with Krugel as principal that the agent was to act as a representative and to invoice

industrial products in the steel and machinery field; that Krugel was to pay 1 percent commission; that Krugel gave Brunoni an exclusive agency for the activities mentioned; that the contract was firm until June 30, 1950, and that thereafter either party could give six month's notice. The agency agreement is dated at Zurich. Also, on July 28, Krugel sent Fansteel a letter advising Fansteel that Ripley has entrusted Brunoni "to transact the business in question." On August 3 Fansteel wrote Brunoni acknowledging Brunoni's letter of July 28. Copies of this letter were sent to Barry and Ripley. The evidence discloses that the copies sent to Barry and Ripley contained a postscript which did not appear on the original letter to Brunoni. The postscript states that the above letter was Fansteel's answer to Brunoni but that Fansteel must have immediate clarification of the name and address to which the merchandise was to be shipped because Fansteel had applied for an export license in the name of Limor and would have to amend the application. On August 5 Barry wrote Fansteel that Krugel had just returned from Switzerland where he had been negotiating the dollar payment for "his tantalum order" and that this would now be made by Brunoni. On August 9 Barry again wrote Fansteel about several matters and in one part of it under the heading "Brunoni", Barry mentions that with regard to Fansteel's letter of August 3 to Brunoni, "and your subparagraph to me" the export license should now be in the name of Brunoni, Zurich. (The subparagraph mentioned by Barry is evidently the postscript to Fansteel's letter of August 3 mentioned above.)

On August 16, 1949, Fansteel returned the original export license in the name of Limor to O. I. T. In its accompanying letter, Fansteel mentioned that it had been informed by Limor (sic) that the consignee for this shipment will be Brunoni and that Fansteel is accordingly attaching its application showing Brunoni, Zurich, as the consignee. A new export license was accordingly issued by O. I. T. to Fansteel showing Brunoni as ultimate consignee and Switzerland as country of ultimate destination. (There is no explanation as to why Fansteel mentioned that it had been informed by Limor that Brunoni would be the consignee in view of the fact that this information appears to have come to Fansteel in the letter of August 9 from Captain Barry, its representative.)

On August 29, 1949, Brunoni admits that he learned for the first time, under a letter of credit established in his favor with the Union Bank of Switzerland, that the real consignee of the merchandise was Promsyrioimport, evidently a Russian procurement agency, and that Russia was the country of ultimate destination. As noted later, there is some question whether Brunoni had learned of this fact earlier (see letter of October 28, 1949, from Brunoni to Ripley). At any rate, there is no question but that from at least August 29, 1949, Brunoni knew that the tantalum was not destined for Switzerland but that its ultimate destination was Russia. It is also to be noted that on July 28, 1949, Krugel wrote Brunoni confirming that Brunoni's account for the transaction relative to the agency agreement of the same date has been opened with a bank in Zurich.

There is a gap between the correspondence to date and the next letter of September 6, 1949, which Brunoni wrote to Ripley. This gap is filled by the first statement of Dr. Herold, Brunoni's Swiss attorney, who in his answer of January 23, 1953, states that Brunoni had noticed in the letter of credit that the goods were destined for Russia; that he had never carried out any merchandise transactions; that he is an expert in the fields of insurance and ocean shipping, and therefore he inquired informally with Danzas and Co. (evidently a Swiss shipping and forwarding firm) in order to find out about the regulations and possibilities of shipments to Russia; and that at Danzas his attention was called to the meaning of export licenses when dealing with the United States. Evidently shortly after Brunoni's visit to Danzas he wrote a letter of September 6, 1949, to Ripley. In this letter he states that customers have no possibility of redirecting the goods after arrival in Zurich; that he has consulted with his forwarders who explained that inasmuch as the destination of the merchandise must appear on the license, there may be two "cases" (probably meaning alternatives): (1) If the declared destination is Switzerland and it is known that the goods have come in transit to Switzerland for reforwarding to another country, the Swiss forwarders will not accept Brunoni's order for reforwarding; (2) If the destination other than Switzerland is properly declared, the forwarders will take care of the reforwarding, but they point out that, in such case, it is not necessary that the goods come first to Switzerland. The letter continues by stating that the Swiss forwarders have their reasons for declining reforwarding on the basis of documents issued in the United States indicating Switzerland as destination and that "I must state that I am in no better position than the Swiss forwarders." The letter also states that it should be possible to ship the goods direct to destination without passage through Switzerland and if such is the case, there will be no difficulty to confirm the order and open the letter of credit, and that, naturally, it would be necessary to indicate to suppliers (the sellers) the actual port of destination; should this prove impossible, then Brunoni leaves it to Ripley to study whether Ripley could operate through Antwerp in which case the bill of lading would call for Antwerp as destination, and the reforwarding would take place from Antwerp to final destination.

On September 20, 1949, Fansteel wrote Ripley asking what effect the devaluation of the pound sterling would have on his order. Ripley's reply to this was a request to have his discount increased to 50 percent. This almost resulted in cancellation of the entire transaction as Fansteel refused to raise the discount. However, on October 20 Ripley confirmed the order at a discount of 30 percent and asked whether Fansteel had been able to secure the export license before the letter of credit is opened by "our customers Messrs. O. Brunoni." Meanwhile, on October 15 Ripley wrote Brunoni in response to a cable of Brunoni's stating that the credit could not be opened until certain documents were furnished. Ripley's letter mentioned something about a "Delegation" in London to be contacted regarding this information. Evidently the Delegation referred to was a Russian Purchasing Commission in London, and Ripley was getting the information about the shipment from this Delegation. On October 18 Ripley again wrote Brunoni stating that they had been in conference with the "London agency" of the clients and requesting a copy of the letter of credit so that the text of the letter could be examined.

On October 24, 1949, Brunoni wrote Ripley, answering the letters of the 15th and 18th, enclosing a copy of the Bank's advice on the letter of credit, and called attention to the fact that the wording "B Lading to read on one port of USSR" is contradictory to the export licenses reading "For Switzerland". The letter continues to state that if the credit could be arranged to match with the export licenses, then shipment of the goods to Zurich should be technically possible; however, there would be a question of the Bank's agreeing to the transfer of credit when it is known that the final destination is another one than "S" (Switzerland); that it should be made clear if the goods are sent to Zurich they have to be taken over by "your friends" and reforwarding must be left to them. On October 25 Fansteel wrote Ripley stating that it has the export license and that Captain Barry (who had been there) indicated that Ripley was anxious to know about the license.

On October 28, 1949, Brunoni wrote Ripley stating that he has received from the bank a confirmation of modification of the letter of credit to the effect that in case shipment is made "free car Zurich", certain documents would have to be submitted including a railroad bill of lading made out to the address of Promsyrioimport, Moscow, showing shipment from Zurich to a Russian frontier station. This letter continues by stating that Brunoni's confirmation of August 3d (not in the record) indicated payment was to be effected by a certain type of letter of credit negotiable against certain documents, one of which was an invoice and six copies to Promsyrioimport; that the credit has been opened in Brunoni's favor on August 29 against certain documents including a full set of bill of lading showing shipping of the goods to one port of USSR at the disposal of Promsyrioimport. The letter continues by stating that if the shippers are able to issue a bill of lading showing shipment to a port of USSR, "our customers" would have a direct shipment not needing any intervention, however "you wrote me that the export license would be on my name which excludes the possibility for the shippers of issuing Bs/L as above". The letter then states that as Brunoni has written, he cannot attend to reforwarding; directly nor indirectly, and that according to the conversations at Zurich, he was supposed to intervene just for the transfer of the credit and to have nothing to do with reforwarding; that he understands that the bankers will not be able to transfer the credit for cargo going to Zurich for an export license in Brunoni's name, but for another destination, but that he can see one possibility, that the goods be shipped to a continental port, for instance, Antwerp, on a bill of lading issued to order, which means that the customers would take charge of the cargo on arrival at the continental port and make arrangements themselves for reforwarding.

On November 2, 1949, Furness Shipping Company wrote Brunoni that Ripley of London had written to Furness regarding certain merchandise which Brunoni is to receive from the USA for the USSR; that Furness confirms that it is the shipping agents at Antwerp of the "interested organizations", and can accept shipments f. o. b. Antwerp.

On December 23 Brunoni wrote Fansteel enclosing his itemized order for tantalum and advising that he has opened a credit through a Swiss bank with the National City Bank in New York against certain documents including bill of lading showing shipment to Antwerp to the order of Brunoni, notify Furness; to ship the goods by first class vessel direct to Antwerp and as soon as shipment is made to cable Brunoni the name of the vessel and expected arrival at Antwerp in order that he may advise Furness in advance. On December 29 Fansteel answered Brunoni thanking him for his letter and order. On the same date, Fansteel wrote Ripley enclosing a copy of its letter stating that the invoice to Brunoni will show 5 percent discount and that the balance of 25 percent will be credited to Ripley.

On February 13, 1950, Brunoni cabled Fansteel requesting the prospective date of shipment and Fansteel answered to the effect that it would leave North Chicago approximately February 21. On February 11 Ripley wrote Fansteel requesting expedition of the shipment. On February 25 Brunoni again cabled Fansteel requesting shipping advice. At this point, there was some delay because of a requirement for certain insurance documents not previously mentioned and on March 4 Brunoni cabled Fansteel to the effect that the matter had been arranged. On March 10 Fansteel cabled Brunoni that the material had sailed on the S. S. Steenstroete on March 4. On March 11 Brunoni wrote Furness advising them of this shipment and referring to the cargo mentioned to Furness by Ripley for Promsyrioimport and requesting a receipt in duplicate showing that the cargo has been received by Furness for the account and order of Promsyrioimport.

On March 13 Furness acknowledged Brunoni's letter and asked Brunoni to furnish a letter of indemnity which Furness would use to take the goods prior to receipt of the original bill of lading. On March 14 Brunoni wired Furness suggesting that Furness give the letter of indemnity for the account of Promsyrioimport who is holding the bills of lading. On March 27, Brunoni wrote Ripley enclosing the receipt of Furness. On March 29, Brunoni wrote Ripley that he feels it his duty to inform Ripley that owing to certain changes in his organization, Brunoni would not be able to handle similar transactions in the future. On April 3 Ripley answered Brunoni stating that they regretted his decision and that Mr. Krugel would see him when visiting Zurich.

It appears from information acquired by O. I. T., and not contradicted, that the tantalum in question arrived in Antwerp about March 14, 1950, and was then transshipped via a Soviet boat on March 22 to some part of Russia.

Comments and decision. At the outset, it might be well to consider certain legal contentions raised by Brunoni's counsel at the Appeals Board hearing. The enforcement regulations of O. I. T., in force at the time that these transactions occurred, contain certain provisions with reference to violations, misrepresentations and persons liable. Section 381.1 (a) provides that violations are subject to certain criminal sanctions and to administrative action of suspension or denial of licensing privileges. Paragraph (b) *Misrepresentations* is divided into four subparagraphs:

Subparagraph (1) *General provisions*, states that all representations made by any licensee or any other person for the purpose of effecting or causing to be effected an exportation of any commodity from the United States shall be deemed to constitute representations made in respect of matters related to the jurisdiction of O. I. T., and that it shall be unlawful under the regulations for any person knowingly to make any false representation or to falsify or conceal any material fact for such purpose.

Subparagraph (2) *Persons liable*, states that every person, whether or not in the United States, and whether or not the purchaser or consignee, who shall make any representation to O. I. T. for such purpose, shall be subject to the regulations.

Subparagraph (3) *Types of misrepresentation*, states that without limitation of the foregoing, no such person shall (i) falsely state the country of ultimate destination intended, or divert commodities in violation of any export control document to any other country; (ii) Falsely describe the true ultimate consignee or purchaser, (iii) submit any order for purchase with the intention not to abide by such order, (iv) falsely state the end use.

The charging letter states that Brunoni knowingly made false representations to and concealed material facts from O. I. T. in violation of subparagraphs (1) and (2) above-described, and in addition, knowingly diverted the tantalum in violation of subparagraph (3) (i). Counsel has made the contention that because subparagraph (2) does not expressly use the term "conceal", Brunoni, who was not situated in the United States, cannot be held for concealment. Counsel also apparently contends that subparagraphs (1) and (2) are not in and of themselves violations but that specific types of misrepresentation under subparagraph (3) are the violation portions. However, it appears from an examination of the regulations that subparagraph (1) is an independent description of violations; that subparagraph (2) merely calls attention to the parties who are liable for the acts mentioned in subparagraph (1) and need not necessarily repeat every element in subparagraph (1); and that subparagraph (3) which expressly states that it is "without limitation of the foregoing" is largely explanatory and descriptive of the various types of misrepresentation already mentioned in subparagraph (1). It is true that subparagraph (3) (i) contains, in addition to misrepresentations, the term "divert". However, the charging letter expressly mentions this subsection and also specifies the acts charged against Brunoni. Brunoni, in any event, is in no position to claim surprise, inasmuch as he, through his attorneys, has joined issue on all the charges, and has specifically answered them. The Board, in view of the fact that Brunoni did not appear before the Compliance Commissioner, has been extremely careful in examining the regulations and record to make sure that Brunoni has had an opportunity to understand and to answer the charges made. It is the Board's opinion that the regulations mentioned are complete, that the charging letter specifically acquainted Brunoni with the alleged violations, and that Brunoni has specifically joined issue with and answered the charges. Accordingly, the Board proceeds to consider whether the charges and the report of the Compliance Commissioner are sustained by the record.

Laying aside the various detailed statements as to the facts made in the report of the Compliance Commissioner, it appears to the Board that the broad question in this case is the extent, if any, of participation by Brunoni in a procedure which resulted in a diversion and transshipment to Russia of goods apparently destined for Switzerland. Brunoni claims that he was to be nothing more than a "straw man" and was merely to intervene for the purpose of switching invoices to enable Krugel to get dollars in Switzerland. The record, however, discloses that his role was more active and beyond that of a mere formal intermediary.

In the first place, Brunoni learned of the ultimate Russian consignee (Promsyrioimport) no later than August 29, 1949, when he picked up the letter of credit. His credibility in stating that this was the first he knew of a Russian consignee is somewhat shaken by his letter of October 28, 1949, to Ripley. In this letter, Brunoni stated that his confirmation of August 3 (which is not in the record) indicated that payment was to be made against certain documents, one of which mentioned Promsyrioimport. This would seem to indicate that Brunoni had learned about Promsyrioimport as early as August 3, if not before.

Brunoni also contends that he knew nothing about any export license being in his name or mentioning Switzerland as a destination. The evidence discloses, however, that Brunoni had gone to Danzas and had acquired some information

with respect to export licenses which caused him to believe that the goods could not come into Switzerland and be reforwarded from there. It would appear that the inability to reforward was based on the fact that an export license was issued or would be issued indicating Switzerland as the country of ultimate destination. On September 6, 1949, Brunoni wrote Ripley that the goods cannot be redirected after arrival in Zurich, and mentions two "cases". The first case is that if the declared destination is Switzerland, and it is known that the goods are to be reforwarded, Swiss forwarders will not accept Brunoni's order. The second case is that if a destination other than Switzerland is declared, reforwarding may be had, but that in such case, it would not be necessary that the goods come to Switzerland at all. This information Brunoni states is the result of his consultation with his forwarders. In this same letter, Brunoni makes the suggestion, or rather a hint, that Ripley could operate through Antwerp and the bill of lading call for Antwerp as destination.

On October 24, 1949, Brunoni again wrote Ripley and called attention to the fact that certain wording in the bank's advice, to the effect that the bill of lading was to read for a port of USSR, "is contradictory to the export licenses reading 'For Switzerland'." This letter also mentions doubt whether the bank would agree to the transfer of credit when it is known that the final destination is another one than "S" (an abbreviation for Switzerland). It is impossible to read this letter in any other context than that Brunoni was aware of the fact that there was extant an export license mentioning Switzerland as the country of ultimate destination.

Again, in his letter of October 28, 1949, to Ripley, Brunoni specifies at length the complete mechanism for the transshipment of the goods to Russia via Antwerp. After pointing out the impossibility or impracticability of having the goods come to Zurich and then be transshipped, he makes a direct suggestion that the goods be shipped to a continental port, "for instance, Antwerp". Also, in this letter, in pointing out why the goods should not first come to Switzerland, Brunoni states to Ripley "You wrote me that the export license would be on my name which excludes the possibility for the shippers of issuing Bs/L as above" (to Russia). And, on December 23, Brunoni wrote Fansteel enclosing his order for the tantalum.

It appears, therefore, that during the entire time in which Brunoni had a chance either to expedite or to frustrate the shipment in question, or to withdraw from the transaction, he was aware of the fact that an export license had been issued in his name, with Switzerland as the designated country of ultimate destination. A contention is made in his briefs that he feared he would be in violation of the Swiss Commercial Espionage Law if, after he discovered the existence of Promsyrioimport and the other facts in the matter, he disclosed them to anybody. Counsel for Brunoni also claims that it was not incumbent on Brunoni to disclose to Fansteel or to the United States Government his knowledge of the fact that the goods were really destined for Russia and that the real purchaser was Promsyrioimport. Counsel has cited a number of criminal cases in which defendants were acquitted on charges of having concealed matters from the Government or having participated in a conspiracy. These cases principally involve landlords whose premises were used for the manufacture of illegal liquor during the prohibition days. However, such cases may be distinguished from the matter involved herein. In the first place, this is an administrative proceeding to ascertain the reliability of a person to engage in export control matters. Secondly, the cases cited do not involve a situation wherein the United States Government acted or refrained from acting upon the representations or concealment of facts by a party who is getting the benefit of the Government action. In this case, the Government was induced to take an affirmative action, i. e., to issue and keep in force an export license because of certain representations on the one hand and concealment of material facts on the other. In such case, there is a much greater duty on a party to disclose all material facts than in a case where his concealment does not lead to any action on the part of the Government. (See, e. g., U. S. v. Leviton, 193 F. 2d 848; DeBon v. U. S., 175 F. 2d 439; Todorow v. U. S., 173 F. 2d 439.)

There has been no direct evidence before the Board as to the applicability and scope of the Swiss law. There is nothing to indicate that Brunoni could not have withdrawn from the transaction. He does claim that had he withdrawn from the transaction, he would have been liable for damages under his agency agreement with Krugel, but the evidence, taken most favorably for Brunoni, would indicate that Krugel was making certain misrepresentations and involving Brunoni in them. The Board is not aware of any law, continental or otherwise, which would make an agent liable for withdrawing under such circumstances. It also appears that Brunoni unilaterally withdrew from the agency agreement immediately after the transaction involved in this matter, before the agency agreement had terminated.

The Board is of the opinion that the allegations in the charging letter and the report of the Compliance Commissioner are substantially sustained by the evidence before it.

The Board, however, takes cognizance of the fact that the suspension of Krugel and Ripley runs to June 30, 1956, which is approximately a period of 42 months from the date of the charging letter (January 2, 1953), while the suspension of Brunoni runs for a period of about 26 months from the date of the charging letter. The Board feels that the relative lengths of these two suspensions does not correspond to the relative degree of culpability of the parties. The actions of Krugel and Ripley indicate a much greater degree of culpability than those of Brunoni who was brought into the picture by Krugel only after Krugel's negotiations with Fansteel had been long under way.

The Board is also aware of the handicap sustained by counsel for Brunoni on appeal in that said counsel has come into the case for the sole purpose of appeal and was not in the case on the hearing before the Compliance Commissioner.

After due consideration of all the evidence in this case, plus the fact that Brunoni has already been under suspension for approximately 15 months, the Board feels sufficient justice would be done if the appellant's suspension were to terminate as of the date of this order.

Now, therefore, it is ordered that

(1) The provisions of the Order Revoking Licenses and Denying Export Privileges, dated September 10, 1953, be and they are hereby modified as to appellant Oscar Brunoni, by amending the period of suspension set forth in paragraph (2) of the ordering portion of said order so that said period of suspension will terminate April 2, 1954.

(2) As so modified, said order is in all respects sustained, and the appeal of appellant be and it is hereby denied.

FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

APRIL 2, 1954.

[F. R. Doc. 54-2607; Filed, Apr. 7, 1954; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6548]

PAN AMERICAN WORLD AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the application of Pan American World Airways, Inc., for amendment of its United States-Europe-Middle East-India certificate and its Approved Service Plan so as to authorize service to Damascus, Syria, between Beirut, Lebanon, and Baghdad, Iraq, on segments 1 and 3.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402, 409 and 1001 of the said act, that a public hearing in the above-entitled proceeding is assigned to be held on April 19, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the application particular attention will be directed to the following questions:

1. Does the public convenience and necessity require the amendment of the certificate of public convenience and necessity held by Pan American World Airways, Inc., and its Approved Service Plan thereunder so as to authorize service to Damascus, Syria?

2. Is Pan American World Airways, Inc., a citizen of the United States as defined by section 1 (13) of the Civil Aeronautics Act of 1938, as amended?

3. Is Pan American World Airways, Inc., fit, willing, and able to provide the air transportation as proposed in the aforementioned application?

Notice is further given that any person desiring to be heard in the proceeding must file with the Board on or before April 19, 1954, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the issues involved in this proceeding interested persons are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., April 5, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2634; Filed, Apr. 7, 1954; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8694, 8730, 8840]

WESTINGHOUSE BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Westinghouse Broadcasting Company, Inc., Pittsburgh, Pennsylvania, Docket No. 8694, File No. BPCT-221; WWSW, Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT-254; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT-345; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 11 in Pittsburgh, Pennsylvania; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station; and

It further appearing that Pittsburgh Radio Supply House, Inc., proposes an antenna site in the immediate vicinity of standard broadcast stations WWSW and KQU; that the proposed construction may have effects upon the operation of these stations; and that a grant of the application of Pittsburgh Radio Supply House, Inc., if made, will be subject to the following condition:

The construction authorized shall not adversely affect the ability of standard broadcast stations WWSW and KQU to operate in accordance with the terms of their licenses, particularly with respect to their antenna systems, and that sufficient field intensity measurements of WWSW and KQU shall be made before and after such construction to prove that no material effect thereon has resulted.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 30th day of April 1954 in Washington, D. C., upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2639; Filed, Apr. 7, 1954; 9:10 a. m.]

[Docket Nos. 10083, 10697, 10698]

WINNEBAGO BROADCASTING CO. ET AL.

ORDER ENLARGING ISSUES

In re applications of Vincent S. Barker and Howard H. Monk d/b as Winnebago Broadcasting Company, Rockford, Illinois, Docket No. 10083, File No. BP-8281; Esther Blodgett, Harvard, Illinois, Docket No. 10697, File No. BP-8579; Evanston Broadcasting Company (WNMP), Evanston, Illinois, Docket No. 10698, File No. BP-8861; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of April 1954;

The Commission having under consideration a Petition to Enlarge and to Amend Issues filed by Esther Blodgett on January 25, 1954, no oppositions having been filed thereto;

It appearing that the above-entitled applications were designated for hearing in a consolidated proceeding by an order dated September 23, 1953, and that one issue, inter alia, in said order requires a determination as to which applicant, on a comparative basis, would best serve the public interest, convenience and necessity; and

It further appearing that in the instant petition Esther Blodgett requests (1) that the Commission enlarge the hearing issues to determine which of the above-entitled applicants would provide the more fair, efficient and equitable distribution of radio service, in the light of section 307 (b) of the Communications Act of 1934 as amended, (2) that the Commission amend the issues to delete subparagraphs (a), (b), and (c) of Issue 5, and (3) that the Commission waive the requirements of § 1.389 of its rules and consider her petition on its merits; and

It further appearing that careful consideration of the instant petition and the above-entitled applications discloses that each of the applicants proposes to serve a community separate and distinct from the community proposed to be served by either of the other applicants; that in accordance with present Commission policy and practice, an appropriate issue should be included to permit consideration of the statutory requirement contained in section 307 (b) of the Communications Act of 1934, as amended; and

It further appearing that section 307 (b) of the act is only one of many factors to be considered in this proceeding; that petitioner has not advanced any valid reasons for the deletion of subparagraphs (a), (b) and (c) of Issue 5 of the order of designation of September 23, 1953; and that the Commission believes orderly procedure dictates that all outstanding issues be dealt with in a single proceeding even though any one of the issues may be determinative of the proceeding without reference to other matters.

Accordingly, it is ordered, That the instant petition filed on January 25, 1954, by Esther Blodgett be granted to the extent (1) that the requirements of § 1.389 of the Commission's rules are waived, and (2) that the issues in the above-entitled proceeding be enlarged to include the following issue;

To determine, in the light of section 307 (b) of the Communications Act of 1934 as amended which of the above-entitled applications would provide the more fair, efficient and equitable distribution of radio service;

And that in all other respects, said petition is denied.

Released: April 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2640; Filed, Apr. 7, 1954; 9:10 a. m.]

[Docket No. 10939]

ALTMAN PLASTIC CO.

ORDER CONTINUING HEARING

In the matter of Cease and Desist Order to be directed to Harold Altman and Sol Altman, tr/as Altman Plastic Company, 464 Liberty Avenue, Brooklyn 7, New York; Docket No. 10939

The Commission having under consideration a Motion for Continuance filed on March 30, 1954, by counsel for the Chief of the Commission's Field Engineering and Monitoring Bureau, requesting that the hearing in the above-entitled proceeding, scheduled for April 7, 1954, at New York, New York, be continued to a date to be set by further order; and

It appearing that no opposition to said Motion has been filed, that the parties have consented to a waiver of § 1.745 of the Commission's rules in order that said Motion may be acted on without being on file for a period of 4 days, and that good cause for the granting thereof has been shown;

It is ordered, This 1st day of April 1954, that the Motion for Continuance is granted, and that the hearing in the above-entitled proceeding, now scheduled for April 7, 1954, is continued until a later date to be designated by a further order of the Hearing Examiner.

Released: April 2, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2641; Filed, Apr. 7, 1954; 9:10 a. m.]

[Docket Nos. 10977-10979]

INDEPENDENT BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Independent Broadcasting Company, Minneapolis, Minnesota, Docket No. 10977, File No. BPCT-366; Family Broadcasting Corporation, Minneapolis, Minnesota, Docket No. 10978, File No. BPCT-795; Twin Cities Broadcasting Corporation, Minneapolis, Minnesota, Docket No. 10979, File No. BPCT-1652; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9 in Minneapolis, Minnesota; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Independent Broadcasting Company is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "1" below; that Twin Cities Broadcasting Corporation is legally, financially and technically qualified to construct, own and operate the proposed television broadcast station; and that Family Broadcasting Corporation is legally, technically and financially qualified to construct, own and operate the proposed television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 30th day of April 1954 in Washington, D. C., upon the following issues:

1. To determine the correct geographical coordinates of the antenna system and site proposed by Independent Broadcasting Company.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2642; Filed, Apr. 7, 1954; 9:10 a. m.]

[Docket Nos. 10982, 10983]

OWENSBORO ON THE AIR, INC., AND OWENSBORO PUBLISHING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Owensboro on the Air, Inc., Hatfield, Indiana, Docket No. 10982, File No. BPCT-1787; Owensboro Publishing Company, Hatfield, Indiana, Docket No. 10983, File No. BPCT-1790; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9 in Hatfield, Indiana; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 30th day of April 1954 in Washington, D. C., upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2643; Filed, Apr. 7, 1954; 9:11 a. m.]

[Docket No. 10987]

ATLAS TOWING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Atlas Towing Company, Parkersburg, West Virginia, application for construction permit for a new limited Class II-B coast station to be located at Parkersburg, West Virginia (File No. 8806-F1-P-I); Docket No. 10987.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1954;

The Commission, having under consideration an application filed by Atlas Towing Company, Parkersburg, West Virginia, for construction permit for a new limited Class II-B coast station to be located at Parkersburg, West Virginia;

It appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicant was advised by a letter dated January 28, 1954, that the Commission was unable to determine that a grant of the above-entitled application would serve the public interest, convenience or necessity in view of questions concerning the feasibility of use of frequencies above 30 Mc and the feasibility of use of existing public communication facilities serving the Mississippi River System;

It further appearing that although the Commission finds the above-named applicant is legally, technically and financially qualified to construct, own and operate a coast station such as proposed, consideration of the applicant's reply dated February 23, 1954, to the Commission's letter has not resolved the questions raised and the Commission is unable to find that the public interest, convenience or necessity would be served by a grant of the application;

It is ordered, Pursuant to section 309 (b) of the Communications Act of 1934, as amended, that said application is designated for hearing upon the following issues:

1. To determine whether or not satisfactory ship-shore telephone service can be obtained through use of one or more public coast stations serving inland waters of the United States, including public coast stations at Pittsburgh, Pennsylvania, and Louisville, Kentucky.

2. To determine whether all or any portion of the desired ship-shore telephone service can be satisfactorily obtained on one or more available frequencies above 30 Mc.

3. To determine in the light of the evidence adduced under the above issues, whether grant of the above-entitled application would serve the public interest, convenience and necessity.

It is further ordered, That the Atlas Towing Company is hereby afforded an opportunity to obtain a hearing on the foregoing issues by filing a written appearance, in triplicate, within twenty days of the mailing of the Order designating the application for hearing. If the applicant fails to file such a written statement within the date specified, and has not filed prior to the expiration of that date a petition to dismiss without prejudice, his application shall be dismissed with prejudice for failure to prosecute, in accordance with § 1.387 of the Commission's rules.

It is further ordered, That Radiomarine Corporation of America, licensee of station WCM, Pittsburgh, Pennsylvania and Warner & Tamble Radio Service, Inc., licensee of station WFN, Louisville, Kentucky are named parties respondent to this proceeding, provided that within twenty days of the mailing of this order each of them shall file with the Commission a written appearance in triplicate;

It is further ordered, That the hearing herein shall be held at the offices of the Commission at Washington, D. C., beginning at 10:00 a. m. on the 17th day of May 1954.

Released: April 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2644; Filed, Apr. 7, 1954; 9:11 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6555, E-6556]

PENNSYLVANIA WATER & POWER CO. AND PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF APPLICATIONS

MARCH 31, 1954.

Take notice that on March 31, 1954, applications were filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Pennsylvania Power & Light Company (hereinafter called P. P. & L.) and Pennsylvania Water & Power Company (hereinafter called Penn Water), seeking orders authorizing the sale by Penn Water and the acquisition by P. P. & L. of a section of a 220-kv. transmission line, more fully described below. Penn Water is a corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in the States of Pennsylvania and Maryland, with its principal business office in Baltimore, Maryland. P. P. & L. is a corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in said state with its principal business office in Allentown, Pennsylvania. Penn Water proposes to sell and P. P. & L. proposes to purchase a section of a transmission line and appurtenant facilities, including a small parcel of land, owned by Penn Water consisting of 6.28 miles of a 220-kv., 3-phase, 60-cycle steel tower transmission line which connects the Maner Substation of Penn Water, near Safe Harbor, Pennsylvania, with the Hummelstown Substation of P. P. & L., at Hummelstown, Pennsylvania. The consideration for the transfer of the property is $299,871 as of December 31, 1953, subject to certain adjustments at the date of final settlement; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said applications, should on or before the 22d day of April 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2594; Filed, Apr. 7, 1954; 8:48 a. m.]

[Docket No. E-6557]

MONTANA POWER CO.

NOTICE OF APPLICATION

APRIL 1, 1954.

Take notice that on March 31, 1954, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by The Montana Power Company (hereinafter referred to as Applicant), for an order authorizing the issuance of $6,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1984; 60,000 shares of $_____ Preferred Stock, Cumulative, No Par Value; and $18,000,000 principal amount of __ percent Sinking Fund Debentures due 1979. The Applicant is a corporation organized under the laws of the State of New Jersey and doing business in the States of Montana, Idaho and Wyoming, with its principal business office at Butte, Montana. Applicant proposes to issue the aforementioned securities by competitive bidding. The purpose for which the proposed securities are to be issued by Applicant is to obtain funds and to apply the proceeds therefrom in connection with Applicant's construction program as well as for the purpose of redeeming at 104.72 percent of the principal amount thereof $18,000,000 principal amount of 4¾ percent Sinking Fund Debentures due 1978; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 22d day of April 1954, file with the Federal

Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2593; Filed, Apr. 7, 1954; 8:48 a. m.]

[Docket No. G 2370]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed February 16, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings: *Provided*, That no request to be heard, protest or petition is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on March 11, 1954 (19 F. R. 1374).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 15, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: April 2, 1954.

Issued: April 2, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2599; Filed, Apr. 7, 1954; 8:49 a. m.]

[Docket No. G-2372]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) [18 CFR 1.32 (b)] of the Commission's rules of practice and procedure, Applicant having requested that its application, filed February 17, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on March 11, 1954 (19 F. R. 1375).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 15, 1954, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: April 2, 1954.

Issued: April 2, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2600; Filed, Apr. 7, 1954; 8:49 a. m.]

[Docket No. G-2384]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 2, 1954.

Take notice that on March 8, 1954, El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities as hereinafter described.

The facilities which Applicant proposes to construct and operate are as follows:

(1) Construct and place in operation a 10¾-inch O. D. pipe line approximately 19.8 miles in length, extending from the downstream side of the Warren Petroleum Company Saunders Plant, located in Lea County, New Mexico, in a northerly and eastwardly direction to a point of connection with Applicant's existing 30-inch Permian-San Juan Crossover Line in Lea County.

(2) Construct and place in operation a compressor station of 330 horsepower, together with the necessary appurtenances for the operation of same, to be located immediately adjacent to the Warren Petroleum Company Saunders Plant.

(3) Construct and place in operation a standard orifice meter measuring station to be known as the Saunders Purchase Meter Station, said station to be located immediately downstream of the Warren Petroleum Company's plant

The proposed facilities will be operated in conjunction with the operation of Applicant's existing facilities, all for the purpose of purchasing and acquiring approximately 15,000,000 cubic feet of natural gas per day from the Warren Petroleum Corporation.

The total estimated cost of the proposed facilities is $693,695, which Applicant proposes to finance out of his current working funds.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of April 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2595; Filed, Apr. 7, 1954; 8:49 a. m.]

[Docket Nos. G-2386, G-2387, G-2388, G-2395]

CITY OF SUMMERVILLE, GA., ET AL.

NOTICE OF APPLICATIONS

APRIL 2, 1954.

In the matters of City of Summerville, Georgia, Docket No. G-2386; City of LaFayette, Georgia, Docket No. G-2387; City of Trion, Georgia, Docket No. G-2388; City of Dalton, Georgia, Docket No. G-2395.

Take notice that on March 8, 1954, the City of Summerville, Georgia, the City of LaFayette, Georgia, and the City of Trion, Georgia, all municipal corporations organized and existing under the laws of the State of Georgia, filed applications pursuant to section 7 (a) of the Natural Gas Act for orders directing Southern Natural Gas Company (Southern Natural) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by the applicants and to sell natural gas to them.

The City of Summerville, the City of LaFayette, and the City of Trion each propose to construct a municipal system for the distribution of natural gas to its ultimate consumers within its own corporate limits and surrounding territory. The municipalities propose to cooperate in the construction and operation of a supply main to connect with the transmission main of Southern Natural.

The peak-day requirements of the City of Summerville from Southern Natural for the third year of operation are estimated at 1,416 Mcf, and annual requirements for the third year are estimated at 236,067 Mcf.

The City of LaFayette estimates its peak-day requirements from Southern Natural for the third year of operation at 1,053 Mcf, and estimates annual requirements for the third year at 180,837 Mcf.

The City of Trion estimates its peak-day requirements from Southern Natural for the third year of operation at 248 Mcf, and estimated annual requirements for the third year at 26,388 Mcf.

The City of Dalton, a municipal corporation organized and existing under the law of the State of Georgia, also filed, on March 22, 1954, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Southern Natural to establish physical connection of its transmission facilities with the facilities proposed to be constructed by the City of Dalton and to sell natural gas to it. The City of Dalton proposes to construct approximately 39 miles of 8-inch O. D. pipeline from a point of interconnection with Southern Natural's Rome-Calhoun transmission line to its proposed distribution system within the corporate limits of Dalton and the surrounding territory. The peak-day requirements of the City of Dalton from Southern Natural for the third year of operation are estimated at 5,348 Mcf and annual requirements for the third year are estimated at 1,383,278 Mcf. Total estimated cost of construction by the City of Dalton is $2,940,000 to be financed by the issuance of natural gas revenue anticipation certificates.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with § 1.8 or § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10), on or before the 22d day of April 1954. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2596; Filed, Apr. 7, 1954; 8:49 a. m.]

[Docket No. G-2391]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

APRIL 2, 1954.

Take notice that on March 16, 1954, United Gas Pipe Line Company (United), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application pursuant to the provisions of section 7 (b) of the Natural Gas Act for permission and approval to abandon and remove pipe connections attaching a 2,200 H. P. transmission compressor station located in the Carthage Gas Field, Panola County, Texas, to its main transmission system.

United states that production from the Carthage Gas Fields is declining, and that to enable it to continue to obtain the quantities of gas available from its remaining reserves in the field it is necessary to reduce operating pressures in its gathering system in such field, and also to install new field compressor facilities to enable gas to continue to be delivered into its main transmission system at pressures of approximately 1,000 pounds. United accordingly proposes to remove the pipes connecting the transmission compressor station with its main system and use the station as part of proposed new field compressor facilities, alleging that the station is no longer needed as a part of its transmission system. Cost of such removal will be defrayed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of April 1954. The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2597; Filed, Apr. 7, 1954; 8:49 a. m.]

[Docket No. G-2393]

TRUNKLINE GAS CO.

NOTICE OF APPLICATION

APRIL 2, 1954.

Take notice that on March 18, 1954, Trunkline Gas Company (Trunkline), a Delaware corporation having its principal office at Houston, Texas, filed an application pursuant to the applicable provisions of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to the City of Fairfield (Fairfield), Illinois, in a total volume up to 1,995 Mcf per day.

Trunkline states that in Docket No. G-1613 it was directed to establish physical connection of its system with the facilities of Fairfield, and to sell Fairfield up to 1,200 Mcf per day; that it is now selling such volume to Fairfield, and that Fairfield needs the additional volume of 795 Mcf per day to enable it to meet increasing market requirements. No new facilities will be required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of April 1954. The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2598; Filed, Apr. 7, 1954; 8:49 a. m.]

[Project No. 1394]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

APRIL 1, 1954.

Public notice is hereby given that California Electric Power Company, of Riverside, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of the license for water-power Project No. 1394, located on Bishop Creek, the North, South and Middle Forks thereof, and Green, McGee and Birch Creeks, Inyo County, California, to exclude therefrom the dismantled 55,000-volt transmission line from Bishop Creek Power Plant No. 4 to Bishop Creek Switching and Control Station and to include therein a constructed 60,000-volt tap line connecting Power Plant No. 4 to the transmission line from Power Plant No. 2 to Bishop Creek Switching and Control Station.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before May 3, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2591; Filed, Apr. 7, 1954; 8:48 a. m.]

[Project No. 2106]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR LICENSE

APRIL 1, 1954.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed Project No. 2106 to be located on the McCloud and Pit Rivers and their tributaries in the region of McCloud and Redding, California, and affecting lands of the United States in Shasta National Forest. The proposed project, to be known as "McCloud-Pit Project," would consist of eight dams varying in height from 10 to 225 feet above streambed; three reservoirs having a total gross capacity of about 172,700 acre-feet and an effective capacity of about 149,000 acre-feet; about 93,200 feet of tunnel; two powerhouses consisting of the "McCloud Powerhouse," on McCloud River, to house one 44,000 horsepower vertical turbine direct-connected to one 36,000 kva generator, and the "McCloud-Pit Powerhouse," on Pit River, to house two 107,000 horsepower turbines each direct-connected to one 86,500 kva generator, and one 70,000 horsepower turbine direct-connected to a 57,000 kva generator; one 110 kv single-circuit transmission line, about 15 miles long, from the McCloud Powerhouse to McCloud-Pit Powerhouse, and two 220 kv single-circuit transmission lines, each about five miles long from the McCloud-Pit Powerhouse to Applicant's interconnected transmission system; substations and switchyards; and miscellaneous hydraulic, mechanical, and electrical facilities and structures. The proposed McCloud-Pit Project will be developed initially to a capacity of 214,000 horsepower by the construction of McCloud Diversion Dam and Reservoir, McCloud Tunnel Hawk-

ins Creek Diversion, Iron Canyon Dam and Reservoir, Iron Canyon Tunnel, and McCloud-Pit Powerhouse. It will be developed to its total capacity of 328,000 horsepower by the additional construction of Upper McCloud Diversion Dam, Upper McCloud Tunnel, Elk Creek Diversion Dam, Elk Creek Tunnel, Squaw Valley Dam and Reservoir, Squaw Valley Tunnel, McCloud Powerhouse, and a second penstock and a third unit at the McCloud-Pit Powerhouse.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before May 19, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2592; Filed, Apr. 7, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3189]

UNITED CORP.

NOTICE OF FILING OF APPLICATION FOR AMENDMENT OF ORDER

APRIL 2, 1954.

Notice is hereby given that The United Corporation ("United"), a registered holding company, has filed an application for an amendment of the Commission's order of May 2, 1952, granting an application filed pursuant to section 9 (c) (3) of the Public Utility Holding Company Act of 1935 ("act") for an exemption from section 9 (a) of the act with respect to a program for the investment of funds up to $24,500,000.

The proposed amendment would impose the following restrictions on the investment by United of any of its funds in lieu of the conditions presently applicable to its investment program until United shall have secured an order under section 5 (d) of the act declaring that it has ceased to be a holding company:

1. That United shall not acquire more than 4.9 percent of the voting securities (or securities convertible into voting securities) of any public utility company or of any holding company exempt as such from the provisions of the Public Utility Holding Company Act, or of any registered holding company or its subsidiaries, the system of which has been integrated and simplified as determined by order of the Commission under section 11 of the act, but shall not acquire any voting securities (or securities convertible into voting securities) of any registered holding company or any subsidiary of such registered holding company not in compliance with section 11 of the act, and shall not acquire any voting securities of any public utility company or holding company which is or has been a statutory subsidiary of United (except that United may acquire voting securities of any such prior statutory subsidiary in accordance with the exemption afforded by Rule U-40 (a) (3) under the act, provided such acquisition does not bring United's holdings of the voting securities of such company above the 4.9 per cent level).

2. That all other acquisitions of securities by United shall be subject to such limitations and restrictions as have been placed upon registered investment companies by the Investment Company Act of 1940, and the rules and regulations thereunder.

3. That United file with the Commission quarterly reports prescribed by section 30 (b) (1) of the Investment Company Act of 1940 and Rule N-30B1-1 promulgated thereunder.

4. That United transmit to its stockholders, at least semi-annually, reports prescribed by section 30 (d) of the Investment Company Act of 1940 and Rule N-30D-1 promulgated thereunder.

In addition, United has submitted formal statements of investment and fundamental policy pursuant to sections 8 (b) (1) and (2) of the Investment Company Act of 1940, which it proposes to follow pending the issuance of an order of the Commission under section 5 (d) of the act, and also a proposal to conform with the requirements of certain designated sections of the 1940 act to the extent that such conformity is not inconsistent with the requirements of the 1935 act.

United requests that the Commission's order to be entered herein become effective forthwith upon its issuance.

Notice is further given that any interested person may, not later than April 16, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 16, 1954, said application, as filed or as amended, may be granted, or the Commission may take such other action as it deems necessary or appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2604; Filed, Apr. 7, 1954; 8:50 a. m.]

[File No. 70-3209]

CENTRAL POWER AND LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUE AND SALE OF NEW BONDS BY SUBSIDIARY OF REGISTERED HOLDING COMPANY AND PARTIAL REDEMPTION OF OUTSTANDING BONDS

APRIL 2, 1954.

Central Power and Light Company ("Central"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed with this Commission a declaration, and an amendment thereto, pursuant to sections 6 (a), 7 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 promulgated thereunder, with respect to the following proposed transactions.

Central proposes (a) to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $18,000,000 in principal amount of its First Mortgage Bonds ("New Bonds") Series F, -- percent, to be dated April 1, 1954, and to mature April 1, 1984, and (b) to redeem in May, 1954, at 105.68 percent of principal and accrued interest to the redemption date, the $8,000,000 in principal amount of its presently outstanding First Mortgage Bonds, Series E, 4¼ percent, due May 1, 1983.

The New Bonds will be issued under and secured by an Indenture of Mortgage, dated November 1, 1943, between Central and The First National Bank of Chicago and Robert L. Grinnell, as Trustees, as amended by indentures supplemental thereto (the last supplemental indenture being dated May 1, 1953) and to be further amended by a proposed Supplemental Indenture to be dated April 1, 1954, between Central and the Trustees under said Indenture. The interest rate and the price to be paid Central for the New Bonds will be determined by the bidding, except that the invitation for bids will specify that the price (exclusive of accrued interest) to be paid the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount thereof.

Central represents that the net proceeds (exclusive of accrued interest) to be received from the issuance and sale of the New Bonds will be used as follows: (a) approximately $10,000,000 will be applied toward the payment of the cost of Central's construction program, estimated in the amount of $48,000,000 for the years 1954–1955, and (b) approximately $8,000,000, together with other company funds to the extent required will be used to redeem as aforesaid Central's presently outstanding First Mortgage Bonds, Series E, which redemption will require approximately $8,454,400, exclusive of accrued interest.

No State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses of the issuance and sale, other than underwriter's commission or compensation, are estimated as follows:

Securities and Exchange Commission filing fee	$1,872
Federal original issuance stamp tax	19,800
Printing of registration statement, prospectus, bidding documents, supplemental indenture, etc.	7,000
Preparation of bond pieces	3,600
Trustee's fees:	
Redemption of Series E bonds	2,600
Authentication of Series F bonds	8,450
Accountant's fees	1,500
Fees for recording of supplemental indenture	1,000
Fee of Middle West Service Co.	7,000
Miscellaneous expenses, including traveling, telephone, etc.	1,678
Total estimated expenses	54,500

Counsel fees of Stevenson, Dendtler, Bailey & McCabe, counsel for Central are covered by annual retainer or salary agreements. The fees ($8,000) and disbursements (estimated at not more than $250) of Isham, Lincoln & Beale, counsel for the purchasers, are to be paid by the successful bidders. In addition, the company will reimburse the successful bidders for all fees and expenses payable to Isham, Lincoln & Beale in an amount not exceeding $2,500 which is the estimated aggregate of expenditures in connection with the qualification or registration of said bonds under state securities laws.

Central requests that this Commission's order to be issued herein become effective forthwith upon its issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission having examined the filing and finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and that the fees and expenses as estimated are not unreasonable; and the Commission deeming it in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be and it hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2602; Filed, Apr. 7, 1954; 8:50 a. m.]

[File No. 70-3221]

NORTHERN STATES POWER CO.

ORDER REGARDING ISSUANCE AND SALE OF COMMON AND PREFERRED STOCK BY REGISTERED HOLDING COMPANY AND ISSUANCE AND SALE OF COMMON STOCK OF SUBSIDIARY TO PARENT

APRIL 2, 1954.

In the matter of Northern States Power Company (A Minnesota Corporation), and Northern States Power Company (A Wisconsin Corporation) File No. 70-3221.

Northern States Power Company, a Minnesota Corporation ("Minnesota"), a registered holding company and a public-utility company, and its public-utility subsidiary, Northern States Power Company, a Wisconsin Corporation ("Wisconsin"), having filed with this Commission an application-declaration, as amended, pursuant to sections 6, 7, 9, and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-23, U-24, U-43, and U-50 promulgated thereunder, regarding certain proposed transactions which are summarized as follows:

Minnesota proposes to issue and sell 1,219,856 additional shares of its common stock of the par value of $5 per share and 150,000 shares of a new series of its cumulative preferred stock of the par value of $100 per share (such class being hereinafter referred to as the "Preferred Stock").

Wisconsin proposes to issue and sell, and Minnesota proposes to purchase and acquire, during the balance of the year 1954, an aggregate of not to exceed 40,000 shares of the par value of $100 per share of the common stock of Wisconsin at $100 per share.

Minnesota proposes to issue and sell the 1,219,856 shares of its common stock by (a) offering said shares to the holders of its common stock on the basis of one share for each ten shares held and at a subscription price to be determined by Minnesota at a later date (which subscription price will be less than the last reported sale price on the New York Stock Exchange prior to the time the subscription price is fixed, but not less than $13.50 per share), the right to subscribe to be evidenced by subscription warrants; and (b) selling at such subscription price, pursuant to the competitive bidding requirements of Rule U-50, such of the above shares of common stock as are not subscribed for plus any of the outstanding shares of common stock of Minnesota acquired by the Company in connection with stabilization transactions. Minnesota may make purchases of not to exceed 60,993 shares (being a number of shares equal to approximately 5 percent of the new shares of common stock to be issued by Minnesota) of its presently outstanding stock in order to facilitate the proposed offering and sale of additional shares of its common stock or to stabilize the market price therefor. If the number of shares of common stock held of record by any shareholder is not evenly divisible by ten, the warrant such shareholder will receive will entitle him to subscribe for one share in lieu of the fraction of a share to which he would otherwise be entitled.

The additional shares of preferred stock of Minnesota, to be known as Cumulative Preferred Stock, $_____ Series, will be sold pursuant to the competitive bidding requirements of Rule U-50, the price (which shall be not more than $102.75 per share nor less than $100 per share) and the annual dividend rate (which shall be a multiple of 4 cents) to be fixed as a result of the bidding.

It is stated that the proceeds of the sale of additional shares of common and preferred stock by Minnesota and the proceeds of the sale of additional shares of common stock by Wisconsin, together with other corporate funds, will be used for the purpose of retiring $20,000,000 of bank loans of Minnesota evidenced by its promissory notes maturing July 15, 1954, and $2,500,000 of bank loans of Wisconsin evidenced by its promissory notes maturing June 9, 1954, and to finance new construction. Minnesota estimates that the expenditures of it and its subsidiaries for construction during 1954 will aggregate approximately $52,360,000.

The application-declaration, as amended, further states that no State commission, other than the Public Service Commission of North Dakota, or Federal commission, other than this Commission, has jurisdiction over the transaction proposed by Minnesota, that the issuance and sale of common stock by Wisconsin is subject to the authorization by the Public Service Commission of Wisconsin; and that the necessary authorizations of said two State Commissions have been obtained.

Fees and expenses are estimated as follows:

MINNESOTA

Description of items	150,000 shares of cumulative preferred stock	1,219,856 shares of common stock	Total
Registration fee under the Act of 1933	$1,500	$1,921	$3,421
Federal documentary stamps	16,500	7,700	24,200
State qualification fees and expenses	1,000	1,000	2,000
Printing, engraving and stationery	13,000	33,000	46,000
Accounting services, Haskins & Sells	1,600	1,600	3,200
Legal fees of company counsel, Flynn & Clerkin	10,000	15,000	25,000
New York Stock Exchange, listing fee	-------	3,050	3,050
Fees and expenses of the subscription agents namely, Northwestern National Bank of Minneapolis, First National Bank of Minneapolis, First Trust Co. of Saint Paul, Guaranty Trust Co. of New York, and Continental Illinois National Bank & Trust Co. of Chicago	-------	41,500	41,500
Fees of Pioneer Service & Engineering Co.:			
Transfer agent's service	300	10,500	10,800
Other fiscal service	600	13,600	14,200
Registrars' fees	750	5,350	6,100
Postage and express	500	10,000	10,500
Miscellaneous, including traveling, telephone tolls, and other out-of-pocket expenses	6,190	7,779	13,969
Total	52,000	152,000	204,000

WISCONSIN

Description of items	Amount
Secretary of State of Wisconsin—Fee relating to increase in authorized capital stock	$10,000
Public Service Commission of Wisconsin—Fee paid relating to application for authority to issue shares	4,000
Federal documentary stamps	4,400
Legal fees	1,700
Miscellaneous expenses	600
Total	20,700

It further appears that the proposed fee of Gardner, Carton, Douglas, Roemer & Chilgren, counsel for the successful bidders for Minnesota's Preferred Stock and Common Stock, is $11,500 of which $5,000 is to be paid on account of the Preferred Stock and $6,500 is to be paid on account of the Common Stock, said amounts to be paid by the respective successful bidders.

Applicants-declarants request that this Commission's order become effective upon issuance.

Notice of the filing of the application-declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the applicable provisions of the act and rules thereunder are satisfied and that it is not necessary to impose any terms and conditions other than those set forth below; that the estimated fees and expenses are not unreasonable provided they do not exceed the estimates; and that the application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act that the application-declaration be and the same is hereby, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50 and to the following additional terms and conditions:

So long as any shares of the Cumulative Preferred Stock, $_____ Series (the Series permitted to be issued pursuant to this order) of Minnesota (hereinafter referred to as the Corporation) are outstanding:

1. The Corporation shall not, without the consent (given in writing or by vote at a meeting duly called for that purpose) of the holders of a majority of the total number of shares of the Preferred Stock then outstanding:

A. Issue any unsecured notes, debentures or other securities representing unsecured indebtedness, or assume any such unsecured securities, for purposes other than the refunding or renewal of outstanding unsecured securities theretofore issued or assumed by the Corporation resulting in longer maturities, or the redemption or other retirement of all outstanding shares of the Preferred Stock, if immediately after such issue or assumption, the total outstanding principal amount of all unsecured debt will thereby exceed 10 percent of the aggregate of (i) the total principal amount of all bonds or other securities representing secured indebtedness issued or assumed by the Corporation and then to be outstanding, and (ii) the capital and surplus of the Corporation (including all earned surplus, paid-in surplus, capital surplus or other surplus of the Corporation) as then to be stated on the books of account of the Corporation;

B. Merge or consolidate with or into any other corporation or corporations or sell or otherwise dispose of all or substantially all of the assets of the Corporation, unless such merger or consolidation or sale or other disposition, or the issuance or assumption of all securities to be issued or assumed in connection with any such merger or consolidation or sale or other disposition shall have been ordered, approved or permitted pursuant to the provisions of the act; provided that the provisions of this clause shall not apply to a purchase or other acquisition by the Corporation of the franchises or other assets of another corporation, or otherwise apply in any matter which does not involve a merger or consolidation.

2. The Corporation shall not, after the termination of twelve months subsequent to the authorization of any class of stock (or security convertible into shares of any stock) which shall be preferred as to assets or dividends over the Preferred Stock, issue any such security unless the consent (given by a vote at a meeting duly called for that purpose in accordance with the provisions of its by-laws) is obtained of the holders of at least two-thirds of the total number of shares of Preferred Stock then outstanding, without regard to series.

3. The Corporation shall not redeem, purchase or otherwise acquire less than all of the shares of the Preferred Stock, if, at the time of such redemption, purchase or other acquisition, dividends payable on the preferred stock shall be in default in whole or in part, unless prior to or concurrently with such redemption, purchase or other acquisition all such defaults shall have been cured or unless approval of such redemption, purchase or other acquisition shall have been ordered, approved or permitted pursuant to the provisions of the act.

4. The Corporation shall not, without the consent (given by a vote at a meeting duly called for the purpose in accordance with the provisions of the By-Laws) of the holders of at least two-thirds of the total number of shares of Preferred Stock then outstanding, issue or sell additional preferred stock ranking on a parity with the outstanding Preferred Stock, or reissue reacquired Preferred Stock, unless the aggregate of the capital of the Corporation applicable to all stock of any class ranking junior to the Preferred Stock, plus the surplus of the Corporation, as defined in Article V (10) (B) of the Articles of Incorporation, shall be not less than the aggregate amount payable upon involuntary liquidation, dissolution or winding up of the affairs of the Corporation to the holders of all shares of (i) Preferred Stock and (ii) of any shares of stock of any class ranking prior thereto or on a parity therewith to be obtained outstanding immediately after such proposed issue, excluding from such computation all indebtedness and stock to be retired through such proposed issue. No portion of the surplus of the company utilized to satisfy the foregoing requirements shall be available for dividends (other than dividends payable in stock of any class ranking junior to the Preferred Stock) or other distributions upon or in respect of shares of stock of the Corporation of any class ranking junior to the Preferred Stock or for the purchase of shares of such junior stock until such number of additional shares of Preferred Stock or of stock, or securities convertible into stock, ranking prior to or on a parity with the Preferred Stock are retired or until and to the extent that the capital applicable to such junior stock shall have been increased.

5. In computing the capitalization ratio for all the purposes set forth in the Corporation's Articles of Incorporation, the capital represented by the common stock shall not include premiums over par value of any other class of stock.

6. In determining, for the purposes set forth in the Corporation's Articles of Incorporation, the sum of total capital and surplus, there shall be included therein an amount equal to the excess, if any, of (i) the aggregate amount payable on involuntary dissolution, liquidation or winding up of the Corporation upon all outstanding shares of stock having a preference over the common stock, over (ii) the aggregate stated or par value of such shares.

7. Any provision herein or in the Corporation's Articles of Incorporation which requires the vote of approval or consent of a specified fraction or percentage of a number of shares of the Preferred Stock as a class prior to taking specified action, shall be deemed to require not only the vote or consent of the specified fraction or percentage of a number of shares but also the vote or consent of the same fraction or percentage of votes entitled to be cast (bearing in mind that under paragraph 5 (a) of Article V of the Corporation's Articles of Incorporation each share of the "$4.80 Series" and of the "$3.60 Series" of Preferred Stock is entitled to three votes per share, while each share of the "$4.10 Series" and the Series presently being permitted to be issued is entitled to one vote per share).

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2605; Filed, Apr. 7, 1954; 8:51 a. m.]

[File No. 70-3234]

EASTERN UTILITIES ASSOCIATES

NOTICE OF FILING REGARDING ISSUE AND SALE TO BANK OF SHORT-TERM PROMISSORY NOTE

APRIL 2, 1954.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 7 of the act and Rule U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

EUA proposes to issue and sell to The First National Bank of Boston an unsecured promissory note in the principal amount of $2,000,000. Said note will be outstanding for a period not to exceed six months from April 19, 1954, and will bear interest at the prime rate in effect on April 20, 1954 (April 19, 1954, being a legal holiday in Boston). Upon 10 days written notice said note may be prepaid in whole or in part without premium.

At the present time EUA has outstanding bank indebtedness in the principal amount of $2,000,000 which bears interest at 3¼ percent per annum and matures April 19, 1954. The purpose of said proposed note is to extend or renew this bank indebtedness for a period not to exceed six months. It is contemplated by EUA that the proposed note will be retired through the sale of a sufficient number of its common shares to raise approximately $2,000,000 of equity capital at the earliest practicable date but not later than October 1, 1954, market conditions for the EUA shares being favorable.

EUA's expenses in connection with the issuance of said note, including counsel fees and expenses estimated at $600, are estimated not to exceed $700. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than April 15, 1954, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2603; Filed, Apr. 7, 1954; 8:50 a. m.]

[File No. 812-868]

E. I. DU PONT DE NEMOURS AND CO. AND CANADIAN INDUSTRIES, LTD.

NOTICE OF FILING OF APPLICATION REQUESTING ORDER EXEMPTING CERTAIN TRANSACTIONS BETWEEN AFFILIATES

APRIL 2, 1954.

Notice is hereby given that E. I. du Pont de Nemours and Company ("Du Pont"), which is controlled by Christiana Securities Corporation, a registered closed-end non-diversified investment company, which in turn is controlled by Delaware Realty and Investment Company, also a registered closed-end non-diversified investment company, and Canadian Industries Limited ("CIL"), a jointly controlled subsidiary of Du Pont, and Imperial Chemical Industries of Canada Limited ("ICI of Canada"), the latter company a wholly owned subsidiary of Imperial Chemical Industries, Limited ("ICI"), a British corporation, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of the act a proposed plan of Compromise and Arrangement ("Plan") under section 126 of The Companies Act of Canada, whereby the business and assets of CIL would be divided and transferred to two new Canadian operating companies. The applicants have requested in the alternative that an order be issued pursuant to section 6 (c) of the act exempting from the provisions of the act the transactions pursuant to the Plan or a ruling that such transactions are not covered by the act.

CIL is primarily a chemical manufacturing concern, producing in Canada such products as agricultural and industrial chemicals, ammunition, cellophane, explosives, "Fabrikoid", nylon, paint and varnish and polythene. It also resells in Canada certain related products of Du Pont, ICI and others.

CIL has outstanding 7,059,081 shares of common stock of which 2,952,655 shares (41.8 percent) are owned by Du Pont, 2,952,655 shares (41.8 percent) are owned by ICI of Canada, and the remaining 1,153,771 shares (16.4 percent) are held by approximately 3,000 public minority stockholders. CIL also has outstanding 46,500 shares of $100 par value non-redeemable 7 percent preferred stock, all held by the public. United States citizens own 3.0 percent of CIL common stock and 6.2 percent of the CIL preferred stock.

The United States District Court for the Southern District of New York entered a final judgment on July 30, 1952 in the case of United States of America v. Imperial Chemical Industries Limited, E. I. du Pont de Nemours and Company, et al. (Civil Action 24-13) 100 F. Supp. 504, 105 F. Supp. 215, which judgment ordered Du Pont and ICI to terminate their joint interests in CIL (and in certain other jointly owned companies) either by the sale of the CIL shares owned by one or both of the parties, or by segregation or physical division of the plants and properties of CIL.

Du Pont and ICI have determined that a segregation and physical division of the plants and properties of CIL between ICI and Du Pont is the most feasible method of complying with the decree of the court. Accordingly, a Compromise or Arrangement under section 126 of The Companies Act of Canada was formulated. Under this proposed Plan CIL's business and assets will be divided and transferred to two new operating companies to be known as Canadian Industries (1954) Limited ("CIL 54") and Du Pont Company of Canada Limited ("Du Pont of Canada"). ICI of Canada will become the principal common stockholder in CIL 54; the remainder of the CIL 54 common stock will be held by CIL's present minority stockholders and all of its preferred stock will be held by CIL's existing preferred stockholders. The present CIL company, which will become a holding company under the name of Du Pont of Canada Securities Limited ("Du Pont Securities") will be the only shareholder in Du Pont of Canada. Du Pont will be the principal common stockholder in Du Pont Securities and the remainder of the Du Pont Securities' common stock will be held by CIL's present minority common stockholders and all of its preferred stock will be held by CIL's existing preferred stockholders. This holding company arrangement, it is stated, is necessitated by certain tax considerations.

The above allocation of securities of the new companies will be accomplished by giving to the minority common stockholders of CIL, in place of each share of CIL common stock held, (a) 1 1/10 shares of common stock of CIL 54 and (b) 1 1/10 shares of common stock of Du Pont Securities. ICI of Canada will, in place of each share of common stock of CIL presently held, receive 2 shares of common stock of CIL 54 but no shares of Du Pont Securities. On the other hand, Du Pont will, in place of each share of common stock of CIL presently held, receive two shares of common stock of Du Pont Securities but no shares of CIL 54.

Holders of the existing CIL cumulative non-redeemable 7 percent $100 par value preferred stock will receive for each share thereof (a) one share of cumulative non-redeemable 7½ percent $50 par value preferred stock of CIL 54 and (b) one share of cumulative non-redeemable 7½ percent $50 par value preferred stock of Du Pont Securities. Du Pont will reimburse those CIL shareholders who are subject to United States Federal income taxes, for estimated United States income taxes resulting from the exchange of CIL stock for stock of CIL 54. Du Pont estimates that the amount of such reimbursement will be approximately $1,000,000.

Under the proposed Plan the assets being transferred to Du Pont of Canada comprise principally CIL's business of cellophane and nylon and the principal assets being transferred to CIL 54 consist of the agricultural chemicals, chemicals, polythene, ammunition, explosives, "Fabrikoid," paint and varnish departments and certain subsidiary companies of CIL.

It is stated in the application that at the commencement of negotiations it was agreed that the business and assets of CIL should be so divided as to place in each of the two new companies properties from which an approximately equal volume of earnings over the near future might be anticipated.

The Plan also provides that the residual assets and liabilities of CIL are to be so allocated that all of the assets of CIL would be equally divided between Du Pont of Canada and CIL 54. The application indicates that if the Plan had been consummated on December 31, 1953, the net assets, on the basis of book values, proposed to be transferred to each of the new companies would be approximately $45,500,000.

Applicants state that the agreement finally reached represents a fair and equitable arrangement and that the requested order of exemption from the provisions of section 17 (a) of the act should be granted for the reason that the proposed transactions will be, on the basis of business judgment, the most effective means of achieving compliance with the judgment of the United States District Court for the Southern District of New York, at the same time protecting Du Pont and its shareholders.

The application also states that this Plan, which is a modification of an earlier plan approved on April 7, 1953, by the United States District Court for the Southern District of New York, was approved by the same court on January 21, 1954. The Plan must also be approved under The Canadian Companies Act by an appropriate Canadian court, after it has been approved by the stockholders of CIL, before it can be consummated.

Section 17 (a) of the act, among other things, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from selling to, or purchasing from, any company controlled by such registered investment company any securities or property unless the Commission upon application pursuant to section 17 (b) of the act grants an exemption from the provisions of section 17 (a). Section 17 (b) provides that the Commission shall grant such exemption and issue an exemptive order if the evidence establishes that (1) the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, (2) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and (3) the proposed transaction is consistent with the general purposes of this title.

Section 6 (c) of the act provides that the Commission, among other things, by order upon application may conditionally or unconditionally exempt any person, securities, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than April 19, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest and the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2606; Filed, Apr. 7, 1954; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29086]

ANIMAL OR POULTRY FEED FROM MASON CITY, ILL., TO MISSISSIPPI, LOUISIANA, AND ALABAMA

APPLICATION FOR RELIEF

APRIL 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Animal or poultry feed, carloads.

From: Mason City, Illinois.

To: Meridian, Enterprise, Hattiesburg, Laurel, Lumberton, and Columbus, Miss., New Orleans, La., and Mobile, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 776, supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2610; Filed, Apr. 7, 1954; 8:52 a. m.]

[4th Sec. Application 29087]

CAST IRON PIPE FROM THE SOUTH TO TEXAS

APPLICATION FOR RELIEF

APRIL 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cast iron pipe and related articles, carloads.

From: Birmingham, Ala., and points grouped therewith, Chattanooga and Nashville, Tenn., Atlanta and Roseland, Ga.

To: Houston, Galveston and Texas City, Texas.

Grounds for relief: Competition with rail carriers, circuitous routes and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1374, supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2611; Filed, Apr. 7, 1954; 8:52 a. m.]

[4th Sec. Application 29088]

CREOSOTE OIL SOLUTION FROM GOOD HOPE, LA., TO HATTIESBURG, MISS.

APPLICATION FOR RELIEF

APRIL 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Fernwood, Columbia & Gulf Railroad Company and other carriers named on page 1 of the application.

Commodities involved: Creosote oil solution (creosote oil and tar), carloads and tank-car loads.

From: Good Hope, La.

To: Hattiesburg, Miss.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2612; Filed, Apr. 7, 1954; 8:52 a. m.]

[4th Sec. Application 29089]

VARIOUS COMMODITIES FROM TRUNK LINE AND NEW ENGLAND TERRITORIES TO CERTAIN OTHER TERRITORIES

APPLICATION FOR RELIEF

APRIL 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and Frank Van Ummersen, Agents, for carriers parties to tariffs shown in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in trunk-line and New England territories.

To: Points in central, southern, trunk-line and New England territories.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2613; Filed, Apr. 7, 1954; 8:53 a. m.]

[4th Sec. Application 29090]

AMMUNITION BOXES FROM BIRMINGHAM, ALA., TO JOLIET ARSENAL (AREA 2), ILL.

APPLICATION FOR RELIEF

APRIL 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1351, pursuant to fourth-section order No. 16101.

Commodities involved: Boxes, ammunition or shell shipping, wooden, carloads.

From: Birmingham, Ala.

To: Joliet Arsenal (Area 2), Ill.

Grounds for relief: Rail competition, circuity, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2614; Filed, Apr. 7, 1954; 8:53 a. m.]

[4th Sec. Application 29091]

PAPER AND PAPER ARTICLES FROM OFFICIAL TERRITORY TO LOWER MISSISSIPPI RIVER CROSSINGS

APPLICATION FOR RELIEF

APRIL 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent Frank Van Ummersen's tariff I. C. C. No. 610, and other tariffs, pursuant to fourth-section order No. 16101.

Commodities involved: Paper and paper articles, carloads.

From: Points in official territory.

To: Lower Mississippi River Crossings, Memphis, Tenn., and south thereof.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2615; Filed, Apr. 7, 1954; 8:53 a. m.]

[4th Sec. Application 29092]

PAPER ARTICLES FROM THE SOUTHWEST TO MEMPHIS, TENN., AND NATCHEZ AND VICKSBURG, MISS.

APPLICATION FOR RELIEF

APRIL 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles including pulpboard, and paper boxes, carloads.

From: Specified points in Arkansas, Louisiana and Texas.

To: Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4063, supp. 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2616; Filed, Apr. 7, 1954; 8:53 a. m.]

[4th Sec. Application 29093]

PEANUTS FROM ALABAMA, FLORIDA AND GEORGIA TO CAMDEN, N. J.

APPLICATION FOR RELIEF

APRIL 5, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Peanuts, in the shell or shelled, carloads.

From: Points in Alabama, Florida and Georgia.

To: Camden, N. J.

Grounds for relief: Competition with rail carriers, circuity, to maintain grouping, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 887, supp. 149.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission,

in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2617; Filed, Apr. 7, 1954; 8:53 a. m.]

[No. 31479]

NORTH CAROLINA INTRASTATE FREIGHT RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 26th day of March A. D. 1954.

It appearing, that in Ex Parte No. 175, Increased Freight Rates, 1951, 280 I. C. C. 179; 281 I. C. C. 557; 284 I. C. C. 589, and 289 I. C. C 395, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made.

It further appearing, that a petition, dated March 10, 1954, has been filed by the Aberdeen & Rockfish Railroad Company and other common carriers by railroad operating to, from, and between points in the State of North Carolina, averring that the North Carolina Utilities Commission has refused to permit petitioners to establish, for the intrastate transportation upon their railroads in North Carolina, increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners on interstate traffic in the proceeding above cited; such refusal being alleged in the manner and to the extent as more fully set forth in the said petition;

It further appearing, that petitioners allege that the refusal of the North Carolina Utilities Commission to permit the increase on intrastate traffic referred to in the preceding paragraph causes and results in undue or unreasonable advantage, preference, and prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate or foreign commerce, in violation of section 13 of the Interstate Commerce Act;

And it further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by the authority of the State of North Carolina;

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereafter designated and any other persons interested, to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of North Carolina, for the intrastate transportation of property, made or imposed by authority of the State of North Carolina, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in the proceeding cited above, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, and any undue, unreasonable or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of North Carolina which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of North Carolina be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the North Carolina Utilities Commission at Raleigh, N. C.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby assigned for hearing May 11, 1954, at 9:30 o'clock a. m., U. S. Standard Time (or 9:30 a. m. local daylight saving time, if that time is observed) at the rooms of the North Carolina Utilities Commission, Raleigh, N. C., before Examiner P. O. Carter.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2618; Filed, Apr. 7, 1954; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19122, Amdt.]

LOUIS VERSEL

In re: Real Property owned by the personal representatives, heirs, next of kin, legatees and distributees of Louis Versel, also known as Louis Vershel, deceased. D-28-13143.

Vesting Order 19122, dated January 19, 1953, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Louis Versel, also known as Louis Vershel, deceased, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany, are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the property described as follows: An undivided one-half (1/2) interest in real property situated in the County of Aransas, State of Texas, and particularly described as Lot No. 7 in Block No. 229, being the same property conveyed to Louis Vershel, Sherman, Texas, by O. J. Dutton, W. Amos Moore and W. H. Wilcox, Trustees, by deed dated March 3, 1910, numbered 156 and recorded April 18, 1910, in the office of the County Clerk of Aransas County, Texas, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Louis Versel, also known as Louis Vershel, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended

Executed at Washington, D. C., on April 5, 1954.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 54-2627; Filed Apr. 7, 1954; 8:54 a. m.]

ARAMO STIFTUNG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Aramo-Stiftung, Vaduz, Liechtenstein, Claim No. 37840; $50,000 in cash in the Treasury of the United States.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 54-2628; Filed, Apr. 7, 1954; 8:54 a. m.]

VERA SILOTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Vera Siloti, Freiburg (Baden), Germany (French Zone), Claim No. 42176, Docket No. 1659, (D 28-10170); all right, title, interest and claim of any kind or character whatsoever of Vera Siloti, in and to the trust created under the will of Alexander Siloti, deceased, now being administered by Alexis Goldenweiser as trustee, appointed by the Surrogate's Court of New York County, New York.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 54-2629; Filed, Apr. 7, 1954; 8:54 a. m.]

SHOSHICHIRO SASAMURA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Shoshichiro Sasamura, 141-6, 2-chome Nozawamachi, Setagaya-Ku, Tokyo, Japan, Claim No. 60766; $3,042.39 in the Treasury of the United States.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 54-2630; Filed, Apr. 7, 1954; 8:54 a. m.]

PHILIPPE ALEXIS JEAN CARRE, AND JACQUES LOUIS ALEXIS MAURICE CARRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., and Property

Philippe Alexis Jean Carre, Paris, France, Claim No. 41456; Jacques Louis Alexis Maurice Carre, Paris, France; Claim No. 41457; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,141,514, an undivided one-half thereof to each claimant.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 54-2631; Filed, Apr. 7, 1954; 8:54 a. m.]

ALBERT GASTON JARRY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Albert Gaston Jarry, Ris Orangis (Seine et Oise), France, Claim No. 41773; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,169,647.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 54-2632; Filed, Apr. 7, 1954; 8:54 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 69

Washington, Friday, April 9, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, the positions listed below are added to § 6.310.

§ 6.310 *Department of the Interior.*

* * *

(l) *Bonneville Power Administration.*

* * *

(4) Two Assistants to the Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2661; Filed, Apr. 8, 1954; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 951]

OREGON

REVOKING EXECUTIVE ORDER NO. 5176 OF AUGUST 23, 1929

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 5176 of August 23, 1929, withdrawing the following-described revested Oregon and California Railroad grant lands for classification and in aid of legislation, is hereby revoked:

WILLAMETTE MERIDIAN

T. 40 S., R. 3 W.,
Sec. 5. S½NE¼SW¼, N½SE¼SW¼.

The area described contains approximately 40 acres.

The described lands shall not become subject to disposition of any kind prior to 10:00 a. m. on the 35th day after the date of this order. At that time they shall become subject to such disposition as may by law be made of the revested Oregon and California Railroad grant lands.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 2, 1954.

[F. R. Doc. 54-2646; Filed, Apr. 8, 1954; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS

In the matter of amendment of § 2.104 (a) of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in § 2.104 (a) of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (I) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

It is ordered, This 5th day of April 1954, that, effective immediately, § 2.104 (a) of the Commission's rules and regulations is revised as follows:

Footnote U. S. 13 and its designator appearing in column 5, on the band

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 3, 1953 Supp. ($1.50)
Title 16 ($1.00)
Titles 22–23 ($1.00)
Title 24 ($0.75)

Previously announced: Title 8 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.45); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

Order from
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1300–1700 Mc in the Table of Frequency Allocations is deleted.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: April 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–2696; Filed, Apr. 7, 1954; 4:55 p. m.]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

USE OF CERTAIN RADIO FREQUENCIES BY NON-GOVERNMENT STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1954.

The Commission having under consideration the provisions of Parts 2, 11 and 16 with respect to the use of certain radio frequencies by non-Government stations; and

It appearing, that the frequency 40.68 Mc, which is allocated for use by Industrial, Scientific and Medical Equipment and which is within the band of frequencies 40–42 Mc reserved for United States Government stations, has been made available to be authorized to non-Government fixed stations located in the states of Pennsylvania and West Virginia only, for the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the Federal Government, but subject to the condition that harmful interference shall not be caused to stations of the Federal Government; and

It further appearing, that the Table of Frequency Allocations contained in § 2.104 (a) should be amended to show the availability of the frequency 40.68 Mc to non-Government fixed stations for the above-described purposes and under the above-described limitations; and

It further appearing, that in accordance with the provisions of Part 2 of the Commission's rules, the frequency 27.255 Mc, within the frequency band 27.23–27.28 Mc, is available to be authorized to non-Government fixed, land or mobile stations subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 27.12 Mc; and

It further appearing, that for the convenience of the public, Parts 11 and 16 of the Commission's rules should be amended to reflect the availability of the frequencies 40.68 and 27.255 Mc for assignment to non-Government stations under the above-described conditions; and

It further appearing, that the proposed amendments are solely for the purpose of listing frequencies which have already been made available to the respective services for the indicated uses, by previous action of the Commission or by action of the Interdepartment Radio Advisory Committee, and that therefore general notice of proposed rule making, as prescribed by section 4 (a) of the Administrative Procedure Act, is unnecessary; and

It further appearing, that authority for this action is contained in Sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective May 3, 1954, Part 2 of the Commission's Rules and Regulations is amended as set forth below; and

It is further ordered, That, effective May 3, 1954, Parts 11 and 16 of the Commission's rules and regulations are amended as set forth below.

Released: April 5, 1954.

(Sec. 4, 48 Stat. 1066, as amended: 47 U. S. C. 154. Interprets or applies Sec. 303, 48 Stat. 1082, as amended, 47 U. S. C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 2.104 (a) of the Commission's rules and regulations governing Frequency Allocation and Radio Treaty Matters as follows:

In column 5 of the Table of Frequency Allocations add an additional footnote titled (US29) for the frequency band 40–42 Mc to read as follows:

US29 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the federal government, the frequency 40.68 Mc may be authorized to non-Government fixed stations in the states of Pennsylvania and West Virginia on the condition that harmful interference will not be caused to Government stations.

2. Amend §§ 11.253 (c), 11.303 (c), 11.353 (c), 11.503 (c) and 16.353 (c) by the addition of the frequency [1] 40.68 Mc to the frequencies listed therein, together with the following footnote referring thereto:

3. Amend §§ 11.254, 11.304, 11.354, 11.404, 11.454, and 11.504 by the addition of a new paragraph (d) to each, to read as follows:

(d) The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

3. Amend Part 16 by the insertion of new §§ 16.255, 16.304, 16.356, 16.404, 16.454 and 16.504, to read as follows:

§ 16.255 *Frequencies available for Base, Mobile and Operational Fixed Stations.* The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

§ 16.304 *Frequencies available for Base, Mobile and Operational Fixed Stations.* The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

§ 16.356 *Frequencies available for Base, Mobile and Operational Fixed Stations.* The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

§ 16.404 *Frequencies available for Base, Mobile and Operational Fixed Stations.* The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

§ 16.454 *Frequencies available for Base, Mobile and Operational Fixed Stations.* The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

§ 16.504 *Frequencies available for Base, Mobile and Operational Fixed Stations.* The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

[F. R. Doc. 54–2697; Filed, Apr. 7, 1954; 4:55 p. m.]

[1] Use of the frequency 40.68 Mc is limited to stations located in the states of Pennsylvania and West Virginia only, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21–145]

PART 28—SOLID SECTION STEEL WINDOW INDUSTRY

ORDER RESCINDING TRADE PRACTICE RULES

Whereas, the Commission on July 31, 1931, promulgated trade practice rules for the Solid Section Steel Window Industry which were codified in the Code of Federal Regulations (16 CFR Part 28): and

Whereas, it appears that the rules for this industry are general in form and in some respects obsolete, and that there is no interest on the part of said industry in a revision thereof; and

Whereas, under the circumstances proceedings for revision of the rules for this industry do not appear to be essential to the public interest:

It is ordered, That the said rules be and the same are hereby rescinded.

Issued: April 6, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54–2669; Filed, Apr. 8, 1954; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supplement 23]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

EN ROUTE LIMITATIONS

The purpose of this amendment is to establish en route limitations for Aero Commander 520, Beech 50, Grumman G–21, and Lockheed 10A aircraft. The proposed rules were published on November 28, 1953, in 18 F. R. 7613; interested persons were afforded an opportunity to submit data, views, or arguments; and consideration has been given to all relevant matter presented. The following rules are hereby adopted. Section 42.80–6, published on January 10, 1950, in 15 F. R. 93 is amended to read as follows:

§ 42.80–6 *En route limitations on multi-engine aircraft with maximum allowable take-off weights below 12,500 pounds (CAA rules which apply to §§ 42.16 and 42.80).* The following en route limitations data, applicable to Aero Commander 520, Beech D18C, Beech D18S, Beech 50, Grumman G–21, Lockheed 10A, Lockheed 10E, and Lockheed 12A aircraft, shall be used in determining compliance with § 42.80. These data are presented in table 1 and figures 1 through 5. En route performance data on other aircraft weighing less than 12,500 pounds and operated under § 42.16 will be made available upon application to the Administrator.

TABLE 1—EN ROUTE LIMITATIONS

AERO COMMANDER 520

Weight in pounds [1]	Terrain clearance [2] in feet and climb speed in miles per hour (TIAS)	
	Feet [3]	Miles per hour
5,500	(3,480)	94.8
5,000	6,820	93.5
4,500	10,130	92.4

NOTE: Inoperative propeller windmilling.

[1] The maximum permissible weight under § 42.16 and § 42.82 is 5,420 pounds.
[2] Highest altitude of terrain over which airplane may be operated in compliance with CAR 42.82.
[4] The "terrain clearance" in parentheses is not usable under § 42.16 and § 42.82 because the minimum terrain altitude is 4,000 feet under § 42.82.

BEECH D–18C

BEECH 50

Weight in pounds	Terrain clearance [1] in feet and climb speed in miles per hour (TIAS)	
	Feet	Miles per hour
5,500	4,140	96.4
5,000	7,710	94.6
4,500	11,340	92.7

NOTE: Inoperative propeller windmilling.

[1] Highest altitude of terrain over which airplane may be operated in compliance with CAR 42.82.

GRUMMAN G–21

Weight in pounds [1]	Terrain clearance [2] in feet and climb speed in miles per hour (TIAS)	
	Feet [3]	Miles per hour
7,500	(3,420)	111.5
7,000	4,010	111.1
6,500	4,580	110.6
6,000	6,750	110.1
5,500	7,350	109.6

NOTE: Propeller idling in high pitch. Airplane is equipped with de-icers.

[1] The maximum permissible weight under § 42.16 and § 42.82 is 7,310 pounds.
[2] Highest altitude of terrain over which airplane may be operated in compliance with CAR 42.82.
[3] The "terrain clearance" in parentheses is not usable under § 42.16 and § 42.82 because the minimum terrain altitude is 4,000 feet under § 42.82.

LOCKHEED 10A

Weight in pounds [1]	Terrain clearance [2] in feet and climb speed in miles per hour TIAS			
	Propeller feathered		Propeller idling	
	Feet [3]	Miles per hour	Feet [3]	Miles per hour
10,500	(3,600)	94.8	[illegible]	92.9
10,000	4,280	93.6	(3,120)	92.3
9,500	5,020	93.1	4,060	92.5
9,000	7,200	92.8	5,000	92.1
8,500	8,250	92.4	7,180	91.7
8,000	9,350	92.0	8,420	91.4

[1] The maximum permissible weights under § 42.16 and § 42.82 are 9,750 pounds with propeller idling, 10,544 pounds with propeller feathered.
[2] Highest altitude of terrain over which airplane may be operated in compliance with CAR 42.82.
[3] The "terrain clearances" in parentheses are not usable under § 42.16 and § 42.82 because the minimum terrain altitude is 4,000 feet under § 42.82.

LOCKHEED 10E

LOCKHEED 12A

FIGURE 1—En route limitations, Beech D18c, D18S, Lockheed 10E 12A..

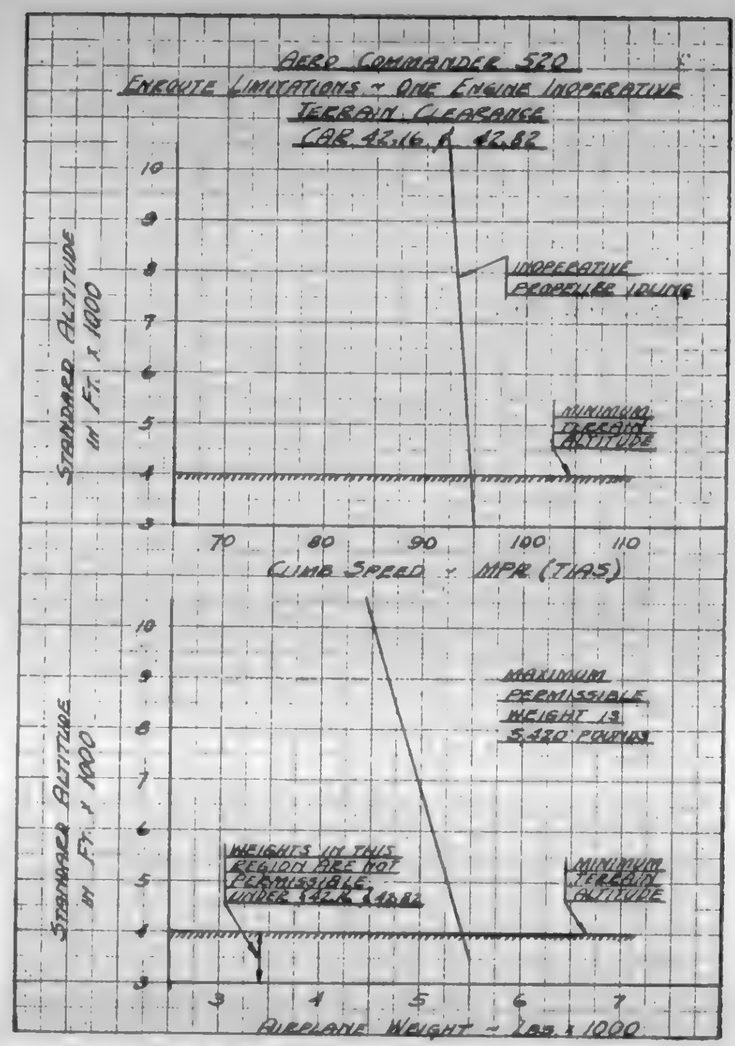


FIGURE 2—En route limitations, Aero Commander 520.

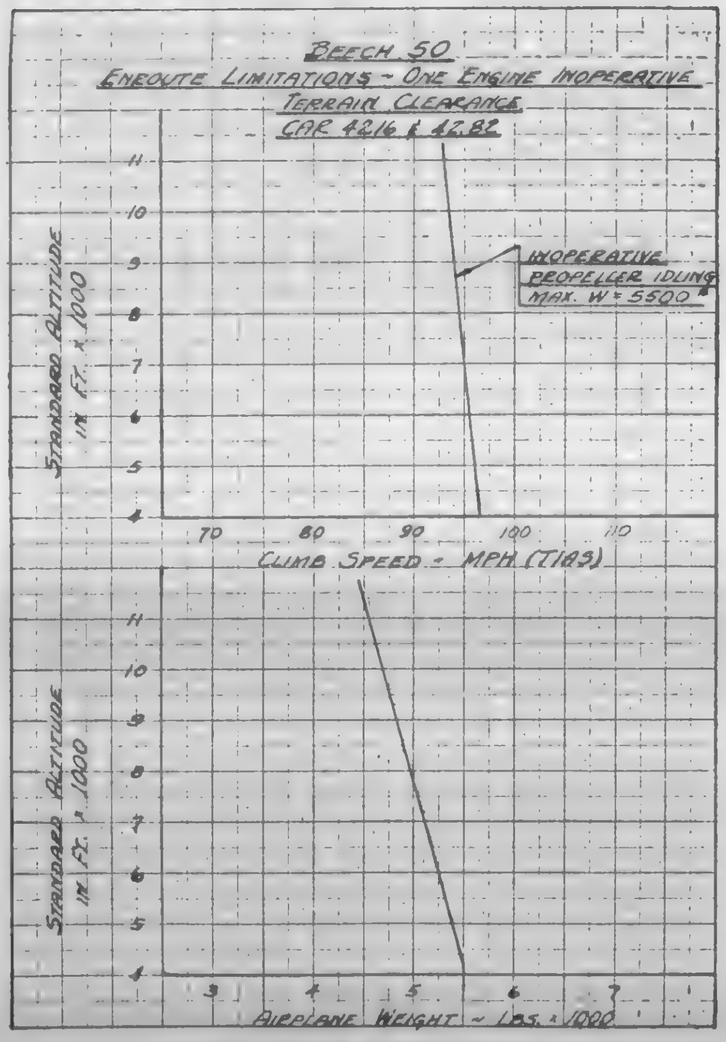


FIGURE 3—En route limitations, Beech 50.

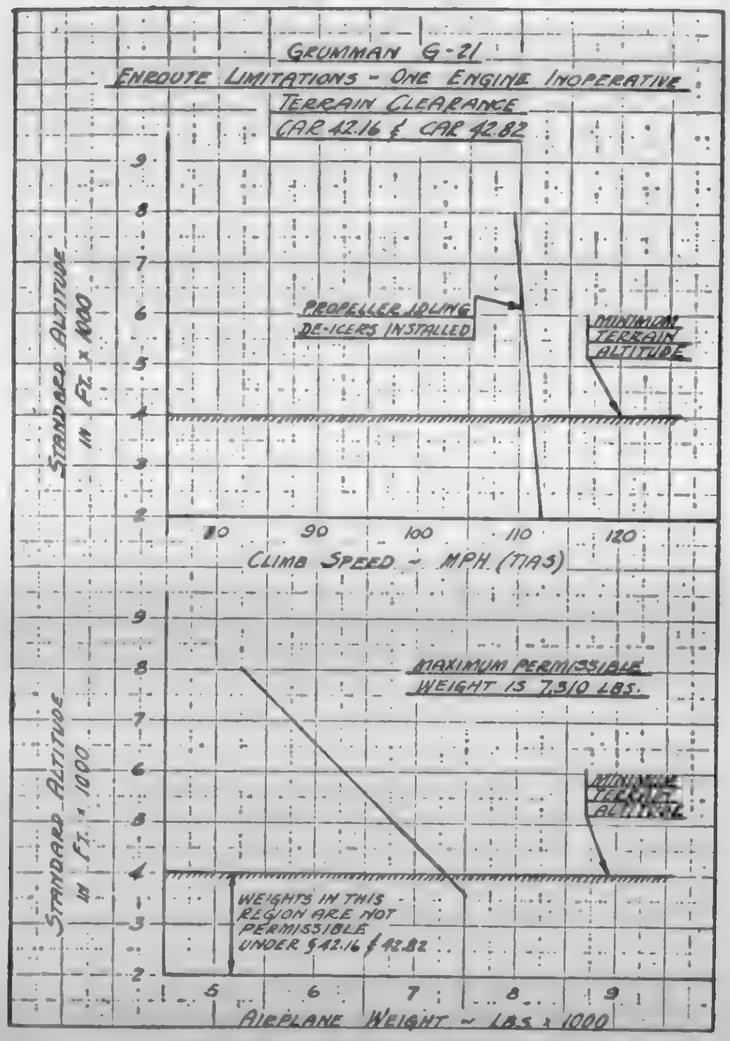


FIGURE 4—En route limitations, Grumman G-21.

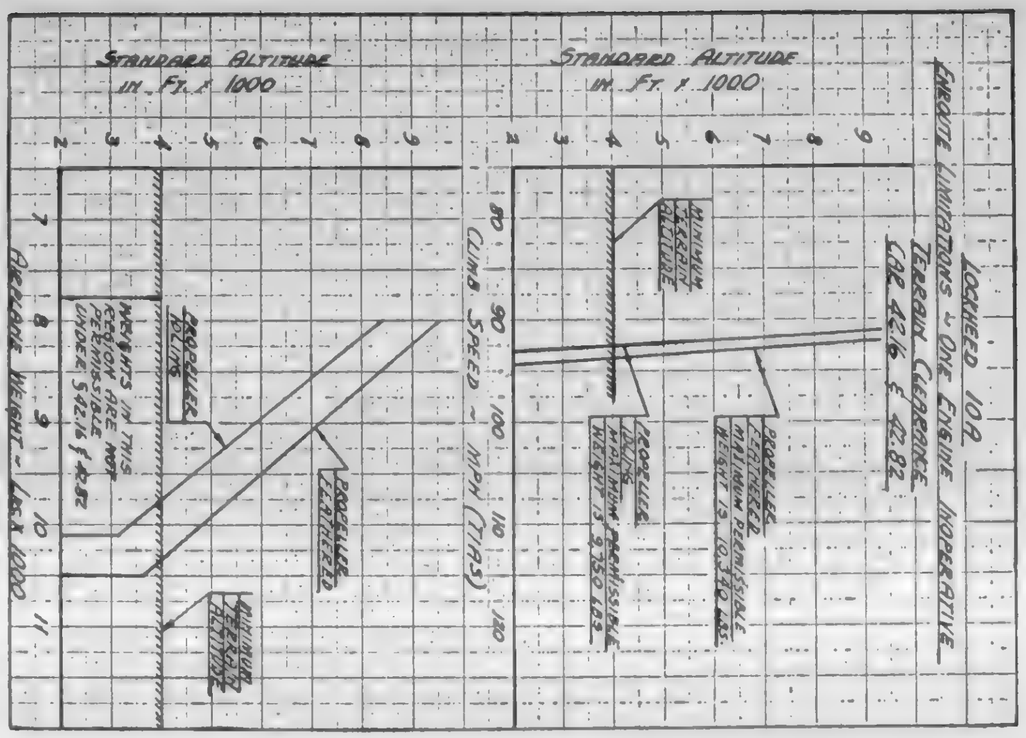


FIGURE 5—En route limitations, Lockheed 10A.

This supplement shall become effective April 24, 1954.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2434; Filed, Apr. 8, 1954; 9:27 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 76]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification, procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DALLAS, TEX. Love Field, 483' SBMRAZ DTV DAL Procedure No. 1 Amd 16, 1954	Dallas VOR	230—11	2,000	E side S course: 170° outbound, 350° inbound 2,000' within 25 miles.	1,100#	356—2.3	T-dn C-dn #S-dn A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Climb to 2,000' on N course within 25 miles or as directed by ATC. #If Dallas FM not received descent below 1,380' not authorized and straight-in minima not authorized. Maintain procedure turn altitude until within 10 miles of DAL LFR or after passing Duncanville FM on final. 1,049' MSL obstruction located 3.5 miles ESE of range.
	Duncanville FM and MHW (final).	176—10.7	1,380							
	Dallas FM (final)	356—5.4	1,100							
DAYTON, OHIO Dayton Airport, 1009' SBMLZ-VDT DAY Procedure No. 1 Amd 18, 1953	PROCEDURE CANCELED EFFECTIVE DATE, APRIL 1, 1954.									
MARTINSBURG, PA. Blair County, 1,495' SBMRAZ-VDT AOO Procedure No. 1 Amd 1, 1954				W side N course: 022° outbound, 202° inbound. 3,000' within 10 miles.	3,100	202—1.3	T-dn C-dn C-n A-dn	1,000-1 1,000-1 1,000-2 1,500-2	1,000-1 1,000-2 1,000-3 1,500-3	Within 1.3 miles, climb to 4,700' on S course Altoona LFR.
SAN ANGELO, TEXAS Mathis, 1918' BMRLZ-DTV SJT Procedure No. 1 Amd 17, 1954	San Angelo VOR	063—4.4	3,000	N side E course: 060° outbound, 240° inbound. 3,400' within 25 miles.	3,400	240—6.5	T-dn C-dn S-dn 21 or 27 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 6.5 miles climb to 3,500 on W course within 25 miles. Not approved for ADF approach.
*UTICA, N. Y. Oneida County, 742' BMRLZ DTV UCA Procedure No. 1 Amd 1, 1954				N side NE course: 060° outbound, 240° inbound 3,000' within 10 miles. Not authorized beyond 10 miles	2,300	210—4.3	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 4.3 miles, make a climbing right turn, return to LFR climbing to 3,000'. *ADF approach not authorized.
WACO, TEXAS Waco Airport, 516' SBRAZ DTV ACT Procedure No. 1 Amd 16, 1954	Intial S course of Fort Worth LFR and NW course of Waco LFR.	134—2.4	2,000	E side S course: 080° outbound, 009° inbound 2,000' within 15 miles. Beyond 15 miles NA.	*1,400	010—2.6	T-dn C-dn S-dn #36 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 2.6 miles, climb to 2,000' on N course within 25 miles. *CAUTION Radio Tower 1047' MSL 3¾ miles E of course. #980 FPM descent required at 120 MPH.
	Waco VOR	158—7.0	1,600							

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

AUTOMATIC DIRECTION FINDING STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
When ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LONGVIEW, TEX. Gregg County, 365' Gregg County RBN LLV Procedure No. 1 February 1, 1952	PROCEDURE CANCELED APRIL 17, 1954.									
MOBILE, ALA. Bates Field, 217' LOM-MO Procedure No. 1 August 1, 1952	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE, DATED MARCH 15, 1954.									
MONTGOMERY, ALA. Dannelly Field, 219' LOM-MG Procedure No. 1 March 15, 1954	Maxwell LFR	228—8	1,500	S side of course: 276° outbound. 96° inbound. 1,500' within 10 miles. Beyond 10 miles not authorized.	1,000	96—6.1	T-dn C-dn S-dn 9 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Turn right, climb to 1,500' on magnetic track of 115° from the LOM within 25 miles.
	Montgomery BVOR	294—12	1,500							
	Intersection W course MXF LFR and NE course SEM LFR.	099—20	1,500							
	Int. SW course of MXF and SE course of SEM LFR.	023—25	1,500							
	Int. N course MXF LFR and NE course SEM LFR.	194—23	1,700							
MYRTLE BEACH, S. C. Myrtle Beach Municipal, 24' RMH VDT MYR Procedure No. 1 April 16, 1954	Myrtle Beach VOR	222—3.5	1,200	W side of course 209° outbound. 029° inbound. 1,200' within 10 miles. Beyond 10 miles not authorized.#	600	On airport	T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1½ 800-2	Climb to 1,400' on track of 035° within 25 miles #Procedure turn nonstandard due warning area.
READING, PA. Reading, 343' LOM-RD Procedure No. 1 Feb. 1, 1953	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED APRIL 1, 1954.									
WORCESTER, MASS. Worcester Municipal, 1,009' LOM-OR Procedure No. 1 February 15, 1951	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE DATED APRIL 1, 1954.									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
When ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation, facility; class and identification, procedure No., effective date	Transition to ILS: From—	Transition to ILS: To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
CHARLOTTE, N. C. Douglas, 748' ILS-CLT LOM CL Procedure No. 1 Combination ILS and ADF April 17, 1954	Charlotte LFR	LOM	251—5.3	2,100	S side of SW course: 230° outbound. 050° inbound. 2,200' within 10 miles.	ILS 2,200 ADF 2,200 over LOM	2,160—5.3	970—0.5	T-dn C-dn S-dn 5 ILS ADF A-dn	300-1 500-1 400-¾ 500-1 800-2	300-1 500-1½ 400-¾ 500-1 800-2	Climb to 2,200' on NE course ILS or outbound track of 050 degrees on LOM when directed by ATC turn left, climb to 2,500' on N course LFR within 25 miles.
	Int. N course CLT LFR and SW course ILS.	LOM	230—7.0	2,200								
	Sharon Int.	LOM	050—24.0	2,200								
	Fort Mill FM	LOM	321—8.0	2,100								
ERIE, PA. Port Erie, 732' ILS-ERI Procedure No. 1 April 1, 1954	North Springfield FM	OM	073—9.0	2,000	S side SW course: 236° outbound. 056° inbound. 2,000' within 10 miles.	2,000	1,970—4.3	935—0.6	T-dn C-dn S-dn 6 A-dn	300-1 500-1 400-¾ 800-2	300-1 500-1½ 400-¾ 800-2	Climb to 2,500' on NE course ILS or LFR.
	Erie VOR (Final)	OM	059—2.5	2,000								
	Erie LFR	OM	235—2.5	2,000								
	North Springfield FM (Final).	SW course ILS	000—4.5	2,000								
MOBILE, ALA. Bates Field, 217' ILS IMOB LOM MO Procedure No. 1 Combination ILS and ADF March 15, 1954	Mobile LFR	LOM	290—12.0	1,500	W side NW course: 320° outbound. 140° inbound. 1,400' within 15 miles.	ILS 1,400 ADF 900 over LOM	1,420—4.5	425—0.67	T-dn C-dn S-dn 14 ILS ADF A-dn	300-1 500-1 400-¾ 500-1 800-2	300-1 500-1½ 400-¾ 500-1 800-2	Climb to 1,400' on SE course of ILS or 140° track from LOM within 25 miles. NOTE: No approach lights.
	Mobile VOR	OM	066—4.5	1,300								
	Int. SW course MOB LFR and ILS localizer.	LOM	320—12.0	1,400								
WILKES-BARRE, PA. Wilkes Barre Scranton Airport, 956' ILS AVP Crystal Lake MHW CYE Procedure No. 1 April 1, 1954	Wilkes Barre Scranton VOR	CYE MHW*..	234—25	3,500	E side SW course. 229° outbound. 049° inbound 3,500' within 10 miles of Crystal Lake MHW.	3,500 over Crystal Lake MHW	2,250—4.4 Crystal Lake MHW 10 mi.	1,180—0.7	#T dn C dn C-n S-dn 4 A-d A-n	600-1 900-1½ 1,300-2 600-2 1,200-2 1,600-3	600-1 1,000-2 1,300-2 600-2 1,200-2 1,600-3	Make a climbing left turn and climb to 4,000' on SW course Wilkes-Barre-Scranton LFR. This procedure is predicated on the reception of the Crystal Lake MHW and ILS Glide Path #Take-off minimums for runway 10 and 16. Day 600-2; night 800-2. NOTE: High terrain to east, southeast and south of airport within 3 miles *Crystal Lake MHW.
	Int. E course Wilkes Barre-Scranton LFR and SW course ILS.	CYE MHW*..	222—11	3,500								
	Wilkes-Barre-Scranton LFR	CYE MHW*..	109—8	3,500								
	Int E course Williamsport and SW course Wilkes-Barre-Scranton LFR.	CYE MHW*..	100—10	3,500								

4. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation, facility; class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BUFFALO, N. Y. Municipal, 711' BVOR BUF Procedure No. 1 April 1, 1954	Buffalo LFR	125—4	2,000	N side of course: 107° outbound. 287° inbound. 2,000' within 10 miles. Not authorized beyond 10 miles.	1,500	287—4.1	T–dn C–dn S–dn 31 or 27 A–dn	300–1 500–1 500–1 800–2	300–1 500–1½ 500–1 800–2	Within 4.1 miles, climb to 2,100' on course of 287° within 10 miles of Buffalo VOR.
	East Pembroke FM	264—14	1,900							
COLUMBIA, S. C. Columbia Airport, 244' BVOR CAE Procedure No. 1 August 1, 1952	PROCEDURE CANCELED MARCH 11, 1954.									
ERIE, PA. Port Erie, 732' BVOR ERI Procedure No. 1 April 1, 1954	Erie LFR	237—5	2,200	S side course: 236° outbound. 056° inbound. 2,200' within 10 miles.	1,700	059—6.8	T–dn C–dn S–dn 6 A–dn	300–1 500–1 500–1 800–2	300–1 500–1½ 500–1 800–2	Within 6.8 miles, climb to 2,500' on course 059° from Erie VOR.
	North Springfield FM (Final).	079—7	1,700							
MORGANTOWN, W. VA. Morgantown Airport, 1,256' BVOR MGW Procedure No. 1 April 1, 1954				W side course * 152° outbound. 332° inbound. 3,500' within 10 miles. Not authorized beyond 10 miles.	#3,000	337—6.4	T–dn C–d C–n A–dn	300–1 1,400–1 1,400–2 1,600–3	300–1 1,400–1½ 1,400–2 1,600–3	Climb to 3,000' on course of 337° within 10 miles. *Procedure turn nonstandard. CAUTION: High terrain east of approach course. #CAUTION: 2,295' terrain extending from VOR station to within 4 miles of airport.
WACO, TEXAS Waco Airport, 515' BVOR DTV ACT Procedure No. 1 April 16, 1954	Waco LFR	338—7.0	1,600	W side of course: 319° outbound. 139° inbound. 1,900' within 15 miles. 2,000' within 25 miles.	1,400	139—3.5	T–dn C–dn S–dn 14 A–dn	300–1 500–1 500–1 800–2	300–1 500–1½ 500–1 800–2	Within 3.5 miles, climb to 2,000' on course of 139° within 25 miles.

5. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA-ASR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State, airport name, elevation, effective date	Radar terminal area, maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Condition	Precision approach (PAR): 75 m. p. h. or less	Precision approach (PAR): More than 75 m. p. h.	Surveillance approach (ASR): 75 m. p. h. or less	Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller, (c) visual reference is not established upon descent to the authorized landing minimums, or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
JACKSONVILLE, FLA. Imeson, "2" Effective upon commissioning of facility	1,800' # within 20 miles #Radar control must provide 3 miles separation from Danger Area (D–1616).	5, 9, 12, 18, 23, 27, 30. *36 All runways	S–dn C–dn S–dn C–dn T–dn A–dn	---------- ---------- ---------- ---------- 	---------- ---------- ---------- ---------- 	500–1 500–1 NA 500–1 300–1 800–2	500–1½ 500–1½ NA 500–1½ 300–1 800–2	Climb to 1,300 ft. on E course of Jacksonville LFR or 090° course from Jacksonville VOR, within 25 miles. *Straight-in on Runway 36 not authorized due to danger area S of approach area.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2435; Filed, Apr. 7, 1954; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF TOMATO SAUCE [1]

On May 29, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 3096) regarding a proposed issuance of United States Standards for Grades of Tomato Sauce.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Tomato Sauce are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C., 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

The standards are as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.2371 Product description.
52.2372 Grades of Tomato Sauce.

FILL OF CONTAINERS

52.2373 Recommended fill of container for tomato sauce.

FACTORS OF QUALITY

52.2374 Ascertaining the grade.
52.2375 Ascertaining the rating for the factors which are scored.
52.2376 Color.
52.2377 Consistency.
52.2378 Defects.
52.2379 Flavor.

LOT CERTIFICATION TOLERANCES

52.2380 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2381 Score sheet for tomato sauce.

AUTHORITY: §§ 52.2371 to 52.2381 issued under sec. 205, 60 Stat. 290, Pub Law 156, 83d Cong.; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.2371 *Product description.* Tomato sauce is the concentrated product prepared from the liquid extracted from mature, sound, whole tomatoes, the sound residue from preparing such tomatoes for canning, or the residue from partial extraction of juice, or any combination of these ingredients, to which is added salt and spices and to which may be added one or more nutritive sweetening ingredients, a vinegar or vinegars, and onion, garlic, or other vegetable flavoring ingredients. The refractive index of the tomato sauce at 20 degrees Centigrade is not less than 1.3461 nor more than 1.3541.

§ 52.2372 *Grades of tomato sauce.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of tomato sauce that possesses a good color; that possesses a good consistency; that is practically free from defects; that possesses a good flavor; that possesses a good finish; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of tomato sauce that possesses a fairly good color; that possesses a fairly good consistency; that is fairly free from defects; that possesses a fairly good flavor; that possesses a good finish; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of tomato sauce that fails to meet the requirements of "U. S. Grade C" or "U. S. Standard."

FILL OF CONTAINER

§ 52.2373 *Recommended fill of container for tomato sauce.* The recommended fill of container is not incorporated in the grades of the finished

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of tomato sauce be filled as full as practicable without impairment of quality and that the product occupy not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.2374 *Ascertaining the grade.* The grade of tomato sauce is ascertained by considering the factor of finish, which is not scored, and the ratings for the factors of color, consistency, defects, and flavor, which are scored. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given for each such factor is:

Factors:	Points
Color	25
Consistency	25
Defects	25
Flavor	25
Total score	100

(b) "Good finish" means that the product is evenly comminuted and has a uniform, smooth texture.

§ 52.2375 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "21 to 25 points" means 21, 22, 23, 24, and 25 points).

§ 52.2376 *Color—(a) General.* The amount of red in the tomato sauce is determined by comparing the color of the product with that produced by spinning a combination of the following Munsell color discs:

Disc 1—Red (5R 2.6/13) (glossy finish).
Disc 2—Yellow (2.5YR 5/12) (glossy finish).
Disc 3—Black (N1) (glossy finish).
Disc 4—Gray (N4) (mat finish).

(b) *(A) classification.* Tomato sauce that possesses a good color may be given a score of 21 to 25 points. "Good color" means that the color is typical of tomato sauce made from well ripened red tomatoes and which has been properly prepared and properly processed. Such color contains as much or more red than that produced by spinning the specified Munsell color discs in the following combinations: 65 percent of the area of Disc 1; 21 percent of the area of Disc 2; 14 percent of the area of Disc 3 or of Disc 4, or 7 percent of the area of Disc 3, and 7 percent of the area of Disc 4, whichever most nearly matches the reflectance of the tomato sauce.

(c) *(C) classification.* If the tomato sauce possesses a fairly good color, a score of 17 to 20 points may be given. Tomato sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color is typical of tomato sauce and contains as much or more red than that produced by spinning the specified Munsel color discs in the following combinations: 53 percent of the area of Disc 1; 28 percent of the area of Disc 2; 19 percent of the area of either Disc 3 or 4, or 9½ percent of the area of Disc 3, and 9½ percent of the area of Disc 4, whichever most nearly matches the reflectance of the tomato sauce.

(d) *(SStd) classification.* Tomato sauce that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 16 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2377 *Consistency—(a) General.* The factor of consistency refers to the viscosity of the product and the tendency to hold its liquid portion in suspension.

(b) *(A) classification.* Tomato sauce that possesses a good consistency may be given a score of 22 to 25 points. "Good consistency" means that the tomato sauce shows no more than a slight separation of free liquid when poured on a flat grading tray; is not excessively stiff; and flows not more than 14 centimeters in 30 seconds at 20 degrees Centigrade in the Bostwick consistometer.

(c) *(C) classification.* If the tomato sauce possesses a fairly good consistency, a score of 18 to 21 points may be given. Tomato sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency" means that the tomato sauce may show a noticeable, but not excessive, separation of free liquid when poured on a flat grading tray; is not excessively stiff; and flows not more than 18 centimeters in 30 seconds at 20 degrees Centigrade in the Bostwick consistometer.

(d) *(SStd) classification.* Tomato sauce that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2378 *Defects—(a) General.* The factor of defects refers to the degree of freedom from defects, such as dark specks or scale-like particles, seeds, particles of seed, tomato peel, core material, or other similar substances. This factor is evaluated by observing a layer of the product on a smooth white, flat surface. Such layer is prepared by drawing a scraper with a clearance of 3/32 inch high by 7 inches long rapidly through the product in two horizontal planes so as to form an approximate square.

(b) *(A) classification.* Tomato sauce that is practically free from defects may be given a score of 21 to 25 points. "Practically free from defects" means that any defects present do not more than slightly affect the appearance or eating quality of the product.

(c) *(C) Classification.* If the tomato sauce is fairly free from defects, a score of 18 to 20 points may be given. Tomato sauce that falls into this classification shall not be scored above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that any defects present may be noticeable but are not so large, so numerous, or of such contrasting color as to seriously affect the appearance or eating quality of the product.

(d) *(SStd) classification.* Tomato sauce that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2379 *Flavor—(a) (A) classification.* Tomato sauce that possesses a good flavor may be given a score of 21 to 25 points. "Good flavor" means a good, distinct flavor characteristic of good quality ingredients. Such flavor is free from scorching or any objectionable flavor of any kind.

(b) *(C) classification.* If the tomato sauce possesses only a fairly good flavor, a score of 17 to 20 points may be given. Tomato sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a flavor characteristic of the ingredients in which there may be slight traces of undesirable flavor, such as scorched, bitter, or astringent, but is free from objectionable or off-flavors of any kind.

(c) *(SStd) classification.* Tomato sauce that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 16 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.2380 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of tomato sauce, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to the containers comprising the sample:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of such total scores; and

(5) All containers meet all applicable standards of quality promulgated by the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.2381 *Score sheet for tomato sauce.*

Type of container			---
Container size			---
Label			---
Net weight or volume			---
Refractive index			---
Vacuum readings			---
Factors	**Score points**		
Color	25	(A)	21–25
		(C)	17–20
		(SStd)	0–16
Consistency	25	(A)	22–25
		(C)	18–21
		(SStd)	0–17
Defects	25	(A)	21–25
		(C)	18–20
		(SStd)	0–17
Flavor	25	(A)	21–25
		(C)	17–20
		(SStd)	0–16
Total score	100		
Good finish			---
Grade			---

1 Indicates limiting rule.

Effective time. The United States Standards for Grades of Tomato Sauce (which is the first issue) contained in this subpart will become effective thirty (30) days after the date of publication of this subpart in the FEDERAL REGISTER.

Dated: April 5, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-2649; Filed, Apr. 8, 1954; 8:47 a. m.]

PART 53—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

SUBPART B—STANDARDS

DELETION OF DEFINITION OF VEAL AND CALF CARCASSES

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622, 1624), § 53.101 of Title 7, Code of Federal Regulations, setting forth a definition of veal carcasses and calf carcasses, is hereby deleted.

This amendment eliminates provisions which are unnecessary in that they relate to matters more accurately and more fully covered by other provisions of the standards for veal and calf carcasses. This amendment does not affect in any way the manner in which the standards have been and will be applied in the conduct of the Federal meat grading service, and is merely formal and intended for clarification. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087; 7 U. S. C. 1622)

This amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 6th day of April 1954.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-2624; Filed, Apr. 8, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES CONSUMER STANDARDS FOR FRESH CARROTS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Consumer Standards for Fresh Carrots (7 CFR, Part 51; 18 F. R. 7085) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

STYLES

Sec.
51.495 Bunched carrots.
51.496 Carrots with short-trimmed tops.
51.497 Topped carrots.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

GRADES

Sec.
51.498 U. S. Grade A.
51.499 U. S. Grade B.

OFF-GRADE

51.500 Off-grade carrots.

STANDARD SIZING

51.501 Standard sizing.

DEFINITIONS

51.502 Similar varietal characteristics.
51.503 Firm.
51.504 Clean.
51.505 Fairly well colored.
51.506 Fairly well formed.
51.507 Fairly smooth.
51.508 Damage.
51.509 Length.
51.510 Well trimmed.
51.511 Diameter.
51.512 Serious damage.

AUTHORITY: §§ 51.495 to 51.512 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624; Pub. Law 156, 83d Cong.

STYLES

§ 51.495 *Bunched carrots.* "Bunched carrots" means untopped carrots which are tied in bunches.

§ 51.496 *Carrots with short-trimmed tops.* "Carrots with short-trimmed tops" means carrots which have attached leafstems ranging up to 4 inches in length.

§ 51.497 *Topped carrots.* "Topped carrots" means carrots which have practically all of the tops clipped off.

GRADES

§ 51.498 *U. S. Grade A.* U. S. Grade A consists of carrots of similar varietal characteristics the roots of which are firm, clean, fairly well colored, fairly well formed, fairly smooth; which are free from soft rot, and from damage caused by freezing, growth cracks, sunburn, pithiness, woodiness, internal discoloration, oil spray, dry rot, other disease, insects or mechanical or other means. Bunched carrots or carrots with short-trimmed tops shall have tops or leafstems, respectively, which are fresh and free from decay and free from damage caused by freezing, seedstems, yellowing or other discoloration, disease, insects or mechanical or other means. Tops of bunched carrots may be full length or clipped back but shall be not less than 12 inches nor more than 20 inches in length. Each bunch shall weigh not less than one pound, including the tops, and contain at least 4 carrots. Topped carrots shall be well trimmed. Carrots on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) Unless otherwise specified, the diameter of each carrot shall be not less than three-fourths inch nor more than 1½ inches.

(b) Tolerances: Incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For defects of roots.* Five percent, by count, for carrot roots in any lot which fail to meet the requirements of the grade, other than for size, including therein not more than 1 percent for carrot roots affected by soft rot;

(2) *For defects of tops of bunched carrots.* Ten percent, by count, for bunches in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay;

(3) *For defects of leafstems of carrots with short-trimmed tops.* Ten percent, by count, for carrots in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay;

(4) *For off-sized carrot roots.* Five percent, by count, for carrots in any lot which are smaller than the specified minimum diameter, and 10 percent, by count, for carrots which are larger than the specified maximum diameter;

(5) *For off-length tops of bunched carrots.* Ten percent, by count, for bunches in any lot which fail to meet the specified minimum or maximum length; and,

(6) *For excess length of leafstems of carrots with short-trimmed tops.* Five percent, by count, for carrots in any lot which have leafstems in excess of the specified length.

§ 51.499 *U. S. Grade B.* U. S. Grade B consists of carrots which meet the requirements of U. S. Grade A except for the increased tolerance for defects of the roots specified below:

(a) *Tolerances.* Incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For defects of roots.* Twenty percent, by count, for carrots in any lot which fail to meet the requirements of the grade other than for size: *Provided*, That not more than one-half of this amount, or 10 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for carrot roots affected by soft rot;

(2) *For defects of tops of bunched carrots.* Ten percent, by count, for bunches in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay;

(3) *For defects of leafstems of carrots with short-trimmed tops.* Ten percent, by count, for carrots in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay:

(4) *For off-size carrot roots.* Five percent, by count, for carrots in any lot which are smaller than the specified minimum diameter, and 10 percent, by count, for carrots which are larger than the specified maximum diameter;

(5) *For off-length tops of bunched carrots.* Ten percent, by count, for bunches in any lot which fail to meet the specified minimum or maximum length; and,

(6) *For excess length of leafstems of carrots with short-trimmed tops.* Five percent, by count, for carrots in any lot which have leafstems in excess of the specified length.

OFF-GRADE

§ 51.500 *Off-grade.* Off-grade consists of carrots which fail to meet the requirements of the foregoing grades.

STANDARD SIZING

§ 51.501 *Standard sizing.* (a) Carrots in packages of 2 pounds or less may be certified as "Standard Sizing", provided the variation in diameter of the carrots in any individual package is not more than three-eighths inch and the variation in length is not more than 2½ inches.

(b) Not more than 20 percent of the packages in any lot may contain carrots which fail to meet the requirements for "Standard Sizing".

DEFINITIONS

§ 51.502 *Similar varietal characteristics.* "Similar varietal characteristics" means that the carrots in any lot are of the same general type. For example, carrots with a short, but blunt growth like the Oxheart variety, shall not be mixed with long or half-long carrots like the Imperator or Danvers varieties.

§ 51.503 *Firm.* "Firm" means that the carrot is not soft, flabby or shriveled.

§ 51.504 *Clean.* "Clean" means that the individual carrot is practically free from dirt or other foreign matter.

§ 51.505 *Fairly well colored.* "Fairly well colored" means that the carrot has an orange, orange red, or orange scarlet color, but not a pale orange or distinct yellow color.

§ 51.506 *Fairly well formed.* "Fairly well formed" means that the carrot is not so forked or misshapen as to materially affect its appearance or cause a loss of more than 3 percent, by weight, in the ordinary preparation for use.

§ 51.507 *Fairly smooth.* "Fairly smooth" means that the carrot is not rough, ridged, or covered with secondary rootlets to an extent which materially affects its appearance or causes a loss of more than 3 percent, by weight, in the ordinary preparation for use.

§ 51.508 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual carrot root or the general appearance of the carrot roots in the container, or causes a loss of more than 3 percent, by weight, in the ordinary preparation for use, or which materially affects the appearance or shipping quality of the leafstems or tops. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Growth cracks which are not shallow and not smooth, or which materially affect the appearance of the carrot;

(b) Sunburn which causes a loss of more than 3 percent, by weight, in the ordinary preparation for use, except that superficial light green color at the stem end, which does not materially affect the appearance of the root shall be permitted; and,

(c) Yellowing or other discoloration to the tops or leaf-stems when the appearance of the bunch or leafstems is materially affected. The appearance of the individual bunch shall be considered materially affected when the tops are trimmed to the extent that only a relatively few leaves remain. The appearance of bunches with tops having slight discoloration such as yellowing, browning, or other abnormal color affecting a few leaflets shall not be considered materially affected if the tops as a whole show a predominantly normal green color.

§ 51.509 *Length.* "Length" means the greatest dimension of the root measured from the crown to the lowest point which is not less than one-fourth inch in diameter.

§ 51.510 *Well trimmed.* "Well trimmed" means that the tops shall be cut back to not more than 1 inch in length, except that occasional uncut leaves or leafstems or new top growth exceeding this length which do not materially affect the appearance of the carrots in the container shall be permitted. Carrots may have tips of roots cut or broken off: *Provided*, That these cuts or breaks are small and fairly smooth and do not materially affect the appearance of the carrots in the container.

§ 51.511 *Diameter.* "Diameter" means the greatest dimension of the root measured at right angles to the longitudinal axis.

§ 51.512 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual carrot or the general appearance of the carrots in the container, or causes a loss of more than 20 percent, by weight, in the ordinary preparation for use.

Dated: April 5, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 54-2626; Filed, Apr. 8, 1954; 8:45 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH IRISH POTATOES

NOTICE OF DIVERSION PAYMENT PROGRAM UMD 3A

In order to encourage the further utilization of fresh Irish potatoes by diverting them from the normal channels of trade and commerce into potato starch and potato flour, in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, a diversion payment program was made effective on March 26, 1954, and will continue to and including June 30, 1954, as needed, in areas where surpluses have created serious marketing problems and where starch and flour manufacturing facilities are available. Payments for diversion to starch and flour will be made at the rate of 35 cents per hundredweight for diverted potatoes of specified minimum grades and sizes. Information relative to this diversion program may be obtained from the State ASC Offices in the States of Maine, Minnesota, North Dakota, and Idaho, or the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 6th day of April 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-2650; Filed, Apr. 8, 1954; 8:47 a. m.]

FRESH IRISH POTATOES

NOTICE OF PURCHASE PROGRAM UMP 3A

In order to encourage the domestic consumption of fresh Irish potatoes by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, fresh Irish potatoes will be purchased during the period April 1, 1954, to and including June 30, 1954, as needed, in areas where surpluses have created serious marketing problems, and subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. The purchase price, grade and size requirements, and other specifications will be contained in purchase announcements issued by State ASC Offices in the States of purchase. Information relative to this purchase program may be obtained from the State ASC Offices in the States of purchase or the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 6th day of April 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-2651; Filed, Apr. 8, 1954; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 2, 1954.

An application, serial number Idaho 04203, for the withdrawal from all forms of appropriation under the public land laws, except existing valid claims of the lands described below was filed on April 27, 1953, by United States Forest Service, Department of Agriculture. The purposes of the proposed withdrawal: National forest research purposes.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior at Swan Island Station, Portland 18, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN

T. 2 N., R. 4 E.,
Sec. 12, S½SE¼,
Sec. 13, Lots 1 and 2, N½NE¼.
T. 2 N., R. 5 E.,
Sec. 7, S½SW¼, NE¼,
Sec. 8, NW¼, N½NE¼, SW¼NE¼,
Sec. 18, W½NW¼, NE¼NW¼, Lot 3.
T. 3 N., R. 46 E.,
Sec. 30, All except the 16 acres already withdrawn 10/23/07 for the Trail Creek Administrative Site.
T. 4 N., R. 5 E.,
Sec. 10, SW¼SE¼, SE¼SW¼.
T. 5 N., R. 6 E.,
Sec. 4, Lots 3, 4, 5, 6, 11 and 12, and SW¼,
Secs. 5, 6, 7, 8 and 9, All,
Sec. 10, SW¼,
Sec. 15, W½,
Secs. 16, 17 and 18, All,
Sec. 19, Lots 1 and 2, E½NW¼, NE¼,
Sec. 20, N½.
T. 6 N., R. 5 E.,
Sec. 22, W½NW¼, SE¼NW¼, NE¼, SW¼, N½SE¼, W½SW¼SE¼, E½SE¼SE¼,
Sec. 23, SW¼NW¼, NW¼SW¼,
Sec. 27, W½NW¼NE¼.
T. 9 N., R. 5 E.,
Secs. 28, 33 and 34, All.
T. 9 N., R. 44 E.,
Sec. 14, All,
Sec. 23, E½, N½NW¼, S½SW¼.

Also an unsurveyed area described as follows: Beginning at corner No. 25 of the Ditch Creek Placer Mining Claim No. 1120; thence N 4° 42' W. 1222.2 ft. to corner No. 26 of the Ditch Creek Placer Mining Claim; thence N 4° 58' E. 1416.1 ft. to corner No. 27 of the Ditch Creek Placer Mining Claim; then N 5° 34' E. 1307.6 ft. to corner No. 28 of the Ditch Creek Placer Mining Claim; thence E. 2490.70 ft. to a point; thence S. 3930.31 ft. to a point; thence W. 2640.00 ft. to the point of beginning at corner No. 25 of the Ditch Creek Placer Mining Claim; containing 238.31 acres, more or less.

The lands described aggregate 12,356.89 acres.

The lands described are situated within national forests, and it appears that they are suitable for the purpose for which the withdrawal is requested and that the withdrawal of the lands subject to existing valid claims will be in the public interest.

JAMES F. DOYLE,
Acting Regional Administrator.

[F. R. Doc. 54-2645; Filed, Apr. 8, 1954; 8:45 a. m.]

Office of the Secretary

TULE RIVER TRIBE OF CALIFORNIA

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Tule River Reservation was duly adopted by the Tule River Tribe of California which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Tule River Tribe: *Provided*, That such introduction, sale or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 5, 1954.

[F. R. Doc. 54-2647; Filed, Apr. 8, 1954; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6124]

PENINSULAR-AERO ENFORCEMENT PROCEEDING

NOTICE OF HEARING

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on May 3, 1954, at 10:00 a. m., d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., April 6, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2667; Filed, Apr. 8, 1954; 8:51 a. m.]

[Docket No. 6125]

NIAGARA FALLS AIRPORT CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on April 27, 1954, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 6, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2668; Filed, Apr. 8, 1954; 8:51 a. m.]

[Docket No. 4052 et al.]

BRANIFF AIRWAYS; SERVICE TO FAIRMONT, MINN., AND FORT DODGE, IOWA

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of whether the public convenience and necessity require (a) amendment of Braniff Airways' certificate of public convenience and necessity for route No. 26 to authorize service to Fairmont, Minn., and (b) amendment of Braniff Airways' certificate of public convenience and necessity for route No. 48 to authorize service to Fort Dodge, Iowa.

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned to be held on April 8 is hereby postponed to April 14, 1954. This conference will be held at 10:00 a. m., e. s. t., in Room 1205, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredericks.

Dated at Washington, D. C., April 6, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2690; Filed, Apr. 8, 1954; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2368]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER DENYING PETITIONS TO INTERVENE AND FIXING DATE OF HEARING

Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation, having its principal place of business in Houston, Texas, filed, on February 10, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities as described in said application. Subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 27, 1954 (19 F. R. 1131, 1132), petitions for leave to intervene were filed by the following parties on the dates indicated:

Petitioner and Date Filed

United Gas Improvement Company, March 5, 1954.

Consolidated Edison Company of New York, Inc., March 12, 1954.

Long Island Lighting Company, March 12, 1954.

Brooklyn Union Gas Company, March 15, 1954.

City of Lawrenceville, Georgia, March 15, 1954.

Municipalities of Elberton, Hartwell, Toccoa and Winder, Georgia, March 15, 1954.

Owens-Corning Fiberglas Corporation, March 15, 1954.

Philadelphia Electric Company, March 15, 1954.

Public Service Electric and Gas Company, March 15, 1954.

Tennessee Gas Transmission Company, March 15, 1954.

All of the aforesaid petitioners, with the exception of Tennessee Gas Transmission Company (Tennessee), are existing customers of Applicant and seek to intervene in this proceeding on the ground that their interests may be affected by the Commission's action. In addition, several of the petitioners seek to purchase additional volumes of natural gas from Applicant.

Owens-Corning Fiberglas Corporation (Owens-Corning) is an existing customer of Applicant under a 20-year contract providing for "interruptible" deliveries. On December 11, 1953, Applicant virtually suspended deliveries to Owens-Corning as well as to Sun Oil Company in order to comply with the Commission order issued on that date allocating Applicant's capacity to its resale customers. Owens-Corning is presently receiving gas from Piedmont Natural Gas Company under an emergency arrangement covering the period from January 15, 1954, to November 1, 1955. Owens-Corning, by its petition, seeks to require service by Applicant on a firm basis or to provide "satisfactory service for petitioner's operations after November 1, 1955, in the manner in which it is contemplated such service will be provided for the Sun Oil Company or in any other manner."

The facilities for which authority is sought herein will increase Applicant's present sustained delivery capacity of 540,000 Mcf per day by 20,000 Mcf per day. Of this increase, 10,000 Mcf per day of capacity is to be used to deliver natural gas on a firm basis from Sun Oil Company's own supply to its refineries at Marcus Hook, Pennsylvania, under a transportation agreement between Applicant and Sun Oil Company. The remaining 10,000 Mcf per day of additional capacity is to be used by Applicant to enable it better to meet its present commitments under allocations totalling 555,000 Mcf per day authorized by orders of the Commission in Docket Nos. G-704, G-1277 and G-1411, et al.

Tennessee's petition to intervene states that the application in the instant docket involves a proposal directly related to Transcontinental's application in Docket No. G-2367 proposing to render additional service in the New York-New Jersey metropolitan area. Since Docket No. G-2367 is competitive to Tennessee's proposal in Docket No. G-2331,[1] Tennessee claims that it has an interest in Docket No. G-2368 which may be directly affected.

This application does not, however, propose to provide additional capacity in excess of that required to comply with extant Commission orders. There are no interests alleged by petitioners which can be adversely affected by the granting of this application.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest or petition has been filed other than those listed above and denied as hereinafter ordered.

The Commission finds:

(1) None of the above-listed petitioners has shown an interest in this proceeding, which can be adversely affected in the event of issuance of the requested certificate, that participation by such petitioners herein is or may be in the public interest, or that good cause exists for the granting of said respective petitions.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The petitions of the above-named petitioners for leave to intervene in this proceeding be and the same hereby are denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 26, 1954 at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: March 31, 1954.

Issued: April 5, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2648; Filed, Apr. 8, 1954; 8:46 a. m.]

[1] Docket Nos. G-2331 and G-2367 have been consolidated for the purpose of hearing by order issued March 10, 1954, and Tennessee has been permitted to intervene in the latter docket.

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29094]

FERTILIZER FROM WOODWARD, ALA., TO COVINGTON, GA.

APPLICATION FOR RELIEF

APRIL 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Birmingham Southern Railroad Company, and the Central of Georgia Railway Company.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Woodward, Ala.

To: Covington, Ga.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1221, supp. 54.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2652; Filed, Apr. 8, 1954; 8:48 a. m.]

[4th Sec. Application 29095]

GRAIN FROM WILSON, N. C., TO SUMTER, S. C.

APPLICATION FOR RELIEF

APRIL 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Norfolk Southern Railway Company and Seaboard Air Line Railroad Company.

Commodities involved: Barley, corn, oats, rye, soybeans or wheat, in bulk, carloads.

From: Wilson, N. C.

To: Sumter, S. C.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1325, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2653; Filed, Apr. 8, 1954; 8:48 a. m.]

[4th Sec. Application 29096]

PLASTER AND RELATED ARTICLES FROM FORT DODGE, IOWA, TO KANSAS CITY, MO.-KANS., AND LEAVENWORTH, KANS.

APPLICATION FOR RELIEF

APRIL 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Plaster and related articles, plaster-wallboard and related articles, carloads.

From: Fort Dodge, Iowa.

To: Kansas City, Mo.-Kans., and Leavenworth, Kans.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3917, supp. 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2654; Filed, Apr. 8, 1954; 8:48 a. m.]

[4th Sec. Application 29097]

ALCOHOLS FROM KINGS MILL, TEX., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

APRIL 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Alcohols and related articles, carloads and tank-car loads.

From: Kings Mill, Texas.

To: Points in Official territory (east of Illinois-Indiana State line).

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4064, supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2655; Filed, Apr. 8, 1954; 8:48 a. m.]

[4th Sec. Application 29098]

PIPE FITTINGS FROM THE SOUTH TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

APRIL 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Pipe fittings, brass, bronze or copper, viz.: elbows, couplings and joints, carloads.

From: Points in southern territory.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 971, supp. 105.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2656; Filed, Apr. 8, 1954; 8:48 a. m.]

[4th Sec. Application 29099]

ANHYDROUS AMMONIA FROM SOUTH POINT, OHIO, TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: South Point, Ohio.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuity, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1381, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2657; Filed, Apr. 8, 1954; 8:49 a. m.]

[4th Sec. Application 29100]

CAUSTIC POTASH FROM CORPUS CHRISTI, TEX., TO CINCINNATI AND FERNALD, OHIO

APPLICATION FOR RELIEF

APRIL 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Caustic potash, in tank-car loads.

From: Corpus Christi, Texas.

To: Cincinnati and Fernald, Ohio.

Grounds for relief: Competition with rail carriers, circuity, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 326.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2658; Filed, Apr. 8, 1954; 8:49 a. m.]

[4th Sec. Application 29101]

SALT FROM TEXAS AND LOUISIANA TO MINNEAPOLIS, MINNESOTA TRANSFER AND ST. PAUL, MINN.

APPLICATION FOR RELIEF

APRIL 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt, carloads.

From: Points in Texas and Louisiana.

To: Minneapolis, Minnesota Transfer and St. Paul, Minn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3863, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2659; Filed, Apr. 8, 1954; 8:49 a. m.]

[4th Sec. Application 29102]

ALCOHOL FROM MUSCATINE, IOWA, TO BOSTON, MASS.

APPLICATION FOR RELIEF

APRIL 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Alcohol, in bond, in tank-car loads.

From: Muscatine, Iowa.

To: Boston, Mass.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2660; Filed, Apr. 8, 1954; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

OTTO REICH AND JULIUS VIGNATI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Otto Reich, Vienna, Austria; Julius Vignati, Vienna, Austria; Claim No. 40659; property described in Vesting Order No. 2429 (8 F. R. 16536, December 8, 1943) relating to United States Letters Patent No. 2,153,432, an undivided one-half thereof to each claimant.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2662; Filed, Apr. 8, 1954; 8:50 a. m.]

MARCEL ADAM AND FELIX TERRIER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Marcel Adam, Sucy-en-Brie, Seine et Oise, France; Claim No. 40678; Felix Terrier, Paris, France; Claim No. 40679; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,169,933, an undivided one-half thereof to each claimant.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2663; Filed, Apr. 8, 1954; 8:50 a. m.]

FRANCOIS MARIE MICHEL BERNARD SALOMON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Francois Marie Michel Bernard Salomon, Paris (Seine), France; Claim No. 41469; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,252,815.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2664; Filed, Apr. 8, 1954; 8:50 a. m.]

CHRISTIAN KIENER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Christian Kiener, Epinal (Vosges), France; Claim No. 41655; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,144,021.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2665; Filed, Apr. 8, 1954; 8:50 a. m.]

HENRY CHARLES ALEXANDRE POTEZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Henry Charles Alexandre Potez, Paris, France; Claim No. 44791; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,645,928; 1,881,296; 1,979,011; 2,092,424; 2,133,668; 2,223,703; 2,235,588 and 2,274,430; and property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 273,151 (now United States Letters Patent No. 2,313,205).

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2666; Filed, Apr. 8, 1954; 8:51 a. m.]

FEDERAL REGISTER

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Washington, Saturday, April 10, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP BARLEY RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1953-crop barley. The 1953 C. C. C. Grain Price Support Bulletin 1 (18 F. R. 1960, 3705 and 19 F. R. 1149), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1953, supplemented by Supplement 1, Barley (18 F. R. 1963, 4617, 5131, 5617 and 7813), containing the specific requirements for the 1953-crop barley price support program, is hereby further supplemented as follows:

Sec.

421.36 Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Barley.
421.37 Availability.
421.38 Eligible producer.
421.39 Eligible barley.
421.40 Approved storage.
421.41 Approved forms.
421.42 Quantity eligible for resealing.
421.43 Additional service charges.
421.44 Interest rate.
421.45 Transfer of producer's equity.
421.46 Storage and track-loading payments.
421.47 Maturity and satisfaction.
421.48 Support rates.
421.49 CSS Commodity offices.

AUTHORITY: §§ 421.36 to 421.49 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1421, 1447.

§ 421.36 *Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1 and Supplement 1, Barley.* The following sections of the 1953 C. C. C. Price Support Bulletin 1, and Supplement 1, Barley, published in 18 F. R. 1960, 1969, 3705, 4617, 5131, 5617, 7813 and 19 F. R. 1149, shall be applicable to the 1953 Barley Reseal Loan Program: § 421.1 *Administration;* § 421.5 *Approved lending agencies;* § 421.8 *Liens;* § 421.10 *Set-offs;* § 421.13 *Safeguarding the commodity;* § 421.14 *Insurance on farm-storage loans;* § 421.15 *Loss or damage to the commodity;* § 421.16 *Personal liability of the producer;* § 421.17 *Release of the commodity under loan;* § 421.19 *Foreclosure;* § 421.20 *Purchase of notes;* § 421.30 *Determination of quantity;* § 421.31 *Determination of quality.* Other sections of the 1953 Barley Price Support Program shall be applicable to the extent indicated in this subpart.

§ 421.37 *Availability*—(a) *Area.* The reseal program will be available in the States of California, Colorado, Idaho, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming. Under this program, 1953-crop farm-storage loans will be extended and farm-storage loans will be made on 1953-crop barley covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee. In the case of a farm-storage loan, the producer will be required to apply for his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(2) The producer who signed a purchase agreement on farm-stored barley is required, under the 1953 Barley Price Support Program to notify the county committee not later than April 30, 1954, if he intends to deliver the barley to CCC. If the producer has notified the county committee, on or before April 30, 1954, of his intention to deliver the barley or to participate in this program, he may obtain a farm-storage loan on the barley. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 3, 1953 Supp. ($1.50)

Title 16 ($1.00)

Titles 22–23 ($1.00)

Title 24 ($0.75)

Previously announced: Title 8 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.45); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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§ 421.38 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the barley in 1953 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage barley of the 1953 crop.

§ 421.39 *Eligible barley.* To be eligible, the barley must have been produced in 1953, must meet the requirements for eligible barley set forth in § 421.28 (c), must be in farm storage, must never have been commingled with barley produced by others, and must be under loan or covered by a purchase agreement.

(a) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the barley and the farm-storage structure in which the barley is stored. If recommended by either the commodity loan inspector or the producer, a sample of the barley shall be taken and submitted for grade analysis.

(b) *Farm-Storage barley covered by purchase agreement.* If a producer makes application for a farm-storage loan on barley covered by a purchase agreement, the commodity loan inspector shall inspect the barley and storage structure, obtain a sample if the barley and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

§ 421.40 *Approved storage.* Barley covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.6 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending June 30, 1955, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1955.

§ 421.41 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall be a producer's note, Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, an application form, and such other forms as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.42 *Quantity eligible for reseal-ing.* (a) The quantity of barley eligible for reseal on an extended farm-storage loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of barley specified in the purchase agreement, minus any quantity of the barley under such purchase agreement (1) which has been previously placed under a loan or (2) on which he exercises his option to sell to CCC.

§ 421.43 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on barley covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 421.44 *Interest rate.* Beginning May 1, 1954, reseal loans shall bear interest at the rate of 3½ percent per annum, except that where there is a default in satisfaction of the loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 421.45 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the barley mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the barley must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the barley from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.46 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment computed at the rate of 15 cents per bushel will be made to the producer on the quantity involved if he (i) redeems from the loan on or after April 30, 1955, (ii) delivers the barley to CCC on or after April 30, 1955, or (iii) delivers the barley to CCC prior to April 30, 1955, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC, if the commodity was not damaged or otherwise impaired due to negligence on the part of the producer.

(2) *Prorated storage payment.* (i) A prorated storage payment computed at the rate of .00049 per bushel a day but not to exceed 15 cents per bushel, according to the length of time the quantity of barley involved was in store after June 30, 1954, will be made to the producer (a) in the case of loss assumed by CCC under the provisions of the loan program, (b) in the case of barley redeemed from the loan prior to April 30, 1955, and (c) in the case of barley delivered to CCC pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC, prior to April 30, 1955: *Provided, however,* That no storage payment will be made where the delivered commodity is damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions through the date of repayment.

(ii) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the commodity has been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 2 cents per bushel will be made to the producer on barley delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.47 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than April 30, 1955. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged barley in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity delivered, provided the total quantity delivered was stored in the structure(s) in which the barley under loan was stored. The provisions of § 421.18 (a) (1), (e) and (f) and of § 421.35 (a) (1), and (2) shall be applicable hereto.

(b) If the settlement value of the barley delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by sight draft drawn on CCC by the ASC county office.

(c) If the settlement value of the barley delivered is less than the amount due on the loan, the amount of the deficiency plus interest thereon shall be paid by the producer to CCC and may be set off against any payment which would otherwise be paid to the producer under any agricultural programs determined by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

§ 421.48 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for barley covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the barley in § 421.33 (c).

(b) Any discounts established for variation in quality as shown in the 1953 Barley Price Support Program Bulletin shall apply.

§ 421.49 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

instructions, or on or before June 30, 1954, if the producer has not requested delivery instructions. The loan documents must be presented for disbursement within 15 days after execution

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on barley covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 7th day of April 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2704; Filed, Apr. 9, 1954; 8:52 a. m.]

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP WHEAT RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1953-crop wheat. The 1953 CCC Grain Price Support Bulletin 1 (18 F. R. 1960, 3705 and 19 F. R. 1149), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1953, supplemented by Supplements 1 and 2, Wheat (18 F. R. 2733, 3979, 4153, 4489, 4990, 5131, 5465, 5619, 6281, and 6523), containing the specific requirements for the 1953-crop wheat price support program, is hereby further supplemented as follows:

Sec.
421.112 Applicable sections of 1953 CCC Grain Price Support Bulletin 1, and Supplements 1 and 2, Wheat.
421.113 Availability.
421.114 Eligible producer.
421.115 Eligible wheat.
421.116 Approved storage.
421.117 Approved forms.
421.118 Quantity eligible for resealing.
421.119 Additional service charges.
421.120 Interest rate.
421.121 Transfer of producer's equity.
421.122 Storage and track-loading payments.
421.123 Maturity and satisfaction.
421.124 Support rates.
421.125 CSS commodity offices.

AUTHORITY: §§ 421.112 to 421.125 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421.

§ 421.112 *Applicable sections of 1953 CCC Grain Price Support Bulletin 1, and Supplements 1 and 2, Wheat.* The following sections of the 1953 CCC Grain Price Support Bulletin 1, and Supplements 1 and 2, Wheat, published in 18 F. R. 1960, 2733, 3705, 3979, 4153, 4489, 4990, 5131, 5465, 5619, 6281 and 6523 and 19 F. R. 1149, shall be applicable to the 1953 Wheat Reseal Loan Program: § 421.1 *Administration;* § 421.5 *Approved lending agencies;* § 421.8 *Liens;* § 421.10 *Set-offs;* § 421.13 *Safeguarding the commodity;* § 421.14 *Insurance on farm-storage loans;* § 421.15 *Loss or damage to the commodity;* § 421.16 *Personal liability of the producer;* § 421.17 *Release of the commodity under loan;* § 421.19 *Foreclosure;* § 421.20 *Purchase of notes;* § 421.105 *Determination of quantity;* § 421.106 *Determination of quality.* Other sections of the 1953 Wheat Price Support Program shall be applicable to the extent indicated in this subpart.

§ 421.113 *Availability*—(a) *Area.* The reseal program will be available in the States of California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming. Under this program, 1953-crop farm-storage loans will be extended and farm-storage loans will be made on 1953-crop wheat covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseed loan program must file an application for a farm-storage reseal loan with the county committee. In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(2) The producer who signed a purchase agreement on farm-stored wheat is required, under the 1953 Wheat Price Support Program, to notify the county committee not later than April 30, 1954, if he intends to deliver the wheat to CCC. If the producer has notified the county committee, on or before April 30, 1954, of his intention to deliver the wheat or to participate in this program, he may obtain a farm-storage loan on the wheat. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions or, on or before June 30, 1954, if the producer has not requested delivery instructions. The loan documents must be presented for disbursement within 15 days after execution.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on wheat covered by purchase agreements shall be made to producers by ASC county officers by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 421.114 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the wheat in 1953 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage wheat of the 1953 crop.

§ 421.115 *Eligible wheat.* To be eligible, the wheat must have been produced in 1953, must be in farm-storage, must never have been commingled with wheat produced by others, must be under loan or covered by a purchase agreement, and must meet the requirements of eligibility for loans as set forth in § 421.103 (c) and (e).

(a) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer reinspect the wheat and farm-storage structure in which the wheat is stored. If recommended by either the commodity loan inspector or the producer, a sample of the wheat shall be taken and submitted for grade analysis.

(b) *Farm-storage wheat covered by purchase agreement.* If a producer makes application for a farm-storage loan on wheat covered by a purchase agreement, the commodity loan inspector shall inspect the wheat and storage structure, obtain a sample if the wheat and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

§ 421.116 *Approved storage.* Wheat covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.6 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending May 31, 1955, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to May 31, 1955.

§ 421.117 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall be a producer's note, Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, an application form, and such other forms as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.118 *Quantity eligible for resealing.* (a) The quantity of wheat eligible for reseal on an extended farm-storage loan, will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of wheat specified in the purchase agreement, minus any quantity of the wheat under such purchase agreement (1) which has been previously placed under loan or (2) on which he exercises his option to sell to CCC.

§ 421.119 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on wheat covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 421.120 *Interest rate.* Beginning May 1, 1954, reseal loans shall bear interest at the rate of 3½ percent per annum, except that where there is a default in satisfaction of the loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 421.121 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the wheat mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the wheat must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the wheat from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.122 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment in line with the 1954 Uniform Grain Storage Agreement yearly rate will be made to the producer on the quantity involved if the (i) redeems from the loan on or after March 31, 1955, (ii) delivers the wheat to CCC on or after March 31, 1955, or (iii) delivers the wheat to CCC prior to March 31, 1955, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC if the wheat was not damaged or otherwise impaired due to negligence on the part of the producer. Such storage payment will be computed at the rate of 13 cents per bushel in the States of California, Idaho, Nevada, Oregon, Utah and Washington; 14 cents per bushel in the States of Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming; 15 cents per bushel in the States of Indiana, Michigan, New Mexico, Ohio, Oklahoma, and Texas.

(2) *Prorated storage payment.* (i) A storage payment determined by prorating such yearly rate according to the length of time the quantity of wheat involved was in store after June 30, 1954, will be made to the producer, (a) in the case of loss assumed by CCC under the provisions of the loan program, (b) in the case of wheat redeemed from the loan prior to March 31, 1955, and (c) in the case of wheat delivered to CCC pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC, prior to March 31, 1955: *Provided, however,* That no storage payment will be made where the delivered wheat is damaged or otherwise impaired due to negligence on the part of the producer. The prorated storage payment will be computed at the rate of .0.00047 per bushel a day (but not to exceed 13 cents per bushel) in the States of California, Idaho, Nevada, Oregon, Utah and Washington; 0.00051 per bushel a day (but not to exceed 14 cents per bushel) in the States of Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming; 0.00055 per bushel a day (but not to exceed 15 cents per bushel) in the States of Indiana, Michigan, New Mexico, Ohio, Oklahoma, and Texas. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, through the date of repayment.

(ii) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the wheat has been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 2 cents per bushel will be made to the producer on wheat delivered to CCC in accordance with instructions of the county committee, on track at a country point.

§ 421.123 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than March 31, 1955. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged wheat in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and, or quality for the total quantity delivered, provided the total quantity was stored in the structure(s) in which the wheat under loan was stored. The provisions of § 421.18 (a) (1), (e) and (f) and of § 421.110 (a) (1) and (2) shall be applicable thereto.

(b) If the settlement value of the wheat delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the ASC county office.

(c) If the settlement value of the wheat delivered is less than the amount due on the loan, the amount of the deficiency plus interest thereon shall be paid by the producer to CCC and may be set off against any payment which would otherwise be paid to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

§ 421.124 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for wheat covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the wheat in § 421.111 (b).

(b) Any discounts or premiums established for variation in quality as shown in the 1953 Wheat Price Support Program Bulletin shall apply.

§ 421.125 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 7th day of April 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2709; Filed, Apr. 9, 1954; 8:53 a. m.]

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP OATS RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1953-crop oats. The 1953 C. C. C. Grain Price Support Bulletin 1 (18 F. R. 1960, 3705 and 19 F. R. 1149), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1953, supplemented by Supplement 1, Oats (18 F. R. 1973, 4787 and 5699), containing the specific requirements for the 1953-crop oats price support program, is hereby further supplemented as follows:

Sec.
421.161 Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Oats.
421.162 Availability.
421.163 Eligible producer.
421.164 Eligible oats.
421.165 Approved storage.
421.166 Approved forms.
421.167 Quantity eligible for resealing.
421.168 Additional service charges.
421.169 Interest rate
421.170 Transfer of producer's equity.
421.171 Storage and track-loading payments.
421.172 Maturity and satisfaction.
421.173 Support rates.
421.174 CSS commodity offices.

AUTHORITY: §§ 421.161 to 421.174 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1421, 1447.

§ 421.161 *Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1 and Supplement 1, Oats.* The following sections of the 1953 C. C. C. Price Support Bulletin 1, and Supplement 1, Oats, published in 18 F. R. 1960, 1973, 3705, 4787, 5699 and 19 F. R. 1149, shall be applicable to the 1953 Oats Reseal Loan Program: § 421.1 *Administration;* § 421.5 *Approved lending agencies;* § 421.8 *Liens;* § 421.10 *Set-offs;* § 421.13 *Safeguarding the commodity;* § 421.14 *Insurance on farm-storage loans;* § 421.15 *Loss or damage to the commodity;* § 421.16 *Personal liability of the producer;* § 421.17 *Release of the commodity under loan;* § 421.19 *Foreclosure;* § 421.20 *Purchase of notes;* § 421.155 *Determination of quan-*

tity; § 421.156 *Determination of quality.* Other sections of the 1953 Oats Price Support Program shall be applicable to the extent indicated in this subpart.

§ 421.162 *Availability*—(a) *Area.* The reseal program will be available in the States of California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming. Under this program, 1953-crop farm-storage loans will be extended and farm-storage loans will be made on 1953-crop oats covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee. In the case of a farm-storage loan, the producer will be required to apply for his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(2) The producer who signed a purchase agreement on farm-stored oats is required under the 1953 Oats Price Support Program to notify the county committee not later than April 30, 1954, if he intends to deliver the oats to CCC. If the producer has notified the county committee, on or before April 30, 1954, of his intention to deliver the oats or to participate in this program, he may obtain a farm-storage loan on the oats. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before June 30, 1954, if the producer has not requested delivery instructions. The loan documents must be presented for disbursement within 15 days after execution.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on oats covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 421.163 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the oats in 1953 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage oats of the 1953 crop.

§ 421.164 *Eligible oats.* To be eligible, the oats must have been produced in 1953, must meet the requirements for eligible oats set forth in § 421.153 (c), must be in farm storage, must never have been commingled with oats produced by others, and must be under loan or covered by a purchase agreement.

(a) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the oats and the farm-storage structure in which the oats are stored. If recommended by either the commodity loan inspector or the producer, a sample of the oats shall be taken and submitted for grade analysis.

(b) *Farm-storage oats covered by purchase agreement.* If a producer makes application for a farm-storage loan on oats covered by a purchase agreement, the commodity loan inspector shall inspect the oats and storage structure, obtain a sample if the oats and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

§ 421.165 *Approved storage.* Oats covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.6 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending June 30, 1955, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1955.

§ 421.166 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall be a producer's note, Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, an application form, and such other forms as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.167 *Quantity eligible for reselaing.* (a) The quantity of oats eligible for reseal on an extended farm-storage loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of oats specified in the purchase agreement, minus any quantity of the oats under such purchase agreement (1) which has been previously placed under a loan or (2) on which he exercises his option to sell to CCC.

§ 421.168 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on oats covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 421.169 *Interest rate.* Beginning May 1, 1954, reseal loans shall bear interest at the rate of 3½ percent per annum, except that where there is a default in satisfaction of the loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 421.170 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the oats mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the oats must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the oats from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.171 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment computed at the rate of 11 cents per bushel will be made to the producer on the quantity involved if he (i) redeems from the loan on or after April 30, 1955, (ii) delivers the oats to CCC on or after April 30, 1955, or (iii) delivers the oats to CCC prior to April 30, 1955, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC, if the commodity was not damaged, or otherwise impaired due to negligence on the part of the producer.

(2) *Prorated storage payment.* (i) A prorated storage payment computed at the rate of .00036 per bushel a day, but not to exceed 11 cents per bushel, according to the length of time the quantity of oats involved was in store after June 30, 1954, will be made to the producer (a) in the case of loss assumed by CCC under the provisions of the loan program, (b) in the case of oats redeemed from the loan prior to April 30, 1955, and (c) in the case of oats delivered to CCC pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC, prior to April 30, 1955: *Provided, however,* That no storage payment will be made where the delivered commodity is damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, through the date of repayment.

(ii) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the commodity has been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 2 cents per bushel will be made to the producer on oats delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.172 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than April 30, 1955. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged oats in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity delivered, provided the total quantity delivered was stored in the structure(s) in which the oats under loan were stored. The provisions of § 421.18 (a) (1), (e) and (f) and of § 421.160 (a) (1) and (2), shall be applicable hereto.

(b) If the settlement value of the oats delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by sight draft drawn on CCC by the ASC county office.

(c) If the settlement value of the oats delivered is less than the amount due on the loan, the amount of the deficiency plus interest thereon shall be paid by the producer to CCC and may be set off against any payment which would otherwise be paid to the producer under any agricultural programs determined by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

§ 421.173 *Support rates.* The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for oats covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the oats in § 421.158 (c).

§ 421.174 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 7th day of April 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2707; Filed, Apr. 9, 1954; 8:53 a. m.]

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP RYE RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1953-crop rye. The 1953 C. C. C. Grain Price Support Bulletin 1 (18 F. R. 1960, 3705 and 19 F. R. 1149), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1953, supplemented by Supplement 1, Rye (18 F. R. 1979, 4787, 5133, 5701, and 6745) containing the specific requirements for the 1953-crop rye price support program, is hereby further supplemented as follows:

Sec.
421.211 Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Rye.
421.212 Availability.
421.213 Eligible producer.
421.214 Eligible rye.
421.215 Approved storage.
421.216 Approved forms.
421.217 Quantity eligible for reselaing.
421.218 Additional service charges.
421.219 Interest rate.
421.220 Transfer of producer's equity.
421.221 Storage and track-loading payments.
421.222 Maturity and satisfaction.
421.223 Support rates.
421.224 CSS commodity offices.

AUTHORITY: §§ 421.211 to 421.224 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1421, 1447.

§ 421.211 *Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1 and Supplement 1, Rye.* The following sections of the 1953 C. C. C. Price Support Bulletin 1, and Supplement 1, Rye, published in 18 F. R. 1960, 1979, 3705, 4787, 5133, 5701, 6745 and 19 F. R. 1149, shall be applicable to the 1953 Rye Reseal Loan Program: § 421.1 *Administration;* § 421.5 *Approved lending agencies;* § 421.8 *Liens;* § 421.10 *Set-offs;* § 421.13 *Safeguarding the commodity;* § 421.14 *Insurance on farm-storage loans;* § 421.15 *Loss or damage to the commodity;* § 421.16 *Personal liability of the producer;* § 421.17 *Release of the commodity under loan;* § 421.19 *Foreclosure;* § 421.20 *Purchase of notes;* § 421.205 *Determination of quantity;* § 421.206 *Determination of quality.* Other sections of the 1953 Rye Price Support Program shall be applicable to the extent indicated in this subpart.

§ 421.212 *Availability*—(a) *Area.* The reseal program will be available in the States of California, Kansas, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, and Wisconsin. Under this program, 1953-crop farm-storage loans will be extended and farm-storage loans will be made on 1953-crop rye covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee. In the case of a farm-storage loan, the producer will be required to apply for his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(2) The producer who signed a purchase agreement on farm-stored rye is required, under the 1953 Rye Price Support Program to notify the county committee not later than April 30, 1954, if he intends to deliver the rye to CCC. If the producer has notified the county committee, on or before April 30, 1954, of his intention to deliver the rye or to participate in this program, he may obtain a farm-storage loan on the rye. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before June 30, 1954, if the producer has not requested delivery instructions. The loan documents must be presented for disbursement within 15 days after execution.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on rye covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 421.213 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the rye in 1953 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage rye of the 1953 crop.

§ 421.214 *Eligible rye.* To be eligible, the rye must have been produced in 1953, must meet the requirements for eligible rye set forth in § 421.203 (c), must be in farm-storage, must never have been commingled with rye produced by others, and must be under loan or covered by a purchase agreement.

(a) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the rye and the farm-storage structure in which the rye is stored. If recommended by either the commodity loan inspector or the producer, a sample of the rye shall be taken and submitted for grade analysis.

(b) *Farm-storage rye covered by purchase agreement.* If a producer makes application for a farm-storage loan on rye covered by a purchase agreement, the commodity loan inspector shall inspect the rye and storage structure, obtain a sample if the rye and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

§ 421.215 *Approved storage.* Rye covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.6 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending June 30, 1955, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1955.

§ 421.216 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall be a producer's note, Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, an application form, and such other forms as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.217 *Quantity eligible for reselling.* (a) The quantity of rye eligible for reseal on an extended farm-storage loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of rye specified in the purchase agreement, minus any quantity of the rye under such purchase agreement (1) which has been previously placed under a loan or (2) on which he exercises his option to sell to CCC.

§ 421.218 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on rye covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 421.219 *Interest rate.* Beginning May 1, 1954, reseal loans shall bear interest at the rate of 3½ percent per annum, except that where there is a default in satisfaction of the loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 421.220 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the rye mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the rye must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the rye from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.221 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment for the full reseal period will be made to the producer on the quantity involved if he (i) redeems from the loan on or after April 30, 1955, (ii) delivers the rye to CCC on or after April 30, 1955, or (iii) delivers the rye to CCC prior to April 30, 1955, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC, if the commodity was not damaged, or otherwise impaired due to negligence on the part of the producer. Such storage payment will be computed at the rate of 14 cents per bushel in the States of California and Oregon; 15 cents per bushel in the States of Kansas, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin; and 16 cents per bushel in the States of Michigan and Oklahoma.

(2) *Prorated storage payment.* (i) A storage payment determined by prorating such yearly rate according to the length of time the quantity of rye involved was in store after June 30, 1954, will be made to the producer (*a*) in the case of loss assumed by CCC under the provisions of the loan program, (*b*) in the case of rye redeemed from the loan prior to April 30, 1955, and (*c*) in the case of rye delivered to CCC pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC, prior to April 30, 1955: *Provided, however,* That no storage payment will be made where the delivered commodity is damaged or otherwise impaired due to negligence on the part of the producer. The prorated storage payment will be computed at the rate of 0.00046 per bushel a day (but not to exceed 14 cents per bushel) in the States of California and Oregon; 0.00049 per bushel a day (but not to exceed 15 cents per bushel) in the States of Kansas, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin; and 0.00053 per bushel a day (but not to exceed 16 cents per bushel) in the States of Michigan and Oklahoma. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, through the date of repayment.

(ii) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the commodity has been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 2 cents per bushel will be made to the producer on rye delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.222 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than April 30, 1955. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged rye in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity delivered, provided the total quantity delivered was stored in the structure(s) in which the rye under loan was stored. The provisions of § 421.18 (a) (1), (e) and (f) and of § 421.210 (a) (1) and (2) shall be applicable hereto.

(b) If the settlement value of the rye delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the ASC county office.

(c) If the settlement value of the rye delivered is less than the amount due on the loan, the amount of the deficiency plus interest thereon shall be paid by the producer to CCC and may be set off against any payment which would otherwise be paid to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

§ 421.223 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for rye covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the rye in § 421.208 (c).

(b) Any discounts established for variation in quality as shown in the 1953 Rye Price Support Program Bulletin shall apply.

§ 421.224 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 7th day of April 1954

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2706; Filed, Apr. 9, 1954; 8:52 a. m.]

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP FLAXSEED RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1953-crop flaxseed. The 1953 C. C. C. Grain Price Support Bulletin 1 (18 F. R. 1960, 3705 and 19 F. R. 1149), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1953, supplemented by Supplement 1, Flaxseed (18 F. R. 2367, 4902, 4990, and 5702), containing the specific requirements for the 1953-crop flaxseed price support program, is hereby further supplemented as follows:

Sec.
421.311 Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Flaxseed.
421.312 Availability.
421.313 Eligible producer.
421.314 Eligible flaxseed.
421.315 Approved storage.
421.316 Approved forms.
421.317 Quantity eligible for reselling.
421.318 Additional service charges.
421.319 Interest rate.
421.320 Transfer of producer's equity.
421.321 Storage and track-loading payments.
421.322 Maturity and satisfaction.
421.323 Support rates.
421.324 CSS Commodity offices.

AUTHORITY: §§421.311 to 421.324 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1447, 1421.

§ 421.311 *Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Flaxseed.* The following sections of the 1953 C. C. C. Price Support Bulletin 1, and Supplement 1, Flaxseed, published in 18 F. R. 1960, 2367, 3705, 4902, 4990 and 5702 and 19 F. R. 1149, shall be applicable to the 1953 Flaxseed Reseal Loan Program: § 421.1 *Administration;* § 421.5 *Approved lending agencies;* § 421.8 *Liens;* § 421.10 *Set-offs;* § 421.13 *Safeguarding the commodity;* § 421.14 *Insurance on farm-storage loans;* § 421.15 *Loss or damage to the commodity;* § 421.16 *Personal liability of the producer;* § 421.17 *Release of the commodity under loan;* § 421.19 *Foreclosure;* § 421.20 *Purchase of notes;* § 421.305 *Determination of quantity;* § 421.306 *Determination of quality.* Other sections of the 1953 Flaxseed Price Support Program shall be applicable to the extent indicated in this subpart.

§ 421.312 *Availability*—(a) *Area.* The reseal program will be available in the States of Iowa, Minnesota, Montana, North Dakota and South Dakota. Under this program, 1953-crop farm-storage loans will be extended and farm-storage loans will be made on 1953-crop flaxseed covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee. In the case of a farm-storage loan, the producer will be required to apply for his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(2) The producer who signed a purchase agreement on farm-stored flaxseed is required, under the 1953 Flaxseed Price Support Program to notify the county committee not later than April 30, 1954, if he intends to deliver the flaxseed to CCC. If the producer has notified the county committee, on or before April 30, 1954, of his intention to deliver the flaxseed or to participate in this program, he may obtain a farm-storage loan on the flaxseed. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before June 30, 1954, if the producer has not requested delivery instructions. The loan documents must be presented for disbursement within 15 days after execution.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on flaxseed covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 421.313 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the flaxseed in 1953 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage flaxseed of the 1953 crop.

§ 421.314 *Eligible flaxseed.* To be eligible, the flaxseed must have been produced in 1953, must be in farm storage, must never have been commingled with flaxseed produced by others, must be under loan or covered by a purchase agreement, and must meet the requirements of eligibility for loans as set forth in § 421.303 (c).

(a) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the flaxseed and the farm-storage structure in which the flaxseed is stored. If recommended by either the commodity loan inspector or the producer, a sample of the flaxseed shall be taken and submitted for grade analysis.

(b) *Farm-storage flaxseed covered by purchase agreement.* If a producer makes application for a farm-storage loan on flaxseed covered by a purchase agreement, the commodity loan inspector shall inspect the flaxseed and storage structure, obtain a sample if the flaxseed and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

§ 421.315 *Approved storage.* Flaxseed covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.6 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending June 30, 1955, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1955.

§ 421.316 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall be a producer's note, Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, an application form, and such other forms as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.317 *Quantity eligible for reselling.* (a) The quantity of flaxseed eligible for reseal on an extended farm-storage loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of flaxseed specified in the purchase agreement, minus any quantity of the flaxseed under such purchase agreement (1) which has been previously placed under loan or (2) on which he exercises his option to sell to CCC.

§ 421.318 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on flaxseed covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 421.319 *Interest rate.* Beginning May 1, 1954, reseal loans shall bear interest at the rate of 3½ percent per annum, except that where there is a default in satisfaction of the loan, the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 421.320 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the flaxseed mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the flaxseed must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the flaxseed from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.321 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment computed at the rate of 16 cents per bushel will be made to the producer on the quantity involved if he (i) redeems from the loan on or after April 30, 1955, (ii) delivers the flaxseed to CCC on or after April 30, 1955, or (iii) delivers the flaxseed to CCC prior to April 30, 1955 pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC if the flaxseed was not damaged or otherwise

impaired due to negligence on the part of the producer.

(2) *Prorated storage payment.* A prorated storage payment computed at the rate of .00053 per bushel a day, but not to exceed 16 cents per bushel, according to the length of time the quantity of flaxseed involved was in store after June 30, 1954, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of flaxseed redeemed from the loan prior to April 30, 1955, and (iii) in the case of flaxseed delivered to CCC pursuant to its demand and not solely for the convenience of CCC, or upon the request of the producr and with the approval of CCC, prior to April 30, 1955: *Provided, however,* That no storage payment will be made where the delivered flaxseed is damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, through the date of repayment. In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the flaxseed has been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 2 cents per bushel will be made to the producer on flaxseed delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.322 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than April 30, 1955. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged flaxseed in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity delivered, provided the total quantity was stored in the structure(s) in which the flaxseed under loan was stored. The provisions of § 421.18 (a) (1), (e) and (f) and of § 421.310 (a) (1) and (2) shall be applicable thereto.

(b) If the settlement value of the flaxseed delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the ASC county office.

(c) If the settlement value of the flaxseed delivered is less than the amount due on the loan, the amount of the deficiency plus interest thereon shall be paid by the producer to CCC and may be set off against any payment which would otherwise be paid to the producer under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

§ 421.323 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for flaxseed covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the flaxseed in § 421.308 (c).

(b) Any discounts established for variation in quality as shown in the 1953 Flaxseed Price Support Program Bulletin shall apply.

§ 421.324 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest 10th Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 7th day of April 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2705; Filed, Apr. 9, 1954; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 28]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.328 *Navel Orange Regulation 28*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 8, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 11, 1954, and ending at 12:01 a. m., P. s. t., April 18, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 381,150 boxes;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section, "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of April 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Apr. 11 to 12:01 a. m., P. s. t., Apr. 18, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.0000
A. N. F. Corona	.4335
A. N. F. Fullerton	.0000
A. N. F. Orange	.0000
A. N. F. Riverside	1.5039
A. N. F. Santa Paula	.0461
Eadington Fruit Association	.2291
Signal Fruit Association	.9288
Bryn Mawr Mutual Orange Association	.4533
Chula Vista Mutual Lemon Association	.0000
Euclid Avenue Orange Association	2.2779
Foothill Citrus Union, Inc.	.0861
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	1.6041
Olive Hillside Groves, Inc.	.0000
Redlands Foothill Groves	3.7439
Redlands Mutual Orange Association	1.6308
Ventura County Fruit Growers Inc.	.3812
Azusa Citrus Association	1.0129
Covina Citrus Association	2.2215
Glendora Citrus Association	1.0287
Valencia Heights Orchards Association	.7317
Gold Buckle Association	3.7906
La Verne Orange Association	3.1543
Anaheim Valley Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Linda Citrus Association	.0000
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0000
Citrus Fruit Growers	.6348
Cucamonga Mesa Growers	.6853
Etiwanda Citrus Fruit Association	.1538
Upland Citrus Association	2.0025
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association	.0000
Olive Heights Citrus Association	.0000
Santiago Orange Growers Association	.1250
Villa Park Orchards Association	.0000
Bradford Bros., Inc.	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0000
Corona Citrus Association	1.5627
Jameson Co.	.7334
Orange Heights Orange Association	5.1952
Crafton Orange Growers Association	1.7261
East Highlands Citrus Association	.4466
Redlands Heights Groves	1.0567
Redlands Orangedale Association	1.6125
Rialto-Fontana Citrus Association	.1669
Bryn Mawr Fruit Growers Association	1.1927
Mission Citrus Association	.9522
Redlands Cooperative Fruit Association	2.4115
Redlands Orange Growers Association	1.4421
Redlands Select Groves	.5031
Rialto Orange Co.	.7907
Southern Citrus Association	1.0609
United Citrus Growers	.8960
Arlington Heights Citrus Co.	1.7091
Blue Branner, Inc.	3.8952
Brown Estate, L. V. W.	2.6823
Gavilan Citrus Association	3.4989
McDermont Fruit Co.	1.8741
Monte Vista Citrus Association	1.8697

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
National Orange Co.	1.7659
Riverside-Highgrove Citrus Association	1.9203
Victoria Avenue Citrus Association	4.4924
Claremont Citrus Association	.6976
College Heights Orange & Lemon Association	1.8403
Indian Hill Citrus Association	1.3219
Pomona Fruit Growers Exchange	.9540
Walnut Fruit Growers Association	.6337
West Ontario Citrus Association	.8629
Escondido Cooperative Citrus Association	.0000
Camarillo Citrus Association	.0056
Fillmore Citrus Association	1.3136
Mupu Citrus Association	.0007
Ojai Orange Association	1.3118
Piru Citrus Association	1.6579
Rancho Sespe	.0000
San Fernando Heights Orange Association	.6495
Santa Paula Orange Association	.0536
Tapo Citrus Association	.0173
Ventura County Citrus Association	.0000
East Whittier Citrus Association	.0016
North Whittier Heights Citrus Association	.1579
Sierra Madre-Lamanda Citrus Association	.0785
A. J. Packing Co.	.0582
Babijuice Corporation of California	.0000
Cherokee Citrus Co., Inc.	.5670
Dunning, Vera Hueck	.0000
Evans Bros. Packing Co.	.9922
Far West Produce Distributors	.1483
Gold Banner Association	2.8449
Gold Seal Products, Inc.	.2669
Granada Packing House	.0000
Holland, M. J.	.0292
Orange Belt Fruit Distributors	.6696
Panno Fruit Co., Carlo	.0000
Paramount Citrus Association	.1081
Prescott, John A.	.0048
Riverside Fruit Co.	.1858
Rotolo Bros.	.0061
San Antonio Orchards Co.	1.3458
Smallwood, Luella L.	.0097
Spire, Frank S.	.0099
Stephens & Cain	.1668
Torn Ranch	.0340
Wall, E. T., Grower-Shipper	2.6046
Western Fruit Growers, Inc.	5.1627

[F. R. Doc. 54-2758; Filed, Apr. 9, 1954; 11:31 a. m.]

[Grapefruit Reg. 199]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.678 *Grapefruit Regulation 199*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than April 12, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 12, 1954; the recommendation and supporting information for continued regulation subsequent to April 11, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 6; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 12, 1954, and ending at 12:01 a. m., e. s. t., April 26, 1954, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any white seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any white seedless grapefruit, grown in Regulation Area I, that grade U. S. No. 2 Russet, U. S. No. 2, or U. S. No. 2 Bright, (a) which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or (b) which are of a size larger than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any white seedless grapefruit, grown in Regulation Area I, that grade U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1 Bright, or U. S. Fancy, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any white seedless grapefruit, grown in Regulation Area II, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any pink grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet.

(2) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 7th day of April 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-2701; Filed, Apr. 9, 1954; 8:51 a. m.]

[Orange Reg. 255]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.677 *Orange Regulation 255*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than April 12, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until April 12; the recommendation and supporting information for continued regulation subsequent to April 11, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 6; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 12, 1954, and ending at 12:01 a. m., e. s. t., April 26, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box," shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 7th day of April 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-2702; Filed, Apr. 9, 1954; 8:51 a. m.]

[Lemon Reg. 532]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.639 *Lemon Regulation 532*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 7, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 11, 1954, and ending at 12:01 a. m., P. s. t., April 18, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 275 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 531 (19 F. R. 1879) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 8th day of April 1954.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-2737; Filed, Apr. 9, 1954; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 29]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.108 *Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles Oreg.)* is amended by changing the first portion to read: "From the Los Angeles, Calif., radio range station via the intersection of the west course of the Los Angeles, Calif., radio range and the southeast course of the Camarillo, Calif., radio range; Camarillo, Calif., radio range station;".

2. Section 600.213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.)* is amended by changing the last portion to read: "Providence, R. I., radio range station to the intersection of a direct line between the Providence, R. I., radio range station and the Bedford, Mass., nondirectional radio beacon with the west course of the Boston, Mass., radio range."

3. Section 600.675 is added to read:

§ 600.675 *Blue civil airway No. 75 (Cleveland, Ohio, to United States-Canadian Border).* That airspace over United States territory from the Cleveland, Ohio, radio range station to the London, Ontario, Canada, radio range station.

4. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Bangor, Maine)* is amended by changing all after the Lumberton, N. C., omnirange station to read: "Lumberton, N. C., omnirange station; Raleigh, N. C., omnirange station, including an east alternate; Lawrenceville, Va., omnirange station; intersection of the Lawrenceville, omnirange 035° True and the Flat Rock omnirange 171° True radials; Flat Rock, Va., omnirange station to the point of intersection of the Flat Rock omnirange 023° True and the Gordonsville, Va., omnirange 056° True radials. From the point of intersection of the Herndon, Va., omnirange 089° True and the Washington, D. C. terminal omnirange 351° True radials via the intersection of the Herndon omnirange 045° True and the Martinsburg, W. Va., omnirange 101° True radials; intersection of the Herndon omnirange 045° True and the West Chester omnirange 253° True radials; West Chester, Pa., omnirange station; Wilton, Conn., omnirange station; Hartford, Conn., omnirange station; intersection of the Hartford, omnirange 044° True and the Boston omnirange 257° True radials; Boston, Mass., omnirange station; Kennebunk, Maine, omnirange station; Augusta, Maine, omnirange station to the Bangor, Maine, omnirange station."

5. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended between the Denver, Colo., omnirange station and the Goodland, Kans., omnirange station to read: "Denver, Colo., omnirange station; Thurman, Colo., omnirange station, including a south alternate; Goodland, Kans., omnirange station, including a north alternate via the intersection of the Thurman omnirange 085° True and the Goodland omnirange 304° True radials;" and between the St. Louis, Mo., omnirange station and the Evansville, Ind., omnirange station to read: "St. Louis, Mo., omnirange station, including a north and south alternate; Centralia, Ill., omnirange station; Evansville, Ind., omnirange station, including a south alternate;".

6. Section 600.6005 *VOR civil airway No. 5 (Jacksonville, Fla., to Cleveland, Ohio)* is amended by deleting the portion which reads: "Louisville, Ky., omnirange station, including an east alternate from Bowling Green omnirange station to Louisville omnirange station;" and substituting the following in lieu thereof: "Louisville, Ky., omnirange station, including an east alternate from the Bowling Green, Kentucky omnirange station to the Louisville, Ky., omnirange station via the intersection of the Bowling Green omnirange 063° True and the Louisville omnirange 168° True radials;".

7. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing all after the Selinsgrove, Pa., omnirange station to read: "Selinsgrove, Pa., omnirange station; Allentown, Pa., omnirange station to the point of intersection of the Allentown omnirange 088° True and the Wilton, Conn., omnirange 233° True radials."

8. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended between the Kremmling, Colo., omnirange station and the Imperial, Nebr., omnirange station to read: "Kremmling, Colo., omnirange station; Denver, Colo., omnirange station, including a north alternate; Akron, Colo., omnirange station, including a north alternate, also a south alternate via the intersection of the Denver omnirange 101° True and the Akron omnirange 242° True radials; Imperial, Nebr., omnirange station, including a south alternate via the intersection of the Akron omnirange 090° True and the Imperial omnirange 237° True radials;".

9. Section 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis. to New York, N. Y.)* is amended by changing all after the Selinsgrove, Pa., omnirange station to read: "Selinsgrove, Pa., omnirange station; Allentown, Pa., omnirange station to the point of intersection of the Allentown omnirange 088° True and the Wilton, Conn., omnirange 233° True radials."

10. Section 600.6051 is amended to read:

§ 600.6051 *VOR civil airway No. 51 (Chattanooga, Tenn., to Indianapolis, Ind.).* From the Chattanooga, Tenn., omnirange station via the Crossville, Tenn., omnirange station; Louisville, Ky., omnirange station; intersection of the Louisville omnirange 356° True and the Indianapolis omnirange 137° True radials to the Indianapolis, Ind., omnirange station.

11. Section 600.6107 is amended to read:

§600.6107 *VOR civil airway No. 107 (Santa Barbara, Calif., to Oakland, Calif.).* From the Santa Barbara, Calif., omnirange station via the Bakersfield, Calif., omnirange station; Coalinga, Calif., omnirange station to the Oakland, Calif., omnirange station.

12. Section 600.6132 is amended to read:

§ 600.6132 *VOR civil airway No. 132 (Akron, Colo., to Hutchinson, Kans.).* From the Akron, Colo., omnirange station via the Goodland, Kans., omnirange station to the Hutchinson, Kans., omnirange station.

13. Section 600.6134 is amended to read:

§ 600.6134 *VOR civil airway No. 134 (Evergreen, Ala., to Atlanta, Ga.)* From the Evergreen, Ala., omnirange station via the Columbus, Ga., omnirange station to the Atlanta, Ga., omnirange station, excluding the portion which

overlaps the Fort Benning danger area (D-129).

14. Section 600.6136 is added to read:

§ 600.6136 *VOR civil airway No. 136 (Pulaski, Va., to Danville, Va.).* From the Pulaski, Va., omnirange station via the intersection of the Pulaski omnirange 094° True and the Danville omnirange 297° True radials to the Danville, Va., omnirange station.

15. Section 600.6140 is added to read:

§ 600.6140 *VOR civil airway No. 140 (Montebello, Va., to New York, N. Y.).* From the Montebello, Va., omnirange station to the Herndon, Va., omnirange station. From the point of intersection of the Philadelphia, Pa., International Airport ILS 256° True localizer course and the West Chester, Pa., omnirange 170° True radial via the Philadelphia, Pa., International Airport ILS localizer to the Colts Neck, N. J., omnirange station, via the Colts Neck omnirange 242° True radial.

16. Section 600.6142 is added to read:

§ 600.6142 *VOR civil airway No. 142 (Buffalo, N. Y., to Rochester, N. Y.).* From the Buffalo, N. Y., omnirange station via the intersection of the Buffalo omnirange 034° True and the Rochester omnirange 289° True radials to the Rochester, N. Y., omnirange station.

17. Section 600.6144 is added to read:

§ 600.6144 *VOR civil airway No. 144 (Morgantown, W. Va., to Front Royal, Va.).* From the Morgantown, W. Va., omnirange station to the Front Royal, Va., omnirange station.

18. Section 600.6146 is added to read:

§ 600.6146 *VOR civil airway No. 146 (Poughkeepsie, N. Y. to Woodstock, Conn.).* From the Poughkeepsie, N. Y., omnirange station to the point of intersection of the Poughkeepsie omnirange 079° True and the Norwich, Conn., omnirange 347° True radials.

19. Section 600.6147 is added to read:

§ 600.6147 *VOR civil airway No. 147 (Allentown, Pa., to Rochester, N. Y.).* From the Allentown, Pa., omnirange station via the intersection of the Allentown omnirange 329° True and the Elmira omnirange 134° True radials; Elmira, N. Y., omnirange station; intersection of the Elmira omnirange 305° True and the Rochester omnirange 183° True radials to the Rochester, N. Y., omnirange station.

20. Section 600.6148 is added to read:

§ 600.6148 *Vor civil airway No. 148 (Thurman, Colo., to Imperial, Nebr.).* From the Thurman, Colo., omnirange station to the Imperial, Nebr., omnirange station.

21. Section 600.6149 is added to read:

§ 600.6149 *VOR civil airway No. 149 (Allentown, Pa., to Binghamton, N. Y.).* From the Allentown, Pa., omnirange station via the intersection of the Allentown omnirange 329° True and the Binghamton omnirange 167° True radials to the Binghamton, N. Y., omnirange station.

22. Section 600.6150 is added to read:

§ 600.6150 *VOR civil airway No. 150 (unassigned).*

23. Section 600.6151 is added to read:

§ 600.6151 *VOR civil airway No. 151 (Woonsocket, R. I., to Gardner, Mass.).* From the point of intersection of the Norwich, Conn., omnirange 043° True and the Gardner omnirange 152° True radials via the Worcester, Mass., airport ILS LOM to the Gardner, Mass., omnirange station.

24. Section 600.6152 is added to read:

§ 600.6152 *VOR civil airway No. 152 (unassigned).*

25. Section 600.6153 is added to read:

§ 600.6153 *VOR civil airway No. 153 (Stroudsburg, Pa., to Wilkes Barre, Pa.).* From the point of intersection of the Allentown, Pa., omnirange 053° True and the Wilkes Barre-Scranton omnirange 146° True radials to the Wilkes Barre-Scranton, Pa., omnirange station.

26. Section 600.6154 is added to read:

§ 600.6154 *VOR civil airway No. 154 (unassigned).*

27. Section 600.6155 is added to read:

§ 600.6155 *VOR civil airway No. 155 (Gordonsville, Va., to Front Royal, Va.).* From the Gordonsville, Va., omnirange station to the Front Royal, Va., omnirange station.

28. Section 600.6156 is added to read:

§ 600.6156 *VOR civil airway No. 156 (unassigned).*

29. Section 600.6157 is added to read:

§ 600.6157 *VOR civil airway No. 157 (Lawrenceville, Va., to Richmond, Va.).* From the Lawrenceville, Va., omnirange station to the Richmond, Va., LF radio range station, excluding the portion which overlaps the Camp Pickett danger area (D-44).

(Sec. 205, 52 Stat. 984, as amended: 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended: 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. April 13, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2670; Filed, Apr. 9, 1954; 8:45 a. m.]

[Amdt. 29]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.675 is added to read:

§ 601.675 *Blue civil airway No. 75 control areas (Cleveland, Ohio, to United States-Canadian Border).* All of Blue civil airway No. 75.

2. Section 601.1127 *Control area extension (Colorado Springs, Colo.)* is revoked.

3. Section 601.2045 is amended to read:

§ 601.2045 *Colorado Springs, Colo., control zone.* Within a 5-mile radius of Peterson Municipal Airport and within 2 miles either side of a line bearing 180° True from the airport extending to a point 15 miles south of the airport.

4. Section 601.4108 *Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.)* is amended before "Camarillo, Calif., radio range station;" by adding the following reporting point: "The intersection of the west course of the Los Angeles, Calif., radio range and the southeast course of the Camarillo, Calif., radio range;".

5. Section 601.4675 is added to read:

§ 601.4675 *Blue civil airway No. 75 (Cleveland, Ohio to United States-Canadian Border).* No reporting point designation.

6. Section 601.6051 is amended to read:

§ 601.6051 *VOR civil airway No. 51 control areas (Chattanooga, Tenn., to Indianapolis, Ind.).* All of VOR civil airway No. 51.

7. Section 601.6107 is amended to read:

§ 601.6107 *VOR civil airway No. 107 control areas (Santa Barbara, Calif., to Oakland, Calif.).* All of VOR civil airway No. 107.

8. Section 601.6132 is amended to read:

§ 601.6132 *VOR civil airway No. 132 control areas (Akron, Colo., to Hutchinson, Kans.).* All of VOR civil airway No. 132.

9. Section 601.6136 is added to read:

§ 601.6136 *VOR civil airway No. 136 control areas (Pulaski, Va., to Danville, Va.).* All of VOR civil airway No. 136.

10. Section 601.6140 is added to read:

§ 601.6140 *VOR civil airway No. 140 control areas (Montebello, Va., to New York, N. Y.).* All of VOR civil airway No. 140.

11. Section 601.6142 is added to read:

§ 601.6142 *VOR civil airway No. 142 control areas (Buffalo, N. Y. to Rochester, N. Y.).* All of VOR civil airway No. 142.

12. Section 601.6144 is added to read:

§ 601.6144 *VOR civil airway No. 144 control areas (Morgantown, W. Va. to Front Royal, Va.).* All of VOR civil airway No. 144.

13. Section 601.6146 is added to read:

§ 601.6146 *VOR civil airway No. 146 control areas (Poughkeepsie, N. Y. to Woodstock, Conn.).* All of VOR civil airway No. 146.

14. Section 601.6147 is added to read:

§ 601.6147 *VOR civil airway No. 147 control areas (Allentown, Pa., to Rochester, N. Y.).* All of VOR civil airway No. 147.

15. Section 601.6148 is added to read:

§ 601.6148 *VOR civil airway No. 148 control areas (Thurman, Colo., to Imperial, Nebr.).* All of VOR civil airway No. 148.

16. Section 601.6149 is added to read:

§ 601.6149 *VOR civil airway No. 149 control areas (Allentown, Pa., to Binghamton, N. Y.).* All of VOR civil airway No. 149.

17. Section 601.6150 is added to read:

§ 601.6150 *VOR civil airway No. 150 control areas (unassingned).*

18. Section 601.6151 is added to read:

§ 601.6151 *VOR civil airway No. 151 control areas (Woonsocket, R. I. to Gardner, Mass.).* All of VOR civil airway No. 151.

19. Section 601.6152 is added to read:

§ 601.6152 *VOR civil airway No. 152 control areas (unassigned).*

20. Section 601.6153 is added to read:

§ 601.6153 *VOR civil airway No. 153 control areas (Stroudsburg, Pa., to Wilkes-Barre, Pa.).* All of VOR civil airway No. 153.

21. Section 601.6154 is added to read:

§ 601.6154 *VOR civil airway No. 154 control areas (unassigned).*

22. Section 601.6155 is added to read:

§ 601.6155 *VOR civil airway No. 155 control areas (Gordonsville, Va., to Front Royal, Va.).* All of VOR civil airway No. 155.

23. Section 601.6156 is added to read:

§ 601.6156 *VOR civil airway No. 156 control areas (unassigned).*

24. Section 601.6157 is added to read:

§ 601.6157 *VOR civil airway No. 157 control areas (Lawrenceville, Va., to Richmond, Va.).* All of VOR civil airway No. 157.

25. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting points:

Highway intersection: The intersection of the Nashville, Tenn., omnirange 059° True and the Crossville, Tenn., omnirange 347° True radials.

Medina intersection: The intersection of the Rochester, N. Y., omnirange 289° True and the Buffalo, N. Y., omnirange 034° True radials.

El Monte intersection: The intersection of the Ontario, Calif., omnirange 292° True and the Long Beach, Calif., omnirange 357° True radials.

Catalina intersection: The intersection of the Los Angeles, Calif., VAR south aural course and the Long Beach, Calif., omnirange 225° True radial.

Bedford intersection: The intersection of the Pullman, Mich., omnirange 094° True and the Litchfield, Mich., omnirange 314° True radials.

Loop intersection: The intersection of the Napersville, Ill., omnirange 064° True and the Chicago Heights, Ill., omnirange 345° True radials.

Mendota intersection: The intersection of the Janesville, Wis., omnirange 331° True and the Lone Rock, Wis., omnirange 104° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., April 13, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2671; Filed, Apr. 9, 1954; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

LABELING OF DRUG PREPARATIONS CONTAINING SIGNIFICANT PROPORTIONS OF WINTERGREEN OIL

Pursuant to section 3 of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of interpretation is issued:

§ 3.35 *Labeling of drug preparations containing significant proportions of wintergreen oil.* (a) Because methyl salicylate (wintergreen oil) manifests no toxicity in the minute amounts in which it is used as a flavoring, it is mistakenly regarded by the public as harmless even when taken in substantially larger amounts. Actually, it is quite toxic when taken in quantities of a teaspoonful or more. Wintergreen oil and preparations containing it have caused a number of deaths through accidental misuse by both adults and children. Children are particularly attracted by the odor and are likely to swallow these products when left within reach.

(b) To safeguard against fatalities from this cause, the Department of Health, Education, and Welfare will regard as misbranded under the provisions of the Federal Food, Drug, and Cosmetic Act any drug containing more than 5 percent methyl salicylate (wintergreen oil), the labeling of which fails to warn that use otherwise than as directed therein may be dangerous and that the article should be kept out of reach of children to prevent accidental poisoning.

(c) This statement of interpretation in no way exempts methyl salicylate (wintergreen oil) or its preparations from complying in all other respects with the requirements of the Federal Food, Drug, and Cosmetic Act.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 502, 52 Stat. 1051; 21 U. S. C. 352)

Dated: April 6, 1954.

[SEAL] NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 54-2695; Filed, Apr. 9, 1954; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter Z—Wilderness and Roadless Areas

PART 281—ESTABLISHMENT OF ROADLESS AND WILD AREAS ON INDIAN RESERVATIONS

DEFINITION OF WILD AREAS

Section 281.2 is amended to read as follows:

§ 281.2 *Definition of wild areas.* There are certain areas, not large enough to be designated by the term roadless, from which it is nevertheless desirable to exclude provision for the passage of motorized transportation. Such tracts have been designated as wild areas. The Secretary of the Interior ordered that the following be established as wild areas on Indian reservations:

The boundaries of these areas are indicated in the appendix to this order.[1]

Name of area	Reservation	Approximate acreage
Mount Adams	Yakima	45,000
Fort Charlotte	Grand Portage	19,000
Grand Portage	Grand Portage	11,000

(R. S. 161; 5 U. S. C. 22)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 5, 1954.

[F. R. Doc. 54-2672; Filed, Apr. 9, 1954; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 952]

FLORIDA

WITHDRAWING PUBLIC LAND FOR USE OF THE DEPARTMENT OF THE NAVY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Florida is hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for the use of

[1] The appendix to this order is not codified. It appears, however, at 3 F. R. 606-610.

the Department of the Navy for military purposes:

TALLAHASSEE MERIDIAN

T. 4 S., R. 15 W.,
Sec. 4, lot 10.

The area described contains 1.23 acres.

It is intended that the land described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 6, 1954.

[F. R. Doc. 54-2673; Filed, Apr. 9, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

[Docket No. AO-71-A-25]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT, AND TO PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), and in accordance with the notice of hearing issued on October 6, 1953 (18 F. R. 6457), a public hearing was conducted at Utica, New York during the period October 19–November 20, 1953, and at Albany, New York on November 23 and 24, 1953 upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area (7 CFR Part 927).

All of the material issues considered at the hearing relate to the classification and pricing of milk now in Class III (plus the question of eliminating existing difference between Class II and Class III in the nonfat dry milk solids market quotations and yield factors used). Such issues are concerned with:

1. The level of the Class III price and the pricing of those portions of Class III milk used for butter, cheese and candy products.

2. Whether the Boston weighted average cream price should continue to be used during the months of August through February in the pricing of all or a portion of the Class III milk.

3. Whether different market quotations and yield factors for nonfat dry milk solids should be used in the pricing of Class III milk, and whether such factors should be uniform for both Class II and Class III.

4. Pricing Class III milk on the basis of prices paid at selected Midwest condenseries.

5. Making provision in the order for separate allowances to handlers for Class III milk transferred from receiving plants to manufacturing plants.

6. Adoption of a so-called "flexible pricing plan."

Rulings. Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions filed to the recommended decision, such exceptions are overruled. Rulings contained in the recommended decision upon proposed findings and conclusions submitted by interested persons are affirmed except as modified by the findings and conclusions set forth herein. To the extent that findings and conclusions proposed by interested persons and not ruled upon in the recommended decision are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Findings and conclusions. The findings and conclusions hereinafter set forth are based upon the evidence in the record of the hearing and relate only to the above listed issues numbered 1 and 2. Findings and conclusions concerning the remaining issues (3 through 6) are being deferred temporarily in order to expedite final action of issues 1 and 2. In arriving at the findings and conclusions herein official notice is being taken of (1) announcements of the United States Department of Agriculture issued on February 15 and 18, 1954, relating to the dairy price support level and the prices at which dairy products will be purchased by the Commodity Credit Corporation during the period April 1, 1954, through March 31, 1955, (2) monthly announcements for months since September 1953 issued to date by the market administrator showing class prices, product prices used in calculating class prices, the uniform price, receipts of pool milk and utilization, (3) announcement by the market administrator on December 29, 1953 of the estimated monthly production of pool milk and Class I-A and uniform prices for the first half of 1954, and (4) provisions for the pricing of Class II milk under Orders No. 4 and 61 regulating the handling of milk in Boston and Philadelphia.

Issues 1 and 2. It is concluded with respect to these issues that:

(1) The general level of the Class III price should be reduced 10 cents per hundredweight for the months of May and June 1954.

(2) The butter-cheese adjustment should be revised to provide a downward adjustment during the months of March through July in the price of milk for American cheese in the event of an unusually low market price for cheese in relation to the market price for butter and nonfat dry milk solids.

(3) No additional separate adjustment should be made in the price established for milk used for butter or for milk chocolate and other candy products.

(4) Use of the Boston weighted average cream price in the pricing of Class III milk during the months of August through February should be discontinued, but in lieu thereof, an additional 3 cents (total of 5) should be added to the market price of butter used in pricing Class III milk during any of the months of August through February for which the utilization adjustment percentage is 92 or higher.

The prospective volume of Class III milk during the months of seasonally highest production this year is larger than in 1953. For the months of January and February 1954 (the latest months for which data are available) the volume of pool milk was about 5 percent larger than a year earlier. The volume of Class III milk in those months was larger by 23 and 27 million pounds, respectively, than in January and February 1953. The estimate of the market administrator released December 29, 1953, is that the volume of pool milk in each of the months of May and June this year will be approximately 40 to 45 million pounds larger than in the same month in 1953. With no apparent indication of significantly larger volumes being utilized in Class I and II, indications are that the volume of Class III milk during the peak production season this year will be substantially larger than last year.

Numerous cooperative and proprietary handlers reported experiencing considerable difficulty in disposing of Class III milk during the flush season of 1953, at which time the volume to be disposed of was considerably larger than previously, but less than in prospect for this year. Handling charges obtained on milk for fluid use, both in the spot market and for contract sales, appear to have been at unusually low levels during the first half of 1953. Handlers attributed this condition, at least in part, to the inability to arrange for the disposition of Class III milk on more favorable terms. With the additional volume of Class III milk in prospect this year, a lower Class III price during the period of peak production this year appears necessary in order to avoid a considerable degree of disorder in the disposition of all milk in excess of fluid requirements.

The disposition of Class III milk in competition, both with unregulated milk and with milk for which a lower minimum price is established under other orders, was reported to be one of the problems involved. In this connection, recognition is given to recently adopted or recommended amendments to Orders

No. 4 and 61 for Boston and Philadelphia, respectively, under which minimum prices established for milk for manufacturing probably will be somewhat lower during the present flush season than the Class III price as now established. The prices established by State agencies for milk in manufacturing uses and disposed of in competition with Class III milk in most instances are lower than the Class III price under Order No. 27. The price adjustment herein recommended for May and June will bring the price for Class III milk more nearly in line with the minimum prices established under these other orders.

Recognition is also given to the somewhat larger margin for handling and processing contemplated under the 1954–1955 price support program for milk and butterfat than under the 1953–1954 program. The Class III price adjustment herein provided will result in a correspondingly larger margin between the minimum producer price and the market price of manufactured products during the period when the largest volume of Class III milk is utilized in those manufactured products which are purchased under the price support program. This record provides no basis however for concluding that such lower prices should be provided for Class III milk other than for the flush production season this year. Whether or not a similar price adjustment should be applicable during the flush season of 1955 cannot be determined on this record.

It was contended at the hearing that failure to price milk utilized for the manufacture of American cheese more nearly in line with the market price of cheese constituted a handicap to the disposition of milk for use in cheese. It was proposed that milk used in the manufacture of American cheese be priced on the basis of cheese price quotations on the Wisconsin Cheese Exchange. It was contended that cheese made from pool milk customarily is sold on the basis of such quotations. Evidence was not presented to show the actual price at which cheese made from pool milk is sold and it was not established that such price bears any fixed or constant relationship to the price on the Exchange. Consequently, it cannot be concluded that the Exchange price constitutes a true indicator of the value of pool milk for cheese. It it recognized, however, that it is necessary for a portion of the Class III milk to be manufactured into American cheese during months of hightest production.

There appears to be no necessity for establishing a price for milk used for cheese lower than for milk used for butter and nonfat dry milk solids over any extended period of time. Although averaging about the same over long periods of time, there frequently are periods of several months during which there is considerable difference between the unregulated prices paid for milk at creameries and the prices paid at cheese factories in the same general competitive area. This fact was cited at the hearing in support of the proposal to establish a separate classification for milk used for American cheese and for pricing it on the basis of the market price of cheese independent of the price established for milk utilized for butter and nonfat dry milk solids. The order now provides, by means of the butter-cheese adjustment, for pricing milk at the same level when used either for cheese or for butter and for pricing milk for both uses at a moderately higher level whenever the market price of cheese is unusually high in relation to the market price of butter and nonfat dry milk solids.

Producers would not be receiving the full value of the milk, however, if milk for cheese was priced lower than for butter during those periods when all of the milk could be used for butter. On the other hand, during months of highest seasonal production when it is necessary to utilize pool milk in both butter and cheese there appears to be merit in the proposal to relate prices established for milk used for cheese more closely than at present to the market price for cheese. Accordingly, the butter-cheese adjustment provision should be revised to provide a price for milk made into cheese lower than for butter and nonfat dry milk solids during the months of March through July if during such months the market price for cheese is unusually low in relation to the market price for butter and nonfat dry milk solids. The amendment herein set forth provides that for each 0.05 of a point by which the normal ratio of 2.5 is lower than the ratio existing for the current month of the market price for butter and nonfat dry milk solids to the price of cheese there shall be a reduction of 1 cent per pound of butterfat in the price otherwise established for milk utilized for cheese. This will provide a relatively prompt downward adjustment in the price for milk used for cheese whenever the price of cheese becomes relatively low, and such adjustment will be at double the rate at which the price of milk both for butter and cheese is now increased when the market price of cheese is unusually high in relation to butter and nonfat dry milk solids. The market prices of butter and nonfat dry milk solids in relation to the market price of cheese has not deviated from the ratio of 2.5 during any month since November 1952. The ratio was less than 2.5 during the months of September, October, and November 1952 resulting in a slight increase in the price of milk for butter and cheese during those months. The only time during the past three years when the ratio was higher than 2.5 was during the period November 1951 through March 1952. Being applicable only during the months of March through July, the proposed new provision would have operated to reduce the price only during the month of March 1952.

Except for this revision in the butter-cheese adjustment, designed to facilitate the utilization of milk for cheese at times when such utilization is necessary, there should be no change in relationship between the price established for milk for butter and cheese and the price established for other Class III uses. Any further widening of the differential between the price of milk for butter and cheese and the price of other Class III milk, as would result, for example, from adoption of the proposal to discontinue adding 2 cents to the butter price in calculating the price of milk for butter, would have the undesirable effect of making the utilization of milk in butter and cheese more advantageous than at present in relation to other Class III uses. The adjustments herein provided effecting the general level of the Class III price apply, of course, to milk used for butter, and appear to constitute a more appropriate means of adjusting the price of milk for butter than to change the present pricing arrangement in a way which might result in unnecessary shifts of milk to butter from other Class III uses.

A proposal was considered at the hearing that the price for milk used for milk chocolate and other candy products be established at the same level as for butter and cheese. It was contended in support of the proposal that milk solids and butterfat in concentrated form are available from Midwest plants (condenseries) operated by the proponent chocolate manufacturer at a price about 15 cents below the price paid a pool plant handler for fresh bulk whole fluid milk. The reported comparative cost of concentrated supplies from plants of the same company was not shown to have been arrived at in a manner suitable for use as a basis for pricing pool milk. Such comparative cost apparently was calculated from an assigned cost of such milk to the shipping plant of less than the price paid to farmers at the plant. It was characterized by the proponent as extra milk "dumped" on the market for whatever they could get. There would be no apparent stopping point if pool milk was to be priced on that basis. It was not shown that, except for such "dumped" milk, that alternative supplies are available for chocolate manufacture at prices below the full Class III price. If they are, there appears to be no reason why such supplies are available only to chocolate manufacturers, and not to such other users of Class III milk as ice cream manufacturers. The record does not justify a provision pricing milk for milk chocolate and other candy products lower than for other Class III uses particularly in view of the overall reduction in price applicable in May and June.

The rejection, except to the limited extent herein provided, of proposals for the pricing of certain uses of Class III milk independently is largely in recognition of the manner in which milk in excess of fluid requirements has been utilized since the present pricing system was adopted in 1949. The volume of Class III milk in 1953 was 1,719 million pounds larger than the volume of pool milk in equivalent uses in 1948, an increase of about 110 percent. A reduction from 1948 to 1953 of 20 million pounds in the volume of milk used for storage cream means that the volume in other uses was 1,739 million pounds larger in 1953 than in 1948.

Increases in volumes for other uses from 1948 to 1953 were (in millions of pounds): for fluid cream outside the marketing area—from 161 to 715, an increase of 344 percent; for ice cream—from 337 to 770, an increase of 128 per-

cent; cream cheese—from 21 to 111, an increase of 429 percent; for whole milk products other than American cheese—from 387 to 423, an increase of 9 percent; for Cheddar cheese—from 185 to 299, an increase of 62 percent; and for butter—from 131 to 643, an increase of 391 percent.

Nearly two-thirds of the increase in volume has gone into uses to which the full Class III price applies. Nevertheless, there has been a marked increase in the actual volume used for butter and cheese. The proportion of all Class III milk used for butter and cheese increased from about 20 percent in 1948 to about 29 percent in 1953. Actual volume in these uses was about 3 times larger in 1953 than in 1948. Milk for fluid cream has increased about 4½ times and in terms of actual volume is greater than the increase in the volume used for butter. Ice cream constitutes the largest single outlet for Class III milk and the volume so used has more than doubled since 1948. The increase in actual volume, however, has been less than for butter. The volume of pool milk used for ice cream in 1953 in relation to the volume of ice cream produced in the Northeast is much larger than in 1948 and has increased in 1953 after dropping slightly in 1951 and 1952 from the levels of 1949 and 1950. In spite of the rather substantial gains in expanding outlets for Class III milk in uses yielding a higher return to producers than for milk used for butter and cheese, the fact that a larger proportion of the Class III milk was used for butter and cheese in 1953 than in 1948 does not appear to support a pricing program under which economic incentives for utilizing Class III milk for other than butter and cheese would be reduced.

The conclusion to eliminate use of the Boston weighted average cream price in establishing the price of Class III milk during the months of August through February has been reached primarily on evidence indicating that it does not constitute a satisfactory measure of the value of Class III milk under existing conditions.

The Boston weighted average cream price has been used in calculating the Class III price on the belief that it was the best available measure of the value of Class III butterfat during periods when milk in excess of fluid requirements is in relatively short supply. It does not appear, however, that the Boston weighted average cream price serves that purpose satisfactorily with the increase in the volume of Class III milk recently prevailing and in prospect for this year. The volume of Class III milk during the months of August through February has increased materially while at the same time the volume of cream used in computing the Boston weighted average has declined. During the period August through February 1952–1953 and 1953–1954, the volume of Class III milk was 38 and 52 percent, respectively, higher than for the same period 1950–1951. The volume of Class III milk used in butter was about ten times larger during the period August through February 1952–1953 than for the same period 1950–1951. The volume of cream in the Boston weighted average declined nearly 50 percent during the three year period and for the months of August through February 1952–1953 represented a milk equivalent only about one-fourth as large as the volume of pool milk used for butter.

Notwithstanding, this material increase in the volume of Class III milk, however, and the decline in the volume of cream in the Boston weighted average, the price per pound of butterfat based on the Boston weighted average cream price averaged about 4 cents higher that the Class III formula price per pound of butterfat based on butter during the period August 1952 through February 1953. It was during this period particularly that handling margins on milk for fluid purposes were reported to have been depressed. Handlers also reported considerable difficulty in disposing of Class III milk on reasonable terms during this period.

Again during the period August 1953 through February 1954, the volume of Class III milk was at a relatively high level and greatly exceeded the milk equivalent of cream used in computing the Boston weighted average cream price. For three of those months no Boston weighted average was published due to the extremely small volume of cream traded in the Boston market. Instead of being higher than the price of butterfat in butter, as was the case during the last half of 1952, the price of butterfat in Boston cream averaged slightly less during the months August 1953 through February 1954 than the price of butterfat in butter. This change in relationship from 1952 to 1953 makes it appear extremely doubtful that the Boston weighted average cream price continues to reflect the value of Class III milk with a reasonable degree of accuracy under existing conditions. Fluctuations in the margin in the price of butterfat reflected in the Boston weighted average cream price over the price of butterfat in butter do not appear to coincide with changes in the market value of most of the products for which Class III milk is utilized. Uncertainty as to what this relationship will be from one month to the next under a given set of circumstances was reported to have an adverse effect upon efforts to maintain and expand outlets for Class III milk, particularly for use in ice cream.

The disadvantages of retaining the Boston weighted average cream price as a basis for pricing that portion of Class III milk used for fluid cream outside the marketing area, as distinguished from Class III milk for other uses, appear to out-weigh the advantages to be derived. Such modification was suggested at the hearing. It was not established, however, that the Boston weighted average cream price can be relied upon to reflect the value of Class III milk for fluid cream more accurately than for other purposes. Furthermore, it was shown that such a pricing arrangement would tend to jeopardize outlets for Class III milk for reasons associated with the necessity thus created for more complete verification of utilization at nonpool plants utilizing Class III milk. Although difficult to measure with accuracy, it is concluded that this factor could reasonably be expected to virtually offset any minor enhancement in returns to producers which would result from use of the Boston weighted average in establishing the price of milk used for fluid cream.

Even though the Boston weighted average cream price is found to be no longer suitable for the purpose, some provision should be made in the order for reflecting the higher value of Class III milk which appears to be obtainable at times when there is a smaller volume of Class III milk to be disposed of. While other factors may be involved affecting the marketability of Class III milk, the volume to be disposed of appears to be one of the major factors in determining the price obtainable. With the volume of Class III milk which prevailed prior to 1952 the price established for Class III milk during the months of August through February was somewhat higher than would have resulted from the use of New York 92-score butter plus 2 cents, the level at which it was priced during the months of March through July. The average premium over butter plus 2 was equivalent to slightly more than 3 cents per pound of butter for the August through February periods ending in 1951 and 1952.

During those years, however, the outlets for Class III milk continued to expand and the difficulties experienced in disposing of Class III milk were less pronounced than during the past two years when the volume of Class III milk became substantially higher. The larger volume of Class III milk which has prevailed since 1951 appears to be associated with marketing conditions under which it is difficult to obtain as high a price for Class III milk as formerly. Under these circumstances, it appears appropriate to make provision for increasing the price of Class III milk by the addition of an additional premium over the market price of butter whenever the volume of Class III milk approximates the level prevailing during the years 1950 and 1951.

As a means of effectuating that principle, it seems appropriate to relate the price of Class III milk during the months of August through February to the utilization adjustment percentage which is now used in calculating the price of Class I–A milk. This percentage reflects the relative volume of pooled milk in excess of Class I uses, and is announced for each month by not later than the 25th day of the preceding month. Calculation of a separate Class III percentage by omission of the percentage of milk utilized in Class II would make no significant difference in the result obtained. The utilization adjustment percentages for the months of August through February ending in 1951 and 1952 averaged slightly in excess of 92. There has been no month since February 1952 for which the utilization adjustment percentage has been as high as 92. There were nine months during the 2-year period ending in February 1952 for which the utilization adjustment percentage was 92 or higher. Accordingly, it is concluded that an additional 3 cents, or a total of 5 cents, should be added to the New York market price for 92-score butter during any of the months of August through February for which the utilization adjustment percentage is 92 or higher. This should result in a Class III price during the month of August through February averaging about the same as in 1950 and 1951 in relation to the market price of butter, while at the same time eliminating the unpredictable month to month fluctuations in relation to the market price of butter.

It has been determined that revision is required in the language of the amendments included in the recommended decision as the detailed and appropriate means of carrying out the foregoing conclusions. In subparagraph (1) of the proposed new paragraph (f) in § 927.40, provision for multiplying the per pound value of butterfat by 3.5 to obtain the value for milk containing 3.5 percent of butterfat was inadvertently omitted. Also, in the proposed new proviso in § 927.43, no provision was made for calculating to the nearest five hundredths of a point the ratio of the butter-nonfat dry milk solids value to the cheese value in order to effectuate one of the stated purposes of the proviso. The language of the proposed amendments herein set forth have been revised accordingly.

General findings. (a) The tentative marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" and "Order Amending the Order, as Amended Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order of the Secretary Directing That a Referendum Be Conducted; Determination of a Representative Period; and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608 (c) (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, and as hereby proposed to be further amended, regulating the handling of milk in the New York metropolitan milk marketing area) who, during the month of December 1953, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, as amended, and as hereby proposed to be further amended, to determine whether such producers favor the issuance of the order amending the order, as amended, which is a part of this decision.

The month of December 1953 is hereby determined to be a representative period for the conduct of such referendum.

C. J. Blanford is hereby designated as agent of the Secretary to conduct such referendum, and except as set forth herein, such referendum shall be conducted in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), and shall be completed on or before April 23, 1954.

As a means of effectuating certain policies jointly adopted by the Secretary and the Commissioner of Agriculture and Markets of the State of New York in a memorandum of cooperation dated August 26, 1938, the above designated agent of the Secretary shall, at the same time he transmits his report to the Secretary, also transmit a similar report to the Commissioner of Agriculture and Markets of the State of New York.

The above designated agent of the Secretary shall not be required to transmit with his report to the Secretary a copy of each statement concerning the referendum as it appeared in each newspaper, but he shall transmit with his report a copy of the release which he presented to newspapers generally distributed in the area along with a summary of the numbers and types of newspapers to which it was presented.

The time within which the complete detailed report of the above designated agent shall be transmitted to the Secretary is hereby extended to five days after the close of the referendum, but a preliminary report based on the information then available shall be transmitted to the Secretary within two days after the close of the referendum.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 7th day of April 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic condtions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 927.40 (f) to read as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(f) For Class III milk, the price shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph minus 80 cents: *Provided*, That for the months of May and June 1954 an additional 10 cents shall be subtracted from such sum.

(1) To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during such month by the United States Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market, add two cents, multiply by 1.22 and then multiply by 3.5: *Provided*, That for any of the months from August through February for which the utilization adjustment percentage announced pursuant to § 927.46 (a) (2) is 92 or larger, there shall be an additional three cents added to such average butter price.

(2) Multiply by 7.8 the weighted average, as computed by the market administrator using a weight of 70 for roller process prices and a weight of 30 for spray process prices, of the prices per pound of roller process and spray process nonfat dry milk solids, for human consumption in carlots f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

2. Amend § 927.43 by (1) changing to "(5)" "(7)" and "(8)" the references made therein to subparagraphs "(6)" "(8)" and "(9)" of § 927.46 (b), and (2) by adding after the first proviso therein the following: "*Provided further*, That for milk received from producers during any of the months of March through July which is classified on the basis of one of the types of cheese named in this section, the amount so credited shall be increased one cent per pound of butterfat for each full five hundredths by which the ratio of 2.5 is lower than the ratio computed pursuant to the first proviso of this section, except that, for purposes of this proviso, the ratio computed shall be rounded to the nearest hundredth."

3. Amend paragraph (b) of § 927.46 by deleting subparagraph (5) thereof, and renumbering other subparagraphs accordingly.

[F. R. Doc. 54-2703; Filed, Apr. 9, 1954; 8:52 a. m.]

[7 CFR Part 972]

[Docket No. AO-177-A13]

HANDLING OF MILK IN THE TRI-STATE MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Gallipolis, Ohio, on February 18 and 19, 1954, pursuant to notice thereof issued on February 10, 1954 (19 F. R. 864).

The material issues of record relate to:

1. Revision of the definitions of "fluid milk plant," "Gallipolis district plant" and "producer;"

2. Modification of the rules for classifying interhandler transfers of milk;

3. Revision of the method of computing the Class I price, including the "supply-demand adjustment" provisions and the application of Class I prices to the respective districts of the marketing area;

4. Adoption of a "take out" and "pay back" plan for distributing returns to producers;

5. Reduction of the maximum rate of administrative assessment;

6. Revision of the formula for pricing Class III milk, and the addition of a fourth class (Class IV milk) for pricing purposes; and

7. Certain changes for administrative purposes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The definition of "fluid milk plant," "Gallipolis district plant" and "producer" should be modified.

The term "fluid milk plant" is used in the order to denote those plants at which the handling of milk shall be fully subject to the order. At the present time a fluid milk plant is defined as a plant from which a route (as defined in the order) is operated wholly or partially within the marketing area. Thus, a plant from which no route is operated within the marketing area (called a nonfluid milk plant in the order) but from which milk is supplied in bulk to a plant from which a route is operated is not subject to the pricing and payment provisions of the order, and the milk obtained from such a plant is not priced by the order.

Substantial proportions of the market supply of milk and butterfat have been obtained from these unregulated nonfluid milk plants and in several months of the year such plants have been a regular and substantial source of supply, especially for Huntington district plants. A significant portion of the market supply, therefore, has not been subject to the pricing and payment provisions of the order with the result (1) the effectiveness of the pricing and payment provision of the order in encouraging adequate supplies of pure and wholesome milk has been handicapped, and (2) a portion of the market supply is being procured on a "flat price" basis without regard to use of milk as distinguished from the classified price plan prevailing under the order. These results tend to obstruct effectuation of the purposes of the Agricultural Marketing Agreement Act of 1937, as amended, and create a constant threat to the entire classified price plan.

It is concluded that the definition of a "fluid milk plant" should be changed so that all milk plants which supply milk for the marketing area will be subject to the pricing and payment provisions of the order, except plants which supply relatively small quantities and plants at which the handling of milk is fully subject to the pricing and payment provisions of some order issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. For this purpose, any plant which supplies a total of 25,000 pounds or more of milk per month to one or more plants from which routes are operated within the marketing area should also be a "fluid milk plant," except as explained below. The minimum volume of 25,000 pounds is selected because it approximates one tank truck load of milk.

A similar provision was adopted in a decision issued in October 1953. It was concluded, however, in connection with the expanded definition adopted at that time, to become effective May 1, 1954, that during each of the months of September through April a plant should not be a fluid milk plant unless it supplies milk to one or more plants presently defined as fluid milk plants on one or more days of each week as well as a minimum quantity of 25,000 pounds during the month. Upon further review it appears that the weekly delivery requirement actually would tend to defeat the purpose for which the definition is revised since a plant might avoid becoming a fluid milk plant for any month in the September–April period merely by failing to ship milk during one week of such month. For this reason such requirement has been omitted from the definition adopted by this decision.

Most of the unregulated supply of milk which has been coming into the market has originated at plants at Marysville and Circleville, Ohio. Both of these plants have two or more quality grades of milk. If these or any other similar plants become subject to the order, only that grade(s) of milk which is approved for fluid use by some marketing area health authority would be priced under the order.

Certain handlers oppose a fluid milk plant definition of expanded scope on the basis that they have always purchased producer milk to the extent it was available and that under a revised definition they would encounter great difficulty in obtaining adequate supplies. Each handler, of course, selects his own sources of supply. It appears that in some instances there has been price advantage to the handler in purchasing other source milk. The changes in the fluid milk plant definition herein concluded to be necessary will only subject all major sources of supply to the same pricing and payment provisions, thus preserving the integrity of the price plan established by the order.

A suggestion was made that the definition of "Gallipolis district plant" be revised to include plants in Meigs County, Ohio, because of its proximity to Mason County which lies directly across the Ohio River. Plants in the latter county are covered by the definition. Handlers at Gallipolis have substantial distribution outlets in Meigs County. At present there are no plants located in Meigs County; however, if a handler began a distributing operation from a location in such county, his plant would be termed an "Athens district plant" under § 972.11 of the present order. The proposed change would automatically place such a plant in the same category as Gallipolis district plants for pricing purposes, whereas the Class I price at Athens district plants is 20 cents less than that at Gallipolis district plants. It appears that this change would provide more equitable pricing among handlers in the eventuality described. It is concluded that the proposal should be adopted.

It was further proposed by certain producer associations that the definition of "producer" be revised to eliminate "producer-handlers." It was pointed out that milk received by a handler from a producer-handler generally is surplus to the producer-handler's own fluid milk distribution outlets and usually is disposed of to other handlers during the season of flush production when the market is long on supply and the milk involved can be utilized in the lowest-priced classes only. The effect is to reduce the blended, or uniform, price to the regular producers delivering to such handler.

Since the value of the producer-handler's milk is a "surplus" value, he should not be entitled to share in the proceeds from the sale of Class I and Class II milk regularly supplied by other producers. It may be noted that since producer-handlers are fully exempt from the price and payment provisions of the order, they receive the full benefit of their own Class I sales and do not share the returns from such sales with other producers. Producer-handler milk should not serve to dilute the price payable to other producers. By eliminating producer-handlers as "producers" their milk would become "other source milk" when it enters a handler's plant and the handler would pay for it whatever amount is agreed upon between him and the seller, without effect upon the minimum uniform price to other producers. It is concluded that the proposal should be adopted.

(2) The rules governing interhandler transfers of milk should not be revised.

A proposal was made to classify transfers of milk, skim milk, and cream in fluid form from one fluid milk plant to another on a pro rata basis according to the utilization of milk received at the transferee plant in the various classes. Thus, the classification of milk so transferred would be equivalent to the classification experience realized by producers delivering directly to the transferee plant. At the present time the order provides for the classification of such transfers on the basis of agreement between the buyer and seller, within certain limitations.

It is contended by proponents that the classification of milk by agreement between buyer and seller works a detriment to the ready transfer of producer milk from one district to another and that it would be unfair to Athens producers, for example, for handlers in the Athens district to transfer milk to Huntington plants as Class III milk when the milk would not have been moved such a distance unless it was needed at least in part for Class I or Class II use. If the milk were transferred as Class III milk the Athens district producers would realize, of course, only the Class III price for it.

Equitable application of the prorata basis of classification of transfers would appear to call for its use uniformly in all transactions involving transfers between fluid milk plants whether qualified under § 972.7 (a) or § 972.7 (b). In this circumstance such a provision might have advantage for some producers under certain conditions, but it might also work to the disadvantage of other producers by forcing the latter to take a lower classification for their milk than would otherwise be necessary considering their bargaining strength and the interest of their handler outlets in maintaining the highest possible uniform prices. On the other hand, if the rule were made to apply only to transactions involving plants described under § 972.7 (a), a prospective purchaser might well choose to purchase elsewhere if forced into a prorata classification when buying from another § 972.7 (a) plant. In such event the provision would be of no avail to producers at the potential transferor plant.

The main factor which has worked against a classification of milk satisfactory to producers who supply milk for transfer in this manner appears to be the fact that in the past there have been substantial quantities of milk unpriced, thus reducing the interest of those handlers purchasing milk from outside plants in buying nearer-by milk from handlers in other districts of the marketing area. However, with all milk supplied to the market, except for minor, sporadic shipments of other source milk, to be priced upon entry to the marketing area under the conditions of § 972.7 (b), the need for such a provision should diminish and any handler with a plant qualified under § 972.7 (a) should be able to bargain for a classification of milk transferred which will enable him to reflect to his producers through his uniform price a reasonable return based on its ultimate use. Under an individual handler plan of pooling such a handler has a direct interest in maintaining a satisfactory relationship between the uniform price he pays to his producers, which would be affected by transfers made to other plants and those required to be paid by competing handlers.

The order, of course, does not attempt to sell the milk of producers. This is a function properly left to producers and their representatives. In the interest of all producers regularly supplying the marketing area, it appears preferable at this time to leave the classification of interplant transfers on the present basis of agreement between buyer and seller. Under such provision all producers and their respective handlers are free to utilize their ability to bargain for the maximum return from the sale of their milk under the framework of prices provided. However, if handlers use this provision as a means of reducing returns to local producers unduly, some modification of the basis of classification where interplant movements are involved may be necessary. It is concluded that the transfer provisions should remain unchanged.

(3) The method of determining Class I and Class II price differentials should be revised.

Proposals relating to (1) the levels of Class I and Class II prices in relation to the basic formula price, (2) the seasonal application of class price differentials, (3) the application of Class I and Class II prices by districts, and (4) the "supply demand price adjuster," were submitted for consideration at the hearing.

One association of producers proposed that the Class I price differential (over the manufacturing milk price level) be established at $2.10 per hundredweight for all districts on an annual basis. This would constitute an increase ranging from 65 to 95 cents per hundredweight over the present annual average level of the Class I price differential depending upon the particular district of the marketing area. Under the proposal similar increases in the Class II price level also would occur.

Such increases, if adopted, would occur at a time when the basic formula, or manufacturing, price level is decreasing and thus would increase very substantially the percentages which the class price differentials bear to the basic formula price. The current class price differentials in relation to the current basic formula price level are providing incentive to the delivery of additional milk by procduers. Throughout the milkshed deliveries by individual producers are expanding. Average monthly deliveries from individual producers for the year 1953 were 17 percent greater than during 1952. During the recent month of January 1954 producer deliveries were 20 percent higher than during the same month a year ago. There has been sizeable increase also in the number of producers shipping to marketing area plants during the past year. It appears that in those segments of the marketing area where milk supplies have been lowest in relation to sales, and the need for supplemental supplies has been greatest, there has been no difficulty in obtaining,

under current health requirements, the necessary additional supplies from sources other than regular producers. In these circumstances, it is concluded that an increase in price differentials would not be warranted.

A second proposal would alter the seasonal application of class price differentials by extending the level of differentials currently in effect during the months of October through January to the additional months of August and September. It is alleged by the producer proponents that this proposal would provide producers with greater incentive to shift their production pattern so as to deliver greater quantities of milk in the fall and early winter months when deliveries are lowest in relation to Class I and Class II milk sales.

Data in the record relative to producer deliveries indicate that no additional incentive to the production of milk during the month of August is needed at this time. However, a marked seasonal decline in deliveries below the August level normally takes place in September. At the present time the additional return resulting from the "winter" schedule of differentials does not reach producers until November 18 since such schedule takes effect in October and payments for October milk customarily are made to producers about November 18. The application of the winter differential rates to September milk would place additional monies in the hands of producers one month earlier in the year than the present schedule. This should assist producers in the greater production of fall and winter supplies, particularly during October and November when additional milk is most needed from a seasonal standpoint. On the other hand, the annual average level of differentials should not be increased for the reasons previously stated. It is concluded that the following differentials per hundredweight for Class I milk should apply for Huntington district plants: April, May, June, and July, $1.10; February, March, and August, $1.35; and September through January, $1.80. Class II price differentials should be maintained at the same amount per hundredweight below the Class I price level on the basis of the present record.

Differences in class prices among districts should remain unchanged on the basis of considerations discussed in a previous decision. The establishment of districts with different prices is designed to reflect variations in hauling cost based upon the location of regulated milk plants with respect to the primary sources of milk supply. This principle should apply whether the milk moves from the main supply sources to the various districts in packaged form on distribution routes, in bulk from one plant to another, or in bulk by direct delivery from farm to plant. If the class prices were the same for all districts, the incentive to move producer milk to the communities where it can be utilized to maximum advantage would be removed. In view of the above, it is concluded that the differences in class prices between districts now in effect should continue to prevail. Thus, the effective Class I and Class II price differentials for the Gallipolis, Scioto, and Athens districts should be 10, 20, and 30 cents per hundredweight, respectively, below the level of those established for the Huntington district.

Proposals to price Class I and Class II milk sold from a fluid milk plant located in one district on wholesale or retail routes within another district at the minimum class price effective for the latter district, also were discussed in the record.

The pricing of Class I and Class II milk according to the district where ultimately sold on wholesale or retail routes when distributed from a fluid milk plant in another district would cause producers delivering their milk to plants in a higher-priced district from which milk is moved to a lower-priced district for sale to pay for the movement to the latter district where milk is available from local producers at a lesser cost. If Class I and Class II milk were moved from a fluid milk plant in lower-priced district for sale on wholesale or retail routes in a higher-priced district and priced at the level of the latter district, the producers of the lower-priced district would gain unduly from the movement since they do not bear the transportation cost between the districts. It is concluded from the foregoing that Class I and Class II milk should be priced at the level established for the location of the fluid milk plant from which such milk is disposed.

Another phase of Class I pricing reviewed was the effect of the "supply-demand adjustor." On November 1, 1953, the supply-demand adjustment provisions were revised in the light of changes in other provisions of the order relating to the definition of fluid milk plant, the scope of the marketing area, and the type of pooling plan adopted at that time. Under the revision a new schedule of "standard utilization percentages" to take effect on May 1, 1954, was adopted. It appears now that the schedule of standard utilization percentages which were to take effect on May 1 should be deleted and that the schedule applicable until May 1 should be revised and made to apply indefinitely in light of the further changes made in the fluid milk plant definition and the current supply situation.

Although a new definition of fluid milk plant is adopted in this decision, any additional plant to be covered pursuant to § 972.7 (b) will be regulated for pricing and producer payment purposes for only those months during which a monthly quantity of milk in excess of 25,000 pounds is delivered from such a plant to a plant from which a route(s) is operated within the marketing area. Any such plant qualifying under § 972.7 (b), including those which have been the primary suppliers of other source milk in the past, may qualify as a fluid milk plant one month and be entirely outside the regulation the next, depending on the respective monthly quantities of milk so delivered. Thus, the inclusion of supply and sales data for § 972.7 (b) plants in the computation of standard utilization percentages for the purposes of a supply-demand adjustment would give a distorted view of the local supply-demand situation and the efforts of regular producers to supply the needs of the market.

It appears that a reasonable reflection of the supply-demand situation will result from percentages based upon the total producer receipts and gross Class I utilization at plants from which routes are operated within the marketing area (§ 972.7 (a)). Experience indicates, however, that the particular schedule of percentages based upon receipts and sales at such plants currently in use does not perform to accurately measure supply changes in relation to demand under the conditions outlined. It was for this reason that the supply-demand adjustment resulting therefrom recently was suspended for the months of February, March, and April 1954. The standard utilization percentages should allow for not less than 5 percent of producer receipts as a minimum reserve quantity of producer milk during each month. At present, for example the standard utilization percentage for February 1954 (based on supply-sales data for December 1953 and January 1954 is predicated upon the utilization of a quantity of milk in Class I equal to 100 percent of local producer milk receipts in such two months which, although experienced at certain times in the past, does not represent an adequately supplied market. It may be noted that even though local production is increasing as rapidly as might be expected, a quantity of milk equal to 100.3 percent of producer receipts was needed for Class I uses in the short production month of November 1953. The revised percentages should result in a reasonable reflection of the supply-demand relationship.

It is concluded in another part of this decision that the butterfat differential applicable to the Class III price should be decreased slightly to bring it directly in line with the price of butterfat reflected in the Class III price formula for 3.5 percent milk. In order to keep an appropriate spread between the butterfat differential applicable to the Class I price and that adopted for Class III pricing, it is concluded that the Class I butterfat differential should be reduced to the same level as the Class II butterfat differential.

(4) A "take out" and "pay back" plan of distributing among producers the proceeds from the sale of milk should not be adopted.

A proposal for a fall production incentive plan whereby a portion of the monies paid by handlers for Class I milk in April, May, and June would be held in a special fund and distributed among producers in October, November, December, January, and February was considered at the hearing. This plan was offered in connection with the proposal to establish the Class I price differential at $2.10 for all districts and for all months.

There is a substantial variation between the Class I differential for April, May, June, and July and that effective during the fall and winter months. It does not appear that this proposal for distributing monies seasonally would result in as wide a difference between the spring and fall price levels as the present plan of seasonally adjusted price differentials and thus would provide somewhat less encouragement to local producers to shift from spring to fall production.

Moreover, complications would arise under the proposal in connection with the distribution of monies to producers delivering to fluid milk plants qualified under § 972.7 (b) at which milk will be priced only a part of the year. Although the market presently relies upon such plants for a substantial proportion of supplies, particularly in the fall months, such plants normally would be qualified as fluid milk plants during the period when payments are made to producers from the set-aside fund but would not be so qualified at the time deductions from the price are made for the benefit of the fund. It appears that proponents intended that the monies paid into the fund would be paid out to the same producers (or to the producers delivering to the particular handler at the time of payment) and did not propose the sharing of such monies with producers at plants shipping under § 972.7 (b) not contributing to the fund. On the other hand, the "take out" and "pay back" plan must be regarded as having market-wide implications and is not a method of distributing returns to producers as individuals delivering to a given handler. If the participation of producers at § 972.7 (b) plants were not provided for under the plan, the result would be different seasonal patterns of prices for different groups of producers. Producers supplying a fluid milk plant qualified under § 972.7 (b), but from which no milk was shipped to the market in April, May, June, and July, would have no fall production incentive fund to share and thus would receive substantially lower prices than other producers even though the value of their milk as a part of the market supply in the fall months would be fully as high in relation to summer production as other producers participating in an incentive fund. In view of the foregoing, it is concluded that it is preferable to establish seasonal variations in returns to producers by means of seasonal variations in the Class I and Class II prices and thus provide the basis for distributing the proceeds from the sale of milk to all producers in accordance with its proper seasonal value.

(5) The maximum rate of administrative assessment should not be changed.

A proposal to change the maximum rate of administrative assessment from 4 to 3 cents per hundredweight was offered. The testimony disclosed increases in both income and necessary expenditures since the order was first instituted in 1945. The order currently provides a means for the reduction of the assessment at any time that funds on hand exceed the amount required for a reasonable operating reserve. It is the intent not to collect administrative funds in amounts greater than the minimum necessary to give effective administration. For several months in 1948 the assessment was eliminated entirely in order to reduce the amount of funds in reserve. Some expansion of the regulation and of the administrative work probably will occur as the result of changes previously discussed. In view of the flexibility of the present provision and the expanded scope of the regulation in prospect, it is concluded that an amendment to change maximum rate should not be adopted.

(6) The Class III price formula should be modified for a temporary period.

From available data in the record it appears that the quantities of milk which will be in seasonal excess of fluid requirements in the flush production months of this year, and which must be converted into manufactured dairy products such as butter, nonfat dry milk solids, and evaporated milk, will be the largest in the history of the market.

There is a lack of manufacturing facilities for processed milk products in Class III other than ice cream and cottage cheese at handlers' fluid milk plants; however, even those handlers who process Class III milk in their own plants into such products as evaporated milk, butter, or nonfat dry milk solids are required to pay for it, under the present formula, substantially more than the prices paid for milk by directly competitive nonhandler manufacturing plants. In the interest of orderly marketing the price level applicable to that portion of the reserve supply of producer milk in the months of seasonally heavy production in 1954 processed into the products referred to or used in the manufacture of other foods should be reduced. When handlers utilize milk for ice cream and cottage cheese, it does not represent a "distress" disposition for producer milk. For this reason the price of milk for ice cream and cottage cheese appears reasonable and should not be reduced. It is concluded that the reduction in price for distress milk disposition should be 25 cents per hundredweight under the present formula level and should apply to the months of May, June, and July 1954, as a reasonable reflection of current marketing conditions for milk in such uses.

As a corollary adjustment the butterfat differential on Class III milk should be reduced slightly. Such reduction should continue throughout each month of the year in order to align the price of butterfat in such class represented by tests other than 3.5 percent with the price of butterfat represented in 3.5 percent milk so used. This has been done by basing the butterfat differential for Class III milk directly on the individual prices of skim milk and butterfat included in the formula which determines the price for 3.5 percent milk in such manufacturing class.

(7) Certain changes should be made for administrative purposes.

The date by which the uniform prices should be announced should be changed from the 10th day to the 12th day following the month for which such prices are computed. This is necessary to permit pool calculations to be made without adding to the force of personnel in the office of the market administrator, and should hold the expense of such computations to the least possible amount. As a conforming change the respective dates by which administrative and marketing service assessments must be paid by handlers should be set back two days also. Certain other changes corollary to the revision of the "fluid milk plant" definition have been made. These include (1) revision of the marketing services provision, (2) inclusion of new provisions specifying payments to be made by handlers for milk purchased from any cooperative association operating a fluid milk plant, and (3) the addition of a definition "cooperative association." These changes in language are necessitated by the fact that the record indicates that a primary supplier of other source milk which may become a handler in light of the revised definition of "fluid milk plant" is a cooperative association with a plant operation. Thus, the order should be made more specific with respect to the obligations of handlers who receive milk from the plant of a cooperative association. The new definition of "cooperative association" includes language presently contained in § 972.76 which has been deleted through revision of the marketing services provision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing

agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 972.7 and substitute therefor the following:

§ 972.7 *Fluid milk plant.* "Fluid milk plant" means any milk handling plant (hereinafter referred to as a "plant"), except a plant at which the handling of milk is regulated by another milk marketing agreement or order issued pursuant to the act, under the following conditions:

(a) In any delivery period in which a route is operated wholly or partially within the marketing area from such plant; or

(b) In any delivery period in which a total of 25,000 pounds or more of milk, or an amount of skim milk and butterfat from which 25,000 pounds or more of milk can be processed, is delivered in fluid form from such plant to any plant(s) which is a fluid milk plant pursuant to paragraph (a) of this section: *Provided*, That a "fluid milk plant" pursuant to this section shall not mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

2. Delete § 972.9 and substitute therefor the following:

§ 972.9 *Gallipolis district plant.* "Gallipolis district plant" means a fluid milk plant located in Gallia County or Meigs County, Ohio, or in Mason County, West Virginia.

3. Delete § 972.13 and substitute therefor the following:

§ 972.13 *Producer.* "Producer" means a person other than a producer-handler who produces milk received:

(a) At a fluid milk plant, or

(b) At a nonfluid milk plant by diversion within April, May, June, or July from a fluid milk plant: *Provided*, That such person producing milk, holds a dairy farm inspection permit or equivalent certification if required by the appropriate health authority of the community(s) for which his milk is produced.

3a. Delete § 972.16 and substitute therefor the following:

§ 972.16 *Handler.* "Handler" means:

(a) A person, including a cooperative association, who operates a fluid milk plant, or

(b) A cooperative association with respect to milk customarily received as producer milk at a fluid milk plant which is diverted by such association within April, May, June, or July on its account from a fluid milk plant to a nonfluid milk plant.

4. Add the following as § 972.19:

§ 972.19 *Cooperative association.* "Cooperative association" or "association of producers" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 972.13 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

4a. Delete from § 972.22 (j) (2) the word "10th" and substitute therefor the word "12th."

5. Delete § 972.41 (a) and (b) and substitute therefor the following:

(a) Add the following amounts for the delivery periods indicated:

	April, May, June, and July	February, March, and August	September, October, November, December, and January
Huntington district plants	$1.10	$1.35	$1.80
Gallipolis district plants	1.00	1.25	1.70
Scioto district plants	.90	1.15	1.60
Athens district plants	.80	1.05	1.50

(b) Add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk (less interhandler transfers) at all fluid milk plants described under § 972.7 (a) for the first and second preceding delivery periods by the total receipts of milk from producers at such plants during the same delivery periods, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage."

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph the "standard utilization percentage shown below:

Delivery period for which price is being computed:	*Standard utilization percentage*
January	95
February	94
March	92
April	85
May	80
June	73
July	62
August	63
September	68
October	81
November	93
December	94

(3) Determine the amount of the supply-demand adjustment as follows:

If the net utilization percentage is—	*Supply-demand adjustment is (cents)—*
+12 or over	+38
+9 or +10	+28
+6 or +7	+20
+3 or +4	+10
+1 or −1	0
−3 or −4	−10
−6 or −7	−20
−9 or −10	−28
−12 or under	−38

When the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month. If for the first delivery period the above schedule is in effect the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the nearest bracket thereto which would result in the least change from zero.

6. Replace the period (.) at the end of § 972.43 with a colon (:) and add the following proviso to such section: "*Provided*, That for the months of May, June, and July 1954 the price so determined shall be reduced 25 cents per hundredweight with respect to all Class III milk other than that used to produce ice cream, ice cream mix, and cottage cheese."

7. Delete from § 972.44 (a) the figure "1.0" and substitute therefor the figure "0.5."

8. Delete § 972.44 (c) and substitute therefor the following:

(c) *Class III milk.* Subtract $3.00 from the average price per hundred pounds of butter as described in § 972.40 (c) (1), multiply by 1.2, subtract therefrom the amount per hundredweight computed pursuant to § 972.40 (c) (2), and divide such result by 1000.

9. Delete the word "and" at the end of § 972.65 (a).

10. Delete § 972.65 (b) and substitute therefor the following:

(b) To a cooperative association for milk received from producers from whom such association has received written authorization to collect payment, on or before the 16th day after such delivery period, of a total amount equal to not less than the sum of the individual amounts otherwise payable to other producers under paragraph (a) of this section.

(c) On or before the 16th day after such delivery period each handler shall pay to each cooperative association which operates a fluid milk plant, for skim milk and butterfat received as milk or a milk product from such cooperative association during such delivery period, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class by the respective class price pursuant to §§ 972.41, 972.42, and 972.43, adjusted by the appropriate butterfat differential pursuant to § 972.44; and

(d) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its member producers in accordance with such provision of the act.

11. Delete from § 972.71 the word "13th" and substitute therefor the word "15th"; delete from the same section the word "10th" and substitute therefor the word "12th".

12. Delete §§ 972.75 and 972.76 and substitute therefor the following:

§ 972.75 *Marketing services.* (a) (1) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 972.65 (a) shall make a deduction of 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(i) All milk received from producers at a plant not operated by a cooperative association;

(ii) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(iii) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator.

(2) Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the delivery period. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct in lieu of the deduction specified under paragraph (a) of this section, from payments made pursuant to § 972.65 (a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 15th day after the end of the delivery period, such deduction to the association entitled to receive it under this paragraph.

Filed at Washington, D. C., this 8th day of April 1954.

ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2739; Filed, Apr. 9, 1954; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 42]

EN ROUTE LIMITATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in § 42.80, the Administrator of Civil Aeronautics contemplates amending § 42.80–6, published on January 10, 1950, in 15 F. R. 93. The amendment would establish en route limitations for Beech AT–11 aircraft. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator in connection with the proposed rules, shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER. The Administrator proposes amending § 42.80–6 to include the following en route limitations data applicable to the Beech AT–11:

TABLE 1—EN ROUTE LIMITATIONS

BEECH AT–11

Weight in pounds	Terrain clearance[1] in feet and climb speed in miles per hour (TIAS)	
	Feet	Miles per hour
7,850	6,200	102.1
7,500	7,800	100.9
7,000	10,170	99.2
6,500	12,500	97.5

[1] Highest altitude of terrain over which airplane may be operated in compliance with CAR 42.82.

NOTE: Inoperative propeller idling in high pitch. Cowl flaps are closed on inoperative engine. De-icers are not operating.

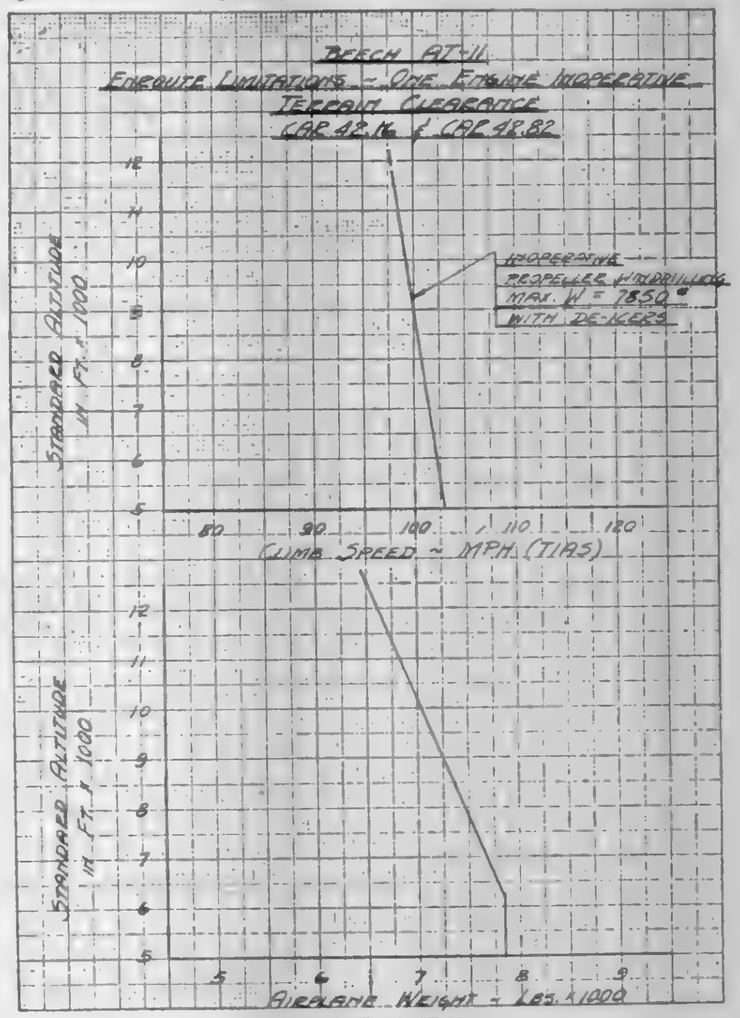


FIGURE 6—Beech AT-11.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2580; Filed, Apr. 9, 1954; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

[Draft Release No. 54-9]

AIR TRAFFIC RULES

CEILING AND DISTANCE FROM CLOUDS; OVER-THE-TOP FLIGHT

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment to Part 60 of the Civil Air Regulations which will provide for ceiling and distance from clouds on an over-the-top operation.

Interested persons may participate in the making of proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by May 14, 1954. Copies of such communications will be available after May 18, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Section 60.30 of the Civil Air Regulations prescribes that when operating under visual flight rules aircraft shall not be flown less than 500 feet vertically from clouds or less than 2,000 feet horizontally from clouds. The purpose of this rule is to provide clearance between aircraft breaking out from clouds and aircraft operating either above or below clouds. In view of the rapid rate of ascent and the increased speed of modern pressurized aircraft, it is desirable to provide greater clearance between such aircraft breaking out of clouds while climbing and aircraft operating over-the-top. It is proposed, therefore, to amend the visual flight rules of Part 60 to provide that while flying over-the-top aircraft shall not be flown less than 1,000 feet vertically from clouds or less than 2,000 feet horizontally from clouds.

Accordingly, notice is hereby given that it is proposed to amend Part 60 of the Civil Air Regulations as follows:

1. By amending § 60.30 by redesignating paragraphs "(a)" and "(b)" as paragraphs "(b)" and "(c)" respectively.

2. By adding a new paragraph (a) to § 60.30 to read as follows:

§ 60.30 *Ceiling and distance from clouds.* • • •

(a) *Over-the-top flight.* When operating over-the-top, aircraft shall not be flown closer than 1,000 feet vertically and 2,000 feet horizontally from any cloud formation.

3. By adding a new § 60.90 to read as follows:

§ 60.90 *Over-the-top.* Over-the-top shall mean the operation of an aircraft above a layer of clouds or obscuring phenomena that is reported as "broken", "overcast", or "obscuration" and not classified as "thin" or "partial".

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

Dated: April 6, 1954, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 54-2700; Filed, Apr. 9, 1954; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 141, 145, 147, 186, 187, 311, 312]

REJECTION OF FREIGHT AND PASSENGER TARIFFS AND SCHEDULES AND REJECTION OF NOTICE OF REVOCATION OF CONCURRENCE OR POWERS OF ATTORNEY

NOTICE OF PROPOSED RULE MAKING

APRIL 6, 1954.

1. It appears there is a need for revision of the regulations governing the rejection of (1) passenger tariffs of railroads and water carriers contained in Rule 41 (m) of Tariff Circular No. 18-A (Part 145), (2) tariffs of express companies contained in Rule 14 (e) of Tariff Circular No. 19-A (Part 147), (3) freight tariffs of railroads, pipe lines and water carriers contained in Rule 14 (e) of Tariff Circular No. 20 (Part 141), and (4) freight tariffs of common carriers by motor vehicle contained in the preface to and in Rule 20 (i) of Tariff Circular MF No. 3 (Part 187).

2. There is also an apparent need for amendment of the tariff circulars listed next below to include appropriate rules to govern the rejection of tariffs and schedules:

Tariff Circular MF No. 2 (Part 187), regulations to govern the construction and filing of minimum schedules of contract carriers by motor vehicle, covering the transportation of freight.

Tariff Circular MF No. 3 (Part 186), regulations to govern the construction and filing of tariffs and minimum schedules of common and contract carriers by motor vehicle, covering the transportation of passengers and express matter.

Tariff Circular No. 21 (Part 312), regulations to govern the construction and filing of minimum schedules of contract carriers by water, covering the transportation of freight.

Tariff Circular No. 22 (Part 312), regulations to govern the construction and filing of tariffs of common carriers by water, covering the transportation of freight.

Tariff Circular No. 23 (Part 316), regulations to govern the construction and filing of tariffs of common carriers by water, covering the transportation of passengers.

3. It further appears there is also a need for amendment of each of the tariff circulars identified in the two preceding paragraphs hereof to include an appropriate rule to govern the rejection of a notice of revocation of a concurrence or power of attorney.

4. Accordingly, pursuant to the provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. C. C. 1003), notice is hereby given of the proposed,

(a) Amendment of the cited provisions of the tariff circulars identified in the first paragraph hereof, and

(b) Amendment of the tariff circulars identified in the second paragraph hereof,

so as to read as follows:

Any tariff or schedule, tendered for filing, which fails to give lawful notice of changes in rates, charges or other provisions which it proposes to establish, or which fails to meet the requirements of the regulations contained herein, or violates any order of the Commission or of a court, is subject to rejection by the Commission. When a tariff or schedule is rejected, the Commission, acting through a designated administrative officer, will inform the carrier or the agent who tendered it for filing, in writing, of the reasons for rejection, and will return the rejected tariff or schedule to such carrier or agent.

The number assigned to a tariff or schedule which has been rejected may not again be used. The rejected tariff or schedule may not be referred to in any subsequent tariff or schedule as having been canceled, amended or withdrawn, but the tariff or schedule which is published in its stead must bear the following notation: "Issued in lieu of (here identify the rejected schedule or tariff), rejected by the Commission."

5. It is further proposed to amend each of the tariff circulars specified in paragraphs 1 and 2 hereof by the addition of the following rule:

A notice of the revocation, complete or partial, of a concurrence or power of attorney which, if it were to become effective, would require the establishment of rates, fares, or charges in violation of an order of the Commission or of a court, or of these regulations, may be rejected in the same manner as a tariff or schedule, and any such notice of revocation which would require the establishment of rates, fares or charges of doubtful lawfulness may be suspended.

6. Interested parties may file, on or before June 6, 1954, with this Commission, written statements of facts, opinions or arguments concerning the proposed rules. Any written statement so filed shall conform to the specifications provided in Rule 15 of the Commission's general rules of practice. An original signed copy and 5 additional copies shall be furnished for use of the Commission. No formal hearing with respect to the proposed rules is contemplated, but informal conferences with designated officials of this Commission may be had.

Notice to the public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for inspection, and by filing a copy with the Director of the Federal Register.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2693; Filed, Apr. 9, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 80

APRIL 5, 1954.

1. Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. Sec. 682a), as amended, the following described public lands in the Fairbanks, Alaska, Land District:

CANTWELL AREA

FOR LEASE AND SALE

For Home Sites

U. S. Survey 3229:
Lot 11; Lots 13-24, inclusive,
Lots 26, 27, and 28.

Containing approximately 67.94 acres.

2. These lands are located approximately two miles east of Cantwell Station along the Paxson-McKinley Park Road, now under construction. Eight of the tracts have road frontage, while the remaining eight are one tier removed from the road. Assorted gravels underlay level terrain which is covered by open stands of spruce, aspen, and birch. The climate features long, cold winters and a cool growing season which averages 63 days in duration. Sewage disposal can be accomplished on individual tracts through septic tanks or cesspools, and domestic water supplies can be obtained from shallow, hand-dug wells. At present, the economic activity in the area is limited to the operations of the Alaska Road Commission and the Alaska Railroad, but a great stimulus is expected from the tourist traffic when the new highway is completed. Limited community facilities are available in Cantwell or in McKinley Park, 28 miles to the north.

3. The following described lands appear from the land records to be subject to prior valid existing settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. As to these lands, preference right will be accorded to the respective occupants thereof, in accordance with the procedure set forth in paragraph 4a (2) below:

CANTWELL AREA

U. S. Survey 3229:
Lots 13, 14 and 18.

Containing approximately 13.93 acres.

4. This classification order shall not otherwise become effective to change the status of any lands described herein or to permit the leasing of any such lands under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on April 28, 1954. At that time the lands described below shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection, as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on April 28, 1954, to close of business on July 27, 1954, inclusive, preference wil be given, as set forth above, to:

(1) Applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) an amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and

(2) Applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by veterans and other qualified persons under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph.

(b) *Advance period for simultaneous preference right filings.* All applications filed by such veterans and other qualified persons, or by persons claiming preference rights superior to those of such veterans filed under the preceding paragraph (a) on April 7, 1954, or thereafter, up to and including 10:00 a. m. on April 28, 1954, shall be treated as simultaneously filed. All applications filed under the preceding paragraph (a) after 10:00 a. m. on April 28, 1954, shall be considered in the order of filing.

(c) *Date for non-preference right filings.* Commencing at 10:00 a. m. on July 28, 1954, any lands remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on July 7, 1954, or thereafter, up to and including 10:00 a. m. on July 28, 1954, shall be treated as simultaneously filed. All applications filed thereafter shall be considered in the order of filing.

5. A veteran shall accompany his application with a complete photostatic, or other copy, (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or which constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be made on Form 4-776 and shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, under the circumstances, are substantial, and are appropriate for the use for which the lease is issued. Leases will be issued for a period of two years, at an annual rental of $5 for home sites, which is payable in advance for the entire lease period. Applications for extension for an additional period of one year shall be considered in appropriate cases. Every lease for land classified for lease and sale will contain an option to purchase clause and every such lessee may file an application to purchase at the sale price as provided in the lease.

8. All of the land will be leased in tracts varying in size from approximately 2.78 acres to approximately 5 acres, in accordance with the classification maps on file in the Land Office, Fairbanks, Alaska. These tracts are appraised at prices ranging from $60 to $125.

9. Lessees must locate any wells or sewage disposal facilities in accordance with the laws and regulations of the Territory of Alaska.

10. The leases will be made subject to rights-of-way for road purposes and public utilities, as specified in the Classification and Appraisal Report on file in the Land Office, Fairbanks, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, County, or Municipality, or by any agency thereof. In the discretion of the authorized officer of the Bureau of Land Management, these rights-of-way may be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

FRED J. WEILER, *Chief, Division of Land Planning.*

[F. R. Doc. 54-2674; Filed, Apr. 9, 1954; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

ORGANIZATION AND FUNCTIONS

In accordance with the public information requirements of the Administrative Procedure Act, the description of the organization and functions of the Civil Aeronautics Administration is revised in its entirety to read:

SUBPART A—INTRODUCTION

Sec.
1. Addresses.
2. Inquiries.

SUBPART B—ORGANIZATION AND FUNCTIONS

11. Organization.
12. Delegation of authority.
13. General functions.
14. Functions of the Office of the Administrator.
15. Functions of Staff and Program Offices.
16. Functions of Major Field Organizations.

SUBPART C—FUNCTIONS AND LOCATIONS OF FIELD OFFICES

21. Airport District Offices.
22. Aviation Safety District Offices.
23. Air Route Traffic Control Centers.
24. Airport Traffic Control Towers.
25. Interstate Airway Communications Stations.
26. Overseas Foreign Aeronautical Communications Stations.
27. International District and Field Offices.

SUBPART D—AIR NAVIGATION DEVELOPMENT BOARD

31. Services provided by the Civil Aeronautics Administration.

SUBPART A—INTRODUCTION

SECTION 1. *Addresses.* Headquarters offices of the Civil Aeronautics Administration are located in Tempo Buildings T-4 and T-5, Seventeenth and Constitution Avenue NW., Washington, D. C. The locations of the various field activities of the Civil Aeronautics Administration are listed in Subparts B and C with the functional description of those activities.

SEC. 2. *Inquiries.* Further information regarding the organization and functions of the Civil Aeronautics Administration may be secured from the Aviation Information Office, Civil Aeronautics Administration, Washington 25, D. C.

SEC. 11. *Organization.* (a) The Civil Aeronautics Administration, a primary organizational unit of the Department of Commerce shall be under the authority and supervision of the Under Secretary of Commerce for Transportation and shall be directed by an Administrator who shall report and be responsible to the Under Secretary of Commerce for Transportation.

(b) The Civil Aeronautics Administration shall consist of the following organizational units:

(1) Office of the Administrator, which includes the:

Administrator.
Assistant Administrator for Administration.
Assistant Administrator for Program Coordination.
Executive Assistant.

(2) Staff and Program Offices, including:

General Counsel's Office.
Aviation Information Office.
Budget Office.
Organization and Methods Office.
Personnel Office.
Office of General Services.
Office of Airports.
Office of Aviation Safety.
Office of Federal Airways.

(3) Major Field Organizations, including:

Regional Offices.
Washington National Airport.
Aeronautical Center.
Technical Development and Evaluation Center.

SEC. 12. *Delegation of authority.* (a) Subject to such policies and directives as the Secretary of Commerce may prescribe the Administrator shall carry out the responsibilities and authority of the Secretary with respect to civil aeronautics and air commerce in the United States and abroad more specifically described in, but not limited to, the applicable provisions of the following statutes:

The Air Commerce Act of 1926, as amended (49 U. S. C. 171).
The Civil Aeronautics Act of 1938, as amended (49 U. S. C. 401).
The Federal Airport Act, as amended (49 U. S. C. 1101).
The International Aviation Facilities Act (62 Stat. 450).
Public Law 762, 81st Congress, dated September 7, 1950 (64 Stat. 770) authorizing the construction and operation of a public airport in or in the vicinity of the District of Columbia, except selection of the site which function is reserved to the Secretary of Commerce.
The Alaska Airport Act, as amended (62 Stat. 277).
Public Law 867, 81st Congress, dated September 30, 1950 (64 Stat. 1090) authorizing action to promote the development of improved transport aircraft.
Public Law 674, 76th Congress, dated June 29, 1940 (54 Stat. 686) as amended, to provide for the administration of the Washington National Airport.
Public Law 289, 80th Congress, dated July 30, 1947 (61 Stat. 678) as amended by Public Law 311, 81st Congress, dated October 1, 1949 (63 Stat. 700) to expedite the disposition of government surplus airports, airport facilities, and equipment, and to provide for the transfer of compliance functions with relation to such property.

(b) The Administrator shall also carry out the power and responsibility vested in and delegated to the Secretary of Commerce under the Defense Production Act of 1950, as amended, with respect to those portions of the defense production program relating to civil aviation not otherwise reserved or assigned.

(c) The Administrator may redelegate and authorize the successive redelegation of the authority granted herein to any officer of the Civil Aeronautics Administration and prescribe limitations, restrictions, and conditions in the exercise of such authority.

SEC. 13. *General functions.* The Civil Aeronautics Administration fosters and encourages the development of civil aeronautics and air commerce in the United States and abroad. Principal operations are the establishment of a system of airways, including the operation of air navigation facilities and the control of air traffic; technical development work in the field of aeronautics; collection and dissemination of information relative to civil aeronautics; registration of aircraft nationality and recordation of ownership; promotion of safety in flight through inspection and certification of aircraft, airmen, air agencies, and air carriers in accordance with standards prescribed under Civil Air Regulations; planning and coordinating the establishment of a nationwide system of airports suitable to the needs of civil aviation and national security, including the granting of funds necessary to assist in carrying out such a program; and operation of the Washington National Airport. In the performance of these functions the Civil Aeronautics Administration collaborates with public, military, private, and foreign or international agencies in the development of standards and policies intended to foster and facilitate the use of aircraft in air commerce and civil aviation.

SEC. 14. *Functions of the Office of the Administrator.* The functions of the principal officers of the Office of the Administrator are as follows:

(a) The Administrator, in conformity with the policies and directives of the Secretary of Commerce, determines the policies of the Civil Aeronautics Administration and directs the development and execution of its programs.

(b) The Assistant Administrator for Administration acts as the principal assistant to the Administrator in the planning, coordination, and evaluation of the budgetary management, personnel administration, organization planning, and general administrative services of the Civil Aeronautics Administration.

(c) The Assistant Administrator for Program Coordination acts as the principal assistant to the Administrator in the planning, coordination, and evaluation of Civil Aeronautics Administration program operations, domestic and international; plans, directs, and coordinates the program planning activities of the Office of the Assistant Administrator for Program Coordination, and provides general direction to the work of that Office.

(d) The Executive Assistant assists the Administrator in matters that require his personal attention.

SEC. 15. *Functions of Staff and Program Offices.* The functions of the Staff and Program Offices are as follows:

(a) The General Counsel's Office renders all legal counsel and advice to the Administrator and all other Washington Offices of the Civil Aeronautics Administration in all matters pertaining to the functions of the Civil Aeronautics Administration; develops and establishes the basic policies, programs, standards, and procedures governing the performance of the legal work of the Civil Aeronautics Administration and the legal aspects of the enforcement of laws, rules, and regulations administered by the Civil Aeronautics Administration; and evaluates and controls the execution of legal policies and activities. The General Counsel's Office has an Enforcement and Litigation Division, General Opinions Division, Legislation and Regulations Division, and Airport Division.

(b) The Aviation Information Office advises the Administrator on public information policies and procedures which will assist in achieving Civil Aeronautics Administration objectives, particularly the promotion of maximum flight safety; formulates and establishes the basic policies and methods for Civil Aeronautics Administration's domestic and international programs for the dissemination of information regarding the promotion of safety, world-wide acceptance and understanding of uniform aviation standards, and other Civil Aeronautics Administration objectives; initiates, plans, and directs the execution of such programs; serves as the central clearing house and reviewing agency for Civil Aeronautics Administration on all plans and programs involving the collection and dissemination of information to the public; performs technical and consulting service in connection with an aeronautical library, foreign language translation and editing, visual presentations, and general inquiry correspondence. The Aviation Information Office has a Current Information Division, Publications Division, Flight Information Division, and Library Division.

(c) The Budget Office provides staff assistance to the Office of the Administrator in the development, application, and execution of budgetary policies required to assure financial support of the agency through participation in the presentation and justification of regular and supplemental budget estimates, and allocating funds for authorized activities which are controlled by definitive fiscal work programs. The Budget Office has an Estimates Division and a Fiscal Management Division.

(d) The Organization and Methods Office provides staff assistance to the Office of the Administrator and to all other offices of the Civil Aeronautics Administration on major organization matters; in connection therewith develops plans to cope with new or anticipated requirements, and makes surveys and recommends improvements in organization, administrative techniques, and management practices throughout the Civil Aeronautics Administration; provides direction to the records, correspondence, and forms management programs, and coordinates the management improvement program of the agency; prepares or reviews organization and functional statements, and provides for the official issuance thereof; coordinates and provides for the release of administrative instructions governing all employees through the Civil Aeronautics Administration Administrative Manual.

(e) The Personnel Office provides staff assistance to the Office of the Administrator in the development, application, and execution of personnel policies, and, within policy decisions made by the Administrator, plans, develops, and provides direction to, and evaluates the execution of, the personnel program of the Administration, which includes recruitment and placement of employees, classification of positions, employee training, and employee-management relations. The Personnel Office has a Placement Division, Classification Division, Training Division, Employee Relations Division, and Procedures and Reports Division.

(f) The Office of General Services provides staff assistance to the Office of the Administrator in the discharge of its responsibilities for accounting, financial reporting, procurement, property management, defense production and mobilization, internal security, the control and utilization of Civil Aeronautics Administration aircraft, procurement and distribution of printed and reproduced material, and mail and telegraphic activities, machine tabulation and similar activities; in connection therewith formulates policies and programs, establishes standards, and prepares instructions for both Washington and field offices, and performs general service functions for the Washington Office. The Office of General Services has an Accounting Division, Supply Division, Aircraft Control Division, and Special Services Division.

(g) The Office of Airports plans and coordinates the Civil Aeronautics Administration activities designed to foster the establishment of a national system of airports suitable or adaptable to the future needs of civil aviation and national security; develops and revises the National Airport Plan as required in the Federal Airport Act; maintains liaison within the Civil Aeronautics Administration, with the Department of Defense and other governmental and private agencies concerning agreements for military use of civil airports, and with the General Services Administration in connection with disposal of government property for airport purposes; develops and promulgates administrative policies and technical standards governing airport planning, design, construction, and maintenance; develops for issuance by the Administrator, regulations governing the administration of the Federal-aid Airport Program, transfer of Federally owned land for airport use, and the repair and rehabilitation of public airports damaged by Federal agencies, under the Federal Airport Act; develops and issues standards and instructions for administration of a program to foster airport development; formulates standards, procedures, and definitions for the collection and maintenance of airport facility records and maintains airport facility record data for airports in the United States; and effects compliance with laws and regulations affecting the operation of civil airports constructed with Federal funds. The Office of Airports has an Airport Engineering Division and an Airport Operations Division.

(h) The Office of Aviation Safety plans, directs, and coordinates the Civil Aeronautics Administration's program for promoting safety in flight of civil aircraft by administering and enforcing the Civil Air Regulations dealing with the examination, certification, inspection, and improvement of (a) the design, manufacture, and maintenance of aircraft and aircraft components, (b) the competency and physical fitness of airmen, and (c) the flight operations and technical facilities of air carriers, other aircraft operators, airman schools, and other air agencies; develops and recommends for approval by the Administrator and for promulgation by the Civil Aeronautics Board or the Administration new or modified regulations for the improvement of safety in aviation; operates systems for the central review of, and recordation of encumbrances affecting the title to, aircraft, engines, propellers, and appliances; fosters the use of improved safety techniques and other accident preventive measures; investigates accidents to the extent necessary to determine if such accidents involve the airworthiness of the aircraft, the competency of any airman and/or operator, a violation of the Civil Air Regulations or any certificate issued by the Civil Aeronautics Administration, or Civil Aeronautics Administration air navigational facilities, and takes immediate remedial action to prevent recurrence; analyzes accident data and service difficulty reports for purposes of planning corrective action; provides technical advice and assistance to the Administrator and his staff, to the civil aviation industry, and to governmental agencies in connection with the development, maintenance, and operation of improved aircraft and equipment for use in air commerce; provides for the exchange of information and the furnishing of technical advice and assistance to international agencies, foreign governments, foreign air carriers, agencies, and technical personnel in connection with problems and practices in aviation safety. The Office of Aviation Safety has an Executive Staff Division, Technical Staff Division, Air Carrier Safety Division, Aircraft Engineering Division, General Safety Division, and a Medical Division which includes the Civil Aeronautics Medical Research Laboratory at Ohio State University, Columbus, Ohio.

(i) The Office of Federal Airways plans, directs, coordinates and establishes requirements and standards for Civil Aeronautics Administration activities in connection with surveying, establishment, maintenance, operation, and operational service and flight testing of air navigation facilities and air traffic control in the United States, its territories and possessions, as well as in foreign territories; determines for the Civil Aeronautics Administration the operational necessity and approves operational and procurement specifications for air navigation and air traffic control facilities, and approves modifications thereto in accordance with operational experience; plans, coordinates, directs the formulation of, and establishes requirements and standards for the construction, improvement, maintenance, and operation of, landing areas, and, as assigned, for the construction of airports being built by the Civil Aeronautics Administration; determines adequacy of existing air navigation facilities; estimates cost for implementing routes, including cost estimates involved in applications for new routes submitted to the Civil Aeronautics Board; and plans,

coordinates, and directs the development and execution of Civil Aeronautics Administration programs for the security control of aircraft flights within the United States, its territories, possessions, and areas of land or water administered by the United States under international agreement. The Office of Federal Airways has an Executive Staff Division, Planning Staff Division, Flight Inspection Division, Airways Engineering Division, and Airways Operations Division.

SEC. 16. *Functions of Major Field Organizations.* The functions of the Major Field Organizations of the Civil Aeronautics Administration are as follows:

(a) The Regional Offices of the Civil Aeronautics Administration execute the various operations required to carry out the programs and policies established by the Washington Office. Subparagraph (3) of this section lists the locations of the Regional Offices and the geographical areas over which they have jurisdiction.

(1) The Continental United States Regional Offices and the Territorial Regional Offices establish, maintain, and modify landing areas, facility structures, communication systems, electronic devices, air traffic control systems, and other aids to air navigation comprising the Federal Airways System; operate air traffic control and communications stations involved in the facilitation and control of air traffic; conduct activities relating to participation by public sponsors in the Federal-aid Airport Program and granting of funds for such purposes; advise civic and other public agencies and private enterprises on airport site selection, planning, design, development, maintenance, and approach protection; conduct all aviation safety activities relating to airmen, aircraft, air agencies, fixed base operators, and air carriers, and other operations as are specifically assigned to the Region; conduct accident and regulation violation investigations; and promote the development of all phases of civil aviation.

(2) The International Region executes programs with respect to certification and inspection of United States air carriers engaged in international and overseas operations, and foreign carriers operating to and within United States territory; fosters the adoption and utilization of United States type aeronautical equipment, standards, and procedures by foreign countries; evaluates and assists in solution of operational problems and requirements of United States flag carriers; plans and administers civil aviation activities under United States programs of economic and technical assistance to foreign nations; and provides technical advisory services on civil aviation to United States diplomatic, economic, and military missions abroad.

(3) The locations of the Regional Offices and the geographical areas over which they have jurisdiction are listed below:

Region 1. (i) Federal Office Building, New York International Airport, Jamaica, Long Island, N. Y.

(ii) Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, New Jersey, Pennsylvania, Ohio, Maryland, Virginia, West Virginia and Kentucky, and the District of Columbia.

Region 2. (i) CAA Reservation, Haslet Road, Fort Worth, Tex.

(ii) Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Oklahoma, Louisiana, and Texas, and *Puerto Rico, Swan Island, the *Virgin Islands, and the *Canal Zone. (*Aviation Safety activities are under the jurisdiction of the International Region.)

Region 3. (i) Federal Office Building, 911 Walnut Street, Kansas City 6, Mo.

(ii) Michigan, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas.

Region 4. (i) 5651 West Manchester Avenue, Los Angeles, Calif.

(ii) Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California.

Region 5. (i) Post Office Building, Anchorage, Alaska.

(ii) Alaska, including the Aleutian Islands.

Region 6. (i) Hawaiian Life Insurance Building, Kapiolani Boulevard and Piikoi Street, Honolulu, T. H.

(ii) Honolulu, Wake, and Guam Flight Information Regions established by ICAO. (Major operations are conducted in the Territory of Hawaii and the islands of Canton, Wake and Guam.)

International Region. (i) Tempo Building T-4, Seventeenth and Constitution Avenue NW., Washington, D. C.

(ii) All geographical areas of the world not assigned to other Regional Offices.

(b) *Washington National Airport*—(1) *Functions.* Operates and maintains the Washington National Airport, including the conduct of negotiations with air carriers and others for use of the Airport and its facilities and with concessionaires to provide proper services required by air carriers, governmental agencies, and others using the Airport.

(2) *Address.* Washington National Airport, Gravelly Point, Virginia.

(c) *Aeronautical Center*—(1) *Functions.* Plans and conducts such standardization and training course for Civil Aeronautics Administration employees and other individuals as are required to establish or maintain personnel proficiency for the various programs of the Civil Aeronautics Administration; modifies, assembles, and distributes equipment and materials for installation or erection of Civil Aeronautics Administration facilities or aids to air navigation.

(2) *Address.* CAA Aeronautical Center (west side of Will Rogers Airport), P. O. Box 1082, Oklahoma City 10, Oklahoma.

(d) *Technical Development and Evaluation Center*—(1) *Functions.* Conducts applied research and performs service testing and evaluation directed toward eliminating hazards in and improving the safety and efficiency of the operation of aircraft, systems of aids to air navigation and air traffic control, and landing facilities.

(2) *Address.* CAA Technical Development and Evaluation Center (new section of Municipal Airport), P. O. Box 5767, Indianapolis, Indiana.

SUBPART C—FUNCTIONS AND LOCATIONS OF FIELD OFFICES

SEC. 21. *Airport District Offices*—(a) *Functions.* These offices, each under the supervision of a District Airport Engineer, serve as a contact point with the general public on matters pertaining to the airport programs of the Civil Aeronautics Administration. The offices are responsible for the initial handling of all matters dealing with the establishment and improvement of civil airports by means of Federal aid, and compliance with laws, regulations, and agreements related thereto; application of Federal standards for airport site selection, planning, design, development, maintenance, and approach protection; disposal of surplus airports and airport facilities; and use of Federal lands for airport purposes.

(b) *Locations and areas served.*

Region 1

Boston, Mass., 2200 U. S. Custom House—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

Jamaica, Long Island, N. Y., 321 Federal Office Building, New York International Airport—New York and New Jersey.

New Cumberland, Pa., Harrisburg State Airport—Pennsylvania, Maryland, Delaware, and Virginia.

Columbus, Ohio, 409 Trautman Building—Ohio, Kentucky, and West Virginia.

Region 2

Atlanta, Ga., 50 Seventh Street NE.—Georgia, North Carolina, South Carolina, and Tennessee.

Fort Worth, Tex., Administration Building, Meacham Field—Texas.

Jackson, Miss., Building 334, Jackson Army Air Base—Alabama, Louisiana, and Mississippi.

Miami, Fla., Building 514, Miami International Airport—Florida, Puerto Rico, and Virgin Islands.

Oklahoma City, Okla., 406 Municipal Building—Arkansas and Oklahoma.

Region 3

Chicago, Ill., 185 North Wabash Avenue—Illinois and Wisconsin.

Kansas City, Mo., City Hall—Kansas and Missouri.

Lansing, Mich., 124 West Ottawa Street—Michigan and Indiana.

Lincoln, Nebr., 311 Veterans Administration Building, 12th and O Streets—Nebraska and Iowa.

St. Paul, Minn., 420 Commerce Building—Minnesota, North Dakota, and South Dakota.

Region 4

Carson City, Nev., 319 North Carson Street—Nevada and Utah.

Denver, Colo., Stapleton Field—Colorado and Wyoming.

Helena, Mont., Montana Building—Montana and Idaho.

Phoenix, Ariz., New Terminal Building, Phoenix Sky Harbor Municipal Airport—Arizona and New Mexico.

San Francisco, Calif., 26th Floor, 100 McAllister Street—California.

Seattle, Wash., CAA Building, Boeing Field—Washington and Oregon.

Regions 5 and 6

No airport district offices.

SEC. 22. *Aviation Safety District Offices*—(a) *Functions.* Aviation Safety District Offices, each staffed with a supervisor and agents, and some with engineers, serve as contact points with the general public and the aviation industry. The offices are responsible for the initial handling of all matters dealing with Aeronautical competency of airmen, air agencies, and air carriers; manufacture, repair, alteration, and maintenance of aircraft and components; compliance with rules and standards governing flight operations; investigation of accidents and violations; promotion of safe flying; and maintenance of close liaison with state and local enforcement agencies.

(b) *Locations and specialties.* In the following tables: The specialty column includes all specialties found at a particular office location. Although engineers are assigned to a few district offices for the purpose of having administrative headquarters, the public can make initial engineering contact at any Aviation Safety District Office.

"(G)" indicates that there is assigned to the office an agent who specializes in aviation safety activities relating to: Air agencies; general operators (operators of aircraft other than: Scheduled air carriers, irregular air carriers operating aircraft having a maximum certificated gross take-off weight of more than 12,500 pounds, and commercial operators certificated under Part 45 of the Civil Air Regulations); general aircraft in service (aircraft of general operators); general airmen (all persons who hold or are eligible for airman certificates other than: Airline transport pilot, airport control tower operator, dispatcher, or aircrewman); and other general aviation activities.

"(C)" indicates that there is assigned to the office an agent who specializes in aviation safety activities relating to: Air carrier operations (operations of: Scheduled air carriers, irregular air carriers operating aircraft having a maximum certificated gross take-off weight of more than 12,500 pounds, and commercial operators certificated under Part 45 of the Civil Air Regulations); air carrier aircraft in service (aircraft used in air carrier operations described herein); air carrier airmen (persons who hold or are candidates of such certificates as airline transport pilot, airport control tower operator, dispatcher, or aircrewman); and other air carrier matters.

"(F)" indicates that there is assigned to the office an agent who specializes in manufacturing inspection, including matters pertaining to the type, production, and original airworthiness inspection, and issuance of new or modified aircraft, engines, propellers, and components.

"(E)" indicates that there is assigned to the office an engineer and/or agent who specializes in rendering engineering assistance in the evaluation of aircraft and equipment designs and redesigns, and in the evaluation of aircraft repairs and alterations.

All agents are generally familiar with, and can furnish information and advice on, aviation safety matters outside their area of specialization.

NOTE: Mail should be addressed as in this example:

CAA Aviation Safety District Office, Room 202, Old Administration Building, Municipal Airport, Newark, N. J.

REGION I

State	City	Location	Mailing address	Specialty
Connecticut	Bridgeport	Sikorsky Aircraft Corp. Bldg. 229, Bradley Field	Chas Sikorsky Aircraft Corp., Chas Kaman Aircraft Corp., 142 East Hartford Conn.	(E)
	Windsor Locks		Chas Kaman Aircraft Corp.	(F)
Delaware	New Castle	Bellanca Aircraft Corp	Chas Bellanca Aircraft Corp., New Castle, Del.	(F)
District of Columbia	Washington	Herbert Sb. Washington National Airport	Herbert Sb. Washington National Airport	(C)
Kentucky	Louisville	Administration Bldg., Bowman Field	Administration Bldg., Bowman Field	(G)
Maine	Portland	Municipal Airport	Municipal Airport	(G)
Maryland	Baltimore	Glenn L. Martin Co., Plant No. 1	Glenn L. Martin Co., Plant No. 1, Middle River, Baltimore 3.	(F)
Massachusetts	Boston	287 East Marginal St.	287 East Marginal St., East Boston 28	(C)
	Norwood	Municipal Airport	Municipal Airport	(G)
	Westfield	Barnes Westfield Airport	Barnes Westfield Airport	(G)
New Hampshire	Concord	Municipal Airport	Municipal Airport	(G)
New Jersey	Hackensack	Federal Office Building	P. O. Box 154	(G)
	Newark	Room 241, Old Administration Bldg., Municipal Airport.	Room 202, Old Administration Bldg., Municipal Airport.	(C)
	Teterboro	Teterboro Air Terminal	Teterboro Air Terminal	(G) (C)

REGION I—Continued

State	City	Location	Mailing address	Specialty
New York	Albany	Albany Airport, Waterfield Control Building	P. O. Box 577, Latham, N. Y.	(G)
	Elmira	Corning-Elmira Regional Airport	Corning-Elmira Regional Airport	(G)
	New York	Federal Bldg., La Guardia Field.	Room 102-108, Federal Bldg., La Guardia Airport Station, Flushing 71	(C) (F)
	do	Room 102-108, Federal Bldg., International Airport.	Room 102-108, Federal Bldg., International Airport, Jamaica, N. Y.	(C)
	Lindenhurst	Zahn's Airport, North Wellwood Ave.	Zahn's Airport, North Wellwood Ave.	(G)
	Rochester	Rochester Municipal Airport	Rochester Municipal Airport	(G)
Ohio	Cincinnati	Administration Bldg., Lunken Airport.	Administration Bldg., Lunken Airport	(G)
	Cleveland	Cleveland Hopkins Airport	Cleveland Hopkins Airport, Cleveland 11	(G)
	Columbus	Room 232, Administration Bldg., Port Columbus Airport.	Room 232, Administration Bldg., Port Columbus Airport	(C)
	Middletown	Aeronca Manufacturing Corp	Aeronca Manufacturing Corp	(F)
Oklahoma	Tulsa	American Airlines Bldg., Municipal Airport.	P. O. Box 4585	(C)
Pennsylvania	Allentown	Allentown-Bethlehem-Easton Airport.	Allentown-Bethlehem-Easton Airport, Allentown	(G)
	Harrisburg	Harrisburg State Airport, New Cumberland, Pa.	Harrisburg State Airport, New Cumberland, Pa.	(G)
	Pittsburgh	Room 303, Allegheny County Airport, Imperial, Pittsburgh	Room 303, Allegheny County Airport, Imperial, Pittsburgh	(C)
	do	Allegheny County Airport, Pittsburgh, Pa.	Allegheny County Airport, Pittsburgh, Pa.	(G)
	Williamsport	Lycoming Division, Aviation Corp.	P. O. Box 31	(F)
Virginia	Alexandria	Bellevue Field, 2013 Richmond Highway	Bellevue Field, 2013 Richmond Highway	(G)
	Richmond	Byrd Field, Sandston	Byrd Field, Sandston, Va.	(G)
West Virginia	Charleston	Kanawha County Airport	P. O. Box 5026, Capitol Station.	(G)

REGION II

State	City	Location	Mailing address	Specialty
Alabama	Birmingham	Municipal Airport	Municipal Airport	(G)
Arkansas	Little Rock	Adams Field	P. O. Box 96	(G)
Florida	Jacksonville	Room 221, United States Post Office and Court House Bldg., 311 West Monroe St.	P. O. Box 1364, Jacksonville 1.	(G)
	Miami	International Airport	P. O. Box 520, International Airport	(G) (C) (F) (E)
	Tampa	Peter O. Knight Airport	Airport Branch, Miami 48.	(G)
Georgia	Atlanta	Bldg. No. 5, Municipal Airport	P. O. Box 2142	(C)
	do	Room 1, Bldg. 161, Fulton Air Terminal.	P. O. Box 7509, Municipal Airport	(G) (E)
Louisiana	New Orleans	New Orleans Airport	3400 Gordon Rd	(G) (C)
Mississippi	Shreveport	Administration Bldg., Downtown Lake.	P. O. Box 5147, Gentilly Station.	(C)
North Carolina	Jackson	Allen A. Thigpen Airport	P. O. Box 8	(G)
	Raleigh	1310 Independence Bldg.	P. O. Box 1727	(G)
	Wilmington	Room 207, Commercial Bldg.	P. O. Box 2005	(G)
	Winston-Salem	Smith Reynolds Airport	P. O. Box 5084	(G)
Oklahoma	Bartlesville	Municipal Airport	P. O. Box 1708	(G)
	Oklahoma City	Municipal Airport	P. O. Box 4182, Lucky Station	(G)
	Tulsa	Municipal Airport	P. O. Box 1350	(G) (C)
South Carolina	Columbia	Capital Airport	P. O. Box 1000, West Columbia.	(G)
Tennessee	Memphis	2488 Winchester, Memphis 18	2488 Winchester, Memphis 18	(C)
	Nashville	Berry Field	Berry Field	(G)
Texas	Amarillo	Municipal Airport	P. O. Box 2000	(G)
	Brownsville	Rio Grande International Airport	Airport Branch Post Office	(G) (C)
	Dallas	Room 241, Terminal Bldg., Love Field	Room 241, Terminal Bldg., Love Field	(G) (F)
	do	Room 249, Terminal Bldg., Love Field.	Room 249, Terminal Bldg., Love Field.	(C)

Region IV—Continued

State	City	Location	Mailing address	Specialty
California—Continued				
Te[illegible]	Fort Worth	Meacham Field	P. O. Box 1689	(G)
	do	Room 214, Terminal Bldg., Amon Carter Field	Room 214, Terminal Bldg., Amon Carter Field	(C)
	Hurst	Bell Aircraft Corp	Care Bell Aircraft Corp., P. O. Box 482, Fort Worth, Tex.	(F)
	Houston	Second Floor, National Guard Hangar, Municipal Airport	National Guard Bldg., Municipal Airport	(G)
	do	Room 204, Administration Bldg., Municipal Airport	Room 204, Administration Bldg., Municipal Airport	(C)
	Midland	Midland Air Terminal	P. O. Box 190, Terminal, Tex	(G) (C)
	San Antonio	Municipal Airport	Municipal Airport, San Antonio 9.	(G) (C)

Region III

State	City	Location	Mailing address	Specialty
Illinois	Chicago	6013 South Central Ave	6013 South Central Ave., Chicago 38	(C)
	do	Du Page County Airport, St. Charles	P. O. Box 337, West Chicago, Ill.	(G) (E)
	Springfield	Capital Airport	P. O. Box 197	(G)
Indiana	Indianapolis	Administration Bldg., Weir-Cook Municipal Airport	Administration Bldg., Weir-Cook Municipal Airport	(G) (C)
	South Bend	Bendix Field	Bendix Field	(G)
Iowa	Cedar Rapids	Administration Bldg., Municipal Airport	P. O. Box 146	(C)
	Des Moines	228 Administration Bldg., Municipal Airport	228 Administration Bldg., Municipal Airport	(G)
Kansas	Dodge City	Municipal Airport	P. O. Box 939	(G)
	Kansas City	Administration Bldg., Fairfax Airport	909 Minnesota Ave., Kansas City 15	(C)
	do	Third Floor, Administration Bldg., Fairfax Airport, Kansas City 15	Third Floor, Administration Bldg., Fairfax Airport, Kansas City 15	(C) (E)
	Wichita	220 East Elm St	220 East Elm St	(F) (E)
	do	Beech Aircraft Corp	Care Beech Aircraft Corp	(E)
	do	Cessna Aircraft Co	Care Cessna Aircraft Co	(E)
Michigan	Grand Rapids	Kent County Airport	Kent County Airport, Box 1	(G)
	Detroit	Administration Bldg., Detroit-Wayne Major Airport, Inkster, Mich.	Administration Bldg., Detroit-Wayne Major Airport, Inkster, Mich.	(F)
	Muskegon	Conference Room, Administration Bldg., Muskegon County Airport	P. O. Box 568	(G)
Minnesota	Minneapolis	Administration Bldg., Wold-Chamberlain Field	Box 1, Administration Bldg., Wold-Chamberlain Field	(G)
	do	Wold-Chamberlain Field	Care Northwest Airlines Hangar No. 1, Wold-Chamberlain Field	(C) (E)
Missouri	Springfield	Municipal Airport, Route 6	Box 274, Municipal Airport, Route 6	(G)
	St. Louis	Administration Bldg., Lambert Field	Box 429, Lambert Field, St. Louis 21, Mo.	(G) (C)
Nebraska	Lincoln	Administration Bldg., Municipal Airport	P. O. Box 1748, Municipal Airport	(G)
	North Platte	Municipal Airport	P. O. Box 81	(G)
North Dakota	Bismarck	Municipal Airport	P. O. Box 297	(G)
	Fargo	Administration Bldg., Hector Airport	P. O. Box 749	(C)
South Dakota	Huron	Municipal Airport	P. O. Box 97	(C)
	Rapid City	[illegible]	P. O. Box 2	(C)
Wisconsin	Milwaukee	General Mitchell Field	General Mitchell Field, Milwaukee 7	(C)
	Wausau	Wausau Municipal Airport	Wausau Municipal Airport	(G)

Region IV

State	City	Location	Mailing address	Specialty
Arizona	Phoenix	Sky Harbor Airport	3400 Sky Harbor Blvd., Sky Harbor Airport	(G)
California	Burbank	Hangar No. 4, Lockheed Air Terminal	Hangar No. 4, Lockheed Air Terminal	(C)
	do	Lockheed Aircraft Corp., Plant A-1, Bldg. 10	Care Lockheed Aircraft Corp., Plant A-1, Bldg. 10	(F)
	Fresno	Administration Bldg., Fresno Air Terminal	Administration Bldg., Municipal Airport	(G)
	Long Beach	Administration Bldg., Municipal Airport	[illegible]	(G)
	Los Angeles	5651 West Manchester Ave	5651 West Manchester Ave., Los Angeles 45	(G) (C)
	Oakland	Municipal Airport	Municipal Airport, Oakland 14	(G)
	Ontario	Administration Bldg., Ontario International Airport	Administration Bldg., Ontario International Airport	(G)
	Palo Alto	Municipal Airport	P. O. Box 1450	(C)
	do	Hiller Helicopters, 1350 Willow Rd.	Care Hiller Helicopters, 1350 Willow Rd.	(C)
	Sacramento	Municipal Airport	Municipal Airport	(C)
	San Diego	Administration Bldg., Lindbergh Field	Administration Bldg., Lindbergh Field	(C)
	do	Convair Division-Valtee Aircraft Corp., Bldg. 33, Lindbergh Field	Care Convair Division-Valtee Aircraft Corp., Bldg. 33, Lindbergh Field, San Diego 12.	(E)
	Santa Monica	Douglas Aircraft Co., Inc., 3000 Ocean Park Blvd.	Care Douglas Aircraft Co., Inc., 3000 Ocean Park Blvd.	(F)
	San Francisco	Room 561, International Terminal Bldg., Pan American Airways.	Care Pan American Airways, Room 561, International Terminal Bldg., South San Francisco, Calif.	(C)
	Van Nuys	7320 Hayvenhurst Ave., San Fernando Valley Airport	7320 Hayvenhurst Ave., San Fernando Valley Airport	(G)
	Denver	CAA District Office Bldg., Stapleton Airfield	CAA District Office Bldg., Stapleton Airfield	(G) (C)
Colorado	Grand Junction	Walker Field	P. O. Box 1890	(G)
	Holyoke	[illegible]	142 Interior St	(C)
	Pueblo	Room 208, Stapleton Bldg.	Room 208, Stapleton Bldg.	(C)
	Telluride	Municipal Airport	P. O. Box 1107	(C)
	Yuma	Administration Bldg., Municipal Airport	P. O. Box 1252	(C)
Idaho	Boise	Administration Bldg., Municipal Airport	P. O. Box 499	(G)
Montana	Billings	Room 208, Administration Bldg.	2000 Vale Blvd., SE	(G)
	Helena	Administration Bldg., Municipal Airport	Administration Bldg., Municipal Airport	(G)
Nevada	Las Vegas	Administration Bldg., McCarran Field	P. O. Box 1252	(C)
	Reno	328 Cessna Bldg.	P. O. Box 499	(G)
New Mexico	Albuquerque	2000 Yale Blvd.	2000 Yale Blvd., SE	(G)
	Eugene	Administration Bldg., Municipal Airport	Administration Bldg., Municipal Airport	(G)
Oregon	Portland	Second Floor, Administration Bldg., Portland Airport	Second Floor, Administration Bldg., 5410 Northeast Marine Dr., Portland 13	(G)
Utah	Salt Lake City	Municipal Airport No. 1	Municipal Airport No. 1, Salt Lake City 3.	(G)
Washington	Seattle	CAA Bldg., Boeing Field	P. O. Box 18, Seattle 8	(G) (E) (F)
	do	do	P. O. Box 17, Seattle 8	(C)
	Spokane	Administration Bldg., Felts Field	P. O. Box 247, Parkwater Station, Spokane, Wash.	(C)
	Yakima	2300 West Washington Ave	2300 West Washington Ave	(G)
Wyoming	Cheyenne	Municipal Airport, Evans Ave.	Municipal Airport, 3601 Evans Ave.	(G)

Region V

State	City	Location	Mailing address	Specialty
Alaska	Anchorage	Communications Bldg., Merrill Field International Airport	P. O. Box 640	(G)
	do	Terminal Bldg., Ramp Level	P. O. Box 440	(C)
	Fairbanks	Wien Alaska Airlines Hangar, Fairbanks Airport	P. O. Box 510	(C) (G)
	Juneau	Mr. Bradley Bldg.	P. O. Box 2400	(C) (G)

Sec. 23. *Air Route Traffic Control Centers.*—(a) *Functions.* Air Route Traffic Control Centers are responsible for exercising control over air traffic along designated air routes and in designated control zones and control areas within their assigned geographical jurisdiction. All aircraft flying in these designated airspace areas under conditions which require compliance with Instrument Flight Rules are subject to control by these Centers. For a description of these designated airspace areas see 14 CFR Parts 600 and 601.

The geographical jurisdiction of a particular Center coincides with the Flight Advisory Area and Oceanic Control Area boundaries shown on the Civil Airways and Mileage Chart published by the U. S. Coast and Geodetic Survey. Changes in these geographical areas between chart editions are carried in the Airman's Guide and Notices to Airmen published by the Civil Aeronautics Administration.

These centers are manned by Airways Operations Specialists (Air Route). These Specialists are responsible for the safe and orderly flow of air traffic being navigated under instrument flight conditions on the air routes within the control areas assigned to the center. Their principal functions are:

To issue instructions to pilots regarding altitudes to be flown, routes to be followed, speeds to be maintained, and holding procedures over specified locations.

To advise pilots of hazardous conditions and other factors which may affect the safety of the flight, and to suggest a change of flight plan.

To maintain a progressive check of aircraft and initiate search and rescue action to locate overdue aircraft.

(b) *Locations.*

Region 1

Boston Air Route Traffic Control Center, 287 Marginal Street, East Boston, Mass.

Cincinnati Air Route Traffic Control Center, Citizens Bank Building, 211 East Fourth Street, Cincinnati 2, Ohio.

Cleveland Air Route Traffic Control Center, Second Floor, Bomber Plant Administration Building, Cleveland-Hopkins Airport, Cleveland 11, Ohio.

New York Air Route Traffic Control Center, LaGuardia Field, New York, N. Y.

Pittsburgh Air Route Traffic Control Center, Greater Pittsburgh Airport, Pittsburgh, Pa.

Washington Air Route Traffic Control Center, Washington National Airport, Washington, D. C.

Region 2

Atlanta Air Route Traffic Control Center, Municipal Airport, Atlanta, Ga.

El Paso Air Route Traffic Control Center, El Paso International Airport, El Paso, Tex.

Fort Worth Air Route Traffic Control Center, Building No. 3, CAA Reservation, Haslet Road, Fort Worth, Tex.

Jacksonville Air Route Traffic Control Center, Imeson Airport, Jacksonville, Fla.

Memphis Air Route Traffic Control Center, 1503 Union Avenue, Room 207, Memphis, Tenn.

Miami Air Route Traffic Control Center, Miami International Airport, Miami Springs, Fla.

New Orleans Air Route Traffic Control Center, Administration Building, Municipal Airport, New Orleans 7, La.

San Antonio Air Route Traffic Control Center, 409 Bedell Building, San Antonio, Tex.

San Juan Air Route Traffic Control Center, Isla Grande Airport, Santurce, P. R.

Region 3

Chicago Air Route Traffic Control Center, 6013 South Central Avenue, Chicago 38, Ill.

Detroit Air Route Traffic Control Center, Detroit Wayne Major Airport, Inkster, Mich.

Kansas City Air Route Traffic Control Center, Municipal Airport, 102 Richards Road, Kansas City, Mo.

Minneapolis Air Route Traffic Control Center, Minneapolis-St. Paul International Airport, Minneapolis 19, Minn.

St. Louis Air Route Traffic Control Center, Wing "C", Building No. 31, Naval Air Station, Lambert Field, St. Louis, Mo.

Region 4

Albuquerque Air Route Traffic Control Center, Kirtland/AFB Airport, Albuquerque, N. Mex.

Denver Air Route Traffic Control Center, Stapleton Field, Denver, Colo.

Great Falls Air Route Traffic Control Center, Municipal Airport, Great Falls, Mont.

Los Angeles Air Route Traffic Control Center, 5651 West Manchester Ave., Los Angeles 45, Calif.

Oakland Air Route Traffic Control Center, Municipal Airport, Oakland 14, Calif.

Salt Lake City Air Traffic Control Center, Municipal No. 1 Airport, Salt Lake City 3, Utah.

Seattle Air Route Traffic Control Center, Seattle-Tacoma Airport, Seattle Wash.

Region 5

Anchorage Air Route Traffic Control Center, Merrill Field, Anchorage, Alaska.

Fairbanks Air Route Traffic Control Center, Fairbanks, Alaska.

Region 6

Honolulu Air Route Traffic Control Center, Honolulu Airport, Honolulu 12, T. H.

Wake Island, Air Route Traffic Control Center, Wake Airport, Wake Island.

SEC. 24. *Airport Traffic Control Towers.*—(a) *Functions.* Airport traffic control towers are operated by the Civil Aeronautics Administration at certain designated airports listed below. They are responsible for safe, orderly, and expeditious flow of air traffic in the vicinity of an airport, and movement of aircraft and vehicles on the airport.

The functions of a majority of these towers have been expanded to include the responsibility for controlling and providing separation between aircraft in the terminal area which are holding or arriving and departing under instrument flight rules. This is termed "Approach Control Service". At such locations, the responsibility for controlling instrument flight rule traffic has been delegated to the tower by an Air Route Traffic Control Center. The purpose of this delegation is to expedite arrivals and departures by means of direct voice communications between the pilot and the approach controller, and by use of special holding approach, and departure procedures.

These towers are manned by Airways Operations Specialists (Airport), who are responsible for the safe and orderly flow of air traffic in the vicinity of the airport. Their principal functions are:

To issue instructions to pilots for taxiing, take-off, approach for landing, and landing of aircraft.

To inform pilots regarding field and weather conditions, air navigational facilities, emergency landing areas, restrictions to flight, regulations, and other matters which may be of assistance to the pilot.

To relay messages between pilots, airline operations offices, Air Route Traffic Control Centers, Weather Bureau offices, Communications Stations and other appropriate agencies concerning the operation, dispatch, and control of aircraft.

To invoke emergency procedures when any emergency occurs or appears likely to occur to aircraft under tower control.

When equipped with airport surveillance and precision approach radar, to monitor aircraft arriving and departing from an airport on instruments, and, in an emergency or upon request, issuing ground-controlled approach instructions (GCA) for a let-down.

At a number of locations, the operation of an Interstate Airway Communications Station as a separate unit is discontinued. Several of its functions are transferred to the control tower and the facility is established as a combined Tower/Station. These facilities provide the same service as described above and, in addition, the following functions are performed:

Maintains continuous multiple listening watches on designated aeronautical radio frequencies for the purpose of conducting communications with en route aircraft. Furnishes flight advisory and emergency services generally within a radius of 100 to 150 miles of the facility. Furnishes emergency navigation assistance to pilots unable to establish their position. Accepts and transmits flight plans and associated progress and arrival reports and alerts appropriate Search and Rescue organizations when flights are not successfully concluded. Broadcasts pertinent information relative to condition of landing areas, air navigation facilities, and aeronautical weather on scheduled and unscheduled basis as required. Monitors federally operated electronic and visual air navigation aids, receives reports of irregularities of non-federal aids, and publicizes operating irregularities when safety is impaired.

(b) *Locations.*

NOTE: All towers and combined tower/stations are authorized to exercise approach control except those locations marked by an asterisk (*). The symbol (#) indicates a combined tower/station.

Region 1

Connecticut:
- *Bridgeport, Municipal Airport.
- Windsor Locks, Bradley Field.

Delaware:
- New Castle, New Castle County Airport.

Kentucky:
- Covington, Greater Cincinnati Airport.
- Lexington, Blue Grass Airport.
- *Louisville, Bowman Field.
- Louisville, Standiford Field.

Maine:
- *#Portland, Municipal Airport.

Maryland:
- *Baltimore, Harbor Airport.
- #Baltimore, International Airport.

Massachusetts:
- Bedford, Hanscom Airport.
- Boston, Logan International Airport.

New Jersey:
- Newark, Municipal Airport.
- *Teterboro, Teterboro Airport,

New York:
- Albany, Municipal Airport.
- #Binghamton, Broome County Airport.
- Buffalo, Municipal Airport.
- Elmira, Chemung County Airport.
- New York, International Airport.
- New York, LaGuardia Field.
- *Niagara Falls, Municipal Airport.
- #Rochester, Municipal Airport.
- #Syracuse, Hancock Field.
- White Plains, Westchester County Airport.

Ohio:
- Akron, Akron-Canton Airport.
- *#Akron, Municipal Airport.
- Cincinnati, Lunken Field
- Cleveland, Cleveland-Hopkins Airport.
- Columbus, Port Columbus Airport.
- Dayton, Municipal Airport.
- Toledo, Municipal Airport.
- Youngstown, Municipal Airport.

Pennsylvania:
- Allentown, Allentown-Bethlehem-Easton Airport.
- #Harrisburg, State Airport.
- Philadelphia, International Airport
- Pittsburgh, Allegheny County Airport.
- Pittsburgh, Greater Pittsburgh Airport.
- Reading, Municipal Airport.

Region 1—Continued

Rhode Island:
#Providence, T. F. Greene Airport.
Vermont:
#Burlington, Municipal Airport.
Virginia:
*#Lynchburg, Preston Glenn Airport.
*Newport News, Patrick Henry Airport.
#Norfolk, Municipal Airport.
Richmond, Byrd Field.
#Roanoke, Woodrum Field.
Washington, D. C.:
Washington National Airport.
West Virginia:
Charleston, Kanawha County Airport.
*#Wheeling, Ohio County Airport.

Region 2

Alabama:
Birmingham, Municipal Airport.
Mobile, Bates Field.
Montgomery, Dannelly Field.
Arkansas:
#Little Rock, Adams Field.
Florida:
#Daytona Beach, Municipal Airport.
Jacksonville, Imeson Airport.
Miami, International Airport.
Orlando, Municipal Airport.
Pensacola, Municipal Airport.
Tallahassee, Dale Mabry Field.
#Tampa, International Airport.
#West Palm Beach, International Airport.
Georgia:
Atlanta, Municipal Airport.
#Augusta, Bush Field.
#Savannah, Travis Field.
Louisiana:
*#Baton Rouge, Harding Field.
New Orleans, Moisant Field.
*#New Orleans, Municipal Airport.
#Shreveport, Greater Municipal Airport.
Mississippi:
#Jackson, Hawkins Field.
North Carolina:
*Asheville, Asheville-Hendersonville Airport.
Charlotte, Douglas Airport.
Greensboro, Greensboro-High Point Airport.
Raleigh, Raleigh-Durham Airport.
#Wilmington, New Hanover County Airport.
Winston-Salem, Smith Reynolds Airport.
Oklahoma:
Oklahoma City, Will Rogers Field.
#Tulsa, Municipal Airport.
Puerto Rico:
San Juan, Isla Grande Airport.
South Carolina:
#Charleston, Municipal Airport.
#Columbia, Columbia Airport.
Greenville, Municipal Airport.
#Spartanburg, Memorial Airport.
Tennessee:
#Bristol, Tri-City Airport.
#Chattanooga, Lovell Field.
#Knoxville, McGhee-Tyson Airport.
Memphis, Municipal Airport.
Nashville, Berry Field.
Texas:
#Abilene, Abilene Municipal No. 2 Airport.
Amarillo, Amarillo Air Terminal.
Austin, Robert Mueller Airport.
*#Beaumont, Municipal Airport.
#Brownsville, Rio Grande International Airport.
College Station, Easterwood Field.
Corpus Christi, Cliff Maus Field.
Dallas, Love Field.
El Paso, International Airport.
Fort Worth, International Airport.
Fort Worth, Meacham Field.
Houston, Municipal Airport.
#Lubbock, Municipal Airport.
#Midland, Air Terminal.
San Antonio, Municipal Airport.
*#Tyler, Pounds Airport.
#Waco, Municipal Airport.
Wichita Falls, Sheppard AFB.

Region 3

Illinois:
Chicago, O'Hare International Airport.
Chicago, Midway Airport.
*#Peoria, Greater Peoria Airport.
#Springfield, Capitol Airport.
Indiana:
Evansville, Dress Memorial Airport.
#Fort Wayne, Baer Field.
Indianapolis, Weir-Cook Airport.
South Bend, St. Joseph County Airport.
Iowa:
Des Moines, Municipal Airport.
Sioux City, Municipal Airport.
Kansas:
#Hutchinson, Municipal Airport.
*Kansas City, Fairfax Airport.
#Topeka, Phillip Billard Field.
Wichita, Municipal Airport.
Michigan:
Detroit, Detroit City Airport.
Detroit, Willow Run Airport.
*Detroit, Wayne Major Airport.
Flint, Bishop Field.
Grand Rapids, Kent County Airport.
Lansing, Capital City Airport.
Muskegon, Muskegon County Airport.
Minnesota:
#Duluth, Municipal Airport.
Minneapolis, Minneapolis-St. Paul International Airport.
Rochester, Municipal Airport.
Missouri:
Kansas City, Municipal Airport.
*#Springfield, Municipal Airport.
St. Louis, Lambert Field.
Nebraska:
#Lincoln, Municipal Airport.
Omaha, Municipal Airport.
South Dakota:
*#Sioux Falls, Municipal Airport.
Wisconsin:
Madison, Truax Field.
Milwaukee, General Mitchell Field.

Region 4

Arizona:
#Phoenix, Sky-Harbor Airport.
Tucson, Municipal Airport.
California:
Bakersfield, Kern County Airport.
Burbank, Lockheed Air Terminal.
#Fresno, Fresno Air Terminal.
Long Beach, Municipal Airport.
Los Angeles, International Airport.
Oakland, Municipal Airport.
*#Ontario, Municipal Airport.
*Palmdale, Palmdale Airport.
#Sacramento, Municipal Airport.
San Diego, Lindbergh Airport.
San Francisco, Municipal Airport.
*Santa Monica, Santa Monica Municipal Airport.
*Van Nuys, San Fernando Valley Airport.
Colorado:
#Colorado Springs, Peterson Field.
Denver, Stapleton Field.
Pueblo, Municipal Airport.
Idaho:
#Boise, Boise Air Terminal.
*#Pocatello, Phillips Field.
Montana:
Billings, Municipal Airport.
Great Falls, Municipal Airport.
Nevada:
#Las Vegas, McCarran Field.
#Reno, United Airlines Airport.
New Mexico:
Albuquerque, Kirtland AFB.
Oregon:
#Medford Municipal Airport.
Pendleton, Pendleton Airport.
Portland, Municipal Airport.
Utah:
Salt Lake City, Municipal No. 1 Airport.
Washington:
#Seattle, Boeing Field.
Seattle, Seattle-Tacoma Airport.
Spokane, Geiger Field.
#Yakima, Municipal Airport.
Wyoming:
Cheyenne, Municipal Airport.

Region 5

Alaska:
*Anchorage, International Airport.
Anchorage, Merrill Field.
Annette, CAA-International Field.
*Fairbanks, International Airport.
King Salmon, King Salmon Airport.

Region 6

Territory of Hawaii:
Hilo, Hawaii, General Lyman Field.
Honolulu, Oahu, Honolulu Airport.
*Kahului, Maui, Kahului Airport.
Wake Island:
Wake Island, Wake Airport.

SEC. 25. *Interstate Airway Communications Stations*—(a) *Functions.* The primary purpose of an Interstate Airway Communications Station (INSAC) is to provide aeronautical communications services required to maintain control over, and facilitate, the flight of aircraft in the United States and Territories. These stations are usually located at airports along the civil airways and are associated with electronic air navigation aids. Communications, flight advisory, and emergency services are generally available within a radius of 100 to 150 miles of the station location. These stations are staffed by Airways Operations Specialists whose principal functions are as follows:

Maintains continuous multiple listening watches on designated aeronautical radio frequencies for the purpose of maintaining communications with en route aircraft. Acts as a communications link between aircraft in flight and federal air traffic control facilities during instrument flight rule (IFR) operation. Accepts and transmits flight plans and associated progress and arrival reports, and alerts appropriate Search and Rescue organizations when flights are not successfully concluded.

Observes, reports, and disseminates aeronautical weather data, such as surface weather reports, forecasts, upper air soundings and pilots' weather reports, in cooperation with the U. S. Weather Bureau. Broadcasts pertinent information relative to condition of landing areas, air navigation facilities, and aeronautical weather on scheduled and unscheduled basis as required.

Advises pilots, prior to takeoff, regarding the weather and other hazards along proposed route of flight. Furnishes advisory assistance to pilots landing and taking off from airports not served by an airport traffic control tower. Furnishes emergency navigation assistance to pilots unable to establish their position because of restricted visibility or malfunctioning of airborne electronic equipment.

Monitors federally operated electronic and visual air navigation aids, receives reports of irregularities of non-federal aids, and publicizes operating irregularities when, in his opinion, safety is impaired.

(b) *Locations.*

Region 1

Connecticut:
Windsor Locks, Bradley Field.
Kentucky:
Bowling Green, Warren County Airport.
Corbin.
Covington, Greater Cincinnati Airport.
Lexington, Blue Grass Airport.
Louisville, Bowman Field.
Paducah, Barkley Airport.

Region 1—Continued

Maine:
Augusta, State Airport.
Houlton, Municipal Airport.
Millinocket, Municipal Airport.
Old Town, Municipal Airport.
Maryland:
Salisbury, Municipal Airport.
Massachusetts:
Boston, 287 Marginal Street, East Boston.
Nantucket, Municipal Airport.
Worcester, Municipal Airport.
New Hampshire:
Concord, Municipal Airport.
Lebanon, Municipal Airport.
New Jersey:
Milville, Municipal Airport.
Newark, Municipal Airport.
New York:
Albany, Municipal Airport.
Buffalo, Municipal Airport.
Elmira, Chemung County Airport.
Glens Falls, Warren County Airport.
Massena, Richards Airport.
New York, La Guardia Field.
Poughkeepsie, Duchess County Airport.
Utica, Oneida County Airport.
Watertown, Municipal Airport.
Ohio:
Cleveland, Cleveland-Hopkins Airport.
Columbus, Port Columbus Airport.
Dayton, Municipal Airport.
Findlay, Findlay Airport.
Mansfield, Municipal Airport.
Toledo, Municipal Airport.
Youngstown, Municipal Airport.
Zanesville, Municipal Airport.
Pennsylvania:
Allentown, Allentown - Bethlehem - Easton Airport.
Altoona, Martinsburg Blair County Airport.
Brookville, CAA Intermediate Field.
Erie, Port Erie Airport.
Philadelphia, North Philadelphia Airport.
Phillipsburg, Phillipsburg Airport.
Selinsgrove, Susquehanna Valley Airport.
Wilkes-Barre, Wilkes-Barre-Scranton Airport.
Williamsport, Municipal Airport.
Vermont:
Montpelier, Barre Municipal Airport.
Virginia:
Blackstone, U. S. Air Force Base.
Danville, Municipal Airport.
Front Royal, CAA Radio Range Site.
Gordonsville, CAA Intermediate Field.
Pulaski, Loving Field.
Richmond, Byrd Field.
West Virginia:
Charleston, Kanawha County Airport.
Elkins, Municipal Airport.
Huntington, Chesapeake Airport.
Martinsburg, Municipal Airport.
Morgantown, Municipal Airport.
Parkersburg, Wood County Airport.

Region 2

Alabama:
Anniston, Municipal Airport.
Birmingham, Municipal Airport.
Dothan, Municipal Airport.
Evergreen, Middleton Airport.
Mobile, Bates Field.
Montgomery, Dannelly Field.
Muscle Shoals, Municipal Airport.
Tuscaloosa, Van de Graaf Airport.
Arkansas:
El Dorado, Goodwin Airport.
Fayetteville, Municipal Airport.
Flippin.
Fort Smith, Municipal Airport.
Pine Bluff, Grider Airport.
Texarkana, Municipal Airport.
Walnut Ridge, Municipal Airport.
Florida:
Crestview, Sikes Field.
Cross City, Municipal Airport.
Fort Myers, Page Field.
Jacksonville, Imeson Airport.
Key West, Naval Air Station.
Marianna, Municipal Airport.
Melbourne, Melbourne-Eau Gallie Airport.
Miami, International Airport.
Orlando, Municipal Airport.
Pensacola, Municipal Airport.
Tallahassee, Dale Mabry Field.
Vero Beach, Municipal Airport.
Georgia:
Albany, Municipal Airport.
Alma, CAA Intermediate Field.
Atlanta, Municipal Airport.
Brunswick, McKinnon Airport.
Columbus, Muscogee County, Airport.
La Grange, Callaway Airport.
Macon, Cockran Field.
Valdosta, Municipal Airport.
Louisiana:
Alexandria, Municipal Airport.
Lafayette, Municipal Airport.
Lake Charles, Municipal Airport.
Monroe, Selman Airport.
Mississippi:
Greenwood, Municipal Airport.
McComb, McComb-Pike County Airport.
Meridian, Key Airport.
North Carolina:
Asheville, Asheville-Hendersonville Airport.
Charlotte, Douglas Airport.
Elizabeth City, Coast Guard Air Station.
Greensboro, Greensboro-High Point Airport.
Hickory, Municipal Airport.
Lumberton, Municipal Airport.
New Bern, Simmons-Nott Airport.
Raleigh, Raleigh-Durham Airport.
Rocky Mount, Municipal Airport.
Oklahoma:
Ardmore, Municipal Airport.
Gage, CAA Intermediate Field.
Hobart, Municipal Airport.
McAlester, Municipal Airport.
Oklahoma City, Will Rogers Field.
Ponca City, Municipal Airport.
South Carolina:
Anderson, Municipal Airport.
Florence, Municipal Airport.
Greenville, Municipal Airport.
Myrtle Beach, Municipal Airport.
Tennessee:
Dyersburg, Municipal Airport.
Jackson, McKellar Airport.
Memphis, Municipal Airport.
Nashville, Berry Field.
Smithville, Municipal Airport.
Texas:
Alice, Municipal Airport.
Amarillo, Amarillo Air Terminal.
Austin, Robert Mueller Airport.
Childress, Municipal Airport.
College Station, Easterwood Field.
Corpus Christi, Cliff Maus Field.
Cotulla, CAA Intermediate Field.
Dalhart, Municipal Airport.
Dallas, Love Field.
El Paso, International Airport.
Fort Worth, Mecham Field.
Galveston, Municipal Airport.
Houston, Municipal Airport.
Junction, Kimball County Airport.
Laredo, Municipal Airport.
Longview, Gregg County Airport.
Lufkin, Angelina County Airport.
Marfa, Alpine County Airport.
Mineral Wells, Municipal Airport.
Palacios, Municipal Airport.
Salt Flat, CAA Intermediate Field.
San Angelo, Mathis Airport.
San Antonio, Municipal Airport.
Wichita Falls, Sheppard AFB
Wink, CAA Intermediate Field.
Virgin Islands:
St. Croix, Alexander-Hamilton Field.
St. Thomas, Harry S. Truman Airport.

Region 3

Illinois:
Bradford, Bradford Airport.
Chicago, Midway Airport.
Joliet, Municipal Airport.
Moline, Quad City Airport.
Quincy, Baldwin Quincy Airport.
Rockford, Greater Rockford Airport.
Vandalia, Vandalia Municipal Airport.
Indiana:
Evansville, Dress Memorial Airport.
Goshen, Municipal Airport.
Indianapolis, Weir-Cook Airport.
Lafayette, Purdue University Airport.
South Bend, St. Joseph County Airport.
Terre Haute, Hulman Field.
Iowa:
Burlington, Municipal Airport.
Cedar Rapids, Municipal Airport.
Des Moines, Municipal Airport.
Lamoni, CAA Intermediate Field.
Mason City, Municipal Airport.
Ottumwa, Municipal Airport.
Sioux City, Municipal Airport.
Kansas:
Chanute, Municipal Airport.
Dodge City, Municipal Airport.
Emporia, Municipal Airport.
Garden City, Municipal Airport.
Goodland, Municipal Airport.
Hill City, Municipal Airport.
Russell, Municipal Airport.
Salina, Municipal Airport.
Wichita, Municipal Airport.
Michigan:
Battle Creek, Kellogg Airport.
Cadillac, Municipal Airport.
Detroit, Wayne Major Airport.
Flint, Bishop Field.
Gladwin, Municipal Airport.
Grand Marais, Municipal Airport.
Grand Rapids, Kent County Airport.
Houghton, Houghton County Airport.
Jackson, Reynolds Airport.
Lansing, Capital City Airport.
Muskegon, Muskegon County Airport.
Pellston, Emmet County Airport.
Saginaw, Tri-City Airport.
Sault Ste. Marie, Municipal Airport.
Traverse City, Municipal Airport.
Minnesota:
Alexandria, Municipal Airport.
Minneapolis, Minneapolis-St. Paul International Airport.
Redwood Falls, Municipal Airport.
Rochester, Municipal Airport.
Missouri:
Butler, Butler Airport.
Columbia, Municipal Airport.
Farmington, Farmington Airport.
Joplin, Municipal Airport.
Kansas City, Municipal Airport.
Kirksville, Municipal Airport.
Malden, Municipal Airport.
St. Joseph, Rosecrans Field.
St. Louis, Lambert Field.
Vichy, CAA Intermediate Field.
Nebraska:
Chadron, Municipal Airport.
Grand Island, Municipal Airport.
Imperial, Municipal Airport.
Lexington, Municipal Airport.
North Platte, Lee-Bird Airport.
Omaha, Municipal Airport.
Scottsbluff, Municipal Airport.
Sidney, Municipal Airport.
North Dakota:
Bismarck, Municipal Airport.
Dickinson, Municipal Airport.
Fargo, Hector Field.
Grand Forks, Municipal Airport.
Jamestown, Municipal Airport.
Minot, Port-O-Minot Airport.
South Dakota:
Aberdeen, Municipal Airport.
Huron, Municipal Airport.
Philip, Municipal Airport.
Pierre, Municipal Airport.
Rapid City, Municipal Airport.
Watertown, Municipal Airport.
Wisconsin:
Eau Claire, Municipal Airport.
Grantsburg, CAA Intermediate Field.
Green Bay, Austin-Straubel Airport.

Region 3—Continued

Wisconsin—Continued
La Crosse.
Lone Rock, CAA Intermediate Field.
Madison, Truax Field.
Milwaukee, General Mitchell Field.
Wausau, Alexander Airport.

Region 4

Arizona:
Douglas, Bisbee-Douglas International Airport.
Gila Bend, Air Force Auxiliary Field.
Prescott, Municipal Airport.
Tucson, Municipal Airport.
Winslow, Municipal Airport.
Yuma, County Airport.
California:
Arcata, Arcata Airport.
Bakersfield, Kern County Airport.
Blythe, Municipal Airport.
Burbank, Lockheed Air Terminal.
Crescent City, Del Norte County Airport.
Daggett, CAA Intermediate Field.
Imperial, Imperial County Airport.
Long Beach, Municipal Airport.
Los Angeles, International Airport.
Marysville, Yuba County Airport.
Montague, Siskiyou County Airport.
Needles, Municipal Airport.
Oakland, Municipal Airport.
Palmdale, Palmdale Airport.
Paso Robles, Paso Robles-San Luis Obispo County Airport.
Red Bluff, Municipal Airport.
Salinas, Municipal Airport.
San Diego, Lindbergh Airport.
San Francisco, Municipal Airport.
Santa Barbara, Municipal Airport.
Stockton, Municipal Airport.
Thermal, Municipal Airport.
Ukiah, Municipal Airport.
Colorado:
Akron, CAA Intermediate Field.
Denver, Stapleton Field.
Eagle, CAA Intermediate Field.
Grand Junction, Walker Airport.
La Junta, Municipal Airport.
Pueblo, Municipal Airport.
Trinidad, Municipal Airport.
Idaho:
Burley, Municipal Airport.
Dubois, Municipal Airport.
Gooding, Municipal Airport.
Idaho Falls, Municipal Airport.
Malad City, Intermediate Field.
Montana:
Billings, Municipal Airport.
Bozeman, Gallatin Airport.
Butte, Municipal Airport.
Cut Bank, Municipal Airport.
Dillon, Municipal Airport.
Drummond, CAA Intermediate Field.
Great Falls, Municipal Airport.
Helena, Municipal Airport.
Lewistown, Municipal Airport.
Livingston, Municipal Airport.
Miles City, Municipal Airport.
Missoula, County Airport.
Mullan Pass, Lookout Mountain.
Whitehall, CAA Intermediate Field.
Nevada:
Battle Mountain, Battle Mountain Airport.
Elko, Municipal Airport.
Fallon, Municipal Airport.
Lovelock, CAA Intermediate Field.
Tonopah, Municipal Airport.
Winnemucca, Municipal Airport.
New Mexico:
Albuquerque, Kirtland Air Force Base.
Carlsbad, Municipal Airport.
Columbus, CAA Intermediate Field.
Farmington, Municipal Airport.
Grants, Municipal Airport.
Hobbs, Lea County Airport.
Las Vegas, Municipal Airport.
Otto, CAA Intermediate Field.
Roswell, Municipal Airport.
Santa Fe, New Municipal Airport.
Truth or Consequences, Municipal Airport.
Tucumcari, Municipal Airport.
Zuni, Black Rock Airport.

Region 4—Continued

Oregon:
Baker, Municipal Airport.
Eugene, Mahlon Sweet Airport.
Klamath Falls, Municipal Airport.
North Bend, Municipal Airport.
Ontario, Municipal Airport.
Pendleton, Pendleton Airport.
Portland, Municipal Airport.
Redmond, Roberts Airport.
The Dalles, Municipal Airport.
Utah:
Bryce Canyon, CAA Intermediate Field.
Cedar City, Municipal Airport.
Delta, Municipal Airport.
Hanksville, CAA Intermediate Field.
Ogden, Municipal Airport.
St. George, CAA Intermediate Field.
Salt Lake City, Municipal No. 1 Airport.
Wendover, Air Force Base.
Washington:
Bellingham, Municipal Airport.
Ellensburg, Bowers Airport.
Ephrata, Municipal Airport.
Hoquiam, Municipal Airport.
Seattle, Seattle-Tacoma Airport.
Spokane, Geiger Field.
Toledo, CAA Intermediate Field.
Walla Walla, City-County Airport.
Wyoming:
Casper, Natrona County Airport.
Cheyenne, Municipal Airport.
Douglas, Municipal Airport.
Fort Bridger, CAA Intermediate Field.
Laramie, Brees Airport.
Rawlins, Municipal Airport.
Rock Springs, Municipal Airport.
Sheridan; County Airport.

Region 5

Alaska:
Anchorage, Merrill Field.
Annette, CAA International Field.
Aniak, CAA Intermediate Field.
Bethel, CAA Intermediate Field.
Bettles, CAA Intermediate Field
Big Delta, CAA Intermediate Field.
Cordova, CAA Intermediate Field.
Fairbanks.
Farewell, CAA Intermediate Field.
Fort Yukon, Fort Yukon Airport.
Galena, CAA Intermediate Field.
Gulkana, CAA Intermediate Field.
Gustavus, CAA Intermediate Field.
Homer, CAA Intermediate Field
Illiamna, CAA Intermediate Field.
Juneau, Juneau Airport.
Kenai, CAA Intermediate Field
King Salmon, CAA Intermediate Field.
Kodiak, Woody Island.
Kotzebue, CAA Intermediate Field.
McGrath, CAA Intermediate Field.
Middleton Island, CAA Intermediate Field.
Minchumina, CAA Intermediate Field.
Moses Point, CAA Intermediate Field.
Nenana, CAA Intermediate Field.
Nome, Nome City Airport.
Northway, CAA Intermediate Field.
Petersburg, City of Petersburg.
Sitka, Japanski Island.
Skwentna, CAA Intermediate Field.
Summit, CAA Intermediate Field.
Takkeetna, CAA Intermediate Field.
Tanana, CAA Intermediate Field.
Unalakleet, CAA Intermediate Field.
Yakataga, CAA Intermediate Field.
Yakutat, CAA Intermediate Field.

Region 6

Hawaii:
Hilo, General Lyman Field.
Honolulu, Honolulu Airport.
Lihue, Kauai, Lihue Airport.
Puunene, Maui, Maui Airport.

SEC. 26. *Overseas Foreign Aeronautical Communication Stations*—(a) *Functions.* Overseas Foreign Aeronautical Communications Stations (OFACS) provide air-ground communication services required to maintain control over and facilitate the long-range flight of aircraft overseas and in foreign countries. Essentially, these communication services are similar to those which are provided by INSACS though greater in scope due to the larger areas of activity. They also provide fixed communications services for the large scale exchange of meteorological and airway information with foreign countries.

(b) *Locations.*

Region 1

New York, N. Y., LaGuardia Field.

Region 2

Balboa, C. Z., Albrook Field.
San Juan, P. R., Isla Grande Airport.
Miami, Fla., International Airport.
New Orleans, La., Municipal Airport.
Swan Island, West Indies.

Region 4

San Francisco, Calif., San Francisco Municipal Airport.
Seattle, Wash., Seattle-Tacoma Airport.

Region 5

Anchorage, Alaska.
Annette Island, Alaska.

Region 6

Canton Island, Pacific Ocean.
Guam Island, Pacific Ocean.
Honolulu, Oahu, Territory of Hawaii.
Wake Island, Pacific Ocean.

SEC. 27. *International District and Field Offices*—(a) *Functions.* Field activities of the International Region are carried out primarily by CAA International District Offices located within the continental United States and CAA International Field Offices located outside the continental United States.

These offices inspect operations and equipment of U. S. flag air carriers engaged in international air transportation to determine compliance with, and the enforcement of, the applicable safety rules, regulations, and orders issued pursuant to the Civil Aeronautics Act of 1938, as amended;

Direct the investigation of alleged violations of such safety requirements, including accidents when such violations or accidents involve civil aircraft of the United States;

Review requests for, and issue amendments to, operating certificates of such carriers;

Issue airworthiness and other aircraft certificates;

Issue certificates and examine applicants for pilot, mechanic, parachute rigger, dispatcher, and other airman certificates;

Assist United States flag international carriers and foreign governments in steps to acquire and provide adequate aeronautical communications facilities and aids to air navigation based on international standards and the requirements of such U. S. carriers;

Promotes United States civil aviation interests through familiarization of foreign officials with United States standards, procedures, and techniques as set forth in the International Civil Aviation Convention or other international agreements to which the United States is a party.

(b) *Locations of CAA International District Offices.*

Fort Worth CAA International District Office, CAA Reservation, Haslet Road, Fort Worth, Tex. (P. O. Box 1689).
Kansas City CAA International District Office, Administration Building, Fairfax Airport, Kansas City, Kans.
Miami CAA International District Office, 656 East Drive, Miami Springs, Fla. (P. O. Box 294, Miami 48, Fla.).
Minneapolis CAA International District Office, 6201 Thirty-fourth Avenue South, Wold-Chamberlain Field, Minneapolis, Minn.
New York CAA International District Office, Federal Building-New York International Airport, Jamaica, Long Island, N. Y.
San Francisco CAA International District Office, Rooms 101–105, International Terminal Building, San Francisco International Airport, South San Francisco, Calif.

(c) *Locations of CAA International Field Offices.*

Balboa CAA International Field Office, Room 301, Civil Affairs Building, Ancon, C. Z. (P. O. Box J, Balboa Heights, C. Z.).
Bangkok CAA International Field Office, % United States Embassy, 95 Wireless Road, Bangkok, Thailand.
Beirut CAA International Field Office, % American Embassy, Beirut, Lebanon.
Buenos Aires CAA International Field Office, Florida 935, 2C, Buenos Aires, Argentina (% United States Embassy, Avda, R. S. Pena 567, Buenos Aires, Argentina).
Lima CAA International Field Office, Corpac Terminal Building-Limatambo Airport, % United States Embassy, Lima, Peru.
London CAA International Field Office, % United States Embassy, No. 1 Grosvenor Square, London, England.
Manila CAA International Field Office, Embassy Compound, Quonset No. 3, Manila, P.I. (% United States Embassy, A. P. O. 928, % Postmaster, San Francisco, Calif.).
Paris CAA International Field Office, Room 321, Embassy Building "F", % United States Embassy, 1 Rue du Pressbourg, Paris, France.
Rio de Janeiro CAA International Field Office, Avenue Presidente Wilson 147, Room 515, % United States Embassy, Rio de Janeiro, Brazil.
San Juan, P. R., International Field Office, Room 226, Hangar 20, Isla Grande Airport, San Juan, P. R. (P. O. Box 4764, Isla Grande Airport, San Juan, P. R.).
Tokyo CAA International Field Office, Mitsubishi Shoji Building, Room 806, No. 10, 3-chome, Marunouchi, Chiyoda-ku, Tokyo (% American Embassy, A. P. O. 500, % Postmaster, San Francisco, Calif.).

SUBPART D—AIR NAVIGATION DEVELOPMENT BOARD

SEC. 31. *Services provided by the Civil Aeronautics Administration.* The Department of Commerce, through the Civil Aeronautics Administration, provides all housekeeping services required by the Air Navigation Development Board. The Board may utilize the contractual and other facilities of the Administrator of Civil Aeronautics, and the Board Staff is subject to all administrative policies and procedures of the Administration, except where specifically exempted therefrom in writing by the Administrator.

NOTE: A description of the organization, and the powers and duties of the Air Navigation Development Board is contained in 19 F. R. 1521 and 1522.

This notice supersedes the description of the organization and functions of the Civil Aeronautics Administration as published on April 5, 1951, in 16 F. R. 2975, and amended on August 9, 1952, in 17 F. R. 7304; September 10, 1952, in 17 F. R. 8163; October 18, 1952, in 17 F. R. 9270; November 19, 1952, in 17 F. R. 10574; May 14, 1953, in 18 F. R. 2798; July 16, 1953, in 18 F. R. 4187; July 23, 1953, in 18 F. R. 4344 and 4345; July 31, 1953, in 18 F. R. 4505; October 15, 1953, in 18 F. R. 6571; November 5, 1953, in 18 F. R. 7000; November 6, 1953, in 18 F. R. 7016; and on November 14, 1953, in 18 F. R. 7260.

This notice shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54-2633; Filed, Apr. 9, 1954; 8:45 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

DIRECTOR AND ASSISTANT DIRECTOR OF BUREAU OF EMPLOYMENT SECURITY

DELEGATION OF AUTHORITY TO PERFORM CERTAIN DUTIES OF THE SECRETARY

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 287; 5 U. S. C. 1001 et seq.), the Statement of Organization of the Department of Labor heretofore published in the FEDERAL REGISTER is amended to indicate certain additional assignments of functions.

On October 16, 1953, by virtue of authority contained in R. S. 161 (5 U. S. C. 22), in regulations issued by the Attorney General (17 F. R. 11481, 11494, 18 F. R. 4925) in accordance with the Immigration and Nationality Act (66 Stat. 163), and in Reorganization Plan 6 of 1950 (15 F. R. 3174, 64 Stat. 1263), the Secretary of Labor issued General Order No. 69 which authorized the Assistant Secretary of Labor for Employment and Manpower, or such other person as he chose to designate, to certify (1) as to the non-availability of qualified persons in the United States to perform the work, labor or services which are to be performed by immigrants admitted pursuant to section 204 (b) of the Immigration and Nationality Act; (2) whether (a) qualified workers are available within the United States, and (b) Employment Service policies have been observed with respect to immigrants admitted pursuant to section 214 of said act; (3) with respect to applications for extensions of temporary admission under said section 214 that the facts which justified such admission continue to exist; and (4) in connection with the exclusion of immigrants under section 212 (a) of said act that (a) sufficient qualified workers are available at the time (of the application for a visa and for admission to the United States) and place (to which alien is destined) to perform work or (b) that the employment of such aliens would adversely affect the wages and working conditions of workers in the United States similarly employed.

This order superseded all prior orders, instructions, regulations or memoranda of the Secretary of Labor to the extent they are inconsistent therewith.

On November 12, 1953, the Assistant Secretary of Labor for Employment and Manpower authorized, subject to his general direction and control, the Director of the Bureau of Employment Security to perform part of the functions designated in General Order No. 69 and described above in paragraphs (1), (2) and (3). Under authority contained in the latter order, the Director of the Bureau of Employment Security, on November 12, 1953, authorized the Assistant Director for Employment Security to perform the functions delegated to him and subject to his general direction and control.

Signed at Washington, D. C., this 5th day of April 1954.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 54-2675; Filed, Apr. 9, 1954; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1841 et al.]

DENVER SERVICE CASE

NOTICE OF HEARING

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on May 18, 1954, at 10:00 a. m., in the Circuit Court of Appeals Court Room, second floor, Post Office Building, Eighteenth and Stout Streets, Denver, Colorado, before Examiner Ferdinand D. Moran, and is to be recessed for further hearing on June 1, 1954, at 10:00 a. m., in Conference Room A, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C.

Dated at Washington, D. C., April 6, 1954.

[SEAL] FRANCIS W. BROWN,
Hearing Examiner.

[F. R. Doc. 54-2698; Filed, Apr. 9, 1954; 8:51 a. m.]

[Docket No. 6528]

UNITED AIR LINES, INC.; CITY OF ELY, NEVADA

NOTICE OF HEARING

In the matter of the joint application of the City of Ely, Nevada, and White Pine County, Nevada, under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for amendment of the certificate of public convenience and necessity held by United Air Lines, Inc., for route No. 1 so as to add Ely, Nevada, as an intermediate point alternate to Elko, Nevada, between Salt Lake City, Utah, and Reno, Nevada.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on May 21, 1954, at 10:00 a. m., in the Circuit Court of Appeals Court Room, second floor, Post Office Building, Eighteenth and Stout Streets, Denver, Colorado, before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., April 6, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2699; Filed, Apr. 9, 1954; 8:51 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

ORGANIZATIONAL STATEMENT

GENERAL FUNCTIONS; CENTRAL AND FIELD ORGANIZATIONS

1. Section 2 of the statement on organization and functions of the Federal Civil Defense Administration (16 F. R. 1909) is amended to include the following new paragraph:

SEC. 2. *General functions.* • • •

(h) On behalf of the President, pursuant to Public Law 875, 81st Congress, as amended and Executive Order 10427, the Administrator is authorized to provide an orderly and continuing means of assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters, to make emergency repairs to and temporary replacements of essential public facilities in major disasters, to foster the development of such State and local organizations and plans to cope with major disasters as may be necessary, and to coordinate the activities of Federal agencies in providing disaster assistance.

2. Section 4, as amended (17 F. R. 10672), is revised to read as follows:

SEC. 4. *Central and field organizations.* (a) The chief executive officers of the Administration are the Administrator and Deputy Administrator both appointed from civilian life by the President. The principal offices of the Administration are located at 1930 Columbia Road, Washington 25, D. C.

(b) The functions of the Administrator are performed through the following organizational segments:

Office of Executive Assistant Administrator.
Office of General Counsel.
Planning Staff.
General Administration Staff:
  Administrative Management Office.
  Administrative Operations Office.
  Budget Administration Office.
  Personnel Office.
  Security Office.
Education Services:
  Public Affairs Office.
  Publications Office.
  Training and Education Office.
Operations Control Services:
  Federal Emergency Control Office.
  Supply Office.
  Tactical Operations Office.
  Transportation Office.
  Warning and Communications Office.
Technical Advisory Services:
  Engineering Office.
  Health Office
  Industry Office.
  Safety Office.
  Welfare Office.

(c) Seven Regional Offices advise and assist the State civil defense organizations in their areas in carrying out civil defense activities. The Regional Offices and the areas served by each are as follows:

Region 1: FCDA Regional Office, 383 Langley Road, Newton Center 59, Mass.—Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey.

Region 2: FCDA Regional Office, Farmers and Mechanics Building, High and Market Streets, West Chester, Pa.—District of Columbia, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, Kentucky, Ohio.

Region 3: FCDA Regional Office, Buildings 23 and 25, Veterans Domiciliary, Pine Tree Boulevard, South, Thomasville, Ga.—Tennessee, Mississippi, Alabama, Georgia, South Carolina, Florida, North Carolina.

Region 4: FCDA Regional Office, 108 N. Ottawa Street, Joliet, Ill.—Indiana, Illinois, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Michigan.

Region 5: FCDA Regional Office, Brackenridge Hall, Texas State College for Women, Denton, Tex.—Texas, Louisiana, Arkansas, Oklahoma, New Mexico.

Region 6: FCDA Regional Office, 2040 East Evans Avenue, P. O. Box 3878, University Park Station, Denver 10, Colo.—Colorado, Missouri, Wyoming, Nebraska, Kansas.

Region 7: FCDA Regional Office, 2223 Fulton Street, Berkeley 4, Calif.—California, Nevada, Utah, Arizona, Montana, Idaho, Washington, Oregon.

(d) The FCDA Staff College and the Rescue School located at Olney, Maryland conduct training programs in Civil Defense Administration and Civil Defense Operations and Rescue Instructor Training.

(e) The public may obtain information or make submittals or requests to the Regional Administrator whose office serves the area involved.

KATHERINE G. HOWARD,
Deputy Administrator.

[F. R. Doc. 54-2676; Filed, Apr. 9, 1954; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6536]

ENERGY ACCUMULATION AND EXCHANGE CORP.

NOTICE OF FINDING AND ORDER

APRIL 6, 1954.

Notice is hereby given that on April 2, 1954, the Federal Power Commission issued its order adopted March 31, 1954, in the above-entitled matter, requiring Energy Accumulation and Exchange Corporation to file for and accept a license under section 23 (b) of the Federal Power Act before commencing construction of its proposed hydroelectric project.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2678; Filed, Apr. 9, 1954; 8:47 a. m.]

[Docket No. E-6553]

COMPANIA DE LUZ Y FUERZA DE CD. CAMARGO, TAMPS., S. A. AND CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

APRIL 6, 1954.

Notice is hereby given that Compania de Luz y Fuerza de Cd. Camargo, Tamps., S. A. (Applicant), on March 30, 1954, filed an application joined in by Central Power and Light Company (Central), requesting authorization pursuant to the provisions of section 202 (e) of the Federal Power Act, U. S. C. 824 (a), to export electric energy from the United States to the Republic of Mexico in the maximum annual amount of 2,500,000 kilowatt-hours at a rate of supply not to exceed 500 kw. The application states that Central will be the source of supply of the energy to be exported and that Applicant upon purchase of said energy from Central will transmit the same from a point adjacent to the international bridge across the Rio Grande near the town of Rio Grande City in Starr County, Texas, by means of a 12,000 volt, three phase, four wire, overhead line to a point on the bank of the Rio Grande in the State of Tamaulipas, Republic of Mexico opposite the aforementioned point in the State of Texas; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with respect to said application should, on or before April 26, 1954, file a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2677; Filed, Apr. 9, 1954; 8:47 a. m.]

[Docket Nos. G-2269, G-2282]

COLORADO INTERSTATE GAS CO. AND NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF FINDINGS AND ORDER

APRIL 6, 1954.

In the matters of Colorado Interstate Gas Company, Docket No. G-2269, and Natural Gas Pipeline Company of America, Docket No. G-2282.

Notice is hereby given that on April 1, 1954, the Federal Power Commission issued its order adopted March 31, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2679; Filed, Apr. 9, 1954; 8:48 a. m.]

[Docket No. ID-1212]

RICHARD L. BRICKLEY

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

APRIL 6, 1954.

Notice is hereby given that on April 2, 1954, the Federal Power Commission issued its order adopted March 31, 1954, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2680; Filed, Apr. 9, 1954; 8:48 a. m.]

[Project No. 2051]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER ISSUING MINOR-PART LICENSE (TRANSMISSION LINE)

APRIL 6, 1954.

Notice is hereby given that on April 2, 1954, the Federal Power Commission issued its order adopted March 31, 1954, issuing minor-part license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2681; Filed, Apr. 9, 1954; 8:48 a. m.]

[Project No. 2102]

WARRIOR RIVER ELECTRIC CO-OPERATIVE ASSN.

NOTICE OF ORDER EXTENDING PERIOD OF PRELIMINARY PERMIT

APRIL 6, 1954.

Notice is hereby given that on April 2, 1954, the Federal Power Commission issued its order adopted March 31, 1954, in the above-entitled matter, extending the period of the preliminary permit from June 30, 1954, to and including December 31, 1954.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2682; Filed, Apr. 9, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3220]

CITIES SERVICE CO. ET AL.

ORDER REGARDING SALE BY PARENT OF SUBSIDIARY'S COMMON STOCK AT COMPETITIVE BIDDING AND REQUEST FOR RECITALS REQUIRED BY SUPPLEMENT R AND SECTION 1808 (f) OF INTERNAL REVENUE CODE

APRIL 6, 1954.

In the matter of Cities Service Company, The Gas Service Company, Gas Advisers, Inc., File No. 70-3220.

Cities Service Company ("Cities"), a registered holding company, The Gas Service Company ("Gas Service"), a gas utility subsidiary of Cities, and Gas Advisers, Inc. ("Gas Advisers"), a mutual service company owned by various subsidiaries in the Cities system which are served by said service company, having filed a joint application-declaration, as amended, pursuant to sections 11 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-43, U-44, U-45 (a) and U-50 promulgated thereunder, regarding the following transactions:

Cities has withdrawn its prior application-declaration (File No. 70-3167) which, as amended, proposed the sale of the common stock of Gas Service owned by Cities to Missouri Public Service Company, a non-affiliated company.

Now Cities proposes to sell, pursuant to the competitive bidding requirements of Rule U-50, 1,500,000 shares of $10 par value common stock of Gas Service, being all the capital stock of such company outstanding.

The proposed sale by Cities of its interest in Gas Service is stated to be in compliance with the Commission's order of May 5, 1944, as modified and clarified by supplemental order dated October 12, 1944, pursuant to section 11 (b) (1) of the act, directing, among other things, that Cities dispose of its interest in Gas Service.

Gas Service has accrued its Federal income and excess profits taxes for the year 1953 on a separate return basis. Immediately following the sale of the Gas Service stock by Cities, the two companies propose to enter into a Tax Agreement which will provide in substance (a) that Cities may include Gas Service in its consolidated returns for either or both of the years 1953 and 1954, (b) that, in the event Gas Service is so included for the year 1953, Gas Service will pay to Cities an amount equal to the amount accrued on the books of Gas Service on account of Federal income and excess profits taxes on a separate return basis for the calendar year 1953 and, in the event Gas Service is so included for the calendar year 1954, an amount equal to the lesser of (i) the amount accrued on the books of Gas Service on a separate return basis for the period from January 1, 1954, to the date of said Tax Agreement or (ii) the amount which Gas Service shall have accrued on its books on a separate return basis for the calendar year 1954 and (c) that the payment of such amount shall be made to Cities on the same installment basis that would apply if separate returns were being filed by Gas Service. The Agreement also provides for the assignment by Gas Service to Cities of all of its rights to refunds or credits which may result from the inclusion of Gas Service in said consolidated returns for said periods and for appropriate indemnification of Gas Service by Cities against any liability for income or excess profits taxes arising by reason of such inclusion of Gas Service in consolidated returns for said periods.

Gas Service presently owns 270 shares of the capital stock, par value $100 per share, of Gas Advisers. Subject to, and on the consummation of, Cities' proposed sale of its interest in Gas Service, the latter proposes to sell, and Gas Advisers proposes to purchase for retirement, said 270 shares for a consideration of $27,000; and concurrently therewith the service contract dated January 1, 1938, between Gas Service and Gas Advisers will be terminated.

The application-declaration states that Cities will use the proceeds from the sale of its holdings of common stock of Gas Service to purchase additional common stock of its wholly owned subsidiary, Empire Gas and Fuel Company.

It is stated that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein make the necessary findings and contain the recitals required by Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, with respect to certain of the proposed transactions, and that the order become effective upon its issuance.

Due notice of the filing of the application-declaration having been given in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules thereunder are satisfied and that the application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application-declaration, as amended, be, and the same is hereby, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50 and to the following additional terms and conditions:

That jurisdiction be, and the same hereby is reserved over all fees and expenses incurred or to be incurred in connection with the proposed transactions and the consummation thereof.

It is further ordered, recited and found, That the sale and transfer by Cities of the 1,500,000 shares of common stock of the par value of $10 per share of Gas Service to the purchasers, and the application of the proceeds (or an amount equal thereto) to be received from said sale by Cities to the purchase by Cities from Empire Gas and Fuel Company, a wholly owned subsidiary, at $100 per share, of additional shares of common stock without nominal or par value of Empire Gas and Fuel Company, all as in the order authorized, approved and directed, are necessary or appropriate to the integration or simplification of the holding company system of which Cities and Gas Service are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 within the meaning of sections 371, 373 (a) and 1808 (f) of the Internal Revenue Code, as amended, and that jurisdiction is reserved to amend, supplement or modify, upon the petition or application of Cities, the recitals, itemizations and specifications required by Supplement R of the Internal Revenue Code, as amended, with respect to the above-described transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2689; Filed, Apr. 9, 1954; 8:49 a. m.]

[File No. 70-3228]

COLUMBIA GAS SYSTEM, INC., AND UNITED FUEL GAS CO.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING CAPITAL CONTRIBUTION TO SUBSIDIARY BY PARENT, AND ISSUANCE AND SALE OF INSTALLMENT NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

APRIL 6, 1954.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and one of its subsidiary companies, United Fuel Gas Company ("United Fuel"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9, 10 and 12 (b) of the act and Rules U-45 and U-50 (a) (3) promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Columbia, which owns all of the outstanding securities of United Fuel except 1½ shares of common stock, proposes to make cash capital contributions to United Fuel in the amount of $11,500,000. Columbia will increase its investment in the common stock of United Fuel by $11,499,954.74 and will charge $45.26 (the amount of the contribution which is applicable to the minority interest) to operating expense. United Fuel proposes to credit $11,500,000 to its capital surplus.

United Fuel proposes to issue and sell at par to Columbia $12,800,000 principal amount of __ Percent Installment Promissory notes.

The notes in registered form, will be payable in equal annual installments on February 15 of each of the years 1956 to 1980, inclusive. Interest on the unpaid principal thereof will be payable semi-annually on February 15 and August 15 at the rate of 4 percent per annum or such lower rate, being a multiple of ⅛ of 1 percent as shall be not less than the "cost of money" to Columbia in respect of its next sale of Senior Debentures. It is Columbia's present intention to sell Senior Debentures later this year and during the interim period the proposed notes will carry interest at the rate of 4 percent per annum subject, however, to an adjustment in the rate following the sale of Senior Debentures.

It is anticipated that Columbia will first make capital contributions when and as funds are required by United Fuel up to a maximum amount of $11,500,000 and thereafter Columbia will purchase the proposed notes up to a maximum amount of $12,800,000. However, none of the capital contributions will be made or the purchase of notes consummated subsequent to March 31, 1955.

According to the filing, the financing is for the purpose of supplying United Fuel with funds required to finance the major portion of its 1954 construction program involving estimated expenditures of $29,080,000 for underground gas storage and production facilities, transmission and distribution lines, compressor stations, and other facilities.

The estimated fees and expenses aggregate $14,480 of which $14,080 is attributable to the Federal Original Issue Tax.

United Fuel has applied to the Public Service Commission of West Virginia for authority to issue and sell the notes and to receive the cash capital contributions from Columbia.

Notice is further given that any interested person may, not later than April 21, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2686; Filed, Apr. 9, 1954; 8:49 a. m.]

[File No. 70-3229]

WISCONSIN ELECTRIC POWER CO.

NOTICE OF FILING IN RESPECT OF PROPOSED ISSUANCE AND SALE PURSUANT TO RIGHTS OFFERING OF ADDITIONAL SHARES OF COMMON STOCK AND ISSUANCE AND SALE AT COMPETITIVE BIDDING OF BONDS

APRIL 6, 1954.

Notice is hereby given that Wisconsin Electric Power Company ("WEPCO"), a registered holding company and a public-utility company, has filed an application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated sections 6, 7, 9 and 10 of the act and Rules U-42 and U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

WEPCO proposes to issue and sell, without underwriting, not to exceed 421,492 additional shares of its authorized but unissued $10 par value common stock, pursuant to (a) a rights offering to its stockholders on the basis of one share of additional common stock for each ten shares held of record at the close of business on a record date to be fixed by the company, (b) the non-transferable privilege to the regular employees and officers of WEPCO and its subsidiaries, to subscribe, subject to allotment, for such of the additional shares of common stock, not to exceed 100 such shares by any one employee or officer, as are not subscribed for by the stockholders pursuant to the rights offering, and (c) the additional privilege to the stockholders to subscribe, subject to allotment, for such number of shares of additional common stock as are not subscribed for by the stockholders and the employees and officers under (a) and (b). The subscription price, not less than par, is to be fixed by the company prior to the offering. The employees are to be permitted to pay for the stock subscribed for by them in installments over a period not exceeding one year; no employee is to be permitted to subscribe for more than that number of shares the aggregate subscription price of which most nearly equals approximately 15 percent of the employee's annual wages for the year 1953, and, until the subscription price for such shares is fully paid, such shares will not be issued nor will the employee be entitled to receive any dividends. The stockholders' subscription rights and the additional subscription privilege will be evidenced by transferable warrants. The subscription offer is to extend over a period of approximately 20 days. No fractional shares will be issued. The company has appointed the Hanover Bank, New York, New York, and First Wisconsin Trust Company, Milwaukee, Wisconsin, as Warrant Agents. Such Warrant Agents will transfer subscription Warrants, arrange for splitups and combinations, sell subscription rights, purchase subscription rights (not exceeding 9) to enable subscriptions for full shares to be made, and administer the allotments under the stockholders' additional subscription privilege. The Company reserves the right to issue and sell any shares of the additional common stock not subscribed for by the stockholders or employees and officers without first again offering such shares to the stockholders.

WEPCO also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $20,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1984. The bonds will be issued under and secured by the existing Mortgage and Deed of Trust, dated October 28, 1938, as previously supplemented and amended, and as to be further supplemented and amended by a Supplemental Indenture to be dated as of May 1, 1954. The price to be received by the Company (which shall not be less than 100 percent nor more than 102¾ percent of the principal amount) for said bonds, and the rate of interest thereon (which shall be a multiple of ⅛ of 1 percent) will be determined by the competitive bidding.

It is stated that the proceeds to be received from the proposed issue and sale of common stock and bonds will be used to finance the cost of property additions, approximately $38,000,000 being required for such purpose during 1954.

WEPCO has filed an application with the Public Service Commission of Wisconsin for authority to issue and sell the proposed securities.

Notice is further given that any interested person may, not later than April 23, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after that date said application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2687; Filed, Apr. 9, 1954; 8:49 a. m.]

[File No. 70-3230]

COLUMBIA GAS SYSTEM, INC., AND MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

APRIL 6, 1954.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and one of its wholly owned subsidiary companies, The Manufacturers Light and Heat Company ("Manufacturers"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 and 10 of the act and Rule U-50 (a) (3) thereunder as applicable to the proposed transactions which are summarized as follows:

Manufacturers proposes to issue and sell to Columbia 149,784 shares of common stock, $50 par value, and $14,160,800 principal amount of __ Percent Installment Promissory Notes at the par value or principal amount thereof.

The notes in registered form, will be payable in equal annual installments on February 15 of each of the years 1956 to 1980, inclusive. Interest on the unpaid principal thereof will be payable semi-annually on February 15 and August 15 at the rate of 4 percent per annum or such lower rate, being a multiple of ⅛ of 1 percent, as shall be not less than the "cost of money" to Columbia in respect of its next sale of Senior Debentures. It is Columbia's present intention to sell Senior Debentures later this year and during the interim period the proposed notes will carry interest at the rate of 4 percent per annum subject, however, to an adjustment in the rate following the sale of Senior Debentures.

It is anticipated that Manufacturers will first issue and sell its common stock when and as funds are required up to a maximum amount of 149,784 shares ($7,489,200) and thereafter Manufacturers will sell its notes to Columbia up to a maximum amount of $14,160,800. However, none of such common stock or notes will be sold or purchased subsequent to March 31, 1955.

According to the filing, the financing is for the purpose of supplying Manufacturers with funds required to finance the major portion of its 1954 construction program involving estimated expenditures of $26,513,000 for underground gas storage and production facilities, transmission and distribution lines and other facilities.

The estimated fees and expenses aggregate $24,265 of which $23,815 is attributable to the Federal Original Issue Tax.

Manufacturers has applied to the Pennsylvania Public Utility Commission for approval of the proposed issuance and sale of common stock and notes.

Notice is further given that any interested person may, not later than April 21, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2685; Filed, Apr. 9, 1954; 8:48 a. m.]

[File No. 70-3231]

COLUMBIA GAS SYSTEM, INC., AND OHIO FUEL GAS CO.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

APRIL 6, 1954.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and one of its wholly owned subsidiary companies, The Ohio Fuel Gas Company ("Ohio Fuel"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 and 10 of the act and Rule U-50 (a) (3) thereunder as applicable to the proposed transactions which are summarized as follows:

Ohio Fuel proposes to issue and sell to Columbia up to 130,000 shares of Ohio Fuel's common stock, $45 par value, and $12,650,000 principal amount of its __ Percent Installment Promissory Notes at the par value or principal amount thereof.

The notes in registered form, will be payable in equal annual installments on February 15 of each of the years 1956 to 1980, inclusive. Interest on the unpaid principal thereof will be payable semi-annually on February 15 and August 15 at the rate of 4 percent per annum or such lower rate, being a multiple of ⅛ of 1 percent, as shall be not less than the "cost of money" to Columbia in respect of its next sale of Senior Debentures. It is Columbia's present intention to sell Senior Debentures later this year and during the interim period the proposed notes will carry interest at the rate of 4 percent per annum subject, however, to an adjustment in the rate following the sale of Senior Debentures.

It is anticipated that Ohio Fuel will first issue and sell its common stock when and as funds are required up to a maximum amount of 130,000 shares ($5,850,000) and thereafter Ohio Fuel will sell its proposed notes to Columbia up to a maximum amount of $12,650,000. However, none of such common stock or notes will be sold or purchased subsequent to March 31, 1955.

According to the filing, the financing is for the purpose of supplying Ohio Fuel with funds required to finance the major portion of its 1954 construction program involving estimated expenditures of $22,517,000 for underground gas storage and production facilities, transmission and distribution lines, and other facilities.

The estimated fees and expenses aggregate $22,000 of which $20,350 is attributable to Federal Original Issue Tax.

Ohio Fuel has applied to the Public Utilities Commission of Ohio for approval of the proposed issuance and sale of common stock and notes.

Notice is further given that any interested person may, not later than April 21, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law revised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2684; Filed, Apr. 9, 1954; 8:48 a. m.]

[File No. 811-313]

PENNSYLVANIA INDUSTRIES, INC.

NOTICE OF APPLICATION FOR ORDER DECLARING COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

APRIL 5, 1954.

Notice is hereby given that Pennsylvania Industries, Inc. ("Industries"), a

registered closed-end non-diversified investment company, has filed an application pursuant to section 8 (f) of the act for an order declaring that Industries has ceased to be an investment company under the act.

The application makes the following representation:

Industries has outstanding capital stock consisting of 36,387 shares of $6 Preferred Stock, par value $25 per share, and 23,182.52 shares of Common Stock, par value $25 per share.

All of the outstanding shares of $6 Preferred Stock of Industries and 22,943 (98.9 percent) of the 23,182.52 outstanding shares of Common Stock of Industries are owned by J. H. Hillman, Jr., and two of his children, Hillman Land Company, J. H. Hillman & Sons Company and The Hillman Foundation, Inc. The outstanding capital stock of J. H. Hillman & Sons Company consists of 10,369 shares of common stock, $100 par value per share, all of which (with the exception of 10 shares) are owned by Hillman Land Company. All of the outstanding shares of stock of Hillman Land Company are owned by J. H. Hillman, Jr., and five of his children. The Hillman Foundation is a charitable foundation founded by Hillman and his family.

Of the 239.52 outstanding shares of Common Stock of Industries not owned as above set forth, 217 are owned by 18 stockholders and the remaining 22.52 shares are held for issuance to holders of $1 par value Common Stock of Industries which (pursuant to amendment to the Certificate of Incorporation of Industries on December 28, 1949) was converted into $25 par value Common Stock of Industries at the rate of one share of $25 par value Common Stock for each twenty-five shares of $1 par value Common Stock. Said 22.52 issuable shares are held by 16 stockholders.

The application, therefore, shows that the outstanding securities of Industries are owned by not more than one hundred persons and the application asserts that Industries is not making and does not presently propose to make any public offering of any of its securities.

Section 3 (c) (1) of the act exempts from the definition of "investment company" any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. For the purpose of this exemption, beneficial ownership by a company is deemed to be beneficial ownership by one person; except that, if such company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities (other than short-term paper).

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than April 23, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2688; Filed, Apr. 9, 1954; 8:49 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 104-53]

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER, V. THE NATIONAL COUNCIL OF AMERICAN-SOVIET FRIENDSHIP, INC., RESPONDENT

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong. 50 U. S. C. 781 et seq.), particularly section 13 of said act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the Respondent to register as a Communist-front organization pursuant to section 7 of said act (50 U. S. C. 786), will be held commencing on Monday, May 10, 1954, at 10:00 a. m., e. d. s. t., in Hearing Room 111 in the Lafayette Building, 811 Vermont Avenue NW., Washington, D. C.

Dated at Washington, D. C., April 7, 1954.

[SEAL] THOMAS J. HERBERT, *Chairman.*

[F. R. Doc. 54-2725; Filed, Apr. 9, 1954; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29103]

ETHYLENE OXIDE FROM TEXAS CITY, TEX., TO WEST VIRGINIA, OHIO, AND KENTUCKY

APPLICATION FOR RELIEF

APRIL 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Ethylene oxide, in tank-cars, carloads.

From: Texas City, Texas.

To: Specified destinations in West Virginia, Ohio, and Kentucky.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 324.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2691; Filed, Apr. 9, 1954; 8:50 a. m.]

[4th Sec. Application 29104]

FERTILIZER SOLUTIONS FROM VICKSBURG AND YAZOO CITY, MISS., TO MISSOURI, OHIO, AND IOWA

APPLICATION FOR RELIEF

APRIL 7, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer ammoniating solution, and fertilizer nitrogen solution, in tank-car loads.

From: Vicksburg and Yazoo City, Miss.

To: St. Louis, Mo., Parma, Ohio and Clinton, Iowa.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2692; Filed, Apr. 9, 1954; 8:50 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 34]

CHICAGO & ILLINOIS MIDLAND RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Chicago & Illinois Midland Railway Company, account work stoppage, is unable to transport traffic routed over its line: *It is ordered*, That:

(a) Rerouting traffic: The Chicago & Illinois Midland Railway Company being unable to transport traffic routed over its line, because of work stoppage, and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deeded to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective 10:00 a. m., April 6, 1954.

(g) Expiration date: This order shall expire at 11:59 p. m., April 20, 1954, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 6, 1954.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 54-2694; Filed, Apr. 9, 1954; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 71

Washington, Tuesday, April 13, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY AND DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to § 6.305 (a) and § 6.310 (j) (2) is amended as set out below.

§ 6.305 *Department of the Army*—(a) *Office of the Secretary.* • • •

(7) One Special Assistant to the Under Secretary of the Army.

§ 6.310 *Department of the Interior.* • • •

(j) *Bureau of Indian Affairs.* • • •

(2) Chief, Coordinating Staff.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2729; Filed, Apr. 12, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FARM CREDIT ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, the positions listed below are added to § 6.365.

§ 6.365 *Farm Credit Administration.* • • •

(e) Four Deputy Directors of Credit Services.

(f) Deputy Governor in Charge of the Finance and Accounts and Administrative Divisions.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM C. HULL,
Executive Assistant.

[F. R. Doc. 54-2741; Filed, Apr. 12, 1954; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS IN CERTAIN STATES

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

CALIFORNIA

County	Average value
Lassen	$27,500
San Luis Obispo	27,500

DELAWARE

Kent	$20,500
New Castle	25,500
Sussex	15,000

FLORIDA

County	Average value	County	Average value
Calhoun	$15,000	Marion	$15,000
Dixie	12,000	Okaloosa	15,000
Escambia	15,000	Palm Beach	15,000
Gilchrist	12,000	Santa Rosa	15,000
Holmes	15,000	Walton	15,000
Lafayette	12,000	Washington	15,000

[illegible]

Minidoka	$20,000

[illegible]

County	Average value	County	Average value
Dickinson	$20,000	Mitchell	$20,000
Ellis	20,000	Ness	20,000
Ellsworth	18,000	Osborne	18,000
Gove	20,000	Rooks	18,000
Graham	18,000	Rush	20,000
Hodgeman	20,000	Russell	20,000
Kiowa	20,000	Saline	20,000
Lane	20,000	Sheridan	20,000
Lincoln	18,000	Trego	20,000
Logan	[illegible],000	Wallace	20,000
McPherson	20,000		

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Titles 30–31 ($1.00)

Title 33 ($1.25)

Titles 44–45 ($0.75)

Previously announced: Title 3, 1953 Supp. ($1.50); Title 8 ($0.35); Titles 10–13 ($0.50); Title 16 ($1.00); Title 18 ($0.45); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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NEBRASKA

County	Average value	County	Average value
Arthur	$16,000	Kimball	$16,000
Banner	16,000	Merrick	17,000
Grant	16,000		

VERMONT

Addison	$13,500	Orange	$10,500
Bennington	13,000	Washington	12,000
Chittenden	15,000	Windsor	12,500
Franklin	11,500		

VIRGINIA

Albemarle	$20,000	Louisa	$18,000
Alleghany	20,000	Lunenburg	18,000
Amelia	18,000	Madison	20,000
Amherst	20,000	Mathews	18,000
Appomattox	18,000	Mecklenburg	18,000
Augusta	22,000	Middlesex	18,000
Bath	20,000	Montgomery	20,000
Bedford	20,000	Nansemond	18,000
Bland	20,000	Nelson	20,000
Botetourt	22,000	New Kent	18,000
Brunswick	18,000	Norfolk	18,000
Buchanan	10,000	Northumberland	18,000
Buckingham	18,000	Nottoway	18,000
Campbell	18,000	Orange	20,000
Caroline	18,000	Page	20,000
Carroll	18,000	Patrick	18,000
Charlotte	18,000	Pittsylvania	18,000
Chesterfield	18,000	Powhatan	18,000
Clarke	20,000	Prince Edward	18,000
Craig	20,000	Prince George	18,000
Culpeper	20,000	Prince William	20,000
Cumberland	18,000	Princess Anne	18,000
Dickenson	10,000	Pulaski	22,000
Dinwiddie	18,000	Rappahannock	20,000
Essex	18,000	Richmond	18,000
Fairfax	20,000	Roanoke	22,000
Fauquier	20,000	Rockbridge	22,000
Floyd	18,000	Rockingham	22,000
Fluvanna	18,000	Russell	20,000
Franklin	18,000	Shenandoah	20,000
Frederick	20,000	Smyth	20,000
Giles	22,000	Southampton	18,000
Gloucester	18,000	Spotsylvania	18,000
Goochland	18,000	Stafford	18,000
Grayson	18,000	Surry	18,000
Greene	18,000	Sussex	18,000
Greensville	18,000	Tazewell	20,000
Halifax	18,000	Warren	20,000
Hanover	20,000	Washington	20,000
Henrico	20,000	Westmoreland	18,000
Henry	18,000	Wythe	20,000
Isle of Wight	18,000		
James City	18,000		
King and Queen	18,000		
King George	18,000		
King William	18,000		
Lancaster	18,000		
Lee	20,000		
Loudoun	20,000		

VIRGIN ISLANDS

County	Average value
Christiansted	$13,000
Frederiksted	13,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (l). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Issued this 6th day of April 1954.

[SEAL] R. B. McLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 54-2722; Filed, Apr. 12, 1954; 8:48 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; NEW JERSEY

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units for the county identified below is determined to be as herein set forth; and § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, is amended by adding said county and average value to the tabulations appearing in said section under the State of New Jersey.

NEW JERSEY

County:	Average value
Union	$20,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (l). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Issued this 6th day of April 1954.

[SEAL] R. B. McLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 54-2723; Filed, Apr. 12, 1954; 8:48 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP GRAIN SORGHUMS PRICE SUPPORT PROGRAM

A price support program has been announced for the 1954 crop of grain sorghums. The 1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for grains and certain other commodities produced in 1954 is supplemented as follows:

Sec.
421.426 Purpose.
421.427 Availability of price support.
421.428 Eligible grain sorghums.
421.429 Warehouse receipts.
421.430 Determination of quantity.
421.431 Determination of quality.
421.432 Maturity of loans.
421.433 Support rates.
421.434 Warehouse charges.
421.435 Settlement.

AUTHORITY: §§ 421.426 to 421.435 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714; 7 U. S. C. 1447, 1421.

§ 421.426 *Purpose.* Sections 421.426 to 421.435 state additional specific regulations which, together with the general regulations contained in the 1954 C. C. C. Grain Price Support Bulletin 1, apply to loans and purchase agreements under the 1954 Crop Grain Sorghums Price Support Program.

§ 421.427 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever grain sorghums are grown in the continental United States, except that farm-storage loans will not be available in areas where the ASC State committee determines that grain sorghums cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the ASC county committee which keeps the farm-program record for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1955 and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing grain sorghums in 1954 as landowner, landlord, tenant or sharecropper.

§ 421.428 *Eligible grain sorghums.* At the time the grain sorghums are placed under loan or delivered under a purchase agreement, they must meet the following requirements:

(a) The grain sorghums must have been produced in the continental United States in 1954 by an eligible producer.

(b) The beneficial interest in the grain sorghums must be in the eligible producer tendering the grain sorghums for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the grain sorghums were harvested.

(c) Grain sorghums of any class grading No. 4 or better, or No. 4 "Smutty" or better, and containing not in excess of 13 percent moisture shall be eligible, except that grain sorghums represented by warehouse receipts which indicate that the grain sorghums are ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that "the grain sorghums have been processed at the request of the eligible producer, and delivery will be made of eligible grain sorghums containing not in excess of 13 percent moisture content and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(d) The grain sorghums must not grade discolored, or weevily.

(e) If offered as security for a farm-storage loan, the grain sorghums must have been stored in the bin or granary at least 30 days prior to inspection for measurement, sampling, and sealing unless otherwise approved by the ASC State committee.

§ 421.429 *Warehouse receipts.* Warehouse receipts, representing grain sorghums in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be receipts issued on a warehouse approved by CCC under the uniform Grain Storage Agreement which indicate that the grain sorghums are insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show (i) gross weight, (ii) class, (iii) grade (including special grades), (iv) test weight, (v) moisture, (vi) dockage, and (vii) any other grading factor(s) when such factor(s) and not test weight, determine the grade.

(2) The warehouse receipt or the warehouseman's supplemental certificate also must show whether the grain sorghums arrived by rail, truck or barge. In the case of warehouse receipts issued for grain sorghums delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade, class, and subclass of grain sorghums.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.434.

(e) Warehouse receipts representing grain sorghums which have been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS Commodity office which shall be signed by the warehousemen and which may be a part of the supplemental certificate.

(f) If the warehouseman has processed the grain sorghums as provided in § 421.428 (c), the supplemental certificate must show the numerical grade and grading factors changed because of the grain sorghums being processed. When the grade and grading factors shown on

the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

§ 421.430 *Determination of quantity.* (a) The quantity of grain sorghums placed under farm-storage loan may be determined either by weight or by measurement. The quantity of grain sorghums placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When a quantity is determined by weight, a unit of 100 pounds shall be determined to be 100 pounds of grain sorghums free of dockage. In determining the quantity of sacked grain sorghums by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) When the quantity of grain sorghums is determined by measurement, 100 pounds shall be 2.25 cubic feet of grain sorghums testing 56 pounds per bushel. The quantity determined by measurement of grain sorghums having a test weight of less than 56 pounds per bushel shall be adjusted by applying the applicable percentage as shown in the following table:

For grain sorghums testing:	Percent
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	93
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the grain sorghums in determinng the net quantity available for loan or purchase.

§ 421.431 *Determination of quality.* The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Grain Sorghums, whether or not such determinations are made on the basis of an official inspection.

§ 421.432 *Maturity of loans.* Loans mature on demand but not later than March 31, 1955.

§ 421.433 *Support rates.* Basic support rates for grain sorghums placed under loan or delivered under a purchase agreement will be as set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per 100 pounds for grain sorghums of the Classes I to IV inclusive, grading No. 2 or better, and containing not in excess of 13 percent moisture, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per 100 pounds
Omaha, Nebr.	$2.68
Sioux City, Iowa	2.68
Kansas City, Mo.	2.75
Galveston, Tex.	2.88
Houston, Tex.	2.88
New Orleans, La.	2.88
Memphis, Tenn.	2.98
Los Angeles, Calif.	3.14
San Francisco, Calif.	3.14
St. Louis, Mo.	2.93
Corpus Christi, Tex.	2.88

(2) Grain sorghums eligible for loan or purchase at the support rates shown in the above schedule must have been shipped on a domestic interstate freight rate basis. On any grain sorghums shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for designated terminal markets apply to grain sorghums which have been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) When shipped by rail or water and stored at any designated terminal market, grain sorghums for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 14 cents per 100 pounds.

(5) For grain sorghums received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal market:	Amount of deduction (cents per 100 pounds)
Los Angeles, Calif., San Francisco, Calif.	22
Omaha, Nebr., Sioux City, Iowa, Kansas City, Mo., St. Louis, Mo.	23
Corpus Christi, Tex., Galveston, Tex., Houston, Tex., New Orleans, La., Memphis, Tenn.	25

(b) *Support rates for grain sorghums in approved warehouse storage at other than designated terminal markets.* (1) The support rates for grain sorghums stored in approved warehouses (other than those situated in the designated terminal markets) which are shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such grain sorghums to such terminal market: *Provided*, That on any grain sorghums shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such grain sorghums to the point of storage: *And provided further*, That in the case of grain sorghums stored at any railroad transit point taking a penalty by reason of out-of-line movement, or for any other reason to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing grain sorghums in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 421.429.

(c) *Basic county support rates.* (1) The following basic county support rates are established per 100 pounds of grain sorghums of the Classes I to IV, inclusive, grading No. 2 or better and containing not in excess of 13 percent moisture. Both farm-storage and country warehouse-storage loans will be based on the support rate established for the county in which the grain sorghums are stored. If two or more warehouses are located in the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved. Support rates per 100 pounds for grain sorghums are set forth below:

ALABAMA

County	Rate per cwt.
All counties	$2.40

ARIZONA

County	Rate per cwt.	County	Rate per cwt.
Apache	$2.03	Navajo	$2.03
Cochise	2.31	Pima	2.55
Gila	1.97	Pinal	2.06
Graham	2.23	Santa Cruz	2.46
Greenlee	2.12	Yavapai	2.28
Maricopa	2.66	Yuma	2.69

ARKANSAS

County	Rate per cwt.
All counties	$2.40

CALIFORNIA

County	Rate per cwt.	County	Rate per cwt.
Alameda	$2.92	Sacramento	$2.87
Butte	2.79	San Benito	2.86
Colusa	2.81	San Bernardino	2.87
Contra Costa	2.93	San Diego	2.83
El Dorado	2.76	San Joaquin	2.88
Fresno	2.80	Santa Clara	[illegible]
Glenn	2.78	Santa Cruz	2.87
Imperial	2.78	Shasta	2.70
Kern	2.80	Siskiyou	2.56
Kings	2.80	Solano	2.90
Lake	2.83	Stanislaus	2.86
Los Angeles	2.89	Sutter	[illegible]
Madera	2.83	Tehama	2.75
Merced	2.85	Tulare	2.80
Napa	2.92	Yolo	[illegible]
Orange	2.88	Yuba	2.84
Placer	2.84		
Riverside	2.82		

COLORADO

County	Rate per cwt.	County	Rate per cwt.
Adams	$2.16	Kit Carson	$2.19
Arapahoe	2.16	La Plata	1.88
Archuleta	1.88	Larimer	2.16
Baca	2.18	Las Animas	2.15
Bent	2.17	Lincoln	2.16
Boulder	2.16	Logan	2.16
Cheyenne	2.19	Mesa	1.88
Costilla	2.00	Montrose	1.88
Crowley	2.16	Morgan	2.16
Custer	2.07	Otero	2.16
Delta	1.88	Phillips	2.20
Douglas	2.16	Prowers	2.19
Elbert	2.16	Pueblo	2.16
El Paso	2.16	Sedgwick	2.16
Fremont	2.09	Washington	2.16
Huerfano	2.13	Weld	2.16
Jefferson	2.16	Yuma	2.16
Kiowa	2.18		

FLORIDA

County	Rate per cwt.
All counties	$2.40

GEORGIA

County	Rate per cwt.
All counties	$2.45

INDIANA

County	Rate per cwt.
All counties	$2.30

IOWA

County	Rate per cwt.
All counties	$2.25

KANSAS

County	Rate per cwt.	County	Rate per cwt.
Allen	$2.40	Linn	$2.41
Anderson	2.42	Logan	2.24
Atchison	2.45	Lyon	2.39
Barber	2.30	McPherson	2.32
Barton	2.30	Marion	2.33
Bourbon	2.41	Marshall	2.39
Brown	2.42	Meade	2.24
Butler	2.33	Miami	2.45
Chase	2.37	Mitchell	2.33
Chautauqua	2.37	Montgomery	2.39
Cherokee	[illegible]	Morris	2.36
Cheyenne	[illegible]	Morton	2.19
Clark	[illegible]	Nemaha	2.40
Clay	[illegible]	Neosho	2.40
Cloud	2.34	Ness	2.28
Coffey	2.40	Norton	2.29
Comanche	2.27	Osage	2.41
Cowley	[illegible]	Osborne	2.32
Crawford	2.40	Ottawa	2.33
Decatur	[illegible]	Pawnee	2.30
Dickinson	2.33	Phillips	2.30
Doniphan	2.41	Pottawatomie	2.40
Douglas	2.45	Pratt	2.30
Edwards	[illegible]	Rawlins	2.24
Elk	2.37	Reno	2.32
Ellis	2.30	Republic	2.34
Ellsworth	[illegible]	Rice	2.32
Finney	2.24	Riley	2.39
Ford	2.27	Rooks	2.30
Franklin	2.45	Rush	2.30
Geary	2.37	Russell	2.30
Gove	[illegible]	Saline	2.33
Graham	[illegible]	Scott	2.24
Grant	[illegible]	Sedgwick	2.33
Gray	[illegible]	Seward	2.22
Greeley	2.23	Shawnee	2.41
Greenwood	2.37	Sheridan	2.26
Hamilton	2.23	Sherman	2.23
Harper	[illegible]	Smith	2.32
Harvey	2.33	Stafford	2.30
Haskell	[illegible]	Stanton	2.22
Hodgeman	[illegible]	Stevens	2.22
Jackson	2.41	Sumner	2.33
Jefferson	2.45	Thomas	2.24
Jewell	[illegible]	Trego	2.29
Johnson	2.47	Wabaunsee	2.39
Kearney	[illegible]	Wallace	2.23
Kingman	[illegible]	Washington	2.36
Kiowa	[illegible]	Wichita	2.23
Labette	[illegible]	Wilson	2.39
Lane	[illegible]	Woodson	2.40
Leavenworth	2.47	Wyandotte	2.48
Lincoln	[illegible]		

KENTUCKY

County	Rate per cwt.
All counties	$2.40

LOUISIANA

County	Rate per cwt.
All counties	$2.40

MICHIGAN

County	Rate per cwt.
All counties	$2.20

MISSISSIPPI

County	Rate per cwt.
All counties	$2.40

MISSOURI

County	Rate per cwt.
All counties	$2.40

NEBRASKA

County	Rate per cwt.	County	Rate per cwt.
Adams	$2.32	Jefferson	$2.37
Antelope	2.30	Johnson	2.38
Arthur	2.16	Kearney	2.31
Banner	2.13	Keith	2.16
Blaine	2.23	Keya Paha	2.23
Boone	2.33	Kimball	2.16
Box Butte	2.15	Knox	2.28
Boyd	2.26	Lancaster	2.39
Brown	2.22	Lincoln	2.21
Buffalo	2.29	Logan	2.23
Burt	2.38	Loup	2.27
Butler	2.37	McPherson	2.20
Cass	2.40	Madison	2.33
Cedar	2.29	Merrick	2.33
Chase	2.20	Morrill	2.13
Cherry	2.19	Nance	2.33
Cheyenne	2.16	Nemaha	2.38
Clay	2.33	Nuckolls	2.33
Colfax	2.37	Otoe	2.38
Cuming	2.37	Pawnee	2.39
Custer	2.26	Perkins	2.21
Dakota	2.34	Phelps	2.30
Dawes	2.11	Pierce	2.32
Dawson	2.26	Platte	2.35
Deuel	2.16	Polk	2.34
Dixon	2.33	Red Willow	2.26
Dodge	2.39	Richardson	2.40
Douglas	2.41	Rock	2.23
Dundy	2.20	Saline	2.37
Fillmore	2.36	Sarpy	2.41
Franklin	2.30	Saunders	2.39
Frontier	2.26	Scotts Bluff	2.10
Furnas	2.28	Seward	2.37
Gage	2.38	Sheridan	2.14
Garden	2.15	Sherman	2.29
Garfield	2.28	Sioux	2.09
Gosper	2.28	Stanton	2.34
Grant	2.16	Thayer	2.35
Greeley	2.31	Thomas	2.21
Hall	2.31	Thurston	2.36
Hamilton	2.33	Valley	2.28
Harlan	2.30	Washington	2.40
Hayes	2.21	Wayne	2.31
Hitchcock	2.23	Webster	2.32
Holt	2.28	Wheeler	2.32
Hooker	2.19	York	2.34
Howard	2.31		

NEW MEXICO

County	Rate per cwt.	County	Rate per cwt.
Bernalillo	$2.00	McKinley	$2.00
Catron	1.83	Mora	2.00
Chaves	2.13	Otero	2.00
Colfax	2.03	Quay	2.14
Curry	2.17	Rio Arriba	1.86
De Baca	2.11	Roosevelt	2.15
Dona Ana	2.00	Sandoval	2.00
Eddy	2.10	San Juan	1.56
Grant	1.74	San Miguel	2.00
Guadalupe	2.03	Santa Fe	1.91
Harding	2.07	Sierra	2.00
Hidalgo	2.01	Socorro	1.96
Lea	2.16	Torrance	1.99
Lincoln	2.00	Union	2.03
Luna	2.00	Valencia	2.00

NORTH CAROLINA

County	Rate per cwt.
All counties	$2.45

NORTH DAKOTA

County	Rate per cwt.
All counties	$2.15

OKLAHOMA

County	Rate per cwt.	County	Rate per cwt.
Adair	$2.32	Beaver	$2.17
Alfalfa	2.26	Beckham	2.20
Atoka	2.27	Blaine	2.24
Bryan	$2.25	Love	$2.24
Caddo	2.24	McClain	2.24
Canadian	2.24	McCurtain	2.27
Carter	2.24	McIntosh	2.31
Cherokee	2.30	Major	2.24
Choctaw	2.27	Marshall	2.24
Cimarron	2.15	Mayes	2.33
Cleveland	2.24	Murray	2.24
Coal	2.27	Muskogee	2.31
Comache	2.24	Noble	2.27
Cotton	2.24	Nowata	2.36
Craig	2.36	Okfuskee	2.27
Creek	2.27	Oklahoma	2.24
Custer	2.23	Okmulgee	2.28
Delaware	2.35	Osage	2.30
Dewey	2.21	Ottawa	2.36
Ellis	2.20	Pawnee	2.28
Garfield	2.26	Payne	2.23
Garvin	2.24	Pittsburg	2.31
Grady	2.24	Pontotoc	2.26
Grant	2.27	Pottawatomie	2.24
Greer	2.20	Pushmataha	2.31
Harmon	2.20	Roger Mills	2.20
Harper	2.21	Rogers	2.33
Haskell	2.32	Seminole	2.26
Hughes	2.27	Sequoyah	2.32
Jackson	2.24	Stephens	2.24
Jefferson	2.24	Texas	2.15
Johnston	2.24	Tillman	2.24
Kay	2.29	Tulsa	2.32
Kingfisher	2.24	Wagoner	2.31
Kiowa	2.24	Washington	2.35
Latimer	2.32	Washita	2.24
Le Flore	2.34	Woods	2.26
Lincoln	2.24	Woodward	2.20
Logan	2.24		

SOUTH CAROLINA

County	Rate per cwt.
All counties	$2.45

SOUTH DAKOTA

County	Rate per cwt.
All counties	$2.20

TENNESSEE

County	Rate per cwt.
All counties	$2.40

TEXAS

County	Rate per cwt.	County	Rate per cwt.
Anderson	$2.45	Coke	$2.21
Andrews	2.19	Coleman	2.28
Angelina	2.15	Collin	2.32
Aransas	2.62	Collingsworth	2.21
Archer	2.21	Colorado	[illegible]
Armstrong	2.21	Comal	2.41
Atascosa	2.51	Comanche	[illegible]
Austin	2.61	Concho	[illegible]
Bailey	2.21	Cooke	[illegible]
Bandera	2.36	Coryell	[illegible]
Bastrop	2.51	Cottle	2.21
Baylor	2.21	Crane	2.14
Bee	2.61	Crockett	2.16
Bell	2.43	Crosby	2.21
Bexar	2.46	Culberson	2.09
Blanco	2.41	Dallam	2.13
Borden	2.21	Dallas	2.34
Bosque	2.35	Dawson	2.21
Bowie	2.38	Deaf Smith	2.21
Brazoria	2.62	Delta	2.29
Brazos	2.56	Denton	2.30
Brewster	2.09	De Witt	2.52
Briscoe	2.21	Dickens	2.21
Brooks	2.57	Dimmit	2.26
Brown	2.29	Donley	2.21
Burleson	2.55	Duval	2.59
Burnet	2.36	Eastland	2.28
Caldwell	2.47	Ector	2.16
Calhoun	2.56	Edwards	2.21
Callahan	2.23	Ellis	2.35
Cameron	2.49	El Paso	2.06
Camp	2.33	Erath	2.30
Carson	2.21	Falls	2.45
Cass	2.35	Fannin	2.28
Castro	2.21	Fayette	2.55
Chambers	2.53	Fisher	2.21
Cherokee	2.45	Floyd	2.21
Childress	2.21	Foard	2.21
Clay	2.24	Fort Bend	2.62
Cochran	2.21	Franklin	2.32

TEXAS—Continued

County	Rate per cwt.	County	Rate per cwt.
Freestone	$2.44	Medina	$2.42
Frio	2.37	Menard	2.28
Gaines	2.21	Midland	2.17
Galveston	2.63	Milam	2.50
Garza	2.21	Mills	2.33
Gillespie	2.34	Mitchell	2.21
Glasscock	2.21	Montague	2.24
Goliad	2.58	Montgomery	2.61
Gonzales	2.48	Moore	2.16
Gray	2.20	Morris	2.32
Grayson	2.29	Motley	2.21
Gregg	2.34	Nacogdoches	2.47
Grimes	2.58	Navarro	2.39
Guadalupe	2.43	Newton	2.48
Hale	2.21	Nolan	2.21
Hall	2.21	Nueces	2.62
Hamilton	2.33	Ochiltree	2.15
Hansford	2.15	Oldham	2.20
Hardeman	2.21	Orange	2.56
Hardin	2.56	Palo Pinto	2.28
Harris	2.62	Panola	2.38
Harrison	2.34	Parker	2.30
Hartley	2.16	Parmer	2.20
Haskell	2.21	Pecos	2.10
Hays	2.43	Polk	2.57
Hemphill	2.16	Potter	2.21
Henderson	2.36	Presidio	2.08
Hidalgo	2.30	Rains	2.33
Hill	2.36	Randall	2.21
Hockley	2.21	Reagan	2.16
Hood	2.30	Real	2.28
Hopkins	2.29	Red River	2.32
Houston	2.53	Reeves	2.11
Howard	2.21	Refugio	2.58
Hudspeth	2.09	Roberts	2.17
Hunt	2.30	Robertson	2.50
Hutchinson	2.16	Rockwall	2.33
Iron	2.17	Runnels	2.21
Jack	2.28	Rusk	2.35
Jackson	2.55	Sabine	2.42
Jasper	2.52	San Augustine	2.41
Jeff Davis	2.09	San Jacinto	2.60
Jefferson	2.57	San Patricio	2.62
Jim Hogg	2.56	San Saba	2.33
Jim Wells	2.62	Schleicher	2.17
Johnson	2.34	Scurry	2.21
Jones	2.21	Shackelford	2.21
Karnes	2.56	Shelby	2.43
Kaufman	2.33	Sherman	2.13
Kendall	2.35	Smith	2.37
Kenedy	2.60	Somervell	2.32
Kent	2.21	Starr	2.41
Kerr	2.30	Stephens	2.21
Kimble	2.28	Sterling	2.17
King	2.21	Stonewall	2.21
Kinney	2.25	Sutton	2.16
Kleberg	2.61	Swisher	2.21
Knox	2.21	Tarrant	2.33
Lamar	2.28	Taylor	2.21
Lamb	2.21	Terrell	2.09
Lampasas	2.34	Terry	2.21
La Salle	2.36	Throckmorton	2.21
Lavaca	2.52	Titus	2.32
Lee	2.53	Tom Green	2.21
Leon	2.49	Travis	2.44
Liberty	2.61	Trinity	2.56
Limestone	2.45	Tyler	2.52
Lipscomb	2.15	Upshur	2.34
Live Oak	2.59	Upton	2.13
Llano	2.34	Uvalde	2.28
Loving	2.11	Val Verde	2.18
Lubbock	2.21	Van Zandt	2.34
Lynn	2.21	Victoria	2.56
McCulloch	2.29	Walker	2.59
McLennan	2.41	Waller	2.62
McMullen	2.55	Ward	2.14
Madison	2.56	Washington	2.58
Marion	2.33	Webb	2.49
Martin	2.19	Wharton	2.59
Mason	2.29	Wheeler	2.20
Matagorda	2.57	Wichita	2.23
Maverick	2.19	Wilbarger	2.21

TEXAS—Continued

County	Rate per cwt.	County	Rate per cwt.
Willacy	$2.52	Wood	$2.33
Williamson	2.45	Yoakum	2.21
Wilson	2.48	Young	2.21
Winkler	2.15	Zapata	2.43
Wise	2.29	Zavala	2.26

WASHINGTON

All counties	$2.34

WYOMING

All counties	$2.20

(2) Where the State committee determines that State or district weed control laws affect the grain sorghums crop the support rate will be 15 cents per cwt. below the applicable county support rate set forth in the schedule in subparagraph (1) of this paragraph. If upon delivery of the grain sorphums to CCC, the producer supplies a certificate indicating that the grain sorghums comply with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(d) *Discounts.* (1) The discount for grain sorghums which grade No. 3 and contain not in excess of 13 percent moisture shall be 8 cents per 100 pounds; and for grain sorghums which grade No. 4 and contain not in excess of 13 percent moisture, 16 cents per 100 pounds.

(2) Grain sorghums which grade "smutty" shall be discounted 5 cents per 100 pounds.

(3) The support rates for mixed grain sorghums (Class V) shall be 3 cents per 100 pounds less than the support rates for grain sorghums of the classes I to IV inclusive.

(4) The discounts in this paragraph shall be cumulative.

§ 421.434 *Warehouse charges.* (a) Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing grain sorghum stored in warehouses operating under the Uniform Grain Storage Agreement is on or before March 31, 1955, there shall be deducted in computing the amount of the loan or purchase price the storage charges as determined in accordance with the table of deductions for warehouse charges to be issued at a later date, unless written evidence is submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges have been prepaid through March 31, 1955.

(b) Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through March 31, 1955 unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges.

§ 421.435 *Settlement.*—(a) *Settlement value.* (1) (i) In the case of eligible grain sorghums delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with §§ 421.433 and 421.418 (e). The support rate shall be for the grade and quality of the total quantity of grain sorghums eligible for delivery.

(ii) If, upon delivery, the grain sorghums under farm-storage loan are of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and/or quality of the grain sorghums placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the grain sorghums delivered, as determined by CCC: *Provided, however,* That if such grain sorghums are sold by CCC in order to determine their market price the settlement value shall not be less than such sales price.

(2) In the case of eligible grain sorghums delivered to CCC under purchase agreement, settlement shall be made at the applicable support rate determined in accordance with §§ 421.433 and 421.418 (e).

(b) *Storage deduction for early delivery.* Whenever farm-stored grain sorghums under loan or purchase agreement are delivered to CCC prior to March 31, 1955, a deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges (§ 421.434), except that no such deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the grain sorghums will be sold rather than stored, or if CCC requires early delivery on an area basis.

(c) *Refund of prepaid handling charge.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on grain sorghums under loan or purchase agreement (or charges for elevation in the case of warehouses operated by Eastern common carriers), the producer shall, upon delivery of the grain sorghums to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement (or approved tariff in the case of warehouses operated by Eastern common carriers) provided, the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Track-loading.* A track-loading payment of 6 cents per 100 pounds will be made to the producer on grain sorghums delivered to CCC on track at a country point.

Issued this 7th day of April 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2740; Filed, Apr. 12, 1954; 8:52 a. m.]

PART 464—TOBACCO

SUBPART—1953 TOBACCO LOAN PROGRAM

Set forth below are schedules of advance rates, by grades, for the 1953 crop of types 32 and 32b, Maryland tobacco, under the 1953 Tobacco Loan Program published May 14, 1953 (18 F. R. 2779).

§ 464.535 *1953 crop; Maryland Tobacco, Type 32, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B1F	73.12	T4V	28.12
B2F	71.12	T5V	17.12
B3F	69.12	T4D	14.12
B4F	64.12	T5D	13.12
B5F	53.12	T4M	32.12
B3R	46.12	T5M	22.12
B4R	30.12	T4G	14.12
B5R	21.12	T5G	13.12
B3V	52.12	C1L	74.12
B4V	42.12	C2L	74.12
B5V	29.12	C3L	72.12
B3D	29.12	C4L	70.12
B4D	20.12	C5L	65.12
B5D	15.12	C1F	75.12
B3M	56.12	C2F	74.12
B4M	50.12	C3F	73.12
B5M	36.12	C4F	71.12
B3G	23.12	C5F	66.12
B4G	16.12	C3R	70.12
B5G	14.12	C4R	64.12
T3F	64.12	C5R	52.12
T4F	50.12	C3V	65.12
T5F	34.12	C4V	59.12
T3R	42.12	C5V	43.12
T4R	26.12	C4D	44.12
T5R	17.12	C5D	28.12

[1] The Cooperative Associations through which price support is made available are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded W (unsafe keeping order), U (unsound), DAM (damaged), N2L, N2D, N2G, N–K, or REWORK will not be accepted.

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
C3M	64.12	X5R	29.12
C4M	55.12	X3V	52.12
C5M	48.12	X4V	42.12
C4G	29.12	X5V	30.12
C5G	18.12	X4D	28.12
X1L	72.12	X5D	15.12
X2L	70.12	X4G	20.12
X3L	67.12	X5G	13.12
X4L	61.12	P4L	48.12
X5L	48.12	P5L	28.12
X1F	72.12	P4F	44.12
X2F	70.12	P5F	24.12
X3F	67.12	P4R	26.12
X4F	60.12	P5R	16.12
X5F	46.12	N1L	14.12
X3R	59.12	N1D	13.12
X4R	47.12	N1G	13.12

§ 464.536 *1953 crop; Maryland Tobacco, Type 32b, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B1F	51.12	C5F	46.12
B2F	50.12	C3R	49.12
B3F	48.12	C4R	45.12
B4F	45.12	C5R	36.12
B5F	37.12	C3V	45.12
B3R	32.12	C4V	41.12
B4R	21.12	C5V	30.12
B5R	15.12	C4D	31.12
B3V	36.12	C5D	20.12
B4V	29.12	C3M	45.12
B5V	20.12	C4M	38.12
B3D	20.12	C5M	34.12
B4D	14.12	C4G	20.12
B5D	10.12	C5G	13.12
B3M	41.12	X1L	50.12
B4M	35.12	X2L	49.12
B5M	25.12	X3L	47.12
B3G	16.12	X4L	43.12
B4G	11.12	X5L	34.12
B5G	10.12	X1F	50.12
T3F	45.12	X2F	49.12
T4F	35.12	X3F	47.12
T5F	24.12	X4F	42.12
T3R	29.12	X5F	32.12
T4R	18.12	X3R	41.12
T5R	12.12	X4R	33.12
T4V	20.12	X5R	20.12
T5V	12.12	X3V	36.12
T4D	10.12	X4V	29.12
T5D	9.12	X5V	21.12
T4M	22.12	X4D	20.12
T5M	15.12	X5D	10.12
T4G	10.12	X4G	14.12
T5G	9.12	X5G	9.12
C1L	52.12	P4L	34.12
C2L	52.12	P5L	20.12
C3L	50.12	P4F	31.12
C4L	49.12	P5F	17.12
C5L	45.12	P4R	18.12
C1F	52.12	P5R	11.12
C2F	52.12	N1L	10.12
C3F	51.12	N1D	9.12
C4F	50.12	N1G	9.12

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 6th day of April 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2708; Filed, Apr. 12, 1954; 8:45 a. m.]

TITLE 29—LABOR

Chapter X—National Mediation Board

PART 1206—HANDLING OF REPRESENTATION DISPUTES UNDER RAILWAY LABOR ACT

TIME LIMITS ON APPLICATIONS

Due notice having been given and hearing having been held, the National Mediation Board, by virtue of the authority vested in it by section 2, Ninth, of the Railway Labor Act (44 Stat. 577, 48 Stat. 1185 U. S. C. paragraph 151 et seq.) hereby issues the following rule which it finds necessary to carry out the provisions of said act in place of and instead of Rule 4 (§ 1206.4) of the existing rules and regulations issued May 1, 1947:

§ 1206.4 *Time limit on applications.* (a) The National Mediation Board will not commence the investigation of a representation dispute for a period of two (2) years from the date of a certification hereafter issued covering the same craft or class of employees on the same carrier in which a representative was certified, except in unusual or extraordinary circumstances.

(b) Except in unusual or extraordinary circumstances, the National Mediation Board will not accept for investigation under section 2, Ninth, of the Railway Labor Act an application for its services covering a craft or class of employees on a carrier for a period of one (1) year after the date on which:

(1) An election among the same craft or class on the same carrier has been conducted and no certification was issued account less than a majority of eligible voters participated in the election; or

(2) A docketed representation dispute among the same craft or class on the same carrier has been dismissed by the Board account no dispute existed as defined in § 1206.2 (Rule 2); or

(3) The applicant has withdrawn an application covering the same craft or class on the same carrier which has been formally docketed for investigation.

(44 Stat. 577, as amended; 49 U. S. C. 151–163)

Rule 4 (B) (§ 1206.4 (b)) will not apply to employees of a craft or class who are not represented for purposes of collective bargaining.

Said rules and regulations shall become effective from the date hereof and upon publication thereof in the FEDERAL REGISTER.

By order of the National Mediation Board at Washington, D. C., this 13th day of April 1954.

E. C. THOMPSON,
Secretary.

[F. R. Doc. 54-2683; Filed, Apr. 12, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 77]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.9 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility, class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
KANSAS CITY, KANS. Fairfax, 746' SBRAZ-VDTX-MKC Procedure No. 1 April 5, 1954	Kansas City VOR	184—8.0	2,400	E side NW course: 328° outbound. 148° inbound. 2,400' within 10 miles. Not authorized beyond 10 miles.	1,600	134—1.0	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 700-1½ 800-2	Within 1.0 mile, immediately turn right, climb to 2,200' on SW course within 25 miles, or when directed by ATC, immediately turn right, climb to 2,500' and intercept 310° ADF track to Farley Rbn and hold CAUTION: Obstructions 1,430' MSL located 3 miles SE of airport. Cracking plant 911' MSL and stack 983' MSL ½ mile ESE approach end runway 35. TV tower 1,670' MSL 4½ miles S of airport.
	Linkville FM final	148—11.5	1,600							
KANSAS CITY, MO. Municipal, 758' SBRAZ-VDTX-MKC Procedure No. 1 April 5, 1954	Kansas City VOR	184—8.0	2,400	E side NW course: 328° outbound. 148° inbound. 2,400' within 10 miles. Not authorized beyond 10 miles.	1,600	142—2.9	T-dn# C-dn A-dn	300-1 500-1 800-2	300-1 700-1½ 800-2	Within 2.9 miles, immediately turn right, climb to 2,200' on SW course within 25 miles, or when directed by ATC immediately turn right, climb to 2,500' and intercept 310° ADF track to Farley Rbn and hold CAUTION: Grain elevators 903' MSL and railroad floodlights 857' MSL ¾ mile NNE of runway 18. Cracking plant and stack 858' MSL ½ mile WNW of airport. TV tower 1,670' MSL 2.9 miles S of airport. Contested buildings 1,423' MSL 1 mile SSE of airport. #Takeoffs to S or SW when weather is below 1,000 3 will intercept a 216° ADF track from ILS LMM or 185° outbound course from MKC-VOR as soon as practical after takeoff until reaching 2,500' prior to making left turn.
	Linkville FM final	148—11.5	1,600							
LOS ANGELES, CALIF. International, 125' SBRAZ-DTXV-LAX Procedure No. 1 April 5, 1954	Hollywood Hills FM	143—13.0	3,000	S side E course * 078° outbound. 258° inbound. 2,000' within 10 miles and in no case farther E than the Downey Rbn.	#1,000	245—3.9	T-dn C-dn S-dn 25L R A-dn	300-1 500-1 500-1 500-1 800-2	300-1 600-1½ 500-1 500-1 800-2	Within 3.9 miles, climb to 2,000' on W course within 25 miles. *Procedure turn S for more favorable terrain. #1,500' must be maintained until past LAX LOM inbound.
	Downey FM, Rbn	254—11.0	1,500							
	Los Angeles LOM (final)	254—2.0	1,000							
	Int. S course LAX and SW course LOB.	328—20.0	3,000							

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility, class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
MOLINE, ILL. Quad City, 590' SBRAZ-DTV Procedure No. 1 April 15, 1954	Moline VOR	236—21.5	2,300'	S side of W course: 265° outbound. 085° inbound. 2,000' within 25 miles.	1,600	140—10.7	T-dn C-dn A-dn	300-1 1,000-2 1,000-2	300-1 1,000-2 1,000-2	If not contact over MLI-LFR climb to 2,300' on E course within 25 miles. CAUTION: Radio tower 1,054' MSL 6 miles NW of airport; radio tower 1,067' MSL 5 miles NE of airport. Radio tower 1,365' MSL 7 miles NNE of airport.
TERRE HAUTE, IND. Hulman Field, 585' BMRLZ-VDT-HUF Procedure No. 1 April 15, 1954	HUF-VOR	223—8.0	1,900	S side W course: 249° outbound. 069° inbound. 1,800' within 25 miles.	1,300	072—5.8	T-dn C-dn C-n A-dn	300-1 500-1 500-2 800-2	300-1 500-2 500-2 800-2	Within 5.8 miles, climb to 2,000' on E course HUF-LFR within 25 miles. ADF procedure using range not authorized.
WINSLOW, ARIZ. Municipal, 4,937' SBRAZ-VDT-INW Procedure No. 1 April 15, 1954	Joseph City FM	255—20.0	7,000	W side N course: 340° outbound. 160° inbound. 7,000' within 25 miles.	*8,600	160—1.5	T-dn C-dn A-dn	300-1 500-2 800-2	300-1 600-2 800-2	Within 1.5 miles, climb to 7,000' on E course within 25 miles. Deviation from standard criteria authorized in item 6. *CAUTION: 8,600' provides 400' clearance over terrain 4.5 miles W of N course 3 miles N of LFR.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
CHARLOTTE, N. C. Douglas, 748' Charlotte Outer Compass Locator CL Procedure No. 2 August 1, 1951	SUPERSEDED BY COMBINATION ACF-ILS PROCEDURE NO. 1, DATED APRIL 17, 1954.									
KANSAS CITY, KANS. Fairfax, 746' LOM-MK Procedure No. 1 April 5, 1954	Kansas City LFR	028—5.0	2,500	W side of course: 004° outbound. 184° inbound 2,500' within 10 miles. Not authorized beyond 10 miles.	2,500	From Bluff FM 184—0.8	T-dn C-dn A-dn	300-1 700-1 800-2	300-1 700-1½ 800-2	Within 4.3 miles or at Bluff FM., make right climbing turn, climb to 2,500' and intercept 310° ADF track and proceed to Farley Rbn and hold, or when directed by ATC make right climbing turn, climb to 2,200' on SW course MKC-LFR. CAUTION: Obstruction 1,423' MSL 3 miles SE of airport. Cracking plant 911' MSL and stack 983' MSL ½ mile ESE approach end runway 35. TV tower 1,670' MSL 4½ miles SSE. #Procedure not authorized when Bluff FM inoperative.
	Kansas City VOR	152—4.0	2,500							
	Liberty FM and Rbn	240—12.0	2,500							
	Farley Rbn	106—16.0	2,500							
	Linkville FM	128—10.0	2,500							

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (–) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LANSING, MICH. Capital City, 858' LOM-LA Procedure No. 1 December 30, 1953	SUPERSEDED BY COMBINATION ILS-ADF PROCEDURE, DATED MARCH 19, 1954.									
LOS ANGELES, CALIF. International, 125' LOM-LA Procedure No. 1 August 14, 1953	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE, DATED APRIL 5, 1954.									
LOS ANGELES, CALIF. International Airport, 125' SBRAZ-DTXV-LAX Procedure No. 2 August 4, 1953	PROCEDURE CANCELED, EFFECTIVE APRIL 5, 1954.									
MEMPHIS, TENN. Municipal, 269' Outer Compass Locator ME Procedure No. 2 August 1, 1952	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE NO. 1, DATED MARCH 17, 1954.									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (–) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
LANSING, MICH. Capital City, 858' ILS-LAN LOM-LA Procedure No. 1 Combination ILS-ADF March 19, 1954	Lansing VOR	LOM	071—11.0	2,400	N side of course: 093° outbound. 273° inbound. 2,400' within 25 miles.	ILS 2,100	2,086—4.3	1,064—0.63	T-dn	300–1	300–1	Within 4.3 miles climb to 2,200' on W course LAN-LFR or on 280° course from LOM within 25 miles, or if directed by ATC make right climbing turn, climb to 2,200' and proceed NW on track of 340° within 25 miles of LOM. No approach lights.
	Lansing LFR	LOM	081—2.0	2,400		ADF 1,780			C-dn	500–1	600–1½	
	Int 220° Bearing from FNT "H" and LAN ILS course.	LOM	273—28.0	2,400					S-dn 27 ILS	400–¾	400–¾	
	Int. of 313° course from RML-VOR and LAN ILS course.	LOM	273—13.5	2,500					ADF	500–1	500–1	
									A-dn	800–2	800–2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (–) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
LOS ANGELES, CALIF. International, 125' ILS LAX and LAX RADAR (ASR) Procedure No. 2 April 5, 1954	LAX LFR	LOM	074—2.0	2,000	S side E course: 068° outbound. 248° inbound. 2,000' within 10 miles and in no case farther E than Downey FM or Rbn.	1,650	1,650—6.04 ADF 1,500	300—0.64	T-dn	300–1	300–1	Within 6.0 miles after passing LOM (ADF), climb to 2,000' on W course LAX LFR.
	Downey FM or Rbn	LOM	253—9.0	(ILS) 1,650 (ADF) 1,500					C-dn	500–1	600–1½	
	LGB LFR	LOM	304—16.0	(ILS) 1,650 (ADF) 1,500					S-dn 25L R ILS	400–¾	400–¾	
	Hollywood Hills FM	LOM	135—14.0	3,000					ADF	400–1	400–1	
									A-dn	800–2	800–2	
LOS ANGELES, CALIF. International, 125' ILS LAX and LAX RADAR (ASR) Procedure No. 2 April 5, 1954	Int. W course ILS and SE course CAV LFR.	ILS W course.	068—0.0	2,000	S side W course: 248° outbound. 068° inbound. 2,000' 8 miles from end of runway as specified by radar controller.	At 6 miles	At 4 miles	At Del Rey FM 1.7 miles	T-dn	300–1	300–1	Climb to 2,000' on E course LAX LFR, no farther E than Downey Rbn. Airport surveillance radar must be operating for this procedure.
	Los Angeles LFR	LMM	243—8.5	2,000		1,600' Distance from approach end of runway given by radar controller each mile on final approach.	1,150'	550'	C-dn	500–1	600–1½	
									S-dn 7L R	800–1	800–1	
									A-dn	800–2	800–2	
MOLINE, ILL. Quad City, 590' ILS-MLI LOM-ML Procedure No. 1 Combination ILS-ADF April 15, 1954	Moline VOR	LOM	219—26.0	2,300	S side W course: 266° outbound. 086° inbound. 1,900' within 20 miles. 2,000' within 25 miles.	ILS 1,900	1805—5.1	772—0.6	T-dn	300–1	300–1	5.0 miles after passing LOM (ADF), climb to 2,100' on course of 086° within 25 miles, or when directed by ATC make left climbing turn, climb to 2,300' and proceed to E course MLI-LFR or to MLI-VOR.
	Moline LFR	LOM	172—9.0	2,100		ADF 1,400			C-dn	600–1	600–1½	
	Int. E course MLI-LFR and 225° bearing to LOM.	LOM	225—16.0	2,300					S-dn 9 ILS	400–¾	400–¾	
	Int. S course MLI-LFR and W course ILS or bearing 086° to LOM.	LOM	086—0.4	1,900					ADF	600–1	600–1	
									A-dn	800–2	800–2	
	Int N course BRL-LFR and W course ILS or bearing 086° to LOM (final).	LOM	086—24.0	1,900								
	Moscow Int. (final after Int. W course ILS).	W course ILS.	130—12.0	2,000								
	Moscow Int. (final)	LOM	105—26.0	2,000								
	Iowa City VOR	W course ILS.	095—27.0	2,000								
	Int 095° course from IOW-VOR and Int. W course ILS or bearing 086° to LOM (final).	LOM	086—24.0	1,900								
MEMPHIS, TENN. Municipal, 269' ILS IMEM LOM-ME Procedure No. 1 Combination ILS-ADF March 17, 1954	Memphis LFR	LOM	292—8.5	1,500	S side W course: 266° outbound. 086° inbound. 1,700' within 25 miles.	ILS LOC and ADF 1,260' over LOM.	4.9	0.7	T-dn	300–1	300–1	Within 4.9 miles climb to 1,500' on E course of ILS or 086° track from LOM within 25 miles, or when directed by ATC climb to 1,500' and proceed to Memphis LFR or VOR. NOTE Radio tower 470' MSL 1 mile E of LOM. No glide path.
	Cuba FM	LOM	192—18.0	2,000					C-dn	500–1	500–1½	
	NE course Memphis LFR and E course ILS.	LOM	266—10.0	1,500					S-dn 9	500–1	500–1	
	Bruins MHW	LOM	048—22.0	1,700					A-dn	800–2	800–2	
	Memphis VOR	LOM	272—10.0	1,500								

4. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BUTTE, MONT. Butte, 5,554' BVOR-BTM Procedure No. 1 April 15, 1954	BTM LFR	112—3.8	9,000	E side of course.* 343° outbound. 163° inbound. 9,000' within 15 miles. 20 and 25 miles not authorized.	7,900	95—12.3	T-d T-n C-d C-n A-d A-n	1,500-1 1,500-2 2,300-1 2,300-2 2,300-1½ 2,300-2	1,500-1 1,500-2 2,300-1½ 2,300-2 2,300-1½ 2,300-2	Within 1.5 miles climb to 10,000' on course 93° within 12 miles. *Procedure turn E side for more favorable terrain. CAUTION: High terrain 8,300' MSL 2 miles E of Butte Airport.
KANSAS CITY, MO. Municipal, 758' BVOR-MKC Procedure No. 1 April 5, 1954	Kansas City LFR	004—8.0	2,500	W side of course: 351° outbound. 171° inbound. 2,500' within 25 miles.	2,300	171—10.0	T-dn# C-dn A-dn	300-1 1,000-3 1,000-3	300-1 1,000-3 1,000-3	Within 10 miles, immediately turn right climb to 2,500' on track of 224° within 25 miles of MKC-VOR. CAUTION: Grain elevators 903' MSL and railroad floodlights 857' MSL ¾ mile NNE of runway 18. Cracking plant and stack 858' MSL ½ mile WNW of airport. TV tower 1,670' MSL 2.9 miles S of airport. Congested buildings 1,423' MSL 1 mile SSE of airport. #Takeoffs to S or SW when weather is below 1,000-3 will intercept 185° outbound course from MKC-VOR as soon as practical after takeoff and maintain course until reaching 2,500' prior to making left turn.
MANSFIELD, OHIO Mansfield, 1,296' BVOR VDT-MFD Procedure No. 1 April 22, 1954				N side of course: 134° outbound. 314° inbound. 2,500' within 10 miles.	2,000	314—6.6	T-dn C-dn S-dn 32 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 6.6 miles, climb to 2,500' on course 311° from Mansfield VOR.
MEDFORD, OREG. Medford, 1,330' BVOR-MFR Procedure No. 1 April 15, 1954	Medford LFR	317—5.0	6,000	E side of course.* 333° outbound. 153° inbound. 6,000' within 25 miles.	4,000	144—7.2	T-dn C-dn# A-dn	300-1 1,000-2 1,000-2	300-1 1,000-2 1,000-2	Within 7.2 miles execute climbing right turn climb to 6,500 on course 333° within 25 miles. Procedure turn E side for more favorable terrain. *Procedure turn E due high terrain W. #Note landing minimums authorized 500-2 all aircraft duy only provided top of stratus overcast in Medford Valley is not in excess of 3,500' MSL. Aircraft must be on top and shall not descend below 3,500' until after passing Medford VOR inbound. Alternate minimum 1,000-2.
	Trail FM (final)	153—9.0	4,000							
SAN ANGELO, TEX. Mathis, 1,915' BVOR-SJT Procedure No. 1 April 17, 1954	San Angelo LFR	243—4.4	3,000	N side of course: 061° outbound. 241° inbound. 3,400' within 25 miles.	LFR-Z 3,400' VOR 2,500'	234—2.1	T-dn C-dn S-dn 21 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 2.1 miles climb to 3,500' on 234° radial within 25 miles.
TERRE HAUTE, IND. Hulman Field, 585' BVOR-HUF Procedure No. 1 April 15, 1954	HUF-LFR	043—8.0	1,900	W side of course: 001° outbound. 181° inbound. 1,900' within 25 miles.	1,360	181—3.4	T-dn C-d C-n S-dn 18 A-dn	300-1 500-1 500-2 500-1 800-2	300-1 500-2 500-2 500-2 800-2	Within 3.4 miles climb to 1,900' on outbound course 191° within 25 miles.
	Clinton Int	143—9.0	1,900							
	Int E course HUF-LFR and 280° course to BUF VOR.	260—20.0	2,000							

5. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area: maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Condition	Precision approach (PAR): 75 m. p. h. or less	Precision approach (PAR): More than 75 m. p. h.	Surveillance approach (ASR): 75 m. p. h. or less	Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
LOS ANGELES, CALIF. International, 123' Procedure No. 1 April 5, 1954	All bearings are to the radar with sector azimuths progressing clockwise. Within 5 miles: 165°-195°, 1,700'. 195°-165°, 1,500'. Within 10 miles: 165°-195°, 2,000'. 195°-330°, 1,500'. 330°-360°, 2,000'. 360°-050°, 1,500'. 050°-165°, 2,500'. Within 15 miles: 050°-195°, 3,000'. 195°-240°, 2,000'. 240°-315°, 1,500'. 315°-360°, 2,500'. 360°-050°, 1,500'. Within 20 miles: 050°-220°, 5,000'. 220°-050°, 3,000'. Within 25 miles: 090°-165°, 5,000'. 165°-220°, 7,000'. 220°-265°, 3,500'. 265°-315°, 3,000'. 315°-360°, 4,000'. 360°-090°, 4,000'.	25 L/R	T-dn C-dn S-dn A-dn	300-1 500-1 400-¾ 800-2	300-1 600-1½ 400-¾ 800-2	---------- ---------- ---------- ----------	---------- ---------- ---------- ----------	Climb to 2,000' on W course of Los Angeles LFR.
		7 L/R, 11, 25 L/R, 29.	T-dn C-dn A-dn	---------- ---------- ----------	---------- ---------- ----------	300-1 500-1 800-2	300-1 600-1½ 800-2	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2579; Filed, Apr. 12, 1954; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 962—FRESH PEACHES GROWN IN GEORGIA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 962.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held on December 17, 1953, at Macon, Georgia, upon a proposed amendment to Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR 962), regulating the handling of fresh peaches grown in Georgia. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of fresh peaches grown in Georgia in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of

several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes such different terms applicable to different marketing areas, as are necessary to give due recognition to such differences in the marketing of such peaches.

(b) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement, as amended, regulating the handling of fresh peaches grown in Georgia, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the peaches covered by this order) who, during the calendar year 1953, handled not less than 50 percent of the volume of peaches covered by said order as hereby amended;

(2) The aforesaid agreement, amending the said marketing agreement, as amended, has been executed by handlers who were signatory parties to said marketing agreement and who during the determined representative period (the calendar year 1953) shipped not less than 50 percent of the peaches grown in Georgia, shipped by all signatory handlers to said marketing agreement during such representative period;

(3) The issuance of this order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the aforesaid representative period have been engaged, within the State of Georgia, in the production of peaches for market; and

(4) The issuance of this order, amending the aforesaid order, as amended, is favored or approved by producers who, during said representative period, have produced for market at least two-thirds of the volume of such peaches produced for market within the State of Georgia.

It is therefore ordered, That, on and after the effective date hereof, the handling of fresh peaches grown in Georgia shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the proviso in the first sentence of § 962.41 and insert in lieu thereof the following: "*Provided*, That no assessment shall be levied against peaches that are exempt from regulation pursuant to § 962.71 or against peaches that are exempt from inspection pursuant to § 962.64."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. [illegible])

Issued at Washington, D. C., this 8th day of April 1954, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] JOHN H. DAVIS,
Assistant Secretary.

[F. R. Doc. 54-2721; Filed, Apr. 12, 1954; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter C—Carriers by Water

PART 301—REPORTS

ANNUAL REPORT FORM PRESCRIBED FOR MARITIME CARRIERS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 2d day of April A. D. 1954.

The matter of Annual Reports from Carriers by Water being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished and that public rule-making procedures are unnecessary;

It is ordered, That the order dated February 13, 1953 (17 F. R. 1475), in the matter of Annual Reports from Carriers by Water (49 CFR 301.20) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1953, and subsequent years, as follows:

§ 301.20 *Annual report form prescribed for Maritime Carriers.* Each Maritime Carrier subject to the provisions of section 313, Part III of the Interstate Commerce Act, is hereby required to file annual reports for the year ended December 31, 1953, and for each succeeding year until further order, in accordance with Annual Report Form M, which is hereby approved and made a part of this section.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before May 31 of the year following the one to which it relates.

(54 Stat. 933; 49 U. S. C. 904. Interprets or applies 54 Stat. 944; 49 U. S. C. 913)

NOTE: Budget Bureau No. 41-R1414.2.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2720; Filed, Apr. 12, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR RADISHES[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Bunched Radishes pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

TITLE

Sec.
51.2395 Bunched radishes.
51.2396 Topped radishes.

GRADES

51.2397 U. S. No. 1.
51.2398 U. S. Commercial.

UNCLASSIFIED

51.2399 Unclassified.

APPLICATION OF TOLERANCES

51.2400 Application of tolerances.

STANDARD BUNCHING

Sec.
51.2401 Standard bunching.

SIZE TERMS

51.2402 Size terms.

DEFINITIONS

51.2403 Similar varietal characteristics.
51.2404 Clean.
51.2405 Well formed.
51.2406 Smooth.
51.2407 Firm.
51.2408 Tender.
51.2409 Damage.
51.2410 Fresh.
51.2411 Diameter.

AUTHORITY: §§ 51.2395 to 51.2411 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624; Pub. Law 156, 83d Cong.

TITLE

§ 51.2395 *Bunched radishes.* "Bunched radishes" means radishes with full length tops which are tied in bunches.

[1] Filed as part of the original document.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 51.2396 *Topped radishes.* "Topped radishes" means radishes with the tops clipped back to not more than three-eighths inch in length.

GRADES

§ 51.2397 *U. S. No. 1.* U. S. No. 1 consists of radishes of similar varietal characteristics the roots of which are clean, well formed, smooth, firm, tender, and free from decay and which are free from damage caused by freezing, growth cracks or air cracks, cuts, pithiness, disease, insects, or mechanical or other means. Bunched radishes shall have tops which are fresh and free from decay and free from damage caused by freezing, seedstems, yellowing or other discoloration, disease, insects, or mechanical or other means.

(a) Unless otherwise specified, the diameter of each radish root shall be not less than five-eighths inch.

(b) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For defects of roots.* 10 percent, by count, for radish roots in any lot which fail to meet the requirements of the grade, including therein not more than 1 percent for decay;

(2) *For defects of tops of bunched radishes.* 10 percent, by count, for bunches in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay;

(3) *For off-size roots.* 10 percent, by count, for radish roots in any lot which fail to meet the specified minimum diameter: *Provided*, That when the minimum and maximum diameters are both stated, and additional tolerance of 10 percent shall be allowed for radish roots which are larger than the maximum diameter specified; and,

(4) *For excess length of tops of topped radishes.* 5 percent, by count, for radishes in any lot with tops which are in excess of the maximum length specified under "Styles".

§ 51.2398 *U. S. Commercial.* U. S. Commercial consists of radishes which meet the requirements of U. S. No. 1 grade except for the increased tolerances specified in this section.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For defects of roots.* 20 percent, by count, for radish roots in any lot which fail to meet the requirements of the grade, including therein not more than 1 percent for decay;

(2) *For defects of tops of bunched radishes.* 10 percent, by count, for bunches in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay;

(3) *For off-size roots.* 10 percent, by count, for radish roots in any lot which fail to meet the specified minimum diameter: *Provided*, That when the minimum and maximum diameters are both stated, an additional tolerance of 10 percent shall be allowed for radish roots which are larger than the maximum diameter specified; and,

(4) *For excess length of tops of topped radishes.* 10 percent, by count, for radishes in any lot with tops which are in excess of the maximum length specified under "Styles".

UNCLASSIFIED

§ 51.2399 *Unclassified.* Unclassified consists of radishes which have not been classified in accordance with any of the forgoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2400 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains one pound or less, individual packages may contain not more than double the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

STANDARD BUNCHING

§ 51.2401 *Standard bunching.* (a) Standard bunches of radishes shall be fairly uniform in size and radishes in the individual bunches shall not vary more than one-half inch in diameter.

(b) Not more than 10 percent of the bunches in any lot may fail to meet the requirements for "Standard Bunching".

SIZE TERMS

§ 51.2402 *Size terms.* (a) The following terms are provided for describing the diameters of any lot of radishes:

(1) "Small" means less than three-fourths inch in diameter;

(2) "Medium" means three-fourths to 1 inch in diameter;

(3) "Large" means over 1 to 1¼ inches in diameter; and,

(4) "Very large" means over 1¼ inches in diameter.

DEFINITIONS

§ 51.2403 *Similar varietal characteristics.* "Similar varietal characteristics" means that the radishes in any container are similar in color and shape: for example, red varieties shall not be mixed with white varieties and globe-shaped varieties shall not be mixed with long-shaped varieties.

§ 51.2404 *Clean.* "Clean" means that the radishes are practically free from dirt or other foreign material.

§ 51.2405 *Well formed.* "Well formed" means that the radishes have the shape characteristic of the variety.

§ 51.2406 *Smooth.* "Smooth" means that the radish is not rough, or ridged to the extent that the appearance is materially affected.

§ 51.2407 *Firm.* "Firm" means that the radishes are crisp and not soft, flabby, or wilted.

§ 51.2408 *Tender.* "Tender" means that the radishes are not stringy or woody.

§ 51.2409 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual radish root or the general appearance of the radish roots in the container, or which materially affects the appearance or shipping quality of the tops of bunches in the container. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Growth cracks or air cracks when discolored or deep, or when more than three-eighths inch in length or the appearance is materially affected;

(b) Cuts when discolored, rough, or deep, or when the aggregate area exceeds the area of a circle three-eighths inch in diameter;

(c) Pithiness when the edible quality is materially affected by pith. Slight pithiness which does not materially affect the edible quality shall not be considered as damage;

(d) Insects or insect injury when the appearance of the root is materially affected, or when the injury penetrates into the flesh of the radish; or when the tops are affected to the extent that the appearance of the bunch is materially affected; and,

(e) Yellowing or other discoloration of the tops when the appearance of the bunch is materially affected. The appearance of bunches with tops having slight discoloration such as yellowing, browning, or other abnormal color affecting a few leaves shall not be considered materially affected if the tops as a whole show a predominantly normal green color.

§ 51.2410 *Fresh.* "Fresh" means that the radish tops have normal green color and are not badly wilted.

§ 51.2411 *Diameter.* "Diameter" means the greatest dimension of the root measured at right angles to a line running from the crown to the base of the root.

Dated: April 7, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 54-2738; Filed, Apr. 12, 1954; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 41]

[Draft Release No. 54-10]

PILOT FLIGHT TIME LIMITATIONS

PAN AMERICAN-GRACE AIRWAYS, INC.

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is

hereby given that the Bureau will propose to the Board a special regulation which would continue the waiver of the requirements of § 41.54 of Part 41 of the Civil Air Regulations as applied to Pan American-Grace Airways Inc. (Panagra) flights from Santa Cruz, Bolivia, to Puerto Suarez, Bolivia, and return.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by May 10, 1954. Copies of such communications will be available after May 12, 1954 for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Section 41.54 (a) of Part 41 of the Civil Air Regulations currently provides that in aircraft having a crew of one or two pilots a pilot may be scheduled to fly 8 hours or less during any 24 consecutive hours without a rest period; that if he is scheduled to fly in excess of 8 hours during any 24 consecutive hours, he must be given an intervening rest period at or before the termination of 8 scheduled hours of flight duty; and that this rest period must equal at least twice the number of hours flown since the last preceding rest period, and in no case will such rest period be less than 8 hours. Section 41.54 (b) currently provides that when a pilot has flown in excess of 8 hours during any 24 consecutive hours he must receive at least 18 hours of rest before being assigned any duty with the air carrier.

Panagra schedules a one-day flight from Santa Cruz to Puerto Suarez and return, which is the last leg of scheduled operations connecting, among others, the cities of La Paz, Bolivia, and Lima, Peru. These flights are made under the flight time limitations of § 41.54.

It appears desirable to overnight crew members at Santa Cruz, Bolivia, because of the more satisfactory accommodations at that location. Other points along the route which would be available are at unusually high elevations at which proper accommodations, including wholesome food and water, and facilities for recreation are generally unavailable. However, if crew members remain overnight at Santa Cruz, Bolivia, the present regulation requires rest periods which interfere with advantageous scheduling of flights departing from Santa Cruz. If the departure time of the Santa Cruz—Puerto Suarez—Santa Cruz flight is changed to a later time to allow the rest period required by the regulation, it would bring the flight back to Santa Cruz only 40 minutes before sunset in the short season. Since airports along this route are not regularly lighted for night operation this is considered an inadequate margin for safety. To advance the departure time of the flight from Lima is considered undesirable for it would in effect deprive the public en route to Bolivia of the one-day connecting service from the United States. It further appears that the trips on the route segment to and from Lima, Santa Cruz, and Puerto Suarez are generally conducted under VFR conditions and light airway traffic so that there is less strain on the pilots than usually occurs under IFR conditions and the attendant holding procedures. In addition, the facilities for the housing of crew members at Santa Cruz are located at the airport so that a pilot need not spend appreciable time in travel between the airport and the rest facilities.

Because of this, Special Civil Air Regulation No. SR–394 was adopted on May 25, 1953, permitting a waiver of § 41.54 as applied to these flights for one year. Since the conditions leading to the promulgation of SR–394 still exist and since there have been no complaints of abuse under this regulation, it is proposed that the provisions of SR–394 be extended for three years. At that time, this matter will be reviewed.

In view of the foregoing, it is proposed to promulgate a Special Civil Air Regulation to read as follows:

Contrary provision of § 41.54 of Part 41 of the Civil Air Regulations notwithstanding, Pan American-Grace Airways, Inc., is authorized to utilize pilots to fly on the overall flight from Lima, Peru-Santa Cruz, Bolivia-Puerto Suarez, Bolivia, and return with a minimum of 12 hours actual rest at Santa Cruz after the Lima-Santa Cruz leg of the flight and with a minimum of 12 hours actual rest at Santa Cruz after the Puerto Suarez-Santa Cruz leg of the flight.

It is proposed that this regulation shall be effective for a period of three years providing that there is no major change in the conditions under which the regulation is adopted.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated: April 6, 1954, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 54-2733; Filed, April 12, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

~~Bitter gourd.~~
Apricots, preserved.
Cabbage, white, dried.
Cucumber, bitter.
Fish gravy.
Fish maw, dried.
Ginger, preserved (made from Hong Kong ginger).
Lanterns, silk and rayon.
Lychees.
Molluska, dried.
Mustard, preserved.
Novelties, paper.
Taro.
Waterchestnut powder.

[SEAL] ELTING ARNOLD, *Acting Director, Foreign Assets Control.*

[F. R. Doc. 54-2724; Filed, Apr. 12, 1954; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Fairbanks 010134, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws, but not the mineral-leasing law, the Alaska Grazing Act of March 4, 1927, or the Materials Act of July 31, 1947 of the lands described below was filed on March 20, 1953, by Bureau of Land Management.

The purposes of the proposed withdrawal: Forest management purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII, Bureau of Land Management, Department of the Interior at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS MERIDIAN, ALASKA

T. 1 S., R. 3 W.,
Section 32, S½, unsurveyed.
Sections 33 to 36, inclusive, unsurveyed.
T. 2 S., R. 3 W.,
Sections 1 to 11, inclusive, unsurveyed.
Sections 17 to 19, inclusive, unsurveyed.
Sections 12 to 16, inclusive, 20, 21, 29, 30, 31, surveyed (those portions north of right limit of Tanana River).
T. 2 S., R. 4 W.,
Sections 1 to 4, inclusive, unsurveyed.
Sections 9 to 16, inclusive, unsurveyed.
Sections 21 to 28, inclusive, unsurveyed.
Sections 33 to 35, inclusive, unsurveyed.
Section 36, unsurveyed (that portion north of right limit of Tanana River).
T. 3 S., R. 4 W.,
Section 4, surveyed.
Section 9, all (partially surveyed).
Sections 2, 3, 10, 16, unsurveyed (those portions lying north of right limit of Tanana River).

The area described aggregates approximately 31,870 acres.

The northeast corner of unsurveyed Section 1, T. 2 S., R. 3 W., lies at Latitude 64°46'36" North, Longitude 148°03'00" West.

LOWELL M. PUCKETT, *Regional Administrator.*

[F. R. Doc. 54-2710; Filed, Apr. 12, 1954; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 5, 1954.

An application, serial number Anchorage 026117, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on February 1, 1954, by Civil Aeronautics Administration, Department of Commerce.

The purposes of the proposed withdrawal: Enlarging A. N. S. withdrawal No. 156 for maintenance of a SBRA–Z radio range facility.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII, Bureau of Land Management, Department of the Interior at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

S½, NE¼, Sec. 21, T. 6 N., R. 11 W., S. M., near Kenai, Alaska.

LOWELL M. PUCKETT, *Regional Administrator.*

[F. R. Doc. 54-2711; Filed, Apr. 12, 1954; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Ashland Crafts, Inc., Eighteenth Street and Carter Avenue, Ashland, Ky., effective 4–1–54 to 9–30–54; 10 learners for expansion purposes (children's dresses).

Bastian Sportswear, Inc., Bastian, Va., effective 3–31–54 to 3–30–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's and infants' sportswear).

Elder Manufacturing Co., McLeansboro, Ill., effective 4–16–54 to 4–15–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dress shirts).

Greenway Manufacturing Co., Waynesburg, Pa., effective 4–4–54 to 4–3–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' and infants' polo shirts).

The Hercules Trouser Co., Wellston, Ohio, effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' single pants).

The Hercules Trouser Co., Hillsboro, Ohio, effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' single pants).

The Hercules Trouser Co., Jackson, Ohio, effective 4–10–54 to 4–9–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' single pants).

Hurlock Garment Co., Inc., Hurlock, Md., effective 3–30–54 to 3–29–55; 10 learners for normal labor turnover purposes (blouses).

Irwin Manufacturing Co., New Albany, Miss., effective 4–10–54 to 4–9–55; 10 percent of the total number of production workers for normal labor turnover purposes (men's and boys' sport shirts).

Joan-Claire Fashions, Benton, Ill., effective 3–29–54 to 9–28–54; 50 learners for plant expansion purposes (dresses).

Katz Underwear Co., Sixth Street and Sunrise Avenue Plants, Honesdale, Pa., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and misses' nightgowns, pajamas, and slips).

Kordeen Manufacturing Co., Inc., 420 East German Street, Herkimer, N. Y., effective 4–2–54 to 4–1–55; 10 percent of the total number of factory production workers for normal labor turnover purposes. Learners are not authorized to be employed at subminimum wage rates in the production of women's and children's skirts and jumpers (women's and children's blouses, shorts, etc.).

Lee Champion Garment Co., Inc., 902 Lagarde Avenue, Anniston, Ala., effective 4–1–54 to 3–31–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers).

Linwood Mills, Inc., LaFayette, Ga., effective 4–2–54 to 4–1–55; 10 percent of the total numbers of factory production workers for normal labor turnover purposes (sport shirts).

Mantachie Manufacturing Co., Inc., Mantachie, Miss., effective 4–5–54 to 4–4–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Pittston Frocks, 135 South Main Street, Pittston, Pa., effective 4–2–54 to 4–1–55; 5 learners for normal labor turnover purposes (dresses).

Primo Pants Co., Versailles, Mo., effective 4–5–54 to 4–4–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pants).

Puritan Foundations, Portage, Pa., effective 3–30–54 to 3–29–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Renovo Shirt Co., Inc., Mena, Ark., effective 3–30–54 to 7–18–54; 100 additional learners for expansion purposes (men's and boys' sport shirts).

Seiro Manufacturing Co., Rear 115 Race Street, Cambridge, Md., effective 3–29–54 to 3–28–55; 10 learners for normal labor turnover purposes (blouses).

Shriner Manufacturing Co., Woodsboro, Md., effective 4–5–54 to 4–4–55; 10 learners for normal labor turnover purposes (men's pants).

Southern Manufacturing Co., Plant No. 2, 1202 Broadway, Nashville, Tenn., effective 4–11–54 to 4–10–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

K. W. Pollock, d. b. a., Tompkinsville Garment Co., Tompkinsville, Ky., effective 4–13–54 to 4–12–55; 10 learners for normal labor turnover purposes (dungarees).

Tru-fit Trousers, Traverse City, Mich., effective 4–5–54 to 4–4–55; 10 learners for normal labor turnover purposes (single pants).

Vernon Manufacturing Co., Inc., Vernon, Tex., effective 4–10–54 to 4–9–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

The Watson Shirt Co., The Watson Laundry Co., 334 Barclay Street, Salisbury, Md.,

effective 4-17-54 to 4-1655; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dress shirts).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Rockwood Mills, Rockwood, Tenn., effective 4-12-54 to 4-11-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Holeproof Hosiery Co., Luxite Division, Milwaukee, Wis., effective 4-7-54 to 4-6-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and sleepwear).

Wonderknit Corp., 120 West Grayson Street, Galax, Va., effective 12-28-53 to 6-27-54; 50 learners for expansion purposes (knit sport and polo shirts) (replacement certificate).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Texans, Inc., Bangs, Tex., effective 4-1-54 to 9-30-54; 5 learners for normal labor turnover purposes; finisher, decorator; each 240 hours at 65 cents per hour. (ceramic lamp bases and novelties).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Fonda Gage (Puerto Rico), Inc., Ponce, P. R., effective 4-1-54 to 9-30-54; 41 learners, grinding, beveling and sanding, heat treating, rough lapping, finish lapping, etching, inspecting, millers, universal grinders; each 320 hours at 40 cents an hour, 320 hours at 45 cents an hour, 320 hours at 50 cents an hour; drill press operators, 320 hours at 45 cents an hour (steel and carbide gage blocks industry).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 5th day of April 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-2712; Filed, Apr. 12, 1954; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6078]

AIR AMERICA, INC., ET AL., COMPLIANCE PROCEEDING

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of a complaint against Air America, Inc., and certain allegedly associated companies, including Air America Agency Corporation, Air America Agency, Inc., Airline Reservations, Inc. (New York), Airline Reservations, Inc. (Illinois), and Airline Tickets, Inc., filed by American Airlines, Inc., and charging aforesaid respondents, together and severally, with violations of section 411 of the Civil Aeronautics Act of 1938, as amended, and with violations of § 291.1 (a) of the Board's Economic Regulations.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned for April 20, 1954, is hereby postponed to May 4, 1954, 10:00 a. m., d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 8, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2735; Filed, April 12, 1954; 8:51 a. m.]

[Docket No. 6125]

NIAGARA FALLS AIRPORT CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned for April 27 is hereby postponed to April 29, 1954, 10:00 a. m., d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 8, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2734; Filed, April 12, 1954; 8:50 a. m.]

[Docket No. 6457 et al.]

CONTINENTAL AIR LINES, INC., ET AL.

NOTICE OF HEARING

In the matter of the application of Continental Air Lines, Inc., and Pioneer Air Lines, Inc., under sections 408 and 412 of the Civil Aeronautics Act of 1938, as amended, for approval of an agreement for the purchase by Continental Air Lines, Inc., of certain specified assets of Pioneer Air Lines, Inc.; and in the matter of an investigation to determine whether the integration of the routes of Continental Air Lines, Inc., and Braniff Airways, Inc., into a single unified system would be consistent with the public interest.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 3, 1954, at 10:00 a. m., e. d. s. t., in Room 7852, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

For details of the issues involved in this proceeding, interested persons are referred to the application on file with the Civil Aeronautics Board in Docket No. 6457, Board Order Nos. E-7977 and E-8082, and the prehearing conference report.

Dated at Washington, D. C., April 8, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2736; Filed, April 12, 1954; 8:51 a. m.]

[Docket No. SA-291]

INVESTIGATION OF ACCIDENT OCCURING NEAR WRIGHT, WYO.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 8407H, which occurred near Wright, Wyoming, on February 26, 1954.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, April 22, 1954, at 9:00 a. m. (local time) in the Albany Hotel, Seventeenth and Stout Streets, Denver, Colorado.

Dated at Washington, D. C., April 5, 1954.

[SEAL] W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 54-2730; Filed, April 12, 1954; 8:49 a. m.]

[Docket No. SA-292]

INVESTIGATION OF ACCIDENT OCCURRING NEAR MIDLAND, TEX.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry, N 90853, which occurred near Midland, Texas, March 16, 1954.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, April 22, 1954, at 9:00 a. m. (local time), at the Albany Hotel, Seventeenth and Stout Streets, Denver, Colorado.

Dated at Washington, D. C., April 5, 1954.

[SEAL] W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 54-2731; Filed, April 12, 1954; 8:50 a. m.]

[Public Notice PN7]

ADMINISTRATOR OF CIVIL AERONAUTICS

DELEGATION OF CERTAIN ACCIDENT INVESTIGATION FUNCTIONS

Acting pursuant to the authority vested in it by section 601 (c) of the Civil Aeronautics Act of 1938, as amended (52 Stat. 1007; 49 U. S. C. 551), the Civil Aeronautics Board hereby amends the delegation made to the Administrator of Civil Aeronautics (18 F. R. 7499) in connection with its accident investigation functions under section 702 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 1013; 49 U. S. C. 582) to read as follows:

1. Subject to the terms, conditions, and limitations set forth below, the Board hereby delegates to the Administrator the authority contained in section 702 (a) (2) and section 702 (a) (4) of the Civil Aeronautics Act of 1938, as amended, with respect to all accidents involving fixed wing aircraft to which Part 62 of the Civil Air Regulations is applicable and which do not involve an aircraft in excess of a certificated maximum take-off weight of 12,500 pounds: *Provided, however*, That the delegation of authority herein shall not apply to any accident involving an aircraft operated by any air carrier authorized by certificate of public convenience and necessity to engage in air transportation in Alaska.

2. The Board hereby further delegates to the Administrator the authority contained in section 702 (c) of the act for all purposes directly connected with the investigation of aircraft accidents by the Administrator pursuant to paragraph 1 hereof: *Provided, however*, That nothing herein contained shall be construed as authorizing the Administrator to hold public hearings in connection with the performance of the function of investigation of aircraft accidents herein delegated to the Administrator.

3. If at any time the Board shall determine either upon request of the Administrator, request of any person having any substantial interest therein, or upon its own initiative that the circumstances of a particular accident being investigated by the Administrator pursuant to the delegation of authority herein are such as to indicate that a public hearing thereon may be desirable in the public interest, the Board will so notify the Administrator. Upon such notification the delegation of authority to the Administrator herein shall terminate as to that particular accident and such accident shall thereafter be investigated and the probable causes thereof be determined in the same manner as accidents not covered by this delegation of authority.

4. Reports on the accidents investigated by the Administrator pursuant to the delegation herein, including reports on the probable causes thereof, may be prepared in such form and manner and made public by such means as the Administrator may determine to be necessary to carry out the purposes and objectives of Title VII of the Civil Aeronautics Act of 1938, as amended. A copy of each such report, if any, whether or not made public by the Administrator, shall be transmitted to the Board.

5. For each such accident, or class of accident, investigated by the Administrator pursuant to the delegation herein as may be agreed upon from time to time, the Administrator shall transmit to the Board for its use an analysis thereof, including a determination of the probable cause, in a form acceptable to the Board.

6. The delegation of authority set forth herein shall become effective with respect to accidents occurring after midnight December 31, 1953, local time, and shall remain effective until otherwise ordered by the Board.

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-2732; Filed, Apr. 12, 1954; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3202]

CAPE & VINEYARD ELECTRIC CO. ET AL.

ORDER AUTHORIZING PROPOSED BANK BORROWINGS

APRIL 7, 1954.

In the matter of Cape & Vineyard Electric Company, New Bedford Gas and Edison Light Company, New Hampshire Electric Company, Plymouth County Electric Company; File No. 70-3202.

Cape & Vineyard Electric Company ("Cape"), New Bedford Gas and Edison Light Company ("New Bedford"), New Hampshire Electric Company ("New Hampshire"), and Plymouth County Electric Company ("Plymouth"), public-utility subsidiaries of New England Gas and Electric Association, a registered holding company, having filed a joint application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transactions:

Applicants propose to borrow, on notes payable to The First National Bank of Boston, funds not exceeding the aggregate amounts set forth below:

Cape	$2,700,000
New Bedford	2,500,000
Plymouth	1,200,000
New Hampshire	500,000

Cape, New Bedford and Plymouth propose to borrow funds from time to time prior to December 31, 1955, evidenced by notes maturing more than one year after date thereof but not later than December 31, 1957, bearing interest at the prime Boston rate for commercial paper plus ½ of 1 percent, with a maximum of 3¾ percent and a minimum of 3¼ percent, such interest rate to be adjusted every 90 days for any change in the existing prime rate within said maximum and minimum limits. The proceeds of the borrowings are to be used: (1) To repay notes of the several companies, in the aggregate principal amount of $1,850,000, payable to said bank on December 31, 1954, and executed for the purpose of temporarily financing additions to property, plant and equipment; and (2) to apply the balance ($1,950,000 for Cape, $1,650,000 for New Bedford, $950,000 for Plymouth) to reimburse in whole or in part, the plant replacement funds of the several companies for expenditures made therefrom to finance extensions, additions and improvements for property, plant and equipment, and (as respects Cape and Plymouth) to finance temporarily their respective construction programs.

The Department of Public Utilities of Massachusetts, the regulatory commission of the State in which Cape, New Bedford and Plymouth are organized and doing business, has expressly authorized their respective borrowings as aforesaid.

New Hampshire proposes to borrow funds from time to time prior to December 31, 1954, evidenced by notes maturing more than one year after date thereof but not later than December 31, 1956, bearing interest at the prime Boston rate for commercial paper plus ¼ of 1 percent, with a maximum of 3½ percent and a minimum of 3 percent, such interest rate to be adjusted every 90 days for any change in the existing prime rate within said maximum and minimum limits. The proceeds of the borrowing are to be used to reimburse, in part, the company's treasury for costs already incurred for capital expenditures.

The Public Utilities Commission of the State of New Hampshire, the regulatory commission of the State in which New Hampshire is organized and doing business, has expressly authorized the company's borrowing as aforesaid.

Applicants estimate that their expenses to be incurred in connection with said borrowings will not exceed $800 each for Cape, New Bedford and Plymouth, and $900 for New Hampshire.

Applicants request that the Commission's order herein be made effective upon issuance.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and Rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application should be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it hereby is, granted, effective forthwith, subject to

[1] Member Adams dissents from this action.

the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2715; Filed, Apr. 12, 1954; 8:46 a. m.]

[File No. 70-3219]

OHIO POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

ORDER REGARDING APPLICATION-DECLARATION TO SELL FIRST MORTGAGE BONDS AND PREFERRED STOCK AT COMPETITIVE BIDDING AND COMMON STOCK TO BE ACQUIRED BY [illegible]

APRIL 6, 1954.

An application-declaration having been filed with this Commission by American Gas and Electric Company ("American Gas"), a registered holding company, and its public-utility subsidiary The Ohio Power Company ("Ohio") pursuant to sections 6 (b), 10 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 of the Commission's general rules and regulations promulgated thereunder regarding proposed transactions, which are summarized as follows:

Ohio proposes to issue and sell $20,000,000 aggregate principal amount of its First Mortgage Bonds, __ Percent Series due 1984. Such Bonds will be sold under competitive bidding pursuant to Rule U-50. The coupon rate (which shall be expressed in a multiple of ⅛ of 1 percent) and the price to be paid to Ohio, which shall be not less than 100 percent or more than 102¾ percent of the principal amount of the bonds proposed to be sold, will be determined by competitive bidding.

Ohio proposes to issue and sell 50,000 shares of a new series of its cumulative preferred stock, par value $100 per share (such class being hereinafter referred to as the "Preferred Stock" and such series being hereinafter referred to as the "__ Percent Preferred Stock"). Such shares of the __ Percent Preferred Stock will be sold under competitive bidding pursuant to Rule U-50. The dividend rate (which shall be expressed in a multiple of .04 of 1 percent) and the price to be paid to Ohio, which shall be not less than $100 per share or more than $102.75 per share, will be determined by competitive bidding.

Ohio proposes to issue and sell, prior to or concurrently with the sale of the Bonds and the __ Percent Preferred Stock, 50,000 shares of its Common Stock, no par value, to American Gas for $1,000,000 cash.

The proceeds of the sales of the First Mortgage Bonds, the __ Percent Preferred Stock and Common Stock described above are to be applied to the prepayment, without premium, of Notes Payable to Banks aggregating $23,000,000. The remaining proceeds will be added to Ohio's treasury funds and will be applied to extensions, additions and improvements to its properties.

The application-declaration, as amended, states that the issue and sale of the Bonds, the __ Percent Preferred Stock and Common Stock are solely for the purpose of financing the business of Ohio, and have been expressly authorized by the Public Utilities Commission of Ohio, the State in which Ohio is organized and doing business.

Fees and expenses relating to the proposed issuance and sale are estimated as follows:

	New bonds	New preferred stock
Filing fee for registration statement	$2,085	$525
Federal issuance stamp taxes	22,000	5,500
State filing and recordation fees and expenses	3,500	----------
Printing registration statement, prospectus, supplemental indenture, charter amendment, bidding papers, etc.	16,800	4,200
Printing and engraving temporary and definitive new Bond and new preferred stock certificates	13,000	600
Charges of trustee (including counsel fees)	15,750	----------
Charges of transfer agent and registrar	----------	800
Certified public accountants charges	2,400	600
Legal fees of counsel to the Company:		
Simpson, Thacher & Bartlett	10,500	2,500
Pomerene, Burns & Milligan	5,000	2,000
Handlan, Garden, Matthews & Hess	2,000	----------
Miscellaneous expenses including traveling, blue sky, postage, telegraph and incidental expenses	3,500	1,500
Total	96,515	18,225

It is estimated that expenses to be incurred by Ohio in connection with the issuance of the Common Stock will not exceed $2,000, including $1,500 Federal stamp tax.

Ohio has agreed to reimburse the successful bidder or bidders for reasonable filing fees and expenses in connection with the qualification of the Bonds and the __ Percent Preferred Stock under state securities laws in an amount not exceeding $4,000 in the aggregate.

The fee of Winthrop, Stimson, Putnam and Roberts, counsel for the successful bidder or bidders, estimated at $6,300 in respect of the Bonds and $1,500 in respect of the __ Percent Preferred Stock, is to be paid by such bidder or bidders.

Notice of the filing of the application-declaration, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the applicable statutory standards are satisfied, that no adverse findings are required and that it is not necessary to impose any terms or conditions other than those set forth below, and the Commission deeming it appropriate that said application-declaration, as amended, be granted and permitted to become effective, forthwith, subject to the reservation of jurisdiction hereinafter provided:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act that the application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50 and subject to the following additional terms and conditions:

That in the event Ohio issues 50,000 shares of __ Percent Preferred Stock, so long as any shares of the __ Percent Preferred Stock are outstanding Ohio shall not:

(A) Without the consent (given by vote at a meeting called for that purpose) of the holders of a majority of the total number of shares of the Preferred Stock then outstanding, sell or otherwise dispose of all or substantially all of its properties unless such sale or disposition shall have been ordered, approved, or permitted under the Public Utility Holding Company Act of 1935; and

(B) Redeem, purchase or otherwise acquire any shares of the Preferred Stock during any period when dividends payable on Preferred Stock shall be in default unless all shares of the Preferred Stock shall be so redeemed, purchased or otherwise acquired, or unless such redemption, purchase or acquisition shall have been ordered, approved or permitted under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2714; Filed, Apr. 12, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2400]

TOWN OF OBION, TENNESSEE

NOTICE OF APPLICATION

APRIL 7, 1954.

Take notice that the Town of Obion (Applicant), a body of politic and corporate and an existing municipality of the State of Tennessee, on March 31, 1954, filed an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Trunkline Gas Company (Trunkline) to extend and improve its transportation facilities, to establish physical connection of its transportation facilities with the facilities of Applicant's proposed natural gas distribution system, and to sell natural gas to Applicant for local distribution to the public in Obion and to the public adjacent to Applicant's proposed high pressure tap line between the facilities of Trunkline and the corporate limits of Obion.

Applicant proposes to interconnect its facilities with those of Trunkline at a place approximately 1.5 miles to the East of Obion.

The estimated maximum daily demand stated by Applicant is 424.9 Mcf for the first year, 610.7 Mcf for the fifth year, and 691.6 Mcf for the ninth year.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of April 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2713; Filed, Apr. 12, 1954; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CHARLES EMILE STANISLAS KORYTKO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Charles Emile Stanislas Korytko, Paris, France; Claim No. 35522; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 250,826 (now United States Letters Patent No. 2,313,202).

Executed at Washington, D. C., on April 7, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-2727; Filed, Apr. 12, 1954; 8:49 a. m.]

VASSILIKI P. PONDIKAKOS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Vassiliki P. Pondikakos nee Vasilakos, Panitsa, Gythion, Greece; Claim No. 6844; Nikolas Stephen Vasilakos, Lygerea, Gythion, Greece; Claim No. 6845; Basilios Stephen Vasilakos, Nea Ionia, Athens, Greece; Claim No. 6846; $375.00 in the Treasury of the United States, one-third thereof to each claimant.

Executed at Washington, D. C., on April 7, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 54-2728; Filed, Apr. 12, 1954; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29105]

FUEL OIL FROM BATON ROUGE-NEW ORLEANS, LA., DISTRICT TO COOSA PINES, ALA.

APPLICATION FOR RELIEF

APRIL 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum residual fuel oil, in tank-car loads.

From: Points in New Orleans-Baton Rouge, La., district.

To: Coosa Pines, Ala.

Grounds for relief: Rail competition, circuity, and competition with motor-water carriers.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1253, supp. 142.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2716; Filed, Apr. 12, 1954; 8:46 a. m.]

[4th Sec. Application 29106]

NAPHTHA FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO GUNTERSVILLE, ALA.

APPLICATION FOR RELIEF

APRIL 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Naphtha or naphtha distillate, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Guntersville, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, and analogous commodities.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, supp. 142.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2717; Filed, Apr. 12, 1954; 8:47 a. m.]

[4th Sec. Application 29107]

LIME FROM MCNEIL, TEX., TO NATCHEZ, MISS.

APPLICATION FOR RELIEF

APRIL 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Lime, carloads.

From: McNeil, Texas.

To: Natchez, Miss.

Grounds for relief: Adidtional routes.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, I. C. C. No. 3986, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2718; Filed, Apr. 12, 1954; 8:47 a. m.]

[4th Sec. Application 29108]

IRON AND STEEL ARTICLES FROM BROOKLYN, N. Y. TO LAKE CHARLES, LA.

APPLICATION FOR RELIEF

APRIL 8, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: P. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Iron and steel articles, carloads.

From: Stations in Brooklyn, N. Y., on South Brooklyn Railway.

To: Lake Charles, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional origins.

Schedules filed containing proposed rates: P. C. Kratzmeir, Agent, I. C. C. No. 4049, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2719; Filed, Apr. 12, 1954; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 72

Washington, Wednesday, April 14, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL COMMUNICATIONS COMMISSION

Effective upon publication in the FEDERAL REGISTER, paragraphs (b) and (c) of § 6.134 are revoked, paragraphs (d), (e), and (f) are amended, and paragraphs (a), (b), and (c) of § 6.334 are added as set out below.

§ 6.134 *Federal Communications Commission.* • • •

(d) One Assistant Chief Engineer.

(e) One Assistant Chief Accountant.

(f) The Chief of each of the following Bureaus: Broadcast, Common Carrier, Safety and Special Radio Services, and Field Engineering and Monitoring.

§ 6.334 *Federal Communications Commission.* (a) One General Counsel.

(b) One Chief Engineer.

(c) One Chief Accountant.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2778; Filed, Apr. 13, 1954; 8:53 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. 85 [1]]

PART 371—GENERAL LICENSES

IN-TRANSIT SHIPMENTS; EXCEPTED COMMODITIES

Section 371.9 *General License GIT; in-transit shipments* paragraph (c) *Commodities excepted from the provisions of this general license,* subparagraph (1) is amended to read as follows:

(1) Commodities identified on the Positive List of Commodities (§ 399.1 of this subchapter) by the symbol "C" in the column headed "Commodity Lists" may not be exported to any destination under this general license, with the exception of shipments of commodities originating in Canada which are being exported from the United States in accordance with the authorization shown on the accompanying Canadian Customs Entry, Form B13.

This amendment shall become effective as of March 31, 1954.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945; 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-2756; Filed, Apr. 13, 1954; 8:49 a. m.]

[1] This amendment was published in Current Export Bulletin No. 726, dated March 31, 1954.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6079]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PHILO BURT MANUFACTURING CO.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of respondent's devices designated as Philo Burt Appliances, or redesignated by any other name, or any other product of substantially similar design or construction, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce of respondent's said devices, which advertisements represent, directly or by implication: (a) That the use of respondent's said devices will cure or will be of any significant value in the treatment of extreme sensitiveness of the skin, sensations of uneasiness, tingling, girdle pains, itching, headache, sleeplessness or loss of sleep, melancholy, spine sensitive to pressure, feeling of irritation, muscular weakness, fidgets, sudden starts,

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Titles 30–31 ($1.00)
Title 33 ($1.25)
Titles 44–45 ($0.75)

Previously announced: Title 3, 1953 Supp. ($1.50); Title 8 ($0.35); Titles 10–13 ($0.50); Title 16 ($1.00); Title 18 ($0.45); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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ment for backache, contraction of the muscles, weariness or fatigue, spinal tuberculosis, spinal irritation, spinal weakness, inflamed spine, injury to or deformity of the spine, arthritis of the spine, lordosis or spinal curvature, unless such representation is limited to cases where: (1) The particular condition or symptom has been diagnosed by a competent physician as one requiring the wearing of a support; (2) the type of support sold by respondent is recommended by the physician; (3) the proper measurements have been made by respondent, the physician, or other properly qualified person, and (4) the support is used in conjunction with other necessary treatment measures, as prescribed by the physician; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Philo Burt Manufacturing Company, Jamestown, N. Y., Docket 6079, Mar. 30, 1954]

This proceeding was heard by John Lewis, Hearing Examiner, upon the complaint of the Commission, charging respondent with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act, respondent's answer and supplemental answer, and a hearing at which testimony and other evidence in support of the allegations of the complaint were introduced before said examiner, theretofore duly designated by the Commission, and were duly recorded and filed in the office of the Commission. Respondent having failed to appear at the time and place fixed for hearing, and having been advised that a further hearing could be held to enable it to offer testimony and other evidence in opposition to the allegations of the complaint, first requested such a hearing, which was duly scheduled, but which was later cancelled following respondent's request that this be done, and no testimony or other evidence in opposition to the allegations of the complaint was offered by respondent, excepting an affidavit as to the discontinuance of certain practices, which was made a part of the record of the proceeding by agreement of counsel in support of the complaint.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer and supplemental answer thereto, testimony and other evidence, and the aforesaid affidavit of respondent, no proposed findings as to the facts and conclusions having been submitted by the attorney in support of the complaint or respondent, and oral argument not having been requested, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter, following respondent's appeal from said initial decision, the matter was disposed of by the "Decision of the Commission", dated March 30, 1954, which, after considering respondent's general exception to said initial decision and respondent's specific exceptions to certain findings, a paragraph of the order and the findings on which based, and certain other matters, and being of the opinion that respondent's appeal from the hearing examiner's said initial decision was of no merit and that said initial decision was appropriate in all respects to dispose of the proceeding, issued the following order, to wit:

It is ordered, That the appeal of respondent from the initial decision of the hearing examiner be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner shall on the 30th day of March 1954 become the decision of the Commission.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said initial decision, a copy of which is attached hereto.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondent, Philo Burt Manufacturing Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its devices designated as Philo Burt Appliances, or designated by any other name, or any other product of substantially similar design or construction, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the use of respondent's said devices will cure or will be of any significant value in the treatment of extreme sensitiveness of the skin, sensations of uneasiness, tingling, girdle pains, itching, headache, sleeplessness or loss of sleep, melancholy, spine sensitive to pressure, feeling of irritation, muscular weakness, fidgets, sudden starts, cramps in the legs or abdomen, sensations of heat and cold, skin flushed and hot, clammy sweats, worry, indigestion, loss of appetite, outbursts of temper, forgetfulness, or distaste for either work or society;

(b) That the use of respondent's devices will cure backache, contraction of the muscles, weariness or fatigue, spinal tuberculosis, spinal irritation, spinal weakness, inflamed spine, injury to or deformity of the spine, arthritis of the spine, lordosis or spinal curvature;

(c) That the use of respondent's devices is a competent or effective treatment for backache, contraction of the muscles, weariness or fatigue, spinal tuberculosis, spinal irritation, spinal weakness, inflamed spine, injury to or deformity of the spine, arthritis of the spine, lordosis or spinal curvature, unless such representation is limited to cases where:

(1) The particular condition or symptom has been diagnosed by a competent physician as one requiring the wearing of a support;

(2) The type of support sold by respondent is recommended by the physician;

(3) The proper measurements have been made by respondent, the physician, or other properly qualified person; and

(4) The support is used in conjunction with other necessary treatment measures, as prescribed by the physician.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commision Act, of respondent's said devices, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

Issued: March 30, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 54-2754; Filed, Apr. 13, 1954; 8:48 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

CHANGE OF NAME OF DIBENZYLETHYLENEDIAMINE DIPENICILLIN G

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Part 141a; 18 F. R. 1587, 2786, 5590, 5631, 6319, 6589) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR Part 146a; 18 F. R. 951, 1587, 2786, 5590, 5651, 6320; 19 F. R. 1141) are amended as indicated below:

1. The following sections in Part 141a are amended by changing the words "dibenzylethylenediamine dipenicillin G" to read "benzathine penicillin G" as specified hereinafter:

a. In § 141a.9 *Penicillin tablets*, in the headnotes of paragraph (a) (1) and (2), in paragraph (b), first sentence.

b. In § 141a.47 *Dibenzylethylenediamine dipenicillin G*, in the section headnote.

c. In § 141a.48 *Dibenzylethylenediamine dipenicillin G oral suspension*, in the section headnote.

d. In § 141a.54 *Dibenzylethylenediamine dipenicillin G for aqueous injection*, in the section headnote.

e. In § 141a.55 *Dibenzylethylenediamine dipenicillin G and buffered crystalline penicillin* • • •, in the section headnote; in paragraph (a), first sentence; in paragraph (c), headnote and first and second sentences.

f. In § 141a.60 *Penicillin and dihydrostreptomycin-streptomycin sulfates* • • •, in paragraph (a) (1) (iii), (v), (vi), and (vii); in paragraphs (b), (c), (d), and (e).

g. In § 141a.61 *Dibenzylethylenediamine-procaine-buffered crystalline penicillins for aqueous injection*, in the section headnote (change the word "dibenzylethylenediamine" to "benzathine"); in paragraph (a) (1), first sentence; in paragraph (a) (4), headnote, first and second sentences (change the words "dibenzylethylenediamine dipenicillin" to "benzathine penicillin G").

h. In § 141a.62 *Dibenzylethylenediamine dipenicillin G and procaine penicillin for aqueous injection*, in the section headnote; in paragraph (a), headnote.

i. In § 141a.67 *Procaine penicillin and dibenzylethylenediamine dipenicillin G in streptomycin sulfate solution* • • •, in the section headnote (3 places); in paragraph (a) (2), headnote and two places in the context of the subparagraph (change the words "dibenzylethylenediamine dipenicillin" to "benzathine penicillin G").

j. In § 141a.68 *Dibenzylethylenediamine dipenicillin G and streptomycin* • • •, in the section headnote (two places); in paragraph (a) (1), headnote and second sentence.

k. In § 141a.70 *Tablets dibenzylethylenediamine dipenicillin G and crystalline penicillin*, in section headnote; in paragraph (a) (3), headnote and first and second sentences.

2. The following sections in Part 146a are amended by changing the words "dibenzylethylenediamine dipenicillin G" to read "benzathine penicillin G" as specified below:

a. In § 146a.27 *Penicillin tablets*, in paragraph (a), first, third, and sixth sentences; in paragraph (c) (1) (vi) (two places); in paragraph (d) (2) (ii) (two places) and (d) (3) (ii) (two places).

b. In § 146a.68 *Dibenzylethylenediamine dipenicillin G* • • •, in the section headnote (two places); in the introduction to paragraph (a) (one place); in paragraph (d) (3), first sentence.

c. In § 146.69 *Dibenzylethylenediamine dipenicillin G oral suspension*, in section headnote (two places); in paragraph (a), first sentence (four places) and fifth sentence (one place); in paragraph (c) (3) (two places); in paragraph (d) (1), (2), (ii), and (3) (ii).

d. In § 146a.77 *Dibenzylethylenediamine dipenicillin G for aqueous injection*, in section headnote; in paragraph (a), introduction and concluding sentence (four places); in paragraph (d) (1), first sentence (two places); in paragraph (d) (2) (ii) and (3), (ii) and (iv).

e. In § 146a.78 *Dibenzylethylenediamine dipenicillin G and buffered crystalline penicillin for aqueous injection*, in section headnote; in the introductory sentence to paragraph (a) (three places); in paragraph (a) (1), first sentence; in paragraph (a) (2), first sentence (two places); in paragraph (a) (3) (two places).

f. In § 146a.84 *Penicillin and dihydrostreptomycin-streptomycin sulfates* • • •, in paragraph (a) (1) (two places); in paragraph (a) (3); in paragraph (d) (2) (iv), (3) (i) (*a*), (3) (iv), and (4) (i).

g. In § 146a.85 *Dibenzylethylenediamine-procaine-buffered crystalline penicillins for aqueous injection*, in the section headnote and introduction to the section (change the word "dibenzylethylenediamine" to "benzathine"); in paragraph (a), first and second sentences; in paragraph (c); in paragraph (d), first sentence (three places) and second sentence; in paragraph (e).

h. In § 146a.86 *Dibenzylethylenediamine dipenicillin G and procaine penicillin for aqueous injection*, in the section headnote; in the introduction to the section (two places); in paragraph (a), first sentence; in paragraph (c) (two places); in paragraph (d), first sentence.

i. In § 146a.90 *Procaine penicillin and dibenzylethylenediamine dipenicillin G in streptomycin sulfate solution* • • •, in the section headnote (three places); in the introduction to the section (two places); in paragraph (a), first sentence (two places) and second sentence; in paragraph (b); in paragraph (c), first sentence (two places) and second sentence; in paragraph (d).

j. In § 146a.91 *Dibenzylethylenediamine dipenicillin G and streptomycin* • • •, in the section headnote (two places); in the introduction to the section (four places); in paragraphs (a) and (c).

k. In § 146a.92 *Tablets dibenzylethylenediamine dipenicillin G and crystalline penicillin*, in the section headnote; in the introduction to the section; in paragraph (a).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective 120 days after publication in the FEDERAL REGISTER.

Dated: April 8, 1954.

NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 54-2755; Filed, Apr. 13, 1954; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter J—Procurement

[CGFR 54-15]

PART 116—PROCEDURES FOR PURCHASING

MISCELLANEOUS AMENDMENTS

The amendment to § 116.01-90 clarifies procedures for the exchange or sale of Coast Guard personal property and application of the proceeds derived therefrom to the purchase of similar items pursuant to 40 U. S. C. 481c (63 Stat. 384). Sections 116.01-91 and 116.01-92 are revoked; the procedures previously prescribed in those sections are now contained in § 116.01-90.

The amendments to §§ 116.01-155, 116.01-156, 116.01-157, 116.01-158, and 116.01-160 are editorial in nature to clarify requirements of procedures and to revise the dates of applicable Federal Specifications to correspond with the latest editions prescribed by Title, 1, Regulations of the General Services Administration.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), the following amendments are prescribed:

1. Section 116.01-90 is amended to read as follows:

§ 116.01-90 *Exchange or sale of personal property and application of proceeds to purchase of similar items*—(a) *Authority.* The Federal Property and Administrative Services Act of 1949, section 201 (c), 40 U. S. C. 481c (63 Stat. 384), authorizes the exchange or sale of personal property and the application of the exchange allowances or proceeds of sale in whole or in part toward the purchase of personal property of the same general character, under regulations prescribed by the Administrator, General Services Administration. This section sets forth the procedures to be followed by Coast Guard units in exercising the authority granted under section 201 (c) of the above act.

(b) *Definitions.* As used in this section, the following definitions apply:

(1) *Personal property.* Property of any kind except Coast Guard records, real property, and vessels.

(2) *Similar personal property.* Items shall be deemed "similar" when:

(i) They are substantially alike in material aspects and characteristics, excluding, however, condition, year, model, size or capacity, and manufacturer; or

(ii) The Commandant (FS), the district commander, or the commanding officer of a Headquarters unit or their designee finds, in writing, that they resemble each other in most material aspects and characteristics and are adaptable to the same or comparable uses, which finding shall support each purchase document covering property acquired pursuant thereto; or

(iii) They constitute parts of or for assembled items, or containers for items, which items are similar within the meaning of subdivisions (i) and (ii) of this subparagraph.

(c) *Restrictions and limitations*—(1) *General.* The application of exchange allowances or proceeds of sale in whole or part payment for personal property acquired is authorized only when:

(i) The items sold or exchanged are similar to the items acquired;

(ii) The items acquired are to be used (whether or not intended for additional uses) in the performance of all or substantially all of the tasks or operations in which the items exchanged or sold would otherwise be used, but the items acquired need not be the same as the items sold or exchange;

(iii) There has been at the time of transfer or sale an administrative determination to apply the exchange allowance or proceeds of sale in acquiring property in accordance with this section; and

(iv) The transaction will foster the economical and efficient accomplishment of an approved official program.

(2) *Availability of proceeds of sale.* The proceeds from the sale of personal property may be used in acquiring similar property, as authorized in this section, provided the replacement purchase is made, or an obligation for the purchase of the replacement property is incurred, by the end of the fiscal year following the fiscal year in which the sale was made.

(3) *Dangerous property.* No property which is dangerous to public health or safety shall be exchanged or sold pursuant to the authority granted in this section without first rendering such property harmless or providing adequate safeguards therefor.

(d) *Solicitation of bids*—(1) *General.* Responsible officers shall at all times consider the interest of the Government in obtaining the maximum return from items exchanged or sold. In disposing of personal property, both cash and trade-in bids shall be solicited except that:

(i) Items may be exchanged or transferred between the Coast Guard and other Federal agencies, when the exchange or transfer has been approved by the Commandant (FS), without solicitation of bids;

(ii) Items may be exchanged without solicitation of bids when the personal property sought to be acquired may be procured without solicitation of bids under applicable laws and regulations;

(iii) Cash bids need not be solicited when the items sought to be sold or exchanged may be disposed of without solicitation of bids under applicable laws and regulations;

(iv) Both types of bids need not be solicited when recent solicitation for identical items has produced only one type of offer under circumstances indicating the futility of further advertising for any other type of offer;

(v) Both types of bids need not be solicited when such solicitation for the items to be sold or exchanged would clearly be ineffective in reducing the cost of the acquisition, e. g., by reason of the existing commercial practice with respect to exchange or sale of such items.

(2) *Sales contracts.* As personal property sold under the authority stated herein is for the purpose of replacement, the property is not excess to the Coast Guard and will not be identified in any way as surplus property. Any printed statements appearing on sales contract forms referring to surplus property will be deleted. The following statement shall be inserted in all sales invitations: "The property listed herein is being offered for sale in accordance with section 201 (c), Public Law 152, 81st Congress, act of June 30, 1949 (63 Stat. 384)."

(3) *Exchange.* All agreements providing for the acceptance of personal property in exchange ("trade-in") for the purchase of similar items authorized by the act shown in paragraph (a) of this section shall be referenced in the purchase document. The appropriation paying for the new item(s) will be charged the net amount after deduction of the exchange allowance.

(e) *Records.* Each transaction carried out under the authority granted in this section shall be evidenced in writing (i. e., purchase order, sales contract, quotation, etc.), which shall indicate the amount of "trade-in" allowance or proceeds of sale, if any, involved, and shall show full compliance with the provisions of this section.

2. Section 116.01-91 *Applying proceeds of sale to purchase of replacement* is hereby revoked.

3. Section 116.01-92 *Availability of funds* is hereby revoked.

4. Section 116.01-155 is amended to read as follows:

§ 116.01-155 *Procurement of office labor-saving devices*—(a) *Procurement procedure*—(1) *General.* District commanders and commanding officers of Headquarters units may procure office labor-saving devices within authorized allowances from allotted funds except replacement machines of the categories indicated in subparagraph (2) of this paragraph. In exercising this authority, responsible officers shall effect trade-in or sale of devices replaced and apply the trade-in allowance or proceeds of sale toward the purchase of the replacements.

(2) *Replacement typewriters, adding machines, and calculators.* The Commandant (FS) will effect normal replacement of typewriters, adding machines, and calculators on the basis of an annual report submitted by district commanders and commanding officers of Headquarters units, without charge to field allotments. Typewriters will not be purchased for replacement purposes unless it is determined that the estimated cost of necessary repairs or reconditioning of each typewriter will equal or exceed, at lowest available rates, the current percentage of replacement cost prescribed by the General Services Administration.

(3) *Requests for purchase by Commandant (FS).* When funds are not available in field allotments for the purchase of office labor-saving devices (other than those included in the annual replacement program referred to in subparagraph (2) of this paragraph), district commanders and comanding officers of Headquarters units will submit requisition for the devices required to the Commandant (FS) on Form CG-2556 (Requisition/Invoice), justifying the need for the equipment. In the case of requests for replacement equipment, the letter shall also contain a detailed description of the item(s) to be replaced.

(4) *Purchase of typewriters, adding machines, and calculators*—(i) *Manually-operated typewriters.* The Commandant (FS) will submit requests for purchase of manually-operated typewriters on Form CG-2557 (Purchase Order) to the appropriate regional office of the General Services Administration, via the Director of Administrative Services, Treasury Department. The General Services Administration will furnish suitable typewriters from excess stocks, when available, priced in accordance with the current "Excess Typewriter Fair Value List" issued by the Administration. When the Administration does not furnish machines from its stock of excess typewriters, the purchase order(s) will be returned with a "Certificate of Unavailability," whereupon procurement will be made by the Commandant (FS) from the Federal Supply Schedule. The following notification shall be placed on each purchase order submitted to a contractor for typewriters covered by the Administration clearance: "This order is covered by General Services Administration Certificate of Unavailability No. TC-_____"

(ii) *Electrically-operated typewriters.* The Commandant (FS) will effect procurement of electrically-operated typewriters (except those for use in authorized printing plants) from Federal Supply Schedule contracts. Purchase orders (Form CG-2557) for electrically-operated typewriters (including varitypers, flexowriters, and justowriters) for use in an authorized printing plant will be submitted by the Commandant (FS) to the Director of Administrative Services, Treasury Department, for clearance by the Joint Committee on Printing.

(iii) *Adding machines and calculators.* The Commandant (FS) will effect the procurement of adding machines and calculators from the Federal Supply Schedule on Form CG-2557 (Purchase Order) based upon requests from district commanders and commanding officers of Headquarters units.

(5) *Purchase of other office labor-saving devices.* Procurement of office labor-saving devices shall be made from the Federal Supply Schedule by the Commandant (FS), district commanders, and commanding officers of Headquarters units when (i) the items required are unavailable from other Government sources of supply, and (ii) the items required are covered by the Federal Supply Schedule.

(b) *Exchange or sale of devices replaced*—(1) *General.* It shall be the policy of the Coast Guard to effect exchange ("trade-in") or sale of office labor-saving devices and apply the proceeds to the cost of replacement. District commanders and commanding officers of Headquarters units procuring office labor-saving devices in accordance with paragraph (a) (1) of this section will effect trade-in or sale of the replaced devices. When replacements are purchased by the Commandant (FS) for field units, the trade-in or sale will be accomplished in accordance with the following subparagraphs.

(2) *Typewriters purchased from G. S. A.* When replacement typewriters are furnished from excess stocks of the General Services Administration, the typewriters replaced will be disposed of by sale. The sales contracts in such cases will be executed by the district commander or commanding officer of the Headquarters unit having jurisdiction over the replaced typewriters, upon receipt of the replacements, unless earlier disposal is directed by the Commandant (FS).

(3) *Devices purchased from other sources.* Upon receipt of notification from the Commandant (FS) of procurement action taken to replace office labor-saving devices, district commanders and commanding officers of Headquarters units shall issue invitations for the sale of the replaced items. Bids received will be compared with the trade-in allowances offered by the contractors supplying the replacement devices to determine the maximum return to the Government and a report of the results forwarded to the Commandant (FS) for review. If the cash bids exceed the trade-in allowances, the execution of sales contracts will be authorized; otherwise, the devices will be traded in on the replacement items by change orders issued by the Commandant (FS), and the holding unit notified accordingly. Cash bids will not be accepted nor shall the devices be disposed of without prior authority of the Commandant (FS).

(i) *Surrender of exchanged items.* Payment for the new devices will be withheld until the trade-in machines have been picked up by the contractor. Accordingly, trade-in devices shall be released as rapidly as possible by notifying the contractor's local representative when they are available for pick-up. The Commandant (FS) shall be informed of the reason for non-delivery and the anticipated delivery date of any device traded in which has not been picked up by the contractor's representative within 30 days after receipt of the replacement machine.

(ii) *Joint inspection of exchanged items.* All devices traded in shall be inspected jointly by the contractor's representative and a responsible Coast Guard representative at the time of pick-up. This inspection should primarily verify the serial number and the condition of the devices. The contractor's representative shall be requested to certify the receipt as to the condition of the machines. A copy of the receipt, countersigned by the Coast Guard representative, shall be forwarded to the Commandant (FS).

5. Section 116.01–156 is amended to read as follows:

§ 116.01–156 *Purchase of new electric fans*—(a) *Authority.* District commanders and commanding officers of Headquarters units may procure new electric fans within authorized allowances from allotted funds.

(b) *Sources of supply.* New electric fans shall be obtained from (1) Federal Supply Schedule contractors or (2) General Services Administration stores stock when the types required can be furnished by those sources. New fans which cannot be obtained from Government sources of supply may be purchased in the open market by advertising or negotiation in accordance with established procedure.

6. Section 116.01–157 is amended to read as follows:

§ 116.01–157 *Purchase of new refrigerators*—(a) *Authority.* District commanders and commanding officers of Headquarters units may procure new refrigerators within authorized allowances from allotted funds.

(b) *Consolidated G. S. A. purchase program.* The General Services Administration will purchase all Coast Guard requirements of new refrigerators of the following types in the continental United States (including Alaska). "In the continental United States" shall be construed to include deliveries to shipping points in the United States for transshipment to destinations outside the continental limits.

(1) *Types of refrigerators.* All portable (i) commercial refrigerators, (ii) household refrigerators, and (iii) low temperature storage cabinets, with self-contained electric or gas units, in conformity with the specifications indicated in subparagraph (2) of this paragraph.

(2) *Specifications.* (i) The latest issue in effect of Federal Specification AA–R–211; or (ii) later Federal Specifications which might be issued for the above items; or (iii) specifications developed and/or approved for Coast Guard use by the Commandant.

(c) *Purchase procedure*—(1) *General Services Administration.* Purchase orders (Form CG–2557) shall be submitted to the General Services Administration, Federal Supply Service, 219 South Clark St., U. S. Custom House, Room 575, Chicago 4, Ill. Orders shall be complete as to the specification requirements referenced in paragraph (b) (2) of this section, time or times when deliveries are required, consignment and shipment instructions, and other pertinent information.

(2) *Other sources.* New refrigerators not included in the consolidated purchase program of the General Services Administration will be procured from other Government sources where practicable. Refrigerators not available from Government sources of supply may be purchased in the open market by advertising or negotiation in accordance with established procedure.

7. Section 116.01–158 is amended to read as follows:

§ 116.01–158 *Purchase of new water coolers*—(a) *Authority.* District commanders and commanding officers of Headquarters units may procure new electric water coolers within authorized allowances from allotted funds.

(b) *Consolidated G. S. A. purchase program.* The General Services Administration will procure all Coast Guard requirements of new electric water coolers of the following types in the continental United States (including Alaska) for shore use. ("In the continental United States" shall be construed to include deliveries to shipping points in the United States for transhipment to destinations outside the continental limits.) Standard models of coolers manufactured and sold with satisfactory results to the public generally, which meet the provisions of Interim Federal Specification 00–C–0056b, dated July 24, 1952, will be procured under the consolidated G. S. A. purchase program. Coolers requiring manufacture from particular materials specified by an ordering office will be furnished only when the need for such coolers is adequately justified. Justifications in such cases shall be approved by the Commandant (FS) prior to submission to the General Services Administration.

1. Bubbler style (type I, air-cooled condenser; type II, water-cooled condenser), sizes 5, 10, and 20;
2. Cafeteria style (type III, air-cooled condenser; type IV, water-cooled condenser), sizes 20 and 30;
3. Remote style (type V, water-cooled condenser), sizes 10 and 20;
4. Bottle style (type VI, air-cooled condenser), size 3.

(c) *Purchase procedure*—(1) *General Services Administration.* Purchase orders (Form CG–2557) shall be submitted to the General Services Administration regional office serving the ordering office. Orders shall be complete as to type, size, description, and current characteristics (AC or DC current, phase, voltage, and cycles), time or times when deliveries are required, consignment and shipping instructions, and other pertinent information.

(2) *Other sources.* New electric water coolers not included in the consolidated purchase program of the General Services Administration will be procured from other Government sources where practicable. Refrigerators not available from Government sources of supply may be purchased in the open market by advertising or negotiation in accordance with established procedure.

8. Section 116.01–160 is amended to read as follows:

§ 116.01–160 *Purchase of gasoline and lubricating oil by credit cards*—(a) *General.* District commanders and commanding officers of Headquarters units may authorize the purchase of gasoline and lubricating oil for service station delivery to Coast Guard motor vehicles. Such purchases may be accomplished through the use of credit cards in accordance with the General Provision for Service Station Deliveries, Classes 7 and 14, Federal Supply Schedule, applicable to the General Services Administration region in which the district or Headquarters unit is located. Service station deliveries may be obtained on Form CG–2974 (Purchase-Invoice) when credit cards are not available.

(b) *Issue of credit cards.* District commanders and commanding officers of Headquarters units will procure and issue credit cards required by their respective commands. Requests for credit cards originated by district units shall be submitted to the District Commander (f).

(1) *Units where refueling facilities are unavailable.* These units are (i) those which have no refueling facilities for vehicles and lack ready access to other Coast Guard units which do have such facilities, and (ii) those with vehicles which operate away from the unit in areas where Coast Guard refueling facilities are not available.

(2) *Group commanders requiring cards for emergency use.* Group commanders who do not require credit cards for normal operations may hold reserve credit cards for disaster relief or other emergency operations requiring the use of vehicles away from the Group area.

(c) *Tax exemption certificates.* Tax exemption certificates (SF–1094) will be issued by the paying office when contractors' invoices are processed for payment.

(62 Stat. 21; 41 U. S. C. 151–161)

Dated: April 7, 1954.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 54–2769; Filed, Apr. 13, 1954; 8:51 a. m.]

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

NANSEMOND RIVER, WESTERN BRANCH, VA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 is hereby amended to provide for the closure of the drawspan of the Virginia Department of Highways bridge across the Western Branch of the Nansemond River at Reid's Ferry, Virginia, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(f) *Waterways discharging into Chesapeake Bay.* • • •

(17) Nansemond River, Western Branch, Va.; Virginia Department of Highways bridge at Reid's Ferry. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

• • • • •

[Regs., March 25, 1954, 823 (Nansemond River-Reid's Ferry, Va.)–ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54–2768; Filed, Apr. 13, 1954; 8:51 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter A—Practice and Procedure

[Gen. Order 41, 2d. Rev., Amdt. 2]

PART 201—RULES OF PRACTICE AND PROCEDURE BEFORE THE FEDERAL MARITIME BOARD AND THE MARITIME ADMINISTRATION

PUBLIC COUNSEL

It is ordered, That effective on April 1, 1954, § 201.42 *Counsel for the Board* (General Order 41, 2d. Rev.) published in the FEDERAL REGISTER (18 F. R. 3716, 3718) is hereby superseded and deleted in its entirety and a new § 201.42 is substituted in lieu thereof to read as follows:

§ 201.42 *Public Counsel.* The Assistant General Counsel for Litigation shall be a party to all proceedings governed by the rules in this part, except that in complaint proceedings under § 201.62 he may become a party only upon leave to intervene granted pursuant to § 201.74. The Assistant General Counsel or his representative shall be designated as "Public Counsel" and shall be served with copies of all papers, pleadings, and documents in every proceeding governed by the rules in this part, whether a party of record or not. Public Counsel shall actively participate in any proceeding to which he is a party, to the extent required in the public interest, subject to the separation of functions required by section 5 (c) of the Administrative Procedure Act. (See § 201.225.)

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

By order of the Maritime Administration.

Dated: April 1, 1954.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 54–2782; Filed, Apr. 13, 1954; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10937]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations; Docket No. 10937.

1. The Commission has under consideration its notice of proposed rule making issued on February 25, 1954 (FCC 54–261) and published in the FEDERAL REGISTER of March 3, 1954 (19 F. R. 1186) proposing to assign Channel 68 to Petaluma, California in lieu of Channel 56 in response to a petition filed by the Delta-Sierra Educational Television Corporation, Stockton, California.

2. The last day for filing comments expired on March 24, 1954. No comments opposing the change were filed. In support of its requested amendment petitioner urged that it is composed of representatives from the four counties of San Joaquin, Stanislaus, Calaveras, and Tuolumne, California; that it hopes to serve these counties by establishing an educational television station on Channel 42 assigned to Stockton, California and reserved for educational use; that a site at Mt. Diablo would assure the best possible coverage for the area; that the use of such a site is precluded by the assignment of Channel 56 at Petaluma, California; and that the substitution of Channel 68 for 56 at Petaluma would be technically feasible and would permit the use of Mt. Diablo as a site for the proposed station on Channel 42. The Commission finds that the amendment of the table as proposed meets the requirements of the rules and would be in the public interest.

3. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered,* That effective 30 days from publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

City:	Channel No.
Petaluma, Calif.	68

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 50 Stat. 191; 47 U. S. C. 301, 303, 307)

Adopted: April 7, 1954.

Released: April 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–2773; Filed, Apr. 13, 1954; 8:52 a. m.]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

OPERATING CONTROLS

In the matter of amendment of Part 8 of the Commission's rules extending effective date of § 8.104 (e) (2) (ii).

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of April 1954;

The Commission having under consideration an amendment to change from June 3, 1954, to a later date the applica-

tion of the requirements of § 8.104 (e) (2) (ii) concerning the rapidity of changing from one operating channel to another during transmission or reception by ship stations using telegraphy on certain frequencies;

It appearing that since the inauguration of the use of the new Atlantic City cargo ship working frequencies will not occur until after June 3, 1954, failure to postpone the requirements of § 8.104 (e) (2) (ii) will require the installation by ship owners of crystals which will have to be replaced when the use of the new frequencies is initiated at a relatively early date thereafter; and

It further appearing that it is desirable that the effective date of the requirements of § 8.104 (e) (2) (ii) be made to coincide with the date when it is expected that the Atlantic City frequency tolerances will be made applicable; and

It further appearing that the imminence of the present effective date of June 3, 1954, and the urgency of the situation make compliance with the public rule making procedure prescribed by section 4 (a) of the Administrative Procedure Act impracticable; and

It further appearing that in view of the urgent situation and because the amendment herein ordered relaxes existing requirements, it may be made effective immediately; and

It further appearing that the authority for this amendment is contained in sections 303 (e), (f) and (r) of the Communications Act of 1934, as amended:

It is ordered, That effective immediately § 8.104 (e) (2) (ii) is amended by substituting the date January 1, 1955, for the date June 3, 1954, presently contained therein.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: April 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2772; Filed, Apr. 13, 1954; 8:51 a. m.]

[Docket No. 10501]

PART 12—AMATEUR RADIO SERVICE

REQUIREMENTS FOR PORTABLE AND MOBILE [illegible]

In the matter of amendment of § 12.91 (b) of Part 12, Amateur Radio Service; Docket No. 10501.

The present proceedings were initiated as the result of a petition of the Maritime Mobile Amateur Radio Club of Pittsburgh, Pennsylvania, requesting an amendment of § 12.91 (b) of the Commission's rules, which authorizes marine mobile operation only in the 28.0 to 29.7 Mc frequency band, to include such operation in the 21 to 21.45 Mc frequency band. On May 15, 1953, the Commission issued a notice of proposed rule making setting forth the above-mentioned proposed amendment to § 12.91 (b) of its rules, and affording interested parties an opportunity to file comments in support thereof or in opposition thereto, within a specified period. Within the time provided therefor numerous favorable comments were received by the Commission. The only objection to the proposed amendment was filed by the American Radio Relay League.

In its comment the League urged (1) that "* * * the current international radio situation is such as to make such action highly inadvisable," (2) that the proposed amendment be dismissed, (3) that the Commission accept an alternate amendment to permit marine mobile radio operation aboard United States vessels on coastwise voyages on all of the frequencies allocated to the Amateur Radio Service, and (4) requested an oral argument in connection with the proposed rule making.

In compliance with the request of the American Radio Relay League an oral argument was held on February 8, 1954, before the Commission. The League and the Maritime Mobile Amateur Radio Club participated in the argument. At the conclusion of the argument, both parties were afforded the opportunity to file additional written comments within the next ten days. Comments were filed by both parties.

After review and careful consideration of all of the comments submitted in connection with this proposed rule making and of all of the available information pertinent thereto, the Commission has concluded (1) that the League's contention that "the current international radio situation is such as to make such action highly inadvisable." is unsupported by official testimony and records and does not constitute justifiable grounds upon which to dismiss the proposed amendment of § 12.91 (b) of the Commission's rules (2) that the adoption of the proposed amendment should not have any adverse effect upon the present or future status of the Amateur Radio Service, (3) that this proceeding has developed no reason to warrant a limitation of marine mobile operation, either in the 28 to 29.7 Mc frequency band or in the 21 to 21.45 Mc frequency band to United States coastwise operation, and (4) that the League's proposal to amend the rules to authorize the use of all amateur radio frequencies for marine mobile radio operation aboard United States vessels on coastwise voyages, extends beyond the scope of the proposed rule amendment in this matter, and is herewith denied.

In view of the foregoing statements, and under authority contained in sections 4 (i), 301 and 303 (c) and (r) of the Communications Act of 1934, as amended: *It is ordered*, That, effective May 21, 1954, § 12.91 (b) of the Commission's rules be amended to read as follows:

§ 12.91 *Requirements for portable and mobile operation.* * * *

(b) When outside the continental limits of the United States, its territories, or possessions, an amateur radio station may be operated as portable or mobile only under the following conditions:

(1) Operation may not be conducted within the jurisdiction of a foreign government except pursuant to, and in accordance with, expressed authority granted to the licensee by such foreign government.

(2) Operation may be conducted only in the amateur frequency bands 21.0 to 21.45 Mc and 28.0 to 29.7 Mc: *Provided*, That this limitation shall not be construed to prevent the use of other amateur frequency bands where operation is within the jurisdiction of a foreign government which permits United States amateurs to operate within such foreign territory. (See Appendix 4 of this part for the text of treaties or agreements between the United States and foreign governments relative to reciprocal amateur radio operation.)

(3) Whenever portable or mobile operation is, or is likely to be, away from the territorial limits of the United States for a period in excess of 48 hours, the licensee shall give prior written notice thereof to the Engineer in Charge of the radio inspection district having jurisdiction of the authorized fixed transmitter site of the station: *Provided*, That only one such notice shall be required during any one continued absence.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Adopted: April 7, 1954.

Released: April 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2771; Filed, Apr. 13, 1954; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

PETITIONS FOR SUSPENSION OF TARIFFS OR SCHEDULES; WHEN FILED

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 5th day of April A. D. 1954.

There being under consideration Rule 42 (b) of the general rules of practice (§ 1.42 (b)):

It is ordered, That effective May 9, 1954, the general rules of practice be amended as follows:

1. Substitute "12 days" in place of "10 days" appearing in paragraph (b) of § 1.42. As amended this paragraph will read:

§ 1.42 *Petitions for suspension of tariffs or schedules.* * * *

(b) *When filed.* A protest against, and a prayer for suspension of, any tariff or schedule filed under the act ordinarily will not be considered unless made in writing, and filed with the Commission at least 12 days before the effective date of the tariff or schedule. In an emergency satisfactorily shown by protestant, and within the time limits herein provided, a telegraphic protest may be sent to the Commission and to the publishing carrier, freight forwarder, or agent, stating the grounds relied upon, but such telegraphic protest must immediately be confirmed by protest filed and served in accordance with this section.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2767; Filed, Apr. 13, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of April 1954;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations as follows:

General area	Channels	
	Delete	Add
Goldsboro, N. C.	227	245
Kinston, N. C.	245	260
Jacksonville, N. C.	260	271

It appearing, that the Eastern Carolina Broadcasting Company, Inc., license of Station WEQR, Goldsboro, North Carolina, proposes to change the frequency assignment of Station WEQR from Channel No. 227 to Channel No. 245 to eliminate the present condition of interference caused in the Goldsboro area to reception of Station WNCT (TV) operating on television Channel No. 9 in Greenville, North Carolina; and

It further appearing that the interference to the reception of television Station WNCT, Greenville, North Carolina, in the Goldsboro area is primarily internal to the television receivers; that the problem can and should be resolved by remedial measures at the source of the problem—improved designs of television receivers—rather than by manipulation of outstanding frequency assignments or changes in the television and FM allocation plans; that the Commission has taken the position before and is still of the opinion that receiver manufacturers are under an obligation to the consumers purchasing their goods to employ the corrective measures in the manufacture of receiving sets necessary to insure against this and related interference problems and that it is improper to place further restrictions on the use of the very limited spectrum space because of the interference problems that can be entirely avoided by proper receiver design; and that in general, it will not be possible to correct this type of interference by modification of the FM allocation plan that the present limited use of FM broadcasting assignments makes possible in this case; and

It further appearing that the subject proposal to reallocate channels in the area is engineeringly feasible and will not affect the rights of other parties; and

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 361, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended; and

It further appearing that because the proposed change merely represents a reallocation of channels in the area without any appreciable affect on existing FM licensees or applicants, current or prospective, the notice and public procedure provisions of section 4 (a) of the Administrative Procedure Act is unnecessary and that the change should be made effective immediately so that the existing Greenville-Goldsboro conflict described above can be eliminated without delay;

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channels	
	Delete	Add
Goldsboro, N. C.	227	245
Kinston, N. C.	245	260
Jacksonville, N. C.	260	271

Released: April 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2774; Filed, Apr. 13, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[445.2]

ASPHALT SHEETS AND EBON PUTTY (ASPHALT MASTIC)

PROSPECTIVE TARIFF CLASSIFICATION

APRIL 8, 1954.

It appears that asphalt sheets composed of a mixture of asphalt and earthy or mineral substances are properly classifiable as earthy or mineral substances wholly or partly manufactured under paragraph 214, Tariff Act of 1930, as modified, and that Ebon putty or asphalt mastic, consisting of petrol pitch in combination with, and in chief value of certain animal and mineral waxes, is classifiable under the provision for manufactures in chief value of wax in paragraph 1536 of the act, as modified, at rates of duty higher than those heretofore assessed under a uniform practice.

Pursuant to § 16.10a (d), Customs Regulations (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying such merchandise under paragraph 1710 as asphaltum, bitumen, or limestone-rock asphalt is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration such communications must be received in the Bureau not later than 30 days from the publication of this notice. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 54-2770; Filed, Apr. 13, 1954; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2753]

BONNEVILLE POWER ADMINISTRATION

MARKETING OF ELECTRIC POWER AND ENERGY

APRIL 7, 1954.

SECTION 1. *Designation as marketing agency.* The Bonneville Power Administration is designated as the agency to market available surplus electric power and energy generated at the sources specified in this section pursuant to the specific statutory authority as to each project:

(a) Bonneville Project, pursuant to the act of August 20, 1937 (50 Stat. 731), as amended;

(b) McNary Dam, pursuant to the act of March 2, 1945 (59 Stat. 10);

(c) Hungry Horse Dam, pursuant to the act of June 5, 1944 (58 Stat. 270);

(d) The following sources, pursuant to the acts of December 22, 1944 (58 Stat. 887):

Albeni Falls Dam.
Big Cliff Dam.
Chief Joseph Dam.
Detroit Dam.
Dexter Dam.
Lookout Point Dam.
The Dalles Dam.

(e) The following sources, pursuant to the Federal Reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto):

Grand Coulee Dam.
Chandler Power Plant, Kennewick Division, Yakima Project.

SEC. 2. *Contracts.* The Bonneville Power Administrator may, subject to the applicable statutes, enter into contracts for the sale or interchange of electric power and energy in the performance of the functions assigned by section 1 of this order. The Bonneville Power Administrator may, in writing, redelegate to officers and employees of the Administration the authority granted in this section, and he may authorize written redelegations of such authority.

SEC. 3. *Revocation.* Orders Nos. 1994 (9 F. R. 11966) and 2115 as amended (10 F. R. 14211; 11 F. R. 8830; 17 F. R. 5197; 18 F. R. 2831) are revoked.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-2743; Filed, Apr. 13, 1954; 8:45 a. m.]

[Order No. 2754]

BUREAU OF RECLAMATON

DELEGATION OF AUTHORITY WITH RESPECT TO HUNGRY HORSE DAM PROJECT

APRIL 7, 1954.

The Bureau of Reclamation is designated as the agency, under the direction and supervision of the Secretary of the Interior, to carry out the functions and duties of the Secretary under the act of June 5, 1944 (58 Stat. 270), with respect to the design, construction, operation and maintenance of the Hungry Horse Dam Project in accordance with the terms of the above act. The Bureau, in the design of the power generating facilities to be installed at the Dam, shall cooperate and consult with the Bonneville Power Administration.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-2744; Filed, Apr. 13, 1954; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

FAMILY EXPORT & SHIPPING CO.

NOTICE OF CANCELLATION OF FREIGHT FORWARDER CERTIFICATE OF REGISTRATION

On April 8, 1954, the Board entered the following order:

Whereas, Federal Maritime Board General Order 72, which became effective June 1, 1950, requires all freight forwarders as defined therein to register with the Board, and

Whereas, Family Export & Shipping Co. registered with the Board and was issued Certificate of Registration No. 242 on June 29, 1950, and

Whereas, investigation shows that Family Export & Shipping Co. is no longer operating as a freight forwarder as defined by Rule 244.1 of General Order 72 at the address shown on its application form on file with the Board, that no change of address has been furnished by the registrant in accordance with the requirements of General Order 72, and that there is no evidence that the registrant is operating as a freight forwarder elsewhere; now, therefore, by virtue of authority vested in the Board,

It is ordered, That Certificate of Registration 242 be, and the same is hereby, cancelled, effective as of this date.

By the Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

Notice is hereby given to all interested or affected persons that Family Export & Shipping Company is no longer authorized to operate as a registered freight forwarder pursuant to General Order 72.

Dated: April 9, 1954.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 54-2780; Filed, Apr. 13, 1954; 8:53 a. m.]

ALCOA STEAMSHIP CO., INC., ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 7966 between Alcoa Steamship Company, Inc., and Osaka Shosen Kaisha, Ltd., covers the transportation of cargo under through bills of lading from the Philippine Islands, Hong Kong and Japan to the Virgin Islands, with transshipment at New York, Baltimore, or Norfolk.

(2) Agreement No. 7974 between N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland America Line) and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Holland and Belgium to Puerto Rico, with transshipment at New York, Baltimore, or Norfolk. Agreement No. 7974 supersedes and cancels Agreement No. 7929.

(3) Agreement No. 7968, between Hamburg-Amerika Linie, Hamburg, Norddeutscher Lloyd, Bremen, and Ahrenkiel & Bene, Hamburg, provides for the establishment and maintenance of a joint cargo service under the trade name "Great Lakes Service" in the trade between Great Lakes ports of the United States and Canada on one hand and Continental ports of Europe within the Bordeaux-Hamburg range and U. S. ports on the other hand, and in the trades between any two of said ports which are in the Western Hemisphere (not including transportation within the purview of the coastwise laws of the United States).

(4) Agreement No. 7972 between Shinnihon Steamship Co., Ltd., and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Japan and the Philippine Islands to Puerto Rico with transshipment at New York, Baltimore, and Norfolk.

(5) Agreement No. 7973 between Shinnihon Steamship Co., Ltd., and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Japan and the Philippine Islands to the Virgin Islands with transshipment at New York, Baltimore and Norfolk.

(6) Agreement No. 7927 (revised), between Alcoa Steamship Company, Inc., and Moore-McCormack Lines, Inc., covers transportation of general cargo under through bills of lading from Brazil, Argentina and Uruguay to Puerto Rico, with transshipment at New York, Baltimore or Norfolk.

(7) Agreement No. 8210-1, between the Member Lines of the Continental North Atlantic Westbound Freight Conference, modifies the basic agreement of that conference (No. 8210) to provide that new conference members will automatically become a party to, and members withdrawing from the conference will automatically cease to be a party to any agreement entered into between the members and any other carrier or other person subject to the Shipping Act, 1916, as amended.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 9, 1954.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 54-2781; Filed, Apr. 13, 1954; 8:53 a. m.]

Office of the Secretary

FEDERAL MARITIME BOARD AND MARITIME ADMINISTRATION

ORGANIZATION AND FUNCTIONS

The organization and functions statement of the Federal Maritime Board and the Maritime Administration (Department Order No. 117 (Amended)) of September 3, 1953, (18 F. R. 5518), is hereby amended as follows:

1. Section 4 (c) is amended by redesignating the organizational component Office of Ship Construction as the Office of Ship Construction and Repair;

2. Section 5 (b) is amended by transferring the Division of Ship Repair and Maintenance, along with its functions, personnel, and records, from the Office of National Shipping Authority and Government Aid to the Office of Ship Construction and Repair. Accordingly, Sections 5 (b) (11) and (13) are changed to read as follows:

(11) The Office of Ship Construction and Repair is responsible for the conduct of activities relating to ship design and construction; ship repair, reconversion, reconditioning, and betterment, and collecting, analyzing, and evaluating United States and foreign ship construction costs. The Office of Ship Construction and Repair has the following divisions: Division of Preliminary Design, Division of Estimates, Division of Technical Development, and Division of Ship Repair and Maintenance; and contains the Trial and Guarantee Survey Boards;

(13) The Office of National Shipping Authority and Government Aid is responsible for the conduct of activities relating to requirements for and allocation of oceangoing merchant shipping; charter and operation of Maritime Administration-owned or acquired merchant ships; maintenance of reserve fleets; recommendations for purchase, charter in, or requisition of merchant ships for government use; processing applications for subsidy or other government aid; and administering government aid contracts after their execution; and coordinating the work of other organizational components in connection therewith. The Office of National Shipping Authority and Government Aid has, under a Deputy Director for Ship Operations, the following divisions: Division of Operations and Division of Ship Custody; and, under a Deputy Director for Government Aid, the following divisions: Division of Operating Costs and Contracts, Division of Trade Routes, and Division of Charters and Traffic; and

Effective date: March 23, 1954.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 54-2742; Filed, Apr. 13, 1954; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214, as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops, wage rates and the effective and expiration dates of the certificates are set forth below. In each case, the wage rates are established at rates not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or at wage rates stipulated in the certificate, whichever is higher.

Portland Goodwill Industries, Inc., 80–82 Union Street, Portland, Maine; at a rate of not less than 50 cents per hour for a training period of 40 hours and 60 cents per hour thereafter. Certificate is effective April 1, 1954, and expires March 31, 1955.

Boston Aid to the Blind, Inc., 295 Huntington Avenue, Boston 15, Massachusetts; at a rate of not less than 30 cents per hour for a training period of 80 hours and 45 cents thereafter on the Wallet-Lacing Project. Certificate is effective April 1, 1954 and expires March 31, 1955.

Opportunity Workshop of the Jewish Vocational Service of Essex County, 652 High Street, Newark 2, New Jersey; at a rate of not less than 25 cents per hour. Certificate is effective March 1, 1954, and expires February 28, 1955.

Syracuse Association of Workers for the Blind, Inc., 425 James Street, Syracuse, New York; at a rate of not less than 30 cents per hour. Certificate is effective March 1, 1954 and expires February 28, 1955.

Brooklyn Association for Improving the Condition of the Poor, 401 State Street, Brooklyn 17, New York; at a rate of not less than 50 cents per hour for a training period of 160 hours and 60 cents thereafter. Certificate is effective April 1, 1954, and expires on March 31, 1955.

Pittsburgh Branch, Pennsylvania Association for the Blind, 308 South Craig Street, Pittsburgh, Pennsylvania; at a rate of not less than 20 cents per hour for a training period of 200 hours and 50 cents per hour thereafter in the Broom, Mop, Brush and Shipping Departments, 40 cents per hour in the Sewing Department. Certificate is effective March 10, 1954, and expires on February 28, 1955.

Alabama Institute for Deaf and Blind, P. O. Box 268, Talladega, Alabama; at a rate of not less than 60 cents per hour. Certificate is effective April 1, 1954, and expires March 31, 1955.

Volunteers of America, 8–16 South St. Clair Street, Toledo 4, Ohio; at a rate of not less than 50 cents an hour for a training period of 40 hours and 70 cents thereafter. Certificate is effective March 1, 1954, and expires February 28, 1955.

Michigan Employment Institution for the Blind, 924 Houghton Street, Saginaw, Michigan; at a rate of not less than 15 cents per hour for a training period of 160 hours and 20 cents thereafter. Certificate is effective March 1, 1954, and expires February 28, 1955.

Volunteers of America, 1411 First Street, Detroit 26, Michigan; at a rate of not less than 20 cents per hour for a training period of 40 hours and 45 cents thereafter. Certificate is effective March 1, 1954, and expires on February 28, 1955.

United Cerebral Palsy of Greater Minneapolis, Inc., 1001 East 24th Street, Minneapolis 4, Minnesota; at a rate of not less than 30 cents per hour. Certificate is effective March 3, 1954, and expires August 31, 1954.

Evansville Association for the Blind, 500 North Second Avenue, Evansville 10, Indiana; at a rate of not less than 45 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective April 1, 1954, and expires March 31, 1955.

Milwaukee Goodwill Industries, 2102 West Pierce Street, Milwaukee 4, Wisconsin; at a rate of not less than 45 cents per hour. Certificate is effective March 1, 1954, and expires February 28, 1955.

The Lighthouse for the Blind, 2315–21 Locust Street, St. Louis 3, Missouri; at a rate of not less than 25 cents per hour for a training period of 200 hours and 32 cents thereafter. Certificate is effective February 12, 1954, and expires January 31, 1955.

Missouri Goodwill Industries, 4140 Forest Park Boulevard, St. Louis 8, Missouri; at a rate of not less than 50 cents per hour. Certificate is effective February 5, 1954, and expires January 31, 1955.

Dallas County Association for the Blind, 4306 Capitol Avenue, Dallas 4, Texas; at a rate of not less than 25 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective March 1, 1954, and expires February 28, 1955.

Crippled Children's Society of Los Angeles County, 325 West Adams Boulevard, Los Angeles 7, California; at a rate of not less than 5 cents per hour for a training period of 160 hours and 15 cents thereafter. Certificate is effective April 1, 1954, and expires March 31, 1955.

United Cerebral Palsy Association of Los Angeles, 5201 Beverly Boulevard, Los Angeles 4, California; at a rate of not less than 25 cents per hour. Certificate is effective April 2, 1954, and expires March 31, 1955.

Virginia Commission for the Blind, 508 St. James Street, Richmond 19, Virginia; at a rate of not less than 50 cents per hour for a training period of 320 hours and 65 cents thereafter. Certificate is effective March 1, 1954, and expires February 28, 1955.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employ-

ment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 5th day of April 1954.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 54-2745; Filed, Apr. 13, 1954; 8:46 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

SECRETARY OF AGRICULTURE OR HIS DESIGNEE

AMENDING DELEGATION OF AUTHORITY OF JULY 31, 1953

1. Pursuant to the authority vested in me by Public Law 875, 81st Congress, 2d Session, as amended, and section 5 of Executive Order 10427 dated January 16, 1953, the Delegation of Authority of July 31, 1953, to the Secretary of Agriculture, appearing in 18 F. R. 4609, August 5, 1953, is amended as follows:

(a) After "Public Law 115" at the end of the title, insert a comma and add "and for other purposes."

(b) At the end of paragraph 1, strike the period, insert a comma and add "and for the purpose of rendering assistance pursuant to the allocation of funds of October 7, 1953."

2. This amendment is effective April 1, 1954.

[SEAL] KATHERINE G. HOWARD,
Acting Administrator,
Federal Civil Defense Administration.

Consented to:

FRED. D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2746; Filed, Apr. 13, 1954; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8837, 10846, 10847]

RADIO STATION WSOC, INC., ET AL.

MEMORANDUM OPINION AND ORDER CONTINUING HEARING

In re applications of Radio Station WSOC, Incorporated, Charlotte, North Carolina, Docket No. 8837, File No. BPCT-304; Piedmont Electronics and Fixture Corporation, Charlotte, North Carolina, Docket No. 10846, File No. BPCT-1621; Carolinas' Television Corporation, Charlotte, North Carolina, Docket No. 10847, File No. BPCT-1817; for construction permits for new television stations.

1. On March 23, 1954, there was issued a Statement and Order to govern the course of this proceeding pursuant to § 1.841 of the rules. On April 2, 1954, the Chief of the Broadcast Bureau filed an appeal from this order as it related to the points of reliance which were accepted from the several applicants. At the same time the Bureau filed a motion with the Examiner to request a stay of the proceedings which are now scheduled to commence on April 7, 1954. An informal conference was held on April 2, 1954, with counsel for all of the parties in attendance.

2. Radio Station WSOC, Incorporated, and Carolinas' Television Corporation consented to the continuance on the ground that they did not wish to incur a possible rehearing in the event that the Commission should sustain the appeal and order the drafting of new points of reliance. Piedmont Electronics and Fixture Corporation objected to the continuance, stating that hotel reservations had been made for witnesses during a particularly crowded season in Washington and the applicant had been to some trouble in making arrangements for the preparation of the hearing as it is presently scheduled. It also appears that any continuance of the hearing will seriously affect commitments of counsel for subsequent hearings.

3. The issue raised on appeal by the Broadcast Bureau is one of critical importance in the development of the new procedures. Essentially it seeks an answer from the commission as to which interpretation of the word "specificity" would best conserve time and promote expedition, the Examiner's or the Bureau's. Assuming that the hearing should proceed it is possible that a decision on this question would not require any retrial of the case. On the other hand, since the matter is one of primary importance a retrial could conceivably be necessary. It is true that the parties are all prepared to go forward and would, except for the Bureau's action, prefer to do so. However, in view of all the circumstances and considering the risks which would be entailed in going forward at this time, two of the applicants have been persuaded to urge acquiescence in the Bureau's request for a continuance. Reluctant as I am to continue a hearing pending the resolution of an interlocutory question, I am nonetheless convinced that the peculiar circumstances of this case warrant doing so.

4. Incidental to the commencement of the hearing is the submission of all exhibits relating to the direct cases of the three applicants. These exhibits, as provided in the Statement and Order of March 23, 1954, are to be brought to the office of the Hearing Examiner on April 5, 1954. Since the exhibits are ready for presentation, the continuance contained herein will not affect submission of these exhibits. However, no exhibits will be exchanged among counsel until a definite date is set for taking testimony.

5. *Therefore, it is ordered,* This 5th day of April 1954, that the hearing now scheduled to commence on April 7, 1954, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2775; Filed, Apr. 13, 1954; 8:52 a. m.]

[Docket Nos. 10719, 10720, 10993]

WHITE RADIO CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of W. Erle White, trading as White Radio Company, Wichita Falls, Texas, Docket No. 10719, File No. BP-8615; Lawton Broadcasting Company, Lawton, Oklahoma, Docket No. 10720, File No. BP-8689; Progressive Broadcasting Company, Lawton, Oklahoma, Docket No. 10993 File No. BP-9122; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of April 1954;

The Commission having under consideration the above-entitled application of the Progressive Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1050 kilocycles with a power of 250 watts, using a directional antenna, daytime only, at Lawton, Oklahoma; and

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the operation would result in mutually prohibitive interference with the operations proposed by the above-entitled applications of the Lawton Broadcasting Company and the White Radio Company and otherwise not comply with the Standards of Good Engineering Practice; particularly with reference to providing the recommended minimum of interference-free service within the proposed station's normally protected daytime (0.5 mv/m) contour; and

It further appearing, that the Commission on October 14, 1953 designated the above-entitled applications of the Lawton Broadcasting Company and the White Radio Company for hearing in a consolidated proceeding which hearing is now scheduled to commence on May 4, 1954; and

It further appearing that in a section 309 (b) letter dated February 18, 1954 the Progressive Broadcasting Company was notified of the aforementioned matters and of its being entitled to be heard in the said consolidated proceeding because its application was timely filed; and

It further appearing that in a reply filed on March 17, 1954 the applicant stated that it would appear and present evidence at a hearing on its application; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application of the Progressive Broadcasting Company is designated for hearing in a consolidated proceeding with the applications of the Lawton Broadcasting Company (Docket No. 10720, File No. BP-8689) and the White Radio Company (Docket No. 10719, File No. BP-8615) in Washington, D. C., on May 4, 1954, at 10:00 a. m. upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning Standard Broadcast Stations with particular reference to providing the recommended minimum of interference-free service within the proposed station's normally protected daytime (0.5 mv/m) contour.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which, if any, of the above-named applicants would provide the most fair, efficient and equitable distribution of radio service.

4. To determine, on a comparative basis, whether the operation proposed in the above-entitled application of the Progressive Broadcasting Company, the Lawton Broadcasting Company or the White Radio Company would best serve the public interest, convenience or necessity in light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

It is further ordered, That issues 3 and 4 as set forth above are made issues in the hearing designated by the Commission in its Order of October 14, 1953 concerning the applications of Lawton Broadcasting Company (Docket No. 10720; File No. BP-8689) and the White Radio Company (Docket No. 10719; File No. BP-8615).

Released: April 9, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2776; Filed, Apr. 13, 1954; 8:52 a. m.]

[Docket Nos. 10991, 10992]

WOOF TELEVISION CORP. AND ALA-FLA-GA TELEVISION, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WOOF Television Corporation, Dothan, Alabama, Docket No. 10991, File No. BPTC-1830; ALA-FLA-GA Television, Inc., Dothan, Alabama, Docket No. 10992, File No. BPTC-1839; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of April 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9 in Dothan, Alabama; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that WOOF Television Corporation is legally, financially and technically qualified to construct, own and operate a television broadcast station; and that ALA-FLA-GA Television, Inc. is legally and financially qualified to construct, own and operate a television broadcast station and is technically so qualified except as to issue "1" below, and is otherwise qualified except as to issue "2" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 7th day of May 1954 in Washington, D. C. upon the following issues:

1. To determine whether the installation and operation of the station proposed by ALA-FLA-GA Television, Inc. in the above-entitled application would constitute a hazard to air navigation.

2. To determine, in the light of the main studio location proposed by ALA-FLA-GA Television, Inc. whether a waiver of § 3.613 (a) of the Commission's rules should be granted.

3. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2777; Filed, Apr. 13, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E 6558]

IOWA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

APRIL 7, 1954.

Take notice that on April 5, 1954, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Public Service Company, a corporation organized under the laws of the State of Iowa and qualified to do business as a foreign corporation in the States of South Dakota and Nebraska, with its principal business office at Sioux City, Iowa, seeking an order authorizing the issuance of $7,500,000 aggregate principal amount of First Mortgage Bonds, —— Percent Series due 1984. The New Bonds will constitute an additional series of First Mortgage Bonds to be issued under the Company's Mortgage and Deed of Trust. The New Bonds will be issued under competitive bidding and will be dated as of May 1, 1954, will be issued on or about May 17, 1954, and will mature on May 1, 1984. The net proceeds from the sale of the New Bonds will be used, together with cash derived from operations, to provide the funds required for the redemption of $7,500,000 aggregate principal amount of the Company's First Mortgage Bonds, 4 percent Series due 1983, at 102.42 percent of the principal amount thereof, plus accrued interest to the date fixed for redemption; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 26th day of April 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2747; Filed, Apr. 13, 1954; 8:46 a. m.]

[Docket No. G-2371]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application filed February 17 and supplemented February 19, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on March 11, 1954 (19 F. R. 1374).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 21, 1954 at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: April 7, 1954.

Issued: April 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2748; Filed, Apr. 13, 1954; 8:46 a. m.]

[Docket No. G-2377]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed February 25, 1954, as supplemented on March 15, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application as supplemented, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on March 13, 1954 (19 F. R. 1425-1426).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 20, 1954, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: April 7, 1954.

Issued: April 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2749; Filed, Apr. 13, 1954; 8:47 a. m.]

[Docket No. G-2379]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed February 26, 1954, pursuant to section 7 of the Natural Gas Act, to abandon certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on March 18, 1954 (19 F. R. 1494).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, services, and classifications contained in Kansas-Nebraska's FPC Gas Tariff, Original Volume No. 1, and the service agreements thereunder.

(B) Pending such hearing and decision thereon, Kansas-Nebraska's FPC Gas Tariff, Original Volume No. 1, be and the same is hereby suspended and the use thereof deferred until September 8, 1954, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: April 7, 1954.

Issued: April 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2750; Filed, Apr. 13, 1954; 8:47 a. m.]

[Docket No. G-2404]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER SUSPENDING PROPOSED TARIFF AND PROVIDING FOR HEARING

On March 8, 1954, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) tendered for filing its FPC Gas Tariff, Original Volume No. 1, proposing, among other things, an annual rate increase of $694,000, or 31 percent, to its five wholesale customers, based on sales for the 12-month period ended November 30, 1953.

In support of its increased rates and charges, Kansas-Nebraska has utilized inter alia rate of return of 6¾ percent and allocation methods which depart from the principles and procedures heretofore adopted by the Commission. Thus, the increased rates and charges provided in the proposed tariff have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Several purchasers have requested suspension of the proposed increased rates and charges.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Kansas-Nebraska's FPC Gas Tariff, Original Volume No. 1 and that said tariff be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in section 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, services, and classifications contained in Kansas-Nebraska's FPC Gas Tariff, Original Volume No. 1, and the service agreements thereunder.

(B) Pending such hearing and decision thereon, Kansas-Nebraska's FPC Gas Tariff, Original Volume No. 1, be and the same is hereby suspended and the use thereof deferred until September 8, 1954, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: April 7, 1954.

Issued: April 8, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2751; Filed, Apr. 13, 1954; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

VALLEY ROYALTIES

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Valley Royalties, 626 Fourth Street, Alamosa, Colorado.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 7th day of April 1954.

I. The Commission's public official files disclose that Valley Royalties, a partnership, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1952 and 1953, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 27th day of April 1954, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before April 21, 1954. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to April 27, 1954.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2752; Filed, Apr. 13, 1954; 8:47 a. m.]

[1] Filed as part of the original document.

WILBERT LEE HABERTHIER

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Wilbert Lee Haberthier, Box 503, Limon, Colorado.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 7th day of April 1954.

I. The Commission's public official files disclose that Wilbert Lee Haberthier, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1952 and 1953, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 27th day of April 1954, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before Aoril 21, 1954. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to April 27, 1954.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of

the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2753; Filed, Apr. 13, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29109]

VARIOUS COMMODITIES BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

APRIL 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to schedule listed below.

Commodities involved: Various commodities.

Between: Points in Texas.

Grounds for relief: Rail competition, to meet intrastate rates, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 807, supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2759; Filed, Apr. 13, 1954; 8:49 a. m.]

[4th Sec. Application 29110]

SODA ASH FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO GEORGETOWN, S. C.

APPLICATION FOR RELIEF

APRIL 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Soda ash, in bulk, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Georgetown, S. C.

Grounds for relief: Competition with rail carriers, circuity, and additional route.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1400, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2760; Filed, Apr. 13, 1954; 8:49 a. m.]

[4th Sec. Application 29111]

MOTOR-RAIL RATES BETWEEN CERTAIN POINTS IN THE EAST

APPLICATION FOR RELIEF

APRIL 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and the Adley Express Company.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Boston, Mass., Hartford, Conn., New Haven, Conn., Providence, R. I., Springfield, Mass., and Worcester, Mass., on the one hand, Harlem River, N. Y., Elizabeth and Edgewater, N. J., on the other, also between New Haven and named New England points.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2761; Filed, Apr. 13, 1954; 8:49 a. m.]

[4th Sec. Application 29112]

MOTOR-RAIL RATES BETWEEN LOWELL, MASS., AND HARLEM RIVER, N. Y., NEW HAVEN, CONN., AND PROVIDENCE, R. I.

APPLICATION FOR RELIEF

APRIL 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and the Adley Express Company.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Lowell, Mass., on the one hand, and Harlem River, N. Y., New Haven, Conn., and Providence, R. I., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2762; Filed, Apr. 13, 1954; 8:50 a. m.]

[4th Sec. Application 29113]

MOTOR-RAIL RATES BETWEEN BOSTON, MASS., OR PROVIDENCE, R. I., AND NEW HAVEN, CONN., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

APRIL 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Rapid Motor Lines, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Boston, Mass., or Providence, R. I., on the one hand, and New Haven, Conn., on the other, also between New Haven, Conn., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2763; Filed, Apr. 13, 1954; 8:50 a. m.]

[4th Sec. Application 29114]

HAY FROM NEW MEXICO AND TEXAS TO POINTS IN THE SOUTH AND SOUTHWEST

APPLICATION FOR RELIEF

APRIL 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Hay and related articles, carloads.

From: Points in New Mexico and Texas.

To: Points in Arkansas, Louisiana and Texas and lower Mississippi River Crossings, Memphis, Tenn., and south thereof.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3975, supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2764; Filed, Apr. 13, 1954; 8:50 a. m.]

[4th Sec. Application 29115]

DRY BATTERY SHELLS FROM MUNCIE, IND., TO ASHEBORO, N. C.

APPLICATION FOR RELIEF

APRIL 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Zinc or alloys, viz: dry battery shells, carloads.

From: Muncie, Ind.

To: Asheboro, N. C.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2765; Filed, Apr. 13, 1954; 8:50 a. m.]

[No. 31494]

KENTUCKY INTRASTATE RATES AND CHARGES ON COAL

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 30th day of March A. D. 1954.

It appearing that a petition dated March 1, 1954, has been filed on behalf of the Artemus-Jellico Railroad Company and other common carriers by railroad operating to, from and between points in the State of Kentucky, in interstate and intrastate commerce, averring that in Ex Parte No. 175, Increased Freight Rates, 1951, 280 I. C. C. 179; 281 I. C. C. 557; 284 I. C. C. 589, and 289 I. C. C. 395, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates, including rates on coal, for interstate application throughout the United States; and that increases under such authorizations have been made;

It further appearing that the petitioners allege that the Railroad Commission of Kentucky, by various orders, has refused to authorize or permit them to apply to the transportation of coal, moving intrastate by railroad in the State of Kentucky, increases in freight rates and charges corresponding to those approved for interstate application in the proceeding above cited;

It further appearing that the petitioners allege that such refusal causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate commerce in violation of section 13 of the Interstate Commerce Act;

And it further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Kentucky:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Kentucky, for the intrastate transportation of coal, made or imposed by authority of the State of Kentucky, cause or will cause, by reason of the failure of such rates and charges to includes increases corresponding to those permitted by this Commission for interstate traffic in said Ex Parte No. 175, Increased Freight Rates, 1951, supra, any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Kentucky which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of

this order be served upon each of the said respondents; and that the State of Kentucky be notified by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Railroad Commission of the State of Kentucky, at Frankfort, Ky.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2766; Filed, Apr. 13, 1954; 8:50 a. m.]

[Notice No. 2]

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

APRIL 9, 1954.

Protests to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER (49 CFR 1.240). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

APPLICATIONS FOR OPERATING AUTHORITY

No. MC 1150 Sub 6, J. B. HEEREN, DOING BUSINESS AS HEEREN TRUCKING COMPANY, Lemmon, S. Dak. Applicant's attorney: R. A. Bielski, Northwest Security National Bank Building, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, from Dickinson, N. Dak., and points within 10 miles thereof, to points in South Dakota on and north of U. S. Highway 14. Applicant is authorized to conduct operations in Wyoming, South Dakota, North Dakota, and Kansas.

No. MC 1801 Sub 15, FORD VAN LINES, INCORPORATED, 1630 "P" Street, Lincoln, Nebr. Applicant's attorney: James F. Miller, 500 Board of Trade, Tenth and Wyandotte, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in California, on the one hand, and, on the other, points in Texas, New Mexico, and Oklahoma. Applicant is authorized to conduct operations in all States in the United States, and the District of Columbia.

No. MC 3722 Sub 1, CHARLES BERMAN, DOING BUSINESS AS BERMAN'S EXPRESS, 1125 Magnolia Street, Camden 3, N. J. Applicant's attorney: Russell Wolfe, 1606 Lincoln Liberty Building, Philadelphia 7, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, Pa., and Camden, N. J., on the one hand, and, on the other, points in New Jersey within 25 miles of Camden. Applicant is authorized to conduct operations in Pennsylvania and New Jersey.

No. MC 9997 Sub 2, KEOMAH TRUCK LINES, INC., 546 Ninth Avenue, East, Oskaloosa, Iowa. Applicant's attorney: Arlo W. Palmer, Oskaloosa, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prepared animal feed* and *prepared poultry feed* (not frozen), from Burlington, Wis., to points in Polk, Jasper, Poweshiek, Iowa, Johnson, Scott, Marion, Mahaska, Keokuk, Washington, Louisa, Muscatine, Lucas, Monroe, Wapello, Jefferson, Henry, Des Moines, Wayne, Appanoose, Davis, Van Buren, Lee, Cedar and Clinton Counties, Iowa. Applicant is authorized to conduct operations in Illinois and Iowa.

No. MC 15728 Sub 1, AUTO PRODUCTS TRANSPORT SALES & WAREHOUSE CO., INC., 16244 James Couzens Highway, Detroit 21, Mich. Applicant's attorney: J. Gerald Wetzel, Matheson, Dixon & Brady, Guardian Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper and paper products*, between Toledo, Ohio, on the one hand, and, on the other, points in Michigan on and north of Michigan Highway 25 between Huron City, Mich., and Bay City, Mich., Michigan Highway 20 between Bay City and Midland, Mich., and U. S. Highway 10 between Midland and Ludington, Mich., including points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in Ohio and Michigan.

No. MC 52858 Sub 37, CONVOY COMPANY, A CORPORATION, 3900 NW. Yeon Avenue, Portland 10, Oreg. Applicant's attorney: William P. White, 1100 Jackson Tower, Portland 5, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers designed to be pulled behind passenger vehicles*, in initial and secondary movements, by truckaway method, between points in California, Oregon, Washington, Idaho, Montana, Nevada, Wyoming, Utah, Colorado, Arizona, and New Mexico.

No. MC 59478 Sub 1 (amended), R. S. RUARK, DOING BUSINESS AS RUARK TRUCK LINE, P. O. Box 116, Morganfield, Ky. Applicant's attorney: Robert H. Kinger, McChesney & McChesney, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities in bulk*, but excepting those of unusual value, and excepting Class A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Morganfield, Ky., and junction Kentucky Highway 56 and Kentucky-Illinois State line, over Kentucky Highway 56, serving all intermediate and off-route points in Kentucky on or within three miles of that portion of Kentucky Highway 56 extending between Morganfield, Ky., and the Kentucky-Illinois State line, and *General commodities*, excepting those of unusual value, and excepting Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving all intermediate and off-route points on or within three miles of that portion of Kentucky Highway 130 extending between Uniontown, Ky., and Morganfield, Ky., in connection with carrier's authorized regular route operations between Uniontown and Morganfield. Applicant is authorized to conduct operations in Indiana and Kentucky.

No. MC 76032 Sub 79, NAVAJO FREIGHT LINES, INC., 381 South Broadway, P. O. Box 5364, Denver 9, Colorado. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, New Mexico. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, but excepting commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the New Mexico State Penitentiary on New Mexico Highway 10, approximately two miles south of junction U. S. Highway 85 and New Mexico Highway 10, as an off-route point in connection with carrier's regular route operations between Denver, Colo., and Albuquerque, N. Mex. Applicant is authorized to transport general commodities, with various exceptions, in California, New Mexico, Arizona, Texas, Colorado, Illinois, Nebraska, Missouri, Iowa, and Kansas.

No. MC 88905 Sub 7, CARL R. VAN DYKE, DOING BUSINESS AS C. R. VAN DYKE, 89 Clinton Street, Montgomery, New York. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pennsylvania. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal*, from points in Lackawanna, Luzerne, Carbon, and Schuylkill Counties, Pa., to Brainard and New Lebanon, N. Y. Applicant is authorized to conduct operations in Pennsylvania, New York, and Connecticut.

No. MC 92983 Sub 90, amended, ELDON MILLER, INC., 1030 Riverside Drive, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from West Memphis and Conway, Ark., and points within 10 miles thereof, to points in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee within 200 miles of West Memphis and Conway, Ark. Applicant is authorized to conduct operations in Illinois, Indiana, Nebraska, Iowa, Wisconsin, Missouri, and Minnesota.

No. MC 109976 Sub 3, COCHRAN & RUCKWIED CORPORATION, 618 Adams Street, Hoboken, New Jersey. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, New Jersey. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Newark, N. J., on the one hand, and, on the other, points in Essex, Hudson, and Union Counties, N. J. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 110798 Sub 3, JAMES C. BUSSINGER, DOING BUSINESS AS WILLISTON-SCOBEY TRANSFER, Plentywood, Mont. Applicant's attorney: J. E. Rucker, 113 First Avenue, Plentywood, Mont. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Opheim, Mont., and Glasgow, Mont., over Montana Highway 22; between Plentywood, Mont., and Regway border station on United States-Canada International Boundary line, over Montana Highway 16; between Whitetail, Mont., and Big Beaver border station on United States-Canada International Boundary line, over Montana Highway 13; between Plentywood, Mont., and Westby, Mont., over Montana Highway 5; and between Opheim, Mont., and West Poplar, Mont., over Montana Highway 22, serving all intermediate points on the routes described above. Applicant is authorized to conduct operations in Montana and North Dakota.

No. MC 111507 Sub 2, T. L. BURNS, Strong, Ark. Applicant's attorney: Ed E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Union County, Ark., to points in Kansas, Illinois, Missouri, Mississippi, Tennessee, those in Louisiana south of U. S. Highway 84, those in Oklahoma west of U. S. Highway 81, and those in Texas west of U. S. Highway 281. Applicant is authorized to conduct operations in Arkansas, Louisiana, Oklahoma, and Texas.

No. MC 111777 Sub 6, STEPHEN LAHOTSKI, 181 Phillips Street, Throop, Pennsylvania. Applicant's attorney: Theodore A. Miller, Davidson and Nikolorie, Cafritz Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plastic refrigerator doors* and *plastic refrigerator parts*, between Worcester, Mass., on the one hand, and, on the other, Columbus and Mansfield, Ohio, and Richmond, Ind.

No. MC 113382 Sub 4, HOWARD J. NELSON AND JAMES MELVIN NELSON, DOING BUSINESS AS NELSON BROTHERS, 1215 Sixth Corso, Nebraska City, Nebr. Applicant's attorneys: J. Max Harding, 901 South Thirteenth Street, Lincoln, Nebr., and Armstrong McKnight, Auburn, Nebr. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Canned or preserved foodstuffs*, not cold-packed or frozen, from Lawrence, Kans., to Council Bluffs, Iowa, and points in Nebraska, and *canned goods* and *table sauces*, on return. Applicant is authorized to conduct operations in Nebraska, Iowa, Missouri, Kansas, Colorado, Oklahoma, Minnesota, South Dakota, Montana, Wyoming, Illinois and Arkansas.

No. MC 114638, ALFRED DeSAUTELS, JR., AND ALFRED DeSAUTELS, SR., DOING BUSINESS AS ALFRED'S TRAILER TRANSPORT CO., 302 South Eighth Street, Colorado Springs, Colo. Applicant's attorney: Henry S. Sherman, 514 Equitable Building, Denver, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coach trailers, house trailers, commercial trailers, laboratory trailers, cabin trailers, bungalow trailers*, and *special purpose trailers*, in both initial and secondary movements, by truckaway and towaway service, from points in Colorado to points in California and Nevada.

No. MC 114641, S. B. PLATT, III, DOING BUSINESS AS COLUMBUS WAREHOUSE & STORAGE CO., 1504 Main Street, Columbus, Miss. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Commodities classified* as (1) *meats, meat products* and *meat byproducts*, (2) *dairy products*, and (3) *articles distributed by meat-packing houses*, as defined by the Commission, from Columbus, Miss., to points in Mississippi and Alabama within 100 miles of Columbus, Miss., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement.

APPLICATIONS UNDER SECTIONS 5 AND 210A (B)

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

No. MC-F-5651. Authority sought for purchase by Crane and Truck Service, Incorporated, Fifty-first Street & A. V. R. R., Pittsburgh, Pa., of a portion of the operating rights of A. J. Metler, 117 Chicamauga Avenue, NE., Knoxville, Tenn., and for acquisition by M. C. Harrison, E. J. Harrison and W. T. Wells, Pittsburgh, Pa., and Harrison Construction Co., Pittsburgh, Pa., of control of the operating rights through the purchase. Applicants' attorney: Robert S. Young, Jr., 1003 Burwell Bldg., Knoxville, Tenn. Operating rights sought to be transferred: *Sulphur*, in bulk, in dump vehicles, as a *common carrier*, over irregular routes, from Knoxville to Lowland, Tenn. Vendee is authorized to operate in Ohio and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5671. Authority sought for purchase by Indianhead Truck Line, Inc., 1670 Roblyn Avenue, St. Paul, Minn., of a portion of the operating rights of Arnt Wedul, doing business as Wedul Truck Line, Thief River Falls, Minn., and for acquisition by Lester A. Wilsey, St. Paul, Minn., of control of the operating rights through the purchase. Applicants' attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Operating rights sought to be transferred: *Petroleum products*, as a *common carrier*, over irregular routes, between Viking, Minn., and points within 20 miles of Viking, on the one hand, and, on the other, Fargo, West Fargo, and Grand Forks, N. Dak. Vendee is authorized to operate in Wisconsin, Minnesota, Illinois, Michigan, Iowa, South Dakota, and North Dakota. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5676. Authority sought for purchase by C. C. White, Thomas L. White and Jack C. White, doing business as White's Transportation, Route 2, Box 36, Manteca, Calif., of the operating rights of L. W. Koerner, doing business as Trans-California Motor Lines, 760 Ferry St., Oakland, Calif. Applicants' attorney: J. Richard Townsend, 1700 Mills Tower, San Francisco, Calif. Operating rights sought to be transferred: *Canned goods*, as a *common carrier*, over irregular routes, from points in San Joaquin County, Calif., to Stockton, Calif.; *Grain, beans* and *fruits*, from points in San Joaquin and Sacramento Counties, Calif., to Stockton, Calif.; *Fertilizer*, from Stockton to points in San Joaquin and Sacramento Counties, Calif. Vendee is authorized to operate in California. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2779; Filed, Apr. 13, 1954; 8:53 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 73

Washington, Thursday, April 15, 1954

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN APPLES[1]

On February 2, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 559) regarding a proposed revision of United States Standards for Grades of Frozen Apples.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Apples are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

The standards are as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.

52.361 Product description.
52.362 Styles of frozen apples.
52.363 Grades of frozen apples.

FACTORS OF QUALITY

52.364 Ascertaining the grade.
52.365 Ascertaining the rating for the factors which are scored.
52.366 Color.
52.367 Size.
52.368 Defects.
52.369 Character.

LOT CERTIFICATION TOLERANCES

52.370 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.371 Score sheet for frozen apples.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

AUTHORITY: §§ 52.361 to 52.371 issued under sec. 205, 60 Stat. 1090, 67 Stat. 205; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.361 *Product description.* Frozen apples are prepared from sound, properly ripened fruit of Malus sylvestris (Pyrus malus); are peeled, cored, trimmed, sliced, sorted, and washed; are properly drained before filling into containers; may be packed with or without the addition of a nutritive sweetening ingredient and any other ingredient permissible under the provisions of the Federal Food, Drug, and Cosmetic Act; and are frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.362 *Styles of frozen apples.* (a) "Slices" means frozen apples consisting of slices of apples cut longitudinally and radially from the core axis.

§ 52.363 *Grades of frozen apples.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen apples that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically uniform in size; that are practically free from defects; that possess a good character; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart: *Provided*, That the frozen apples may be only fairly uniform in size, if the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of frozen apples that possess similar varietal characteristics; that possess a fairly good flavor; that possess a fairly good color; that are fairly uniform in size; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen apples that fail to meet the requirements of U. S. Grade C or U. S. Standard.

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FEDERAL REGISTER

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(For use during 1954)

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Titles 30–31 ($1.00)

Title 33 ($1.25)

Titles 44–45 ($0.75)

Previously announced: Title 3, 1953 Supp. ($1.50); Title 8 ($0.35); Titles 10–13 ($0.50); Title 16 ($1.00); Title 18 ($0.45); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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FACTORS OF QUALITY

§ 52.364 *Ascertaining the grade.* (a) The grade of frozen apples is ascertained by considering the requirements with respect to varietal characteristics, which are not scored, and the factors of color, size, defects, and character, which are scored.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

Factors:	Points
Color	20
Size	20
Defects	20
Character	40
Total score	100

(c) The scores for the factors of color, size, defects, and character are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units.

(d) "Good flavor" means that the product has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor" means that the product may be lacking in good flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

§ 52.365 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.366 *Color*—(a) *(A) classification.* Frozen apples that possess a good color may be given a score of 17 to 20 points. "Good color" means that the frozen apples, internally and externally, possess a reasonably uniform bright color, characteristic of apples of similar varieties.

(b) *(C) classification.* Frozen apples that possess a fairly good color may be given a score of 14 to 16 points. Frozen apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the frozen apples possess a color that is typical of apples of similar varietal characteristics, that may be variable, and that the product may possess a slight but not markedly brown or gray cast and shall be practically free from internal discoloration.

(c) *(SStd.) classification.* Frozen apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.367 *Size*—(a) *General.* The factor of size refers to the degree of wholeness and to the uniformity of thickness of the units.

(1) "Practically whole slice" means that the slice may be cut or broken but at least ¾ of the original slice remains.

(b) *(A) classification.* Frozen apples that are practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" means that: At least 90 percent, by weight, of the product consists of whole or practically whole slices of 1¼ inches in length or longer, and that of the 90 percent, by weight, of the product consisting of units of the most uniform thickness, the thickness of the slices does not vary more than ¼ inch.

(c) *(C) classification.* Frozen apples that are fairly uniform in size may be given a score of 14 to 16 points. "Fairly uniform in size" means that at least 75 percent, by weight, of the product consists of whole or practically whole slices of 1¼ inches in length or longer.

(d) *(SStd.) classification.* Frozen apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.368 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous matter, from damaged or seriously damaged units, and from carpel tissue.

(1) "Harmless extraneous matter" means any vegetable substance (including, but not being limited to, a leaf, stem, or portions thereof, cores and portions of cores, and seeds), that is harmless.

(2) "Damaged unit" means any unit possessing green peel that exceeds in the aggregate an area of a circle ½ inch in diameter, or red peel that exceeds in the aggregate an area of a circle ¼ inch in diameter, light brown bruise that exceeds the area of a circle ½ inch in diameter or which is more than ⅛ inch deep, and any unit in which the appearance or eating quality is materially affected by blossom and material, dark brown bruise, or other internal or external discoloration, or by any other means.

(3) "Seriously damaged unit" means any unit damaged to such an extent that the appearance or eating quality is seriously affected.

(4) "Practically free from carpel tissue" means that for each 16 ounces of the product, the carpel tissue present does not exceed in the aggregate an area equal to ¾ square inch.

(5) "Fairly free from carpel tissue" means that for each 16 ounces of the product the carpel tissue present does not exceed an area equal to 1½ square inches.

(b) *(A) classification.* Frozen apples that are practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that extraneous matter may be present that does not materially affect the appearance or eating quality of the product; that the product is practically free from carpel tissue; and that not more than a total of 5 percent, by weight, of the units may be damaged, of which not more than 1 percent, by weight, of all the units may be seriously damaged: *Provided*, That extraneous matter, damaged and seriously damaged units, singly or in combination, do not materially affect the appearance or eating quality of the product.

(c) *(C) classification.* Frozen apples that are fairly free from defects may be given a score of 14 to 16 points. Frozen apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that extraneous matter may be present that does not seriously affect the appearance or eating quality of the product; that the product is fairly free from carpel tissue; and that not more than a total of 15 percent, by weight, of the units may be damaged, of which not more than 3 percent, by weight, of all the units may be seriously damaged: *Provided*, That extraneous matter, damaged and seriously damaged units, singly or in combination, do not seriously affect the appearance or eating quality of the product.

(d) *(SStd.) classification.* Frozen apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.369 *Character*—(a) *General.* The factor of character refers to the texture of the units and to the tendency to retain their conformation without material softening or disintegration.

(1) "Mushy apples" means slices or units or portions thereof that are a pulpy mass and of a consistency approximating applesauce.

(b) *(A) classification.* Frozen apples that possess a good character may be given a score of 34 to 40 points. "Good character" means that the units possess a reasonably uniform texture, are firm but not hard, with not more than 3 percent of the weight of the product consisting of mushy apples.

(c) *(C) classification.* Frozen apples that possess a fairly good character may be given a score of 28 to 33 points. Frozen apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the slices may be variable in texture, with not more than 12 percent of the weight of the product consisting of units that are markedly hard, markedly soft, or mushy.

(d) *(SStd.) classification.* Frozen apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.370 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen apples, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to the containers comprising the sample:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of such total scores; and

(5) All containers meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.371 *Score sheet for frozen apples.*

Size and kind of container	---
Container mark or identification	---
Label	---
Net weight (ounces)	---
Style	---
Reason for request	---
Stock of pack [variety or size]	---
Syrup density (degrees Brix)	---

Factors		Score points	
Color	20	(A)	17-20
		(C)	1 14-16
		(SStd.)	10-13
Size	20	(A)	17-20
		(C)	14-16
		(SStd.)	10-13
Defects	20	(A)	17-20
		(C)	1 14-16
		(SStd.)	10-13
Character	40	(A)	34-40
		(C)	1 26-33
		(SStd.)	10-27
Total score	100		

Good flavor	---
Fairly good flavor	---
Grade	---

[1] Indicates limiting rule.

Effective time and supersedure. The United States Standards for Grades of Frozen Apples (which is the third issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Grades of Frozen Apples which have been in effect since June 3, 1952.

Dated: April 12, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-2805; Filed, Apr. 14, 1954; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON AND WASHINGTON

INCREASE IN RATE OF ASSESSMENT FOR MARKETING YEAR BEGINNING AUGUST 1, 1953

Pursuant to Marketing Agreement No. 105 and Order No. 84 (7 CFR, 1952 Rev., Part 984) regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of information submitted by the Walnut Control Board, the administrative agency established under the order, and other available information, it is hereby found that to increase the rate of assessment herein provided for the marketing year which began August 1, 1953, will tend to effectuate the declared policy of the act.

The Department on October 8, 1953, approved a budget of expenses of $86,450 and an assessment rate of 0.13 cent for each pound of merchantable walnuts handled or certified for handling during the marketing year beginning August 1, 1953. At that time, it was estimated that approximately 69.4 million pounds of walnuts would be certified for interstate handling during such marketing year.

On the basis of this estimate, the rate of assessment fixed would have resulted in sufficient collections to cover the budget of expenses and to provide a reasonable excess which, pursuant to § 984.7 (b) (2) of the order, may be used to defray expenses during the first four months of the succeeding marketing year. It now appears evident that certifications will fall considerably short of the earlier estimate and that an increase in the assessment rate to 0.14 cent for each pound of merchantable walnuts handled or certified for handling will be necessary to assure sufficient collections to meet the expected expenses for the aforesaid marketing year and to provide for such reasonable excess. It is expected that actual expenses for such year will approximate $77,500.

The actual quantity of assessable walnuts for the 1953–54 marketing year is not expected to exceed 60.8 million pounds (interstate), or about 12 percent below the estimate upon which the present assessment rate is based. Authority to increase the assessment rate is contained in § 984.7 (b) (1) of the order.

Section 984.305 (b) of the administrative rule published in the FEDERAL REGISTER of October 14, 1953 (18 F. R. 6526) is amended to read as follows:

§ 984.305 *Budget of expenses of the Walnut Control Board and rate of assessment for the marketing year beginning August 1, 1953.* * * *

(b) *Rate of assessment.* Each handler shall pay to the Control Board on demand by the Control Board, from time to time, 0.14 cent for each pound of merchantable walnuts handled or certified for handling by him during the marketing year beginning August 1, 1953.

It is hereby found and determined that it is unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or postpone the effective date of this order later than the date of its publication in the FEDERAL REGISTER, for the reasons that (1) The Control Board is in need of the funds which this order authorizes it to collect; (2) The Control Board, which represents all segments of the industry, has unanimously recommended the increase in the rate of assessment provided herein, and (3) no advance, or special, preparation for operations hereunder will be needed.

(Sec. 5, 48 Stat. 31, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 12th day of April 1954, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2824; Filed, Apr. 14, 1954; 8:53 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 208—ELIGIBILITY FOR AN ANNUITY

MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U. S. C. 228j) §§ 208.25, 208.27 and the first paragraph of § 208.29 (a) of the regulations under such act (12 F. R. 859) are amended by Board Order 54-76, dated March 31, 1954, to read as follows:

§ 208.25 *Proof of continuance of disability.* An individual who has been awarded an annuity upon the basis of his having become totally and permanently disabled for regular employment for hire, or upon the basis of his having become permanently disabled for work in his regular occupation, shall, as and whenever notified by the Board, submit any information which the Board may require relating to his employment, including self-employment, and earnings therefrom, while in the receipt of such an annuity, and shall submit to an examination to be made by a physician, or physicians, or a board of physicians, designated by the Board. The Board may at any time or times require additional proof of the continuance of the disability which served as the basis for awarding such annuity. The provisions of this section shall not apply to an individual after he has attained age 65.

§ 208.27 *Disability annuitant to notify of recovery from disability, and of performance of service for hire or of self-employment.* It shall be the duty of an individual awarded an annuity upon the basis of total and permanent disability for regular employment for hire, or upon the basis of permanent disability for work in his regular occupation, to notify the Board before he attains age 65 of his recovery from such disability and of any service for hire or self-employment in a period and to the extent described in § 208.29 (a) (2).

§ 208.29 *When disability annuities cease.* (a) An annuity awarded to an individual upon the basis of his having become totally and permanently disabled for regular employment for hire, or upon the basis of his having become permanently disabled for work in his regular occupation, shall cease before the individual attains age 65 as of the last day of:

* * * * * *

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j)

Dated: April 8, 1954.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 54-2800; Filed, Apr. 14, 1954; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. 71 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. General Notes to Appendix A, paragraph (h) *Explanation of symbols in column headed "Commodity Lists"* is amended by the addition of the following entry:

Symbol	Special requirement referred to—	Section
C	Commodities excepted from the provisions of General License GIT.	371.9

2. Symbol "C" as set forth in the column headed "Commodity Lists" opposite the commodities excepted from the provisions of General License GIT is substituted on the Positive List for the symbol ★ and the footnote related thereto which presently identify such excepted commodities. This amendment makes no substantive change.

3. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference enclosed in parentheses following the commodity description in the revised entry.

[1] This amendment was published in Current Export Bulletin No. 726, dated March 31, 1954.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Synthetic rubbers (report synthetic liquid latex in terms of total dry latex solids (TDLS) (report compounded or semiprocessed in 208800):				
200998	Polyisobutylene. (2) [17]	Lb.	RUBR 2	100	R
	Tires, tire casings and inner tubes (report scrap tires and tire casings with both beads cut through or at least one bead removed from the casings or the casings made discontinuous by being completely cut through or the carcass broken completely through for a length equal to at least the cross-sectional width, and inner tubes completely lacerated or cut cross-sectionally into two separate pieces, under 201200):				
206000	Pneumatic tires and casings, new and used:				
206430	Other truck and bus casings. (2) [17]	No.	RUBR 9	250	R
	Other off-the-road casings (except farm tractor and implement). (2) [17]	No.	RUBR 9	250	R
206440	Farm tractor casings [17]	No.	RUBR 9	250	R
206470	Farm implement casings [17]	No.	RUBR 9	250	R
206490	Other industrial casings. (2) [17]	No.	RUBR 9	250	R
209800	Compounded or semiprocessed natural and/or synthetic rubbers (dry or liquid latex), and allied gums, for further manufacture (specify type):				
	Liquid rubber compounds; latex compounds; and liquid rubber, drum compounded. (2) [17]	Lb.	RUBR	100	R
220904	Cinchona bark [17]	Lb.	DRUG	100	■
320515	Vegetable fibers, unmanufactured:				
320519	Manila or abaca (including tow) [17]	L. ton	TEXT 1	25	R
	Sisal or henequen (including tow) [17]	L. ton	TEXT 1	25	R
341100	Cordage, except of cotton or jute (report cotton in 301800 and jute in 321000):				
341400	Binder twine (hard and soft fiber) (report baler twine in 341400, 341909, and 349909) [17]	Lb.	TEXT 1	1,000	R
341909	Manila cordage, cord, and twine (including manila baler twine) (report binder twine in 341100) [17]	Lb.	TEXT 1	25	R
349909	Hard-fiber cordage, cord, and twine (including sisal and henequen) (report binder twine in 341100) [17]	Lb.	TEXT 1	25	R
	Hard-fiber yarns (including sisal, henequen, and manila yarns) [17]	Lb.	TEXT 1	100	R
384022	Filament yarn (except thrown yarn) of man-made (synthetic) fibers on cones, beams, bobbins, or other winding cores:				
384023	Viscose high-tenacity rayon yarn and cord:				
	Singles (including tire yarn) [17]	Lb.	TEXT 3	100	R
	Plied (including tire cord), untreated, treated or dipped but not woven (report woven rayon tire fabric in 384994) [17]	Lb.	TEXT 3	100	R
520300	Glass tubing for acid-resisting tanks, vats, kettles, piping, and fixtures [17]	----------	CDGS	25	R
541210	Abrasive products:				
	Manufactured grinding wheels, of silicon carbide or aluminum oxide composition, including corundum (specify grit sizes of silicon carbide). [18]	No. & Lb.	TOOL	250	R
545110	Asbestos:				
	Unmanufactured:				
	Crude asbestos and spinning fibers (specify by grade). [9] [17]	L. ton	MINL	100	R
545940	Manufactures:				
	Brake lining in sets, molded, semimolded, and woven, except brake blocks. [18]	Lb.	TRAN 6	500	R
571410	Sulfur, crude (containing 85 percent or more sulfur) (report sulfur ores or crude sulfur of less than 85 percent sulfur content in 596096). [9]	L. ton	SALT 36	25	RO
571500	Sulfur, crushed, ground, refined, sublimed and flowers. [9]	Lb.	SALT 36	25	RO
596098	Crude sulfur, of less than 85 percent sulfur content; and sulfur ores. (3) [9]	L. ton	SALT 36	25	RO
605430	Rails, trackwork and track accessories:				
605530	Rail joints and splice bars				
	Alloy steel, including stainless [17]	Lb.	STEE 14	100	R
	Switches, frogs, and crossings:				
	Alloy steel, including stainless [17]	Lb.	STEE	100	R
606010	Pipe, tubes, and tubing, n. e. c., new and used (except scrap) (report pipe assemblies specially fabricated for particular machines or equipment as parts of such machines or equipment):				
606030	Pressure tubes and tubing (including boiler tubes and tubing):				
	Carbon steel, seamless [17]	Lb.	STEE 12	100	R
	Carbon steel, welded [17]	Lb.	STEE 12	100	R
608120	Steel wire, n. e. c. (all round, shaped, and flat wire regardless of use) (report electrical insulated wire and cable in 709810-709885):				
608210	Uncoated wire, carbon steel, except strapping wire (report bag and bale ties in 619067). [9]	Lb.	STEE	100	R
	Coated wire, except galvanized (all steel grades):				
	Carbon steel. (1) [17]	Lb.	STEE	1,000	R
617600	Tools (all metals), n. e. c.:				
	Drills and bits, hard-surfaced steel and tungsten-carbide types (report types for power-driven tools in 744881). [17]	----------	CDOS	10	R
617898	Jacks, hand-operated, and parts, with lifting capacity of 10 tons or more (including hand-operated hydraulic jacks) (report jacks for construction and maintenance in 722045; jacks for garage use in 783185). [17]	----------	CDOS	25	R
	Shipping containers for oil, gas, and other liquids and solids (all metals) (report storage tanks in 618967 and 619071):				
619022	Unfilled:				
	Unfilled aluminum shipping containers, except milk cans. (2) [17]	Lb.	NONF	300	R
619022	Unfilled shipping containers of metal other than steel and aluminum, except milk cans. (3) [9] [17]	Lb.	NONF	300	R
619034	Welding rods and wires, including brazing rods:				
619040	Brazing solder (spelter type). (1) [9]	Lb.	NONF	100	RO
	Nickel and nickel alloy (specify by name and metal content). (6) [1]	Lb.	NONF	100	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Solders, except precious:				
619043	Lead solder (report solder of less than 50 percent lead by weight under 619045) [17]	Lb.	NONF 6	500	R
619045	Zinc [2] [17]	Lb.	NONF	100	R
	Wire products, n. e. c. (report wire nails, staples, and spikes in 048267-048274):				
	Wire rope, cord, and cable, except guard rail and insulated (report guard rail in 693; and insulated rope and strand in 709810-709875):				
619061	Picture cord [1] [17]	Lb.	STEE	500	R
	Wire strand, including guard rail cable (report strand wire in 608300):				
619065	Picture cord [1] [17]	Lb.	STEE	500	R
619069	Woven wire belts or belting [17]	Lb.	STEE	500	R
	Metal powders:				
619157	Tungsten [17]	Lb.	MINL	None	R
619158	Zinc dust (includes all zinc powder) (specify zinc content [17]	Lb.	NONF 2	500	R
619159	Chromium. (1) [4]	Lb.	NONF	25	RO
619159	Cobalt. (2) [7 [8]	Lb.	NONF	25	RO
619159	Lead (3) [7]	Lb.	NONF 3	500	R
619159	Nickel-chrome-boron powder. (4) [7]	Lb.	NONF	25	RO
619159	Nickel powder. (5) [7]	Lb.	NONF	None	RO
619159	Selenium (specify selenium content and grade). (7) [9]	Lb.	MINL	25	RO
	Foil and leaf (less than 0.006 inch in thickness) (report paper-backed foil in 480100):				
619250	Lead foil and leaf (3) [7]	Lb.	NONF	500	R
	Metal manufactures, n. e. c., and parts, n. e. c.:				
	Other metals, except precious (specify by name and type of metal):				
619950	Lead burning bars. (2) [17]	Lb.	NONF 3	500	R
619950	Nickel catalysts. (6) [7]	Lb.	NONF	100	RO
622095	Ferrotitanium and ferro-carbon-titanium (specify titanium content [7]	Lb.	MINL	None	R
622096	Ferrotungsten (specify tungsten content) [17]	Lb.	MINL	None	R
622098	Ferrocolumbium (specify columbium content). (1) [10]	Lb.	MINL	None	RO
622098	Ferrocolumbium-tantalum (specify alloy content). (2) [10]	Lb.	MINL	None	RO
	Aluminum ores and concentrates:				
630010	Bauxite concentrates, alumina included, except calcined bauxite [7]	S. ton	NONF	500	R
630406	Lead ores, concentrates, matte, and base bullion (lead content) [17]	C. lb.	NONF	500	R
630500	Antifriction metal dross and scrap, lead base; and Babbitt metal dross and scrap, lead base. (1) [17]	Lb.	NONF	500	R
630500	Other lead scrap (new and old). (2) [17]	Lb.	NONF	500	R
630750	Lead slugs. (1) [17]	Lb.	NONF	100	R
630750	Lead pigs, bars and anodes (include blocks and ingots). (2) [17]	Lb.	NONF 5	500	R
630800	Lead sheets, strips, and pipe (include bends) [17]	Lb.	NONF 6	500	R
630810	Lead plate, including battery plate, not assembled as complete battery units [17]	Lb.	NONF 6	500	R
631510	Type metal [17]	Lb.	NONF 5	500	R
631515	Antimonial lead [17]	Lb.	NONF 5	500	R
631516	Lead base Babbitt metal (except scrap and dross) 50 percent or more of lead by weight (report scrap and dross in 630500; tin-base Babbitt metal in 630517; and Babbitt metal bearings in 708000-709699) [17]	Lb.	NONF 5	500	R
631519	Lead and lead-base alloy semifabricated forms, n. e. c. (specify by name) [17]	Lb.	NONF 3	500	R
634501	Nickel ore, concentrates, and matte [7] [8]	Lb.	NONF	None	RO
634502	Nickel slugs. (1) [7]	Lb.	NONF	100	RO
634502	Spent nickel catalysts. (2) [7] [8]	Lb.	NONF	None	RO
634502	Other nickel metal in ingots, bars, rods, and other crude forms, and scrap. (2) [7]	Lb.	NONF	None	RO
634502	Nickel alloy metals in ingots, bars, rods, and other crude forms, and scrap (report nickel silver in 644000-645000). (3) [7]	Lb.	NONF	100	RO
634504	Nickel metal sheets, plates, and strips. (1) [7]	Lb.	NONF	None	RO
634504	Nickel alloy metal sheets, plates, and strips (report nickel silver in 644000-645000) [2] [7]	Lb.	NONF	500	RO
634508	Nickel-chrome electric resistance wire, except insulated (report insulated wire in 709810-709875) [7]	Lb.	NONF	None	RO
634519	Nickel and nickel alloy semifabricated forms, n. e. c. (specify by name and nickel content; report cupro-nickel wire in 644000) [7]	Lb.	NONF	25	RO
637050	Zinc scrap and zinc dust (report zinc dust in 619158) [17]	C. lb.	NONF 2	500	R
	Zinc cast in slabs, pigs, or blocks:				
657101	Special high grade, containing not over 0.007 percent lead, not over 0.005 percent iron, not over 0.005 percent cadmium, no aluminum, and at least 99.99 percent zinc [17]	Lb.	NONF 9	500	R
657103	High grade, containing not over 0.07 percent lead, not over 0.02 percent iron, not over 0.07 percent cadmium, no aluminum, and at least 99.90 percent zinc [17]	Lb.	NONF 9	500	R
657125	Prime western, containing not over 1.60 percent lead and not over 0.08 percent iron [17]	Lb.	NONF 9	500	R
657198	Other zinc cast in slabs, pigs, or blocks [17]	Lb.	NONF 9	500	R
657208	Zinc rolled in sheets, plates, and strips [17]	Lb.	NONF 10	500	R
657305	Zinc alloys, except brass and bronze [7]	Lb.	NONF 10	500	R
657307	Zinc die castings (specify whether finished or unfinished)	Lb.	NONF 10	500	R
658004	Battery shells, and parts, unassembled [17]	Lb.	NONF 10	500	R
658905	Zinc and zinc-alloy semifabricated forms, n. e. c. (excluding zinc-coated iron and steel products) (specify by name) [17]	Lb.	NONF 10	500	R
	Antimony:				
664501	Ores and concentrates (including antimony matter containing lead) [7]	Lb.	MINL	50	R
664502	Metal and alloys in crude form (including regulus, needle or liquated antimony), and antimony-bearing scrap metal [7]	Lb.	MINL	25	R
664503	Semifabricated forms, n. e. c. (specify by name) [17]	Lb.	MINL	15	R
	Chromium or chromite:				
664522	Metal and chromium-bearing alloys in crude form, and scrap, containing 99 percent and over chromium content [4] [6]	Lb.	MINL	25	RO
664522	Metal and chromium-bearing alloys in crude form, and scrap, containing less than 99 percent chromium content [17]	Lb.	MINL	None	RO
664529	Cobalt: Semifabricated forms, n. e. c. (specify by name) [17]	Lb.	MINL	None	RO
664530	Columbium or niobium: Ores and concentrates [17]	Lb.	MINL	None	RO
664560	Tantalum: Ores and concentrates (report slag in 664908) [17]	Lb.	MINL	None	RO
664571	Titanium: Metal and alloys in crude form, and scrap [7]	Lb.	MINL	None	RO
664573	Semifabricated forms, n. e. c. (specify by name) [7]	Lb.	MINL	None	RO
707550	X-ray apparatus and parts, n. e. c.: Tungsten X-ray targets. (4) [17]		MINL	None	R
707590	Short wave diathermy units. (1) [17]	No.	SATE	None	R
707590	Parts, n. e. c., specially fabricated for short wave diathermy units. (2) [17]		SATE	25	R
	Internal-combustion engines, n. e. c., and parts, n. e. c.: Gasoline:				
714310	Other, including tractor engines, over 10, up to and including 50 brake horsepower (specify brake horsepower) [7]	No.	TRAN 7	1,000	R
714360	Other, including tractor engines, over 50 brake horsepower (specify brake horsepower) [7]	No.	TRAN 7	500	RO
	Power excavators and dredging machines and parts:				
	Excavator-type power cranes and shovels, new (report used in 720060):				
720112	Crawler mounted, full revolving, convertible, 2- and 2½-cubic-yard dipper capacity, new. (1) [16]	No.	CONS 1	None	R
720112	Crawler mounted, full revolving, convertible, less than 2-cubic-yard dipper capacity, new. (2) [16]	No.	CONS 1	None	R
720117	Crawler or walker mounted, full revolving, convertible, over 2½-cubic-yard dipper capacity, new [16]	No.	CONS 1	None	R
720122	Other rubber tired mounted, including truck or wagon mounted, full revolving, convertible, 2-cubic-yard dipper capacity and over, new. (2) [3]	No.	CONS 1	None	R R
720123	Other rubber tired mounted, including truck or wagon mounted, full revolving, convertible, less than 2-cubic-yard dipper capacity, new. (3) [16]	No.	CONS 1	None	R
720127	Full revolving, unmounted, 2-cubic-yard dipper capacity and over, new. (1) [3]	No.	CONS 1	None	R
720127	Full revolving, unmounted, less than 2 cubic yard dipper capacity, new. (2) [16]	No.	CONS 1	None	R
720132	Not full revolving, mounted and unmounted, new [16]	No.	CONS 1	None	R
720137	Trenchers and ditchers, new (report used in 720160) [16]	No.	CONS 1	None	R
720142	Loaders (power machines, excavating, new (report used in 720... nonexcavating in 720240) [1]	No.	CONS 1	None	R

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Power excavators and dredging machines and parts—Con.				
	Power excavators and dredging machines, used and rebuilt (report new in 720112-720147):				
720160	Power cranes and shovels, full revolving, mounted and unmounted, 2 cubic yard dipper capacity and over, used and rebuilt. (2) [16]	No.	CONS 1	None	R
720160	Other power cranes and shovels, full revolving, mounted and unmounted, less than 2 cubic yard dipper capacity, used and rebuilt. (3) [16]	No.	CONS 1	None	R
720160	Construction power cranes and shovels, not full revolving, mounted and unmounted, used and rebuilt. (4) [16]	No.	CONS 1	None	R
720160	Trenchers, ditchers, and excavating-type loaders, used and rebuilt. (5) [16]	No.	CONS 1	None	R
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for non-full revolving power cranes and shovels. (4) [16]	.....	CONS 1	1,000	R
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for dredging machines (specify by name) [6] [16]	.....	MINE	1,000	R
720240	Loaders (loading machines), nonexcavating, new and used, and specially fabricated parts, n. e. c. (report excavating loaders in 720142) [16]	.....	CONS 1	500	R
	Crushing, pulverizing, and screening machines, (mobile, portable, and semiportable), and parts:				
720495	Parts, attachments, and accessories, n. e. c., specially fabricated for construction and mining types of crushers, pulverizers, grinders, granulators, screening machines, and crushing-screening outfits. (1) [17]	.....	MINE	500	R
721510	Bituminous mixing equipment, stationary, mobile, and semiportable, bituminous paving mix spreaders, bituminous pavers, and bituminous mixer-paver combinations [17]	No.	CONS 1	None	R
721530	Bituminous combination batching-mixing outfits (prefabricated or unitized, mobile, portable, and semiportable) capacity not exceeding 175 tons per hour (report outfits of greater capacity under classifications applicable to individual components) [17]	No.	CONS 1	None	R
721535	Concrete pavers, paving spreaders, and paving finishers, self-propelled. (1) [16]	No.	CONS 1	None	R
721535	Contractors' concrete-placing machines, including pump, screw, and compressed-air types. (2) [17]	.....	CONS 1	None	R
721535	Concrete mixers (stationary and portable, including truck- and trailer-mounted), and concrete transport truck-mounted agitators, 18 cubic foot capacity and over. (3) [3]	No.	CONS 1	None	R
721535	Concrete mixers (stationary and portable, including truck- and trailer-mounted), and concrete transport truck-mounted agitators, under 18 cubic foot capacity. (4) [16]	No.	CONS 1	1,000	R
722012	Scrapers (report tractors in 722024, 787310-787890, according to type) [16]	No.	CONS 1	1,000	R
722015	Graders, self-propelled [16]	No.	CONS 1	1,000	R
722020	Soil compacters, pneumatic-tired, 10 tons and over net vehicle weight. (1) [17]	No.	CONS 1	None	RO
722020	Soil compacters, pneumatic-tired, under 10 tons net vehicle weight. (2) [16]	No.	CONS 1	1,000	R
722020	Road rollers, self-propelled, steel-tired types. (3) [16] ...	No.	CONS 1	1,000	R
722024	Contractors' wheel-type tractors [17]	No.	CONS 1	None	RO
722027	Off-the-road haulage vehicles (trucks, wagons and trailers) (report tractors separately under appropriate Schedule B number): 10 cubic yards struck load capacity and under. (2) [17]	No.	CONS 1	None	R
722030	Attachments, n. e. c., for track laying or wheel type tractors, or commercial trucks (specify by name) (report scrapers in 722012, off-the-road trucks, wagons and trailers in 722027, logging arches and sulkies in 722045, and agricultural attachments in 781000-785150):	No.	CONS 1	1,000	R
	Attachments, n. e. c., for track laying tractors and contractors' wheel type tractors, as follows: angle dozers, brush cutters or rakes, bulldozers, cable controls, cranes, dragline, clamshell, bucket and shovel excavating and loading attachments, hydraulic controls, pipe layers, rippers or rooters, snow plow blades, trail-builders, treedozers, and winches. (1) [16]				
722040	Jacks, with lifting capacity of 10 tons and over, and specially fabricated parts [17]	.....	CONS 1	100	R
	Construction and maintenance equipment, n. e. c., and specially fabricated parts, n. e. c., (specify by name):				
722045	Pile hammers (Diesel-powered), and parts. (1) [16] ...	.....	CONS 1	250	R
722045	Jacks, with lifting capacity of 10 tons and over, and specially fabricated parts. (2) [16]	.....	CONS 1	100	R
722045	Subgraders and finegraders. (3) [16]				
722045	Logging arches and sulkies for tracklaying tractors and contractors' wheel-type tractors, and rotary snowplows. (4) [16]	No.	CONS 1	1,000	R
722045	Parts, accessories, and attachments, n. e. c., specially fabricated for scrapers and graders. (13) [16]	.....	CONS 1	800	R
	Cranes (except excavator-type) and derricks, n. e. c. and parts, n. e. c.:				
723010	Railway cranes, 30 tons maximum rated crane lifting capacity and over (including industrial yard, locomotive and wrecking types). (1) [16]	No.	CONS 1	None	R
723010	Railway cranes, under 30 tons maximum rated crane lifting capacity (including industrial yard, locomotive and wrecking types). (2) [17]	No.	CONS 1	None	R
723020	Cranes, overhead, electric traveling (elevated track, gantry, and semi-gantry types) [17]	No.	CONS 1	None	R
723040	Full circle revolving cranes, 30 net tons and over maximum rated capacity. (1) [16]	No.	CONS 1	None	R
723040	Full circle revolving cranes, 10 tons and under 30 tons maximum rated capacity. (2) [16]	No.	CONS 1	None	R
723070	Pillar cranes, 30 net tons and over maximum rated capacity. (1) [16]	No.	CONS 1	None	R
723070	Pillar cranes, 10 tons and under 30 tons maximum rated capacity. (2) [16]	No.	CONS 1	None	R
724910	Parts, n. e. c., specially fabricated for underground mine type chain, belt and shaking conveyors (specify by name) [16]	.....	MINE 1	250	R
	Industrial type trucks, tractors, trailers, and stackers (specially designed for materials handling in and around industrial plants, depots, docks, terminals and similar installations), and parts:				
	Industrial type trucks, fully powered (operator-riding or walking):				
725003	Straddle carriers [16]	No.	CONS 1	800	R
725005	Internal combustion engine powered trucks, except straddle carriers [16]	No.	CONS 1	800	R
725015	Electric-powered trucks [16]	No.	CONS 1	800	R
725017	Other industrial type trucks, partially powered [16]	No.	CONS 1	800	R
725020	Industrial type tractors (whether for towing or provided with crane booms or winches) (report standard tractors in 787710-787890) [17]	No.	CONS 1	800	R
	Specialized mining machines and equipment, n. e. c., and parts, n. e. c.:				
730810	Jacks, with lifting capacity of 10 tons and over, and specially fabricated parts, n. e. c. (1) [16]	.....	CONS 8	100	R
733080	Petroleum field production equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name) (report oil country tubular products in 606210-606260) [16]	.....	MINE 4	800	R
	Earth and rock drilling machines, n. e. c., and parts, n. e. c.:				
730590	Parts and accessories, n. e. c., specially fabricated for the earth and rock drilling machines included on the Positive List under Schedule B Nos. 730840 through 730850 (report tool bit blanks and inserts in 617900 or 617905) [17]	.....	MINE 3	800	R
	Power-driven metalworking machine tools (nonportable), and parts:				
742000	Drilling machines, upright type, multiple spindle [17]	No.	TOOL	800	RO
742300	Radial drilling machines, plain and traversing type, 15-inch column or over [17]	No.	TOOL	800	RO
742300	Drilling machines, n. e. c., except bench type (specify type; report rifle drilling machines in 744316) [17]	No.	TOOL	800	RO
743200	Surface grinding machines, reciprocating. (1) [17]	No.	TOOL	800	RO
743300	Automatic single spindle and multiple spindle surface grinders and nonautomatic multiple spindle surface grinders (specify type) [2] [17]	No.	TOOL	800	RO
743900	External cylindrical universal grinding machines (report universal tool and cutter grinders in 744203) [17]	No.	TOOL	800	RO
744000	External cylindrical grinding machines, except universal (report universal in 743900) [17]	No.	TOOL	800	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Power-driven metal working machine tools (nonportable), and parts—Continued				
744100	Internal grinding machines [1]	No.	TOOL	500	RO
744205	Broach grinders and gear-cutter grinders [1]	No.	TOOL	500	RO
744303	Gear-tooth grinding machines [1]	No.	TOOL	500	RO
744305	Honing and lapping machines, except gear [1]	No.	TOOL	500	RO
744306	Thread-grinding machines [1]	No.	TOOL	500	RO
744308	Automatic oscillating race radial grinders; cam grinders; contour profile grinders and spline grinders (1) [1]	No.	TOOL	500	RO
744308	Other metal-grinding machines, n. e. c., except bench-type and pedestal grinders valued under $250 (specify type). (2) [1]	No.	TOOL	500	RO
744315	Broaching machines [1]	No.	TOOL	500	RO
744316	Rifling and rifle-working machines [1]	No.	TOOL	500	RO
744317	Gear-honing, lapping and gear-finishing machines, n. e. c. (specify type) [1]	No.	TOOL	500	RO
744319	Contour band-sawing and/or filing machines. (1) [1]	No.	TOOL	500	R
744319	Shaving machines (except gear). (2) [1]	No.	TOOL	500	RO
744319	Other power-driven metalworking machine tools, n. e. c. (3) [1]	No.	LOOT	500	R
744340	Parts for metalworking machinery included on the Positive List, classified in Schedule B numbers 744305 through 744319, for which validated license is required to R and O country destinations. [2] [3]	.....	TOOL 1	250	RO
744340	Parts for metalworking machinery included on the Positive List under Schedule B No. 744319 for which validated license is required to R country destinations only. [2] [3]	.....	TOOL 1	250	R
	Accessories and attachments, n. e. c., for power-driven nonportable machine tools, n. e. c.:				
744371	Chucks for machine tools [1]	No.	TOOL 1	250	RO
	Metal-cutting tools and specially fabricated parts, n. e. c., for machine operation not incorporating industrial diamonds) (specify by name) (report metal-cutting dies incorporating industrial diamonds in 744203)				
744381	Broaching-cutting, gear-cutting; lapping; forming roll sets, all carbide, carbide-tipped, hard-surface steel, and tungsten carbide types; and all other metal-cutting tools not incorporating industrial diamonds for use on commodities included on the Positive List and classified in Schedule B numbers 740005 through 744319 [2]	.....	TOOL 1	250	RO
	Accessories and attachments, n. e. c., for machine tools and specially fabricated parts, n. e. c.:				
744383	Collets; arbors, boring bars 4 inches in diameter and over; screw machine tool holders; indexing face plates; and dividing heads. (1) [1]	.....	TOOL 1	250	RO
744383	Jigs and fixtures, military type, and specially fabricated parts therefor (report assembling jigs, and fixtures and accessories therefor in 775665). (2) [1]	.....	TOOL 1	None	RO
744383	Other accessories and attachments for use on types of machine tools machinery included on the Positive List and classified under Schedule B numbers 740005 through 744319, except bench centers, parallels; vee blocks, tool holders other than screw machine; miscellaneous centers, drill pads and crotch centers; work driving dogs, tee bolts; clamps; and mandrels. (3) [1]	.....	TOOL	250	RO
744410	Metalworking presses, except hand-powered, and specially fabricated parts, n. e. c. (specify name by tons) (report powder metallurgy presses in 775665) [1]	.....	TOOL	500	RO
	Forging machinery, and specially fabricated parts, n. e. c.:				
744700	Special forging machines, bend-nose and tail. (6) [1]	.....	TOOL	500	RO
744700	Parts for special forging machines, bend-nose and tail, and heavy-duty forging presses. (7) [1]	.....	TOOL	500	RO
744700	Parts for other forging machinery included on the Positive List under Schedule B No. 744700. (8) [1]	.....	TOOL	500	RO
744800	Rolling mill machines, and specially fabricated parts, n. e. c. [1]	.....	TOOL	500	RO
744850	Automatic continuous electrolytic tinning units and specially fabricated parts. (1) [1]	.....	TOOL	500	RO
744850	Electroplating equipment, and specially fabricated parts. (2) [1]	.....	TOOL	500	R
745050	Foundry equipment, and parts: Die-casting machines, and specially fabricated parts, n. e. c. [1]	.....	TOOL	500	RO
745060	Centrifugal casting machines, and specially fabricated parts, n. e. c. [1]	.....	TOOL	500	RO
745208	Machinery, and parts, for continuous casting of semi-finished metals. (1) [1]	.....	TOOL	500	R
745208	Parts and accessories for molding machines, rollover type, or jolting and jarring type; and core-making machines. (2) [1]	.....	TOOL	500	R
745503	Diamond dies for power-driven metalworking machines (state size) [1]	Num	TOOL 1	80	RO
745509	Machinery for drawing wire and tubing, and specially fabricated parts, n. e. c. [1]	.....	TOOL	500	RO
745805	Gas welding machines, except hand-operated, and specially fabricated parts, n. e. c. (1) [1]	.....	TOOL	500	RO
745805	Machines for flame hardening. (2) [1]	.....	TOOL	500	RO
745860	Automatic balancing and correcting machines. (1) [1]	No.	TOOL	500	RO
745900	Dynamic balancing machines for balancing metal parts. (2) [1]	No.	TOOL	500	RO
746010	Parts for dynamic balancing machines for balancing metal parts. (1) [1]	.....	TOOL	500	RO
746010	Horizontal multiple-slide wire and strip forming machines, and specially fabricated parts, n. e. c. (2) [1]	.....	TOOL	500	RO
746010	Portable machine tools so designed that they must be attached to the work to operate. (3) [1]	.....	TOOL	500	R
746010	Specially fabricated parts and accessories, n. e. c., for portable machine tools so designed that they must be attached to the work to operate. (4) [1]	.....	TOOL	500	R
760650	Controls, regulators, indicators, meters, and timers, n. e. c., and specially fabricated parts, n. e. c., for commercial and domestic central and space heating, ventilating, air conditioning, air cooling, and refrigeration equipment (specify by name)				
	Temperature regulators, and specially fabricated parts. (Used) (2) [1] [4]	.....	GIEQ 6	100	R
760650	Thermometers, bimetallic and glass remote bulb; and specially fabricated parts. (3) [1] [4]	.....	GIEQ 6	100	R
760900	Physical properties testing and inspecting machines, n. e. c., and specially fabricated parts and accessories, n. e. c.				
	Leak-detecting instruments, and specially fabricated parts, n. e. c. (7) [1]	.....	GIEQ 7	100	R
	Air compressors:				
770400	Stationary, capacity not over 25 cubic feet: Centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A"). (1) [1] [5]	No.	CONS 2	500	RO
770400	Reciprocating compressors for any delivery pressure, except (1) when delivery pressure is 150 pounds per square inch, gage reading, or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant). (2) [1] [5]	No.	CONS 2	500	RO
770490	Stationary, capacity over 25 cubic feet: Centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A"). (1) [1]	No.	CONS 2	None	RO
770490	Reciprocating compressors for any delivery pressure or intake capacity, except (1) when delivery pressure is 150 pounds per square inch, gage reading, or lower and intake capacity is 100 cubic feet per minute or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant). (2) [1]	No.	CONS 2	None	

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Air compressors—Continued				
	Portable, capacity under 60 cubic feet:				
770610	Centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [5]	No.	CONS 2	500	RO
770610	Reciprocating compressors for any delivery pressure, except (1) when delivery pressure is 150 pounds per square inch, gage reading, or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant). (2) [1] [5]	No.	CONS 2	500	RO
	Portable, capacity 60 cubic feet, and over:				
770615	Centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [5]	No.	CONS 2	None	RO
770615	Reciprocating compressors for any delivery pressure or intake capacity, except (1) when delivery pressure is 150 pounds per square inch, gage reading, or lower and intake capacity is 100 cubic feet per minute or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant). (2) [1]	No.	CONS 2	None	RO
	Gas compressors, n. e. c.:				
770625	Centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressure intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A"). (1) [1]	No.	CONS 2	None	RO
770625	Reciprocating compressors for any delivery pressure or intake capacity, except (1) when delivery pressure is 150 pounds per square inch, gage reading, or lower and intake capacity is 100 cubic feet per minute or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant). (2) [1]	No.	CONS 2	None	RO
770630	Parts, n. e. c., specially fabricated for air and gas compressors included on the Positive List under Schedule B Nos. 770400 through 770625. (Complete knock-down compressors should be reported in the proper compressor classifications, whether the integral components are shipped simultaneously or in a series of partial shipments.) [1]	.....	CONS 2	500	RO
	Blowers, n. e. c., turboblowers, and parts:				
770700	Centrifugal blowers, except turboblowers (specify intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [5]	No.	CONS 2	500	RO
770710	Axial flow blowers, except turboblowers (specify intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [5]	No.	CONS 2	500	RO
770720	Turboblowers (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [5]	No.	CONS 2	500	RO
770775	Blowers, n. e. c., turboblowers, and parts—Continued: Blowers, n. e. c. (specify type, intake and delivery pressures, and intake capacity of blowers, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [5]	.....	CONS 2	500	RO
770775	Parts, n. e. c., specially fabricated for blowers included on the Positive List under Schedule B Nos. 770700 through 770725. (Complete knock-down blowers should be reported in the proper blower classifications, whether the integral components are shipped simultaneously or in a series of partial shipments.) [1]	.....	CONS 2	500	RO
	Pumping equipment, n. e. c. (specify type of pump by generic name according to the following classifications):				
770900	Centrifugal pumps (delivering liquids separately or in combination with solids and gases, not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A," with either of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over, or (b) designed to operate continuously at temperatures of 220° F. and over, and specify that pumps are not corrosion-resistant and specify delivery pressure or operating temperature. (2) [1] [5]	No.	CONS 3	None	RO
770900	Centrifugal pumps (delivering liquids separately or in combination with solids and gases, not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A," with both of the following characteristics: (a) Designed delivery pressures at pump discharge of 75 to 300 pounds per square inch and (b) designed to operate continuously at temperatures under 220° F., and specify that pumps are not corrosion-resistant and specify delivery pressure and operating temperature. (3) [1] [5]	No.	CONS 3	None	R
770910	Turbine pumps (delivering liquids separately or in combination with solids and gases, not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A," with any of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over as calculated by the manufacturer under the assumed condition that the head assembly is directly connected to the drive head assembly without intervening column pipe, (b) designed to operate continuously at temperatures of 220° F. and over, (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [5]	No.	CONS 3	None	RO
770910	Turbine pumps (delivering liquids separately or in combination with solids and gases, with all of the following characteristics: (a) Designed delivery pressures at pump discharge of 75 to 300 pounds per square inch as calculated by the manufacturer under the assumed condition that the head assembly is directly connected to the drive head assembly without intervening column pipe, (b) designed to operate continuously at temperatures under 220° F. and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (3) [1] [5]	No.	CONS 3	None	R
770920	Rotary pumps (delivering liquids separately or in combination with solids and gases, with any of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over, (b) designed to operate continuously at temperatures of 220° F. and over, or (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (2) [1] [5]	No.	CONS 3	None	RO
770920	Rotary pumps (delivering liquids separately or in combination with solids and gases, with all of the following characteristics: (a) Designed delivery pressures at pump discharge of 75 to 300 pounds per square inch, (b) designed to operate continuously at temperatures under 220° F., and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (3) [1] [5]	No.	CONS 3	None	R

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Pumping equipment, n. e. c. (specify type of pump by generic name according to following classifications)—Continued				
770930	Diaphragm pumps delivering liquids separately or in combination with solids and/or gases with any of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over, (b) designed to operate continuously at temperatures of 220° F. and over, (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (1)	No.	CONS 3	None	RO
770930	Diaphragm pumps delivering liquids separately or in combination with solids and/or gases with all of the following characteristics: (a) Designed delivery pressures at pump discharge of 75 to 300 pounds per square inch, (b) designed to operate continuously at temperatures under 220° F., and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (1)	No.	CONS 3	None	R
770940	Reciprocating steam pumps delivering liquids separately or in combination with solids and/or gases with any of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over, (b) designed to operate continuously at temperatures of 220° F. and over, (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (1)	No.	CONS 3	None	RO
770940	Reciprocating steam pumps delivering liquids separately or in combination with solids and/or gases with all of the following characteristics: (a) Designed delivery pressures at pump discharge of 75 to 300 pounds per square inch, (b) designed to operate continuously at temperatures under 220° F., and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (2)	No.	CONS 3	None	R
770950	Other reciprocating power pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over, (b) designed to operate continuously at temperatures of 220° F. and over, and (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (1)	No.	CONS 3	None	RO
770950	Other reciprocating power pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) Designed delivery pressures at pump discharge of 75 to 300 pounds per square inch, (b) designed to operate continuously at temperatures under 220° F., and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (2)	No.	CONS 3	None	R
770960	Pumps, n. e. c. (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) Designed delivery pressures at pump discharge of 300 pounds per square inch and over, (b) designed to operate continuously at temperatures of 220° F. and over, (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (1)	No.	CONS 3	None	RO
770980	Pumps, n. e. c. (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) Designed delivery pressures at pump discharge of 75 to 300 pounds per square inch, (b) designed to operate continuously at temperatures under 220° F., and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (2)	No.	CONS 3	None	R
770995	Parts, n. e. c., specially fabricated for pumps classified under Schedule B Nos. 770940 through 770970, and 770980, irrespective of delivery pressure, operating temperatures and materials used in their fabrication (Complete knockdown pumps should be reported in the proper pump classifications, whether the individual components are shipped simultaneously or in a series of partial shipments) (1)	.....	CONS 3	500	RO
	Industrial manufacturing and service industries machines, n. e. c., and specially fabricated parts, n. e. c. (classify by name):				
775698	Jacks, power, n. e. c., with lifting capacity of 10 tons and over and specially fabricated parts, n. e. c. (1)	.....	CONS 8	100	R
787005	Portable and semi-portable irrigation systems, farm type, and specially fabricated parts, n. e. c., made wholly or in part of aluminum (systems include specially fabricated pipe, sprinklers, nozzles and connections) (report pumps in 770940, 770950—see § 399.2, list 2)	.....	AGMT	100	R
	Tractors (except contractors' wheel type, and industrial type) (report horsepower rating according to Nebraska Maximum Test or manufacturer's equivalent) (report contractors' wheel type in 722021, industrial type in 722030):				
787010	Tractors, new: 50 under 70 drawbar horsepower [10]	No.	CONS 1	None	RO
787540	70 under 95 drawbar horsepower [10]	No.	CONS 1	None	RO
787990	95 and over drawbar horsepower [10]	No.	CONS 1	None	RO
787993	Tractors, used and rebuilt: 50 under 95 drawbar horsepower. (2) [10]	No.	CONS 1	None	RO
787997	95 and over drawbar horsepower [10]	No.	CONS 1	None	RO
	Motor trucks, buses, and chassis, including truck tractors (used):				
790903	Commercial, all diesel and all gasoline powered, over 26,001 pounds G. V. W., with single rear axle drive only (1) [10]	No.	TRAN 1	None	■
790903	Commercial, all diesel and all gasoline powered, with front and rear axle drive, or multiple rear axle drive. (2) [10]	No.	TRA 2	None	RO
	Passenger cars and chassis (used):				
790773	Nonmilitary, front and rear axle drive only [10]	No.	TRAN 2	None	RO
793485	Jacks, with lifting capacity of 10 tons and over; and specially fabricated parts (1) [10]	.....	CONS 8	100	R
794960	Aircraft training equipment, n. e. c., and ground handling and maintenance equipment, and specially fabricated parts, n. e. c., (specify by name)	.....	CONS 8	100	R
	Jacks, with lifting capacity of 10 tons and over, and specially fabricated parts, n. e. c. (1) [5]				
	Parts, for locomotives and railway cars (report electric propulsion motors, generators and controls in 704330, wheels and axles in 704345):				
796172	Parts, and accessories, n. e. c., specially fabricated for surface type locomotives (specify by name). (1) [14]	.....	TRAN 13	1,000	RO
796172	Parts, and accessories, n. e. c., specially fabricated for underground type locomotives (specify by name) (2) [5]	.....	MINE	1,000	RO
796182	Parts, and accessories, n. e. c., specially fabricated for railway cars, except dashboards and parts thereof, lighting fixtures and parts, pantograph trolleys and parts, brake shoes and parts, brake rigging and parts, brake hangers and parts, brake heads and parts, cast steel wheels, heat treated car parts; and inspection car parts (specify by name) [5]	.....	TRAN 14	1,000	RO
800000	Benzol or benzene (all grades) [7]	Gal.	COTA	500	R
801000	Toluene or toluol (all grades) [7]	Lb.	COTA	100	RR
802005	Naphthalene (crude and refined) [7]	Lb.	COTA	3,000	R
	Crude coal tar products, mixed or unmixed, n. e. c., except coal tar acids (specify by name				
802050	Coal tar naphthas. (1) [7]	Lb.	COTA	500	R
802090	Mixtures containing benzene, toluene, and xylene (2) [7]	Lb.	COTA	500	R
	Coal tar intermediates, except coal-tar acids:				
802581	Phthalic acid and salts [7]	Lb.	COTA	100	R
806930	Hydrocarbons [7]	Lb.	COTA	100	R

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Druggists' nonproprietary preparation:				
812790	Antimalarial tablets, pills, capsules, powders, ointments, extracts, and similar manufactures, n. e. c., in dosage forms (report cinchona and cinchona derivatives in 813587 and 813588; and proprietary preparations in 814700) [7]	.....	DRUG	100	R
	Medicinal chemicals, including U. S. P. and N. F., bulk (dosage forms excluded except as indicated):				
	Sulfonamide drugs, all forms (including basic intermediates, crude or semi-processed forms):				
813551	Sulfisomezole, bulk, parenteral, oral, and powder dosage forms (excludes other topical forms and suppositories) [7]	Lb.	DRUG 1	100	R
	Sulfadiazine and derivatives:				
813552	Bulk [7]	Lb.	DRUG 1	100	R
813554	Parenteral, oral, and powder dosage forms (excludes other topical forms and suppositories) [7]	Lb.	DRUG 1	100	R
	Sulfadiazine and derivatives:				
813556	Bulk [7]	Lb.	DRUG 1	100	R
813558	Parenteral, oral, and powder dosage forms (excludes other topical forms and suppositories) [7]	Lb.	DRUG 1	100	R
813560	Sulfaguanidine, bulk, parenteral, oral, and powder dosage forms (excludes other topical forms and suppositories) [7]	Lb.	DRUG 1	100	R
813562	Sulfonamide drugs, n. e. c., bulk, parenteral, oral, and powder dosage forms (excludes other topical forms and suppositories) [7]	Lb.	DRUG 1	100	R
	Antibiotics, derivatives and preparations, all forms except feed supplements (report antibiotic feed supplements containing not less than 100,000 Oxford units of penicillin, or 100,000 units of bacitracin, per pound, or not less than 1.10 grams of any other antibiotic per pound, in solids and reported feeds containing less than 10,000 Oxford units of penicillin, or 10,000 units of bacitracin, per pound, or less than 1.10 grams of any other antibiotic per pound, in solids and reported feeds containing less than 10,000 units of penicillin, or 10,000 units of bacitracin, per pound, or less than 1.10 grams of any other antibiotic per pound, in 117500, 117700, 118500, or 119000, according to type of feed) [7]				
	Penicillin:				
813564	Bulk [7]	Oxford unit	DRUG 2	100	R
813566	Parenteral, oral and powder dosage forms (excludes other topical forms and suppositories) [7]	Oxford unit	DRUG 2	100	R
	Streptomycin:				
813568	Bulk [7]	Gram	DRUG 3	100	R
813570	Parenteral and oral dosage forms (excludes topical forms and suppositories) [7]	Gram	DRUG 3	100	R
	Dihydrostreptomycin:				
813571	Bulk [7]	Gram	DRUG 3	100	R
813572	Parenteral and oral dosage form (excludes topical forms and suppositories) [7]	Gram	DRUG 3	100	R
813574	Antibiotics, n. e. c., (except tyrothricin, polymyxin, and neomycin, bulk, parenteral, oral, and powder dosage forms (excludes other topical forms and suppositories) [7]	Gram	DRUG	100	R
813578	Compounds or mixtures containing antibiotics and/or sulfonamide drugs, bulk, parenteral, oral and powder dosage forms (excludes other topical forms and suppositories), except compounds or mixtures containing the following antibiotics singly or in combination with one another: bacitracin, neomycin, polymyxin, and tyrothricin, but including all compounds or mixtures containing sulfonamide drugs [7]	.....	DRUG	100	R
	Alkaloids, their salts, derivatives and preparations, medicinal:				
	Alkaloids of cinchona bark, their salts, derivatives and preparations, all forms, except parenteral solutions or ampoules (report parenteral solutions or ampoules in 814691)				
813587	Quinine sulfate and quinine hydrochloride [7]	Av. oz.	DRUG	100	R
813588	Quinidine alkaloid and quinidine salts and compounds (1) [7]	Av. oz.	DRUG	100	R
813589	Other alkaloids of cinchona bark, their salts, derivatives, and preparations (specify by name) (2) [7]	Av. oz.	DRUG	100	R
814310	Antibiotic feed supplements (containing not less than 10,000 Oxford units of penicillin, per pound, or not less than 1.10 grams of any other antibiotic per pound, except feed supplements containing the following antibiotics, singly or in combination with one another: bacitracin, neomycin, polymyxin, and tyrothricin (specify by name and indicate antibiotic content per pound) (report prepared feeds containing less than 100,000 Oxford units of penicillin, or 100,000 units of bacitracin, per pound, or less than 1.10 grams of any other antibiotic per pound, in 117500, 117700, or 119000, according to type of feed) [7]	.....	DRUG	1,100	R
	Proprietary medicinal preparations for human use:				
815700	Malaria, chill and fever remedies [7]	.....	DRUG	100	R
826660	Naphthalene balls and flakes [7]	Lb.	COTA	1,000	R
	Organic surface-active agents:				
	Organic surface-active agents, n. e. c. (report compounds principally employed as detergents in 828810-828850)				
828890	Quaternary ammonium compounds [7]	Lb.	PLAT	100	R
	Organic rubber compounding agents not of coal-tar origin (report rubber compounding agents of coal-tar origin in 802810-802850)				
829890	Rubber compounding agents, n. e. c. (specify by name) [7]	Lb.	COTA	100	R
829984	Hydraulic fluids and oils, except of petroleum origin (report hydraulic fluids and oils of petroleum origin in 597000)	Gal.	SALT	100	R
	Chemical specialty compounds, n. e. c.:				
829990	Lighter fluid in containers of 1 oz. or less when containing 50 percent or more by quantity of any form or combination of items specified elsewhere on the Positive List (4) [7]	.....	ORGN	300	R
829990	Platinum lustre for decorating china and glass. (5) [7]	.....	SALT #2	25	RR
829990	Platinum plating solutions. (6) [7]	.....	SALT #2	1	RR
	Acids and anhydrides:				
	Organic:				
830990	Naphthenic acid. (1) [7]	Lb.	ORGN	100	RR
830990	Sebacic acid. (2) [7]	Lb.	ORGN	100	RR
	Inorganic:				
830910	Chromic [7]	Lb.	SALT	100	R
830990	Sulfuric acid, 66 degrees Baumé and stronger (including fuming sulfuric acid) (report acid and oleum in terms of 100 percent H2SO4 and indicate strength in percentage) H2SO4 equivalent to actual weight [7]	Lb.	ACID	100	R
831450	Alcohols (report per gross weight): Glycerine, crude and refined (report weight of glycerol content or lyes not quantified) [7]	C. Lb.	ORGN	100	R
832500	Synthetic collecting reagents for concentration of ores, metals, or minerals [7]	Lb.	ORGN	100	R
832920	Camphor, natural and synthetic [7]	Lb.	ORGN	500	R
832990	Organic chemicals not of coal-tar origin, n. e. c. (specify by name): Amine acetates. (1) [7]	Lb.	ORGN	100	R
833900	Aluminum compounds, n. e. c. (specify by name): Aluminum crystalline, and alumina fresh, activated. (1) [7]	Lb.	SALT	800	R
	Potassium compounds except fertilizers (report fertilizers and fertilizer materials in 897400-897700):				
833700	Potassium carbonate and chromate [7]	Lb.	SALT	100	RR
833900	Potassium perchlorate and mixtures. (3) [7]	Lb.	SALT	100	RR
833900	Potassium permanganate. (4) [7]	Lb.	SALT	100	R
	Sodium compounds:				
834000	Sodium bichromate and chromate [7]	Lb.	SALT	100	RR
834000	Sodium cyanide [7]	Lb.	SALT	100	RR
837090	Sodium nitrate, except fertilizer or mixtures (report fertilizer or mixtures and materials in 897400-897700) [7]	Lb.	FERT 1	300	R
837090	Sodium persulfate [7]	Lb.	SALT	100	R
838400	Ammonium compounds, n. e. c. (except fertilizers and fertilizer materials, report in 897400-897700): Ammonium nitrate [7]	Lb.	FERT 1	200	R
838500	Ammonium compounds n. e. c. (specify by name): Ammonium persulfate. (3) [7]	Lb.	SALT	100	R

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
835510	Antimony compounds, except sodium meta-antimonate [9]	Lb.	SALT	100	R
	Metal salts of organic compounds, except paint and varnish driers (specify by name) (report paint and varnish driers in 843400):				
839750	Antimony salts. (1) [9]	Lb.	SALT	100	R
839740	Naphthenates of all metals, and mixtures containing such naphthenates (report cobalt, lead, or zinc naphthenates in 843400) [9]	Lb.	SALT	None	R
839750	Selenium salts of organic compounds (specify selenium content) [9] [10]	Lb.	SALT	25	RO
	Other industrial chemicals:				
836600	Phosphorous, including red. (26) [9]	.....	SALT 65	100	R
836680	Platinum salts and compounds, except chloroplatinic acid (platic chloride) [9] [11]	.....	SALT 62	25	R
836600	Selenium salts and compounds, including selenium dioxide (specify selenium content). (32) [9]	Lb.	SALT	25	RO
836600	Tungsten chlorides, oxides, salts, and all compounds. [9]	.....	SALT 65	100	R
	Chemical pigments:				
841600	Chemical pigments, n. e. e.				
841600	Cobalt-containing pigments. (4) [9]	Lb.	SALT	100	R
841600	Selenium-containing pigments (specify selenium content). [9] [10]	Lb.	SALT	25	RO
843600	Paint and varnish driers containing cobalt [9]	Lb.	SALT	100	R
	Nitrogenous chemical materials (report nitrogenous phosphatic materials in 843600, 843700):				
	Nitrogenous chemical materials:				
850880	Ammonium nitrate (state percentage of nitrogen) [9]	Lb.	FERT 1	300	R
	Explosives:				
960700	Other explosives, n. e. e. (including blasting agents) (specify by name). (4) [9]	Lb.	ORDN	None	R

[1] The GLV dollar-value limit is increased.
[2] The processing code is changed or related commodity group number is changed (see § 372.2 (b) and (c) of this subchapter).
[3] The letter "A" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the IC/DV procedure (see § 373.2 of this subchapter).
[4] The letter "B" is added in the column headed "Commodity Lists," indicating that the commodity is subject to DL restrictions (see § 374.2 of this subchapter), and is excepted from the Time Limit licensing procedure (see Part 377 of this subchapter), effective April 30, 1954.
[5] The letter "B" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to DL restrictions (see § 374.2 of this subchapter), and is no longer excepted from the Time Limit licensing procedure (see Part 377 of this subchapter).
[6] The letter "D" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to evidence of availability requirements (see § 373.3 of this subchapter).
[7] The letter "E" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under the Periodic Requirements licensing procedure (see Part 376 of this subchapter).
[8] The letter "G" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under general license GLV to K and O destinations, only within the dollar-value limit specified on the Positive List (see § 371.10 (c) of this subchapter), effective April 30, 1954.
[9] The letter "G" is deleted in the column headed "Commodity Lists," indicating that the commodity may be exported to Group O destinations under general license GLV within the $500 dollar-value limit (see § 371.10 (c) of this subchapter).
[10] The destination control is changed from KO to R.
[11] The commodity description is revised without substantive change.
[12] The unit of quantity is changed.
[13] The letter "C" is deleted in the column headed "Commodity Lists," indicating that the commodity may now be exported under General In-Transit License GIT (see § 371.9 (c) of this subchapter).
[14] This commodity is presently included in the second entry on the Positive List under Schedule B No. 654502. The effect of this revision is to delete the letters "B" and "G" in the column headed "Commodity Lists," indicating that the commodity is no longer subject to DL restrictions (see § 374.2 of this subchapter), is no longer excepted from the Time Limit licensing procedure, and that the commodity may be exported to Group O destinations under general license GLV within the $500 dollar-value limit (see § 371.10 (c) of this subchapter).

Parts 1 and 2 of this amendment shall become effective as of March 31, 1954. Part 3 shall become effective as of March 31, 1954, unless otherwise indicated in the footnotes.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54-2757; Filed, Apr. 14, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 24]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

OPERATING LIMITATIONS FOR TRANSPORT CATEGORY AIRCRAFT

The purpose of this supplement is to set forth rules and policies regarding performance operating limitations for aircraft in the transport category. The rules contained in this supplement are minor rules which do not impose additional burdens upon interested persons. Therefore, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and not required. The following rules and policies are hereby adopted:

§ 42.70–1 *Deviations (CAA rules which apply to § 42.70 (a)).* An application for any deviation shall include all supporting data and shall be forwarded to the CAA Aviation Safety District Office charged with the over-all inspection of the air carrier's operations.

§ 42.70–2 *Accuracy of data (CAA policies which apply to § 42.70 (b)).* The charts and data prepared by the air carrier for use of flight and operations personnel should be prepared with sufficient accuracy and clarity that the gross weight and runway length values for specific operating conditions can be reproduced within a tolerance of one-half of one percent by an independent recheck.

§ 42.70–3 *Temperature accountability (CAA policies which apply to § 42.70 (c)).* The maximum permissible weight for a given take-off should be equal to the lowest of three values determined separately by consideration of (a) accelerate-stop, (b) take-off and climb out to a 50-foot height and (c) the obstacle clearance condition. The established temperature accountability correction factors appearing in the Airplane Flight Manuals are applied to the take-off weights determined by the accelerate-stop and climb out to a 50-foot height These values may be used individually or in combination, i. e., if a runway is considerably longer than is required to meet the accelerate-stop and climb out to 50 foot requirements at standard temperature, then at temperatures higher than standard, take-off weight need not be reduced as long as additional runway length is available. When the temperature reaches a value at which no additional runway length remains, then a reduction in weight would be necessary. These factors do not apply to weights determined by obstacle clearance considerations. If the take-off weight at standard temperature is limited by obstruction clearance rather than by the climb out to 50 feet or by the accelerate-stop distance, a weight reduction need not be made for temperatures higher than standard until the temperatures reach a high enough value to use up the existing runway between that used for standard temperature (limited to less than the full runway because of obstacles) and the actual length.

§ 42.71–1 *Weight limitations (CAA policies which apply to § 42.71).* The limitations imposed by § 42.71 take into account only one operating variable, i. e., the elevation of the airport to be used as it affects the weight of the aircraft during take-off or landing. Other operating variables, such as runway length, gradient, wind and temperature, are considered in other sections of this part. Compliance with this section does not present a particular problem since the Airplane Flight Manual provides performance data for airports over a wide range of elevations. However, most manuals do not provide data for operations at airports below sea level. Section 42.71 should not be construed as prohibiting operations from airports below sea level, since sea level data in the Airplane Flight Manual, being conservative, may be applied to such airports.

§ 42.72–1 *Take-off limitations to provide for engine failure (CAA policies which apply to § 42.72).*—(a) *Take-off flight path.* Diagram 1 [1] is a pictorial representation of the relationship required between the dimensions of an airport and its surroundings, and the performance of the airplane. It illustrates the take-off flight path defined by the airworthiness requirements.

(b) *Airport data.* Complete data concerning the airport dimensions and characteristics, such as runway lengths, runway gradients, obstruction heights and location, airport elevation, and the nature and condition of airport areas other than paved runways from which take-offs might be made, are necessary for the determination of permissible take-off weights. The most nearly complete and satisfactory source of such data is the series of Airport Obstruction Plans prepared by the U. S. Department of Commerce Coast and Geodetic Survey. However, their Airport Obstruction Plan series does not yet completely cover the airports used by air carrier operators of Transport Category airplanes, and in addition, the Obstruction Plans do not present any data showing the nature or condition of runway surfaces or other airport areas suitable for use in take-off and landing. Furthermore, the Obstruction Plans necessarily contain data which may be several months old and which may not completely conform to the existing obstructions. Therefore, it may be necessary, for the air carrier operator, to supplement its data with information obtained from other sources. However, gross weight data calculated on the basis of such data should be rechecked or recalculated as soon as appropriate data from the Coast and Geodetic Survey becomes available.

(c) *Runways.* (1) Normally, only paved runways will be approved for use in take-off. However, in some cases there may be a defined rectangular area hereinafter designated as a stopway at the end of a runway in the direction of take-off, selected and approved as a suitable area, in which the aircraft can be stopped after an interrupted take-off. The stopway should have the same width as the runway it augments. The stopway should be so prepared or constructed as to enable the aircraft to come to a stop on it without hazard at the operating speeds that might be expected in this area after an interrupted take-off. If it is desired to use a stopway to meet the "climb to a 50-foot height" requirement, the stopway should be suitable for the aircraft to traverse it at take-off speeds without hazard.

(2) In all cases the take-off should be assumed to begin on the paved runway and not on an unpaved area. No allowance need be made for the length of the airplane in determining what should be considered to be the proper point for beginning the take-off. Limitations established by the airport operator may make it necessary to stipulate that the beginning of the take-off area be at some point down the runway from the actual end of the paving.

[1] Not filed with the Federal Register Division.

(d) *Turns to avoid obstructions.* (1) Section 42.72 provides that after reaching a height of 50 feet, the aircraft may be turned with a bank not exceeding 15° to comply with the obstruction clearance criteria. Only one turn to a definite heading should be considered in detailing the take-off path.

(2) The radius of turn resulting from a banked turn of 15° may be determined from the following formula:

Radius of turn $= V^2 \times 0.25$ feet
where V = climb speed in mph, TAS.

For example: at a climb speed of 120 mph, the radius of turn for a 15° banked turn would be,

$$120 \times 120 \times 0.25 = 3,600 \text{ feet}$$

The effects of wind in altering a flight path need not be considered unless they are large (¼ climb speed) and the angle of turn is more than 45° from the runway heading.

(e) *Effects of runway gradient.* (1) The gradient effect on the ground run may be calculated from the following formula:

$$S_G = S\left[\frac{1}{1-\left(\frac{2Sg\sin\alpha}{V_2^2}\right)}\right]$$

where:
S_G = length of ground run with gradient.
S = length of ground run without gradient.
g = acceleration of gravity = 32.2 (ft/sec²).
V_2 = climb out speed, feet per second, True Air Speed.
α = angle of grade with horizontal, uphill +, downhill −.

(2) The above formula is based on several simplifying assumptions, i. e., that a uniform grade exists, that the airplane is accelerated uniformly throughout the ground run, and that the speed V_2 may be used where the difference between V_1 and V_2 is not large. None of these assumptions may be exactly correct, but the errors introduced by making such assumptions are small provided the airplane acceleration and the actual point-to-point grade do not depart from the average values of those quantities by any great amount.

(3) The effect of gradient during the climb-out should be determined by comparing the airplane rate of climb with the change in runway elevation, to determine first the weight or wind condition at which the airplane clears the end of the runway and all obstacles by an actual 50 feet and second, that the airplane clears all points on the runway after take-off.

(4) For purposes of simplification in calculating the effect of runway gradient on the take-off flight path, an average gradient consisting of the difference in elevation of the two ends of the runway divided by the runway length may be used, provided that no intervening point on the runway lies more than 5 feet above or below a straight line joining the two ends of the runway. In this case, the gradient effects on the acceleration portion of the take-off flight path and for the accelerate-stop portion may be presented together in simple chart form without introducing excessive errors. However, the actual gradient should be used for the climb-out segments of the flight path and in no case should the gradient be greater than the first segment climb.

(5) In those cases in which intermediate points on the runway depart more than five feet from the mean line, the gradient effects on the acceleration portions, the deceleration portion, and the climb portion of the flight path should be computed separately. An average gradient may be assumed for the ground run portion of the problem because the error resulting therefrom is so small that a more rigorous treatment is not justified, provided a truly representative gradient is chosen. Where there are no reversals or significant changes in the runway slope during the ground run, the average may be taken to be the difference in elevation between the starting point and the point of attaining take-off climb speed, V_2, divided by the distance between the two points. However, if the gradient is not essentially constant, an average gradient should be assumed that more nearly parallels the high-speed portion of the acceleration run, since the gradient has a greater effect on the distance traversed at high speed. The average gradient selected in this way will usually serve for determining gradient effects on the acceleration distance in either the take-off flight path or the accelerate-stop distance. An average gradient should be determined in the same way in determining the gradient effects on the stopping distance, while the actual gradient should be determined in checking the climb segment to the 50-foot point.

(6) The operator may take advantage of the favorable effect of a downhill gradient on the take-off flight path, if he wishes, but the unfavorable effect of such a gradient on the stopping distance should be accounted for in all cases.

(f) *Effects of wind.* (1) Section 42.72 permits the use of 50 percent of the headwind component and requires consideration of 150 percent of any tailwind component.

The effect of wind on runway requirements can be determined by use of the following equation:

(i) For all headwind components, and tailwind components of 10 mph or less.

$$S_W = S\left(\frac{V_2 - V_W}{V_2}\right)^{1.35}$$

where:
S_W = runway required with wind
S = runway required, zero wind
V_2 = take-off safety speed (mph)
V_W = + (0.5 × headwind component) or, − (1.5 × tailwind component)

(ii) If tailwind components in excess of 10 mph are approved, the equation will be:

$$S_W = S\left(\frac{V_2 - V_W}{V_2}\right)^2$$

Alternately, the exponent can be that which is determined to be appropriate to the separation of deceleration characteristics of the airplane type, as applicable.

(2) For steady wind conditions, the wind velocity and direction will be used in computing the effective headwind and tailwind components, and the maximum gust velocity and most unfavorable di-

rection will be used in computing the crosswind component.

§ 42.76–1 *En route limitations; where special air navigational facilities exist (CAA policies which apply to § 42.76).* No attempt is made to classify specific types of navigational facilities as acceptable or unacceptable for the purposes of § 42.76, but each case will be examined on its own merits. In general, however, the facility should be of a type that gives the pilot a continuous fix of his position with an error of not more than two miles, or a continuous on-course indication with an error of not more than two miles, or a continuous indication of the bearing and distance of the obstacle from the airplane, with an accuracy adequate to allow the pilot to turn away from the obstacle with ample clearance. Any mechanical or electrical facilities that are to be acceptable should be thoroughly reliable regardless of weather or other operating conditions. Such considerations apply only for IFR operations.

§ 42.77–1 *Landing distance limitations; airport of destination (CAA policies which apply to § 42.77).* (a) Section 42.77 establishes two major consideration in determining the permissible landing weight at the airport of destination. The first is that the aircraft weight will be such on arrival that it can be landed within 60 percent of the effective landing length of the most favorable (normally the longest) runway in still air. This maximum weight for an airport/aircraft configuration, once established, remains constant and cannot be exceeded, regardless of wind conditions.

(b) The second is that consideration be given to the maximum weight that will be permitted due to the necessity of using another runway because of the probable wind condition, ground handling characteristics of the aircraft, landing aids, etc. This consideration may result in a lower gross weight than permitted in paragraph (a) of this section, in which case, dispatch must be based on this lesser weight.

(c) The probable wind referred to in paragraph (b) of this section, is the wind forecasted to exist at the time of arrival.

(d) If the forecast conditions are such that consideration of the requirements in § 42.77 (b) would preclude a landing at the intended destination, the aircraft may be dispatched if an alternate airport is designated which permits compliance with § 42.78.

(e) (1) If a flight has been properly dispatched, but arrives at the destination with a weight higher than anticipated due to unexpected wind conditions or fuel consumption, § 42.77 (b) should not be construed as prohibiting a landing at the overweight condition, provided the crosswind and/or tailwind operating limitations are not exceeded.

(2) If conditions are such that the crosswind and/or tailwind limitations will be exceeded, the flight must proceed to its alternate, if one has been named to meet the requirements of § 42.77 (b). However, if an alternate was not provided, and upon arrival the wind conditions were such that the crosswind and/or tailwind limitations would be exceeded, the pilot should exercise the authority granted him in § 42.51 (d).

(f) For application of the wind components as allowed in § 42.77 (b), refer to § 42.72–1 (f).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, 49 U. S. C. 551, 554)

This supplement shall become effective April 25, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–2784; Filed, Apr. 14, 1954; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

[Amdt. 4]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—ORANGE AND GRAPEFRUIT EXPORT PAYMENT PROGRAM UMCX 135A (FISCAL YEAR 1954)

ELIGIBLE COUNTRIES

Section 517.421 is hereby amended to read as follows:

§ 517.421 *Eligible countries.* An eligible country is any country or area specifically named in this section.

Austria.	Iceland.
Belgium.	Ireland.
Denmark.	Luxembourg.
Finland.	Netherlands, The.
France.	Norway.
Germany, Federal Republic of.	Sweden.
Greenland.	Switzerland.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., April 14, 1954.

Dated this 12th day of April 1954.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 54–2827; Filed, Apr. 14, 1954; 8:54 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 131]

PART 315—LICENSING OF MANUFACTURERS OF, AND DEALERS IN, FIREARMS OR AMMUNITION

Preamble. 1. These regulations, "Regulations 131, Licensing of Manufacturers of, and Dealers in, Firearms or Ammunition" (26 CFR Part 315), are a republication of Treasury Decision 5646, (26 CFR Part 315, 13 F. R. 4383; 14 F. R. 5200) as amended by Treasury Decision 5763 (14 F. R. 7390) and Treasury Decision 5802 (15 F. R. 5615).

2. These regulations consist only of previously approved material, except definitions, but the text has been rearranged and renumbered to conform to the Federal Register Regulations (13 F. R. 5929).

3. This republication of these regulations shall not affect or limit any act done or any liability previously incurred, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the date of republication, nor shall this republication release, acquit, affect, or limit any offense committed in violation of these regulations prior to republication, or any penalty, liability or forfeiture incurred prior to such date.

4. It is found that compliance with notice and public rule-making procedure of section 4 (a) and the effective date limitations of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1001, et seq.) is unnecessary in connection with the republication of the regulations in this part for the reason that the changes made relate merely to form and not substance.

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315.4 License to transport, ship, or receive firearms or ammunition.
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AUTHORITY: §§ 315.1 to 315.92 issued under 52 Stat. 1250, 1252, 53 Stat. 1222, 61 Stat. 11; 15 U. S. C. 901–909. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—STATUTORY PROVISIONS

§ 315.1 *General.* Sections 315.2 through 315.11 set forth the text of laws relating to the licensing under the Federal Firearms Act of manufacturers of, and dealers in, firearms or ammunition.

§ 315.2 *Definitions.*

15 U. S. C. 901 Definitions. As used in this chapter: (1) The term "person" includes an individual, partnership, association, or corporation.

(2) The term "interstate or foreign commerce" means commerce between any State, Territory or possession (not including the Canal Zone), or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession (not including the Canal Zone), or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

(3) The term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

(4) The term "manufacturer" means any person engaged in the manufacture or importation of firearms, or ammunition or cartridge cases, primers, bullets, or propellent powder for purposes of sale or distribution; and the term "licensed manufacturer" means any such person licensed under the provisions of this chapter.

(5) The term "dealer" means any person engaged in the business of selling firearms or ammunition or cartridge cases, primers, bullets or propellent powder, at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breach[1] mechanisms to firearms, and the term "licensed dealer" means any such person licensed under the provisions of this chapter.

(6) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, robbery, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(7) The term "fugitive from justice" means any person who has fled from any State, Territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(8) The term "ammunition" shall include only pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

§ 315.3 *Transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce; acts prohibited.*

15 U. S. C. 902 Transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce; acts prohibited. (a) It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this chapter, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce.

(b) It shall be unlawful for any person to receive any firearm or ammunition transported or shipped in interstate or foreign commerce in violation of subdivision (a) of this section, knowing or having reasonable cause to believe such firearms or ammunition to have been transported or shipped in violation of subdivision (a) of this section.

(c) It shall be unlawful for any licensed manufacturer or dealer to transport or ship any firearm in interstate or foreign commerce to any person other than a licensed manufacturer or dealer in any State the laws of which require that a license be obtained for the purchase of such firearm, unless such license is exhibited to such manufacturer or dealer by the prospective purchaser.

(d) It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States, the several States, Territories, possessions, or the District of Columbia of a crime of violence or is a fugutive[1] from justice.

(e) It shall be unlawful for any person who is under indictment or who has been convicted of a crime of violence or who is a fugutive[1] from justice to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

(f) It shall be unlawful for any person who has been convicted of a crime of violence or is a fugutive[1] from justice to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, and the possession of a firearm or ammunition by any such person shall be presumptive evidence that such firearm or ammunition was shipped or transported or received, as the case may be, by such person in violation of this chapter.

(g) It shall be unlawful for any person to transport or ship or cause to be transported or shipped in interstate or foreign commerce any stolen firearm or ammunition, knowing, or having reasonable cause to believe, same to have been stolen.

(h) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any firearm or ammunition or to pledge or accept as security for a loan any firearm or ammunition moving in or which is a part of interstate or foreign commerce, and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe the same to have been stolen.

(i) It shall be unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce any firearm from which the manufacturer's serial number has been removed, obliterated, or altered, and the possession of any such firearm shall be presumptive evidence that such firearm was transported, shipped, or received, as the case may be, by the possessor in violation of this chapter.

§ 315.4 *License to transport, ship, or receive firearms or ammunition.*

15 U. S. C. 903 License to transport, ship, or receive firearms or ammunition. (a) Any manufacturer or dealer desiring a license to transport, ship, or receive firearms or ammunition in interstate or foreign commerce shall make application to the Secretary of the Treasury, who shall prescribe by rules and regulations the information to be contained in such application. The applicant shall, if a manufacturer, pay a fee of $25 per annum and, if a dealer, shall pay a fee of $1 per annum.

(b) Upon payment of the prescribed fee, the Secretary of the Treasury shall issue to such applicant a license which shall entitle the licensee to transport, ship, and receive firearms and ammunition in interstate and foreign commerce unless and until the license is suspended or revoked in accordance with the provisions of this chapter: *Provided*, That no license shall be issued to any applicant within two years after the revocation of a previous license.

(c) Whenever any licensee is convicted of a violation of any of the provisions of this chapter, it shall be the duty of the clerk of the court to notify the Secretary of the Treasury within forty-eight hours after such conviction and said Secretary shall revoke such license: *Provided*, That in the case of appeal from such conviction the licensee may furnish a bond in the amount of $1,000, and upon receipt of such bond acceptable to the Secretary of the Treasury he may permit the licensee to continue business during the period of the appeal, or should the licensee refuse or neglect to furnish such bond, the Secretary of the Treasury shall suspend such license until he is notified by the clerk of the court of last appeal as to the final disposition of the case.

(d) Licensed dealers shall maintain such permanent records of importation, shipment, and other disposal of firearms and ammunition as the Secretary of the Treasury shall prescribe.

§ 315.5 *Excepted persons.*

15 U. S. C. 904 Excepted persons. The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm, or ammunition, sold or shipped to, or issued for the use of, (1) the United States or any department, independent establishment, or agency thereof; (2) any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof; (3) any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof; (4) or to any bank, public carrier, express, or armored-truck company organized and operating in

[1] So in original.

good faith for the transportation of money and valuables; (5) or to any research laboratory designated by the Secretary of the Treasury: *Provided*, That such bank, public carriers, express, and armored-truck companies are granted exemption by the Secretary of the Treasury; nor to the transportation, shipment, or receipt of any antique or unserviceable firearms, or ammunition, possessed and held as curios or museum pieces: *Provided*, That nothing contained in this section shall be construed to prevent shipments of firearms and ammunition to institutions, organizations, or persons to whom such firearms and ammunition may be lawfully delivered by the Secretary of War, nor to prevent the transportation of such firearms and ammunition so delivered by their lawful possessors while they are engaged in military training or in competitions.

§ 315.6 *Penalties.*

15 U. S. C. 905 Penalties. (a) Any person violating any of the provisions of this chapter or any rules and regulations promulgated hereunder, or who makes any statement in applying for the license or exemption provided for in this chapter, knowing such statement to be false, shall, upon conviction thereof, be fined not more than $2,000, or imprisoned for not more than five years, or both.

(b) Any firearm or ammunition involved in any violation of the provisions of this chapter or any rules or regulations promulgated thereunder shall be subject to seizure and forfeiture, and all provisions of Title 26 relating to the seizure, forfeiture, and disposition of firearms as defined in section 2733 of Title 26 shall, so far as applicable, extend to seizures and forfeitures incurred under the provisions of this chapter.

§ 315.7 *Effective date of chapter.*

15 U. S. C. 906 Effective date of chapter. This chapter shall take effect thirty days after June 30, 1938.

§ 315.8 *Rules and regulations.*

15 U. S. C. 907 Rules and regulations. The Secretary of the Treasury may prescribe such rules and regulations as he deems necessary to carry out the provisions of this chapter.

§ 315.9 *Separability clause.*

15 U. S. C. 908 Separability clause. Should any section or subsection of this chapter be declared unconstitutional, the remaining portion of the chapter shall remain in full force and effect.

§ 315.10 *Short title.*

15 U. S. C. 909 Short title. This chapter may be cited as the Federal Firearms Act.

§ 315.11 *Forfeitures.*[1]

26 U. S. C. 2730 Forfeitures—(a) Laws applicable. Any firearm which has at any time been transferred or made in violation of the provisions of this subchapter and Part VIII of subchapter A of chapter 27 shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal-revenue laws relating to searches, seizures, and forfeiture of unstamped articles are extended to and made to apply to the articles taxed under this subchapter, and the persons to whom this subchapter and Part VIII of subchapter A of chapter 27 applies.

(b) *Disposal.* In the case of the forfeiture of any firearm by reason of a violation of this subchapter and Part VIII of subchapter A of chapter 27: No notice of public sale shall be required; no such firearm shall be sold at public sale; if such firearm is in the possession of any officer of the United States except the Secretary, such officer shall deliver the firearm to the Secretary; and the Secretary may order such firearm destroyed or may sell such firearm to any State, Territory, or possession,[1] or political subdivision thereof, or the District of Columbia, or retain it for the use of the Treasury Department or transfer it without charge to any Executive department or independent establishment of the Government for use by it.

SUBPART B—SCOPE OF REGULATIONS

§ 315.15 *Licensing of manufacturers and dealers in firearms or ammunition.* This part (Regulations 131), contain the procedural and substantive requirements relative to the licensing of manufacturers of, and dealers in, firearms or ammunition; to the records to be maintained by licensed manufacturers and dealers; and to transactions and dealings in firearms or ammunition specifically exempted from the provisions of the Federal Firearms Act (15 U. S. C. 901–909).

§ 315.16 *Relation to other provisions of law.* The provisions of this part are in addition to, and not in lieu of, any other provision of law, or regulations, respecting the manufacture or importation of, or dealing in, firearms or ammunition.

SUBPART C—DEFINITIONS

§ 315.20 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 315.21 *Act.* The term "act" shall mean the Federal Firearms Act.

§ 315.22 *Ammunition.* The term "ammunition" shall mean only pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

§ 315.23 *Commissioner.* The term "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 315.24 *Dealer.* The term "dealer" shall mean any person engaged in the business of selling firearms or ammunition or cartridge cases, primers, bullets or propellent powder, at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms to firearms.

§ 315.25 *District.* The term "district" shall mean the Internal Revenue district under the jurisdiction of a District Director of Internal Revenue.

§ 315.26 *District Director.* The term "District Director" shall mean the District Director of Internal Revenue.

§ 315.27 *Firearm.* The term "firearm" shall mean (a) any weapon, by whatever name known, which is designed to expel a projectile or projectiles by action of an explosive, (b) any part or parts of such weapon, and (c) a firearm muffler or firearm silencer.

§ 315.28 *Importation.* The term "importation" shall mean the bringing of firearms, or ammunition or cartridge cases, primers, bullets, or propellent powder, within the limits of the United States or any territory under its control or jurisdiction, from a place outside thereof (whether such place be a foreign country or territory subject to the jurisdiction of the United States), for purposes of sale or distribution.

§ 315.29 *Importer.* The term "importer" shall mean any person who engages in the importation of firearms, or ammunition or cartridge cases, primers, bullets, or propellent powder, for purposes of sale or distribution.

§ 315.30 *Includes and including.* The terms "includes" and "including" when used in a definition or statement in this part shall not be deemed to exclude other things otherwise within the scope thereof.

§ 315.31 *Interstate or foreign commerce.* The term "interstate or foreign commerce" shall mean (a) commerce between any State, Territory, or possession of the United States (not including the Canal Zone), or the District of Columbia, and any place outside thereof; (b) commerce between points within the same State, Territory, or possession of the United States (not including the Canal Zone), or the District of Columbia, but through any place outside thereof; or (c) commerce within any Territory or possession of the United States, or the District of Columbia.

§ 315.32 *License.* The term "license" shall mean a license issued under authority of section 3 (b) of the act (15 U. S. C. 903 (b)).

§ 315.33 *License fee.* The term "license fee" shall mean the annual fee payable by a manufacturer of, or dealer in, firearms or ammunition.

§ 315.34 *Licensed dealer.* The term "licensed dealer" shall mean a dealer licensed under section 3 of the act (15 U. S. C. 903).

§ 315.35 *Licensed manufacturer.* The term "licensed manufacturer" shall mean a manufacturer licensed under section 3 of the act (15 U. S. C. 903).

§ 315.36 *Manufacturer.* The term "manufacturer" shall mean any person engaged in the manufacture or importation of firearms, or ammunition, for purposes of sale or distribution.

§ 315.37 *Person.* The term "person" includes an individual, partnership, association, or corporation.

§ 315.38 *Secretary.* The term "Secretary" shall mean the Secretary of the Treasury.

SUBPART D—LICENSES

PERSONS REQUIRED TO PROCURE LICENSES

§ 315.40 *General.* Under section 2 (a) of the act (15 U. S. C. 902 (a)), it is unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of the act, to transport, ship, or receive any firearms or ammunition in interstate or foreign commerce. Therefore, every manufacturer or dealer within the meaning of the act and this part (see §§ 315.36 and 315.24) must first procure a license under section 3 of the act (15 U. S. C. 903) before he may lawfully transport, ship, or receive any firearms or ammunition in interstate or foreign commerce.

§ 315.41 *Manufacturer and dealer.* It is not necessary in any case for a person licensed as a manufacturer also to procure a license as a dealer. The license as manufacturer entitles the licensee, within the limitations of the act, to transport, ship, or receive, in interstate or foreign commerce, firearms or ammunition, whether of his own production or produced by another. However, a person required to be licensed as a manufacturer does not comply with the provisions of the act by procuring a license as dealer.

§ 315.42 *Importer.* A person engaged in the importation of firearms or ammunition for sale or distribution is required to be licensed as a manufacturer even though he may not perform any manufacturing operations.

§ 315.43 *Gunsmith.* A person engaged in the business of repairing firearms, or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms to firearms, if not otherwise required to be licensed as a manufacturer, must be licensed as a dealer before he may lawfully transport, ship, or receive any firearm, including any part of a weapon (see § 315.27), or ammunition in interstate or foreign commerce.

ISSUANCE OF LICENSE

§ 315.44 *Application for a license.* The application for a license shall be made on Form 7 (Firearms), copies of which may be procured from District Directors. The application shall be filed with the District Director for the district within which the principal place of business of the applicant is located. The application must contain all the information required by the form.

§ 315.45 *Renewal of license.* When a license has expired, or is about to expire, a new license, if desired, may be obtained by filing with the District Director an application on Form 7 (Firearms), accompanied by the required license fee, provided the applicant is otherwise entitled to a license (see § 315.48).

§ 315.46 *License fees.* In the case of a manufacturer the license fee is $25 per annum, and in the case of a dealer the license fee is $1 per annum.

§ 315.47 *District Director to issue license.* If an application on Form 7 (Firearms) has been filed with the District Director, properly executed by a person lawfully entitled to a license and accompanied by the required license fee, there shall be issued to the applicant a license on Form 8 (Firearms).

§ 315.48 *Persons not entitled to a license.* A license shall not be issued to any person who is under indictment for, or has been convicted of, a "crime of violence" as defined in section 1 (6) of the act (15 U. S. C. 901 (6)), or who is a "fugitive from justice" as defined in section 1 (7) of the act (15 U. S. C. 901 (7)). Nor shall a license be issued to any applicant within two years after the revocation of a previous license.

SCOPE AND DURATION OF LICENSE

§ 315.49 *General.* The license shall entitle the person to whom issued to transport, ship, or receive firearms or ammunition in interstate or foreign commerce for a period of one year from the date of issuance, subject, however, to suspension or revocation of the license at any time if the licensee is convicted of violation of any of the provisions of the act (see §§ 315.55 to 315.62). A license shall not be issued in any case for a period of less than one year.

§ 315.50 *License cannot be assigned or transferred.* The license under section 3 of the act (15 U. S. C. 903) is not assignable or transferable under any circumstances and is valid only with respect to the operations of the person to whom issued.

§ 315.51 *Locations covered by license.* The license applies to the operations of the licensee and not to any particular place at which business is carried on. Accordingly, only one license is required, regardless of the number of places at which the licensee operates. If the business is carried on at more than one location, the license shall be held available for inspection at the principal place of business and an appropriate record maintained at all other locations showing where the license is so held.

§ 315.52 *Removal of licensee.* A licensee may remove his business to a new location without procuring a new license. However, in every case, whether or not the removal is from one district to another, prompt notification of the new location of the business must be given to:

(a) The District Director for the district where the license was issued;

(b) The District Director for the district from which or within which the removal is made; and

(c) The District Director for the district to which the removal is made.

§ 315.53 *State or other law.* The license confers no right or privilege to conduct business contrary to State law or other law. The holder of a license is not, by reason of such license, immune from punishment for dealing in firearms or ammunition in violation of the provisions of any State law or other law. Similarly, compliance with the provisions of any other law affords no immunity under the act (see § 315.16).

§ 315.54 *License fee not refundable.* No refund of any part of the amount paid as a license fee shall be made where, for any reason, a licensee discontinues operations prior to the expiration of the period covered by the license. Nor shall any refund be made if the license is suspended or revoked because of violation by the licensee of any provision of the act.

SUSPENSION AND REVOCATION OF LICENSE

§ 315.55 *General.* The license of any person convicted of violation of any provision of the act shall be suspended until final disposition of the case, at which time, if the conviction has not been set aside, the license shall be revoked. A licensee convicted of violation of any provision of the act may be permitted to continue in business during the pendency of an appeal from such conviction upon furnishing a bond of $1,000 acceptable to the Secretary.

§ 315.56 *Notice of suspension.* Upon receipt by the Secretary of notice of the conviction of a licensee of violation of any provision of the act, the license of such person shall be immediately suspended in accordance with the provisions of section 3 (c) of the act (15 U. S. C. 903 (c)), and the Commissioner shall immediately notify such person thereof by registered letter addressed to his last known address.

§ 315.57 *Continuing business during pendency of appeal from conviction*—(a) *Application.* A person whose license is suspended on account of a conviction of violation of any provision of the act and who desires permission to continue in business during the pendency of an appeal from such conviction shall file an application with the Commissioner for such permission. The application shall be submitted under oath or be verified by a written declaration that it is made under penalties of perjury and fully set forth the grounds on which the application is based. The application shall be accompanied by a bond, running to the United States, in the penal sum of $1,000. The condition of the bond shall be that, until final disposition of the appeal, the licensee will comply in every respect with all the provisions of the act. As soon as possible after the receipt of the application and bond, the Commissioner shall notify the applicant that, by direction of the Secretary, his application has been granted or denied, as the case may be.

(b) *Denial of application.* An application for permission to continue in business during the pendency of an appeal from a conviction of violation of any provision of the act shall not be granted if on the facts of the case the applicant would not then be entitled to a license were he applying for a license (see § 315.48).

§ 315.58 *Duration of suspension.* In every case, the suspension of a license shall remain in effect until final action is taken upon the application, if made, for permission to continue in business during the pendency of an appeal from the conviction. If such application is granted, the suspension is set aside until final action upon the appeal from the conviction, at which time the case will be disposed of according to the outcome of the appeal. If the application for permission to continue in business is denied, or if no such application is made, the suspension of the license remains in effect throughout the pendency of the appeal and final action will then be taken in the case as may be required by the outcome of the appeal.

§ 315.59 *Renewal of license during pendency of appeal.* The granting of an application to continue in business during the pendency of an appeal from a

[1] Omitted matter, relating to the Philippine Islands, no longer applicable.

conviction of violation of any provision of the act does not extend the term of the license. If a license expires by lapse of time before the appeal is decided, the licensee must procure a new license if he desires to continue to transport, ship, or receive firearms or ammunition in interstate or foreign commerce. The new license shall stand in place of, and be subject to the same conditions as, the old license, that is, the new license shall be subject to revocation if the conviction is not set aside.

§ 315.60 *Revocation of license.* If upon appeal the conviction of a licensee of violation of any provisions of the act is not set aside, or if no appeal is filed, his license shall be immediately revoked pursuant to the provisions of section 3 (c) of the act (15 U. S. C. 903 (c)), and the Commissioner shall immediately notify such person thereof by registered letter addressed to his last known address.

§ 315.61 *Forfeiture of license.* The forfeiture of a license for violation of any provision of the act is a separate and distinct penalty in addition to any other penalties which may apply in the case, whether imposed under section 5 of the act (15 U. S. C. 905), or under any other provision of law.

§ 315.62 *New license after revocation.* A person whose license has been revoked for violation of any provision of the act may, if otherwise entitled to a license (see § 315.48), again be licensed to transport, ship, or receive firearms or ammunition in interstate or foreign commerce, but not until the expiration of two years from the date of the revocation of the previous license. In such case, the application for the new license shall be filed with the District Director in accordance with the provisions of § 315.44.

SUBPART E—RECORDS

§ 315.70 *General.* The records prescribed by this subpart shall be in permanent form and shall be retained for a period of not less than six years from the date of the transactions to which the records relate. Such records must be held available for inspection during business hours by any authorized officer or agent of the United States engaged in the performance of his duties under the act.

§ 315.71 *Manufacturers' records.* Each licensed manufacturer shall maintain complete and adequate records of all firearms and ammunition disposed of in the course of his business, whether manufactured by himself or acquired from other manufacturers or dealers, including firearms in an unassembled condition, but not including parts of firearms. The records shall show and include:

(a) The number of the firearms of each type, together with a full and adequate description thereof, including the serial numbers if such weapons are numbered;

(b) The types, and quantity of each type, of ammunition;

(c) The name and address of each person from whom the firearms or ammunition, if not the manufacturer's own product, was acquired, and the date of acquisition; and

(d) The disposition made of the firearms or ammunition, including the name and principal address of each transferee, the address to which delivered, and the date of disposition.

§ 315.72 *Dealers' records.* Each licensed dealer shall maintain, at each store or place where firearms are sold or kept, a complete and adequate record of all firearms (not including parts of firearms but including firearms in an unassembled condition) acquired or disposed of in the course of his business at such store or place. If desired, duplicate or additional records of transactions at branch establishments may also be maintained at the home or central establishment. The records shall show and include:

(a) The number of the firearms of each type, together with a full and adequate description thereof, including the serial numbers if such weapons are numbered;

(b) The name and address of each person from whom firearms are acquired, and the date of acquisition; and

(c) The disposition made of the firearms, including the name and principal address of each transferee, the address to which delivered, and the date of disposition.

SUBPART F—EXEMPTIONS

§ 315.80 *General.* (a) The provisions of the act do not apply with respect to the transportation, shipment, receipt, or importation of any firearm, or ammunition, sold or shipped to, or issued for the use of:

(1) The United States or any department, independent establishment, or agency thereof;

(2) Any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof;

(3) Any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof;

(4) Any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables, provided exemption is granted as prescribed in § 315.81; and

(5) Any research laboratory designated under § 315.82 and granted exemption thereunder; or

(b) With respect to:

(1) The transportation, shipment, or receipt of any antique or unserviceable firearms, or ammunition, possessed and held as curios or museum pieces; and

(2) Shipment of firearms and ammunition to institutions, organizations, or persons to whom such firearms and ammunition may be lawfully delivered by the Secretary of the Army, or the Secretary of the Air Force, and the transportation of such firearms and ammunition by their lawful possessors while they are engaged in military training or in competitions.

§ 315.81 *Bank, public carrier, express, or armored-truck company.* Any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables, may procure an exemption upon application to the District Director for the district within which the principal place of business is located. Such application shall be submitted under oath or be verified by a written declaration that it is made under penalties of perjury and show the character of the business of the applicant and the purposes for which the exemption is requested. If the application and the purposes stated are bona fide, the exemption shall be granted. In all cases, as soon as possible after the receipt of the application, the District Director shall notify the applicant by letter that, by direction of the Secretary, the exemption is granted or denied, as the case may be.

§ 315.82 *Research laboratory.* A research laboratory desiring to procure an exemption under this subpart shall file an application with the Commissioner. The application shall be submitted under oath or be verified by a written declaration that it is made under penalties of perjury and shall show (a) by whom and the purpose for which the laboratory was organized, (b) the source of the funds expended for the maintenance and operations of the laboratory, (c) the services performed by, and the operations of, the laboratory, and (d) the purposes for which the exemption is requested. The Commissioner shall notify the applicant that, by direction of the Secretary, the application is granted, or denied, as the case may be.

SUBPART G—PENALTIES, SEIZURES AND FORFEITURES

§ 315.90 *Penalties.* Section 5 (a) of the act (15 U. S. C. 905 (a)), provides certain penalties for violation of the provisions of the act or the regulations in this part, and for knowingly making any false statement in applying for a license or exemption. With respect to transactions and dealings declared unlawful and in violation of the act, see section 2 of the act (15 U. S. C. 902).

§ 315.91 *Seizure and forfeiture.* Pursuant to section 5 (b) of the act (15 U. S. C. 905 (b)), any firearm or ammunition involved in any violation of the act or of the regulations in this part is subject to seizure and forfeiture, and all provisions of the Internal Revenue Code relating to the seizure, forfeiture, and disposition of firearms as defined in section 2733 of such Code, so far as applicable, extend to seizures and forfeitures incurred under the provisions of the act.

§ 315.92 *Disposition after forfeiture.* Any firearm or ammunition forfeited by reason of a violation of the Federal Firearms Act or any rules or regulations promulgated thereunder, the forfeiture of which firearm or ammunition has not been remitted or mitigated, shall be delivered to the Administrator of General Services, General Services Administration, for use or disposition as provided by law (63 Stat. 377).

Effective date: These regulations shall be effective as of May 1, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2812; Filed, Apr. 14, 1954; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter A—Aid of Civil Authorities and Public Relations

PART 807—MANUFACTURE OF DECORATIONS

Subchapter G—Personnel

PART 878—DECORATIONS AND AWARDS

1. The reference made to Part 507, Chapter V, Department of the Army, in F. R. Document 48-11395 (13 F. R. 8751; 32 CFR Part 807) as being applicable to the Department of the Air Force is hereby revoked.

2. Sections 878.1 to 878.36 (15 F. R. 8564; 32 CFR and 1952 Supp., 878.1-878.36) are superseded by the following:

INDIVIDUAL DECORATIONS

Sec.
878.1 Purpose.
878.2 Policy.
878.3 Eligibility.
878.4 Repetitive awards.
878.5 Posthumous, missing in action, prisoners of war awards.
878.6 Decorations carrying additional pay.
878.7 Recommendations.
878.8 Time limitations.
878.9 Foreign decorations.
878.10 Authority to make awards.
878.11 Awards to foreign persons.
878.12 Military decorations.
878.13 Medal of Honor.
878.14 Distinguished Service Cross.
878.15 Distinguished Service Medal.
878.16 Silver Star.
878.17 Legion of Merit.
878.18 Distinguished Flying Cross.
878.19 Soldier's Medal.
878.20 Bronze Star Medal.
878.21 Air Medal.
878.22 Commendation Ribbon.
878.23 Purple Heart.
878.24 Civilian decorations.
878.25 Medal for Merit.
878.26 President's Certificate of Merit.
878.27 Medal of Freedom.
878.28 Exceptional Service Award.
878.29 Air Force Scroll of Appreciation.
878.30 Presentations.
878.31 Wearing of decorations.
878.32 Replacements.
878.33 Exhibitions.
878.34 Manufacture, sale, and possession.
878.35 Miscellaneous.

AUTHORITY: §§ 878.1 to 878.35 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: AFR 30-14; 30-14A.

§ 878.1 *Purpose.* Sections 878.1 to 878.35 describe the military decorations awarded by the Department of the Air Force with the requirements therefor, and administrative procedures for processing recommendations. These sections also describe certain decorations awarded to civilians by or upon recommendation of the Department of the Air Force.

§ 878.2 *Policy.* The decorations described in §§ 878.1 to 878.35 recognize outstanding deeds of heroism, meritorious achievements or services by persons in behalf of the United States. The decorations system provides for recognition of varying degrees of heroism and merit.

§ 878.3 *Eligibility.* (a) Eligibility for a military or civilian-type decoration depends upon the individual's status at the time the heroic deed or meritorious service was performed.

(b) Members of the Reserve components not on active duty with the Air Force are eligible for award of the Distinguished Flying Cross, the Soldier's Medal, the Air Medal, and the Commendation Ribbon, provided that the requirements are otherwise fulfilled.

(c) In order for an award to be made, the military service of a person must have been honorable subsequent to the time he distinguished himself.

(40 Stat. 871, secs. 11, 12, 44 Stat. 789, as amended; 10 U. S. C. 1409, 1428, 1429; E. O. 9158, May 11, 1942, 7 F. R. 3541; 3 CFR, 1943 Cum. Supp., as amended by E. O. 9242-A, Sept. 11, 1942, 7 F. R. 7874, 3 CFR, 1943 Cum. Supp.)

§ 878.4 *Repetitive awards.* (a) Only one decoration will be awarded for a single act of heroism, a single meritorious achievement, or one continuous period of meritorious service.

(b) Only one basic award of any decoration will be made unless otherwise specified in §§ 878.1 to 878.35. Oak-Leaf Clusters are awarded in lieu of additional awards of the same medal. Awards of Oak-Leaf Clusters to the same individual for the same decoration will be numbered progressively and will be worn on the ribbon bar. A silver Oak-Leaf Cluster will be worn in lieu of five bronze clusters.

§ 878.5 *Posthumous, missing in action, and prisoners of war awards.* (a) Next of kin of deceased persons are entitled to receive decorations earned but not presented because of death. The next of kin eligible for posthumous presentation of decorations will be selected from one of the following, in the order listed: Widow, widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

(b) All elements of decorations earned but not presented to personnel who later become missing or prisoners of war will be forwarded to the Director of Military Personnel, Headquarters USAF, Washington 25, D. C. Awards of this nature will not be publicized until final determination of recipient's status is officially announced.

(40 Stat. 871, as amended, secs. 11, 12, 44 Stat. 789, as amended; 10 U. S. C. 1409, 1411, 1428, 1429. E. O. 9158, May 11, 1942; 7 F. R. 3541; 3 CFR, 1943 Cum. Supp.; as amended by E. O. 9242-A, Sept. 11, 1942, 7 F. R. 7874, 3 CFR, 1943 Cum. Supp.; E. O. 9419, Feb. 4, 1944, 9 F. R. 1495; 3 CFR, 1944 Supp.; E. O. 9586, July 6, 1945, 10 F. R. 8523; 3 CFR, 1945 Supp.; E. O. 9734, June 6, 1946, 11 F. R. 6225; 3 CFR, 1946 Supp.)

§ 878.6 *Decorations carrying additional pay*—(a) *Retired pay.* The retired pay authorized by section 4 of the Armed Forces Voluntary Recruitment Act of 1945, as amended will be increased by 10 percent for any airman who is credited with extraordinary heroism in line of duty. The determination of the Secretary of the Air Force as to extraordinary heroism for purposes of receiving such increases in pay will be final and conclusive.

(b) *Medal of Honor Roll.* Persons who have been honorably discharged from service and who were awarded the Medal of Honor are, upon reaching the age of 65, entitled to receive a special tax-free pension of 10 dollars a month for life. Upon application to Headquarters USAF and approval by the Secretary of the Air Force, such holders of the Medal of Honor may have themselves placed on the Medal of Honor Roll. Payment of pensions is through the Veterans' Administration.

(Secs. 1-4, 39 Stat. 53, 54, as amended. sec. 4, 59 Stat. 539, as amended; 10 U. S. C. 948, 38 U. S. C. 391-394).

§ 887.7 *Recommendations.* (a) A recommendation for award of any decoration may be initiated by any person having knowledge of circumstances believed to warrant an award, but recommendations originating with the person's commander at the time the act or service was performed are generally preferred. Recommendations not originating from first-hand knowledge will be supported by documentary evidence.

(1) Each recommendation will be for one person and for a specific decoration. (If more than one person participated in the same act or service, the individual contribution of each participant will be recommended separately.)

(2) The completion of minimum stated requirements does not automatically entitle an individual to receive a decoration, but is used in conjunction with character of service in determining the appropriateness of submitting a formal recommendation for award. The absence of a formal recommendation for an award in official records is considered as an indication that such individual was not recommended.

(3) Recommendations for awards for meritorious service are based upon a completed period of service. Such recommendations will be initiated only when an individual has been reassigned or the specific duty for which recommended has terminated. In cases where it is definitely established that a person will be reassigned, retired or separated on a specific date and presentation is desired before the person's departure, a recommendation may be initiated prior to the individual's departure.

(4) Recommendations for award of civilian type decorations will be submitted in the same manner and forwarded through the same channels as military type decorations. Information required by paragraph (c) of this section which is clearly applicable to military personnel only, will be excluded in recommendations for civilian type awards.

(b) Recommendations requiring Department of the Air Force approval will be forwarded in duplicate to the Director

of Military Personnel, Headquarters USAF, Washington 25, D. C.

(c) Recommendations will contain the following:

(1) The designation of the recommended decoration, if applicable, as a numbered oak-leaf cluster, and also statement whether posthumous or missing in action.

(2) The name, grade, service number, present organization, present duty assignment, and complete home address of the person recommended.

(3) A narrative statement specific as to dates, places, and facts relating to the heroism, achievement, or service.

(4) Grade, duty assignment, and unit assignment at time of act or service.

(5) Names of other individuals who will be recommended for the same act or service.

(6) A statement that service in the Air Force subsequent to the date of the act or service was honorable.

(7) Whether other recommendations for awards to the person are pending.

(8) Awards of previous decorations with authorities therefor.

(9) If posthumous, prisoner of war, or missing in action, the name, address, and relationship of the next of kin.

(d) A proposed citation will be forwarded with each recommendation. The proposed citation must be unclassified and normally will be limited to 100–150 words. In addition to the citation, supporting documentary evidence will be attached as inclosures to the recommendation when required by paragraph (a) of this section.

(e) Recommendations considered by the Air Force Decorations Board are given full consideration for a lesser award should the recommended award be disapproved. In the event no award is granted, the submission, in exceptional cases, of a complete new recommendation for a lesser award, including additional factual information and data, is not precluded (see § 878.8).

§ 878.8 *Time limitations.* (a) Recommendations for awards of decorations must be in official channels within 2 years of the date of heroism, achievement, or service.

(b) Recommendations submitted and disapproved for awarde of decorations may be submitted for reconsideration only if new evidence, not previously considered, is included. A request for reconsideration of a recommendation for a decoration must be in official channels within 2 years of the termination date of the act or service performed.

(c) Recommendations for awards based upon World War II acts or service can no longer be submitted for consideration.

(d) Recommendations placed in official channels, but, through circumstances, lost or not acted upon may be resubmitted with supporting evidence.

(40 Stat. 871; 10 U S. C. 1409)

§ 878.9 *Foreign decorations.* (a) Decorations tendered by a foreign government to members of the Air Force may not be accepted or worn without the express consent of Congress. (Clause 8, Section 9, Article I, of the Constitution.)

(b) The approval of the Congress is not required to accept any foreign decoration tendered or awarded for services while the recipient was a bona fide member of the Armed Forces of the respective foreign nation and provided the award is duly accepted in accordance with the regulations of the nation making the award prior to the recipient's entrance into active Federal service of the Armed Forces of the United States.

(c) Members of the Air Force Reserve components, while not on active duty and while not holding an office of profit or trust under the Government, may, without specific consent of the Congress, accept a foreign decoration and may, as authorized by Air Force uniform regulations, wear such decoration on his uniform, provided the award is not in recognition of service performed while the recipient was on active duty with the United States Air Force. While on inactive status the mere holding of a reserve commission is not considered as placing the holder in an office of profit or trust.

(d) The approval of the Congress is not required to accept any foreign decoration tendered or awarded posthumously to a former member of the United States Air Force.

(e) Recipients of foreign decorations may participate in presentation ceremonies and receive the awards, notwithstanding the absence of the consent of the Congress. The receipt of a foreign award at such ceremony will not constitute an acceptance of the award. Immediately following such ceremony, the recipient will advise the Department of the Air Force, by letter to the Director of Military Personnel, Headquarters USAF, Attention: Personnel Services Division, of the proffered award, setting forth all circumstances and inclosing all elements of the award, to include the medal and/or appurtenances, and original copies of certificates and allied documents. When presentation is made without prior notification, the appropriate representative of the foreign nation concerned will be advised of the above provisions of the Constitution.

(f) Except as indicated in paragraph (g) of this section, members of the Air Force are not authorized to receive decorations from foreign governments for duties performed in connection with the Military Assistance Program. Such personnel will not participate in presentation ceremonies.

(g) Personnel of Military Assistance Advisory Groups and Aid Missions are authorized to receive awards, in the manner described in this section, for services in connection with actual combat operations only.

§ 878.10 *Authority to make awards.* Authority to make awards must be specifically delegated. Unless specifically delegated, authority is reserved to the Department of the Air Force.

§ 878.11 *Awards to foreign persons.* (a) The award of decorations to members of the armed forces of foreign nations in peacetime is prohibited except that the Legion of Merit or the Medal of Freedom, in the appropriate degree may be awarded to recognize:

(1) Service of marked international significance where the interests of the United States are involved.

(2) Service which has aided the United States in furthering its national policies.

(3) Service which has furthered the interest of the security of the United States or of any nation allied or associated with the United States during a period of national emergency declared by the President or the Congress.

(b) Recommendations for awards to foreign persons will embody a statement indicating that the award, if approved, will be in conformity with the awards policy of the nation concerned.

§ 878.12 *Military decorations.* Military type decorations are awarded by the Department of the Air Force according to the requirements for the award and the status of the person at the time of his act or service. Military-type decorations according to type and precedence (positioning) are listed in §§ 878.13 to 878.23.

§ 878.13 *Medal of Honor.* (a) The Medal of Honor is a five-pointed star in gold, centered with the head of Minerva and surrounded by green enamel laurel leaves suspended from a link surmounted by an eagle. The ribbon is the collar type of light blue silk and above the suspension carries an octagon of the same material with thirteen white stars.

(b) The Medal of Honor, established by law, is awarded to any person who, while an officer or airman in the Air Force, in conflict with an enemy of the United States, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty. Recommendations for this highest United States decoration must incontestably prove that the bravery or self-sacrifice involved conspicuous risk of life, the omission of which could not justly cause censure.

(c) The Medal of Honor is awarded in the name of Congress and is usually presented by the President of the United States. It should not be confused with specially enacted Congressional medals.

(d) Persons awarded the Medal of Honor, whether in the service or not, are entitled to space available transportation on military aircraft, including scheduled flights, within the continental limits of the United States. Cards of identification for this purpose are issued by the appropriate Departments.

(40 Stat. 870, 10 U. S. C. 1403)

CROSS REFERENCE: For regulations with respect to transportation on military aircraft by persons holding the Medal of Honor, see §§ 416.6 (c) (2) and 417.4 (g) of this title (18 F. R. 8640, 8642).

§ 878.14 *Distinguished Service Cross.* (a) The Distinguished Service Cross is a bronze cross on which is centered an eagle over a wreath. The ribbon is predominantly dark blue with edgings of red separated from the blue by white lines.

(b) The Distinguished Service Cross, established by law, is awarded to any person who, while serving in any capacity with the Air Force, distinguishes himself by extraordinary heroism in connection with military operations against an armed enemy of the United States. Criterion for such heroism is risk of life so extraordinary as to set the person apart from his comrades.

(c) Authority to award the Distinguished Service Cross to United States personnel may be delegated during wartime to commanders of major air commands, but awards to foreign persons are reserved to the Department of the Air Force.

(40 Stat. 870; 10 U. S. C. 1406)

§ 878.15 *Distinguished Service Medal.* (a) The Distinguished Service Medal is an inscribed circle of blue enamel supporting the coat of arms of the United States. The ribbon is predominantly white banded in red separated from the white by blue lines.

(b) The Distinguished Service Medal, established by law, is awarded to any person serving in any capacity with the Air Force who distinguishes himself by exceptionally meritorious service to the Government in a duty of great responsibility. Responsibility means the exercise of authority or judgment in duties which decide the successful outcome of any major military operation. In peacetime, awards are limited to recognizing services of national or international significance.

(c) Civilians and foreign nationals are eligible for this award only under exceptional circumstances.

(40 Stat. 870; 10 U. S. C. 1407)

§ 878.16 *Silver Star.* (a) The Silver Star is a small silver star within a wreath centered on a larger star of gold-colored metal. The ribbon has a center band of red flanked by equal bands of white between equal bands of blue bordered by white lines with blue edging.

(b) The Silver Star, established by law, is awarded to any person, military, civilian, or foreign, who, while serving in any capacity with the Air Force, distinguishes himself by gallantry in action against an enemy of the United States. Gallantry means heroism of high degree involving risk of life.

(c) Authority to award the Silver Star may be delegated during wartime down to include commanders of numbered air forces.

(40 Stat. 871, as amended; 10 U. S. C. 1412)

§ 878.17 *Legion of Merit.* (a) The Legion of Merit is a five-rayed white enamel pronged star on a green wreath with crossed arrows. The cloud and stars from the coat of arms of the United States are displayed in an enamel center. The ribbon is red-purple with white edges.

(b) The Legion of Merit, established by law, is awarded to personnel of armed forces who distinguished themselves by exceptionally meritorious conduct in the performance of outstanding service to the United States. In peacetime, awards of the decorations generally are limited to recognizing services of national or international significance.

(c) The Legion of Merit is awarded without degree to members of the Armed Forces of the United States.

(d) Awards to members of foreign armed forces are made in the degrees of Chief Commander, Commander, Officer, and Legionnaire varying the design respectively for a breast decoration, a collar decoraton, and two chest decorations. The Chief Commander and Commander degrees are comparable to awards of the Distinguished Service Medal for United States personnel and usually are reserved for foreign heads of states and commanders of armed forces respectively. The other degrees are comparable to awards of the Legion of Merit without degree to United States personnel. Subsequent awards are never in a lower degree. Duplicate awards in such instances are made in all degrees, except that of Legionnaire for which oak-leaf clusters are employed.

(e) Authority to award the Legion of Merit to United States personnel may be delegated during wartime to commanders of major air commands, but awards to foreign persons are reserved to the Department of the Air Force.

(Sec. 2, 56 Stat. 662; 10 U. S. C. 1408b)

§ 878.18 *Distinguished Flying Cross.* (a) The Distinguished Flying Cross is a bronze cross with rays on which is displayed a propeller. The ribbon is predominantly blue with a narrow red band center bordered by white lines. The edges are outlined with equal bands of white inside blue.

(b) The Distinguished Flying Cross, established by law, is awarded to any member of the Armed Forces of the United States and to any member of the Armed Forces of friendly foreign nations, who, while serving in any capacity with the Air Force, distinguishes himself by heroism or extraordinary achievement while participating in aerial flight. Both heroism and achievement must be entirely distinctive, involving operations that are not routine.

(c) The Distinguished Flying Cross may be awarded by special act of Congress to outstanding pioneers of aviation regardless of status.

(d) Authority to award the Distinguished Flying Cross may be delegated during wartime down to include commanders of numbered air forces.

(Sec. 12, 44 Stat. 789, as amended; 10 U. S. C. 1429)

§ 878.19 *Soldier's Medal.* (a) The Soldier's Medal is a bronze octagon displaying an eagle in relief with fasces and stars. The ribbon centers thirteen narrow stripes, seven white and six red, edged by broad bands of blue.

(b) The Soldier's Medal, established by law, is awarded to any member of the Armed Forces of the United States and to any member of the armed forces of friendly foreign nations, who, while serving in any capacity with the Air Force distinguishes himself by heroism involving voluntary risk of life under conditions other than those of conflict with an armed enemy of the United States. The saving of a life or the success of the voluntary heroic act is not essential for consideration for an award.

(c) Authority to award the Soldier's Medal may be delegated during wartime down to include commanders of numbered air forces.

(Sec. 11, 44 Stat. 789; 10 U. S. C. 1428)

§ 878.20 *Bronze Star Medal.* (a) The Bronze Star Medal is a bronze star bearing in the center a smaller star of the same color. The ribbon is predominantly red with a white-edged narrow blue band in the center and white lines at each edge.

(b) The Bronze Star Medal is awarded to any person who, while serving in any capacity with the Air Force, distinguishes himself either by heroism in surface combat against an armed enemy of the United States, or by meritorious achievement or meritorious service not involving participation in aerial flight, but in connection with military operations against an enemy.

(c) The Bronze Star Medal when awarded for heroism is marked by a bronze letter "V" (for valor) clasped to the ribbon. Only one such "V" is authorized; additional awards are designated by oak-leaf clusters.

(d) Authority to award the Bronze Star Medal to United States personnel may be delegated during wartime, down to include commanders of air divisions, but awards to foreign persons will not be delegated below commanders of oversea air commands.

(E. O. 9419, Feb. 4, 1944, 9 F. R. 1495; 3 CFR, 1944 Supp.)

§ 878.21 *Air Medal.* (a) The Air Medal is a bronze compass rose displaying an eagle in flight bearing lightning flashes. The ribbon is predominantly blue with two orange-gold bands just inside the edges.

(b) The Air Medal is awarded to any person who, while serving in any capacity with the Air Force, distinguishes himself by meritorious achievement while participating in aerial flight. It may be awarded to recognize single acts of merit or sustained operational activities against an enemy of the United States.

(c) Authority to award the Air Medal may be delegated during wartime down to include commanders of air divisions.

(E. O. 9158, May 11, 1942, 7 F. R. 3541; 3 CFR, 1943 Cum. Supp., as amended by E. O. 9242-A, Sept. 11, 1942, 7 F. R. 7874, 3 CFR, 1943 Cum. Supp.)

§ 878.22 *Commendation Ribbon.* (a) The Commendation Ribbon consists of a ribbon and medallion. The medallion is a bronze hexagon bearing the eagle, shield, and arrows from the seal of the Department of Defense. The ribbon is medium green with white edges and five white lines in the center.

(b) The Commendation Ribbon, established by the Secretary of War, December 18, 1945, is awarded to members of the Armed Forces of the United States who, while serving in any capacity with the Air Force, distinguish themselves by meritorious achievement or meritorious service. The degree of merit need not be unique but it must be dis-

tinctive. Acts of courage which do not meet the risk of life requirements for award of the Soldier's Medal may be considered as evidence of a meritorious achievement warranting award of a Commendation Ribbon.

(c) A member or former member of the Armed Forces who received an individual letter of commendation, dated between December 7, 1941 and January 1, 1946, bearing the signature of an officer above the grade of brigadier general, or an officer occupying a position of major general or above, may submit such letter to the Director of Military Personnel, Headquarters USAF, Washington 25, D. C., for evaluation. Consideration will be given to these letters as evidence of meritorious achievement or meritorious service warranting an award of the Commendation Ribbon, provided that the achievement or service was not previously recognized by another decoration. Such letters may be submitted until July 1, 1954. The Commendation Ribbon will not be awarded retroactively for letters of commendation forwarded after that date.

(d) Authority to award the Commendation Ribbon to personnel below the grade of brigadier general is delegated to commanders of major air commands. In wartime, authority may be delegated down to include commanders of air divisions.

§ 878.23 *Purple Heart.* (a) The Purple Heart is a heart-shaped pendant of purple enamel bearing the relief head of General Washington in gold and the Washington shield in colors. The ribbon is dark purple with white edges.

(b) The Purple Heart established by General George Washington in 1782, is awarded to members of the Armed Forces of the United States, and civilian citizens of the United States, who, while serving with the Air Force, are wounded in action against an enemy of the United States. The wound must have necessitated medical treatment and must have been received as a direct result of an act of the enemy. Indirect results of enemy action, such as disease, exposure, or personal injury not directly attributable to an act of the enemy, are not a basis for an award. Multiple wounds received at the same instant are counted as a basis for but one award.

(c) Personnel otherwise eligible for an award of the Purple Heart who did not, because of unusual circumstances, receive an award may submit any available facts as evidence warranting this award to the Director of Military Personnel, Headquarters USAF, Washington 25, D. C. Whenever possible, a certificate from a medical officer should be supplied, attesting to the probable cause of a scar or injury.

(d) Awards of the Purple Heart made during World War II for meritorious achievement or service may be submitted for evaluation and substitution of another more appropriate decoration.

(e) Posthumous awards of the Purple Heart to Air Force personnel killed in action will be made by the Department of the Air Force.

(f) Authority to award the Purple Heart may be delegated during wartime down to include commanders of groups or comparable organizations.

§ 878.24 *Civilian decorations.* Civilian-type decorations are not awarded to any person for any act or service performed while serving as a member of the military service. Civilian-type decorations according to type and precedence (positioning) are listed in §§ 878.25 to 878.29.

§ 878.25 *Medal for Merit.* (a) The Medal for Merit consists of a bronze eagle upon a circle of blue enamel with white stars, suspended from a ribbon of magenta silk centering two white lines.

(b) The Medal for Merit, established by law, is awarded to civilians who distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services. Awards to foreign civilians were limited to those of Allied nations who aided in World War II. This award is comparable to the Distinguished Service Medal.

(c) Authority to award the Medal for Merit is vested in the President of the United States who established the Medal for Merit Board to consider recommendations submitted by the services and other agencies.

(Sec. 2, 56 Stat. 662; 10 U. S. C. 1408b; E. O. 9637, Oct. 3, 1945, 10 F. R. 12543; 3 CFR, 1945 Supp., as amended by E. O. 9857A, May 27, 1947, 12 F. R. 3583; 3 CFR, 1947 Supp.)

NOTE: This decoration is not currently being awarded and will not be awarded until directed by the President.

§ 878.26 *President's Certificate of Merit.* (a) The President's Certificate of Merit, unlike most other decorations, has neither ribbon nor medallion. It consists solely of a certificate signed by the President of the United States.

(b) The President's Certificate of Merit, was awarded to any civilian who performed a meritorious act or service aiding the United States or its allies during World War II.

(E. O. 9734, June 6, 1946, 11 F. R. 6225; 3 CFR, 1946 Supp., as amended by E. O. 9857B, May 27, 1947, 12 F. R. 3585; 3 CFR, 1947 Supp.)

NOTE: This decoration is not currently being awarded and will not be awarded until directed by the President.

§ 878.27 *Medal of Freedom.* (a) The Medal of Freedom is a circular bronze medallion bearing the head of the goddess of freedom with a ribbon of red silk centering four white lines.

(b) The Medal of Freedom may be awarded to any person not hereinafter specifically excluded, who, on or after December 7, 1941, has performed a meritorious act or service which has either:

(1) Aided the United States in the prosecution of a war against an enemy or enemies, or

(2) Aided any nation engaged with the United States in the prosecution of a war against a common enemy or enemies, or

(3) Furthered the interests of the security of the United States or of any nation allied or associated with the United States during any period of national emergency declared by the President or the Congress, and for which act or service the award of any other United States medal or decoration is considered inappropriate.

NOTE: In special circumstances and without regard to the existence of a state of war or national emergency, the Medal of Freedom may also be awarded by, or at the direction of, the President of the United States, to any person, not hereinafter specifically excluded, for performance of a meritorious act or service in the interests of the security of the United States.

(c) The Medal of Freedom will not be awarded to a citizen of the United States for any act or service performed within the continental limits of the United States; neither will it be awarded to a member of the Armed Forces of the United States. Awards to citizens of the United States will be without reference to degree and the Medal of Freedom without Palm will be issued.

(d) Awards to citizens and members of armed forces of foreign nations are made in the following degrees which correspond to the respective military decorations indicated:

(1) Gold Palm (Legion of Merit, Chief Commander);

(2) Silver Palm (Legion of Merit, Commander);

(3) Bronze Palm (Legion of Merit, Officer or Legionnaire);

(4) Without Palm (Bronze Star Medal).

(E. O. 9586, July 6, 1945, 10 F. R. 8523; 3 CFR, 1945 Supp., as amended by E. O. 10336, April 3, 1952, 17 F. R. 2957; 3 CFR, 1952 Supp.)

§ 878.28 *Exceptional Service Award.* (a) The Exceptional Service Award consists of a gold colored medal bearing the Air Force coat of arms within a wreath of laurel leaves and a ribbon of dark blue silk centering three dotted golden-orange lines.

(b) The Exceptional Service Award, established by the Secretary of the Air Force, August 30, 1948, recognizes United States civilians not employed by the Air Force, who distinguish themselves by exceptional services rendered to the Department of the Air Force. Additionally, this decoration may be awarded to any civilian, United States or foreign, not employed by United States Government for an act of heroism involving voluntary risk of life. This award is similar to the Exceptional Civilian Service Award which is awarded only to civilian employees of the Department of the Air Force.

§ 878.29 *Air Force Scroll of Appreciation.* (a) The Air Force Scroll of Appreciation consists of a signed citation describing the act or service being recognized. It is not accompanied by a lapel pin or other device.

(b) The Air Force Scroll of Appreciation, established by the Secretary of the Air Force in August 1948, recognizes heroic or meritorious achievement or service rendered to any activity of the Department of the Air Force by any civilian, not employed by the Government. Acts of courage which do not meet the risk of life requirements for award of the Exceptional Service Award may be considered as evidence of a meritorious achievement warranting award of the Air Force Scroll of Appreciation.

It may be awarded to groups or organizations as well as to individuals.

§ 878.30 *Presentations.* (a) At presentations, elements of an award properly include a leatherette or plastic case containing the medal with ribbon, ribbon bar, clusters if any, lapel button or rosette, and a citation. The citation, which is furnished by the awarding authority, consists of a text typed on plain paper and suitable for reading at the ceremony. General orders published by the awarding authority are not essential at the time of the ceremony but may be furnished later.

(b) Whenever a recipient not on active duty waives formal presentation, the various elements comprising the award will be forwarded by courier or registered mail. In posthumous cases, presentations will be held in accordance with the desires of the recipients.

§ 878.31 *Wearing of decorations.* United States decorations are worn immediately above the pocket, on the left breast, in order of precedence from the wearer's right to left, preceding all United States service awards and in one or more lines, as required.

§ 878.32 *Replacements.* (a) Replacement for medals and appurtenances lost or destroyed through no fault or neglect on the part of the person to whom awarded will be replaced without charge to members of the Air Force on active duty and members of the Reserve components upon application to the commanders having custody of the field personnel records group.

(b) Persons not on active duty and not members of Reserve components, and next of kin of deceased personnel may address their applications to the Air Force Liaison Unit, Military Personnel Records Center, 4300 Goodfellow Boulevard, St. Louis 20, Missouri.

(c) Certificates are supplied upon individual request by the recipient of a decoration, addressed to the Air Force Liaison Unit, Military Personnel Records Center, 4300 Goodfellow Boulevard, St. Louis 20, Missouri. A copy of the general orders announcing the award, if available, or the authority for the award should accompany each request.

§ 878.33 *Exhibitions.* Applications by public institutions and patriotic organizations for sample decorations for exhibit purposes may be addressed to the Director of Military Personnel, Headquarters USAF, Washington 25, D. C., for approval by the Secretary of the Air Force. Cost, transportation, and packing charges as well as the engraving of each decoration with the words "Exhibition only" will be borne by the applicant.

§ 878.34 *Manufacture, sale, and possession.* The manufacture, sale, possession, or the pictorial representation in regulation size of the likeness of any United States Air Force decoration or device is prohibited by law unless authorized by the Department of the Air Force.

(62 Stat. 731, 732, as amended; 18 U. S. C. 701, 704)

§ 878.35 *Miscellaneous.* (a) Decorations differ from service medals in design; each decoration has distinctive shape. Service medals are usually circular with pictorial relief.

(b) Rosettes or lapel emblems for wear with civilian clothes are included with each medal when presented. Lapel emblems usually are enamel facsimiles of the ribbon.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-2783; Filed, Apr. 14, 1954; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Rev. 2]

REG. 3—MANGANESE REGULATION: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT DEMING, NEW MEXICO

By amending the provisions of section 6, this revision permits shippers of lots aggregating less than two hundred (200) tons in any thirty (30) day period to receive settlement on the same basis as shippers of lots aggregating two hundred (200) tons or more. This revision also modifies the rejection provisions for subspecification material in sections 4 and 6 by making rejection of such material permissive instead of mandatory. This revision embodies or supersedes Revision 1, dated September 19, 1952, and Amendments 1 and 2 to said Revision 1, dated August 13, 1953, and September 25, 1953, respectively.

Sec.
1. Basis and purpose.
2. Definitions.
3. Participation in the Program.
4. Deliveries.
5. Duration of the Program.
6. Price schedule for ores.
7. Ores containing lead and zinc in excess of the allowable maximum.

AUTHORITY: Section 1 to 7 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 95, 83d Cong.; 50 U. S. C. App. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Laws 95, 206, 83d Cong.; 50 U. S. C. App. 2154, E. O. 10480, 18 F. R. 4939.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase manganese ore of domestic origin at Deming, New Mexico, for the fiscal years 1952–1958, pursuant to Executive Order 10480, dated August 14, 1953 (18 F. R. 4939). In accordance with the provisions and specifications of the Program as set forth herein and as they may be hereafter amended and revised, the Administrator will buy domestically produced manganese ore containing not less than fifteen percent (15%) manganese.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Program" means the purchase of manganese ore as set forth in this regulation.

(c) "Depot" means the purchase depot of the Government at Deming, New Mexico.

(d) "Manganese ore" means crude ore containing not less than 15 percent manganese, mined in the United States, its Territories and possessions.

(e) "Long ton unit of manganese" means 22.4 pounds of manganese contained in a long dry ton of manganese ore.

SEC. 3. *Participation in the Program.* Any person may participate in the Program by notice given to the General Services Administration Regional Office, Building 41, Denver Federal Center, Denver, Colorado, in the form of a letter, postcard or telegram postmarked or dated by the telegraph office not later than June 30, 1954. Such notice shall state that the writer desires to participate in the Program and will deliver manganese ore to the depot. Such notice must be signed and a return address given. Any person participating in the Program will promptly be sent a certificate authorizing him to deliver manganese or meeting minimum specifications.

SEC. 4. *Deliveries.* Manganese ore to be purchased by the Government under the Program is to be delivered f. o. b. depot. Delivery of less than five (5) long tons of ore at one time will not be accepted. Participants in the Program must give the Government reasonable notice with respect to deliveries of ore. Each delivery will be sampled and assayed by the Government at the depot and payment of an estimated recovery basis will be made in accordance with the analysis of such sample and as provided in section 6 of this regulation. Deliveries not conforming to the minimum specifications may be rejected, and expenses in connection therewith will be borne by the seller.

SEC. 5. *Duration of the Program.* This Program shall terminate and be of no further force or effect when six million (6,000,000) contained long ton units of manganese have been delivered to the depot and accepted by the Government under this Program, or at the close of business June 30, 1958, whichever first occurs.

SEC. 6. *Price schedule for ores.* (a) The following prices per long dry ton will be paid for manganese ore delivered f. o. b. depot. Where the fractional manganese content is 0.5 percent or below, payment will be made as though no fractional content were involved. Where such fractional content is 0.51 percent or above, payment will be made at the next higher figure.

Percent Mn in ore:	*To be paid for 1 long dry ton*
15	$8 54
16	10 24
17	12 00
18	13 71
19	15 43
20	17 20
21	19 13
22	21 06
23	23 05

Percent Mn in ore:	*To be paid for 1 long dry ton*
24	$24.99
25	26.94
26	29.64
27	32.40
28	35.11
29	37.88
30	40.60
31	44.73
32	46.86
33	50.00
34	53.14
35	56.29
36	60.74
37	65.15
38	69.61
39	74.03
40 fines	78.00
40 ore	88.00

The above price schedule applies to lots received from individual shippers aggregating less than 200 tons during any 30-day period, and shall constitute the final and definite price for such lots, unless, for such lots, individual shippers thereof shall have notified the Government in writing that they desire settlement in accordance with the provisions of paragraph (b) of this section for each accumulation of fifty (50) tons.

(b) For lots received from individual shippers aggregating two hundred (200) tons or more during any thirty (30) day period, and for lots received from individual shippers aggregating fifty (50) tons for which the shipper has notified the Government of its desire to receive settlement in accordance with the provisions of this section, the price schedule appearing in paragraph (a) of this section shall serve as a basis for preliminary settlement pending laboratory tests. The preliminary settlement shall be adjusted up or down, as the case may be, as a result of tests for laboratory-determined recoverability. Final settlement shall be calculated on the basis of $2.30 per long ton unit of manganese determined from the laboratory tests to be recoverable from the ore, subject to a charge of $10 per ton of ore (the estimated cost of sampling, milling, and handling) and to the specifications, premiums, and penalties set forth below.

Specifications	*Percent*
Manganese	48.0
Iron	6.0
Silica plus alumina	11.0
Phosphorus	.12

Premiums

Manganese content above 48.0 percent (dry basis): ½ cent for each 1.0 percent.

Iron content below 6.0 percent (dry basis): ½ cent for each 1.0 percent.

Penalties

Manganese content below 48.0 percent (dry basis): 1 cent for each 1.0 percent, down to and including 44.0 percent. Below 44.0 percent: 4 cents, plus 1½ cents for each 1.0 percent down to 40.0 percent minimum. Iron content above 6.0 percent (dry basis): 1 cent for each 1.0 percent, up to and incuding 8.0 percent. Above 8.0 percent: 2 cents plus ¾ cent for each 1.0 percent up to 16 percent maximum. Silica plus alumina content above 11.0 percent (dry basis): 1 cent for each 1.0 percent up to 15 percent maximum. Phosphorus content above 0.12 percent (dry basis): ½ cent for each 0.01 percent up to 0.3 percent maximum.

The Government may reject any lot which, on the basis of the laboratory testing, cannot be beneficiated to a product the chemical analysis of which falls within the following limits in all respects. The Government reserves the right to dispense with laboratory testing of shipments aggregating less than 200 tons over a 30-day period.

	By weight (dry basis) (percent)
	Minimum
Manganese (Mn)	40.0
	Maximum
Iron (Fe)	16.0
Silica plus alumina (SiO_2 plus Al_2O_3)	15.0
Phosphorus (P)	.30
Copper plus lead plus zinc (Cu plus Pb plus Zn). Of which not more than 0.25 percent may be copper	1.00

Sec. 7. *Ores containing lead and zinc in excess of the allowable maximum.* Ores containing lead and zinc exceeding the maximum percentage allowed by section 6 of this regulation shall be accepted and purchased under this program, provided that such ores are amenable to nodulization, and as a result of nodulization the contained lead and zinc of the ores will be reduced to the maximum percentage allowed by section 6 of this regulation. Such ores shall be subject to a charge of $2.25 per long dry ton to cover the cost of nodulization.

This regulation, as revised, is effective immediately.

Dated: April 8, 1954.

AL E. SNYDER,
Assistant Administrator.

[F. R. Doc. 54-2830; Filed, Apr. 14, 1954; 8:55 a. m.]

[Rev. 2]

REG. 4—MANGANESE REGULATION: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT BUTTE AND PHILIPSBURG, MONTANA

This revision modifies the provisions of, and redesignates the previously numbered section 9, to permit shippers of manganese oxide ore in lots aggregating less than two hundred (200) tons in any thirty (30) day period to receive settlement on the same basis as shippers of lots aggregating two hundred (200) tons or more. This revision also modifies the rejection provisions for subspecification material by making rejection of such material permissive instead of mandatory. This revision embodies or supersedes Revision 1, dated July 25, 1952, and Amendments 1 through 4, to said Revision 1, dated January 12, February 19, August 13, and September 25, 1953, respectively.

Sec.
1. Basis and purposes.
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AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 95, 83d Cong.; 50 U. S. C. App. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Laws 95, 206, 83d Cong.; 50 U. S. C. App. 2154 E. O. 10480, 18 F. R. 4939.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase manganese carbonate ore and manganese oxide ore of domestic origin at Butte, Montana, and at Philipsburg, Montana, for the fiscal years 1952–58, pursuant to Executive Order 10480, dated August 14, 1953 (18 F. R. 4939). In accordance with the provisions of this Program as set forth herein, and as they may be hereafter amended and revised, the Administrator will buy domestically produced manganese carbonate ore and manganese oxide ore. Sections 5 and 6 of this regulation provide for the purchase by the Government of manganese carbonate ore. Such ore shall contain not less than fifteen percent (15%) manganese in the case of ore delivered at Philipsburg, nor less than twelve percent (12%) in the case of ore delivered at Butte. Sections 7 through 11 of this regulation provide for the purchase by the Government of manganese oxide ore containing not less than eighteen percent (18%) manganese.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Program" means the purchase of manganese carbonate ore and manganese oxide ore as set forth in this regulation.

(c) "Depot" means the purchase depots of the Government at Butte, Montana and at Philipsburg, Montana.

(d) "Manganese carbonate ore" means crude ore from production of ore containing not less than 90 percent of the manganese as carbonate, mined in the United States, its Territories and possessions.

(e) "Manganese oxide ore" means crude manganese oxide ores and concentrates, or a mixture of oxide and carbonate containing less than ninety percent (90%) carbonate, mined in the United States, its Territories and possessions.

(f) "Long ton unit of manganese" means 22.4 pounds of manganese contained in a long dry ton of manganese ore.

SEC. 3. *Participation in the Program.* Subject to the last sentence of this section, any person may participate in the Program by notice given to the General Services Administration, Regional Office, Federal Office Building, Seattle 4, Washington, in the form of a letter, postcard or telegram postmarked or dated by the telegraph office not later than June 30, 1954. Such notice shall state that the writer desires to participate in the Program and will deliver manganese ore to either or both of the depots, giving the estimated monthly rate of delivery. Such notice must be signed and a return address given. Any person participating in the Program will promptly be sent a certificate authorizing him to deliver manganese ore meeting minimum specifications. Since the purpose of the Program is to obtain from marginal or submarginal sources manganese ore which would not otherwise be produced, the Government reserves the right to exclude commercially established production of manganese ore from participation in the Program.

SEC. 4. *Duration of the Program.* This Program shall terminate and be of no further force or effect when six million (6,000,000) contained long ton units of manganese have been delivered to the depots and accepted by the Government under this Program, or at the close of business June 30, 1958, whichever first occurs.

SEC. 5. *Deliveries of manganese carbonate ore.* Manganese carbonate ore to be purchased by the Government under this Program is to be delivered f. o. b. depot. Ore produced in Granite, Powell, and Ravalli Counties is to be delivered f. o. b. depot, Philipsburg, Montana, and will be paid for on that basis, as provided in section 6 of this regulation. Delivery of less than five (5) long tons of ore at one time will not be accepted. Participants in the Program must give the Government reasonable notice with respect to deliveries of ore. Each delivery will be sampled by the Government and payment will be made in accordance with the analysis of such sample, as provided in section 6. Deliveries not conforming to the minimum specifications and the requirements of this regulation may be rejected, and all expenses incurred by the Government in connection with such rejected shipments shall be borne by the seller. The seller shall be held responsible for the removal of any lot rejected. Upon the seller's failure to remove a rejected lot within a reasonable time after due notice, the Government may remove such lot and the cost of such removal shall be for the seller's account; or the Government, at its option, may otherwise dispose of such rejected lot without liability therefor.

SEC. 6. *Price schedule for manganese carbonate ore.* Payment for manganese carbonate ore delivered f. o. b. depot shall be made on the basis of the following table:

Percent of manganese in ore	To be paid for 1 long dry ton delivered f. o. b. depot, Philipsburg	To be paid for 1 long dry ton delivered f. o. b. depot, Butte
12		$6.05
13		7.59
14		9.46
15	$6.43	11.43
16	8.72	13.43
17	10.75	16.27
18	12.79	19.01
19	15.04	21.46
20	17.22	23.62
21	19.04	25.21
22	20.89	26.89
23	22.73	28.41
24	24.62	30.07
25	26.53	31.74
26	28.39	33.54
27	29.90	35.35
28	31.38	37.11
29	33.21	38.76
30	34.81	40.42
31	50.28	51.33
32	52.17	53.26
33	54.06	55.18
34	55.93	57.11
35	57.94	59.03
36	59.72	60.94
37	61.61	62.87
38	63.50	64.79
39	65.38	66.72
40	67.28	68.64

The following premiums and penalties will be paid:

(a) For each 1 percent of iron as oxide in excess of 3 percent, a penalty of ½ of 1 percent manganese shall be imposed.

(b) For each 1 percent of calcium oxide plus magnesium oxide in excess of 9 percent, a penalty of 1 percent manganese shall be imposed.

(c) A credit of 0.25 percent manganese shall be allowed for each 1 percent of calcium oxide plus magnesium oxide below 7 percent, provided, this credit does not apply to Butte ore containing more than 15 percent manganese. In addition, payment for any gold, silver, lead, or zinc contained in the manganese carbonate ore shall be made on the basis of the following tables:

Gold

No pay if 0.03 ounce or less (per short dry ton).

0.031 ounce to 0.05 ounce—pay for 20 percent at $30 per ounce.

0.051 ounce to 0.10 ounce—pay for 30 percent at $30 per ounce.

0.101 ounce to 0.15 ounce—pay for 40 percent at $30 per ounce.

0.151 ounce to 0.20 ounce—pay for 50 percent at $30 per ounce.

Over 0.201 ounce—pay for 60 percent at $30 per ounce.

Silver

No pay if 2.0 ounces or less (per short dry ton).

2.1 ounces to 5.0 ounces—pay for 30 percent at market price.

5.1 ounces to 7.5 ounces—pay for 45 percent at market price.

7.6 ounces to 10.0 ounces—pay for 60 percent at market price.

Over 10.1 ounces—pay for 60 percent at market price.

Lead

No pay if 1.0 percent or less (per short dry ton).

1.1 percent to 2.0 percent—pay for 40 percent at market less 2 cents.

2.1 percent to 3.0 percent—pay for 45 percent at market less 2 cents.

3.1 to 4.0 percent—pay for 50 percent at market less 2 cents.

4.1 percent to 5.0 percent—pay for 55 percent at market less 2 cents.

5.1 percent and over—pay for 60 percent at market less 2 cents.

NOTE: Payments shall be made only for lead occurring as sulfide. Oxide lead content shall be deducted from total lead content to determine sulfide lead content. Should oxide lead content exceed one-third of total lead content, no lead payment shall be made.

Zinc

No pay if 1 percent or less (per short dry ton).

1.1 percent to 2.0 percent—pay for 30 percent at ½ market price.

2.1 percent to 3.0 percent—pay for 35 percent at ½ market price.

3.1 percent to 4.0 percent—pay for 40 percent at ½ market price.

4.1 percent to 5.0 percent—pay for 45 percent at ½ market price.

5.1 percent and over—pay for 50 percent at ½ market price.

NOTE: Oxide zinc content shall be deducted from total zinc content to determine sulfide zinc content. Should oxide zinc content be 10 percent or more of total, no zinc payment shall be made.

(d) No payment shall be made for manganese contained in the ore as silicates.

SEC. 7. *Purchases of manganese oxide ore.* Manganese oxide ore meeting the specifications and requirements herein set forth shall be purchased by the Government at Butte, and Philipsburg, Montana, from any person authorized to participate in this Program pursuant to the provisions of section 3 of this regulation, as revised. All deliveries of manganese oxide ore hereunder shall be either f. o. b. Government Depot, Butte, Montana, or f. o. b. railway cars, Philipsburg, Montana. For the purposes of this regulation, a lot means the quantity of manganese oxide ore delivered for sale to the Government at any one time. Delivery of less than five (5) long tons of ore at one time will not be accepted. Participants in the program shall give the Government reasonable notice with respect to proposed deliveries. Shipments not conforming to the minimum specifications and the requirements of this regulation may be rejected, and all expenses incurred by the Government in connection with such rejected shipments shall be borne by the seller. The seller shall be held responsible for the removal of any lot rejected. Upon the seller's failure to remove a rejected lot within a reasonable time after due notice, the Government may remove such lot and the cost of such removal shall be for the seller's account; or the Government, at its option, may otherwise dispose of such rejected lot without liability therefor.

SEC. 8. *Price schedule for manganese oxide ore.* The Government shall purchase, pursuant to the price schedule set forth in paragraph (a) of this section and the requirements of this regulation, as revised, manganese oxide ore delivered either (1) f. o. b. Government Depot, Butte, Montana, or (2) f. o. b. railway cars, Philipsburg, Montana. Two methods of payment shall be employed:

(a) Subject to the right of the Government to determine whether laboratory testing (for recoverability) shall be performed, final and definite payment for lots delivered by individual shippers aggregating less than two hundred (200) tons during any thirty (30) day period shall be made in accordance with the following schedule, unless for such lots, individual shippers thereof shall have notified the Government in writing that they desire settlement in accordance with the provisions of paragraph (b) of this section for each accumulation of fifty (50) tons.

Percent of manganese in the ore or concentrate:	*To be paid for 1 long dry ton*
18	$4.87
19	7.08
20	9.18
21	11.35
22	13.60
23	15.61
24	18.01
25	19.82
26	21.83
27	24.51
28	26.45
29	29.09
30	31.33
31	33.61
32	35.94
33	38.22

Percent of manganese in the ore or concentrate:	To be paid for 1 long dry ton
34	$40.64
35	43.09
36	45.60
37	47.32
38	49.89
39	51.62

NOTE: Where the fractional marginal content is 0.5 percent or below, payment will be made as though no fractional content were involved. Where the fractional content is 0.51 percent or above, payment will be made at the next higher figure.

(b) For lots received from individual shippers aggregating two hundred (200) tons or more during any thirty (30) day period, and for lots of lesser aggregate tonnages received from individual shippers for which the shipper has notified the Government of its desire to receive settlement in accordance with the provisions of this section, preliminary payments based on the schedule appearing in paragraph (a) of this section shall be made to the seller. Final settlement shall be deferred pending laboratory tests to determine the recoverability of manganese from such lots. Following such determination the preliminary payment shall be adjusted up or down, as the case may be, to reflect the final price, and final settlement for the purchase of such lots shall be made forthwith. The final price shall be based on the manganese content determined to be recoverable from such lots, as a result of the laboratory tests, at the rate of $2.30 per long ton unit (22.4 pounds) for contained manganese meeting the following chemical analysis, subject to premiums and penalties as herein below set forth for manganese which does not meet such analysis:

CHEMICAL ANALYSIS

	Percent
Manganese	48.0
Iron	6.0
Silica plus alumina	11.0
Phosphorus	.12

PREMIUMS

Manganese content above 48.0 percent (dry basis): ½ cent for each 1.0 percent.

Iron content below 6.0 percent (dry basis): ½ cent for each 1.0 percent.

PENALTIES

Manganese content below 48.0 percent (dry basis): 1 cent for each 1.0 percent down to and including 44.0 percent. Below 44.0 percent: 4 cents, plus 1½ cents for each 1.0 percent down to 40.0 percent minimum. Iron content above 6.0 percent (dry basis): 1 cent for each 1.0 percent up to and including 8.0 percent. Above 8.0 percent: 2 cents plus ⅜ cent for each 1.0 percent up to 16 percent maximum. Silica plus alumina content above 11.0 percent (dry basis): 1 cent for each 1.0 percent up to 15 percent maximum. Phosphorus content above 0.12 percent (dry basis): ½ cent for each .01 percent up to 0.3 percent maximum.

Each purchase under this paragraph shall be subject to a flat charge, to be deducted in making final settlement, for treatment, sampling, handling, stockpiling, switching and withdrawal of the manganese oxide ore, at the rate of $16.60 for each long ton of manganese oxide ore contained in the offering.

SEC. 9. *Minimum requirements for manganese oxide ore.* The Government may reject any lot offered pursuant to sections 7 through 11 of this regulation, which on the basis of laboratory testing, cannot be beneficiated to a product, the chemical analysis of which falls within the following limits in all respects:

	By weight (dry basis) (percent)
Manganese (minimum)	40.0
Iron (maximum)	16.0
Silica plus alumina (maximum)	15.0
Phosphorous (maximum)	.3
Copper plus lead plus zinc, of which not more than 0.25 percent may be copper (maximum)	1.0

SEC. 10. *Deliveries of manganese oxide ore.* (a) With each delivery of a lot, the seller shall indicate whether the lot is to be held to accumulate for an offering of fifty (50) tons and for which the shipper desires settlement under the provisions of paragraph (b) of section 8, or for an offering of two hundred (200) tons or more. If it is to be held, the lot shall be weighed, moisture content determined, and commingled with other lots delivered by the seller. Lots to be held for an offering of two hundred (200) tons or more shall be commingled with other lots delivered in a thirty (30) day period. Lots to be held for an offering of fifty (50) tons shall be commingled with other lots until such fifty (50) tons have been accumulated. Accumulated lots shall be commingled into a single composite lot for subsequent sampling and analysis, and the seller shall not be permitted, at a subsequent time, to make withdrawals from a composite lot. Composite lots shall be sampled and analyzed at the end of thirty (30) day periods in the case of lots aggregating two hundred (200) tons or more during a thirty (30) day period, and, in the case of lesser aggregate tonnages, when fifty (50) tons have been accumulated. Payment shall be made to the seller in accordance with the provisions of paragraph (b) of section 8.

(b) If the delivered lot is not to be held for accumulation purposes, it shall be weighed, determination made for moisture content, sampled and analyzed, and payment made immediately to the seller in accordance with the provisions of paragraph (a) of section 8.

SEC. 11. *Weighing, sampling and analysis of manganese oxide ore.* (a) Weighing, sampling and moisture determination shall be performed at the Government's depot in accordance with standard practices. The seller may be represented at these operations. The Government's determination as to weight, sampling and moistdre content shall be final and conclusive. Three samples shall be prepared, one for the Government, one for the seller and one for umpire purposes. The umpire sample shall be sealed and set aside for umpire purposes.

(b) A difference between the Government's analysis and the seller's analysis shall be resolved, where such difference does not exceed one-half of 1 percent of manganese; one-half of 1 percent of silica plus alumina; one-half of 1 percent of iron; 0.03 of 1 percent of phosphorus; and 0.05 of 1 percent of copper plus lead plus zinc, of which not more than 0.25 percent may be copper, by taking the average of the two analyses, which average shall be the final and conclusive analysis. Where a greater difference exists between the Government's analysis and the seller's analysis, the umpire sample shall be referred to a chemical analyst satisfactory to both the Government and the seller whose analysis shall be final and conclusive. The cost of the umpire analysis shall be borne in accordance with usual trade practices.

This regulation, as revised, is effective immediately.

Dated: April 8, 1954.

AL E. SNYDER,
Assistant Administrator.

[F. R. Doc. 54-2829; Filed, Apr. 14, 1954; 8:55 a. m.]

[Rev. 1]

REG. 5—MANGANESE REGULATIONS: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT WENDEN, ARIZONA

By amending the provisions of section 6, this revision permits shippers of lots aggregating less than two hundred (200) tons in any thirty (30) day period to receive settlement on the same basis as shippers of lots aggregating two hundred (200) tons or more. This revision also modifies the rejection provisions for subspecification material in sections 4 and 6 by making rejection of such material permissive instead of mandatory. This revision embodies or supersedes this regulation as originally issued on June 27, 1952, and Amendments 1 through 4 thereof, dated September 19, 1952, March 20, August 13, and September 25, 1953, respectively.

Sec.
1. Basis and purpose.
2. Definitions.
3. Participation in the Program.
4. Deliveries.
5. Duration of the Program.
6. Price schedule for ores.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended, Pub Law 95, 83d Cong.; 50 U. S. C. App. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Laws 95, 206, 83d Cong.; 50 U. S. C. App. 2154. E. O. 10480, 18 F. R. 4939.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase manganese ore of domestic origin at Wenden, Arizona, pursuant to Executive Order 10480, dated August 14, 1953 (18 F. R. 4939). In accordance with the provisions and specifications of the Program as set forth in this regulation, the Administrator will buy domestically produced manganese ore containing not less than fifteen percent (15%) manganese.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Program" means the purchase of manganese ore as set forth in this regulation.

(c) "Depot" means the purchase depot of the Government at Wenden, Arizona.

(d) "Manganese ore" means crude ore containing not less than fifteen percent (15%) manganese, mined in the United States, its territories and possessions.

(e) "Long ton unit of manganese" means 22.4 pounds of manganese contained in a long dry ton of manganese ore.

SEC. 3. *Participation in the Program.* Any person may participate in the Program by notice given to the General Services Administration Regional Office, 4th Floor, 49 4th Street, San Francisco 3, California, in the form of a letter, postcard, or telegram postmarked or dated by the telegraph office not later than June 30, 1954. Such notice shall state that the writer desires to participate in the program and will deliver manganese ore to the depot. Such notice must be signed and a return address given. Any person participating in the program will promptly be sent a certificate authorizing him to deliver ore meeting minimum specifications.

SEC. 4. *Deliveries.* Manganese ore to be purchased by the Government under the Program is to be delivered f. o. b. depot. Delivery of less than five (5) long tons of ore at one time will not be accepted. Participants in the Program must give the Government reasonable notice with respect to deliveries of ore. Each delivery will be sampled and assayed by the Government at the depot and payment on an estimated recovery basis will be made in accordance with the analysis of such sample and as provided in section 6. Deliveries not conforming to the minimum specifications may be rejected, and expenses in connection therewith will be borne by the seller.

SEC. 5. *Duration of the Program.* This Program shall terminate and be of no further force or effect when six million (6,000,000) contained long ton units of manganese have been delivered to the depot and accepted by the Government under this program, or at the close of business June 30, 1958, whichever first occurs.

SEC. 6. *Price schedule for ores.* (a) The following prices per long dry ton will be paid for manganese ore delivered f. o. b. depot. Where the fractional manganese content is 0.5 percent (0.5%) or below, payment will be made as though no fractional content were involved. Where such fractional content is 0.51 percent (0.51%) or above, payment will be made at the next higher figure.

Percent Mn in ore:	To be paid for 1 long dry ton
15	$8.54
16	10.24
17	12.00
18	13.71
19	15.48
20	17.20
21	19.13
22	21.06
23	23.05
24	24.99
25	26.94
26	29.64
27	32.40
28	$35.11
29	37.88
30	40.60
31	44.73
32	46.86
33	50.00
34	53.14
35	56.29
36	60.74
37	65.15
38	69.61
39	74.03
40 fines	78.00
40 ore	88.00

The above price schedule applies to lots received from individual shippers aggregating less than two hundred (200) tons during any thirty (30) day period, and shall constitute the final and definite price for such lots, unless, for such lots, individual shippers thereof shall have notified the Government in writing that they desire settlement in accordance with the provisions of paragraph (b) of this section for each accumulation of fifty (50) tons.

(b) For lots received from individual shippers aggregating two hundred (200) tons or more during any thirty (30) day period, and for lots received from individual shippers aggregating fifty (50) tons for which the shipper has notified the Government of its desire to receive settlement in accordance with the provisions of this paragraph, the price schedule appearing in paragraph (a) of this section shall serve as a basis for preliminary settlement pending laboratory tests. Such tests shall be performed on lots accumulated during a thirty (30) day period, or when fifty (50) tons have been accumulated, whichever is applicable. The preliminary settlement shall be adjusted up or down, as the case may be, as a result of tests for laboratory-determined recoverability. Final settlement shall be calculated on the basis of $2.30 per long ton unit of manganese determined from the laboratory tests to be recoverable from the ore, subject to a charge of $10 per ton of ore (the estimated cost of sampling, milling, and handling) and to the specifications, premiums, and penalties set forth below.

SPECIFICATIONS

	Percent
Manganese	48.0
Iron	6.0
Silica plus alumina	11.0
Phosphorus	.12

PREMIUMS

Manganese content above 48.0 percent (dry basis): ½ cent for each 1.0 percent.

Iron content below 6.0 percent (dry basis): ½ cent for each 1.0 percent.

PENALTIES

Manganese content below 48.0 percent (dry basis): 1 cent for each 1.0 percent, down to and including 44.0 percent. Below 44.0 percent: 4 cents, plus 1½ cents for each 1.0 percent down to 40.0 percent minimum. Iron content above 6.0 percent (dry basis): 1 cent for each 1.0 percent, up to and including 8.0 percent. Above 8.0 percent: 2 cents plus ⅜ cent for each 1.0 percent up to 16 percent maximum. Silica plus alumina content above 11.0 percent (dry basis): 1 cent for each 1.0 percent up to 15 percent maximum. Phosphorus content above 0.12 percent (dry basis): ½ cent for each 0.01 percent up to 0.3 percent maximum.

The Government may reject any lot which, on the basis of the laboratory testing, cannot be beneficiated to a product the chemical analysis of which falls within the following limits in all respects. The Government reserves the right to dispense with laboratory testing of shipments aggregating less than 200 tons over a 30-day period.

	By weight (dry basis) (percent)
	Minimum
Manganese (Mn)	40.0
	Maximum
Iron (Fe)	16.0
Silica plus alumina (SiO_2 plus Al_2O_3)	15.0
Phosphorus (P)	.30
Copper plus lead plus zinc (Cu plus Pb plus Zn)	[1] 1.00

[1] Of which not more than 0.25 percent may be copper.

SEC. 7. *Ores containing lead and zinc in excess of the allowable maximum.* Ores containing lead and zinc exceeding the maximum percentage allowed by section 6 of this regulation shall be accepted and purchased under this Program: *Provided*, That such ores are amenable to nodulization, and as a result of nodulization the contained lead and zinc of the ores will be reduced to the maximum percentage allowed by section 6 of this regulation. Such ores shall be subject to a charge of $2.25 per long dry ton to cover the cost of nodulization.

This regulation, as revised, is effective immediately.

AL E. SNYDER,
Assistant Administrator.

Dated: April 8, 1954.

[F. R. Doc. 54-2831; Filed, Apr. 14, 1954; 8:55 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 114—TREATMENT OF MAILS: POSTAGE REFUNDS: INTERNATIONAL REPLY COUPONS: DISPOSITION OF FOREIGN DEAD MATTER

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

1. a. Section 114.5 *Special-delivery matter* is amended to read as follows:

§ 114.5 *Special-delivery service.* Articles intended for special delivery may be sent to certain countries subject to the fees and under the conditions set forth in Part 127 of this chapter.

b. Section 114.25 *International reply coupons* is amended to read as follows:

§ 114.25 *International reply coupons.* International reply coupons shall be issued to postmasters and sold to the public for the purpose of furnishing correspondents in other countries a means for procuring postage for the prepayment of reply, pursuant to the Universal Postal Union Convention. (See Part 127 of this chapter.)

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

2. a. In § 127.231 *China (including Taiwan (Formosa))* change the footnote to paragraph (b) to read as follows:

[1] Parcel post service is available only to Taiwan (Formosa) and the island of Quemoy.

b. In § 127.355 *South-West Africa (including Walvis Bay)* make the following changes:

i. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 68 cents for the first 2 ounces and 47 cents for each additional 2 ounces. (See § 127.20.)

ii. In paragraph (b) (1) insert immediately after the table of rates in subdivision (i), subdivision (ii) to read as follows:

(ii) *Air parcel rates.*

[Rates $1.31 first 4 ounces; $0.94 each additional 4 ounces]

Lb.	Oz.	Rate	Lb.	Oz.	Rate
0	4	$1.31	5	12	$18.23
0	8	2.25	6	0	19.17
0	12	3.19	6	4	20.11
1	0	4.13	6	8	21.05
1	4	5.07	6	12	21.99
1	8	6.01	7	0	22.93
1	12	6.95	7	4	23.87
2	0	7.89	7	8	24.81
2	4	8.83	7	12	25.75
2	8	9.77	8	0	26.69
2	12	10.71	8	4	27.63
3	0	11.65	8	8	28.57
3	4	12.59	8	12	29.51
3	8	13.53	9	0	30.45
3	12	14.47	9	4	31.39
4	0	15.41	9	8	32.33
4	4	16.35	9	12	33.27
4	8	17.29	10	0	34.21

[Rates $1.31 first 4 ounces; $0.94 each additional 4 ounces]

Lb.	Oz.	Rate	Lb.	Oz.	Rate
9	4	$35.15	10	4	$38.91
9	8	36.09	10	8	39.85
9	12	37.03	10	12	40.79
10	0	37.97	11	0	41.73

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

c. In § 127.378 *Viet-Nam (Annam, Cochin-China and Tonkin)* amend paragraph (a) (2) to read as follows:

(2) *Registration.* Fee, 55 cents. (See §§ 127.130 to 127.139.)

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF, *Solicitor.*

[F. R. Doc. 54-2799; Filed, Apr. 14, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

FEDERAL POWER COMMISSION

[18 CFR Part 152]

[Docket No. R-136]

APPLICATION FOR EXEMPTION FROM CERTAIN PROVISIONS OF THE NATURAL GAS ACT

NOTICE OF PROPOSED RULE MAKING

APRIL 7, 1954.

Promulgation of Part 152 of the Commission's general rules and regulations to govern the filing of applications for exemption from jurisdiction under the Natural Gas Act pursuant to Public Law No. 323, 83d Congress, 2d Session, approved March 27, 1954, 68 Stat. 36.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On March 27, 1954, the President approved the Hinshaw bill, H. R. 5976, 83d Congress, thereby amending the Natural Gas Act (15 U. S. C. 717) by adding a new subsection (c) to section 1. (Pub. Law 323, 83d Cong., 2d sess., 68 Stat. 36.) This new subsection became effective immediately and reads as follows:

(c) The provisions of this Act shall not apply to any person engaged in or legally authorized to engage in the transportation in interstate commerce or the sale in interstate commerce for resale, of natural gas received by such person from another person within or at the boundary of a State if all the natural gas so received is ultimately consumed within such State, or to any facilities used by such person for such transportation or sale, provided that the rates and service of such person and facilities be subject to regulation by a State commission. The matters exempted from the provisions of this Act by this subsection are hereby declared to be matters primarily of local concern and subject to regulation by the several States. A certification from such State commission to the Federal Power Commission that such State commission has regulatory jurisdiction over rates and service of such person and facilities and is exercising such jurisdiction shall constitute conclusive evidence of such regulatory power or jurisdiction.

3. Since the new subsection is not self-executing and no company is automatically exempt from the jurisdiction and regulation of the Commission by reason of its provisions, the Commission proposes to amend its general rules and regulations by promulgating a new Part 152, to read as set out in the attachment hereto, for the purpose of enabling companies now made exempt from the Commission's jurisdiction under certain conditions to make the showing necessary to qualify for such exemption.

4. Upon receipt of an application for exemption under subsection (c) the Commission will publish notice thereof in the FEDERAL REGISTER and forward a copy to the State commission involved with a request for consideration by that agency of the issuance of a certificate that the natural gas (1) rates, (2) service, and (3) facilities of the Applicant are subject to the regulatory jurisdiction of the State commission and the State commission is exercising such jurisdiction. If the exemption is granted, the exempted company shall be responsible for calling to the attention of the State commission and this Commission any future operations which may make the exemption inapplicable to it.

5. This rule is proposed to be issued pursuant to the authority granted to the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 1 (c) and 16 thereof (52 Stat. 830, 68 Stat. 36; 15 U. S. C. 717 (c), 717o).

6. The proposed rule is designed to make available to the Commission all the facts necessary to enable it to determine whether the particular company qualifies for the exemption provided by the new law.

7. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than 30 days from the date of the publication of this notice in the FEDERAL REGISTER, data, views and comments in writing concerning the proposed amendments. The Commission will consider these written submittals before acting upon the proposed amendments. An original and 9 copies should be filed of any such submittals.

[SEAL] LEON M. FUQUAY, *Secretary.*

PART 152—APPLICATION FOR EXEMPTION FROM THE PROVISIONS OF THE NATURAL GAS ACT PURSUANT TO SECTION 1 (c) THEREOF

§ 152.1 *Who may apply.* On and after March 27, 1954, application for exemption from the provisions of the Natural Gas Act and the rules and regulations of the Commission issued pursuant thereto may be made by any person as defined in the Natural Gas Act legally engaged in, or legally authorized to engage in, or owning facilities for, the transportation in interstate commerce or the sale in interstate commerce, for resale, of natural gas received by such applicant from another person within or at the boundary of a State, if all of the natural gas so received is ultimately consumed in such State: *Provided*, That the natural gas rates and service of the applicant and its natural gas facilities are subject to regulation by a State commission as defined in the Natural Gas Act and that such State commission is exercising that jurisdiction.

§ 152.2 *Form of application.* An application under this part shall conform with §§ 1.15 and 1.16 of this chapter and the original application shall be signed and verified under oath by a responsible officer of the applicant.

§ 152.3 *Contents of application.* Every application shall set forth in the order indicated the following:

(a) The exact legal name of applicant.

(b) The name, title, and post office address of the person to whom correspondence in regard to the application shall be addressed.

(c) Citation by name, docket number and date of order, if any, by virtue of which applicant is engaged or authorized to engage in the operations sought to be exempted pursuant to this part.

(d) A description of the facilities utilized in the operation sought to be exempted, including the point at which delivery from the applicant's supplier is taken and the point or points at which sales are made.

(e) A detailed statement of pertinent facts as to the existing service, if any, or authorized service by applicant, including a showing that all of the natural gas which applicant receives, or expects to receive, from out-of-State services is and will be ultimately consumed within the State in which the operations sought to be exempted are conducted.

(f) A complete list by F. P. C. filing designations of all rate schedules, contracts, service agreements or tariffs (as defined in §§ 154.11 to 154.14 of this chapter), if any, covering applicant's purchases and sales of natural gas within the particular State concerned.

(g) A map showing (1) all principal lines of applicant, (2) each and every connection by applicant with the pipe lines or distribution facilities of any other pipe line company or gas distributing utility, and (3) the detailed distribution facilities of applicant within five miles of the State Line.

(h) A citation of the State law by specific references to the statutory sections, together with a copy thereof, under which the State is authorized to exercise jurisdiction over the natural gas rates and service of applicant and its facilities.

§ 152.4 *Certificate from State Commission.* Upon receipt of an application for exemption under subsection (c) of section 1 the Commission will publish notice thereof in the FEDERAL REGISTER and forward a copy to the State Commission involved with a request for consideration by that agency of the issuance of a certificate that the natural gas (a) rates, (b) service, and (c) facilities of the Applicant are subject to the regulatory jurisdiction of the State Commission and that the State Commission is exercising such jurisdiction, with reference to the State statutes involved. If the Certificate is issued, one original and four conformed copies should be forwarded to this Commission by the State Commission.

§ 152.5 *Future inapplicability of exemption.* If an exemption from the provisions of the Natural Gas Act is granted pursuant to section 1 (c), the exempted person shall be responsible for calling to the attention of the State Commission by which it is regulated and to the Federal Power Commission any future operations in which it may engage which may make the exemption inapplicable to it.

[F. R. Doc. 54-2794; Filed, Apr. 14, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS, OMAHA, NEBRASKA

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on March 4, 1954, continuing in effect to and including June 1, 1954, the order of August 19, 1952 (11 A. D. 701), which authorized respondents to put into effect the current schedule of rates and charges.

On March 31, 1954, respondents filed a petition requesting authority to put into effect for a period of two years beginning June 1, 1954, a new schedule of rates and charges, designated as Tariff No. 15 and filed with the petition, which contains certain modifications of the currently authorized schedule.

Those parts of the proposed new schedule which contain modifications of the currently authorized schedule are set forth below.

SELLING AND RESELLING CHARGES

SECTION A

(The selling charges apply only when animals offered for sale are sold)

	Per head
Cattle:	
Consignments of 1 head and 1 head only	$1.50
Consignments of more than 1 head:	
First 5 head in each consignment	1.25
Next 10 head in each consignment	1.15
Each head over 15 in each consignment	1.10
Calves:	
Consignments of 1 head and 1 head only	.90
Consignments of more than 1 head:	
First 5 head in each consignment	.80
Next 10 head in each consignment	.70
Each head over 15 in each consignment	.60
Bulls	2.00
T. B. reactors, bang reactors, cripples, suspects, subjects, or condemned	2.00

SECTION B

Hogs:	
Consignments of 1 head and 1 head only	$0.65
Consignments of more than 1 head:	
First 10 head in each consignment	.45
Next 15 head in each consignment	.40
Each head over 25 in each consignment	.35
Stags or boars (250 pounds or over):	
Cripples or subjec's	.85

SECTION D—RESALES

Cattle	$0.85
Calves	.50
Bulls	1.15
Hogs	.30
Boars and stags (250 pounds or over)	.50
Sheep	.14

BUYING CHARGES

SECTION F

(The charges for buying any species of livestock shall be the same as the selling charges for that species with the following exceptions:)

Cattle and calves:

1. The minimum charge on a purchase order of cattle, and/or calves, shipped out by rail, shall be $25.00 × the number of cars in which the animals are shipped.

2. On trucked out cattle and calves for immediate slaughter the unit of charge shall be 22,000 pounds. On purchase orders weighing less than 22,000 pounds the maximum charge shall be $25.00. On purchase orders weighing 22,000 pounds or over the charge shall be $25.00 for each unit of 22,000 pounds. In the case of those purchase orders which are of such weight that a fraction of a unit results, the charge on the fraction shall be computed by dividing the weight of the fraction by the average per head weight of the cattle in the purchase order. The number of animals so ascertained shall carry a charge of $1.10 per head for cattle and 60 cents per head for calves.

Hogs:

1. The minimum charge on hogs for immediate slaughter shipped out by rail shall be $20.00 per single deck car and the maximum $25.00 per single deck. The minimum charge on double deck cars shall be $30.00 per car, and the maximum $32.00 per double deck.

2. On trucked out hogs for immediate slaughter, the unit of the charge shall be 17,000 pounds. On purchase orders of less than 17,000 pounds the maximum charge shall be $21.00; on purchase orders weighing 17,000 pounds or over the charge shall be $21.00 for each unit of 17,000 pounds. In the case of those purchase orders which are of such weight that a fraction of a unit results, the charge on the fraction shall be computed by dividing the weight of the fraction by the average per head weight of the hog in the purchase order. The number of animals so ascertained shall carry a charge of 30 cents per head.

NOTE: There shall be no draft charge on purchases but when it is necessary for the agency to purchase and pick up a purchase order from more than two market agencies and/or dealers, an additional charge of 50 cents shall be made for each market agency and/or dealer in excess of two. This section shall not apply to purchases of sheep or hogs.

NOTE: Market Agencies driving cattle to Railroad or Truck Chutes for outbound shipment shall perform such service for a charge of $2.00 per car or truck.

NOTE: Packers maintaining their own buyers on this market may make special arrangements with market agencies to pay for and bill out their purchases, the terms of which special arrangements shall be placed on file with the Department of Agriculture through the District Supervisor.

Notwithstanding such arrangements, if additional service is rendered to the purchaser by the agency or its employees, such as assistance in locating or selecting livestock, arranging for transportation, driving, etc., the full buying commission shall be assessed.

MISCELLANEOUS CHARGES

SECTION G

NOTE: Rates described in this section applicable only by market agencies registered to both buy and sell on commission.

1. When a commission firm renders service to any purchaser of livestock by paying for and/or rendering service relative to tuberculosis or abortion tests, such service shall be deemed the same as a purchase of livestock and shall be charged for at the regular buying rates.

2. When a purchaser of livestock buys and pays for it himself, but has a market agency render any one of the following services, namely, bill it out, drive it directly to the loading-out pens, or indirectly to them by

way of the facilities for spraying, vaccinating, testing, branding, castrating, etc., the charge for rendering any one or any of these services combined shall be 30 cents per head for cattle, 20 cents per head for calves, 10 cents per head for hogs, and 6 cents per head for sheep.

The proposed modifications, if authorized, will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. Accordingly, it appears that this public notice should be given of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter should notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within fifteen days from the date of publication of this notice.

Done at Washington D. C., this 9th day of April 1954.

[SEAL] AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 54-2825; Filed, Apr. 14, 1954; 8:54 a. m.]

[P. & S. Docket No. 383]

MARKET AGENCIES AT ST. LOUIS NATIONAL STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on May 22, 1953 (12 A. D. 487), authorizing respondents to assess the current schedule of rates and charges to and including May 30, 1954.

On April 1, 1954, a petition was filed on behalf of respondents requesting authority to put into effect, upon the expiration of the current schedule, a schedule of rates and charges, filed with the petition, containing certain modifications in the presently authorized rates and charges. Those parts of the proposed new schedule which contain modifications of the currently authorized schedule are set forth below.

SECTION B—SELLING CHARGES

	Per head
Hogs:	
Consignments of 1 head and 1 head only	$0.55
Consignments of more than 1 head:	
First 10 head in each consignment	.41
Next 15 head in each consignment	.36
Each head over 25 in each consignment	.31
Sheep:	
Consignments of 1 head and 1 head only	.60
Consignments of more than 1 head:	
First 10 head in each 240 head in each consignment	.40
Next 50 head in each 240 head in each consignment	.30
Next 60 head in each 240 head in each consignment	.20
Next 120 head in each 240 head in each consignment	.12

MAXIMUM CHARGES

The maximum selling charge on any one full consignment of sheep shall not exceed an amount equal to $25 multiplied by the number of single-deck cars in the consignment plus an amount equal to $35 multiplied by the number of double-deck cars in the consignment.

SECTION C—RESALES

	Per head
Bulls	$1.80
Cattle	1.05
Calves	.50
Hogs	.32
Sheep	.35

The proposed modifications, if authorized, will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. Accordingly, it appears that this public notice should be given of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within fifteen days from the date of publication of this notice.

Done at Washington, D. C., this 9th day of April 1954.

[SEAL] AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 54-2826; Filed, Apr. 14, 1954; 8:54 a. m.]

[7 CFR Part 973]

[Docket No. AO-178-A4]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) hereinafter referred to as the act and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington, 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order was formulated, was conducted at St. Paul, Minnesota on October 21 and 22, 1953, pursuant to notice thereof which was issued on October 7, 1953 (18 F. R. 6510).

The material issues of record related to:

1. Redefining certain terms used in the order and adding certain additional terms;
2. Revising those provisions relating to the classification of milk particularly milk transferred between plants;
3. Relating the class prices more closely to those fixed in the Chicago, Illinois, marketing area;
4. Adding to the class prices the costs of performing the services in the case of milk which is transferred by a cooperative association to another handler in processed and packaged form;
5. Revising the rates of location differentials applicable to both producers and handlers;
6. Levying the administrative assessment on all producer milk instead of only on that which is classified as Class I; and
7. Revising certain other administrative provisions of the order.

Findings and conclusions. The following findings and conclusions on the material issues of record are based upon the evidence contained on the hearing record.

1. *Definition of terms.* From the evidence which has been presented, it is concluded that several of the terms presently used in the order should be redefined and that several additional terms should be defined.

At the present time plants subject to the regulation are distinguished from those not subject to it by use of the terms "pool plant" and "non-pool plant." Since the Minneapolis-St. Paul milk order does not provide for a market-wide pool, it is recommended that the nomenclature of the two types of plants be changed to "fluid milk plant" and "non-fluid milk plant." In addition it is recommended that the standards which determine whether a plant is subject to regulation should be changed. Currently a country plant becomes a pool plant subject to the regulation if milk is disposed of from such plant in the marketing area and is classified as Class I during the months of December through July. The evidence indicates that while normally it may be necessary to augment the market supply with emergency milk only during the months of August through November, there are occasionally other times when it may also be necessary. Because a plant which furnishes milk in such an emergency at the present time is likely to become a handler subject to the order, it is extremely difficult to secure the needed milk. To remedy this situation the order should be amended to provide that any plant which supplies milk on no more than 3 days during a delivery period shall be a non-fluid milk plant except from the regulation. As a further safeguard to prevent evasion of the terms of the order, however, it should be provided that such a plant be exempt only if its disposition of Class I milk within the marketing area during the delivery period is not in excess of 95,000 pounds, approximately equivalent to 3 average size tank loads.

The definition of handler should be revised not only to reflect the change in the definition of a fluid milk plant but to exclude from regulation state or Federally owned and operated institutions which dispose of milk solely for use on their own premises and to their own facilities. There are within the marketing area certain government owned institutions such as hospitals which process the milk which is utilized in their own dining halls. Such institutions secure their entire supply of milk either from proprietary handlers or from cooperative associations and pay at least the Class I price for their purchases. Since they do not dispose of any milk to other persons it is desirable to exempt them from regulation of the marketing order.

It is also recommended that the term "producer" be revised to eliminate producer-handlers. At the present time there are very few producer-handlers in the market. When the order was issued there were several of them and it was necessary to include such persons as producers with respect to milk which they disposed of to other handlers because in some instances these producer-handlers were disposing of the bulk of their milk to proprietary handlers with only a small proportion of it disposed of on their own account directly to consumers. The producer-handlers now remaining on the market are smaller operators who deliver virtually their entire production on their own routes.

It is also recommended that the term "producer-handler" be revised to place a limit of 50,000 pounds during the delivery period on the amount of milk which may be purchased by such a person from a handler which is a cooperative association without such person's becoming a fully regulated handler. The present order designates as a producer-handler one who receives no milk from the farms of other producers. Thus there is no limit to the amount of milk which might be purchased by a producer-handler from other handlers. The proponents of the amendment believe that a restriction should be placed on the amount of milk that a producer-handler is permitted to purchase from a cooperative association which is a handler. In the Minneapolis-St. Paul market virtually all of the milk is produced by members of the cooperative associations and a substantial portion of it is physically handled by the cooperative associations in their own plants and delivered to proprietary handlers in tank trucks. In recent years a decided shift has occurred from the delivery of milk directly from farms to bottling plants to the delivery of milk in tanks from cooperative plants to bottling plants. Many of the larger proprietary handlers operate their own farms from which they receive a small portion of the milk they distribute. Unless some action is taken many of these handlers could soon achieve the status of producer-handler by purchasing all their milk from the association in tank trucks while maintaining their own small farm operations. If this should occur the handlers of the bulk of the milk would be exempt from the regulation and the cooperative associations would be the only handlers subject to the order. The limitation of 50,000 pounds of milk or its equivalent during a delivery period is a reasonable breaking point and any plant which receives less than this amount can properly be considered a producer-handler.

It was proposed by the proprietary handlers that the definition of the term, "handler," be broadened to include anyone selling milk in the marketing area except a store or vender who purchases its milk from a proprietary handler. This proposal is closely related to other proposed amendments discussed below which would fix processing charges on milk, either wholly or partially processed and packaged, purchased from operating cooperative associations. There is evidence that some of the cooperative associations may be indulging in unfair competitive practices in that they dispose of milk to wholesale outlets at less than the Class I price by failing to add to the price of the milk the full cost of the service performed in the processing and packaging. This problem is discussed at length below. This proposal is not adopted because the solution to this problem does not lie in extending the scope of the order to persons who do not operate milk plants and who merely purchase for resale milk which has been processed and packaged elsewhere.

For administrative convenience it has also been proposed that definitions of "producer milk" and "other source milk" be added to the order. The addition of these terms will not affect the operations of the order in any way but will aid in clarifying the language of its provisions and these definitions should be adopted.

It was also proposed that definitions of Grade A and Grade B milk be added to the order. When the original order was issued the Minneapolis and St. Paul market was not on a Grade A basis. Recently, however, the two cities have adopted the United States Public Health Service Standard Milk Ordinance and only milk that meets this standard is eligible for distribution as fluid milk in the two cities. The ordinance also requires that only Grade A milk be utilized for fluid cream. Because of the present shortage of Grade A milk, however, this portion of the ordinance has not been enforced, but the health authorities have advised all handlers that as soon as sufficient Grade A milk is available on a year around basis, only Grade A milk will be permitted in fluid cream. The addition of the term Grade A milk, to the order is necessary in connection with the proposal which is discussed below relating to the allocation to Class I milk of the Grade A receipts of the handler.

2. *Classification.* It has been recommended that the definitions of Class I and Class II milk be modified slightly. The Class I definition should be amended by adding concentrated milk and deleting eggnog. Concentrated milk heretofore has been considered as falling within the Class I definition although it has not been specifically named in the order and when produced by handlers subject to the order it has been classified as Class I. It is a product which is required to be produced from Grade A milk and is in direct competition with fluid whole milk. The change therefore is primarily one for clarification purposes.

Eggnog is a very minor item normally manufactured only during the Christmas holidays. It is not required by the health departments to be produced from Grade A milk. It appears that much of the eggnog disposed of within the marketing area is manufactured by ice cream companies which are not subject to regulation. To continue to classify it as Class I makes it uneconomical for handlers subject to the order to dispose of producer milk in this product.

The definition of Class II should be amended to include frozen cream. Under the present order frozen cream is classified as Class I. When such cream is taken out of storage and utilized in the manufacture of ice cream it must be reclassified by the market administrator and credit given to the handler who placed it in storage. Experience has shown that virtually all of the cream placed in storage is utilized as ice cream which is a Class II product. From an administrative standpoint, therefore, it would greatly simplify the administration of the order if frozen cream placed in a cold storage warehouse were classified as Class II initially rather than being classified first as Class I and reclassified when taken out of storage. This change would have little effect either on the cost of milk to handlers or on returns to producers.

The section of the order dealing with transfers of milk between plants should also be revised. The present order makes no reference to milk which may be diverted by a handler either to the plant of another handler or to the plant of a non-handler. The recent rapid expansion in the collection of milk from farms in tank trucks has greatly increased the opportunity for the diversion of milk directly from the farm to the plant of another handler or non-handler. Accordingly, the transfer section should refer not only to milk which is transferred from one plant to another but also to milk which is diverted from the farm directly to another plant.

With respect to milk transferred or diverted to a non-handler's plant located less than 100 miles from the marketing area the requirement that the non-handler sign a supporting statement with respect to the classification of the milk should be eliminated. It is often extremely difficult for the handler who causes the milk to be transferred or diverted to secure certification from the non-handler in time to file it with the market administrator by the 8th day after the end of the delivery period. It is proposed that the market administrator, in computing the monthly pool for the handler, shall classify such milk as Class II if the handler who transferred or diverted it reports that it was utilized in Class II. If the plant to which the milk was transferred does not maintain satisfactory records showing the utilization of the milk, or refuses to permit the market administrator to verify its utilization, such milk would be reclassified as Class I. In the event that verification discloses that the Class II utilization in the receiving plant was less than the

amount of milk reported as having been utilized in Class II an amount equal to the difference would be reclassified as Class I. With respect to milk transferred or diverted to a plant located more than 100 miles from the marketing area the provision should be changed with respect to milk which is transferred in the form of cream in consumer packages. At the present time any cream transferred to a plant more than 100 miles from the marketing area is classified as Class II. Experience has shown that such milk is normally utilized in the manufacture of ice cream or candy. However, when cream is shipped in bottles ready for distribution to consumers it must be assumed that it is intended for Class I use and should be classified and priced accordingly.

Other source milk which is caused to be diverted from a non-fluid milk plant to the fluid milk plant of a handler in the marketing area should be considered as having been received by the cooperative association which caused it to be so diverted. The cooperative associations follow the practice of furnishing all proprietary handlers in the market with their entire supply of fluid milk and cream. Whenever receipts from producers have been insufficient to care for the Class I requirements of the market the cooperative association has purchased the emergency supplies which are needed. Usually the emergency milk has been received physically by the association and then transferred to the plants of the handlers who required it. When the milk is delivered directly from the plant of origin to the plant of a handler it should continue to be considered as having been received by the cooperative association in its capacity as a handler rather than by the handler operating the fluid milk plant in the marketing area. Such a provision would result in the other source milk being allocated over the entire receipts of the cooperative association rather than over the receipts of only the plant in which the milk was actually utilized and thereby tend to prevent the replacement of producer milk for Class I use. It is customary for the emergency milk to be delivered to one or two plants in tank loads rather than for each plant to receive a proportionate share of the needed supply. When allocated over only the receipts at the plant where received, virtually the entire amount would be allocated to Class I but if it were prorated over the receipts of the cooperative association which furnishes milk to the handlers it is likely that a much smaller proportion of it would be classified as Class I. The adoption of the proposal would also simplify the accounting and present fewer administrative problems.

Grade A milk should be allocated to Class I before any non-Grade A milk is so allocated. The present order provides that all producer milk received in the plant shall be allocated to Class I before any other milk is allocated to Class I. The term producer applies to any dairy farmer whose milk is received at a fluid milk plant regardless of whether the milk is of Grade A quality. Certain handlers, particularly cooperative associations, regularly purchase Grade A milk from other sources for use in Class I but because of the allocation provisions such Grade A milk is classified in Class II and the non-Grade A producer milk which actually is used in Class II is allocated to Class I. The proponents of this amendment (certain proprietary handlers) said this gives an unfair competitive advantage to these cooperatives. Since the Grade A milk in question has been allocated to Class II, the plants which furnish it are not regulated by the order. Accordingly there is no requirement to pay producers the minimum price for milk received. Because of these conditions, such plants would probably be willing to dispose of milk to handlers at less than the Class I price at least during the flush production months of the year. It is the contention of the proponents that the cooperative handlers who purchase milk pay less than the Class I price for the milk they distribute. They allege that these cooperatives neither pay the Class I price to the plant which furnishes the milk nor do they pay their producer-members the full use value of the milk according to its classification as fixed by the order. Since only Grade A milk is permitted to be sold in Minneapolis and St. Paul, allocating Class I sales to Grade A milk would help to rectify this situation and would further correct the existing anomaly whereby a plant that is a regular source of Class I milk for the market can escape regulation because some milk, not acceptable for use as Class I milk in Minneapolis or St. Paul, is received at the plant which it furnishes with Grade A milk. Adoption of the proposal therefore would be of benefit not only to the proprietary handlers on the market, but to the farmers who supply milk to unregulated plants which are a regular source for the Class I supply for the market. Allocation to Class I of the milk in question would make these plants subject to the regulation and would require them to pay producers for their milk according to its utilization.

3. *Class prices.* The Class I price provision should be amended by adding to it a proviso that whenever "the supply and demand ratio" computed under the Chicago milk order affects the Class I price computed under the Chicago order by more than 6 cents the Class I price under the Minneapolis-St. Paul order would be adjusted by a like amount. The milksheds of the markets are contiguous and overlapping in northern Wisconsin. There are many plants in this region which are in a position to and do ship either to the Chicago market or to the Minneapolis-St. Paul market. There is at least one plant which regularly supplies milk to both markets and there are many others regularly supplying Chicago which at times ship milk to the Minneapolis-St. Paul market. Many producers in the area are also in a position to ship milk either to a Chicago or to a Minneapolis-St. Paul plant. Thus, it is necessary that the prices under both orders be comparable in this area of overlapping. During the past year the "supply and demand ratio" reduced the Chicago Class I price substantially below the Class I price fixed in the Minneapolis-St. Paul market. To avert a threatened disruption of the stability of the two markets in the area of overlapping it was necessary to suspend a portion of the pricing provisions of the Minneapolis-St. Paul order to reduce the price to a level comparable to that in Chicago. During the previous year the "supply and demand ratio" raised Chicago prices somewhat above those prevailing in the Minneapolis-St. Paul market and handlers in the latter market found it necessary to pay premiums over the prices fixed by the order to maintain returns to producers at a level comparable to that received by Chicago producers. To prevent a recurrence of this dislocation it appears desirable to provide in the Minneapolis-St. Paul order that price changes due to the supply-demand adjustment under the Chicago order be reflected in a similar change in the Class I price under this order. The evidence indicates that a change of not more than 6 cents in the Chicago supply-demand adjustment would not be a sufficient amount to cause producers or plants to shift from one market to the other but that a variation greater than this amount could cause a dislocation of supplies. Accordingly, it is concluded that whenever the nominal differentials in the Chicago order are affected more than 6 cents by the "supply and demand ratio", the differentials in the Minneapolis-St. Paul area should be adjusted by a like amount.

In order to maintain this relationship it is also necessary that the Class I price in the Minneapolis-St. Paul order be based on manufacturing values during the preceding rather than during the current delivery period. The Chicago order fixes the Class I price on the values of manufactured products during the preceding delivery period while the Minneapolis-St. Paul market fixes the Class I prices in relation to manufacturing values during the period in which the milk is received. While in most instances the use of different months as a basis would not have any great effect on class price, during periods of rapidly changing prices the effects could be substantial.

An additional factor favoring the adoption of the use of manufacturing values for the preceding delivery period is that it would permit handlers to know at the beginning of the delivery period the cost of the milk which they would sell during the delivery period. At the present time handlers do not know the exact price for the milk they sell until after the end of the delivery period in which it has been sold. If the proposed amendment is adopted handlers will know not later than the 5th day of the month the exact price they are required to pay for Class I milk sold during the month.

The formula for computing the Class II price should be revised by increasing the "make allowance" from 65 cents to 75.2 cents per hundredweight. Since the Class II formula was last amended several years ago, the costs of fuel, labor, supplies, etc., used in the manufacture of dairy products have increased and processing and marketing charges for manufacturing milk have also increased. The record shows that under the Chicago order a comparable formula for pricing manufaucturing milk provides a "make allowance" of 75.2 cents. In view of the need for maintaining a close relationship between the prices in the two markets it appears desirable to place a similar make allowance in the Minneapolis-St. Paul order.

4. *Processing differentials.* It was proposed by proprietary handlers that, in the case of milk which is purchased by a handler from a cooperative association already processed and packaged, the marketing order should provide that such handler be required to pay, in addition to the Class I price, an amount equal to the costs of processing, packaging and other services performed by the association. These handlers contend that certain associations in their efforts to secure an outlet in the market have been furnishing milk already bottled to other handlers or to large wholesale outlets such as chain stores at a price which does not reflect the Class I price plus the costs of receiving, processing, and packaging the milk. They contend that as a result of this alleged practice on the part of certain cooperatives those handlers who comply with the provisions of the order and purchase milk from producers at the class prices fixed by the order are at a competitive disadvantage. They contend that it is impossible for them to compete with handlers who are able to purchase packaged milk at less than the Class I price plus a reasonable charge for the processing and packaging. They further allege that these cooperative associations have been paying their producer members somewhat less than the minimum uniform prices computed and announced by the market administrator and that the excessive checkoff or under payment is used to absorb the losses incurred in selling packaged milk at less than cost.

There is reason to believe that there is some foundation to the charges which they have made. It does not appear, however, that the solution to the problem lies in fixing an arbitrary processing differential in the order. The costs of performing such services vary greatly from plant to plant depending on the volume of milk processed and the efficiency of the plant operation and would change rapidly with changing economic conditions. If a flat rate were fixed by the order it would, in the case of some plants, be less than the actual costs of the service while in other plants it would be more than sufficient to cover these costs. Again as changing conditions affect the industry as reflected by the cost of labor, packaging, and machinery and similar items the adequacy of the differential would vary. Thus it would be virtually impossible to fix a rate which would reflect the exact cost of performing the services involved. Even the witnesses who appeared for the plants varied greatly in their estimates as to what the actual cost of performing such services would be. It was suggested by one witness that the market administrator regularly audit the books of the cooperative associations to determine in each case the cost of performing the services rendered and that the charge for such services be based on the actual costs as reflected by the books of the cooperative. Such an approach to the problem is impractical, however. The difficulties involved in making complete cost analyses of the operation of the various plants would be prohibitive. Moreover, because of the wide variation in costs that would undoubtedly be shown between plants the resulting rates would vary widely. This would result in fixing different prices to different handlers.

The Agricultural Marketing Agreement Act of 1937 is intended only to fix minimum prices which handlers must pay producers for milk which they receive from them and does not provide for the fixing of resale prices at either the wholesale or retail level. It appears that the fixing of a differential on packaged milk transferred between handlers would fall in this category and thus would be outside the scope of the marketing orders issued under the act, unless it could be established that maintenance of the minimum producer price provisions of the order required such action.

5. *Location differentials.* It was proposed that the rate of location differential applicable at both the handler and the producer level be revised. The present order provides that with respect to milk received at a plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul the Class I price shall be reduced 1 cent for each full mile that such plant is more than 15 miles from the Viaduct. The rate of the location differential to producers is identical to the handler location differential.

At the time the differentials were fixed in the order, on the handler level, at least, they applied in part to milk which was moved to the market from country plants in processed form. At the present time all of the milk moved from country plants to the city is moved in tank trucks. The evidence in the record reveals that the going rates for moving milk in tank trucks from plants within the milkshed to the Minnesota Transfer Viaduct are substantially less than the rates provided by the present order. On milk received at plants located between 15 and 20 miles from the Viaduct the order should be amended to provide that the location differential shall be 8 cents and for each additional 10 miles up to 50 miles the deduction should be increased 2 cents per hundredweight. Beyond 50 miles the amount of the deduction should be increased 1 cent per hundredweight for each additional 10 miles that the plant is distant from the Viaduct. These rates reflect present actual transportation rates for moving milk from country plants to plants located in the city.

It was proposed that the maximum location differential to be allowed should be 19 cents, which would be the rate applicable to plants located between 90 and 100 miles from the viaduct. The evidence, however, does not justify placing a limit on the amount of the deduction.

The location differential to handlers would apply only to milk which is classified as Class I milk. Customarily, milk is not moved to the marketing area for use in Class II products. All of the country plants which supply the Minneapolis-St. Paul market are equipped for manufacturing dairy products. The value of these dairy products at the plant of manufacture is approximately the same as it would be were they manufactured in the marketing area. Accordingly, there is no need to fix a location differential on milk manufactured into Class II products and to do so would reimburse handlers at the expense of producers for milk which they do not move.

The location differential to producers should be fixed at the same rate as that applied to handlers on Class I milk. Present location differentials to producers are higher than necessary to account for the costs of moving the milk from distant locations.

6. *The administrative assessment.* The order should be amended to provide that the administrative assessment be levied on all producer milk rather than on only that used in Class I as is now provided. The present method of assessing the costs of administration creates inequities among handlers. There are many plants which ship into the market as Class I milk only a very small proportion of their total receipts. The cost of auditing these plants and verifying the utilization of milk is as great as the costs of auditing the city plants handling a comparable volume of milk which is utilized almost entirely in Class I. Thus, at the present time these handlers whose milk is utilized primarily in Class I are bearing more than their proper share of the costs of administering the order.

The maximum rate of assessment should also be reduced from 2 cents per hundredweight to 1½ cents per hundredweight. As a result of these combined changes the market administrator will receive approximately the same amount of money to operate his office but the cost would be shared more equitably by all handlers subject to regulation.

7. *Other administrative provisions.* The order should be amended to delete the requirement that handlers report the receipts of milk from individual producers who are members of a cooperative association. The present order provides that each handler shall submit to the market administrator his producer payroll which shall show the pounds of milk and the butterfat content thereof, received from each producer during the delivery period. Most of the producers on the market are members of the cooperative associations which exercise complete control over the disposition of their milk. As the daily requirements of the handlers vary, certain loads of milk may be shifted from one plant to another and the milk of certain producers may be received at several plants during the month. Since certain producers will be reported by several handlers this results in very cumbersome

reports. In the case of producers who are members of the cooperative associations the handler does not account to the individual producer for the milk but deals directly with the cooperative association which in turn maintains the record for each individual producer. Under the circumstances, it appears desirable to require that the handler report his receipts from the cooperative association rather than from its individual members and that a report of receipts from individual producers be required only with respect to those producers who are not members of a cooperative association. Adoption of the proposal will greatly simplify the bookkeeping problems both in the plant of the handler and in the office of the market administrator.

In addition to the amendments discussed above it has been necessary to make several minor changes in the terminology of the order either as a direct result of the changes proposed above or to clarify references to market quotations which are used in determining class prices. These changes will not in any way affect the operations of the marketing order with respect to the handlers regulated by it.

General findings. (a) The proposed marketing agreement and the order, amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order amending the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Proposed findings and conclusions. Briefs were filed on behalf of the two largest cooperative associations and the majority of the handlers in the market. The briefs contained proposed findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the record evidence in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which these conclusions may be carried out. A proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order:

1. Delete § 973.5 and substitute therefor the following:

§ 973.5 *Fluid milk plant.* "Fluid milk plant" means a milk plant (a) where milk is processed or packaged and from which Class I milk, as defined in § 973.41 (a), is disposed of to retail or wholesale outlets (including plant stores) in the marketing area, or (b) from which skim milk or butterfat is transferred or diverted to a plant described in paragraph (a) of this section: *Provided*, That any such transferring plant shall not be included in this definition if such transfers or diversions are made (1) only during the months of August, September, October, and November, or (2) on not more than 3 days during any other month and in a total amount not in excess of 95,000 pounds. Any plant which has been designated a fluid milk plant shall continue to be so designated during any delivery period in which skim milk and butterfat are transferred or diverted to another fluid milk plant until August 1 of the year following that in which such transfer was last made.

2. Delete § 973.6 and substitute therefor the following:

§ 973.6 *Non-fluid milk plant.* "Non-fluid milk plant" means any milk processing plant during any delivery period in which it does not meet the requirements of a fluid milk plant as defined in § 973.5.

3. Delete §§ 973.8, 973.9 and 973.10 and substitute therefor the following:

§ 973.8 *Producer.* "Producer" means any person other than a producer-handler, who produces milk which is shipped directly to a fluid milk plant from the farm where produced.

§ 973.9 *Handler.* "Handler" means any person in his capacity as the operator of a fluid milk plant, but this definition shall not include a state or federally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities.

§ 973.10 *Producer-handler.* "Producer-handler" means any person who both produces milk and is a handler and who receives no milk directly from the farms of other producers and not more than 50,000 pounds of milk (3.5 percent butterfat equivalent) during a delivery period from other handlers which are cooperative associations: *Provided*, That the maintenance, care, and management of the dairy animals necessary to produce the milk and the processing, packaging, and distribution of the milk are the personal enterprise and personal risk of such person.

4. Add as §§ 973.14, 973.15 and 973.16 the following:

§ 973.14 *Producer milk.* "Producer milk" means any skim milk and butterfat contained in milk received at a fluid milk plant directly from the farms of producers.

§ 973.15 *Other source milk.* "Other source milk" means all skim milk and butterfat received at a fluid milk plant other than that skim milk and butterfat contained in producer milk or received from other handlers.

§ 973.16 *Grade A milk.* "Grade A milk" means milk which is produced under a Grade A permit or rating issued by a municipal health authority exercising jurisdiction in the marketing area, or milk which is permitted by such a health authority to be disposed of for consumption as milk under a Grade A label.

5. Delete § 973.32 and substitute therefor the following:

§ 973.32 *Reports as to producers and cooperative associations of producers.* Each handler shall, on or before the 25th day of each delivery period, submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show for each producer or cooperative association of producers (a) the total pounds of milk delivered with the average butterfat test thereof and (b) the net amount of the payment to each producer or to each cooperative association of producers together with the prices, deductions and charges involved.

6. Delete § 973.41 and substitute therefor the following:

§ 973.41 *Classes of utilization.* Subject to the conditions set forth in §§ 973.42 and 973.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk (including reconstituted skim milk), concentrated milk, buttermilk, flavored milk drinks (except flavored milk drinks in hermetically sealed containers), cream (sweet or sour, including mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream), and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this section.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat stored in a public cold storage warehouse as frozen cream, or disposed of as animal feed, and all skim milk and butterfat used to produce a milk product other than those specified in paragraph (a) of this section.

7. Delete § 973.43 and substitute therefor the following:

§ 973.43 *Transfers.* Skim milk or butterfat transferred or diverted in fluid form as milk, skim milk, or cream, by a handler shall be classified as follows:

(a) As Class I milk if transferred or diverted to another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer or diversion occurred, but in no event shall the amount classified in either class exceed the total use in such class by the transferee handler: *Provided*, That if either or both handlers have received other source skim milk or butterfat, the skim milk or butterfat transferred or diverted from a fluid milk plant shall be classified at both plants so as to return the highest class utilization to milk of producers.

(b) As Class I milk if transferred in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a non-fluid milk plant located less than 100 miles from the marketing area unless (1) the handler reports to the market administrator on or before the 8th day after the end of the delivery period that such skim milk or butterfat was utilized in Class II, (2) the non-fluid milk plant maintains records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for purposes of verification, and (3) such non-fluid milk plant had actually used not less than an equivalent amount of skim milk and butterfat in Class II: *Provided*, That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in Class II, the remaining pounds shall be classified as Class I.

(d) As Class I milk is transferred or diverted in the form of milk or skim milk or transferred in the form of cream in consumer packages, and as Class II if transferred in the form of cream in bulk, to a purchaser whose plant is located more than 100 miles from the marketing [redacted]

8. Delete § 973.45 (a) and substitute therefor the following:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the pounds of skim milk in Class II the pounds of non-Grade A skim milk received from non-fluid milk plants: *Provided*, That if such receipts from non-fluid milk plants are greater than the pounds of skim milk in Class II an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of non-Grade A skim milk received from other fluid milk plants: *Provided*, That if such receipts from other fluid milk plants are greater than the amount of skim milk remaining in Class II an amount equal to the difference shall be subtracted from Class I;

(3) Subtract from the remaining pounds of skim milk in Class II the pounds of non-Grade A skim milk received from producers: *Provided*, That if such receipts from producers are greater than the pounds of skim milk remaining in Class II an amount equal to the difference shall be subtracted from Class I;

(4) Subtract from the remaining pounds of skim milk in Class II the pounds of Grade A skim milk received from non-fluid milk plants: *Provided*, That if such receipts from non-fluid plants are greater than the pounds of skim milk remaining in Class II an amount equal to the difference shall be subtracted from Class I;

(5) Subtract from the remaining pounds of skim milk in each class respectively, the pounds of Grade A skim milk received from other fluid milk plants in accordance with its classification as determined pursuant to § 973.43 (a); and

(6) If the total pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers an amount equal to the difference shall be subtracted from Class II: *Provided*, That if the remaining pounds of skim milk in Class II are less than the amount to be subtracted an amount equal to the difference shall be subtracted from Class I.

9. Amend § 973.50 (a) by adding thereto the following: "*Provided*, That in any delivery period in which the "supply and demand ratio" computed pursuant to § 941.51 of Order Number 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, affects the Class I price computed pursuant to § 941.52 (a) of such order by more than 6 cents, the price computed pursuant to this paragraph shall be adjusted by a like amount."

10. Delete § 973.50 (b) and substitute therefor the following:

(b) *For Class II milk.* The price shall be that determined by the market administrator as follows: (1) Multiply by 4.24 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York as reported by the Department of Agriculture during the delivery period; (2) multiply by 8.2 the weighted average of carlot prices for spray process nonfat dry milk solids, for human consumption f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and (4) subtract 75.2 cents therefrom.

11. Amend § 973.51 to read as follows:

§ 973.51 *Basic prices.* The basic price to be used in determining the Class I price shall be the price for Class II milk computed pursuant to § 973.50 (b) for the preceding delivery period or that computed from either of the formulas set forth in paragraphs (a) and (b) of this section, whichever is the highest.

(a) The average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture:

Companies and Locations
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Clinton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) (1) Multiply by 6 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade AA (93-score) bulk creamery butter at New York as reported by the Department of Agriculture during the preceding delivery period; (2) add 2.4 times the weekly prevailing price of "Cheddars" during the preceding delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture; (3) divide the resulting sum by 7; (4) add 30 percent thereof; and (5) multiply the resulting sum by 3.5.

12. Delete § 973.52 and substitute therefor the following:

§ 973.52 *Location differential to handlers.* (a) With respect to producer milk purchased or received at a fluid milk plant and which is classified as Class I milk, the price per hundredweight computed pursuant to § 973.50 (a) shall be reduced by the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul. Such deduction shall be based on the airline mileage as computed by the market administrator.

(b) For the purposes of this section, the milk which is classified as Class I during each delivery period shall be considered to have been first that which was received from producers at such handler's fluid milk plant located nearest to the Minnesota Transfer Viaduct and then that milk which was received at such handler's other fluid milk plants in the order of their distance from the Minnesota Transfer Viaduct.

Location of Plant and Amount of Deduction

	Cents
0 to 15 miles	0
15 to 20 miles	8
20 to 30 miles	10
30 to 40 miles	12
40 to 50 miles	14
50 to 60 miles	15
60 to 70 miles	16
70 miles or over	[1] 17

[1] Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

13. Add as § 973.64 the following:

§ 973.64 *Other source milk diverted by a cooperative association.* Other source milk caused by a cooperative association to be delivered to a fluid milk plant for its account from a non-fluid milk plant operated by a person who is not a handler shall be considered to have

been first received by such cooperative association.

14. Amend § 973.70 by deleting the reference to "§ 973.45 (a) (3)" and substituting therefor a reference to "§ 973.45 (a) (6)".

15. Delete § 973.82 and substitute therefor the following:

§ 973.82 *Location differential to producers.* In making payment pursuant to § 973.80 (a) and (b) for milk received from producers at a fluid milk plant, each handler shall deduct from the uniform price payable to such producer the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul.

Location of Plant and Amount of Deduction	*Cents*
0 to 15 miles	0
15 to 20 miles	8
20 to 30 miles	10
30 to 40 miles	12
40 to 50 miles	14
50 to 60 miles	15
60 to 70 miles	16
70 miles or over	[1] 17

[1] Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

16. Delete § 973.90 and substitute therefor the following:

§ 973.90 *Expense of administration.* As his pro rata share of the expense of administration of this subpart each handler, with respect to all milk purchased or received during the delivery period directly, from the farms of producers (including such handler's own production), shall pay to the market administrator on or before the 18th day after the end of the delivery period, 1.5 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe.

Filed at Washington, D. C., this 12th day of April 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2823; Filed, Apr. 14, 1954; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 10930]

CLASS B FM BROADCAST STATIONS; REVISED TENTATIVE ALLOCATION PLAN

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 10930.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of April 1954;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing, that notice of proposed rule making (FCC 54-247) setting forth the above amendment was issued by the Commission on February 25, 1954, and was duly published in the FEDERAL REGISTER (19 F. R. 1185), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before March 26, 1954; and

It further appearing, that no comments were received either favoring or opposing the adoption of the proposed reallocation;

It further appearing, that the immediate adoption of the proposed reallocation would facilitate consideration of a pending application requesting a Class B assignment in Effingham, Illinois;

It further appearing, that authority for the adoption of the proposed amendment is contained in section 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended,

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channels	
	Delete	Add
Effingham, Ill		239
Peoria, Ill	239	

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: April 8, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2813; Filed, Apr. 14, 1954; 8:52 a. m.]

[47 CFR Part 8]

[Docket No. 10963]

CERTIFICATION OF HARMONIC SUPPRESSION CAPABILITIES OF SHIP TRANSMITTERS

EXTENSION OF TIME FOR FILING

In the matter of amendment of Part 8 of the Commission's rules regarding certification of harmonic suppression capabilities of ship transmitters operating on 2738 kc.; Docket No. 10963.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of April 1954:

The Commission having under consideration the petition filed in the above entitled proceedings by the American Waterways Operators, Inc., requesting an extension of time in which to file comments directed to the Commission's notice of proposed rule making in this docket from April 15, 1954, to April 25, 1954;

It appearing, that good and sufficient reasons have been advanced by the American Waterways Operators, Inc., in its petition for an extension of time in which to file comments, and that the public interest would be served by a grant of said petition;

It is ordered, That the time for filing comments in the above entitled proceedings is hereby extended from April 15, 1954, to April 26, 1954.

Released: April 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2890; Filed, Apr. 14, 1954; 11:03 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

SMALL TRACT CLASSIFICATION ORDER NO. 55, AMENDED

APRIL 7, 1954.

Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), Small Tract Classification Order Nevada No. 55 issued February 24, 1950, is hereby amended to permit sale for homesite purposes only in accordance with the following schedule:

T. 20 S., R. 60 E., M. D. M.,
Sec. 36, Tracts 1 to 48, inclusive, at $250.00 per tract,
Tracts 49 to 64, inclusive, at $375.00 per tract.

E. I. ROWLAND,
Regional Chief, Division of Lands.

[F. R. Doc. 54-2786; Filed, Apr. 14, 1954; 8:46 a. m.]

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 7, 1954.

An application, serial number Nevada 018060, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on February 9, 1954, by the Department of the Army, Corps of Engineers.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region II, Bureau of Land Management, Department of the Interior at 630 Sansome Street, San Francisco, California. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 36 N., R. 37 E., M. D. M.,
Sec. 12, S½SE¼NW¼, N½NE¼SW¼, SW¼SW¼NE¼, NW¼NW¼SE¼.
T. 36 N., R. 38 E., M. D. M.,
Sec. 18, E½SW¼SE¼, W½SE¼SE¼.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 54-2792; Filed, Apr. 14, 1954; 8:47 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 7, 1954.

An application, serial number Idaho 04411, for the withdrawal from all forms of appropriation under the public land laws, except as noted below of the lands described below was filed on July 30, 1953, by Corps of Engineers, Department of the Army.

The purposes of the proposed withdrawal: Saylor Creek Bombing and Gunnery Range.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior at Swan Island Station, Portland 18, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

Tps. 7, 8 and 9 S., Rs. 7, 8, 9, 10, 11, and West Half of R. 12 E.;
North Half of Tps. 10 S., Rs. 7, 8, 9, 10, 11, and West Half of R. 12 E.

The area described aggregates approximately 419,120 acres.

Use of the lands described for military purposes and seasonal grazing use was authorized by the Secretary of the Interior on April 20, 1942, and was extended under authority of Special Land Use Permit Idaho 04331, approved by the Secretary of the Interior May 12, 1953. The proposed withdrawal will provide for the continuation of such use under the same terms and conditions of the permit of May 12, 1953 and which are listed below:

1. The Department of the Air Force shall take all reasonable precautions to prevent and suppress brush and range fires occuring within the withdrawn lands during the period of military use, or outside such lands resulting from military use, and to prevent the pollution of waters on or in the vicinity of the withdrawn lands. The Department of the Air Force may enter into an agreement with the Bureau of Land Management to provide for a transfer of funds for the suppression of range fires by the Bureau of Land Management.

2. Authorized employees of the Department of the Interior and other Federal or State employees shall be permitted by the Department of the Air Force to enter the withdrawn lands on official business upon obtaining proper clearance from the commanding officer, Mt. Home Air Force Base, or other appropriate Air Force officer in charge.

3. The Department of the Air Force shall not enclose roads or trails commonly in public use except at such times as it may be necessary to do so in the interests of safety or national security in the discretion of the Air Force officer in charge.

4. Grazing use of the withdrawn lands shall be administered by the Bureau of Land Management. Grazing use shall be permitted at the discretion of the official of the Bureau of Land Management in charge during the period March 1 to May 31 each year during which season no use of the lands for aerial gunnery shall be permitted; provided, that the Air Force officer in charge may authorize the Bureau of Land Management to permit grazing use earlier than March 1 or later than May 31 in all or a portion of the withdrawn lands if such use will not interfere with the military use of such lands.

5. The Department of the Air Force, not later than February 28 each year, shall destroy any unexploded bombs or other munitions left on the area.

6. The Department of the Air Force shall adequately post the withdrawn lands annually, specifying the dates closed for public use and the dates open to public use.

7. The Department of the Air Force shall exercise precaution to prevent the destruction of range resources and to provide for reseeding or such other rehabilitation work as may be necessary on the withdrawn lands or public lands adjacent thereto if such lands are damaged by military use. Such rehabilitation shall be accomplished under cooperative agreement between the Department of the Air Force and the Bureau of Land Management.

8. The Department of the Air Force shall repair, restore, or replace existing or future range improvements upon the withdrawn lands which are damaged or demolished by military operations. Such rehabilitation shall be accomplished under cooperative agreement between the Department of the Air Force and the Bureau of Land Management.

JAMES F. DOYLE,
Acting Regional Administrator.

[F. R. Doc. 54-2787; Filed, Apr. 14, 1954; 8:46 a. m.]

[Docket DA-404]

IDAHO

RESTORATION ORDER UNDER FEDERAL POWER ACT

APRIL 8, 1954.

Pursuant to determination DA-404, Idaho, of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to location and entry for mining purposes only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended, and subject to the stipulation that there is reserved to the United States, its successors or assigns, the prior right to use any or all portions of the lands for purposes of flowage, and subject to the further stipulation that, if and when the lands are required wholly or in part for purposes of power development, any structures, machinery, or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development without expense to the United States or its permittees or licensees.

BOISE MERIDIAN

T. 31 N., R. 2 W.,
Sec. 27, Lot 3,
Sec. 28, Lot 8,
Sec. 34, Lots 2, 3, 4, and 5.

The areas described aggregate 226.90 acres.

The subject lands are situated on both sides of the Salmon River and are withdrawn in Power Site Reserve No. 8 of July 2, 1910, as modified by Executive Order No. 131 of February 25, 1914. The topography of the lands is exceptionally rough and mountainous, and the lands are classified as suitable for mining and potential power site purposes.

This order shall become effective on publication in the FEDERAL REGISTER at which time the lands described will be available for location under the United States Mining Laws subject to the reservations, stipulations, and conditions herein provided.

T. M. TYRRELL,
Acting Regional Administrator.

[F. R. Doc. 54-2810; Filed, Apr. 14, 1954; 8:51 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 6, 1954.

An application, serial number Fairbanks 010581, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on September 8, 1953, by Civil Aeronautics Administration, Department of Commerce. The purposes of the proposed withdrawal: To amend and enlarge A. N. S. withdrawal No. 162 of June 25, 1941.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII, Bureau of Land Management, Department of the Interior at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

(a) To make the land described therein conform to the legal description thereof as established by U. S. Survey No. 2630; and

(b) To enlarge Air Navigation Site Withdrawal No. 162 by adding the following-described abutting lands and associated noncorporeal rights, viz:

Beginning at corner No. 3 of U. S. Survey No. 2630, Alaska, said corner being located approximately at latitude N. 62°58'15" and longitude W. 141°54'10", go N. 13°55' W. 1,000 feet; thence S. 76°05' W. 2,500 feet more or less to the center line of an existing access road near the easterly bank of Moose Creek; thence southerly along the center line of said access road 1,050 feet more or less to the line from corner No. 2 to corner No. 3 of said U. S. Survey No. 2630; thence N. 76°05' E. 2,350 feet more or less along last said line of said survey to the point of beginning; containing 55.7 acres of land, more or less; together with rights-of-way from the westerly boundary of the above described tract of land to Moose Creek for sewer and water supply lines.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 54-2788; Filed, Apr. 14, 1954; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 6, 1954.

An application, serial number Fairbanks 09950 for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on October 1, 1952, by Civil Aeronautics Administration, Department of Commerce. The purposes of the proposed withdrawal: Enlarging ANS Withdrawal No. 267, of April 25, 1951.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII, Bureau of Land Management, Department of the Interior at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SW¼NW¼, Section 12, T. 4 S., R. 8 W., F. M.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 54-2789; Filed, Apr. 14, 1954; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 5, 1954.

An application, serial number Fairbanks 09274, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on November 30, 1951, by Civil Aeronautics Administration, Department of Commerce.

The purposes of the proposed withdrawal: Is for the maintenance of air navigation facilities.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII, Bureau of Land Management, Department of the Interior at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at a point on the south shore of Cat Island, Hollis Anchorage, at line of mean high tide and located S. 45°30' E. from Corner No. 4, U. S. S. No. 3150, thence south 10 chains, thence west 12.06 chains, thence north 7.85 chains to Corner No. 4, located on the south shore of Hollis Anchorage at line of mean high tide from which: Corner No. 4, U. S. S. No. 3150, bears N. 30°15' W., thence by meander at mean high tide line along the shore of Hollis Anchorage to the point of beginning, containing an area of approximately 8.08 acres.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 54-2811; Filed, Apr. 14, 1954; 8:51 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 7, 1954.

An application, serial number Los Angeles 0103629, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on April 16, 1953, by the Department of the Army, Corps of Engineers.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region II, Bureau of Land Management, Department of the Interior at 630 Sansome Street, San Francisco, California. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 8 N., R. 10 W., S. B. M.,
Sec. 24, E½SE¼, NW¼SE¼.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 54-2791; Filed, Apr. 14, 1954; 8:47 a. m.]

Bureau of Reclamation

[Commissioner's Order 31]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO APPROVE EXCHANGE OF FARM UNITS

APRIL 7, 1954.

This order restates the authority of Regional Directors to approve the exchange of farm units and authorizes redelegations to subordinate officials.

SECTION 1. *Delegation.* Regional Directors may, subject to the requirements of the act of August 13, 1953 (67 Stat. 566), and regulations issued thereunder, approve the exchange of unpatented farm units and farm units of resident owners of private land on Federal irrigation projects and perform all other acts necessary to effect their exchange.

SEC. 2. *Redelegation.* Regional Directors may, in writing, redelegate to officials in charge of projects the authority granted in section 1.

SEC. 3. *Revocation.* Order No. 28 (19 F. R. 520) is revoked.

SEC. 4. *Authority.* This order is issued pursuant to Departmental Order No. 2749 (19 F. R. 1523).

W. A. DEXHEIMER,
Commissioner.

[F. R. Doc. 54-2793; Filed, Apr. 14, 1954; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

APRIL 1954 DOMESTIC AND EXPORT PRICE LISTS

Pursuant to the pricing policy of Commodity Credit Corporation issued March 22, 1950, as amended January 9, 1953 (15 F. R. 1593, 18 F. R. 176), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

APRIL 1954 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Cottonseed oil, refined, 965,000,000 pounds.[1]	12¼ cents per pound in lots of 500 tons and over and 12¾ cents per pound in lots under 500 tons PSY or better, basis in-store at point of export; export to friendly countries other than Canada, which remains on a bid basis. (See Domestic Sales Release for prices U. S. territories and possessions.) Upon written agreement, with full cost reimbursement to be made by the buyer, CCC may deliver oil f. o. b. tankcars or tankwagons or named vessel.
Cottonseed oil, crude, 15,000,000 pounds.[1]	Bid basis, in store at point of export or f. o. b. tankcars or tankwagons at producers' mills. On in-store sales, if buyer and CCC agree in writing, CCC will effect loading of oil into vessel or tankcars or tankwagons, with buyer compensating for all costs incurred. Available New Orleans CSS Commodity office.
Linseed oil, raw, 2,000,000 pounds, plus additional quantities as available.[1]	Bid basis, f. o. b. tankcars at points of storage locations. Available Cincinnati, Portland, and Minneapolis CSS Commodity offices.
Peanuts [1]	Peanuts are available as farmers' stock for export on bid basis, f. o. b. points of storage locations, subject to the terms and conditions of U. S. D. A. Announcements CCC Peanut Forms 34 and 40. Available through the Oils and Peanut Division, CSS, U. S. D. A., Washington 25, D. C., and Dallas CSS Commodity office.
Large lima beans, 1952 crop (bagged), 300,000 hundredweight.[1]	$5 per 100 pounds for U. S. No. 1 f. a. s. Hueneme, Long Beach, Los Angeles, San Francisco, or Stockton, California (CCC option). U. S. No. 2, 25 cent discount. U. S. Extra No. 1, 10 cent premium. Subject terms GR 212, as amended. Available Portland CSS Commodity office.
Red kidney beans, 1953 crop (bagged), 247,000 hundredweight.[1]	To Western Hemisphere countries $10 per 100 pounds. For export to other countries $6 per 100 pounds, f. a. s. New York City basis, U. S. No. 1 grade. Discount U. S. No. 2 grade, 25 cents; premium CHP 15 cents per 100 pounds. Available Chicago CSS Commodity office.
Pea beans, 1953 crop (bagged), 213,000 hundredweight.[1]	To Western Hemisphere countries $8 per 100 pounds. For export to other countries $7 per 100 pounds, f. a. s. Philadelphia, Baltimore, Norfolk, basis U. S. No. 1 grade. Discount No. 2 grade, 25 cents; premium CHP 15 cents per 100 pounds. Available Chicago CSS Commodity office.
Wheat, bulk [1]	Sales made for export pursuant to Announcement GR 261 and 262
Corn, bulk [1] 50,000,000 bushels	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Grain sorghums, 5,000,000 hundredweight, plus additional quantities as available.[1]	Bid basis. Available Dallas, Kansas City, and Minneapolis CSS Commodity offices.
Flaxseed, approximately 34,000 bushels.[1]	Bid basis. Available Portland CSS Commodity office.

[1] These same lots also are available from the domestic sales price list announced today.

APRIL 1954 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic price list
Nonfat dry milk solids (in carload lots only); 455,000,000 pounds, spray; 85,000,000 pounds, roller.	Spray process, U. S. Extra Grade, 16 cents per pound; roller process, U. S. Extra Grade, 14.25 cents per pound. Prices apply "in store" at location of stocks.[1]
Salted creamery butter (in carload lots only); 315,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 60.5 cents per pound. New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico, 61.25 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Prices apply "in store" at location of stocks.[1]
Cheddar cheese, cheddars, flats, twins and rindless blocks (standard moisture basis in carload lots only); 325,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 34¼ cents per pound. New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico, 35¼ cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. All prices are subject to usual adjustment for moisture content. Prices apply "in store" at location of stocks.[1]
Cottonseed oil, crude, 15,000,000 pounds.[1]	Market price but not less than 15 cents per pound prime, Valley basis, f. o. b. tankcars or tank-wagons at producer's mills subject to premiums or discounts comparable to those in Bulletin 3 of the 1953 crop cottonseed price support program. Available New Orleans CSS Commodity office. Price will not be reduced during period ending Aug. 31, 1954.
Cottonseed oil, refined, 865,000,000 pounds.[1]	Market price but not less than the minimum crude price, with appropriate adjustments for refining, location and quality f. o. b. tankcars or tankwagons at points of storage locations. Available New Orleans CSS Commodity office. Price will not be reduced during period ending Aug. 31, 1954
Linseed oil, raw, 2,000,000 pounds, plus additional quantities as available.[1]	Market price on date of sale, but not less than equivalent of the 1953 price support for flaxseed. Price will not be reduced during period ending July 31, 1954. Available Cincinnati, Portland, and Minneapolis CSS Commodity offices
Peanuts: [2] Farmers' stock, 1952 crop, 5,000 tons.	Bid basis, f. o. b. points of storage locations, subject to the terms and conditions of Announcement CCC Peanut Form 40. In addition, farmers' stock peanuts from CCC stocks, including any 1953 crop peanuts acquired by calling loans, may be offered under separate announcement for domestic crushing subject to the terms and conditions of CCC Peanut Form 34. Available Dallas CSS Commodity office.

See footnotes at end of table.

APRIL 1954 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic price list
Cotton, 235,000 bales	Sales will be made by the New Orleans office at prices not less than the higher of: (1) the market price as determined by the CCC, or (2) 90 percent of the current support price, increased by carrying charges, (although sales may be made at prices below the minimum if necessary to meet competition). Sales will be restricted to the New Orleans CSS Commodity office.
Wool, shorn and pulled grease (including some scoured), 1,000,000 pounds	The lesser of (1) the market value, or (2) 103 percent of the price support purchase price for the current season, plus warehouse charges, interest, and carrying charges. Available Boston CSS Commodity office.
Dry edible beans (bagged)	Price based on the small lots sold by growers at point of production. Amount of purchase to be limited to quantities as specified. For other grades of all beans, adjust by factors specified for U. S. No. 1 basis. California points of production.
Large lima beans, 1952 crop, California, 1,000,000 hundredweight	$14.50 per 100 pounds. Available Portland CSS Commodity office.
Pea beans, 1953 crop, 250,000 hundredweight	$9.75 per 100 pounds. Available Dallas CSS Commodity office. Michigan points of production.
Red kidney beans, 1953 crop, 247,000 hundredweight	$10.50 per 100 pounds. Available Portland, Chicago, Minneapolis, and Kansas City CSS Commodity offices. New York points of production.
Corn, bulk, 175,000,000 bushels (1948, 1949 crop)	At the point of production, but not less than the market price but not less than the support price for corn of the 1953 crop. Available Portland, Dallas, and Kansas City CSS Commodity offices.
Wheat [1]	Basis No. 1 dark northern spring, 14 percent protein, in bulk at Minneapolis, Minn. Market price but not less than the domestic minimum prices for the class, grade, quality and location shown in the following schedule. Available Portland, Kansas City, all but Buffalo and Atlantic in Minneapolis and only Buffalo and Atlantic in Dallas CSS Commodity offices. [2]

Soft white winter, 83,931 hundredweight, Lathrop, Calif.	$21.50 per 100 pounds. Available Portland, Dallas, Kansas City, and Chicago CSS Commodity offices.
Soft white winter, 8,527 hundredweight, Stockton, Calif.	$21.50 per 100 pounds. Available Portland, Dallas, and Minneapolis CSS Commodity offices.
Hard red winter, 43,300 hundredweight, Hutchinson, Kans.	$20 per 100 pounds. Available Portland, Dallas, and Kansas City CSS Commodity offices.
Hard red winter, 43,000 hundredweight, Atlantic, Iowa.	
Durum, bulk, Central, 32,116 hundredweight	$40 per 100 pounds. Available Portland, Dallas, and Kansas City CSS Commodity offices. [2]
Alfalfa seed, (certified) Ranger, 83,931 hundredweight, Lathrop, Calif.	$44 per hundredweight. All available in Portland and Kansas City, all but Buffalo and Atlantic in Minneapolis and only Buffalo and Atlantic in Dallas CSS Commodity offices. [2]
Alfalfa seed, (certified) Ranger, 8,527 hundredweight, Stockton, Calif.	
Alfalfa seed, Central, 43,300 hundredweight, Hutchinson, Kans.	
Alfalfa seed, Central, 43,000 hundredweight, Atlantic, Iowa.	
Alfalfa seed, Central, 32,116 hundredweight, Lathrop, Calif.	
Alfalfa seed, (certified) Ranger, 83,931 hundredweight, Lathrop, Calif.	
Alfalfa seed, (certified) Ranger, 8,527 hundredweight, Stockton, Calif.	
Alfalfa seed, Central, 43,300 hundredweight, Hutchinson, Kans.	
Alfalfa seed, Central, 43,000 hundredweight, Atlantic, Iowa.	
Tall fescue seed (certified), 35,917 hundredweight	$21.50 per 100 pounds. Available Portland, Dallas, Kansas City, and Chicago CSS Commodity offices.
Tall fescue seed (uncertified), 60,812 hundredweight	$20 per 100 pounds. Available Portland, Dallas, and Minneapolis CSS Commodity offices.

(Sec. 407, 63 Stat. 1051)

Issued: April 12, 1954.

[SEAL]

J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-2828; Filed, Apr. 14, 1954; 8:54 a. m.]

[1] "In store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the account of the buyer.

[2] Prices will not be reduced during the period ending June 30, 1954.

[3] These same lots also are available at export sales prices announced today.

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1600]

CONSUMERS POWER CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Consumers Power Company, Common Stock, No. Par Value; File No. 7-1600.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of April, A. D. 1954.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Consumers Power Company, a security listed and registered on the Detroit Stock Exchange, on the Midwest Stock Exchange, and on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to April 26, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2801; Filed, Apr. 14, 1954; 8:49 a. m.]

[File Nos. 54-66, 59-61, 59-35]

FEDERAL WATER AND GAS CORP. ET AL.

ORDER APPROVING AND RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES

APRIL 9, 1954.

The Commission having previously approved a plan of liquidation of Federal Water and Gas Corporation ("Federal"), a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") and the Commission having in such proceeding reserved jurisdiction over fees and expenses incurred in connection therewith; and

The Commission, on July 21, 1952, having issued its order authorizing the payment of certain fees and expenses; and

Federal having now filed an application seeking authorization for the payment of additional counsel fees to Hughes, Hubbard, Blair & Reed in the amount of $5,000 and reimbursement for expenses in the amount of $402.66 and the payment of $2,118 to the New York Trust Company for services as Distributing Agent;

It appearing to the Commission that the fees and expenses so proposed to be paid by Federal are for necessary services and are reasonable and that jurisdiction may appropriately be released to permit payment thereof:

It is hereby ordered, That Federal be, and it hereby is, authorized to pay the fees and expenses as indicated above and that the jurisdiction heretofore reserved be, and hereby is, released with respect to the payment by Federal of the fees and expenses as requested.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2803; Filed, Apr. 14, 1954; 8:50 a. m.]

No. 73——6

[File No. 70-3238]

DELAWARE POWER & LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF BONDS

APRIL 9, 1954.

Notice is hereby given that Delaware Power & Light Company ("Delaware"), a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transaction, which is summarized as follows:

Delaware proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, __ Percent Series due 1984. The Bonds are to be issued under and secured by the Mortgage and Deed of Trust of Delaware to The New York Trust Company, Trustee, dated as of October 1, 1943, and indentures supplemental thereto, and by a further supplemental indenture to be dated as of May 1, 1954.

The rights and preferences of the proposed Bonds will be substantially identical with the presently outstanding First Mortgage and Collateral Trust Bonds except with respect to the interest rate, redemption prices and maturity date thereof. The invitation for bids will specify that the amount to be received by Delaware shall not be less than 100 percent nor more than 102.75 percent of the principal amount thereof and that the interest rate shall be a multiple of ⅛ of 1 percent.

According to Delaware the net proceeds from the sale of the new bonds are to be used for necessary and desirable additions and improvements to its properties and also the properties of its subsidiaries.

The estimated fees and expenses to be paid in connection with the issue and sale of the Bonds are to be supplied by amendment.

Delaware has filed an application with the Public Service Commission of Delaware for approval of the proposed issue and sale of Bonds.

The Commission is requested to issue its order permitting the declaration to become effective on April 26, 1954.

Notice is further given that any interested person may, not later than April 23, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 23, 1954, such declaration may be permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2802; Filed, Apr. 14, 1954; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8694, 8730, 8840]

WESTINGHOUSE BROADCASTING CO. ET AL.

NOTICE OF PRE-HEARING CONFERENCE

In re applications of Westinghouse Broadcasting Company, Inc., Pittsburgh, Pennsylvania, Docket No. 8694, File No. BPCT-221; WWSV, Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT-254; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT-345; for construction permits.

In accordance with § 1.813 of the Commission's rules, a pre-hearing conference of all counsel in the above-entitled matter will be held in the offices of the Commission, Washington, D. C., beginning at 10.00 a. m., e. s. t., Friday, April 16, 1954.

Dated: April 9, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CHARLES J. FREDERICK,
Hearing Examiner.

[F. R. Doc. 54-2814; Filed, Apr. 14, 1954; 8:52 a. m.]

[Docket Nos. 8809, 10788, 10789, 10790, 10917]

ST. LOUIS TELECAST, INC., ET AL.

ORDER SCHEDULING CONFERENCE

In re applications of St. Louis Telecast, Inc., St. Louis, Missouri, Docket No. 8809, File No. BPCT-294; St. Louis Amusement Company, St. Louis, Missouri, Docket No. 10788, File No. BPCT-745; Columbia Broadcasting System, Inc., St. Louis, Missouri, Docket No. 10789, File No. BPCT-1565; 220 Television, Inc., St. Louis, Missouri, Docket No. 10790, File No. BPCT-1778; Broadcast House, Inc., East St. Louis, Illinois, Docket No. 10917, File No. BPCT-1835; for construction permits for new television stations.

Hearing in the above-entitled proceeding will commence with a hearing conference pursuant to § 1.841 on April 29, 1954.

Dated: April 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2815; Filed, Apr. 14, 1954; 8:52 a. m.]

[Docket No. 10890]

ERNST FOOD SALES

ORDER CONTINUING HEARING

In re application of F. L. Ernst, Ernst Food Sales, 3901 Washington Avenue, New Orleans, Louisiana, order to show cause why the license for Radiotelephone Station WA–4521 should not be revoked; Docket No. 10890.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock a. m., on Monday April 5, 1954; and

It appearing, that on March 29, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission requesting the said Commission to issue a Final Revocation Order and close the proceedings in the above-entitled matter; and

It further appearing, that no action is expected to be taken on the said motion on or before April 5, 1954;

It is ordered, By the Commission on its own motion, this 2d day of April 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–2816; Filed, Apr. 14, 1954; 8:52 a. m.]

[Docket No. 10891]

CARL L. ANDERTON

ORDER CONTINUING HEARING

In re application of Carl L. Anderton, 100 South Gay Street, Baltimore 2, Maryland, order to show cause why the license for Radiotelephone Station WD–2875 should not be revoked; Docket No. 10891.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock a. m., on Wednesday, April 7, 1954; and

It appearing, that on March 29, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission requesting the said Commission to issue a Final Revocation Order and close the proceedings in the above-entitled matter; and

It further appearing, that no action is expected to be taken on the said motion on or before April 7, 1954;

It is ordered, By the Commission on its own motion, this 5th day of April 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–2817; Filed, Apr. 14, 1954; 8:52 a. m.]

[Docket No. 10892]

BLUE SEA FISHERIES, INC.

ORDER CONTINUING HEARING

In re application of Blue Sea Fisheries, Inc., 85 Exchange Street, Portland, Maine, order to show cause why the license for Radiotelephone Station WB–5564 should not be revoked; Docket No. 10892.

The Commission having designated the above-entitled matter for a hearing to be held at its offices in Washington, D. C., at 10:00 o'clock a. m., on Tuesday, April 6, 1954; and

It appearing, that on March 29, 1954, a motion was filed on behalf of the Safety and Special Radio Services Bureau of this Commission requesting the said Commission to issue a Final Revocation Order and close the proceedings in the above-entitled matter; and

It further appearing, that no action is expected to be taken on the said motion on or before April 6, 1954;

It is ordered, By the Commission on its own motion, this 5th day of April, 1954, that the said hearing be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–2818; Filed, Apr. 14, 1954; 8:52 a. m.]

[Docket No. 10940]

ACME MANUFACTURING CO.

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed to Arthur Goldner, tr/as Acme Manufacturing Company, 195 Chrystie Street, New York, New York; Docket No. 10940.

The Commission having under consideration a Motion for Continuance filed on April 6, 1954, by counsel for the Chief of the Commission's Field Engineering and Monitoring Bureau, requesting that the hearing in the above-entitled proceeding, scheduled for April 9, 1954, at New York, New York, be continued to a date to be set by further order: and

It appearing, that Acme Manufacturing Company has agreed to the requested continuance, that the parties have consented to a waiver of § 1.745 of the Commission's rules in order that said motion may be acted on without being on file for a period of 4 days, and that good cause for the granting thereof has been shown;

It is ordered, This 6th day of April 1954, that the Motion for Continuance is granted, and that the hearing in the above-entitled proceeding, now scheduled for April 9, 1954, is continued until a later date to be designated by a further order of the Hearing Examiner.

Released: April 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–2819; Filed, Apr. 14, 1954; 8:52 a. m.]

[Docket No. 10941]

MILS PRODUCTS, INC.

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed to Mils Products, Incorporated, 1142 Broad Street, Newark, New Jersey; Docket No. 10941.

The Commission having under consideration a Motion for Continuance filed on April 6, 1954, by counsel for the Chief of the Commission's Field Engineering and Monitoring Bureau, requesting that the hearing in the above-entitled proceeding, scheduled for April 12, 1954, at New York, New York, be continued to a date to be set by further order; and

It appearing, that Mils Products, Incorporated has agreed to the requested continuance, that the parties have consented to a waiver of § 1.745 of the Commission's rules in order that said motion may be acted on without being on file for a period of 4 days, and that good cause for the granting thereof has been shown;

It is ordered, This 7th day of April 1954, that the Motion for Continuance is granted, and that the hearing in the above-entitled proceeding, now scheduled for April 12, 1954, is continued until a later date to be designated by a further order of the Hearing Examiner.

Released: April 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–2820; Filed, Apr. 14, 1954; 8:53 a. m.]

[Docket No. 10942]

JOELL MANUFACTURING CO.

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed to Murray Menschiks, tr/as Joell Manufacturing Company, 2516 Atlantic Avenue, Brooklyn 7, New York; Docket No. 10942.

The Commission having under consideration a Motion for Continuance filed on April 6, 1954, by counsel for the Chief of the Commission's Field Engineering and Monitoring Bureau, requesting that the hearing in the above-entitled proceeding, scheduled for April 14, 1954, at New York, New York, be continued to a date to be set by further order; and

It appearing, that Joell Manufacturing Company has agreed to the requested continuance, that the parties have consented to a waiver of § 1.745 of the Commission's rules in order that said Motion may be acted upon without being on file for a period of 4 days, and that good cause for the granting thereof has been shown;

It is ordered, This 7th day of April 1954, that the Motion for Continuance is granted, and that the hearing in the above-entitled proceeding, now scheduled for April 14, 1954, is continued until a later date to be designated by a further order of the Hearing Examiner.

Released: April 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–2821; Filed, Apr. 14, 1954; 8:53 a. m.]

[Docket No. 10945]

CARTHAGE BROADCASTING CO.

ORDER CONTINUING CONFERENCE AND HEARING

In re application of Lloyd C. McKenney & John J. Daly d/b as Carthage Broadcasting Company, Fort Scott, Kansas, Docket No. 10945, File No. BP–8948; for construction permit.

The Commission having before it a petition filed by the above-named applicant on April 9, 1954, requesting that the hearing herein now scheduled for April 15, 1954, and the prehearing conference now scheduled for April 13, 1954, be continued until 10:00 a. m., April 22, 1954, and 2:00 p. m., April 20, 1954, respectively, because of other commitments of the attorneys in the case; and

It appearing, that good cause has been shown for the continuance and that counsel for the protestant herein has joined in the Petition for Continuance and that counsel for the Commission's Broadcast Bureau will interpose no objection to the continuance;

It is ordered, This 9th day of April 1954, that the petition is granted and the hearing now scheduled for April 15, 1954, is rescheduled for 10:00 a. m., April 22, 1954, and the prehearing conference now scheduled for April 13, 1954, is rescheduled for 2:00 p. m., April 20, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–2822; Filed, Apr. 14, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–2318, G–2320]

LATERAL GAS PIPELINE CO. AND IOWA ELECTRIC LIGHT AND POWER CO.

NOTICE OF CONTINUANCE OF HEARING

APRIL 8, 1954.

Upon consideration of the request filed April 8, 1954, by Counsel for Lateral Gas Pipeline Company and Iowa Electric Light and Power Company for a postponement of the hearing now scheduled for April 14, 1954 in the above-designated matters;

Notice is hereby given that said hearing is postponed to 10:00 a. m., e. d. s. t., May 19, 1954, in the Commission's Hearing Room, 441 "G" Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–2795; Filed, Apr. 14, 1954; 8:48 a. m.]

[Docket No. E–6351]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO

APRIL 9, 1954.

Notice is hereby given that on April 8, 1954, the Federal Power Commission issued its order adopted April 7, 1954, in the above-entitled matter, authorizing transmission of electric energy to Mexico and superseding previous order of May 22, 1951 (16 F. R. 4989).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–2796; Filed, Apr. 14, 1954; 8:48 a. m.]

[Docket No. E–6545]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

APRIL 9, 1954.

Notice is hereby given that on April 7, 1954, the Federal Power Commission issued its supplemental order adopted April 6, 1954, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–2797; Filed, Apr. 14, 1954; 8:48 a. m.]

[Docket No. IT–5637]

NIAGARA MOHAWK POWER CORP.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO CANADA

APRIL 9, 1954.

Notice is hereby given that on April 8, 1954, the Federal Power Commission issued its order adopted April 7, 1954, authorizing transmission of electric energy from the United States to Canada in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54–2798; Filed, Apr. 14, 1954; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 12, Amdt. 1]

CALIFORNIA

DECLARATION OF DISASTER AREA

1. Amendment 1 to Declaration of Disaster Area 5 dated April 1, 1954, is hereby rescinded.

2. Declaration of Disaster Area 12 for the State of California dated January 4, 1954, is hereby amended as follows:

Paragraph 1 of said Declaration of Disaster Area 12 is amended by the addition thereto of the following county: San Bernardino.

Dated: April 9, 1954.

DONALD A. HIPKINS,
Acting Administrator.

[F. R. Doc. 54–2804; Filed, Apr. 14, 1954; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29116]

LIQUEFIED CHLORINE GAS FROM CHARLESTON, W. VA., AND POINTS GROUPED THEREWITH TO DOCTORTOWN, GA.

APPLICATION FOR RELIEF

APRIL 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Charleston, W. Va., and points grouped therewith.

To: Doctortown, Ga.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54–2807; Filed, Apr. 14, 1954; 8:50 a. m.]

[4th Sec. Application 29117]

COAL FROM KENTUCKY, VIRGINIA, AND WEST VIRGINIA TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

APRIL 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Roy S. Kern, Agent, for carriers parties to schedule listed below.

Commodities involved: Coal and coal briquettes, carloads.

From: Mines in Kentucky, Virginia and West Virginia.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, and to maintain grouping.

Schedules filed containing proposed rates: Norfolk and Western Railway Company, I. C. C. No. 3379–B, supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2808; Filed, Apr. 14, 1954; 8:51 a. m.]

[4th Sec. Application 29118]

PAPER AND PAPER ARTICLES FROM RICHMOND, VA., TO CAMDEN, N. J.

APPLICATION FOR RELIEF

APRIL 12, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Richmand, Va.

To: Camden, N. J.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional route.

Schedules filed containing proposed rates: Chesapeake and Ohio Railway Company, I. C. C. No. 13165, supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2809; Filed, Apr. 14, 1954; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 74

Washington, Friday, April 16, 1954

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 3-11]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

FLASHING RATES FOR POSITION LIGHTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 12th day of April 1954.

Currently effective § 3.700 (e) of Part 3 of the Civil Air Regulations requires that, if a position light flasher is used, the position light system shall be energized at a rate of not less than 60 nor more than 100 flashes per minute with an on-off ratio between 2:1 and 1:1. This requirement became effective on January 15, 1951. Some time later, it was found that one of the most popular low-cost flashers being used with position lights could not comply with these standards. This flasher, which was widely used, was thus rendered ineligible for installation on airplanes type certificated in accordance with provisions of Part 3 in effect after January 15, 1951. Since, in general, greater conspicuity is obtained with flashing position lights than with steady lights, safety is served by encouraging the use of flashing position lights. Therefore, to determine whether the present requirements for flashing rates could be extended without impairing safety to enable the use of this low-cost flasher, an investigation was undertaken. This investigation, which included practical tests, revealed that an extension of the upper limit of the flashing rate to 120 f. p. m. is justified, and that no noticeable deterioration in conspicuity occurs at this increased limit. It was also revealed that with the higher flash rate limit, a somewhat higher limit on the on-off ratio would be desirable because it tends to increase the apparent intensity of the light. This amendment, therefore, increases the upper limit of the flashing rate from 100 to 120 f. p. m., and the upper limit of the on-off ratio from 2:1 to 2.5:1.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 3 of the Civil Air Regulations (14 CFR, Part 3, as amended) effective May 17, 1954.

By amending § 3.700 (e) by deleting the numerals "100" and "2:1" and inserting in lieu thereof the numerals "120" and "2.5:1" respectively.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2872; Filed, Apr. 15, 1954; 8:52 a. m.]

[Civil Air Regs., Amdt. 6-5]

PART 6—ROTORCRAFT AIRWORTHINESS

FLASHING RATES FOR POSITION LIGHTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of April 1954.

Currently effective § 6.632 (e) of Part 6 of the Civil Air Regulations requires that, if a position light flasher is used, the position light system shall be energized at a rate of not less than 60 nor more than 100 flashes per minute with an on-off ratio between 2:1 and 1:1. This requirement became effective on January 15, 1951. Some time later, it was found that one of the most popular low-cost flashers being used with position lights could not comply with these standards. This flasher, which was widely used, was thus rendered ineligible for installation on rotorcraft type certificated in accordance with provisions of Part 6 in effect after January 15, 1951. Since, in general, greater conspicuity is obtained with flashing position lights than with steady lights, safety is served by encouraging the use of flashing position lights. Therefore, to determine whether the present requirements for

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FEDERAL REGISTER

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CODIFICATION GUIDE

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flashing rates could be extended without impairing safety to enable the use of this low-cost flasher, an investigation was undertaken. This investigation, which included practical tests, revealed that an extension of the upper limit of the flashing rate to 120 f. p. m. is justified, and that no noticeable deterioration in conspicuity occurs at this increased limit. It was also revealed that with the higher flash rate limit, a somewhat higher limit on the on-off ratio would be desirable because it tends to increase the apparent intensity of the light. This amendment, therefore, increases the upper limit of the flashing rate from 100 to 120 f. p. m., and the upper limit of the on-off ratio from 2:1 to 2.5:1.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 6 of the Civil Air Regulations (14 CFR, Part 6, as amended) effective May 17, 1954.

By amending § 6.632 (e) by deleting the numerals "100" and "2:1" and inserting in lieu thereof the numerals "120" and "2.5:1" respectively.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54–2873; Filed, Apr. 15, 1954; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP GRAIN SORGHUMS PRICE SUPPORT PROGRAM

EDITORIAL NOTE: In Federal Register Document 54–2740, published at page 2117 of the issue for Tuesday, April 13, 1954, §§ 421.426 through 421.435 are redesignated §§ 421.526 through 421.535, respectively.

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. P. L. 72]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

TIN MILL PRODUCTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
	Tin mill products:
	Tin plate:
609010	Secondary tinplate.
609020	Circles, cobbles, strip, and scroll shear butts.
604110	Hot dipped (production plate).
604110	Other hot dipped.
604150	Electrolytic coated (production plate).
604150	Other electrolytic coated.
604170	Lithographic misprints.
604170	Other tinplate, decorated, embossed, lithographed, lacquered, or otherwise advanced.
612380	Tin cans (packers or cannery type) finished or unfinished, and specially fabricated parts, n. e. s.

This amendment shall become effective as of April 15, 1954.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY, *Director, Bureau of Foreign Commerce.*

[F. R. Doc. 54–2859; Filed, Apr. 15, 1954; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53399]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Correction

In Federal Register Document 53–10685, issue of December 24, 1953, the first amendment under Part 19 (page 8690) should read:

1. Section 19.1 (a) is amended by deleting the second sentence from subparagraph (3).

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Part 141e; 19 F. R. 1141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR Parts 146c, 146e; 18 F. R. 5366, 5591, 7311; 19 F. R. 229, 1141) are amended as indicated below:

1. Part 141e is amended by adding the following new section:

§ 141e.422 *Bacitracin-polymyxin-neomycin ointment*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141e.409 (a) (1). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(2) *Polymyxin content.* Proceed as directed in § 141e.409 (a) (2), except calculate from the quantity of neomycin found (using the method prescribed in subparagraph (3) of this paragraph) the

quantity of neomycin that would be present when the sample is diluted to contain 100 units of polymyxin (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(3) *Neomycin content.* Proceed as directed in § 141e.411 (a) (2). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

2. Section 146c.201 *Chlortetracycline hydrochloride* • • • is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by deleting the period at the end of the first sentence and adding the following phrase: "with or without one or more suitable and harmless buffer substances if it is intended for intravenous use."

b. Paragraph (a) (1) and (7) is amended to read:

(1) Its potency, and the potency of the chlortetracycline used in the manufacture of chlortetracycline for intravenous use, is not less than 900 micrograms per milligram, except if it is intended for use solely in the manufacture of a veterinary drug for nonparenteral use its potency is not less than 820 micrograms per milligram;

• • • • •

(7) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.3 and not more than 3.3, except if it is intended for intravenous use and it contains buffer substances its pH is not less than 8 and not more than 9.5.

c. Paragraph (b) *Packaging* is amended by changing the clause "and each shall contain one or more suitable and harmless diluents" in the last sentence to read: "and each shall contain one or more suitable and harmless buffer substances".

d. In paragraph (c) *Labeling* subparagraph (1) (v) is amended by changing the word "diluents" to read "buffer substances".

e. Paragraph (d) *Request for certification* • • • is amended by changing the period at the end of the first sentence of subparagraph (1) to a semicolon and adding the following new clause: "and if it is intended for intravenous use and contains buffer substances, the date and the results of the latest test for potency of the chlortetracycline used in making such batch."

f. Paragraph (d) is further amended by adding the following new subparagraph (5):

(5) If such batch is intended for intravenous use and it contains buffer substances, such person shall submit in connection with his request (unless it has been previously submitted) one immediate container containing approximately 0.5 gram of the chlortetracycline used in making such batch.

g. In paragraph (e) *Fees*, subparagraph (1) is amended by changing the period at the end thereof to a semicolon and adding the following new clause: "$4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (5) of this section."

3. Section 146c.218 *Tetracycline hydrochloride* is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by deleting the period at the end of the first sentence and adding the following phrase: "with or without one or more suitable and harmless stabilizing agents."

b. Paragraph (a) (1), (7), and (8) is revised to read:

(1) Its potency, and the potency of the tetracycline hydrochloride used in the manufacture of tetracycline hydrochloride for intravenous use, is not less than 900 micrograms per milligram.

• • • • •

(7) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 1.8 and not more than 2.8, except if it is intended for use by injection its pH is not less than 2.0 and not more than 3.0.

(8) Its extinction coefficient $E^{1\%}_{1cm.}$, and the extinction coefficient of the tetracycline hydrochloride used in the manufacture of tetracycline for intravenous use, is 372 ± 15 at 380 mμ.

c. Paragraph (b) is revised to read:

(b) *Packaging; labeling; request for certification, check tests and assays, samples; fees.* Tetracycline hydrochloride conforms to all requirements and procedures prescribed for chlortetracycline hydrochloride by § 146c.201 (b), (c), (d), and (e), except that:

(1) It shall be labeled with an expiration date that is 24 months after the month during which the batch was certified.

(2) The person who requests certification of a batch of tetracycline hydrochloride that contains stabilizing agents and is intended for intravenous use shall submit with his request (unless they were previously submitted) the results of the latest tests and assays made on the batch of the tetracycline hydrochloride used in making such batch for potency and extinction coefficient and a sample consisting of two packages each containing approximately 500 milligrams of the tetracycline hydrochloride used in making such batch for potency and extinction coefficient.

(3) The fee for the services rendered with respect to each immediate container of the tetracycline hydrochloride used in the manufacture of a batch of tetracycline hydrochloride for intravenous use submitted in accordance with the requirements prescribed therefor by subparagraph (2) of this paragraph shall be $4.00.

4. Part 146e is amended by adding the following new section:

§ 146e.422 *Bacitracin-polymyxin-neomycin ointment.* (a) Bacitracin-polymyxin-neomycin ointment conforms to all requirements prescribed by § 146e.409 for bacitracin-polymyxin ointment, and is subject to all procedures prescribed by § 146e.409 for bacitracin-polymyxin ointment, except that:

(1) Its content of neomycin is not less than 3.0 milligrams per gram. The neomycin used conforms to the standards prescribed by § 146e.410 (a) (2).

(2) In addition to the labeling prescribed by § 146e.409 (a) (5), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of neomycin in each gram of the batch.

(3) In addition to complying with the requirements of § 146e.409 (a) (7), a person who requests certification of a batch of bacitracin-polymyxin-neomycin ointment shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 7 packages of bacitracin-polymyxin-neomycin ointment and (unless it was previously submitted) a sample consisting of 5 packages of the neomycin used in making the batch, each containing approximately 0.5 gram.

(b) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by paragraph (a) (3) of this section shall be $4.00.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: April 12, 1954.

[SEAL] NELSON A. ROCKEFELLER, *Acting Secretary.*

[F. R. Doc. 54-2835; Filed, Apr. 15, 1954; 8:45 a. m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

CHANGE OF NAME OF DIBENZYLETHYLENEDIAMINE DIPENICILLIN G

Correction

In F. R. Doc. 54-2755, appearing in the issue for Wednesday, April 14, 1954, at page 2139, the reference in amendatory paragraph 2c to "§ 146.69" should read "§ 146a.69".

TITLE 29—LABOR

Chapter X—National Mediation Board

PART 1206—HANDLING OF REPRESENTATION DISPUTES UNDER RAILWAY LABOR ACT

TIME LIMITS ON APPLICATIONS

Due to a typographical error in the original document, § 1206.4 (a), appearing on page 2121 of the FEDERAL REGISTER, April 13, 1954, F. R. Doc. 54-2683; filed April 12, 1954, is corrected as follows:

§ 1206.4 *Time limit on applications.* (a) The National Mediation Board will not accept an application for the investigation of a representation dispute for a period of two (2) years from the date of a certification covering the same craft or class of employees on the same carrier in which a representative was certified, except in unusual or extraordinary circumstances.

[SEAL] E. C. THOMPSON, *Secretary.*

[F. R. Doc. 54-2864; Filed, Apr. 15, 1954; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense

PART 21—DEPARTMENT OF DEFENSE INDUSTRIAL SECURITY MANUAL FOR SAFEGUARDING CLASSIFIED INFORMATION

SUBPART A—GENERAL

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21.2 Applicable Federal Statutes and Executive Orders.
21.3 Definitions.
21.4 Designation of Security Office
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21.28 Determination of clearance status.
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21.30 Action by subcontractor.
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Sec.
21.33 Application of part.

SUBPART H—GRAPHIC ARTS

21.34 Production control records.
21.35 Area controls, additional requirements.
21.36 Special production conditions.
21.37 Destruction, special requirements.
21.38 Mailing lists.

AUTHORITY: §§ 21.1 to 21.38 issued under R. S. 161; 5 U. S. C. 22.

This part was approved on January 19, 1954, by the Assistant Secretary of Defense (Manpower and Personnel) for the purpose of establishing uniform security practices within industrial plants or educational institutions and all organizations and facilities used by prime and subcontractors having classified information of the military departments in their custody. The term "security," as used herein, refers to the safeguarding of information classified by the Government as Top Secret, Secret, or Confidential against unlawful dissemination, duplication, or observation because of its importance to National defense.

SUBPART A—GENERAL

§ 21.1 *Scope.* This part supersedes the Department of Defense Industrial Security Manual for Safeguarding Classified Security Information dated December 13, 1951, and previous editions, and establishes the requirements for the safeguarding of official information the unauthorized disclosure of which would or could harm, tend to impair, or otherwise threaten the security of the Nation. The requirements of this part reflect the provisions of applicable Federal Statutes and Executive Orders.

§ 21.2 *Applicable Federal Statutes and Executive Orders.* (a) Espionage Acts, Title 18 U. S. C., sections 793, 794, 795, 797, 798.

(b) Sabotage Acts, Title 18 U. S. C., sections 2151 through 2156.

(c) Air Corps Act of 1926, Title 10 U. S. C., section 310 (j).

(d) Title 50 U. S. C., sections 781 through 826 (inclusive).

(e) Atomic Energy Act of 1946, Title 42 U. S. C., section 1810.

(f) Executive Order 10104, February 1, 1951.

(g) Executive Order 10501, November 5, 1953.

§ 21.3 *Definitions.* The following definitions are established for the purpose of this part.

(a) *Access, accessibility.* The ability and opportunity to obtain knowledge of classified information.

(b) *Alien.* Any person not a citizen or national of the United States. (See Immigrant Alien, paragraph (l) of this section.)

(c) *Authorized persons.* Those persons cited in Subpart C of this part who (1) need access to the classified information involved in order to fulfill the purposes of the Government's release thereof, and (2) have been appropriately cleared, by Government or Contractor, as appropriate, for the receipt of such information.

(d) *Bound documents.* Books or pamphlets, the pages of which are permanently and securely fastened together in such a manner that one or more pages cannot be extracted from the bound copy without defacement or alteration of the book.

(e) *Classified information.* The term "Classified information" as used herein means official information which requires protection in the interest of National Defense.

(f) *Compromise.* Known or suspected loss of value of classified information as a result of an unauthorized person having obtained access to such information. As used in this part, the term "unauthorized person" refers to any person not authorized to have access to the specific classified information in accordance with the provisions of this part.

(g) *Confidential.* All information and material, the unauthorized disclosure of which could be prejudicial to the Defense interests of the Nation.

(h) *Contracting officer.* Any officer or civilian employee of any military department, who, in accordance with procedures prescribed by each respective department, has been or shall be designated a contracting officer (and whose designation has not been terminated or revoked) with the authority to enter into and administer contracts and make determinations and findings with respect thereto or any part of such authority.

(i) *Contractor.* Any industrial, educational, commercial or other entity which has executed a contract or a Department of Defense Security Agreement (DD Form 441) with a Department of Defense agency or activity.

(j) *Foreign nationals.* All persons not citizens of, or immigrant aliens to, the United States; and all citizens of the United States and immigrant aliens who act as representatives, officials, or employees of a foreign government, firm, corporation, or individual are considered foreign nationals.

(k) *Graphic arts industry.* Includes all types of facilities and individuals engaged in performing any consultation, service, or the production of any component or end product which contributes to or results in the reproduction of classified information. Regardless of trade names or specialized processes, it will include writing, illustrating, advertising services, copy preparation, all methods of printing, finishing services, duplicating, photo-copying, and film processing activities.

(l) *Immigrant alien.* Any person lawfully admitted into the United States under an immigration visa for permanent residence. An immigrant alien is a national of the United States.

(m) *Information.* The term "information" as used in this part means knowledge which can be communicated, either orally or by means of material.

(n) *Key employee.* Any employee, as differentiated from owners, directors, or officers, at a facility who requires access to classified information for the purpose of preparing a bid or quotation.

(o) *Material.* Any document, product or substance on, or in which, information may be recorded or embodied.

Material shall include everything, regardless of its physical character or make-up. Information which is transmitted orally shall be considered as material for purposes of security. Machinery, documents, apparatus, devices, photographs, recordings, reproductions, notes, sketches, maps, and letters, as well as all other products, substances or material, shall fall into the general term of material.

(p) *"Restricted Data".* All information designated as being "Restricted Data" within the meaning of Public Law 585—79th Congress (Atomic Energy Act of 1946), including all documents and other material of such designation which bear the following markings in addition to their security classification markings: "Restricted Data—Atomic Energy Act 1946."

(q) *Secret.* All information and material, the unauthorized disclosure of which could result in serious damage to the Nation.

(r) *Security cognizance.* The responsibility for the implementation of the Department of Defense industrial security program for an individual facility which the Assistant Secretary of Defense (Manpower and Personnel) has assigned to one military department for that purpose.

(s) *Security office.* Any command, office, unit, agency, or person within a military department, designated by that military department to discharge the Department of Defense responsibilities for industrial security matters at the facility.

(t) *Top Secret.* All information and material, the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation.

§ 21.4 *Designation of Security Office.* The Department of Defense will assign security cognizance to a military department, which will designate the security office responsible for insuring that all Department of Defense classified information is properly safeguarded and will coordinate all industrial security matters of concern to the Contractor and activities of the military departments. The management of each facility which has been assigned to one of the military departments for cognizance will be notified in writing of this action by the department receiving the asignment at such time as the industrial security program is initiated for the facility. The foregoing does not relieve field representatives of the military departments, in coordination with the security office of the cognizant military department, of the responsibility for exercising safeguarding controls of classified information in connection with departmental contracts, nor does it affect in any way the responsibility for contract inspection of the contracts which are administered by military department field representatives.

§ 21.5 *Special requirements for graphic arts.* Subpart H of this part provides specific security measures for the safeguarding of classified information during the development, performance of service or production of material by the graphic arts industry. The security measures apply whether the work is performed on the premises of the prime contractor or at the graphic art facility which is a subcontractor. The provisions contained in Subpart H of this part supplement the provisions of Subparts A through G of this part.

§ 21.6 *General requirements.* The Contractor:

(a) Shall be responsible for safeguarding all classified information under his control, shall determine which of his employees or subcontractors require possession of or access to any element of the information, and shall not supply or disclose such information to any unauthorized person.

(b) Shall provide suitable protective measures within his facility for the safeguarding of classified information.

(c) Shall exclude (this does not imply the dismissal or separation of any employee) from any part of his plants, facilities, or sites at which classified work for any military department is being performed, any person or persons whom the Secretary of the military department concerned or his duly authorized representative, in the interest of security, may designate in writing.

(d) Shall bring to the attention of his personnel engaged in the preparation of bids, quotations, or in the performance of work on contracts which involve access to classified information, their continuing individual responsibilities for safeguarding classified information and that the unauthorized disclosure of classified information violates Department of Defense regulations and contractual obligations and is punishable under the provisions of Federal Statutes.

(e) Shall bring to the attention of every employee whose employment is terminated and who had access to classified information during the period of his employment, that disclosure to unauthorized persons of such classified information is prohibited by Department of Defense Regulations and contractual obligations and is punishable under the provisions of the Federal Statutes.

(f) Shall not incorporate any special features of design or construction in any non-military project or in any military project other than that for which they are furnished or designed if such incorporation will disclose classified information, except with the prior written authorization of the contracting officer concerned.

(g) Shall insure that the combinations of safes and dial type padlocks used to lock containers holding classified material shall be classified in accordance with the classification of the highest Classified material stored in the containers and that they shall be changed at intervals of at least once every year and at the earliest practicable time following:

(1) The relief, transfer, or discharge of any person having knowledge of the combination.

(2) The compromise or suspected compromise of the container through loss or possible compromise of the combination.

(3) The initial receipt of locked containers.

(h) Shall perform security checks within the facility to insure that at all times security precautions are taken to protect classified information in the possession of the facility and will designate an individual or individuals to make checks, on a room or area basis, to insure that all classified material has been properly and safely stored.

(i) Shall execute and return the receipt form furnished with all information received from the Government classified Top Secret and Secret. If Top Secret or Secret information is received without a receipt form attached, the sender will be immediately informed by the Contractor. In those special cases where the sender deems it necessary, a receipt form shall be included with Confidential information, in which case the receiver of the classified information shall execute the receipt. Similarly, a subcontractor shall receipt for all information received from the Contractor classified Top Secret and Secret, and in addition, he shall receipt for Confidential information in those special cases where the sender deems it necessary.

(j) Shall return all classified information, including reproductions thereof, to the contracting officer concerned or his duly authorized field representative, unless specifically authorized in writing by the contracting officer to retain or otherwise dispose of such matter. Such classified information shall be returned:

(1) On or before the date for opening of bids when a bid is not submitted.

(2) Within 15 days after notification that a bid or negotiation proposal has not been accepted.

(3) At such other times as the contracting officer concerned or his duly authorized representative may direct or agree.

(k) Should the Department of Defense Security Agreement (DD Form 441) be terminated for any reason by either party and not be superseded by a new Security Agreement, shall tender all classified information in his possession to the military department concerned, which shall provide disposition instructions to the Contractor.

(l) In those special cases in which retention of certain classified information is necessary for the maintenance of essential records of the Contractor, and when so specifically requested, with justification therefor, the contracting officer concerned may authorize its retention by the Contractor.

(m) When requested by the security office of the cognizant military department may permit the review of the organization's personnel records pertaining to the individual for whom the Contractor has requested a personnel security clearance. Failure on the part of the Contractor to permit such review will delay the granting of interim security clearances.

§ 21.7 *Reports.* The Contractor shall submit immediately to the security office of the cognizant military department:

(a) A Confidential report of any information coming to his attention concerning existing or threatened espionage, sabotage, or subversive activities at

any of his plants, factories, laboratories, or other sites, at which work for any military department is being performed or at which material in connection therewith is acquired, fabricated, manufactured, is in process of research, is being developed, or stored.

(b) A Confidential report of any compromise of classified information.

(c) A Confidential report of any information coming to his attention concerning any of his employees having access to classified information or who are in the process of being cleared for access to classified information which indicates that such access is not, or would not be, clearly consistent with the interest of National defense.

(d) A report of any change of ownership, officers, or directors, operating name or addresses of the facility (or facilities) covered by the Security Agreement, during the period the Security Agreement is in effect, except that the provisions of this paragraph shall not be construed as requiring a report of stock transferred not affecting the control of the corporation.

(e) When requested by the security office of the cognizant military department in writing, and stated to be needed in connection with an official investigation being conducted by an agency within the Department of Defense, information available to the Contractor concerning any of his employees working in any of his plants, factories, or sites at which work for a military department is being performed.[1]

SUBPART B—HANDLING OF CLASSIFIED INFORMATION

The classification of defense information shall be determined by the Government, and the Contractor shall be notified of such security classifications. (To accomplish this, a Security Requirements Check List, DD Form 254 and Appendix 254–1, will be furnished by the contracting officer concerned prior to, or concurrent with, the award of the contract.) When the Contractor has been notified of the classification, he shall safeguard the information by clearly indicating on all subsequent material related thereto the applicable classification marking and by maintaining the security controls as established in this part.

§ 21.8 *Marking*—(a) *Procedure.* After determination of the classification to be assigned thereto, classified information shall be plainly and conspicuously marked or stamped (not typed) in accordance with the procedures set forth in this section.

(1) *Bound documents.* Classified books or pamphlets, the pages of which are permanently and securely bound together so that the pages thereof cannot be removed without damage of mutilation, shall be marked Top Secret, Secret, or Confidential whichever is appropriate, at the top and bottom on the outside of the front cover and back cover and all printed, typed, or written pages which contain classified information, including the reverse side, if used.

(2) *Correspondence and unbound documents.* Correspondence and other documentary material not permanently and securely bound together, except as otherwise indicated in subparagraphs (4) and (5) of this paragraph, shall be marked with the appropriate defense classification at the top and bottom of each page, including the cover page, if used. The marking at the top shall be placed so that it will not be hidden from view when the pages are clipped or stapled together.

(3) *Art work.* Original art work shall have the security classification stamped or marked conspicuously in top and bottom margins of the mounting board and on all overlays and cover sheets.

(4) *Charts, maps, drawings and tracings.* The assigned defense classification shall be affixed under the legend, title block, or scale in such manner as it will be reproduced on all copies made therefrom. Such classification shall also be marked at the top and bottom in each instance.

(5) *Photographs, films, and microfilms.* Classified photographs and films and their containers shall be conspicuously marked with the assigned defense classification. Continuous cover aerial reconnaissance mapping negatives, microfilm in roll form, and motion picture film, shall be marked with the appropriate classification at the beginning and ending of each roll. These and other classified negatives which do not lend themselves to marking shall be handled on a classified basis, and shall be kept in containers, properly secured which shall bear the classification marking to which the contents are entitled. In addition, motion picture films shall state in the title the classification thereof. Classified sound recordings shall be marked with the appropriate classification if practicable; if marking of the recording is not practicable, its container shall be marked.

(6) *Composition tapes and recordings.* All composition tapes and recordings shall have the security classification stamped at the beginning and ending of each roll. Rolls will be kept in containers, properly secured, which shall bear the classification marking to which the contents are entitled.

(7) *Materiel.* Items of classified materiel shall be properly marked to indicate the defense classification, whenever practicable. Classified materiel which does not lend itself to marking shall have securely affixed or attached a tag, sticker, or similar device bearing the appropriate defense clasification marking. If neither method is practicable, recipients shall be specifically notified in writing of the classification of such items.

(b) *Additional markings*—(1) *Classified material.* Documents containing classified defense information furnished authorized persons other than those of, or in the employ of, agencies of the Department of Defense, shall, in addition to being marked Top Secret, Secret, or Confidential bear notation substantially as follows:

This document contains information affecting the National defense of the United States within the meaning of the Espionage Laws, Title 18, U. S. C., Sections 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law.

When classified items of materiel or material which do not lend themselves to marking are furnished to such persons, they shall be specifically notified in writing of such notation.

(2) *"Restricted Data."* In addition to the markings prescribed above, "Restricted Data" will be marked in capital letters, "Restricted Data—Atomic Energy Act 1946," not less than ¼-inch in height.

(c) *Marking of regraded documents and materials*—(1) *Classification markings.* Regraded documents and material shall be marked or stamped (not typed) with the new appropriate classification in the same manner as originally classified documents or material and the old markings lined through, except for bound documents, which is downgraded, will be regraded only on the front and back cover, and title, first and last pages. If the classification is canceled the markings shall be lined through, except for bound documents which will require the cancellation markings only on the front and back cover and title, first and last pages. In cases where recipients have been notified in writing of the classification of items, they will be notified of regrading action in the same manner. Prints of motion-picture film shall show regrading action on leaders attached between the plain leader and the first title frame. Material such as plates, negatives, standing type, proofs, etc., will have a statement attached thereto showing the regrading but which will in no way alter the reproducibility of the material.

(2) *Copies of regraded documents.* The Contractor shall promptly mark copies of regraded documents, as appropriate, to include the authority cited, upon receipt of regrading notices, except as authorized in subparagraph (3) of this paragraph.

(3) *Bulk files.* When a document has been downgraded, bulk files or supplies thereof need not be marked as provided in subparagraph (2) of this paragraph, until copies are charged out for use. The change or cancellation of defense classification shall be indicated inside the file drawer or other storage container.

§ 21.9 *Receiving and recording.* All classified information furnished by the Government shall be received and recorded at one or more control stations established at the Contractor's plant. A register shall be maintained of the receipt and dispatch of all classified information. A record shall also be made of the number of copies of classified information reproduced by the Contractor. The supervision of control stations shall be vested in responsible employees designated by the Contractor and cleared to receive the classified information. Prior to opening, each container shall be carefully inspected and any evidence of tampering shall be reported promptly to the dispatching activity. Upon opening the inner container, the receipt found

[1] This requirement of the Department of Defense is not intended to preclude similar reporting on these incidents to appropriate law enforcement agencies such as the Federal Bureau of Investigation.

therein (when furnished) shall be dated, signed, and returned to the sender. Any discrepancy between the receipt and the contents shall be reported at once to the dispatching activity. The inner container shall be destroyed by burning or pulping if the subject matter has been in contact therewith, unless its retention is necessary as evidence of tampering.

§ 21.10 *Accounting*—(a) *General.* The Contractor shall submit to the security office of the cognizant military department, when so directed, an accounting of all defense material classified Top Secret or Secret. Records will be maintained in file for one year following transfer or destruction of the document. For defense material classified Confidential, the Contractor is required to maintain a record of the receipt and reproduction of Confidential information as required by § 21.9, which record is subject to inspection by the security office of the cognizant military department.

(b) *Additional requirements for Top Secret.* (1) It is mandatory that all persons who have knowledge of Top Secret information be identifiable at all times. The Contractor will maintain a record by document, title, name and date, of all individuals, including stenographic, clerical, technical, and production personnel who are afforded access to Top Secret information.

(2) The number of persons who work on Top Secret information shall be kept to an absolute minimum and each person shall be individually warned against disclosing such matters to persons whose duties do not require knowledge thereof.

(3) The dissemination of Top Secret information shall be effected by direct contact whenever practicable, without transmittal of documents.

(4) It is mandatory that transmittal and custody of Top Secret information be covered by a receipt system, both within and without the plant.

(5) Each copy of a Top Secret document shall be numbered in series. Distribution records and receipts shall show the copy number of each document transmitted.

(6) The designated employee in the control station shall open and deliver Top Secret material to the individuals who must see and work on the material.

(7) Under no circumstances shall Top Secret information be transmitted by mail channels.

§ 21.11 *Storage*—(a) *Classified Information.* The Contractor will not be eligible for the receipt of classified information in connection with precontract negotiations, submission of bids, etc., or for the award of a contract and performance thereunder until he has adequate storage as described in this section.

(1) *Top Secret.* Top Secret information while not in use will be stored in a safe or a safe-type steel file container having a three-position dial-type combination lock and being of such weight, size, construction or installation as to minimize the possibility of surreptitious entry, physical theft, damage by fire or tampering.

(2) *Secret or Confidential.* Secret or Confidential information while not in use shall be stored in one of the following ways:

(i) In the same manner as Top Secret information.

(ii) In three-tumbler combination lock fire-resistant steel safe files.

(iii) In locked desks or file cabinets when a continuous watch by an officially assigned armed guard is maintained (the armed guard shall be a contractor employee who has been appropriately investigated and cleared. He shall not be authorized access to the information except as necessary in the performance of his guard duties; i. e., when material is left astray, etc.).

(iv) In steel file cabinets secured by a steel bar and padlock of the three-position combination dial-type from which the manufacturer's identification number has been obliterated.

(b) *Bulky material.* When it is impractical to store classified material because of its nature or size in accordance with the provisions of paragraph (a) of this section the Contractor shall safeguard such material by control of the area in which it is located, to the extent required by Subpart D of this part.

(c) *Supervision of storage containers.* Only a minimum number of authorized persons should possess the combination or keys to the storage space or have access to the material stored therein. Safes and other containers in which classified information is stored shall habitually be kept locked when not under the direct supervision of an authorized person officially entrusted with the combination, keys, or the contents.

§ 21.12 *Transmission*—(a) *Preparation for transmission.* Printed or written information classified Top Secret, Secret, or Confidential shall be transmitted in double sealed opaque containers. The classified information shall be protected from direct contact with the inner cover by a cover sheet or by folding inward. Only the inner container shall indicate the classification and when appropriate the marking "Restricted Data—Atomic Energy Act 1946," and shall include therein a receipt form which identifies the addressor, the addressee, and the contents in such a manner as not to reveal classified information, except that Confidential information shall require a receipt only when the sender determines it necessary. Both the inner and outer containers shall indicate the addressee and addressor.

(b) *Limited to Continental United States.* No classified information nor material shall be transmitted outside the Continental limits of the United States without the specific approval of, and in accordance with instructions issued by, the contracting officer concerned.

(c) *Top Secret.* Top Secret information shall be transmitted within the limits of the Contractor's facility by a messenger designated by the Contractor and who is cleared for access to Top Secret information. Transmittal beyond the Contractor's establishment will be made only when authorized by the Government. When so authorized, transmittal shall be by messenger approved by the Government.

(d) *Secret.* Secret information shall be transmitted by one of the following means:

(1) Messenger designated by the Contractor and who is cleared for access to Secret information.

(2) United States registered mail, including registered air mail.

(3) Protected commercial express, air or surface, under billing which assures the highest degree of protective handling.

(e) *Confidential.* Use of non-registered mails is prohibited. Confidential information shall be transmitted by one of the following means:

(1) By means established for transmittal of information of a higher classification.

(2) Messenger designated by the Contractor, who has been cleared for access to Confidential information.

(f) *Cryptographic information.* Cryptographic information shall be transmitted in accordance with specific instructions issued by the contracting officer.

(g) *Intraplant transmittal of classified information.* Classified information, except Top Secret, may be transmitted within an individual facility in accordance with procedures established by the Contractor, provided they are based upon and consistent with this part and these procedures have been approved by the security office of the cognizant military department. The procedures of this part will govern all interplant transmission of classified information.

(h) *Bulky material.* Whenever the size or quantity of classified information is of such bulk as not to lend itself to transmission as prescribed in paragraph (g) of this section, such material will be transmitted in accordance with specific instructions to be furnished by the contracting officer.

§ 21.13 *Reproduction.* All copies or reproductions of classified material shall be appropriately marked or stamped in the same manner as the original thereof.

(a) *Non-reproducible material.* The Contractor shall not make or permit to be made, without prior written authorization of the contracting officer, any photograph or other reproduction of Top Secret information or Secret information (when specifically prohibited), for any purpose.

(b) *Reproducible material.* The Contractor may reproduce, without prior authorization of the contracting officer, information classified Secret (unless specifically prohibited) or Confidential when such reproduction is essential to:

(1) The performance of the contract.

(2) The preparation of a bid or quotation.

(3) Authorized correspondence in connection with the contract.

(4) Preparation of patent applications to be filed in the U. S. Patent Office, but this paragraph shall not be deemed to authorize the filing of patent applications, and such applications shall not be filed except as provided elsewhere in the contract.

§ 21.14 *Destruction.* (a) All Top Secret and Secret information and information classified as Confidential furnished the Contractor by the Government, shall be destroyed only when authorized in writing by the contracting officer. Accountability records will be maintained by the Contractor to reflect the destruction of such material.

(b) Confidential information developed or reproduced by the Contractor in connection with a Department of Defense contract may be destroyed upon determination by the Contractor that the material is obsolete or in excess of contractual and/or legal requirements.

(c) Destruction of classified information may be accomplished by one of the following methods:

(1) Printed or written defense information shall either be burned or destroyed by reduction to pulp by appropriate cleared personnel in the presence of a cleared witness. Those documents which require authorization of the contracting officer prior to destruction pursuant to paragraph (a) of this section, will also require a certificate indicating the date of destruction and identifying the document, executed and signed by both the destroying and witnessing individuals, and forwarded to the contracting office authorizing the destruction. Copies of certificates of destruction shall be retained by the Contractor for a minimum of one year.

(2) When destruction by reduction to pulp is elected by the Contractor, the equipment employed shall be of a type recommended by the Department of Defense. The security office of the cognizant military department will furnish a list of approved equipment.

(3) When disposal is authorized, Top Secret, Secret, and Confidential defense equipment shall be melted or destroyed beyond recognition and so as to prevent reconstruction. Necessary destruction may be limited to those portions of the equipment which incorporate the classified features. A certificate indicating the date of destruction and identifying the equipment shall be executed and signed by both the individual destroying and the individual witnessing such destruction and shall be forwarded to the contracting officer authorizing the destruction. The contracting officer will determine whether the witness must be a representative of his office or of the Contractor. Copies of certificates of destruction shall be retained by the Contractor for a minimum of one year.

(d) *Classified waste.* Preliminary drafts, carbon sheets, carbon ribbons, plates, stencils, composition tapes, masters, stenographic notes, work sheets, and similar items containing classified information shall be disposed of by burning, melting, or by reduction to pulp immediately after they have served their purpose, or shall be given the same classification and safeguarded in the same manner as the material produced from them.

SUBPART C—ACCESS

§ 21.15 *General.* An individual shall be permitted to have access to classified information only when cleared by the Government or the Contractor, as the case may be, as specified in this subpart and then he will be given access to such material only to the extent of his clearance. An individual requiring clearance shall be selected by the Contractor's determination of the individual's need for such information in the performance of his assigned duties. Appeals procedures for those denied clearances by the Government are provided, in certain instances, under regulations approved by the Secretaries of the military departments.

§ 21.16 *Precontract negotiations.* In the case of precontract negotiations, advertisements, and preparations of bids under Invitation to Bid, officers, directors, owners, and key employees of the Contractor directly involved in such negotiations will be cleared by the Government, unless notified by the Government that such clearances are not required.

§ 21.17 *After award of contract.* In the event a contract is awarded, in addition to those individuals cleared under the provision of § 21.16, access to classified information is authorized only to individuals as specified in the following:

(a) United States citizen employees of the Contractor who require access to information classified Top Secret or Secret or to "Restricted Data" or cryptographic material classified Confidential in connection with the performance of work on the contract, and who have been cleared by the Government.

(b) Immigrant alien employees of the Contractor who require access to information classified Top Secret, Secret, or Confidential in connection with the performance of work on the contract, and who have been cleared by the Government.

(c) United States citizen employees of the Contractor, who require access to information classified Confidential in connection with the performance of work on the contract, and who have been cleared by the Contractor (except employees referred to in paragraph (a) of this section who require access to "Restricted Data" or cryptographic material classified Confidential and who are cleared by the Government). A clearance by the Contractor shall be based on a determination that the individual's employment records are in order as to United States citizenship and that there is no information known to the Contractor which indicates that the employee's access to Confidential information is not clearly consistent with the interests of National security. The Contractor is not authorized to revoke a clearance that he has granted.

(d) Other persons specifically authorized in writing by the Government.

(e) Colleges and universities, when Department of Defense Contractors, shall not grant clearances to their employees for access to information classified Confidential.

§ 21.18 *Preemployment applications not authorized.* A personnel clearance action for an individual will not be initiated prior to the employment of the individual by the Contractor requesting such action.

§ 21.19 *Application for clearance.* Applications for clearance shall be made by the Contractor for his officers, directors, owners, and employees for whom Government clearance is required as specified in §§ 21.16, 21.17 (a) and (b), and shall be made to the security office of the cognizant military department by submission of the following:

(a) DD Form 48 ("Personnel Security Questionnaire" to be furnished by the Government) completed and executed by United States citizens.

(b) DD Form 49 ("Immigrant Alien Questionnaire" to be furnished by the Government) completed and executed by immigrant aliens.

(c) One properly completed and executed fingerprint card (to be furnished by the Government).

(d) Special requirements for colleges and universities: Colleges and universities, when Department of Defense Contractors, shall furnish to the security office of the cognizant military department the following information, in addition to that required in paragraphs (a) and (c) of this section, when clearance is required for their personnel, other than immigrant aliens, for access to Confidential:

(1) Verification of citizenship.

(2) Any information, derogatory or otherwise, available to the college or university officials or indicated in the personnel records of the college or university which will aid the military department concerned in reaching a decision as to whether a clearance should be issued. This may include the obtaining of a secrecy agreement from the individual concerned.

§ 21.20 *Contractor's clearance record.* The Contractor shall maintain a current record of his employees who have been cleared for access to classified information. The record will indicate the degree and date of clearance and whether cleared by a specific military department or the Contractor.

§ 21.21 *Employment of aliens.* No alien, or immigrant alien, employed by a contractor for furnishing or constructing aircraft, or aircraft parts or aeronautical accessories for the Government shall be permitted to have access to the unclassified plans or specifications or the work under construction or to participate in the contract trials without written consent beforehand of the Secretary of the military department concerned. Application for such consent shall be made by submission of DD Form 49, completed and executed by the alien or immigrant alien, to the security office of the cognizant military department.

SUBPART D—CONTROL OF AREAS

When, because of the nature or size of classified material, it is otherwise impractical to prevent access to it by unauthorized individuals, and storage is not provided for as required by § 21.11 (a), the Contractor shall safeguard such material by control of the area in which the material is located, provided further that the Government and the Contractor shall agree upon the extent of the control of areas at the time such parties

enter into a contract if such an agreement is necessary.

§ 21.22 *Area designations.* Industrial plants may be divided into the following areas as circumstances require:

(a) *Closed areas.* Areas that contain material classified Top Secret or Secret which may be accessible shall be designated "Closed areas" and so marked.

(b) *Restricted areas.* Areas that contain material classified Confidential which may be accessible shall be designated "Restricted areas" and so marked.

(c) *Open areas.* Areas not defined in paragraph (a) or (b) of this section, or areas containing classified material which is not accessible, shall be known as open areas.

§ 21.23 *Area control*—(a) *Closed areas.* (1) Shall be segregated or separated from adjacent areas by a physical barrier capable of preventing observation or entrance by unauthorized individuals.

(2) During working hours, admittance shall be controlled by the posting of guards at all unlocked entrances.

(3) During non-working hours, admittance shall be controlled by locked entrances and exits, and armed guards on patrols commensurate with the accessibility and size of the area.

(4) At all times, personnel assigned to the area shall challenge the presence of unauthorized individuals.

(b) *Restricted areas.* (1) Controls prescribed by paragraph (a) (1) and (4) of this section, are applicable to restricted areas.

(2) During working hours, admittance shall be controlled by Contractor authorized personnel at all unlocked entrances.

(3) During non-working hours, admittance shall be controlled by locked entrances and exits, and guards on patrols commensurate with the accessibility and size of the area.

(c) *Open areas.* Open areas containing classified material which is not accessible need not be segregated or separated. Open areas containing Top Secret or Secret material shall be protected by armed guards on patrol during non-working hours.

§ 21.24 *Supplemental control systems.* A central electrical alarm service (a service which is cleared as prescribed in Subpart F of this part, and which the operation of the electric protective signals and devices are automatically signalled to a central station which has trained guards and operators in attendance at all times, which monitors the signal end of the alarm system, which provides the response to a signal and which supervises the functions of the system), or an electrical protective system without a central alarm service (one in which the electrical protective circuits automatically signal an alarm and where supervision is maintained over the maintenance and repair of the system) may be used by the Contractor to supplement guard personnel required in § 21.23 (a), (b), and (c). The use of an electrical protective system with or without central alarm service may be authorized by the contracting officer of the military department concerned to supplant the use of guard personnel required by § 21.23 (b) and (c), where the material involved is classified Confidential. Where electrical protective systems are applied to the premises, all accessible openings thereto must be electrically protected. All material and equipment used in the system shall equal or exceed the Grade A specifications of the Underwriters' Laboratories where applicable for the purpose for which it is used, and all installations should be Type III or better in accordance with the accepted Underwriters' Laboratories standards for burglar alarm systems with the additional requirement that a signal be maintained at the control station or visible from outside the facility showing the system to be in operation and in working order after normal working hours.

§ 21.25 *Intra-plant control.* The Contractor shall maintain an adequate control of individuals on his premises by means of one or more of the following:

(a) Employee investigations.

(b) Guards.

(c) Lobby receptionists and visitor registers.

(d) Employee identification badges or cards.

SUBPART E—VISITORS

§ 21.26 *Visitor category.* For the purpose of this part, the term "visitor" includes any person admitted to the Contractor's plant where Department of Defense classified work is in progress who will have access to classified information or material exclusive of:

(a) Persons employed on the classified work by the Contractor or his subcontractors.

(b) Persons employed on classified work being performed by a subcontractor who must have access to classified work at a facility of the prime Contractor or at a facility of another subcontractor engaged in the performance of work in connection with the same prime contract, provided the prime Contractor determines that such access is necessary for the performance of the prime contract and subcontracts involved.

(c) Representatives of the Department of Defense who are directly and officially concerned in the performance of the contract.

(d) Authorized representatives of Federal Executive Departments or Agencies having internal security investigative responsibilities by statute or by Executive Directive.

(e) Authorized representatives of certain Federal Departments or Agencies which have executed and which have in effect an agreement with the Department of Defense to permit certain of their representatives designated by name to visit Department of Defense Contractors' facilities for agreed purposes. The security officer of the cognizant military department will notify management of clearance status of individuals falling within this category.

§ 21.27 *Authorization to visit.* The Contractor shall obtain the prior authorization of the security office of the cognizant military department before granting permission for any visitor to have access to classified information or to enter Closed or Restricted areas.

SUBPART F—SUBCONTRACTORS, VENDORS, AND SUPPLIERS

§ 21.28 *Determination of clearance status.* The prime Contractor shall determine from the security office of the cognizant military department whether the subcontractor, prospective subcontractor, vendor, or supplier has been granted a prescribed facility clearance prior to disclosing any classified material. If the subcontractor or prospective subcontractor, vendor, or supplier does not have a prescribed facility clearance, the prime Contractor shall request the security office of the cognizant military department to initiate appropriate clearance action.

§ 21.29 *Notification of selection.* For each classified contract, the prime Contractor, immediately upon selection of a subcontractor or subcontractors with whom he will be dealing, shall furnish in writing to the contracting officer or his duly authorized field representative the names and addresses of each of the subcontractors to be engaged on classified work under the contract concerned. Prior to the award of a subcontract involving classified information, the prime Contractor shall request the contracting officer or his duly authorized field representative administering the prime contract to furnish a Department of Defense Security Requirements Check List (DD Form 254) (if not previously furnished) which shall accompany each subcontract so awarded.

§ 21.30 *Action by subcontractor.* The subcontractor shall furnish to the security office of the cognizant military department properly executed forms necessary to process a facility clearance. The prime Contractor shall not disclose classified material to the subcontractor or prospective subcontractor, vendor, or supplier until after such subcontractor, vendor, or supplier has executed the Department of Defense Security Agreement and a facility clearance has been granted.

§ 21.31 *Return of classified information.* In case of prime Contractor-subcontractor relationship, the subcontractor will be governed in the return of classified information to the prime Contractor as provided herein, except that approval of the contracting officer concerned will be obtained prior to the prime Contractor authorizing the retention of any classified information by the subcontractor.

§ 21.32 *Application to sub-contractors.* For the purposes of this part, each subcontractor shall be considered as a prime Contractor with respect to his subcontractors.

SUBPART G—CRYPTOGRAPHIC INFORMATION

§ 21.33 *Application of part.* (a) The provisions of this part apply to research, development, and production of cryptographic equipment supplemented by special instructions to be issued by any specific contract pertaining to cryptographic equipment issued by the contracting officer concerned, notice thereof having been furnished the Contractor.

(b) Cryptographic clearances for employees and facilities will be issued by the appropriate military department under regulations concerning this subject. Denials or revocations of cryptographic clearances are not appealable.

SUBPART H—GRAPHIC ARTS

This subpart establishes the special procedures to supplement the foregoing provisions of this part and will be followed in safeguarding the production and distribution of graphic arts involving classified information.

§ 21.34 *Production Control Records.* Production Control Records shall be plainly and conspicuously marked or stamped (not typed) with the same degree of classification as the defense information being processed. Such records, unless they contain or have permanently affixed thereto classified information, will automatically be declassified after delivery of the product has been made. The Contractor may at his discretion combine the receipt system with the production record; however, when such records are combined, they must be retained for a one-year period.

§ 21.35 *Area controls, additional requirements.* The facility shall meet the over-all requirements for the proper physical safeguarding of the classified information to be entrusted to the facility. Because of the nature and size of printed matter and production procedures, certain types of activities will be subject to additional area control as follows:

(a) *Press rooms.* During the time classified information is being run on the press, the press itself shall be identified and marked as classified information of the category of the material being run and will not be declassified until the run has been completed and all classified information removed from the press. During such periods, the Contractor shall be responsible for insuring that only authorized employees engaged in operating the press are given access to the information. Management restrictions shall prohibit other employees from the immediate vicinity of the press. When this procedure for press room security is installed by the Contractor, plates, blankets, chases, etc., need not be removed from the press at close of working hours when the press run is incomplete, provided the area meets the security requirements of Subpart D of this part.

(b) *Dark rooms.* Admittance to all film processing units will be restricted to personnel appropriately cleared, who are assigned to the particular job or jobs involving classified information.

(c) *Bindery areas.* Shall be secured by the same method as press room areas.

(d) *Shipping entrances.* Will be secured at all times, loading and unloading operations will be performed under the supervision of an appropriately cleared responsible employee of the Contractor.

(e) *Proof reading areas.* Shall be controlled by physical barriers that will prevent access either visually or by sound, or entrance by unauthorized individuals.

§ 21.36 *Special production conditions*—(a) *Over-runs.* Excess quantities must be held to a minimum, an exact count of finished products must be made. Quantities in excess of the contract requirements will be destroyed in compliance with the provision of § 21.14.

(b) *Proofs.* A record shall be kept of the numbers and disposition of proofs. Galley or page proofs approved by the contracting officer shall be retained until product is delivered and will then be returned to the contracting officer.

(c) *Waste disposal.* At each production point at which waste, spoilage, trimmings, cuttings, may accumulate in the course of manufacture, the Contractor shall provide waste containers appropriately marked for the disposal of the classified material. These containers must be adequately safeguarded and the waste promptly destroyed. Waste should not be retained in production areas during non-working hours.

(d) *Return of samples.* All graphic art samples shall be returned to the contracting officer or his field representative immediately after completion of the work.

(e) *Bulk shipment.* Graphic arts products that are shipped in bulk will be stacked in the inner container face up. A cover sheet will be placed on top of the material before sealing container. The Contractor will maintain a record of the quantity in each container and when the copies are serially numbered, the Contractor shall number the inner containers and the record shall show which serial numbers were packed in each container. The classification marking shall be stamped on all outside surfaces of the inner container. Containers shall be sealed by wire stapling or by tape so that tampering would be noticed. Address labels will be placed on the top surface of both containers, and receipts will be attached to the inner container with a temporary fastener that permits removal by consignee.

§ 21.37 *Destruction, special requirements.* Material shall be destroyed in accordance with the provisions of § 21.14 by the following approved methods of destruction listed below:

Paper products	Burn or pulp.
Plastics, film, acetates, cloth	Burn.
Metals:	
Foundry type	Distribute in type case.
All other metals	Melt.
Wooden type	Distribute in type case.
Class negatives	Dissolve in emulsion.
Blankets, rubber, felt, wool	Burn.
Plaster molds	Crush beyond recognition.
Wax molds	Melt or burn.

Other materials not listed, or new materials which may be developed, shall be destroyed beyond recognition as such, and so as to prevent reconstruction.

§ 21.38 *Mailing lists*—(a) *Classified.* When a mailing list is of itself classified but the contents are not classified, the material will be automatically unclassified at the point of mailing or when separated from the list at the point of shipping. When classified mailing lists are prepared or maintained by a Contractor, all material which retains an impression of the address such as carbons, addressing plates, identification strips and verification lists will become classified.

(b) *Unclassified.* When a mail list is not of itself classified but is used for the distribution of classified matter, it will be given the same classification of the material when affixed to the containers covering classified material. The list may be declassified when removed from the container.

Approved:

JOHN A. HANNAH,
Assistant Secretary of Defense (Manpower and Personnel).

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TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

TONAWANDA INNER HARBOR (LITTLE RIVER), NEW YORK

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.190 is hereby amended in respect to the regulations for the New York Central System bridge between Island Street, North Tonawanda, and Tonawanda Island, New York, as follows:

§ 203.190 *Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

• • • • • •

(9) Tonawanda Inner Harbor (Little River); the New York Central Railroad Company bridge between Island Street, North Tonawanda, and Tonawanda Island. From December 16 to March 31, inclusive, and between 8 p. m. and 4 a. m., eastern standard time, April 1 to December 15, inclusive, at least 24 hours' advance notice required. At all other times, the draw shall be opened promptly for the passage of any vessel unable to pass under the closed bridge.

[Regs., March 26, 1954, 823 (Little R.-Tonawanda, N. Y.-Island St.)-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-2844; Filed, Apr. 15, 1954; 8:47 a. m.]

PART 207—NAVIGATION REGULATIONS

WRANGELL NARROWS, ALASKA

Pursuant to the provisions of section 7 of the River and Harbor Act of August

8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.800 is hereby amended to accomplish minor revisions to the regulations where references are made to navigational aids, as follows:

§ 207.800 *Wrangell Narrows, Alaska; use, administration, and navigation.*

• • •

(d) *Tow Channel.* (1) The following route shall be taken by all tows passing through Wrangell Narrows when the towboat has a draft of nine feet or less (northbound, read down; southbound, read up):

East of Battery Islets:
East of Tow Channel Buoy 1 TC.
East of Tow Channel Buoy 3 TC.
West of Tow Channel Buoy 4 TC.
East of Colorado Reef:
East of Wrangell Narrows Channel Light 21.
West of Wrangell Narrows Channel Lighted Buoy 23.
East of Tow Channel Buoy 5 TC.
East of Tow Channel Buoy 7 TC.
West of Petersburg:
East of Wrangell Narrows Channel Light 56 FR.
East of Wrangell Narrows Channel Light 56 Qk FR.
East of Wrangell Narrows Channel Light 58 FR., thence proceeding to west side of channel and leaving Wrangell Narrows by making passage between Wrangell Narrows Channel Daybeacon 61 and Wrangle Narrows North Entrance Lighted Bell Buoy 63 F.

• • • • •

[Regs., March 23, 1954, 800 211 (Wrangell Narrows, Alaska)–ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army.,
The Adjutant General.

[F. R. Doc. 54-2845; Filed, Apr. 15, 1954; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 58—REGISTRATION OF DOMESTIC MAIL MATTER

SURCHARGES FOR OVER-VALUE REGISTERED MAIL OR INSURED MAIL TREATED AS REGISTERED MAIL

Pursuant to Post Office Department Order No. 55593, dated April, 5, 1954, issued under authority of section 12 (a) (1) of the act of October 30, 1951 (65 Stat. 676; 39 U. S. C. 246f), paragraph (b) of § 58.3 *Registry fees and limits of indemnity*, 39 CFR 58.3 (b), is hereby amended to read as follows:

(b) *Surcharges for over-value registered mail or insured mail treated as registered mail.* (1) When the declared value exceeds the maximum indemnity provided by the fee by $1,000 or more and up to but not exceeding $1,000,000, there shall be charged additional fees (surcharges) for each $1,000 or part of $1,000 on articles addressed for delivery to points within the several postal zones, as follows: For local delivery or for delivery within the first zone, 12 cents; for delivery within the second zone, 14 cents; for delivery within the third zone, 16 cents; for delivery within the fourth zone, 17 cents; for delivery within the fifth or sixth zones, 18 cents; for delivery within the seventh or eighth zones, 19 cents.

(2) When the declared value exceeds the maximum indemnity covered by the fee by more than $1,000,000, the surcharge rates shall be as follows:

SURCHARGE RATES FOR REGISTERED MAIL AND INSURED MAIL TREATED AS REGISTERED MAIL VALUED IN EXCESS OF 1,000,000

Over—	To—	Local and first zone	Second zone	Third zone	Fourth zone	Fifth and sixth zones	Seventh and eighth zone
$1,000,000	$2,000,000	$170	$210	$290	$290	$320	$360
$2,000,000	$3,000,000	225	285	355	410	460	525
$3,000,000	$4,000,000	280	360	455	530	600	690
$4,000,000	$5,000,000	330	430	545	635	725	830
$5,000,000	$6,000,000	380	500	635	740	850	1,010
$6,000,000	$7,000,000	425	565	725	850	965	1,160
$7,000,000	$8,000,000	465	625	810	960	1,115	1,315
$8,000,000	$9,000,000	500	685	895	1,065	1,235	1,465
$9,000,000	$10,000,000	540	735	975	1,165	1,355	1,610
$10,000,000	$11,000,000	570	790	1,065	1,265	1,475	1,760
$11,000,000	$12,000,000	610	840	1,135	1,365	1,590	1,890
$12,000,000	$13,000,000	645	885	1,205	1,460	1,710	2,025
$13,000,000	$14,000,000	680	930	1,280	1,560	1,820	2,160
$14,000,000	$15,000,000	710	970	1,350	1,650	1,930	2,290

(3) When the declared value exceeds $15,000,000, rates may be applied to such shipments, not less than the maximum zone rates specified in the preceding schedule, based on considerations of weight, space, and value of the shipments.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 3, 45 Stat. 469, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 381a)

The foregoing regulation shall become effective May 1, 1954.

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-2847; Filed, Apr. 15, 1954; 8:48 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 107—FEDERAL ASSISTANCE IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

DETERMINATION MADE FOR FISCAL YEAR 1955 OF INSUFFICIENCY OF AVAILABLE FUNDS; FINAL DATE FOR FILING APPLICATIONS

Subpart B of Part 107, 45 CFR (18 F. R. 6708) issued pursuant to Public Law 815, 81st Congress, as amended (64 Stat. 967, as amended by 67 Stat. 522) is amended by adding sections making determination of insufficiency of available funds for fiscal year 1955 for title III of said law and establishing a final date for filing of applications under title III. The new sections read as follows:

§ 107.25 *Determination made for fiscal year 1955 of insufficiency of available funds under title III.* The Commissioner has determined that funds which may be available in fiscal year 1955 (including any funds available in fiscal year 1954 which may not be needed for payments on applications filed on or before November 24, 1953) may not be sufficient to pay in full the amounts which all applicants filing complete applications under title III may be entitled to receive under title III, and this part.

§ 107.26 *Final date for filing applications under title III.* Pursuant to section 303 of title III and § 107.2 (a), June 30, 1954, is fixed as the date on or before which all complete applications for payments to which applicants may be entitled under title III from funds then available for fiscal year 1955 (including any funds available in fiscal year 1954 which may not be needed for payments on applications filed on or before November 24, 1953) or which may be made available shall be filed. Complete applications heretofore filed in compliance with this part shall be considered as filed for purposes of this section. Such complete applications may be modified or amended on or before June 30, 1954.

(Sec. 208, 64 Stat. 975, 67 Stat. 522; 20 U. S. C. 278)

Dated: April 6, 1954.

[SEAL] S. M. BROWNELL,
United States Commissioner of Education

Approved: April 12, 1954.

NELSON A. ROCKEFELLER,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 54-2836; Filed, Apr. 15, 1954; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1954, 97th Supp.]

NATIONAL INDEMNITY CO., OMAHA

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

APRIL 12, 1954.

A certificate of authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $105,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE AND STATE IN WHICH INCORPORATED

NEBRASKA

National Indemnity Company, Omaha.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2848; Filed, Apr. 15, 1954; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WILLIAM BAUMGART ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

William Baumgart, Administrator of Estate of Helene Baumgart, deceased, New York, N. Y., Claim No. 58646; William Baumgart, Administrator of Estate of Jenny Baumgart, deceased, New York, N. Y., Claim No. 58647; William Baumgart, Administrator of Estate of Paula Baumgart Dessauer, deceased, New York, N. Y., Claim No. 58049; Elsa Baumgart Marcus a/k/a Mrs. Hans Marcus Eindhoven, Holland, Claim No. 57709; Vesting Order No. 2751; $433.96 in the Treasury of the United States. $3,000 United States Savings Bonds Series F, issued as of March 1, 1942, due March 1, 1954, numbered M138419/21F at $1,000 each.

$3,000 United States Savings Bonds Series F, issued as of May 1, 1942, due May 1, 1954, numbered M156024, 6F at $1,000 each.

$4,500 United States Savings Bonds Series F, issued as of November 1, 1942, due November 1, 1954, numbered M311552, 5F at $1,000 each, and D85669 at $500.

$1,825 United States Savings Bonds Series F, issued as of March 1, 1943, due March 1, 1955, numbered M203419F at $1,000, D103959F at $500, C213131/3F at $100 each and Q86862F at $25.

All bonds registered in name of William Baumgart Executor u/w of Ralph Ballerstein, deceased.

One-fourth (¼) thereof to each of the claimants.

Executed at Washington, D. C., on April 1, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2865; Filed, Apr. 15, 1954; 8:51 a. m.]

XAVIER FRANCOIS CASTELLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Xavier Francois Castelli, Paris, France, Claim No. 36412; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,265,265.

Executed at Washington, D. C., on April 9, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2866; Filed, Apr. 15, 1954; 8:51 a. m.]

GEORGES LAMBERT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Georges Lambert, 28, rue Malesherbes, Lyons (Rhone), France, Claim No. 36416; property described in Vesting Order No. 607 (8 F. R. 4995, April 17, 1943) relating to United States Letters Patent No. 2,204,683.

Executed at Washington, D. C., on April 9, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2867; Filed, Apr. 15, 1954; 8:51 a. m.]

LOUIS PARNET

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Louis Parnet, Courbevoie (Seine), France, Claim No. 36420; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 439,203 (now United States Letters Patent No. 2,369,072).

Executed at Washington, D. C., on April 9, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2868; Filed, Apr. 15, 1954; 8:51 a. m.]

SOCIETE CIVILE D'ETUDES TECHNIQUES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Civile d'Etudes Techniques, Paris, France, Claim No. 36421; property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943) relating to United States Patent Application Serial No. 465,945.

Executed at Washington, D. C., on April 9, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2869; Filed, Apr. 15, 1954; 8:51 a. m.]

ROBERT JOSEPH LACAU

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Robert Joseph Lacau, Paris, France, Claim No. 37109; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,040,208.

Executed at Washington, D. C., on April 9, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2870; Filed, Apr. 15, 1954; 8:51 a. m.]

ANTON J. ZARUBA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Anton J. Zaruba, Vienna, Austria, Claim No. 37800; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,084,116.

Executed at Washington, D. C., on on April 9, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2871; Filed, Apr. 15, 1954; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 62779, 63138]

ALASKA

PARTIALLY REVOKING DEPARTMENTAL ORDER OF JANUARY 24, 1938, WITHDRAWING PUBLIC LANDS FOR SCHOOL SITES

APRIL 12, 1954.

Upon the recommendation of the Bureau of Indian Affairs, and in accordance with Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950, it is ordered as follows:

The order of the Assistant Secretary of the Interior of January 24, 1938, reserving certain public lands in Alaska as school sites for the benefit of the natives of Alaska pending survey, is hereby revoked so far as it affects lands in the following-described areas:

Attu (East of Greenwich): Longitude 172°-50' E., latitude 53° N.;
Colville (East of Barrow):
Kwiguk (at mouth of the Yukon).

The order reserved not to exceed forty acres at each site.

The lands at Attu were withdrawn by Executive Order No. 1733 of March 3, 1912, as a part of the Aleutian Islands National Wildlife Refuge.

The lands in the Colville area are included in the withdrawal made by Public Land Order No. 82 of January 22, 1943, for use in conection with the prosecution of the war.

At 10:00 a. m. on the 35th day after the date of this order, the public lands in the Kwiguk area released by this order shall, subject to valid existing rights and the provisions of existing withdrawals, be opened to settlement under the homestead laws and the homesite act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461) only, and to those forms of appropriation only by qualified veterans of World War II for whose services recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, and by other qualified persons entitled to preference under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with the appropriate laws and regulations.

Applications for these lands, which shall be filed in the Land Office, Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homesite or homestead laws shall be governed by the regulations contained in Part 64 to 66, inclusive, of Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

EARL G. HARRINGTON,
Acting Assistant Director.

[F. R. Doc. 54-2833; Filed, Apr. 15, 1954; 8:45 a. m.]

Geological Survey

[Power Site Cancellation 102]

WIND RIVER, WASHINGTON

POWER SITE CLASSIFICATION NO. 156

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 156, approved December 4, 1926, is hereby canceled in so far and to the extent that it affects the following described lands:

WILLAMETTE MERIDIAN, WASHINGTON

T. 4 N., R. 7 E., unsurveyed, in sec. 5, beginning at the quarter corner common to this section and section 32, T. 5 N., R. 7 E., from which a concrete post set in 6 in. stovepipe marked REF 1 on top, on west bank of Tyee Creek and west of Wind River highway near bridge across said creek, a corner of the original fish-cultural station, bears S. 14°45' W., 12.77 chains.

From said beginning point, by metes and bounds, East 10 chains, South 25 chains, West 40 chains, North 25 chains, East 30 chains to place of beginning, containing 100 acres.

T. 5 N., R. 7 E., unsurveyed, in sec. 32, beginning at the quarter corner common to this section and section 5, T. 4 N., R. 7 E., as described above.

From said beginning point, by metes and bounds, West 30 chains, North 30 chains, East 40 chains, South 30 chains, West 10 chains to place of beginning, containing 120 acres.

The two above-described areas aggregate 220 acres, more or less.

Dated April 5, 1954.

THOMAS B. NOLAN
Acting Director.

[F. R. Doc. 54-2834; Filed, Apr. 15, 1954; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 176]

GONDRAND BROTHERS, INC., ET AL.

ORDER DENYING EXPORT PRIVILEGES

In the matter of: Gondrand Brothers, Inc., Harold S. Unger and Robert J. Winter, all of 33 Broadway, New York 6, New York, Respondents; Case No. 176

The respondents, Gondrand Brothers, Inc., Harold S. Unger and Robert J. Winter, having been charged by the Director, Investigation Staff, Office of International Trade (now the Bureau of Foreign Commerce), of the Department of Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, and having been duly served with the charging letter, appeared herein by attorneys and demanded an oral hearing, which hearing has been duly held, after notice, before a Compliance Commissioner, to whom all the evidence in support of the charges and in opposition thereto has been presented.

The Compliance Commissioner has submitted to me for consideration his report and recommendations together with a transcript of the testimony given at the hearing, all exhibits submitted thereat and the charging letter.

Now, upon consideration of all the facts in this case, after reviewing the entire record and the report and recommendations of the Compliance Commissioner, I hereby make the following:

Findings of fact. 1. At all times hereinafter mentioned, Gondrand Brothers, Inc. was and now is a corporation engaged in the business of forwarding goods for export, servicing exports and financing exports, at 33 Broadway, New York 6, New York, and in other cities in the United States; that Harold S. Unger was and is in charge of that portion of its business relating to exports to Brazil; and that Robert J. Winter was and is an employee under and assisting Unger in his duties on behalf of Gondrand Brothers, Inc. The said corporation and the individuals are hereinafter referred to as respondents.

2. That on and prior to March 17, 1952, respondents knew that a firm in New York, hereinafter referred to as "Exporter" had made a contract with a firm in Brazil, hereinafter referred to as "Purchaser", wherein and whereby Exporter had agreed to sell and Purchaser had agreed to buy twelve tons of Type 302 stainless steel sheets, which sheets were nickel bearing, in scarce supply and for which Exporter was unable to obtain an export license.

3. That on and prior to March 17, 1952, respondents knew that Exporter had applied for and obtained from the Office of International Trade, now the Bureau of Foreign Commerce, an export license pursuant to which Exporter was licensed to ship to Purchaser 200,000 pounds of Type 430 stainless steel sheets, said Type 430 being non-nickel bearing, and in more plentiful supply than Type 302.

4. Purchaser hired Gondrand Brothers, Inc. to supervise completion of this contract on its behalf in the United States.

5. In pursuance of its employment by Purchaser, and for the purpose of enabling Exporter to export from the United States to Purchaser in Brazil, Type 302 stainless steel sheets which were the subject matter of the said contract and which were actually exported from the United States, respondents prepared and submitted to the Collector of Customs five shipper's export declarations in which they described the sheets being exported as "stainless steel sheets" and made no disclosure that the said sheets were Type 302 although they did certify therein that the sheets were being exported under the authority of Exporter's license which was identified by number only.

6. That further in pursuance of its employment by Purchaser, and for the purpose of having Exporter export from the United States to Purchaser in Brazil, additional Type 302 stainless steel sheets, the subject matter of the said contract, respondents Gondrand Brothers, Inc. and Unger gave delivery instructions to Exporter, paid Exporter for said steel sheets and notified Purchaser of the exportation of such additional Type 302 stainless steel sheets, with the knowledge that Type 302 stainless steel sheets were being exported without an export license authorizing such exportations.

7. That all the acts hereinabove set forth were performed by those respondents found to have performed them, with knowledge that Type 302 steel sheets were being exported and for the purpose of having them exported, even though such respondents knew that Exporter did not have a license for such exportation.

From the foregoing, I conclude (a) that respondents knowingly made false certifications and concealed material facts regarding the stainless steel sheets so exported in violation of § 381.1 (b) (1), of the export control regulations (15 CFR Part 381); (b) that they caused the exportation of Type 302 stainless steel sheets for which no validated license had been issued and for which no general license had been established in violation of § 370.2 and of § 372.1 (c), of the export control regulations (15 CFR Parts 370, 372); (c) that respondents Gondrand Brothers, Inc. and Unger knowingly participated in an exportation in a manner contrary to the ethical standards set forth in § 384.2 (a) (1) (v), of the export control regulations (15 CFR Part 384).

The Compliance Commissioner, in making his recommendation as hereinafter embodied in this order and otherwise, has taken into consideration the nature of the violations found, the manner in which the violations came to be committed, the actions of the individual respondents herein, their relative responsibility, the financial situation of the corporate respondent, the nature of its business, the manner in which its affairs had been handled under a previous management, the steps taken to avert and prevent future violations, the effect which any suspension imposed herein may have upon non-related persons and firms for whom such respondent is engaged in a servicing capacity and other factors. So that innocent customers of the corporate respondent may have the opportunity to make other arrangements, he has also recommended that the order as to it become effective the third Monday following the date thereof. It is my conclusion, upon the basis of the facts disclosed in the record and after giving due consideration to such recommendation, which includes remedial action in addition to that hereinafter provided, that the terms of the recommended orders are reasonable, necessary and proper to achieve effective enforcement of the law and they are accordingly adopted.

Now, therefore, it is ordered:

I. Effective 12:01 a. m., May 3, 1954, and terminating 12 o'clock, midnight, May 22, 1954, respondent Gondrand Brothers, Inc., its agents, servants and employees be, and they hereby are suspended, denied and declared ineligible from, and to exercise any privileges of, participation directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, excluding Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit respondents' participation, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Respondent Unger, for a period of six (6) months commencing May 3, 1954, and respondent Winter, for a period of two (2) months commencing May 3, 1954, and any person acting in their behalf or for their account be and they hereby are suspended, denied and declared ineligible from, and to exercise any privileges of, participation directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, excluding Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit respondents' participation, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the persons and company mentioned in and within the scope of Parts I and II hereof, but also to any person, firm, corporation, or business organization with which such persons and company may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith; but nothing in this part contained shall be deemed to limit or prevent the owners of stock in Condrand Brothers, Inc. or any firms or business enterprises affiliated with them or in which they have an interest, provided they do no business in and are not engaged in business in the United States, from receiving, forwarding or transporting in countries other

than the United States, goods or commodities which have been exported from the United States, provided that any and all such activities are in conformance with all regulations, laws and restrictions otherwise applicable to or related to such exportations.

IV. No person, firm, corporation, or other business organization shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or company within the scope of Parts I and II hereof have any interest of any kind or nature, direct or indirect.

Dated: April 12, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-2837; Filed, Apr. 15, 1954; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8917, 10906, 10990]

ZENITH RADIO CORP. AND COLUMBIA BROADCASTING SYSTEM, INC. (WBBM-TV)

NOTICE CONTINUING HEARING

In the matters of Zenith Radio Corporation, Chicago, Illinois, Docket No. 8719, File No. BPCT-322; for construction permit for a new television broadcast station; Columbia Broadcasting System, Inc. (WBBM-TV), Chicago, Illinois, Docket No. 10906; order to show cause why the license of Station WBBM-TV should not be modified to Specify Channel 2, Chicago, Illinois, in lieu of Channel 4; Columbia Broadcasting System, Inc. (WBBM-TV), Chicago, Illinois, Docket No. 10990, File No. BRCT-5; for renewal of license.

At the request of counsel for the applicants and without objection by the Chief of the Commission's Broadcast Bureau, the hearing conference scheduled for April 30, 1954, is postponed to Friday, May 7, 1954, at 10:00 a. m. in the offices of the Commission, Washington, D. C. This postponement is without prejudice to any action which may be taken on the petition for continuance filed by Zenith on April 8, 1954.

Dated: April 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HERBERT SHARFMAN,
Hearing Examiner.

[F. R. Doc. 54-2861; Filed, Apr. 15, 1954; 8:50 a. m.]

[Docket No. 10346]

JAMES GERITY, JR.

ORDER SCHEDULING HEARING

In re application of James Gerity, Jr., Pontiac, Michigan, Docket No. 10346, File No. BP-8651; for construction permit.

It is ordered, This 9th day of April 1954, that the hearing herein which was continued indefinitely by the Commission's order of November 3, 1953, is scheduled for hearing to commence at 10:00 a. m., Monday, April 26, 1954, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2862; Filed, Apr. 15, 1954; 8:50 a. m.]

[Docket No. 10715]

PATCHOGUE BROADCASTING CO., INC. (WPAC)

ORDER SCHEDULING CONFERENCE

In re application of Patchogue Broadcasting Company, Inc. (WPAC) Patchogue, New York, Docket No. 10715, File No. BP-8525; for construction permit.

Pursuant to the provisions of § 1.813 providing for the holding of pre-hearing conferences: *It is ordered*, This 12th day of April 1954, that the parties in the above-entitled matter, through their counsel, and counsel for the Chief of the Broadcast Bureau of this Commission, attend a prehearing conference in this matter at the offices of the Commission at 10:00 a. m., Monday, April 19, 1954.

Attendance at such conference by counsel for Patchogue Broadcasting Company, Inc. shall not be deemed to constitute a waiver of the position asserted by that party in a certain "Protest and Petition for Hearing" filed by it with the Commission on April 5, 1954.

Released: April 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2863; Filed, Apr. 15, 1954; 8:50 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-463]

DIAMOND INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Diamond Industry will be held by the Federal Trade Commission in the Biltmore Hotel, New York City, on May 6, 1954, commencing at 10 a. m., e. d. t.

All persons, firms, and corporations engaged in importing, cutting, mounting, distributing or marketing loose diamonds (other than industrial), or jewelry or other products set with diamonds, are cordially invited to attend and participate in this industry conference.

The purpose of the conference is to afford industry members an opportunity to consider and propose for establishment, subject to the Commission's approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which violate laws administered by the Commission, and rules directed to the effective maintenance of ethical competitive standards for the protection of both the industry and the public.

After the May 6th conference, and before any rules are finally approved by the Commission, a draft of proposed rules in the form deemed appropriate will be made available to all interested and affected parties, including consumers, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing.

Issued: April 13, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-2860; Filed, Apr. 15, 1954; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1907]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 12, 1954.

Notice is hereby given that on April 9, 1954, the Federal Power Commission issued its order adopted April 7, 1954, amending order issued May 4, 1953 (18 F. R. 2773), issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2839; Filed, Apr. 15, 1954; 8:46 a. m.]

[Docket No. G-2141]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER AMENDING ORDER APPROVING SETTLEMENT

APRIL 12, 1954.

Notice is hereby given that on April 9, 1954, the Federal Power Commission issued its order adopted April 7, 1954, amending order issued March 18, 1954 (19 F. R. 1653-1654), approving settlement in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2840; Filed, Apr. 15, 1954; 8:46 a. m.]

[Docket Nos. G-2284, G-2355]

CENTRAL KENTUCKY NATURAL GAS CO. AND NEW YORK STATE NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDERS

APRIL 12, 1954.

In the matters of Central Kentucky Natural Gas Company, Docket No. G-2284; New York State Natural Gas Corporation, Docket No. G-2355.

Notice is hereby given that on April 9, 1954, the Federal Power Commission issued its findings and orders adopted April 7, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2841; Filed, Apr. 15, 1954; 8:47 a. m.]

[Docket No. G-2354]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF FINDINGS AND ORDER

APRIL 12, 1954.

Notice is hereby given that on April 9, 1954, the Federal Power Commission issued its findings and order adopted April 7, 1954, in the above-entitled matter, issuing a certificate of public convenience and necessity and permitting and approving abandonment by decreasing gas service to Southeastern Illinois Gas Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2842; Filed, Apr. 15, 1954; 8:47 a. m.]

[Docket No. G-2365]

EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

APRIL 12, 1954.

Notice is hereby given that on April 9, 1954, the Federal Power Commission issued its findings and order adopted April 7, 1954, issuing a certificate of public convenience and necessity, and approving abandonment of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2843; Filed, Apr. 15, 1954; 8:47 a. m.]

[Docket No. G-2396]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

APRIL 12, 1954.

Take notice that on March 22, 1954, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to sell and deliver additional volumes of natural gas under its SGS-B Rate Schedule to Consumers Gas Company, the Village of Norris City, Illinois, and the Town of Fulton, Mississippi.

The total increase in daily volumes of gas to be delivered to all three customers is 1,825 Mcf per day at 15.025 psia, which Texas Eastern states is required by such customers to enable them to meet increased market requirements or to replace other sources of gas supply. No new construction will be required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of May 1954. The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2838; Filed, Apr. 15, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1601—7-1608]

AMERICAN OPTICAL CO. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

APRIL 9, 1954.

In the matter of applications by the Boston Stock Exchange for unlisted trading privileges in American Optical Company, Common Stock, No Par Value, 7-1601; Crown Zellerbach Corporation, Common Stock, $5 Par Value, 7-1602; Public Service Company of Indiana, Inc., Common Stock, No Par Value, 7-1603; Duquesne Light Company, Common Stock, $10 Par Value, 7-1604; Atlantic Coast Line Railroad Company, Common Stock, No Par Value, 7-1605; The Budd Company, Common Stock, No Par Value, 7-1606; General Telephone Corporation, Common Stock, $20 Par Value, 7-1607; United Air Lines, Inc., Common Stock, $10 Par Value, 7-1608.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application to extend unlisted trading privileges to each of the above-mentioned securities, each of which is registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of each application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. Each application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to April 26, 1954, the Commission will set the matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on these applications by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing, these applications will be determined by order of the Commission on the basis of the facts stated in the applications, and other information contained in the official files of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2874; Filed, Apr. 15, 1954; 8:52 a. m.]

[File Nos. 54-75, 54-161, 59-8, 59-20]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE) ET AL.

SUPPLEMENTAL ORDER WITH RESPECT TO FEE AND EXPENSES

APRIL 12, 1954.

In the matter of The Commonwealth & Southern Corporation (Delaware), File No. 54-161; The Commonwealth & Southern Corporation (Delaware), respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware), and its subsidiary companies, respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware), File No. 54-75.

The Commission by its order dated November 22, 1948, having approved a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation, a registered holding company, for its liquidation and dissolution; and

Said order having reserved jurisdiction over the determination of the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred in connection with said plan and the transactions incident thereto; and

Applications for allowances for fees and reimbursement of expenses having been filed, a public hearing with respect to such applications having been held, and the Division of Public Utilities of the Commission having issued a recommended findings and opinion; and

The Commission having issued its memorandum opinion and order dated December 28, 1951 (Holding Company Act Release No. 10986) and supplemental order dated January 23, 1952 (Holding Company Act Release No. 11021), and its memorandum findings and opinion and supplemental order dated August 11, 1952 (Holding Company Act Release No. 11430), releasing jurisdiction with respect to the payment of certain fees and expenses; and

An application having been filed by Clark, Carr & Ellis requesting that the Commission approve and allow a fee of $14,000 and reimbursement of expenses of $545.33 heretofore paid to them by The Commonwealth & Southern Corporation and The Southern Company on account of legal services rendered to the said companies in connection with the proceedings upon the applications for allowances of fees and reimbursement of expenses herein; and

The Commission having considered the said application of Clark, Carr & Ellis, and having found that the aforesaid fee and reimbursement of expenses are not unreasonable, and deeming it

appropriate that they should be approved and allowed, and that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, That the fee of $14,000 and reimbursement of expenses of $545.33 heretofore paid to Clark, Carr & Ellis be, and they hereby are, approved and allowed, and that the jurisdiction heretofore reserved with respect thereto be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2876; Filed, Apr. 15, 1954; 8:52 a. m.]

[File No. 70-2647]

ELECTRIC ENERGY, INC., ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

APRIL 12, 1954.

In the matter of Electric Energy, Inc., Middle South Utilities, Inc., Union Electric Company of Missouri, File No. 70-2647.

Middle South Utilities, Inc., ("Middle South"), a registered holding company, Union Electric Company of Missouri ("Union Electric"), a registered holding company and a public utility company, and Electric Energy, Inc., ("Electric Energy"), a public utility subsidiary of Middle South and Union Electric, having filed a joint application-declaration and amendments thereto, pursuant to sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 ("act") regarding (i) the issuance and sale by Electric Energy to two insurance companies of a maximum of $100,000,000 principal amount of 3 percent First Mortgage Sinking Fund Bonds, due December 1, 1979, and (ii) the execution by all the applicants-declarants of certain contracts; and

The Commission having by order dated June 26, 1951, granted the amended application and permitted the amended declaration to become effective, subject to a reservation of jurisdiction over all fees and expenses to be incurred in connection with the proposed transactions; and

The Commission having by a further order dated July 21, 1952, released jurisdiction with respect to certain estimated fees and expenses as specified in said order; and

Willkie Owen Farr Gallagher & Walton as special counsel to the purchasers of the bonds, having advised the Commission that in addition to the fees and expenses it received for its services in connection with the issuance and sale of the bonds including such services in connection with the initial closing for the bonds, it has also received $12,300 for its services in connection with fourteen secondary closings for these bonds, plus expenses of $295.57; and

The Commission having examined the record as so completed and it appearing to the Commission that the additional fees and expenses of Willkie Owen Farr Gallagher & Walton are not unreasonable and it appearing appropriate to the Commission that the jurisdiction heretofore reserved with respect to such fees and expenses be released:

It is ordered, That the jurisdiction heretofore reserved with respect to said fees and expenses herein be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2875; Filed, Apr. 15, 1954; 8:52 a. m.]

[File No. 70-3215]

GENERAL PUBLIC UTILITIES CORP.

ORDER REGARDING CAPITAL CONTRIBUTION BY PARENT TO SUBSIDIARY

APRIL 12, 1954.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed with this Commission a declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 thereunder with respect to proposed transactions, which are summarized as follows:

GPU proposes to make cash capital contributions in the aggregate amount of $350,000 to its public utility subsidiary, Northern Pennsylvania Power Company ("North Penn"). Each such contribution will, upon receipt by North Penn, be credited to the stated capital applicable to its Common Stock. Such capital contributions will be made by GPU from time to time, but not later than December 31, 1954, as North Penn requires funds for construction purposes or to reimburse its treasury for expenditures therefrom for construction purposes or to repay bank loans utilized for such purposes. Thus GPU will, by these cash capital contributions, assist North Penn with its construction program which is designed to insure that North Penn will continue to be in a position to meet the demands of its consuming public.

It is requested that the Commission's order be expedited and made effective forthwith upon issuance and it is stated that no state or Federal Commission other than this Commission has jurisdiction over the proposed transactions. It is estimated that expenses in connection with the transactions will not exceed $300.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2877; Filed, Apr. 15, 1954; 8:53 a. m.]

[File No. 70-3230]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

APRIL 12, 1954.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and one of its wholly-owned subsidiary companies, Cumberland and Allegheny Gas Company ("Cumberland"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 and 10 of the act and Rule U-50 (a) (3) as applicable to the proposed transactions which are summarized as follows:

Cumberland proposes to issue and sell to Columbia at par, 4,000 shares of common stock, $25 par value.

Cumberland also proposes to issue and sell to Columbia $600,000 principal amount of __ percent Installment Promissory Notes at a price equivalent to the principal amount of such notes. The notes are to be registered and will be payable in equal installments on February 15 of each of the years 1956 to 1980 inclusive. Interest on the unpaid principal amount of the notes is to be payable semi-annually on February 15 and August 15 at the rate of 4 percent per annum or such lower rate, being a multiple of ⅛ of 1 percent, as shall be not less than the "cost of money" to Columbia in respect of its next sale of Senior Debentures. It is Columbia's present intention to sell Senior Debentures later this year and during the interim period the proposed installment notes will carry interest at the rate of 4 percent per annum subject, however, to an adjustment in the rate following the sale of Senior Debentures.

It is anticipated that Cumberland will first issue and sell its common stock when and as funds are required by it up to a maximum amount of $100,000 and thereafter Cumberland will sell its installment notes to Columbia up to a maximum amount of $600,000. However, none of the common stock or installment notes will be sold or purchased subsequent to March 31, 1955.

According to the filing, the financing is for the purpose of supplying Cumberland with funds required to complete its 1954 construction program involving estimated expenditures of $1,546,600 for gas wells, transmission and distribution lines, and other facilities.

The estimated fees and expenses aggregate $1,220.

Cumberland has applied to the Public Service Commission of West Virginia for approval of the proposed issuance and sale of common stock and notes.

Notice is further given that any interested person may, not later than April 26, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 26, 1954, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2878; Filed, Apr. 15, 1954; 8:53 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 35]

WOOL GLOVES AND MITTENS AND WOOL GLOVE LININGS

INVESTIGATION INSTITUTED

Investigation instituted. Upon application of the American Knit Handwear Association, Inc., Gloversville, New York, received March 29, 1954, the United States Tariff Commission, on the 12th day of April 1954, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below, or any of them, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930 Par. No.	*Description*
1114 (b)	Gloves and mittens, finished or unfinished, wholly or in chief value of wool, valued over $1.75 per dozen pairs.
1114 (d)	Glove and mitten linings, knit or crocheted, finished or unfinished, wholly or in chief value of wool, valued over $2 per pound.
1529 (a)	Gloves and mittens, wholly or in chief value of wool, classifiable under paragraph 1529 (a), Tariff Act of 1930, at current rates of duty lower than 90 percent ad valorem.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the United States Tariff Commission on the 12th day of April 1954.

Issued: April 13, 1954.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 54-2846; Filed, Apr. 15, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29119]

COAL, SLACK, FROM MINES IN CLINTON, MO., GROUP TO MISSOURI CITY, MO.

APPLICATION FOR RELIEF

APRIL 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for Missouri-Kansas-Texas Railroad Company and Wabash Railroad Company.

Commodities involved: Coal, slack, or finely crushed that has passed or will pass through screen with round openings one and one-quarter (1¼) inches in diameter, carloads.

From: Mines in Missouri in Clinton, Mo., group.

To: Missouri City, Mo.

Grounds for relief: Rail competition, circuity, and to meet intrastate rates.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3920, supp. 76.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2849; Filed, Apr. 15, 1954; 8:48 a. m.]

[4th Sec. Application 29121]

CRUDE COAL, PETROLEUM OR WATER GAS TAR FROM ALABAMA AND TENNESSEE TO HAMMOND AND OLIVER, LA.

APPLICATION FOR RELIEF

APRIL 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Crude coal, petroleum or water gas tar, in tankcar loads.

From: Points in Alabama and Tennessee and points grouped therewith.

To: Hammond and Oliver, La.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 710, supp. 290 C. A. Spaninger, Agent I. C. C. No. 717, supp. 303.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2851; Filed, Apr. 15, 1954; 8:48 a. m.]

[4th Sec. Application 29122]

MERCHANDISE FROM TENNESSEE AND GEORGIA TO CHICAGO, ILL., ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

APRIL 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to schedule listed below.

Commodities involved: Merchandise, in mixed carloads.

From: Chattanooga, North Chattanooga, Tenn., and Savannah, Ga.

To: Chicago, Ill., and points grouped therewith, St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1305, supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2852; Filed, Apr. 15, 1954; 8:49 a. m.]

[4th Sec. Application 29123]

ZIRCON ORE AND RUTILE ORE FROM MELBOURNE, FLA., TO NIAGARA FALLS AND SUSPENSION BRIDGE, N. Y.

APPLICATION FOR RELIEF

APRIL 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Zircon ore (crude zirconium silicate) and rutile ore, carloads.

From: Melbourne, Fla.

To: Niagara Falls and Suspension Bridge, N. Y.

Grounds for relief: Rail competition, circuity, market competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1346, supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2856; Filed, Apr. 15, 1954; 8:49 a. m.]

[No. 31437]

EASTERN BITUMINOUS COAL ASSOCIATION ET AL. V. BALTIMORE AND OHIO RAILROAD CO., ET AL.

IMPLEMENTING PREVIOUSLY PRESCRIBED SPECIAL RULES OF PROCEDURE

It appearing that by order of March 12, 1954 (19 F. R. 1559) special rules were prescribed, directing, among other things, the prehearing interchange of prepared material;

And it further appearing that upon consideration of the record, and good cause appearing therefor:

It is ordered, That the special rules entered herein by order of March 12, 1954 (19 F. R. 1559), be, and they are hereby, amended by the addition thereto of the following rule:

12. *Written objections.* So far as practicable, any objection to the admissability of prepared testimony or exhibits, which shall have been interchanged pursuant to rule 1 hereof, and any reply to such objection, shall be presented in the form of a written statement (which need not be verified), clearly and specifically identifying the testimony or exhibit, or portions thereof, to which objection is taken, and stating the basis for such objection. Such statement shall be mailed to affiant or witness sponsoring such testimony or exhibit, or to his counsel, not later than 2 weeks prior to, and any reply thereto shall be mailed not later than 1 week prior to, the date of hearing at which the material is to be tendered in evidence. Two copies of each such statement, and of any reply thereto, shall be mailed concurrently to the Examiner. Any objection made pursuant to this rule must formally be renewed upon the record at the appropriate hearing.

It is further ordered, That except as herein modified the said order of March 12, 1954, shall remain in full force and effect:

And it is further ordered, That in addition to service hereof upon all parties of record, a copy hereof also shall be filed with the Director, Division of the Federal Register, Washington, D. C.

Dated at Washington, D. C., this 8th day of April A. D. 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2858; Filed, Apr. 15, 1954; 8:50 a. m.]

[4th Sec. Application 29126]

PLASTER, GYPSUM WALLBOARD, AND RELATED ARTICLES FROM OR TO POINTS IN OFFICIAL TERRITORY AND BETWEEN POINTS IN NORTHERN ILLINOIS, SOUTHERN WISCONSIN, AND IOWA

APPLICATION FOR RELIEF

APRIL 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Plaster, gypsum wallboard, and related articles, carloads.

Between: Points in official territory on the one hand and points in northern Illinois and southern Wisconsin and points in Iowa on the other.

Grounds for relief: Rail competition, competition with motor carriers, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4577, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2853; Filed, Apr. 15, 1954; 8:49 a. m.]

[Rev. S. O. 562; Taylor's I. C. C. Order 34-A]

CHICAGO & ILLINOIS MIDLAND RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 34 and good cause appearing therefor: *It is ordered*, That:

(a) Taylor's I. C. C. Order No. 34 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 10:00 a. m., April 12, 1954.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 12, 1954.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 54-2879; Filed, Apr. 15, 1954; 8:53 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 75

Washington, Saturday, April 17, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

DISTRICT OF COLUMBIA GOVERNMENT

Effective April 11, 1954, the following items are added to § 27.2:

§ 27.2 *Maximum stipends prescribed.*

* * *

Student nurses, Government of the District of Columbia: Total for three years' training: $2,730.

* * * * * *

Through June 30, 1954, Medical resident, Glenn Dale Hospital, Government of the District of Columbia: Fourth year approved residency: $5,356.

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 54-2911; Filed, Apr. 16, 1954; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GREEN CORN [1]

On January 1, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 11) regarding a proposed revision of United States Standards for Green Corn.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Green Corn are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

GRADES

Sec.
51.835 U. S. Fancy.
51.836 U. S. No. 1.
51.837 U. S. No. 2.

UNCLASSIFIED

51.838 Unclassified.

TOLERANCES

51.839 Tolerances.

COUNT

51.840 Requirements as to count.

APPLICATION OF TOLERANCES

51.841 Application of tolerances.

DEFINITIONS

51.842 Similar varietal characteristics.
51.843 Well trimmed.
51.844 Well developed.
51.845 Insect injury.
51.846 Injury.
51.847 Fairly well filled.
51.848 Plump and milky.
51.849 Well covered.
51.850 Fresh.
51.851 Damage.
51.852 Fairly well covered.
51.853 Properly clipped.
51.854 Fairly well trimmed.
51.855 Fairly well developed.
51.856 Serious damage.
51.857 Poorly filled.

AUTHORITY: §§ 51.835 to 51.857 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624.

GRADES

§ 51.835 *U. S. Fancy.* U. S. Fancy consists of ears of green corn of similar varietal characteristics which are well trimmed, well developed, and which are free from smut, decay, worms, or insect injury, and free from injury caused by

(Continued on p. 2223)

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

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(For use during 1954)

The following Supplements are now available:

Titles 30–31 ($1.00)

Title 33 ($1.25)

Titles 44–45 ($0.75)

Previously announced: Title 3, 1953 Supp. ($1.50); Title 8 ($0.35); Titles 10–13 ($0.50); Title 16 ($1.00); Title 18 ($0.45); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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rust, discoloration, birds, other disease or mechanical or other means. Cobs shall be fairly well filled with plump and milky kernels and well covered with fresh husks. The length of each cob shall be not less than 6 inches and the ears shall not be clipped. (See § 51.839.)

§ 51.836 *U. S. No. 1.* U. S. No. 1 consists of ears of green corn of similar varietal characteristics which are well trimmed, well developed, and which are free from smut and decay and free from injury caused by rust and free from damage caused by discoloration, birds, worms, other insects, other disease or mechanical or other means. Cobs shall be fairly well filled with plump and milky kernels and fairly well covered with fresh husks. Each ear may be clipped but each clipped ear shall be properly clipped. Unless otherwise specified, the length of each cob, clipped or unclipped, shall be not less than 5 inches. (See § 51.839.)

§ 51.837 *U. S. No. 2.* U. S. No. 2 consists of ears of green corn of similar varietal characteristics which are fairly well trimmed, fairly well developed and which are free from smut and decay and free from serious damage caused by birds, worms, other insects, other disease or mechanical or other means. Cobs shall not be poorly filled and kernels shall be plump and milky and fairly well covered with fresh husks. Each ear may be clipped but each clipped ear shall be properly clipped. Unless otherwise specified, the length of each cob, clipped or unclipped, shall be not less than 4 inches. (See § 51.839.)

UNCLASSIFIED

§ 51.838 *Unclassified.* Unclassified consists of ears of green corn which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.839 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For defects.* 10 percent, by count, in any lot for ears of corn which fail to meet the requirements of the grade, including therein not more than 2 percent for decay; and,

(2) *For off-size.* 5 percent, by count, in any lot for ears of corn which fail to meet the requirements as to length of cob.

COUNT

§ 51.840 *Requirements as to count.* The number of ears of corn in any package may be specified by count or in terms of dozens or half dozens. Variation from the number specified shall be permitted as follows: *Provided,* That the average for the lot is not less than the number specified nor more than two ears greater than the number specified:

Specified number per package:	*Variation permitted in individual packages*
60 ears or less	3 ears under count, 5 ears over count.
More than 60 ears	4 ears under count, 6 ears over count.

APPLICATION OF TOLERANCES

§ 51.841 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

DEFINITIONS

§ 51.842 *Similar varietal characteristics.* "Similar varietal characteristics" means that the ears in any package have similar kernel color and character of growth. Ears of field corn and sweet corn, or white and yellow corn, shall not be mixed in the package.

§ 51.843 *Well trimmed.* "Well trimmed" means that the ears are practically free from loose husks and that the shank shall be not more than 6 inches in length and not extend more than one inch beyond the point of attachment of the outside husk.

§ 51.844 *Well developed.* "Well developed" means that the ears are fairly straight and are not stunted. Nubbins are not well developed ears.

§ 51.845 *Insect injury.* "Insect injury" means that insect frass is present, or there is visible evidence of insect injury.

§ 51.846 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the ear. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Rust when the aggregate area on the husk exceeds one square inch, or when the rust extends deeper than 2 layers of husks;

(b) Discoloration caused by frost or spray burn, or similar types of discoloration when affecting an aggregate area of more than 3 square inches on the husk, or when exceeding an aggregate area of 25 percent of the surface of all blades attached to the husk; and,

(c) Mechanical injury when more than 4 kernels are crushed or broken.

§ 51.847 *Fairly well filled.* "Fairly well filled" means that the rows of kernels show fairly uniform development, and that the appearance and quality of the edible portion of the ear are not materially affected by poorly developed rows. When the ear has not been clipped, not more than one-fourth of the length of the cob may have poorly developed or missing kernels at the tip. When the ear has been clipped, it shall have practically no poorly developed kernels at the tip of the cob. Missing or poorly developed kernels on other parts of the ear shall not aggregate more than one square inch on a cob 6 inches in length, and a proportionally greater area shall be permitted on a longer cob and a proportionally lesser area on a shorter cob.

§ 51.848 *Plump and milky.* "Plump and milky" means that the kernels are well developed and the contents have a milky or creamy consistency.

§ 51.849 *Well covered.* "Well covered" means that the husk enclosing the ear is tight and undisturbed, except that a slight opening may have been made at the tip: *Provided,* That the disturbed part has been properly replaced so that the appearance of the ear is not more than slightly affected.

§ 51.850 *Fresh.* "Fresh" means that the husks have fairly good green color and are not badly wilted.

§ 51.851 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the ear. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Discoloration caused by frost or spray burn, or similar types of discoloration when affecting an aggregate area of more than 5 square inches on the husk, or when exceeding an aggregate area of 50 percent of the surface of all blades attached to the husk;

(b) Worm injury on unclipped ears when extending more than 1½ inches from the tip on an ear 6 inches in length (proportionately greater or lesser amounts permitted on longer or shorter ears, respectively), or when affecting the kernels on other parts of the ear, or any worm injury on clipped ears; and,

(c) Mechanical damage when more than 8 kernels are crushed or broken.

§ 51.852 *Fairly well covered.* "Fairly well covered" means that the husk enclosing the ear is fairly tight and undisturbed except that an opening may have been made at the tip: *Provided,* That the disturbed part has been properly replaced so that the appearance of the ear is not materially affected.

§ 51.853 *Properly clipped.* "Properly clipped" means that either the end of the cob, or the end of the cob and husk have been neatly removed approximately at a right angle to the longitudinal axis.

§ 51.854 *Fairly well trimmed.* "Fairly well trimmed" means that the appearance of the individual ear of corn is not seriously affected by loose husks and that the shank shall not be more than 6 inches in length and not extend more than 2 inches beyond the point of attachment of the outside husk.

§ 51.855 *Fairly well developed.* "Fairly well developed" means that the ears are not stunted to the extent that the appearance is seriously affected.

§ 51.856 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the ear. The following defect, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Worm injury on unclipped ears when extending more than 2 inches from the tip on an ear 6 inches in length (proportionately greater or lesser amounts permitted on longer or shorter ears, respectively), or when affecting more than 4 kernels on other parts of the cob, or any worm injury on clipped ears extending more than one-fourth inch from the tip.

§ 51.857 *Poorly filled.* "Poorly filled" means, on unclipped ears, that the edible quality or appearance is affected to a greater extent than that of an ear 6 inches in length which has one-third of the cob at the tip end and an aggregate area 1½ inches square on other portions of the ear with undeveloped kernels or open spaces; and means, on clipped ears, that the edible quality or appearance is affected to a greater extent than that of an ear 6 inches in length which has one inch at the tip end and an aggregate area 1½ inches square on other portions of the ear with undeveloped kernels or open spaces.

The United States Standards for Green Corn contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Green Corn which have been in effect since August 3, 1950. (18 F. R. 7100).

Dated: April 14, 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 54-2915; Filed, Apr. 16, 1954; 8:52 a. m.]

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURE

APPENDIX—SECOND APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT; FISCAL YEAR 1954

The funds available for purposes of the National School Lunch Act (60 Stat. 230) for food assistance for the fiscal year ending June 30, 1954, are reapportioned as follows in order to effect a further apportionment of supplemental funds pursuant to section 4 of the act:

State	Total	State agency	Withheld for nonprofit schools
Alabama	$2, 620, 531	$2, 361, 149	$259, 382
Alaska	27, 764	27, 764	
Arizona	391, 709	372, 671	19, 038
Arkansas	1, 549, 443	1, 519, 313	30, 130
California	3, 051, 501	3, 051, 501	
Colorado	536, 569	490, 906	45, 663
Connecticut	746, 437	746, 437	
Delaware	82, 301	77, 297	5, 004
District of Columbia	193, 198	193, 198	
Florida	1, 335, 564	1, 275, 024	59, 540
Georgia	2, 263, 709	2, 263, 709	
Hawaii	234, 250	186, 280	47, 970
Idaho	313, 510	304, 146	9, 364
Illinois	2, 454, 366	2, 454, 366	
Indiana	1, 466, 266	1, 466, 266	
Iowa	1, 056, 715	942, 589	114, 126
Kansas	788, 610	788, 610	
Kentucky	1, 990, 774	1, 990, 774	
Louisiana	1, 714, 110	1, 714, 110	
Maine	442, 437	367, 406	75, 031
Maryland	796, 551	667, 019	99, 532
Massachusetts	1, 459, 123	1, 459, 123	
Michigan	2, 231, 651	1, 947, 278	284, 373
Minnesota	1, 273, 851	1, 080, 716	193, 135
Mississippi	2, 236, 184	2, 236, 184	
Missouri	1, 535, 360	1, 535, 360	
Montana	220, 315	198, 013	22, 302
Nebraska	535, 403	474, 297	61, 106
Nevada	46, 963	44, 909	2, 054
New Hampshire	214, 672	214, 672	
New Jersey	1, 391, 262	1, 115, 664	275, 598
New Mexico	419, 802	419, 802	
New York	3, 892, 937	3, 892, 937	
North Carolina	2, 932, 763	2, 932, 763	
North Dakota	313, 368	284, 432	28, 936
Ohio	2, 589, 744	2, 308, 027	281, 717
Oklahoma	1, 313, 769	1, 313, 769	
Oregon	561, 137	561, 137	
Pennsylvania	3, 622, 467	2, 973, 943	648, 524
Rhode Island	249, 654	249, 654	
South Carolina	1, 713, 922	1, 699, 393	14, 529
South Dakota	288, 639	264, 763	24, 876
Tennessee	2, 191, 722	2, 140, 711	51, 011
Texas	3, 646, 373	3, 646, 373	
Utah	371, 104	366, 291	4, 813
Vermont	143, 118	143, 118	
Virginia	1, 725, 490	1, 671, 833	53, 657
Washington	802, 143	749, 339	52, 804
West Virginia	1, 274, 797	1, 245, 053	29, 744
Wisconsin	1, 310, 052	1, 015, 334	294, 718
Wyoming	109, 720	109, 720	
Total	64, 251, 865	61, 282, 467	2, 969, 398

(60 Stat. 230; 42 U. S. C. 1751-1760)

Dated: April 9, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-2806; Filed, Apr. 16, 1954; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 29]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.329 *Navel Orange Regulation 29*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 15, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 18, 1954, and ending at 12:01 a. m., P. s. t., April 25, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 358,050 boxes;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section, "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 16th day of April, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Apr. 18 to 12:01 a. m., P. s. t., Apr. 25, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.0000
A. N. F. Corona	.4307
A. N. F. Fullerton	.0000
A. N. F. Orange	.0000
A. N. F. Riverside	1.7271
A. N. F. Santa Paula	.0502
Edington Fruit Association	.2545
Signal Fruit Association	.9867
Bryn Mawr Mutual Orange Association	.4767
Chula Vista Mutual Lemon Association	.0000
Euclid Avenue Orange Association	2.6676
Foothill Citrus Union, Inc	.0920
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	2.4099
Olive Hillside Groves, Inc	.0000
Redlands Foothill Groves	4.0016
Redlands Mutual Orange Association	1.5480
Ventura County Fruit Growers, Inc	.4082
Azusa Citrus Association	.9399
Covina Citrus Association	.1222
Glendora Citrus Association	.0000
Valencia Heights Orchards Association	.3954
Gold Buckle Association	4.0369
La Verne Orange Association	4.3613
Anaheim Valley Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Linda Citrus Association	.0000
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0000
Citrus Fruit Growers	.3486
Cucamonga Mesa Citrus Growers	.7326
Etiwanda Citrus Fruit Association	.1386
Upland Citrus Association	.0000
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association	.0000
Olive Heights Citrus Association	.0000
Santiago Orange Growers Association	.1336
Villa Park Orchards Association	.0000
Bradford Bros., Inc	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0000
Corona Citrus Association	1.6741
Jameson Co	.7838
Orange Heights Orange Association	5.5527
Crafton Orange Growers Association	1.8482
East Highlands Citrus Association	.4773
Redlands Heights Citrus Association	1.0038
Redlands Orangedale Association	1.2557
Rialto-Fontana Citrus Association	.1783
Bryn Mawr Fruit Growers Association	1.2768
Mission Citrus Association	1.0177
Redlands Cooperative Citrus Association	2.4322
Redlands Orange Growers Association	1.5350
Redlands Select Groves	.5378
Rialto Orange Co	.8082
Southern Citrus Association	1.1338
United Citrus Growers	.8462
Arlington Heights Citrus Co	1.7781
Blue Banner, Inc	4.0671
Brown Estate, L. V. W	2.4847
Gavilan Citrus Association	2.6708
McDermont Fruit Co	2.0295
Monte Vista Citrus Association	1.8235
National Orange Co	1.8875
Riverside-Highgrove Citrus Association	2.0434
Victoria Avenue Citrus Association	4.4408
Claremont Citrus Association	.7418
College Heights Orange & Lemon Association	1.9669
Indian Hill Citrus Association	1.4178
Pomona Fruit Growers Exchange	1.3017
Walnut Fruit Growers Association	.8019
West Ontario Citrus Association	.6886
Escondido Cooperative Citrus Association	.0000
Camarillo Citrus Association	.0000
Fillmore Citrus Association	1.4137
Mupu Citrus Association	.0000
Ojai Orange Association	1.2453
Piru Citrus Association	1.5674
San Fernando Heights Orange Association	.6867
Santa Paula Orange Association	.0574
Tapo Citrus Association	.0184
Ventura County Citrus Association	.0000
East Whittier Citrus Association	.0035
North Whittier Heights Citrus Association	.1316
Sierra Madre-Lamanda Citrus Association	.0000
A. J. Packing Co	.0623
Babijuice Corp. of California	.0000
Cherokee Citrus Co., Inc	.6841
Dunning, Vera Hueck	.0000
Evans Bros. Packing Co	.9753
Far West Products Distributors	.1585
Gold Banner Association	3.1450
Gold Seal Products, Inc	.2239
Holland, M. J	.0312
Orange Belt Fruit Distributors	.6656
Panno Fruit Co., Carlo	.0000
Paramount Citrus Association	.0976
Prescott, John A	.0000
Riverside Fruit Co	.1985
Rotolo Bros	.0066
San Antonio Orchards Co	1.4384
Smallwood, Luella L	.0104
Spire, Frank S	.0105
Stephens & Cain	.1784
Torn Ranch	.0363
Wall, E. T., Grower-Shipper	2.6302
Western Fruit Growers, Inc	5.5553

[F. R. Doc. 54-2981; Filed, Apr. 16, 1954; 11:43 a. m.]

[Lemon Reg. 533]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.640 *Lemon Regulation 533*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 14, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 18, 1954, and ending at 12:01 a. m., P. s. t., April 25, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 350 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same mean-

ing as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. [illegible])

Done at Washington, D. C., this 15th day of April 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[12:01 a. m. Apr. 18, 1954, to 12:01 a. m. May 2, 1954]

Handler	Prorate base (percent)
Total	100.000
American National Foods, Inc., Corona	.872
American National Foods, Inc., Fullerton	.990
American National Foods, Inc., Upland	.861
Buenaventura Lemon Co	.843
Consolidated Lemon Co	1.630
Ventura Pacific Co	1.921
Chula Vista Mutual Lemon Association	.603
Euclid Lemon Association	1.677
Index Mutual Association	.398
La Verne Cooperative Citrus Association	2.076
Ventura Coastal Lemon Co	.933
Ventura Processors	1.761
Glendora Lemon Growers Association	2.064
La Verne Lemon Association	.836
La Habra Citrus Association	1.398
Yorba Linda Citrus Association	.706
Escondido Lemon Association	3.644
Cucamonga Mesa Growers	2.060
Etiwanda Citrus Fruit Association	.883
San Dimas Lemon Association	1.856
Upland Lemon Growers Association	7.668
Central Lemon Association	.969
Irvine Citrus Association, The	.870
Placentia Mutual Orange Association	1.461
Corona Citrus Association	.401
Corona Foothill Lemon Co	3.319
Jameson Company	1.504
Arlington Heights Citrus Co	2.127
College Heights Orange & Lemon Association	3.063
Chula Vista Citrus Association	.737
Escondido Cooperative Citrus Association	.223
Fallbrook Citrus Association	2.418
Lemon Grove Association	.481
Carpinteria Lemon Association	2.087
Carpinteria Mutual Citrus Association	2.045
Goleta Lemon Association	3.009
Johnston Fruit Co	4.409
Briggs Lemon Association	1.827
Fillmore Lemon Association	1.891
Oxnard Citrus Association	3.962
Rancho Sespe	1.138
San Fernando Heights Lemon Association	2.558
Santa Clara Lemon Association	3.158
Santa Paula Citrus Fruit Association	3.101
Saticoy Lemon Association	2.034
Seaboard Lemon Association	3.308
Somis Lemon Association	3.113
Ventura Citrus Association	.794
Ventura County Citrus Association	.219
Limoneira Co	1.731
Teague-McKevett Association	.966
East Whittier Citrus Association	.510
Murphy Ranch Co	1.459
North Whittier Heights Citrus Association	.878

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—Continued

Handler	Prorate base (percent)
Sierra Madre-Lamanda Citrus Association	0.728
Far West Produce Distributors	.051
Paramount Citrus Association, Inc	1.683
Santa Rosa Lemon Co	.080

[F. R. Doc. 54-2958; Filed, Apr. 16, 1954; 8:58 a. m.]

PART 983—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

SUBPART—EXPENSES AND RATE OF ASSESSMENT

Notice was published in the March 16, 1954, daily issue of FEDERAL REGISTER (19 F. R. 1441) that consideration was being given to the proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period beginning February 1, 1954, and ending January 31, 1955, inclusive, under Marketing Agreement No. 112 and Order No. 83 (7 CFR Part 983), regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 983.302 *Expenses and rate of assessment for the fiscal period February 1, 1954, through January 1955*—(a) *Expenses.* Expenses in the amount of $5,300 are reasonable and are likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period beginning February 1, 1954, and ending January 31, 1955, inclusive.

(b) *Rate of assessment.* The following rate of assessment which each handler shall pay, in accordance with the applicable provisions of the said marketing agreement and order, is hereby fixed as the respective handler's pro rata share of the aforesaid expense: $1.25 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period beginning February 1, 1954, and ending January 31, 1955, inclusive.

(c) Terms used in this section shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 13th day of April 1954 to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2914; Filed, Apr. 16, 1954; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 24]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 1367, 1597, 1947), which contains a notice of the areas in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines such areas because of said disease, is hereby further amended in the following respects:

1. Subdivisions (ix), (xii), (xiii), (xiv), (xv), and (xvi) of subparagraph (2) of paragraph (e), relating to Bristol County in Massachusetts, are amended to read:

(ix) That part of the Town of Rehoboth lying west of Reed Street, south of Providence Street, and north and east of Peckham Street; that part of the Town of Rehoboth lying north of Old Fall River Avenue, west of Barney Avenue, east of Wheaton Avenue, and south of Allen Avenue; and that part of the Town of Rehoboth lying north of Brook and Water Streets, south of Winter Street, east of Reed and Lake Streets, and west of School Street.

* * * * *

(xii) That part of the City of Swansea lying north of Marvel Road, south of Main Street, west of Sharp Lot Road, and east of Miller's Lane; that part of the Town of Swansea lying north of Haile's Hill Road, south of Stevens Road, west of Sharp Lot Road, and east of Box Street; and that part of the Town of Swansea lying north of Stevens Road, south of Marvel Road, east of Sharp Lot Road, and west of Park Street.

(xiii) The Myles Standish State School in the Town of Taunton lying east of State Route No. 140, south and west of Bassett Street, and north of the New York, New Haven, and Hartford Railroad; that part of the City of Taunton lying south of Norton Avenue, west of Crane Avenue, north of the New York, New Haven, and Hartford Railroad, and east of State Route No. 140; that part of the City of Taunton lying south of Thrasher Street, north of Longmeadow and Winter Streets and U. S. Route No. 44, east of School Street, and west of King Phillip Street; that part of the City of Taunton lying south of East Brittania, north of Thrasher Street, east of Washington Street, and west of King Phillip Street; that part of the City of Taunton lying south of Tremont Street, north of Glebe Street, east of Burt Street, and west of North Walker Street; and that part of the City of Taunton lying north of Spring Street, south of Cohannet Street, west of Dighton Avenue, and east of the Three Mile River.

(xiv) That part of the Town of Westport lying east of Main Road, north of Kirby Road, west of Drift Road, and south of Old County Road; that part of the Town of Westport lying north of Narrow Avenue, south of State Route No. 177 and Old County Road, east of Crandell Road, and west of Soddom Road; and that part of the Town of Westport lying north of Hix Bridge Road, south of Old County Road, east of Drift Road, and west of the Westport River.

(xv) That part of the Town of Attleboro lying north of Brown Street, south of Highland Avenue, west of Robinson Avenue, and east of Mendon Street; that part of the Town of Attleboro lying north of Highland Avenue, south of May Street, east of Mendon Street, and west of Washington Street; that part of the Town of Attleboro lying south of Payne Road, west of the New York, New Haven, and Hartford Railroad, east of Mendon Road, and North of Hunts Bridge Road; and that part of the Town of Attleboro lying north of Oak Hill Avenue, south of South Main Street, east of Locust Street, and west of Park Street.

(xvi) That part of the Town of Seekonk lying north of Asylum Street, south of County Street, west of Miller Street, and west of Bradley Street; and that part of the Town of Seekonk lying north of Ledge Road, south of Newman and Woodward Avenues, west of Bunnins River, and east of Arcade Avenue.

2. Subdivisions (vii), (ix), and (xv) of subparagraph (3) of paragraph (e), relating to Essex County in Massachusetts, are amended to read:

(vii) That part of the City of Gloucester lying north of State Route No. 121, south of Walker Street, and west of Lincoln Street; that part of the City of Gloucester lying southwest of Witham Street, north of Thatcher Street, and east of Eastern Street; and that part of the City of Gloucester lying south of State Route No. 121 and west of Woodman Street.

* * * * *

(ix) That part of the City of Haverhill lying north of State Route No. 125, south and east of the Boston and Maine Railroad and the Merrimac River, and east of Main Street; that part of the City of Haverhill lying northeast of County Bridge Road and State Route No. 110; that part of the City of Haverhill lying west of the Boston and Maine Railroad, east of Hilldale Avenue, and north of State Route No. 97; that part of the City of Haverhill lying south of State Route No. 97, east of Carleton Street, and northwest of Lowell Street; and that part of the City of Haverhill lying north of Lowell Avenue, east of Forest Street, south of State Route No. 97, and west of Carleton Street.

* * * * *

(xv) That part of the City of Peabody lying northeast of Lake Street (rear), northwest of the Boston and Maine Railroad, and southwest of Lake Street; that part of the City of Peabody lying north of Goodale Street, south of the Middleton Town Foundry, west of U. S. Route No. 1, and east of Morris Brooks; that part of the City of Peabody lying east of Farm Avenue, south of Forest Street, and north and west of Goldthwaite Brook; that part of the City of Peabody lying north of Lowell Street and east, west, and south of Goodale Street; that part of the City of Peabody lying north of Winona Street, south of Lowell Street, and west of Lake Street; that part of the City of Peabody lying south of Forest Street, north of State Route No. 128, east of U. S. Route No. 1, and west of Farm Avenue; that part of the City of Peabody lying south of Lynnfield Street, west of Lynn Street, north of Glenway Street, and east of the junction of Lynnfield and Glenway Streets; that part of the City of Peabody lying northeast of Russell Street, and southwest of the Boston and Maine Railroad; that part of the Town of Peabody lying south of State Route No. 114, north of the Lowell Branch of the Boston and Maine Railroad, east of Prospect Street, and west of State Route No. 128; and that part of the Town of Peabody lying east of U. S. Route No. 1, south of Forest Street, north of Locust Street, northwest of State Route No. 128, and west of Farm Avenue.

3. New subdivisions (xxi), (xxii), (xxiii), (xxiv), and (xxv) are added to subparagraph (3) of paragraph (e), relating to Essex County in Massachusetts, to read:

(xxi) That part of the Town of Boxford lying southwest of the Newburyport Branch of the Boston and Maine Railroad, and northwest of Bare Hill Road.

(xxii) That part of the Town of Bradford lying east of State Route No. 125, south of Willow Street, and west of Kingsbury Street.

(xxiii) The Town of Lawrence.

(xxiv) The Town of Newburyport.

(xxv) The Town of Newbury.

4. Subdivision (vii) of subparagraph (4) of paragraph (e), relating to Hampden County in Massachusetts, is amended to read:

(vii) That part of the Town of Holyoke lying north of Old Westfield Road, south of Westfield Road, west of Old Homestead Avenue, and east of the Holyoke Water Works; and that part of the Town of Holyoke lying north of Cross Road, south of Rock Valley Road, east of Mountain Road, and west of Southampton Road.

5. Subdivisions (xiv), (xv), and (xvii) of subparagraph (5) of paragraph (e), relating to Middlesex County in Massachusetts, are amended to read:

(xiv) That part of the Town of Hudson lying west of Chapin Street, and northwest of Brigham Street and the Aseabet River; that part of the Town of Hudson lying northwest of State Route No. 62 and northeast of Cox Street and Cemetery Road; and that part of the Town of Hudson lying south and west of Stratton Road and Cox Street, north of Main Street, and east of Manning Street.

(xv) That part of the Town of Lexington lying west of Westview Road and south of State Routes No. 4 and No. 25; that part of the Town of Lexington lying south of Moreland Avenue, west of Pleasant Street, east of Meadowbrook Avenue, and north of State Route No. 2; that part of the Town of Lexington lying south of State Route No. 2a and north of Lincoln Street; that part of the Town of Lexington lying south of Marrett Road, north of Moreland Avenue, east of Clamstis Brook, and west of Feller Road; and that part of the Town of Lexington lying south of Concord Avenue and east of Walnut Street.

* * * * *

(xvii) That part of the Town of Marlboro lying south of Robin Hill Road, east of Millham Road, west of Bigelow Street, and north of Elm Street; and that part of the Town of Marlboro lying southeast of Spoon Hill Road, northwest of Stow Road, north of U. S. Route No. 20, and east of Hosmer Street.

6. Subdivision (xx) of subparagraph (6) of paragraph (e), relating to Norfolk County in Massachusetts, is amended to read:

(xx) The Town of Braintree.

7. A new subdivision (xxi) is added to subparagraph (6) of paragraph (e), relating to Norfolk County in Massachusetts, to read:

(xxi) The Town of Medfield.

8. Subdivisions (i), (ii), (iii), and (xiv) of subparagraph (7) of paragraph (e), relating to Plymouth County in Massachusetts, are amended to read:

(i) That part of the Town of Abington lying south of Randolph Street, north of Rockland Street, west of Bedford Street, and east of Hancock Street; that part of the Town of Abington lying north and east of Randolph Street and west of Bedford Street; and that part of the Town of Abington lying south of Summer Street, east of Walnut Street, and west of Plymouth Street.

(ii) That part of the Town of Bridgewater lying southwest of Winter Street, north of Auburn Street, and east of Beaver Street; that part of the City of Bridgewater lying north of Flagg Street, southwest of Conant Street, and southeast of Summer Street; that part of the Town of Bridgewater lying south of Flagg and Auburn Streets, north and west of the Taunton River, and east of State Route No. 28; that part of the Town of Bridgewater lying south of West Center Street, north of Maple Street, and west of Pleasant Street; that part of the Town of Bridgewater lying south of Cedar Street, north of Pond Street, and east of Washington Street; and that part of the Town of Bridgewater lying south of Union Street; north of East Center Street, east of East Street, and west of Laurel Street.

(iii) That part of the Town of Brockton lying south of East Ashland Street, north of Court Street, and east of North Quincy Street; that part of the Town of Brockton lying south of Edson Street, north of Plain Street, east of Summer Street, and west of East Street; and that part of the City of Brockton lying north of North Carey Street, south of North Avenue, west of North Quincy Street, and east of Winter Street.

* * * * *

(xiv) That part of the Town of Rockland lying south of Summer Street and east of Beach Street; that part of the Town of Rockland lying south of Forest Street, west of Union Street, and east of Weymouth Street; and that part of the Town of Rockland lying south of Market Street, north of Summer Street, and east of Concord Street.

9. New subdivisions (xvii), (xviii), (xix), and (xx) are added to subparagraph (7) of paragraph (e), relating to Plymouth County in Massachusetts, to read:

(xvii) That part of the Town of Duxbury lying south of Tremont Street, north of Bay Road, and west of Chestnut Street.

(xviii) That part of the Town of East Bridgewater lying west of State Route No. 18.

(xix) That part of the Town of Kingston lying south of Wapping Road and Main Street and northwest of Elm Street.

(xx) That part of the Town of Whitman lying southeast of Pond Street, southwest of Franklin Street, and northeast of the New York, New Haven, and Hartford Railroad.

10. New subdivisions (xx) and (xxi) are added to subparagraph (8) of paragraph (e), relating to Worcester County in Massachusetts, to read:

(xx) That part of the Town of Charleton lying north of U. S. Route No. 20, south of Irish Mile, east of Griffin Road, and west of East Brookfield Road.

(xxi) That part of the Town of Shrewsbury lying north of U. S. Route No. 20, south of State Route No. 9, east of Lake Street, and west of Grafton Street.

11. Subparagraph (1) of paragraph (i), relating to Rhode Island, is amended to read:

(1) Bristol County.

12. A new subdivision (iv) is added to subparagraph (2) of paragraph (i), relating to Providence County in Rhode Island, to read:

(iv) That part of the City of Providence lying east of Hamlin Street, west of Elena Street, north of Olney Street, and south of Mineral Spring Avenue.

13. A new subparagraph (3) is added to paragraph (i), relating to Rhode Island, to read:

(3) All of Kent County except the following:

(i) That part of the Town of Coventry lying east of Hill Farm Road, west of Philips Hill Road, north of Flat River Road, and south of Markney Hill Road.

(ii) That part of the Town of Lincoln lying north of Whipple and Jencke Hill Roads, south of Twin River Road, and east of Lousquesset Pike.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in Massachusetts and Rhode Island from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended, 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 13th day of April 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-2916; Filed, Apr. 16, 1954; 8:52 a. m.]

Subchapter D—Exportation and Importation of Animals and Animal Products

[B. A. I. Order 373, Amdt. 11]

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS); PROHIBITED AND RESTRICTED IMPORTATIONS (REVISED)

NONEXISTENCE OF RINDERPEST AND FOOT-AND-MOUTH DISEASE IN THE CHANNEL ISLANDS

On February 26, 1954, there was published in the FEDERAL REGISTER (19 F. R. 1095) a notice of proposed determination of the nonexistence of rinderpest and foot-and-mouth disease in the Channel Islands, and of a proposed amendment of the regulations relating to prohibitions and restrictions on the importation of certain animals and animal products on account of such diseases. After due consideration of all relevant material submitted in connection with the notice, and pursuant to the provisions of section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) and section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), it has been determined, and the Secretary of the Treasury has been notified, that rinderpest and foot-and-mouth disease do not now exist in the Channel Islands, and § 94.1, as amended, of Part 94, Subchapter D, Chapter I, Title 9 of the Code of Federal Regulations (§ 94.1 of B. A. I. Order 373, as amended), is hereby further amended to read as follows:

§ 94.1 *Designation of countries where rinderpest or foot-and-mouth disease exists; importations prohibited.* (a) Notice is hereby given that, in accordance with section 306 of the Tariff Act of 1930 (19 U. S. C. 1306), it has been determined that rinderpest or foot-and-mouth disease exists in the following designated countries, and that official notice thereof has been given to the Secretary of the Treasury:

(1) Mexico;

(2) Island of Martinique;

(3) All countries of South America; and

(4) All countries east of the 30th meridian west longitude and west of the International Date Line, except Australia, the Channel Islands, Greenland, Iceland, New Zealand, Northern Ireland, Norway, and the Republic of Ireland.

(b) The importation from the infected countries, designated in paragraph (a) of this section, into the United States of cattle, sheep, or other domestic ruminants, or swine, or of fresh, chilled, or frozen beef, veal, mutton, lamb, or pork (including the entry into any port of the United States of any vessel having on board as sea stores or otherwise such animals or meats from such countries), is prohibited.

The determination, notification, and amendment, remove the present prohibitions under section 306 of the Tariff Act upon the importation from the Channel Islands into the United States of the animals and meats specified in paragraph (b) of said § 94.1, and render the commodities specified in §§ 94.2 to 94.5 of said Part 94, as amended, and originating in the Channel Islands, no longer subject to the provisions of that part. The amendment also makes certain other changes in said § 94.1. Such changes are unsubstantial and do not affect the rights or obligations of any person.

Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that further notice and other public procedure with respect to the amendment are unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon issuance.

(Sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 111)

Done at Washington, D. C., this 12th day of April 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-2891; Filed, Apr. 16, 1954; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 62]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.13 *Green civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Philipsburg, Pa. (LFR)	Selinsgrove, Pa. (LF/RBN).	6,000
Selinsgrove, Pa. (LF/RBN).	Slatington (INT), Pa.	3,500

2. Section 610.16 *Green civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Greensboro, N. C. (LFR)	South Boston (INT), Va.	2,900
South Boston (INT), Va.	Blackstone, Va. (LFR).	2,900

3. Section 610.105 *Amber civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Waterloo (INT), Ill.	St. Louis, Mo. (LFR).	2,300

4. Section 610.106 *Amber civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Columbus, Ohio, (LFR)	A beam of Mansfield, Ohio (LF/RBN).	2,500
A beam of Mansfield, Ohio (LF/RBN)	Brighton (INT), Ohio	2,400
Brighton (INT), Ohio	Elyria, Ohio (LF/RBN).	2,200

5. Section 610.203 *Red civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Mt Holly (INT), N. J.	Freehold (INT), N. J.	1,500

6. Section 610.208 *Red civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Williamsport, Pa. (LFR)	Plymouth (INT), Pa	4,000
Plymouth (INT), Pa.	Stroudsburg (INT), Pa.	3,500

7. Section 610.213 *Red civil airway No. 13* is amended to read in part:

From—	To—	Minimum altitude.
Butler, Pa. (LF/RBN).	Ford (INT), Pa.	3,000
Ford (INT), Pa.	Philipsburg, Pa. (LFR).	4,000

8. Section 610.217 *Red civil airway No. 17* is amended to read in part:

From—	To—	Minimum altitude
Mansfield, Ohio (LF/RBN)	Bergholz, Ohio (LF/RBN).	2,500
Bergholz, Ohio (LF/RBN).	Pittsburgh, Pa. (LFR).	2,700

9. Section 610.221 *Red civil airway No. 21* is amended by adding:

From—	To—	Minimum altitude
Selinsgrove, Pa. (LF/RBN).	Wilkes-Barre, Pa. (LFR).	3,500

10. Section 610.226 *Red civil airway No. 26* is amended to read in part:

From—	To—	Minimum altitude
Wilkes-Barre, Pa. (LFR).	Slatington (INT), Pa.	3,500

11. Section 610.227 *Red civil airway No. 27* is amended to eliminate:

From—	To—	Minimum altitude
Int. 358° T from Lexington, Ky. (LF/RBN) and E course Louisville, Ky. (LFR).	Union (INT), Ky.	2,000
Union (INT), Ky.	Mt. Healthy (INT), Ohio.	2,300
Mt. Healthy (INT), Ohio.	Dayton, Ohio (LFR).	2,500
Dayton, Ohio (LFR).	Troy (INT), Ohio.	2,100
Troy (INT), Ohio.	Findlay, Ohio (LF/RBN).	2,100

12. Section 610.246 *Red civil airway No. 46* is amended to eliminate:

From—	To—	Minimum altitude
Jamestown, N. Dak. (LFR).	Aberdeen, S. Dak. (LFR).	2,800

13. Section 610.255 *Red civil airway No. 55* is amended to read in part:

From—	To—	Minimum altitude
Findlay, Ohio (LF, RBN).	Columbus, Ohio (LFR).	2,500

14. Section 610.261 *Red civil airway No. 61* is amended to read in part:

From—	To—	Minimum altitude
Butler, Pa. (LF/RBN)	New Alexandria (INT), Pa.	[1] 3,000

[1] 4,000'—Minimum crossing altitude at New Alexandria (LF/RBN), eastbound.

15. Section 610.285 *Red civil airway No. 85* is amended to read in part:

From—	To—	Minimum altitude
Butler, Pa. (LF/RBN)	Apollo (INT), Pa.	3,000
Apollo (INT), Pa.	Altoona, Pa. (LFR).	4,500

16. Section 610.303 *Red civil airway No. 103* is amended by adding:

From—	To—	Minimum altitude
Kenai, Alaska (LFR)	Skilak (INT), Alaska.	1,500

17. Section 610.641 *Blue civil airway No. 41* is amended to read in part:

From—	To—	Minimum altitude
Westfield Mass (LFR)	Hadley (INT), Mass.	3,000
Hadley (INT), Mass	Greenfield (INT), Mass.	3,500

18. Section 610.642 *Blue civil airway No. 42* is amended to read in part:

From—	To—	Minimum altitude
Grand Rapids, Mich. (LFR).	Saginaw, Mich. (LF/RBN).	2,200

19. Section 610.673 *Blue civil airway No. 73* is amended to read in part:

From—	To—	Minimum altitude
Pittsburgh, Pa. (LFR)	Ford (INT), Pa.	3,000
Ford (INT), Pa.	Brookville, Pa. (LF/RBN).	3,500

20. Section 610.675 *Blue civil airway No. 75* is added to read:

From—	To—	Minimum altitude
Cleveland, Ohio (LFR)	London, Ontario, Canada (LFR).[1]	2,400

[1] For that airspace over U. S. territory.

21. Section 610.680 *Blue civil airway No. 80* is added to read:

From—	To—	Minimum altitude
Darby (INT), Alaska	Moses Point, Alaska (LFR).	5,000

22. Section 610.686 *Blue civil airway No. 86* is amended to eliminate:

From—	To—	Minimum altitude
Fort Wayne, Ind. (LFR).	Dayton, Ohio (LFR)	2,500

23. Section 610.6003 *VOR civil airway No. 3* is amended by adding:

From—	To—	Minimum altitude
Flat Rock, Va. (VOR)	Potomac (INT), Va.	[1] 3,000

[1] 1,500'—Minimum terrain clearance altitude.

24. Section 610.6004 *VOR civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
St. Louis, Mo. (VOR). Via N alter	Centralia, Ill (VOR) Via N alter	2,100
Centralia, Ill (VOR)	Evansville, Ind. (VOR)	2,100
Via S alter	Via S alter	2,400

25. Section 610.6005 *VOR civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Bowling Green, Ky. (VOR)	Louisville, Ky. (VOR)	2,200
Bowling Green, Ky. (VOR), via E alter.	Campbellsville (INT), Ky., via E alter.	[1] 3,000
Campbellsville (INT), Ky., via E alter.	Louisville, Ky (VOR) via E alter.	[1] 3,000

[1] 2,400'—Minimum terrain clearance altitude.

26. Section 610.6006 *VOR civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Selinsgrove, Pa. (VOR)	Allentown, Pa. (VOR)	3,500
Allentown, Pa. (VOR)	Summit (INT), N. J.	2,500

27. Section 610.6008 *VOR civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Mansfield, Ohio (VOR)	Berghoiz (INT), Ohio	2,500
Berghoiz (INT), Ohio	Pittsburgh, Pa. (VOR).	2,700

28. Section 610.6009 *VOR civil airway No. 9* is amended to read in part:

From—	To—	Minimum altitude
Greenwood, Miss (VOR)	Memphis, Tenn. (VOR).	1,800
Via E alter	Via E alter	1,600

29. Section 610.6010 *VOR civil airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Erie, Pa. (VOR)	Hilton (INT), Pa.	[1] 5,000
Hilton (INT), Pa.	Philipsburg, Pa. (VOR	4,000
Selinsgrove, Pa. (VOR)	Allentown, Pa. (VOR)	3,500
Int. 62° Mag. Litchfield, Mich. (VOR), and 279° Mag. Detroit, Mich. (VOR), via N alter.	Detroit, Mich. (VOR), via N alter.	[2] 3,000

[1] 4,000'—Minimum terrain clearance altitude.
[2] 2,500'—Minimum terrain clearance altitude.

30. Section 610.6010 *VOR civil airway No. 10* is amended by adding:

From—	To—	Minimum altitude
Dodge City, Kans. (VOR), via N alter.	Great Bend (INT), Kans., via N alter.	[1] 6,000
Great Bend (INT), Kans., via N alter.	Hutchinson, Kans. (VOR), via N alter.	[2] 6,000

[1] 3,600'—Minimum terrain clearance altitude.
[2] 3,200'—Minimum terrain clearance altitude.

31. Section 610.6023 *VOR civil airway No. 23* is amended to read in part:

From—	To—	Minimum altitude
Fort Jones, Calif. (VOR)	Medford, Oreg. (VOR	10,000

32. Section 610.6026 *VOR civil airway No. 26* is amended to read in part:

From—	To—	Minimum altitude
Green Bay, Wis. (VOR).	Muskegon, Mich. (VOR).	[1] 3,200

[1] 2,700'—Minimum terrain clearance altitude.

33. Section 610.6029 *VOR civil airway No. 29* is amended to read in part:

From—	To—	Minimum altitude
Allentown, Pa. (VOR)	Wilkes-Barre-Scranton, Pa. (VOR).	3,500

34. Section 610.6030 *VOR civil airway No. 30* is amended to read in part:

From—	To—	Minimum altitude
Selinsgrove, Pa. (VOR)	Allentown, Pa. (VOR).	3,500
Allentown, Pa. (VOR)	Summit (INT), N. J.	2,500

35. Section 610.6039 *VOR civil airway No. 39* is amended to read in part:

From—	To—	Minimum altitude
Allentown, Pa. (VOR)	Stroudsburg (INT), Pa	3,000
Stroudsburg (INT), Pa	Poughkeepsie, N. Y. (VOR).	3,000

[1] 3,000'—Minimum terrain clearance altitude.

36. Section 610.6047 *VOR civil airway No. 47* is amended to read in part:

From—	To—	Minimum altitude
Dayton, Ohio, VOR. Via W alter.	Findlay, Ohio, VOR. Via W alter.	2,500

37. Section 610.6051 *VOR civil airway No. 51* is added to read:

From—	To—	Minimum altitude
Chattanooga, Tenn. (VOR)	Crossville, Tenn. (VOR	5,000
Crossville, Tenn. (VOR)	Highway (INT), Tenn	5,000
Highway (INT), Tenn.	Campbellsville (INT), Ky.	[1] 5,000
Campbellsville (INT), Ky.	Louisville, Ky. (VOR)	[2] 3,000

[1] 3,000'—Minimum terrain clearance altitude.
[2] 2,800'—Minimum terrain clearance altitude.

38. Section 610.6092 *VOR civil airway No. 92* is amended to read in part:

From—	To—	Minimum altitude
Republic (INT), Ohio	Mansfield, Ohio (VOR)	2,500

39. Section 610.6106 *VOR civil airway No. 106* is amended to read in part:

From—	To—	Minimum altitude
Selinsgrove, Pa. (VOR)	Wilkes-Barre-Scranton, Pa. (VOR).	3,500

40. Section 610.6107 *VOR civil airway No. 107* is amended to read in part:

From—	To—	Minimum altitude
Coalinga, Calif. (VOR)	Oakland, Calif. (VOR)	2,000
Larry (INT), Calif.	Mount Hamilton (INT), Calif. (northbound only).	4,000
Mount Hamilton (INT), Calif	Mount Day (INT), (northbound only).	4,000
Mount Day (INT), Calif.	Mission (INT), Calif. (northbound only).	3,500
Mission (INT), Calif.	Oakland, Calif (VOR) (northbound only).	3,500

41. Section 610.6111 *VOR civil airway No. 111* is amended to read in part:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR)	Ford (INT), Pa	3,000
Ford (INT), Pa	Brookville (INT), Pa.	3,500

[1] 4,000'—Minimum reception altitude.

42. Section 610.6131 *VOR civil airway No. 131* is amended to read:

From—	To—	Minimum altitude
Ponca City, Okla. (VOR)	Cambridge (INT), Kans	3,500
Cambridge (INT), Kans.	Emporia, Kans. (VOR).	[1] 3,500
Cambridge (INT), Kans.	Ponca City, Okla. (VOR) (southwest bound only).	2,500

[1] 2,800'—Minimum terrain clearance altitude.
[2] 5,000'—Minimum reception altitude.

43. Section 610.6132 *VOR civil airway No. 132* is added to read:

From—	To—	Minimum altitude
Goodland, Kans. (VOR).	Great Bend (INT), Kans	[1] 8,500
Great Bend (INT), Kans.	Hutchinson, Kans (VOR).	[2] 8,000

[1] 8,000'—Minimum terrain clearance altitude.
[2] 5,200'—Minimum terrain clearance altitude.

44. Section 610.6136 *VOR civil airway No. 136* is added to read:

From—	To—	Minimum altitude
Pulaski, Va. (VOR)	Wirtz (INT), Va	5,500
Wirtz (INT), Va.	Penhook (INT), Va	5,000
Penhook (INT), Va.	Danville, Va. (VOR).	3,000

45. Section 610.6139 *VOR civil airway No. 139* is amended to read in part:

From—	To—	Minimum altitude
Lafayette (INT), R. I	Providence, R.I. (ILS localizer).	1,600
Providence, R. I. (ILS localizer).	Boston, Mass. (ILS localizer).	1,700

46. Section 610.6140 *VOR civil airway No. 140* is added to read:

From—	To—	Minimum altitude
Montebello, Va. (VOR)	Sperryville (INT), Va.	5,500
Sperryville (INT), Va.	Herndon, Va. (VOR)	3,000
Philadelphia, Pa. (ILS localizer).	Mount Holly (INT), N. J.	1,800
Mount Holly (INT), N. J.	Colts Neck, N. J. (VOR).	1,500

[1] 4,000'—Minimum crossing altitude at Sperryville (INT), southwest bound.

47. Section 610.6142 *VOR civil airway No. 142* is added to read:

From—	To—	Minimum altitude
Buffalo, N. Y. (VOR)	Medina (INT), N. Y.	2,000
Medina (INT), N. Y.	Rochester, N. Y. (VOR).	2,000

48. Section 610.6144 *VOR civil airway No. 144* is added to read:

From—	To—	Minimum altitude
Morgantown, W. Va. (VOR).	Front Royal, Va. (VOR).	5,000

49. Section 610.6146 *VOR civil airway No. 146* is added to read:

From—	To—	Minimum altitude
Poughkeepsie, N. Y. (VOR).	Bradley (INT), Conn.	3,000
Bradley (INT), Conn	Woodstock (INT), Conn.	[2] 3,500

[1] 3,500'—Minimum reception altitude.
[2] 2,500'—Minimum terrain clearance altitude.

50. Section 610.6147 *VOR civil airway No. 147* is added to read:

From—	To—	Minimum altitude
Allentown, Pa. (VOR).	Crystal Lake, Pa. (LF/RBN).	3,500
Crystal Lake, Pa. (LF/RBN).	Elmira, N. Y. (VOR).	4,000
Elmira, N. Y. (VOR).	Burns (INT), N. Y.	3,500
Burns (INT), N. Y.	Avon (INT), N. Y.	3,500
Avon (INT), N. Y.	Rochester, N. Y. (VOR).	2,000

[1] 3,000'—Minimum reception altitude.

51. Section 610.6149 *VOR civil airway No. 149* is added to read:

From—	To—	Minimum altitude
Allentown, Pa. (VOR).	Crystal Lake, Pa. (LF/RBN).	3,500
Crystal Lake, Pa. (LF/RBN).	Binghamton, N. Y. (VOR).	3,500

52. Section 610.6151 *VOR civil airway No. 151* is added to read:

From—	To—	Minimum altitude
Woonsocket (INT), Mass.	Millbury (INT), Mass.	2,000
Millbury (INT), Mass.	Gardner, Mass. (VOR).	3,000

53. Section 610.6153 *VOR civil airway No. 153* is added to read:

From—	To—	Minimum altitude
Stroudsburg (INT), Pa	Wilkes-Barre-Scranton, Pa. (VOR).	3,500

54. Section 610.6155 *VOR civil airway No. 155* is added to read:

From—	To—	Minimum altitude
Gordonsville, Va. (VOR).	Sperryville (INT), Va.	5,000
Sperryville (INT), Va.	Fort Royal, Va. (VOR).	5,000

[1] 4,000'—Minimum reception altitude.

55. Section 610.6157 *VOR civil airway No. 157* is added to read:

From—	To—	Minimum altitude
Lawrenceville, Va. (VOR).	Richmond, Va. (LFR).	1,500

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Intrepret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective April 20, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2785; Filed, Apr. 16, 1954; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

INCLUDING CERTAIN PELLETING OPERATIONS WITHIN DETERMINATION THAT ARTIFICIAL DRYING OF ALFALFA HAY AND SUBSEQUENT MANUFACTURE OF MEAL THEREFROM IS AN INDUSTRY OF A SEASONAL NATURE

On December 2, 1940, it was found that the artificial drying of alfalfa hay and the subsequent manufacture of meal therefrom is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act (5 F. R. 4801). Notice was published in the FEDERAL REGISTER on March 9, 1954 (19 F. R. 1321), that a prima facie case had been shown for amendment of the aforesaid determination to include the making of dehydrated alfalfa pellets which contain not more than 20 percent of ingredients other than alfalfa, during the period when dehydrating operations are carried on, when performed in a continuous series of operations with the dehydrating operations. A prima facie case had also been shown for including within the determination similar pelleting by dehydrating plants of an insubstantial amount of alfalfa which has

been dehydrated at other plants, when such pelleting is done while the dehydrating is in process. Interested persons were given 15 days from such date to file objection and request for hearing on this preliminary determination.

No objection and request for hearing has been received within the said 15 days.

Accordingly, pursuant to § 526.6 (b) (2) of the regulations contained in this part, the determination made on December 2, 1940, is amended to include the aforesaid pelleting operations. As amended, the determination will apply to the dehydrating of alfalfa and the subsequent manufacture of meal therefrom, and the following operations when performed at dehydrating plants during the period or periods when dehydrating operations are carried on: the making of dehydrated alfalfa pellets containing not more than 20 percent of ingredients other than alfalfa, including the pelleting of alfalfa dehydrated at other plants in any workweek when such pelleting constitutes no more than 20 percent of the pelleting volume; and any operations necessary or incident to the foregoing.

This determination shall become effective 30 days after publication in the FEDERAL REGISTER.

NOTE: This determination will be tabulated under § 526.101.

(52 Stat. 1060; 29 U. S. C. 201 et seq.)

Signed at Washington, D. C., this 9th day of April 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-2881; Filed, Apr. 16, 1954; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

SOUTHERN BRANCH, ELIZABETH RIVER, VIRGINIA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.153 is hereby prescribed establishing and governing the use and navigation of naval restricted areas in the Southern Branch of Elizabeth River, along and adjacent to Norfolk Naval Shipyard, St. Helena Annex and Southgate Terminal, as follows:

§ 207.153 *Elizabeth River, Southern Branch, Va., naval restricted areas*—(a) *The areas*—(1) *St. Helena Annex Area.* Beginning at a point at St. Helena Annex of the Norfolk Naval Shipyard, on the eastern shore of Southern Branch of Elizabeth River, at latitude 36°49'43", longitude 76°17'26.5"; thence in a southwesterly direction to a point on the eastern boundary of Norfolk Harbor 40-foot channel at latitude 36°49'42", longitude 76°17'33"; thence in a southerly direction along the eastern boundary of Norfolk Harbor 40-foot channel to latitude 36°49'28", longitude 76°17'27"; thence easterly to the shore at latitude 36°49'28", longitude 76°17'22"; and thence, northerly along the shore to the point of beginning.

(2) *Norfolk Naval Shipyard Area.* Beginning at a point on the shore at the northeast corner of the Norfolk Naval Shipyard, at latitude 36°49'43.5", longitude 76°17'41.5"; thence due east approximately 100 feet to the western boundary of Norfolk Harbor 40-foot channel; thence in a southerly direction along the western boundary of the channel to latitude 36°48'58", longitude 76°17'34.5"; thence southwesterly to latitude 36°48'46", longitude 76°17'43.5"; thence southeasterly to the western boundary of Norfolk Harbor 40-foot channel at the point where it passes through the draw of the Norfolk and Portsmouth Belt Line Railroad bridge; thence in a southwesterly direction along the northerly side of the bridge to the western shore of Southern Branch of Elizabeth River; and thence along the shore in a northerly direction to the point of beginning.

(3) *Southgate Terminal Area.* Beginning at a point at the northeast corner of Southgate Terminal Annex of Norfolk Naval Shipyard, at latitude 36°48'23", longitude 76°17'39"; thence east to latitude 36°48'23", longitude 76°17'29"; thence southerly along the western boundary of Norfolk Harbor 35-foot channel to latitude 36°48'04", longitude 76°17'33"; thence west to latitude 36°48'04", longitude 76°17'41"; and thence along the shore in a northerly direction to the point of beginning.

(b) *The regulations.* (1) No loitering within the areas will be permitted.

(2) This section shall be enforced by the Commander, Norfolk Naval Shipyard, Portsmouth, Virginia.

[Regs., April 6, 1954, 800.2121 (Elizabeth River, Va.)-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-2904; Filed, Apr. 16, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 23]

UNITED STATES STANDARDS FOR DRY WHEY [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of United States Standards for Dry Whey pursuant to the authority contained in the Agricultural Marketing Act, 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Director, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

DEFINITION

§ 23.1 *Dry whey.* "Dry whey" is the product resulting by spray drying sweet, fresh cheese whey which has been pasteurized either before or during the process of manufacture at a temperature of 143° F. for 30 minutes or its equivalent in bacterial destruction and to which no alkali or other chemical has been added.

U. S. GRADE

§ 23.2 *Nomenclature of the U. S. grade*—(a) *Nomenclature.* The nomenclature of the U. S. Grade is U. S. Extra.

§ 23.3 *Basis for determination of U. S. grade.* The U. S. grade of dry whey is determined hereunder on the basis of alkalinity of ash, flavor and odor, physical appearance, bacterial estimate, butterfat content, moisture content, solubility index and titratable acidity.

§ 23.4 *U. S. Grade*—(a) *U. S. Extra.* Dry whey conforms to the following requirements:

(1) Flavor and odor (applies equally to the reliquefied form): Free from non-whey flavors and odors.

(2) Physical appearance: Has a uniform light color; free from lumps that do not break up under moderate pressure; and practically free from brown and black scorched particles.

(3) Alkalinity of ash: Not more than 225 ml. 0.1N HCl per 100 grams.

(4) Bacterial estimate: Not more than 50,000 per gram.

(5) Butterfat content: Not more than 1.25 percent.

(6) Moisture content: Not more than 5.00 percent.

(7) Solubility index: Not more than 1.25 ml.

(8) Titratable acidity: Not more than 0.16 percent.

§ 23.5 *Test methods.* (a) The test methods contained in Methods of Laboratory Analyses for Dry Whole Milk and Non-fat Dry Milk Solids, United States Department of Agriculture, May 1951 (Mimeo.), obtained from Dairy Division, Agricultural Marketing Service, are used to determine bacterial estimate, butterfat content, moisture content, solubility index, and titratable acidity. Where applicable, the reconstituted basis shall be 6.5 g. dry whey to 10.0 ml. water.

(b) The test method for dry skim milk contained in paragraph 15.97, page 251, of the publication "Official Methods of Analysis of the Association of Official Agricultural Chemists" 7th edition, 1950, published by the Association of Official Agricultural Chemists, Post Office Box 540, Benjamin Franklin Station, Washington 4, D. C., is used to determine the alkalinity of ash.

(60 Stat. 1090; 7 U. S. C. 2624)

Done at Washington, D. C., this 14th day of April 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 54-2913; Filed, Apr. 16, 1954; 8:52 a. m.]

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[7 CFR Part 960]

[Docket No. AO-253]

HANDLING OF MILK IN AKRON, OHIO, MARKETING AREA

DETERMINATION THAT HEARING SHOULD NOT BE REOPENED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders, a public hearing was conducted during March 1-6, 1954, at Akron, Ohio, pursuant to notice thereof, which was issued on February 10, 1954 (19 F. R. 859).

Near the close of the hearing, Mr. Paul W. Walter, attorney, representing the Akron Pure Milk Company, orally submitted a motion that the Secretary reopen the hearing for the sole purpose of considering testimony relative to enlarging the marketing area.

It appears unnecessary that the hearing be reopened for this purpose. The reasons which support this conclusion include the fact that the Akron Pure Milk Company did not respond to an invitation made prior to issuance of the hearing notice to submit additional proposals. Other interested parties submitted proposed modifications for inclusion in the notice of hearing.

Producers objected to the motion on the grounds that marketing conditions required consideration of the issuance of an order at the earliest practicable date. Moreover, no showing was made, nor does it appear from the record, that extension of the marketing area beyond the limits of the territory specified in the notice of hearing is necessary to effectuate the declared purposes of the act.

Accordingly, it is hereby determined that the motion to reopen the hearing for the consideration of marketing area be and it is hereby denied without prejudice to the right of any interested party to request an amendment hearing for the purpose of extending the marketing area should an order be issued and made effective for any portion of the proposed area.

Issued at Washington, D. C., this 14th day of April 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2912; Filed, Apr. 16, 1954; 8:51 a. m.]

[7 CFR Part 928]

[Docket No. AO 227-A4]

HANDLING OF MILK IN NEOSHO VALLEY MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Twilight Lounge, Student Center, Kansas State Teachers College, Pittsburg, Kansas, beginning at 10:00 a. m., c. s. t., April 23, 1954, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Neosho Valley marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Neosho Valley marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order for the Neosho Valley marketing area have been proposed as follows:

By the K. M. O. Producers Association:

1. Amend § 928.8 (d) to read as follows:

(d) (1) Any cooperative association with respect to milk of producers which it causes to be diverted to an unapproved plant for the account of such association; (2) any cooperative association with respect to milk of producers which it causes to be diverted to an approved plant of another cooperative association for the account of the cooperative association making such diversions.

2. Add the following to § 928.11: "Skim milk and butterfat diverted under § 928.8 (d) (2) shall be classified as other source milk in the plant of the receiving cooperative."

By Dairy Division, Agricultural Marketing Service:

3. Amend § 928.44 (e) to read as follows:

(e) As Class II milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 250 miles from the square at Chanute, Kansas, and from which no Class I milk is disposed of, except that where such unapproved plant is operated by a person who is also a handler or an affiliate of a handler, (1) the market administrator shall be permitted to audit the records of receipts and utilization at such unapproved plant, and (2) to the extent that skim milk or butterfat is disposed of from such unapproved plant to any other milk plant in the form of milk, skim milk or cream, skim milk or butterfat so transferred or diverted to such unapproved plant shall be classified as if moved directly from the approved plant to such other milk plant.

4. Make such changes as may be required to make the entire order conform with any amendments thereto which may result from the hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 523½ North Broadway, Pittsburg, Kansas, or the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: April 15, 1954 at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2942; Filed, Apr. 16, 1954; 8:54 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is herbey given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. Section 814.

(1) Agreement No. 57-46, between the member lines of the Pacific Westbound Conference, modifies the appendix to basic agreement of that conference (No. 57) to provide that in addition to a member, the Chairman or Secretary-Manager may also request that a secret ballot be taken at general and special meetings of the Conference.

(2) Agreement No. 7969, between Compagnie Generale Transatlantique and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Le Havre and Bordeaux, France and Antwerp, Belgium to Puerto Rico, with transshipment at New York, Baltimore or Norfolk.

Interested parties may inspect these agreements and obtain copies thereof at

the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 14, 1954.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 54-2918; Filed, Apr. 16, 1954; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

PAUL VAN DEN STOCK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Paul Van den Stock, Woluwe, St. Lambert, Belgium, Claim No. 37334: property described in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943) relating to United States Letters Patent No. 2,167,096.

Executed at Washington, D. C., on April 12, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2905; Filed, Apr. 16, 1954; 8:50 a. m.]

CLOTILDE FIORETTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Clotilde Fioretti a/k/a Clotilde Stagi, Montuolo, Italy, Claim No. 42919; Vesting Order No. 4939; all right, title, interest and claim of any kind or character whatsoever of Clotilde Stagi in and to the Estate of Luigi Stagi, deceased, and in and to the trust created under the will of Luigi Stagi, deceased; in the process of administration by the Bank of America National Trust and Savings Association, as Executor, acting under the judicial supervision of the Superior Court of the State of California in and for the County of Alameda.

Executed at Washington, D. C., on April 12, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2906; Filed, Apr. 16, 1954; 8:50 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Gen. Order 72, Rev.]

REQUESTS FOR RELEASE AND AUTHENTICATION OF MATERIAL IN DEPARTMENTAL RECORDS

By virtue of and pursuant to the authority vested in me by the act of March 4, 1913 (37 Stat. 736, 5 U. S. C. 611), R. S. 161 (5 U. S. C. 22), and Reorganization Plan No. 6 of 1950 (15 F. R. 3174, 64 Stat. 1263, 5 U. S. C. 611, note), General Order No. 72, as published in the April 3, 1954 issue of the FEDERAL REGISTER (19 F. R. 1915), is hereby revised: *And it is ordered:*

1. The Solicitor of Labor is authorized to perform the functions of the Secretary under § 2.9 of Part 2 of Title 29 of the Code of Federal Regulations, relating to requests for withdrawal of originals and copies of documents from Departmental records.

2. The Under Secretary and the Administrative Assistant Secretary are designated as Authentication Officers of the Department of Labor and each is authorized to perform the functions of such officer as described in § 2.10 of Part 2 of Title 29 of the Code of Federal Regulations.

JAMES P. MITCHELL,
Secretary of Labor.

APRIL 13, 1954.

[F. R. Doc. 54-2892; Filed, Apr. 16, 1954; 8:48 a. m.]

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Elder Manufacturing Co., Bloomfield, Mo., effective 4-13-54 to 4-12-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' wearing apparel).

Jane Evans Frocks, Inc., Front and Chestnut Streets, Souderton, Pa., effective 4-9-54 to 10-5-54; 5 learners for normal labor turnover purposes (replacement certificate) (ladies' and misses' dresses).

Henry Garment Co., Inc., 166 Garnett Street SW., Atlanta, Ga., effective 4-8-54 to 4-7-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers).

G. H. Hess, Inc., 1420 Market Street, Wheeling, W. Va., effective 4-9-54 to 4-8-55; 5 learners for normal labor turnover purposes (ladies' dresses and uniforms).

Horter Manufacturing Co., Inc., 222 South Santa Fe, El Paso, Tex., effective 4-6-54 to 4-5-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (juvenile sportswear).

Howard-Lange Manufacturers, Hillcrest, Route 119, Connellsville, Pa., effective 4-16-54 to 4-15-55; 10 learners for normal labor turnover purposes (men's and boys' trousers).

Jan Garment Co., 54 South Pennsylvania Avenue, Wilkes-Barre, Pa., effective 4-7-54 to 4-6-55; 5 learners for normal labor turnover purposes (dresses).

LaCrosse Sportswear Corp., LaCrosse, Va., effective 4-9-54 to 4-8-55; 10 percent of the total number of productive factory workers for normal labor turnover purposes (shirts).

Marion Manufacturing Corp., Marion, Va., effective 4-23-54 to 4-22-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas).

Mode O'Day Corp., 401 West Twenty-third Street., Fremont, Nebr., effective 4-7-54 to 4-6-55; 10 learners for normal labor turnover purposes (dresses).

Mode O'Day Corp., 59 South First West, Logan, Utah, effective 4-7-54 to 4-6-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Norann Manufacturing Co., Inc., 140 East Center Street, Nesquehoning, Pa., effective 4-9-54 to 4-8-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Orchid Blouse Co., Inc., 1100 Penn Avenue, Scranton, Pa., effective 4-23-54 to 4-22-55; 10 learners for normal labor turnover purposes (blouses).

H. A. Satin & Co., Inc., 121 North Middle Street, Grayville, Ill., effective 4-25-54 to 4-24-55; 10 learners for normal labor turnover purposes (dresses).

J. Ben Shapiro Manufacturing Co., Senoia, Ga., effective 4-9-54 to 4-8-55; 6 learners for normal labor turnover purposes (boys' slacks and pants).

Shreveport Garment Manufacturers, 410-420 Commerce Street, Shreveport, La., effective 4-12-54 to 10-11-54; 15 learners for plant expansion purposes (men's and boys' dungarees, etc.).

Steingut Dress Co., 228 Everhart Street, Dupont, Pa., effective 4-22-54 to 4-21-55; 5 learners for normal labor turnover purposes (dresses).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Churchill-Swanson Manufacturing Co., 544 North Pearl Street, Centralia, Wash., effective 4-14-54 to 4-13-55; 10 learners for normal labor turnover purposes (work gloves).

Tennessee Glove Co., Inc., Tullahoma, Tenn., effective 4-21-54 to 4-20-55; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Philadelphia, Miss., effective 3-31-54 to 3-30-55; 10 percent of the total number of employees engaged in machine stitching operations, for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Crossville Hosiery Co., Inc., Crossville, Tenn., effective 4-6-54 to 4-5-55; 4 learners for normal labor turnover purposes.

Elizabeth City Hosiery Mills, Elizabeth City, N. C., effective 4-9-54 to 4-8-55; 5 percent of the total number of productive factory workers for normal labor turnover purposes.

Lawlor Hosiery Mills, Inc., 53 Bradley Street, Carrollton, Ga., effective 4-12-54 to 4-11-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Ragan Knitting Co., Inc., 7 Cox Avenue, Thomasville, N. C., effective 4-14-54 to 4-13-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Spalding Knitting Mills, East Broad Street, Griffin, Ga., effective 4-7-54 to 4-6-55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Taylor Manufacturing Co., Greensburg Road, Campbellsville, Ky., effective 4-22-54 to 4-21-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Palm Beach Co., Bourne Avenue, Somerset, Ky., effective 4-19-54 to 4-18-55; 7 percent of the total number of factory production workers for normal labor turnover purposes. Machine operators (except cutting), hand sewers, pressers; each 480 hours at least 65 cents an hour for the first 240 hours and at least 70 cents an hour for the remaining 240 hours (palm beach coats).

The following special learner certificate was issued to the school-operated industry listed below:

Monterey Bay Academy, P. O. Box 191, Watsonville, Calif., effective 4-9-54 to 8-31-54; trellis shop—Millmen and other related skilled and semiskilled occupations including incidental clerical work in shop; 30 learners; 200 hours at 60 cents per hour, 150 hours at 65 cents per hour, 150 hours at 70 cents per hour.

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Cidra Knitting Mills, Inc., Cidra, P. R., effective 3-30-54 to 9-29-54; 28 learners: inspecting and examining, 240 hours at 30 cents an hour; knitting, looping, mending, repairing (fixers); each 240 hours at 30 cents an hour, 240 hours at 35 cents an hour (infants' hosiery)

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 12th day of April 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-2882; Filed, Apr. 16, 1954; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6507]

CURREY AIR TRANSPORT, LTD., ET AL.; FAMILY PLAN FARES

NOTICE OF HEARING

In the matter of the proposals of Currey Air Transport Limited, Great Lakes Airlines, Inc., and Monarch Air Service to establish Family Plan Fares.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on April 26, 1954, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., April 13, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-2910; Filed, Apr. 16, 1954; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10967, 10968, 10969, 10970]

COMMUNITY TELEVISION CO. ET AL.

STATEMENT AND ORDER CONTINUING HEARING

In re applications of M. J. Montesano, J. C. Stigemeier, C. C. Grimm and G. E. Adema, d/b as Community Television Company, Buffalo, New York, Docket No. 10967, File No. BPCT-1793; Great Lakes Television, Inc., Buffalo, New York, Docket No. 10968, File No. BPCT-1812; Leon Wyszatycki, d/b as Greater Erie Broadcasting Company, Buffalo, New York, Docket No. 10969, File No. BPCT-1827; WKBW-TV, Inc., Buffalo, New York, Docket No. 10970, File No. BPCT-1841; for construction permits for new television stations.

1. The above-entitled applications were designated for hearing in a consolidated proceeding by the Commission on March 24, 1954. Pursuant to § 1.813 of the Commission's rules an informal prehearing conference was held on April 1, 1954. At that time there was discussion as to the techniques and procedures to be followed with the expectation of conducting the hearing as rapidly and efficiently as possible. The scheduled date for the commencement of the hearing is April 23, 1954. The parties were required to exchange the data called for by the Commission's order of October 14, 1953 on April 8, 1954.

2. As a result of the discussions held on April 1, 1954, a joint motion was filed on April 7, 1954, by counsel for Great Lakes Television, Inc., Greater Erie Broadcasting Company and WKBW-TV, Inc., which requests a continuance of the dates for exchanging basic information and for the hearing conference which is to be held pursuant to § 1.841 of the rules. Community Television Company and the Broadcast Bureau have been advised of the contents of the motion, they have agreed to waive the time limitations set forth in § 1.745 of the rules and have consented to the granting of the motion in full. The motion recites the following procedural steps which have been approved by the parties:

a. On April 21, 1954, all parties shall submit their requests to the other parties for additional data which they may desire.

b. Not later than April 26, 1954, any objections to the above requests shall be filed.

c. On May 17, 1954 the data called for by the Commission's order of October 14, 1953, all information requested by the other parties to the proceeding, and all exhibits constituting each applicant's affirmative case shall be exchanged among the parties except such exhibits as may be prepared on the basis of the requests for additional data.

d. On May 25, 1954 the parties shall exchange their points of reliance.

e. On May 27, 1954 the hearing conference pursuant to § 1.841 shall be held subject to such change in date as may be required if any of the counsel or the Examiner in this proceeding shall attend the convention of the National Association of Radio and Television Broadcasters to be held in Chicago, Illinois from May 23 through May 27.

f. Any additional exhibits based upon the additional information requested on April 21 shall be exchanged among the parties three days prior to the date on which the taking of testimony shall commence.

3. It is a commonly known fact that applicants are often reluctant to divulge details of their proposals in advance of Hearing beyond the bare essentials required in the Commission's order of October 14, 1953, and the so-called McFarland letter. Understandably they feel that revelation of substantial information about their cases prior to the time points of reliance are drafted may place them at a disadvantage unless all other

applicants furnish comparable information in like detail. It is the purpose of the procedure proposed by the applicants in this case to overcome this reluctance. All of the affirmative cases will be divulged in the prehearing stages of the proceeding. The applicant who fails to set forth any facts upon which he expects to rely will, of course, do so at his peril. At the April 1 conference it was agreed, however, that oral testimony would be permitted for the purpose of explaining exhibits but that such testimony could not vary or add to the exhibit information.

4. As a consequence of the applicants' decision to present all of the exhibits in their affirmative cases on the day when they exchange the data requested by the McFarland letter, they have reasonably asked for more time in which to prepare this material. While delays in the commencement of a hearing are not ordinarily to be encouraged, the expressed purpose for this delay with its consequent promise of great time saving once the hearing is begun is sufficient to justify a continuance. It must also be noted that postponement of the formal conference date will, in all likelihood, have no effect on delaying the taking of testimony so that there will be no time lost ultimately in concluding the proceeding.

5. *Therefore it is ordered*, This 9th day of April 1954, that the joint motion herein referred to is granted; and

6. *It is further ordered*, That the date for the commencement of the hearing in this proceeding is continued from April 23, 1954, to May 27, 1954, with the attendant continuance of the date for exchanging basic data relating to the affirmative cases of each party from April 8, 1954, to May 17, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2908; Filed, Apr. 16, 1954; 8:51 a. m.]

[Docket Nos. 10980, 10981]

KFJI BROADCASTERS AND KLAMATH FALLS TELEVISION, INC.

ORDER CONTINUING PRE-HEARING

In re applications of KFJI Broadcasters, Klamath Falls, Oregon, Docket No. 10980, File No. BPCT-1299; Klamath Falls Television, Inc., Klamath Falls, Oregon, Docket No. 10981, File No. BPCT-1620; for construction permits for new television stations.

At the request of counsel for the applicants in the above-entitled proceeding, and with the concurrence of counsel for the Chief of the Broadcast Bureau,

It is hereby ordered, That the prehearing conference, pursuant to § 1.813 of the Commission's rules, heretofore scheduled for April 14, 1954, is continued to Tuesday, April 20, 1954, at 10:00 a. m., such conference to be held in the Commission's office at Washington, D. C.

Dated: April 13, 1954.

Released April 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2909; Filed, Apr. 16, 1954; 8:51 a. m.]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

FEES FOR LICENSING AND RELATED ACTIVITIES

REVISED SCHEDULE

Notice was given in the FEDERAL REGISTER of January 29, 1954 (19 F. R. 514), of a proposed schedule of fees for the purpose of recovering the cost of issuing permits for work in navigable waters of the United States. The schedule has been revised after careful consideration of all comments received and a revised fee schedule, proposed to become effective July 1, 1954, is published below:

REVISED FEE SCHEDULE

Group	Classification	Fee per permit
1	Structures or work such as piers or landings, aerial or submarine cables, pipelines, moorings and icebreaker cells, pile clusters, dredging, dumping, fishing structures, jetties, pumping plants, oil well structures, structures for geophysical operations, or any other similar structures or work in any navigable water of the United States.	$5 when no notice required. $25 when only public notice required. $50 when public hearing required.
2	Structures such as bridges, dams, causeways, tunnels over or under any navigable water of the United States.	$50 when only public notice required. $100 when public hearing required.
3	Revised plans and extensions of time of permits and instruments of approval of plans.	Dependent upon action required, 50 percent of appropriate fee set forth above for group 1 or 2.

PRACTICE AND PROCEDURE

(a) *Exemptions.* No charges will be made for permits issued to charitable nonprofit organizations, and Federal, State and other public agencies.

(b) *Applicability.* (1) A fee will be charged only when an actual permit is required and issued for the performance of any of the work indicated above. The fee covers only the cost of issuing the permit and does not include any charges for inspection costs. The schedule of fees does not change in any respect existing practice and procedure in the issuance of permits or the charging for inspection costs. No permits will be required that were not heretofore required.

(2) The fee schedule contemplates a single payment, i. e., a Department permit to construct a pier carries with it the authority to maintain as authorized in proper repair.

(3) The fee covers all the work authorized, i. e., a permit to dredge and dispose of dredged material in designated areas shall be charged only a single fee, subject to subparagraph (1) of this paragraph.

(4) If the application is denied, the fee will be returned to the applicant with the letter disapproving his request.

(5) Under the Department's rules of practice and procedure District Engineers are not required to issue a public notice for such minor structures or work as in their opinion could offer no obstruction and to which there could be no objection from the standpoint of navigation. In all other cases a public notice is mandatory and a public hearing shall be held when necessary to develop all the facts and to afford interested parties full opportunity to be heard. In the event a public notice is issued and a public hearing is then found necessary, the fee paid for the public notice will be credited toward the fee for a public hearing.

(c) *Payment of fees.* (1) Upon receipt of an application the District Engineer will advise the applicant of the applicable fee as determined by the fee schedule. Full payment must be made and in no case will an application be processed prior to such payment.

(2) Payment may be made in legal tender, postal money order, or check payable to The Treasurer of the United States. All fees collected will be paid into the Treasury as miscellaneous receipts by the District Engineer.

(3) Receipts will be furnished only upon request in the case of payments in cash made in person. Sending of cash through the mails is entirely at the risk of the sender.

(d) *Effective date.* The schedule of fees shall take effect and apply to all applications received on and after July 1, 1954.

Any interested party may present such written comments and suggestions, in duplicate, as to the level and form of the proposed fees as he may desire to the Chief of Engineers, Corps of Engineers, U. S. Army, Building T-7, Washington 25, D. C., Attention: ENGWO, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-2889; Filed, Apr. 16, 1954; 8:47 a. m.]

Office of the Secretary

SECRETARY OF THE ARMY

DELEGATION OF AUTHORITY WITH RESPECT TO SETTLEMENT OF CLAIMS ARISING FROM THE ACTIVITIES IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS OF FORCES AND CIVILIAN COMPONENTS OF OTHER NATO NATIONS

By virtue of the authority vested in me as Secretary of Defense, I hereby authorize the Secretary of the Army, or his designee for the purpose, to receive, adjudicate, and pay, or take appropriate action concerning claims cognizable under Article VIII of NATO Status of Forces Agreement arising out of the activities of the military forces and civilian components of parties to the said agreement in the United States, its territories and possessions.

C. E. WILSON,
Secretary of Defense.

APRIL 9, 1954.

[F. R. Doc. 54-2880; Filed, Apr. 16, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. ID-892, ID-919, ID-1095, ID-1096]

JOHN A. WOODBRIDGE ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

APRIL 13, 1954.

In the matters of John A. Woodbridge, Docket No. ID-892; R. E. Moody, Docket No. ID-919; Charles H. Tenney, II, Docket No. ID-1095; Dudley Sanford, Docket No. ID-1096.

Notice is hereby given that on April 12, 1954, the Federal Power Commission issued its orders adopted April 7, 1954, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54 2883; Filed, Apr. 16, 1954; 8:46 a. m.]

[Project No. 1477]

ATOLIA MINING CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (TRANSMISSION LINE)

APRIL 13, 1954.

Notice is hereby given that the Federal Power Commission issued its order adopted April 7, 1954, accepting surrender of license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2884; Filed, Apr. 16, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3210]

COLUMBIA GAS SYSTEM, INC.

ORDER PERMITTING AMENDED DECLARATION TO BECOME EFFECTIVE

APRIL 13, 1954.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, having filed a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, regarding a proposed offer by Columbia to its stockholders of the right to purchase $50,000,000 principal amount of __ percent Subordinated Debentures ("Subordinated Debentures"); convertible into shares of common stock, without par value, of Columbia on and after January 1, 1955 to and including December 31, 1958, except that only $25,000,000 principal amount will be accepted for conversion during the year 1955.

The proposed rights offering will be made to stockholders of record on or about April 21, 1954, and will give such stockholders the right to subscribe, at a price equal to 100 percent of the principal amount thereof, for Subordinated Debentures at the rate of $100 principal amount for each 36 shares of common stock held of record. The subscription rights will be evidenced by Transferable Registered Warrants which will be issued to stockholders.

Columbia's offer to its stockholders is to be underwritten and public invitations for sealed bids will be made on or about April 13, 1954, for the purchase of the unsubscribed Subordinated Debentures at the principal amount thereof. Columbia will notify the prospective bidders prior to the time specified for the opening of bids of the interest rate, the redemption prices and the price at which the Subordinated Debentures may be converted into common stock.

A public hearing having been held after appropriate notice, the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That said declaration, as amended, be, and hereby is permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24, and to the further condition that a bid for the purchase of the $50,000,000 principal amount of Subordinated Debentures by Columbia shall not be accepted until the interest rate, conversion price and redemption prices to be fixed for the Subordinated Debentures shall have been made a matter of record in this proceeding and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved with respect to the reasonableness of all fees and expenses incurred in connection with the proposed transactions including fees of underwriter's counsel.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-2888; Filed, Apr. 16, 1954; 8:47 a. m.]

[File No. 70-3223]

ARKANSAS POWER & LIGHT CO.

ORDER GRANTING APPLICATION REGARDING ISSUE AND SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING

APRIL 13, 1954.

Arkansas Power & Light Company ("Arkansas"), an electric utility company and a subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application, and an amendment thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder regarding the following proposed transaction:

Arkansas proposes to issue and sell at competitive bidding 70,000 shares of a new series of preferred stock, par value $100 per share, to provide a portion of the $25,000,000 it contemplates extending in 1954 for the construction of new facilities and the extension and improvement of its present facilities to provide service for its customers. Such series of preferred stock is to be created out of a new class of 250,000 shares of preferred stock proposed to be authorized by an amendment of the Certificate of Consolidation of Arkansas which was approved by an order of the Commission dated February 19, 1954 (Holding Company Act Release No. 12370).

The dividend rate of such preferred stock, to be a multiple of 1/4 of 1, and the price to be paid to the company, to be not less than $100 nor more than $102.75 per share, plus accrued dividends, will be fixed by proposals to be invited by the company pursuant to the requirements of Rule U-50. The company will reserve the right to reject any or all proposals at or after the opening thereof.

Arkansas has stated that no State Commission, other than the Arkansas Public Service Commission, and no Federal regulatory agency, other than this Commission, has any jurisdiction over the proposed transaction. The issue and sale of such preferred stock has been expressly authorized by the Arkansas commission.

The fees and commissions to be incurred in connection with the issue and sale of such preferred stock, except underwriting discounts and commissions, are estimated by Arkansas as follows:

Federal stamp tax	$7,700
Filing fee: Securities and Exchange Commission	719
Fees of transfer agent and registrar	1,750
Fees of company's counsel:	
House, Moses & Holmes	4,350
Reid & Priest	8,500
Expenses	100
Auditor's fees: Haskins & Sells	2,500
Printing and engraving	17,700
Miscellaneous	6,881
Total	50,100

The fees ($6,500) and disbursements (estimated at not more than $500) of White & Case, counsel for the purchasers, are to be paid by the successful bidders.

Arkansas requests that the Commission's order becomes effective pursuant to Rule U-23 under the act, and requests that there be no waiting period between the date of the Commission's order and its effective date.

Due notice having been given of the filing of said application and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and it appearing to the Commission that the estimated fees and expenses are not unreasonable, provided they do not exceed

the amounts estimated, and that the application should be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2886; Filed, Apr. 16, 1954; 8:46 a. m.]

[File No. 812-855]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND TAUNTON PEARL WORKS

NOTICE OF APPLICATION FOR EXEMPTION OF TRANSACTION BETWEEN AFFILIATES

APRIL 12, 1954.

Notice is hereby given that American Research and Development Corporation ("Research"), a registered closed-end non-diversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 requesting an order exempting from the provisions of section 17 (a) (2) of the act the purchase by Taunton Pearl Works ("Taunton") of 810 shares (30 percent) of its common stock owned by Research.

The principal business of Research is investigation and research with respect to new or existing enterprises, processes and products, and the furnishing of capital, by purchase of securities or otherwise, to companies (particularly small businesses) engaged in the conduct or development of new or existing enterprises, processes and products. Taunton, a manufacturer of jewelry novelties, is also engaged in military subcontracting for the production of small arms components.

The purchase by Taunton of its stock from Research is an integral part of certain transactions, the development of which is summarized as follows:

In January 1952 Research loaned Taunton $250,000 on its 5 percent note due July 15, 1953. The note was guaranteed by Richard S. Robie and secured by a pledge of all the outstanding Taunton stock except 405 shares (15 percent) received by Research as additional compensation for the loan. Subsequently the Taunton note was extended to December 31, 1952. The note was again extended to June 30, 1953, and for this second extension Research received an additional 405 shares (15 percent) of the common stock of Taunton out of the pledged stock. At the time of the original loan Richard S. Robie was the beneficial owner of all the outstanding stock of Taunton and at that time there were no officers, directors, or employees common to Taunton and Research. Subsequently, however, the Vice President of Research became a director of Taunton and intends to remain on Taunton's board until the described transactions are completed, although he left the employ of Research, effective December 1, 1953.

On June 30, 1953, the Taunton note became due and was unpaid. On September 24, 1953, Research accepted in payment thereof under an escrow arrangement, since discharged, $150,000 in cash and a note for $100,000 bearing interest at 5 percent and payable as follows: $50,000 on December 26, 1953; and $12,500 on March 31, June 30, September 30 and December 31, 1954. At the same time and under the same escrow arrangement Research accepted (1) in payment of interest on the $250,000 Taunton note a 5 percent note of Taunton in the sum of $20,833.33 payable quarterly on the last days of March, June, September and December, 1954, and (2) in payment of management and consulting fees due and payable to Research by Taunton a $20,000 5 percent note of Taunton payable quarterly on the same dates. The $100,000 note and the $20,833.33 note were unconditionally guaranteed by Richard S. Robie, and all the outstanding stock of Taunton other than the 810 shares or 30 percent owned by Research were pledged as security for said notes. The $20,000 note is not guaranteed or secured.

The transactions described in the preceding paragraph were in contemplation of Research's divestment of all its interest in Taunton, and at the same time and as an integral part of those transactions, Research agreed to sell and Taunton agreed to buy the 810 shares of Taunton common stock owned by Research for the sum of $12,631.80. Research states that the price of $12,631.80 for the Taunton stock is based upon the value per books of Taunton as of a date in the negotiations between Taunton and Research earlier than June 30, 1953, but Taunton's position had not changed materially during the intervening period. Research had carried the 810 shares of Taunton stock on its books at $.25 per share or $202.50 as of June 30, 1953, although as of September 30, 1953, Research revalued said stock at $15.594 per share or $12,631 in the light of the agreement with Taunton. In the absence of any market for Taunton stock book value on the books of Taunton was selected as the basis for the purchase. The 810 shares are to be held by Taunton as Treasury stock and are not to be reissued until all present indebtedness or any renewal or extension thereof has been paid in full.

Research and Taunton are, by definition, affiliated persons of each other under the act; hence Taunton is prohibited by the provisions of section 17 (a) (2) of the act from purchasing shares of its common stock from Research unless the Commission grants the application pursuant to section 17 (b) of the act.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, including an affiliate of such a person, from selling any security or other property to such registered company or to any company controlled by such registered company, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a) of the act and finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of anyone concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act and is consistent with the general purposes of the act.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission at Washington, D. C.

Notice is further given that any interested person may, not later than April 26, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2885; Filed, Apr. 16, 1954; 8:46 a. m.]

[File No. 70-3226]

WEST PENN POWER CO.

ORDER REGARDING ISSUE AND SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

APRIL 13, 1954.

West Penn Power Company, a registered holding company and a public-utility subsidiary company of The West Penn Electric Company, also a registered holding company, having filed with this Commission an application-declaration pursuant to either sections 6 (b) or 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, regarding certain transactions, which are summarized as follows:

The Company proposes to issue and sell for cash after competitive bidding pursuant to Rule U-50, $12,000,000 principal amount of its First Mortgage Bonds Series P.

The net proceeds from the sale of the Series P Bonds are to be used by the Company for the construction of property additions and improvements.

The Series P Bonds are to be issued under the Indenture dated March 1, 1916, as amended and supplemented, between the Company and The Chase National Bank of the City of New York, as Trustee, and an indenture supplemental thereto to be dated as of April 1, 1954; are to be dated as of March 1, 1916 (as required by the Indenture); and are to mature on April 1, 1984. The price to the Company for the bonds (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) and the coupon rate (which shall be a multiple of ⅛ percent) will be determined by the competitive bidding.

The application-declaration, as amended, states that the issue and sale of the bonds has been expressly authorized by the Pennsylvania Public Utility Commission, the State commission of the State in which applicant is organized and doing business.

Fees and expenses of West Penn Power Company are estimated as follows:

Price, Waterhouse & Co., independent accountants:	
Fees	$1,750.00
Expenses	26.64
Sullivan & Cromwell, counsel:	
Fees	10,000.00
Expenses	200.00
Printing	10,000.00
Charges of trustee	6,700.00
Federal stamp tax	13,200.00
Registration fee	1,248.00
Postage and other incidental expenses	1,852.00
Total	44,976.64

The fees and expenses of Simpson Thacher & Bartlett, counsel for the successful bidders, are estimated at $6,000 for fees and $75 for expenses, which amounts are to be paid by the successful bidders.

Notice of the filing of said application-declaration having been given in the manner prescribed by Rule U-23 and a hearing thereon not having been requested of or ordered by the Commission; and

The Commission finding that the applicable provisions of the act and the rules thereunder are satisfied, that it is not necessary to impose terms and conditions other than those set forth below, that the fees and expenses, if they do not exceed the estimates, are not unreasonable, and that the application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and Rule U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2887; Filed, Apr. 16, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29120]

CASTOR POMACE FROM TAFT, TEX., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Castor pomace, in packages or in bulk, carloads.

From: Taft, Texas.

To: Specified points in southern territory.

Grounds for relief: Rail competition, circuity, market competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 152.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2850; Filed, Apr. 15, 1954; 8:48 a. m.]

[4th Sec. Application 29124]

FERTILIZER SOLUTIONS FROM VICKSBURG AND YAZOO, MISS., TO BRIGGS, IND.

APPLICATION FOR RELIEF

APRIL 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer ammoniating solution and fertilizer nitrogen solution, in tank-car loads.

From: Vicksburg and Yazoo City, Miss.

To: Briggs, Ind.

Grounds for relief: Rail competition, circuity, market competition, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2854; Filed, Apr. 15, 1954; 8:49 a. m.]

[4th Sec. Application 29125]

ANHYDROUS AMMONIA FROM WYANDOTTE, MICH., TO WHITEWATER, WIS.

APPLICATION FOR RELIEF

APRIL 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, carloads and tank-car loads.

From: Wyandotte, Mich.

To: Whitewater, Wis.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4370, supp. 78.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2855; Filed, Apr. 15, 1954; 8:49 a. m.]

[4th Sec. Application 29127]

COAL FROM TENNESSEE TO GEORGIA AND SOUTH CAROLINA

APPLICATION FOR RELIEF

APRIL 13, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Coal, carloads.

From: N. C. & St. L. Ry. Mines and shipping points in Tennessee.

To: Points on the Seaboard Air Line R. R. in the States of Georgia and South Carolina.

Grounds for relief: Rail competition, circuity, market competition, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1403, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2857; Filed, Apr. 15, 1954; 8:49 a. m.]

[4th Sec. Application 29128]

SUPERPHOSPHATE FROM SOUTHERN TERRITORY TO LA PLATA, MO.

APPLICATION FOR RELIEF

APRIL 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated or defluorinated, in bulk, carloads.

From: Points in southern territory.

To: La Plata, Mo.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1286, supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2858; Filed, Apr. 15, 1954; 8:49 a. m.]

[4th Sec. Application 29129]

SUPERPHOSPHATE FROM SOUTHERN TERRITORY TO ARKANSAS AND MISSOURI

APPLICATION FOR RELIEF

APRIL 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated or defluorinated, in bulk, or in bulk in bags, barrels or boxes, carloads.

From: Points in southern territory.

To: Blytheville and Walport, Ark., and Sikeston, Mo.

Grounds for relief: Rail competition, circuity, market competition, to maintain grouping, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1286, supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2894; Filed, Apr. 16, 1954; 8:48 a. m.]

[4th Sec. Application 29130]

FERTILIZER FROM NORFOLK, VA., TO POINTS IN VIRGINIA

APPLICATION FOR RELIEF

APRIL 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic and Danville Railway Company and Southern Railway Company.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Norfolk, Va.

To: Points in Virginia.

Grounds for relief: Competition with rail carriers, circuitous routes, and to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1267, supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2895; Filed, Apr. 16, 1954; 8:48 a. m.]

[4th Sec. Application 29131]

TOILET PREPARATIONS, DRUGS AND MEDICINES FROM PERTH AMBOY, N. J. TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

APRIL 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Toilet preparations, drugs and medicines, etc.

From: Perth Amboy, N. J.

To: Kansas City, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor-rail, carriers.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-970, supp. 28.

Any interested person desiring the Commission to hold a hearing upon

such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2896; Filed, Apr. 16, 1954; 8:48 a. m.]

[4th Sec. Application 29132]

ANTHRACITE COAL FROM PENNSYLVANIA TO NEW YORK

APPLICATION FOR RELIEF

APRIL 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company for itself and on behalf of carriers parties to Anthracite to New York Points, 243 I. C. C. 572.

Commodities involved: Anthracite coal, viz.: pea, buckwheat No. 1 and No. 2 and smaller sizes, carloads.

From: Mines in Pennsylvania.

To: Baychester, New Rochelle, Pelham Manor, Mt. Vernon, and Woodlawn, N. Y.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2897; Filed, Apr. 16, 1954; 8:48 a. m.]

[4th Sec. Application 29133]

FERTILIZER SOLUTIONS FROM THE SOUTHWEST TO ILLINOIS, WISCONSIN, MISSOURI AND IOWA

APPLICATION FOR RELIEF

APRIL 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Nitrogen fertilizer solution and fertilizer ammoniating solution, in tank-car loads.

From: Specified points in southwestern territory.

To: Specified points in Illinois and southern Wisconsin, St. Louis, Mo., and Dubuque, Ia.

Grounds for relief: Rail competition, circuity, market competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 150.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2898; Filed, Apr. 16, 1954; 8:49 a. m.]

[4th Sec. Application 29134]

WOODEN FENCE POSTS FROM HOUSTON, TEX., TO POINTS IN COLORADO, IOWA, KANSAS, MISSOURI AND NEBRASKA

APPLICATION FOR RELIEF

APRIL 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fence posts, wooden, carloads.

From: Houston, Texas.

To: Points in Colorado, Iowa, Kansas, Missouri and Nebraska.

Grounds for relief: Rail competition, circuity, to maintain grouping, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3985, supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2899; Filed, Apr. 16, 1954; 8:49 a. m.]

[4th Sec. Application 29135]

ANHYDROUS AMMONIA FROM HOUSTON, TEX., LAKE CHARLES AND WEST LAKE CHARLES, LA., TO SHEFFIELD, ALA.

APPLICATION FOR RELIEF

APRIL 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Houston, Tex., Lake Charles and West Lake Charles, La.

To: Sheffield, Ala.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 153.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2900; Filed, Apr. 16, 1954; 8:49 a. m.]

[4th Sec. Application 29136]

FIBREBOARD BOXES FROM MUSKOGEE, OKLA., TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

APRIL 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Boxes, fibreboard, carloads.

From: Muskogee, Okla.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4063, supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2901; Filed, Apr. 16, 1954; 8:49 a. m.]

[4th Sec. Application 29137]

CEMENT FROM DEWEY, OKLA., TO COFFEYVILLE, KANS.

APPLICATION FOR RELIEF

APRIL 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for the Atchison, Topeka and Santa Fe Railway Company.

Commodities involved: Cement, in carloads.

From: Dewey, Okla.

To: Coffeyville, Kans.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3815, supps. 57 and 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commision.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2902; Filed, Apr. 16, 1954; 8:49 a. m.]

[4th Sec. Application 29138]

LATEX FROM NAUGATUCK, CONN., TO NEWELL AND ROCKY MOUNT, N. C.

APPLICATION FOR RELIEF

APRIL 14, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and Frank Van Ummersen, Agents, for carriers parties to schedule listed below.

Commodities involved: Latex (liquid crude rubber), carloads and tankcar loads.

From: Naugatuck, Conn.

To: Newell and Rocky Mount, N. C.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origin and destination.

Schedules filed containing proposed rates: Frank Van Ummersen, Agent, I. C. C. No. 610, supp. 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2903; Filed, Apr. 16, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 76

Washington, Tuesday, April 20, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10526

TRANSFERRING CERTAIN LANDS IN MISSISSIPPI FROM THE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF THE ARMY

By virtue of the authority vested in me by section 32 of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522, 525; 7 U. S. C. 1011), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, the following-described lands, acquired and administered under Title III of the Bankhead-Jones Farm Tenant Act, are hereby transferred, together with any improvements thereon, to the Department of the Army for use, administration, and disposition in connection with the Grenada Dam and Reservoir Project, Mississippi:

A strip of land of varying width and one parcel of land lying and being situated in sections 25, 35, and 36, Township 24 North, Range 5 East, and in sections 2 and 3, Township 23 North, Range 5 East, Yalobusha Land Utilization Project, MS–LU–21, in Yalobusha County, Mississippi, more particularly described in four parts as follows:

PART 1B

A strip of land on each side of a center line being described as: Beginning at Station 227+44 on the north boundary of the SW ¼ of section 25, from which point the interior quarter section corner bears East, 217 feet distant, the north boundary of the SW ¼ being the north boundary of the strip of land herein described, and also being the southerly line of the property conveyed by Ed. Berry, *et al*, to the Chicago, St. Louis, and New Orleans Railroad Company, by deed dated May 22, 1948, run thence 50 feet on each side of the said center line, S. 30°23′ W., to Station 252+00; thence 75 feet on each side of the said center line, S. 30°23′ W., to Station 259+00; thence 50 feet on each side of the said center line, S. 30°23′ W., to Station 289+11 on the south boundary of the NE ¼ of section 35, from which point the southeast corner of the NE ¼ bears East, 781 feet distant, the said south boundary being the south boundary of the strip of land herein described; containing 14.96 acres, more or less.

PART 2B

A strip of land on each side of a center line being described as: Beginning at Station 299+15 on the east boundary of the NW¼ SE¼ of section 35, from which point the southeast corner of the NW¼SE¼ bears south, 498 feet distant, the said east boundary being the east boundary of the strip of land herein described, run thence 75 feet on each side of the said center line with a 1°00′ curve to the right, said curve being subtended by a chord that bears S. 42°15′ W., to Station 305+86 on the south boundary of the NW¼SE¼, from which point the southeast corner of the NW¼SE¼ bears East, 438 feet distant, the said south boundary being the south boundary of the strip of land herein described; containing 2.30 acres, more or less.

PART 3B

A strip of land on each side of a center line being described as: Beginning at Station 317+34 on the east boundary of the SW¼ of section 35, from which point the southeast corner of the SW¼ bears south, 549 feet distant, the said east boundary being the east boundary of the strip of land herein described, run thence 75 feet on each side of the said center line with a 1°00′ curve to the right to Station 327+90; thence continuing with said curve 150 feet to the north and 75 feet to the south to Station 328+50 on the south boundary of section 35, the said curve being subtended by a chord that bears S. 62°41′ W., the south boundary of section 35 being the south boundary of the strip of land herein described; containing 4.43 acres, more or less.

PART 4B

(1) A strip of land on each side of a center line being described as: Beginning at Station 331+90 on the east boundary of the W ½ NW ¼ of section 2, from which point the northwest corner of section 2 bears N. 84°05′ W., 1,330 feet distant, the said east boundary being the east boundary of the strip of land herein described, run thence 150 feet to the north of and 200 feet to the south of the said center line along a 1°00′ curve to the right to a P. T. at Station 335+45.06, the said curve being subtended by a chord that bears S. 72°27′ W.; thence 150 feet to the north and 200 feet to the south of the said center line, S. 74°13′ W., to Station 336+00; thence 200 feet on each side of the said center line, S. 74°13′ W., to Station 340+00; thence 200 feet to the north and 115 feet to the south of the said center line, S. 74°13′ W., to Station 342+00; thence 200 feet to the north

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Titles 30–31 ($1.00)

Title 33 ($1.25)

Titles 44–45 ($0.75)

Previously announced: Title 3, 1953 Supp. ($1.50); Title 8 ($0.35); Titles 10–13 ($0.50); Title 16 ($1.00); Title 18 ($0.45); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, the position listed below is added to § 6.323.

§ 6.323 *Department of Health, Education, and Welfare.* • • •

(d) *Office of Education.* • • •

(3) One Special Assistant to the Commissioner of Education.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 639; E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-2956; Filed, Apr. 19, 1954; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO226-A3-RO1]

PART 925—MILK IN THE PUGET SOUND, WASHINGTON MILK MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 925.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient

Station 401+84 on the west boundary of the NW ¼ of section 3, from which point the southwest corner of the NW ¼ bears south, 750 feet distant, the said section line being the west boundary of the strip of land herein described; containing 35.75 acres, more or less. (2) A tract or parcel of land comprising that part of the NW ¼ of section 3, Township 23 North, Range 5 East, Yalobusha County, Mississippi, described as follows: Beginning at the southwest corner of the NW ¼ of section 3, run thence with the west boundary of section 3, north, 580 feet to the south right-of-way limits of the Illinois Central Railroad; run thence with said south right-of-way limits, N. 74°13' E; 2805 feet, to a point located on the east boundary of said NW ¼ of section 3; run thence with said east boundary, south, 1380 feet, to the southeast corner of said NW ¼ of section 3; run thence with the south boundary of said NW ¼ of section 3, West, 2710 feet, to the point of beginning; containing 61.0 acres, more or less.

The above-described lands aggregate approximately 118.44 acres.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 17, 1954.

[F. R. Doc. 54-3025; Filed, Apr. 19, 1954; 11:52 a. m.]

quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this amendatory order effective May 1, 1954. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the orderly marketing of available milk supplies. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk in the Puget Sound, Washington, marketing area. The provisions of the said amendatory order are well known to handlers and producers, the public hearing having been held on August 10–11, 1953, and February 10, 1954, and a final decision on the amendment provisions having been issued March 25, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendatory order for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who during the determined representative period (January 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the last two sentences in § 925.6 (definition of "marketing area") and substitute therefor the following: "'District No. 1' of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, Thurston, and Grays Harbor. 'District No. 2' of the marketing area shall include that part of the marketing area lying within Whatcom County. 'District No. 3' of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific, and 'District No. 4' of the marketing area shall include that part of the marketing area lying within Skagit County."

2. Delete § 925.13 and substitute therefor the following:

§ 925.13 *Producer milk.* "Producer milk" or "milk received from producers" means milk qualified as described in § 925.12 and either received directly from a farm at a fluid milk plant or country plant or caused to be diverted by a handler for his account from such plant to a non-pool plant: *Provided*, That prior to August 1, 1954, milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted: *And provided further*, That on and after August 1, 1954, any such milk either diverted to a non-pool plant or transferred pursuant to § 925.44 (a) (5) or (b) (5) shall be deemed to have been received by the diverting (or transferor) handler at the plant from which it was diverted (or so transferred), except that the application of §§ 925.53 and 925.81 to any such milk shall be made on the basis of the location of the plant of actual physical receipt, subject to the following conditions:

(a) Producer milk which is physically received from a farm at a plant(s) in one price district on not less than 60 percent of the days of its delivery during the month shall be priced as if received in such price district during the entire month;

(b) Producer milk which (1) was qualified under paragraph (a) of this section in one price district in each month during any August-December period, or (2) was not qualified under subparagraph (1) of this paragraph but which was delivered to a plant(s) in one price district on not less than 60 percent of the days of delivery from the date of first delivery of such milk through March 31, shall be priced during the next following April-June period as if received in such price district; and

(c) For purposes of applying the provisions of paragraphs (a) and (b) of this section in the case of a producer on every-other-day delivery, the days of non-delivery shall be considered as days of delivery.

3. Delete the language of § 925.44 through paragraph (a) (3) and substitute therefor the following:

§ 925.44 *Interplant movements.* Skim milk and butterfat transferred as any item specified in § 925.41 (a) (1) from a fluid milk plant or country plant to another plant shall be assigned (separately) to each class, in the following manner:

(a) From a country plant or fluid milk plant to a fluid milk plant: As Class I milk to the extent Class I milk is available at the transferee plant, subject to the following provisions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other handlers at the transferor plant, such excess shall be assigned last to the Class I available at the transferee plant;

(2) If more than one transferor plant is involved, the available Class I milk shall be assigned to the transferor plants in the following order:

(i) To fluid milk plants located in District No. 1;

(ii) To country plants located in District No. 1 or in the counties of Kitsap and Mason;

(iii) To fluid milk plants located in District No. 4;

(iv) To country plants located in District No. 4;

(v) To fluid milk plants located in District No. 2;

(vi) To country plants located in District No. 2;

(vii) To fluid milk plants not located in District No. 1, District No. 4, District No. 2, or the counties of Kitsap and Mason;

(viii) To country plants not located in District No. 1, District No. 4, District No. 2, or the counties of Kitsap and Mason;

(3) If Class I is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph, the transferee handler may designate, within each of the eight categories of plants listed in such subparagraph, the plant(s) to which the available Class I milk shall be assigned.

4. Delete the language of § 925 44 (b) (2) and (3) and substitute therefor the following:

(2) If more than one transferor plant is involved, the available Class II milk shall be assigned to the transferor plant in the following order:

(i) To country plants not located in District No. 1, District No. 4, District No. 2, or the counties of Kitsap and Mason;

(ii) To fluid milk plants not located in District No. 1, District No. 4, District No. 2, or the counties of Kitsap and Mason;

(iii) To country plants in District No. 2;

(iv) To fluid milk plants in District No. 2;

(v) To country plants in District No. 4;

(vi) To fluid milk plants in District No. 4;

(vii) To country plants located in District No. 1 or in the counties of Kitsap and Mason; and

(viii) To fluid milk plants located in District No. 1 or in the counties of Kitsap and Mason.

(3) If Class II milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph, the transferee handler may designate, within each of the eight categories of plants listed in such subparagraph, the plant(s) to which the available Class I milk shall be assigned.

5. Delete § 925.53 and substitute therefor the following:

§ 925.53 *Location adjustments to handlers on Class I milk.* In computing the value of each handler's milk pursuant to § 925.70 the following location adjustments shall be credited with respect to each hundredweight of skim milk and butterfat, respectively, in producer milk received (including milk diverted or transferred without prior physical receipt in accordance with the provisions of § 925.13) at a plant not located in District No. 1 or in the counties of Kitsap and Mason and classified as Class I milk: 45 cents at any plant located in Clallam or Jefferson Counties; 30 cents at any plant located in District No. 2; 20 cents at any plant located in District No. 4; and 40 cents at any other plant located outside of District No. 1 and the counties of Kitsap and Mason.

6. Delete § 925.70 (a) (6) and (b) and substitute therefor the following:

(6) Add, with respect to other source milk (including overage allocated to other source milk) received at each fluid milk plant and country plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District No. 1 or in the counties of Kitsap or Mason, such difference shall be reduced as follows: 45 cents at any such plant located in Clallam or Jefferson Counties, 30 cents at any plant located in District No. 2, 20 cents at any plant located in District No. 4, and 40 cents at any other plant located outside of District No. 1 or the counties of Kitsap or Mason.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was restricted to Districts Nos. 2, 3, or 4, such difference shall be reduced by 30 cents, 40 cents and 20 cents per hundredweight, respectively.

7. Delete § 925.81 through paragraph (a) and substitute therefor the following:

§ 925.81 *Location adjustment to producers.* In making payments to producers pursuant to § 925.80 (a) (1) and subject to the application of § 925.13 the following adjustments for location are applicable:

(a) Deductions may be made per hundredweight of base milk received from producers as follows: 45 cents at plants located in Clallam and Jefferson Counties, 30 cents at plants located in District No. 2, 20 cents at plants located in District No. 4, and 40 cents at other plants located outside of District No. 1 and the counties of Kitsap and Mason.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 15th day of April to be effective on and after the 1st day of May 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54–2959; Filed, Apr. 19, 1954; 8:52 a. m.]

[Lemon Reg. 532, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.639 (Lemon Regulation 532, 19 F. R. 2082) are hereby amended to read as follows:

(ii) District 2, 350 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 15th day of April 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54–2960; Filed, Apr. 19, 1954; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 25]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 1367, as amended), which contains a notice of the areas in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines such areas because of said disease, is hereby amended by adding a new paragraph (j) to read as follows:

(j) *Michigan:* That area consisting of Kimball, Port Huron, and Wales Townships in St. Clair County.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes the area specified in said new paragraph (j) of § 76.27, within the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR Part 76, Subpart B, as amended (18 F. R. 3636, as amended), will apply to such area.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 8, 23 Stat. 22, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 14th day of April 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-2961; Filed, Apr. 19, 1954; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Amdt. 3-12; Civil Air Regulations]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1954.

A study of the administrative portions of Part 3 of the Civil Air Regulations indicates that they do not set forth in sufficient detail and clarity the scope of the part and the choice of regulations applicable to issuance of and changes in type certificates. This has caused some difficulty in the administration of the regulations with respect to these matters. This amendment is concerned mainly with setting forth clearly the scope of the part, § 3.0, and those regulations that are applicable to the issuance of and change to a type certificate. It also makes several other minor changes.

Although no basic change in policy from that followed in the past is contemplated, this amendment specifies in more detail the prerogatives of the applicant in choosing the regulations. It should be noted that the rules regarding the designation of applicable regulations, § 3.11, apply not only to a new airplane type for which application for a type certificate is made but also to any type irrespective of the date of original application for a type certificate. For example, the provisions which require, or which permit the applicant to elect, compliance with newer regulations would be effective not only to new type airplanes but also to all existing types certificated under this part. This provision in no way negates the long standing rule that, except in unusual cases, the airplane need not comply with any regulations made effective subsequent to the date of application for a type certificate. A significant clarification is being made which defines those changes in an airplane type which are sufficiently extensive to warrant treating it as a new type. Another important change is the establishment of a time limitation of 3 years for the effectiveness of an application for type certification. The amendments to the other administrative provisions, §§ 3.12, 3.13, and 3.19, also include minor changes for purposes of clarification. In addition to the proposed changes to the administrative provisions of Part 3, two other changes are being made with respect to combustion heaters and fire precautions for cabin interiors (§ 3.388), which are considered minor in nature.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 3 of the Civil Air Regulations (14 CFR, Part 3, as amended) effective May 18, 1954.

1. By amending § 3.0 to read as follows:

§3.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of and changes to type certificates for normal, utility, and acrobatic category airplanes. This part, until superseded or rescinded, shall apply to all airplanes for which applications for type certification under this part were made between the effective date of this part (November 13, 1945) and March 31, 1953. For applications for a type certificate made after March 31, 1953, this part shall apply only to airplanes which have a maximum weight of 12,500 pounds or less.

2. By amending § 3.11 to read as follows:

§ 3.11 *Designation of applicable regulations.* The provisions of this section shall apply to all airplane types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the airplane shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on May 1, 1954, such three-year period shall commence on that date. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter, a change to a type certificate (see § 3.13 (b)) may be accomplished, at the option of the holder of the type certificate, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 3.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation of the airplane, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 3.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

NOTE: Examples of new or redesigned components and installations which might require compliance with regulations in effect on the date of application for approval, are: New powerplant installation which is likely to introduce additional fire or operational hazards unless additional protective measures are incorporated; the installation of an auto-pilot or a new electric power system.

(e) If changes listed in subparagraphs (1) through (3) of this paragraph are made, the airplane shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in the number of engines;

(2) A change to engines employing different principles of operation or propulsion;

(3) A change in design, configuration, power, or weight which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

3. By amending § 3.12 to read as follows:

§ 3.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 3.11.)

4. By amending § 3.13 (b) by deleting the parenthetical reference "(See also § 3.11 (a).)" at the end of the paragraph.

5. By amending § 3.13 by adding a new paragraph (c) to read as follows:

§ 3.13 *Type certificate.* • • •

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 3.12 shall be considered as incorporated in the type certificate as though set forth in full.

6. By amending § 3.19 to read as follows:

§ 3.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 3.11 (d) and (e), and Part 1 of this subchapter.)

7. By amending § 3.388 (a) by deleting the second sentence and inserting in lieu thereof the following: "In compartments where smoking is to be permitted, the wall and ceiling linings, the covering of all upholstering, floors, and furnishings shall be flame-resistant."

8. By amending § 3.388 (b) to read as follows:

§ 3.388 *Fire precautions.* • • •

(b) *Combustion heaters.* If combustion heaters are installed, they shall be of an approved type. The installation shall comply with applicable parts of the powerplant installation requirements covering fire hazards and precautions. All applicable requirements concerning fuel tanks, lines, and exhaust systems shall be considered.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1001, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-2965; Filed, Apr. 19, 1954; 8:53 a. m.]

[Amdt. 4b-1, Civil Air Regulations]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1954.

A study of the administrative portions of Part 4b of the Civil Air Regulations indicates that they do not set forth in sufficient detail and clarity the scope of the part and the choice of regulations applicable to issuance of and changes in type certificates. This has caused some difficulty in the administration of the regulations with respect to these matters. This amendment is concerned mainly with setting forth clearly the scope of the part, § 4.0, and those regulations that are applicable to the issuance of and change to a type certificate. It also makes several other changes.

Although no basic change in policy from that followed in the past is contemplated, this amendment specifies in more detail the prerogatives of the applicant in choosing the regulations. It should be noted that the rules regarding the designation of applicable regulations, § 4b.11, apply not only to a new airplane type for which application for type certificate is made but also to all types irrespective of the date of original application for a type certificate. For example, the provisions which require, or which permit the applicant to elect, compliance with newer regulations would be effective not only to new type airplanes but also to all existing types certificated under this part. This provision in no way negates the long standing rule that, except in unusual cases, the airplane need not comply with any regulations made effective subsequent to the date of application for a type certificate. A significant clarification is being made which defines those changes in an airplane type which are sufficiently extensive to warrant treating it as a new type. Another important change is the establishment of a time limitation of 5 years for the effectiveness of an application for type certification. The amendments to the other administrative provisions, §§ 4.12, 4.13, and 4.19, also include minor changes for purposes of clarification.

The presently effective regulations provide for the location of the pilot and his controls and instruments with respect to the plane of rotation of the propellers, etc. Since in certain instances the airworthiness regulations require flight crew personnel in addition to the pilot, these provisions (§§ 4b.350, 4b.351, and 4b.353) are being amended to make them applicable to the minimum flight crew which is required for safe operation of the airplane.

Part 4b does not contain specific criteria for the installation of reversible propeller control systems. This amendment adds § 4b.407 which requires the application of the principle of fail-safe design to propeller reversing systems in newly certificated transport category airplanes. The intent of the rule is to preclude unwanted reversing of the propeller during normal or emergency operation in case of a single failure or malfunction of the system. It is also intended that single failures or malfunctions be considered in conjunction with manipulation of the controls by the pilot, and that failure of primary structural parts, the occurrence of which is expected to be extremely remote, need not be considered.

A change is being made to the requirements which establish the power supply needed for operation of equipment, systems, and installations during normal and power failure conditions. The change makes clear that the essential power load requirements under power failure conditions may be reduced in conjunction with a monitoring procedure and, for the two-engine-inoperative condition, permits taking into account for power supply requirements only those loads which are necessary for controlled flight.

Several additional changes of relatively minor nature are being made with the intent of clarifying the regulations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 4b of the Civil Air Regulations (14 CFR, Part 4b, as amended) effective May 18, 1954:

1. By amending § 4b.0 by deleting the words "a type certificate and inserting in lieu thereof the words "and changes to type certificates".

2. By amending § 4b.11 to read as follows:

§ 4b.11 *Designation of applicable regulations.* The provisions of this section shall apply to all airplane types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the airplane shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds five years, a new application for type certificate shall be required, except that for applications pending on May 1, 1954, such five-year period shall commence on that date. At the option of the applicant, a new application may be filed prior to the expiration of the five-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 4b.13 (b)) may be accomplished, at the option of the holder of the type certificate, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 4b.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation of the airplane, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 4b.13 (c) do not provide complete

standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

NOTE: Examples of new or redesigned components and installations which might require compliance with regulations in effect on the date of application for approval, are: New powerplant installation which is likely to introduce additional fire or operational hazards unless additional protective measures are incorporated; the installation of an auto-pilot, a pressurization system, or a new electric power system.

(e) If changes listed in subparagraphs (1) through (3) of this paragraph are made, the airplane shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application for type certificate shall be required and the regulations effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in the number of engines;

(2) A change to engines employing different principles of operation or propulsion;

(3) A change in design, configuration, power, or weight which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

3. By amending § 4b.12 to read as follows:

§ 4b.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 4b.11.)

4. By amending § 4b.13 (b) by deleting the parenthetical reference: "(See also § 4b.11 (a).)" at the end of the paragraph.

5. By amending § 4b.13 by adding new paragraph (c) to read as follows:

§ 4b.13 *Type certificate.* • • •

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 4b.12 shall be considered as incorporated in the type certificate as though set forth in full.

6. By amending § 4b.19 to read as follows:

§ 4b.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 4b.11 (d) and (e), and Part 1 of this subchapter.)

7. By amending § 4b.350 by adding the following general paragraph preceding paragraph (a):

§ 4b.350 *Pilot compartment; general.* All references to flight crew in §§ 4b.350 through 4b.353 shall mean the minimum flight crew established in accordance with § 4b.720.

8. By amending § 4b.350 (a) to read as follows:

§ 4b.350 *Pilot compartment; general.* • • •

(a) The arrangement of the pilot compartment and its appurtenances shall provide safety and assurance that the flight crew will be able to perform all of their duties and operate the controls in the correct manner without unreasonable concentration and fatigue.

9. By amending § 4b.350 (b) by deleting the words "pilots" and inserting in lieu thereof the words "flight crew".

10. By amending § 4b.351 (a) (2) by deleting the words "pilot's vision" and inserting in lieu thereof the words "the flight crew's normal duties".

11. By amending § 4b.353 (c) by deleting in two instances the word "pilots'" and inserting in lieu thereof the words "flight crew's".

12. By amending § 4b.362 (e) (7) by adding the word "approved" at the beginning of the phrase "means shall be provided to assist the occupants in descending to the ground".

13. By adding a new § 4b.407 to read as follows:

§ 4b.407 *Propeller reversing system.* The propeller reversing system, if installed, shall be such that no single failure or malfunctioning of the system during normal or emergency operation will result in unwanted travel of the propeller blades to a position substantially below the normal flight low-pitch stop. Failure of structural elements need not be considered if occurrence of such failure is expected to be extremely remote.

14. By amending § 4b.604 (m) by deleting the words "engine cylinder displacement" and inserting in lieu thereof the words "cylinder displacement of the engine".

15. By amending § 4b.606 (c) by adding a new subparagraph (4) to read as follows:

§ 4b.606 *Equipment, systems, and installations.* • • •

(c) *Power supply.* • • •

(4) In determining the probable operating combinations and durations of essential loads for the partial power failure conditions prescribed in subparagraphs (2) and (3) of this paragraph, it shall be permissible to assume that the power loads are reduced in accordance with a monitoring procedure which is consistent with safety in the types of operations authorized. If a particular load is not required to maintain controlled flight it need not be considered for the two-engine-inoperative condition on airplanes with four or more engines as prescribed in subparagraph (3) of this paragraph.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 606, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2966; Filed, Apr. 19, 1954; 8:54 a. m.]

[Amdt. 5-2, Civil Air Regulations]

PART 5—GLIDER AIRWORTHINESS

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1954.

A study of the administrative portions of Part 5 of the Civil Air Regulations indicates that they do not set forth in sufficient detail and clarity the scope of the part and the choice of regulations applicable to issuance of and changes in type certificates. This has caused some difficulty in the administration of the regulations with respect to these matters. This amendment is concerned mainly with setting forth clearly the scope of the part, § 5.0, and those regulations that are applicable to the issuance of and change to a type certificate.

Although no basic change in policy from that followed in the past is contemplated, this amendment specifies in more detail the prerogatives of the applicant in choosing the regulations. It should be noted that the rules regarding the designation of applicable regulations (§ 5.11) apply not only to a new glider type for which application for a type certificate is made but also to all types irrespective of the date of original application for a type certificate. For example, the provisions which require, or which permit the applicant to elect, compliance with newer regulations would be effective not only to new type gliders but also to all existing types certificated under this part. This provision in no way negates the long standing rule that, except in unusual cases, the glider need not comply with any regulations made effective subsequent to the date of application for a type certificate. A significant clarification is being made which will require that when sufficiently extensive changes are made in a glider type, it shall be treated as a new type. Another important change is the establishment of a time limitation of 3 years for the effectiveness of an application for type certification. The amendments to the other administrative provisions, §§ 5.12, 5.13, and 5.19, also include minor changes for purposes of clarification.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 5 of the Civil Air Regulations (14 CFR, Part 5, as amended) effective May 18, 1954.

1. By amending § 5.0 by inserting the words "and changes to" between the words "issuance of" and "type certificates" and by adding the following date in parentheses "(March 5, 1952)" after the phrase "effective date of this part".

2. By amending § 5.11 to read as follows:

§ 5.11 *Designation of applicable regulations.* The provisions of this section shall apply to all glider types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the glider shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on May 1, 1954, such three-year period shall commence on that date. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 5.13 (b)) may be accomplished, at the option of the holder of the type certificate, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 5.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation of the glider, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 5.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

(e) If a change in design, configuration, or weight is made which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations, the glider shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

3. By amending § 5.12 to read as follows:

§ 5.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 5.11.)

4. By amending § 5.13 (b) by deleting the parenthetical reference "(See also § 5.11 (a).)" at the end of the paragraph.

5. By amending § 5.13 by adding new paragraph (c) to read as follows:

§ 5.13 *Type certificate.* • • •

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 5.12 shall be considered as incorporated in the type certificate as though set forth in full.

6. By amending § 5.19 to read as follows:

§ 5.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 5.11 (d) and (e), and Part 1 of this subchapter.)

(Sec. 205; 52 Stat. 934; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2967; Filed, Apr. 19, 1954; 8:54 a. m.]

[Amdt 6-6, Civil Air Regulations]

PART 6—ROTORCRAFT AIRWORTHINESS

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1954.

A study of the administrative portions of Part 6 of the Civil Air Regulations indicates that they do not set forth in sufficient detail and clarity the scope of the part and the choice of regulations applicable to issuance of and changes in type certificates. This has caused some difficulty in the administration of the regulations with respect to these matters. This amendment is concerned mainly with setting forth clearly the scope of the part, § 6.0, and those regulations that are applicable to the issuance of and change to a type certificate. It also makes several other changes.

Although no basic change in policy from that followed in the past is contemplated, this amendment specifies in more detail the prerogatives of the applicant in choosing the regulations. It should be noted that the rules regarding the designation of applicable regulations, § 6.11, apply not only to a new rotocraft type for which application for a type certificate is made but also to all types irrespective of the date of original application for a type certificate. For example, the provisions which require, or which permit the applicant to elect, compliance with newer regulations would be effective not only to new type rotorcraft but also to all existing types certificated under this part. This provision in no way negates the long standing rule that, except in unusual cases, the rotorcraft need not comply with any regulations made effective subsequent to the date of application for a type certificate. A signifiant clarification is being made which defines those changes in a rotorcraft type which are sufficiently extensive to warrant treating it as a new type. Another important change is the establishment of a time limitation of 3 years for the effectiveness of an application for type certification. The proposed amendments to the other administrative provisions, §§ 6.12, 6.13, and 6.19, also include minor changes for purposes of clarification.

Currently effective § 6.103 (a) requires a rotor blade high-pitch limiting device designed to prevent the rotor rpm from dropping below a safe minimum. Difficulty has been encountered in complying with this requirement as it is presently worded. When the limiting device is set at sea level at relatively low temperature conditions it limits the use of full available power at higher altitudes and temperatures. In order to overcome the difficulty which has been encountered with the language and retain the original intent of the regulations, this amendment permits the use of means, other than a high-pitch limiting device, to accomplish the intended results.

Presently effective requirements with respect to the rotor drive and control mechanism endurance tests do not specify the condition in which the various parts must be at the conclusion of the tests in order to be considered acceptable. The intent of these provisions, § 6.412 (a), is being made clear by requiring that all parts be in serviceable condition at the conclusion of the tests.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 6 of the Civil Air Regulations (14 CFR, Part 6, as amended) effective May 18, 1954:

1. By amending § 6.0 by inserting the words "and changes to" between the words "issuance of" and "type certificates", and by adding the following date in parentheses "(May 24, 1946)" after the phrase "effective date of this part".

2. By amending § 6.11 to read as follows:

§ 6.11 *Designation of applicable regulations.* The provisions of this section shall apply to all rotorcraft types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the rotorcraft shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on May 1, 1954, such three-year period shall commence on that date. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 6.13 (b)) may be accomplished, at the option of the holder of the type certificate, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 6.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation of the rotorcraft, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 6.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

NOTE: Examples of new or redesigned components and installations which might require compliance with regulations in effect on the date of application for approval, are: New powerplant installation which is likely to introduce additional fire or operational hazards unless additional protective measures are incorporated; the installation of a new rotor system or a new electric power system.

(e) If changes listed in subparagraphs (1) through (3) of this paragraph are made, the airplane shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in the number of engines or rotors;

(2) A change to engines or rotors employing different principles of operation or propulsion;

(3) A change in design, configuration, power, or weight which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

3. By amending §6.12 to read as follows:

§ 6.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 6.11.)

4. By amending § 6.13 (b) by deleting the parenthetical reference: "(See also § 6.11 (a).)" at the end of the paragraph.

5. By amending § 6.13 by adding new paragraph (c) to read as follows:

§ 6.13 *Type certificate.* • • •

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 6.12 shall be considered as incorporated in the type certificate as though set forth in full.

6. By amending § 6.19 to read as follows:

§ 6.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 6.11 (d) and (e), and Part 1 of this subchapter.)

7. By amending § 6.103 (a) by deleting the last two sentences and inserting in lieu thereof the following: "A means shall be provided to prevent rotational speeds substantially less than the approved minimum rotor rpm in any flight condition with full throttle and with pitch control of the main rotor(s) in the high-pitch position. It shall be acceptable for such means to allow the use of higher pitch in an emergency, provided that the means incorporate provisions to prevent inadvertent transition from the normal operating range to the higher-pitch angles."

8. By amending § 6.412 (a) by adding at the end of the paragraph the following sentence: "At the conclusion of the endurance testing, all parts shall be in a serviceable condition."

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2968; Filed, Apr. 19, 1954; 8:54 a. m.]

[Amdt. 13-2, Civil Air Regulations]

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1954.

A study of the administrative portions of Part 13 of the Civil Air Regulations includes that they do not set forth in sufficient detail and clarity the scope of the part and the choice of regulations applicable to issuance of and changes in type certificates. This has caused some difficulty in the administration of the regulations with respect to these matters. This amendment is concerned mainly with setting forth clearly the scope of the part, § 13.0, and those regulations that are applicable to the issuance of and change to a type certificate.

Although no basic change in policy from that followed in the past is contemplated, this amendment specifies in more detail the prerogatives of the applicant in choosing the regulations. It should be noted that the rules regarding the designation of applicable regulations, § 13.11, apply not only to a new engine type for which application for a type certificate is made but also to all types irrespective of the date of original application for a type certificate. For example, the provisions which require, or which permit the applicant to elect, compliance with newer regulations would be effective not only to new type engines but also to all existing types certificated under this part. This provision in no way negates the long standing rule that, except in unusual cases, the engine need not comply with any regulations made effective subsequent to the date of application for a type certificate. A significant clarification is being made which defines those changes in an engine type which are sufficiently extensive to warrant treating it as a new type. Another important change is the establishment of a time limitation of 3 years for the effectiveness of an application for type certification. The amendments to the other administrative provisions, §§ 13.12, 13.13, and 13.19, also include minor changes for the purposes of clarification.

The present requirements do not sufficiently define the conditions under which accelerations and decelerations must be accomplished. This amendment makes clear that in performing these operations the power control lever must be moved from one extreme position to the other in not more than one second. An exception is made to allow as long as two seconds for propeller turbines where more than one regime of control lever motion is scheduled. The change also makes clear that accelerations or decelerations, whichever the case may be, must be accomplished in changing power settings during the take-off and idling operations tests.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 13 of the Civil Air Regulations (14 CFR Part 13, as amended) effective May 18, 1954:

1. By amending § 13.0 by inserting the words "and changes too" between the words "issuance of" and "type certificates", and by adding the following date in parentheses "(August 20, 1938)" after the phrase "effective date of this part".

2. By amending § 13.11 to read as follows:

§ 13.11 *Designation of applicable regulations.* The provisions of this section shall apply to all engine types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the engine shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on May 1, 1954, such three-year period shall commence on that date. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator, pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 13.13 (b)) may be accomplished, at the option of the holder of the type certificate, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 13.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a major component of the engine, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 13.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

(e) If changes listed in subparagraphs (1) and (2) of this paragraph are made, the engine shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in the principle of operation;

(2) A change in design, configuration, power limitations, or speed limitations, which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

3. By amending § 13.12 to read as follows:

§ 13.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 13.11.)

4. By amending § 13.13 (b) by deleting the parenthetical reference: "(See also § 13.11 (a).)" at the end of the sentence.

5. By amending § 13.13 by adding a new paragraph (c) to read as follows:

§ 13.13 *Type certificate.* • • •

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 13.12 shall be considered as incorporated in the type certificate as though set forth in full.

6. By amending § 13.19 to read as follows:

§ 13.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 13.11 (d) and (e), and Part 1 of this subchapter.)

7. By amending § 13.254 (a) by adding after the first sentence the following sentence: "In changing the power setting after each period, the power-control lever shall be moved in the manner prescribed in paragraph (f) of this section."

8. By amending § 13.254 (f) by adding at the end of the paragraph the following sentence: "In complying with the provisions of this paragraph the power-control lever shall be moved from one extreme position to the other in not more than 1 second, except where different regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time shall be acceptable but in no case shall this time exceed 2 seconds."

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply §§ 601, 603; 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2969; Filed, Apr. 19, 1954; 8:54 a. m.]

[Amdt. 14-2, Civil Air Regulations]

PART 14—AIRCRAFT PROPELLER AIRWORTHINESS

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1954.

A study of the administrative portions of Part 14 of the Civil Air Regulations indicates that they do not set forth in sufficient detail and clarity the scope of the part and the choice of regulations applicable to issuance of and changes in type certificates. This has caused some difficulty in the administration of the regulations with respect to these matters. This amendment is concerned mainly with setting forth clearly the scope of the part, § 14.0, and those regulations that are applicable to the issuance of and change to a type certificate.

Although no basic change in policy from that followed in the past is contemplated, this amendment specifies in more detail the prerogatives of the applicant in choosing the regulations. It should be noted that the rules regarding the designation of applicable regulations, § 14.11, apply not only to a new propeller type for which application for a type certificate is made but also to all types irrespective of the date of original application for a type certificate. For example, the provisions which require, or which permit the applicant to elect, compliance with newer regulations would be effective not only to new type propellers but also to all existing types

certificated under this part. This provision in no way negates the long standing rule that, except in unusual cases, the propeller need not comply with any regulations made effective subsequent to the date of application for a type certificate. A significant clarification is being made which defines those changes in a propeller type which are sufficiently extensive to warrant treating it as a new type. Another important change is the establishment of a time limitation of 3 years for the effectiveness of an application for type certification. The amendments to the other administrative provisions, §§ 14.12, 14.13, and 14.19, also include minor changes for the purposes of clarification.

In addition, this amendment adds a new requirement which prescribes that reversible propeller designs incorporate features within themselves or be adaptable to a reversing system in an airplane which is compatible with the principle of fail-safe design (§ 14.103). The intent of this rule is to assure that new reversible propeller designs will incorporate features which will preclude unwanted reversing during normal or emergency operation in case of a single failure or malfunctioning of the system when installed in an airplane. It is not intended by this rule to consider the failure of primary structural parts, the occurrence of which is expected to be extremely remote.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 14 of the Civil Air Regulations (14 CFR, Part 14, as amended) effective May 18, 1954:

1. By amending § 14.0 by inserting the words "and changes to" between the words "issuance of" and "type certificates", and by adding the following date in parentheses "(August 20, 1938)" after the phrase "effective date of this part".

2. By amending § 14.11 to read as follows:

§ 14.11 *Designation of applicable regulations.* The provisions of this section shall apply to all propeller types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the propeller shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on May 1, 1954, such three-year period shall commence on that date. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 14.13 (b)) may be accomplished, at the option of the holder of the type certificate, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 14.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a major component of the propeller and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 14.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

(e) If changes listed in subparagraphs (1) through (3) of this paragraph are made, the propeller shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in number of blades;

(2) A change in the principle of pitch change operation;

(3) A change in design which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

3. By amending § 14.12 to read as follows:

§ 14.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 14.11.)

4. By amending § 14.13 (b) by deleting the parenthetical reference "(See also § 14.11 (a).)" at the end of the paragraph.

5. By amending § 14.13 by adding new paragraph (c) to read as follows:

§ 14.13 *Type certificate.* • • •

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 14.12 shall be considered as incorporated in the type certificate as though set forth in full.

6. By amending § 14.19 to read as follows:

§ 14.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 14.11 (d) and (e), and Part 1 of this subchapter.)

7. By adding a new § 14.103 to read as follows:

§14.103 *Reversible propellers.* Reversible propellers shall be adaptable for use with a reversing system in an airplane so that no single failure or malfunctioning of the reversing system during normal or emergency operation will result in unwanted travel of the propeller blades to a position substantially below the normal flight low-pitch stop. Failure of structural elements need not be considered if the occurance of such failure is expected to be extremely remote.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2970; Filed, Apr. 19, 1954; 8:54 a. m.]

[Amdt. 40-6, Civil Air Regulations]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

EN ROUTE LIMITATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1954.

Currently effective § 40.75 pertaining to en route limitations with two engines inoperative, permits the assumption that the second engine will become inoperative 90 minutes after the point of departure. This could lead to an unsafe operation in long overwater flights. The present requirements are not clear also with respect to the rate of climb required when the failure of the engine occurs at an altitude which is above the minimum prescribed altitude. This amendment clarifies these provisions by prescribing that both engines must be considered to fail simultaneously at the point along the route which has the most critical effect on the take-off weight. It also prescribes that if the altitude at which engine failure occurs is above the minimum prescribed altitude, a descent may be assumed to an altitude at which the rate of climb is zero, provided that the latter is sufficiently above the minimum prescribed altitude to assure compliance, during the subsequent portion of the flight, with the prescribed rate of climb at the prescribed minimum altitude.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR, Part 40, as amended) effective, May 18, 1954.

By amending § 40.75 to read as follows:

§ 40.75 *En route limitations; two engines inoperative.* The provisions of this section shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this subchapter. No airplane having four or more engines shall be flown along an intended track except under the conditions of either paragraph (a) or paragraph (b) of this section.

(a) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 40.78, assuming all engines to be operating at cruising power.

(b) The take-off weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative, to have a rate of climb in feet per minute equal to 0.01 V_{50}^2 (V_{50} being expressed in miles per hour) along all points of the route, from the point where the two engines are assumed to fail simultaneously to the landing area, either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The point where the two engines are assumed to fail shall be that point along the route which is most critical with respect to the take-off weight. In showing compliance with this prescribed rate of climb, the following shall apply:

(1) It shall be permissible to consider that the weight of the airplant as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil with all engines operating up to the point where the two engines are assumed to fail and with two engines operating beyond that point.

(2) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to an altitude at which the rate of descent becomes zero, if the latter is sufficiently above the prescribed minimum altitude to assure compliance with the prescribed rate of climb at the prescribed minimum altitudes during the subsequent portion of the flight.

(3) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a landing can be made in accordance with the requirements of § 40.78 and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2973; Filed, Apr 19, 1954; 8:55 a. m.]

[Amdt. 41-12, Civil Air Regulations]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

EN ROUTE LIMITATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1954.

Currently effective § 41.30 pertaining to en route limitations with two engines inoperative, permits the assumption that the second engine will become inoperative 90 minutes after the point of departure. This could lead to an unsafe operation in long overwater flights. The present requirements are not clear also with respect to the rate of climb required when the failure of the engines occurs at an altitude which is above the minimum prescribed altitude. This amendment clarifies these provisions by prescribing that both engines must be considered to fail simultaneously at the point along the route which has the most critical effect on the take-off weight. It also prescribes that if the altitude at which engine failure occurs is above the minimum prescribed altitude, a descent may be assumed to an altitude at which the rate of climb is zero, provided that the latter is sufficiently above the minimum prescribed altitude to assure compliance, during the subsequent portion of the flight, with the prescribed rate of climb at the prescribed minimum altitude.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR, Part 41, as amended) effective May 18, 1954.

By amending § 41.30 (c) to read as follows:

§ 41.30 *En route limitations.* • • •

(c) *Airplanes with four or more engines; two engines inoperative.* The provisions of this paragraph shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this subchapter. No airplane having four or more engines shall be flown along an intended track except under the conditions of either subparagraph (1) or subparagraph (2) of this paragraph.

(1) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 41.34, assuming all engines to be operating at cruising power.

(2) The take-off weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative, to have a rate of climb in feet per minute equal to 0.01 V_{50}^2 (V_{50} being expressed in miles per hour) along all points of the route, from the point where the two engines are assumed to fail simultaneously to the landing area, either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The point where the two engines are assumed to fail shall be that point along the route which is most critical with respect to the take-off weight. In showing compliance with this prescribed rate of climb, the following shall apply:

(i) It shall be permissible to consider that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil with all engines operating up to the point where the two engines are assumed to fail and with two engines operating beyond that point.

(ii) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to an altitude at which the rate of descent becomes zero, if the latter is sufficiently above the prescribed minimum altitude to assure compliance with the prescribed rate of climb at the prescribed minimum altitudes during the subsequent portion of the flight.

(iii) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a landing can be made in accordance with the requirements of § 41.34 and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54-2971; Filed, Apr. 19, 1954; 8:55 a. m.]

[Amdt. 42-28, Civil Air Regulations]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

EN ROUTE LIMITATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1954.

Currently effective § 42.75 pertaining to en route limitations with two engines inoperative, permits the asumption that the second engine will become inoperative 90 minutes after the point of departure. This could lead to an unsafe operation in long overwater flights. The present requirements are not clear also with respect to the rate of climb required when the failure of the engines occurs at an altitude which is above the minimum prescribed altitude. This amendment clarifies these provisions by prescribing that both engines must be considered to fail simultaneously at the point along the route which has the most critical effect on the take-off weight. It also prescribes that if the altitude at which engine failure occurs is above the minimum prescribed altitude, a descent may be assumed to an altitude at which the rate of climb is zero, provided that the latter is sufficiently above the minimum prescribed altitude to assure compliance, during the subsequent portion of the flight, with the prescribed rate of climb at the prescribed minimum altitude.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR, Part 42, as amended) effective May 18, 1954.

By amending § 42.75 to read as follows:

§ 42.75 *En route limitations; two engines inoperative.* The provisions of this section shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this subchapter. No airplane having four or more engines shall be flown along an intended track except under the conditions of either paragraph (a) or paragraph (b) of this section.

(a) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 42.78, assuming all engines to be operating at cruising power.

(b) The take-off weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative, to have a rate of climb in feet per minute equal to 0.01 $V_{s_0}^2$ (V_{s_0} being expressed in miles per hour) along all points of the route, from the point where the two engines are assumed to fail simultaneously to the landing area, either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The point where the two engines are assumed to fail shall be that point along the route which is most critical with respect to the take-off weight. In showing compliance with this prescribed rate of climb, the following shall apply:

(1) It shall be permissible to consider that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil with all engines operating up to the point where the two engines are assumed to fail and with two engines operating beyond that point.

(2) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to an altitude at which the rate of descent becomes zero, if the latter is sufficiently above the prescribed minimum altitude to assure compliance with the prescribed rate of climb at the prescribed minimum altitudes during the subsequent portion of the flight.

(3) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a landing can be made in accordance with the requirements of § 42.78 and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-2972; Filed, Apr. 19, 1954; 8:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6019]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNITONE CORP. AND JOSEPH BARROWS

Subpart—*Advertising falsely or misleadingly:* § 3.90 *History of product or offering;* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, and distribution of the drug product now designated as "B-Amino-Complex" or "BAC", or any other product containing substantially the same ingredients or possessing substantially similar properties, whether sold under the same name or under any other names, (1) disseminating, etc., any advertisement by means of the United States mails, or by any means in commerce, which advertisement represents, directly or by implication: (a) That said product will check or cure deafness, or will have any value in the treatment of deafness except that it may serve as a useful adjunct to other suitable therapy in cases of perceptive deafness caused by a disturbance in the carbohydrate metabolism when such disturbance results in a high pyruvic acid content in the blood and causes dysfunction of the auditory nerve; (b) that said product is a new medical discovery for the treatment of deafness; and (2) disseminating, etc., any advertisement by any means for the purpose of inducing, etc., the purchase of said product in commerce, which advertisement contains any of the above representations; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Unitone Corporation and Joseph Barrows, New York, N. Y., Docket 6019, Apr. 8, 1954]

In the Matter of Unitone Corporation, a Corporation, and Joseph Barrows, Individually and as an Officer of Said Corporation.

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission, charging respondents with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act, respondents' answer thereto, and hearings at which testimony and other evidence in support of and in opposition to the allegations of the complaint were received into the record by said examiner, theretofore duly designated by the Commission, and were duly filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel, and oral argument thereon, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter, following appeal from said initial decision by both counsel supporting the complaint and respondents, the matter was disposed of by "Order Modifying Initial Decision and Adopting such Decision as Modified and Order to File Report of Compliance", dated April 8, 1954, as follows:

This case having come on for hearing before the Commission upon the appeals filed by the respondents and by counsel supporting the complaint from the initial decision of the hearing examiner; and

The Commission having determined that the appeal of the respondents should be denied and that the appeal of counsel supporting the complaint should be granted in part and denied in part; and

The Commission, for reasons stated in its opinion which is separately issuing herein, having additionally determined that the findings as to the facts, conclusion, and order contained in the initial decision are in all respects appropriate, save and except for certain of the provisions contained in Paragraph 1 (a) of the order to cease and desist which the record now requires to be modified;

It is ordered, That respondents' appeal be, and it hereby is, denied.

It is further ordered, That the appeal of counsel supporting the complaint be, and it hereby is, granted to the extent that such appeal challenges Paragraph 1 (a) of the order contained in the initial decision as inconsistent with the findings as to the facts appearing in the initial decision and that such appeal be, and it hereby is, denied in all other respects.

It is further ordered, That subparagraph (a) of Paragraph 1 of the order contained in the initial decision be, and it hereby is, modified to read as follows:

That said product will check or cure deafness, or will have any value in the treatment of deafness except that it may serve as a useful adjunct to other suitable therapy in cases of perceptive deafness caused by a disturbance in the carbohydrate metabolism when such disturbance results in a high pyruvic acid content in the blood and causes dysfunction of the auditory nerve.

It is further ordered, That the initial decision as modified herein and by the Commission's opinion be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The order to cease and desist in said initial decision, as thus modified and made the decision of the Commission, is as follows:

It is ordered, That respondent Unitone Corporation, a corporation, and its officers, and Joseph Barrows, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the drug product now designated as "B-Amino-Complex" or "BAC", or any other product containing substantially the same ingredients or possessing substantially similar properties, whether sold under the same name or under any other names, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That said product will check or cure deafness, or will have any value in the treatment of deafness except that it may serve as a useful adjunct to other suitable therapy in cases of perceptive deafness caused by a disturbance in the carbohydrate metabolism when such disturbance results in a high pyruvic acid content in the blood and causes dysfunction of the auditory nerve.

(b) That said product is a new medical discovery for the treatment of deafness;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

Issued: April 8, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-2974; Filed, Apr. 19, 1954; 8:55 a. m.]

[1] Filed as part of the original document.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

DOCUMENTS OF ENTRY

Section 6.8 *Documents for entry,* of Title 19, such section being also designated as § 71.508 of Title 42, is hereby amended by revising subparagraphs (1) and (2) of paragraph (b) to read as follows:

(b) * * *

(1) A crew manifest. This manifest is not required if the aircraft is arriving directly on a trip which originated in Canada.

(2) A passenger manifest, which shall show the surname, given name, and middle initial of each arriving passenger. This manifest is not required if the aircraft is arriving directly on a trip which originated in Canada.

(R. S. 161, 251, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 624, 46 Stat. 759, secs. 201, 367, 58 Stat. 683, 706; 5 U. S. C. 22, 8 U. S. C. 102, 222, 19 U. S. C. 66, 1624, 42 U. S. C. 202, 270. Interpret or apply sec. 7, 44 Stat. 572, sec. 644, 46 Stat. 761; 19 U. S. C. 1644, 49 U. S. C. 177)

DAVID B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 25, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

W. P. DEARING,
Acting Surgeon General, U. S. Public Health Service.

APRIL 12, 1954.

NELSON A. ROCKEFELLER,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 54-2947; Filed, Apr. 19, 1954; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6070; Regs. 3]

PART 182—INDUSTRIAL ALCOHOL

REQUIREMENTS FOR DENATURING AND PACKAGING ETHYL ACETATE

In order (1) to permit the use of undenatured ethyl acetate in processes where it is shown that it is necessary to use such material in its pure state, (2) to permit the transfer of ethyl acetate in tank cars and tank trucks after the producer has divested himself of ownership, (3) to permit producers to transfer ethyl acetate by pipeline to the premises of an affiliate or wholly owned subsidiary entitled to receive ethyl acetate, and (4) to permit wholesale dealers receiving denatured ethyl acetate in tank cars, tank trucks and by pipeline to package denatured ethyl acetate in containers not exceeding 55 gallons in capacity, and, subject to authorization of the Assistant Regional Commissioner, to transfer denatured ethyl acetate in tank trucks from their premises to the premises of others entitled to receive denatured ethyl acetate, Regulations 3, (26 CFR Part 182) are hereby amended as follows:

PARAGRAPH 1. Section 182.837 is amended as follows:

(A) By striking the word "Manufacture" in the headnote and inserting in lieu thereof the word "Denaturation".

(B) By striking the period at the end thereof and adding the following: ": *Provided further,* That upon a showing to the satisfaction of the Commissioner that undenatured ethyl acetate is necessary in a manufacturing process other than for the production of pharmaceutical, scientific, food or toilet preparations or for the production of specially denatured alcohol he may, as provided in § 182.838, authorize the use and shipment of such undenatured ethyl acetate. Undenatured ethyl acetate procured by a user may not be resold without prior approval of the Commissioner."

PAR. 2. Section 182.838 is amended by striking the entire section with headnote and inserting in lieu thereof the following:

§ 182.838 *Ethyl acetate without denaturants or with optional denaturants.* Any user desiring to procure undenatured ethyl acetate for use in a manufacturing process other than the production of pharmaceutical, scientific, food or toilet preparations or for the production of specially denatured alcohol, as provided in § 182.837, shall make application to the Commissioner, stating fully the purpose for which the ethyl acetate is to be used and why he cannot use denatured ethyl acetate. The application shall contain a complete description of the process. Any user desiring to procure ethyl acetate denatured with products or chemicals in lieu of calol ethatate, denaturing grade wood alcohol, or methyl isobutyl ketone, shall make application to the Commissioner, stating fully the purpose for which the ethyl acetate is to be used and why he cannot use ethyl acetate denatured with authorized denaturants. The application shall show the kind and quantity of products or chemicals that he desires to have substituted for the calol ethatate, denaturing grade wood alcohol or methyl isobutyl ketone, in order that it may be determined that such products or chemicals possess satisfactory denaturing properties. The application shall also show the name of the producer of ethyl acetate from whom the applicant desires to procure the ethyl acetate covered by the application. If the ethyl acetate is to be procured from a producer located in the same region, the application shall be filed

in quadruplicate, and if the ethyl acetate is to be procured from another region, the application shall be filed in quintuplicate. If the Commissioner approves the application, he will note his approval on all copies thereof, retain the original copy, return one copy to the applicant, forward one copy to the producer, and one copy to the Assistant Regional Commissioner of the region in which the applicant is located, and, where shipment is to be made from another region, one copy to the Assistant Regional Commissioner of such region.

PAR. 3. Section 182.840 is amended by striking the entire section and inserting in lieu thereof the following:

§ 182.840 *To whom may be sold.* Denatured ethyl acetate produced with specially denatured alcohol may be sold by producers thereof to (a) other producers, (b) legitimate users for solvent or other manufacturing purposes satisfactory to the Commissioner, not including manufacture, for sale, of preparations which do not contain sufficient quantities of other materials to definitely change the composition and character of the ethyl acetate, (c) reputable wholesale dealers engaged in a bona fide paint or chemical trade, for resale to legitimate users in the producer's original packages, in tank trucks or in packages not in excess of 55 gallons filled from stationary storage tanks on the premises of the wholesale dealer or from the producer's original packages, and (d) reputable retail dealers engaged in a bona fide paint or chemical trade, for resale in accordance with § 182.843.

PAR. 4. Section 182.841 as last amended by Treasury Decision 5767 is further amended by striking paragraph (b) thereof with headnote and inserting in lieu thereof the following:

(b) *Transfers in tank cars, tank trucks or by pipeline.* Upon written authorization of the Assistant Regional Commissioner, shipments of ethyl acetate may be made by producers in railroad tank cars, or in tank trucks operated by motor carriers as defined in this part, or in tank trucks operated or controlled by producers, their bona fide agents or wholesale dealers, to themselves at other locations, to their bona fide agents and to wholesale dealers; and producers, their bona fide agents and wholesale dealers may make shipment of ethyle acetate by such means to (1) other producers, (2) their bona fide agents, (3) wholesale dealers, and (4) to actual users for solvent or manufacturing purposes and not for resale. Upon written authorization of the Assistant Regional Commissioner, producers may transfer denatured ethyl acetate by pipeline to the premises of an affiliate or a wholly owned subsidiary entitled to receive denatured ethyl acetate. In the case of railroad tank car shipments the consignee must have railroad siding facilities to receive such tank car shipments. In the case of tank car or tank truck shipments the consignee must have sufficient stationary storage tank facilities to receive such tank car or tank truck shipments. The ethyl acetate must be run directly from the tank car or tank truck to the stationary storage tank and may not be drawn into portable, unmarked containers. In the case of transfers by pipeline the pipeline must be connected with stationary storage tanks on the premises of the consignee.

Because the amendments made by this Treasury decision are of a liberalizing character, it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective upon its publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176. Interpret or apply 53 Stat. 358, 365; 26 U. S. C. 3105, 3124)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: April 13, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2928; Filed, Apr. 19, 1954; 8:47 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regulation No. 1, Further Amended]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

DISCLOSURE OF INFORMATION WITH RESPECT TO AGREEMENTS WITH STATES UNDER SECTION 218 OF THE SOCIAL SECURITY ACT

1. Section 401.3 of Regulation No. 1 as amended (20 CFR 401.3) is further amended by adding a new paragraph (o) reading as follows:

§ 401.3 *Information which may be disclosed and to whom.* Disclosure of any such file, record, report or other paper, or information, is hereby authorized in the following cases and for the following purposes:

* * * * *

(o) In connection with agreements and modifications of agreements for the coverage of State and local employees entered into pursuant to section 218 of the Social Security Act, the following may be disclosed when efficient administration permits:

(1) The name of a State (or instrumentality of two or more States) with whom an agreement or modification has been entered into, the name or title of the official charged with carrying out the State's responsibilities with respect to an agreement, and the date of an agreement or modification;

(2) The contents of an executed agreement or modification;

(3) Information as to whether or not a State (or instrumentality of two or more States) has indicated an intention or desire to enter into such an agreement or modification, but not including information as to provisions being considered for inclusion in the proposed agreement or modification;

(4) Information reported by a State as to whether or not there is in effect in such State or in a political subdivision a retirement system providing benefits to employees thereof;

(5) Statistical information, classified by State and county, with respect to public employment and remuneration therefor (other than information relating to any identified or identifiable employee).

2. Section 401.4 of Regulation No. 1 as amended (20 CFR 401.4) is further amended by amending paragraph (f) to read as follows:

§ 401.4 *Definitions.* As used in this part the term:

* * * * *

(f) "Person" includes an individual, a firm, an association, a corporation, a State, a "political subdivision" of a State (as defined in section 218 of the act), or an instrumentality of two or more States.

(Sec. 1102, 49 Stat. 647, as amended; 42 U. S. C. 1302. Interpret or apply sec. 1106, 53 Stat. 1398; 42 U. S. C. 1306. Reorg. Plan No. 1 of 1953, 18 F. R. 2053, 67 Stat. 18)

[SEAL] JOHN W. TRAMBURG,
Commissioner of Social Security.

Approved: April 14, 1954.

OVETA CULP HOBBY,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 54-2950; Filed, Apr. 19, 1954; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE MOBILIZATION AND TRAINING

MISCELLANEOUS AMENDMENTS

1. Section 861.1001 is revised to read as follows:

§ 861.1001 *General.* (a) Sections 861.1001 to 861.1009 establish procedures for the assignment or designation of Air Force Reserve officers and airmen to specific mobilization positions.

(b) Within mobilization personnel authorizations allotted by Headquarters USAF, each major air command will individually determine which mobilization position constitute a replacement requirement and which positions constitute an augmentation requirement. Mobilization positions (replacement) primarily, but not limited to, those presently authorized active establishment positions for which it has been determined that the incumbent should be a rated officer on flying status. Commanders must assume that active establishment combat readiness training (formerly minimum individual training) rated personnel presently assigned to these positions will be available to meet attritional and rotational rated replacement requirements after mobilization. Mobilization positions (augmentation) will constitute those additional military personnel spaces, required to be filled by the command in the event of full or partial mobilization.

(c) Each major air command at its discretion, and within command mobilization plans, will individually determine which mobilization assignment positions are appropriate for assignment of Ready or Standby Reservists. Those positions designated as Ready Reserve should constitute the anticipated individual augmentation and/or replacement requirements under limited emergency conditions short of full mobilization. All other positions will be designated as Standby.

(d) Persons assigned to designated Ready Reserve mobilization assignment positions will be members of the Ready Reserve and must comply with § 861.1003.

(e) Persons assigned to designated Standby Reserve mobilization assignment positions may be members of the Ready or Standby Reserve and must comply with § 861.1003 (a) (1). In no case will an otherwise qualified applicant be denied assignment to a position designated as Standby Reserve on the basis that he must be a Ready Reservist by operation of law (applicants who are not eligible for elective Standby status).

2. Paragraph (a) of § 861.1002 is amended to read as follows:

§ 861.1002 *Definitions*—(a) *Mobilization position.* Additional or existing military personnel authorizations (augmentation or replacement) required to be filled in Air Force commands and activities in the event of full partial mobilization. A mobilization position is filled by either a mobilization assignee or designee.

* * * * *

3. Paragraphs (b) (2) and (c) (2) of § 861.1005 are amended to read as follows:

§ 861.1005 *Training attachments.*
* * *

(b) *Restrictions.* * * *

(2) Mobilizations assignees may not be given inactive duty training attachments with Air Force Reserve units, but may be given such attachments to the various Continental Air Command Reserve training centers.

* * * * *

(c) *Mobilization designees.* * * *

(2) A mobilization designee may be given an inactive duty training attachment to an Air Reserve group or squadron, with the consent of the unit commander and the commander of the activity with which the person holds a designation.

* * * * *

4. Section 861.1006 and the heading thereof is revised to read as follows:

§ 861.1006 *Requests for mobilization position*—(a) *Specific requests.* An individual Reservist desiring a mobilization position may request the position by military letter to the headquarters of the major air command concerned. Letters of applicants not selected will be returned to the Air Reserve Records Center. The Air Reserve Records Center will notify these Reservists of their nonselection.

(b) *Nonspecific requests.* A person who desires to request a mobilization position without specifying the major air command of assignment may submit his letter application to the Air Reserve Records Center. These applications will be used by the Air Reserve Records Center in filling the requisitions referred to in § 861.1007.

(c) *Approving applications.* At the discretion of the major air commander, authority for approval of applications for mobilization positions may be delegated to subordinate units. Commanders of major air commands who desire to delegate approval authority will advise the Air Reserve Records Center. Subordinate commands may then correspond directly with the Air Reserve Records Center.

(d) *Issuing orders.* Orders, with the exception of those pertaining to general officers, will be issued by the Air Reserve Records Center directing assignments to specifically designated units within the major air command concerned. Requests for orders for the assignment, reassignment, training attachment, or active duty of any nature for general officers will be submitted to the Deputy Chief of Staff, Personnel, Headquarters USAF, Attention: General Officers Branch, Washington 25, D. C.

(e) *Limiting requests.* Individual requests for a mobilization position will not be submitted to more than one command at a time.

5. Section 861.1007 is revised to read as follows:

§ 861.1007 *Requisitioning Air Force Reserve personnel.* (a) Major air commands will requisition from the Air Reserve Records Center (ConAC), 3800 York Street, Denver, Colorado. Reserve personnel by grade and Air Force Specialty Code to fill mobilization positions for which applicants are not available (see § 861.1006). The Air Reserve Records Center will provide career summaries on qualified personnel. Based upon the career summaries, major air commands will select persons desired for mobilization positions, and contact them directly regarding such assignment. Major air commands will request the Air Reserve Records Center to issue appropriate assignment orders for those applicants who are selected, inclosing a copy of the application for assignment for placement in the Reservist's master personnel record. Career summaries on persons not desired for assignment will be returned to the Air Reserve Records Center with a remark to that effect.

(b) Major air commands desiring the assignment of persons known by name may request the Air Reserve Records Center to furnish career summaries on such personnel prior to corresponding with the person regarding the assignment.

6. Section 861.1008 and the heading thereof is revised to read as follows:

§ 861.1008 *Relief from mobilization position.* (a) In the event a Reservist is found to be surplus or unsuitable for a mobilization position, the major air command concerned, other than Continental Air Command, will issue appropriate orders relieving the Reservist from the mobilization position and from assignment to the command, and will reassign him for administrative control to the Headquarters Continental Air Command (NARS), Air Reserve Records Center. A statement as to the reason for relief will be included in the orders.

(b) A member of the Air Force Reserve ordered to extended active duty who holds a mobilization position will be relieved of such position.

7. Paragraph (h) of § 861.1009 is amended to read as follows:

§ 861.1009 *Training.* * * *

(h) *Waivers of training requirements for mobilization designees.* Minimum participation requirements may be waived for mobilization designees whose civilian occupations are so directly allied with the duty Air Force Specialty Codes of the mobilization positions for which they have been designated that proficiency is considered to be retained by virtue of the civilian occupation. Individual applications for waivers will be submitted by military letter, through channels for approval action, to the major air command of assignment, or to the Air Reserve Records Center for personnel under the jurisdiction of Continental Air Command. Such letters will include a complete description of the person's civilian occupation. Waivers which are approved will be effective until there is a change in the person's Reserve assignment, duty Air Force Specialty Code, or civilian occupation. In each instance, a copy of approved waivers will be forwarded to the Air Reserve Records Center, for inclusion in the person's master personnel record.

* * * * *

(AFR 45-3B) (Sec. 251, 66 Stat. 495; 50 U. S. C. 1002. Interpret or apply secs. 101-259, 601-603, 66 Stat. 481-498, 501; 50 U. S. C. 901-1010; 1091-1093.)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 54-2919; Filed, Apr. 19, 1954; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Military Personnel

[CGFR 54-17]

PART 40—CADETS OF THE COAST GUARD

PHYSICAL STANDARDS

By virtue of the authority contained in Title 14, United States Code, section 92, 633 (section 1, 63 Stat. 503, 545), the following amendment to the regulations is prescribed and shall be effective on and after the date of publication of this order in the FEDERAL REGISTER:

1. Section 40.26 (s) is amended to read as follows:

§ 40.26 *Physical standards.* * * *

(s) Hearing must be normal for each ear by the whispered voice and speech

voice tests, the denominator of the fraction being /15 for the whispered voice and /30 for the spoken voice. Any chronic disease of the external, middle, or internal ear will be sufficient cause for rejection. Hearing in each ear must be normally acute to the spoken and whispered voice. In examining the acuteness of hearing with the voice, one ear of the candidate shall be closed while the other ear is being examined, and his eyes shall be covered to prevent lip reading.

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92, 633. Interprets or applies sec. 1, 63 Stat. 506, as amended; 14 U. S. C. 182)

Dated: April 2, 1954.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-2948; Filed, Apr. 19, 1954; 8:50 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 71—FOREIGN QUARANTINE

DOCUMENTS OF ENTRY

CROSS REFERENCE: For amendment to § 71.508, see Title 19, Chapter I, Part 6, *supra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 953]

ALASKA

MODIFYING EXECUTIVE ORDER NO. 6957 OF FEBRUARY 4, 1935 SO AS TO PERMIT MINERAL LEASING OF THE RESERVED LANDS

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 6957 of February 4, 1935, withdrawing certain public lands in Alaska from settlement, location, sale, entry, or other form of appropriation, and reserving them for classification and in aid of legislation, so far as such order has not heretofore been modified for the purposes herein expressed, is hereby further modified so as to permit the leasing of the mineral deposits in such withdrawn lands, including the reserved minerals in such of the lands as have subsequently been entered or patented, pursuant to the provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U. S. C. 181), as amended and supplemented, and the act of October 20, 1914, c. 330, 38 Stat. 742, as amended by the act of March 4, 1921, c. 152 (41 Stat. 1363; 48 U. S. C. 432–445; 446–452) for such lands.

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 13, 1954.

[F. R. Doc. 54-2921; Filed, Apr. 19, 1954; 8:45 a. m.]

[Public Land Order 954]

ARKANSAS

REVOKING EXECUTIVE ORDER NO. 6912 OF DECEMBER 3, 1934, WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 6912 of December 3, 1934, temporarily withdrawing the following-described lands in Arkansas for classification as to their suitability for wildlife refuge purposes, is hereby revoked:

FIFTH PRINCIPAL MERIDIAN

T. 14 N., R. 9 E.,
Sec. 1, lot 1.

The tract described contains 9.82 acres.

The lands are subject to the laws of the State of Arkansas relating to the organization, government and regulation of drainage districts, by virtue of the act of June 17, 1920 (41 Stat. 392; 43 U. S. C. 1041–1048) and are included in an application for patent of Drainage District No. 17 of Mississippi County, Arkansas, pursuant to an order of the Mississippi Chancery Court, Chickasawba District, of September 27, 1926, approving a Commissioner's deed to the land for non-payment of Drainage District assessments.

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 13, 1954.

[F. R. Doc. 54-2920; Filed, Apr. 19, 1954; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

INTERCHANGE OF EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 12th day of April A. D., 1954.

Upon consideration of the record in the above-entitled proceeding and of petition of Refrigerated Transport Co., Inc., Watkins Motor Lines, Inc., C. E. McBride, doing business as Colonial Fast Freight, Belford Trucking Co., Inc., Alterman Transport Lines, Clay Hyder Trucking Lines, Tompkins Motor Lines, Inc., Arctic Express, Inc., Seaboard Food Express, Bonney Motor Express, Inc., Frigidways, Inc., Frozen Food Express, and C & D Transportation Co., dated February 2, 1954, for exemption of all carriers of commodities requiring refrigeration from § 207.5 (c) of the leasing rules; and good cause appearing therefor:

It is ordered, That on and after the date of this order and until March 1, 1955, common carriers authorized to transport, in interstate or foreign commerce, perishable commodities in refrigerated equipment be, and they are hereby, exempted from complying with the provisions of § 207.5 (c) of the rules and regulations prescribed in the above-entitled proceeding, solely with respect to drivers of refrigerated equipment which is being utilized in the transportation of perishable commodities.

It is further ordered, That the said § 207.5 (c) of the rules and regulations prescribed in the above-entitled proceeding, except insofar as it relates to the inspection of equipment, be, and it is hereby, reopened for further hearing at a time and place to be hereafter fixed.

It is further ordered, That the said petition, insofar as it seeks relief from § 207.4 (a) (3) of the rules and regulations prescribed in the above-entitled proceeding, be, and it is hereby, denied, for the reason that our notice of March 4, 1954, as modified by order of March 24, 1954, provides for further hearing on June 14, 1954, with respect to that section.

It is further ordered, That the order dated March 23, 1954, in this proceeding be, and it is hereby, vacated and set aside.

And it is further ordered, That this amended order shall be effective as of the date hereof.

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2940; Filed, Apr. 19, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 921]

[Docket No. AO 222-A5]

HANDLING OF MILK IN THE SPRINGFIELD, MISSOURI, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Springfield, Missouri, marketing area (herein redesignated as the Ozark marketing area). Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the following findings and conclusions were formulated, was conducted at Springfield, Missouri, on September 28–30, 1953, pursuant to notice thereof which was issued on September 8, 1953 (18 F. R. 5496) and in Fayetteville, Arkansas, on December 1–3, 1953, pursuant to notice thereof which was issued on November 10, 1953 (18 F. R. 7249).

The material issues of record are concerned with:

1. A temporary increase in the Class I price;
2. An extension of the marketing area;
3. An extension of regulation to the handling of non-Grade A milk for fluid consumption;
4. The establishment of standards which a plant must meet in order to be qualified as a pool plant;
5. The application of compensatory payments on unpriced milk disposed of as Class I milk in the marketing area;
6. The application of compensatory payments on Class I milk disposed of in the marketing area by handlers regulated under another order issued pursuant to the act;
7. The need for immediate action by the Secretary with respect to Issue No. 1;
8. The adoption of a base and excess plan for the payment of producers;
9. A price differential to be applicable to Class I milk received at specified locations;
10. An extension in the area to which milk may be transferred for Class II use;
11. Level of the Class I price.

Findings and conclusions. By an emergency decision of the Assistant Secretary issued October 26, 1953 (18 F. R. 6829), action has been taken with respect to Issues No. 1 and No. 7. Findings and conclusions with respect to the remaining material issues, all of which are based on the evidence introduced at the hearing, and the record thereof, are as follows:

2. *Extension of marketing area.* The marketing area should be expanded to include all the territory within the limits of Benton, Boone, Marion and Washington counties in Arkansas, and Barry, Christian, Douglas, Greene, Howell, Laclede, Lawrence, Ozark, Taney, Webster, and Wright counties and the Fort Leonard Wood Military Reservation in Missouri. At the present time, the marketing area is limited to the city of Springfield, Missouri, which municipality does not represent the natural marketing area of Springfield distributors. Only about one-third of the Class I milk distributed on routes by handlers regulated under the order is sold in Springfield. Evidence on the record indicates that a substantial majority of the Grade A Class I sales throughout the proposed expanded marketing area is from the plants of these handlers.

Handlers now regulated under the order are the principal distributors in most of the larger cities in the marketing area herein proposed. Approximately one-half or more of the milk sold to stores in Lebanon, Monett and West Plains, Missouri, and Rogers, Harrison and Siloam Spring, Arkansas, comes from presently regulated plants. Approximately 75 percent of the milk sold to stores in Fayetteville, Arkansas, one of the most distant points within the expanded marketing area, is milk from regulated plants. These are the largest cities in the area which would be added to the marketing area.

The prices paid to producers by the handlers who would come under regulation by reason of expansion of the marketing area have been on a basis which may not be related to utilization at the plant of the buying handlers. Testimony at the hearing indicated that such prices are, in some cases, based on the blend prices paid by handlers subject to the Springfield and St. Louis orders, and these pay prices frequently represent payment for milk, all or most of which was used for Class I purposes. In some cases, part of the milk sold for Class I was obtained by handlers from ungraded sources.

Some of the handlers maintain their purchases from dairy farmers to the extent that such deliveries approximate their Class I sales in the months of flush production. Supplementary supplies are obtained by these handlers during the season of low production from Springfield handlers. In effect, these handlers are not handling their proportionate share of the reserve milk of the market. Acquisition of milk from the Springfield pool results in forcing producers now under the order to bear a disproportionate share of surplus milk. The fact that unregulated handlers selling in competition with regulated milk may buy milk from producers at fluid prices which reflect a disproportionate share of surplus, and sell such milk largely for Class I use, results in a considerable disparity of cost between handlers and in unstable competitive conditions.

Milk sold in the proposed expanded marketing area moves in the current of interstate commerce or directly burdens or affects such commerce. Substantial quantities of milk sold in the Arkansas portion of the marketing area are bottled in Missouri, and handlers located in Arkansas distribute milk in Missouri. The production areas from which handlers operating in both the Missouri and Arkansas parts of the area receive milk overlap. In addition, these production areas also include producers whose milk is delivered to plants of handlers supplying the St. Louis, Missouri; Tulsa, Oklahoma; and Dallas, Texas markets. Producers can and do shift back and forth between handlers in these markets and handlers in the proposed marketing area.

Comparable requirements of the municipal, county, and State health authorities having jurisdiction in the marketing area proposed herein facilitate the movement of milk between the various communities in the marketing area. The Missouri State Board of Health adopts as its regulations the U. S. Public Health Service Milk Ordinance, and, in turn, various of the Missouri cities in the proposed marketing area adopt the same regulation. Specifications and standards for milk sold as Grade A in Missouri are established by the State and are uniformly applicable to handlers in the Missouri portion of the proposed marketing area.

Sanitary standards for Grade A milk marketed in Arkansas are prescribed and administered by the Arkansas State Health Department. All inspections for any municipality or county in the State are made by representatives of the State Health Department. Approval for Grade A distribution in one location of the State is equivalent to approval for distribution anywhere in the State.

The flow of milk back and forth between Arkansas and Missouri communities, or between communities in these States within the marketing area herein proposed, is relatively free. The movement of milk between various localities in the proposed marketing area is further facilitated by various health jurisdictions accepting each others' inspection determinations.

Expansion of the marketing area as proposed will promote orderly marketing by assuring producers prices equivalent

to those contemplated under the act. Prices paid farmers for milk for fluid use have generally been below the Class I prices which the order would provide. Many of the farmers do not know how their milk is utilized at the various plants to which they deliver, have no advance notice of what price they will receive for their milk, or whether the basis on which they are being paid from month to month will be revised. In some instances, farmers were notified of price changes some days after such changes had been made effective by the handler. Weights and butterfat tests of milk have been verified only in rare instances. Several handlers in the area have dealt with farmers in such a way as to discourage cooperative action by these farmers. Joint action by such farmers has been under the influence of handlers in some cases.

Prices paid to producers throughout the area proposed to be added to the existing marketing area are generally at the option of the handlers. The record indicates that prices are, in some instances, arbitrarily arrived at. A variety of pricing plans are used. Some handlers pay $1.00 over the local condensery price and others base their producer pay prices on the blend prices paid by St. Louis and Springfield order handlers in their localities. Where producers are paid on a base and excess plan, such plans are frequently revised by handlers at their discretion. Evidence shows that all producers delivering to the same handler are not always paid on the same basis. One producer received a "surplus" price for all his deliveries during a period when, according to testimony of the handler, all producers delivering to that plant received the "base" price for all milk delivered.

Fort Leonard Wood Military Reservation is the only locality in the marketing area proposed herein which is not contiguous to any other part of the proposed area. Since reactivation in 1950 this military reservation has been served regularly by handlers under the order, even though invitation to bid on the contract each six months is sent to milk distributors over a wide area. These handlers who supply the Reservation must meet the standards of quality imposed by the Veterinary Corps, which is responsible for inspecting the milk used on the Reservation. Procurement policies of order handlers bidding on this contract have been established and maintained to give consideration to providing an adequate supply of fluid milk for Fort Leonard Wood on a year-round basis. In effect, this military establishment has become a significant part of the natural sales area served by handlers under the order.

Seven of the counties in Missouri (Cedar, Dade, Dallas, McDonald, Polk, Stone and Texas) which were proposed as part of the expanded marketing area are not included in the marketing area herein proposed. Evidence for including these counties was not conclusive. Much of the Class I milk in such areas is not produced under Grade A standards. As stated elsewhere in this decision, it is not found possible or desirable to regulate the handling of such milk. Although some of the handlers who will be regulated under the proposed order sell in these counties, it was not established on the record that marketing conditions in these counties warrant their inclusion in the marketing area at the present time.

A proposal was made at the hearing to rename the marketing area to more accurately reflect the geographic limits which it would contain. The designation as "Ozark Marketing Area" instead of "Springfield, Missouri, Marketing Area," as herein provided, will accomplish this purpose.

3. *Regulation of handling of ungraded milk sold for fluid consumption.* The order should not be amended to provide for regulation of the handlers of ungraded milk for fluid consumption. The production and distribution of non-Grade A or ungraded milk in this area is not subject to the jurisdiction of any health authority.

Sales of ungraded milk in the marketing area herein proposed are extremely small in relation to the total sales of milk for fluid consumption. Proponents of the proposal to extend regulation to handlers of ungraded milk contended that regulated handlers in the marketing area were losing Class I sales to handlers of ungraded milk and that sales of producer milk under the order which might go into Class I disposition were forced into a surplus utilization because of loss of sales to ungraded milk. It was not shown that such displacement would be averted if ungraded milk were priced under the order at a level which would assure adequate supplies of such milk.

Ungraded milk is generally sold to consumers at prices below those charged for graded milk. The dairy farmer who produces milk for an ungraded market receives a price approximating that paid for milk for manufacturing purposes but significantly lower than that paid producers of graded milk for fluid use. A farmer producing ungraded milk is not required to undergo the expense of a Grade A producer in the establishment and maintenance of facilities on his farm for the production of milk.

Ungraded milk sold for fluid consumption and milk produced for a Grade A market are not of the same value. The greater value of the Grade A product by reason of the higher sanitary standard under which it is produced and its superior overall quality is widely recognized.

The principal handler of ungraded milk in the proposed marketing area testified that he is in the process of or planning to change his operation to a Grade A basis.

As health ordinances establishing standards for graded milk are instituted throughout the area, ungraded milk sales will be replaced by Grade A. Until such time as the quality of milk in all regulated plants is approximately similar, it is not considered feasible or desirable to provide for such regulation.

Proponents of the regulation of ungraded milk did not show that suitable standards for determining which distributing or supply plants involved in the sales of ungraded milk would be subject to regulation and pooling could be provided. In the absence of such standards, returns from the sale of Class I ungraded milk might be pooled over so many producers as to destroy the effectiveness of any pricing program for such milk.

4. *Pool plant standards.* A marketwide pooling system, such as is provided in the order, is characterized by provisions which require equalization of returns to producers from all sales of regulated milk in the marketing area. This method of distributing returns to producers results in equal sharing of the higher returns for the total market Class I sales and of the lower returns realized from the disposition of reserve or Class II milk. The uniform price which represents the blend value of all producer milk received and disposed of for all purposes in the market, therefore, depends upon the handlers included in the pool and the utilization such handlers make of milk received from producers.

Under the present provisions of the order, any person who operates a milk plant, which is approved by the appropriate health authority of the marketing area for the receiving or processing of Grade A milk, and from which Grade A milk is disposed of on routes in the marketing area, is a handler. All handlers, except producer-handlers, who so distribute any quantity of Class I milk are subject to full regulation under the order, and must be and are included in the marketwide pool. If minimum producer prices which a handler must pay or to be fixed, then his sales and producer payments must be equalized with all other handlers for whom such prices are fixed.

Since the marketwide pool results in the payment to producers on the average utilization for the market, the individual handler is relieved of any responsibility for maintaining a high Class I utilization in order to support his pay rates to producers. Whatever utilization of milk a handler may have, his rate of pay to producers will be the same as that of all other handlers in the market. Under the present order, it is possible for any approved plant to make distribution of a small quantity of milk in the marketing area and share in the marketwide pool. Thus, the marketwide pool provides both opportunity and incentive for any distributor, wherever located, to sell a token quantity of milk in the marketing area if such distributor had a relatively low percentage utilization as Class I milk in relation to the market average. He would then draw money from the equalization fund of the pool, thereby reducing the price received by regular market producers. This is commonly called "riding the pool." Without some performance standards, such plants may enter the market whenever it is advantageous to do so for the sole purpose of "riding the pool." Such dissipation of returns from the sale of Class I milk would not be in the interest of either producers, handlers, or consumers in the market.

Plants selling primarily to other markets or plants shipping milk on an opportunity basis to any market where supplies happen to be short do not represent reliable sources of milk upon which the order market may depend. If such plants were allowed to sell a token quantity of milk in the marketing area whenever their Class I sales were low and then withdraw when their Class I sales were high as compared with receipts, the result would be that the in-and-out handler would be able to gain advantage in paying producers. The market would have no compensating gain from the payment of equalization to such a handler. Such a distribution of equalization payments would, in fact, reduce the blend prices to producers regularly supplying the market and thereby have an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required.

If a distributor is only casually or incidentally associated with the market he may prefer not to be subject to complete regulation under the order. It may be disadvantageous to such a distributor to require him to equalize his sales with all other handlers in the market. Such a distributor may be selling his milk primarily to Class I outlets in an unregulated market. If such distributor were to be fully subject to the order and have prices fixed on all milk purchased by him from producers, he might be handicapped in competing in such unregulated market.

For these reasons, provision should be made in the order that a distributor must dispose of not less than 5 percent of his total receipts of milk from producers on routes in the marketing area in order to be included in the marketwide pool and share in the equalization of market sales. The performance standard herein provided is designed to accomplish the objective as set forth above. On the basis of evidence available, it appears that it should accomplish such objective. If actual operating experience proves it inadequate, the standard should be revised on the basis of such experience. Such a standard should apply uniformly to all milk distributors. Any plant, regardless of its location, should have equal opportunity to comply with the standard and thereby participate in the marketwide pool and have its producers share in Class I sales of the market. Any producer who meets the appropriate health department requirements should be permitted under the order to sell his milk to plants meeting the standard of qualification. Whether or not distributors or producers choose to supply the market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Plants not distributing milk in the marketing area, but supplying milk to regulated distributing plants, should be qualified as pool plants if they are associated with the market. The standards of such association should be those now contained in the order for plants which do not bottle or package milk, but make their milk available to the market through offers of milk for sale on specified terms. In the absence of such offers and during months of short production actual shipments are required.

5. *Provisions relative to unpriced milk.* Milk is at times purchased by those who would be handlers under the order from sources other than producers or handlers. Although this milk may be assigned to Class I use, provision is not now made in the order for pricing such milk. Except for requiring prior allocation of producer milk to Class I, the purchase and sale of other source milk is not affected by the order program. The handler is free to obtain such milk whenever and wherever he can. The price he pays and the utilization he makes of the milk are not regulated in any way by the order. If handlers in the market may obtain unpriced milk at a cost advantage and sell it for Class I purposes, it would endanger, and could destroy, the effectiveness of the classification and pricing program of the order.

The prices fixed under the order clearly cannot be effective in encouraging the production of milk which is appropriate to the needs of the market if handlers can circumvent these prices by purchasing milk from other markets for Class I use. Adjustments upward in the Class I price would provide additional incentive for handlers to purchase unpriced milk and encourage them to refuse producer milk whenever low cost milk was available from other sources. To lower the Class I price would reduce blend prices and discourage production of milk for the market.

If some handlers purchase unpriced milk for Class I use at a lesser cost than producer milk, then those handlers using producer milk will be placed temporarily at a competitive disadvantage. This tends to be disruptive to the orderly marketing of milk and would tend to force all handlers under the order to curtail their purchases of producer milk.

It is a well recognized fact that a minimum amount of milk in excess of actual Class I disposition is necessary to operate a fluid milk business. Because of a seasonal fluctuation in production not matched by seasonal changes in consumption, this excess is particularly large in certain months of the year. This excess or reserve milk is surplus to the fluid operation, and can only be marketed in manufactured form in competition with products made from ungraded milk. Thus, such reserve milk yields a considerably lower return than is necessary to sustain graded milk production for the order market. Likewise, it yields a lower price than would be necessary to purchase graded milk on a regular basis in other supply areas and pay the cost of transporting such a bulky and perishable product to the marketing area.

The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which affects fluid milk markets. If a handler were able to use milk he purchased at Class II prices for Class I use, he would stand to gain advantage, but in so doing he demoralizes the Class I market price.

One of the paramount reasons why regulation of prices is considered necessary in the market is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by others using the market's excess or surplus producer milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal excess milk from other markets as well as from its own surplus. The order provisions as they now stand permit a handler to curtail purchases of producer milk to his own advantage and secure low cost supplies from elsewhere for Class I use. These supplies are easily and cheaply acquired during the months of flush production when surrounding markets are receiving milk greatly in excess of their current fluid needs. Some surplus milk is normally present in unregulated as well as regulated markets, however, throughout the year. If adjacent milksheds try to dump their surplus on each other's Class I markets, the result would soon be market chaos, particularly in the spring months. Class I prices would be demoralized and the rate of milk production would suffer. The end result would be to discourage production and bring about periodical shortages of milk in both markets. Such marketing conditions would be contrary to the stated purpose of the act. It is necessary, therefore, in order to insure the effectiveness of the classified pricing program of the order and to promote orderly marketing, that some measure be taken to remove the incentive which handlers have to acquire unpriced milk (milk not paid for in accordance with its utilization) and undermine the Class I pricing structure of the order.

One possible alternative would be to extend price regulation in accordance with order provisions to all milk dealers who supplied milk either directly or indirectly to the marketing area. This alternative is both economically and administratively unacceptable in such an order program. It would extend regulation to plants only incidentally associated with the market on one hand, and, on the other, it would open the order pool to anyone who supplied even a token quantity of milk to handlers serving the marketing area. The objections to widespread distribution of pooled funds was discussed earlier in connection with the recommendations for standards of pool participation for distributing plants.

Such regulation would have the further disadvantage of being cumbersome, expensive, and difficult to enforce. The plants from which milk might be purchased by handlers are distributed over a wide area. In order to bring such plants under regulation, it would be necessary to set up a complete new set of transfer and allocation rules, perhaps with individual tailoring according to the various plant locations, markets and supplies. It would be necessary to follow milk from these plants to its various destinations and uses to determine classification. Also, it would be necessary to ascertain sources of supply other than receipts directly from farmers and determine what priority should be given such supplies in the allocation of Class I milk. In the case of a plant which made an incidental shipment of milk, perhaps at

the end of the month, or in the case of such items as storage cream, additional complications would be involved. Earlier inventories as well as sales would have to be ascertained and classified. Classification might depend upon transactions made in the past concerning which adequate records were not kept. Producer prices would be fixed for milk already purchased and sold. Required record keeping and auditing problems would be greatly multiplied with the extension of regulation.

Such extension of regulation might interfere with the acquisition of needed supplemental milk supplies for a market. Potential suppliers might be reluctant to sell milk to order handlers if such sale would mean that they would be subject to producer price fixing and complete regulation provided for under the order. Also, the terms of the order, such as pooling and equalization, might work to the disadvantage of such a supplier selling primarily to an unregulated Class I market.

It is concluded that it is not feasible to price all milk which may enter the market and that a provision is necessary in the order which will insure against the displacement of producer milk by such unpriced milk for the purpose of cost advantage. There is no choice as to what type of provision can be used for this purpose. The only alternative is to levy a charge against unpriced milk used in Class I to the extent it is required for the removal of any advantage there may be in using such milk instead of regulated producer milk.

Several problems are involved in establishing rules for any charge or payment designed to bring about the removal of the advantage of using unregulated milk. The rate of a compensation payment for this purpose must not be so low that it will permit a handler to have temporary or permanent advantage through sale of unpriced milk as Class I in the marketing area. It should not be so high that it will penalize suppliers of unpriced milk who offer milk needed by the market and who are not in a position of gaining an unfair advantage by such sale of milk. The payment must be provided for in a manner which is administratively feasible and which does not bring about unjustified administrative inconvenience or expense.

One method for setting the rate of payment would be to ascertain the actual cost to the regulated handler of milk which he purchases from unregulated plants and charge as a compensation payment any amount by which the Class I price exceeded the cost of the unregulated milk used in Class I. Such a scheme is not sound from the standpoint of administrative feasibility and it would not necessarily remove the advantage in using unregulated milk even though it were feasible. Rates at which milk sales are billed may not represent actual cost to the purchaser. In the case of a firm which owns or controls pool plants under the order as well as unregulated plants, the rate of payment from one plant to another, if any were made, would have little or no significance. If such a provision were to be adopted, the billing rate might be deliberately set in each instance at a level which would avoid any payments without regard to the value of the milk.

A handler having no unregulated plants would no doubt find it possible to arrange a billing price on purchased milk which would avoid any compensatory payments. If a handler had the choice of paying money to the market-wide pool or to a person from whom he was buying milk, he would probably choose the latter. A kick-back arrangement or offsetting purchase and sale might readily be arranged, perhaps through a third party. Since the billing price for milk would be a self-serving figure for both parties to the transaction, it would be virtually impossible to ascertain that it represented the true cost to the purchaser.

If the stated purchase price were a true cost, it would still not fulfill the purpose of removing the advantage to unregulated milk to base compensation payments on the difference between such price and the Class I price. Sales of priced milk between regulated handlers ordinarily take place at the class price plus a handling charge. This handling charge varies according to circumstances, but represents a payment to the receiver of the milk to offset his purchasing and receiving costs, such as receiving, weighing, testing and cooling the milk, and other costs of doing business. The cost of receiving the milk in bulk form is somewhat less than receiving it from producers. Thus, in order to remove the advantage to unregulated milk, it would be necessary to provide that the cost of bulk unregulated milk be somewhat more than the Class I price. It would be exceedingly difficult to determine what this excess rate should be, particularly in the case of products such as skim milk and cream where the allocation of additional processing costs among more than one end product is involved. Furthermore, the marketing agreement act does not give the Secretary express authority to enforce prices other than producer prices. This scheme for removing the advantage in using unregulated milk is rejected for these reasons.

Another suggested method is to determine the price actually paid dairy farmers by the unregulated milk dealer who first received the milk, and base the compensation payment thereon. This method has several shortcomings. The various payment plans which are used in paying farmers for milk would make the determination of pay rates to individual farmers a next to impossible task. For example, unregulated milk dealers may use varying rates of butterfat differentials, different types of base rating plans, or payments based on volume of deliveries. Various devices such as these for paying farmers often make it impossible to determine actual rate of payment per hundredweight of milk. Stated prices may be illusory, since the cost of the milk itself may be modified by unrealistic charges for various items of supplies and services. Whatever payment plan an unregulated milk dealer may use is a matter of his own choice and it can be changed readily. Calculation of compensation payments according to this suggestion would give any affected dealer special incentive to resort to these or other special payment plans which he might devise for purposes of evading payments. Such practices could not be prohibited by the order.

The further problem of establishing the rate of payment to be required would by itself preclude use of the actual cost of the milk purchased from farmers by unregulated handlers as a basis for calculating the payment to be required. If a payment were to be required on the unregulated milk based on the difference between prices paid farmers and some other price, the unregulated handler could avoid payments by increasing his prices to farmers. This would give an unregulated handler the advantage over regulated handlers in that a regulated handler has no choice as to what he is required to pay producers nor how this money is to be distributed. Likewise, it would enable unregulated suppliers to dispose of Class I milk in the marketing area with no obligation to equalize such sales with other suppliers of the market.

Even though the rate of payment to producers for all milk might be known, it would still be impossible to ascertain the rate of payment on that portion of the milk disposed of in the marketing area. Since milk marketed outside the marketing area would represent most of the total supply in the unregulated plant, it would be necessary to determine payment for milk marketed to the various outlets. When handlers have both surplus as well as Class I milk in their plants, it is not realistic to assume that the purchase price for milk for each use is the same.

It has been suggested that in order to overcome this objection the plant of the unregulated handler be subject to audit and that the rate of compensation payment be based on the difference between the average utilization value at order prices in the unregulated plant and the average rate of payment to producers. This method would not recover the entire advantage of selling surplus milk as Class I in the marketing area. This method has not only the disadvantages associated with other schemes based on actual pay rates to producers, but, under the circumstances of this market, it would involve an extremely complicated and administratively impracticable system of accounting and determination in such plants. The unregulated plants which are actual or potential sources of supply for supplemental milk for order handlers are numerous and widely scattered. Determination of utilization value in these plants would involve the same complications and administrative expense and difficulties as discussed earlier which would be involved in complete regulation of such plants. To make the detailed accounting necessary to establish classification, such unregulated dealers would need to maintain the same detailed records as wholly regulated handlers.

Another alternative method for determining the rate of compensation payments would be to base the rate of payment on the difference between blend prices prevailing in an area and the Class I price. This method has been suggested because it is assumed that unregulated handlers will be forced by competition to pay farmers approximately average blend prices. This assumption is not valid to the degree that a payment based on the difference between such prices could be expected to insure that unregulated milk would not be used to displace regulated milk for cost reasons at all times throughout the year. Unregulated plants, as well as regulated plants, have some surplus milk at all times and particularly during the seasons of flush production. As a result, prices paid farmers are, in fact, blend prices made up of returns from the sale of milk in Class I outlets, as well as sales to the surplus market. If an unregulated plant were in a position to sell its surplus milk for Class I use in the marketing area and maintain its own Class I outlets, it would have a competitive advantage over regulated handlers who found it necessary to dispose of part of their milk as surplus.

In the absence of a compensation payment, the unregulated plants located anywhere in the potential supplemental supply area might sell milk for Class I use in other markets at substantial handling charges whenever fluid milk tended to be in short supply, and then dispose of milk for Class I use in the order market to maintain the blend price during the season of flush production when Class I sales elsewhere were difficult to make. A plant which could thus keep its disposition of milk largely as Class I and avoid qualification as a pool plant would be in a position to pay its farmers at a higher rate than that received by producers under the order, or it could retain the extra return as profit. In either case, however, pool milk would be at a disadvantage relative to unregulated milk.

Handlers under the order seeking to purchase unregulated milk will naturally resort to the lowest cost source from which suitable milk is available. In fixing the rate of compensation payment, it is necessary, therefore, to determine what the lowest cost source may be and to base the payment on the difference between the cost of such milk and the cost of milk priced under the order for similar use. Milk supplies are invariably larger in spring and summer than in fall and winter, and because of relatively constant sales of fluid milk, the excess increased production must be marketed largely as manufactured products. This outlet represents the opportunity cost of the surplus milk since it is the highest price at which the milk can otherwise be sold. It is this opportunity cost or value of such milk which would be effective in determining the price at which the unregulated plant would sell such milk.

The relationship between the supply of milk in the order supply area and the demand for such milk will tend to fluctuate considerably from year to year according to production conditions. Fluctuations will tend to be similar in the production area for the market and surrounding milksheds. However, the record indicates that some milk which must otherwise be sold for manufacture will be available most of the time in the Ozark area.

By choosing a rate of compensation payment which reflects the cost of the cheapest milk which may be expected to be available, any advantage to individual handlers relative to others, in obtaining such cheap milk and substituting it for producer milk in Class I, is removed insofar as administratively possible and no handler is given the clear opportunity to gain an unfair advantage which otherwise would exist. Although the unfair advantage of obtaining other source milk is removed by the rate of payment herein provided, nevertheless, if other source milk is to be purchased, the incentive for purchasing the cheapest of such milk remains; for the lower the price which a handler pays for other source milk, the lower will be his total cost of purchasing such milk. This follows from the fact that the measure of the compensation payment is an objective one and does not depend upon the particular price which the handler paid for the other source milk.

As pointed out heretofore in connection with material issue No. 4, the process of marketwide pooling creates an unnatural incentive for milk to come into the market to gain certain advantages. Such milk would not be associated with the market in the absence of regulation.

The rate of payment recommended here will tend to equalize the competitive position of priced and unpriced milk, and will avoid displacement of producer milk for reasons of cost. However, if experience proves that milk is available to handlers at prices lower than those anticipated, or that such payments otherwise interfere with the purposes of the order, then it will be necessary to reconsider the rate of compensation payment on the basis of that experience.

In addition to that other source milk which enters the marketing area through pool plants, some other source milk may be distributed within the marketing area from nonpool plants and the milk from such plants will be unpriced milk. The compensation charges applicable to other source milk disposed of in the marketing area from distributing plants which are nonpool plants should be the same as those applicable to other source milk distributed from pool plants discussed above. It would not be possible to stabilize the market under the classified pricing program if nonpool plants were allowed to distribute unpriced milk in the marketing area without such payments. Such milk should be classified and treated the same as unpriced milk distributed through any other channels.

Handlers distributing such unpriced milk in the marketing area from nonpool distributing plants have the same opportunity to buy milk at the opportunity cost level as do the operators of pool plants who purchase other source milk. Moreover, the operator of the nonpool plant in all probability has surplus milk in his own plant which he would want to dispose of on any basis which would yield a higher return than the surplus value. It would be particularly easy to dispose of such milk for Class I use in the marketing area by bidding for large contracts such as hospitals, defense establishments or large institutions. With surplus outlets as the alternative, and no compensation payments to make, the nonpool handlers would have considerable incentive or margin to underbid the seller of priced milk for such sales. A nonpool plant might also use such price advantage in selling his surplus milk to Class I outlets for the purpose of establishing a regular trade on retail or wholesale routes to homes and stores in the marketing area. The nonpool plant might sell up to 5 percent of its milk into the marketing area as Class I without becoming subject to regulation. To allow a nonpool plant to use its surplus milk in this manner for establishing a regular trade in the marketing area without compensation payments would mean that such plant would have a marked competitive advantage over regulated handlers selling priced milk. Such conditions could readily lead to disorderly marketing conditions.

It is considered inappropriate also that a plant distributing a small share of its milk in the marketing area should be subject to full regulation because of that small share of its milk so marketed. Such regulation might place a plant of this kind at a competitive disadvantage with respect to its unregulated competition. In some cases, a nonpool plant may be disposing of a larger share of its milk as Class I than the average utilization for the market. In such cases, the compensation payments herein provided might cost the handler less than the equalization payments such plant would pay if fully regulated as a pool plant. In these instances, the sale of small quantities of milk in the marketing area would be more likely to take place under the compensation payment provisions herein provided than if full regulation were extended to all plants.

The rate of compensation payment provided for nonpool plants making distribution directly in the marketing area should be the same as that for pool plants which obtain and use unpriced milk in Class I. The administrative feasibility of any other method of levying compensation payments is substantially the same as that described in the case of unpriced milk distributed in the marketing area by pool plants.

No compensation payments should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where handlers under this order might obtain supplemental supplies approximate or exceed the Springfield order Class I prices as adjusted for location of the supplying plants. Since handlers under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to unload any surplus producer milk into the market for Class I use at less than Class I prices.

There is no other alternative disposition of funds collected as compensation payments under the authority of the act other than that herein provided. In order that the money accruing under this provision should provide the maximum benefit, it is concluded that it should be added to the producer-settlement fund and disbursed monthly to producers through the uniform price.

It is necessary that the order specify the handler obligated to make the compensation payments. If the unpriced milk is distributed in the marketing area from a non-pool plant, the operator or such plant should make the payment. In the case of supplemental milk received at pool plants from unpriced sources, either the buying or selling plant might be assessed. From the standpoint of the economics involved, it would make no difference, since the amount of payment would be the same in both cases.

From the standpoint of administration and enforcement, it would be much easier and simpler for the regulated plant to make the payment. It is the regulated handler with whom the market administrator regularly deals. Such handler would be expected to know and understand the terms and provisions of the order. He is the handler who would be responsible for distributing the milk in the regulated market. Whether or not a compensation payment would be required would depend upon the application of the allocation provisions of the order to the plant of the receiving handler.

The seller, on the other hand, would not be aware until later whether a compensation payment would be required, and might not even know at the time of the sale, particularly if the sale took place through a broker, whether his milk would be moved to a regulated market for disposition. If enforcement proceedings were to be required, it would be more convenient and logical to bring the case to trial in the area of the regulated market where the problem arose.

The compensation payments herein provided will not prohibit the marketing of milk nor limit the marketing of milk products from any production area of the United States. The rate of payment required would be uniform to any plant regardless of whether it is located in the marketing area or at any distance from the marketing area.

The quantity of milk and milk products which may be sold in any regulated market is dependent to a considerable extent upon the price fixed under the order for the particular class of utilization. Such influence should not be construed, however, as a limitation of the type precluded under the act. No price can be fixed without influencing, to some extent, the quantity of milk and milk products which may be sold from either regulated or unregulated sources. No quantitative limitations are imposed under the order on the amounts of unpriced milk which may be disposed of in the marketing area nor do they prohibit such use or any other use of unpriced nonpool milk or milk products. The compensation payment herewith provided will not discriminate against producers by areas, but will provide for equalization of competitive prices by type of transaction with respect to relationship between regulated and unregulated milk.

The payment will not deprive suppliers of unpriced milk of a high priced market which they might otherwise enjoy. The alternative sale value of the unpriced milk is recognized, and this value is returned to these sources when sale is made to the order market. If marketing facilities and outlets are such that it is advantageous for unpriced sources to dispose of their surplus milk to the Class I market under the order, they may be expected to do so. The return which they receive should be equal to the return for such milk if manufactured in their own plants.

The compensation payment herewith provided has as its primary purpose the elimination of economic incentives for handlers to use unpriced milk to displace minimum priced milk in Class I sales. The rate of payment found to be appropriate for this purpose is one which recognizes general competitive conditions in the purchase and sale of regulated and unregulated milk.

It is recognized, however, that general competitive conditions do not prevail in all cases. Each handler is situated differently and each individual transaction is made under different circumstances. It is not possible, however, to adjust prices or payment to individual circumstances or transactions. Such an individual approach would not be administratively or economically feasible. Compensatory payments must therefore be applied at a definite and certain rate applicable to all handlers similarly situated. No single rate of payment can be determined, however, which would result in complete equality of cost to all handlers. Consequently, instances will undoubtedly arise which will appear to indicate that the objectives of the compensatory payment are not being achieved in particular cases. Therefore, the payments required may, in some instances, appear harsh.

6. *Distribution in the marketing area by handlers under other Federal orders.* The order now provides for a compensatory payment on Class I milk disposed on a route in the marketing area by a handler regulated under another Federal order. The payment on such milk, which is required only when the Class I price under this order is below that under the other Federal order, is made to the producer-settlement fund at the rate of the difference between this order's Class I price and the Class I price under the other Federal order as adjusted for differentials provided under the order.

It was proposed at the hearing that this provision be deleted from the order. Proponents contended that if milk is properly priced under the provisions of a Federal order, the addition of transportation costs from the supplying market to the deficit market equalizes the cost to a point where the receiving handler pays a price that is at least equal to that paid for locally produced milk.

Testimony indicated that since inception of the order in March 1951 no Class I milk is being distributed in the marketing area now regulated from plants subject to other Federal orders. Very little milk is being distributed from such plants in the area as proposed to be expanded. The relationship between Class I prices under the Ozark and other Federal order markets is such as to give no unnatural incentive for such distribution.

No compensation payment should be required on milk classified and priced as Class I under another Federal order if such milk is received from the other order market in bulk tank shipments. The same is true if the milk is distributed in the marketing area directly by the handler regulated under the other order. The findings and the discussion pertaining to the recommended amendments concerning such bulk tank shipments is applicable to the proposal for removing from the order the provision for requiring a compensatory payment on milk distributed in the marketing area by or for a handler regulated under another Federal order. The provision for such payment should therefore be removed.

Official notice is here taken of Order No. 28, as amended, regulating the handling of milk in the Neosho Valley marketing area. That order provides that a handler subject to another Federal order shall make payment to the Neosho Valley market administrator on Class I milk disposed of in the Neosho Valley marketing area of the amount by which the Neosho Valley Class I price exceeds the Class I price under the other order. The Neosho Valley order provides further that funds thus collected may be transferred to the market administrator of the order to which the handler is subject, if such order provides for receipt of such funds and their distribution to producers. The necessary provision should be included in the Ozark order to enable the market administrator to receive payments from the Neosho Valley market administrator on Class I milk distributed in that marketing area from pool plants under this order. Such payments should be deposited in the producer settlement for distribution to all producers.

8. *Base and excess plan.* A base and excess plan for making payment to producers should not be incorporated into the order at this time. Proponents of the plan contended that its adoption would even out production. Paying each producer the surplus price for flush month deliveries which are in excess of his fall deliveries, it was claimed, would discourage unneeded production during the flush months.

The class prices under the order are on a seasonal basis. In the spring months, the price for Class I milk is but 63 cents over the basic formula price. During the fall and winter months, the Class I differential is significantly greater, the differential having reached a high of $2.02 in December 1952. The higher Class I differential, increased Class I sales, and lower production in the fall and winter months combine to make the blend price to producers for deliveries during these months substantially above that paid in the months of flush production. The average monthly blend price under the order for 3.5 percent milk for April through June 1953 was $3.61 compared to $5.55 for October through December 1952, the preceding period of short production.

It cannot be expected that the base and excess plan proposed would improve materially, if at all, the seasonal pattern of production for the market over that which is now obtained with seasonal pricing. In the spring months, heavy production and a low Class I differential result in a blend price comparatively

little above the Class II or manufacturing milk price. For April, May, and June 1953, the uniform price exceeded the Class II price by 35.5, 24 and 25 cents, respectively. This small spread between the blend and manufacturing milk prices will in itself tend to act as a deterent to greater flush month production. Moreover, the incorporation of a base and excess plan would, at the present time, be of limited value in the order since there would be such small difference between the prices paid for base milk and excess milk.

Production areas of the St. Louis and Springfield markets overlap and pricing provisions of the Springfield order are related to those of the St. Louis order. In some instances, Springfield order handlers pay premiums of their producers to bring their paying prices in line with those of St. Louis plants in the area. To incorporate a base and excess plan in the Springfield order while none is provided in the St. Louis order would tend to impede the orderly transfer of producers from one market to the other when such transfer might be in the best interest of orderly marketing.

9. *Transportation and location differentials.* A change in the marketing area from that of a single city to a territory in which some of the points are more than 175 miles apart would require giving recognition to the difference in value at various locations of milk received from producers and to the costs in moving milk which is received at plants outside the marketing area to points in the area. A proposal before the hearing provided that a differential of 30 cents per hundredweight be paid by handlers for Class I milk received from producers at pool plants located in Washington and Benton counties, Arkansas. It was contended that, historically, prices paid to producers at these locations for Class I milk were higher than prices paid at Springfield or at other locations in the marketing area. Testimony submitted at the hearing indicated that since inception of the order in March 1951 through November 1953 the prices paid producers by Fayetteville handlers for base milk (and at times for all milk) averaged approximately 15 cents per hundredweight above the Springfield order Class I price.

Milk from Chicago milkshed and southwestern Missouri plants is frequently shipped to markets in southwestern United States for fluid use. Such shipments are made during periods of short supply to supplement an inadequate local supply of producer milk. Prices for milk shipped from northern markets to deficit markets in the south must return to the seller the value of the milk at his plant and the costs involved in moving the milk to the buyer. The greater the distance that a deficit market is from the selling plant the larger is the total cost of the milk. The value of milk delivered by a producer to a plant at Springfield, Missouri, for example, is less than the value of the same milk, f. o. b. Dallas, Texas. The difference in value at the two locations is brought about chiefly by transportation costs. Producer prices prevailing in the two markets will generally reflect these differences in value.

The value of milk in Benton and Washington counties, Arkansas, is affected by the prices paid in other markets to which producers located in the production area for these counties may, and do, ship. Handlers under the Dallas, Tulsa, and St. Louis orders receive milk from farms located in this common production area. Some producers who had been associated with the Fayetteville market have discontinued their deliveries to Fayetteville handlers and are shipping directly to handlers under the Dallas and Tulsa orders. The gross price which a producer receives for his milk at these markets is reduced by the increased transportation costs, so that his net return is generally in line with the net return which he would have received at plants in Benton and Washington counties.

Plants in southwestern Missouri are logical sources for supplemental supplies of milk for handlers in Benton and Washington counties. Milk has been purchased during periods of short supply by handlers in these Arkansas counties from plants in southwestern Missouri under the Springfield order, and it can reasonably be expected that supplemental supplies in the future will be from the same sources.

Any differential established in the order for Class I milk delivered by producers to plants in Benton and Washington counties should be at a rate which will maintain and encourage an adequate supply of producer milk for that segment of the marketing area. On the other hand, fixing such a differential at too high a level would encourage handlers to replace producer milk by purchases from other handlers and would be detrimental to the best interests of producers and of the market. It is concluded that the Class I price for milk received from producers at pool plants located at Benton and Washington counties should be 15 cents per hundredweight above that provided in the order for Class I milk received from producers at other plants. The money received from handlers in payment of the 15 cent differential would be distributed to producers delivering to these handlers. The rate of such payment would be computed each month after determining the percentage that the aggregate Class I sales of such handlers is of their total receipts from producers. If the percentage thus calculated is less than 100 percent it would be multiplied by 15 cents to obtain the differential payable to producers. If the percentage calculated is 100 percent or more, the rate payable to producers would be 15 cents.

The transportation differential applicable to Class I milk received from producers at a plant located outside the marketing area should be minus 1.5 cents per hundredweight of milk for each 10 miles that such plant is located from the nearest point in the marketing area. Deduction of a location differential from payments to producers making deliveries to these plants would be at the same rate. The adjustment and the rate thereof herein provided are representative of those prescribed in other Federal milk marketing orders.

On an overall basis, production for the Springfield marketing area has been high in relation to demand for milk for fluid use. The record indicates that the supply of producer milk on a market-wide basis for the expanded marketing area would likewise be ample. Such handlers as may be in short supply at certain periods of the year would generally be able to obtain supplemental supplies from other handlers whose plants are located in the marketing area. However, when milk is received from producers at plants outside the marketing area the price should reflect its value to the market at that location. The transportation and location differentials herein provided, will contribute toward this end.

10. *Expansion of the area to which transfers for Class II use may be made.* Enlargement of the marketing area will require revision of the transfer provisions of the order. As now provided, transfers or diversions in bulk form as milk, skim milk, or cream to a nonpool plant located more than 125 miles from the City Hall in Springfield, Missouri, are classified in Class I. Similar transfers or diversions within a 125-mile radius of the Springfield City Hall may be classified in Class II if the buyer maintains records of utilization of all skim milk and butterfat at his plant, makes such records available to the market administrator for the purpose of verification, and uses not less than an equivalent amount of skim milk and butterfat as Class II milk at his plant during the month.

As proposed herein, classification in Class II of transfers or diversions in bulk form as milk or skim milk to nonpool plants would be permitted if such nonpool plants are in the marketing area or are located not more than 50 miles from the nearest place in the marketing area. Classification in Class II of cream transferred in bulk form to a nonpool plant wherever located would be permitted when such cream is transferred without Grade A certification of any health authority. The conditions now provided in the order requiring the buyer to maintain records of utilization, have such records available for audit, and use an equivalent amount of product in Class II during the month would be continued.

The change herein proposed would be appropriate for all handlers in the expanded marketing area and would not restrict the manner in which they are now operating with regard to disposing of surplus milk to nonpool plants. Because of the comparatively large geographic area included in the marketing area as proposed, it can be expected that the majority of Class II fluid milk transfers to nonpool plants will be to those in the marketing area. The limitation of 50 miles to the nearest point in the marketing area on Class II shipments of milk and skim milk to nonpool plants outside the marketing area will provide adequate leeway for all handlers, and especially for those handlers whose plants are located outside of, or in the outer limits of, the marketing area.

11. *Level of the Class I price.* The Class I price for July through March

should be the St. Louis Class I price minus 27 cents. The level of the Class I price for the other months, April, May, and June, is the basic formula price plus 63 cents.

The order now provides that for each of the months of July through March the Class I price shall be the higher of (1) the Class I price announced for such month under the St. Louis order minus 27 cents; or (2) the basic formula price for the preceding month plus $1.08 for July through December, and plus 83 cents for January through March. Since the amendment providing for the above became effective December 1, 1951, the alternative of the basic formula price plus $1.08 or 83 cents has always been lower than the St. Louis Class I price minus 27 cents for the applicable month.

The St. Louis milkshed overlaps the supply area for the proposed expanded marketing area to a very large degree. Milk routes picking up milk for country plants of St. Louis handlers are conveniently located with respect to a large share of the producers supplying the marketing area proposed herein. There are about half as many St. Louis order producers as there are producers under the present order in the counties from which the present pool draws supplies. The bulk of these St. Louis producers supply milk to plants which are subject to a minus 27-cent zone differential under the St. Louis order.

The size of the St. Louis market in relation to the marketing area herein proposed makes it essential that the prices be closely aligned between the two markets in order to avoid any abnormal shifting back and forth of producers between the two markets. Relating the order Class I price to St. Louis will provide greater stability to the market. A direct tie to the St. Louis price will provide a sound economic basis for interchange of supplies between the two markets. On the other hand, an unrealistic basis for pricing Class I milk in the two markets might well force handlers under this order to go to some other market for supplemental Class I supplies when such supplies would be available from nearby St. Louis order plants. The reverse of this situation could likewise apply when St. Louis order handlers are in need of supplemental supplies for Class I purposes and handlers under this order have supplies in excess of their Class I needs.

Producers can and do shift back and forth between handlers under this and the St. Louis orders. During the short season supplemental supplies of milk are purchased by milk distributors in southwestern Missouri and northwest Arkansas for plants under both orders located in the same vicinity. A basis of pricing at these plants giving consideration to the location differential applicable to the farther away market will place both plants on an equal competitive basis.

Except for the three months of flush production, changes in the Class I price under the St. Louis order should be promptly reflected in the Class I price under this order. At present this is accomplished by the order provision which establishes the Class I price at not less than the St. Louis order Class I price minus 27 cents. The other alternative used in determining the Class I price during the months of July through March has outlasted any usefulness it may have had. As indicated above, the alternative of adding $1.08 and 83 cents to the basic formula price during the months of July through December and January through March, respectively, has not been more than the St. Louis Class I price minus 27 cents since the order has been in effect. Removing this alternative formula for determining the Class I price would provide a consistent alignment with the St. Louis order Class I price in each month. This would insure that handlers in both markets, where plants are located in the same vicinity, would be on an equal competitive basis. Since the bulk of the milk received by St. Louis handlers in the milkshed common to this area is at the minus 27-cent location differential in the St. Louis order, the value of the milk for Class I purposes available from such plants under either order would be the same for those months, July through March, when they might be competing for Class I sales.

If for any reason the St. Louis order were suspended or if the Class I price under that order were unavailable for computing the Class I price under this order, the order should provide that the market administrator use a price which is determined by the Secretary to be an equivalent or comparable price. Such a provision in the order will insure against some unforeseen contingencies which may arise in connection with determining the Class I price on the basis provided herein.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determine pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed by or on behalf of producers and handlers interested in this proceeding. Such briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

DEFINITIONS

§ 921.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 921.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties, pursuant to the act of the Secretary of Agriculture.

§ 921.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 921.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 921.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 921.6 *Ozark marketing area.* "Ozark marketing area," hereinafter called the marketing area, means all of the territory within the limits of Benton, Boone, Marion, and Washington counties in Arkansas, and Barry, Christian, Douglas, Greene, Howell, Laclede, Lawrence, Ozark, Taney, Webster, and Wright counties and the Fort Leonard Wood Military Reservation in Missouri.

§ 921.7 *Producer.* "Producer" means any person other than a producer-handler who produces milk (a) under a dairy farm permit issued by a health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area, or (b) acceptable to agencies of the United States Government for fluid consumption in its institutions or bases in the marketing area; which milk is delivered from the farm to a pool plant or diverted from a pool plant to a nonpool plant for the account of a handler. Milk so diverted shall be deemed to have been received at the pool plant from which diverted if diverted for the account of the operator of such plant. Milk so diverted by a cooperative association shall be deemed to have been received by such association. This definition shall not include a person who produces milk which is received at the plant of a handler partially exempt from the provisions of this order pursuant to § 921.62 with respect to milk received by such handler.

§ 921.8 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of an approved plant or a pool plant; or (b) any cooperative association with respect to the milk from any producer member of such association which is diverted from a pool plant to a nonpool plant by such cooperative association for its account.

§ 921.9 *Approved plant.* "Approved plant" means a plant where milk is processed and packaged and from which milk, skim milk or cream as disposed of as Grade A Class I milk in the marketing area to wholesale or retail outlets (including sales through vendors or plant stores).

§ 921.10 *Supply plant.* "Supply plant" means a plant, except an approved plant, at which milk is received from dairy farmers producing milk (a) under a dairy farm permit issued by a health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area, or (b) acceptable to agencies of the United States Government for fluid consumption in its institutions or bases in the marketing area; and which plant is approved by such health authority or agencies of the United States Government to furnish milk to an approved plant.

§ 921.11 *Pool plant.* "Pool plant" means: (a) An approved plant from which not less than 5 percent of its receipts of producer milk during the month is disposed of as Class I milk in the marketing area to wholesale or retail outlets (including sales through vendors or plant stores); or (b) a supply plant from which producer milk is shipped during the month to an approved plant which is a pool plant: *Provided*, That such supply plant shall not be a pool plant for the months of April, May, June and July, unless such plant makes its milk available to other handlers for distribution as Class I milk in the marketing area. Such milk shall be considered to have been made available if the operator of such plants files with the market administrator on or before the first day of each of the preceding months of August through March a statement offering milk for sale and specifying terms and conditions of sale, including the price or handling charge above the Class I price; such offer to be posted in the market administrator's office.

§ 921.12 *Nonpool plant.* "Nonpool plant" means any milk processing, distributing or manufacturing plant which is not a pool plant.

§ 921.13 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received at the pool plant directly from producers or diverted pursuant to § 921.7.

§ 921.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in (a) producer milk, (b) milk, skim milk or cream received from a pool plant, or (c) Class II nonfluid milk products which are received and held or disposed of without further processing or packaging.

§ 921.15 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 921.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 921.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 921.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date upon which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Cause to be paid out of the funds provided by § 921.88 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 921.87) necessarily incurred by him in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments of each handler by inspection of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly disclose at his discretion unless otherwise directed by the Secretary, the name of any person who, after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 921.30 through 921.32, or (2) payments pursuant to §§ 921.80 through 921.88;

(i) Publicly announce on or before:

(1) The 6th day of each month, the price and butterfat differential for Class I milk and on or before the 6th day after the end of each month the price and butterfat differential for Class II milk; and

(2) The 12th day after the end of such month, the uniform price computed pursuant to § 921.71, the butterfat differential computed pursuant to § 921.81, and the location differential pursuant to § 921.82 (b);

(j) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 15th day after the end of each month, report to each cooperative association of producers which so requests the percentage in each class of the producer milk caused to be delivered by the cooperative association or by its members to each handler during the month. For the purpose of this report, the milk so received shall be allocated in each class for each handler in the same ratio as milk received from all producers by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 921.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in all receipts at each of his approved and supply plants within such month:

(1) Of producer milk (including his own farm production),

(2) Of milk, skim milk and cream from other handlers, and

(3) Of other source milk;

(b) The quantities of skim milk and butterfat contained in produce milk diverted pursuant to § 921.7;

(c) The quantities of skim milk and butterfat contained in inventories of Class I products on hand at the beginning and end of the month;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a), (b) and (c) of this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(e) The name and address of each producer from whom milk was not received during the preceding month, and

the date on which such milk was first received;

(f) The name and address of each producer who discontinued deliveries of milk, and the date on which delivery ceased; and

(g) Such other information with respect to receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 921.31 *Reports of payments to producers.* On or before the 20th day after the end of each month, each handler who purchased or received milk from producers shall submit to the market administrator his producer payroll for such month which shall show for each producer:

(a) The total pounds of milk received and the average butterfat content thereof, and

(b) The amount of payment to each producer or cooperative association, with the prices, deductions, and charges involved.

§ 921.32 *Reports of producer-handlers.* Each producer-handler shall make report to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 921.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations, and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The skim milk and butterfat received, utilized or disposed of in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 921.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three year period the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the books and records are no longer necessary in connection therewith.

CLASSIFICATION

§ 921.40 *Basis of classification.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 921.30 shall be classified by the market administrator pursuant to the provisions of §§ 921.41 to 921.46.

§ 921.41 *Classes of utilization.* Subject to the conditions set forth in §§ 921.43 and 921.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (fresh or sour) and mixtures of fresh milk, skim milk and cream (except aerated cream, ice cream mix or eggnog); and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those specified as Class I in paragraph (a) of this section, (2) in inventory variation of milk, skim milk, cream, or any Class I product, (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, and (4) in shrinkage allocated to receipts of other source milk.

§ 921.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 921.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect, or if reused in Class I milk after first being classified as Class II milk.

§ 921.44 *Transfers.* Skim milk or butterfat disposed of from a pool plant either by transfer or diversion shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream to the pool plant of another handler (except a producer-handler) unless utilization in Class II is claimed by both handlers in their reports submitted to the market administrator pursuant to § 921.30 on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 921.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to result in the greatest possible assignment of Class I milk to producer milk;

(b) As Class I milk if transferred to a producer-handler in the form of a product designated as Class I milk pursuant to § 921.41 (a);

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant except as otherwise provided in paragraphs (d) and (e) of this section;

(d) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonpool plant located in the marketing area or not more than 50 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the 7th day after the end of the month within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

(e) As Class I milk if transferred in bulk form as cream to a nonpool plant unless:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims Class II in his report submitted to the market administrator pursuant to § 921.30 on or before the 7th day after the end of the month within which such transaction occurred;

(3) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 921.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler, and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 921.46 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat for each handler pursuant to § 921.45, the market administrator shall determine the classification of producer milk received by such handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk determined pursuant to § 921.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from pool plants of other handlers in a form other than milk, skim milk, or cream, according to its classification pursuant to § 921.41;

(3) Subtract from the pounds of skim milk remaining in Class II milk the remaining pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the pounds of skim milk remaining in each class the skim milk received in milk, skim milk or cream from pool plants of other handlers according to its classification pursuant to § 921.44 (a);

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim subtracted pursuant to subparagraph (1) of this paragraph;

(7) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk received in milk from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the weighted average butterfat content of the milk in each class.

MINIMUM PRICES

§ 921.50 *Basic formula price.* The basic formula price per hundredweight to be used in determining the prices set forth in § 921.51 shall be the higher of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraphs (a) and (b) of this section.

(a) Determine the arithmetical average of the basic or field prices to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Carnation Co., Ava, Mo.
Carnation Co., Seymour, Mo.
Pet Milk Co., Greenville, Ill.
Litchfield Creamery Co., Litchfield, Ill.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows: Multiply by 3.5 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, add 20 percent thereof, and add or subtract, as the case may be, to such sum 3½ cents for each full ½ cent that the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, is above 5½ cents.

§ 921.51 *Class prices.* Subject to the provisions of §§ 921.52 and 921.53, the minimum prices per hundredweight to be paid by each handler for milk received from producers during the month shall be as follows:

(a) *Class I milk.* For each of the months of July through March the Class I price shall be the Class I price announced for such month under Order No. 3, as amended, regulating the handling of milk in the St. Louis marketing area, minus 27 cents, and for the months of April, May and June the price for Class I milk shall be the basic formula price for the preceding month plus 63 cents: *Provided*, That 15 cents shall be added to the price for Class I milk at pool plants located in Benton and Washington counties, Arkansas.

(b) *Class II milk.* For the months of August through February, the price for Class II milk shall be the basic formula price. For all other months, the Class II price shall be an amount computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu thereof;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75 cents.

§ 921.52 *Butterfat differentials to handlers.* If the weighted average butterfat content of the milk received from producers classified, respectively, in Class I milk or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from, the respective class price computed pursuant to § 921.51 for each one-tenth of 1 percent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department, by the applicable factor listed as follows:

(a) *Class I milk.* Multiply such price as computed for the preceding month by 0.120, and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply such price as computed for the current month by 0.115, and round to the nearest one-tenth cent.

§ 921.53 *Transportation differential.* If milk is received from producers at a pool plant located outside the marketing area, the Class I price for such milk shall be 1.5 cents less per hundredweight for each 10 miles or fraction thereof that such plant is from the nearest point in the marketing area than the Class I price. For the purpose of this section, the distance which a plant is from the nearest place in the marketing area shall be the shortest highway distance as determined by the market administrator.

§ 921.54 *Use of equivalent prices.* If for any reason a price specified by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

APPLICATION OF PROVISIONS

§ 921.60 *Producer-handlers.* The provisions of §§ 921.40 through 921.46, 921.50 through 921.54, 921.70, 921.71, and 921.80 through 921.89, shall not apply to a producer-handler.

§ 921.61 *Handlers operating nonpool plants.* None of the provisions from §§ 921.44 through 921.53, inclusive, or from §§921.70 through 921.85, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 15th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as

Grade A Class I milk from such plant to retail or wholesale outlets (including plant stores) in the marketing area during the month, by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and location differentials the Class II price adjusted by the Class II butterfat differential.

§ 921.62 *Plants subject to other Federal orders.* In the case of any approved plant which the Secretary determines disposes of a greater portion of its milk as Class I milk on retail or wholesale routes (including plant stores) in another marketing area regulated by another order issued pursuant to the act than is disposed of as Class I milk on retail or wholesale routes (including plant stores) in the Ozark marketing area, the provisions of this order shall not apply except as follows: The operator of such plant shall, with respect to the total receipts and utilization of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 921.70 *Computation of the value of milk for each handler.* For each month the market administrator shall compute the value of milk for each handler as follows:

(a) Multiply the quantity of milk in each class computed pursuant to § 921.46 (c) by the applicable class price, and add together the resulting amounts;

(b) Add an amount computed as follows: Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 921.46 (a) (3) and (b) by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and location differentials the Class II price adjusted by the Class II butterfat differential;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 921.46 (a) (7) and (b) by the applicable class prices.

§ 921.71 *Computation of the uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content, f. o. b. market, received from producers as follows:

(a) Combine into one total the values computed pursuant to § 921.70 for all handlers who made the reports prescribed in § 921.30 and who are not in default of payments pursuant to § 921.84;

(b) Add an amount equal to the total deductions to be made pursuant to § 921.82 (a);

(c) Subtract an amount equal to the total payments to be made pursuant to § 921.82 (b);

(d) Subtract if the weighted average butterfat content of producer milk is more than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the producer butterfat differential by the difference between 3.5 and the average butterfat content of producer milk and multiplying the resulting figure by the total hundredweight of such milk;

(e) Add the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the total hundredweight of producer milk; and

(g) Subtract not less than 4 cents nor more than 5 cents from the prices computed pursuant to paragraph (f) of this section. The resulting figure shall be the uniform price per hundredweight of milk testing 3.5 percent butterfat, f. o. b. market.

PAYMENTS

§ 921.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, at not less than the uniform price computed pursuant to § 921.71 adjusted by the butterfat and location differentials computed pursuant to §§ 921.81 and 921.82 and less the amount of (1) payment made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 921.89, and (3) proper deductions authorized in writing by the producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 921.85, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall, however, complete such payments not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due pursuant to § 921.85.

(b) On or before the 28th day of each month, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of the month at not less than the Class II price for the preceding month.

(c) On or before the 13th day after the end of each month and on or before the 26th day of the month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers.

(d) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer or each cooperative association which receives payment for such producer pursuant to paragraph (c) of this section with a supporting statement in such form that it may be retained, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds of milk delivered by the producer, and the average butterfat test thereof, and the pounds per shipment, if such information is not furnished to the producer each day;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of this section;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 921.87, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(e) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 921.81 *Producer butterfat differential.* In making payments to producers pursuant to § 921.80, a handler shall adjust the uniform price by adding or subtracting, as the case may be, for each one-tenth of 1 percent by which the average butterfat content of such producer milk is more or less than 3.5 percent, an amount equal to the butterfat differential computed pursuant to § 921.52 (b): *Provided*, That such differential shall be rounded to the nearest one-half cent.

§ 921.82 *Location differentials.* (a) In making payments to producers pursuant to § 921.80 for milk received at a pool plant located outside the marketing area, the price per hundredweight shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is from the nearest point in the marketing area. For the purpose of this paragraph, the distance which a plant is from the nearest point in the marketing area shall be the shortest highway distance as determined by the market administrator;

(b) In making payments to producers pursuant to § 921.80 for milk received each month at pool plants located in Benton and Washington counties, Arkansas, the price per hundredweight shall be increased by an amount obtained by dividing the total hundredweight of milk received from producers at such plants during the month into the sum resulting from the multiplication of the total hundredweight of Class I milk of such plants during such month by 15 cents: *Probided*, That the resultant price per hundredweight shall be rounded to the nearest one-half cent: *And provided further*, That the price per hundredweight shall not be increased pursuant to this paragraph by more than 15 cents.

§ 921.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all funds received pursuant to paragraphs (a) and (b) of this section, and out of which he shall make all payments required pursuant to paragraph (c) of this section.

(a) Payments made by handlers pursuant to §§ 921.61, 921.84 and 921.86;

(b) Payments received from the administrator of another order issued pursuant to the act which have been required under such order with respect to milk distributed in the marketing area regulated by such other order from pool plants;

(c) Payments due handlers pursuant to §§ 921.85 and 921.86: *Provided*, That payments due a handler shall be offset by payments due from such handler.

§ 921.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of the milk received by such handler from producers, as determined pursuant to § 921.70, is greater than an amount computed by multiplying the hundredweight of such milk by the uniform price adjusted by the producer butterfat and location differentials.

§ 921.85 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler the amount by which the value of the milk received by such handler from producers, as determined pursuant to § 921.70, is less than an amount computed by multiplying the hundredweight of such milk by the uniform price adjusted by the producer butterfat and location differentials: *Provided*, That if the unobligated balance in the producer-settlement fund is insufficient to make full payment to all handlers entitled to payment pursuant to this paragraph, the market administrator shall reduce such payments at a uniform rate and shall complete such payments as soon as the appropriate funds are available.

§ 921.86 *Adjustment of accounts.* Whenever audit by the market administrator of any reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 921.87 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than himself) pursuant to § 921.80 shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all producer milk received by such handler during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers.

(b) *Deductions with respect to members of a producers' cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to producers pursuant to § 921.80 (a) as are authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of such month, pay over such deductions to the cooperative association rendering such services.

§ 921.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 5 cents or such lesser amount as the Secretary may prescribe for each hundredweight of milk (a) received from producers, (b) received at a pool plant as Grade A other source milk (except milk subject to the Class I pricing provisions of another order issued pursuant to the act) and allocated to Class I, or (c) distributed as Class I milk in the marketing area from a nonpool plant.

§ 921.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator all books and records required by this part to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 921.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 921.91.

§ 921.91 *Suspension or termination.* The Secretary may suspend or terminate any or all of the provisions of this part, whenever he finds that they obstruct or do not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 921.92 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which require further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 921.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be

transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 921.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 921.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C. this 15th day of April 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2957; Filed, Apr. 19, 1954; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 302]

[File No. 205-1]

ARTICLE OF WEARING APPAREL; HANDKERCHIEFS AND SCARFS

INTERPRETATION OF TERM

In the matter of an interpretation of the term "Article of Wearing Apparel" as used in the Flammable Fabrics Act with respect to its applicability to handkerchiefs and scarfs; File No. 205-1.

Notice is hereby given all interested parties that the Federal Trade Commission on May 11, 1954, at its offices in Washington, D. C., will give consideration to an interpretation of the term "article of wearing apparel" as it is used in the Flammable Fabrics Act.

The matters to be considered are: (1) Whether handkerchiefs up to a finished size of 24 inches square, and (2) whether handkerchiefs and scarfs (irrespective of size) fall within the definition of the term "article of wearing apparel" as it is used in the Flammable Fabrics Act.

Interested parties may participate by submitting in writing and in duplicate to the Commission on or before such date their views, arguments, or other data pertinent to the matter.

This action is taken pursuant to the authority given the Federal Trade Commission under section 5 of the Flammable Fabrics Act (Pub. Law 88—83d Cong. Chap. 164—1st Sess., 67 Stat. 111).

Issued: April 15, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-3013; Filed, Apr. 19, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 440]

UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

NOTICE OF PROPOSED RULE MAKING

APRIL 15, 1954.

The Commission, having under consideration the provisions in the "Uniform System of Accounts for Freight Forwarders, Issue of 1943," which now require that depreciation accounting shall be in accordance with the "group method," has approved proposed amendments to cancel the present provisions and substitute the requirement that the "unit method" of accounting for depreciation be used.

The Commission has also approved the creation of an additional account "Terminal and Platform Equipment," in order to segregate freight handling equipment from office furniture and fixtures, with which it is now includible.

The following modifications have been approved:

1. Cancel the present text of paragraph (a) of instruction § 440.0-5 *Depreciation and amortization accounting,* and substitute the following:

(a) There shall be charged monthly to operating expenses or other appropriate accounts and credited to account 149, "Depreciation and amortization reserve—Transportation property," during the service life of depreciable property, amounts which will approximate the loss in service value not restored by current repairs or covered by insurance. The charges for currently accruing depreciation shall be computed in conformity with the unit method by applying to the original cost or estimated original cost such percentage rates as will distribute the service value by the straight-line method in equal annual charges to operating expenses or other accounts during the estimated life of the property.

2. Cancel the present text of Note B to § 440.0-5 (a), and substitute the following as Note B:

NOTE B. The term "unit method" means the method under which depreciation charges are computed and the records maintained so that the total amount of depreciation accrued applicable to each unit of property can be determined. Upon the retirement of any such unit the amount of depreciation accrued to date of retirement and carried in account 149, "Depreciation and amortization reserve—Transportation property," is chargeable to that account. The difference between the amount accrued and carried in account 149 with respect to each unit or item of property retired and the service value is includible in account 622, "Depreciation adjustment."

3. Cancel the text of subparagraph (1) of instruction § 440.0-43, *Retirements,* and substitute the following:

1. Depreciable property: The value of the salvage recovered shall be charged to account 108 "Material and supplies," or other appropriate asset account, according to the disposition of the material recovered. The service value shall be charged to account 149, "Depreciation and amortization reserve—Transportation property," to the extent of the amount carried in that account and the remainder shall be included in account 622, "Depreciation adjustment." (See § 440.0-5 *Depreciation and amortization accounting.*)

4. Change the caption of account § 440.141, *Furniture, fixtures, and equipment,* to read *"Furniture and office equipment,"* and delete the following from "Items":

Block and falls.	Electric motor trucks.
Carts.	Platform trucks.
Chain hoists.	Warehouse trucks.
Dollies (platform).	Weighing devices.

5. Change the number of account § 440.144, *Other property account charges,* to read § 440.145.

6. Add the following new account and the text and list of items pertaining thereto:

§ 440.144 *Terminal and platform equipment.* This account shall include the cost of electric and gasoline motor trucks, other wheeled equipment, and similar types of equipment used at terminals and loading platforms in connection with handling freight.

Items

Blocks and falls.	Gasoline motor trucks.
Carts.	Hand trucks.
Chain hoists.	Platform trucks and tractors.
Dollies (platform).	Warehouse trucks.
Electric motor trucks.	Weighing devices.
Fork lift trucks.	

7. Cancel paragraph (b) of the text of account §440.149 *Depreciation and amortization reserve—Transportation property* and substitute the following:

(b) At the time of retirement of depreciable property the amount of depreciation accrued and included herein with respect to the particular unit or item shall be charged hereto. (See § 440.0-43 *Retirements.*)

8. Change the note under account § 440.149 to read "Note B".

9. Add to the text of account § 440.149, *Depreciation and amortization reserve—Transportation property,* the following note:

NOTE A. This account shall be subdivided to show the reserve separately for classes of property corresponding to the property investment accounts as follows:
Furniture and office equipment.
Motor and other highway vehicles.
Public improvements (depreciable property).
Terminal and platform equipment.
Other property account charges (depreciable property).

10. Add this new account number, title and text:

§ 440.622 *Depreciation adjustment.* This account shall include the difference between the amount of depreciation accrued and credited to account 149, "Depreciation and amortization reserve—Transportation property," with respect to any unit or item of depreciable property accounted for as retired from service, and the service value of such unit or item. (See § 440.0-5 *Depreciation and amortization accounting.*)

Any interested person may on or before June 1, 1954, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consideration of representations so received, an order will be entered making the said modifications effective August 1, 1954. However, the order will contain a provision that nothing contained therein shall be construed as prohibiting application retroactively to January 1, 1954.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2941; Filed, Apr. 19, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

TOMMASINA SCHIPANO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Tommasina Schipano, San Giovanni in Fiore, Italy, Claim No. 43955. $2,371.39 in the Treasury of the United States. Italian Postal Savings Book No. 01091 (73/102) showing deposits of 11,300 lire, in custody of Office of Alien Property, Washington, D. C.

Executed at Washington, D. C., on April 13, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 54-2952; Filed, Apr. 19, 1954; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Amdt. 1]

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 13

MARCH 26, 1954.

Pursuant to the authority delegated to me under Section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625, 8627), Alaska Public Sale Classification No. 13 of December 29, 1953, is hereby amended as follows:

The classification for industrial and commercial purposes only, which was applied to the lands in T. 1 S., R. 1 W., FM, is revised to include classification for housing purposes for a portion of these lands, the amended description to read:

T. 1 S., R. 1 W., Fairbanks Meridian,
Section 24: $NW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$, that portion lying south of the Richardson Highway.

Containing approximately 5.1 acres.

Classified for industrial, commercial and housing purposes.

T. 1 S., R. 1 W., Fairbanks Meridian,
Section 24: $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$, and those portions of the $SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$ and the $E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$ lying south of the right-of-way of the Richardson Highway.

Containing approximately 53.4 acres.

Classified for industrial and commercial purposes.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 54-2949; Filed, Apr. 19, 1954; 8:50 a. m.]

Bureau of Reclamation

COLORADO RIVER STORAGE PROJECT, ARIZONA

ORDER OF REVOCATION

MARCH 3, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of February 19, 1929, June 4, 1930, and October 6, 1931, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 S., R. 22 W.,
Secs. 1 to 25, incl., all.
T. 3 S., R. 23 W.,
Secs. 1 to 4, incl., 9 to 16, incl., 21 to 29, incl., and 32 to 36 incl., all.
T. 4 S., R. 23 W.,
Secs. 1 to 6, incl., 8 to 17, incl., and 22 to 24, incl., all.

The above area aggregates approximately 44,630 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 1329982]

APRIL 13, 1954.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands in T. 4 S., R. 22 W., aggregating 16,000 acres, are withdrawn for use of the Department of the Army in connection with the Yuma Test Station, by Public Land Order No. 848 of July 2, 1952. The remaining lands lie in a rough, barren, and mountainous area in Yuma County, Arizona. They are east of, but do not adjoin, the Colorado River. Any application that is filed will be considered on its merits.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans of World War II and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

EARL G. HARRINGTON,
Acting Assistant Director,
Bureau of Land Management.

[F. R. Doc. 54-2922; Filed, Apr. 19, 1954; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

FAIR AND REASONABLE WAGES FOR PERSONS EMPLOYED IN PRODUCTION, CULTIVATING, OR HARVESTING OF SUGARCANE IN FLORIDA

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended, (61 Stat. 929; 7 U. S. Sup. 1131), notice is hereby given that a public hearing will be held in Clewiston, Florida, in the Sugarland Park Auditorium on May 11, 1954, beginning at 10:00 a. m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301 (c) (1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1954 through June 30, 1955, on farms with respect to which applications for payment under the act are made, and (2) pursuant to the provisions of section 301 (c) (2) of the act, fair and reasonable prices for the 1954 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presid-

ing officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof by the presiding officers.

Ward S. Stevenson, Linwood K. Bailey, and Wilmer M. Grayson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 15th day of April 1954.

[SEAL] LAWRENCE MYERS, *Director, Sugar Division.*

[F. R. Doc. 54-2962; Filed, Apr. 19, 1954; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5031 et al.]

TRANS-PACIFIC CERTIFICATE RENEWAL CASE

NOTICE OF ORAL ARGUMENT

In the matter of the proceeding known as the Trans-Pacific Certificate Renewal Case.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 25, 1954, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 14, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-2963; Filed, Apr. 19, 1954; 8:53 a. m.]

[Docket No. 5589 et al.]

WEST COAST-HAWAII CASE

NOTICE OF ORAL ARGUMENT

In the matter of the proceeding known as the West Coast-Hawaii Case.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 27, 1954, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 14, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-2964; Filed, Apr. 19, 1954; 8:53 a. m.]

[Docket No. 6609]

PAN AMERICAN WORLD AIRWAYS, INC.; CARGO RATE, PUERTO RICO-NEW YORK

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on April 22, 1954, at 10:00 a. m., e. s. t., in Room 1205, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., April 16, 1954.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 54-2960; Filed, Apr. 19, 1954; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8258, 8753]

TEXAS STAR BROADCASTING CO. AND KTRH BROADCASTING CO.

ORDER ADDING ISSUE

In re applications of Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP-5820; KTRH Broadcasting Company (KTRH), Houston, Texas, Docket No. 8753, File No. BP-6525; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of April 1954;

The Commission having under consideration a petition filed on September 18, 1953, by Chief, Broadcast Bureau, FCC for enlargement of issues in the above-entitled proceeding and petition for relief filed on September 28, 1953, by KTRH Broadcasting Company; and

It appearing that the said petition by Chief, Broadcast Bureau, FCC requests enlargement of the issues to include as Issue 4 in the said proceeding:

4. To determine if the proposed operation would involve radiations in excess of those permitted under the proposed agreement with Canada concerning the assignment of Class II Standard Broadcast Stations to clear channels (Docket No. 10453).

It further appearing that in response to the said petition of Chief, Broadcast Bureau, FCC, KTRH Broadcasting Company filed a petition for relief requesting (1) that the Commission determine prior to consideration of this matter whether the Canadian Government would be willing to accept the signal values proposed by KTRH Broadcasting Company at the Canadian border; (2) that the time for filing the reply to the petition for enlargement of issues be extended to ten days after a reply by the Canadian Government to the Commission's inquiry; and (3) that no date be set for the further hearing pending disposition of the said pleadings; and

It further appearing that hearing in this proceeding has been continued without date; that prior to action on the instant pleadings the Commission did refer the above-entitled application of KTRH Broadcasting Company to the Canadian Government; that on September 29, 1953, the Commission was advised by the Canadian Government of its objection to the operation proposed in the said application of KTRH Broadcasting Company due to objectionable interference under the provisions of the proposed agreement to the service being rendered by Canadian I-A stations on the channel involved; that on October 23, 1953, KTRH Broadcasting Company was advised of the objection by the Canadian Government to the operation proposed in its above-entitled application; and that no reply to the petition of Chief, Broadcast Buerau, FCC has been filed by KTRH Broadcasting Company, other than the aforesaid petition for relief; and

It further appearing that the issue requested by the Chief, Broadcast Bureau, FCC relates to matters upon which evidence should be adduced in the above-entitled proceeding in order to facilitate consideration of the applications therein; and

It further appearing that the prayers of the said petition for relief filed by KTRH Broadcasting Company have been effectively granted through the actions of the Commission subsequent to the filing of said petition;

It is ordered, That the petition for relief filed by KTRH Broadcasting Company is dismissed as moot and that the petition of Chief, Broadcast Bureau, FCC for enlargement of issues is granted and the issues set forth in the Memorandum Opinion and Order adopted on May 21, 1953, herein are amended to include the following issue:

4. To determine if the operation proposed in the above-entitled application of KTRH Broadcasting Company would involve radiations in excess of those permitted In re Proposed Agreement between United States and Canada respecting Assignment of Class II Standard Broadcast Stations to clear channels (Docket No. 10453).

Released: April 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-2953; Filed, Apr. 19, 1954; 8:51 a. m.]

[Docket No. 10851]

AKRON BROADCASTING CORP. (WCUE)

ORDER AMENDING ISSUES

In re application of Akron Broadcasting Corporation (WCUE), Akron, Ohio, for construction permit; Docket No. 10851, File No. BP-8478.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of April 1954;

The Commission having under consideration a motion filed by Akron Broadcasting Corporation (WCUE) on February 5, 1954, requesting that the Commission enlarge the issues in the above-entitled proceeding;

It appearing that by Order dated January 13, 1954, the Commission designated the application for hearing principally with respect to whether the proposal would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the coverage of the city and metropolitan district of Akron, Ohio, and the excessive number of persons residing between the normally protected and actual nighttime interference-free contours; and

It further appearing that Akron Broadcasting Corporation (WCUE) alleges in support of its motion that under the designated issues it would be precluded from showing that the needs of the persons residing within the area would outweigh the departure from the Commission's rules; and

It further appearing that the public interest would be served by an enlargement of the issues as set forth below;

It is ordered, That the above-described motion to enlarge the issues is granted; and

It is further ordered, That the above-entitled application shall proceed to hearing on the following designated issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to service to the city and metropolitan district of Akron and excessive population residing between the normally protected and actual nighttime limitation contours.

3. To determine the type and character of program service proposed to be rendered during nighttime hours and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine the type and character of program service rendered during nighttime hours by other standard broadcast stations licensed in Akron, Ohio.

5. To determine whether in light of the evidence adduced pursuant to the foregoing issues the operation of WCUE as proposed would serve the public interest, convenience and necessity.

Released: April 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-2954; Filed, Apr. 19, 1954; 8:51 a. m.]

[Docket No. 10943]

KLEIN PRODUCTS CO., INC.

ORDER CONTINUING HEARING

In the matter of Cease and Desist Order to be directed to Klein Products Company, Inc., 47 Great Jones Street, New York 12, New York; Docket No. 10943.

The Commission having under consideration a request filed April 13, 1954, by Klein Products Company, Inc., respondent herein, asking that the proceedings in the above-entitled matter be postponed; and

It appearing that said Company has advised the Commission it has commenced the work necessary to achieve compliance with the Commission's rules, and anticipates obtaining certification of its equipment approximately April 28, 1954;

It further appearing that Commission's representatives have verified the information furnished by respondent as to having commenced shielding of its plant, and that the Commission's Field Engineering and Monitoring Bureau has assented to the granting of respondent's request for postponement;

It further appearing that the public interest would be served by granting the request of respondent for postponement of the proceedings herein, and by affording the Commission's Field Engineering and Monitoring Bureau sufficient time to determine whether respondent has achieved compliance with the Commission's Rules, as proposed by said respondent;

Accordingly, it is ordered, This 14th day of April 1954, that the request of respondent for postponement of the proceedings in this matter is granted, and that the hearing herein, heretofore scheduled for April 16, 1954, at New York, New York, is continued to May 14, 1954, at 10:00 a. m.

Released: April 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-2955; Filed, Apr. 19, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6482]

PACIFIC GAS AND ELECTRIC CO.

ORDER SETTING DATE FOR FURTHER ARGUMENT

By order of the Commission issued March 5, 1954, the record in this proceeding was reopened and a further hearing set to commence at 10 a. m., e. s. t., March 23, 1954, in the Commission's hearing room at 441 G Street NW., Washington, D. C., such further hearing to be limited to the receipt of evidence relating to the answering of specified questions as to which further argument was initially ordered by Commission order issued September 21, 1953, in the above-entitled matter.

At the conclusion of such further hearing on March 24, 1954, counsel for all parties requested on the record (Tr. 1375-1376) that a date for the further argument referred to above to set subsequent to April 19, 1954.

The Commission orders: The above-entitled matter is set for further argument before the Commission in the Commission's hearing room at 441 G Street NW., Washington, D. C., commencing at 10 a. m., e. s. t., April 23, 1954, concerning those matters set forth in the above-mentioned order of the Commission issued September 21, 1953, in this proceeding. Each party, including staff counsel, on or before April 21, 1954, shall notify the Secretary of the Commission, in writing, as to whether such party will participate in the oral argument, and the amount of time desired for presentation of argument.

Adopted: April 14, 1954.

Issued: April 14, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2945; Filed, Apr. 19, 1954; 8:49 a. m.]

[Docket No. G-2360]

EAST TENNESSEE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, applicant having requested that its application, filed on January 25, 1954, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings. Subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 6, 1954 (19 F. R. 740), several petitions for leave to intervene were filed with the Commission; however, such petitions were withdrawn prior to Commission action thereon, and no protests or petitions are now on file.

The Commission finds: It is reasonable and in the public interest, and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 19, 1954, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings, pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: April 13, 1954.

Issued: April 14, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2946; Filed, Apr. 19, 1954; 8:50 a. m.]

[Docket No. G-2392]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF APPLICATION

APRIL 13, 1954.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas corporation having its principal place of business in Phillipsburg, Kansas, filed on March 18, 1954, an application (1) pursuant to section 7 of the Natural Gas Act for authorization to construct and operate the following prescribed facilities:

(a) An additional 1,200 H. P. of compressors with auxiliary equipment at Big Springs, Nebraska, Compressor Station.

(b) Install 1,500 H. P. of compressors together with auxiliary equipment in a new compressor station to be located near North Platte, Nebraska.

(c) Construct approximately 2 miles of 12 inch gas pipeline around the city of North Platte, Nebraska.

(d) Construct approximately 23 miles of 10 inch gas pipeline to replace equal quantities of an existing 6 inch gas pipeline between North Platte and Cozad, Nebraska.

(e) Construct approximately 45 miles of 10 inch and 50 miles of 8 inch gas pipeline from Cozad to Grand Island, Nebraska.

(f) Construct approximately 44 miles of 12 inch gas pipeline from Big Springs, Nebraska, compressor station to a point approximately 6 miles south of Sidney, Nebraska.

(g) Construct approximately 11 miles of 10 inch gas pipeline southeast of Northport, Nebraska, and 35 miles of 6 inch gas pipeline from Northport to Alliance, Nebraska, and town border station to serve Alliance.

(h) Construct measuring equipment to serve the Alliance Municipal Power Plant located at Alliance, Box Butte County, Nebraska.

(i) Construct approximately 11 miles of 10-inch gas pipeline from end of 12-inch line approximately 6 miles south of Sidney ((g) above) to delivery point from West Sidney Field approximately 5 miles north of Sidney, Nebraska.

And (2) pursuant to section 16 of the Natural Gas Act for permission to modify its application filed at Docket No. G-2186, and delete therefrom Item 3 (b) on page 2 of the application reading as follows:

(b) Construct 14.1 miles of 10-inch gas pipeline to replace the bare portion of an existing 6-inch gas pipeline between Cozad and Elm Creek, Nebraska.

The application recites (1) that the proposed facilities will provide capacity to serve increased firm demands of existing markets, and connect additional reserves of Applicant; and (2) Applicant proposes to serve Alliance, Nebraska, at retail by utilizing portions of the system of North Central Gas Company.

The estimated capital costs of the proposed facilities is $4,096,890. Applicant proposes to finance the costs of the facilities described herein from the proceeds to be realized from the issuance and sale of $4,400,000 of sinking fund debentures, 10,000 shares of cumulative preferred stock (no par value) realizing $970,000 and 85,090 shares of $5.00 par value common stock realizing $1,871,980. Estimated proceeds from the securities referred to will be $7,241,980.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 3d day of May 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2943; Filed, Apr. 19, 1954; 8:49 a. m.]

[Docket No. G-2398]

PHILADELPHIA ELECTRIC CO.

NOTICE OF APPLICATION

APRIL 14, 1954.

Take notice that on March 25, 1954, Philadelphia Electric Company (Applicant), a Pennsylvania corporation with its principal place of business in Philadelphia, Pennsylvania, filed an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon the sale of gas to Delaware Light and Power Company (Delaware), and to abandon the presently authorized use of the following natural-gas facilities used for such sale:

(a) Approximately 4 miles of 12-inch natural gas pipeline, together with metering facilities, commencing at a connection at 4th and Booth Streets in Chester, Pennsylvania, with Applicant's 12-inch gas main from Applicant's Tilgham Street plant and extending to Ridge Road at the Pennsylvania-Delaware State Boundary.

(b) Approximately 1.1 miles of 16-inch and 6.9 miles of 12-inch pipeline, together with metering and pumping facilities, extending from Applicant's Tilgham Street plant in Chester, Pennsylvania, to the Pennsylvania-Delaware State line, near Booth Corner, Pennsylvania, and 1.4 miles of 12-inch pipeline extending from Applicant's Tilgham Street plant to 4th and Booth Streets in Chester, Pennsylvania.

In support of its application Applicant states that by an order issued February 11, 1954, at Docket No. G-2267, the Federal Power Commission authorized Transcontinental to construct and operate specified facilities to transport and sell to Delaware certain volumes of straight natural gas, Delaware has advised Applicant that the straight natural gas authorized to be delivered by Transcontinental is adequate to enable Delaware to furnish straight natural gas to all of its customers, and that effective upon the completion of the change-over, Delaware desires and proposes permanently to discontinue the purchase of gas from Applicant.

Applicant further states that it is willing that Delaware shall so discontinue the purchase of gas from Applicant effective upon Delaware's completion of its change-over and Applicant is willing to cooperate with Delaware in effectuating such conversion and change-over. That upon discontinuance of the purchase by Delaware of gas from Applicant on or about June 1, 1954, the above described facilities of Applicant will cease to be used as facilities under the Natural Gas Act.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of May 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2944; Filed, Apr. 19, 1954; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 59—DPAV-46 (a)]

REQUEST TO PARTICIPATE IN THE VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY, AS AMENDED

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in a voluntary agreement entitled "Voluntary Agreement Relating to Foreign Petroleum Supply," dated May 1, 1953, as amended, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Defense Mobilization. The companies listed below have accepted the request to participate in the voluntary agreement as amended. The request to participate in the voluntary agreement of May 1, 1953, and the list of companies accepting it were published on July 22, 1953, in 18 F. R. 4262.

This agreement has been amended to conform to an organizational change within the Department of the Interior. This amended agreement has been approved by the Director of the Office of Defense Mobilization and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

Reference is made to the letter heretofore sent to you requesting your participation in the Voluntary Agreement Relating to Foreign Petroleum Supply dated May 1, 1953, a copy of which was inclosed. The Secretary of the Interior has informed me that he proposes to terminate the activities of the Petroleum Administration for Defense and to transfer functions, including activities under the Voluntary Agreement, to the Oil and Gas Division of his Department. In order to make the existing agreement conform to the contemplated organizational change within the Department of the Interior, the Secretary has requested me to approve the following modifications to that agreement.

1. The definition of "Administrator" in section 3 (a) to be amended to read:

"(a) 'Administrator' means the Secretary of the Interior or the Assistant Secretary of the Interior—Mineral Resources."

2. The definition of "Director" in section 3 (d) to be amended to read:

"(d) 'Director' means such person in the Oil and Gas Division of the Department of the Interior as the Administrator may designate. All powers granted herein to the Director shall be possessed also by the Administrator."

You are requested to participate in the Voluntary Agreement Relating to Foreign Petroleum Supply as amended. A copy of this amended agreement may be obtained from the Chairman of the Committee.

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary agreement as amended and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this modified request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that your acts relative to such participation are within the limits set forth in the Voluntary Agreement, as amended.

Your cooperation in this matter will be appreciated.

Sincerely yours,

ARTHUR S. FLEMMING, *Director.*

ACCEPTANCES

Arabian American Oil Company, 505 Park Avenue, New York 22, N. Y.

Barber Oil Corporation, 30 Rockefeller Plaza, New York 20, N. Y.

Caltex Oil Products Company, 380 Madison Avenue, New York 17, N. Y.

Creole Petroleum Corporation, 350 Fifth Avenue, New York 1, N. Y.

Gulf Oil Corporation, Gulf Building, Pittsburgh 30, Pa.

Pacific Western Oil Corporation, 417 South Hill Street, Los Angeles, Calif.

Sinclair Oil Corporation, 600 Fifth Avenue, New York 20, N. Y.

Socony-Vacuum Oil Company, 26 Broadway, New York 4, N. Y.

Standard Oil Company of California, Standard Oil Building, San Francisco 20, Calif.

Standard Oil Company (New Jersey), 30 Rockefeller Plaza, New York 20, N. Y.

Standard Vacuum Oil Company, 26 Broadway, New York 4, N. Y.

The Texas Company, 135 East Forty-second Street, New York 17, N. Y.

Venezuelan Petroleum Company, 600 Fifth Avenue, New York 20, N. Y.

(Sec 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: April 15, 1954.

ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 54-2951; Filed, Apr. 19, 1954; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29068]

CREOSOTE OIL SOLUTION FROM GOOD HOPE, LA., TO HATTIESBURG, MISS.

APPLICATION FOR RELIEF; AMENDED NOTICE

APRIL 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Fernwood, Columbia & Gulf Railroad Company and other carriers parties to schedule listed below.

Commodities involved: Creosote oil solution (creosote oil and tar) carloads and tank-car loads.

From: Good Hope, La.

To: Hattiesburg, Miss.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1400, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2929; Filed, Apr. 19, 1954; 8:47 a. m.]

[4th Sec. Application 29139]

ROOFING MATERIAL AND SHEATHING FROM CINCINNATI, OHIO, TO HOUSTON, TEXAS

APPLICATION FOR RELIEF

APRIL 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Roofing material, sheathing, asbestos wallboard, and related articles, carloads.

From: Cincinnati, Ohio.

To: Houston, Tex.

Grounds for relief: Competition with rail carriers, competition with motor, motor-water carriers, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3899, supp. 196.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2930; Filed, Apr. 19, 1954; 8:47 a. m.]

[4th Sec. Application 29140]

PETROLEUM COKE FROM NIAGARA FALLS AND SUSPENSION BRIDGE, N. Y., TO BADIN, N. C.

APPLICATION FOR RELIEF

APRIL 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum coke, not ground, carloads.

From: Niagara Falls and Suspension Bridge, N. Y.

To: Badin, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-968, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2931; Filed, Apr. 19, 1954; 8:47 a. m.]

[4th Sec. Application 29141]

LATEX FROM WHIPPANY, N. J., TO SWANNANOA, N. C.

APPLICATION FOR RELIEF

APRIL 15, 1954.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Latex (liquid crude rubber), carloads and tank-car loads.

From: Whippany, N. J.

To: Swannanoa, N. C.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-968, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2932; Filed, Apr. 19, 1954; 8:47 a. m.]

[4th Sec. Application 29142]

FERTILIZER FROM BARRELVILLE, S. C., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

APRIL 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Barrelville, S. C.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, to maintain grouping, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2934; Filed, Apr. 19, 1954; 8:48 a. m.]

[4th Sec. Application 29144]

ALCOHOL AND RELATED ARTICLES FROM LONGVIEW, TEX., TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

APRIL 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Alcohol and related articles, carloads.

From: Longview, Tex.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4064, supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2935; Filed, Apr. 19, 1954; 8:48 a. m.]

[4th Sec. Application 29145]

FEED, ANIMAL OR POULTRY, FROM ILLINOIS TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent R. G. Raasch's tariffs I. C. C. Nos. 776 and 784, pursuant to fourth-section order No. 16101.

Commodities involved: Feed, animal or poultry, viz.: meat or fish, with or without vegetable ingredients, carloads.

From: Chicago, Ill., group and Rockford, Ill.

To: Points in southern territory.

Grounds for relief: Rail competition, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

F. R. Doc. 54-2936; Filed, Apr. 19, 1954; 8:48 a. m.]

[4th Sec. Application 29146]

BINDER OR BALER TWINE FROM THE SOUTH TO ILLINOIS TERRITORY AND OHIO RIVER CROSSINGS

APPLICATION FOR RELIEF

APRIL 15, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Binder or baler twine, carloads.

From: New Orleans, La., Gulfport, Miss., Chalmette, La., Mobile, Ala., and Pensacola, Fla.

To: Illinois territory and Ohio River Crossings, Cairo, Ill., to Cincinnati, Ohio, inclusive.

Grounds for relief: Rail competition, circuity, market competition, and to maintain grouping.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 410, supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2937; Filed, Apr. 19, 1954; 8:48 a. m.]

[No. 31483]

IDAHO INTRASTATE FREIGHT RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 9th day of April A. D. 1954.

It appearing that in Ex Parte No. 185, Increased Freight Rates, 1951, 280 I. C. C. 179; 281 I. C. C. 447; and 284 I. C. C. 589, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing that a petition, dated February 4, 1954, (which brought in issue intrastate rates in the State of Idaho and Utah) has been filed by the Camas Prairie Railroad Company and other common carriers by railroad, named in appendix A to the petition, operating to, from, and between points in the State of Idaho, averring, among other matters, that the Idaho Public Utilities Commission has refused to authorize or permit petitioners to establish for the intrastate transportation upon their railroads in Idaho increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in the proceeding above cited; such refusal being alleged in the manner and to the extent as more fully set forth in the said petition;

It further appearing that petitioners allege that the refusal of the Idaho Public Utilities Commission to permit the increase on intrastate traffic referred to in the preceding paragraph causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

It further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Idaho;

And it further appearing that the Idaho Public Utilities Commission on March 8, 1954, filed an answer containing a motion to require petitioners to amend their petition by severing the causes of action as between the States of Idaho and Utah, and to dismiss the petition as to Idaho upon the grounds that evidence sufficient to satisfy State statutory requirements had not been offered by petitioners, and that the matter before the said Commission was reopened January 7, 1953, and it appearing that no further proceedings have been had therein and that investigation of petitioners' alleged violations of the Interstate Commerce Act should be made as required by the provisions of that act;

It is ordered, That the said motion of the Idaho Public Utilities Commission to dismiss be, and it is hereby, overruled, without prejudice, pending presentation of evidence; and that separate investigations be instituted with respect to the rates brought in issue in Idaho and Utah respectively;

It is further ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Idaho for the intrastate transportation of property made or imposed by authority of the State of Idaho, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by the Commission for interstate traffic in the proceeding cited above, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Idaho which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Idaho be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of said State and to the Idaho Public Utilities Commission at Boise, Idaho;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby assigned for hearing May 17, 1954, at 9:30 o'clock a. m., U. S. Standard Time (or 9:30 a. m. local daylight saving time, if that time is observed), at the rooms of the Idaho Public Utilities Commission, Boise, Idaho, before Examiner M. Witters.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2938; Filed, Apr. 19, 1954; 8:48 a. m.]

[No. 31484]

UTAH INTRASTATE FREIGHT RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 9th day of April A. D. 1954.

It appearing, that in Ex Parte No. 175, Increased Freight Rates, 1951, 280 I. C. C.

179; 281 I. C. C. 447; and 284 I. C. C. 589, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing, that a petition, dated February 4, 1954 (which brought in issue intrastate rates in the States of Utah and Idaho) has been filed by the Bamberger Railroad Company and other common carriers by railroad, named in appendix A to the petition, operating to, from, and between points in the State of Utah, averring, among other matters, that the Public Service Commission of Utah has refused to authorize or permit petitioners to establish for the intrastate transportation upon their railroads in Utah increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in the proceeding above cited; such refusal being alleged in the manner and to the extent as more fully set forth in the said petition;

It further appearing that petitioners allege that the refusal of the Public Service Commission of Utah to permit the increase on intrastate traffic referred to in the preceding paragraph causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

It further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Utah;

And it further appearing that the Public Service Commission of Utah on March 12, 1954, filed an answer containing a motion to dismiss the petition herein upon the ground that evidence sufficient to satisfy State statutory requirements had not been offered by petitioners before that Commission, and it appearing that investigation of petitions' alleged violations of the Interstate Commerce Act should proceed in due course:

It is ordered, That the said motion of the Public Service Commission of Utah be, and it is hereby, overruled, without prejudice, pending presentation of evidence;

It is further ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Utah for the intrastate transportation of property made or imposed by authority of the State of Utah, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by the Commission for interstate traffic in the proceeding cited above, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Utah which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Utah be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of said State and to the Public Service Commission of Utah at Salt Lake City, Utah;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby assigned for hearing May 20, 1954, at 9:30 o'clock a. m., U. S. Standard Time (or 9:30 a. m. local daylight saving time, if that time is observed), at the rooms of the Public Service Commission of Utah, Salt Lake City, Utah, before Examiner M. Witters.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2939; Filed, Apr. 19, 1954; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3208]

NATIONAL FUEL GAS CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND [redacted]

APRIL 14, 1954.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, United Natural Gas Company, Pennsylvania Gas Company, Republic Light, Heat and Power Company, Inc.; File No. 70-3208.

The Commission on March 29, 1954, having issued its Order herein, pursuant to sections 6, 7, 9 (a), 10, and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43 and U-50 thereunder, authorizing National Fuel Gas Company ("National") and its subsidiaries Iroquois Gas Corporation ("Iroquois"), United National Gas Company ("United"), Pennsylvania Gas Company ("Pennsylvania"), and Republic Light, Heat and Power Company, Inc. ("Republic") to consummate certain proposed security transactions, as follows:

National, to issue and sell, under the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of debentures;

Iroquois, to issue and sell 45,000 shares of its common stock to National, for $4,500,000 cash;

United, to issue and sell 92,000 shares of its common stock to National, for $2,300,000 cash;

Pennsylvania, to issue and sell 46,080 shares of its common stock at $15 per share, pursuant to subscription rights and subject to National's agreement to purchase all unsubscribed shares; also to issue and sell to National its serial notes aggregating $1,500,000;

Republic, to issue and sell 30,000 shares of its common stock to National, for $3,000,000 cash; also to issue and sell to National its serial notes aggregating $720,000; and

The Commission having in said Order reserved jurisdiction with respect to all fees and expenses to be paid in the several transactions; and

Applicants-declarants, by amendment filed herein on April 9, 1954, having supplied further data with respect to said fees and expenses, including detailed memoranda in support of all legal, engineering and accounting fees, which data may be summarized as follows:

National's fees and expenses:	
Legal (four firms)	[1] $7,925
Accounting	3,400
Engineering (survey of gas supply)	15,000
Trustee (including counsel)	7,000
Federal stamp tax	16,500
Filing fee, S. E. C.	1,530
Printing, engraving, and postage (estimated)	25,300
Miscellaneous (estimated)	4,475
Total	$81,400
Legal	1,500
New York Public Service Commission	2,050
U. S. documentary stamps	4,950
Miscellaneous	400
Total	9,000
United's fees and expenses:	
Legal	250
U. S. documentary stamps	3,450
Pennsylvania excise tax	1,584
Miscellaneous	200
Total	5,484
Pennsylvania's fees and expenses:	
Legal	3,500
Subscription agent	2,000
U. S. documentary stamps and fees	4,010
Printing	2,500
Miscellaneous	3,000
Total	14,010
Republic's fees and expenses:	
Legal	2,000
New York Public Service Commission	2,272
U. S. documentary stamps	3,300
Miscellaneous	600
Total	8,172

[1] Not including fee of counsel to the underwriters in the amount of $7,500, to be paid by the successful bidders.

Iroquois' fees and expenses:

And the Commission having examined the evidence submitted with respect to the aforesaid fees and expenses, and on the basis of its examination finding that the amounts proposed to be paid are not unreasonable and that it is appropriate in the public interest to release jurisdiction with respect thereto:

It is ordered, That jurisdiction heretofore reserved with respect to the payment of the aforesaid fees and expenses, including fees and expenses payable to counsel for the successful bidders for National's debentures, be and the same hereby is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2923; Filed, Apr. 19, 1954; 8:46 a. m.]

[File No. 70-3233]

JERSEY CENTRAL POWER & LIGHT CO.

NOTICE OF FILING REGARDING ASSUMPTION OF LIABILITY ON A PURCHASE MONEY BOND AND MORTGAGE

APRIL 14, 1954.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central") a public utility subsidiary of General Public Utilities Corporation, a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 of the act as applicable to the proposed transactions, which are summarized as follows:

Jersey Central proposes to acquire legal title to a tract of land of about 36 acres now subject to a $160,000 purchase money bond and mortgage and, by reason of said acquisition, in effect to assume the obligations of such purchase money bond and mortgage. Amortization installments on the bond of $10,000 each are payable semi-annually from November 2, 1953, with semi-annual interest at the rate of 4 percent per annum. The property to which legal title is thus to be acquired is located in the vicinity of Point Pleasant Beach, Ocean County, New Jersey, and it is contemplated that such property will serve as a site for a future generating station.

Jersey Central has filed a petition with the Board of Public Utility Commissioners of the State of New Jersey seeking approval of the proposed transactions.

It is estimated that expenses in connection with the foregoing transactions will be $1,500 including legal fees and expenses estimated at $1,250.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than April 29, 1954, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2924; Filed, Apr. 19, 1954; 8:46 a. m.]

[File No. 70-3235]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE OF FILING OF JOINT APPLICATION-DECLARATION REGARDING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF DEBENTURES AND BORROWING FROM BANKS BY PARENT

APRIL 14, 1954.

In the matter of Consolidated Natural Gas Company, The East Ohio Gas Company, Hope Natural Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation, The River Gas Company; File No. 70-3235.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its wholly owned subsidiaries The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State") and The River Gas Company ("River") have filed a joint application-declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act ("act") and rules thereunder. The companies have designated sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (b) and 12 (f) of the act and Rules U-43, U-45 and U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Consolidated proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $25,000,000 principal amount of its __ percent Debentures to be dated June 1, 1954, and to mature June 1, 1979. Consolidated anticipates issuing its invitation for bids on or about May 14, 1954, and receiving such bids on or about May 25, 1954.

The Debentures will be issued pursuant to an Indenture dated June 1, 1954 between Consolidated and Bankers Trust Company of New York City, Trustee. According to Consolidated the Indenture will contain provisions for regular sinking fund redemptions aggregating $20,000,000 and certain covenants regarding the issuance of funded debt and preferred stock, the payment of dividends and execution of mortgages or other liens.

Consolidated also proposes to borrow $15,000,000 from one or more banks on or about August 1, 1954, on a commercial note or notes without collateral and at the then prevailing prime interest rate which at present is 3 percent, maturing one year from the date of the borrowings with the right of Consolidated to prepay the loan at any time.

The proceeds from the sale of debentures will be added to the general funds of Consolidated and, along with other cash resources, will be used (1) to pay on or before June 10, 1954, Consolidated's outstanding bank loans aggregating $15,000,000 due March 1, 1955, and (2) to provide approximately $10,000,000 of new long-term capital for the purchase, from time to time, of securities of its operating subsidiaries. The funds, thus made available to subsidiaries together with other corporate funds will be used by them for the construction of additional plant facilities and for other corporate purposes. The proceeds from the bank borrowings are to be made available to the subsidiary companies for the purchase of storage gas to meet customer demands during the winter of 1954–1955.

As the means of supplying the subsidiaries with funds, Consolidated proposes to purchase capital stock from and make loans to the subsidiaries and the subsidiaries propose to issue and sell to and borrow from Consolidated, the following aggregate amounts of capital stock and notes or loans:

Capital stock:	
New York State Natural Gas Corp	$3,000,000
Long-term loans:	
The East Ohio Gas Co., maturing $500,000 each May 31, 1959, to 1963, inclusive	2,500,000
Hope Natural Gas Co., maturing $250,000 each May 31, 1959, to 1974, inclusive	4,000,000
The Peoples Natural Gas Co., maturing $250,000 each May 31, 1964, to 1971, inclusive	2,000,000
The River Gas Co., maturing $15,000 each May 31, 1969, to 1971, inclusive and $5,000 on May 31, 1972	50,000
Total	11,550,000

In each instance the notes are to be non-negotiable. The loans are to be made from time to time within the twelve-month period ending June 30, 1955 as financing is required by each subsidiary in carrying out its construction program.

It is expected that the interest rate for each of the above borrowings will be determined by Consolidated as soon as the results of competitive bidding for the proposed $25,000,000 of Debentures are known, and that such interest rate will be predicated on and will substantially equal the effective cost of the money secured through the issuance of such Debentures.

Consolidated proposes to make short-term loans bearing the same rate of interest as its bank loan to three of its subsidiaries, in the following amounts:

The East Ohio Gas Co	$2,000,000
Hope Natural Gas Co	5,000,000
New York State Natural Gas Corp	8,500,000
Total	15,500,000

Such loans to subsidiaries will mature on or before the date of maturity of the

bank loan borrowing proposed by Consolidated.

A copy of the applications by East Ohio, Hope, Peoples and River to the State commissions of Ohio, West Virginia and Pennsylvania and the orders of those commissions to be issued in respect of the borrowings from Consolidated are to be supplied by amendment.

Consolidated requests that the Commission issue an order on or about May 11, 1954 permitting the proposed issuance and sale of Debentures and the bank borrowings.

Notice is further given that any interested person may, not later than May 5, 1954 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2925; Filed, Apr. 19, 1954; 8:46 a. m.]

[File No. 54-188]

EASTERN UTILITIES ASSOCIATES

ORDER WITH RESPECT TO THE FILING OF REPORTS CONCERNING FEES AND EXPENSES IN CONNECTION WITH SECTION 11 (E) PLAN

APRIL 14, 1954.

The above-entitled proceeding involves a plan and amendments thereto filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Eastern Utilities Associates ("EUA"), a registered holding company, to effectuate, in part, compliance with section 11 (b) of the act. The Commission has heretofore reserved jurisdiction with respect to the fees and expenses paid or to be paid by EUA for services rendered in connection with this plan and related proceedings.

Pursuant to notice given by the Commission, applications for allowances or approval of amounts already paid have been filed with the Commission and with EUA but no procedure with respect to the disposition of such applications has been fixed.

The Commission has decided that it is necessary or appropriate in the public interest or for the protection of investors or consumers that, as a first step in fixing the ultimate procedure to be followed and as an aid to the Commission in determining what fees and expenses it should ultimately approve, an order should be entered, under the authority conferred by section 11 of the act, requiring that EUA file with the Commission a report or reports setting forth certain information.

It is therefore ordered, That on or before July 15, 1954, EUA shall file with the Commisison 10 copies of a report or reports which shall set forth:

(1) The amounts of fees and expenses claimed by the respective applicants for services rendered in connection with the above-entitled proceeding and related proceedings;

(2) The amounts of fees and expenses which EUA has already paid or is prepared to pay without modification;

(3) The amounts of fees and expenses, if any, which EUA is willing to pay and which the claimants after negotiation with EUA have indicated a willingness to accept; and

(4) In cases where such negotiations have been unsuccessful, the amounts of fees and expenses which EUA considers to be reasonable and which it is willing to pay.

It is further ordered, That any agreement as to amount as contemplated by paragraph (3) above shall be subject to the provisions of the plan and to approval by the Commission and the exercise by the Commission of its full powers with respect to fees and expenses conferred by the Act in connection with plans filed under section 11 (e) thereof.

It is further ordered, That with respect to the information required to be furnished by paragraph (4) above, such information shall be submitted directly to the Chairman of this Commission and shall be kept confidential unless and until a further order of this Commission shall require otherwise.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2927; Filed, Apr. 19, 1954; 8:46 a. m.]

[File No. 70-3240]

COLUMBIA GAS SYSTEM, INC., AND NATURAL GAS COMPANY OF WEST VIRGINIA

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

APRIL 14, 1954.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and one of its wholly owned subsidiary companies, Natural Gas Company of West Virginia ("Natural Gas") have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 and 10 of the act and Rule U-50 (a) (3) as applicable to proposed transactions which are summarized as follows:

Natural Gas proposes to increase its authorized common stock, $100 par value, from 50,000 to 70,000 shares and to issue and sell to Columbia 10,000 shares of such stock at a price equivalent to the par value thereof.

Natural Gas also proposes to issue and sell to Columbia $250,000 principal amount of __ Percent Installment Promissory Notes at a price equivalent to the principal amount of such notes. The notes are to be registered and will be payable in equal annual installments on February 15 of each of the years 1956 to 1980 inclusive. Interest on the unpaid principal amount of the notes is to be payable semi-annually on February 15 and August 15 at the rate of 4 percent per annum or such lower rate, being a multiple of ⅛ of 1 percent, as shall be not less than the "cost of money" to Columbia in respect of its next sale of Senior Debentures. It is Columbia's present intention to sell Senior Debentures later this year and during the interim period the proposed installment notes will carry interest at the rate of 4 percent per annum subject, however, to an adjustment in the rate following the sale of Senior Debentures.

It is anticipated that Natural Gas will first issue and sell its common stock when and as funds are required by it up to a maximum amount of $1,000,000, and thereafter Natural Gas will sell its installment notes to Columbia up to a maximum amount of $250,000. However, none of the common stock or installment notes will be sold or purchased subsequent to March 31, 1955.

According to the filing the financing is for the purpose of supplying Natural Gas with funds which are needed in connection with its 1954 construction program involving estimated expenditures of $1,339,550 for gas wells, transmission and distribution lines and other facilities.

The estimated fees and expenses aggregate $1,825 of which $1,375 is attributable to the Federal original issue tax.

The proposed issue and sale of common stock and notes has been authorized by the Public Utilities Commission of Ohio.

Notice is further given that any interested person may, not later than April 28, 1954, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2926; Filed, Apr. 19, 1954; 8:46 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 19 NUMBER 77

Washington, Wednesday, April 21, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10527

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED VALUE EXCESS-PROFITS, CAPITAL STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON BANKING AND CURRENCY

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), it is hereby ordered that any income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax return for the years 1942 to 1953, inclusive, shall, during the 83d Congress, be open to inspection by the Senate Banking and Currency Committee, or any duly authorized subcommittee thereof, for the purpose of its investigation of loan projects under section 608 of Title VI of the National Housing Act, as added by the Act of May 26, 1942 (56 Stat. 303), as amended, and the amounts of the mortgages, the cost of construction, and the cost of land of such projects, in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6064,[1] relating to the inspection of returns by certain committees of the Congress, approved by me February 11, 1954.

This Executive order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 19, 1954.

[F. R. Doc. 54-3047; Filed, Apr. 20, 1954; 9:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

EXTENSION OF TIME FOR FILING FINANCIAL STATEMENTS UNDER RENEGOTIATION ACT OF 1951[2]

Every person having a fiscal year which ended during the month of December 1953 is hereby granted an extension of time, until not later than June 1, 1954, to file the financial statement (Forms RB–1 and RB–1B) for such year required of such person by section 105 (e) (1) of the Renegotiation Act of 1951.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: April 16, 1954.

By order of The Renegotiation Board.

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-2998; Filed, Apr. 20, 1954; 8:50 a. m.]

[1] 19 F. R. 855.

[2] This affects § 1470.3 (d).

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 601, Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEXICAN FRUIT FLY

ADMINISTRATIVE INSTRUCTIONS REQUIRING STERILIZATION OF GRAPEFRUIT

Pursuant to the authority conferred upon the Chief of the Plant Pest Control Branch by § 301.64–4 (e) of the regulations supplemental to the Mexican fruit fly quarantine (7 CFR 301.64–4 (e)) administrative instructions to appear as § 301.64–4f in Title 7, Code of Federal Regulations, are hereby issued to read as follows:

§ 301.64–4f *Administrative instructions requiring sterilization of grapefruit.* It is hereby required that effective 12:01 a. m., April 19, 1954, and continuing throughout the 1953–54 harvesting season, all grapefruit, as a condition of issuance of permits for interstate movement from the regulated area of Texas, shall be sterilized in accordance with the methods authorized in B. E. P. Q. 575, revised effective February 1, 1949 (§ 301.64–4a).

Imposition of sterilization requirements is dependent upon the presence and development of Mexican fruit flies, which conditions cannot be predicted within narrow time limits. Mexican fruit flies are now present in such numbers in the Lower Rio Grande Valley that

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FEDERAL REGISTER

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(For use during 1954)

The following Supplements are now available:

Titles 30–31 ($1.00)

Title 33 ($1.25)

Titles 44–45 ($0.75)

Previously announced: Title 3, 1953 Supp. ($1.50); Title 8 ($0.35); Titles 10–13 ($0.50); Title 16 ($1.00); Title 18 ($0.45); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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it has become necessary to impose the foregoing requirements for the sterilization of grapefruit as soon as possible. For the reasons stated, it is found upon good cause, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that notice and public procedure on these administrative instructions are unnecessary, impracticable, and contrary to the public interest, and good cause is found for issuing these instructions effective less than thirty days after their publication in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 14th day of April 1954.

[SEAL] W. L. POPHAM,
Chief, Plant Pest Control Branch.

[F. R. Doc. 54-2982; Filed, Apr. 20, 1954; 8:46 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The following riders for the 1954 and succeeding crop years are hereby published pursuant to § 420.34, as amended, of the above-identified regulations (14 F. R. 5303, 6787; 15 F. R. 2485, 4161, 9033; 16 F. R. 579, 4300; 17 F. R. 2110, 2385, 5082, 5933, 8206, 10537; 18 F. R. 440, 3634, 4418, 6992; 19 F. R. 470). Any riders for these counties which have been published previously (14 F. R. 7827; 15 F. R. 2622, 3077, 9271; 16 F. R. 4829, 12111, 12765; 17 F. R. 3265, 3671, 11257, 11379; 18 F. R. 151, 6282, 7222, 8080, 8530; 19 F. R. 509) are hereby superseded for the 1954 and succeeding crop years.

A Rider No. 1 to the Multiple Crop Insurance Policy for the following counties:

Iowa—§ 420.63.
Humboldt—§ 420.63–2.
Iowa—§ 420.63.
Hamilton—§ 420.63–12.
Iowa—§ 420.63.
Emmet, Delaware, Howard, Ida, Kossuth, Tama, Union, Warren, Winnebago, Worth—§ 420.63–13. [Supersedes: § 420.63–1, and §§ 420.63–3 through 420.63–11.]
Louisiana—§ 420.66
St. Landry—§ 420.66–2.
Minnesota—§ 420.71.
McLeod—§ 420.71–5.
Minnesota—§ 420.71.
Stearns—§ 420.71–6.
Minnesota—§ 420.71.
Dakota, Goodhue, Kandiyohi, Stevens, Swift—§ 420.71–12. [Supersedes: §§ 420.71–1, 420.71–3, 420.71–4, 420.71–7, and 420.71–8.]
Minnesota—§ 420.71.
Dodge, Nicollet, Faribault—§ 420.71–13. [Supersedes: §§ 420.71–2, 420.71–10, and 420.71–11.]
Missouri—§ 420.73.
Audrain—§ 420.73–1.
North Dakota—§ 420.82.
Richland—§ 420.82–8.
North Dakota—§ 420.82
Barnes, Ransom, Sargent, Dickey, LaMoure—§ 420.82–10. [Supersedes: §§ 420.82–1, 420.82–2, 420.82–3, 420.82–4, and 420.82–6.
North Dakota—§ 420.82.
Pierce, Steele, Grand Forks—§ 420.82–11. [Supersedes: §§ 420.82–5, 420.82–7, and 420.82–9.]
South Dakota—§ 420.89.
Bon Homme—§ 420.89–1.
South Dakota—§ 420.89.
Hutchinson—§ 420.89–2.
South Dakota—§ 420.89.
Miner, Day—§ 420.89–11. [Supersedes: §§ 420.89–6 and 420.89–7.]
South Dakota—§ 420.89.
Lake, Deuel, Hamlin, McCook, Hanson, Kingsbury—§ 420.89–12. [Supersedes: §§ 420.89–3, 420.89–4, 420.89–5, 420.89–8, 420.89–9, and 420.89–10.]
Tennessee—§ 420.90.
Henry—§ 420.90–1.
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Obion—§ 420.90–5.
Tennessee—§ 420.90.
Weakley—§ 420.90–6.
Tennessee—§ [illegible].
Coffee—§ 420.90–8.
Wisconsin—§ 420.97.
Fond du Lac—§ 420.97–1.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516)

C. S. LAIDLAW,
Manager,
Federal Crop Insurance Corporation.

§ 420.63 *Iowa.*

§ 420.63–2 *Humboldt County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Humboldt County, Iowa, Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, oats or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel, determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (determined in accordance with section 4 of this rider) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop, produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production*[1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not harvested and not planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 10 percent of the harvested coverage divided by the predetermined price for the crop.
3. Acreage harvested	The actual production harvested plus an appraisal of any production left in the field after harvest and an appraisal of corn used for ensilage or fodder.
4. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
5. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested.
6. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Insurance unit.* Notwithstanding the provisions of Section 13 of the policy or any election made on the application for insurance, combination of insurance units will not be recognized; however, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit.

9. *Definitions.* "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or ensilage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–12 *Hamilton County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Hamilton County, Iowa, Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (determined in accordance with section 4 of this rider) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production* [1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
1. Acreage not harvested and not planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 10 percent of the harvested coverage divided by the predetermined price for the crop.
3. Acreage harvested	The actual production harvested plus an appraisal of any production left in the field after harvest and an appraisal of corn used for ensilage or fodder.
4. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
5. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested.
6. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Insurance unit.* Notwithstanding the provisions of section 13 of the policy or any election made on the application for insurance, combination of insurance units will not be recognized; however, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit.

9. *Definitions.* "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or ensilage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–13 *Emmet, Delaware, Howard, Ida, Kossuth, Tama, Union, Warren, Winnebago, Worth Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Delaware, Emmet, Howard, Ida, Kossuth, Tama, Union, Warren, Winnebago, and Worth Counties, Iowa, Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown in the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production* [1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
4. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced by not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested.
5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount table: November 30.

Cancellation date: February 28.

8. *Definitions.* Notwithstanding the provisions of section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.66 *Louisiana.*

§ 420.66–2 *St. Landry Parish.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in St. Landry Parish, La., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(b) Rice planted for harvest.

(c) Sugarcane, including acreage harvested for seed, and excluding (i) acreage of less than one acre on an insurance unit and (ii) acreage on which three successive crops have been harvested from one planting.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop, except for the second and third year crop of sugarcane, in which case insurance shall attach on December 1 provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the cotton crop upon picking, the rice crop upon threshing, the sugarcane crop upon cutting, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 of the calendar year in which the crop is normally harvested (January 31 following the normal time of harvest for sugarcane) unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of rice which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the

planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production for such acreage which is in excess of 60 percent of the harvested coverage divided by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production for such acreage which is in excess of 25 percent of the harvested coverage divided by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised amount by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the amount of production harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised amount by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in pounds for cotton and rice, and tons (rounded to tenths), for sugarcane. If any part of the sugarcane production from the insurance unit is processed for sugar, the total number of tons of sugarcane shall be adjusted to standard sugarcane (as determined in accordance with regulations issued by the U. S. Department of Agriculture for the crop year involved).

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) For all purposes under the contract sugarcane for harvest within the crop year shall be considered to have been planted as follows: (1) the first crop from seed, on the date the planting operation is actually accomplished, and (2) second and third year crops on December 1 preceding the calendar year in which the crop is normally harvested.

(b) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

(c) In addition to the provisions of section 13 of the policy, any share of an insured crop paid or to be paid for irrigation water shall be considered for the purpose of determining insurance units only as a part of the share of the insured.

(d) "Flood" as a cause of loss insured against shall not include damage caused by the use or overflow of the Atchafalaya River Spillway.

9. *Irrigation.* In addition to the causes of loss not insured against as stated in section 8 of the policy, the contract also will not cover loss of the rice crop due to a shortage of irrigation water where the acreage planted to rice is in excess of the acreage which could be irrigated properly with the irrigation facilities available and with a supply of irrigation water which reasonably could be expected.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71 *Minnesota.*

§ 420.71–5 *McLeod County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in McLeod County, Minn., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, popcorn, broom corn or corn planted for the development of hybrid seed corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Soybeans planted for harvest as beans.

(f) Spring wheat planted for harvest as grain.

(g) Sweet corn planted for commercial processing.

(h) Mixtures of insurable small grains or mixtures of flax and insurable small grains planted for harvest as grain or seed.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of field corn except acreage released and planted to a substitute crop shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 7 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

3. *Determining coverage(s) and premium(s) for mixtures.* (a) If a mixture of insurable crops is planted the coverage of the predominant crop shall apply.

(b) For the purpose of determining the premium, any acreage of a mixture of insurable crops shall be considered as acreage of the predominant crop.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insured shall cease with respect to any portion of the field corn or sweet corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, field corn, flax, oats or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Wheat which does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

6. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production of such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. In determining production on acreage where a mixture of flax and an insurable small grain is insured, the production of each commodity shall be determined and handled separately. In determining production on acreage where a mixture of insurable small grain (excluding flax) is insured, all production shall be counted as the predominant small grain on a weight basis. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	Total production [2]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
4. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised amount by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the amount of production harvested.
5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised amount by which production for such acreage has been reduced because of cause(s) not insured against.

[2] Production shall be in bushels for all crops except sweet corn which shall be in tons (rounded to tenths). No production shall be counted for any field corn acreage on which the coverage is reduce 10 percent under section 2 (b) of this rider.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71–6 *Stearns County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Stearns County, Minn., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Spring wheat planted for harvest as grain.

(f) Mixtures of insurable small grains or mixtures of flax and insurable small grains planted for harvest as grain or seed.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 7 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

3. *Determining coverage(s) and premium(s) for mixtures.* (a) If a mixture of insurable crops is planted the coverage of the predominant crop shall apply.

(b) For the purpose of determining the premium, any acreage of a mixture of insurable crops shall be considered as acreage of the predominant crop.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, flax, or oats which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Wheat which does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

6. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. In determining production on acreage where a mixture of flax and an insurable small grain is insured, the production of each commodity shall be determined and handled separately. In determining production on acreage where a mixture of insurable small grains (excluding flax) is insured, all production shall be counted as the predominant small grain on a weight basis. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production*[1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not planted to a substitute crop	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
4. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested.
5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71–12 *Dakota, Goodhue, Kandiyohi, Stevens, Swift Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Dakota, Goodhue, Kandiyohi, Stevens, and Swift Counties, Minn., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Soybeans planted for harvest as beans.

(f) Spring wheat planted for harvest as grain.

(g) Mixtures of insurable small grains or mixtures of flax and insurable small grains planted for harvest as grain or seed.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 7 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

3. *Determining coverage(s) and premium(s) for mixtures.* (a) If a mixture of insurable crops is planted the coverage of the predominant crop shall apply.

(b) For the purpose of determining the premium, any acreage of a mixture of insurable crops shall be considered as acreage of the predominant crop.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, flax, oats or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Wheat which does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

6. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. In determining production on acreage where a mixture of flax and an insurable small grain is insured, the production of each commodity shall be determined and handled separately. In determining production on acreage where a mixture of insurable small grains (excluding flax) is insured, all production shall be counted as the predominant small grain on a weight basis. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production*[1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
4. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested.

[1] Production shall be in bushels for all crops. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

PRODUCTION SCHEDULE FOR EACH INSURED CROP—Continued

Acreage classification	*Total production*[1]
5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71–13 *Dodge, Nicollet, Faribault Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Faribault, Dodge, and Nicollet Counties, Minn., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Soybeans planted for harvest as beans.

(f) Mixtures of insurable small grains and mixtures of flax and insurable small grains planted for harvest as grain or seed.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 7 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

3. *Determining coverage(s) and premium(s) for mixtures.* (a) If a mixture of insurable crops is planted the coverage of the predominant crop shall apply.

(b) For the purpose of determining the premium, any acreage of a mixture of insurable crops shall be considered as acreage of the predominant crop.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, flax, oats or soybeans, which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

6. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. In determining production on acreage where a mixture of flax and an insurable small grain is insured, the production of each commodity shall be determined and handled separately. In determining production on acreage where a mixture of insurable small grains (excluding flax) is insured, all production shall be counted as the predominant small grain on a weight basis. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production*[1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
4 Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested.
5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.73 *Missouri.*

§ 420.73–1 *Audrain County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Audrain County, Mo., Beginning With the 1954 Crop year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true typesilage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

(d) Winter wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, of the calendar year in which the crop is normally harvested unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. Wheat which does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production* [1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
4. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested.
5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.82 *North Dakota.*

§ 420.82–8 *Richland County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Richland County, N. Dak., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye (winter only) planted for harvest as grain.

(f) Soybeans planted for harvest as beans.

(g) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) October 31 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, flax, oats, rye, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Wheat which does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined

in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. However, with respect to any acreage of corn which is not or will not be harvested as corn for grain, the production shall be the appraised production of corn for grain or the appraised or actual production of ensilage, whichever has the higher total value (on the basis of the price per bushel for corn as provided under section 4 above, or the value per ton for ensilage as determined by the Corporation): *Provided, however,* That if the appraised or actual production of corn which was or could have been used for ensilage is one ton or more per acre, the value of such production shall not be less than $3.00 per acre. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production* [1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
4. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested.
5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.82–10 *Barnes, Ransom, Sargent, Dickey, La Moure Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Barnes, Dickey, La Moure, Ransom, and Sargent Counties, N. Dak., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye (winter only) planted for harvest as grain.

(f) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) October 31, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, flax, oats or rye which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Wheat which does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. However, with respect to any acreage of corn which is not or will not be harvested as corn for grain, the production shall be the appraised production of corn for grain, or the appraised or actual production of ensilage, whichever has the higher total value (on the basis of the

price per bushel for corn as provided under section 4 above, or the value per ton for ensilage as determined by the Corporation): *Provided, however,* That, if the appraised or actual production of corn which was or could have been used for ensilage is one ton or more per acre, the value of such production shall not be less than $3.00 per acre.

Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production* [1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
4. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested.
5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.
Cancellation date: February 28.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.82–11 *Pierce, Steele, Grand Forks Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Grand Forks, Pierce, and Steele Counties, N. Dak. Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Flax planted for harvest as seed.
(c) Oats planted for harvest as grain.
(d) Rye (winter only) planted for harvest as grain.
(e) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, oats, or rye which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel, determined by the Corporation. Wheat which does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the planted acreage to the premium computed for the acreage and interest shown on the acreage report. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop, produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production* [1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
4. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested.
5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.
Cancellation date: February 28.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.89–2 *Hutchinson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Hutchinson County, S. Dak., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.
(c) Oats planted for harvest as grain.
(d) Rye planted for harvest as grain.
(e) Soybeans planted for harvest as beans.
(f) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract,

Cancellation date: February 28.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.89 *South Dakota.*

§ 420.89–1 *Bon Homme County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Bon Homme County, S. Dak., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.
(c) Oats planted for harvest as grain.
(d) Rye planted for harvest as grain.
(e) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, oats, or rye which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel, determined by the Corporation. Wheat which does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the planted acreage to the premium computed for the acreage and interest shown on the acreage report. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop, produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production* [1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
4. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested.
5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, oats, rye, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Wheat which does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production*[1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
4. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested.
5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under Section 2 (b) of this rider.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30
Cancellation date: February 28.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.89–11 *Miner, Day Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Day and Miner Counties, S. Dak., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye planted for harvest as grain.

(f) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, flax, oats or rye which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Wheat which does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production*[1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
4. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested.
5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.
Cancellation date: February 28.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.89–12 *Lake, Deuel, Hamlin, McCook, Hanson, Kingsbury Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Deuel, Hamlin, Hanson, Kingsbury, Lake, and McCook Counties, N. Dak., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye (winter only) planted for harvest as grain.

(f) Soybeans planted for harvest as beans.

(g) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table:*

Discount date: November 30.

Cancellation date: February 28.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.90 *Tennessee.*

§ 420.90–1 *Henry County.*

RIDER No. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Henry County, Tenn., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Sweet potatoes (excluding acreage of less than one acre on an insurance unit).

(d) Tobacco, types 23 and 35.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

(c) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the sweet potato crop upon digging, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than March 31 following harvest, unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 31, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production for such acreage which is in excess of 60 percent of the harvested coverage divided by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production for such acreage which is in excess of 25 percent of the harvested coverage divided by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised amount by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the amount of production harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised amount by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and sweetpotatoes and in pounds for cotton and tobacco. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of the rider.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.90–2 *Lincoln County.*

RIDER No. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Lincoln County, Tenn., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay.

(b) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn

planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(d) Tobacco, type 31.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

(c) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except alfalfa in which case insurance shall attach on November 1 (preceding harvest), provided there is a stand at that time sufficient that farmers in the area generally would leave the crop for harvest the following harvest season. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the hay crop upon baling or stacking, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than February 28 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production for such acreage which is in excess of 60 percent of the harvested coverage divided by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production for such acreage which is in excess of 25 percent of the harvested coverage divided by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised amount by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the amount of production harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised amount by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn, pounds for cotton and tobacco, and in tons (rounded to tenths) for hay. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) For all purposes under the contract alfalfa for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

(b) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.90–4 *Dyer County.*

RIDER No. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Dyer County, Tenn., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Soybeans planted for harvest as beans in rows 24 inches or more apart, excluding soybeans interplanted in the same row with corn.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (deter-

mined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

(c) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any insured crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 31 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production for such acreage which is in excess of 60 percent of the harvested coverage divided by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production for such acreage which is in excess of 25 percent of the harvested coverage divided by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised amount by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the amount of production harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised amount by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and soybeans and in pounds for cotton. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.90–5 *Obion County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Obion County, Tenn., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Oats (Fall only) planted for harvest as grain.

(d) Soybeans planted for harvest as beans, in rows 24 inches or more apart excluding soybeans interplanted in the same row with corn.

(e) Tobacco, types 23 and 35.

(f) Wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

(c) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing, or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco

later than March 31 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 31 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. Wheat which does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage Classification	Total Production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production for such acreage which is in excess of 60 percent of the harvested coverage divided by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production for such acreage which is in excess of 25 percent of the harvested coverage divided by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised amount by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the amount of production harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause (s) not insured against and partially to cause(s) insured against.	Appraised amount by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn, oats, soybeans and wheat and in pounds for cotton, and tobacco. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.90–6 *Weakley County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Weakley County, Tenn., Beginning With the 1954 Crop Year)

1. *Insurance crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Lespedeza (annual only) for hay, including volunteer annual lespedeza.

(d) Soybeans planted for harvest as beans in rows 24 inches or more apart, excluding soybeans interplanted in the same row with corn.

(e) Sweet potatoes, excluding acreage of less than one acre on an insurance unit.

(f) Tobacco, Types 23 and 35.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

(c) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop, except volunteer annual lespedeza on which insurance shall attach on May 1 (preceding harvest) provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the hay crop upon baling or stacking, the sweetpotato crop upon digging, the soybean crop upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco

later than March 31 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 31 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production for such acreage which is in excess of 60 percent of the harvested coverage divided by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production for such acreage which is in excess of 25 percent of the harvested coverage divided by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised amount by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the amount of production harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised amount by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn, sweet potatoes, and soybeans and in pounds for cotton, and tobacco and in tons (rounded to tenths) for hay. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2(b) of this rider.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) For all purposes under the contract volunteer lespedeza for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

(b) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.90–8 *Coffee County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Coffee County, Tenn., Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Potatoes (excluding acreage of less than one acre on an insurance unit) commonly known as Irish potatoes.

(d) Soybeans planted for harvest as beans, in rows 24 inches or more apart, excluding soybeans interplanted in the same row with corn.

(e) Tobacco, type 31.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

(c) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the soybean crop upon threshing or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than February 28 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 31, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, potatoes or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. [illegible]	Acreage released by the Corporation [illegible] occurring prior to laying by the crop.	That portion of the appraised production for such acreage which is in excess of 60 percent of the harvested coverage divided by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production for such acreage which is in excess of 25 percent of the harvested coverage divided by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised amount by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the amount of production harvested.
8. Each insured crop	Acreage with reduced yield due [illegible] against and partially to cause (s) insured against.	Appraised amount by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and soybeans, and in pounds for cotton, potatoes and tobacco. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount Date: November 30.

Cancellation Date: February 28: .

8. *Definition.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.97 *Wisconsin.*

§ 420.97–1 *Fond du Lac County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Fond du lac County, Wis. Beginning With the 1954 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Canning peas planted for commercial processing.

(c) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time reasonably to expect the corn to mature as grain, as determined by the Corporation.

(d) Oats planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the canning pea crop upon harvesting, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn (as set forth below), or oats which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn to be eligible for a quality adjustment it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder.

The fair market value for canning peas shall be based on prices contained in the insured's contract(s) with the canning company(ies) as determined by the Corporation. However, in any case there shall be added to the value of the production (see section 6) (a) an amount equal to 30 percent of the value of production from seed peas for which the insured is not required to pay under the terms of his contract(s) with the canning company(ies) and (b) the amount of any bonus(es) paid or owing to the insured under a contract(s) with a canning company(ies). If the insured does not have a contract with a canning company or the insured's contract with a canning company does not include a price for dry peas the Corporation may determine the fair market value on the basis of prices contained in the contract of any canning company operating in the county.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production

on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

Acreage classification	*Total production*[1]
1. Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop.
2. Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest.
3. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop.
4. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised amount by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the amount of production harvested.
5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised amount by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for barley, corn harvested or to be harvested for grain or fodder, and oats, in tons (rounded to tenths) for canning peas, and corn harvested for silage. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

Approved: Beginning with the 1954 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

[F. R. Doc. 54-2917; Filed, Apr. 20, 1954; 8.45 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 263, Amdt. 1]

PART 877—SUGARCANE: PUERTO RICO

DETERMINATION OF FAIR AND REASONABLE PRICES FOR 1947–48 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended, after investigation and due consideration of the evidence presented at the hearings held at San Juan, Puerto Rico, on September 29, 1947, and Yauco, Puerto Rico, on October 28, 1953, the determination of fair and reasonable prices for the 1947–48 crop of Puerto Rico sugarcane, issued January 16, 1948 (published as § 802.42j, 13 F. R. 290), is hereby amended (1) by striking the period at the end of paragraph (a) (2) of § 802.42j and adding the following: ", except as to any producer with whom the producer-processor has no agreement, the percentage shall be not more than that resulting from retention by the producer-processor of 3½ pounds of raw sugar per 100 pounds of sugarcane."; and (2) by striking the period at the end of the first sentence of paragraph (a) (3) of § 802.42j and adding the following: ", except as to any producer with whom the producer-processor has no agreement, the percentage retained by the producer-processor for such sugarcane yielding 9 pounds or more of 96° sugar per 100 pounds of sugarcane shall be not more than that resulting from the applicable percentage specified in subparagraph (1) of this paragraph, and for such sugarcane yielding less than 9 pounds of 96° sugar per 100 pounds of sugarcane shall be not more than that resulting from retention by the processor of 3½ pounds of 96° sugar per 100 pounds of sugarcane: *Provided*, That for all such sugarcane the yield of 96° sugar shall be determined by use of the sugar recovery formula issued by the Puerto Rico Public Service Commission on June 8, 1948."

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* This amendment provides a definitive pricing basis for producer-processors who have not agreed with producers on a price for sugarcane of the 1947–48 crop yielding less than 9 pounds of sugar per 100 pounds of sugarcane and for inferior varieties of sugarcane. While the amendment is generally applicable, Central Rufina, Guayanilla, Puerto Rico (hereinafter referred to as "Rufina"), is apparently the only producer-processor which did not obtain agreements from all its producers.

(b) *Background.* At the fair price hearing held by the Department in September 1947, a representative of Rufina presented testimony to indicate that the then current pricing basis for inferior sugarcane was unfair to the processor and recommended that Rufina be allowed to settle under the price schedule used by another Central which also purchased inferior sugarcane from producers. In a supplemental brief Rufina recommended that the processor retain 3½ pounds of sugar per 100 pounds of sugarcane and that the sugar recovery formula applicable to noble cane varieties be adjusted downward to recognize the lower recovery of juice from inferior sugarcane.

The determination of fair and reasonable prices for 1947–48 crop sugarcane, issued January 16, 1948, provided that the price for inferior sugarcane was to be "* * * as may be agreed upon between the producer and the producer-processor for the effective settlement period." Under the determinations for previous crops, settlement for interior cane was tied to the 1942–43 crop grinding agreements between producers and processors. The change in the 1947–48 crop determination was made to permit producers and producer-processors to arrive at a more uniform and equitable sharing basis for such sugarcane in the light of changing conditions. Further, the rates of payment and the sugar recovery formula for inferior sugarcane were under study by the Public Service Commission of Puerto Rico.

In September 1947, the Public Service Commission issued a temporary ruling which specified that settlement for inferior sugarcane should be based on retention by the processor of 3½ pounds of 96° sugar per 100 pounds of sugarcane with no adjustment in the sugar recovery formula. Although this ruling was more favorable to Rufina than the settlement basis previously used, it objected to this ruling and requested reconsideration by the Commission. In November 1947, the Commission reaffirmed its former ruling. However, in June 1948, the Commission issued another ruling affecting inferior sugarcane under which the customary formula used to calculate the yield of sugar from all cane was adjusted downward when used with respect to inferior sugarcane so as to recognize higher fiber content and lower juice extraction from such sugarcane.

In February 1948, Rufina made provisional settlements with producers who had delivered inferior sugarcane by using a 4 pound retention rate and the customary sugar recovery formula.

Upon final settlement, Rufina still retained 4 pounds of 96° sugar per 100 pounds of sugarcane although it adopted the adjusted sugar yield formula for inferior sugarcane as prescribed by the Commission. Producer representatives complained to the Commission and to the Department of Agriculture that Rufina had not complied with existing regulations. Upon further investigation by the Commission, Rufina was directed by the Commission in September 1949 to abide by its ruling with respect to the rate of retention. Controversies arose among producers, Rufina, and the Commission with respect to the appropriate basis of settlement and legal actions were brought to decide the matter.

During 1948 and 1949 the Department directed several requests to Rufina to determine whether settlements would be made with producers as specified in the 1947–48 price determination. Rufina replied that the matter was in litigation and that any further action regarding settlements with producers would depend upon the decision of the court. Since agreements had not be reached between Rufina and its producers with respect to settlement for 1947–48 crop inferior sugarcane, it had not complied with the price determination so as to be eligible for the Sugar Act payment. Accordingly, the Department informed Rufina that it was not eligible for such payment. Rufina stated that in view of the pending litigation such determination by the Department might prejudice its right to obtain judicial review of the Public Service Commission's regulations. Accordingly, in 1950, in response to a request by Rufina, the Department agreed to the establishment of an escrow fund under which Rufina would deposit with an escrow agent funds adequate to liquidate any amounts which might later be determined to be due producers for inferior cane.

The parties to the escrow agreement presumed that in adjudicating the case the court would determine the proper retention rate for the purchase of 1947–48 crop inferior sugarcane and that settlement on such basis would constitute compliance with the fair price determination. In October 1952, the Supreme Court of Puerto Rico ruled that the regulations of the Commission were invalid on the ground that they established temporary and not final rates as required by the Statute. However, the court failed to rule on the question of the proper payment to be made for inferior sugarcane of the 1947–48 crop. Accordingly, on numerous occasions between October 1952 and August 1953, the Department requested Rufina to obtain agreements with growers as required by the price determination for settlement of inferior sugarcane. In reply to such requests Rufina took the position that the invalidation of the Commission's temporary regulations by the court validated the settlement previously made by Rufina, namely, the retention of 4 pounds of sugar for each 100 pounds of sugarcane.

In September 1953, the Department was advised by Rufina that the following form of agreement had been signed by 143 producers:

The Colonos whose signatures appear below, make it known for all proper effects that the liquidation for inferior canes made by Mario Mercado y Hijos, during the 1948 crop year is entirely satisfactory to us and we acknowledge to have been paid the share due us of the cane grown during that crop year. Guayanilla, Puerto Rico, August 1953.

However, at about the same time a number of growers informed the Department that although they had signed the agreement they desired to withdraw from the agreement because they had not fully understood the nature of the agreement nor the extent of their actions. Following discussions between Rufina and Department representatives, Rufina requested on September 14, 1953, that the Department hold a public hearing for the purpose of determining a specific rate for inferior sugarcane of the 1947–48 crop inasmuch as the Central was unable to obtain agreements from all of its producers and thereby comply with the 1947–48 price determination. Accordingly, a hearing was held at Yauco, Puerto Rico, on October 28, 1953.

(c) *1947–48 price determination amendment.* This amendment to the 1947–48 price determination provides (1) that for noble and inferior varieties of sugarcane yielding less than nine pounds of 96° sugar per 100 pounds of sugarcane a processor, in the absence of agreement as to the rate of payment, shall make payment therefor based on retention by the processor of not more than 3½ pounds of 96° sugar per 100 pounds of sugarcane; (2) that for interior varieties of sugarcane yielding 9 pounds or more of 96° sugar per 100 pounds of sugarcane a processor, in the absence of agreement as to rate of payment, shall make payment therefor at not less than the applicable percentages for noble varieties of sugarcane; and (3) that in the case of inferior varieties of sugarcane the yield of raw sugar per 100 pounds for such sugarcane shall be determined in accordance with the formula prescribed by the Public Service Commission on June 8, 1948.

At the recent public hearing a representative of producers presented testimony which indicated that prior to the first provisional settlement for 1947–48 crop inferior sugarcane he believed that payment would be made on the same basis as in previous years; that upon receipt of the first provisional settlement it was evident that a different basis of settlement was being followed by Rufina; that he discussed the settlement basis with a representative of Rufina and was told that Rufina proposed to settle for inferior sugarcane on the basis of the regulations issued by the Public Service Commission; that he was agreeable to settlements on that basis; that he believed that he had an oral agreement with Rufina to settle on the basis of Public Service Commission regulations; that final settlement ultimately was made on the basis of retention by Rufina of 4 pounds of sugar per 100 pounds of sugarcane which was greater than the retention rate in the Public Service Commission regulations; and that he appealed to the Public Service Commission and the Department of Agriculture for a ruling on the proper settlement rate. In a supplemental brief the representative of producers recommended that the fair price for 1947–48 crop inferior sugarcane should be based upon a retention by the processor of not more than 3½ pounds of sugar for each 100 pounds of sugarcane ground.

A representative of Rufina testified that the settlement basis used by the mill for inferior sugarcane in prior years was unfair in that it required a higher payment than the payment made by other Centrals grinding such cane; that Rufina ground a larger portion of inferior cane of the 1947–48 crop than any other Central; that it was the intention of Rufina to liquidate under the valid regulations of the Public Service Commission; that Rufina did not notify producers prior to delivery of the sugarcane that settlements would be made on the basis of 4 pounds; that Rufina withheld 4 pounds of sugar per 100 pounds of sugarcane in making final settlements for 1947–48 crop inferior sugarcane; that Rufina believed it proper to withhold 4 pounds of sugar inasmuch as it was classed as a public utility under the laws of Puerto Rico and, therefore, entitled to a fixed rate of return on its investment; that on the basis of the average raw sugar price for the period February through June 1948, average selling and delivery expenses, average manufacturing costs, and a retention rate of 4 pounds of sugar, Rufina lost about 12 cents per ton of 1947–48 crop inferior sugarcane ground; that under the Public Service Commission regulations Rufina was required to grind inferior sugarcane; that producers also were required to deliver sugarcane to Rufina unless they could show cause for transfer to another mill; that Rufina could not enter into agreements with producers as to the purchase price of sugarcane because such agreements would not have been valid under the Public Service Commission law; that 177 of 297 producers had signed an agreement to accept the settlement made for 1947–48 crop inferior sugarcane; and that for all crops subsequent to 1947–48 Rufina had settled for inferior cane on the basis of a retention rate of 3½ pounds for each 100 pounds of sugarcane ground. The witness recommended that Rufina be permitted to retain 4 pounds of sugar as the fair and reasonable price for inferior sugarcane of the 1947–48 crop because it would be unfair to require it to grind such sugarcane at a loss. Another representative of Rufina presented a technical statement indicating that the processing of inferior varieties of sugarcane increased factory costs as compared with milling noble cane and that the fair share for Rufina for all interior varieties sugarcane milled should be 3.98 pounds of 96° sugar per 100 pounds of sugarcane. Two other representatives

of Rufina testified that in August and September 1953, they obtained signatures of producers to an agreement stating that such producers were satisfied with settlements made for inferior sugarcane of the 1947–48 crop. In a supplemental brief Rufina contended that it is entitled to a retention rate of 4 pounds per 100 pounds of sugarcane because Rufina was a public utility under Puerto Rican law in 1948; that valid contracts, either express or implied in law, exist between Rufina and all of its colones for the crop in question; that written contracts for the 1947–48 crop establishing a retention rate of 4 pounds are presently in effect between Rufina and 170 out of its 297 colonos or growers; that a rate cannot be said to be "fair and reasonable" which is not compensatory; and that the only rate for the 1947–48 crop which would be even approximately compensatory for Rufina is a rate of not less than 4 pounds.

Individual producers testified at the hearing that they had signed the aforementioned agreement at the request of representatives of Rufina; that they did not intend to renounce any rightful claim they might have against Rufina; and that representatives of Rufina informed them that their signatures were needed on the document for presentation to the Department. Representatives of Rufina testified that prior to the hearing several producers who had signed the agreement requested that their signatures be stricken and that their requests were granted. A number of other producers testified that they were in agreement with the settlement already made and that they had signed an agreement presented to them by representatives of Rufina.

The standards used in determining fair and reasonable prices for sugarcane have been explained in previous fair price determinations. Generally, fair prices are established after taking into consideration the relative average costs, returns, profits, investments and other pertinent factors. The Sugar Act contemplates that consideration be given to the economic position of both processors and producers as a group. The test of a fair price under the Sugar Act is whether processors and producers receive on the average an equitable division of the proceeds from the sugar marketed. Data available to the Department indicate that generally equitable relationships have existed among processors and producers during the period that price determinations have been issued covering the marketing of sugarcane in Puerto Rico. As to the 1947–48 crop, processors in Puerto Rico received a larger proportion of total industry returns than they absorbed of total industry costs.

Testimony presented at the recent public hearing indicates that Rufina intended to use the basis for settlements as provided in the Commission's regulations. However, when grinding commenced and the condition of the 1947–48 crop appeared to be below average, Rufina apparently fearing that it might not realize the return on its investment for that crop consonant with that authorized by the Public Service Commission law adopted a rate of payment estimated to provide such a return.

Rufina contends that a retention rate of 4 pounds of sugar per 100 pounds of sugarcane is the appropriate rate on the grounds that no rate can be fair and reasonable which is not compensatory; that the only rate which would be even approximately compensatory is a rate of not less than 4 pounds; that such rate is justified because a larger percentage of inferior cane of the 1947–48 crop was ground than for other crops; and that valid contracts either express or implied in law exist between Rufina, as a public utility, and all its producers at that rate. In establishing fair and reasonable prices under the Sugar Act there is no requirement that a processor be given a specific guarantee of earnings or that prices be established which will return a profit on any particular variety of sugarcane ground. Rufina presented data at the hearing showing that it ground larger quantities of inferior sugarcane from each crop subsequent to the 1947–48 crop and that for all of these crops it has settled with producers on a retention rate of 3⅓ pounds of sugar per 100 pounds of sugarcane. The requirement of the 1947–48 crop fair price determination that the price for inferior sugarcane shall be as agreed upon between the producer-processor and producers, as a condition for payment under the Sugar Act, was not met by the court decision declaring the regulations of the Public Service Commission invalid as contended by Rufina.

In establishing the pricing basis in this amendment consideration has been given to the record of the public hearing held in San Juan, Puerto Rico on September 29 and 30, 1947, to the record of the supplemental hearing held in Yauco, Puerto Rico on October 28, 1953, and to information developed through investigations.

Accordingly, I hereby find and conclude that the foregoing amendment to the 1947–48 crop price determination will effectuate the price provision of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 16th day of April 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 54-2907; Filed, Apr. 20, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 75]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.29, the Camp Edwards, Massachusetts, areas, published on April 21, 1949, in 14 F. R. 1949, republished on July 16, 1949, in 14 F. R. 4292, and amended on September 22, 1951, in 16 F. R. 9680, are redesignated as one area (D–14), and revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP EDWARDS (D-14) (Boston Chart)	[illegible] Unlimited	Unlimited	Continuous	Department of Army, Camp Edwards, Mass.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 27, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2975; Filed, Apr. 20, 1954; 8:45 a. m.]

[Amdt. 78]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

[illegible]

City and State; airport name, elevation, facility name and identification; procedure No.; effective date	Inst. approach to facility (from—)	Course and distance (miles)	Minimum altitude (feet)	Type aircraft		Procedure turn (—) side of course; final approach fix and distance; outbound inbound altitudes; limitations
				75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	11	
BIRMINGHAM, ALA. Municipal (BHM) Procedure No. 1 Amdt. 1	Birmingham VOR	218–26	2,400	300–1 800–1 1,100–2	300–1 800–1 1,100–2	W side N course Beam 1 [illegible] within 25 miles.
	Fairfield LF/MF (final)	269–25	2,400			
	Bessemer LF/MF (final)	178–8.0	2,400			
BOWMAN FIELD Louisville, Ky. Procedure No. 1 Amdt. 1	Cox Int.	297–6	1,400	300–1 800–2	300–1 800–2	W side NW course Beam 1 [illegible] within 15 miles.
CHARLESTON, S. C. Charleston AFB Procedure No. 1 Amdt. 1	Cal Int.	4–27	2,400	300–1 800–2	300–1 800–2	E side 17° course Beam 1 [illegible] within 10 miles.
	Fort Moultrie LF (final)	59–4	400			
COLUMBIA, S. C. Columbia AFB Procedure No. 1 Amdt. 1	Blythewood FM	109–10	1,800	300–1 800–2	300–1 800–2	W side NW course Beam 1 [illegible] within 10 miles.
	Mt. Liberty FM	206–28	2,400			
	Regular commercial facilities (from—)	All sectors within 25 miles, 2,400 ft.	2,400			
HARTFORD, CONN. Brainard Field Procedure No. 1 Amdt. 1	[illegible]	[illegible]	[illegible]	300–1 600–2	300–1 600–2	E side S course 143° inbound. 3250 ft. outbound. 2,000 within 10 miles.
HARTFORD, CONN. Hartford-Rentschler Field Procedure No. 1 Amdt. 1	[illegible]	[illegible]	[illegible]	300–1 600–2	300–1 600–2	E side S course 143° inbound. 3250 ft. outbound. 2,000 within 10 miles.
HELENA, MONT. Helena Municipal Airport Procedure No. 1 Amdt. 1	Winston LF (final)	284–10.0	4,500			N side E course 101° inbound. 4500 ft. outbound. 5,500 within 10 miles.
	Melrose LF (final)	74–16.0	5,500			

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Category	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
HOUSTON, TEX. Municipal (C) SBRAZ DTV HOU Procedure No. 1 Apr 19, 1954	W to Clear FM [illegible]	[illegible]	700	[illegible] 120° outbound. 300° inbound. 1,500' within 15 miles. Not authorized beyond 15 miles.	700	3 NE—2.2	T-dn	300-1	300-1	Within 2.2 miles climb to 1,700' on NW course within 2 miles. *Take-off minimums not authorized when ceiling less than 120 feet or visibility less than ½ mile.
	Aveola FM [illegible]	[illegible]	1,400				C-dn	500-1	500-1	
	Houston FM [illegible]	120—4.0	1,400				D-dn	*	*	
	Houston VOR [illegible]	140—2.0	1,800				A-dn	800-2	800-2	
Procedure No. 2 Apr 19, 1954	Webster FM [illegible]	060—3.0	1,300	W to NW course 300° outbound 120° inbound 1,500' within 25 miles.	1,200 over HOU FM	1.5—3.0	T-dn	300-1	300-1	Within 3 miles from Houston FM climb to 1,400 on SE course within 15 miles.
	Aveola FM [illegible]	085—10.0	1,300				C-dn	500-1	500-1	
	Int NW course HOU LFR and NE course RIM LFR (final)	129—18.0	1,200				S-dn	*	*	
	Houston VOR [illegible]	140—2.0	1,200				D-dn	700-1	700-1	
							A-dn	800-2	800-2	
HUNTINGTON, W. VA. Huntington Airport (Tri) BMRAZ DTV HTW Procedure No. 1 March 1, 1948	PROCEDURE CANCELED EFFECTIVE DATE DECEMBER 3, 1953.									
NEWPORT NEWS, VA. Patrick Henry, AF SBMRAZ DTV LFI (Langley AFB LFR) Procedure No. 1 April 15, 1954	[illegible]	[illegible]	[illegible]	N side E course 107° outbound. 287° inbound. 1 mile within 15 miles. Not authorized beyond 17 miles.	1,000	3 W—4.3	T-dn	300-1	300-1	Within 4.3 miles climb to 1,500' on W course Langley LFR or when directed by ATC; proceed to Denbigh MRW on course of 347°. CAUTION: This instrument approach procedure may be used by U.S.A.F. when ceiling and/or visibility is less than 3,000 and/or 3 miles.
							C-dn	500-1½	600-1½	
							A-dn	800-2	800-2	
POUGHKEEPSIE, N. Y. Dutchess County (Apt) SBRAZ DTV POU Procedure No. 1 April 29, 1954	West Point Int. Final [illegible]	025 [illegible]	2,100	[illegible] 300° outbound. 120° inbound. 2,500' within 10 miles. Not authorized beyond 10 miles.	2,100	00.2—5.4	T-dn	300-1	NA	Within 4 miles climb to 4,000' on N course within 20 miles. *Take-off to 3,000' on N course within 20 miles.
							C-dn	NA	NA	
							D-dn	600-2	NA	
							A-dn	NA	NA	
							A-dn	NA	NA	
SAN ANTONIO, TEX. International (C) SMRAZ DTV SAT Procedure No. 1 Apru 23, 1954	Cibolo Creek Int. [illegible]	174—10	1,900	W side of N course 300° outbound. 120° inbound. 2,500' within 15 miles. 2,900' within 25 miles.	Yates Rbn or VOR, as LFR 1,700	17½—2.6	T-dn	300-1	300-1	Within 2.6 miles climb to 2,500 on S course within 25 miles. (1) Take-off below 1,000' not authorized if pilot can see over Yates Rbn or SAT VOR not determined. (2) Straight-in minimums not authorized unless Yates Rbn or VOR received, and altitude over LFR is 1,700'.
	Yates Rbn [illegible]	174—[illegible]	1,700				C-dn	500-1	500-1½	
	San Antonio VOR [illegible]	175—4.5	2,200				S-dn	*	*	
							D-dn	700-1	700-1	
							A-dn	800-2	800-2	

2. The high frequency range procedures prescribed in § 609.7 are amended to read in part:

VAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
When a VAR instrument approach is conducted at the below named airport, aircraft shall be operated in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Category	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
PARKERSBURG, W. VA. Wood County, 856' BVAR-DTVJ PKB Procedure No. 1 May 10, 1949	PROCEDURE CANCELED EFFECTIVE DATE JULY 10, 1953.									
SALISBURY, MD. Wicomico County Airport, 52' BVAR-DTVJ SBY Procedure No. 1 April 14, 1949	PROCEDURE CANCELED EFFECTIVE DATE NOVEMBER 3, 1953.									

3. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
When an ADF instrument approach is conducted at the below named airport, aircraft shall be operated in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Category	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
FAIRBANKS, ALASKA Fairbanks International Airport, 434' LOM-FA Procedure No. 1 April 13, 1953	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE, DATED MARCH 31, 1954.									
FORT WORTH, TEX. Amon Carter Field, 568' Amon Carter ILS-LOM AC Procedure No. 1 April 26, 1954	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE, DATED APRIL 22, 1954.									
MIDLAND-ODESSA, TEX. Air Terminal, 2,857' Locator Middle Marker AF Procedure No. 1 March 12, 1952	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE, DATED APRIL 22, 1954									

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings and courses are magnetic. Distances are in statute miles unless otherwise noted. Elevations and altitudes are in feet MSL. Ceiling values are in feet above airport elevation. When ILS is not operating, use standard instrument approach procedure for the airport. Pilots in accordance with FAR [illegible] following standard approach procedure for the runway to be used, are cleared for the approach. Unless otherwise authorized by the Administrator for Civil Aeronautics for such airport, flight operations must be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation (facility class and chart number if procedure No., effective date	Transition to ILS				Procedure turn (Initial approach course, distance from final approach course (outbound and inbound) with altitudes, limiting distances)	Minimum safe altitudes (Use of glide slope not required) (ft.)	Altitude of glide slope and distance to runway threshold at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m.p.h.	
1	2	3	4	5	6	7	8	9	10	11	12	13
BOSTON, MASS. Logan Airport, 19' ILS-1 BOS LOM-BO Procedure No. 1 Combination ILS-ADF April 29, 1954	Boston LFR	LOM	207–8	1,800	NW course: 154° outbound, 334° inbound. 2,000' within 10 miles. Beyond 10 miles not authorized.	ILS glide slope over LOM	1,775–5.7	220–0.1	T-dn	300-1	300-1	5.7 miles after passing LOM (ADF) climb to 1,800 on NE course ILS or course 050 from LOM within 17 miles or (when directed by ATC) make climbing right turn to 1,800 on E course Boston LFR. All fixes may be determined and supplemented by surveillance radar. *CAUTION: Standard clearance not proved over 370' stack SW of airport. #Point of touchdown approximately 1,500' in from approach end of runway to allow clearance of ship channel.
	East Boston Int.	LOM	207–19	1,800					C-dn	600-1	600-1½	
	Franklin Int.	ILS Woburn intersection to LOM.	085–14	1,800					S-dn 4R			
									ILS#	400-¾	400-¾	
	Boston LMHW	LOM	142–18	1,800					ADF* 4R 4L	600-1	600-1	
	Radar terminal area transitions.		Within 25 miles.	1,800					A-dn	800-2	800-2	
Procedure No. 2 from radar fix at intersection of back course ILS and Revere Int. ADF approach not authorized for procedure No. 2 April 29, 1954	Peabody Int.	ILS N course	27–6.1	1,800	W side N course: 334° outbound, 214° inbound. 1,200' within 10 miles of Revere Int.	No glide slope. ILS over Revere Int.	5 miles from Revere Int.		L-dn	600-1	600-1	Within 5 miles after passing Revere Int. climb to 1,800 on SW course Boston ILS within 15 miles from Revere Int. Int. E course Bedford ILS and N course Boston ILS or LFR. All fixes may be determined and supplemented by surveillance radar. *CAUTION: Standard clearance not proved over 370' stack SW of airport.
									C-dn*	600-1	600-1½	
									S-dn 22L	600-1	600-1½	
	Radar terminal area transitions.		Within 25 miles.	1,800					A-dn	800-2	800-2	
FORT WORTH, TEX. Amon Carter Field, '68' ILS IACF ILOM AC Procedure No. 1 Combination ILS-ADF April 22, 1954	Dallas LFR	LOM	28–8	2,300	NW course: 314° outbound, 134° inbound. 2,000' within 10 miles. Beyond 10 miles not authorized.	ILS glide slope over LOM	2,000–5.7	700–0.7	L-dn	300-1	300-1	Climb to 2,000' on NE course of ILS within 25 miles of Grand Prairie MHW within 17 miles of Grand Prairie LFR on SE course of ILS and 25° from DAL VOR within 10 miles of Hensley Intersection. *Turns are turn nonstandard due ATC. CAUTION: Radio tower 1,230' mean sea level, located 5 miles ENE of outer marker.
	Int. 135° bearing from DAL VOR and SE course ILS.	OM	309–2	2,400					C-dn	500-1	500-1	
	Dallas VOR MHW	LOM	309–12	1,800					S-dn 31			
	Grand Prairie MHW	LOM	309–12	1,900					ILS	400-¾	400-¾	
	Int. S course LFW LFR and W course DAL LFR.	LOM	040–20	2,300					ADF	500-1	500-1	
	Ft. Worth LFR	LOM	309–14	1,800					A-dn	800-2	800-2	
	Ft. Worth VOR	OM	309–20	2,400								
	Int. N course LFW LFR and NW course ILS.	OM	129–20	1,800								
MIDLAND, TEX. Midland Air Terminal, '67' ILS IMAF LMM-AC Procedure No. 1 Combination ILS-ADF April 22, 1954	Midland VOR	LMM	181–6.1	4,000	S side SW course: 223° outbound, 043° inbound. 4,200' within 10 miles. 4,300' within 25 miles.	ILS glide slope over LMM	4,210–4.1	3,470–0.6	T-dn	300-1	300-1	Climb to 4,300' on NE course of ILS within 25 miles, then the LMM with 12 miles. If other navigation not received minimum altitude over LMM 3,500' and climb on localizer to 4,300' before intercepting localizer.
	Midland LFR	ILS SW course.	181–8	3,900					C-dn	500-1	500-1½	
		MM	181–8.5	3,900					S-dn 4			
									ILS	400-¾	400-¾	
									ADF	500-1	500-1	
									A-dn ILS	800-2	800-2	
									ADF	800-2	800-2	
RYAN MAF Lubbock, Tex. 2 Mar. 24, 1954	Midland VOR	NE course LOC.	120–4.0	4,000	NW side of NE course LOC: [illegible] 4 miles each side of course to 10 miles, not authorized.	No glide slope. Int. 120° R MAF VOR 3,800	No LOM. Int. [illegible] to Lubbock [illegible]	No LMM.	T-dn	300-1	300-1	Within 3 miles after passing LOM climb to 4,300' on SW course of ILS within 25 miles.
									C-dn	500-1	500-1½	
									S-dn	500-1	500-1	
									A-dn	800-2	800-2	

5. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

City and State; airport name, elevation, facility; class and identification; procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude	Procedure turn (—) side of course, altitude, and distance (maximum and minimum); fix for FAC, limiting distances	Minimum sector altitudes (within 25 miles of facility)	Course and distance, facility to airport	Ceiling	Visibility: Type aircraft: 75 m. p. h. or less	Visibility: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing fix or facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BIRMINGHAM, ALA. Municipal (CT) BVOR, BHM Procedure No. 1 April 23, 1954	Birmingham LFR Elvin FM	150—2.0 208—4.0	2,100 1,900	W—Procedure turn. Minimum altitude 1,900' within 10 miles. 2,400' within 25 miles.	2,400	1.0	T-dn C-dn A-dn	300-1 600-1 1 mile-2	300-1 600-1 1 mile-2	When directed by ATC climb to 2,500' on course of 165° within 25 miles.
DALLAS, TEX. Love Field (Hist) BVOR, DAL Procedure No. 1 April 18, 1954	Dallas LFR	301—1.0	2,000	N—Procedure turn. Minimum altitude 1,900'. Within 10 miles.	1,900	4.0	C A-1	300-1 600-2	300-1 700-2 800-2	When directed by ATC climb to 2,000' on course of 270° to intercept DAL VOR on radial 270°.
DAYTON, OHIO Dayton Airport, Int'l BVOR, DAY Procedure No. 1 April 1, 1954	Wright LFR Springfield MHW NW-SE Range (Inop.) Lebanon FM Hamilton MHW W—Procedure turn not authorized. Procedure to Dayton VOR via Wright LFR course.	14 251 251—14 251—14 251 14	1,800 2,000 2,000 2,000 2,000 1,800	W—Procedure turn. Minimum altitude 1,800'. Within 10 miles.	1,800	4.0	C S A-dn	300-1 500-1	300-1 500-2	When directed by ATC climb on course of 14° via Wright LFR course to Dayton VOR, thence via NW course of Wright-Patterson LFR.
FT. WORTH, TEX. Meacham Field (CT) BVOR, FTW Procedure No. 1 April 2, 1954							C S A			When directed by ATC climb on course 168° via VOR 2 DME arc to VOR.
HOUSTON, TEX. Municipal BVOR, HOU Procedure No. 2 April 24, 1954	HOU LFR Int HOU VOR 6 DME arc and HOU LFR course	61—2.0 61—4.0	1,700 1,700	W—Procedure turn. Minimum altitude 1,700'. Within 10 miles. HOU FM	HOU FM 1,700 HOU LFR 1,700	4.0	C S A	300-1 500-1 500-2	300-1 500-1 500-2	When directed by ATC climb to 2,000' on course of 61° via HOU FM course to HOU LFR course within 15 miles.
LAWRENCEVILLE, ILL. Municipal BVOR, LWV Procedure No. 1 April 22, 1954					1,500	8.0	C S A	300-1 500-1 1 mile-2	300-1 500-1 1 mile-2	When directed by ATC climb to 2,000' on course of 180° via LWV VOR 6 DME arc to LWV VOR, thence via NW course of Lawrenceville LFR to airport. Aircraft equipped with touch-type VOR.
LONGVIEW, TEX. Gregg County BVOR, LVW Procedure No. 1 April 22, 1954					1,500	8.0	C S A-dn	300-1 500-1 500-2	300-1 500-1 500-2	When directed by ATC climb to 2,000' on course of 180° via LVW VOR 5 DME arc to LVW VOR, thence via NW course of Longview LFR to airport.
LUFKIN, TEX. Angelina County (CT) BVOR, LFK LFR Procedure No. 1 April 22, 1954	Lufkin LFR	1.0	1,500	W—Procedure turn. Minimum altitude 1,500'. Within 10 miles.	1,500	4.0	C S A-dn	300-1 500-1 500-2	300-1 500-1 500-2	When directed by ATC climb to 2,000' on course of 180° via Lufkin LFR course to Lufkin VOR.

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation, facility; class and identification; procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude	Procedure turn (—) side of course, altitude, and distance (maximum and minimum); fix for FAC, limiting distances	Minimum sector altitudes (within 25 miles of facility)	Course and distance, facility to airport	Ceiling	Visibility: Type aircraft: 75 m. p. h. or less	Visibility: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing fix or facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
PLATTSBURG, N. Y. Municipal (CT) BVOR, PLB Procedure No. 1 April 23, 1954				N—Procedure turn. Minimum altitude 1,000' within 10 miles.	1,000	2.8—9.0	T-dn C-dn A-dn	300-1 600-1½ 800-2	300-1 600-1½ 800-2	Within 7.0 miles make a left climbing turn to 1,500' intercepting VOR at 1,500'. Note: Does not meet standard criteria for authorization of regular approach visibility minimums.
PONCA CITY, OKLA. Municipal (Intl) BVOR, PNC Procedure No. 1 April 22, 1954	Ponca City MH	280—3.5	2,200	S—Procedure turn. 2,200' minimum altitude. (2,000' altitude if procedure turn not executed). 2,400' within 25 miles.	1,900	0.0—3.5	T-dn C-dn A-dn	300-1 600-1½ 800-2	300-1 600-1½ 800-2	When directed by ATC climb to 2,500' on course of 099° within 25 miles.
SAN ANTONIO, TEX. International, see BVOR DTV-SAT Procedure No. 1 April 23, 1954	San Antonio LFR Cibolo FM (final)	353—4.5 174—3.5	2,200 1,880	W—Procedure turn. 1,880' minimum altitude. 2,200' within 15 miles. 2,500' within 20 miles. 2,880' within 25 miles.	Cibolo FM 2,000 VOR 1,880 SAT LFR-Z 1,500 (1) (2)	1.4—7.0	T-dn C-dn S-dn A-dn	300-1 500-1 17 500-1 800-2	300-1 500-1 500-1 800-2	Within 7.0 miles, climb to 2,500' on course 171° within 25 miles. (1) Altitude over VOR 2,000' if Cibolo FM not received. (2) Descent to indicated minimums authorized after passing San Antonio LFR-Z on final. If San Antonio LFR-Z not identified or signal below 1,500' not authorized. Indicated minimums are 700'. San Antonio LFR-Z to airport 174° 2.6 miles.
TULSA, OKLA. Municipal (CT) BVOR, TUL Procedure No. 1 April 22, 1954	Tulsa LFR Vesburg FM Skelrook FM	0—2.0 52—2.0 106—1.0	1,700 1,800 1,900	W—Procedure turn: 1,800' minimum altitude. 1,900' within 15 miles. 2,100' within 25 miles.	1,500	1.0—5.0	T-dn C-dn S-dn 17L A-dn	300-1 500-1 500-1 500-1 800-2	300-1 500-1 500-1 500-1 800-2	When directed by ATC climb to 2,200' on radial 017° within 25 miles or when directed by ATC climb to 2,400' on radial of 215° within 25 miles.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended, 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2726; Filed, Apr. 19, 1954, 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket 10782]

PART 3—RADIO BROADCAST SERVICES

CLEAR CHANNELS; CLASS I AND II STATIONS

In the matter of amendment to § 3.25 (b) of the Commission's rules and regulations (Radio Broadcasting Services) to permit the inclusion of the frequency 1540 kilocycles as a Class I-B channel in the United States. Docket No. 10782.

1. On November 30, 1953, the Commission issued a notice of proposed rule making (FCC 53-1565) proposing to amend § 3.25 (b) of the Commission's rules and regulations to permit the inclusion of the frequency 1540 kilocycles as a Class I-B channel in the United States. The purpose of the proposed amendment is to provide for the establishment of a Class I-B station in the United States on 1540 kilocycles in Waterloo, Iowa (KXEL) as provided for by the terms of the 1950 North American Regional Broadcasting Agreement (NARBA). Interested parties were invited to submit written comments on the proposal, and, in response, James D. Shayard, the East-West Broadcasting Company and the Fort Broadcasting Industry, Inc., filed statements in opposition and the Josh Higgins Broadcasting Company filed a statement in support of the proposal.

2. James D. Shayard, part owner of Station WATH, Athens, Ohio (1540 kc, 1 kw, daytime only) contends that the granting of I-B status to Station KXEL in Waterloo would result in a severe limitation on the assignment of new facilities; prevent the improvement of existing facilities; and would not be in the public interest as it would preclude many communities from having local coverage which is so vital at the present time.

3. The East-West Broadcasting Company, licensee of Station KCUL, Fort Worth, Texas (1540 kc, 1 kw, nighttime, 5 kw daytime) urges that making 1540 kilocycles a United States I-B channel and KXEL a I-B station will not permit or enable KXEL to improve its present service or to give service to anyone it is not now serving. It argues conversely that the effect of making KXEL a I-B station will be to limit all existing stations operating on 1540 kilocycles and prohibit them from improving their present operations.

4. The Fort Broadcasting Industry, Inc., proposed assignee of Station WTKM (File No. BAL-1527) and applicant for construction permit to change location and power of Station WTKM from 500 watts daytime only on 1540 kc at Hartford, Wisconsin to 250 watts daytime only on 1540 kc at Ft. Atkinson, Wisconsin (File No. BP-8825), contends that the proposed amendment would result in the most inefficient use of the frequency 1540 kilocycles because it will preclude the use of this frequency at three widely

separated locations requested in pending applications before the Commission and further preclude the use of the frequency at many other locations which may be applied for in the future. Fort Broadcasting Industry urges in the alternative that should the Commission reclassify Station KXEL, it should make its action prospective in effect and subject to presently pending applications. It maintains that it has relied on the Rules and Regulations of the Commission, has expended considerable effort and money in preparing its application and obtaining a site, and that fairness and equity require the Commission to take such action subject to presently pending applications.

5. The Josh Higgins Broadcasting Company, licensee of Station KXEL, Waterloo, Iowa, maintains that the action of the Commission in adopting its proposed amendment to the rules and establishment of KXEL as a Class I–B station is only a natural and proper step to preserve for the United States the full benefits accruing to it under the provisions of the NARBA Agreement.

6. The frequency 1540 kilocycles is a clear channel and under past international agreement as well as the new North American Regional Broadcasting Agreement (NARBA), Washington, 1950, now pending before the United States Senate for ratification, priority is recognized on this frequency for a Class I–A station in the Bahamas. The new NARBA, in addition, recognizes a priority for a United States I–B station (KXEL, Waterloo, Iowa). Commission Rules reflect the Bahama priority but no rule has been promulgated covering the United States priority. Station KXEL at Waterloo, Iowa, was the first station in the United States assigned to 1540 kilocycles, having been so assigned in January of 1942. It is a Class II station operating with 50 kilowatts power and a directional antenna at night. Its assignment as a Class II station was originally made pursuant to the first NARBA and present Commission Rules.

7. We have carefully reviewed the comments filed in this proceeding and we are of the view that the proposed amendment specifying the frequency 1540 kilocycles as a Class I–B channel with KXEL as the dominant domestic station should be adopted. Designation of KXEL as a Class I–B station would make it possible to take full advantage of the priority afforded by international agreement now pending before the Senate for ratification. The primary purpose in the designation of certain frequencies as clear channels with the resulting powers and protection which dominant stations on such channels are afforded is to provide wide area service so that some service would be rendered to all areas of the United States and thus tend to an efficient use of these channels. The designation of a frequency as a clear channel with a priority for its use by one or more domestic Class I stations results in the requirement that secondary domestic assignments and foreign stations afford the necessary degree of protection from interference so that this objective may be realized. Failure to designate a dominant station on this frequency would be an improper utilization of a frequency which presently may be used for the rendition of wide area coverage: It would be contrary to the public interest for it would jeopardize the prospect of advantage to the United States from the priority which has been afforded the United States by international agreement now pending before the Senate.

8. The decision to designate KXEL as the dominant station on the frequency 1540 kilocycles is in accord with our allocations objectives for the use of such clear channels. Our action herein does not contemplate changes in existing operations, but Station KXEL will receive protection as a Class I–B station from any grants made after the date of our action herein. An over-all review of the utilization of clear channels is presently before us in the clear channel proceeding (Docket No. 6741). The designation of KXEL as a dominant station on the frequency 1540 kilocycles will be reviewed in that proceeding as will all other station designations on clear channels and this designation will not be prejudicial to any final decision which we reach in that proceeding.

9. Authority for adoption of the subject amendment is contained in sections 4 (i), 301, 303 (a), (b), (c), (d), (f), (h), and (r), and 307 (b) of the Communications Act of 1934 as amended.

10. In view of the foregoing: *It is ordered*, That effective thirty days after publication in the FEDERAL REGISTER, § 3.25 (b) is amended to read as follows:

(b) To each of the channels below there may be assigned Class I and Class II stations: 680, 710, 810, 850, 940, 1000, 1030, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190 1500, 1510, 1520, 1530, 1540,[*b*] 1550, and 1560 kilocycles.

[*b*] Class I and II stations on this frequency shall deliver not over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point of land in the Bahama Islands, and such stations operating nighttime (i. e., sunset to sunrise at the location of the Class II station) shall be located not less than 650 miles from the nearest point of land in the Bahama Islands.

11. *It is further ordered*, That § 3.25 (e) be deleted.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084, as amended; 47 U. S. C. 301, 303, 307)

Adopted: April 7, 1954.

Released: April 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 54-3002; Filed, Apr. 20, 1954; 8:51 a. m.]

[Docket No. 10778]

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

SHORT-WAVE EPILATION EQUIPMENT

In the matter of amendment of § 18.51 of the Commission's rules concerning use of short-wave epilation equipment; Docket No. 10778.

1. On November 30, 1953, in response to a petition filed on behalf of Lionel Shuman and the Electrolysis Society of America, Inc., the Commission released a notice of proposed rule making in this proceeding, which was duly published in FEDERAL REGISTER on December 3, 1953 (18 F. R. 7801). This notice proposed to amend § 18.51 of the Commission's rules so as to defer the applicability of Part 18 to short-wave epilation equipment until June 30, 1954 with respect to all such equipment manufactured before December 31, 1950, and until December 31, 1955 for such equipment manufactured between December 31, 1950 and June 30, 1953.

2. Formal comments in response to the notice of proposed rule making have been submitted on behalf of Lionel Shuman and the Electrolysis Society of America Inc. and by Vincent Yardum, and informal comments were filed by Wappler Inc. and Miss Pauline Sanel. The comments by Shuman and the Electrolysis Society support the proposed amendment, but request that additional relief be granted to the users of electrolysis equipment. In the first place, it is urged that Part 18 should not become applicable to any electrolysis equipment until at least December 31, 1955. It is contended that the dual dates proposed will result in difficulty of administration and also confusion, and that since some epilation machines which do not meet the standards of Part 18 will be permitted to operate until December 31, 1955, the public interest will not be adversely affected if all such machines continue in operation until this time. In support of this contention it is argued that since the dual dates proposed are based on the date of manufacture of the equipment, the proposed amendment may be inequitable to persons, who after December 31 1950, purchased equipment manufactured prior to that date.

3. Secondly, the comments of Shuman and the Electrolysis Society request that the rules permit machines manufactured before December 31, 1953 (rather than the June 30, 1953 date which was proposed) to be used until December 31, 1955. It is contended that such an extension is necessary because there has been a shortage of low priced type-approved epilation machines.

4. Vincent Yardum's comments oppose the adoption of the proposed amendment. It is his contention that electrologists were aware that their equipment was subject to the provisions of Part 18, and that only one manufacturer of electrolysis equipment issued misleading advertisements with respect to the applicability of the Commission's rules. He argues that adoption of the amendment will result in confusion because it will make applicability of the rules dependent on the date when the equipment was manufactured. It is further asserted that failure to enact the proposed amendment will not result in any great financial hardship to the electrologists, and finally that the petitioners were, in effect, guilty of laches because of their failure to file their petition for relief at an earlier date.

5. Wappler, Inc. in its informal comments, requests that the Commission grant it relief by permitting persons to use non-conforming equipment manufactured after June 30, 1953 until some future date. Wappler asserts that such a provision will enable it to dispose of its stock of non-conforming equipment.

6. In her informal comments, Miss Pauline Sanel urges that additional relief be granted to the users of electrolysis equipment.

7. The Commission has determined, after careful consideration of the comments filed, that the proposed amendment to the rules should be adopted. While the extent of the misleading advertising concerning the applicability of the rules to electrolysis equipment may be in dispute, it seems clear that there was considerable confusion on the part of electrologists and that at least some of the manufacturers advertised and sold equipment which did not conform to the provisions of the Commission's rules. Under these circumstances, the Commission believes that some relief should be allowed.

8. However, while the Commission is of the opinion that some relief is warranted, it does not appear that the public interest will be served by further extending the dates on which the rules will become applicable to electrolysis equipment beyond the dates already proposed by the Commission. The proposed extensions of time will provide a reasonable period within which the users of electrolysis equipment can replace non-conforming equipment. Moreover, as the Commission has previously noted, all doubts concerning the applicability of the rules to electrolysis equipment were completely dispelled at least as of June 18, 1953, the date on which the Commission issued its order reaffirming the classification of electrolysis equipment as miscellaneous equipment within the meaning of §18.2 (d) of the rules.

9. The Commission does not consider that its proposal to make the applicability of the rules depend on the date of manufacture of the equipment is impracticable. It is sufficient to state that the Commission has used this standard for other types of equipment, such as medical diathermy apparatus, with considerable success.

10. In view of the fact that the dates on which Part 18 of the rules became applicable to medical diathermy, industrial heating and miscellaneous equipment have all passed, reference to those dates is being deleted from § 18.51.

11. In light of the foregoing: *It is ordered*, That pursuant to the authority of sections 4 (i), 301 and 303 (r) of the Communications Act of 1934, as amended, that § 18.51 of the Commission's rules is amended as set forth below, effective 30 days from the date of publication in the FEDERAL REGISTER.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Adopted: April 14, 1954.

Released: April 16, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

Section 18.51 of the Commission's rules and regulations is amended to read as follows:

§ 18.51 *Existing equipment.* The provisions of this part shall not be applicable until June 30, 1954 to epilation equipment which uses radio frequency energy, manufactured before December 31, 1950, and shall not be applicable until December 31, 1955 for such equipment manufactured between December 31, 1950 and June 30, 1954: *Provided*, That the foregoing provisions of this section shall be applicable only if such steps as may be necessary are promptly taken to eliminate interference to authorized radio services resulting from the operation of equipment manufactured prior to the respective dates set forth in this section.

[F. R. Doc. 54 3003; Filed, Apr. 20, 1954; 8:51 a. m.]

[1] Dissenting statement of Commissioner Bartley, concurred in by Commissioner Hennock, filed as part of the original document.

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 41, 42]

RESORT AIRLINES, INC.

EXTENSION OF SPECIAL AUTHORIZATION

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation extending the present authority of Resort Airlines, Inc., as hereinafter set forth.

Interested persons may participate in the making of proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by May 17, 1954. Copies of such communications will be available after May 19, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Resort Airlines, Inc. (Resort) holds a temporary certificate of public convenience and necessity to engage in all-expense tours in overseas and foreign air transportation which is effective until August 9, 1954. On November 14, 1949, the Civil Aeronautics Board promulgated Special Civil Air Regulation SR–338 which authorized the Administrator of Civil Aeronautics to issue to Resort an air carrier operating certificate under the provisions of Part 42 of the Civil Air Regulations.

In initially adopting SR–338, the Civil Aeronautics Board anticipated that the nature of Resort's operations would produce an irregularity of flight operations dissimilar to those of the usual certificated air carrier engaging in overseas or foreign air transportation. It did not appear reasonable, therefore, to require this carrier to comply fully with the provisions of Part 41 over all segments of its routes. However, recognizing the possibility that its services might expand sufficiently to warrant the application of the requirements of Part 41, the Board provided that certain provisions of Part 41 would apply to Resort should its operations exceed given frequencies. Since the same conditions of SR–338 that led to the promulgation existed at the time of its expiration, Special Civil Air Regulation SR–373, adopted September 21, 1951, continued these provisions until June 9, 1954.

In reviewing the operations of Resort we find that the circumstances which led to the promulgation of SR–338 and SR–373 are essentially the same at this time except for at least one route segment for which Resort has exceeded the frequencies specified in the regulation. However, the Bureau has been informed that Resort is complying with the communications, pilot route competency, and dispatching requirements of Part 41 as required by SR–373. Because it appears that the operations of Resort have been conducted safely under these special regulations, it is proposed that the provisions of SR–373 be renewed at this time. Since the extent of duration of Resort's economic authority is unknown at this time, it is proposed that this regulation shall terminate on June 9, 1957, or upon the termination of its economic authority, or not later than 60 days after a major change to that authority, whichever shall first occur.

Accordingly, notice is hereby given that it is proposed to issue a Special Civil Air Regulation as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, Resort Airlines, Inc., is hereby authorized to conduct its operations under the provisions of Part 42 of the Civil Air Regulations: *Provided*, That where the operation of aircraft carrying passengers between any two points[1] exceeds the regularity or frequency set forth in paragraph 2 hereof, the carrier shall comply additionally with the provisions of Part 41 relating to communications, pilot route competency, and dispatching, as heretofore or hereafter amended, and promptly notify the Administrator of such compliance.

2. Two flights, or one round trip, a week on the same day or days of the week for eight or more weeks in any 90 consecutive days; or a total of 36 or more flights, or 18 or more round trips, in any 90 consecutive days.

3. This regulation shall terminate on June 9, 1957, or upon the termination of the economic operating authority of Resort Airlines, Inc., or not later than 60 days after a major change to that au-

[1] Point, as used herein, shall mean any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place.

thority, whichever shall first occur unless sooner superseded or rescinded by the Board.

This Special Civil Air Regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated: April 13, 1954, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 54-3014; Filed, Apr. 20, 1954; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 8]

[Docket 10590]

STATIONS ON SHIPBOARD IN MARITIME SERVICES

PERIODIC CERTIFICATION OF CONDITION OF REQUIRED RADIO FACILITIES ON COMPULSORILY EQUIPPED SHIPS

1. The notice of proposed rule making in Docket No. 10590 sets forth a proposed amendment of Part 8 of the Commisson's rules which would require a Master of a compulsorily equipped U. S. ship to make certifications of the condition of the ship's required radio facilities at intervals of approximately three months, between the annual radio inspections conducted by Commission engineers on board cargo ships or the semi-annual inspections of passenger ships.

2. The proceedings in Docket No. 10590 were instituted by the Commission on July 15, 1953, setting September 24, 1953 as the final date for filing comments. The periods for filing original and reply comments were subsequently extended to October 23, 1953 and November 2, 1953.

3. Comments were filed by the Central Committee on Radio Facilities of the American Petroleum Institute, by the Radio Officers' Union of the Commercial Telegraphers Union, affiliated with the American Federation of Labor, and by the American Merchant Marine Institute, Inc. Each of these organizations oppose the proposed amendment. No comments in support have been received.

4. The Commission is required by section 360 (b)[1] of the Communications Act to conduct inspections of compulsorily equipped U. S. ships at least at annual intervals. Until recently, the Commission had conducted inspections at less than annual intervals. The Commission in the belief that the public safety requires that the Commission be informed of continuing adequacy of safety radio equipment during the present interval between normal inspections, proposed a requirement which would place on those responsible for the day to day condition of vessels the additional responsibility of informing the Commission at approximately 3-month intervals of the condition of the safety radio equipment. Obviously, such a plan would require a high degree of cooperation from those who would be required to participate but such a plan would be of doubtful value if the participants are without exception unalterably opposed to the plan from its very inception.

5. The Radio Officers' Union commented that the number of Commission inspections should not be reduced and that the proposed procedure would not provide a workable or effective substitute for such inspections. The American Merchant Marine Institute expressed the belief that the proposed amendment would impose a needless burden on the master and the steamship companies. That organization also asserts that no standards are established which would insure uniformity in the quality of the inspections and that the results would depend upon the experience and integrity of hundreds of different individuals. It was suggested that present requirements of § 8.330 of the Commission's rules requiring a radio operator to enter radio station failures in the radio log would provide an adequate safeguard. The Central Committee on Radio Facilities of the American Petroleum Institute opposed the proposed amendment for the same reasons as the American Merchant Marine Institute and suggests "spot inspections" to ascertain continuing high quality of performance.

6. The proposed procedure was designed to be self-executing and to encourage a voluntary participation of the industry in their own inspection program. The unanimous opposition which has been expressed to the proposal however, would, to the extent that its adoption may be taken as representing an arbitrary action, be very likely to defeat this aim.

7. With rejection of the proposed rule amendment, the Commission nevertheless is of the opinion that if possible some other satisfactory method should be developed for obtaining continuity in the proper maintenance of radio equipment between inspections. Accordingly, the Commission is continuing to study the problem.

8. In view of the foregoing, the proposal contained in Docket No. 10590 is withdrawn and the proceeding therein is hereby terminated.

Adopted: April 14, 1954.

Released: April 16, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2999; Filed, Apr. 20, 1954; 8:50 a. m.]

[1] Every ship of the United States, subject to this part, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. If, after such inspection, the Commission is satisfied that all relevant provisions of this act and the station license have been complied with, the fact shall be certified to on the station license by the Commission. The Commission shall make such additional inspections at frequent intervals as may be necessary to insure compliance with the requirements of this act.

[47 CFR Part 13]

[Docket No. 11003]

COMMERCIAL RADIO OPERATORS

DISCONTINUANCE OF ISSUANCE OF TEMPORARY LIMITED RADIOTELEGRAPH SECOND-CLASS OPERATOR LICENSE

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. During the recent Korean hostilities there was a rapid increase in the number of merchant ships in active service, accompanied by a corresponding increase in the demand for qualified radiotelegraph operators. A critical shortage of such operators then resulted and the Commission was requested to take certain measures to relieve the shortage. In response to that request and in view of the emergency then existing the Commission on April 4, 1951, after giving due notice, reestablished the temporary limited radiotelegraph second-class operator license (TLT). This grade of license was first established during World War II as an emergency measure to meet the then stepped-up manning requirements for merchant ships.

3. The temporary limited radiotelegraph second-class operator license is issued under a relaxation of the Commission's normal requirements for ship radiotelegraph operators. Approximately 670 licenses of this class have been issued since April 4, 1951.

4. The Commission has been informed that the number of merchant ships in active service requiring qualified radiotelegraph operators has declined from a peak of approximately 2000 in January 1952 to 1367 as of February 1, 1954. There has been no indications for more than a year that any shortage of radiotelegraph operators exists.

5. In view of the foregoing it appears that there is no need for further issuance of TLT licenses and that it would be in the public interest to discontinue issuance of that class of license.

6. Proposed rule amendments to Part 13 of the Commission's rules are set forth below which would discontinue further issuance of TLT licenses but permit outstanding TLT licenses to remain valid until the expiration date according to their respective terms. The proposed amendments are issued under authority of sections 4 (i), 303 (l) and (r) of the Communications Act of 1934, as amended.

7. Any interested person may file with the Commission on or before May 20, 1954, a written statement or brief in support of, or in opposition to the proposed amendments. Comments or briefs in reply to the original comments or briefs may be filed within ten (10) days from the last day for filing the original comments or briefs. The Commission will consider all comments, briefs and statements before taking final action.

8. In accordance with § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: April 14, 1954.

Released: April 16, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 13.2 (a) (1) (iii) of the Commission's rules is proposed to be amended by changing footnote [7a] to read as follows:

[7a] By Commission order dated and effective April 4, 1951, the Commission reestablished this class of operator license, to be valid for five years from the date of issuance, for the operation of certain shipboard radio stations. By Commission order dated ---------- and effective --------- 1954, the issuance of this class of license was discontinued. Outstanding licenses of this class remain valid until expiration according to the respective terms thereof, but may not be renewed.

2. Section 13.5 of the Commission's rules is proposed to be amended by deleting paragraph (d).

3. Section 13.22 of the Commission's rules is proposed to be amended by deleting paragraph (d).

4. Section 13.28 of the Commission's rules is proposed to be amended by inserting at the end of the first sentence thereof the following new sentence: "A temporary limited radiotelegraph second-class operator license is not renewable." Section 13.28 would then read as follows:

§ 13.28 *Renewal service requirements, renewal examinations, and exceptions.* A restricted radiotelephone operator permit or an aircraft radiotelephone operator authorization is not renewable but must always be obtained as a new permit or authorization in each instance. A temporary limited radiotelegraph second-class operator license is not renewable. A license of any other class may be renewed without examination provided that the service record on the reverse side of the license [7] shows at least two years of satisfactory service in the aggregate during the license term and while actually employed as a radio operator under that license. If this two-year renewal service requirement is not fulfilled, but the service record shows at least one year [8] of satisfactory service in the aggregate during the last three years of the license term and while actually employed as a radio operator under that license, the license may be renewed upon the successful completion of a renewal examination, which may be taken at any time during the final year of the license term or during a one-year period of grace after the date of expiration [9] of the license sought to be renewed. The renewal examination will consist of the highest numbered examination element normally required for a new license of the class sought to be renewed, plus the code test (if any) required for such a new license. If the renewal examination is not successfully completed before expiration of the aforementioned one-year period of grace, the license will not be renewed on any basis.[10a]

[F. R. Doc. 54-3000; Filed, Apr. 20, 1954; 8:50 a. m.]

[7] See §§ 13.91 to 13.94.

[8] As a temporary exception, during the period September 1, 1949, through September 30, 1949, applications for renewal by renewal type examination will be considered upon the basis of showing of three months satisfactory service instead of one year during the last three years of the license term provided the renewal application is filed with the Commission or postmarked on or before September 30, 1949, and during the last year of the license term.

[9] With respect to licenses which expired between July 1, 1948, and September 1, 1949, the renewal examination (where required) may be taken during a period of one year commencing on September 1, 1949, and ending with August 31, 1950.

[10a] By order dated and effective April 4, 1951, the Commission temporarily waived the requirement of prior service as a radio operator or examination for renewal in the case of any applicant for renewal of his commercial radio operator license. This order is applicable to commercial radio operator licenses which expired after June 30, 1950, until further order of the Commission.

[47 CFR Part 15]

[Docket No. 9288]

RESTRICTED AND INCIDENTAL RADIATION DEVICES

NOTICE OF FURTHER PROPOSED RULE MAKING

1. Notice is hereby given of further proposed rule making in the above entitled matter.

2. On April 13, 1949, the Commission issued a notice of proposed rule making in this Docket which proposed to amend Part 15 of the Commission's rules relating to restricted radiation devices. By order of July 29, 1949, this Docket was subdivided into four parts: Part A pertained to Incidental Radiation Devices; Parts B, C, and D of the Docket pertained to Restricted Radiation Devices.

3. The rules proposed in 1949 would have limited radiation from incidental radiation devices to 15 microvolts per meter at 100 feet or 15 microvolts per meter at a distance in feet equal to 157,000 divided by the frequency in kilocycles, whichever is greater. Comments addressed to this proposal expressed the opinion that comprehensive studies of the technical and economic aspects of regulation of incidental radiation devices were necessary before any rules governing this type of equipment were put into effect. Studies in this field directed to radio devices have developed limits which can be adopted at this time, whereas the studies of interference from electrical apparatus, such as power, lighting and ignition systems, are inconclusive. For this reason, the Commission proposes to classify radio receivers and some other forms of radio frequency generators as restricted radiation devices and to provide the class of incidental radiation devices for electrical apparatus in which the generation of radio frequency energy is unintentional. No specific radiation limits are proposed for incidental radiation devices but in the event that interference is caused to authorized radio services by operation of these devices, the operators of the devices will be required to take prompt action to eliminate the interference.

4. Subpart A of the proposed rules set forth below contains general provisions for the operation of restricted radiation devices. These provisions are in the form of minimum power and field intensity limitations, and will apply to all restricted radiation devices except insofar as specific provision for the operation of certain devices is contained in Subparts B and C. These limitations are set forth in terms of decibels above one microvolt per meter (dbu), and, merely for convenience, they are also set forth in terms of approximately equivalent microvolts per meter. Two sets of field intensity limitations are set forth in the proposed rules. The Commission proposes to place one set into effect as soon as these rules become effective, to be superseded by the second set on June 30, 1956. The limits to be placed in effect initially are based primarily on the Radio-Electronics Television Manufacturers Association's present radiation standards for television and FM receivers. Since it is not now known to what extent the RETMA standards can immediately be made applicable to all receivers, it is proposed to make the rules applicable now only to FM and TV receivers, and land mobile receivers above 25 Mc, which have been the source of the most serious interference problems caused by receivers. The rules would become applicable to all receivers manufactured after January 30, 1956.

5. The rules proposed by the Commission in 1949 would have limited the operation of carrier current devices to the frequencies 10–200 kc with a radiation limit of 15 microvolts per meter at a distance in feet of 157,000 divided by the frequency in kilocycles. Comments directed to those proposed rules generally opposed the adoption of any rules which would restrict the operation of such carrier current devices.

6. Subpart B of the rules now proposed contains provisions for the operation of carrier current systems. Such systems operating in the band 10–425 kc which meet the radiation requirements of Subpart A could be operated without certification. However, provision is made for such systems to be operated with greater radiation if they are certified in accordance with the procedure set forth in Subpart B.

7. Carrier current systems operating above 425 kc for the purpose of distributing programs to more than one receiver and which are installed after the effective date of these rules would have to be certified as meeting the requirements specifically applicable to them. Such systems which are in operation on the date these rules are made effective would have to comply with all applicable provisions by June 30, 1955, and, until that date, such systems operating in the band 425–1605 kc would continue to have to meet the existing radiation standard set forth in Part 15 of the rules. Moreover, all systems would immediately be governed by the provision of the rules which provides that the users or operators of

restricted and incidental radiation devices which cause harmful interference to any authorized radio service shall promptly take such steps as may be necessary to eliminate such interference.

8. Subpart B of the proposed rules also provides that receivers shall be certified as complying with the applicable radiation limitations by the manufacturers thereof or by an appropriate certifying authority, or where this has not taken place, by the users of the receiver.

9. Subpart C of the proposed rules provides a procedure whereby restricted radiation devices which do not comply with the provisions of Subpart A or B can be operated pursuant to a license issued by the Commission. Such licenses would be granted by the Commission only if it found that the device in question could not meet the requirements of the rules, but that its operation would serve the public interest, convenience and necessity.

10. The Commission also wishes to point out that while various radiation limits are now being proposed, the Commission may find it necessary in the future to impose stricter radiation limits in light of new developments in the electronics field, and the necessity for providing adequate protection from harmful interference to authorized radio services.

11. These proposed rules are issued pursuant to the provisions of sections 4 (i), 301 and 303 (r) of the Communications Act of 1934, as amended.

12. Any interested person may file with the Commission on or before June 16, 1954, a statement or brief setting forth his comments in regard to the proposed amendments of the Commission's rules. Comments in reply to the original comments may be filed within 20 days from the last day for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good causes for the filing of additional comments is established. The Commission will consider all comments before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

13. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, brief or comments filed shall be furnished to the Commission.

Adopted: April 14, 1954.

Released: April 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

PART 15—RESTRICTED AND INCIDENTAL RADIATION DEVICES

SUBPART A—GENERAL

§ 15.1 *Statement of basis and purpose.* (a) Section 301 of the Communications Act of 1934, as amended, provides for the control by the Federal Government over all the channels of interstate and foreign radio communication and further provides, in part, that no person shall use or operate apparatus for the transmission of energy, communications, or signals by radio when the effects of such operation extend beyond State lines or cause interference with the transmission or reception of energy, communications, or signals, of any interstate or foreign character by radio, except under and in accordance with the Communications Act and a license granted under the provisions of that act. Restricted and incidental radiation devices emit radio frequency energy on frequencies within the radio spectrum and constitute a serious source of interference to authorized radio communications services operating upon the channels of interstate and foreign communication unless precautions are taken which will prevent the creation of any substantial amount of such interference.

(b) The following rules and regulations are designed to have a twofold effect:

(1) They set forth the conditions under which the operation of equipment of the type covered by this part of the rules will not be considered to fall within the category of situations covered by the provisions of section 301 of the Communications Act, for which a station license is required as a condition of lawful operation.

(2) They provide a procedure for the licensing of devices covered by this part of the rules which are unable to meet the conditions set forth for operation without a license.

§ 15.2 *Definitions.* For the purpose of this part the following definitions shall be applicable:

(a) *Incidental radiation devices.* Devices which radiate radio frequency energy but which are not specifically designed to generate radio frequency energy.

(b) *Restricted radiation devices.* Devices which radiate radio frequency energy and are specifically designed to generate radio frequency energy (whether or not they are intended to be used for communications purposes) and which are not specifically covered in any other part of this title.

(c) *Carrier current systems.* Restricted radiation devices comprising systems for the transmission of intelligence, including control signals, principally by means of conducted radio frequency currents.

(d) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radio navigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the table of frequency allocations contained in Part 2 of this subchapter whether or not such interference occurs within the normally recognized field intensity contours of the authorized station.

§ 15.3 *Operation of incidental radiation devices.* Until further order, all devices of this nature shall be governed solely by the requirements specified in § 15.6.

§ 15.4 *Operation of restricted radiation devices.* The operation of all Restricted Radiation Devices manufactured or installed after the effective date of this part shall be in accordance with the limitation [1] set forth in paragraphs (a) and (b) of this section except insofar as Subparts B and C of this part contain specific provisions for the operation of certain types of restricted radiation devices, in which event the operation of such devices shall be governed by those provisions of Subparts B and C of this part.

(a) The device shall not deliver more than the following amounts of power to an artificial load having electrical characteristics that provide maximum transfer of energy from the device to the load:

Frequency	Power
	db above 1 watt (dbw)	Approximate watts
Below 1.6 Mc	$20 \log_{10}\left(\frac{1600}{F_{kc}}\right)-77$	$\left(\frac{1600}{F_{kc}}\right)^2 \times 20{,}000$.
1.6–27.5 Mc	−57	2,000.

or

(b) The device shall not create an electromagnetic field in excess of the values shown in the following table: [2]

[1] Prior to July 1, 1956, these limits shall not be applicable to radio receivers other than television and frequency modulation broadcast receivers and land mobile receivers above 25 Mc.

[2] Measured in accordance with, or equivalent to, applicable methods of the Institute of Radio Engineers.

Frequency	Distance	Immediately		After June 30, 1956	
		Db above 1 uv/m (dbu)	Approximate uv/m	Db above 1 uv/m (dbu) [1]	Approximate uv/m
Kilocycles	Feet				
10–157	1,000	$20 \log \frac{157}{F_{kc}}+23.5$	$(157/F_{kc})\times 15$	$20 \log \frac{157}{F_{kc}}+23.5$	$(157/F_{kc})\times 15$.
[illegible]	100	$20 \log \frac{1570}{F_{kc}}+23.5$	$(1570/F_{kc})\times 15$	$20 \log \frac{1570}{F_{kc}}+23.5$	$(1570/F_{kc})\times 15$.
Megacycles					
1.6–25.6	100	24	15	24	15
25.6–50	100	30	30	26	30
50–150	100	34	50	30	50
150–174	100	[2] 34–44	50–150	30–38	[3] 50–150
174–260	100	44	150	38	150
260–470	100	[3] 44–54	150–500	38–46	[3] 150–500
470–890	100	54	500	46	500
890–17000	100	54	500	46	500
Above 17000	100	54	1500	46	1500

[1] As an alternative to the provisions, the Commission is considering using the following formula for frequencies of 10 Mc and above:

$$F_{uv/m}=20 \log_{10} F_{mc}-8$$

[2] Use linear interpolation between 30 and 130 microvolts per meter for frequencies between 130 and 174 Mc.

[3] Use linear interpolation between 150 and 500 microvolts per meter for frequencies between 260 and 470 Mc.

§ 15.5 *Information concerning apparatus.* Upon request by the Commission the owner or operator of any device which is required by the provisions of this part to be certified, shall promptly furnish the Commission with such information as may be requested concerning the operation of such equipment, including a copy of any field intensity measurements made by or for the user in determining that radiation complies with the limits specified in this part.

§ 15.6 *Interference from incidental and restricted radiation devices.* No incidental or restricted radiation device, irrespective of whether it otherwise operates in accordance with the provisions of this part, shall be operated in a manner which causes harmful interference to any licensed radio service. Where harmful interference is in fact caused by the operation of any such device its operation must cease immediately until the condition responsible for such interference has been eliminated.

SUBPART B—OPERATION OF RESTRICTED RADIATION DEVICES THAT REQUIRE CERTIFICATION.

§ 15.101 *Certification of equipment.* The owner or operator of a restricted radiation device which requires certification under this subpart shall have posted in the room in which such equipment is operated, a certificate of a competent engineer setting forth the general conditions under which such equipment should be operated and certifying that the equipment involved is capable of complying with the radiation limits set forth in this part as applicable to such equipment. The certification required by this section shall describe with certainty the equipment covered thereby and a brief but specific statement of the engineering tests upon which such certification is based and the results thereof.

§ 15.102 *Renewal of certification.* No regular renewal of certification is required. However, the certification required by § 15.101 shall be renewed for particular equipment by such date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with the provisions of this subpart or a source of interference to authorized radio services.

§ 15.103 *Carrier current system operating in the range 10–425 kc.* (a) Carrier current systems operating at frequencies between 10–425 kc may exceed the limit set forth in § 15.4: *Provided*, The system is certified in accordance with § 15.101: *And provided further*, That the field intensity shall not exceed 1,000 microvolts per meter for frequencies between 10 kc and 157 kc, and 250 microvolts per meter for frequencies between 157 kc and 425 kc at a distance greater than 1,000 feet from any point in the system, and that radiation at distances greater than 500 feet from any point in any carrier current system operating under the provisions of this section and located within the 50 uv m contour of a cochannel authorized station, shall not exceed an intensity of 15 db below the prevailing field intensity of such cochannel station.

(b) As a precautionary measure to avoid interference to navigational service, carrier current operators should discuss proposed installations and changes in existing installations within the frequency bands allocated to the aeronautical and marine services with the field offices of the Civil Aeronautics Administration, the United States Coast Guard and the Federal Communications Commission.

(c) Carrier current systems that normally radiate for a period of less than one second duration at intervals of more than one minute shall not be subject to the field intensity limitation and certification requirements set forth in this part.

(d) Spurious and harmonic emissions from carrier current systems shall not be in excess of the values specified in § 15.4.

§ 15.104 *Carrier current systems operating above 425 kc.* (a) The following provisions shall be applicable after the effective date of this part to all carrier current systems which operate on frequencies between 425–1605 kc for the purpose of distributing programs to more than one broadcast receiver: *Provided, however*, That until June 30, 1955, existing carrier current systems in this band shall be required in the alternative to meet the radiation limit of 15 microvolts per meter at a distance from any radiating source of 157,000 feet divided by the frequency in kilocycles:

(1) Radiation shall not exceed an intensity of 40 uv m at distances of 100 feet or more from any radiating source: *Provided, however*, That such radiation shall not exceed 15 uv m at the border of the property exclusively under the control and for the exclusive use of the owner and operator of the system.[1]

(2) The carrier frequency on which the system operates shall be an odd multiple of 5 kc, and the system shall not deviate more than plus or minus 100 cycles from the carrier frequency.

(3) The system shall be certified in accordance with the provisions of § 15.101.

(b) Carrier current systems, including wired television distribution systems, used for the purpose of distributing programs to broadcast receivers at frequencies above 1600 kc, shall be certified in accordance with § 15.101. Such systems installed after the effective date of these rules shall not radiate in excess of 10 microvolts per meter at a distance of 10 feet or more from any point in the system. All existing systems shall comply with this limit after June 30, 1955. This subsection shall not be applicable to distribution systems whose operation is confined to a single building.

§ 15.105 *Certification of receivers above 25 Mc. (including FM and television broadcast receivers and land mobile receivers).* (a) Receivers which are required to meet the radiation limitations set forth in § 15.4 shall be certified as to their compliance with such requirements in accordance with the procedure set forth in § 15.101.

(b) The owners and operators of receivers need not themselves comply with the certification requirements of paragraph (a) of this section: *Provided*, That the manufacturers of such receivers or an appropriate certifying authority have certified that they are capable of operating within the radiation limits set forth in § 15.4, and the manufacturers have marked or identified each receiver accordingly.

[1] Where persons other than the owner or operator of the system control or have the use of a portion of the property in question, the radiation limit shall be 15 uv m at the border of that portion of the property, unless such persons have agreed in the contract or agreement providing for their use or control to accept any interference from the system, or they have agreed in writing to the operation of the system.

§ 15.106 *Information and inspection.* (a) Upon request by the Commission the owner or operator of any restricted radiation device governed by this subpart shall promptly furnish the Commission with such information as may be requested concerning the operation of such equipment. The premises on which such devices are operated, and any certificate required hereby, shall be available for inspection by representatives of the Commission at all reasonable hours.

SUBPART C—OPERATION FOR WHICH A LICENSE IS REQUIRED

§ 15.201 *When a license is required.* No restricted radiation device which does not comply with Subparts A or B or this part shall be operated except pursuant to a station license issued by the Commission.

§ 15.202 *Showing required.* An authorization for the operation of a restricted radiation device may be granted upon proper application therefor in accordance with the provisions of this part and a showing that in the light of the following considerations the public interest, convenience, and necessity would be served by such a grant:

(a) The purpose for which the equipment sought to be licensed will be used.

(b) The reasons why the equipment involved cannot be operated in compliance with the provisions of this part for unlicensed operation.

(c) The nature and extent of interference that may be caused to authorized radio services by the operation of such equipment.

(d) The procedures that will be followed to eliminate promptly any actual interference to authorized radio services.

§ 15.203 *Filing of applications.* All applications for new station authorizations, or applications for modification or renewal of station authorizations shall be submitted to the Commission's offices at Washington, D. C. Each application shall be submitted in duplicate and one copy shall be signed under oath or affirmation by the applicant if the applicant be an individual, by any one of the partners if the applicant be a partnership, by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association. Each application shall contain full and complete information concerning the station location, proposed equipment, operating frequency, expected magnitude of the radiated field and all information required by § 15.202 or other sections of this part. (The precise form of the application will be specified at such time as this part may be finalized.)

§ 15.204 *Station license.* Each station license authorizing the operation of a restricted radiation device will be issued for such period as the Commission may specify after consideration of the facts in a particular case: *Provided, however,* That no license will be issued for a term in excess of 1 year. Such licenses shall be renewable upon application if the Commission finds the renewal will be in the public interest. Each station license shall be non-transferable and if the equipment for which the license is issued passes from the possession of the licensee, for any reason whatsoever, the licensee shall notify the Commission thereof and, when possible, include in such notification the name and address of the recipient of the equipment. The original license shall be posted in the room in which the equipment is operated or attached to the equipment itself.

§ 15.205 *Operator requirements.* The operator requirements for stations licensed under this part will be determined and prescribed by the Commission after consideration of the application for station license.

§ 15.206 *Revocation of license.* Any license issued pursuant to this part may be revoked by the Commission for the reasons and in accordance with the procedure set forth in section 312 of the Communications Act and § 1.402 of this chapter.

§ 15.207 *Information and inspection.* Upon request by the Commission the owner or operator of any restricted radiation device governed by this subpart shall promptly furnish the Commission with such information as may be requested concerning the operation of such equipment. The premises on which such devices are operated, and any license required hereby shall be available for inspection by representatives of the Commission at all reasonable hours.

[F. R. Doc 54-3001; Filed, Apr. 20, 1954; 8 50 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

SIDONIE MITTWOCH DE STRIEMER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property and Location

Sidonie Mittwoch de Striemer, also known as Sidonie Striemer, Buenos Aires, Argentina, Claim No. 58423; Ilse Niedermann (New York) and Manfred Hamburger (New Jersey), as Administrators of the Estate of Mrs. Kaethe Mittwoch, also known as Kaethe Treuherz Mittwoch, Claim No. 58952; $127,872.53 in the Treasury of the United States; one-half (1/2) thereof to Sidonie Mittwoch de Striemer, also known as Sidonie Striemer and one-half (1/2) thereof to Ilse Niedermann and Manfred Hamburger, Administrators of the Estate of Mrs. Kaethe Mittwoch, also known as Kaethe Treuherz Mittwoch.

Executed at Washington, D. C., on April 15, 1954.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc 54-2996; Filed, Apr. 20, 1954; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F. P. 5]

MISSISSIPPI

NOTICE OF FILING OF PLAT OF SURVEY

APRIL 15, 1954.

Notice is given that the plat of supplemental survey of the following described lands, accepted June 26, 1951, will be officially filed in the Bureau of Land Management effective at 10:00 a. m. on the 35th day after the date of this notice:

ST. STEPHENS MERIDIAN, MISSISSIPPI

T. 10 N., R. 11 W.,
Sec. 20, Lot 17, containing 6.24 acres.

The plat represents the supplemental survey of unplatted portion of section 20 and is prepared to show a legal description of the area lying south of the Old Choctaw Boundary. Available information indicates that the land is level to hilly and poor, and that the timber thereon is principally pine.

No application for this land may be allowed under the homestead or small tract or any other nonmineral public land laws unless the land has been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and conformation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to Regional Administrator, Region VI, Department of the Interior, Washington 25, D. C.

For the Director.

R. J. MCCORMICK,
Acting Regional Administrator,
Region VI.

[F. R. Doc. 54-2977; Filed, Apr. 20, 1954; 8.46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 81

APRIL 14, 1954.

1. Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609 43 U. S. C. Sec. 682a), as amended, the following described public lands in the Anchorage, Alaska, Land District:

GIRDWOOD AREA

FOR LEASE AND SALE

For Cabin Sites

U. S. Survey 3043: Lots 11–14, inclusive; 16–22, inclusive; 23–29, inclusive; 30; 31; 61; 62; 63–69, inclusive and 70.

U. S. Survey 3044: Lots 32–37, inclusive; 38; 41; 53; 54; and 55–60, inclusive.

U. S. Survey 3045: Lots 42–46, inclusive; 47; 48; and 50–52, inclusive.

Containing approximately 85.53 acres.

2. These lands are located from 1/2 to 2 miles north of Girdwood, Alaska, and are approximately 37 miles southeast of Anchorage. All of the tracts have road frontage. Unsorted glacial till underlays relatively level terrain and the forest cover consists of a heavy stand of Sitka spruce and hemlock. Frequent summer fogs and a very heavy winter snowfall result in a much heavier annual precipitation than that of the nearby Anchorage area. Sewage disposal can be accomplished on individual tracts through septic tanks or cesspools, and domestic water supplies can be obtained from drilled or hand-dug wells. Limited community facilities are available in Girdwood or in Portage, 15 miles southeast along the Seward Highway.

3. The following described lands appear from the land records to be subject to prior valid existing settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. As to these lands, preference right will be accorded to the respective occupants thereof, in accordance with the procedure set forth in paragraph 4a (2) below:

GIRDWOOD AREA

U. S. Survey 3043: Lots 11 and 27.
U. S. Survey 3044: Lot 56.
U. S. Survey 3045: Lots 43 and 50.
Containing approximately 8.82 acres.

4. This classification order shall not otherwise become effective to change the status of any lands described herein or to permit the leasing of any such lands under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on May 12, 1954. At that time the lands described below shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m., on May 12, 1954, to close of business on August 10, 1954, inclusive, preference will be given, as set forth above, to:

(1) Applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law; and

(2) Applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by veterans and other qualified persons under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph.

(b) *Advance period for simultaneous preference right filings.* All applications filed by such veterans and other qualified persons, or by persons claiming preference rights superior to those of such veterans filed under the preceding paragraph (a) on April 21, 1954, or thereafter, up to and including 10:00 a. m., on May 12, 1954, shall be treated as simultaneously filed. All applications filed under the preceding paragraph (a) after 10:00 a. m., on May 12, 1954, shall be considered in the order of filing.

(c) *Date for non-preference right filings.* Commencing at 10:00 a. m. on August 11, 1954, any lands remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on July 21, 1954, or thereafter, up to and including 10:00 a. m. on August 11, 1954, shall be treated as simultaneously filed. All applications filed thereafter shall be considered in the order of filing.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or which constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be made on Form 4–776 and shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, under the circumstances, are substantial, and are appropriate for the use for which the lease is issued. Leases will be issued for a period of two years, at an annual rental of $5 for cabin sites, which is payable in advance for the entire lease period. Applications for extension for an additional period of one year shall be considered in appropriate cases. Every lease for land classified for lease and sale will contain an option to purchase clause and every such lessee may file an application to purchase at the sale price as provided in the lease.

8. All of the land will be leased in tracts varying in size from approximately 0.45 acre to approximately 2.84 acres, in accordance with the classification maps on file in the Land Office, Anchorage, Alaska. These tracts are appraised at prices ranging from $65 to $165.

9. Lessees must locate any wells or sewage disposal facilities in accordance with the laws and regulations of the Territory of Alaska.

10. The leases will be made subject to rights-of-way for road purposes and public utilities, as specified in the Classification and Appraisal Report on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, County, or Municipality, or by any agency thereof. In the discretion of the authorized officer of Bureau of Land Management, these rights-of-way may be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

FRED J. WEILER,
Chief, Division of Land Planning.

[F. R. Doc. 54-2007; Filed, Apr. 20, 1954; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10995, 10996]

TEXAS TELECASTING, INC. AND BIG SPRING BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Texas Telecasting, Inc., Big Spring, Texas, Docket No. 10995, File No. BPCT-1739; Big Spring Broadcasting Company, Big Spring, Texas, Docket No. 10996, File No. BPCT-1749; For construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of April 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 4 in Big Spring, Texas; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Big Spring Broadcasting Company is legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Texas Telecasting, Inc. is legally and technically qualified to construct, own and operate a television broadcast station.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Big Spring Broadcasting Company is legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Texas Telecasting, Inc. is legally and technically qualified to construct, own and operate a television broadcast station.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 14th day of May 1954 in Washington, D. C., upon the following issues:

1. To determine whether Texas Telecasting, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3007; Filed, Apr. 20, 1954; 8:51 a. m.]

[Docket Nos. 10997-10999]

L. H. P. CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The L. H. P. Company, Jefferson City, Missouri, Docket No. 10997, File No. BPCT-1480; Capitol Television Corporation, Jefferson City, Missouri, Docket No. 10998, File No. BPCT-1481; Jefferson Television Company, Jefferson City, Missouri, Docket No. 10999, File No. BPCT-1843; For construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of April 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Jefferson City, Missouri; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially, and technically qualified to construct, own and operate a television broadcast station; but that questions are raised concerning other qualifications of Capitol Television Corporation to construct, own and operate its proposed television broadcast station.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 14th day of May 1954 in Washington, D. C., upon the following issues:

1. To determine, in light of the interests of Lester E. Cox and Glenn W Hendren in Capitol Television Corporation and as members of the Board of Curators of the University of Missouri, permittee of television station KOMU-TV, Columbia, Missouri, whether a grant of the application of Capitol Television Corporation would be consistent with the provisions of § 3.636 of the Commission's rules and its policies promulgated thereunder.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3008; Filed, Apr. 20, 1954; 8:51 a. m.]

[Docket Nos. 11000, 11001]

MISSION TELECASTING CORP. AND WALMAC CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mission Telecasting Corporation, San Antonio, Texas, Docket No. 11000, File No. BPCT-1808; Howard W. Davis tr as The Walmac Company, San Antonio, Texas, Docket No. 11001, File No. BPCT-1856; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of April 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12 in San Antonio, Texas; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that by letter of its attorneys dated February 3, 1954, Mission Telecasting Corporation requested that the application of Howard W. Davis tr/as The Walmac Company be dismissed pursuant to § 1.361 of the Commission's rules, alleging as grounds therefor that the application was not filed in good faith, that the application is violative of §§ 1.304 and 1.305 of the Commission's rules in that it does not contain full and complete disclosures with respect to legal, financial, technical and other qualifications as to matters and things required to be disclosed by the application form, and that the application of Mission Telecasting Corporation should be granted without hearing; that by letter of his attorney dated April 3, 1954, Howard W. Davis filed a reply to the above-mentioned request of Mission Telecasting Corporation; and that by letter dated April 9, 1954, the attorney for Mission Telecasting Corporation filed a response to the reply of April 3, 1954; and

It further appearing that the application of Howard W. Davis is substantially complete to the extent that it is entitled to be considered by the Commission on the merits; that the return of defective applications is a matter within the discretion of the Commission; that the omissions as alleged by the petitioner are matters which bear on the legal, financial, technical and other qualifications of Howard W. Davis, which matters may properly be included in prehearing letters and if warranted, as issues in a hearing order; and that on the basis of the facts and matters alleged there is insufficient evidence to warrant a finding that the application of Howard W. Davis was not filed in good faith; In re Coconino Broadcasting Co., 3 Pike and Fischer RR 965, In re Lou Poller, 9 Pike and Fischer RR 531, In re WSTV, Inc., 9 Pike and Fischer RR 624, In re Lawrence A. Harvey, 9 Pike and Fischer RR 646, In re M & M Broadcasting Company, 9 Pike and Fischer RR 905; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Mission Telecasting Corporation is legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Howard W. Davis tr as The Walmac Company is legally qualified to construct, own and operate a television broadcast station and is technically so qualified except as to issue "1" below;

It is ordered, That the request of Mission Telecasting Corporation to dismiss the application of Howard W. Davis tr as The Walmac Company is denied:

It is further ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 14th day of May 1954 in Washington, D. C., upon the following issues:

1. To determine the height of the center of radiation of the antenna proposed by Howard W. Davis tr as The Walmac Company and the distances to the Grade A and Grade B contours.

2. To determine whether Howard W. Davis tr as The Walmac Company is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3009; Filed, Apr. 20, 1954; 8:52 a. m.]

[Docket No. 11002]

TUPELO BROADCASTING CO., INC. (WELO)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Tupelo Broadcasting Co., Inc. (WELO), Tupelo, Mississippi, for construction permit; Docket No. 11002, File No. BP-8939.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of April 1954;

The Commission having under consideration the above-entitled application for construction permit to change the facilities of Station WELO, Tupelo, Mississippi, from 1490 kilocycles, 250 watts, unlimited time, to 580 kilocycles, 1 kilowatt day and 500 watts night, directional antenna, unlimited time;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate Station WELO as proposed, but that the applicant may involve interference with one or more existing stations; and

It further appearing that Harding College, licensee of Station WHBQ, Memphis, Tennessee, and Hoyt B. Wooten, doing business as WREC Broad-

casting Service, licensee of Station WREC, Memphis, Tennessee, filed on November 16, 1953, and December 17, 1953, respectively, petitions to designate the subject application for hearing and to make the petitioners parties thereto; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated January 13, 1954 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of its application would be in the public interest; and

It further appearing, that the applicant filed replies on February 12 and 15, 1954; and

It further appearing that WREC Broadcasting Service filed replies on January 27 and March 4, 1954 further requesting that the subject application be designated for hearing and that WREC be made a party thereto; and

It further appearing that on January 25, 1954, the subject application was amended to substitute the Tupelo Broadcasting Company, Inc. as applicant in lieu of Birney Imes, Jr., to reflect an assignment of the license of Station WELO granted by the Commission on December 7, 1953; and

It further appearing that, the Commission, after consideration of the replies, is still unable to conclude that a grant would be in the public interest, and moreover, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of Station WELO as proposed would involve objectionable interference with Stations WREC and WHBQ, Memphis, Tennessee, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine on the basis of the above issues whether a grant of the above-entitled application (File No. BP–8939) would serve the public interest, convenience and necessity.

It is further ordered, That, Harding College, licensee, of Station WHBQ, Memphis, Tennessee; and Hoyt B. Wooten, doing business as WREC Broadcasting Service, licensee of Station WREC, Memphis, Tennessee are made parties to the proceeding.

Released. April 16, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–3010; Filed, Apr. 20, 1954; 8.52 a. m.]

[Docket No. 11004]

OHIO VALLEY BROADCASTING CORP.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING

In re application of Ohio Valley Broadcasting Corporation, Clarksburg, West Virginia, for a construction permit for a new television broadcast station; Docket No. 11004, File No. BPCT–849.

1. The Commission has before it for consideration (a) a protest filed on March 19, 1954, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Clarksburg Publishing Company (herein called Clarksburg), a corporation engaged in the business of publishing the only daily and Sunday newspapers in the city of Clarksburg, West Virginia, directed against the Commission's action of February 17, 1954, granting without hearing the above-entitled application; and (b) an "Opposition to Protest" filed on March 26, 1954, by Ohio Valley Broadcasting Company (herein called Ohio Valley).

2. On February 17, 1954, the Commission granted Ohio Valley's application for a permit to construct a new television broadcast station on Channel 12 assigned to Clarksburg, West Virginia. The application was formerly mutually exclusive with that of Clarksburg Broadcasting Corporation (BPCT–1175). The latter application was dismissed on February 16, 1954, at the request of the applicant.

3. In its protest, Clarksburg alleges that it is the publisher in Clarksburg, West Virginia, of The Clarksburg Exponent, a morning newspaper, The Clarksburg Telegram, an afternoon newspaper, and The Exponent-Telegram, a Sunday newspaper; that the current combined daily circulation of Clarksburg's newspapers in Harrison County, of which Clarksburg is the principal city, is 21,034, and in Harrison and contiguous counties, 31,672; that Clarksburg must rely on this area for the bulk of its newpaper circulation and resulting attractiveness to potential advertisers; that over sixty (60) percent of the gross revenues of the protestant are derived from sales of advertising space and the remainder from circulation; that Clarksburg is supported primarily by its advertising revenues; that Ohio Valley's proposed station will blanket the area served by Clarksburg's newspapers; that Ohio Valley will therefore be in direct competition with Clarksburg for the advertisers' dollars, "a commodity limited in amount and fugitive in character"; that most advertisers, local or national, operate on a fixed budget and that competition among the various media available for advertising is keen and constant; and that a decision to advertise in one medium results in a decrease of gross revenues available to the other. Clarksburg also alleges that the operation of the proposed station will have an adverse effect upon the circulation of Clarksburg's newspapers; that the advent of television has resulted in a decrease in circulation of newspapers generally; and that, in particular, the initiation of television broadcasting by Station WTRF–TV, Wheeling, West Virginia, has resulted in a "definite drop" in subscriptions to the Clarksburg newspapers. The protestant alleges that any reduction in gross receipts will not be accompanied by a reduction of expenses because of the high level of fixed costs in the newspaper business; and that, therefore, the Commission's action cannot fail to result in substantial economic loss to the protestant.

4. Clarksburg alleges, further, that the threatened economic injury is aggravated by the fact that those who control Ohio Valley, namely, News Publishing Company, also control all daily newspapers published in nine cities of West Virginia, radio broadcast stations in Clarksburg and Parkersburg, West Virginia, and have a substantial interest in television broadcast Station WTRF–TV in Wheeling, West Virginia; that Station WTRF–TV currently serves the Clarksburg market, not only by direct reception of a Grade B signal, but also by high quality reception by means of two community television cable systems operating in the area; that by reason of the "widespread influence" Ohio Valley's owners are able to exert in West Virginia, they will be in a dominating competitive position; and that in view of the above facts, protestant is a party in interest within the meaning of section 309 (c) of the Communications Act of 1934, as amended.

5. In addition to the foregoing allegations which are directed toward its standing as a "party in interest" under section 309 (c), protestant alleges that the grant of the application would contravene the requirements of § 3.636[1] of

[1] Section 3.636 provides as follows:

§ 3.636 *Multiple ownership.* (a) No license for a television broadcast station shall be granted to any party (including all parties under common control[2]) if:

(1) Such party directly or indirectly owns, operates, or controls another television broadcast station which serves substantially the same area; or

(2) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of [illegible] and the extent of other competitive [illegible] to the areas in question. The [illegible] however, will in any event [illegible] there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than five television broadcast stations.[3]

(b) Paragraph (a) of this section is not applicable to noncommercial educational stations.

[2] The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

[3] In applying the provisions of paragraph (a) of this section to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

the Commission's rules with respect to multiple ownership for the following reasons: because Ohio Valley, by reason of the community television cable services bringing Station WTRF–TV to Clarksburg, will have direct or indirect ownership interest in two television stations in the same community; because Ohio Valley, by virtue of the substantial overlap of the Grade B service areas of its proposed station and the Grade B service area of Station WTRF–TV, Wheeling, will have direct or indirect ownership interests in two television stations serving substantially the same area; and because the grant of the above-entitled application would therefore result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience or necessity. The protestant argues that, in the light of the foregoing, it would be an arbitrary interpretation of the multiple ownership rule for the Commission to determine the substantiality of overlap and concentration of control upon a mechanical application under which the sole test is whether or not the Grade A contours of the two stations overlap; that there is not the slightest suggestion in the rule that such should be the test; and that it is implicit in the Commission's Sixth Report and Order that Grade B service must be considered service of a reliable and effective nature. Protestant alleges, furthermore, that grant of the application adds "one more component" to the virtual monopoly of the News Publishing Company, its affiliates and subsidiaries, to which reference has previously been made, of media of advertising and dissemination of news in virtually all of West Virginia. Clarksburg also alleges that the Commission has incorrectly interpreted and applied subparagraph 3 (e), footnote 10[2] of § 1.371 of the Commission's rules in failing to give prior public notice of dismissal of the competing application of the Clarksburg Broadcasting Corporation, and that the grant was accordingly invalid. Finally, Clarksburg alleges that the grant of the Ohio Valley application is contrary to the public interest because the Commission could not have been able to determine that the payment of $14,390 by Ohio Valley to Clarksburg Broadcasting Corporation did not involve an abuse of Commission processes. In view of all of the foregoing, Clarksburg requests that the grant of the application be set aside, or that the Commission postpone the effective date of the grant, and that the application be set for hearing on the issues specified in the protest and such further issues as may be prescribed by the Commission.

6. In its opposition, Ohio Valley alleges that the protestant fails to state with particularity any economic injury which is required to justify its status as a party in interest under section 309 (c) of the act; that no presumption of economic injury can be claimed where the protestant is in a nonbroadcast activity; that the burden of supplying detailed supporting facts is consequently greater than that of a broadcast protestant; that Clarksburg has failed to establish even the basic facts which would be required if it were a broadcast licensee; that the protestant's allegations are of a vague, general and speculative nature; and that to recognize such allegations as sufficient to establish standing of a newspaper publisher to protest would invite protests from all enterprises which compete with television for the leisure time of the public.

7. Ohio Valley also alleges that the protest contains several errors of fact and theory in attempting to support the claim of invalidity of the Commission's action; that there can be no violation of the Commission's multiple ownership rule, because the Commission has held in a previous decision, The Enterprise Company, 9 Pike and Fischer RR 77, that it would not consider overlap of the Grade B service areas in connection with possible violation of that rule, because the Grade A service areas of the proposed station and WTRF–TV, Wheeling, do not overlap, and because the News Publishing Company, by its stock ownership, does not and cannot control Station WTRF–TV in any manner; that Station WTRF–TV is already at maximum power permitted by the Commision's rules, and, in any event, possible increases in power which would extend Grade A coverage are not relevant to this proceeding; that the Commission has previously rejected the idea that newspaper ownership is a bar to being a licensee; that other business interests of an applicant do not disqualify it as a licensee; that the sum of $14,390 paid to Clarksburg Broadcasting Corporation covered only the "out-of-pocket costs" of that company incurred in prosecuting its application; that the Commission permits such payments and has encouraged resolution of conflicts in the interest of expediting new television service; and that the propriety and legality of § 1.371, footnote 10, of the Commission's rules has been previously upheld by the Commission. For the reasons stated above, Ohio Valley contends that the protest of Clarksburg Publishing Company should be dismissed.[3]

8. The question whether protestant is a "party in interest" within the meaning of Section 309 (c) of the Communications Act of 1934, as amended, is to be decided upon the basis of two considerations: (1) Whether persons other than broadcast licensees or permittees can properly be included within that class of persons, i. e., "parties in interest", entitled to invoke the provisions of Section 309 (c); and (2) if so, whether or not the protestant has sufficiently alleged facts to show economic injury stemming from the establishment of the television broadcasting station authorized by the Commission. The general boundary of who is a "party in interest" turns upon interpretation of the case of F. C. C. v. Sanders Brothers Radio Station, 309 U. S. 470, for Congress has clearly indicated that that case is the touchstone of a determination of who is a "party in interest" from an economic standpoint under section 309 (c).[4]

9. We have previously expressed the view that the term "party in interest" is a limited one, and we adhere to that view. However, neither section 309 (c) of the act, the Sanders decision, nor subsequent decisions stemming therefrom limit persons entitled to standing to object to agency action to those engaged in the same type of business engaged in by the beneficiary of the agency action complained of. Thus, it has been held that the Sanders case applies even where injury is caused to a business other than that in which the agency grantee is engaged, but which is in competition with the grantee's business. In National Coal Association v. Federal Power Commission, 191 F. 2d 462, where that Commission had authorized the construction of a new gas pipe line to an atomic energy plant, the Court held that a coal mine owners association, the United Mine Workers and the Railway Labor Executives Association were parties "aggrieved" by the action.[5] And the Commission has held that a standard broadcast station may be a "party in interest" to a grant of a permit to construct a television broadcast station. In re Application of Vershus Radio and Television, Inc., 9 Pike and Fischer, RR 102; In re Application of T. E. Allen & Sons, Inc., 9 Pike and Fischer RR 197. Furthermore, although Senate Report No 44 on S. 658 (which was enacted as the Communications Act Amendments, 1952) states that those without a legitimate interest were not intended to be included, we cannot find any indication that Congress intended to restrict the relief afforded by section 309 (c) to licensees or permittees of the Commission.[6] The test provided by the Sanders decision is one of direct competitive in-

[2] Subparagraph 3 (e) of Footnote 10 provides as follows: "Where a mutually exclusive application on file with the Commission which has not been reached for processing becomes unopposed, or where an amended application or a new application is filed in place of the several competing applications and the applicant formed by such a merger is completely or substantially the same parties as the parties of the original application or applications, the remaining application may be available for consideration on its merits by the Commission at a succeeding regular meeting as promptly as processing and review by the Commission can be completed."

[3] Ohio Valley also alleges that protestant has a long history of antipathy toward radio and television broadcasting. These allegations are not considered further since they are not relevant to our action on the subject protest.

[4] Senate Report No. 44 on S. 658, 82d Congress, 1st Session.

[5] See also: Claiborne-Annapolis Ferry Co. v. United States, 285 U. S. 382, and Alton Railroad Co. v. United States, 315 U. S. 15, construing similar provisions for actions by parties in interest.

[6] The Commission had pointed out the widespread application the term "party in interest" could have. In this connection it is noteworthy that the earlier "White Bill", S. 1333, 80th Congress, 1st Session, which contained a protest provision similar to section 309 (c), defined a person in interest as any person who holds a construction permit or license or has a pending application which would be adversely affected economically or by reason of electrical interference as a result of the new authorization. This definition did not appear in the later "McFarland Bill", S. 658, 82d Congress, 1st Session, and was not made part of section 309 (c).

jury which gives "standing" without reaching the level of injury to a legal right.[1] This test, now imported into section 309 (c), is equally applicable under the relevant authorities to such injury caused by the grant of a new authorization for a television station to a competing medium of expression which also relies upon advertising as its main source of revenue. We do not decide that any indirect injury to other forms of enterprise would suffice, but merely that here there is a situation which cannot be differentiated in principle from that obtaining in the Sanders case.

10. In the present case, the protestant has presented a situation alleging direct competitive injury from a new grant, which could be said to lack in definiteness only the type of allegation which cannot reasonably be required where the actual operation of the new station is not immediately imminent. The cause and nature of the alleged injury has been specifically set forth in the context of a competitive situation where the action taken by the Commission clearly disrupts the existing competitive picture. The new television station will have as its principal city to be served the same city in which protestant's newspapers are published, and will be in direct competition for the same advertising. See In re T. E. Allen & Sons, Inc., 9 Pike and Fischer, RR 197; Versluis Radio & Television, Inc., 9 Pike and Fischer, RR 102; Midwest Television, Inc., 9 Pike and Fischer, RR 611. This is not that type of situation where the Commission's action could not be expected to result in a substantial competitive change and where, as a consequence, a more precise showing must be required. In re Application of Spartan Radiocasting Co., FCC 54–214, released February 18, 1954. We therefore find that a sufficient showing to constitute protestant a party in interest within the intendment of section 309 (c) has been made.

11. The Commission further finds that the protestant has specified with particularity the facts, matters and things relied upon as required by section 309 (c) of the Communications Act to warrant the designation of the above-entitled application for hearing on appropriate issues to be specified by further order of the Commission.

12. Accordingly, in view of the foregoing: *It is ordered*, That, effective immediately, the effective date of the grant of the above-entitled application is postponed pending final determination by the Commission with respect to the protest filed herein by Clarksburg Publishing Company, and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at a time and place, upon appropriate issues, and pursuant to hearing procedures, to be designated by further order of the Commission.

Adopted: April 15, 1954.

Released: April 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[*]

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3011; Filed, Apr. 20, 1954; 8:52 a. m.]

[Change List 2]

CUBAN RADIO STATIONS

CHANGES, MODIFICATIONS AND DELETIONS

APRIL 2, 1954.

Notification of new Cuban Radio Stations, and of changes, modification and deletions of existing stations, in accordance with Part III, Section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

CUBA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
		1140 kilocycles 0.25				
New	Santiago de Cuba, Oriente		ND	U	II	June 22, 1954

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3004; Filed, Apr. 20, 1954; 8:51 a. m.]

STATEMENTS OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND PUBLIC INFORMATION

INSPECTION OF RECORDS

In the matter of amendment of section 0.206 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of April 1954;

The Commission having under consideration section 0.206 (c) of its rules and regulations, which is concerned with the public inspection of applications filed under Titles II and III and of other papers, but which section does not specifically provide for inspection of petitions for the issuance, amendment, or repeal of rules and regulations and pleadings thereto; and

It appearing, that the proposed amendment is procedural in nature and, therefore, the notice and procedure provided for in section 4 of the Administrative Procedure Act are not necessary and this order may be made effective immediately; and

It further appearing, that authority for the proposed amendment is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended,

It is ordered, effective immediately, That section 0.206 be amended by renumbering the present subsections (d) and (e) as subsections (e) and (f) and by adding the following subsection (d) thereto:

SEC. 0.206 *Inspection of records.* Subject to the provisions of Sections 4 (j), 213 (f), 412 and 606 of the Act, the files of the Commission shall be open to public inspection, as follows:

* * * * *

(d) All petitions for issuance, amendment, or repeal of any rule or regulation, including all documents and exhibits filed with or made part thereof and all communications protesting or endorsing any such petitions; all pleadings, depositions, exhibits, transcript of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or finding of fact and conclusions; all minutes and orders of the Commission. The Commission may, however, either on its own motion, or on motion by petitioner or those filing comments, for good cause shown, designate any of the material in this subsection as confidential

Released: April 16, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R Doc. 54-3006; Filed, Apr. 20, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E 6559]

CALIFORNIA ELECTRIC POWER CO

NOTICE OF APPLICATION

APRIL 14, 1954

Take notice that on April 12, 1954, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada with its principal business office at Riverside, California, seeking an order authorizing the issuance and sale of 105,000 shares of Cumulative Preferred Stock par value $50 per share, and the exemption of said stock issue from the Commission's competitive bidding rules, and the issuance of $8,000,000 principal amount of First Mortgage Bonds, -- Percent Series due 1984, to be issued and sold at competitive bidding. The bonds are proposed to be issued about May 26, 1954, and will mature on May 1, 1984. The Preferred Stock is proposed to be issued about May 18, 1954. The purpose of the issuance of said Bonds and Preferred Stock is to provide funds for the redemption and retirement of securities. More particularly, Applicant proposes to use the net proceeds to redeem its outstanding First Mortgage Bonds, 3⅞ percent Series due 1983, its outstanding series of $2.50 Cumulative Preferred Stock, and its outstanding series of $2.50 Sinking Fund Preferred Stock; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 4th day of May 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54 2983; Filed, Apr. 20, 1954; 8:47 a. m.]

[Docket Nos. G-2137, G 2366]

SOUTHERN TIER GAS CORP.

NOTICE OF CONTINUANCE OF HEARING

APRIL 15, 1954.

Upon consideration of the request of Southern Tier Gas Corporation, filed April 13, 1954, for postponement of the hearing now scheduled for April 26, 1954, and for extension of time for serving copies of its proposed testimony and exhibits to be offered at said hearing;

Notice is hereby given that the hearing now scheduled to commence on April 26, 1954, is hereby postponed to be held at 10:00 a. m., e. d. t., May 25, 1954, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C., and that the time for serving copies of the proposed testimony and exhibits to be offered at said hearing is postponed from April 12, 1954, to May 11, 1954. Paragraphs (B) and (C) of the Commission's order issued February 11, 1954, are further amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54 2984; Filed, Apr. 20, 1954; 8:47 a. m.]

[Docket No. G-2307]

ARKANSAS LOUISIANA GAS CO.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

The Arkansas Louisiana Gas Company (Applicant), a Delaware corporation with its principal place of business at Shreveport, Louisiana, filed an application on November 10, 1953, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act for authorization to construct and operate certain facilities as described in said application.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings.

Good cause has not been shown for granting Applicant's request that its application be heard under the shortened procedure as provided by the Commission's rules of practice and procedure and the request, therefore, should be denied as hereinafter ordered.

Due notice of the filing of said application has been given including publication in the FEDERAL REGISTER on December 2, 1953 (18 F. R. 7665),

The Commission orders:

(A) The request of the Arkansas Louisiana Gas Company that its application filed herein be heard under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure be and the same is hereby denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on May 3, 1954, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by applications, and supplements thereto.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)).

Adopted: April 14, 1954.

Issued: April 15, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2986; Filed, Apr. 20, 1954; 8:48 a. m.]

[Docket Nos. G-2310, G-2316, G-2321, G-2330, G-2331, G-2367, G-2389]

IROQUOIS GAS CORP. ET AL.

ORDER FURTHER CONSOLIDATING PROCEEDINGS AND SPECIFYING PROCEDURE

In the matters of Iroquois Gas Corporation and Tennessee Gas Transmission Company, Docket No. G-2310; Tennessee Gas Transmission Company, Docket No. G-2316; West Tennessee Public Utility District of Weakley, Carroll, and Benton Counties, Tennessee, Docket No. G-2321; New York State Natural Gas Corporation and Tennessee Gas Transmission Company, Docket No. G-2330; Tennessee Gas Transmission Company, Docket No. G-2331; Transcontinental Gas Pipe Line Corporation, Docket No. G-2367; City Gas Company of Newton, New Jersey, Docket No. G-2389.

By orders of the Commission issued February 16 and March 10, 1954, the proceedings in Docket Nos. G-2143, G-2310, G-2316, G-2321, G-2330, G-2331, and G-2367 were consolidated for purposes of hearing, and the procedure was specified. Hearing commence on March 15, 1954, pursuant to the aforesaid orders, and was adjourned on March 17, 1954, until April 8, 1954, by direction of the Presiding Examiner. Docket No. G-2143 has been severed from the above proceedings by order issued April 6, 1954.

The City Gas Company of Newton, New Jersey (Applicant), a New Jersey corporation with its principal office in Flemington, New Jersey, filed, on March 9, 1954, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Tennessee Gas Transmission Company (Tennessee) to establish a physical connection of its proposed transportation facilities (Docket No. G-2331) with the facilities of Applicant for the purpose of delivering a maximum of 780 Mcf of natural gas per day to Applicant. Due notice of the filing of this application has been given, including publication in the FEDERAL REGISTER on March 30, 1954 (19 F. R. 1736).

The application in Docket No. G-2389 is interrelated with the application in Docket No. G-2331, in which docket Applicant has been permitted to intervene by order issued April 6, 1954.

The Commission finds:

(1) Good cause exists and it is in the public interest to consolidate the proceedings in Docket No. G-2389 for the purpose of hearing with the proceedings previously consolidated herein.

(2) Good cause exists and it is in the public interest that the evidence in support of the application in Docket No. G-2389 be presented by Applicant prior to presentation of the affirmative evidence in Docket No. G-2367.

The Commission orders:

(A) The aforesaid proceeding in Docket No. G-2389 be and the same is hereby consolidated with the heretofore consolidated proceedings in Docket Nos. G-2310, G-2316, G-2321, G-2330, G-2331, and G-2367 for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR, Chapter I), a public hearing shall be held in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the proceeding in Docket No. G-2389, said hearing not to commence before the expiration of 15 days after publication of notice in the FEDERAL REGISTER, or April 14, 1954, and at such time as the Presiding Examiner shall fix.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Adopted: April 14, 1954.

Issued: April 16, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-2988; Filed, April 20, 1954; 8:47 a. m.]

[1] See Associated Industries v. Ickes, 134 F. 2d 694.

[*] Dissenting statements of Commissioners Bartley, Doerfer, and Lee filed as part of the original document.

[Docket No. G-2362]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed January 29, 1954, and supplements thereto filed February 18 and March 8, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to (1) construct and operate certain facilities, and (2) for permission and approval to abandon by sale to Union Oil Company of California (Union) certain facilities, all subject to the jurisdiction of the Commission, as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on February 12, 1954 (19 F. R. 847).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 30, 1954, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: April 14, 1954.

Issued: April 15, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2987; Filed, Apr. 20, 1954; 8:47 a. m.]

[Project No. 2153]

UNITED WATER CONSERVATION DISTRICT

NOTICE OF APPLICATION FOR LICENSE

APRIL 15, 1954.

Public notice is hereby given that United Water Conservation District, of Santa Paula, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed water-power Project No. 2153 to be located on Piru and Sespe Creeks and their tributaries in Ventura and Los Angeles Counties, California, in the region of Fillmore, Piru, and Santa Paula, California, and to be constructed in stages—Stage I contemplating the immediate construction of the Santa Felicia Dam, about 270 feet in height, across Piru Creek at the Santa Felicia site, containing a penstock to permit use of the dam for development of power in the future; and a reservoir, formed by the Santa Felicia Dam, with an estimated capacity of about 100,000 acre-feet. Stage II includes "provision for the protection of all potentialities for the development of power on the Piru and Sespe Creeks, and for the ultimate development of hydroelectric power as a desirable adjunct to the primary purpose of conservation of water for irrigation, municipal and domestic and industrial uses" and contemplates construction of dams on Piru Creek at the Lockwood Valley, Upper Piru, Junction, Buck Creek and Blue Point sites; hydroelectric plants at the upper ends of Junction, Buck Creek, Blue Point and Santa Felicia reservoirs and below the Santa Felicia Dam; and conduits between the dams and the power plants; the construction of dams on Sespe Creek at the Cold Springs, Bear, and Topatopa sites; hydroelectric plants at the upper ends of Bear and Topatopa reservoirs, and at the Hammel site; and conduits between the dams and the power plants; and would also include such substations, switchyards and transmission lines as are necessary for project purposes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before May 27, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-2985; Filed, Apr. 20, 1954; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-235]

MISSOURI PUBLIC SERVICE CO.

NOTICE OF FILING OF APPLICATION FOR DECLARATION THAT APPLICANT HAS CEASED TO BE A HOLDING COMPANY

APRIL 15, 1954.

Notice is hereby given that Missouri Public Service Company, a registered holding company by virtue of having filed a Notification of Registration pursuant to section 5 (a) of the Public Utility Holding Company Act of 1935 ("act"), as a person purposing to become a holding company in view of its proposed acquisition of all the shares of the capital stock of The Gas Service Company, a gas utility company, has now filed an application pursuant to section 5 (d) of the act for a declaration that it has ceased to be a holding company and that its registration has ceased to be in effect.

Applicant states that it no longer proposes to acquire the capital stock of The Gas Service Company and that it is not otherwise a holding company as defined in the act.

Notice is further given that any interested person may, not later than April 29, 1954, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 29, 1954, such application may be granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2979; Filed, Apr. 20, 1954; 8:46 a. m.]

[File No. 70-3181]

MISSOURI PUBLIC SERVICE CO.

ORDER GIVING NOTICE OF WITHDRAWAL OF APPLICATION-DECLARATION

APRIL 15, 1954.

Missouri Public Service Company, a registered holding company, having filed an application-declaration pursuant to sections 6, 7, 10, and 12 of the Public Utility Holding Company Act of 1935, proposing, among other things, the acquisition by it from Cities Service Company of 1,500,000 shares of the capital stock of The Gas Service Company, the issuance of $18,000,000 principal amount of its short-term promissory notes to banks, and the issue and sale of 527,865 shares of its common stock without par value; and

Applicant-declarant having now requested withdrawal of said application-declaration stating that the contract with Cities Service Company for the purchase of said shares of The Gas Service Company expired on February 25, 1954, without having been performed:

It is ordered, That said application-declaration be, and the same hereby is, considered as withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-2978; Filed, Apr. 20, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29147]

ALUMINUM BILLETS ETC., BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

APRIL 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch and C. W. Boin, Agents, for carriers parties to schedule listed below.

Commodities involved: Aluminum billets, blooms, ingots, pigs or slabs, also aluminum, granulated (shot), carloads.

Between: Points in official territory.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4577, supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2989; Filed, Apr. 20, 1954; 8:48 a. m.]

[4th Sec. Application 29148]

ACETIC ACID, AND ANHYDRIDE FROM KINGS MILL, TEX., TO KANKAKEE, ILL.

APPLICATION FOR RELIEF

APRIL 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Acetic acid, glacial or liquid, and acetic anhydride, carloads and tank-car loads.

From: Kings Mill, Tex.

To: Kankakee, Ill.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 331.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2990; Filed, Apr. 20, 1954; 8:48 a. m.]

[4th Sec. Application 29149]

GRAIN FROM POINTS ON KANSAS CITY SOUTHERN RAILWAY TO POINTS IN TEXAS

APPLICATION FOR RELIEF

APRIL 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Kansas City Southern Railway Company, Texas and New Orleans Railroad Company, and Gulf, Colorado and Santa Fe Railway Company.

Commodities involved: Grain, grain products and related articles, carloads.

From: Points on the Kansas City Southern Railway located between Kansas City, Mo., and Shreveport, La., inclusive.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3941, supp. 79.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2991; Filed, Apr. 20, 1954; 8:48 a. m.]

[Notice No. 9]

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

APRIL 16, 1954.

Protests consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER. (49 CFR 1.240.) Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

APPLICATIONS FOR OPERATING AUTHORITY

No. MC 573 Sub 35, HOWARD R. WILLIAMS, INC., 4621 N. W. St. Helens Road, Portland, Oreg. Applicant's attorney: Norman E. Sutherland, 1100 Jackson Tower, Portland 5, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between Ferndale (Neptune Beach) and Anacortes, Wash., and points within 10 miles of each, on the one hand, and, on the other, points in Washington, Oregon, Idaho, and that portion of Montana on and west of U. S. Highway 91; between Mukilteo, Wash., on the one hand, and, on the other, all United States Government installations in Washington, Oregon, Idaho, and that portion of Montana on and west of U. S. Highway 91; between points in Oregon; between points in Washington; between points in Idaho; and between Missoula, Mont., and points within 10 miles of Missoula, on the one hand, and, on the other, points in that part of Idaho north of the southern boundary of Idaho County, Idaho. Applicant is authorized to conduct operations in Washington, Idaho, Montana, and Oregon.

NO. MC 1658 Sub 35, SHIRKS MOTOR EXPRESS CORPORATION, 1091 Manheim Pike, Lancaster, Pa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those

injurious or contaminating to other lading, between junction U. S. Highway 6 and U. S. Highway 220, two miles west of Towanda, Pa., and Painted Post, N. Y., operating from junction U. S. Highway 6 and U. S. Highway 220 over U. S. Highway 220 to Waverly, N. Y., thence over New York Highway 17 to Elmira, N. Y., thence over New York Highway 17E to Big Flats, N. Y., thence over New York Highway 17 to Painted Post, and return over the same route, serving no intermediate points (service at termini for joinder purposes only), as an alternate route for operating convenience only in connection with carrier's regular route operations between Lancaster, Pa., and Wayland, N. Y., between Cleveland, Ohio, and Scranton, Pa., and between Binghamton, N. Y., and Elmira, N. Y. Applicant is authorized to conduct operations in Pennsylvania, Delaware, Ohio, New York, Maryland, New Jersey, Virginia, and the District of Columbia.

NO. MC 28439 Sub 59, DAILY MOTOR EXPRESS, INC., Penn and Pitt Streets, Carlisle, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural machinery, agricultural implements and parts thereof* when moving with machinery and implements, from Collegeville, Pa., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Minnesota, and the District of Columbia. Applicant is authorized to conduct operations in all States in the United States except Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NO. MC 31820 Sub 24, AUTOMOTIVE CONVEYING CO., OF NEW JERSEY, 280–298 Gorge Road, Cliffside Park, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks* designed for heavy duty, in initial movement, in truckaway and driveaway service, from Edgewater N. H., to points in Maine, New Hampshire, West Virginia, Ohio, North Carolina, and Tennessee.

NO. MC 40224 Sub 1, OLEAN TRANSFER & WAREHOUSE CO., INC., 411–421 North First Street, Olean, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except commodities of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Olean, N. Y., and Allegany, N. Y., over New York Highway 17, serving no intermediate points, restricted to transportation service which is auxiliary to, or supplemental of, the rail service of the Pennsylvania and Erie Railroad Company. Applicant is authorized to conduct operations in New York and Pennsylvania.

NO. MC 52024 Sub 4 (amended), ANTON J. MARTIN AND HARRY F. MARTIN, doing business as MARTIN TRANSFER COMPANY, 1150 Commerce Ave., Longview, Wash. Applicant's attorney: J. M. Hickson, 725 Yeon Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *household goods* as defined by the Commission, and *those requiring special equipment*, but excluding commodities of unusual value, Class A and B explosives, and commodities in bulk, between Kelso, Wash., and Naselle, Wash.; from Kelso over city streets to and through Longview to junction U. S. Highway 830, thence over U. S. Highway 830 to junction unnumbered highway near Deep River, Wash., thence over said unnumbered highway (also from Longview over U. S. Highway 830 to junction Washington Highway 12B, and thence over Washington Highway 12B) to Naselle, Wash., and return over the same highways, serving all intermediate points, and the off-route points of Rosburg, Deep River, Deep River Camp, and Crown-Willamette Camp No. 2 near Skamokawa, Wash. Applicant is authorized to conduct operations in Oregon and Washington.

NO. MC 63340 Sub 3, MILLIS TRANSPORTATION CO., INC., Union Street, Millis, Mass. Applicant's attorney: Charles F. Riddle: Todd, Dillon and Curtiss, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Unfinished doors*, and *component parts thereof*, not crated, between Walpole, Mass., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. Applicant is authorized to conduct *contract carrier* operations in Massachusetts, Rhode Island, Connecticut, and New Hampshire, and *common carrier* operations in Massachusetts, New Hampshire and Vermont.

NO. MC 66562 Sub 1204, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities* including *Class A and B explosives*, moving in express service, between Danbury, Conn., and Newtown, Conn., over U. S. Highway 6, serving no intermediate points.

NO. MC 66562 Sub 1205, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities* including *Class A and B explosives*, moving in express service, between Providence, R. I., and Fall River, Mass., over U. S. Highway 6, serving no intermediate points.

NO. MC 87928 Sub 33, AUTOMOBILE TRANSPORT, INC., OF DELAWARE, a Delaware Corporation, 36555 Michigan Avenue, P. O. Box 29, Wayne, Mich. Applicant's attorney: Walter N. Bieneman, Matheson, Dixon & Brady, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles and new automobile chassis*, in initial movements, in truckaway and driveaway service, from sites of plants of the Special Products Division of the Ford Motor Company in Wayne County, Mich., to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California; *automobiles and automobile chassis*, in secondary movements, in truckaway and driveaway service, from sites of plants of the Special Products Division of the Ford Motor Company in Wayne County, Mich., to points in the above-specified destination territory, and *new automobile bodies*, from sites of the plants of the Special Products Division of the Ford Motor Company in Wayne County Mich., to points in the above-specified destination territory. Applicant is authorized to conduct operations in the District of Columbia and all states in the United States except Arizona, California, Colorado, Idaho, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming.

No. MC 92983 Sub 92, ELDON MILLER, INC., P. O. Box 232, 1030 Riverside Drive, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement, feed, fertilizer*, and *lime*, in bulk, between points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and Kansas.

NO. MC 98749 Sub 1, DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South 2d Street, Longview, Tex. Applicant's attorney: Joe T. Lanham, Littlefield Building, Austin, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank trucks, between points in Texas within 50 miles of Longview, Tex., including Longview, on the one hand, and, on the other, points in Illinois, Indiana, Missouri, Kentucky, Tennessee, Ohio, Arkansas, Mississippi, Louisiana, and Texas. Applicant is authorized to conduct operations in Texas under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

NO. MC 104377 Sub 12, WILLETT TRANSPORTS, INC., 700 South Desplaines St., Chicago 7, Ill. Applicant's attorney: Charles B. Myers, Walter Burchmore & Belnap, 2106 Field Building, Chicago 3, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Spent sulphuric acid*, in bulk, in tank vehicles, from Lockport, Ill., to Hammond, Ind., and (2) *Sulphuric acid*, in bulk, in tank vehicles, from Hammond, Ind., to West Chicago, Ill. Applicant is authorized to conduct operations in Indiana, Illinois and Wisconsin.

NO. MC 104819 Sub 84, C. E. McBRIDE, doing business as COLONIAL FAST FREIGHT LINES, 1201 First Avenue North, P. O. Box 2169, Birmingham, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, and *meat, meat products and meat by-products, dairy products*, and *articles distributed by meat-packing houses* as defined by the Commission, from Birmingham, Ala., to points in Alabama, Mississippi, Tennessee, Florida, and Louisiana. Applicant is authorized to conduct operations in Alabama, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NO. MC 107002 Sub 59, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 110 Giuffrias Avenue, P. O. Box 687, New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid glues, formaldehydes, synthetic resins* and *glue hardeners*, from Demopolis, Ala., to points in Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, and Tennessee.

No. MC 107496 Sub 41, Ruan Transport Corporation, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510 Central National Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products* including *chemicals derived from petroleum*, and *compounded oils having a petroleum base*, in bulk, in tank vehicles, from Madison, Wis., and points within 15 miles thereof to points in Illinois on and north of Illinois Highway 64. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin.

No MC 110015 Sub 10, Louis Saland, Mollie Saland and Saul Waldman, Sylvia Waldman, Executrix, doing business as S & K Trucking, 308 West 39th Street, New York, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Materials and supplies used in or incidental to the manufacture of ladies wearing apparel, hampers and hangers*, from Boston, Mass., to Poughkeepsie, N. Y., and *ladies wearing apparel, on hangers*, from Poughkeepsie, N. Y., to Boston, Mass. Applicant is authorized to conduct operations in New Jersey and New York.

NO. MC 110252 Sub 27, JAMES J. WILLIAMS, INC., North 1108 Pearl Street, Spokane, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oregon. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Spokane, Wash., and points within 10 miles thereof, to Billings and Miles City, Mont., and points within 15 miles of each, and *contaminated shipments* on return. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, and Montana.

NO. MC 111545 Sub 6 (amended), JIMMIE H. AYER, doing business as HOME TRANSPORTATION COMPANY, 924 Marietta Highway, Marietta, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Georgia. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, contractor's equipment, parts* moving in connection therewith, and *bulky and heavy commodities* requiring special equipment, between points in Illinois, on the one hand, and, on the other, points in New York, Pennsylvania, New Jersey, West Virginia, and Florida: *farm tractors* from Louisville, Ky., to points in Georgia: *machinery*, and *contractors' equipment*, and *parts* moving in connection therewith, and *bulky commodities* requiring special equipment, between points in Minnesota and Wisconsin, on the one hand, and, on the other, points in Alabama, Georgia, South Carolina, North Carolina, and Tennessee, and *machinery*, and *contractors' equipment* and *parts* moving in connection therewith, between points in Texas, on the one hand, and, on the other, points in Alabama, Georgia, Tennessee, South Carolina, and North Carolina. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, and Wisconsin.

NO MC 112442 Sub 3, H. L. MANESS, doing business as H. L. MANESS TRUCK LINE, 223 Wisconsin Street, Neodesha, Kans. Applicant's attorney: Howard M. Immel, Apt and Immel, Allen County State Bank Bldg., Iola, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ammonium nitrate solid fertilizer*, coated with clay or other inert material, *fertilizer compounds* (manufactured fertilizers), in packages or containers, in truck load lots, having a minimum weight of 23,000 pounds, between Lawrence, Kans., on the one hand, and, on the other, points in Kansas, Missouri, Oklahoma, Colorado, Wyoming, Nebraska, North Dakota, South Dakota and Iowa.

NO. MC 113440 Sub 1, GUY E. BARTHOLOMEW, doing business as BARCO TRANSPORTATION COMPANY, Perry, Ohio. Applicant's attorney: Noel F. George, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture, uncrated*, and *new furniture, in fiberboard cartons*, between points in Mahoning County, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, New York, Maryland, Pennsylvania, Kentucky, Virginia, West Virginia, Tennessee, New Jersey, Iowa, Michigan, Connecticut, Missouri, Massachusetts, Rhode Island, Wisconsin, North Carolina, South Carolina, and the District of Columbia. Applicant is authorized to conduct operations in Ohio, Indiana, Illinois, New York, Maryland, Pennsylvania, Kentucky, Virginia, West Virginia, Tennessee, New Jersey, and the District of Columbia.

NO. MC 113466 Sub 1, H. J. FEHELY, P. O. Box 644, Klamath, Calif. Applicant's attorney: Earle V. White, Jr., 1401 Northwest 19th Avenue, Portland 9, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, plywood*, and *veneer*, between points in Coos and Curry Counties, Oreg., on the one hand, and, on the other, points in Alameda, Marin, San Mateo, Santa Clara, and Los Angeles Counties, Calif. Applicant is authorized to conduct operations in California, and Oregon.

NO. MC 114123 Sub 4, HERMAN R. EWELL, East Earl, Pa. Applicant's attorney: W. G. Johnstone, Jr., Windolph & Johnstone, 121 East King Street, Lancaster, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank trucks, from Yonkers and New York, N. Y., to Martinsburg, W. Va., and Berryville, Winchester, Mount Jackson, and Timberville, Va.

NO. MC 114477 Sub 1, CHESTER E. EARLEY, Speculator, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber* from Speculator, N. Y., to points in New York, Massachusetts, Vermont, New Hampshire, Connecticut, New Jersey, Pennsylvania, Maine, and to the international boundary between the United States and Canada at the port of entry at Champlain, N. Y.

NO. MC 114649, ERNEST N MAYNARD and THOMAS E. SULLIVAN, doing business as SULLIVAN TRUCKING SERVICE, 10 Middle Street, Nashua, N. H. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Merchandise as is dealt in by retail and mail order department stores*, from Nashua, N. H., to points in New Hampshire and Massachusetts within 35 miles of Nashua, and *damaged and repossessed merchandise as is dealt in by retail and mail order department stores* on return.

NO. MC 114655, COAST TRANSPORT, INC., 1906 S. E. Tenth Avenue, Portland, Oreg. Applicant's attorney: George R. LaBissoniere, 10520, 20th NE., Seattle 55, Wash. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Peat moss*, from the United States-Canada International Boundary line at or near Blaine or Sumas, Wash., to points in California.

NO. MC 114656, H. G. FRERICHS, Colby, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corrugated pulpboard boxes and parts thereof*, knocked down flat, from Colby, Wis., to points in Illinois, Iowa, Minnesota, and Indiana. *Materials, equipment*, and *supplies* used or useful in the manufacture of corrugated pulpboard boxes, from points in Illinois, Iowa, Minnesota and Indiana, to Colby, Wis.

NO. MC 114661, McKINLEY, BALLARD AND BEN M. ROBERTSON, a partnership, doing business as BALLARD AND ROBERTSON, 410 Washington Street, Maryville, Tenn. Applicant's attorney: M. H. Gamble, Jr., Goddard &

Gamble, Maryville, Tenn. For authority to operate as a *contract carrier*, over irregular routes, tansporting: *Lumber and lumber products*, from Alcoa, Tenn., to points in Adams, Allen, Henry, Marion, Randolph, Saint Joseph, and Wayne Counties, Ind., points in Athens, Butler, Clark, Darke, Franklin, Greene, Mahoning, Miami, Montgomery, Stark, and Summit Counties, Ohio, and points in Allegheny, Beaver, Cambria, Clearfield, Huntingdon, Jefferson, Mercer, and Westmoreland Counties, Pa.

NO. MC 114662, V. R. NOBLE, 868 Palmetto Street, Chico, Calif. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sugar*, in bags, from Hamilton City, Calif., to points in Oregon.

NO. MC 114667, WILLIAM N. TUCKER, doing business as M. LANGE, 463 North Racine Avenue, Chicago, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Safes* and *vaults*, between points in the Chicago, Ill. Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in Illinois, Wisconsin, Iowa, Missouri, Kentucky, Indiana Michigan, and Ohio.

NO. MC 1184 Sub 9, McDANIEL FREIGHT LINES, INCORPORATED, 414 North Walnuut Street, Crawfordsville, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the junction of U. S. Highway 136 (formerly Indiana Highway 34) and Indiana Highway 75 at Jamestown, Ind., and the junction of Indiana Highway 75 and Indiana Highway 32 at Dover, Ind., over Indiana Highway 75, serving all intermediate points. Applicant is authorized to conduct operations in Indiana and Illinois.

NO. MC 103880 Sub 124, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle St., Chicago, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum, petroleum products, coal tar products, acids*, and *chemicals*, in bulk, in tank vehicles, (1) between points in Illinois, (2) between points in Michigan, and (3) between points in Indiana. Applicant is authorized to conduct operations in New York, Indiana, Michigan, Ohio, Illinois, Wisconsin, Kentucky, Missouri, West Virginia, Pennsylvania, and Iowa.

NO. MC 104347 Sub 106, LEAMAN TRANSPORTATION CORPORATION, 520 Lancaster Avenue, Downingtown, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Allegheny County, Pa., to points in Harford, and Washington Counties, Md., and those in the Chicago, Ill. Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Pennsylvania, New York, Delaware, Maryland, New Jersey, West Virginia, Ohio, Connecticut, Virginia, and the District of Columbia.

NO. MC 107615 Sub 3, UNITED NEWS TRANSPORTATION COMPANY, 17th and Wood Streets, Philadelphia 3, Pa. Applicant's attorney: Harry H. Frank, McNees, Wallace & Nurick, Commerce Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Newspapers, magazines, books, catalogs, pamphlets, periodicals, publications and parts thereof, display stands, advertising materials, printing plates*, and *skids*, between Wilkes-Barre and Scranton, Pa., Wilmington, Del., and Dunellen, N. J., on the one hand, and, on the other, points in Maryland, Delaware, New Jersey, Pennsylvania, and those in Rockland, Nassau, Westchester and Suffolk Counties, N. Y. (except that no transportation for compensation shall be performed from Dunellen, N. J., to points in New York). Applicant is authorized to conduct operations in Pennsylvania, Maryland, New York, Delaware, New Jersey, and the District of Columbia.

NO. MC 109612 Sub 2, ROBERT H. GIRTZ and LESTER F. GIRTZ, doing business as GIRTZ MOTOR EXPRESS, R. R. 1, Remington, Ind. Applicant's attorney: John E. Lesow, Anderson, Lesow and Lesh, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Grain, fertilizer, commercial feeds and ingredients thereof, unprocessed agricultural products*, and *livestock*, between points in Indiana and Illinois on and north of U. S. Highway 40. *Fertilizer*, from Indianapolis, ushville and Seymour, Ind., and East St. Louis, Ill., and points within 10 miles of each point, to points in Indiana and Illinois on and north of U. S. Highway 40. Applicant is authorized to conduct operations in Illinois and Indiana.

NO. MC 111964 Sub 4, DENNIS STORAGE CO., INC., 604 Railroad Ave., Salisbury, Md. To operate as a *contract carrier*, over irregular routes, transporting: *Such commodities as are sold by chain retail and mail-order department stores*, from Pokomoke City, Md., to points in Delaware and Virginia within 70 miles of Pokomoke City, and *returned, repossessed and taken in trade shipments* on return. Applicant is authorized to conduct operations in Maryland and Delaware.

NO. MC 114530 Sub 1, CUMBERLAND TRANSPORTATION COMPANY, INC., 124 First Avenue North, Nashville, Tenn. Applicant's attorney: James C. Havron, Stahlman Building, Nashville, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Unmixed corn syrup*, in bulk, in tank vehicles, from Nashville, Tenn., to Bristol, Va., Vinemont, Ala., and Rome, Ga., and return with *empty containers* or *other such incidental facilities* (not specified) used in transporting said commodity.

NO. MC 11185 Sub 80, J-T TRANSPORT COMPANY, INC., 6504 East 37th Street, Kansas City, Mo. Applicant's attorney: J. F. Miller, 500 Board of Trade Building, Kansas City, Mo. To operate as a *contract carrier*, over irregular routes, transporting: *Airplane parts*, uncrated, which because of their size or shape require special equipment, between Garland and Grand Prairie, Tex., and points within five miles of each, on the one hand, and, on the other, St. Louis, Mo., and Lambert Field (near St. Louis). Applicant is authorized to conduct operations in Texas, California, and Kansas.

NO. MC 38791 Sub 13, TUOHY TRUCKING CORPORATION, 733 Route 17, Carlstadt, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, between New York, N. Y., on the one hand, and, on the other, points in Middlesex, Monmouth and Somerset Counties, N. J. Applicant is authorized to conduct operations in New York, New Jersey, Connecticut and Pennsylvania.

NO. MC 105470 Sub 6, INDIANAPOLIS FORWARDING COMPANY, 2700 S. Halsted Street, Chicago 8, Ill. Applicant's attorney: Bernard G. Colby, One North La Salle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk (not excluding red oils, stearic acid, and fatty acids, in bulk, in tank vehicles) commodities requiring special equipment, and those injurious or contaminating to other lading, between Indianapolis, Ind., and junction U. S. Highway 52 and Indiana Highway 46, east of Longnecker, Ind., operating from Indianapolis over U. S. Highway 421 to junction Indiana Highway 46, thence over Indiana Highway 46 to junction U. S. Highway 52, and return over the same route, serving no intermediate points but serving the junction of Indiana Highway 46 and U. S. Highway 52 for joinder purposes only, as an alternate or connecting route for operating convenience only in connection with carrier's regular route operations between Chicago, Ill., and Cincinnati, Ohio.

NO. MC 107496 Sub 42, RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Bradshaw, Fowler, Proctor & Fairgrave, Suite 510 Central National Bldg., Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products, including chemicals* derived from petroleum and compounded oils having a petroleum base, in bulk, in tank vehicles, from Pine Bend, Minn., and points in Minnesota within ten miles of Pine Bend, to points in Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Jackson, Eau Claire, La Crosse, Marathon, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Taylor, Trempealeau, Washburn, and Wood Counties, Wis. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota Missouri, Nebraska, and Wisconsin Duplication with present authority to be eliminated.

NO. MC 109689 Sub 18, W. S. HATCH CO., Woods Cross, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Salt Lake City, Utah, and points within 10 miles thereof, to points in Harney and Malheur Countries, Oreg.

NO. MC 113063 Sub 2, RALPH H. BURNS, Hillsboro, W. Va. Applicant's attorney: John C. White, Blagg and White, Security Building, Charleston, W. Va. For authority to operate as a *common carriers*, over irregular routes, transporting: *Fertilizer*, from Harrisonburg, Va., and points within one mile thereof, to points in Hardy, Grant, Tucker, Preston, Marion, Taylor, Harrison, Lewis, Greenbrier, Braxton, Clay, Roane, Gilmer, Jackson, Wirt, Wood, Ritchie, Doddridge, Pleasants, Tyler, and Monongalia Counties, W. Va.

NO. MC 114637, J. PRESTON WOODBURN, JR., doing business as PEOPLES MARINE SERVICE, Solomons, Md. Applicant's attorney: Glenn F. Morgan, 404-406 International Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats*, and *parts thereof*, from Buffalo, N. Y., Miami, Fla., Washington, D. C., Dundalk and Solomons, Md., and points within six miles of Solomons, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine Maryland, Massachusetts, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and the District of Columbia, and *racks or frames necessary to the proper transportation of boats* on return movements.

NO. MC 114642, WM. F. PEDERSEN, doing business as PEDERSEN WELDING & HAULING CO., 444 Atlantic Avenue, Camden 4, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, by tow-away method, between points in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NO. MC 114652, DOSS TRANSPORT, INC., Eupora, Miss. Applicant's attorney: C. Sidney Carlton, Carlton & Henderson, Sumner, Miss. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank trucks, from Sterlington, La., El Dorado, Ark., and Memphis, Tenn., to points in Mississippi.

NO. MC 7746 Sub 64, UNITED TRUCK LINES, INC., E. 915 Springfield Avenue, Spokane, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities requiring special equipment*, but excepting those of unusual value, livestock, Class A and B explosives, commodities in bulk, and household goods as defined by the Commission, between Saltese, Mont., and Great Falls, Mont., operating from Saltese over U. S. Highway 10 to Milltown, Mont., thence over Montana Highway 20 to Sun River, Mont., thence over U. S. Highway 89 to Vaughn, Mont., thence over U. S. Highways 89 and 91 to Great Falls, and return over the same route, serving all intermediate points; and between Ovando, Mont., and junction Montana Highway 20 and new proposed highway, about 10 miles east of Ovando, over new proposed highway, serving all intermediate points. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, and Washington.

NO. MC 7746 Sub 65, UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, and *general commodities*, except those of unusual value, and except Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment other than those requiring specialized handling or rigging because of size or weight, serving points in Skagit and Whatcom Counties, Wash., which are located on and west of Washington Highway 1A as intermediate and off-route points in connection with carrier's regular route operations between Portland, Oreg., and Bellingham, Wash., between Mt. Vernon, Wash., and Sedro Woolley, Wash., between Mt. Vernon, Wash., and Bellingham, Wash., and between Anacortes, Wash., and Stanwood, Wash. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, and Washington.

NO. MC 35628 Sub 190, INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville Avenue SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Warner, Norcross & Judd, Michigan Trust Building, Grand Rapids 2, Mich. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving South Lyon, Mich., including plant site of Michigan Seamless Tube Co., as an off-route point, in connection with carrier's regular route operations between Ann Arbor, Mich., and Bay City, Mich., between Detroit, Mich., and Ann Arbor, Mich., and between Detroit, Mich., and Lansing, Mich. Applicant is authorized to conduct operations in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

No. MC 48958 Sub 24, ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, and household goods as defined by the Commission, but *including compressed gas* in cylinders when moving on shipper-owned trailers, and *empty gas cylinders* when moving on shipper-owned trailers and trailers and vehicles owned by the United States Government, between Kingman, Ariz., on the one hand, and, on the other, Las Vegas and Mercury, Nev., limited to service only in connection with truckload traffic moving for or on behalf of the United States Government Atomic Energy Commission and /or its contractors, or United States Government military agencies for related security operations, as follows: From Kingman over U. S. Highway 93 to Las Vegas, and return over the same route, serving no intermediate points, and from Kingman over U. S. Highway 93 to Las Vegas, thence over U. S. Highway 95 to Indian Springs, Nev., thence over unnumbered highway to Mercury, and return over the same route, serving no intermediate points; and *empty equipment* and *bobtail equipment* between Las Vegas and Mercury, Nev., on the one hand, and, on the other, Los Angeles, Calif., as follows: From Mercury over unnumbered highway to Indian Springs, thence over U. S. Highway 95 to Las Vegas, thence over U. S. Highway 91 to Los Angeles, and return over the same route, serving no intermediate points, and from Las Vegas over U. S. Highway 91 to Los Angeles, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in California, New Mexico, Colorado, Kansas, Arizona, Illinois, Nebraska, Wyoming, Iowa, and Indiana.

NO. MC 107374 Sub 4, H. R. PERSINGER, doing business as ATLAS TRANSFER COMPANY, 126 Temple Street, Hinton, W. Va. Applicant's attorney: John C. White, Security Building, Charleston, W. Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products* and *articles distributed by meat packing houses* as defined by the Commission, in mechanically refrigerated equipment, from Hinton, W. Va., to points in Pocahontas, McDowell, Monroe, Wyoming and Webster Counties, W. Va., and Giles, Tazewell, Buchanan and Bland Counties, Va. Applicant is authorized to conduct operations in West Virginia and Virginia.

NO. MC 107515 Sub 141, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods or frozen bakery products*, from Florence, Ala., and Gainesville, Ga., to points in Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Kentucky, Ohio, Illinois, Indiana, Michigan, Wisconsin, Iowa, Minnesota, Nebraska, Arkansas, Missouri, Oklahoma, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illi-

nois, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Indiana, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin.

NO. MC 110015 Sub 11, LOOUS SALAND, MOLLIE SALAND, AND SAUL WALDMAN, SYLVIA WALDMAN, EXECUTRIX, doing business as S & K TRUCKING, 308 West 39th Street, New York, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Materials and supplies used in or incidental to the manufacture of ladies dresses*, from Waltham, Mass., to Poughkeepsie, Catskill, Beacon, New Paltz, Kingston, Chatham, and Peekskill, N. Y., and *ladies dresses, on hangers*, from Poughkeepsie, Catskill, Beacon, New Paltz, Kingston, Chatham, and Peekskill, N. Y., to Waltham, Mass. Applicant is authorized to conduct operations in New Jersey and New York.

NO. MC 111940 Sub 10, SMITH'S TRUCK LINES, A CORPORATION, P. O. Box 88, Muncy, Pa. Applicant's attorneys: Rhoads, Sinon & Reader, State Street Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, from Retsof, Watkins Glen and Ludlowville, N. Y., to points in Delaware, Maryland, and Pennsylvania (except points in Clinton, Lycoming, Schuylkill, Montour, Northumberland, Snyder, Union, Tioga, Bradford, and Columbia Counties, Pa.), and *empty containers* or other *such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in New York and Pennsylvania.

NO. MC 112280 Sub 1, CAL MANCUSCO, THEODORE MANCUSCO, and FRANK CALASCIBETTA, doing business as AMITY TRUCKING CO., 2 Baltic Street, Brooklyn 1, N. Y. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, from Brooklyn, N. Y., to points in Nassau and Suffolk Counties, N. Y. Applicant is authorized to conduct operations in New York.

NO. MC 113464 Sub 4, HARVEY WAKEFIELD, doing business as WAKEFIELD TRUCKING SERVICE, Box 171, Upton, Wyo. Applicant's attorney: Vincent A. Ross, 512–514 Majestic Building, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ore*, in bulk, in dump trucks, from mines to railheads in Campbell, Crook, Weston, Converse, and Niobrara Counties, Wyo. Applicant is authorized to conduct operations in Wyoming and South Dakota.

NO. MC 113514 Sub 7, CHEMICAL TRANSPORTS, INC., 2431 Butler Street, P. O. Box 6745, Dallas 19, Tex. Applicant's attorney: W. D. White, 17th Floor Mercantile Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, and *paint and paint solvents*, in bulk, in tank vehicles, between points in the Dallas, Tex., Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Kansas, Colorado, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas.

NO. MC 114663, DONALD W. WINLAND, doing business as DON WINLAND TRUCKING, 120 North Main Street, Georgetown, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer, fertilizing materials, ingredients and manufacturing supplies*, in bags or containers or in bulk, between Danville, Ill., and points within five miles thereof, on the one hand, and, on the other, Columbus, Ohio, Butler, Ind., and Louisville, Ky.; *fertilizer* and *fertilizer materials*, in bags or containers or in bulk, from Danville, Ill., and points within five miles thereof, to points in Benton, Boone, Carroll, Cass, Clinton, Clay, Fountain, Fulton, Greene, Hamilton, Hendricks, Howard, Jasper, Lake, Miami, Montgomery, Morgan, Newton, Owen, Parke, Porter, Pulaski, Putnam, Starke, Sullivan, Tippecanoe, Tipton, Warren, White, Vermillion, and Vigo Counties, Ind., and *such commodities as are required in the manufacture and distribution of fertilizer and fertilizer materials* on return.

APPLICATIONS UNDER SECTIONS 5 AND 210 (b)

Protests consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER. (49 CFR 1.240.) Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters ,and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

NO. MC–F–5590, filed October 26, 1953. Authority sought for purchase by BRUCE MOTOR FREIGHT, INC., 2011 Easton Blvd., Des Moines, Iowa, of the operating rights of L. W. Pittsley, Des Moines, Iowa, and for acquisition by E. W. Harlan, Des Moines, Iowa, of control of the operating rights through the purchase. Applicants' attorney: Rex H Fowler, 510 Central National Bldg., Des Moines, Iowa. Operating rights sought to be transferred: *General commodities*, except dangerous explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between Chicago, Ill., and Des Moines, Iowa serving the intermediate points in Iowa, and the off-route points in Illinois in the Chicago, Ill., Commercial Zone, as defined by the Commission; *Poultry, butter*, and *eggs*, over irregular routes, from Guthrie Center, Leon, Osceola, Mason City, Creston, Gowrie, and Coon Rapids, Iowa, to Chicago, Ill.; *Roofing* and *roofing materials*, over irregular routes, from Chicago Heights, Ill., to Gowrie, Mason City, Iowa, and points in that part of Iowa on and south of U. S. Highway 30. Application filed for temporary authority under section 210a (b) April 12, 1954.

NO. MC–F–5680. Authority sought for purchase by COAST TRUCK LINES, INC., 1540 Fourth Avenue South, Seattle, Wash., of the operating rights of North Beach-Astoria Transit Company, Ilwaco, Wash., and for acquisition by C. G Soike, Seattle, Wash., of control of the operating rights through the purchase. Person to whom correspondence should be addressed: John W. Newbegin, 1540 Fourth Avenue South, Seattle, Wash. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except high explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over a regular route, between Astoria, Oreg., and Oysterville, Wash., serving the intermediate and off-route points of Chinook, Ilwaco, Seaview, Long Beach, Nahcotta, and Ocean Park, Wash., and points within five miles of the above-specified route. Vendee is authorized to operate in Washington. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–3012; Filed, Apr. 20, 1954; 8:53 a. m.]

FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture.

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1571, and containing the specific requirements for the 1954-crop barley price support program are hereby amended as follows:

Section 421.459 (a) is amended to include a table of deductions for warehouse charges so that the amended paragraph (a) reads as follows:

§ 421.459 *Warehouse charges.* (a) Warehouse receipts and the barley represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing barley stored in warehouses operating under the Uniform Grain Storage Agreement is on or before April 30, 1955, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the maturity date, April 30, 1955:

Date of deposit (all dates inclusive):	*Amount of deduction (cents per bushel)*
Prior to May 26, 1954	15
May 26, 1954–June 24, 1954	14
June 25, 1954–July 24, 1954	13
July 25, 1954–Aug. 23, 1954	12
Aug. 24, 1954–Sept. 22, 1954	11
Sept. 23, 1954–Oct. 12, 1954	10
Oct. 13, 1954–Nov. 1, 1954	9
Nov. 2, 1954–Nov. 21, 1954	8
Nov. 22, 1954–Dec. 11, 1954	7
Dec. 12, 1954–Dec. 31, 1954	6
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* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

Issued this 19th day of April 1954.

[SEAL] J. A. MCCONNELL, *Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 54–3043; Filed, Apr. 21, 1954; 8:51 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1631, and containing the specific requirements for the 1954-crop oats price support program are hereby amended as follows:

Section 421.559 (a) is amended to include a table of deductions for warehouse charges so that the amended paragraph (a) reads as follows:

§ 421.559 *Warehouse charges.* (a) Warehouse receipts and the oats represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Titles 30–31 ($1.00)

Title 33 ($1.25)

Titles 44–45 ($0.75)

Previously announced: Title 3, 1953 Supp. ($1.50); Title 8 ($0.35); Titles 10–13 ($0.50); Title 16 ($1.00); Title 18 ($0.45); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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not shown) on warehouse receipts representing oats stored in warehouses operating under the Uniform Grain Storage Agreement is on or before April 30, 1955 there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the maturity date, April 30, 1955.

Date of deposit (all dates inclusive):	*Amount of deduction (cents per bushel)*
Prior to May 16, 1954	11
May 16, 1954–June 24, 1954	10
June 25, 1954–Aug. 3, 1954	9
Aug. 4, 1954–Sept. 7, 1954	8
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(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 19th day of April 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-3044; Filed, Apr. 21, 1954; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 26—GRAIN STANDARDS

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR WHEAT

On March 12, 1954, there was published in the FEDERAL REGISTER (19 F. R. 1384) a notice of a proposal to amend the official grain standards of the United States for wheat (7 CFR 26.101 et seq.) promulgated under the authority of the United States Grain Standards Act, as amended (39 Stat. 482; 54 Stat. 765; 7 U. S. C. 71 et seq.), with respect to the percentages used in stating the quantity of smut dockage in wheat, and the public was given opportunity to participate in rule making concerning the proposal by attending a public hearing at Portland, Oregon, and by submitting written data, views, or arguments to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than April 9, 1954.

Consideration has been given to information obtained at the hearing, to information received in writing, and to other information available in the United States Department of Agriculture regarding the proposed amendment. Based upon this information, § 26.116 (b) (1) of the official grain standards of the United States for wheat (7 CFR 26.116 (b) (1)) is hereby amended to read as follows:

(1) *Smut dockage.* Before the determination of smut dockage as provided in this paragraph, the wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not smutty. The smut shall be removed by scouring and the loss in weight of the wheat caused by the removal of the smut shall be calculated in terms of percentage based on the total weight of the grain when free from dockage. The percentage so calculated shall be stated in terms of half percent when smut dockage is present in a quantity equal to less than one percent, and in terms of whole percent when present in a quantity equal to one percent or more. A fraction of a half percent shall be disregarded when smut dockage is present in a quantity equal to less than one percent, and a fraction of a percent shall be disregarded when smut dockage is present in a quantity equal to one percent or more. The percentage of the smut dockage, so calculated and stated, shall be added to the grade designation, preceding the statement of dockage, if any.

The foregoing amendment shall become effective August 2, 1954.

(Sec. 2, 39 Stat. 482, as amended, sec. 8, 50 Stat 485; 7 U. S. C. 74, 84)

Done at Washington, D. C., this 19th of April 1954.

[SEAL] GEORGE A. DICE,
Acting Deputy Administrator.

[F. R. Doc. 54-3039; Filed, Apr. 21, 1954; 8:50 a. m.]

PART 26—GRAIN STANDARDS

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR BARLEY

On March 18, 1954, there was published in the FEDERAL REGISTER (19 F. R. 1488) a notice of a proposal to amend the official grain standards of the United States for barley (7 CFR 26.201 et seq.) promulgated under the authority of the United States Grain Standards Act, as amended (39 Stat. 482; 54 Stat. 765; 7 U. S. C. 71 et seq.), with respect to the definitions of Choice Malting Two-rowed Western Barley and Malting Two-rowed Western Barley, and the public was given opportunity to participate in rule making concerning the proposal by attending public hearings at Milwaukeee, Wisconsin, and Portland, Oregon, and by submitting written data, views, or arguments to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than April 9, 1954.

Consideration has been given to information obtained at the hearings, to information received in writing, and to other information available in the United States Department of Agriculture regarding the proposed amendments. Based upon this information, § 26.209 (c) and (e) of the official grain standards of the United States for barley (7 CFR 26.209 (c), (e)) are hereby amended to read as follows:

(c) *Choice Malting Two-rowed Western Barley; definition.* Choice Malting Two-rowed Western Barley shall be Two-rowed Barley of the class Western Barley which consists of the Hannchen or Hanna varietal types; which contains not more than 3 percent of varietal types of barley other than Hannchen or Hanna; which meets the requirements for grade No. 1 except that the limitations on seeds of wild brome grasses shall be disregarded; which has a test weight per bushel of 52 pounds or more; which contains 90 percent or more of mellow kernels; which is not semi-steely in mass; which contains not more than 5 percent of barley and other matter that will pass readily through a sieve 0.032 inch thick with perforations 0.086 by 0.750 (5½ 64 x ¾) inch; which contains not more than 5 percent of skinned and/or broken kernels; which does not contain barley injured by frost, by heat, or by mold; and shall not include barley of the special grades stained, smutty, garlicky, weevily, ergoty, or bleached.

• • • • •

(e) *Malting Two-rowed Western Barley; definition.* Malting Two-rowed Western Barley shall be Two-rowed Barley of the class Western Barley which consists of the Hannchen or Hanna varietal types; which contains not more than 5 percent of varietal types of barley other than Hannchen or Hanna; which meets the requirements for any of the grades No. 1 to No. 3, inclusive, except that the limitation on seeds of wild brome grasses shall be disregarded; which does not meet the requirements for the special grade Choice Malting Two-rowed Western Barley; which has a test weight per bushel of 50 pounds or more; which contains 70 percent or more of mellow kernels; which is not semi-steely in mass; which contains not more than 10 percent of barley and other matter that will pass readily through a sieve 0.032 inch thick with perforations 0.086 x 0.750 (5½/64 x ¾) inch; which contains not more than 10 percent of skinned and/or broken kernels; which does not contain barley injured by frost, by heat, or by mold; and shall not include barley of the special grades stained, blighted, smutty, garlicky, weevily, ergoty, or bleached: *Provided*, That Malting Two-rowed Western Barley of grade No. 1 shall contain not less than 80 percent of mellow kernels; and may contain not more than 3 percent of varietal types of barley other than Hannchen or Hanna, not more than 7 percent of barley and other matter that will pass readily through a sieve 0.032 inch thick with perforations 0.086 x 0.750 (5½/64 x ¾) inch, and not more than 7 percent of skinned and/or broken kernels.

The foregoing amendments shall become effective August 2, 1954.

(Sec. 2, 39 Stat. 482, as amended, sec. 8, 39 Stat. 485; 7 U. S. C. 74, 84)

Done at Washington, D. C., this 19th day of April 1954.

[SEAL] GEORGE A. DICE,
Acting Deputy Administrator.

[F. R. Doc. 54-3040; Filed, Apr. 21, 1954; 8:51 a. m.]

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN MIXED VEGETABLES[1]

On January 15, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 261) regarding a proposed revision of the United States Standards for Grades of Frozen Mixed Vegetables (7 CFR Part 52; 18 F. R. 8070).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Mixed Vegetables are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

PRODUCT DESCRIPTION, KINDS, STYLES, PROPORTIONS, AND GRADES

Sec.
52.2131 Product description.
52.2132 Kinds and styles of basic vegetables.
52.2133 Proportion of ingredients.
52.2134 Grades of frozen mixed vegetables.

FACTORS OF QUALITY

52.2135 Ascertaining the grade.
52.2136 Ascertaining the rating for the factors which are scored.
52.2137 Color.
52.2138 Absence of defects.
52.2139 Character.

EXPLANATIONS AND METHODS OF ANALYSES

52.2140 Explanation of terms and analyses.

LOT CERTIFICATION TOLERANCES

52.2141 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2142 Score sheet for frozen mixed vegetables.

AUTHORITY: §§ 52.2131 to 52.2142 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624; Pub. Law 156, 83rd Cong.

PRODUCT DESCRIPTION, KINDS, STYLES, PROPORTIONS, AND GRADES

§ 52.2131 *Product description.* Frozen mixed vegetables consist of three or more succulent vegetables, properly prepared and properly blanched; may contain vegetables (such as, small pieces of sweet red peppers or sweet green peppers) added as garnish; and are frozen and maintained at temperatures necessary for the preservation of the product.

§ 52.2132 *Kinds and styles of basic vegetables.* It is recommended that frozen mixed vegetables, other than small pieces of vegetables added as garnish, consist of the following kinds and styles of vegetables as basic vegetables:

(a) Beans, green or wax: Cut styles, predominantly of ½ inch to 1½ inch cuts;

(b) Beans, lima: Any single varietal type;

(c) Carrots: Diced style, predominantly of ⅜ inch to ½ inch cubes;

(d) Corn, sweet: Golden (or Yellow) in whole kernel style;

(e) Peas: Early type or sweet type.

§ 52.2133 *Recommended proportions of ingredients.* It is recommended that frozen mixed vegetables consist of three, four, or five basic vegetables in the following proportions:

(a) *Three vegetables.* A mixture of three basic vegetables in which any one vegetable is not more than 40 percent by weight of all the frozen mixed vegetables.

(b) *Four vegetables.* A mixture of four basic vegetables in which none of the vegetables is less than 8 percent by weight nor more than 35 percent by weight of all the frozen mixed vegetables.

(c) *Five vegetables.* A mixture of five basic vegetables in which none of the vegetables is less than 8 percent by weight nor more than 30 percent by weight of all the frozen mixed vegetables.

§ 52.2134 *Grades of frozen mixed vegetables.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a good color, are practically free from defects, possess a good character, possess a good flavor and odor; and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a reasonably good color, are reasonably free from defects, possess a reasonably good character, possess a good flavor and odor; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a fairly good color, are fairly free from defects, possess a fairly good character, possess a fairly good flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of frozen mixed vegetables that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FACTORS OF QUALITY

§ 52.2135 *Ascertaining the grade.* (a) The grade of frozen mixed vegetables is ascertained by considering the factors of similar varietal characteristics and flavor and odor which are not scored and the respective ratings for the factors of color, absence of defects, and character which are scored.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Absence of defects	40
Character	40
Total score	100

(c) The scores for the factors of color, absence of defects, and character (with respect to each individual vegetable prior to cooking) are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units, and representative samples of the product are cooked to ascertain tenderness of the frozen mixed vegetables, collectively, before final evaluation of the score for character. Flavor and odor are also ascertained on the cooked product.

(d) "Good flavor and odor" means that the product and each basic vegetable after cooking has a good, characteristic normal flavor and odor, free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.2136 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2137 *Color*—(a) *General.* The factor of color refers to the general brightness of all the combined vegetables and to the colors of lima beans, if a component in the mixture, as follows:

(1) "Green" with respect to thin-seeded types (with skins removed), such as Henderson Bush and Thorogreen varieties, and with respect to thick-seeded types (with skins on), such as Fordhook variety, means that the color of not less than 50 percent of the surface area of the individual lima bean possesses as much or more green color as Plate 18, K–5, illustrated in the First Edition of Maerz and Paul's Dictionary of Color.

(2) "Green" with respect to thick-seeded Baby Potato type (with skins on), such as Baby Potato, Baby Fordhook, and Evergreen varieties, means that the color of not less than 50 percent of the surface area of the individual lima bean possesses as much or more green color as Plate 18, J–3, illustrated in the First Edition of Maerz and Paul's Dictionary of Color.

(3) "White" for the respective varietal types (with skins removed or with skins on, as the case may be) means that more than 50 percent of the surface area of the individual lima bean possesses less green color than Plate 18, E–1, as illustrated in the First Edition of Maerz and Paul's Dictionary of Color.

(b) (*A*) *classification.* Frozen mixed vegetables which possess a good color may be given a score of 18 to 20 points. "Good color" means that the combined basic vegetables as a mass and the individual basic vegetables are bright and characteristic of young or tender vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish are reasonably bright; and that lima beans, if present, possess a bright typical color for the varietal type and meet the following additional color requirements for the respective types:

(1) *Thin-seeded type (with skins removed); Thick-seeded Baby Potato type (with skins on).* 90 percent or more, by count, of all the lima beans are "green"; and the balance may be lighter in color or may be white or combinations thereof.

(2) *Thick-seeded type (with skins on).* 85 percent or more, by count, of all the lima beans are "green"; and the balance may be lighter in color but not more than 5 percent, by count, of all the lima beans may be white.

(c) (*B*) *classification.* If the frozen mixed vegetables possess a reasonably good color, a score of 16 or 17 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the combined basic vegetables as a mass and the individual basic vegetables are reasonably bright and characteristic of reasonably young or reasonably tender mixed vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish may be only fairly bright but are not off color for any reason; and that lima beans, if present, possess a reasonably bright typical color for the varietal type and meet the following additional color requirements for the respective types:

(1) *Thin-seeded type (with skins removed); Thick-seeded Baby Potato type (with skins on).* 65 percent or more, by count, of all the lima beans are "green"; and the balance may be lighter in color or may be white or combinations thereof.

(2) *Thick-seeded type (with skins on).* 60 percent or more, by count, of all the lima beans are "green"; and the balance may be lighter in color but not more than 5 percent, by count, of all the lima beans may be white.

(d) (*C*) *classification.* If the frozen mixed vegetables possess a fairly good color, a score of 14 or 15 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the combined basic vegetables as a mass and the individual basic vegetables are fairly bright and characteristic of mixed vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish may be only fairly bright but are not off color for any reason; and that lima beans, if present, possess a fairly bright typical color for the varietal type and meet the following additional color requirements for the respective types:

(1) *Thin seeded type (with skins removed); Thick-seeded Baby Potato type (with skins on).* More than 35 percent, by count, of all the lima beans are lighter than "green" including lima beans that may be white.

(2) *Thick-seeded type (with skins on).* More than 40 percent, by count, of all the beans are lighter than "green" but no more than 20 percent, by count, of all the lima beans may be white.

(e) (*SStd*) *classification.* If the frozen mixed vegetables fail to meet the requirements of paragraph (d) of this section, a score of 0 to 13 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2138 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous vegetable materials, slightly damaged units, moderately damaged units, seriously damaged units, and any other defects which detract from the appearance or edibility of the product.

(1) "Harmless extraneous vegetable material" means any vegetable substance other than from any of the basic vegetables or garnish and any portions of the basic vegetables which are normally removed in preparation for processing. Such materials include, but are not limited to, "small pieces" and "large pieces" as follows:

(i) A "small piece of harmless extraneous vegetable material" is any piece or unit of such material similar in shape and the equivalent in size or smaller than $^{3}/_{16}$ square inch of leafy material or loose pieces of pods from peas or lima beans, tough or woody stems of any size other than unstemmed units of green or wax beans, ¾-inch cube of corn cob material, ½ square inch of corn husk, and ⅜-inch diameter thistle buds;

(ii) A "large piece of harmless extraneous vegetable material" is any piece or unit of such material similar in shape and larger in size than the equivalent of an applicable kind of "small piece of harmless extraneous vegetable material."

(2) "Slightly damaged unit" means any unit of the basic vegetable or garnish that is affected by slight blemishes, slight discoloration, or similar injury that are noticeable but do not materially affect the appearance or edibility of the unit, and includes, but is not limited to, light discoloration of the hilum of lima beans or other light discoloration of the skin which does not penetrate into the cotyledon of lima beans.

(3) "Moderately damaged unit" means any unit of a basic vegetable or garnish that is affected by blemishes, discoloration, or any other similar injury that materially affects the appearance or edibility of the unit and has the following specific meanings for the respective vegetables:

(i) *Beans, green or wax.* Any unit blemished by discoloration or by other means which in the aggregate exceeds the area of a circle ⅛ inch in diameter.

(ii) *Beans, lima.* A bean or portion thereof that is spotted or otherwise definitely discolored or that is blemished by means other than light discoloration.

(iii) *Carrots.* Any unit possessing an unpeeled area greater than the area of a circle ⅛ inch in diameter; and any unit blemished by internal or external discoloration, by sunburn or green color, or by other means.

(iv) *Corn.* Any kernel or portion thereof that possesses serious brown or black discoloration.

(v) *Peas.* Any spotted pea or any off-colored pea (such as brown, gray, cream, or yellow-white) that is abnormally defective and that definitely lacks any tinge of green color.

(vi) *Garnish.* Any piece blemished by discoloration or by other means which in the aggregate exceeds the area of a circle ⅛ inch in diameter.

(4) "Seriously damaged unit" means any unit of the basic vegetable or garnish, other than damaged corn kernels, that is damaged to the extent that the appearance and edibility of the unit is seriously affected and includes, but is not limited to, "shriveled" lima beans that are materially wrinkled and not of normal plumpness; "sprouted" lima beans that show an external shoot protruding beyond the cotyledon and skin; and any unit with brown or very black or very dark spots and similar injury regardless of the area affected.

(5) "Other defects" means any defects not specifically mentioned that affect the appearance or edibility of the product, and include, but are not limited to the following:

(i) *Beans, green or wax.* Loose seeds and portions thereof; and pod sections with very ragged edges, that are partially broken or split, or that are markedly shorter or longer than the predominating lengths of the cut units;

(ii) *Beans, lima.* Mashed beans, broken beans, loose cotyledons, loose skins, and any portions thereof;

(iii) *Carrots.* Crushed, broken, cracked, or irregularly shaped units; units with excessively frayed edges and surfaces; and units markedly smaller than one-half the volume of, or markedly larger than, the predominating size of cubes;

(iv) *Corn.* Crushed kernels, ragged kernels, loose skins, and dark and objectionable pieces of silk more than ½ inch in length; and

(v) *Peas.* Mashed peas, broken peas, loose cotyledons, loose skins, and any portions thereof.

(b) (*A*) *classification.* Frozen mixed vegetables that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that there may be present no more than the following defects within the limits stated:

(1) No large pieces of harmless extraneous vegetable material, but 1 small piece of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided*, That the combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(2) A total of 3 moderately damaged units and seriously damaged units for each 3 ounces of frozen mixed vegetables of which 1 unit for each 4 ounces of frozen mixed vegetables may be seriously damaged: *Provided*, That slightly damaged, moderately damaged, and seriously damaged units, either singly or in combination, do not affect materially the appearance or edibility of the frozen mixed vegetables; and

(3) Other defects, individually or collectively, do not affect more than slightly the appearance of the frozen mixed vegetables.

(c) (*B*) *classification.* If the frozen mixed vegetables are reasonably free from defects, a score of 32 to 35 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present no more than the following defects within the limits stated:

(1) 1 large piece of harmless extraneous vegetable material and 2 small pieces of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided*, That the combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

(2) A total of 4 moderately damaged units and seriously damaged units for each 3 ounces of frozen mixed vegetables of which 1 unit for each 3 ounces of frozen mixed vegetables may be seriously damaged: *Provided*, That slightly damaged, moderately damaged, and seriously damaged units, either singly or in combination, do not affect materially the appearance or edibility of the frozen mixed vegetables; and

(3) Other defects, individually or collectively, do not affect more than slightly the appearance of the frozen mixed vegetables.

(d) (*C*) *classification.* If the frozen mixed vegetables are fairly free from defects, a score of 28 to 31 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present no more than the following defects within the limits stated:

(1) 1 large piece of harmless extraneous vegetable material and 2 small pieces of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided*, That the combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

(2) A total of 5 moderately damaged units and seriously damaged units for each 3 ounces of frozen mixed vegetables of which 1 unit for each 2 ounces of frozen mixed vegetables may be seriously damaged: *Provided*, That slightly damaged, moderately damaged, and seriously damaged units; either singly or in combination, do not seriously affect the appearance or edibility of the frozen mixed vegetables; and

(3) Other defects, individually or collectively, do not seriously affect the appearance of the frozen mixed vegetables.

(e) (*SStd*) *classification.* If the frozen mixed vegetables fail to meet the requirements of paragraph (d) of this section, a score of 0 to 27 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2139 *Character*—(a) *General.* The factor of character refers to the texture, the maturity, and the degree of development of the pods and seeds in green beans or wax beans; the tenderness of lima beans; the tenderness and the degree of freedom from stringy or coarse fibers in carrots; the tenderness and maturity or starchiness of the corn; the tenderness or maturity of the peas; and to the tenderness of the combined frozen mixed vegetables after cooking.

(b) *Interpretation of terms.* Unless indicated otherwise, the interpretation of the terms with respect to tenderness, texture, maturity, and development of the individual vegetables prior to cooking are the same as those in the applicable United States Standards for Grades of the frozen product.

(c) (*A*) *classification.* Frozen mixed vegetables which collectively and individually possess a good character may be given a score of 36 to 40 points. "Good character" means that the combined vegetables after cooking are tender and that the individual vegetables prior to cooking meet the following requirements:

(1) *Beans, green or wax.* The bean pods and seeds possess a good character.

(2) *Beans, lima.* The lima beans, exclusive of white beans, are tender; and any white beans that may be present are tender or reasonably tender.

(3) *Carrots.* The units possess a tender texture.

(4) *Corn.* The kernels are no more advanced than the cream stage of maturity, have a reasonably tender texture, and are the equivalent of frozen whole-grain corn that would score not less than 43 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Whole Kernel (or Whole Grain) Corn."

(5) *Peas.* The peas are reasonably tender and are the equivalent of frozen peas that would score not less than 34 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(d) (*B*) *classification.* If the frozen mixed vegetables, collectively and individually, possess a reasonably good character, a score of 32 to 35 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the combined vegetables after cooking are tender and practically free from tough fibers and that the individual vegetables prior to cooking meet the following requirements:

(1) *Beans, green or wax.* The bean pods and seeds possess a reasonably good character.

(2) *Beans, lima.* The lima beans, including white beans that may be present, are reasonably tender.

(3) *Carrots.* The units possess a tender texture.

(4) *Corn.* The kernels are reasonably tender and are the equivalent of frozen whole-grain corn that would score not less than 40 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Whole Kernel (or Whole Grain) Corn."

(5) *Peas.* The peas are reasonably tender and are the equivalent of frozen peas that would score not less than 32 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(e) (*C*) *classification.* If the frozen mixed vegetables, collectively and individually, possess a fairly good character, a score of 28 to 31 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the combined vegetables after cooking are fairly tender and reasonably free from tough fibers and that the individual vegetables prior to cooking meet the following requirements:

(1) *Beans, green or wax.* The bean pods and seeds possess a fairly good character.

(2) *Beans, lima.* The lima beans, including white beans that may be present, are fairly tender .

(3) *Carrots.* The units possess a reasonably tender texture.

(4) *Corn.* The kernels are fairly tender.

(5) *Peas.* The peas are fairly tender.

(f) (*SStd*) *classification.* If the frozen mixed vegetables, collectively or individually, fail to meet the requirements of paragraph (e) of this section, a score of 0 to 27 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2140 *Explanation of terms and analyses.* (a) The "proportion of ingredients" are determined on the thawed vegetables by the following procedure:

(1) Separate and assemble from all the containers in the sample each of the basic vegetables;

(2) Weigh each basic vegetable thus composited to obtain the "aggregate weight" of each basic vegetable from all the containers in the sample;

(3) Add the aggregate weights of all the basic vegetables to obtain the "grand total weight" of all the basic vegetables from all containers in the sample; and then

(4) Calculate the percentage of each basic vegetable in the sample by dividing the "aggregate weight" of each basic vegetable by the "grand total weight" of all the basic vegetables.

LOT CERTIFICATION TOLERANCES

§ 52.2141 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen mixed vegetables the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2142 *Score sheet for frozen mixed vegetables.*

Size and kind of container.....
Container mark or identification | Packages ... | .....
Cases..... | .....
Label (list of ingredients, etc.)..... | .....
Net weight (ounces)..... | .....

Kinds, styles of ingredients	Aggregate weight each ingredient	Proportion of ingredients
Carrots	--- oz.	----- %
Beans—Cut; ( ) green; ( ) wax...	--- oz.	----- %
( ) to ...(") ( ) round; ( ) flat	--- oz.	----- %
Lima beans.....	--- oz.	----- %
Carrots Diced (approx. ..." cubes..	--- oz.	----- %
Corn Whole kernel—golden...	--- oz.	----- %
Peas, ( ) sweet; ( ) early.....	--- oz.	----- %
Grand total weight.....	--- oz.	100 %

( ) Meets proportions; ( ) falls proportions.

Factors		Score	
Color.....	20	(A)	18–20
		(B)	16–17
		(C)	14–15
		(SStd)	0–13
Absence of defects.....	40	(A)	36–40
		(B)	32–35
		(C)	28–31
		(SStd)	0–27
Character.....	40	(A)	36–40
		(B)	32–35
		(C)	28–31
		(SStd)	0–27

All vegetables after cooking: ( ) Tender; ( ) reasonably tender; ( ) fairly tender.
Flavor and odor (after cooking): ( ) Good; ( ) fairly good; ( ) off.
Total score.....
Grade.....

[1] Indicates limiting rule.

The United States Standards for Grades of Frozen Mixed Vegetables (which is the second issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Grades of Frozen Mixed Vegetables (7 CFR Part 52, 18 F. R. 8070) which have been in effect since December 5, 1952.

(Sec. 205, 60 Stat. 1090, 67 Stat. 217; 7 U. S. C. 1624)

Dated: April 19, 1954.

[SEAL] GEORGE A. DICE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 54-3005; Filed, Apr. 21, 1954; 8:45 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

INSPECTION IN OFFICIAL PLANTS

The amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR, Part 70), hereinafter promulgated, is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (67 Stat. 217, 7 U. S. C. 414).

The amendment will permit the conduct of inspection operations in the same processing room where uninspected operations are being carried on in plants where effective segregation of inspected and noninspected products is maintained.

It is hereby found that it would be impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure and delay the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER for the reasons that (1) it is in the nature of a relieving restriction, (2) it will permit fuller utilization of poultry processing facilities and thereby reduce processing costs, and (3) no additional time is required for industry to prepare to comply with this amendment.

The amendment hereinafter set forth shall become effective upon publication in the FEDERAL REGISTER.

The amendment is as follows:

1. Change the second sentence of § 70.15 *Inspection in official plants; extent required*, to read as follows:

§ 70.15 *Inspection in official plants; extent required.* * * * Dressed poultry may be eviscerated in such plant without inspection for condition and wholesomeness, but uninspected and inspected operations may not be carried on simultaneously except in plants where processing rooms (including packing rooms) are separate or when by other acceptable means effective segregation of inspected and uninspected product is maintained. * * *

The other provisions of § 70.15 are unchanged.

(Sec. 205, 60 Stat. 1090, 67 Stat. 217; 7 U. S. C. 1624, 414)

Issued at Washington, D. C., this 16th day of April 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 54-3041; Filed, Apr. 21, 1954; 8:51 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects, Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

WIND RIVER INDIAN IRRIGATION PROJECT, WYOMING

APRIL 16, 1954.

On February 25, 1954, there was published in the daily issue of the FEDERAL REGISTER a notice of intention to modify § 130.95 *Charges* of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Wind River Indian Irrigation Project. Interested persons were thereby given opportunity to participate in the preparation of the proposed amendment by submitting their views, data or arguments to the Area Director within 30 days from the date of publication of the notice. No objections or other data concerning the amendment having been received, the said section is amended as proposed, to be effective for the calendar year of 1954 and thereafter until further notice:

§ 130.95 *Charges.* In compliance with the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 45 Stat. 210, 25 U. S. C. 387), the operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1954 and subsequent years until further notice, are hereby fixed at $2.00 per acre for the assessable area under the constructed works on the Diminished Wind River Project and at $2.50 per acre on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian land which lies within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of $0.45 (45 cents) per acre is hereby fixed.

Amendment to order dated March 20, 1952 (17 F. R. 2387), signed by Paul L. Fickinger, Area Director.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 54-3026; Filed, Apr. 21, 1954; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 79]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. When a LFR instrument approach is conducted at the below-named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility, class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ANNETTE, ALASKA Annette Airport, 119' SBRAZ-VPDTX ANN Procedure No. 1 April 26, 1954	----------	----------	----------	Nonstandard* W side of S course: 141° outbound. 321° inbound. To 1,500' within 10 miles and 2,800' within 25 miles.	820	123—1.8	Runways 12, 20, 30 T-d T-n #Runway 2: #1 d #1 n C-d C-n S-d S-n A-dn	300-1 300-1½ 600-1 600-1½ 700-1 700-1½ 700-1 700-1½ 800-2	300-1 300-1½ 600-1 600-1½ 700-1½ 700-2 700-1½ 700-2 800-2	Within 0 mile after passing Annettee LFR turn left, climb to 2,800' on S course of Annette LFR within 25 miles. *CAUTION: High terrain east of final approach course. Nonstandard procedure turn required for more favorable terrain. #CAUTION: Turn left immediately after takeoff from runway 2, due to high terrain N and E. CAUTION: Mountainous terrain of elevations to 4,900' 3½ miles NE and 3,000' 6 miles NE. 1,000' contour within 2 miles of airport NW through NE.
COLORADO SPRINGS, COLO. Peterson Field, 6,172' MRLZ-DV COS Procedure No. 1 April 29, 1954	PROCEDURE CANCELED, EFFECTIVE APRIL 13, 1954.									
GUSTAVUS, ALASKA Gustavus Airport, 25' SBRAZ P DTV GST Procedure No. 1 April 26, 1954	----------	----------	----------	W side NW course: 285° outbound. 105° inbound. 2,700' within 10 miles. Procedure turns beyond 10 miles not authorized.	1,400	105—2.7	*T-d #1 n C-d C-n S-dn A-dn	300-1 500-1 500-1½ 700-2 500-1½ 800-2	300-1 500-1 700-1½ 700-2 700-2 800-2	Within 3.0 miles, climb to 4,500' on SE course between Gustavus LFR and Sisters Island Rbn. Alternate missed approach: When directed by ATC, within 3.0 miles turn right and climb on NW course Gustavus LFR to 3,000' within 10 miles. *Takeoff Runway 10 N, 700-2 day and night. #CAUTION: On takeoff climb on SE course Gustavus LFR between Gustavus LFR and Sisters Island Rbn, or when directed by ATC, climb on NE course Gustavus LFR within 10 miles. Minimum departure altitude at Gustavus LFR 2,900' southwestbound Red Airway 40; 7,000' northeastbound Blue Airway 38. CAUTION: Nonstandard procedure turn required due to high terrain N. Deviation authorized. *If Pleasant Isle FM not received on final approach, maintain 1,500' to station, then execute missed approach procedure. **Takeoff Runway 10 N, 700-2 day and night. CAUTION: On takeoff climb on SE course Gustavus LFR between Gustavus LFR and Sisters Island Rbn, or when directed by ATC, climb on NE course Gustavus LFR within 10 miles. Minimum departure altitude at Gustavus LFR 2,900' southwestbound Red Airway 40; 7,000' northeastbound Blue Airway 38. CAUTION: Maneuvering N and E of airport not authorized due to high terrain. CAUTION: Nonstandard procedure turn required due to high terrain N. Deviation authorized. *If Pleasant Isle FM not received on final approach, maintain 1,500' to station, then execute missed approach procedure. **Takeoff Runway 10 N, 700-2 day and night. CAUTION: On takeoff climb on SE course Gustavus LFR between Gustavus LFR and Sisters Island Rbn, or when directed by ATC, climb on NE course Gustavus LFR within 10 miles. Minimum departure altitude at Gustavus LFR 2,900' southwestbound Red Airway 40; 7,000' northeastbound Blue Airway 38. CAUTION: Maneuvering N and E of airport not authorized due to high terrain.
ILIAMNA, ALASKA Iliamna Airport, 160' BMRLZ-VPDT ILI Procedure No. 1 April 26, 1954	----------	----------	----------	E side S course: 173° outbound. 353° inbound. 1,300' within 20 miles.	800	250—2.6	#T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1½ 800-2	Within 0 mile, turn left, climb to 4,000' on S course (173° outbound, 353° inbound) within 20 miles. #CAUTION: On takeoff climb on S course within 20 miles. Minimum departure altitude at Iliamna LFR 1,000' southbound Red Airway 2,900' southeastbound Red Airway. This procedure not authorized for ADF approach.
KENAI, ALASKA Kenai Airport, 93' BMRLZ-VPDT ENA Procedure No. 1 April 26, 1954	----------	----------	----------	N side of NE course: 004° outbound. 184° inbound. 1,400' within 25 miles.	800	184—1.1	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 1.1 miles, climb to 1,400' on SW course (184°) within 25 miles. NOTE: This procedure not authorized for ADF approach.
NENANA, ALASKA Nenana Airport, 360' BMRLZ-VPDT ENN Procedure No. 1 April 26, 1954	SHUTTLE— SW course: 215° outbound. 035° inbound. 2,500' within 25 miles.	----------	----------	Nonstandard# W side SW course: 215° outbound. 035° inbound. 1,500' within 25 miles.	1,000	302—2.4	*T-dn Runways 12, 03, and 21 *T-dn Runway 30 C-dn A-dn	300-1 500-1 700-1 900-2	300-1 500-1½ 900-2	Within 0.0 mile, climb to 4,500' on SW course (215° outbound, 035° inbound) within 25 miles. #CAUTION: Nonstandard procedure turn authorized for more favorable terrain. *CAUTION: Left turn immediately after takeoff runway 30. Right turn immediately after takeoff runway 03. Climb on SW course within 25 miles. Minimum departure altitude at Nenana LFR 2,000' northwestbound Blue Airway 28, 6,000' southbound Blue Airway 36. CAUTION: Terrain 1,625' mean sea level 2.5 miles N of airport. This procedure not authorized for ADF approach.
SALT FLAT, TEX. CAA Intermediate, 3,723' BMRLZ DTV SFL Procedure No. 1 May 1, 1954	Salt Flat BVOR----------	333—3.0	5,800	W side N course: 342° outbound. 162° inbound. 4,000' within 15 miles. Beyond 15 miles not authorized.	4,300	162—2.7	T-d T-n C-d C-n S-dn S-n A-dn	300-1 300-2 500-1 500-2 500-1 500-2 800-2	300-1 500-1½ 700-2 700-2 500-1 500-2 800-2	Within 2.7 miles turn right and climb to 7,200' on W course within 25 miles. This procedure not approved for ADF approach. CAUTION: Terrain 4,000' mean sea level approximately 2.5 miles W of W of airport.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SHEMYA, ALASKA Shemya, 90' MRLWZ-PD SYA Procedure No. 1 November 1, 1950	CANCELED MARCH 19, 1954.									
SITKA, ALASKA Sitka Harbor (seaplane), 0' tidewater SBRAZ-P-DTV SIT Procedure No. 1 April 26, 1954	SHUTTLE: On SW course to 1,500' within 25 miles.	----------	----------	S side SW course: 178° outbound. 358° inbound. 1,500' within 25 miles.	1,000	358—17 to seadrome	T-d T-n C-d C-n S-d S-n A	500-2 NA 700-2 NA 700-2 NA 800-2	500-2 NA 700-2 NA 700-2 NA 800-2	Within 10 miles after passing Sitka LFR, turn left and climb to 1,500' on SW course Sitka LFR within 25 miles. If at any time after establishing contact visual reference lost or cannot be maintained, execute published approach procedure. CAUTION: High terrain E of NE course within 11 miles Sitka LFR. High terrain N of NW course within 15 miles Sitka LFR.
YAKUTAT, ALASKA Yakutat Airport, 32' SBRAZ-P DVT YAK Procedure No. 1 April 26, 1954	----------	----------	----------	S side of W course: 254° outbound. 074° inbound. 1,200' within 25 miles.	700	106—3.1	T-dn C-dn S-dn A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 3.5 miles YAK LFR climb to 1,200' on SE course YAK LFR within 25 miles.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
INDIANAPOLIS, IND. Weir Cook Municipal, 736' LOM-IN Procedure No. 1 August 1, 1950	SUPERSEDED BY COMBINATION ILS-ADF PROCEDURE, DATED APRIL 20, 1954.									
JUNEAU, ALASKA Juneau Airport, 20' Rbn SSR Procedure No. 1 April 26, 1954	----------	----------	----------	W side of course: 285° outbound. 105° inbound. 3,300' within 25 miles.	1,500 Descend to 1,500 after passing Pleasant Isle FM.	Sisters Island to Juneau VFR 29 miles.	T-d T-n C-d C-n A-d A-n	1,000-2 NA 1,000-2 NA B C O B 1,000-3 NA	1,000-3 NA 1,000-3 NA B C O B 1,000-3 NA	Within 3 miles after passing Sisters Island Rbn on course of 105°, turn left and climb to 4,500' on course of 285° between Sisters Island and Gustavus LFR. NOTE: For radio fix procedure at Sisters Island Rbn, climb on SE course Gustavus LFR between Sisters Island Rbn and Gustavus LFR. All procedure turns to W side of SE course Gustavus LFR. Minimum departure altitude at Sisters Island Rbn: 3,000' Southeastbound Blue Airway No. 3. CAUTION: Mountainous terrain, elevations to 2,800' in the N and E course Gustavus LFR. En route climb procedure at Sisters Island Rbn. Climb on SE course Gustavus LFR between Sisters Island Rbn and Gustavus LFR. All procedure turns to W side of SW course Gustavus LFR. Minimum departure altitude at Sisters Island Rbn: 3,000' Southeastbound Blue Airway No. 3.

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
JUNEAU, ALASKA SBRAZ-PDVT GST HW SSR Procedure No. 2 April 26, 1954	----------	----------	----------	W side of NW course Gustavus LFR: 285° outbound. 105° inbound. 3,700' within 10 miles NW of course as LFR. Procedure turns not authorized beyond 10 miles.	1,500' at Pleasant Isle FM	Variable VFR to Juneau	T-d T-n C-d C-n A-d A-n	1,000-2 NA 1,000-2 NA B C O B 1,000-3 NA	1,000-3 NA 1,000-3 NA B C O B 1,000-3 NA	Within 8 miles after passing Pleasant Isle FM, climb to 1,500' on Sisters Island Rbn, thereafter turn left and climb to MEA on course 285° between Sisters Island Rbn and Gustavus LFR. CAUTION: Mountainous terrain, elevations to 2,800' in the N and E course Gustavus LFR. En route climb procedure at Sisters Island Rbn. Climb on SE course Gustavus LFR between Sisters Island Rbn and Gustavus LFR. All procedure turns to W side of SW course Gustavus LFR. Minimum departure altitude at Sisters Island Rbn: 3,000' Southeastbound Blue Airway No. 3.
ST. PAUL ISLAND, ALASKA St. Paul, 40' HW K Procedure No. 1 April 26, 1954	----------	----------	----------	S side of course: 225° outbound. 045° inbound. 1,500' within 25 miles.	700	023—2.7	*T-d C-d A	500-2 700-2 NA	500-2 700-2 NA	Within 0.6 mile turn right, climb on course 100° outbound to 2,500' within 25 miles. *300-1 authorized on runway 18 with E turn after takeoff.
SHEMYA, ALASKA Shemya, 90' HW SYA Procedure No. 1 November 18, 1953	CANCELED MARCH 12, 1954.									
YAKUTAT, ALASKA Yakutat Airport, 32' SBRAZ-P DVT YAK Procedure No. 1 April 26, 1954	----------	----------	----------	W side of course: 285° outbound. 105° inbound. 1,200' within 20 miles. Beyond 20 miles not authorized.	700	106—3.1	T-dn C-dn S-dn A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 3.5 miles YAK LFR climb to 1,200' on magnetic course 111° within 25 miles.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m.p.h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
HOUSTON, TEX. Municipal, 50' ILS-HOU LOM-OT Procedure No. 1 Combination ILS-ADF May 1, 1954	Houston VOR	ILS OM	219—6.0	1,200	S side SW course ILS; 044° outbound, 224° inbound, 1,400 within 17 miles. Beyond 17 miles not authorized.	ILS 1,200 ADF 1,400 over LOM	1,260—4.8	250—0.7	T-do C-do	300–1 500–1	300–1 500–1	Climb to 1,400 on NE course HOU ILS within 25 miles or when directed by ATC turn left, climb to 1,700 on NW course HOU LFR or HOU VOR radial 305 within 25 miles.
	Houston LFR	ILS SW course.	309—2.5	1,200					S-dn 3 ILS	400–1	400–1½	
	Houston FM	ILS LOM	168—8.0	1,400					ADF	500–1	500–1	
	Arcola FM	ILS SW course.	085—5.0	1,200					A-do	800–2	800–2	
	Webster FM	ILS-LOM	284—13.0	1,200								
	Monument Rbn	ILS-LOM	215—19.0	1,400								
HOUSTON, TEX. Municipal, 50' ILS-HOU Procedure No. 2 May 1, 1954	Houston VOR	MNU Rbn	033—13	1,400	N side NE course 033° outbound, 213° inbound, 1,600 within 5 miles E of Monument Rbn.	Over MNU Rbn 1,600 Pasadena Fix 900**	1.[illegible]—5.1 FAF 4.0	.....	T-do C-do S-dn 21 A-do	300–1 500–1 400–1 800–2	300–1½ 500–1½ 400–1 800–2	Climb to 1,600 on SW course HOU ILS within 15 miles or when directed by ATC turn left, climb to 1,700 on NW course HOU LFR or HOU VOR Radial 305 within 25 miles. *Except when in accordance with approved instrument procedures, no approach may be conducted to Monument Rbn. Aircraft in contact with Houston [illegible] prior to leaving Monument Rbn on [illegible]. #Pasadena Fix is the intersection of Pasadena RBN and NE course of Houston ILS. **Aircraft to cross 900 MSL fix unless authorized to descend by Houston Approach Control over Pasadena Fix. Report leaving 900 MSL fix to Houston Approach Control.
	Monument Rbn*	Pasadena Fix# (final).	215—9.0	900								
INDIANAPOLIS, IND. Weir Cook Municipal 790' ILS-IND LOM-IN Procedure No. 1 Combination ILS-ADF April 20, 1954	Radar terminal area transition altitude; bearings are from radar, azimuths rotating clockwise.	280°—120°	All courses within 30 miles.	2,300	S side SW course ILS; 224° outbound, 044° inbound, 1,900 within 15 miles of LOM.	ILS 1,900 ADF 1,900	1,905—4.3	1,642—0.9	T-do C-do	500–1 500–1	500–1 500–1½	Within 4.3 miles (ADF, after passing LOM, climb to 2,500' on NE course of Ind. LFR to [illegible], [illegible] or as directed by ATC as follows: 1. Climb to 2,500' on SW course Ind. LFR within 15 miles; 2. Make left turn and climb to 2,900' and proceed to LOM.
		120°—280°	All courses within 30 miles.	2,900					S-dn 4 ILS	400–1	400–1	
	Clayton FM	SW course ILS	105—8.0	1,900					ADF	500–1	500–1	
	Clayton FM (ADF)	LOM	085—11.0	1,900					A-do	800–2	800–2	
	Indianapolis LFR	SW course ILS	135—4.0	1,900								
	Indianapolis LFR (ADF)	LOM	177—3.0	1,900								
	Int. E course Ind. LFR and SW course ILS or bearing 224° to LOM.	LOM	224—5.0	1,900								
	Int. S course Ind. LFR and SW course ILS or bearing 224° to LOM.	LOM	224—0.3	1,900								
	Int. [illegible] course Ind. LFR, VOR and SW course ILS (final).	LOM	044—[illegible]	[illegible]								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m.p.h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
INDIANAPOLIS, IND. ILS-IND Procedure No. 2 April 20, 1954	Radar terminal area transition altitude; bearings are from radar, azimuths rotate clockwise.**	280°—120°	All courses within 30 miles.	2,300	N side NE course ILS; 044° outbound, 224° inbound, 2,300' within 25 miles of River Int.#	No glideslope. Minimum altitude over River Int.# inbound on final 1,800	No outer marker. River Int.# 224—5.0	No middle marker	T-dn C-dn S-dn 22 A-do	300–1 500–1 500–1 800–2	300–1 500–1½ 500–1 800–2	Within 5 miles after passing river Int.#, make right turn, climb to 2,600' on W course Ind. LFR within 15 miles, or as directed by ATC, as follows 1. Climb to 2,100' on NW course Ind. LFR within 25 miles of Ind. LFR 2. Climb on SW course ILS to 1,600', proceed to LOM. #River Int. is 283° bearing to Ind. VOR and NE course ILS. This procedure authorized only when aircraft equipped to receive VOR and ILS simultaneously, or ASR and ILS simultaneously. **Radar transitions must intercept NE course ILS at least 5 miles NE River Int.
		120°—280°	All courses within 30 miles.	2,000								
	Int. NE course ILS and bearing 239° to Ind. VOR.	River Int.#	224—22.0	2,300								
	Int. NE course ILS and bearing 248° to Ind. VOR (final).	River Int.#	224—12.0	VOR fix 1,800 ASR fix 2,300								
	Int. NE course ILS and bearing 263° to Ind. VOR (final).	River Int.#	224—5.0	1,800								
	Int. SW course ILS and E course Ind. LFR.	River Int.#	044—5.0	2,300								
	Indianapolis LFR	SW course ILS.	074—4.0	2,300								
MADISON, WIS. Truax Field 859' ILS MSN LOM-MS Procedure No. 1 Combination ILS-ADF April 20, 1954	Madison LFR	LOM	218—4.0	2,400	E side of course; 179° outbound, 359° inbound, 2,400' within 25 miles.	ILS 2,000 ADF 1,900	1918—4.4	1058—0.7	T-do C-do	300–1 600–1	300–1 600–1½	Within 4.4 miles after passing LOM (ADF), climb to 2,600' on N course from LOM within 25 miles.
	Janesville VOR	LOM	328—37.0	2,400					S-dn 36 ILS	400–¾	400–¾	
	Lone Rock VOR	LOM	110—43.0	2,700					ADF	600–1	600–1	
	Int. W course MSN LFR and bearing 111 to LOM.	LOM	111—12.0	2,700					A-do	800–2	800–2	
	Int. E course MSN LFR and bearing 257° to LOM.	LOM	257—12.0	2,400								
	Int. 308 course from JVL-VOR and S course ILS final.	LOM	359—16.5	2,400								

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller from final approach to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when communication on final approach is lost for more than 5 seconds (b) directed by ground controller, (c) visual reference is not established upon descent to the authorized landing minimums, or (d) landing is not accomplished.

City and State; airport name, elevation, effective date	Radar terminal area maneuvering altitudes by sectors and limiting distances	Runway No.	Condition	Ceiling and visibility minimums: Precision approach (PAR) 75 m. p. h. or less	Precision approach (PAR) More than 75 m. p. h.	Surveillance approach (ASR) 75 m. p. h. or less	Surveillance approach (ASR) More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when communication on final approach is lost for more than 5 seconds (b) directed by ground controller, (c) visual reference is not established upon descent to the authorized landing minimums, or (d) landing is not accomplished.
1	2	3	4	5	6	7	8	9
INDIANAPOLIS, IND. Weir Cook Municipal, 796' Procedure No. 1 April 20, 1954	Bearings are from radar. Azimuths rotating clockwise. Distances within 25 miles. 280° to 120°, 2,000'. Sector 120° to 280°, 2,000'.	4, 9, 13, 15, 27, 31, 36	S-dn C-dn	....	....	400-1 500-1	400-1 500-1½	Runways 4, 9, 13, 18, climb to 2,300' on E course Ind. LFR and proceed to Greenfield Int. or as directed by ATC as follows: 1 Climb to 2,300' on S course of Ind. LFR within 25 miles. 2. Climb on SW course ILS to 1,900', proceed to LOM. Runways 22, 27, 31, 36, climb to 2,000' on W course of Ind. LFR within 15 miles of station or as directed by ATC as follows: 1 Climb on SW course ILS to 1,900', proceed to LOM. 2 Climb to 2,100' on NW course of Ind. LFR within 25 miles of station. *ASR straight-in approach minimums higher on Runway 22 because of ground clutter.
		22	S-dn C-dn	....	....	500-1 500-1	500-1½ 500-1½	
		All runways	T-dn A-dn	....	....	300-1 800-2	300-1 800-2	

5. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification, procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BURLINGTON, IOWA Burlington Muni. BVOR BRL Procedure No. 1 April 20, 1954	Burlington LFR	93—11.9	1,900	N side of course: 267° outbound. 287° inbound. 1,900' within 25 miles.	1,400	287—11.0	T-dn C-dn S-dn A-dn	300-1 700-2 700-2 800-2	300-1 700-2 700-2 800-2	Within 11.0 miles, climb to 2,000' on course 287° within 25 miles.
INDIANAPOLIS, IND. Weir Cook Municipal, 796' BVOR-IND Procedure No. 1 April 20, 1954	Ind. Indianapolis LFR	300—7.0	2,000	W side of course: 120° outbound. 300° inbound. 1,400' beyond 7 miles. 2,100' within 25 miles.	1,600	140—6.0	T-dn C-dn S-dn A-dn	300-1 500-1 500-1	300-1 500-1½ 500-1 800-2	Within 6.0 miles, climb to 2,100' on outbound course of 140° from and VOR within 25 miles or as directed by ATC as follows: 1 Climb to 2,000' on E course IND LFR and proceed to Greenfield Int. 2. Climb to 2,500' on S course of Ind LFR within 25 miles. 3 climb on SW course ILS to 1,900', proceed to LOM.
	Int. NW course Ind. LFR and 320° course from Ind VOR (final)	140—12.0	1,600							
	Int. E course of Ind LFR and NW course of Cincinnati LFR.	240—32.0	2,500							
	Int. W course of Ind LFR and 230° course from Ind VOR.	30—30.0	2,100							

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LAFAYETTE, IND. Purdue University, 605' BVOR-LAF Procedure No. 1 April 20, 1954	Lafayette LFR	98—5.0	2,100	E side of course: 128° outbound. 308° inbound. 2,100' within 25 miles.	1,600	308—3.0	T-dn C-dn A-dn	300-1 700-1½ 800-2	300-1 700-1½ 800-2	Within 3.0 miles, climb to 2,200' on outbound course of 308° within 25 miles of LAF VOR. CAUTION: Unlighted stack 851' mean sea level located approximately 1.5 miles NE of airport.
SALT FLAT, TEX. CAA Intermediate, 3,723' BVOR-SFL Procedure No. 1 May 1, 1954	Salt Flat LFR	153—3.0	5,800	W side of course: 340° outbound. 160° inbound. 4,900' within 15 miles. Beyond 15 miles not authorized.	4,300	On airport	T-dn T-n C-dn C-n S-dn S-n S-dn	300-1 300-2 600-1 600-2 600-1 600-2 800-2	300-1 300-2 600-1½ 600-2 600-1 600-2 800-2	Within 9 mile turn right and climb to 7,700' on 261° radial within 25 miles. CAUTION: Terrain 4,600' mean sea level approximately 2.5 miles WSW of airport.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-2976; Filed, Apr. 20, 1954; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

DULUTH-SUPERIOR HARBOR, MINN. AND WIS.

Pursuant to section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), paragraph (b) of § 207.400 relating to the operation of bridges across the channels of Duluth-Superior Harbor, Minnesota and Wisconsin, is hereby amended to effect a change in the signal for the opening of the Duluth Ship Canal bridge and the addition of an opening signal for the Transfer bridge at New Duluth, as follows:

§ 207.400 *Duluth-Superior Harbor, Minn. and Wis.; use, administration, and navigation, bridge and dumping regulations.* • • •

(b) *Bridge regulations.* • • •

(2) *Signals for opening bridges.* (i) Following are the number and kinds of blasts of the signal whistle or of a horn when a vessel is not navigated by steam or Diesel power, which shall be given as a signal for opening the respective bridges:

Duluth Ship Canal Bridge, 1 long, 1 short, 1 long, 1 short.

Interstate (Duluth-Superior) Bridge, 1 long, 1 short, 1 long.

Minnesota draw, Northern Pacific Railway bridge, 1 long, 2 short.

Wisconsin draw, Northern Pacific Railway bridge, 2 long, 2 short.

Grassy Point Bridge, 2 short, 1 long.

Arrowhead Bridge (Twin Ports), 3 long blasts.

Transfer Bridge, New Duluth, 3 long blasts.

The duration of a long blast should not exceed 3 seconds, and a short blast should not exceed 1 second.

• • • • •

[Regs., April 7, 1954, 800.211 (Duluth-Superior Harbor, Minn., Wis.)—ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 54-3029; Filed, Apr. 21, 1954; 8:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

YOSEMITE AND YELLOWSTONE NATIONAL PARKS

1. Paragraph (b) *Entrance roads* of § 20.16, entitled *Yosemite National Park*, is amended to read as follows:

(b) *Entrance roads.* Automobiles, trucks, and other vehicles permitted in the Park may enter and leave by the several entrances and travel upon the roads only during the hours and at the times and upon the conditions specified in the following schedules, except that during construction activities or other emergencies the Superintendent shall prescribe such hours as in his judgment are necessary for the protection of the public:

(1) *All-Year highway.* Entrance at Arch Rock open from 5 a. m. to 12 midnight every day of the year.

(2) *Wawona Road.* South entrance open from 6 a. m. to 12 midnight between May 29 and September 15, inclusive; during the remainder of the year from 6 a. m. to 10 p. m. Sunday to Thursday, inclusive, and from 6 a. m. to 11 p. m. Friday and Saturday. (Travel season: Entire year, except during periods of heavy snow.)

(3) *Big Oak Flat Road.* Big Oak Flat Road entrance open from 6 a. m. to 12 midnight from May 29 to September 15, inclusive. During the remainder of the year, the road is open from 6 a. m. to 10 p. m. (Travel season: About May 1 to November 1.)

(4) *Tioga Road.* Tioga Pass entrance open from 6 a. m. to 12 midnight between date of road opening and September 15, inclusive. During the remainder of the year, the road is open from 6 a. m. to 10 p. m. (Travel season: In normal years, latter part of June to October 15.)

(5) *Road to Hetch Hetchy Dam.* Mather Ranger Station entrance open from 6 a. m. to 9:30 p. m. (Travel season: About May 1 to October 15.)

(6) *Approximate dates.* Where approximate dates only are given, weather and other conditions obtaining will govern and signs will be posted accordingly.

2. Subparagraph (2), entitled *Limited open season*, of paragraph (e), entitled *Fishing*, of § 20.13, entitled *Yellowstone National Park*, is amended to read as follows:

(2) *Limited open season.* (i) Riddle Lake, Grebe Lake, Wolf Lake, the stream connecting Grebe and Wolf Lakes and the Yellowstone River and its tributaries from the Upper Falls at Canyon to the marking buoys at the outlet of Yellowstone Lake are open to fishing from sunrise on July 1 to sunset on October 15. Yellowstone Lake and Squaw Lake are open to fishing from sunrise on June 15 to sunset on October 15.

(ii) All streams emptying into Yellowstone Lake, except those closed for management or cultural purposes, are open to fishing from sunrise on July 15 to sunset on October 15. Streams trapped for egg taking purposes are closed during the spawning season. Closure of such streams will be indicated by signs. Mouths of streams shall include those portions of Yellowstone Lake marked by signs and buoys within 100 yards of the stream outlet and/or inlet.

(iii) The following waters are open to fishing from sunrise on May 30 to sunset on September 30:

Madison River.	Maple Creek.
Campanula Creek.	Grayling Creek.
Cougar Creek.	Duck Creek.
Gneiss Creek.	Tepee Creek.

3. Subdivision (i) of subparagraph (5), entitled *Limit of catch and in possession*, of paragraph (e), entitled *Fishing*, of § 20.13, entitled *Yellowstone National Park*, is amended to read as follows:

(i) In Yellowstone Lake, that portion of the Yellowstone River above the Upper Falls at Canyon, and the streams entering into these waters, the limit of catch per day by each person fishing, and the limit of fish in possession at any one time by any person, shall be 10 pounds of fish (dressed weight with heads and tails intact), plus one fish, not to exceed a total of 3 fish.

(Sec. 3, 49 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 15th day of April 1954.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-3018; Filed, Apr. 21, 1954; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1872]

PART 140—GENERAL REGULATIONS GOVERNING COLOR-OF-TITLE CLAIMS

Part 140 is completely revised, to read as follows:

Sec.
- 140.1 Statutory authority.
- 140.2 Definition.
- 140.3 Classes of claims.
- 140.4 Who may apply.
- 140.5 Description of lands applied for.
- 140.6 Application.
- 140.7 Presentation and verification of factual statements.
- 140.8 Minerals.
- 140.9 Sale price of land.
- 140.10 Acreage limitation.
- 140.11 Payment.
- 140.12 Publication; protests.

AUTHORITY: §§ 140.1 to 140.12 issued under R. S. 2478; 43 U. S. C. 1201.

§ 140.1 *Statutory authority.* The act of December 22, 1928 (45 Stat. 1069; 43 U. S. C. 1068, 1068a), as amended by the act of July 28, 1953 (67 Stat. 227, Public Law 159, 83d Congress), authorizes the issuance of patent for not to exceed 160 acres of public lands held under claim or color of title of either of the two classes described in § 140.3, upon payment of the sale price of the land.

§ 140.2 *Definition.* "The act", when used in this part, means the act of December 22, 1928 (45 Stat. 1069; 43 U. S. C. 1068, 1068a), as amended by the act of July 28, 1953 (67 Stat. 227, 43 U. S. C. 1068a).

§ 140.3 *Classes of claims.* The claims recognized by the act will be referred to in this part as claims of class 1, and claims of class 2. A claim of class 1 is one which has been held in good faith and in peaceful, adverse possession by a claimant, his ancestors or grantors, under claim or color of title for more than 20 years, on which valuable improvements have been placed, or on which some part of the land has been reduced to cultivation. A claim of class 2 is one which has been held in good faith and in peaceful, adverse possession by a claimant, his ancestors or grantors, under claim or color of title for the period commencing not later than January 1, 1901, to the date of application, during which time they have paid taxes levied on the land by State and local governmental units.

§ 140.4 *Who may apply.* Any individual, group, or corporation authorized to hold title to land in the State and who believes he has a valid claim under color of title may make application.

§ 140.5 *Description of lands applied for.* Application under the act may be made for surveyed or unsurveyed lands. If unsurveyed, the description must be sufficiently complete to identify the location, boundary, and area of the land and, if possible, the approximate description or location of the land by section, township, and range. If unsurveyed land is claimed, final action will be suspended until the plat of survey has been officially filed.

§ 140.6 *Application.* (a) An application for a claim of class 1 or of class 2 must be filed in duplicate on Form 4–1250.[1] It must be filed with the land office for the district in which the land is situated, or, if there is no land office for the district in which the land is situated, with the Director, Bureau of Land Management, Washington 25, D. C.

(b) Every application must be accompanied by a filing fee of $10, which will be nonreturnable.

[1] Filed as part of the original document.

(c) The application must be in typewritten form, or in legible handwriting, and it must be completely executed and signed by the applicant.[2]

(d) Every applicant must furnish information required in the application form concerning improvements, cultivation, conveyances of title, taxes, and related matters.

§ 140.7 *Presentation and verification of factual statements.* (a) Information relating to all record and nonrecord conveyances, or to nonrecord claims of title, affecting the land shall be itemized on Form 4–1251.[1] The statements of record conveyances must be certified by the proper county official or by an abstractor. The applicant may be called upon to submit documentary or other evidence relating to conveyances or claims. Abstracts of title or other documents which are so requested will be returned to the applicant.

(b) Applicants for claims of class 2 must itemize all information relating to tax levies and payments on the land on Form 4–1252,[1] which must be certified by the proper county official or by an abstractor.

§ 140.8 *Minerals.* (a) All patents issued under the act will reserve to the United States all fissionable source materials.

(b) Any applicant who satisfied all requirements for a claim of class 1 or of class 2 commencing not later than January 1, 1901, to the date of application and who so requests in the application will receive a patent conveying title to all other minerals except:

(1) Any minerals which, at the time of approval of the application, are embraced by an outstanding mineral lease or

(2) Any minerals for which the lands have been placed in a mineral withdrawal.

All other patents will reserve all minerals to the United States.

(c) All mineral and fissionable material reservations will include the right to prospect for, mine, and remove the same in accordance with applicable law.

§ 140.9 *Price of land.* The land applied for will be appraised on the basis of its fair market value at the time of appraisal. However, in determination of the price payable by the applicant, value resulting from improvements or development by the applicant or his predecessors in interest will be deducted from the appraised price, and consideration will be given to the equities of the applicant. In no case will the land be sold for less than $1.25 per acre.

§ 140.10 *Acreage limitation.* No patent will be issued pursuant to an application under the act which exceeds 160 acres.

§ 140.11 *Payment.* Applicant will be required to make payment of the sale price of the land within the time stated in the request for payment.

§ 140.12 *Publication; protests.* (a) The applicant will be required to publish once a week for four consecutive weeks in accordance with § 106.18 of this chapter, at his expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to file in the land office for the district in which the land is situated, or if there is no land office for the district in which the land is situated, with the Director, Bureau of Land Management, Washington 25, D. C., their objections to the issuance of patent under the application. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service.

(b) The applicant must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 15, 1954.

[F. R. Doc. 54-3017; Filed, Apr. 21, 1954; 8:46 a. m.]

[2] 18 U. S. C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

Appendix—Public Land Orders

[Public Land Order 955]

NEW MEXICO

MODIFYING PUBLIC LAND ORDER NO. 142 OF JUNE 16, 1943

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 142 of June 16, 1943, reserving under the jurisdiction of the Department of the Interior certain public lands in New Mexico for use in connection with the prosecution of the war is hereby modified to the extent necessary to permit disposal of the following-described lands under applicable public land laws by a State exchange or State selection:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 13 W.,
Sec. 12, lot 1.

The area described contains 31.71 acres.

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 15, 1954.

[F. R. Doc. 54-3016; Filed, Apr. 21, 1954; 8:45 a. m.]

[Public Land Order 956]

ALASKA

AMENDING PUBLIC LAND ORDER NO. 945 OF MARCH 18, 1954

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 945 of March 18, 1954 (19 F. R. 1583) revoking Executive Order No. 5214 of October 30, 1929 is hereby amended by adding at the end of the sixth paragraph the following sentence:

All applications filed pursuant to the veterans' preference act of 1944, on or before 10:00 a. m. of the 35th day (April 22, 1954) after the date of this order shall be treated as though simultaneously filed at that time; all other applications under the public land laws filed on or before 10:00 a. m. of the 126th day (July 22, 1954) after the date of this order shall be treated as though simultaneously filed at that time.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

APRIL 20, 1954.

[F. R. Doc. 54-3077; Filed, Apr. 21, 1954; 10:24 a. m.]

TITLE 50—WILDLIFE

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter A—International Fisheries Commission

PART 301—PACIFIC HALIBUT FISHERIES

Part 301 of Chapter III, Title 50, is revised to read as follows:

Sec.
- 301.1 Regulatory areas.
- 301.2 Length of halibut fishing season.
- 301.3 Closed seasons.
- 301.4 Catch limits in Areas 2 and 3A.
- 301.5 Size limits.
- 301.6 Licensing of vessels.
- 301.7 Retention of halibut, taken under permit.
- 301.8 Conditions limiting validity of permits.
- 301.9 Statistical return by vessels.
- 301.10 Statistical return by dealers.
- 301.11 Closed nursery grounds.
- 301.12 Dory gear prohibited.
- 301.13 Nets prohibited.
- 301.14 Retention of tagged halibut.
- 301.15 Responsibility of master.
- 301.16 Supervision of unloading and weighing.
- 301.17 Previous regulations superseded.

AUTHORITY: §§ 301.1 to 301.17 issued under Art. III, 50 Stat., Part 2, 1353.

§ 301.1 *Regulatory areas.* (a) Convention waters which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern as well as the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1A (South of Heceta Head) shall include all convention waters southeast of a line running northeast and southwest through Heceta Head Light, as shown on Chart 5802, published in July, 1947, by the United States Coast and Geodetic Survey, which light is approximately latitude 44°08'18" N., longitude 124°07'36" W.

(c) Area 1B (Heceta Head to Willapa Harbor) shall include all convention waters between Area 1A and a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in July, 1939, by the United States Coast and Geodetic Survey, which light is approximately in latitude 46°43'17" N., longitude 124°04'15" W.

(d) Area 2 (Willapa Harbor to Cape Spencer) shall include all convention waters off the coasts of the United States of America and of Alaska and of Canada between Area 1B and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June, 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'57" N., longitude 136°38'18" W., thence south one-quarter east and is exclusive of the nursery areas closed to all halibut fishing in § 301.11.

(e) Area 3A (Cape Spencer to Sanak Islands) shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running approximately south three-quarters east from the Alaska Peninsula, near Bold Cape approximately latitude 55° 01'15" N., longitude 162°15'45" W., through the highest point on Dear Island approximately latitude 54°57'45" N., longitude 162°16'45" W., and through the highest point on Caton Island approximately latitude 54°24'00" N., longitude 162°26'00" W. The points on the Alaska Peninsula, on Deer and Caton Islands shall be determined from Chart 8860 as published December, 1942, by the United States Coast and Geodetic Survey, Washington, D. C.

(f) Area 3B (West of Sanak Islands including Bering Sea) shall include all the convention waters off the coast of Alaska which are not included in Area 3A or in Area 2 or in the nursery area described in § 301.11 (b).

§ 301.2 *Length of halibut fishing seasons.* (a) In Area 1A, the halibut fishing season shall commence at 12:01 a. m. of the 16th day of May and terminate at 11:59 p. m. of the same day that the third halibut fishing season in Area 3B shall terminate.

(b) In Area 1B, the halibut fishing seasons shall commence and terminate at the same times as the halibut fishing seasons in Area 2 shall commence and terminate.

(c) In Area 2, there shall be two halibut fishing seasons: The first season commencing at 12:01 a. m. of the 16th day of May and terminating at 11:59 p. m. on a date to be determined and announced under § 301.4 (b); the second season, of 8 days, commencing at 12:01 a. m. of the 1st day of August and terminating at 11:59 p. m. of the 8th day of August, or if the termination of the first season in Area 2 or in Area 3A be later than 11:59 p. m. of the 22d day of July the second season in Area 2 shall commence at 12:01 a. m. of the tenth day after termination of the first season in Area 2 or in Area 3A whichever shall be later and terminate at 11:59 p. m. of the 8th day after commencement of the second fishing season in this area.

(d) In Area 3A, there shall be two halibut fishing seasons: The first commencing at 12:01 a. m. of the 16th day of May and terminating at 11:59 p. m. on a date to be determined and announced under § 301.4 (b); the second

season, of 10 days, commencing at 12:01 a. m. of the 1st day of August and terminating at 11:59 p. m. of the 10th day of August, or if the termination of the first season in Area 2 or in Area 3A be later than 11:59 p. m. of the 22d day of July the second season in Area 3A shall commence at 12:01 a. m. of the 10th day after termination of the first season in Area 2 or in Area 3A whichever shall be later and terminate at 11:59 p. m. of the 10th day after commencement of the second fishing season in this area.

(e) In Area 3B, there shall be three halibut fishing seasons; The first and the second fishing seasons commencing and terminating at the same times as the first and second fishing seasons respectively in Area 3A; the third season, of 25 days, commencing at 12:01 a. m. of the 5th day after the termination of the second fishing season and terminating at 11:59 p. m. of the 30th day after the termination of the second season provided the latter date is not later than 11:59 p. m. of the 30th day of November when all convention waters shall be closed to halibut fishing as provided in § 301.3 (b).

§ 301.3 *Closed seasons.* (a) Under paragraph 1 of Article 1 of the Convention, all convention waters shall be closed to halibut fishing except as provided in § 301.2.

(b) All convention waters, if not already closed under other provisions of this part, shall be closed to halibut fishing at 11:59 p. m. of the 30th day of November and shall remain closed until re-opened as provided in § 301.2, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in this part shall prohibit the fishing for species of fish other than halibut or prohibit the International Pacific Halibut Commission, hereafter in this part referred to as "the Commission," from conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article I of the Convention.

§ 301.4 *Catch limits in Areas 2 and 3A.* (a) The quantity of halibut to be taken during the first halibut fishing season in Area 2 and during the first halibut fishing season in Area 3A in 1954 shall be limited to 26,500,000 pounds and 28,000,000 pounds respectively of salable halibut, the weights in each limit to be computed as with heads off and entrails removed.

(b) The Commission shall as early in the said year as is practicable determine and announce the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for halibut in the area or areas to which each limit applies shall at that date be prohibited until each area is re-opened to halibut fishing as provided in § 301.2, and provided that if it shall at any time become evident to the Commission that the limit will not be reached by such date, it may substitute another date.

(c) No catch limits shall apply to the second halibut fishing season in Area 2 or to the second halibut fishing season in Area 3A, or to any halibut fishing season in any other area.

§ 301.5 *Size limits.* The catch of halibut to be taken from all areas during the year 1954 shall be limited to halibut which with head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

§ 301.6 *Licensing of vessels.* (a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed unless they shall require a permit as provided in § 301.7.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in § 301.8 and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 1A as defined in § 301.1 must be validated at a port or place within Area 1A prior to each such fishing operation when Areas 1B and 2 are closed to halibut fishing

(f) The halibut license of any vessel fishing for halibut in Area 3B during the third halibut fishing season as defined in § 301.2 (e) must be validated at a port or place within Area 3B prior to such fishing and again before said vessel departs from Area 3B subsequent to such fishing if said vessel has any halibut on board.

(g) A halibut license shall not be validated for departure for halibut fishing in Areas 1A or 1B or 2 more than 48 hours prior to the commencement of any halibut fishing season in said areas; nor for departure for halibut fishing in Areas 3A or 3B from any port or place inside said areas more than 48 hours prior to the commencement of any halibut fishing season in said areas; nor for departure for halibut fishing in Areas 3A or 3B from any port or place outside said areas more than 5 days prior to the commencement of any halibut fishing season in said areas.

(h) A halibut license shall not be valid for halibut fishing in more than one of Areas 1A, 1B or 3A, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another of said areas while the vessel has any halibut on board.

(i) A halibut license shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to or within a port of sale and as provided in paragraph (k) of this section.

(j) A halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

(k) A halibut license when validated for halibut fishing in Area 3A shall not be valid for the possession of any halibut in Area 2 if said vessel is in possession of baited gear more than 25 miles from Cape Spencer Light, Alaska; and a halibut license when validated for halibut fishing in Area 3B shall not be valid for the possession of any halibut in Area 3A, when Area 3A is closed to halibut fishing, if said vessel is in possession of baited gear more than 20 miles by navigable water route from the eastern boundary of Area 3B.

(l) No person on any vessel which is required to have a halibut license under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued and in force in conformity with the provisions of this section.

§ 301.7 *Retention of halibut taken under permit.* (a) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8 such halibut as is caught incidentally to fishing by that vessel in any area after it has been closed to halibut fishing under § 301.2 or § 301.4 with set lines (of the type commonly used in the Pacific Coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other specices not including salmon or tuna, and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed, provided that it shall not be a violation of this part for any such vessel to have in possession halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty per cent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (e) of this section.

(b) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8 such halibut as is caught incidentally to fishing for species of crab by that vessel in that part of Area 3B known as Bering Sea after 12:01 a. m. of the 16th day of May of the year 1954 with bottom trawl nets (of the type commonly used in the Bering Sea king crab fishery) whose cod ends or fish bags shall consist of webbing whose dry-stretched mesh shall measure not less than 12 inches between knots or hog rings, not to exceed at any time one pound of halibut for each five pounds drained weight of salable picked crab meat or the equivalent drained weight of crab meat in the shell or in vacuum-packed heat processed containers. The equivalent weight of meat in the shell shall be computed on the basis of 15 pounds of meat in the shell being equal to 6 pounds of drained picked crab meat and the equivalent weight of processed meat shall be computed on the basis of 6½ ounces of drained weight of processed crab being equal to 8 ounces of picked crab meat.

(c) Halibut retained under such permit shall not be filleted, fletched, steaked or butchered beyond the removal of the head and entrails while on the catching vessel.

(d) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of the Governments of Canada or the United States by the captain or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish or crabs shall be landed or removed or be received from the catching vessel except with the permission of said officer and under such supervision as the said officer may deem advisable.

(e) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section until such excess whatever its origin shall have been forfeited and surrendered to the customs, fishery or other authorized officers of the Governments of Canada or the United States. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut, provided that the amount retained shall not exceed the proportion herein allowed.

(f) Permits for the retention and landing of halibut caught in Areas 1A, 1B, 2, 3A or 3B, exclusive of that part known as Bering Sea, in the year 1954 shall become invalid at 11:59 p. m. of the 15th day of November of said year or at such earlier date as the Commission shall determine.

(g) Permits shall become invalid for the retention of halibut caught in that part of Area 3B known as Bering Sea after 11:59 p. m. of the 14th day of November in the year 1954 and shall become invalid for the landing of halibut caught under permit in that part of Area 3B known as Bering Sea after 11:59 p. m. of the 14th day of December of the year 1954 or at such earlier dates as the Commission shall determine.

§ 301.8 *Conditions limiting validity of permits.* (a) Any vessel which shall be used in fishing for other species than halibut in any area after it has been closed to halibut fishing under § 301.2 or § 301.4 must have a halibut license and a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in § 301.7.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area or areas for which the permit is issued.

(c) The permit shall terminate at the time of first landing thereafter of fish or crabs of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish in an open area unless such halibut shall be considered as taken under the issued permit and shall thereby be subject to forfeiture when landed if in excess of the proportion permitted in § 301.7 (a) or (b).

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific Coast halibut fishery except in that part of Area 3B known as Bering Sea as provided in § 301.7 (b).

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area or areas in which the vessel will fish is entered on the halibut license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license or permit, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the permit of such vessel may be granted by customs or fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(g) A permit shall not be valid for the landing of halibut caught incidentally to fishing for crabs in that part of Area 3B known as Bering Sea unless the vessel shall show documentary evidence of date of departure from some port or place within said area, or from Akutan, Alaska, subsequent to such fishing. Such documentary evidence may consist of a certified written statement of a properly identified and responsible resident within that part of Area 3B known as Bering Sea or at Akutan.

(h) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under § 301.7 (a) or (b).

(i) No person shall retain, land or sell any halibut caught incidentally to fishing for other species in any area closed to halibut fishing under § 301.2 or § 301.4, or shall have halibut of any origin in his possession during such fishing, unless such person is a member of the crew of and is upon a vessel with a halibut license and with a valid permit issued and in force in conformity with the provisions of § 301.7 and this section.

§ 301.9 *Statistical return by vessels.* (a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under this part and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in §§ 301.7 and 301.8, within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area defined in this part, for which the vessel's license is validated for halibut fishing or within the area or areas for which the vessel's license is endorsed as a permit.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required.

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed or holding a permit under this part may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its correctness to the best of his information and belief and

to support the certificate by a sworn statement. Validation of a halibut license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under this part may be required by the Commission or by any officer of the Governments of Canada or the United States to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

§ 301.10 *Statistical return by dealers.* (a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of the Governments of Canada or the United States or to representatives of the Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms or corporations receiving fish from a vessel fishing under permit as provided in § 301.7 shall within 48 hours make to an authorized enforcing officer of the Governments of Canada or the United States a signed statistical return showing the date, locality, name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with § 301.7 (d). Such persons, firms or corporations may be required by any officer of the Governments of Canada or the United States to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be open at all times to inspection by any enforcement officer of the Governments of Canada or the United States or of any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

(e) No person, firm or corporation shall unload any halibut from any vessel that has fished for halibut in Area 3B during the third halibut fishing season as defined in § 301.2 (e) unless the license of said vessel has been validated at a port or place in Area 3B as required in § 301.6 (f) or unless permission to unload such halibut has been secured from an enforcement officer of the Governments of Canada or the United States.

§ 301.11 *Closed nursery grounds.* (a) The following areas have been found to be populated by small, immature halibut and are designated as nursery grounds and closed to halibut fishing, and no person shall fish for halibut in either of such areas, or shall have halibut in his possession while fishing for other species therein, or shall have halibut of any origin in his possession therein excepting in the course of a continuous transit across such area.

(b) First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the magnetic compass unless otherwise indicated: From the north extremity of Cape Ulitka, Noyes Island, approximately latitude 55°33'48" N., longitude 133°43' 35" W., to the south extremity of Wood Island, approximately latitude 55°39'44" N., longitude 133°42'29" W.; thence to the east extremity of Timbered Islet, approximately latitude 55°41'47" N., longitude 133°47'42" W.; thence to the true west extremity of Timbered Islet, approximately latitude 55°41'46" N., longitude 133°48'01" W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude 55°34'46" N., longitude 134°14'40" W.; thence southeast by south twelve and one-half miles to a point approximately latitude 55°22'23" N., longitude 134°12'48" W.; thence northeast thirteen and seven-eighths miles to the southern extremity of Cape Addington, Noyes Island, latitude 55° 26'11" N., longitude 133°49'12" W.; and to the point of origin on Cape Ulitka. The boundary lines herein indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D. C., in June, 1929, and Chart 8152, as published by the United States Coast and Geodetic Survey at Washington, D. C., in March, 1933, and reissued March, 1939, except for the point of Cape Addington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December, 1923, provided that the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

(c) Second, that area lying in the waters off the northern coast of Graham Island, British Columbia, within the following boundary, and including the waters of Sturgess Bay, Masset Sound, Masset Inlet, and bays and inlets thereof: From the northwest extremity of Wiah Point, latitude 54°06'50" N., longitude 132°19'18" W., true north five and one-half miles to a point approximately latitude 54°12'20" N., longitude 132°19' 18" W.; thence true east approximately sixteen and three-tenths miles to a point which shall lie northwest (according to magnetic compass at any time) of the highest point of Tow Hill, Graham Island, latitude 54°04'24" N., longitude 131°48'00" W.; thence southeast to the said highest point of Tow Hill. The points on the shoreline of the above mentioned island shall be determined from Chart 3754, published at the Admiralty, London, April 11, 1911, provided that the duly authorized officers of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

§ 301.12 *Dory gear prohibited.* The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of this part is prohibited in all convention waters.

§ 301.13 *Nets prohibited.* (a) It is prohibited to retain halibut taken in Areas 1A, 1B, 2, 3A and in Area 3B exclusive of that part known as Bering Sea with a net of any kind or to have in possession any halibut in said areas while using any net or nets other than bait nets for the capture of other species of fish, nor shall any license or permit validated for said areas under this part be valid during the use or possession on board of any net or nets other than bait nets, provided that the character and the use of said bait nets conform to the laws and regulations of the country where they may be utilized and that said bait nets are utilized for no other purpose than the capture of bait for said vessel.

(b) It is prohibited to retain halibut taken in that part of Area 3B known as Bering Sea with any net which does not have a cod end or fish bag of webbing whose dry stretched mesh measures 12 inches or more between knots or hog rings, nor shall any license or permit held by any vessel fishing for crabs in that part of Area 3B known as Bering Sea be valid for the possession of halibut during the use or possession on board of any net which does not have a cod end or fish bag of webbing whose dry stretched mesh measures 12 inches or more between knots or hog rings.

§ 301.14 *Retention of tagged halibut.* Nothing contained in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

§ 301.15 *Responsibility of master.* Wherever in this part any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.16 *Supervision of unloading and weighing.* The unloading and weighing of the halibut of any vessel licensed under this part and the unloading and weighing of halibut and other species of any vessel holding a permit under this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of this part.

§ 301.17 *Previous regulations superseded.* The regulations in this part shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed January 29, 1937, except as to offenses occurring prior to the approval of this part. The regulations in this part shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the Commission pursuant to this part shall become effective immediately.

EDWARD W. ALLEN,
Chairman.
GEORGE R. CLARK,
Vice-Chairman.
HAROLD S. HELLAND,
J. W. MENDENHALL,
RICHARD NELSON,
SETON H. THOMPSON.

Signed:

EDWARD W. ALLEN,
Chairman.
H. A. DUNLOP,
Secretary.

Approved:

DWIGHT D EISENHOWER.

APRIL 9, 1954.

[F. R. Doc. 54-3023; Filed, Apr. 21, 1954; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 949]

[Docket No. AO 232-A3]

MILK IN THE SAN ANTONIO, TEXAS MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 215, U. S. Post Office and Court House, San Antonio, Texas, beginning at 10:00 a. m., c. s. t., April 26, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the San Antonio, Texas marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area were proposed, as enumerated below:

By Producers Association of San Antonio Incorporated:

1. Amend the allocations and pooling procedures of Order No. 49 for a limited period to preclude the allocations of other source milk which is not subject to pool payment, to Class I utilization to the extent that producer milk is available on a market-wide basis to supply such sale, for the purpose of providing uniform class prices among all handlers; or

2. Amend Order No. 49 for a limited period to require a payment to the market-wide pool by handlers who receive other source milk from other Federal regulated markets which have a Class I price less than that provided by Order No. 49 at a rate equal to the difference between such Class I prices and to the extent that producer milk is available on a market-wide basis to supply such sale, for the purpose of providing uniform class prices among all handlers;

3. Delete from § 949.51 (d) the following: "The provision of this paragraph shall operate only to the extent that the difference between the Class I price pursuant to the order, as amended, regulating the handling of milk in the North Texas marketing area (Part 943 of this chapter) and the Class I price pursuant to this section shall not be greater than 50 cents."

By the Dairy Branch:

4. Make such other changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 1204 North Main Avenue, San Antonio 2, Texas, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

Dated: April 19, 1954, at Washington, D. C.

[SEAL] GEORGE A. DICE,
Acting Deputy Administrator.

[F. R. Doc. 54-3036; Filed, Apr. 21, 1954; 8:50 a. m.]

Commodity Stabilization Service

[7 CFR Part 722]

1954 CROP OF UPLAND COTTON

NOTICE OF PROPOSED FORMULATION OF MARKETING QUOTA REGULATIONS

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), the Secretary of Agriculture is preparing to formulate marketing quota regulations governing the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by cotton producers, ginners, buyers and others; and other miscellaneous provisions regarding the production and marketing of cotton. The proposed regulations will apply to cotton produced in 1954 and also to cotton produced in a prior year which is marketed during the 1954-55 marketing year. The proposed regulations will supplement the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Upland Cotton to States, Counties and Farms, issued November 26, 1953 (18 F. R. 7441), as amended.

The provisions of the regulations being considered for issuance are as follows:

DEFINITIONS AND MISCELLANEOUS PROVISIONS

§ 722.542 *Definitions.* As used in §§ 722.542 to 722.586 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(e) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committees": (1) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (14 F. R. 5916).

(2) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (14 F. R. 5916).

(3) "State committee" means the persons designated by the Secretary as the Agricultural Stabilization and Conservation committee for the State.

(4) "Review committee" means the review committee appointed by the Secretary pursuant to section 363 of the act.

(f) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, the Federal Government, or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(g) "Owner" or "landlord" means a person who owns farm land and rents such land to another person or who operates such land.

(h) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(i) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Deputy Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(m) "Farm acreage allotment" means a cotton acreage allotment established for a farm under the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Upland Cotton to States, Counties and Farms (18 F. R. 7441), as amended.

(n) "Upland cotton" (referred to in §§ 722.542 to 732.586 as "cotton") means any cotton other than extra long staple cotton.

(o) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(p) "Acreage planted to cotton" means the acreage of land seeded to cotton on the farm in 1954, excluding any acreage in excess of the allotment which is (1) destroyed by causes beyond the producer's control prior to the expiration of the period established under subparagraph (2) of this paragraph for disposing of excess cotton acreage, or (2) disposed of not later than 20 days, or such longer period as is approved in writing by the county committee, after notice of the measured cotton acreage is mailed to the farm operator.

(q) "State and county code number" means the applicable numbers assigned by the Commodity Stabilization Service of the United States Department of Agriculture to each State and county for the purpose of identification.

(r) "Serial number of the farm" or "farm serial number" means the serial number assigned to the farm by the county committee.

(s) "Normal yield" means the average yield per acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years 1948, 1950, 1951, 1952 and 1953 except that if the normal yield is established after December 31, 1954, such normal yield shall be determined on the basis of the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised, in accordance with instructions issued by the Deputy Administrator, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.

(t) "Normal production" of any number of acres means the normal yield per acre of lint cotton for the farm multiplied by such number of acres.

(u) "Actual production" of cotton on the farm means the total number of pounds of lint cotton determined to have been produced on the farm in 1954.

(v) "Actual yield" per acre means the number of pounds of lint cotton determined by dividing the actual production of cotton on the farm by the acreage planted to cotton on the farm in 1954.

(w) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper, is entitled to all or a share of the 1954 crop of cotton or of the proceeds thereof.

(x) "Farm marketing quota" means a cotton marketing quota established under the Act for the farm for the 1954 crop of cotton.

(y) "Farm marketing excess" means the amount of cotton determined for any farm under § 722.550 or § 722.552, whichever is applicable.

(z) "Farm with no farm marketing excess" means a farm on which the acreage planted to cotton in 1954 is not in excess of the farm acreage allotment established therefor.

(aa) "Farm with a farm marketing excess" means a farm on which the acreage planted to cotton in 1954 is in excess of the farm acreage allotment established therefor.

(bb) "Penalty" means the penalty provided in section 346 (a) of the act and § 722.566.

(cc) "Seed cotton" means the harvested fruit of the cotton plant before ginning.

(dd) "Lint cotton" means the fiber taken from seed cotton by ginning.

(ee) "Carry-over cotton" means the unmarketed cotton from any previous crop which the producer thereof has on hand.

(ff) "Ginning" means the process by which lint cotton is removed from the cotton seed.

(gg) "Ginner" means a person engaged in the business of ginning cotton.

(hh) "Gin bale number or mark" means the number entered on the bale tag or any other mark made or used by the ginner to identify a bale of cotton.

(ii) "Warehouse receipt number" means the number on the warehouse receipt and the warehouse bale tag made or used by the warehouseman to identify a bale of cotton.

(jj) "Buyer" means a person who acquires cotton from a producer by sale.

(kk) "Transferee" means a person who receives cotton from a producer by barter, or exchange, or gift inter vivos.

(ll) "Market" means to dispose of cotton in raw or processed form by voluntary or involuntary sale, barter or exchange, or by gift inter vivos.

(1) The term "sale" means any transfer of title to cotton by a producer to another by any means other than barter or exchange or gift inter vivos.

(2) The terms "barter" and "exchange" means transfer of title to cotton by a producer to another in return for cotton or any other commodity, service, or property in cases where the value of the cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to cotton by a producer to another in payment of a fixed rental or other charge for land.

(3) The term "gift inter vivos" means any transfer of title, accompanied by delivery, to cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(4) "Marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(mm) "Marketing year" means the period beginning August 1, 1954, and ending July 31, 1955, both dates inclusive.

(nn) "Treasurer of county committee" means the county office manager or the person designated by him to act as treasurer of the Agricultural Stabilization and Conservation county committee.

§ 722.543 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions as are necessary for carrying out §§ 722.542 to 722.586. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or the Director.

§ 722.544 *Extent of calculations and rule of fractions.* In making any computation in connection with §§ 722.542 to 722.586, the amount of lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds shall be rounded to the nearest whole cent. Fractions of exactly five-tenths of a pound or cent shall be dropped. The acreages of all fields, or subdivisions thereof, of cotton on the farm shall be expressed in hundredths of an acre, and thousandths of an acre shall be dropped. The total acreage of cotton on the farm shall be expressed in tenths of an acre, and hundredths of an acre shall be dropped.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 722.545 *Identification of farms.* Each farm as operated for the 1954 crop of cotton shall be identified by a farm serial number, assigned by the county committee, and all records pertaining to marketing quotas for the 1954 crop of cotton shall be identified by the farm serial number.

§ 722.546 *Measurements of farms.* The county committee shall provide for measuring the acreage planted to cotton on each farm in the county in accordance with the procedure approved by the Deputy Administrator. The county committee shall provide for the measurement prior to planting of an acreage on the farm equal to the farm acreage allotment, if the farm operator requests such measurement and pays the cost thereof, and any farm on which the acreage planted to cotton does not exceed such measured acreage shall be deemed to be in compliance with the farm acreage allotment. The county committee shall also provide for the remeasurement upon request by the farm operator of the acreage planted to cotton on the farm but the operator shall be required to reimburse the county committee for the expense of such remeasurement if the planted acreage is found upon such remeasurement to be in excess of the farm acreage allotment. If the acreage planted to cotton on the farm is in excess of the farm acreage allotment, the county committee shall notify the farm operator by mail of such excess and shall further notify such operator that unless the planted acreage of cotton on the farm is adjusted to the farm acreage allotment within 20 days from the date of the mailing of such notice, or such additional time as provided for herein, the farm marketing excess for the farm will be determined on the basis of the excess acreage and the farm normal yield. Notice so given shall constitute notice to each producer having an interest in the 1954 cotton crop produced on the farm. In cases where the operator cannot dispose of the excess cotton acreage within the 20-day period because of adverse weather conditions, or other reasons beyond his control, and a request in writing for additional time is filed, the county committee may allow an additional period not to exceed 10 days for disposing of the excess acreage. No cotton acreage shall be disposed of for purposes of adjusting the planted acreage of cotton to the farm acreage allotment after any cotton has been harvested from such planted acreage.

§ 722.547 *Reports and records of farm measurements.* The county committee shall keep a record of the measurements made on all farms. It shall file with the State committee a written report on Form MQ-94—Cotton, setting forth for each farm with a farm marketing excess (a) the farm serial number, (b) the name of the operator, (c) the total acreage in cultivation, (d) the farm acreage allotment, and (e) the acreage planted to cotton in 1954.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.548 *Marketing quotas in effect.* Marketing quotas for the 1954 crop of cotton shall be applicable to any cotton of that crop notwithstanding that it may be available for marketing prior to the beginning of the marketing year or marketed subsequent to the end of the marketing year.

§ 722.549 *Farm marketing quota.* The farm marketing quota for any farm for the 1954 crop of cotton shall be that number of pounds of lint cotton produced on the farm less the amount of the farm marketing excess for the farm. The farm marketing quota for any farm shall be increased by the amount of lint cotton which the producers on the farm have on hand from any previous crops except cotton of the 1950 crop on which the penalty has not been paid.

§ 722.550 *Farm marketing excess—*

(a) *Where measurements are made.* The farm marketing excess for the 1954 crop of cotton for any farm shall be the normal production of the acreage planted to cotton on the farm in excess of the farm acreage allotment. Where, upon application of the producer in accordance with § 722.552, it is established by the producer that the normal production of the excess acreage is larger than the amount by which the actual production of cotton in 1954 on the farm exceeds the normal production of the farm acreage allotment, the farm marketing excess shall be adjusted downward to the smaller amount.

(b) *Where measurements cannot be made.* Whenever the producer prevents the determination of the acreage planted to cotton on his farm, the farm marketing excess shall be the total number of pounds of lint cotton produced in 1954 on the farm. In the event the producer establishes, in accordance with § 722.552, the total number of pounds of lint cotton produced in 1954 on the farm, the farm marketing excess shall be the number of pounds of lint cotton produced on the farm in excess of the normal production of the farm acreage allotment therefor.

(c) *Where no farm acreage allotment is established.* The farm marketing excess for any farm for which a farm acreage allotment is not established shall be the normal production of the acreage planted to cotton on the farm. Where, upon application of the producer in accordance with § 722.552, it is established by the producer that the normal production of the acreage planted to cotton on the farm is larger than the actual production of cotton on the farm in 1954, the farm marketing excess shall be adjusted downward to the smaller amount. Whenever the determination of the acreage planted to cotton on a farm for which no farm acreage allotment is established is prevented by the producer, the farm marketing excess shall be the total number of pounds of lint cotton produced in 1954 on the farm.

§ 722.551 *Notice of farm marketing quota and farm marketing excess.* Written notice of the farm marketing quota established for a farm shall be mailed to the operator of such farm. Written notice of the farm marketing excess for a farm shall be mailed to the operator of such farm. Notice so given shall constitute notice to each producer having an interest in the 1954 cotton crop produced or to be produced on the farm. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota or farm marketing excess, or any determination made in connection therewith, may be had in accordance with section 363 of the act. A record of the date of mailing the notice to the operator of the farm shall be kept among the permanent records of the county committee and upon request a copy of the notice shall be furnished without charge to any producer on the farm for which the notice is given. Such notice shall contain the information necessary in each case to inform the producer as to

the basis for the determinations set forth in the notice and the effect thereof.

§ 722.552 *Farm marketing excess adjustment—(a) Adjustment in the amount of the farm marketing excess.* Any producer having an interest in the cotton produced in 1954 on any farm for which there is a farm marketing excess may apply in writing to the county committee, as provided herein, for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in 1954 on the farm. Any such application shall be filed with the county committee within 30 days after the harvesting of cotton is completed on the farm, or any extension of such time approved by the State committee to not later than March 15, 1955, on the basis of a recommendation by the county committee that the producer's failure to apply for such adjustment within the 30-day period was due to circumstances beyond his control. If the harvesting of cotton on the farm has not been completed by March 15, 1955, but an application has been timely filed under the foregoing provisions of this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested cotton on the farm in order that a final determination of the actual production on the farm in 1954 may be made. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made. Unless application for an adjustment in the farm marketing excess is made within such 30-day period or extension thereof, the farm marketing excess as determined on the basis of the normal production of the excess cotton acreage for the farm shall be final as to the producers on the farm.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committe shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production of cotton of any farm shall be determined in view of the relevant facts, including the past production on the farm, the actual yields per acre in 1954 for other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, ginning, and sales of the cotton produced on the farm; farming practices followed on the farm; and weather conditions and other factors affecting the production of cotton on the farm and in the locality in which the farm is situated. In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts, which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the questions of fact, and (3) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A notice showing the result of the determination made as aforesaid, shall be mailed or delivered to the operator of the farm and also to the applicant if he is not such operator.

§ 722.553. *Publication of the farm acreage allotment, normal yield, marketing quota, and marketing excess.* A record of the acreage allotment, normal yield, marketing quota, and marketing excess established for farms in the county shall be made available for public inspection in the office of the county committee for a period of not less than 30 calendar days. The records containing the information shall be kept where the public may freely examine them. At the end of the 30-day period the records shall be filed in the office of the county committee and remain available for further inspection upon request. There may be used for this purpose listing sheets, copies of notices, or other compilations upon which the pertinent data are shown.

§ 722.554 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 722.555 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm or in a cotton crop produced on a farm, for which a farm marketing quota and a farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of cotton and to the restrictions on the marketing of cotton.

§ 722.556 *Review of quotas—(a) Right to review by review committee.* Any producer on a farm with a farm marketing excess who is dissatisfied with the determination of (1) the acreage planted to cotton, (2) the normal yield, or (3) the actual yield may, within 15 days after the notice of the farm marketing excess is mailed to him, apply in writing for a review by a review committee of any such determination. Unless application for review is made within such period, such determinations shall be final as to the producers on such farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (MQ–51; §§ 711.1 to 711.34 of this chapter), as issued and revised by the Secretary.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS, MARKETING CERTIFICATES AND LOAN DOCUMENTS

§ 722.557 *Eligibility for and issuance of marketing cards—(a) Producers eligible to receive marketing cards.* Except as otherwise provided in this section, the operator and any other producer on a farm shall be eligible to receive a marketing card (Form MQ–76—Cotton (1954) Upland), if (1) no farm marketing excess is determined for the farm, or (2) an amount equal to the penalty on the farm marketing excess has been received by the treasurer of the county committee for the county in which the farm is located, except that a marketing card shall not be issued under subparagraph (1) or (2) of this paragraph if any producer on the farm has on hand any cotton produced in 1950 on which the penalty has not been paid.

(b) *Multiple farm producers eligible to receive marketing cards.* Any person who is a cotton producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. Any other producers on a farm who are eligible to receive marketing cards pursuant to paragraph (a) of this section shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer, unless the county committee determines that, in order to enforce the provisions of the act, such producers, including the multiple farm producer, should not receive marketing cards for such farm with no farm marketing excess. Where a producer is engaged in the production of cotton in more than one county (in the same State or two more States), the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties so decide, or if the State committee has reason to believe that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of cotton, together with any other information deemed necessary to enforce the provisions of the act.

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card if it determines that such action is necessary to enforce the provisions of the act.

(d) *Preparation and issuance of marketing cards.* A marketing card shall be issued to the operator of the farm if he is eligible to receive it under the foregoing provisions of this section and, if the county committee determines that it will serve a useful purpose, marketing cards shall also be issued to the other eligible producers on the farm. Each marketing card when completed shall be serially numbered and shall show: (1) The names of the county and State and the serial number of the farm, (2) the name and address of the farm operator, (3) the name and address of the producer to whom issued, (4) the signature of the issuing officer designated by the county committee and the signature of the producer, (5) the farm acreage allotment and the acreage planted to cotton, and (6) such additional information and data as may be prescribed by the Deputy Administrator. Where the producer designates an agent to use his marketing card, the card shall also show: (1) The name and address of the agent authorized to use the marketing card and (2) the signatures of the producer and the agent.

§ 722.558 *Marketing certificates and loan documents—(a) Use of marketing certificates.* The county committee shall issue to a producer upon his request a marketing certificate (Form MQ–91—Cotton) to permit the marketing of cotton (1) by any such producer (i) who is eligible to receive a marketing card and who desires to market cotton by telegraph, telephone, mail, or by any other means or method other than directly to and in the presence of the buyer or transferee; (ii) who is not engaged in the production of cotton in the 1954 crop year and who desires to market cotton which he has on hand from any prior crop, except cotton from the 1950 crop on which the penalty has not been paid; (iii) who has an interest as a cotton producer and who desires to market cotton which he has on hand from any prior crop, except cotton from the 1950 crop on which the penalty has not been paid; (iv) who desires to market cotton produced by him on a farm with no farm marketing excess but he is not eligible to receive a marketing card under § 722.557 (b) because he or another producer on such farm is also a cotton producer on a farm with a farm marketing excess; and (v) who desires to market his share of the cotton produced on a farm with no marketing excess or on a farm on which the penalty on the farm marketing excess has been paid but he was denied a marketing card by the county committee because it deemed such action necessary to enforce the provisions of the act, and (2) any other producer who has cotton not subject to the penalty or on which the penalty has been paid but such producer is not eligible to receive a marketing card or does not have the required loan documents. The county committee, with the approval of the State committee, may issue marketing certificates for a farm in a total amount for the 1954 crop not exceeding the product of the farm acreage allotment multiplied by the smaller of the normal yield per acre or the estimated actual yield per acre, in instances where the acreage planted to cotton on the farm in 1954 has not been determined through no fault of the operator and the operator, in applying for such certificates, certifies that he has cotton from the 1954 crop available for marketing and that to the best of his knowledge and belief the acreage planted to cotton on the farm does not exceed the farm cotton acreage allotment.

(b) *Preparation and delivery of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the county and State and the serial number of the farm, if any, (3) the serial number of the 1954 marketing card issued for the farm, where applicable, (4) the description and amount of the cotton to be marketed, (5) the signature of the producer and the date thereof, and (6) the signature of the issuing officer for the county committee or the signature of a member of the county committee and the date thereof. The "original" of the marketing certificate and the "producer's" and the "county office's" copies shall be delivered to the producer to whom the marketing certificate is issued, and such producer, upon marketing the cotton described in the marketing certificate, shall deliver the original and the copies to the buyer.

(c) *Use of loan documents in lieu of marketing certificates to identify CCC loan cotton.* Any producer who desires to sell his equity in carryover cotton which is pledged as collateral security for a Commodity Credit Corporation loan or to sell carryover cotton on which such a loan has been repaid may identify such cotton as being penalty free by presenting to the buyer thereof such CCC loan documents covering such cotton as may be prescribed by the Deputy Administrator, and the buyer shall accept such documents as evidence to him that the cotton described therein is not subject to the penalty or the lien for the penalty.

§ 722.559 *Lost, destroyed, or stolen marketing cards or certificates—(a) Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the county committee of the following: (1) The name of the producer to whom the marketing card or certificate was issued; (2) the serial number of the marketing card or certificate; and (3) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of the investigation, that such marketing card or marketing certificate was in fact lost, destroyed, or stolen, it shall cancel such marketing card or certificate by giving notice to the producer to whom the card or certificate was issued that it is void and of no effect. The notice to that effect shall be in writing and mailed to the producer at his last known address. If the county committee also finds that there has been no collusion or connivance in connection therewith on the part of the producer to or for whom the marketing card or certificate was issued, it shall issue to or for him a marketing card or certificate to replace the lost, destroyed, or stolen marketing card or certificate. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "Duplicate." In case a marketing card or certificate is canceled, as provided in this section, the county committee shall immediately notify the ginners and buyers in the county, or in the immediate vicinity, that the marketing card or certificate has been canceled and that a duplicate has been issued. A report of the findings and action of the county committee shall be kept among its records. Any ginner or buyer or any other person coming into possession or control of a marketing card or certificate which has been canceled shall immediately return it to the county committee which issued it.

§ 722.560 *Cancellation of marketing card and marketing certificates issued in error.* In the event any marketing card or marketing certificate was erroneously issued, the producer to whom it was issued shall be requested to return it to the county committee and upon its being returned it shall be canceled by the county committee by endorsing thereon in bold letters the word "Canceled." Without awaiting its return the county committee shall notify the producer by registered mail at his last known address that it is void and of no effect. A copy of the notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county committee. The county committee shall immediately notify the ginners and buyers in the county, or in the immediate vicinity, that the marketing card or certificate has been canceled.

IDENTIFICATION OF COTTON

§ 722.561 *Time and manner of identification.* Each producer of cotton shall, at the time he markets any cotton, identify the cotton to the buyer or transferee, in the manner hereinafter provided, as being subject to or not subject to the penalty provided in § 722.566 and

the lien for the penalty as provided in § 722.567.

§ 722.562 *Identification by marketing card.* A marketing card (Form MQ–76—Cotton (1954) Upland) shall, when presented to the buyer by the producer to whom issued, be evidence to the buyer that the cotton produced on the farm for which the marketing cards was issued may be purchased by him without collection, deduction, or payment of any penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.563 *Identification by marketing certificate.* A marketing certificate (Form MQ–91—Cotton) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the cotton described on the marketing certificate may be purchased by him without the collection, deduction, or payment of any penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.564 *Identification by loan document.* A loan document (as prescribed by the Deputy Administrator) shall, when presented to the buyer by the producer in whose favor it is drawn, be evidence to the buyer that the cotton described in such loan document may be purchased by him without the collection, deduction, or payment of any penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.565. *Cotton not identified by a marketing card, marketing certificate or loan document.* All cotton marketed by a producer which is not identified by a marketing card, marketing certificate, or loan document, as provided in §§ 722.562, 722.563, or § 722.564 shall be taken by the buyer or transferee thereof as cotton subject to the penalty and the lien for the penalty. The buyer or transferee of such unidentified cotton shall collect the penalty from the producer or deduct it from the purchase price of the cotton. The buyer or transferee shall report the purchase of all such unidentified cotton on Form MQ–82—Cotton and remit the penalty collected or deducted to the treasurer of the county committee.

PENALTY

§ 722.566 *Rate of penalty.* The rate of the penalty for cotton is 50 percent of the parity price for cotton as of June 15, 1954, as provided in section 346 (a) of the act. (This section will be amended to include the exact rate of the penalty when such parity price becomes available.)

§ 722.567 *Lien for the penalty.* Until the penalty on the farm marketing excess is paid, all cotton produced on a farm and marketed shall be subject to the penalty at the rate provided in § 722.566 and a lien on the entire crop of cotton produced on the farm in 1954 shall be in effect in favor of the United States.

§ 722.568 *Interest on unremitted penalty.* The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 722.569 (b) or § 723.570 (c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 722.569 *Payment of penalty by producers*—(a) *Producers liable for payment of penalty.* Each producer having an interest in the 1954 crop of cotton on any farm for which a farm marketing excess has been determined shall be liable to pay the entire amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of cotton produced on the farm.

(b) *Time when penalty becomes due and payable.* The farm marketing excess for any farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any cotton produced on the farm is harvested. The amount of the penalty on the farm marketing excess for any farm shall be remitted on the date it becomes due or not later than March 15, 1955: *Provided, however,* That the penalty on any bale or lot of cotton marketed (1) from a farm for which the penalty on the farm marketing excess has not been paid or (2) without being properly identified by a marketing card, marketing certificate, or loan document (as prescribed by the Deputy Administrator) shall be due on the date of such marketing and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the cotton was marketed.

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for remitting the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes that he is unable to arrange with other producers on the farm for the payment of the penalty on the entire farm marketing excess; that his share of the cotton crop produced on the farm is marketed by him separately; and that he exercises no control over the marketing of the shares of the other producers in the cotton crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the cotton produced in 1954 on the farm bears to the total amount of cotton produced in 1954 on the farm. When the producer pays his proportionate share of the penalty, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive a marketing certificate, issued in accordance with § 722.558, to be used by him only in the marketing of his proportionate share of the cotton crop produced in 1954 on the farm.

§ 722.570 *Payment of penalty by buyers*—(a) *Buyers liable for payment of penalty.* Each person within the United States who buys from the producer any cotton subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Cotton shall be taken as subject to the lien for the penalty unless the producer presents to the buyer a marketing card (Form MQ–76—Cotton (1954) Upland), a marketing certificate (Form MQ–91—Cotton), or a loan document, as prescribed in §§ 722.562, 722.563, and 722.564.

(b) *Payment of penalty on account of lien for the penalty.* Each person within the United States who buys or acquires cotton from the producer which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(c) *Time when penalty becomes due.* The penalty to be paid by any buyer pursuant to paragraphs (a) and (b) of this section shall become due at the time the cotton is marketed and shall be remitted not later than 7 calendar days next succeeding the end of the calendar week in which the cotton was marketed. Cotton shall be deemed to be sold when either title to or actual or constructive possession of the cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. Cotton shall be deemed to have been marketed by barter or exchange when it is delivered to the transferee of the cotton by actual or constructive delivery or the transferor has received any part of the property, goods, or services for which the cotton is being bartered or exchanged. Cotton shall be deemed to have been marketed by gift inter vivos when there is an actual or constructive delivery of the cotton to the transferee during the lifetime of the producer. Cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts cotton into an article of trade and thereby causes the cotton to lose its identity as seed cotton or lint cotton. An article of trade within the meaning of this provision is any article made in whole or in part from cotton for the purpose of marketing such article.

(d) *Manner of deducting penalty and issuance of receipts.* The buyer may deduct from the price paid for any cotton an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraphs (a) and (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the cotton was purchased a receipt for the amount so deducted which shall be on Form MQ–82—Cotton.

§ 722.571 *Remittance of penalty to the treasurer of the county committee.* The treasurer of the county committee, for and on behalf of the Secretary, shall receive the penalty and issue a receipt therefor to the person remitting the penalty. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, or money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par, and the receipt (Form MQ–95—Cotton) issued in connection therewith shall bear a notation to that effect and a description of the check, draft, or money order.

§ 722.572 *Deposit of funds.* All funds received by the treasurer of the county committee in connection with penalties for cotton shall be scheduled and transmitted by him on the day received, or not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such cash in the county committee bank account and a separate check, payable to the Treasurer of the United States in the amount of such cash deposited, shall be drawn on such bank account by the treasurer of the county committee for transmittal to the State committee. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the names of the persons who marketed the cotton in connection with which the funds were remitted.

§ 722.573 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess sum shall be first applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount agreed upon in writing by each and every cotton producer on the farm or (2) in the event that such producers cannot agree to the division of such refund or if all of the producers on the farm are not available to apply for such refund, the amount determined by apportioning the excess among all of the producers on the farm on the basis of the amount of the penalty borne by each producer, as determined by the county committee. No refund shall be made to any buyer or transferee of any amount which he collected from the producer, deducted from the price or other consideration for the cotton, or for which he was liable.

(b) *Certification of refunds.* One member of the county committee, acting for the committee, shall notify the State committee of the amount which the county committee determines may be refunded to each producer with respect to the farm, and the State committee shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been collected and transmitted to the State committee.

§ 722.574 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within the time prescribed in section 372 of the act after payment to him of the penalty collected from any person, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, he shall certify to the Secretary of the Treasury for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury, such amount as the Secretary finds the claimant is entitled to receive as a refund of penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 722.575 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county committee to report in writing to the State committee each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.542 to 722.586 to the Secretary when collected. It shall be the duty of the State committee to report each such case in writing to the Director with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 722.576 *Records to be kept and reports to be made by ginners*—(a) *Necessity for records and reports.* Each ginner shall, in conformity with section 373 (a) of the act, keep the records and make the reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Nature and availability of records.* Each ginner shall keep, as part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of cotton, and each lot of cotton less than a bale, ginned by him the following information: (1) The date of ginning; (2) the name of the operator of the farm on which the cotton was produced; (3) the name of the producer of the cotton; (4) the county and State in which the farm on which the cotton was produced is located; (5) the gin bale number or mark; (6) the serial number of the gin ticket or receipt prepared or issued by the ginner for the bale of cotton and for the lot of cotton less than a bale; (7) the gross weight of each bale of cotton and the net weight of each lot of lint cotton less than a bale; and (8) the kind of the bagging and ties used on each bale. The records so made shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31, 1956, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.542 to 722.586, or of obtaining the information required to be furnished in any report pursuant to §§ 722.542 to 722.586 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the Director.

(c) *Requests for reports.* Each ginner, upon written request of the State committee or county committee, shall make a report showing the information provided for in this section, or any part thereof as specified in the request, with respect to cotton ginned for the person or persons specified in the request or for the period of time specified in the request. This report shall be filed not later than the date designated by the State committee or county committee in the written request for such report.

(d) *Manner of submitting reports.* The treasurer of the county committee designated in the request for such report, or his successor in office, is hereby authorized and empowered to receive each such report, on behalf of the Secretary. Each report shall be mailed or delivered directly to the said treasurer.

(e) *Penalty for failure or refusal to keep records or make reports.* Any person engaged in the business of ginning cotton who fails to keep any record or make any report as required by this section or who makes any false report or false record shall, as provided for in section 373 (a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each such offense.

§ 722.577 *Records to be kept and reports to be made by buyers*—(a) *Necessity for records and reports.* Each person who buys seed cotton or lint cotton from the producer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Nature of and availability of records.* Each buyer shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of cotton, and each lot of cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and, in the case of seed cotton purchased, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of lint cotton in each bale, and each lot of cotton less than a bale, purchased from the producer; (5) the amount of any penalty required to be collected under §§ 722.542 to 722.586 and the amount of penalty col-

lected in connection with the cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the cotton was identified when marketed. It shall be presumed that the cotton was not identified in the manner provided in §§ 722.542 to 722.586 if the serial number of the marketing card or marketing certificate or a brief description of the loan document does not appear on the records required by this paragraph. The record so made shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31, 1956, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.542 to 722.586, or of obtaining the information required to be furnished in any report pursuant to §§ 722.542 to 722.586 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the Director. The county committee shall, upon the request of any buyer, furnish to him without cost blank copies of Form MQ–100—Cotton which may be used by him for the purpose of keeping the record required pursuant to this paragraph.

(c) *Reports in connection with cotton not identified by marketing cards, marketing certificates, or loan documents.* The buyer of cotton which is not identified by a marketing card, marketing certificate, or loan document as provided in §§ 722.542 to 722.586 when marketed shall, with respect to each purchase, make a written report on Form MQ–82—Cotton of the following information: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton; (4) the net weight of each bale of cotton, and of each lot of lint cotton less than a bale; and (5) the amount of the penalty collected in connection with the cotton purchased. The report shall be executed in triplicate, one copy thereof shall be given to the producer, one copy shall be retained by the buyer, and the buyer shall mail or deliver the original to the treasurer of the county committee for the county in which such cotton was produced.

(d) *Reports in connection with cotton identified by marketing certificates.* The buyer of cotton which is identified when marketed by a certificate on Form MQ–91—Cotton, as provided in § 722.563, shall make a report in connection with the transaction by executing the certificate in triplicate and by mailing or delivering the county office copy to the treasurer of the county committee for the county in which the certificate was issued. The original Form MQ–91—Cotton shall be retained by the buyer and the producer's copy shall be delivered to the producer to whom the certificate was issued. The manner in which Form MQ–91—Cotton shall be executed and distributed, in case the marketing is to a buyer not within the United States, is provided for in § 722.580 (c).

(e) *Receipts to producers for penalties.* Where the cotton is not identified by a marketing card, marketing certificate, or loan document at the time of marketing, the producer's copy of the executed Form MQ–82—Cotton shall be the receipt from the buyer to the producer for the penalty collected. The buyer shall report the giving of each such receipt to the producer by forwarding the county office copy of the Form MQ–82—Cotton to the treasurer of the county committee for the county in which such cotton was produced, as provided in paragraph (c) of this section.

(f) *Time for making reports.* Each report required by the foregoing provisions of this section shall be made not later than 7 calendar days next succeeding the end of the calendar week in which the cotton covered thereby was marketed.

(g) *Buyer's special reports.* In the event the county committee, or the State committee, has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.542 to 722.586, the buyer shall, within fifteen days after a written request therefor by such committee is sent to him by registered mail at his last-known address, make a report verified as true and correct on Form MQ–100—Cotton to such committee with respect to cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the following information for each bale of cotton, and each lot of cotton less than a bale, purchased by such buyer: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin mark or other information showing the origin of or source of the cotton and, in the case of cotton purchased in the seed, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of lint cotton in each bale, and in each lot of cotton less than a bale, purchased from the producer; (5) the amount of penalty required to be collected under §§ 722.542 to 722.586 and the amount of any penalty collected in connection with the cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the cotton was identified when marketed.

(h) *Manner of submitting reports.* The treasurer of the county committee for the county in which the cotton covered by the report was produced, or his successor in office, is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to the said treasurer. Notwithstanding any other provision of this paragraph, each report on Form MQ–82—Cotton in connection with the purchase of cotton marketed without the use of the means of identification provided by §§ 722.542 to 722.586 may be mailed or delivered directly to the treasurer of the county committee from whom the unexecuted copy of the form was obtained.

(i) *Penalty for failure or refusal to keep records or make reports.* Any person engaged in the business of purchasing cotton from producers who fails to keep any records or make any report as required by this section or who makes any false report or false record shall, as provided for in section 373 (a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each such offense.

§ 722.578 *Records to be kept and reports to be made by transferees.* Each transferee who acquires seed cotton or lint cotton from the producer thereof shall keep the same records and make the same reports which are required to be kept and made by buyers pursuant to § 722.577 in every case in which the penalty is collected by the transferee as provided for in § 722.570, and in every other case shall execute the applicable certificates which are necessary to enable the producer to keep the records and make the reports required of him.

§ 722.579 *Records to be kept by warehousemen and others.* Each warehouseman, processor (including compressor), common carrier, and other person, as defined in section 373 (a) of the act, who buys, stores, processes (including compressing), transports as a common carrier, or otherwise deals with cotton from, for, or on behalf of the producer thereof shall make available, for examination and inspection by the Secretary, or by any authorized representative of the Secretary, the records kept in his business concerning such cotton, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.542 to 722.586 or of obtaining the information required to be furnished in any report pursuant to §§ 722.542 to 722.586 but not so furnished. The Secretary, in conformity with section 373 (a) of the act, hereby finds such records to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

§ 722.580 *Records to be kept and reports to be made by producers*—(a) *Necessity for records and reports.* Each person who produces in 1954, or who produced in any previous year, cotton which is subject to the provisions of §§ 722.542 to 722.586 shall, in conformity with section 373 (b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Farms for which marketing cards are issued.* A record and report of the cotton marketed in connection with a farm for which one or more marketing cards were issued shall not be required unless requested by the county committee, as provided in paragraph (e) of this section.

(c) *Cotton marketed to persons not within the United States.* In each case where cotton for which a marketing certificate has been issued pursuant to § 722.558 is marketed to any person not within the United States, the producer shall enter the name and address of the buyer or transferee and indicate that such person is not within the United States in the space provided for the signature of the buyer or transferee on each copy of the marketing certificate. The producer shall retain his copy of the certificate and the county office's and buyer's copies shall be mailed or delivered by such producer to the treasurer of the county committee for the county in which the certificate was issued not later than 15 calendar days next succeeding the day on which the cotton was marketed.

(d) *Farm operator's report.* The operator of the farm in connection with which a farm marketing excess is determined shall, upon written request of the county committee, file with the treasurer of the county committee for the county in which the farm is located a farm operator's report on Form MQ–98—Cotton showing for the farm the following information or any part thereof as specified in such request: (1) The date harvesting of the 1954 crop of cotton was completed on the farm, the date of the last ginning of cotton produced on the farm in 1954, and the acreage planted to cotton on the farm; (2) the total number of pounds of lint cotton ginned from the 1954 crop of cotton; (3) the name and address of each ginner who ginned such cotton and the number of and net weight of the bales ginned by him; (4) the total amount of 1954 crop cotton marketed in seed; (5) the total amount of 1954 crop lint cotton marketed; (6) the amount of unmarketed cotton of the 1954 crop on hand; (7) the total number of pounds of lint cotton produced in the 1954 crop year; (8) the name and address of each buyer or transferee of 1954 crop lint or seed cotton and the amount thereof marketed to him; and (9) the amount of penalty paid by the producer or collected by the buyer or transferee. In each case where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.552, such application shall be made on a farm operator's report (Form MQ–98—Cotton) not later than 30 days, or any extension of such period as provided in § 722.552, after harvesting of cotton on the farm has been completed. However, the county committee may waive the requirement that such application be filed on a Form MQ–98—Cotton in cases where it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of cotton on the farm in 1954. Upon written request of the county committee, the operator of any other farm for which a farm marketing excess is not determined shall make a report on Form MQ–98—Cotton in the manner specified in this paragraph not later than the date designated by the county committee in its request.

(e) *Manner of submitting reports.* The treasurer of the county committee for the county in which the cotton covered by the report was produced, or his successor in office, is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to such treasurer.

§ 722.581 *Data to be kept confidential.* Except as otherwise provided in this part, all data reported to or acquired by the Secretary pursuant to and in the manner provided in §§ 722.542 to 722.586 shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees and State committees, county agents, and the employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any cotton, farm, or transaction covered by the particular data, record, information, report, or form, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under the provisions of the act.

§ 722.582 *Enforcement.* It shall be the duty of the county committee to report in writing to the State committee forthwith each case of failure or refusal to make any report or keep any record as required by §§ 722.542 to 722.586 and each case of making any false report or record. It shall be the duty of the State committee to report each such case in writing, in quintuplicate, to the Director with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXCEPTIONS

§ 722.583 *Experimental cotton farms.* The penalty shall not apply to the marketing of any cotton of the 1954 crop grown only for experimental purposes on land owned or leased by a publicly-owned agricultural experiment station and produced at public expense by employees of the experiment station, or if the cotton was produced by farmers pursuant to an agreement with a publicly-owned experimental station whereby the experiment station bears the costs and risks incident to the production of the cotton and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement shall be approved by the State committee prior to the issuance of a marketing card for the farm.

§ 722.584 *Acreage planted to cotton*—(a) *Underplanting the farm acreage allotment.* For any farm on which cotton is planted in 1954 and the acreage of cotton in 1954 is less than the farm acreage allotment by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to cotton on the farm in 1954, and the additional acreage added to the cotton acreage history for the farm shall be added to the cotton acreage history for the county and State.

(b) *No credit for overplanting the farm acreage allotment.* Any acreage planted to cotton in 1954 in excess of the farm acreage allotment for the 1954 crop of cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1955 and subsequent crops of cotton.

§ 722.585 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving cotton acreage allotments all records pertaining to cotton acreage allotments and marketing quotas.

§ 722.586 *Designation of representatives of the Secretary to examine records*—(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.576, 722.577, 722.578, and 722.579, relating to the examination of records, the Deputy Administrator is hereby authorized and directed to designate in writing an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purposes of said provisions.

(b) *Proof of designation.* Each person designated pursuant to this section shall be furnished with a copy of his designation, certified by the Deputy Administrator as proof of his authority to act as such authorized representative of the Secretary.

(c) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered, pursuant to the act of Congress approved January 31, 1925 (sec. 1, 43 Stat. 803; 5 U. S. C. 521), to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the cotton marketing quota provisions of the act of §§ 722.542 to 722.586.

Prior to the final adoption and issuance of the proposed regulations, consideration will be given to any data, views, or recommendations pertaining to such regulations which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days following the date of publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D. C., this 19th day of April 1954.

[SEAL] J. A. McCONNELL,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 54-3046; Filed, Apr. 21, 1954; 8:52 a. m.]

[7 CFR Part 722]

1954 CROP OF EXTRA LONG STAPLE COTTON

NOTICE OF PROPOSED FORMULATION OF MARKETING QUOTA REGULATIONS

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), the Secretary of Agriculture is preparing to formulate marketing quota regulations governing the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of extra long staple cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by extra long staple cotton producers, ginners, buyers and others; and other miscellaneous provisions regarding the production and marketing of extra long staple cotton. The proposed regulations will apply to extra long staple cotton produced in 1954 and also to extra long staple cotton produced in a prior year which is marketed during the 1954–55 marketing year. The proposed regulations will supplement the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Extra Long Staple Cotton to States, Counties and Farms, issued December 4, 1953 (18 F. R. 7883), as amended. Prior to the final adoption and issuance of the proposed regulations, consideration will be given to any data, views, or recommendations pertaining to such regulations which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days following the date of publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

The provisions of the regulations being considered for issuance are as follows:

DEFINITIONS AND MISCELLANEOUS PROVISIONS

§ 722.1142 *Definitions.* As used in §§ 722.1142 to 722.1186 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(c) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committees": (1) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (14 F. R. 5916).

(2) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (14 F. R. 5916). In Puerto Rico the ASC Caribbean Area Committee shall, insofar as applicable, perform the functions of the county committee.

(3) "State committee" means the persons designated by the Secretary as the Agricultural Stabilization and Conservation committee for the State. In Puerto Rico the ASC Caribbean Area Committee shall, insofar as applicable, perform the functions of the State committee.

(4) "Review committee" means the review committee appointed by the Secretary pursuant to section 363 of the act.

(f) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, the Federal Government, or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(g) "Owner" or "landlord" means a person who owns farm land and rents such land to another person or who operates such land.

(h) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(i) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Deputy Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(m) "Farm acreage allotment" means an acreage allotment established for extra long staple cotton for a farm under the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Extra Long Staple Cotton to States, Counties and Farms (18 F. R. 7883), as amended.

(n) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(o) "Acreage planted to extra long staple cotton" means the acreage of land seeded to extra long staple cotton on the farm in 1954, excluding any acreage in excess of the allotment which is (1) destroyed by causes beyond the producer's control prior to the expiration of the period established under subparagraph (2) of this paragraph for disposing of excess acreage of extra long staple cotton, or (2) disposed of not later than 20 days, or such longer period as is approved in writing by the county committee, after notice of the measured acreage of extra long staple cotton is mailed to the farm operator.

(p) "State and county code number" means the applicable numbers assigned by the Commodity Stabilization Service of the United States Department of Agriculture to each State and county for the purpose of identification.

(q) "Serial number of the farm" or "farm serial number" means the serial number assigned to the farm by the county committee.

(r) "Normal yield" means the average yield per acre of extra long staple lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years 1948, 1950, 1951, 1952 and 1953 except that if the normal yield is established after December 31, 1954, such normal yield shall be determined on the basis of the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised, in accordance with instructions issued by the Deputy Administrator, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.

(s) "Normal production" of any number of acres means the normal yield per acre of extra long staple lint cotton for the farm multiplied by such number of acres.

(t) "Actual production" of extra long staple cotton on the farm means the total number of pounds of extra long staple lint cotton determined to have been produced on the farm in 1954.

(u) "Actual yield" per acre means the number of pounds of extra long staple lint cotton determined by dividing the actual production of extra long staple cotton on the farm by the acreage planted to such cotton on the farm in 1954.

(v) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper, is entitled to all or a share of the 1954 crop of extra long staple cotton or of the proceeds thereof.

(w) "Farm marketing quota" means a marketing quota established under the act for the farm for the 1954 crop of extra long staple cotton.

(x) "Farm marketing excess" means the amount of extra long staple cotton determined for any farm under § 722.1150 or §722.1152, whichever is applicable.

(y) "Farm with no farm marketing excess" means a farm on which the acreage planted to extra long staple cotton in 1954 is not in excess of the farm acreage allotment established therefor.

(z) "Farm with a farm marketing excess" means a farm on which the acreage planted to extra long staple cotton in 1954 is in excess of the farm acreage allotment established therefor.

(aa) "Penalty" means the penalty provided in section 347 (c) of the act and § 722.1166.

(bb) "Seed cotton" means the harvested fruit of the extra long staple cotton plant before ginning.

(cc) "Extra long staple lint cotton" means the fiber taken from extra long staple seed cotton by ginning.

(dd) "Carry over extra long staple cotton" means the unmarketed extra long staple cotton from any previous crop which the producer thereof has on hand.

(ee) "Ginning" means the process by which extra long staple lint cotton is removed from the cotton seed.

(ff) "Ginner" means a person engaged in the business of ginning extra long staple cotton.

(gg) "Gin bale number or mark" means the number entered on the bale tag or any other mark made or used by the ginner to identify a bale of extra long staple cotton.

(hh) "Warehouse receipt number" means the number on the warehouse receipt and the warehouse bale tag made or used by the warehouseman to identify a bale of extra long staple cotton.

(ii) "Buyer" means a person who acquires extra long staple cotton from a producer by sale.

(jj) "Transferee" means a person who receives extra long staple cotton from a producer by barter, or exchange, or gift inter vivos.

(kk) "Market" means to dispose of extra long staple cotton in raw or processed form by voluntary or involuntary sale, barter or exchange, or by gift inter vivos.

(l) The term "sale" means any transfer of title to extra long staple cotton by a producer to another by any means other than barter or exchange or gift inter vivos.

(2) The terms "barter" and "exchange" mean transfer of title to extra long staple cotton by a producer to another in return for extra long staple cotton or any other commodity, service, or property in cases where the value of the extra long staple cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to extra long staple cotton by a producer to another in payment of a fixed rental or other charge for land.

(3) The term "gift inter vivos" means any transfer of title, accompanied by delivery, to extra long staple cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(4) "Marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(ll) "Marketing year" means the period beginning August 1, 1954, and ending July 31, 1955, both dates inclusive.

(mm) "Treasurer of county committee" means the county office manager or the person designated by him to act as treasurer of the Agricultural Stabilization and Conservation county committee. In Puerto Rico the ASC Caribbean Area Committee shall designate one or more of its employees to perform the duties and functions of treasurer of county committee.

§ 722.1143 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions as are necessary for carrying out §§ 722.1142 to 722.1186. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or the Director.

§ 722.1144 *Extent of calculations and rule of fractions.* In making any computation in connection with §§ 722.1142 to 722.1186, the amount of extra long staple lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds shall be rounded to the nearest whole cent. Fractions of exactly five-tenths of a pound or cent shall be dropped. The acreages of all fields, or subdivisions thereof, of extra long staple cotton on the farm shall be expressed in hundredths of an acre, and thousandths of an acre shall be dropped. The total acreage of extra long staple cotton on the farm shall be expressed in tenths of an acre, and hundredths of an acre shall be dropped.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 722.1145 *Identification of farms.* Each farm as operated for the 1954 crop of extra long staple cotton shall be identified by a farm serial number, assigned by the county committee, and all records pertaining to marketing quotas for the 1954 crop of extra long staple cotton shall be identified by the farm serial number.

§ 722.1146 *Measurements of farms.* The county committee shall provide for measuring the acreage planted to extra long staple cotton on each farm in the county in accordance with the procedure approved by the Deputy Administrator. The county committee shall provide for the measurement prior to planting of an acreage on the farm equal to the farm acreage allotment, if the farm operator requests such measurement and pays the cost thereof, and any farm on which the acreage planted to extra long staple cotton does not exceed such measured acreage shall be deemed to be in compliance with the farm acreage allotment. The county committee shall also provide for the remeasurement upon request by the farm operator of the acreage planted to extra long staple cotton on the farm but the operator shall be required to reimburse the county committee for the expense of such remeasurement if the planted acreage is found upon such remeasurement to be in excess of the farm acreage allotment. If the acreage planted to extra long staple cotton on the farm is in excess of the farm acreage allotment, the county committee shall notify the farm operator in writing of such excess and shall further notify such operator that unless the planted acreage of extra long staple cotton on the farm is adjusted to the farm acreage allotment within 20 days from the date of the mailing of such notice, or such additional time as provided for herein, the farm marketing excess for the farm will be determined on the basis of the excess acreage and the farm normal yield. Notice so given shall constitute notice to each producer having an interest in the 1954 crop of extra long staple cotton produced on the farm. In cases where the operator cannot dispose of the excess acreage of extra long staple cotton within the 20-day period because of adverse weather conditions, or other reasons beyond his control, and a request in writing for additional time is filed, the county committee may allow an additional period not to exceed 10 days for disposing of the excess acreage. No acreage of extra long staple cotton shall be disposed of for purposes of adjusting the planted acreage of such cotton to the farm acreage allotment after any cotton has been harvested from such planted acreage.

§ 722.1147 *Reports and records of farm measurements.* The county committee shall keep a record of the measurements made on all farms. It shall file with the State committee a written report on Form MQ–94—Cotton, setting forth for

each farm with a farm marketing excess (a) the farm serial number, (b) the name of the operator, (c) the total acreage in cultivation, (d) the farm acreage allotment, and (e) the acreage planted to extra long staple cotton in 1954.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.1148 *Marketing quotas in effect.* Marketing quotas for the 1954 crop of extra long staple cotton shall be applicable to any such cotton of that crop notwithstanding that it may be available for marketing prior to the beginning of the marketing year or marketed subsequent to the end of the marketing year.

§ 722.1149 *Farm marketing quota.* The farm marketing quota for any farm for the 1954 crop of extra long staple cotton shall be that number of pounds of extra long staple lint cotton produced on the farm less the amount of the farm marketing excess for the farm. The farm marketing quota for any farm shall be increased by the amount of extra long staple lint cotton which the producers on the farm have on hand from any previous crops.

§ 722.1150 *Farm marketing excess—(a) Where measurements are made.* The farm marketing excess for the 1954 crop of extra long staple cotton for any farm shall be the normal production of the acreage planted to such cotton on the farm in excess of the farm acreage allotment. Where, upon application of the producer in accordance with § 722.1152, it is established by the producer that the normal production of the excess acreage is larger than the amount by which the actual production of extra long staple cotton in 1954 on the farm exceeds the normal production of the farm acreage allotment, the farm marketing excess shall be adjusted downward to the smaller amount.

(b) *Where measurements cannot be made.* Whenever the producer prevents the determination of the acreage planted to extra long staple cotton on his farm, the farm marketing excess shall be the total number of pounds of extra long staple lint cotton produced in 1954 on the farm. In the event the producer establishes, in accordance with § 722.1152, the total number of pounds of extra long staple lint cotton produced in 1954 on the farm, the farm marketing excess shall be the number of pounds of extra long staple lint cotton produced on the farm in excess of the normal production of the farm acreage allotment therefor.

(c) *Where no farm acreage allotment is established.* The farm marketing excess for any farm for which a farm acreage allotment is not established shall be the normal production of the acreage planted to extra long staple cotton on the farm. Where, upon application of the producer in accordance with § 722.1152, it is established by the producer that the normal production of the acreage planted to extra long staple cotton on the farm is larger than the actual production of such cotton on the farm in 1954, the farm marketing excess shall be adjusted downward to the smaller amount. Whenever the determination of the acreage planted to extra long staple cotton on a farm for which no farm acreage allotment is established is prevented by the producer, the farm marketing excess shall be the total number of pounds of extra long staple lint cotton produced in 1954 on the farm.

§ 722.1151 *Notice of farm marketing quota and farm marketing excess.* Written notice of the farm marketing quota established for a farm shall be mailed to the operator of such farm. Written notice of the farm marketing excess for a farm shall be mailed to the operator of such farm. Notice so given shall constitute notice to each producer having an interest in the 1954 crop of extra long staple cotton produced or to be produced on the farm. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota or farm marketing excess, or any determination made in connection therewith, may be had in accordance with section 363 of the act. A record of the date of mailing the notice to the operator of the farm shall be kept among the permanent records of the county committee and upon request a copy of the notice shall be furnished without charge to any producer on the farm for which the notice is given. Such notice shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 722.1152 *Farm marketing excess adjustment—(a) Application for adjustment in the amount of the farm marketing excess.* Any producer having an interest in the extra long staple cotton produced in 1954 on any farm for which there is a farm marketing excess may apply in writing to the county committee, as provided herein, for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of extra long staple cotton produced in 1954 on the farm. Any such application shall be filed with the county committee within 30 days after the harvesting of extra long staple cotton is completed on the farm, or any extension of such time approved by the State committee to not later than March 15, 1955, except for the Southern area of Puerto Rico where it shall not be later than June 15, 1955, on the basis of a recommendation by the county committee and a showing that the producer's failure to apply for such adjustment within the 30-day period was due to circumstances beyond his control. If the harvesting of extra long staple cotton on the farm has not been completed by March 15, 1955 (June 15, 1955, for the Southern area of Puerto Rico), but an application has been timely filed under the foregoing provisions of this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested extra long staple cotton on the farm in order that a final determination of the actual production on the farm in 1954 may be made. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made. Unless application for an adjustment in the farm marketing excess is made within such 30-day period or extension thereof, the farm marketing excess as determined on the basis of the normal production of the excess acreage of extra long staple cotton for the farm shall be final as to the producers on the farm.

(b) *Adjustment in the amount of the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production of extra long staple cotton of any farm shall be determined in view of the relevant facts, including the past production on the farm, the actual yields per acre in 1954 for other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, ginning, and sales of the extra long staple cotton produced on the farm; farming practices followed on the farm; and weather conditions and other factors affecting the production of extra long staple cotton on the farm and in the locality in which the farm is situated. In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts, which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the questions of fact, and (3) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A notice showing the result of the determination made as aforesaid, shall be mailed or delivered to the operator of the farm and also to the applicant if he is not such operator.

§ 722.1153 *Publication of the farm acreage allotment, normal yield, marketing quota, and marketing excess.* A record of the acreage allotment, normal yield, marketing quota, and marketing excess established for farms in the county shall be made available for public inspection in the office of the county committee for a period of not less than 30 calendar days. The records containing the information shall be kept where the public may freely examine them. At the end of the 30-day period the records shall be filed in the office of the county committee and remain available for further inspection upon request. There may be used for this purpose listing sheets, copies of notices, or other compilations upon which the pertinent data are shown.

§ 722.1154 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 722.1155 *Successors - in - interest.* Any person who succeeds to the interest of a producer in a farm or in a crop of extra long staple cotton produced on a farm, for which a farm marketing quota and a farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of extra long staple cotton and to the restrictions on the marketing of such cotton.

§ 722.1156 *Review of quotas—(a) Right to review by review committee.* Any producer on a farm with a farm marketing excess who is dissatisfied with the determination of (1) the acreage planted to extra long staple cotton, (2) the normal yield, or (3) the actual yield may within 15 days after written notice of the farm marketing excess is mailed to him, apply in writing for a review by a review committee of any such determination. Unless application for review is made within such period, such determinations shall be final as to the producers on such farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (MQ–51; §§ 711.1 to 711.34 of this chapter), as issued and revised by the Secretary.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS, MARKETING CERTIFICATES AND LOAN DOCUMENTS

§ 722.1157 *Eligibility for and issuance of marketing cards—(a) Producers eligible to receive marketing cards.* Except as otherwise provided in this section, the operator and any other producer on a farm shall be eligible to receive a marketing card (Form MQ–76—Cotton (1954) ELS), if (1) no farm marketing excess is determined for the farm, or (2) an amount equal to the penalty on the farm marketing excess has been received by the treasurer of the county committee for the county in which the farm is located.

(b) *Multiple farm producers eligible to receive marketing cards.* Any person who is a producer of extra long staple cotton on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. Any other producers on a farm who are eligible to receive marketing cards pursuant to paragraph (a) of this section shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer, unless the county committee determines that, in order to enforce the provisions of the act, such producers, including the multiple farm producer, should not receive marketing cards for such farm with no farm marketing excess. Where a producer is engaged in the production of extra long staple cotton in more than one county (in the same State or two or more States), the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties so decide, or if the State committee has reason to believe that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of extra long staple cotton, together with any other information deemed necessary to enforce the provisions of the act.

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card if it determines that such action is necessary to enforce the provisions of the act.

(d) *Preparation and issuance of marketing cards.* A marketing card for extra long staple cotton shall be issued to the operator of the farm if he is eligible under the foregoing provisions of this section to receive it and, if the county committee determines that it will serve a useful purpose, marketing cards shall also be issued to the other eligible producers on the farm. Each marketing card when completed shall be serially numbered and shall show: (1) The names of the county and State and the serial number of the farm, (2) the name and address of the farm operator, (3) the name and address of the producer to whom issued, (4) the signature of the issuing officer designated by the county committee and the signature of the producer, (5) the farm acreage allotment and the acreage planted to extra long staple cotton, and (6) such additional information and data as may be prescribed by the Deputy Administrator. Where the producer designates an agent to use his marketing card, the card shall also show: (1) the name and address of the agent authorized to use the marketing card and (2) the signatures of the producer and the agent.

§ 722.1158 *Marketing certificates and loan documents—(a) Use of marketing certificates.* The county committee shall issue to a producer upon his request a marketing certificate (Form MQ–91—Cotton) to permit the marketing of extra long staple cotton (1) by any such producer (i) who is eligible to receive a marketing card and who desires to market extra long staple cotton by telegraph, telephone, mail, or by any other means or method other than directly to and in the presence of the buyer or transferee; (ii) who is not engaged in the production of extra long staple cotton in the 1954 crop year and who desires to market extra long staple cotton which he has on hand from any prior crop, (iii) who has an interest as a producer of extra long staple cotton and who desires to market extra long staple cotton which he has on hand from any prior crop, (iv) who desires to market extra long staple cotton produced by him on a farm with no farm marketing excess but he is not eligible to receive a marketing card under § 722.1157 (b) because he or another producer on such farm is also a producer of extra long staple cotton on a farm with a farm marketing excess, and (v) who desires to market his share of the extra long staple cotton produced on a farm with no marketing excess or on a farm on which the penalty on the farm marketing excess has been paid but he was denied a marketing card by the county committee because it deemed such action necessary to enforce the provisions of the act, and (2) by any other producer who has extra long staple cotton not subject to the penalty or on which the penalty has been paid but such producer is not eligible to receive a marketing card or does not have the required loan documents. The county committee, with the approval of the State committee, may issue marketing certificates for a farm in a total amount for the 1954 crop not exceeding the product of the farm acreage allotment multiplied by the smaller of the normal yield per acre or the estimated actual yield per acre, in instances where the acreage planted to extra long staple cotton on the farm in 1954 has not been determined through no fault of the operator and the operator, in applying for such certificates, certifies that he has extra long staple cotton from the 1954 crop available for marketing and that to the best of his knowledge and belief the acreage planted to such cotton on the farm does not exceed the farm acreage allotment.

(b) *Preparation and delivery of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the county and State, and the serial number of the farm, if any, (3) the serial number of the 1954 marketing card issued for the farm, where applicable, (4) the description and amount of the cotton to be marketed, (5),

the signature of the producer and the date thereof, and (6) the signature of the issuing officer for the county committee or the signature of a member of the county committee and the date thereof. The original or buyer's copy of the marketing certificate together with the "producer's" and the "county office's" copies shall be delivered to the producer to whom the marketing certificate is issued, and such producer, upon marketing the extra long staple cotton described in the marketing certificate, shall deliver the original and the copies to the buyer.

(c) *Use of loan documents in lieu of marketing certificates to identify CCC loan extra long staple cotton.* Any producer who desires to sell his equity in carryover extra long staple cotton which is pledged as collateral security for a Commodity Credit Corporation loan or to sell carryover extra long staple cotton on which such a loan has been repaid may identify such cotton as being penalty free by presenting to the buyer thereof such CCC loan documents covering such cotton as may be prescribed by the Deputy Administrator, and the buyer shall accept such documents as evidence to him that the extra long staple cotton described therein is not subject to the penalty or the lien for the penalty.

§ 722.1159 *Lost, destroyed, or stolen marketing cards or certificates*—(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the county committee of the following: (1) The name of the producer to whom the marketing card or certificate was issued; (2) the serial number of the marketing card or certificate; and (3) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of the investigation, that such marketing card or marketing certificate was in fact lost, destroyed, or stolen, it shall cancel such marketing card or certificate by giving notice to the producer to whom the card or certificate was issued that it is void and of no effect. The notice to that effect shall be in writing and mailed to the producer at his last known address. If the county committee also finds that there has been no collusion or connivance in connection therewith on the part of the producer to or for whom the marketing card or certificate was issued, it shall issue to or for him a marketing card or certificate to replace the lost, destroyed, or stolen marketing card or certificate. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "Duplicate." In case a marketing card or certificate is canceled, as provided in this section, the county committee shall immediately notify the ginners and buyers in the county, or in the immediate vicinity, that the marketing card or certificate has been canceled and that a duplicate has been issued. A report of the findings and action of the county committee shall be kept among its records. Any ginner or buyer or any other person coming into possession or control of a marketing card or certificate which has been canceled shall immediately return it to the county committee which issued it.

§ 722.1160 *Cancellation of marketing card and marketing certificates issued in error.* In the event any marketing card or marketing certificate was erroneously issued, the producer to whom it was issued shall be requested to return it to the county committee and upon its being returned it shall be canceled by the county committee by endorsing thereon in bold letters the word "Canceled." Without awaiting its return the county committee shall notify the producer by registered mail at his last known address that it is void and of no effect. A copy of the notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county committee. The county committee shall immediately notify the ginners and buyers in the county, or in the immediate vicinity, that the marketing card or certificate has been canceled.

IDENTIFICATION OF EXTRA LONG STAPLE COTTON

§ 722.1161 *Time and manner of identification.* Each producer of extra long staple cotton shall, at the time he markets any such cotton, identify such cotton to the buyer or transferee, in the manner hereinafter provided, as being subject to or not subject to the penalty provided in § 722.1166 and the lien for the penalty as provided in § 722.1167.

§ 722.1162 *Identification by marketing card.* A marketing card (Form MQ–76—Cotton (1954) ELS) shall, when presented to the buyer by the producer to whom issued, be evidence to the buyer that the extra long staple cotton produced on the farm for which the marketing card was issued may be purchased by him without collection, deduction, or payment of any penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.1163 *Identification by marketing certificate.* A marketing certificate (Form MQ–91—Cotton) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the extra long staple cotton described on the marketing certificate may be purchased by him without the collection, deduction, or payment of any penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.1164 *Identification by loan document.* A loan document (as prescribed by the Deputy Administrator) shall, when presented to the buyer by the producer in whose favor it is drawn, be evidence to the buyer that the extra long staple cotton described in such loan document may be purchased by him without the collection, deduction, or payment of any penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.1165 *Extra long staple cotton not identified by a marketing card, marketing certificate or loan document.* All extra long staple cotton marketed by a producer which is not identified by a marketing card, marketing certificate, or loan document as provided in §§ 722.1162, 722.1163, or 722.1164 shall be taken by the buyer or transferee thereof as extra long staple cotton subject to the penalty and the lien for the penalty. The buyer or transferee of such unidentified extra long staple cotton shall collect the penalty from the producer or deduct it from the purchase price of the cotton. The buyer or transferee shall report the purchase of all such unidentified extra long staple cotton on Form MQ–82—Cotton and remit the penalty collected or deducted to the treasurer of the county committee.

PENALTY

§ 722.1166 *Rate of penalty.* The rate of the penalty for extra long staple cotton is the higher of 50 percent of the parity price for extra long staple cotton as of June 15, 1954, or 50 percent of the 1954 support price for extra long staple cotton, as provided in section 347 (c) of the act. (This section will be amended to include the exact rate of the penalty when such price data are available.)

§ 722.1167 *Lien for the penalty.* Until the penalty on the farm marketing excess is paid, all extra long staple cotton produced on the farm and marketed by the producer shall be subject to the penalty at the rate provided in § 722.1166 and a lien on the entire crop of extra long staple cotton produced on the farm in 1954 shall be in effect in favor of the United States.

§ 722.1168 *Interest on unremitted penalty.* The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 722.1169 (b) or § 722.1170 (c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 722.1169 *Payment of penalty by producers*—(a) *Producers liable for payment of penalty.* Each producer having an interest in the 1954 crop of extra long staple cotton on any farm for which a farm marketing excess has been determined shall be liable to pay the entire amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of extra long staple cotton produced on the farm.

(b) *Time when penalty becomes due and payable.* The farm marketing excess for any farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any extra long staple cotton produced on the farm is harvested. The amount of the penalty on the farm marketing excess for any farm shall be remitted on the date it becomes due or not later than March 15, 1955, except that such final date shall be June 15, 1955, for the Southern area of Puerto Rico: *Provided, however,* That the penalty on any bale or lot of extra long staple cotton marketed (1) from a farm for which the penalty on the farm marketing excess has not been paid or (2) without being properly identified by a marketing card, marketing certificate, or loan document (as prescribed by the Deputy Administrator) shall be due on the date of such marketing and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which such cotton was marketed.

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for remitting the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes that he is unable to arrange with other producers on the farm for the payment of the penalty on the entire farm marketing excess; that his share of the extra long staple cotton crop produced on the farm is marketed by him separately; and that he exercises no control over the marketing of the shares of the other producers in the extra long staple cotton crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the extra long staple cotton produced in 1954 on the farm bears to the total amount of such cotton produced in 1954 on the farm. When the producer pays his proportionate share of the penalty, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive a marketing certificate, issued in accordance with § 722.1158, to be used by him only in the marketing of his proportionate share of the extra long staple cotton crop produced in 1954 on the farm.

§ 722.1170 *Payment of penalty by buyers*—(a) *Buyers liable for payment of penalty.* Each person within the United States, including Puerto Rico, who buys from the producer any extra long staple cotton subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Extra long staple cotton shall be taken as subject to the lien for the penalty unless the producer presents to the buyer a marketing card (Form MQ–76—Cotton (1954) ELS), a marketing certificate (Form MQ–91—Cotton), or a loan document, as prescribed in §§ 722.1162, 722.1163, and 722.1164.

(b) *Payment of penalty on account of lien for the penalty.* Each person within the United States, including Puerto Rico, who buys or acquires extra long staple cotton from the producer which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(c) *Time when penalty becomes due.* The penalty to be paid by any buyer pursuant to paragraphs (a) and (b) of this section shall become due at the time the extra long staple cotton is marketed and shall be remitted not later than 7 calendar days next succeeding the end of the calendar week in which such cotton was marketed. Extra long staple cotton shall be deemed to be sold when either title to or actual or constructive possession of such cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. Extra long staple cotton shall be deemed to have been marketed by barter or exchange when it is delivered to the transferee of such cotton by actual or constructive delivery or the transferor has received any part of the property, goods, or services for which the extra long staple cotton is being bartered or exchanged. Extra long staple cotton shall be deemed to have been marketed by gift inter vivos when there is an actual or constructive delivery of such cotton to the transferee during the lifetime of the producer. Extra long staple cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts such cotton into an article of trade and thereby causes such cotton to lose its identity as seed cotton or extra long staple lint cotton. An article of trade within the meaning of this provision is any article made in whole or in part from extra long staple cotton for the purpose of marketing such article.

(d) *Manner of deducting penalty and issuance of receipts.* The buyer may deduct from the price paid for any extra long staple cotton an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraphs (a) and (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom such cotton was purchased a receipt for the amount so deducted which shall be on Form MQ–82—Cotton.

§ 722.1171 *Remittance of penalty to the treasurer of the county committee.* The treasurer of the county committee, for and on behalf of the Secretary, shall receive the penalty and issue a receipt therefor to the person remitting the penalty. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, or money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par, and the receipt (Form MQ–95—Cotton) issued in connection therewith shall bear a notation to that effect and a description of the check, draft, or money order.

§ 722.1172 *Deposit of funds.* All funds received by the treasurer of the county committee in connection with penalties for extra long staple cotton shall be scheduled and transmitted by him on the day received, or not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such cash in the county committee bank account and a separate check, payable to the Treasurer of the United States in the amount of such cash deposited, shall be drawn on such bank account by the treasurer of the county committee for transmittal to the State committee. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the names of the persons who marketed the extra long staple cotton in connection with which the funds were remitted.

§ 722.1173 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess sum shall be first applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers, and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount agreed upon in writing by each and every producer of extra long staple cotton on the farm or (2) in the event that such producers cannot agree to the division of such refund or if all of the producers on the farm are not available to apply for such refund, the amount determined by apportioning the excess among all of the producers on the farm on the basis of the amount of the penalty borne by each producer, as determined by the county committee. No refund shall be made to any buyer or transferee of any amount which he collected from the producer, deducted from the price or other consideration for the extra long staple cotton, or for which he was liable.

(b) *Certification of refunds.* One member of the county committee, acting for the committee, shall notify the State committee of the amount which the county committee determines may be refunded to each producer with respect to the farm, and the State committee shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been collected and transmitted to the State committee.

§ 722.1174 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within the time prescribed in section 372 of the act after payment to him of the penalty collected from any person, the Secretary finds that the

penalty was erroneously, illegally, or wrongfully collected, he shall certify to the Secretary of the Treasury for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury, such amount as the Secretary finds the claimant is entitled to receive as a refund of penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 722.1175 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county committee to report in writing to the State committee each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.1142 to 722.1186 to the Secretary when collected. It shall be the duty of the State committee to report each such case in writing to the Director with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 722.1176 *Records to be kept and reports to be made by ginners—(a) Necessity for records and report.* Each ginner shall, in conformity with section 373 (a) of the act, keep the records and make the reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to extra long staple cotton, the provisions of the act.

(b) *Nature and availability of records.* Each ginner shall keep, as part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of extra long staple cotton, and each lot of such cotton less than a bale, ginned by him the following information: (1) The date of ginning; (2) the name of the operator of the farm on which the extra long staple cotton was produced; (3) the name of the producer of the extra long staple cotton; (4) the county and State in which the farm on which the extra long staple cotton was produced is located; (5) the gin bale number or mark; (6) the serial number of the gin ticket or receipt prepared or issued by the ginner for the bale of extra long staple cotton and for each lot of such cotton less than a bale; (7) the gross weight of each bale of extra long staple cotton and the net weight of each lot of extra long staple lint cotton less than a bale; and (8) the kind of the bagging and ties used on each bale. The records so made shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31, 1956, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1142 to 722.1186, or of obtaining the information required to be furnished in any report pursuant to §§ 722.1142 to 722.1186 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the Director.

(c) *Requests for reports.* Each ginner, upon written request of the State committee or county committee, shall make a report showing the information provided for in this section, or any part thereof as specified in the request, with respect to extra long staple cotton ginned for the person or persons specified in the request or for the period of time specified in the request. This report shall be filed not later than the date designated by the State committee or county committee in the written request for such report.

(d) *Manner of submitting reports.* The treasurer of the county committee designated in the request for such report, or his successor in office, is hereby authorized and empowered to receive each such report, on behalf of the Secretary. Each report shall be mailed or delivered directly to the said treasurer.

(e) *Penalty for failure or refusal to keep records or make reports.* Any person engaged in the business of ginning extra long staple cotton who fails to keep any record or make any report as required by this section or who makes any false report or false record shall, as provided for in section 373 (a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each such offense.

§ 722.1177 *Records to be kept and reports to be made by buyers—(a) Necessity for records and reports.* Each person why buys extra long staple seed cotton or extra long staple lint cotton from the producer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to extra long staple cotton, the provisions of the act.

(b) *Nature of and availability of records.* Each buyer shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of extra long staple cotton, and each lot of such cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the extra long staple cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the extra long staple cotton and, in the case of extra long staple seed cotton purchased, the number of pounds of such seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of extra long staple lint cotton in each bale, and each lot of such cotton less than a bale, purchased from the producer; (5) the amount of any penalty required to be collected under §§ 722.1142 to 722.1186 and the amount of penalty collected in connection with the extra long staple cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the extra long staple cotton was identified when marketed. It shall be presumed that the extra long staple cotton was not identified in the manner provided in §§ 722.1142 to 722.1186 if the serial number of the marketing card or marketing certificate or a brief description of the loan document does not appear on the records required by this paragraph. The record so made shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31, 1956, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1142 to 722.1186, or of obtaining the information required to be furnished in any report pursuant to §§ 722.1142 to 722.1186 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the Director. The county committee shall, upon the request of any buyer, furnish to him without cost blank copies of Form MQ–100—Cotton which may be used by him for the purpose of keeping the record required pursuant to this paragraph.

(c) *Reports in connection with extra long staple cotton not indentified by marketing cards, marketing certificates, or loan documents.* The buyer of extra long staple cotton which is not identified by a marketing card, marketing certificate, or loan document as provided in §§ 722.1142 to 722.1186 when marketed shall, with respect to each purchase, make a written report on Form MQ–82—Cotton of the following information: (1) The name and address of the producer from whom the extra long staple cotton was purchased; (2) the date on which the extra long staple cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the extra long staple cotton; (4) the net weight of each bale of extra long staple cotton, and of each lot of such lint cotton less than a bale; and (5) the amount of the penalty collected in connection with the extra long staple cotton purchased. The report shall be executed in triplicate, one copy thereof shall be given to the producer, one copy shall be retained by the buyer, and the buyer shall mail or deliver the original to the treasurer of the county committee for the county in which such cotton was produced.

(d) *Reports in connection with extra long staple cotton identified by marketing certificates.* The buyer of extra long staple cotton which is identified when marketed by a certificate on Form MQ–91—Cotton, as provided in § 722.1163, shall make a report in connection with the transaction by executing the certificate in triplicate and by mailing or delivering the county office copy to the treasurer of the county committee for the county in which the certificate was issued. The original Form MQ–91—Cotton shall be retained by the buyer and the producer's copy shall be delivered to the producer to whom the certificate was issued. The manner in which Form MQ–91—Cotton shall be executed and distributed, in case the marketing is to a buyer not within the United States, is provided for in § 722.1180 (c).

(e) *Receipts to producers for penalties.* Where the extra long staple cotton is not identified by a marketing card, marketing certificate, or loan document at the time of marketing, the producer's copy of the executed Form MQ–82—Cotton shall be the receipt from the buyer to the producer for the penalty collected. The buyer shall report the giving of each such receipt to the producer by forwarding the county office copy of the Form MQ–82—Cotton to the treasurer of the county committee for the county in which such cotton was produced, as provided in paragraph (c) of this section.

(f) *Time for making reports.* Each report required by the foregoing provisions of this section shall be made not later than 7 calendar days next succeeding the end of the calendar week in which the extra long staple cotton covered thereby was marketed.

(g) *Buyer's special reports.* In the event the county committee, or the State committee, has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any extra long staple cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.1142 to 722.1186, the buyer shall, within fifteen days after a written request therefor by such committee is sent to him by registered mail at his last-known address, make a report verified as true and correct on Form MQ–100—Cotton to such committee with respect to cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the following information for each bale of extra long staple cotton, and each lot of such cotton less than a bale, purchased by such buyer: (1) The name and address of the producer from whom the extra long staple cotton was purchased; (2) the date on which the extra long staple cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin mark or other information showing the origin of or source of the extra long staple cotton and, in the case of extra long staple seed cotton purchased, the number of pounds of such seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of extra long staple lint cotton in each bale, and in each lot of such cotton less than a bale, purchased from the producer; (5) the amount of penalty required to be collected under §§ 722.1142 to 722.1186 and the amount of any penalty collected in connection with the extra long staple cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the extra long staple cotton was identified when marketed.

(h) *Manner of submitting reports.* The treasurer of the county committee for the county in which the extra long staple cotton covered by the report was produced, or his successor in office, is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to the said treasurer. Notwithstanding any other provision of this paragraph, each report on Form MQ–82—Cotton in connection with the purchase of extra long staple cotton marketed without the use of the means of identification provided by §§ 722.1142 to 722.1186 may be mailed or delivered directly to the treasurer of the county committee from whom the unexecuted copy of the form was obtained.

(i) *Penalty for failure or refusal to keep records or make reports.* Any person engaged in the business of purchasing extra long staple cotton from producers who fails to keep any records or make any report as required by this section or who makes any false report or false record shall, as provided for in section 373 (a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each such offense.

§ 722.1178 *Records to be kept and reports to be made by transferees.* Each transferee who acquires extra long staple seed cotton or extra long staple lint cotton from the producer thereof shall keep the same records and make the same reports which are required to be kept and made by buyers pursuant to § 722.1177 in every case in which the penalty is collected by the transferee as provided for in § 722.1170, and in every other case shall execute the applicable certificates which are necessary to enable the producer to keep the records and make the reports required of him.

§ 722.1179 *Records to be kept by warehousemen and others.* Each warehouseman, processor (including compressor), common carrier, and other person, as defined in section 373 (a) of the act, who buys, stores, processes (including compressing), transports as a common carrier, or otherwise deals with extra long staple cotton from, for, or on behalf of the producer thereof shall make available, for examination and inspection by the Secretary, or by any authorized representative of the Secretary, the records kept in his business concerning such cotton, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1142 to 722.1186 or of obtaining the information required to be furnished in any report pursuant to §§ 722.1142 to 722.1186 but not so furnished. The Secretary, in conformity with section 373 (a) of the act, hereby finds such records to be necessary to enable him to carry out, with respect to extra long staple cotton, the provisions of the act.

§ 722.1180 *Records to be kept and reports to be made by producers—(a) Necessity for records and reports.* Each person who produces in 1954, or who produced in any previous year, extra long staple cotton which is subject to the provisions of §§ 722.1142 to 722.1186 shall, in conformity with section 373 (b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to extra long staple cotton, the provisions of the act.

(b) *Farms for which marketing cards are issued.* A record and report of the extra long staple cotton marketed in connection with a farm for which one or more marketing cards were issued shall not be required unless requested by the county committee, as provided in paragraph (e) of this section.

(c) *Extra long staple cotton marketed to persons not within the United States, including Puerto Rico.* In each case where extra long staple cotton for which a marketing certificate has been issued pursuant to § 722.1158 is marketed to any person not within the United States (including Puerto Rico), the producer shall enter the name and address of the buyer or transferee and indicate in the space provided for the signature of the buyer or transferee on each copy of the marketing certificate that such person is not within the United States (including Puerto Rico). The producer shall retain his copy of the certificate and the county office's and buyer's copies shall be mailed or delivered by such producer to the treasurer of the county committee for the county in which the certificate was issued not later than 15 calendar days next succeeding the day on which the extra long staple cotton was marketed.

(d) *Farm operator's report.* The operator of the farm in connection with which a farm marketing excess is determined shall, upon written request of the county committee, file with the treasurer of the county committee for the county in which the farm is located a farm operator's report on Form MQ–98—Cotton showing for the farm the following information or any part thereof as specified in such request: (1) The date harvesting of the 1954 crop of extra long staple cotton was completed on the farm, the date of the last ginning of such cotton produced on the farm in 1954, and the acreage planted to such cotton on the farm; (2) the total number of pounds of lint cotton ginned from the 1954 crop of extra long staple cotton; (3) the name and address of each ginner who ginned such cotton and the number of a net weight of the bales of such cotton ginned by him; (4) the total amount of 1954 crop extra long staple cotton marketed in seed; (5) the total amount of 1954 crop extra long staple lint cotton marketed; (6) the amount of unmarketed extra long staple cotton of the 1954 crop on hand; (7) the total number of pounds of extra long staple lint cotton produced in the 1954 crop year; (8) the name and address of each buyer or transferee of 1954 crop lint or seed extra long staple cotton and the amount thereof marketed to him; and (9) the amount of penalty paid by the producer or collected by the buyer or transferee. In each case where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.1152, such application shall be made on a farm operator's report (Form MQ–98—Cotton) not later than 30 days, or any extension of such period as provided in § 722.1153, after harvesting of extra long staple cot-

ton on the farm has been completed. However, the county committee may waive the requirement that such application be filed on a Form MQ–98—Cotton in cases where it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of extra long staple cotton on the farm in 1954. Upon written request of the county committee, the operator of any other farm for which a farm marketing excess is not determined shall make a report on Form MQ–98—Cotton in the manner specified in this subsection not later than the date designated by the county committee in its request.

(e) *Manner of submitting reports.* The treasurer of the county committee for the county in which the extra long staple cotton covered by the report was produced, or his successor in office, is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to such treasurer.

§ 722.1181 *Data to be kept confidential.* Except as otherwise provided in this part, all data reported to or acquired by the Secretary pursuant to and in the manner provided in §§ 722.1142 to 722.1186 shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees and State committees, county agents, and the employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any cotton, farm, or transaction covered by the particular data, record, information, report, or form, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under the provisions of the act.

§ 722.1182 *Enforcement.* It shall be the duty of the county committee to report in writing to the State committee forthwith each case of failure or refusal to make any report or keep any record as required by §§ 722.1142 to 722.1186 and each case of making any false report or record. It shall be the duty of the State committee to report each such case in writing, in quintuplicate, to the Director with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXCEPTIONS

§ 722.1183 *Experimental cotton farms.* The penalty shall not apply to the marketing of any extra long staple cotton of the 1954 crop grown only for experimental purposes on land owned or leased by a publicly-owned agricultural experiment station and produced at public expense by employees of the experiment station, or if the extra long staple cotton was produced by farmers pursuant to an agreement with a publicly-owned experimental station whereby the experiment station bears the costs and risks incident to the production of such cotton and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement shall be approved by the State committee prior to the issuance of a marketing card for the farm.

§ 722.1184 *Acreage planted to extra long staple cotton*—(a) *Underplanting the farm acreage allotment.* For any farm on which extra long staple cotton is planted in 1954 and the acreage of such cotton in 1954 is less than the farm acreage allotment by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to extra long staple cotton on the farm in 1954, and the additional acreage added to the extra long staple cotton acreage history for the farm shall be added to the extra long staple cotton acreage history for the county and State.

(b) *No credit for overplanting the farm acreage allotment.* Any acreage planted to extra long staple cotton in 1954 in excess of the farm acreage allotment for the 1954 crop of extra long staple cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1955 and subsequent crops of cotton.

§ 722.1185 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving extra long staple cotton acreage allotments all records pertaining to extra long staple cotton acreage allotments and marketing quotas.

§ 722.1186 *Designation of representatives of the Secretary to examine records*—(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.1176, 722.1177, 722.1178, and 722.1179, relating to the examination of records, the Deputy Administrator is hereby authorized and directed to designate in writing an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purposes of said provisions.

(b) *Proof of designation.* Each person designated pursuant to this section shall be furnished with a copy of his designation, certified by the Deputy Administrator as proof of his authority to act as such authorized representative of the Secretary.

(c) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered, pursuant to the act of Congress approved January 31, 1925 (sec. 1, 43 Stat. 803; 5 U. S. C. 521), to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the extra long staple cotton marketing quota provisions of the act or §§ 722.1142 to 722.1186.

Done at Washington, D. C., this 19th day of April 1954.

[SEAL] J. A. McCONNELL,
Administrator, Commodity Stabilization Service.

[F. R. Doc. 54–3045; Filed, Apr. 21, 1954; 8:51 a. m.]

[7 CFR Part 728]

WHEAT

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS, NATIONAL, STATE, AND COUNTY ACREAGE ALLOTMENTS, AND FORMULATION OF REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS AND COUNTY NORMAL YIELDS FOR THE 1955 CROP OF WHEAT

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1332, 1333, 1334, 1335), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1955 crop of wheat, to determine and proclaim the national acreage allotment for the 1955 crop of wheat, to apportion among States and counties the national acreage allotment for the 1955 crop of wheat, and to formulate regulations for establishing farm acreage allotments and county normal yields for the 1955 crop of wheat.

Section 335 of the act provides that whenever in the calendar year 1954 the Secretary determines (1) that the total supply of wheat for the 1954–55 marketing year will exceed the normal supply for such marketing year by more than 20 per centum, or (2) that the total supply of wheat for the 1953–54 marketing year is not less than the normal supply for such marketing year and that the average farm price for wheat for three consecutive months of such marketing year does not exceed 66 per centum of parity, the Secretary shall, not later than July 1, 1954, proclaim such fact and a national marketing quota shall be in effect on the marketing of wheat during the 1955–56 marketing year.

Section 333 of the act provides that the national acreage allotment shall be that acreage which the Secretary determines will, on the basis of the national average yield for wheat, produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crop and imports, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof; but such allotment for any year shall not be less than 55 million acres. Section 332 of the act requires that the Secretary, not later than July 15, 1954, shall ascertain and proclaim the total supply and the normal supply of wheat for the 1954–55 marketing year and the national acreage allotment for the 1955 crop of wheat.

As defined in section 301 of the act, for the purpose of these determinations, "total supply" for any marketing year is the carry-over of wheat for such marketing year, plus the estimated production of wheat in the United States during the calendar year in which such marketing year begins and the estimated imports of wheat into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of wheat for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of wheat for the marketing year for which normal supply is being determined, plus 15 per centum of such consumption and exports, with such adjustments for current trends in consumption and for unusual conditions as deemed necessary; "normal year's domestic consumption" of wheat is the yearly average quantity of wheat that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption; "normal year's exports" of wheat is the yearly average quantity of wheat produced in the United States that was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports; "marketing year" for wheat is the period July 1–June 30; and "national average yield" of wheat is the national average yield of wheat for the ten calendar years preceding the year in which such national average yield is used, adjusted for abnormal weather conditions and for trends in yields.

Section 334 (a) of the act requires that the national acreage allotment of wheat for the 1955 crop, less a reserve of not to exceed one per centum thereof, be apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1944–1953 (plus, in applicable years, the acreage diverted under agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period. Section 334 (b) of the act requires that the State acreage allotment of wheat for the 1955 crop, less a reserve of not to exceed 3 per centum thereof, be apportioned among the counties in the State on the basis of the acreage seeded for the production of wheat during the ten calendar years 1944–1953 (plus, in applicable years, the acreage diverted under agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices.

Section 334 (c) of the act requires that the allotment to the county be apportioned among the farms within the county on the basis of past acreage of wheat, tillable acres, crop-rotation practices, type of soil, and topography, and provides that not more than 3 per centum of the State allotment be apportioned to farms on which wheat has not been planted for harvest during any of the three marketing years immediately preceding the marketing year in which the allotment is made.

Section 301 (b) (13) of the act provides for the determination of county normal yields of wheat by taking the average yield per acre of wheat for the county during the ten calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. Provision is also made that if for any year during such 10-year period the data are not available, or there is no actual yield, an appraised yield for such year shall be determined in accordance with regulations issued by the Secretary of Agriculture, and that such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the 10 years upon which the existing normal yield per acre for the county was based.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments for the 1955 crop of wheat and the formulation of regulations for the establishment of farm acreage allotments and county normal yields for the 1955 crop of wheat consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 19th day of April 1954.

[SEAL] J. A. McCONNELL,
Administrator.

[F. R. Doc. 54–3024; Filed, Apr. 21, 1954; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS IN THE SINGLE PANTS, SHIRTS AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR AND OTHER ODD OUTERWEAR, RAINWEAR, ROBES, AND LEATHER AND SHEEPLINED GARMENTS DIVISION OF THE APPAREL INDUSTRY

TERMS OF SPECIAL CERTIFICATE

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (Section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214), the Administrator has heretofore issued regulations (§§ 522.160 through 522.168) providing for the employment of learners in the Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes, and Leather Sheeplined Garments Division of the Apparel Industry, at wages lower than the minimum wage applicable under section 6 of the act.

Such regulations have been re-examined in the light of recent changes in wage levels, administrative experience in the operation of the regulations, and after consultation with interested parties in the industry. All relevant information available indicates that it is necessary to amend the learner regulations insofar as they apply to all divisions of this industry, other than the Women's Apparel Division, by increasing the minimum learner wage from 60 cents per hour to 63 cents per hour for the first 320 hours of the learning period and from 65 cents per hour to 70 cents for the next 160 hours; by making the same increases for workers undergoing retraining; and by reclassifying the occupations and duration of the learning periods for the apparel industry other than the Women's Apparel Division.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), that under the authority provided in section 14 of the Fair Labor Standards Act of 1938, as amended (section 14, 52 Stat. 1068; 29 U. S. C. 214), the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to revise § 522.162 as hereinafter set forth.

1. The following paragraphs of § 522.162 are amended to read as follows:

a. Paragraph (a) (1) is amended to read as follows:

§ 522.162 *Terms of special certificates.*
• • •

(a) *Occupations for which certificates may be issued and duration of learning periods.* (1) In the Women's Apparel Division of the Apparel Industry, as defined in § 522.161 (a) (1), machine operating (except cutting), pressing, handsewing, and finishing operations involving hand-sewing, maximum learning period of 480 hours for any of these occupations,[1] but not more than a 320-hour learning period in such occupations if, within the previous two years, the worker has had 160 hours or more of experience in another of these occupations in any division of the industry.

b. Paragraph (a) (2) is renumbered and made (a) (3).

c. A new paragraph (a) (2) is added to read as follows:

(2) In all other divisions of the Apparel Industry, as defined in § 522.161 (a) (2), (3), (4), (5) and (6), sewing machine operating, final pressing, handsewing, finishing operations involving hand-sewing, maximum learning period of 480 hours for any of these occupations,[1] all other pressing and all other machine operating (except cutting), a maximum learning period of 160 hours,[1] but not more than a 320 hour learning period in such occupations where a maximum of 480 hours is authorized, if, within the previous two years, the worker has had 160 hours or more of experience

[1] If, within the previous two years, the worker has been employed in any division of the industry in an authorized learner occupation for less than the maximum learning period authorized for that occupation, the number of hours of previous employment should be deducted from the applicable learning period.

in another of these occupations in any division of the industry.

d. Paragraph (b) (1) (ii) is amended to read as follows:

(b) *Minimum rates of pay.* (1) • • •

(ii) Not less than 63 cents per hour for the first 320 hours, and not less than 70 cents per hour for the next 160 hours, if employed in any of the other divisions of the Apparel Industry, as defined in § 522.161 (a) (2), (3), (4), (5) and (6).

e. Paragraph (b) (1) (iii) is amended by deleting all the language subsequent to the semi-colon and inserting the following: "And any experienced worker in any one of the occupations shown in paragraph (a) (2) of this section for which a 480-hour learning period is authorized, who is being retrained in any other occupation shown in that paragraph, having such a 480-hour maximum period, shall be paid at not less than 63 cents per hour for the first 160 hours and not less than 70 cents per hour for the next 160 hours, if employed in any of the other divisions of the Apparel Industry, as defined in § 522.161 (a) (2), (3), (4), (5) or (6)."

f. Paragraph (b) (2) is amended by deleting the period at the end thereof and adding the following: "if employed in the Women's Apparel Division of the Apparel Industry, as defined in § 522.161 (a) (1); and at not less than 70 cents per hour if employed in any of the other divisions of the Apparel Industry, as defined in § 522.161 (a) (2), (3), (4), (5) or (6)".

g. Paragraph (b) (3) and (4) are renumbered (4) and (5) respectively, and a new paragraph (b) (3) is added as follows:

(3) A learner employed in any occupation for which a 160-hour learning period is authorized in paragraph (a) (2) of this section shall be paid 63 cents per hour if employed in any of the divisions of the Apparel Industry, as defined in § 522.161 (a) (2), (3), (4), (5) or (6).

Consideration will be given to any data, views, or arguments pertaining to the amendment of 29 CFR, Part 522, § 522.162, as proposed, which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 30 days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 19th day of April 1954.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 54-3037; Filed, Apr. 21, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1954 98th Supp.]

YORKSHIRE INSURANCE CO. OF NEW YORK

CORPORATIONS ACCEPTABLE AS SURETIES ON FEDERAL BONDS

APRIL 16, 1954.

Under date effective midnight ending December 31, 1953, "The Yorkshire Indemnity Company of New York", New York, New York, a New York Corporation, formally changed its name to that of "The Yorkshire Insurance Company of New York". A copy of the Restated Charter of The Yorkshire Insurance Company of New York, a certified copy of the By-laws, and a certificate from the Insurance Department of the State of New York certifying that the corporate name of The Yorkshire Indemnity Company of New York became and now is The Yorkshire Insurance Company of New York, have been received and filed in the Treasury.

Pursuant to an Instrument of Transfer and Assumption and a Domestication Agreement filed with the Insurance Department of the State of New York on December 15, 1953, The Yorkshire Indemnity Company of New York acquired all the business and assets and assumed all the liabilities of The Yorkshire Insurance Company, Limited, United States Branch.

The change in the name of The Yorkshire Indemnity Company of New York does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to its authority under the act of Congress approved July 30, 1947 (U. S. C. secs. 6-13), to qualify as sole surety on such obligations.

Hereafter the name of the company will appear as "The Yorkshire Insurance Company of New York" on Treasury Form No. 356, which shows a list of the companies authorized to act as acceptable sureties on bonds in favor of the United States.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 54-3034; Filed, Apr. 21, 1954; 8:49 a. m.]

Office of the Secretary

SPECIAL ASSISTANT TO THE SECRETARY

DELEGATION OF AUTHORITY WITH RESPECT TO DISBURSEMENT, ADMINISTRATION, SERVICING AND SALE OF LOANS

Laurence B. Robbins, as Special Assistant to the Secretary of the Treasury, is hereby authorized to perform, exercise, and administer all of the functions, powers, duties, and authority under section 409 of the Federal Civil Defense Act of 1950 vested in me by virtue of the provisions of section 104 of the Reconstruction Finance Liquidation Act (67 Stat. 231; Public Law 163, approved July 30, 1953) and to perform, exercise, and administer all of the functions, powers, duties, and authority under section 302 of the Defense Production Act of 1950, as amended, vested in me by virtue of the provisions of section 107 (a) (2) of the Reconstruction Finance Liquidation Act as supplemented by Executive Order No. 10489, dated September 26, 1953 (18 F. R. 6201).

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

APRIL 1, 1954.

[F. R. Doc. 54-3035; Filed, Apr. 21, 1954; 8:49 a. m.]

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

DELEGATION OF AUTHORITY RESPECTING FUNCTIONS AND DUTIES OF PURCHASING AGENT

The following is the text of Order No. 55582, dated March 2, 1954, delegating certain authority to the Assistant Postmaster General, Bureau of Facilities, respecting functions and duties of the Purchasing Agent for the Post Office Department:

(a) Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), all functions and duties heretofore vested in the Purchasing Agent for the Post Office Department are hereby transferred to the Assistant Postmaster General, Bureau of Facilities, who is hereby authorized to delegate to any officer or employee under his jurisdiction such of the functions and duties, transferred by this order, as he deems appropriate, except that the authority with respect to the "Procurement of Supplies and Services by the Postmaster General for Improvement of Postal Operations and Other Activities," delegated by the Administrator of General Services under date of April 10, 1951 (see Order No. 45931 of the Postmaster General, dated April 17, 1951, published in the Postal Bulletin of April 19, 1951), to the extent it is subject to redelegation, may be performed by a chief procurement officer for the Post Office Department designated by the Assistant Postmaster General, Bureau of Facilities.

(b) The office of Purchasing Agent is hereby abolished: *Provided*, That the office of Purchasing Agent, or such a form thereof as the Assistant Postmaster General, Bureau of Facilities, deems to be in the best interests of the Department, may be established by the Assistant Postmaster General, Bureau of Facilities, on his own order, as a division or other unit of the Bureau of Facilities.

(c) All regulations, orders, instructions, and delegations of functions and duties in conflict with this order, or in conflict with such regulations, order, instructions, and delegations of functions and duties which may hereafter be made by the Assistant Postmaster General, Bureau of Facilities, under authority of this order, are hereby modified to the extent of such inconsistency.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 1332-15, 369. Delegation of authority by the Administrator of General Services, dated April 10, 1951, 16 F. R. 3319)

[SEAL] LOUIS J. DOYLE,
Acting Solicitor.

[F. R. Doc. 54-3033; Filed, Apr. 21, 1954; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 15, 1954.

An application, serial number Idaho 04174 and 04836, for the withdrawal from all forms of appropriation under the public land laws, except mineral leasing of the lands described below was filed on September 5, 1951, and January 5, 1953, by Idaho Fish and Game Department. The purposes of the proposed withdrawal: C. J. Strike Snake River Wildlife Management Area.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior, at Swan Island Station, Portland 18, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN

T. 5 S., R. 4 E.,
Sec. 12, Lots 5, 6, 7.
Sec. 13, NE¼NW¼, NW¼NE¼.
Sec. 14, SE¼NE¼, SW¼SW¼, Lots 6 and 7.
Sec. 15, NE¼NE¼, SW¼NE¼, E½NW¼, NE¼SW¼.
Sec. 22, Lots 4 and 7, E½NE¼, SW¼SE¼.
Sec. 24, SE¼NE¼.
Sec. 26, W½W½, SE¼SW¼.
Sec. 27, Lots 1, 2, 3, 6, 7 and 8, E½NE¼, E½SW¼.
Sec. 34, Lots 2 and 9, SW¼SW¼.
Sec. 35, SW¼NE¼.
T. 5 S., R. 5 E.,
Sec. 17, Lots 1, 4, 5 and 6, SE¼NE¼.
Sec. 18, Lots 2, 3, 4, and 5, S½SE¼.
Sec. 19, Lots 1 and 2.
Sec. 20, Lot 2.
Sec. 21, Lots 1, 2, 3, 4, 5, 6, 7 and 8, E½NE¼, SW¼SE¼.
Sec. 22, Lots 1, 2, 3, 4, 5 and 6, W½NW¼.
Sec. 23, Lots 1, 2, 3, 4, 7 and 8.
Sec. 24, Lots 1, 2, 3, 4, 5, 6 and 7.
Sec. 27, Lot 1, N½NW¼, SE¼NW¼.
Sec. 28, N½NE¼.
T. 5 S., R. 6 E.,
Sec. 19, Lots 1 and 2,
Sec. 30, Lot 6.
Sec. 31, Lots 6, 7, 8 and 9, SE¼SW¼.
Sec. 33, S½NE¼.
Sec. 34, SW¼NW¼.
Sec. 35, Lots 1, 2 and 3.
T. 5 S., R. 7 E.,
Sec. 27, Lot 1,
Sec. 28, Lots 1, 2, 3, 4, 5, 6 and 7,
Sec. 29, Lots 1, 2, 3 and 4,
Sec. 31, Lots 3, 4, 5 and 8,
Sec. 32, Lots 1, 2, 3 and 4,
Sec. 33, Lot 1,
Sec. 34, Lots 1, 2 and 3,
Sec. 35, NW¼SW¼, S½SE¼.
T. 5 S., R. 8 E.,
Sec. 31, Lots 1, 2, 3 and 4,
Sec. 32, Lots 1, 2, 3 and 4,
Sec. 33, Lot 1.
T. 5 S., R. 9 E.,
Sec. 26, Lots 2, 3 and 4.
Sec. 32, Lots 1, 5 and 6,
Sec. 33, Lots 1, 2, 3, 4, 5, 6, 7 and 8.
Sec. 34, Lots 3 and 4.
T. 5 S., R. 10 E.,
Sec. 14, Lots 4 and 5,
Sec. 21, Lots 2 and 3,
Sec. 32, Lot 8.
T. 6 S., R. 4 E.,
Sec. 1, Lots 2, 3 and 4, S½NE¼,
Sec. 2, Lots 1, 2, 3 and 4, SW¼NE¼, SE¼NW¼,
Sec. 3, Lots 1, 2, 3 and 4, S½NE¼.
T. 6 S., R. 6 E.,
Sec. 1, Lots 1 and 2, SW¼NW¼, SE¼NW¼.
Sec. 2, SW¼, N½SE¼.
Sec. 3, Lots 3 and 4, SW¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼, SW¼SE¼.
Sec. 4, S½N½.
Sec. 5, Lots 1, 2, 3 and 4,
Sec. 6, Lot 1.
T. 6 S., R. 7 E.,
Sec. 1, Lots 1, 2, 3 and 4,
Sec. 2, Lots 1 and 4.
T. 6 S., R. 8 E.,
Sec. 1, Lot 6,
Sec. 3, Lot 12,
Sec. 4, Lots 4, 5, 8 and 9,
Sec. 5, Lot 1,
Sec. 6, Lot 5.
T. 6 S., R. 10 E.,
Sec. 6, Lots 1 and 2.

The area described aggregates 8,356.45 acres.

The lands described have an elevation of approximately 2,450 feet, and the topography ranges from steep slopes to open flat areas. Very little of the lands are agricultural in character. They are suitable for grazing of livestock and afford access to water in the Snake River for livestock.

Portions of the lands are within power site and reclamation withdrawals, and it has been determined that the withdrawal of the lands for the purposes proposed would be consistent with the multiple uses, subject to the administration of the lands by the Bureau of Land Management for grazing purposes in cooperation with the United States Fish and Wildlife Service and the Idaho Fish and Game Department.

JOSEPH A. GANONG,
Acting Regional Administrator.

[F. R. Doc. 54-3027; Filed, Apr. 21, 1954; 8:48 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 15, 1954.

An application, serial number Washington 01214, for the withdrawal from all forms of appropriation under the public land laws, except mineral leasing of the lands described below was filed on January 22, 1954, by Washington Department of Fisheries. The purposes of the proposed withdrawal: Klickitat Salmon Hatchery.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior at Swan Island Station, Portland 18, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN

T. 7 N., R. 13 E.,
Sec. 33, S½SE¼.

The area described aggregates 80 acres.

The land described is in a Federal Power Reserve, and the Federal Power Commission has made a determination Docket No. DA-101, Washington, to the effect that the value of the land would not be injured or destroyed for power purposes by restoration under section 24 of the Federal Power Act.

The filing of the application for a withdrawal of the land for the purposes stated segregates the land from disposition under the public land laws pending a determination by the Secretary of the Interior. Therefore, since the land is segregated and is not subject to any form of entry or disposal, such as contemplated by the act of May 28, 1948 (62 Stat. 275; 16 U. S. C. sec. 818), in accordance with section 63.4 of the Bureau of Land Management Manual, no order of restoration of the land under the Federal Power determination will be issued or notice given to the State, but appropriate notation of the determination will be made on the records of the land office and included in any future order of res-

toration of the lands as provided in the act of May 28, 1948.

JOSEPH A. GANONG,
Acting Regional Administrator.

[F. R. Doc. 54-3028; Filed, Apr. 21, 1954; 8:48 a. m.]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 14, 1954.

An application, serial number Arizona 04855, for the withdrawal from all forms of appropriation under the public land laws of the lands described below, was filed on May 4, 1953, by the Department of the Army. The purposes of the proposed withdrawal: Painted Rock Reservoir Project.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region 5, Bureau of Land Management, Department of the Interior, at Post Office Box 1695, Albuquerque, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 5 W.,
Sec. 31.
T. 5 S., R. 5 W.,
Secs. 6, 7, 8.
T. 4 S., R. 6 W.,
Secs. 19, 20, 21, 25 to 36, inclusive.
T. 5 S., R. 6 W.,
Secs. 1 to 6, inclusive, 9 to 12, inclusive.
T. 4 S., R. 7 W.,
Secs. 6, 7, 17 to 29, inclusive, 33 to 36, inclusive.
T. 5 S., R. 7 W.,
Secs. 1, 2, 3, 4, 10, 11.
T. 3 S., R. 8 W.,
Secs. 34, 35, 36.
T. 4 S., R. 8 W.,
Secs. 1 to 4, inclusive, 8 to 12, inclusive;
Sec. 13, N½, E½SW¼, SE¼,
Sec. 14, N½, SW¼, W½SE¼,
Secs. 15 to 36, inclusive.
T. 4 S., R. 9 W.,
Secs. 35, 36.
T. 5 S., R. 8 W.,
Secs. 1 to 12, inclusive.
T. 5 S., R. 9 W.,
Secs. 1 to 21, inclusive, 23, 24.
T. 5 S., R. 10 W.,
Secs. 11 to 14, inclusive;
Sec. 15, S½, NW¼,
Secs. 21, 22, 23, 24, 28, 29, 30,
Sec. 31, N½.
T. 5 S., R. 11 W.,
Secs. 25, 26, 33, 34, 35, 36.
T. 6 S., R. 11 W.,
Secs. 3 to 10, inclusive, 17.
T. 6 S., R. 12 W.,
Secs. 10 to 22, inclusive;
Sec. 23, N½N½,
Sec. 28, NW¼,
Sec. 29, N½, SW¼,
Sec. 30, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, SE¼.
T. 6 S., R. 13 W.,
Secs. 19 to 32, inclusive.
Sec. 33, N½, N½S½, SW¼SW¼,
Secs. 34, 35, 36.

The areas described, including both public and non-public land, aggregate approximately 118,310 acres.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-3015; Filed, Apr. 21, 1954; 8:45 a. m.]

Office of the Secretary

NEW MEXICO

RULES FOR ADMINISTRATION OF GRAZING DISTRICT NO. 7; MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by section 2 of the act of June 28, 1934 (48 Stat. 1270, 43 U. S. C. 315a) the "Rules for the Administration of New Mexico Grazing District No. 7" approved September 3, 1949 (14 F. R. 5575), are amended as to subparagraph (c), and a new subparagraph (d) is added, to read as follows:

(c) Except as provided in subparagraph (d), free use grazing privileges may be accorded to any resident applicant in the district having not more than 50 sheep units, or an equivalent in animal units in other classes of livestock.

(d) Free use grazing privileges may be accorded to any resident Indian applicant in the district to the extent of 100 sheep units, or an equivalent in other classes of livestock, but not to exceed four horses: *Provided*, That this rule shall apply also to such resident Indian applicants within the Hogback, Adobe and Bernard communities of the San Juan Unit, notwithstanding the provisions of the Bureau of Land Management order of October 20, 1953 (18 F. R. 6788) whereby the San Juan Unit was added to New Mexico Grazing District No. 7: *Provided further*, That no free use grazing privileges will be authorized to any person who may be indebted to the United States by reason of delinquent grazing fees or trespass charges for unauthorized grazing use: *Provided further*, That in the issuance of free use grazing privileges any applicant having less than 100 sheep units shall henceforth be limited to the number of sheep units or their equivalent for which a dicense may be issued, or for which an applicant may be qualified, for the period July 1, 1954 to June 30, 1955, except that increases may be allowed by the district range manager whenever additional range or grazing privileges are available for such allocations.

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 15, 1954.

[F. R. Doc. 54-3019; Filed, Apr. 21, 1954; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6523]

TUYA CUBAN EXPRESS CORP.

NOTICE OF HEARING

In the matter of the application of Tuya Cuban Express Corp. for a foreign air carrier permit authorizing indirect air transportation between Havana, Cuba, and points in the United States.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 thereof, the above-entitled proceeding is assigned for hearing on May 4, 1954, at 10:00 a. m., e. d. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues in this proceeding, particular attention will be directed to whether transportation proposed herein will be in the public interest and whether the applicant is fit, willing and able to perform such air transportation and to conform to the provisions of the Civil Aeronautics Act and the rules, regulations and requirements of the Board thereunder.

For further details of the issues involved in this proceeding, interested persons are referred to the various orders entered in the proceeding and the Examiner's Prehearing Conference Report, which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board, on or before May 4, 1954, a statement setting forth the issues of fact or law which he desires to controvert.

Dated at Washington, D. C., April 16, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-3038; Filed, Apr. 21, 1954; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

APRIL 1954 DOMESTIC AND EXPORT PRICE LISTS

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950, as amended January 9, 1953, (15 F. R. 1593, 18 F. R. 176) and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated. The offering of corn of the 1948-49 crops on the domestic list is effective as of April 6, 1954 for the remainder of the month and is a reduction of 20 cents per bushel from the price that was effective April 1, 1954. The offerings of nonfat dry milk solids and cheddar cheese on the export list are effective as of April 9, 1954 for the remainder of the month.

APRIL 1954 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic price list
Corn, bulk, 170,000,000 bushels (1948 49 crops).	At points of production, basis in store, at market prices, but not less than 20 cents per bushel below the local 1953 corn loan rate for No. 3 yellow corn. In addition, off grade corn owned by CCC from any other crop will also be offered for sale at the same price. Sales will be made through County Agricultural Stabilization and Conservation Committees. The corn is stored in CCC bin sites.

APRIL 1954 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Cheese, cheddar, flats, and truckless blocks (standard), 40 pounds in carload lots (40,000 pounds.	U. S. Grade A and higher: F. a. s. U. S. port of export: 25.5 cents per pound. "In store" at location of stocks. F. A. s. price less export freight rate per pound to agreed port of export.[1] U. S. Grade B: F. a. s. U. S. port of export 24.5 cents per pound. "In store" at location of stocks. F. a. s. price less export freight rate per pound to agreed port of export.[1] All prices are subject to usua adjustment for moisture content.
Nonfat dry milk solids (in carload lots; 455,000,000 pounds, Spray, 85,000,000 pounds, roller.	Spray Process, U. S. Extra Grade. F. a. s. U. S. port of export: 11.75 cents per pound. "In store" at location of stocks. F. a. s. price less export freight rate per pound to agreed port of export.[1] Roller Process, U. S. Extra Grade. F. a. s. U. S. port of export 10 cents per pound "In store" at location of stocks: F. a. s. price less export freight rate per pound to agreed port of export.[1]

[1] "In store" means at the processor's plant or in warehouse but with any prepaid storage or handling charges for the benefit of the buyer.

(Sec. 407, 63 Stat. 1055; 7 U. S. C. 1427)

Issued: April 19, 1954.

[SEAL] J. A. MCCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-3042; Filed, Apr. 21, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1116, G-1152, G-1240, G-1317, G-1344, G-1379, G-1415, G-1417, G-1457, G-1509, G-1616, G-1625, G-1659, G-1725, G-1754, G-2057, G-2101, G-2234]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF OPINION NO. 269 AND ORDER

APRIL 16, 1954.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1725, G-1754, G-2101; City of Port Huron, City of Marysville, City of St. Clair, Michigan municipal corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, complainant v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G-1379; Northern Indiana Fuel and Light Company, Docket Nos. G-1457, G-2234; Missouri Central Natural Gas Company, Docket No. G-1509; The Central West Utility Company, Docket No. G-1616; Michigan Gas Utilities Company, Docket No. G-1625; City of Auburn, Illinois, Docket No. G-1659; Missouri Public Service Company, Docket No. G-2057.

Notice is hereby given that on April 15, 1954, the Federal Power Commission issued its opinion and order adopted April 15, 1954, fixing rates in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3020; Filed, Apr. 21, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3232]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF ADDITIONAL SHARES OF COMMON STOCK THROUGH SUBSCRIPTION WARRANTS

APRIL 16, 1954.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company has filed an application-declaration, and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a), 7 and 12 (c) thereof and Rules U-42 and U-50 as applicable to the proposed transactions, which are summarized as follows:

A. GPU proposes to issue 606,423 additional shares of its authorized and unissued common stock, par value $5 per share, offering these first to the holders of its outstanding common stock by transferable subscription warrants carrying the right to subscribe for shares of such additional common stock on the basis of one share for each fifteen shares of common stock held of record. The duration of such offer, which will be approximately nineteen days, the record date, and the subscription price will be supplied by amendment.

B. No warrant holder will be permitted to subscribe for a fraction of a share of stock. In cases where the rights represented by the warrant or warrants accompanying a subscription aggregate in excess of 15 and are not exactly divisible by 15, the holder of such warrant or warrants will be permitted, upon the surrender of such warrant or warrants and the exercise of his subscription privilege for the maximum number of whole shares covered thereby, to apply any excess rights to the purchase of one additional share at the subscription price, subject to the availability, as described hereafter, to GPU of shares out of which such share may be allotted. If shares should not be available for such allotment, GPU will purchase the excess rights at the price to be paid for any rights which may be tendered for purchase as provided in the following paragraph C.

C. Up to a date to be specified by amendment, the initial record warrant holders may sell all or any portion of their subscription rights to GPU at a price per right which will be the greater of (1) one-fifteenth of the difference between (a) the last sale price of GPU common stock on the New York Stock Exchange on the date of receipt by GPU of the warrant evidencing such rights, and (b) the subscription price, or (2) a minimum price to be supplied by amendment.

D. Warrants will not be issued to record holders of less than fifteen shares. Instead, GPU will pay such holders cash in an amount per right which is the greater of (1) one-fifteenth of the difference between (a) the arithmetic average of the last sale price of GPU common stock on the New York Stock Exchange on the second, third and fourth business days immediately following the record date, and (b) the subscription price, or (2) a minimum price to be supplied by amendment. The shares thus made available to GPU are included in those proposed to be issued and will be available for allotment by GPU as described in paragraphs B, F and G.

E. The offering will not be underwritten nor will GPU enter into any dealer-manager arrangement. GPU does propose, however, to utilize the services of security dealers in soliciting the exercise of the warrants by the initial record holders thereof and in disposing of shares which become available by the making of cash payments to holders of less than fifteen shares, and by rights purchased by GPU, or by rights not exercised by the warrant holders. The soliciting compensation per share to be paid by GPU to the participating dealers will be specified by amendment.

F. GPU will offer to the record holders of fifteen shares or more of its common stock during a period of approximately fifteen days, which will begin not later than six months after the termination of the exchange period, the privilege of purchasing from GPU such number of shares of GPU common stock as, together with the shares theretofore held of record, will result in the holding by such holders of a multiple of ten shares, up to the next 100-share multiple, or any higher 100-share multiple, provided that GPU has shares available for the purpose. The price at which shares of GPU common stock will be sold pursuant to the foregoing privilege will be the

last sale price of GPU's common stock on the New York Stock Exchange on the date of the receipt by GPU of an application of a stockholder for the purchase of such shares except that no shares will be sold below the subscription price.

G. Following the termination of the exchange period and during such period as GPU may determine, which latter period will begin not later than six months after the termination of the exchange period, and end not later than December 31, 1954, participating dealers may purchase from GPU all or any part of such shares as GPU shall make available to them out of shares that had become available to it. The purchase price to be paid to GPU by participating dealers shall be the price then applicable to sales of GPU common stock by participating dealers as determined and announced by GPU on the day of such purchase, and shall not be (a) in excess of the last quoted price asked for shares of GPU common stock on the New York Stock Exchange plus 25 cents per share, or (b) less than the higher of (i) the last previous bid price for such stock or (ii) the subscription price. GPU will pay such participating dealers a purchase fee which will be specified by amendment. In the event any shares thus made available to participating dealers are not purchased by them within 24 hours after notice of availability, GPU may sell such shares to other persons at the price then applicable to sales by participating dealers, as determined and announced by GPU on the day of such sale, provided that an amount per share equal to the compensation to be paid to participating dealers may be allowed by GPU to dealers or brokers purchasing such shares who agree to sell such shares at the price applicable to sales by participating dealers on the date of such sale.

H. GPU may, during any phase of the offering, affect transactions designed to stabilize the market for the rights and shares, but in no event will it acquire, as a result of such transactions, a net long position in excess of 66,642 shares (10 percent of the additional shares to be issued).

GPU requests that the Commission grant an exemption from the competitive bidding requirements of Rule U-50 to the extent that such rule may be applicable to the sale of the additional common stock to participating dealers or others.

The net proceeds from the sale of the additional common stock will be used by GPU to retire short-term bank loans, to make additional investments in its domestic subsidiaries, or to reimburse its treasury for such investments theretofore made, and for other corporate purposes.

GPU states that no State or Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 5, 1954, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as filed or as hereafter amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-3022; Filed, Apr. 21, 1954; 8:47 a. m.]

[File No. 70-3234]

EASTERN UTILITIES ASSOCIATES

ORDER AUTHORIZING ISSUE AND SALE TO BANK OF SHORT-TERM PROMISSORY NOTE

APRIL 16, 1954.

Eastern Utilities Associates ("EUA"), a registered holding company, having filed a declaration with this Commission pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act"), which is summarized as follows:

EUA proposes to issue and sell to The First National Bank of Boston an unsecured promissory note in the principal amount of $2,000,000. Said note will be outstanding for a period not to exceed six months from April 19, 1954, and will bear interest at the prime rate in effect on April 20, 1954 (April 19, 1954, being a legal holiday in Boston). Upon 10 days' written notice said note may be prepaid in whole or in part without premium.

At the present time EUA has outstanding bank indebtedness in the principal amount of $2,000,000 which bears interest at 3¼ percent per annum and matures April 19, 1954. The purpose of said proposed note is to extend or renew this bank indebtedness for a period not to exceed six months. It is contemplated by EUA that the proposed note will be retired through the sale of a sufficient number of its common shares to raise approximately $2,000,000 of equity capital at the earliest practicable date but not later than October 1, 1954, market conditions for the EUA shares being favorable.

EUA's expenses in connection with the issuance of said note, including counsel fees and expenses estimated at $600, are estimated not to exceed $700. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order become effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-3021; Filed, Apr. 21, 1954; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29150]

MINE RUN SALT FROM JEFFERSON ISLAND, LA., TO ANNISTON, ALA.

APPLICATION FOR RELIEF

APRIL 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt, mine run, carloads.

From: Jefferson Island, La.

To: Anniston, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3903, supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2992; Filed, Apr. 20, 1954; 8:48 a. m.]

[4th Sec. Application 29151]

MOTOR-RAIL RATES IN THE EAST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

APRIL 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Star Transport Co.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Boston, Mass., New Haven, Conn., Providence, R. I., and Springfield, Mass., on the one hand, and Harlem River, N. Y., Elizabeth, or Edgewater, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2993; Filed, Apr. 20, 1954; 8:49 a. m.]

[4th Sec. Application 29152]

MOTOR-RAIL RATES IN THE EAST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

APRIL 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Textile Motor Express, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Boston, Mass., or Providence, R. I., on the one hand, and Harlem River, N. Y., Elizabeth or Edgewater, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2994; Filed, Apr. 20, 1954; 8:49 a. m.]

[4th Sec. Application 29153]

RADISHES FROM FLORIDA TO POINTS IN SOUTHERN, OFFICIAL, WESTERN TRUNK-LINE, AND SOUTHWESTERN TERRITORIES

APPLICATION FOR RELIEF

APRIL 16, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Radishes, without tops, carloads.

From: Points in Florida.

To: Points in southern, official, western trunk-line and southwestern territories.

Grounds for relief: Rail competition, circuity, to maintain grouping, and analogous commodity.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1402, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54 2995; Filed, Apr. 20, 1954; 8:49 a. m.]

[4th Sec. Application 29154]

PAPER AND PAPER ARTICLES FROM CLYATTVILLE AND ESKAY, GA., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

APRIL 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Clyattville and Eskay, Ga.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuitous routes, to maintain grouping, to apply rates constructed on the basis of the short line distance formula, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1349, supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3030; Filed, Apr. 21, 1954; 8:48 a. m.]

[4th Sec. Application 29155]

TOBACCO STEMS FROM NORTH CAROLINA AND VIRGINIA TO POINTS IN WEST VIRGINIA, VIRGINIA, AND GEORGIA

APPLICATION FOR RELIEF

APRIL 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Tobacco stems, unground, in bulk, carloads.

From: Points in North Carolina and Virginia.

To: Charles-Town, W. Va., Mt. Jackson, Woodstock, Chilhowie and Berryville and Harrisonburg, Va., and Tifton, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1384, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3031; Filed, Apr. 21, 1954; 8:49 a. m.]

[4th Sec. Application 29156]

FERRO-ALLOYS FROM EMCO, ALA., TO PENNSYLVANIA

APPLICATION FOR RELIEF

APRIL 19, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Ferro-manganese, ferro-silicon, silicon-manganese, zirconium-ferro-silicon and zirconium-ferro-silicon-titanium, carloads.

From: Emco, Ala.

To: Points in Pennsylvania.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1376, supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3032; Filed, Apr. 21, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 79

Washington, Friday, April 23, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 430—DAIRY PRODUCTS

SUBPART—MILK AND BUTTERFAT PRICE SUPPORT PROGRAM

The U. S. Department of Agriculture has announced a price support program for milk and butterfat for the marketing year April 1954 through March 1955, through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein.

§ 430.150 *Price support program for milk and butterfat.* (a) The general levels of prices to producers for milk and butterfat will be supported from April 1, 1954, through March 31, 1955, at $3.14 per hundredweight for manufacturing milk of 3.95 percent butterfat (yearly average test) and 56.0 cents per pound of butterfat.

(b) Price support for milk and butterfat will be through purchases by CCC of butter, nonfat dry milk solids and Cheddar cheese offered by manufacturers and handlers, subject to terms and conditions of purchase announcements issued by the Livestock and Dairy Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. CCC will consider offers for such products at the following prices:

Commodity	Description	Market location	Unit	Price
Butter	U. S. Grade A or higher	Chicago	Pound	$0.5750
Do	do	San Francisco	do	.5950
Do	do	Seattle	do	.5750
Do	do	New York	do	.5825
Do	U. S. Grade B	Chicago	do	.5550
Do	do	San Francisco	do	.5750
Do	do	Seattle	do	.5550
Do	do	New York	do	.5625
Cheddar cheese	U. S. Grade A or higher, standard moisture basis.	United States	do	.3225
Nonfat dry milk solids	Spray process	do	do	.1500
Do	Roller process	do	do	.1325

Offers to sell butter at any point other than the four markets designated in this paragraph will be considered at the price set forth in this paragraph for the designated market named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight from such point to such designated market.

(c) The butter shall be salted creamery butter of U. S. Grade B or higher, solid-packed in commercial containers. The nonfat dry milk solids shall be U. S. Extra Grade (except that maximum moisture content shall be 3½ percent), packed in export containers. The Cheddar Cheese shall be U. S. Grade A or higher, packed in commercial domestic containers.

(d) The products purchased shall be produced and located in the continental United States. Purchases will be made in units of not less than tariff minimum carlots for the area where the product is located. Grades and weights shall be evidenced by inspection certificates issued by the U. S. Department of Agriculture.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, sec. 201, 63 Stat. 1052; 15 U. S. C. 714c, 7 U. S. C. 1446)

Issued this 20th day of April 1954.

[SEAL] J. A. MCCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-3055; Filed, Apr. 22, 1954; 8:46 a. m.]

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Titles 30–31 ($1.00)
Title 33 ($1.25)
Titles 44–45 ($0.75)

Previously announced: Title 3, 1953 Supp. ($1.50); Title 8 ($0.35); Titles 10–13 ($0.50); Title 16 ($1.00); Title 18 ($0.45); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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TITLE 5—ADMINISTRATIVE PERSONNEL

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

WAR CLAIMS COMMISSION

Effective upon publication in the FEDERAL REGISTER, the position listed below is added to § 6.150.

§ 6.150 *War Claims Commission.* • • •
(c) Advisor to the Commissioners on Legislative Policy.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-3066; Filed, Apr. 22, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOME LOAN BANK BOARD

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (12) of § 6.142 is revoked, and subparagraph (8) is added to § 6.342 (d).

§ 6.342 *Housing and Home Finance Agency.* • • •
(d) *Home Loan Bank Board.* • • •
(8) One Deputy General Manager, Federal Savings and Loan Insurance Corporation.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-3065; Filed, Apr. 22, 1954; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2]

PART 20—PILOT CERTIFICATES

CAA RULES, POLICIES, AND INTERPRETATIONS

The purpose of this supplement is to set forth the rules, policies, and interpretations of the Administrator relative to Part 20. It contains all information needed by an applicant to prepare for, qualify, and obtain a pilot certificate or rating.

The proposed rules for §§ 20.58–1 through 20.58–3 were published on November 20, 1953, in 18 F. R. 7364. Interested persons were afforded an opportunity to submit written views, data, or argument. Consideration has been given to all relevant data presented. Section 20.42–1 as published on May 12, 1951, in 16 F. R. 4429 is deleted. The following rules, policies, and interpretations are hereby adopted:

§ 20.1–1 *Where to obtain student pilot certificates (CAA policies which apply to § 20.1).* Student pilot certificates may be obtained by qualified applicants from Aviation Safety Agents in Aviation Safety District Offices, or from private and commercial pilot examiners at most airports and flight schools.

§ 20.2–1 *Minors in the armed forces (CAA policies which apply to § 20.2).* An applicant under 21 who is a regular or reserve member of the armed forces or enrolled in an established ROTC or other armed forces training program should indicate such membership on his application and include his military serial number, or attach to the application a written statement from his appropriate commanding officer certifying that the applicant is a member of such armed forces.

§ 20.2–2 *Other minors (CAA interpretations which apply to § 20.2).* Unmarried applicants under 21 years of age must furnish the written consent of either parent or legal or natural guardian in the space provided on the application, or on a separate sheet attached to such application. No consent is required for a married male applicant under 21, but a married female applicant under 21 must furnish the consent of her husband, who may be under 21.

§ 20.4–1 *Language limitation (CAA policies which apply to § 20.4).* A student pilot certificate issued to a person who cannot read, write, speak, and understand the English language will bear the limitation "Not Valid for Flights Requiring the Use of English for Traffic Instructions."

§ 20.4–2 *Removal of limitation (CAA policies which apply to § 20.4).* The language limitation will be removed by an Aviation Safety Agent when the holder demonstrates that he can read, write, speak, and understand English.

§ 20.5–1 *Evidence of meeting physical standards (CAA policies which apply to § 20.5 (a)).* The Administrator, or his representative will accept a first, second, or third-class medical certificate issued within 24 months preceding the date of application as evidence of the applicant's meeting the physical standards.

§ 20.5–2 *Color deficiency limitation (CAA interpretations which apply to § 20.5 (a)).* (a) When an applicant holds a medical certificate bearing the notation "Defective Color Vision," the student pilot certificate will bear the limitation "Not Valid for Night Flight or by Color Signal Control."

(b) This limitation may be removed by the successful completion of a special medical flight test authorized by the CAA Medical Division, W–265, Washington 25, D. C.

§ 20.5–3 *Glider pilot certification of physical condition (CAA policies which apply to § 20.5 (b)).* An applicant for a student glider pilot certificate should either present a medical certificate, or certify on his application that he has no known physical defect which renders him incompetent to pilot a glider.

§ 20.10–1 *Types of certicates, and by whom issued (CAA policies which apply to § 20.10).* (a) Private pilot certificates will be issued to qualified applicants by Aviation Safety Agents or by private and commercial pilot examiners.

(b) Commercial pilot certificates will be issued to qualified applicants by Aviation Safety Agents or by commercial pilot examiners.

(c) Additional aircraft category, class, and type ratings will be issued to qualified applicants by Aviation Safety Agents, or by appropriately rated pilot examiners as follows:

(1) Private pilots; private, commercial or airline transport pilot examiners.

(2) Commercial pilots; commercial, or airline transport pilot examiners.

(d) Instrument ratings will be issued to qualified applicants by instrument or airline transport pilot examiners.

(e) Flight instructor ratings will be issued to qualified applicants by Aviation Safety Agents only.

§ 20.12–1 *Demonstration of aeronautical knowledge (CAA policies which apply to § 20.12).* The applicant for a limited pilot certificate will be given a short examination on the United States air traffic rules. This examination may be written or oral, at the discretion of the agent accepting the application.

§ 20.12–2 *Evidence of meeting physical standards (CAA policies which apply to § 20.12).* The applicant for a limited pilot certificate should present evidence of currently meeting the physical requirements of his own country, or may present a current CAA medical certificate of a grade appropriate to the certificate applied for.

§ 20.12–3 *Eligibility for a limited private pilot certificate (CAA policies which apply to § 20.12).* An applicant who holds a pilot certificate or license issued by his own government which conveys non-commercial pilot privileges, and who meets the pilot experience requirements of § 20.25 may be issued a limited private pilot certificate.

§ 20.12–4 *Eligibility for a limited commercial pilot certificate (CAA policies which apply to § 20.12).* An applicant who holds a pilot certificate or license issued by his own government which conveys commercial pilot privileges, and who meets the pilot experience requirements of § 20.35 may be issued a limited commercial pilot certificate.

§ 20.12–5 *Aircraft and instrument ratings on limited pilot certificates (CAA policies which apply to § 20.12).* (a) A limited pilot certificate will bear those aircraft ratings shown on the pilot certificate issued by the holders own government. In the event the foreign pilot certificate does not list aircraft ratings equivalent to those issued by the United States, the applicant may be issued ratings for those aircraft in which he has flown at least 10 hours as pilot-in-command during the preceding 12 months.

(b) The holder of a limited pilot certificate may obtain an instrument rating by meeting the appropriate experience requirements and passing the presribed examinations and tests.[1]

§ 20.12–6 *Language limitation (CAA policies which apply to § 20.12).* A limited pilot certificate issued to an applicant who is unable to speak and understand the English language will contain the following limitation, or the equivalent: "Not Valid for Flights Requiring the Use of English for Traffic Instructions."

§ 20.22–1 *Language limitation (CAA policies which apply to § 20.22).* A private pilot certificate issued to a person who cannot read, write, speak, and understand the English language will bear the limitation "Not Valid for Flights Requiring the Use of English for Traffic Instructions."

§ 20.22–2 *Removal of limitation (CAA policies which apply to § 20.22).* The language limitation will be removed by an Aviation Safety Agent when the holder demonstrates that he can read, write, speak, and understand English.

§ 20.23–1 *Evidence of meeting physical standards (CAA policies which apply to § 20.23 (a)).* The Administrator or his representative will accept a first-, second-, or third-class medical certificate issued within 24 months preceding the date of application as evidence of the applicant's meeting the physical standards.

§ 20.23–2 *Color deficiency limitation (CAA policies which apply to § 20.23 (a)).* (a) When an applicant holds a medical certificate bearing the notation "Defective Color Vision," the private pilot certificate will bear the limitation "Not Valid for Night Flight or by Color Signal Control."

[1] A Radio Operator's License is required by the Federal Communications Commission for the operation of a radio transmitter in an aircraft, as elsewhere. The possession of an FCC radio license is not a prerequisite for a CAA instrument rating, however, because the FCC allows radio transmission by an unlicensed person if a licensed operator is in the airplane. Foreign nationals are not eligible for FCC radio operator licenses.

(b) This limitation may be removed by the successful completion of a special medical test authorized by the CAA Medical Division, W–265, Washington 25, D. C.

§ 20.23–3 *Glider pilot certification of physical condition (CAA policies which apply to § 20.23 (b)).* An applicant for a private glider pilot certificate should either present a medical certificate or certify on his application that he has no known physical defect which renders him incompetent to pilot a glider.

§ 20.24–1 *Demonstration of aeronautical knowledge (CAA policies which apply to § 20.24).* (a) Applicants will be required to answer correctly, within one hour, 45 of the 50 questions on the examination provided by the Administrator appropriate to the category of aircraft for which rating is sought.[3]

(b) The applicant's student pilot certificate will be endorsed by an Aviation Safety Agent to show the results obtained on the examination.

§ 20.25–1 *Evidence of flight experience (CAA policies which apply to § 20.25).* Flight experience required by this paragraph should be substantiated by a logbook maintained in accordance with the requirements of § 43.43 of this subchapter.

§ 20.25–2 *Qualifying dual instruction (CAA interpretations which apply to § 20.25 (a)).* The words dual instruction as used in § 20.25 (a) are defined in § 20.74. In the case of foreign or military pilots, such instruction must be given by a pilot authorized by the licensing authority of his country or the branch of his military service.

§ 20.26–1 *Demonstration of skill, general (CAA interpretations which apply to § 20.26)*—(a) *Quality of performance.* The applicant will be required to demonstrate his ability to exercise reasonable judgment, coordination, and smoothness in all required flight maneuvers in the following manner:

(1) *Judgment.* Exercise of reasonable judgment will be demonstrated when the conduct of the flight maneuver results in (i) compliance with Part 60 of this subchapter, (ii) flight within each operating limitation of the aircraft being used, (iii) avoidance of critical situations which require corrective action by the agent or examiner to maintain continued safe operation, and (iv) the observance of accepted good operating practices for flight conditions encountered.

(2) *Coordination.* Exercise of reasonable coordination will be demonstrated when there are no unnecessary conspicuous slips or skids in the conduct of the flight maneuver.

(3) *Smoothness.* Exercise of reasonable smoothness will be demonstrated when the conduct of the flight maneuver in gust free air results in a positive and definite change of aircraft attitude without any unintentional abrupt or sudden aircraft motions.

(b) *Modification and elimination of required maneuvers.* Required maneuvers will be modified or eliminated only when their performance is prohibited by the aircraft's flight manual or the operating limitations of the aircraft's airworthiness certificate. When this is the case, the pilot certificate issued will be limited to aircraft of that type.

(c) *Applicants with physical limitations.*[3] (1) The additional maneuvers and tests required for applicants who have certain structural physical limitations, will be those which will demonstrate that the limitation does not adversely affect the ability to perform the necessary cockpit procedures and motions to effect safe flight in one or more types of aircraft.

(2) The operating limitations entered on the applicant's rating record of his certificate, upon successful completion of all other tests and maneuvers, will be only those found necessary by the applicant's inability to cope with one or more operating conditions.

§ 20.26–2 *Flight test; airplanes (CAA policies which apply to § 20.26 (a)).* (a) The private pilot practical examination in airplanes will be given in two phases. The failure of any maneuver or procedure will constitute the failure of the phase of which that maneuver is a part, and of the flight test. In the event of such failure, the applicant for reexamination will be required to repeat the phase, or phases, failed.

(b) The phases of the private pilot practical examination and flight test maneuvers required in airplanes are:[4]

(1) *Phase I: Piloting technique.*

Pre-flight check and oral equipment examination.
Starting, warm-up, and stopping.
Taxiing, or sailing and docking.
Run-up.
Flight at normal speeds—straight and level, medium turns, climbing and gliding turns.
Flight at minimum controllable speeds—straight and level, medium turns, climbing and gliding turns.
Stalls, with and without power.
Turns about a point.
Normal takeoffs and landings.
Crosswind takeoffs and landings.
Emergencies: (a) Short field and soft field takeoff, and power-off landings in single-engine airplanes; (b) engine-out procedure in multiengine airplanes.

(2) *Phase II: Cross-country.*

Cross-country flight planning.
Cross-country flying.

§ 20.26–3 *Flight test, gliders (CAA policies which apply to § 20.26 (b)).* (a) The agent or examiner will accompany the applicant in a glider or an airplane during his demonstration of stalls and slow flight. All other items on the flight test may be observed from the ground.

(b) The private glider pilot flight test will be divided in two phases. The failure of any maneuver or procedure constitutes the failure of the phase of which it is a part, and of the flight test. Upon reexamination, the applicant must repeat the phase failed.[4]

(1) *Phase I: Basic techniques.*

Pre-flight check and oral equipment examination.
Auto, auto pulley, or winch tow; or airplane tow.
360° approaches, right and left.
Accuracy landings.

(2) *Phase II: Special and critical maneuvers.*

Stalls and slow flight (may be demonstrated in an airplane).

§ 20.26–4 *Flight test, rotorcraft (CAA policies which apply to § 20.26 (c)).* (d) The private pilot flight test in rotorcraft will be given in two phases. The failure of any maneuver or procedure will constitute the failure of the phase of which it is a part, and of the flight test. In the event of such failure, the phase failed will be repeated on reexamination.

(b) The phases of the private pilot flight test on rotorcraft, and the required maneuvers are as follows: [4]

(1) *Phase I: Basic techniques.*

Preflight inspection.
Engine and rotor starting and stopping, cockpit procedures.
Taxiing.
Normal takeoffs and landings.
High altitude takeoffs and roll-on landings.
Crosswind takeoffs and landings.
Climbs and descents.
Emergencies.

(2) *Phase II: Precision maneuvers.*

Hovering—upwind, downwind, and crosswind.
Hovering turns.
Turns with medium banks.
S turns.
Pattern flying.

§ 20.33–1 *Evidence of meeting physical standards (CAA policies which apply to § 20.33 (a)).* The Administrator, or his representative, will accept a first or second-class medical certificate issued within 12 months preceding the date of the application as evidence of the applicant's meeting the physical standards.

§ 20.33–2 *Color deficiency limitation (CAA policies which apply to § 20.33 (a)).* (a) When the applicant holds a medical certificate bearing the notation "Defective Color Vision," the commercial pilot certificate will bear the limitation "Not Valid for Night Flight or by Color Signal Control."

(b) This limitation may be removed by the successful completion of a special medical flight test authorized by the CAA Medical Division, W–265, Washington 25, D. C.

§ 20.33–3 *Glider pilot certification of physical condition (CAA policies which apply to § 20.33 (b)).* An applicant for a commercial glider pilot certificate should either present a third class or better medical certificate issued within the preceding 24 months or certify on his application that he has no known physical defect which renders him incompetent to pilot a glider.

§ 20.34–1 *Demonstration of aeronautical knowledge; powered aircraft (CAA policies which apply to § 20.34 (a)).* The applicant for a commercial pilot certificate with a rating on powered aircraft will be required to pass within 5 hours a written examination provided by the Administrator. A passing grade of 70 percent is required. Applicants who pass the written examination will be given a report of grade achieved. This report, and reports previously issued, will be accepted within a maximum period of 24 months as evidence of having met this certificate requirement.

§ 20.34–2 *Demonstration of aeronautical knowledge; gliders (CAA interpretations which apply to § 20.34 (b)).* Applicants for commercial glider pilot ratings need pass only that portion of the commercial pilot written examination relating to Civil Air Regulations.

§ 20.35–1 *Evidence of flight experience (CAA policies which apply to § 20.35).* Flight experience required by § 20.35 should be substantiated by a logbook maintained in accordance with § 43.43 of this subchapter.

§ 20.35–2 *International operating limitations (CAA policies which apply to § 20.35 (a) (6)).* (a) A commercial pilot who does not meet the experience requirements of § 20.35 (a) (3) and/or § 20.35 (a) (4) will, if otherwise qualified, receive a certificate with one of the following endorsements, as appropriate: "Holder does not meet the night flight requirements of ICAO," or "Holder does not meet the instrument flight requirements of ICAO," or, "Holder does not meet the night and instrument flight requirements of ICAO."

(b) A new certificate without these endorsements will be issued at any time by an Aviation Safety Agent to the holder of a commercial pilot certificate who presents documentary evidence (see § 43.43 of this subchapter) that he has met the appropriate requirement.

(c) The above endorsements do not restrict nor affect in any way the privileges of the certificate for flight in the United States or its possessions. However, they do restrict the holder of the certificate from piloting airplanes commercially in foreign countries (members of ICAO) without specific consent.

§ 20.36–1 *Demonstration of skill; general (CAA policies which apply to § 20.36).* The practical examination for a commercial pilot certificate will consist of a flight test given by an Aviation Safety Agent or a commercial pilot examiner. This flight test may be taken either before or after the written examination is passed.

§ 20.36–2 *Flight test; airplanes (CAA policies which apply to § 20.36 (a)).* (a) The commercial pilot flight test in airplanes will be given in two phases. The failure of any maneuver or procedure constitutes the failure of the phase of which that maneuver is a part, and of the flight test. After such failure, the applicant for reexamination will be required to repeat the phase, or phases, failed.

(b) The phases of the commercial pilot flight test in airplanes and the required maneuvers and procedures are as follows: [4]

(1) *Phase I: Basic techniques.*

Pre-flight check and oral equipment examination.
Starting, taxiing, and run-up.
Normal takeoffs and accuracy landings.
Crosswind takeoffs and landings.
Airport traffic pattern.
Climbs and glides.
Slips.
Emergencies.

(2) *Phase II: Precision maneuvers.*

Spirals.
Pylon eights.
720° power turns.
Flight at minimum controllable speed.
Stalls.
Engine-out procedure (if test taken in multiengine airplane).

§ 20.36–3 *Flight test, helicopters (CAA policies which apply to § 20.36 (a)).* (a) The commercial pilot flight test in helicopters will be given in two phases. The failure of any maneuver or procedure will constitute the failure of the phase of which that maneuver is a part, and of the flight test. After such failure, the applicant for reexamination will be required to repeat the phase, or phases, failed.

(b) The phases of the commercial pilot flight test in helicopters, and the required maneuvers and procedures are as follows: [4]

(1) *Phase I: Basic techniques.*

Pre-flight check and oral equipment examination.
Engine and rotor starting and stopping, and cockpit procedures.
Taxiing.
Normal takeoffs and landings.
Crosswind takeoffs and landings.
Running takeoff and roll-on landing.
Climbs and descents.
Airport traffic pattern.
Emergencies.

(2) *Phase II: Precision maneuvers.*

Hovering—upwind, downwind, and crosswind.
Hovering time.
Pattern flying with constant heading.
S turns.
Turns with medium banks
Rapid decelerations (quick stops)

§ 20.36–4 *Flight test; gliders (CAA policies which apply to § 20.36 (b)).* (a) The agent or examiner conducting the test will accompany the applicant for a commercial glider pilot flight test in a glider or an airplane during his demonstration of stalls and slow flight. Other items on the test may be observed from the ground, or from within the glider.

(b) The commercial glider flight test will be given in two phases. The failure of any maneuver constitutes the failure of the phase of which that maneuver is a part, and of the flight test. After such failure, the applicant for reexamination will be required to repeat the phase, or phases, failed.

(c) The phases of the commercial pilot glider flight test, and the required maneuvers and procedures are as follows: [4]

(1) *Phase I: Basic techniques.*

Pre-flight check and oral equipment examination.
Auto, auto pulley, or winch tow.
Airplane tow.
360° approaches, right and left.
Accuracy landings.

(2) *Phase II: Special and critical maneuvers.*

Spirals.
Stalls and slow flight (may be demonstrated in an airplane).

§ 20.40–1 *Demonstration of competency for additional aircraft ratings (CAA interpretations which apply to § 20.40 (a).* The applicant for an additional aircraft rating will be required to establish his competency by demonstrating enough of the maneuvers and procedures appropriate to his basic pilot certificate to prove his proficiency in all operations not covered by ratings he already holds. These maneuvers and procedures must be performed with the degree of competency specified for the issuance of the basic certificate he holds.

§ 20.40c–1 *Aircraft types (CAA policies which apply to § 20.40c).* Aircraft type ratings will be issued for only those aircraft of which at least one has been certificated for civil use.[5] Ratings may be issued on prototype and experimental aircraft bearing United States civil registration and experimental or restricted category airworthiness certificates.

§ 20.41–1 *Demonstration of knowledge (CAA policies which apply to § 20.41 (b)).* The applicant for a flight instructor rating will be required to pass, before any practical examination is given, a written examination furnished by the Administrator which consists of two sections relating to (a) the fundamentals of flight instruction, and (b) the performance and analysis of flight maneuvers appropriate to the category of aircraft for which he desires a flight instructor rating. The examination must be completed within 4 hours at one sitting. To pass, the applicant must obtain a grade of 70 percent on each section.

§ 20.41–2 *Prerequisites for taking the written examination (CAA policies which apply to § 20.41 (b)).* The flight instructor written examination will be given to any person who meets the experience requirements of § 20.41 (c).

§ 20.41–3 *Demonstration of skill; aircraft categories (CAA policies which apply to § 20.41 (d)).* Each certificate issued with a flight instructor rating will bear a notation showing the category of aircraft in which the holder has demonstrated his competence to give flight instruction. The flight instructor categories issued are: Flight Instructor, Airplane; Flight Instructor, Glider; Flight Instructor, Helicopter.

[3] Complete information on the coverage of the private pilot written examination is found in the CAA booklet "Questions and Answers for Private Pilots", for sale at most airports, and at the U. S. Government Printing Office, Washington, D. C. (20 cents).

[3] See § 29.5 of the subchapter for Waiver of Physical Standards.

[4] See Appendix A for details of flight test requirements. Appendix A is not filed with Federal Register Division.

[4] See Appendix A for details of flight test requirements. Appendix A is not filed with the Federal Register Division.

[5] A current list of such large aircraft is found in Appendix B of this manual. Appendix B is not filed with the Federal Register Division.

§ 20.41–4 *Demonstration of skill; general (CAA policies which apply to § 20.41 (d)).* (a) The applicant for a flight instructor rating will be required to pass a practical examination which includes a flight demonstration of all common flight training maneuvers, and a demonstration of the ability to give clear, accurate, and effective flight instruction. The practical examination will be conducted by Aviation Safety Agents only.

(b) The practical examination will be conducted in two phases, Performance of Flight Training Maneuvers and Flight Instruction Methods. The failure of any portion of a phase will constitute the failure of that phase and of the practical examination. An applicant who has failed the practical examination for a flight instructor rating will be required to repeat the complete test upon reexamination. However, if the reexamination is given by the agent who previously tested and disapproved the applicant, he may, at his own discretion, require only the phase of the test which was previously found unsatisfactory.

(c) The CAA Flight Instruction Manual "Technical Manual No. 100," will be used as the basis for evaluating the applicant's knowledge of flight maneuvers and the instruction methods used. The manual may also be used for an open book test in which the applicant will locate and discuss for the agent the material on any principle or maneuver.

§ 20.41–5 *Practical examination; airplanes (CAA policies which apply to § 20.41 (d)).*—(a) *Phase I: Performance of flight training maneuvers.* (1) The applicant will be required to demonstrate his ability to perform correctly the standard flight training maneuvers and procedures as they would be shown to primary flight students.

(2) On flight tests in airplanes, these maneuvers and procedures include, but are not limited to:[4]

Preflight check and oral equipment examination.
Taxiing or sailing and docking.
Run-up.
Normal takeoffs and accuracy landings.
Crosswind takeoffs and landings.
Flight at normal speeds—straight and level, turns, climbs, and glides.
Flight at minimum controllable speed—straight and level, turns, climbs, and glides.
Stalls with and without power.
Spins (two turns each way).
Spirals (three turns each way).
720° power turns.
Pylon eights.
Airport traffic pattern.
Traffic control procedures.
Simulated emergencies—short and soft field takeoffs; slips; landing to a spot using power, flaps, and slips as desired; and simulated forced landings.
Cross-country flight planning.

(b) *Phase II: Flight instruction methods.* The applicant will be required to demonstrate his knowledge of and skill in applying effective instruction methods. This demonstration will include the following:

(1) *Knowledge of effective instruction methods.* To demonstrate his knowledge of effective instruction, the applicant will be required to orally describe and illustrate the principles of good instruction involving (i) advance instructor preparation, (ii) student preparation, (iii) instructor demonstration, (iv) student participation, and (v) instructor followup inspections.

(2) *Knowledge of safe flying habits and principles.* To demonstrate his knowledge of safe flight habits and principles to follow by a pilot in extricating himself from a critical situation, the applicant will be required to describe orally basic habits and principles that are applicable to getting lost, running low on fuel, encountering turbulent air, getting caught above clouds or in adverse atmospheric conditions, unexpected radio aid shut down, motor trouble, and operations in high temperatures/altitudes and in mountainous terrain.

(3) *Correctness and clarity of explanations.* To demonstrate his ability to explain clearly and correctly, the applicant will answer orally questions such as those a student might ask, and will simulate instruction—using the agent as a student—in the performance of maneuvers and procedures, both on the ground and in flight. The applicant will be required to instruct the agent as he would a beginning student, and the agent will attempt to fly various maneuvers just as the applicant directs. Explanations and directions should be clear, concise, and correct.

(4) *Recognition and correction of student errors.* To demonstrate his ability to recognize and correct errors in flight performance, the applicant will be required to analyze the performance of the agent when he simulates the performance of a typical student, and make appropriate corrections for any errors committed. The applicant should recognize not only the apparent error, but the basic fault which caused it, and should require a correction which a student can readily understand. For example, repetition of hazardous errors—such as stalling in turns, should be dealt with in a different manner from minor errors—such as gaining or losing altitude.

§ 20.41–6 *Practical examination; gliders (CAA policies which apply to § 20.41 (d)).*—(a) *Phase I: Performance of flight training maneuvers.* The applicant will be required to demonstrate the correct and complete performance of standard flight training maneuvers and procedures used in glider flight training. Tolerances for the flight test maneuvers will be those allowed a commercial pilot applicant. (See § 20.36–4.) These maneuvers and procedures include, but are not limited to: [4]

Preflight check and oral equipment examination.
Auto, auto pulley, or winch tow.
Airplane tow.
360° approaches.
Accuracy landings.
Spirals.
Stalls and slow flight.
Spins.

(b) *Phase II: Flight instruction methods.* The applicant will be required to complete satisfactorily the same demonstration of ability, using a glider, as is required for applicants with airplanes under § 20.41–5, Phase II.

§ 20.41–7 *Practical examination; helicopters (CAA policies which apply to § 20.41 (d)).*—(a) *Phase I: Performance of flight training maneuvers.* The applicant will demonstrate the correct and competent performance of standard flight training maneuvers and procedures used in helicopter flight training. Tolerances for the flight test maneuvers will be those allowed a commercial pilot applicant. (See § 20.36–3.) These maneuvers and procedures include, but are not limited to:[4]

Preflight check and oral equipment examination.
Starting, stopping, and cockpit procedures.
Taxiing (with helicopters and appropriately equipped).
Normal takeoffs and landings.
Crosswind takeoffs and landings.
Running takeoff and roll-on landing.
Autorotative approaches; straight, 180° and 360°.
Autorotative landing.
Hovering; upwind, crosswind, and downwind.
Hovering turns.
Turns with medium banks.
S turns.
Pattern flying with constant heading.
Pattern flying with changing heading.
Rapid decelerations.
Climbs and descents.
Emergencies.

(b) *Phase II: Flight instructor methods.* The applicant will be required to complete satisfactorily the same demonstration of ability, using a helicopter, as that required for applicants with airplanes under § 20.41–5, Phase II.

§ 20.42–1 *Demonstration of aeronautical knowledge (CAA policies which apply to § 20.42 (a)).* (a) The applicant must pass, within 5 hours, the instrument written examination furnished by the Administrator, which consists of three sections: Civil Air Regulations, Meteorology, and Radio Navigation. All three sections will be given at one sitting. To pass, a grade of 70 percent is required on each section.

(b) An applicant for an instrument rating who is the holder of a private pilot certificate will be required to demonstrate compliance with § 20.34 (a) by passing, in addition to the instrument rating written examination, the section of the commercial pilot examination which covers Civil Air Regulations. A passing grade on the instrument rating written examination is accepted as evidence of the knowledge of navigation and meteorology required by § 20.34 (a).

(c) In the event of the failure of any of the three parts, the applicant will retake only the part failed upon reexamination. The instrument rating written examination will be conducted by Aviation Safety Agents only.

§ 20.42–2 *Prerequisites for taking the instrument written (CAA policies which apply to § 20.42 (a)).* The applicant for the instrument rating written examination will be required to show that he meets the experience requirements of § 20.42 (b).

[4] See Appendix A for details of flight test requirements. Appendix A is not filed with the Federal Register Division.

§ 20.42–3 *Qualifying instrument flight experience (CAA interpretations which apply to § 20.42 (b) (2)).* (a) Instrument time under simulated instrument flight conditions means instrument flight practice or instruction (1) in an aircraft while under a hood or other device which limits the pilot's range of vision to the cockpit, or (2) in a synthetic trainer.

(b) Instrument time in actual flight means the time spent controlling an aircraft in flight by reference to instruments only, either in actual instrument weather or under a hood or similar device.

§ 20.42–4 *Demonstration of skill; general (CAA policies which apply to § 20.42 (c) and (d)).* (a) No instrument flight test will be given until the applicant has passed the required written examination.

(b) The flight test will be conducted in two phases:

(1) Instrument flying, and;

(2) Navigation and approach procedures: The failure of any item in either phase constitutes the failure of that phase, and of the flight test. In the event of failure, the applicant will be required to repeat the phase, or phases, failed upon reexamination.

(c) The applicant will be required to demonstrate his ability to perform all items on Phase I by the use of the minimum aircraft equipment and instrumentation required for instrument flight by § 43.30 (c) of this subchapter (primary panel). He may use all available equipment and instrumentation for Phase II.

(d) The phases and required maneuvers and procedures for the instrument rating flight test are as follows: [4]

(1) *Phase I: Basic instrument flying technique.*

Straight and level flight at normal, approach, and minimum safe speeds.
Turns, climbs, and descents at normal, approach, and minimum control speeds.
Stalls.
Steep turns.
Recovery from unusual attitudes.
Engine-out procedure on tests taken in multiengine aircraft.

(2) *Phase II: Radio navigation and approach procedures.*

Estimating arrival times.
Use of radio equipment.
Orientation.
Beam bracketing.
Locating range station.
Instrument letdown and approach procedure.
Airway traffic control procedures.
Missed approach procedure.

§ 20.42–5 *Instrument flight tests for helicopter and glider pilots (CAA policies which apply to § 20.42 (e)).* Instrument flight tests will be given in airplanes only, but are not restricted to any aircraft category.

§ 20.50–1 *Where to obtain applications (CAA policies which apply to § 20.50).* (a) Application forms are obtainable from a representative of the Administration or one of its regional, district, or field offices.

(b) Applications for a student pilot certificate may be mailed to an Aviation Safety District Office. All other applications are to be presented in person to an Aviation Safety Agent or a designated pilot examiner.

(c) Applicants qualifying on the basis of military competency (§20.55), or for a flight instructor rating (§20.41), will apply to an Aviation Safety Agent.

§ 20.51–1 *Reissuance of certificates held by aliens (CAA policies which apply to § 20.51 (c)).* Pilot certificates held by individuals other than United States citizens, which are about to expire, or have expired, will be reissued by Aviation Safety Agents upon receipt of application for renewal in accordance with the current citizenship qualifications.

§ 20.52–1 *Issuance of temporary pilot certificates (CAA policies which apply to § 20.52).* Temporary pilot certificates are issued to qualified applicants by Aviation Safety Agents and designated pilot examiners pending the examination of the applicants' records and the issuance of certificates of greater duration by the Administrator.

§ 20.54–1 *Validity dates of expired certificates (CAA interpretations which apply to § 20.54 (b)).* A private pilot certificate issued or last endorsed on or after January 1, 1941; or a commercial pilot certificate issued or last endorsed on or after July 1, 1941, was valid June 30, 1947, unless revoked, suspended, or otherwise terminated.

§ 20.54–2 *Reissuance of certificates (CAA policies which apply to § 20.54 (b)).* (a) Certificates which have expired in accordance with § 20.54 (a) will be reissued upon application to an Aviation Safety Agent or an ASDO. Such reissuance constitutes a certificate issuance, and current required ICAO qualification notations will be made a part thereof.

(b) The holder of a valid pilot certificate who so desires may voluntarily exchange it for a photographically issued type of wallet size by presenting it with an application to an Aviation Safety Agent.

§ 20.55–1 *Demonstration of aeronautical knowledge; private or commercial pilot (CAA policies which apply to § 20.55).* The applicant for a private or commercial pilot rating will be required to accomplish satisfactorily within one hour, an examination on Parts 43 and 60 of this subchapter with a passing grade of 70 percent.

§ 20.55–2 *Evidence of membership or civilian employment and of flight status; private or commercial pilot (CAA policies which apply to § 20.55).* (a) An official identification card indicating that the applicant is a member of the armed forces of the United States, or a civilian employee of the ferry or transport services thereof, is acceptable documentary evidence.

(b) Documentary evidence of flight status will consist of (1) official orders to solo flight status, or (2) a copy of USAF Form 5 or a copy of a USN flight log properly endorsed to show solo flight status, or (3) official orders showing graduation from and rating as a pilot by a military flying school, or (4) a copy of orders showing duty involving flying as a rated pilot, or (5) a properly executed Certificate of Pilot Status, Form ACA–2042, signed by the appropriate commanding officer.

§ 20.55–3 *Evidence of discharge or release; private or commercial pilot (CAA policies which apply to § 20.55).* Documentary evidence of honorable discharge or release from the armed forces should consist of an original or photostatic copy of such discharge or release. Discharge or removal from flight status for reasons of flight proficiency or disciplinary action will not be accepted as qualification for the issuance of a pilot certificate.

§ 20.55–4 *Requirements for aircraft category, class, and type ratings (CAA policies which apply to § 20.55 (c)).* (a) Documentary evidence of pilot-in-command flight time will consist of certified military logbooks, USAF Forms 5, or official written statements from commanding officers (on Form ACA–2042 or the equivalent). In addition, checkout sheets may be required for ratings for aircraft on which the applicant's total flight time is marginal.

(b) Any holder of a valid private or commercial pilot certificate is eligible for additional ratings on the basis of pilot-in-command experience in military aircraft.

§ 20.55–5 *Requirements for instrument rating (CAA policies which apply to § 20.55 (d)).* (a) The requirements for the issuance of an instrument rating will be deemed met if the applicant holds an equivalent, or better, military instrument card (AF Form 8A (green), or Navy NAV–AER–4120D (green)).

(b) The military pink and white instrument cards do not convey privileges equivalent to those of the CAA instrument rating.

§ 20.58–1 *Airman identification card (CAA rules which apply to § 20.58).* An Airman Identification Card, Form ACA–2135, is issued by the Administrator and may be used to meet the requirements of § 20.58.

§ 20.58–2 *Other identification cards acceptable to the Administrator (CAA rules which apply to § 20.58).* Identification cards which are acceptable in lieu of Form ACA–2135 to meet the requirements of § 20.58 are as follows:

(a) Aircrewman Identification Card, Form ACA–2116.1, issued by CAA.

(b) Crew Member Certificate, Form ACA–2116.1, issued by CAA. This certificate is a current revision of the Aircrewman Identification Card.

(c) Current identification cards issued to members on active duty or on reserve status by:

(1) U. S. Army.
(2) U. S. Navy.
(3) U. S. Air Force.
(4) U. S. Marine Corps.
(5) U. S. Coast Guard.

[4] See Appendix A for details of flight test requirements. Appendix A not filed with Federal Register Division.

(6) U. S. Merchant Marine.
(7) National Guard.
(8) Civil Air Patrol.

§ 20.58–3 *Application (CAA rules which apply to § 20.58).* An applicant for an airman identification card shall comply with the following procedure:

(a) *Application.* The applicant shall apply in person to an Aviation Safety Agent, or an Aviation Safety District Office.

(b) *Form.* Application for Airman Identification Card, Form ACA–2134, shall be completed in single copy, typed or printed in ink, and contain precise information on each item.

(c) *Proof of identity.* The applicant shall furnish proof of his identity. The agent may exercise his discretion in the method by which he identifies the applicant. Identification of the applicant may be established by one or more of the following means:

(1) Airman Identification Card, Form ACA–935, issued by the CAA to the applicant during World War II.

(2) The agent's knowledge of the applicant's identity.

(3) The applicant's identification by a person known to the agent.

(4) Combinations of identification cards and licenses held by the applicant.

(5) Comparison of the applicant's signature with that on other cards and licenses held by him.

(d) *Proof of place and date of birth.* The following documentary evidence is satisfactory evidence of place and date of birth:

(1) Airman Identification Card, Form ACA–935, issued by CAA during World War II. (If he held this card and lost it, he may write to CAA, Airman Records Branch, Washington 25, D. C., and obtain confirmation that it was issued to him and the information it contained.)

(2) Birth certificate. (When the applicant's birth certificate does not contain the exact name now used by him, he shall explain the difference on the application form.)

(3) Baptismal record, if it contains the full name and place and date of birth.

(4) Naturalization papers, if place and date of birth are shown.

(5) Passport, expired or current.

(6) Aircrewman Identification Card, or Crew Member Certificate, Form ACA–2116.1.

(7) Statement from any State or Federal Government agency which has the applicant's birth certification on file.

(8) Statement from any military, state, municipal, local, or Federal Government agency which has established, by investigation or otherwise, the applicant's place and date of birth.

Applicants who cannot furnish any of the documents listed in subparagraphs (1) through (8) of this paragraph may present affidavits from attending physician, either parent, brother, sister, relatives, or acquaintances who have personal knowledge of the applicant's place and date of birth.

Military identification cards, service records, discharge papers, drivers' licenses, and the like are not acceptable documentary evidence of place and date of birth.

(e) *Evidence of citizenship.* The following documentary evidence is satisfactory evidence of citizenship. There are no citizenship requirements for the issuance of an airman identification card other than furnishing evidence of the citizenship claimed. This evidence may consist of one or more of the following:

(1) Any document listed in paragraph (d) of this section if citizenship is claimed in the country of birth.

(2) Naturalization papers.

(3) Currently valid passport.

(4) Statement from an apropriate official of a foreign government that the applicant is a citizen of that country.

(5) Civil Aeronautics Board waiver of citizenship requirements for the issuance of an airman certificate to stateless or other persons.

(6) Certified statements from persons, courts, or agencies in authority on cases of derivative citizenship, uncompleted naturalization, or other complex citizenship status. Such statements must contain information on the current status of the applicant's citizenship.

(f) *Photographs.* The applicant shall furnish two photographs which are:

(1) Taken from the same negative.

(2) One-inch square, full face, head only.

(3) Taken within the past twelve months.

(4) Readily recognizable as photographs of applicant.

(g) *Fingerprints.* The applicant shall be fingerprinted only by an Aviation Safety Agent or other CAA employee authorized by the agent.

(h) *Reissuance of lost card.* An applicant who has lost his Airman Identification Card, Form ACA–2135, may obtain another by making application exactly as required for his original card, or by:

(1) Writing to the CAA Airman Records Branch, W–253, Washington 25, D. C., and explaining the circumstances of the loss, and requesting a letter verifying that such card had been issued, and

(2) Presenting the letter and two photographs, as required for original issuance, to an Aviation Safety Agent who will issue a duplicate card.

§ 20.58–4 *Scheduled air carrier airmen (CAA interpretations which apply to § 20.58).* An airman certificated under § 20.58 is not required to hold an identification card when he is exercising the privileges of his certificate in operations conducted by a scheduled air carrier. This includes any operation in which the airman is carrying out his duties as an employee of a scheduled air carrier.

§ 20.58–5 *Other airman certificate (CAA interpretations which apply to § 20.58).* An identification card which meets the requirements of § 20.58 for pilots will also meet the identification card requirements for any other airman certificates which he may hold.

§ 20.60–1 *Who conducts examinations and tests (CAA policies which apply to § 20.60).* The examinations and tests required by this part for a certificate or rating will be conducted by the persons indicated below:

Type of examination	Conducted by—
Written exams (for all certificates.	Aviation safety agents.
Practical exams:	
Private pilot	Aviation safety agents, private and commercial pilot examiners.
Commercial pilot	Aviation safety agents, and commercial pilot examiners.
Additional aircraft ratings.	Aviation safety agents, and private or commercial pilot examiners according to certificate held. Also, ATR examiners for holders of commercial pilot certificates.
Instrument rating	Aviation safety agents, instrument rating and ATR examiners.
Instructor rating	Aviation safety agents.
Physical examination:	
First class	Designated ATR medical examiners.
Second class	Designated ATR and second class medical examiners.[1]
Third class	Designated ATR, second class medical examiners, any doctor of medicine licensed to practice in the locality in which examination is obtained.

[1] See Regulations of the Administrator, § 406.12a of this title, as amended December 30, 1950, for physical examination procedures for military pilots.

§ 20.60–2 *Who accompanies applicant on flight test (CAA policies which apply to § 20.60.* An Aviation Safety Agent or a CAA designated pilot examiner will accompany the applicant for a flight test (except certain glider tests) in the aircraft during the performance of all required maneuvers. In addition, the agent or examiner may, at his discretion, require the performance of solo takeoffs and landings, unless the Aircraft Flight Manual prohibits solo operation of the aircraft used.

§ 20.61–1 *Physical prerequisites for flight tests (CAA policies which apply to § 20.61).*—(a) *Original private and commercial flight tests, powered aircraft.* A CAA first or second class medical certificate will be acceptable for flight tests for a commercial pilot certificate if issued within the preceding 12 months. A first, second, or third class medical certificate will be acceptable for a private pilot certificate, if issued within the preceding 24 months.

(b) *Original private and commercial flight tests, and flight instructor tests, gliders.* The applicant should certify that he has no known physical defect which would render him incompetent to pilot gliders, or present a CAA medical certificate of any class.

(c) *Instrument, flight instructor, and additional aircraft ratings—powered aircraft.* The holder of a private or commercial pilot certificate who applies for an additional rating will be required to hold a medical certificate appropriate to his basic certificate and which has been issued within the time limits specified in § 20.61–1.

§ 20.62–1 *Certificated aircraft usable for flight tests (CAA interpretations which apply to § 20.62 (a)).* (a) An aircraft which contains a current United States airworthiness certificate may be used for a flight test, provided it is in airworthy condition; the certificate contains no limitations excluding pilot flight tests; its operating limitations permit the carriage of the applicant, the examiner, and all necessary equipment and fuel; and its equipment and instruments are all in good working condition.

(b) A foreign registered aircraft having a valid airworthiness certificate issued by the proper authorities of the country in which the aircraft is registered may be used for pilot flight tests at the discretion of the agent or examiner. When required, the applicant for the flight test will obtain an appropriate certificate or other authorization from the foreign government involved authorizing the agent or examiner to act in such capacity aboard the foreign aircraft.

(c) Military aircraft on operational status may also be used at the discretion of the agent or examiner, provided permission from the appropriate military authority is obtained.

§ 20.62–2 *Airplanes usable for instrument rating flight tests (CAA interpretations which apply to § 20.62 (a)).* An airplane used for an instrument flight test must be equipped, in addition to the equipment required for instrument flight by § 43.30 (c) of this subchapter, with a hood, or other device which limits the pilot's range of vision to the cockpit for simulating instrument flight conditions. This installation must exclude all outside visual reference for the pilot, yet not restrict the vision of the safety pilot, agent, or examiner. Sufficient visibility for the safety pilot is required to permit clearance for turns in either direction. When incomplete visibility to the left is afforded, in side-by-side seating airplanes, a safety observer must be provided to maintain a watch to the left. This observer must be in uninterrupted contact with the safety pilot.

§ 20.63–1 *Time and place of examinations (CAA policies which apply to § 20.63).* (a) Each CAA region publishes an itinerary schedule monthly or quarterly showing when and where its Aviation Safety Agents will be available for written and practical examinations. These itinerary schedules are posted at all active airports and at Aviation Safety District Offices.

(b) Appointments for examinations by designated examiners should be arranged directly with the examiners concerned.

§ 20.64–1 *Individuals authorized to give instruction for reexamination (CAA policies which apply to § 20.64 (a) and (c)).* An applicant who has failed a subject of the prescribed theoretical examination may be reexamined after 5 hours of instruction on such subject from an individual holding a ground instructor certificate or a flight instructor rating with a rating for the particular subject.

(Sec. 205, 52 Stat. 984, U. S. C. 425. Interpret or apply secs. 601, 602, 607, 52 Stat. 1007, 1008, 1011, as amended; 49 U. S. C. 551, 552, 557)

This supplement shall become effective June 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–3049; Filed, Apr. 22, 1954; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 30]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.106 *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border)* is amended by changing the last portion to read: "From the intersection of the east course of the Cleveland, Ohio, radio range and the northeast course of the Akron, Ohio, radio range via the Perry, Ohio, nondirectional radio beacon to the intersection of the southwest course of the Clear Creek, Ontario, Canada, radio range and the United States-Canadian Border."

2. Section 600.294 is amended to read:

§ 600.294 *Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).* From the Providence, R. I., radio range station via the Otis AFB, Falmouth, Mass., nondirectional radio beacon located at Lat. 41°36'15", Long. 70°32'31", to the Hyannis, Mass., nondirectional radio beacon, excluding the portion which lies more than 4 miles north of the centerline between this Otis AFB nondirectional radio beacon and the Hyannis nondirectional radio beacon.

3. Section 600.615 is amended to read:

§ 600.615 *Blue civil airway No. 15 (Huntington, W. Va., to Akron, Ohio).* From the Huntington, W. Va., nondirectional radio beacon via the Columbus, Ohio, radio range station to the Akron, Ohio, radio range station.

4. Section 600.681 *Blue civil airway No. 81 (Charleston, W. Va., to United States-Canadian Border)* is amended by changing the first portion to read: "From the Charleston, W. Va., radio range station via the Zanesville, Ohio, nondirectional radio beacon; Akron, Ohio, radio range station to the intersection of the northeast course of the Akron, Ohio, radio range and the east course of the Cleveland, Ohio, radio range."

5. Section 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by deleting that portion which reads: "Alexandria omnirange 137° True radial" and substituting in lieu thereof: "Alexandria omnirange 136° True radial."

6. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended between the St. Louis, Mo., omnirange station and the Evansville, Ind., omnirange station to read: "St. Louis, Mo., omnirange station, including a north and a south alternate; Centralia, Ill., omnirange station, including a north alternate; Evansville, Ind., omnirange station, including a south alternate;".

7. Section 600.6065 is added to read:

§ 600.6065 *VOR civil airway No. 65 (Bonner Springs, Kans., to St. Joseph, Mo.).* From the point of intersection of the Kansas City, Mo., omnirange 231° True and the St. Joseph omnirange 178° True radials to the St. Joseph, Mo., omnirange station.

8. Section 600.6141 is amended to read:

§ 600.6141 *VOR civil airway No. 141 (Nantucket, Mass., to Concord, N. H.).* From the Nantucket, Mass., omnirange station via the intersection of the Nantucket omnirange 331° True and the Boston omnirange 137° True radials; Boston, Mass., omnirange station to the Concord, N. H., omnirange station.

9. Section 600.6157 is amended to read:

§ 600.6157 *VOR civil airway No. 157 (Lawrenceville, Va., to Richmond, Va.).* From the Lawrenceville, Va., omnirange station to the Richmond, Va., LF radio range station, excluding the portion which overlaps the Camp Pickett danger area (D–44).

(Sec. 205, 52 Stat. 984, as amended: 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended: 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., April 27, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–3067; Filed, Apr. 22, 1954; 8:49 a. m.]

[Amdt. 30]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone, and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Sub-

committee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.615 is amended to read:

§ 601.615 *Blue civil airway No. 15 control areas (Huntington, W. Va., to Akron, Ohio).* All of Blue civil airway No. 15.

2. Section 601.1127 is added to read:

§ 601.1127 *Control area extension (Pasco, Wash.).* That airspace beginning at a point at lat. 46°13'03", long. 119°03'45" within 5 miles either side of lines drawn 179° True and 269° True extending from that point to their intersection with the northeast boundary of Blue civil airway No. 32; that airspace bounded by lines 5 miles south of and 10 miles north of and parallel to a line drawn 89° True from the point of beginning extending to the northwest boundary of VOR civil airway No. 103 on the south, to long. 118°43'30" on the north, bounded on the west by long. 119°03'45", and including the airspace within 5 miles either side of the northwest course of the Walla Walla, Wash., radio range from the radio range station northwestward to long. 118°43'30".

3. Section 601.2252 is amended to read:

§ 601.2252 *El Toro, Calif., control zone.* Within a 5-mile radius of the El Toro, Calif., Marine Corps Air Station, within a 3-mile radius of Orange County Airport, Santa Ana, Calif., and within 5 miles either side of the south and north courses of the El Toro radio range extending from Amber civil airway No. 1 on the south to Amber civil airway No. 2 and Green civil airway No. 5 on the north.

4. Section 601.2254 is amended to read:

§ 601.2254 *Falmouth, Mass., control zone.* Within a 5-mile radius of Otis Air Force Base and within 2 miles either side of a line bearing 39° True extending from the Otis AFB to a point 10 miles northeast of the Air Force Base, excluding the portion which overlaps Camp Edwards danger area (D–14).

5. Section 601.4044 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* is amended by deleting the following reporting point: "the intersection of the east course of the Columbus, Ohio, radio range and a track 360° magnetic from the Zanesville, Ohio, nondirectional radio beacon;" and by adding the following reporting point in lieu thereof: "the intersection of the east course of the Columbus, Ohio, radio range and the southwest course of the Akron, Ohio, radio range;".

6. Section 601.4615 is amended to read:

§ 601.4615 *Blue civil airway No. 15 (Huntington, W. Va., to Akron, Ohio).* No reporting point designation.

7. Section 601.6065 is added to read:

§ 601.6065 *VOR civil airway No. 65 control areas (Bonner Springs, Kans., to St. Joseph, Mo.).* All of VOR civil airway No. 65.

8. Section 601.6141 is amended to read:

§ 601.6141 *VOR civil airway No. 141 control areas (Nantucket, Mass., to Concord, N. H.).* All of VOR civil airway No. 141.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., April 27, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-3068; Filed, Apr. 22, 1954; 8:49 a. m.]

TITLE 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Commerce

PART 1—REGULATIONS UNDER THE FEDERAL-AID ROAD ACT OF JULY 11, 1916, AS AMENDED AND SUPPLEMENTED

MISCELLANEOUS AMENDMENTS

Sections 1.1 (e), 1.5, 1.8 (b), 1.11, 1.17 (b), and 1.18 of the regulations under the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, published and effective January 16, 1951, are hereby amended to read as follows, effective upon publication in the FEDERAL REGISTER.

§ 1.1 *Definitions.* • • •

(e) *Latest available Federal census.* The latest available Federal decennial census, except for the establishment of "urban area" boundaries as provided in § 1.5.

§ 1.5 *Establishment of "urban area" boundaries.* Prior to the inclusion in a proposed program of any project involving funds authorized for urban areas, the boundaries of the particular urban area or areas involved shall be submitted by the State highway department and approved by the Commissioner, in accord with the terms of the act. For the purposes of this section, the term "latest available Federal census" as used in the act, shall mean the latest published official census, decennial or special. Projects in urban areas for which the boundaries have been established may be approved prior to the determination of the boundaries of all urban areas within a State.

§ 1.8 *Surveys, plans, specifications, and estimates.* • • •

(b) The State highway department may utilize the services of well-qualified and suitably equipped engineering organizations of counties, municipalities, or other local subdivisions, acting under its direction, for making surveys, preparing plans, specifications, and estimates, and for supervising the construction of any project. Inasmuch as the act requires each State to maintain at its own expense a State highway department having adequate powers and suitably equipped and organized to discharge the duties required, no part of the cost of maintaining the central office of a State highway department or the central office of any publicly maintained engineering organization which may be utilized by the State shall be paid with Federal funds.

(2) The State highway department may utilize the services of the engineering organizations of the affected railroad companies for railway-highway crossing projects subject to the same limitations as to the general overhead costs.

(3) The services of consulting engineers and private engineering organizations may be utilized on a contract basis for design, preparation of plans, specifications, and estimates, and in special cases for construction engineering other than general supervision, only under one or more of the following circumstances: (i) The work is of unusual character requiring highly specialized knowledge and experience; (ii) it would not be possible to enlarge the staff of personnel available to the State so as to perform the engineering services on the project within a reasonable time; or (iii) the State has a program substantially larger than normal or expected in future years and it desires to employ consulting engineers rather than build up its organization for a comparatively short period.

§ 1.11 *Right-of-way.* Federal participation in right-of-way shall be restricted to the costs of right-of-way actually acquired subsequent to the date of approval of the program which includes the project for which such costs are incurred. Such costs may include costs incurred and paid, pursuant to State law, for damages to the adjacent property not actually acquired, resulting from the taking of the right-of-way or construction of the highway thereon. Such costs also may include costs for portions of right-of-way acquired for future use. Only such right-of-way costs as are in fact paid out from public funds of the State or a subdivision (as distinguished from a mere transfer from one department to another, or some similar action) shall be eligible for reimbursement. However, reimbursement may be made in proper cases (including cases involving a mere transfer of funds or similar action) for costs actually incurred in the readjustment, repair, or restoration of facilities or improvements made necessary by reason of the construction of the highway.

§ 1.17 *Traffic signs and signals.* • • •

(b) The rights-of-way provided for Federal-aid highway projects shall be held inviolate for public highway purposes and no signs (other than those specified in paragraph (a) of this section), posters, billboards, roadside stands or other private installations shall be permitted within the right-of-way limits, except under circumstances approved by the Commissioner on portions of right-of-way acquired for future use.

§ 1.18 *Diversion of gasoline and motor-vehicle taxes; reduction of apportionment.* If the Secretary shall find at any time that lesser amounts of the revenues derived from State motor-vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators in any State are required by its laws to be applied to highway purposes than were required to be so applied by the laws of such State on June 18, 1934, he shall take such action as he may deem necessary to comply with the provisions of section 12 of the act of June 18, 1934 (48 Stat. 995), by reducing the first Federal-aid apportionment made to a State after the date of a finding that such State has diverted contrary to the aforesaid act, by an amount not in excess of one-third of the total apportionment to which the State otherwise would be entitled under the Federal-Aid Road Act of 1916, as amended. In any such reduction, each class of apportioned Federal-aid funds; namely, primary, secondary, urban, and interstate, shall bear the same proportionate share of the reduction.

(Sec. 18, 42 Stat. 216, as amended; 23 U. S. C. 19)

Recommended:

[SEAL] F. V. DU PONT,
Commission of Public Roads.

Issued: April 16, 1954.

WALTER WILLIAMS,
Acting Secretary of Commerce.

[F. R. Doc. 54-3063; Filed, Apr. 22, 1954; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127, International Postal Service: Postage Rates, Service Available and Instructions for Mailing (39 CFR Part 127), make the following changes:

a. In § 127.10 *Small packets* make the following changes:

1. Insert "Spanish Guinea" in alphabetical order in the list of countries shown in paragraph (g).

2. Strike "Spanish Guinea" from the list of countries appearing under paragraph (h).

b. In § 127.169 *Principal exceptions to indemnity* amend the last sentence of paragraph (l) to read as follows: "In the case of insured mail with Canada, however, the time limit may be waived when it is satisfactorily established that the delay was unavoidable and not the fault of the claimant."

c. In § 127.273 *Hungary* amend paragraph (b) (4) to read as follows:

(4) *Observations.* (i) To be admitted to Hungary as gift shipments, parcels must contain only articles for the personal use of the addressee or members of his family. An addressee may not receive more than one gift parcel per month, or more than 88 pounds of gift articles per year. Gift parcels are subject to customs duty which must be paid by the addressees.

(ii) Preserved food in tin cans or other hermetically sealed containers must not be sent in gift parcels.

(iii) Contents of gift parcels are limited to the items shown on the following list, and no addressee may receive amounts exceeding the quotas indicated.

Item No.	Description of articles	Yearly quotas
1	Chocolate	6 pounds 9 ounces.
2	Sweets	7 ounces.
3	Cheese, butter, margarine, oil, lard	6 pounds 9 ounces.
4	Flour, macaroni, pastry	8 pounds 12 ounces.
5	Rice	6 pounds 9 ounces.
6	Meat, smoked (bacon, ham, sausage)	11 pounds.
7	Fruit, fresh and dried	11 pounds.
8	Candy	4 pounds 6 ounces.
9	Powdered milk	5 pounds 9 ounces.
10	Food for infants	11 pounds.
11	Men's, women's, and children's coat, overcoat, raincoat, etc.	1.
12	Suits	2.
13	Women's dress	1.
14	Women's blouses, skirts, slacks, etc.	2.
15	Overalls and aprons	2.
16	Boys' and girls' clothing	2 items.
17	Clothing for infants	6 items.
18	Articles for infants (including those of rubber)	12.
19	Jumpers, pullovers (knitted)	2.
20	Hats, caps, scarfs, shawls	2.
21	Gloves	1 pair.
22	Women's stockings	3 pairs.
23	Socks	6 pairs.
24	Men's women's and children's hose	2 pairs.
25	Rubbers, galoshes	1 pair.
26	Men's women's and children's underwear	3 items.
27	Neckties	3.
28	Handkerchiefs	12.
29	Towels	3.
30	Bed clothing	1 item.
31	Blankets	1.
32	Wool cloth	3¼ yards.
33	Cotton, linen and hemp cloth	6½ yards.
34	Rayon cloth	4½ yards.
35	Wool or cotton yarn	6 pounds 9 ounces.
36	Leather articles	2.
37	Articles of plastic	1.
38	Cosmetics (powder, cream, toilet water, perfume)	10½ ounces.
39	Tooth paste, mouth wash	10½ ounces.
40	Rouge, lipstick (including holder)	2 articles.
41	Soap and soap powder	6 pounds 9 ounces.
42	Razor blades	50.
43	Small personal items including lighters, safety razors, eyeglasses, pocket knives, combs, etc	Not exceeding 100 forints in value.
44	Small household articles	Not exceeding 100 forints in value.
45	Toys	2.
46	Writing and drawing materials, including pencils, fountain pens, rulers	1 item or 1 set.
47	Cigarettes and tobacco	1 pound 1¼ ounces.
48	Medicines, drugs, and therapeutic articles	Medicinally justifiable quantities.

d. In § 127.357 *Spanish Guinea (Rio Muni and the Islands of Fernando Po, Annobon, Elobey and Corisco)* amend the second stentence of paragraph (a) (1) to read as follows: "Small packets accepted."

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-3062; Filed, Apr. 22, 1954; 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter Q—Leases and Permits on Restricted Indian Lands

PART 171—LEASING AND PERMITTING OF RESTRICTED INDIAN LANDS AND OTHER LANDS ADMINISTERED BY THE BUREAU OF INDIAN AFFAIRS FOR FARMING, FARM PASTURE, AND BUSINESS

APPLICABILITY OF REGULATIONS; NAVAJO AND HOPI LANDS

Section 171.3 is amended to read as hereinafter indicated and there is added a new § 171.30:

§ 171.3 *Applicability of regulations.* The regulations of this part are intended to be generally applicable but are subject to the special exceptions provided in §§ 171.24 to 171.30, inclusive.

§ 171.30 *Navajo and Hopi lands.* Any restricted Indian lands owned by the Navajo Tribe, members thereof, or associations of such members, or by the Hopi Tribe, members thereof, or associations of such members, may be leased by the Indian owners, with the approval of the Commissioner, Bureau of Indian Affairs, or his duly authorized representative, for public, religious, educational, recreational, or business purposes, including the development or utilization of natural resources in connection with operations unders such leases, except oil and gas and other minerals. All leases so granted shall be for a term of not to exceed twenty-five years, but may include provisions authorizing their renewal for an additional term of not to exceed twenty-five years. Restricted allotments of deceased Indians may be leased under this section, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in the act of July 8, 1940 (54 Stat. 745; 25 U. S. C. 380).

(R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 5, 64 Stat. 46; 25 U. S. C. 635)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 19, 1954.

[F. R. Doc. 54-3050; Filed, Apr. 22, 1954; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter C—Areas Subject to Special Laws

[Circular 1873]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

PERMITS FOR RIGHTS-OF-WAY FOR LOGGING ROADS; STATEMENT OF POLICY

Section 115.155 (h) is amended to read as follows:

§ 115.155 *Statement of policy.* * * *

(h) The Regional Administrator may, in his discretion, issue short term right-of-way permits for periods not exceeding three years, subject to one-year extensions in his discretion. Such permits shall specify the volume of timber which may be carried over the right-of-way and the area from which such timber may be logged. The permits shall be revocable by the Regional Administrator, the Director, or the Secretary for violation of their terms and conditions or of these regulations or if hazardous conditions result from the construction, maintenance or use of the rights-of-way by the permittees or those acting under their authority. As a condition for the granting of such permits, the applicant must comply with § 115.162 (a) (1), (2), and (d) to the extent that rights-of-way and road use rights are needed to remove government timber offered for sale in the same general area during the period for which the short term right-of-way is granted.

(28 Stat. 635, as amended; 43 U. S. C. 956)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 16, 1954.

[F. R. Doc. 54-3052; Filed, Apr. 22, 1954; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 64031]

CALIFORNIA

PARTIALLY REVOKING DEPARTMENTAL ORDER OF MARCH 28, 1907 WITHDRAWING PUBLIC LANDS FOR USE OF THE FOREST SERVICE

APRIL 19, 1954.

Upon the recommendation of the Department of Agriculture and in accordance with Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

The order of the Secretary of the Interior of March 28, 1907 withdrawing certain public lands in California for use as ranger stations by the Forest Service in the administration of the Tahoe National Forest is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 14 E.,
Sec. 14, NE¼ NW¼.

The tract described contains 40 acres.

The lands which comprise a part of the Tahoe National Forest shall become subject to the public-land laws relating to national forest lands at 10:00 a. m. on the 35th day from the date of this order.

EARL G. HARRINGTON,
Acting Assistant Director.

[F. R. Doc. 54-3051; Filed, Apr. 22, 1954; 8:45 a. m.]

Bureau of Reclamation

SHOSHONE PROJECT, WYOMING

ORDER OF REVOCATION

MARCH 10, 1954.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of May 2, 1919, in so far as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereafter described:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 53 N., R. 94 W.,
Sec. 7, Lots 3, 4,
Secs. 17 to 21, incl., all,
Sec. 28, N½, N½S½,
Secs. 29 and 30, all.
T. 53 N., R. 95 W.,
Sec. 1, SW¼,
Secs. 2 and 3, all,
Secs. 9 to 15, incl., all,
Secs. 20 to 24, incl., all,
Sec. 25, W½,
Sec. 26, N½, SE¼,
Sec. 27, N½,
Sec. 28, N½.

The above areas aggregate 15,539.95 acres.

S. W. CROSTHWAIT,
Acting Commissioner.

[Misc. 644398]

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are located in the Little Dry Creek area. Annual precipitation does not exceed 8 inches. Native vegetation consists of salt sage, greasewood and grass. There is no known water supply available for irrigation. Topography varies from gently sloping to rolling hills. Soils range from sandy silt loam to heavy clay. Any application that is filed will be considered on its merits.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Inquiries regarding the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Cheyenne, Wyoming.

EARL G. HARRINGTON,
Acting Assistant Director,
Bureau of Land Management.

APRIL 16, 1954.

[F. R. Doc. 54-3053; Filed, Apr. 22, 1954; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service

[Farmer Cooperative Service Order 4]

AUTHORITY AND ORDER OF PRECEDENCE OF OFFICIALS TO ACT AS ADMINISTRATOR OF FARMER COOPERATIVE SERVICE

Farmer Cooperative Service Order No. 2, dated February 15, 1954, is amended to read as follows:

Kelsey B. Gardner, Acting Director, Management Services Division, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Administrator of the Farmer Cooperative Service, in the event that Joseph G. Knapp, Administrator, is unavailable to act, by reason of absence or for any other cause.

Martin A. Abrahamsen, Acting Director, Purchasing Division, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Administrator of the Farmer Cooperative Service, in the event that Joseph G. Knapp, Administrator, and Kelsey B. Gardner, Acting Director of the Management Services Division, are unavailable to act, by reason of absence or for any other cause.

J. Kenneth Samuels, Acting Director, Marketing Division, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Administrator of the Farmer Cooperative Service, in the event that Joseph G. Knapp, Administrator, Kelsey B. Gardner, Acting Director of the Management Services Division, and Martin A. Abrahamsen, Acting director of the Purchasing Division, are unavailable to act, by reason of absence or for any other cause.

Harold D. Walker, Director, Administrative Management Division, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Administrator of the Farmer Cooperative Service, in the event that Joseph G. Knapp, Administrator, Kelsey B. Gardner, Acting Director of the Management Services Division, Martin A. Abrahamsen, Acting Director of the Purchasing Division, and J. Kenneth Samuels, Acting Director of the Marketing Division, are unavailable to act, by reason of absence or for any other cause.

[SEAL] JOSEPH G. KNAPP,
Administrator.

[F. R. Doc. 54-3064; Filed, Apr. 22, 1954; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2251]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF FINAL DECISION

APRIL 19, 1954.

Notice is hereby given that the Presiding Examiner's Decision in the above-designated matter was issued and served upon all parties on March 15, 1954. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said Decision became effective on April 15, 1954, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3056; Filed, Apr. 22, 1954; 8:47 a. m.]

[Docket No. G-2360]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF CONTINUANCE OF HEARING

APRIL 19, 1954.

Notice is hereby given that on April 19, 1954, the hearing in the above designated matter was convened as prescribed by the Commission's order fixing date of hearing, adopted April 13, 1954, and issued April 14, 1954 (19 F. R. 2277); said hearing was thereupon immediately recessed by the Presiding Examiner to be resumed at 9:30 a. m., e. d. s. t., April 26, 1954, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3057; Filed, Apr. 22, 1954; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

DESIGNATION OF ACTING COMMISSIONER

Section 12 *Designation of Acting Commissioner*, is amended by deleting "1. Walter L. Greene, Deputy Commissioner" and inserting in lieu thereof "1. J. Stanley Baugman, Acting Deputy Commissioner."

NORMAN P. MASON,
Acting Federal Housing Commissioner.

APRIL 15, 1954.

[F. R. Doc. 54-3054; Filed, Apr. 22, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29157]

VARIOUS COMMODITIES FROM POINTS IN OFFICIAL TERRITORY TO POINTS IN OFFICIAL AND SOUTHERN TERRITORIES

APPLICATION FOR RELIEF

APRIL 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and Frank Van Ummersen, Agents, for carriers parties to schedules listed in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in official territory.

To: Points in official and southern territories.

Grounds for relief: Competition with rail carriers, circuity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3058; Filed, Apr. 22, 1954; 8:47 a. m.]

[4th Sec. Application 29158]

SUGAR FROM NORTH ATLANTIC PORTS TO CINCINNATI, OHIO, AND LOUISVILLE, KY.

APPLICATION FOR RELIEF

APRIL 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and Frank Van Ummersen, Agents, for carriers parties to schedules listed below.

Commodities involved: Sugar, beet or cane, also liquid or invert sugar, carloads.

From: North Atlantic ports and points grouped therewith.

To: Cincinnati, Ohio, and Louisville, Ky.

Grounds for relief: Competition with rail carriers, market competition, circuity, and to maintain port rate relations.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-874, supplement 29; Frank Van Ummersen, Agent, I. C. C. No. 573, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3059; Filed, Apr. 22; 1954; 8:47 a. m.]

[4th Sec. Application 29159]

MERCHANDISE IN MIXED CARLOADS FROM NEW YORK, N. Y., AND PHILADELPHIA, PA., TO GREEN COVE SPRINGS AND PENSACOLA, FLA.

APPLICATION FOR RELIEF

APRIL 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise, in mixed carloads.

Territory: (a) From New York, N. Y., and points taking same rates, to Green Cove Springs, Fla.; and

(b) From Philadelphia, Pa., and New York, N. Y., and points taking same rates, to Pensacola, Fla.

Grounds for relief: Competition with rail carriers, motor carriers, circuity, and additional destinations.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-1013, supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved

in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3060; Filed, Apr. 22, 1954; 8:47 a. m.]

[4th Sec. Application 29160]

PETROLEUM RESIDUAL FUEL OIL AND ASPHALT FROM MINNESOTA AND WISCONSIN TO MINNESOTA

APPLICATION FOR RELIEF

APRIL 20, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Canadian National Railways, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Duluth, Missabe and Iron Range Railway Company, Duluth, Winnepeg and Pacific Railway Company, Great Northern Railway Company, Minneapolis, St. Paul and Sault Ste. Marie Railroad Company and Northern Pacific Railway Company and parties to schedules listed below.

Commodities involved: Petroleum residual fuel oil and asphalt (asphaltum), natural, by-product, or petroleum, in tank-car loads.

From: Alford, Wrenshall, Duluth, Minn., and Superior, Wis.

To: Points in Minnesota.

Grounds for relief: Competition with rial carriers, market competition, circuity.

Schedules filed containing proposed rates: Supp. 2 to CNRy. ICC No. W. 658, Reissue of CMStP&PRR ICC No. 7800; Supp. 150 to CMStP&PRR ICC No. B-7377, DM&IRRy. ICC No. A-114; Supp. 136 to DW&PRy. ICC No. 286; Sup. 82 to GNRy. ICC A-8163; Sup. 79 to MStP&SSMRR ICC 7189; Sup. 84 to NPRy. ICC 9602; Sup. 104 to NPRy. ICC 9635.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3061; Filed, Apr. 22, 1954; 8:47 a. m.]

PRESIDENT'S CONFERENCE ON ADMINISTRATIVE PROCEDURE

COMMITTEE ON HEARING OFFICERS

The Committee on Hearing Officers, of the President's Conference on Administrative Procedure, will hold public hearings on May 18 and 19, 1954, in Room 532, Federal Trade Commission Building, Washington, D. C. The subject will be the appointment and status of federal hearing officers. All interested persons and organizations are invited to present views. The Committee solicits written communications on the subject as well as oral statements made at the hearings.

Those wishing to appear should so notify the Committee by May 10, so that an orderly schedule may be arranged. The address is: Committee on Hearing Officers, Room 576, Federal Trade Commission Building, Washington 25, D. C.

The subject of the hearings has been broken down into questions for convenience in consideration, as follows:

Qualifications and recruitment. What are the necessary qualifications of a hearing officer? What are the best sources of persons who would likely make competent hearing officers, and how should they be recruited?

Selection and appointment. Should the Civil Service Commission's present system of administration of section 11 of the Federal Administrative Procedure act be continued, or should it be changed, and, if so, how? Or should section 11 be amended? If so, should selection and appointment be made by the President, by the agency, by an authority such as an Office of Administrative Procedure, or by another method? Should an applicant's qualifications be appraised prior to selection by an authority independent of the selecting authority? If so, what should be the composition, qualifications, method of appointment, tenure, and compensation of the appraising authority?

Administration. Should a hearing officer be an agency employe as at present, or should he be an employe of a central office such as an Office of Administrative Procedure but assigned to an agency either on a permanent basis or on a temporary basis? Should his office be located in the agency's quarters or in a separate central office?

If he should be appointed by or be an employe of a central office such as an Office of Administrative Procedure, then should such an office be an independent agency or be placed within one of the executive departments or agencies? What should be the composition, qualifications, method of appointment, tenure, and compensation of such an office?

Tenure. Should a hearing officer serve for life, for a term of years (if so, how many), or at the pleasure of some person (if so, whom)?

Removal. Should a hearing officer be removed for cause and, if so, should specific grounds be contained in the charges? Should he be removed under Civil Service Commission reduction-in-force rules? Should he be entitled to a hearing in any case of removal?

Compensation and promotion. What level or levels of compensation are required to attract competent persons? Should all hearing officers receive the same compensation? If not, should it be of the same level throughout an agency? If not, should it vary within an agency according to subject matter, level of work difficulty, or both? If compensation should vary within an agency, who should evaluate for promotion and who should promote?

The Committee invites views on any or all of the foregoing questions.

Committee on Hearing Officers, President's Conference on Administrative Procedure.

EARL W. KINTNER, *Chairman.*

[F. R. Doc. 54-3069; Filed, Apr. 22, 1954; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 80

Washington, Saturday, April 24, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10528

ADDITION OF THE MARGINAL WHARF AREA TO SAND ISLAND MILITARY RESERVATION, TERRITORY OF HAWAII

WHEREAS by Executive Order No. 3358 of November 24, 1920, certain lands on Sand Island and Quarantine Island, Oahu, Territory of Hawaii, were set aside for military purposes, and such lands now constitute a portion of Sand Island Military Reservation; and

WHEREAS it is deemed desirable and in the public interest that there be added to the said reservation that certain adjoining parcel of land known as the Marginal Wharf Area; subject, however, to possible future use of such parcel of land for Reserved Channel purposes:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, and as President of the United States, the following-described parcel of land known as the Marginal Wharf Area, located at Sand Island, Kaholaloa, Honolulu, Oahu, Territory of Hawaii, is hereby added to and reserved as a part of Sand Island Military Reservation and placed under the jurisdiction and control of the Department of the Army for military purposes; subject, however, to possible future use of such parcel of land for Reserved Channel purposes in accordance with the establishment of the Reserved Channel and the Future Project Line by the Acting Secretary of War on May 31, 1935:

Being a portion of the land conveyed to the United States of America by deeds of: Dowsett Company, Limited, dated June 30, 1902, and recorded in the Bureau of Conveyances at Honolulu, Territory of Hawaii, in Liber 241 on pages 260–264; Alfred W. Carter, George R. Carter and H. M. Von Holt, Trustees, dated July 9, 1902, and recorded in the Bureau of Conveyances at Honolulu, aforesaid, in Liber 241 on pages 264–265; and Oahu Railway and Land Company, dated October 16, 1902, and recorded in the Bureau of Conveyances at Honolulu, aforesaid, in Liber 241 on pages 265–269.

Beginning at a concrete monument at the west corner of this piece of land, the coordinates of the said point of beginning referred to Government Survey Triangulation Station "U. S. E. North Base", being 3,279.39 feet North and 3,282.53 feet West, thence running by azimuths measured clockwise from true South:

1. 216° 40′ 318.84 feet;
2. 279° 47′ 194.39 feet along Kalihi Channel;
3. 304° 32′ 2,868.99 feet along same;
4. 34° 32′ 400.00 feet along Honolulu Harbor;
5. 124° 32′ 3,057.39 feet along Sand Island Military Reservation (Tract 1, Executive Order No. 3358 of November 24, 1920) to the point of beginning; and containing an area of 27.845 acres, more or less.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 22, 1954.

[F. R. Doc. 54-3140; Filed, Apr. 23, 1954; 9:52 a. m.]

EXECUTIVE ORDER 10529

PARTICIPATION BY FEDERAL EMPLOYEES IN STATE AND LOCAL CIVIL DEFENSE PRE-EMERGENCY TRAINING PROGRAMS

By virtue of the authority vested in me by the Constitution and statutes of the United States, including the Federal Civil Defense Act of 1950, 64 Stat. 1245, as amended, it is hereby ordered as follows:

SECTION 1. In arranging for the use of personnel of Federal departments and agencies for civil-defense purposes in time of emergency and for their coordination with State and local civil-defense plans in consonance with the provisions of section 3 of Executive Order No. 10346 of April 17, 1952, the Federal Civil Defense Administrator, after consultation with the head of a department or agency, may recommend that the services of such personnel of the said department or agency as have volunteered their services and have been selected for civil-defense assignments be made available for participation in the program of a State or of any political sub-division thereof for training, prior to an emergency, in the performance of civil-defense duties.

SEC. 2. After consideration of the recommendation of the Federal Civil Defense Administrator, the head of a

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Titles 30–31 ($1.00)

Title 33 ($1.25)

Titles 44–45 ($0.75)

Previously announced: Title 3, 1953 Supp. ($1.50); Title 8 ($0.35); Titles 10–13 ($0.50); Title 16 ($1.00); Title 18 ($0.45); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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Federal department or agency, or such officer as the head thereof may designate, may from year to year authorize such of the said personnel of such department or agency as he may designate to participate in pre-emergency training programs and test exercises in cooperation with any State or political sub-division thereof, and such duties shall be performed on assignment by the particular Federal department or agency, subject to the following conditions:

(a) Personnel so assigned shall at all times remain subject to the administrative jurisdiction and control of their Federal department or agency;

(b) The period of official time that may be authorized for any such assignment pursuant to this order shall not exceed a total of forty working hours for any person during a calendar year; and

(c) There shall be satisfactory evidence from State or local civil defense authorities that such personnel served or participated in such programs or exercises pursuant to specific request of a public governmental body or organization established pursuant to and in accordance with a State civil defense law.

SEC. 3. During any period or periods in which such personnel shall be engaged in said civil-defense training duties under authority of this order, they shall continue to be compensated in usual course by their Federal department or agency, and shall continue in their status as Federal employees for all purposes. Where travel is involved in connection with the performance of such training duties, travel allowances and expenses may be authorized in accordance with the Standardized Government Travel Regulations.

SEC. 4. This order shall not be construed as restricting or limiting the activities of officers or employees of the Federal Civil Defense Administration in the performance of their functions and duties.

SEC. 5. As used in this Order:

(a) The term "personnel" shall mean persons who are in a full time pay status as civilian officers or employees of the United States Government.

(b) The term "State" shall mean any of the several States of the United States, the District of Columbia, each of the Territories and possessions of the United States, and the Commonwealth of Puerto Rico.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 22, 1954.

[F. R. Doc. 54-3141; Filed, Apr. 23, 1954; 9:52 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 30]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.330 *Navel Orange Regulation 30*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 22, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 25, 1954, and ending at 12:01 a. m., P. s. t., May 2, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300,300 boxes;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section, "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 23d day of April, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Apr. 25 to 12:01 a. m., P. s. t., May 2, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.0000
A. N. F. Corona	.5185
A. N. F. Fullerton	.0000
A. N. F. Orange	.0000
A. N. F. Riverside	1.6513
A. N. F. Santa Paula	.0516
Eadington Fruit Co.	.2949
Signal Fruit Association	1.0010
Bryn Mawr Mutual Orange Association	.5068
Chula Vista Mutual Lemon Association	.0039
Euclid Avenue Orange Association	2.7577
Foothill Citrus Union, Inc.	.0786
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	2.3531
Olive Hillside Groves, Inc.	.0000
Redlands Foothill Groves	4.1178
Redlands Mutual Orange Association	1.5930
Ventura County Fruit Growers, Inc.	.4330
Azusa Citrus Association	.0000
Covina Citrus Association	.4614
Glendora Citrus Association	.0000

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Valencia Heights Orchards Association	0.4068
Gold Buckle Association	4.1542
La Verne Orange Association	4.4881
Anaheim Valley Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Linda Citrus Association	.0000
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0000
Citrus Fruit Growers	.3587
Cucamonga Mesa Citrus Growers	.0000
Etiwanda Citrus Fruit Association	.0716
Upland Citrus Association	.0000
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association	.0000
Olive Heights Citrus Association	.0000
Santiago Orange Growers Association	.1375
Villa Park Orchards Association	.0000
Bradford Bros., Inc	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0000
Corona Citrus Association	1.7227
Jameson Co	.8155
Orange Heights Orange Association	5.7140
Crafton Orange Growers Association	1.9019
East Highlands Citrus Association	.5019
Redlands Heights Citrus Association	1.0330
Redlands Orangedale Association	2.0257
Rialto-Fontana Citrus Association	.1875
Bryh Mawr Fruit Growers Association	1.3114
Mission Citrus Association	1.0473
Redlands Cooperative Fruit Association	2.5028
Redlands Orange Growers Association	1.5796
Redlands Select Groves	.4773
Rialto Orange Co	.7312
Southern Citrus Association	1.1681
United Citrus Growers	.8550
Arlington Heights Citrus Co	1.9518
Blue Banner Co., Inc	4.2522
Brown Estate, L. V. W	2.5569
Clavilan Citrus Association	2.7485
McDermont Fruit Co	2.0884
Monte Vista Citrus Association	1.9269
National Orange Co	1.[illegible]
Riverside-Highgrove Citrus Association	2.0699
Victoria Avenue Citrus Association	4.5280
Claremont Citrus Association	.7634
College Heights Orange & Lemon Association	2.0823
Indian Hill Citrus Association	1.4590
Pomona Fruit Growers Exchange	.9947
Walnut Fruit Growers Association	.8251
West Ontario Citrus Association	.7087
Escondido Cooperative Citrus Association	.0000
Camarillo Citrus Association	.0000
Fillmore Citrus Association	1.4548
Mupu Citrus Association	.0000
Ojai Orange Association	1.2814
Piru Citrus Association	1.6130
San Fernando Heights Orange Association	.7843
Santa Paula Orange Association	.0590
Tapo Citrus Association	.0190
Ventura County Citrus Association	.0000
East Whittier Citrus Association	.0036
North Whittier Heights Citrus Association	.0000
Sierra Madre-Lamanda Citrus Association	0.0000
A. J. Packing Co	.0641
Babijuice Corp. of California	.0000
Cherokee Citrus Co., Inc	.6868
Dunning, Vera Hueck	.0000
Evans Bros. Packing Co	1.1145
Far West Produce Distributors	.1678
Gold Banner Association	3.0629
Gold Seal Citrus Products, Inc	.2304
Holland, M. J	.0321
Jolicoeur, Robert B	.0021
Orange Belt Fruit Distributors	.3934
Panno Fruit Co., Carlo	.0000
Paramount Citrus Association	.1004
Prescott, John A	.0070
Riverside Fruit Co	.2051
Rotolo Bros	.0000
San Antonio Orchards Co	1.4803
Smallwood, Luella L	.0000
Spire, Frank S	.0108
Stephens & Cain	.2121
Torn Ranch	.0374
Wall, E. T., Grower-Shipper	2.7066
Western Fruit Growers, Inc	4.3359

[F. R. Doc. 54-3150; Filed, Apr. 23, 1954; 11:36 a. m.]

[Grapefruit Reg. 200]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.680 *Grapefruit Regulation 200*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than April 26, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 26, 1954; the recommendation and supporting information for continued regulation subsequent to April 25, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 20; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 26, 1954, and ending at 12:01 a. m., e. s. t., May 10, 1954, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any white seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any white seedless grapefruit, grown in Regulation Area I, that grade U. S. No. 2 Russet, U. S. No. 2, or U. S. No. 2 Bright, (a) which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or (b) which are of a size larger than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any white seedless grapefruit, grown in Regulation Area I, that grade U. S. No. 1 Russet, U. S. No. 1 Bronze, or U. S. No. 1 Golden, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 1, U. S. No. 1 Bright or U. S. Fancy, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seedless grapefruit, grown in Regulation Area II, that grade U. S. No. 2 Russet, U. S. No. 2, U. S. No. 2 Bright, U. S. No. 1 Russet, U. S. No. 1 Bronze or U. S. No. 1 Golden, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(viii) Any pink grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet.

(2) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 21, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-3105; Filed, Apr. 23, 1954; 8:50 a. m.]

[Orange Reg. 256]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.679 *Orange Regulation 256*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than April 26, 1954. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until April 26; the recommendation and supporting information for continued regulation subsequent to April 25, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 20; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 26, 1954, and ending at 12:01 a. m, e. s. t., May 10, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) (i) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box," shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

(ii) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 21, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-3106; Filed, Apr. 23, 1954; 8:50 a. m.]

[Lemon Reg. 534]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.641 *Lemon Regulation 534*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 21, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 25, 1954, and ending at 12:01 a. m., P. s. t., May 2, 1954, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 533 (19 F. R. 2225) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 22d day of April 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-3135; Filed, Apr. 23, 1954; 9:33 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, paragraphs (b) (3) and (f) (3) of § 6.108, paragraph (c) (1) of § 6.114, paragraph (b) of § 6.116, paragraph (a) of § 6.128, and paragraph (a) of § 6.213 are revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-3087; Filed, Apr. 23, 1954; 8:47 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) is added to § 6.313 (g).

§ 6.313 *Department of Labor.* • • •
(g) *Women's Bureau.* • • •
(3) One Special Assistant to the Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-3086; Filed, Apr. 23, 1954; 8:47 a. m.]

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

MISCELLANEOUS AMENDMENTS

1. Effective March 15, 1954, the list of positions excluded from the provisions of the Federal Employees Pay Act and the Classification Act in § 27.1 is amended by the addition of the following:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* • • •

Auxiliary medical therapy student positions, Department of Health, Education, and Welfare, as follows: Vocational Guidance Counselor (Student), Recreation Leader (Student), Occupational Therapist (Student), Vocational Rehabilitation Adviser (Student), Teacher (Student) (Educational Administration and Supervision), Teacher (Student) (Business Training), Teacher (Student) (Music), Teacher (Student) (Art), and Chaplain (Student).

2. Effective March 15, 1954, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended by the addition of the following:

§ 27.2 *Maximum stipends prescribed.* • • •

Auxiliary medical therapy student positions, Department of Health, Education, and Welfare, as follows: Vocational Guidance Counselor (Student), Recreation Leader (Student), Occupational Therapist (Student), Vocational Rehabilitation Adviser (Student), Teacher (Student) (Educational Administration and Supervision), Teacher (Student) (Business Training), Teacher (Student) (Music), Teacher (Student) (Art), and Chaplain (Student):	
Part-time approved training after a minimum of one year college-level training, per semester	$200

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-3103; Filed, Apr. 23, 1954; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. 86 [1a]]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 376—PERIODIC REQUIREMENTS LICENSE

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 370.4 *Exportations authorized by government agencies other than BFC* is amended in the following particulars:

The footnote numeral 1 is inserted following the heading of paragraph (a) *Arms, ammunition, and implements of war; helium*, and the following related footnote is added:

[1] Arms, ammunition and implements of war must be rendered useless beyond the possibility of restoration, before they can be licensed by the Bureau of Foreign Commerce for export as scrap metal. (See § 399.2, Appendix B, Interpretation 14 of this subchapter.)

This part of the amendment shall become effective as of April 15, 1954.

2. Section 371.2 *General provisions*, paragraph (c) *Applicability* is amended in the following particulars:

a. Subparagraph (3) *Exportation to foreign vessels in foreign ports* is amended to read as follows:

(3) *Exportations to foreign vessels in foreign ports.* Except as provided in the Note below, commodities may not be exported under the provisions of any general license to a foreign vessel, whether an operating vessel or one under construction, located in a foreign port unless such general license is applicable to both the country in which such port is located and to the country under whose laws such vessel is or will be registered.

b. The Note following subparagraph (3) remains unchanged.

This part of the amendment shall become effective as of April 15, 1954.

3. Section 372.1 *Applicability and general provisions*, paragraph (e) *Representations in license applications; orders and evidence thereof; and record-keeping requirements* is amended in the following particulars:

Subparagraph (6) *Export licenses related to complete applications* is amended by adding at the end thereof the following words: "or the Export Regulations".

This part of the amendment shall become effective as of May 15, 1954.

4. Section 373.1 *Export licensing general policy*, paragraph (d) *Historical basis for granting export licenses* is deleted.

This part of the amendment shall become effective as of April 15, 1954.

5. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery* is amended in the following particulars:

a. Subparagraph (1) *Single-transaction Import Certificates* of paragraph (c) *Submission of Import Certificates* is amended to read as follows:

(1) *Single-transaction Import Certificates.* (i) The applicant shall attach to his license application, covering a proposed exportation described in paragraph (a) of this section, the original Import Certificate, bearing the official authentication of the governmental authorities in the importing country, to the named importer or his agent and covering the commodity or comodities described in the export license application.

(ii) Where the single-transaction Import Certificate covers commodities for which more than one export license application is submitted, the original Import Certificate shall be attached to the first such application. Each subsequent application shall include the following certification:

I (we) certify that I (we) have not submitted applications including the present application against the _____ (Name of country) Import Certificate Number _____ in excess of the total quantity authorized thereon. This Import Certificate was submitted in support of Application No. _____ (BFC Case No. or if Case No. is unknown the Applicant's Reference No., date of submission of the application to which the Import Certificate was attached, and Schedule B Nos. shown on that application.)

NOTE: Whenever possible the BFC Case Number should be indicated on the certification set forth above since failure to supply the BFC Case Number may result in delay in processing the license application.

b. Subparagraph (2) *Multiple-transaction Import Certificates* of paragraph (c) *Submission of Import Certificates* is amended to read as follows:

(2) *Multiple-transaction Import Certificates.* Exporters may submit to the Bureau of Foreign Commerce an original Import Certificate, if issued by a foreign government, covering all proposed exportations of a commodity or commodities, regardless of value (including commodities based on export orders amounting to less than $500), for a specific period or if no specific period is shown, for a specific quantity or value. The exporter shall submit the original certificate, bearing the official authentication of the governmental authorities in the importing country, together with one additional copy for each Bureau of Foreign Commerce processing code to which the certificate applies and a listing of such processing codes. Each subsequent application for export license submitted against the multiple-transaction Import Certificate shall bear on the face of the application one of the following certifications (depending on whether a quantity is shown on the Import Certificate) signed by the applicant:

I (we) certify that I (we) have not submitted applications including the present application against the _____ (Name of country) Import Certificate Number _____ in excess of the total quantity authorized thereon.

or (if no quantity is shown on the certificate),

This application is supported by the _____ (Name of country) multiple-transaction Import Certificate Number _____.

c. Paragraph (b) of Note 5 *Return of Import Certificates* following paragraph (c) *Submission of Import Certificates* is amended to read as follows:

(b) The Bureau of Foreign Commerce will automatically return the applicable Import Certificate to the U. S. exporter (applicant) whenever an application for export covers the same type and amount of the commodity as that shown on the Import Certificate, but such application is rejected or approved in a reduced quantity. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce. In some cases, the Import Certificate covering an application rejected by the Bureau of Foreign Commerce for other than quota reasons will be returned directly to the government which issued the certificate. In such cases the applicant will be notified of this action. In any event, the government issuing the Import Certificate will be notified if the export application which it covers is rejected.

d. A new paragraph (d) is added to read as follows:

(d) *Requests for amendments.*[2] A new or appropriately amended Import Certificate shall accompany a request for an amendment of an export license which proposes a change in any party to the transaction named in the export license or any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Import Certificate previously submitted to the Bureau of Foreign Commerce. If a proposed quantitative amendment is in accordance with the previously submitted Import Certificate the amendment request shall include the following certification:

I (we) certify that this request for amendment of export license number _____, if granted, will not exceed the total quantity authorized under the _____ (Name of country) Import Certificate Number _____.

e. The present paragraphs (d) *Submission of Delivery Verifications*, (e) *Effective dates*, (f) *Relationship to ultimate consignee statements*, and (g) *Request for exception* are renumbered (e), (f), (g), and (h), respectively.

This part of the amendment shall become effective as of May 15, 1954.

6. Section 373.3 *Evidence of availability* is deleted.

This part of the amendment shall become effective as of April 15, 1954.

7. Section 373.4 *Statement of past participation* is deleted.

This part of the amendment shall become effective as of April 15, 1954.

8. Section 373.20 *Applicability of multiple commodity group provisions to Commodity Group 2 commodities*, paragraph (b) *Past participation in exports* is deleted.

This part of the amendment shall become effective as of April 15, 1954.

9. Section 373.39 *Applicability of multiple commodity group provisions to Commodity Group 6 commodities*, paragraph (c) *Evidence of availability requirements* is deleted.

This part of the amendment shall become effective as of April 15, 1954.

10. Section 373.48 *Applicability of multiple commodity group provisions to Commodity Group 7 commodities*, paragraph (c) *Evidence of availability requirements* is deleted.

This part of the amendment shall become effective as of April 15, 1954.

11. Section 373.49 *Machinery and parts* is amended to read as follows:

§ 373.49 *Machinery and parts*[3]—(a) *Machinery and equipment.* Applications for licenses to export machinery and equipment with the processing codes CONS, ELME, GIEQ, MINE, TOOL, AND TRAN must include the following identifying information in addition to the requirements of § 372.3 (c) of this subchapter:

(1) A copy of a manufacturer's current catalog or bulletin, or pertinent pages therefrom describing the commodity, unless previously furnished.

(2) For commodities having a rated capacity, show maximum rating.

(3) For power-generating or other heavy machinery and equipment, a statement should be furnished explaining the circumstances, if production and exportation cannot be completed within six months. Where warranted, licenses may be issued for a validity period of one year, and the Bureau of Foreign Commerce will also give as favorable consideration as conditions permit to requests for extension of these licenses giving precedence to such requests over new applications for export licenses.

(b) *Automotive replacement parts*—(1) *Additional application requirements.* (i) An exporter who receives an order, or an inquiry relating to an order, for automotive replacement parts, listed in subparagraph (2) of this paragraph, and, in addition, for certain Commodity Group 5 commodities listed in § 373.34 of this subchapter, to be exported to a destination listed in subparagraph (3) of this paragraph from a consignee with whom he has not previously done business and who has not been approved as an ultimate consignee on an export license issued to him, is required to observe the special provision described below when filing an application for a validated export license to make the proposed shipment.

(ii) Prior to filing a license application, the exporter shall request the ultimate consignee to communicate with the nearest United States Embassy or Consulate in his area and provide information for a World-Trade Directory report, if he has not already done so within the last 12 months, and the ultimate consignee shall have complied with this request, where required. When applying for an export license, such an exporter, in addition to supplying the information required by paragraph (a) of this section, shall include in the commodity description item of the license application, or on an attachment thereto, the address of the United States Embassy or Consulate where the ultimate consignee provided the information for a World Trade Directory report and the date on which the information was given.

(iii) The filing of World Trade Directory report information with a United States Embassy or Consulate is essential in order to facilitate final action on the application for a validated license. Licenses will be issued in such cases only where this information is on file in the Bureau of Foreign Commerce. There-

[1a] This amendment was published in Current Export Bulletin No. 727, dated April 15, 1954.

[2] Section 380.2 of this subchapter contains other provisions applicable to amendments of applications covered by an Import Certificate.

[3] Parts and accessories which are to be scrapped are properly classified as iron and steel scrap (Schedule B Nos. 601010, 601040, 601050, 601070, 601090, 601150, 601170).

fore, filing of these applications before the ultimate consignee has made the necessary information available, will result in the application being returned without action.

(2) *Commodities.* The provisions of this paragraph are applicable to applications for licenses to export the following commodities to the destinations set forth in subparagraph (3) of this paragraph (see also § 373.34):

Schedule B No.	Commodity
701300	Automotive storage batteries, 6- and 12-volt, lead-acid type.
709305	Sealed beam head lamps suitable for mounting on automobile vehicles
709220	Spark plugs, automobile, bus, and truck type.
	Starting, lighting, and ignition equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.: automobile, bus, and truck type.
709665	Automotive ignition wire in coils, reels, or spools, in lengths of 100 feet or less
769100	Ball bearings, and specially fabricated parts except balls (automotive only).
769300	Roller bearings, and specially fabricated parts except rollers (automotive only).
769310	Balls for bearings (automotive only)
769315	Rollers for bearings (automotive only)
	Parts for commercial automobiles, trucks, and buses:
	Engines for replacement (motor truck, bus, and passenger car)
791240	Diesel and semi-Diesel.
791250	Gasoline
791260	Bodies, truck and bus, for replacement.
791270	Bodies, automobile, for replacement
791275	Knee-action springs (helical or coil), for replacement.
791280	Leaf springs, and spring leaves, for replacement.
792620	Parts, n. s. e., specially fabricated, for spares, replacement, or manufacture into larger components, except: air cleaners; brake extension handles, bumpers; door locks; gas tank caps; horns; hub caps; hydraulic truck dumping hoists; oil filter clamps; oil filters; oil purifiers; oil rectifiers; parking lights; radiator caps radiator ornaments; reflex signs, road traffic; stop lights; thermostats; third axle assemblies; windshield wipers; and specially fabricated parts for the excepted items.

(3) *Destinations.* The provisions of this subparagraph are applicable to applications for licenses to export the commodities set forth in subparagraph (2) of this paragraph to any of the following destinations:

British Malaya (including the Colony of Singapore, the Federation of Malaya, the Colony of North Borneo (including Brunei and Labuan), the Colony of Sarawak, and other insular possessions).
Burma.
Ceylon.
Indochina (Vietnam, Laos, Cambodia).
Indonesia.
Republic of the Philippines.
Thailand (Siam).

(4) *Permitted substitutions.* Unless the export license provides otherwise, shipments of replacement parts, Schedule B Nos. 709220, 791193, 792610, 792620, or 792730, may include substitutions of one commodity for another within the same Schedule B number even though the substituted replacement parts are not listed on the export license or on the license application. For example, carburetors, Schedule B No. 792620 may be substituted for fuel pumps, Schedule B No. 792620, but may not be substituted for generators, Schedule B No. 709220.

(c) *Tools incorporating diamonds—*(1) *Commodities included.* Any tool incorporating diamonds requires a validated license for export to all R and O country destinations, whether or not the tool is shipped with the machine with which it is to be used.

(2) *Definition.* As used in this section, the term "Tools incorporating diamonds" means any tools, tool parts or devices, including metal slugs, which contain diamonds. Such "tools" do not include the machines which may make use of the tools incorporating diamonds.

(3) *Application requirements.* (i) A license to export a tool incorporating diamonds as a spare or replacement part shall be applied for under the Schedule B number applicable to such tool. When a diamond tool is to be shipped with a machine with which it is to be used, whether or not such machine is on the Positive List, the diamond tool shall be entered on the license application under the Schedule B number of the machine.

(ii) If a validated license is required for the machine, a single license application shall be submitted and the description shall specify that a tool containing diamonds is to be shipped with the machine.

(iii) In addition to the information required by paragraph (a) of this section, applications for licenses to export tools incorporating diamonds must comply with the following requirements:

(*a*) Tools, tool parts, or devices (including metal slugs) must be listed separately on license applications, or by groups of identical tools, giving the name and type of tool and approximate carat weight of diamonds;

(*b*) License applications to export rock drill bits, core drill bits, and reamers containing diamonds, Schedule B No. 730875, which have been shipped to the United States for reprocessing or resetting must show for each type or size of tool listed the approximate total carat weight of contained diamonds before and after reprocessing or resetting;

(*c*) License applications to export diamond grinding wheels, sticks, hones, and laps, Schedule B No. 540905, must state the quantity, the approximate carat weight, and grit size of the diamond content of each commodity; and

(*d*) Diamond dies must be listed on the license applications as unmounted or encased, and the quantity and carat weight, must be given.

(4) *Preparation of Shipper's Export Declaration.* (i) A tool incorporating diamonds exported under a validated license as a part of a machine exported under a general license shall be reported on the same Shipper's Export Declaration as a unit. The value stated in column (15) shall reflect the combined value of the machine and the diamond tool.

(ii) Separate data for the diamond tool shall be shown only in column (10). The description of the machine shall specify that it includes a tool containing diamonds, together with the same information required on a license application for the diamond tool, as set forth in subparagraph (3) of this paragraph.

This part of the amendment shall become effective as of May 15, 1954.

12. Section 373.54 *Applicability of multiple commodity group provisions to Commodity Group 8 commodities*, paragraph (c) *Evidence of availability requirements* is deleted.

This part of the amendment shall become effective as of April 15, 1954.

13. Section 373.59 *Applicability of multiple commodity group provisions to Commodity Group 9 commodities*, paragraph (c) *Evidence of availability requirements* is deleted.

This part of the amendment shall become effective as of April 15, 1954.

14. Section 373.67 *Switzerland*, paragraph (d) *Amendment requests for increased quantities* is amended by the insertion of footnote numeral 4 following the title of the paragraph and the addition of the following related footnote:

⁴ Section 380.2 of this subchapter contains other provisions applicable to amendments of applications covered by a Swiss Blue Import Certificate.

This part of the amendment shall become effective as of May 15, 1954.

15. Section 376.2 *Certificate of qualification for Periodic Requirements License*, paragraph (c) *Preparation of documents* is amended in the following particulars:

Subdivision (ii) of subparagraph (2) *Form IT–821* is amended to read as follows:

(ii) (*a*) If Form IT–821 covers all of the commodities which are included under a single related commodity processing code and identified by an "E" on the Positive List, then such processing code designation should be indicated in Items 2 and 4 of Form IT–821. If the Form IT–821 covers one or more Schedule B numbers but not an entire processing code designation, the schedule B number(s) should be listed in Item 2.

(*b*) The total quantity or value of the commodity shipped to each consignee during the two-year base period selected by the applicant (see § 376.1 (c)) must be shown in Item 4. If the application covers more than one commodity, show for each consignee the combined total quantity or value of all the commodities included. The quantity or value of the commodities shipped during the two-year base period shall not include toll shipments, in-transit shipments or shipments under a project license.

(*c*) The total of the quantity or value information shown for the individual consignees within a single country should be entered opposite the country heading. In reporting exportations of petroleum products, the total may be supplied by country only.

This part of the amendment shall become effective as of April 15, 1954.

16. Section 380.2 *Amendments or alterations of licenses* is amended in the following particulars:

a. In paragraph (f) *Where to file*, subdivision (iv) of subparagraph (3) *Amendment requests on which field offices may not take action* is amended to read as follows:

(iv) Requests for amendments or extensions of licenses for aluminum scrap (Schedule B No. 630050), copper scrap (Schedule B No. 641300), and copper-base alloy scrap (Schedule B No. 644000).

b. A new paragraph (j) is added to read as follows:

(j) *Licenses covered by an Import Certificate or a Swiss Blue Import Certificate.* A request for an amendment of an export license covering a commodity subject to the import certificate procedure (§ 373.2 of this subchapter) or to the Swiss Blue Import Certificate procedure (§ 373.67 of this subchapter) which proposes a change in any party to the transaction named on the license or any increase in the net quantity set forth on the license must be accompanied by a new or appropriately amended certificate if the proposed amendment is not in accordance with the certificate previously submitted to the Bureau of Foreign Commerce. If a proposed quantitative amendment is in accordance with the previously submitted certificate, the amendment request shall include the following certification:

I (we) certify that this request for amendment of export license number _____, if granted, will not exceed the total quantity authorized under the _____ (Name of country) Import Certificate Number _____

This part of the amendment shall become effective as of May 15, 1954.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54–3070; Filed, Apr. 23, 1954; 8:45 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 73 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
601410	Tube rounds, carbon steel
601611	Other semifinished material for seamless pipe tubing, carbon steel.
601625	Steel plates, including boiler plate (hot- or cold-rolled), not fabricated: Carbon steel.
602420	Rails, trackwork and track accessories: Rail joints and splice bars. Carbon steel.
602610	Switches, frogs, and crossings: Carbon steel.
612953	Fabricated steel products: Plates, fabricated, punched or shaped, n. e. c., except pallets for concrete blocks.

Section 399.2 *Appendix B—Commodity Interpretations* is amended by the addition of the following commodity interpretation:

INTERPRETATION 14: ARMS, AMMUNITION, AND IMPLEMENTS OF WAR.

Arms, ammunition, and implements of war which have been rejected by the armed services and sold as scrap, or which are declared surplus or have been junked, cannot be exported under a license for metal scrap issued by the Bureau of Foreign Commerce unless they are rendered useless beyond the possibility of restoration as implements of war.

Arms, ammunition, and implements of war, such as machine guns, rifles, etc., are not necessarily rendered useless beyond the possibility of restoration as implements of war merely by removal of component parts such as triggers, mounts, stocks, hammers, etc., and must be licensed by the Department of State.

Therefore, exporters should consult the Office of Munitions Control, Department of State, Washington 25, D. C., when in doubt as to whether an implement of war has been rendered useless, before applying to the Bureau of Foreign Commerce for a license to export the item as metal scrap.

This amendment shall become effective as of 12:01 a. m., April 15, 1954.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 54–3071; Filed, Apr. 23, 1954; 8:45 a. m.]

[1] This amendment was published in Current Export Bulletin No. 727, dated April 15, 1954.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21–54]

PART 65—INSECTICIDE AND DISINFECTANT INDUSTRY

RESCISSION OF PART

Whereas, the Commission on December 11, 1931, promulgated trade practice rules for the Insecticide and Disinfectant Industry which were codified in the Code of Federal Regulations (16 CFR Part 65); and

Whereas, trade practices in connection with the manufacture, sale, and distribution of the products of this industry are subject to regulation under the Federal Insecticide, Fungicide, and Rodenticide Act, approved June 25, 1947 (61 Stat. 163; 7 U. S. C. 135), as well as many state statutes; and

Whereas, under the circumstances proceedings for the revision of the rules for this industry do not appear to be essential to the public interest:

It is ordered, That the said rules be and the same are hereby rescinded.

Issued: April 21, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54–3102; Filed, Apr. 23, 1954; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53476]

PART 16—LIQUIDATION OF DUTIES

COUNTERVAILING DUTIES; SILK AND MANUFACTURES OF SILK FROM THE UNITED [redacted]

Reference is made to T. Ds. 43634, 44742, and 47475, dated October 30, 1929, March 25, 1931, and January 16, 1935, respectively, setting forth the net amount of bounties paid by the British Government on the export of certain manufactures of silk.

The Treasury Department is in receipt of official information that the present rates of bounties or grants paid or bestowed by the British Government within the meaning of section 303, Tariff Act of 1930 (19 U. S. C 1303) on the commodities herein described are the amounts set forth in the following table:

Articles and Net Amount of Bounty

1. Spun silk yarn on which a drawback of 30 pence per pound has been allowed, produced in the United Kingdom from silk waste on which an import duty of 6 pence per pound has been paid (3 pounds of waste produce 1 pound of spun silk yarn), 12 pence per pound.

2. Silk fabric on which a drawback of 36 pence has been allowed, produced in the United Kingdom from the spun silk yarn described in item 1 above, 16 pence per pound.

3. Silk fabric on which a drawback of 36 pence per pound has been allowed, produced in the United Kingdom from raw silk on which an import duty of 18 pence has been paid, 9½ pence per pound.

4. Weighted silk fabric on which a drawback of 36 pence per pound has been allowed, produced in the United Kingdom from raw silk on which an import duty of 18 pence per pound has been paid, 16 pence per pound.

5. Fabrics made in the United Kingdom from any combination of other yarn or yarns with the yarn described in item 1 above, on which drawback has been allowed at any rate including 30 pence per pound of item 1 yarn content, 12 pence per pound of item 1 yarn content.

6. Silk netting on which a drawback of 27 pence per pound has been allowed produced in the United Kingdom from raw silk on which an import duty of 18 pence per pound has been paid, 5$\frac{3}{10}$ pence per pound.

7. Articles manufactured in the United Kingdom with the use of any netting described in item 6 above, on which drawback has been allowed at any rate including 27 pence per pound of item 6 netting content, 5$\frac{3}{10}$ pence per pound of item 6 netting content.

8. Articles manufactured in the United Kingdom with the use of any of the spun silk yarn or fabrics described above, on which drawback has been allowed at a rate including the rate or rates mentioned above for such spun silk yarn or fabrics, 12 pence per pound of item 1 or 5 content; 16 pence per pound of item 2 or 4 content; 9½ pence per pound of item 3 content.

The net amounts of the bounties or grants on the commodities described above which are produced in the United Kingdom of Great Britain and Northern Ireland are hereby ascertained, deter-

mined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties equal to the net amount of bounty set forth opposite the respective articles, but in no case shall more than one such amount be attributed to the same component material. With respect to articles described in items 1 through 7, inclusive, above, the additional duties specified shall be applied to all such articles which are covered by unliquidated entries filed on or after August 23, 1948. With respect to articles described in item 8 above, the assessment of additional duties shall be applied only to such articles which are entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after the date of publication of this decision in the weekly Treasury Decisions. T. Ds. 43634, 44742, and 47475 are hereby superseded with respect to merchandise covered by entries filed on or after August 23, 1948, and unliquidated on the date of publication of this decision in the weekly Treasury Decisions.

The table in § 16.24 (a) of the Customs Regulations (19 CFR 16.24 (a)) is amended by inserting after the last line under "Great Britain—Silk and silk articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates and additional articles" in the column headed "Action."

(R. S. 251, sec. 303, 624, 46 Stat. 687, 759; 19 U. S. C. 66, 1303, 1624)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: April 16, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-3092; Filed, Aug. 23, 1954; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 58—REGISTRATION OF DOMESTIC MAIL MATTER

SURCHARGES FOR OVER-VALUE REGISTERED MAIL OR INSURED MAIL TREATED AS REGISTERED MAIL

Correction

In Federal Register Document 54-2847, appearing at page 2212 in the issue for Friday, April 16, 1954, the tenth figure under the column headed "Fourth zone" in the table of surcharge rates, now reading "1,165", should read "1,265".

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127, International Postal Service: Postage Rates, Service Available and Instructions for Mailing, 39 CFR Part 127, make the following changes:

a. In the section head of § 127.255 strike out "Chandernagore".

b. In § 127.263 *Gilbert and Ellice Islands Colony (Fanning, Washington, Christmas, Ocean, Gilbert, and Ellice Islands)* amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each (see § 127.20). Ocean and Gilbert Islands, onward from Australia by ordinary means. Ellice, Fanning, Washington, and Christmas Islands, onward from Fiji by ordinary means.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-3090; Filed, Apr. 23, 1954; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 918]

[Docket No. AO 219-A3]

HANDLING OF MILK IN MEMPHIS, TENNESSEE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Memphis, Tennessee, on December 17, 18, 19, and 21, 1953, pursuant to notice thereof which was issued on November 25, 1953 (18 F. R. 7643), upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Memphis, Tennessee, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 18, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on March 23, 1954 (19 F. R. 1717).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein and at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues of record related to:

1. The expansion of the marketing area to include all of Shelby county, Tennessee, and the city of West Memphis, Arkansas;

2. A change in the producer definition so that milk received at a fluid milk plant from any dairy farmer, which milk is eligible for sale as Class I milk in the marketing area would be priced under the order;

3. A change in the definition of fluid milk plant to include any milk distributing plant which disposes of at least 1 percent of its Class I milk to outlets located in the marketing area, and supply plants furnishing a substantial share of their milk to such distributing plants;

4. The inclusion in the order of specific language concerning the method to be used in accounting for skim milk sold in concentrated form;

5. The method to be used in the classification of inventories;

6. The inclusion of a price reflecting the value of milk used in cheese making as an additional alternative in calculating the basic formula price;

7. A revision in the basic utilization percentages and rates of price change used in the supply-demand adjustment;

8. A change in the bracket ranges used for determining the Class I price to bring about more gradual price changes;

9. The level of the Class II price;

10. The butterfat differentials used in adjusting the Class I and Class II prices;

11. The question of which plants and which milk would be eligible to receive the location adjustment credit;

12. A modification in the methods used for calculating equalization payments to prorate utilization of milk in different classes between producer members of cooperative associations and nonmembers; and

13. Miscellaneous administrative provisions.

Findings and conclusions. The findings and conclusions with respect to the material issues herein decided, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. The marketing area should be enlarged to include all of Shelby county, Tennessee, and to include the city of West Memphis in Arkansas.

The record shows that marketing conditions are similar throughout the proposed area and that the areas to be added are now served primarily by handlers subject to the order. The West Memphis portion of the market has developed rapidly during recent years. Population data show that the city has more than tripled in size since 1940. Much of this increase represents transfer in population from Memphis occasioned by the increase of suburbanization of the market and facilitated by the completion of a new bridge across the Mississippi River.

Until the latter part of 1952 this portion of the market was served exclusively by regulated handlers. Since that time, unpriced milk has begun to enter the market and has displaced an important share of the business of some regulated distributors. While the record indicates that base and excess prices paid producers by plants distributing this unpriced milk were not materially different from prices paid by regulated handlers, the unpriced milk was not purchased on a utilization basis. It is not possible to determine whether producers were paid a price for such milk which reflects its value for Class I use.

The quality of milk distributed in West Memphis is comparable to that distributed in the present marketing area. The city of West Memphis is under the jurisdiction of the Arkansas State Health Department. This department and the health authority of the city of Little Rock inspect the producers and plants supplying the unpriced milk sold in West Memphis. Regulations and enforcement thereof are on a comparable level with those in effect in the cities of Memphis and Jackson.

All of the milk sold in West Memphis by regulated handlers, which constitutes a substantial majority of the Class I sales in this area, is in the current of interstate commerce.

Ninety percent or more of the Class I milk distributed in Shelby county, Tennessee, except Memphis, comes from regulated plants. Three plants not under Order No. 18 distributed milk in this area during 1953. One additional plant which sells milk there is subject to Federal Order No. 77, regulating the handling of milk in the Paducah, Kentucky, marketing area.

Much of the populated area of Shelby county outside Memphis is part of the natural trade territory of the Memphis market. Commerce between Memphis and adjacent portions of Shelby county is such that the two areas should be considered part of the same market.

Health regulations in Shelby county are under the jurisdiction and enforcement of the Memphis City Health Department. The record indicates that the standards, degree of enforcement and quality of milk required to be distributed in Shelby county are equivalent to the standards applied in the present market area. The Millington Naval Base, which would be included in the marketing area pursuant to this decision, is under the jurisdiction of the health officer at the base. The record indicates that the quality of milk required by such authority is comparable to the quality of that distributed in the areas surrounding the base.

The milk supplied into Shelby county from the Paducah market is subject to the classification and pricing provisions of the Paducah order. Milk distributed by one of the distributors who is located in Covington, Tennessee, is paid for on a utilization basis and at prices comparable to those provided under the Memphis order. Milk may be and has been distributed in this area from unregulated sources and plants which do not pay for milk on a utilization basis.

The milk supplied into Shelby county from the Paducah handler is all in the current of interstate commerce. The milk from the Covington handler comes in part, particularly during the winter months, in bulk form from the out-of-State sources to the north. Other plants located in Conway, Arkansas, and Cape Girardeau, Missouri, distributed milk in Shelby county last year.

Inclusion of this enlarged area as part of the regulated market will insure against the displacement of producer milk by virtue of temporary advantage which other plants may obtain by not meeting the standards of classified pricing provided under the Memphis order. This will tend to stabilize marketing conditions in these areas and place all milk distributors on an equal footing in competing for further business in the area. It will also assure producers supplying such milk of returns equal to those provided under the minimum prices of the order.

2. The producer definition should be amended so that the milk of any Grade A dairyman delivering to a fluid milk plant will be fully subject to the classification and pricing provisions of the order.

The order now provides that only milk produced by dairymen holding permits issued by the Memphis or Jackson health authorities and received by handlers under the order will be priced.

At the time the order was originally promulgated, the practices in the market were such that only plants which were receiving milk from producers holding permits issued by the appropriate health authorities were allowed to distribute milk in the market. Since that time, approval has been extended by the city of Memphis to plants in Arkansas which are under the inspection of the Little Rock and the State of Arkansas health authorities. The record indicates that inspection by a duly constituted health authority enforcing acceptable standards may now be accepted by the Memphis City Health Department with only occasional spot checks on the quality of the milk and the facilities through which it is handled. Producers supplying such plants are not required to hold Memphis City Health Department permits. Under the present order, milk so distributed in Memphis from such a plant is unpriced.

The record indicates that about 35 percent of the milk of an unregulated distributor is now being sold as Class I milk in Memphis. The volume of this milk is sufficiently important that it has been an important competitive factor in the market.

It is concluded, therefore, that the producer definition should be modified so that milk of Grade A quality received from producers at any fluid milk plant and distributed in the marketing area will be fully subject to the pricing provisions of the order.

3. The definition of a fluid milk plant should be amended to provide for two categories of such plants, namely distributing plants and supply plants.

All distributing plants should be fully subject to the classification and pricing provisions of the order if they dispose of 5 percent or more of their Class I sales to outlets (other than fluid milk plants) located in the marketing area. Included as part or all of the 5 percent may be sales by vendors or plant stores. It is necessary in order to stabilize marketing conditions in the market to provide that no plant may distribute as unpriced milk a substantial quantity of milk in competition with milk priced under the order. At the present time, one plant is distributing about one-third of its milk as unpriced milk in the marketing area. These sales have displaced sales of producer milk. The proposed definition of a fluid milk plant will help insure that displacement of milk may not be brought about with milk for which producers have not been paid at a full utilization value.

A 5 percent exemption should be provided, however, so that a plant from which only minor quantities of milk are distributed in the marketing area will not come under full regulation. It is concluded that the volume of milk represented by 5 percent of the Class I sales of any unregulated handler who might conceivably distribute milk in the marketing area would not be sufficient to disturb the competitive structure in the market. A larger percentage of the sales of such a handler might present an unstabilizing influence and the provisions of the attached order would present adequate justification for bringing such a handler under the pricing provisions of the order.

The record indicates that one of the major distributors who sells fluid milk throughout a large portion of the State of Arkansas does distribute some milk in West Memphis. Sales in the latter area represent a small proportion of such distributor's business. It is concluded that it would be inappropriate to regulate such a distributor with respect to his entire business, most of which is in competition with other unregulated distributors, if his sales in West Memphis amount to less than 5 percent of his total Class I business.

A plant which is not a fluid milk plant is not subject to the transfer provisions of the order. The determination as to the total Class I sales of such plant, in ascertaining whether or not it has 5 percent of its Class I sales in the area, should be based therefore on the form in which skim milk and butterfat is moved from the plant.

The definition of a fluid milk plant should include also those supply plants which furnish milk to distributing plants qualifying under the first portion of the definition. Furthermore, such supply plants must receive milk from producers who hold permits issued by a health authority having jurisdiction in the marketing area. This will insure that under present circumstances plants primarily in the business of supplying milk to

Memphis distributing plants will be fully regulated.

On the other hand, plants furnishing only incidental or supplemental supplies would not be regulated. Considerable volumes of supplemental milk have been required in recent years to supply Memphis and Jackson Class I sales during months of short production. It might represent an unnecessary hardship to the market and interfere with the acquisition of needed supplemental supplies if the plants furnishing such milk were brought under the regulation of the Memphis order. The record does not indicate that producer milk has been displaced with unpriced milk obtained from such supply plants, or that the dairy farmers supplying such milk are not receiving the equivalent of Class I prices under the order for incidental or supplemental milk. A large share of the supplemental milk brought into the Memphis market comes from plants regulated pursuant to other Federal orders. Such milk would not in any case be subject to the pricing provisions of the Memphis order.

A definition of an approved plant should be included in the order to bring under the definition all plants selling Class I milk in the marketing area. An approved plant should be defined as a fluid milk plant or a plant from which Class I milk is sold to outlets located in the marketing area. Any person operating an approved plant should be defined as a handler and be subject to the reporting provisions of the order.

4. The order should be clarified with respect to the accounting procedure to be applied to condensed or concentrated nonfat milk solids classified as Class I milk.

The volume of skim milk used or disposed of as Class I milk products which contain condensed or concentrated nonfat milk solids in any form should be considered to be an amount equivalent to the volume of skim milk required to produce the nonfat solids contained in such products. The primary Class I milk products which would be affected by such accounting procedure under the Memphis order are buttermilk and low fat milk drinks.

Nonfat milk solids used to produce Class I milk products for sale in the Memphis market must come from Grade A sources. This is true whether or not such solids come from producers or from unregulated sources. It is also true regardless of the form in which such nonfat milk solids may be received. For this reason, fortified products or products containing added nonfat milk solids should continue to be considered as Class I milk. No question was raised at the hearing as to the propriety of such classification.

Buttermilk or low fat milk drinks are sometimes fortified by the addition of extra solids in order to improve their quality and acceptability to consumers. Increased content of nonfat milk solids improves the salability and value of such product.

The additional value of such products should be reflected back to producers to the extent that such solids or an equivalent volume of solids were provided by producers. The rate of return for such solids, and therefore the price under the order, should be the same for each pound of nonfat milk solids disposed of in a Class I product regardless of the actual form in which it may be marketed to consumers. No reason is recognized why one portion of the nonfat solids contained in fortified Class I milk products is different from any other portion with respect to cost of production, quality standards, need for regularity of supply, or value to consumers.

The pricing provisions of the order are designed to encourage production of adequate quantities of pure and wholesome milk for all Class I uses. The price required to insure such supplies of nonfat milk solids should be adequate to insure supplies of such solids for any Class I use. Solids used in fortified products should therefore be priced at the full Class I rate. In the absence of specific language in the order, the question may be raised whether the accounting system to be used in charging for nonfat solids in Class I could result in charges for skim milk only on the basis of the actual hundredweight of Class I milk disposed of, with no recognition of the actual nonfat solids content of such product.

The order provides that prices for Class I milk will be adjusted according to the actual butterfat content of the product. The amended order, as herein provided, would bring about a similar adjustment in price according to the nonfat milk solids content of the product.

No basis was suggested whereby it would be possible to adjust prices for nonfat solids content on a basis of an actual measurement of such content as is now done in connection with the butterfat differential provision of the order. As an alternative, to accomplish such an adjustment it is considered necessary to make an adjustment in the pounds of skim milk considered to have been disposed of when a Class I product is disposed of in a form of a product from which part of the original water content has been removed and not replaced. Such adjustment should be made on the basis of a determination of unconcentrated skim milk, disregarding any plant loss which may be involved, that would be required to produce the nonfat milk solids content in the end product.

This adjustment should be made without regard to the source of the milk solids used in Class I. The relationship between other source milk and producer milk now provided in the order with respect to allocation and classification should be the same regardless of the form in which the milk solids are obtained or utilized. Other source concentrated skim milk products utilized in a plant should be considered as receipt of the equivalent volume of skim milk which would be required in the production of such products.

In order to maintain a uniform accounting method, the volume of skim milk considered to have been received in concentrated form should be the same whether its ultimate disposition is as Class I or Class II milk. Such accounting system will have no effect on the classification of other souce milk used in Class II.

5. The order language should be clarified with respect to the classification and allocation of milk and milk products on hand at the beginning and end of the month.

The record indicates that more specific language should be included in the order with respect to (i) the products that should be considered as "inventory," (ii) the classification and allocation of butterfat and skim milk on hand at the end and the beginning of the month, and (iii) changes in inventory values as a result of the seasonal change in the Class I price differential.

The present method of considering bulk milk and cream and other Class I products on hand at the beginning and end of the month as inventory and classifying inventory in Class I should be continued. This procedure should be clarified by including inventory on hand at the end of the month in the definition of Class I milk and including a step in the allocation provision for subtracting beginning inventory from Class I milk.

Skim milk and butterfat which is used to produce or is disposed of as Class II milk is accounted for at the time of such use or disposition. It is not necessary, therefore, to include in the inventory account the Class II manufactured products on hand at the beginning or end of the month. Handlers are required to keep stock records of such products to facilitate the market administrator's auditing program. The accounting and reclassification procedures of the order may be simplified, however, by redefining other source milk to include skim milk and butterfat contained in all manufactured products which are reprocessed or used by the handler to produce another product. Such manufactured products include those originally manufactured by the handler, as well as products purchased from other handlers or from unregulated sources. By considering such products as other source milk receipts at the time they are reprocessed, and by subtracting receipts of other source milk from the available Class II utilization in the allocation procedure, current receipts of producer milk retain their priority on current sales of Class I milk.

In classifying inventories as Class I milk some safeguard should be provided to prevent any handler from obtaining supplies of producer milk at a lower cost than other handlers, through undue increases in inventory at the end of August just prior to the 40-cent seasonal increase in the Class I differential. Any gains experienced by a handler on such price increases may be offset in part, however, by losses on inventory at the end of February. The Class I differential is decreased 40 cents per hundredweight on March 1 of each year. Therefore, a safeguard against unfair gains may be provided by including a provision in § 918.70 ("Computation of Value of Milk") which requires an addition, in the month of September of each year, of an amount equal to 40 cents per hundredweight for any increase in ending inventory in August over the ending inventory of the preceding February. Under this provision a handler who had no inventory, or was not subject to regulation in the previous March would be charged 40 cents per hundredweight on all inventory of Class I milk carried from August to September.

Similar safeguards should be afforded current receipts of producer milk in any month during which a handler is subject to the regulation after having been unregulated during the previous month. This may be accomplished by adding to the pool value of such handler's producer milk, in the month when he becomes subject to regulation, an amount equal to the difference between the Class I and the Class II price on any decrease in inventory from the beginning to the end of such month. By following this procedure, current receipts of producer milk are assured full priority on Class I sales during the current month, and equity of cost is assured among handlers on all producer milk which is disposed of as Class I milk during such month.

6. A new formula to represent the general level of the value of milk used for cheese-making should be incorporated into the order as part of the basic formula price.

The basic formula price is now determined by using the higher of the prices calculated on the basis of a formula which reflects the value of milk used for butter and nonfat dry milk solids and the average of prices paid by 15 Midwestern condenseries. Two of the major outlets for manufacturing milk are represented by these two alternative prices. Inclusion of the formula herein recommended will provide for the reflection of the value of milk for cheese, the third major outlet for manufacturing grade milk.

The Class I price differential provided in the order is designed to provide the premium over manufacturing grade milk necessary to insure the market of an adequate supply of pure and wholesome milk for fluid use. It is necessary that this premium be added to the value of milk for the highest priced manufacturing outlet in order to avoid impairment of the differential. If one outlet for manufacturing milk were to yield a higher return to farmers than other outlets and such higher return were not reflected in increased Class I prices, the incentive to producers for producing milk for the fluid market as compared to manufacturing milk would be reduced. Supplies of milk for the fluid market might suffer as a result.

The record discloses that cheese manufacturing is one of the primary outlets for ungraded milk in the Memphis milkshed. It is considered appropriate, therefore, that the value for cheesemaking be part of the basic formula under the order.

The cheese formula herein recommended provides an estimate of the value of milk for cheese manufacture on the basis of the monthly price for cheddar cheese in primary markets in Wisconsin, and the price of 92-score butter in Chicago. The 92-score butter price at Chicago is widely recognized and is now used for various purposes in the order. The price quotation for cheese in the primary markets of Wisconsin is based on a substantially larger volume of trading than other available cheese quotations. The price data for this quotation are gathered and reported by the official price reporting service of the Department of Agriculture. Fluctuations in these quotations reflect actual changes in rate of return to plants for a large share of the cheese produced in the State of Wisconsin.

Coupled with the yield factors for cheese and whey fat, and making allowance herein found appropriate, the above quotations have, in the past, produced an estimated price which was in close alignment with the prices actually paid farmers by Wisconsin cheese plants. The pay prices used for this comparison are those reported by the Agricultural Marketing Service.

Since the purchases of milk for cheese is highly competitive in the State of Wisconsin, the changes in value of milk for cheese-making can be expected to be reflected more promptly in the cheese factory pay prices in that State than in less competitive areas. A substantial proportion of the cheese manufactured in the country is made in Wisconsin and quotations of prices received for cheese by Wisconsin plants are considered to be an adequate sample to reflect changes in the market value of cheese.

Use of Wisconsin prices for cheese and use of a formula based on prices paid farmers by Wisconsin cheese plants are considered appropriate also because most of the condenseries whose pay prices are included as one of the other basic formula factors are located in Wisconsin.

7. The basic utilization percentages in the supply-demand provision should be adjusted so they will not result in a lowering of Class I prices while the volume of producer milk is less than the market requires to keep Class I outlets supplied.

The schedule of utilization percentages which became effective November 1953 provides that the Class I price will be increased in the month of January if the supply of producer milk in October and November is less than 100 percent of Class I sales for the same months. These are the months when supplies of producer milk are at their lowest level in relation to Class I sales. Minimum utilization percentages below which Class I prices will be increased are varied upward from this point for other months according to the normal seasonal variations in the percentage of producer milk utilized in Class I milk.

Reductions in the Class I price are brought about whenever the volume of producer milk is more than 105 percent of Class I sales in October and November. Seasonal increases are reflected for other months in the maximum utilization percentage above which prices will be decreased.

Producer representatives stated that such reductions in price may be unwarranted. It was contended that the market is still short of milk when supplies are somewhat above the 105 percent level. Evidence was presented for the hearing record to show that other source fluid milk has been required by Memphis handlers in considerable volume in some months when milk shipments by producer members of the major cooperative association exceeded 105 percent of the Class I sales of such association for the month. This is to be explained in part because of fluctuations in production or sales during the month. While supplies of producer milk may have been adequate or more than adequate at one time in the month, they may have fallen short of requirements at another. Total supplies of milk (including other source milk) have exceeded 110 percent of Class I sales during some months when the market was short of producer milk.

Since the supply-demand provision of the order is based on two-month averages, it may bring about price reductions when substantial imports are required.

It is concluded, therefore, that the maximum percentage of 105 in the base utilization range for October and November should be amended to become 110 percent. The percentages for other months should be increased accordingly.

This change will make it unlikely that the Class I prices to producers will be decreased unless producers are expanding their production beyond the level which is necessary to keep Class I outlets fully supplied. Some price decreases could still result under this amendment even though minor quantities of milk were required to be imported. These should not be serious, however, and would come about only when production or consumption changes materially during a two-month base period.

It was contended at the hearing that both the upper and lower limits of the base utilization range should be increased. Producer representatives stated that the Class I price should be increased whenever production falls below 110 percent of Class I sales in the months of lowest production with corresponding increases in other months. Such a change would result in an increase in the Class I price of 10 to 40 cents over what it would otherwise be.

The hearing record does not warrant such an increase at this time. It was not shown that present prices will not result in adequate milk production over a period of time, or that the market is capable of handling efficiently all the Class II milk which might be forthcoming if the Class I price were increased. Percent of producer milk in Class II increased in 1952 over 1951, and was somewhat higher in the first seven months of 1953 than during similar months of 1952. Premiums over order prices were paid producers during the first part of this period, but not during 1953. In addition, the record discloses that an additional handler receiving milk from more than 100 producers not formerly supplying the Memphis market has recently started serving the market.

A serious drought was experienced in the milkshed during the latter part of 1953. Milk production fell off and Class I prices were increased under the supply-demand provision. No conclusion can be drawn on the basis of this period as to what long-term level of milk production may be expected with present prices by the producers who would be subject to the amended order herewith provided.

It is concluded, therefore, that no change should be made in the supply-demand provision of the order which would bring about earlier increases in the Class I price than now provided.

It was proposed at the hearing that the rate of price adjustment under the supply-demand provision be increased somewhat as milk supplies exceed or fall short of desirable levels. The proposal called for a greater rate of price increase or decrease in March and September than the order now provides. It was contended that the months proposed to be changed belong more appropriately, from the standpoint of supply conditions, to the month groups with higher rates of change. In order to make an adequate price adjustment in line with such supply conditions, and to offset to a limited extent the reduced sensitivity in the supply-demand adjustment which would result from the amendments here-in proposed, it is concluded that the rate of price adjustment should be increased one cent for each point variation in the utilization percentage for the months of March and September.

8. The bracket ranges used in determining the Class I price should be eliminated and a stated differential provided in the order. It was contended on the hearing record that the 40 cent steps now called for under the order are too large. Such abrupt changes as have taken place in the past under the order call for too great an adjustment on the part of producers at one time.

The proposal originally submitted by the Mid-South Milk Producers Association would call for 20-cent steps and a somewhat lower average premium over the basic formula price. This proposal was amended at the hearing in such a way that it might result in an average increase in Class I prices over a period of time. For reasons stated heretofore, no changes in the Class I price, except those previously recommended, appear justified at this time. It is concluded, however, that more gradual Class I price changes would be desirable. For this reason the brackets should be eliminated and Class I differentials set at the midpoints of the present bracket ranges. This will eliminate the 20-cent steps as proposed. However, the Class I price may change in smaller steps than this because of the operation of the supply-demand adjustment. It is considered unnecessary, therefore, to try to preserve any bracket changes in the Class I price.

9. Under the present order the Class II price is determined by averaging the price paid farmers for ungraded milk at seven listed manufacturing plants. Four of these are condenseries and three are cheese plants. Of the three cheese plants, two have suspended operations and no longer buy milk from farmers. Thus, the Class II price is now determined by five manufacturing plants, four of which are condenseries.

It was proposed that two other cheese plants be substituted for the two plants which have discontinued operations. The Armour Cheese Plant, New Albany, Miss., and the Kraft Foods Plant at Corinth, Miss., were suggested for this purpose. The record shows that it is appropriate to provide a Class II price which reflects the competitive level of prices for manufacturing milk in this general area. The substitution of the two proposed plants will broaden the price determining base and more nearly reflect competitive manufacturing prices than the five plants presently employed. The proposal should be adopted.

The record also shows that, during the flush production season of 1953, handlers were unable to use the entire output of producer milk in Class II operations conducted in their plants. Substantial volumes of producer milk were transferred or diverted to nearby cheese plants for processing. A substantial proportion of this milk was transferred to one of the cheese plants now listed in the order and located at Olive Branch, Miss., eighteen miles from Memphis. This is the nearest, and the principal, outlet for seasonal reserve milk from this market. During April 1953 more than 60 percent of the total market volume of milk used in manufactured products was diverted to cheese plants. The corresponding figures for other months were—March 38 percent, May 45 percent, and June 17 percent. Prices paid by this plant for milk have been lower than the Class II prices under the order. The record shows that prior to the drought in the latter part of 1953 the level of production from local producers increased substantially. With the increase in milk production prevailing generally, the seasonal reserve supply of milk in the Memphis market during the Spring of 1954, which may have to be moved to cheese plants, may be even greater than during 1953. In order to promote more orderly marketing of such reserve supplies it is concluded that milk used in the production of cheddar cheese, from the effective date of this amendment through July 1954, should be priced at the average price paid by the three cheese plants which are proposed for use in determining the regular Class II price.

10. The butterfat differentials used in adjusting Class I and Class II milk prices should be reduced.

At present the Class I and Class II prices are subject to butterfat differentials, determined by multiplying the Chicago 92-score butter price by 0.125 and 0.120, respectively. It was proposed that the Class I differential be reduced to 0.120 for all months and the Class II differential reduced to 0.115 during the months of April through June of each year.

Data with respect to the Memphis market, since the order became effective, show that the average butterfat test of Class I milk has declined from 3.9 percent in 1951 to 3.7 percent in 1953. According to records of the proponent cooperative association, the average test of producer milk has shown a slight downward trend from an average of 4.4 early in 1940 to 4.2 percent during the past few years. The present butterfat differential to producers is slightly less than 0.110 times the price of butter.

Nevertheless, the butterfat contained in total receipts of producer milk has exceeded total Class I utilization of butterfat in each month since the order has been in effect. In contrast, the skim milk contained in producer milk has been insufficient to supply Class I requirements for several months in each year. The adoption of a lower butterfat differential for Class I milk will tend to encourage greater use of butterfat by handlers in their Class I operations and bring about a closer balance between producer receipts and Class I utilization of butterfat.

The present Class II butterfat differential of 0.120 times the price of butter has overstated the value of butterfat in Class II milk. When the value of four pounds of butterfat has been subtracted from the Class II price it has resulted in a negative value for skim milk in Class II milk during several months of 1953. A reduction of the Class II butterfat differential from 0.120 to 0.115 will bring about a more reasonable allocation of the Class II milk price between the skim milk and butterfat components. A somewhat lower differential should be provided during April, May, and June than in other months. This is the season of the year when the greatest quantity of reserve milk must be used by handlers for Class II products or diverted to manufacturing plants. A lower differential is necessary at this time to enable handlers to dispose of seasonal surpluses.

It is concluded, therefore, that the Class I butterfat differential should be 0.120 and the Class II differential 0.115 except during the months of April, May, and June, when such ratio should be 0.110 times the price of butter.

11. The location differential provision with respect to Class I milk should not be amended to make them dependent upon the type of plant where the milk is received or the form in which the milk may be moved. It was contended on the hearing record that the f. o. b. market Class I price should apply to all fluid milk distributing plants regardless of their location.

The Class I price under the Memphis order is established at a level which is intended to reflect the price necessary to yield a sufficient supply of pure and wholesome milk for the Memphis market. The price quoted reflects the value of such milk f. o. b. Memphis. Milk produced at a distance from the center of consumption in the regulated market is worth less than the Class I price, so far as the market is concerned, by the amount of the cost involved in transporting such milk to the market center. Provision is made in the order, therefore, that if the handler receives Class I milk at a distance from the market, he may reduce the price paid producers for such milk by an amount which is related to the cost of hauling such milk by an efficient means to the market.

Once the value of the milk to the Memphis market has been established on the basis of its distance from the market, the Class I price fixed under the order at such location should be the same for all persons who buy Class I milk at that location, regardless of how the milk may be moved, or where or to whom it may be marketed.

Since the milk is being priced under the order only in relation to the regulated market, values of individual lots of milk for sale to alternative markets must be ignored. If any milk at any location has a greater value for sale in another market than it has for sale in Memphis, reliance must be placed on the price competition from such market to bring about the sale of milk to the most advantageous outlet. The general level of Class I prices under the Memphis order must reflect overall competition but cannot be subject to individually tailored price adjustments in different portions of the potential supply area. It would be impossible to price milk under the Memphis order at any location in relation to its value for sale to the many other markets to which it might be sold.

The purpose of the pricing provisions of the Memphis order is not to price milk for such markets but only for the regulated market. To price milk on the basis of the type of plant which receives the milk, or the form in which milk is moved, or the location to which marketed outside the regulated area would result in a cost inequity as among handlers for milk in relation to the marketing area. The provisions herein recommended will result in an equality of minimum cost for Class I milk for all handlers in view of the cost of hauling such milk to market. Milk purchased at a distance from the market cannot be sold in the market without incurring costs of movement for all milk so marketed. The rate of location differential allowed in the order represents an equitable allowance to reflect costs of hauling bulk tank milk.

Producer representatives from the Jackson, Tennessee, portion of the marketing area contended that that section of the market should not be subject to a location differential. Milk is not ordinarily moved from Jackson to Memphis and, therefore, no such transportation cost is involved. Said representatives did contend, however, that the Class I price should be less in Jackson by approximately the amount of the present location differential, since Class I milk in that market is worth less than in Memphis because of the competitive conditions that have prevailed in the area. An f. o. b. Memphis price, it was contended, would place Jackson producers and handlers in an unsound situation.

As stated heretofore, the location differential provisions of the order do not contemplate that the Class I milk so priced will necessarily be transported to the central market. They merely establish the pattern of minimum pricing levels to be charged Order No. 18 handlers for milk at the various distances in relation to the central market in Memphis. To make the changes as proposed by the Jackson producers would merely accomplish an unnecessary change in terminology of the order.

The order should be amended to specify which milk shall be assigned to Class I milk (and therefore subject to a location differential) when milk is moved between fluid milk plants.

The order presently provides that the same minimum price shall be paid for Class II milk wherever it may be received. There is little, if any, difference in the value of milk for manufacturing in the various locations of the milkshed which may be attributed to its location with respect to the market.

Under the present provisions of the order all handlers are charged the same price for the Class II milk they receive, and are then free to market such milk through whatever movements or dispositions they find most advantageous to themselves. Producers are not expected to bear any of the costs associated with the methods by which the various handlers market such milk.

In case a handler receives milk at a fluid milk plant located some distance from the market, such handler should be expected either to leave such milk in the country for processing, or if he finds it preferable to transport such milk to the city for Class II use, the cost of such haul should not be charged against the producer's price for the milk.

It was contended in exceptions filed on behalf of a handler operating a receiving station that the record shows that it is impossible to adjust shipments from the receiving station precisely to the Class I needs of a distributing plant. Even though a receiving plant may be in a position to ship milk only as ordered, the operator of a fluid milk distributing plant cannot know in advance how much milk will be received directly from producers. Also, it is necessary in operating a fluid milk business to receive a limited quantity of milk which cannot be marketed as Class I under the most favorable circumstances. Such milk may take the form of route returns or other excess which results from an inability to anticipate exactly how much milk will be needed.

For this reason, the order should be amended to permit a maximum assignment equal to no more than 5 percent of the milk received directly from producers at a distributing plant as Class II milk to the producer milk at such plant. This will allow a handler to recover transportation costs on necessary movements of Class I milk, and will encourage efficiency in the marketing of Class II milk.

12. The method used for calculating equalization payments for pro-rating the utilization of milk between producer members of cooperative associations and non-members should be modified.

The present method of determining each handler's base and excess price for producer milk during March through August provides for an adjustment when the association handles more than its pro-rata share of any reserve milk supply in Class II milk. This adjustment is intended to equalize the prices received for milk by members of an association and non-member producers. The present order (§ 918.72 (c)) does not accomplish full equalization of returns as intended. This can be remedied by dividing the adjustment provided under the present order by the proportion of the handler's total receipts of producer milk received from non-member producers during the month. The record indicates that the entire provision should be rewritten for clarification and changed to accomplish its intended purpose.

13. A number of miscellaneous changes of an administrative nature are required in order to effectuate the changes in regulation found necessary in this decision. These changes involve primarily the definitions and reporting provisions of the order.

Pursuant to this decision, an approved plant which disposes of less than 5 percent of its Class I milk in the marketing area would not be fully regulated. Such plant should submit regular monthly reports, however, which will permit determination of its status under the order. Also, the plant should be subject to the administrative assessment on that milk distributed in the marketing area. This will help defray the costs of administering the order with respect to such plant. Also, it will mean that all Class I milk disposed of in the marketing area by all handlers will be subject to such assessment.

As a conforming change, all Class II products used or reprocessed in the plant out of inventory or from other handlers or from any other source are designated as other source milk. This will facilitate reporting and accounting and classification of inventories.

All Class I milk products transferred between fluid milk plants would be subject to reporting and to reclassification under the transfer rules. This will avoid unnecessary accounting, but will provide adequate safeguards to insure the proper classification of producer milk.

Pursuant to this decision, members of cooperative associations which do not pay producers may become subject to the order. Changes in order language provided herewith would assure proper treatment of such producers and associations.

The entire order has been redrafted, including the proposed amendments, so that the various changes herein found necessary may be more readily appraised in relation to the overall order.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order of the Secretary directing the conduct of a referendum; determination of a representative period, and

designation of referendum agent. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, and as hereby further amended, regulating the handling of milk in the Memphis, Tennessee, marketing area) who, during the month of December 1953, which month is hereby determined to be the representative period for such referendum, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, as amended, and as hereby further amended, to determine whether such producers favor the issuance of the amended order which is filed herewith.

C. I. Dunn is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 10th day from the date this decision is filed with the Hearing Clerk, United States Department of Agriculture.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of April 1954.

[SEAL] JOHN H. DAVIS,
Acting Secretary of Agriculture.

Order,[1] as Amended, Regulating the Handling of Milk in the Memphis, Tennessee, Marketing Area

Sec.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

AUTHORITY: §§ 918.0 to 918.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 918.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all (i) receipts of producer milk, including such handler's own production, (ii) other source milk received at a fluid milk plant and classified as Class I milk, and (iii) Class I milk disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a plant other than a fluid milk plant.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of this order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended, as set forth below:

DEFINITIONS

§ 918.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 918.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the power or to perform the duties of the said Secretary of Agriculture.

§ 918.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 918.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 918.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congres of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 918.6 *Memphis, Tennessee, marketing area.* "Memphis, Tennessee, marketing area," hereinafter called the "marketing area", means all the territory within the boundaries of the following political subdiviisons: Shelby County and the city of Jackson, both in Tennessee and the city of West Memphis in Arkansas.

§ 918.7 *Fluid milk plant.* "Fluid milk plant" means (a) any plant from which not less than 5.0 percent of the Class I milk of such plant is disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except other fluid milk plants) located in the marketing area, or (b) any plant receiving milk from farmers holding dairy farm permits or ratings issued by a health authority having jurisdiction in the marketing area, and from which milk, skim milk or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section.

§ 918.8 *Approved plant.* "Approved plant" means a fluid milk plant or any plant from which Class I milk is delivered (including delivery by a vendor or sale from a plant store) during the month to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

§ 918.9 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing or bottling plant other than a fluid milk plant.

§ 918.10 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant, or (b) any cooperative association with respect to milk of its producer members diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such cooperative association.

§ 918.11 *Producer.* "Producer" means any person except a producer-handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is (a) received at a fluid milk plant or (b) diverted from a fluid milk plant to a nonfluid milk plant for the account of a handler: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

§ 918.12 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer and received at the fluid milk plant directly from producers, or diverted pursuant to § 918.11.

§ 918.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 918.41 (a) (1) except (1) such products received from other fluid milk plants or (2) producer milk; and

(b) Products from any source (including those produced by the handler) designated as Class II milk pursuant to § 918.41 (b) (1) which are reprocessed or converted to another product during the month.

§ 918.14 *Producer-handler.* "Producer-handler" means any person who operates an approved plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers.

§ 918.15 *Chicago butter price.* "Chicago buter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 918.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 918.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 918.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 918 97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 918.96, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 918.30 and 918.31 or payments pursuant to § 918.90;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing on or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 918.51 (a) and the Class I butterfat differential computed pursuant to § 918.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 918.51 (b) and the Class II butterfat

differential computed pursuant to § 918.52 (b), both for the previous month;

(j) Notify each handler in writing on or before the 11th day of each month the amount of the net obligation of such handler for milk received from producers during the previous month. Such notification shall show the amount and the value of milk in each class, the amount and the value of overage, and the amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the 13th day after the end of each of the months of September through February, the uniform price and the location differential for each handler computed pursuant to §§ 918.71 and 918.93, respectively, and the butterfat differential computed pursuant to § 918.92, and

(2) On or before the 13th day after the end of each of the months of March through August, the uniform prices for base milk and for excess milk and the location differential for each handler computed pursuant to §§ 918.72 and 918.93, respectively, and the butterfat differential computed pursuant to § 918.92; and

(l) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 918.30 *Reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 918.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of Class I milk on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 918.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 8th day after the end of the month, for each of his fluid milk plants the correct name and address or appropriate identification of each producer, the total pounds of milk received from each producer, the number of days on which milk was received from each producer, the amount of any deductions authorized in writing by the producer to be made in making payments to such producer, and the average butterfat content of the milk received from each producer.

(2) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 918.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form.

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled; and

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 918.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 918.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at fluid milk plants and which is required to be reported pursuant to § 918.30 shall be classified by the market administrator pursuant to the provisions of §§ 918.41 through 918.46.

§ 918.41 *Classes of utilization.* Subject to the conditions set forth in §§ 918.43 and 918.44, the class of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (including sour cream) and any mixture in fluid form of skim milk and cream (except eggnog, ice cream mix, and milk or skim milk disposed of and used for livestock feed); (2) contained in inventory of milk and milk products designated as Class I milk pursuant to subparagraph (1) of this paragraph, on hand at the end of the month; and (3) not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section, (2) disposed of and used for livestock feed, and (3) in shrinkage up to 2 percent of skim milk and butterfat in producer milk and other source milk.

§ 918.42 *Shrinkage.* The market administrator shall allocate shrinkage over receipts at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat assigned to Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 918.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect, or if reused in Class I milk after first being classified as Class II milk.

§ 918.44 *Transfers.* Skim milk or butterfat disposed of from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 918.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 918.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 918.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to producer milk;

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 918.41 (a) (1);

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonfluid milk plant, unless the following conditions are met:

(1) The transferring handler claims utilization in a product specified in § 918.41 (b);

(2) The operator of the nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant, and the market administrator is permitted to audit such books and records for the purpose of verification; and

(3) An amount of skim milk and butterfat not less than that so transferred or diverted from fluid milk plants was used during the month in the nonfluid milk plant in the Class II milk product in which utilization was claimed: *Provided*, That skim milk and butterfat so transferred or diverted in excess of such utilization shall be assigned to Class I milk.

§ 918.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plants of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 918.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 918.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 918.42 (b);

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk contained in inventory on hand at the beginning of the month which were classified as Class I milk in the preceding month;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from the fluid milk plants of other handlers in the form of products designated as Class I milk in § 918.41 (a) (1), according to its classification as determined pursuant to § 918.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 918.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section and § 918.51 (b), rounded to the nearest whole cent, shall be known as the basic formula price.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the month by 0.6;

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct five cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, and multiply by 7.5.

(c) The price resulting from the following calculations:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("cheddars," f. o. b. Wisconsin assembly points, cars or truckloads) as reported by the U. S. D. A. during the month;

(2) Add 0.902 times the Chicago butter price for the month;

(3) Subtract 34.3 cents; and

(4) Add an amount computed by multiplying the Chicago butter price for the month by 0.6.

§ 918.51 *Class prices.* Subject to the provisions of §§ 918.52 and 918.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.28 for the months of March through August, and $1.68 for all other months;

(2) Add if the net utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than the base utilization range, an amount determined by multiplying such net utilization percentage by the appropriate rate as follows:

Pricing months:	Rate (cents)
January-March	3
April-June	1
July-August	3
September-December	4

(3) The figure calculated for each month as follows shall be known as the net utilization percentage: Divide the net pounds of Class I milk disposed of from all fluid milk plants for the second and third preceding months into the total volume of producer milk for the same months, multiply by 100, round to the nearest whole percentage number and determine the amount by which such number exceeds the higher figure or is less than the lower figure of the appropriate base utilization range in the following table:

Pricing month	Second and third preceding months	Base utilization range
January	October-November	106-110
February	November-December	106-111
March	December-January	106-[illegible]
April	January-February	110-[illegible]
May	February-March	112-122
June	March-April	119-129
July	April-May	125-138
August	May-June	125-138
September	June-July	124-134
October	July-August	122-132
November	August-September	115-125
December	September-October	106-116

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Olive Branch Cheese Co., Olive Branch, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Kosciuske, Miss.
Kraft Foods Co., Corinth, Miss.
Armour Creameries, New Albany, Miss.

§ 918.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 918.51

shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the previous month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11 for the months of April through June, and by 0.115 for all other months.

§ 918.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located 40 miles or more from the City Hall in Memphis, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 918.41 (a) (1) to another fluid milk plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 918.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the fluid milk plant where such milk is received from producers:

Distance from the City Hall in Memphis (miles):	*Rate per hundredweight (cents)*
40 but less than 50	17
50 but less than 60	18
For each additional 10 miles or fraction thereof	An additional 1 cent

Provided, That for purposes of calculating such location differential, products so designated as Class I milk which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 918.46 (a) (1) and (2) and the comparable steps in (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 918.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 918.60 *Producer-handlers.* Sections 918.40 through 918.46, 918.50 through 918.53, 918.70 through 918.72, 918.80 through 918.83, and 918.90 through 918.97 shall not apply to a producer-handler.

§ 918.61 *Plants subject to other Federal orders.* In the case of any fluid milk plant which the Secretary determines disposes of a greater portion of its milk as Class I milk on retail or wholesale routes in another marketing area regulated by another order issued pursuant to the act that is disposed of as Class I milk on retail or wholesale routes (including sales through vendors) in the Memphis marketing area, and which would be subject to the classification and pricing provisions of such order, the provisions of this order shall not apply except as follows: The operator of such plant shall, with respect to the total receipts and utilization of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 918.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plants during each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; (e) from the effective date hereof through July 1954, deduct for each hundredweight of producer milk which was allocated to Class II pursuant to § 918.46 and which was either used in the production of American type cheeses or assigned to such products pursuant to § 918.44 (c), any amount by which the price of Class II milk exceeds the average of the prices reported pursuant to § 918.51 (b) for the plants located at Corinth, New Albany and Olive Branch, Mississippi; and (f) add for each month of September an amount calculated by multiplying by 40 cents the hundredweight by which the inventory classified pursuant to § 918.41 (a) (2) for the preceding month exceeds such inventory for the preceding February.

§ 918.71 *Computation of uniform prices for handlers.* For each of the months of September through February, the market administrator shall compute for each handler with respect to his producer milk a uniform price as follows:

(a) Add to the amount computed pursuant to § 918.70 the total of the location differential deduction made pursuant to § 918.93;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for the preceding month;

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. market.

§ 918.72 *Computation of the uniform price for base milk and for excess milk for handlers.* For each of the months of March through August, the market administrator shall compute for each handler with respect to his producer milk a uniform price for base milk and for excess milk as follows:

(a) Add to the amount computed pursuant to § 918.70 the total of the location differential deductions made pursuant to § 918.93;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Subtract, for each of the months of March through August, any amounts resulting from the following computations for each cooperative association which is a handler pursuant to § 918.10 (b) and from whose producers the handler receives milk:

(1) Compute the percentage which milk received from members of the cooperative association was of total producer milk during the preceding period of September through February;

(2) Compute the percentage which milk received from members of such cooperative association was of total producer milk during the month;

(3) Multiply any amount by which the percentage computed pursuant to subparagraph (1) of this paragraph exceeds the percentage computed pursuant to subparagraph (2) of this paragraph by the total hundredweight of Class I milk allocated to producer milk during the month; and

(4) Multiply this resultant quantity of milk by the difference between the Class I price and the Class II price for the month and divide the resultant figure by the proportion of producer milk which was purchased from producers not members of such cooperative association: *Provided*, That if the combined deductions so calculated for all handlers with respect to the milk of any cooperative association exceed an allowable credit calculated by multiplying the difference between the Class I and Class II prices by the total quantity of Class II milk allocated to all producer members of such cooperative association during the month, such deductions shall be reduced pro rata for each handler to equal such allowable credit:

(d) Add, for each cooperative association which is a handler, the sum of the deductions made for such cooperative association pursuant to paragraph (c) of this section;

(e) Add the amount represented by any deductions made for eliminating fractions of a cent in computing uniform price(s) for the preceding month;

(f) Subject to the conditions set forth in paragraph (g) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(g) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (f) of this section from the value obtained pursuant to paragraphs (a) through (e) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (f) of this section;

(h) Divide the value obtained pursuant to paragraph (g) of this section by the hundredweight of base milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. the market; and

(i) Divide the value obtained pursuant to paragraph (f) of this section by the hundredweight of excess milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 918.80 *Determination of daily base of each producer.* For the months of March through August of each year, the daily base of each producer shall be an amount of milk computed by the market administrator by dividing the total pounds of milk received from such producer by handlers during the preceding months of September through February by the total number of days in such period.

§ 918.81 *Determination of monthly base of each producer.* For each of the months of March through August of each year, the monthly base of each producer shall be an amount of milk computed by the market administrator by multiplying the daily base of such producer by the number of days on which milk was received during such month from such producer by a handler.

§ 918.82 *Base rules.* (a) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle.

(b) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of the landlord and tenant may be combined and may be divided when such relationship is terminated.

(c) The base of a producer may be moved from one handler to another and may be transferred from such producer to another producer.

§ 918.83 *Announcement of daily bases.* On or before March 20 of each year, the market administrator shall notify each producer of his daily base.

PAYMENTS

§ 918.90 *Payments to market administrator.* On or before the 12th day of each month, each handler shall pay to the market administrator an amount equal to such handler's net obligation for the previous month for milk received from producers at his fluid milk plant(s) as determined pursuant to § 918.70, less proper deductions authorized in writing by such producers. The market administrator shall maintain a separate fund into which he shall deposit all payments of handlers received pursuant to this section and out of which he shall make all payments pursuant to § 918.91.

§ 918.91 *Payments to producers.* The market administrator shall pay each producer in the manner prescribed in paragraphs (a) and (b), or (c) of this section for milk received by a handler from such producer: *Provided*, That if such handler has not made full payment for the month pursuant to § 918.90, the market administrator shall reduce uniformly payments to such handler's producers and shall complete such payments after receiving the balance due from such handler.

(a) On or before the 15th day after the end of the months of September through February, the market administrator shall pay each producer for milk received by a handler from such producer during the month an amount computed by multiplying the hundredweight of such milk by not less than the uniform price computed for such handler pursuant to § 918.71, subject to the adjustments specified in §§ 918.92, 918.93, and 918.96, and less proper deductions authorized in writing by such producer.

(b) On or before the 15th day after the end of each of the months of March through August, the market administrator shall pay each producer for milk received by a handler from such producer during the month, subject to proper deductions authorized in writing by such producer and subject to the adjustments specified in §§ 918.92, 918.93 and 918.96, an amount computed as follows:

(1) Multiply the hundredweight of base milk received from such producer by such handler by not less than the uniform price for base milk computed for such handler pursuant to § 918.72;

(2) Multply the hundredweight of excess milk received from such producer by such handler by not less than the uniform price for excess milk computed for such handler pursuant to § 918.72; and

(3) Add together the resulting sums.

(c) In the case of a cooperative association which is authorized by its members to collect payment for milk and which has so requested, the market administrator shall pay, on or before the 2d day prior to the date payments are due pursuant to paragraphs (a) and (b) of this section, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to this section.

§ 918.92 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 918.91 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate shown in the schedule below, according to the price range within which the Chicago butter price for the month falls:

Butter price range (cents):	*Rate (cents)*
Not more than 17.500	2
17.50–22.499	2½
22.50–27.499	3
27.50–32.499	3½
32.50–37.499	4
37.50–42.499	4½
42.50–47.499	5
47.50–52.499	5½
52.50–57.499	6
57.50–62.499	6½
62.50–67.499	7
67.50–72.499	7½
72.50–77.499	8
77.50–82.499	8½
82.50–87.499	9
87.50–92.499	9½
92.50 and over	10

§ 918.93 *Location differentials to producers.* In making payment to producers pursuant to § 918.91, the applicable uniform prices to be paid for producer milk received at a fluid milk plant located 40 miles or more from the City Hall in Memphis, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the fluid milk plant where such milk was received at the following rate:

Distance from the City Hall in Memphis (miles):	*Rate per hundredweight (cents)*
40 but less than 50	17
50 but less than 60	18
For each 10 miles or fraction thereof	An additional 1 cent.

§ 918.94 *Statement to producers.* In making the payments pursuant to § 918.91, the market administrator shall furnish each producer or cooperative association with a statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The delivery period and the identity of the handler and the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer;

(c) The minimum rates at which payment to the producer or cooperative association is required under the provisions of §§ 918.91, 918 92 and 918.93.

(d) The amount or rates per hundredweight of each deduction, together with a description of the respective deductions; and

(e) The net amount of payment to the producer or cooperative association.

§ 918.95 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due the market administrator from such handler, or due such

handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 918.96 *Marketing services*—(a) *Deductions.* The market administrator in making payments to producers pursuant to § 918.91 shall (1) deduct 7 cents per hundredweight or such amount not exceeding 7 cents per hundredweight as may be prescribed by the Secretary, with respect to milk (other than milk of a handler's own production) of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association or (2) if so requested by a cooperative association, deduct such amount as may be authorized by the producer members of such association from the payment to be made to such producers for whom the cooperative is performing the services specified in paragraph (b) of this section and pay such amounts to the cooperative association on or before the date for making payment to producers.

(b) *Marketing services to be rendered.* The moneys received by the market administrator pursuant to paragraph (a) (1) of this section shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

§ 918.97 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, for such month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk received at a fluid milk plant and classified as Class I milk and (c) Class I milk disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a plant other than a fluid milk plant.

§ 918.98 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 918.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 918.101.

§ 918.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision hereof whenever he finds this subpart or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 918.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 918.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 918.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 918.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 54-3104: Filed, Apr. 23, 1954; 8:50 a. m.]

[7 CFR Part 969]

[Docket No. AO-254]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of avocados grown in South Florida. Such marketing agreement and order would be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file written exceptions to this recommended decision

with the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C. Any such exceptions should be filed in quadruplicate, and must be received prior to the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreement and marketing order were formulated, was held at Homestead (Modella), Florida, from March 8 to March 11, 1954, both dates inclusive. Such hearing was held pursuant to a notice thereof which was published in the FEDERAL REGISTER (19 F. R. 909) on February 17, 1954. Said notice contained a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Marketing Agreement Committee of Avocado Growers and Shippers, with a petition for a hearing thereon. The objective of the proposed marketing agreement and order is to bring to the avocado industry of Florida the benefits of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act").

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(2) The existence of the right to exercise Federal jurisdiction in this instance;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated;

(5) The specific terms and provisions to be incorporated in the marketing agreement and order, if adopted, such as:

(a) The definitions of such terms as "Secretary," "act," "person," "committee," "fiscal year," "grower," and "district";

(b) The establishment and maintenance of an administrative agency, to be known as the Avocado Administrative Committee (hereinafter referred to as the "committee") for conducting marketing agreement and order operations, the powers and duties of such committee, and its manner of doing business;

(c) The incurring of expenses by the committee and the levying of assessments;

(d) The methods for regulating shipments of avocados grown in the production area;

(e) The granting of exemptions in connection with maturity regulations;

(f) The requirement for inspection and certification of all avocados handled;

(g) The specification of the purposes for which avocados may be handled free from regulation;

(h) The keeping of records and filing of reports by handlers;

(i) The requirement of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(j) Additional terms and conditions as set forth in §§ 969.62 through 969.71 and published in the FEDERAL REGISTER (19 F. R. 909) on February 17, 1954, which are common to marketing agreements and orders, namely, right of the Secretary, effective time, termination, proceedings after termination, effect of termination or amendment, duration of immunities, agents, derogation, personal liability, and separability, and certain other terms and conditions as set forth in §§ 969.72 through 969.74, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only, namely, counterparts, additional parties, and order with marketing agreement.

Findings and conclusions. The findings and conclusions on the foregoing material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Commercial production of avocados in Florida is confined to the southern and central portions of the State. Slightly more than 80 percent of the Florida avocados marketed are grown in Dade County with the remaining commercial production centered in Highlands and Polk Counties at the lower end of the so-called "Ridge" area of the State. Additional commercial avocado plantings have been made at scattered locations throughout the southern half of the State, particularly along the coastal areas, where soil and temperature conditions are favorable for the growing of avocados.

There are several factors concerning the avocado industry in Florida which demonstrate the need for regulation on the shipment of Florida avocados. Avocado production in Florida has almost doubled since 1950 and such production will undoubtedly continue to increase unless existing avocado groves are severely damaged by adverse weather, or other conditions. In June 1948, the commercial bearing acreage of avocados (trees 4 years of age or older) in Dade County totaled 2,967 acres. At that time, there were also 3,550 acres of avocado trees planted in Dade County which had not reached bearing age. A more recent survey shows 7,498 acres of avocados in Dade County in 1952, not including approximately 1,500 acres of avocado trees planted since 1950. Thus, not more than one-third of the existing acreage of avocados in Dade County has reached its maximum bearing capacity. Consequently, avocado production in Florida of 2 to 3 times the 424,000 bushels estimated for the 1953–54 season is not unlikely within the next few years. Moreover, evidence presented at the hearing shows that, with proper cultural practices, avocado trees can be maintained in maximum production for a long period of time.

There has not been developed any satisfactory outlet for avocados other than the fresh market. The growers and handlers of Florida avocados have been accustomed to sell in fresh market channels the entire harvested production of Florida avocados, including fruit which is immature and otherwise of poor quality and undesirable appearance. This has tended to reduce the demand, and hence the market prices received, for Florida avocados. There are no officially established grade standards for avocados. Hence, Florida handlers have endeavored to fix their own grades for their individual packs and to market under such grades. However, the differences, or lack of uniformity, in these grade designations have tended further to create confusion in the minds of the buyers. In addition, many handlers have varied their individual grade standards to reflect variations in the supply, quality, and demand for Florida avocados during a particular season. Thus, Florida avocados of undesirable quality frequently have been marketed in a manner designed to indicate that such avocados were of desirable quality. This situation has resulted in considerable confusion in the minds of buyers concerning the quality of Florida avocados and has created lack of confidence in such fruit. The existence of this undesirable situation is generally recognized by the growers and handlers, and the consensus of opinion is that it can be resolved only by the imposition of standards of quality and maturity as a condition precedent to the marketing of Florida avocados. However, the industry has not been able to resolve the situation by itself by reason of certain legal restrictions, but the imposition of such requirements may properly be imposed under a marketing agreement and order program.

Seasonal average prices received by the Florida growers of avocados have been low in relation to parity during recent seasons. During the 1952–53 season, the average price received by growers in Florida for avocados was $108.00 per ton, at the point of first delivery, or 19 percent of the parity price for such avocados.

Prices for Florida avocados, and total returns to the growers of such fruit, could be augmented by making only good quality, mature avocados available in fresh market channels. This could be accomplished under a marketing agreement and order program by prohibiting the shipment of avocados which are immature or of undesirable quality or appearance. Such limitations would tend to increase consumer satisfaction and stimulate demand.

Shipments of avocados which are immature or of undesirable quality or appearance often do not sell at prices covering the cash costs of harvesting and marketing. Restrictions on the shipment of such fruit would not only improve the quality of the avocados shipped but would also improve the average returns to growers by preventing losses incurred through the shipment of immature, poor quality avocados. Moreover, competition in the marketing of avocados is based to a considerable extent upon price; and the offering for sale of immature, poor quality avocados at discounts tends to depress prices for avocados of desirable quality.

Therefore, it is concluded that a marketing agreement and order, providing for the regulation of the maturity and quality of shipments of Florida avocados, are needed to effectuate the declared policy of the act. The objective to be

followed under such marketing agreement and order is the tailoring of the supply of avocados available for sale in fresh market channels to the demand in such outlet so that the fruit thus made available to buyers will be mature and of desirable quality and appearance. The limiting of shipments of Florida avocados to mature, good quality fruit would contribute to the establishment of more orderly marketing conditions for such fruit and would tend to increase the demand therefor.

(2) Any handling of Florida avocados in fresh market channels exerts an influence on all other handling of such avocados in fresh form. Sellers of such avocados, as of other commodities, endeavor to transact their businesses so as to secure the highest possible return for the quantities of avocados they have available for sale. In effecting these transactions, the sellers continually survey all accessible markets in order to take advantage of the best opportunities to market the fruit. Markets within the State of Florida provide opportunities to dispose of avocados in the same manner as the markets within other States, or within Canada; and the sale of a quantity of Florida avocados in a market within the State of Florida exerts the same influence on all other sales of such avocados as a like quantity sold in a market within another State.

Shipments of Florida avocados may be scheduled originally for delivery to markets within the State of Florida and then be diverted en route to markets within another State or within Canada. For example, truck lots of avocados often are shipped to Tampa or Jacksonville and then diverted to markets outside the State of Florida. In addition, itinerant truckers acquiring avocados at packinghouses or from growers dispose of such avocados wherever they can obtain the best price. Thus, such a trucker may intend to sell the avocados he acquires within the State of Florida, but may, if he is dissatisfied with the price obtainable in such in-state markets, transport all or a portion of such fruit to out-of-state markets. Also, dealers in avocados in the markets within the State of Florida purchase avocados from packinghouses and growers and resell such fruit to consumers, retailers, or others doing business within the State and to truckers who dispose of the fruit in out-of-state markets. It is impossible, therefore, always to ascertain, at the time avocados are first handled, whether such avocados will be marketed within the State of Florida or at some point or points outside thereof.

If shipments of avocados to markets outside the State of Florida were regulated, while at the same time shipments of avocados to markets within the State of Florida were not regulated, growers and handlers would endeavor to market within the State all avocados which could not otherwise be shipped because of such regulation. Prices for avocados sold in intrastate markets would thereby be depressed below those prevailing in the markets outside the State. The existence of such lower price level for avocados being marketed within the State of Florida would tend to depress the prices for avocados sold in the interstate markets. This would be particularly true with respect to the markets, such as Atlanta and New Orleans, in nearby States. Furthermore, with large quantities of poor quality avocados available for sale in markets within the State of Florida, there would be little opportunity to sell in such markets avocados meeting the requirements of the regulations established. The larger quantity of avocados, which would be required to be sold in the interstate markets under such circumstances, would also tend to lower the level of prices in the interstate markets. The Florida markets are extremely important to the growers and handlers of avocados as a large portion of the crop is marketed in such intrastate markets. Evidence presented at the hearing indicates that 10 to 20 percent of the total crop of Florida avocados is sold in markets within the State.

In these circumstances, it is concluded that (a) all handling of avocados grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce, and (b) the handling of such avocados within the State of Florida and such handling in interstate and foreign commerce are so inextricably intermingled that it would be impracticable to regulate the handling of such avocados as is in interstate and foreign commerce without regulating all handling of such avocados.

(3) The term "avocados," as used in the marketing agreement and order, identifies the commodity to be regulated thereunder as distinguished from all other avocados. The term "avocados" should be defined to mean any and all varieties of avocados grown in the production area, as hereinafter defined, as it is necessary that all such avocados be subject to regulation under the marketing agreement and order in order to effectuate the declared policy of the act. Testimony at the hearing disclosed that there are at least twenty-two varieties of avocados grown in some volume in the proposed production area, and that a considerable number of other varieties are grown there to a lesser extent. Further, an avocado is a distinctive type of fruit which is readily identifiable and it is of such a nature that it is not necessary to describe it further than as an avocado.

The term "production area" should be incorporated in the marketing agreement and order to specify and delineate the area within which avocados must be grown for the handling thereof to be subject to regulation. Such term should include that portion of the State of Florida in which avocados are grown on a commercial scale or soil and climatic conditions are such that commercial production of avocados is feasible. Thus the "production area" should include the counties of Brevard, Osceola, Polk, Hillsborough, and Pinellas in the State of Florida and that portion of the State of Florida which is situated south of such counties. Some avocados are grown in the State of Florida north of the described production area but such avocado production is negligible and of no commercial significance. Also, climatic conditions in the section of the State north of the described production area are such that it is not likely that there will be any appreciable increase in the production of avocados in such section.

Many of the same varieties of avocados produced for market within the counties included in the described production area are grown throughout the area, are marketed at approximately the same time, and compete with each other in the markets.

There was some discussion at the hearing concerning the necessity of including Brevard County in the production area. It was stated that the production of avocados in that county was small and that there was no necessity for regulating such avocados. On the other hand, it was contended by the industry generally that, while the present commercial production of avocados in Brevard County is relatively small, there were in 1950 three times the non-bearing avocado trees as the number of bearing trees, and that soil and climatic conditions in Brevard County make it possible to increase the production of avocados in such county. Furthermore, one of the principal highways from the major avocado producing section of the production area passes through Brevard County and the exclusion of any county so situated, where avocados are produced on a commercial scale, would create enforcement problems which could jeopardize the effective operation of the program.

It is concluded, therefore, that the production area, as defined, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" should be defined in the marketing agreement and order to identify those persons who are regulated under the program. The term "handler," therefore, should include all persons who "handle" avocados in the manner described hereinafter or who cause avocados to be so handled. However, common or contract carriers of avocados transporting to market avocados owned by another person should not be considered the "handler" of such avocados, as in such instances the carrier is performing services for hire and does not have any control over the quality of the commodity it transports. Moreover, a common carrier is required, in performing services, to transport commodities at the request of the shipper.

The term "handle" should be defined to identify those activities which it is necessary to regulate in order to effectuate the declared policy of the act. Such activities are those which place or continue avocados in commerce and include the selling, consigning, delivering, or transporting of avocados within the production area or from the production area to any point outside thereof in the continental United States or Canada. The performance of any one or more of these activities, either directly or indirectly through others, should constitute handling. Avocados are frequently transported, sold, or otherwise placed or continued in commerce by more than one person. In order to effectuate the

declared policy of the act, each such person should be required to limit such handling of avocados to fruit which conforms to the applicable regulations established under the marketing agreement and order.

Testimony at the hearing shows that there are appreciable quantities of Florida avocados sold in the Canadian markets. Such markets are supplied both by direct shipments from the production area and by diversion or resale of shipments after the fruit leaves the State. Handlers generally consider the Canadian markets as a part of their over-all "domestic" market, and avocados marketed in Canada should be subject to the same regulations as are applicable to fruit sold in the domestic market.

The handling of avocados for specified outlets or uses enumerated in § 969.55 of the proposed marketing agreement and order should be excepted from regulation, however, for the reasons set forth in issue 5 (g) of this decision. Also, the term "handle" should be limited by particular exceptions to make its applicability specific and to simplify the administration of the program.

The sorting, grading, packing, and other acts in the preparation of avocados for market should not be covered as handling subject to regulation. These actions, whenever they are performed, are, of necessity, preliminary to the handling—i. e., selling, consigning, delivering, or transporting—of avocados. Moreover, it would unnecessarily complicate the administration of the program to require persons engaged in the preparation of avocados for market to meet the requirements of regulations under the marketing agreement and order prior to such preparation. Therefore, such activities should not be included within the definition of handle.

It is common practice for growers to sell or deliver their avocados to persons having facilities for packing and otherwise preparing the fruit for market. The grower, in such instances, properly relies on the person preparing the avocados for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Thus, there should be excepted the movement of avocados from the groves to the place where the fruit will be prepared for market. It is necessary, however, to limit the scope of this exception in order to assure compliance with the regulations established under the program. Hence, it should be required that the facilities, where the avocados are to be prepared for market, be located within the production area. Otherwise, it would not be possible for the administrative committee, established under the provisions of the proposed marketing agreement and order, effectively to check on the disposition of the avocados delivered to the packing facilities which did not meet the program requirements. Also, this exception should apply only in case the person engaged in the preparation of avocados for market has registered with the committee in accordance with such rules as it may prescribe with the approval of the Secretary. This registration is necessary because some avocados are prepared for market in sheds or other buildings located at or near avocado groves and it is necessary that the committee have knowledge of these locations for enforcement purposes; and also to afford the committee an opportunity to check on the handler-applicant's statements regarding his manner of doing business and his facilities for the preparation of avocados for market. It is intended that the committee, under its rules, will register all handler-applicants who it is reasonable to believe will conduct his packing and handling operations in accordance with the program requirements.

There are some growers who deliver their avocados to the packinghouse of handlers where the fruit is prepared for market, for a fee, for the person making such delivery. Also, a handler may, in some instances, have another handler pack avocados for him. Transactions of this nature are generally referred to by the industry as "custom packing." After the avocados are so packed they are returned to the person for whom the custom packing was performed who thereafter markets the avocados in any manner he desires. As the custom packer is merely performing services for a fee and has no control over the disposition of the fruit which is custom packed, he should not be considered as the handler of the avocados. Conversely, the person for whom the avocados are custom packed is the handler of the avocados, unless he sells them to a registered handler, and is responsible for compliance with the program terms, provisions, and regulations which are applicable at the time he sells, consigns, delivers, or transports the fruit so packed.

With the exceptions stated heretofore, all activities from the time the avocados are severed from the tree until they are moved outside the production area are included in the process of handling. Any person who handles avocados, as "handle" is defined in the marketing agreement and order, should be subject to regulation thereunder as to such handling transactions. Hence, if a producer of avocados sells or delivers avocados to an itinerant trucker or any other person not registered with the committee, in the manner heretofore described, the regulation should apply at the time of such sale or delivery. Under such circumstances, the producer is the first handler of such avocados and is responsible for complying with the marketing agreement and order restrictions applicable at the time of such sale or delivery. Likewise, the same restrictions would apply to each person who subsequently handles such avocados.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the proposed marketing agreement and order. These terms should be defined for the purpose of designating specifically their applicability, and establishing appropriate limitations on their respective meamngs wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "fiscal year" should be defined to identify the 12-month period with respect to which the financial records of the Avocado Administrative Committee—the agency which will administer the program—are to be maintained. The establishment of such period is necessary for businesslike administration of the marketing agreement and order and is desirable as a basis for establishing the terms of office of committee members and alternates. The date marking the end of one fiscal year and the beginning of the next should be fixed at a time of relative inactivity in the marketing of the avocado crop and should allow sufficient time, prior to the start of the new marketing season, for the committee to organize and develop information necessary to its functioning during the ensuing year. Marketing of the annual Florida avocado crop begins in the latter part of June or early July and is completed prior to April 1 of the following calendar year. Hence, March 31 of each year is an appropriate date, for the ending of each fiscal year. This term should be defined, therefore, as hereinafter set forth.

A definition of "committee" should be incorporated in the marketing agreement and order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is referred to.

The term "grower" should be synonymous with "producer" and should be defined to mean any person who is engaged, within the production area, in the production of avocados for market and who has a proprietary interest therein. A definition of such term is necessary for such determinations as eligibility to vote for, and to serve as, a grower member or alternate grower member of the Avocado Administrative Committee, and for other reasons. The term should be limited to those who have a proprietary interest in the avocados produced. It should not include laborers or others who perform work for a fee or for hire in producing the avocados. Each business unit (such as a corporation, partnership, or community property arrangement) engaged in the production of avocados for market

should, when voting for nominees for membership on the committee, be entitled to only one vote.

There was some discussion at the hearing with respect to the situation as to voting in the following cases: (i) The producer leases the land from another; (ii) landlord-tenant arrangement; and (iii) so-called joint account arrangements. With respect to (i), the lessee presumably pays a cash rental or fee to the owner for the use of the property and the lessee has full ownership of the fruit produced. In these circumstances, only the lessee should be considered as the grower, since he is the only one who has a proprietary interest in the fruit which is so produced for market. In regard to (ii), there appear to be two types of arrangements, i. e., the landlord and the tenant each receive a specified percentage of the crop as his share or the landlord retains ownership of all of the fruit produced and the tenant is compensated on the basis of an agreed percentage of the financial returns from the marketing of the fruit. In instances where each obtains ownership of a specified portion of the crop, each should be deemed to be a grower and entitled to vote as such. But, where the tenant receives his compensation in money, only the landlord should be considered as the grower for voting purposes. These determinations are in accordance with the stated principle of recognizing as the growers only those persons who produce such fruit for market in a proprietary capacity. With reference to (iii), the evidence indicated that such an arrangement, which is apparently recognized by the laws of Florida, actually involves the operation of a grove as one unit, even though each party had an undivided interest therein. In other words, the situation is, insofar as we are concerned here, the same as a partnership, and only one vote should be permitted.

A definition of "district" should be incorporated in the marketing agreement and order to delineate the geographical divisions of the production area for the purpose of electing nominees for membership on the committee. Also, evidence at the hearing shows that, in some seasons, there are differences in the time of maturity of the avocados grown in Dade County and fruit of the same variety grown in the remainder of the production area. Consequently, it will be necessary at times to prescribe different regulations for avocados grown in Dade County and in the remainder of the production area in order to be equitable to the growers in both such areas and to assure that only avocados of good quality are marketed. Hence, the designation of Dade County as District 1 and of the remainder of the production area as District 2 will facilitate operations under the program. "District" should be defined, therefore, as hereinafter set forth.

(b) It is necessary to establish an agency to act in administering the proposed marketing agreement and order under and pursuant to the act, as an aid to the Secretary in carrying out the declared policy of the act. The term "Avocado Administrative Committee" is a proper identification of the agency and reflects the administrative character thereof. It should be composed of nine members, of whom five should represent producers and four should represent handlers. Alternate members should be provided to act in the place and stead of the members. Such a committee would be large enough to provide representation to all segments of the industry. At the same time, it is of such size that it can operate effectively and efficiently. The foregoing division of the members between producers and handlers would provide suitable producer representation and handler experience and information. A majority of the committee should consist of producers because the program is designed to benefit producers. The provision for handler members tends to give balance to the committee by providing the handler experience and marketing information necessary to the development of economically sound regulation of avocado shipments. Each handler member should be either a handler or an employee of a handler, as handlers often are corporations and would be precluded from having representation on the committee unless employees were authorized to serve as members of the committee. One handler member and one grower member should represent District 2 and the other members of the committee should represent District 1. Such division of the representation on the committee is representative of the volume of production of avocados in the two districts.

Each producer or handler member of the committee, and his alternate, should be a producer or handler, as the case may be, of avocados in the district for which he is selected. A person with such qualifications should be intimately acquainted with the problems of producing or marketing avocados grown in such district and may be expected to present accurately the problems incident to the production or handling of avocados grown in that district. The producer members and alternates should be growers who are not handlers or employees of handlers. Such provision is necessary to assure that the interests of the majority of the committee are primarily the growing of avocados.

A term of office for committee members should be provided in the marketing agreement and order to establish an orderly procedure for changing the membership of the committee. The term of office should be for one year and should cover the same period as the fiscal year for the reasons discussed heretofore in connection with the definition of that term. The provision for a one year term of office is desirable as producers and handlers will thus have an opportunity at the close of each marketing season to indicate whether they desire the incumbent members to represent them for another year. As appointment of the new committee members and alternates may not always be made in time for them to take office immediately upon the expiration of the term of office of the existing committee, provision should be made in the marketing agreement and order for members and alternates to serve in such position during the term of office for which they are selected and until their respective successors have been selected and qualified. Such provision will assure continuous functioning of the committee. Evidence presented at the hearing indicated that it would be desirable to assure that the same committee members would not serve continuously. Accordingly, provision should be made so that a member would be precluded from serving continuously on the committee for longer than three consecutive terms of office. This provision should not apply to alternate members as alternates actually serve on the committee only when the member for whom he is an alternate is unable to serve.

A procedure for the election by growers and handlers of nominees for membership on the committee should be prescribed in the marketing agreement and order to assist the Secretary in his selection of members and alternate members of the committee. The nomination of prospective members and alternate members at meetings of growers and handlers in the respective districts is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the committee.

Nomination meetings for the purpose of electing nominees for members of the committee and their alternates should be held or caused to be held by the committee on or before February 15 of each year. Such date is approximately six weeks prior to the end of the fiscal year. By having such nomination meetings not later than February 15 each year, the committee will be in a position to prepare and submit nomination lists to the Secretary in time for the Secretary to select the members and alternate members of the new committee prior to the expiration of the terms of office of the existing committee.

As the Avocado Administrative Committee will not come into existence until after the selection by the Secretary of its initial members, the marketing agreement and order should provide a procedure for the selection of the initial members. The Secretary may appropriately select the initial grower and handler committee members and alternates from nominations which may be made by growers and handlers, respectively, or appropriate groups thereof, or from other persons; and the marketing agreement and order should so provide. In order that the initial membership of the committee may be selected as soon as possible after the approval of the program, such nominations shall be submitted not later than 10 days prior to the effective date thereof.

Each producer should be limited, at nomination meetings, to casting only one vote for each grower position as a committee member and one vote for each grower position as a committee alternate to be filled at such meeting. While growers who are also handlers or employees of handlers would not be eligible to serve as grower members of the committee, it is not necessary for this restriction to be applicable to voting for nominees for such positions. Voting on such basis, rather than on the basis of relative tonnages produced, is in accordance with the procedure followed in democratic elections and will prevent domination of the nominations by large growers. If more than one vote were permitted, based upon volume of production or number of groves owned, large growers would be in a position to nominate growers who might not be favored by a majority of the growers. The grower who operates in more than one district should be permitted to select the district in which he desires to participate in nomination meetings so that he may cast his ballot for nominees where he believes his principal interest lies. There are a considerable number of avocado growers who do not reside in the production area and conduct their growing operations through others. In order to provide the broadest possible opportunity for all growers to participate in the election of nominees, growers represented at nomination meetings by duly authorized agents, as well as those present, should be permitted to vote.

Identical limitations and requirements should be applied to handler participation in meetings to nominate the handler members and alternate members of the committee for reasons similar to the application of such limitations to grower nomination procedure. However, the vote of handlers should be weighted by the volume of avocados which he has handled during the applicable fiscal year. If handlers were limited to one vote, truckers and other small handlers who have little or no investment in the industry might be in a position to nominate the handler representation on the committee. This could result in the nomination of handlers who would not have the handler experience needed for the effective functioning of the committee.

In order that there will be an administrative agency in existence at all times to administer the marketing agreement and order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the marketing agreement and order so that the composition of the committee will at all times continue as prescribed therein.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed within 10 days after the notification of appointment so that the composition of the committee will not be delayed unduly. Provision should be made for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the marketing agreement and order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all inclusive in that it may develop that there are other duties which the committee may need to perform.

At least six members of the committee, or their respective alternates, should be present at any meeting in order for the committee to make any decisions; and all decisions of the committee should require a minimum of five concurring votes, with at least one such vote cast by a handler member. These provisions will assure that all actions of the committee will be considered by at least two-thirds of its membership and approved by a majority of the committee. Also, as five of the committee members are growers, these provisions are desirable to assure handler participation in all meetings and actions of the committee. The committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or when rapid action is necessary because of an emergency. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

Each member of the committee, and each alternate when acting as a member, should receive not to exceed $10.00 per day or portion thereof spent in performing his duties under the marketing agreement and order, plus his reasonably necessary expenses. Members should be compensated at such rate to prevent them from incurring financial loss which might otherwise result from serving on the committee. Such loss could result from the necessity of employing others to perform work which the members normally would do if they were not performing their duties as committee members. Reimbursement for reasonably necessary expenses is also required to offset actual out-of-pocket expense incurred in performing duties in connection with the program.

Provision should be made whereby each committee will prepare an annual report prior to the expiration of the terms of office of its members. Such reports would provide succeeding committee members, the industry, and the Secretary with a record of the annual operations of the program and would provide a means for evaluation of the program and the need for any changes therein.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal year for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the provisions of the marketing agreement and order, determine to be appropriate. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by an administrative agency such as the Avocado Administrative Committee, and requires that each marketing program of this nature contain provisions requiring handlers to pay pro rata the necessary expenses. Moreover, in order to assure the continuance of the committee, the payment of assessments should be required even if particular provisions of the marketing agreement and order are suspended or become inoperative.

Each handler should pay to the committee upon demand with respect to all avocados handled by him, as the first handler thereof, his pro rata share of such expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal year. Each handler's share of such expenses should be equal to the ratio between the total quantity of avocados handled by him as the first handler thereof during the applicable fiscal year and the total quantity of avocados so handled by all handlers during the same fiscal year. In this way, payment by handlers of assessments would be proportionate to the respective quantities of avocados handled by each handler and assessments would be levied on the same avocados only once.

It was set forth in the notice of hearing and argued at the hearing that, in no event, shall the rate of assessment exceed 10 cents per 55-pound box, or an equivalent quantity of avocados. It was contended that the inclusion of such restriction would be desirable in order that handlers would be assured of the maximum assessment which could be levied against them. It is believed that the inclusion of such a restriction should not present any difficulties from the standpoint of preventing adequate assessments to be levied to cover necessary operational expenses for any fiscal year. A proposed budget for this program for operations during the first fiscal year was presented in evidence which showed the estimated operational expenses for such year to be $12,500. On the basis of the estimated production for that year, the assessment rate necessary to provide this revenue would be only about $2\frac{1}{2}$ cents per 55-pound box of avocados. The proposed restriction would permit assessments as high as four times that amount, and it should provide sufficient leeway to cover any and all increases in expenses which may reasonably be expected to arise in subsequent fiscal years within the foreseeable future. If it should later develop that this maximum rate is not sufficient, it is anticipated that appropriate amendatory action will then be taken to make whatever change in the restriction as may then seem to be necessary and desirable.

In order to provide funds for the administration of this program, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money in an amount not in excess of 10 percent of the estimated expenses set forth in its budget for the then current year. The inclusion of a provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing agreements and orders, and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount. Also, it was pointed out that the indicated limitation would permit the borrowing of such a relatively insignificant amount that it should not cause any particular problems to arise from the standpoint of the repayment of it. There was no objection offered at the hearing to indicate that any person was opposed to the proposal for the committee to borrow a limited sum of money each fiscal year. During years of normal growing conditions, revenue available to the committee from assessments would provide the means for the repayment of any such loan. In some seasons a portion of the crop may be lost as the result of hurricanes which sometimes occur during the fall months. Under such conditions, if the loss in production is great, expenses under the program would, of course, be curtailed. In addition, as hereinafter set forth, provision is made for increasing the rate of assessment in the event it should develop that the assessment income under the then prevailing rate is not sufficient to cover the expenses incurred. The expenses which had been met from the fund previously borrowed would, of course, constitute a part of the overall cost of operations.

The Secretary should have the authority, at any time during a fiscal year, or thereafter, to increase the rate of assessment when necessary to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Since the act requires that administrative expenses shall be paid by all handlers pro rata, it is necessary that any increased rate apply retroactively against all avocados handled during the particular fiscal year.

If, at the end of any fiscal year, the assessments collected exceed the expenses incurred, each handler's share of such excess should be credited to him against the operations for the following fiscal year; but, if any handler makes a demand for payment thereof, refund should be made to him. The right of every handler to the return of his pro rata share of the excess funds would be recognized by providing for the payment of such share to him in case he requests it. However, good business practice requires that any such refund may be applied by the committee first to any outstanding obligations due the committee from any person who has paid in excess of his pro rata share of expenses and requests the return of such excess payment.

All assessment monies received by the committee should be used solely for the purposes, and accounted for in the manner, specified in the marketing agreement and order.

The Secretary should be authorized to require the committee, at any time, to account for all receipts and disbursements. Such authority would aid in assuring careful administration of assessment funds.

(e) The marketing agreement and order should provide, as hereinafter set forth, for regulating the maturity and quality of Florida avocados which are handled so as to increase the returns to growers. As has been indicated heretofore, the Florida avocado growers are now receiving relatively low returns for their crops. The fact that considerable quantities of Florida avocados of poor quality and undesirable appearance have been available in fresh market channels, the only commercial outlet, has decreased the overall returns to the growers from two standpoints, namely: the fruit of poor quality and undersirable appearance has tended to depress the price for the entire crop for the particular year below the level which otherwise would have been the case if only fruit of good quality and good appearance had been sold; and the marketing of fruit of poor quality and undesirable appearance has created "buyer-resistance" to Florida avocados which has extended to succeeding years.

Probably the most important single factor of quality is that of maturity. An immature avocado is unpalatable, and the shipment of any appreciable quantity of such avocados increases consumer resistance and materially affects the marketing of the entire crop. The change in an avocado between the time it is immature and the time when it has become mature is not discernible, however, and there has not, as yet, been developed any satisfactory physical or chemical test for use in determining whether or not Florida avocados are actually mature at time of harvest. Experience has shown that each of the several varieties of avocados grown in Florida has a fairly regular season, and it has been a common practice in the industry to pick a few fruit of a variety which is believed to be mature and to hold them for a few days to see if they will ripen (i. e., become soft and palatable) prior to shipping that variety to market. But, some varieties have a fairly short period after they reach maturity in which they can be marketed without undue loss. Also, the small-sized varieties of avocados generally bring the highest prices in the market. Therefore, the large-fruited varieties and the varieties which have a short marketing life after maturity often have been shipped prior to the time they become mature. Further, the thinning of young fruit is not generally practiced in the Florida avocado industry and it often develops that, as the set of fruit approaches its normal size, a portion of the crop of the heavily loaded trees is picked prior to the time such fruit is mature to relieve the limbs and thus prevent them from breaking. Much of this fruit, if it has reached marketable size, is shipped to the market, even though it is immature.

Tropical hurricanes occur in the Caribbean area each fall during the harvesting and marketing period for Florida avocados. While few of these storms reach the avocado producing section of Florida, the early movement of such storms is generally in the direction of that State. When the existence of these storms is first announced, it may be five to seven days prior to the time it could reach that State, but some growers will immediately begin to harvest their avocados, and market as much of such fruit is then immature.

It was testified at the hearing that considerable study has been undertaken by the Florida avocado industry in conjunction with qualified scientists employed by the University of Florida, at its Subtropical Experiment Station located at Homestead, and the Agricultural Marketing Service of the United States Department of Agriculture for the purpose of developing satisfactory tests or guides for determining when each of the several varieties of Florida avocados become sufficiently mature on the trees for harvesting purposes. The practical results of such studies to date has been in connection with the development of a table specifying for the 1953–54 season a suggested maturity date for each of the 22 principal varieties of avocados grown commercially in Florida. Such dates were to be applicable only to the fruit of each variety which had not attained the minimum size specified for that variety. These combination date and minimum size specifications were evolved from the practical experience of the growers and handlers of Florida avocados and were designed primarily for the fruit grown in the proposed District 1. Experimentations concerning the feasibility of regulating the maturity of avocado shipments on such basis were carried out during the 1953–54 season through scientific tests of the palatability of avocados harvested prior to and following such dates. This study confirmed the general opinion of the industry that the time of maturity of Florida avocados can be predicted with reasonable accuracy by experienced growers and handlers when the time of bloom and growing conditions during the development of the crop are taken into consideration and appropriate allowances are made therefor. In addition, it was shown that the larger sizes of a given variety of avocados will mature at an earlier date than the smaller fruit of the same variety; and, depending on growing conditions, a given variety of avocados generally will mature a few days earlier in District 1 than in District 2. However, as the average size of the avocados of a specified variety varies from season to season, the fact that the fruit of a particular variety has reached a specified size is not, taken alone, conclusive evidence that such avocados are mature. In these circumstances, the aforementioned table should, with appropriate consideration being given to the other indicated factors, be useful in the establishment of the maturity requirements to be applicable during a particular season but it would not be feasible to incorporate such a table in the marketing agreement and order. Moreover, it is anticipated that studies will be continued with a view to developing additional or different criteria for the determination of maturity of Florida avocados and that a point may eventually be reached where it is possible to prescribe a maturity standard for general use each year. Therefore, maturity regulations should be established initially in terms of specifying the dates prior to which specified sizes of the various varieties could not be shipped, but the proposed marketing agreement and order should leave the committee free to recommend and the Secretary free to establish each year such regulations with respect to maturity as may be most appropriate and desirable in the light of the then existing facts and circumstances.

The second most important single factor of quality in connection with Florida avocados appears to be that of disease. The two important diseases of Florida avocados from the standpoint of the proposed program are cercospora spot and anthracnose (black spot), of which anthracnose is the more serious. In itself, cercospora spot only spoils the appearance of the fruit, as the spots do not penetrate the flesh, but the tissue killed by the fungus and the cracks made in the rind afford entrance for anthracnose and other decaying organisms which cause the ripening fruit to spoil. Other means of anthracnose infections in Florida avocados is through breaks in the skin from mechanical injuries, such as lack of proper care in harvesting and packaging, or from damage caused by hurricanes and other high winds. Anthracnose often remains inactive until the fruit is mature, but develops rapidly in the ripening fruit. This objectionable development may not occur until the fruit has reached the consumer. Consideration of this disease aspect has presumably not yet reached the point where specific provisions in that regard may be incorporated in the proposed marketing agreement and order. It is obvious, therefore, that considerable latitude must be given to the committee and the Secretary to insure the formulation and issuance of appropriate quality regulations.

With regard to the standards on the basis of which quality regulations should be established, the committee should prescribe such standards as there are no officially established grade standards for avocados nor are there any grade standards commonly used by the handlers of avocados. These standards would serve as the basis for quality regulations, together with such variations in the requirements of such standards as may be necessary to accomplish the objectives of the regulation. That is to say, the committee should recommend and the Secretary should establish quality regulations designed to market that portion of the avocado crop which is of suitable quality, considering the available supply and demand for avocados, and which would bring a fair and reasonable return to the growers.

In making its recommendations for quality regulations the committee should consider the estimated total production and shipments of avocados, including avocados grown in other areas; the time of bloom and growing condition during the development of the crop; the quality of the avocado crop; the anticipated demand for avocados; and all other available information having a bearing on the market for avocados. The committee, because of the knowledge and experience of its members, will be well qualified to develop sound and practical recommendations for regulations and to advise the Secretary with respect to the supply and demand conditions under which the avocados will be marketed.

Provision should be made for the Secretary to consider and establish regulations on the basis of the recommendations and information submitted by the committee, and, as there may be available to him pertinent information not in possession of the committee, he should be authorized to act on the basis of such available information also. The committee should notify growers and handlers of meetings to consider recommendations for regulation, by mailing such notification to each such person requesting it, as growers and handlers are vitally interested in such recommendations. Authority should be given to the committee to recommend, and the Secretary to issue, a modification, suspension, or termination of any regulation established under the program, since such actions may become necessary as the result of changed conditions which could not be anticipated at the time the regulations were formulated.

(f) The marketing agreement and order should contain provisions authorizing the committee to issue exemption certificates, under certain conditions, to growers and others who own or otherwise control avocados on the tree. Evidence presented at the hearing shows that location and cultural practices may make a grower's avocados mature prior to the time that other avocados of the same variety, and in the same district, generally become mature. Hence, when maturity regulations are in effect pursuant to § 969.51 (a) (1), growers and others should be authorized to apply for, and the committee to issue, exemption certificates which will permit the handling of avocados which are mature prior to the time specified in such regulation. Such exemption certificates should authorize the applicant to handle, or have handled, only that portion of his avocados which the committee determines is mature. As some growers conduct their growing operations through others, persons acting for growers should be permitted to apply for and receive such exemption certificates. Likewise, a purchaser of avocados on the tree should be permitted to handle, or have handled, any mature avocados so purchased prior to the time they could be handled under the then effective maturity regulation. The purchaser of avocados on the tree, therefore, should also be permitted to apply for, and receive, exemption certificates. The committee should adopt, with the approval of the Secretary, procedural rules governing the application and issuance of such exemption certificates so that persons eligible to receive such certificates will be informed concerning the procedure to be followed in connection therewith. Such procedural rules should provide for such safeguards as may be necessary to assure that all avocados handled pursuant to an exemption certificate are actually covered by such certificate. Provision should be made for the transfer of exemption certificates to the handler of such avocados, as the handler would need the certificate to show that such handling was not in violation of the regulation.

(g) Provision should be made in the marketing agreement and order requiring all avocados handled, during any period when regulations are in effect pursuant to § 969.51, to be inspected by the Federal-State Inspection Service and certified as meeting the requirements of the applicable regulation. Inspection and certification of all avocados handled during periods of regulation are essential to the effective supervision of the regulations. Evidence of compliance with the regulations issued under the program can be ascertained only through inspection and certification of all avocados handled during the effective period of such regulations. As the handler of avocados is the person responsible for compliance with such regulations, it is reasonable and necessary to require handlers to submit each lot of avocados handled to inspection and certification and to file a copy of the certificate with the committee.

The proposal on which the hearing was held provided for inspection by the State or Federal-State Inspection Service, or such other agency as the committee may designate. Evidence presented at the hearing shows that such provision was proposed as it was not known at that time what inspection service would be available, and that inspection and certification by the Federal-State Inspection Service only was desired. The record shows that the Federal-State Inspection Service will perform the required inspection and certification and the marketing agreement and order should so provide.

(h) The marketing agreement and order should provide for the exemption from its provisions of such handling of avocados which it is not necessary to regulate in order to effectuate the declared purposes of the act. Insofar as practicable, such exempted handling should be stated explicitly in the marketing agreement and order so that handlers will have knowledge of such handling as is not subject to the provisions of the program.

Avocados which are handled for consumption by charitable institutions, for distribution by relief agencies, for export other than to Canada, or for commercial process-into products have little influence on the level of prices for avocados sold in the domestic market and in Canada. Moreover, only negligible quantities have been disposed of in such outlets. For example, no commercial processed product of avocados has, as yet, been developed. Consequently, the

only avocados which are currently being processed is in connection with experiments which are being carried on in an endeavor to expand the market outlets for avocados.

Provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of certain small quantities, or types of shipments, of avocados which it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the committee to exempt such handling which is found not feasible administratively to regulate and which does not materially effect marketing conditions in commercial channels. It should be discretionary with the committee, subject to the approval of the Secretary, whether small quantities or types of shipments should be exempted from regulation and the period during which such exemptions should be in effect. The allowance of such exemptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. It is impractical to set forth specific quantities or types of shipments to be exempted in the marketing agreement and order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of avocados in the production area.

The committee should prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent avocados handled for any of the exempted purposes from entering into regulated channels of trade and thereby tending to defeat the objective of the program.

(i) Handlers should be required to submit certain reports to the committee so that it will have available the information which is necessary for administering the program. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information.

Testimony presented at the hearing was to the effect that each handler should file with the committee each week a certified report showing the quantities of each variety of avocados he received during that week, a complete record of the quantities disposed of by him, segregated by varieties into the quantities subject to regulation and otherwise disposed of, and the quantities on hand at the end of the period. It was indicated that such reports should include, for each quantity disposed of, the date of such disposition, and identification of the carrier transporting the fruit and of the inspection certificate or exemption certificate, if any, pursuant to which the fruit was handled, together with the destination of each such disposition in non-regulated channels. On the basis of the testimony presented, it is concluded that most, if not all, of the information with respect to these enumerated matters will probably be needed to ascertain whether the regulatory provisions of the program are properly complied with, to provide the basis for collecting assessments, and to perform its other official duties. However, this would be a new program dealing with a commodity which has not been regulated under programs of this nature, and it is believed that it would be impractical at this time to impose rigid reporting requirements upon handlers which possibly would require the periodic submission of information which the committee would not need at times for the performance of its functions. Hence, the reporting requirements prescribed in the marketing agreement and order should reflect the flexibility that is necessary so that reports required thereunder, and the time and manner of filing such reports, may be adjusted readily in the light of operating experience. It is concluded, therefore, that the marketing agreement and order should provide for the submission to the committee by handlers of such reports covering their transactions in avocados, as heretofore discussed, as the committee may request and are needed in the administration of the program.

Upon the request of the committee, approved by the Secretary, handlers should furnish such other reports and information as the committee needs to perform its functions under the marketing agreement and order. It is impossible to anticipate every type of report, or kind of information, which the committee may need in administering the program; but it should have the authority to obtain such reports and information if needed. Reports furnished to the committee should be submitted in such manner and upon such forms as may be designated by the committee. It is impractical to specify such reporting procedures in the marketing agreement and order, because changing conditions may warrant changes in the forms or methods of reporting to the committee.

(j) Except as provided in the marketing agreement and order, no handler should be permitted to handle avocados, the handling of which is prohibited pursuant to the marketing agreement and order, and no handler should be permitted to handle avocados except in conformity with the marketing agreement and order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of avocados handled by him, would be demoralizing to other handlers and would tend to impair operation of the program.

(k) The provisions of §§ 969.62 through 969.71, as hereinafter set forth, are, except as indicated below with respect to § 969.64 (c), provisions similar to those which are included in other marketing agreements and orders now operating. The provisions of § 969.72 through 969.74, as hereinafter set forth, are also included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and order, identified by both section number and heading, are as follows: § 969.62 *Right of the Secretary;* § 969.63 *Effective time;* § 969.64 *Termination;* § 969.65 *Proceedings after termination;* § 969.66 *Effect of termination or amendment;* § 969.67 *Duration of immunities;* § 969.68 *Agents;* § 969.69 *Derogation;* § 969.70 *Personal liability;* and § 969.71 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by both section number and heading, are as follows: § 969.72 *Counterparts;* § 969.73 *Additional parties;* and § 969.74 *Order with marketing agreement.*

In addition to the basis for termination of the marketing agreement and order contained in § 969.64 (a), (b), and (d) thereof, termination of the program should be required at the end of any fiscal year whenever the Secretary finds that continuation of the marketing agreement and order is not favored by the majority of producers. The requirements of the act in this connection, with respect to the mandatory termination of the marketing agreement and order, provides that such majority shall have produced more than 50 percent of the volume of the commodity produced during the determined representative period. It was the general consensus of the opinion of those participating in the hearing, however, that a program of this nature could not be operated effectively unless a majority of the producers favored its continuance in operation and that it would be desirable, therefore, to base any such determination as to the continuance or termination of the program on whether a majority of the producers favored such action without consideration of the relative volume of avocados produced by them. In order to give producers and other interested parties adequate notice of any such termination action, provision should be made to announce the termination prior to March 15 to be effective at the end of the fiscal year.

The proposal upon which the hearing was held also provided that, (1) after the close of the fiscal year ending March 31, 1956, there shall be conducted a referendum of producers and a poll of handlers to determine whether the continuation of the marketing agreement and order is favored by them and (2) if less than two-thirds of the producers, by number or volume of production, voting in such referendum favor the continuation of the program or if handlers representing more than fifty percent of the volume of avocados handled favor its termination, the Secretary shall thereupon terminate the marketing agreement and order. The period to be used in connection with such referendum and poll is the fiscal year ending March 31, 1956. It was indicated at the hearing that the effective operation of this program will be dependent upon the cooperation of both producers and handlers of avocados and that it would be desirable to incorporate the proposed requirement into the marketing agreement and order so as to provide both growers and handlers with an opportunity, at the end of the first two years of operation, to express their views on the continuance or termination of the program. The provision for holding the referendum and poll after two years of operations should provide a reasonable period for the evaluation of the program. Such provision should promote awareness of the interest of both producers and handlers in the program and thereby contribute to its successful operation.

Rulings on proposed findings and conclusions. March 18, 1954, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No briefs were filed.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) Such marketing agreement and order will regulate the handling of avocados grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activities specified in the proposed marketing agreement and order upon which the hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The marketing agreement and order, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of avocados covered thereby; and

(5) All handling of avocados, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following proposed marketing agreement and order [1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 969.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any Officer or employee of the United States Department of Agriculture who is, or may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

[1] The provisions identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed order.

§ 969.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 969.3 *Person.* "Person" means an individual, partnership, corporation, association or any other business unit.

§ 969.4 *Production area.* "Production area" means the counties of Brevard, Osceola, Polk, Hillsborough, and Pinellas in the State of Florida, and all of the counties of that State situated south of such counties.

§ 969.5 *Avocados.* "Avocados" means all varieties of avocados grown in the production area.

§ 969.6 *Fiscal year.* "Fiscal year" means the twelve-month period ending March 31 of each year.

§ 969.7 *Committee.* "Committee" means the Avocado Administrative Committee established pursuant to § 969.20.

§ 969.8 *Grower.* "Grower" is synonymous with producer and means any person who produces avocados for market and who has a proprietory interest therein.

§ 969.9 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting avocados owned by another person) who handles avocados or causes avocados to be handled.

§ 969.10 *Handle.* "Handle" means to sell, consign, deliver, or transport avocados within the production area or between the production area and any point outside thereof in the continental United States or Canada: *Provided,* That such term shall not include: (a) The sale or delivery of avocados to a handler, registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary, who has facilities within the production area for preparing avocados for market; (b) the delivery of avocados to such a handler solely for the purpose of having such avocados prepared for market; or (c) the transportation of avocados by a handler, so registered with the committee, from the grove to his packing facilities within the production area for the purpose of having such avocados prepared for market. In the event a grower sells his avocados to a handler who is not so registered with the committee, such grower shall be the first handler of such avocados.

§ 969.11 *District.* "District" means the applicable one of the following described subdivisions of the production area:

(a) "District 1" shall include Dade County.

(b) "District 2" shall include all of the production area except Dade County.

ADMINISTRATIVE BODY

§ 969.20 *Establishment and membership.* There is hereby established an Avocado Administrative Committee consisting of nine members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Five of the members and their respective alternates shall be growers who shall not be handlers or employees of handlers. Four of the members and their respective alternates shall be handlers or employees of handlers. The five members of the committee who shall be growers and who shall not be handlers, or employees of handlers, are hereinafter referred to as "grower" members of the committee; and the four members who shall be handlers, or employees of handlers, are hereinafter referred to as "handler" members of the committee. Four of the five grower members shall be producers of avocados in District 1, and one grower member shall be a producer of avocados in District 2. Three of the four handler members shall be handlers, or employees of handlers, of avocados in District 1, and one handler member shall be a handler, or an employee of a handler, of avocados in District 2.

§ 969.21 *Term of office.* The term of office of each member and alternate member of the committee shall begin April 1, and shall terminate March 31 of the following year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to three terms.

§ 969.22 *Nomination*—(a) *Initial members.* Nominations for each of the five initial grower members and four initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than ten calendar days prior to the effective date hereof. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 969.20.

(b) *Successor members.* (1) Nominations for successor members of the committee, and their respective alternates, shall be made at meetings of growers and handlers in each district. Such meetings shall be held at such times (on or before February 15 of each year) and places as the committee shall designate. Such nominations shall be submitted promptly to the Secretary by the committee. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of such meetings.

(2) Only growers who are present at such nomination meetings, or represented at such nomination meetings by duly authorized agents, shall partici-

pate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces avocados. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers who are present at such nomination meetings, or represented at such meetings by duly authorized agents, shall participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles avocados, which vote shall be weighted by the volume of avocados shipped by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

§ 969.23 *Selection.* From the nominations made pursuant to § 969.22, or from other qualified persons, the Secretary shall select the five grower members of the committee, the four handler members of the committee, and an alternate for each such member.

§ 969.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 969.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 969.20.

§ 969.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 969.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 969.22 and 969.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 969.20.

§ 969.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 969.28 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 969.29 *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times at the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate growing and maturity conditions of avocados, and to assemble data in connection therewith;

(i) To engage in such research relating to the determination of maturity and grade standards for avocados as may be approved by the Secretary;

(j) To submit to the Secretary such available information as he may request;

(k) To notify, as provided in this part, producers and handlers of all meetings of the committee to consider recommendations for regulation;

(l) To give the Secretary the same notice of meetings of the committee as is given to its members;

(m) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided*, That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee; and

(n) To investigate compliance with the provisions of this part.

§ 969.30 *Procedure.* (a) Six members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring votes: *Provided*, That at least one handler member shall approve the action.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 969.31 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall also receive compensation, as determined by the committee, which shall not exceed $10 per day or portion thereof spent in performing such duties.

§ 969.32 *Annual report.* The committee shall, prior to March 31 of each fiscal year, prepare and mail an annual report to the Secretary, and to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review, by districts, of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations upon the avocado industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 969.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided for in § 969.41.

§ 969.41 *Assessments.* (a) Each person who first handles avocados shall, with respect to the avocados so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of avocados handled by him as the first handler thereof during the applicable fiscal year, and the total quantity of avocados so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any finding by the Secretary relative to the expense which may be incurred: *Provided*, That, in no case, shall the rate of assessment exceed 10 cents per 55-pound box, or an equivalent quantity, of avocados. Such increase shall be applied to all avocados handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then current fiscal year.

§ 969.42 *Accounting.* (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

REGULATIONS

§ 969.50 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of avocados grown in District 1 or District 2 in the manner provided in § 969.51, it shall so recommend to the Secretary.

(b) In arriving at its recommendations pursuant to paragraph (a) of this section, the committee shall give consideration to such of the following factors as may be applicable: (1) The estimated total production and shipments of each variety of avocados, including avocados grown in other areas; (2) the time of bloom and growing conditions during the development of the crop; (3) the quality of the avocado crop; (4) the anticipated demand for avocados; and (5) other available information having a bearing on the market for avocados. With each recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated, and such other available information as the Secretary may request.

(c) All meetings of the committee held for the purpose of formulating recommendations for regulations shall be open to growers and handlers. The committee shall give notice of such meetings to growers and handlers by mailing such notice to each grower and handler who has filed his address with the committee and requested such notice.

§ 969.51 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of avocados whenever he finds, from the recommendations and information submitted by the committee or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Prohibit, prior to such time as shall be specified, the handling of any size or sizes of any variety or varieties of avocados grown in District 1 or District 2; and

(2) Prohibit the handling of any variety or varieties of avocados grown in District 1 or District 2 which do not meet such quality and maturity standards as shall be prescribed.

(b) The committee shall be informed immediately of any such regulations issued by the Secretary and the committee shall promptly give notice thereof to growers and handlers.

§ 969.52 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 969.51 should be modified, suspended or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of avocados in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 969.53 *Exemption certificate.* Whenever a regulation is in effect pursuant to paragraph (a) (1) of § 969.51, the committee shall issue one or more exemption certificates to any person who furnishes proof, satisfactory to the committee, that his avocados of a particular variety are mature prior to the time such variety may be handled under such regulation. Such exemption certificates shall authorize the person to whom the certificates are issued to handle, or have handled, only that portion of his avocados of the particular variety which the committee has determined to be mature. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued and the avocados covered thereunder may be handled. Exemption certificates shall be transferred to the handler of the avocados covered by such certificates at the time the avocados are delivered to such handler.

§ 969.54 *Inspection and certification.* Whenever the handling of any variety of avocados is regulated pursuant to § 969.51, each handler who handles avocados shall, prior thereto, cause each lot of avocados handled to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required whenever the avocados previously have been so inspected and certified. Promptly thereafter, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection with respect to such handling.

§ 969.55 *Avocados not subject to regulations.* Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 969.41, 969.51, and 969.54, and the regulations issued thereunder, handle avocados (a) for consumption by charitable institutions; (b) for distribution by relief agencies; (c) for export other than to Canada; (d) for commercial processing into products; or (e) in such minimum quantities or types of shipments as the committee, with the approval of the Secretary, may prescribe. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent avocados handled under the provisions of this section from entering channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle avocados pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the avocados will not be used for any purpose not authorized by this section.

§ 969.60 *Reports.* (a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, the following: (1) The quantities of each variety of avocados he received; (2) a complete record of the quantities disposed of by him, segregated as to varieties and as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such fruit; (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the fruit was handled, together with the destination of each such exempted disposition, and of all fruit handled pursuant to § 969.55; and (5) the quantity of each variety held by him at the end of the period.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

§ 969.61 *Compliance.* Except as provided in this part, no person shall handle avocados, the shipment of which have been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle avocados except in conformity with the provisions of this part and the regulations issued under this part.

§ 969.62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives

thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 969.63 *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 969.64.

§ 969.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production of avocados for market: *Provided*, That such termination is announced on or before March 15 of the then current fiscal year. The Secretary shall, as soon as practicable after the close of the fiscal year ending March 31, 1956, conduct a referendum of producers and a poll of handlers to determine whether the continuation of this part is favored by them. Producers entitled to vote in such referendum shall be those who, during the fiscal year ending March 31, 1956, were engaged in producing avocados for market and the poll shall be confined to handlers who handled avocados in that same fiscal year. If it develops from said referendum and poll that (1) less than two-thirds of the producers, by number or volume of production represented in said referendum, favor the continuance of this part, or (2) handlers representing more than one-half the volume of avocados handled favor termination of this part, the Secretary shall thereupon terminate this part.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 969.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 969.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 969.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 969.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 969.69 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 969.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 969.71 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 969.72 *Counterparts.* * This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 969.73 *Additional parties.* * After the effective date of this part, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 969.74 *Order with Marketing Agreement.* * Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of avocados in the manner as is provided for in this agreement.

Dated: April 21, 1954.

[SEAL] GEORGE A. DICE,
Acting Deputy Administrator.

[F. R. Doc. 54-3089; Filed, Apr. 23, 1954; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

[Draft Release No. 54-12]

EXPERIMENTAL HIGH DENSITY AIR TRAFFIC ZONE IN THE WASHINGTON, D. C., AREA

SPECIAL CIVIL AIR REGULATION

Notice is hereby given that the Civil Aeronautics Board has under consideration the promulgation of a Special Civil Air Regulation which will authorize the Administrator to designate and prescribe rules for an experimental high density air traffic zone in the Washington, D. C., area.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by May 26, 1954. Copies of such communications will be available after May 28, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

A number of problems that affect the movement of air traffic become more critical in areas of high traffic density than in areas having an average amount of air traffic. Because of the reported congestion of traffic in the vicinity of certain large metropolitan airports, the increase in use of high speed aircraft, the wide range of speeds in aircraft, and the many different types of aircraft in use, it appears necessary to establish additional means of affording safety and efficency in the movement of aircraft of all of the users of the airspace in such critical areas.

In general terms, the Civil Air Regulations provide for the conduct of two types of flight; Visual Flight Rules (VFR) and Instrument Flight Rules (IFR). Aircraft operated in accordance with the Instrument Flight Rules are required to be operated under air traffic control. The procedures employed in this control of air traffic have been designed to provide a safe and orderly flow of the traffic being operated under IFR conditions. The philosophy behind the Visual Flight Rules is that aircraft being flown in accordance with these rules are operated in "see and be seen" weather conditions permitting the pilots to observe and avoid other traffic. Only a few rules have to be observed even in control zones under VFR conditions.

Recent studies have disclosed that traffic congestion in certain major terminal areas is the prime cause for delays, confusion, and disarrangement of traffic throughout the air traffic system and the cause of near misses. In an effort to find a solution to some of the problems relating to areas of high density traffic, a special working group of the Air Coordinating Committee, Air Traffic Control and Navigation Panel, has developed recommended procedures which, if applied, will constitute an important step toward implementation of the "common system" of air navigation and result in increased safety and efficiency of VFR operations in high density areas. On February 18, 1954, the Panel approved proposed standards for an experimental high density air traffic zone plan for the Washington, D. C., area.

The purpose of this proposed regulation is to permit the Administrator to designate a "High Density Air Traffic Zone" in the Washington, D. C., area and to establish procedures for the zone, on a temporary basis, which would facilitate movement of traffic in this zone under VFR conditions in a safer and more efficient manner to the benefit of all users. The authorization provided by this proposed regulation does not permit the Administrator to alter the provisions of Part 60 of the Civil Air Regulations, which differentiate between VFR and IFR operations. The regulation does, however, permit the Administrator to establish additional rules for VFR operation within the zone.

It is proposed that this authority be given the Administrator for a period of approximately one year from the time of establishment of the high density air traffic zone. This will enable the Administrator to obtain sufficient experience with these procedures, or such modifications thereof as he may make from time to time as experience dictates, whereby they later may be made suitable for application to other high density zones, if it is found that a need exists and that they will, in fact, contribute to safer and more efficient control of air traffic. A special working group of the Air Traffic Control and Navigation Panel will closely observe the procedures established by the Administrator under this proposed regulation and make recommendations with respect to problems which may arise during this experimental period.

Accordingly, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to provide as follows:

The Administrator is authorized to designate a zone to be known as a "High Density Air Traffic Zone" in the Washington, D. C., area, extending from the surface upward to 3,000 feet above the elevation of the airport within the limits of the present control zone, and to prescribe such additional rules to be applicable therein during VFR weather conditions as he shall find are necessary or desirable, for the purpose of conducting experiments with respect to procedures and rules necessary for the safe and efficient movement of air traffic in high density air traffic zones.

It is proposed that this regulation be effective for one year after the establishment of the "High Density Air Traffic Zone".

This Special Civil Air Regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610; 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated: April 21, 1954, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-3099; Filed, Apr. 23, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1948, 1954, 99th Supp.]

BIRMINGHAM FIRE INSURANCE CO. OF PENNSYLVANIA

SURETY COMPANIES ACCEPTABLE ON FEDERAL [illegible]

APRIL 19, 1954.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $233,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of Company, Location of Principal Executive Office and State in Which Incorporated

PENNSYLVANIA

Birmingham Fire Insurance Company of Pennsylvania, Pittsburgh.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-3088; Filed, Apr. 23, 1954; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GEORGIA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making loans pursuant to section 2 (a) of Public Law 38, 81st Congress, it is found that in Bibb, Crawford, Houston, and Taylor Counties, Georgia, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

After December 31, 1954, loans under section 2 (a) of Public Law 38, 81st Congress, will not be made in the above named counties except to borrowers who previously received such assistance.

Done at Washington, D. C., this 21st day of April 1954.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54-3107; Filed, Apr. 23, 1954; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 164]

ERNEST L. JACOB

SUPPLEMENTAL ORDER DENYING EXPORT PRIVILEGES

In the matter of Ernest L. Jacob, 86 Fort Washington Ave, New York 32, New York, Respondent; Case No. 154.

Compliance proceedings instituted against Respondent Ernest L. Jacob, and certain others, by the Office of International Trade (now Bureau of Foreign

Commerce; referred to herein as the Bureau) on December 12, 1951, amended October 28, 1952, culminated in an order issued on July 31, 1953 (18 F. R. 4607) under the terms of which said Respondent was declared ineligible and denied the privileges of participating, directly or indirectly, in any manner or capacity, in the exporation of any commodity from the United States to any foreign destination, including Canada, for a period of nine (9) months. The order holds in abeyance an additional three (3) months suspension if Respondent does not commit any further export control violations during the entire period of twelve (12) months.

Said order was issued after Respondent, and such others, admitted charges that between January and June 1951 they misrepresented the end-use statements on twelve (12) license applications filed with the Office of International Trade; that in July 1951 they duplicated a pending license application without disclosing the facts; and that they submitted to the Office of International Trade certain letters designed to exculpate them in connection with the aforesaid license applications although the statements in such letters were wholly false to the knowledge of Respondent and such others. The other respondents named in the order of July 31, 1953, are denied all export privileges for a period of one month and an additional eleven (11) months suspension is held in abeyance if they do not commit any further export control violations during the entire period of twelve (12) months. Such lesser period of suspension was imposed upon the finding that Respondent Jacob had been primarily responsible for the admitted violations.

Paragraph (4) of said order provides, inter alia, that in the event said Respondent, Ernest L. Jacob, shall at any time during the period covered by the order knowingly violate any of the terms thereof, or of any laws or regulations related to export control, the Bureau "may summarily and without notice • • • at such time as it shall determine that such violation occurred, issue a supplemental order which shall deny • • • all export privileges for the said period of the order which has been held in abeyance • • •."

It has been established that after the commencement of the compliance proceedings but prior to the entry of said order against Respondent, as aforesaid, Respondent obtained employment with a New Jersey export firm in a reportedly minor and subordinate capacity ostensibly removed from a position of responsibility in the export trade, and that he has been continuously so employed to the present time; that his employer is aware of the provisions of the order issued against Respondent; that in November, and again in December 1953, Respondent went to the West Coast to locate a specific quantity of steel scrap valued at slightly below $1 million for which the New Jersey firm held export orders, to effect arrangements for stevedoring and shipping facilities for the scrap, and to solicit and obtain letters of availability (commitment) from the scrap dealers, and certificates of inspection, which said documents were known by Respondent to be required by the export regulations in support of applications for license to export steel scrap from the United States; that Respondent made arrangements for the said commitment letters and inspection certificates, and did, in fact, obtain the same for the purpose of supporting license applications in connection with specific export transactions; that said documents were attached to and made a part of applications for validated export licenses filed with the Bureau by the New Jersey firm on November 12 and 16, 1953, respectively; and that said firm was issued an export license on November 17, 1953 on the basis of one such application, while the other application was rejected on or about December 31, 1953.

It is further established that while on the West Coast during December, 1953, as aforesaid, Respondent made efforts to obtain stevedoring and shipping facilities for the export of the steel scrap from the United States under the license then held and of the scrap involved in the then pending license application.

It is accordingly determined that by the foregoing acts Respondent Ernest L. Jacob has knowingly violated the terms and provisions of said order in that he participated in obtaining a validated export license for the exportation of a commodity from the United States and that he participated in the transporting or other servicing of the proposed exportation under the export license held and of the proposed exportation under the license application filed, all during the period of said order; and that thereby he has forfeited the privilege of having restored to him the export privileges held in suspense for the last three (3) months of said order pursuant to paragraph (4) thereof.

It is therefore ordered as follows: The order of July 31, 1953, as it applies to Respondent Ernest L. Jacob is hereby amended by deleting therefrom the provisions of paragraph (4) which restore export privileges to said Respondent for the last three (3) months period of the twelve (12) months period of the order, and, except as so amended, the terms and provisions of said order are affirmed and shall continue in effect until July 31, 1954.

Dated: April 20, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-3072; Filed, Apr. 23, 1954; 8:45 a. m.]

[Case No. 177]

FRANZ HANKE ET AL.

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of: Franz Hanke, also known as Gunther Hanke, Anneliese Hanke, Kurt Munich, Josef Pawlitza, Hegelgasse 5, Vienna 1, Austria; Alexander W. Pisk, Georg Hauptfeld, Hochstrasse 19, Frankfurt, Germany; Hanke-Chemie Handelsgesellschaft, Hochstrasse 19, Frankfurt, Germany, Post Platz 26, Vaduz, Liechtenstein; Hannoco S. P. R. L., 29 Boulevard du Regent, Brussels, Belgium, Hottlingerstrasse 4, Zurich, Switzerland; Hanke-Ziegler A. G., Hettlingen, Winterthur, Switzerland; Siegwart and Hanke, Hegelgasse 5, Vienna 1, Austria; Bruno Bischof, doing business as Bruno Bischof Internationale Speditions Unternehmung, Canovagasse 7, Vienna 1, Austria; Respondents; Case No. 177.

This proceeding was commenced by the transmission of a charging letter issued on November 2, 1953 by the Director of the Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, to Hanke-Chemie Handelsgesellschaft, Frankfurt, Germany and Vaduz, Liechtenstein, Hannoco S. P. R. L., Brussels, Belgium and Zurich, Switzerland, Hanke-Ziegler A. G., Hettlingen, Switzerland, Siegwart and Hanke, Vienna, Austria, and their principals and officials Franz and Anneliese Hanke, Alexander W. Pisk, Georg Hauptfeld, Kurt Munich and Josef Pawlitza (sometimes referred to herein as the Hanke-combine when not referred to by name), and Bruno Bischof, doing business as Bruno Bischof Internationale Speditions Unternehmung ("Bischof") Vienna, Austria.

The Hanke-combine respondents are charged with having violated the Export Control Act of 1949, as amended, and the regulations issued thereunder by concealing material facts, making false representations and certifications as to some of the commodities involved and failing to report changes in destination as to others, and submitting end-use statements to which they had no intention of abiding, to various American exporters-suppliers, and through such suppliers to United States authorities, to induce the issuance of export licenses and to facilitate the exportation to said respondents abroad of five (5) shipments of chemicals and pharmaceuticals valued at approximately $50,000; and of having concealed material facts to induce the exportation of one (1) general license chemical product valued at $7,000.

The charges allege further that the Hanke-combine respondents unlawfully diverted and transshipped, or caused to be diverted and transshipped, all six (6) of said exportations to countries of ultimate destination other than those authorized, in contravention of the destination control notice contained on the shipping documents of five (5) of said exportations, and with knowledge that all said transshipments were contrary to United States export law and regulations.

Bischof, a freight forwarding agent in Vienna, Austria, is charged with knowingly participating in one (1) of the unauthorized transshipments in contravention of the destination control clause on the shipping documents relating to the shipment, and with knowledge that said transshipment was contrary to United States export law and regulations.

By the terms of said charging letter the validated license privileges of the Hanke-combine respondents, but not Bischof, were temporarily suspended pending the determination of this proceeding.

It appears that a copy of the charging letter has not been served upon Kurt Munich as his present whereabouts cannot be ascertained, or upon Hannoco S. P. R. L. Zurich, Switzerland and Hanke-Ziegler A. G., Hettlingen, Switzerland as said concerns are reported to have been dissolved and are no longer in business. Service of the charging letter upon Franz Hanke is held to be tantamount to service upon said companies, however, as he is (or was) the owner or principal thereof. Moreover, the regulations provide, in substance, that failure of a respondent to receive a charging letter addressed and transmitted by registered mail to his last known address, or to answer the charges or to request an oral hearing within the prescribed period does not operate to prevent or invalidate his being held in default; but a respondent who has not received the charging letter may at any time move to modify or vacate any order issued pursuant to such charging letter as it applies to him.

Answers to the charges have been submitted by respondents Bischof, Georg Hauptfeld and Alexander W. Pisk. An answer has likewise been presented by an official of the Hanke-combine (not a respondent herein) purporting to be submitted in behalf of the several concerns comprising the combine, and of Franz Hanke, although it is ambiguous as to whether it purports to speak also for Anneliese Hanke and Siegwart and Hanke. In view of the ambiguity it has been decided that such answer is intended to include the said individual and firm and the same have consequently not been held in default. Kurt Munich and Josef Pawlitza have been held to be in default, the latter because he has failed to answer the charges or to ask for a hearing, the former for the reasons already shown. None of the respondents has sought, or asked for, the opportunity to be heard at an oral hearing.

A hearing on due notice was held before the Compliance Commissioner at Washington, D. C., on February 1, 2 and 3, 1954, at which the Investigation Staff of the Bureau of Foreign Commerce was represented by counsel and through such counsel presented to the Commissioner the evidence bearing on the violations charged to said respondents in said charging letter. The Commissioner noted the failure of each of said respondents to appear in person or by counsel; he also noted the default of respondents Kurt Munich and Josef Pawlitza.

The Commissioner then took under consideration the evidence so received, together with the several answers to the said charges, as aforesaid. Thereafter he filed his report, including his findings and recommendations.

It appears from the Commissioner's report that at the time of the violations charged the several companies comprising the Hanke-combine were owned or controlled by Franz Hanke, and that the individual respondents named were officials of said companies. Further, that said companies engaged generally in the import-export of chemicals and pharmaceuticals, and in some instances manufactured or processed the raw commodities for resale in domestic markets and for export.

It appears that although the companies comprising the Hanke-combine were formed by Franz Hanke as separate legal entities, in practice they constituted a chain of closely knit and integrated units functioning collectively, or jointly, as circumstances required, in implementing and executing the operations conceived by Franz Hanke. Further, that Franz Hanke's control over the combined companies and the officials thereof might be characterized as dominant, to the extent that the over-all management of the combined companies was virtually entirely in his hands. Anneliese Hanke, wife of Franz, appears to have been not only assistant to her husband in the operation of the combine, but also a partner in Hanke-Chemie, Frankfurt, Germany, and co-owner of Hanke-Chemie, Vaduz, Liechtenstein.

The Commissioner's report shows that during the period beginning in April 1951 and continuing thereafter until late 1952, the Hanke-combine ordered six shipments of United States-make chemicals and pharmaceuticals to be made to them for consumption in Western Europe, and, in one instance, for Turkey. One of these orders was for a chemical product exportable from the United States under general license GRO, the others all required validated export licenses for the exportation.

The aforesaid validated license orders, in each instance, were accompanied by end-use statements representing and certifying that the ordered commodities were for the use of, or resale by, the Hanke-combine in the various countries of Western Europe in which the several Hanke-combine companies were located, and, in one instance, was for one of their customers in Turkey. Four of such orders were accompanied by Swiss Blue Import certificates issued by the Swiss authorities to one of the companies in the combine located in Switzerland (Hanke-Ziegler A. G.), and were intended for the reliance of the American license authorities in issuing the required export licenses.

Some time between the submission of the orders and accompanying statements and the exportation of the commodities, however, changes in circumstances and ultimate destination occurred with respect to some of the goods ordered, although the United States exporters and the United States license authorities were not notified of such changes, while in connection with other orders so placed the Hanke-combine knew in advance that the representations as to the stated ultimate destinations were false.

In reliance upon the purported authenticity of the end-use statements submitted with the orders, the several American exporters applied to the Office of International Trade (now the Bureau of Foreign Commerce) for validated export licenses to ship the required commodities to Antwerp, Belgium, as transit point for on-forwarding to the represented Western European countries and to Turkey, and export licenses were thereafter obtained authorizing such shipments. In each instance, except one, shipment of the licensed commodity was made under a bill of lading containing the destination control clause "This commodity licensed by United States for ultimate destination (name of appropriate country). Diversion contrary to United States law prohibited". The single exception was with regard to the commodity exported pursuant to general license GRO.

A copy of each of the bills of lading containing the aforesaid destination control notice, or equivalent notice, was furnished to the Hanke-combine and its duly authorized forwarding agents at Antwerp, including the firm Bischof, with respect to the validated license shipments. Upon reaching Antwerp each of the said five (5) validated license shipments, as well as the general license shipment, was diverted and transshipped to unauthorized countries of ultimate destination, although only part of the commodity licensed to Turkey was thus diverted while the bulk of said shipment went to the licensed destination. Moreover, one such shipment was transshipped to the Soviet sector of Vienna, Austria, a portion of another shipment was diverted to the same unauthorized area, and the commodity exported under the general license was transshipped to Hong Kong. Still another validated license shipment may likewise have been diverted behind the Iron Curtain although its final disposition has never been ascertained in view of the difficulty of tracing its movement after leaving Antwerp, and the refusal of the Hanke-combine to disclose its ultimate destination.

Although the answer to the charges submitted in behalf of the Hanke-combine purports to explain their acts as respects the several validated license shipments and the general license shipment, in general the unlawful diversions are not denied. The Commissioner's report, however, points out that the explanations offered have been found to be without merit, and that he has rejected them.

The Commissioner has likewise refused to give credence to the alleged defenses of Alexander W. Pisk and Georg Hauptfeld on the grounds that both of them, as employees and officials of the combine, necessarily knew of and participated in the violations even though such participation apparently occurred as direct result of Franz Hanke's instructions. He has also concluded that Bischof knowingly diverted and transshipped one of the validated license shipments to an unauthorized country of destination, while acting as forwarding agent for the combine, despite Bischof's claim that such transshipment was, in his belief, a proper transfer.

The Commissioner has also pointed out that the record shows the Hanke-combine to have been guilty of flagrant evasions, distortions, half-truths and outright falsehoods in their dealings with United States officials seeking to investigate the violative transactions; and that they sought to, and did in fact, conceal their operations and attempt to confuse their interrogators by disclaiming involvement in the transactions and seeking to pass the responsibility from one to the other of the companies comprising the combine.

In his report the Compliance Commissioner has found the Hanke-combine, and Bischof, guilty of the charges, and he holds Franz Hanke primarily responsible for the manipulations resulting in the violations and the evasions that characterized the Hanke-combine actions thereafter; he also finds that Anneliese Hanke and the other Hanke-combine officials named as respondents herein are guilty thereof, although to a lesser extent, as they appear to have acted largely on the instructions and directions of Franz.

He points out further that Franz Hanke has been held guilty and fined by a Swiss criminal court of having deliberately misused the several Swiss Blue Import certificates mentioned earlier herein as having been submitted to American exporters, and that the Court castigated Franz as "unscrupulous," holding that judged on his unethical business methods ". . . in the future, too, it is not likely that it will be possible to keep a check on this defendant and his activities and that the required confidence cannot be extended to him."

In making his recommendations the Commissioner concludes that the acts of Franz Hanke and the combine, as shown, constitute a serious, aggravated series of violations demonstrating their wilful and callous disregard for the integrity of the United States export law and regulations, as well as for constituted authority charged with the administration and enforcement of the law. It is his opinion that by such acts said respondents have thereby forfeited their privileges to engage in United States exports until such time as they can prove they have learned to respect, and will adhere to, the export law.

His recommendations are that the companies comprising the Hanke-combine, and Franz and Anneliese Hanke, be denied all export privileges for the duration of export controls, with the prerogative, however, of petitioning the Bureau after June 30, 1956, for the amelioration or restoration thereof if they can then assure the Bureau that such restoration of export privileges will not be inconsistent with sound administration and effective enforcement of the export law. Similar denial of export privileges for the duration of controls is likewise recommended for the other officials of the Hanke-combine named herein as respondents, except that they may petition for restoration of privileges after one year following the issuance of this order, subject also to such terms and conditions as the Bureau may see fit to impose to assure not only that such restoration will result in no future abuse of privileges, but that it will not be employed as a front or cover-up for Franz Hanke's operations during the period of his suspension from export privileges.

The Commissioner's recommendations as to Bischof take into consideration his role as a freight forwarder, the absence of any record of prior export violations such as here committed, and the fact that Bischof participated in only one of the illegal diversions and apparently had no connection with the misrepresentations and concealments made by the Hanke-combine to induce the exportations from the United States. The Commissioner has accordingly recommended that Bischof be denied all export privileges for a period of 60 days, the imposition of the suspension to be deferred for 30 days following the issuance of this order, to allow Bischof sufficient time to channel into other sources the goods placed with his firm for shipping and forwarding by his clients, to the end that such clients may not be inconvenienced or caused damages by Bischof's suspension.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the evidentiary material, the answers to the charges, and the entire record. It appears therefrom that the Compliance Commissioner's findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses held by or issued in the names of respondents Franz Hanke (also known as Gunther Hanke), Anneliese Hanke, Georg Hauptfeld, Alexander W. Pisk, Kurt Munich, Josef Pawlitza, Bruno Bischof, individually and doing business as Bruno Bischof Internationale Speditions Unternehmung, Hannoco S. P. R. L., Hanke-Chemie Handelsgesellschaft, Hanke-Ziegler A. G., and Siegwart and Hanke, or any of them, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

(2) Respondents Franz Hanke, Anneliese Hanke, Georg Hauptfeld, Alexander W. Pisk, Kurt Munich, Josef Pawlitza, Hanke-Chemie Handelsgesellschaft, Hannoco S. P. R. L., Hanke-Ziegler A. G. and Siegwart and Hanke, their successors or assigns, directors, officers, associates, partners, representatives, agents, and employees, are hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly, in any manner or capacity, in the exportation of any commodity from the United States to any foreign destination, including Canada, for the duration of export controls: *Provided, however,* That after June 30, 1956, Franz and/or Anneliese Hanke, for themselves and in behalf of Hanke-Chemie Handelsgesellschaft, Hannoco S. P. R. L., Hanke-Ziegler A. G. and Siegwart and Hanke, and at any time after one year following the issuance of this order, Georg Hauptfeld, Alexander W. Pisk, Kurt Munich and Josef Pawlitza, or any of them, may apply to the Bureau of Foreign Commerce, by petition duly sworn, for amelioration of the provisions of this order or for restoration of all, or part, of the export privileges herein denied to said respondents. The Bureau may amend, modify, or vacate the provisions of this order as they apply to said respondents, or any of them, upon such terms and conditions as is necessary to assure future compliance with and adherence to the export law and regulations.

(3) Respondent Bruno Bischof and his company, Bruno Bischof Internationale Speditions Unternehmung, his associates, representatives, agents and employees, are hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly, in any manner or capacity, in the exportation of any commodity from the United States to any foreign destination, including Canada, or in the servicing, transporting, forwarding or receiving, as principal, agent, or otherwise, of any commodity exported from the United States to any foreign destination, including Canada, such denial of privileges to commence 30 days after the date of issuance hereof and thereafter to remain in effect for a period of 60 days.

(4) Without limitation of the generality of the denial of export privileges as contained in (2) (3) above, participation in an exportation is deemed to include and prohibit respondents' participation (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license, or other export control document, (c) in the receiving in any foreign country of any exportation from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(5) Such denial of export privileges shall extend not only to the named respondents, and each of them, but to Hanke-Holz, Salsburg, Austria, and Interzack Holz Grosshandel Export-Import GMBH, Frankfurt, Germany (companies owned, controlled or associated with Franz Hanke) and also to any other person, firm, corporation, or business organization with which said respondents, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(6) No person, firm, corporation, or other business organization shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in any exportation from the United States, or in a re-exportation of any commodity exported from the United States, with respect to which any of the respondents herein and related companies covered by (5) above have any interest or participation of any kind, direct or indirect.

(7) This order supersedes and replaces the temporary suspension of validated license privileges imposed upon the respondents herein (except Bischof) by the terms of the charging letter of November 2, 1953, and the said temporary suspension is hereby vacated.

Dated: April 21, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54-3098; Filed, Apr. 23, 1954; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5031 et al.]

TRANS-PACIFIC CERTIFICATE RENEWAL CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the proceeding known as the Trans-Pacific Certificate Renewal Case.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned for May 25 is hereby postponed to May 26, 1954, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 20, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-3101; Filed, Apr. 23, 1954; 8:49 a. m.]

[Docket No. 5589 et al.]

WEST COAST-HAWAII CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the proceeding known as the West Coast-Hawaii Case.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned for May 27 is postponed to May 28, 1954, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 20, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-3100; Filed, Apr. 23, 1954; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

U. S. PASSENGER VESSELS OF LESS THAN 100 GROSS TONS

EXEMPTION FROM RADIO INSTALLATION IF OPERATED IN CERTAIN WATERS

In the matter of exemption of all United States passenger vessels of a tonnage of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, from the provisions of Title III, Part II of the Communications Act of 1934, as amended, when navigated not more than 20 nautical miles from the nearest land in waters lying between Hog Island, Virginia, and Fire Island Light, New York.

The Commission having under consideration the above-captioned matter; and

It appearing that section 352 (b) (3) of the Communications Act of 1934, as amended, provides that the Commission may, if it considers that the route or the conditions of the voyage, or other circumstances are such as to render a radio installation unreasonable or unnecessary for the purpose of Title III, Part II of the Act, exempt from the provisions of Title III, Part II, passenger vessels of a tonnage of less than 100 gross tons not subject to the radio provisions of the Safety Convention; and

It further appearing that the passenger vessels in question come within the class of vessels which may be granted exemption under section 352 (b) (3) of the said Communications Act; and

It further appearing that the Commission has heretofore granted and renewed for specified periods a general exemption to all passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, when navigated only during daylight hours not more than 20 nautical miles from the nearest land, on voyages in waters lying solely between Indian River Inlet, Delaware, and Fire Island Light, New York; the presently valid exemption for this area expiring on May 13, 1954; and

It further appearing that the Commission has heretofore granted exemption from Title III, Part II of the Communications Act to individual passenger vessels of less than 100 gross tons not subject of the radio provisions of the Safety Convention when navigated not more than 15 nautical miles from the nearest land on voyages in waters lying between Cape May, New Jersey, and Hog Island, Virginia; and

It further appearing, that issuance of a single general exemption to all passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, which are navigated in waters lying solely between Hog Island, Virginia, and Fire Island Light, New York, would reduce the burden upon the Commission with respect to consideration of separate exemptions for ships in the area between Indian River Inlet, Delaware, and Hog Island, Virginia.

It is ordered, This 7th day of April 1954, pursuant to section 352 (b) (3) of the Communications Act of 1934, as amended, that all United States passenger vessels of a tonnage of less than 100 gross tons, not subject to the radio provisions of the Safety Convention be exempt from the provisions of Title III, Part II of the Communications Act of 1934, as amended, until May 13, 1955, when navigated on voyages in waters lying solely between Hog Island, Virginia, and Fire Island Light, New York: *Provided,* That in the course of the voyages the vessels will be navigated not more than 20 nautical miles from the nearest land.

It is further ordered, That this order shall supersede the Commission's Order of April 14, 1953, which granted exemption to all United States passenger ships of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, when navigated on voyages lying solely between Indian River Inlet, Delaware and Fire Island Light, New York.

It is further ordered, That this exemption may be terminated by the Commission at any time without hearing if, in the Commission's discretion, the need for such action arises.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3093; Filed, Apr. 23, 1954; 8:47 a. m.]

[Docket No. 10715]

PATCHOGUE BROADCASTING CO., INC. (WPAC)

ORDER CONTINUING HEARING

In re application of Patchogue Broadcasting Company, Inc. (WPAC), Patchogue, New York, for construction permit; Docket No. 10715, File No. BP-8525.

Patchogue Broadcasting Company, Inc. (WPAC), Patchogue, New York, having, on April 14, 1954, filed with this Commission a Petition for Removal from Hearing Docket of the above-entitled proceeeding and it appearing from the recitation of said petition that WXNJ, Incorporated has dismissed its application (Docket No. 10714) and that Interstate Broadcasting Company, Inc. (WQXR) has dismissed its protest to a grant of the WPAC application, and it being further recited in said petition that the proposed WPAC operation is consistent with the Commission's present blanketing requirements relating to interference; and

It further appearing that the above entitled application had been designated for hearing to commence on April 29, 1954; and the Examiner having issued a Pre-Hearing Conference Order under § 1.813 of the rules of this Commission for Monday, April 19, 1954; and

It further appearing that counsel for the Chief of the Broadcast Bureau of this Commission has consented hereto; and for good cause shown;

It is ordered, This 15th day of April 1954, that in view of the facts hereinabove recited and the pendency with the Commission of the said Petition for Removal from Hearing Docket filed by applicant Patchogue Broadcasting Company, Inc., the Order of April 12, 1954, calling a pre-hearing conference be and it hereby is withdrawn, and the date of hearing now scheduled to commence on April 29, 1954, be and it hereby is postponed until a further date to follow action by the Commission on said Peti-

tion for Removal from Hearing Docket of this application, or until further order of the Examiner.

Released: April 16, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3094; Filed, Apr. 22, 1954; 8:47 a. m.]

[Docket Nos. 10991, 10992]

WOOF TELEVISION CORP. AND ALA-FLA-GA TELEVISION, INC.

NOTICE OF PRE-HEARING CONFERENCE

In re applications of WOOF Television Corporation, Dothan, Alabama, Docket No. 10991, File No. BPCT-1830; ALA-FLA-GA Television, Inc., Dothan, Alabama, Docket No. 10992, File No. BPCT-1839; for construction permits for new television stations.

Notice is hereby given that, pursuant to § 1.813 of the Commission's rules and regulations, a pre-hearing conference will be held in the New Post Office Building, Twelfth and Pennsylvania Avenue NW., Washington, D. C., beginning at 10:00 a. m. Wednesday, April 28, 1954, on the applications in the above-entitled consolidated proceedings, for the purpose of considering:

(1) The procedure to be followed in the hearing;

(2) The necessity or desirability of simplification, clarification, amplification, limitation or enlargement of the issues;

(3) The possibility of stipulating facts and limiting the number of witnesses;

(4) The necessity or desirability of mutual exchange of exhibits among the parties, prior to the hearing;

(5) Such other matters as may be deemed helpful in the proceeding.

No witnesses will be examined on the date indicated and the record will not be opened.

Dated at Washington, D. C., this 19th day of April 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CLAIRE W. HARDY,
Hearing Examiner.

[F. R. Doc. 54-3095; Filed, Apr. 23, 1954; 8:47 a. m.]

[Docket No. 10994]

MERCURY CAB CO.

ORDER TO SHOW CAUSE

In the matter of Paul Elvis Tittle, d/b as Mercury Cab Company, Nashville, Tennessee, Order to Show Cause Why the License for Radiotelephone Station KIF-874 should not be revoked; Docket No. 10994.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station KIF-874, licensed to Paul Elvis Tittle, d/b as Mercury Cab Company, Nashville, Tennessee;

It appearing that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated November 12, 1953, specifying that said licensee violated § 16.152 (a) of the Commission's rules on November 3, 4, and 5, 1953, by failing to observe proper identification procedure in the authorized manner; and

(b) Notice dated February 9, 1954, specifying again that said licensee violated § 16.152 (a) of the Commission's rules on November 3, 4, and 5, 1953, by failing to observe proper identification procedure in the authorized manner;

It further appearing that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 16.159 of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 14th day of April 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Paul Elvis Tittle show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 21st day of June 1954;

It is further ordered, That the Secretary send a copy of this Order by Registered Mail—Return Receipt Requested to the said Paul Elvis Tittle, 6121 Robertson Road, Nashville, Tennessee.

Released: April 20, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3096; Filed, Apr. 23, 1954; 8:47 a. m.]

[Docket No. 11005]

SOUTHERN BELL TELEPHONE AND TELEGRAPH CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of Southern Bell Telephone and Telegraph Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and property of W. Eldridge Guyn and Christine Hagin Guyn d/b as Oak Grove Telephone Company, Docket No. 11005, File No. P-C-3421.

The Commission having under consideration an application filed by the Southern Bell Telephone and Telegraph Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Southern Bell Telephone and Telegraph Company of certain telephone plant and property of W. Eldridge Guyn and Christine Hagin Guyn d/b as Oak Grove Telephone Company located in and around Oak Grove, Louisiana, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 16th day of April 1954, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 24th day of May 1954, and that a copy of this order shall be served upon the Governor of the State of Louisiana, the Louisiana Public Service Commission, Southern Bell Telephone and Telegraph Company, W. Eldridge Guyn and Christine Hagin Guyn d/b as Oak Grove Telephone Company, and the Postmasters of Oak Grove and Epps, Louisiana;

It is further ordered, That within five days after receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in the communities of Oak Grove and Epps, Louisiana, and in West Carroll Parish, Louisiana, and shall furnish proof of such publication at the hearing herein.

Released: April 19, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3097; Filed, Apr. 23, 1954; 8:47 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

FEDERAL POWER COMMISSION

[Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, G-2073, G-2301, G-2349]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF ORDER PERMITTING AMENDMENT OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 20, 1954.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, G-2073, G-2301 and G-2349; and Panhandle Eastern Pipe Line Company, Southeastern Michigan Gas Company, Citizens Gas Fuel Company, Citizens Gas Company, Michigan Gas Utilities Company; Docket No. G-2091.

Notice is hereby given that on April 16, 1954, the Federal Power Commission issued its order adopted April 14, 1954, in the above-entitled matters, permitting amendment of application for certificate of public convenience and necessity by the substitution of Bridgeport for Bohn as the party proposed to be served gas, at Docket Nos. G-2040 and G-2048.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3074; Filed, Apr. 23, 1954; 8:46 a. m.]

[Docket No. G-2403]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

APRIL 20, 1954.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware corporation, having its principal places of business at Shreveport, Louisiana, and Houston, Texas, filed on April 6, 1954, an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell and deliver to United Gas Pipe Line Company (United) all of Applicant's excess "take or pay gas" to the limit of United's physical ability to so take.

The application recites that under its purchase contracts Applicant will have excess gas available to it during the period commencing April 1, 1954, and continuing through October 31, 1955, and if not taken it will have to be paid for, thus incurring financial losses attendant upon paying for substantial quantities of gas which Applicant cannot take.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of May 1954.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3073; Filed, Apr. 23, 1954; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1584—7-1599]

ALLEGHANY CORP. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

APRIL 20, 1954.

In the matter of applications by the Cincinnati Stock Exchange for unlisted trading privileges in: Alleghany Corporation, Common Stock, $1.00 Par Value, 7-1584; Burlington Mills Corporation, Common Stock, $1.00 Par Value, 7-1585; Dow Chemical Company, Common Stock $5.00 Par Value, 7-1586; Kennecott Copper Corporation, Common Stock, No Par Value, 7-1587; Liggett & Myers Tobacco Company, Common Stock, $25.00 Par Value, 7-1588; P. Lorillard Company, Common Stock, $10.00 Par Value, 7-1589; The Glenn L. Martin Company, Common Stock, $1.00 Par Value, 7-1590; The Mead Corporation, Common Stock, No Par Value, 7-1591; National Dairy Products Corporation, Common Stock, $10.00 Par Value, 7-1592; National Lead Company, Common Stock, $5.00 Par Value, 7-1593; Phillips Petroleum Company, Common Stock, No Par Value, 7-1594; R. J. Reynolds Tobacco Company, New Class "B" Common Stock, $10.00 Par Value, 7-1595; Southern Pacific Company, Common Stock, No Par Value, 7-1596; St. Regis Paper Company, Common Stock, $5.00 Par Value, 7-1597; Sunray Oil Corporation, Common Stock, $1.00 Par Value, 7-1598; Twentieth Century-Fox Film Corporation, Common Stock, $1.00 Par Value, 7-1599.

The Cincinnati Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application to extend unlisted trading privileges to each of the above-mentioned securities, each of which is listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of each application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. Each application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 11, 1954, the Commission will set the matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on these applications by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing, these applications will be determined by order of the Commission on the basis of the facts stated in the applications, and other information contained in the official files of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-3075; Filed, Apr. 23, 1954; 8:46 a. m.]

[File Nos. 54-132, 70-1149, 70-1150, 70-1419]

ENGINEERS PUBLIC SERVICE CO. ET AL.

SUPPLEMENTAL ORDER APPROVING PAYMENT OF ADDITIONAL FEE

APRIL 20, 1954.

In the Matter of Engineers Public Service Company, File No. 54-132; El Paso Electric Company, File No. 70-1149; Gulf States Utilities Company, File No. 70-1150; Virginia Electric and Power Company, File No. 70-1419.

The Commission by its interim order of December 21, 1950, and its findings, opinion and order of March 26, 1952, having approved, among other things, the payment by Engineers Public Service Company, a registered holding company, to Lawrence R. Condon of a counsel fee in the amount of $60,000 and reimbursement for expenses in the amount of $14,680.10, and having by said findings, opinion and order of March 26, 1952, denied the payment to Lawrence R. Condon, of the amount of $65,000 additionally requested by him as counsel fees; and

The United States District Court for the District of Delaware on February 16, 1954, having ordered and decreed, among other things, that the Commission amend its findings, opinion and order of March 26, 1952, to permit Engineers Public Service Company to pay to said Lawrence R. Condon, an additional fee of $15,000, in addition to the sum of $60,000 heretofore authorized to be paid to him, and no appeal having been taken with respect to said order of the United States District Court for the District of Delaware insofar as it relates to such additional award to the said Lawrence R. Condon, and the time for taking any such appeal having expired:

It is ordered, That the Commission's said findings, opinion and order be amended so as to permit the payment by Engineers Public Service Company to Lawrence R. Condon of the additional amount of $15,000 as counsel fees.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-3076; Filed, Apr. 23, 1954; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 34]

WOOD SCREWS

POSTPONEMENT OF PUBLIC HEARING

The Tariff Commission ordered that the public hearing in the investigation instituted under section 7 of the Trade Agreements Extension Act of 1951 and section 332 of the Tariff Act of 1930 as amended, with respect to wood screws, heretofore scheduled for May 18, 1954 (19 F. R. 1197), be postponed to 10 a. m., e. d. s. t., May 26, 1954.

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Request to appear: Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above action was taken by the Tariff Commission on the 20th day of April 1954.

Issued: April 21, 1954.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 54-3091; Filed, Apr. 23, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29161]

PETROLEUM RESIDUAL FUEL OIL AND ASPHALT FROM MINNESOTA AND SUPERIOR, WIS., TO POINTS IN MINNESOTA, NORTH DAKOTA, AND SOUTH DAKOTA

APPLICATION FOR RELIEF

APRIL 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Great Northern Railway Company, Minneapolis, St. Paul and Sault Ste. Marie Railroad Company and Northern Pacific Railway Company and parties to schedules listed below.

Commodities involved: Petroleum residual fuel oil and asphalt (asphaltum), natural, by-product, or petroleum, in tank-car loads.

From: Alford, Wrenshall, Duluth, Minn., and Superior, Wis., Minneapolis, Minnesota Transfer, and St. Paul, Minn.

To: Points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Competition with rail carriers, motor carriers, market competition, circuity, and to maintain grouping.

Schedules filed containing proposed rates: Reissue of CMStP&PRR, ICC 7800; Sup. 150 to CMStP&PRR, ICC B-7377; Sup. 82 to GNRy, ICC A-8163; Sup. 79 to MStP&SSMRR, ICC 7189; Sup. 84 to NPRy, ICC 9602; Sup. 104 to NPRy, ICC 9635.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3078; Filed, Apr. 23, 1954; 8:46 a. m.]

[4th Sec. Application 29162]

BRICK FROM CLARKSBURG, W. VA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Brick and related articles and refractory articles, carloads.

From: Clarksburg, W. Va.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuity, additional origin, and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-917, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3079; Filed, Apr. 23, 1954; 8:46 a. m.]

[4th Sec. Application 29163]

ALUMINUM BILLETS, ETC., FROM POINT COMFORT AND GREGORY, TEX., TO RIVERDALE, IOWA

APPLICATION FOR RELIEF

APRIL 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Aluminum billets, blooms, ingots, pigs or slabs, carloads.

From: Point Comfort and Gregory, Tex.

To: Riverdale, Iowa.

Grounds for relief: Competition with rail carriers, market competition, circuity.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 2967, supp. 335.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3080; Filed, Apr. 23, 1954; 8:46 a. m.]

[4th Sec. Application 29164]

BITUMINOUS FINE COAL FROM ALABAMA TO SAVANNAH AND PORT WENTWORTH, GA.

APPLICATION FOR RELIEF

APRIL 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Central of Georgia Railway Company, Savannah & Atlanta Railway Company, and Southern Railway Company.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Alabama.

To: Savannah and Port Wentworth, Ga.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: Southern Railway Company I. C. C. No. A-11166, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3081; Filed, Apr. 23, 1954; 8:47 a. m.]

[4th Sec. Application 29165]

DENATURED ALCOHOL FROM BATON ROUGE, NORTH BATON ROUGE, AND NEW ORLEANS, LA., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

APRIL 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 400, pursuant to fourth-section order No. 16101.

Commodities involved: Denatured alcohol, carloads and tank-car loads.

From: Baton Rouge, North Baton Rouge, and New Orleans, La.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, operation through higher-rated territory, and circuity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3082; Filed, Apr. 23, 1954; 8:47 a. m.]

[4th Sec. Application 29166]

BRICK FROM COLUMBIA, MO., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

APRIL 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Brick and related articles, refractories and related articles, carloads.

From: Columbia, Mo.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1278, supp. 54.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3083; Filed, Apr. 23, 1954; 8:47 a. m.]

[4th Sec. Application 29167]

FERRO-ALLOYS FROM EMCO, ALA. AND CHATTANOOGA, TENN., TO NEW YORK AND PENNSYLVANIA

APPLICATION FOR RELIEF

APRIL 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Ferro-manganese, ferro-silicon, silico-manganese, zirconium-ferro-silicon, and zirconium-ferro-silicon-titanium, carloads.

From: Emco, Ala., and Chattanooga, Tenn.

To: Buffalo, Depew, Dunkirk, Niagara Falls, and Suspension Bridge, N. Y., and points in Pennsylvania.

Grounds for relief: Competition with rail carriers and circuity.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1376, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investi-
No. 1278, supp. 54.
gate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3084; Filed, Apr. 23, 1954; 8:47 a. m.]

[4th Sec. Application 29168]

FERTILIZER FROM NORFOLK, VA., TO NORTH CAROLINA

APPLICATION FOR RELIEF

APRIL 21, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for High Point, Thomasville & Denton Railroad Company, Norfolk and Western Railway Company, and the Winston-Salem Southbound Railway.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Norfolk, Va.

To: Points in North Carolina.

Grounds for relief: Competition with rail carriers and water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3085; Filed, Apr. 23, 1954; 8:47 a. m.]

[Notice No. 8]

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

Correction

In Federal Register Document 54-3012, published at page 2331 of the issue for Wednesday, April 21, 1954, the following changes should be made:

1. In the first column on page 2334, application "NO. MC 1184 Sub. 9" should be designated "NO. MC 11184 Sub. 9".

2. In the second column on page 2336, application "NO. MC 114663" should be designated "NO. MC 114668".

FEDERAL REGISTER

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Washington, Tuesday, April 27, 1954

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

TERRITORIAL SUBDIVISIONS IN PUERTO RICO

Section 311.28 of Title 6, Code of Federal Regulations (19 F. R. 1364), is amended with respect to areas designated as subdivisions in Puerto Rico by (1) revoking the designations of the subdivisions named Arecibo, Canovanas, Fajardo, Humacao, and Manati, and (2) designating the following identified subdivisions:

PUERTO RICO

Name of Subdivision and Municipalities Comprising Subdivision
Humacao: Humacao, Ceiba, Naguabo.
Manati: Manati, Arecibo, Barceloneta.
Rio Grande: Rio Grande, Canovanas, Luquillo, Fajardo, Culebra, Vieques.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies sec. 54, 60 Stat. 1071, sec. 1 (b), 61 Stat. 493; 7 U. S. C. 1028)

Issued this 22d day of April 1954.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 54-3136; Filed, Apr. 26, 1954; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 533, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.640 (Lemon Regulation 533, 19 F. R. 2225) are hereby amended to read as follows:

(ii) District 2, 450 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 22d day of April 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-3134; Filed, Apr. 26, 1954; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 19]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

COPIES OF OPERATIONS MANUAL

This supplement relaxes the requirements respecting copies of operations

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Titles 30–31 ($1.00)

Title 33 ($1.25)

Titles 44–45 ($0.75)

Previously announced: Title 3, 1953 Supp. ($1.50); Title 8 ($0.35); Titles 10–13 ($0.50); Title 16 ($1.00); Title 18 ($0.45); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Titles 40–42 ($0.50); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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manuals which must be furnished by the air carrier to the Civil Aeronautics Administration. A copy of the operations manual will be required to be furnished to the authorized air carrier agent or advisor in charge of the air carrier, but additional copies to the Regional or Branch offices, or the Administrator will not be required unless requested. These rules do not impose any additional burden upon interested persons, and no useful purpose would be served by compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act. Therefore, compliance is unnecessary and is not required.

Section 41.120–1, as published on October 24, 1953, in 18 F. R. 6753, is revised to read as follows:

§ 41.120–1 *Copies of operations manual (CAA rules which apply to § 41.120).* A copy of the operations manual shall be delivered to the Aviation Safety Agent or Advisor assigned to the air carrier by the Administrator. Upon receipt of the copy of the manual, the Aviation Safety Agent or Advisor will inform the air carrier if additional copies are required and the persons to whom they shall be delivered.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 608, 52 Stat. 1007, 1010, 1011, as amended; 49 U. S. C. 551, 554, 558)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–3132; Filed, Apr. 26, 1954; 8:52 a. m.]

[Supp. 7]

PART 50—AIRMAN AGENCY CERTIFICATES

RULES, POLICIES AND INTERPRETATIONS

Over the past few years there has been urgent need for a revised Civil Aeronautics Manual 50 which would provide a more workable basis upon which schools could establish their operations. It is believed that approved school pilot training standards are too low under the provisions of the prior manual; therefore, major emphasis has been placed in this revised manual on the graduation of a pilot who has demonstrated his skill and competence based on standards higher than those heretofore established.

It is believed, too, that previous facility requirements were unrealistic and in some instances imposed unnecessary economic burdens on the approved agency operator. These requirements have been made more workable by deleting specific building and construction requirements which would be in addition to the local building code; elaborate maintenance shops; and complex requirements for field lighting.

Additional responsibility and accountability have been placed on the approved school in this revision with a resultant diminishing need for direct supervision as the school demonstrates reliability.

The following policies and interpretations supersede Civil Aeronautics Manual 50 as published in 16 F. R. 6862 on July 18, 1951, and amended in 17 F. R. 6895 on July 29, 1952, and are hereby adopted:

§ 50.10–1 *Classrooms (CAA interpretations which apply to § 50.10(a)).* The Administrator will consider minimum classroom space, heat, and light requirements to have been met when the applicant furnishes space with a minimum floor area of 80 square feet, plus at least 15 square feet for each additional student over the number of five; heated and ventilated in accordance with local public health laws; and lighted sufficiently to permit a person with normal eyesight to study or read without eyestrain.

§ 50.10–2 *Equipment (CAA interpretations which apply to § 50.10(b)).* The Administrator will consider minimum classroom equipment requirements to have been met when the applicant furnishes the following:

(a) *Basic or advanced ground school equipment.* For each enrolled student, a desk-chair, chair and desk, or chair and table space to permit such work as laying out courses on aeronautical charts; and a blackboard which provides at least 12 square feet of usable surface. (Tablet-arm chairs will not be considered as providing adequate working space.)

(b) *Basic ground school equipment.* Texts and related source materials to cover Civil Air Regulations, meteorology, aerial navigation, radio as used for airport traffic control and also as used in obtaining flight assistance services, general service and operation of aircraft and aircraft engines, and pertinent operational data at the private pilot level. Also, illustrative, explanatory, and demonstration aids and materials which are representative of those which a private pilot needs in actual piloting operations, such as radio facility charts, aeronautical charts, computers, Airman's Guide, etc.

(c) *Advanced ground school equipment.* Texts and related source materials covering the subjects named in paragraph (b) of this section and, in addition, navigation of aircraft by use of radio aids. Also, models, mock-ups, cutaways, classroom-size or lecture-size blueprints, diagrams, etc., covering the operation and functioning of instruments and equipment required under Part 43 of this chapter and Parts 3, 5, and 6 of this chapter as they pertain to the particular course being taught.

Subjects taught in approved schools	Ground instructor ratings required						
	CAR	Nav.	Met.	Acft.	Acft. Eng.	Link Tr. Oper.	Radio Nav.
Civil Air Reg.	X						
Meteorology			X				
Aerial Navigation		X					X
Basic Instrument						X	
Radio Aids to Navigation							X
General Service Safety Practices				X	X		
Aircraft					X		
Aircraft Engines				X	X		
Operational Safety Practices							

§ 50.11–1 *Basic ground school curriculum (CAA policies which apply to § 50.11(a)).* In providing a curriculum satisfactory to the Administrator, an applicant may elect to adopt the following minimum acceptable curriculum or may submit one of equal or higher standard for approval. The minimum acceptable basic ground school curriculum will provide for not less than 50 hours of classroom instruction in the following subjects and for successful accomplishment of an examination on each subject:

(a) *Civil air regulations.* Instruction in the following regulations will be given:

(1) Part 1: Certification, Identification, and Marking of Aircraft and Related Products.

(2) Part 3: Airplane Categories, § 3.20 (a) (1), (2), (3).

(3) Part 20: Pilot Certificates.

(4) Part 43: General Operation Rules.

(5) Part 60: Air Traffic Rules, including visual flight rule operation, instrument flight rule operation, VFR and IFR flight plan operation, and air traffic control practices and procedures.

(6) Part 62: Notice and Reports of Aircraft Accidents and Missing Aircraft.

(b) *Meteorology.* Instruction in the following subjects will be given:

(1) Weather recognition.

(2) Icing.

(3) Fog.

(4) Frontal characteristics, with particular emphasis on thunderstorms.

(5) General cloud formations and their relationship to weather characteristics.

(6) Weather maps and symbols.

(7) Teletype sequences and symbols.

(8) Elementary weather forecasting.

(9) Pressure areas and their characteristics, including motion of air masses (wind systems).

(10) Significance of isobaric patterns.

(11) Winds aloft.

(12) Humidity-temperature-dewpoint relationship and significance to pilot.

(13) Precipitation.

(14) Practical application of meteorological knowledge to safe flying practices.

(15) Services and assistance available from the U. S. Weather Bureau.

(c) *Aerial navigation and radio.* Instruction in the following phases will be given:

(1) Navigational methods, including pilotage; dead reckoning; and basic radio aids to navigation, including elementary radio orientation.

(2) Navigational instruments commonly used.

(3) Basic use of computer.

(4) Proper use of flight plans.

(5) Proper use of published aids, such as: Flight Information Manual; Airman's Guide; and Notams.

(6) Explanation of radio aids to flight.

(7) Proper use of radio, including voice procedure and phraseology.

(8) Flight assistance services.

(d) *General service and safety practices.* Instruction in the following procedures and practices will be given:

(1) Care of aircraft, including preflight inspection procedures; general safety precautions; explanation of preventive maintenance, repair, and required inspections.

(2) Care of engines, including preflight inspection procedures; fuel requirements; proper starting, warmup, and shutdown procedures; explanation of preventive maintenance, repair, required inspection, use of operating manual; and functions, limitations, and characteristic errors of instruments required under Part 43 of this chapter.

(3) Flight safety practices, including operation under conditions of high altitude, extreme temperatures, gross weight, icing (wing ice, propeller ice, carburetor ice); adverse surface conditions (rough, soft, slippery); turbulent air (mountain and canyon effects, sur-

§ 50.10–3 *Instructors (CAA interpretations which apply to § 50.10 (c)).* Each agency must have in its employ a principal instructor whose services are available for purposes of instruction or supervision of each scheduled class subject. Each such instructor must hold a currently valid ground instructor certificate with appropriate ratings for all subjects offered in the school curriculum. An instructor other than the principal instructor must hold a currently valid ground instructor certificate with appropriate ratings for each subject he teaches.[1]

[1] Ratings which an instructor must hold before he can serve either as instructor in a particular subject or as principal instructor for all subjects are as follows:

face obstruction and thermal effects); marginal visibility (day and night); radio communications failure; low fuel supply, aerodynamic effect of frost or snow on airfoils, maximum range versus maximum endurance operation, proper tiedown or securing of aircraft, emergency assistance, and lost procedures; use of landing lights and flares; obstructions to flight, such as antennae, poles, and birds; and procedure when operating unfamiliar aircraft.

§ 50.11–2 *Advanced ground school curriculum (CAA policies which apply to § 50.11 (b)).* In providing a curriculum satisfactory to the Administrator, an applicant may elect to adopt the following minimum acceptable curriculum or may submit one of equal or higher standard for approval. The minimum acceptable advanced ground school curriculum will provide for not less than 150 hours of classroom instruction in the following subjects and for successful accomplishment of an examination on each subject:

(a) *Civil air regulations.* Instruction will be given in the regulations enumerated in § 50.11–1. However, instruction in these regulations must be sufficiently detailed and thorough to equip the student with information he may need and use as a commercial pilot with an unrestricted certificate. In addition, instruction will be given on Part 42 of this chapter. Also, particular stress will be placed on airport and air route traffic control procedures in connection with operations thereunder.

(b) *Meteorology.* Instruction on subjects outlined in § 50.11–1 (b) will be given. The detail and thoroughness with which the instruction is given will exceed that necessary for basic ground school curriculums. It will go beyond the teaching of elementary phases and will include the cause and effect aspects of weather in relation to safe and successful flight operation.

(c) *Aerial navigation, including radio aids to navigation.* Instruction will be given on pilotage and dead reckoning techniques and radio aids to navigation. Instruction should include a practical demonstration to provide familiarization with L/MF and VOR/VHF techniques and with the preparation and use of IFR flight plans.

(d) *General service and safety practices.* Instruction will be given on the servicing and safety practices specified in § 50.11–1 (d), plus:

(1) Servicing and safety practices, theory of flight, lift-gravity-thrust-drag forces, characteristics of air as a fluid mass, and performance characteristics of aircraft including ground effect, design, gust load safety factors, and operating limitations.

(2) Care and maintenance of equipment, including pressure, quantity, and rate instruments; radio and electronic equipment; flotation devices; fire extinguishers; safety belts; windshields, windows, and canopies; emergency exits; and parachutes.

§ 50.12–1 *Airport (CAA interpretations which apply to § 50.12 (a)).* Takeoff space must provide the obstacle clearance distances specified in § 3.84 or § 3.84a of this chapter, whichever is applicable to the airplanes being used, under normally expected average temperature variations; and landing space which will provide the obstacle clearance distances and safe stopping distances specified in § 3.86 and/or § 3.87 of this chapter.[2]

§ 50.12–4 *Maintenance and repair facilities (CAA interpretations which apply to § 50.12 (e)).* Applicants must provide by ownership, rental, lease, or other arrangement the facilities necessary to assure that the minimum flight equipment required by § 50.12 can be maintained in a continuous condition of airworthiness. Aircraft must be hangared when not being used except at such times as lunch periods, or brief periods of inactivity due to scheduling.

§ 50.12–5 *Chief instructors (CAA policies which apply to § 50.12 (g)).* (a) Each flight training course offered by the agency will be under the direct supervision of a chief flight instructor who will possess the necessary flight experience qualifications for a CAA designated flight examiner for the rating for which the course is given. One person may be designated chief flight instructor for multiple courses.

(b) The applicant will submit evidence that the chief flight instructor's responsibilities include at least the following: Ensuring that student, instructor, and aircraft schedules are appropriate and operationally effective; training meets program objectives and performance standards; student progress and accomplishment records are correctly maintained and up-to-date; and applications for pilot certificates or ratings are correctly executed.

(c) Further, the applicant will submit evidence that the chief flight instructor's duties include at least the following: Administering trainee proficiency flight checks, including the final or pretest flight check; administering instructor proficiency and standardization flight checks; maintaining liaison between the CAA and the training agency with reference to flight training techniques, methods, procedures, and student and instructor proficiency.

§ 50.13–1 *Flying school curriculum; airplanes; land and sea (CAA policies which apply to § 50.13).* In providing a curriculum satisfactory to the Administrator, an applicant may elect to adopt the following minimum acceptable curriculum or may submit one of equal or higher standard for approval. An acceptable flying school curriculum will meet the following minimum curriculum requirements, performance standards, and objectives:

(a) *Primary flying school curriculum.* (1) To be acceptable, the required curriculum of 35 flying hours[3] will include the training phases listed below and a demonstration of student performance and knowledge to the standards indicated. For instructor-student preflight and post flight discussion, total time will be provided at the rate of not less than 15 minutes for each hour of flight.

(2) A school desiring to provide a curriculum with additional specialized instruction and a minimum of 30 hours of flying time should submit to the Administrator for approval such curriculum setting forth in detail the specialized instruction and specific performance standards which are comparable to the minimum provided for a curriculum of 35 flying hours.

(3) The flight maneuver tolerances, for determination of a trainee's ability, are those that are expected in smooth air and which can be attained on a repeated basis. Allowance is to be made for gusty air, or other extenuating circumstances.

(4) Training items and maneuvers will include, but not be limited to, the following:

(i) *Airplane equipment familiarization.*

Objective: To familiarize the student with equipment to be used, its use, and proper care.

Standard: Student will demonstrate accurate knowledge of the airplane, its equipment, and operating procedures.

Curriculum: Instruction will include simple explanation of the use of controls including throttle, carburetor heat, mixture control, trim tabs, flaps, stabilizer, brakes, and the proper use of each; fuel system including proper grades of fuel; safety belts; location and use of fire extinguisher (if any); location of first aid kits (if any); and handling and use of parachutes (when required).

(ii) *Preflight preparatory procedures.*

Objective: To teach student to determine by means of a physical examination, whether the airplane is in a generally satisfactory state of airworthiness, is properly serviced and ready for the operation planned, and to carry out systematic flight preparatory procedures.

Standard: Student will demonstrate ability to make a complete and thorough visual check and to display an accurate knowledge of the preflight inspection, starting, warmup, stopping, loading, and other preparatory procedures recommended by the manufacturer, or by CAA Technical Manual No. 100.

Curriculum: Course will include instruction on and explanation of, the items listed in the manufacturer's checklist or, in the absence of such checklist, a preflight inspection procedure may be used in accordance with the suggested list in CAA Technical Manual No. 100. If an approved aircraft operating manual is available, the instructor will teach the student to use the manual properly.

The instructor will explain the dangers resulting from the operation of aircraft engines when the aircraft controls are unattended or are attended by persons unfamiliar with them; and such placard limitations as are pertinent to equipment being used. Instructor will also explain flight instruction and ground crew operational hand signals, engine starting (including swinging the propeller), warmup, and stopping procedures; pretaxi checks; radio and/or any special equipment; and local field traffic rules.

(iii) *Taxiing and parking (sailing and docking).*

Objective: To teach the student to operate the aircraft safely, efficiently, and effectively when moving on the surface.

Standard: Student will demonstrate ability to maintain directional and speed control without abrupt or uncontrolled deviations occurring during straight ahead or turning movements; to execute necessary procedures to keep proposed taxi path under observation; to use, correctly and smoothly, the engine, flight, and taxi controls; to maintain safe clearance distances from other aircraft and surface obstacles; to comply with local taxi rules, and any visual or radio control tower instructions; and to conduct and complete engine runup check.

Curriculum: Course will include instruction in proper control coordination and airplane response (including throttle and brakes); upwind, crosswind, and downwind taxiing on both surfaced and unsurfaced areas; engine operational checks, with particular regard for temperatures; ignition, and power; groundspeed control; and precision parking/docking/mooring.

(iv) *Takeoffs and landings.*

Objective: To teach the student to safely and efficiently effect the transition from a normal position of rest on the surface to flight, and return to the surface.

Standard: Student will demonstrate ability to move into takeoff position with precision; to apply power smoothly and positively; to make good a straight ground path on the runway and over the airport while taking off and landing, including compensation for drift, and touchdowns without landing-gear side loads; to maintain recommended angle of attack during takeoff run; to maintain the recommended best rate of climb airspeed and the recommended glide speed at appropriate power settings, within ±5 m. p. h.; to use flaps and other equipment as recommended; to effect landing at a preassigned location (beyond, and within 300 feet of, a prenamed spot or line); and to comply with traffic pattern rules and/or instructions.

Curriculum: Course will include operation from surfaced runways, unsurfaced areas, actual or simulated small fields and soft fields; controlled airports and uncontrolled airports, and at least one airport where high density traffic exists. Upwind, crosswind, and gusty air takeoff and landing techniques as discussed in CAA Technical Manual No. 100 should be explained, demonstrated, and practiced until the objective of takeoffs and landings has been met. The techniques of using slips should be introduced during landing practice.

(v) *Straight and level flight.*

Objective: To develop in the student the ability to make good a predetermined course or desired track; maintain a predetermined altitude; and maintain an efficient aircraft attitude.

Standard: Student will demonstrate ability to establish a preassigned heading with no more than four initial directional adjustments or corrections, and thereafter maintain the heading within ±10°; to maintain normal cruising speed for a period of at least 5 minutes within ±10 m. p. h.; and to maintain a preassigned altitude within ±200 feet. For this purpose, the airplane will be trimmed for level flight and for the existing power and load conditions.

Curriculum: Course will include teaching the student to maintain attitude by visual reference to the horizon, the sky, or the ground; proper control pressures to attain the objective; following reference lines along the ground; and maintaining straight direction by the "gunsighting" method of lining up reference points ahead of the aircraft along the desired track, and flying over these points. Instruction should also be given in effective recoveries from slight turns, climbs, and dives which constitute the normal deviations from straight and level flight.

(vi) *Turns.*

Objective: To develop in the student the ability to change direction to preassigned headings by means of executing shallow, medium, or steep banked turns, and at the same time demonstrate proper control coordination to maintain altitude, airspeed, and constant rate of turn.

Standard: The student will demonstrate ability in level flight to effect a smooth transition from a stabilized turn to straight flight or to another stabilized turn of a different bank; to maintain a preassigned altitude within ±50 feet for stabilized 10°–30° banked turns and within ±100 feet for stabilized 30°–60° banked turns; and to maintain airspeed within ±5 m. p. h. for stabilized 10°–30° banked turns, and within ±10 m. p. h. for stabilized 30°–60° banked turns.

Curriculum: Course will include control functions; discussion and explanation of overbanking tendency; and other similarly related items.[4]

(vii) *Climbs and glides.*

Objective: To develop in the student the ability to gain desired altitude, or to descend, and at the same time maintain accurate directional control, proper aircraft attitude, and recommended airspeed.

Standard: The student will demonstrate ability, in both climbs and glides, to effect a smooth transition from a stabilized turning condition to another stabilized condition involving a different degree of bank or rate of climb/descent; to maintain a bank within ±10° during a 360° turn, and an airspeed within ±10 m. p. h. of that recommended respectively for the best rate of climb and for approach glides to landings.

Curriculum: Course will include directionally straight climbs and glides, climbing and gliding 10°–30° banked turns right and left, and 30°–60° banked gliding turns (spirals) right and left. Steep banked gliding turns (spirals) will be taught using a bank in excess of 45° and practiced through at least a 720° and a 1,080° change in direction. Student should be familiarized with various means of recognizing normal gliding angle, and the importance of using this gliding angle in descents.

(viii) *Stalls.*

Objective: To develop in a student the ability to recognize and to take prompt correct, remedial/preventive action for a stall or incipient stalls in any normal flight situation which, if allowed to progress or develop, will result in a critical and/or dangerous condition.

Standard: Student will demonstrate ability to detect and identify immediately an incipient or stalled condition in simulated takeoff departures, approaches to landings, and also in accelerated maneuvers at airspeeds not in excess of 15 m. p. h., above the normal unaccelerated stalling speed for the existing airplane configuration; to effect a positive recovery to full level flight control with wings levelled, both upon stall detection and also after a short delay (1–3 seconds) in which the stall has been allowed to mature; and to effect a recovery without exceeding the normal cruising speed or without a loss of altitude in excess of 100 feet.

For this purpose, simulated takeoff departures should be made with a fully loaded airplane in a climbing turn (10°–30° bank), normal climb power and airplane configuration, and the airspeed slowly decreased from the best rate of climb speed until the stall situation occurs as the angle of attack is progressively increased. Simulated approaches to landings should be demonstrated with the airplane in a gliding turn (10°–30° bank), normal low or fast idling power, airplane in landing configuration, and airspeed slowly reduced from 20–30 m. p. h. above stalling speed until the stall situation occurs, as the angle of attack is progressively increased. Accelerated maneuvers should be demonstrated by sufficiently rapid increase of the angle of attack to cause a stall (break) to occur and should be accomplished from a gliding turn with the airplane in landing configuration and started with the airspeed 10–15 m. p. h. above the normal (unaccelerated) stalling speed.[5] Also, an accelerated stall should be similarly demonstrated with the airplane in a level 45°–60° banked turn, in cruising configuration, and with sufficient power to maintain constant altitude for the degree of bank.

Curriculum: Course will include instruction in stalls and stall recovery from all normally anticipated flight attitudes, i. e., straight climbs, glides, climbing and gliding turns, and constant altitude turns.

In particular, a student should be taught to recognize and avoid takeoff and departure airspeeds below the recommended best rate of climb speed, any approach to landing using airspeeds under the recommended glide speed, and any accelerated maneuvering at any time at any speed.

During the course of stall instruction, several stalls should be carried through to actual spin entry, and the student should be taught recommended spin recovery. If the airplane is equipped with flaps and/or retractable landing gear, stalls should be taught in all of the normally anticipated configurations. Stress should be placed on recovery to straight and level flight, and not

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[2] Any required night flying must be performed in accordance with the provisions of Parts 43 and 60.

[3] Student progress or stage flight-check time may be credited toward total required time provided checks are conducted by an agency-employed flight instructor or by a CAA Aviation Safety Agent.

[4] CAA Technical Manual No. 100 contains helpful information. See Appendix B on how to obtain. Appendix B not filed with Federal Register Division.

[5] Accelerated stall demonstrations will not be required in flight at airspeeds higher than those above because of the extremely high structural loads which are imposed on wings and tail surfaces, particularly in gusty air.

permitting another stall to result because of improper recovery. Stress should also be placed on tendencies and avoidance of dangers of stalling in sharp pullouts or turns at low altitudes where attention is usually diverted to ground objects.

(ix) *Flight at minimum controllable airspeed.*

Objective: To demonstrate the care necessary in control usage at extremely slow airspeeds, in order to avoid unintentional stalls, and to develop the applicant's ability to recognize critically slow airspeeds.

Standard: Student will demonstrate ability to maintain control of the airplane in sustained flight attitudes for not less than 2 minutes at an airspeed within 5 m. p. h. of the stalling speed without allowing any unintentional stalls to occur; to maintain level flight within ±50 feet, using power as required, at a preassigned altitude; maintenance of a 10°–30° banked climb with normal climb power and airplane configuration; maintenance of a 10°–30° banked glide with normal slow gliding power and airplane landing configuration.

Curriculum: Course will include flight instruction and practice at a minimum controllable airspeed under stabilized conditions for straight flight at constant altitudes, climbs, descents, constant altitude turns, and climbing and gliding turns. In addition, instruction will include demonstration of effect of power usage and stalled conditions, including reduction of power and resulting stall.

(x) *Pattern and track flying.*

Objective: To develop the student's ability to make good a desired track under varying conditions of such items as wind and airspeed, and develop ability to manipulate controls properly and subconsciously while attention is centered outside the aircraft.

Standard: Student will demonstrate ability to maintain, in compliance with the traffic pattern, a desired track around an airport or area within ±100 feet horizontally while maintaining an assigned altitude within ±100 feet; and while maintaining airspeed at least 10 m. p. h. above the stalling speed and not in excess of the normal cruising speed. The student will also be expected to observe and identify other airport traffic and surface features.

Curriculum: Course will include instruction in such maneuvers as constant radius turns around a point; S's around pylons; S-turns across a road; and flying rectangular patterns, in addition to the student's exposure to actual traffic pattern procedure.

(xi) *Emergencies and critical situations.*

Objective: To develop within the student, the judgment and piloting techniques which may be applied to assure safest probable operation under abnormal circumstances caused by conditions affecting aircraft performance, or conditions of adverse weather or terrain.

Standard: No specific quantitative standards can be set which would be applicable to all situations. However, the student is expected to demonstrate his ability to (*a*) analyze a situation, (*b*) plan a positive course of action, (*c*) execute the plan, and (*d*) make changes during execution only if time and circumstances make a change necessary and practicable.

Curriculum: Course will include instruction in the principles to follow under at least the following types of emergencies and critical situations: getting lost; running low on fuel; encountering turbulent air; getting caught in adverse flight visibility conditions; encountering unexpected radio aid shutdowns; experiencing motor trouble or motor failure; encountering unexpected reductions in performance due to high temperatures, altitudes, or downdraft effects in mountainous terrain; fouled instruments; or icing. Instructional emphasis should be upon analysis of all the factors in the situation, analysis of the possible courses of action to extricate oneself, prompt decision upon the most promising course of action, and sticking to the decision unless the pilot is certain that a change can be carried out which will promise a definitely safer action than the initial decision.

(xii) *Small, soft, and high altitude/temperature field operations.*

Objective: To develop in the student the necessary knowledge, judgment, abilities, and techniques to enable him to operate safely into and out of minimum space areas, or from soft terrain such as mud or snow covered surface; and to become familiar with, and be able to utilize, maximum performance characteristics of the aircraft.

Standard: For small field, firm surface operations, the student will demonstrate ability to utilize the most advantageous combination of wind, length of takeoff area, and obstacles to be cleared. This demonstration will utilize, if practicable, a "running turn" into the takeoff run, a start from the extreme end of the available takeoff area, obtaining a lift off as soon as possible, and establishing and maintaining the recommended best angle of climb airspeed and attitude as promptly as is possible after becoming airborne. During the takeoff run there will be no loss of control, and maximum utilization of available takeoff area will be made. During the climb-out, air speed will be maintained within 5 m. p. h. of that recommended as best angle of climb airspeed. Similarly, a student will demonstrate ability in making approaches and landings into a small field by utilizing power approach techniques in accordance with CAA Technical Manual No. 100.

For soft field operations (grass, snow, spongy sod, etc.), the student will demonstrate ability to take off at best angle of climb and effect a smooth transition to the best rate of climb. Approaches to and landings on soft fields will be demonstrated, in which a power approach and power-stall landing is made with the approach speed being held between normal and normal minus 5 m. p. h., and the rate of descent controlled by smooth power adjustments.

The above demonstrations should include utilization of recommended flap and power settings for optimum performance. The demonstrations may be made on regular airports by utilizing appropriate areas and by a limiting of the power available for utilization, which would result in the performance simulating that actually obtained from soft and/or high altitude fields, and under high temperature conditions.

Curriculum: Course will include thorough instruction in flight at minimum controllable and flyable airspeeds, stalls, and slips. Instruction in takeoff technique should include holding the aircraft on the brakes while the engine is revved up to takeoff r. p. m.; and starting the takeoff roll at an angle to the actual desired path of takeoff in order to enter the actual takeoff path with some forward speed, which will expedite becoming airborne.

(xiii) *Cross-country flying.*

Objective: To develop the student's ability to pilot aircraft safely and expeditiously from one location or point to another location or point by means of various piloting and navigational techniques.

Standard: Student will demonstrate familiarity with weather report facilities, aeronautical charts, the Airman's Guide, Flight Information Manual, and Aircraft Flight Manual; the ability to plan a cross-country flight and to make correct estimates of arrival time based on available data. Also, the student will be expected to start the cross-country flight that he has planned, establish the correct compass heading required to maintain his desired track; identify preselected check points en route; establish his ground speed at the time of passing the second check point, and estimate arrival time, within ±5 minutes, at the next check point or at destination. En route, a student will demonstrate his ability to make good the desired track within ±1 mile and maintain a preselected altitude within ±200 feet. Also, the student will demonstrate ability to properly file, use, and close a VFR flight plan.

Curriculum: Course will include instruction in preflight preparation, such as proper loading in accordance with the aircraft operating limitations, proper fueling, through check of all available weather information which may be pertinent to the flight proposed, check of facilities and services required and available, check of landing area conditions at destination, and potential alternate landing areas. Student should also be given operational experience into and out of surfaced and unsurfaced landing areas, landing strips, small fields, fields at high or simulated high elevations, and fields where heavy traffic conditions exist. (Heavy traffic conditions will be considered to be a condition where at least four aircraft are in the traffic pattern at the same time.)

(xiv) *Radio.*

Objective: To instruct in the proper use of two-way radio equipment in order to expedite the safe and orderly movement of air traffic on, and in the vicinity of, airports; and to enable the student to avail himself of at least the basic radio aids to navigation.

Standard: The student will demonstrate ability to contact a control tower and/or communications station and accurately interpret instructions or information received. He will also demonstrate ability to execute at least one recommended method of orientation, either with L/MF or VOR equipment and, after orienting himself, either fly to the range station from which signals emanate, or indicate his position correctly within 10 miles on an aeronautical chart.

Curriculum: Course will include instruction in airport traffic control procedures; voice procedure; the proper use of flight plans as discussed in the current Flight Information Manual; basic radio aids to navigation, including orientation procedures; and flying a range.

(b) *Commercial flying school curriculum.* (1) To be acceptable, the required curriculum of at least 160 hours of flying[*] will include the training phases listed below and a demonstration of student performance and knowledge to the standards indicated. For instructor-student preflight and postflight discussion, total time will be provided at the rate of not less than 15 minutes for each hour of flight.

(2) The flight maneuver tolerances, for determination of a trainee's ability, are those that are expected in smooth air and which can be attained on a repeated basis. Allowance is to be made for gusty air of other extenuating circumstances.

(3) Training items and maneuvers will include, but not be limited, to the following:

[*] Student progress or stage flight checks may be credited toward total required time provided they are conducted by an agency employed flight instructor or by a CAA Aviation Safety Agent.

(i) *Aircraft equipment familiarization.*

Objective: Same as primary flying school curriculum.

Standard: Same as primary flying school curriculum.

Curriculum: Same as primary flying school curriculum, but instruction will be given in greater detail than is required for primary flying schools. Explanation of controls should include their purpose, effect, and means by which effect is achieved. Thus, instruction should include fundamental aerodynamics pertinent to flight control effects; carburetor heat and mixture controls explained in mechanical-physical terms as to what actually happens as a result of operating these controls, etc.

(ii) *Preflight preparatory procedures.*

Objective: Same as primary flying school curriculum.

Standard: Same as primary flying school curriculum.

Curriculum: Same as primary flying school curriculum, but instruction will be given in greater detail than is required for primary flying schools. The why of each, and what the procedure accomplishes should be included.

(iii) *Taxiing and parking (sailing and docking).*

Objective: Same as primary flying school curriculum.

Standard: Same as required in the primary flying school curriculum.

Curriculum: Same as primary flying school curriculum. Seaplane training should include, where practicable, operation on water subject to tidal or current action; sailing; beaching; docking; and mooring.

(iv) *Takeoffs and landings.*

Objective: Same as primary flying school curriculum.

Standard: Same as primary flying school curriculum, except as follows: precision landings are to be beyond, and within 200 feet of, a spot or line.

Curriculum: Same as the primary flying school curriculum, but with additional, special emphasis on crosswind and gusty air operational techniques; small, soft, and high altitude field operations; and power-off and power-on precision landings, including correct slipping approaches. Seaplane training should include, where practicable, operation from water affected by tide and current.

(v) *Straight and level flight.*

Objective: Same as primary flying school curriculum.

Standard: The student will demonstrate ability to establish a preassigned heading with no more than three initial directional adjustments or corrections and thereafter maintain the heading within ±5°; maintain normal cruising speed ±5 m. p. h. for a period of at least 5 minutes at a preassigned altitude within ±150 feet. For this purpose the airplane will be trimmed for level flight and for existing power conditions. The airplane will be fully loaded.

Curriculum: Same as primary flying school curriculum.

(vi) *Turns.*

Objective: Same as primary flying school curriculum.

Standard: The student will demonstrate ability to effect a smooth transition from a stabilized turn to a preassigned heading, bank, or rate of ascent or descent; to maintain a preassigned altitude within ±50 feet for 10°–60° banked turns; to maintain airspeed within ±5 m. p. h. and maintain banked attitudes within ±5°. In addition, the student will demonstrate ability to recover from a 720° turn on the preassigned heading, within ±15° and without noticeable slips or skids.

Curriculum: Same as primary flying school curriculum but with additional, special emphasis upon precise and smooth turning flight transitions, including a knowledge of the aerodynamic forces involved and available for turning purposes under full load and varying power conditions.

(vii) *Climbs and glides.*

Objective: Same as primary flying school curriculum.

Standard: Same as primary flying school curriculum, except that the student will demonstrate ability to maintain a bank within ±5° during a 1080° turn, and airspeed within ±5 m. p. h. of that recommended respectively for the best rate of climb and for approach glides to landings.

Curriculum: Same as primary flying school curriculum but with additional, special emphasis on power and speed control in glides and climbs to maintain preassigned rates of descent and ascent.

(viii) *Stalls.*

Objective: Same as primary flying school curriculum.

Standard: Same as primary flying school curriculum.

Curriculum: Same as primary flying school curriculum.

(ix) *Flight at minimum controllable airspeed.*

Objective: Same as primary flying school curriculum.

Standard: Student will demonstrate ability to maintain control of the airplane in sustained flight attitudes for not less than 3 minutes at an airspeed within 5 m. p. h. of the stalling speed without allowing any unintentional stalls to occur; maintain level flight, in 10°–30° banked turns, using power as required, at a preassigned altitude within ±25 feet; maintain a 10°–30° banked climb, with normal climb power and in cruising airplane configuration; and maintain a 10°–30° banked glide, with normal low gliding power and airplane in landing configuration.

Curriculum: Same as primary flying school curriculum.

(x) *Pattern and track flying.*

Objective: Same as primary flying school curriculum.

Standard: Same as primary flying school curriculum.

Curriculum: Same as primary flying school curriculum.

(xi) *Emergencies and critical situations.*

Objective: Same as primary flying school curriculum.

Standard: Same as primary flying school curriculum. In addition, the student should demonstrate his ability to determine and execute a course of action that, if carried through, would most likely result in a safe landing with minimum, if any, damage to the airplane and its occupants.

Curriculum: Same as primary flying school curriculum, with special emphasis upon those critical situations most likely to occur under marginal and adverse atmospheric weather conditions.

(xii) *Small, soft, and high altitude/temperature field operations.*

Objective: Same as primary flying school curriculum.

Standard: Same as primary flying school curriculum. In addition, the student is expected to conduct such operations smoothly and with evidence of good judgment.

Curriculum: Same as primary flying school curriculum.

(xiii) *Cross-country flying and radio navigation.*

Objective: To develop the student's ability to safely and expeditiously pilot aircraft from one location or point to another location or point by means of various piloting and navigational techniques; to properly and effectively utilize radio aids to navigation; and to make proper use of flight plans.

Standard: Same as primary flying school curriculum. In addition, a student will demonstrate at least two standard radio range orientation procedures, one of which may utilize VHF/VOR equipment; ability to identify radio stations; follow a radio range leg and/or radial; locate the cone of silence and/or stations; and ability to proceed to the associated landing area from the station, in accordance with the published Final Approach Procedure, as set forth in the Flight Information Manual or the Radio Facility Charts.

Curriculum: Same as primary flying school curriculum. In addition, dual and solo flights to destinations at least 350 miles from the base airport should be included as well as flights requiring the setting up and accurate execution of a flight plan; the use of one or more radio aids to navigation; the proper procedures for flight in Air Defense Identification Zones; and dead reckoning procedures.

(xiv) *Basic instrument flying.*

Objective: To develop in the student the ability to maintain correct airplane basic flight attitudes, while encountering unexpected adverse atmospheric conditions, solely by reference to instruments; and to meet the international (ICAO) instrument flight experience standards for an unrestricted commercial pilot certificate.

Standard: The student will demonstrate ability to execute the following maneuvers under simulated instrument conditions: maintain an assigned heading within ±5° in cruising level flight and at cruising speeds and configurations recommended for rough air operations, for a period of at least 5 minutes, while maintaining an assigned altitude within ±100 feet; execute controlled climbs and descents at the recommended best rate of climb and glide speeds, within ±10 m. p. h., maintaining a heading within ±10° and climbing or descending to a preassigned altitude, including a smooth transition to level flight cruising without passing the altitude in excess of 100 feet; execute timed turns (both by clock and by count) in level flight to assigned headings within ±20° for a 360° turn and while maintaining altitude within ±100 feet; execute a 720° turn, in level flight, with a 45° bank, ±10°; and execute recovery from unusual attitudes to straight and level flight on assigned headings.

Curriculum: Instruction in the principles and procedures for maintaining control of airplane flight attitudes solely by reference to instruments should be given. This will include instruction in the proper utilization of such instruments as the bank and turn indicator, the gyroscopically operated direction indicator, gyroscopically operated bank and pitch indicator, sensitive altimeter, and sweep second clock. In addition, the course should include the procedures to follow when unexpectedly encountering turbulent air conditions, including the recommended airspeed, airplane configuration, and power settings.

(xv) *Night flying.*

Objective: To develop in the student the necessary skills, techniques, and judgment which will enable him to safely conduct flight operations under conditions of darkness or under conditions of restricted visibility; and to meet the international (ICAO)

standards for an unrestricted commercial pilot certificate.

Standard: Same standard of performance as required in the preceding paragraphs relating to taxiing, takeoff and landings, straight and level flight, turns, climbs and glides, and emergencies.

Curriculum: Course will include at least 10 takeoffs and landings to complete stops at night with student as pilot-in-command and sole manipulator of the controls.

(c) *Instrument flying school curriculum.* To be acceptable, the required curriculum of at least 30 hours of instrument flying instruction (20 in flight) and 30 hours of ground instruction will include the training phases listed below, and a demonstration of student performance to the standards indicated. The flight maneuver tolerances, for determination of a student's ability, are those that are expected in smooth air and which can be attained on a repeated basis. Allowance is to be made for gusty air or other extenuating circumstances.

Objective: To develop in the student the ability to fly an airplane solely by reference to instruments and to safely and expeditiously navigate an airplane from point to point solely by utilization of radio aids to navigation.

Standards: Student will demonstrate ability to execute the following maneuvers solely by reference to instruments and utilization of radio aids:

(1) *Straight and level flight.* The student will maintain an assigned heading within ±5° for a period of at least 10 minutes while maintaining altitude within ±50 feet and cruising airspeed within ±10 m. p. h. In addition, the student will be expected to demonstrate similar performance when operating at the recommended speed for turbulent air, with the airplane in the corresponding recommended configuration.

(2) *Turns.* The student will execute turns, at cruising airspeed and at the recommended airspeed for rough air, in level flight, to preassigned headings, while maintaining altitude within ±50 feet, a preassigned bank (up to 45°) within ±5°, and to level out on the predesignated heading within ±10° (for a 360° turn) without further correction. In addition, the student is expected to demonstrate similar performance for timed turns to preassigned headings, both at cruising and turbulent air [illegible]

(3) *Climbs, descents, and spirals.* The student will execute climbs and descents straight ahead, to the right, and to the left at uniform rates of turn while maintaining the recommended climb and descent airspeed, within ±5 m. p. h., producing a change of heading within ±5° of 90° for each 30 seconds of turn, and reaching an assigned altitude within ±10 seconds of an [illegible]

(4) *Stalls.* (i) The student will execute partial and full stalls (full stalls not required in multiengine airplanes).

(ii) A partial stall is considered to exist when the instruments reflect a noticeable decrease in rate of climb or a noticeable increase in the rate of descent, as the airplane's attitude approaches a maximum angle of attack. A full stall is considered to occur when the airplane pitches after reaching a maximum angle of attack.

(iii) Recovery from partial stalls will be initiated when the instruments indicate the partial stall condition has been reached. Recovery from full stalls is to be effected after the stall has occurred and the nose has begun to pitch down.

(iv) The student will be expected to recognize and identify both types of stalls (stall warning device made inoperative—if airplane is so equipped), to take corrective action without exceeding cruising airspeed, and to recover on the original heading within ±10°.

(5) *Recovery from unusual attitudes.* (i) The student will execute recovery to straight and level flight from abnormal attitudes of flight, such as might be encountered in gusty instrument flying weather, without exceeding the airplane's approved operating limitations or load factors.

(ii) The student will also be expected, in the case of multiengine airplanes, to demonstrate control under engine-out procedures. He will also be expected to comply fully with the recommended procedures and checklist under such circumstances. The student will be expected to demonstrate ability to maintain the recommended engine-out airspeed within ±5 m. p. h. and a heading within ±10°.

(6) *Estimate arrival times.* The student will obtain weather data, aircraft performance data, flight charts, approach procedures, etc., from which a flight plan shall be prepared, and correctly compute estimated arrival times over checkpoints, at destination, and at alternate airports.

(7) *Tuning radio equipment.* The student will make correct selection of frequencies, use of volume control, use of voice and range filters, use of dual radio equipment—if installed.

(8) *Orientation.* The student will follow a planned course of action for orientation upon a range leg or radial at a preselected altitude, which is maintained within ±100 feet, and make the correct identification of position.

(9) *Following a range leg or radial.* The student will align with the leg or radial, using heading changes of progressively lesser magnitude after interception at an angle of approximately 45°.

(10) *Locating range stations.* The student will identify correctly the arrival over the station.

(11) *Instrument approach procedure.* The student will correctly execute the published approach procedures for the station and airport involved. If the airport being used has standard minimums above 500 feet and 1 mile, due to local conditions, a student is expected to demonstrate his ability to conduct a correct approach to these standard minimums.

(12) *Missed approach procedures.* The student will execute correctly the published missed approach procedures for the airport being used.

(13) *Air traffic control procedures.* The student will obtain and correctly adhere to ATC clearances and/or instructions, including holding and emergency procedures.

Curriculum: Instruction will be given in the items and maneuvers listed under "Standards" above and in the subjects specified in § 20.42 (a). In addition, the course of instruction should assure student familiarity and conversancy with radio facility charts, radio range charts, and terminal charts.[7]

(d) *Flight instructor school curriculum.* (1) To be acceptable, the required curriculum of at least 25 hours of instructional flying and 40 hours of ground instruction will include the training phases listed below, and a demonstration of student performance to the standards indicated. The flying time curriculum will include at least 25 hours of flying time, of which at least 20 hours shall be set aside exclusively for instruction and practice in the science and techniques of effective flight instruction methods.

(2) The flight instructor school curriculum will have the following objective, standard, and course requirements:

Objective: To impart to the instructor trainee a thorough understanding of the various items and maneuvers—both in theory and in actual performance, and to develop in the instructor-to-be the knowledge, ability, and techniques which will enable him, in turn, to impart and to develop in others the ability, skill, and techniques which are essential to competent piloting.

Standard: Each flight instructor trainee will be expected to demonstrate the knowledge and skill items to the same standards which apply to pilot student graduates of approved commercial flying schools. In addition, the flight instructor trainee will be expected to demonstrate a comparable degree of skill in the execution of the additional training maneuvers specified below under curriculum coverage.[8]

Curriculum: Instruction within the flight training portion of the curriculum will include at least the following items and maneuvers: All items and maneuvers specified in the Commercial Flying School Curriculum; precision spins of 1½ turns, 2 turns, and 3 turns, and other training maneuvers, such as: Lazy 8's; chaudelles; constant radius turns about a point; 8's around pylons; 8-turns across a road; slow flight across airport without wheels touching, etc.

The ground instruction portion of the curriculum will comprise: Effective instruction principles and methods, including (i) instructor advance preparation, (ii) student preparation, (iii) instructor demonstration, (iv) student participation, and (v) instructor follow-through checks; safe flying habits and principles, including those relating to extricating oneself from critical situations such as (i) getting lost, (ii) running low on fuel, (iii) encountering turbulant air, (iv) getting caught above clouds or in adverse atmospheric visibility conditions, (v) encountering unexpected radio aid shutdown, (vi) experiencing motor trouble, (vii) instrument failures, and (viii) operations under conditions of high temperature/altitude and/or in mountainous terrain; application of learning process characteristics to flight instruction; analysis and performance of maneuvers; methods by which explanations and directions to students can be made clear, simple, and correct; and recognition and correction of student errors.

§ 50.13–2 *Flying school curriculum; helicopters (CAA policy which applies to § 50.13 (b) (2)).* The applicant will submit a proposed curriculum which shall meet at least the minimum flight experience requirements set forth in § 50.13 (b) (2).

§ 50.13–3 *Flying school curriculum; gliders (CAA policy which applies to § 50.13 (b) (3)).* The applicant will submit a proposed curriculum which will meet at least the minimum flight experience requirements set forth in § 50.13 (b) (3).

§ 50.20–1 *Application (CAA policies which apply to § 50.20).* An application for an airman agency certificate and rating may be obtained from the local Aviation Safety District Office, which will also furnish full information concerning the execution of the application, and make arrangements for the precertificating inspection of facilities, equipment, and/or other items pertinent to the certificating or rating of an airman agency.

[7] Recommended sources of information include the Flight Information Manual, CAA Technical Manual No. 102—Pilots' Radio Handbook, and CAA Bulletin No. 24—Practical Air Navigation. See Appendix B on how to obtain. Appendix B not filed with Federal Register Division.

[8] CAA Technical Manual No. 100 may be utilized as a basis for the correct execution of these additional maneuvers. See Appendix B on how to obtain. Appendix B not filed with Federal Register Division.

§ 50.22–1 *Duration of certificate (CAA interpretations which apply to § 50.22).* An airman agency certificate will expire 24 months from the last day of the month in which issued.

§ 50.23–1 *Renewal of certificate (CAA policies which apply to § 50.23).* (a) Application for renewal of the airman agency certificate and rating will be made to the local Aviation Safety District Office on a form furnished by that office. It is the responsibility of the agency to request renewal of its certificate at least 30 days in advance of the expiration date to allow the CAA Aviation Safety District Office sufficient time to arrange for the required renewal inspection.[9]

(b) An agency found eligible for renewal of its certificate, anytime within 90 days in advance of the certificate's expiration date, will have its certificate renewed to expire 24 months from the existing expiration date.

§ 50.24–1 *Change in agency ownership (CAA policies which apply to § 50.24).* An airman agency certificate expires automatically with a change in ownership of the agency. When the new owner desires certification, he should submit to the local Aviation Safety District Office an application for an airman agency certificate and rating which will be processed as an original application in accordance with § 50.20–1.

§ 50.24–2 *Change of agency name (CAA policies which apply to § 50.24).* A change in the name of an airman agency without a change of ownership will not invalidate the airman agency certificate. However, such a change of name should be reported within 15 days by the owner to the local Aviation Safety District Office, and a new airman agency certificate will be issued bearing the old certificate number, the new name, and the ratings formerly held by the agency.

§ 50.25–1 *Voluntary surrender of certificate (CAA policies which apply to § 50.25).* The holder of an airman agency certificate may voluntarily surrender such certificate by submitting to the CAA his current or latest issuance of the air agency certificate, and a letter stating that the certificate is being voluntarily surrendered.

§ 50.25–2 *Involuntary surrender of certificate (CAA policies which apply to § 50.25).* In cases of suspension, revocation, expiration, or cancellation of an airman agency certificate, the holder of such certificate will surrender it to an authorized representative of the Administrator upon written request.

[9] An agency which has allowed its certificate to expire will be required to make an application, and to meet the same requirements as for original issuance.

§ 50.26–1 *Student flight checks (CAA policies which apply to § 50.26).* The holder of an airman agency certificate will, upon request of the local Aviation Safety District Office, submit students for flight proficiency checks which are intended to determine the quality of instruction and compliance with the curriculum. Not less than 10 percent of all approved school students will be flight checked by CAA agents after completion of at least 50 percent of the flight curriculum. The flight test for the pilot certificate appropriate to the curriculum from which the student has graduated may be substituted for the above flight check provided such flight test is conducted by an Aviation Safety Agent. In order to facilitate scheduling of these spot flight checks, the agency will notify the local Aviation Safety District Office of the names of all students whom they expect to graduate. This notice should be submitted in writing at least 15 days in advance of the date on which the graduation certificate is to be issued.

§ 50.26–2 *Student ground instruction checks (CAA policies which apply to § 50.26).* A CAA Aviation Safety Agent may, at any reasonable time, question or examine an airman agency student on appropriate subjects or items which are a part of the curriculum in a course in which the student is enrolled and which have, according to the school course schedule and records, been covered. Such check is for the purpose of determining compliance with the curriculum.

§ 50.27–1 *Composition of student examinations (CAA interpretations which apply to § 50.27).* The holder of an airman agency certificate must devise and administer written or practical examinations to each student upon completion of each subject covered in the curriculum. These examinations will be of such coverage and degree of difficulty that a student who has successfully accomplished the school examination may reasonably assume himself to be qualified to achieve success, on his first attempt, in passing required CAA examinations pertinent to the subject, in the rating sought.

§ 50.28–1 *Attendance and accomplishment records (CAA interpretations which apply to § 50.28).* The school must maintain a current record of each student's participation and accomplishments during course enrollment. Upon course completion or graduation, the entire record or file will be certified by an authorized representative of the agency. This student record, or file folder, will be retained for a period of at least one year, and made available for inspection by authorized representatives of the Administrator upon reasonable demand.

§ 50.29–1 *Graduation certificate form and conditions for issuance (CAA policies which apply to § 50.29).* A graduation certificate (see appendix) will be made available upon request from the local Aviation Safety District Office. An approved school will not issue a graduation certificate to a student unless he has successfully completed at least 90 percent of the curriculum required for graduation, as a bona fide enrolled student in an approved school.[10]

§ 50.30–1 *Frequency and extent of inspections (CAA policies which apply to § 50.30).* At varying time intervals CAA representatives will spot check, reinspect, or examine each operation including students, instructors, records, facilities, and equipment. Arrangements for these inspections will be made on a mutually agreeable basis, and every effort will be made to minimize interruptions to normal training schedules.[11]

§ 50.31–1 *Written notice of curriculum changes (CAA policies which apply to § 50.31).* Proposed changes in any approved curriculum will be submitted in writing to the local Aviation Safety District Office. This notification will state specifically which portions of the previously approved curriculum are to be changed, and will specifically set forth the proposed changes.

§ 50.32–1 *Maintenance of certificating qualifications (CAA policies which apply to § 50.32).* Any qualitative or quantitative deviation in the agency personnel, facilities, or equipment, which results in the agency furnishing less than the requirements for original certification, may result in the suspension of the airman agency certificate.

§ 50.34–1 *Notice of change of location (CAA policies which apply to § 50.34).* The intention of an approved airman agency to change location will be reported in advance to the local Aviation Safety District Office, from which forms may be obtained for this purpose. Upon receipt of such notification of intent, the local Aviation Safety District Office will ascertain, within 30 days after transfer, that original certification requirements are met at the new location, prior to approval. If the inspection shows the new facilities to be satisfactory, a new airman agency certificate will be issued showing the previously held number, the new location, ratings issued, and the date of reinspection. If the results of this inspection are not satisfactory, the agency will be notified in writing of the deficiencies found by the Aviation Safety District Office. Immediate action will be taken by the agency to eliminate the deficiencies, or steps will be taken to revoke or suspend the certificates for failure to meet minimum requirements of this part.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 602, 607, 52 Stat. 1007, 1008, 1011, as amended; 49 U. S. C. 551, 552, 557)

[10] Credit for student attendance and accomplishment may be transferred from one approved school to another approved school. In such a case, the receiving school will determine by student flight check and/or written examination as appropriate, the amount of credit to be transferred, which may not in any case be greater than the amount of attendance and accomplishment credit compiled by the student in the approved school(s) from which he transfers.

[11] As agencies demonstrate ability to graduate competent students on a continuing basis, the frequency and extent of the inspections will be minimized.

This supplement shall become effective July 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-3131; Filed, Apr. 27, 1954; 8:52 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-126; Order 171]

Subchapter F—Accounts, Natural Gas Act

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

Subchapter G—Approved Forms, Natural Gas Act

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

MISCELLANEOUS AMENDMENTS

In the matter of amendment to Uniform System of Accounts for Natural Gas Companies and of Annual Report Form No. 2, to provide for Accounting and Reporting of Provision for Federal Income Taxes Resulting from Accelerated Amortization, Docket No. R-126; Order No. 171.

The Commission under date of June 16, 1953, gave notice of its intention to amend the Uniform Systems of Accounts Prescribed for Public Utilities and Licensees and Natural Gas Companies and of Annual Reports, Forms Nos. 1 and 2 to Provide for Accounting and Reporting of Provisions for Federal Income Taxes Resulting from Accelerated Amortization.

General public notice of the proposed rule making was given by publication of notice in the FEDERAL REGISTER on June 27, 1953 (18 F. R. 3698), and oral argument was heard on the proposed amendments on October 16, 1953.

The Commission finds:

(1) It is necessary and appropriate for the purposes of the administration of the Natural Gas Act that the Uniform System of Accounts for Natural Gas Companies and Annual Report, Form No. 2, be amended as hereinafter provided so as to provide for accounting and reporting of Federal income taxes resulting from accelerated amortization.

(2) Good cause exists that these amendments should become effective January 1, 1954.

(3) Good cause exists to reserve for future disposition the amending of Uniform System of Accounts Prescribed for Public Utilities and Licensees and Annual Report, Form No. 1, to provide for accounting and reporting of provision for Federal income taxes resulting from accelerated amortization.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly sections 8, 10, and 16 thereof (52 Stat. 821, 825, 826, and 830; 15 U. S. C. 717g, 717i, and 717o), orders:

(A) Part 201—Uniform System of Accounts for Natural Gas Companies, Subchapter F—Accounts, Natural Gas Act, Chapter I, Title 18, Code of Federal regulations, be and the same is hereby amended to prescribe therein the changes set forth below which state the details of the amendments hereby adopted.

(B) Part 260—Statements and Reports, Subchapter G, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations, be and the same is hereby amended to prescribe therein the changes set forth below which state the details of the amendments hereby adopted.

(C) The amending of the Uniform System of Accounts Prescribed for Public Utilities and Licensees and Annual Report, Form No. 1, to provide for accounting and reporting of Federal income taxes resulting from accelerated amortization be and the same is hereby reserved for future disposition.

(D) The amendments to Parts 201 and 260 of Chapter I, Title 18, Code of Federal Regulations herein prescribed, shall become effective on January 1, 1954.

Adopted: April 14, 1954.

Issued: April 21, 1954.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

1. Amendment of Uniform System of Accounts prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act.

Only the additions to or changes in the text of the Uniform System of Accounts for Natural Gas Companies are set forth herein. The first change, as may be noted, is adding two new accounts, namely, Account 507–A—Provision for Deferred Income Taxes—and Account 507–B—Credits to Operations Arising from Federal Income Taxes Deferred in Prior Years—Cr., after Account 507, Taxes, at page 88 of the present pamphlet publication of the System of Accounts. The second change is adding a new account, Account 259—Reserve for Deferred Federal Income Taxes, after Account 258, Other Reserves, at page 37 of the present pamphlet publication of the System of Accounts. In the Code of Federal Regulations the new Accounts 507–A, 507–B and 259 will become §§ 201.507–A, 201.507–B, and 201.259, respectively, of Part 201 of Title 18 of the Code.

INCOME ACCOUNTS

UTILITY INCOME

§ 201.507–A *Provisions for deferred Federal income taxes.* This account shall be debited monthly and Account 259, Reserve for Deferred Federal Income Taxes, shall be credited with an amount equal to any reduction of Federal income taxes payable by the utility resulting from using accelerated amortization of the cost of any of the utility's facilities rather than depreciation expense normally used in computing taxable net income.

§ 201.507–B *Credits to operations arising from Federal income taxes deferred in prior years—Cr.* (a) Upon expiration of the amortization period during which provisions have been made for deferred Federal income taxes (see § 201.507–A), this account shall include credit amounts equal to the additional Federal income taxes payable by the utility due to exclusion from the computation of depreciation for Federal income tax purposes of costs previously amortized.

(b) This account shall be credited monthly and Account 259, Reserve for Deferred Federal Income Taxes, shall be debited, after the expiration of the amortization period for any facility, until the applicable amount in Account 259 is exhausted or the facility is retired from service; *Provided, however,* That such monthly amount shall be sufficient to amortize the balance in Account 259 applicable to any facility over its estimated remaining service life.

BALANCE SHEET ACCOUNTS

RESERVES

§ 201.259 *Reserve for deferred Federal income taxes.* (a) This account shall be concurrently credited with amounts charged to Account 507–A, Provision for Deferred Federal Income Taxes, and concurrently debited with amounts credited to Account 507–B, Credits to Operations Arising from Federal Income Taxes Deferred in Prior Years—Cr.

(b) This account shall be credited monthly and Account 507–A, Provision for Deferred Federal Income Taxes, shall be debited with an amount equal to any reduction of Federal income taxes payable by the utility resulting from using accelerated amortization of the cost of any of the utility's facilities rather than depreciation expense normally used in computing taxable net income.

(c) This account shall be debited monthly and Account 507–B, Credits to Operations Arising from Federal Income Taxes Deferred in Prior Years—Cr., shall be credited upon the expiration of the amortization period for any facility with amounts equal to the additional Federal income taxes payable by the utility due to exclusion from the computation of depreciation for Federal income tax purposes, of the costs previously amortized until the applicable amount in this account is exhausted or the facility is retired from service: *Provided, however,* That such monthly amounts shall be sufficient to amortize the balance in this account applicable to any facility over its estimated remaining service life.

(d) The utility is restricted in its use of this account to the purposes set forth in this section. It shall not transfer the reserve or any portion thereof to surplus, nor make any use thereof, except as provided in the text of this account, without the prior approval of the Commission.

(e) Any applicable balance remaining in this account after the retirement of all property constructed or acquired under a particular certificate authorizing accelerated amortization shall be disposed of as authorized or directed by the Commission.

2. Amendment to rules prescribing the form and filing of annual report, FPC Form No. 2, for Natural Gas Companies (Classes A and B).

a. In connection with the amendments to the Uniform System of Accounts set forth below, Form No. 2 is amended as follows:

STATEMENT OF INCOME FOR THE YEAR

[redacted] INCLUDED

Line No. and Account
12—507–A Provision for Deferred Federal Income Taxes
13—507–B Credits to Operations Arising from Federal Income Taxes Deferred in Prior Years—Cr.

Change present line Nos. 42 to 45, inclusive, to 43 to 46, inclusive.

Statement A, page 13:

COMPARATIVE BALANCE SHEET

Liabilities and Other Credits Reserves

Line No. and Account
42—259 Reserve for Deferred Federal Income [redacted]

Change present line Nos. 42 to 45, inclusive, to 43 to 46, inclusive.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o. Interpret or apply secs. 8, 10, 52 Stat. 825, 826; 15 U. S. C. 717g, 717i)

[F. R. Doc. 54-3113; Filed, Apr. 26, 1954; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XX—Office of Contract Settlement, General Services Administration

[Regulation 11, Rev., Amdt. 1]

PART 2011—PRESERVATION OF RECORDS

EXEMPTIONS

Part 2011, Preservation of Records, is hereby amended by adding new § 2011.4a as follows:

§ 2011.4a *Exemptions.* The provisions of this part and section 443 of the act of June 25, 1948 (62 Stat. 705; 18 U. S. C. 443) do not apply to (a) war contractor records title to which is transferred to a Government agency, or (b) war contractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act (57 Stat. 380; 44 U. S. C. 366 et seq.).

(Sec. 1, 62 Stat. 705, as amended; 18 U. S. C. 443)

Dated: April 23, 1954.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 54-3168; Filed, Apr. 26, 1954; 9:57 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

LOADING CERTIFICATE OR DECLARATION; PACKING AND STOWING OF HAZARDOUS CARGOES

Pursuant to the authority vested in the Governor by § 4.11 of Title 35 of the Code of Federal Regulations, §§ 4.107 and 4.109 are hereby amended to read as follows:

§ 4.107 *Loading certificate or declaration.* Upon the arrival of a vessel carrying explosive cargo at a port of the Canal Zone, the Master shall deliver to the Inspecting Officer, a loading certificate issued by a Surveyor or Inspector of a recognized authority such as the National Cargo Bureau, Inc., British Board of Trade, Port Authority Official, or Navigation Inspector, stating where and how the explosives are stowed and the manner of packing. When no loading certificate is available, the Master, upon arrival, must submit to the Inspecting Officer a declaration as follows:

DECLARATION OF EXPLOSIVE CARGO CARRIED

I, the undersigned _____, Master of the _____, carrying explosives as classified by the Interstate Commerce Commission of the United States, or by any other recognized government agency, do hereby declare and certify on behalf of the owners of the vessel, as follows:

The explosives were loaded at [1] _____; packed and stowed in accordance with [2] _____

The explosives are in [3] _____

Explosives are separated from inflammables by [4] _____

The packing and stowing has not been disturbed since leaving the port of [1] _____

_____
(Master's signature)

_____
(Date)

[1] Name of port of loading.

[2] Regulations of United States Coast Guard, British Board of Trade, Port Authority, as the case may be, as indicated on the containers.

[3] State number of hold, special magazine, etc. (which must be within reach of ship's fire hose) including amount of each kind of explosive.

[4] Boiler room, engine room, etc., within reach of ship's fire hose. If no inflammables are carried, so state.

§ 4.109 *Packing and stowing of hazardous cargoes.* Packing and stowing of explosives and other hazardous cargoes, except petroleum products in bulk, must be in accordance with the rules in force at the port of loading. When no such rules exist at the port of loading, the regulations of the United States Coast Guard, or of the British Board of Trade shall apply.

(Sec. 5, 37 Stat. 562, as amended; 2 C. Z. Code 9, 48 U. S. C. 1318; E. O. 9746, 11 F. R. 7329, 3 CFR, 1946 Supp.)

Issued at Balboa Heights, Canal Zone, April 19, 1954.

[SEAL] J. S. SEYBOLD,
Governor of the Canal Zone.

[F. R. Doc. 54-3130; Filed, Apr. 26, 1954; 8:52 a. m.]

Appendix—Canal Zone Orders

[Canal Zone Order 33]

FORT CLAYTON, COROZAL, AND CURUNDU ARMY RESERVATIONS, AND ALBROOK AIR FORCE BASE, CANAL ZONE

SETTING APART OF RESERVATIONS; BOUNDARIES; CONDITIONS AND LIMITATIONS

By virtue of the authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of the act of September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, Canal Zone Order No. 29 of September 26, 1952, 17 F. R. 9036, establishing Fort Clayton, Corozal and Curundu Army Reservations, and Albrook Air Force Base, Canal Zone, is amended as follows:

1. Those provisions of section 1 describing areas of land designated therein as Parcels No. 1–A and 1–B (East of Gaillard Highway) of Corozal Army Reservation are hereby deleted and a new description of area is substituted therefor reading as follows:

PARCEL NO. 1–A, REVISED

(EAST OF GAILLARD HIGHWAY)

Beginning at monument "J", which is a 3-inch iron pipe set in concrete, located on the outside of a cyclone fence, on the northeasterly side of Gaillard Highway and northeasterly from the spur railroad track leading to the Army Quartermaster Warehouse in the Post of Corozal, the geodetic position of which, referred to the Panama-Colon datum of the Canal Zone triangulation system, is in latitude 8°58' N. plus 4872.5 feet and longitude 79°34' W. plus 1925.2 feet from Greenwich.

Thence from said initial point by metes and bounds:

S. 60° 03' 00" E., 978.0 feet, along a cyclone fence, on the southerly side of Corozal Townsite, through monument "Z", which is a 2-inch iron pipe, to monument "Y", which is a 2-inch iron pipe, the distances being 810.7 feet and 167.3 feet, successively, from beginning of the course;

N. 28° 38' 30" E., 41.4 feet, to monument "Y–1", which is a monel plug, located in the concrete pavement at the northwesterly edge of a gasoline dispensing area;

N. 46° 51' 50" E., 235.2 feet, along the southeasterly side of a 16-inch water main to monument "Y–2", which is a 2-inch iron pipe;

N. 70° 09' 00" E., 437.8 feet, to monument No. 10, which is a 1½-inch iron pipe, located on the westerly boundary of Albrook Air Force Base (Parcel No. 2) inside the cyclone fence surrounding the water tanks northerly from Diablo Crossing;

S. 09° 44' 20" E., 1683.2 feet, along the above mentioned Air Force Base boundary, through monuments Nos. 9, 8, 7 and 6, which are 1½-inch iron pipes, to monument No. 5, which is a 1½-inch iron pipe, the distances being 208.5 feet, 297.7 feet, 410.2 feet, 442.9 feet and 523.9 feet, successively, from beginning of the course;

S. 44° 36' 00" W., 102.3 feet, along the above mentioned Air Force Base boundary to monument No. 4, which is a 1½-inch iron pipe;

N. 64° 22' 50" W., 483.6 feet, along the above mentioned Air Force Base boundary, through monument No. 3, which is a 1½-inch iron pipe, to monument No. 2, which is a 1½-inch iron pipe, located on the outside of a cyclone fence, the distances being 306.4 feet and 177.2 feet, successively, from beginning of the course;

S. 57° 53' 30" W., 39.1 feet, along the above mentioned Air Force Base boundary, to monument "R", which is a monel plug set in the northeasterly edge of Gaillard Highway pavement widening strip, opposite Diablo Crossing;

N. 33° 11' 40" W., 583.9 feet, along the northeasterly side of Gaillard Highway, to monument "Q", which is a 2-inch iron pipe, located 18 inches from the corner of a cyclone fence;

N. 35° 02' 30" W., 351.9 feet, crossing the entrance roads to Gate No. 8 of the Post of Corozal, to monument "P", which is a 3-inch iron pipe set in concrete, located 18 inches from the corner of a cyclone fence;

Northwesterly, along the outside of the above mentioned cyclone fence, on the northeasterly side of Gaillard Highway, along the following courses;

N. 34° 50' 10" W., 382.5 feet, to monument "O", which is a 2½-inch iron pipe set in concrete;

N. 34° 03' 10" W., 312.7 feet, to monument "N", which is a 3-inch iron pipe set in concrete;

N. 33° 02' 50" W., 292.9 feet, to monument "M", which is a 3-inch iron pipe set in concrete;

N. 31° 51' 30" W., 243.7 feet, to monument "L", which is a 3-inch iron pipe set in concrete;

N. 29° 49' 00" W., 77.2 feet, to monument "K", which is a 3-inch iron pipe set in concrete;

N. 45° 17' 00" E., 19.0 feet, to monument "J", the point of beginning.

2. The last paragraph of those provisions of section 1 designated as "Parcel No. 2 (West of Gaillard Highway)", Corozal Army Reservation, is amended to read as follows:

The total area of Corozal Army Reservation is 302.6 acres, more or less (Parcel No. 1, East of Gaillard Highway is 43.6 acres, more or less; Parcel No. 1-A, Revised, East of Gaillard Highway is 35.48 acres, more or less; and Parcel No. 2, West of Gaillard Highway is 223.4 acres, more or less), as is shown on Canal Zone Government Drawing No. 6116-34 entitled "Map Showing U. S. Army and U. S. Air Force Reservations—Fort Clayton, Corozal, Curundu and Albrook Air Force Base, Canal Zone", scale 1:10,000, dated May 29, 1952, as modified by Canal Zone Government Drawing No. M-6116-69, entitled "Map Showing Boundary of Parcel No. 1-A, Revised, Corozal Army Reservation, Canal Zone, to include Former Parcel Nos. 1-A, 1-B and Adjacent Land", scale 1:2,000, dated August 12, 1953. Such maps are on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

3. The statement of the area of Fort Clayton Army Reservation is corrected by amending the last paragraph of those provisions of section 1 describing "Fort Clayton Army Reservation" to read as follows:

The directions of the lines refer to the true meridian. The area of Fort Clayton Army Reservation is 4980.3 acres, more or less, and is as shown on Canal Zone Government Drawing No. 6116-34, dated May 29, 1952 (As revised on June 1, 1953), entitled "Map Showing U. S. Army and U. S. Air Force Reservations—Fort Clayton, Corozal, Curundu and Albrook Air Force Base, Canal Zone", scale 1:10,000, on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

ROBERT T. STEVENS,
Secretary of the Army.

APRIL 16, 1954.

[F. R. Doc. 54-3114; Filed, Apr. 26, 1954; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 957]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 71 OF DECEMBER 17, 1942, WHICH WITHDREW PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 71 of December 17, 1942, withdrawing public lands for the use of the War Department for military purposes, which was amended by Public Land Order No. 284 of June 12, 1945, and which was partially revoked by Public Land Order No. 423 of October 24, 1947, is hereby revoked so far as it affects the following-described public lands:

NUSHAGAK

All that area lying between 58°40' and 58°50' north latitude and meridians 158°40' and 159°00' longitude west of Greenwich.

The area described contains 46,000 acres.

KWIGUK (HAMILTON)

All that area lying between parallels 64°42'30" and 62°47'30" north latitude and meridians 164°25' and 164°35' longitude west of Greenwich.

The area described contains 19,500 acres.

The Nushagak area consists of a good part of Nushagak Bay and the lands bordering the Igushik River. The land is typical unsurveyed tundra country with settlement limited to isolated tracts along the Bay and River shores. The Kwiguk (Hamilton) area is extremely isolated.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the signing of this order, at which time the lands shall, subject to valid existing rights and to the provisions of existing withdrawals, be opened to settlement under the homestead laws and the homesite act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461), and to those forms of appropriation only by qualified veterans of World War II for whose services recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with appropriate laws and regulations.

Applications for the lands, which shall be filed in the Land Office, Bureau of Land Management, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations, to the extent that such regulations are applicable. Applications under the homesite or homestead laws shall be governed by the regulations contained in Parts 64 and 66, inclusive, of Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

APRIL 21, 1954.

[F. R. Doc. 54-3109; Filed, Apr. 26, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 723]

CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1955–56 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for the 1955 crop of (a) cigar-filler (type 41) tobacco and (b) cigar-filler and binder (types 42–44, 51–55, inclusive) tobacco. The Agricultural Adjustment Act of 1938, as amended, includes types 42–44 and 51–55 in the definition of cigar-filler and cigar-binder tobacco, and only type 41 in the definition of cigar-filler tobacco.

Cigar-filler and binder (types 42–44, 51–55, inclusive) tobacco growers favored marketing quotas for the 1955–56 marketing year (18 F. R. 8474). The applicability of the regulations to be issued for cigar-filler (type 41) tobacco will be contingent upon the proclamation of a national marketing quota for such kind of tobacco pursuant to section 312 of the act (7 U. S. C. 1312), and upon approval of quotas by growers voting in a referendum.

It is contemplated that the respective regulations for these two kinds of tobacco will be substantially the same as those issued with respect to the 1954 crops (18 F. R. 3994 and 18 F. R. 3822, 4047), except as stated below.

If the 1954 harvested acreage of cigar-filler and binder (types 42–44, 51–55, inclusive) tobacco for a farm is equal to 80 per centum of the 1954 acreage allotment of such tobacco for the farm, but does not exceed the acreage allotment for such tobacco for the farm, the 1955 farm tobacco acreage allotment will be determined as though the 1954 harvested tobacco acreage exactly equaled the 1954 farm tobacco acreage allotment.

Prior to the final adoption and issuance of the regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date this notice is published in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 21st day of April 1954.

[SEAL] J. A. MCCONNELL,
Administrator.

[F. R. Doc. 54-3123; Filed, Apr. 26, 1954; 8:49 a. m.]

[7 CFR Parts 725, 726]

BURLEY AND FLUE-CURED TOBACCO; FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO MARKETING OF TOBACCO, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS, 1954–55 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1311–1315, 1372–1375), the Secretary of Agriculture is preparing to formulate marketing quota regulations covering the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1954–55 marketing year.

The Secretary is considering the issuance of regulations for the 1954–55 marketing year substantially the same as those issued for the 1953–54 marketing year (18 F. R. 3103 Burley and flue-cured; 18 F. R. 3310 Fire-cured; Dark Air-cured, and Virginia sun-cured) except for eliminating one provision and adding one provision discussed below:

1. Eliminate the provision in the 1953–54 regulations which required the issuance of a "zero percent" excess marketing card for a farm on which there was penalty due for any prior year because of a violation of the tobacco marketing quota regulations.

The effect of the elimination of this provision would be to make price support loans for 1954–55 available to all eligible producers, without regard to the reason for the producers' indebtedness and represents a resumption of the procedure followed prior to 1953–54.

This change would be made by eliminating subparagraph (2) of paragraph (c) of § 725.436 (Burley and Flue-cured) and subparagraph (2) of paragraph (b) of § 726.436 (Fire-cured, Dark Air-cured, and Virginia sun-cured) entitled *Issuance of marketing cards*, which reads as follows:

§ 725.436 *Issuance of marketing cards.* • • •

(c) *Excess Marketing Card (MQ–77—Tobacco.* • • •

(2) If for any farm there is penalty due for 1952 or any prior year because of a failure to satisfactorily account for the disposition of any tobacco or because of the false or improper identification of any tobacco, a "zero percent" excess marketing card shall be issued for such farm, except that, if the county committee with the approval of the State committee determines that one or more producers on the farm did not cause, aid or acquiesce in the violation for which the penalty became due, such producer(s) shall be entitled to a within quota marketing card for marketing their proportionate share of the tobacco available for marketing.

§ 726.436 *Issuance of Marketing Card.* • • •

(b) *Excess Marketing Card (MQ–77—Tobacco).* • • •

2. Include one additional provision which would serve to clarify the fact that any marketing of tobacco by a person other than the producer thereof on a marketing card other than the one issued for the farm on which such tobacco was produced is subject to penalty.

This change would be made by adding a paragraph in § 725.447 (Burley and Flue-cured) and § 726.447 (Fire-cured, Dark Air-cured, and Virginia sun-cured) entitled Marketings deemed to be excess tobacco to read as follows: "If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be deemed to be a marketing of excess tobacco and the penalty thereon shall be paid by such person."

Prior to the final adoption and issuance of such regulations, consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 21st day of April 1954.

[SEAL] J. A. MCCONNELL,
Administrator.

[F. R. Doc. 54-3124; Filed, Apr. 26, 1954; 8:49 a. m.]

[7 CFR Parts 725, 726]

BURLEY AND FLUE-CURED TOBACCO; FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF TOBACCO FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1955–56 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313, 1375), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for marketing quotas to be in effect during the 1955–56 marketing year for Burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco.

Subsection (a) of section 312 of the act (7 U. S. C. 1312) requires the Secretary to proclaim a national marketing quota for each marketing year for each kind of tobacco for which a national marketing quota was proclaimed for the immediately preceding marketing year. Marketing quotas were proclaimed for the 1954–55 marketing year for Burley tobacco, flue-cured tobacco, fire-cured tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco (18 F. R. 7653).

Tobacco growers favored marketing quotas for the 1955–56 marketing year in referenda held pursuant to the act (7 U. S. C. 1312) as follows:

Kind of Tobacco:	Federal Register
Burley	17 F. R. 11737
Flue-cured	17 F. R. 7613
Virginia sun-cured	17 F. R. 11380

The applicability of the regulations to be issued for fire-cured tobacco and for dark air-cured tobacco will be contingent upon the proclamation of national marketing quotas for such kinds of tobacco pursuant to section 317 of the act (7 U. S. C. 1312), and upon approval of quotas by growers voting in referenda.

It is proposed that the regulations governing the establishment of farm acreage allotments and normal yields for Burley and flue-cured tobacco for the 1955–56 marketing year be substantially the same as the regulations in effect for the 1954–55 marketing year (18 F. R. 3997).

It is proposed that the regulations governing the establishment of farm acreage allotments and normal yields for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1955–56 marketing year be substantially the same as the regulations in effect for the 1954–55 marketing year (18 F. R. 3825).

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 21st day of April 1954.

[SEAL] J. A. McCONNELL,
Administrator.

[F. R. Doc. 54-3121; Filed, Apr. 26, 1954; 8:49 a. m.]

[7 CFR Part 727]

MARYLAND TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1955–56 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for the 1955 crop of Maryland (type 32) tobacco, if marketing quotas are in effect during the 1955–56 marketing year for such kind of tobacco.

The applicability of the regulations to be issued for such kind of tobacco will be contingent upon the proclamation of a national marketing quota for such kind of tobacco pursuant to section 312 of the act (7 U. S. C. 1312), and upon approval of quotas by growers voting in a referendum.

It is proposed that the regulations will be substantially the same as those for the 1954–55 marketing year (18 F. R. 4001) with the following exceptions:

1. The 1955 preliminary acreage allotment for an old farm will be the average acreage harvested on the farm during the five years 1950–54, except that if the average acreage of tobacco harvested on the farm during the three years 1952–54 differs from the five-year average by ten percent or more the 1955 preliminary allotment will be such three year average. The 1955 preliminary allotment for a farm on which tobacco was harvested in 1954 for the first time since 1949 will be fifty percent of the 1954 acreage of tobacco harvested on the farm. Adjustment of preliminary acreage allotments by county and community committees, as provided in the 1954–55 regulations, would not be provided for in the 1955–56 regulations.

2. For certain farms whose 1954 allotments reflected increases under the minimum allotment provisions of the act, it will be necessary to adjust the 1953 acreage to eliminate the effect of the minimum provision on the 1953 harvested acreage. The minimum allotment provisions will be applied to the 1955 allotment, therefore, in a manner that will not compound the increase.

3. The acreage to be made available for adjustments of old farm allotments by county and community committees will be limited to two percent (or, if recommended by the State Committee and approved by the Administrator, Commodity Stabilization Service, four percent) of the State acreage allotment.

4. The provisions for determining allotments for farms that are reconstituted in 1955 will involve use of the preliminary acreage allotments for such farms rather than the acreage allotments due to the minimum provisions.

5. The provision relating to determination of farm normal yields per acre will involve yields for the years 1946–53 for which data are available.

Prior to the final adoption and issuance of the regulations, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date this notice is published in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 21st day of April 1954.

[SEAL] J. A. McCONNELL,
Administrator.

[F. R. Doc. 54-3122; Filed, Apr. 26, 1954; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 1]

CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

PRODUCTION INSPECTION SYSTEMS

Notice is hereby given that the Administrator contemplates adoption of the following rules. These rules establish standards whereby a manufacturer producing an article under the terms of a type certificate without a related production certificate may provide, for articles manufactured after six months from the date of issuance of the type certificate, a production inspection system approved by the Administrator which will give assurance that each article produced is in conformity with the type design and is in condition for safe operation. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 1.15–5 *Production inspection system (CAA rules which apply to § 1.15 (d)).* (a) Within the first six months from the date of issuance of the type certificate, the manufacturer producing products under the terms of a type certificate only, shall establish and thereafter maintain, a production inspection system which will insure that parts and assemblies, and the completed products, are in conformity with approved type design data and are in condition for safe operation. The inspection system shall be adequate to definitely preclude the installation of uninspected or rejected parts in the finished product.

(b) The production inspection system shall include materials review procedures and a Materials Review Board to process parts and materials rejected because of damage or manufacturing errors, which may be serviceable, when such rejected items are to be considered for installation in the product. (See § 1.34–1 (e) for procedures.) The Materials Review Board shall consist at least of representatives from the inspection and engineering departments. Parts and materials which are determined by the Materials Review Board to be serviceable shall be properly identified and reinspected if rework or repair is necessary. Parts or materials rejected by the Materials Review Board, or by inspection, shall be marked accordingly and disposed of in a manner which will prevent such parts and materials being incorporated in the finished product.

(c) Inspection records, including Materials Review Board actions applying to materials, parts, assemblies and the completed product, shall be maintained, identified with the completed product, and retained in the manufacturer's files for at least two years.

(d) Complete aircraft: (1) After the prototype is type certificated, each aircraft produced under the terms of a type certificate only shall be flight tested by the manufacturer as a final check on the operation of the completed product. The manufacturer shall develop a production flight test procedure and a flight check-off form, subject to approval of CAA, to be used in connection with the initial flight testing of each production aircraft. The flight test procedure shall apply to aircraft which are assembled and delivered via flyaway, and to those which are delivered unassembled to an authorized distributor.

(2) The production flight test shall provide for at least the following:

(i) An operational check of the trim, controllability, or other flight characteristics, to establish the fact that the production aircraft has the same range and degree of control as the prototype aircraft.

(ii) An operational check of each part or system operated by the crew while in flight to establish that, during flight, all instrument readings are within normal range.

(iii) A determination that all instruments are properly marked, and that all placards and/or required Flight Manuals are installed.

(iv) A check of the operational characteristics of the aircraft on the ground.

(v) A check on any other items peculiar to the aircraft being tested which can best be done during the ground or flight operation of the aircraft.

(e) Complete engines: Each engine produced under the terms of a type certificate only, shall be subjected to a satisfactory test run by the manufacturer, consisting of break-in runs which shall include a determination of fuel and oil consumption and maximum power characteristics. The test run shall include at least five hours of operation at the maximum rating, of which at least thirty minutes shall be at take-off power and speed where this rating is in excess of the maximum continuous rating. This test may be conducted with the engine mounted on a torque stand or on a fixed stand with a calibrated test club or propeller. Each engine tested shall be subject to the inspection provided for in § 1.15–1 (c).

(f) Complete propellers and appliances: The manufacturer shall conduct such functional or other tests and conformity inspections as are determined necessary by a representative of the Administrator in accordance with the nature and complexity of the product and production process involved.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply Secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-3133; Filed, Apr. 26, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 19, 1954.

An application, serial number Misc. 63087 (Amd), for the withdrawal from all forms of appropriation under the public land laws, except the mineral leasing laws of the lands described below was filed on April 7, 1952, by Fish and Wildlife Service, U. S. Department of the Interior.

The purposes of the proposed withdrawal: Gila River Water Fowl Area Acquisition, Arizona.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region 5, Bureau of Land Management, Department of the Interior, at P. O. Box 1695, Albuquerque, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 1 W.,
Sec. 24, N½SE¼;
Sec. 35, S½.
T. 1 N., R. 2 W.,
Sec. 34, lot 5.
T. 1 S., R. 2 W.,
Sec. 3, lots 1, 2, S½SW¼, SW¼SE¼;
Sec. 4, SW¼NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 5, S½SE¼;
Sec. 8, N½SW¼, SW¼NE¼.
T. 1 S., R. 3 W.,
Sec. 10, SE¼SW¼, S½SE¼;
Sec. 11, NE¼SW¼, S½SW¼, N½SE¼;
Sec. 13, SW¼NE¼, S½NW¼;
Sec. 14, NW¼NW¼;
Sec. 15, N½NE¼, SW¼, S½SE¼, W½SE¼NW¼;
Sec. 17, S½NE¼, SE¼, NW¼SW¼;
Sec. 18, lots 3, 4, E½SW¼, S½NE¼, W½SE¼, NE¼SE¼.
T. 1 S., R. 4 W.,
Sec. 13, S½SE¼, SE¼SW¼;
Sec. 14, SE¼SE¼;
Sec. 19, S½SE¼;
Sec. 20, S½S½, NE¼SE¼;
Sec. 21, S½NE¼, SE¼NW¼, N½S½, S½SW¼;
Sec. 22, NE¼, NE¼NW¼, S½NW¼, N½SW¼, NW¼SE¼;
Sec. 23, N½NE¼, NW¼;
Sec. 27, SW¼;
Sec. 28, NW¼, S½;
Sec. 29, N½N½, SE¼NE¼;
Sec. 30, lots 1, 2, E½NW¼, NE¼, SE¼SE¼.
T. 1 S., R. 5 W.,
Sec. 25, N½SW¼, SW¼SW¼;
Sec. 26, S½;
Sec. 27, NE¼SE¼;
Sec. 33, E½SE¼;
Sec. 34, NW¼NE¼, NW¼, W½SW¼.
T. 2 S., R. 5 W.,
Sec. 4, lot 2, SW¼NE¼, W½SE¼;
Sec. 9, NW¼NE¼, S½NE¼, SE¼;
Sec. 21, E½, SE¼NW¼, E½SW¼.

The areas described aggregate 6,896.14 acres.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-3108; Filed, Apr. 26, 1954; 8:45 a. m.]

[Miscellaneous No. 1422770, 10–1319102]

IDAHO

AIR NAVIGATION SITES REVOKED AND LANDS RESTORED

APRIL 16, 1954.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 2.22 (a) (2), of Delegation Order No. 427 of August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Air Navigation Site Withdrawal No. 66 of June 26, 1931 as to Beacon Site No. 130 Mile Salt Lake-Pendleton Airway, Albion Pass, Idaho, and Air Navigation Site Withdrawal No. 12 of May 24, 1928, are hereby revoked as to the following described lands:

BOISE MERIDIAN

T. 13 S., R. 25 E
Sec. 12, SW¼NE¼
T. 15 S., R. 27 E
Sec. 9, SW¼SW¼

The areas described aggregate 80 acres.

The SW¼SW¼ Sec. 9 is grazing in character and is a part of a large block of Federal lands and suitable for retention in public ownership for administration under the grazing service. The SW¼NE¼ Sec. 12 is primarily valuable for grazing and suitable for classification and application under the appropriate public land laws.

While any application that is filed will be considered on its merits, it is unlikely that any part of the lands will be classified for any use or disposal other than that shown above.

No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws unless the lands have been classified as valuable or suitable for such type of application or shall be so classified upon classification of application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day

after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Land Office, Boise, Idaho.

JOSEPH A. GANONG,
Acting Regional Administrator.

[F. R. Doc. 54-3126; Filed, Apr. 26, 1954; 8:51 a. m.]

[Miscellaneous No. 12]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 16, 1954.

Pursuant to exchanges made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315g) the following described lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 15 S., R. 44 E.,
Sec. 33, NW¼, N½SW¼, SE¼, W½NE¼, SE¼NE¼.
Sec. 34, SW¼NW¼, N½SW¼

The areas described aggregate 640 [redacted]

The lands described lie in a high mountain valley at an altitude of 4,300 feet and are located 23 miles north of the town of Vale, Oregon, and 7 miles northeast of the railroad station of Jamieson, Oregon. The topography of the lands is level to rolling and the soil is of volcanic origin mixed with silt and vegetable matter, and the lands are not suitable for agricultural development without irrigation. The lands are desert in character and primarily suitable for the grazing of livestock.

While any application that is filed will be considered on its merits, it is unlikely that any part of the lands will be classified for any use or disposal other than that shown above.

No application for the lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws unless the lands have been classified as valuable or suitable for such type of classification or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day, shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Portland, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Land Office, Portland, Oregon.

JOSEPH A. GANONG,
Acting Regional Administrator.

[F. R. Doc. 54-3125; Filed, Apr. 26, 1954; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1116, G-1152, G-1240, G-1317, G-1344, G-1379, G-1415, G-1417, G-1457, G-1509, G-1616, G-1625, G-1659, G-1725, G-1754, G-2057, G-2101, G-2234]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER REOPENING RECORD FOR PURPOSE OF DETERMINING RATES AND CHARGES FOR PERIOD FROM FEBRUARY 20, 1952 THROUGH APRIL 30, 1954

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1725, G-1754, and G-2101; City of Port Huron, City of Marysville, City of St. Clair, Michigan municipal corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, complainant, v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G-1379; Northern Indiana Fuel and Light Company, Docket Nos. G-1457, G-2234; Missouri Central Natural Gas Company, Docket No. G-1509; The Central West Utility Company, Docket No. G-1616; Michigan Gas Utilities Company, Docket No. G-1625; City of Auburn, Illinois, Docket No. G-1659; Missouri Public Service Company, Docket No. G-2057.

The Commission on April 15, 1954, issued its Opinion No. 269 and accompanying order prescribing the rates and charges for the sales by Panhandle Eastern Pipe Line Company under the Natural Gas Act in the above dockets, as set out in Panhandle's FPC Gas Tariff, Original Volume No. 1, as modified by Opinion No. 269. This opinion reserved the right to reopen the record in these proceedings for the prompt submission of necessary data from which the Commission may determine (1) what are the just and reasonable rates during the period from February 20, 1952, through April 30, 1954, and (2) the excess charges collected by Panhandle during that period which should be refunded. Panhandle's FPC Gas Tariff, Original Volume No. 1, was suspended by order issued September 5, 1951, and by order issued March 5, 1952, Panhandle was ordered to refund with interest at 6 percent per annum any portion of the rates and charges made effective as of February 20, 1952, found by the Commission to be not justified.

In order to carry out the provisions of the orders issued September 5, 1951, and March 5, 1952, and Opinion No. 269 and the accompanying order, the Commission orders:

(A) The record in these proceedings is hereby reopened for the purpose of determining what are the just and reasonable and otherwise lawful rates and charges by Panhandle for sales under the Natural Gas Act for the period from February 20, 1952, through April 30, 1954.

(B) An investigation hereunder shall forthwith be undertaken by the Commission's staff of the books and records of Panhandle, and if it appears that further hearings are required or that additional exhibits and data should be filed by Panhandle, appropriate orders will be issued, with full notice to intervening parties and opportunity to be heard before final action is taken.

Adopted: April 19, 1954.

Issued: April 21, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3112; Filed, Apr. 26, 1954; 8:46 a. m.]

[Docket No. G-2401]

DIXIE PIPE LINE CO.

NOTICE OF APPLICATION

APRIL 20, 1954.

Take notice that Dixie Pipe Line Company, (Applicant) a Delaware corporation with its principal place of business in Dallas, Texas, filed, on April 2, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately twenty miles of 8-inch pipeline extending from the Gwinville Field to a point of connection with the existing transmission pipeline of Transcontinental Gas Pipe Line Corporation (Transcontinental) all within Jefferson Davis County, Mississippi, and appurtenant metering equipment.

The facilities are proposed to be used by Applicant to sell and deliver to Transcontinental quantities of natural gas from a minimum of 14,400 Mcf per day to a maximum of 25,000 Mcf per day.

Applicant estimates the total cost of the proposed facilities to be $425,000 which it proposes to finance by issuance of common stock, preferred stock and short term loans. The short term loans are to be refinanced in turn by the issuance of First Mortgage Pipe Line Bonds.

Applicant requests that the intermediate decision procedure be omitted and that its application be disposed of pursuant to the shortened procedure provided for in § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of May 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3111; Filed, Apr. 26, 1954; 8:46 a. m.]

[Docket No. IT-5460]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

APRIL 21, 1954.

Notice is hereby given that Montana-Dakota Utilities Co. (Applicant) on April 15, 1954, filed an application requesting an increase in the authorization to export electric energy from the United States to Canada heretofore granted to it pursuant to the provisions of section 202 (e) of the Federal Power Act (16 U. S. C. 824 (a)). As a result of the requested increase the proposed transmission in export would be in the amounts and at the rates as follows: At North Portal, Saskatchewan, up to 200,000 kilowatt-hours per year at a rate not to exceed 80 kilowatts; at Northgate, Saskatchewan, up to 30,000 kilowatt-hours per year at a rate not to exceed 15 kilowatts; at Elmore, Saskatchewan, up to 5,000 kilowatt-hours per year at a rate not to exceed 10 kilowatts; at Marienthal, Saskatchewan, up to 15,000 kilowatt-hours per year at a rate not to exceed 10 kilowatts. The requested authorization would supersede that heretofore granted to Applicant by Commission order issued December 24, 1952, in the above entitled matter; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the application should, on or before May 10, 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's general rules and regulations. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3110; Filed, Apr. 26, 1954; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DELEGATIONS OF FINAL AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

Section II *Delegations of final authority*, is amended as follows:

1. Paragraphs D 4 and E 5 delegating authority to certain PHA officials to approve depositaries are hereby revoked.

2. Subparagraph 14 is added to paragraph E as follows:

14. To execute contracts of sale, removal or demolition, deeds, and transfer documents (other than documents relating to transfers of jurisdiction without reimbursement to other Federal agencies and other than transfers or relinquishments pursuant to section 601 and 606 of Pub. Law 849, 76th Cong., as amended); to execute lease cancellations and settlements; to execute contracts for advertisements in connection with disposition of housing.

Assistant Director for Management and Disposition, Fort Worth Field Office.

Date Approved: April 20, 1954.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 54-3115; Filed, Apr. 26, 1954; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3210]

COLUMBIA GAS SYSTEM, INC.

SUPPLEMENTAL ORDER REGARDING ISSUE AND SALE OF PRINCIPAL AMOUNT OF SUBORDINATED DEBENTURES

APRIL 20, 1954.

The Commission by order dated April 13, 1954, having permitted to become effective an amended declaration filed by The Columbia Gas System, Inc. ("Columbia"), pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder regarding, among other things, the issuance and sale by Columbia of $50,000,000 principal amount of ... Percent Subordinated Debentures convertible into shares of Common Stock, no par value, of Columbia, subject to certain reservations of jurisdiction with respect to (1) the interest rate and redemption prices of the Subordinated Debentures and the price at which the Subordinated Debentures may be converted into Common Stock and (2) the fees and expenses incurred in connection with the transactions, including fees of underwriters' counsel; and

Columbia having filed a further amendment on April 20, 1954, fixing the interest rate of the Subordinated Debentures at 3½ percent and the conversion price at $13⅓, or at a rate of 7½ shares of Common Stock for each $100 principal amount of Subordinated Debentures; and having designated the Subordinated Debentures to be redeemable on or after January 1, 1955, at the

option of Columbia, at 103½ percent of principal amount during 1955 and at declining percentages each year thereafter to 100 percent of principal amount after 1961; and

Columbia having submitted estimates of the fees and expenses incurred or to be incurred in connection with the proposed transactions, but the record not having been completed in respect thereof; and

The Commission having examined said amendment, and having considered the record herein, and observing no basis for making adverse findings or imposing terms and conditions in respect of the interest rate, redemption prices or the conversion price designated by Columbia and deeming it appropriate to continue the reservation of jurisdiction in respect of the fees and expenses:

It is ordered, That the jurisdiction heretofore reserved in the above entitled matter be, and the same hereby is, released except with respect to the fees and expenses incurred and to be incurred in connection with the proposed transactions, and that said declaration as further amended be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and Rule U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-3127; Filed, Apr. 26, 1954; 8:51 a. m.]

[File No. 812-869]

ISRAEL ENTERPRISES, INC.

NOTICE OF APPLICATION FOR EXEMPTION OF TRANSACTIONS BETWEEN AFFILIATES

APRIL 21, 1954.

Notice is hereby given that Israel Enterprises, Inc. ("Applicant"), a Delaware corporation, a registered closed-end, non-diversified investment company, has filed an application under section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of the act its proposed investment in American Israeli Paper Mills, Ltd. ("AIPM").

Applicant proposes to invest 1,800,000 Israel pounds ($1,000,000) in AIPM of which 1,000,000 Israel pounds ($555,000) are to be used for the purchase of ordinary shares of AIPM at 1.80 Israel pounds ($1.00) per share and the balance of 800,000 Israel pounds ($444,445) to be used to purchase additional ordinary shares at the same price or as a 6 percent loan to AIPM, as Applicant's officers may determine.

AIPM was organized under the laws of the State of Israel in 1951 with an authorized capital of 2,000,000 Israel pounds divided into 500,000 shares of one Israel pound, par value preference shares and 1,500,000 ordinary shares of the par value of one Israel pound each. In 1951 and 1952, Palestine Economic Corporation ("PEC"), an American company engaged in the economic development of Israel, purchased 247,000 ordinary shares of AIPM and loaned the latter company $153,000 for a period of five years at 6 percent interest.

By virtue of PEC's ownership of more than 5 percent of AIPM's voting securities, AIPM is an affiliated person of PEC under section 2 (a) (3) of the act. PEC organized and is the promoter of Applicant.

Section 17 (a) of the act, among other things, prohibits an affiliated person (AIPM) of a promoter (PEC) of a registered investment company (Applicant) from selling any security to such registered company or borrowing money from such registered company, subject to certain exceptions not pertinent here, unless the Commission upon application pursuant to section 17 (b) of the act grants an exemption from the provisions of section 17 (a) of the act upon the basis that the evidence establishes that the terms of the proposed transaction, including the consideration, are reasonable and fair and do not involve overreaching on the part of anyone concerned, that the proposed transaction is consistent with the policy of each registered company concerned as recited in its registration statement and reports filed under the act and is consistent with the general purposes of the act.

The application discloses that in 1953 Applicant filed a registration statement under the Securities Act of 1933 and stated that the purpose of its organization was to give financial aid "either by way of direct investment or by way of loans" to industrial enterprises in Israel among which it listed the paper industry. AIPM was organized in 1951 to manufacture paper. It completed construction of its plant in Hedara, Israel, in December 1953, and commenced operations at a reduced capacity at that time.

The price to be paid by Applicant for the shares of AIPM it proposes to acquire is the same price in dollars which PEC paid for its 247,000 ordinary shares when it subscribed for shares of AIPM in 1951 and 1952. The loan, if made, will be on the same terms and at the same interest rate as the $153,000 loan made by PEC to AIPM. The application states that AIPM proposes to use the money received from Applicant to pay off short-term loans incurred in connection with the construction of the paper mill and for working capital. AIPM has agreed to reimburse the Applicant for whatever expense the latter company has incurred in raising the capital funds needed to effect the proposed transactions. Applicant urges that the proposed investment is in the nature of an original investment in the paper industry in Israel and that the investment is on a basis no less favorable than that offered to anyone else.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than May 5, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54-3128; Filed, Apr. 26, 1954; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29169]

TRANSIT RATES ON LUMBER FROM SOUTHERN TERRITORY TO SUMMERVILLE, S. C.

APPLICATION FOR RELIEF

APRIL 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company, for itself and on behalf of the Alabama Great Southern Railway Company and other carriers parties to schedule listed below.

Commodities involved: Lumber, rough, hardwood, carloads.

From: Points in southern territory.

To: Summerville, S. C.

Grounds for relief: Competition with rail carriers, circuity, additional destination, and to maintain grouping.

Schedules filed containing proposed rates: Southern Railway Company I. C. C. No. A-11291, supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3129; Filed, Apr. 26, 1954; 8:51 a. m.]

[4th Sec. Application 29170]

MOTOR-RAIL-MOTOR RATES BETWEEN CHICAGO, ILL., AND COUNCIL BLUFFS, IOWA

APPLICATION FOR RELIEF

APRIL 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for and on behalf of the Chicago Great Western Railway Company, Burlington-Chicago Cartage, Inc., and other motor carriers parties to schedule listed below.

Commodities involved: Highway trailers, loaded or empty, on flat cars.

Between: Chicago, Ill., and Council Bluffs, Iowa.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, MF-I. C. C. No. 223, supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3116; Filed, Apr. 26, 1954; 8:47 a. m.]

[4th Sec. Application 29171]

MOTOR-RAIL-MOTOR RATES BETWEEN CHICAGO, ILL. AND COUNCIL BLUFFS, IOWA

APPLICATION FOR RELIEF

APRIL 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for the Chicago Great Western Railway Company, Independent Truckers, Inc., and other motor carriers parties to schedule listed below.

Comodities involved: Highway trailers, loaded or empty, on flat cars.

Between: Chicago, Ill., and Council Bluffs, Iowa.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates; Middlewest Motor Freight Bureau, Agent, MF-I. C. C. No. 223 supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3117; Filed, Apr. 26, 1954; 8:47 a. m.]

[4th Sec. Application 29172]

GRAIN FROM MISSOURI TO TEXAS PORTS FOR EXPORT

APPLICATION FOR RELIEF

APRIL 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Wabash Railroad Company, for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Grain and grain products, carloads.

From: Points in Missouri.

To: Beaumont, Galveston, Houston, Port Arthur, and Texas City, Tex., for export.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: Wabash Railroad Company I. C. C. No. 7548, supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3118; Filed, Apr. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29173]

CEMENT FROM MISSOURI TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

APRIL 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Cement, also mortar cement, masonry cement, and dry building mortar, carloads.

From: Bonner Springs, Kansas City, and Sugar Creek, Mo.

To: Points in official territory.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3758, supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3119; Filed, Apr. 26, 1954; 8:48 a. m.]

[4th Sec. Application 29174]

LIVE STOCK FROM ST. LOUIS, MO., AND EAST ST. LOUIS, ILL., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 22, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1087, pursuant to fourth-section order No. 16101.

Commodities involved: Live stock, carloads.

From: St. Louis, Mo., East St. Louis, Ill., and points taking same rates.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, operation through higher-rated territory, circuity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3120; Filed, Apr. 26, 1954; 8:48 a. m.]

Reference Room

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — 1934

VOLUME 19 NUMBER 82

Washington, Wednesday, April 28, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (l) (6) of § 6.111 is amended, and paragraph (p) (1) is added as set out below.

§ 6.111 *Department of Agriculture.*

* * *

(l) *Farmers Home Administration.*

* * *

(6) State Directors and not to exceed three positions of State Director-at-Large.

* * * * *

(p) *Agricultural Stabilization and Conservation Committees.* (1) State Administrative Officer.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 54-3159; Filed, Apr. 27, 1954; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) of § 6.307 (a) is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 54-3158; Filed, Apr. 27, 1954; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (n) (1) is added to § 6.312.

§ 6.312 *Department of Commerce.*

* * *

(n) *Bureau of Foreign Commerce.* (1) The Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 54-3155; Filed, Apr. 27, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, subparagraphs (1), (3), (4), (5), (6), (7), and (8) of § 6.123 (a) are revoked, paragraph (a) (2) and (6) of § 6.323 is amended, and paragraphs (e) (1), (2) and (3) and (f) (1) and (2) are added as set out below.

§ 6.323 *Department of Health, Education, and Welfare*—(a) *Office of the Secretary.* * * *

(2) Three Confidential Assistants to the Secretary.

* * * * *

(6) Three Assistants to the Secretary.

* * * * *

(e) *Office of the Assistant Secretary for Federal-State Relations.* (1) One Confidential Assistant to the Assistant Secretary.

(2) One Special Assistant on Federal-State Problems.

(3) Director, Office of Field Services.

(f) *Office of the General Counsel.* (1) General Counsel.

(2) One Associate General Counsel.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplement is now available:

Title 17 ($0.50)

Previously announced: Title 3, 1953 Supp. ($1.50); Title 8 ($0.35); Titles 10–13 ($0.50); Title 16 ($1.00); Title 18 ($0.45); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Titles 30–31 ($1.00); Title 33 ($1.25); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

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UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-3156; Filed, Apr. 27, 1954; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

WAR CLAIMS COMMISSION

Effective upon publication in the FEDERAL REGISTER, § 6.350 (a) is added as set out below.

§ 6.350 *War Claims Commission.* (a) Special Assistant to the Commissioners.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-3157; Filed, Apr. 27, 1954; 8:49 a. m.]

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

DEPARTMENT OF THE ARMY

1. Effective upon publication in the FEDERAL REGISTER, the following item is added to § 27.1:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* • • •

Student medical intern (clinical clerk), Department of the Army.

2. Effective upon publication in the FEDERAL REGISTER, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended by the addition of the following:

§ 27.2 *Maximum stipends prescribed.* • • •

Student medical intern (clinical clerk), Department of the Army: Full-time approved training during third and fourth years of medical school, per month: $183.

(61 Stat. 727; U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-3161; Filed, Apr. 27, 1954; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-118]

PART 56—ASSEMBLING BRANCH OF THE CHEESE INDUSTRY

RESCISSION OF PART

Whereas, the Commission on October 3, 1931, promulgated trade practice rules for the Assembling Branch of the Cheese Industry which were codified in the Code of Federal Regulations (16 CFR, Part 56); and

Whereas, the principal rules cover practices primarily within the jurisdiction of the Food and Drug Administration under the provisions of the Federal Food, Drug, and Cosmetic Act of 1938; and

Whereas, it appears that the rules for this industry are general in form and in some respects obsolete, and that there is no interest on the part of said industry in a revision thereof; and

Whereas, under the circumstances proceedings for the revision of said rules do not appear to be essential to the public interest:

It is ordered, That the said rules be and the same are hereby rescinded.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-3167; Filed, Apr. 27, 1954; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10724]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

ASSIGNABLE FREQUENCIES

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation in the Mississippi River system areas by coast stations and ship stations, on currently assignable frequencies for telephony within the band 4000 kc to 18000 kc; and to include authority for operation by such stations on other frequencies for telephony within the same band; Docket No. 10724.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of April 1954;

The Commission having under consideration its report and order in Docket No. 10724 which, among other matters, amended the Commission's rules so as to make unavailable as of May 1, 1954, the frequency 4162.5 kc for ship and coast station radiotelephony operations in the Mississippi River System areas; and

It appearing that various interested parties have recently advised the Commission of difficulties in obtaining necessary equipment to effect the activation of 4067 kc which is to serve as a replacement for 4162.5 kc and that authority to continue to operate on 4162.5 kc beyond May 1, 1954, is desired; and

It further appearing that, in view of these difficulties, an additional period of transition is appropriate but that in view of the imminence of the date of May 1, 1954, it is impracticable to comply with the public notice and rule making proceedings provided by sections 4 (a) and (b) of the Administrative Procedure Act; and for the same reason and because the rule amendments herein ordered relieve restrictions which would otherwise be applicable, compliance with the provisions of section 4 (c) of the Administrative Procedure Act is not required;

It is ordered, That, effective immediately, and pursuant to the provisions of sections 303 (c) (f), and (r) of the Communications Act of 1934, as amended, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: April 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

1. Part 7 of the Commission's rules is amended in the following particulars:

Section 7.304 (a) is amended by changing footnote designator 8 after the frequency 4162.5 to footnote designator 8b and adding footnote 8b to read as follows:

[8b] Not available after August 1, 1954.

2. Part 8 of the Commission's rules is amended in the following particulars:

a. Section 8.351 (a) is amended by changing footnote designator 7 after the frequency 4162.5 to footnote designator 7a and adding footnote 7a as follows:

[7a] Not available for Mississippi River System after August 1, 1954.

b. Section 8.351 (d) (12) is amended to read as follows:

(12) The frequency 4372.4 kc may be used beyond September 1, 1954 by ship stations on the Mississippi River and connecting inland waters (except the Great Lakes) which are not licensed to transmit on 6240 kc and/or 6455 kc.

[F. R. Doc. 54-3166; Filed, Apr. 27, 1954; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7]

PART 50—AIRMAN AGENCY CERTIFICATES

RULES, POLICIES AND INTERPRETATIONS

Correction

In F. R. Doc. 54-3131, appearing in the issue for Tuesday, April 27, 1954, the following sections were inadvertently omitted from publication. The sections should read as set forth below:

§ 50.12-2 *Office, rest room, and ready room facilities (CAA interpretations which apply to § 50.12 (c)).* Permanent type office, rest room, and ready room facilities must be located at the airport or base of operations and must be constructed in accordance with pertinent local building, sanitation, and health codes. Ready rooms must contain chairs, clothesracks or lockers, and bulletin boards.

§ 50.12-3 *Flight equipment (CAA interpretations which apply to § 50.12 (d)).* (a) All aircraft used for flight instruction of students enrolled in an approved airman agency course must be properly certificated under Part 3 or Part 4 of this chapter; maintained in accordance with Part 43 of this chapter; registered in the name of the agency or operated under a lease; and equipped with flight instruments capable of indicating the degree of pilot flight performance prescribed by § 50.13. At least one aircraft must be provided for each 15 (or fraction) students enrolled in the flight course and a sufficient number of airworthy aircraft must be available at the training location for flight training periods.

(b) Flight equipment for the commercial flying school curriculum must include at least one four-or-more place airplane equipped for day and night flying in accordance with Part 43 of this chapter; and one airplane equipped with landing flaps. The requirements of this paragraph may be met by combining the necessary equipment in one airplane. Each training aircraft must have in the aircraft, available to the pilot trainee, an appropriate pilot's training checklist which contains essential operational data concerning prestarting procedure; warmup procedure; pretakoff procedure; cruising flight procedure; prelanding procedure; shutting down procedure; and emergency procedure for critical flight situations involving aircraft/engine troubles; flight configurations and operational speeds for severe turbulence; and single-engine operation where appropriate.

(c) An approved air agency with commercial rating and/or instrument rating must have a simulated flight training device available at the airport, or must give all required instrument flight training in aircraft equipped for instrument flight, in accordance with Part 43 of this chapter.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 80]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BALTIMORE, MD. Friendship International, 146' SBMRLZ-DTV BAL Procedure No. 1 May 15, 1954	Severna Park (final)	014—9	800	W side S course.* 194° outbound. 014° inbound. 1,500' within 10 miles.	800	259—7.3	T-dn C-dn A-dn	300-1 600-2 800-2	300-1 600-2 800-2	Within 0.0 mile, climb to 2,000' on N course within 25 miles. *Procedure turn conducted W to avoid Aberdeen danger area.
BALTIMORE, MD. Harbor Airport, 14' SBMRLZ-DTV BAL Procedure No. 1 May 15, 1954	Severna Park FM (final)	014—9	800	W side S course: 194° outbound. 014° inbound. 1,500' within 10 miles.	800	014—2.1	T-dn C-dn A-dn #	300-1 800-1½ NA	300-1 800-1½ NA	Within 2.4 miles, climb to 2,000' on N course within 25 miles. *Procedure turn conducted W to avoid Aberdeen danger area. #No weather reporting service at this airport.
BETHPAGE, N. Y. Grumman Airport, 119' (Using Mitchel LFR) SBMRAZ-DT BEM Procedure No. 1 May 15, 1954	Long Beach Int. (final)	040—1[illegible]	800	E side SW course. 220° outbound. 040° inbound. 1,500' within 10 miles.	800	050—3	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 600-1½ 800-2	Within 3 miles, make a right climbing turn to 1,500' or higher altitude when directed by ATC. Proceed outbound on NE course of Mitchel LFR to St. James Int.
	Radar terminal area transitions all directions.	Within 25 miles of IDL	3,000							
	E of NF SW course LaGuardia LFR.	Within 15 miles of IDL	1,500							
	(Radar transition utilizing Idlewild surveillance radar.)									
CHEYENNE, WYO. Municipal, 6,156' SBRAZ-DTV; CYS Procedure No. 1 April 20, 1954	Silver Crown FM	102—13.0	5,000	N side NW course:* 282° outbound. 102° inbound. 5,000 within 10 miles.#	6,800	067—0.9	T-dn C-d C-n A-dn	300-1 500-1 500-1½ 800-2	300-1 500-1½ 500-1½ 800-2	Within 0.9 mile climb to 7,500' on S course. Alternate missed approach when directed by ATC. Climb to 7,500' on N course CYS LFR within 25 miles. *Procedure turn N side account higher terrain S. #Procedure turn not authorized beyond 10 miles account high terrain.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distances	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
CHEYENNE, WYO. Cheyenne Municipal, 6,156' SBRAZ-VDT CYS and LOM-CY Procedure No. 2 April 20, 1954	Hillsdale FM (final abeam LOM).	256—8.0 to abeam LOM	7,000	N side E course: 076° outbound. 256° inbound. 7,300' miles within 25 miles.	7,000 (abeam ILS LOM*)	256—6.1 (from ILS LOM)	T-dn C-dn S-dn 26 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 6.1 miles after passing ILS LOM, climb to 7,500' on S course. Alternate missed approach when directed by ATC, climb to 7,500' on N course cys LFR within 25 miles. *ILS LOM must be received on ADF; frequency 219 kc., identification: CY.
	Silver Crown FM	102—13.0 to LFR	8,000							
EL PASO, TEX. International, 3,936' SBRAZ-VDT ELP Procedure No. 1 May 5, 1954	Hueco Mountain fan marker (final)*	257—18.0	5,000	S side of course: 077° outbound. 257° inbound. 6,500' within 15 miles. Beyond 15 miles not authorized.	5,000	257—4.6	T-dn C-dn S-dn 26 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 4.6 miles make left turn to 125° magnetic climb to 5,000' on S course within 25 miles. Procedure turn nonstandard due to terrain to the N. *Maintain 7,000' until 5 miles W of Hueco Mountain FM. If Hueco Mountain FM not identified maintain 8,000' until over El Paso LFR.
	El Paso VOR	256—0.7	5,000							
	Clint Radiobeacon	327—16.0	5,000							
	Newman MHW	177—11.0	5,000							
	Int. ILS NE course	177—6.0	5,000							
LYNCHBURG, VA. Preston Glenn Airport, 942' SBRAZ-DTV LYN Procedure No. 1 May 15, 1954				E side S course: 165° outbound. 345° inbound. 2,500' within 10 miles.	1,900	157—1.9	T-dn C-d C-n A-dn	500-1 1,000-1 1,000-2 1,500-2	500-1 1,000-2 1,000-2 1,500-2	Within 0.9 mile, turn left and climb to 2,500' on S course. CAUTION: Do not proceed N of the Lynchburg LFR. NOTE: Airport lies between procedure turn and the LFR.
Procedure No. 2 May 15, 1954 (Using Oak Grove FM)				E side S course: 165° outbound. 345° inbound. 2,500' within 10 miles of Oak Grove FM.	1,700 (over Oak Grove FM)	348—3.9 (from Oak Grove FM)	T-dn C-dn S-dn 35 A-dn	500-1 700-1 600-1 900-2	500-1 800-1½ 600-1 900-2	Within 3.9 miles from Oak Grove FM climb straight ahead to 2,000' inbound on S course, then make a climbing left turn, proceed outbound on S course of LFR at 2,500'. CAUTION: Do not proceed N of the Lynchburg LFR.
OKLAHOMA CITY, OKLA. Will Rogers, 1,283' SBRAZ-VDT Procedure No. 1 May 5, 1954	Mustang FM (final)	075—8.0	1,900	S side of course: 255° outbound. 075° inbound. 2,400' within 20 miles. 2,500' within 25 miles.	1,900	078—1.6	T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1½ 800-2	Within 1.6 miles, climb to 2,700' on E course of OKC LFR within 25 miles or when directed by ATC, climb to 2,500' on N course of OKC LFR within 25 miles.
	Bethany Int.	180—8.0	2,500							
	Oklahoma City VOR	99—8.0	2,400							
OTTO, N. MEX. Otto Airport, 6,228' BMRLZ-DTV; OTO Procedure No. 1 April 19, 1954	Int. E course Otto LFR and SW course Las Vegas LFR.	254—24.0	8,500	E side S course: 164° outbound. 344° inbound. 8,000' within 25 miles.	7,200	074—0.2	T-d T-n C-d C-n A-dn	500-1 500-2 1,000-1 1,000-2 1,000-2	NA NA NA NA NA	Within 0.0 mile, climb to 9,500' on E course. ADF procedure not authorized.
TRI-CITY, TENN. (Bristol, Johnson City, Kingsport) Tri-City, 1,824' SBRAZ-TRI Procedure No. 1 May 3, 1954	(Abingdon) Int. NE course TRI LFR and TRI VOR 030°.	245—22	3,300	E side NE course: 065° outbound. 245° inbound. 3,600' within 15 miles. Beyond 15 miles not authorized.	2,600	252—3.2	T-dn C-d C-n S-d S-n A-dn	300-1 700-1 700-1½ 500-1 500-1 1,000-2	300-1 800-1½ 800-2 800-1½ 800-2 1,000-2	Within 3.2 miles, climb to 5,000' on SW course within 25 miles. CAUTION: Extreme turbulence may be expected during periods of high wind velocities.
	(Bristol) Int. NE course TRI LFR and TRI VOR 030° or 340° from Emmett MHW (final).	245—10	2,600							
	TRI-VOR	280—13	5,500							
	(Grey) Int. SW course TRI LFR and TRI VOR 275°.	065—6	3,000							

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
HOUSTON, TEX. Municipal, 50' ILS-LOM HO Procedure No. 1 May 20, 1953	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE, DATED MAY 1, 1954.									
OKLAHOMA CITY, OKLA. Will Rogers, 1,283' ILS-LOM OK Procedure No. 1 July 3, 1952	SUPERSEDED BY COMBINATION ADF-ILS PROCEDURE, DATED MAY 6, 1954.									
OKLAHOMA CITY, OKLA. Will Rogers Field, 1,285' Tulakes MHW TWO Procedure No. 2 May 6, 1954	Oklahoma City LFR	015—5.0	2,500	W side of course: 350° outbound. 170° inbound. 2,500' within 15 miles. Beyond 15 miles not authorized.	2,000	170—4.6	T-dn C-dn S-dn 17 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 4.5 miles climb to 2,400' on course of 170° within 25 miles, or when directed by ATC turn right, climb to 2,500' on W course of OKC LFR within 25 miles.
	Oklahoma City VOR	070—10.0	2,500							
	Oklahoma City LOM	350—11.0	2,500							
	Bethany Int. (final)	152—3.0	2,000							
	Mustang FM	052—11.0	2,500							

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility, class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
CHEYENNE, WYO. Municipal, 6,156' ILS-CYS Procedure No. 1 April 19, 1954	CYS LFR	LOM	081—9	7,500	N side E course: 082° outbound. 262° inbound. 7,500' within 5 miles of LOM.	7,500	7,500—6.1	6,300—0.66	T-dn C-dn S-dn 26 A-dn	300-1 500-1 400-¾ 800-2	300-1 500-1½ 400-¾ 800-2	Climb to 7,500' on S course CYS LFR. Alternate missed approach when directed by ATC, climb to 7,500' on N course of CYS LFR or to 7,500' on radial 348° from CYS VOR within 25 miles of respective station.
	Hillsdale FM	ILS E course	230—2.5	7,500								
	Silver Crown FM	LOM	092—20	8,000								
	CYS VOR	LOM	119—7	7,500								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept. inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
OKLAHOMA CITY, OKLA. Will Rogers Field, 1,283' ILS-OKC LOM-OK Procedure No. 1 Combination ILS-ADF May 6, 1954	Oklahoma City VOR	OM	125—13.0	2,400	E side of course: 176° outbound. 356° inbound. 2,400' within 25 miles.	ILS 2,500 ADF 1,900 over LOM	2,500—4.8	1,475—0.6	T-dn C-dn S-dn 35 ADF ILS A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ • 500-1 800-2	Climb to 2,500' on N course OKC ILS within 25 miles, or when directed by ATC turn left, climb to 2,500' on radial 277° of OKC VOR within 25 miles, or turn left, climb to 2,500' on W course of OKC LFR within 25 miles.
	Oklahoma City LFR	LOM	150—6.0	2,400								
	Bethany Int.	LOM	168—13.0	2,500								
	Mustang FM	LOM	107—11.0	2,400								
ONTARIO, CALIF. International, 952' ILS—ONT Procedure No. 1 April 19, 1954	Ontario VOR	LMM	350—8.0	°2,500	S side E course: 025° outbound. 205° inbound. 3,200' within 10 miles of LOM. Procedure turn beyond 10 miles not authorized (N course RIV LFR). Procedure turn S for more favorable terrain.	2,700	2,120—4.5	1,140—0.66	T-dn C-dn S-dn Runway 25 A-dn	300-1 500-1 400-¾ 800-2	300-1 600-1½ 400-¾ 800-2	Climb to 4,000', hold E of Int. of ILS W. course and NE course LGB LFR in nonstandard 2-minute pattern. •Must be on top with top not above 5,000' mean sea level. #With tops 5,000' or below, transition from RIV LFR to Int. E course ILS authorized at 5,000' with straight in approach to ONT authorized from on top at glide path intercept. With tops above 5,000', use procedure outlined in note °. °When established on localizer W bound descend W bound and make procedure turn S between LMM and Int. of ILS W course and NE course LGB, not below 4,000'. Regress LOM E bound not below 3,200'. CAUTION: High terrain N—All maneuvering on S side of localizer course.
	Fontana FM	LMM	223—13.0	°5,000								
	Downey Rbn	ILS W course	055—21.0	°2,500								
	Riverside LFR	ILS E course	324—10.0	°#10,000								

4. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name; elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BALTIMORE, MD. Harbor, 14' BVOR-BAL Procedure No. 1 May 5, 1954	Loch Raven Int	200—28.0	2,000	S side of course: 258° outbound. 078° inbound. 1,600' within 10 miles.	1,100	078—7.8	T-dn C-dn S-d S-n 9 A-dn#	300-1 800-1½ 800-1 800-1½ NA	300-1 800-1½ 800-1½ 800-1½ NA	Within 7.8 miles, climb to 2,000' on course of 015° outbound from VOR within 25 miles. #No weather reporting service at this airport.
	Baltimore LFR	277—8.0	1,500							
	Beltsville FM	049—15.0	1,600							
	Int. NE course Arcola LFR	173—30.0	2,000							

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name; navigation facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums: Type aircraft: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.
1	2	3	4	5			
					If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished		
CHARLESTON, W. VA. Kanawha County, 861' BVOR-CHW Procedure No. 1 May 4, 1954	Charleston LFR	184—10	2,600	8 side of course: 245° outbound. 065° inbound. 2,600' within 10 miles.	T—dn C—dn A—dn	300—1 800—2 1,000—2	300—1 800—2 1,000—2
					11		
EL PASO, TEX. International, 3,938' BVOR-E1.P Procedure No. 1 May 6, 1954	El Paso LFR	079—0.7	5,000	8 side of course: 079° outbound. 259° inbound. 5,300' within 15 miles. Beyond 15 miles may be authorized.	T—dn C—dn B—dn A—dn	300—1 800—1½ 500—1 800—2	300—1 800—1½ 800—2 800—2
	Hueco Mountain fan marker (final)*.	239—17.0	4,000				
					Within 3.4 miles turn left to 125° magnetic, climb to 5,000' intercept and proceed on course of 240° to Hueco Mountain FM. Procedure must be executed due to terrain. *Maintain 7,000' until 5 miles W of Hueco Mountain F.M. If Hueco Mountain FM not identified maintain 8,000' until over ELP VOR.		
MASON CITY, IOWA Mason City Airport, 1,210' BVOR-M(FW) Procedure No. 1 May 6, 1954	Mason City "H"	168—4.0	2,200	East side of course: 175° outbound. 355° inbound. 2,200' within 25 miles.	T—dn C—dn B—dn A—dn	300—1 600—1½ 800—1 800—2	300—1 600—1½ 800—1 800—2
					Within 3.9 miles climb to 2,800' on course 355° outbound within 25 miles.		
					11		

5. The very high frequency omnirange procedures prescribed in § 609.15 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for air route operation in the particular area or as set forth below.

City and State; airport name; navigation facility; class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances	Ceiling and visibility minimums: Type aircraft: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach and runway
1	2	3	4	5				6	7
					If visual contact not established at TVOR, or if landing not accomplished				
SALISBURY, MD. Wicomico County Airport, 57' BVOR-SBY TVOR-13 November 19, 1953	PROCEDURE CANCELED, EFFECTIVE APRIL 9, 1954.								
					11				

These procedures shall become effective on the dates indicated in Column 1 of the procedures.
(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-3043; Filed, Apr. 27, 1954; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

TEMPORARY PERMITS FOR INTERSTATE SHIPMENT OF EXPERIMENTAL PACKS OF FOOD VARYING FROM THE REQUIREMENTS OF DEFINITIONS AND STANDARDS OF IDENTITY

Effective upon publication in the FEDERAL REGISTER, § 3.12 of the statements of general policy or interpretation is revised to read as follows:

§ 3.12 *Temporary permits for interstate shipment of experimental packs of food varying from the requirements of definitions and standards of identity.* (a) The Department of Health, Education, and Welfare recognizes that appropriate investigations of potential advances in food technology sometimes require tests in interstate markets of the advantages to and acceptance by consumers of variations in foods from applicable definitions and standards of identity prescribed under section 401 of the Federal Food, Drug, and Cosmetic Act.

(b) It is the purpose of the Department to permit such tests where they are necessary to the completion or conclusiveness of an otherwise adequate investigation and where the interests of consumers are adequately safeguarded. The Department will therefore refrain from recommending regulatory proceedings under the act on the charge that a food does not conform to an applicable standard, if the person who introduces or causes the introduction of the food into interstate commerce holds an effective permit from the Secretary providing specifically for those variations in respect to which the food fails to conform to the applicable definition and standard of identity.

(c) Any person desiring a permit may file with the Secretary a written application in triplicate containing as part thereof the following:

(1) Name and address of the applicant.

(2) A statement of whether or not the applicant is regularly engaged in producing the food involved.

(3) A reference to the applicable definition and standard of identity (citing applicable section of regulations).

(4) A full description of the proposed variation from the standard.

(5) The basis upon which the food so varying is believed to be wholesome and nondeleterious.

(6) The amount of any new ingredient to be added and of any ingredient, required by the standard, to be eliminated. If such new ingredient is not a commonly known food ingredient, a description of its properties and basis for concluding that it is not a poisonous or deleterious substance.

(7) The purpose of effecting the variation.

(8) A statement of how the variation is of potential advantage to consumers.

(9) The labeling proposed to be used for the food so varying.

(10 The period during which the applicant desires to introduce such food into interstate commerce, with a statement of the reasons supporting the need for such period.

(11) The probable amount of such food that will be distributed.

(12) The areas of distribution.

(13) The address at which such food will be manufactured.

(14) A statement of whether or not such food has been or is to be distributed in the State in which it was manufactured.

(15) If it has not been or is not to be so distributed, a statement showing why.

(16) If it has been or is to be so distributed, a statement of why it is deemed necessary to distribute such food in other States.

(d) The Secretary may require the applicant to furnish samples of the food varying from the standard and to furnish such additional information as may be deemed necessary for action on the application.

(e) If the Secretary concludes that the variation may be advantageous to consumers and will not result in failure of the food to conform to any provision of the act except section 403 (g), a permit shall be issued to the applicant for interstate shipment of such food. The terms and conditions of the permit shall be those set forth in the application with such modifications, restrictions, or qualifications as the Secretary may deem necessary and state in the permit.

(f) The terms and conditions of the permit may be modified at the discretion of the Secretary or upon application of the pemittee during the effective period of the permit.

(g) The Secretary may revoke a permit for cause, which shall include but not be limited to the following:

(1) That the permittee has introduced a food into interstate commerce contrary to the terms and conditions of the permit.

(2) That the application for a permit contains an untrue statement of a material fact.

(3) That the need therefor no longer exists.

(h) During the period within which any permit is effective, it shall be deemed to be included within the terms of any guaranty or undertaking otherwise effective pursuant to the provisions of section 303 (c) of the act.

(i) If an application is made for an extension of the permit, it shall be accompanied by a description of experiments conducted under the permit, tentative conclusions reached, and reasons why further experimental shipments are considered necessary.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 401, 403; 52 Stat. 1046, 1047; 21 U. S. C. 341, 343)

Dated: April 22, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-3160; Filed, Apr. 27, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 972]

[Docket No. AO-177-A13]

HANDLING OF MILK IN THE TRI-STATE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Gallipolis, Ohio, on February 18 and 19, 1954, pursuant to notice thereof which was issued February 10, 1954 (19 F. R. 864).

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service, on April 8, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his notice of recommended decision and opportunity to file written exceptions thereto. This decision was published in the FEDERAL REGISTER on April 10, 1954 (19 F. R. 2090; F. R. Doc. 54-2789).

Findings and conclusions. The findings and conclusions of the recommended decision in this proceeding which was issued April 8, 1954, by the Deputy Administrator, Agricultural Marketing Service, and was published in the FEDERAL REGISTER on April 10, 1954 (19 F. R. 2090; F. R. Doc. 54-2789), shall be the findings and conclusions of this decision as if set forth in full herein, subject to the following revisions:

1. Delete the second sentence of the first paragraph beginning in column 3, 19 F. R. 2090 (F. R. Doc. 54-2789) and substitute therefor the following: "For this purpose, any plant which supplies a total of 25,000 pounds or more of milk per month, or the skim milk and butterfat from which a monthly quantity of 25,000 pounds or more of Class I milk is derived, to one or more plants from which routes are operated within the marketing area should also be a 'fluid milk plant', except as explained below."

2. Add the following at the end of the fourth sentence of the first paragraph beginning in column 3, 19 F. R. 2092 (F. R. Doc. 54-2789): "after giving consideration to the fact that producer milk is necessary also to the fulfillment of Class II milk requirements."

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act:

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings. Exception was taken to some of the findings and conclusions and to certain provisions of the recommended marketing agreement and amendments to the order contained in the recommended decision. These exceptions were all fully considered in making the findings and reaching the conclusions contained herein and in deciding upon the appropriate and detailed provisions to be included in the marketing agreement and order to effectuate such conclusions. Effect is given certain exceptions in the provisions of the annexed order. To the extent that the findings and conclusions or the marketing agreement and order contained herein are at variance with any exceptions not hereinbefore effected or discussed, such exceptions are denied for the reasons set forth in the findings and conclusions on the issue to which the exceptions relate.

Determination of representative period. The month of March 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Tri-State marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Tri-State Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Tri-State Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 22d day of April 1954.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Tri-State Marketing Area

§ 972.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto, and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 972.7 and substitute therefor the following:

§ 972.7 *Fluid milk plant.* "Fluid milk plant" means any milk handling plant (hereinafter referred to as a "plant"), except a plant at which the handling of milk is regulated by another milk marketing agreement or order issued pursuant to the act, under the following conditions:

(a) In any delivery period in which a route is operated wholly or partially within the marketing area from such plant; or

(b) In any delivery period in which a total of 25,000 pounds or more of milk, or an amount of skim milk and butterfat from which 25,000 pounds or more of Class I milk is derived, is delivered in fluid form from such plant to any plant(s) which is a fluid milk plant pursuant to paragraph (a) of this section: *Provided*, That a "fluid milk plant" pursuant to this section shall not mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

2. Delete § 972.9 and substitute therefor the following:

§ 972.9 *Gallipolis district plant.* "Gallipolis district plant" means a fluid milk plant located in Gallia County or Meigs County, Ohio, or in Mason County, West Virginia.

3. Delete § 972.13 and substitute therefor the following:

§ 972.13 *Producer.* "Producer" means a person other than a producer-handler who produces milk received:

(a) At a fluid milk plant; or

(b) At a nonfluid milk plant by diversion within April, May, June, or July from a fluid milk plant: *Provided*, That such person producing milk holds a dairy farm inspection permit or equivalent certification if required by the appropriate health authority of the community(s) for which his milk is produced.

4. Delete § 972.16 and substitute therefor the following:

§ 972.16 *Handler.* "Handler" means:

(a) A person, including a cooperative association, who operates a fluid milk plant, or

(b) A cooperative association with respect to milk customarily received as producer milk at a fluid milk plant which is diverted by such association within April, May, June, or July on its account from a fluid milk plant to a nonfluid milk plant.

5. Add the following as § 972.19:

§ 972.19 *Cooperative association.* "Cooperative association" or "association of producers" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 972.13 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

6. Delete from § 972.22 (j) (2) the word "10th" and substitute therefor the word "12th".

7. Delete § 972.41 (a) and (b) and substitute therefor the following:

(a) Add the following amounts for the delivery periods indicated:

	April, May, June, and July	February, March, and August	September, October, November, December, and January
Huntington district plants	$1.10	$1.35	$1.80
Gallipolis district plants	1.00	1.25	1.70
Scioto district plants	.90	1.15	1.60
Athens district plants	.80	1.05	1.50

(b) Add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk (less interhandler transfers) at all fluid milk plants described under § 972.7 (a) for the first and second preceding delivery periods by the total receipts of milk from producers at such plants during the same delivery periods, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage."

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph the "standard utilization percentage" shown below:

Delivery period for which price is being computed:	*Standard utilization percentage*
January	92
February	91
March	89
April	85
May	80
June	73
July	62
August	63
September	68
October	81
November	90
December	91

(3) Determine the amount of the supply-demand adjustment as follows:

If the net utilization percentage is:	*Supply-demand adjustment is (cents)*
+12 or over	+38
+9 or +10	+28
+6 or +7	+20
+3 or +4	+10
+1 or −1	0
−3 or −4	−10
−6 or −7	−20
−9 or −10	−28
−12 or under	−38

When the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month. If for the first delivery period the above schedule is in effect the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the nearest bracket thereto which would result in the least change from zero.

8. Replace the period at the end of § 972.43 with a colon and add the following proviso to such section: "*Provided*, That for the months of May, June, and July 1954 the price so determined shall be reduced 25 cents per hundredweight with respect to all Class III milk other than that used to produce ice cream, ice cream mix, and cottage cheese."

9. Delete from § 972.44 (a) the figure "1.0" and substitute therefor the figure "0.5."

10. Delete § 972.44 (c) and substitute therefor the following:

(c) *Class III milk.* Subtract $3.00 from the average price per hundred pounds of butter as described in § 972.40 (c) (1), multiply by 1.2, subtract therefrom the amount per hundredweight computed pursuant to § 972.40 (c) (2), and divide such result by 1000.

11. Delete the word "and" at the end of § 972.65 (a).

12. Delete § 972.65 (b) and substitute therefor the following:

(b) To a cooperative association for milk received from producers from whom such association has received written authorization to collect payment, on or before the 16th day after such delivery period, of a total amount equal to not less than the sum of the individual amounts otherwise payable to other producers under paragraph (a) of this section.

(c) On or before the 16th day after such delivery period each handler shall pay to each cooperative association which operates a fluid milk plant, for skim milk and butterfat received as milk or a milk product from such cooperative association during such delivery period, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class by the respective class price pursuant to §§ 972.41, 972.42, and 972.43, adjusted by the appropriate butterfat differential pursuant to § 972.44; and

(d) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its member producers in accordance with such provision of the act.

13. Delete from § 972.71 the word "13th" and substitute therefor the word "15th"; delete from the same section the word "10th" and substitute therefor the word "12th."

14. Delete §§ 972.75 and 972.76 and substitute therefor the following:

§ 972.75 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 972.65 (a) shall make a deduction of 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the delivery period. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct in lieu of the deduction specified under paragraph (a) of this section, from payments made pursuant to § 972.65 (a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 15th day after the end of the delivery period, such deduction to the association entitled to receive it under this paragraph.

[F. R. Doc. 54-3149; Filed, Apr. 27, 1954; 8:48 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 8333]

STANDARD BROADCAST STATIONS

NOTICE OF ORAL ARGUMENT ON PROPOSED REPORT AND ORDER

In the matter of promulgation of rules and regulations and Standards of Good Engineering Practice Concerning Daytime Skywave Transmissions of Standard Broadcast Stations; Docket No. 8333.

1. On March 12, 1954, the Commission issued a proposed report and order, notice of further rule making, and order (19 F. R. 1543) in the above-entitled proceeding. That docket stated that an oral argument would be scheduled at an appropriate date on the proposed report and order.

2. We believe it desirable to delineate again the scope of the oral argument: Opportunity is being afforded to interested parties to present their views with respect to the merits of the proposed Report (paragraphs 1–34 inclusive) and the proposed rules set out in the Appendix attached to the Report: The applicability of the proposed rules to existing Class I or Class II stations will not be considered in this phase of the proceeding since that question is the subject of the notice of further rule making.

3. Notice is hereby given that the Commission will hear oral argument on the above noted subject matter, beginning at 10 a. m. on June 7, 1954 in Room 6121. Each interested party desiring to participate in the oral argument shall file on or before May 24, 1954, a notice of intention to appear and participate in the oral argument. The time to be allowed each party for oral presentation will be determined in the light of the number of parties seeking to appear and participate and will be specified by a later notice. Parties desiring to file briefs may do so on or before May 31, 1954. Such briefs shall be filed in accordance with Part 1 of the Commission's rules.

Adopted: April 22, 1954.

Released: April 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54–3164; Filed, Apr. 27, 1954; 8:51 a. m.]

[47 CFR Part 8]

[Docket No. 11011]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

REQUIRED ANTENNA-GROUND SYSTEMS AND AUTHORIZED TRANSMITTER-POWER

In the matter of amendment of Part 8 of the Commission's rules to require antenna-ground systems and specify minimum transmitter power or minimum field strength for ship stations when operating on frequencies below 25 Mc for telephone communication with public coast stations exclusively; Docket No. 11011.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The rules proposed to be adopted are set forth below.

2. In the interest of more effectively utilizing certain portions of the radio frequency spectrum by minimizing unnecessary interference and loss of circuit time which may result from the inadequate communication range of certain types of shipboard radiotelephone installation, it is proposed to establish in Part 8 of the Commission's rules certain minimum transmitter powers or, alternately, radio frequency field intensity requirements applicable to ship radiotelephone stations when operating on ship to shore frequencies below 25 Mc authorized exclusively for the transmission of public correspondence. Under the proposed rules, a period of at least five years would be allowed for the amortization of the investments in existing installations which would be affected by and not capable of meeting the minimum requirements. It is also proposed to require that radiotelephone installations be effectively grounded when an antenna-ground system is necessary for the efficient conversion of antenna power to radiated power on the ship to shore public correspondence frequencies below 25 Mc. In the case of vessels having a nonmetallic hull, a suitable period of time would be allowed for the installation of a metallic ground system on the hull.

3. The proposed amendments are issued under the authority contained in sections 4 (i), 303 (f), (h) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before June 1, 1954, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: April 21, 1954.

Released: April 22, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

1. Section 8.107 is amended by adding new paragraphs (c) and (d) as follows:

§ 8.107 *Antenna requirements.* * * *

(c) When a public ship station is operating on any carrier frequency below 25 Mc which frequency is authorized for radiotelephone transmission of public correspondence to public coast stations exclusively and the effective operation of the antenna employed is not independent of a ground connection on the frequency in use, the radio station ground system of each such public ship station for operation on such frequency shall consist of:

(1) An effective radio ground to the hull for a vessel having a metallic-hull, or

(2) Effective on and after June 1, 1955, in the case of a vessel not having a metallic hull, an effective radio ground to a bare plate or strips, or a combination thereof, of corrosion-resistant metal of at least 12 square feet in aggregate area affixed to the hull below the waterline.

(d) Each application for ship station license, renewal of license or modification of license which requests authority to operate radio transmitting apparatus of portable nature on one or more frequencies below 25 Mc for radiotelephone transmission to public coast stations exclusively shall include a statement setting forth clearly the action taken, or to be taken, by the applicant or the station licensee to comply with the provisions of paragraph (c) of this section.

2. Section 8.134 (a) is amended to read as follows:

§ 8.134 *Authorized transmitter-power.* (a) Stations on board ship subject to this part may use such antenna power [2] as is necessary to carry on the service for which the station is licensed, on condition that the maximum authorized transmitter-power shall, subject to the provisions of paragraph (a) of § 8.110, not be exceeded; and on condition that the minimum authorized transmitter-power shall not be less than that designated in paragraph (c) of this section. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter-power (as defined in paragraph (ii) of § 8.7) shall not exceed the particular power set forth in paragraphs (b) through (h) of this section which is applicable under the controlling factors designated therein in direct relation to that power. Unless the station license, specifically provides otherwise, the minimum authorized transmitter-power shall not be less than the particular power set forth in paragraph (c) of this section.

3. Section 8.134 (c) is amended by designating the present contents of paragraph (c) to be subparagraph (1) and adding a new subparagraph (2) to read as follows:

(2) For ship stations on board any category of vessel, the authorized transmitter-power on and after July 1, 1959, on frequencies between 2000 and 25,000 kc assigned for communication by telephony with public coast stations exclusively, shall not be less than the power designated in the following table:

Class of radio-frequency amplifier used in last radio stage of transmitter	*Minimum authorized transmitter power in watts (when no modulation is present)*
Class C—plate, or plate and screen-grid modulated	15.
Class C—Control, screen, or suppressor-grid modulated	30.
Class C—cathode modulated	24.
Other classes	Equivalent values as specified in the station authorization.

Provided, however, That the Commission may specifically license the use of authorized transmitter power less than that specified in the foregoing table, for telephone communication with public coast stations on frequencies within the band 2000 to 4000 kc on condition that the applicant or station licensee shall make a satisfactory showing to the Commission that, with the plate (anode) input power to be used,[3] a minimum radio frequency field intensity of 7.4 millivolts per meter will be obtained on each such frequency at a distance over sea-water [3] of one statute mile from the ship station independent of the direction in which the ship is headed.

[F. R. Doc. 54–3165; Filed, Apr. 27, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 541]

REDELEGATIONS OF AUTHORITIES CONCERNED WITH LANDS AND RESOURCES [1]

PART I—REDELEGATIONS OF AUTHORITY TO AREA ADMINISTRATORS

AUTHORITY IN GENERAL

APRIL 21, 1954.

Redelegations of authorities concerned with lands and resources.

SECTION 1.0 *Functions of the area administrator.* (a) The area administrators of the Bureau of Land Management are authorized to perform in their respective areas and in accordance with the existing policies, regulations, and procedures of this Department, the functions of the Director, Bureau of Land Management, listed in Part I of this order, including all types of actions in the matters listed, unless specifically limited.

(b) *Limitations.* In addition to limitations on authority in specified matters, the authority delegated to the area administrator shall not include:

(1) The issuance of regulations.

(2) Any function which has been or may be delegated to the head, or other official, of any other agency of this Department.

(3) The issuance of public-land orders.

(4) The exercise of the supervisory powers of the Secretary, whether by way of appeal to the Secretary or otherwise.

(5) Any action to be taken with the approval or concurrence of the President, or the head of any department or independent agency of the Government.

(6) Any action affecting the lands or activities of any other agency in this Department, or other Federal agency, until the matter has been cleared with that agency.

(7) The issuance of patents or their equivalent.

SEC. 1.1 *Authority to redelegate.* (a) Each area administrator may redelegate or authorize the redelegation of any authority vested in him by this order to any qualified employee in his area, except the authority to appoint acting area administrators. Any order of redelegation of authority pursuant to this section must be approved by the Director, Bureau of Land Management and published in the FEDERAL REGISTER, except that:

(1) The area administrator may without such approval and publication redelegate to any qualified employee on his immediate staff authority to take actions for and on behalf of the area administrator in matters listed in sections 1.2 through 1.9 of Part I (according to the staff member's functional responsibilities).

(b) Any authority redelegated by the area administrator may, in his discretion, be exercised personally by him notwithstanding the redelegation of authority.

AUTHORITY IN SPECIFIED MATTERS

SEC. 1.2 *General and miscellaneous matters.* The area administrator may take the following actions, where he has authority in matters listed under other sections of this order:

(a) *Oaths.* Authorize any employee designated to make investigations of public land matters, to administer any oath, affirmation, affidavit, or deposition provided for under the act of October 14, 1940 (5 U. S. C. 498) whenever necessary in the performance of such employee's official duties.

(b) *Cancellations or surrenders of contracts, leases, and permits.* Make partial or complete cancellations or accept surrenders of contracts, leases, and permits.

(c) *Copies of records.* Furnish copies and exemplifications of patents, plats, and other records.

(d) *Gifts.* Accept on behalf of the United States any lands within or without a grazing district as a gift, where such action will promote the purposes of the district or facilitate the administration of the public lands, pursuant to section 8a of the Taylor Grazing Act, as amended (43 U. S. C. sec. 315g).

(e) *Government contests.* Initiate Government contests against claims asserted to public lands, and take all necessary actions involving the prosecution of such contests.

(f) *Reports and certifications in connection with Federal land highway projects.* Make reports and certifications as to public lands, in connection with Federal land highway projects, required by the act of June 24, 1930 (23 U. S. C. sec. 3).

(g) *Fire protection contracts.* Make contracts with State, county, municipal, and private fire-control organizations for the protection from fire (prevention, presuppression, and suppression) of the public lands under the jurisdiction of the Bureau of Land Management.

SEC. 1.3 *Fiscal affairs.* The area administrator may take the following actions:

(a) *Bonds.* Take all actions on bonds required in connection with matters pertaining to the lands or the resources thereof under his jurisdiction.

(b) *Contributions and refunds.* Accept contributions toward the administration, protection, and improvement of lands within or without grazing districts, and remit or refund any unexpended balances of such contributions pursuant to section 9 of the Taylor Grazing Act (43 U. S. C. sec. 315h).

(c) *Repayment.* Take all actions on applications for repayment under 43 CFR, Part 217.

(d) *Trespass.* Determine liability and accept damages for trespass on the public lands, and dispose of resources recovered in trespass cases for not less than the appraised value thereof; recommend to the United States Attorney (1) institution of suits arising out of trespass where the money judgment sought is not in excess of $1,000, and (2) compromise of such suits where the amount is not in excess of $500.

SEC. 1.4 *Cadastral engineering.* The area administrator may take the following actions:

(a) *Surveys.* (1) Perform all functions pertaining to the survey and resurvey of the public lands under his jurisdiction pursuant to section 453 of the Revised Statutes (43 U. S. C. sec. 2), except the acceptance of plats of survey and resurvey.

(2) Appoint mineral surveyors and approve and accept their bonds, pursuant to section 2334 of the Revised Statutes (30 U. S. C. sec. 39).

(3) Approval of plats and field notes of mineral surveys and certification of expenditures pursuant to 43 CFR 280.3.

(4) Prepare and publish in the FEDERAL REGISTER notices of the official filing of approved plats of survey and resurvey.

SEC. 1.5 *Classifications and withdrawals.* The area administrators may take the following actions:

[1] Authority Source—Department Order 2583 as amended.

[2] See § 8.7 (ff) of this part.

[3] Over fresh water, the minimum radio frequency field intensity is reduced to 4.8 millivolts per meter at one statute mile.

(a) *Classification of lands.* Classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. sec. 315f), or pursuant to other laws.

(b) *Orders of Withdrawal and Restoration.* (1) Issue orders of the classes listed below withdrawing or reserving public lands, or restoring such lands from withdrawal or reservation, based on the following statutory powers of the Secretary:

(a) Stock driveways, authorized by section 10 of the act of December 29, 1916, as amended (43 U. S. C. sec. 300);

(b) Air-navigation facilities, under section 4 of the act of May 24, 1928 (49 U. S. C. sec. 214);

(c) Waiver of restrictions as to length of claims and restoration of reserved shorespace in Alaska, under the act of June 5, 1920 (48 U. S. C. sec. 372).

(d) Restorations under section 24 of the Federal Power Act, as amended (16 U. S. C. sec. 818);

(e) Opening reclamation lands to location and entry under the general mining laws, in accordance with the act of April 23, 1932 (43 U. S. C. sec. 154);

(f) Opening lands to disposal under public land laws other than through restoration from withdrawal;

(g) Concur with Bureau of Reclamation on withdrawals and restorations in accordance with Department Order 2515 of April 7, 1949.

(2) All orders issued pursuant to the authority contained in this section shall be published in the FEDERAL REGISTER.

(c) *Public Land Orders.* Act on matters relating to the issuance of public land orders, pursuant to 43 CFR 295.9 to 295.11, except actions required by 43 CFR 295.11 (b) and (c) to be taken by the Secretary of the Interior or his delegate.

SEC. 1.6 *Minerals.* The area administrator may take the following actions:

(a) *Oil and gas leases.* Act on all matters involving oil and gas leases pursuant to the act of February 25, 1920, as amended and supplemented (30 U. S. C. secs. 181, et seq.), the act of August 7, 1947 (30 U. S. C. secs. 351–359), and the act of May 21, 1930 (30 U. S. C. secs. 301–306), and leases of oil and gas deposits transferred to this Department for measures to protect the deposits from drainage. This authority does not include any function pertaining to oil and gas deposits that involve approval or execution of unit or cooperative agreements, communitization agreements, operating, drilling, or development contracts without regard to acreage limitations, or the sale of royalty oil taken in account of production.

(b) *Coal permits, leases, and licenses; asphalt leases.* (1) Act on all matters involving coal permits, leases, and licenses under sections 2 to 8 inclusive, of the act of February 25, 1920, as amended and supplemented (30 U. S. C. secs. 201–208), including coal permits and leases under the act of August 7, 1947 (30 U. S. C. secs. 351–359), and coal permits and leases and asphalt leases under the acts of June 26, 1944 (58 Stat. 483–485), June 24, 1948 (62 Stat. 596), and May 24, 1949 (63 Stat. 75).

(2) *Alaska, coal permits.* Take all actions on coal permits under the act of March 4, 1921 (48 U. S. C. sec. 444), and coal leases and permits for the free use of coal under the act of October 20, 1914 (48 U. S. C. secs. 432–445 and 446–452).

(3) The authority delegated by this section shall not include any function relating to the grant, approval or termination of the waiver, suspension, or reduction of rental or minimum royalty, the reduction of royalty, or the suspension of operations and production under a lease.

(c) *Oil shale leases.* Take all actions on oil shale leases under section 21 of the act of February 25, 1920 (30 U. S. C. sec. 241), and under the act of August 7, 1947 (30 U. S. C. secs. 351–359). The authority delegated by this section shall not include any function relating to the grant, approval or termination of the waiver, suspension, or reduction of rental or minimum royalty, the reduction of royalty, or the suspension of operations and production under a lease.

(d) *Phosphate leases.* Take all actions on matters related to phosphate leases under sections 9 to 12 inclusive, of the act of February 25, 1920 (30 U. S. C. 211–214), as amended, and phosphate leases under the act of August 7, 1947 (30 U. S. C., 351–359).

(e) *Potassium permits and leases.* Take all actions on matters related to potassium permits and leases under the act of February 7, 1927 (30 U. S. C. secs. 281–285), as amended, and potassium permits and leases under the act of August 7, 1947 (30 U. S. C., 351–359).

(f) *Sodium permits and leases.* Take all actions on sodium permits, leases, and use permits under sections 23 to 25 inclusive, of the act of February 25, 1920, as amended (30 U. S. C., secs. 261–263), and under the act of August 7, 1947 (30 U. S. C., secs. 351–359).

(g) *Sulphur permits and leases.* Take all actions on sulphur permits and leases under the act of April 17, 1926, as amended (30 U. S. C., sec. 271), and under the act of August 7, 1947 (30 U. S. C., secs. 351–359).

(h) *Agreements to compensate for drainage of oil or gas.* Execute agreements for payment of compensatory royalties because of drainage of oil or gas.

(i) *Gold, silver, and quicksilver leases.* Take all actions on leases of gold, silver, and quicksilver to the owners of confirmed private land claims, pursuant to 43 CFR, Part 187.

(j) *Minerals subject to lease under special laws.* Take all actions on permits and leases for sand, gravel, and other minerals under special laws, pursuant to 43 CFR, Part 199; also permits and leases for certain mineral deposits in acquired lands, pursuant to 43 CFR 200.31, et seq.

(k) *Mining claims.* Take all actions on mining claims, pursuant to the general mining laws and laws supplemental thereto, and 43 CFR, Parts 185 and 69.

SEC. 1.7 *Range Management.* The area administrator may exercise the following authority:

(a) *Grazing district administration.* Act on matters pertaining to the administration of grazing districts pursuant to the act of June 28, 1934, as amended and supplemented (43 U. S. C. sec. 315 et seq., 16 U. S. C. sec. 715i), and 43 CFR, Parts 161, 163, and 165, as follows:

(1) Licenses or permits to graze or trail livestock in grazing districts.

(2) Cooperative agreements under:

(a) Section 2 of the act (43 U. S. C. sec. 315a) with respect to erosion and flood control, and range studies and experiments.

(b) Section 9 of the act (43 U. S. C. sec. 315h) with associations or State agencies for the conservation or propagation of wildlife.

(c) Section 12 of the act (43 U. S. C. sec. 315k) with any department of the Government to coordinate range administration.

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(4) The expenditure of funds appropriated by the Congress, or contributed by individuals, associations, advisory boards, or others, for the construction, purchase or maintenance of range improvements.

(5) Leases under the Pierce Act (43 U. S. C. secs. 315m–1 to 315m–4 inclusive).

(6) Requirements of field employees to furnish horses and miscellaneous equipment necessary for the performance of their official duties, pursuant to the act of December 18, 1942 (43 U. S. C. sec. 315o–2), and make payments in connection therewith as authorized by that act.

(b) *Grazing leases.* (1) Grazing leases of public lands, under section 15 of the act of June 28, 1934, as amended (43 U. S. C. sec. 315m), and the permits or cooperative agreements to construct and maintain improvements on lands so leased, and to determine the value of such improvements.

(2) Grazing leases of the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, and crossing permits for such lands, in accordance with 43 CFR, Part 115.

(3) Grazing leases of public lands in Alaska, under the act of March 4, 1927 (43 U. S. C. secs. 471, 471a–471c).

(c) *Appropriation of water.* Execute and forward to the proper State office informational notices of the appropriation of water on the public lands, and applications under State laws to appropriate water on other lands under the administration of the Bureau of Land Management, where required in connection with stockwatering projects, and procurement of easements or rights-of-way upon or over private lands where improvements are erected.

(d) *Soil and moisture conservation; control of Halogeton glomeratus.* (1) Soil and moisture conservation on the public lands, pursuant to the National Soil Conservation Act of April 27, 1935 (16 U. S. C. sec. 590a, et seq.).

(2) Surveys and other operations and the expenditure of appropriated funds and contributions, under the Halogeton Glomeratus Control Act of July 14, 1952 (66 Stat. 597) and Order No. 2736 of October 28, 1953.

(3) The authority granted by paragraphs (1) and (2) shall include authority to enter into cooperative agreements in the matters listed and shall be subject to the coordination and general supervision of the Office of the Secretary.

(e) *Controlled Brush Burning.* Issue permits for the controlled burning of brush, as a means of improving the range by the replacement of the brush with grass and other desirable species.

SEC. 1.8 *Forest management.* The area administrator may take the following actions:

(a) *Disposition of forest products.* (1) Dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management. This authority shall not include the approval of any sale of timber in excess of 25,000,000 feet, board measure.

(2) Sell timber on lands under the jurisdiction of the Bureau of Reclamation, in accordance with Department Order No. 2533 of September 7, 1949.

(b) *Hearings in connection with sustained-yield forest units.* Schedule and hold public hearings on master forest units and their appurtenant marketing areas, and on sustained-yield forest units and cooperative agreements for sustained-yield forest units, comprising revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, and lands in private ownership or controlled by other public agencies, under authority of the act of August 28, 1937 (50 Stat. 874), and 16 U. S. C. secs. 383a–383i. The notice of hearing may designate any qualified employee in the area to hold the hearing. This shall not include the approval of sustained-yield timber units.

(c) *Cutting of timber on certain mining claims in Oregon.* Approve applications from owners of mining claims located since August 28, 1937, on revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, to cut and use so much of the timber on the mining claims as is necessary in the development and operation of the mines until such time as the timber is otherwise disposed of by the United States, pursuant to the act of April 8, 1948 (62 Stat. 162).

(d) *Roads.* Act on matters involving the acquisition of rights-of-way for access roads on the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, and of existing connecting roads adjacent to such lands, including purchases after clearance with the Department of Justice but not including recommendations to the Attorney General for condemnation proceedings and excepting also approval of projects for the construction of roads to provide access to the timber on such lands.

SEC. 1.9 *Land use.* The area administrator may take the following actions:

(a) *Airports and air navigation facilities.* (1) Issue leases of public lands for public airports and permits for air navigation facilities under the act of May 24, 1928 (49 U. S. C. secs. 211–214).

(2) Take all actions under the Federal Airport Act (49 U. S. C. sec. 1101).

(b) *Cemetery sites.* Take all actions relating to cemetery sites, including such sites in Alaska, pursuant to 43 CFR, Parts 72 and 253.

(c) *Color-of-title and riparian claims.* Take all actions relating to color-of-title and riparian claims, under 43 CFR, Parts 140 and 141.

(d) *Exchanges.* Take actions in all matters relating to exchanges of lands and of timber for lands, except when the value of the selected lands or timber exceeds $250,000.

(e) *Homesteads.* Take all actions on homesteads, including homesteads in Alaska, pursuant to 43 CFR, Parts 166 to 170 inclusive, and Parts 65 and 66.

(f) *Indian allotments.* Take all actions relating to Indian allotments, including allotments in Alaska, with the concurrence of the Commissioner of Indian Affairs, pursuant to 43 CFR, Parts 176 and 67.

(g) *Material other than forest products.* Take all actions relating to any sale or contract for the sale of material other than forest products, or the free use of materials other than forest products, under 43 CFR, Part 259.

(h) *Mineral or medicinal springs.* Take all actions relating to leases of lands adjacent to mineral or medicinal springs, under the act of March 3, 1925 (43 U. S. C. sec. 971).

(i) *Parks and recreational sites.* Take all actions with respect to parks and recreational sites, when authorized by law.

(j) *Motion or sound pictures.* Issue permits to film motion or sound pictures on areas under the jurisdiction of the Bureau of Land Management, pursuant to 43 CFR, Part 5.

(k) *Public sales.* (1) Take all actions on public sales pursuant to 43 CFR, Part 250, and other sales of land by competitive bidding when authorized by law.

(2) Applications by and sales to aliens, associations having an appreciable number of alien numbers, and corporations whose stock to an appreciable extent is held by aliens, are subject to approval by the Secretary of the Interior.

(l) *Railroad grants.* Adjust railroad grants and claims within such grants, pursuant to 43 CFR, Part 273, subject to approval of the validity of the grant rights.

(m) *Reclamation and irrigation.* Take all actions on reclamation and desert-land entries, State irrigation districts, and Nevada under-ground water permits and entries, pursuant to 43 CFR, Parts 230 to 234, inclusive; also, entries, sales, and exchanges of lands in reclamation projects, pursuant to 43 CFR, Chapter II, Bureau of Reclamation, or special instructions of the Secretary of the Interior, to the extent that action by the Bureau of Land Management is required.

(n) *Rights-of-way.* Grant right-of-way permits and easements over public and acquired lands, including revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, and over reservations other than Indian reservations, when authorized by law; and approve construction in advance of the issuance of a permit or the granting of an easement. Actions involving lands within the jurisdiction of any other agency may be taken only with the approval of the head of the bureau or agency administering the land.

(o) *Small tracts.* Take all actions with respect to small tracts, under the act of June 1, 1938 (43 U. S. C. sec. 682a), as amended.

(p) *Special land-use permits.* Take all actions in issuing:

(1) Special land-use permits for public lands, pursuant to 43 CFR, Part 258.

(2) Special land-use permits for revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon pursuant to 43 CFR, sec. 115.150.

(3) Special land-use permits for acquired lands under the administration of the Bureau of Land Management, under the principles embodied in 43 CFR, Part 258.

(4) Permits to use areas below the high-water mark of navigable waters in Alaska for occupancy purposes under the principles embodied in 43 CFR, Part 258, subject to rules, regulations, and requirements of the Department of the Army respecting the navigation of such streams.

(5) Landing and wharf permits on reserved shorespaces in Alaska pursuant to 43 CFR, Part 68.

(6) Not more than 50,000 acres may be included in a permit issued to a Federal or State agency or to a political subdivision, and no permit may be issued under this authority where a withdrawal of a class which the area administrator is not authorized to make is requested.

(q) *State grants, and grants to Territory of Alaska.* Take all actions on State grants and selections, and grants to and selections by the Territory of Alaska, when authorized by law, but not including the approval of clear lists pursuant to section 2449 of the Revised Statutes (43 U. S. C. sec. 859).

(r) *Surface rights.* Take all actions on nonmineral applications for lands embraced in mineral permits or leases, or in applications for such permits or leases, or classified, withdrawn, or reported as valuable for any leasable mineral, or lying within the geologic structure of a field, in accordance with 43 CFR Parts 102 and 66.

(s) *Townsites.* Take all actions on all townsite matters except withdrawals: *Provided*, That reclamation townsite matters shall be handled jointly with the Director of Reclamation, pursuant to 43 CFR, §§ 255.42 to 255.45, inclusive, and § 255.47.

(t) *Water wells.* Take all actions on water-well leases, pursuant to section 40 of the Mineral Leasing Act (30 U. S. C. sec. 229a) and 30 CFR, sec. 241.6.

(u) *Matters pertaining to Alaska only.*—(1) *Alaska, fur farms.* Take all actions on leases of public lands in Alaska for fur farms, under the act of July 3, 1926 (48 U. S. C. secs. 360, 361).

(2) *Alaska, homesites or headquarters.* Take all actions on homesites or headquarters in Alaska, pursuant to 43 CFR Part 64.

(3) *Alaska Housing Authority.* Transfer to the Alaska Housing Authority lands above high-water mark and under the jurisdiction of the Department of the Interior, pursuant to section 6 of the

Alaska Housing Act of April 23, 1949 (48 U. S. C. sec. 484c).

(4) *Alaska, Matanuska Valley.* Dispose of lands in the Matansuka Valley, Alaska, under the act of October 17, 1940 (48 U. S. C. sec. 353 Note).

(5) *Alaska Public Works.* Take all actions on transfers in accordance with sec. 7 of the act of August 24, 1949 (48 U. S. C. sec. 486e), of any interest in public lands in Alaska for any public works project which has been approved under section 4 of the act.

(6) *Alaska, trade and manufacturing sites.* Take all actions on trade and manufacturing sites in Alaska, pursuant to 43 CFR, Part 81.

(7) *Alaska mission claims.* Take all actions pursuant to section 27 of the act of June 6, 1900 (31 Stat. 330) and 50 L. D. 55.

(v) *Certificates, scrip and lieu selections.* Take all actions in connection with certificates and scrip under 43 CFR Parts 130 to 133, inclusive and also forest lieu selections, in accordance with footnote 1, to Part 130, subject to approval of the validity of the scrip or other right.

(w) *Timber and stone entries.* Take all actions on timber and stone entries pursuant to 43 CFR Part 285.

SEC. 1.10 *Designation of acting officials.* The area administrator may designate:

(a) *Acting Area Administrator.* By written order, any principal staff officer in his area to perform the functions of the area administrator, in case of death, resignation, absence, or sickness of the area administrator.

(b) *Acting Principal Staff Officer.* By written order, any qualified employee of the various staff offices to perform the functions of the principal staff officer, in case of death, resignation, absence, or sickness of the principal staff officer.

(c) No other employee may be designated by the area administrator to serve as acting area administrator, except with the prior approval of the Director, and each employee who serves in such capacity in (a) or (b) above shall prepare a memorandum to be kept in the area office showing the date and hour of the commencement and termination of each period of his service in that capacity.

PART II—REDELEGATION OF AUTHORITY TO STATE SUPERVISORS

AUTHORITY IN GENERAL

SECTION 2.0 *Functions of the State supervisor.* (a) The State supervisors of the Bureau of Land Management are authorized to perform in their respective areas [1] and in accordance with the existing policies, regulations, and procedures of this Department, and under the direct supervision of the area administrator, the functions of the Director, Bureau of Land Management, as listed in Part I of this order. This shall include all types of actions within their areas of jurisdiction in the matters listed, unless specifically limited in Part II of this order.

(b) *Limitations.* In addition to limitations on authority in specified matters the authority delegated to the State supervisor shall not include those listed in Part I, 1.0 (b).

SEC. 2.1 *Authority to redelegate.* (a) Each State supervisor may redelegate any authority vested in him by this order to any qualified employee in his area of jurisdiction, except as to the authority to appoint the acting State supervisor. Any order of redelegation of authority pursuant to this section must be approved by the Director, Bureau of Land Management and published in the FEDERAL REGISTER, except that:

(1) The State supervisor may without such approval and publication redelegate to any qualified employee on his immediate staff, authority to take action for and in behalf of the State supervisor in matters listed in sections 2.2 through 2.9 of Part II (according to the staff member's functional responsibilities) without approval of the Director.

(b) Any authority redelegated by the State supervisor may, in his discretion, be exercised personally by him notwithstanding the redelegation of authority.

AUTHORITY IN SPECIFIED MATTERS

The State supervisor may take all actions on matters listed in sections 1.2 through 1.9 of Part I of this order, subject to the limitations listed in Part I, together with any specific limitations listed below:

SEC. 2.2 *General and miscellaneous matters.* The State supervisor may take all actions listed under this section in Part I of this order, except:

(e) *Government contests.* The presentation of the Government's case at the hearing.

SEC. 2.3 *Fiscal affairs.* The State supervisor may take all actions listed under this section of Part I of this order except:

(d) (1) Recommendations to the U. S. Attorney for institution or compromise of suits arising out of trespass.

SEC. 2.4 *Cadastral engineering.* The State supervisor may take all actions listed under this section of Part I, except subparagraphs (1), (2), and (3) of section 1.4 (a).

SEC. 2.5 *Classifications and withdrawals.* The State supervisor may take all actions listed under this section of Part I.

SEC. 2.6 *Minerals.* The State supervisor may take all actions listed under this section of Part I.

SEC. 2.7 *Range management.* The State supervisor may take all actions listed under this section of Part I.

SEC. 2.8 *Forest management.* The State supervisor may take all actions listed under this section of Part I.

SEC. 2.9 *Land use.* The State supervisor may take all actions on matters listed under this section of Part I except:

(d) *Exchanges.* Subject to title opinion of area counsel.

SEC. 2.10 *Designation of acting officials.* The State supervisor may designate:

(a) *Acting State Supervisor.* By written order, any principal staff officer in his State to perform the functions of the State supervisor, in case of death, resignation, absence, or sickness of the State supervisor.

(b) *Acting Principal Staff Officer.* By written order, any qualified employee of the staff office to perform the functions of the principal staff officer, in case of death, resignation, absence, or sickness of the principal staff officer.

(c) *Acting District Field Office Manager.* The assistant district field office manager, or if there is no assistant manager present, by written order any qualified employee in his State, to perform the functions of the manager in case of death, resignation, absence, or sickness of the manager.

(d) Each employee who serves in such capacity in (a) through (c) above shall prepare a memorandum to be kept in the State or district office showing the date and hour of commencement and termination of each period of his service in that capacity.

PART III—REDELEGATION TO DISTRICT FIELD OFFICE MANAGERS

PART III-A—REDELEGATION TO LAND OFFICE MANAGERS

Authority in General

SECTION 3.0 *Functions of land office manager.* (a) The land office managers are authorized to perform in their respective areas [2] and in accordance with the existing policies, regulations and procedures of this Department, and under the direct supervision of the State supervisor, the functions of the Director, Bureau of Land Management, as listed below, subject to the limitations listed in Parts I and II, together with any limitations specified below.

Authority in Specified Matters

SEC. 3.2 *General and miscellaneous matters.* On matters in which he is authorized to act, the land office manager may take all actions on:

(b) *Cancellations or surrenders of contracts and leases.*

(c) *Copies of records.*

(e) *Government contests.*

SEC. 3.3 *Fiscal affairs.* On matters in which he is authorized to act, the land office manager may take all actions on:

(a) *Bonds.*

(c) *Repayments.*

SEC. 3.4 *Cadastral engineering.* The land office manager may take the following action:

(a) (4) Preparation and publication in the FEDERAL REGISTER of notices of the official filing of approved plats of survey and resurvey.

[1] The State supervisor for Montana shall also have jurisdiction in the States of North and South Dakota. The State supervisor for Wyoming shall also have jurisdiction in the States of Nebraska and Kansas. The State supervisor for New Mexico shall also have jurisdiction in the State of Oklahoma.

[2] The land office manager at Billings shall also have jurisdiction in North and South Dakota. The land office manager at Cheyenne shall also have jurisdiction in Nebraska and Kansas. The land office manager at Santa Fe shall also have jurisdiction in Oklahoma.

SEC. 3.5 *Classifications and withdrawals.* Subject to receipt of a report from the State supervisor, the land office manager may take all the listed actions on:

(b) *Orders of withdrawal and restoration.*

(c) *Public land orders.*

SEC. 3.6 *Minerals.* The land office manager may take all the listed actions on:

(a) *Oil and gas leases.*

(b) *Coal permits, leases, and licenses; asphalt leases.*

(c) *Oil shale leases.*

(d) *Phosphate leases.*

(e) *Potassium permits and leases.*

(f) *Sodium permits and leases.*

(g) *Sulphur permits and leases.*

(h) *Agreements to compensate for drainage of oil and gas.*

(i) *Gold, silver, and quicksilver leases.*

(j) *Minerals subject to lease under special laws.*

(k) *Mining claims.*

SEC. 3.7 *Range management.* The land office manager may take all actions on:

(b) (3) Grazing leases of public lands in Alaska under the act of March 4, 1927 (43 U. S. C. secs. 471, 471a–471c).

SEC. 3.9 *Land use.* Subject to classification action by the State supervisor, where necessary, the land office manager may take all actions on:

(a) *Airports and air navigation facilities.*

(b) *Cemetery sites.*

(c) *Color-of-title and riparian claims.* Subject to approval of color-of-title or claim of right by the area counsel.

(d) *Exchanges.*

(6) Authority subject to title approval of offered lands by the area counsel and limited to exchanges in which the value of the selected lands does not exceed $50,000.

(e) *Homesteads.*

(f) *Indian allotments.*

(g) *Material other than forest products.*

(h) *Mineral or medicinal springs.*

(i) *Motion or sound pictures.* Authority limited to lands outside of established grazing and forest districts.

(j) *Parks and recreational sites.*

(k) *Public sales.*

(l) *Railroad grants.*

(m) *Reclamation and irrigation.*

(n) *Rights-of-way.* Authority does not include logging road rights-of-way on public lands west of Range 8 East, Willamette Meridian, Oregon.

(o) *Small tracts.*

(p) *Special land-use permits,* except:

(1) Special land-use permits within grazing or forest districts.

(2) Special land-use permits for revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon.

(q) *State grants, and grants to Territory of Alaska.*

(r) *Surface rights.*

(s) *Townsites.*

(t) *Water wells.*

(u) *Matters pertaining to Alaska only.* The land office manager may take all the listed actions on:

(1) *Alaska, fur farms.*

(2) *Alaska, homesites or headquarters.*

(3) *Alaska, housing authority.*

(4) *Alaska, Matanuska Valley.*

(5) *Alaska public works.*

(6) *Alaska, trade and manufacturing sites.*

(7) *Alaska mission claims.*

(v) *Certificates, scrip and lieu selections.*

(w) *Timber and stone entries.*

PART III-B—REDELEGATIONS TO RANGE MANAGERS

Authority in General

SECTION 3.0 *Functions of range manager.* (a) The range managers are authorized to perform in their respective areas and in accordance with the existing policies, regulations and procedures of this Department, and under the direct supervision of the State supervisor, the functions of the Director, Bureau of Land Management, as listed below, subject to the limitations listed in Parts I and II, together with any limitations specified below.

Authority in Specified Matters

SEC. 3.2 *General and miscellaneous matters.* On matters in which he is authorized to act, the range manager may take all actions on:

(b) *Cancellations or surrenders of contracts.*

(c) *Copies of records.*

SEC. 3.3 *Fiscal affairs.* On matters in which he is authorized to act, the range manager may take all actions on:

(a) *Bonds.*

(c) *Repayments.*

SEC. 3.7 *Range management.* The range manager may take all the listed actions on:

(a) Licenses and permits to graze or trail livestock in a grazing district.

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(4) The expenditure of funds appropriated by Congress, or contributed by individuals, associations, advisory boards, or others for the construction, purchase or maintenance of range improvements.

(b) *Grazing leases.*

(c) *Appropriation of water.*

(d) *Soil and moisture conservation; control of halogeton glomeratus.*

(e) *Controlled brush burning.* In accordance with plans and specifications approved by the State supervisor.

SEC. 3.8 *Forest management.* The range manager may take all the listed actions on: (a) (1) Disposal of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management. This authority shall not include approval of any sale of forest products whose value is in excess of $5,000.

SEC. 3.9 *Land use.* The range manager may take all the listed action on:

(g) *Material other than forest products.*

(i) *Motion or sound pictures.*

(p) *Special land-use permits.* (1) Issue special land-use permits for public lands within the grazing district.

PART III-C—REDELEGATIONS TO DISTRICT FORESTERS

Authority in General

SECTION 3.0 *Functions of the district forester.* (a) The district foresters are authorized to perform in their respective areas and in accordance with the existing policies, regulations, and procedures of this Department, and under the direct supervision of the State supervisor, the functions of the Director, Bureau of Land Management as listed below subject to the limitations listed in Parts I and II together with any limitations specified below.

Authority in Specified Matters

SEC. 3.2 *General and miscellaneous matters.* On matters in which he is authorized to act, the district forester may take actions on:

(a) *Cancellations or surrenders of contracts.*

(b) *Copies of records.*

SEC. 3.3 *Fiscal affairs.* On matters in which he is authorized to act, the district forester may take action on:

(a) *Bonds.*

(c) *Repayment.*

SEC. 3.7 *Range management.* The district forester may take all the listed action on:

(b) *Grazing leases.*

(e) *Controlled brush burning.*

SEC. 3.8 *Forest management.* The district forester may take all the listed action on:

(a) *Disposition of forest products.*

(c) *Cutting of timber on certain mining claims in Oregon.*

(d) *Roads.*

SEC. 3.9 *Land use.* The district forester may take all the listed action on:

(g) *Material other than forest products.*

(i) *Motion or sound pictures.*

(n) *Rights-of-way.* Limited to logging road rights-of-way over public lands west of Range 8 East, Willamette Meridian, Oregon.

(p) *Special land-use permits.*

(1) Special land-use permits for public lands within the forest districts.

(2) Special land-use permits for revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon.

PART IV—REDELEGATIONS OF AUTHORITY TO THE EASTERN STATES OFFICE SUPERVISOR

AUTHORITY IN GENERAL

SECTION 4.0 *Functions of Eastern States supervisor.* (a) In accordance with the existing policies, regulations and procedures of this Department, and under the direct supervision of the Assistant Director for Operations, the Eastern States supervisor of the Bureau of Land Management is authorized to perform in his geographical area of jurisdiction, the functions of the Director, Bureau of Land Management, as listed in Part I of this order and irrespective of geographical limitations all authority of

the Director in the matters listed in section 4.11 of Part IV of this order unless specifically limited.

(b) *Limitations.* In addition to limitations on authority in specified matters, the authority delegated to the Eastern States Supervisor shall not include:

(1) The issuance of regulations.

(2) Any function which has been or may be delegated to the head, or other official, of any other agency of this Department.

(3) The issuance of public-land orders.

(4) The exercise of the supervisory powers of the Secretary, whether by way of appeal to the Secretary or otherwise.

(5) Any action to be taken with the approval or concurrence of the President, or the head of any department or independent agency of the Government.

(6) Any action affecting the lands or activities of any other Federal agency until the matter has been cleared with that agency.

SEC. 4.1 *Authority to redelegate.* (a) The Eastern States supervisor may redelegate any authority vested in him by this order to any qualified employee in his area of jurisdiction, except the authority to appoint the acting Eastern States supervisor. Any order of redelegation of authority pursuant to this section must be approved by the Director, Bureau of Land Management, and published in the FEDERAL REGISTER, except that:

(1) The Eastern States supervisor may, without such approval and publication, redelegate to any qualified employee on his immediate staff, authority to take action for and in behalf of the Eastern States supervisor in matters listed under Authority in Specified Matters of Part IV (according to the staff member's functional responsibilities).

(b) Any authority redelegated by the Eastern States supervisor may, in his discretion, be exercised personally by him, notwithstanding the redelegation of authority.

AUTHORITY IN SPECIFIED MATTERS

The Eastern States supervisor may take all actions on matters listed in sections 1.2 through 1.9 of Part I of this order and section 4.11 of Part IV, subject to the limitations listed in Part I, together with any specific limitations listed below.

SEC. 4.2 *General and miscellaneous matters.* The Eastern States supervisor may take all actions listed under this section of Part I of this order, except:

(c) *Government contests.* The presentation of the Government's case at the hearing.

SEC. 4.3 *Fiscal affairs.* The Eastern States supervisor may take all actions listed under this section of Part I of this order, except:

(d) (1) Make recommendations to the U. S. Attorney for institution or compromise of suits arising out of trespass.

SEC. 4.4 *Cadastral engineering.* The Eastern States supervisor may take all actions listed under this section of Part I.

SEC. 4.5 *Classifications and withdrawals.* The Eastern States supervisor may take all actions listed under this section of Part I.

SEC. 4.6 *Minerals.* The Eastern States supervisor may take all actions listed under this section of Part I.

SEC. 4.7 *Range management.* The Eastern States supervisor may take all actions listed under this section of Part I.

SEC. 4.8 *Forest management.* The Eastern States supervisor may take all actions listed under this section of Part I.

SEC. 4.9 *Land use.* The Eastern States supervisor may take all actions on matters listed under this section of Part I except:

(d) *Exchanges.* Subject to title opinion of area counsel.

SEC. 4.10 *Designation of acting officials.* The Eastern States supervisor may designate:

(a) *Acting Eastern States supervisor.* By written order, any principal staff officer in his office to perform the functions of the Eastern States supervisor, in case of death, resignation, absence, or sickness of the Eastern States supervisor.

(b) *Acting principal staff officers.* By written order, any qualified employee of the various staff offices to perform the functions of the principal staff officer, in case of death, resignation, absence, or sickness of the principal staff officer.

(c) *Acting district field office manager.* The assistant district field office manager, or if there is no assistant manager present, by written order any qualified employee in his office, to perform the functions of the manager in case of death, resignation, absence, or sickness of the manager.

(d) Each employee who serves in such capacity in (a) through (c) above, shall prepare a memorandum to be kept in the Eastern States office, or district office, showing the date and hour of the commencement and termination of each period of his service in that capacity.

SEC. 4.11 *Authority in special matters.* The Eastern States supervisor may take the following actions:

(a) *Amendment of entries and patents.*

(b) *Patents.* Issue patents or their equivalent for grants of land under the authority of the Government, to be issued in the name of the United States, other than patents or other conveyances which require the approval or signature of the President. Patents may be signed by the chief of the patents section of the Eastern States office, and, in his absence, by the acting chief of the section.

(c) *Cash and credit system.* Take all actions on cash and credit system and preemption entries when full payment has been made.

(d) *Private land and small-holding claims.* Take all actions on:

(1) Confirmed private land claims.

(2) Small-holding claims.

(e) *Drainage entries.* Take all actions on Arkansas and Minnesota drainage entries, in accordance with 43 CFR Parts 117 and 118, respectively.

(f) *Railroad grants.* Approve the validity of the grant rights in regard to railroad grants and claims within such grants pursuant to 43 CFR, Part 273.

(g) *Certificates, scrip, and lieu selections.* Approve the validity of the scrip or other right pursuant to 43 CFR, Parts 130 to 133, inclusive.

(h) *Disposal of specified tracts.* Take all actions in regard to the disposal of specified tracts of public land when authorized by law.

(i) *Withdrawals and restorations.* Take all actions in regard to withdrawals and restorations under the Secretary's authority when not specified elsewhere in this order.

(j) *Mineral leases of submerged lands of outer Continental Shelf issued by a State.* The making of determinations respecting the compliance or noncompliance of mineral leases issued by any State with the requirements of section 6 of the Outer Continental Shelf Lands Act (67 Stat. 462; Public Law 212, 83d Congress), provided that such determinations shall be submitted to the Solicitor for concurrence.

PART V—APPEALS

SECTION 5.1 *Right of appeal.* Any person aggrieved by the action of any area administrator, State supervisor, land office manager, range manager, district forester or their delegate may appeal to the Director, Bureau of Land Management, and from his decision to the Secretary of the Interior, pursuant to the Rules of Practice (43 CFR, Part 221).

PART VI—EFFECT ON PRIOR ORDERS

SECTION 6.1 *Revocations.* Bureau of Land Management Orders No. 427, as amended, and No. 473, and Regional Orders Region I—No. 100; Region II—No. 1; Region III—No. 46; Region IV—No. 9; Region V—No. 24; Region VI—No. 1; and Region VII—No. 1, as amended, are hereby revoked effective immediately as to all district and land offices but effective otherwise as to each area and Eastern States office upon the opening of the area office and Eastern States office, respectively.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 54-3200; Filed, Apr. 27, 1954; 8:54 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 19, 1954.

An application, serial number Oregon 03102, for the withdrawal from all forms of appropriation under the general mining laws, except mineral leasing of the lands described below was filed on February 1, 1954, by Forest Service, Department of Agriculture. The purposes of the proposed withdrawal: Administrative and public service sites, recreational areas, forest camps, and other public purposes."

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior at Swan Island Station, Portland 18, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

OREGON, WILLAMETTE MERIDIAN

T. 7 S., R. 5 E.,
Sec. 26, SW¼NW¼;
Sec. 27, SE¼NE¼.
T. 40 S., R. 3 W.,
Sec. 2, SW¼SW¼;
Sec. 10, NE¼NE¼;
Sec. 4, lot 4.
T. 36 S., R. 6 E.,
Sec. 10, S½SW¼NE¼NW¼, NW¼SE¼NW¼, N½SW¼SE¼NW¼, SE¼SW¼SE¼NW¼, S½SW¼NW¼SW¼, SE¼NW¼SW¼, S½NE¼SW¼, S½SW¼;
Sec. 24, NE¼.
T. 6 N., R. 40 E.,
Sec. 34, SE¼.
T. 4 N., R. 38 E.,
Sec. 32, E½SW¼.
T. 3 N., R. 37 E.,
Sec. 22, W½SW¼.
T. 9 S., R. 34 E.,
Sec. 14, W½SW½;
Sec. 15, S½ of lot 3, lot 2;
Sec. 22, lot 1 NE¼NE¼.
T. 26 S., R. 4 E. (unsurveyed),
Sec. 20, NE¼, E½NW¼, NE¼SW¼, N½SE¼.
T. 22 S., R. 1 E.,
Sec. 8, S½N½, N½S½, E½SE¼SE¼;
Sec. 9, W½SW¼;
Sec. 26, E½E½SW¼, W½W½SE¼;
Sec. 22, SW¼NW¼NE¼, S½NE¼, SE¼NE¼NW¼;
Sec. 16, E½SW¼NE¼, W½SE¼NE¼; W½ lot 3, E½ lot 4.
T. 29 S., R. 1 W.,
Sec. 34, lots 1 and 2, NE¼NW¼.
T. 27 S., R. 5 E. (unsurveyed),
Sec. 25, S½SE¼, SE¼SW¼;
Sec. 36, W½E½, E½W½.
T. 27, S., R 6 E.
Sec. 29, S½SW¼;
Sec. 30, lots 4 and 5, S½SE¼;
Sec. 31, lots 1, 2 and 3;
Sec 32, lots 1, 2, 3, 4 and 5, N½NW¼.
T. 28 S., R. 5 E. (unsurveyed),
Sec. 1, E½;
Sec. 12, E½;
Sec. 13, NE¼.
T. 28 S., R. 6 E. (unsurveyed),
Sec. 6, W½;
Sec. 9, W½;
Sec. 16, NW¼;
Sec. 17, N½;
Sec. 18, NE¼.
T. 6 S., R. 43 E.,
Sec. 1, W½;
Sec. 2, lots 1 and 2, S½NE¼;
Sec. 15, NW¼.
T. 3 S., R. 41 E.,
Sec. 27, NW¼.
T. 12 S., R. 34 E.,
Sec. 11, W½SW¼, W½W½E½SW¼.

The areas described aggregate 5,853.98 acres.

Portions of the lands are in the Mt. Hood, Rogue River, Umatilla, Umpqua, and Whitman National Forests and the lands appear to be primarily suitable for the purposes for which the withdrawal is requested.

J. G. FRIEDLY,
Acting Regional Administrator.

[F. R. Doc. 54-3137; Filed, April. 27, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7287, 8782, 11006, 11007, 11008]

ALLEGHENY BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Allegheny Broadcasting Corporation, McKeesport, Pennsylvania, Docket No. 7287, File No. BPCT-147; WCAE, Incorporated, Wilkinsburg, Pennsylvania, Docket No. 8782, File No. BPCT-293; William G. Matta and George C. Matta, d/b as Matta Enterprises, Braddock, Pennsylvania, Docket No. 11006, File No. BPCT-1467; Wespen Television, Inc., Irwin, Pennsylvania, Docket No. 11007, File No. BPCT-1732; Irwin Community Television Company, Irwin, Pennsylvania, Docket No. 11008, File No. BPCT-1742; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of April 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 4 assigned to Pennsylvania; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that Columbia Broadcasting System, Inc. (CBS), owner of a 45 percent stock interest in Allegheny Broadcasting Corporation, is also the licensee or permittee of three television stations, the owner of minority interests in two television stations, and an applicant for two television stations; that the application of Allegheny showing the interest of CBS was filed prior to the amendment, on January 4, 1954, of § 3.636 of the Commission's rules; that on March 1, 1954, pursuant to footnote 10 of the Commission's Report and Order in Docket No. 8967 amending § 3.636, Allegheny filed a request for waiver of §§ 1.361 (c) and 1.362 of the Commission's rules and for permission to remain in this proceeding as one of the competing applicants; that oppositions to said request have been filed by WCAE, Inc., Wespen Television, Inc., and Matta Enterprises; and that a reply to the oppositions was filed by Allegheny; and

It further appearing that footnote 10, upon which Allegheny relies constitutes a reasonable exercise of the Commission's discretionary authority to waive its rules; that the relief afforded is procedural only and is justified where the parties to which it applies have filed applications and expended resources in the prosecution thereof in reliance upon the television multiple ownership rule (§ 3.636) prior to its amendment, and where the public interest criteria limiting ownership and control of television stations, as expressed in the amended § 3.636, are protested by conditions in the footnote which assure that, by divestment if necessary, an applicant benefiting from the relief afforded shall not thereby hold interests in television stations in excess of the number now permitted by § 3.636; and

It further appearing that the application of Allegheny was filed in reliance upon the fact that the interests of CBS in two television stations were minority interests and that § 3.636, before amendment, contained no specific provision with reference to such minority interests; that said applications of CBS and Allegheny, prior to the amendment of § 3.636, had not been found defective under § 1.361 (c) or inconsistent under § 1.362 of the rules; that Allegheny has gone to considerable expense and engaged in extensive preparations in connection with the instant application in reliance upon the policy prevailing before the amendment of § 3.636, and has stated that if successful in the instant comparative proceeding, it will accept a construction permit conditioned upon its divestment of such other interests as may be necessary to bring its holdings within the limits imposed by § 3.636 of the rules; that Allegheny has been advised by CBS that it has under consideration plans that will reconcile its interests, including its interest in Allegheny, with the requirements of the Commission's multiple ownership rules, so that a grant to Allegheny will cause no delay in television service because of any interests of CBS; and that upon consideration of said request for waiver and the oppositions thereto, the Commission is of the opinion that said request should be granted and that Allegheny should be permitted to compete with the other applicants herein for Channel 4 assigned to Irwin, Pennsylvania (In re Applications of St. Louis Telecast, Inc., et al., FCC 54-482); and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Allegheny Broadcasting Corporation, WCAE, Incorporated, Irwin Community Television Company are legally, financially and technically qualified to construct, own and operate a television broadcast station, but that questions are raised concerning other qualifications of Allegheny Broadcasting Corporation to construct, own and operate a television broadcast station; that Wespen Televi-

sion, Inc., is legally, financially and technically qualified to construct, own and operate a television broadcast station except as to issue "1" below; that William G. Matta and George C. Matta d/b as Matta Enterprises are legally, financially and technically qualified to construct, own and operate a television broadcast station except as to issue "1" below; and

It further appearing, that the application of Allegheny Broadcasting Corporation proposes an antenna location in the vicinity of the antenna of standard broadcast station WEDO; that the installation and operation of the television antenna as proposed is possible and feasible without adversely affecting the ability of Station WEDO to operate in accordance with the terms of its license; that appropriate proof thereof should be submitted after installation and operation of the said proposed antenna; and that a grant, if made, of the application should be subject to a condition in this respect as follows:

The construction authorized is subject to the condition that such shall not adversely affect the ability of standard broadcast station WEDO to operate in accordance with the terms of its license, particularly with respect to its antenna system, that sufficient field intensity measurements of Station WEDO shall be made before and after such construction to prove that no material effect thereon has resulted.

It is ordered, That the request of Allegheny Broadcasting Corporation for waiver of §§ 1.361 (c) and 1.362 of the Commission's rules is granted; and that the request of Wespen Television, Inc., to dismiss the above-entitled application of Allegheny Broadcasting Corporation is denied.

It is further ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 21st day of May 1954 in Washington, D. C., upon the following issues:

1. To determine whether the installation and operation of the stations proposed by William G. Matta and George C. Matta, d/b as Matta Enterprises and Wespen Television, Inc. in the above-entitled applications would constitute a hazard to air navigation.

2. To determine the stock ownership and management interests of Columbia Broadcasting System, Inc. in existing television broadcast stations and in applicants for television broadcast stations.

3. To determine whether, in the light of the evidence adduced at the hearing with respect to issue "2", a grant of the application of Allegheny Broadcasting Corporation would be consistent with the provisions of § 3.636 of the Commission's rules and with its policies concerning the ownership of interests, minority and majority, by one party in more than five television stations.

4. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 22, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-3163; Filed, Apr. 27, 1954; 8:51 a. m.]

[Docket No. 10824]

COAST STATIONS IN MISSISSIPPI RIVER SYSTEM

ORDER MODIFYING CERTAIN SHIP STATION LICENSES

In the matter of modification of licenses of coast stations currently authorized to operate in the Mississippi River system area on certain frequencies between 4000 kc and 18000 kc.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of April 1954;

The Commission having under consideration its Show Cause Order issued in Docket No. 10824 which proposed the modification of certain coast station licenses so as to delete the frequency 4162.5 kc as of May 1, 1954, and to add the frequencies 4067 kc and 4372.4 kc as of March 15, 1954;

It appearing that various interested parties have recently advised the Commission of difficulties in obtaining necessary equipment to effect the activation of 4067 kc which is to serve as a replacement for 4162.5 kc and that authority to continue to operate on 4162.5 kc beyond May 1, 1954, is desired;

It is ordered, That pursuant to the authority of section 316 of the Communications Act of 1934, as amended, the licenses of the coast stations shown in Appendix 1 are modified so as to delete the frequency 4162.5 kc as of August 1, 1954 and to add the frequencies 4067 kc and 4372.4 kc as of the date of adoption of this order.

It is further ordered, That in view of the infeasibility of securing applications for the new frequencies from all ship station licensees now authorized to use frequencies on the Mississippi River System for radiotelephony communication with coast stations of the system, the licenses of such ship stations are modified, effective immediately, so as to add the frequencies 4067 kc, 4372.4 kc and 8205.5 kc for a period not to extend beyond September 1, 1954.

Released: April 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

APPENDIX

Station	Location	Licensee
WAY.....	Lake Bluff, Ill.....	Illinois Bell Telephone Co.
WFN.....	Louisville, Ky.....	Warner & Tamble Radio Service.
WOK.....	St. Louis, Mo.....	RMCA.
WCVM.....	Pittsburgh, Pa.....	RMCA.
WBN.....	Memphis, Tenn..	Warner & Tamble Radio Service.
WJG.....	.....do.....	Do.

[F. R. Doc. 54-3162; Filed, Apr. 27, 1954; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2217]

NORTHERN NATURAL GAS CO.

ORDER EXTENDING DATE FOR FILING OF EXHIBITS AND POSTPONING DATE FOR RECONVENING HEARING

These proceedings involve a single issue concerning service zones and differentials in rates in areas served by Northern Natural Gas Company (Northern). Hearings have been held in which certain interveners advocating service zones and rate differentials on this system have presented evidence in support of their position. Pursuant to order of the Presiding Examiner, the hearings are now fixed to resume on May 11, 1954. The Presiding Examiner has also directed that, prior to the reconvening of the hearings, all parties to the proceeding intending to offer evidence in the further hearings, including Northern, shall serve their proposed exhibits upon all other parties on or before April 27, 1954.

Northern, on April 7, 1954, filed an appeal from the last-mentioned ruling of the Presiding Examiner requesting that it be allowed a minimum of two weeks after completion of cross-examination of all intervener and Commission staff witnesses in respect to the zone rate issue, in which to prepare "rebuttal" exhibits and testimony, and three weeks if such exhibits and testimony are required to be served one week in advance.

In support of said motion, Northern states, among other things, that its presentation in this proceeding in support of increased rates, which phase of the case has been heretofore disposed of, is based upon a uniform town border rate, excepting for the so-called Argus or Southwest

[1] Dissenting opinion of Commissioner Hennock filed as part of original document.

Kansas area; that interveners other than those who have heretofore presented evidence may well recommend the establishment of different zones in the exhibits proposed to be served on April 27, 1954; and that to require Northern to serve its exhibits on the same date would preclude it from presenting exhibit evidence in opposition thereto.

On April 15, 1954, Central Electric and Gas Company, Council Bluffs Gas Company, and the Metropolitan Utilities District of Omaha, interveners, made a joint filing, which they have designated as their "Resistance to Northern's Appeal," opposing the granting of that appeal. It is contended by these interveners, who are the proponents of zoning, among other things, that Northern is in no different position with respect to this issue than are the other interveners opposing the zoning of Northern's system; that so far as this issue is concerned Northern does not have the right of rebuttal; and that Northern has failed to set forth any grounds or reasons for requiring additional time.

Also on April 15, 1954, Northern States Power Company and eight other interveners, all but one of which have heretofore announced themselves to be in opposition to the proposed zoning, filed a joint motion requesting an order continuing from April 27 to May 8, 1954, the date within which exhibits sponsored by such interveners must be served. The motion also requests that the order of the proceedings as prescribed by the Examiner be modified to provide opportunity for cross-examination by them of those sponsoring zone rate exhibits, before these joint movants are required to serve their exhibits.

In support of this latter motion, it is alleged, among other things, that, for reasons stated in two accompanying affidavits, the proposed exhibits of these movants cannot be completed and made ready for service prior to May 8; that these movants should not be required to serve exhibits without first being given the opportunity to cross-examine the witnesses of proponents of zone rates; that such cross-examination may disclose reasons why some of the proposed exhibits need not be served or introduced in evidence; and that these movants would be prepared for such cross-examination of said proponents' witnesses by May 3 and could serve their own exhibits on May 10, 1954.

The Commission finds: It is appropriate that the rulings of the Presiding Examiner be modified as hereinafter ordered.

The Commission orders:

(A) The date by which Northern and those interveners opposing the establishment of any service zones and rate differentials on Northern's system are required to serve their proposed exhibits in this proceeding be and it is hereby extended from April 27, 1954, to May 8, 1954.

(B) The date for the reconvening of the hearings herein be and it is hereby extended from May 11, 1954, to May 17, 1954.

(C) The said motions be and they hereby are denied in all other respects.

Adopted: April 21, 1954.

Issued: April 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3151; Filed, Apr. 27, 1954; 8:48 a. m.]

[Docket No. G-2356]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application, filed January 18, 1954, and supplemented on March 3, 1954, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, all as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on January 30, 1954 (19 F. R. 543).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on May 12, 1954, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application and supplement thereto: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: April 21, 1954.

Issued: April 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3152; Filed, Apr. 27, 1954; 8:48 a. m.]

[Docket No. G-2384]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application, filed March 8, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on April 8, 1954 (19 F. R. 2040).

Good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 26, 1954, at 9:30 a. m., (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: April 21, 1954.

Issued: April 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3153; Filed, Apr. 27, 1954; 8:49 a. m.]

[Docket No. G-2410]

CITIES SERVICE GAS CO.

ORDER SUSPENDING PROPOSED TARIFF, PERMITTING CERTAIN TARIFF SHEETS TO BECOME EFFECTIVE AND PROVIDING FOR INVESTIGATION AND HEARING

On March 22, 1954, Cities Service Gas Company (Cities Service) tendered for filing its FPC Gas Tariff, Second Revised Volume No. 1, proposed to become effective April 23, 1954, and proposing, among other things, an annual rate increase of $12,589,072 to its wholesale customers, based on sales for the year 1953, as adjusted.

In support of its increased rates and charges, Cities Service has utilized, inter alia, rate of return of 6¾ percent and has made adjustments to book data to reflect changes anticipated to occur by August 1, 1954. The increased rates and charges provided in the proposed tariff have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Many purchasers, municipalities and the Kansas and Missouri

Commissions have filed objections to the increase and requested suspension of the proposed increased rates and charges. One of the purchasers, the City of St. Joseph, Missouri, requests that its service complaint, docketed as IN–866, be consolidated with any suspension proceedings. However, such action is not necessary at this time since the proceedings provided for herein are sufficiently broad to include the consideration of service to the city.

One of the tariff changes proposed by Cities Service is the separation of the presently effective Rate Schedules I–1 and I–2, respectively, available in Cities Service Zone 1 and Zone 2, applicable to gas sold for resale to commercial and industrial customers, into two series of rate schedules for each zone—an "I" series applicable to volumes used by industrial consumers and a "C" series for volumes used by commercial consumers. It appears that the proposed Rate Schedules I–1 and I–2 will be applicable to sales for resale for industrial use only and therefore are not subject to suspension under section 4 (e) of the Natural Gas Act.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in sections 4 and 5 of such act, concerning the lawfulness of Cities Service's FPC Gas Tariff, presently effective First Revised Volume No. 1 and the proposed Second Revised Volume No. 1, and that said proposed tariff, except Original Sheets Nos. 14, 15, 16, and 17, be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, services, and classifications contained in Cities Service's FPC Gas Tariff, presently effective First Revised Volume No. 1 and the proposed Second Revised Volume No. 1, and the service agreements thereunder.

(B) Pending such hearing and decision thereon, Cities Service's FPC Gas Tariff, Second Revised Volume No. 1, except Original Sheets Nos. 14, 15, 16, and 17, be and the same is hereby suspended and the use thereof deferred until September 23, 1954, and until such further time thereafter as it may be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: April 21, 1954.

Issued: April 22, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–3154; Filed, Apr. 27, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1609]

PRESSED STEEL CAR CO., INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of April A. D. 1954.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Pressed Steel Car Company, Inc., Common Stock, $1 Par Value; File No. 7–1609.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of Pressed Steel Car Company, Inc., a security listed and registered on the Midwest Stock Exchange and on the New York Stock Exchange. Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 20, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–3139; Filed, Apr. 27, 1954; 8:46 a. m.]

[File No. 70–3189]

UNITED CORP.

ORDER GRANTING APPLICATION FOR AMENDMENT OF ORDER

The United Corporation ("United"), a registered holding company, has filed with this Commission an application for amendment of the Commission's order of May 2, 1952, granting an application filed pursuant to section 9 (c) (3) of the Public Utility Holding Company Act of 1935 ("act") for an exemption from section 9 (a) of the act with respect to a program for the investment of funds up to $24,500,000 (Holding Company Act Release No. 11209).

The proposed amendment would impose the following restrictions on the investment by United of any of its funds, in lieu of the conditions presently applicable to its investment program, until United shall have secured an order under section 5 (d) of the act declaring that it has ceased to be a holding company:

1. That United shall not acquire more than 4.9 percent of the voting securities (or securities convertible into voting securities) of any public utility company or of any holding company exempt as such from the provisions of the act, or of any registered holding company or its subsidiaries, the system of which has been integrated and simplified as determined by order of the Commission under section 11 of the act, but shall not acquire any voting securities (or securities convertible into voting securities) of any registered holding company or any subsidiary of such registered holding company not in compliance with section 11 of the act, and shall not acquire any voting securities of any public utility company or holding company which is or has been a statutory subsidiary of United (except that United may acquire voting securities of any such prior statutory subsidiary in accordance with the exemption afforded by Rule U-40 (a) (3) under the act, provided such acquisition does not bring United's holdings of the voting securities of such company above the 4.9 percent level).

2. That all other acquisitions of securities by United shall be subject to such limitations and restrictions as have been placed upon registered investment companies by the Investment Company Act of 1940, and the rules and regulations thereunder.

3. That United file with the Commission quarterly reports prescribed by section 30 (b) (1) of the Investment Company Act of 1940 and Rule N-30B1–1 promulgated thereunder.

4. That United transmit to its stockholders, at least semi-annually, reports prescribed by section 30 (d) of the Investment Company Act of 1940 and Rule N-30D–1 promulgated thereunder.

United has requested that the Commission's order to be entered herein become effective upon issuance thereof.

Due notice was given of the filing of said application and a hearing has not been requested of or ordered by the Commission; however, Randolph Phillips, a common stockholder of United, has requested that the Commission deny the application upon the basis of certain specified objections and also requested that he be notified of the position of the Division of Corporate Regulation prior to a Commission decision. The Director of the Division advised Phillips of the Division's intention to recommend granting of the application and no further communication has been received from Phillips.

The Commission having considered United's application and the objections advanced by Phillips in the light of the applicable provisions of the act and rules thereunder, and the Commission having concluded that United's investment program, under the prevailing circumstances and within the limitations proposed, is appropriate in the ordinary

course of its business, and is not detrimental to the public interest or the interest of investors or consumers, and otherwise satisfies the applicable standards of the act:

It is ordered, Pursuant to the applicable provisions of the act, that the application be, and hereby is, granted forthwith, subject to the terms and conditions prescribed by Rule U-24 of the general rules and regulations promulgated under the act, and subject to the following additional condition:

That the Commission reserves jurisdiction after notice and opportunity for hearing to prohibit further purchases of any particular security or to prohibit all further purchases under this investment program if it should appear that such purchases would be inconsistent with any provisions of the act or any rule or regulation thereunder or any terms or conditions of this order; pending an inquiry to determine whether any further purchases shall be prohibited, the Commission may summarily suspend purchases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 54–3138; Filed, Apr. 27, 1954; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29175]

COTTON FROM SOUTHWEST TO MUSKOGEE, OKLA.

APPLICATION FOR RELIEF

APRIL 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Cotton, carloads.

From: Points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas, and Memphis, Tenn.

To: Muskogee, Okla.

Grounds for relief: Rail competition, circuity, market competition, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4014, supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–3142; Filed, Apr. 27, 1954; 8:46 a. m.]

[4th Sec. Application 29176]

GRAIN FROM POINTS IN KANSAS TO ARKANSAS, MEMPHIS, TENN., AND CEDAR, OKLA.

APPLICATION FOR RELIEF

APRIL 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Atchison, Topeka and Santa Fe Railway Company and St. Louis-San Francisco Company.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Kansas.

To: Points in Arkansas, Memphis, Tenn., and Cedar, Okla.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3939, supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–3143; Filed, Apr. 27, 1954; 8:46 a. m.]

[4th Sec. Application 29177]

POTASSIUM (POTASH) FROM WENDOVER, UTAH TO POINTS IN MINNESOTA

APPLICATION FOR RELIEF

APRIL 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for the Chicago, Burlington & Quincy Railroad Company, Denver and Rio Grande Western Railroad Company, and Western Pacific Railroad Company.

Commodities involved: Potassium (potash) viz, muriate of, and sulphate of, carloads.

From: Wendover, Utah.

To: Dayton's Bluff, St. Paul, Minnesota Transfer, and Minneapolis, Minn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. 1561, supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54–3144; Filed, Apr. 27, 1954; 8:46 a. m.]

[4th Sec. Application 29178]

TEXAS COMMODITY RATES

APPLICATION FOR RELIEF

APRIL 23, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to schedule listed below.

Commodities involved: Various commodities.

Between: Points in Texas.

Grounds for relief: Competition with rail carriers and to meet intrastate rates.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 807, supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emer-

gency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3145; Filed, Apr. 27, 1954; 8:46 a. m.]

[No. 31483]

IDAHO INTRASTATE FREIGHT RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING; CORRECTED ORDER

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 9th day of April A. D. 1954.

It appearing that in Ex Parte No. 175, Increased Freight Rates, 1951, 280 I. C. C. 179; 281 I. C. C. 557; and 284 I. C. C. 589, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing that a petition, dated February 4, 1954 (which brought in issue intrastate rates in the States of Idaho and Utah) has been filed by the Camas Prairie Railroad Company and other common carriers by railroad, named in appendix A to the petition, operating to, from, and between points in the State of Idaho, averring, among other matters, that the Idaho Public Utilities Commission has refused to authorize or permit petitioners to establish for the intrastate transportation upon their railroads in Idaho increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in the proceeding above cited; such refusal being alleged in the manner and to the extent as more fully set forth in the said petition;

It further appearing that petitioners allege that the refusal of the Idaho Public Utilities Commission to permit the increase on intrastate traffic referred to in the preceding paragraph causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

It further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Idaho;

And it further appearing that the Idaho Public Utilities Commission on March 8, 1954, filed an answer containing a motion to require petitioners to amend their petition by severing the causes of action as between the States of Idaho and Utah, and to dismiss the petition as to Idaho upon the grounds that evidence sufficient to satisfy State statutory requirements had not been offered by petitioners, and that the matter before the said Commission was reopened January 7, 1953, and it appearing that no further proceedings have been had therein and that investigation of petitioners' alleged violations of the Interstate Commerce Act should be made as required by the provisions of that act;

It is ordered, That the said motion of the Idaho Public Utilities Commission to dismiss be, and it is hereby, overruled, without prejudice, pending presentation of evidence; and that separate investigations be instituted with respect to the rates brought in issue in Idaho and Utah respectively;

It is further ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Idaho for the intrastate transportation of property made or imposed by authority of the State of Idaho, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by the Commission for interstate traffic in the proceeding cited above, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Idaho which are subject to the jurisdiction of this Commission be, and they are hereby made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Idaho be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of said State and to the Idaho Public Utilities Commission at Boise, Idaho;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby assigned for hearing May 17, 1954, at 9:30 o'clock a. m., U. S. Standard Time (or 9:30 a. m. local daylight saving time, if that time is observed), at the rooms of the Idaho Public Utilities Commission, Boise, Idaho, before Examiner M. Witters.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3146; Filed, Apr. 27, 1954; 8:47 a. m.]

[No. 31484]

UTAH INTRASTATE FREIGHT RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING; CORRECTED ORDER

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 9th day of April A. D. 1954.

It appearing that in Ex Parte No. 175, Increased Freight Rates, 1951, 280 I. C. C. 179; 281 I. C. C. 557; and 284 I. C. C. 589, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing that a petition, dated February 4, 1954 (which brought in issue intrastate rates in the States of Utah and Idaho) has been filed by the Bamberger Railroad Company and other common carriers by railroad, named in appendix A to the petition, operating to, from, and between points in the State of Utah, averring, among other matters, that the Public Service Commission of Utah has refused to authorize or permit petitioners to establish for the intrastate transportation upon their railroads in Utah increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in the proceeding above cited; such refusal being alleged in the manner and to extent as more fully set forth in the said petition;

It further appearing that petitioners allege that the refusal of the Public Service Commission of Utah to permit the increase on intrastate traffic referred to in the preceding paragraph causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce on the one hand, and interstate commerce on the other hand, and in undue, unreasonable and unjust discrimination against interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

It further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Utah;

And it further appearing that the Public Service Commission of Utah on March 12, 1954, filed an answer containing a motion to dismiss the petition herein upon the ground that evidence sufficient to satisfy State statutory requirements had not been offered by petitioners before that Commission, and it appearing that investigation of petitions' alleged violations of the Interstate Commerce Act should proceed in due course:

It is ordered, That the said motion of the Public Service Commission of Utah be, and it is hereby, overruled, without prejudice, pending presentation of evidence;

It is further ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Utah for the intrastate transportation of property made or imposed by authority of the State of Utah, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by the Commission for interstate traffic in the proceeding cited above, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Utah which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Utah be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of said State and to the Public Service Commission of Utah at Salt Lake City, Utah;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby assigned, for hearing May 20, 1954, at 9:30 o'clock a. m., U. S. Standard Time (or 9:30 a. m. local daylight saving time, if that time is observed), at the rooms of the Public Service Commission of Utah, Salt Lake City, Utah, before Examiner M. Witters.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3147; Filed, Apr. 27, 1954; 8:47 a. m.]

[Notice No. 4]

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

APRIL 23, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER. (49 CFR 1.240). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

APPLICATIONS FOR OPERATING AUTHORITY

NO. MC 873 Sub 22, SOONER FREIGH LINES, a corporation, P. O. Box 2458, Exchange Branch 3000 West Reno, Oklahoma City, Okla. Applicant's attorney: Sidney P. Upshur, 3000 West Reno, Oklahoma City, Okla. For authority to operate as a *common carrier*, over a regular route, transporting, *Class A, Class B, and Class C explosives, and other dangerous articles*, between Oklahoma City, Okla., and Lawton, Okla., over U. S. Highway 277, serving the intermediate point of Fort Sill, Okla.

NO. MC 1124 Sub 114, HERRIN TRANSPORTATION COMPANY, a corporation, 2300 Walker Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, 617 First National Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, serving the site of the Columbian Carbon Company plant located near Louisiana Highway 60 approximately eight miles south of Centerville, La., as an off-route point in connection with carrier's regular route operations between New Iberia, La., and Morgan City, La. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, Tennessee, and Texas.

NO. MC 2979 Sub 13, HARGIS TRUCK LINE, INC., 1301 Maxwell Ave., Evansville, Ind. Applicant's attorney: John S. Powell, 520 Illinois Building, 17 West Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular connecting route, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction U. S. Highways 50 and 51 at or near Sandoval, Ill., and junction U. S. Highway 50 and Indiana Highway 57 at or near Washington, Ind., over U. S. Highway 50, serving no intermediate points, for operating convenience only, in connection with (1) regular route operations between St. Louis, Mo., and Whittington, Ill., (2) alternate route operations between Evansville, Ind., and Indianapolis, Ind., and (3) operating convenience route operations between Washington, Ind., and Bedford, Ind. Applicant is authorized to conduct operations in Indiana, Kentucky, Illinois, and Missouri.

NO. MC 17211 Sub 3, J. E. SERVAIS, doing business as JESCO MOTOR EXPRESS, 139 Columbus Road, Mt. Vernon, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Empty glass containers*, from Mt. Vernon, Ohio, to points in Tennessee, and those in Kentucky excepting Ashland, Louisville, and Newport and points within two miles of said cities, and Covington and points within five miles thereof. Applicant is authorized to conduct operations in Ohio, West Virginia, Kentucky, Michigan, Pennsylvania, Indiana, Missouri, and Illinois.

NO. MC 19201 Sub 76, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, West End, Pittsburgh, Pa. Applicant's attorney: Gilbert Nurick, McNees, Wallace & Nurick, Commerce Bldg., Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *commodities of unusual value, commodities in bulk*, and *commodities requiring special equipment*, but excluding Class A and B explosives, and household goods as defined by the Commission, between Birdsboro, Pa., and Pottstown, Pa., operating from Birdsboro over Pennsylvania Highway 83 to junction Pennsylvania Highway 100, thence over Pennsylvania Highway 100 to Pottstown, (also from junction Pennsylvania Highway 82 and U. S. Highway 422 over U. S. Highway 422 to Pottstown), and return over the same routes, serving all points which are stations on the rail line of the Pennsylvania Railroad Company, restricted to transportation service which is auxiliary to, or supplemental of rail service of the Pennsylvania Railroad Company. Applicant is authorized to conduct operations in Indiana, Ohio and Pennsylvania.

NO. MC 35396 Sub 11, ARNOLD LIGON, DOING BUSINESS AS ARNOLD LIGON TRUCK LINE, 208 Darby Street, Princeton, Ky. Applicant's attorney: Robert H. Kinker, McChesney and McChesney, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission,

commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Morganfield, Ky., and the intersection of Kentucky Highway 56 with the Kentucky-Illinois State line, from Morganfield, Ky., over Kentucky Highway 56 to the Kentucky-Illinois State line, and return over the same route, serving all intermediate points and the off-route points in Kentucky within three (3) miles of Kentucky Highway 56 extending between Morganfield, Ky., and the Kentucky-Illinois State line. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky and Tennessee.

NO. MC 42329 Sub 111, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's attorney: Jack Goodman 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ammunition* and *Class A & B Explosives, ammunition component parts, empty shell cases*, and *empty ammunition containers*, between Milan, Tenn., Richmond, Ky., Crane, Ind., and points within 15 miles of each, on the one hand, and, on the other, points in Florida, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, Kentucky, Virginia, Maryland, Pennsylvania, Delaware, New Jersey, and the District of Columbia; and between Earle, Metuchen and Pedricktown, N. J., Baltimore, Md., Bynum, Ala., and Chambersburg, Pa., and points within 15 miles of each, Norfolk, Va., and points within 50 miles thereof, and Charleston, S. C., and points within 25 miles thereof, on the one hand, and, on the other, points in Tennessee and Kentucky. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Tennessee.

NO. MC 42487 Sub 280, CONSOLIDATED FREIGHTWAYS, INC., 2116 N. W. Savier Street, Portland, Oregon. Applicant's attorney: Donald A. Schafer, 803 Public Service Bldg., Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes. Applicant is applying for authority to delete from Certificate No. MC 42487, dated November 26, 1947, the following restriction: "Service is not authorized between points on the above-described route south of Tremonton, Utah, on the one hand, and, on the other, points on U. S. Highways 30N, 91, and 191, northeast of Burley, Idaho." Applicant is authorized in said Certificate to transport *general commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over a regular route, between Salt Lake City, Utah, and Tremonton, Utah, serving all intermediate points, with shipments restricted as set forth above, and requests authority to delete from Certificate No. MC 42487 Sub 241, dated July 20, 1951, the following restriction: "The service authorized herein is restricted to traffic originating at, destined to, or interchanged at points on carrier's lines west of Pocatello, Idaho, on the one hand, and, on the other, points on carrier's line between Tremonton and Salt Lake City, Utah." Applicant is authorized in said Certificate to transport *general commodities*, except those requiring special equipment and except livestock, and household goods as defined by the Commission, over a regular route, between Pocatello, Idaho, and junction U. S. Highways 191 and 30 near Tremonton, Utah, serving no intermediate points, with shipments restricted as set forth above. Applicant is authorized to conduct operations in Illinois, Iowa, Utah, Idaho, Oregon, Washington, California, Nevada, Montana, Minnesota, North Dakota and Wisconsin.

NO. MC 60871 Sub 2, G. V. ANKENY, DOING BUSINESS AS G. V. ANKENY'S TRANSFER, 318 Ohio Street, Johnstown, Pa. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cast iron boilers and parts thereof, cast iron radiators and parts thereof, steel boilers and parts thereof, building and sheet metal work and parts thereof*, and *powdered iron*, in steel or fiberboard containers, from New Castle, Johnstown, Duncanville and Middletown, Pa., to Newark, N. J., and Cleveland, Ohio; and *Building and sheet metal work used in conjunction with heating systems and installations*, and *air conditioning units and parts thereof*, from Cleveland, Ohio to Newark, N. J. Applicant is authorized to conduct operations in Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia.

NO. MC 73449 Sub 42, CENTRAL TRUCKAWAY SYSTEM, INC., 1401 South Western Parkway, Louisville, Ky. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new trucks, new chassis*, and *automobile parts and accessories* when such parts and accessories are incidental to equipment of cars actually transported, restricted to initial movements, in truckaway service, from Louisville, Ky., to Moffett, Okla., and Texarkana, Tex., with *damaged shipments* on return movements. Applicant is authorized to conduct operations in all 48 states and the District of Columbia.

NO. MC 107052 Sub 3, EDWIN L. MORTON, 2609 Otley Ave., Perry, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Commercial fertilizer*, in bags, and in bulk, from Perry, Iowa and points within two miles thereof, to points in Minnesota on and south of Minnesota Highway 19. Applicant is authorized to conduct operations in Iowa, Missouri, Kansas, and South Dakota.

NO. MC 107162 Sub 3, BERNHART G. JOHNSON, R. #2, Denmark, Wis. Applicant's attorney: John T. Porter, Porter and Porter, 707–708 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cinder blocks, concrete blocks, sewer pipe, tile* and *brick*, from Green Bay, Wis., to points in the upper peninsula of Michigan.

NO. MC 108207 Sub 32, FROZEN FOOD EXPRESS, 318 Cadiz Street, P. O. Box 5382 Dallas, Texas. Applicant's attorney: Leroy Hallman, Phinney, Hallman, Reed and Holley, 617 First National Bank Building, Dallas 2, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products* and *meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as defined by the Commission, from Ottumwa, Iowa, to points in Texas and Louisiana. Applicant is authorized to conduct operations in Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin.

NO. MC 109734 Sub 60, SYSTEM TANK LINES, INC., 2651 East 45th Street, Los Angeles 58, Calif. Applicant's attorney: R. Y. Schureman, Glanz & Russell, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Betaine concentrate* (liquid betaine), from San Jose, Calif., to Gardnerville, Nev. Applicant is authorized to conduct operations in California and Nevada.

NO. MC 110395 Sub 12, DAKOTA FILM SERVICE, INC., P. O. Box 131, Lake Benton, Minn. Applicant's attorney: H. Lauren Lewis, Morrell Building No. 50, P. O. Box 707, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over regular routes, transporting: *Film*, and *articles associated with the exhibition of motion pictures*, (1) Between Morris, Minn., and junction South Dakota Highway 10 and U. S. Highway 83, north of Mound City, S. Dak., from Morris over Minnesota Highway 28 to Browns Valley, Minn., thence over South Dakota Highway 10 to junction U. S. Highway 83; (2) Between Ortonville, Minn., and Minneapolis, Minn., from Ortonville over U. S. Highway 12 to Minneapolis; (3) Between Benson, Minn., and Morris, Minn., from Benson over Minnesota Highway 9 to Morris; (4) Between Ortonville, Minn., and Wahpeton, N. Dak., from Ortonville over U. S. Highway 75 to Breckenridge, Minn., thence over Minnesota Highway 3 to the Minnesota-North Dakota State line, thence over North Dakota Highway 13 to Wahpeton; (5) Between Summit, S. Dak., and Fargo, N. Dak., from Summit over U. S. Highway 81 to Fargo; (6) Between Fairmount, N. Dak., and junction North Dakota Highway 11 and U. S. Highway 83, near Hague, N. Dak., from Fairmount over North Dakota Highway 11 to junction U. S. Highway 83; (7) Between Fargo, N. Dak., and Aberdeen, S. Dak., from Fargo over U. S. Highway 10 to Jamestown, N. Dak., thence over U. S. Highway 281 to Aberdeen; (8) Between Jamestown, N. Dak., and junction U. S. Highway 83 and U. S. Highway 12, near Selby, S. Dak., from Jamestown over U. S. Highway 10 to junction U. S. Highway 83 near Sterling, N. Dak., thence over U. S. Highway 83 to junction U. S. Highway 12; (9) Between junction North Dakota Highway 13 and U. S. Highway 81 and Linton, N. Dak., from junction North Dakota Highway 13 and U. S. Highway 81 over North Dakota Highway 13 to Linton; (10) Between junction South Dakota Highway 25 and U. S. Highway 12, near Andover, S. Dak., and junction North Dakota Highway 32 and U. S. Highway 10, from junction South Dakota Highway 25 and U. S. Highway 12 over South Dakota Highway 25 to the South Dakota-North Dakota State line, thence over North Dakota Highway 32 to junction U. S. Highway 10; (11) Between junction North Dakota Highway 46 and U. S. Highway 81 and Hazleton, N. Dak., from junction North Dakota Highway 46 and U. S. Highway 81 over North Dakota Highway 46 to junction North Dakota Highway 30, thence over North Dakota Highway 30 to junction North Dakota Highway 34, thence over North Dakota Highway 34 to Hazleton; (12) Between Roscoe, S. Dak., and Dawson, N. Dak., from Roscoe over South Dakota Highway 45 to the South Dakota-North Dakota State line, thence over North Dakota Highway 3 to Dawson; (13) Between Groton, S. Dak., and junction North Dakota Highway 1 and U. S. Highway 10, from Groton over South Dakota Highway 37 to the North Dakota-South Dakota State line, thence over North Dakota Highway 1 to junction U. S. Highway 10; (14) Between Jefferson, S. Dak., and junction U. S. Highway 20 and U. S. Highway 71, near Early, Iowa, from Jefferson over U. S. Highway 77 to junction U. S. Highway 20, near Sioux City, Iowa, thence over U. S. Highway 20 to junction U. S. Highway 71; (15) Between Beresford, S. Dak., and junction Iowa Highway 10 and U. S. Highway 71, from Beresford over South Dakota Highway 46 to junction Iowa Highway 10, thence over Iowa Highway 10 to junction U. S. Highway 71; (16) Between Canton, S. Dak., and Emmetsburg, Iowa, from Canton over U. S. Highway 10 to Emmetsburg; (17) Between junction Iowa Highway 3 and U. S. Highway 71 and Luverne, Minn., from junction Iowa Highway 3 and U. S. Highway 71 over Iowa Highway 3 to LeMars, Iowa, thence over U. S. Highway 75 to Luverne; (18) Between junction U. S. Highway 20 and U. S. Highway 59, near Holstein, Iowa, and junction U. S. Highway 59 and junction Iowa Highway 9, near Allendorf, Iowa, from junction U. S. Highway 20 and U. S. Highway 59 over U. S. Highway 59 to junction Iowa Highway 9; (19) Between LeMars, Iowa and junction Iowa Highway 33 and Iowa Highway 9, from LeMars over Iowa Highway 33 to junction Iowa Highway 9; and (20) Between junction U. S. Highway 20 and U. S. Highway 71, near Sac City, Iowa, and junction U. S. Highway 71 and Iowa Highway 9, near Spirit Lake, Iowa, from junction U. S. Highway 20 and U. S. Highway 71 over U. S. Highway 71 to junction Iowa Highway 9, and return over the same routes, serving all intermediate points on the above routes, and the off-route points with two mile of such routes, as well as the off-route points of Akron, Alta, Estherville, George, Graettinger and Kingsley, Iowa. Applicant is authorized to conduct operations in Minnesota and South Dakota.

NO. MC 111940 Sub 11, SMITH'S TRUCK LINES, Post Office Box 88, Muncy, Pa. Applicant's attorney: Rhoads, Sinon and Reader, State Street Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Steel and steel products*, from Williamsport, Pa., to points in Rhode Island, Massachusetts, Vermont, New Hampshire and Maine. Applicant is authorized to conduct operations in Pennsylvania, Maryland, Ohio, Delaware, Connecticut, Virginia, West Virginia, New Jersey, New York, and the District of Columbia.

NO. MC 112223 Sub 18, QUICKIE TRANSPORT COMPANY, a corporation, 1121 South 7th Street, Minneapolis 4, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, from the United States Air Force Installation near Hastings, Minn., to the Bismarck Municipal Airport at or near Bismarck, N. Dak. Applicant is authorized to conduct operations in Minnesota and Iowa.

NO. MC 112846 Sub 2, CLARE M. MARSHALL, INC., P. O. Box 611, Oil City, Pa. Applicant's attorney: Marshall G. Matheny, 14 North Mercer St., New Castle, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products* (except liquefied petroleum gases), in bulk, requiring the use of insulated tank trailers, (1) from points in the Borough of Emlenton, Venango County, Pa., and the Boroughs of Karns City, and Petrolia, Butler County, Pa., and those within three miles of said Boroughs, to points in New York, on, west, and south of a line beginning at the New York-Pennsylvania State line near Hale Eddy, N. Y., and thence extending north along New York Highway 17 to Deposit, N. Y., thence along New York Highway 8 to Utica, N. Y., thence northwest along New York Highway 49 to Rome, N. Y., thence along New York Highway 69 to Camden, N. Y., and thence along New York Highway 13 to Port Ontario, N. Y., and (2) from points in Pennsylvania located within one mile of the Allegheny, Monongahela, and Ohio Rivers, and Erie, Pa., to Oil City, Pa., points in the Borough of Emlenton, Venango County, Pa., and the Boroughs of Karns City, and Petrolia, Butler County, Pa., and those within three miles of Oil City, and said boroughs, with *defective*, and *contaminated shipments* on return movements. Applicant is authorized to conduct operations in Pennsylvania, Ohio, New York, and West Virginia.

NO. MC 113861 Sub 2, W. H. WOOTEN AND JOHN H. PARKER, DOING BUSINESS AS W. H. WOOTEN TRANSPORT, 153 Gaston St., Memphis, Tenn. Applicant's attorney: Louis I. Dailey, Wrape & Harnly, 2111 Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from West Memphis, Ark., and points within ten miles thereof, to points in Tennessee.

NO. MC 114651, BREWSTER MOBILE HOMES, INC., 1104 N. Fourth Street, Toronto, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, in secondary movement, by towaway method, between Toronto, Ohio, and points in Ohio, West Virginia, and Pennsylvania within 50 miles of Toronto, on the one hand, and, on the other, points in West Virginia and Pennsylvania.

NO. MC 114657, CUMBERLAND TRUCKING, INC., Science Hill, Ky. Applicant's attorney: Chat Chancellor, McClure Building, Frankfort, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Wooden box spring frames*, from Science Hill, Ky., to points in Ohio, Tennessee, and Kentucky, (2) *Lumber* (a) from points in Mississippi, Alabama, Georgia, Tennessee, Kentucky, Indiana, and Ohio, to Science Hill, Ky., and (b) from Science Hill, Ky., to points in Ohio, Indiana, Kentucky, and Tennessee, and (3) *feed*, and *fertilizer*, from Cincinnati, Ohio, and all points in the Cincinnati Commercial Zone as defined by the Commission, and New Albany, Ind. and points within 10 miles thereof, to points in Pulaski, Wayne, Lincoln, McCreary, Whitley, and Laurel Counties, Ky. Applicant is affiliated with a carrier who is authorized to perform *common carrier* operations in Kentucky.

NO. MC 114663, PETER VERBEEM, doing business as PETERS CARTAGE SERVICE, 1748 Aubin, Windsor, Ontario, Canada. Applicant's attorney: Wilhelmina Boersma; Clark, Klein, Brucker & Waples, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between ports of entry situated on the United States-Canadian International Boundary line at or near Detroit, Mich., on the one hand, and, on the other, Detroit, Mich., and all points in the Detroit, Mich., Commercial Zone as defined by the Commission.

NO. MC 114685, JOHN T. DAUGHERTY, DOING BUSINESS AS MAY JACK MOVING & STORAGE COMPANY, Lexington Park, Md. Applicant's attorney: James E. Wilson, Roberts & McInnis, DeSales Building, Connecticut Avenue and DeSales Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in St. Mary's County, Md., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Tennessee, Georgia, and Florida

NO. MC 114688, CHARLES H. HARBAUGH, JR., doing business as FREDERICK MOTOR LINES, Hayfield, Frederick County, Va. Applicant's attorney: Milton E. Diehl, 1003 Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irreg-

ular routes, transporting: *Animal feeds, fertilizer,* and *building materials,* as defined by the Commission, between points in Frederick County, Va., on the one hand, and on the other, points in Maryland, Delaware, West Virginia, Pennsylvania, and District of Columbia.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER. (49 CFR 1.240). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

NO. MC-F-5685. Authority sought for purchase by MOTOR EXPRESS, INC. OF INDIANA, 701 Illinois Bldg., Indianapolis, Ind., of a portion of the operating rights of MOTOR EXPRESS, INC., National City Bank Bldg., Cleveland, Ohio, and for acquisition by U. S. TRUCK LINES, INC. OF DELAWARE of control of the operating rights through the purchase. Applicants' attorney: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis, Ind. Operating rights sought to be transferred: *General commodities,* except those of unusual value, and except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier,* over regular routes, between Chicago, Ill., and Milwaukee., Wis., serving the intermediate points on Illinois and Wisconsin Highways 42; and the off-route points of Layton Park, West Allis and West Milwaukee, Wis., Aurora, Chicago Heights and Joliet, Ill., and those in the Chicago, Ill., Commercial Zone, as defined by the Commission. Vendee is authorized to operate in Indiana, Illinois, and Ohio. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3148; Filed, Apr. 27, 1954; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 83

Washington, Thursday, April 29, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3050

CITIZENSHIP DAY, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by joint resolution approved February 29, 1952 (66 Stat. 9), the Congress of the United States has designated the seventeenth day of September of each year as Citizenship Day in commemoration of the signing on September 17, 1787, of the Constitution of the United States and in recognition of all who, by coming of age or by naturalization, enjoy the privileges and assume the responsibilities of citizenship; and

WHEREAS our Constitution, which guarantees priceless freedoms to us as citizens of the United States and to our posterity and sets forth a concept of liberty that has been an inspiration to freedom-loving people everywhere, takes on still deeper meaning in these days of critical international affairs; and

WHEREAS the aforesaid resolution authorizes the President of the United States to issue annually a proclamation calling for the observance of Citizenship Day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on Friday, September 17, 1954, and urge the people of the Nation to display the flag on that day at their homes and other suitable places.

I also urge Federal, State, and local officials, and patriotic, religious, educational, civic, and other interested organizations, to arrange for appropriate ceremonies on Citizenship Day in which all our citizens may join for rededication to the great principles for which this Nation stands.

And I call upon all our people to give special thought and consideration on that day both to their rights and to their responsibilities as citizens of the United States, to the end that our citizenship may have deeper meaning and greater strength.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 23d day of April in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

WALTER B. SMITH,
Acting Secretary of State.

[F. R. Doc. 54-3225; Filed, Apr. 27, 1954; 1:51 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 63]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interestd members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.12 *Green civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
North Scituate (INT), R. I.	Boston, Mass. (LFR)	1,800

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CFR SUPPLEMENTS

(For use during 1954)

The following Supplement is now available:

Title 17 ($0.50)

Previously announced: Title 3, 1953 Supp. ($1.50); Title 8 ($0.35); Titles 10–13 ($0.50); Title 16 ($1.00); Title 18 ($0.45); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Titles 30–31 ($1.00); Title 33 ($1.25); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

Order from

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2. Section 610.106 *Amber civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
A beam of Mansfield, Ohio (LF/RBN).	Brighton (INT), Ohio	[illegible]
Parkman (INT), Ohio.	Perry, Ohio (LF/RBN).	2,500

3. Section 610.216 *Red civil airway No. 16* is amended to read in part:

From—	To—	Minimum altitude
Augusta, Ga. (LFR)...	Columbia, S. C. (LFR).	2,000

4. Section 610.219 *Red civil airway No. 19* is amended to read in part:

From—	To—	Minimum altitude
Akron, Ohio (LFR)...	Berghoiz, Ohio (LF/RBN).	2,500
Berghoiz, Ohio (LF RBN).	Morgantown, W. Va. (LFR).	3,000

5. Section 610.221 *Red civil airway No. 21* is amended to read in part:

From—	To—	Minimum altitude
Providence, R. I. (LFR).	Squantum, Mass. (LFR).	1,400

6. Section 610.245 *Red civil airway No. 45* is amended to read in part:

From—	To—	Minimum altitude
Baltimore, Md. (LFR)	Loch Raven (INT), Md.	2,000

7. Section 610.257 *Red civil airway No. 57* is amended to eliminate:

From—	To—	Minimum altitude
Vermillion (INT), Ohio.	Akron, Ohio (LFR)..	2,500

8. Section 610.305 *Red civil airway No. 105* is added to read:

From—	To—	Minimum altitude
Casseday (INT), Kans	Chanute, Kans. (LFR).	2,800
Chanute, Kans. (LFR).	Int. E course Chanute, Kans. (LFR), and N course Joplin, Mo. (LFR).	2,300

9. Section 610.604 *Blue civil airway No. 4* is amended to eliminate:

From—	To—	Minimum altitude
Nantucket, Mass. (VAR).	Squantum, Mass. (LFR).	1,500

10. Section 610.613 *Blue civil airway No. 13* is amended to read in part:

From—	To—	Minimum altitude
Mason City, Iowa (LF/RBN).	Ellendale (INT), Minn.	2,800
Ellendale (INT), Minn.	Stanton, Minn. (LF/RBN).	2,500

11. Section 610.615 *Blue civil airway No. 15* is amended to read:

From—	To—	Minimum altitude
Huntington, W. Va. (LF RBN).	Columbus, Ohio (LFR).	2,500
Columbus, Ohio (LFR)	Akron, Ohio (LFR)...	2,500

12. Section 610.618 *Blue civil airway No. 18* is amended to read in part:

From—	To—	Minimum altitude
Poughkeepsie, N. Y. (LFR).	Hyde Park (INT), N. Y.	3,000
Hyde Park (INT), N. Y.	Albany, N. Y. (LFR).	5,000
Comackie, N. Y. (FM).	Albany, N. Y. (LFR): Northbound...	2,200
	Southbound...	5,000

13. Section 610.681 *Blue civil airway No. 81* is amended to read in part:

From—	To—	Minimum altitude
Akron, Ohio (LFR)	Parkman (INT), Ohio	2,500
Parkman (INT), Ohio	U. S.-Canadian Border.[1]	2,600

[1] For that airspace over U. S. territory.

14. Section 610.6001 *VOR civil airway No. 1* is amended to read in part:

From—	To—	Minimum altitude
Norfolk, Va. (VAR)...	Salisbury, Md. (VOR)	1,700

15. Section 610.6013 *VOR civil airway No. 13* is amended to read in part:

From—	To—	Minimum altitude
Mason City, Iowa (VOR).	Hope (INT), Minn...	[1] 3,300
Hope (INT) Minn.....	Lakeville (INT), Minn.	[2] 3,300
Lakeville (INT), Minn	Minneapolis, Minn. (VOR).	2,500

[1] 2,500'—Minimum terrain clearance altitude.
[2] 2,600'—Minimum terrain clearance altitude.

16. Section 610.6014 *VOR civil airway No. 14* is amended to read in part:

From—	To—	Minimum altitude
Lake Shore (INT), Ohio.	Perry (INT), Ohio....	2,500

17. Section 610.6029 *VOR civil airway No. 29* is amended to read in part:

From—	To—	Minimum altitude
Salisbury, Md. (VOR)	Dover, Del. (VOR)...	1,700

18. Section 610.6040 *VOR civil airway No. 40* is amended to read in part:

From—	To—	Minimum altitude
Wellington, Ohio (VAR).	Berghoiz (INT), Ohio.	2,500

19. Section 610.6051 *VOR civil airway No. 51* is amended to read in part:

From—	To—	Minimum altitude
Chattanooga, Tenn. (VOR).	Crossville, Tenn. (VOR).	4,200
Crossville, Tenn. (VOR).	Highway (INT), Tenn.	4,200

20. Section 610.6075 *VOR civil airway No. 75* is amended to read in part:

From—	To—	Minimum altitude
Wheeling, W. Va. (VOR).	Berghoiz (INT), Ohio	3,000
Berghoiz (INT), Ohio	Chippewa (INT), Ohio.	2,500
Chippewa (INT). Ohio	Cleveland, Ohio (VOR).	2,200

21. Section 610.6119 *VOR civil airway No. 119* is amended to read in part:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR).	Ford (INT), Pa	3,000
Ford (INT), Pa.....	Brookville (INT), Pa.[1]	3,500

[1] 4,000'—Minimum reception altitude.

22. Section 610.6132 *VOR civil airway No. 132* is amended to read in part:

From—	To—	Minimum altitude
Great Bend (INT), Kans.	Hutchinson, Kans.	[1] 6,000

[1] 3,200'—Minimum terrain clearance altitude.

23. Section 610.6141 *VOR civil airway No. 141* is added to read:

From—	To—	Minimum altitude
Boston, Mass. (VOR).	Concord, N. H. (VOR).	2,000

24. Section 610.6147 *VOR civil airway No. 147* is amended to read in part:

From—	To—	Minimum altitude
Avon (INT), N. Y.[1]...	Rochester, N. Y. (VOR).	2,000

[1] 3,000'—Minimum reception altitude. 3,000'—Minimum crossing altitude at Avon (INT), southbound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective May 4, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-3169; Filed, Apr. 28, 1954; 8:45 a. m.]

CODIFICATION GUIDE—Con.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter A—Policies, Procedures, and Orders

[Docket 6141]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALASKA SALMON INDUSTRY, INC., ET AL.

Subpart—*Combining or conspiring:* § 3.430 *To enhance, maintain or unify prices.* In connection with the offering for sale, sale, and distribution of raw or fresh salmon caught in the fishing areas or districts of Alaska, and on the part of respondent Alaska Salmon Industry, Inc., a trade organization or association, its officers, etc.; 41 canning companies; W. C. Arnold, individually and as managing director of said Alaska Salmon Industry, Inc.; eight unions, some of whose members fish for salmon in Alaskan waters; respondents' members; and their agents, etc.; entering into, continuing, cooperating in, or carrying out any planned common and concerted course of action, understanding or agreement between or among any two or more of said respondents, or between any one or more of said respondents and others not parties, to: (1) Fix, establish, maintain, or adhere to, in any manner or by any method whatever, the price or prices at which any type of raw or fresh salmon caught in the fishing areas or districts of Alaska are to be, or are, purchased or sold; (2) fix, establish, maintain, or adhere to or attempt to fix, establish, maintain, or cause adherence to, by any means or method, uniform or minimum prices for the purchase or sale of said salmon; (3) jointly or collectively negotiate, bargain, or agree by any means or method as to the price or prices at which said salmon is proposed to be, or is, purchased or sold; and (4) authorize or empower any association, group, corporation, or union to negotiate, bargain, or agree as to the prices to be paid or received in the purchase or sale of any such salmon; prohibited, subject to the provisos, however, that nothing contained aforesaid shall (a) prevent any association of bona fide salmon fishermen, acting pursuant to and in accordance with, the provisions of the Fisheries Cooperative Marketing Act (15 U. S. C., paragraphs 521, 522) from performing any of the acts and practices permitted by said act; (b) be deemed to prohibit one or more respondents from entering into or continuing a bona fide partnership, joint operation or venture, or consolidation, for the purpose of operating one or more canneries, and in which the prices paid for raw or fresh salmon are determined by said partnership, joint operation or venture, or consolidation, and where such determination is, under the contract establishing such partnership, joint operation or venture, or consolidation, binding upon all members thereof; or (c) prevent collective bargaining between any respondent Union and respondent Industry and/or any employer respondent with respect to wages and working conditions of employee members of said Union within those fishing districts wherein they may be; and to the further provision that proviso "(b)" shall not be construed as either an approval or a disapproval of any specific partnership, joint operation or venture, or consolidation, nor as permitting any such partnership, joint operation or venture, or consolidation, to be continued or formed for the purpose or with the effect directly or indirectly of rendering ineffective or unenforceable the inhibitions of the order and the purposes thereof.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec 5, 38 Stat. 719 as amended; 15 U. S. C. 45) [Cease and desist order, Alaska Salmon Industry, Inc., et al., Seattle, Wash., Docket 6141, April 8, 1954.]

This proceeding was instituted by complaint which charged respondents with the use of unfair acts and practices and unfair methods of competition in violation of the provisions of section 5 of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated April 9, 1954, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on April 8, 1954 and ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

It appearing to the Commission that Sebastian-Stuart Fish Company, one of the respondents in this proceeding, is no longer engaged in the business of canning salmon in Alaska and that it has no present intention of re-entering the business:

It was also ordered, That the complaint herein be dismissed as to said respondent Sebastian-Stuart Fish Company.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That respondents, Alaska Salmon Industry, Inc., a corporation, its officers, directors and members, and Alaska Pacific Salmon Company, Alaska Packers Association, Alaska Year Round Canneries Company, Angoon Community Association trading as Hood Bay Salmon Company, Bristol Bay Packing Company, Chignik Fisheries Company, Columbia River Packers Association, Inc., Cook Inlet Packing Company, Copper River Packing Company, Egegik Packing Company, Ellamar Packing Company, Farwest Wrangell Co., Inc., Fidalgo Island Packing Company, Inc., General Fish Co., Inc., P. E. Harris Company, Inc., Hydaburg Cooperative Association, Icy Straits Salmon Company, Independent Salmon Canneries, Inc., Intercoastal Packing Company, Kadiak Fisheries Company, Keku Canning Company, Ketchikan Packing Company, Klawock Cooperative Association doing business as Klawock Oceanside Packing Company, Libby, McNeill & Libby, Metlakatla Indian Community operating under the trade name of Annette Islands Canning Company, The Nakat Packing Corporation, New England Fish Company, Pacific American Fisheries, Inc., Trans-Pacific Fishing & Packing Company and the Calvert Corporation, both corporations doing business under the trade name of Peninsula Packers, Port Ashton Packing Corporation, Pyramid Fisheries, Inc., Superior Packing Company, San Juan Fishing & Packing Company, Sebastian-Stuart Fish Company, Seldovia Bay Packing Company, Snug Harbor Packing Company, San Juan Fishing & Packing Company and Marine Fishing & Packing Company, corporations, doing business as Todd Packing Company, Uganik Fisheries, Inc., Wards Cove Packing Company, Inc., White Fish Products Company, Inc., L. G. Wingard, Mary Lou Wingard, Lester L. Wingard, Lou M. Hill, Charles Coffey, Conney Nelson, Lorraine Nelson and Richard W. Hill, doing business as a partnership under the trade name of L. G. Wingard Packing Co., and W. C. Arnold, individually and as Managing Director of Alaska Salmon Industry, Inc., and Alaska Fishermens Union, Alaska Marine District Union of Fishermen, Cannery Workers and Allied Trades, Bering Sea Fishermen's Union, Cordova District Fisheries Union, Local 3-3 of the Fishermen & Allied Workers Division, International Longshoremen's and Warehousemen's Union and Local No. 30, Fishermen & Allied Workers Division of International Longshoremen's and Warehousemen's Union, United Fishermen of Alaska and United Fishermen of Cook Inlet, and respondents' members, who shall be deemed herein to be parties respondent, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of raw or fresh salmon caught in the fishing areas or districts of Alaska, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common and concerted course of action, understanding or agreement between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts:

1. Fixing, establishing, maintaining or adhering to, in any manner or by any method whatever, the price or prices at which any type of raw or fresh salmon caught in the fishing areas or districts of Alaska are to be, or are, purchased or sold;

2. Fixing, establishing, maintaining or adhering to or attempting to fix, establish, maintain or cause adherence to, by any means or method, uniform or minimum prices for the purchase or sale of said salmon;

3. Jointly or collectively negotiating, bargaining or agreeing by any means or method as to the price or prices at which said salmon is proposed to be, or is, purchased or sold;

[1] Filed as part of the original document.

4. Authorizing or empowering any association, group, corporation or union to negotiate, bargain or agree as to the prices to be paid or received in the purchase or sale of any such salmon.

Provided, however, That nothing herein contained shall prevent any association of bona fide salmon fishermen, acting pursuant to and in accordance with, the provisions of the Fisheries Cooperative Marketing Act (15 U. S. C. A., Paragraphs 521, 522) from performing any of the acts and practices permitted by said Act;

Provided further, That nothing herein contained shall be deemed to prohibit one or more respondents from entering into or continuing a bona fide partnership, joint operation or venture, or consolidation, for the purpose of operating one or more canneries, and in which the prices paid for raw or fresh salmon are determined by said partnership, joint operation or venture, or consolidation, and where such determination is, under the contract establishing such partnership, joint operation or venture, or consolidation, binding upon all members thereof; This proviso shall not be construed as either an approval or a disapproval of any specific partnership, joint operation or venture, or consolidation, nor as permitting any such partnership, joint operation or venture, or consolidation, to be continued or formed for the purpose or with the effect directly or indirectly of rendering ineffective or unenforceable the inhibitions of this order and the purposes thereof.

Provided further, That nothing herein contained shall prevent collective bargaining between any respondent Union and respondent Industry and/or any employer respondent with respect to wages and working conditions of employee members of said Union within those fishing districts wherein they may be.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The complaint herein is dismissed as to the following who were named as parties respondent in the Complaint: Kayler-Dahl Fish Company Inc.; Nick Bez, William Calvert, Lawrence Calvert and Starr H. Calvert; Win-Ra Fisheries, Inc.; Associated Fishermen & Allied Workers; Fisheries Division, International Longshoremen's and Warehousemen's Union, Northwest and Alaska; Petersburg Vessel Owners' Association; Southeastern Alaska Salmon Purse Seiners Association and Stikine Gillnetters Association.

Issued: April 9, 1954.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-3201; Filed, Apr. 28, 1954; 8:51 a. m.]

Subchapter B—Trade Practice Conference Rules

[File No. 21-112]

PART 43—SPICE GRINDERS AND PACKERS

RESCISSION OF PART

Whereas, the Commission on August 28, 1931, promulgated trade practice rules for the Spice Grinders and Packers Industry, which were codified in the Code of Federal Regulations (16 CFR, Part 43); and

Whereas, said rules cover practices primarily within the jurisdiction of the Food and Drug Administration under the provisions of the Federal Food, Drug, and Cosmetic Act of 1938; and

Whereas, it appears that the rules for this industry are obsolete and that there is no interest on the part of the industry in a revision thereof; and

Whereas, under the circumstances, proceedings for the revision of said rules do not appear to be essential to the public interest:

It is ordered, That the said rules be and the same are hereby rescinded.

Issued: April 26, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 54-3202; Filed, Apr. 28, 1954; 8:52 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects; Operation and Maintenance

PART 95—COLVILLE IRRIGATION PROJECT, WASHINGTON

Sec.

95.1 Organization.
95.2 Irrigation season.
95.3 Domestic and stock use.
95.4 Farm units.
95.5 Delivery point.
95.6 Method of delivery.
95.7 Duty of water.
95.8 Waterusers responsible for delivered water.
95.9 Waste water.
95.10 Right-of-way.
95.11 Obstructions and their removal.
95.12 Fences.
95.13 Structures.
95.14 Service ditches.
95.15 Assessments.
95.16 Waterusers' ledgers.
95.17 Crop and statistical report.
95.18 Definitions.
95.19 Complaints.

AUTHORITY: §§ 95.1 through 95.19 issued under secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385.

§ 95.1 *Organization.* The Colville Irrigation Project is in charge of the Commissioner who is fully authorized to administer, carry out and enforce the rules and regulations in this part, either directly or through project employees delegated by him, such as Superintendents, watermasters, ditchriders, foremen, and other assistants. The Commissioner is fully authorized to refuse or discontinue delivery of water to any person who willfully disregards the rules and regulations in this part.

§ 95.2 *Irrigation season.* Water shall be available for irrigation purposes from May 1 to September 30 each year. These dates may be varied as much as 15 days when the Commissioner determines that weather conditions and the necessity for doing maintenance work warrants doing so.

§ 95.3 *Domestic and stock use.* Irrigation projects are primarily built and maintained for serving land with water for the irrigation of crops during the growing season. Water for domestic and stock water use shall be delivered during the non-irrigation season only at the discretion of the Commissioner or his authorized representative.

§ 95.4 *Farm units.* For the purpose of the rules and regulations in this part and for the delivery of water, a farm unit shall be defined as a contiguous area of land in single ownership containing not less than one 40-acre subdivision of the public survey regardless of its original status as a farm unit or allotment. In the case of leases a farm unit shall be defined as the contiguous area under a single lease.

§ 95.5 *Delivery point.* The general rule of the project shall be one delivery point at the upper boundary of the farm unit or allotment, and the project shall maintain the lateral system to that extent. In special cases where from a cost or topographic standpoint it is impracticable for the landowner or lessee to irrigate the entire irrigable area of his tract from one delivery point, the Commissioner shall be authorized to establish additional delivery points but in no instance shall more than one delivery point be established and maintained when the landowner or lessee can at a reasonable expense provide for delivery by the construction of suitable head ditches.

§ 95.6 *Method of delivery.* Water for irrigation purposes shall be delivered throughout the irrigation season at the discretion of the Commissioner either by the continuous flow or rotation method.

§ 95.7 *Duty of water.* Water shall be delivered subject to the provisions of the regulations in this part, on a demand basis so long as a sufficient quantity is available for project use. In case of a shortage of water, the Commissioner is authorized to adopt a rotation system, either for the entire project or for individual units thereof when, in his opinion, such action shall be for the best interests of the project. In the apportionment of the water each user shall receive his proportionate share of the available water supply on an irrigable area basis.

§ 95.8 *Waterusers responsible for delivered water.* It shall be the duty of the Bureau of Indian Affairs to furnish water for beneficial irrigation use only, and it shall be the duty of the wateruser to assist in the prevention of waste, and also prevent damage to adjacent lands. Waterusers shall be held responsible for water after it is delivered to their land, and they shall be required to have their field ditches in suitable condition and of

such capacity as to permit the use of economical heads.

§ 95.9 *Waste water.* In all cases waste water shall be kept to a minimum consistent with good irrigation practice and the wateruser shall be held responsible for the disposal of all waste water, coming from his fields, in such a manner that no injury shall be done to his land or other land by flooding or "subbing". Waste water may be emptied into project canals, laterals and drain ditches only at such points as have been designated for that purpose by the Commissioner, who shall have the right summarily to shut off water from any lands where he finds that water is being unnecessarily wasted or that the provisions of this section are being violated by the owner of such land, or other person who may be in charge of such land under authority of the owner.

§ 95.10 *Right-of-way.* For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there shall be reserved a right-of-way along all canals, laterals, sub-laterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sub-laterals and drains to permit the operation of maintenance equipment, making repairs and improvements, and travel by the project ditchriders.

§ 95.11 *Obstructions and their removal.* No trees, buildings, hay or straw stacks, or other obstructions, shall be placed upon said reserved right-of-way by any adjacent landowners or others. Any trees, buildings, hay or straw stacks, or other obstructions of any kind whatsoever, located upon said right-of-way may be ordered removed by the Commissioner, and if not removed by the person or persons placing them thereon they shall be removed under the supervision of the Commissioner at his direction, and the cost of such removal shall be added to the cost of operation and maintenance for the particular tract of land under the project belonging to the persons so placing or causing such obstructions to be placed thereon.

§ 95.12 *Fences.* No fences shall be placed in the right-of-way except those crossing a canal, lateral or drain ditch, and in such case a gate of approved type shall be installed and maintained by the property owner on each side of the canal, lateral or drain ditch of sufficient width to permit the operation of equipment, travel of ditchriders and all other necessary activities incident to the proper operation and maintenance of the project system. No wire, timber or other material used in the construction of fences across a project canal, lateral or drain ditch shall be placed less than 12 inches above the maximum high water surface elevation of the canal, lateral or drain ditch.

§ 95.13 *Structures.* All necessary headgates, checks and measuring devices shall be installed and maintained by the project. Any person or corporation desiring to build a structure over, under, in or across a project canal, lateral or drainage ditch shall first obtain from the Commissioner a permit to build such structure.

§ 95.14 *Service ditches.* The farm unit or service ditch into which water is delivered from the project canals or laterals shall have ample capacity and be maintained by the wateruser in proper condition to receive water and convey it to the place of use with a minimum of loss. Any service ditch that has been or may be constructed upon any project canal, lateral or drain right-of-way shall be considered an obstruction and subject to the provisions of § 95.11.

§ 95.15 *Assessments.* The annual per-acre charge for operation and maintenance shall be levied against the entire irrigable area of each farm unit or allotment to which irrigation water can be delivered from present constructed works. Charges shall become due and payable in accordance with § 130.9 of this chapter, and the provisions therein regarding the refusal of delivery of water in case of delinquency shall be enforced.

§ 95.16 *Waterusers' ledgers.* Separate entries shall be made in the waterusers' ledgers for each tract. Bills shall be issued to the record owner, and payments made thereon shall be credited to the proper ledger accounts.

§ 95.17 *Crop and statistical report.* A crop report on forms furnished for that purpose shall be taken each year by the Commissioner. This report shall show the number of acres devoted to each crop, total yield and value of crops for each unit of the project and for the entire project.

§ 95.18 *Definitions.* As used in §§ 95.1 through 95.17, "Commissioner" shall mean the Commissioner of Indian Affairs or his authorized representative.

§ 95.19 *Complaints.* All complaints shall be made to the Superintendent in writing. In case of dispute regarding application of rules and regulations and decisions of the Superintendent made pursuant thereto, appeal may be made within 30 days to the Area Director who shall settle the dispute if possible or refer it with his recommendations to the Commissioner of Indian Affairs.

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 22, 1954.

[F. R. Doc. 54-3172; Filed, Apr. 28, 1954; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—ARMY RESERVE

PHYSICAL EXAMINATIONS

Section 561.11 is rescinded and the following substituted therefor:

§ 561.11 *Physical examinations*—(a) *General.* Physical examinations for members of the Army Reserve will be made without cost to the reservist and by authorized examiners in conformity with the requirements and standards prescribed in this section. A physical profile will be included as a part of each physical examination accomplished under this section, for officer and enlisted personnel. The physical standards required for participation in regular and frequent aerial flights are prescribed in AR 40-110 (Army Regulations pertaining to standards of medical examination for flying). All Army personnel and installations involved in conducting physical examinations will give any individual a physical examination who requests it for the purpose of applying for appointment or enlistment, provided such applicant presents a letter of authorization from a Reserve unit commander or advisor or higher authority.

(b) *Maintenance of physical fitness.* Maintenance of physical fitness is largely an individual responsibility, particularly with reference to remedial defects. Each member has a definite obligation to maintain himself in good physical condition in order that he may perform his duties efficiently. Each individual, therefore, should seek timely medical advice if he has reason to believe that he has a physical defect which affects or is apt to affect his physical well-being.

(c) *Who may accomplish physical examinations*—(1) *General.* The Report of Medical Examination may be accomplished and signed by a medical officer of the reserve components of the Armed Forces not on active duty, a medical officer of the Armed Forces on active duty, a medical officer of another Governmental agency, or by any reputable doctor of medicine. Physical examinations will be accomplished on the following priority basis:

(i) By medical officers of the reserve components of the Armed Forces not on active duty. In communities where physical examination workloads warrant, Army area commanders may establish Reserve Physical Examining Boards. These boards will consist of an uneven number of Reserve officers of the Army Medical Corps not on active duty, not less than three members, together with such other Reserve officers or enlisted personnel of the Army Medical Service not on active duty as may be required to assist in the accomplishment of the examinations. Medical officer reservists conducting physical examinations will be awarded points creditable toward retirement.

(ii) By medical officers at medical treatment facilities of the Armed Forces, or at Armed Forces Examining Stations.

(iii) By medical officer of other Governmental agencies on a reimbursable basis, for example, United States Public Health Service and Veterans' Administration in accordance with § 577.4 of this chapter.

(iv) By civilian physicians on a reimbursable basis in remote areas when it is determined that Government medical facilities are not available under the provisions of § 577.3 of this chapter. Fee will be in accordance with schedules published annually by the Department of the Army for physical examinations.

(2) *Authorization.* Authorization for physical examination will be made, in appropriate cases, by the:

(i) Unit commander or advisor.

(ii) Chief of the Military District.

(iii) Army area commander.

(d) *Physical examinations for appointment and promotion of commissioned officers and warrant officers*—(1) *General.* The physical examination required for appointment or promotion of officers in the Army Reserve is the final type prescribed in AR 40-105 (Army regulations pertaining to standards of physical examination for commission or warrant in Regular Army, National Guard of the United States, Army of the United States, and organized Reserve Corps) for male personnel, and in AR 40-105 and AR 40-100 (Army regulations pertaining to standards of miscellaneous physical examinations) for female personnel. The final type physical examination accomplished on release from active duty will be acceptable for promotion purposes for a period of 1 year from the date of such examination.

(2) *Reviewing and waiving authority.* Commanders having authority to effect appointment or promotion are designated as reviewing and waiving authorities for medical reports (Standard Forms 88 and 89) submitted in connection with such personnel actions. The standards established in the regulations referred to in subparagraph (1) of this paragraph will be liberally interpreted in the granting of waivers for physical defects which, in the opinion of the reviewing authority, are static in nature, are not subject to complications or aggravation by reason of military duty, and are of such nature and degree as not to affect adversely the performance of active duty considering the member's age, grade, branch, and normal duties.

(e) *Periodic physical examinations.* All officers, warrant officers and enlisted members of the Army Reserve not on active duty, except members of the Retired Reserve, will undergo physical examinations as outlined in AR 40-100 at least once every 4 years or more often as deemed necessary by the Secretary of the Army (see section 225, Armed Forces Reserve Act of 1952, Pub. Law 476, 82d Cong.).

(f) *Failure to submit report of physical status.* Members of the Army Reserve not on active duty, except those in the Retired Reserve, who fail to undergo the physical examination required by paragraph (e) of this section or who fail to submit the annual certificate of physical condition, will, after every reasonable effort has been made to obtain such information, be subject to the following actions:

(1) Reservists having an obligation under the Universal Military Training and Service Act, as amended, may be ordered to active duty or active duty for training as deemed appropriate under the provisions of section 233 (c) of the Armed Forces Reserve Act of 1952 for the purpose of securing the necessary information.

(2) All other reservists may be considered for discharge pursuant to section 248 of the Armed Forces Reserve Act of 1952.

[AR 140-120, April 8, 1954] (Sec. 251, 66 Stat. 495)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 54-3199; Filed, Apr. 28, 1954; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127, International Postal Service: Postage Rates, Service Available and Instructions for Mailing, 39 CFR Part 127, make the following changes:

a. In § 127.286 *Kenya and Uganda* insert the following immediately after the table of rates appearing in subdivision (i) of paragraph (b) (1):

(ii) *Air parcel rates.*

[Rates: $1.35 first 4 ounces; $0.85 each additional 4 ounces]

Lb.	Oz.	Rate	Lb.	Oz.	Rate
0	4	$1.35	5	12	$20.05
0	8	2.20	6	0	20.90
0	12	3.05	6	4	21.75
1	0	3.90	6	8	22.60
1	4	4.75	6	12	23.45
1	8	5.60	7	0	24.30
1	12	6.45	7	4	25.15
2	0	7.30	7	8	26.00
2	4	8.15	7	12	26.85
2	8	9.00	8	0	27.70
2	12	9.85	8	4	28.55
3	0	10.70	8	8	29.40
3	4	11.55	8	12	30.25
3	8	12.40	9	0	31.10
3	12	13.25	9	4	31.95
4	0	14.10	9	8	32.80
4	4	14.95	9	12	33.65
4	8	15.80	10	0	34.50
4	12	16.65	10	4	35.35
5	0	17.50	10	8	36.20
5	4	18.35	10	12	37.05
5	8	19.20	11	0	37.90

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

b. In § 127.363 *Tanganyika Territory* insert the following immediately after the table of rates in subdivision (i) of paragraph (b) (1):

(ii) *Air parcel rates.*

[Rates: $1.35 first 4 ounces; $0.85 each additional 4 ounces]

Lb.	Oz.	Rate	Lb.	Oz.	Rate
0	4	$1.35	4	0	$14.10
0	8	2.20	4	4	14.95
0	12	3.05	4	8	15.80
1	0	3.90	4	12	16.65
1	4	4.75	5	0	17.50
1	8	5.60	5	4	18.35
1	12	6.45	5	8	19.20
2	0	7.30	5	12	20.05
2	4	8.15	6	0	20.90
2	8	9.00	6	4	21.75
2	12	9.85	6	8	22.60
3	0	10.70	6	12	23.45
3	4	11.55	7	0	24.30
3	8	12.40	7	4	25.15
3	12	13.25	7	8	26.00

[Rates: $1.35 first 4 ounces; $0.85 each additional 4 ounces]

Lb.	Oz.	Rate	Lb.	Oz.	Rate
7	12	$26.85	9	8	$32.80
8	0	27.70	9	12	33.65
8	4	28.55	10	0	34.50
8	8	29.40	10	4	35.35
8	12	30.25	10	8	36.20
9	0	31.10	10	12	37.05
9	4	31.95	11	0	37.90

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

c. In § 127.383 *Zanzibar and Pemba* insert the following immediately after the table of rates in subdivision (i) of paragraph (b) (1):

(ii) *Air parcel rates.*

[Rates: $1.35 first 4 ounces; $0.85 each additional 4 ounces]

Lb.	Oz.	Rate	Lb.	Oz.	Rate
0	4	$1.35	5	12	$20.05
0	8	2.20	6	0	20.90
0	12	3.05	6	4	21.75
1	0	3.90	6	8	22.60
1	4	4.75	6	12	23.45
1	8	5.60	7	0	24.30
1	12	6.45	7	4	25.15
2	0	7.30	7	8	26.00
2	4	8.15	7	12	26.85
2	8	9.00	8	0	27.70
2	12	9.85	8	4	28.55
3	0	10.70	8	8	29.40
3	4	11.55	8	12	30.25
3	8	12.40	9	0	31.10
3	12	13.25	9	4	31.95
4	0	14.10	9	8	32.80
4	4	14.95	9	12	33.65
4	8	15.80	10	0	34.50
4	12	16.45	10	4	35.35
5	0	17.50	10	8	36.20
5	4	18.35	10	12	37.05
5	8	19.20	11	0	37.90

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-3194; Filed, Apr. 28, 1954; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 958]

FLORIDA

RESERVING PUBLIC LANDS FOR RECREATIONAL PURPOSES; PARTIALLY REVOKING EXECUTIVE ORDER OF MAY 3, 1897

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and the act of June 14, 1926 (44 Stat. 741; 43 U. S. C. 869), it is ordered as follows:

Subject to valid existing rights the following-described public lands in Florida, which have been classified as chiefly valuable for recreational purposes, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-

leasing laws, and reserved for administration or disposal in accordance with the provisions of the aforesaid act of June 14, 1926:

TALLAHASSEE MERIDIAN

T. 4 S., R. 15 W.,
Sec. 15, lots 2 and 3;
Sec. 22, lots 3 and 4;
Sec. 23, lot 6;
Sec. 25, lot 2;
Sec. 26, lot 1;
Sec. 35, lot 1.

The areas described aggregate 242.40 acres.

The Executive Order of May 3, 1897, reserving certain lands for the future military and naval defenses of St. Andrews Bay, Florida, is hereby revoked so far as it affects the above-described lands.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

APRIL 23, 1954.

[F. R. Doc. 54-3184; Filed, Apr. 28, 1954; 8:48 a. m.]

[Public Land Order 959]

NEBRASKA

ADDITION OF CERTAIN LANDS TO NEBRASKA NATIONAL FOREST

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103; 16 U. S. C. 471) and the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Secretary of Agriculture it is ordered as follows:

Subject to valid existing rights the following-described public land in Nebraska are hereby added to and reserved as a part of the Nebraska National Forest, and the boundaries of the said National Forest are extended accordingly:

SIXTH PRINCIPAL MERIDIAN

T. 22 N., R. 26 W.,

Beginning at a point on the west boundary of sec. 2 from which the south sixteenth section corner between secs. 2 and 3 bears S. 0° 28' E., 0.75 chains; thence N. 0° 28' W. along section line approximately 19.70 chains to the south boundary of 100 foot right-of-way to C. B. and Q. R. R.; thence southeasterly along south boundary of said right-of-way to a point on meridianal center section line of sec. 2; thence S. 0° 21' E., 10.30 chains, along said center section line to south center sixteenth section corner; thence S. 89° 46' W., 23.34 chains, approximately along south latitudinal sixteenth section line; thence N. 81° 48' W., 13.86 chains; thence S. 66° 56' W., 3.29 chains to point of beginning.

The area described aggregates approximately 54.4 acres.

The said land shall hereafter be subject to all laws and regulations applicable to the Nebraska National Forest.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

APRIL 23, 1954.

[F. R. Doc. 54-3185; Filed, Apr. 28, 1954; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

NOTICE OF FILING OF APPLICATIONS BY MOTOR CARRIERS OF PASSENGERS AND CERTAIN OTHER PROCEDURAL MATTERS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 19th day of April A. D. 1954.

The matter of special rules governing notice of filing of applications by motor carriers of passengers and certain other procedural matters with respect thereto being under consideration:

It is ordered, That the following special rules be, and they are hereby, prescribed:

§ 1.241 *Special rules governing notice of filing of applications by motor carriers of passengers, under sections 5 (2), 206, 209, 210a (b), and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto*—(a) *Scope of special rules.* These special rules govern the filing and handling of (1) applications under section 5 (2) of the Interstate Commerce Act respecting control, lease, and unification of operating rights and properties of motor carriers of passengers, (2) applications for certificates, permits, and licenses respecting the transportation of passengers under sections 206, 209, and 211 of the act, and (3) applications for temporary authority respecting the transportation of passengers under section 210a (b) of the act. Amendments to applications which broaden the scope of proposed operations are deemed to be "applications" for the purpose of this section. Such amendments will not be allowed if tendered after an application has been assigned for oral hearing.

(b) *Notice to interested persons.* Notice of the filing of such applications to interested persons shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER. Such summaries will be prepared by the Commission. No other notice by applicants to interested persons is required, except that applicants are not relieved from the obligations to file copies of applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers as required by the instructions which are a part of the prescribed form of application.

(c) *Protests and requests for hearing.* (1) Protests to the granting of an application shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

(2) Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held.

(3) In addition to other requirements of § 1.40, protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected.

(4) Any request for an oral hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form of affidavits. The Commission will determine whether or not assignment of the application for hearing is necessary or desirable.

(5) Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of the notice of the filing of the application.

(6) Except when circumstances require immediate action, an application for approval under section 210a (b) of the act of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of the notice of the filing of the application. If a protest is received prior to action being taken, it will be considered.

It is further ordered, That a copy of this order shall be served upon each motor common and contract carrier of passengers and each broker of passenger transportation subject to the jurisdiction of this Commission, and that notice to the general public shall be given by depositing a copy in the Office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this order shall become effective June 1, 1954.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3193; Filed, Apr. 28, 1954; 8:50 a. m.]

PART 110—DESTRUCTION OF RECORDS

SUBPART A—STEAM ROADS

LIST OF ACCOUNTS, RECORDS, AND MEMORANDA, AND PERIODS OF RETENTION

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of April A. D. 1954.

The matter of modifying the "Regulations to Govern the Destruction of Records of Steam Railroads, Issue of 1945," as amended, being under consideration pursuant to authority of section 20 (7) (b) of the Interstate Commerce Act, as amended; and

It appearing, that a notice dated January 14, 1954, was served on all railroad companies subject to provision of the act, to the effect that certain modifications had been approved, such notice also being published in the FEDERAL REGISTER on January 30, 1954 (19 F. R. 542), pursuant to provisions of section 4 of the Administrative Procedure Act; and no written views or arguments having been received on or before April 1, 1954, from any interested person, as provided in such notice, it is ordered, that:

1. Section 110.12 *List of accounts, records, and memoranda, and periods of retention* be amended so as to include the following modifications of the specified items:

a. In Item 110, Material ledgers, (a) Records of material and supplies on hand, change the period of retention from 6 years to 4 years.

b. In Item 111, Purchase and sales, cancel text and period of retention in (b) and substitute:

(b) Invoices for materials and supplies purchased whether attached to vouchers or filed separately (see items 55c and 111-1), and records and reports of such invoices—10 years.

c. In Item 111, Purchase and sales, cancel text and period of retention in (l) and substitute:

(l) Price records of purchases, original file copies of invoices (see item 111-b)—10 years.

d. In Item 114, Material and supplies issued, (d) Price records of material and supplies issued, file copies, change period of retention from "Permanent" to 4 years.

e. In Item 118, Company fuel, change word "coaling" in (b), (c), (d), and (f) to "fueling".

2. *Effective date.* The foregoing modifications shall become effective June 1, 1954.

3. *Notice.* A copy of this order shall be served on each carrier by railroad subject to Part I of the act and not independently operated as an electric line, and on every trustee, receiver, executor, administrator, or assignee of any such carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3192; Filed, Apr. 28, 1954; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

MILK IN NEW YORK METROPOLITAN MARKETING AREA

NOTICE OF MEETING FOR CONSIDERATION OF COOPERATIVE PAYMENTS RULES AND REGULATIONS

Pursuant to provisions of § 927.76 of the order, as amended (7 CFR Part 927; 18 F. R. 7224, 7581; 19 F. R. 556), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), notice is hereby given that the meeting held at Syracuse, New York, on January 21 and 22, 1954, pursuant to notice issued on January 11, 1954 (19 F. R. 265) will be reopened beginning at 10:00 a. m., e. d. s. t., on May 5, 1954, at the Syracuse Hotel, Syracuse, New York. Such reopened meeting is for further consideration of rules and regulations proposed to be issued pursuant to said § 927.76 of the order. Interested persons will be afforded an opportunity at the meeting to be heard through the submission of data, views, or arguments orally or in writing. All material presented in writing should be in quintuplicate. Copies of the said proposed rules and regulations as hereinafter set forth may be procured from the Market Administrator, 205 East Forty-second Street, New York 17, New York.

The proposed rules and regulations to be considered at said meeting are as follows:

QUALIFICATION

§ 927.410 *Procedure.* (a) Applications submitted by associations shall be subject to investigation and verification prior to any determination as to the qualification of such association to receive payments pursuant to § 927.76.

(b) Before any negative determination is issued, the market administrator, or his representative, shall be available to meet with directors of the association to discuss the issues which would indicate the negative determination.

§ 927.411 *Determination as to whether an association is a cooperative.* The determination as to whether an association meets the definition of a cooperative as defined in this part including a determination as to whether the association is qualified under the Capper-Volstead Act, shall be made by the market administrator.

§ 927.412 *Determination as to whether an applicant is a federation of cooperatives.* An applicant to be considered a federation of cooperatives must have a membership consisting of organizations incorporated under the cooperative corporations law of a state, and at least 90 percent of the member associations must meet the full definition of a cooperative contained in § 927.76 (a) (1). The activities of the applicant must be under the control of its member associations; 90 percent of the voting power must be controlled by federated cooperatives and other cooperatives qualified individually to receive payments under § 927.76; a negative vote by two-thirds of the federated cooperatives voting must be sufficient to veto any proposed action; and the negative vote by less than three member associations shall not be sufficient to veto any proposed action unless the associations casting such negative vote constitute two-thirds of the associations voting.

§ 927.413 *Producer membership in cooperatives.* (a) The claim of a cooperative that a producer is a member shall be supported by a document signed by the producer, or his authorized agent, except in cases where the by-laws of the cooperative provide for membership for any producer without signature where such producer refuses to sign on the basis of religious scruples. The producer must also conform to all applicable requirements of the by-laws of the cooperative association in order to be considered a member.

(b) The determination as to whether two or more farms operated by an individual are to be considered farms operated by more than one producer shall depend upon determination of the market administrator as to whether such farms are one or more than one business unit.

(c) The rate of payments based upon number of producers shall be in accordance with the determination issued by the market administrator, and shall be changed only on the basis of a revised determination issued pursuant to paragraphs (c) and (g) of § 927.76.

§ 927.414 *Operating of marketing facilities.* (a) In determining the percentage of milk received from members at pool plants operated by the cooperative association or the federated cooperative, the average shall be computed on the basis of the most recent 12-month period.

(b) Payment relating to operation of market facilities shall be based on the determination of the market administrator and any change in this rate shall be based only on a revised determination.

(c) The original determination shall be made on the basis of considering all of the milk received by the cooperative or the federated cooperative in the specified 12-month period. However, if a revised determination is made with respect to a federation already qualified to receive payments, the milk of any new member cooperative shall be considered only for such time as such cooperative has been a federated cooperative of the federation.

§ 927.415 *Personnel.* An applicant to be qualified must employ at least the following personnel:

(a) *Economist.* A person who has a college degree, with additional training at least equivalent to that required for a Master's degree with specialization in Agricultural Economics. The additional

training may be either college training or experience acquired through working for a disinterested research agency, such as a governmental agency, or an endowed foundation. In addition, he must have at least three years of experience in the field of milk marketing.

(b) *Legal.* A lawyer who must be a member of the bar in good standing and who is employed by the applicant on a full time or on a retainer basis. If employed on the latter basis, his retainer shall require that he give priority attention to the affairs of the cooperative or federation.

(c) *Fieldman.* A person with an education equivalent to that of a person with a Bachelor's degree, with majors in agricultural marketing, dairy marketing and related subjects, and two years of experience in educational work among farmers.

(d) *Field Supervisor.* A person who qualifies as a fieldman but has five years experience, a part of which includess supervision of other men.

(e) *Editor.* A person with an education equivalent to a college degree in journalism and five years experience in agricultural journalism.

§ 927.416 *Facilities.* The applicant must possess facilities which permit the personnel specified in § 927.415 to operate efficiently.

§ 927.417 *Program for market-wide service.* The program for market-wide service submitted by the applicant must be in sufficient detail to demonstrate that the program will result in the performance of the market-wide service required in the provisions of the order and the regulations with respect to continued qualification, and will be fully effective not later than three months following the date of qualification.

§ 927.418 *Publications.* (a) The applicant must issue an official publication containing milk marketing information for members and nonmembers.

(b) If an applicant uses as its publication one which is not prepared exclusively by the association, the section of such publication used for presenting its own material must be readily recognizable in the make-up of the publication. The applicant must demonstrate that it has veto power with respect to any proposed editorials prepared for use in the same publication used by it which may be contrary to the policy of the applicant.

(c) The issuance of a publication by a federated cooperative shall be considered an activity of the federation of which it is a member only to the extent that the material so published is prepared under the direction and supervision of the management of the federation.

[illegible]

§ 927.420 *Reports of cooperatives.* (a) Each qualified cooperative shall file an annual report with the market administrator for the preceding 12-month period within three months of the anniversary of the date of qualification. Such report shall cover the complete activities of the association.

(b) At such times and in such manner as the market administrator may request, the cooperative shall file additional reports with the market administrator.

(c) The qualified cooperative or the federated cooperative shall file notice of additions and withdrawals of membership not later than the end of the month following the month of such addition or withdrawal. No producer shall be considered a member of a cooperative for purposes of cooperative payments prior to the first of the month preceding the month in which the required report of the addition of such producer as a member is received by the market administrator.

§ 927.421 *Verification of reports and receipts of milk from members.* (a) The reports required pursuant to § 927.420 shall be subject to verification by audit by the market administrator.

(b) Receipts of milk at pool plants from members of a qualified organization shall be subject to verification by the market administrator, and in the event that the volume of such receipts is different from that reported by the handler in his monthly report, the payment to the organization shall be adjusted accordingly by the market administrator by debiting or crediting the organization's account with the market administrator.

§ 927.422 *Consultation on milk marketing problems.* The economist of the association shall be made available on reasonable notice to consult with the market administrator or his representative with respect to milk marketing problems and their solutions, and shall be prepared to discuss with the market administrator, or his representative, the progress being made by the association in carrying out research or analysis of marketing problems.

§ 927.423 *Formulation of proposed amendments and participation in hearings and meetings.* (a) The organization shall file with the market administrator copies of all documents filed with respect to:

(1) Petitions for amendments.

(2) Briefs filed following hearings.

(3) Exceptions filed to recommended decisions.

(4) Written data, views and arguments with respect to any rule making procedure affecting the marketing order.

(b) The records of amendment hearings and meetings of rules and regulations shall be examined by the market administrator to determine the degree of participation by the organization receiving cooperative payments.

§ 927.424 *Referendum of producers.* The organization shall be prepared to aid the Referendum Agent for any referendum conducted with respect to proposed amendments to the order in distribution of material required for the conducting of such referendum. It must also either vote collectively on proposals, or conduct an intensive educational program for members and non members for the guidance of the individual in voting.

§ 927.425 *Educational meetings.* (a) Each qualified organization shall hold a sufficient number of educational meetings for members and non members so that at least one such meeting shall be held each year within 50 miles of each plant at which the milk of members of the association is delivered.

(b) Notice of each such meeting shall be sent to the market administrator in sufficient time to permit the market administrator to have a representative present if he so desires.

(c) The association shall report to the market administrator the means used by the association to notify nonmembers of such meetings.

§ 927.426 *Distribution of publications.* (a) The official publication of the association shall be issued at least once a month and distributed to all members of the cooperative or federated cooperatives and to nonmember producers on the same subscription basis.

(b) One copy of the publication shall be filed with the market administrator.

§ 927.427 *Services performed by federated cooperatives.* (a) A federation may engage one or more of its federated cooperatives to perform specific services: *Provided*, That the federation shall exercise the same kind and degree of control over the performance of such services as it would if such services were being performed by its own personnel. The federation may make payment to the federated cooperatives for the performance of such services, such payment to be either in the form of reimbursement for actual expenditures, or on the basis of a stipulated rate which shall be uniform with respect to all of its federated cooperatives. The opportunity to perform such services for the federation and to receive payment therefor shall be open to any of its federated cooperatives which is equipped to perform the services. Performance of services by a federated cooperative for the federation on the basis herein described shall be considered as performance of the services by the federation itself for the purpose of cooperative payments.

(b) With respect to those services for which cooperative payments are provided, activities of a federated cooperative shall not be considered the activities of the federation if the federation does not exercise over them the same kind and degree of control as it would exercise over the activities of its own personnel and any payment by a federation to a federated cooperative with respect to such activities shall be considered contrary to the intent to the provisions of § 927.76.

HEARINGS ON PROPOSED DISQUALIFICATION

§ 927.430 *Notice of hearing.* Not later than ten days after receipt of a request for hearing on a proposed disqualification, the market administrator shall issue a notice to the cooperative or the federation of the time and place for such hearing.

§ 927.431 *Presiding officer.* The hearing shall be conducted by the market administrator or at his discretion by a hearing examiner of either the United States Department of Agriculture or the New York State Department of Agriculture and Markets.

§ 927.432 *Order of proceeding and burden of proof.* The cooperative or federation shall proceed first at the hearing and shall have the burden of proving its eligibility to receive payments.

§ 927.433 *Evidence.* (a) The cooperative or federation shall place into the record under oath all of the evidence on which it will rely either before the market administrator or on an appeal.

(b) The market administrator shall place into the record under oath any additional evidence on which he may wish to rely in making his final determination with respect to the qualification of the cooperative or federation to receive payments.

(c) Opportunity for cross-examination shall be given both to the cooperative or federation and the market administrator.

Issued at New York, New York, this 22d day of April 1954.

[SEAL] C. J. BLANFORD,
Market Administrator, New York Metropolitan Milk Marketing Area.

[F. R. Doc. 54-3196; Filed, Apr. 28, 1954; 8:50 a. m.]

[7 CFR Part 973]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area, which was issued April 12, 1954 (19 F. R. 2186) is hereby extended to May 3, 1954.

Dated: April 26, 1954.

[SEAL] GEORGE A. DICE,
Acting Deputy Administrator.

[F. R. Doc. 54-3197; Filed, Apr. 28, 1954; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 026290, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on March 22, 1954, by the Alaska Railroad.

The purposes of the proposed withdrawal: To protect water supply for a gravity system water standpipe at the railroad track.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at a point on the northeasterly boundary line of the present right-of-way of the Alaska Railroad which is located 100.0 feet to the right (northeasterly) from the center line of the main track of the railroad at survey station "C" 983 plus 53.0 E. C., Mileage 71.15. The point of beginning is located at latitude 60°54'46" N., longitude 149°06'10" W.; thence southeasterly 735.7 feet parallel to and 100.0 feet from the center line of the main track to a point which lies due north 110.0 feet more or less from the center line of the main track at survey station "C" 975 plus 38.2, Mileage 71.00; thence due north 216.00 feet along the northwesterly boundary line of the Chugach National Forest as established by Public Land Order No. 797 to a point which lies 300.0 feet from the center line of the main track, measured at right angles therefrom; thence northwesterly 579.1 feet parallel to and 300.0 feet from the center line of the main track; thence southwesterly 200.0 feet to the point of beginning. The tract as described contains approximately 3.02 acres.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 54-3173; Filed, Apr. 28, 1954; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 026249, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on March 5, 1954, by Division of Forestry, Bureau of Land Management, Anchorage, Alaska.

The purposes of the proposed withdrawal: Public service site.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

U. S. Survey 3248, containing approximately 31.52 acres.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 54-3174; Filed, Apr. 28, 1954; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 025613, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on March 1, 1954, by the Department of the Army.

The purposes of the proposed withdrawal: For construction of permanent dock structures and warehousing facilities.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at a point which bears S. 68° 39' W., 200 feet from the most southerly corner of Parcel No. 7 of Public Land Order No. 587 as withdrawn on 23 May 1949; thence N. 88° 39' E., 200 feet to said most southerly corner of Parcel No. 7; thence N. 34° 21' W., 77.20 feet to the most westerly corner of Parcel No. 7; thence N. 55° 39' E., along the northwest line of Parcel No. 7, a distance of 1746.18 feet to a point on said northwest line which is S. 55° 39' W., 25.95 feet from the most northerly corner of Parcel No. 7. Thence S. 70° 09' W., 1846.96 feet to a point; thence N. 60° 51' W., 300 feet to a point; thence S. 56° 09' W., 525 feet more or less to a point on the south line of the West Camp access road; thence in a southeasterly direction along the south line of said access road 885 feet more or less to the point of beginning, containing approximately 15.93 acres.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 54-3175; Filed, Apr. 28, 1954; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Anchorage 026010, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on December 23, 1953, by Department of Agriculture.

The purposes of the proposed withdrawal: Recreational Sites.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII, Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SEWARD HIGHWAY AND HOPE HIGHWAY JUNCTION

A tract extending 10 chains on each side of the center line of the Seward-Anchorage Highway beginning at Station 1474+00 Section C and extending along and parallel to the highway centerline to Station 1507+60 of the Hope Highway Section D, approximate latitude 60°47' N., longitude 149°26' West, containing approximately 74.3 acres.

INGRAM CREEK AREA

A tract extending 10 chains on each side of the centerline of the Seward-Anchorage Highway, beginning at Station 452+79 Section E and extending along and parallel to the highway centerline to Station 515+00 Section E, approximate latitude 60°51' N., longitude 149°4' West, containing approximately 58.5 acres.

PORTAGE GLACIER AREA

Beginning at a point 2 miles due west and 0.35 miles due south of the highest point of the most northerly knob, about 50 feet in height, on the well-defined glaciated spur between Passage Canal (Portage Bay) and Portage Glacier, this knob being approximately 1¼ miles southwest of the head of Passage Canal in approximate latitude 60°46' N., longitude 148°45' W.; thence north 0.85 mile; west 1 mile; north 0.65 mile; west 0.65 mile; north 0.1 mile; west 0.2 mile; north 0.1 mile; west 0.3 mile; south 0.9 mile; east 0.4 mile; south 0.3 mile; east 0.4 mile; south 0.85 mile; east 0.35 mile; north 0.35 mile; east 1.0 mile to point of beginning, containing approximately 1,790.4 acres.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 54-3176; Filed, Apr. 28, 1954; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 33 REVOKED IN PART

APRIL 22, 1954.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), the classification for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. Sec. 682a), as amended, which was effected by Small Tract Classification Order No. 33 of September 27, 1950, is hereby revoked as to the following described lands:

T. 12 N., R. 3 W., Seward Meridian
Sec. 33: S½SW¼NW¼SW¼, W½NW¼SW¼SW¼, NE¼SW¼SW¼SW¼, NW¼SW¼SW¼SW¼, SW¼SW¼SW¼SW¼.

Containing approximately 17.5 acres.

These lands are identified on a plat of a dependent resurvey and subdivision of the SW¼ of Sec. 33, dated February 14, 1952, as Lots 178, 206, 235, 236, and 237, respectively.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 54-3181; Filed, Apr. 28, 1954; 8:47 a. m.]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 21, 1954.

An application, serial number Arizona 04756, for the withdrawal from location, sale, and entry, under the General Mining Laws, of the lands described below was filed on April 6, 1953, by the U. S. Department of Agriculture.

The purposes of the proposed withdrawal: Administrative sites, recreation areas, and roadside zones.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region 5, Bureau of Land Management, Department of the Interior at P. O. Box 1695, Albuquerque, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Application AR-04756 filed April 6, 1953, Prescott National Forest:

GILA AND SALT RIVER MERIDIAN

CROWN KING ADMINISTRATIVE SITE

T. 10 N., R. 1 W., unsurveyed,
Starting at Corner No. 1 of Estella patented mining claim covered by Mineral Survey No. 3167 and expected to be located in Sec. 14, T. 10 N., R. 1 W., thence due East for a distance of 10 chains, thence due South for a distance of 20 chains, thence due West for a distance of 20 chains, thence due North for a distance of 20 chains, thence due East for a distance of 10 chains to point of beginning.

The area described aggregates 40 acres.

DRAKE ADMINISTRATIVE SITE

T. 19 N., R. 1 W.,
Sec. 32, NE¼, E½SE¼.

The area described aggregates 240 acres.

GOVERNMENT SPRING RECREATION AREA

T. 12 N., R. 3 E.,
Sec. 3, lot 3.
T. 13 N., R. 3 E.,
Sec. 33, lots 11 and 14.

The areas described aggregate 116.53 acres.

GRANITE CREEK RECREATION AREA

T. 13 N., R. 2 W.,
Sec. 16, W½E½NW¼, SE¼NW¼NW¼, E½SW¼NW¼, E½NW¼SW¼, SW¼NW¼SW¼, N½NE¼SW¼, SE¼NE¼SW¼, NW¼SW¼SW¼.

The area described aggregates 140 acres.

GROOM CREEK ADMINISTRATIVE SITE

T. 13 N., R. 2 W.,
Sec. 26, lot 28.

The area described aggregates 7.88 acres.

HICKET MOUNTAIN SUMMER HOME AREA, POTATO PATCH PICNIC AREA, AND LOWER MINGUS MOUNTAIN WINTER SPORTS AREA

T. 15 N., R. 2 E., unsurveyed,
Sec. 4, SW¼NW¼, NW¼SW¼;
Sec. 5, S½NE¼, N½SE¼.

The areas described aggregate 240 acres.

HYDE MOUNTAIN LOOKOUT

T. 17 N., R. 6 W.,
Sec. 20, SW¼SE¼;
Sec. 29, NW¼NE¼.

The areas described aggregate 80 acres.

INDIAN CREEK RECREATION AREA

T. 13 N., R. 2 W.,
Sec. 19, lots 12, 13, 19 and 20;
Sec. 30, lots 5, 12 and 13;
Sec. 29, lots 6 and 7;
Sec. 30, lot 5.

The areas described aggregate 441.37 acres.

JOHNSON WASH RANGER STATION

T. 14 N., R. 3 E.,
Sec. 33, S½NW¼SE¼, S½NE¼SW¼, SE¼NW¼SW¼ and lots 1, 2 and 3.

The areas described aggregate 132.05 acres.

MEXICAN SEEP ADMINISTRATIVE PASTURE

T. 16 N., R. 2 E., unsurveyed,
Sec. 12, S½NE¼, S½NE¼NE¼, N½SE¼.

The areas described aggregate 180 acres.

MINGUS MOUNTAIN LOOKOUT, MINGUS MOUNTAIN RECREATION AREA, MINGUS MOUNTAIN SUMMER HOME AREA, AND PLAYGROUNDS PICNIC AREA

T. 15 N., R. 2 E., unsurveyed,
Starting at Corner No. 6 of Homestead Entry Survey No. 92, expected to be located in Secs. 3, 4, 9 and 10, thence due East for a distance of 50 chains, thence due South for a distance of 60 chains, thence due West for a distance of 130 chains, thence due North for a distance of 60 chains, thence due East for a distance of 80 chains to point of beginning.

The area described aggregates 662.84 acres.

POWELL SPRINGS RECREATION AREA

T. 14 N., R. 3 E.,
Sec. 19, E½NE¼SW¼, NW¼SE¼, SW¼NE¼SE¼, N½SW¼SE¼, NW¼SE¼SE¼.

The areas described aggregate 100 acres.

SPRUCE MOUNTAIN LOOKOUT

T. 13 N., R. 1 W.,
Sec. 31, NW¼SE¼.

The area described aggregates 40 acres.

THUMB BUTTE RECREATION AREA

T. 14 N., R. 3 W.,
Sec. 36, lots 1, 2, SE¼NW¼NE¼, NE¼SW¼NE¼.

The areas described aggregate 105.28 acres.

TONTO SPRINGS ADMINISTRATIVE SITE

T. 15 N., R. 4 W.,
Sec. 33, E½, E½NE¼SW¼, N½SE¼SW¼;
Sec. 34, W½W½W½.

The areas described aggregate 440 acres.

TOWERS MOUNTAIN LOOKOUT

T. 10 N., R. 1 W., unsurveyed,
Starting at the mineral survey corner designated as Corner No. 2 of the Bear patented mining claim and Corner No. 3 of the Kitty patented mining claim as shown on Mineral Survey No. 3010, thence due South along the West side of the Kitty patented claim a distance of 750 feet to the point of beginning, thence due South a distance of 20 chains, thence due West a distance of 20 chains, thence due North a distance of 20 chains, thence due East a distance of 20 chains to the point of beginning.

The area described aggregates 40 acres.

WILLOW ADMINISTRATIVE SITE ADDITION

T. 14 N., R. 3 W.,
Sec. 13, lots 1, 2, 3 and 4.

The areas described aggregate 174.18 acres.

WOLF CREEK RECREATION AREA

T. 12½ N., R. 2 W., unsurveyed.
Sec. 3, NW¼NW¼NE¼.
T. 13 N., R. 2 W.,
Sec. 34, lots 15, 16 and 17.

The areas described aggregate 130.73 acres.

YAEGER CANYON ADMINISTRATIVE SITE

T. 15 N., R. 2 E., unsurveyed,
Sec. 17, S½NW¼, S½NW¼NW¼, SW¼NE¼NW¼, S½SW¼NE¼, NW¼SW¼NE¼, SW¼SE¼NE¼, SE¼, N½N½SW¼;
Sec. 18, SE¼NW¼, S½SW¼NW¼, NE¼SW¼NW¼, S½NE¼, S½N½NE¼, N½N½SE¼, NE¼SW¼, N½NW¼CW¼, SE¼NW¼SW¼;
Sec. 20, N½N½NE¼.

The areas described aggregate 690 acres.

WHITE SPAR (U. S. NO. 89) HIGHWAY, ROADSIDE ZONE

A strip of land 300 feet on each side of the center line of U. S. Highway No. 89 through the following legal subdivisions:

T. 12½ N., R. 3 W.,
Sec. 23, lots 1, 2, SW¼SE¼, SE¼SW¼;
Sec. 24, lots 2, 3 and 4;
Sec. 26, NW¼, SW¼;
Sec. 33, NW¼, SW¼, SE¼;
Sec. 34, SW¼, SE¼, NE¼;
Sec. 35, NW¼.
T. 13 N., R. 2 W.,
Sec. 16, NW¼, SW¼;
Sec. 17, lot 16;
Sec. 19, lots 12, 13 and 20;
Sec. 20, lots 1, 2, 3, 4, 5 and 6;
Sec. 30, lots 5, 10, 11, 12, 15, 16 and 17;
Sec. 31, lot 8.
T. 13 N., R. 3 W.,
Sec. 25, lots 3 and 4;
Sec. 35, SE¼;
Sec. 36, NE¼, SE¼, SW¼.

PRESCOTT-ASHFORK (U. S. NO. 89) HIGHWAY, [illegible] ZONE

A strip of land 200 feet on each side of the center line of U. S. Highway No. 89 through the following legal subdivisions:

T. 18 N., R. 1 W.,
Sec. 6, NE¼, NW¼, SW¼.
T. 18 N., R. 2 W., unsurveyed,
Sec. 1, SE¼;
Sec. 12, NE¼, SE¼, SW¼;
Sec. 13, NW¼, SW¼;
Sec. 14, SE¼;
Sec. 23, NE¼, NW¼, SW¼.
T. 19 N., R. 1 W.,
Sec. 6, NE¼, SE¼;
Sec. 7, NE¼, SE¼;
Sec. 17, NW¼, SW¼;
Sec. 18, NE¼, SE¼;
Sec. 20, NW¼, SW¼;
Sec. 29, NW¼, SW¼;
Sec. 31, NE¼, SE¼;
Sec. 32, NW¼.
T. 20 N., R. 1 W.,
Sec. 31, NE¼, NW¼, SE¼.

NEW BLACK CANYON HIGHWAY—CORDES JUNCTION TO FLAGSTAFF, ROADSIDE ZONE

A strip of land 200 feet on each side of the center line of the Cordes Junction to Flagstaff section of the New Black Canyon Highway, through the following legal subdivisions:

T. 12 N., R. 3 E.,
Sec. 9, NE¼, NW¼, SE¼;
Sec. 10, NE¼, SE¼, SW¼;
Sec. 15, NW¼;
Sec. 16, NE¼, NW¼;
Sec. 17, NE¼, SE¼, SW¼;
Sec. 20, NE¼, NW¼, SW¼.
T. 13 N., R. 3 E.,
Sec. 1, SE¼, SW¼;
Sec. 2, SE¼;
Sec. 11, NE¼, SE¼;
Sec. 14, NE¼, NW¼, SW¼;
Sec. 15, SE¼;
Sec. 22, NE¼, SE¼, SW¼;
Sec. 27, NW¼;
Sec. 28, NE¼, SE¼;
Sec. 33, NE¼, SE¼, SW¼.
T. 13 N., R. 4 E.,
Sec. 3, NE¼, SE¼;
Sec. 7, lots 2 and 3;
Sec. 8, NW¼, SW¼, SE¼;
Sec. 9, NE¼, NW¼, SW¼;
Sec. 10, NE¼, NW¼.
T. 14 N., R. 4 E.,
Sec 25, NW¼, SW¼;
Sec. 26, SE¼;
Sec. 34, SE¼;
Sec. 35, NE¼, NW¼, SW¼.

MINGUS MOUNTAIN HIGHWAY (U. S. NO. 89A) [illegible] ZONE

A strip of land 200 feet on each side of the center line of the Mingus Mtn. Highway, U. S. Highway 89A, through the following legal subdivisions:

T. 15 N., R. 2 E., unsurveyed,
Sec. 5, NE¼, SE¼, SW¼;
Sec. 7, NE¼, SE¼;
Sec. 8, NE¼, NW¼;
Sec. 18.
T. 16 N., R. 2 E.,
Sec. 13, SE¼ (unsurveyed);
Sec. 22, SE¼ (unsurveyed);
Sec. 23, NE¼, SE¼, SW¼;
Sec. 24, NE¼, NW¼;
Sec. 27, NE¼, NW¼ (unsurveyed);
Sec. 28, (unsurveyed);
Sec. 32, NE¼, SE¼ (unsurveyed);
Sec. 33, NW¼, SW¼ (unsurveyed).

SENATOR HIGHWAY (FOREST ROAD NO. 52), ROADSIDE ZONE

A strip of land 300 feet on each side of the center line of the Senator Highway, Forest Highway No. 52, through the following legal subdivisions:

T. 13 N., R. 2 W.,
Sec. 14, lots 4, 12, 13 and 14;
Sec. 15, lots 1, 8 and 9;
Sec. 23, lots 3, 4, 6, 7, 10 and 14;
Sec. 26, lots 20, 26, 29, 33 and 34;
Sec. 35, lots 5, 6, 7, 8, 14, 15 and 16.
T. 12½ N., R. 2 W., unsurveyed,
Sec. 23, E½W½, W½E½;
Sec. 26, NE¼, SE¼.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 54-3182; Filed, Apr. 28, 1954; 8:47 a. m.]

CALIFORNIA

CLASSIFICATION ORDER AMENDED

APRIL 16, 1954.

Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), Small Tract Classification Order No. 70, California No. 28, dated March 19, 1945, is hereby amended to provide for sale to lessees of all lands described therein at the appraised price of $100.00 per tract of approximately 5 acres. Applications to purchase must be filed in accordance with applicable regulations.

E. I. ROWLAND,
Regional Chief,
Division of Lands.

[F. R. Doc. 54-3183; Filed, Apr. 28, 1954; 8:48 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 21, 1954.

An application, serial number Oregon 03060, for the withdrawal from all forms of appropriation under the public land laws, except mineral leasing of the lands described below was filed on January 7, 1954, by United States Fish and Wildlife Service. The purposes of the proposed withdrawal: Eagle Creek Fish-Cultural Station.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region I, Bureau of Land Management, Department of the Interior at Swan Island Station, Portland 18, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN

T. 3 S., R. 5 E.
Sec. 26, NE¼NW¼;
Sec. 27, NE¼, SW¼, N½SE¼;
Sec. 28, N½S½.

The areas described aggregate 600 acres.

The lands are located on Eagle Creek 7 miles east of Estacada. The elevation is 950 to 1,800 feet, and the topography is deep canyon to mountainous. The lands are Revested Oregon and California Railroad Grant lands and are in power site reserves. The lands are being administered under principles of sustained yield and multiple use forest management policy.

The lands are in the Eagle Creek watershed and have direct important watershed value in connection with the proposed Eagle Creek Fish-Cultural Station. The Geological Survey has reported that the use of the lands for watershed protection in connection with the fish cultural purposes as proposed is not detrimental to their power value, and that there is no objection to the withdrawal, subject to the power site reserves. It has been determined that the withdrawal of the lands for the purposes proposed, will be consistent with the multiple uses, including timber management under the administrative jurisdiction of the Bureau of Land Management.

J. G. FRIEDLY,
Acting Regional Administrator.

[F. R. Doc. 54-3177; Filed, Apr. 28, 1954; 8:46 a. m.]

[Docket DA-219]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

APRIL 21, 1954.

Pursuant to determination DA-219, Oregon, of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawal, the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored subject to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818) as amended.

WILLAMETTE MERIDIAN

T. 21 S., R. 1 W.,
Sec. 31, SE¼NW¼, NW¼SE¼, SE¼SE¼.

The areas described aggregate 120 acres.

The lands described are revested Oregon and California Railroad Grant lands, and they are classified as primarily valuable for timber production and retention in public ownership.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, desert land, or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Oregon for a period of 90 days from date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference filing period of veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and conditions under which veterans and others may file application for these lands may be obtained on request in the Land Office, Portland, Oregon.

J. G. FRIEDLY,
Acting Regional Administrator.

[F. R. Doc. 54-3178; Filed, Apr. 28, 1954; 8:47 a. m.]

IDAHO

STOCK DRIVEWAY WITHDRAWAL

APRIL 20, 1954.

By virtue of the authority contained in section 7 of the act of June 28, 1934 (48 Stat. 1272), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315f), and in section 10 of the act of December 29, 1916 (39 Stat. 865), as amended by the act of January 29, 1929 (45 Stat. 1144; 43 U. S. C. 300), and pursuant to section 2.22 (a) (2) of Delegation Order No. 427 of August 16, 1950, 15 F. R. 5641, it is ordered as follows:

The following described public lands in the State of Idaho are hereby classified as necessary and suitable for stock driveway purposes and, excepting any mineral deposits therein, are withdrawn from all disposal under the public land laws and reserved, subject to valid existing rights, for the use of the general public for stock driveway purposes.

BOISE MERIDIAN

T. 2 N., R. 43 E.,
Sec. 35, SE¼NW¼, N½S½, N½SW¼SW¼, SW¼SW¼SW¼, W½SE¼SW¼SW¼.

The areas described aggregate 235 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

J. G. FRIEDLY,
Acting Regional Administrator.

[F. R. Doc. 54-3179; Filed, Apr. 28, 1954; 8:47 a. m.]

[Misc. 1568292]

WASHINGTON

AIR NAVIGATION SITE REVOKED

APRIL 21, 1954.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 2.22 (a) (2) of Delegation Order No. 427 of August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Air Navigation Site Withdrawal No. 95 dated September 26, 1934, is hereby revoked as to Beacon Site No. 14, Seattle-Helena Airway at Gloyd, Washington, involving the following described land:

WILLAMETTE MERIDIAN

T. 21 N., R. 28 E.,
Sec. 26, NW¼SW¼NW¼.

The areas described aggregate 9.84 acres.

The land described is within a first form reclamation withdrawal prescribed by section 3 of the act of June 17, 1902 (32 Stat. 388), and it is not subject to application, selection or entry under any of the nonmineral public land laws until further notice.

J. G. FRIEDLY,
Acting Regional Administrator.

[F. R. Doc. 54-3180; Filed, Apr. 28, 1954; 8:47 a. m.]

Fish and Wildlife Service

CERTAIN LANDS AND WATERS ADJACENT TO PRESQUILE NATIONAL WILDLIFE REFUGE, VIRGINIA

DESIGNATION AS CLOSED AREA UNDER MIGRATORY BIRD TREATY ACT

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I, Douglas McKay, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, said area identified and described as follows:

All the area of the bed of the James River, submerged or exposed, including the waters thereof, in Charles City and Henrico Counties, Virginia, immediately contiguous to and abutting upon lands of the United States (Presquile National Wildlife Refuge) and more particularly described as follows:

Beginning at a point in the Chesterfield-Charles City County Line, near the southern point of Turkey Island and at the lower end of the Turkey Island Cutoff, from which point a 1" iron pipe projecting 16" above the ground bears North, 0.58 chain distant; thence with the line of ordinary low water upstream in part with the Chesterfield-Charles City County Line and in part with the Chesterfield-Henrico County Line, approximately five and one-half miles to the southwest point of Turkey Island at the upper end of Turkey Island Cutoff, a 1½" iron pipe projecting 36" above the ground from which pipe the U. S. C. and G. S. triangulation station "Turkey" bears S. 57° 36' E., 27.92 chains distant; thence N. 23° 30' W., approximately one-eighth mile across the James River to the limits of emergent marsh vegetation on the left shore, approximately one and one-half miles above the mouth of Curles Neck Creek; thence downstream with the (riverward) limits of emergent marsh vegetation or upland vegetation respectively on the left shore of the James River, passing Curles Neck Creek and Turkey Island Creek, approximately seven miles to a point near Shirley, approximately one-half mile downstream from the boat landing or dock at upper Shirley; thence N. 60° 30' W., approximately three-eighths mile to the place of beginning.

In accordance with section 4 (c) of the Administrative Procedure Act, this designation is effective 30 days after date of publication.

Issued at Washington, D. C., this 22d day of April 1954.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-3171; Filed, Apr. 28, 1954; 8:45 a. m.]

Office of the Secretary

[Order 2755]

DEFENSE FUNCTIONS

APRIL 23, 1954.

This order restates existing provisions for the administration of the functions with respect to metals and minerals, electric power, solid fuels, and fishery commodities or products vested in the Secretary of the Interior under the Defense Production Act of 1950, as amended, or by virtue of his authority under that act. It also provides for the administration, after April 30, 1954, the date on which the Petroleum Administration for Defense will be abolished, of the functions with respect to petroleum and gas similarly vested in the Secretary.

SECTION 1. *Delegation of authority.* Except as provided in section 3 of this order, and except as the Secretary of the Interior may otherwise provide, all the functions and powers which are or may be vested in the Secretary of the Interior by delegations or redelegations issued pursuant to the Defense Production Act of 1950, as amended, or issued pursuant to any other law by virtue of authority delegated to him under the Defense Production Act of 1950, as amended, may be performed and exercised:

(a) In so far as these functions and powers relate to metals and minerals, by the Administrator of the Defense Minerals Exploration Administration;

(b) In so far as these functions and powers relate to solid fuels, by the Administrator of the Defense Solid Fuels Administration;

(c) In so far as these functions and powers relate to fishery commodities or products, by the Director of the Fish and Wildlife Service; and

(d) In so far as these functions and powers relate to petroleum and gas, by the Director of the Oil and Gas Division.

SEC. 2. *Electric power.* The defense functions of the Secretary relating to electric power fall within the assignment of the Assistant Secretary—Water and Power Development, who is one of the Secretarial officers already empowered by section 1 of Order No. 2509, as amended (17 F. R. 6793, 8634) to exercise the authority of the Secretary with respect to various matters relating to defense, including electric power.

SEC. 3. *Limitations.* (a) Section 1 of this order does not authorize any officer mentioned in that section to:

(1) Perform or exercise any function or power which cannot be redelegated by the Secretary of the Interior under the provisions of any delegation of authority to the Secretary;

(2) Redelegate any power or function to any person other than an officer or employee of the bureau or office which he heads;

(3) Appoint or employ any person under section 710 of the Defense Production Act of 1950, as amended; or

(4) Issue orders or directives relating to petroleum or gas.

(b) Existing arrangements for Department representation on interagency and interdepartmental committees and boards dealing with defense functions are hereby confirmed, but the function of specifying the arrangements for such representation as may be necessary is reserved to the Secretary.

(c) The function of establishing policies pertaining to defense matters involving two or more defense areas is reserved to the Secretary.

SEC. 4. *Acting Administrator, Defense Minerals Exploration Administration.* (a) The Deputy Administrator shall perform the duties of the Administrator in case of the death, resignation, absence or sickness of the Administrator.

(b) The Special Assistant to the Administrator shall perform the duties of the Administrator in case of the death, resignation, absence or sickness of the Administrator and the Deputy Administrator.

(c) An official acting under authority of this section shall sign documents under the title "Acting Administrator."

SEC. 5. *Acting Administrator, Defense Solid Fuels Administration.* The Industrial Specialist (Industry Finance) shall perform the duties of the Administrator in case of the death, resignation, absence or sickness of the Administrator, and when so serving shall sign documents under the title "Acting Administrator."

SEC. 6. *Saving clause.* DMEA Order 1 as amended and all delegations and redelegations made, and other official actions taken, and all agreements entered into by the Administrator of the Defense Minerals Exploration Administration, the Administrator of the Defense Solid Fuels Administration, and by the Administrator or the Deputy Administrator of the Petroleum Administration for Defense, and other authorized officials of these agencies, which are in force at the close of business April 30, 1954, shall continue in force until amended or revoked by competent authority.

SEC. 7. *Effect on other orders.* Effective at the close of business on April 30, 1954, this order supersedes Order No. 2591, as amended (16 F. R. 932, 2896), and Order No. 2726, as amended (18 F. R. 3804, 7000).

(50 U. S. C. App., Sup. 2153; E. O. 10480, as amended, 18 F. R. 4939, 6201; Defense Mobilization Order I-7, as amended, 18 F. R. 5366, 6737)

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 54-3195; Filed, Apr. 28, 1954; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

WOOL HANDLER'S NONRECOURSE LOAN NOTES WHICH MATURE APRIL 30, 1954, UNDER 1953 WOOL PRICE SUPPORT PROGRAM

NOTICE OF FINAL DATE FOR REDEMPTION OF SHORN WOOL

Unless earlier demand is made by Commodity Credit Corporation, Wool Handler's Nonrecourse Loan Notes, secured by shorn wool under the 1953 Wool Price Support Program, which mature April 30, 1954, are due and payable on that date.

Unless the loan notes which mature on April 30, 1954, are repaid on or before

this final date for repayment, or the handler on behalf of the growers, cooperative marketing associations, or pool managers notifies the holder of the note by telegram that the funds have been placed in the mail, Commodity Credit Corporation will, pursuant to the provisions of the loan note, and without further notice, proceed to offer such wool for sale during the period from May 1 through 14, 1954, at the best price obtainable, but which in no event will be lower than the principal amount of the loan note plus interest and charges. Any amount received from such sales made during this period which is in excess of the principal amount of the loan note plus interest and charges will be returned to the grower, pool manager, or cooperative marketing association, as the case may be. Wool for which no offers are received or for which prices offered during this period are below the principal amount of the loan note plus interest and charges will be purchased by Commodity Credit Corporation without further notice, pursuant to the provisions of the loan note.

These Wool Nonrecourse Loan Notes will be held through April 30, 1954, by the CSS Commodity Offices and the banks, having wool lending or servicing agency agreements with Commodity Credit Corporation, which disbursed the loan proceeds to the various handlers.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. 714c, 7 U. S. C. 1446, 1421)

Done at Washington, D. C., this 26th day of April 1954.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-3198; Filed, Apr. 28, 1954; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-291]

INVESTIGATION OF ACCIDENT OCCURRING NEAR WRIGHT, WYO.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 8407H, which occurred near Wright, Wyoming, on February 26, 1954.

Hearing originally assigned to be held pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding, on Thursday, April 29, 1954, at 9:00 a. m. (local time) in the Albany Hotel, Seventeenth and Stout Streets, Denver, Colorado, is hereby indefinitely postponed.

Dated at Washington, D. C., April 26, 1954.

[SEAL] W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 54-3221; Filed, Apr. 28, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2018]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

By our order issued on March 18, 1954, we reserved decision upon requests of El Paso Natural Gas Company for opportunity for oral argument in these proceedings. Thereafter, by motion filed on April 7, 1954, El Paso renewed its requests for oral argument before the Commission.

The Commission orders:

(A) Oral argument be had before the Commission on May 13, 1954, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Each party to the proceeding desiring to participate in the oral argument shall notify the Secretary of the Commission on or before May 3, 1954, of such intention and of the amount of time requested for presentation of their argument.

Adopted: April 21, 1954.

Issued: April 23, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3186; Filed, Apr. 28, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 35]

PENNSYLVANIA RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, The Pennsylvania Railroad Company, due to conditions in the harbor at Ashtabula, Ohio, affecting the operation of The Pennsylvania-Ontario Transportation Company car ferry route, is unable to deliver traffic for movement over the said car ferry: *It is ordered*, That:

(a) Rerouting traffic: The Pennsylvania Railroad being unable to deliver traffic to The Pennsylvania-Ontario Transportation Company car ferry at Ashtabula, Ohio, due to conditions in the harbor at Ashtabula, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 1:00 p. m., April 21, 1954.

(g) Expiration date: This order shall expire at 11:59 p. m., May 31, 1954, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 21, 1954.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 54-3191; Filed, Apr. 28, 1954; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 19 NUMBER 84

Washington, Friday, April 30, 1954

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

In Federal Register Document 54-3158, subparagraph (3) of § 6.307 (a) was erroneously revoked. Effective upon publication in the FEDERAL REGISTER, subparagraph (3) of § 6.307 (a) is amended to read as follows:

§ 6.307 *Department of the Air Force*—(a) *Office of the Secretary.* * * *

(3) The General Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-3226; Filed, Apr. 29, 1954; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

[1026 (Peanuts 54)-1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1954 CROP

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729.542 Instructions and forms.
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IDENTIFICATION AND MEASUREMENT OF FARMS

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AUTHORITY: §§ 729.540 to 729.569 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1388.

GENERAL

§ 729.540 *Basis and purpose.* The regulations contained in §§ 729.540 to 729.569 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the determination of farm peanut acreages, the issuance of marketing cards, the identification of peanuts, the collection and refund of penalties, and the records and reports incident thereto, on the marketing of peanuts of the 1954 crop, regardless of whether such peanuts are marketed before, during, or after the 1954-55 marketing year. Prior to preparing the regulations in §§ 729.540 to 729.569, public notice of their formulation was published in the FEDERAL REGISTER (19 F. R.

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1954)

The following Supplement is now available:

Title 17 ($0.50)

Previously announced: Title 3, 1953 Supp. ($1.50); Title 8 ($0.35); Titles 10–13 ($0.50); Title 16 ($1.00); Title 18 ($0.45); Titles 22–23 ($1.00); Title 24 ($0.75); Title 25 ($0.45); Titles 30–31 ($1.00); Title 33 ($1.25); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1 to 70 ($0.60); Parts 71 to 90 ($0.65); Parts 91 to 164 ($0.45); Parts 165 to end ($0.60)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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1489) in accordance with the Administrative Procedure Act (5 U. S. C. 1003). Views and recommendations received in response to such notice have been duly considered within the limits prescribed by the Agricultural Adjustment Act of 1938.

§ 729.541 *Definitions.* As used in §§ 729.540 to 729.569 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Areas" means:

(1) The Southeastern Area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern Area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina Area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(c) "Buyer" means a person who:

(1) Buys or otherwise acquires any peanuts from a producer;

(2) Buys or otherwise acquires farmers stock peanuts from any person; or

(3) Markets, as a commission merchant, broker, or cooperative any peanuts for the account of a producer and who is responsible to the producer for the amount received for the peanuts.

(d) Committees: (1) "Community committee" means the persons elected within a community as the community committee, pursuant to the regulations governing the selection and functions of Agriculture Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons designated in a State by the Secretary as the Agricultural Stabilization and Conservation State committee.

(e) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operation of the county ASC office, or the person acting in such capacity.

(f) "Deputy administrator" means the Deputy Administrator for Production Adjustment or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means the Director, or the Acting Director of the Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment but there will be no excess acreage if the farm peanut acreage is one acre or less.

(i) "Excess peanuts" means peanuts in excess of the farm marketing quota determined pursuant to § 729.546.

(j) "Farm" means all adjacent or nearby farmland under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farmland which the county committee, in accordance with instructions issued by the Deputy Administrator, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with work-stock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(k) "Farm allotment" means the farm peanut acreage allotment for the 1954 crop of peanuts established pursuant to §§ 729.510 to 729.530 of the marketing quota regulations for the 1954 crop of peanuts (18 F. R. 6372).

(l) "Farm peanut acreage" means the acreage on the farm planted to peanuts in 1954 as determined in accordance with instructions issued by the Deputy Administrator, less any such acreage with respect to which it is established by the operator or otherwise to the satisfaction of the county office manager that the entire production therefrom has not and will not be picked or threshed either before or after marketing from the farm: *Provided, however,* That:

(1) The farm peanut acreage shall be considered equal to the farm allotment on a farm for which such allotment equals or exceeds one acre, if the acreage in excess of the farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the farm allotment, whichever is larger;

(2) The farm peanut acreage shall be considered equal to one acre on a farm for which the farm allotment is equal to or less than one acre and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; but the provisions of this subparagraph and of subparagraph (1) of this paragraph shall not apply unless a quantity of peanuts equal to the county office manager's estimate of the production from the acreage in excess of the larger of the farm allotment, or one acre, is disposed of on the farm in a manner approved by the county committee so that the peanuts cannot thereafter be used or marketed as peanuts: *Provided, further,* That the maximum acreage limit prescribed in this subparagraph or subparagraph (1) of this paragraph shall not be applicable if the State committee concurs in the findings and recommendations of the county committee that the unusual circumstances from which the excess resulted are such that the maximum limitation should not apply.

(m) "Farmers stock peanuts" means picked or threshed peanuts produced in the continental United States during the calendar year 1954 which have not been shelled, crushed, cleaned (except for removal of foreign material) or otherwise changed from the state in which picked or threshed peanuts are customarily marketed by producers.

(n) "Market" mean to dispose of peanuts, including farmers stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. Delivery of peanuts by a producer to a cooperative association of peanut producers for marketing shall constitute a marketing. The terms "marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to him by anyone.

(o) "Marketing card": (1) "Excess penalty card" means MQ–77—Peanuts (1954) or MQ–77–VC—Peanuts (1954), 1954 Peanut Excess Penalty Marketing Card. MQ–77 will be issued for farms in the Southeastern area and in the Southwestern area. MQ–77–VC will be issued for farms in the Virginia-Carolina area. These cards will be issued for farms for which it is determined that the farm peanut acreage is in excess of the larger of the farm allotment or one acre. A portion of each lot of peanuts identified by an excess penalty card is subject to

the marketing penalty prescribed in § 729.555 at the time the peanuts are marketed.

(2) "Within quota card" means MQ–76—Peanuts (1954) or MQ–76–VC—Peanuts (1954), 1954 Peanut Within Quota Marketing Card. MQ–76 will be issued for farms in the Southeastern area and in the Southwestern area. MQ–76–VC will be issued for farms in the Virginia-Carolina area. These cards will be issued for farms for which it is determined that the farm peanut acreage is not in excess of the larger of the farm allotment or one acre. A within quota card authorizes the marketing of all peanuts produced on the farm without payment at the time of marketing of the penalty prescribed in § 729.555.

(p) "Marketing year" means the 1954–55 marketing year beginning August 1, 1954, and ending July 31, 1955.

(q) "Offices": (1) "County ASC offices" means the office of the Agricultural Stabilization and Conservation county committee.

(2) "State ASC office" means the office of the Agricultural Stabilization and Conservation State committee.

(r) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(s) "Peanuts" means all peanuts produced, excluding any peanuts which were not picked or threshed either before or after marketing from the farm.

(t) "Person" means an individual, partnership, association, farmers cooperative association, corporation, firm, joint-stock company, estate or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(u) "Pound" means that quantity of farmers stock peanuts equal to one pound standard weight. If peanuts have been graded at the time of marketing, the poundage shall be the weight thereof excluding foreign material and excess moisture. If shelled peanuts are marketed, the poundage thereof shall be converted to the weight of farmers stock peanuts by multiplying the number of pounds of shelled peanuts by 1.5 and the result shall be the number of pounds of peanuts considered as marketed under this part.

(v) "Producer" means a person who, as landlord, tenant, or sharecropper is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(w) "Quota peanuts" means peanuts which are within the amount of the farm marketing quota determined pursuant to § 729.546.

(x) "Sales memorandum" means:

(1) Form MQ–93—Peanuts (1952), which may be used (i) by buyers to record and report data with respect to purchases of peanuts identified by both within quota and excess penalty cards, (ii) to record and report data with respect to purchases of peanuts that are not identified by a marketing card, and (iii) by shellers to record and report data with respect to peanuts shelled for producers in instances where all of the shelled peanuts are returned to the producer.

(2) Form MQ–94—Peanuts (1954), which may be used by buyers in the Southeastern and Southwestern areas to record and report data with respect to purchases of peanuts identified by either a within quota or an excess penalty card if the peanuts have been inspected by the Federal-State Inspection Service.

(3) Form MQ–76–A–VC—Peanuts (1954), ten copies of which are attached to each Form MQ–76–VC. This form may be used by buyers to record and report data with respect to purchases of peanuts identified by Form MQ–76–VC.

(4) Form MQ–77–A–VC—Peanuts (1954), ten copies of which are attached to each Form MQ–77–VC. This form may be used by buyers to record and report data with respect to purchases of peanuts identified by Form MQ–77–VC.

(5) Any other form furnished by the buyer for recording and reporting purchases of peanuts, provided (i) the State committee determines that the use of forms other than those enumerated in subparagraphs (1) through (4) of this paragraph will not operate to reduce effective administration of the program in the State and (ii) the form proposed for use by the buyer is approved by the State Administrative Officer of each State in which the buyer will purchase 1954 crop peanuts as being consecutively numbered and containing the necessary language and spaces for recording and reporting the same information as that required by Form MQ–93—Peanuts (1952) for purchases of farmers stock peanuts.

(y) "Secretary" means the Secretary or the Acting Secretary of the United States Department of Agriculture.

(z) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the State ASC office, or the person acting in such capacity.

(aa) "Yields": (1) "Normal yield" means the normal yield per acre for the farm as determined under § 729.521 or § 729.523, whichever is applicable, of the marketing quota regulations for the 1954 crop of peanuts (18 F. R. 6372).

(2) "Actual yield" means the actual yield per acre for the farm obtained by dividing the farm peanut acreage into the total production of peanuts for the farm.

§ 729.542 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 729.543 *Extent of calculations and rule of fractions.* (a) The farm peanut acreage shall be expressed in tenths of an acre and fractions of less than one-tenth of an acre shall be dropped.

(b) The percentage of excess peanuts for a farm, hereinafter referred to as the "percent excess", shall be expressed in tenths of a percent and fractions of less than one-tenth of a percent shall be dropped, except that the minimum percent excess for a farm having any excess acreage shall be one-tenth of one percent.

(c) The converted penalty rate shall be expressed in tenths of a cent and fractions of less than a tenth of a cent shall be dropped, except that the minimum converted penalty rate for a farm having any excess acreage shall be one-tenth of a cent.

(d) The amount of penalty with respect to any lot of peanuts, or the amount of damages due Commodity Credit Corporation under an agreement made pursuant to § 729.559, shall be expressed as dollars and in whole cents. Fractions of less than a cent shall be dropped.

(e) The quantity of peanuts marketed, the farm marketing quota, and the normal and actual yield per acre, shall be expressed in whole pounds. Fractions of less than a pound shall be dropped.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 729.544 *Identification of farms.* Each farm as operated for the 1954 crop of peanuts shall be identified by a farm serial number and all records pertaining to marketing quotas for the 1954 crop of peanuts shall be identified by the farm serial number.

§ 729.545 *Measurement of farms.* The peanut acreage on farms shall be measured to determine compliance with farm allotments in acordance with instructions issued by the Deputy Administrator.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 729.546 *Amount of farm marketing quota.* (a) The farm marketing quota for a farm having no excess acreage shall be the actual production of peanuts on the farm peanut acreage.

(b) The farm marketing quota for a farm having excess acreage shall be a quantity of peanuts equal to the actual yield multiplied by the farm allotment.

§ 729.547 *Marketing quotas not transferable.* Farm marketing quotas are not transferable in whole or in part from one farm to another farm and peanuts produced on one farm shall not be marketed on a marketing card issued with respect to another farm. If any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm, the allotment next established for each such farm shall be reduced as provided in § 729.524 of the Marketing Quota Regulations for the 1954 Crop of Peanuts (18 F. R. 6372).

§ 729.548 *Issuance of marketing cards.* (a) A marketing card shall be issued to the operator of each farm having 1954 crop peanuts for use by any producer for marketing his share of the peanuts produced on the farm. If the county office manager finds that it will serve a useful purpose, additional marketing cards may be issued in the name of the operator and delivered to other producers on the farm or the marketing card may be issued in the name of the operator and one or more producers on the farm.

(b) If the county committee determines that such action is necessary to enforce the provisions of §§ 729.540 to 729.569, the issuance of marketing cards may be withheld for farms in which a multiple farm producer has an interest, if one or more of such farms are eligible for an excess penalty marketing card, until the committee provides for an estimate to be made of the peanut production on each farm in which the multiple farm producer has an interest. The estimated production on each such farm will be used in determining, after all peanuts produced on such farms have been marketed or otherwise disposed of, whether the marketing card issued for each farm was properly used. The term "multiple farm producer" means a person who has an interest as a producer in the 1954 crop of peanuts on more than one farm.

(c) All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon return to the county ASC office, of any marketing card where all spaces for recording sales have been used and before the marketing of peanuts from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued. A new marketing card of the same kind shall also be issued to replace a card which has been determined by the county office manager to have been lost, stolen, mutilated, or destroyed.

(d) *Within quota card.* A farm is eligible for a within quota card under any one of the following conditions:

(1) The farm has no excess acreage.

(2) The acreage planted to peanuts on the farm is in excess of the farm allotment but an agreement on Form MQ–92—Peanuts (1954) is executed and approved in accordance with § 729.559.

(3) The farm has excess acreage which consists of (i) peanuts grown only for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and are produced at public expense by employees of the experiment station, or (ii) peanuts produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the cost and risks incident to the production of the peanuts and the proceeds from the crop inure to the benefit of the experiment station. Any such agreement must be approved by the State committee prior to the issuance of a marketing card for the farm.

(e) *Excess penalty card.* An excess penalty card shall be issued for a farm if the farm peanut acreage exceeds the larger of the farm allotment or one acre and the farm is not eligible for a within quota card under paragraph (d) of this section.

§ 729.549 *Person authorized to issue cards.* The county office manager shall sign marketing cards for farms in the county as issuing officer. The issuing officer may designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each person so designated shall place his initials immediately beneath the name of the issuing officer as written by him or stamped on the card.

§ 729.550 *Successors-in-interest.* Any person who succeeds in whole or in part to the share of a producer in the peanuts to be marketed from a farm shall, to the extent of such succession, have the same rights as the producer to the use of any marketing card issued for the farm.

§ 729.551 *Invalid marketing cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted, incorrect, contradictory, or illegible;

(3) It is lost, destroyed, or stolen;

(4) Any erasure or alteration has been made and not properly initialed; or

(5) The converted penalty rate on an excess penalty card has been altered.

(b) If any marketing card becomes invalid (other than by loss, destruction, or theft) the operator, or the person having the card in his possession, shall return it to the county ASC office from which it was issued. If any marketing card is lost, destroyed, or stolen, the producer to whom the card was issued shall give written notice of such fact to the county ASC office from which the card was issued.

(c) If a marketing card becomes invalid because an entry is not made as required either through omission or incorrect entry, and the proper entry is later made and initialed as provided in the instruction for issuing marketing cards, then such card shall become valid; or if the invalid card is not made valid in this manner, it shall be cancelled and a new card issued in its place.

§ 729.552 *Report of misuse of marketing card.* Any information which causes a member of a State, county, or community committee, or an employee of a State or county ASC office, or any person engaged in buying or handling peanuts, to believe that any peanuts have been or are being marketed on a marketing card issued for another farm or to another producer shall be reported immediately by such committeeman, employee, or person to the county ASC office or to the State ASC office.

MARKETING OR OTHER DISPOSITION OF PEANUTS AND PENALTIES

§ 729.553 *Extent to which marketings from a farm are subject to penalty.* The penalty for a farm having excess acreage shall be determined as follows:

(a) If the peanuts produced on the farm are properly marketed with an excess penalty card issued for the farm, the penalty shall be paid on each lot of peanuts marketed from the farm in an amount determined by multiplying the converted penalty rate for the farm by the number of pounds in the lot.

(b) If the peanuts produced on the farm are not properly marketed with an excess penalty card issued for the farm but the disposition of the peanuts produced on the farm is accounted for to the satisfaction of the State committee, the total amount of penalty for the farm shall be determined by multiplying the total quantity of peanuts marketed from the farm by the converted penalty rate for the farm.

(c) If the disposition of peanuts produced on the farm is not accounted for to the satisfaction of the State committee or if any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm, the total amount of penalty for the farm shall be determined by multiplying the normal yield by the excess acreage by the basic penalty rate.

(d) If the representative of the county committee is prevented by the operator or other producer or person from determining the farm peanut acreage, the farm will be deemed to have excess acreage and the penalty for the farm shall be determined by multiplying the quantity of peanuts marketed from the farm by the basic penalty rate. If however, the operator furnishes a complete and correct report containing the information specified in § 729.561 (b), the penalty for the farm shall be determined in accordance with paragraph (b) of this section.

(e) Notwithstanding the foregoing provisions of this section, the penalty will not be applicable to the shriveled, damaged, split, and broken peanut kernels which are obtained in the process of shelling farmers stock peanuts of the 1954 crop for use by the producer as seed in 1955 if the quantity of peanuts shelled by or for the producer is in line with the seed requirements for his farm in 1955 as determined by the county office manager.

§ 729.554 *Identification of marketing.* (a) Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card issued for the farm on which the peanuts were produced, if such marketing card is presented to the buyer by the producer at the time the peanuts are marketed. Each marketing of peanuts without a marketing card shall be subject to the penalty at the rate prescribed in § 729.555 (a) unless the marketing consists of shriveled, damaged, split, and broken peanut kernels which were produced in shelling not in excess of that quantity of farmers stock peanuts for a producer which the county office manager determines is reasonable for seed purposes on the producer's farm for the 1955 crop. The marketing of such shriveled, damaged, split, and broken peanut kernels that are not identified by marketing card will be identified by Form MQ–93—Peanuts (1952) partially executed by the county office manager to show the quantity of peanuts that is reasonable for seed purposes on the producer's farm for the 1955 crop. Buyers will record and report purchases of shelled peanuts from producers on Form MQ–91—Peanuts (1954): *Provided, however*, That a person who is not engaged in the business of buying peanuts for movement into the regular channels of trade shall not be required to make a record and report of purchases of peanuts from producers if the county office manager has determined that it would be administratively impracticable to require such buyer to execute forms, keep the records, and make the buyer's reports as required in §§ 729.540 to 729.569, in which case the producer marketing

the peanuts shall be responsible for reporting each marketing to the county ASC office as provided in instructions issued by the Deputy Administrator.

(b) A buyer who resells any farmers stock peanuts of the 1954 crop shall keep, as part of or in addition to the records maintained by him in the conduct of his business, such records as he determines are necessary to enable him to certify, in connection with any such resale of farmers stock peanuts, that such peanuts were identified to him by valid marketing cards when purchased from farmers or other records of resale and that any penalty due was collected and remitted. The records maintained by the buyer with respect to such peanuts shall be available for examination in accordance with § 729.566.

§ 729.555 *Rate of penalty.* (a) The basic penalty rate shall be equal to 50 percent of the basic rate of the loan or support price for peanuts for the marketing year.

NOTE: The exact amount of the penalty rate for peanuts of the 1954 crop will be issued as an amendment to this section as soon as the basic rate of the loan or support price for 1954 is announced.

(b) The converted penalty rate for a farm shall be determined as follows:

(1) Compute the percent excess for a farm by dividing the farm peanut acreage into the excess acreage.

(2) Multiply the percent excess for the farm by the basic penalty rate.

§ 729.556 *Persons to pay penalty.* (a) The penalty due on peanuts purchased directly from a producer shall be paid by the buyer who may deduct an amount equivalent to the penalty from the price paid to the producer, except that the penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer. The buyer shall not be relieved of any liability with respect to the amount of penalty because of any error which may occur in executing a sales memorandum. If the buyer fails to collect or to pay the penalty due on any marketing of peanuts from a farm, he and all producers on the farm shall be jointly and severally liable for the amount of the penalty.

(b) Notwithstanding any other provisions of §§ 729.540 to 729.569, if the county office manager finds that peanuts produced on a farm on which there is excess acreage have been or probably will be sold to persons who are not engaged in the business of buying peanuts for movement into the regular channels of trade and determines that it would be administratively impracticable to effect the collection of the marketing penalty from such persons, the county office manager may, on the basis of county office records or other available information, estimate the actual yield and the production for the farm and determine the amount of penalty due on the quantity of peanuts marketed to such persons. The amount of penalty shall be determined by multiplying the converted penalty rate by the estimated total production for the farm. The amount of penalty may be collected from the operator or producer before the marketing card is issued if he agrees to payment of the penalty in this manner. If the county office manager determines that satisfactory information is not available for estimating the 1954 yield, a normal yield for the farm shall be determined and it shall be considered to be the estimated actual yield for the purpose of determining the amount of penalty. An excess penalty card shall be issued for the farm. If the penalty is paid before the excess penalty card is issued, the penalty rate on the card shall be shown as "zero". If the county committee determines, after marketing of the 1954 crop for the farm has been completed that the actual production for the farm was less than the estimated production, any penalty paid in excess of the amount actually due shall be refunded upon presentation of a request therefor as provided in § 729.560.

§ 729.557 *Marketings subject to penalty.* In addition to marketings subject to penalty that are identified by excess penalty cards, the marketing of peanuts under any of the following conditions shall be deemed to be a marketing subject to penalty at the rate prescribed in § 729.555.

(a) *Producer marketings.* (1) Any marketing of peanuts by a producer which is not identified by a valid marketing card shall be deemed to be a marketing subject to penalty at the rate prescribed in § 729.555 (a) unless the peanuts marketed consist of shriveled, damaged, split, and broken peanut kernels as described in § 729.554 (a) or unless the marketing is within the terms of the proviso contained in § 729.554 (a). The penalty due under the provisions of this paragraph shall be determined by multiplying the pounds marketed by the basic penalty rate, and such amount of penalty shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(2) Notwithstanding the provisions of § 729.553, if any producer falsely identifies or fails to account for the disposition of any peanuts produced on a farm, an amount of peanuts equal to the normal yield of the excess acreage for the farm shall be deemed to have been a marketing subject to penalty from such farm. The penalty for the farm shall be determined by multiplying the normal yield by the excess acreage by the basic penalty rate, and such amount of penalty shall be paid by the producer.

(b) *Buyer's marketings.* The part or all of any marketing of peanuts by a buyer which such buyer represents to be a resale, but which when added to prior resales by such buyer, is in excess of the total amount of his prior purchases shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes proof acceptable to the State committee showing that such marketing is not a marketing subject to penalty. Any penalty due under this paragraph shall be paid by the buyer making the resale.

(c) *Marketings not reported.* Any marketing of peanuts which, under the regulations in §§ 729.540 to 720.569, a buyer is required to report, but which is not so reported within the time and in the manner therein required, shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes a report of such marketing which is acceptable to the State committee. The penalty shall be determined by multiplying the pounds marketed by the basic penalty rate, and such amount of penalty shall be paid by the buyer who fails to make the report as required.

§ 729.558 *Payment of penalty.* Penalties shall become due at the time the peanuts are marketed and shall be paid by remitting the amount thereof to the State ASC office not later than the end of two calendar weeks following the week in which the peanuts became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to collection and payment at par.

§ 729.559 *Use of agreement to permit marketings from overplanted farms—*(a) *Within quota card issued on basis of agreement.* If the State committee determines that the agreement provided for in this section will serve a useful purpose, it may authorize its use in the State. Where the use of the agreement is authorized, the county office manager may, upon request of the operator of any farm on which the acreage planted to peanuts exceeds the farm allotment, issue a within quota card with respect to the farm in the manner prescribed in § 729.548 if the operator executes an agreement form in which he represents that the farm peanut acreage will not exceed the larger of the farm allotment or one acre and such form is approved by the county committee.

(b) *Form of agreement.* The agreement referred to in this section shall be on Form MQ–92—Peanuts (1954) executed in accordance with instructions issued by the Deputy Administrator. If the county committee determines that a within quota card issued pursuant to this section would be used as a device to evade the payment of penalty or the terms and conditions of the 1954 crop price support program, the agreement shall not be approved by the county committee and a marketing card shall not be issued for the farm until the farm peanut acreage has been determined.

(c) *Payment of penalty.* If any penalty becomes due for a farm for which an agreement has been executed and approved, the amount of the penalty shall be determined in acordance with § 729.553. At the request of the county office manager, the operator shall surrender the marketing card issued for the farm showing thereon the required record of all peanuts marketed. After collecting the amount of any penalty due, an excess penalty card shall be issued for the farm if marketings from the farm have not been completed.

§ 729.560 *Request for refund of penalty.* After the marketing of peanuts from the farm has been completed and the disposition of any other peanuts produced on the farm can be shown, the producer or any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 729.540 to 729.569 to be paid. Such request shall be filed with the county ASC office within two years after the payment of the penalty. No refund shall be made because of peanuts kept on the farm for seed or for home consumption.

RECORDS AND REPORTS

§ 729.561 *Producer's records and reports—*(a) *Report on marketing card.* Each marketing card issued with respect to a farm on which peanuts are produced in 1954 shall be returned to the county ASC office whenever marketings from the farm are completed or at such earlier time as the county office manager may request. Failure to return the marketing card shall constitute failure to account for disposition of peanuts marketed from the farm in the event that a satisfactory account of such disposition is not furnished otherwise, and the allotment next established for such farm shall be reduced as provided in § 729.524 of the Marketing Quota Regulations for Peanuts of the 1954 Crop (18 F. R. 6372).

(b) *Additional reports by producers.* (1) In addition to any other reports which may be required under §§ 729.540 to 729.569, the operator of each farm or any other producer on the farm (even though the farm has no excess acreage) shall, upon written request from the State administrative officer sent by registered mail to such person at his last known address, furnish the Secretary a written report of the disposition made of all peanuts produced on the farm by sending the same to the State ASC office within 15 days after the request for such report was deposited in the United States mails. Such written report shall show for the farm:

(i) The farm peanut acreage;

(ii) The total production of peanuts on the farm peanut acreage;

(iii) The name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds marketed in each lot, and the date marketed;

(iv) The quantity of peanuts not marketed; and

(v) In the case of a farm for which an agreement was approved under § 729.559, the gross value received for each lot of peanuts.

(2) Failure to file the report as requested or the filing of a report which is found by the State committee to be false shall constitute failure of the producer to account for disposition of peanuts produced on the farm and the allotment next established for such farm shall be reduced as provided in § 729.524 of the Marketing Quota Regulations for Peanuts of the 1954 Crop (18 F. R. 6372).

§ 729.562 *Records and reports of buyers and others.* The following paragraphs shall apply to all marketings except marketings within the terms of the proviso contained in § 729.554 (a):

(a) *Record of marketings.* (1) Each buyer shall keep such records as will enable him to furnish the State ASC office the following information with respect to each lot of peanuts marketed to or through him by a producer:

(i) Serial number of the marketing card presented by the producer to identify each marketing.

(ii) Name of producer and either the name of the operator of the farm or the farm serial number.

(iii) Date of marketing.

(iv) Number of pounds marketed.

(v) Amount of any penalty due and the amount of any deduction for penalty from the amount paid the producer.

(2) This record may be kept by the buyer maintaining a file on his copies of sales memoranda.

(3) Records of all resales of farmers stock peanuts by the buyer shall be maintained and the name of each person to whom such resale was made shall be shown on the buyer's record in accordance with § 729.554 (b).

(b) *Sales memorandum.* Buyers will record and report each purchase of farmers stock peanuts on a sales memorandum. The CSS copies of sales memoranda, with remittances covering the penalties due on purchases of excess peanuts, shall be forwarded to the State ASC office by means of MQ–79—Peanuts (1954), Buyers Weekly Report and Transmittal to State ASC office, not later than the end of the two calendar weeks following the week in which the peanuts were marketed.

(c) *Sheller's report of shelled peanuts purchased or acquired from producers.* Persons who shell peanuts for producers and purchase or retain a quantity of the shelled peanuts shall record and report such purchases or acquisitions of shelled peanuts from producers on Form MQ–91—Peanuts, Sheller's Report of Peanuts Shelled for Producers. The CSS copy of Form MQ–91—Peanuts with remittances covering the penalty due on the purchase of excess peanuts subject to penalty shall be forwarded to the State ASC office not later than the end of two calendar weeks after the buyer has ceased purchasing shelled peanuts of the 1954 crop.

(d) *Additional records and reports.* Each buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine shall keep such records and furnish such reports to the State ASC office, in addition to the foregoing, as the State committee may find necessary to insure the proper identification of the marketings of peanuts and the collection of penalties due thereon as provided in §§ 729.540 to 729.569.

§ 729.563 *Record and report of peanuts shelled for producers.* Any person who shells peanuts for a producer and does not retain any of the shelled peanuts shall make a record of the shelling of each lot of such peanuts by executing Form MQ–93—Peanuts (1952) and shall forward the CSS copies of the form to the State ASC office by letter not later than two calendar weeks following the week in which the peanuts are shelled. If any of the shelled peanuts are retained by the seed sheller, such action constitutes a marketing and the buyer shall record and report data covering the purchase of the shelled peanuts as provided in § 729.562 (c).

§ 729.564 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a buyer, processor, or other person engaged in the business of shelling or crushing peanuts, and who is engaged in more than one such business shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 729.565 *Failure to keep records or make reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine, who fails to make any report or keep any record as required in accordance with §§ 729.540 to 729.569, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500.

§ 729.566 *Examination of records and reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or threshing machine, shall make available for examination upon written request by the State administrative officer or the Director, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State administrative officer or the Director has reason to believe are relevant to any matter under investigation in connection with enforcement of the program and which are within the control of such person.

§ 729.567 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person in accordance with §§ 729.540 to 729.569 for the 1954–55 marketing year shall be kept by him until July 31, 1957. Records shall be kept for such longer period of time as may be requested in writing by the Director.

MISCELLANEOUS

§ 729.568 *Information confidential.* All data reported to or as required by

the Secretary pursuant to the provisions of §§ 729.540 to 729.569 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of State or county committees, and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

§ 729.569 *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 729.540 to 729.569 may be redelegated by the State committee.

NOTE: The record-keeping and reporting requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 27th day of April 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 54-3239; Filed, Apr. 29, 1954; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-71-A-25]

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, as amended, effective on May 1, 1954. Otherwise, the administrative impracticability of an effective date other than as of the first day of a month would require a minimum deferment of one full month in its effective date. Such delay in the effective date of this order, as amended, would seriously threaten the orderly marketing of milk in the New York metropolitan milk marketing area. The provisions of the said order are well known to handlers, the recommended decision having been published in the FEDERAL REGISTER on March 27, 1954 (19 F. R. 1672), and the final decision having been published in the FEDERAL REGISTER on April 10, 1954 (19 F. R. 2086). Under the circumstances, adequate and reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order, as amended, effective on May 1, 1954, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the New York metropolitan milk marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1953), were engaged in the production of milk for sale in the said marketing area and who participated in a referendum on the question of approval of its issuance.

It is therefore ordered, That on and after May 1, 1954, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as heretofore amended and as hereby further amended as follows:

1. Amend § 927.40 (f) to read as follows:

(f) For Class III milk, the price shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph minus 80 cents: *Provided*, That for the months of May and June 1954 an additional 10 cents shall be subtracted from such sum.

(1) To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during such month by the United States Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market, add two cents, multiply by 1.22 and then multiply by 3.5: *Provided*, That for any of the months from August through February for which the utilization adjustment percentage announced pursuant to § 927.46 (a) (2) is 92 or larger, there shall be an additional three cents added to such average butter price.

(2) Multiply by 7.8 the weighted average, as computed by the market administrator using a weight of 70 for roller process prices and a weight of 30 for spray process prices, of the prices per pound of roller process and spray process nonfat dry milk solids, for human consumption in carlots f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

2. Amend § 927.43 by (1) changing to "(5)" "(7)" and "(8)" the references made therein to subparagraphs "(6)" "(8)" and "(9)" of § 927.46 (b), and (2) by adding after the first proviso therein the following: "*Provided further*, That for milk received from producers during any of the months of March through July which is classified on the basis of one of the types of cheese named in this section, the amount so credited shall be increased one cent per pound of butterfat for each full five hundredths by which the ratio of 2.5 is lower than the ratio computed pursuant to the first proviso of this section, except that, for purposes of this proviso, the ratio computed shall be rounded to the nearest hundredth."

3. Amend paragraph (b) of § 927.46 by deleting subparagraph (5) thereof, and renumbering other subparagraphs accordingly.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of April 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-3244; Filed, Apr. 29, 1954; 8:53 a. m.]

[Docket No. AO-177-A13]

PART 972—MILK IN THE TRI-STATE MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 972.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto, and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this amendatory order effective May 1, 1954. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the orderly marketing of available milk supplies. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk in the Tri-State marketing area. The provisions of the said amendatory order are well known to handlers and producers, the public hearing having been held on February 18-19, 1954, and a final decision on the amendment provisions having been issued April 22, 1954. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendatory order for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, as amended, and as hereby further amended, which is marketed within the Tri-State marketing area) of more than 50 percent of the milk which is marketed within the said marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (March 1954), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 972.7 and substitute therefor the following:

§ 972.7 *Fluid milk plant.* "Fluid milk plant" means any milk handling plant (hereinafter referred to as a "plant"), except a plant at which the handling of milk is regulated by another milk marketing agreement or order issued pursuant to the act, under the following conditions:

(a) In any delivery period in which a route is operated wholly or partially within the marketing area from such plant; or

(b) In any delivery period in which a total of 25,000 pounds or more of milk, or an amount of skim milk and butterfat from which 25,000 pounds or more of Class I milk is derived, is delivered in fluid form from such plant to any plant(s) which is a fluid milk plant pursuant to paragraph (a) of this section: *Provided*, That a "fluid milk plant" pursuant to this section shall not mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

2. Delete § 972.9 and substitute therefor the following:

§ 972.9 *Gallipolis district plant.* "Gallipolis district plant" means a fluid milk plant located in Gallia County or Meigs County, Ohio, or in Mason County, West Virginia.

3. Delete § 972.13 and substitute therefor the following:

§ 972.13 *Producer.* "Producer" means a person other than a producer-handler who produces milk received:

(a) At a fluid milk plant, or

(b) At a nonfluid milk plant by diversion within April, May, June, or July from a fluid milk plant: *Provided*, That such person producing milk holds a dairy farm inspection permit or equivalent certification if required by the appropriate health authority of the community(s) for which his milk is produced.

4. Delete § 972.16 and substitute therefor the following:

§ 972.16 *Handler.* "Handler" means:

(a) A person, including a cooperative association, who operates a fluid milk plant, or

(b) A cooperative association with respect to milk customarily received as producer milk at a fluid milk plant which is diverted by such association within April, May, June, or July on its account from a fluid milk plant to a nonfluid milk plant.

5. Add the following as § 972.19:

§ 972.19 *Cooperative association.* "Cooperative association" or "association of producers" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 972.13 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

6. Delete from § 972.22 (j) (2) the word "10th" and substitute therefor the word "12th".

7. Delete § 972.41 (a) and (b) and substitute therefor the following:

(a) Add the following amounts for the delivery periods indicated:

	April, May, June, and July	February, March, August	September, October, November, December, and January
Huntington district plants	$1.10	$1.35	$1.80
Parkersburg district plants	1.00	1.25	1.70
Seventh district plants	.90	1.15	1.60
Athens district plants	.80	1.05	1.50

(b) Add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk (less interhandler transfers) at all fluid milk plants described under § 972.7 (a) for the first and second preceding delivery periods by the total receipts of milk from producers at such plants during the same delivery periods, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage."

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph the "standard utilization percentage" shown below:

Delivery period for which price is being computed:	Standard utilization percentage
January	92
February	91
March	89
April	85
May	80
June	73
July	62
August	63
September	68
October	81
November	90
December	91

(3) Determine the amount of the supply-demand adjustment as follows:

If the net utilization percentage is:	Supply-demand adjustment is (cents)
+12 or over	+38
+9 or +10	+28
+8 or +7	+20
+3 or +6	+10
+1 or −1	0
−3 or −6	−10
−6 or −7	−20
−9 or −10	−28
−12 or under	−38

When the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month. If for the first delivery period the above schedule is in effect the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the nearest bracket thereto which would result in the least change from zero.

8. Replace the period at the end of § 972.43 with a colon and add the following proviso to such section: *"Provided*, That for the months of May, June, and July 1954 the price so determined shall be reduced 25 cents per hundredweight with respect to all Class III milk other than that used to produce ice cream, ice cream mix, and cottage cheese."

9. Delete from § 972.44 (a) the figure "1.0" and substitute therefor the figure "0.5."

10. Delete § 972.44 (c) and substitute therefor the following:

(c) *Class III milk.* Subtract $3.00 from the average price per hundred pounds of butter as described in § 972.40 (c) (1), multiply by 1.2, subtract therefrom the amount per hundredweight computed pursuant to § 972.40 (c) (2), and divide such result by 1000.

11. Delete the word "and" at the end of § 972.65 (a).

12. Delete § 972.65 (b) and substitute therefor the following:

(b) To a cooperative association for milk received from producers from whom such association has received written authorization to collect payment, on or before the 16th day after such delivery period, of a total amount equal to not less than the sum of the individual amounts otherwise payable to other producers under paragraph (a) of this section.

(c) On or before the 16th day after such delivery period each handler shall pay to each cooperative association which operates a fluid milk plant, for skim milk and butterfat received as milk or a milk product from such cooperative association during such delivery period, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class by the respective class price pursuant to §§ 972.41, 972.42, and 972.43, adjusted by the appropriate butterfat differential pursuant to § 972.44; and

(d) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its member producers in accordance with such provision of the act.

13. Delete from § 972.71 the word "13th" and substitute therefor the word "15th"; delete from the same section the word "10th" and substitute therefor the word "12th."

14. Delete §§ 972.75 and 972.76 and substitute therefor the following:

§ 972.75 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 972.65 (a) shall make a deduction of 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(a) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(a), as determined by the market administrator.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the delivery period. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct in lieu of the deduction specified under paragraph (a) of this section, from payments made pursuant to § 972.65 (a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 15th day after the end of the delivery period, such deduction to the association entitled to receive it under this paragraph.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of April 1954 to be effective on and after May 1, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-3253; Filed, Apr. 29, 1954; 8:54 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO THE IMMIGRATION AND NATIONALITY REGULATIONS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

Part 245 is amended by deleting § 245.13 *Attorneys.*

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

Part 248 is amended by deleting § 248.12 *Attorneys.*

PART 249—CREATION OF RECORD OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE

Part 249 is amended by deleting § 249.12 *Attorneys.*

PART 292—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES

Section 292.11 *Service upon and action by attorney, representative, or other person* is amended by designating the existing material as paragraph (a) and by adding a new paragraph designated paragraph (b) which will read as follows:

(b) Whenever an examination is provided for by any of the provisions of this chapter in any case pending before the Service, the person involved shall have the right to be represented at the examination by an attorney or representative authorized to practice before the Service. The attorney or representative shall be permitted to examine or cross-examine such person and witnesses, to introduce evidence, to make objections which shall be stated succinctly and entered on the record, and to submit briefs.

PART 341—CERTIFICATE OF CITIZENSHIP UNDER SECTION 341 OF THE IMMIGRATION AND NATIONALITY ACT

Part 341 is amended by deleting § 341.17 *Attorneys.*

PART 481—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE IN ACCORDANCE WITH THE REFUGEE RELIEF ACT OF 1953

Part 481 is amended by deleting § 481.14 *Attorneys.*

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order are clearly advantageous to persons affected thereby.

Dated: April 16, 1954.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: March 12, 1954.

BENJAMIN G. HABBERTON,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 54-3222; Filed, Apr. 29, 1954; 8:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter A—Meat Inspection Regulations

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

On March 9, 1954, there was published in the FEDERAL REGISTER (19 F. R. 1326) a notice of rule-making concerning the proposed issuance of regulations providing for the furnishing of a service for the identification and marking, as federally inspected and passed, of divided portions of meats, meat by-products, and meat food products which have been federally inspected and passed and so marked, but all divided portions of which do not bear the marks of Federal meat inspection, and the collection of fees for such service. Due consideration has been given to all relevant matters submitted in connection with the notice.

1. Under the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622, 1624), section 520 of the Revised Statutes (5 U. S. C. 511) and provisions in the item for Marketing Services in the Department of Agriculture Appropriation Act, 1954 (67 Stat. 205, 7 U. S. C. Supp. 414), the following new regulations are hereby promulgated to appear in 9 CFR Part 40:

PART 40—IDENTIFICATION SERVICE FOR MEAT AND OTHER PRODUCT

Sec.
40.1 Meaning of words.
40.2 Definitions.
40.3 Kind of service.
40.4 Availability of service.
40.5 Application for service.
40.6 Denial or withdrawal of service.
40.7 Fees and charges.

AUTHORITY: §§ 40.1 to 40.7 issued under 34 Stat. 1264, sec. 306, 46 Stat. 689, sec. 205, 60 Stat. 1090, sec. 101, 66 Stat. 348; 21 U. S. C. 89, 19 U. S. C. 1306, 7 U. S. C. 1624. Interpret or apply R. S. 520, 34 Stat. 1260–1265, as amended, 41 Stat. 241, sec. 203, 60 Stat. 1087; 5 U. S. C. 511, 21 U. S. C. 71–88, 90–91, 21 U. S. C. 96, 7 U. S. C. 1622.

§ 40.1 *Meaning of words.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 40.2 *Definitions.* For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Department.* The United States Department of Agriculture.

(b) *Service.* The Agricultural Research Service of the Department.

(c) *Administrator.* The Administrator of the Service or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) *Chief.* The Chief, Meat Inspection Branch of the Service, or any officer or employee of the Department, to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(e) *Inspector.* Any officer or employee of the Department authorized to perform any duties under the regulations in this part.

(f) *Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company, or other organized group of any of the foregoing.

(g) *Federally inspected and passed.* Inspected and passed under the Meat Inspection Act, as amended (21 U. S. C. 71 et seq.) or under the provisions in paragraphs 306 (b) and (c) of the Tariff Act of 1930 (19 U. S. C. 1306 (b) and (c)).

(h) *Official establishment.* An establishment operated under Federal meat inspection pursuant to the Meat Inspection Act, as amended (21 U. S. C. 71 et seq.).

§ 40.3 *Kind of service.* Meat or other product that is federally inspected and passed at an official establishment or upon importation is officially marked at such establishment or the port of entry with sufficient marks of Federal meat inspection to identify, as federally inspected and passed, the carcass, tank carload, or other basic unit constituting the product when it leaves such establishment or is allowed importation. In order to facilitate the division of such carcass, tank carload, or other unit into smaller portions and to maintain the identity of such portions as federally inspected and passed, service may be furnished, upon application, under the regulations in this part to identify such portions as part of a unit which was federally inspected and passed and so marked and to mark such portions with the marks of Federal meat inspection.

§ 40.4 *Availability of service.* Service under the regulations in this part will be available only with respect to meat or other product which is on premises other than those of an official establishment; which is sound, healthful, wholesome, and fit for human food at the time the service would be furnished; and which can be identified as a portion of a carcass, tank carload, or other basic unit which was federally inspected and passed and so marked.

§ 40.5 *Application for service.* Any person who desires to receive service under the regulations in this part for meat or other product eligible therefor under such regulations may make application for service to the Chief, upon an application form which will be furnished by the Chief upon request.

§ 40.6 *Denial or withdrawal of service.* (a) If any person has applied for service for meat or other product not eligible therefor under the regulations in this part, or has failed to make proper application for service or to pay fees and charges due for service furnished or to be furnished to him under the regulations in this part, or if the service cannot be furnished to any person applying therefor because of lack of available inspectors or other administrative reasons, the service may be denied to such person by the Chief until the condition justifying such denial is corrected.

(b) Service under the regulations in this part may also be denied to any person by the Administrator for such period as he may deem proper, if it is determined, after opportunity for hearing before a proper official in the Department, that such person has been responsible for any willful misrepresentation to the Department concerning any meat or other product for which service has been requested under the regulations in this part, or that such person has been responsible for the use without authority, or the imitation, of any marks or certifi-

cates of Federal meat inspection on or with respect to any meat or other product, or has otherwise been responsible for any fraudulent or deceptive practice with respect to such service, or that such person has interfered with or obstructed any inspector in the performance of his duties under the regulations in this part, or attempted to do so. Pending final determination of the matter, the Chief may deny or withdraw service without hearing in those cases where the public interests so require. In other cases prior to the institution of proceedings for denial of service under this paragraph, the facts or conduct which may warrant such action shall be called to the attention of the person involved, in writing, and he shall be given an opportunity to demonstrate or achieve compliance with all applicable requirements.

§ 40.7 *Fees and charges.* (a) Fees and charges for service under the regulations in this part shall be paid by the applicant for the service in accordance with this section, and, if required by the Administrator, the fees and charges shall be paid in advance.

(b) The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Treasurer of the United States and shall be remitted promptly to the Administrator upon furnishing to the applicant of a statement as to the amount due.

(c) The fees to be charged and collected for service under the regulations in this part shall be based on the time required to render such service, including but not limited to the time required for the travel of the inspector or inspectors in connection therewith, at a rate to be determined by the Chief, which shall be not more than $3.20 per hour for each hour for each inspector for the time required.

(d) Charges may also be made to cover the cost of travel and other expenses incurred by the Service in connection with the furnishing of the service.

2. Under the authority of the Meat Inspection Act, as amended (21 U. S. C. 71–91), the Horse-Meat Act (21 U. S. C. 96) and paragraphs 306 (b) and (c) of the Tariff Act of 1930 (19 U. S. C. 1306 (b) and (c)), the Meat Inspection Regulations (9 CFR Parts 1 through 29 as amended), are hereby amended as follows:

A. The phrase "Parts 1 through 29 of" is inserted before the phrase "this subchapter" wherever the latter appears in the introductory portion of § 1.1; and in § 1.1 (i), (k), and (r); § 2.2; § 4.6; § 5.4; § 6.2; § 7.5 (i); § 9.1; § 9.2; § 9.3; § 9.7; § 9.8; § 9.10; § 9.12; § 10.5; § 10.8; § 11.1; § 11.17; § 16.1; § 16.2; § 16.5; § 16.11; § 16.12; § 16.13 (d); § 17.1 (c); § 17.7; § 17.9; § 17.11; § 17.13; § 18.4 (b); § 23.1; § 23.2; § 24.7; § 25.2; § 25.4 (a), (b) and (c); § 25.10; § 25.13; § 27.2; § 27.4; § 27.6; § 27.16 (b); § 27.20 (a); § 29.1; and § 29.9

B. The phrase "Parts 1 through 29 of" is inserted before the phrase "this subchapter" the first time the latter phrase appears in §§ 2.1, 4.3 and 4.5, the second time it appears in § 27.12 (d), and the third time it appears in § 18.4 (a).

C. § 27.15 (c) is amended to read:

(c) No person shall remove or cause to be removed from any place designated as a place of inspection by, or in accordance with, Parts 1 through 29 of this subchapter, any product which Parts 1 through 29 require to be marked in any way, unless the product has been clearly and legibly marked in compliance with such requirements.

The foregoing new regulations, to appear in 9 CFR Part 40, provide for the furnishing of a service which heretofore has not been available. In order to be of maximum benefit to persons desiring to utilize such service the new regulations should be made effective at the earliest practicable date. Accordingly, it is found pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that good cause exists for making the new regulations effective in less than 30 days.

Heretofore Subchapter A of Chapter I of Title 9, Code of Federal Regulations, consisted of the Meat Inspection Regulations in Parts 1 through 29 of the subchapter; and general references in certain of the Meat Inspection Regulations to other provisions of the subchapter were meant to relate to Parts 1 through 29. Addition to the subchapter of new Part 40, set out above, makes necessary the restriction of such references to Parts 1 through 29 as intended. The foregoing amendments modify the Meat Inspection regulations accordingly. These modifications are merely formal and clarifying and therefore, to the extent that they were not covered by the notice of rule-making mentioned above, it is found upon good cause under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that notice and other public procedure thereon in accordance with said section 4 are impracticable and unnecessary, and good cause is found for making such modifications effective in less than 30 days.

(Ch. 2907, 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89)

The foregoing new regulations and amendments shall become effective May 5, 1954.

Done at Washington, D. C., this 26th day of April 1954.

[SEAL] ~~M.~~ R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-3237; Filed, Apr. 29, 1954; 8:51 a. m.]

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 26]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 1367, 1597, 1947, 2226, 2247), which contains a notice of the areas in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines such areas because of said disease, is hereby further amended in the following respects:

1. Subparagraphs (2), (3), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), and (19) of paragraph (b), relating to California, are amended to read:

(2) That area lying north and west of State Highway No. 24, south of the Richvale-Oroville Highway, and east of the Feather River; that area lying north of Humboldt Road, south of Eighth Avenue and Big Chico Creek, west of Ponderosa Way, and east of Forest Avenue; and that area lying south and west of Manzanita Avenue, north of Sandy Gulch, and east of Cactus Avenue and its prolongation to Sandy Gulch, in Butte County.

(3) That area lying southwest of State Highway No. 20, southeast of Wescott Road, and north of Power line, in Colusa County.

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(6) That area lying north of County Road No. 57, south of County Road No. 53, west of County Road "M", and east of Glenn-Colusa Irrigation Canal; and that area lying south of County Road No. 14, north of County Road No. 15, west of County Road "H", and east of Olive Avenue, in Glenn County.

(7) Sec. 31, T. 7 N., R. 1 E., HU. B. & M.; Sec. 24, T. 4 S., R. 3 E., HU. B. & M.; Sec. 7, T. 2 N., R. 1 E., HU. B & M.; Sec. 19, T. 4 S., R. 4 E., HU. B. & M.; Sec. 30, T. 8 N., R. 1 E., HU. B. & M.; Sec. 17, T. 2 N., R. 1 E., HU. B & M.; Secs. 8, 16, and 31, T. 6 N., R. 1 E., HU. B & M.; and Secs. 10 and 28, T. 4 N., R. 1 W., HU B. & M., in Humboldt County.

(8) Sec. 2, T. 14 N., R. 7 W., M. D. B. & M.; Secs. 26 and 27, T. 14 N., R. 10 W., M. D. B & M.; and Secs. 3, 10, and 15, T. 10 N., R. 7 W., M. D. B. & M., in Lake County.

(9) Sec. 5, T. 29 N., R. 12 E., M. D. B. & M.; and Sec. 4, T. 26 N., R. 16 E., M. D. B. & M., in Lassen County.

(10) Secs. 6, 19, and 20, T. 18 N., R. 17 W., M. D. B. & M.; Sec. 29, T. 20 N., R. 14 W., M. D. B. & M.; Secs. 4 and 27, T. 15 N., R. 12 W., M. D. B. & M.; Secs. 3, 4, 20, and 29, T. 18 N., R. 13 W., M. D. B. & M.; Sec. 22, T. 19 N., R. 13 W., M. D. B & M.; Sec. 1, T. 22 N., R. 13 W., M. D. B. & M.; Sec. 30, T. 13 N., R. 11 W., M. D. B. & M.; Sec. 31, T. 17 N., R. 12 W., M. D. B. & M.; Sec. 20, T. 19 N., R. 17 W., M. D. B. & M.; Sec. 2, T. 13 N., R. 14 W., M. D. B & M.; and Sec. 34, T. 14 N., R. 14 W., M. D. B. & M., in Mendocino County.

(11) Sec. 1 and N. ½ Sec. 12, T. 42 N., R. 12 E., M. D. B. & M., in Modoc County.

(12) Sec. 7, T. 15 N., R. 8 E., M. D. B. & M., in Nevada County.

(13) That area lying north and west of U. S. Highway No. 40, south of Grove Creek, and east of U. S. Highway No. 99 E; that area lying north of County Road No. P10, south and east of U. S. Highway No. 40, and west of County Road No. P18 and its prolongation to U. S. Highway No. 40; that area lying north of Flood Road, south of Dry Creek Road, west of U. S. Highway No. 40, and east of State Highway No. 49; and that area lying south of Colfax Iowa Hill Road, north of Bunch Ravine Road, west of the North Fork American River, and east of U. S. Highway No. 40, in Placer County.

(14) That area lying north of the Quincy-Meadow Valley Road, south of the Oakland Camp Road, and west of Meadow Valley Oakland Camp Road, in Plumas County.

(15) W. ½ of SW. ¼ Sec. 30, T. 32 N., R. 4 W., M. D. B. & M.; and Sec. 32, T. 32 N., R. 5 W., M. D. B. & M., in Shasta County.

(16) N. ½ Sec. 23, S. ½ Sec. 14, and W. ½ of SW. ¼ of SW. ¼ Sec. 26, T. 45 N., R. 7 W., M. D. B. & M.; NW. ¼ Sec. 34, T. 40 N., R. 4 E., M. D. B. & M.; and Secs. 1 and 12, T. 39 N., R. 3 W., M. D. B. & M., in Siskiyou County.

(17) Lot 50 of Los Molinos Subdivision 10, Sec. 8, T. 25 N., R. 2 W., M. D. B. & M.; and that area included within a boundary beginning 10 miles south of Red Bluff on U. S. Highway 99W, extending 140 feet south on U. S. Highway 99W, thence 100 feet east, thence 40 feet north, thence northwest to the point 10 miles south of Red Bluff on U. S. Highway 99W, in Tehama County.

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(19) NW. ¼ Sec. 11 and E. ½ of SE. ¼ Sec. 34, T. 9 N., R. 2 E., M. D. B. & M.; SE. ¼ of NW. ¼ Sec. 30, T. 10 N., R. 2 E., M. D. B. & M.; that area included within a boundary beginning at a point one mile east of the intersection of County Road No. 93 and State Highway No. 16, extending east along State Highway No. 16 for a distance of 176 yards, thence north ¼ mile, thence west 176 yards, thence south to point of origin in Sec. 33, T. 10 N., R. 1 E., M. D. B. & M.; that area included within a boundary beginning at the intersection of County Roads Nos. 32 and 95, extending west along Road No. 32 for 176 yards, thence south 200 yards, thence east 200 yards, thence north 200 yards, thence west 24 yards to point of origin in Secs. 15 and 16, T. 8 N., R. 1 E., M. D. B. & M.; and that area included within a boundary beginning at the intersection of County Roads Nos. 124 and 126, extending south ¼ mile, thence west ½ mile, thence north ¼ mile, thence east to County Road No. 124, and thence southeast along County Road No. 124 to the point of origin, in Yolo County.

2. Subparagraph (1) of paragraph (c), relating to Hartford County in Connecticut, is amended to read:

(1) All of Hartford County except the following:

(i) That part of the Town of Bloomfield lying southwest of Blue Hills Avenue, north of Wintonbury Avenue, west of Bloomfield Avenue, and east of Woodland Avenue; and that part of the Town of Bloomfield lying southwest of Blue Hills Avenue, west of Windsor Road, northeast of Dudley Town Road, and east of Bloomfield Avenue.

(ii) That part of the Town of Enfield lying south of Farm and Wallop Roads, west of State Route No. 191, and east of the Scantic River.

(iii) That part of the Town of Manchester lying south of Spencer Street, west of Hillistown Road, and north of Woodside Street.

(iv) That part of the Town of Plainville lying south of New Britain Avenue, north of Woodford Street, west of Ledge Road, and east of State Route No. 10.

(v) That part of the Town of Rocky Hill lying southwest of Dividend Road, north of Forest Street, and east of State Route No. 9.

(vi) That part of the Town of Simsbury lying southwest of Stratton Brook Road, west of Canal Street, north of Sand Hill Road, and east of Bushy Hill Road and State Route No. 167.

(vii) That part of the Town of Wethersfield lying south of Wells Road, north of Prospect Street, west of Willow Street, and east of Goff Road.

3. Subparagraph (2) of paragraph (c), relating to New Haven County in Connecticut, is amended to read:

(2) All of New Haven County except the following:

(i) That part of the Town of Branford lying west, south, and east of Laurel Hill Road and north of Pond Lily Stream; that part of the Town of Branford lying west of Brushy Plains Road, north of Parish Farm Road, east of Todd's Hill Road, and south of Hosley Road; and that part of the Town of Branford lying west of Farmington Avenue, east of Plant's Orchard, south of U. S. Route No. 1, and north of Burban Drive.

(ii) That part of the Town of New Haven lying east of the Quinnipiac River and northwest of State Route No. 17; and that part of the Town of New Haven lying east of Eastern Street and south of State Route No. 80.

(iii) That part of the Town of North Haven lying east of the Quinnipiac River, west of U. S. Route No. 5A, and south of Waterman's Brook.

(iv) That part of the Town of Madison lying south and east of Warpas Road, north of Green Hill Road, west of State Route No. 79, and east of Copse Road.

4. Subdivisions (ii), (v), (ix), (xiii), (xiv), and (xvi) of subparagraph (2) of paragraph (e), relating to Bristol County in Massachusetts, are amended to read:

(ii) That part of the City of Fall River lying southeast of Blossom Road, southwest of Yellow Hill Road, and north of Indian Town Road; that part of the City of Fall River lying north of President Avenue, south of Driftwood Street, west of Meriden Street, and east of Highland Avenue; that part of the City of Fall River lying south of Wilson Road, north of New Boston Road, east of Robeson Street, and west of Meridian Street; and that part of the City of Fall River lying north of Wilson Road, west of North Main Street, and east of the Taunton River.

• • • • •

(v) That part of the City of Norton lying north, south, and east of Smith Street and west of Mansfield Avenue; that part of the Town of Norton lying northeast of Mansfield Avenue, southwest of Elm Street, northwest of State Route No. 123, and southeast of Reservoir Street; that part of the Town of Norton lying northeast of Elm Street, northwest of State Route No. 123, southeast of Cross Street, and southwest of North Washington Street; and that part of the Town of Norton lying north of Pleasant Street and State Route No. 123, south and east of Richardson Avenue, and west of North Worcester Street.

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(ix) That part of the Town of Rehoboth lying west of Reed Street, south of Providence Street, and north and east of Peckham Street; that part of the Town of Rehoboth lying north of Old Fall River Avenue, west of Barney Avenue, east of Wheaton Avenue, and south of Allen Avenue; that part of the Town of Rehoboth lying north of Brook and Water Streets, south of Winter Street, east of Reed and Lake Streets, and west of School Street; that part of the Town of Rehoboth lying north of Providence Street, south of Brook Street, east of Peckham Street, and west of Wood Street; and that part of the Town of Rehoboth lying north of River Street, south of Homestead Street, west of Danforth and Rocky Hill Roads, and east of Hillside Avenue and Pine Street.

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(xiii) The Myles Standish State School in the Town of Taunton lying east of State Route No. 140, south and west of Bassett Street, and north of the New York, New Haven, and Hartford Railroad; that part of the City of Taunton lying south of Norton Avenue, west of Crane Avenue, north of the New York, New Haven, and Hartford Railroad, and east of State Route No. 140; that part of the City of Taunton lying south of Thrasher Street, north of Longmeadow and Winter Streets and U. S. Route No. 44, east of School Street, and west of King Phillip Street; that part of the City of Taunton lying south of East Brittania, north of Thrasher Street, east of Washington Street, and west of King Phillip Street; that part of the City of Taunton lying south of Tremont Street, north of Glebe Street, east of Burt Street, and west of North Walker Street; that part of the City of Taunton lying north of Spring Street, south of Cohannet Street, west of Dighton Avenue, and east of the Three Mile River; that part of the City of Taunton lying north of Orchard Street, south of the Taunton River, west of the New York, New Haven, and Hartford Railroad, and east of Plain Street; and that part of the City of Taunton lying north of Seekell Street, south of Caswell Street, west of South Precfnet Street, and east of Staples Street.

(xiv) That part of the Town of Westport lying east of Main Road, north of Kirby Road, west of Drift Road, and south of Old County Road; that part of the Town of Westport lying north of Narrow Avenue, south of State Route No. 177 and Old County Road, east of Crandell Road, and west of Soddom Road; that part of the Town of Westport lying north of Hix Bridge Road, south of Old County Road, east of Drift Road, and west of the Westport River; and that part of the Town of Westport lying north of Hix Bridge Road, south of Old County Road, west of Fisher Road and White Oak Run Road, and east of Pine Hill Road.

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(xvi) That part of the Town of Seekonk lying north of Asylum Street, south of County Street, west of Miller Street, and east of Bradley Street; that part of the Town of Seekonk lying north of Ledge Road, south of Newman and Woodward Avenues, west of Runnins River, and east of Arcade Avenue; and that part of the Town of Seekonk lying north of Read and Walker Streets, south of Brown Avenue, east of Newman Avenue and State Route No. 152, and west of Pine Street.

5. A new subdivision (xviii) is added to subparagraph (2) of paragraph (e), relating to Bristol County in Massachusetts, to read:

(xviii) That part of the Town of Assonet lying north and east of Copecut Road, south of the New York, New Haven, and Hartford Railroad, and west of High Street.

6. Subdivisions (xiii) and (xv) of subparagraph (3) of paragraph (e), relating to Essex County in Massachusetts, are amended to read:

(xiii) That part of the Town of Middleton lying southwest of State Route No. 114 and northwest of Forest Street; that part of the Town of Middleton lying northeast of State Route No. 114 and west of Essex and School Streets; and that part of the Town of Middleton lying north of State Route No. 62, south of Locust Street, and east of East Street.

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(xv) That part of the City of Peabody lying northeast of Lake Street (rear), northwest of the Boston and Maine Railroad, and southwest of Lake Street; that part of the City of Peabody lying north of Goodale Street, south of the Middleton Town Foundry, west of U. S. Route No. 1, and east of Morris Brooks; that part of the City of Peabody lying east of Farm Avenue, south of Forest Street, and north and west of Goldthwaite Brook; that part of the City of Peabody lying north of Lowell Street and east, west, and south of Goodale Street; that part of the City of Peabody lying north of Winona Street, south of Lowell Street, and west of Lake Street; that part of the City of Peabody lying south of Forest Street, north of State Route No. 128, east of U. S. Route No. 1, and west of Farm Avenue; that part of the

City of Peabody lying south of Lynnfield Street, west of Lynn Street, north of Glenway Street, and east of the junction of Lynnfield and Glenway Streets; that part of the City of Peabody lying northeast of Russell Street and southwest of the Boston and Maine Railroad; that part of the Town of Peabody lying south of State Route No. 114, north of the Lowell Branch of the Boston and Maine Railroad, east of Prospect Street, and west of State Route No. 128; that part of the Town of Peabody lying east of U. S. Route No. 1, south of Forest Street, north of Locust Street, northwest of State Route No. 128, and west of Farm Avenue; that part of the Town of Peabody lying north of Lynn Street, south of Lynnfield Street, and east of the junction of Lynnfield and Lynn Streets; that part of the Town of Peabody located on Farm Avenue, known as West Lot in Follet's Wood, consisting of about 5 acres, owned and occupied by John Contoni, whose address is 45 Farm Avenue; that part of the Town of Peabody located on Rockfarm Avenue, lying approximately 600 feet east of the junction of State Route No. 128 and Rockfarm Avenue, consisting of about 5 acres, owned and occupied by John Pais; that part of the Town of Peabody lying north of Lowell Street, south of the Lowell Branch of the Boston and Maine Railroad, and west of Birch Street; and that part of the Town of Peabody located on Lynnfield Street, consisting of about 23 acres, owned and occupied by Sancho Domingos, whose address is 285 Lynnfield Street.

7. Subdivision (vi) of subparagraph (4) of paragraph (e), relating to Hampden County in Massachusetts, is amended to read:

(vi) That part of the Town of Agawam lying north of State Route No. 57, southwest of Westfield Road, and southeast of Northwest Road; that part of the Town of Agawam lying north of School Street, south of Meadow Street, east of Main Street, and west of River Road; and that part of the Town of Agawam lying north of Suffield Road, south of Silver Lake, east of Edgewater Street, and west of Mill Street.

8. New subdivisions (ix) and (x) are added to subparagraph (4) of paragraph (e), relating to Hampden County in Massachusetts, to read:

(ix) That part of the Town of Blandford lying north of East Otis Road and State Route No. 23, south of North Blandford Road, east of Blair Road, and west of George Millard Road.

(x) That part of the Town of Feeding Hills lying north of Halladay Avenue, south of Shoemaker Road, east of South Westfield Street, and west of Suffield Road.

9. Subdivisions (xxv) and (xxvii) of subparagraph (5) of paragraph (e), relating to Middlesex County in Massachusetts, are amended to read:

(xxv) That part of the Town of Tewksbury lying northwest of the Shawsheen River, northeast of State Route No. 38, and south of Salem Street; that part of the Town of Tewksbury lying south of East Street, north of North Street, east of State Route No. 38, and west of Maple Street; that part of the Town of Tewksbury lying north of the Shawsheen River and east of State Route No. 38; that part of the Town of Tewksbury lying north of the Lowell Branch of the Boston and Maine Railroad, west of the Portland Branch of the Boston and Maine Railroad, and east of Sutton Brook; and that part of the Town of Tewksbury lying north of Pringle Street, east of South Street, and south of Sutton Brook.

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(xxvii) That part of the City of Waltham lying east of Wyman Street, south and west of Lincoln Street, and north of Winter Street; and that part of the City of Waltham lying south of Winter Street, east of West Street, and west of Lexington Street.

10. Subdivisions (iv), (xi), (xii), and (xviii) of subparagraph (6) of paragraph (e), relating to Norfolk County in Massachusetts, are amended to read:

(iv) The Town of Dedham.

• • • • • •

(xi) That part of the Town of Randolph lying east of High Street, north of Chestnut Street, west of Overlook Road, and south of Canton Street; that part of the Town of Randolph lying south of Canton Street, north of the Braintree Tap, Algonquin Gas Line, and west of Irving-Road; that part of the Town of Randolph lying east of State Route No. 28; and that part of the town of Randolph included within a boundary beginning 1500 feet south of the junction of High and Canton Streets on the west side of High Street, extending 1130 feet south on High Street, thence 240 feet west, thence 1130 feet north, and thence 240 feet east to starting point, consisting of about 7 acres, owned by Harry Sargent and leased by David Haynes.

(xii) The Town of Sharon.

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(xviii) The Town of Wrentham.

11. New subdivisions (xxii) and (xxiii) are added to subparagraph (6) of paragraph (e), relating to Norfolk County in Massachusetts, to read:

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(xxii) That part of the Town of Franklin lying south of Brook Street, north of Pleasant Street, east of Lincoln Street, and west of Miller Street.

(xxiii) That part of the Town of Medway located on the south side of Main Street approximately 600 feet east of the junction of Main and Holliston Streets, consisting of 63 acres owned by Francis Cassidy; and that part of the Town of Medway lying north of State Route No. 109.

12. Subdivisions (iv) and (xviii) of subparagraph (7) of paragraph (e), relating to Plymouth County in Massachusetts, are amended to read:

(iv) That part of the Town of Carver lying north of High Street, west of Plympton Road, and east of Brook Street; and that part of the Town of Carver lying north of Purchase Street and Middleboro Road.

• • • • • •

(xviii) That part of the Town of East Bridgewater lying west of State Route No. 18; that part of the Town of East Bridgewater lying north of Highland Street, south of Winter Street, east of Elm Street, and west of Bedford Street; and that part of the Town of East Bridgewater lying south of Plymouth and Whitman Streets, east of East Street, and west of Bridge Street.

13. Subparagraph (1) of paragraph (i), relating to Bristol County in Rhode Island, is amended to read:

(1) All of Bristol County except that part of the Town of Barrington lying north and west of the Barrington River, south of Wampanaug Trail, and east of County Road.

14. Subdivision (ii) of subparagraph (2) of paragraph (i), relating to Providence County in Rhode Island, is amended to read:

(ii) That part of the Town of Johnston lying east of Simmonsville Avenue, northwest of Scituate Avenue, and south of Simmonsville Lake; that part of the Town of Johnston lying east of Old Pocasset Road, west of Atwood Avenue, north of Central Pike, and south of U. S. Route No. 6; and that part of the Town of Johnston lying south of Shun Pike, north of Plainfield Pike, west of Taylor Road, and east of Green Hill Road.

15. New subdivisions (iii) and (iv) are added to subparagraph (3) of paragraph (i), relating to Kent County in Rhode Island, to read:

(iii) That part of the Town of East Greenwich lying north of Middle Road, south of Frenchtown Road, east of South County Trail, and west of Tillinghast Road.

(iv) That part of the Town of West Greenwich lying north of Division Street, south of Henry Brown Road, east of Hopkins Hill Road, and west of New London Pike.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes the following areas in California within the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established:

That area lying south and west of Manzanita Avenue, north of Sandy Gulch, and east of Cactus Avenue and its prolongation to Sandy Gulch, in Butte County; that area lying south of County Road No. 14, north of County Road No. 15, west of County Road "H", and east of Olive Avenue, in Glenn County; Secs. 10 and 28, T. 4 N., R. 1 W., HU. B. & M., and Secs. 8 and 31, T. 6 N., R. 1 E., HU. B. & M., in Humboldt County; Sec. 10, T. 10 N., R. 7 W., M. D. B. & M., in Lake County; Sec. 2, T. 13 N., R. 14 W., M. D. B. & M., and Sec. 34, T. 14 N., R. 14 W., M. D. B. & M., in Mendocino County; that area included within a boundary beginning 10 miles south of Red Bluff on U. S. Highway 99W, extending 140 feet south on U. S. Highway 99W, thence 100 feet east, thence 40 feet north, thence northwest to the point 10 miles south of Red Bluff on U. S. Highway 99W, in Tehama County, California.

Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), will apply to such areas.

The amendment also excludes certain areas in California, Connecticut, Massachusetts, and Rhode Island, from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and relieves certain restrictions presently imposed. The amendment must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792; as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 23d day of April 1954.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 54-3238; Filed, Apr. 29, 1954; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 1]

PART 52—REPAIR STATION CERTIFICATES

PENETRANT TYPE INSPECTION PROCEDURES

Penetrant type inspection procedures and methods have been developed to a point where they may be recognized as adequate inspection aids. Hence, the following amendments to Part 52 are adopted in order to establish a magnetic and penetrant rating for repair stations:

Sections 52.27–1 (c) (9) and 52.37–1 (b) (1) as published in 17 F. R. 5002, June 4, 1952, are amended by substituting the word "penetrant" for "fluorescent" wherever the word appears in each section.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 607, 608, 52 Stat. 1011, as amended; 49 U. S. C. 557, 558)

This amendment shall become effective April 30, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-3240; Filed, Apr. 29, 1954; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-214]

PART 100—CLEANING AND DYEING INDUSTRY, PENNSYLVANIA AND ADJOINING TERRITORY

RESCISSION OF PART

Whereas, the Commission on January 11, 1934, promulgated trade practice rules for the Cleaning and Dyeing Industry, Pennsylvania and adjoining territory, which were codified in the Code of Federal Regulations (16 CFR Part 100); and

Whereas, the above-mentioned rules are general in form and in many respects are now inaccurate; and

Whereas, it appears that the business of this industry is largely intrastate and involves rendition of services rather than the sale of commodities:

It is ordered, That the said rules be and the same are hereby rescinded.

Issued: April 27, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 54-3236; Filed, Apr. 29, 1954; 8:51 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 1—TIME FOR DISPOSITION OF LANHAM ACT HOUSING

EXCEPTIONS

Housing and Home Finance Administrator's Regulation "Part 1—Time for Disposition of Lanham Act Housing" (originally published at 18 F. R. 4043, July 10, 1953, and amended at 18 F. R. 7271, November 17, 1953) issued pursuant to delegation of authority under Executive Order 10462, dated June 19, 1953 (18 F. R. 3613) to perform the functions vested in the President by section 611 of Public Law 849, 76th Congress, 54 Stat. 1125, as amended (42 U. S. C. 1521), is hereby further amended by amending § 1.5 to read as follows:

§ 1.5 *Exceptions.* Notwithstanding any other provision in this part, the Public Housing Commissioner may extend, with respect to a particular housing project or projects, the time within which any action is required or permitted to be taken by § 1.1 or § 1.2 where he determines (after considering the needs of national defense and the effect of such extension upon the general housing situation and the national economy) that special circumstances warrant such extension in the public interest.

(Sec. 11, 54 Stat. 1128; 42 U. S. C. 1548)

Effective as of the 31st day of March 1954.

[SEAL] ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 54-3223; Filed, Apr. 29, 1954; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter D—Election of Officers of the Osage Tribe

PART 18—REGULATIONS GOVERNING THE ELECTION OF OFFICERS OF THE OSAGE TRIBE

MISCELLANEOUS AMENDMENTS

APRIL 26, 1954.

Sections 18.4 to 18.7 of Part 18 Title 25, Code of Federal Regulations, are amended to read as follows:

§ 18.4 *Qualifications of electors.* Only members of the Osage Tribe, 21 years of age or over, whose names appear on the quarterly annuity roll at the Osage Agency as of the last quarterly payment immediately preceding date of election will be entitled to hold office or vote for any tribal officer. No person shall be permitted to cast more than one vote on his own account: *Provided*, That whenever any qualified elector shall be absent from Osage County for any reason on the date appointed by law for the holding of a quadrennial tribal election, or cannot appear at the polls because of sickness or physical disability on that date, such elector shall be entitled at such election to exercise the right of suffrage in the manner and form prescribed in this part.

§ 18.5 *Applications for absentee ballots.* All applications for absentee ballots shall be made in writing by the absentee elector to the superintendent of Osage Agency. It shall be the duty of the superintendent, upon receipt of said application, to forward all supplies, affidavits, and ballots, as required by this part, to said absentee elector, not more than 30 days before any election provided for in this part, except that supplies, affidavits, and ballots may be mailed to absentee electors residing outside the continental limits of the United States at any time after the issuance of the election proclamation. The superintendent shall maintain a file of all applications received together with a record of the names and addresses of all persons to whom absentee ballots are mailed, including date of mailing, and shall write across the margin of each such ballot the words "Absentee Ballot," with the date of issuance marked thereunder.

§ 18.6 *Execution of instrument authorizing elector to cast ballot for absentee.* Any qualified absent elector who desires to exercise the right of suffrage shall, by an instrument in writing, executed by him at any time after the issuance of the election proclamation and prior to the date of any quadrennial tribal election, authorize any elector of the tribe to cast for him his vote, or ballot, in the manner prescribed in this part, for all officers for whom he would have a right to vote if he were present at such election; said instrument shall be signed by such absent elector, and sworn to before the clerk of a court of record or notary public, or other officer or person authorized to administer oaths.

§ 18.7 *Affidavit by absent elector.* The said absent elector shall make and subscribe an affidavit in the form or of the effect following:

I, A. B., do solemnly swear (or affirm) that I am a member of the Osage Tribe of Indians; that I will be twenty-one years of age or over at the election date; that I am now a resident of _____; and that I will be unavoidably absent from Osage County, Oklahoma, because of _____ (that I am incapacitated by illness or physical disability), and will be unable to appear at the polls in Pawhuska, Oklahoma, on election day.

_____

Subscribed and sworn to before me this _____ day of _____, 19__.

Provided, however, That any elector incapacitated because of illness or physical

disability and seeking an absentee ballot shall obtain from an attending physician a certificate stating that the elector is physically incapacitated and cannot appear at the polls. Such certificate shall accompany the absentee ballot as prescribed in this section.

(Sec. 7, 45 Stat. 1481)

GLENN L. EMMONS,
Commissioner,
Bureau of Indian Affairs.

APRIL 26, 1954.

[F. R. Doc. 54-3206; Filed, Apr. 29, 1954; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 202—DEPOSIT OF PUBLIC MONEYS AND PAYMENT OF GOVERNMENT CHECKS

MISCELLANEOUS AMENDMENTS

Part 202, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 176 (Revised) dated December 21, 1945, as amended) is hereby amended in the following respects:

1. By revising paragraph (d) of § 202.6 to read as follows:

(d) *Disposition of original and copies.* The original of each certificate of deposit shall be transmitted at the close of business on the day it is received by a general depositary to the Federal Reserve Bank or branch of the district in which the depositary is located, under cover of the prescribed transcript on which the credit appears. Federal Reserve Banks will prepare a consolidated transcript of transactions with general depositaries in its district and transmit the original certificates of deposit to the Treasurer of the United States under cover of such consolidated transcript. The original of each certificate of deposit received direct from depositors by Federal Reserve Banks shall be transmitted to the Treasurer of the United States by the Federal Reserve Bank with its own separate transcript of the Treasurer's account on which the credit appears. Federal Reserve Banks may be authorized by the Treasury Department to transmit certain original certificates of deposit and other documents to specified Treasury offices other than the Office of the Treasurer of the United States. The copies of the certificate of deposit in the set should be distributed in accordance with the instructions printed thereon. In no case shall a duplicate or second set of certificates be issued without special authority of the Secretary of the Treasury, unless and until the entire original set has been canceled; however, copies of any certificate in a set may be furnished on request provided each such copy is plainly stamped across the face in large letters "Copy". If an error is discovered after the original has been mailed, the Treasurer of the United States should be notified at once in order that proper correction may be made.

2. By revising § 202.18 to read as follows:

§ 202.18 *Uncollected and lost checks in connection with deposits for credit to the account of the Treasurer of the United States.* The procedure set forth in § 202.12 (except § 202.12 (c), (i) and (j) shall apply in the event checks, drafts or other items included in deposits with active general depositaries are uncollectible or lost. In lieu of following the procedure set forth in § 202.12 (c), the depositary shall transmit on the date the charge is made in the Treasurer's account the original of each executed Form 5504 (Revised)—Debit Voucher to the Federal Reserve Bank or branch of the district in which the depositary is located, under cover of the prescribed transcript on which the debit appears. All other copies in the set will be distributed in accordance with instructions appearing on the face thereof.

3. By revising § 202.19 to read as follows:

§ 202.19 *Transfer of net receipts.* Each general depositary shall forward at the close of business each day on which there are transactions in the Treasurer's General Account, to the Federal Reserve Bank or branch of the district in which the depositary is located, the net amount of the day's transactions in funds available for immediate credit to the Treasurer's account by such Federal Reserve Bank or branch, under cover of the prescribed transcript on which the transactions appear.

4. By revising § 202.21 to read as follows:

§ 202.21 *Cashing and handling of checks drawn on the Treasurer of the United States.* Active general depositaries shall not charge any Government checks in the Treasurer's General Account maintained on their books and shall handle them as follows:

(a) Government checks (1) issued for the purpose of transferring funds from one disbursing officer to another, or from one account of a disbursing officer to another account; or (2) drawn by a disbursing officer for the purpose of depositing the amounts of such Government checks to the credit of the Treasurer of the United States; which are received in deposits of Government officers, shall be appropriately endorsed and used by depositaries as part or full payment in remitting the net amount of the day's transactions to the Federal Reserve Bank or branch of the district in which the depositary is located, without charging such checks in the Treasurer's General Account. This will be accomplished by listing the checks in the prescribed transcript and forwarding them, together with the related certificates of deposit included in the transcript to the Federal Reserve Bank or branch, in part or full payment of the net amount of the day's transactions. In effect, this will permit depositaries to receive immediate credit for these specific Government checks without charging them in the Treasurer's General Account.

(b) Government checks which are presented by disbursing officers in exchange for cash should be handled outside of the Treasurer's General Account through normal channels. The Treasurer of the United States, upon special request, will advise active general depositaries as to whether the balances to the credit of the disbursing officers are sufficient for the payment of the checks presented. In those cases in which active general depositaries deem it necessary to obtain immediate credit for such Government checks, the procedure outlined in § 202.22 may be followed.

(c) All other Government checks shall be handled outside of the Treasurer's General Account through normal channels.

(d) Shipments of Government checks to Federal Reserve Banks and branches under cover of the prescribed transcript will be covered under the Government Losses in Shipment Act, provided the depositary retains copies of the transcripts containing a description of the checks.

5. By revising § 202.22 to read as follows:

§ 202.22 *Obtaining immediate credit for Government checks presented by disbursing officers in exchange for cash.* In those cases in which active general depositaries deem it necessary to obtain immediate credit for Government checks presented by disbursing officers in exchange for cash, the following procedure may be followed: The depositary may request the Treasurer of the United States by wire (prepaid), stating the check number, symbol number and amount of the check, to place to the credit of the depositary an amount equal to the amount of the check. The Treasurer of the United States will place the funds to the credit of the depositary by either of the following methods, as may be requested by the depositary, by directing the appropriate Federal Reserve Bank by wire to credit (a) the depositary bank's reserve account, or (b) a correspondent bank in any city where a Federal Reserve Bank is located, for the account of the depositary bank. Immediately upon directing such transfer, the Treasurer will advise the depositary bank by wire (prepaid), and the depositary will take up the amount on the same date as a credit to the Treasurer's General Account on its books. The check presented by the disbursing officer will then be used as payment in remitting the amount of the deposit (transfer of funds) to the Federal Reserve Bank, in the manner described in § 202.21.

6. By deleting § 202.26.

The provisions of this amendment shall become effective upon receipt by the general depositaries and Federal Reserve Banks of specific instructions from the Treasury Department relating thereto.

(Sec. 10, 56 Stat. 356; 12 U. S. C. 265)

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

APRIL 26, 1954.

[F. R. Doc. 54-3227; Filed, Apr. 29, 1954; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 2—RECORDS AND TESTIMONY

CHARGES; GENERAL RULES

Section 2.4 of Part 2 is amended to read as follows:

§ 2.4 *Charges; general rules.* (a) The Chief Clerk of the Department shall establish charges, or prescribe the method of computing charges, to be collected by all bureaus and offices for furnishing copies of official records, except as otherwise provided in this section. Such charges shall be equal to the cost of producing the copies plus the cost of administrative services involved in handling the records for such purpose.

(b) A charge of 25 cents may be made for each certificate or verification attached to authenticated copies of official records furnished to the public.

(c) No charge shall be made for furnishing unauthorized copies of any rules, regulations, or instructions printed by the Government for gratuitious distribution.

(d) No charge shall be made for the making or verifying of copies of official records which are required for official use by the officers of any branch of the Government.

(e) No charge shall be made for furnishing one copy of a personal document (e. g., a birth certificate) to a person who has been required to furnish it for retention by an agency of the Department.

(f) A copy of the transcript of a hearing before a security hearing board shall upon request be furnished without charge to the employee for whom the hearing was held or to his counsel.

(g) Money received from the collection of charges fixed under this section shall be deposited in the Treasury to the credit of the appropriation current and chargeable for the cost of furnishing the copies.

(h) At the discretion of the head of a bureau or office or his designee, copies of official records may be provided free:

(1) When requested by a court, if the copy will serve as a substitute for personal appearance in court of a Government witness.

(2) To press, radio, television, and newsreel representatives for dissemination to the general public.

(3) To donors with respect to the original of their gift, individuals or associations having an official voluntary or cooperative relationship to an agency in rendering assistance toward its work, or national governments and international agencies when furnishing the service without charge is an appropriate courtesy.

(4) To agencies of State and local governments which are carrying on a function related to that of the Federal agency involved, when furnishing the service will help to accomplish an objective of the Federal agency.

(5) When furnishing the service free saves costs or yields income equal to the direct costs of the agency providing the service. This category includes cases where the fee for the service would be included in a billing against the Government (for example, in cost-type contracts, or in the case of private physicians who are treating Government beneficiaries at Government expense).

(6) When furnishing the service free is in conformance with generally established business custom, such as furnishing personal reference data to prospective employers of former Government employees.

(7) To the extent of one copy, to those who require copies of records or information from the records in order to obtain financial benefits to which they may be entitled (e. g., veterans or their dependents, employees with workmen's compensation claims, or persons insured by the Government).

(8) When a service is occasional and incidental, not a type that is requested often, and if it is administratively determined that a fee would be inappropriate in such an occasional case.

(i) The authority of the Chief Clerk to establish charges under paragraph (a) of this section does not extend to the establishment of fees or charges for copies of records pertaining to the enrollment of members of the Five Civilized Tribes, as authorized by section 9 of the act of April 26, 1906 (34 Stat. 136); or for copies of aerial or other photographs and mosaics sold by the Geological Survey; or with the exception of the charges for transcripts or copies of official records furnished by the managers of the land offices or the land and survey offices, to other charges specifically established by statute.

(Sec. 2, 37 Stat. 498; 5 U. S. C. 489. Interprets or applies sec. 1, 35 Stat. 989, as amended; sec. 1, 37 Stat. 497, as amended, 65 Stat. 290; 43 U. S. C. 45, 5 U. S. C. 488, 140)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 23, 1954.

[F. R. Doc. 54-3208; Filed, Apr. 29, 1954; 8:46 a. m.]

PART 2—RECORDS AND TESTIMONY

CHARGES; SPECIFIC RATES

Section 2.4a, reading as follows, is added to Part 2:

§ 2.4a *Charges; specific rates.* (a) Except as otherwise provided or permitted in § 2.4 and this section, on and after May 3, 1954, a basic charge of $1.00 per sheet shall be collected by all bureaus and offices of the Department of the Interior for furnishing copies of official records, including authentication thereof when required.

(b) If the request for copies of official records is of such an unusual nature that the basic charge established for them would be either excessive, or insufficient to cover the entire cost of searching for and reproducing the records, the charge shall be actual cost of search and reproduction plus 25 percent adjusted to the nearest 5 cents.

(Sec. 2, 37 Stat. 498; 5 U. S. C. 489. Interprets or applies sec. 1, 35 Stat. 989, as amended; sec. 1, 37 Stat. 497, as amended, 65 Stat. 290; 43 U. S. C. 45, 5 U. S. C. 488, 140)

FLOYD E. DOTSON,
Chief Clerk.

APRIL 26, 1954.

[F. R. Doc. 54-3209; Filed, Apr. 29, 1954; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

[Docket No. AO-71-A-27]

HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Syracuse in Syracuse, New York on May 6, 1954, beginning at 10:00 a. m., e. d. s. t., for the purpose of receiving evidence with respect to the amendment of the tentative marketing agreement and the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area so as to provide for the appropriate classification and pricing of milk used in "half and half" as such product is defined in the recently amended Agriculture and Markets law of the State of New York. The Milk Dealers' Association of Metropolitan New York, Inc. has proposed that the milk equivalent of the butterfat used in such "half and half" be classified the same as at present when used for cream. This proposed amendment has not received the approval of the Secretary of Agriculture.

Copies of this notice of hearing, the said order, as amended, and the said tentative marketing agreement may be procured from the Market Administrator, 205 East Forty-second Street, New York 17, New York, or from the Hearing Clerk,

United States Department of Agriculture, Room 1353, South Building, Washington, D. C., or may be there inspected.

Dated: April 27, 1954, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-3220; Filed, Apr. 29, 1954; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 7, 8]

[Docket No. 10904]

COAST AND SHIP STATIONS OPERATING ON FREQUENCIES NOT OPEN TO PUBLIC CORRESPONDENCE

ELIGIBILITY FOR LICENSES

In the matter of amendment of Parts 7 and 8 of the Commission's rules regarding eligibility for licenses for coast and ship stations operating on frequencies not open to public correspondence, Docket No. 10904.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of April 1954;

The Commission having under consideration a petition filed by the Lorain County Radio Corporation and a petition filed by the Lake Carriers' Association in the above-entitled proceeding, both requesting an extension of time in which to file comments directed to the Commission's notice of proposed rule making in this docket;

It appearing that, in the case of the Lorain County Radio Corporation, due to inadvertence or error, actual notice of the proposal in this docket was not received until April 8, 1954 (closing date for filing comments was March 22, 1954); and, in the case of the Lake Carriers' Association, the significance of the proposed rule making, as it would affect procedures now in use on the Great Lakes, was not appreciated until after the time for filing comments had expired, and;

It further appearing that the petitioners' requests for an extension of time in which to file comments in this proceeding are reasonable; and that the public interest would be served by an extension until May 1, 1954;

It is ordered, That the petition of Lorain County Radio Corporation and the petition of the Lake Carriers' Association are granted and the time for filing comments in the above-entitled proceeding is hereby extended from March 22, 1954 to May 1, 1954. Reply comments must be filed on or before May 10, 1954.

Released: April 27, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-3228; Filed, Apr. 29, 1954; 8:50 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board and Maritime Administration

[Docket No. S-50]

PACIFIC FAR EAST LINE, INC.

NOTICE OF APPLICATION

Notice is hereby given of the application of Pacific Far East Line, Inc., seeking the written permission of the Federal Maritime Board/Maritime Administrator under section 805 (a), Merchant Marine Act, 1936, as amended, 46 U. S. C. 1223, (1) to act as General Agent for Coastwise Line's Pacific coastwise and Alaskan services, or for such services operated in combination with Coastwise Line's service between United States Pacific Coast ports and British Columbia; and (2) to charter to Coastwise Line vessels owned or chartered by Pacific Far East Line, Inc., for operation by Coastwise Line from United States Pacific Northwest and/or British Columbia ports to California.

Under the provisions of section 805 (a), the Federal Maritime Board/Maritime Administrator may not grant any such application if they find it will result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, or that it will be prejudicial to the objects and policy of the act.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should notify the Secretary, Federal Maritime Board/Maritime Administration, Washington 25, D. C., on or before May 10, 1954, and should file petitions for leave to intervene in accordance with § 201.74 of the Federal Maritime Board/Maritime Administration's rules of procedure (18 F. R. 3716).

In the absence of receipt of any such request for hearing and petition for leave to intervene, the Federal Maritime Board/Maritime Administrator will take such action with respect to the application as may be deemed appropriate.

Dated: April 27, 1954.

By order of the Federal Maritime Board/Maritime Administrator.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 54-3224; Filed, Apr. 29, 1954; 8:49 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE FOR PROPERTIES AND INSTALLATIONS

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATION OF CERTAIN STATUTORY LIMITATIONS ON UNIT COSTS FOR CONSTRUCTION OF WAREHOUSING, BARRACKS AND BACHELOR OFFICER QUARTERS

By virtue of the authority vested in me as Secretary of Defense, the following delegation of authority is hereby made:

1. There is delegated to the Assistant Secretary of Defense for Properties and Installations the authority vested in the Secretary of Defense by section 508 of the act of August 7, 1953 (Pub. Law 209, 83d Congress; 67 Stat. 440, 452) to determine that, because of special circumstances, it is impracticable to apply to a building construction project authorized by said act of August 7, 1953, the following limitations on unit costs:

(a) $20 per square foot for cold storage housing,

(b) $6 per square foot for regular housing,

(c) $1,700 per man for permanent barracks,

(d) $1,400 per man for 10-year-life barracks, and

(e) $5,000 per man for bachelor officer quarters.

2. All determinations heretofore made by the Assistant Secretary of Defense for Properties and Installations of impracticability of application of such limitations are ratified and confirmed.

C. E. WILSON,
Secretary of Defense.

APRIL 16, 1954.

[F. R. Doc. 54-3203; Filed, Apr. 29, 1954; 8:45 a. m.]

SECRETARIES OF ARMY, NAVY, AND AIR FORCE

EXPIRATION OF CERTAIN DELEGATIONS OF AUTHORITY

The following delegations of authority, based on the provisions of section 21, Universal Military Training and Service Act, as amended, are no longer valid, since the authority referred to expired July 1, 1953. These delegations were published in the "Notices" section of the FEDERAL REGISTER.

1. Delegation of Authority to the Secretaries of Army, Navy, and Air Force to Order Members and Units of Reserve Components into Active Federal Service, /s/ Robert A. Lovett, Acting Secretary of Defense, July 31, 1951, appearing at 16 F. R. 6968;

2. Delegation of Authority to the Secretary of the Army to Order Members and Units of Reserve Components into Active Federal Service, /s/ Robert A. Lovett, Acting Secretary of Defense, August 24, 1951, appearing at 16 F. R. 8747;

3. Delegation of Authority to the Secretary of the Air Force to Order Members and Units of Reserve Components into Active Federal Service, /s/ William C. Foster, Acting Secretary of Defense, March 28, 1952, appearing at 17 F. R. 3113, and

4. Delegation of Authority to the Secretary of the Army to Order Members and Units of Reserve Components into Active Federal Service, /s/ Robert A. Lovett, Secretary of Defense, appearing at 17 F. R. 9109.

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 54-3204; Filed, Apr. 29, 1954; 8:45 a. m.]

SECRETARIES OF THE MILITARY DEPARTMENTS

DELEGATION OF AUTHORITY TO ENTER INTO AGREEMENTS WITH CLAIMANTS IN FULL SETTLEMENT AND COMPROMISE OF CLAIMS AGAINST THE UNITED STATES UNDER THE PROVISIONS OF SECTION 517 OF THE MUTUAL SECURITY ACT OF 1951, AS AMENDED

The Secretaries of the Military Departments are hereby authorized to exercise the power and authority conferred by subsection (c) of section 517 of said act to enter into agreements with claimants in full settlement and compromise of any claim against the United States under said section 517, subject to such rules and regulations, if any, as the Secretary of Defense may promulgate from time to time.

The Secretaries of the Military Departments are authorized to redelegate in writing, to any officer, employee, board or agent of their respective departments the power and authority conferred by said subsection.

C. E. WILSON,
Secretary of Defense.

APRIL 15, 1954.

[F. R. Doc. 54-3205; Filed, Apr. 29, 1954; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Project No. 713]

UTAH POWER & LIGHT CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

APRIL 23, 1954.

Public notice is hereby given that Utah Power & Light Company, of Salt Lake City, Utah, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for waterpower Project No. 713, located on Mill Creek in Salt Lake City, Utah, to show the reconstruction of the Upper Mill Creek dam and intake and to exclude from the license that part of the project known as the Lower Mill Creek plant, which has been nonoperative since 1949 and will be abandoned. The Upper Mill Creek plant, including its appurtenant works, will remain as it presently exists.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before June 3, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3210; Filed, Apr. 29, 1954; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3238]

DELAWARE POWER & LIGHT CO.

ORDER REGARDING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE AND COLLATERAL TRUST BONDS AT COMPETITIVE BIDDING

APRIL 26, 1954.

Delaware Power & Light Company ("Delaware"), a registered holding company and a public utility company, has filed with this Commission a declaration and an amendment thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, regarding certain transactions, which are summarized as follows:

Delaware proposes to issue and sell at competitive bidding $10,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, __ Percent Series due 1984. The bonds are to be issued under and secured by the Mortgage and Deed of Trust of Delaware to The New York Trust Company, Trustee, dated as of October 1, 1943, and indentures supplemental thereto, and by a further supplemental indenture to be dated as of May 1, 1954. The price to Delaware for the bonds (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) and the coupon rate (which shall be a multiple of ⅛ of 1 percent) are to be determined by competitive bidding.

The net proceeds from the sale of the bonds are to be used for additions and improvements of Delaware's properties and also the properties of its subsidiaries.

The declaration, as amended, states that the issue and sale of the bonds have been expressly authorized by the Public Service Commission of Delaware.

Fees and expenses of Delaware are estimated as follows:

Accounting services (Lybrand, Ross Bros. & Montgomery)	$5,000
Legal services, company counsel (Berl Potter & Anderson)	7,500
Financial advisor (Drexel & Co.)	8,000
Securities and Exchange Commission filing fee	1,035
Issuance taxes	11,000
Fees and expenses of trustee	7,000
Printing	14,000
Printing and engraving of bonds	8,000
Listing fees	2,200
Miscellaneous	6,265
Total	65,000

The fees and expenses of Townsend, Elliot & Munson, counsel for the purchasers, are estimated at $7,150, which amount is to be paid by the successful bidders.

Notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 and a hearing thereon not having been requested of or ordered by the Commission; and

The Commission finding that the applicable provisions of the act and the rules thereunder are satisfied, that it is not necessary to impose terms and conditions other than those set forth below, that the fees and expenses, if they do not exceed the estimates, are not unreasonable, and that the declaration, as amended, should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and Rule U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-3211; Filed, Apr. 29, 1954; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10667, 10668]

STRAITS BROADCASTING CO. AND MIDWESTERN BROADCASTING CO.

ORDER POSTPONING HEARING DATE

In re applications of Richard E. Hunt, tr/as Straits Broadcasting Company, Cheboygan, Michigan, Docket No. 10667, File No. BP-8753; Midwestern Broadcasting Company, Cheboygan, Michigan, Docket No. 10668, File No. BP-8795; for construction permits.

The Commission having by order previously designated the above-entitled matter for hearing on April 20, 1954; and

It appearing that one of the applicants has filed a motion to dismiss its application; and

It further appearing that this not a matter to be retained in hearing in the event the motion is granted;

It is hereby ordered, This 19th day of April 1954, that the hearing conference pursuant to § 1.841 of the Commission's rules heretofore scheduled to be held on April 20, 1954, be and it hefeby is postponed indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3229; Filed, Apr. 29, 1954; 8:50 a. m.]

[Docket Nos. 10719, 10720, 10993]

WHITE RADIO CO. ET AL.

ORDER CONTINUING HEARING

In re applications of W. Erle White, tr/as White Radio Company, Wichita Falls, Texas, Docket No. 10719, File No. BP-8615; Lawton Broadcasting Company, Lawton, Oklahoma, Docket No. 10720, File No. BP-10720; Progressive Broadcasting Company, Lawton, Oklahoma, Docket No. 10993, File No. BP-9122; for construction permits.

The Commission having under consideration a petition for postponement of hearing filed April 19, 1954, by Progressive Broadcasting Company, requesting that the hearing in the above-entitled applications, presently scheduled to commence May 4, 1954, at Washington, D. C., be postponed until May 12, 1954; and

It appearing that all participants in this proceeding have interposed no objection to the grant of the instant petition, and that the time for filing such opposition under the provisions of §§ 1.745 and 1.746 of the Commission's rules has expired;

It is ordered, This 23d day of April, 1954, that the petition of Progressive Broadcasting Company is granted, and the hearing date in the above-entitled matter is continued from May 4, 1954, to May 12, 1954, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3230; Filed, Apr. 29, 1954; 8:50 a. m.]

[Docket No. 10945]

CARTHAGE BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Lloyd C. McKenney & John J. Daly d/b as Carthage Broadcasting Company, Fort Scott, Kansas, for construction permit; Docket No. 10945, File No. BP-8948.

The Commission having before it a petition filed April 16, 1954, by Carthage Broadcasting Company for cancellation of the prehearing conference now scheduled for April 20, 1954, and for a continuance of the hearing now scheduled for April 22, 1954, until May 3, 1954, or some date within the week of May 3, 1954, most suitable to the Examiner; and

It appearing that the reason for the request by Carthage Broadcasting Company is to enable it to obtain sufficient time in which to prepare, together with required engineering data, a petition for leave to amend the application to another frequency and removal from the hearing docket; and

It further appearing that the Examiner's docket does not now permit a specific date being scheduled for hearing at the time or during the week requested; and

It further appearing that Protestant and the Chief, Broadcast Bureau have consented to a waiver of the four-day rule;

It is ordered, This 19th day of April 1954, that the petition is granted, that the prehearing conference is cancelled, and that the hearing herein is continued until a date to be scheduled in a later order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3231; Filed, Apr. 29, 1954; 8:50 a. m.]

[Docket Nos. 10965, 10966]

SEATON PUBLISHING CO. AND STRAND AMUSEMENT CO.

ORDER POSTPONING HEARING DATE

In re applications of The Seaton Publishing Company, Hastings, Nebraska, Docket No. 10965, File No. BPCT-1265; Strand Amusement Company, Hastings, Nebraska, Docket No. 10966, File No. BPCT-1272; for construction permits for new television stations.

The Commission having by order previously designated the above-entitled matter for hearing to be held on April 23, 1954, and

It appearing to the Examiner that a principal of the applicant, Seaton Publishing Company, whose attention has been in the recent past and will be in the immediate future required to be devoted to matters pertaining to the national defense and that as a consequence, certain features of the presentation of the case have not been prepared; and

It further appearing that the other applicant, Strand Amusement Company, has, by letter, asked that its application be dismissed; and

It further appearing that a hearing on April 23, as scheduled, would serve no useful purpose;

It is accordingly ordered, This 21st day of April 1954, by the Examiner, on his own motion, that the hearing conference pursuant to § 1.841 of the Commission's rules, heretofore scheduled to be held on April 23, 1954, be and it hereby is postponed indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-3232; Filed, Apr. 29, 1954; 8:51 a. m.]

[Change List 1]

CUBAN RADIO STATIONS

CHANGES, MODIFICATIONS AND DELETIONS

JANUARY 27, 1954.

Notification of new Cuban Radio Stations, and of changes, modification and deletions of existing stations, in accordance with Part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

REPUBLIC OF CUBA

Call letters	Location	Power (kw.)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
		940 kilocycles				
New	Santa Clara, Las Villas	0.25	DA-N	U	II	July 7, 1954
		990 kilocycles				
New	Pinar del Rio, P. R. (provisional authorization).	0.25	ND	U	II	Do.
		1110 kilocycles				
New	Guantanamo, Oriente (provisional authorization).	0.25	ND	U	II	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 54-3233; Filed, Apr. 29, 1954; 8:51 a. m.]

[Change List 3]

CUBAN RADIO STATIONS

CHANGES, MODIFICATIONS AND DELETIONS

APRIL 3, 1954.

Notification of new Cuban Radio Stations, and of changes, modification and deletions of existing stations, in accordance with Part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

CUBA

Call letters	Location	Power (kw.)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
		1110 kilocycles				
New	Guantanamo, Oriente	0.25D/0.1N	ND	U	II	Correction of notification on List No. 1, Jan. 27, 1954.
		1490 kilocycles				
New	Camaguey, Camaguey	0.25	ND	U	IV	

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3234; Filed, Apr. 29, 1954; 8:51 a. m.]

[Change List 167]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

APRIL 3, 1954.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power (kw.)	Antenna	Schedule	Class	Probable date of change or commencement of operation
		580 kilocycles				
XEFI	Chihuahua, Chihuahua	5 kw-250 w	D/N	U	IV	May 3, 1954
XEHA	C. Camargo, Chihuahua (delete assignment see 1440 kc.).					
		590 kilocycles				
HEHQ	Hermosillo, Sonora	1 kw	ND	U	III-B	Do.
		600 kilocycles				
XEWZ	Guanajuato, Guanajuato (previously on 610 kc.).	250 w	ND	U	IV	Do.
XEIQ	Lagos de Moreno, Jalisco (delete; see 1,110 kc.).	250 w	ND	U	IV	Do.
		610 kilocycles				
XEWZ	Guanajuato, Guanajuato (delete; see 600 kc.).	250 w	ND	U	IV	Do.
		700 kilocycles				
New	Coatepec, Veracruz	500 w		D	II	Do.
		820 kilocycles				
New	Tepic, Nayarit	1,000 w		D	II	Oct. 3, 1954
		1,110 kilocycles				
XEIQ	Lagos de Moreno, Jalisco (previously 600 kc.; reduction in time of operation).	250 w	ND	D	II	May 3, 1954
		1,240 kilocycles				
New	Manzanillo, Colima	250 w		U	IV	Oct. 3, 1954
		1,370 kilocycles				
New	Fortin de las Flores, Veracrus	500 w-250 w	D/N	U	IV	Do.
		1380 kilocycles				
XEMX	Mexico, D. F. (correction in classification)	5 kw	ND	U	III-A	May 3, 1954
New	La Paz, Baja California	250 w		U	IV	Oct. 3, 1954
		1440 kilocycles				
XEHA	C. Camargo, Chihuahua	5 kw-1 kw	D/N	U	III-A	May 3, 1954
XEFI	Chihuahua, Chihuahua (delete assignment; see 580 kc/s).					
		1450 kilocycles[1]				
XEPY	Ensenada, Baja California (change in call letters from XESS).	100 w		U	IV	Do.
XESS	Ensenada, Baja California (change in call letters from XEPY).	100 w		U	IV	Do.
		1470 kilocycles				
XEHI	Ciudad Miguel Aleman, Tamaulipas (now in operation).	500 w-250 w	D/N	U	IV	Do.
		1540 kilocycles				
New	El Grullo, Jalisco	500 w		D	II	Oct. 3, 1954

[1] FCC records show XEFY only at this location and on this frequency.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3235; Filed, Apr. 29, 1954; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARKANSAS

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 26, 1954.

An application, serial number BLM 036992, for the withdrawal from all forms of appropriation under the public land laws, except mineral-leasing laws of the lands described below was filed on March 25, 1954, by the Department of Agriculture. The purposes of the proposed withdrawal: Recreation area.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VI, Bureau of Land Management, Department of the Interior at Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN

T. 13 N., R. 18 W.,
Sec. 6, S½SW¼SE¼ and S½N½SW¼SE¼.

H. S. PRICE,
Regional Administrator.

[F. R. Doc. 54-3207; Filed, Apr. 29, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29179]

LOW GRADE PETROLEUM PRODUCTS BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

APRIL 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum road oil, petroleum distillate fuel oil, petroleum residual fuel and other low grade petroleum products, in tank-car loads.

Between: Points in Texas.

Grounds for relief: Rail competition, circuity, to meet intrastate rates, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 845, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3187; Filed, Apr. 28, 1954; 8:48 a. m.]

[4th Sec. Application 29180]

CARBON TETRACHLORIDE AND OTHER CHEMICALS FROM MICHIGAN AND WEST VIRGINIA TO POINTS IN TRUNK-LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

APRIL 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Carbon tetrachloride and other commodities, carloads and tank-car loads.

From: Points in Michigan and West Virginia.

To: Points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3188; Filed, Apr. 28, 1954; 8:49 a. m.]

[4th Sec. Application 29181]

SODA ASH FROM DETROIT AND WYANDOTTE, MICH., AND PAINESVILLE AND PERRY, OHIO, TO LEXINGTON, KY.

APPLICATION FOR RELIEF

APRIL 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Soda ash, carloads.

From: Detroit and Wyandotte, Mich., Painesville and Perry, Ohio.

To: Lexington, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3189; Filed, Apr. 28, 1954; 8:49 a. m.]

[4th Sec. Application 29182]

WOODPULP FROM DOCTORTOWN AND JESSUP, GA., TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

APRIL 26, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, carloads.

From: Doctortown and Jessup, Ga.

To: Specified points in western trunk-line territory.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, supp. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3190; Filed, Apr. 28, 1954; 8:49 a. m.]

[4th Sec. Application 29183]

BARITE (BARYTES) FROM POINTS IN MISSOURI AND ARKANSAS TO LOUISIANA AND TEXAS

APPLICATION FOR RELIEF

APRIL 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Barite (barytes), ground and crude in carloads.

From: Cadet, Fountain Farm, Mineral Point, Potosi and Tiff, Mo., and Butterfield, Malvern and National, Ark.

To: Points in Louisiana and Texas.

Grounds for relief: Rail competition, circuity, market competition, and foreign competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4092, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3212; Filed, Apr. 29, 1954; 8:47 a. m.]

[4th Sec. Application 29184]

ALUMINUM BILLETS, ETC., FROM CHALMETTE AND NEW ORLEANS, LA., TO CINCINNATI, COLUMBUS, AND HEATH, OHIO

APPLICATION FOR RELIEF

APRIL 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to W. P. Emerson Jr.'s tariff I. C. C. 417 pursuant to fourth-section order No. 16101.

Commodities involved: Aluminum billets, blooms, ingots or slabs, loose or in packages, carloads.

From: Chalmette and New Orleans, La.

To: Cincinnati, Columbus, and Heath, Ohio.

Grounds for relief: Rail competition, circuity, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3213; Filed, Apr. 29, 1954; 8:47 a. m.]

[4th Sec. Application 29185]

CAUSTIC SODA FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO JACKSONVILLE AND TUSCOLA, ILL.

APPLICATION FOR RELIEF

APRIL 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 417, pursuant to fourth-section order No. 16101.

Commodities involved: Caustic soda, in solution, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Jacksonville and Tuscola, Ill.

Grounds for relief: Rail competition, circuity, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3214; Filed, Apr. 29, 1954; 8:47 a. m.]

[4th Sec. Application 29186]

BITUMINOUS FINE COAL FROM CLINTON AND LINTON, IND., TO NOBLESVILLE AND DAVIN, IND.

APPLICATION FOR RELIEF

APRIL 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in the Clinton and Linton, Ind., districts.

To: Noblesville, and Davin, Ind.

Grounds for relief: Competition with rail carriers, circuitous routes, and to meet intrastate rates.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 728, supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3215; Filed, Apr. 29, 1954; 8:47 a. m.]

[4th Sec. Application 29187]

MERCHANDISE IN MIXED CARLOADS FROM ST. LOUIS, MO., AND EAST ST. LOUIS, ILL., TO GULFPORT AND HATTIESBURG, MISS.

APPLICATION FOR RELIEF

APRIL 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: St. Louis, Mo., and East St. Louis, Ill.

To: Gulfport and Hattiesburg, Miss.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1305, supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3216; Filed, Apr. 29, 1954; 8:47 a. m.]

[4th Sec. Application 29188]

PETROLEUM PRODUCTS FROM JACKSONVILLE TO MELBOURNE, FLA.

APPLICATION FOR RELIEF

APRIL 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Gasoline, kerosene, distillate fuel oil and other petroleum products.

From: Jacksonville, Fla.

To: Melbourne, Fla.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, supp. 145.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3217; Filed, Apr. 29, 1954; 8:47 a. m.]

[4th Sec. Application 29189]

RUBBER TIRES FROM MEMPHIS, TENN., TO CENTER LINE, MICH.

APPLICATION FOR RELIEF

APRIL 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Tires, artificial, guayule, natural, neoprene or synthetic rubber, pneumatic, and parts, carloads.

From: Memphis, Tenn.

To: Center Line, Mich.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1351, supp. 70.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3218; Filed, Apr. 29, 1954; 8:48 a. m.]

[4th Sec. Application 29190]

TIRE AND TUBE MATERIAL FROM SOUTHERN TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

APRIL 27, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariffs I. C. C. Nos. 1324 and 1351.

Commodities involved: Tire and tube repair material, consisting of rubber or rubber impregnated fabric, also kindred articles, carloads.

From: Points in southern territory.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and analogous articles.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-3219; Filed, Apr. 29, 1954; 8:48 a. m.]